



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

Dan Saltzman, Commissioner
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Date: December 6, 2016
To: Interested Person
From: Megan Sita Walker, 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 a 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 16-247979 HR - WINDOW REPLACEMENT AND INSTALLATION OF FRENCH DOORS

GENERAL INFORMATION

Applicant: Ken Wiesler
624 NE 64th Avenue
Portland, OR 97213

Owners: Stanley F Horak & Fay B Horak
3228 NE 20th Avenue
Portland, OR 97212

Site Address: 3404 NE 21ST AVE

Legal Description: BLOCK 15 LOT 16, IRVINGTON
Tax Account No.: R420403170
State ID No.: 1N1E26AA 04200
Quarter Section: 2732

Neighborhood: Alameda, contact Dave Johansen at 415-225-6202. Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: None
Other Designations: Contributing Resource in the Irvington Historic District

Zoning: R5h, Residential 5,000 with Historic Resource Protection overlay
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 seeks Historic Resource Review approval for alterations to a contributing resource in the Irvington Historic District. The extent of work proposed includes the removal of four (4) original windows on the north (side) and east (rear) façades.

The applicant proposes the following alterations:

On the north (side) façade:

- Two (2) original all wood, eight over one double hung windows, each measuring approximately 3'-0" wide by 2'-9" tall, are proposed to be replaced with custom all wood, eight over one double hung windows with true divided lites, measuring approximately 3'-0" wide by 3'-5" tall.
- An existing doorway with a non-original screen door is proposed to be sealed and patched with siding to match the original condition in terms of material, profile, texture, and color.

On the east (rear) façade:

- On the east (rear) façade, the two (2) original windows together (including trim), measure approximately 6'-9" wide by 4'-9" tall, are proposed to be replaced with a pair of custom all wood, French doors with true divided lites, measuring approximately 5'-0" wide by 7'-0" tall. The remaining opening will be sealed and patched with siding to match the original condition in terms of material, profile, texture, and color.

Because the proposal includes non-exempt alterations to the exterior of a contributing resource in the Irvington Historic District, Historic Resource Review is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- Section 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject property is a 5,000 square foot lot fronting onto NE 21th Avenue with a bungalow style home with shake siding constructed in 1920. The property is listed as a contributing resource in the Irvington Historic District, a registered historic district with the National Register of Historic Places on October 22, 2010.

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

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

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival

modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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 November 9, 2016. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 9, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Land Use Committee, on November 22, 2016, wrote, the ICA Land Use Committee has reviewed the application and has no objections.

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 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.
- 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.
- 3. Historic changes.** Most properties 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 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.
- 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.
- 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 for 1, 2, 3, 4, 5, and 9: The applicant proposes the following alterations:

On the north (side) façade:

- Two (2) original all wood, eight over one double hung windows, each measuring approximately 3'-0" wide by 2'-9" tall, are proposed to be replaced with custom all wood, eight over one double hung windows with true divided lites, measuring approximately 3'-0" wide by 3'-5" tall.
- An existing doorway with a non-original screen door is proposed to be sealed and patched with siding to match the original condition in terms of material, profile, texture, and color.

On the east (rear) façade:

- On the east (rear) façade, the two (2) original windows together (including trim), measure approximately 6'-9" wide by 4'-9" tall, are proposed to be replaced with a pair of custom all wood, French doors with true divided lites, measuring approximately 5'-0" wide by 7'-0" tall. The remaining opening will be sealed and patched with siding to match the original condition in terms of material, profile, texture, and color.

While the proposal includes the replacement of four (4) original windows, the proposed window and door replacements match the original windows in terms of proportion, detailing, and material, and the non-original aluminum framed screen door is proposed to be removed and the opening patched with cedar shake siding to match the original condition. As such, the proposed alterations will not result in a loss of historic character of the resource or impact the record of its time, place or use. *These criteria are met.*

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.

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 7, 8, and 10: On the north (side) elevation, the applicant is proposing to replace two (2) original all wood, eight over one double hung windows, each measuring approximately 3'-0" wide by 2'-9" tall, with custom all wood, eight over one double hung windows with true divided lites, measuring approximately 3'-0" wide by 3'-5" tall. Also on this façade, the applicant proposes to remove a non-original aluminum framed screen door and patch the opening with cedar shake siding. On the east (rear) façade, the applicant is proposing to replace two (2) original windows together (including trim), measuring approximately 6'-9" wide by 4'-9" tall, with a pair of custom all wood French doors with true divided lites, measuring approximately 5'-0" wide by 7'-0" tall. The new custom replacement windows will be designed to exactly match the style, depths, and profiles of existing historic windows elsewhere on the home and the custom wood French doors. The new work will be differentiated with the relatively contemporary products and materials proposed. The original proposal included the introduction of a bay window on the north façade of the resource. The revised proposal to lower the sills of the two windows by 8" and replace them with custom, all wood, true divided lite windows has a less significant impact on historic material. The proposed alterations are compatible with the resource and will not compromise the architectural integrity of the historic home or its significant in the Irvington Historic 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 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 alterations include the replacement of four original windows: two on the north (side) façade and two on the east (rear) facade with custom, all wood, true divided lite windows and french doors and the removal of one non-original door on the north façade of a contributing resource in the Irvington Historic District. The purpose of the historic resource review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal employs durable, architecturally compatible materials, respects the original character of the resource, and allows it to remain a coherent composition. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to a contributing resource in the Irvington Historic District, to include: the replacement of two (2) original windows with custom all wood, true divided light windows and the removal of one (1) non-original aluminum framed screen door to be patched with siding to match on the north façade; and the replacement of two (2) original windows with a pair of custom, all wood, true divided lite french doors on the east facade, per the approved site plans, Exhibits C-1 through C-9, signed and dated December 1, 2016, 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.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-247979 HR."

Staff Planner: Megan Sita Walker

Decision rendered by:  **on December 1, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed December 6, 2016

Procedural Information. The application for this land use review was submitted on September 23, 2016, and was determined to be complete on **November 3, 2016**.

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 23, 2016.

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: March 3, 2016.**

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 must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **December 7, 2016**. 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 503-823-7617.

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:

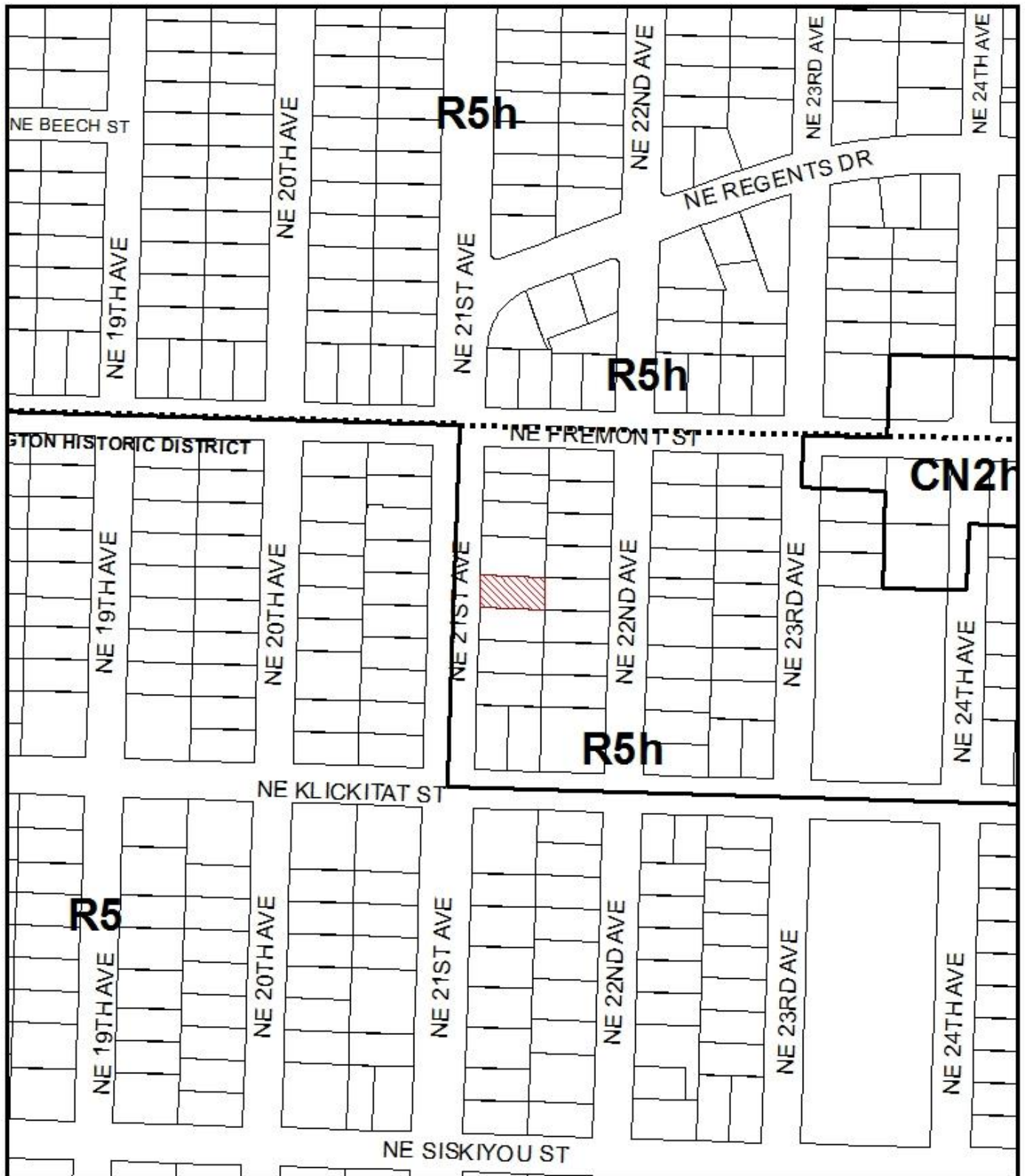
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Description and Response to Approval Criteria
 - 2. Original Drawing Set – Not Approved/ For Reference Only
 - 3. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Ground Floor Plan
 - 3. Proposed Ground Floor Plan
 - 4. Existing North Elevation (attached)
 - 5. Existing East Elevation (attached)
 - 6. Proposed West Elevation – No Change
 - 7. Proposed North Elevation (attached)
 - 8. Proposed East Elevation (attached)
 - 9. Existing and Proposed Details & Wall Sections
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No response
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on November 22, 2016, wrote the ICA Land Use Committee has reviewed the proposal and has no objections.
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record
 - 3. Irvington Historic District Nomination, Page 112 of 242
 - 4. Incomplete Letter from Staff to the Applicant, sent on October 18, 2016

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

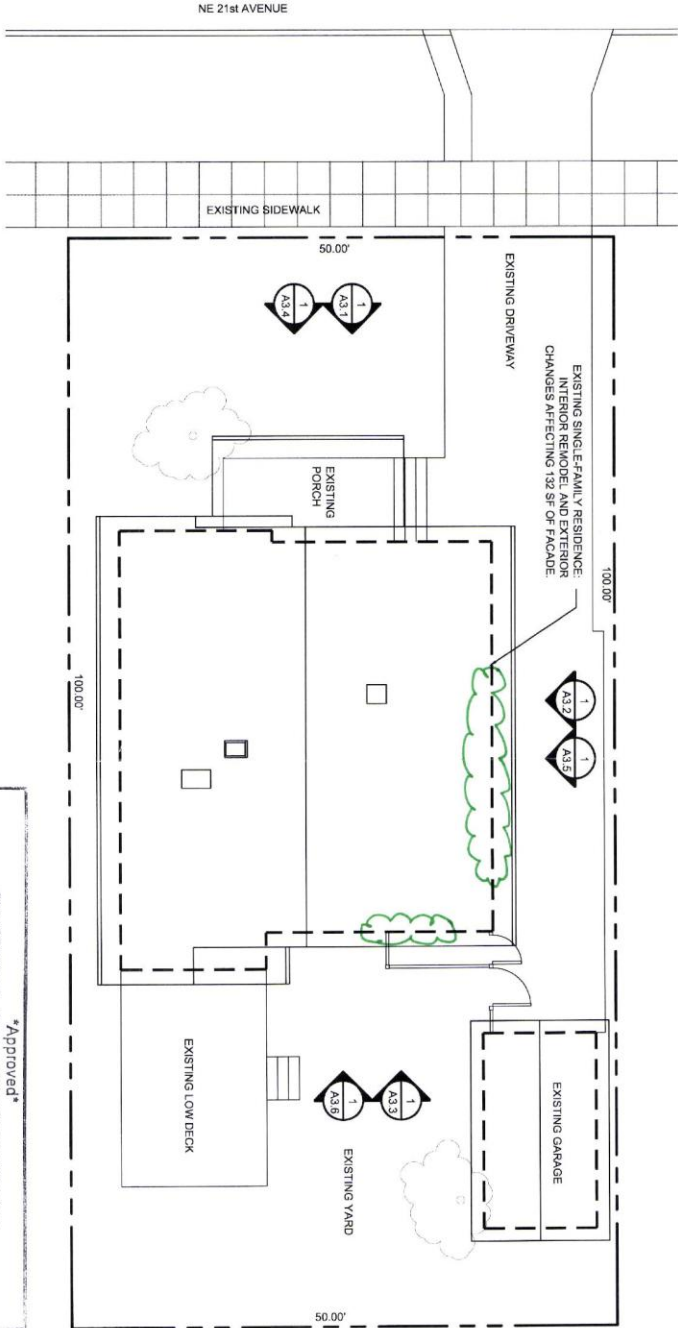
 Site



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No.	<u>LU 16-247979 HR</u>
1/4 Section	<u>2732</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26AA 4200</u>
Exhibit	<u>B</u> (Sep 28, 2016)



1 SITE PLAN
1" = 10'-0"

PROJECT CONTACT INFORMATION:

CLIENT:
GREG AND SHANA HAWLEY
3404 NE 21st AVENUE
PORTLAND, OR 97212

DRAFTING:
KEN WIESLER
503.866.9535
ken@spiritech.com

CONTRACTOR:
MARK URBAN
URBAN RESTORATION
971-570-1577
CCB # 122337

OWNER:
STANLEY F AND FAY B HORAK
3228 NE 20TH AVENUE
PORTLAND, OR 97212

SITE ADDRESS:
3404 NE 21st AVENUE
PORTLAND, OR 97212

STATE ID:
1N1E28AA 4200
MULTNOMAH COUNTY

PROPERTY ID:
R187750

ZONING:
R5h

HIST. DISTRICT:
IRVINGTON

ALLOWED USE:
HOUSEHOLD LIVING

SITE COVERAGE DATA:

LOT SIZE: 5,000 SF
BUILDING COVERAGE AND IMPERVIOUS AREA NOT AFFECTED

SETBACKS:
FRONT: 10' NO CHANGE
SIDE: 5' NO CHANGE
REAR: 5' NO CHANGE

PROJECT CONSISTS OF:

1. INTERIOR REMODEL OF SINGLE FAMILY RESIDENCE.
2. REMOVAL AND SUBSTITUTION OF WINDOWS ON EAST AND NORTH SIDES OF RESIDENCE.
3. ASSOCIATED MECHANICAL, ELECTRICAL, AND PLUMBING.

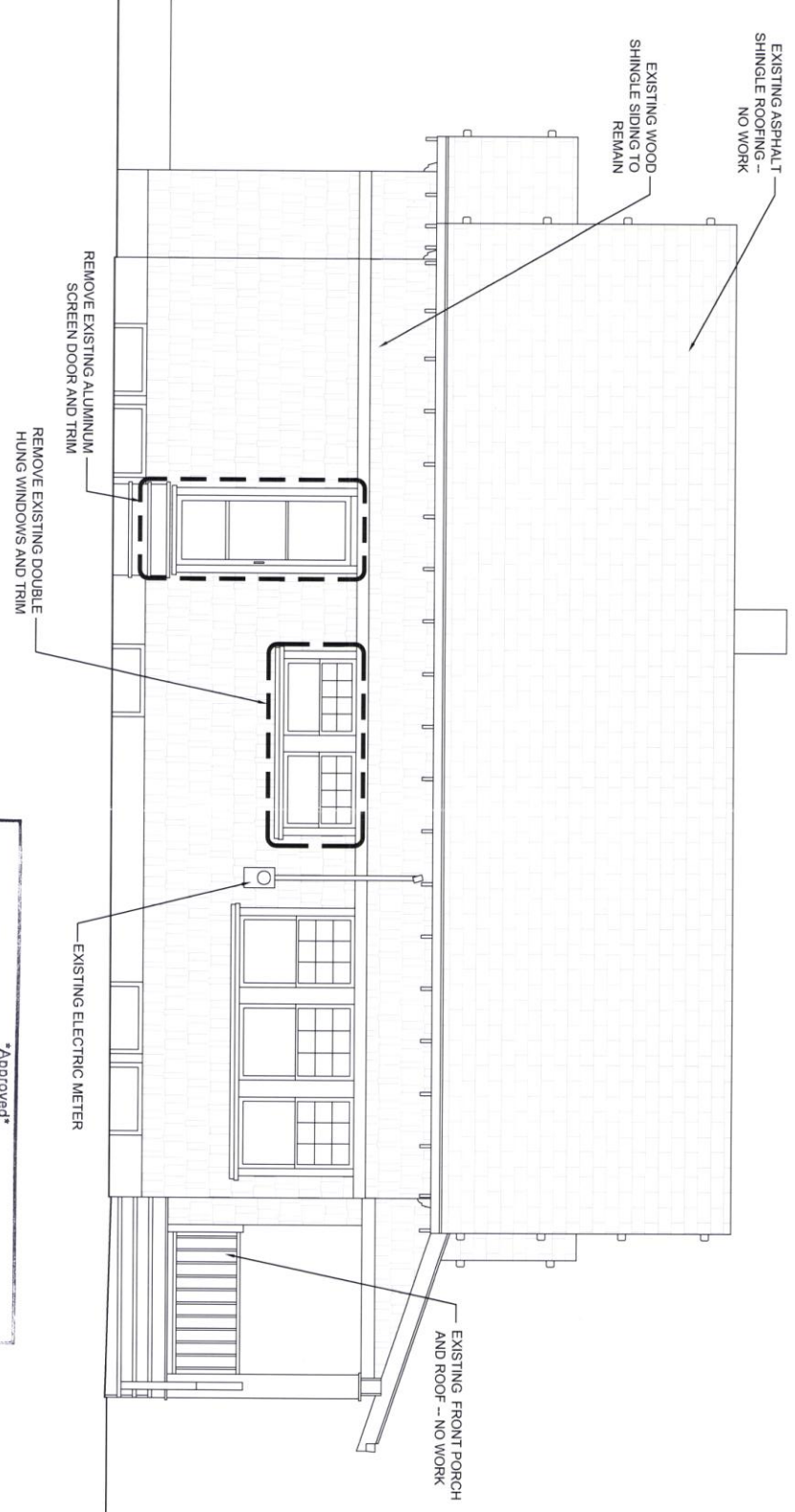
Approved
City of Portland - Bureau of Development Services
Date: 12-01-16
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

2 PROJECT INFORMATION
NO SCALE

3 DRAWING INDEX
NO SCALE
LU 16-2 47 979 HLR

A1.1	REVISIONS:	HISTORIC REVIEW 09/21/16	PROJECT INFO		HAWLEY RESIDENCE		Ken Wiesler Residential Design and Consulting 503.866.9535 ken@spiritech.com
			SITE PLAN		GREG AND SHANA HAWLEY 3404 NE 21st AVENUE PORTLAND, OR 97212		

1 EXISTING NORTH ELEVATION
1/4" = 1'-0"



Planner *[Signature]*
City of Portland - Bureau of Development Services
Date 12.01.16
Approved
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

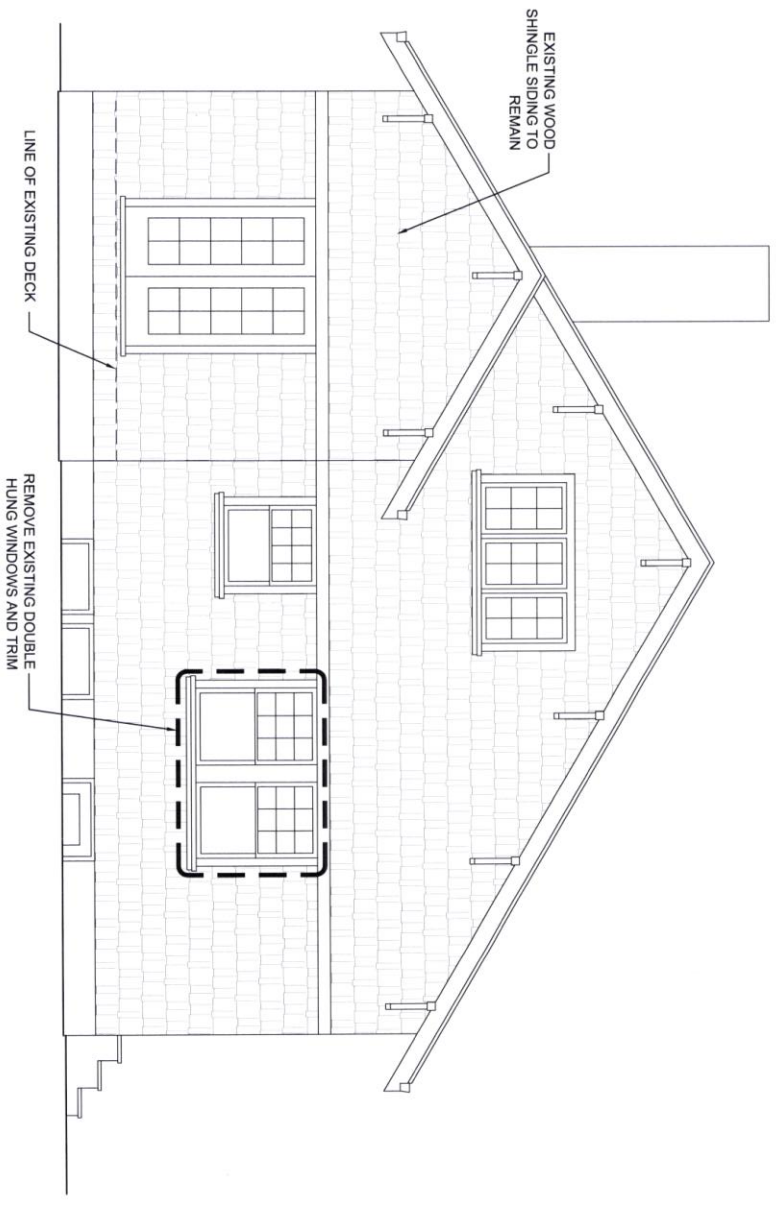
REVISED
NOVEMBER 3, 2016

Ext C-4
LU 16-24771 HR

Ken Wiesler Residential Design and Consulting 503.866.9535 ken@spiretech.com	HAWLEY RESIDENCE GREG AND SHANA HAWLEY 3404 NE 21st AVENUE PORTLAND, OR 97212	EXISTING NORTH ELEVATION	HISTORIC REVIEW 09/21/16 NOT FOR CONSTRUCTION REVISIONS: 11/01/2016	A3.2
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1
1/4" = 1'-0"

EXISTING EAST ELEVATION

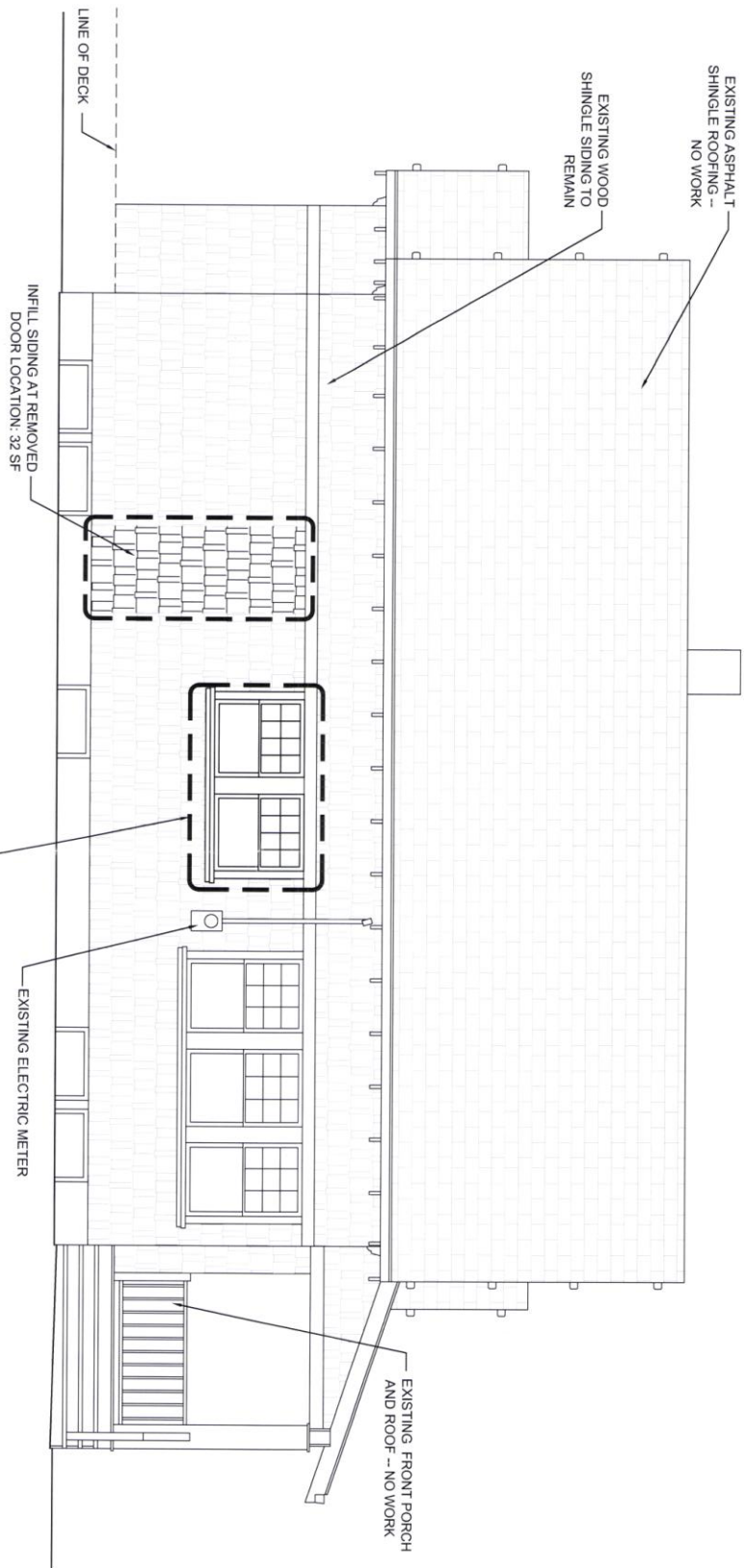


Approved
City of Portland - Bureau of Development Services
Planner *[Signature]* Date *12.01.16*
* This approach applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Ext c-5

LV16-247979HR

A3.3	REVISIONS:	EXISTING EAST ELEVATION	HAWLEY RESIDENCE GREG AND SHANA HAWLEY 3404 NE 21st AVENUE PORTLAND, OR 97212	Ken Wiesler Residential Design and Consulting 503.866.9535 ken@spiretech.com



NOTE:
NEW SIDING ONLY AT INFILLED WINDOWS IS PROPOSED. ALL REPLACEMENT AND REPAIRED SIDING TO MATCH EXISTING PROFILE, TEXTURE, COLOR, AND MATERIAL.

Planner: *[Signature]*
City of Portland - Bureau of Development Services
Date: *12.01.16*
*This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

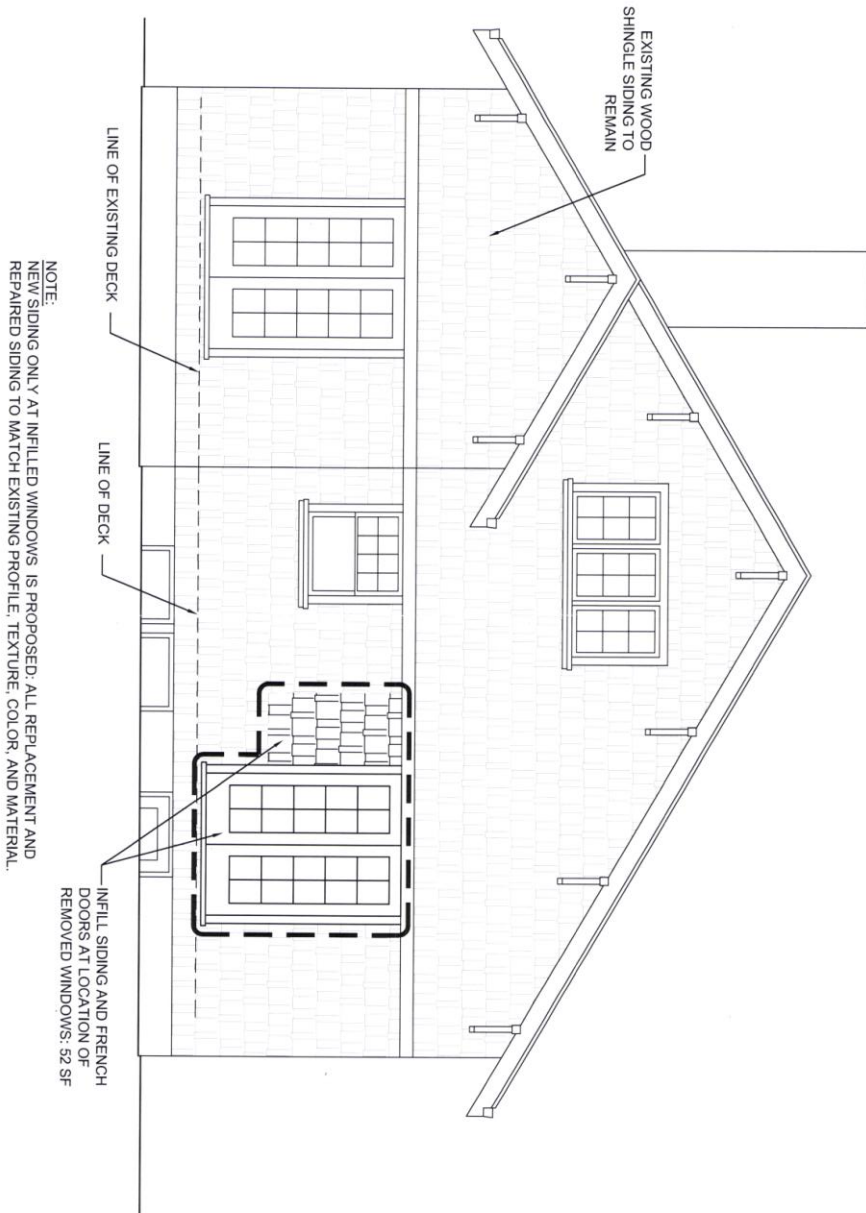
REVISED
NOVEMBER 1, 2016

1 PROPOSED NORTH ELEVATION
1/4" = 1'-0"

EXH C-7
LU 16-247979 HR

Ken Wiesler Residential Design and Consulting 503.866.9535 ken@spiretech.com	HAWLEY RESIDENCE GREG AND SHANA HAWLEY 3404 NE 21st AVENUE PORTLAND, OR 97212	PROPOSED NORTH ELEVATION	HISTORIC REVIEW 09/21/16 NOT FOR CONSTRUCTION REVISIONS: 11/01/2016	A3.5
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1 PROPOSED EAST ELEVATION
1/4" = 1'-0"



Planner
City of Portland - Bureau of Development Services
Date 12.01.16
* This approval applies only to the reviews requested and is subject to all applicable codes and regulations. Additional zoning requirements may apply.

REVISED
NOVEMBER 1, 2016

Ext C-8
CV 16-24779 HR

A3.6

PROPOSED EAST
ELEVATION

HAWLEY RESIDENCE

GREG AND SHANA HAWLEY
3404 NE 21st AVENUE
PORTLAND, OR 97212

Ken Wiesler

Residential Design
and Consulting
503.866.9535
ken@spiretech.com

HISTORIC
REVIEW
09/21/16
NOT FOR
CONSTRUCTION
REVISIONS:
11/01/2016