



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Date:** December 22, 2014  
**To:** Interested Person  
**From:** Arthur Graves, Land Use Services  
503-823-7803 | [Arthur.Graves@portlandoregon.gov](mailto:Arthur.Graves@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-229176 HR: REMOVAL AND REPLACEMENT OF EXISTING PORCH, STAIRS, RAILING AND SHED ROOF**

#### **GENERAL INFORMATION**

**Applicant:** Dave Spitzer | DMS Architects Inc. | 503.335.9040  
2325 NE 19th Avenue | Portland, OR 97212

**Owner:** Timm K Ready | 503.789.1307  
12899 NW Diamond Drive | Portland, OR 97229

**Site Address:** 2616 NE 13<sup>th</sup> Avenue

**Legal Description:** BLOCK 75 LOT 17, IRVINGTON  
**Tax Account No.:** R420416140  
**State ID No.:** 1N1E26BD 16900  
**Quarter Section:** 2731  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.  
**Other Designations:** Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.  
**Zoning:** R5: Single-Dwelling Residential Zone 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 a contributing 1925 residence in the Irvington Historic District. The alterations include the following:

- Removal of existing deteriorating wood porch and steps on the south elevation, to be replaced with new concrete patio and steps to match existing front porch on west side.
- Removal of existing deteriorating plywood railing on both the stairs to the basement and stairs to the main floor, to be replaced with new code compliant steel guardrails.
- Removal of existing shed roof (above porch to be removed), to be replaced with new roof to match existing.

Historic resource review is required for exterior alterations to contributing structures such as this one 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.G *Other Approval Criteria*

## **ANALYSIS**

**Site and Vicinity:**

The subject property, a Mediterranean Revival structure constructed in 1925 has been evaluated as a contributing resource in the National Register of Historic Places documentation for the 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. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. 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 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.

Regarding area amenities in proximity to the site, while the structure is located well within the Irvington Neighborhood it is still within a five minute walk (approximately a quarter-mile) of a number of resources. These amenities include a local grocery store, restaurants, cafes and an elementary school.

Regarding transportation surrounding the site, according to the Transportation System Plan (TSP) NE 15<sup>th</sup> Ave is a designated Neighborhood Collector Street. Frequent bus transit service for the site is provided by the #8 which runs down 15<sup>th</sup> avenue. NE 9<sup>th</sup>, 15<sup>th</sup> and Knott Street are designated as a City Bikeways under the TSP.

**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 Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**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 **November 24, 2014**. No Bureaus have responded with issues or concerns about the proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **November 24, 2014**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, representing the Irvington Community Association Land Use Committee, wrote with no objections to the proposal: November 28, 2014. (Exhibit F-1)

## **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 Approval Criteria**

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic 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 properties 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 old 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.

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

**Findings for 1, 2, 3, 4, 5, and 7:** The proposed alterations, including the replacement of the existing porch, porch roof, and railings will not negatively impact the historic character of the property. The proposed alterations aim to replace existing deteriorating features with new features that are both architecturally appropriate and of a better quality than what is being removed. As an example of this, the existing deteriorating wood porch will be replaced with a concrete porch of the same size; the main porch off of the front of the resource is made out of concrete. The existing porch roof will be replaced with a roof of similar design and materials. The existing deteriorating plywood railings will be replaced with metal railings that are consistent with the Mediterranean Revival style of architecture. The features being replaced while not attempting to create a false sense of historic development are intending to be consistent and compatible with the architecture of the contributing resource. In this, the proposed materials are also attempting to providing better long-term performance than the existing materials to be replaced: concrete steps and porch vs. the existing wood and metal railings as opposed to the existing plywood.

No historic changes previously made to the resource will be impacted and all historic materials on the resource will be protected throughout the alterations process. *Therefore these criteria are met.*

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 8, 9, and 10:** The proposed alterations will be compatible with the existing resource's massing, size, scale and architectural features so as to preserve the form and integrity of the historic resource. Architectural features proposed in the alterations aim to be consistent with the Mediterranean Revival style of the resource. To this end the proposed porch will be constructed of concrete and modeled off of the existing front porch on the west façade (which is also constructed of concrete). The failing plywood railings to the porch and basement will be replaced with new code compliant metal hand and guard rails. The proposed roof overhang will be constructed to match the existing roof in materials and location, but will be reduced from 4'-6" to 3'-0" to allowing in more natural light to the porch area.

The proposed alterations and their overall compatibility with the resource will not negatively impact the structures ability to continue to serve as a contributing building within the Irvington Historic District. *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 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of Historic Resource Review in the Irvington Historic District for exterior alterations including:

- Removal of existing deteriorating wood porch and steps on the south elevation, to be replaced with new concrete patio and steps to match existing front porch on west side.
- Removal of existing deteriorating plywood railing on both the stairs to the basement and stairs to the main floor, to be replaced with new code compliant steel guardrails.
- Removal of existing shed roof (above porch to be removed), to be replaced with new roof to match existing.

Approval per the approved site plans, Exhibits C-1 through C-4, signed and dated December 17, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-229176 HR."

**Staff Planner: Arthur Graves**



**Decision rendered by:** \_\_\_\_\_ **on December 17, 2014**

By authority of the Director of the Bureau of Development Services

**Decision mailed December 22, 2014.**

**Procedural Information.** The application for this land use review was submitted on October 22, 2014, and was determined to be complete on **November 18, 2014.**

*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 22, 2014.

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: Wednesday, March 18, 2014.**

**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.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **December 22, 2014.** The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
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:

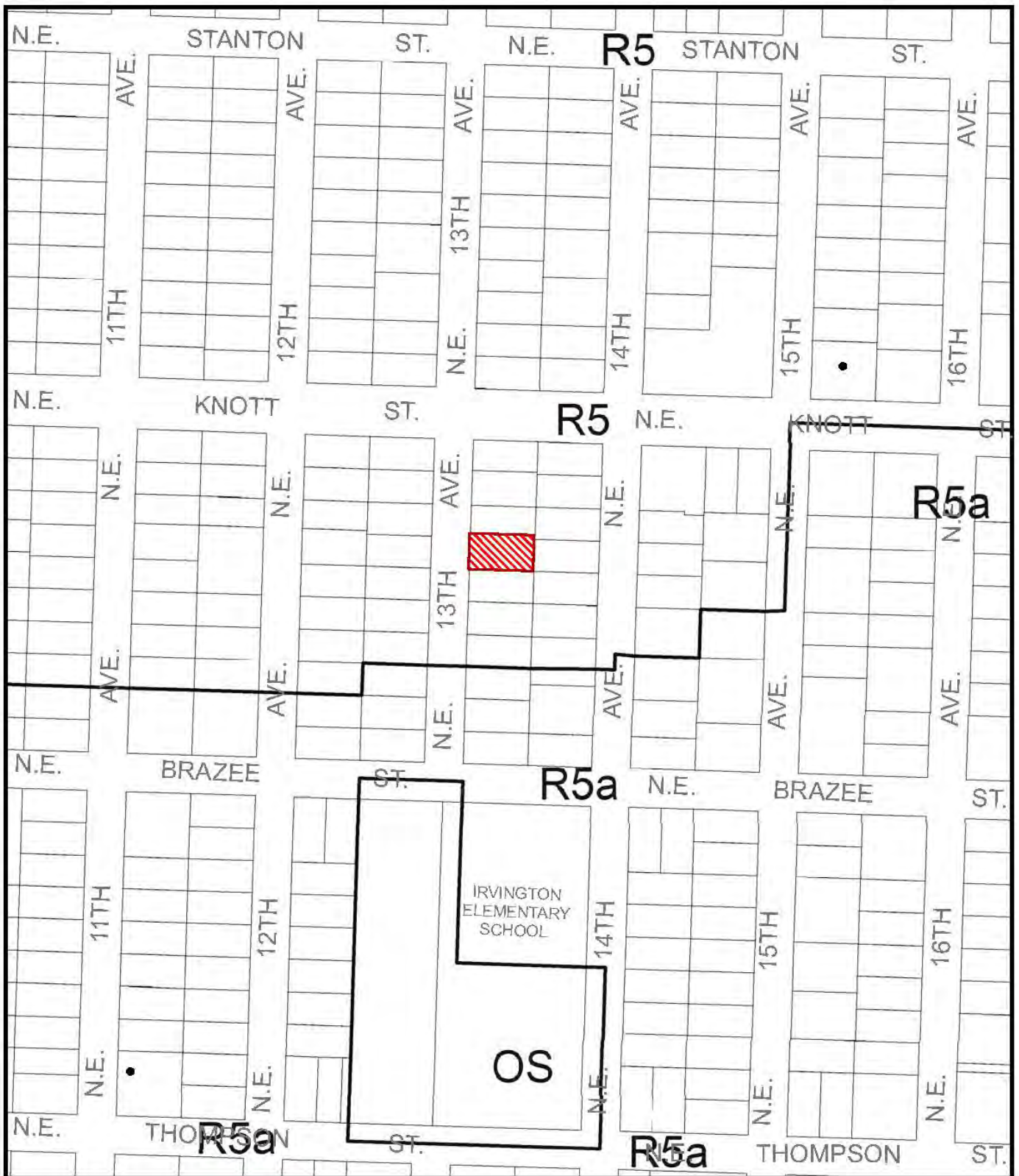
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan
  - 2. Site Plan, Sections and Elevations (attached)
  - 3. Cross Section of Existing Porch Looking West
  - 4. Elevation: South - Existing Porch and Railings
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence:  
Dean P. Gisvold, on behalf of the Irvington Neighborhood Association, received November 28, 2014; no objections
- G. Other:
  - 1. Original LU Application
  - 2. Site pictures
  - 3. Letter of Completeness ("Incomplete Letter") to applicant: November 6, 2014.

**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).**



# ZONING



Site



Historic Landmark

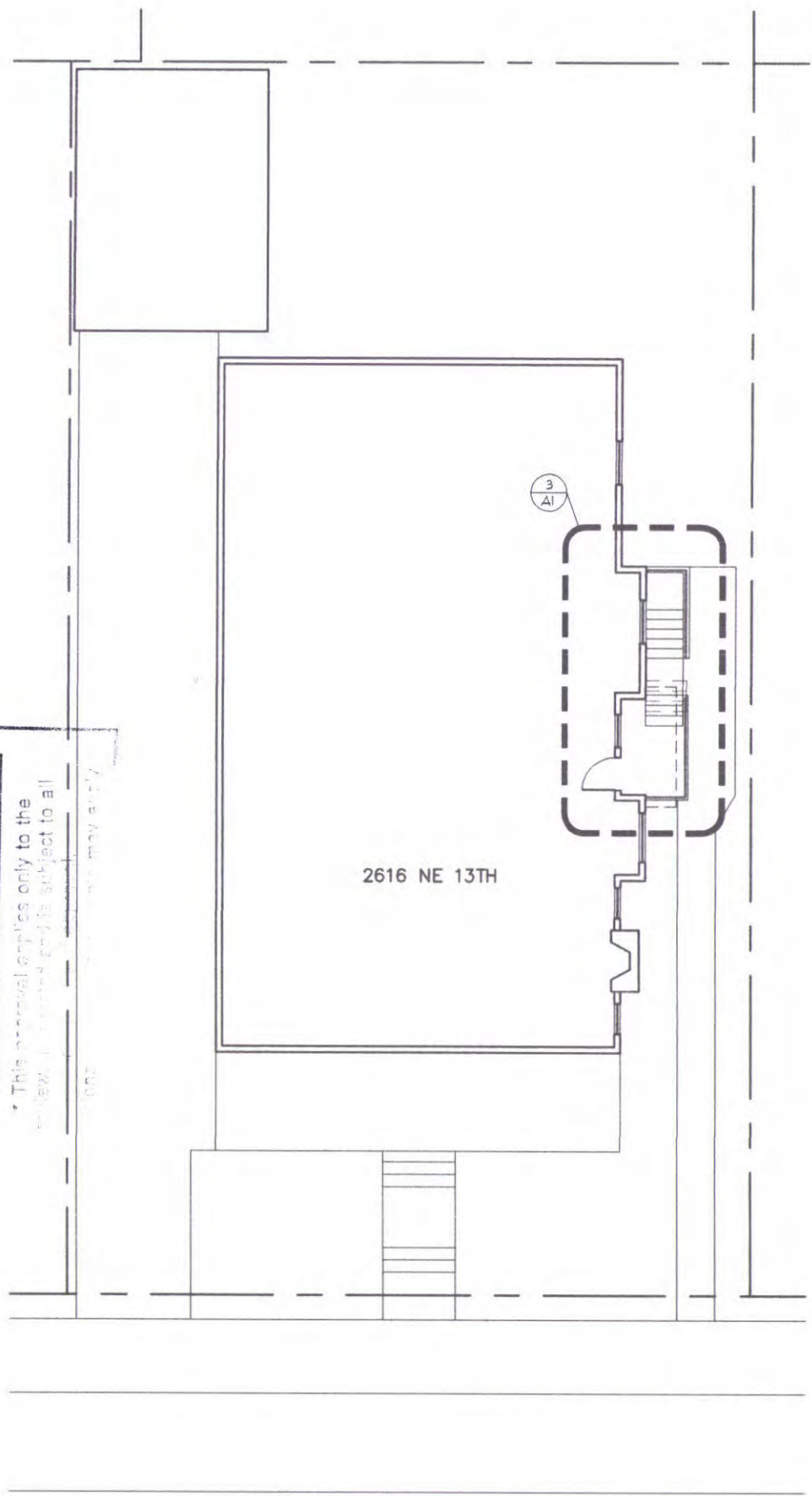


This site lies within the:  
**IRVINGTON HISTORIC DISTRICT**

File No. LU 14-229176 HR  
 1/4 Section 2731  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26BD 16900  
 Exhibit B (Oct 24, 2014)



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner \_\_\_\_\_  
 Date 12.17.14.  
 \* This approval applies only to the  
 review of attached plans subject to all  
 other applicable codes.

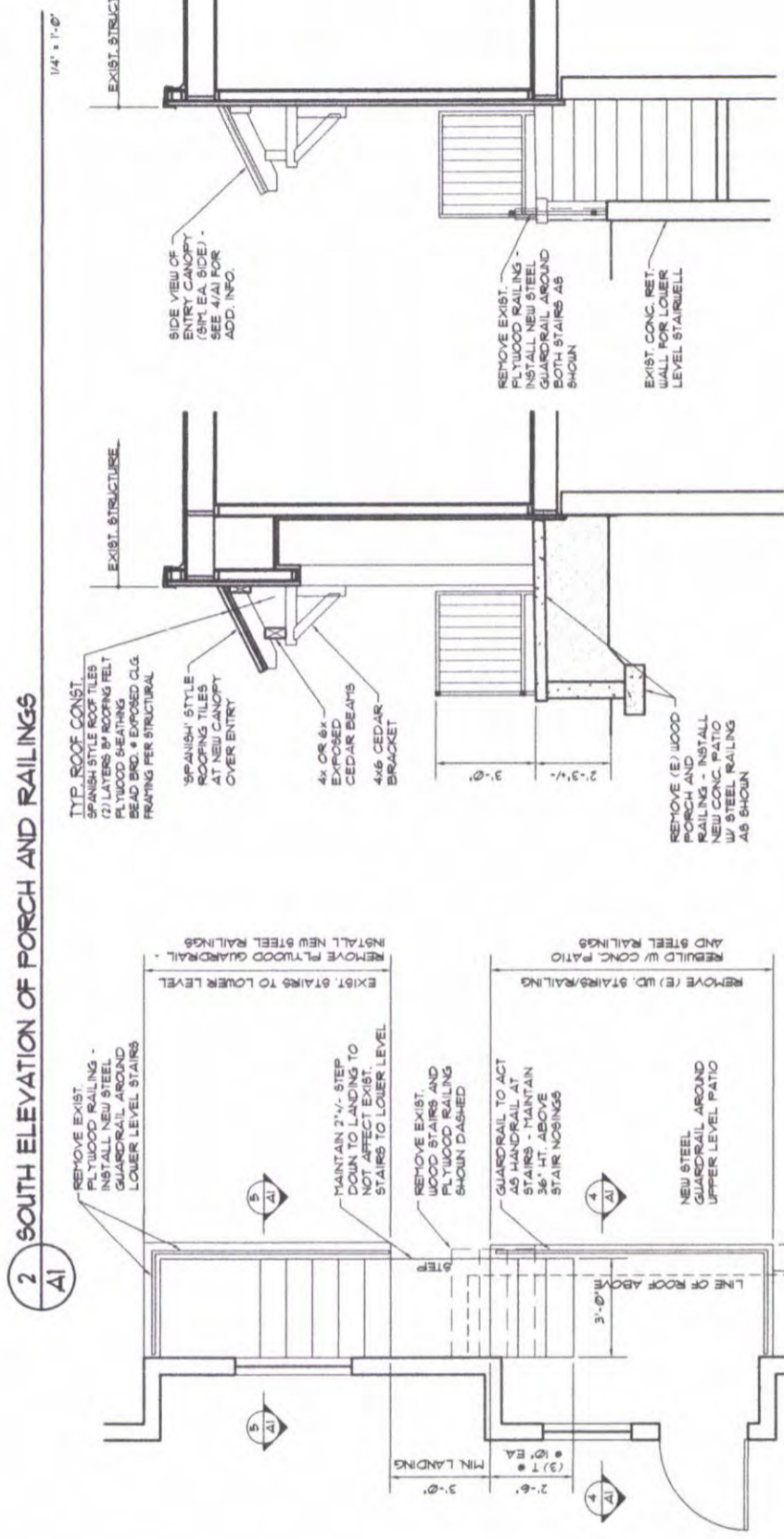
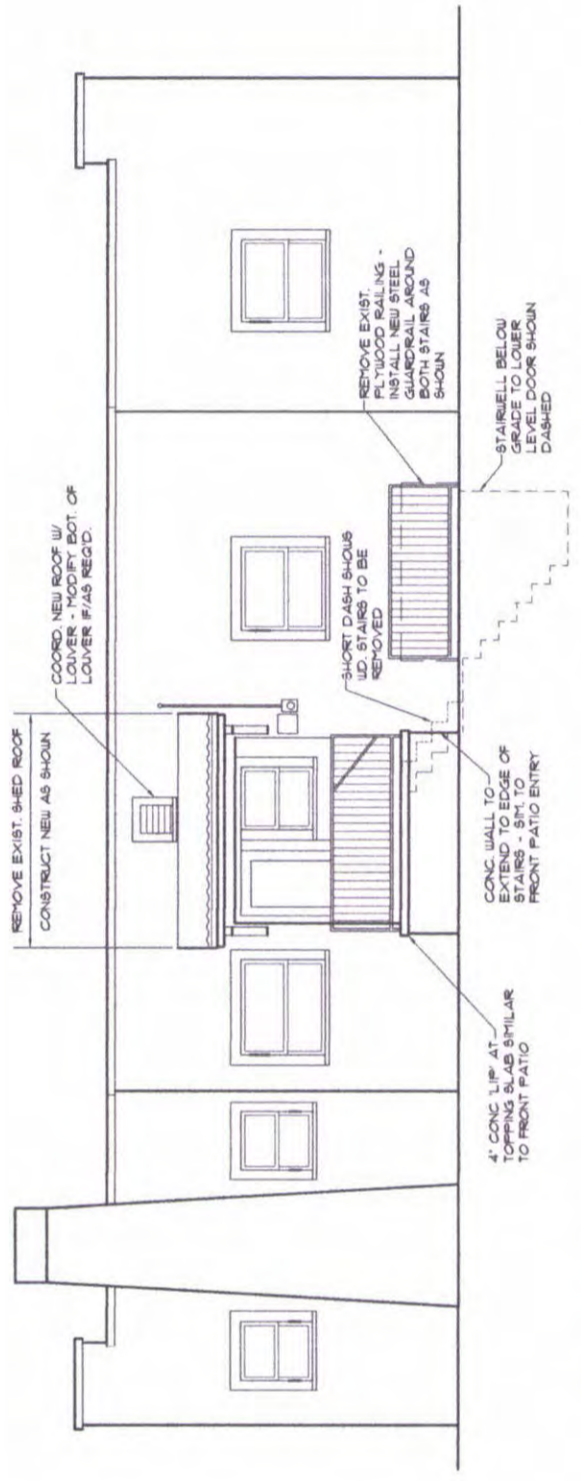


**SCHEMATIC SITE PLAN**

1/8" = 1'-0"

EXH C-1

14-229176 HR



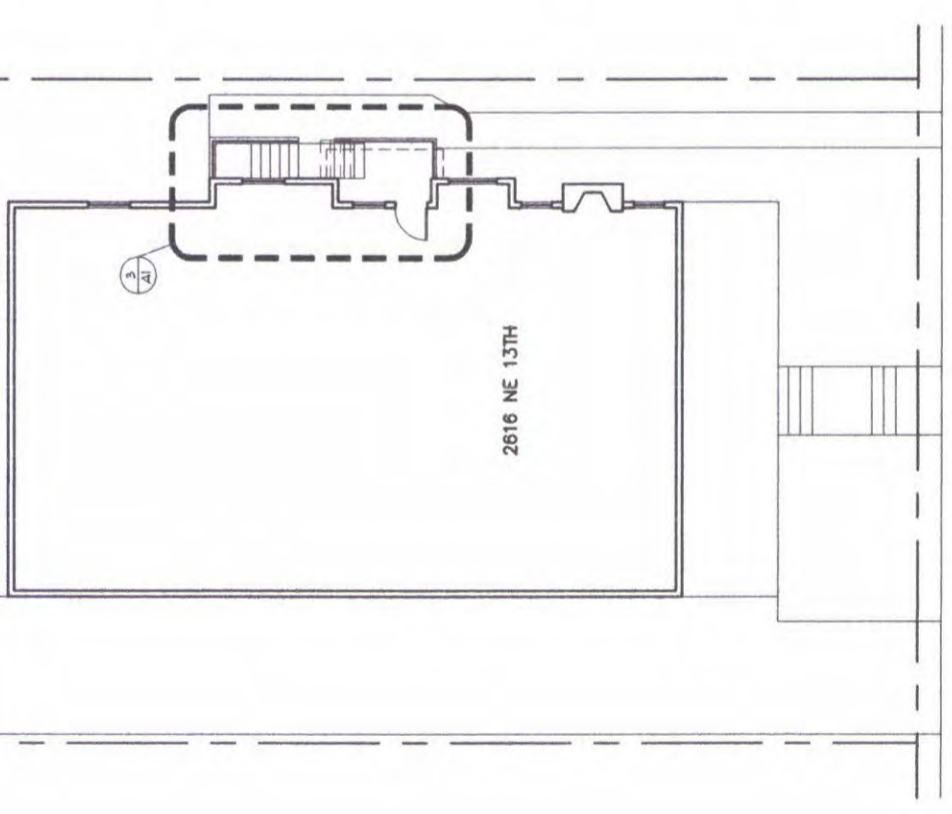
4 CROSS SECTION LOOKING WEST  
3/8" = 1'-0"

5 SECTION/ELEV. LOOKING WEST  
3/8" = 1'-0"

**GENERAL NOTES:**  
GENERAL PROJECT SCOPE: REMOVE RAILINGS, WOOD PORCH AND RAILINGS. REBUILD WOOD PORCH WITH CONCRETE. INSTALL NEW METAL GUARD AND HANDRAILS AT REBUILT AND EXISTING STAIR. REMOVE EXIST. COVERED CANOPY OVER ENTRY - REBUILD WITH NEW CANOPY AS SHOWN.  
THIS PROJECT IS DESIGNED UTILIZING THE 2011 OREGON RESIDENTIAL SPECIALTY CODE. NOTIFY ARCHITECT IMMEDIATELY IF ANY DISCREPANCIES ARE FOUND BETWEEN THIS DRAWING AND REQUIREMENTS OF THE APPLICABLE SPECIFIC CODES COVERED WITHIN THESE DRAWINGS SHALL MEET THE REQUIREMENTS OF THE IRC.  
ALL EXISTING CONDITIONS HAVE BEEN DOCUMENTED AS SHOWN - NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES BETWEEN EXIST. CONDITIONS AND DRAWINGS.  
ALL DIMENSIONS ARE TO FACE OF FINISH SURFACE UNLESS NOTED OTHERWISE.  
TRIM/CABINETRY/DETAILING - EXCEPT AS NOTED ON THESE DRAWINGS - AND/OR AS DIRECTED BY THE OWNER - TRIM/CABINETRY/DETAILING SHALL MATCH THE EXISTING AS ALLOWED BY ON-SITE CONDITIONS.

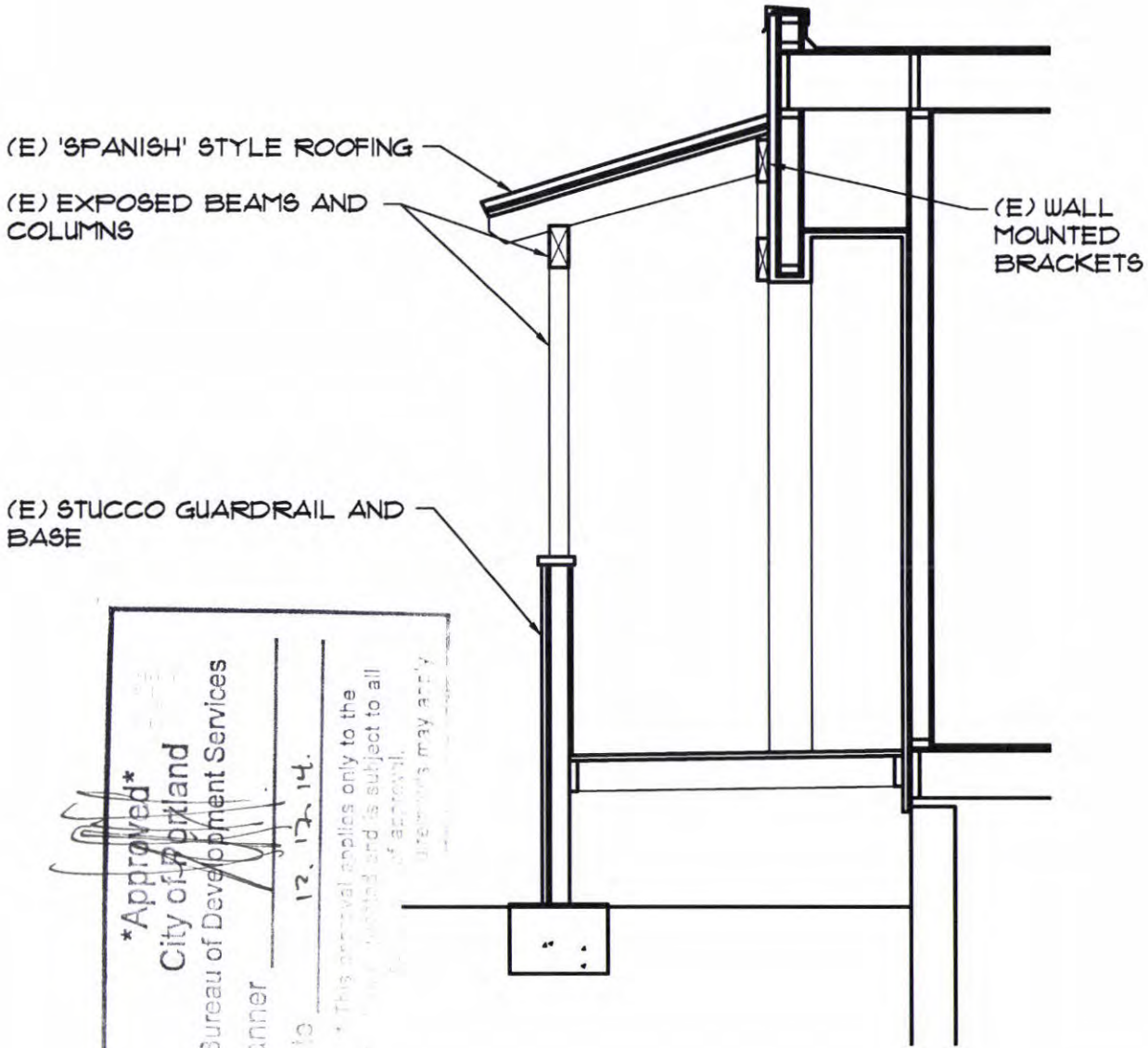
**STAIRS AND RAILINGS**  
STAIRS MUST COMPLY WITH THE FOLLOWING DIMENSIONS:  
• 34" MINIMUM WIDTH, 6'-8" HEADROOM HEIGHT MEASURED VERTICALLY FROM THE FLARE OF THE NOSINGS OF THE TREADS.  
• MINIMUM 4" AND MAXIMUM 8" RISE  
• MINIMUM 9" RUN (TREAD)  
STAIRS WITH MORE THAN 3 RISERS MUST COMPLY WITH THE FOLLOWING:  
• PROVIDE A 1 1/2" MINIMUM TO 2 3/4" MAXIMUM DIAMETER RAIL WITH 1 1/2" MINIMUM BETWEEN HANDRAIL AND WALL AND MOUNTED AT 36" TO 48" ABOVE THE TREAD.  
• HANDRAILS WHICH ALSO FUNCTION AS GUARDRAILS SHALL BE 34" TO 38" ABOVE THE TREAD NOSING.  
• GUARDRAILS AT OPEN SIDES OF STAIRWAYS REQUIRE INTERMEDIATE RAILS SPACED SUCH THAT A SPHERE 5" IN DIAMETER CANNOT PASS THROUGH.

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner  
Date 12.17.14  
\* This approval applies only to the reviews requested and is subject to all conditions of approval.



1 SCHEMATIC SITE PLAN  
1/8" = 1'-0"

LV14-22917-64R



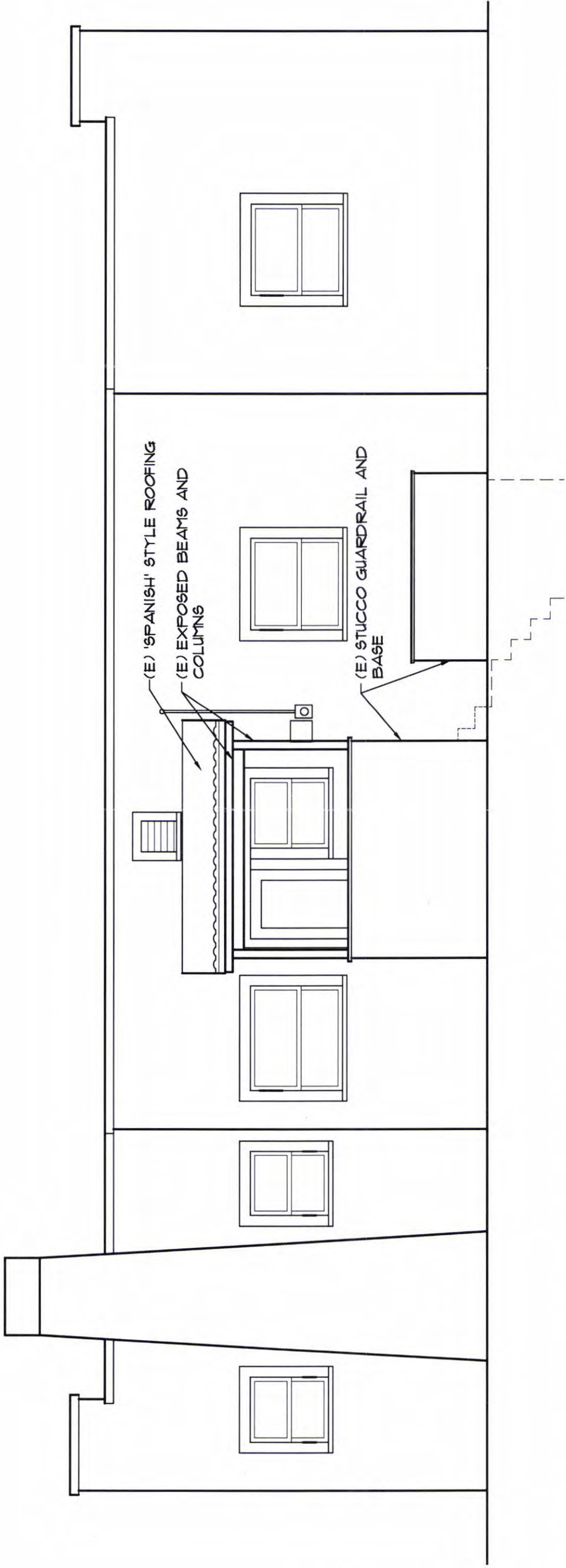
*\*Approved\**  
 City of Portland  
 Bureau of Development Services  
 Planner  
 Date 12.17.14.  
 \* This approval applies only to the  
 project submitted and is subject to all  
 conditions of approval.  
 Other provisions may apply

4  
 AI

CROSS SECTION OF EXISTING LOOKING WEST

3/8" = 1'-0"

EXH C-3  
 LU 14\_229176 HR



2 SOUTH ELEVATION OF EXISTING PORCH AND RAILINGS

1/4" = 1'-0"

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner \_\_\_\_\_  
 Date 12.13.14.  
 \* This approval applies only to the reviews requested above. All other reviews requested above are not approved.  
 Additional: \_\_\_\_\_

2  
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EXH C-4  
 LO 14-229176 HR