



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: August 22, 2013
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@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 13-114134 HR

RESIDENTIAL NEW WINDOWS AND FRONT STEPS

GENERAL INFORMATION

Applicant: Dovid Madian
8280 SW Apple Way/Portland, OR 97225

Owners/Contact: Keith Pitt and Stephanie Mix
3125 NE 15th Ave/Portland, OR 97212

Site Address: 3125 NE 15TH AVE

Legal Description: BLOCK 69 LOT 8 N 20' OF LOT 9, IRVINGTON
Tax Account No.: R420414890
State ID No.: 1N1E26AB 10500 **Quarter Section:** 2732
Neighborhood: Sabin Community Assoc., contact Rachel Lee at 503-964-8417.
Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
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 seeks historic resource review approval for new windows and front steps on the William W. Gordon House, built circa 1920 in the Colonial Revival style, listed as a contributing resource in the Irvington Historic District. The applicant proposes removing all the non-original vinyl slider windows and replacing them with aluminum clad wood casement windows that look similar to the remaining three original divided lite casement windows on the north side of the house. Two windows on the upper story of the north façade would also be widened by 2 feet each. The new front steps would be a series of concrete treads and risers that would replace the non-original wood steps currently on the front of the house. Historic Resource Review is required for non-exempt exterior alterations in historic districts.

Relevant Approval Criteria:

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

- 33.846 Historic Resource Review
- 33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject resource, a one and one-half story Colonial Revival style house on a standard 50' x 100' lot, was built circa 1920. While it retains its basic form and exterior detailing, a majority of the wood casement windows were replaced with vinyl inserts and the concrete front steps were replaced with wooden ones. It is not known if the front attic gable dormer is original to the house or is a later addition. The house is evaluated in the National Register of Historic Places documentation as contributing to the character the Irvington Historic District.

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 after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

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.

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 **July 16, 2013**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 16, 2013. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Jacqueline Hoyt, July 15, 2013 – The changes will improve the property's appearance.
2. Ted & Susan Schneider, July 29, 2013 – The improvements will be in keeping with the character of the Gordon House and the Irvington Historic District and recommend approval.

3. Jerry Walker, August 5, 2013 – The improvements are greatly needed to bring this home closer to its original appearance and recommend that it be approved.

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.

Findings: While the Irvington Historic District is the designated resource, the contributing house is also considered a resource within the larger Irvington Historic District ensemble. The proposed aluminum-clad wood casement windows will replace non-historic vinyl windows and will be located in existing openings around the house. This will allow existing historic materials such as siding and trim to remain in place. The slight widening of two of the window openings will not alter significant features of the house since a majority of the surrounding historic material will remain in place. The new front steps will be located in front of the house and will not adversely affect any existing historic materials. *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 replaced windows and new front steps will compliment existing details on the house and are not conjectural additions of elements from other buildings. The proposed alterations and additions do not affect the resource's physical record of its time, place and use as it will remain a single-family home in the period style. The replacement windows will retain the orientation of the existing window openings as well as the overall divided-lite casement style seen on the house today. *This criterion is therefore met.*

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

Findings: The non-historic vinyl windows and wood front steps that are being removed have not acquired historic significance. Their removal does not adversely affect the historic character of the resource but will help return the house to a more historic character. *The 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: No deteriorated historic features will be affected by this proposal. *This criterion is not applicable.*

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 or physical 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: There will be no ground disturbance with 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 new windows, trim, and front steps will match materials in style, profile and composition, but will be fabricated out of new material, giving them a less weathered appearance. This will differentiate the new elements from the older ones on the building. Existing historic material will not be destroyed. *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: Proposed new windows and the small amounts of replacement trim will match the existing materials in form and operational type. The new concrete front steps will be complementary to the style of the house and will fit into the overall architectural composition present in this circa 1920's Colonial Revival style house. *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: No new additions are proposed. *This criterion is not applicable.*

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: Proposed new materials will match the existing in form and operation. The new windows, trim, and front steps are all compatible with the original resource, with

adjacent residential properties, and with the rest of the Historic District by matching typical historic profiles and finish treatments. *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 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. The proposed new windows and front steps are a sensitive alteration that removes incompatible material and replaces it with compatible historically-based material that does not compromise the historic character of Irvington Historic District. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approved historic resource review for alterations to the William W. Gordon House, built circa 1920 in the Colonial Revival style, and listed as a contributing resource in the Irvington Historic District. The approved work encompasses the following:

- Removing all the non-original vinyl slider windows and replacing them with aluminum clad wood casement windows;
 - Widening by 2 feet each, two windows on the upper story of the north façade and installing new aluminum clad wood windows; and
 - New concrete front steps.
- 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-114134 HDZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on August 19, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 22, 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 February 7, 2013, and was determined to be complete on July 12, 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 February 7, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: November 9, 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 September 5, 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 **September 6, 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.

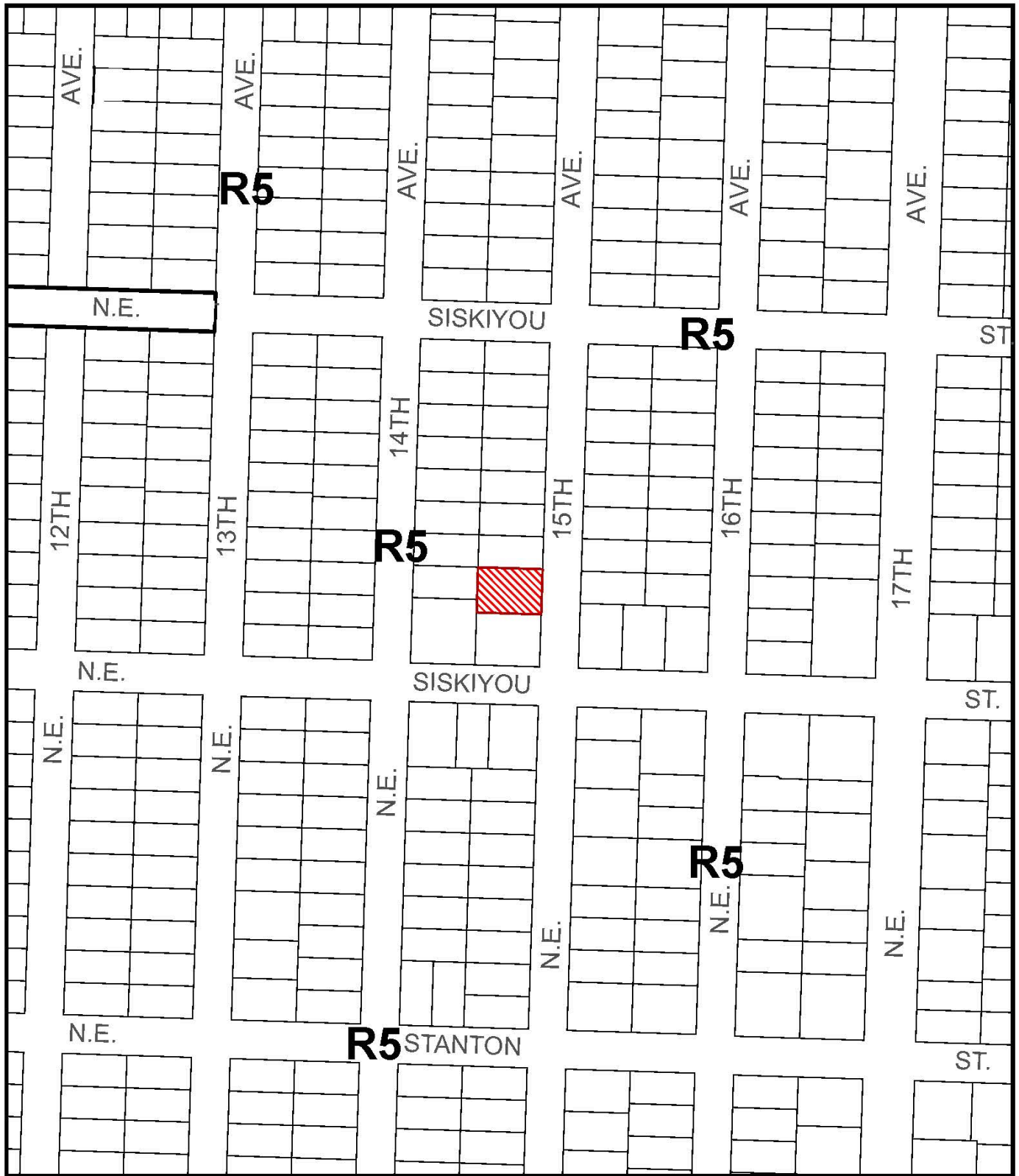
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 1. Letter July 11, 2013
 2. Narrative
 3. Photos
 4. Property Inspection Report 09/28/2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations and Enlarged Plans (attached)
 3. Window Information
 4. Window Section Comparison
- D. Notification information:

1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Site Development Review Section of BDS
- F. Correspondence:
1. Jacqueline Hoyt, July 15, 2013 – in support
 2. Ted & Susan Schneider, July 29, 2013 – in support
 3. Jerry Walker, August 5, 2013 – in support
- 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



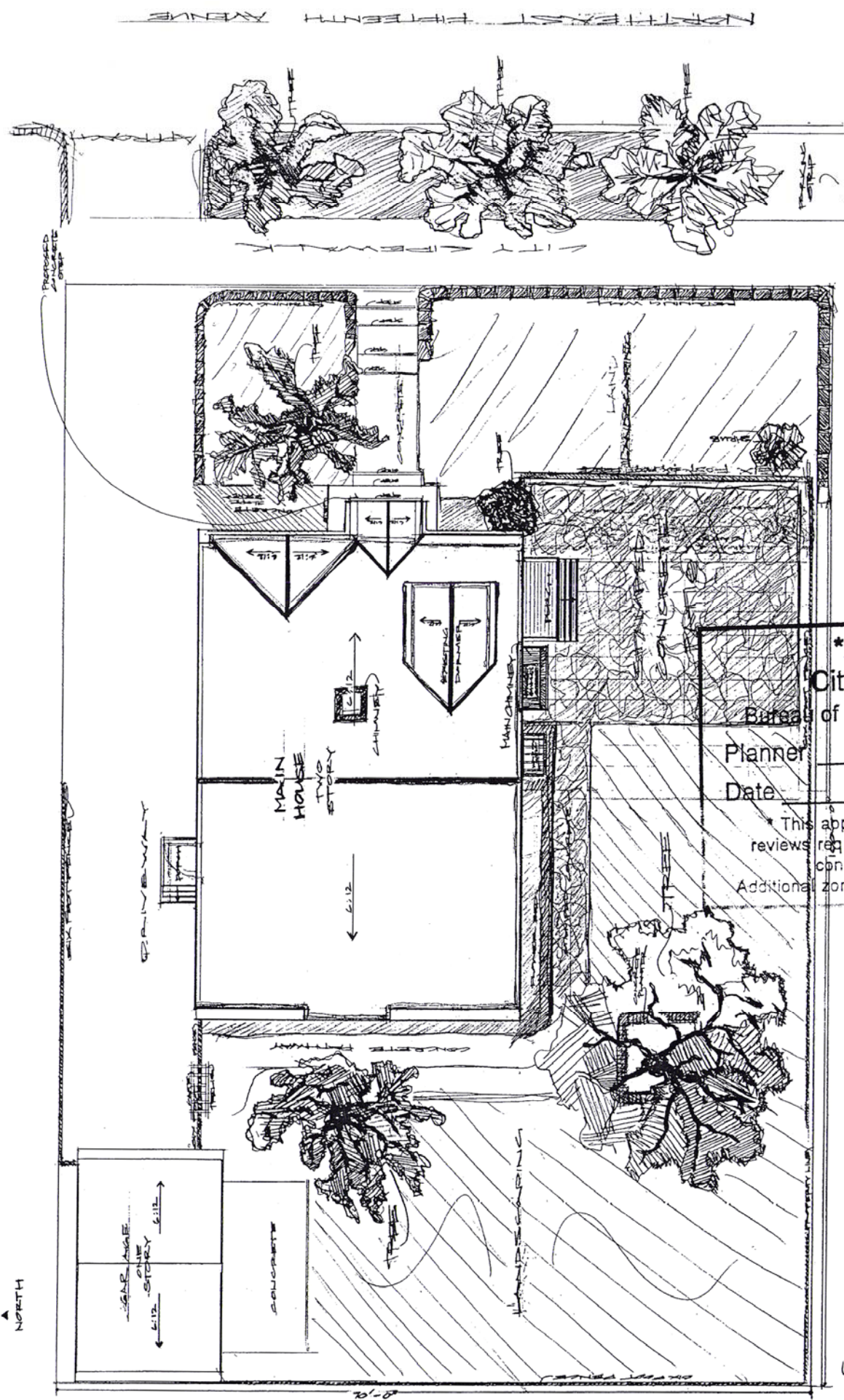
Site



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 13-114134 HDZ
 1/4 Section 2732
 Scale 1 inch = 200 feet
 State_Id 1N1E26AB 10500
 Exhibit B (Feb 12, 2013)



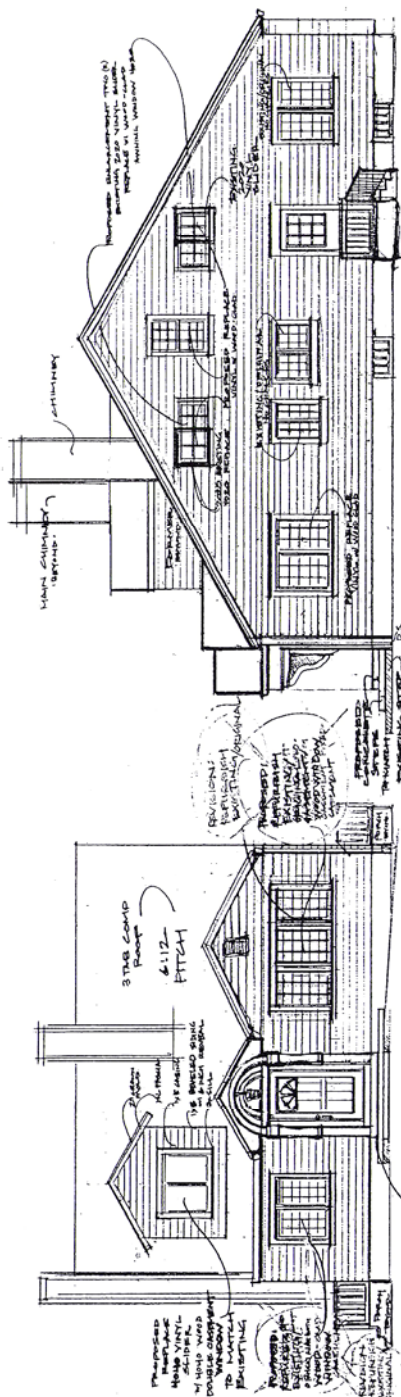
PIT: MIX RESIDENCE PROJECT NO. 114134 DATE 8/19/13	
DRAWN BY: J. LINDSEY CHECKED BY: J. LINDSEY	DESIGNED BY: J. LINDSEY DATE: 8/19/13
15TH AVENUE PORTLAND, OREGON	

Approved
 City of Portland
 Bureau of Development Services
 Planner _____
 Date 8/19/13
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

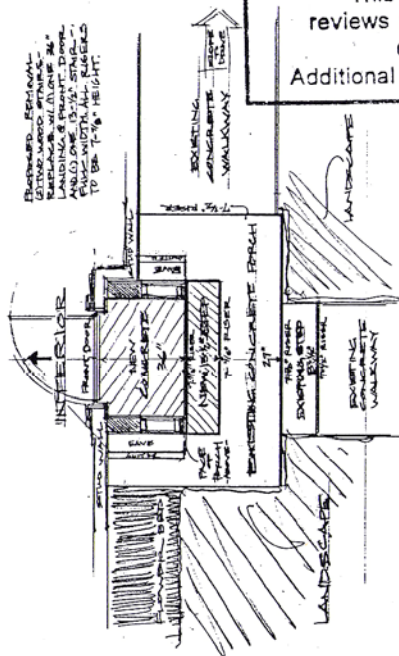
SCALE: 1/4" = 1'-0"

LU13-114134 HD2
 EXH. C-1

~~SECRET~~ // WHET EQUALS 1-0"

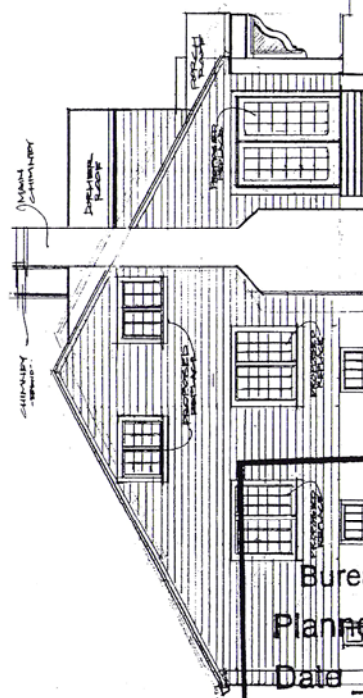


INTERNATIONAL

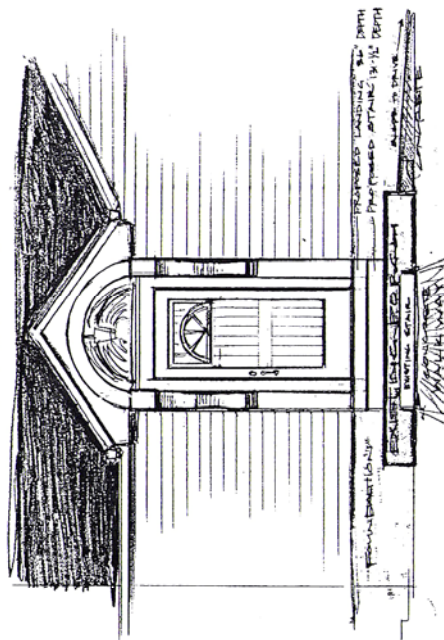


PROPOSED MODIFICATION; DETAIL FRONT STAIR - PLAN

SCALE: 1/2" EQUALS 1'-0"



CONFIDENTIAL



WEST ELLEN 107

PROPOSED MODIFICATION: DETAIL
SECTION: 1/2" ELEVATION 1'-0"

EXAMPLE: 1/2" EQUILIB

PIT/MIX RESIDENCE		DATE 1/11/1982	APPROVED BY	REASON BY
312.5 NORTHEAST 15th AVE		READING NUMBER		
D&RT AND OR				

Approved
City of Portland
Bureau of Development Services
[Signature]
8/19/13

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LU 13-114134 HD2
EXH. C-2