



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

Charlie Hales, Mayor
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Date: June 6, 2013
To: Interested Person
From: Hillary Adam, 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 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 it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-147214 HR – BASEMENT WINDOWS

GENERAL INFORMATION

Applicant: Mitchell Snyder / Mitchell Snyder Architecture, LLC
5936 NE 18th Ave / Portland, OR 97211

Owner: Ira Zarov / Darcy Norville
2433 NE Klickitat St / Portland, OR 97212-2511

Site Address: 2433 NE KLICKITAT ST

Legal Description: BLOCK 7 E 1/2 OF LOT 9&10, EDGEMONT
Tax Account No.: R237502020
State ID No.: 1N1E25BB 05400
Quarter Section: 2733
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885. Alameda, contact Jim Brown at 503-284-6455.

Business District: North-Northeast Business Assoc, Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Other Designations: 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: HR – Historic Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to replace two wood basement windows on the east façade with new bronze colored vinyl windows. One window is proposed to be replaced with no change to the existing opening. A second basement window, hidden from view by a stucco landscape wall, will be enlarged to provide egress. Also proposed, but exempt from review is the replacement in the same opening of a third basement window facing the rear yard.

Because the proposal is for exterior alterations to a historic resource, historic review is required.

Relevant Approval Criteria:

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

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is located at the northwest corner of the intersection of NE 24th Avenue and NE Klickitat Street. The house is a stucco single dwelling constructed in 1924 in the Mediterranean Revival style. Known as the Mae A Hitchcock and Henry K Coffey House, it is a contributing resource in the Irvington Historic District. The garage on the property is also designated a contributing resource in the 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.

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: There is currently an active Type II land use application for this property to legalize the replacement of original divided light wood windows with simulated divided light fiberglass windows. City records do not indicate any other land use history.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 17, 2013**. One written response was 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 June 3, 2013, that the Committee had no objection to the proposal. Please see Exhibit F-1 for additional details.

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 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: The proposal is for relatively minor alterations affecting only the basement level of the historic resource. One street-facing window is to be replaced with a window of the same size, while another street-facing window, hidden from view by a tall stucco landscape wall, will be enlarged to provide egress. Replacement of these secondary windows will not adversely affect the historic character of the resource, nor will they affect the ability of the resource to be a record of its time. The proposed replacement basement windows are proposed to be vinyl with a bronze finish, which will match the color of other windows on the house. Though the existing wood windows have divided lights, the new windows will not, as these windows are more utilitarian than decorative and simulated dividers would only draw attention to the difference in material from the original, rather than honor it. *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. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 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.

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: The proposed replacement basement windows are compatible in their size, scale, placement, and color with the existing house. For the most part they will be placed within the existing openings, with the exception that the sill of the new egress window will be lowered toward the basement floor. The essential form and integrity of the house will remain unimpaired. In addition, the windows are compatible with adjacent properties and the district as a whole in that they are designed to not draw attention and to not detract from the historic significance of the 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 proposal is for the replacement of basement windows, one within the same opening and one in a larger opening to provide egress. The larger window will not be seen from the street as it is hidden by a tall garden wall. The other, though street-facing, will also be minimally visible due to its small size as well as the dark bronze color proposed. Though vinyl is generally not a preferred window material for a historic resource, staff recognizes that basement windows convey less historic significance and are subject to more elements than upper level windows; therefore in cases such as this, vinyl is an acceptable material for replacement basement windows.

ADMINISTRATIVE DECISION

Approval of replacement of basement windows in the Irvington Historic District, including:

- Replacement of two wood basement windows on the east façade with new bronze colored vinyl windows. One window is proposed to be replaced with no change to the existing opening. A second basement window, hidden from view by a stucco landscape wall, will be enlarged to provide egress.

This approval is per the approved site plans, Exhibits C-1 through C-5, signed and dated June 3, 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-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-147214 HR."

Staff Planner: Hillary Adam

Decision rendered by:  **on June 3, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed June 6, 2013

Procedural Information. The application for this land use review was submitted on May 2, 2013, and was determined to be complete on May 15, 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 May 2, 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.

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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 **June 7, 2013**.

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:

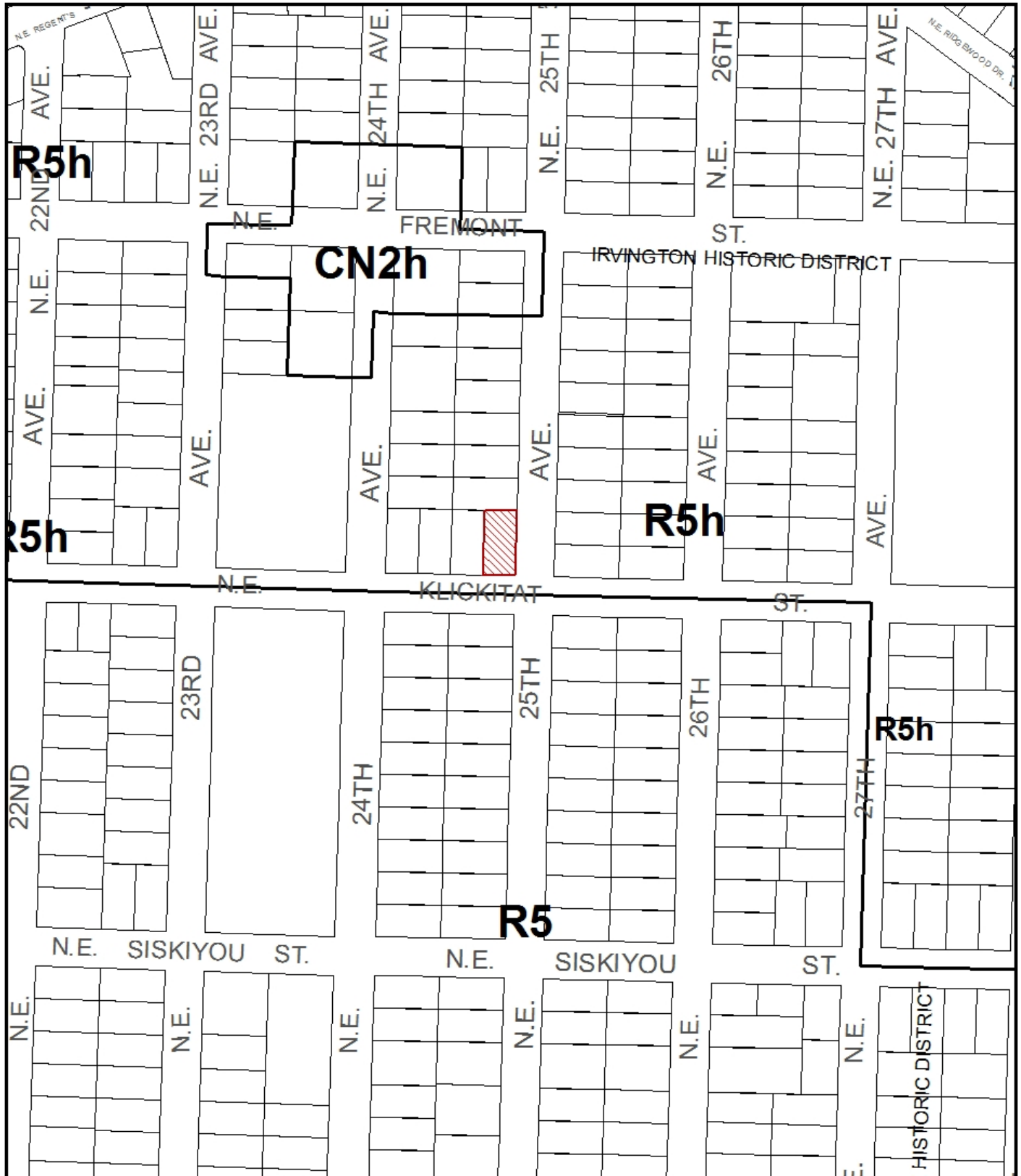
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original statement
 - 2. Completeness Response, dated May 15, 2013
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Photos
 - 3. Exterior Elevation (attached)
 - 4. Details (attached)
 - 5. Milgard 8000T Series Tuscan™ Vinyl Replacement Window Casement cutsheet
 - 6. Milgard 8000T Series Tuscan™ Vinyl Replacement Picture Window cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. not used
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on June 3, 2013, that the Committee had no objection to the proposal.
- G. Other:
 - 1. Original LU Application
 - 1. Incomplete Letter, dated May 13, 2013
 - 2. National Register Information

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



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 13-147214 HR
 1/4 Section 2733
 Scale 1 inch = 200 feet
 State_Id 1N1E25BB 5400
 Exhibit B (May 03, 2013)

MITCHELL
SNYDER
ARCHITECTURE
6036 NE 18TH AVE
PORTLAND, OR 97211
WWW.MSNYDERARCH.COM
503.335.4183

Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date *6/3/13*
* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

ZAROV - NORVILLE
RESIDENCE

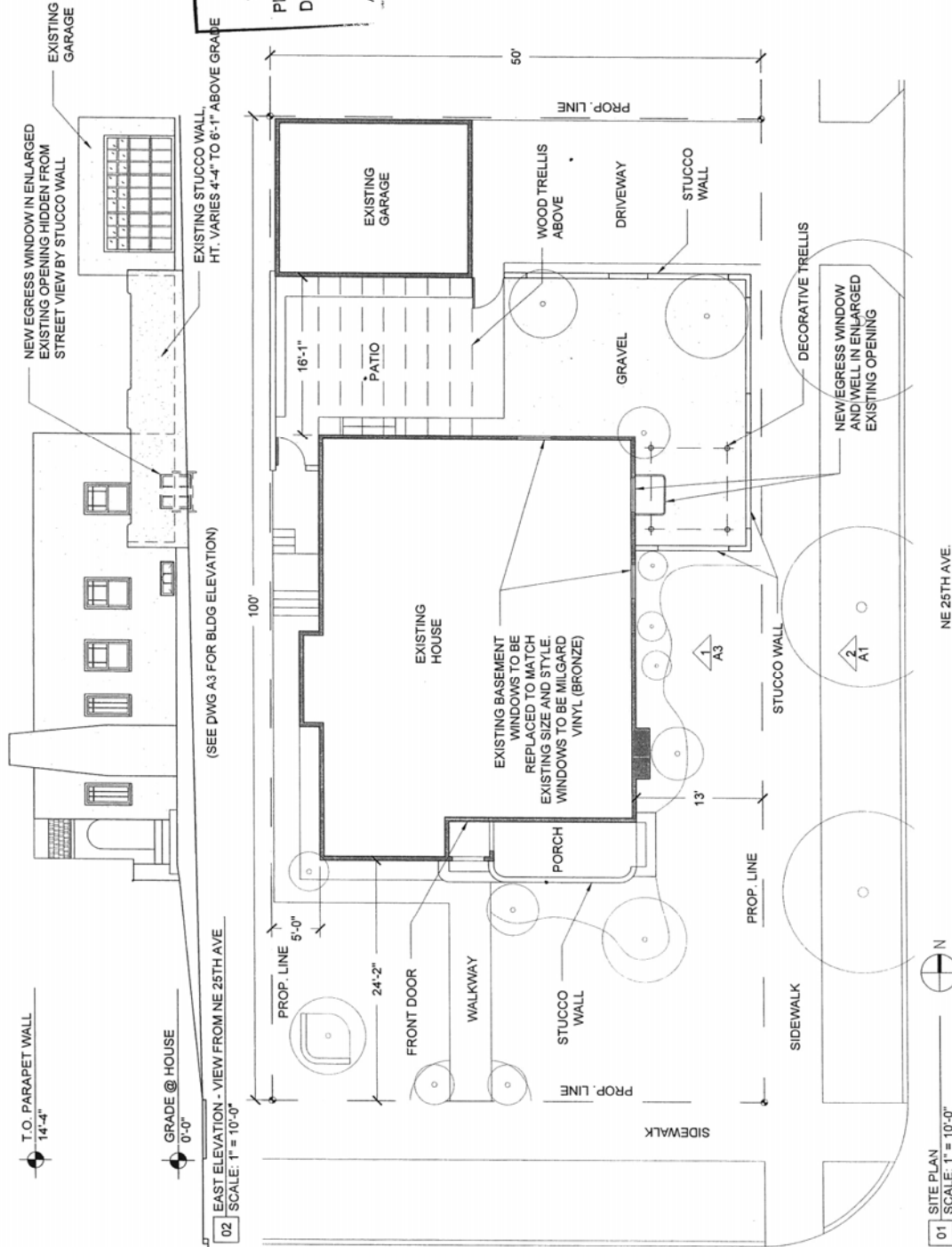
2433 NE KLICKITAT ST
PORTLAND, OR
97212

JOB NO: 1311
DATE: 05.02.2013

REV:

SITE PLAN

A1



LV13 147214HR C-1

MITCHELL
SNYDER
ARCHITECTURE
5034 NE 45TH AVE
PORTLAND, OR 97211
WWW.ASNYDERARCH.COM
503.319.4183

RECEIVED
MAY 15 2013

STUCCO LANDSCAPE WALL
HIDES NEW EGRESS WINDOW
FROM NE 25TH STREET VIEW.
HT. VARIES 4'-4" TO 6'-1" ABOVE GRADE

T.O. PARAPET WALL

MAIN FLOOR

GRADE @ HOUSE

BASEMENT FLOOR

ZAROV - NORVILLE
RESIDENCE

2433 NE KLICKITAT ST
PORTLAND, OR
97212

JOB NO: 1311
DATE: 05.15.2013

REV:
5/15/2013 REVISION

01 EAST ELEVATION
SCALE: 1/4" = 1'-0"

EXISTING BASEMENT WINDOWS
TO BE REPLACED TO MATCH
EXISTING SIZE.
WINDOWS TO BE MILGARD "TUSCANY"
VINYL FIXED (BRONZE
FRAME COLOR)

NEW EGRESS WINDOW IN
ENLARGED (VERTICALLY)
EXISTING OPENING.
WINDOW
TO BE MILGARD "TUSCANY"
VINYL CASEMENT (BRONZE
FRAME COLOR).

NEW GALVANIZED
METAL EGRESS
WINDOW
WELL

Approved
City of Portland
Bureau of Development Services
Planner *Chellene*
Date *6/13/13*
* This approval applies only to the
reviews requested and is subject to all
conditions of approval.
Additional zoning requirements may apply

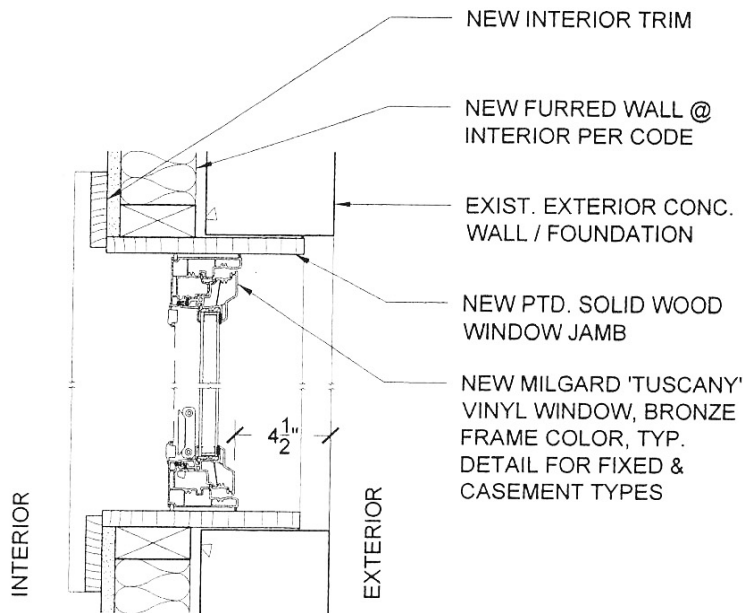
EXTERIOR ELEVATION

A3

MAY 15 2013

MITCHELL
SNYDER
ARCHITECTURE

5936 NE 18TH AVE
PORTLAND, OR 97211
WWW.MSNYDERARCH.COM
503.319.4183



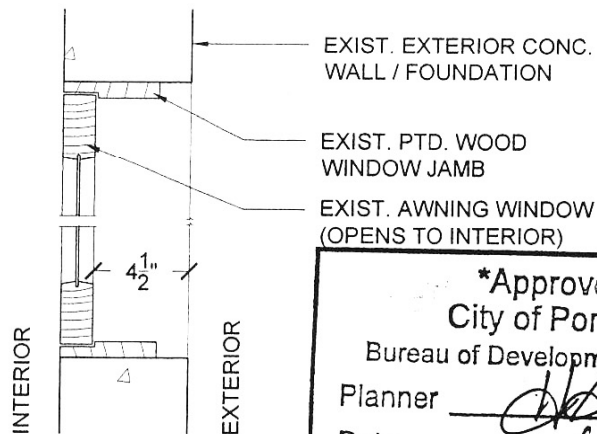
02 DETAIL / PLAN - NEW BASEMENT WINDOW, TYP.
SCALE: 1 1/2" = 1'-0"

ZAROV - NORVILLE
RESIDENCE

2433 NE KCLICKITAT ST
PORTLAND, OR
97212

JOB NO: 1311
DATE: 05.15.2013

REV:



01 DETAIL / PLAN - EXISTING BASEMENT WINDOW, TYP.
SCALE: 1 1/2" = 1'-0"



A4

C-4