



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Portland, Oregon 97201
503-823-7300
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www.portlandonline.com/bds

Date: April 14, 2011
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-119343 HDZ – REPLACEMENT WINDOWS AND DOOR

GENERAL INFORMATION

Applicant: Byron and Cheryl Will
3334 NE 19th Avenue
Portland, OR 97212-2405

Representative: John McCulloch 503-709-0035
McCulloch Construction
1728 SE Lambert Street
Portland, OR 97202

Site Address: 3334 NE 19th Avenue

Legal Description: BLOCK 29 LOT 14, IRVINGTON
Tax Account No.: R420406280
State ID No.: 1N1E26AA 07800
Quarter Section: 2732

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Sabin, Contact David Sweet at 503-493-9434

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Plan District: None
Other Designations: Contributing Resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5, Residential 5000 with Historic Resource protection Overlay
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to replace three small historic windows on the rear of the house with two larger windows matching other windows on the house, and a pair of French doors. Historic Design Review is required because the proposal is for non-exempt exterior alterations on a property in a 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 criteria are:

- 33.846.060 G – Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property is identified as a contributing resource in the documentation for the Irvington Historic District. It was constructed in about 1922, and is a highly intact and well-maintained example of the Dutch Colonial Revival style.

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 address. 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 after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Zoning: The single-dwelling zones, including R5, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

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.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **March 21, 2011**.

Agency Review: None of the notified Bureaus or Divisions has responded with issues or concerns.

Neighborhood Review: A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- On March 25, 2011 F. Arnold and Leslie A. Schneider wrote in favor of the proposal.
- On April 8, 2011 David Sweet, Chair of the Sabin Neighborhood Association Land Use Committee wrote, approving of the proposal but raising concerns about the effect of land use review fees on the affordability of housing in the Sabin Neighborhood. The letter was copied to the City Council, the Directors of the Bureau of Development Services and the Bureau of Planning and Sustainability, and the Irvington and Alameda Land Use Committees.
- On April 11, 2011, Dean Gisvold, Chair of the Irvington Community Association Land Use Committee wrote, approving of the proposal with the stipulation that the new wood windows, and trims match the existing.

Staff Response: While staff recognizes that some areas in the recently designated Irvington Historic District are new to the process, the issue of land use review fees has no bearing on the approval criteria for Historic Design Review. As is apparently understood by the copying of Mr. Sweet's letter, concerns about the appropriateness of land use fees are properly addressed to policy makers.

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*.

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.

Findings: The "property" that has been designated, by virtue of its listing in the National Register of Historic Places, is the Irvington Historic District. By definition historic districts include buildings, sites, structures, and objects which, although they may lack individual distinction, can nonetheless contribute to the overall quality of the larger historic place. The subject house is not eligible for individual designation on the basis of its architectural character, but it does contribute to the historic character of the district because of its intact style, siting, and historic fabric, all of which preserve the historic development pattern, and none of which will be diminished by the proposal.

Within the historic district context the proposal is to alter a rear facade that does not contribute materially to the significance of the historic district, because it is entirely out of view from the public right-of-way. The essential character of the historic district is retained. *This criterion is met.*

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: Three historic windows and a door are proposed for replacement with windows and a door of different size but matching the existing units in materials and operability. These alterations are being undertaken in order to accommodate changes to the kitchen floor plan. Although the proposal replaces historic elements, it will not have an adverse effect on this individual resource's ability to contribute to the character of the Irvington Historic District because the changes are at the rear, and out of view from the public right-of-way. *This criterion is met.*

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 7, 8, and 10: The proposal is for window and door replacement on the rear facade. Building elements out of view from the right-of-way do not characterize a historic district, and are therefore the preferred location for alterations. Although the new windows and door will match the existing opening treatments in most details, they will be subtly distinguishable as modern replacements because of features such as double glazing. *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

This modest proposal, for alterations needed to accommodate the modification of the floor plan, is appropriately located at the rear of the house, out of view from the public right-of-way, where it will have no adverse effect on the character of the Irvington Historic District. The purpose of the Historic Design 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 Design Review guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to replace three historic windows and a door at the rear of a house in the Irvington Historic District;

Approval per Exhibits C-1 through C-3, signed and dated April 12, 2011, subject to the following condition:

- 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 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-119343 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on April 12, 2011.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 14, 2011

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 March 10, 2011, and was determined to be complete on **March 16, 2011.**

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 March 10, 2011.

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 28, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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.

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 Historic 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 Historic 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 29, 2011**.
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

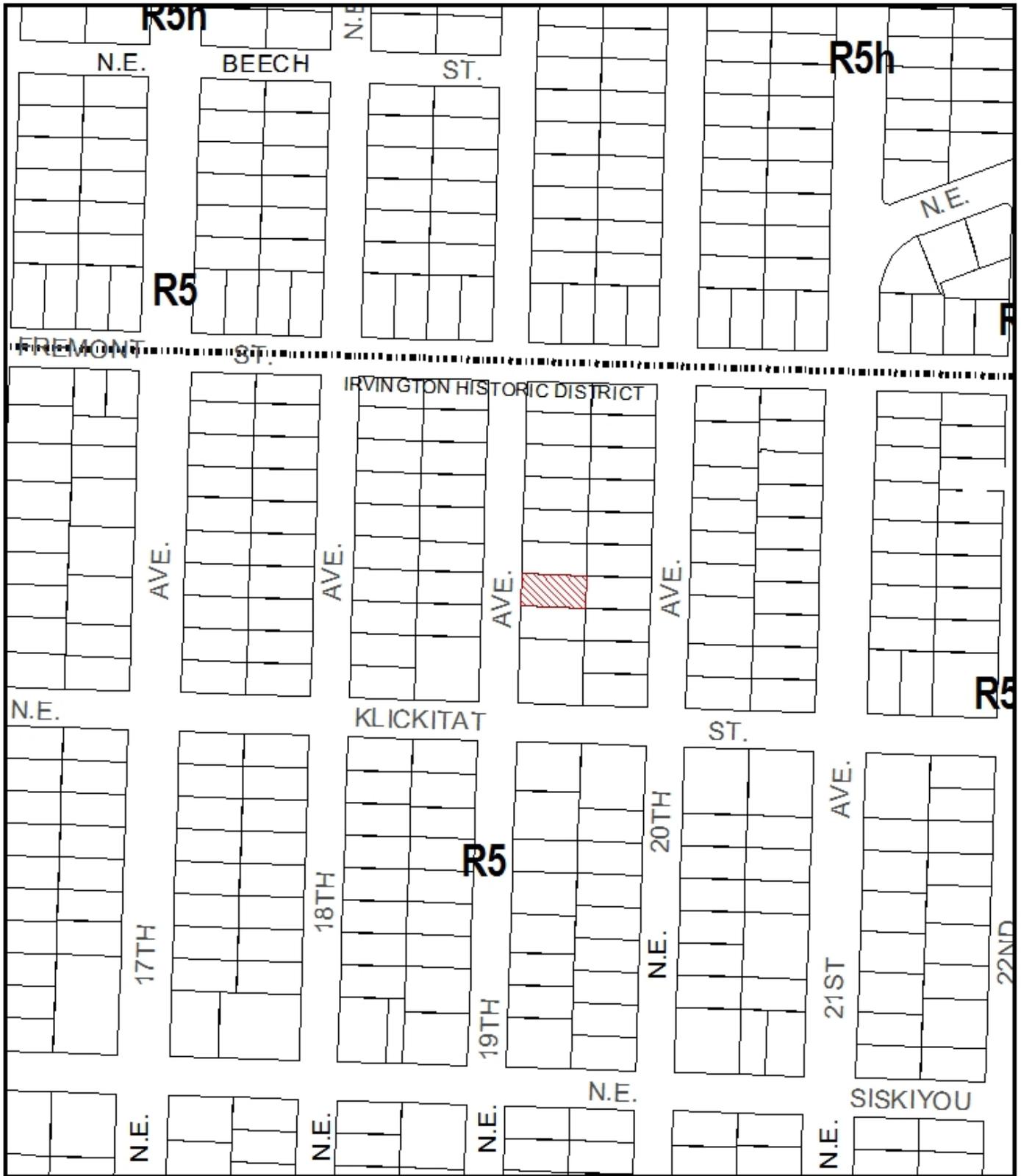
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Floor Plan
 - 3. Existing and Proposed Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
 - 2. Water Bureau
- F. Correspondence:
 - 1. F. Arnold and Leslie A. Schneider, March 25, 2011, wrote in favor of the proposal.
 - 2. David Sweet, Chair of the Sabin Neighborhood Association, April 8, 2011, wrote approving of the proposal and commenting on land use fees.
 - 3. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee wrote, April 11, 2011, approving of the proposal.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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

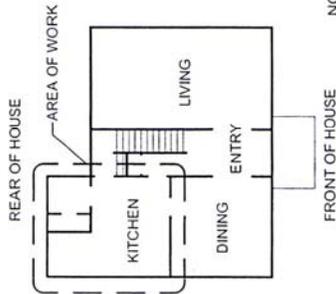


NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

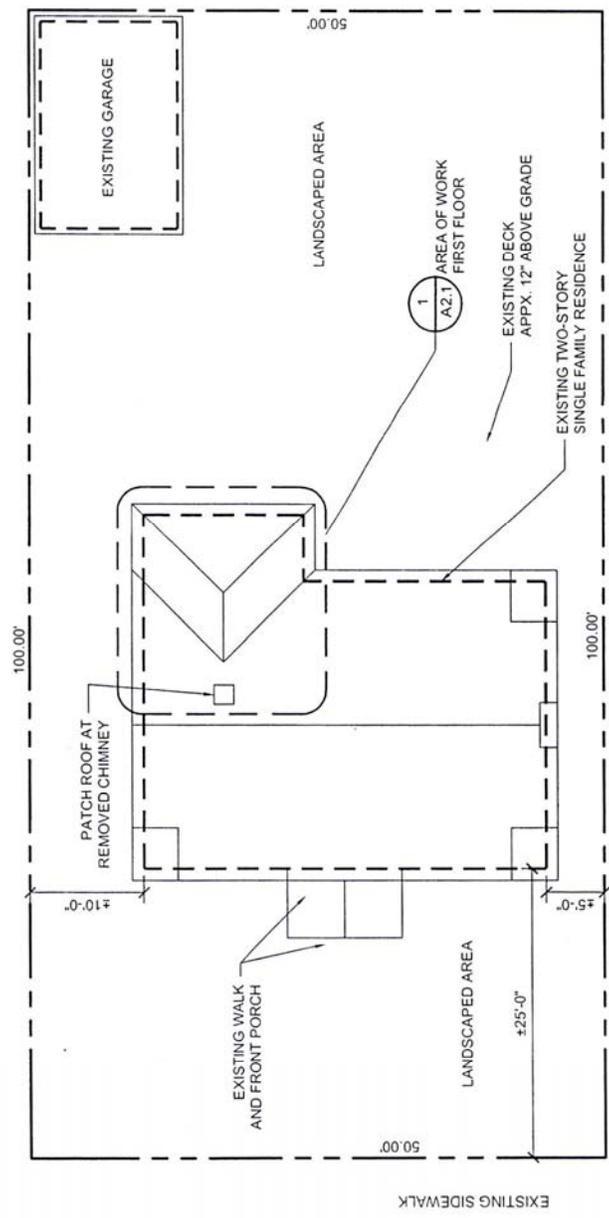
File No. LU 11-119343 DZ
 1/4 Section 2732
 Scale 1 inch = 200 feet
 State_Id 1N1E26AA 7800
 Exhibit B (Mar 15,2011)

1. ALL WORK SHALL BE DONE IN CONFORMANCE WITH THE 2008 OREGON RESIDENTIAL SPECIALTY CODE AND ANY OTHER APPLICABLE CODE, AND TO THE HIGHEST STANDARDS OF WORKMANSHIP FOR ALL TRADES INVOLVED.
2. CONDITIONS AND DETAILS MARKED "TYPICAL" SHALL APPLY IN ALL CASES UNLESS SPECIFICALLY INDICATED OTHERWISE. TYPICAL DETAILS NOT REFERENCED ON DRAWINGS APPLY UNLESS OTHERWISE NOTED BY SPECIFIC NOTES AND DETAILS. WHERE NO SPECIFIC DETAIL IS SHOWN, THE CONSTRUCTION SHALL BE IDENTICAL OR SIMILAR TO WHAT IS INDICATED FOR THE TYPICAL CONSTRUCTION ON THE PROJECT.
3. WHERE NO SPECIFIC STANDARDS ARE SPECIFIED, MATERIALS AND METHODS ARE TO MAINTAIN STANDARDS OF THE INDUSTRY.



3 KEY PLAN
1/16" = 1'-0"

2 GENERAL NOTES
NO SCALE



1 SITE PLAN
1" = 10'-0"

4 PROJECT INFORMATION
NO SCALE

- A1.1 PROJECT INFORMATION, SITE PLAN
A2.1 KITCHEN, DEMO PLANS, DOORS / WINDOWS
A3.1 EXTERIOR ELEVATIONS
A4.1 STRUCTURAL SKETCHES
A4.2 STRUCTURAL SKETCHES

5 DRAWING INDEX
NO SCALE

A1.1

OWNER: BYRON AND CHERYL WILL
ADDRESS: 3334 NE 19th AVENUE
PORTLAND, OR 97212
STATE ID: 1N1E26AA 7800
MULTNOMAH COUNTY
PROPERTY ID: R187981
MAP NUMBER: 2732 OLD
ZONING: R5
IRVINGTON HIST. DIST.
ALLOWED USE: HOUSEHOLD LIVING

SITE COVERAGE DATA:
LOT SIZE: 5,000 SF
BLDG COVERAGE NOT AFFECTED
IMPERVIOUS AREA NOT AFFECTED

- PROJECT CONSISTS OF:
1. INTERIOR: REMODEL OF EXISTING KITCHEN, MUDROOM AND HALF-BATHROOM, REMODELED SPACE TO INCLUDE KITCHEN AND RELOCATED HALF-BATH.
 2. EXTERIOR: REPLACEMENT OF (2) WINDOWS AND (1) DOOR, DEMOLITION OF (1) USED MASONRY CHIMNEY AND ROOF PATCHING.
 3. RELATED MECHANICAL, ELECTRICAL, AND PLUMBING WORK.

PROJECT CONTACT INFORMATION:
OWNER: BYRON AND CHERYL WILL
3334 NE 19th AVENUE
PORTLAND, OR 97212
CONTRACTOR: McCULLOCH CONSTRUCTION
503-709-0035
CCB # 176562
ENGINEER: CHRIS PANGELINAN
M-GROUP ENGINEERING
503-486-5387
DRAFTING: KEN WIESLER
503.866.9330
ken@spiretech.com



McCULLOCH construction

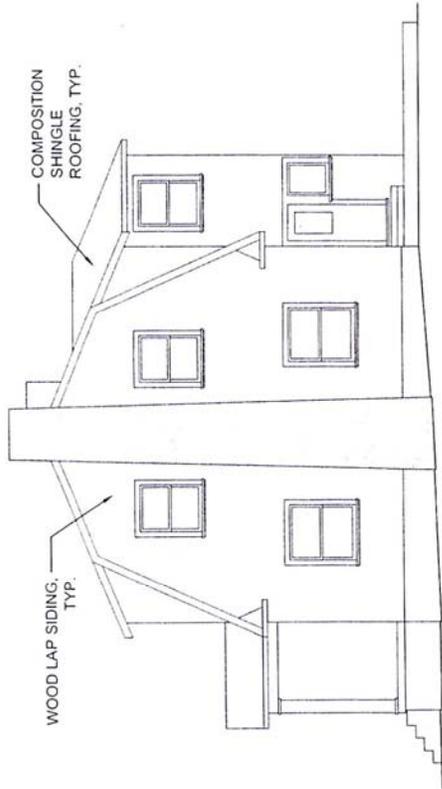
WILL KITCHEN
BYRON AND CHERYL WILL
3334 NE 19th AVENUE
PORTLAND, OR 97212

PROJECT INFO
SITE PLAN
KEY PLAN

PERMIT SET
03/09/11

REVISIONS:

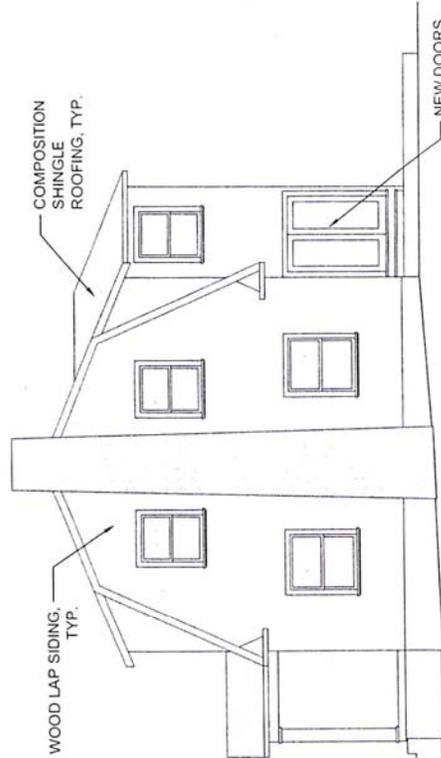
C-1



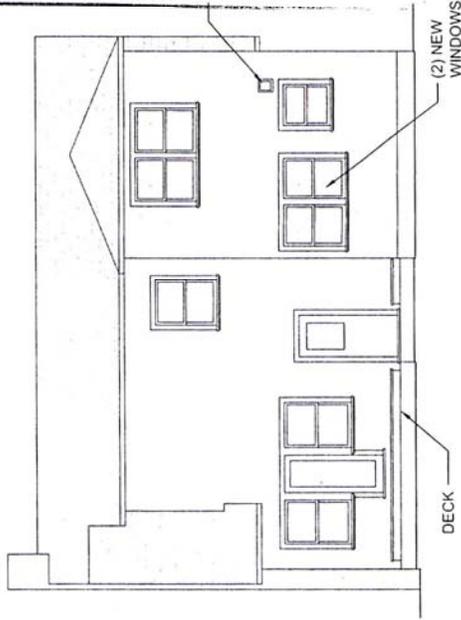
1 EXISTING SOUTH (SIDE) ELEVATION
 1/8" = 1'-0"



2 EXISTING EAST (REAR) ELEVATION
 1/8" = 1'-0"



3 PROPOSED SOUTH (SIDE) ELEVATION
 1/8" = 1'-0"



4 PROPOSED EAST (REAR) ELEVATION
 1/8" = 1'-0"

Approved
 City of Portland - Bureau of Development Services
 EXHAUST HOOD
 Date 4-12-11
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.