



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

Chloe Eudaly, Commissioner
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Date: January 13, 2017
To: Interested Person
From: Jamie Stevens, 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 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 16-284057 HR – WINDOW REPLACEMENT

GENERAL INFORMATION

Applicant: Mark Urban / Urban Restoration & Construction Inc
4131 SW Condor Ave
Portland, OR 97239

Owner: Shana & Gregory Hawley
3228 NE 20th Ave
Portland, OR 97212

Site Address: 3404 NE 21ST AVE

Legal Description: BLOCK 15 LOT 16, IRVINGTON
Tax Account No.: R420403170
State ID No.: 1N1E26AA 04200
Quarter Section: 2732

Neighborhood: Alameda, contact Dave Johansen at johansendr@gmail.com. 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 the Irvington Historic District

Zoning: R5h, Single Dwelling Residential 5,000 zone with Aircraft Landing 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 is seeking Historic Resource Review approval for an alteration to a contributing property in the Irvington Historic District. The alteration includes the removal of an existing double hung window to be replaced with a larger double hung window in the same location on the east façade. The proposed window will be approximately 20% greater in size and will match all aspects of the original window. Historic Resource Review is required for non-exempt exterior alterations on properties 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:

- Section 33.846.060.G – Other Approval Criteria

ANALYSIS

Site and Vicinity: The 5,000 square foot site is located on the eastern side of NE 21st Avenue with NE Fremont Street to the north and NE Klickitat Street to the south. The property is developed with a one story single family residence. The Bungalow style house was built in 1920 and is clad in wood shingle siding. The house is listed as a contributing structure in the Irvington Historic District.

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.

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.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 16-247979 HR: Approval of a 2016 Historic Resource Review for the removal of a door and replacement of two window units with a bay and French doors, effecting approximately 132 square feet of exterior area.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on December 23, 2016. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 23, 2016. No responses were received.

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;
- 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;
- 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 for 1, 2, 4, 5, and 9: On the east (rear) façade, the applicant proposes to replace an eight over one double hung window measuring approximately 3'-0" wide by 3'-3" tall with an enlarged eight over one double hung window measuring approximately 4'-0" wide by 4'-3" tall. The new window will have an upper sash grid pattern matching the original and will be placed at the same head height. The proposed window will be recycled from an existing window which was previously removed, therefore matching the style, depths, and profiles of existing historic windows elsewhere on the home. Effected siding will be

minimal, and repairs will match the existing siding profile, texture, color, and material. Therefore, the proposed alteration will not result in a loss of historic character of the resource or impact the record of its time, place, or use. Existing materials will be protected. *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;

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;

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 7, 8, and 10: The proposed window replacement on the east (rear) façade is architecturally compatible with the approved exterior alterations described in LU 16-247979-HR, which proposed replacement of two double hung windows and installation of French doors. The new window will be recycled from an original window which was removed with approval through LU 16-247979-HR. The alteration is not an addition or adds to the mass of the structure. New wood will be stamped to differentiate from the old. The proposed alteration is compatible with the resource, and adjacent properties in the Irvington Historic District. *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

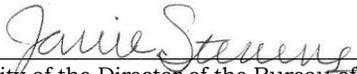
The proposed exterior alteration is limited in scope and consists of the replacement of one double hung window on the east (rear) façade. The replacement window is slightly larger in size, and matches the original in window in terms of detailing, material, and placement. The resource is contributing in the Irvington Historic District. The purpose of the historic resource review process is to ensure that additions, exterior alterations, and new construction to historic resources do not compromise their historic significance. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of an exterior alteration to a contributing resource in the Irvington Historic District consisting of replacement of one double hung window with a larger double hung window matching in detailing, material, and placement, per the approved site plans, Exhibits C-1 through C-6, signed and dated January 10, 2017, 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 16-284057 HR."

Staff Planner: Jamie Stevens

Decision rendered by:  **on January 10, 2017.**
By authority of the Director of the Bureau of Development Services

Decision mailed January 13, 2017

Procedural Information. The application for this land use review was submitted on December 9, 2016, and was determined to be complete on December 20, 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 December 9, 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 **January 17, 2017**.

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.

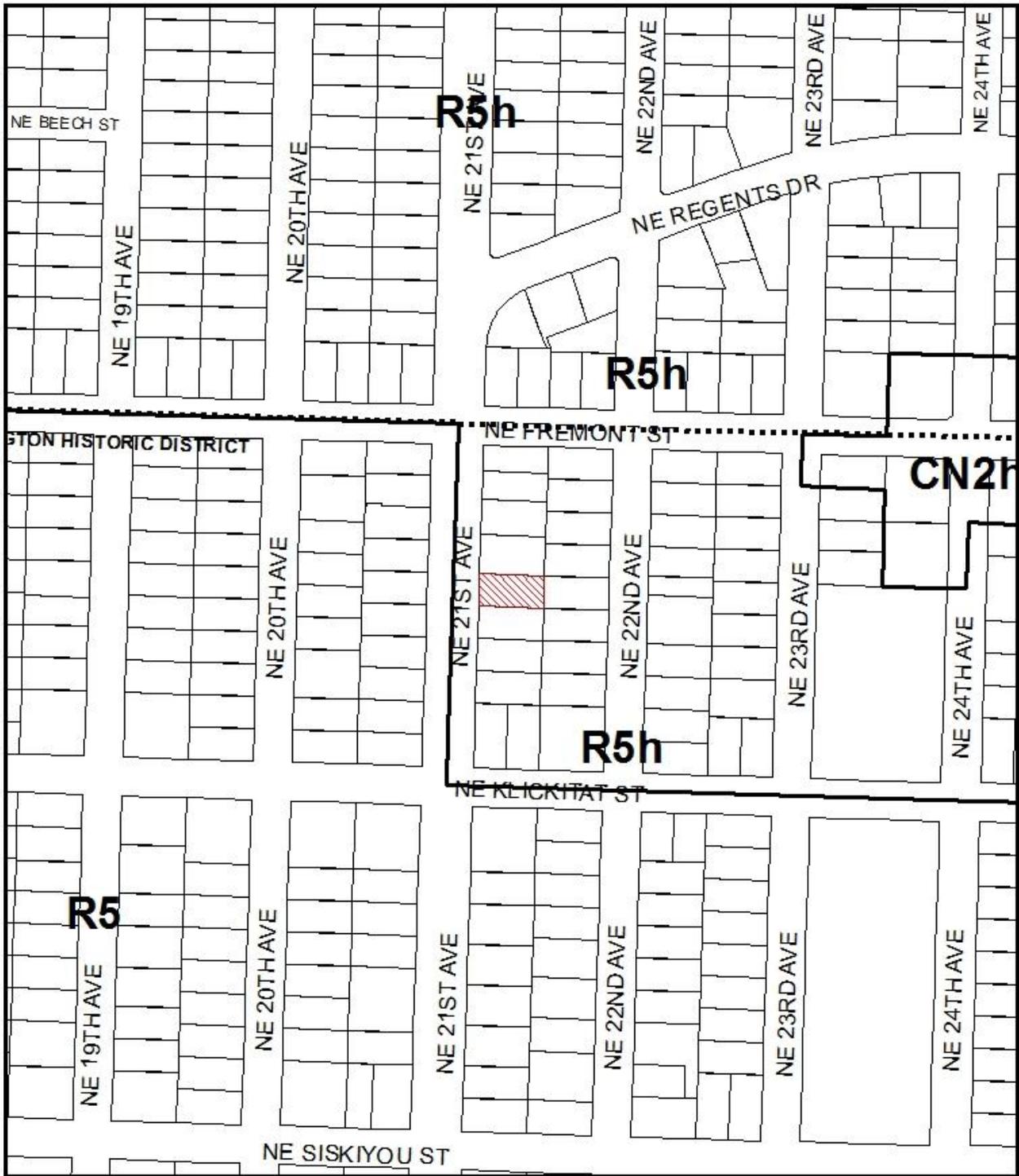
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Description and Response to Approval Criteria
 - 2. Elevations as approved in LU 16-247979-HR
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing West Elevation
 - 3. Existing North Elevation
 - 4. Existing East Elevation
 - 5. Proposed East Elevation (attached)
 - 6. Proposed Window Detail

- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application

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



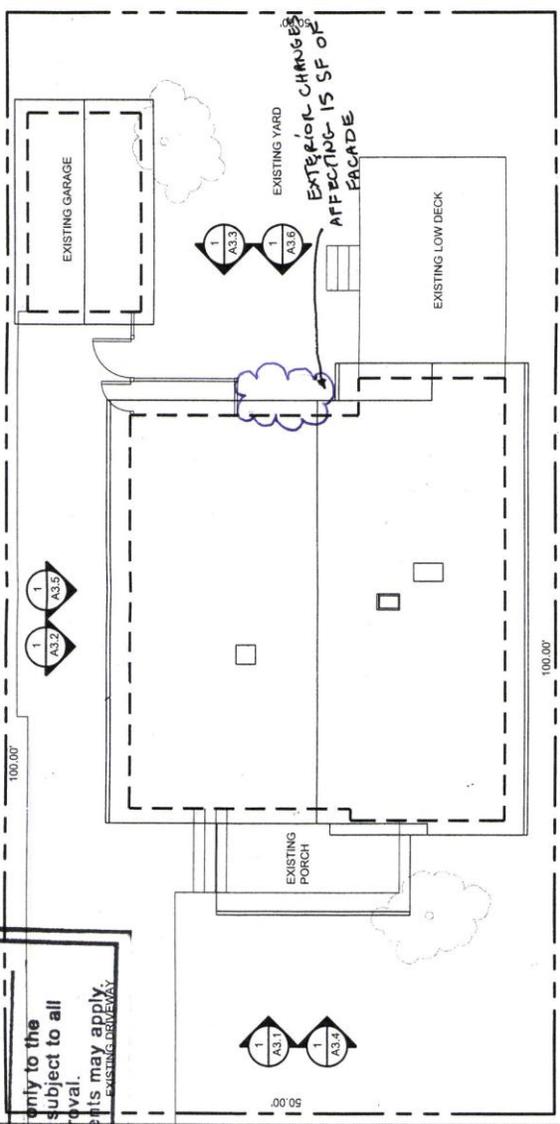
NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 16-284057 HR
 1/4 Section 2732
 Scale 1 inch = 200 feet
 State_Id 1N1E26AA 4200
 Exhibit B (Dec 12, 2016)

Approved
City of Portland
 Bureau of Development Services
 Planner: [Signature]
 Date: 11-10-17
 This approval applies only to the reviews requested and is subject to all review conditions of approval. Additional zoning requirements may apply. CAUSING DAMAGE

Area of work



1 SITE PLAN
 1" = 10'-0"

HAWLEY RESIDENCE
 GREG AND SHANA HAWLEY
 3404 NE 21st AVENUE
 PORTLAND, OR 97212
 Ken Wiesler
 Residential Design
 and Consulting
 503.866.9535
 ken@spiretech.com

PROJECT INFO
 SITE PLAN

HISTORIC REVIEW
 12/8/16
 REVISIONS:

A1.1

PROJECT CONTACT INFORMATION:
 CLIENT: GREG AND SHANA HAWLEY
 3404 NE 21st AVENUE
 PORTLAND, OR 97212
 DRAFTING: KEN WIESLER
 503.866.9535
 ken@spiretech.com
 CONTRACTOR: MARK URBAN
 URBAN RESTORATION
 971-570-1577
 CCB # 122337
 OWNER: STANLEY F AND FAY B HORAK
 3228 NE 20th AVENUE
 PORTLAND, OR 97212
 SITE ADDRESS: 3404 NE 21st AVENUE
 PORTLAND, OR 97212
 STATE ID: 1N1E26AA 4200
 MULTNOMAH COUNTY
 PROPERTY ID: R187750
 ZONING: R5h
 HIST. DISTRICT: IRVINGTON
 ALLOWED USE: HOUSEHOLD LIVING

SITE COVERAGE DATA:
 LOT SIZE: 5,000 SF
 BUILDING COVERAGE AND IMPERVIOUS AREA NOT AFFECTED
 SETBACKS:
 FRONT: 10' NO CHANGE
 SIDE: 5' NO CHANGE
 REAR: 5' NO CHANGE

PROJECT CONSISTS OF:
 1. INTERIOR REMODEL OF SINGLE FAMILY RESIDENCE.
 2. REMOVAL AND SUBSTITUTION OF WINDOW
 3. ASSOCIATED MECHANICAL, ELECTRICAL, AND PLUMBING.

PROJECT INFORMATION, SITE PLAN
 A1.1 PROJECT EXISTING WEST ELEVATION
 A3.1 EXISTING NORTH ELEVATION
 A3.2 EXISTING EAST ELEVATION
 A3.3 EXISTING EAST ELEVATION
 A3.6 PROPOSED EAST ELEVATION
 A4.1 WINDOW AND TRIM DETAILS

DRAWING INDEX
 NO SCALE
 3

2 PROJECT INFORMATION
 NO SCALE

EXH C-1
 LV16-284057HR

Ken Wiesler
Residential Design
and Consulting
503.888.1858
ken@pwrtech.com

HAWLEY RESIDENCE
GREG AND SHANA HAWLEY
3404 NE 21ST AVENUE
PORTLAND, OR 97212

EXISTING EAST
ELEVATION

HISTORIC
REVIEW

12/8/16

REVISIONS:

A3.6

Approved
City of Portland
Bureau of Development Services
Planner *Gaussler*
Date *1-10-17*
* This approval applies only to the
reviews requested and is subject to all
conditions of approval.
Additional zoning requirements may apply.



1 EXISTING EAST ELEVATION
1/4" = 1'-0"

EXH. C-5
LU16-284057HR