



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 17, 2014
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 a **approved** 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: LU 14-128261 HR -WINDOWS

GENERAL INFORMATION

Applicant: Laura Migliori/Laura Migliori Architect
812 NW 17th Ave/Portland, OR 97209

Owners: Ben Steinberg & Thuy Nguyen
2138 NE Hancock St/Portland, OR 97212-4739

Site Address: 2138 NE HANCOCK ST

Legal Description: BLOCK 15 LOT 12 W 1/2 OF LOT 13, JOHN IRVINGS 1ST ADD
Tax Account No.: R430304620
State ID No.: 1N1E26DD 09600 **Quarter Section:**2832
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, Claire Adamsick at 503-388-9030.
Plan District: Albina Community
Other Designations: Contributing resource in the Irvington Historic District
Zoning: R1a – Multi-Dwelling with the Alternative Design Density overlay
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 requests historic resource review approval for alterations to the exterior of the Fred D Warner House, a contributing resource in the Irvington Historic District that was constructed in 1909 in the Portland Foursquare style. The proposal includes removing a pair of windows, a door, and one set of south stairs and railings on the south façade along with the removal of two windows on the west facade. These items were added to the building in 2007 with the creation of a mudroom at the rear of the house. One pair of new wood double hung windows will be installed on the south elevation, and the remaining openings at the removed windows will be finished with new wood lap siding to match the house. The new window will be trimmed with wood that will match trim present around other existing windows. These exterior alterations to a structure in a designated historic district require historic resource review.

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 Resource Review
- 33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject resource, a two and one-half story Portland Foursquare style house on a standard 50' x 100' lot, was built in 1909 and retains a majority of its original exterior material and detailing. Alterations to the front porch and rear of the building were constructed in 2007, prior to the creation of the Irvington Historic District. 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 **April 1, 2014**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, ICA Land Use Committee, April 2, 2014 – The ICA Land Use Committee has no objections to the application.
2. Victor and Celia Strauss, April 5, 2014 – In support of the proposal.

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.

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 windows proposed for the rear (south) of the house will not alter the historic character of the property as the new elements will match existing architectural features in materials and style. These new features will be located on rear yard facing walls, will not be visible from the street, and will also not dominate the historic architecture. The proposed new wood windows, wood trim, and wood lap siding will match existing elements on the house in form and type, making them compatible with the size, scale, and architectural features present in this 1909 Portland Foursquare style house. The new windows, trim and lap siding 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. Condition of Approval B requires that the original double-hung window that is being removed from the west façade, at the internal secondary staircase landing be retained on site so that this historic material could be placed back in the fabric of the house if so desired. *With Condition of Approval B, 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 new windows, trim, and lap siding will compliment existing details on the house and are not conjectural additions of elements from other buildings. The proposed alterations do not affect the resource's physical record of its time, place and use as it will remain a single-family home in the period style. The new windows will retain the horizontal divisions of the existing windows as well as the overall style seen on the house today. *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 rear slider window, door and stairs, and the west slider window have not acquired historic significance. The south façade's alteration with a

pair of new wood windows 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 and surrounding historic material will remain in place. *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 is no ground disturbance proposed with this work so no resources are expected to be found. *This criterion is therefore 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.

Findings: The proposed new windows, wood trim, and lap siding 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: There is no new construction proposed for this site. *This criterion does not apply.*

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 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. The proposed new windows and removal of non-historic material is a sensitive alteration to the west and south façades 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 Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of historic resource review for alterations to the exterior of the Fred D Warner House, a contributing resource in the Irvington Historic District that was constructed in 1909 in the Portland Foursquare style, to include the following:

- Removing two windows on the west façade, a pair of windows, a door, one set of south stairs and railings on the south façade;
- Installing one pair of new wood double hung windows and wood trim to match the house on the south elevation;
- Infilling the remaining opening around the new pair of wood windows with wood lap siding to match the house; and
- Infilling the openings at the removed west façade windows with new wood lap siding to match the house.

Approved per the approved site plans as shown on Exhibits C-1 through C-5 signed and dated April 15, 2014 subject to the following Conditions of Approval A thru B:

- 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 14-128261 HR".
- B. The original double-hung wood window being removed from the west façade must be labeled with its original location, and retained in a protected area on the site so that it can be restored to its original position if so desired at some future date.

Staff Planner: Chris Caruso

Decision rendered by:  **on April 15, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed April 17, 2014

Procedural Information. The application for this land use review was submitted on March 18, 2014, and was determined to be complete on March 27, 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 March 18, 2014.

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: July 26, 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.

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 **April 18, 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:

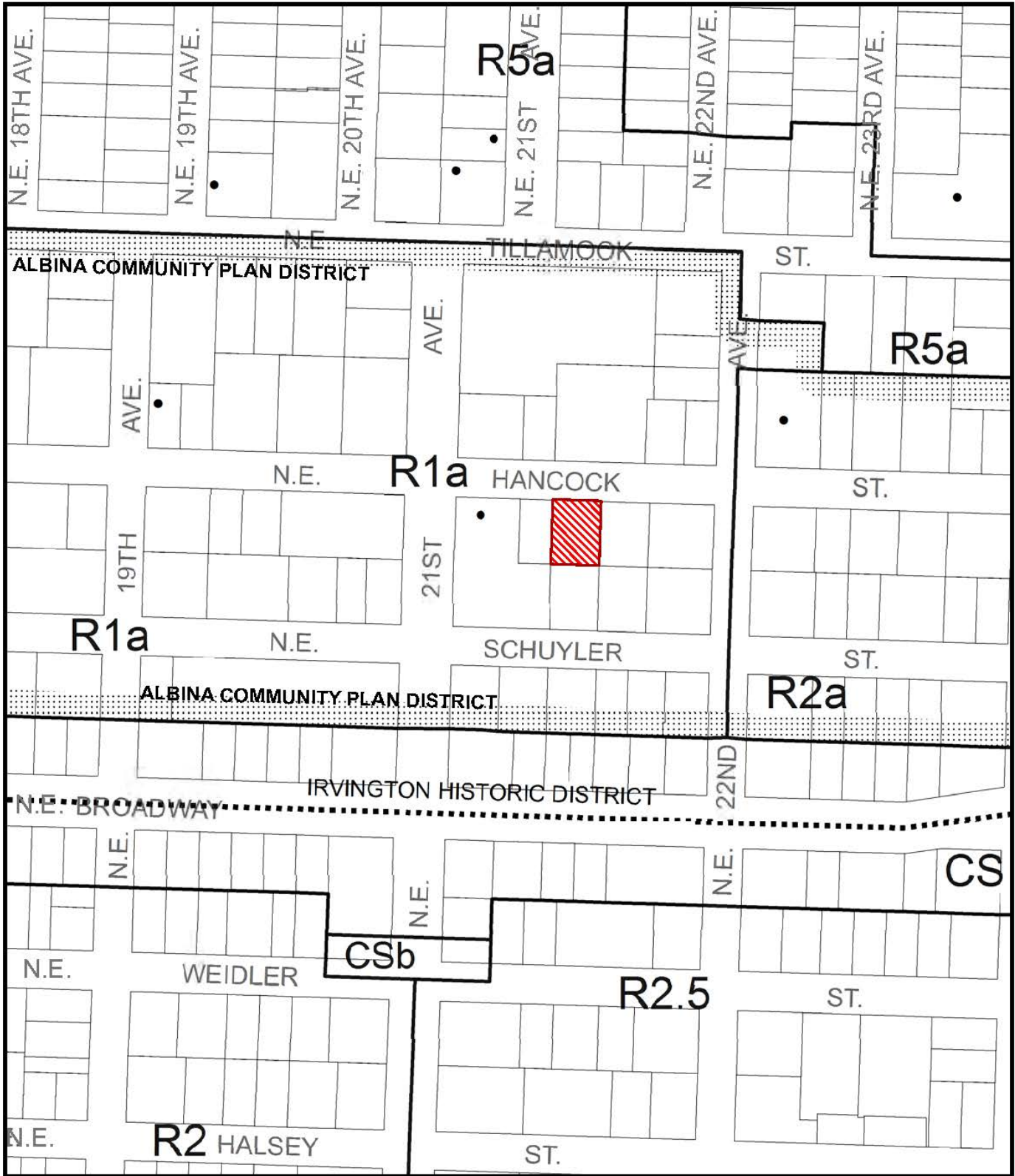
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Elevations
 - 3. Proposed Elevations (attached)
 - 4. Window Trim Details
 - 5. Marvin Wood Ultimate Double-Hung window information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were required.
- F. Correspondence:
 - 1. Dean Gisvold, ICA Land Use Committee, April 2, 2014 – no objections.
 - 2. Victor and Celia Strauss, April 5, 2014 – 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



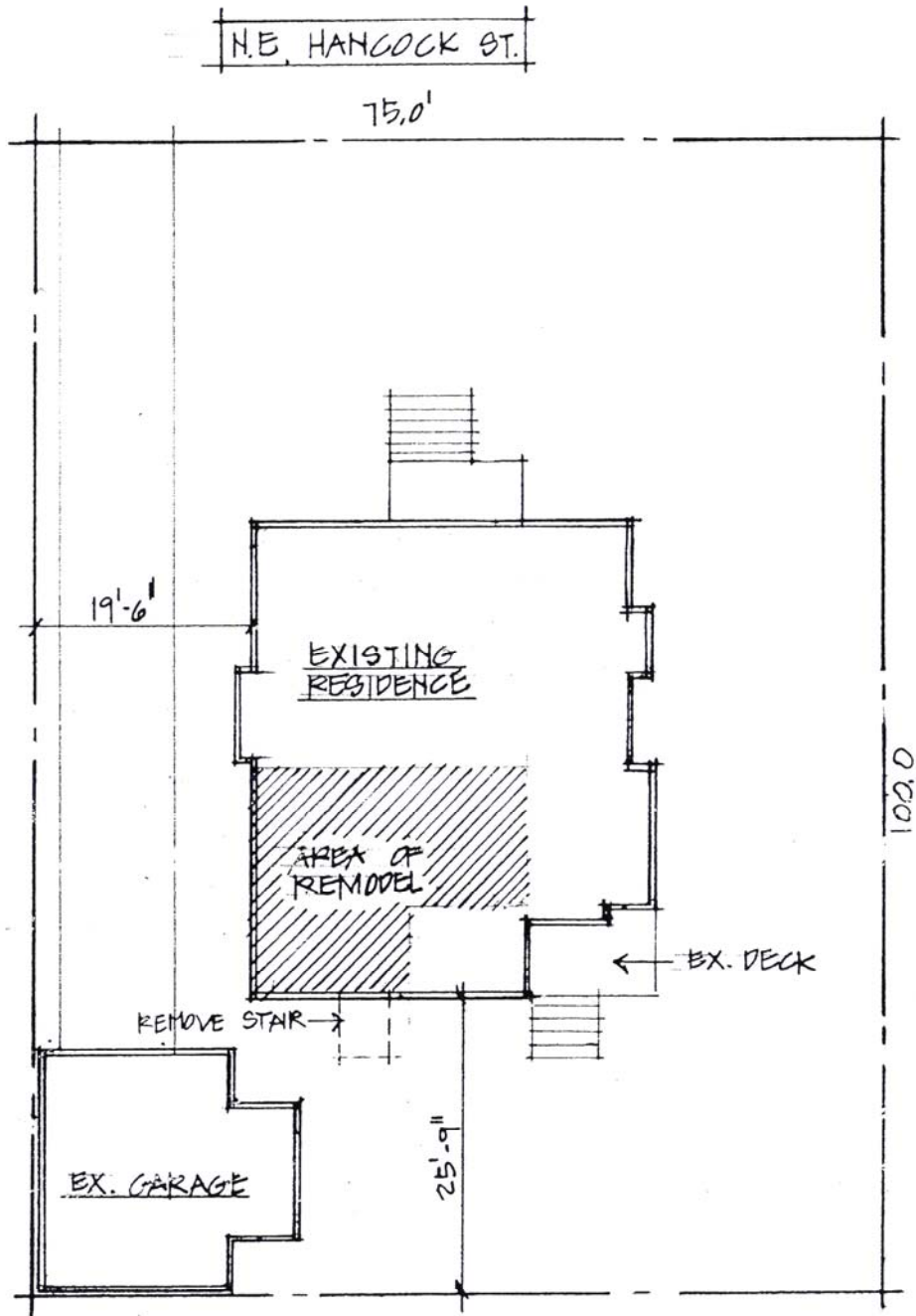
Historic Landmark

This site lies within the:
IRVINGTON HISTORIC DISTRICT
ALBINA COMMUNITY PLAN DISTRICT



NORTH

File No. LU 14-128261 HR
 1/4 Section 2832
 Scale 1 inch = 200 feet
 State_Id 1N1E26DD 9600
 Exhibit B (Mar 20, 2014)



SITE PLAN

1/16" = 1'-0"

Approved NORTH

City of Portland

Bureau of Development Services

Planner [Signature]

Date 4/15/14

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

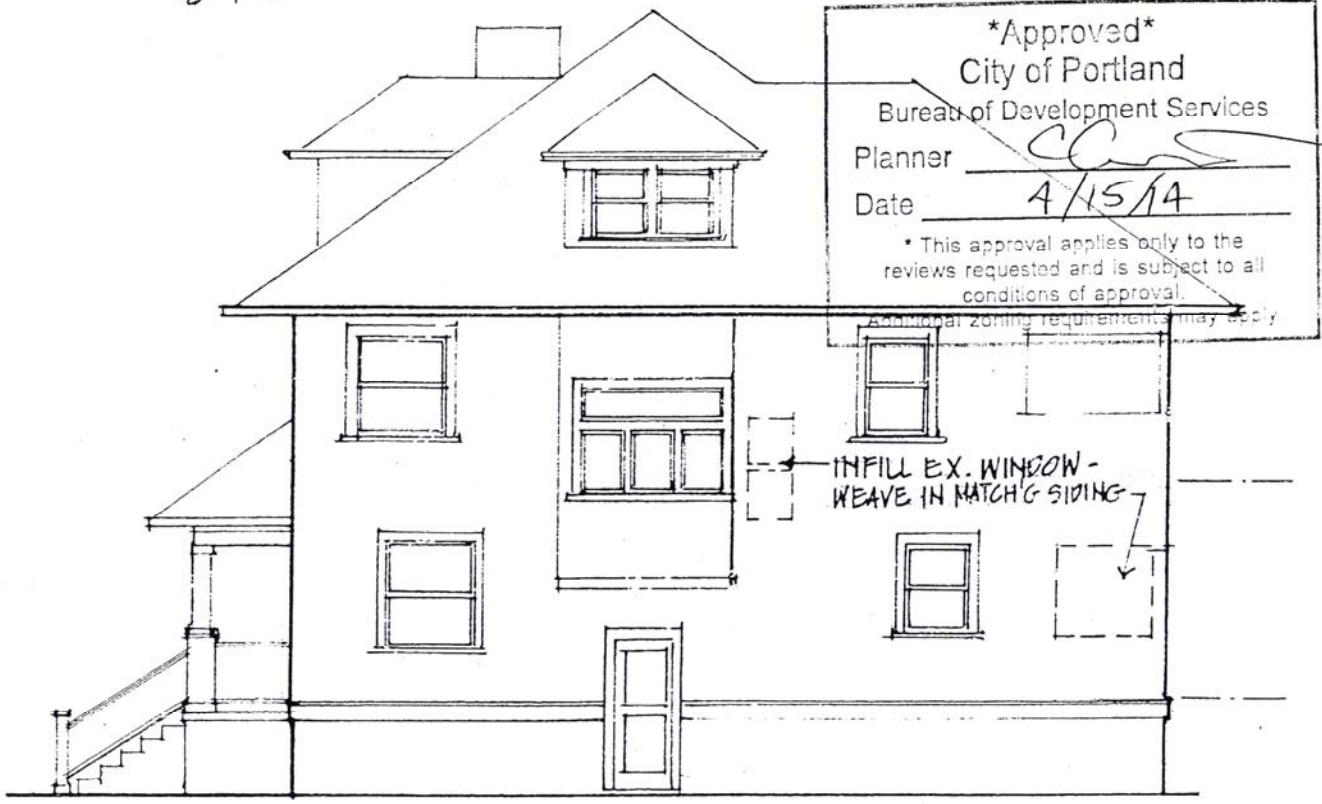
EXH. C-1

LU 14 - 128261 HR



SOUTH ELEVATION - PROPOSED

1/8" = 1'-0"



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 4/15/14

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

WEST ELEVATION - PROPOSED

1/8" = 1'-0"

EXH C-3

W14-128261HR