



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Interim Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 26, 2017  
**To:** Interested Person  
**From:** Emily Hays, Land Use Services  
503-823-5676 / [Emily.Hays@portlandoregon.gov](mailto:Emily.Hays@portlandoregon.gov)

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

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

### **CASE FILE NUMBER: LU 17-154165 HR - EXPANDED REAR DECK & NEW DOORS**

#### **GENERAL INFORMATION**

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

**Owners:** Emmaly I Maynard & James B Maynard  
2625 NE 16<sup>th</sup> Avenue  
Portland, OR 97212

**Site Address:** **2625 NE 16<sup>th</sup> Avenue**

**Legal Description:** BLOCK 61 LOT 3, IRVINGTON  
**Tax Account No.:** R420413150  
**State ID No.:** 1N1E26AC 17100  
**Quarter Section:** 2732

**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact at [chair@nnebaportland.org](mailto:chair@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Plan District:** None  
**Other Designations:** Contributing Resource in the Irvington Historic District

**Zoning:** R5a – Residential 5,000 with Alternative Design Density 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 is seeking Historic Resource Review for alterations to a contributing resource in the Irvington Historic District. The proposal includes the expansion of a rear deck 2'-0" toward the West (rear) property line and 9'-6" toward the North (side) property line; the addition of a pair of 5'-0" x 6'-8" wood French doors opening onto the new portion of the deck where none previously existed; and replacement of an existing wood door with a new wood French door also on the rear facade.

Historic resource review is required because the proposal is for non-exempt exterior alterations on a resource in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- *Criteria in Section 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 1916. The residence has been evaluated as a "contributing" resource in the National Register of Historic Places for the Irvington Historic District. 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.

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 Transportation System Plan (TSP) designates NE 16<sup>th</sup> Avenue as *Local Service Bikeway*, *Minor Emergency Response Street*, and a *Local Service Walkway*.

**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 Alternative Design Density "a" overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**Land Use History:** City records indicate no prior land use reviews.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **June 7, 2017**. No written responses have been received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 7, 2017**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Land Use Committee, on June 21, 2017 wrote that the ICA land use committee has no objections to the proposal.

## **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.

**Findings for 1, 2, 3 & 4:** The proposed alterations are minimal and limited to the rear of the house; the proposal includes the expansion of a rear deck 2'-0" toward the West (rear) property line and 9'-6" toward the North (side) property line; the addition of a pair of 5'-0" x 6'-8" wood French doors opening onto the new portion of the deck where none previously existed; and replacement of an existing wood door with a new wood French door also on the rear facade.

The expanded deck runs the width of the rear extension of the house to square off and simplify the overall "footprint" of the structure. The existing guardrail will be reused and extend to the new portion of the deck. New 4x4 cedar posts with tiered cedar caps will extend the guardrail 3'-0" above the finished deck at approximately 6'-0" intervals. The addition of new doors on the bumped out portion of the rear wall, to allow access to the expanded rear deck, increases the functionality of the home without a significant effect on the character of the home or the district. In addition, the two new full light doors will be constructed of wood and will be visually compatible with the rest of the original wood elements on the house. The proposed replacement door will sit within the existing opening and be designed to match the new entry doors. The changes will not be seen from the street. The house will remain a record of its time. *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.

**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 5, 7 & 9:** The new doors will be differentiated from the old by this record and in style. The two new doors will be paired centrally on a bumped out portion of the rear facade. The full light doors are unique to the rear of the property, providing a unified design language to the back of the property while maintaining compatibility with the original features of the home. The new construction will not destroy historic materials that characterize the property; the proposed deck work is limited to a small area at the rear of the house, which will be unseen from the street, and be designed to match existing. The trellis component will be removed from the existing portion of the deck. The essential form and integrity of the house will remain intact if any of the proposed features are removed in the future. *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.

**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 & 10:** As noted above, the proposed work is limited to a small area at the rear of the house and will not be seen from the street. However, the proposed alterations are compatible with the existing resource and the district as a whole in that the new doors will be constructed of wood to match other features on the house

and they will be located in the existing opening and at a similar depth in the wall plane as other doors on the house.

The proposed alterations will not destroy historic materials that characterize the property and the new work will be differentiated with the relatively contemporary products and materials proposed. The proposed alterations to non-original elements are compatible with the property and the resource (the District) and will not compromise the architectural integrity of the property or the Irvington Historic 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**

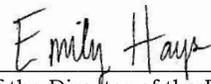
The proposed alterations are limited in scope and designed to minimize impact on the historic character of the house. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of alteration in the Irvington Historic District, including the expansion of a rear deck 2'-0" toward the West (rear) property line and 9'-6" toward the North (side) property line; the addition of a pair of 5'-0" x 6'-8" wood French doors opening onto the new portion of the deck where none previously existed; and replacement of an existing wood door with a new wood French door also on the rear façade, per the approved site plans, Exhibits C-1 through C-5, signed and dated June 22, 2017 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 17-154165 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Emily Hays**

**Decision rendered by:**  **on June 22, 2017**

By authority of the Director of the Bureau of Development Services

**Decision mailed June 26, 2017**

**Procedural Information.** The application for this land use review was submitted on April 17, 2017, and was determined to be complete on June 1, 2017.

*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 17, 2017.

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: August 15, 2017.**

**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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **June 27, 2017** by the Bureau of Development Services.

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

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

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

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

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

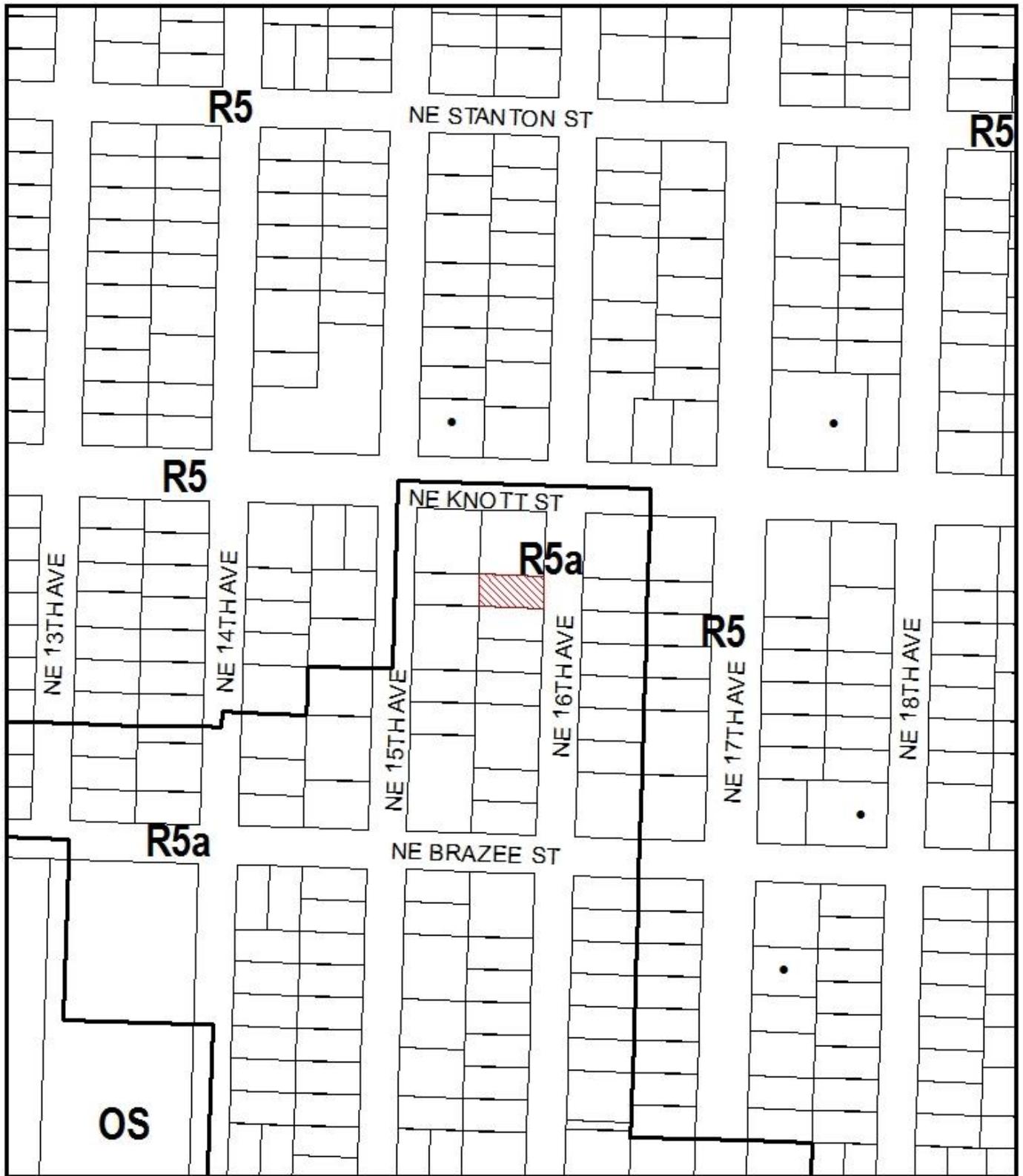
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Site Plan
  - 2. Proposed West & South Elevations (*not used*)
  - 3. Site Plan, Floor Plan & Elevations (*not used*)
  - 4. Existing Photo Rear Deck
  - 5. Existing Photo
  - 6. Guidelines Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions (attached)
  - 2. Proposed Conditions (attached)
  - 3. Railing Section Detail
  - 4. Door Elevation
  - 5. Door Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None.
- F. Correspondence:
  - 1. Dean Gisvold, June 13, 2017, ICA Land Use Committee – The ICA land use committee reviewed this application and has no objections.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**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

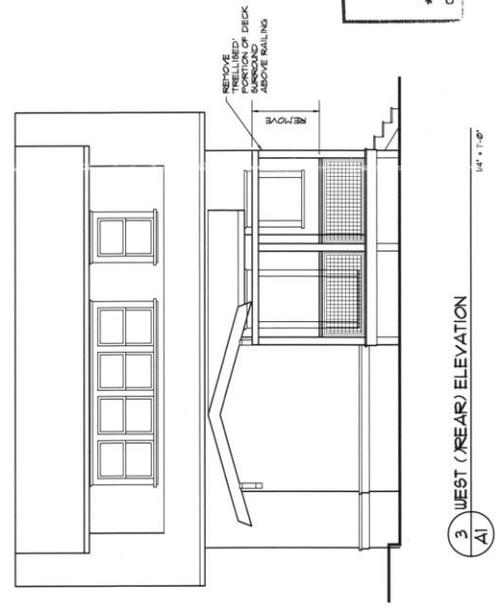
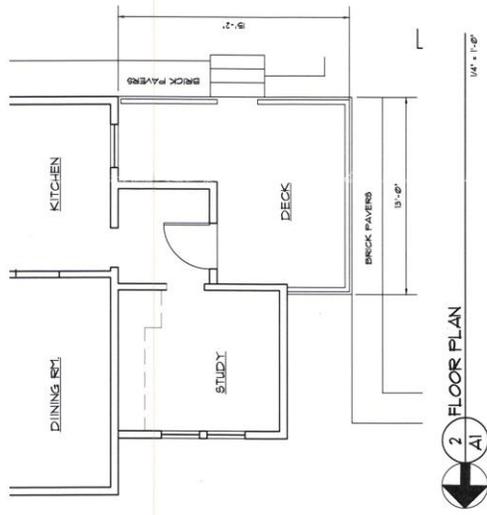
File No. LU 17-154165 HR  
 1/4 Section 2732  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26AC 17100  
 Exhibit B (Apr 18, 2017)



DAVID M. SMITH  
 REGISTERED ARCHITECT  
 STATE OF OREGON  
 LICENSE NO. 12000  
 OFFICE: 503.243.9040  
 DMS@DMSARCHITECTS.COM

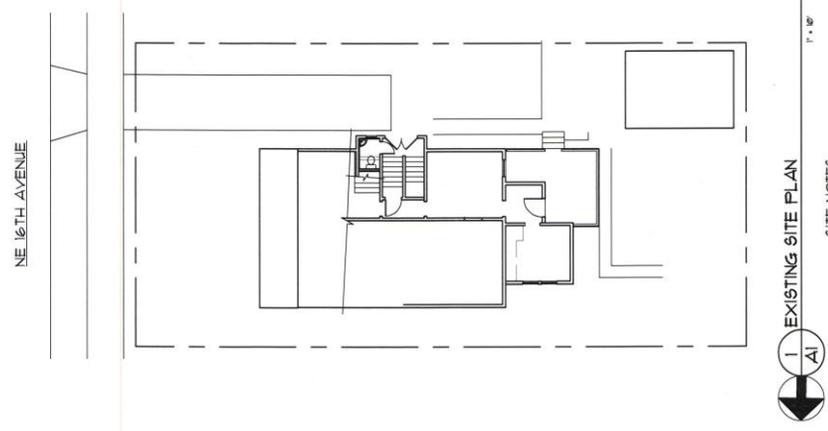
MAYNARD ADDITION  
 2625 NE 16TH AVENUE  
 PORTLAND, OREGON 97212

SHEET CONTENT: EXIST. CONDITIONS DRAWING  
 JOB No. 000016  
 DRAWN: DMS  
 CHECKED: DMS  
 DATE: 5-31-17  
 REVISIONS:  
 SHEET A1, of 1



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner: Emma Hayes Date: 6/22/17  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

W17-1541USHR  
 Exhibit C1



SITE NOTES:  
 1. SHOWN AS EXISTING  
 2. EXISTING CONDITIONS  
 3. EXISTING CONDITIONS  
 4. EXISTING CONDITIONS  
 5. EXISTING CONDITIONS

