



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 22, 2015  
**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 II 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 14-139578 HR** **JAMES B. STEPHENS HOUSE REPLACEMENT WINDOWS**

#### **GENERAL INFORMATION**

**Applicant:** Bruce & Karen Dorsey / Stark Street Manor LLC  
13864 SE Claremont St / Happy Valley OR 97086 / 503-698-2733

**Site Address:** 1825 SE 12TH AVE

**Legal Description:** BLOCK 124 LOT 6, STEPHENS ADD  
**Tax Account No.:** R794015370  
**State ID No.:** 1S1E02CA 12700  
**Quarter Section:** 3231  
**Neighborhood:** Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.  
**Business District:** Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Plan District:** Central City - Central Eastside  
**Other Designations:** National Register Landmark structure  
**Zoning:** R1 – Medium-Density Residential with Historic Resource Protection overlay

**Case Type:** HR – Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

#### **Proposal:**

The applicant seeks Historic Resource Review approval for window replacement in the historic James B. Stephens House, a National Register building, constructed in 1864 and moved to its current location in 1902. It is located in the Central Eastside Subdistrict of the Central City Plan District. The proposal is to replace 8 first floor fiberglass windows that were installed without benefit of Historic Resources Review, as noted in compliance case 14-125218 CC, with 8 wood one-over-one windows that will replicate the windows that were removed. Two windows will be replaced on the front elevation, three on the south side elevation, and three on the north side elevation. Original wood trim and siding around each window will remain in place. Historic

Resource Review is required for exterior alterations to historic landmarks structures.

**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 (corrected from the Notice of Proposal):

- 33.846 Historic Reviews
- 33.846.060.G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property is the James B. Stephens House, a National Register building, constructed in 1864 during the American Civil War and moved to its current location in 1902. The structure is believed to be the oldest remaining house in the City of Portland. The site is a 5,000 SF lot facing SE 12<sup>th</sup> Avenue and is on the eastern edge of the Central Eastside Subdistrict of the Central City Plan District. The Ladd's Addition Historic District is directly across the street and another registered landmark property is adjacent to the north. Alterations to the house over the last 151 years include removal of a cupola and rear segment of the structure. While the wood windows currently installed around the house are not the original 1864 windows, they are early 1900's features that are mentioned in the historic nomination as a piece of the building's history.

**Zoning:** The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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 **March 27, 2015**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 27, 2015. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Joanne Stainbrook, HAND Historic Resources Subcommittee, April 17, 2015 – HAND would like the wood windows to not be clad on the exterior with metal or vinyl; the lambs tongue detail be carried to the new windows; retention of all other wood windows around the building. Repairing existing windows and adding weather stripping and wood storm or internal thermal windows are some ways to help with insulating. The Architectural Heritage Center is a great resource for finding out more about preserving this important resource in the history of Portland.

*Staff Response: The owner provided images and a 2009 sales brochure, and staff did a site visit, all of which concluded in the observation that the majority of the remaining wood windows, particularly those on the second floor, do not have the lambs tongue (or ogee) detail at the bottoms of the upper sashes. The owner also stated to staff that the wood windows that were removed did not have the lambs tongue detail. The new wood windows will also not have this detail so that they match the most prominent windows as seen from the street. The new wood windows will not be clad in metal or vinyl but will be painted to match other wood windows around the house. The retention of the remaining old wood windows is of paramount importance to staff as well and the owner has been given a number of contacts for continued historic preservation of this National Register property.*

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846, Historic Reviews**

#### **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 a designated Historic Landmark. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

### **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.

**Findings:** Removal of the eight modern fiberglass windows around the ground floor of the house and their replacement with new custom-sized wood double-hung windows will help bring the house back toward its original historic nomination character. The replacement wood windows will match the remaining existing wood windows in material, profile, finish, and operation, allowing the replacement windows to be complimentary to the style of the James B Stephens House at the time it was added to the National Register of Historic Places. *This criterion is 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 proposed eight wood replacement windows will not affect any existing trim or siding as these elements will remain in place. No window openings will be expanded or closed off. The eight wood replacement windows will be in keeping with the James B Stephens House's architectural style and are not conjectural features from other buildings. *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 existing materials and architectural detailing around all of the windows slated for replacement is being retained. This will allow the front and side views of the

James B Stephens House to maintain their historic character as seen from the street, parking area, and nearby properties. *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 historic material is being removed as part of 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 as part of this proposal. *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 area of proposed ground disturbance and no new resources are expected to be found on this site. *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:** Proposed new materials of the eight wood replacement windows will match existing wood windows on the same facades in profile and finish but will be fabricated out of new material, giving them a less weathered appearance. This will help differentiate them from older elements on the building. The house will still be recognizable as a Civil War-era home with the proposed replacement windows. *This criterion is 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:** The eight wood replacement windows will match existing wood windows around the house in shape and profile, allowing them to blend into the architectural design of the historic resource. The replacement windows are compatible with the resource's massing, size, scale, and architectural features as outlined above. The architectural integrity of the James B Stephens House will remain intact. *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 are no new additions or related new construction proposed. *This criterion is not applicable.*

**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 eight wood replacement windows will have no adverse effect on this National Register property as the replacement windows will match existing wood windows around the house. Therefore, the eight wood replacement windows are compatible with the original resource which is the James B Stephens House. *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 eight replacement wood windows fit the style and composition of the James B Stephens House and will allow it to retain its desired historic character. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of Historic Resource Review for window replacement in the historic James B. Stephens House, a National Register building, constructed in 1864, located in the Central Eastside Subdistrict of the Central City Plan District, to include the following:

- Replace 8 first floor fiberglass windows with 8 new wood one-over-one windows. Two windows will be replaced on the front elevation, three on the south elevation, and three on the north elevation; and
- Existing wood trim and siding around each window will remain in place.

Approved, per the approved site plans, Exhibits C-1 through C-7 signed and dated April 17, 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 14-139578 HR. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on April 17, 2015.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 22, 2015**

**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 April 11, 2014, and was determined to be complete on **October 8, 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 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 requested that the 120-day review period be extended an additional 120 days (Exhibit A-8). Unless further extended by the applicant, **the review timeline will expire on: June 5, 2015.**

**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 May 6, 2015** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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](http://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 **May 7, 2015 – (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.

**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:

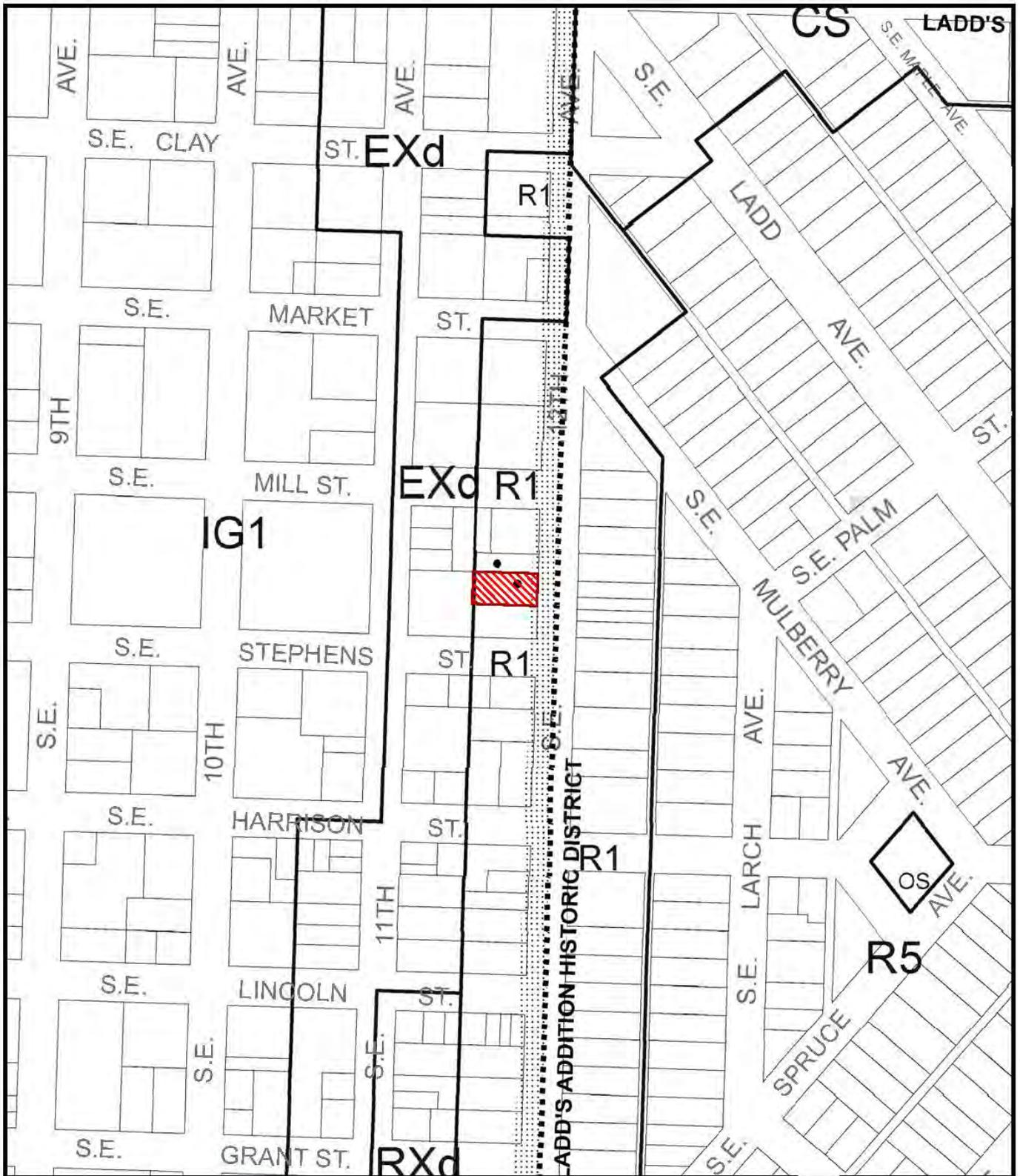
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
  - 1. Narrative
  - 2. Photographs
  - 3. Additional Images and Information
  - 4. Land Use Review Application Checklist and Example Drawings
  - 5. May 15, 2014 Letter No.1
  - 6. May 15, 2014 Letter No.2
  - 7. Ultra Series Windows and Patio Doors Data Sheets
  - 8. Request for Extension of 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Floor Plans
  - 3. Front Elevation (attached)
  - 4. South Side Elevation (attached)
  - 5. North Side Elevation (attached)
  - 6. Existing and New Window Sections
  - 7. Marvin Wood Double-Hung Tilt Pac Data Sheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2. May 19, 2014 BDS Memo
  - 3. September 8, 2014 BDS Memo
- F. Correspondence:
  - 1. Joanne Stainbrook, HAND Historic Resources Subcommittee, April 17, 2015
- 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

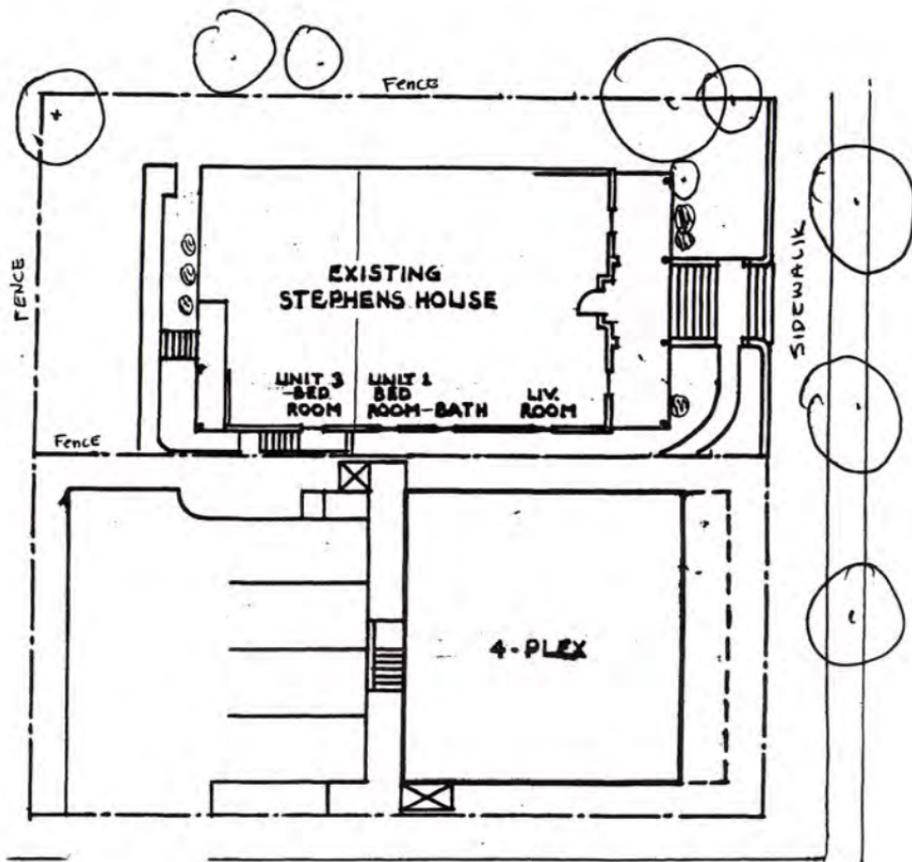


Historic Landmark

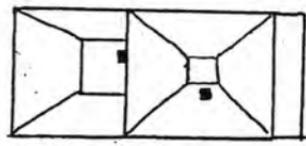


This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**

File No.	<u>LU 14-139578 HR</u>
1/4 Section	<u>3231</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E02CA 12700</u>
Exhibit	<u>B (Apr 16, 2014)</u>



SCALE: 1" = 20'



ROOF PLAN

\*Approved\*

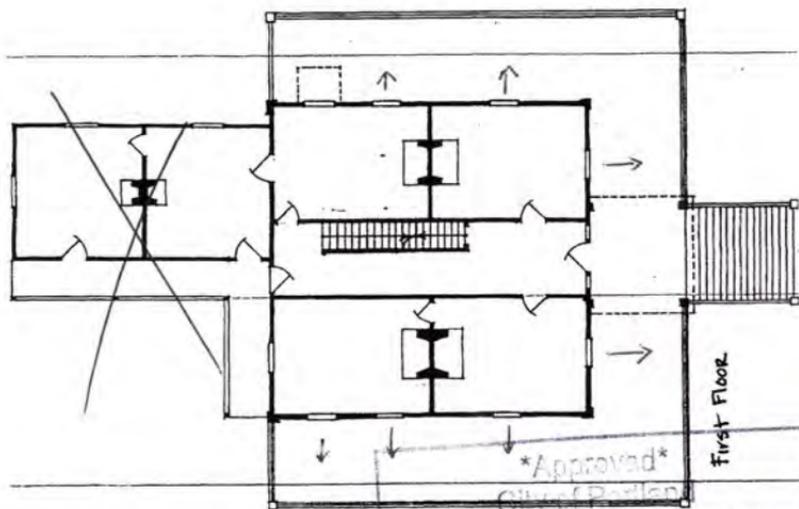
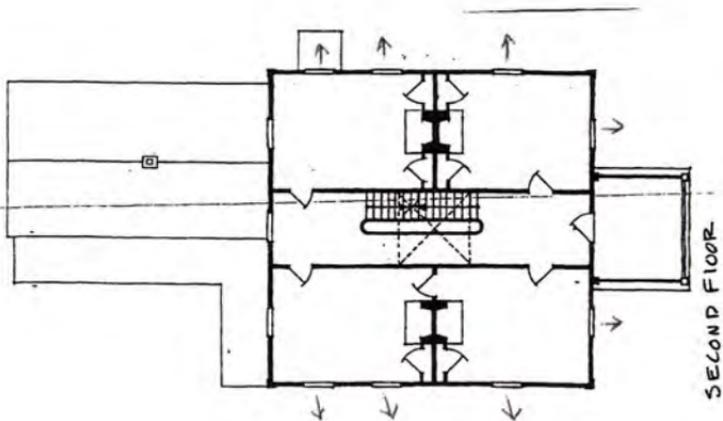
City of Portland  
Bureau of Development Services

Planner: C. Carr

Date: 4/17/15

\* This approval applies only to the review process and is subject to all building code requirements. Additional code requirements may apply.

← = WINDOWS  
38" X 83"  
1/1



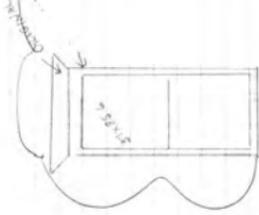
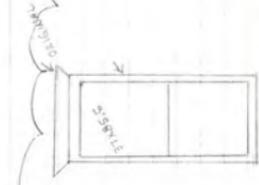
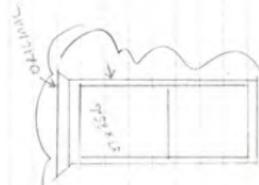
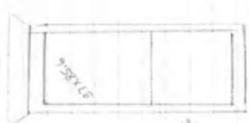
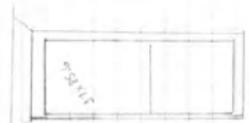
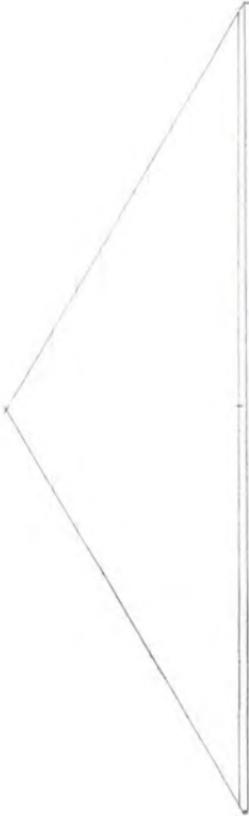
\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner CLW  
Date 4/17/15  
\* This approval is preliminary to the review of the project and is subject to all applicable code approvals. Additional zoning requirements may apply.

CONJECTURAL DRAWING OF STEPHENS HOUSE IN ORIGINAL CONFIGURATION BY WILLIAM HAWKINS, AIA, PORTLAND, OR.

LU14-139575 HR

EXH. C-2





3 WINDOWS TO BE REPAVED

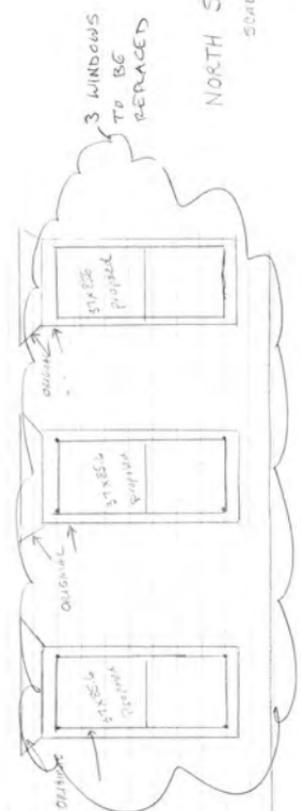
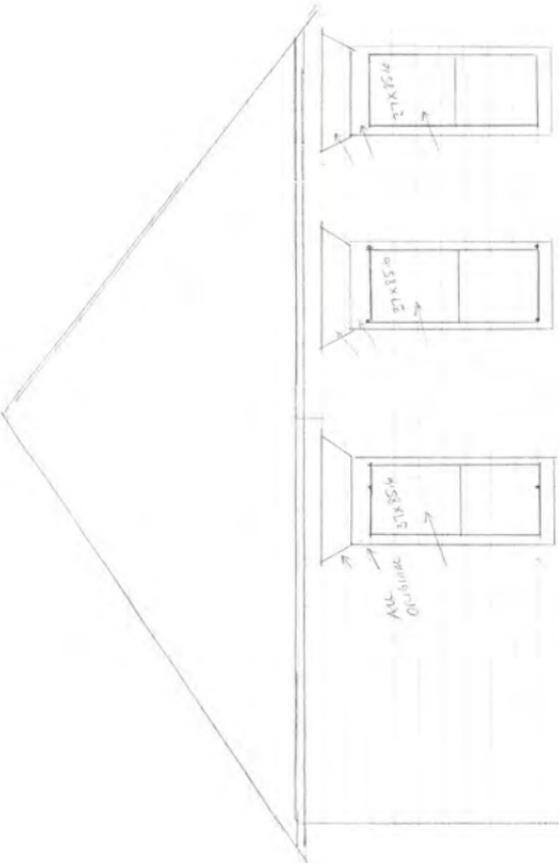


\* approved \*  
 City of Portland  
 Bureau of Development Services  
 Planner: CLM  
 Date: 4/17/15  
 This map is not to be used without the approval of the Bureau of Development Services. Conditions may apply.

SOUTH SIDE ELEVATION

SCALE 1/4" = 1'

NORTH SIDE ELEVATION  
SCALE 1/4" = 1'

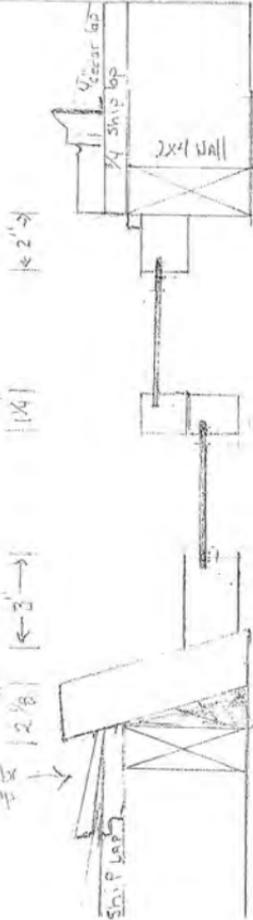


Approved  
 City of Portland  
 Bureau of Development Services  
 Planner GCW  
 Date 4/17/15  
\* This document is the property of the City of Portland and is loaned to you. It is not to be reproduced or distributed without the express written permission of the City of Portland. A public hearing may apply.

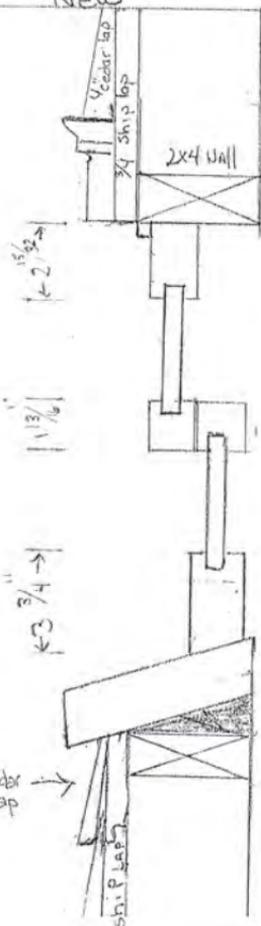
DORSEY, BRUCE + KAREN  
 STEPHENS HOUSE  
 1825 S.E. 12<sup>TH</sup> AVE.  
 PORTLAND, OR

Existing

New



DETAILS:

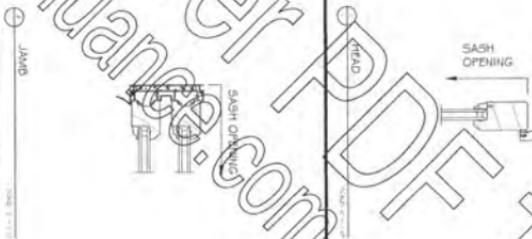
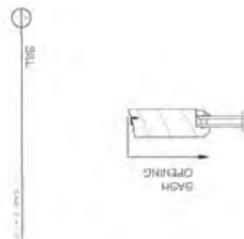
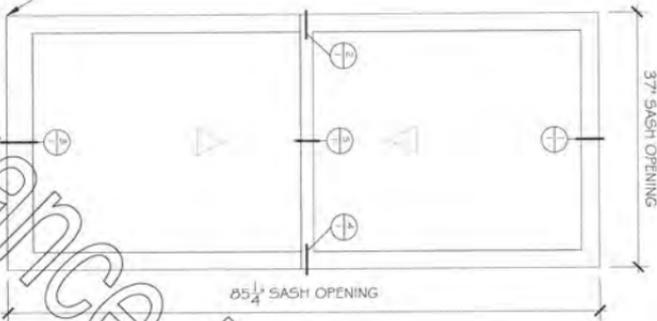


DETAILS:

City of Portland  
 Bureau of Development Services  
 Project:                       
 Date: 4/17/15  
 To the  
 City of Portland  
 Date:

WOOD DOOR HUNG TILT PAC

STANDARD BEVEL



\*Approved\*  
 Chief Portland  
 Director of Development Services  
 Director CC  
 Date 4/17/15

This work is subject to the  
 terms and conditions of approval  
 of approval

DATE: 1/20/14	REVISION DATE:
CONTRACTOR: FORTLAND MILLER CO. INC. ARCHITECT: [Blank] DRAWING NO: N1302N.dwg DRAWN BY: [Blank]	
CLEAR CHOICE WINDOWS DORSEY RES	

OPTIONAL PRODUCTS WITH REFERENCE TO SHOP DRAWINGS:  
 Before ordering the Marvin Windows and Doors products, be certain you  
 have shop drawings, a copy of these drawings accompanied by an  
 approved specification of the product must be returned to the Residential  
 Division of Marvin Windows & Doors, P.O. Box 992, Woodstock, Vermont  
 05091. If the above products include frames and sashes, contact information  
 in the optional shop drawings, Marvin Windows and Doors assumes  
 responsibility in guaranteeing product coordination with the drawings.

**MARVIN**  
 WINDOWS AND DOORS

LU 14-139578 HR EXH.C-7