



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: June 13, 2019
To: Interested Person
From: Tanya Paglia, Land Use Services
503-823-4989 / Tanya.Paglia@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 19-154437 HR – WINDOW REPLACEMENT

GENERAL INFORMATION

Applicant: Ken Wiesler
624 NE 64th Ave
Portland, OR 97213
ken@spiretech.com

Owners: Lisa Pusateri and Eric Anderson
0205 SW Seymour Ct
Portland, OR 97239

Site Address: **017 SW CURRY ST**

Legal Description: BLOCK 133 E 39' OF LOT 5 E 39' OF S 24.9' OF LOT 6, CARUTHERS ADD

Tax Account No.: R140912630
State ID No.: 1S1E10BC 12000
Quarter Section: 3329

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Association, contact info@southportlanddba.com.
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None
Other Designations: Contributing Resource in the South Portland Historic District

Zoning: **R2** – Residential 2,000 with 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 seeking Historic Resource Review approval to replace a non-original window on a house that is a contributing resource in the South Portland Historic District. The project proposes to remove one 16 SF window on the west facade of the house and install a smaller, 5 SF, window in the rough opening and infilling the rest of the space. The new wall area will be clad with wood siding to match the existing V-groove siding.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the South Portland Historic District.

Relevant Approval Criteria:

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

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject resource is a two-story, single-family Queen Anne house built in 1904. Its historic name is the Earl C Bronaugh and Lorenzo E Carter house. It features horizontal board siding at the base and wood shingle above. It is located at the western end of a dead-end street that terminates in a cul-de-sac where it meets Southwest Naito parkway/Pacific Hwy West. The house sits on the north side of the street set a little back and above the street facing south.

South Portland Historic District As the surviving piece of a district that was greatly diminished by the construction of the I-5 and I-405 freeways, and by large scale clearance under the auspices of Urban Renewal, during the 1960s and 1970s, the South Portland Historic District is significant as the remnant of an early, originally much larger, working class and immigrant neighborhood. The area was originally home to concentrations of ethnic and religious minorities from southern and eastern Europe, especially Italian Catholics and Jews from Poland, the Baltic States, and the Russian Empire. The majority of the district's remaining historic resources were built as residences, but with supporting commercial buildings, religious and social institutions, and small scale industrial structures scattered throughout the neighborhood fabric. Originally associated with workers at the shipping, manufacturing, and processing enterprises dependent on the nearby Willamette River, the area today is among the best remaining examples of a late Nineteenth Century working class residential neighborhood in Portland.

Zoning: The Residential 2,000 (R2) zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

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 that there are no prior land use reviews for this property.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 10, 2019**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 10, 2019**. No written responses have 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 portion of the South Portland Historic District east of SW Naito Parkway and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with

disabilities, design solutions will not compromise the architectural integrity of the historic resource.

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

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

Findings for 1, 2, 3, 4, 5, 7, 8, 9 and 10: The project proposes to remove one 16 SF window on the west facade of the house and install a smaller, 5 SF, window in the rough opening and infilling the rest of the space. Given the minimal size and scope of the proposed alterations and their location being confined to the rear portion of a side (west) façade of the building, the project will not detract from the historic character of this contributing resource in the South Portland Historic District. The area of alterations is all the way at the back of the property and faces SW Naito Parkway/Pacific Hwy West which in this area is a large, high-speed divided arterial road, not a local street. This adjacent roadway sits at a much higher grade than the house and the window is on the lower level of the house, thus is of limited to no visibility to passing cars. The road has a very narrow sidewalk, but is not a welcoming pedestrian zone and there is limited pedestrian activity along this frontage.

The proposed window is a custom wood double-glazed single-hung sash with a profile to match existing windows on the home. The window to be replaced is not original to the home and the new window's proportions better match other windows on the façade than the one to be removed. The new wall area will be clad with wood siding to match the existing V-groove siding. The integrity of the resource will be preserved with the proposed alterations, and the house will remain a physical record of its time, place and use. The project will not alter any changes made over time that have acquired historical significance.

The project will match the proportions and materiality of the home's existing wood windows, trim and siding and they will be painted to match existing. In better matching the proportions of other windows on the same façade the alterations form a more cohesive composition for the side of the house. Thus, the visual impact of the proposed alterations will be positive. Conjectural features or architectural elements from other buildings that create a false sense of historical development will not be added. The elements of the project could be removed in the future without impacting the form and integrity of the building.

The proposed design will be compatible with the original resource's features. In the same way, the exterior alterations will be compatible with the adjacent properties and the rest of the district. Because the work is located towards the rear of the house and largely below the adjacent roadway's grade, the project will not impact the view of the house from the street. Overall the proposed work will not visually detract from the historic aesthetic of the house, adjacent properties and 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 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 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. The design of the present proposal reflects the historic district by using a window, trim and siding with quality, enduring materials and craftsmanship. The work consists of minor façade changes located at the rear of the house. The overall form and materials of the structure will not change. The window to be replaced is not original to the home and the new window's proportions better match other windows on the façade than the one to be removed. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the replacement of a non-original window on a house that is a contributing resource in the South Portland Historic District, per the approved site plans, Exhibits C-1 through C-5, signed and dated 6/10/2019, 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 19-154437 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: Tanya Paglia

Decision rendered by:  **on 6/10/2019.**

By authority of the Director of the Bureau of Development Services

Decision mailed: 6/13/2019

Procedural Information. The application for this land use review was submitted on April 23, 2019, and was determined to be complete on May 7, 2019.

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 23, 2019.

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: 9/4/2019.**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **6/13/2019** 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;

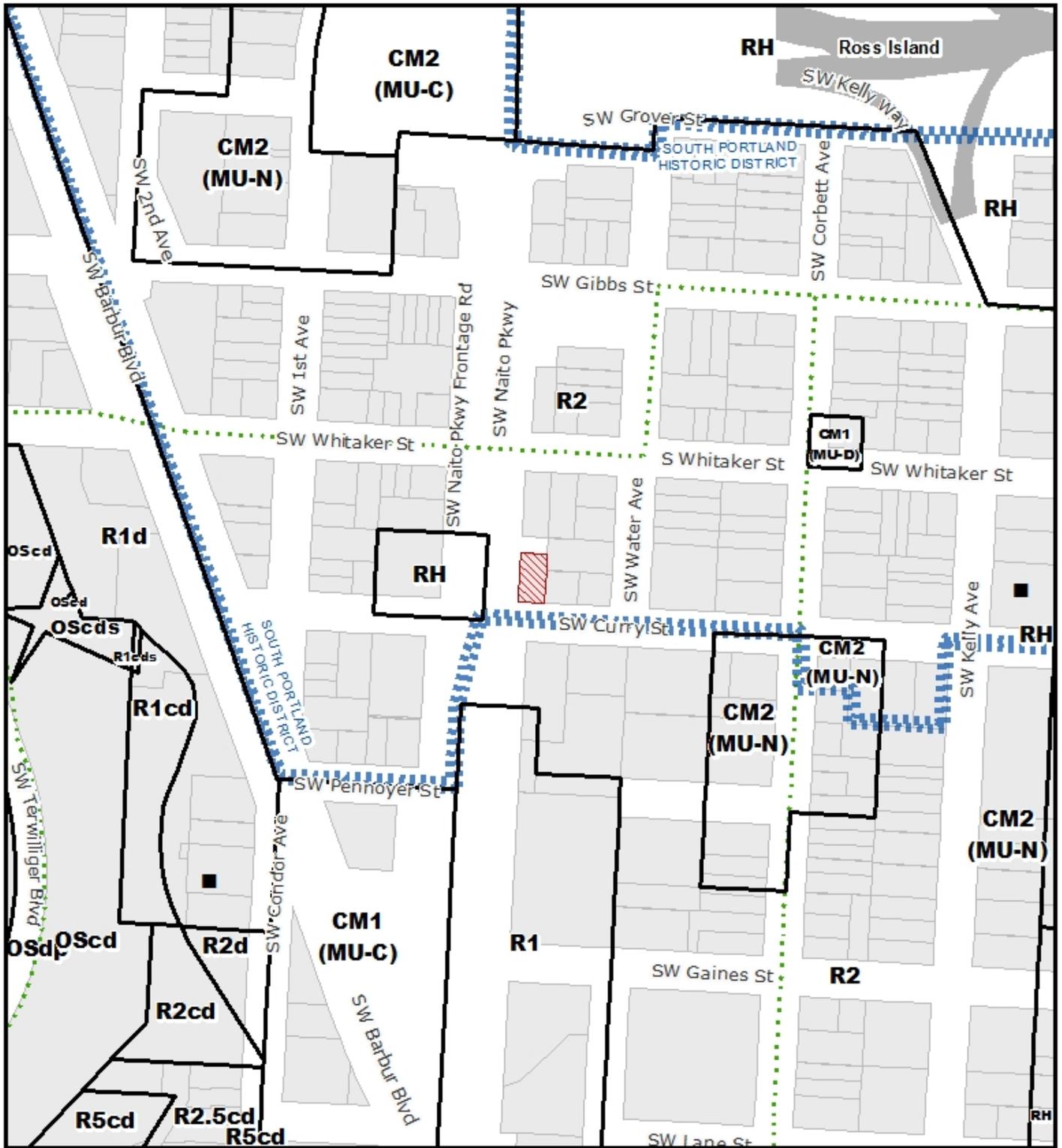
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Project Summary and Responses to Approval Criteria
 - 2. Photos of Existing Conditions
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Demolition Plan & Bathroom Plan
 - 3. Window Profiles – Existing and Proposed
 - 4. Existing West Elevation (attached)
 - 5. Proposed West Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses received
- F. Correspondence: No responses received
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record

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:
SOUTH PORTLAND HISTORIC DISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 19-154437 HR
1/4 Section	3329
Scale	1 inch = 200 feet
State ID	1S1E10BC 12000
Exhibit	B Apr 25, 2019

Ken Wiesler Residential Design and Consulting 503.866.9535 ken@spiretech.com	ANDERSON / PUSATERI ERIC ANDERSON AND LISA PUSATERI 017 SW CURRY STREET PORTLAND, OR 97239	PROJECT INFO SITE PLAN	HISTORIC REVIEW 04/23/19
	A1.1		REVISIONS:

PROJECT CONTACT INFO:

DRAFTING:
 KEN WIESLER
 503.866.9535
 ken@spiretech.com

CONTRACTOR:
 FINELINE REMODELING
 503-380-0315
 CCB # 197189

OWNER:
 ERIC ANDERSON
 AND LISA PUSATERI

ADDRESS:
 017 SW CURRY STREET
 PORTLAND, OR 97239

STATE ID:
 1S1E10BC-12000
 MULTNOMAH COUNTY

PROPERTY ID:
 R128138

ZONING:
 R2

HIST. DISTRICT:
 SOUTH PORTLAND

SITE COVERAGE DATA:
 LOT SIZE: 2,925 SF
 BLDG COVERAGE & IMPERVIOUS AREA NOT AFFECTED

SETBACKS:
 FRONT: 10' NO CHANGE
 SIDE: 5' NO CHANGE
 REAR: 5' NO CHANGE

PROJECT CONSISTS OF:

- ADD (1) HALF-BATHROOM IN PART OF EXISTING MUDROOM.
- REMOVE (1) WINDOW ON WEST SIDE OF RESIDENCE; REPLACE WITH (1) SMALLER WINDOW TO ALLOW FOR BATHROOM WALL CONSTRUCTION.
- ASSOCIATED MECHANICAL, ELECTRICAL AND PLUMBING – TRADE PERMITS SEPARATE.

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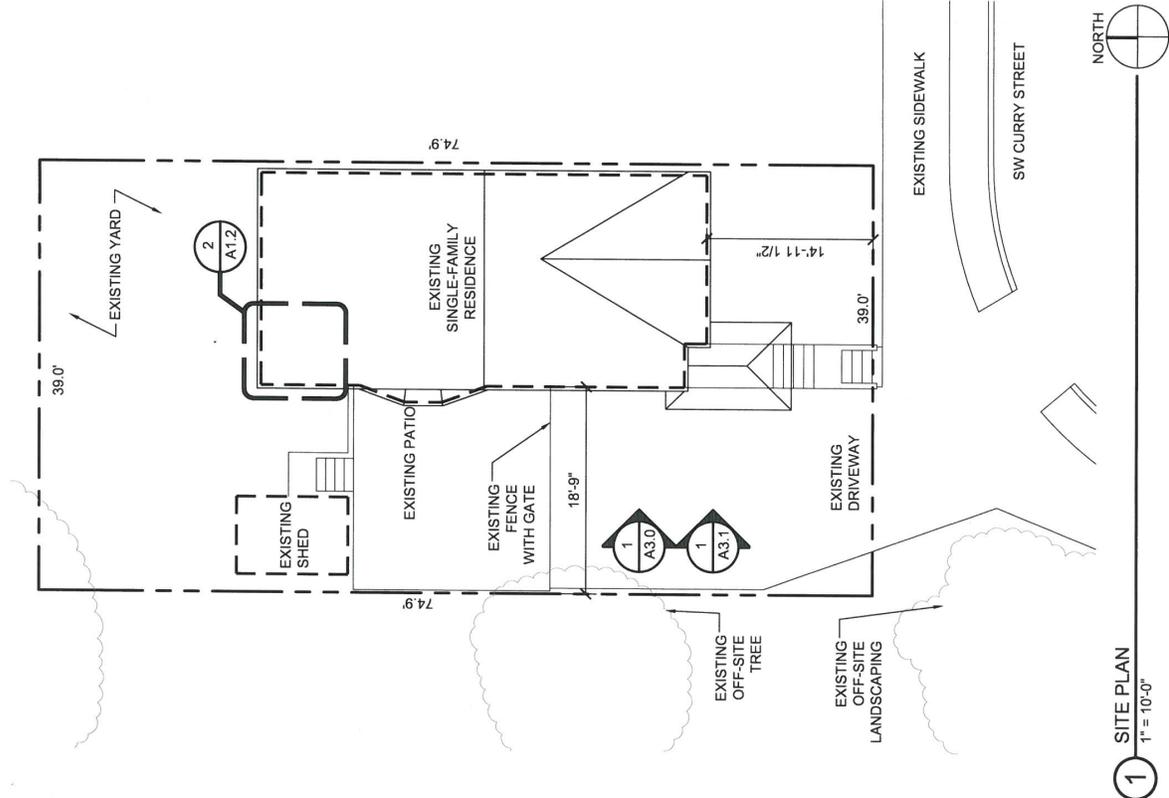
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Ken Wiesler
Residential Designer
and Consulting
503.666.9335
ken@pretech.com

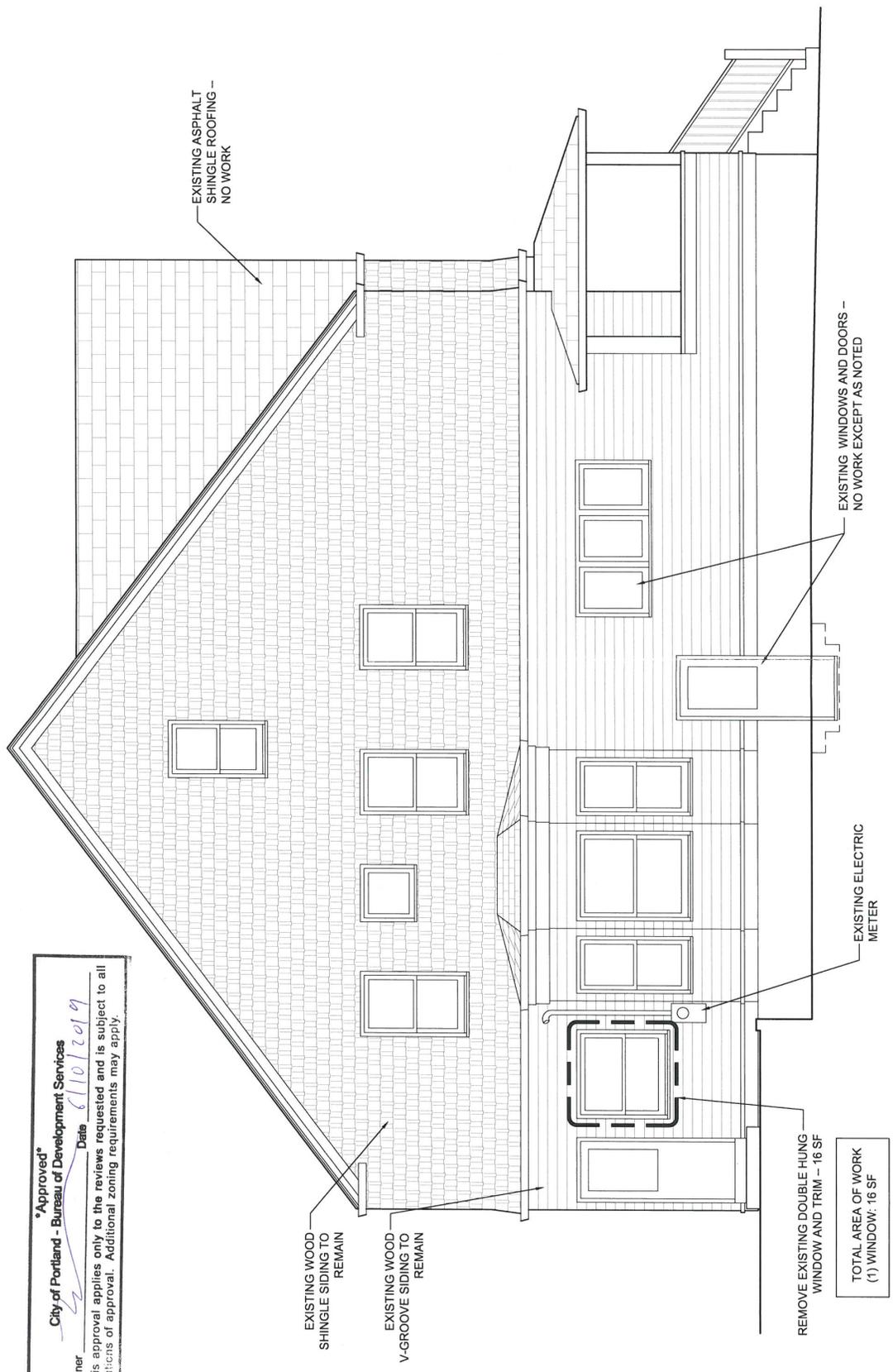
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EXISTING WEST
ELEVATION

HISTORIC
REVIEW
04/23/19

REVISIONS:

A3.0

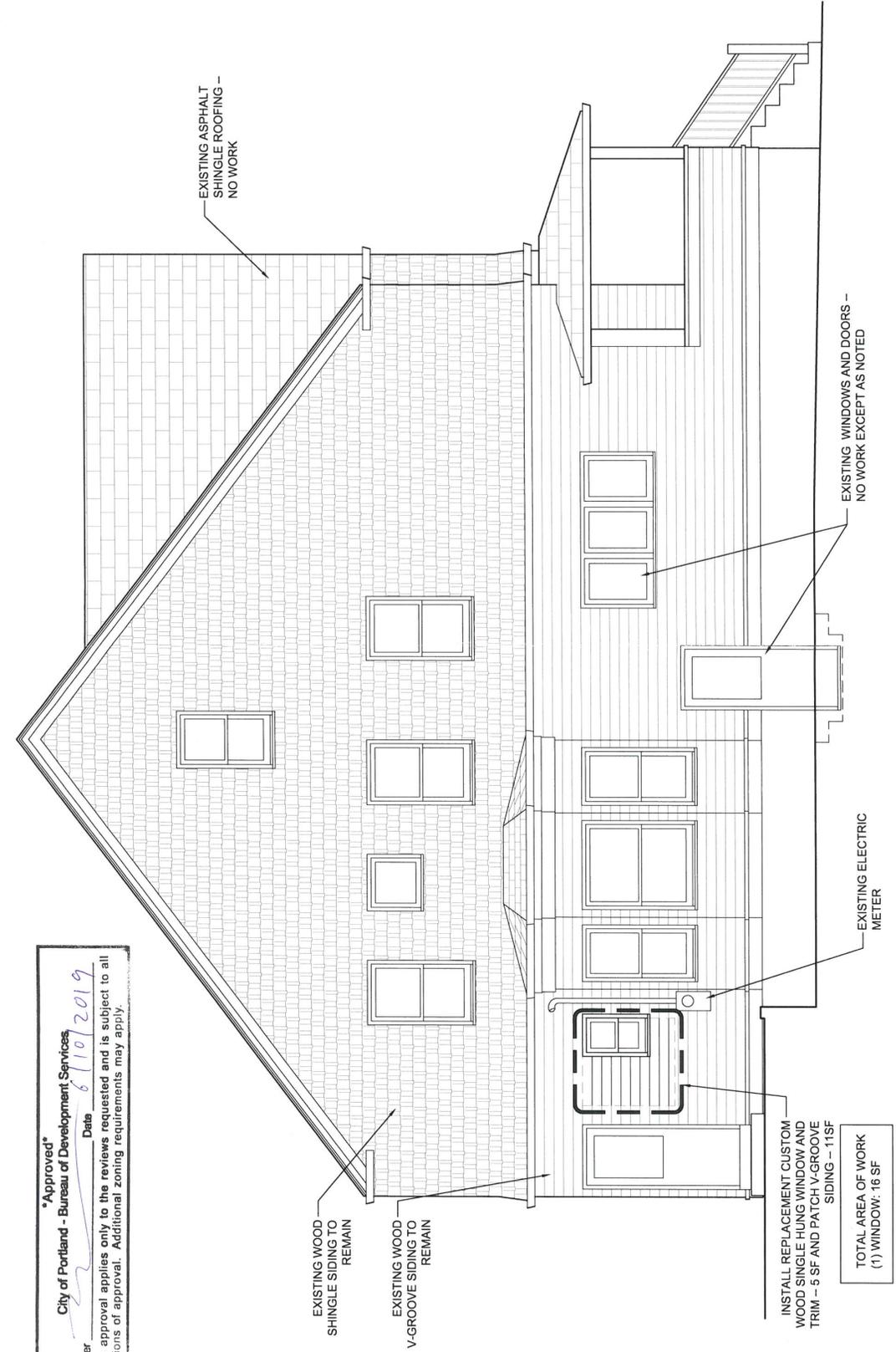


Approved
City of Portland - Bureau of Development Services
Planner: [Signature] Date: 6/10/2019
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1 EXISTING WEST ELEVATION - AREA OF WORK
1/4" = 1'-0"

LA 19 - 154437 HR

Approved
 City of Portland - Bureau of Development Services
 Planner _____ Date 6/10/2019
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



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

LU 19 - 154 437 HC
 C-5

Ken Wiesler Residential Design 503.666.8838 ken@spinekick.com	ANDERSON / PUSATERI ERIC ANDERSON AND LISA PUSATERI 017 SW CURRY STREET PORTLAND, OR 97239	PROPOSED WEST ELEVATION	HISTORIC REVIEW 04/23/19	REVISIONS:	A3.1