



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 23, 2012
To: Interested Person
From: Kara Fioravanti, Land Use Services
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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 12-109552 HDZ NEW REPLACEMENT WINDOWS IN ONE CONDOMINIUM UNIT

GENERAL INFORMATION

Applicant: Lisa Durkin and Chris Jones
2017 NW Irving Street
Portland, OR 97209

Site Address: 2017 NW IRVING STREET
Legal Description: LOT 4A10, HUBBARD HOUSE CONDOMINIUM
Tax Account No.: R405850250
State ID No.: 1N1E33BD 60011
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Patricia Fielder at 503-407-6163.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Other Designations: Alphabet Historic District
Zoning: RH, High Density Residential
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL: The applicant seeks Historic Design Review approval for a window replacement in a single residential condominium unit. The original wood windows were removed several years ago, before the current owner bought this unit. The new windows were installed within existing openings and are Milgard brand "Ultra" fiberglass windows. Original window trim and sills were maintained.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the Community Design Guidelines and the Alphabet Historic District Design Guidelines Addendum.

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. This application was submitted on February 1, 2012 and determined to be complete on **February 15, 2012**.

ANALYSIS

Site and Vicinity: The subject site is a complex of 4 separate residential buildings built in 1964. The subject condominium unit is within the building fronting NW Irving Street and is at the east end of the building.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century middle class housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, etc. The area is also characterized by a grid work of narrower, tree-lined, residential streets crossed by occasional more robust commercial avenues.

Zoning: The High Density Residential zone (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The zone regulations implement Portland's Comprehensive Plan policies that address historic preservation. Proposals for new development or alterations to existing resources within a Historic District are subject Historic Design Review, designated as an overlay zone [d] on Official Zoning Maps. The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value.

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 21, 2012. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 21, 2012. One written response was received from a notified property owner in response to the proposal. The respondent provided facts about the window replacement, namely that the windows do not comply with the "Hubbard House Exterior Door and Window Replacement Guidelines". The proposed windows are single hung, not double hung as required by the "Hubbard House Exterior Door and Window Replacement Guidelines". The City of Portland is

not responsible for implementing private agreements; rather, the approval criteria listed below are the City's responsibility.

If the Condominium Association requires the replacement windows to conform with the "Hubbard House Exterior Door and Window Replacement Guidelines", the City would support that revision. Thus, this report approves the already installed replacement windows (see findings below as to why the existing replacement windows meet City approval criteria) and replacement windows in compliance with the "Hubbard House Exterior Door and Window Replacement Guidelines". It is a private matter as to whether or not the Condominium Association will require the new owners to conform with the "Hubbard House Exterior Door and Window Replacement Guidelines". This report simply approves either approach, as both meet the City's approval criteria.

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 located within the Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

2. Differentiate New from Old. New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

3. 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. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings: The "property" that has been designated, by virtue of its listing in the National Register of Historic Places, is the Alphabet 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 year built, but it does contribute to the historic character of the district.

The already installed replacement windows were installed within the building walls in the same manner as the existing windows to provide a cohesive appearance for this building and among the larger complex of buildings. Existing trim and sills will remain. The new windows differ from the original in material; the original windows are wood and the replacement windows are fiberglass. Fiberglass windows can be painted and, to maintain a cohesive appearance, a condition of approval will require the paint color of the replacement windows match the paint color of the other windows within the subject building. Although the new windows will match the existing opening treatments in most details, they will be subtly distinguishable as modern replacements because of features such as double glazing and material. And, finally, the proposed windows are of a durable quality.

As described above under “Neighborhood Review”, this report also approves a window replacement in conformance with the “Hubbard House Exterior Door and Window Replacement Guidelines”. It is a private matter as to whether or not the Condominium Association will require the new owners to conform with the “Hubbard House Exterior Door and Window Replacement Guidelines”. Regardless, the replacement windows that meet the criteria in the “Hubbard House Exterior Door and Window Replacement Guidelines” are also found by the City of Portland to match the qualities noted above (placement within the building walls, existing trim and sills to remain, cohesive appearance, same paint color, durable).

The approval criteria are met for the already installed replacement windows and replacement windows that meet the “Hubbard House Exterior Door and Window Replacement Guidelines”.

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 approval criteria are met.

ADMINISTRATIVE DECISION

Approval of the already installed replacement windows.

Approval of replacement windows that conform with the “Hubbard House Exterior Door and Window Replacement Guidelines” if the already installed replacement windows are required by the private condominium association to be replaced with windows that conform with the “Hubbard House Exterior Door and Window Replacement Guidelines”.

Approvals per the approved plans, Exhibit C-1, signed and dated April 19, 2012, 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 4 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 12-109552 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. The paint color of the replacement windows match the paint color of the other windows within the subject building.
- C. No field changes allowed.

Staff Planner: Kara Fioravanti

Decision rendered by:  **on April 19, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 23, 2012

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 February 1, 2012, and was determined to be complete on **February 15, 2012**.

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 February 1, 2012.

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: June 16, 2012.**

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 May 7, 2012** 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 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 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 **May 8, 2012 - (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:

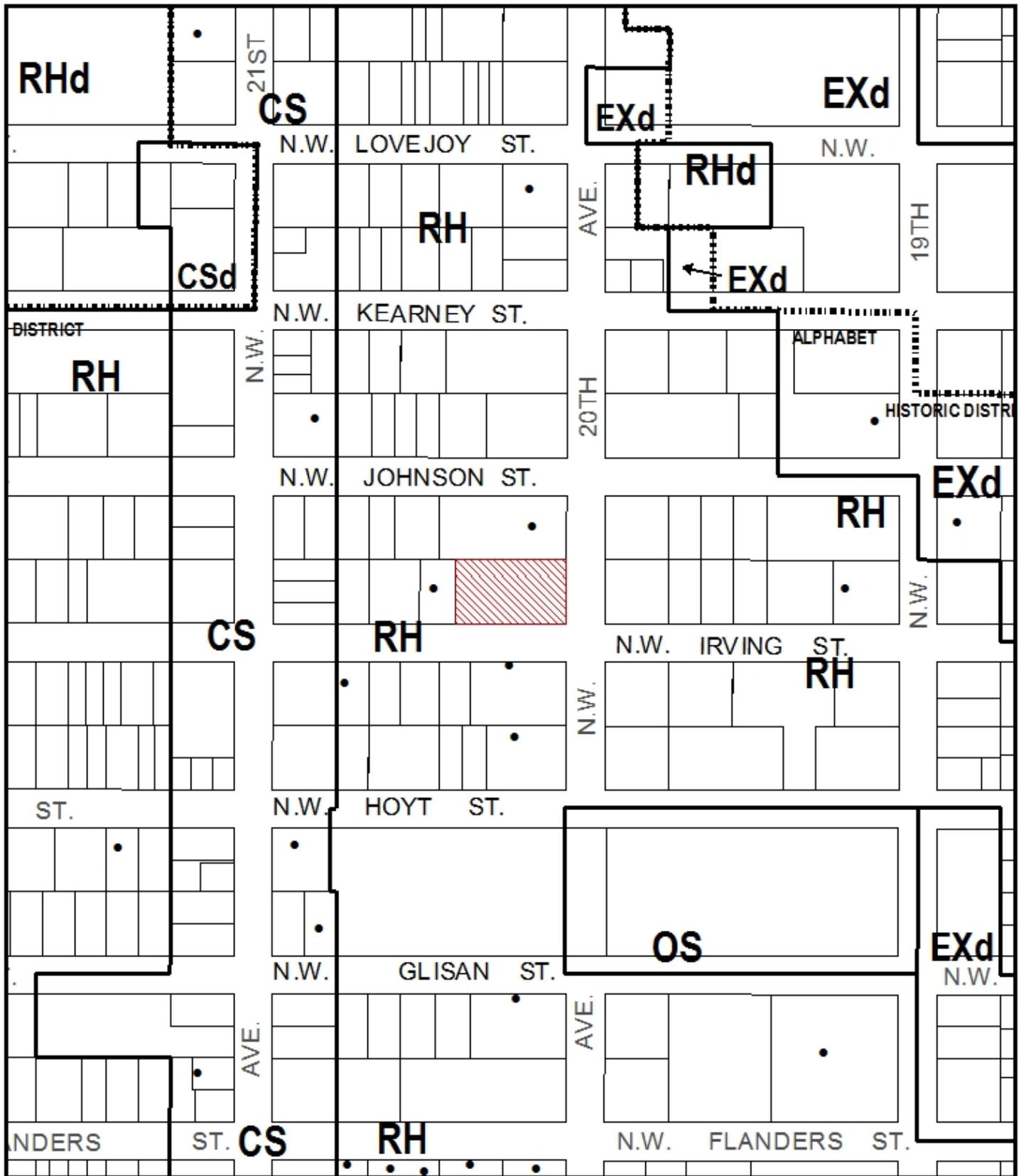
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Narrative
 - 2. Window order form from March 2008
 - 3. 1964 Building permit records showing construction of buildings, including original window details
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Window details (partial attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses – not used
- F. Correspondence:
 - 1. Arnold, 3-14-12, opposed to window replacement because it does not meet the private "Hubbard House Exterior Door and Window Replacement Guidelines"
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. City Violation letter, 12-29-11

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



NORTH

This site lies within the:
 ALPHABET HISTORIC DISTRICT
 NORTHWEST PLAN DISTRICT

File No. LU 12-109552 HDZ
 1/4 Section 2927
 Scale 1 inch = 203 feet
 State_Id 1N1E33BD 60000
 Exhibit B (Feb 07, 2012)



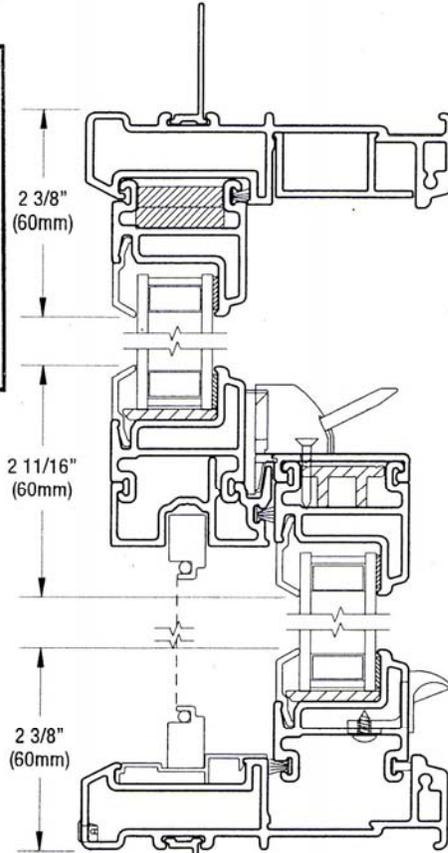
3210U Ultra Assembly Drawing

3210U
SERIES
FIBERGLASS

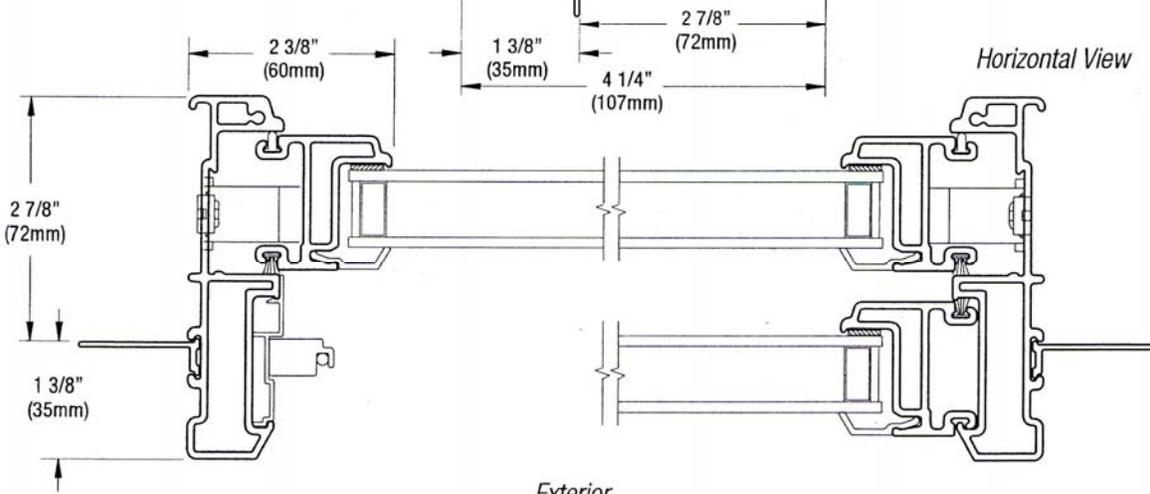
Approved
City of Portland
Bureau of Development Services
Planner [Signature]
Date 4.19.12
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Vertical View

Exterior



Horizontal View



Exterior

3210/3210U-5
FEBRUARY 2009

Scale: 6" = 1' (1/2 scale)

Due to continual product research and development, details may be changed at any time. ©2009 Products shown are not available at all locations - confirm availability with your local Milgard representative.

EXH
C.1
(4 pgs.)
12-109552