



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** February 11, 2014  
**To:** Interested Person  
**From:** Jennifer Kenny, Land Use Services  
[Jennifer.Kenny@portlandoregon.gov](mailto:Jennifer.Kenny@portlandoregon.gov) 503-823-7011

## **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. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU13-241751 HR - BASEMENT WINDOW REPLACEMENT**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Kathryn R. Smith  
3445 NE 19th Ave  
Portland, OR 97212

**Site Address:** 3445 NE 19th Ave

**Legal Description:** BLOCK 42 LOT 1 EXC PT IN ST, IRVINGTON  
**Tax Account No.:** R420408980  
**State ID No.:** 1N1E26AB 00100  
**Quarter Section:** 2732

**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885. Sabin Community Assoc., contact Rachel Lee at 503-964-8417.

**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

**District Coalition:** Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.

**Plan District:** None  
**Other Designations:** Irvington Historic District

**Zoning:** R5, a single-dwelling zone  
**Case Type:** 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 exterior modifications to a contributing resource in the Irvington Historic District. The proposal is to replace an existing basement window on the south side with a larger wood egress window. The applicant

proposes to use a wood casement window with 7/8” divided light grid on the edges of the window. Exterior renovations, including window removal and replacement, within a historic district require historic resource review.

**Relevant Approval Criteria:**

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

- 33.846.060.G Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The site is a contributing property within the Irvington Historic District, built in 1920 in the Minimal Traditional 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 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.

**Zoning:** The 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 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.

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

**Public Notice:** A Notice of Proposal in Your Neighborhood was mailed on January 16, 2014. Dean Gisvold wrote on behalf of the Irvington Community Association's Land Use Committee, stating no objections to the project.

## 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.*

#### **The approval criteria are:**

**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;

**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;

**Findings for 1, 2, 7 and 8:** The proposed alteration is for a minor enlargement of an existing opening on a secondary elevation, and screened from view, therefore the historic character of the overall structure will be retained and preserved. The replacement window will incorporate compatible materials but is not an accurate replica. Thus, it will be differentiated from the original windows by its design and will not create a false sense of historic development. *These guidelines are therefore met.*

**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:** The proposed alteration will be sited at an existing opening, on a secondary elevation, and does not compromise the character-defining features of the rest of the house. In terms of compatibility with the neighboring properties, the subject resource will retain its original setbacks, height, massing, materials, site coverage, and orientation to the street. Thus, there is no change to the existing compatibility with adjacent properties. Compatibility with the historic district is achieved by the inconspicuousness of this alteration. *This guideline is 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 replacement window does not replicate historic basement windows of the period and this would not typically be approvable. However, mitigating factors include use of compatible materials, and full screening of the site with a fence and shrubs.

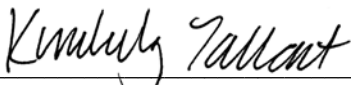
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Removal of a basement window for a contributing property in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated February 4, 2014, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File #LU13-241751 HR."

**Staff Planner: Jennifer Kenny**

**Decision rendered by:**  **on February 4, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 11, 2014**

**Procedural Information.** The application for this land use review was submitted on December 26, 2013 and was determined to be complete on January 16, 2014.

*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 December 26, 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: May 17, 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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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).

**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 February 12, 2014. 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 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. Elevations (attached)
  - 3. Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: January 30, 2014, Dean Gisvold on behalf of the Irvington Community Association Land Use Committee, 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



NORTH

This site lies within the:  
**IRVINGTON HISTORIC DISTRICT**

File No. LU 13-241751 HR  
 1/4 Section 2732  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26AB 100  
 Exhibit B (Dec 30, 2013)



**PROJECT INFORMATION**

**DRAWING SHEET INDEX:** General Notes & Supplemental Information  
 The attached 8 1/2" x 11" sheets are  
 part of this plan approval. Plans are  
 considered null and void without  
 information attached to the  
 approved set of plans.



**PROJECT SCOPE:**

CONVERT EXISTING 1,281 SQUARE FOOT SEMI-UNFINISHED BASEMENT AREA TO LIVING SPACE.

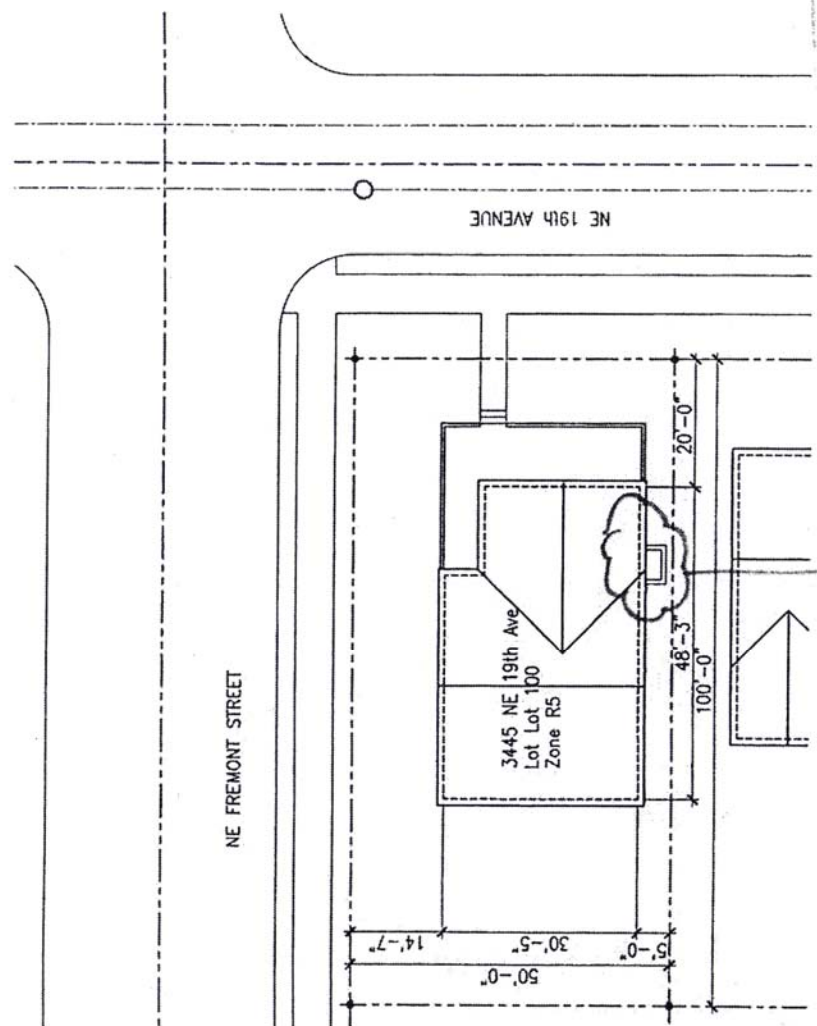
1. CEILING HEIGHT IS 6'-8" MINIMUM.
2. NEW EGRESS WINDOW IS PROVIDED FROM BEDROOM AREA. SILL IS WITHIN 44" OF FINISH FLOOR AND HAS MIN CLEAR OPENING OF 5.7 SQ FT. (WITH MIN 20" WIDTH AND AT LEAST 24" MIN. HEIGHT).
3. NEW WALLS ON THE EXTERIOR TO HAVE MIN OF R-13 INSULATION.

**GENERAL NOTES:**

1. FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS INCLUDING, ELEC, MECH, AND PLUMB. PRIOR TO CONSTRUCTION.
2. COORDINATE ALL DISCIPLINES INCLUDING ELECTRICAL, PLUMBING AND MECHANICAL.
3. VERIFY LOCATIONS OF ALL ELECTRICAL ITEMS W/ OWNER INCLUDING WALL HEATERS, SWITCHES, OUTLETS AND LIGHT FIXTURES.
4. ALL DOORS, WINDOWS, WALLS TO RECEIVE (N) MOULDING TO MATCH (E) - PAINTED.
5. ALL CLEANUP IS THE RESPONSIBILITY OF THE CONTRACTOR.
6. VERIFY AND COORDINATE ALL PLUMBING, ELECTRICAL AND MECHANICAL REQUIREMENTS W/ OWNERS' EQUIPMENT AND APPLIANCES.
7. COORDINATE AND VERIFY W/ OWNER ALL HARDWARE, LIGHTING, FINISHES.
8. CONCRETE SLAB TO BE REFINISHED, PATCHED, REPAIRED, AND STAINED.
9. ALL CEILINGS TO BE PAINTED 1/2" GYPSUM, W/ ACOUSTIC INSULATION (EXCEPT UTILITY RM.)
10. PROVIDE TRIM AT DOORS TO MATCH HEAD AND JAMB TRIM ELSEWHERE IN HOUSE. FINISH TO MATCH EXISTING.

**ABBREVIATIONS:**

(E)	EXISTING	(N)	NEW
VER	VERIFY	CONC	CONCRETE
CL	CLOSET	FURN	FURNACE
CPT	CARPET	HWH	HOT WATER HEATER
EQUIP	EQUIPMENT	W/	WITH
OC	ON CENTER	GYPSUM	GYPSUM BOARD
RM	ROOM	CMU	CONCRETE MASONRY UNIT
DISHW	DISHWASHER	REF	REFRIGERATOR



**AREA OF WORK**

**1 SITE PLAN**

SCALE: 1/16"=1'-0"

City of Portland  
 Bureau of Development Services

Project: *3445 NE 19th Ave*  
 Date: *2/4/14*

This drawing is submitted only to the City of Portland and is subject to all applicable codes and standards of approval. No other use or reproduction of this drawing is permitted without the written consent of the City of Portland.

K. SMITH BASEMENT RENOVATION  
 3445 NE 19th Avenue, Portland, OR 97212



DECEMBER 24, 2013  
 SCALE: 1/16"=1'-0"

**A1**

LV13-241751HR  
 EXHIBIT C-1

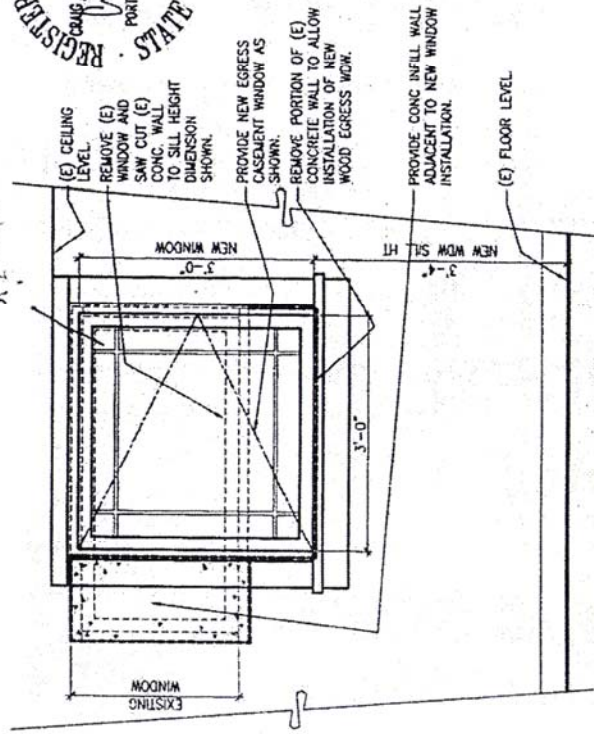




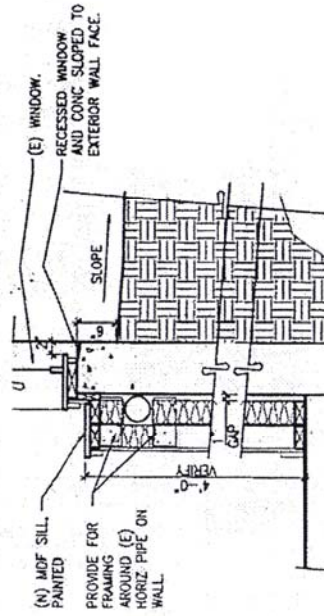
K. SMITH BASEMENT RENOVATION  
3445 NE 19th Avenue, Portland, OR 97212

OCTOBER 24, 2013  
REV: 1/18/14  
SCALE:  
AS NOTED

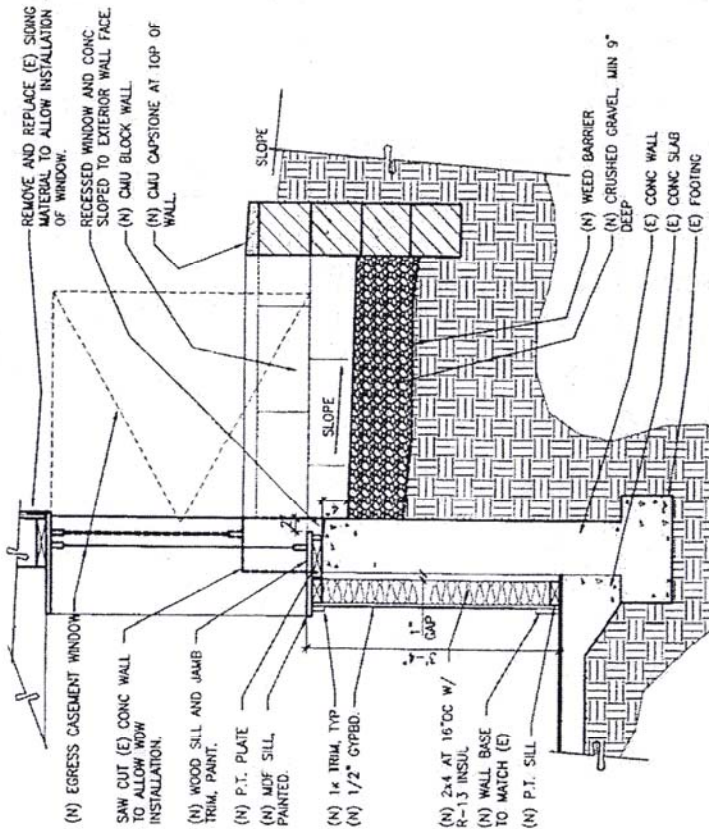
A4



1 EGRESS WINDOW  
SCALE: 3/4"=1'-0"



3 WINDOW SILL AT HORIZ PIPE  
SCALE: 3/4"=1'-0"



2 SECTION AT EGRESS WINDOW  
SCALE: 3/4"=1'-0"

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *Jennifer Kanny*  
Date *2/11/14*

THIS APPROVAL IS ONLY VALID TO THE PROJECT AND DATE SHOWN ABOVE.

Jan 19, 2014 - 12:25pm  
CAD FILE C:\projects\kennedy\2013\10110101\10110101.dwg

Lu 13-241751 HR  
Exhibit C-2