



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** July 15, 2015  
**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 **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 15-184594 HR: FENCE AND GATE ADDITION**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Meriam Rahali / 503.260.4223  
2745 NE 26th Avenue / Portland, OR 97212-3502

**Site Address:** 2745 NE 26<sup>th</sup> Avenue

**Legal Description:** BLOCK 2 N 1' OF LOT 12 LOT 13, GLENEYRIE  
**Tax Account No.:** R324000550  
**State ID No.:** 1N1E25BC 09800  
**Quarter Section:** 2733  
**Neighborhood:** Alameda, contact Jim Brown at 503-284-6455. 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  
**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  
**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 site of the 1920 contributing residence in the Irvington Historic District. The alterations include the following:

- Addition of approximately 12 linear feet of new cedar fencing, including a gate with trellis, on the north elevation of the resource. The proposed fence will run north to connecting with the existing wood fence of the same height, dimension, and design on the north property line. The proposed fence will be 7'-6" (seven and a half feet) tall, from existing grade to top of post. This is consistent with the adjacent existing fence height. The new gate will be 4'-6" wide and the same height as the fence. The proposed trellis structure above the gate will be approximately 10 feet tall.

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 primary structure on the property, designed in the Bungalow Style was originally constructed in 1920. The 1.5 story residence, as well as the detached garage, have been evaluated as "contributing" resources in the National Register of Historic Places documentation for the Irvington Historic District, listed on 10.22.2010.

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 parish and K-8<sup>th</sup> grade school, an elementary school and a neighborhood athletic club

Regarding transportation surrounding the site, according to the Transportation System Plan (TSP) NE Knott Street is designated as a Community Transit Street and NE 24<sup>th</sup> Ave. is a Transit Access Street. Bus transit service for the site is provided on NE 24<sup>th</sup> Ave by the #17. NE Knott Street is designated as a City Bikeways under the TSP. Both NE 24<sup>th</sup> Ave. and NE Knott St. are designated as City Walkways per 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 **June 22, 2015**. No Bureaus have responded with concerns or issues.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 22, 2015**. 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 no objections to the proposal but wishing clarity the need for Historic Resource Review for this project: July 05, 2015. (Exhibit F-1)

Staff Response: Historic Resource Review is required due to the proposed fence being greater than 7 feet tall, and so requiring a permit, per Portland Zoning Code 33.445.320.B.2. In addition, the proposed fence is shown to be connected to the contributing resource.

## 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.

**Findings for 1, 2, 3, 4 and 5:** The proposed fence and gate are consistent with the subject property's existing fence height and style - in terms of design, materials used and construction. The connection of the fence to the north elevation of the main contributing resource will be done with wood spaces and will not impact the integrity of the resource. The proposed additions maintain coherency and consistency with existing site features to ensure that the contributing resources will continue to remain a record of their time. The addition of the proposed fence and gate will not be impacting any known historic features that have acquired historic significance and historic materials will be protected; no chemical or physical treatments will be used in this alteration. *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 fence and gate addition are consistent in architectural style, design and construction with the existing fence on the north property line so as to maintain architectural coherency and compatibility throughout the site. The proposed connection of the new fence to the north façade is sensibly located between existing windows and so not impacting the aesthetic of the north elevation. In addition, the connection to the main resource is to be done with wood spacers allowing the form and integrity of the historic resource to be preserved through the proposed alterations.

While the proposed fence and gate addition will be street facing their location will be set back into the property approximately 35 feet on the existing driveway to the north of the main structure. The fence will not compete with nor diminish the prominence of the historic resource. Neither the historic character of the main resource nor the contributing garage will be negatively impacted in the construction of the proposed fence and gate. Collectively, the proposed fence and gate alterations will enhance and improve the contributing resource as well as the immediate adjacent neighborhood 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 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 the addition of wood fence and gate which effectively connects the existing wood fence on the north property line to the existing historic resource in the Irvington Historic District. The proposed wood fence and gate are consistent in design, scale and construction with the existing fence on the property. Approval per the approved site plans, Exhibits C-1 through C-2, signed and dated July 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-184594 HR." No field changes allowed.

**Staff Planner: Arthur Graves**

**Decision rendered by:**  **on Monday, July 13, 2015.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: Wednesday, July 15, 2015.**

**Procedural Information.** The application for this land use review was submitted on June 11, 2015, and was determined to be complete on **June 18, 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 June 11, 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: Friday, October 16, 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 **Wednesday, July 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 503-823-7617.

**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;

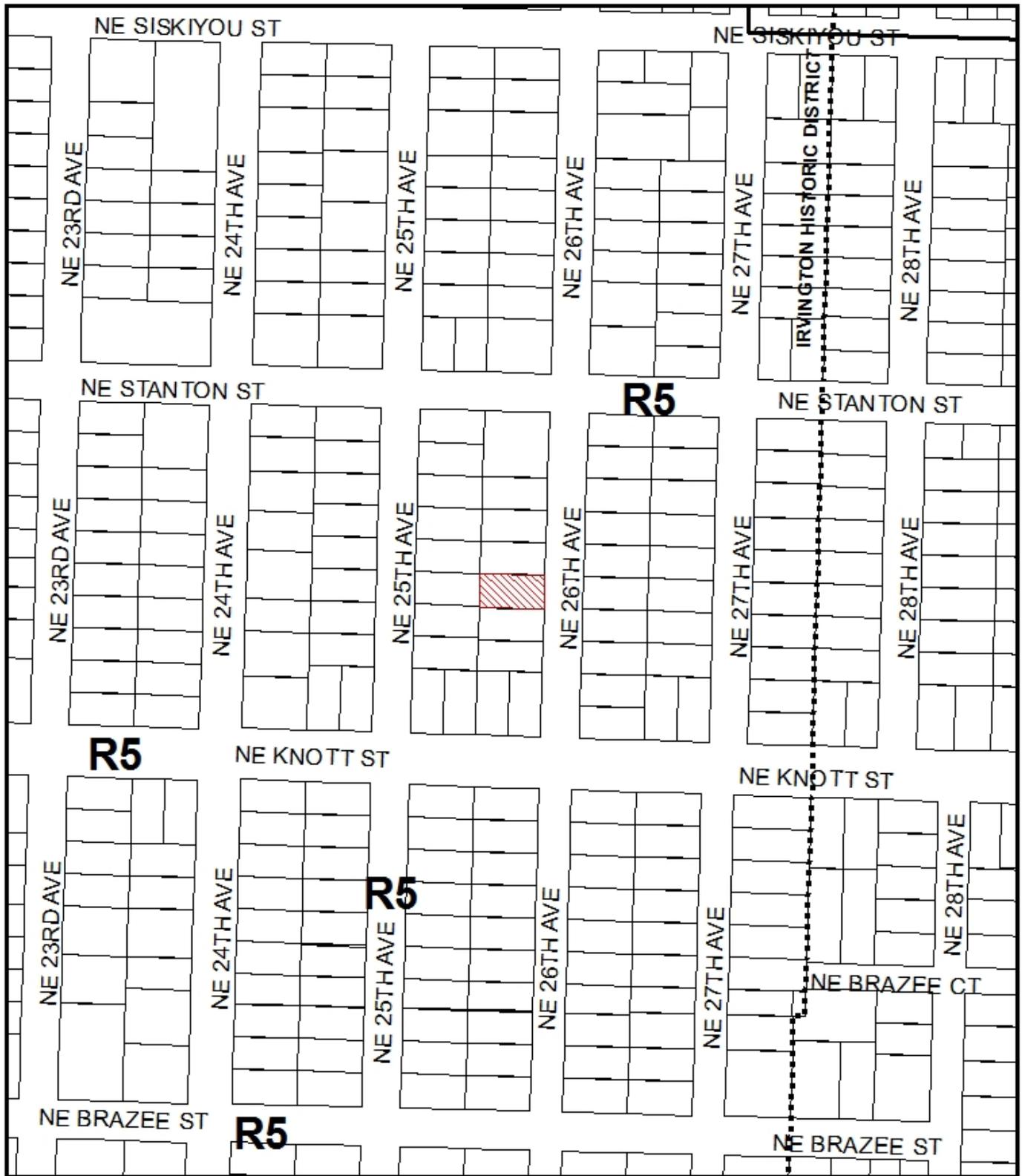
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Applicant's Statement
  - 2. Site pictures
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevation and Section Detail (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
  - 1. Dean Gisvold, representing the Irvington Community Association Land Use Committee: July 05, 2015.
- G. Other:
  - 1. Original LU Application
  - 2. Site pictures (staff's)
  - 3. Oregon Historic Site Record

**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

File No. LU 15-184594 HR  
 1/4 Section 2733  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E25BC 9800  
 Exhibit B (Jun 15, 2015)

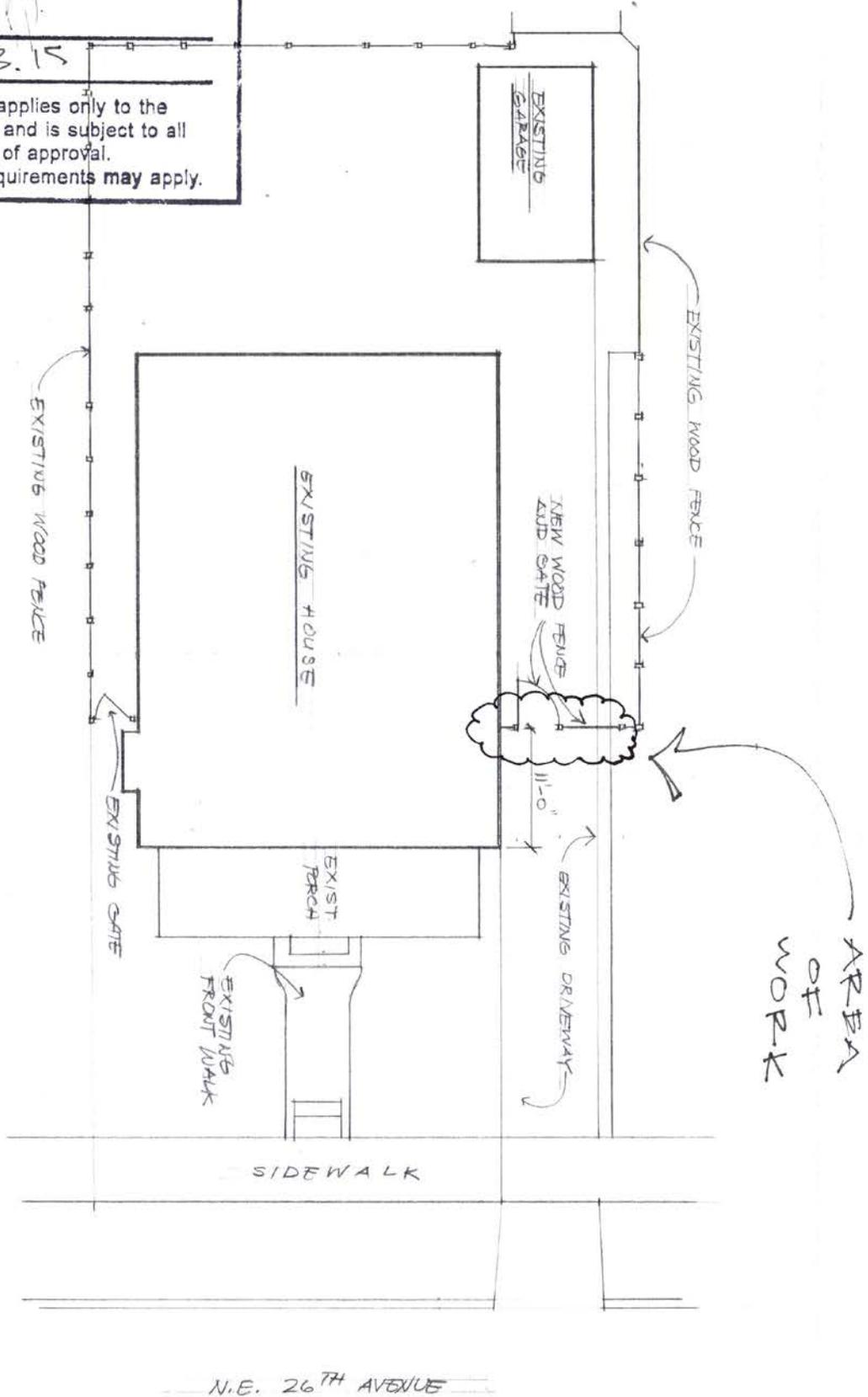


This site lies with the:  
 IRVINGTON HISTORIC DISTRICT

**\*Approved\***  
**City of Portland**  
 Bureau of Development Services

Planner \_\_\_\_\_  
 Date 7.13.15

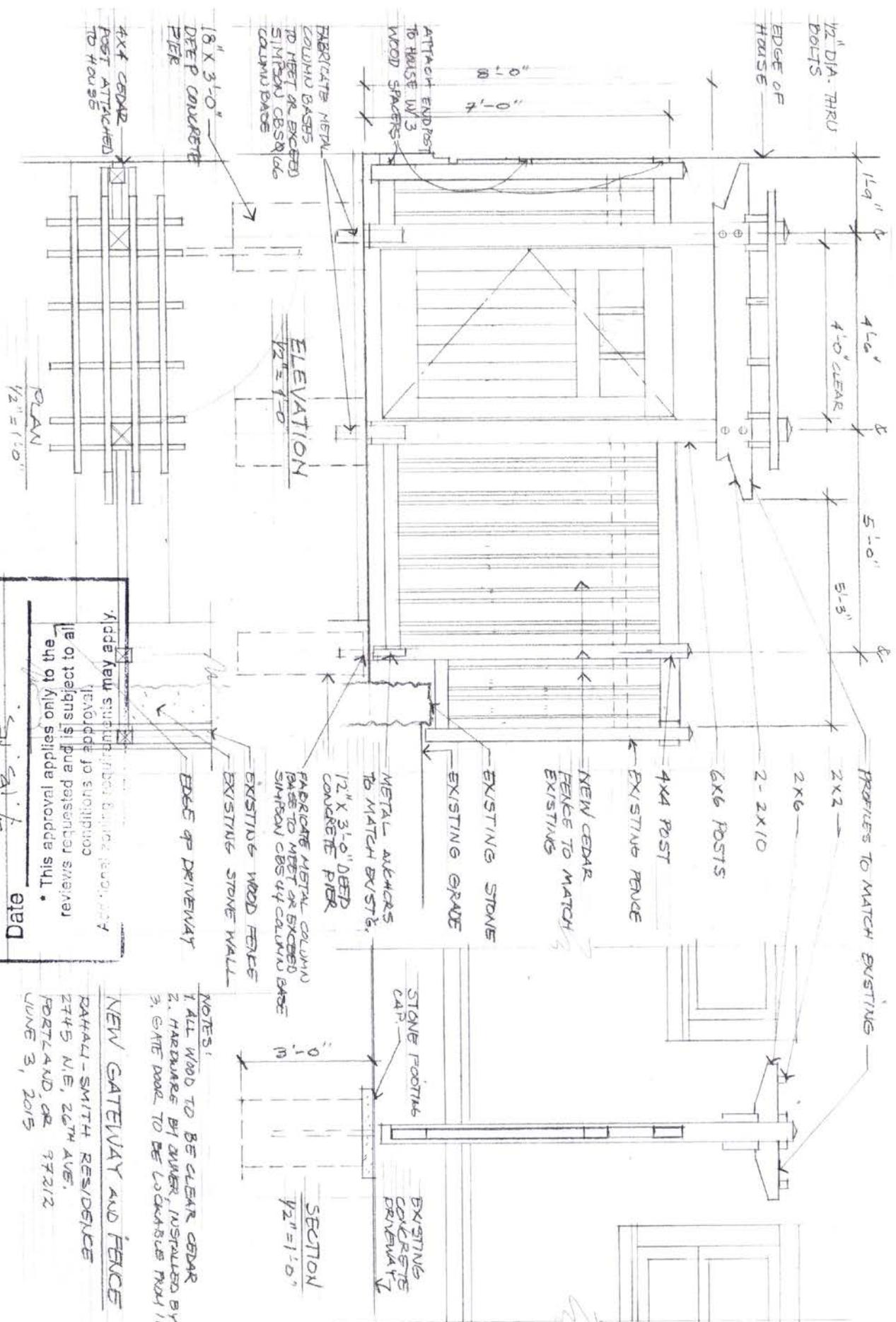
\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.



NORTH

SITE PLAN

RAHALI - SMITH RESIDENCE  
 2745 NE 26TH AVENUE  
 PORTLAND, OR 97212  
 JUNE 21, 2015



**Approved\***  
**City of Portland**  
 Bureau of Development Services

Planner \_\_\_\_\_

Date \_\_\_\_\_

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

**NOTES:**  
 1. ALL WOOD TO BE CLEAR CEDAR  
 2. HARDWARE BY OWNER, INSTALLED BY CONTRACTOR  
 3. GATE DOOR TO BE LOCKABLES FROM INSIDE.

**NEW GATEWAY AND FENCE**

RATHALL-SMITH RESIDENCE  
 2745 N.E. 26TH AVE.  
 PORTLAND, OR 97212  
 JUNE 3, 2015

15-184594-R EXH C-2