



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

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 9, 2016  
**To:** Interested Person  
**From:** Mike Gushard, Land Use Services  
503-823-5091 / [Mike.Gushard@portlandoregon.gov](mailto:Mike.Gushard@portlandoregon.gov)

**NOTICE OF A TYPE II 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 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 16-163564 HR – ADDITION TO REAR OF CONTRIBUTING HOME IN IRVINGTON DISTRICT**

**GENERAL INFORMATION**

**Applicant:** Risa Leritz,  
Risa Boyer Architecture  
1001 SE Water Ave Suite 230  
Portland, OR 97214

Susan H Halliday, Owner  
2104 NE 25th Ave  
Portland, OR 97212-4735

**Site Address:** 2104 NE 25TH AVE

**Legal Description:** BLOCK 2 LOT 10, EAST IRVINGTON  
**Tax Account No.:** R224400280  
**State ID No.:** 1N1E25CB 18600  
**Quarter Section:** 2833

**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 Zena Rockowitz at 503-388-5070.

**Other Designations:** Contributing Resource – Irvington Historic District

**Zoning:** R5 – Residential 5,000 – Single Dwelling Zone

**Case Type:** HR – Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**PROPOSAL:**

The applicant proposes to add a square, flat-roofed one story addition to the rear of the existing house. This would include french doors, a porthole window, and new double hung window. The applicants also proposes a new door and sidelight on the west elevation of the house's detached garage. This project requires historic resource review because it is a contributing resource in the Irvington Historic District.

Exempt from review:

Low laying deck at rear of house.

**RELEVANT APPROVAL CRITERIA:**

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

- 33.846.060.G – Historic Resource Review

**ANALYSIS**

**Site and Vicinity:** The house sits on a corner lot bounded with NE Tillamook Street and NE 25<sup>th</sup> Avenue. The house is in the center of the lot at the end of a concrete stairway. The path at the end of the stairway leads to a small gabled vestibule that rests in the middle of a mostly stucco elevation. To the right of this vestibule is a large gabled façade punctuated with a triad of arched windows. The peak of the gable houses a small arched niche. To the left of the vestibule is a small walled in porch with its own, smaller triad of arched windows. Above this porch there is a lap siding clad gabled dormer, emanating from a composition single roof. The rear of the property is the same lap siding that appears on the front gable. The rear of the property has a small lap sided garage that faces Tillamook Street.

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 a 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-foot 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.

**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.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **July 14, 2016**. The following Bureaus have responded with no issues or concerns (See exhibits E1-E6):

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- The Bureau of Transportation Engineering
- The Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 14, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on August 3, Overall it is a good application concerned about porthole window. (exhibit F.1)

*Staff Response:*

Porthole windows are a common feature on Mediterranean style bungalows of this era. See findings below.

## **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 a 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.
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.
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.
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:** The application proposes a small addition to the rear of a bungalow; this is a contributing resource in the Irvington Historic District. The addition is proposed to consist of wood windows and cladding like that on the historic volume of the house. It has a flat-roof which is generally not an advisable or approvable strategy for an addition in this district but in this case is in keeping with the Mediterranean styling of the house and allows the addition to remain low and out of sight compared to the main volume preserving the form and integrity of this resource. The main volume will remain a record of its time while differentiated from the addition. A small porthole window is proposed for the side of the addition, which is common in houses in this style. The application does not propose altering any features that have become historic in their own right separate from the main contributing resource. It does not propose extensive subsurface disturbance making effects to archaeological resources unlikely. *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

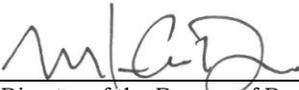
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of rear addition and alterations to a garage, per the approved site plans, Exhibits C-1 through C-8, signed and dated August 30, 2016, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-163564 HR . No field changes allowed."

**Staff Planner: Mike Gushard**

**Decision rendered by:**  **on August 30, 2016.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: September 9, 2016**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on April 28, 2016, and was determined to be complete on June 29, 2016.

*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 April 28, 2016.

*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: Thursday October 27, 2016**

**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.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 23, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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).

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

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

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **September 26<sup>th</sup>, 2016**
- A building or zoning permit will be issued only after the final decision is recorded.

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:

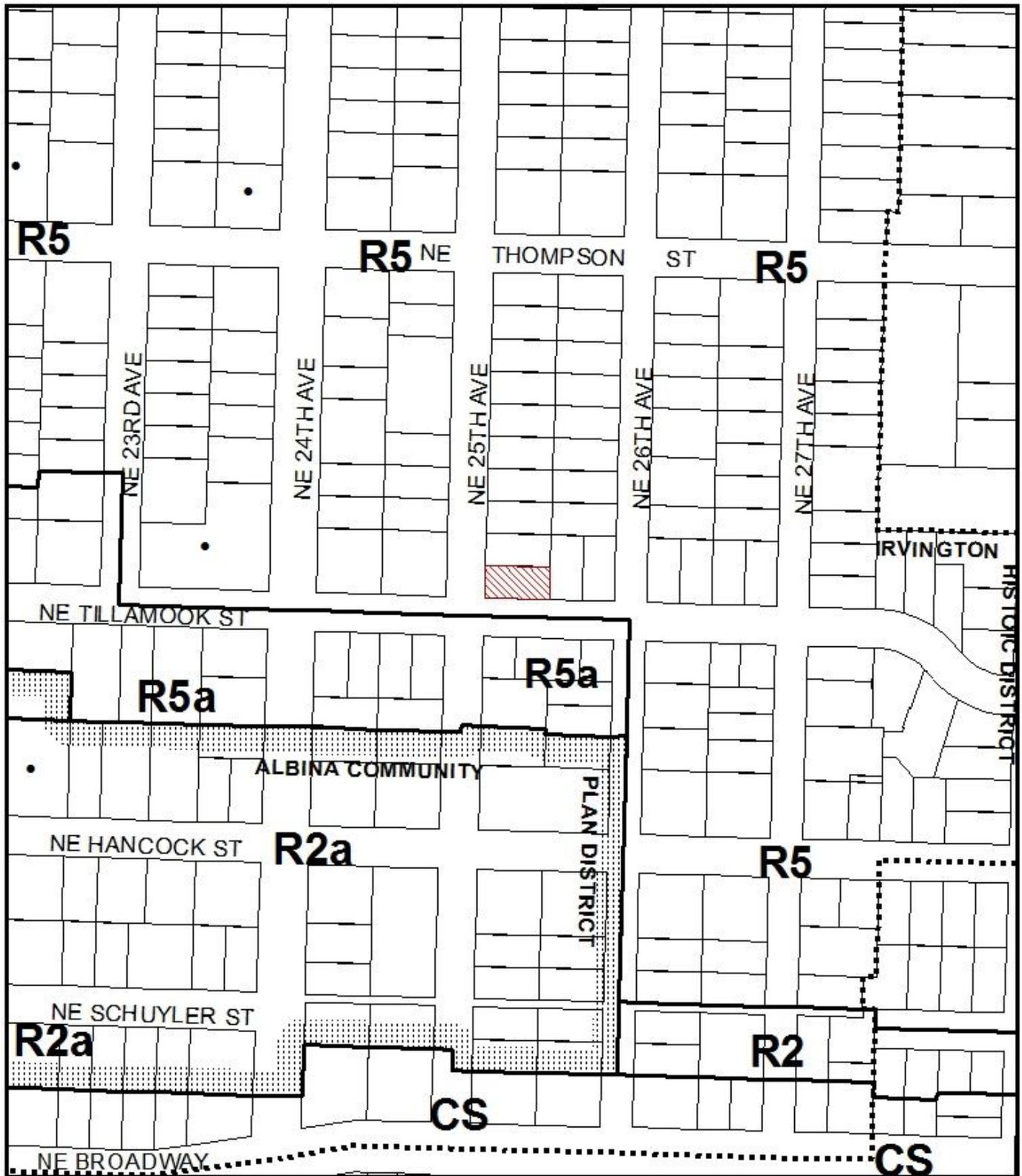
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Existing photos context
  - 3. Example porthole windows
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Site Plan
  - 2. Proposed site plan (attached)
  - 3. First Floor Plan
  - 4. Proposed Elevations (attached)
  - 5. Proposed Elevation
  - 6. Door and Window Schedule
  - 7. Cornice detail
  - 8. Cornice detail example
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- F. Correspondence: 1. Dean Gisvold of Irvington Community Association, July 25, 2016, A good application with quality materials, would prefer pitched roof but do not see better alternative, wood porthole window is not compatible.
- G. Other:
  - 1. Original LU Application

**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.    | <u>LU 16-163564 HR</u>   |
| 1/4 Section | <u>2833</u>              |
| Scale       | <u>1 inch = 200 feet</u> |
| State_Id    | <u>1N1E25CB 18600</u>    |
| Exhibit     | <u>B (Apr 29, 2016)</u>  |

CASE # LU 16-163564 HR

NE 25TH AVE

NE TILLAMOOK ST

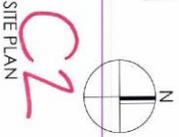


**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *W. [Signature]*  
 Date 8/30/2016

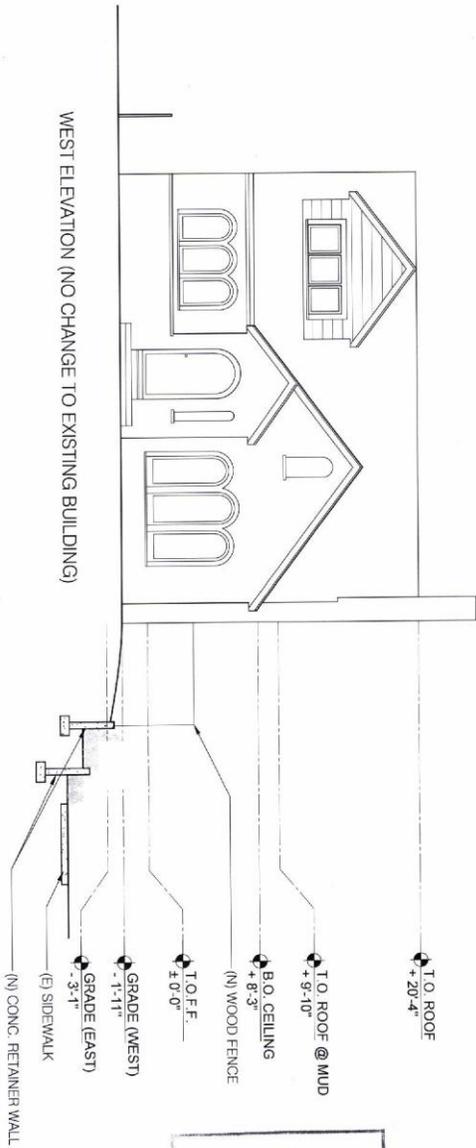
\* This approval applies only to the review conditions of approval and is subject to all applicable zoning requirements that may apply.

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A10

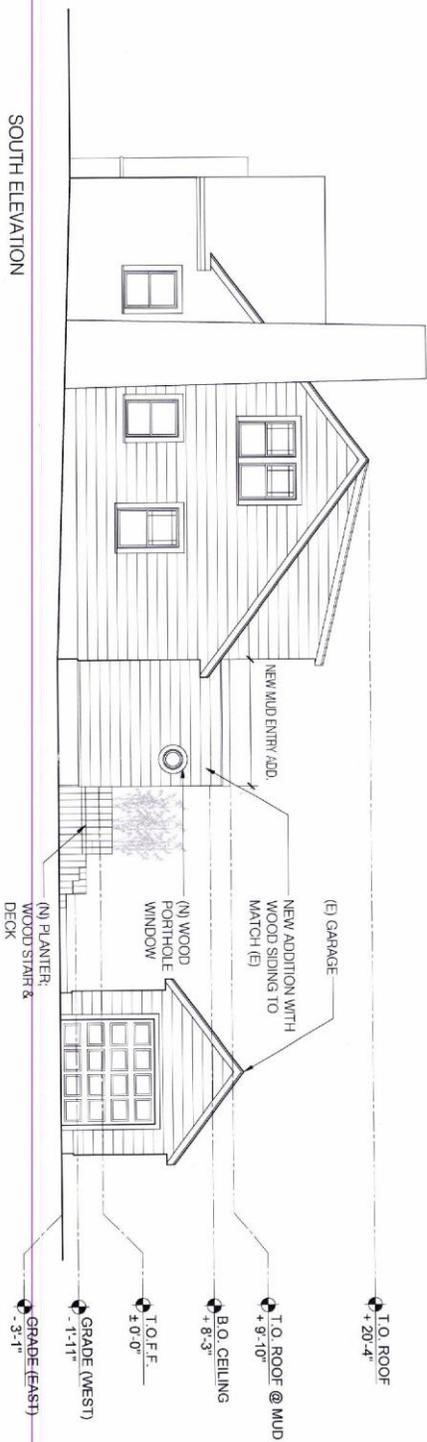
PROPOSED SITE PLAN  
SCALE = 1"=10'



|                        |         |                                 |         |  |   |
|------------------------|---------|---------------------------------|---------|--|---|
| SHEET NO<br><b>SK3</b> | DRAWING | LAND USE REVIEW LU 16-163564 HR | PROJECT | 25TH AVE RESIDENCE<br>2104 NE 25TH AVE, PORTLAND, OR 97212 | RISA BOYER ARCHITECTURE<br>1501 SE Water Ave Suite 225 Portland OR 97214<br>503.506.2648 11 503.493.7143 <a href="http://www.risa-boyer.com">www.risa-boyer.com</a> |
|                        | JOB NO  | 16182                           | SCALE   | NTS  |   |
|                        | DATE    | 06.29.16                        |         |  |   |



WEST ELEVATION (NO CHANGE TO EXISTING BUILDING)



SOUTH ELEVATION

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *W. J. [Signature]*  
 Date *8/30/2016*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.

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 A4.1

PROPOSED ELEVATIONS  
 1/8" = 1'-0"

|                        |   |  |  |
|------------------------|---|--|--|
| SHEET NO<br><b>SK5</b> | DRAWING LAND USE REVIEW LU 16-163564 HR<br>JOB NO 16182<br>SCALE NTS<br>DATE 06.29.16 | PROJECT<br><b>25TH AVE RESIDENCE</b><br>2104 NE 25TH AVE, PORTLAND, OR 97212 | RISA BOYER ARCHITECTURE<br>1051 SE Water Ave Suite 230 Portland OR 97214<br>(503) 806-2448 (503) 492-7143 <a href="http://www.risa-boyer.com">www.risa-boyer.com</a> |
|------------------------|---|--|--|