



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** 4/15/2015  
**To:** Interested Person  
**From:** Puja Bhutani, 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 **approved** a proposal in your neighborhood. The mailed copy of 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 15-127274 HR IRVINGTON PORCH RAILING**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Robert Hennis / Katherine Hennis  
2626 NE 23rd Ave / Portland, OR 97212

**Site Address:** 2626 NE 23RD AVE

**Legal Description:** BLOCK 5 LOT 18, IRVINGTON  
**Tax Account No.:** R420401030  
**State ID No.:** 1N1E26AD 16200  
**Quarter Section:** 2732  
**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 [info@necoalition.org](mailto:info@necoalition.org)  
**Plan District:** None  
**Zoning:** R5, Residential 5,000  
**Case Type:** HR, Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

*Front Porch*

- New wooden railing between existing columns around perimeter of existing front porch – 7' segment on north side, 4' segment on west side (facing street) and 5' segment on south side.
- All new construction (newels and caps, balusters and brackets, top and bottom rails) design, material and color will match existing wood railing on front porch roof.
- Existing metal front steps hand railing to remain.

*Rear Porch*

- New wooden railing between existing columns around perimeter of existing rear porch – two, 7' segments on north side, and one 8' segment and one 7' segment on east side.
- New wood hand railing on rear porch steps on all three sides of porch, including two steps (stringer, treads and risers to match existing) on north-facing steps.
- All new construction (newels and caps, balusters and brackets, top and bottom rails) design, material and color will match existing wood railing on front porch roof.

Historic Resource Review is required because the proposal is for non-exempt exterior alteration and new construction on a contributing resource in an historic district.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are:

- 33.846.060 G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property is oriented west on NE 23<sup>rd</sup> Avenue. A contributing structure in the Irvington Historic District, it was constructed in 1913 in the tradition Craftsman characteristics. The house is located on a block with many other contributing resources, primarily single dwellings.

The Irvington Historic District was platted in 1887 and was one of the first subdivisions in Portland to employ restrictive covenants, including uniform setbacks, minimum construction expenditures, the exclusion of minorities and the exclusion of non-residential uses. The few non-residential uses allowed at the interior of the district were required to be designed to resemble residential buildings. Development of the neighborhood spread slowly from the south east corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. As the restrictive covenants expired, more commercial development occurred at the edge of the subdivision along NE Broadway through conversion of residential properties and new development. The district comprises an eclectic assortment of late 19<sup>th</sup> and early 20<sup>th</sup> century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

**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 **March 12, 2015**. No written responses have been received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 12, 2015**. No written responses have been received.

## **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.
- 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.
- 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.

**Findings for 1, 2, 3, 4, 7, and 9:** The proposal includes no removal or replacement of any existing material on the resource; therefore, the essential form and integrity of the resource will remain intact. The addition of railing to the front and rear porches are proposed to be constructed of wood dimensioned, designed and painted to match railing elsewhere on the house (front porch roof) to ensure that it retains the historic character of the resource and that it remains a record of its time. The new railing is intended to replace original railing removed at some point in the past, thereby preserving the character of the original resource. It will be differentiated primarily by this record. *These criteria are met.*

- 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:** No chemical treatments are proposed. *This criterion is not applicable.*

**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 surfaces will be disturbed. *This criterion is not applicable.*

**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.

**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 and 10:** The new railing is designed to match the existing railing on the porch roof. The new railing will be wood dimensioned, designed and painted to match other railing on the house, and will feature elements of construction (newels and caps, balusters and brackets, top and bottom rails) making it compatible with the historic resource, adjacent properties, and the district as a whole, as this is a common style on nearby properties and within the district. *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 new railing is intended to replace original railing removed at some point in the past, thereby preserving the character of the original resource. The new railing is designed to match existing railing elsewhere on the house in material, style, and character. It is compatible with the resource, adjacent properties, and the district as a whole. 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 [specific proposal description], per the approved site plans, Exhibits C-1 through C-3, signed and dated April 13, 2015, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-127274 HR."

**Staff Planner: Puja Bhutani**

**Decision rendered by:**  **on April 13, 2015.**

By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) April 15, 2015.**

**Procedural Information.** The application for this land use review was submitted on March 2, 2015, and was determined to be complete on **March 10, 2015**.

*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 March 2, 2015.

*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: July 8, 2015.**

**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 **April 15, 2015**. 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:

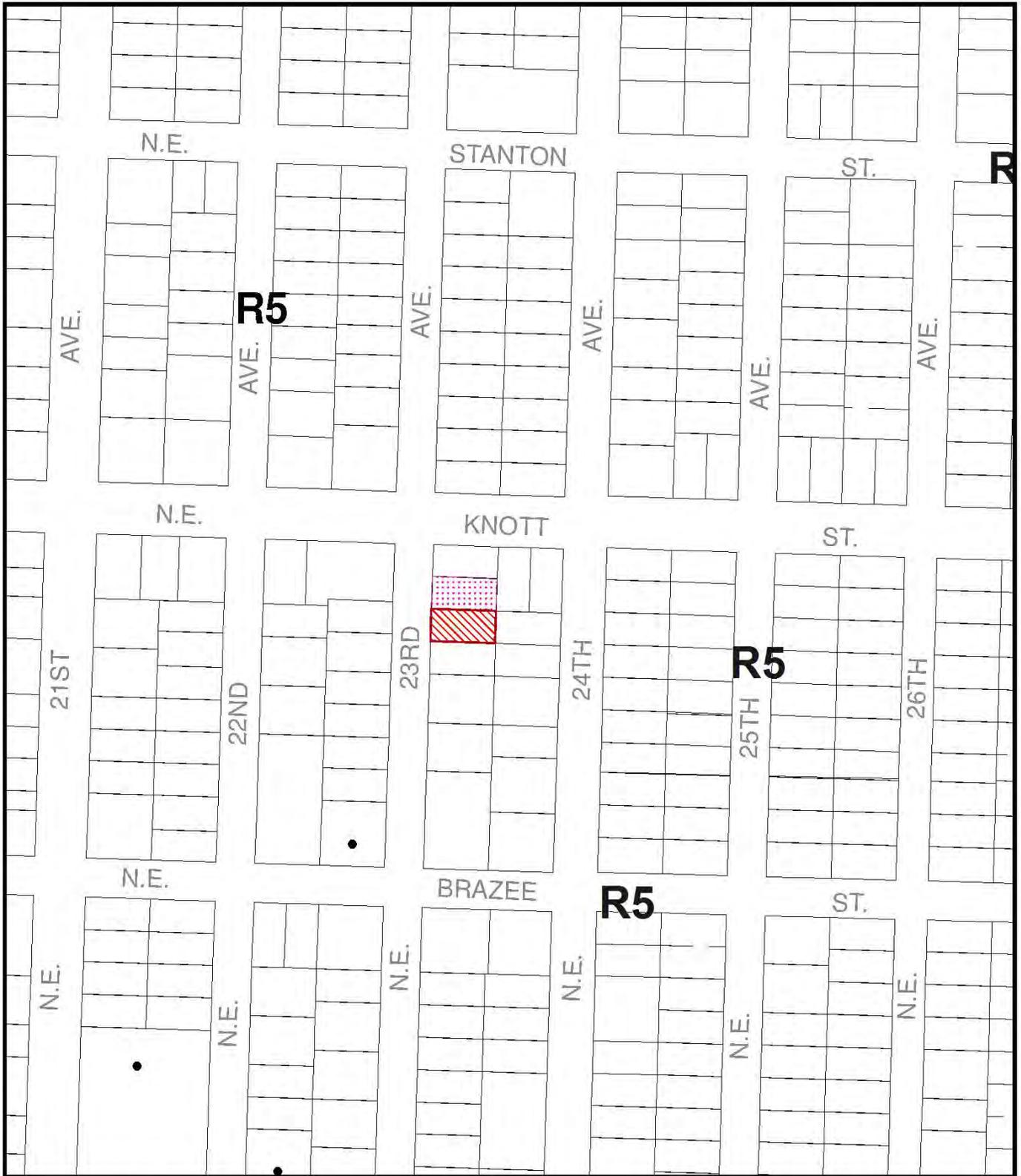
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Railing Elevation Detail (attached)
  3. Guard Rail Detail
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No correspondence
- G. Other:
  1. Original LU Application
  2. Context Photographs

**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

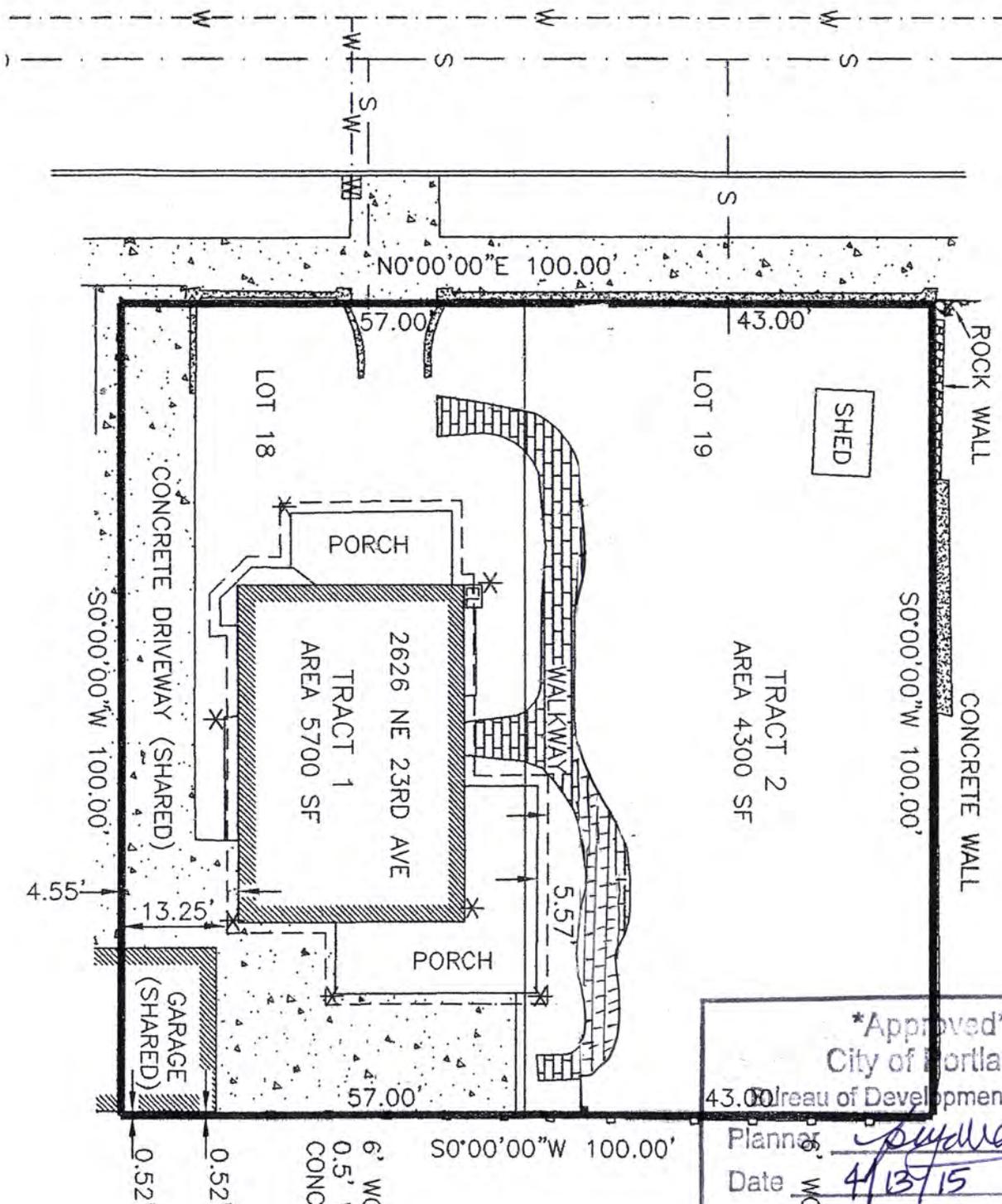
-  Site
-  Also Owned
-  Historic Landmark



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

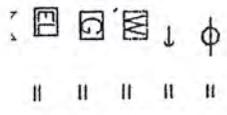
File No. LU 15-127274 HR  
 1/4 Section 2732  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26AD 16200  
 Exhibit B (Mar 04, 2015)

N.E. 23RD AVENUE  
(60.00' WIDE)



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner: *[Signature]*  
 Date: 4/13/15  
 \* This approval applies only to the review requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.

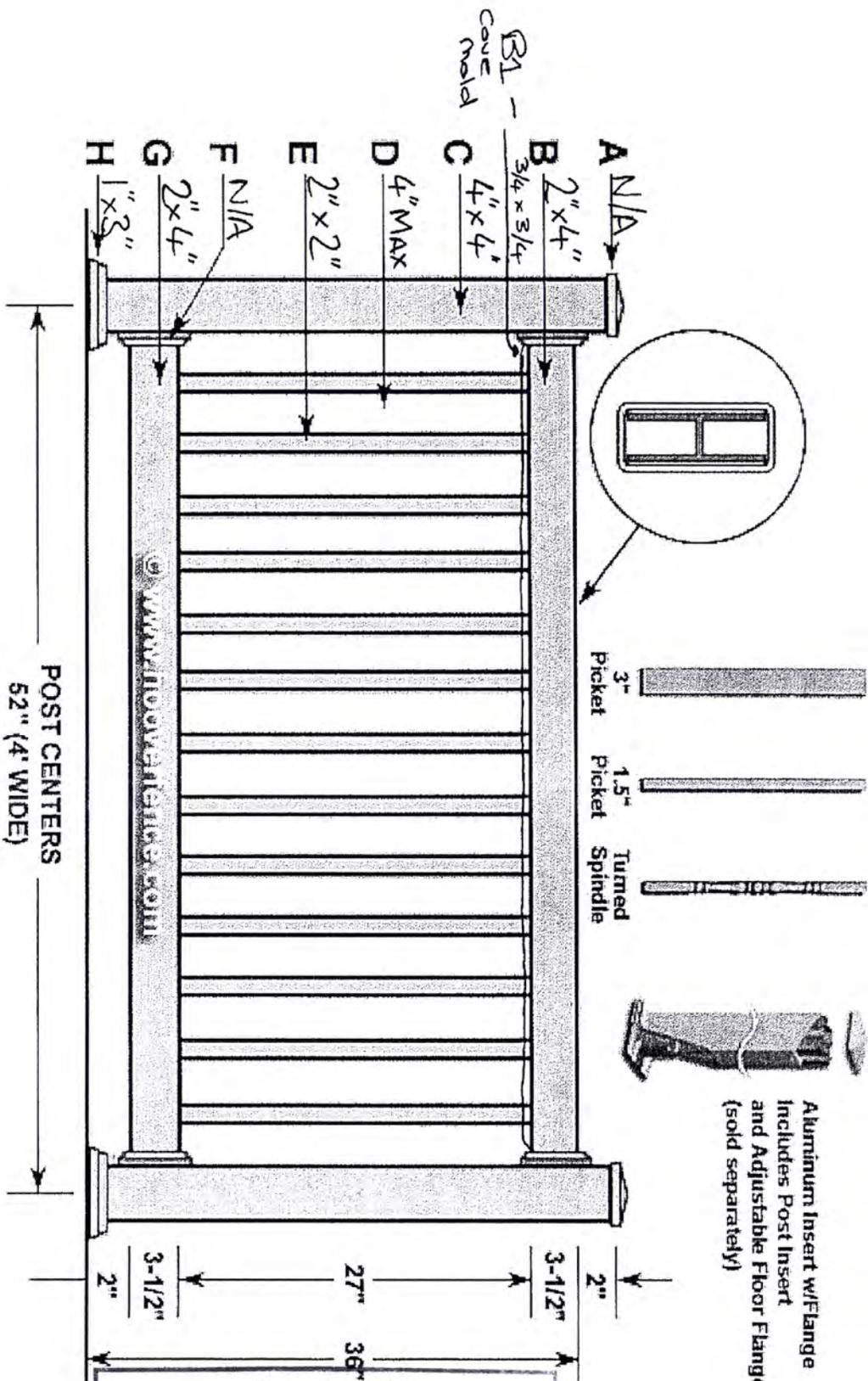
Scale = 1" = 20' FT



6' WOOD FENCE ON CL OF A  
 0.5' WIDE FREESTANDING  
 CONCRETE WALL

LU 15-127274 HR

EXHIBIT C1



Nose & Items B + G will be running flat like existing rail.

\* Handrail will be wooden 2" x 6" decorative gric.

POST CENTERS  
 52" (4' WIDE)  
 76" (6' WIDE)  
 100" (8' WIDE)  
 124" (10' WIDE)

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 4/13/15.

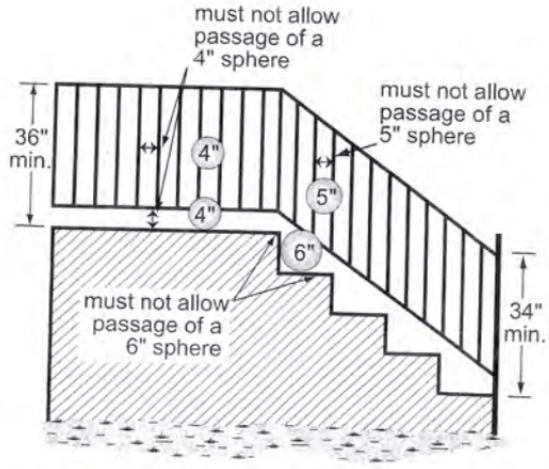
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

RAILING ELEVATION DETAIL  
 EXHIBIT C2

LU 15-127274 HR

**\*Approved\***  
**City of Portland**  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 4/13/15.

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.



Guardrail with vertical pattern

See photographs 1 to 5 for the design of what the new guard and handrails will look like as well as adhering to the current building code above.