



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

Dan Saltzman, Commissioner  
 Paul L. Scarlett, Director  
 Phone: (503) 823-7300  
 Fax: (503) 823-5630  
 TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 29, 2016  
**To:** Interested Person  
**From:** Puja Bhutani, Land Use Services  
 503-823-7226 / [Puja.Bhutani@portlandoregon.gov](mailto:Puja.Bhutani@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 16-109351 HR – REAR EXTERIOR ALTERATIONS**

**GENERAL INFORMATION**

**Applicant:** Justin Smith, Applicant  
 Emerick Architects P.C.  
 321 SW 4th Ave Suite 200  
 Portland, OR 97204

Karla Arria-Devoe, Owner  
 2546 NE 20th Ave  
 Portland, OR 97212

Maurice Menares, Owner  
 2546 NE 20th Ave  
 Portland, OR 97212

**Site Address:** 2546 NE 20TH AVENUE  
**Legal Description:** BLOCK 24 LOT 15, IRVINGTON  
**Tax Account No.:** R420405250  
**State ID No.:** 1N1E26AD 19500  
**Quarter Section:** 2732  
**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 Lokyee Au at 503-388-9030.

**Other Designations:** Non-contributing resource in the Irvington Historic District  
**Zoning:** R5, Single Family Residentail, 5000  
**Case Type:** HR, Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**PROPOSAL:**

The residence is a non contributing resource in the Irvington historic district. The applicant is proposing an interior remodel of the rear section of the ground floor. The associated exterior alterations include:

Rear (East) Elevation:

- Removal of lattice walls and column of the existing porch, and the three windows.
- Enclose the existing porch; add six new double hung wood windows, new exterior wood door and wood steps to access the rear yard.

North Elevation:

- Remove existing window to the rear of the house.
- Patch and infill with siding to match the existing.

South Elevation:

- Removal of lattice walls, door and column of the existing porch, and two windows.
- Enclose the existing porch; add four new wood double hung windows.
- Patch and infill with siding to match the existing.

Historic resource review is required because the proposal is for non-exempt exterior alteration of a structure in the Irvington Historic District.

**RELEVANT APPROVAL CRITERIA:**

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

- 33.846 Historic Resource Review
- 33.846.060.G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject site, which is approximately 5,000 square feet in size, is occupied by a 1.5 story single-dwelling home. The residence is a Bungalow / Colonial Revival style home built in 1915 and classified as a Non-Contributing Resource in the Irvington Historic District. The site is located on the rectangular block bounded by NE 20<sup>th</sup> Avenue to the west, NE Knott Street to the north, NE 21<sup>st</sup> Avenue to the east, and NE Brazee Street to the south.

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' 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:** This property is zoned R5. The Residential 5,000 high-density 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. The R5 zone allows attached and detached single-dwelling structures and duplexes. 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 living unit per 5,000 square feet of site area.

The Historic Resource Protection Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 24, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Life Safety responded with the following comment: "A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances." Please see Exhibit E-1 for additional details

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 24, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, ICA Committee Chair, 3/16/2016, responded with the following comment: "we think the proposed project is well thought out, will use quality materials and new windows, and will allow a more modern use of the interior of the house while maintaining the street facing facade. We approve the application." Please see Exhibit F-1 for additional details.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846.060 - Historic Design Review**

#### **Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Design Review Approval Criteria**

Requests for historic design 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 Design 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.
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 1, 2, 3, 4, 7 & 9:** The proposed exterior alterations are to a non contributing resource in the Historic District. There are no changes being proposed to a historic resource in the district. Furthermore, no historic architectural features or materials are being removed or destroyed. *These criteria are therefore 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:** The residence is a non contributing resource in the Irvington historic district. The proposal is for exterior alteration to the rear section at the ground floor of the subject house, with limited visibility from the street. The proposal includes enclosing a screened in rear porch to create a new family room. The new enclosure will match the existing exterior details, materials, scale and color so as to seamlessly blend in with the existing house. The proposed double glazed Marvin wood windows and Marvin wood door will match the existing in all their details including proportions, profiles, trims and depth. They have been located so as to respect the design and composition of the existing facades. Therefore the exterior alterations are architecturally compatible with existing house, the adjacent properties and the Historic District. *These criteria are therefore 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 alterations will be compatible with the existing character and architectural features of the house, adjacent properties and the rest of the district. 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 exterior alterations to the existing house in the Irvington Historic District, that include:

- East elevation: enclose the existing porch; adding six new double hung wood windows, new exterior wood door and wood steps to access the rear yard.
- North Elevation: Remove existing window and patch and infill with siding to match the existing.
- South Elevation: Enclose the existing porch; add four new wood double hung windows; patch and infill with siding to match the existing.

Approved, per the approved site plans, Exhibits C-1 through C-12, signed and dated 3/23/2016, 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.12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-109351 HR. No field changes allowed."

**Staff Planner: Puja Bhutani**

**Decision rendered by:** Puja Bhutani **on March 23, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 29, 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 January 22, 2016, and was determined to be complete on February 17, 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 January 22, 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.

**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 April 12, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **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 **April 13, 2016 – (the day following the last day to appeal).**
- 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. Applicant Narrative
  - 2. Existing condition photographs
  - 3. Manufacturers cut sheets for door and windows
  - 4. Original Plan sets before revisions- NOT APPROVED/ reference only
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Main Floor demolition plan
  - 3. Main Floor, proposed plan
  - 4. East Elevation, demolition
  - 5. South Elevation, demolition
  - 6. North Elevation, demolition
  - 7. East Elevation, proposed (attached)
  - 8. North Elevation, proposed
  - 9. South Elevation, proposed (attached)
  - 10. Door and Window Schedule
  - 11. Existing and proposed Window details
  - 12. Existing and proposed door details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
- F. Correspondence:
  - 1. Dean Gisvold, ICA Committee Chair, 3/16/2016 responded with the following comment:  
"we think the proposed project is well thought out, will use quality materials and new windows, and will allow a more modern use of the interior of the house while maintaining the street facing facade. We approve the application."
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete letter from staff to applicant, sent 2/10/16


**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

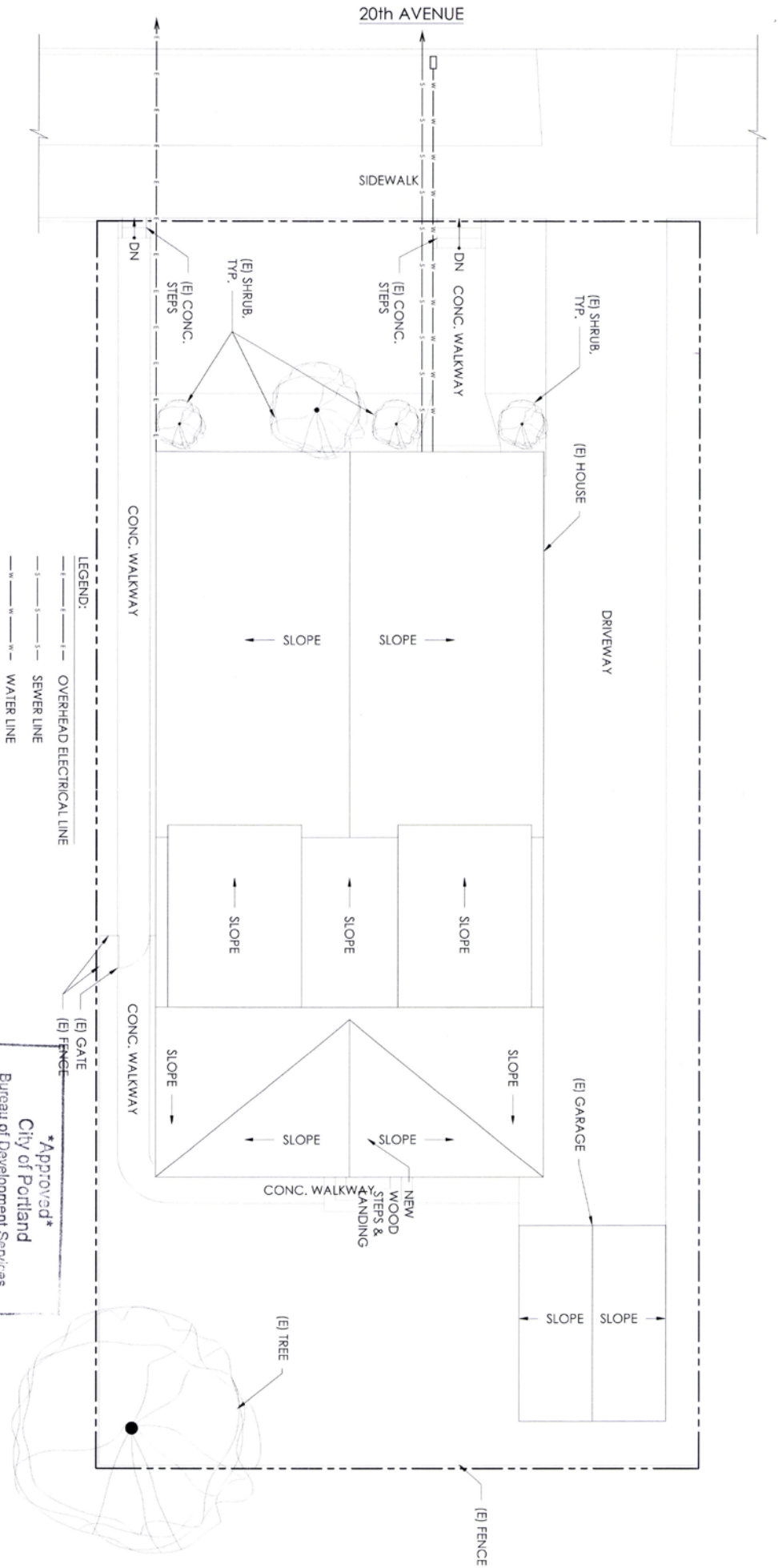


 Site

 Historic Landmark

This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 16-109351 HR  
 1/4 Section 2732  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26AD 19500  
 Exhibit B (Jan 26, 2016)



1

# EXISTING/PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

- LEGEND:
- — — — — OVERHEAD ELECTRICAL LINE
  - - - - - SEWER LINE
  - - - - - WATER LINE

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *P. Bluhm*  
 Date 2-23-16

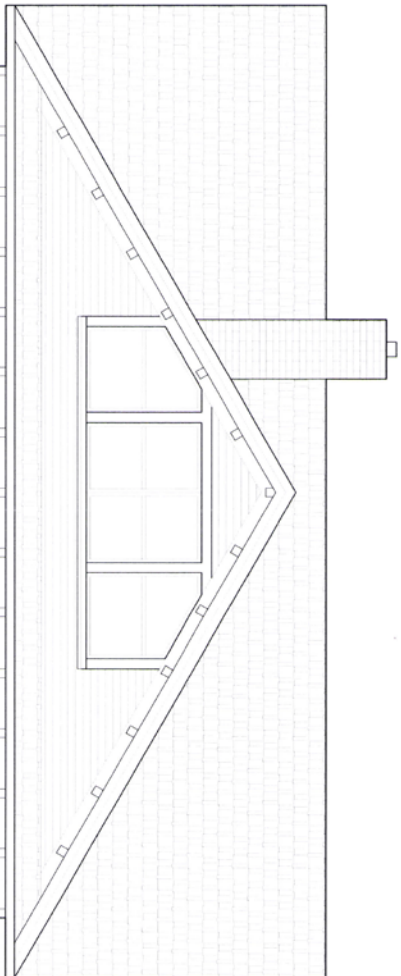
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LAND USE REVIEW - REVISION 1  
 2546 NE 20TH AVE  
 PORTLAND, OR 97212  
**NOT FOR CONSTRUCTION**

**EMERICK ARCHITECTS**

DEVON MENARES  
 JOB #: 1524  
**Bullet c1**

**LUR-1A**  
 DATE: 02-17-16



NEW WINDOWS, DETAILS TO MATCH (E) WINDOWS, PATCH & INFILL WALLS AS NECESSARY, NEW SIDING TO MATCH (E)

NEW EXTERIOR DOOR, DETAILS TO MATCH (E) DOORS, PATCH & INFILL WALLS AS NECESSARY, NEW SIDING TO MATCH (E)  
NEW WOOD STEPS & LANDING

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *P. Schubert*  
Date 3/23/16  
• This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

# EAST ELEVATION - PROPOSED

SCALE: 1/4" = 1'-0"

LAND USE REVIEW - REVISION 1  
2546 NE 20TH AVE  
PORTLAND, OR 97212  
NOT FOR CONSTRUCTION

EMERICK ARCHITECTS

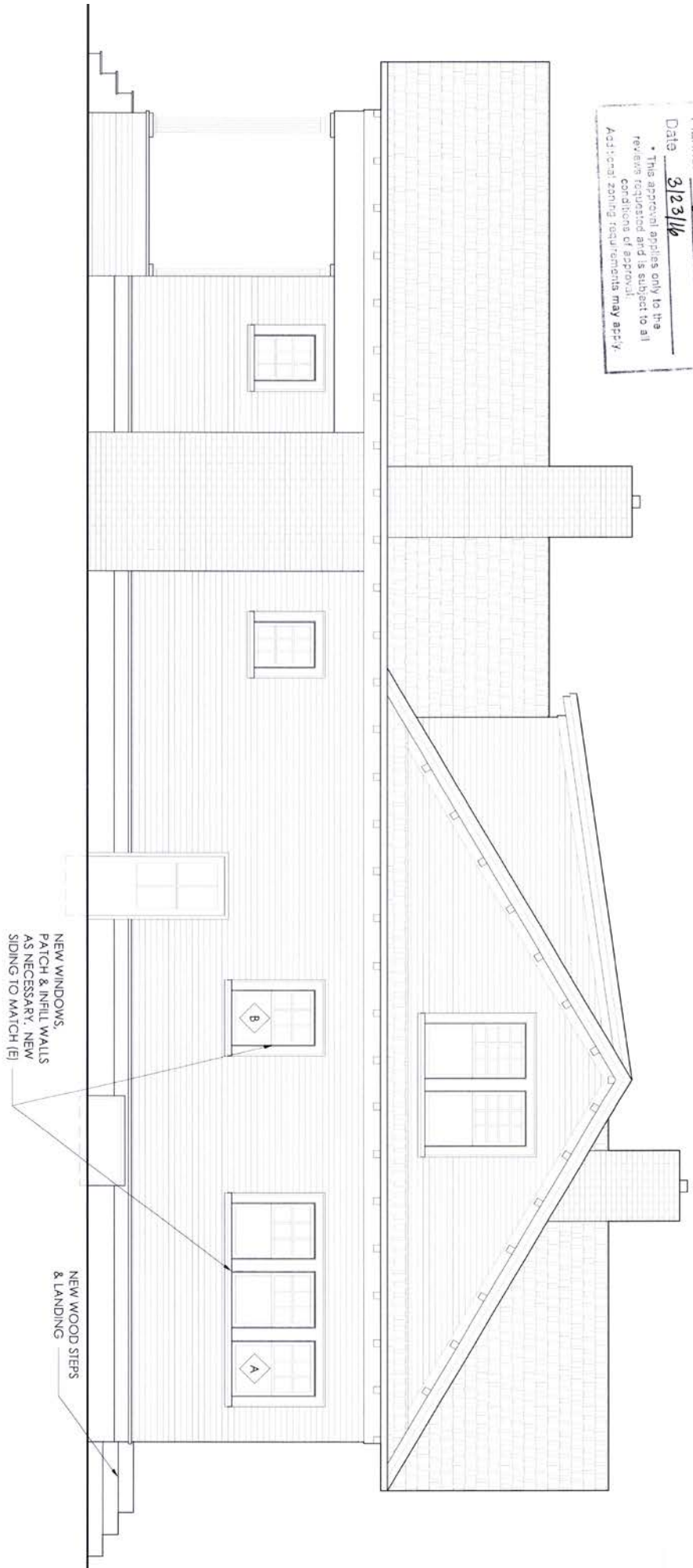
DEVON MENARES  
JOB #: 1524

EXHIBIT CT

LUR-1H

DATE: 02-17-16

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner P. Bulawa  
 Date 3/23/16  
 • This approval applies only to the  
 reviews requested and is subject to all  
 conditions of approval.  
 Additional zoning requirements may apply.



1  
 SOUTH ELEVATION - PROPOSED  
 SCALE: 1/4" = 1'-0"

N  
 LAND USE REVIEW - REVISION 1  
 2546 NE 20TH AVE  
 PORTLAND, OR 97212  
 NOT FOR CONSTRUCTION

EMERICK ARCHITECTS

DEVON MENARES  
 JOB #: 1524  
 EMERICK ARCHITECTS

LUR-11  
 DATE: 2-17-16