



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** May 11, 2016  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
503-823-7837 / [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@portlandoregon.gov)

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

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 16-144101 HR** ***NEW BASEMENT WINDOWS ON CONTRIBUTING HOUSE IN IRVINGTON***

#### **GENERAL INFORMATION**

**Applicant:** Laura Migliori, Architect  
812 NW 17th Ave  
Portland, OR 97209

**Owners:** Thomas Byrnes and Lee Montgomery  
1123 NE Tillamook St  
Portland, OR 97212

**Site Address:** 1123 NE TILLAMOOK ST

**Legal Description:** BLOCK 91 W 1/2 OF LOT 9&10, WEST IRVINGTON  
**Tax Account No.:** R893600970  
**State ID No.:** 1N1E26CA 13900  
**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 Zena Rockowitz at 503-388-5070.  
**Plan District:** Albina Community  
**Other Designations:** Contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010.  
**Zoning:** R1a – Multi-Dwelling Residential 1,000 with “a” Alternative Design Density 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 proposes changes to basement windows as part of a basement remodeling project. Two elevations (south and east) are affected. On the front or south façade, one existing basement window opening is proposed to be expanded to provide egress. The new window will be a 2-foot, 10-inch square casement window with no muntins.

On the east side façade, two existing windows are proposed to be replaced with windows that are the same size, and two new window openings are proposed, both of which are the same size as the existing windows. All windows are proposed to be Marvin painted wood windows measuring 2 feet, 10 inches by 1 foot, 7 inches, and the new windows will have two vertical muntins to match the existing basement windows.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations on a contributing resource in an 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 5,000-square-foot site is developed with a Queen Anne Victorian-style house built in 1893 and a one-car garage constructed in 2007. A small play house is located in the northwest corner of the site. The National Register of Historic Places documentation for the Irvington Historic District evaluates the building and the garage as contributing resources within the historic context (Exhibit G.2).

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The 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 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.

**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 **April 18, 2016**. The Life Safety Plans Examiner shared information about building permits (Exhibit F.1).

**Neighborhood Review:** One written response was received from the Neighborhood Association in response to the proposal. The Irvington Community Association Land Use Committee had no objections (Exhibit F.1).

## 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 1-5:** The proposed alterations include the installation of two new wood basement windows and the replacement of two existing basement windows on the east façade with wood windows, and the replacement of a basement window on the front façade with an egress window. The alterations are collectively small in scale and do not negatively impact the historic character of the contributing resource.

While the egress window is located on the front façade, it is at the basement level and the house has extensive landscaping that will be retained through construction, leaving the new egress window invisible. Also, it is in a location where there already is a window opening.

The proposed alterations are architecturally consistent with the 1893 contributing resource in regards to materials, construction and installation and will not create a false sense of historic development to the structure. The four new and replacement windows on the east façade will have two vertical muntins dividing the windows into thirds to match existing basement windows. These windows will be custom replicas of the original to avoid the bulkier frames and smaller sashes of the off-the-shelf awning window model. The egress window will be a single pane to match other original casement windows on the house.

The proposed alterations are not impacting or removing features or architectural elements on the resource that have acquired historic significance. Similarly, historic materials on the structure will be protected and chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used. *Therefore these criteria 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.

**Findings:** Proposed new materials will match existing materials 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. *This criterion is 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.

**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 8, 9, and 10:** The proposed alterations to the east and south elevations are consistent with the resource regarding size, scale and massing. In addition, the proposed alterations are compatible with and contribute to the form and integrity of the resource. The two proposed basement windows to be added to the east elevation are consistent with other basement windows on the resource in size and location in the foundation wall. The proposed egress window maintains the width of the existing basement window opening and will match the one-pane configuration of other casement windows on the site. If the basement egress well was removed at some point, the house could easily be returned to its original appearance by replacing the basement egress window with a shorter window. The ease of reverting back to an earlier form means that the essential form and integrity of the contributing house and its environment are unimpaired by this addition.

None of the proposed additions or alterations will negatively affect the house as they are all compatible with the resource's massing, size, scale, and architectural features as outlined above. The architectural integrity of the historic resource will remain

intact. Collectively, the proposed alterations will help insure that the resource remain compatible and contributing within the subject property, to the adjacent properties and the Historic District as a whole. *These criteria 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**

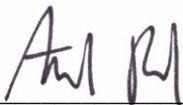
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Historic Resource Review approval of two replacement basement wood windows on the east façade, two new basement windows in new openings on the east facade, and one new egress window in an enlarged existing opening on the south façade, per the approved plans, Exhibits C.1 through C.6, signed and dated May 9, 2016, 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 16-144101 HR. No field changes allowed."

**Staff Planner: Amanda Rhoads**

**Decision rendered by:**  **on May 9, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed May 11, 2016**

**Procedural Information.** The application for this land use review was submitted on April 1, 2016, and was determined to be complete on April 14, 2016.

*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 1, 2016.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 12, 2016.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined

the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 11, 2016**. 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 503-823-7617.

**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:

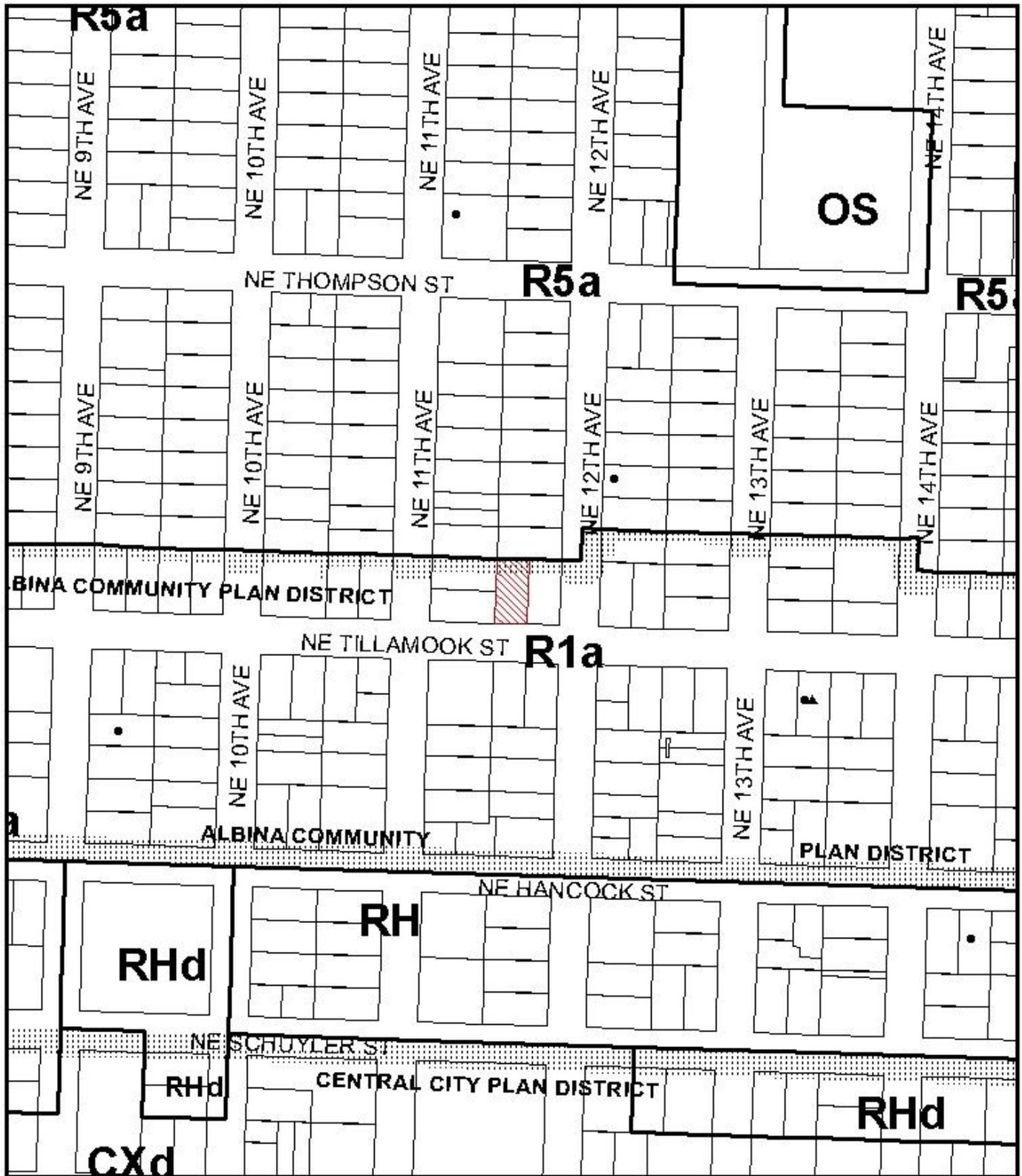
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant Narrative
  - 2. Photos of House
  - 3. Applicant Emails with additional information
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. South and East Elevation (attached)
  - 3. Egress Window Section
  - 4. Basement Window Section
  - 5. Basement Floor Plan
  - 6. Egress Window Manufacturer Detail
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety (Building Code) Plans Examiner
- F. Correspondence:
  - 1. Dean Gisvold, May 2, 2016, no objections
- G. Other:
  - 1. Original Land Use Application and Receipt
  - 2. Oregon Historic Site Record

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

-  Site
-  Historic Landmark
-  Conservation Landmarks

This site lies within the:  
**ALBINA COMMUNITY PLAN DISTRICT**  
**IRVING TON HISTORIC DISTRICT**



File No. LU 16-144101 HR  
 1/4 Section 2831  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26CA 13900  
 Exhibit B (Apr 04, 2016)

50.0'

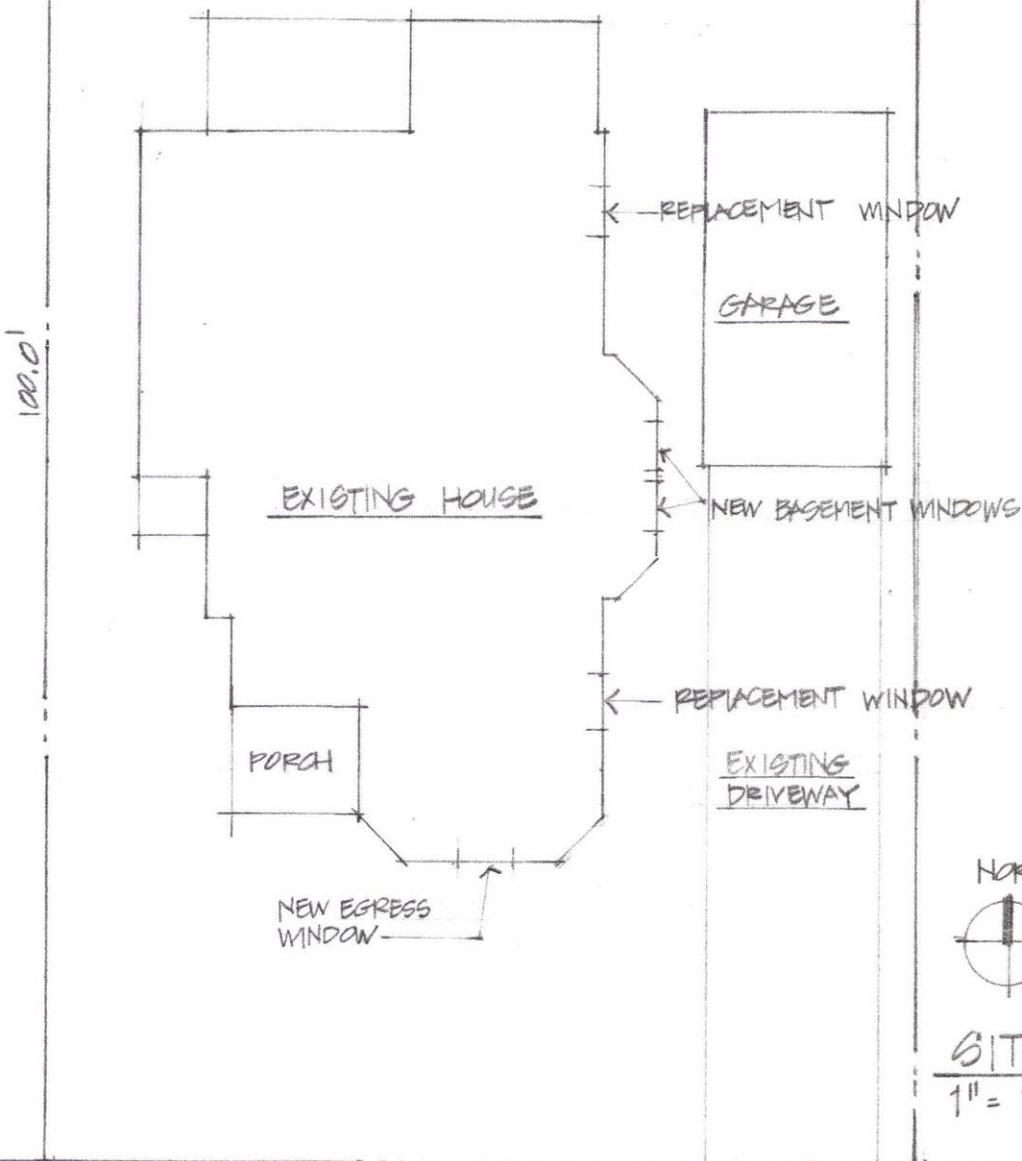
\*Approved\*

City of Portland - Bureau of Development Services

Planner AJ M

Date May 9, 2016

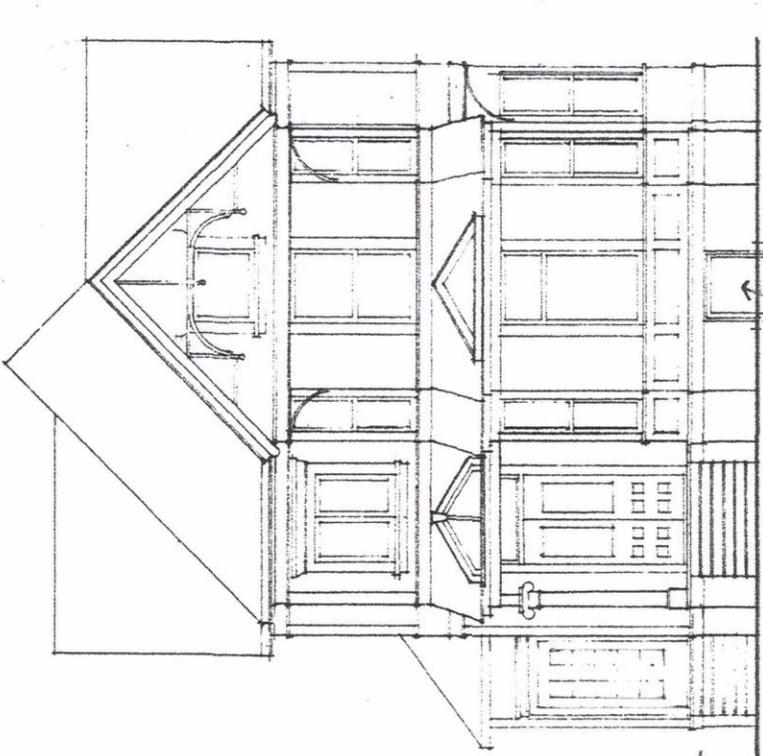
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



N.E. TILLAMOOK STREET

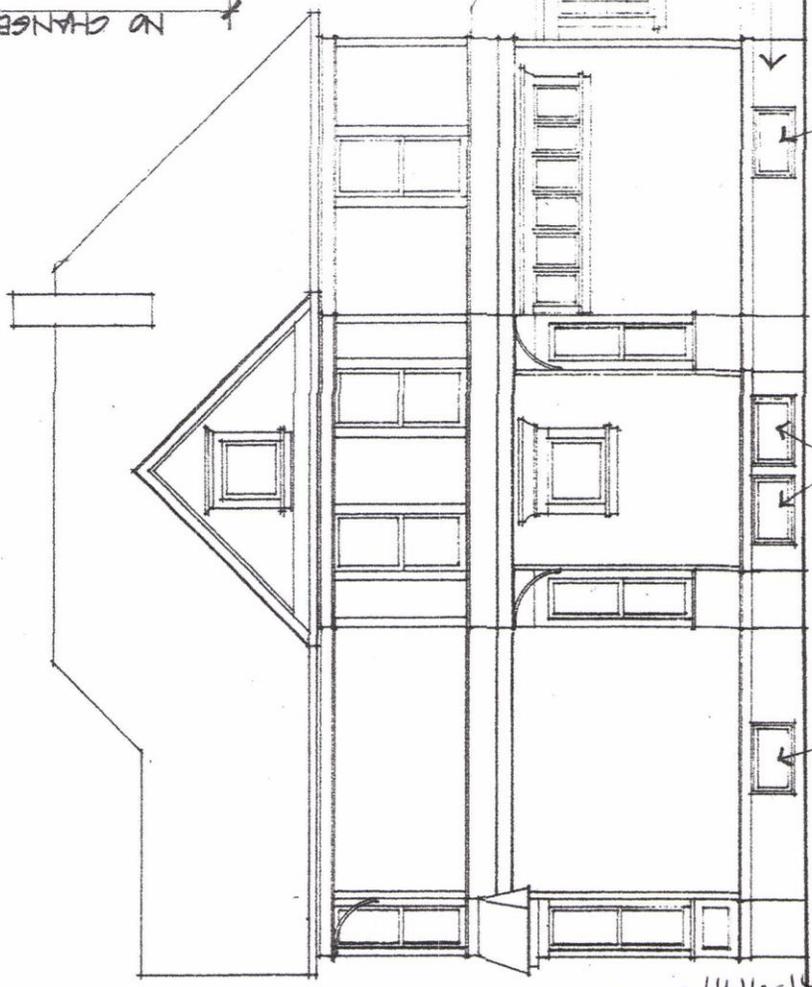
Exhibit C.1  
LW16-144101HR

\* Approved\*  
 City of Portland - Bureau of Development Services  
 Planner for M Date May 9, 2016  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



NEW EGRESS WOOD CASEMENT & EXISTG WINDOW LOCATION  
 NEW WINDOW WELL  
 SOUTH ELEVATION • 1/8" = 1'-0"

EX. PLASTERED BRICK FOUNDATION  
 REPLACEMENT WINDOW = WOOD, TYP.



REPLACEMENT WINDOW  
 NEW WOOD WINDOWS  
 EAST ELEVATION • 1/8" = 1'-0"

CASE NO. LU16-144101 HR  
 EXHIBIT C.2

LU16-144101 HR