



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

Charlie Hales, Mayor
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www.portlandoregon.gov/bds

Date: April 2, 2013
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 13-119110 HDZ – WINDOW CHANGES

GENERAL INFORMATION

Applicant: Lisa Christie, Applicant / Christie Architecture LLC
1207 NE Fremont / Portland, OR 97212

Owners: Robert A Ross, / Julie E Ross
2511 NE Klickitat St / Portland, OR 97212-2513

Site Address: 2511 NE KLICKITAT ST

Legal Description: BLOCK 6 LOT 11, EDGEMONT
Tax Account No.: R237501610
State ID No.: 1N1E25BB 05300
Quarter Section: 2733
Neighborhood: Alameda, contact Jim Brown at 503-284-6455. 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.
Historic Designation: Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5h – Residential 5,000 with Aircraft Landing Zone Overlay
Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes new wood windows with simulated divided lights and infill of existing windows to facilitate interior alterations, as follows:

- On the south façade, replacement of an existing window, approximately 3'-8" (w) x 5'-0" (h), with a new window, approximately 3'-8" (w) x 3'-6" (h);
- On the east façade, infill of an existing window, approximately 3'-8" (w) x 5'-0" (h) with siding to match the existing and replacement of an existing window approximately 3'-8" (w) x 3'-6" (h) with a new window of approximately equal size and infill with siding to match the existing;

- Also on the east façade, infill of an existing window, approximately 3'-2" (w) x 3'-6" (h) with siding to match the existing; and
- On the north façade, installation of two new windows, approximately 3'-8" (w) x 3'-6" (h) and 2'-0" (w) x 3'-6" (h).

Historic design review is required because the proposal is for non-exempt exterior alterations to a contributing resource in a 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:

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is a single dwelling built in 1941 in the Minimal Traditional style and located at the northeast corner of NE 25th Avenue and NE Klickitat Street and is a contributing resource to the district. Known as the Louis Heckman House, the building is named after a former owner who was a grocer. The existing garage was constructed at the same time as the house and is also considered a contributing resource to the significance of the historic district.

The Irvington Historic District was platted in 1887 and was one of the first subdivisions in Portland to employ restrictive covenants, including uniform setbacks, minimum construction expenditures, the exclusion of minorities and the exclusion of non-residential uses. The few non-residential uses allowed at the interior of the district were required to be designed to resemble residential buildings. Development of the neighborhood spread slowly from the south east corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. As the restrictive covenants expired, more commercial development occurred at the edge of the subdivision along NE Broadway through conversion of residential properties and new development. The district comprises an eclectic assortment of late 19th and early 20th century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

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 Aircraft Landing Zone "h" overlay provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. A height contour map is available for review in the Development Services Center.

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 **March 7, 2013**. The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 7, 2013**. One written responses has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on March 28, 2013, stating that the committee had no objections to the proposal.

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.
- 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.
- 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, and 9: The majority of the historic resource will remain intact, with the overall form and integrity of the resource preserved. The proposed window alterations are the result of interior alterations that include the construction of counters, requiring the sill height of the windows in the affected area to be raised, and the introduction of wall-mounted cupboards requiring windows to be infilled with new openings where cupboards are not proposed. The new windows will mimic the existing in method of operation and pattern, thereby retaining the resource's historic character. No conjectural features are proposed. The window typologies proposed are based on those already existing on the house. With relatively minor exterior alterations proposed due to proposed interior alterations, the house will remain a record of its time. *These criteria are met.*

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

Findings: There are no evident changes to the resource which have acquired historic significance. *This criterion is not applicable.*

- 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.

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 for 4 and 7: The windows to be removed are not to be removed due to deterioration, but due to interior alterations. The applicant has indicated that any salvageable windows to be removed will be donated. The proposed windows will match the existing windows on the building, as both existing and proposed windows are wood double-hung sashes with divided lights. The existing resource features 3-over-3 divided windows with varying dimensions, as well as undivided windows. The proposal will feature new 3-over-3 wood double-hung windows in the remodeled kitchen, of similar dimension to the upstairs windows on the north façade, and a 2-over-2 double-hung window at the rear bathroom. The new windows will be simulated divided light sashes, rather than authentic divided lights, differentiating them from the historic windows to remain. *These criteria are met.*

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: No chemical treatments are proposed. *This criterion is not applicable.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No archaeological resources will be disturbed as this proposal does not include disturbance of earth. *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: The proposed window alterations are in keeping with the historic resource, as well as adjacent properties and the district as a whole. As discussed above, the proposed windows are in keeping with the historic resource in that they will be simulated-divided-light double-hung wood windows which are compatible with the existing authentic double-hung wood windows in material, method of operation, and scale. Many of the nearby properties also feature wood divided-light windows, as is true of the district as a whole. The proposed alterations will be nearly imperceptible from the street and are in keeping with the historic tradition of both the house and the district through the pattern, function and material of the proposed windows. *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

As a result of interior modifications to the kitchen and bathroom of this historic resource, exterior alterations related to relocation and resizing of windows on the east end of the house are proposed. The proposed alterations are relatively minor with the majority of the house remaining intact and the new windows proposed are in keeping with the historic character of the house in that they are wood double-hung windows with a divided-light pattern. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations in the Irvington Historic District, including:

- On the south façade, replacement of an existing window, approximately 3'-8" (w) x 5'-0" (h), with a new window, approximately 3'-8" (w) x 3'-6" (h);
- On the east façade, infill of an existing window, approximately 3'-8" (w) x 5'-0" (h) with siding to match the existing and replacement of an existing window approximately 3'-8" (w) x 3'-6" (h) with a new window of approximately equal size and infill with siding to match the existing;
- Also on the east façade, infill of an existing window, approximately 3'-2" (w) x 3'-6" (h) with siding to match the existing; and
- On the north façade, installation of two new windows, approximately 3'-8" (w) x 3'-6" (h) and 2'-0" (w) x 3'-6" (h).

This proposal is per the approved site plans, Exhibits C-1 through C-13, signed and dated March 29, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-13. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-119110 HDZ. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by:  **on March 29, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 2, 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 22, 2013, and was determined to be complete on March 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 February 22, 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.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 16, 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 Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **April 17, 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 and Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Proposed Floor Plan
 3. Proposed West Elevation
 4. Proposed South Elevation (attached)
 5. Proposed East Elevation (attached)
 6. Proposed North Elevation (attached)
 7. Window Elevations and Section Detail
 8. Perspective Drawing Front View
 9. Perspective Drawing Rear View
 10. Wood Ultimate Double Hung Window Specifications
 11. Marvin Wood Ultimate Double Hung Window Sections
 12. Divided Lite Options Specifications
 13. Marvin Wood Ultimate Casement Collection Divided Lite Section

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Life Safety Division of BDS

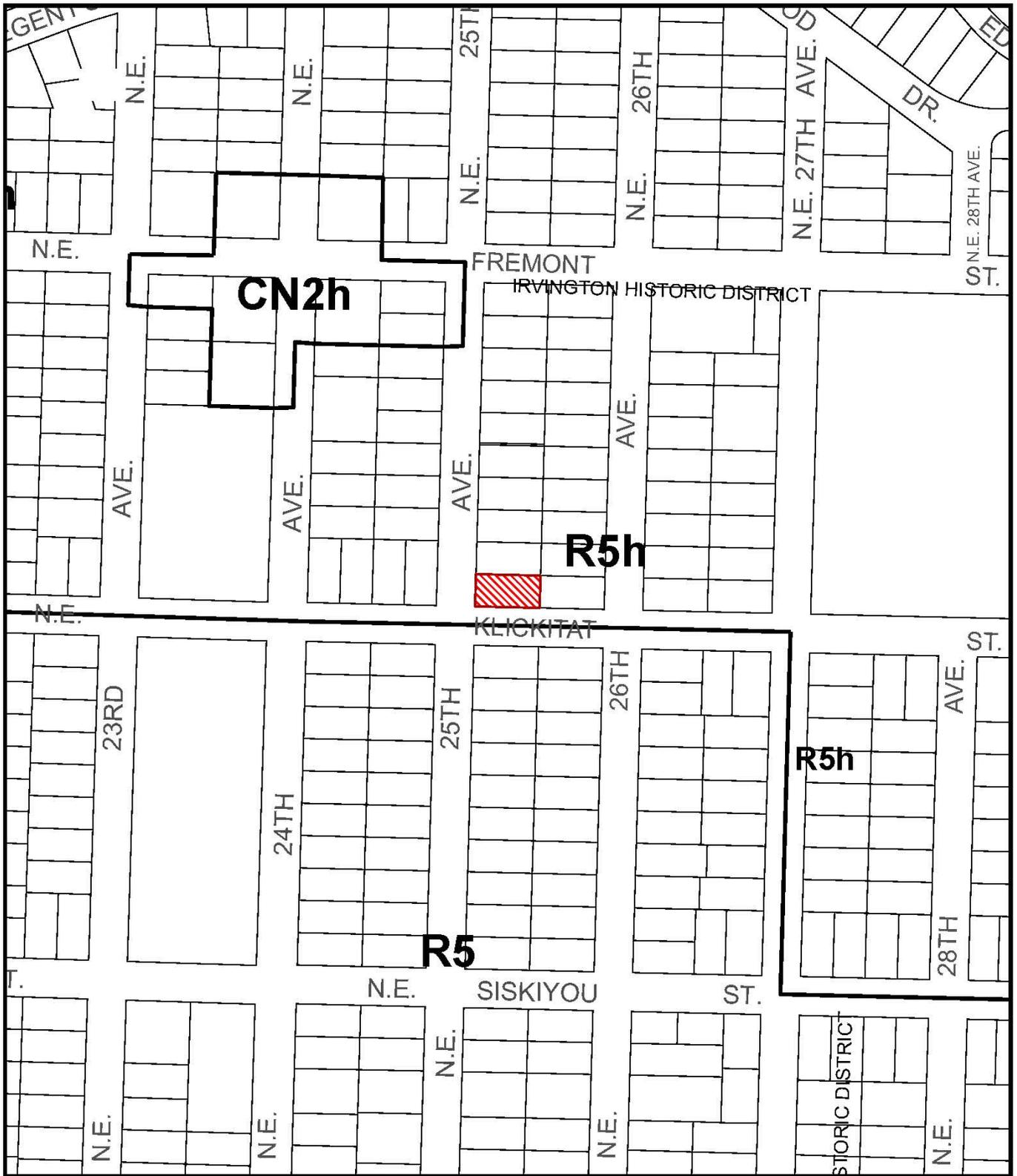
F. Correspondence:

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on March 28, 2013, stating that the committee had no objections to the proposal.

G. Other:

1. Original LU Application
2. National Register Information
3. Email from Lisa Christie on March 28, 2013, indicating windows will be 3-over-3.

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



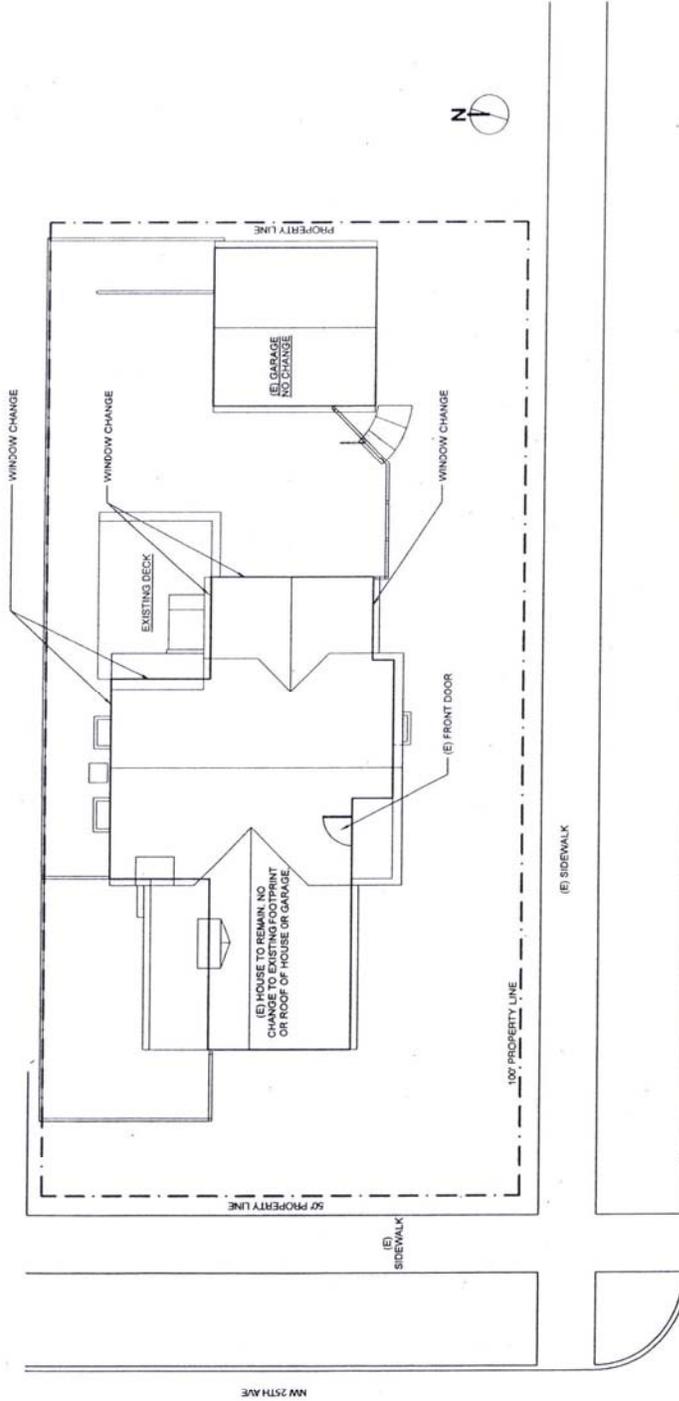
Site



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 13-119110 HDZ
 1/4 Section 2733
 Scale 1 inch = 200 feet
 State_Id 1N1E25BB 5300
 Exhibit B (Feb 27, 2013)



Approved
City of Portland
 Bureau of Development Services
 Planner *Sharon*
 Date *3/29/13*

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

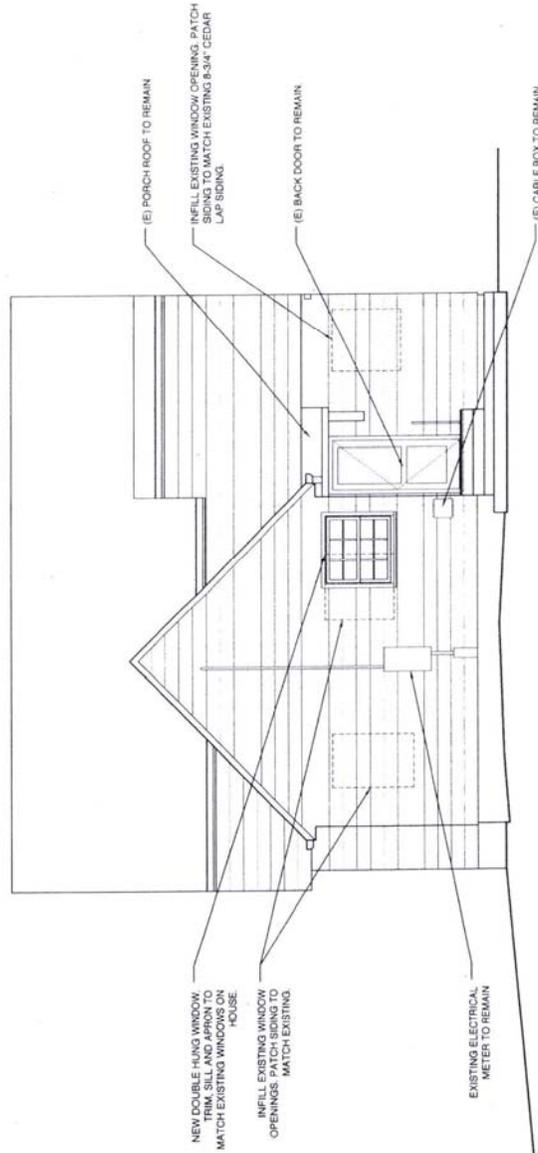
110 19-110110 LHW

2



1 South Elevation
1/4" = 1'-0"

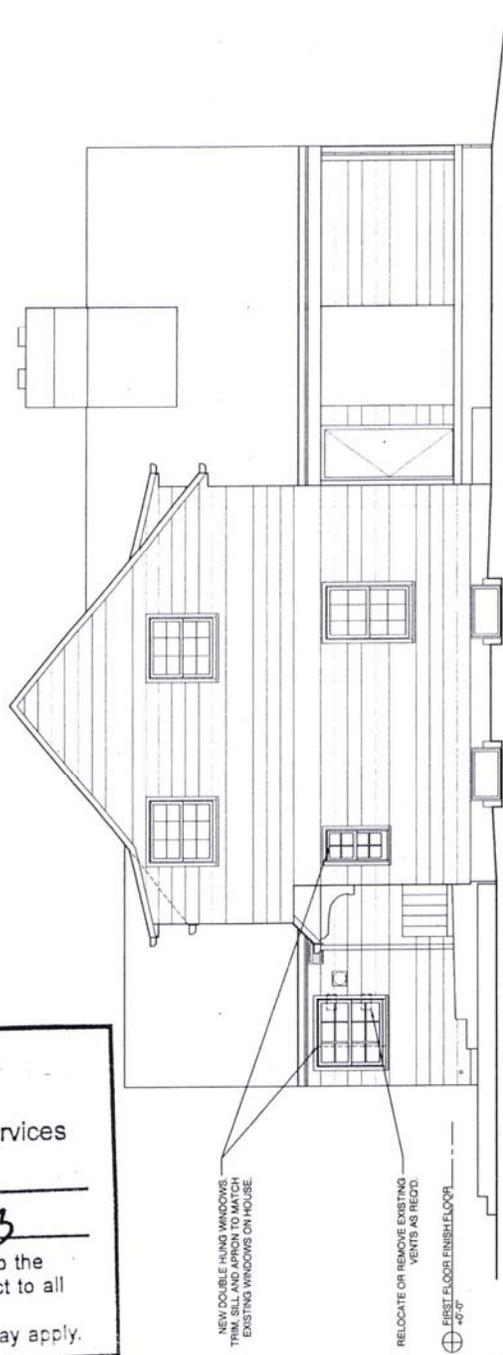
Approved
City of Portland
Bureau of Development Services
Planner *H. Adam*
Date 3/29/13
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 East Elevation
 1/4" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 3/29/13
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CS



1 North Elevation
 1/4" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner *H. Adam*
 Date 5/29/13

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