



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

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Date: June 1, 2017
To: Interested Person
From: Emily Hays, 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 approved a 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 17-142289 HR – NEW PICTURE WINDOW

GENERAL INFORMATION

Applicant & Owner: Samuel Morgan-Cleveland
2626 NE 12th Avenue
Portland, OR 97212

Site Address: **2626 NE 12th Avenue**

Legal Description: BLOCK 80 LOT 18 HISTORIC PROPERTY POTENTIAL ADDITIONAL TAX, IRVINGTON

Tax Account No.: R420416770
State ID No.: 1N1E26BD 18400
Quarter Section: 2731

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 Jessica Rojas at 503-388-5030.

Plan District: None
Other Designations: Contributing Resource in the Irvington Historic District

Zoning: R5 – Residential 5,000 Single Dwelling 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 to remove a glass door and full height glass panes on the front (west) façade of a contributing resource in the Irvington Historic district. The proposal includes the installation of a wood picture window, flanked by wood double hung windows to fill the width of the existing opening. The current windows and glass door were poorly installed without permits prior to the designation of the historic district, allowing water to enter and cause interior damage. The new windows will be installed below an existing lintel to retain the current alignment. The area below the new windows will be filled with clapboard siding to match existing.

Historic resource review is required because the proposal is for non-exempt exterior alterations on a 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:

- Section 33.846.060.G - *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is a single-dwelling Craftsman style structure constructed in 1926, listed as a contributing resource in the National Register of Historic Places documentation for the Irvington Historic District. 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. 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. 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.

The site is located on the block bound by NE 12th Avenue, NE Knott Street, NE 13th Avenue, and NE Brazee Street. NE 12th Avenue is classified as a *Local Service Bikeway*, *Minor Emergency Response Street*, and a *Local Service Walkway*.

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 72-032585 (VZ 176-72): Denial of a proposal to increase the height of a fence in the south side yard from the permitted 6' to 10'-6" in order to erect a 7' fence on top of a 3 1/2' retaining wall.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 10, 2017**. No responses have been received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 10, 2017**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Land Use Committee, on May 23, 2017 wrote that the ICA land use committee has no objections to the proposal. Please see Exhibit F-1 for additional details.

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, 2, 3, 4, & 5: The proposed alteration will not negatively impact the historic character of the property. The proposed alterations aim to replace existing deteriorating features with new features that are both architecturally appropriate and of a better quality than what is being removed. The existing windows were poorly installed in the 1980's and allow water to enter and damage the interior of the house.

The new windows, while not attempting to create a false sense of historic development, are consistent and compatible with the architecture of the contributing resource and the district as a whole. No historic changes previously made to the resource that have acquired historic significance will be impacted and all historic materials on the resource will be protected.

These guidelines have been 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.

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 7, 8, 9, & 10: The proposed alterations will not destroy or negatively affect historic materials or features true to the 1926 contributing resource. The overall scale and mass of the building will not be impacted; the form of the resource will be preserved. Proposed alterations, including the removal of non-original windows and doors, in concert with the addition of compatible wood windows further maintain the integrity of the resource. The profile, sash, and inset of the new window will match those original windows that remain.

The proposed windows are consistent with the scale and location of picture windows found on other resource so as to effectively integrate new features with the contributing historic resource. The proposed windows were sized based on measurements taken from similarly sized houses in the neighborhood and are consequently appropriately scaled for this façade. Collectively, the proposed alterations to the resource will enhance and improve the structure and ensure that it remain an accurate record of its time and continue to be a valuable contributing resource to the immediate adjacent neighborhood and the Irvington Historic District as a whole.

These guidelines have been 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

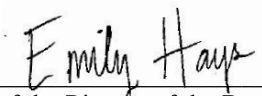
The new window is designed to match existing windows in material, style, and character. It is compatible with the resource, adjacent properties, and the district as a whole. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to 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 to install a wood picture window, flanked by wood double hung windows to fill the width of the existing opening, per the approved site plans, Exhibits C-1 through C-4, signed and dated May 30, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 17-142289 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Emily Hays

Decision rendered by:  **on May 30, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed June 1, 2017

Procedural Information. The application for this land use review was submitted on March 28, 2017, and was determined to be complete on May 5, 2017.

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 March 28, 2017.

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: September 2, 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 **June 2, 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:

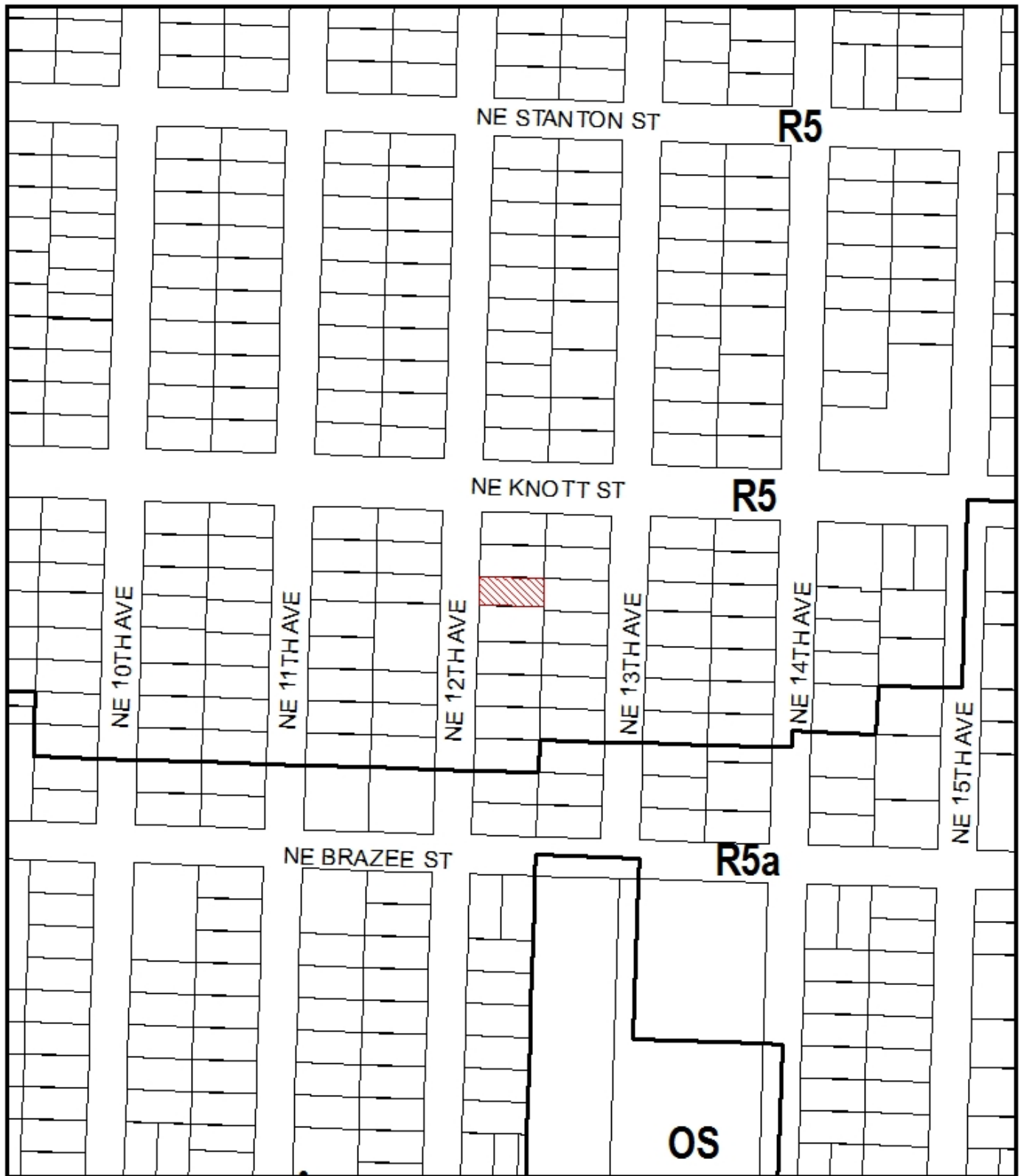
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Response to Guidelines
 - 2. Applicant's Photos
 - 3. Project Description
 - 4. Original Drawings – *Not Used*
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Front Elevation
 - 3. Proposed Front Elevation (attached)
 - 4. Window Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None.
- F. Correspondence:
 - 1. Dean Gisvold, April 19, 2017, ICA Land Use Committee – The ICA land use committee has reviewed this application and has no objections.
- 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

This site lies within the:
IRVINGTON HISTORIC DISTRICT



-  Site
-  Historic Landmark

File No. LU 17-142289 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State_Id 1N1E26BD 18400
 Exhibit B (Apr 03, 2017)

IMPERVIOUS AREA

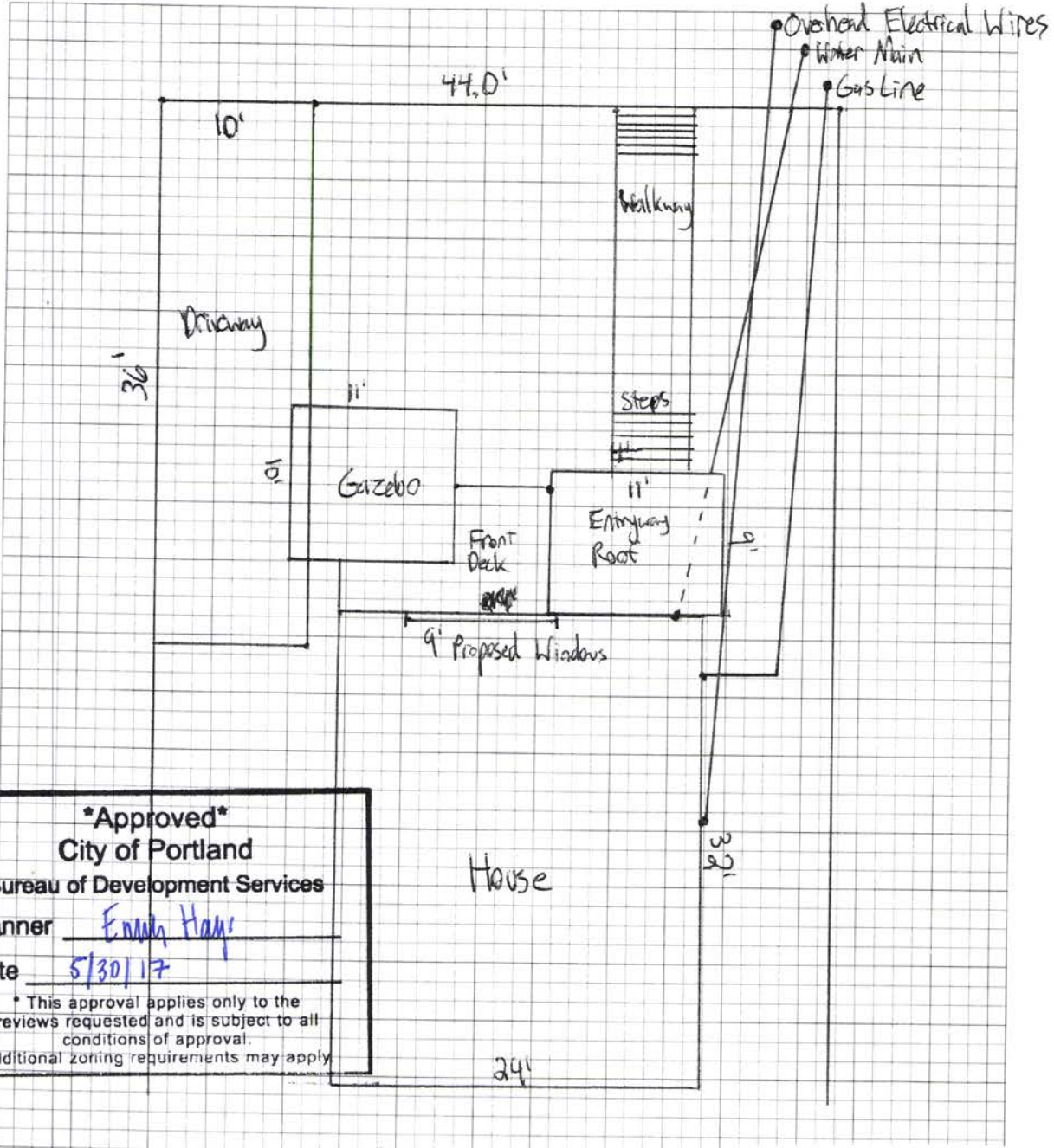
DRIVEWAY _____
PATIO _____
SIDEWALK _____
ROOF AREA
(INCLUDING OVERHANG) _____
TOTAL _____

BUILDING COVERAGE

BUILDING FOOTPRINT _____

LOT AREA

LOT AREA 4400 sq. ft.

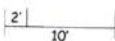


Approved
City of Portland
 Bureau of Development Services
 Planner Emma Hays
 Date 5/30/17
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 17-142289 HR

SITE PLAN

SCALE: 1" = 10'



PROJECT LEGAL

PROJECT ADDRESS

2626 Ne 12th Ave



NORTH

01

LIVABLE AREA

DRIVEWAY _____
PATIO _____
SIDEWALK _____
ROOF AREA _____
(INCLUDING OVERHANG) _____
TOTAL _____

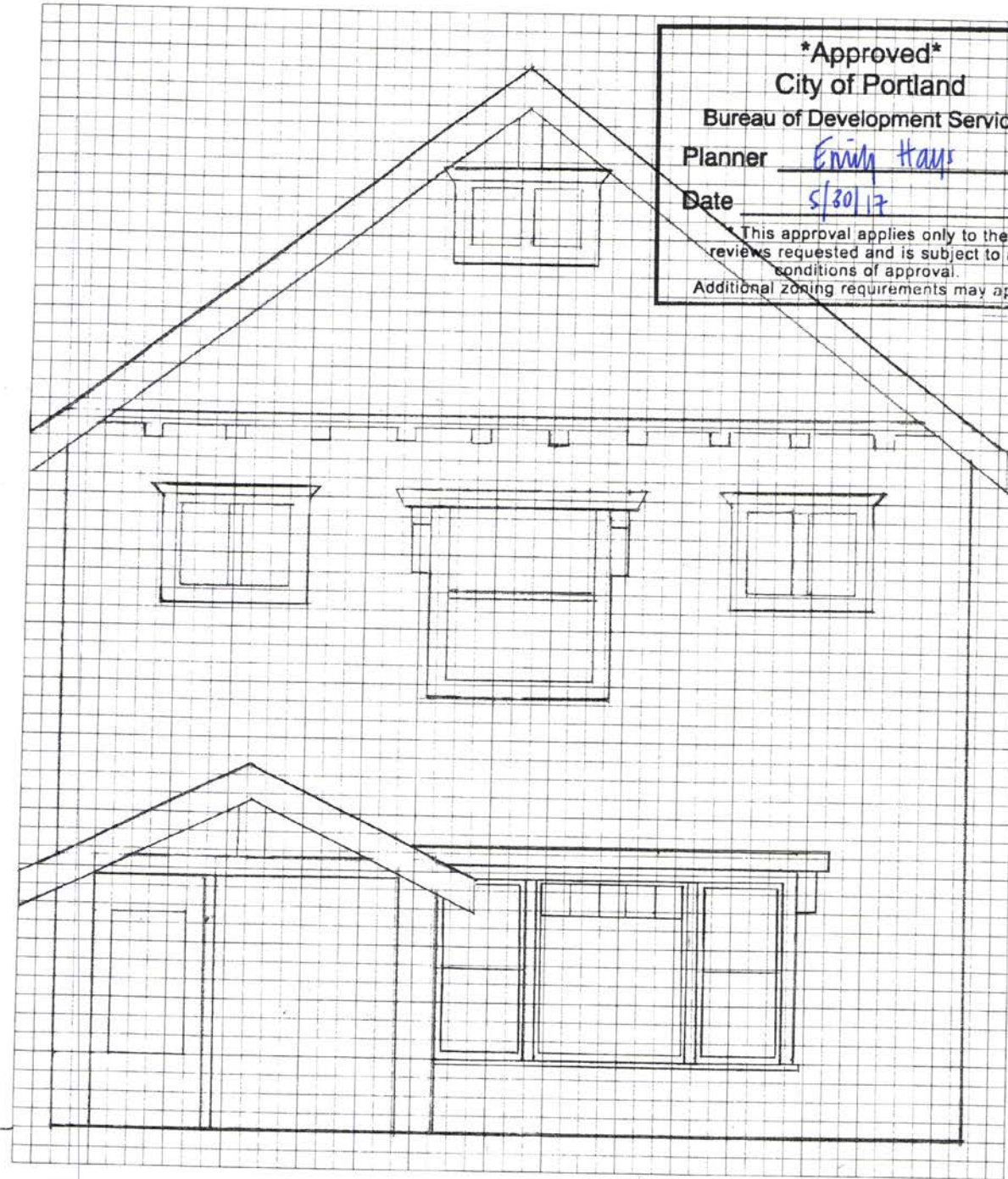
BUILDING COVERAGE

BUILDING FOOTPRINT _____

LOT AREA

LOT AREA _____

Proposed new Window



Approved
City of Portland
Bureau of Development Services
Planner Erin Hays
Date 5/30/17
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

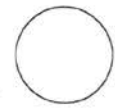
SITE PLAN

Scale: 1"=4'

PROJECT LEGAL

PROJECT ADDRESS

2626 NE 12th Ave



NORTH

C3

SUBMITTED 5/5/17