



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

Ted Wheeler, Mayor  
Rebecca Esau, Interim Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 6, 2017  
**To:** Interested Person  
**From:** Emily Hays, Land Use Services  
503-823-5676 / [Emily.Hays@portlandoregon.gov](mailto:Emily.Hays@portlandoregon.gov)

## **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 17-162812 HR – WINDOW REPLACEMENT**

#### **GENERAL INFORMATION**

**Applicant:** Molly Littlejohn | Robin Rigby Fisher Design  
1130 SE Rhone Street  
Portland, OR 97202

**Owner:** Joseph T Croft  
2218 NE 18th Avenue  
Portland, OR 97212

**Site Address:** **2218 NE 18<sup>th</sup> Avenue**

**Legal Description:** BLOCK 36 LOT 17, IRVINGTON  
**Tax Account No.:** R420407790  
**State ID No.:** 1N1E26DB 12300  
**Quarter Section:** 2832

**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact at [chair@nnebaportland.org](mailto: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:** R5a – Residential 5,000 with Alternative Design Density Overlay  
**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 alterations to a contributing resource in the Irvington Historic District. The proposal includes the replacement of three windows, one each on the north, south, and east facades, with wood windows. The casing and trim will match the existing. On the north elevation, the new window will have a new sill height of 42". On the south elevation, the new French casement window will match the existing window. On the east elevation, the applicant proposes a picture window within, but not filling, the existing opening; the remaining portion of the opening will be filled with siding to match the rest of the house.

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:

- *Criteria in Section 33.846.060.G, Other Approval Criteria*

**ANALYSIS**

**Site and Vicinity:** The subject property is a single-dwelling Foursquare style structure constructed in 1911, 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 18<sup>th</sup> Avenue, NE Thompson Street, NE 19<sup>th</sup> Avenue, and NE Tillamook Street. NE 18<sup>th</sup> 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 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.

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 no prior land use reviews.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **May 16, 2017**. No written responses have been received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 16, 2017**. Two written responses have 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 29, 2017 wrote that the ICA land use committee has no objections to the proposal. Please see Exhibit F-1 for additional details.
- Bruce Hazen, on May 26, 2017, wrote in support of the proposal, noting that the window replacements on the Croft residence appear appropriate, aesthetic and timely. Please see Exhibit F-2 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.

**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, 3, 4, 5 & 9:** The proposed alterations will not destroy or negatively affect historic materials or features true to the 1911 contributing resource or the historic character of the property.

On the north (side) façade:

- One (1) double hung window, measuring approximately 3'-5" wide, is proposed to be replaced with an all wood, 3'-5" wide double hung window with a new sill height of 42".

On the east (rear) façade:

- On the east (rear) façade, one (1) casement window will be replaced with a new casement window measuring 1'-4" wide and 3'-2" tall. The remaining opening will be sealed and patched with siding to match existing in material, profile, texture, and color.

On the south (side) façade:

- One (1) French casement window, measuring approximately 4'-0" wide by 3'-2" tall, is proposed to be replaced with an all wood, French casement window to match existing.

The proposed windows match existing windows in proportion, detailing, and material. The replacement windows are proposed to be constructed of wood and will be recessed 4", from bottom sash to exterior wall, to match the other windows in the house. Casing, siding, sash, sill and apron will be painted to match the windows that remain.

The new windows will be installed in the existing openings, ensuring the retention of original material. On the east wall, the new window will measure 1'-4" by 3'-2"; the remainder of the opening will be filled with 4" gray lap siding to match the existing exterior. As such, the proposed alterations will not result in a loss of historic character of the resource or impact the record of its time, place or use. 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.

*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.

**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, & 10:** The overall scale and mass of the building will not be impacted; the form of the resource will be preserved. The addition of compatible wood windows further maintains the integrity of the resource. The new windows will be designed to match the style, depths, and profiles of existing historic windows elsewhere on the home. The new work will be differentiated with the relatively contemporary products and materials proposed.

Collectively, the proposed alterations to the resource will 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. The proposed alterations are compatible with the resource and will not compromise the architectural integrity of the historic home or its significant in the Irvington Historic District.

*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 windows are 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 of the replacement of three windows on the north, south, and east facades with wood windows per the approved site plans, Exhibits C-1 through C-10, signed and dated June 2, 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 17-162812 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:** Emily Hays **on June 2, 2017.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed June 6, 2017**

**Procedural Information.** The application for this land use review was submitted on April 28, 2017, and was determined to be complete on May 12, 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 April 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 9, 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](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 **June 7, 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. Proposal Description
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Cover Page
  - 2. Site Plan (attached)
  - 3. Existing Elevations
  - 4. Existing Elevations
  - 5. New North Elevation (attached)
  - 6. New South & East Elevations (attached)
  - 7. Window Elevations
  - 8. Window Sections
  - 9. Window Sections
  - 10. Window Rendering

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses: None.

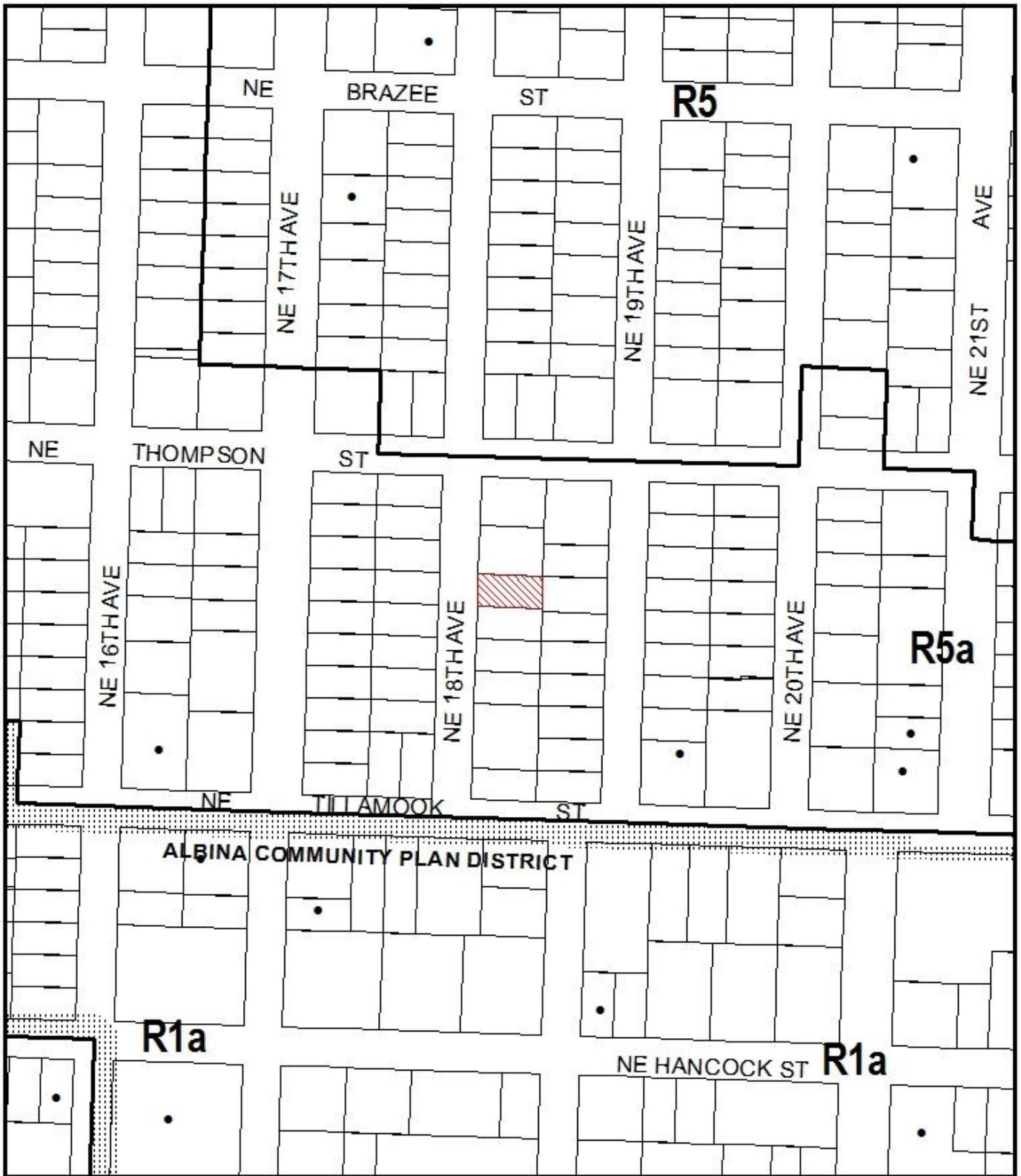
F. Correspondence:

1. Dean Gisvold, May 29, 2017, ICA Land Use Committee – The ICA land use committee has reviewed this application and has no objections.
2. Bruce Hazen, May 26, 2017, in support of the proposal.

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
-  Historic Landmark



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No.	<u>LU 17-162812 HR</u>
1/4 Section	<u>2832</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26DB 12300</u>
Exhibit	<u>B (May 02, 2017)</u>



Robin Rigby Fisher, CMKBD,  
 CAPS  
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DRAWING TITLE  
**SITE PLAN**

ROOM TITLE

CLIENT:  
 Natvalle Croft  
 2218 NE 18th  
 Portland, OR 97212

SCALE 1"=10'

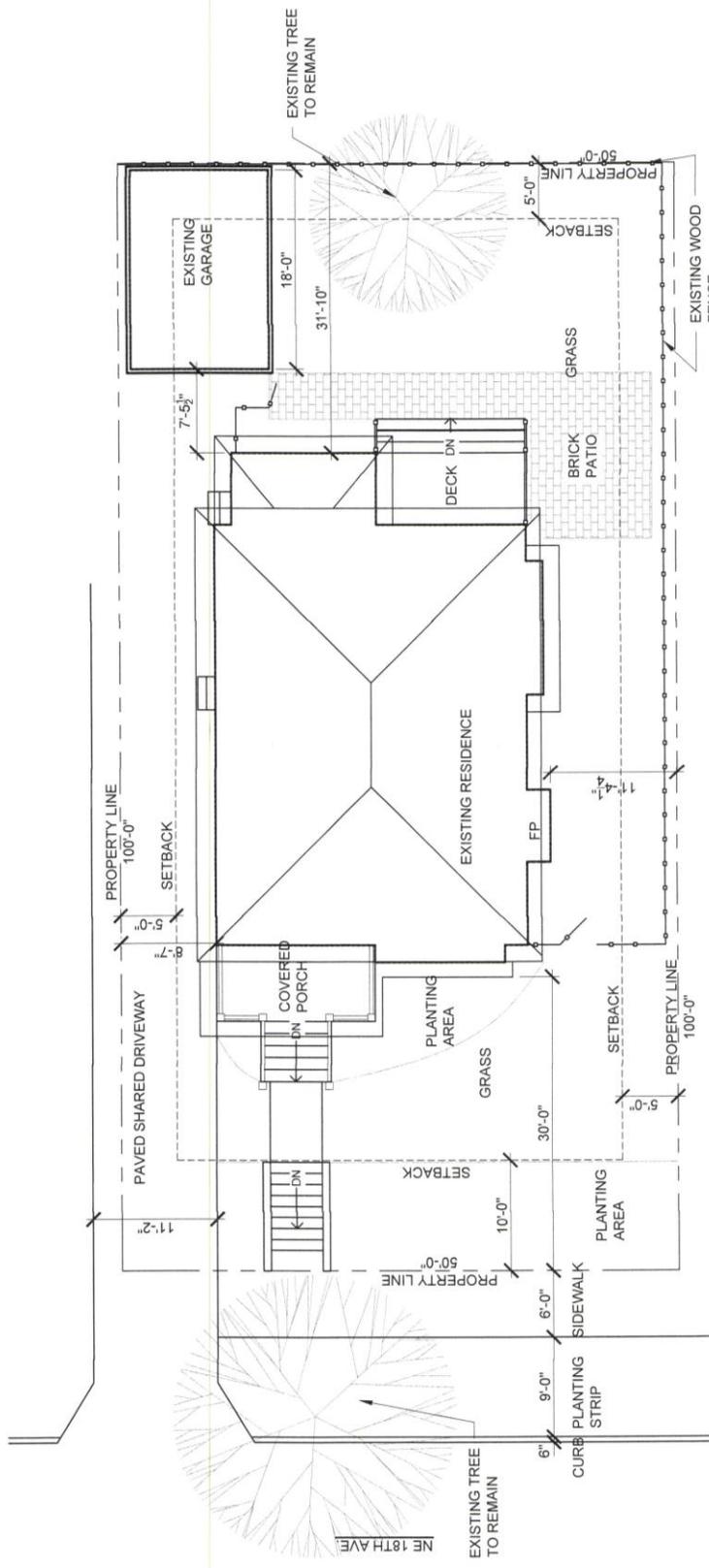
DATE/REVISION  
 4/25/17



SHEET NO.

**ID.01**

C2



<b>PROJECT INFORMATION:</b>	
PROJECT ADDRESS:	2218 NE 18TH AVE
CROSS ADDRESS:	NE THOMPSON ST.
LEGAL DESCRIPTION:	IRVINGTON BLOCK 49, LOT 3 1N1E26DB 12300
STATE ID.:	R188108
MAP #:	R420407790
TAX ID.:	R5
ALT. ID.:	
ZONING:	
MINIMUM SETBACKS:	FRONT: 10' REAR/SIDES: 5' GARAGE ENTRANCE: 18'
MAX. HEIGHT ALLOWED:	30'
LOT SIZE:	5000 SQ. FT.



**Existing Site Plan**

Scale: 1"=10'-0"

1

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner Kenny Hays  
 Date 6/2/2017

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



Robin Rigby Fisher, CMKBD,  
CAPS  
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Portland, OR 97202  
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www.robinrigbyfisher.com

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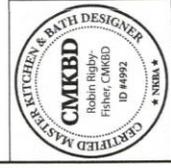
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DRAWING TITLE  
NORTH ELEVATION  
EXISTING

ROOM TITLE  
CLIENT  
Nathalie Croft  
2218 NE 18th  
Portland, OR 97212

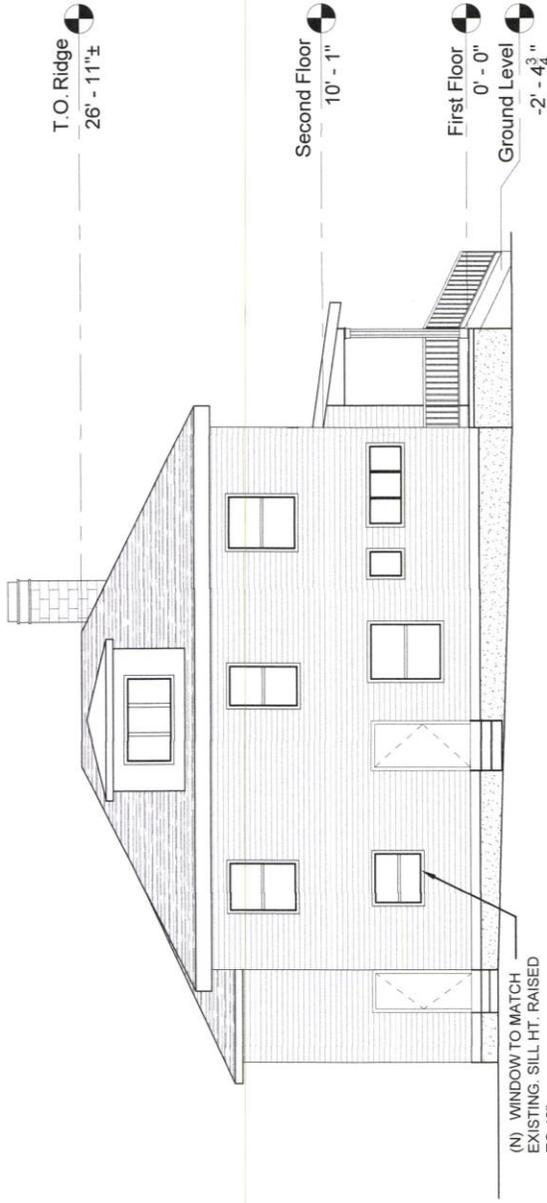
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4/25/17



SHEET NO.

ID.04

05



\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner Emily Hoops  
Date 6/12/2017  
\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
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THE DESIGN PLANS ARE  
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DIMENSIONS.

DRAWING TITLE:  
EAST/SOUTH ELEVATIO  
NEW

ROOM TITLE:

CLIENT:  
Nathalie Croft  
2218 NE 18th  
Portland, OR 97212

SCALE: 1/8"=1'-0"

DATE/REVISION:  
4/25/17

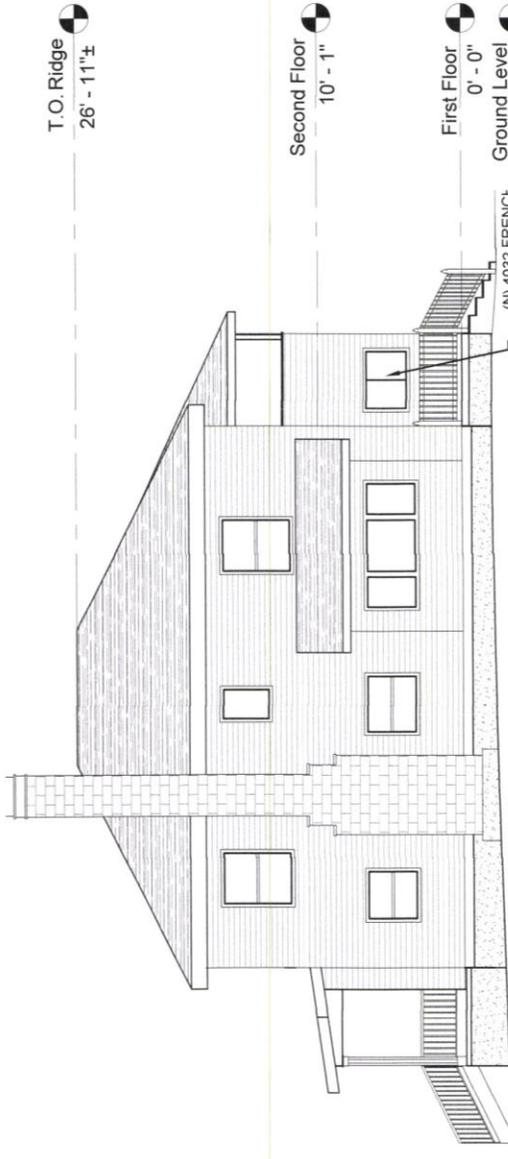


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ID.05

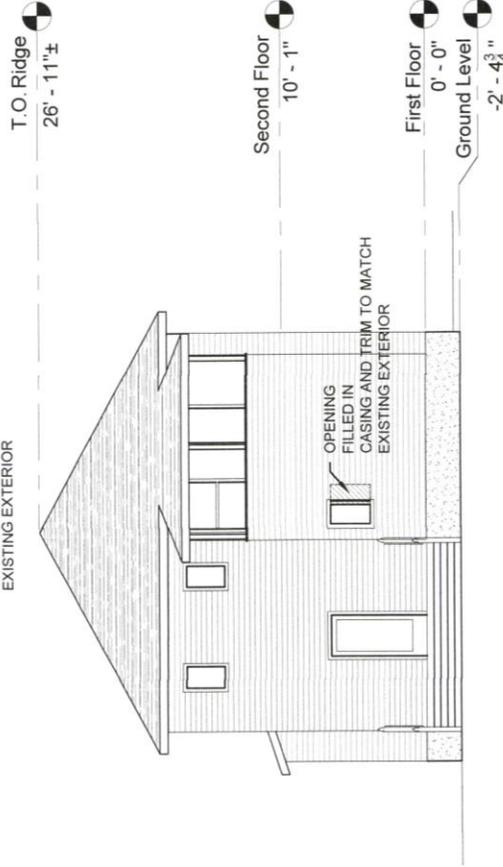
CU

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner Kerry Hays  
Date 6/12/2017  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 SOUTH ELEVATION - NEW

Scale: 1/8"=1'-0"



1 EAST ELEVATION - NEW

Scale: 1/8"=1'-0"