



**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](http://www.portlandoregon.gov/bds)

**Date:** April 27, 2020  
**To:** Interested Person  
**From:** Hillary Adam, Land Use Services  
503-823-3581 / [Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@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 20-120199 HR – NEW WINDOWS**

#### **GENERAL INFORMATION**

**Owner/Applicant:** Alexis Peterka  
3326 NE 11th Ave  
Portland, OR 97212

**Site Address:** 3326 NE 11TH AVE

**Legal Description:** BLOCK 85 LOT 13, IRVINGTON  
**Tax Account No.:** R420417730  
**State ID No.:** 1N1E26BA 05300  
**Quarter Section:** 2731

**Neighborhood:** Irvington, contact Dean Gisvold at [deang@mcewengisvold.com](mailto:deang@mcewengisvold.com) & Sabin Community Assoc., contact Rachel Lee at [sabin@necoalition.org](mailto:sabin@necoalition.org)

**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)

**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at [jessica@necoalition.org](mailto:jessica@necoalition.org).

**Plan District:** None  
**Other Designations:** Contributing resource in the Irvington Historic District

**Zoning:** R5 – Residential 5,000 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 proposes two new windows, to be installed on either side of the existing fireplace where windows are presumed to previously exist in this contributing resource in the Irvington Historic District. The proposed windows are fiberglass to match existing

windows which were approved in a prior land use review (LU 13-240781 HR) to replace non-original windows.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations.

**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 (1-10) Other approval criteria

## ANALYSIS

**Site and Vicinity:** The subject property is a 1-½-story Colonial Revival Bungalow oriented west on NE 11<sup>th</sup> Avenue in the Irvington Historic District. It was built in 1925 and is listed as a contributing resource within the district.

**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 that prior land use reviews include the following:

- LU 13-240781 HR – Historic Resource Review approval for replacement of non-historic windows with fiberglass windows; and
- LU 16-109312 HR – Historic Resource Review approval for removal of a non-original door and infill with siding on the south façade.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on April 1, 2020.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 1, 2020. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on April 14, 2020, wrote with comments saying that wood windows would better match the window material prevalent in the district.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.846, Historic Reviews

#### 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 a designated Historic Landmark. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City Plan District, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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

### 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.

**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, 5, and 9:** The overall historic character and general form and integrity of the resource will be retained and preserved. The only proposed change includes removal of two small areas of wall on either side of a brick chimney to install windows measuring less than 7 square feet each. The rest of the house, which has been altered over time, will remain intact following alterations approved in this review. Based on information provided by the applicant, it appears that windows may have existed on either side of the chimney at one point in the building's history. While there is not documentation of what these windows may have looked like, the current proposal will reinstate fenestration at this location. Rather than being conjectural, the proposed windows are simple in their design, which complements the relatively simple aesthetic of this Colonial Revival structure. No physical or chemical treatments are proposed. *These criteria are met.*

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

**Findings:** No excavation is proposed. *This criterion is not applicable.*

**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.

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

**Findings for 7, 8, and 10:** The proposed windows will not destroy historic materials that characterize the property in that the installation only requires the removal of small areas of siding on a side façade. While generally not preferred, the windows are proposed to be fiberglass to match other fiberglass windows that were approved and installed in 2013, replacing other non-original windows. Due to the small size of the windows, their location on a side façade, and particularly, the fact that other fiberglass windows were approved on this resource in 2013, staff believes that in this case specifically, compatibility with the resource and matching the existing primary window material on this resource outweighs the desire to be compatible with the district; this follows the hierarchy of compatibility criteria. The windows enhance their compatibility with the resource and the district through their deep rails and recessed installation within the wall. *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 two new windows, to be installed on either side of the existing fireplace where windows are presumed to previously exist in this contributing resource in the Irvington Historic District. The proposed windows are fiberglass to match existing windows which were approved in a prior land use review (LU 13-240781 HR) to replace non-original windows.

This approval is per the approved site plans, Exhibits C-1 through C-6, 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 20-120199 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: Hillary Adam**

**Decision rendered by:**  **on April 23, 2020**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 27, 2020**

**Procedural Information.** The application for this land use review was submitted on February 19, 2020, and was determined to be complete on March 20, 2020.

*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 February 19, 2020.

*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: July 18, 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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city

bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**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 **April 27, 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, permittees must demonstrate compliance with:

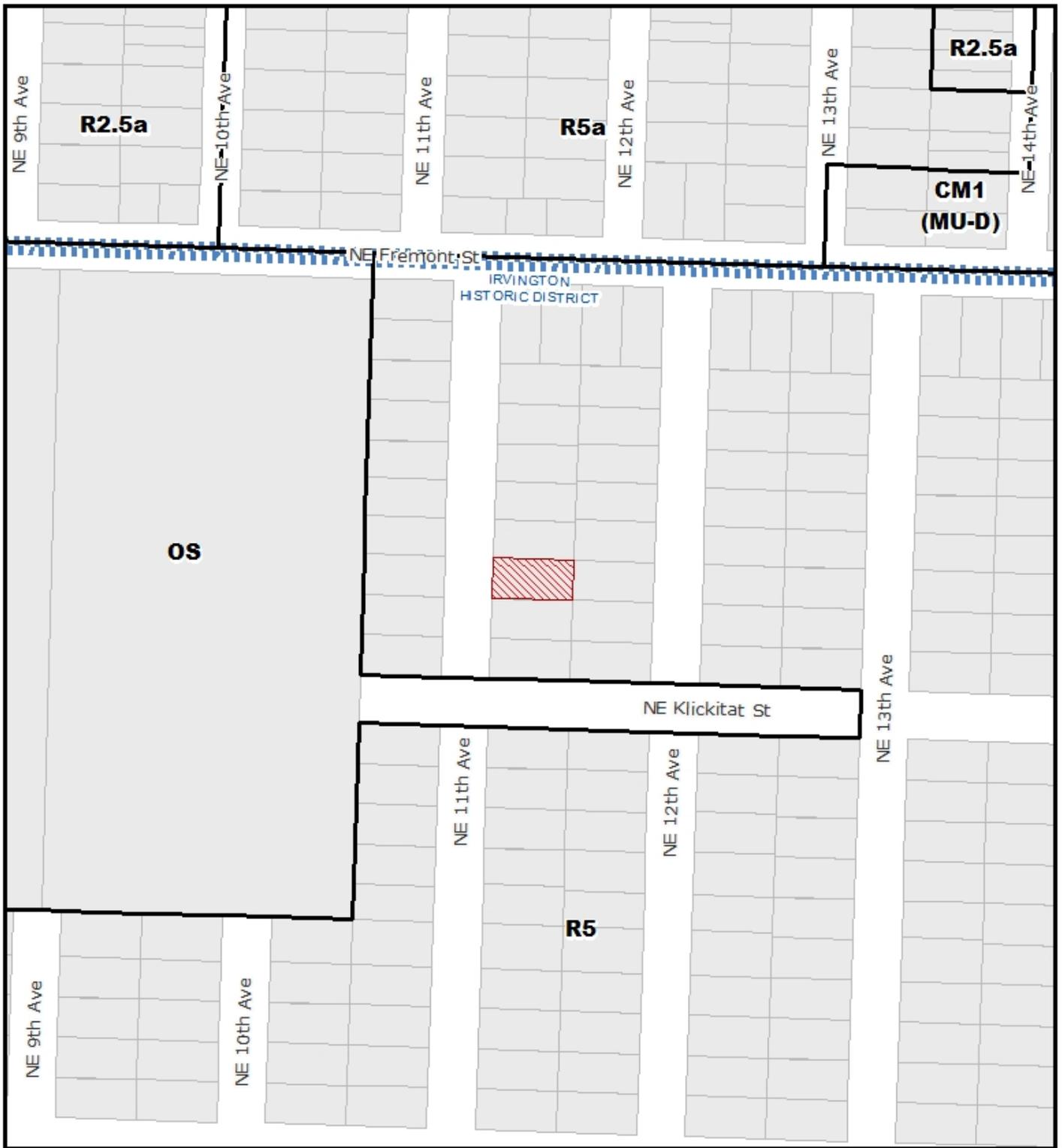
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Original Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Enlarged Plan
  3. Photo Elevation (attached)
  4. Interior Photo and Trim Detail Photos
  5. Section Detail
  6. Section Detail
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
  1. Dean Gisvold, on April 14, 2020, wrote with comments regarding fiberglass
- G. Other:
  1. Original LU Application
  2. Incomplete Letter, dated March 4, 2020

**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**   
 IRVINGTON HISTORIC DISTRICT

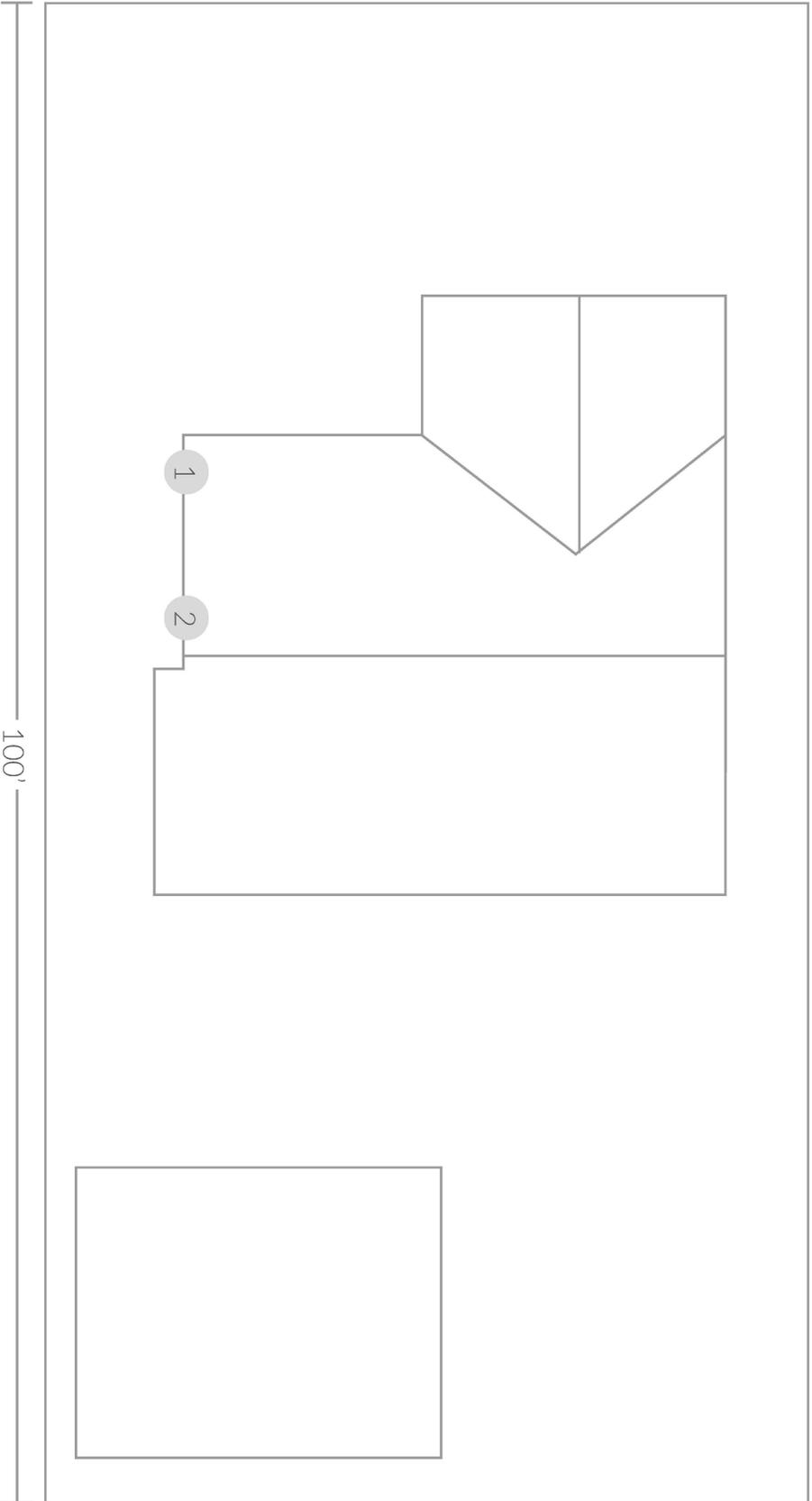
 Site

File No.	LU 20 - 120199 HR
1/4 Section	2731
Scale	1 inch = 163 feet
State ID	1N1E26BA 5300
Exhibit	B Feb 21, 2020

Site Plan - 3326 NE 11th Ave



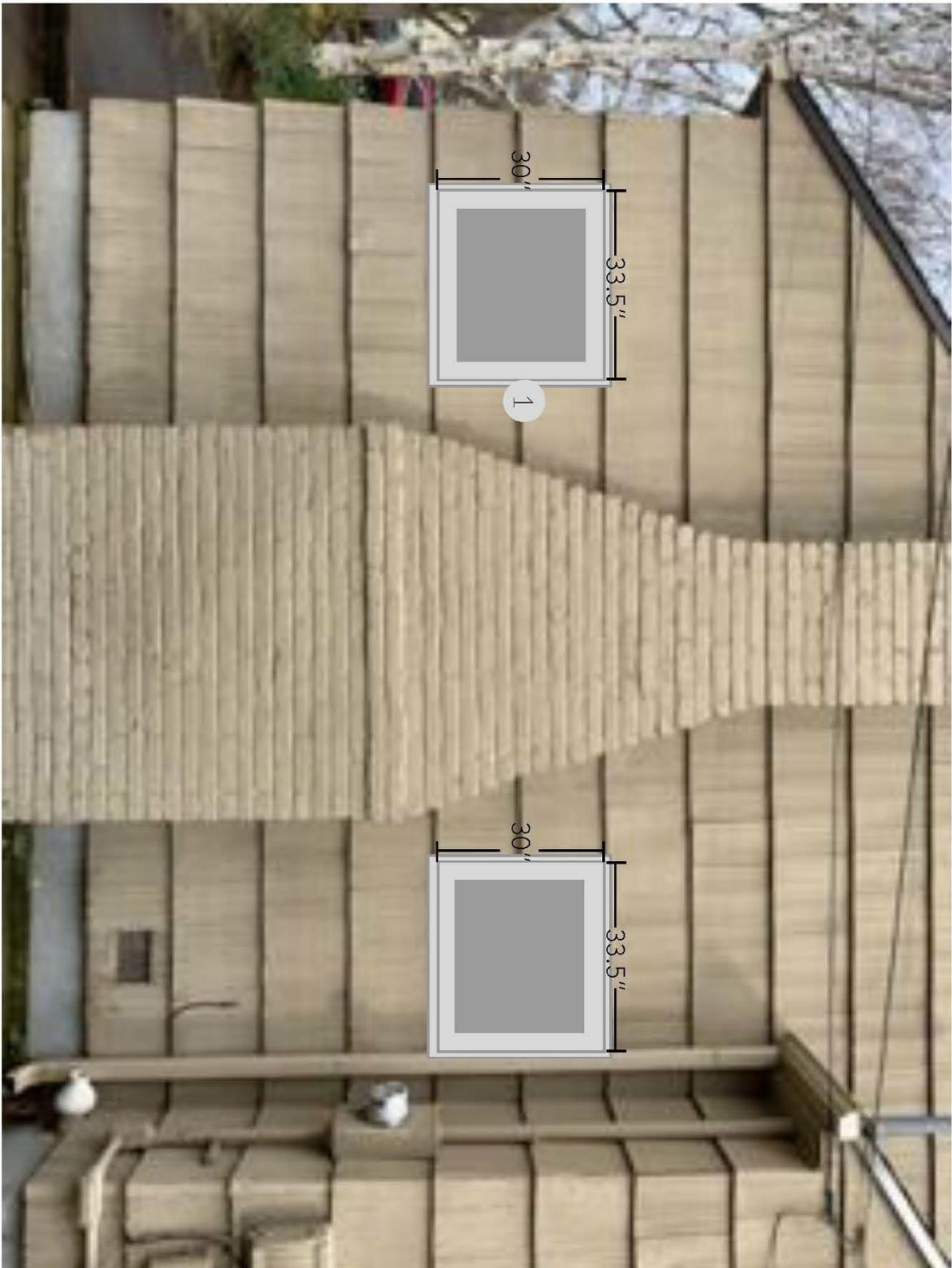
NE 11th Ave



1&2: location of windows to be added

100'

Elevation - 3326 NE 11th Ave



1: Trim detail to match existing (see photos)