



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: July 17, 2012
To: Interested Person
From: Hillary Adam, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. 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 12-146265 HDZ – BASEMENT WINDOW REPLACEMENT

GENERAL INFORMATION

Applicant: Motoya Nakamura / Beth Nakamura
2742 NE 13th Ave / Portland, OR 97212

Representative: Sarah Steinberg / The Sakura Group
2415 NE Broadway / Portland, OR 97232

Site Address: 2742 NE 13TH AVE

Legal Description: BLOCK 74 LOT 15, IRVINGTON
Tax Account No.: R420415910
State ID No.: 1N1E26BD 14500
Quarter Section: 2731
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Plan District: None
Other Designations: Contributing resource in the Irvington Historic District, listed in the National Register on October 22, 2010.

Zoning: R5 – Residential 5,000
Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes to replace four basement level windows on the North and South (side) façades of the house with three new vinyl awning windows and one vinyl casement window with egress well in the existing windows locations. Historic design review is required because the building the proposal is for non-exempt treatment of a contributing resource 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 property is a modest one-and-a-half story Bungalow, built around 1913. The house is side-gabled with bracketed eaves and front and rear dormers. The western slope of the roof extends over the front entry porch. The house is clad with horizontal board and shingle siding. It is evaluated as a contributing resource in the 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. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally 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.

Zoning: The single-dwelling zones, including R5, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Protection Overlay zone 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 there are no prior land use reviews for this site.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **June 21, 2012**.

Agency Review: None of the notified agencies have responded with issues or concerns.

Neighborhood Review: On July 12, 2012, Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on behalf of the Committee with the following comment:

"The committee has reviewed this proposal, and we have no objections."

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design 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 Design 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 are relatively minor and located at the sides of the house with limited visibility from the public right-of-way. The historic character of the property will not be adversely affected by the proposed changes. *This criterion is therefore 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: The historic property will remain a record of its time. The proposed changes will not result in a false sense of historical development. *This criterion is therefore met.*

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

Findings: No changes that have acquired historic significance will be affected by this proposal. *This criterion is therefore 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: The rear South basement window is being replaced in order to provide egress. The three other basement windows are being replaced due to deterioration. The new windows are proposed to be made of vinyl and will be set within the façade plane 2¾" back from the exterior wall, at the same depth as the existing windows. The proposed changes to basement windows, minimally visible from the street, are relatively minor and will not result in the loss of significant historic features. *This criterion is therefore 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: No chemical treatments are proposed. *This criterion is not applicable.*

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.

Findings: No archaeological resources will be affected by this proposal. *This criterion is not applicable.*

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: The proposed vinyl windows differentiate themselves from the existing windows in material. *This criterion is therefore 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.

Findings: With the exception of the egress window, the proposed basement windows will be placed in existing openings. The egress window's opening will be enlarged vertically in order to accommodate the height of the new window. The proposal will not compromise the architectural integrity of the historic resource. *This criterion is therefore met.*

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.

Findings: The proposal is for relatively minor alterations, which can be restored in the future, if necessary. The essential form and integrity of the historic resource will be retained. *This criterion is therefore met.*

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: The proposed alterations are compatible with the historic resource, and have no effect on the district as a whole. *This criterion is therefore 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 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 proposal is for relatively minor changes to a contributing resource in the Irvington Historic District. The applicant proposes to replace four divided light wood basement windows with three vinyl awning windows and one vinyl casement window. The applicant seeks to provide egress from the basement and remedy deteriorating conditions, as well as provide a unified appearance in the windows at this level. Replication of the divided lights would be cost-prohibitive, with very little benefit to the home owner or the district. The applicant has agreed to set the windows in the same vertical plane as the existing windows in order to minimize the effect of the new windows on the resource.

The purpose of the Historic Design 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 Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of replacement of four basement level windows on the North and South (side) façades of the house, with three new vinyl awning windows and one vinyl casement window with egress well, each to be located 2¾” back from the exterior wall in the existing windows locations, per the approved site plans, Exhibits C-1 through C-6, signed and dated July 13, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-146265 HDZ. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by:  **on July 13, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 17, 2012

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on June 1, 2012, and was determined to be complete on **June 18, 2012**.

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 June 1, 2012.

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.

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.

Appealing this decision. This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 31, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Historic Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **August 1, 2012.**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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 of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

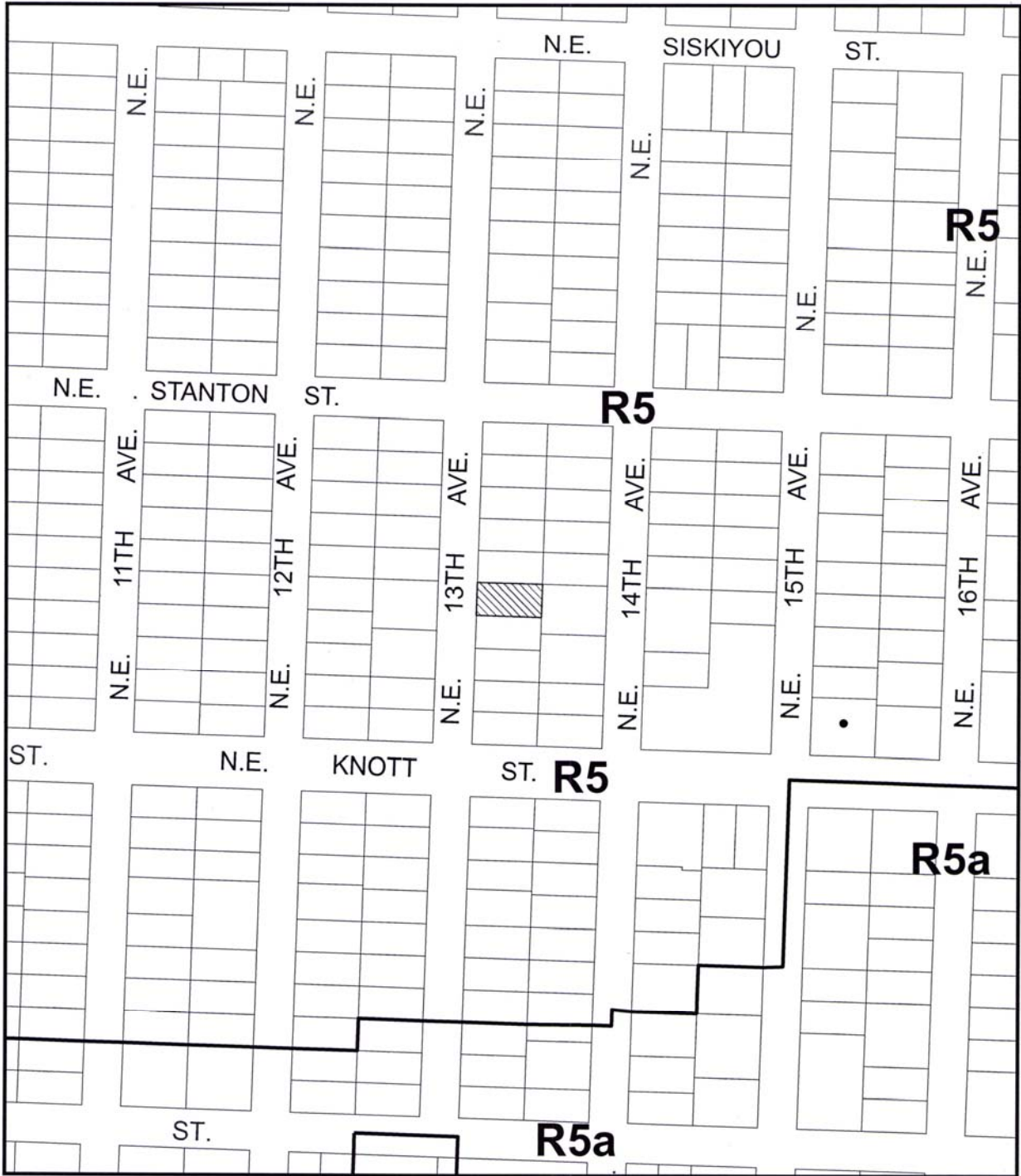
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Existing Elevations
 3. Proposed Elevations (attached)
 4. Proposed Window Sections
 5. Section Drawing Styleline Awning
 6. Section Drawing Styleline Casement
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, July 12, 2012, approving of the proposal.
- G. Other:
 1. Original LU Application

2. Incomplete Letter

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

 Site

 Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

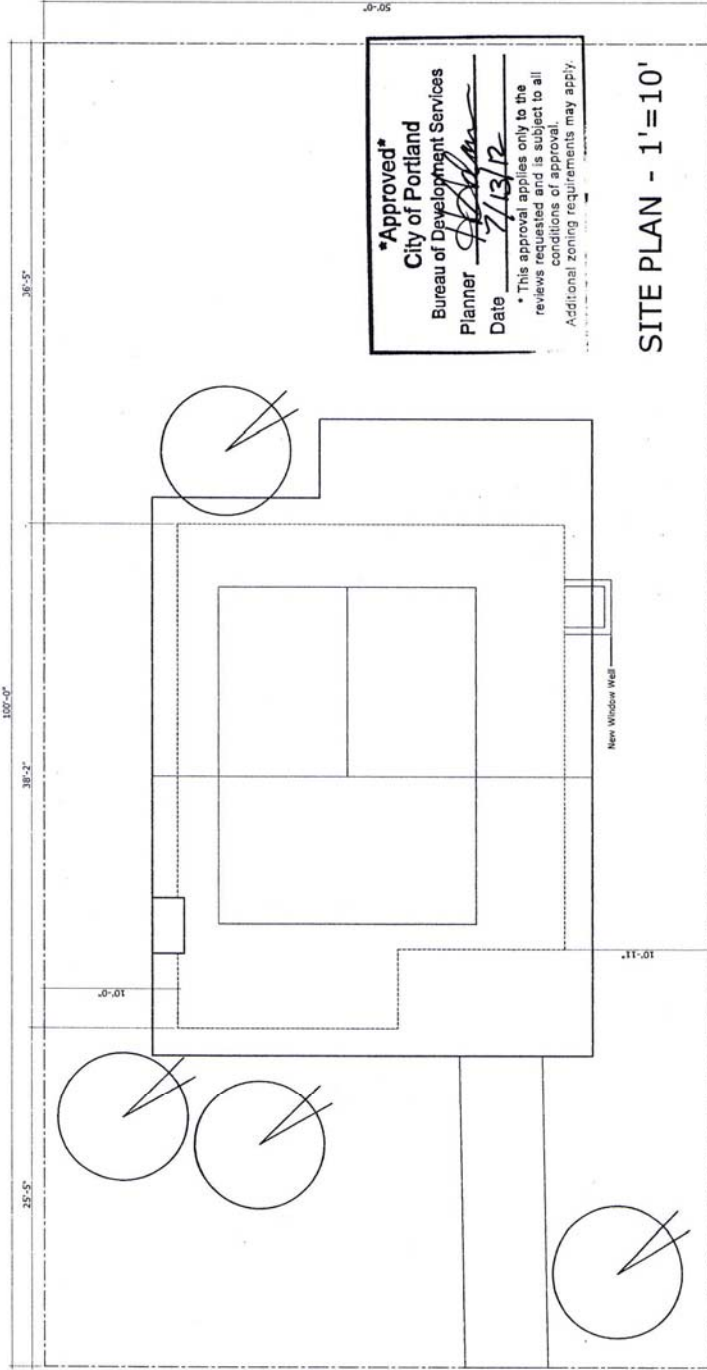
File No. LU 12-146265 HDZ
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State_Id 1N1E26BD 14500
 Exhibit B (Jun 19,2012)

2742 NE 13th Ave. Basement Remodel

Drawing List

- A0 Cover & Site
- A1 Existing Basement Plan
- A2 Proposed Basement Plan
- A2.1 Proposed Details
- A3 Existing Elevations
- A4 Proposed Elevations
- A5 Existing Photos
- A6 Approval Criteria

NE 13th Avenue



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 7/13/12

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SITE PLAN - 1"=10'

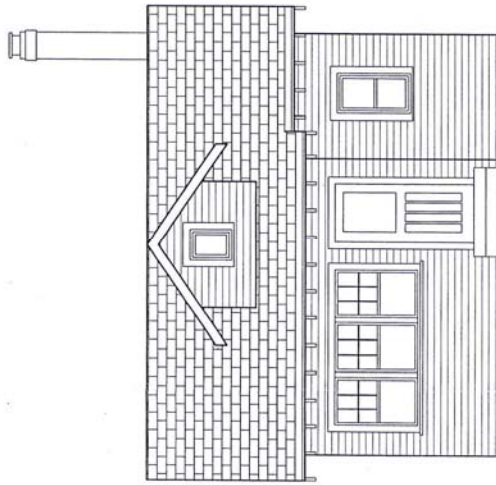
Basement Remodel
 Motoya & Beth Nakamura
 2742 NE 13th Ave
 Portland OR 97212

sakura group
 design, build, remodel

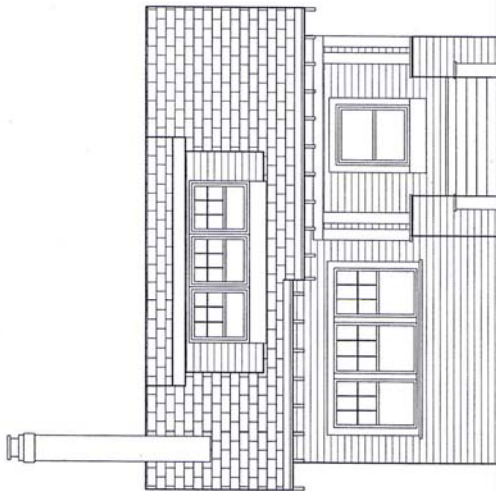
2415 NE Broadway
 Portland, OR 97212
 503.284.8944

A0

LU 12-146265 HDZ



EAST



WEST

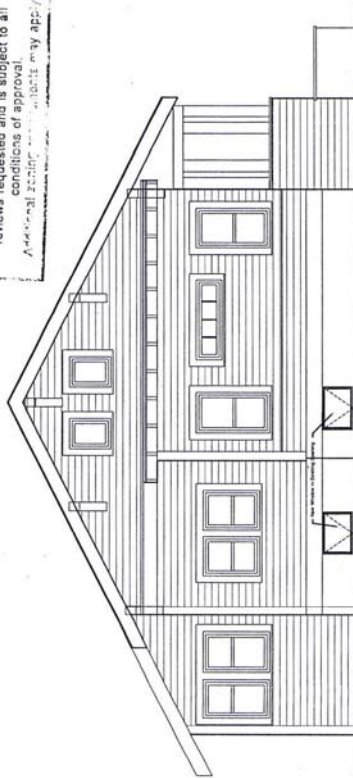
Approved
City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *7/13/12*

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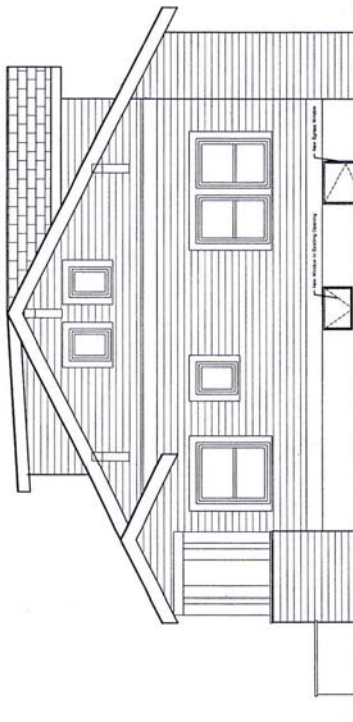
Basement Remodel
 Motoya & Beth Nakamura
 2742 NE 13th Ave
 Portland OR 97212

sakura
 design, build, remodel

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 Portland, OR 97212
 503.284.8944



NORTH



SOUTH

Proposed Elevations - 1/4" = 1'-0"

A4

23