



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

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Date: November 20, 2020
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 partially approved and partially denied 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 20-197478 HR – WINDOW REPLACEMENT IN IRVINGTON

GENERAL INFORMATION

Applicant & Owner: Catherine Glavan & Bradford Glavan
2714 NE 18th Ave
Portland, OR 97212-3314

Site Address: 2714 NE 18TH AVE

Legal Description: BLOCK 39 N 35' OF LOT 12 S 1/2 OF LOT 13, IRVINGTON
Tax Account No.: R420408440
State ID No.: 1N1E26AC 12700
Quarter Section: 2732
Neighborhood: 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 Jessica Rojas at jessica@necoalition.org

Plan District: None
Other Designations: *Contributing Resource in the 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 approval to reconfigure and replace two windows on the north side façade and to replace a band of three original windows on the front (west) façade. The reconfiguration on the north side is requested to facilitate an interior remodel. The proposed windows will match windows on the south façade. The replacement of the front (west) windows is requested to upgrade the original wood windows. The applicant proposes to use Marvin Ultimate wood windows.

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 of Title 33, Portland's Zoning Code. The relevant approval criteria are:

- *Other Approval Criteria 33.846.060.G*

ANALYSIS

Site and Vicinity: The subject site is located in the Irvington Historic District one lot north of the NE Knott Street and NE 18th Ave. intersection – on the east side. The subject property, a contributing resource within the Irvington Historic District, was constructed in the Tudor Revival style in 1940 by an unknown architect for A.C. Malmquist (who at the time lived at 2515 NE Knott). Currently, the resident property is listed as the John C. Albright House.

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 nonresidential 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 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 address. 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. 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 after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Regarding area amenities in proximity to the site, while the structure is located well within the Irvington Neighborhood it is still within a five-minute walk (approximately a quarter mile) of a number of resources. These amenities include a local grocery store, restaurants, cafes and an elementary school.

Regarding transportation, the site is serviced by several transportation options. Public bus transit is within a five minute walk from the site, to the east the #17 runs on NE 24th Ave. and frequent service (considered every 15 minutes or better by Trimet) is provided by the #8 two blocks away to the west on NE 15th Ave. NE Knott and NE 15th Ave also serve as city bikeways under the regional transportation service plan (TSP), providing bike infrastructure to the community.

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 15-107995 HR – Historic Resource Review approval for alterations on the southeast façade to facilitate a kitchen remodel.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **October 19, 2020**. The Type I review does not trigger comments from other review agencies.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 19, 2020**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Gisvold, Dean. October 23, 2020 – On behalf of the Irvington Community Association, Mr. Gisvold states that repair of the front windows is preferable to replacement, and that the windows that require replacement should be the all wood product proposed by the applicant.

Staff Response: *Staff agrees with the ICA that the evidence provided does not adequately demonstrate that the front windows can not be repaired. Since both repair and the addition of storm windows are exempt from review, Staff had not approved replacement of the front windows and has encouraged the applicant to explore repair instead.*

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 changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings for 1, 2 and 4: The proposal to replace two separate windows on the rear half of the side façade with a pair of new windows will resemble the same paired window condition on the other side of the house. It removes and replaces a non-original window that does not match the proportions of other windows on the house. Replacement of the window that differs from all other windows on this house in its proportions will eliminate an obvious area change and does not change anything that has acquired historic significance. Due to its location on the rear half of the side façade, behind the exterior chimney, these proposed changes have limited visibility from the street façade.

These criteria are met.

3. 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 3, 5, 7, 8, 9 and 10: The original wood double-hung windows on the front façade have interior paint damage and some evidence of mildew due to condensation and a lack of maintenance over the years. While the proposal requests to replace these windows, Staff found the evidence of irreparable damage was insufficient to approve this request. Staff has reviewed the photos provided and determined that multiple options remain to be explored including repair of the existing windows and/or installation of storm windows. Per the list of alterations that are exempt from Historic Resource Review (Title 33.445.320.B), repair of existing elements and installation of storm

windows are both exempt from review and permitting. Since the band of three original, double hung, six over six, true divided lite windows on the front street-facing façade are a character-defining feature of this home, replacement of these windows would undermine the home's historic integrity. Replacement is only approvable if repair is impossible and that level of deterioration has not yet been demonstrated. Therefore, the proposal to replace the original, wood, true divided lite band of three windows on the second story, street-facing facade is denied.

The other aspect of this proposal is to remove two existing windows on the (north) side façade, behind the chimney, and to replace them with a paired set of windows. The photos provided indicate that one of the windows proposed to be removed diverges from all other windows on the house in its horizontal proportions and aspect ratio. The proportions and size are not typical of this era of home or style of architecture. It appears that this window was likely installed in a remodel prior to the formation of this Historic District. The other window proposed for removal is a small, unremarkable window that also does not match the rest of the house in its dimension. Due to its inconspicuous location, its removal will not compromise the resource. Neither window proposed to be removed contribute to the historic character of this home, its integrity, compatibility with the District, nor are they historic material that requires protection.

The paired windows that are proposed shall resemble a similar set of paired windows on the same level, on the other side façade in their composition. The height of the paired windows is smaller than the other windows on this north side facade, due to its bathroom location. The result will increase the coherency of the façade by replicating a paired element found elsewhere on the house and eliminating the two windows that diverge from all others. This minor change, in this inconspicuous location, does not reduce the compatibility, form or integrity of this contributing resource.

The window product proposed is the Marvin Ultimate all-wood windows. To ensure compatibility with other original wood windows on this house, a Condition of Approval has been added to require that the muntins are simulated divided lites with internal between-glazing spacer bars. Under close examination, these windows will clearly differ from the original wood windows with true divided lites on the front façade. However, due to the second-story, side elevation location, the window will only be accessible to differentiate new from old when viewed from within the house and will not result in a noticeable change from the public realm.

With the Condition of Approval that the muntin grid pattern are simulated divided lites with between-glazing spacer bars, 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 replacing two second-story, side elevation windows with a pair of windows;
Denial of replacing the band of three second-story street facing windows, per the approved

site plans, Exhibits C-1 through C-8, signed and dated November 18, 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 20-197478 HRA." 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 muntin grid pattern are simulated divided lites with between-glazing spacer bars.
- D. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on November 18, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed November 20, 2020

Procedural Information. The application for this land use review was submitted on September 30, 2020 and was determined to be complete on October 14, 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 September 30, 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: February 11, 2021.**

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 paper 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 **November 20, 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 Submittals
 1. Original Submittal
 2. Photos
 3. Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site Plan (attached)
 2. Existing 2nd Floor Plan
 3. Proposed 2nd Floor Plan
 4. Existing North Elevation
 5. Proposed North Elevation
 6. Proposed West Elevation
 7. Window Details (two pages)
 8. Bathroom Window Cut Sheet
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
1. Dean Gisvold, November 2, 2020. The ICA does not object to any of the proposal.
 2. Dean Gisvold, October 23, 2020. The ICA would prefer the front windows are repaired rather than replaced and is okay with replacement of the side windows.
- G. Other:
1. Original LU Application

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).

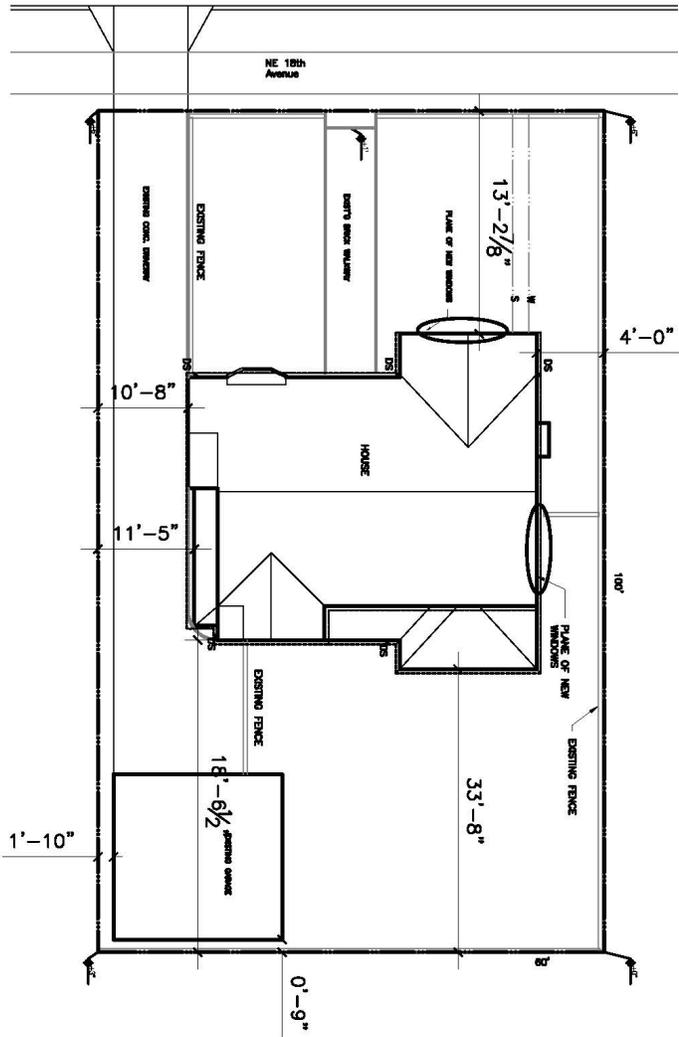


ZONING 
 NORTH
 IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 20 - 197478 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AC 12700
Exhibit	B Oct 02, 2020

GLAVAN HOUSE
 SEPT 27, 2020



LU 20-197478 HR
 SITE PLAN
 1/16" = 1'-0"