



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

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**Date:** September 23, 2019  
**To:** Interested Person  
**From:** Hannah Bryant, Land Use Services  
503-823-5353 / [Hannah.Bryant@portlandoregon.gov](mailto:Hannah.Bryant@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 19-197034 HR - REAR FAÇADE CHANGES IN IRVINGTON**

### **GENERAL INFORMATION**

**Applicant/Owner:** Anne Williamson + James C Barta  
2317 NE 12th Ave  
Portland, OR 97212  
(503) 327-6448

**Site Address:** **2317 NE 12TH AVE**

**Legal Description:** BLOCK 90 LOT 9, IRVINGTON  
**Tax Account No.:** R420420910  
**State ID No.:** 1N1E26CA 07000  
**Quarter Section:** 2831  
**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 Laura Becker at 503-388-6088.  
**Plan District:** None  
**Other Designations:** *Contributing Resource in the Irvington Historic District*  
**Zoning:** R5a – Residential 5,000 with Alternative Design Density Overlay  
**Case Type:** HRA – 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 exterior alterations to the rear façade of a contributing resource in the Irvington Historic District. Constructed in 1924, the subject property is a two-story Colonial Revival home. A 1989 kitchen remodel included an added rear dormer and new rear windows and doors. This proposal seeks to replace the dormer windows and French doors added in the 1989 remodel.

Historic Resource Review is required for non-exempt exterior alterations in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- 33.846.060.G – *Other Approval Criteria*

## ANALYSIS

**Site and Vicinity:** The subject resource is identified in the National Register nomination documentation for the Irvington Historic District as a 2-story structure constructed in 1924 in the Colonial Revival style. The nomination also notes that the property includes a garage that is listed as noncontributing to the significance of the 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. Other deed restrictions excluded minority groups, established uniform front setbacks, and required a minimum expenditure on new buildings. 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. 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-foot Portland blocks. All are lined with mature street trees. 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. Garages that were added within the historic period were sometimes built at the sidewalk and/or out of architectural character with the house.

**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 zone 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.

The purpose of the Alternative Design Density Overlay Zone is 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.

**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 **August 29, 2019**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **August 29, 2019**. A total of one written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on September 12, 2019, wrote in support of the proposal. See Exhibit F-1 for additional information.

## 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.
- 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.
- 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, 7, and 9:** The current proposal includes the replacement of a pair of non-original dormer windows and a pair of non-original French doors (installed in 1989). As such, the proposed alterations will not alter any historic features or changes that have acquired significance and proposed work will be differentiated through the use of contemporary construction methods.

The proposed replacement windows include a pair of all-wood casement windows with divided lites to be installed within the existing openings to better match the original windows on the resource in terms of material, scale, and detailing. To ensure that the proposed divided lites are consistent with the visual qualities of the resource

and the District, staff has added Condition of Approval “E” that the proposed divided lites shall either be true divided lites or simulated divided lites with interior and exterior muntins and a spacer bar between the panes of glass.

*With a Condition of Approval that the proposed divided lites shall either be true divided lites or simulated divided lites with interior and exterior muntins and a spacer bar between the panes of glass, these criteria are met.*

**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:** No chemical treatments are proposed. *This criterion is not applicable.*

**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:** No ground surfaces will be disturbed. *This criterion is not applicable.*

**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 8 and 10:** As described above, the intent of the current proposal includes the replacement of a pair of non-original dormer windows and a pair of French doors on the West (rear) elevation of the resource with all-wood casements with divided lites, and a pair of all-wood full lite doors to be more compatible with the subject resource, adjacent resources, and the district as a whole by referencing materiality, scale, profile, and detailing. To ensure the proposed windows and doors are compatible with the resource and the district in terms of materiality, staff has added Condition of Approval “D” to ensure that the proposed windows and doors are wood. To ensure that the proposed divided lites are architecturally compatible with the resource, staff has added Condition of Approval “F” that the proposed divided lites shall either be true divided lites or simulated divided lites with interior and exterior muntins and a spacer bar between the panes of glass.

To ensure that the proposed windows will be placed within the wall with enough recess to create shadow lines, adding depth to the facade, consistent with the resource and other contributing homes in the District, staff has added Condition of Approval ‘E’ that the windows be recessed into the wall plane a minimum of 2” from the face of exterior cladding to the face of sash.

The alterations proposed respect the integrity of the previously altered resource and the proposed alterations will respect the character of the resource by retaining existing character defining details and proposing new elements that are architecturally compatible, ensuring that the architectural integrity of the resource will not be compromised.

*With a Condition of Approval that the proposed windows shall be all-wood windows and the proposed doors shall be wood framed doors;*

*With a Condition of Approval that the proposed windows shall be recessed into the wall pane so that the sashes are setback a minimum of 2” from the exterior face of cladding to the face of the outer sash; and*

*With a Condition of Approval that the proposed divided lites shall either be true divided lites or simulated divided lites with interior and exterior muntins and a spacer bar between the panes of glass, 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 replacement of the existing non-original windows and door on the rear elevation of the resource with all-wood windows and doors will not negatively impact the significance of the resource as a whole as the materiality, scale, profile, and detailing of the windows and doors successfully relate to the resource and the District. 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. With conditions of approval, the proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of exterior alterations to a contributing resource in the Irvington Historic District to include the replacement of a pair of non-original doors with a pair of all-wood full-lite doors, and the replacement of a pair of non-original windows with new all-wood simulated divided lite windows on the West (rear) elevation with trim to match existing conditions.

Approved with conditions per Exhibits C-1 through C-7, signed and dated September 19, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) 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 19-197034 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.
- D. The proposed windows shall be all-wood windows and the proposed doors shall be wood framed doors.
- E. The proposed windows shall be recessed into the wall pane so that the sashes are setback a minimum of 2" from the exterior face of cladding to the face of the outer sash.
- F. The proposed divided lites shall either be true divided lites or simulated divided lites with interior and exterior muntins and a spacer bar between the panes of glass.

**Staff Planner: Hannah Bryant**

**Decision rendered by:**  
**September 19, 2019**

*Megan Walker* on behalf of *Hannah Bryant* on

**Decision mailed September 23, 2019**

**Procedural Information.** The application for this land use review was submitted on July 23, 2019, and was determined to be complete on August 26, 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 July 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 extended by the applicant, **the 120 days will expire on: December 24, 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](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 **September 24, 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:

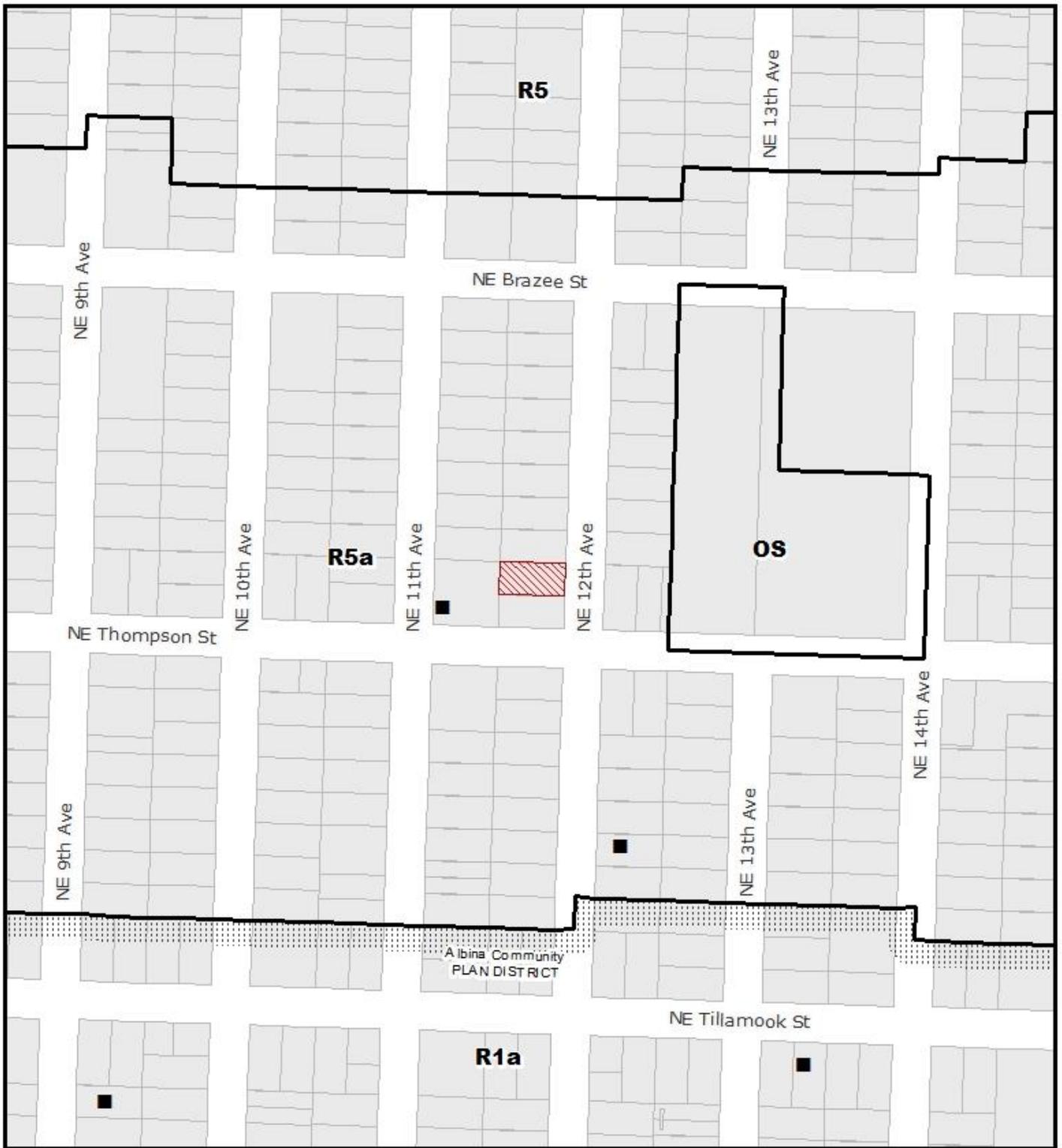
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submittal
  - 2. Response to Incomplete Letter, Rec'd 8/9/2019
  - 3. Previous Permit Records from 1989
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. Section Details – Casement Sill
  - 4. Section Details – Casement Jambs
  - 5. Section Details – Casement Simulated Divided Lite
  - 6. Section Details – Casement Mulling
  - 7. Specification – Door Jamb and Trim details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
  - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on September 12, 2019, wrote in in support of the proposal.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter, sent July 29, 2019
  - 3. Email correspondence between staff and the applicant

**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



Conservation Landmarks



Historic Landmark

File No. LU 19-197034 HR

2831

Scale 1 inch = 200 feet

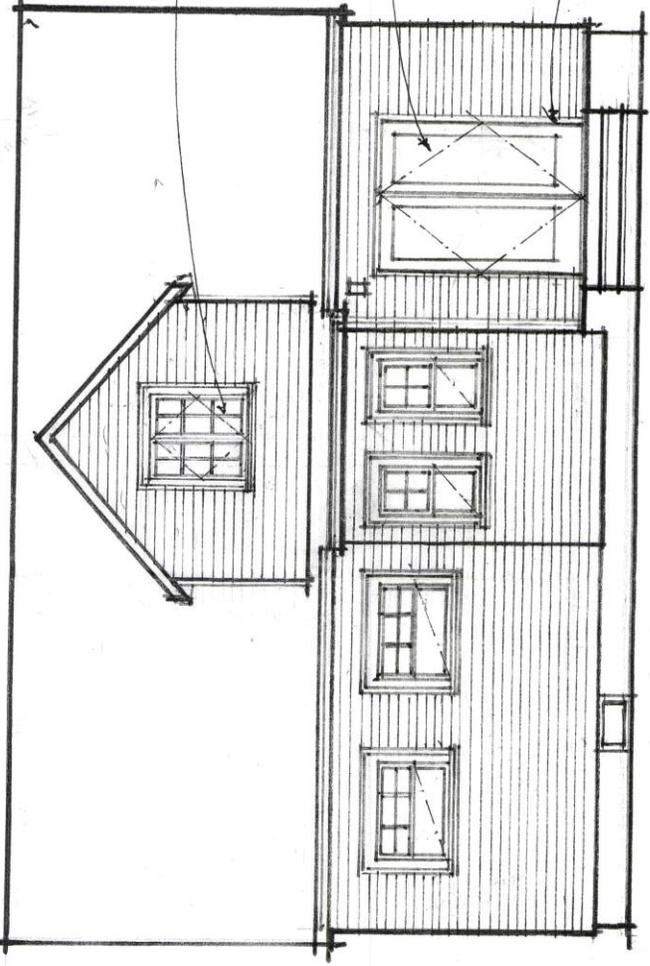
State ID 1N1E26CA 7000

Exhibit B Jul 25, 2019



City of Portland - Bureau of Development Services  
 Approved\*  
 Planner *[Signature]* Date *7/19/19*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

\* APPROVED PER CONDITIONS B-F



~~PREVIOUS COMMENTS~~  
 2nd FLOOR BEDROOM -  
 CHANGE EXIST. WINDOWS  
 IN BRKT. SASH TO REMAIN.  
 NEW WINDOWS CASSELY  
 RESEMBLE EXIST. BUT  
 INSULATED.  
 PREVIOUS REMODEL  
 OF FLOR KITCHEN -  
 REPLACE FRENCH DOORS  
 & TRIM W/ NEW -  
 NEW DOORS CASSELY  
 RESEMBLE EXIST. BUT  
 INSULATED -  
 NEW TRIM WILL CASSELY  
 RESEMBLE EXIST.  
 DEMO BRICK MOUNTING

rec'd. 8.9.19  
 LV 19-197034 HR  
 JPH C.2

WEST ELEVATION  
 1" = 4'-0"