



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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www.portlandoregon.gov/bds

Date: October 10, 2014
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@portlandoregon.gov

NOTICE OF A TYPE II 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: LU 14-188440 HR
Exterior Alterations at Existing House

GENERAL INFORMATION

Applicant: Amy Griffith, Broken Box Designs LLC
1123 SE 34th Ave | Portland, OR 97214

Developer: Mac Casares, Hammer and Hand Inc
1020 SE Harrison St | Portland, OR 97214

Owners: Adele Taylor and David Lederer
73125 Woodrow Wilson Dr. / Los Angeles CA 90046

Site Address: 1326 NE Fremont Street

Legal Description: BLOCK 71 W 1/2 OF LOT 19&20, IRVINGTON
Tax Account No.: R420415340
State ID No.: 1N1E26BA 02000
Quarter Section: 2731
Neighborhood: Sabin Community Association; contact Rachel Lee at 503-964-8417
Irvington Community Association; contact Dean Gisvold at 503-284-3885

Business District: North-Northeast Business Association; 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: Residential 5,000 (R5) base zone; Historic Resource Protection overlay zone (due to location in designated Historic District)

Case Type: Historic Resource Review (HR)

Procedure: Type II, which is an administrative decision, with appeal to the Landmarks Commission

Proposal: The applicant requests Historic Resource Review for alterations to a contributing bungalow-style house constructed around 1926, located in the Irvington Historic District, to include the following:

West Elevation (NE 13th Avenue)

- Two new wood casement windows on 2nd floor (replace two existing vinyl windows);
- New wood doors and sidelights on 1st floor to provide access to new deck outside (at existing bay window; remove two existing windows);
- Two new wood casement windows on 1st floor (replace two existing vinyl windows);
- One new wood double-hung window on 1st floor (replace one existing vinyl window);
- One new vinyl slider window in the basement; and
- One new skylight on the rear gable roof facing the street.

North Elevation (NE Fremont Street)

- New wood 2-panel, single-light front door on the 1st floor (replace existing front door).

East Elevation (side lot line)

- Two new wood casement windows on the 2nd floor (replace two vinyl windows); and
- Two new vinyl slider windows in the basement.

South Elevation (rear lot line)

- One new wood double-hung window on the 2nd floor (replace one existing vinyl window);
- One new wood double-hung window on the 1st floor (replace one existing vinyl window);
- One new wood single-light door on the 1st floor (replace existing boarded-up door); and
- One new vinyl slider window in the basement.

Garage

- One new metal single-light door (replace one existing door); and
- One new roll-up garage door (replace existing roll-up garage door).

The skylight proposed on the west-facing rear gable roof has been removed from the project and the side deck is exempt from historic resource review as it does not require a building permit and will not affect historic materials. Because the proposal is for non-exempt exterior alterations to an existing building in a designated Historic District, Historic Resource Review is required prior to the issuance of building permits.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 33 (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 one and one-half story bungalow-style house on a 5,000 SF lot, was built around 1926 and retains much of its original exterior material and detailing with the exception of the windows and doors, most of which had been replaced several decades ago, and the garage which was converted into an attached double-car garage. These alterations were done prior to the creation of the Irvington Historic District, and resulted in the installation of non-historic features. The house is evaluated in the National Register of Historic Places documentation as contributing to the character of 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 September 4, 2014. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)
- Site Development Section of BDS (Exhibit E-2)
- Bureau of Parks-Forestry Division (Exhibit E-3)
- Water Bureau (Exhibit E-4)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 4, 2014. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Susan D'Alessandro, September 15, 2014. Feels that the entire review process is a waste of taxpayer money and does not care if a homeowner wants to change their windows.
2. Dean Gisvold, ICA Land Use Committee, September 25, 2014. The ICA does not support removing the side bay and installing French doors in its place.

Staff response: The neighborhood has been designated a Historic District on the National Register of Historic Places. This historic status requires jurisdiction review of exterior alterations and the review process requires mailing public notices to nearby building owners. This practice is legally mandated and will continue for the area. The original side bay and windows will remain in place and there will be no French doors added at this location.

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 wood windows and doors proposed for all sides of the house will not alter the historic character of the property as the new elements will be replacing non-original vinyl windows and non-original doors while leaving wood trim and siding in place. The window design is also a close match to the divided lite pattern on the few existing windows that will remain on the front and west facades. The proposed new wood windows and will match existing original elements on the house in form and type, making them compatible with the size, scale, and architectural features present in this bungalow style house. The two garage doors are very simple in their design, allowing them to be secondary features that will not detract from the architecture of the house. The vinyl basement windows will not be visible from the streets so they will also have no negative impact on the resource or the district as a whole. The exterior alterations are compatible with the original structure since they will be sized to fit into original wall openings, and with adjacent residential properties, and 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 new wood windows will compliment similar wood windows existing on the north and west facades of the house and are not conjectural additions of elements from other buildings. The new doors are also in keeping with the original style of the house. 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 bungalow style. The new wood windows will retain the horizontal and vertical divisions of the nearby 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-original windows and doors being removed have not acquired historic significance due to their newer age and materials. The proposed new wood

windows and doors match other windows present on the house and will not adversely affect the historic character of the resource. The two garage doors do not affect any historic material as the garage itself was altered from its original configuration. *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 as all the items being replaced are non-original to the house and have not gained historic significance. *This criterion is therefore met.*

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 therefore met.*

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 and doors 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 features that characterize the property will not be destroyed. *This criterion 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 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, wood doors, vinyl basement windows, and metal garage doors, plus removal of non-historic windows are all sensitive alterations to the building facades that maintain the historic form of the house so as to not compromise the historic character of Irvington Historic District. These portions of the proposal therefore warrant approval.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review for the remaining proposed alterations to the contributing bungalow-style house constructed around 1926, located in the Irvington Historic District as listed below:

West Elevation (NE 13th Avenue)

- Two new wood casement windows on 2nd floor (replace two existing vinyl windows);
- New wood doors and sidelights on 1st floor to provide access to new deck outside (at existing bay window; remove two existing windows);
- Two new wood casement windows on 1st floor (replace two existing vinyl windows);
- One new wood double-hung window on 1st floor (replace one existing vinyl window); and
- One new vinyl slider window in the basement.

North Elevation (NE Fremont Street)

- New wood 2-panel, single-light front door on the 1st floor (replace existing front door).

East Elevation (side lot line)

- Two new wood casement windows on the 2nd floor (replace two vinyl windows); and
- Two new vinyl slider windows in the basement.

South Elevation (rear lot line)

- One new wood double-hung window on the 2nd floor (replace one existing vinyl window);
- One new wood double-hung window on the 1st floor (replace one existing vinyl window);
- One new wood single-light door on the 1st floor (replace existing boarded-up door); and
- One new vinyl slider window in the basement.

Garage

- One new metal single-light door (replace one existing door); and
- One new aluminum roll-up garage door (replace existing roll-up garage door).

Approved, per the approved site plans, Exhibits C-1 through C-6 signed and dated October 7, 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.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-188440 HR. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on October 7, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 10, 2014

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 23, 2014, and was determined to be complete on **August 22, 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 July 23, 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: December 20, 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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 24 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that

issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **October 27, 2014 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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 of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

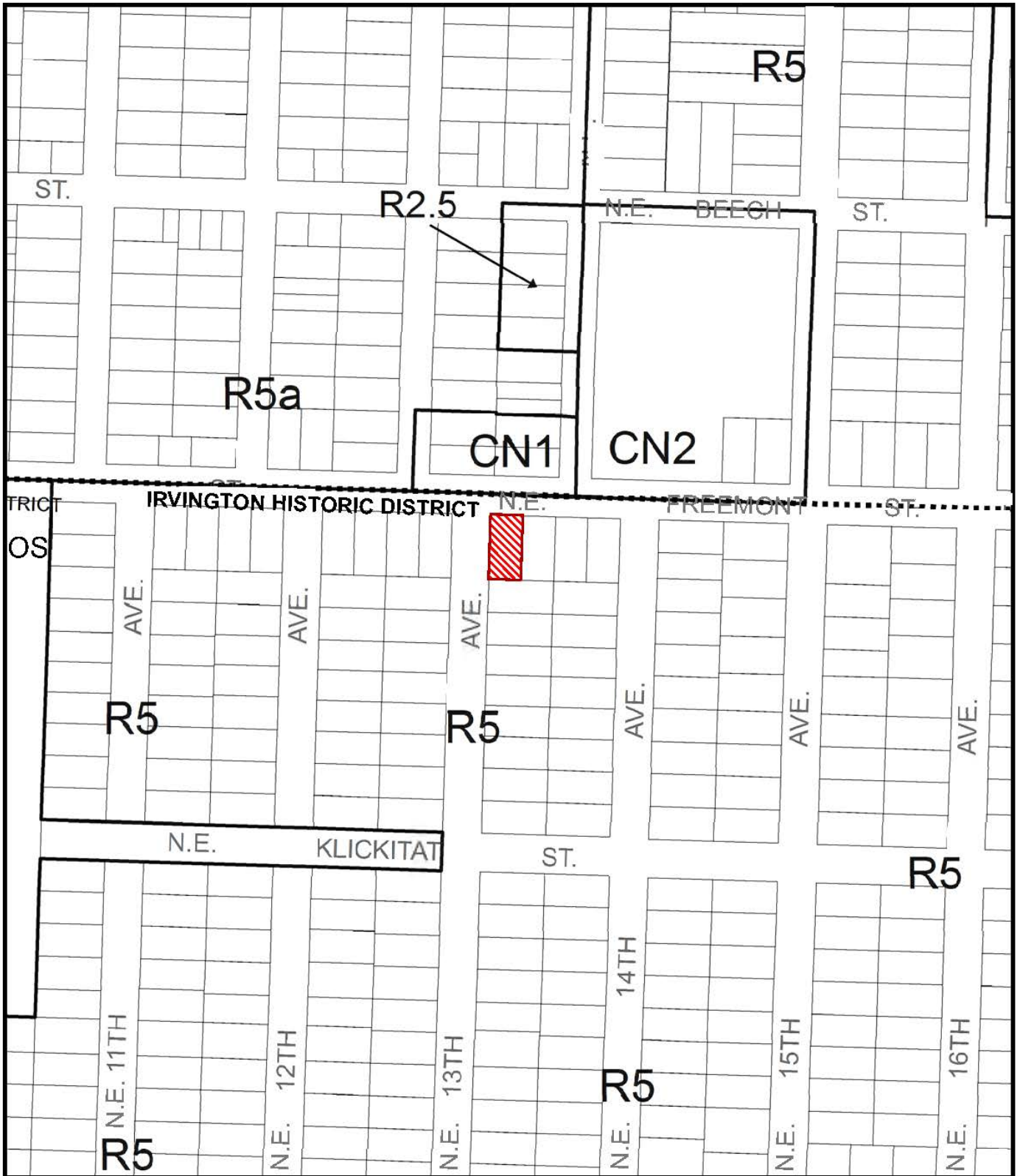
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Proposed Floor Plans
 3. Code Notes

4. Proposed Exterior Elevations (attached)
 5. Proposed Exterior Elevations (attached)
 6. Window and Door Details
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Review Section of BDS
 2. Site Development Review Section of BDS
 3. Bureau of Parks, Forestry Division
 4. Water Bureau
- F. Correspondence:
1. Susan D'Alessandro, September 15, 2014
 2. Dean Gisvold, ICA Land Use Committee, September 25, 2014
- 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

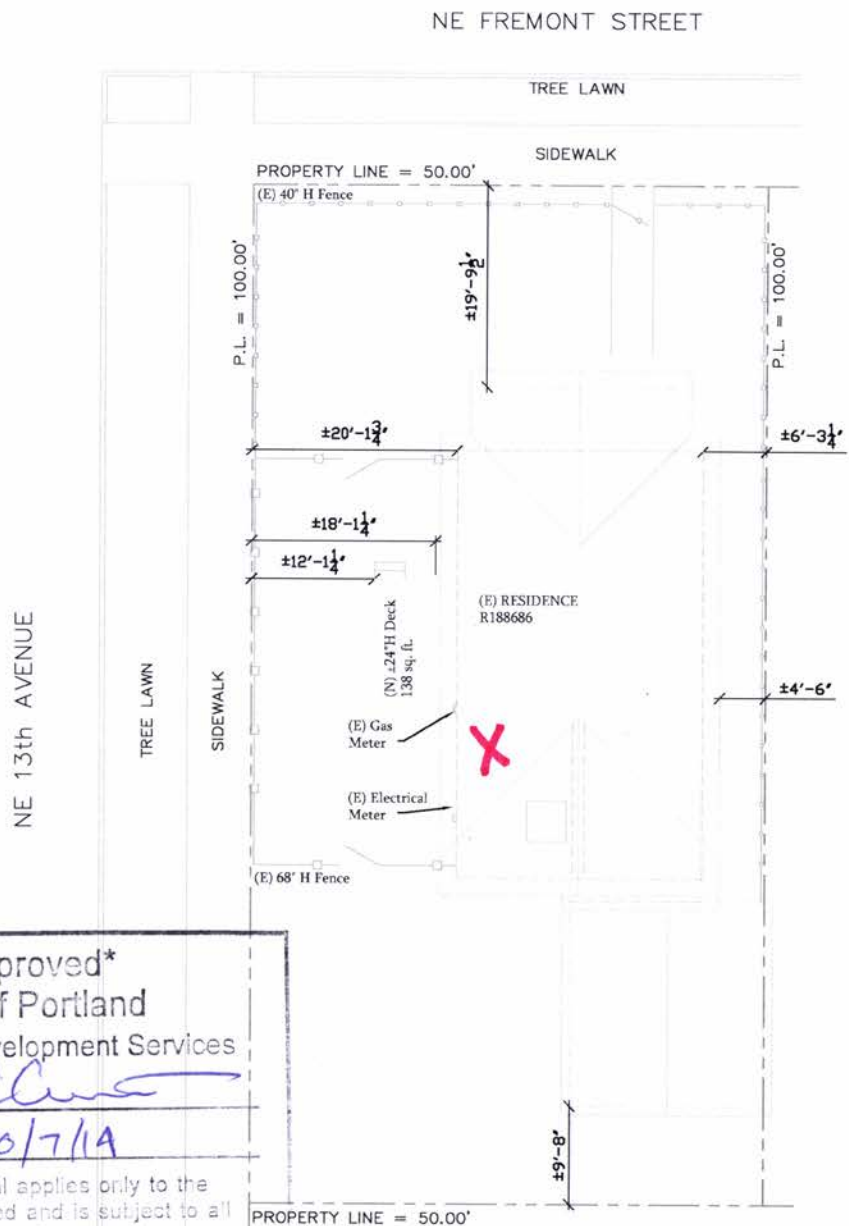


Site



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-188440 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State_Id 1N1E26BA 2000
 Exhibit B (Jul 25, 2014)



Approved
City of Portland
Bureau of Development Services
Planner *Clara*
Date 10/7/14

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

Taylor-Lederer Remodel
1326 NE Fremont Street
Portland, OR 97212

Cover Sheet

1 SITE PLAN
CS SCALE: 1" = 8'-0"

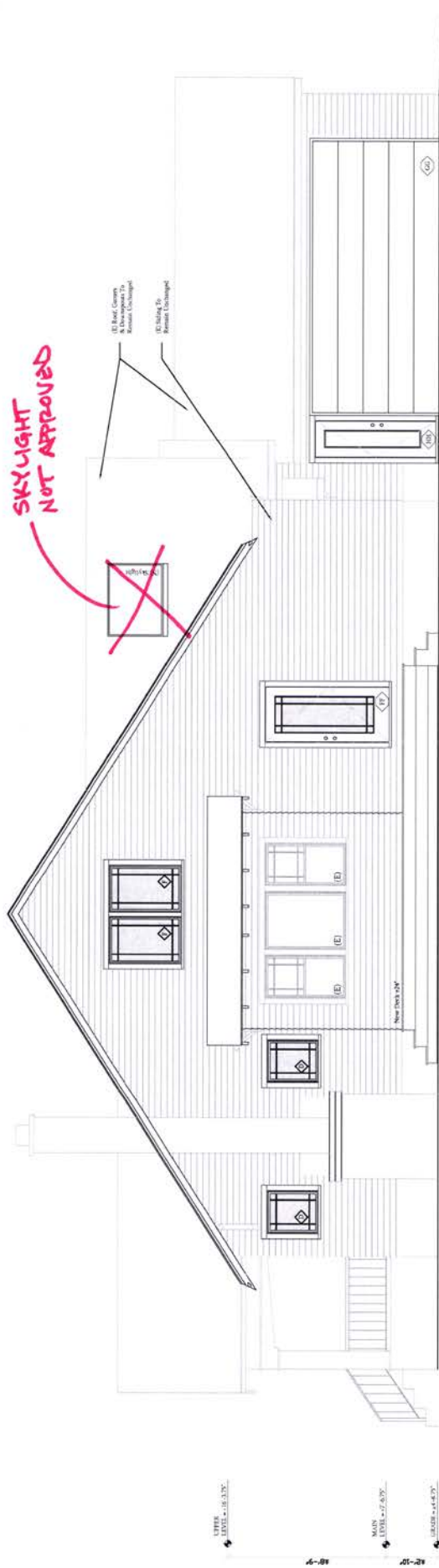


CS

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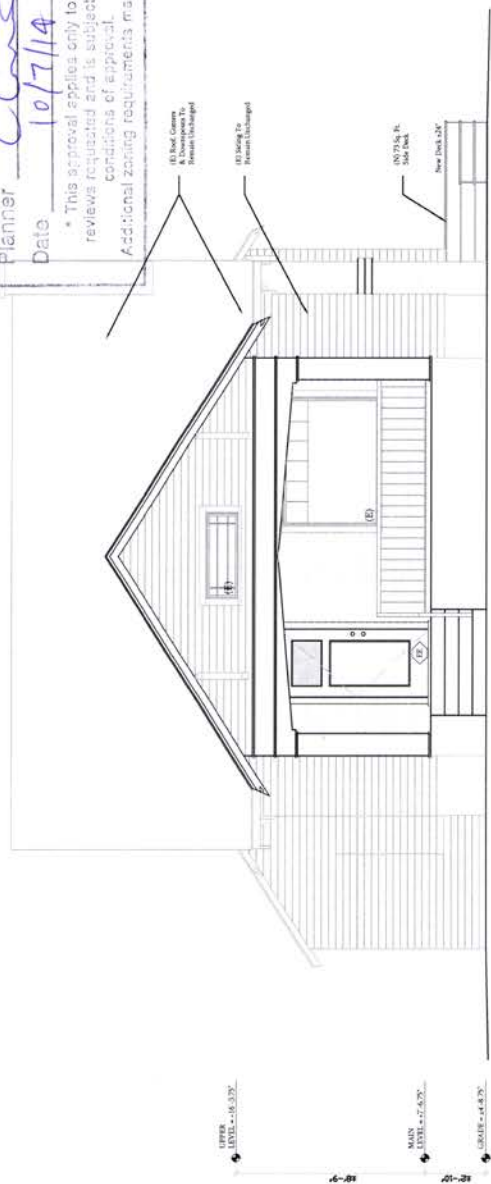
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Exhibit C-1 LU 14-188440 HR



2. PROPOSED SIDE (WEST) ELEVATION
 A2.0 SCALE: 1/8" = 1'-0"

* Approved*
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: 10/7/14
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1. PROPOSED FRONT (NORTH) ELEVATION
 A2.0 SCALE: 1/8" = 1'-0"

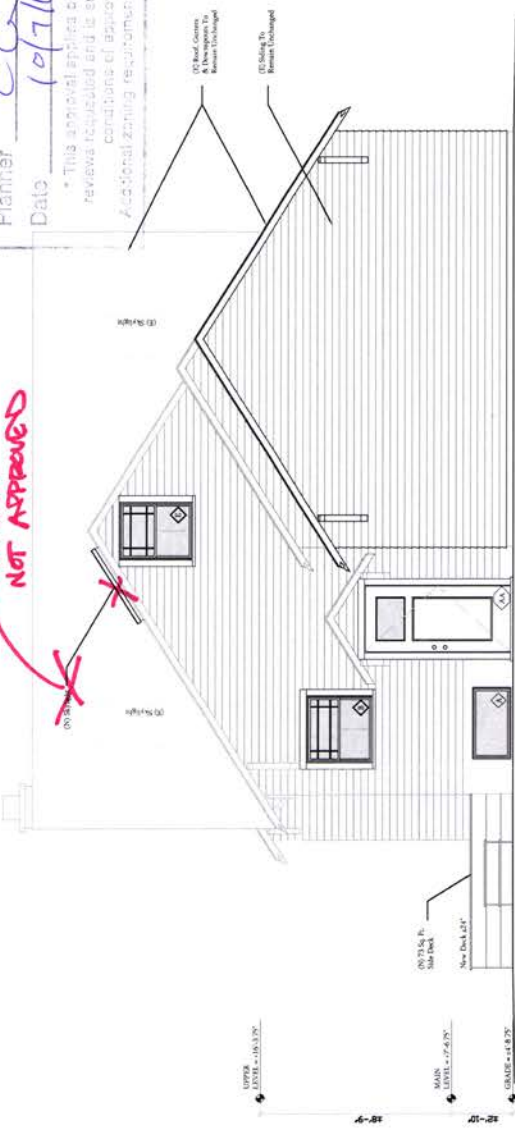
Exhibit C-4 LU 14-188440 HR



North - Proposed Exterior Elevations
 2. PROPOSED SIDE (EAST) ELEVATION
 A2.1 SCALE: 3/8" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner: C. Jones
 Date: 10/7/14
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SKYLIGHT
 NOT APPROVED



North - Proposed Exterior Elevations
 1. PROPOSED REAR (SOUTH) ELEVATION
 A2.1 SCALE: 3/8" = 1'-0"