



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

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Date: April 30, 2013
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@portlandoregon.gov

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 13-108391 HDZ **CROWN ROYAL APARTMENTS WINDOW REPLACEMENT** **GENERAL INFORMATION**

Owner: Brad Simmons / Crown Vista Associates LLC
7820 SW Willowmere Dr / Portland OR 97225

Applicant: Scott Inman / Henderson & Daughter
11819 A NE Hwy 99 / Vancouver, Wa 98686

Site Address: 1805-1853 NE Schuyler Street / 1901- 1919 NE Schuyler Street
1921 – 2005 NE Schuyler Street / 2001 – 2031 NE Hancock Street

Legal Description: BLOCK 11 LOT 10-16, JOHN IRVINGS 1ST ADD; BLOCK 13 LOT 1-5, JOHN IRVINGS 1ST ADD; BLOCK 14 W 1/2 OF LOT 4 LOT 5&6, JOHN IRVINGS 1ST ADD; BLOCK 14 LOT 7&8, JOHN IRVINGS 1ST ADD; BLOCK 19 LOT 3&4, JOHN IRVINGS 1ST ADD

Tax Account No.: R430303220, R430303720, R430304120, R430304170, R430305920, R430303220, R430303720, R430304120, R430304170, R430305920

State ID No.: 1N1E26DD 12300, 1N1E26DC 06000, 1N1E26DD 11900, 1N1E26DC 00500, 1N1E26DD 11400, 1N1E26DD 12300, 1N1E26DC 06000, 1N1E26DD 11900, 1N1E26DC 00500, 1N1E26DD 11400

Quarter Section: 2832

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.

Business District: NE Broadway BA, contact Murray Koodish at info@nebroadway.com.

District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.

Plan District: Albina Community

Other Designations: Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010. These properties are listed as “not eligible, out of period”. The period of historic significance for Irvington is from 1891 to 1948.

Zoning: R1a, Multi Dwelling Residential 1000, with Historic Resource Protection and Alternative Design Density Overlay zoning.

Case Type: HDZ, Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal: The applicant seeks historic design review approval for a proposal to replace 415 deteriorated aluminum windows with coated and non-coated vinyl windows on five apartment buildings per the following table. These apartment buildings are “not eligible, out of period”.

	Address	Proposal	Previously Replaced*	Total
Laurel View	2001 - 2031 NE Hancock	65	3	68
Crown Vista	1805 -1853 NE Schuyler Street	76	30	106
Crown Imperial 1	1901 – 1919 NE Schuyler Street	57	2	59
Crown Imperial 2	1921 – 2005 NE Schuyler Street	54	1	55
Crown Royal	1912 – 2032 NE Schuyler Street	104	32	136

*These windows were replaced prior to creation of the Irvington Historic District

The applicant proposes some bronze and some white vinyl Milgard Tuscan sliding windows to match the previously replaced vinyl windows. The original windows were/are aluminum sliders. Attached to this notice is a sample photo and three sample profiles (for the three building exteriors: all brick, all siding, partial siding).

Historic design review is required because exterior alterations are proposed 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 criteria are:

- Chapter 33.445, Historic Resource Protection Overlay Zone
- Chapter 33.846, Historic Reviews
- Section 33.846.060.G, Approval Criteria

ANALYSIS

Site and Vicinity: The subject site is a vacant lot, 100' x 75' occupying the southeasterly corner of the intersection of NE 17th Avenue and NE Schuyler Street 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 at rear corners and accessed by a variety of driveway types on mid-block sites, and facing side streets on corner lots. Garages that were added within the historic period were sometimes built at the sidewalk and/or out of architectural character with the house.

Historic multi-dwelling development is also a significant typology in the Irvington Historic District, largely concentrated in the corridor bracketed by NE Broadway and the mid-block between NE Tillamook and NE Thompson Streets. The period of historic significance in Irvington ended in 1948. In the 1960s new apartment construction commenced associated with the opening of Lloyd Center in August 1960. These apartments were constructed in Irvington nearby.

Zoning: The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

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.

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

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 **February 12, 2013**. The Life Safety Plans Examiner Section of the Bureau of Development Services responded with no historic resource concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 12, 2013. The Irvington Neighborhood Association has no objections as long as replacement windows are as proposed by the applicant.

No written responses have been received from notified property owners in response to the proposal.

ZONING CODE 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: Because the proposal in this case is for exterior alterations to apartment buildings that are clearly incompatible with the character of historic multi-dwelling development elsewhere in Irvington, the proposed alterations are not subject to this criterion. *This criterion is not applicable.*

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.

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 8 and 10: It is critical to note that these apartment buildings are considered non-contributing structures to the Irvington Historic District. This means that the buildings' dates of construction, materials and/or architectural style are not within the Historic District's "period of significance" or in keeping with desired characteristics of the Historic District ensemble. That being said, alterations to these buildings still require historic review, and the above approval criteria still apply. The existing aluminum window systems proposed to be replaced, given the 1960s era when these apartment buildings were constructed, were commonly replaced with vinyl windows systems for several reasons: installation similarities, energy efficiency, noise reduction, and availability of a wide variety of window styles/types and configurations. Vinyl windows are a common replacement for deteriorated single-pane aluminum windows no longer available and can be sometimes an appropriate replacement window type to consider for non-contributing structures in a historic district, provided they also meet the approval criteria.

The Historic Landmarks Commission has directed that special attention and scrutiny be given to the proposed use of synthetic window materials in historic district context. Considering the arguably negative effects of other nearby vinyl window replacement projects in the district by virtue of their highly contrasting white color, glossy finish and protruding profile, they are typically not at all similar to usual original window systems. Ultimately, the compatibility issue hinges on visual characteristics such as profile, finish and color and the overall appearance with the building itself.

This case also presented a challenge in that several new glossy white vinyl window systems were installed prior to the creation of the historic district. In reviewing these systems under the now historic district's approval criteria [cited above], some of which were highly visible from the public rights of way, Staff determined them to be incompatible alterations, primarily by virtue of their intrinsic white color and glossy finish, particularly when viewed from the public rights of way. This of course presented a challenge given the various windows of this type already installed prior to the Historic District's designation in October 2010. Ultimately for this case, the same Milguard Tuscan™ windows will be used as presented to the neighborhood association; however, a consistent application of either white or dark bronze finishes will be installed given each building's unique presence from the street and/or number of windows already installed prior to the historic district's creation.

The applicant has proposed a Milguard Tuscan™ window system to be used for the remainder of the project, some white, but mostly a bronze finish per the Key Map provided on Exhibit C-1. All new windows feature frame details such as shadow lines and mitered glazing bead. These windows are of high quality and will receive a specific bronze matte finish at the highly visible from rights of way facades. This finish will give these apartments a more tailored look from the street and this color ties into other architectural features such as stairs and balcony railings. The facades of the Laurel View, Crown Imperial, and Crown Royal apartments that are visible from the street will feature the bronze finish.

The Crown Vista, which already has 28 of 32 street-facing windows already replaced with a white vinyl system prior to the Historic District designation, will be completed without the bronze finish. Allowing the last four windows to match the already installed white color window frames will allow for consistent architectural treatment of this one apartment building.

The proposal warrants approval provided that those windows that are visible from the street feature a bronze finish per Exhibit C-1, Key Map. This approval also does not prevent a 100 percent switch to the bronze finish in the future if the applicant desires. The applicant has submitted wall sections that indicate that these windows will be properly located as shown on Exhibits C-2 – C-4.

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 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 Design Review process is to ensure that additions, new construction, and exterior alterations in historic districts do not compromise their ability to convey historic significance. For the reasons articulated above, this proposal meets Historic Design Review criteria applicable to these non-contributing structures.

This approval will allow the applicant to update these apartments while respecting the larger context of the neighborhood.

ADMINISTRATIVE DECISION

Approval of installation of Milguard Tuscan™ windows for five apartments in the Irvington Historic District, per the following table

	Address	Approved
Laurel View	2001 - 2031 NE Hancock	65
Crown Vista	1805 -1853 NE Schuyler Street	76
Crown Imperial 1	1901 – 1919 NE Schuyler Street	57
Crown Imperial 2	1921 – 2005 NE Schuyler Street	54
Crown Royal	1912 – 2032 NE Schuyler Street	104

and per Exhibit C-1, key of required bronze finish; and Exhibits C-2 – C-4 - signed and dated April 26, 2013; 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 4 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 13-108391 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

Staff Planner: Mark Bello



Decision rendered by: _____ **on April 26, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 30, 2013

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 January 24, 2013, and was determined to be complete on February 5, 2013.

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 January 24, 2013.

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 requested that the 120-day review period be extended an additional 30 days with Exhibit G.3 Unless further extended by the applicant, **the 150 days will expire on: July 5, 2013.**

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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 14, 2013** 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 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 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 **May 15, 2013**.
- 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.

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:

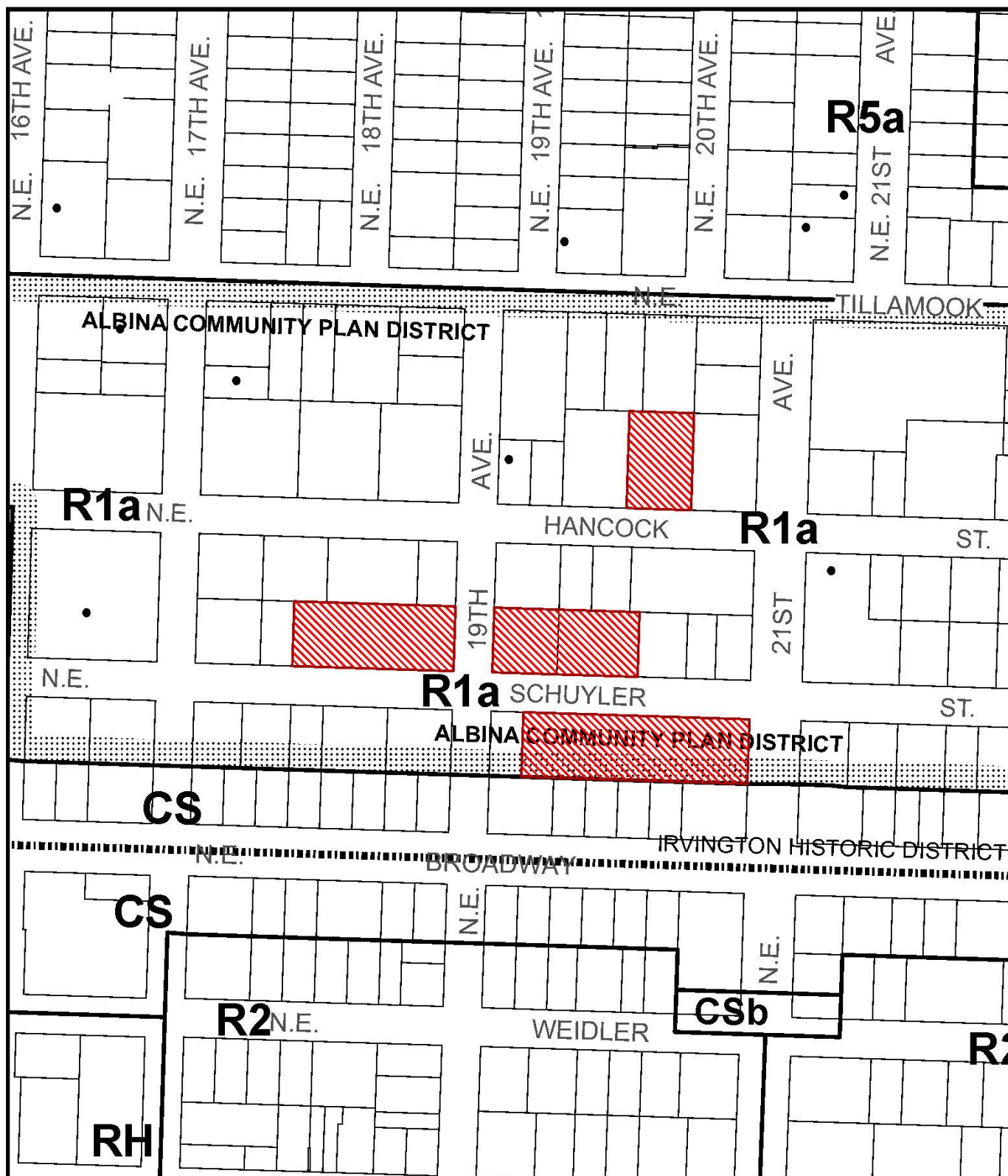
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1.1 Original Narrative
 - 1.2 Revised Narrative
 - 2. Photos, Illustrations
 - 3. Amended Proposal
 - 4. Milguard TuscanTM Vinyl Replacement Windows
- B. Zoning Map (attached)
- C. Plans/Drawings (attached):
 - 1. Site Plan/Graphic Showing Location of Bronze Windows (attached)
 - 2. Brick Window Installation Detail
 - 3. Partial Siding Window Installation Detail
 - 4. All Siding Window Installation Detail
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety, BDS
- F. Correspondence:
 - 1. Irvington Neighborhood Association, February 24, 2013
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter to Applicant, January 31, 2013
 - 2. Applicant Request for 30-day Extension, March 19, 2013

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

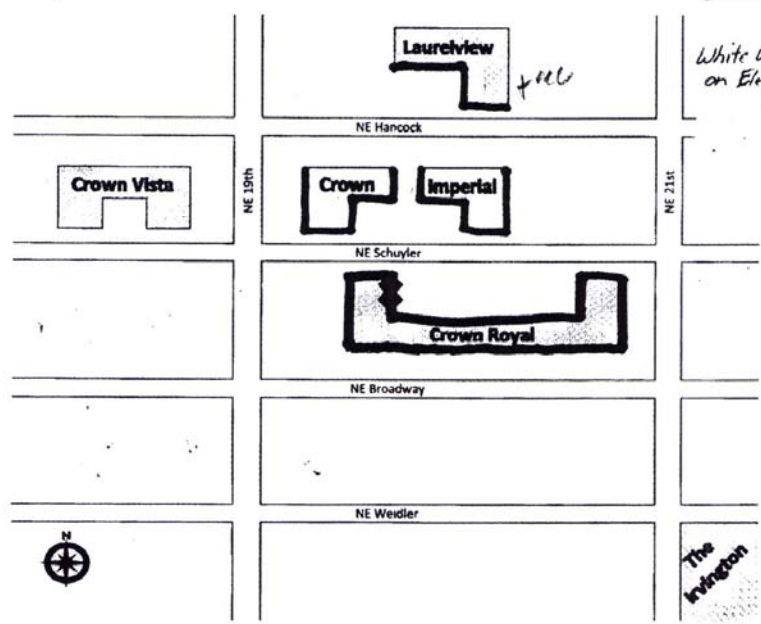


NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 13-108391 HDZ
1/4 Section 2832
Scale 1 inch = 200 feet
State_Id 1N1E26DD 12300
Exhibit B (Feb 06,2013)

KEY



✕ Office - 1912 NE Schuyler

Dark Bronze Windows to be used on Elevations Marked with Heavy Line
 White Windows to be used on Elevations marked with narrow line

NOTE:
 MINIMUM REQUIREMENT FOR BRONZE FINISH

* Approved*
 City of Portland
 Bureau of Development Services
 Planner WJB
 Date 4/26/13
 This approval applies only to the review requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

CASE NO. 13-108391
 EXHIBIT C1

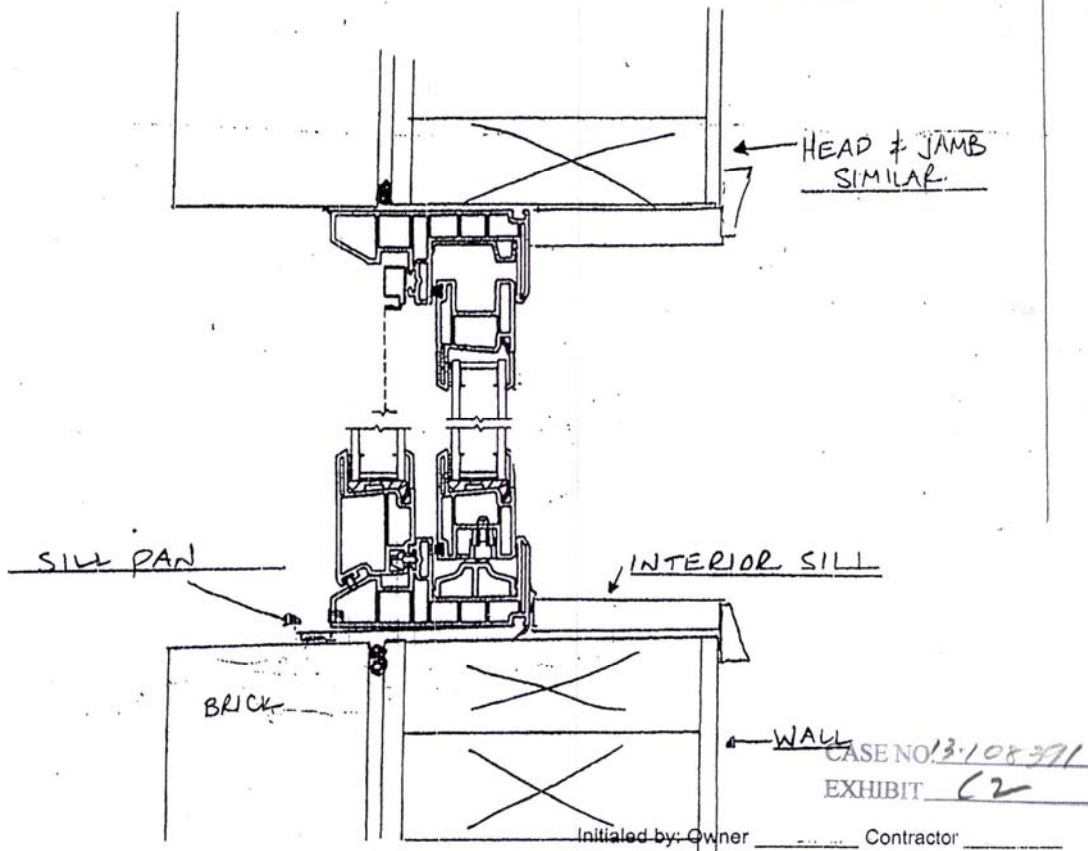
DETAIL FOR ALL BRICK OPENINGS^U

2

- Remove and dispose of storm window.
- Remove interior blinds.
- Collapse and remove existing aluminum window.
- Cut back the interior jambs to allow proper support for the new window.
- Clean up opening.
- Apply non-expanding foam sealant between brick and sheathing to eliminate air infiltration.
- Install aluminum coil stock sill pan extending 3/4" beyond window, bedded in polyurethane sealant.
- Install new vinyl window block frame. Attach with pan head screws (8# x 2⁵), three on each jamb, and two in head.
- Caulk interior with acrylic latex caulk.
- Caulk exterior with polyurethane caulk.
- Wash interior and exterior of new window.
- Reinstall interior blinds.

DETAIL FOR ALL BRICK OPENING:

Approved
 City of Portland
 Bureau of Development Services
 Planner MB
 Date 4/26/13
 This approval applies only to the
 review requested and is subject to all
 conditions of approval.
 Zoning requirements may apply

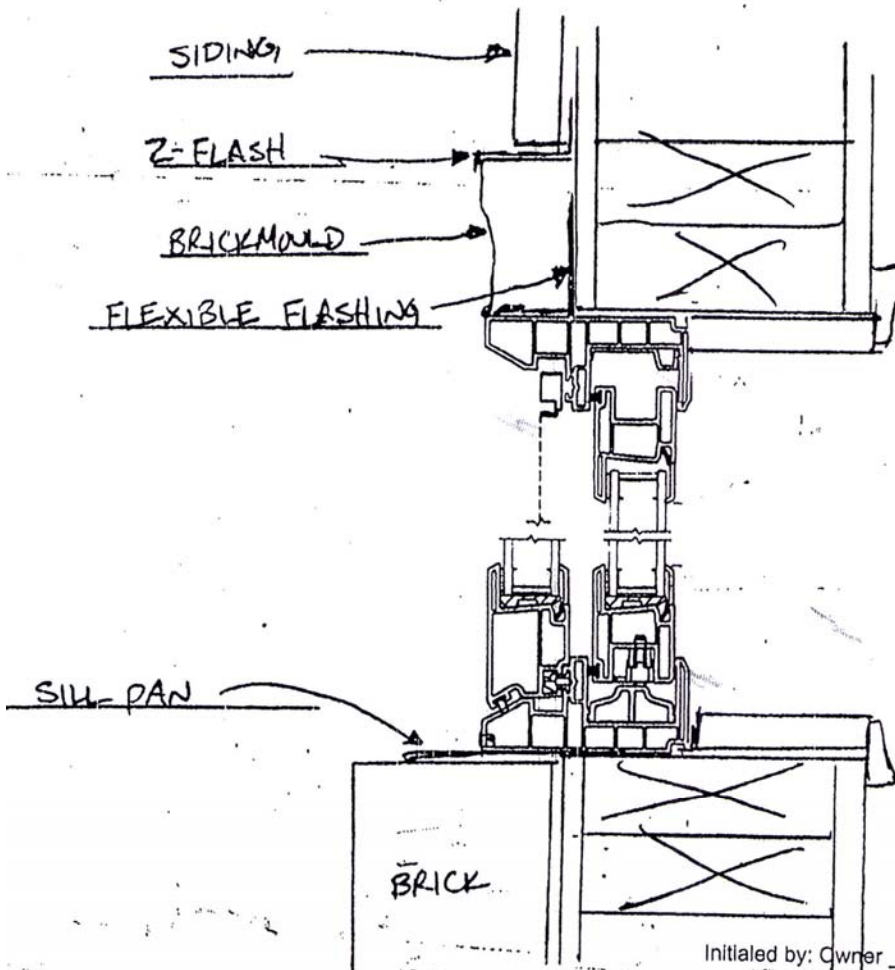


PARTIAL SIDING INSTALLATION DETAIL

3

- Remove and dispose of storm window.
- Cut siding around aluminum window exposing the nail fin.
- Remove interior blinds.
- Remove old window.
- Cut back the interior jambs to allow proper support for the new window.
- Seal behind the nail fin of the new window with polyurethane caulking.
- Seal between brick and wall at sill.
- Install aluminum coil stock sill pan extending 3/4" beyond window, bedded in polyurethane sealant.
- Install the new window plumb and square.
- Seal over the nail fin with a flexible flashing.
- Install new primed brickmould trim around the new window.
- Flash the top of the brickmould with Z-flashing.
- Caulk the exterior of the window to trim and trim to siding.
- Caulk the interior jambs.
- Wash interior and exterior of new window.
- Reinstall interior blinds.

PARTIAL SIDING INSTALLATION DETAIL



Vertical View	
NAIL HEAD	DATE
PLANE	4/26/13
JAMBS	AT
*Approved	
City of Portland	
Bureau of Development Services	
Planner	
Date	
* This approval applies only to the review requested and is subject to all conditions of approval.	
* Additional zoning requirements may apply.	

BLOCKFRAME WITH
SILL PAN AT SILL

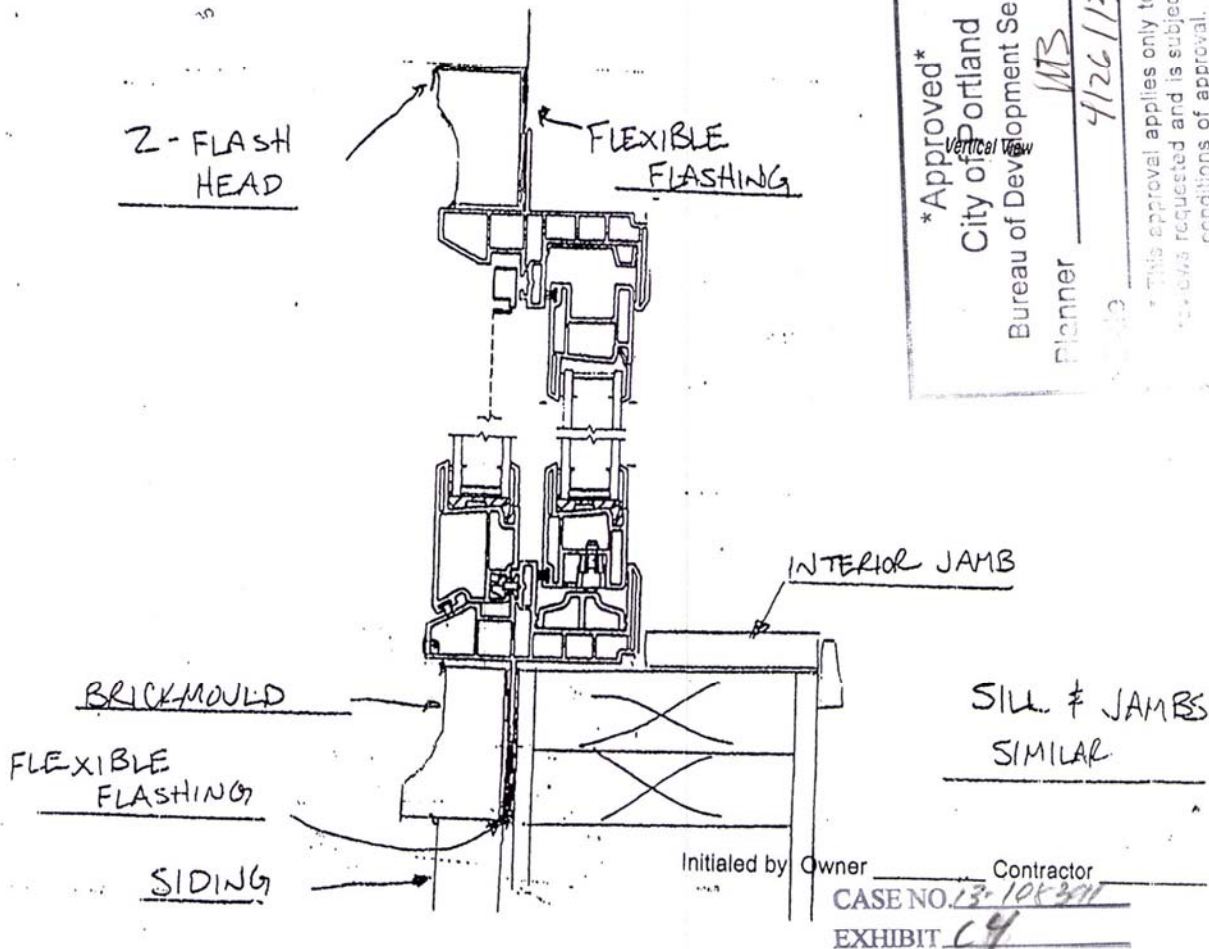
CASE NO. 128391
EXH. C3

Initialed by: Owner _____ Contractor _____

ALL SIDING INSTALLATION DETAIL

- Remove and dispose of storm window.
- Cut siding around aluminum window exposing the nail fin.
- Remove interior blinds.
- Remove old window.
- Cut back the interior jambs to allow proper support for the new window.
- Seal behind the nail fin of the new window with urethane caulking.
- Install the new window plumb and square.
- Seal over the nail fin with a flexible flashing.
- Install new primed brickmould trim around the new window.
- Flash the top of the brickmould with Z-flashing.
- Caulk the exterior of the window to trim and trim to siding.
- Caulk the interior jambs.
- Wash interior and exterior of new window.
- Reinstall interior blinds.

ALL SIDING INSTALLATION DETAIL



Approved
 City of Portland
 Bureau of Development Services
 Planner WB
 Date 4/26/13
 This approval applies only to the
 request and is subject to all
 conditions of approval.
 Additional zoning requirements may apply.

Initialed by Owner _____ Contractor _____
 CASE NO. 13-108371
 EXHIBIT C4