



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

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Date: January 19, 2018
To: Interested Person
From: Santiago Mendez, 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 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 17-279562 HR – EXTERIOR IMPROVEMENTS

GENERAL INFORMATION

Owner/Applicant: Richard N Rosenhaft
2335 NE 24th Avenue
Portland, OR 97212
rangnath@aol.com

Site Address: **2335 NE 24TH AVE**

Legal Description: BLOCK 6 LOT 6-8, IRVINGTON
Tax Account No.: R420401110
State ID No.: 1N1E26DA 08500
Quarter Section: 2832

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Soul District Business Association, contact at outreach@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 with Historic Resource Protection Overlay
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:

The applicant requests Historic Resource Review approval for exterior improvements to a contributing resource in the Irvington Historic District. Exterior improvements include the following:

- Remove and replace 12' of concrete stairs leading to concrete landing on the front entry of the property. Save concrete "cheek walls" if possible or replace with concrete if necessary.
- Remove and replace concrete landing, two concrete steps and the concrete pad of the front entry with concrete.
- Replace existing wrought iron railing with new wrought iron railing. Add wrought iron railing for the two steps leading to the concrete pad.

Historic Resource review is required for the proposed exterior improvements to this contributing resource in the Irvington 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:

- Criteria in Section 33.846.060.G of the Portland Zoning Code

ANALYSIS

Site and Vicinity: The subject property was built in 1908 in the Bungalow style. It was designed by architect Emil Schacht and built by Victor Carlson.

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.

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.

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.

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 that prior land use reviews include the following:

- LU 90-021856 – Home Occupation application.
- LU 14-141526 HR – Approval for rooftop solar installation on detached garage.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 26, 2017**. No written responses have been received from City Bureaus.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 26, 2017**. One written responses have been received from the Neighborhood Association in response to the proposal.

1. Dean Gisvold, Chair of the Irvington Community Association (ICA) Land Use Committee, on January 8, 2017, wrote that the ICA Land Use Committee has reviewed this application and has no objections to its approval.

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.

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 1, 8 and 10: No historic materials will be removed or altered, thus preserving the character-defining features of the historic property. The removal and replacement of concrete stairs, landing and wrought iron railing will improve accessibility and enhance the architectural integrity of the property, with a design solution that is historically compatible with the building in question.

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 proposed exterior improvements to 2335 NE 24th Avenue in Irvington Historic District will help to repair and enhance this building. The addition is architecturally compatible in massing, scale and materials with the building in question and will add to the overall appearance of the neighborhood.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior improvements to 2335 NE 24th Avenue, per the approved site plans, Exhibits C-1 through C-4, signed and dated 1/16/2018, 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 17-279562 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: Santiago Mendez

Decision rendered by:  **on 1/16/2018**

By authority of the Director of the Bureau of Development Services

Decision mailed: 1/19/2018

Procedural Information. The application for this land use review was submitted on December 6, 2017, and was determined to be complete on December 20, 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 December 6, 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: April 19, 2018.**

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.

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 **1/19/2018** 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:

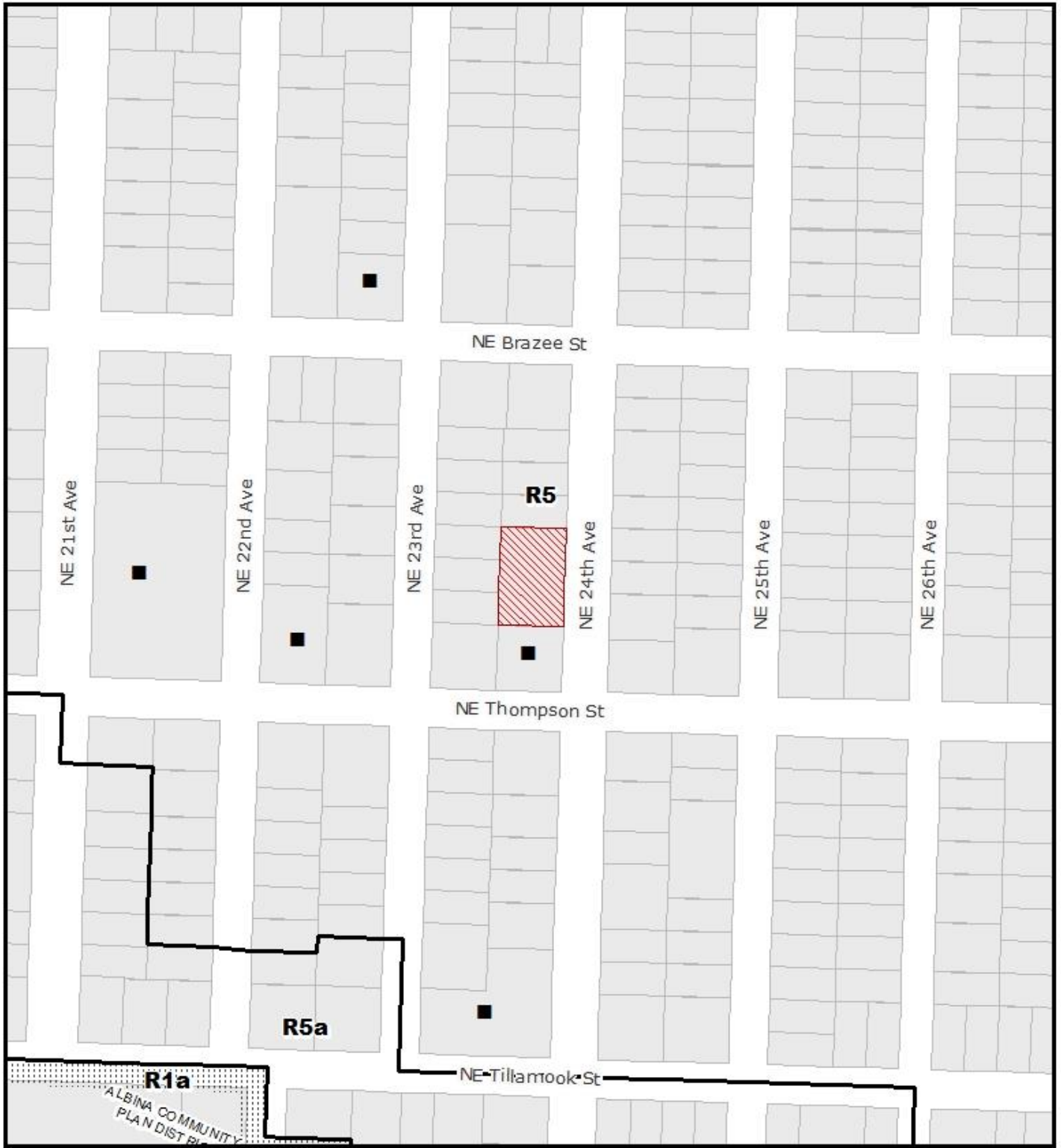
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front Entry Plan (attached)
 - 3. Front Elevation (attached)
 - 4. Railing Manufacturer's Cut Sheet
- 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: None
- 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).



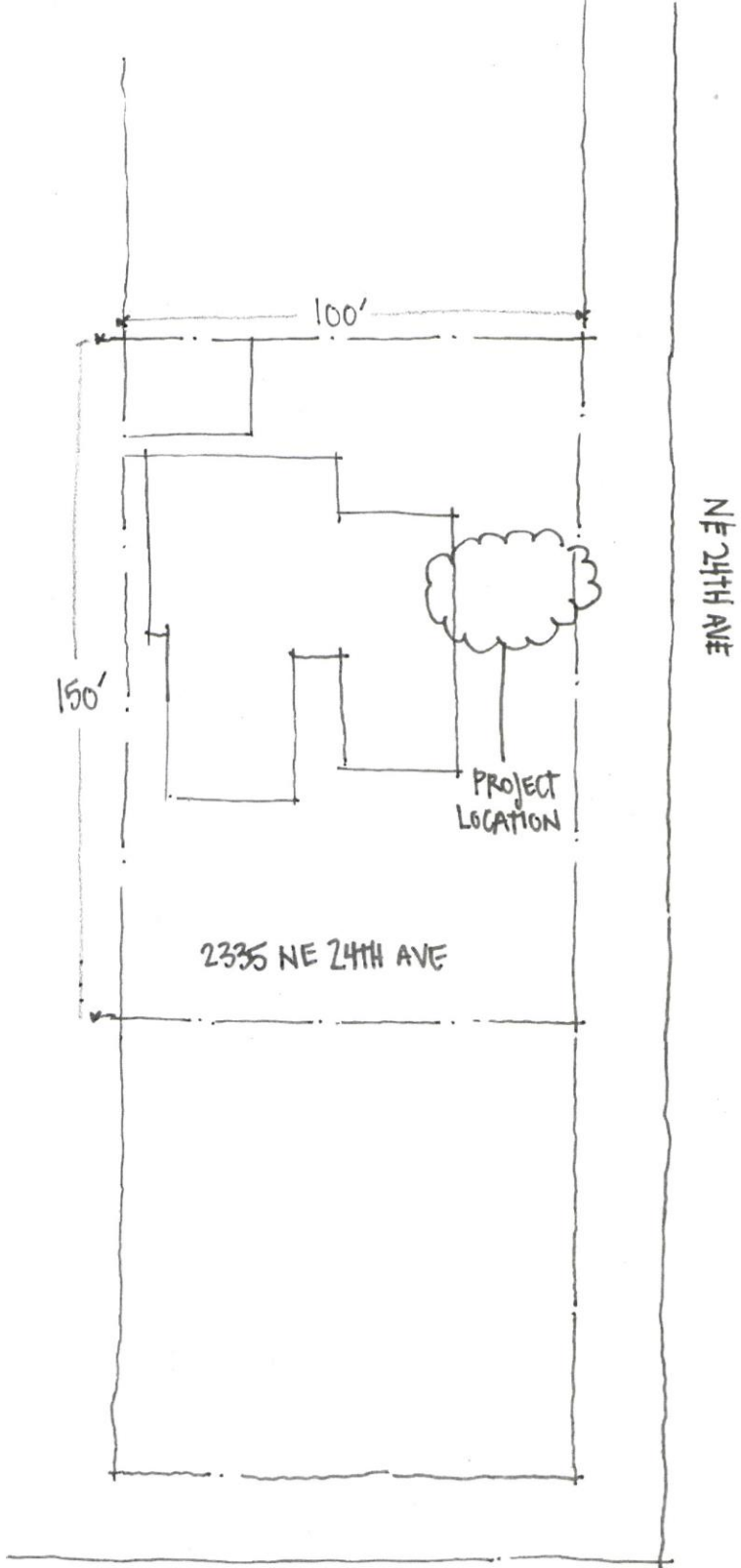
ZONING 
 NORTH
 THIS SITE LIES WITHIN THE:
 IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 17-279562 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DA 8500
Exhibit	B Dec 11, 2017

Approved
City of Portland - Bureau of Development Services
Planner SM
Date 1/16/18
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

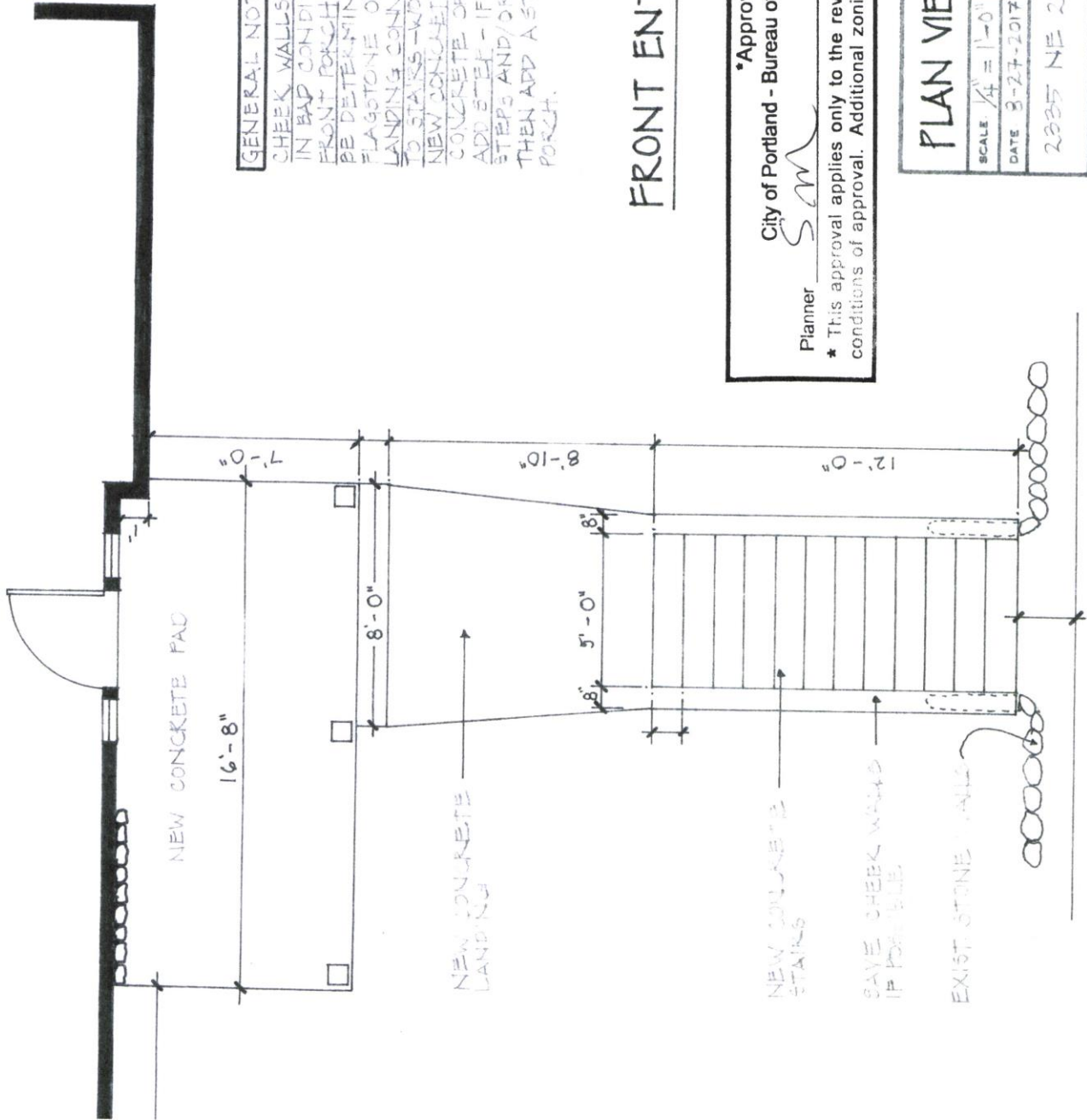
SITE PLAN



NE THOMPSON ST.



LU 17-279562 HR
EXHIBIT C-1



GENERAL NOTES

CHEEK WALLS - KEEP EXIST. IF NOT IN BAD CONDITION.
 FRONT PORCH - SURFACE FINISH TO BE DETERMINED BY CLIENT. POSSIBLE FLAGSTONE OR FINISHED CONCRETE.
 LANDING CONNECTING FRONT PORCH TO STAIRS - WOULD MATCH PORCH SURFACE.
 NEW CONCRETE STAIRS ARE FINISHED CONCRETE OF OWNERS CHOICE.
 ADD STEP - IF OWNERS PREFER. SHOWING STEPS AND/OR A MORE GRADUAL LANDING THEN ADD A STEP AT STAIRWAY OR AT PORCH.

FRONT ENTRY PLAN



SCALE: 1/4" = 1'

Approved
 City of Portland - Bureau of Development Services

Planner *SM* Date 1/16/18

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

PLAN VIEW - FRONT ENTRY

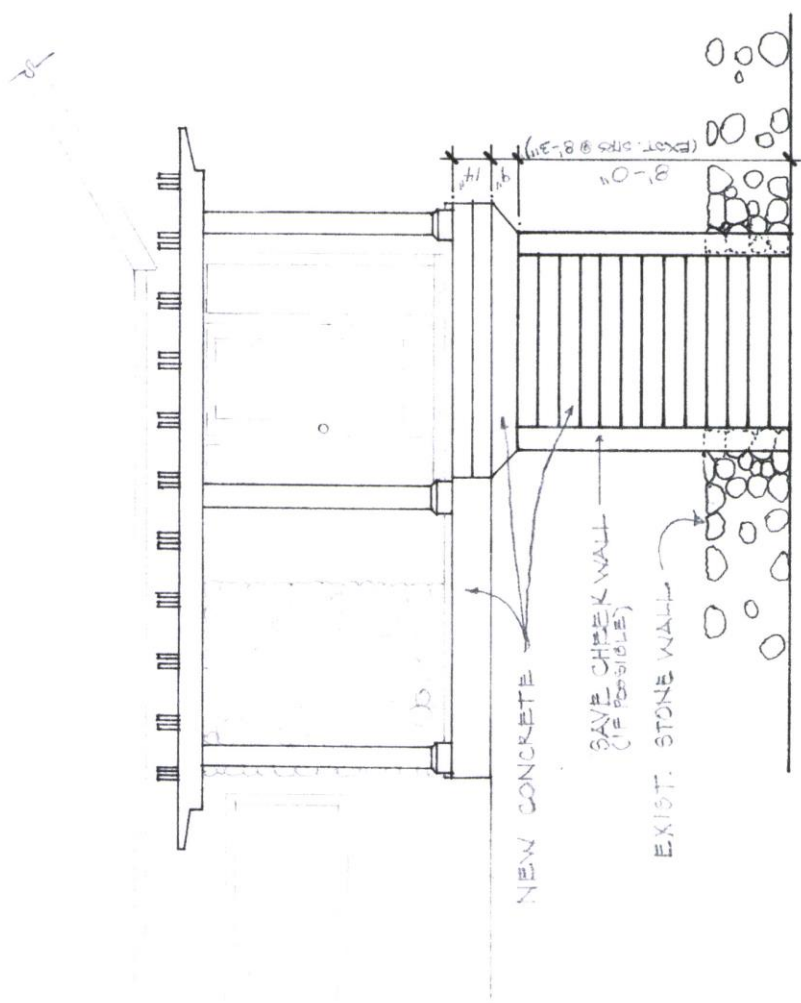
SCALE 1/4" = 1'-0"	APPROVED BY	DRAWN
DATE 3-27-2017		REV

2835 NE 24th AVE. PORTLAND, OR

PETE WILSON STONEWORKS INC. #

EXHIBIT C-2

LU17-279562 HR



GENERAL NOTES:
 ADD 1 EXTRA STEP EITHER AT PORCH OR AT FLIGHT OF STAIRS IF OWNER PREFERENCES SHORTER STEPS OR LESS SLOPE AT LANDING.

FRONT ENTRY ELEVATION
 SCALE:

Approved
 City of Portland - Bureau of Development Services
 Planner SM Date 1/16/18
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

ELEVATION VIEW - FRONT	
SCALE $\frac{1}{4}'' = 1'-0''$	APPROVED BY
DATE	DRAW #
2335 NE 24TH AVE PORTLAND, OR 97	
PETE WILSON STONEWORKS, INC.	

EXHIBIT C-3 LU17-279562HR