



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

FROM CONCEPT TO CONSTRUCTION

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Date: October 13, 2016
To: Interested Person
From: Hannah Bryant, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has an 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 16-224847 HR – REPLACEMENT OF REAR WINDOWS

GENERAL INFORMATION

Applicant: Colin Jensen, Designer / Thesis Studio / 1937 NE Liberty St
Portland, OR 97211

Owner: Erskine A Williams
2726 NE 19th Ave
Portland, OR 97212-3318

Site Address: **2726 NE 19TH AVE**

Legal Description: BLOCK 32 LOT 13 S 10' OF LOT 14, IRVINGTON

Tax Account No.: R420406910

State ID No.: 1N1E26AD 07200

Quarter Section: 2732

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: None

Other Designations: Contributing resource in Irvington Historic District

Zoning: **R5**

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 the replacement of four windows on the rear side of the residence. The new windows will replace a band of three aluminum picture windows facing east into the back yard, as well as one boarded-over window facing south, adjacent to the rear deck.

The new wood, double-hung windows will be similar in size, proportion and mullion pattern to others on the house. While the opening is proposed to increase slightly in width, the band of windows will remain centered in its wall. All new trim is proposed to be installed to match the existing trim in dimension, material, and color.

Historic resource review is required because the proposal is for exterior alterations of a contributing resource in the Irvington Historic District.

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 property on NE 19th Avenue is a Craftsman style home with horizontal lap siding, constructed in 1910. Known as the N.L. Richieu House, the property is listed as a contributing resource in the Irvington Historic District, a registered historic district with the National Register of Historic Places on October 22, 2010. The property was altered in 2014, when a new garage, shared with the neighbors, was added at the rear of the property. The detailing and massing of the garage did not compromise the historic character of the resource.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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.

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 that prior land use reviews include the following:

- **2014 – LU 14-181743 HR** – A Historic Resource Approval for a new two-car garage, to be shared with the neighbors; clad in fiber cement lap siding and shingles, with faux carriage doors. The new garage replaced a non-contributing shed in the same location.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **September 22, 2016**. No responses from other agencies were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 22, 2016**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Karen & John Getz, on September 27, 2016, wrote that they have no issues with the proposed work.
- Dean Gisvold, Chair of Irvington Community Association Land Use Committee, on October 5, 2016, wrote that the Committee feels the window replacements will improve the historic resource.

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.
- 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 for 1-5, and 7: The existing historic resources will not be significantly altered by the proposal to replace windows on the rear elevation with new windows of similar size, style and scale. The windows proposed to be replaced are not original, and the replacements more closely align with the original windows found elsewhere on the house. The historic resource will retain its character, and the new windows are designed to be compatible with existing original wood windows, while clearly reading as new elements upon inspection. *These criteria are 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 and 9: The proposed windows are comparable to the original wood windows in material, dimensions, style and exterior finish. Their scale is proportional to other windows in the home. They are replacing non-original windows on the rear elevation of the home, and will not compromise the integrity of the historic resource. *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

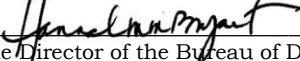
The proposed design successfully incorporates the architectural characteristics of this home utilizing comparable materials and detailing to match original windows. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic 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 the replacement of a band of three windows on the east, first-floor elevation and a single adjacent window on the south side of the rear bump out, per the approved site plans, Exhibits C-1 through C-4, signed and dated October 10, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-224847 HR."

Staff Planner: Hannah Bryant

Decision rendered by:  **on October 12, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed October 13, 2016

Procedural Information. The application for this land use review was submitted on August 16, 2016, and was determined to be complete on September 19, 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 August 16, 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: January 17, 2017**

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 **November 3, 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:

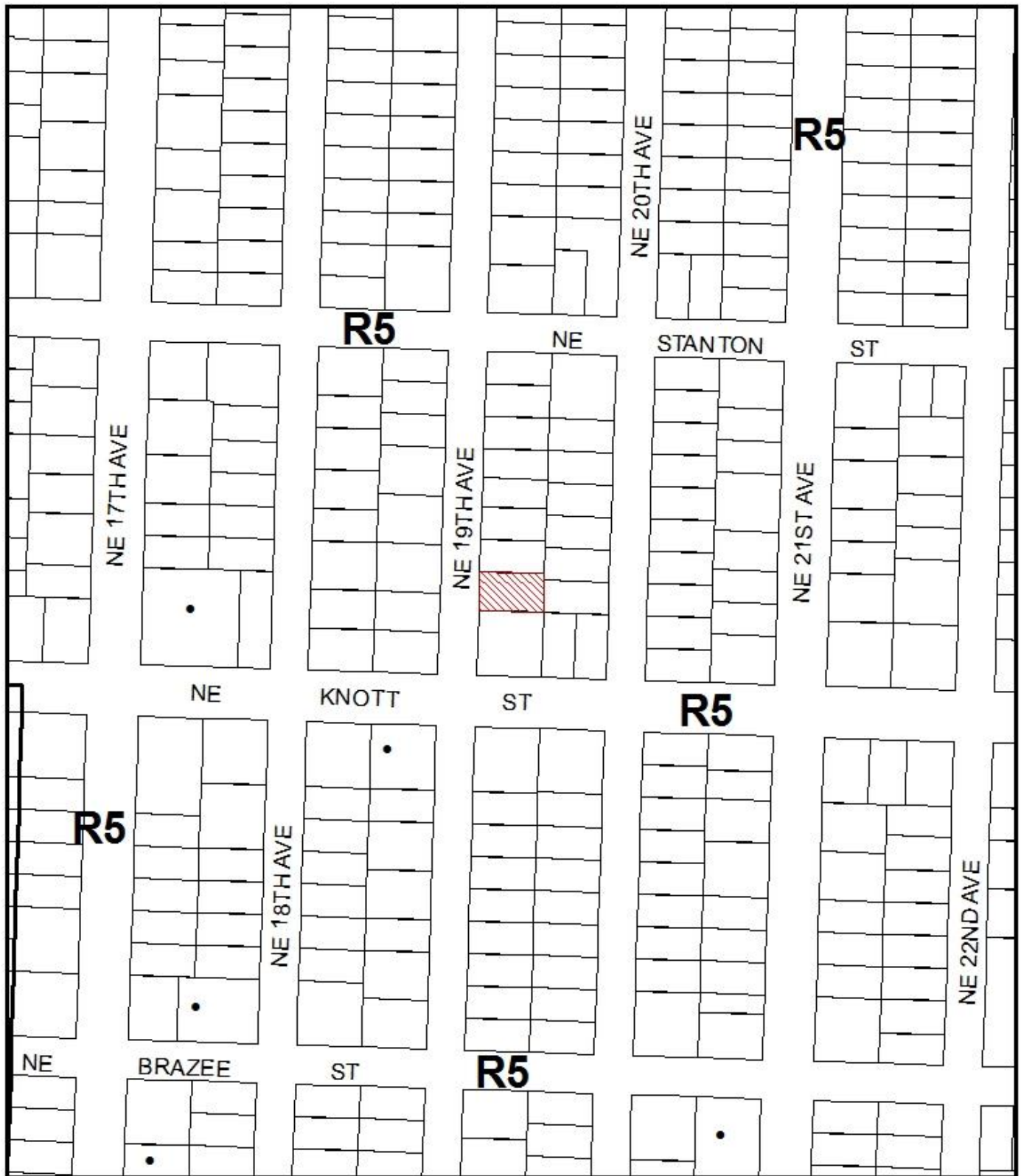
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Proposed Elevations (attached)
 - 3. Existing Elevations
 - 4. Window Details & Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
 - 1. Karen & John Getz, September 27, 2016, Neighbors have no issues with proposal.
 - 2. Dean Gisvold, October 5, 2016, Irvington Community Association Land Use Committee has no objections to the proposal.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Site Photos
 - 4. Historic Permits
 - 5. Historic Site Record
 - 6. Colin Jensen, September 6, 2016, applicant has decided to revise scope and eliminate proposed covered porch in favor of only replacing rear windows.

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



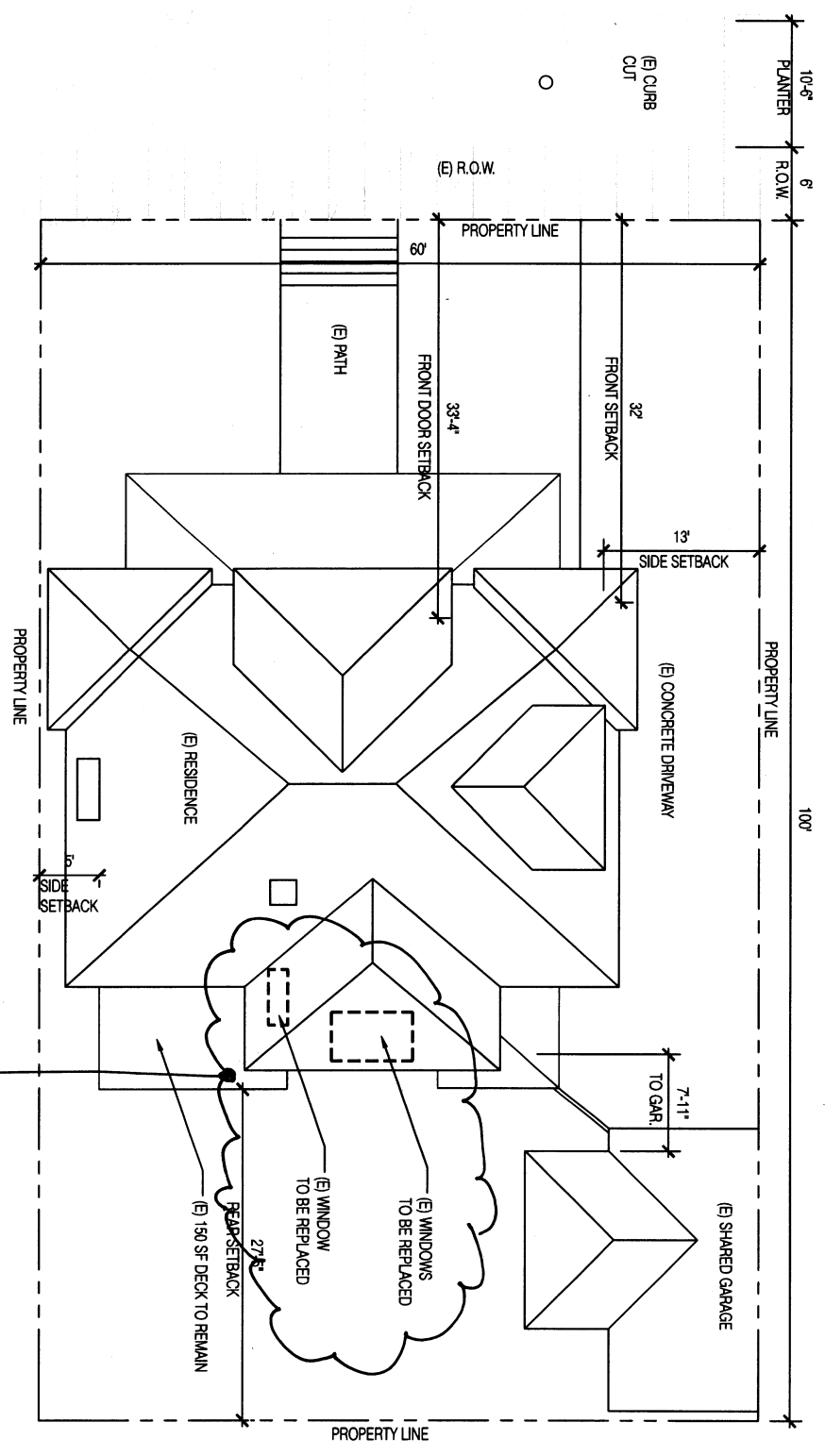
This site lies within the:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

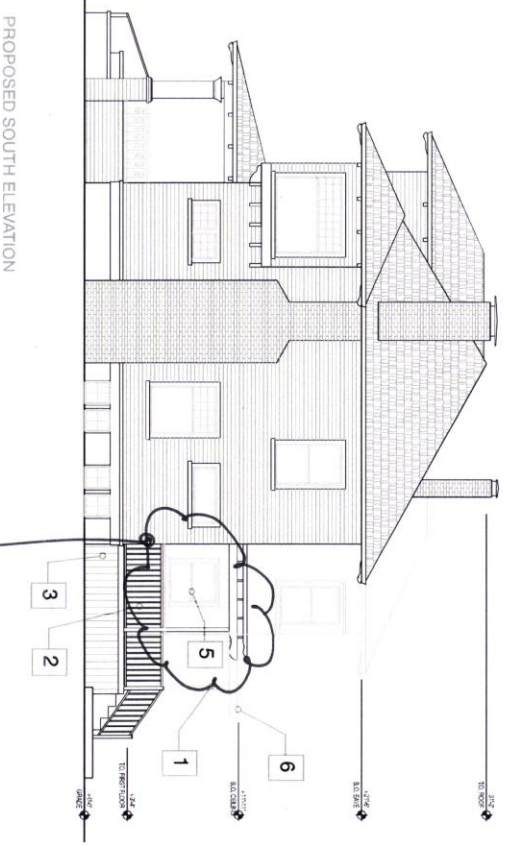
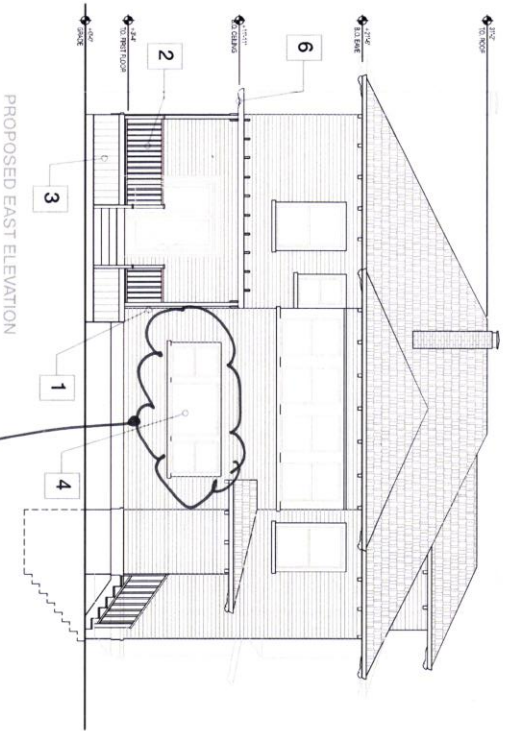
File No. LU 16-224847 HR
 1/4 Section 2732
 Scale 1 inch = 200 feet
 State_Id 1N1E26AD 7200
 Exhibit B (Aug 17, 2016)

1-0

WILLIAMS RESIDENCE Site Plan



AREA OF PROPOSED WORK



PROPOSED NEW WINDOW

PROPOSED NEW WINDOW



WILLIAMS RESIDENCE
Proposed Elevations

C-2