



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

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Date: 11/17/2022
To: Interested Person
From: Tanya Paglia, 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 22-182588 HR – BASEMENT EGRESS WINDOW

GENERAL INFORMATION

Applicant: Dave Spitzer | DMS Architects
2325 NE 19th Ave | Portland, OR 97212

Owner: 102 2nd Ave South LLC
2458 Rondell Rd | Camarillo, CA 93012

Site Address: 1804 NE 14TH AVE

Legal Description: BLOCK 259 LOT 4, HOLLADAYS ADD
Tax Account No.: R396219000
State ID No.: 1N1E26DC 10400
Quarter Section: 2831

Neighborhood: Irvington, contact Tony Greiner at tony_greiner@hotmail.com
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org
Plan District: None
Other Designations: Contributing Resource in the Irvington Historic District
Zoning: **RM3d** – Residential Multi-Dwelling 3 with Design and Historic Resource Protection Overlays

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 add a 3' by 3' basement egress window with a window well on the north elevation of a contributing resource in the Irvington Historic District. The window will be wood and will replace a vinyl

window put in without a permit. It will be partly below grade and located in the northwest corner of the house facing a side lot line.

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 two and a half-story Craftsman style house featuring horizontal board cladding constructed in 1909. Its historic name is the *HS Rowe House* and it is a contributing resource in the Irvington Historic District. The house sits up from the street on a 4,211 SF lot facing west onto NE 14th 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 RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the

built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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 **September 30, 2022**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 30, 2022**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Tony Greiner, Chair of the Irvington Community Association Land Use Committee, wrote on October 9, 2022 with support for the proposal.
- Joe McClelland, Neighbor, wrote on October 13, 2022 with support for the proposal, and noting substantial concerns about conditions in the area around the building.

Staff Response: The scope of the review is limited to the proposal’s response to the Historic Resource Approval Criteria. The finding below detail how the proposal responds to the applicable approval criteria.

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.

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

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, 6, 7, 8, 9, and 10: The proposal to add a new basement egress window with a window well on the north elevation will not detract from the historic character of the *HS Rowe House*, a contributing resource in the Irvington Historic District. The new window is on a side elevation, partly below grade with a 5' tall fully sight obscuring fence 5' to the North of it at the property line. Given the minimal size and scope of the proposed alteration and its location, with a portion of the changes being below grade, the project will have minimal visual impact on the house, especially as viewed from the public realm within the Historic District. The integrity of the resource will be preserved with the proposed alterations, and 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.

The project will match the materiality of the home's existing wood windows and trim and their placement within the wall plane. The new window will be wood and will be recessed into the opening, similar to the original windows on the house. The width of the window is similar to a typical basement window, while being slightly taller, with some of the added height below grade. The new window will be painted to match existing windows on the house.

The visual impact of the proposed alterations will be minor to none. The house sits back from the street along NE 14th, the closer of the two street frontages to the new window. The view of the side basement strata of the home from the public right of way would allow a limited vantage at best and is currently completely obstructed by fencing. Conjectural features or architectural elements from other buildings that create a false sense of historical development will not be added. The elements of the project could be removed in the future without impacting the form and integrity of the building.

The proposed design will be compatible with the original resource's features. In the same way, the exterior alterations will be compatible with the adjacent properties

and the rest of the district. 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 basement window alterations are a minimal change to the house and will not adversely impact the character defining features of the property. The project will employ high quality materials designed to be well integrated with the building as well as the neighborhood. The project will not detract from the house's role as a contributing resource in the Irvington Historic District. 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 a wood 3' by 3' basement egress window with a window well on the north elevation of the *HS Rowe House*, a contributing resource in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated 11/14/2022, 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 22-182588 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 11/14/2022**
By authority of the Director of the Bureau of Development Services

Decision mailed: 11/17/2022

Procedural Information. The application for this land use review was submitted on September 13, 2022, and was determined to be complete on September 26, 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 September 13, 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 waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: 1/24/2023.**

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 **11/17/2022** 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. Applicant's Response to Approval Criteria
 2. Applicant's Photo of Window Condition
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Basement Section (attached)
 3. New Wood Window Detail
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence:
 1. Tony Greiner, Chair of the Irvington Community Association Land Use Committee, wrote on October 9, 2022 with support for the proposal; tony_greiner@hotmail.com.
 2. Joe McClelland, Neighbor, wrote on October 13, 2022 with support for the proposal, and noting substantial concerns about conditions in the area around the building; j.mcclelland@comcast.net.
- 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).