



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

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Date: June 7, 2022
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 approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 22-120440 HR – ENLARGED WINDOW IN IRVINGTON

GENERAL INFORMATION

Owners/Applicant: Angela Uherbelau & Curtis Robinhold
1828 NE Siskiyou Street
Portland, OR 97212

Site Address: 1828 NE SISKIYOU ST

Legal Description: BLOCK 40 LOT 1&2, IRVINGTON
Tax Account No.: R420408560
State ID No.: 1N1E26AB 18700
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 at info@necoalition.org
Plan District: None
Other Designations: Contributing resource in 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).

The applicant seeks Historic Resource Review approval for the replacement of one existing band of three wood windows on the rear façade with an taller band of three wood windows at the same location. The horizontal dimension is proposed to be the same as the existing, however the bottom sill height will be lower, creating a larger opening. No other changes are proposed.

Historic Resource Review is required for non-exempt exterior alterations in the Historic District.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code, Title 33. The relevant approval criteria are:

- *33.846.060.G – Other Approval Criteria*

ANALYSIS

Site and Vicinity: Constructed in 1923, the subject property is a standard brick Colonial Revival Style home known as both the Walter and Lelah Gelinski House and the Georgian House Bed and Breakfast. The home is Contributing Resource in the Irvington Historic District.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle-class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Zoning: The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate the following prior land use reviews for this site:

- LU 16-287622 HR – Historic resource review approval to replace an existing basement window with an egress window.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **March 28, 2022**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 28, 2022**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Tony Greiner on behalf of the Irvington Community Association, April 10, 2022 – The ICA does not object to the project provided new materials match existing materials.

Staff Response: The new window material and any replacement bricks needed are proposed to match existing materials on the primary contributing resource.

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 Historic Approval Criteria

- 1. Historic character.** The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.
- 2. Record of its time.** The landmark or contributing 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 resources 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 historic feature 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 landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.
- 8. Architectural compatibility.** New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.
- 9. Preserve the form and integrity of historic resources.** New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.
- 10. Hierarchy of compatibility.** New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

Findings for 1, 2, 3, 4, 5, 7, 8, 9, and 10: The applicant proposes to replace a band of three short wood windows on the rear façade with a band of three taller wood windows at the same location, in the same width opening. The new header, sill height and muntin patterning will match the other windows on level one of the same façade. The new windows are proposed to be an all wood Marvin Ultimate product, which matches existing windows on the house in sash and muntin dimension and installation. Brick headers and sill details are proposed to be reinstalled to match the existing windows on the façade.

The proposed change is modest, limited to the rear elevation and therefore not visible from the public right-of-way, and repeats existing window proportions and detailing to ensure a coherent façade that does not jeopardize the compatibility of the contributing resource. The original bricks proposed to be removed to allow for the enlargement of the window are very limited in scope and all other existing bricks will be retained. The new windows will be differentiated from existing original windows on the subject property upon close inspection while maintaining the historic character of the resource.

The proposal is a thoughtful example of limiting exterior interventions to areas with minimal visibility, and careful consideration of products and detailing to ensure that new work does not draw attention away from the original detailing, materials and proportions of the contributing resource.

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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the removal of a band of three wood windows and replacement with a band of taller wood windows in the same location per the approved site plans, Exhibits C-1 through C-3, signed and dated June 2, 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 22-120440 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: Hannah Bryant

Decision rendered by:  **on June 2, 2022**
By authority of the Director of the Bureau of Development Services

Decision mailed June 7, 2022

Procedural Information. The application for this land use review was submitted on March 8, 2022, and was determined to be complete on March 22, 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 March 8, 2022.

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 request an extension to the timeline. Unless further extended by the applicant, **the 120 days will expire on: July 20, 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 **June 7, 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:

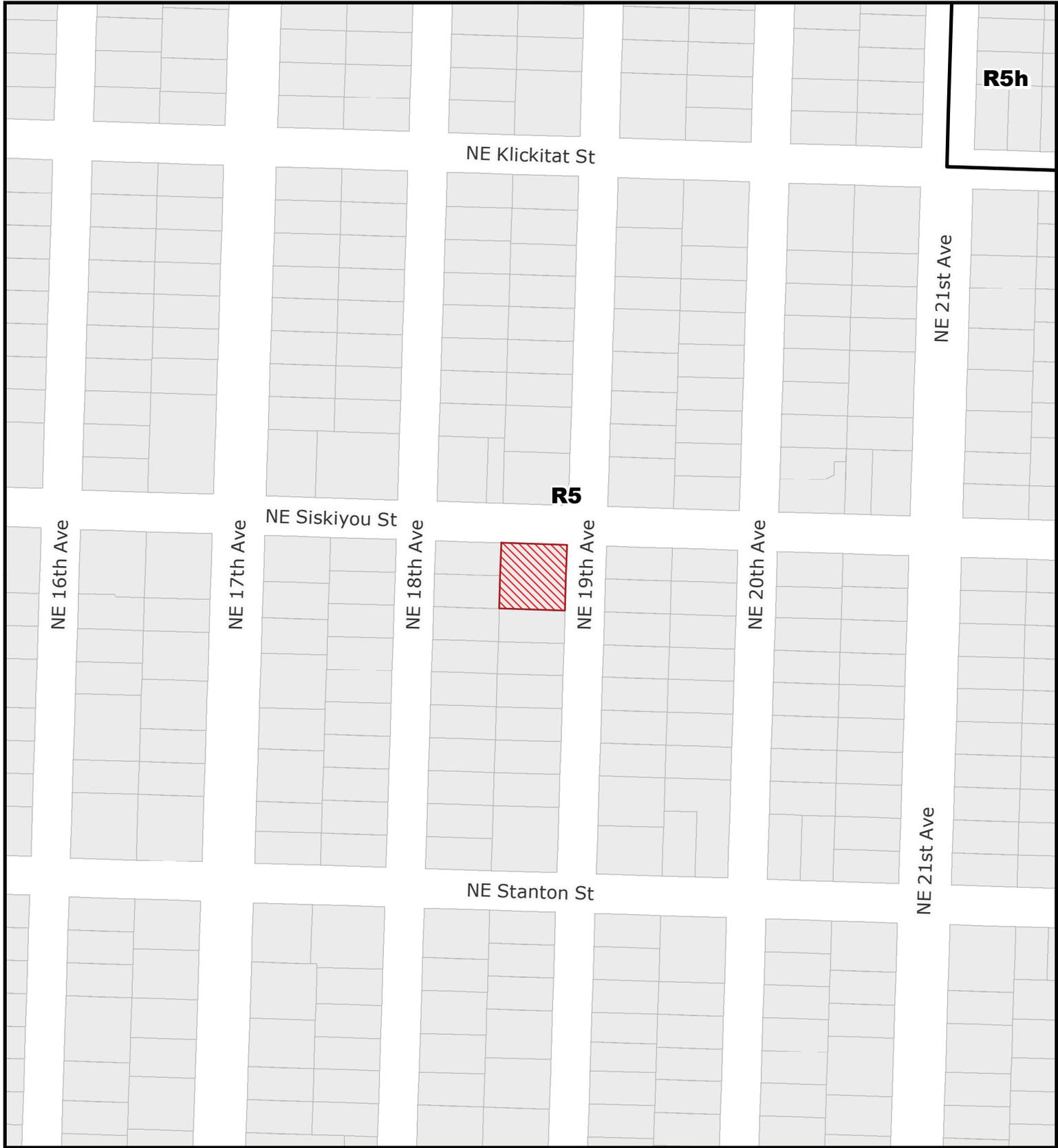
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Original Narrative
 - 3. Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and Elevations (attached)
 - 2. Marvin Ultimate Cutsheet
 - 3. Window Section and Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
 - 1. Tony Greiner, April 10, 2022 – The ICA does not object to the proposal provided the new materials match existing.
- 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



For Zoning Code in effect Post August 1, 2021
 IRVINGTON HISTORIC DISTRICT

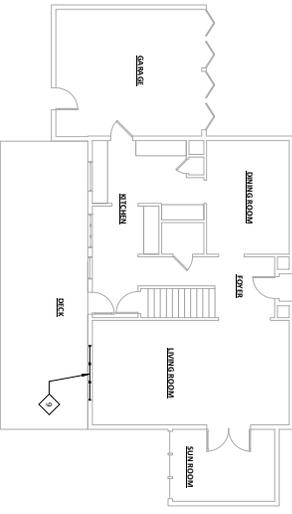


File No.	LU 22 - 120440 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AB 18700
Exhibit	B Mar 08, 2022

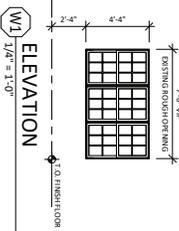
UHERBELAU RESIDENCE

1828 NE SISKIYOU ST., PORTLAND, OR 97212
 MINOR ALTERATION | SEPTEMBER 15, 2021

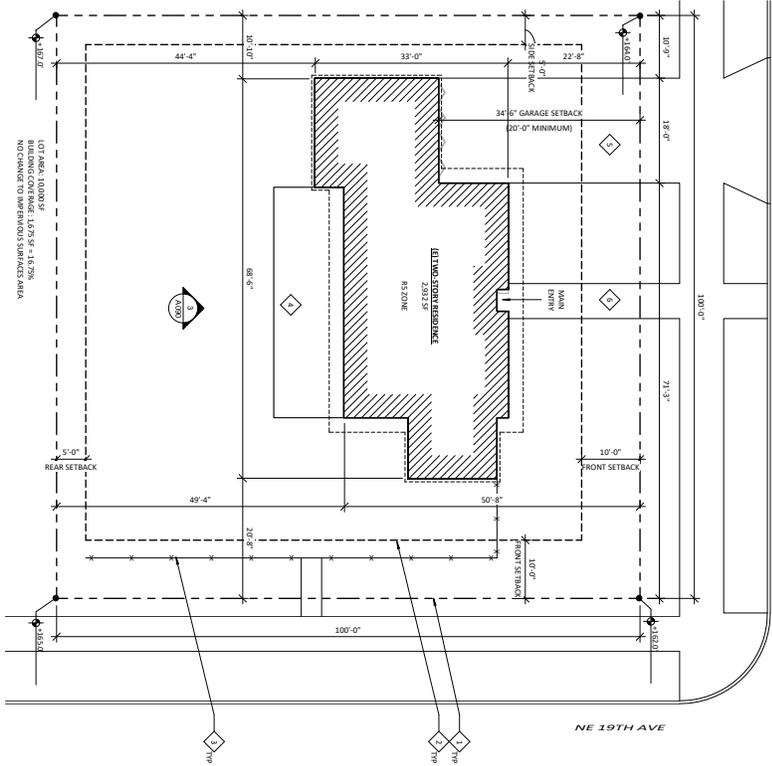
CONTRACT DOCUMENTS
 ISSUED TO:
 CONTRACTOR
 CITY OF PORTLAND FOR PERMIT REVIEW AND APPROVAL



4 GROUND FLOOR PLAN
 1/8" = 1'-0"



W1 ELEVATION
 1/4" = 1'-0"



1 SITE PLAN
 1" = 10'-0"

PROJECT DESCRIPTION:

MAJOR EXTENSION TO AN EXISTING SINGLE-FAMILY RESIDENCE TO ADD A SECOND FLOOR. THE SOUTH WALL BRICK WALL IS PROPOSED TO BE DEMOLISHED AND REPLACED WITH A NEW "CONCRETE PATCH EXISTING WALL TO MATCH EXISTING CONDITIONS."

CONTACT INFORMATION:

OWNER CONTACT: ANGELA UHERBELAU
 1828 NE SISKIYOU ST.
 PORTLAND, OR 97212
 E: p.uherbelau@gmail.com

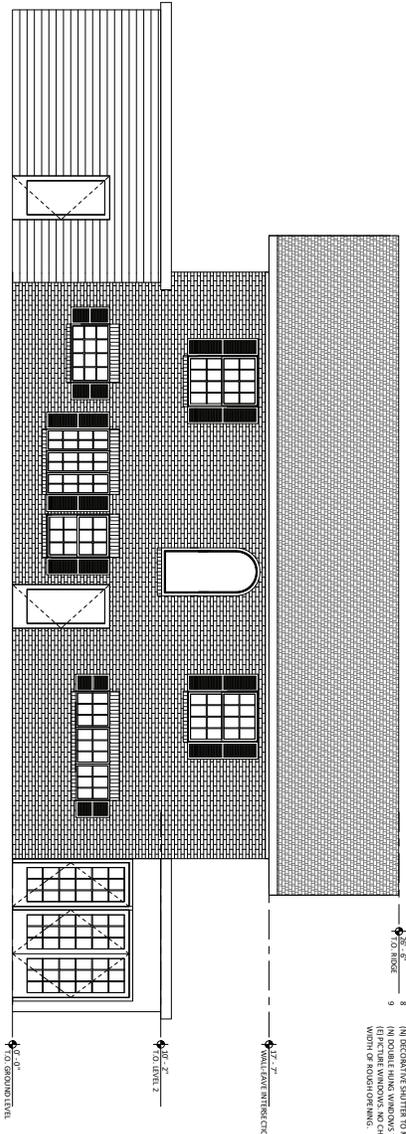
BUILDER CONTACT: GREGORY WILSON
 1735 SW 4th Ave
 PORTLAND, OR 97266
 T: 503.526.4846
 E: g.wilson@gregwilson.com

- DRAWING NOTES**
- SEE SECTION ELEVATIONS FOR WINDOW FINISHES
 - AND EXTERIOR AND INTERIOR FINISHES. SEE THE ARCHITECTURAL SPECIFICATIONS FOR FINISHES.
 - WALLS SHALL BE CONCRETE PATCH EXISTING WALL TO MATCH EXISTING CONDITIONS
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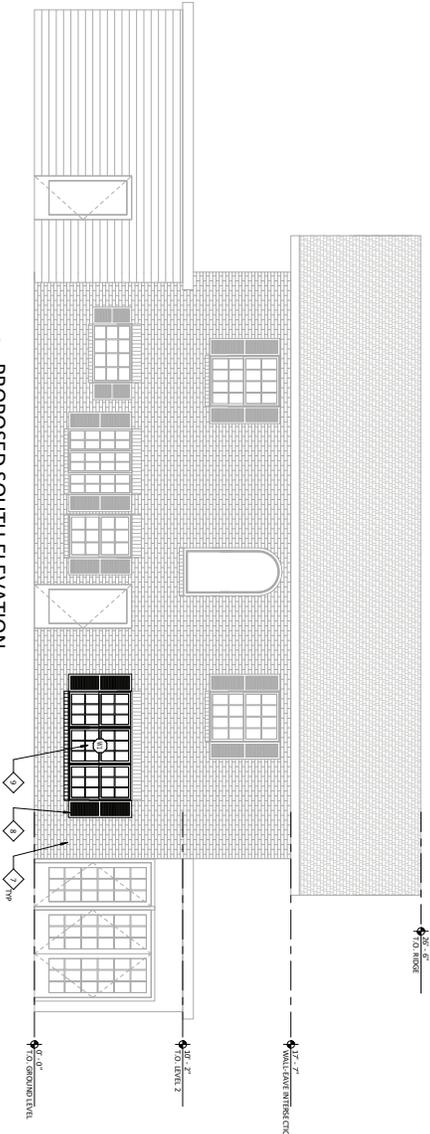
KEYNOTES

- PRIORITY LINE
- ZONING CODE SETBACKS
- (IF FENCE) NO CHANGES
- (IF BRICK) NO CHANGES
- (IF CONCRETE) NO CHANGES
- (IF WALKWAY) NO CHANGES
- (IF BRICK EXTERIOR WALL)
- (NO DECORATIVE SHIFTERS TO MATCH EXISTING)
- (IF PICTURE WINDOWS, NO CHANGE TO WIDTH OR FLOOR OR FINISH)
- (IF PICTURE WINDOWS, NO CHANGE TO WIDTH OR FLOOR OR FINISH)

2 EXISTING SOUTH ELEVATION
 1/4" = 1'-0"



3 PROPOSED SOUTH ELEVATION
 1/4" = 1'-0"



Approved by:
 Planner: [Signature]
 Date: 09-02-2022
 City of Portland
 Bureau of Development Services
 150 NE Oregon Street, 5th Floor
 Portland, OR 97232
 Additional zoning requirements may apply.

C.I.U. 22-120440 HR
 SITE + UTILITY PLAN
A090
 LU 22-120440 HR