



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: January 9, 2015
To: Interested Person
From: Arthur Graves, Land Use Services
503-823-7803 | Arthur.Graves@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-224920 HR: REMOVAL AND REPLACEMENT OF NON-ORIGINAL WINDOWS

GENERAL INFORMATION

Applicant: Melissa McCall | McCall Design LLC | 503.449.3878
4336 NE 65th Avenue | Portland OR 97218

Site Address: 2207 NE 9TH Avenue

Legal Description: BLOCK 106 LOT 5, WEST IRVINGTON
Tax Account No.: R893602090
State ID No.: 1N1E26CB 13200
Quarter Section: 2831
Neighborhood: 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.
Other Designations: Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.
Zoning: R5a: Single-Dwelling Residential Zone (R5) with Alternative Design Density (a) Overlay Zone
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 alterations to a contributing 1903 residence in the Irvington Historic District. The alterations include the following:

- Removal of non-original windows from the west, north and east elevations to be replaced with new wood double-hung windows at the same location(s) unless noted. Specific proposed alterations include:
 - North façade: two second story windows to be removed. The western most window is to be replaced with lap siding and paint to match existing. The two non-original casement windows will be removed and replaced with new wood double-hung windows to match original windows found on the house. All trim and paint to match existing. First floor, non-original stained glass window to be replaced with new leaded glass wood window and raised so aligned with adjacent sill.
 - East façade: Removal of second story window located at northern most rear projection from the house. To be replaced with new wood casement egress window.
 - West façade: Removal of two sets of second story windows to be replaced with new wood double-hung windows to match existing wood windows.

Historic resource review is required for exterior alterations to contributing structures such as this one in the Irvington Historic District.

Relevant Approval Criteria:

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

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity:

The subject property, an Irvington Four-Square, was constructed in 1903 and has been evaluated as a contributing resource in the National Register of Historic Places documentation for the Irvington 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.

Regarding area amenities in proximity to the site, the resource is surrounded by a variety of resources within a 5 minute (approximately .25 mile) walk. These amenities include a post office, banks, and coffee shops to the south, the Irvington Elementary School to the east, bucolic Irvington neighborhood to the north and additional retail and commercial assets to the west.

Regarding transportation surrounding the site, according to the Transportation System Plan (TSP) the site is immediately surrounded by “local service transit streets”. “Major transit priority streets” in proximity to the site include Martin Luther King JR to the west and NE Broadway and NE Weidler Street to the south. These same streets provide bus transit service for the site. NE 9th Ave is designated as a City Bikeway.

Zoning:

The single-dwelling zones, including the Residential 5,000 (R5), are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Alternative Design Density “a” overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

The Historic Resource Protection 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.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **November 5, 2014**. No Bureaus have responded with issues or concerns about the proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 5, 2014**. One written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on November 07, 2014 with no objections to 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.

- 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.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 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.
- 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 for 1, 2, 3, 4, and 5: The subject house is classified as a contributing resource in the Irvington Historic District. The proposed window alterations are predominantly to the north and west façades. The lone window proposed to be altered on the east façade is located at the rear of the building on 2nd floor of what appears to be a later addition to the building. All proposed windows to be altered are 2nd story non-original windows with the exception of a single first floor, non-original, stained glass window located on the far east portion of the north façade. All proposed alterations and replacements will better match the existing original windows both in material composition (wood vs vinyl) and aesthetic design. With the exception of the proposed leaded glass window on the first floor of the north elevation and the egress window proposed to the rear of the east façade all replacements will feature divided lights, and will be recessed to match the other windows in the house. This will help to retain the historic character of the resource and ensure that it remains a record of its time. The proposed windows will clearly read as new windows, however, they are more compatible and complimentary to the existing contributing resource than the vinyl windows being removed from the residence. All proposed window alterations will be trimmed out to match the existing condition of the residence.

With all of the proposed alterations and replacements no historic features present on the resource are proposed to be altered or removed. There will be no chemical or physical treatments in the removal and replacement of the proposed windows: historic materials will be protected.

There are no prior changes that have been made or documented to the property that have acquired historic significance and so need preservation. Historical materials will be fully protected and the historic character of the property will be preserved and retained allowing it to remain an accurate physical record of its time, place and use. Adding conjectural features will not be done. *Therefore these guidelines are 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.
- 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.
- 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.
- 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 7, 8, 9, and 10: The proposed window alterations to the north, west and east exterior elevations are of a style and design that is consistent and compatible with the historic aesthetic of the property. All proposed windows to be removed are stated by the applicant as being non-original. All proposed replacement windows are stated by the applicant as being closer to the original size and style of the windows that are original to the resource. All proposed new windows will match existing architectural conditions and aesthetics currently found on the subject resource, including paint and unique trim detailing, ensuring further compatibility and attention to preservation and integrity of the historic resource.

All proposed alterations will preserve and contribute to the historically accurate form and integrity of the historic resource. No materials that characterize the correct historic style of the site will be altered, removed, or replaced and all exterior alterations will be designed to be fully compatible with the original resource. Fulfilling these exterior alterations will enable the resource to continue to be a “contributing” resource which benefits the site, the adjacent properties and the Irvington Historic District as a whole. *Therefore these guidelines are 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review for exterior alterations including:

- **North Elevation:** two second story windows to be removed. The western most window is to be replaced with lap siding and paint to match existing. The two non-original casement windows will be removed and replaced with new wood double-hung windows to match original windows found on the house. All trim and paint to match existing. First floor, non-original stained glass window to be replaced with new window and raised so aligned with adjacent sill.
- **East Elevation:** Removal of second story window located at northern most rear projection from the house. To be replaced with new wood casement egress window.
- **West Elevation:** Removal of two set of second story windows to be replaced with new wood double-hung windows to match existing.

Approval per the approved site plans, Exhibits C-1 through C-7, signed and dated January 6, 2015, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-224920 HR." No field changes permitted.

Staff Planner: Arthur Graves



Decision rendered by: _____ **on January 6, 2015.**

By authority of the Director of the Bureau of Development Services

Decision mailed January 9, 2015.

Procedural Information. The application for this land use review was submitted on October 13, 2014, and was determined to be complete on **October 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 October 13, 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, applicant requested that the 120-day review period be extended by 30 days (see Exhibit A-3). Unless further extended by the applicant, **the 120 days will expire on: Thursday, March 26, 2105.**

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 **January 9, 2015**. 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. Applicant's Statement
 - 2. Historic Photograph
 - 3. 120-Day Waiver: Signed 1.06.15
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation: West - Existing and Proposed (attached)
 - 3. Elevation: North - Existing and Proposed (attached)
 - 4. Elevation: East - Existing and Proposed (attached)
 - 5. Elevation: South - Existing (nothing proposed)
 - 6. Window Section: 2nd floor North
 - 7. Manufactures cut sheets: Double hung, casement and picture windows
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received

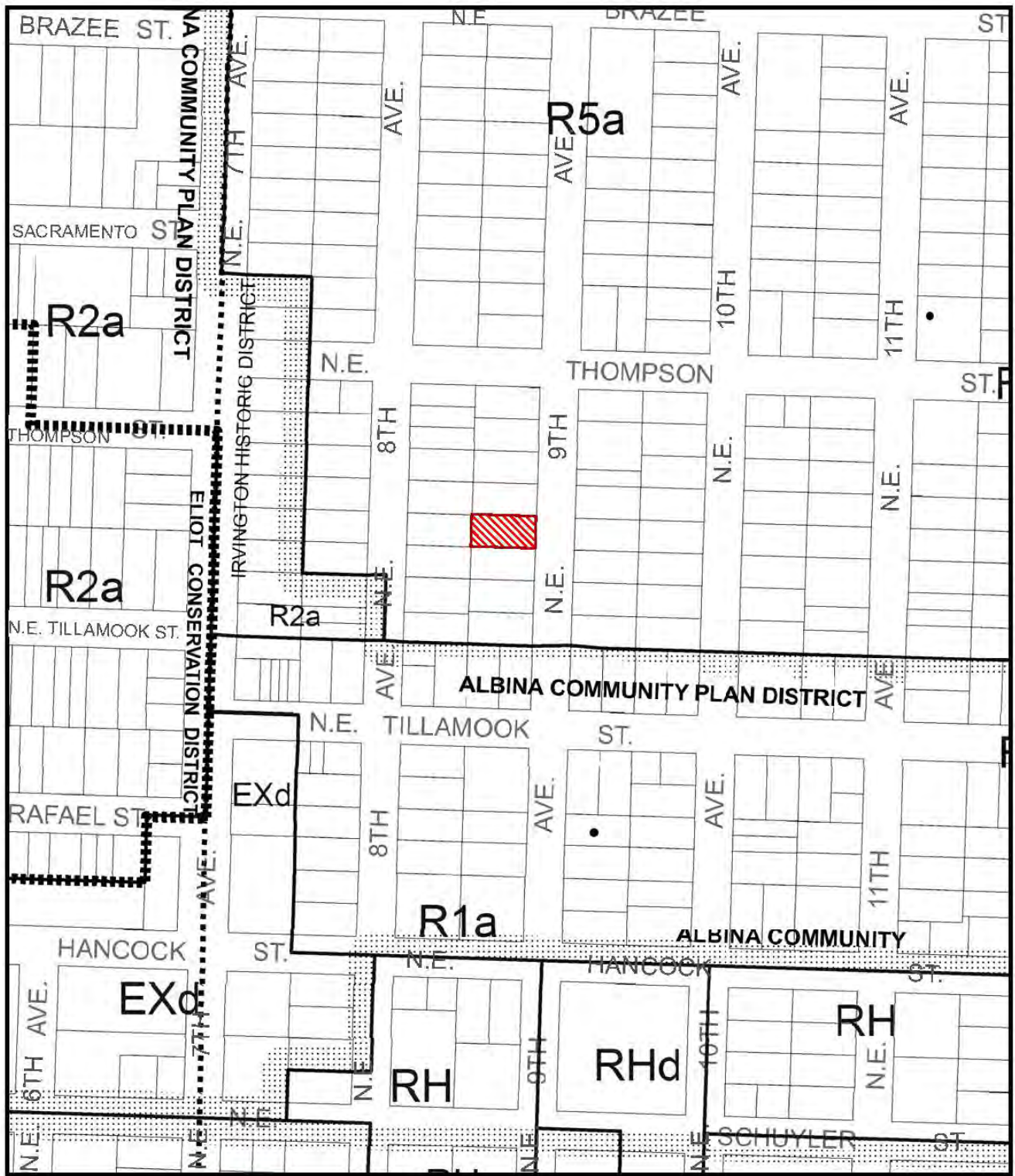
F. Correspondence:

Dean P. Gisvold, on behalf of the Irvington Neighborhood Association, received November 07, 2014; no objections

G. Other:

1. Original LU Application
2. Site pictures

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

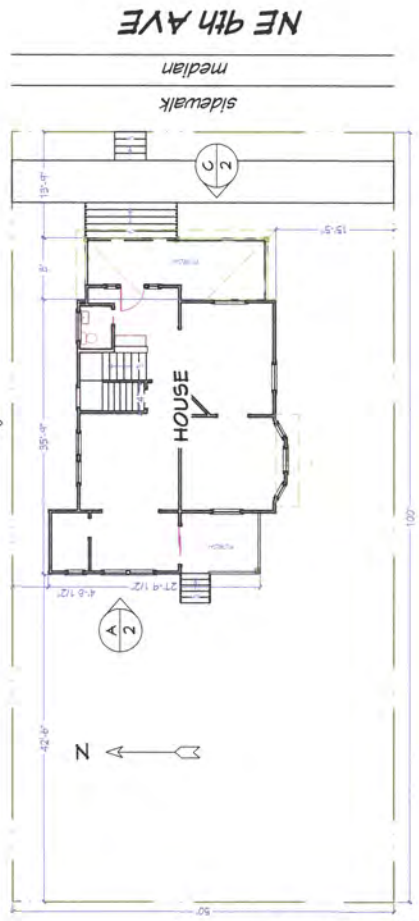
 Site

 Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No.	LU 14-224920 HR
1/4 Section	2831
Scale	1 inch = 200 feet
State_Id	1N1E26CB 13200
Exhibit	B (Oct 15, 2014)



* Approved *
 City of Portland
 Bureau of Development Services
 Planner _____
 Date 11.7.15
 * This drawing is the property of the City of Portland and is loaned to all recipients.
 Additions _____
 Changes _____

LV 14-224920 HR

SITE PLAN
1"=15'-0"

EXH C-1

remove two sets of (e) non-original slider windows, replace w/ new wood dbl hung windows to match existing original wood windows, patch & repair (e) painted lap siding

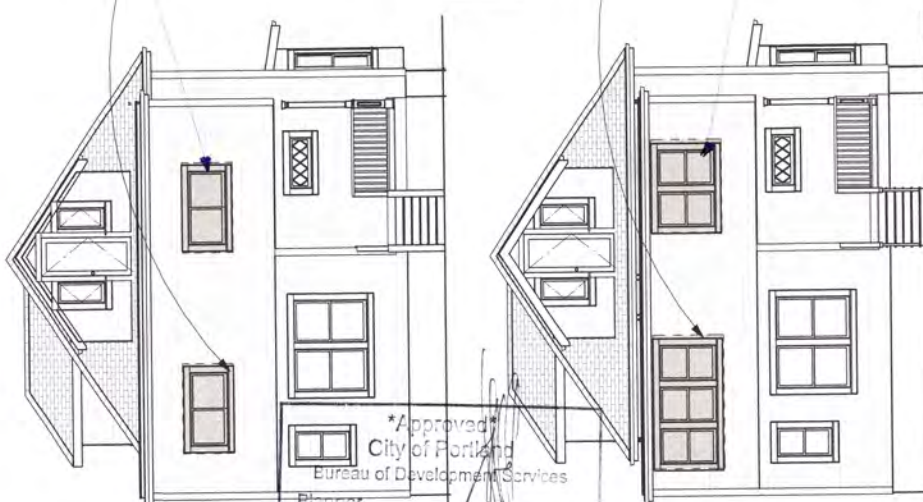
EXIST. WEST ELEVATION
1/8"=1'-0"

ALL NEW WINDOWS TO BE PAINTED TO MATCH EXISTING WINDOWS AND TRIM, TYP.

Replace w/ (B) new double hung wood windows (4'0"h x 8'0"w) to match existing windows, paint to match existing, typ.

Replace w/ (2) new double hung wood windows (4'0"h x 5'5"w) to match existing original wood windows

B. PROPOSED WEST ELEVATION 1/8"=1'-0"



Approved
City of Portland
Bureau of Development Services
Planner _____
Date 1. 2. 15
* This approval applies only to the reviews required and does not constitute a final approval.
Additional zoning requirements apply.

remove (e) non-original
casement window, patch &
repair (e) painted lap siding

remove (2) exist. non-original
casement windows & replace
(see below)

remove non-original stained
glass window & replace (see
below)

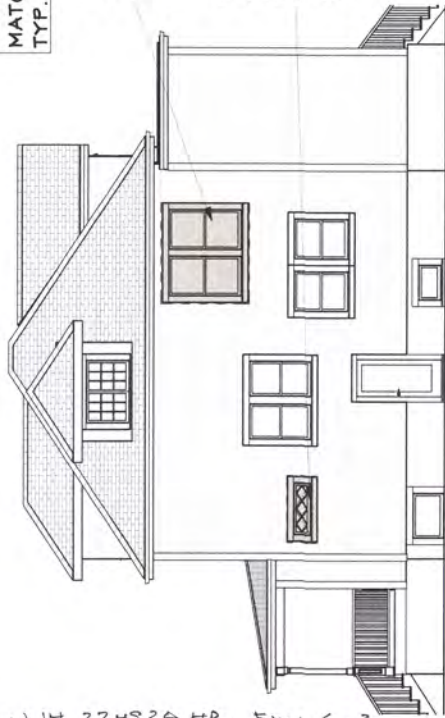
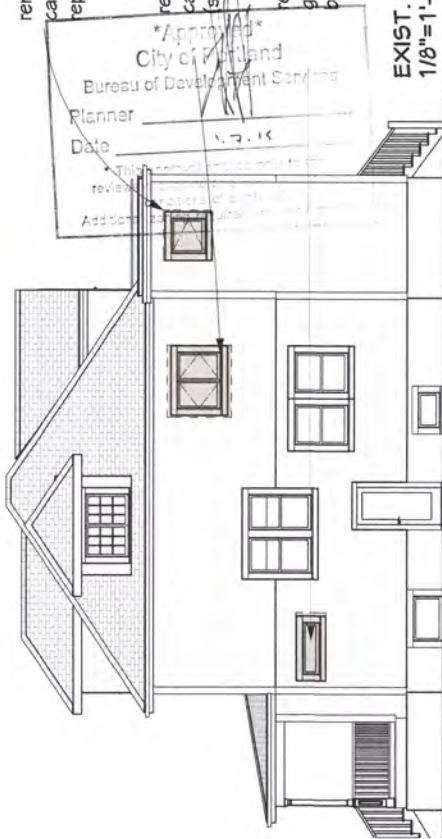
EXIST. NORTH ELEVATION
1/8"=1'-0"

**ALL NEW WINDOWS TO BE PAINTED TO
MATCH EXISTING WINDOWS AND TRIM,
TYP.**

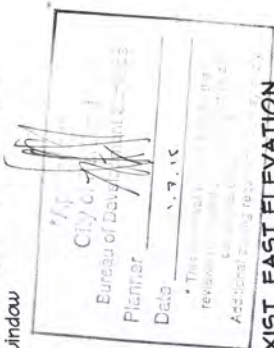
Replace with (2) new (52"h x 6'10"w)
painted wood dbl hung windows to match
(e) original wood windows @ house, patch
& repair siding to match exist. painted lap

(N) to match exist., align (n) window sill w/
adjacent windows & replace w/ new (3'8"w
x 1'3"h) leaded glass window, painted
wood to match (e) original wood windows
@ house, patch & repair siding to match
exist. painted lap

**B. PROPOSED NORTH
ELEVATION 1/8"=1'-0"**



remove (e) non-original casement window

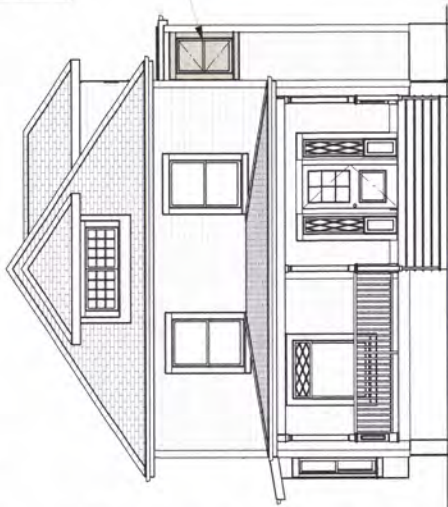
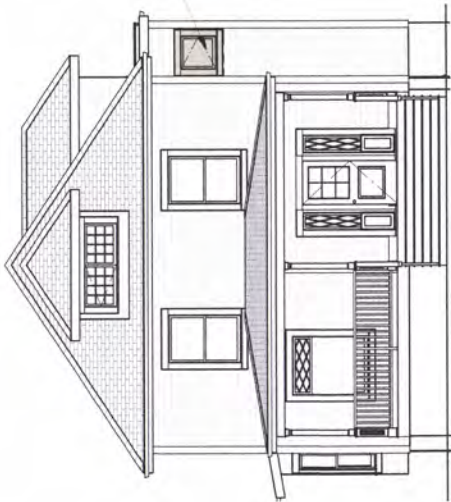


EXIST. EAST ELEVATION
1/8"=1'-0"

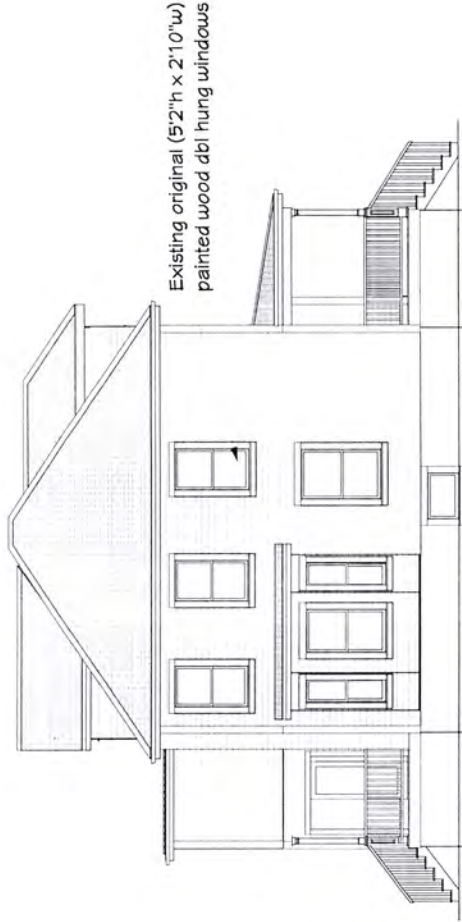
ALL NEW WINDOWS TO BE PAINTED TO MATCH EXISTING WINDOWS AND TRIM, TYP.

Replace w/ new (4'0"m x 2'6"w) casement wood egress window, mullion added to resemble adjacent dbi hung windows

C. PROPOSED EAST ELEVATION
1/8"=1'-0"



1-2-2020 EX 1-5



Existing original (52"n x 2'10"n)
painted wood dbl hung windows

EXISTING SOUTH ELEVATION
1/8"=1'-0"

~~*Approved*~~
 City of Portland
 Bureau of Development Services
 Planner
 Date 1.7.15

Scale 1/8" = 1'-0"
 Date 1/7/15
 City of Portland

9

DRAWING
EXISTING SOUTH
ELEVATION
DATE: 10/2014

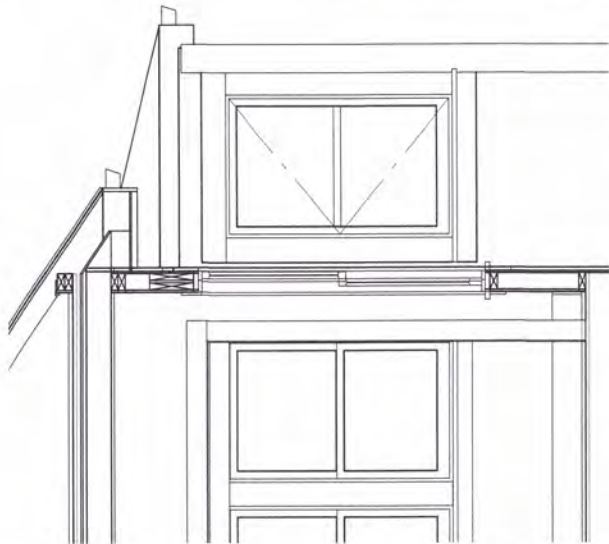
CHOPE REMODEL
2207 NE 9th Ave
PORTLAND, OR 97212

McCall DESIGN

503.449.3878

Approved
 City of Portland
 Bureau of Development Services
 Planner _____
 Date 1.7.15

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



SECTION @ (N) 2nd FLOOR DBL HUNG WINDOW
 1/2"=1'-0"

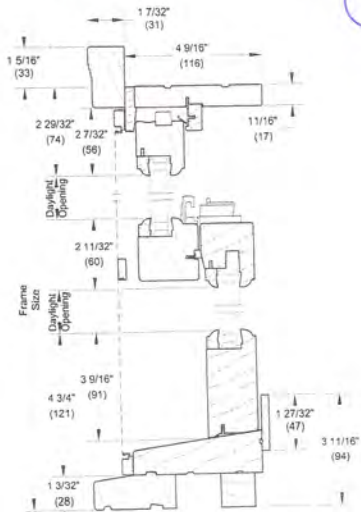
Wood Ultimate Double Hung

Section Details: Operating

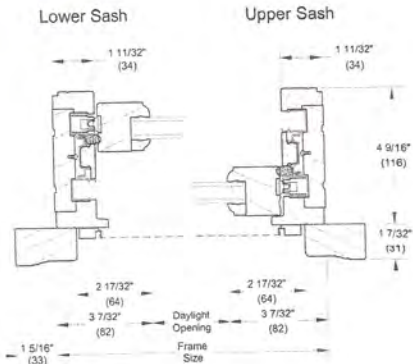
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For new Double Hung Windows

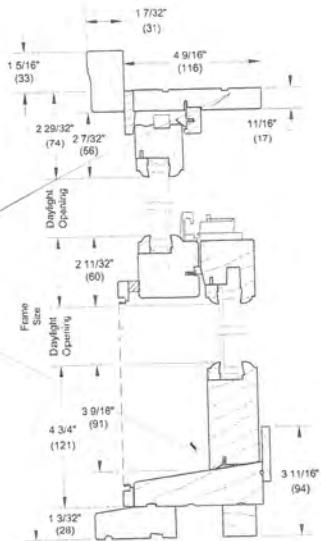
Double Hung



Head Jamb and Sill

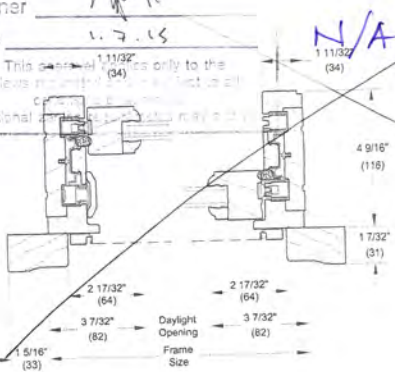


Jambs



Head Jamb and Sill

Single Hung



Jambs

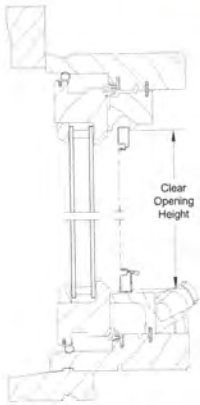
Approved
City of Portland
Bureau of Development Services
Planner _____
Date 1.7.15
* This approval is only to the reviewer and is not to be used for any other purpose.
Additional Comments _____

N/A

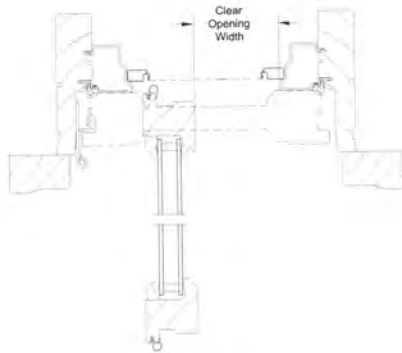
W14-224920HR EXH-C-7

Wood Ultimate Casement, Awning and Picture

Egress and Vent Opening Measurement for Full Frame Casement and Awning



Head Jamb and Sill



Jambs

For new Casement & fixed windows



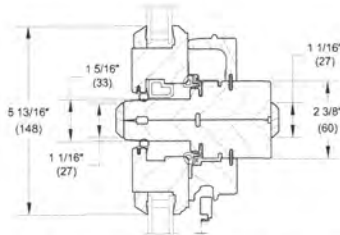
Head Jamb and Sill

W14 - 22 4 9 2 OHC

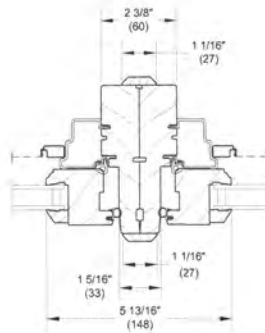
Wood Ultimate Casement, Awning and Picture

Section Details: Full Frame Mullion Options

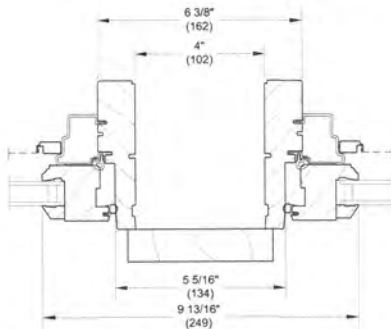
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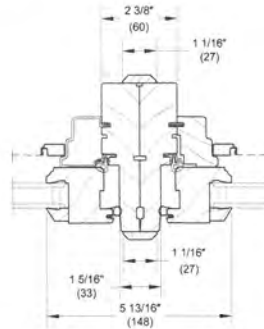
Horizontal Mullion - Stationary/Operator



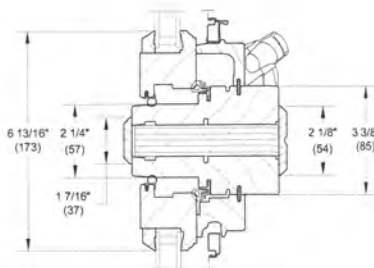
Vertical Mullion - Operator/Operator/Direct Mull



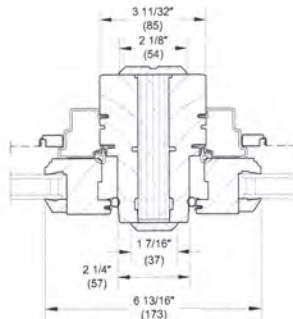
Vertical Mullion - with 4" Space Mull
 Operator/Operator



Vertical Mullion - Operator/Picture/Direct Mull



Vertical Mullion - LVL Operator/Operator



Vertical Mullion - LVL Operator/Operator

