



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

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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** 7/21/22  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
503-865-6516 / [staci.monroe@portlandoregon.gov](mailto:staci.monroe@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 22-153458 HR – NEW WINDOW**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Conor Wood | [cnrwood@gmail.com](mailto:cnrwood@gmail.com)  
2623 NE 9th Ave | Portland, OR 97212

**Site Address:** 2623 NE 9TH AVE

**Legal Description:** BLOCK 108 LOT 3, IRVINGTON  
**Tax Account No.:** R420423680  
**State ID No.:** 1N1E26BC 14700  
**Quarter Section:** 2731  
**Neighborhood:** Irvington, contact Tony Greiner at [tony\\_greiner@hotmail.com](mailto:tony_greiner@hotmail.com)  
**Business District:** Soul District Business Association, contact at [Info@nnebaportland.org](mailto:Info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact at [info@necoalition.org](mailto:info@necoalition.org)  
**Plan District:** NONE  
**Other Designations:** Contributing resource in Irvington Historic District  
**Zoning:** R5 – Single Dwelling Residential 5,000 zone with a Historic Resource Protection Overlay 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 requests Historic Resource Review for an exterior alteration to a contributing resource in the Irvington Historic District. The proposal is limited to the addition of a new 25" x 50" wood, double hung window on the west elevation.

Historic Resource Review is required when the work proposed does not meet the exemptions of Section 33.445.200.D.2.

**Relevant Approval Criteria:**

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

- Section 33.846.060.G - Other Approval Criteria  
[portland.gov/sites/default/files/code/33.846-historic-resource-reviews.pdf](http://portland.gov/sites/default/files/code/33.846-historic-resource-reviews.pdf)

**ANALYSIS**

**Site and Vicinity:** The 4,400 SF lot is located on the western side of NE 9th with NE Knott to the north and NE Brazee to the south. The single-story house built in 1920 in the Minimal Traditional style sits central on the property with a detached garage at the SW corner. The surrounding properties in all directions are similarly zoned R5 and developed with single family homes.

**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.

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 there are no prior land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **June 30, 2022**. No Bureaus provided responded given the small scale of the proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 30, 2022**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Tony Greiner, email dated 7/11/22, Irvington Neighborhood Association Land Use Committee, in support so long as the trim and number of window panes match those on the existing house.

**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.

**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.

**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, 7, 8 and 10:** The proposal meets these guidelines in the following manner:

- The new window is located on the rear façade of the residence where visibility from the public right-of-way is limited. A small portion of the original siding will be removed to insert the window, however, it is negligible as the size of the single window is 28"x50". Removal of the siding will not have detrimental effect on the historic district as a whole and the window will benefit the rear façade compositionally, as noted below.
- The new window is made of wood with size and sash proportions similar to those found on the original windows on the house. The sill height will align the adjacent pair of windows as well as the one-over-over sashes. The window trim and inset will also match those found on the resource.
- While being compatible with the original building elements, the new window will be distinguishable from the original windows as it will have double paned glass.
- The new window respects the architectural integrity of the house by matching the existing original wood windows on the house in terms of proportions, material, trim and window details. Furthermore, the location of the new window will provide articulation on a somewhat bare façade and complement the window pair resulting in a coherent composition on the rear façade and overall structure. Wood double hung windows are also the most common feature found on houses from the period of significance in the district.

*These guidelines 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 requirements of Title 11 can be met, and 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 a new wood window on the west elevation per the approved site plans, Exhibits C-1 through C-5, signed and dated 7/18/22, 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 22-153458 HRB." 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: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on 7/18/22**

By authority of the Director of the Bureau of Development Services

**Decision mailed 7/21/22**

**Procedural Information.** The application for this land use review was submitted on June 16, 2022, and was determined to be complete on June 27, 2022.

*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 16, 2022.

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 extended by the applicant, **the 120 days will expire on 10/25/22.**

**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 **7/21/22** 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:

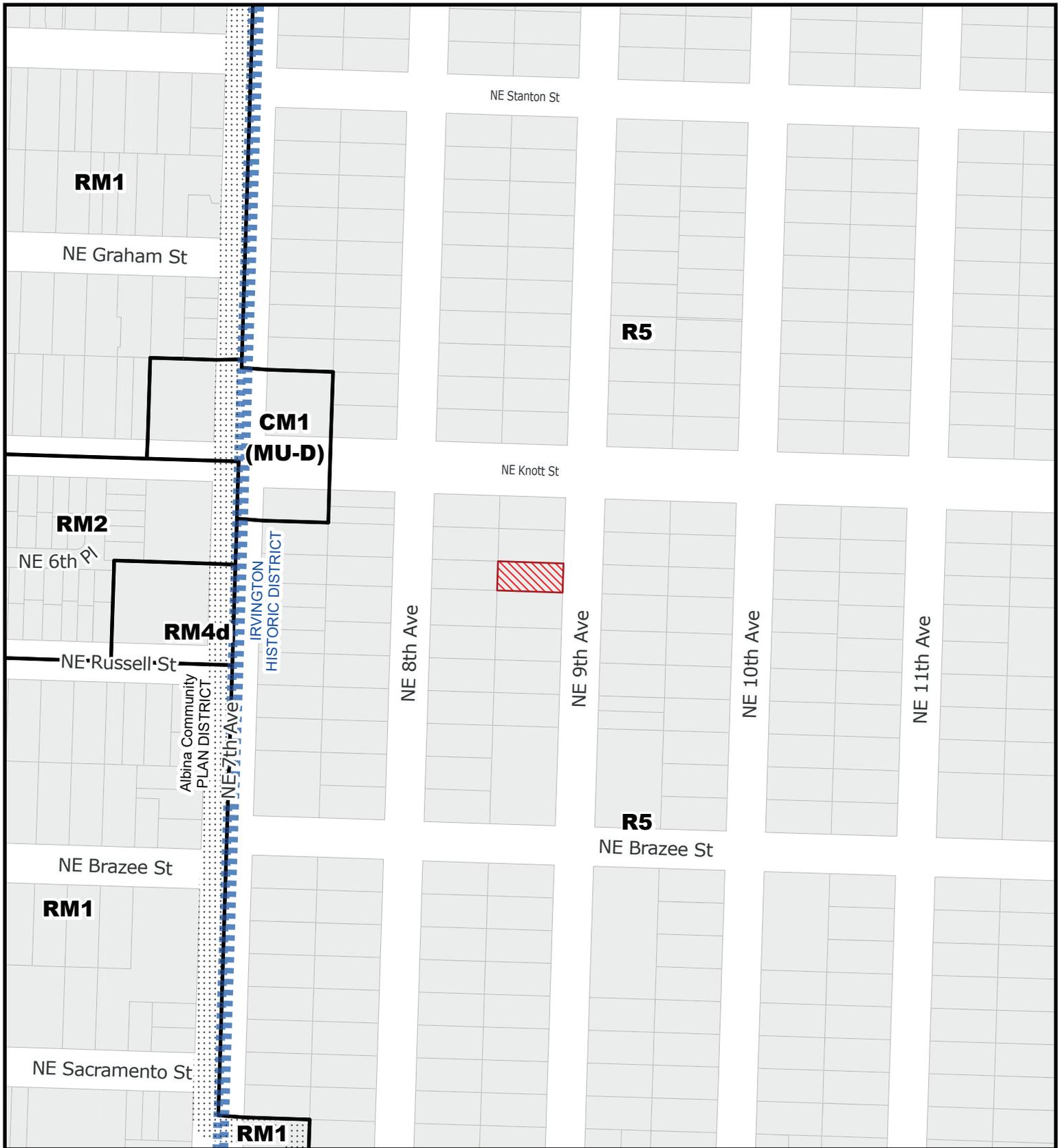
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Project description & narrative
  - 2. Photos of existing conditions
  - 3. Existing Window Details
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Proposed Floor Plan
  - 3. Proposed West Elevation (attached)
  - 4. Proposed Window Details
  - 5. Proposed Window Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
  - 1. Tony Greiner, email dated 7/11/22, Irvington Neighborhood Association Land Use Committee, in support so long as the trim and number of window panes match those on the existing house.
- G. Other:
  - 1. Original LU Application
  - 2. Email correspondence between staff and applicant

**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).**



For Zoning Code in effect Post August 1, 2021

# ZONING

 Site

THIS SITE LIES WITHIN THE:  
IRVINGTON HISTORIC DISTRICT

File No.	<u>LU 22 - 153458 HR</u>
1/4 Section	<u>2731</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E26BC 14700</u>
Exhibit	<u>B Jun 16, 2022</u>

# WOOD RESIDENCE

Home Renovation

## ADDRESS

2623 NE 9th Ave  
Portland, OR 97212

## DATE

06/13/22

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

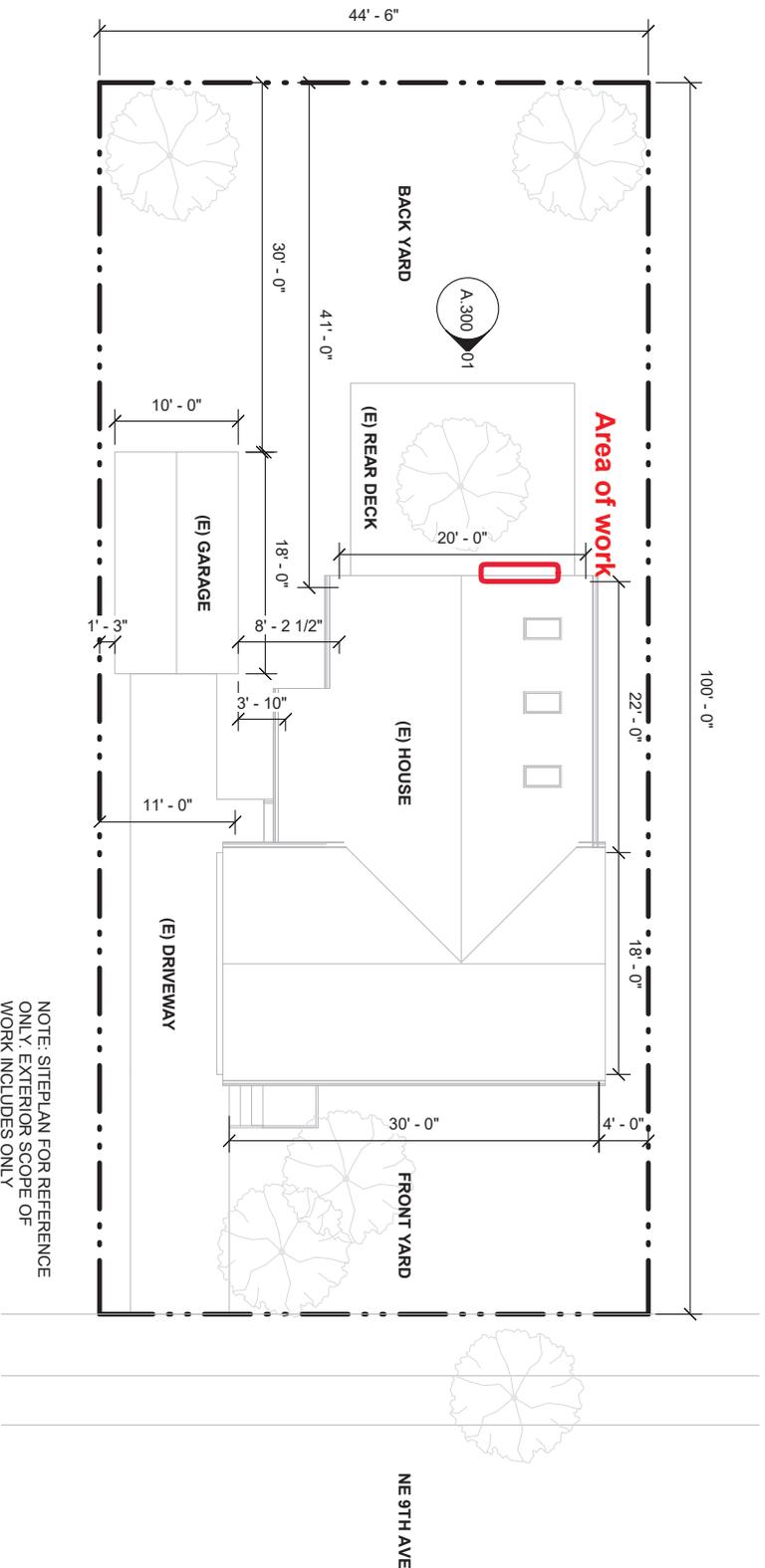
Date 07-18-2022

Planner

*[Signature]*

City of Portland  
Bureau of Development Services

\*Approved\*



NOTE: SITEPLAN FOR REFERENCE ONLY. EXTERIOR SCOPE OF WORK INCLUDES ONLY ELECTRICAL REPAIRS AND (N) EGRESS WINDOW TO REAR DECK

SITEPLAN

01 ⊕ A.100

1" = 10'-0"  
LU 153458 HR  
Exhibit C1

# WOOD RESIDENCE

Home Renovation

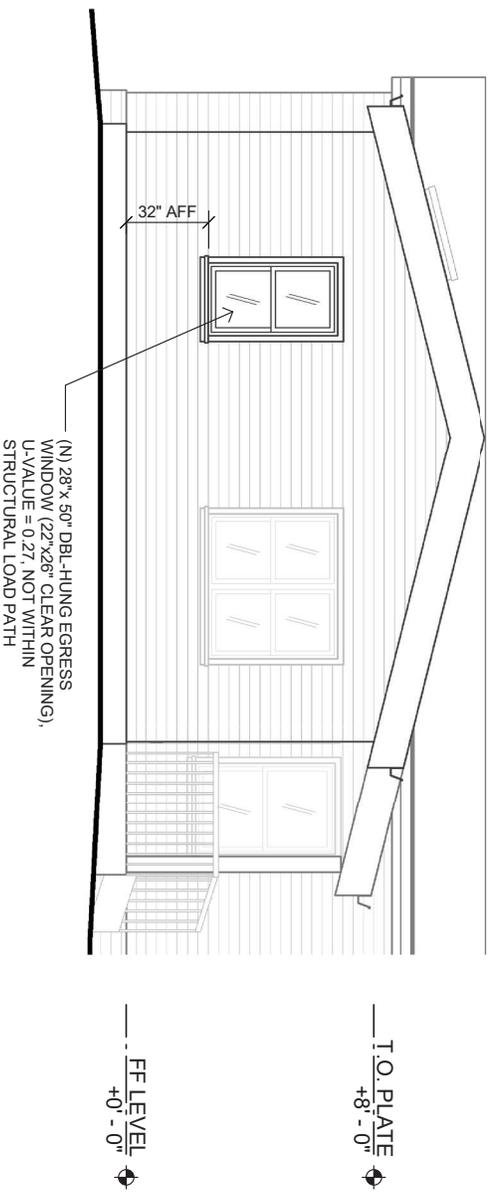
## ADDRESS

2623 NE 9th Ave  
Portland, OR 97212

## DATE

06/13/22

\*Approved\*  
City of Portland  
Bureau of Development Services  
*[Signature]*  
Planner \_\_\_\_\_  
Date 07-18-2022  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



WEST ELEVATION

1/4" = 1'-0"

# 01 A.300

LU 153458 HR  
Exhibit C3