



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

Dan Ryan, Commissioner
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Date: November 29, 2022
To: Interested Person
From: Arthur Graves, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 22-191585 HR: EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Chris Davis | Chris Davis Design Architecture And Interiors
812 NW 17th Ave | Portland, OR 97209
503.281.5282 | chris@chrisdavisdesign.com

Owner: Jennifer Franz
3402 NE 13th Ave | Portland, OR 97212

Owner: Alina Satierfield
3402 NE 13th Ave | Portland OR 97212

Site Address: 3402 NE 13th Avenue

Legal Description: BLOCK 71 N 47' OF LOT 16, IRVINGTON
Tax Account No.: R420415300
State ID No.: 1N1E26BA 01600
Quarter Section: 2731
Neighborhood: Sabin Community Assoc., contact Kathleen McConnell at Kathleen.mcconnell@gmail.com, Irvington, contact Tony Greiner at tony_greiner@hotmail.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: Contributing Resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5: Residential 5,000 with Historic Resource Overlay
Case Type: HR: Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks Historic Resource Review approval for alterations to the 1925 house on the 4,700 square foot mid-block lot located in the NW quadrant of the Irvington Historic District. The house is a contributing resource in the Irvington Historic District.

Proposed alterations include:

- West Elevation (street facing): No alterations are proposed to this elevation.
- North Elevation: Remove two existing non-original windows from the second floor, to be replaced with two new all wood casement windows in the same location. Proposed new windows include simulated (faux) divided lites.
- East Elevation (rear elevation): Removal existing ground floor door and adjacent sidelite, to be replaced with new wood full-lite door and accessory dog-door in approximately the same location.
- South Elevation: Remove two existing non-original windows from the second floor, to be replaced with two new all wood double-hung windows in the same location.

Historic Resource Review is required for proposals including non-exempt exterior alterations on a resource in the Irvington Historic District.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.846.060 Other Approval Criteria

ANALYSIS**Site and Vicinity:**

The subject house is a single-family, one-and-a-half-story house in the English Cottage style built in 1925 and it is a contributing resource in the Irvington Historic District. The house sits on a 4,700 SF lot facing west onto NE 13th Ave.

Irvington Historic District Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added within the historic period were sometimes built at the sidewalk and/or out of architectural character with the house. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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 zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively.

Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 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.

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 on **October 27, 2022**. No Bureau responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 27, 2022**. A total of four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Megan Beaver & Alissa Jackson, community members, November 08, 2022: with support for the proposal. Exhibit F-1.
2. Andrew Busch & Alison Small, community members, November 08, 2022: with support for the proposal. Exhibit F-2.
3. Brenda Searcy, community member, November 08, 2022: with support for the proposal. Exhibit F-3.
4. Chris Becker, community members, November 10, 2022: with support for the proposal. Exhibit F-4.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

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.

33.846.060 G - Other Historic Approval Criteria

1. Historic character. The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.

- 2. Record of its time.** The landmark or contributing resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most resources change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for 1, 2, 3, 4 and 5:

The proposed alterations will not damage or negatively affect the historic character of the 1925 contributing resource. In addition, alterations will not unnecessarily remove or cause damage to previous historic changes that have been made and require preservation. Existing windows and doors being removed are non-original to the contributing resource. Proposed new all-wood windows and doors will be located in approximately the same location as those being removed. Trim and siding will match existing. Removing non-original features preserves the integrity and historic character of the contributing resource.

The second floor windows on the south facade will be replaced with new narrower wood double hung windows in the same location. The proposed narrower design is compatible and proportionate to the two windows on either side of the existing chimney also on the south exterior elevation. The proposed changes on the north facade remove non-original double hung windows and replace them with casement egress windows that will meet life-safety egress requirements. The existing windows do not yield the required 5.7sqft of clear opening area necessary for building safety code compliance. Alterations to the east elevation remove an existing non-original door and sidelite to be replaced with a new full-lite wood door and adjacent dog door in approximately the same location.

Historic features will not be damaged and historic materials will be protected; chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used. Collectively, the proposed alterations allow for improved use and utility of the residence while maintaining the overall historic character and style of the contributing resource.

Therefore, these criteria are met.

- 6. 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:

No ground disturbance is proposed on soils that have not been previously disturbed.

Therefore, this criterion does not apply.

- 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.

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.

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 7, 8, 9, and 10:

The proposed alterations are consistent and compatible with the existing contributing resource and will not negatively impact the overall mass, form, or integrity of the house. Window alterations remove non-original windows from the 1925 resource and replace with new all-wood windows in the same locations. Specifically, two second floor non-original windows on the south elevation are to be replaced with new double hung all-wood windows in the same locations, and two existing non-original windows on the north elevation are proposed to be replaced with new casement windows including faux divided lites referencing windows on the front façade, though improving on the compatibility of the windows with dimensional muntins and spacer bars in the new windows. As mentioned previously all trim and siding will match existing.

The proposed alterations are thoughtfully scaled and located on the house without impact to the form, mass or design and without competing or diminishing the integrity of the existing contributing resource. The proposed alterations are consistent with the architectural character of the resource ensuring that the contributing resource will remain a record of its time. Collectively, the proposed alterations maintain the integrity of the contributing resource, adjacent neighboring resources, and the Irvington Historic District as a whole.

Therefore, these criteria are met.

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 requirements of Title 11 can be met, and 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 proposed alterations to remove and replace existing windows and the rear door maintains the historic integrity and architectural character of the contributing resource in the Irvington Historic District.

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 indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval, of alterations to remove and replace existing windows and the rear door of the contributing resource in the Irvington Historic District.

Approved per the approved site plans, Exhibits C-1 through C-13, signed and dated November 29, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 22-191585 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. NO FIELD CHANGES ALLOWED.

Staff Planner: Arthur Graves



Decision rendered by: _____ **on November 23, 2022.**

By authority of the Director of the Bureau of Development Services

Decision mailed November 29, 2022.

Procedural Information. The application for this land use review was submitted on October 10, 2022, and was determined to be complete on October 24, 2022.

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 10, 2022.

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 further extended by the applicant, **the 120 days will expire on: February 21, 2023.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, 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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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 is required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 29, 2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Initial Submittal: 10.10.2022
- B. Zoning Map (attached)

C. Plans/Drawings:

1. Site Plan (attached)
2. Floor Plan: Basement
3. Floor Plan: Main Floor
4. Floor Plan: Second Floor
5. Elevation: West (attached)
6. Elevation: South (attached)
7. Elevation: East (attached)
8. Elevation: North (attached)
9. Door Section
10. Door Elevation
11. Window Detail
12. Window Detail
13. Manufactures Cutsheets

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses: None Received.

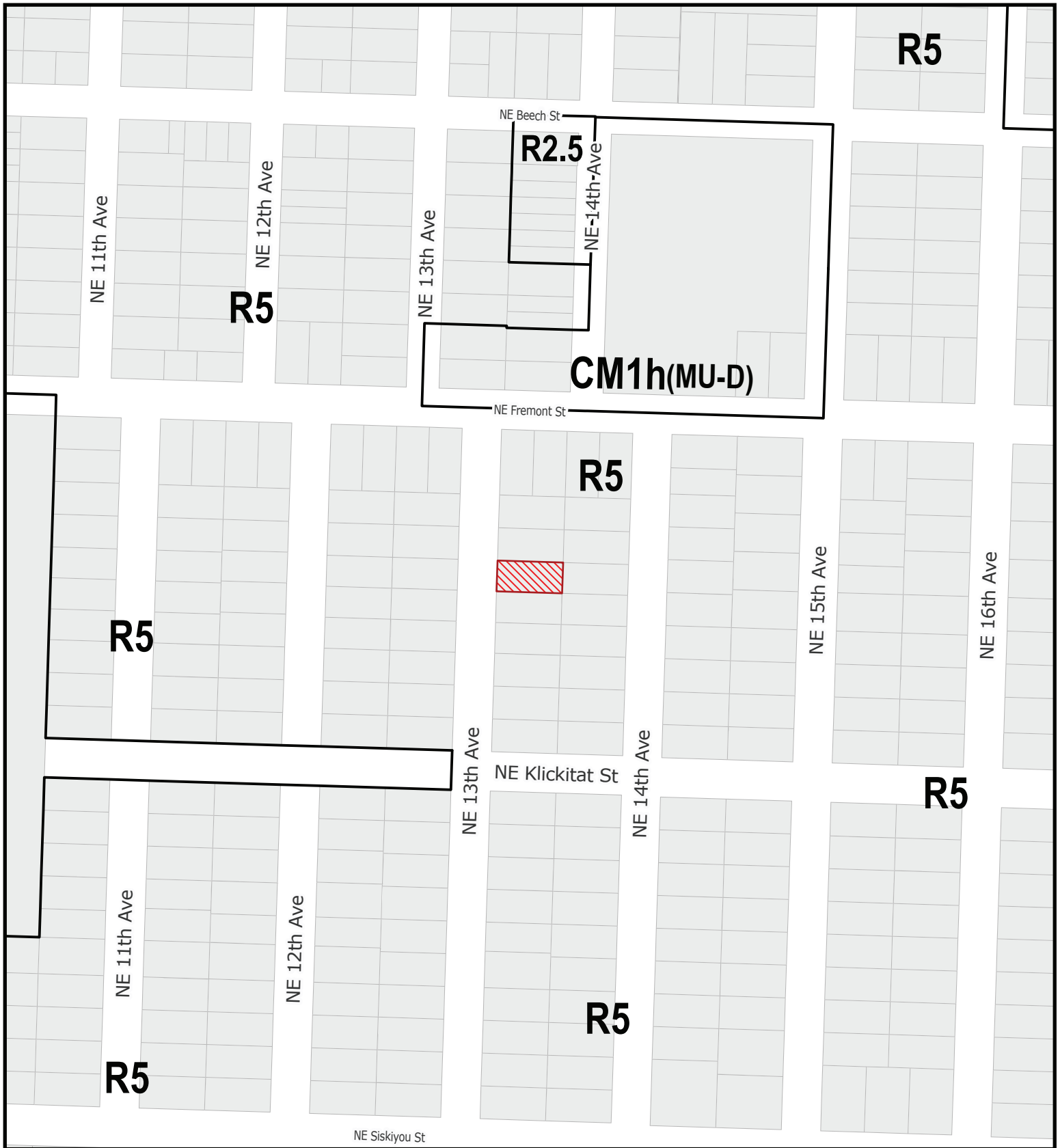
F. Correspondence:

1. Megan Beaver & Alissa Jackson, community members, November 08, 2022.
2. Andrew Busch & Alison Small, community members, November 08, 2022.
3. Brenda Scearcy, community members, November 08, 2022.
4. Chris Becker, community members, November 10, 2022.

G. Other:

1. Original LU Application
2. Historic information

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 October 1, 2022

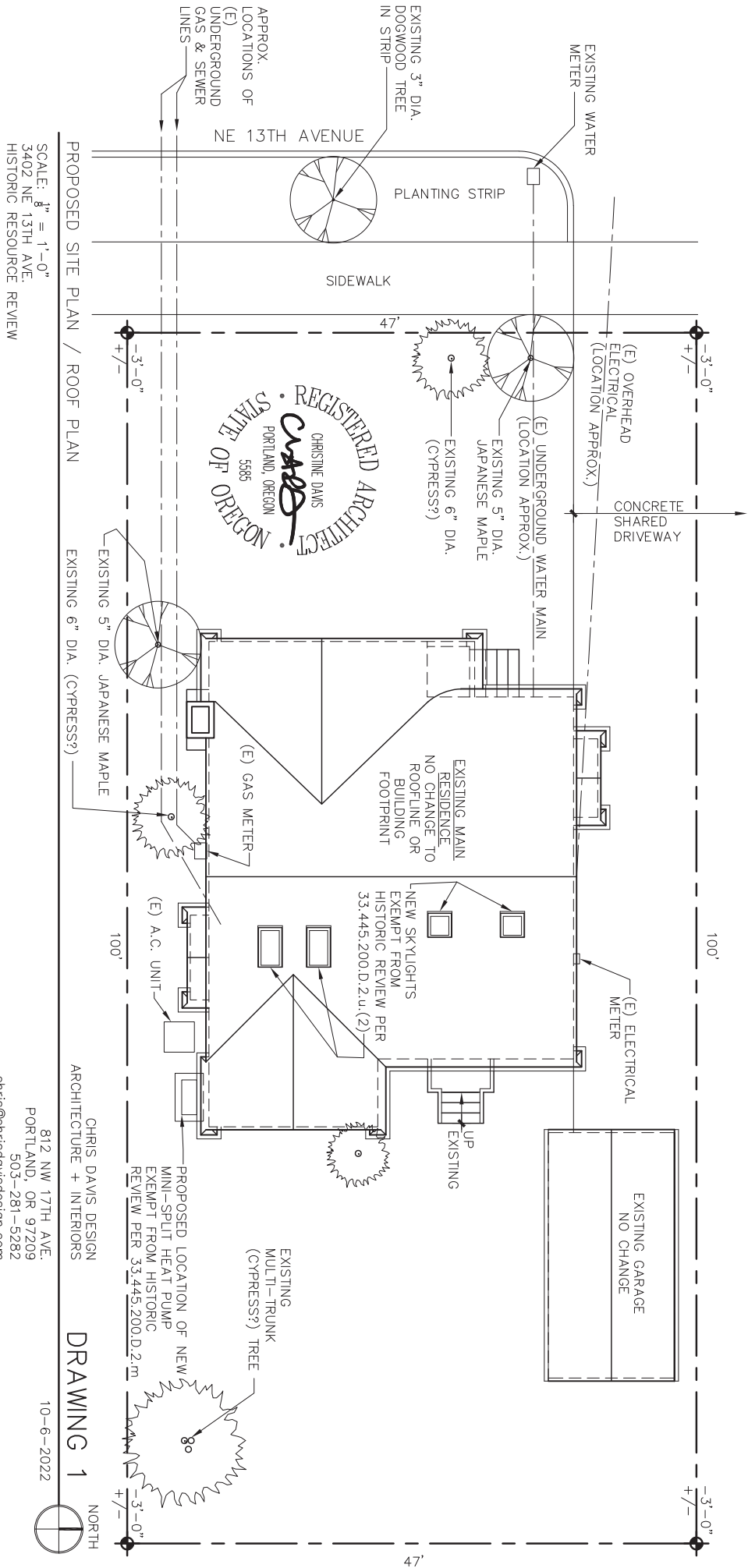
ZONING

 Site

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

File No. LU 22 - 191585 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State ID 1N1E26BA 1600
 Exhibit B Oct 10, 2022

LU 22-191585 HR
EXHIBIT B



SCALE: 1/8" = 1'-0"
 3402 NE 13TH AVE.
 HISTORIC RESOURCE REVIEW

PROPOSED SITE PLAN / ROOF PLAN



CHRIS DAVIS DESIGN
 ARCHITECTURE + INTERIORS

812 NW 17TH AVE.
 PORTLAND, OR 97209
 503-281-5282
 chris@chrisdavisdesign.com

DRAWING 1

10-6-2022



LU 22-191585 HR
 EXHIBIT C1
 LU 22-191585 HR



EXISTING EXHAUST CHIMNEY
TO BE REMOVED. EXEMPT
FROM HISTORIC REVIEW PER:
33.445.200.D.2.00

BASEMENT FLOOR LEVEL
-7'-10 3/4"

MAIN FLOOR LEVEL
0'-0"

2ND FLOOR LEVEL
+8'-10 1/2" +/-

PROPOSED WEST EXTERIOR ELEVATION

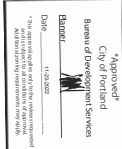
SCALE: 1/4" = 1'-0"
3402 NE 13TH AVE.
HISTORIC RESOURCE REVIEW

CHRIS DAVIS DESIGN
ARCHITECTURE + INTERIORS

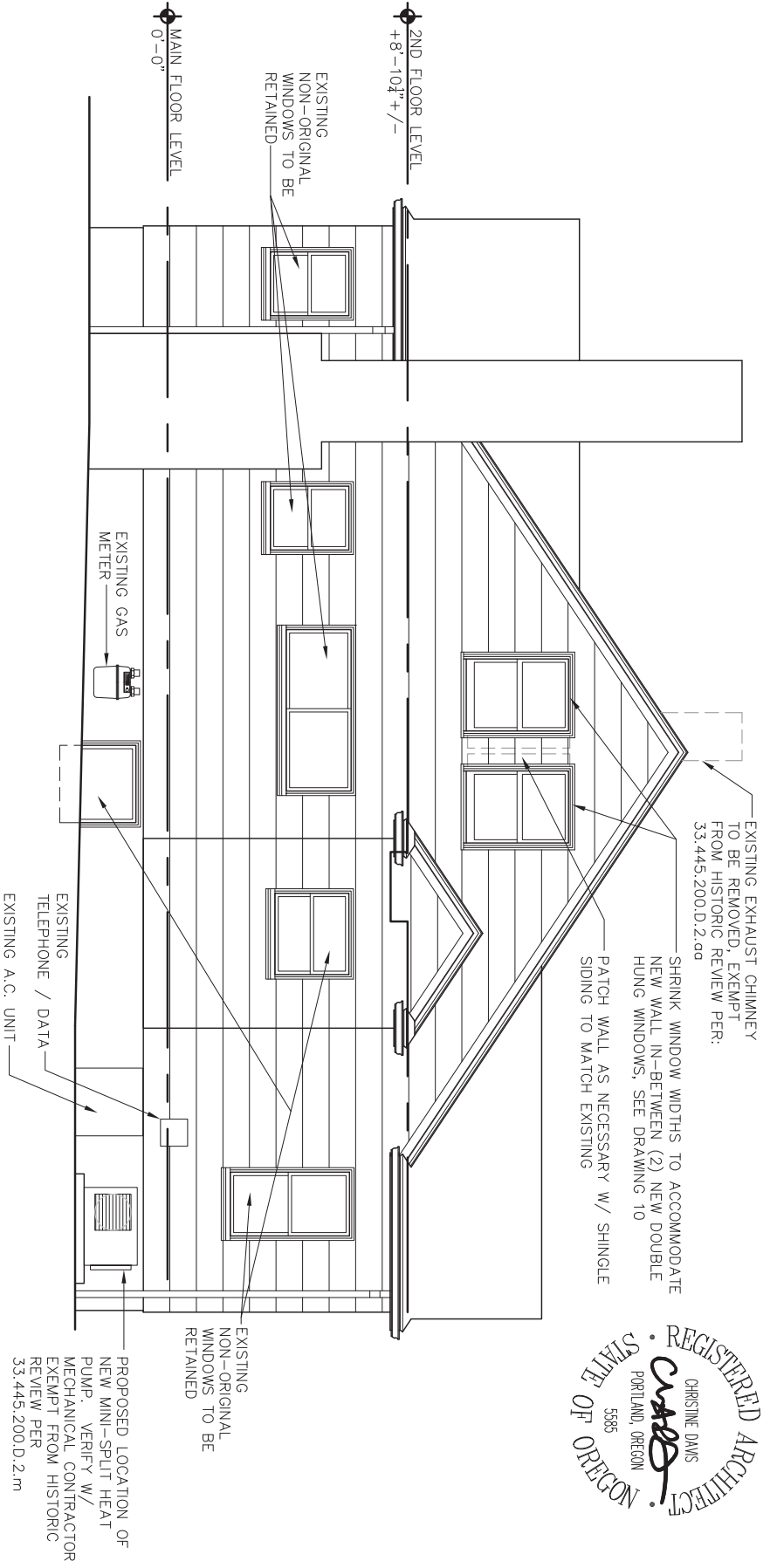
812 NW 17TH AVE
PORTLAND, OR 97209
503-281-5282
chris@chrisdavisdesign.com

DRAWING 5

10-6-2022



LU 22-191585 HR
EXHIBIT C5
LU 22-191585 HR



EXISTING EXHAUST CHIMNEY
TO BE REMOVED, EXEMPT
FROM HISTORIC REVIEW PER:
33.445.200.D.2.c.c

SHRINK WINDOW WIDTHS TO ACCOMMODATE
NEW WALL IN-BETWEEN (2) NEW DOUBLE
HUNG WINDOWS, SEE DRAWING 10
PATCH WALL AS NECESSARY W/ SHINGLE

EXISTING
NON-ORIGINAL
WINDOWS TO BE
RETAINED

EXISTING
NON-ORIGINAL
WINDOWS TO BE
RETAINED

EXISTING GAS
METER

EXISTING
TELEPHONE / DATA
EXISTING A.C. UNIT

PROPOSED LOCATION OF
NEW MINI-SPLIT HEAT
PUMP. VERIFY W/
MECHANICAL CONTRACTOR
EXEMPT FROM HISTORIC
REVIEW PER
33.445.200.D.2.m

PROPOSED SOUTH EXTERIOR ELEVATION

CHRIS DAVIS DESIGN
ARCHITECTURE + INTERIORS

DRAWING 6

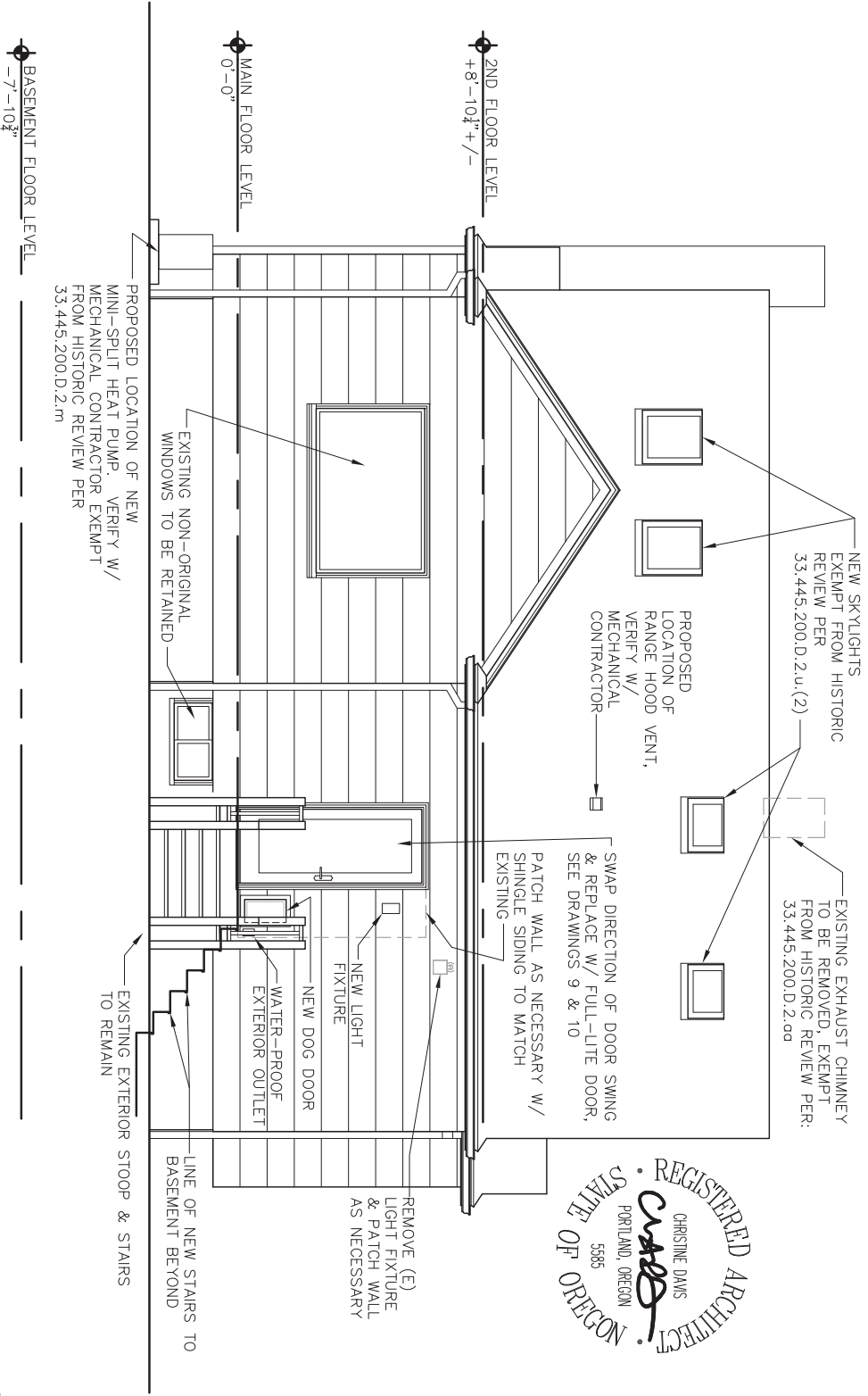
SCALE: 1/4" = 1'-0"
3402 NE 13TH AVE.
HISTORIC RESOURCE REVIEW

812 NW 17TH AVE.
PORTLAND, OR 97209
503-281-5282
chris@chrisdavisdesign.com

10-6-2022



LU 22-191585 HR
EXHIBIT C6
LU 22-191585 HR



NEW SKYLIGHTS
EXEMPT FROM HISTORIC
REVIEW PER
33.445.200.D.2.u.(2)

EXISTING EXHAUST CHIMNEY
TO BE REMOVED. EXEMPT
FROM HISTORIC REVIEW PER:
33.445.200.D.2.00

PROPOSED
LOCATION OF
RANGE HOOD VENT,
VERIFY W/
MECHANICAL
CONTRACTOR

SWAP DIRECTION OF DOOR SWING
& REPLACE W/ FULL-LITE DOOR,
SEE DRAWINGS 9 & 10

PATCH WALL AS NECESSARY W/
SHINGLE SIDING TO MATCH
EXISTING

REMOVE (E)
LIGHT FIXTURE
& PATCH WALL
AS NECESSARY

EXISTING NON-ORIGINAL
WINDOWS TO BE RETAINED

PROPOSED LOCATION OF NEW
MINI-SPLIT HEAT PUMP. VERIFY W/
MECHANICAL CONTRACTOR EXEMPT
FROM HISTORIC REVIEW PER
33.445.200.D.2.m

EXISTING EXTERIOR STOOP & STAIRS
TO REMAIN

LINE OF NEW STAIRS TO
BASEMENT BEYOND

BASEMENT FLOOR LEVEL
-7'-10 1/2"

MAIN FLOOR LEVEL
0'-0"

2ND FLOOR LEVEL
+8'-10 1/2" +/-

PROPOSED EAST EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"
3402 NE 13TH AVE.
HISTORIC RESOURCE REVIEW

CHRIS DAVIS DESIGN
ARCHITECTURE + INTERIORS

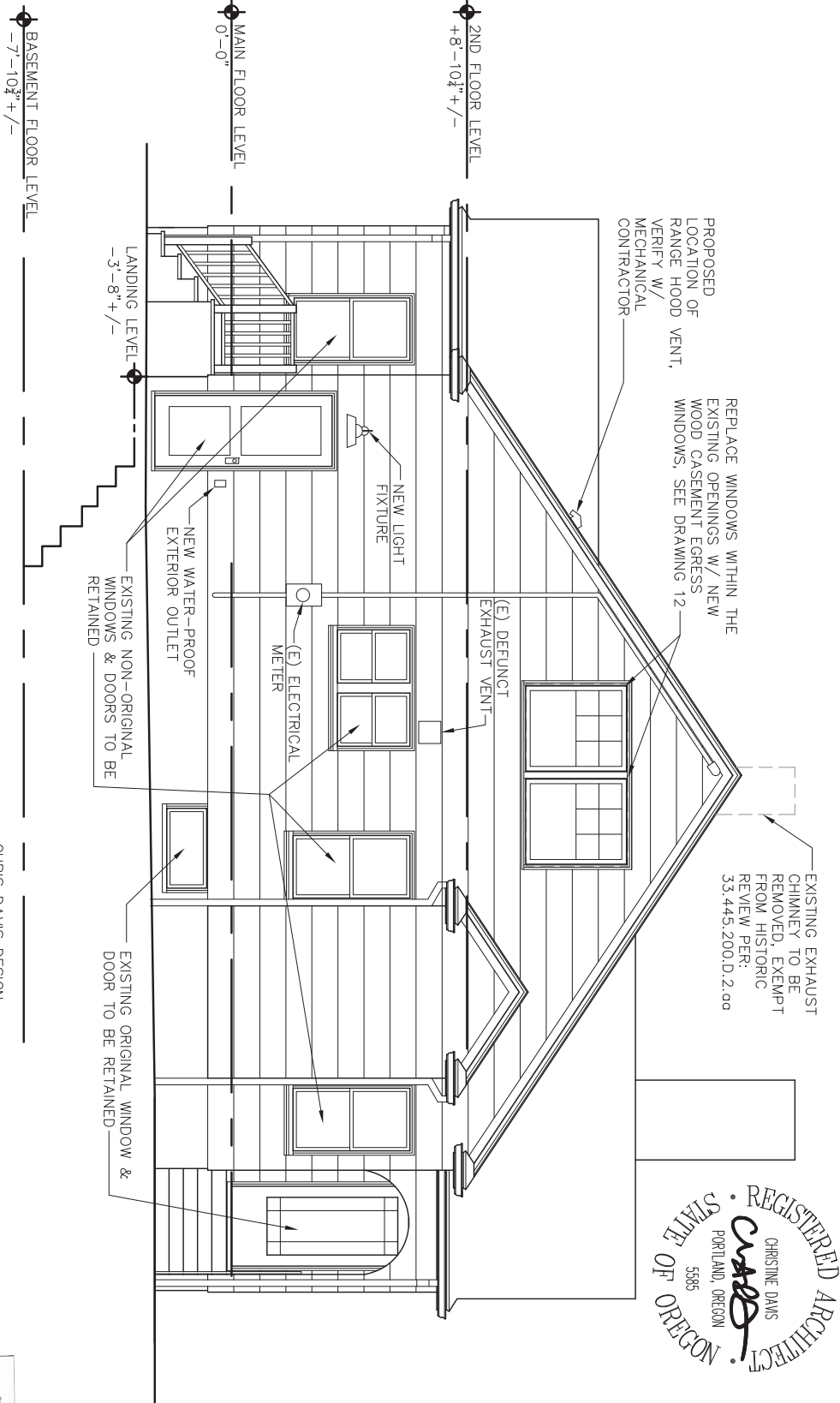
812 NW 17TH AVE.
PORTLAND, OR 97209
503-281-5282
chris@chrisdavisdesign.com

DRAWING 7

10-6-2022



LU 22-191585 HR
EXHIBIT C7



PROPOSED NORTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"
 3402 NE 13TH AVE.
 HISTORIC RESOURCE REVIEW

CHRIS DAVIS DESIGN
 ARCHITECTURE + INTERIORS

812 NW 17TH AVE.
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 chris@chrisdavisdesign.com

DRAWING 8

10-6-2022



LU 22-191585 HR
 EXHIBIT C8
 LU 22-191585 HR