



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

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**Date:** September 9, 2021  
**To:** Interested Person  
**From:** Grace Jeffreys, Land Use Services  
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## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 21-064743 HR – 2846 NE 11TH AVE, NEW WINDOWS AT SIDE AND REAR**

#### **GENERAL INFORMATION**

**Applicant/Owners:** Adam Mackey and Pamela Hughes  
2846 NE 11th Ave, Portland, OR 97212  
[ajmackey77@msn.com](mailto:ajmackey77@msn.com), 970-219-7742

**Site Address:** 2846 NE 11TH AVE

**Legal Description:** BLOCK 88 LOT 20, IRVINGTON  
**Tax Account No.:** R420420620  
**State ID No.:** 1N1E26BD 10100  
**Quarter Section:** 2731

**Neighborhood:** Irvington, contact Dean Gisvold at [deang@mcewengisvold.com](mailto:deang@mcewengisvold.com)  
**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:** Considered a contributing resource to the Irvington Historic District

**Zoning:** R5, Residential 5,000 with a historic resource 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 seeks Historic Resource Review approval for exterior alterations to a contributing resource in the Irvington Historic District. The resource is a 2-story single-family residence constructed in 1925 in the English Cottage style, with wood shingle on the ground level and stucco above. This proposal is to remove four (4) existing original double-

hung wood windows located on the side and rear of the resource, and to add three (3) new double-hung wood windows. All windows are non-street facing, located on the south (neighbor facing) side and east (private backyard) side.

The proposed double-hung wood windows will match the original 6 over 6 wood divided-lites, with simulated divided-lites with between-glazing spacer bars. All trim, sills, siding, and etc. that require replacement will match the original materials being removed.

Historic Resource Review is required for non-exempt exterior alterations in a Historic District per Portland Zoning Code Section 33.445.320.A.

**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:

- *Portland Zoning Code Section 33.846.060.G*

**ANALYSIS**

**Site and Vicinity:** The subject property is a single dwelling structure located at the southeast corner of NE Stanton Street and NE 11<sup>th</sup> Avenue. The 2-story house was built in 1925 in the English Cottage style. Alterations to the exterior of the existing resource since its construction appear to be minimal.

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 do not indicate relevant prior land use reviews.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **July 26, 2021**. No responses were received from the Service Bureaus.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **July 26, 2021**. One written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Chair ICA Land Use Committee, on August 8, 2021, wrote in support of the proposal, and encouraged that the windows being replaced (if original), are preserved if possible, and turned over to Restore (operated by Habitat for Humanity) or a similar operation (Exhibit F1).

*BDS Response.* The ICA's letter was shared with the applicant, and staff also encourages the applicant to preserve the windows being removed, and either store them on the property for later reuse or turn them over to Restore (operated by Habitat for Humanity) or a similar operation.

## **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.

#### **Findings:**

The proposed changes will have little effect on the historic character of the house. The proposed changes are to non-street facing sides of the house. The project will entail exterior alterations involving the removal of four original double-hung wood windows with divided lites and adding three new ones that match the originals being removed. The windows to be moved will be replaced with double-hung wood windows that will match the original muntin patterns and materials of the original windows (see further explanation under #7). All surrounding materials (shakes, trim, etc.) will be wood, and match the profiles of the original/existing materials.

*Therefore, this criterion is met.*

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.

#### **Findings:**

There will be no conjectural features or architectural elements from other buildings included in this plan.

*Therefore, this criterion is met.*

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

**Findings:**

Not applicable to this project

*Therefore, this criterion is met.*

**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.

**Findings:**

Although the existing windows are not in significant disrepair, the proposed layout of the project does not support the use of the existing windows due to a size discrepancy. Replacement windows will be built to match the original operation (double-hung) materials (wood) and muntin patterns of the original windows. Proposed product is the Kolbe double hung wood with simulated divided-lites with between-glazing spacer bars. This product has been approved and used throughout similar historic applications in the neighborhood.

*Therefore, this criterion is 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:**

Not applicable to this project. No chemical or physical treatments will be used.

*Therefore, this criterion is met.*

**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.

**Findings:**

Upon close inspection, the double pane construction of the new windows will differentiate them from the original single pane windows; however, the proportions of the simulated divided lite muntins, with interior spacers between the glass panes, and the wood sashes, is consistent with the scale and resulting shadow lines of hand-built wood windows from the period of significance in this historic district.

*Therefore, this criterion is met.*

**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:** As described in previous findings, the proposed windows match the materiality, size, scale, and details of the other original windows in the house. As described in previous findings, this proposal meets compatibility on all three levels.

*Therefore, 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. The proposed windows match the materiality, size, scale, and details of the other original windows in the house, as such, meets compatibility on all three levels. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval to remove four (4) existing double-hung wood windows located on the side and rear of the resource, and to add three (3) new double-hung wood windows.

Approval per the approved site plans, Exhibits C-1 through C-8, signed and dated September 7, 2021, 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 21-064743 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: Grace Jeffreys**

**Decision rendered by:**  **on September 7, 2021**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 9, 2021**

**Procedural Information.** The application for this land use review was submitted on July 8, 2021 and was determined to be complete on July 21, 2021.

*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 8, 2021.

*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: November 18, 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 **September 9, 2021** 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 – Narrative
  - 2. Original submittal – Site plan
  - 3. Original submittal – Elevations
  - 4. Original submittal – Photographs
  - 5. Original submittal – Approval Criteria
  - 6. Revised elevations – 08.21.21
  - 7. Existing window survey – 08.23.21
  - 8. Proposed window spec's
  - 9. Kolbe details
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations (attached)
  - 3. Window elevation
  - 4. Window elevation
  - 5. Window Section
  - 6. SDL Divided Lites details
  - 7. Casing details
  - 8. Sill details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence:
  - 1. Dean Gisvold, Chair ICA Land Use Committee, on August 8, 2021, wrote in support of the proposal, and encouraged that the windows being replaced (if original), are preserved if possible, and turned over to Restore (operated by Habitat for Humanity) or a similar operation (Exhibit F1).
- G. Other:
  - 1. Original LU Application
  - 2. Excerpt from Irvington Nomination

**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).**