



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: May 7, 2014
To: Interested Person
From: Amanda Rhoads, 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 14-125600 HR – NEW BASEMENT EGRESS WINDOW

GENERAL INFORMATION

Applicant: Paul P Millius / 2643 NE 43rd Ave / Portland, OR 97213-1214
Owner: Jane Stackhouse / 2133 NE Brazee St / Portland, OR. 97212
Site Address: 2133 NE BRAZEE ST
Legal Description: BLOCK 19 LOT 10 EXC N 2/3', IRVINGTON
Tax Account No.: R420404050
State ID No.: 1N1E26DA 01000
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
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
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 seeks Historic Resource Review approval to replace a 36-inch wide by 30-inch tall wood single-pane, divided light basement window with a larger, 36-inch wide by 40" deep vinyl window providing egress. The new window will be a double-pane window with white vinyl surround set back 3 inches from the building's façade. No simulated divided light is proposed. The window well will be expanded from 20 inches from the building to 36 inches. The basement window faces NE 22nd Ave. Historic Resource Review is required because the proposal is for a non-exempt exterior alteration in a historic district.

A second basement window facing the driveway on the west side of the property will be similarly expanded to provide egress. However, because the window does not face the street, and the design meets the exception for basement windows outlined in Zoning Code Section 33.445.320.B.4, no review is required for this window.

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 site, which is 5,000 square feet, has a duplex in the Mediterranean Revival style, constructed in 1924 and clad in painted stucco. The house does retain some interesting archways but is missing the terra cotta roof tiles characteristic of the style. The site is located on the rectangular block bounded by NE Brazee Street, NE 21st Avenue, NE Knott Street, and NE 22nd Avenue. The site is located at the northwest corner of the intersection of NE Brazee Street and NE 22nd Avenue. Both units are accessed from the NE Brazee side. A paved driveway off of NE Brazee leads to the detached garage. Both the house and the detached garage are listed as contributing structures within the Irvington Historic District. The rest of the windows in the house were replaced with vinyl windows before Irvington became a historic district.

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. 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 within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

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 Overlay zone 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 10, 2014**. Two written responses were received from either the Neighborhood Association or notified property owners in response to the proposal. Dean Gisvold wrote on behalf of the

Irvington Community Association's Land Use Committee, stating no objections to the project. Another neighbor offered support for 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.

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.
- 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 for 1, 2 and 7: The proposed alteration is for a minor enlargement of an existing opening on a basement elevation. The area of expansion is below grade and screened from view with walls and landscaping; therefore, the historic character of the overall structure will be retained and preserved. The replacement window is not an accurate replica and will use a different material from the original wood window being removed. Further, the new window will not copy the muntin pattern of the original window. Thus, it will be differentiated from the original window by its design and will not create a false sense of historic development. These guidelines are therefore 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.

Findings for 8: Because of its small size and location at the basement level, the window comprises a low-profile alteration to this street-facing façade. The window is made of vinyl. It is sized and scaled appropriately for the basement level of the house. The window is large enough to meet egress requirements but small enough to avoid visual obtrusion. It exhibits massing, size, and scale typical for the basement level of a duplex. Therefore this criterion is 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 and does not compromise the character-defining features of the rest of the house. The window has low visibility due to the majority of it being below grade, and the addition of a retaining wall and high plantings on the edge of the property and will not affect the compatibility of the resource with neighboring properties. The subject resource will retain its original setbacks, height, massing, 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 basement egress window will have no adverse effect on the historic character of the Irvington Historic District. The new window is in a low-profile location, and it is compatible with the subject house with respect to size and scale. Mitigating factors include full screening of the window area 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.

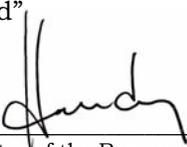
ADMINISTRATIVE DECISION

Approval of one new vinyl window located at the basement level on the east façade of the house located at 2129-2133 NE Brazee Street in the Irvington Historic District.

Approval per the approved plans and drawings, Exhibits C.1 through C.3, signed and dated May 5, 2014, subject to the following condition:

- 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 # LU 14-125600 HR. No field changes allowed"

Staff Planner: Amanda Rhoads

Decision rendered by:  **on May 5, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed May 7, 2014

Procedural Information. The application for this land use review was submitted on March 11, 2014, and was determined to be complete on **April 7, 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 11, 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: August 6, 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 **May 7, 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:

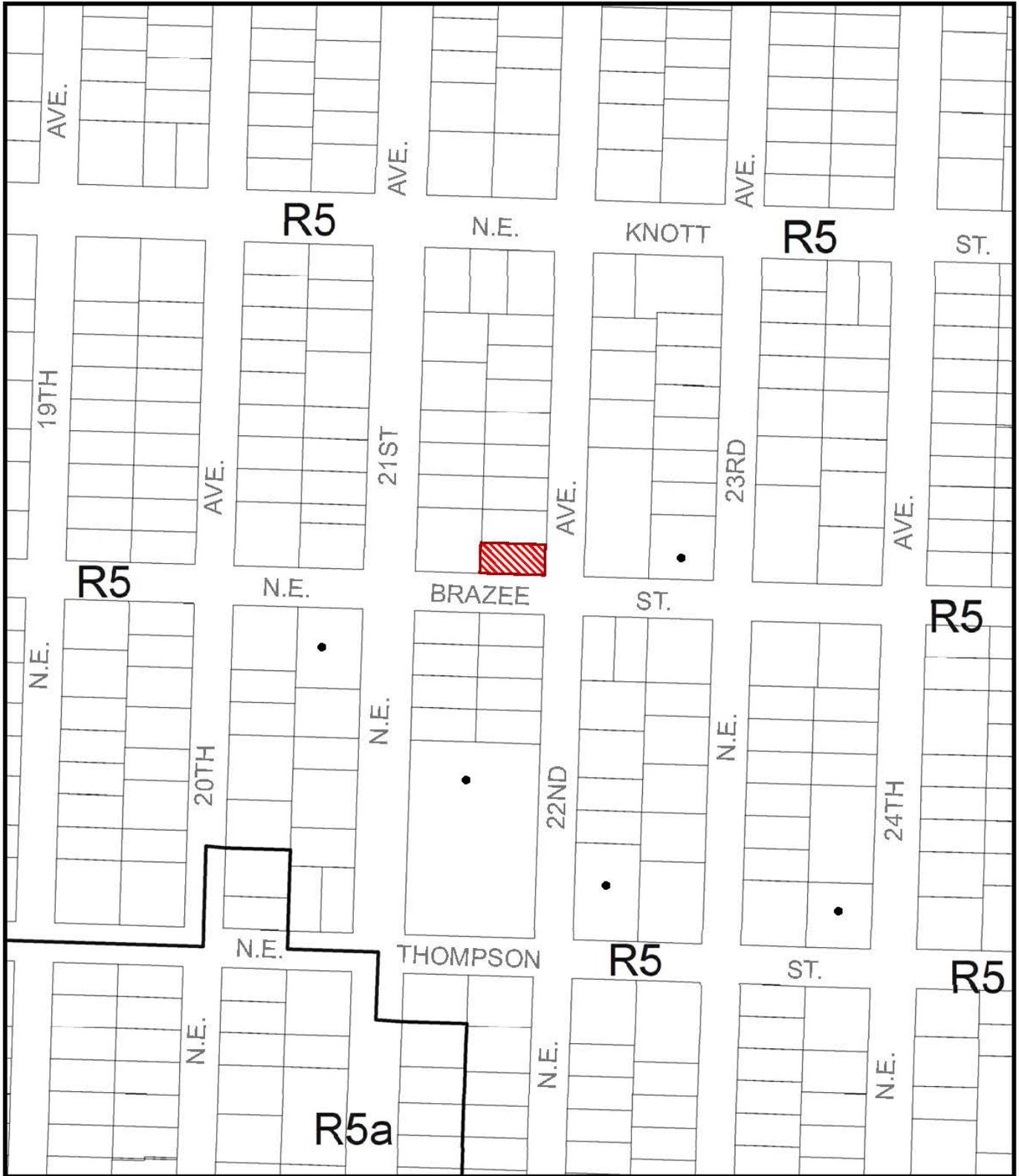
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Submission
 - 2. Final Submission
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Proposed Window Section (attached)
 - 3. Window Cross-Section Drawings (attached)
 - 4. Existing Window Section
 - 5. Existing East Elevation
 - 6. Partial Existing West Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
 - 1. Melody Sundin, April 16, 2014, in support
 - 2. Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, April 24, 2014, no objections
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, March 24, 2014
 - 3. Oregon Historic Site Record

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

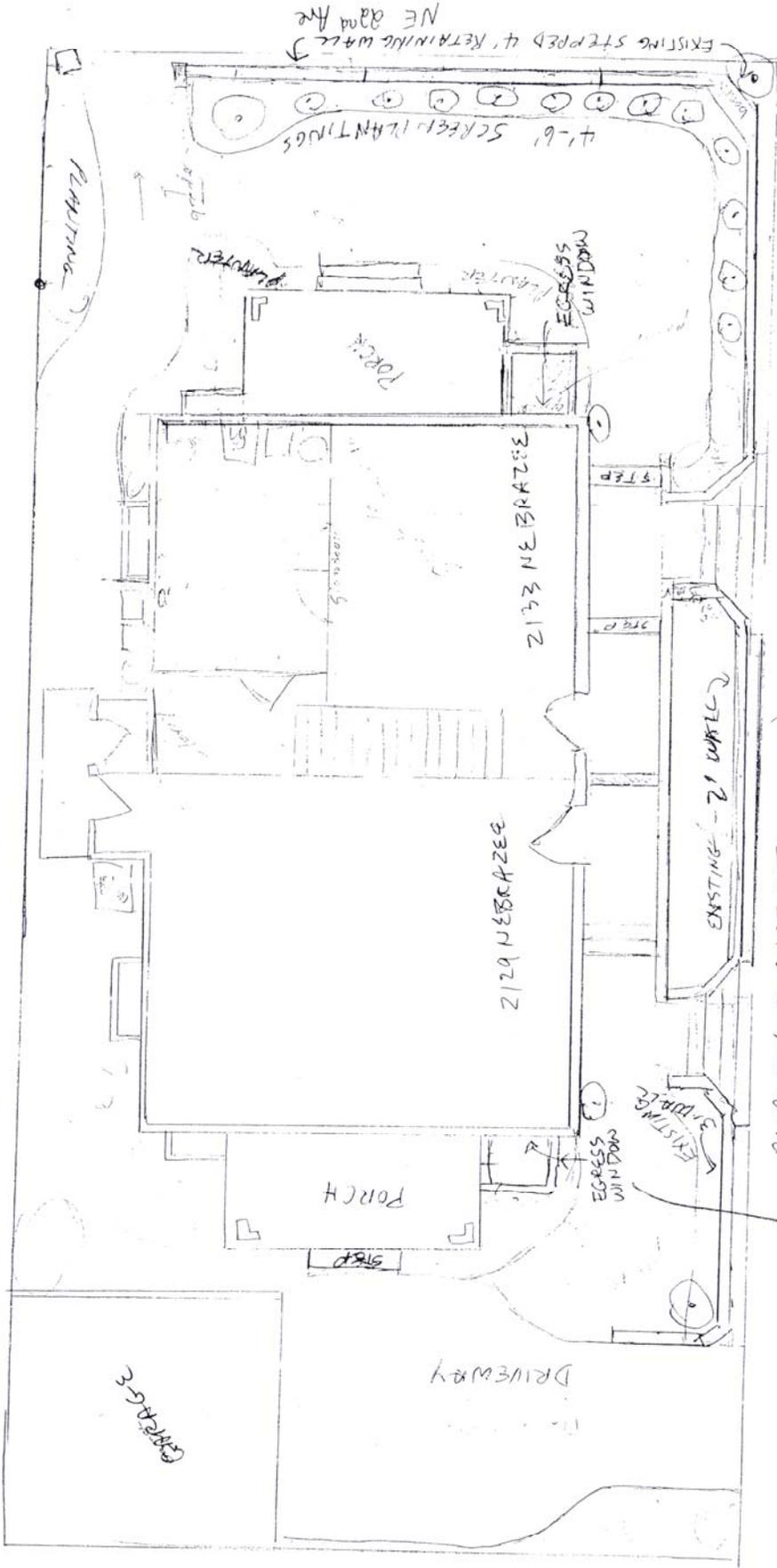
File No. LU 14-125600 HR

1/4 Section 2832

Scale 1 inch = 200 feet

State_Id 1N1E26DA 1000

Exhibit B (Mar 12, 2014)



Brace

This window is approved for replacement through this review.

Approved
 City of Portland
 Bureau of Development Services
 Planner And M
 Date 5/5/14

This approval applies only to the reviews requested and is subject to a conditional approval.

PROPERTY ID R187815
 STATED IN IEZGDA 1000



4ft fence
 4ft fence

This window was not subject to review

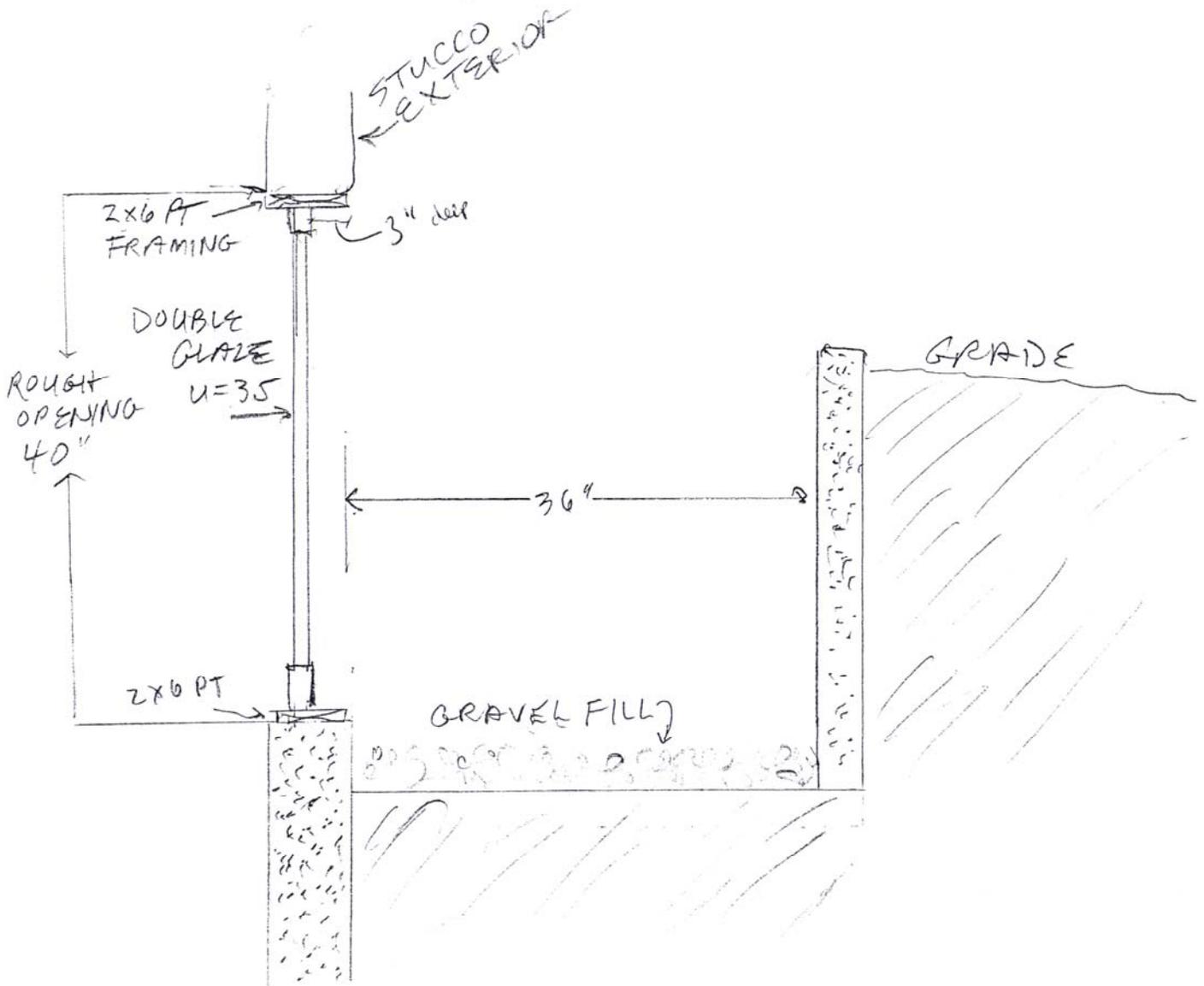
SCALE 1" = 8'

CASE NO LU 14-125600 MR
 EXHIBIT C.1

MR

Site Plan

Proposed Egress Window



SCALE 1" = 1'

Approved
City of Portland
Bureau of Development Services
Planner Am M
Date 5/5/14
* This approval applies only to the reviews requested and is subject to all conditions of approval.

CASE NO. Lu 14-125600 HR
EXHIBIT C.2

Cross Section Drawing

Tuscany Full Casement Window, Fixed Block Frame



Clearly the best.

CAD File Scale
NTS

View
Horizontal & Vertical

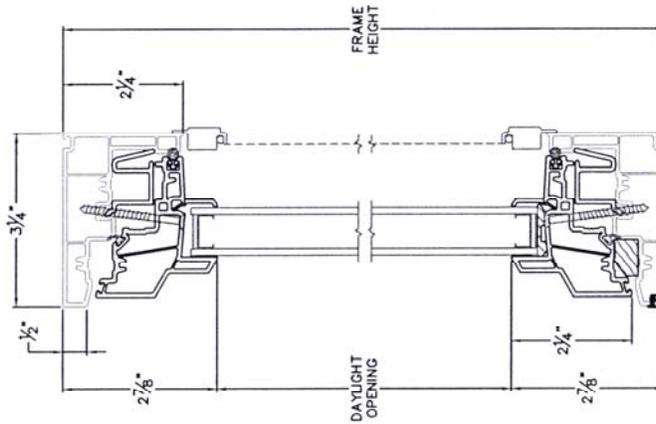
File Name
8521T-01 FC

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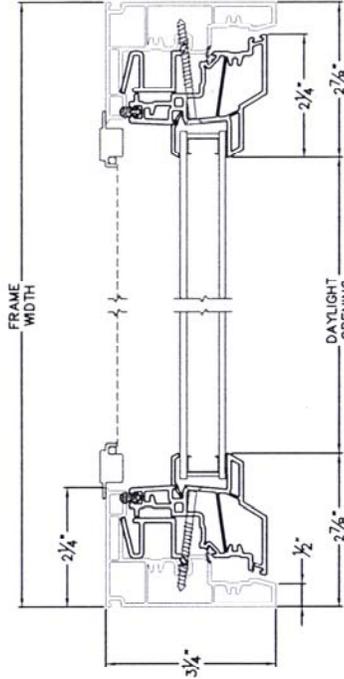
More Technical Documents can be found at milgard.com/professionals

Due to continual research and development, details may be changed at any time. ©2013 Milgard Mfg.

CASEMENT SERIES 8521



HEAD & SILL



JAMBS

Approved
City of Portland
Bureau of Development & Planning
Owner Atul M
5/5/14
Approval applies only to the product and is subject to change without approval of the City of Portland.

CASE NO. LU 14-125600 HR
EXHIBIT C.3