



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 21, 2013
To: Interested Person
From: Chris Caruso, Land Use Services
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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 13-215536 HR – FRONT WINDOW

GENERAL INFORMATION

Applicant/Contact: Joseph Patrick/Lamont Bros.
2050 S. Beaver Creek Rd/Oregon City, OR 97045

Owners: Richard J & Diave A Shimomura
Po Box 01067981/Sioux Falls, SD 57186

Site Address: 2225 NE 26TH AVE

Legal Description: BLOCK 2 LOT 2, EAST IRVINGTON
Tax Account No.: R224400200
State ID No.: 1N1E25CB 17400 **Quarter Section:** 2833
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: Irvington Historic District
Zoning: R5 – Single-Family Housing
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 seeks historic resource review approval for the installation of one double-hung wood window in the upper story blank wall between the two front façade dormers.

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 Historic Review
- 33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject resource, a one and one-half story Colonial Revival style house on a standard 50' x 100' lot, was built in 1923 and retains much of its original exterior material and detailing. The center wall between the front dormers was added at some point after the original structure was completed. The house is evaluated in the National Register of Historic Places documentation as contributing to the character the Irvington Historic District.

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 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 Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area. Single-family residential uses are allowed by right in this zone.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 31, 2013**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Paul Morris & Janet Malloch, November 7, 2013 – In support of the proposal.
2. Dean Gisvold, ICA Land Use Committee, November 13, 2013 – No objections.

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.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 1, 8 & 10: The new window proposed for the front of the house will not alter features or spaces that contribute to the historic significance of the property as the window will be installed in a section of wall between two original dormers. This feature of a window on a flat wall section between two front dormers is seen on other houses within the district. The historic character of the property will be retained with this minor alteration as the major historic features on the front of the house will remain intact and the proposal will result in a design that is similar to other resources in the district. The proposed new wood window and wood trim will match existing elements on the house in form and type, making them compatible with the size, scale, and architectural features present in this 1923 Colonial Revival style house. Proposed new materials will match the existing in form and type. The new window and trim is compatible with the original structure, with adjacent residential properties, and with the rest of the Historic District by the matching of typical historic profiles and materials. *These criteria are therefore met.*

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.

Findings: The proposed new wood window and surrounding trim is based on intact historic details of the house. The proposal is not conjectural and does not employ elements from other buildings as this type of window is already present on the house. *This criterion is therefore met.*

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: The non-historic wall between the dormers has not acquired historic significance. The wall's alteration with a new wood window and trim to match other windows present on the house does not adversely affect the historic character of the resource. *The criterion is therefore 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: No deteriorated features will be affected by this proposal. *This criterion is not applicable.*

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: No chemical or physical treatments are proposed. *This criterion is not applicable.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: There will be no ground disturbance with this proposal. *This criterion is not applicable.*

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.

Findings: The proposed new window and wood trim will match existing materials in style, profile and composition, but will be fabricated out of new material, giving them a less weathered appearance which will differentiate them from older elements on the building. Existing historic material will not be destroyed. *This criterion is therefore met.*

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: No new additions are proposed. *This criterion is not applicable.*

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 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. The proposed new window is a sensitive alteration to the front façade that maintains the historic form of the house so as to not compromise the historic character of Irvington Historic District. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of historic resource review for the installation of one double-hung wood window in the upper story blank wall between front dormers in a 1923 Colonial Revival style home that is listed as a contributing resource to the Irvington Historic District, per the approved site plans Exhibits C-1 through C-5 signed and dated November 18, 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-C.5. The sheets on which this information

appears must be labeled, "Proposal and design as approved in Case File # LU 13-215536 HR."

Staff Planner: Chris Caruso

Decision rendered by:  **on November 18, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed November 21, 2013

Procedural Information. The application for this land use review was submitted on October 11, 2013, and was determined to be complete on October 28, 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 October 11, 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: February 25, 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.

Before the applicant can proceed with their project, the final Land Use Review 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 **November 22, 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 it is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

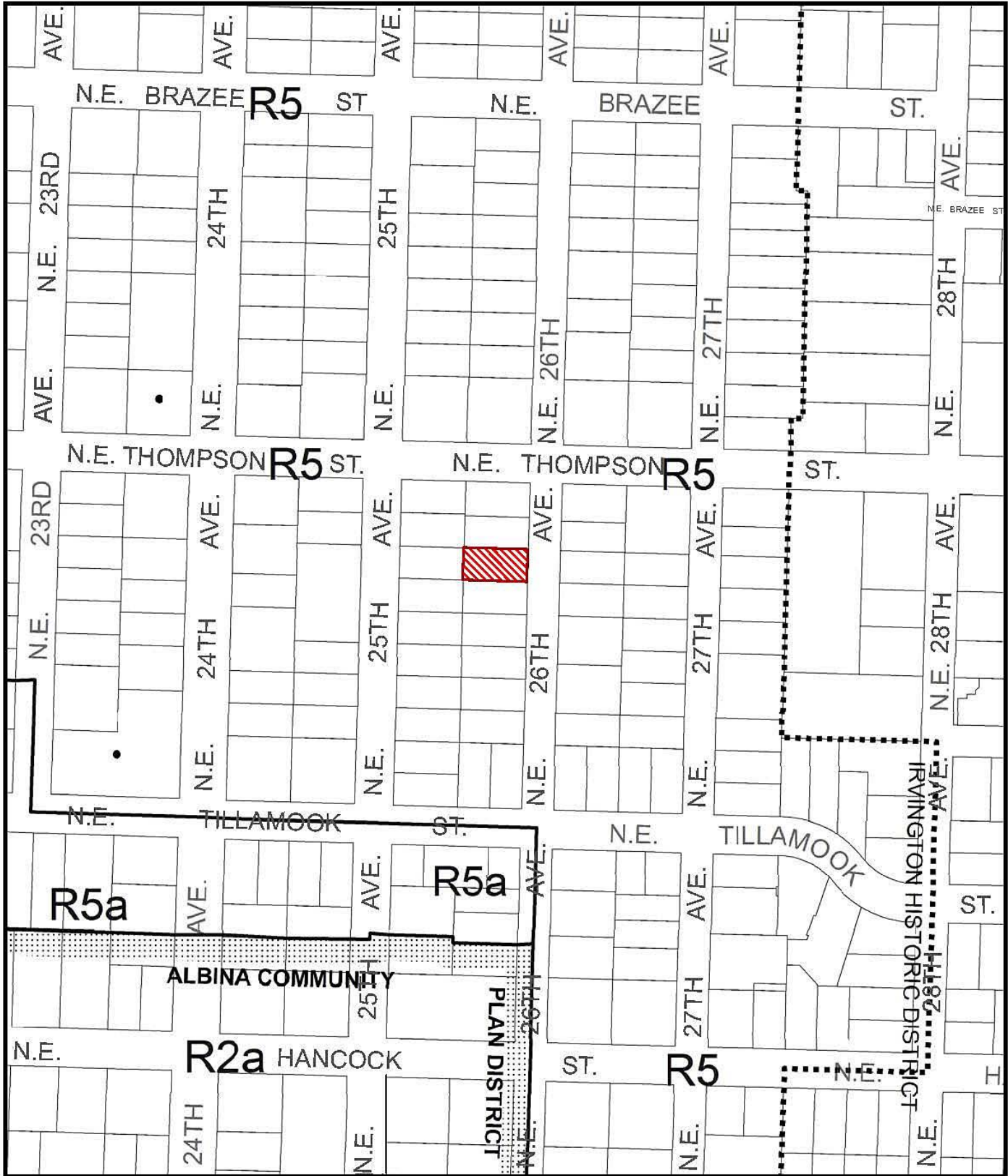
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Proposed Front Elevations (attached)
 3. Existing Front Elevation
 4. Wood Window Section
 5. Marvin Wood Ultimate Insert Double Hung information
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: none required
- F. Correspondence:
 1. Paul Morris & Janet Malloch, November 7, 2013 – In support of the proposal.
 2. Dean Gisvold, ICA Land Use Committee, November 13, 2013 – No objections.
- G. Other:
 1. Original LU Application

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:
IRVINGTON HISTORIC DISTRICT

File No. LU 13-215536 HR

1/4 Section 2833

Scale 1 inch = 200 feet

State_id 1N1E25CB 17400

Exhibit B (Oct 15, 2013)

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:

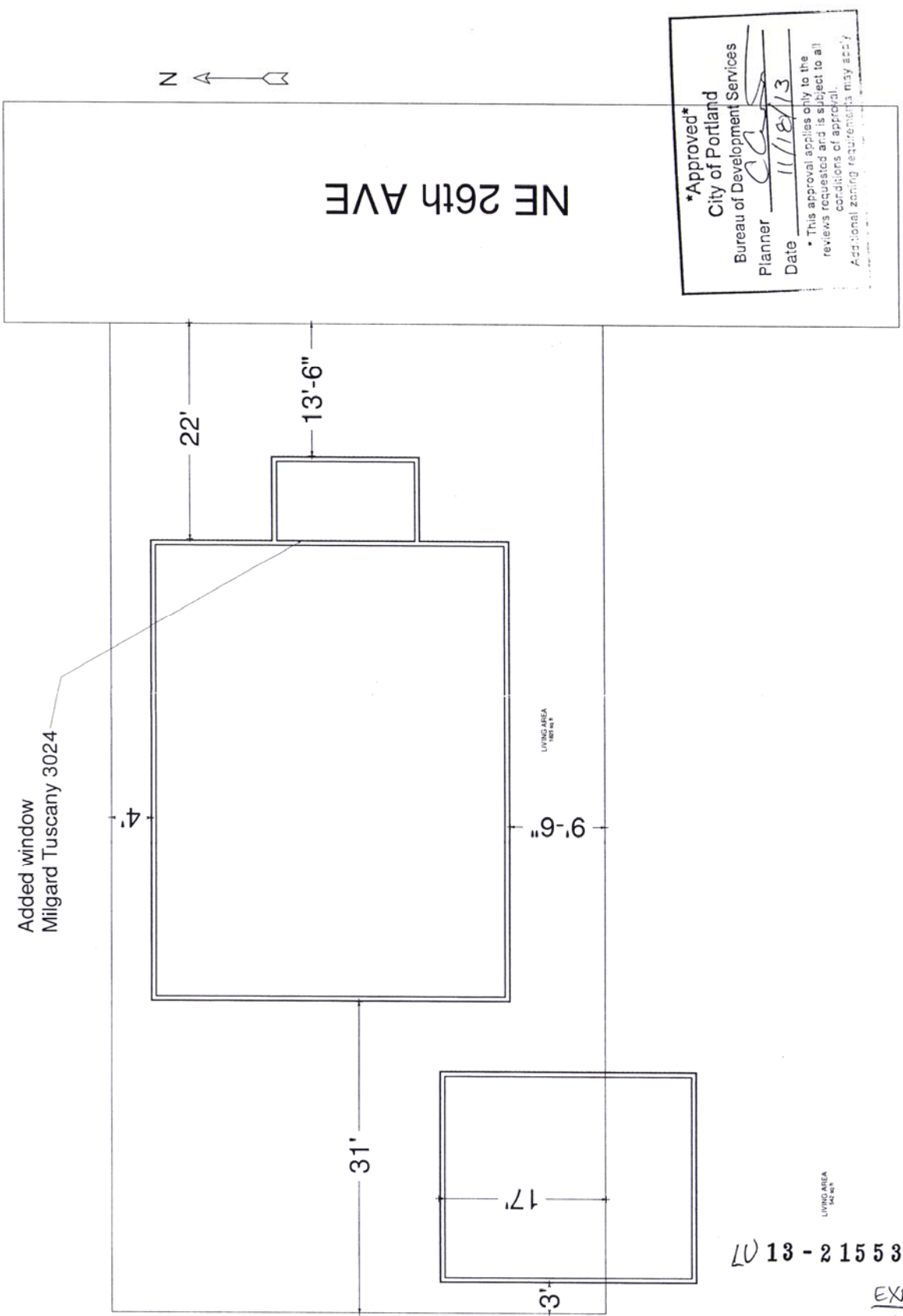
PROJECT DESCRIPTION:
Shimomura Bathrooms

DRAWINGS PROVIDED BY:
Essential Home Services LLC
2050 S Beaver Creek Rd Suite
101-305
503-713-5335

DATE:
10/10/2013

SCALE:
1" = 10'

SHEET:
A-2



Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date 11/18/13

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

LV 13 - 215536HR

EXH.
C-1

1st Floor

NO.	DESCRIPTION	BY	DATE

SHEET TITLE: Shimomura - Window

PROJECT DESCRIPTION: Shimomura - Window

DRAWINGS PROVIDED BY: Lamont Bros, LLC
2050 S Beaver Creek Rd Suite 101-305
503-713-5335

DATE: 10/25/2013

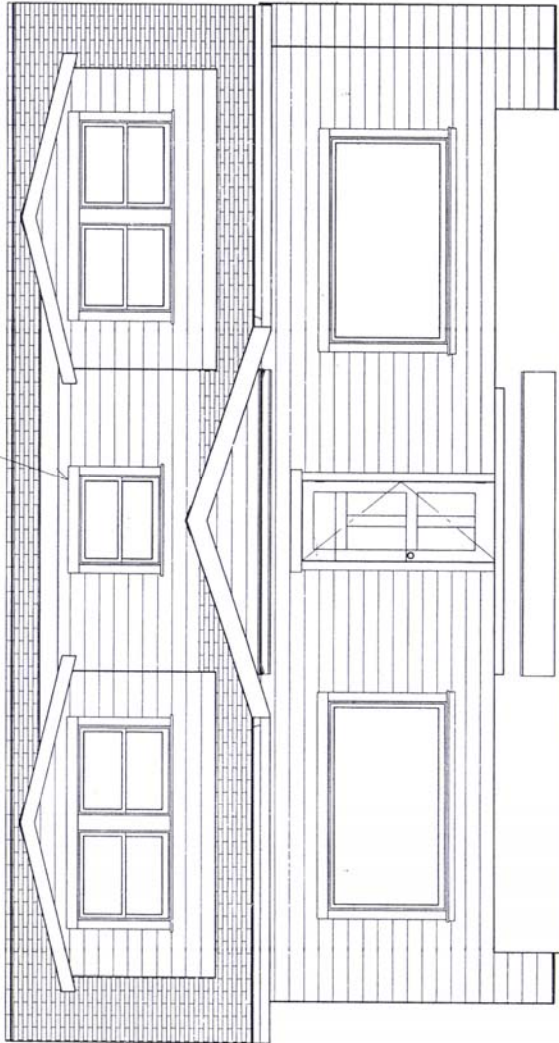
SCALE: 1/4"

SHEET: A-1

Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date 11/18/13

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

Window 30210 (36"wx33.5"h)
Siding 5" lap cedar
Trim 1x4.5" smooth face



Proposed

CASE NO. LU 13-215536 HR
EXHIBIT C-2