



**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:** July 18, 2014  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Chris.Caruso@portlandoregon.gov](mailto:Chris.Caruso@portlandoregon.gov)

## **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 14-148159 HR – REPLACEMENT WINDOWS**

### **GENERAL INFORMATION**

**Applicant:** Matthew McCune/McCune Design  
2812 NE 8<sup>th</sup> Ave/Portlan, OR 97212

**Owner:** Larry F Bednar  
4569 NE 36th Ave/Portland, OR 97211-7738

**Developer:** Michael Spatzek/Green Hammer Construction  
1323 SE 6th Ave/Portland, OR 97214

**Site Address:** 3226 NE 24TH AVE

**Legal Description:** BLOCK 8 LOT 18, EDGEMONT  
**Tax Account No.:** R237502600  
**State ID No.:** 1N1E25BB 07400  
**Quarter Section:** 2733  
**Neighborhood:** Alameda, contact Jim Brown at 503-284-6455., Irvington, contact Dean Gisvold at 503-284-3885.

**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032..

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

**Plan District:** None

**Other Designations:** Contributing resource in Irvington Historic District

**Zoning:** R5 – Single-Dwelling Residential with Historic Resource 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 seeks Historic Resource Review approval for window replacement in a 1920 bungalow-style house listed as a contributing resource in the Irvington Historic District. The proposal includes the following items:

- Removing two non-original double-hung aluminum windows in the front façade and replacing them with two wood tilt-pac double-hung windows;
- Removing two non-original aluminum double-hung wood windows on the north façade and replacing them with two wood tilt-pac double-hung windows;
- Removing one non-original vinyl double-hung window in the rear façade and replacing it with one wood tilt-pac double-hung window; and
- All original wood trim and siding around the windows will be retained.

**RELEVANT APPROVAL CRITERIA:**

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

- 33.846 Historic Resource Review
- 33.846.060.G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject resource, a one and one-half story bungalow style house on a standard 50' x 100' lot, was built in 1920 and retains a majority of its original exterior material and detailing. Alterations to the subject window openings were done at some point in time, prior to the creation of the Irvington Historic District, and resulted in the installation of non-historic aluminum windows. 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.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **June 19, 2014**. No agency responses were required.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 19, 2014**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, ICA Land Use Committee, July 3, 2014 – no objection.

## **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 replacement windows proposed for the front, north side, and rear 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. The proposed new wood windows will match existing elements on the house in form and type, making them compatible with the size, scale, and architectural features present in this 1920 bungalow style house. The new windows are 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 wood replacement windows will compliment similar wood windows existing 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 or use as the structure will remain a single-family home in the period style. The wood replacement 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 aluminum windows being removed from the three facades have not acquired historic significance. The proposed wood replacement windows match other windows present on the house and will 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 wood replacement windows will match existing features on the house in style, profile and composition, but will be fabricated out of new material, giving them a less weathered appearance. This will differentiate them from older elements on the building. Existing historic material will not be destroyed and existing trim around the windows openings will be retained. *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 wood replacement windows and removal of non-historic windows is a sensitive alteration to the three facades 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 window replacement in a 1920 bungalow-style house listed as a contributing resource in the Irvington Historic District. The proposal includes the following items:

- Removing two non-original double-hung aluminum windows in the front façade and replacing them with two wood titl-pac double-hung windows;
- Removing two non-original aluminum double-hung wood windows on the north façade and replacing them with two wood titl-pac double-hung windows;
- Removing one non-original vinyl double-hung window in the rear façade and replacing it with one wood tilt-pac double-hung window; and
- All original wood trim and siding around the windows will be retained.

Approved per the approved site plans Exhibits C-1 through C-8, signed and dated July 15, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-148159 HR ."

**Staff Planner: Chris Caruso**

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

**Decision mailed July 18, 2014**

**Procedural Information.** The application for this land use review was submitted on April 25, 2014, and was determined to be complete on June 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 April 25, 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: October 13, 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 **July 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.

**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 **date – (the day following the final decision).**

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.
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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:

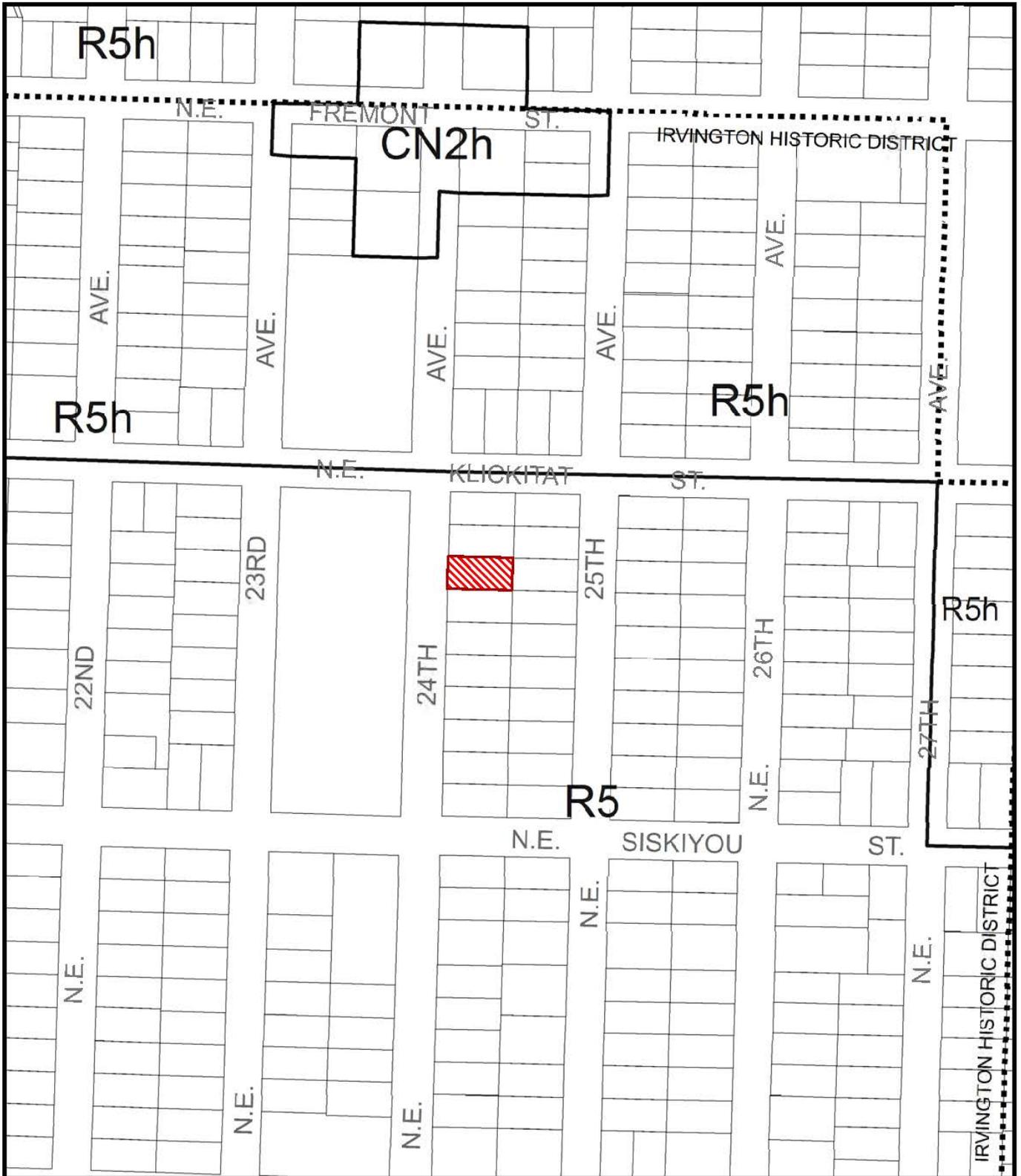
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. North Elevation (attached)
  - 4. East Elevation (attached)
  - 5. South Elevation
  - 6. Existing & Proposed Window Elevations
  - 7. Existing & Proposed Sill Sections
  - 8. Marvin 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, July 3, 2014 – no objection.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**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

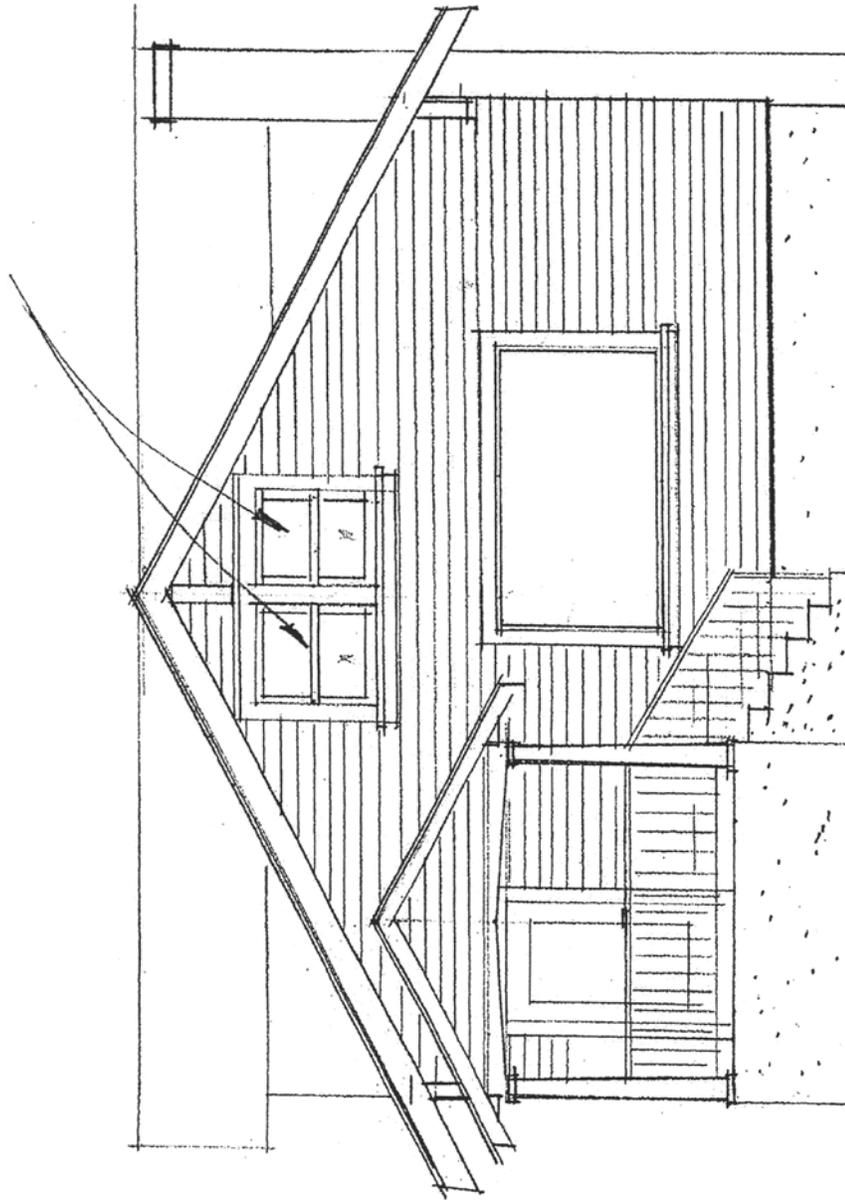


This site lies within the:  
**IRVINGTON HISTORIC DISTRICT**

File No. LU 14-148159 HR  
 1/4 Section 2733  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E25BB 7400  
 Exhibit B (Apr 29,2014)



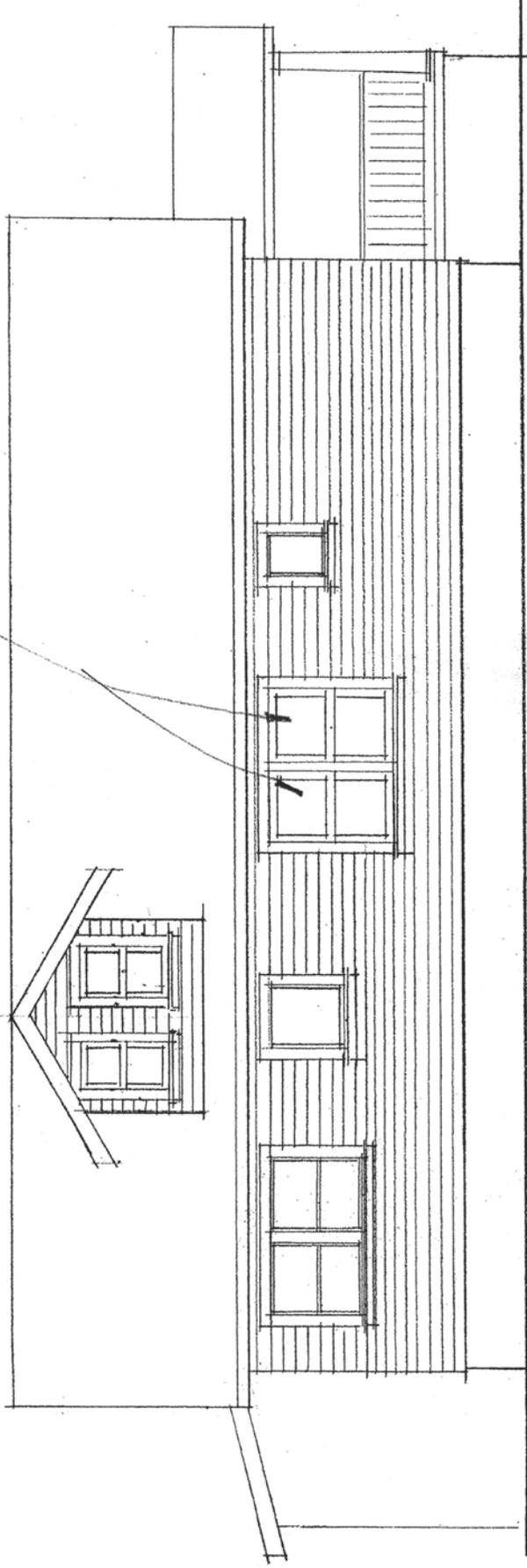
EXISTING ALUMINUM  
WINDOWS - PROPOSED  
TO BE REPLACED



\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner [Signature]  
Date 7/15/14  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

West (Front) Elevation  
Scale: 1/4" = 1'-0"

EXISTING ALUMINUM WINDOWS  
PROPOSED TO BE REPLACED



\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner C. [Signature]  
Date 1/15/14  
\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

○ NORTH ELEVATION  
SCALE: 1/4" = 1'-0"