



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

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Date: July 8, 2019
To: Interested Person
From: Hannah Bryant, 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 19-134008 HR – WINDOW REPLACEMENT IN IRVINGTON

GENERAL INFORMATION

Applicant/Owner: Gerald & Suzanne Jackson
3112 NE 10th Ave
Portland, OR 97212

Representative: Stephen Colvin East Portland Sash
1303 NE Shaver Street
Portland, OR 97212
(503) 290-8467

Site Address: **3112 NE 10TH AVE**

Legal Description: BLOCK 97 LOT 12, IRVINGTON
Tax Account No.: R420421940
State ID No.: 1N1E26BA 08500
Quarter Section: 2731
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: None
Other Designations: Contributing Resource in Irvington Historic District
Zoning: R5 – Residential 5,000
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 seeks Historic Resource Review for the replacement of nine existing vinyl windows in the front façade of a Contributing Resource in Irvington. The replacement windows will all be wood windows.

While all existing windows on this house are vinyl, the windows on the side and rear facades were installed prior to the formation of the Historic District and are therefore not subject to code compliance. The vinyl windows on the front façade were recently installed without the benefit of Historic Resource Review and are subject to code compliance (CC 18-207233). This Historic Resource review addresses both the windows subject to code compliance and those previously replaced prior to the formation of the Historic District. To rectify the active code compliance case, the applicant shall replace the vinyl windows on the front façade with wood windows. To facilitate voluntary future replacement of other vinyl windows on the subject property without additional Historic Resource Reviews, this Decision pre-approves the replacement of vinyl windows on the side and rear facades with windows that match those approved on the front façade.

Relevant Approval Criteria:

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

- 33.846.060.G – *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property was constructed in 1925. It is a 1 ½ story Prairie-style bungalow on a 5,000 square foot lot, located four lots south of the southeast corner of Irving Park. The house is a contributing resource in Irvington Historic District. All houses on this block, between NE 10th and 11th, north of NE Siskiyou and south of Irving Park are also contributing resources. Across the street, all houses except for the house directly across the street are contributing resources. The house fronts NE 10th Avenue. That street is a Local Service Walkway, a Local Service Bikeway, and a Minor Emergency Response Street.

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 there are no prior land use decisions for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **June 11, 2019**. No bureaus responded with comments or concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 11, 2019**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Fox, Nicholas. June 22, 2019. Neighbor across the street supports the proposal and regrets the need to replace existing windows to comply with the Historic Review approval criteria.
- Gisvold, Dean. June 16, 2019. Irvington Community Association supports the proposal provided the new windows are all wood.

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.
- 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, and 9: This proposal was prompted by a Code Compliance case (CC 18-207233), resulting from the replacement of original wood windows on the front façade. The original windows had a Prairie muntin grid over the symmetrical picture windows, which were flanked by double-hung windows on each side. Small front-facing dormers and a decorative window at the front of the entry gable repeat the Prairie grid pattern. The original windows were replaced with vinyl windows without the benefit of a Historic Resource Review. Upon further investigation, it was noted that all other windows on the side and rear facades had been previously replaced with vinyl, prior to the formation of the Historic District. Both the date stamps within each window and historic photos document the installation of the side and rear windows in the late 1990s.

Resulting from this Decision, the applicant will replace the nine windows in the street-facing elevation, including the dormer and entry gable windows and the two large picture windows flanked with pairs of double-hung windows. To replicate the original windows, the fixed windows will have the Prairie style grid pattern in simulated divided lights with internal spacers between the glazing to replicate original shadow lines. Condition of Approval C states that the Prairie style exterior muntins shall be a minimum of .75" deep and shall have interior spacers between the glazing.

With this approval, the applicant will have the option to voluntarily replace some or all of the remaining vinyl windows on the side and rear facades with wood windows to match those approved in this review. Historic photos, as shown in exhibit A.2, and existing original windows on neighboring houses indicate that windows on the side and rear facades likely did not have the decorative muntin pattern on double hung windows. Therefore, only the fixed window at the north bump out would require a Prairie style grid. All other windows shall be one over one double hung windows.

The proposal will replace non-original windows that do not match the character of the house, and are not compatible with the Historic District, with wood windows that closely match the dimensions, shadow lines and installed conditions of original wood windows. The non-original vinyl windows are not changes that have historic significance, and re-installing wood windows with the original muntin pattern strengthens the integrity of the historic resource and better communicates its original architectural style and design intent.

The new double-pane wood windows are clearly differentiated from original material upon close examination. The muntin pattern matches that shown in historic photos of the house and is therefore not a conjectural feature. The window replacement will have minimal impact on the surrounding wall materials. If any trim is damaged, it will be replaced with trim that matches in dimension, material and finish. *With Condition of Approval C states that the Prairie style exterior muntins shall be a minimum of .75" deep and shall have interior spacers between the glazing, 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

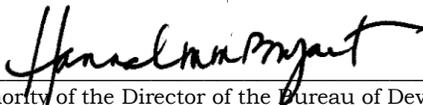
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the replacement of all existing vinyl windows with new wood windows, per the approved site plans, Exhibits C-1 through C-5, signed and dated July 2, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 19-134008 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. The Prairie style exterior muntins shall be a minimum of .75" deep and shall have interior spacers between the glazing.
- D. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  on July 2, 2019
By authority of the Director of the Bureau of Development Services

Decision mailed July 8, 2019

Procedural Information. The application for this land use review was submitted on March 18, 2019 and was determined to be complete on June 6, 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 March 18, 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: October 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 **July 9, 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:

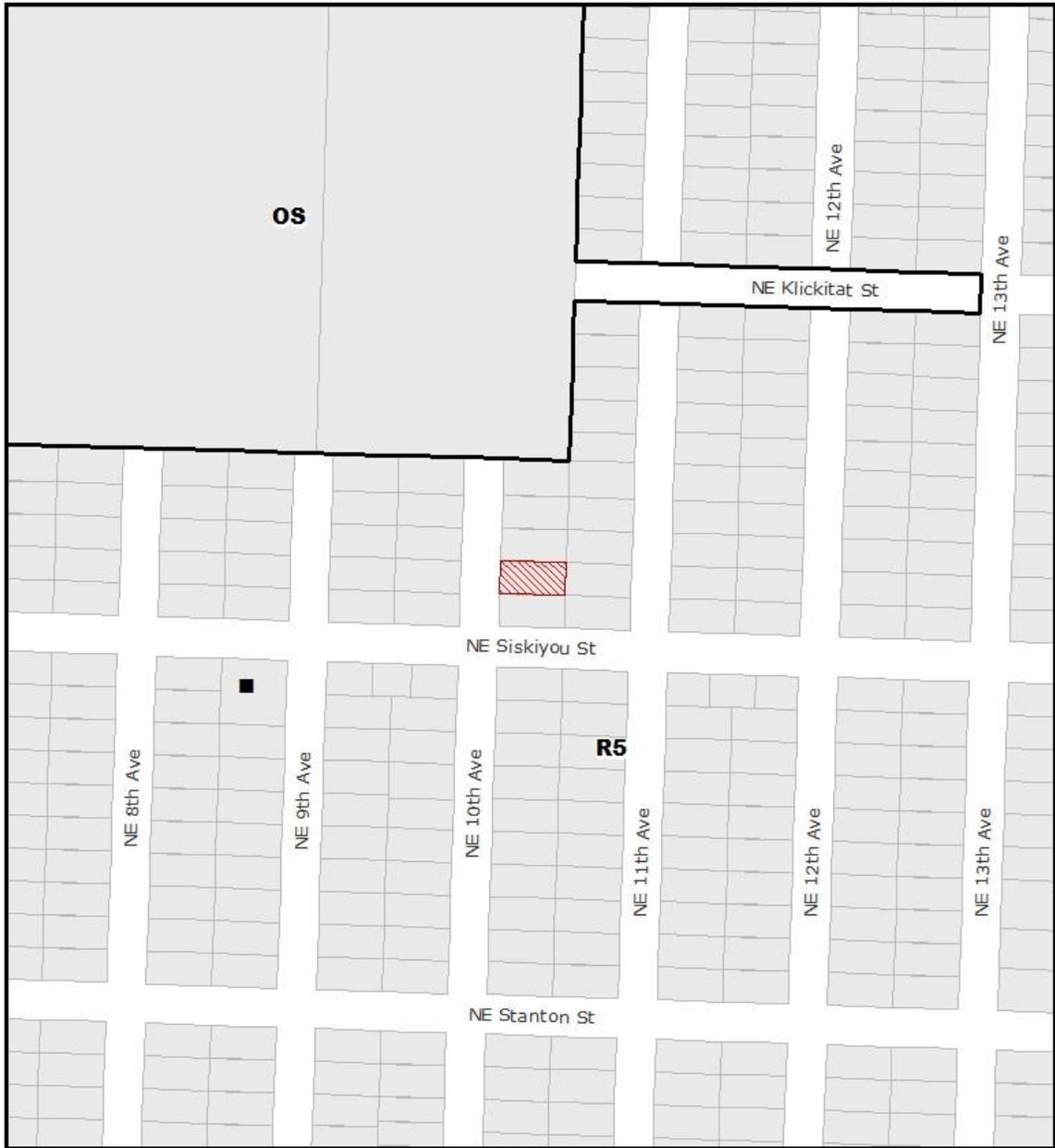
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West (street facing) Façade
 - 3. North Façade
 - 4. East Façade
 - 5. Window Cutsheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
 - 1. Fox, Nicholas. June 22, 2019. Neighbor across the street supports the proposal and regrets the need to replace existing windows to comply with the Historic Review approval criteria.
 - 2. Gisvold, Dean. June 16, 2019. Irvington Community Association supports the proposal provided the new windows are all wood.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated March 29, 2018
 - 3. Previous Incomplete Letter for LU 180222574 HR

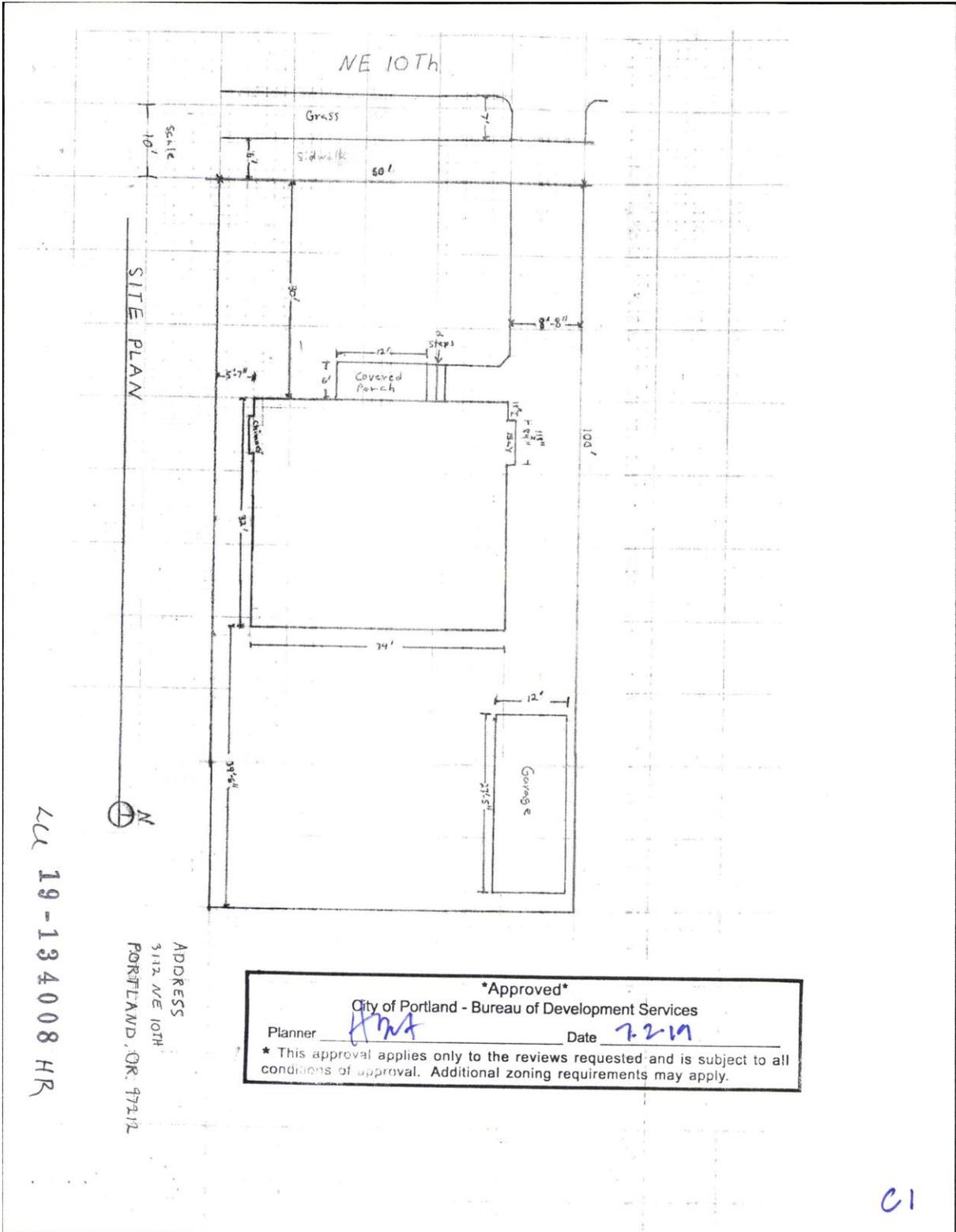
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING 
NORTH
THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

 Site
 Historic Landmark

File No.	<u>LU 19-134008 HR</u>
1/4 Section	<u>2731</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E26BA 8500</u>
Exhibit	<u>B</u> <u>Mar 19, 2019</u>



LU 19-134008 HR

ADDRESS
3112 A/E 10TH
PORTLAND, OR 97212

Approved

City of Portland - Bureau of Development Services

Planner HMT Date 7.2.19

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

C1

