



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 6, 2018  
**To:** Interested Person  
**From:** Puja Bhutani, Land Use Services  
503-823-7226 / [Puja.Bhutani@portlandoregon.gov](mailto:Puja.Bhutani@portlandoregon.gov)

## **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 18-181486 HR – NEW WINDOWS**

#### **GENERAL INFORMATION**

**Applicant:** Kevin Fischer | Alice Design  
4803 NE 32nd Avenue | Portland, OR 97211  
[kevin@alicedesignpdx.com](mailto:kevin@alicedesignpdx.com)

**Owner:** Teresa C Seidel & Hans-Walter Seidel  
2243 NE 20th Ave | Portland, OR 97212

**Site Address:** **2243 NE 20<sup>th</sup> Avenue**

**Legal Description:** BLOCK 35 LOT 1, IRVINGTON  
**Tax Account No.:** R420407430  
**State ID No.:** 1N1E26DA 14800  
**Quarter Section:** 2832

**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Other Designations:** Contributing Resource in the Irvington Historic District  
**Zoning:** **R5a** – Residential 5,000 with Alternative Design Density Overlay and Historic Resource Protection 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 requesting Historic Resource Approval for the following exterior alterations to the existing single-family residence, which is a contributing resource in the Irvington Historic District:

1. Replace the existing two wood windows with new wood windows, in approximately the same location, on the rear/west ground floor façade.
2. Demolish existing non-original aluminum greenhouse windows on the side/south façade. Replace with the existing wood windows that were removed from the rear facade.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations to a contributing resource in the Irvington Historic District.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in Title 33, Portland Zoning Code. The relevant approval criteria are:

- Criteria in Section 33.846.060.G of the Portland Zoning Code

## ANALYSIS

**Site and Vicinity:** The existing 2.5 story residence was building 1910 in a craftsman architectural style and is a contributing resource in the Irvington Historic District. The 1.5 storey house is located on a block with many other contributing resources, primarily single family dwellings

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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

The 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.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **July 9, 2018**. Comments from other Bureaus was not required.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **July 9, 2018**. No response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

## 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:** There are no changes being proposed to the contributing house's form, front façade, roofline or the building footprint. The exterior alterations are limited to the rear and side elevation. The windows being removed from the south façade are non-historic aluminum windows. These will be replaced with existing wood double hung from the rear façade and help retain and enhance the historic character of the property. The proposed new wood windows on the rear facade are identical and slightly further spaced than the existing different window types. However, the new windows have the same orientation and closely match the existing double hung windows in terms of window profile, materials and detailing. No conjectural features are being added, and historic materials are being preserved. *These guidelines are met.*

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

**Findings:** Not applicable. The proposal does not include any ground disturbance and there are no known archaeological resources affected by the proposal.

- 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 exterior alterations will not affect any character defining feature of the house. As discussed above, there are no changes being proposed to the

contributing house's form, front façade, roofline or the building footprint. The proposed window alterations are to the rear and side elevation and are of a style and design that is consistent and compatible with the historic aesthetic of the property. Specifically, the proposed windows are similar to the existing double windows on the upper floors. The new windows are sized appropriately to match original sizes or be proportionally comparable. The proposed wood windows will also match the existing window detailing and shadow lines to the extent possible. All the exterior trim and siding will match that of the existing house. The proposed windows will differ from the original windows in that they will be double paned and use modern hardware. The proposed exterior alterations maintain the historic integrity of the resource, adjacent properties and the district. *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 requirements of Title 11 can be met, and 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 alterations are compatible with the existing architectural conditions and aesthetics currently found on the subject resource and respect the integrity of the historic resource. 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 following exterior alterations to the west and south elevation of the existing single-family residence in the Irvington Historic District:

1. Replace the existing two wood windows with new wood windows, in approximately the same location, on the rear/west ground floor façade.
2. Demolish existing non-original aluminum greenhouse windows on the side/south façade. Replace with the existing wood windows that were removed from the rear facade.

Approved per the approved site plans, Exhibits C-1 through C-7, signed and dated August 1, 2018, 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 18-181486 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: Puja Bhutani**

**Decision rendered by:** \_\_\_\_\_ **on (8/1/2018.)**

By authority of the Director of the Bureau of Development Services

**Decision mailed: 8/6/2018**

**Procedural Information.** The application for this land use review was submitted on June 4, 2018 and was determined to be complete on July 3, 2018.

*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 June 4, 2018.

*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: 10/31/18.**

**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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **8/6/2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**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:

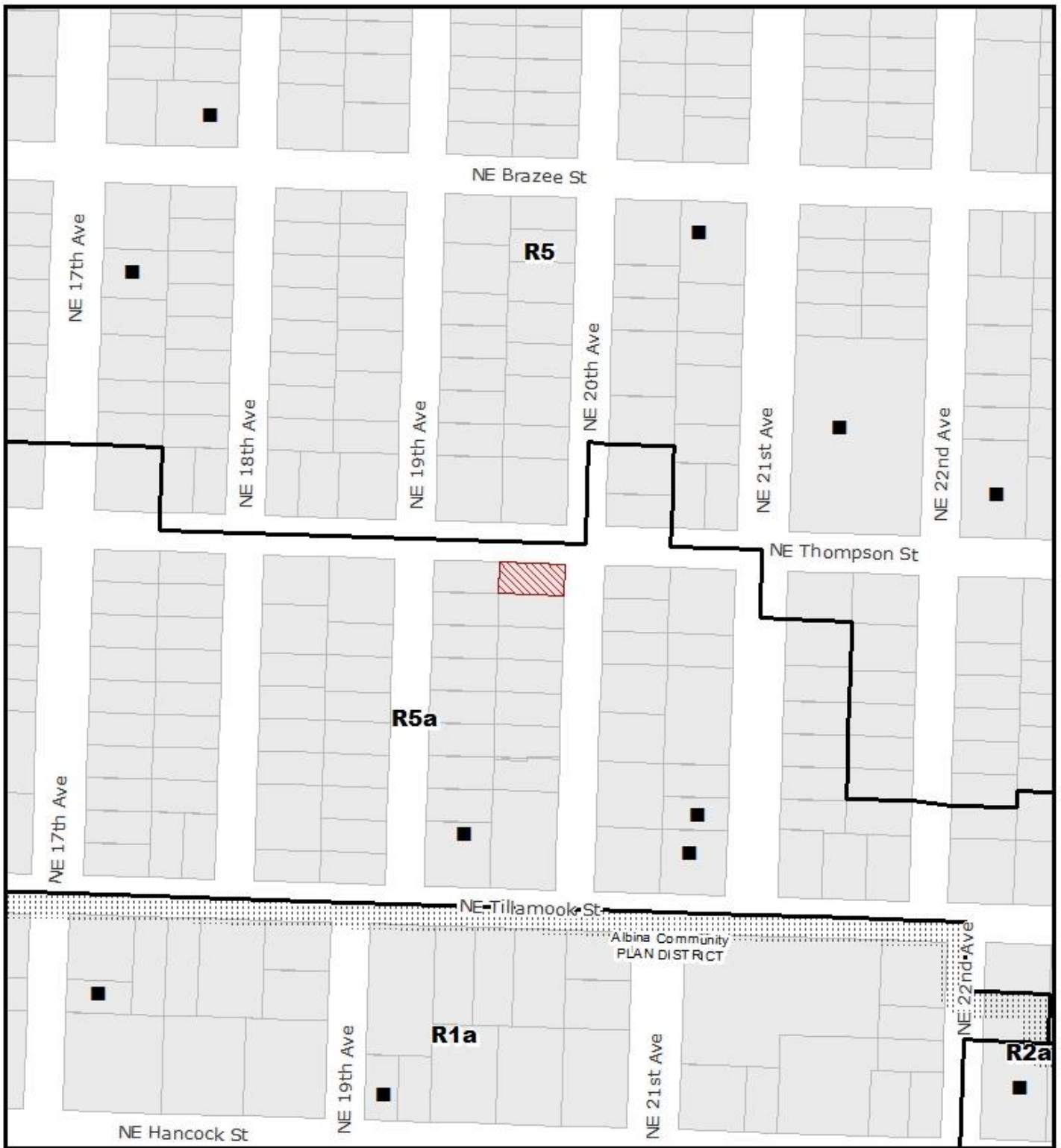
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Original Drawing Set, not approved, for reference only.
  - 3. Photograph
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. Partial West elevation
  - 4. Partial South Elevation (attached)
  - 5. Wood Window Details
  - 6. Proposed 1<sup>st</sup> Floor Plan
  - 7. Existing 1<sup>st</sup> Floor Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None Required
- F. Correspondence: None Received
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete letter send by staff on 6/14/2018

**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

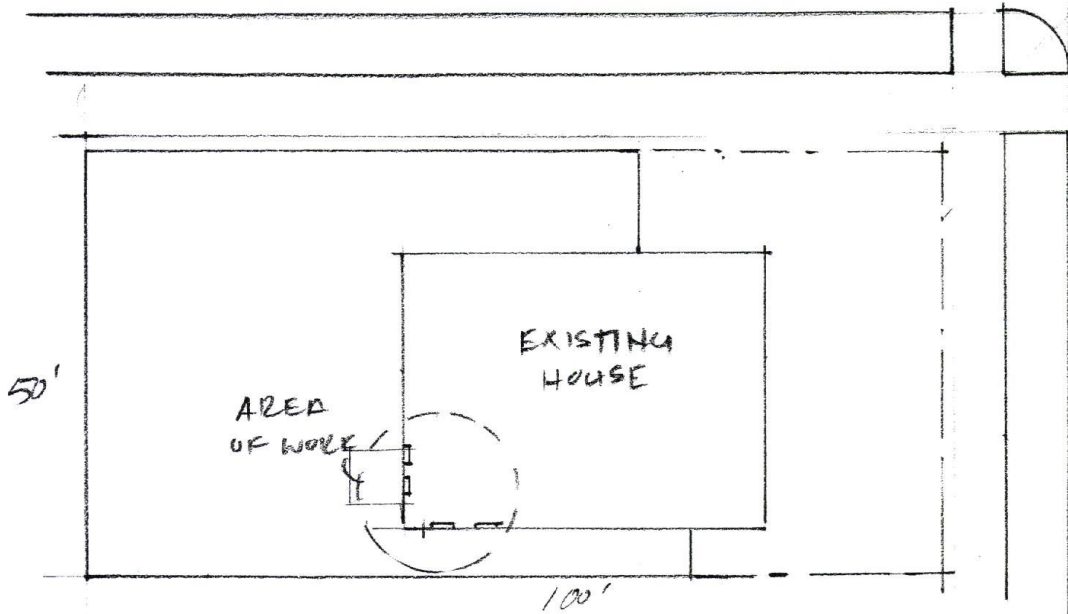
THIS SITE LIES WITHIN THE:  
IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 18-181486
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DA 14800
Exhibit	B Jun 06, 2018

NE THOMPSON ST

NE 20<sup>TH</sup> AVE



SITE PLAN

City of Planner <u>pb</u>	Permit Services 8/1/18
* This approval is subject to all conditions of approval.	

LU 18-181486 HR

EXHIBIT C1



Approved: \_\_\_\_\_  
 City of Portland - Bureau of Development Services  
 Parcel: \_\_\_\_\_ Date: 8.1.18  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

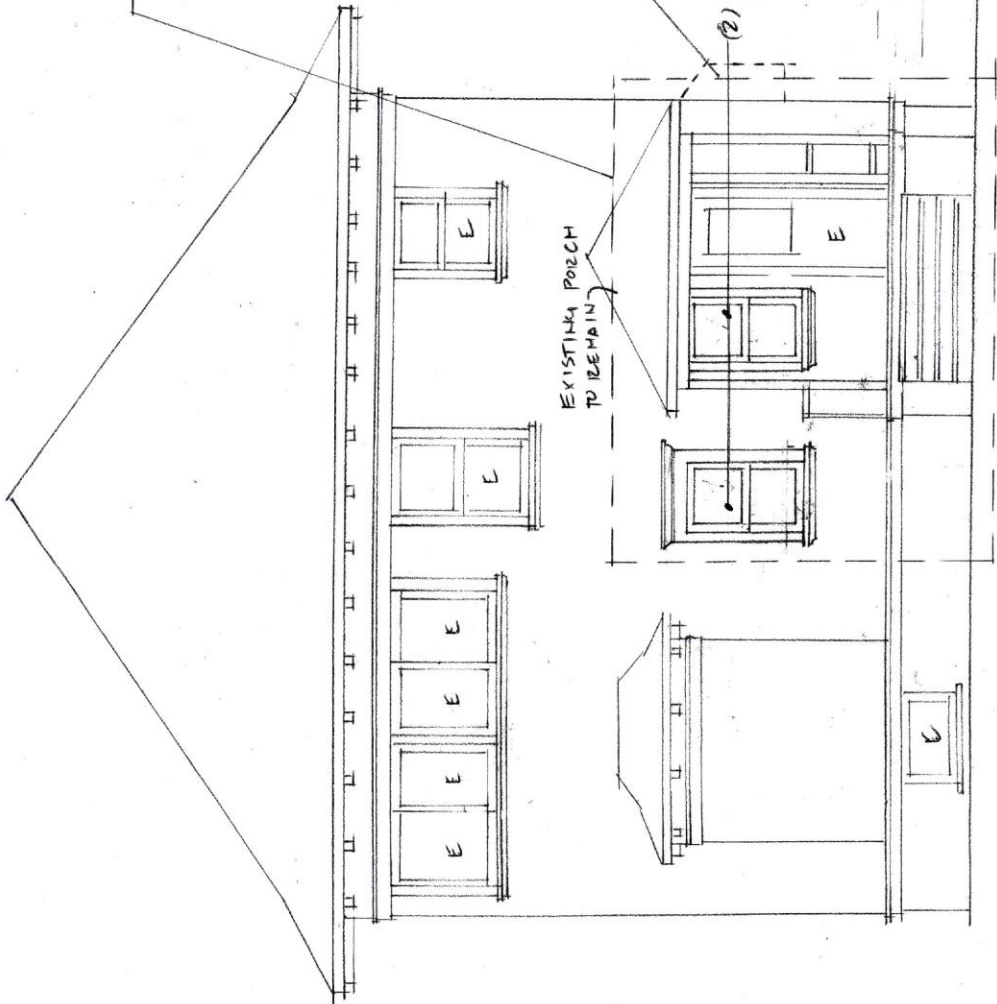
SEE PARTIAL WEST  
 ELEVATION FOR EXISTING  
 AND PROPOSED

WINDOW (A) IS SAME  
 SIZE AND TYPE AS  
 EXISTING WINDOW TO  
 BE RELOCATED.  
 WINDOW (B) IS SAME  
 SIZE.

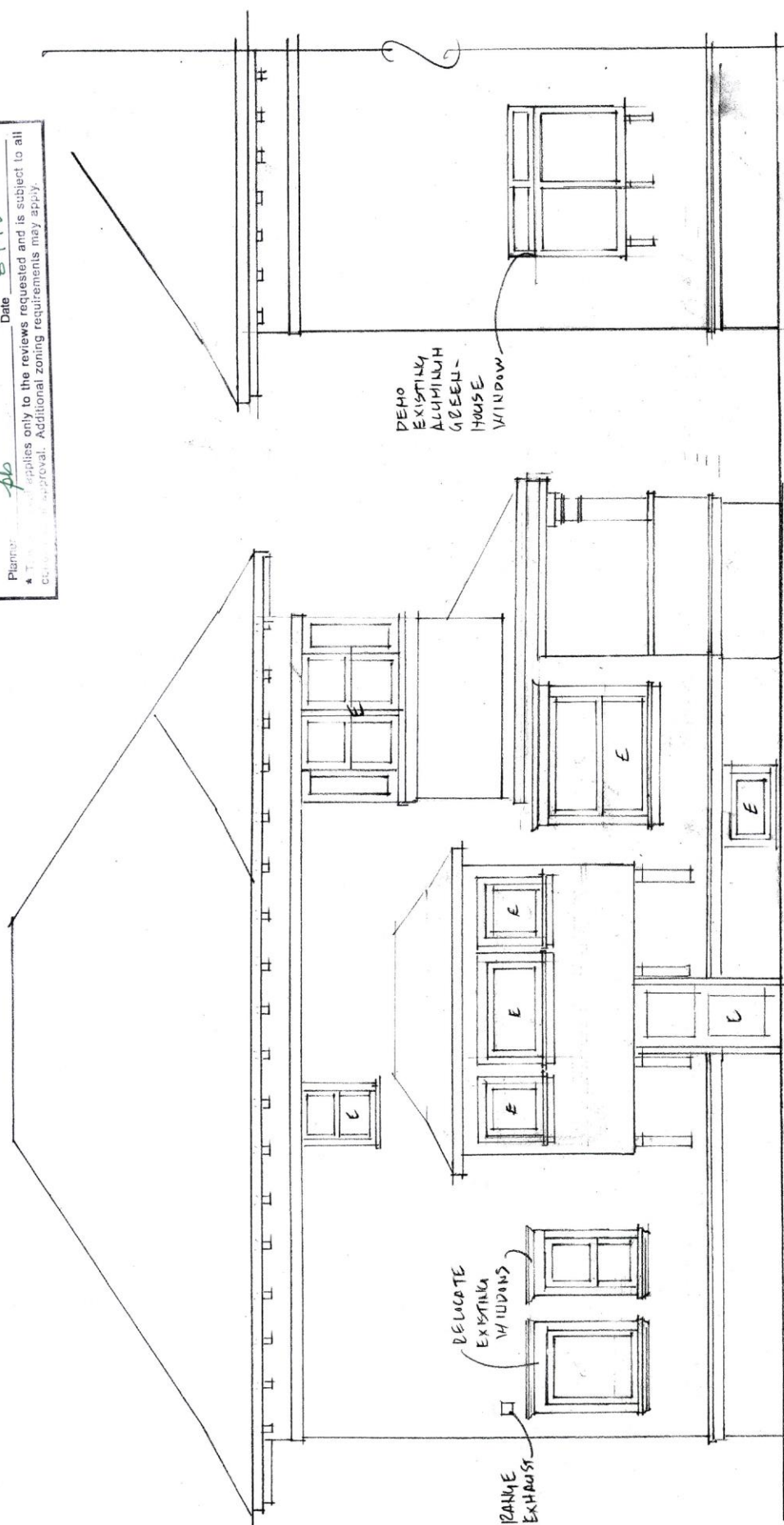
DEMO EXISTING  
 ALUMINUM GREENHOUSE  
 WINDOW

(2) NEW MARVIN ULTIMATE  
 WOOD WINDOWS

WEST ELEVATION  
 1/4" = 1'-0"



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner: *pk* Date: *8-1-18*  
 \* This plan applies only to the reviews requested and is subject to all  
 applicable codes and regulations. Additional zoning requirements may apply.



SOUTH  
 1/4" = 1'-0"

PARTIAL SOUTH  
 1/4" = 1'-0"

C-4

LU 18.181.486 HR  
 C-4