



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

Dan Ryan, Commissioner
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Date: 3/4/2022
To: Interested Person
From: Tanya Paglia, Land Use Services
503-865-6518 / Tanya.Paglia@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 21-116492 HR – NEW WINDOWS & DOORS

GENERAL INFORMATION

Applicant: Dave Spitzer | DMS Architects
2325 NE 19th Ave | Portland, OR 97212
dave@dmsarchitects.com

Owners: Christin Spagnoli and Matthew Hilber
2233 NE 20th Ave | Portland, OR 97212-4619

Site Address: 2233 NE 20TH AVE

Legal Description: BLOCK 35 LOT 2, IRVINGTON
Tax Account No.: R420407440
State ID No.: 1N1E26DA 14900
Quarter Section: 2832

Neighborhood: Irvington, contact Dean Gisvold at deang@mcewengisvold.com
Business District: Soul District Business, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact at info@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 is seeking Historic Resource Review approval for a proposal to alter windows and a rear door on the west (rear) and south (side) of a contributing resource in the Irvington Historic District. Project includes:

- Removal of two non-original sliding windows from west (rear) elevation and changing the opening size to replace them with three wood double-hung wood windows with cedar trim to match original windows on the house;
- Removal of two windows on the south (side) elevation and adding one new fixed wood window with trim to match original windows on the house; and
- Replacing a single door on rear elevation with a set of double French doors.

Historic Resource Review is required because the proposal is 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. The relevant approval criteria are:

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject house is a contributing structure in the Irvington Historic District. It is a two and a half-story foursquare style house with horizontal board siding. It was constructed in 1904 and its historic name is the *Allen and Bertha Fraser House*. It sits up and back from the street facing east on NE 20th Ave.

Irvington Historic 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. 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 Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. 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. 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.

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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **January 19, 2022**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 19, 2022**. 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, wrote on February 2, 2022, with no objections to the project, and included the following comments:

“The ICA land use committee has reviewed this application and has no objections, but we strongly encourage donating the removed historic windows to The Rebuilding Center. We understand that they are again accepting reusable building material donations after reorganizing their space.”

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.
- 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 1, 2, 3, 4, 5, 7, 8, 9 and 10: The proposal to alter windows and a rear door on the west (rear) and south (side) elevations will not substantially detract from the historic character of the *Allen and Bertha Fraser House*, a contributing resource in the Irvington Historic District. The visual impact of the alterations from the public realm will be minimal, occurring on the rear and on one of the sides of the house.

While the south side of the house is partially visible from the street, the removal of two windows and addition of one window is towards the rear of the house and will have minimal visibility from the street. In addition, windows/openings at this area have no existing symmetry or defined pattern that is affected by making these changes. Rear window alterations will be beneficial to the historic character of the house as two non-original sliding windows will be replaced by three traditional style windows that are close in appearance to the original windows on the house. They will be wood, have similar profile to original windows, and be double hung rather than sliders. The new windows will match also the home's historic originals in their placement within the wall plane. All new trim will be cedar and match the design of existing original windows. Where the reconfiguration of wall openings requires infill of siding, all siding patches will match the original wood siding in material, reveal and plank thickness.

The integrity of the resource will be preserved, and the proposed alterations will not be conjectural additions to the building attempting to replicate extraneous historical elements of other buildings. The house will remain a physical record of its time, place and use. The project will not alter any changes made over time that have acquired historical significance, and the elements of the project could be removed in the future without impacting the form and integrity of the building. With the proposed work located on one side elevation and on the rear elevation, the project will not impact

the view of the house from the street. Overall, the proposed work will not visually detract from the historic aesthetic of the house, adjacent properties and district.

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 proposed project will not significantly impact the *Allen and Bertha Fraser House's* role as a contributing resource in the Irvington Historic District with limited visibility from the public realm of changes to the exterior of the building. 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 proposal to alter windows and a rear door on the west (rear) and south (side) of the *Allen and Bertha Fraser House*, a contributing resource in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-2, signed and dated 2/28/2022, 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 21-116492 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: Tanya Paglia



Decision rendered by: _____ **on 2/28/2022**
By authority of the Director of the Bureau of Development Services

Decision mailed: 3/4/2022

Procedural Information. The application for this land use review was submitted on December 22, 2021, and was determined to be complete on January 14, 2022.

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 December 22, 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: 5/14/2022.**

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.

- *Unless appealed*, the final decision will be recorded after **3/4/2022** 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 Submittal
 - 1. Project Response to Approval Criteria
 - 2. Original plan set – NOT APPROVED/reference only
 - 3. Updated window and door sections – NOT APPROVED/reference only, 1/17/2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan, West Elevation, Ground Floor Plan, South Elevation (attached)
 - 2. Historic and Proposed Window Sections, Proposed Door Section (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on February 2, 2022, with no objections to the project and comments encouraging donation of the removed historic windows to The Rebuilding Center. deang@mcewengisvold.com
- G. Other:
 - 1. Original LU Application
 - 2. 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

For Zoning Code in effect Post August 1, 2021

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT



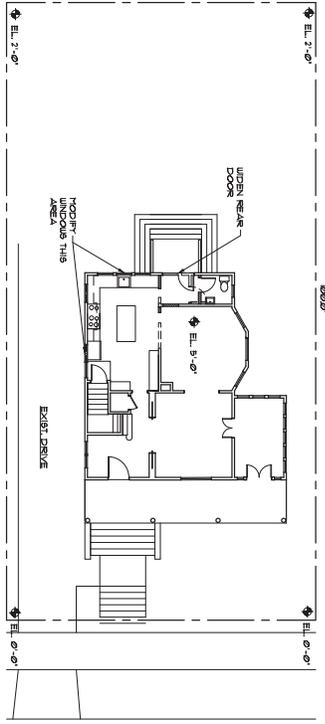
Site



Historic Landmark

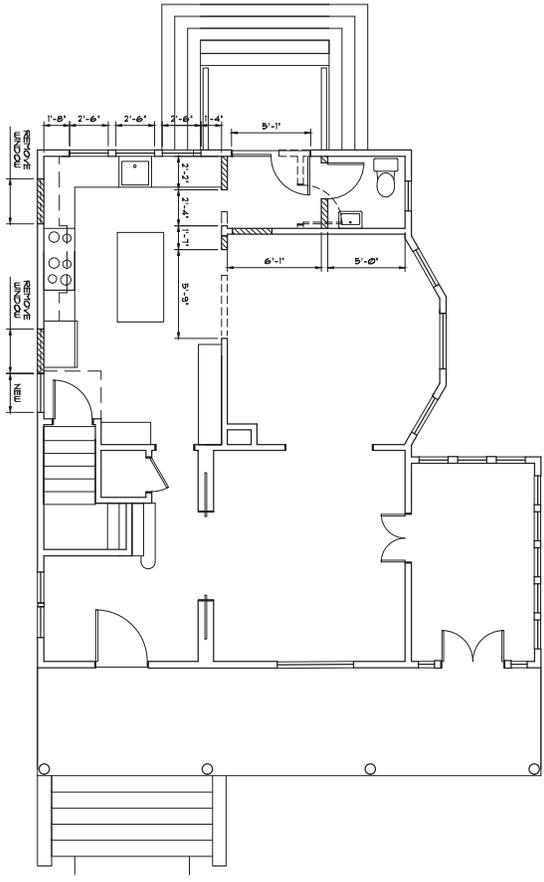
File No.	LU 21 - 116492 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DA 14900
Exhibit	B Dec 22, 2021

LU 21-116492 HR B-1

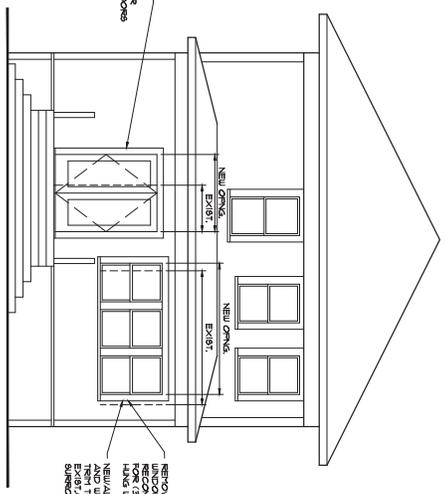


1 SITE PLAN

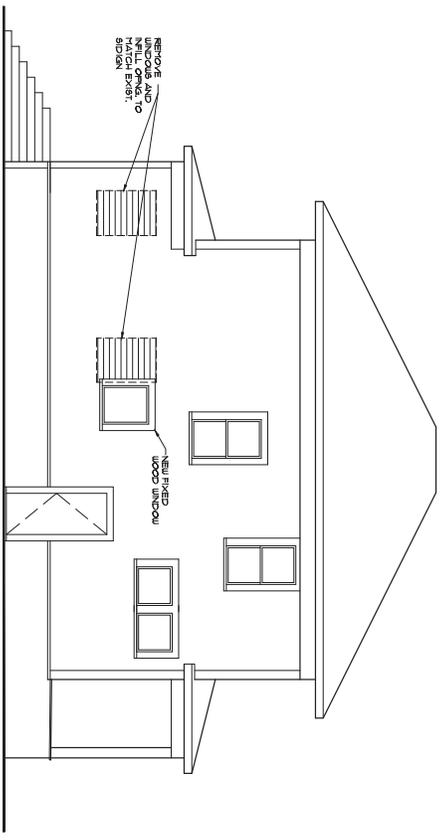
Approval
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 2/28/2022
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



2 GROUND FLOOR PLAN



3 WEST (REAR) ELEVATION



4 SOUTH (SIDE) ELEVATION

SHEET	009 NO.	SHEET CONTENT
	000016	SITE PLAN
	DMS	FLOOR PLAN
	DATE 12-9-21	EXTERIOR ELEVATIONS
	REVISIONS	

SPAGNOLI - HILBER RESIDENCE
 2235 NE 20TH AVE.
 PORTLAND, OREGON 97212

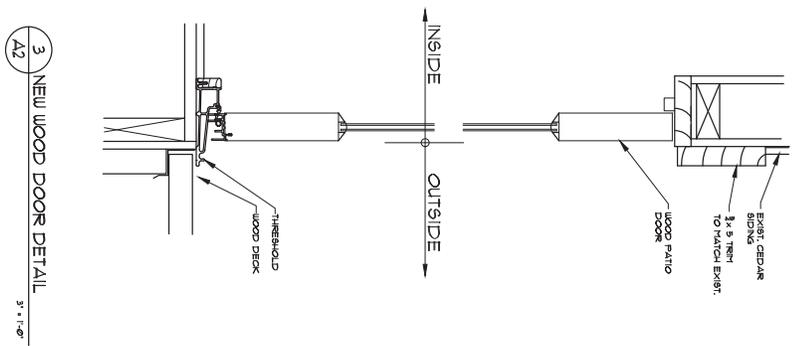
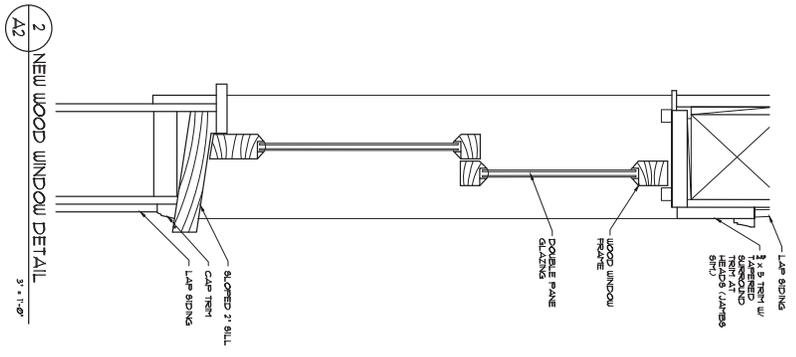
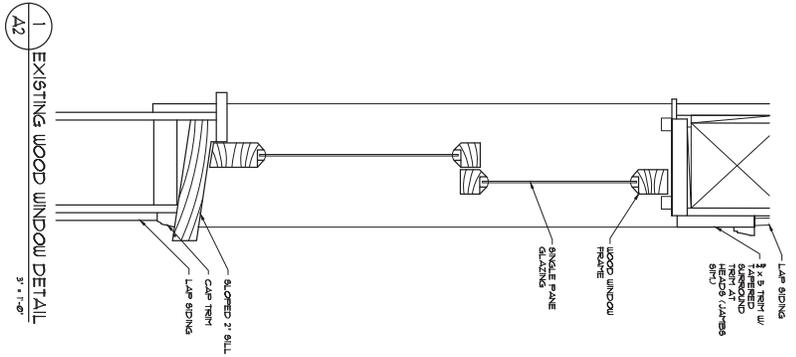
2235 NE 19TH AVE.
 PORTLAND, OR 97212

OFFICE 503 335 9040
 FAX 503 335 5850
 DAVE@DMSARCHITECTS.COM

DMS

REGISTERED ARCHITECT
 DAVID SWITZER
 PORTLAND, OREGON
 STATE OF OREGON

Approver*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 2/28/2022
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SHEET A2 of 2	REVISIONS	DATE 12-21-21	DRAWN DMS	CHECKED DMS	JOB NO. 000016	SHEET CONTENT DOOR AND WINDOW DETAIL	SPAGNOLI - HILBER RESIDENCE	2233 NE 15TH AVE. PORTLAND, OR 97212 OFFICE 503 335 9140 FAX 503 335 5850 DAYS@SHBARNDTFOYS.COM	REGISTERED ARCHITECT DAVID SWITZER Due to 12/28/2022 PORTLAND, OREGON STATE OF OREGON
	SHEET CONTENT								
	2233 NE 15TH AVE. PORTLAND, OREGON 97212						2233 NE 20TH AVE. PORTLAND, OREGON 97212		REGISTERED ARCHITECT DAVID SWITZER Due to 12/28/2022 PORTLAND, OREGON STATE OF OREGON
	DMS						DMS		
	DATE 12-21-21						DATE 12-21-21		