



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: June 3, 2015
To: Interested Person
From: Puja Bhutani, 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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-140382 HR - REMODEL

GENERAL INFORMATION

Applicant: Mary Hogue / Mkm Architecture
3304 SE 52nd Ave / Portland OR 97206

Owner: Patrick Regan
Po Box 4017 / Beaverton OR 97075

Site Address: 2538 NE 18TH AVE
Legal Description: BLOCK 38 LOT 14, IRVINGTON
Tax Account No.: R420408220
State ID No.: 1N1E26AC 14200
Quarter Section: 2732

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact info@necoalition.org
Other Designations: Contributing Structure in the Irvington Historic District
Zoning: R5, Single Family Residential
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant is proposing an interior remodel of the basement, first and second floor of the subject house. The proposed work as it relates to the exterior of the house includes replacing non-original windows with Marvin wood Ultimate windows; relocating two original wood windows and one original door; replacing a non-original rear deck, adding two doors to the rear elevation; and replacing the original concrete basement stairs with new concrete stairs. There are no changes proposed to the building foot-print or the roofline of the house. The modifications are itemized below:

West / Front Façade: No changes are proposed to the front façade.

South Façade:

Basement: Propose to replace (2) non-original windows with new wood windows, one in the existing opening, other in a bigger opening to match existing original bedroom window.

First floor: no changes.

Second floor:

1. Bed 1 closet: Current condition has an original window opening with a non-original window. Propose to replace the non-original window in the original opening.
2. Bath 1: Current condition has (2) original window openings with non-original windows. Propose to replace the (2) non-original windows in the original openings.

East / Rear Façade:

Basement: Propose to replace (1) non-original window with new wood windows in a larger opening to match original bedroom window.

First Floor:

1. Kitchen: Current condition has original wood door with transom window. Propose to relocate original door to exterior access door to basement. Propose to replace original door in Kitchen with pair of full lite double doors aligned w/ windows above.
2. Kitchen: Current condition is Bed 4 with tall original window. Propose to replace tall window with same width window with higher sill. Propose to relocate original window to Bed 2 on North façade.

Second Floor:

1. 2002 Remodel 2nd Floor Dormer – Bath 2, Hall 3 & Bed 3: Current condition has (5) non-original wood windows of (3) different sizes and configurations. Propose to replace with (5) new wood windows. All new windows are the same size and relocated to align with windows and doors below.

North Façade:

Basement: Propose to replace (2) non-original window with (2) new wood windows in larger openings, to match original bedroom windows.

First Floor:

1. Kitchen: Current condition is Bed 4 with tall original window. Propose to replace tall window with same width window with higher sill. Propose to relocate original window to Bed 2.

Second Floor:

1. Bed 2: Current condition has an original window opening with a non-original window. Propose to replace the non-original window in the original opening.
2. Bed 2: Current condition has replacement window in modified original opening. Propose to relocate (2) original wood windows from Bed 4 (now Kitchen) to Bed 2. Modified original opening will need to be slightly enlarged and propose to shift to align with ridge for symmetry.

Historic design review is required because the proposal is for non-exempt exterior alteration of a contributing structure 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 Historic Resource Review
- 33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject site, which is 5,000 square feet in size, is occupied by a two-story, 2,900-square-foot single-dwelling home. The residence is a typical Arts & Crafts style home built in 1910 and classified as a Contributing Resource in the Irvington Historic District. The site is located on the rectangular block bounded by NE 18th Avenue to the west, NE Knott Street to the north, NE 19th Avenue to the east, and NE Brazee Street to the south. The front façade is largely unchanged; however a large rear dormer was added to the house in 2002.

Several original windows have been replaced, some with aluminum sliders, on all except the front elevation.

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 a 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: This property is zoned R5. The Residential 5,000 high-density 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. The R5 zone allows attached and detached single-dwelling structures and duplexes. 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 living unit per 5,000 square feet of site area.

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.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 1, 2015**. The following Bureaus have responded with no concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Life Safety
- Bureau of Parks – Forestry Division
- PBOT

The Life Safety Bureau responded with the following comment: Plan review needed before building permit can be issued. Please see Exhibit E-1 for additional details.

The Water Bureau responded with the following comment: Review needed for appropriate size of water service and meter before building permit is issued. Please see Exhibit E-2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 1, 2015. One written response has been received from the Neighborhood Association:

1. Dean Gisvold, ICA Land Use Committee, May 26, 2015, 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.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced.
- 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 1, 4 and 7: There are no changes being proposed to the contributing house's form, front façade, roofline or the building footprint. There are no original windows and doors being removed. Two original windows and one original door will be repaired and relocated to other elevations of the house. All the proposed new and replacement windows are located on the rear and side elevations. The new windows are sized appropriately to exactly match original sizes or be proportionally comparable. The proposed Marvin Wood Ultimate windows will match the existing window detailing and shadow lines to the extent possible. All the exterior trim and siding will be reused to the extent possible. The new trim and sidings will match that of the existing house. The rear wood deck to be removed and replaced is not original to the house. The replacement wood deck will be compatible with the existing character and details of the house. *These criteria are 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.
- 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 8 & 10. There are no changes being proposed to the contributing house's form, front façade, roofline or the building footprint. The proposed new and replacement windows

are located on the rear and side elevations. The west and south elevations consists of new windows in the original openings, and hence retain the original window configurations. On the north façade the new second floor window is centered on the gable, and the first floor new window is more consistent in its proportions with the others on that elevation. Therefore, the proposed windows on the north elevation create a more symmetrical and cohesive façade. The rear elevation was remodeled in 2002 with a large shed dormer addition. The window sizes and location on this addition do not relate to each other or the first floor windows. All doors and windows, except for one on the first floor, are being replaced. The proposed replacement windows will match the proportions and size of the original windows. They have been located to correct the alignment and produce a more symmetrical and cohesive elevation. The replacement rear wood deck is also appropriately sized and detailed to be compatible with the existing house. All siding and trims will be either re-used or match that on the house. *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 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 non historic replacement windows and rear deck on a contributing resource in the Irvington Historic District.

Approval is per the approved site plans, Exhibits C-1 through C-21, signed and dated May 29, 2015 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-C.21. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-140382 HR. No field changes allowed."

Staff Planner: Puja Bhutani

Decision rendered by:  **on (May 29, 2015)**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 3, 2015

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 March 26, 2015, and was determined to be complete on **April 30, 2015**.

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 26, 2015.

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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 17, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **June 18, 2015**. 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.

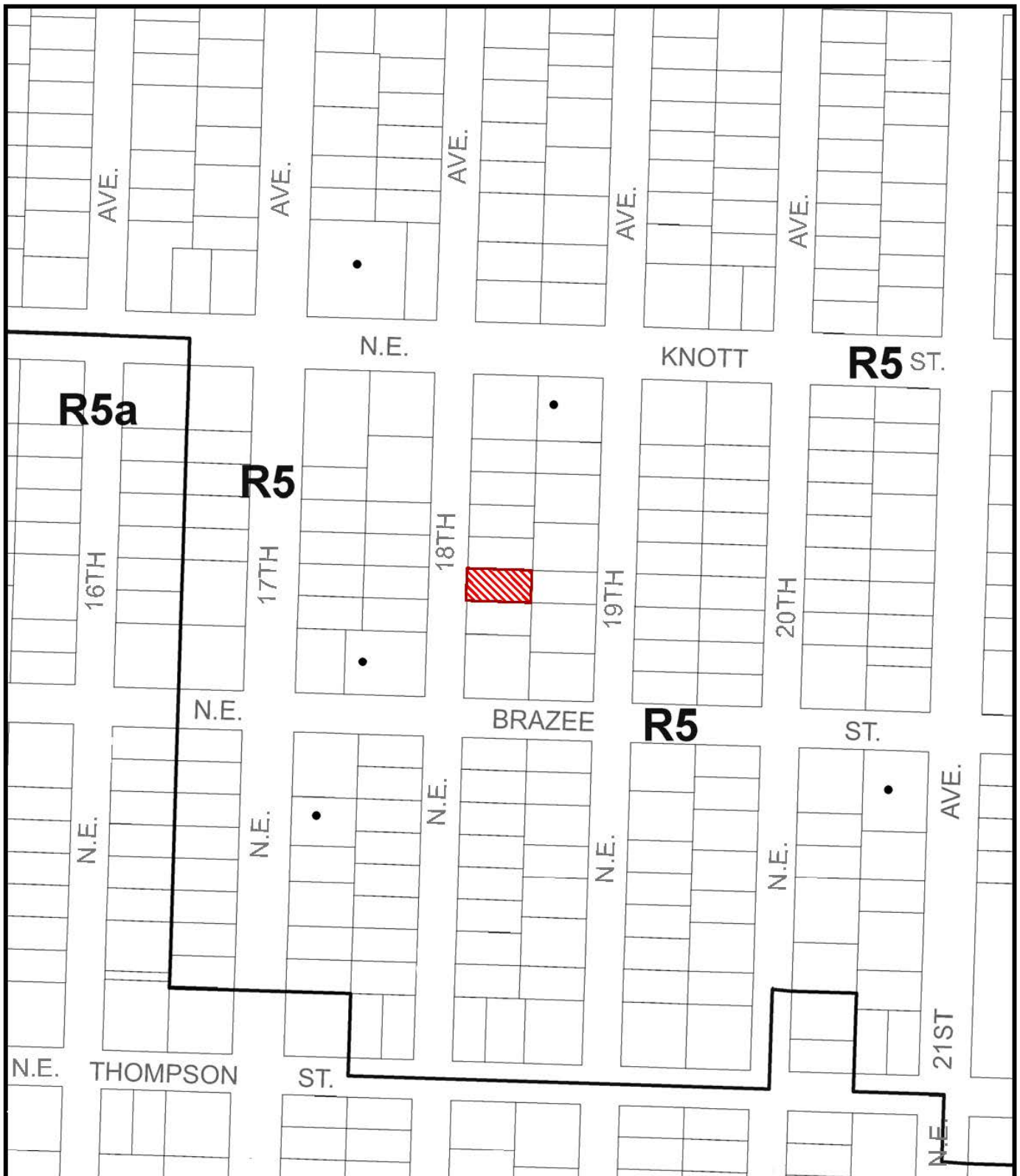
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 and photographs.
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Site Plan
 - 2. Proposed Site Plan (attached)
 - 3. Existing and Proposed West/Front Elevation
 - 4. Existing and Proposed South/Side Elevation (attached)
 - 5. Existing and Proposed East/Rear Elevation (attached)
 - 6. Existing and Proposed North/Side Elevation (attached)
 - 7. Existing 1st Floor Plan
 - 8. Existing 2nd Floor Plan
 - 9. Existing Basement Plan
 - 10. Proposed 1st Floor Plan
 - 11. Proposed 2nd Floor Plan
 - 12. Proposed Basement Plan
 - 13. Existing and Proposed Roof Plan
 - 14. Building Section
 - 15. Rear Deck Guardrail Detail
 - 16. Door and Window Schedule
 - 17. Existing Wood Window Section
 - 18. New Wood Window Section
 - 19. New and Relocated door head sections
 - 20. New Wood Window Section
 - 21. New Window Sample Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety
 - 2. Water Bureau
- F. Correspondence:
 - 1. Dean Gisvold, ICA Land Use Committee, May 26th 2015, no objections.
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record
 - 3. Incomplete Letter
 - 4. Original submittal

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

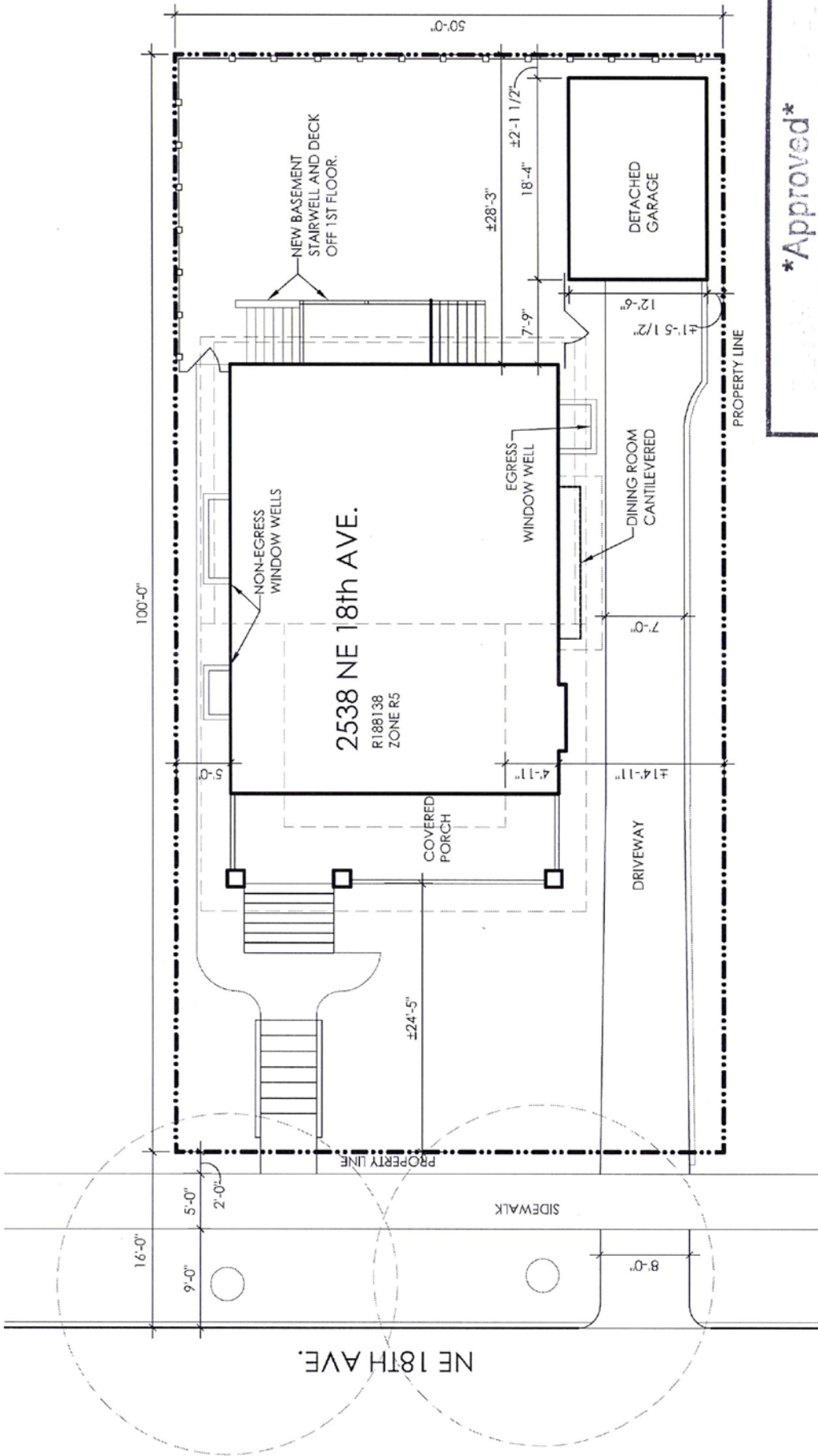


Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No.	LU 15-140382 HR
1/4 Section	2732,2832
Scale	1 inch = 200 feet
State_Id	1N1E26AC 14200
Exhibit	B (Mar 30,2015)



Approved
 City of Portland
 Bureau of Development Services
 Planner Piya Bhutani
 Date 5/29/15

* This approval applies only to the reviews requested and is subject to all conditions of approval.

Regan / Stockwell scale: N

1/16" = 1'-0"
 04.28.15

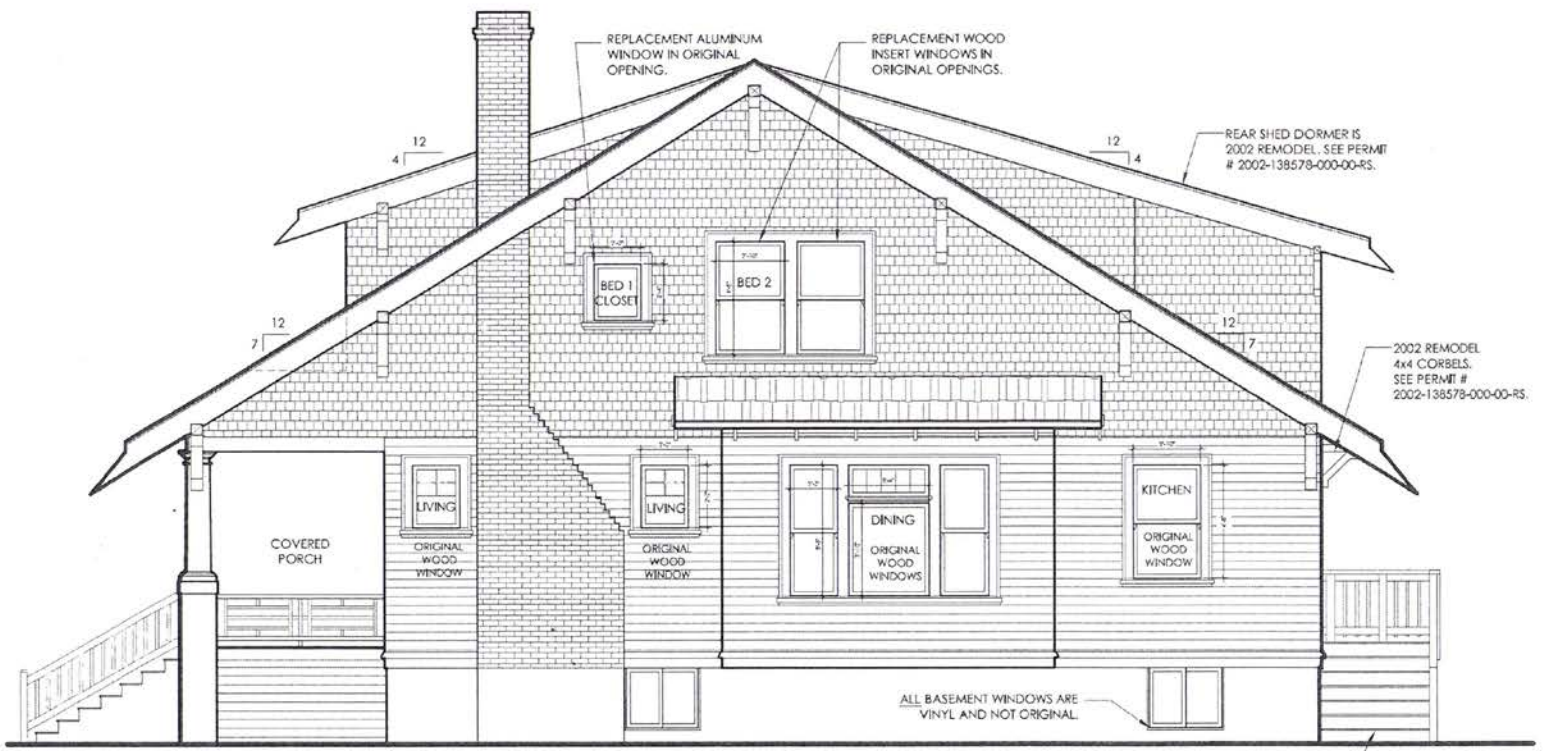
HISTORIC REVIEW 2538 NE 18th Ave
 Portland, OR 97212

3 PROPOSED SITE PLAN

A1

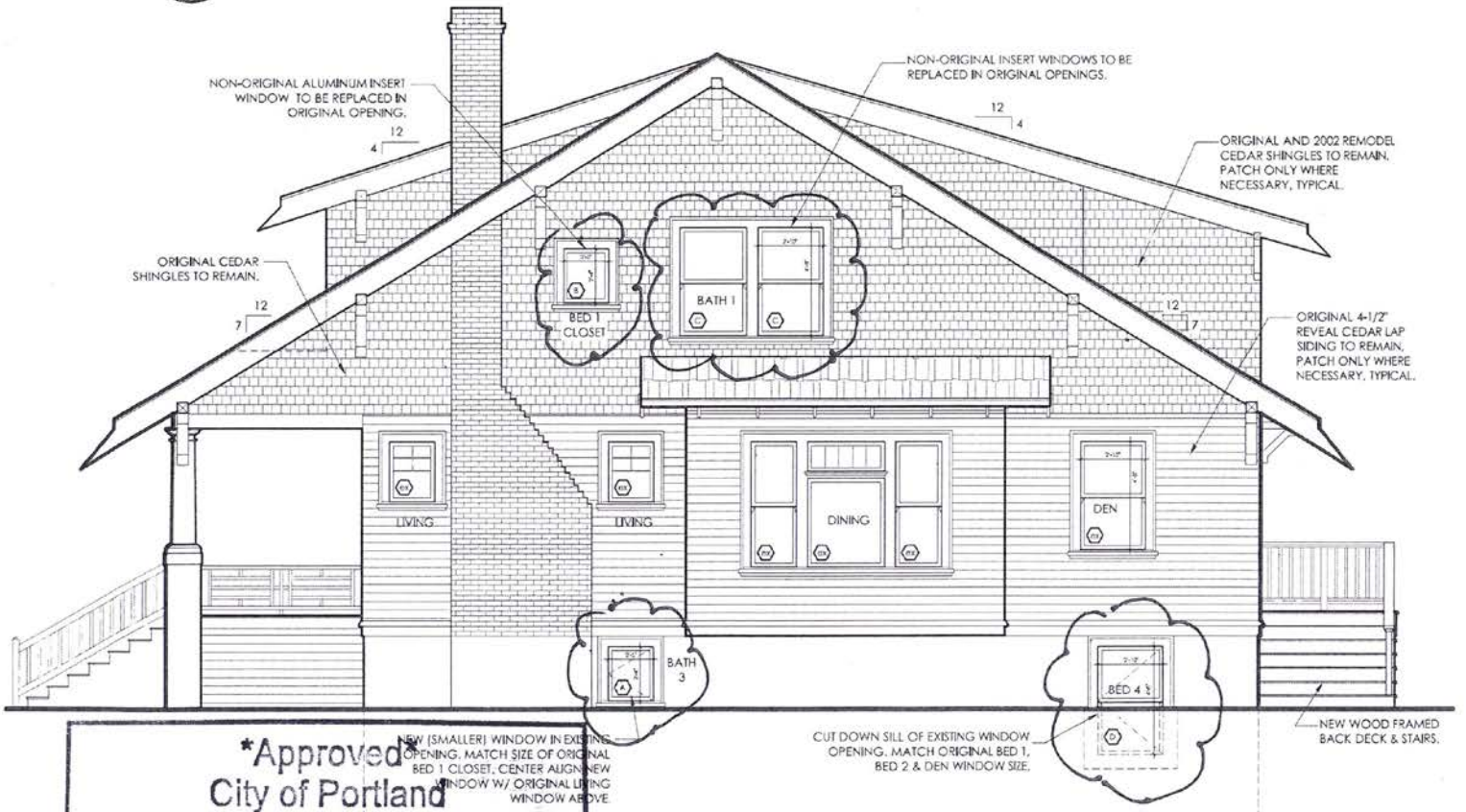
LU 15-140382 HR

EXHIBIT C-2



1
A2

EXISTING SOUTH EXTERIOR ELEVATION



*Approved
City of Portland

Bureau of Development Services

Planner
A3
Date 5/29/15

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

PROPOSED SOUTH EXTERIOR ELEVATION

Regan / Stockwell Scale:
2538 NE 18th Ave 1/8" = 1'-0"
Portland, OR 97212 04.28.15

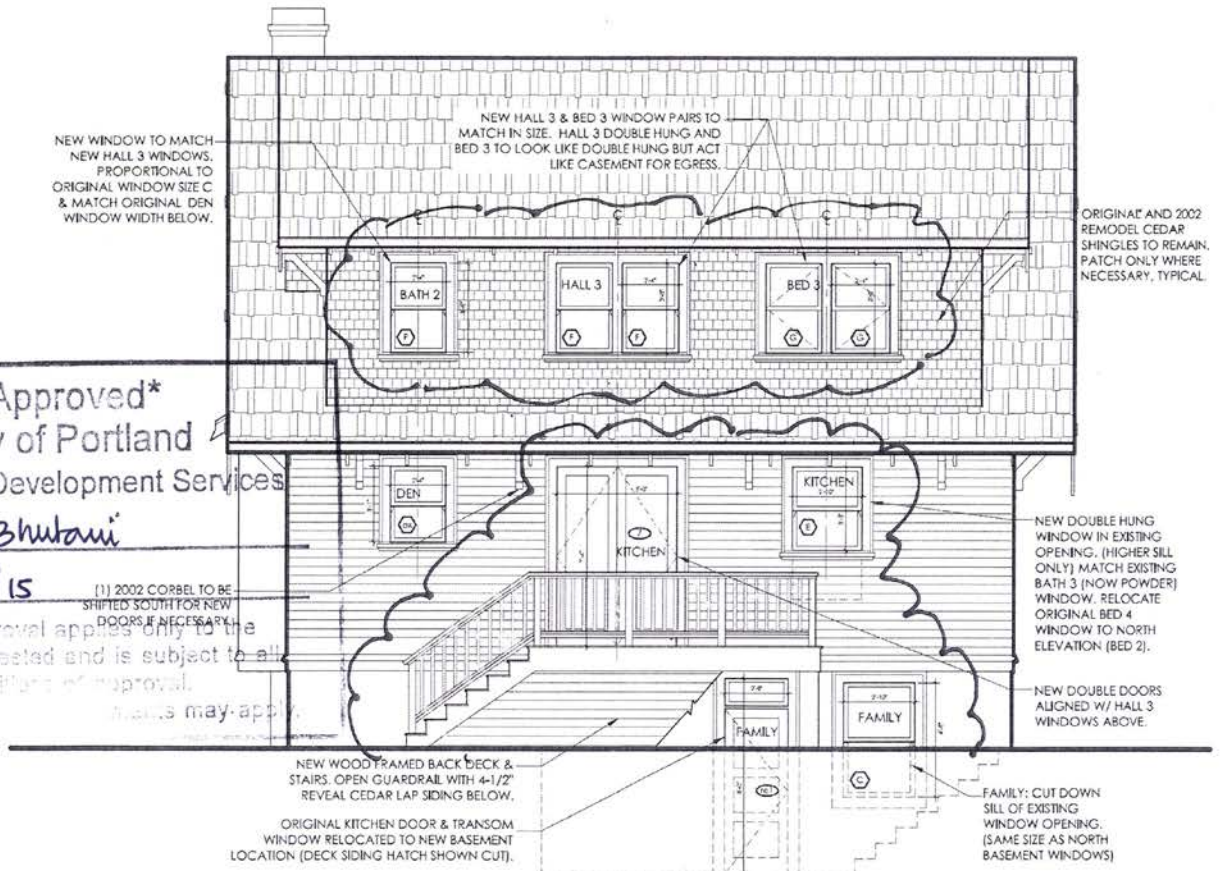
LU 15-140382 HR

EXHIBIT C4



4
A2

EXISTING EAST / REAR EXTERIOR ELEVATION



Approved
City of Portland

Bureau of Development Services

Planner P. Bhutani

Date 5/29/15

(1) 2002 CORBEL TO BE SHIFTED SOUTH FOR NEW DOORS IF NECESSARY.
* This approval applies only to the reviews requested and is subject to all conditions of approval.
Handwritten: *Handwritten: may apply.*

4
A3

PROPOSED EAST / REAR EXTERIOR ELEVATION

Regan / Stockwell

Scale:

HISTORIC REVIEW

2538 NE 18th Ave

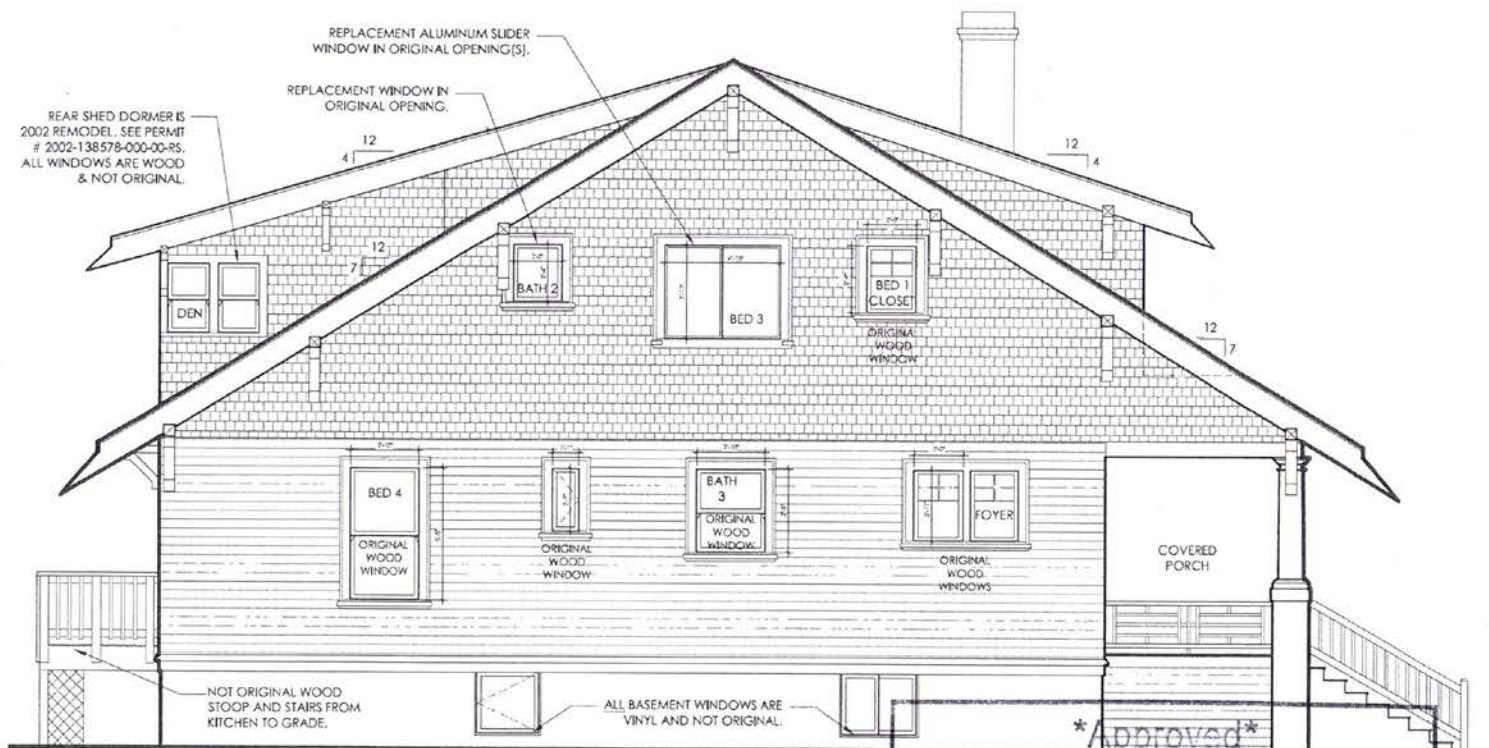
1/8" = 1'-0"

Portland, OR 97212

04.28.15

LU 15-140382 HR

EXHIBIT C5



EXISTING NORTH EXTERIOR ELEVATION

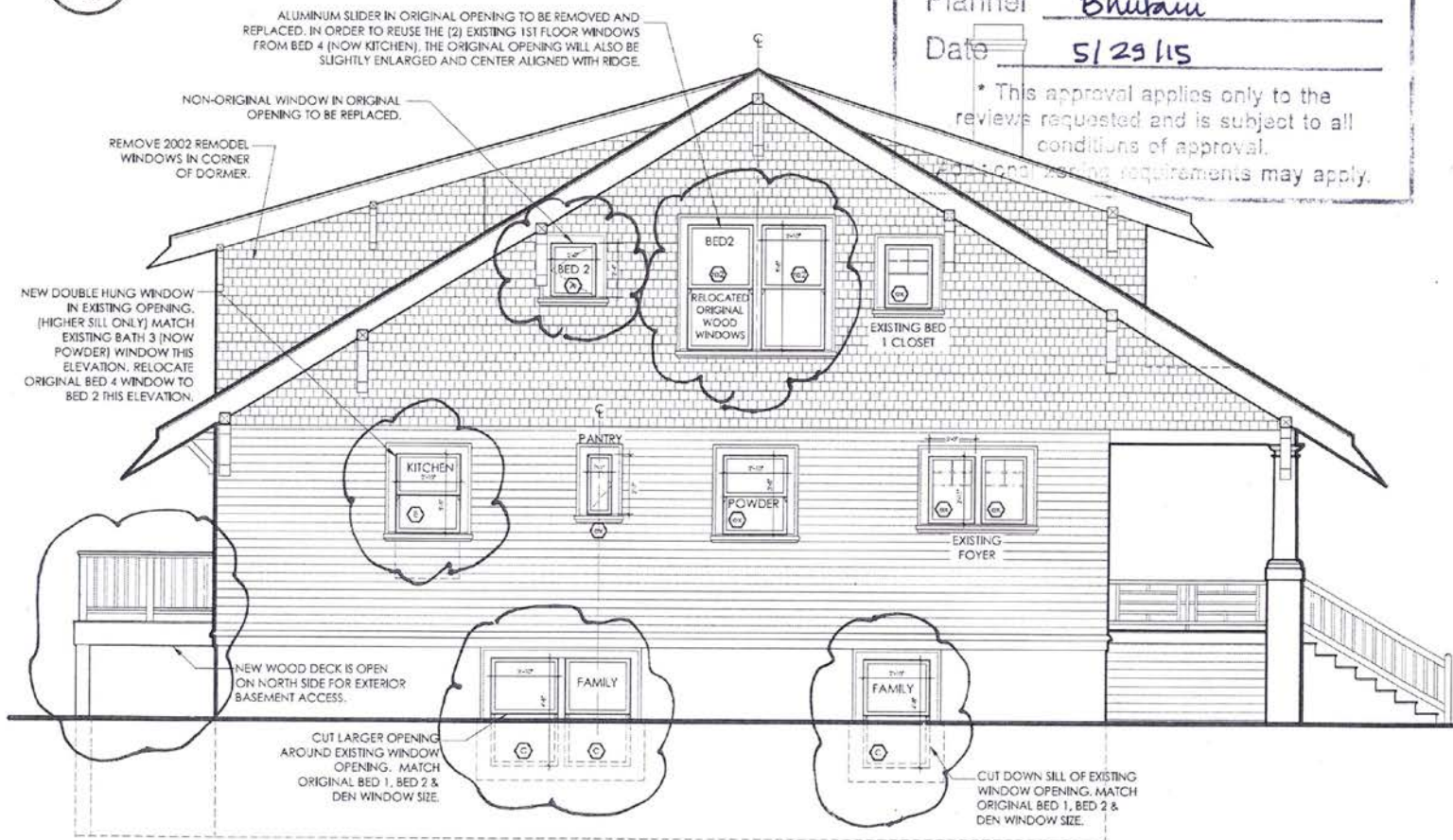
City of Portland

Bureau of Development Services

Planner Bhubani

Date 5/29/15

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



PROPOSED NORTH EXTERIOR ELEVATION

Regan / Stockwell

Scale:

HISTORIC REVIEW

2538 NE 18th Ave

1/8" = 1'-0"

Portland, OR 97212

04.28.15

LU 15-140382 HR

EXHIBIT C-6