



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Carmen Rubio, Commissioner
David Kuhnhausen, Interim Director
Phone: (503) 823-7300
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Date: 5/28/24
To: Interested Person
From: Staci Monroe, Land Use Services
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NOTICE OF A TYPE II DECISION IN YOUR NEIGHBORHOOD

The Bureau of Development Services has denied a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision and responses to any public comments are included in the version located on the BDS website <https://www.portland.gov/bds/zoning-land-use/news/notices>. Enter the land use case file number in the keyword search. If you disagree with the decision, you can appeal. Information on how to appeal the decision is included at the end of this decision.

CASE FILE NUMBER: LU 23-098235 HR

Exterior Alterations

GENERAL INFORMATION

Applicants/Owners: Marcus & Katie Oliver
2214 NE 19th Ave | Portland, OR 97212
503-449-6265, mvo73cook@gmail.com

Site Address: 2214 NE 19TH AVE

Legal Description: BLOCK 35 LOT 17, IRVINGTON
Tax Account No.: R420407590
State ID No.: 1N1E26DA 16300
Quarter Section: 2832

Neighborhood: Irvington, contact at landusechair@irvingtonpdx.com
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org

Plan District: NONE
Other Designations: Noncontributing resource in the Irvington Historic District
Zoning: R5 - Single Dwelling Residential 5000 and Historic Resource Overlay
Case Type: HR - Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicants request Historic Resource Review for exterior alterations to their non-contributing residence in the Irvington Historic District. The review is in response to a code compliance case (22-144081 CC) for a deck and storage addition on the front of the house. The work was done without a building permit or Historic Resource Review. The alterations include extending a portion of the front porch (approximately 12' deep x 14' wide) with a storage space below and door on the south elevation. The materials and detailing match the house with composite shingle panel siding, decorative wood railing interspersed with 2"x2" cedar pickets

spaced at 4” with posts that appear to range from 4”x4 to 6”x6”. Composite wood decking and a 36” wide door with a reduced height is also included.

Historic Resource Review is required for exterior alterations in Historic Districts that do not meet the exemptions per Section 33.445.200.D.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are below and can be found online at portland.gov/code/33:

- Section 33.846.060.G

ANALYSIS

Site and Vicinity: The 5,000 SF property is located on the east side NE 19th Avenue between NE Thompson and NE Tillamook in the southern portion of the historic district. The house is centrally located on the lot with a driveway on the south side of the house. The two-story Foursquare was built in 1906, during the period of significance. The nomination lists the single-family home as noncontributing and notes the fiber cement siding and that the roof was potentially raised to a full two stories around 1960. While it hasn't been confirmed if the roof was raised, the overall form of the structure looks like it could be original. The fiber cement siding and some non-original windows are the more obvious alterations, aside from the deck and storage addition that are subject of this review.

Zoning: The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Generally, minimum lot size is 3,000 square feet with minimum width and depth dimensions of 36 and 50 feet, respectively, and a maximum density of 1 lot per 5,000 square feet of site area. For attached houses, minimum lot size is 1,500 square feet with minimum width and depth dimensions of 15 and 50 feet, respectively, and a maximum density of 1 lot per 1,500 square feet of site area.

The Historic Resource Overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **April 25, 2024**. The following Bureaus have responded with no issues or concerns:

- Portland Bureau of Transportation (see Exhibit E1)
- Bureau of Parks-Urban Forestry Division (see Exhibit E2)
- Life Safety Plan Review Section of BDS (see Exhibit E3)
- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Staff note: Land Use staff encouraged the applicant to inquire with a Building Code reviewer to assess compliance with the building code before finalizing the land use review. Because the addition did not receive a building permit it is possible that the design would have to be altered. The applicant has submitted a building permit, which is currently under review.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 25, 2024. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Irvington Community Association, email dated 5/16/24, stating opposition to the project stating it does not meet the approval criteria.

ZONING CODE APPROVAL CRITERIA

33.846.060 G - Other Historic Approval Criteria

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

4. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: The project is already constructed and did not include significant, if any, excavation. Furthermore, Irvington has not yet been associated with any significant archaeological discoveries. *This guideline is therefore met.*

9. Preserve the form and integrity of historic resources. New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.

Findings: The location and attachment of the deck and storage addition could be removed in the future without impacting the historic district. *This guideline is therefore met.*

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.

8. Architectural compatibility. New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.

10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

Findings for 7, 8 and 10: The two-story Foursquare was built in 1906. The nomination lists the single-family home as noncontributing and notes the fiber cement siding and that the roof was potentially raised to a full two stories around 1960. While it hasn't been confirmed if the roof was raised, the overall form of the structure looks like it could be original. The fiber cement siding and some non-original windows are the more obvious alterations, aside from the deck and storage addition that are subject of this review.

While not currently a contributing structure, the house was built during Irvington Historic District's period of significance (1891-1948) in a style typical of development at the time (Foursquare). Additions and alterations to structures built during the period of significance should bring the structure closer to its original architectural style and details and be well integrated. The deck and storage addition are a significant change to the main/front elevation of the house in a configuration that is not typical on houses of this style or era. A single covered porch that is parallel with the front façade or a smaller single covered landing are common elements at the front elevation, as is a covered porch that is open below with lattice or other open-work design. The proposed deck and storage addition attempts to be integrated by using similar fiber cement cladding and railing details found on the house. However, the intermediate height, the short door and the jog in attachment to the existing porch result in a less than compatible addition.

The applicant provided images of garages in front of houses within the immediate neighborhood for context (see Exhibit A1). Staff determined these examples are not comparable for several reasons: the structures are standard sized garages for the era (not partial height storage), they occur on sloped sites where the garage is partially set within the ground (not fully on top of the grade) and they are located off to one side with the main entrance and front façade fully visible and prominent from the street. These examples are representative of typical garages on sloped sites in the historic district. Staff is not aware of any comparable additions to the front façade of houses built during the period of significance in the district that are of similar scale, design and location to what is proposed.

If this were a proposal, and not an already-built condition, Staff would have encouraged the addition to be located at the rear of the house. And, if a front addition were to be allowed, it would be approvable if it were located off to the side and not impeding the front door and the house's primary relationship to the street.

Given these reasons, the deck and storage addition do not meet approval criteria 7, 8,

and 10.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. As stated in the findings above the addition onto the front of the house is not compatible with the Foursquare house itself, resources within the district nor the district itself. Therefore, the project does not meet the applicable Historic Resource Review criteria.

ADMINISTRATIVE DECISION

Denial of a deck and storage addition to the front of the house in the Irvington Historic District.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on 5/23/24**

By authority of the Director of the Bureau of Development Services

Decision mailed: 5/28/24

PROCEDURAL INFORMATION

The application for this land use review was submitted on October 27, 2023, and was determined to be complete on April 22, 2024.

Zoning Code Section 33.700.080 states that land use review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on October 27, 2023.

ORS 227.178 states the City must issue a final decision on land use review applications within 120 days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on 8/20/24.**

Some of the information contained in this report was provided by the applicant. As required by Zoning Code Section 33.800.060, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, and if appealed a hearing will be held. Information on filing the appeal and the appeal form are available from the Bureau of Development Services website: <https://www.portland.gov/bds/zoning-land-use/land-use-review-fees-and-types/appeals-fees-and-fee-waivers>. Appeals must be received **by 4:30 PM on 6/11/24. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to email, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission on an appeal would be the final decision of the City. Any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

EXHIBITS (not attached unless indicated)

- A. Applicant’s Statement
 - 1. Context Images
 - 2. As Built Conditions
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Elevation

3. South Elevation
 4. As-built Image (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Portland Bureau of Transportation
 2. Bureau of Parks, Urban Forestry Division
 3. Life Safety Plan Review Section of BDS
- F. Correspondence:
1. Irvington Community Association, email dated 5/16/24, stating opposition to the project.
- G. Other:
1. Original LU Application
 2. Incomplete letter dated 11/9/23
 3. 180-Day Expiration email dated 4/3/24

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



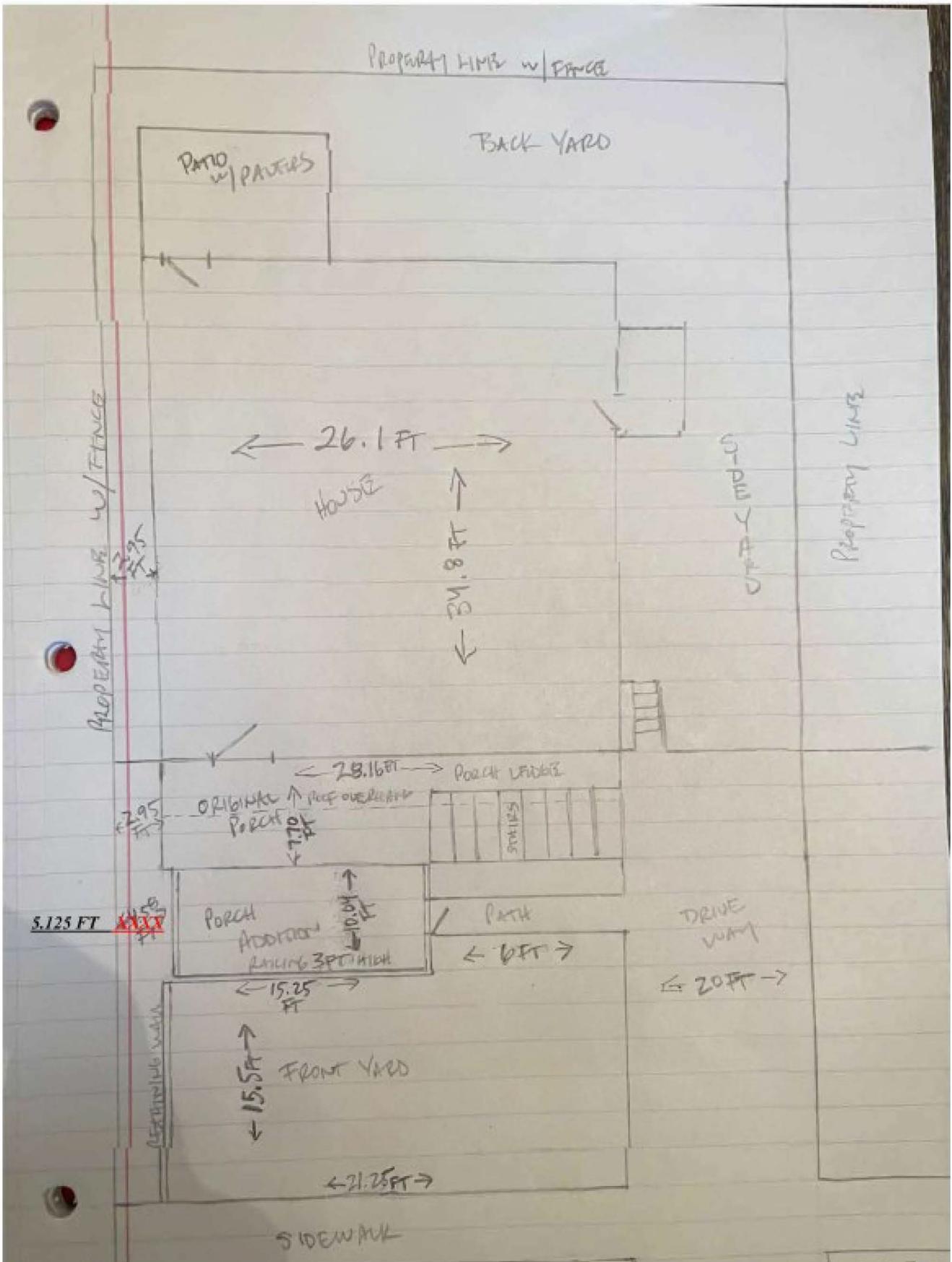
For Zoning Code in Effect Post October 1, 2022

ZONING

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Plan District
-  Historic Landmark

File No. LU 23 - 098235 HR
 1/4 Section 2832
 Scale 1 inch = 200 feet
 State ID 1N1E26DA 16300
 Exhibit B Oct 30, 2023





2214 NE 19th - Built Condition