

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

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date: June 5, 2015

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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

<u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-132213 HR NEW WINDOWS, FRONT RAILINGS, AND REAR STAIRS

GENERAL INFORMATION

Applicant:	Isaac Frost / Akos Construction LLC 3444 NE 17th Ave / Portland, OR 97212
Owner:	Regina A Cristan 3439 NE Sandy Blvd #668 / Portland, OR 97232
Site Address:	3434 NE 17TH AVE
Legal Description:	BLOCK 43 LOT 19, IRVINGTON
Tax Account No.:	R420409360
State ID No.:	1N1E26AB 03800
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 503-841-5032.
District Coalition:	Northeast Coalition of Neighborhoods, contact info@necoalition.org
Plan District:	None
Other Designations:	Contributing resource in the Irvington Historic District
Zoning:	R5 – Single-Dwelling Residential with Historic Resource overlay
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 exterior alterations to a 1918 one and one-half story bungalow style house listed as a contributing resource in the Irvington Historic District. The proposed work includes the following:

• New wood front porch railings and removal of side concrete steps at the driveway;

- Replacement of the three wood front gable windows and three wood south side gable windows with two new all-wood, custom-fabricated, three-window French casement units to meet bedroom egress requirements;
- Removal of one single fixed window on the south side façade;
- Removal of the rear enclosed porch and replacement with new wood steps;
- Removal of the 7 windows and 1 door on the rear façade and replacement with 4 new wood windows and one new door; and
- New wood trim and patched wood siding where required to match the existing house.

Exterior non-exempt alterations to structures in historic districts require Historic Resource Review. The proposed new fiberglass basement windows, removal of the furnace chimney, and new roofing and gutters are all exempt from this review per Zoning Code Section 33.445,320.

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 Reviews
33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject resource is identified in the National Register documentation as a 1918 one and one-half story bungalow style house that is a contributing resource to the historic district. Many of the original features of the house remain intact but there have been some alterations to front porch railings and the rear porch which was enclosed at some point. The house sits on a 5,000 SF lot which fronts NE 17th Avenue NE 15th Avenue. The Portland Transportation System Plan designates NE 17th Avenue as a Local Service Walkway and Local Service Bikeway. There are no Transit or Traffic designations for either street and the site is not within a Pedestrian District.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added 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 <u>Residential 5,000</u> (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 <u>Historic Resource Protection</u> 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 **May 12, 2015**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS (Exhibit E-1)
- Bureau of Parks-Forestry Division (no comments)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 12, 2015. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1. Rachel Lee, Sabin Land Use & Transportation Committee, June 2, 2015 in support.
- 2. Dean Gisvold, ICA Land Use Committee, June 2, 2015 in support.

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 nonexempt 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 Historic District ensemble. Removal of a number of original windows is requested as part for this renovation. The interior plan was modified during the course of the review to allow two more original windows to be retained on the first floor. These existing wood casement and fixed windows will be replaced with new wood windows with the same mullion pattern and general operation as the originals so that the house retains its historic appearance. The enclosed older rear porch and side steps to the driveway are not significant features of the house so their removal will not alter the overall historic character. The new front porch railing is in keeping with the scale and style of the house, enhancing its appearance from the street since the front porch is a major façade element. All new material will match existing material on the house in profile, detail,

and finish, allowing the infill siding and replacement windows to be complimentary to the style of the existing house. *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 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 bungalow style. Original windows being retained on the front and side facades will remain in place as a record of the original design. The new windows, rear porch, and front porch railing will complement existing details on the house and are not conjectural additions of elements from other buildings. *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 existing walls, roof lines, many of the windows and doors, as well as the majority of finish materials are being retained. This will allow views of the house to maintain their overall historic character as seen from the street. *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: The new replacement windows will be custom-fabricated wood windows that will match the old design in material, profile, and detail. The existing front porch railing is not original to the house and will be replaced with a more decorative wood railing in the style of the house. The existing rear porch with shed roof and windows was added onto the house at some point in time but there is no documentation that suggests it was originally enclosed so its removal does not affect the historic character of the house. The new replacement windows will match the original window design in material, profile, and detail. *This criterion is therefore 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 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: The proposed area of ground disturbance has previously been disturbed by the original construction of the house. No new resources are expected to be found on this site. *This criterion is therefore 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.

Findings: Proposed materials will match existing materials in profile and finish but will be fabricated out of new material, giving them a less weathered appearance. This will help differentiate them from older elements on the building. The house will still be recognizable as a 1918 bungalow-style house with the proposed replacement windows,

rear porch, and front porch railing. 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: The new front porch railings are in the Craftsman Pinwheel Motif, a style that is compatible with this 1918 bungalow, and will be constructed of wood in keeping with traditional construction methods. The simple rear porch and railings are also typical of these elements on other historic homes in the area and do not overwhelm or cover up significant design features. The replacement windows will match existing windows around the house in shape and profile, allowing them to blend into the architectural design. The new attic story three-part windows which are required for bedroom egress by the Building Code, are custom-fabricated to match the profile and depth of the existing windows so that the front and side of the house retain their architectural integrity. None of the proposed additions or alterations will negatively affect the house as they are all compatible with the resource's massing, size, scale, and architectural features as outlined above. *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: If the rear porch was removed was removed at some point, the house would still retain its essential bungalow-style form and integrity as the major rooflines, character-defining front porch and vertical casement windows would remain unaffected. *This criterion is therefore met.*

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 new windows, rear porch addition and new front porch rails will have no adverse effect on the designated resource, which is both the house as well as the Irvington Historic District, due to the replication of forms, materials, and finish details present around the building. Proposed new materials will match the existing in form, type, and finish. The new rear porch addition, front porch railings, and windows are all compatible with the original resource, with adjacent residential properties, and with the rest of the Historic District by matching typical historic profiles, finish treatments, and materials for this 1918 bungalow-style house. *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 alterations to the front, rear, and sides of the house

do not compromise the character of the Irvington Historic District or the house itself. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review for exterior alterations to a 1918 one and one-half story bungalow-style house listed as a contributing resource in the Irvington Historic District, to include the following:

- New wood front porch railings and removal of side concrete steps at the driveway;
- Replacement of the three wood front gable windows and three wood south side gable windows with two new all-wood, custom-fabricated, three-window French casement and fixed units to meet bedroom building code egress requirements;
- Removal of one single fixed window on the south side façade;
- Removal of the rear enclosed porch and replacement with new wood steps;
- Removal of the 7 windows and 1 door on the rear façade and replacement with 4 new wood windows and one new door; and
- New wood trim, and patched wood siding and roofing, where required, to match the existing house trim, siding, and roofing.

Approved, per the approved site plans, Exhibits C-1 through C-19 signed and dated June 2, 2015, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.19. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-132213 HR. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by: on June 2, 2015. By authority of the Director of the Bureau of Development Services

Decision mailed: June 5, 2015

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 11, 2015, and was determined to be complete on **May 7, 2015**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 11, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 27, 2015.**

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 19, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after June 22, 2015 (the day following the last day to appeal).
- 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:

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- 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Site Plan (attached)
 - 2. Existing West Elevation
 - 3. Existing North Elevation
 - 4. Existing East Elevation
 - 5. Existing South Elevation
 - 6. Existing Site Plan
 - 7. Proposed Basement Floor Plan
 - 8. Proposed Main Floor Plan
 - 9. Proposed Second Floor Plan
 - 10. Proposed West Elevation (attached)
 - 11. Proposed North Elevation (attached)
 - 12. Proposed East Elevation (attached)
 - 13. Proposed South Elevation (attached)
 - 14. Rear Porch Section
 - 15. Existing Front Gable Casement Window Section
 - 16. Proposed French Casement Window Elevation and Details
 - 17. Existing and Proposed Wood Casement Window Sections
 - 18. Marvin Window Elevation Specification Sheets
 - 19. Simpson Door Specification Sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Rachel Lee, Sabin Land Use & Transportation Committee, June 2, 2015
 - 2. Dean Gisvold, ICA Land Use Committee, June 2, 2015
- 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).











