



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: December 6, 2013 **To:** Interested Person

From: Hillary Adam, Land Use Services

503-823-3581 / Hillary.Adam@portlandoregon.gov

NOTICE OF A TYPE I 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 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 it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-194913 HR – WINDOW ALTERATIONS GENERAL INFORMATION

Applicant: Mike Montgomery / Simpl Home Designs

5531 SW Buddington St / Portland, OR 97219

Daniel R Wagner, Owner / Elise M Lind, Owner

2832 NE 14th Ave / Portland, OR 97212

Site Address: 2832 NE 14TH AVE

Legal Description: BLOCK 67 LOT 19, IRVINGTON Tax Account No.: R420414580

State ID No.: 1N1E26AC 06300 Quarter Section: 2732

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, Joice Taylor at 503-445-1321. **District Coalition:** NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004. **Other Designations:** Contributing resource in the Irvington Historic District, listed in the

National Register of Historic Places on October 22, 2010.

Zoning: R5 – Residential 5,000

Case Type: HR – Historic Resource Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal:

The applicant proposes to remove one existing wood double-hung window at the rear of the house, enlarge the opening, and install two new wood double-hung windows. No other alterations are proposed.

The original Notice of Proposal, dated November 18, 2013, indicated that the new windows would be aluminum-clad wood; however, the homeowner has clarified that the new windows will be wood, without aluminum cladding.

Historic resource review is required because the proposal is for exterior alterations to a contributing resource in the Irvington Historic District.

Relevant Approval Criteria:

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

• 33.846.060.G Other approval criteria

ANALYSIS

Site and Vicinity: The subject property is oriented west on NE 14th Avenue, between NE Knott and Stanton Streets. It is a 1 ½-story Bungalow in the Colonial Revival style constructed in 1927 and is contributing to the historic significance of the district. There is also a contributing garage on the property

Zoning: The <u>Residential 5,000</u> (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 <u>Historic Resource Protection</u> overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **November 18, 2013**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 18, 2013**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

• Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on November 27, 2013, wrote that the Committee had no objection to the proposal. See Exhibit F-1 for additional details.

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.
- **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.
- **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, 4, 7 and 9:** The proposed alterations are located on the rear façade of the house and will not be seen from the public way. In addition, the proposed alterations are minimal in scope, removing one original window and replacing it with two new wood windows in an enlarged opening in the same location in order to provide additional light to the interior. The new windows are designed to blend with the existing window of the historic resource in that they will be made of the same material, function in the same manner, and will be recessed the same depth with trim to match the existing windows. They will be differentiated by their contemporary construction method and by this record. No other alterations are proposed and the historic resource will maintain its historic character, as well as remain a record of its time, with its essential form and integrity in tact. *These quidelines are 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: As noted above, the proposed window alterations are located in an inconspicuous location and are designed to match the historic windows in material, function, and other visual characteristics. When removal of historic windows in a historic district is warranted, their replacements are preferred to be of the same material and style as the originals so that they are compatible. The proposed windows are compatible with the historic resource, adjacent properties, and the district as the majority of similar properties in the district feature wood double-hung windows. *These quidelines are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal is for the replacement of one wood double-hung window with two new wood double-hung windows to be recessed at the same depth as other windows on the dwelling, with trim to match. The work is limited to a small portion of the rear façade and will have no adverse effect on the historic 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 exterior alterations in the Irvington Historic District to include removal of one existing wood double-hung window at the rear of the house, enlargement of the opening, and installation of two new wood double-hung windows, per the approved site plans, Exhibits C-1 through C-10, signed and dated December 3, 2013, 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 through C-10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-194913 HR."

Staff Planner: Hillary Adam

Decision rendered by: ______ on December 3, 2013

By authority of the Director of the Bureau of Development Services

Decision mailed December 6, 2013

Procedural Information. The application for this land use review was submitted on August 20, 2013, and was determined to be complete on November 14, 2013.

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 August 20, 2013.

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: March 14, 2014.**

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **December 9, 2013.** 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, permitees must demonstrate compliance with:

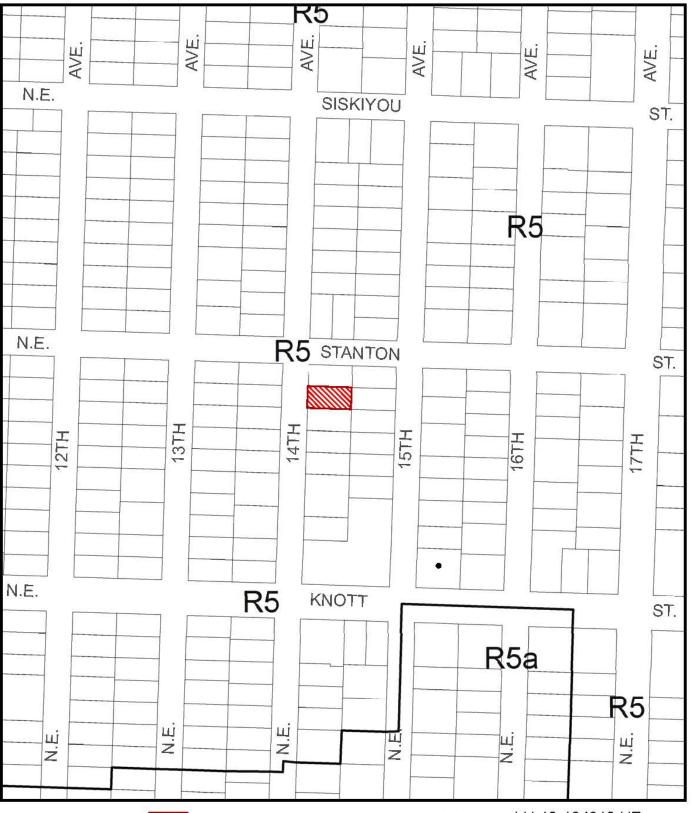
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Statement, dated August 17, 203
 - 2. Supplemental Information, dated November 13, 2013
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front Elevation
 - 3. [South] Elevation
 - 4. Existing Rear Elevation (attached)
 - 5. Proposed Rear Elevation (attached)
 - 6. [North] Elevation
 - 7. Existing Kitchen & Nook Plan
 - 8. Proposed Kitchen & Nook Plan
 - 9. Section Detail
 - 10. Marvin Wood Tilt Pac Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on November 27, 2013, wrote with no objection.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated September 3, 2013
 - 3. National Register Information

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

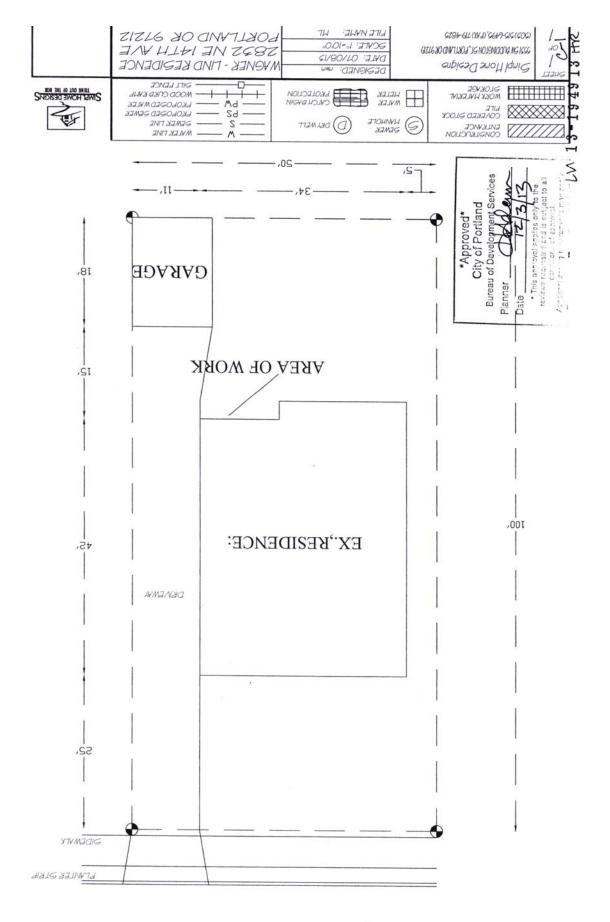
Historic Landmark



This site lies within the: IRVINGTON HISTORIC DISTICT

File No. <u>LU 13-194913 HR</u> 2732 1/4 Section_ 1 inch = 200 feet Scale. 1N1E26AC 6300 State_Id

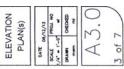
> (Aug 22,2013) Exhibit.



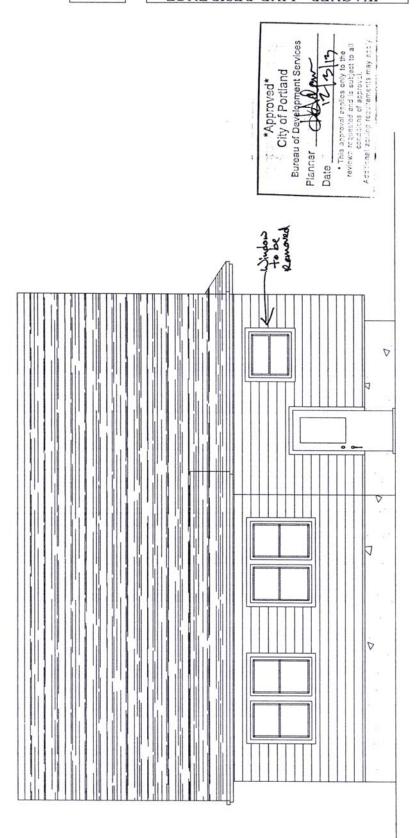




PORTLAND OR 97212 Custom Plans Remodels Site plans 7837 NE ITLH VAE. Drafting & Desi MYCNEK - TIND KESIDENCE







REAR ELEVATION (E)

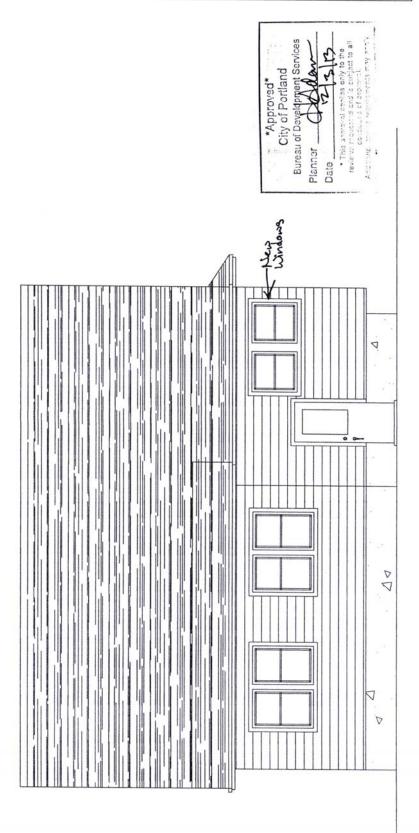
1/4"=1'-0"





BOBLIVAND OK 3 2515 7837 **NE 14LH VAE** MYCNEK-TIND KEZIDENCE





(R) REAR ELEVATION

/4"=1'-0"