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

Date: January 17, 2020

To: Interested Person

From: Amanda Rhoads, Land Use Services
503-823-7837 / Amanda.Rhoads@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 19-252868 HR
WINDOW ALTERATIONS ON SOUTH FAÇADE OF HOUSE

GENERAL INFORMATION

Applicant: Erin Lamb | Heartwood Residential Works LLC
14450 Holcomb Blvd | Oregon City, OR 97045
503-730-2996 | L.Erin.Lamb@gmail.com

Owner: Phong Ho
2134 NE Fremont St | Portland, OR 97212

Site Address: 2134 NE FREMONT ST

Legal Description: BLOCK 15 LOT 1 EXC PT IN ST, IRVINGTON
Tax Account No.: R420403020
State ID No.: 1N1E26AA 02800
Quarter Section: 2732

Neighborhood: Alameda, contact Scott Rider at scottarider@gmail.com & Irvington, contact Dean Gisvold at deang@mcewengisvold.com.
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 the Irvington Historic District, listed in the National Register on October 22, 2010.
Zoning: R5h – Single-Dwelling Residential 5,000 with "h" Aircraft Landing Overlay Zone 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 proposes to raise the sill heights on two windows on the south-facing façade to accommodate a new master bath on the second floor. The bottom sills of the easternmost three windows on the second story of the south façade will all match. The existing windows will be re-milled and re-installed at the new dimensions. The existing vinyl siding will be patched to match existing where the windows are reduced.

Historic Resource Review is required for non-exempt exterior alterations within 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 property is a two-story single-dwelling residence in the Twentieth Century Colonial Revival style. The resource was built in 1921 and listed as a contributing resource in the Irvington Historic District.

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 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.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 16, 2019**. No written responses were received from notified neighbors in response to the proposal. The Irvington Community Association wrote in with no objections, so long as the existing south building elevation is provided (Exhibit F.1). That elevation drawing is within Exhibit A.2.

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.

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.

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, 4, 7, 8, 9, and 10:** The proposal includes the reduction of two windows on the south façade to accommodate a new second-level bathroom. The sills of the windows will be raised in order to match the height of the existing center window of the upper level; header heights are unchanged. The original windows will be re-milled/resized so the original, historic materials will be retained and the reduced windows will be located in the same depth of the wall as the existing. As such, the modified sashes will visually match the existing condition by referencing profile, material, and recess depth, and will better align with the adjacent windows. The new wall areas will match the existing vinyl siding.
>
> While the proposal results in the removal of some historic sash material, the proposal will retain and reinstall the existing/original windows. Thus, the historic character of the resource will be retained, and the resource will remain a physical

record of its time, place, and use. To ensure the retention of the existing/ original windows and that the above-mentioned approval criteria are met, staff has added Condition of Approval "D" that the existing/ original windows be retained and reinstalled in the reduced openings. The re-milled sashes remain compatible with the resource and the District and preserve the essential form and integrity of the resource.

With a Condition of Approval that the existing/original window material be reinstalled into the reduced openings, 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. With conditions of approval, the proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval with conditions of exterior alterations to the south façade of a contributing resource in the Irvington Historic District to include the raising of the sill height of two windows to match, and the re-milling of the existing historic windows and their reinstallation into the reduced openings. Approval is per the approved plans, Exhibits C.1 through C.4, signed and dated January 15, 2020, 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 19-252868 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 existing/original windows will be re-milled and reinstalled into the reduced window openings.

Staff Planner: Amanda Rhoads

Decision rendered by: _____ _____ **on January 15, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed: January 17, 2020

Procedural Information. The application for this land use review was submitted on November 14, 2019, and was determined to be complete on December 11, 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 November 14, 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: April 9, 2020.**

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.

- The final decision will be recorded after **January 17, 2020** 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.

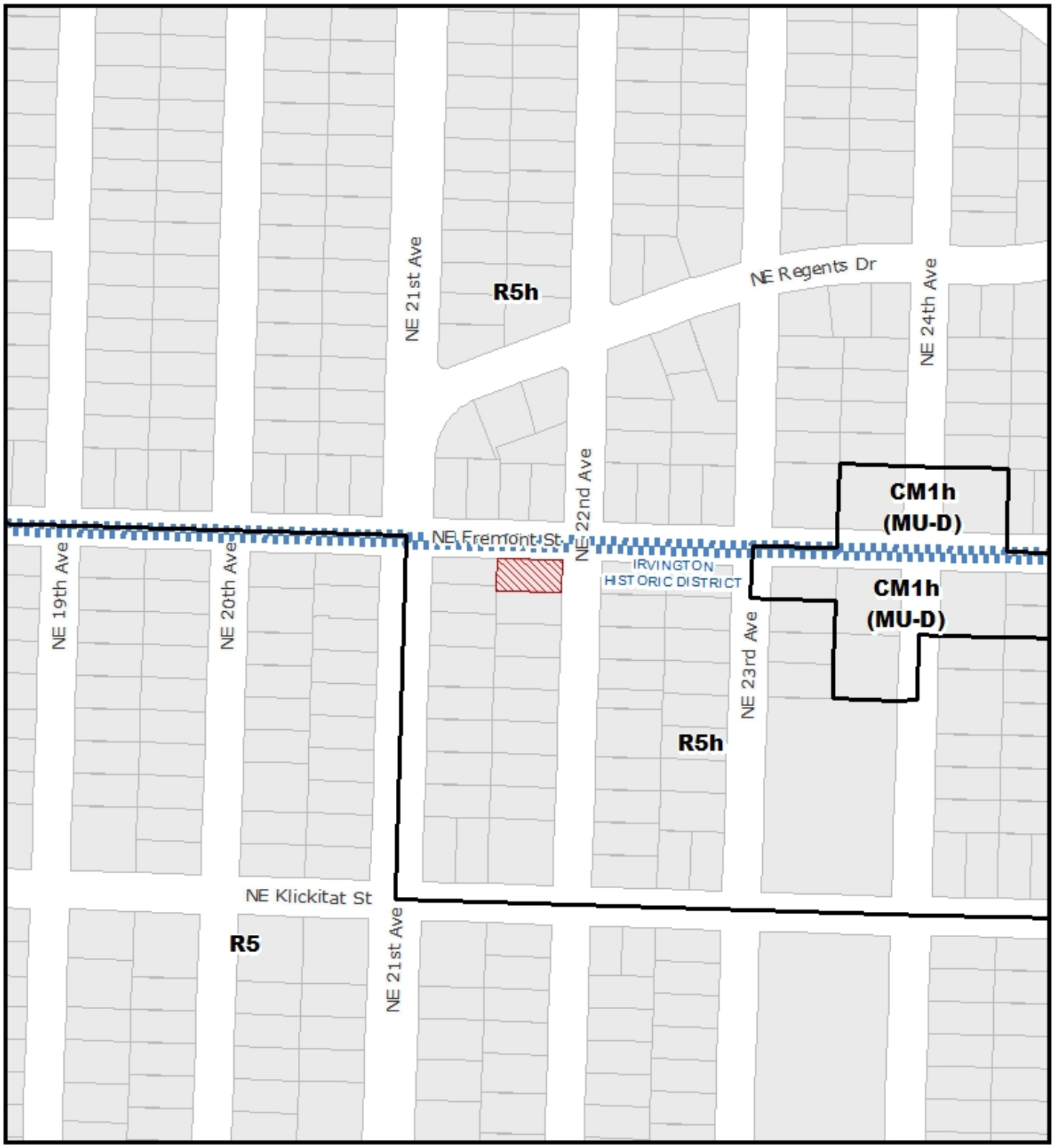
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permitees must demonstrate compliance with:

- 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. Applicant narrative with photos
   2. Original plan set with existing elevation drawings
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. South Elevation (attached)
   3. East Elevation (attached)
   4. Proposed Bathroom Floor Plan
D. Notification information:
   1. Mailing list
   2. Mailed notice
F. Correspondence:
   1. Dean Gisvold, ICA Land Use Committee, December 30, 2019, in support
G. Other:
   1. Original Land Use Application and Receipt
   2. Incomplete Letter, November 27, 2019
   3. 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).



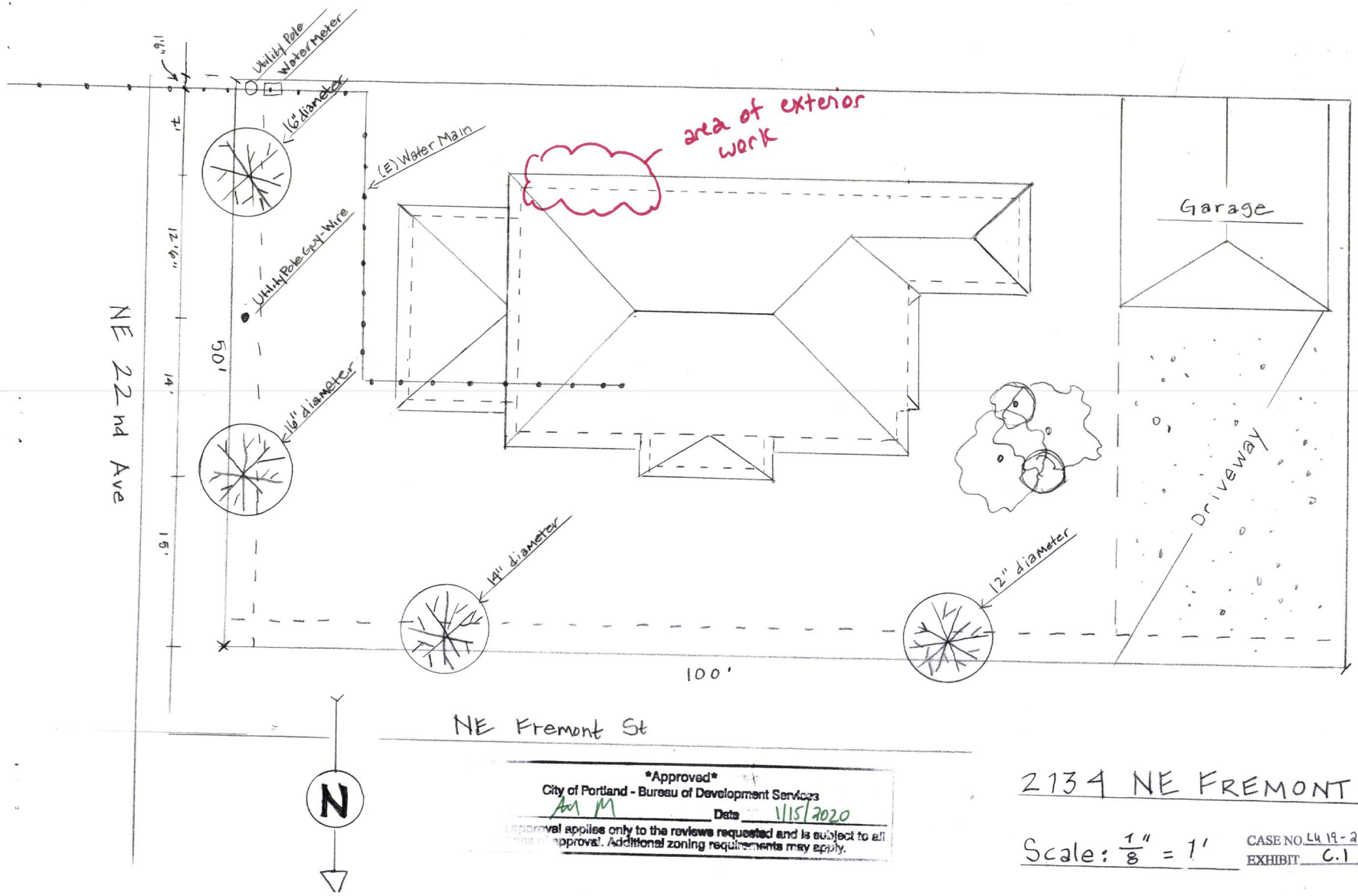
ZONING

NORTH

Site

File No.	LU 19 - 252868 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AA 2800
Exhibit	B Nov 19, 2019

① Site Plan



Approved
City of Portland - Bureau of Development Services
Am M Date 1/15/2020
approval applies only to the reviews requested and is subject to all approval. Additional zoning requirements may apply.

2134 NE FREMONT ST

Scale: 1/8" = 1'

CASE NO. LU 19-252868 HR
EXHIBIT C.1

LU 19-252868 HR

2019 1

Master Bathroom Addition

RECEIVED
DEC 11 2019
BDS
DOCUMENT SERVICES

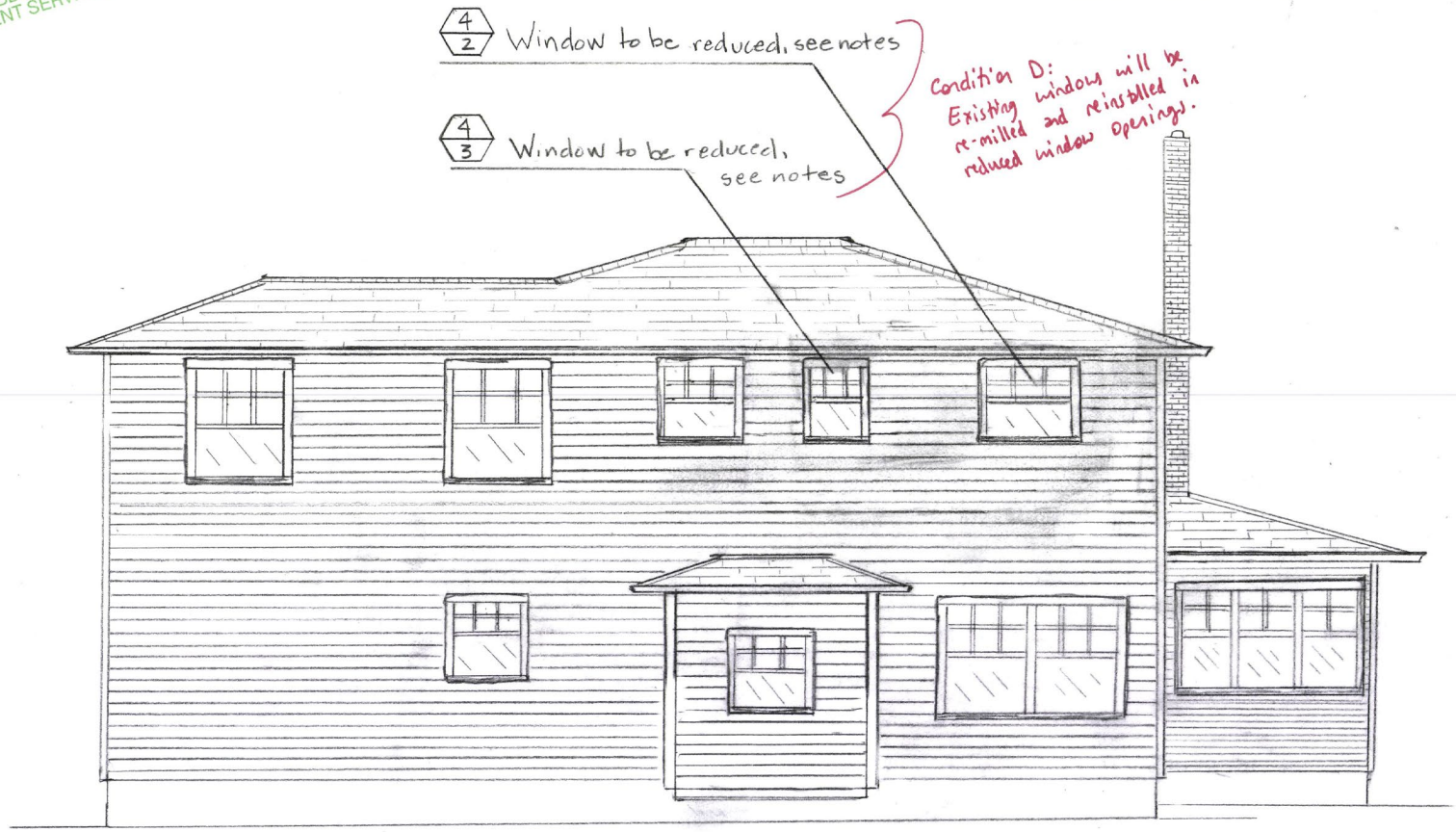
Approved
City of Portland - Bureau of Development Services
Date 1/15/2020
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 19-252868 HR

5

2019

Master Bathroom Addition



South Elevation w/ Proposed Window Reductions

Scale: $\frac{3''}{16} = 1'$

2134 NE Fremont St.

CASE NO. LU 19-252868 HR
EXHIBIT C.2

RECEIVED
DEC 11 2019
BDS
DOCUMENT SERVICES

East Elevation

Scale: $\frac{1}{4}'' = 1'$

Notes

1. No changes to this window.
2. This window will be reduced in height in order raise the sill to match the height of the (E) center window in the South wall. Header heights are unchanged. The original window will be re-milled* so as to perfectly match existing details as well as reusing portions of the original sash. The vinyl siding will be patched to match existing. condition D
3. This window will be reduced in height approx. 20% in order to raise the sill height to match the (E) center window of the South wall. Header heights are unchanged. The existing window will be re-milled* so as to perfectly match existing details as well as reusing portions of the original sash. The vinyl siding will be patched to match existing. condition D

* No cut sheets for the windows are available at this time. The original windows will be re-sized to fit the new window openings. Details will be determined in process.

Approved
City of Portland - Bureau of Development Services
Date 1/15/2020
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 19-252868 HR

Master Bathroom Addition

2019 4

CASE NO. LU 19-252868 HR
EXHIBIT C.3