



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: November 21, 2016
To: Interested Person
From: Cassandra Ballew, Land Use Services
503-823-7252 / Cassandra.Ballew@portlandoregon.gov

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 16-259451 HR -NEW WOOD WINDOW

GENERAL INFORMATION

Applicant/Owner: Alicia S Liebert & Mark A Liebert
2828 NE 24th Avenue
Portland, OR 97212

Site Address: 2828 NE 24TH AVENUE

Legal Description: Block 1, Lot 1 and N 14 1/2' of Lot 2, Gleneyrie

Tax Account No.: R324000010

State ID No.: 1N1E25BC 06800

Quarter Section: 2733

Neighborhood: Alameda, contact Dave Johansen at 415-225-6202 & 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.

Other Designations: Irvington Historic District

Zoning: R5, Single Dwelling Residential 5000

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 to remove an existing vinyl window on the north facade of the Sam Neusihin House. Built in 1938 in the Tudor Revival Style, the house is a contributing resource in the Irvington Historic District. The proposal seeks to remove the existing vinyl window and replace it with a 3'-2"x4'-0" wood window. The size of the opening will remain the same and the style of window has been chosen to match the existing windows on the north facade.

Historic Resource Review is required because proposals for a alteration to the exterior of a structure in a Historic District require a Type I Historic Resource Review, per Section 33.846.060, Table 846-3.

Relevant Approval Criteria:

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

- Chapter 33.846.060 – Historic Resource Review
- Chapter 33.846.060 G– Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property is identified as a contributing resource in the documentation for the Irvington Historic District. Originally built in 1938 in the Tudor Revival style, the one story Sam Neusihin House shares the 6,140 square foot lot with a contributing detached garage built in the same period.

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 yard 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 address. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Zoning: The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

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: None of the notified agencies has responded with issues or concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 28, 2016**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Harvey Liu, Neighbor, November 2, 2016, Wrote in approval of new window installation.
2. Dean Gisvold, ICA Land Use Committee, November 9, 2016 – The ICA Land Use Committee has no objections to the application.
3. Chuck Stuckey, Neighbor, November 8, 2016, Wrote in approval of the new window installation.

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.
- 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 1, 2, 3, 4, 5, 7, 8, 9 and 10: The designated resource is the Irvington Historic District, to which the subject property contributes historic character. A minor alteration has been proposed to the North façade to replace the existing, non-historic, vinyl window, with a new wood window. The size of the opening will remain the same and the style of window has been chosen to match the existing windows on the North façade. In this alteration, the window will be restored to a material and style that is more compatible with the original home, preserving its historic character and form. The removal of non-original materials and replacement with a more durable, better quality wood window also preserves historic features, restores historic materials and better preserves the home as a record of its time. *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 proposed north facade alteration accommodates a desired interior plan reconfiguration without having an adverse effect on the Irvington Historic District. The purpose of the Historic Design 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 Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the removal of the existing vinyl window and its replacement with a 3'-2"x4'-0" wood window in the same opening on a contributing structure in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated November 15, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-259451 HR."

Staff Planner: Cassandra Ballew



Decision rendered by: _____ **on November 15, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 21, 2016

Procedural Information. The application for this land use review was submitted on October 17, 2016, and was determined to be complete on October 25, 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 October 17, 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.

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 22, 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:

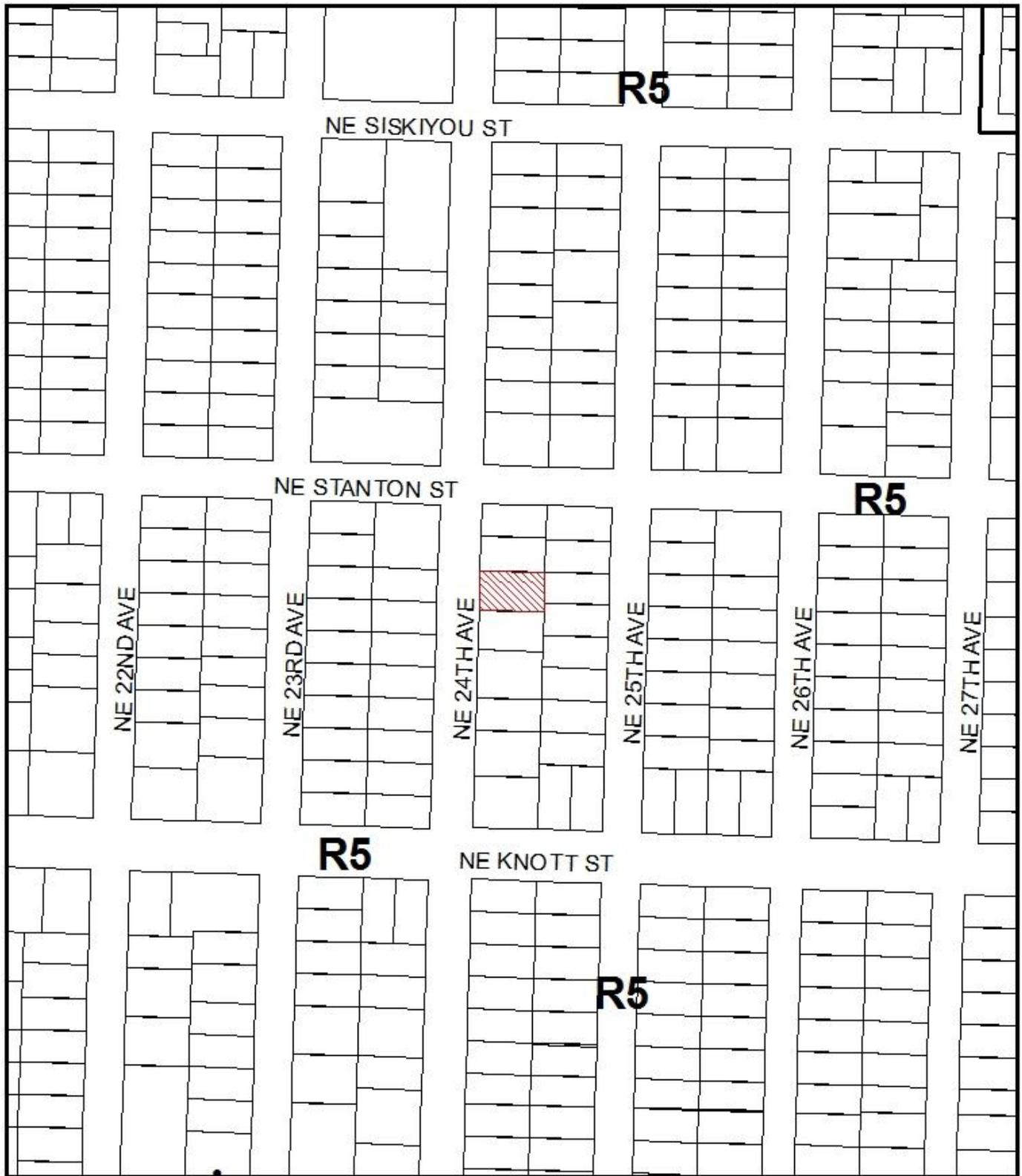
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Elevation (attached)
 - 3. Details (attached)
 - 4. Photo Images
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
 - 1. Harvey Liu, Neighbor, November 2, 2016, Wrote in approval of new window installation.
 - 2. Dean Gisvold, ICA Land Use Committee, November 9, 2016 – The ICA Land Use Committee has no objections to the application.
 - 3. Chuck Stuckey, Neighbor, November 8, 2016, Wrote in approval of the new window installation.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



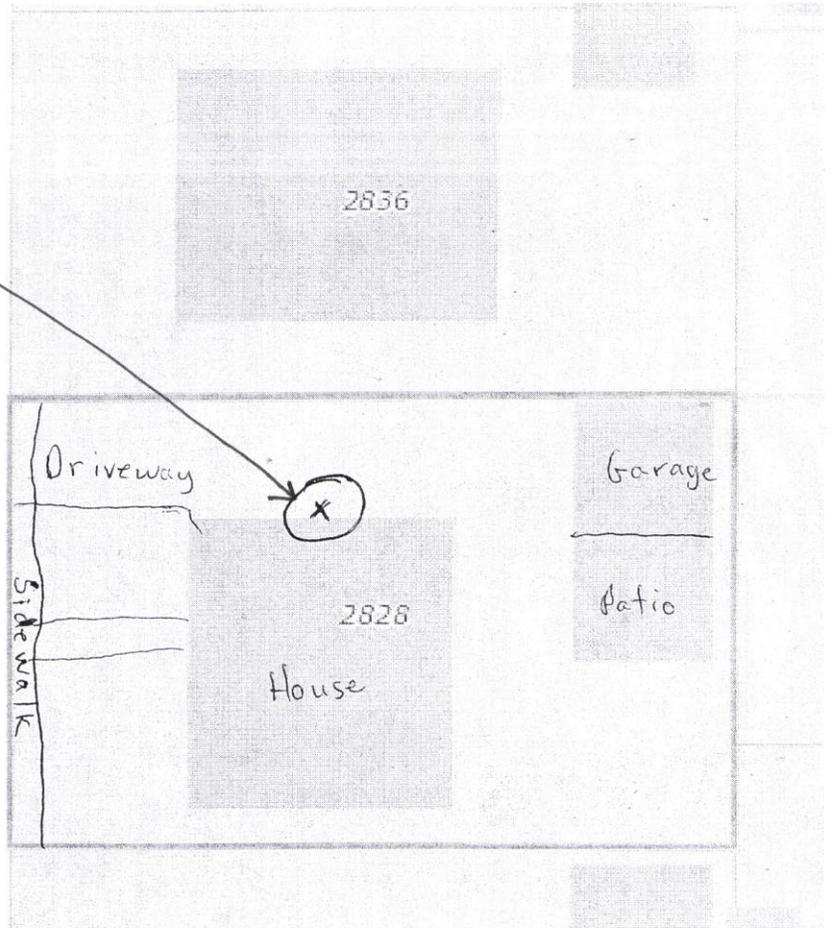
This site lies within the:
IRVINGTON HISTORIC DISTRICT

- Site
- Historic Landmark

File No. LU 16-259451 HR
 1/4 Section 2732 2733
 Scale 1 inch = 200 feet
 State_Id 1N1E25BC 6800
 Exhibit B (Oct 20, 2016)

PROPOSED LOCATION
OF NEW WINDOW

NE
24th



Approved
 City of Portland - Bureau of Development Services
 LU # 16-259451 HR Date 11/15/16
 Planner [Signature]
 * Approved Monitoring/Maintenance Plan

Aerial View

2828 NE 24th Ave
Portland, OR 97212

Mark + Alicia Liebert

503-975-0154

LU 16-259451 HR

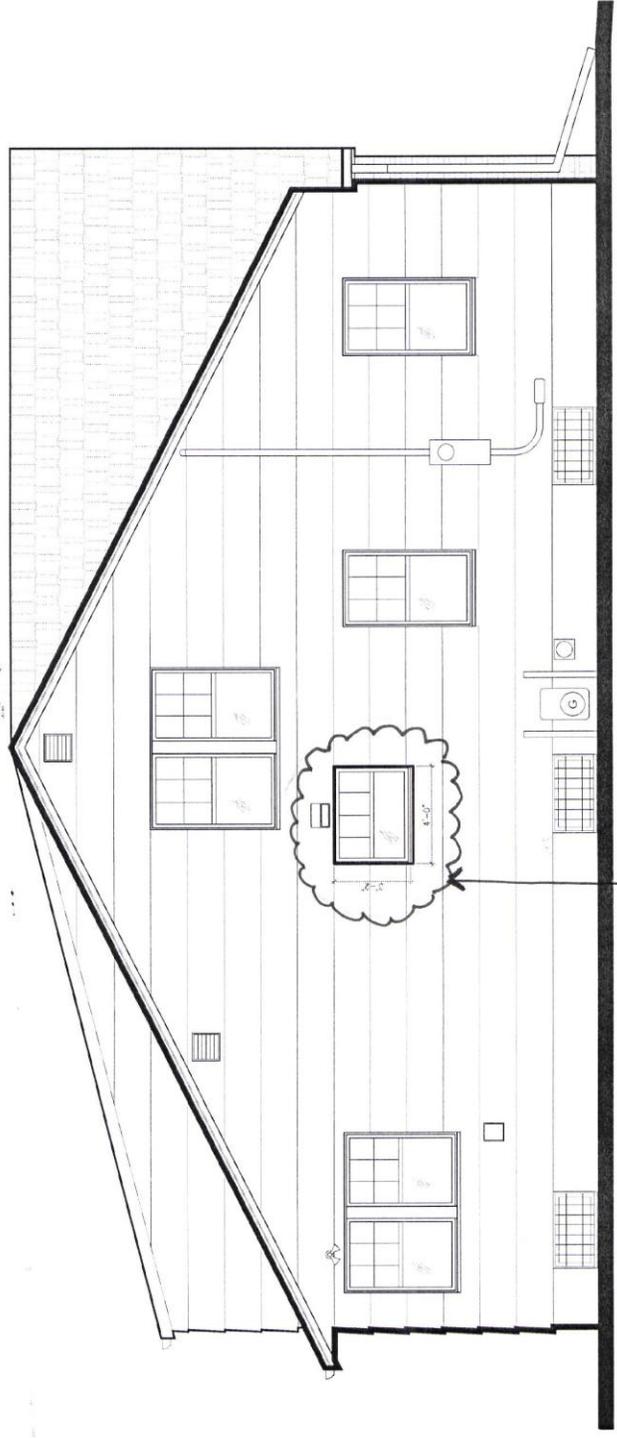
EXHIBIT C-2

Approved
 City of Portland - Bureau of Development Services
 LU # 16-259451 HR Date 11/15/16
 Planner [Signature]
 * Approved Monitoring/Maintenance Plan

NORTH FACADE
LIBERT RESIDENCE
 2828 NE 24th AVE
 PORTLAND, OR 97212

DATE	11/15/16
DRAWN BY	
REVISIONS	
FILE	LIBERT HOUSE.DWG

NORTH ELEVATION
A1.01



⊕ NORTH - EXTERIOR ELEVATION

Proposed Area of Work

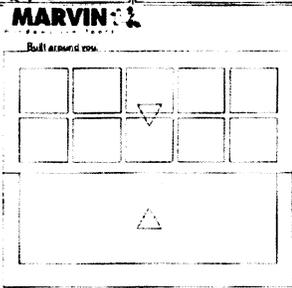
LW 16-259451 HR

OMS Ver. 0002.10.00 (Current)
 Product availability and pricing subject to change.

Complete Remodeling
 Irvington
 Quote Number: 4UKC8J6
 Architectural Project Number:

LINE ITEM QUOTES

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1	Mark Unit:			
Qty: 1				
 <p>As Viewed From The Exterior 50 48" X 38"</p>		Primed Pine Exterior Primed Pine Interior Wood Double Hung Tilt Par Sash Opening 48" X 38" **Extended Size Unit** Top Sash Primed Pine Sash Exterior Primed Pine Sash Interior IG Low E2 w/Argon Stainless Perimeter and Spacer Bar 7/8" SDL - With Spacer Bar - Stainless Rectangular - Special Cut SW2H Primed Pine Ext - Primed Pine Int Ovolo Exterior Glazing Profile Bottom Sash Primed Pine Sash Exterior Primed Pine Sash Interior IG - 1 Lite Low E2 w/Argon Stainless Perimeter Bar Extended Ovolo Exterior Glazing Profile 2 /Unit White Sash Lock White Jamb Hardware Standard Bevel No Screen		

Approved
 City of Portland - Bureau of Development Services
 LU # 16-257451 AR2
 Planner C. B. [Signature]
 Date 11/15/10
 * Approved Monitoring/Maintenance Plan

