



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

Amanda Fritz, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 22, 2015  
**To:** Interested Person  
**From:** Puja Bhutani, Land Use Services  
503-823-7226 / [Puja.Bhutani@portlandoregon.gov](mailto:Puja.Bhutani@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 <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 15-153944 HR – WINDOW REPLACEMENT**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Luke Perkin  
2926 NE 20th Ave / Portland, OR 97212

**Owner:** Marilla Gedge  
2926 NE 20th Ave / Portland, OR 97212

**Site Address:** 2926 NE 20TH AVE  
**Legal Description:** BLOCK 26 LOT 13, IRVINGTON  
**Tax Account No.:** R420405650  
**State ID No.:** 1N1E26AD 04800  
**Quarter Section:** 2732  
**Neighborhood:** 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](mailto:info@necoalition.org)  
**Other Designations:** Contributing structure in Irvington Historic Neighborhood  
**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 applicants are proposing to replace some of the existing non-original windows with Marvin wood windows; replace the first floor wood landing and stairs on the east (rear) elevation; and add stairs to the existing deck on the south elevation. The exterior alterations are itemized below:

#### Front/West Façade:

- Third Floor: The non original single pane aluminum sliding windows will be replaced with triple wood casement window assembly. The original opening will be maintained.

Side/South Façade:

- First Floor: Remove the non-original fixed single pane picture window, and infill wall to match original wood lap siding.
- Third Floor: Replace the non-original single pane aluminum sliding windows on the gable end with two casement windows, similar to that on front elevation. Remove two fixed trapezoidal transoms at the gable ends and infill wall to match original wood lap siding.

Rear/East Façade:

- First Floor: i) Replace non-original fixed single pane windows with a wood casement triple unit. The sill level of the new windows will be higher. ii) Replace an existing wood double-hung wood window, above the wood landing, with a new Marvin double hung window with a higher sill.
- Third Floor: Replace the non-original single pane aluminum sliding windows on the gable end with two casement windows, similar to that on south elevation. Remove two fixed trapezoidal transoms at the gable ends and infill wall to match original wood lap siding.

Side/North Façade:

- Third Floor: Replace the non original two aluminum single pane window with a single unit wood awning window.

Historic design review is required because the proposal is for non-exempt exterior alteration of a contributing structure in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- 33.846 Historic Resource Review
- 33.846.060.G Other approval criteria

**ANALYSIS**

**Site and Vicinity:** The subject site, which is approximately 5,000 square feet in size, is occupied by a two-story, 3,000-square-foot single-dwelling home. The residence is a Foursquare style home built in 1911 and classified as a Contributing Resource in the Irvington Historic District. The site is located on the rectangular block bounded by NE 20<sup>th</sup> Avenue to the west, NE Siskiyou Street to the north, NE 22<sup>nd</sup> Avenue to the east, and NE Knott Street to the south. The front façade is largely unchanged; however the rear porch was probably enclosed in the 1940s. Several original windows have been replaced, some with aluminum sliders, on all building elevations.

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 a 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 within the historic period were sometimes built at the sidewalk and/or out of architectural character with the house

**Zoning:** This property is zoned R5. The Residential 5,000 high-density 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. The R5 zone allows attached and detached single-dwelling structures and duplexes. 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 living unit per 5,000 square feet of site area.

The Historic Resource Protection Overlay zone 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 that there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **May 27, 2015**. The following Bureaus have responded with no concerns:

The Water Bureau responded with the following comment: The water bureau has no concerns for the proposal. Please see Exhibit E-1 for additional details.

The Life Safety Bureau responded with the following comment: Plan review needed before building permit can be issued. Please see Exhibit E-2 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 27, 2015. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, ICA Land Use Committee, June 15, 2015, no objections.

## **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.*

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;
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 1, 8 and 10:** The exterior alterations will not affect any character defining feature of the house. There are no changes being proposed to the contributing house's form, roofline or the building footprint. There are no original windows being removed. The proposal to replace the aluminum sliding windows on the west, south and east gable ends, with historically appropriate wood windows will be an enhancement. The sizes and proportion of the new windows will also be more compatible with the existing historic character of the house. Specifically, the gable windows on the south and east elevations have been resized to be more proportionally comparable to the original window on the west elevation. The enclosed rear porch is not original to the house, and the proposed replacement windows will also be more compatible with original window sizes on the rear facade. The original shadow lines and exterior window trim and detailing have been replicated to the extent possible. The new rear deck and steps will closely match the size, mass and scale of the existing deck. The proposed exterior alterations will be compatible with the existing historic character and architectural features of the house, adjacent properties and the rest of the district. *These criteria are 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;
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 4 and 7:** No historic architectural features or materials are being removed or destroyed. The proposal is to remove non-original windows, including aluminum sliders, and replace them with high quality wood windows. The proposed wood windows will closely replicate the original windows in their profile, shadow lines and material. The non original rear covered porch is being retained, and its replacement windows will be more compatible with the architectural style and character of the house. The deteriorating rear deck and steps are being replaced, and the new deck will closely matches the size, mass and scale of the existing deck. *These criteria are 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 proposed windows will replace existing non original windows, and will be more compatible in terms of materials, proportions and sizes with the historic character of the house, neighborhood and district. The new rear deck will replace a deteriorating original deck and closely match it in regards to size, scale and massing. 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of exterior alterations to the existing contributing house in the Irvington Historic District, to include the following:

- Replace some of the non original windows with Marvin wood windows on all elevations,
- replace the wood landing and stairs on the east elevation, and
- add stairs to existing deck on the south elevation

Approved per the site plans, Exhibits C-1 through C-14, signed and dated June 18, 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.14. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-153944 HR. No field changes allowed."

**Staff Planner: Puja Bhutani**

**Decision rendered by:**  **on June 18, 2015**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 22, 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 April 21, 2015, and was determined to be complete on **May 22, 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 April 21, 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.

**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 July 6, 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 5<sup>th</sup> 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](http://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 **July 7, 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:

- 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.

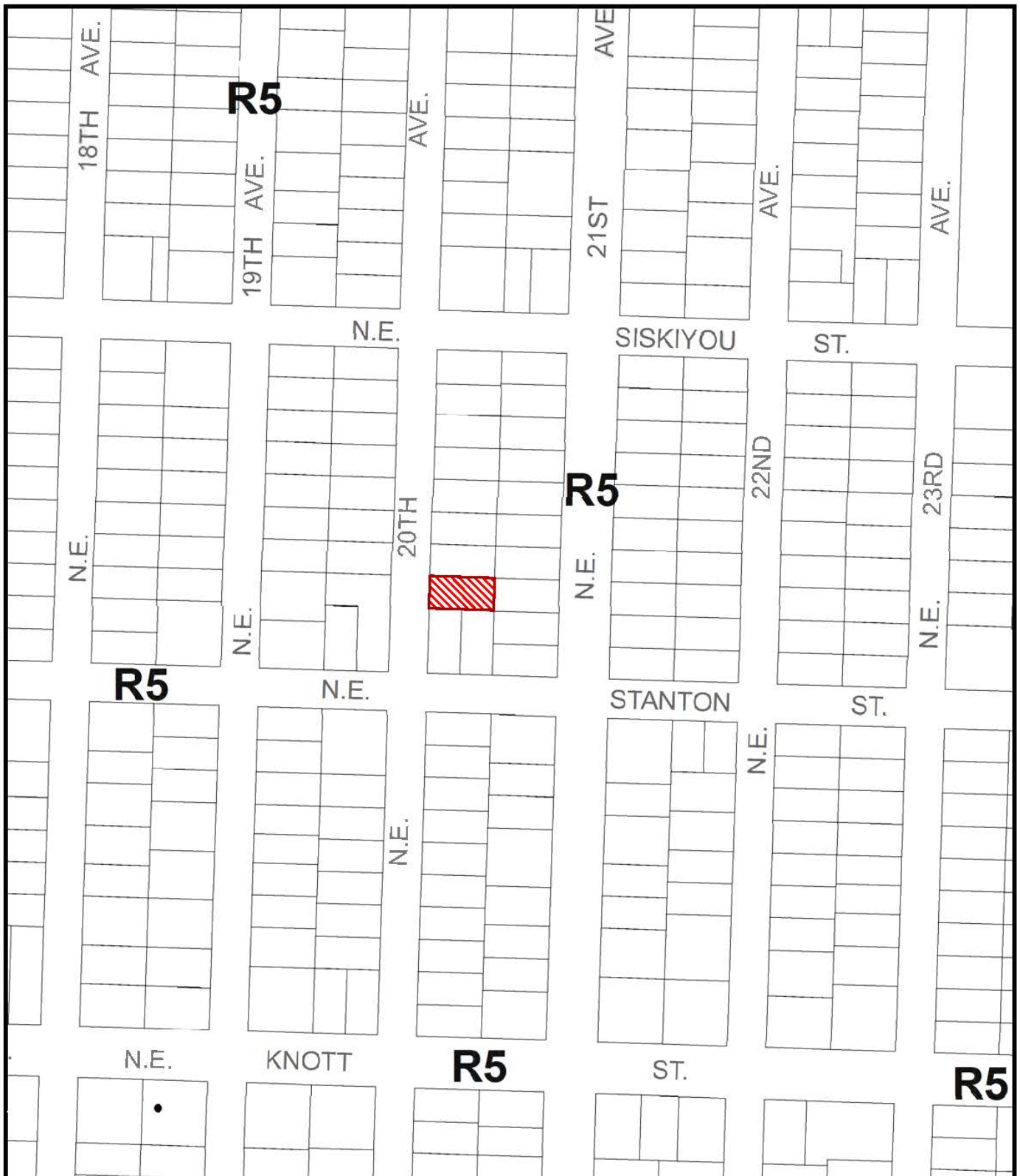
#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- |  |  |
|--|--|
| A. Applicant's Statement                         | 11. Rear Deck stair and guard rail detail                              |
| 1. Applicant's Statement                         | 12. Existing Window Schedule   |
| 2. Applicant's Photographs                       | 13. Replacement Wood Window Schedule                                   |
| B. Zoning Map (attached)                         | 14. Replacement window manufacturers cut sheets.                       |
| C. Plans/Drawings:                               | D. Notification information:   |
| 1. Proposed Site Plan (attached)                 | 1. Mailing list  |
| 2. Existing West/Front Elevation                 | 2. Mailed notice   |
| 3. Existing South/Side Elevation                 | E. Agency Responses:   |
| 4. Existing East/Rear Elevation                  | 1. Water Bureau  |
| 5. Proposed West/Front Elevation (attached)      | 2. Life Safety Bureau  |
| 6. Proposed South/Side Elevation (attached)      | F. Correspondence:   |
| 7. Proposed East/Rear Elevation (attached)       | 1. Dean Gisvold, ICA Land Use Committee, June 15, 2015, no objections. |
| 8. Proposed North/Side Elevation (attached)      | G. Other:  |
| 9. Existing and proposed window section          | 1. Original LU Application   |
| 10. Existing and proposed kitchen window section | 2. First Submittal   |
|  | 3. Second Submittal  |
|  | 4. 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



Historic Landmark



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 15-153944 HR

1/4 Section 2732

Scale 1 inch = 417 feet

State\_Id 1N1E26AD 4800

Exhibit B (Apr 22,2015)



5/22/15

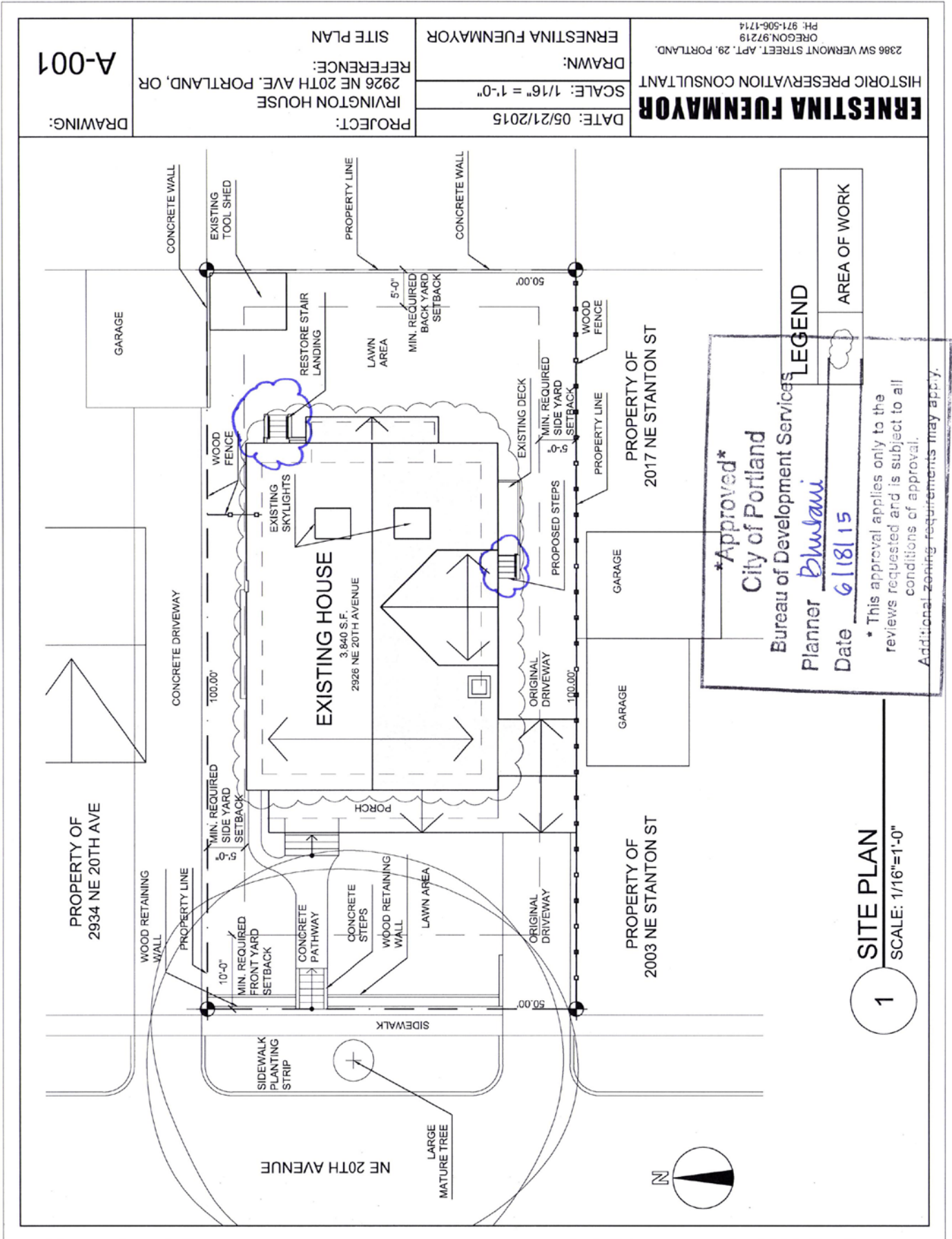
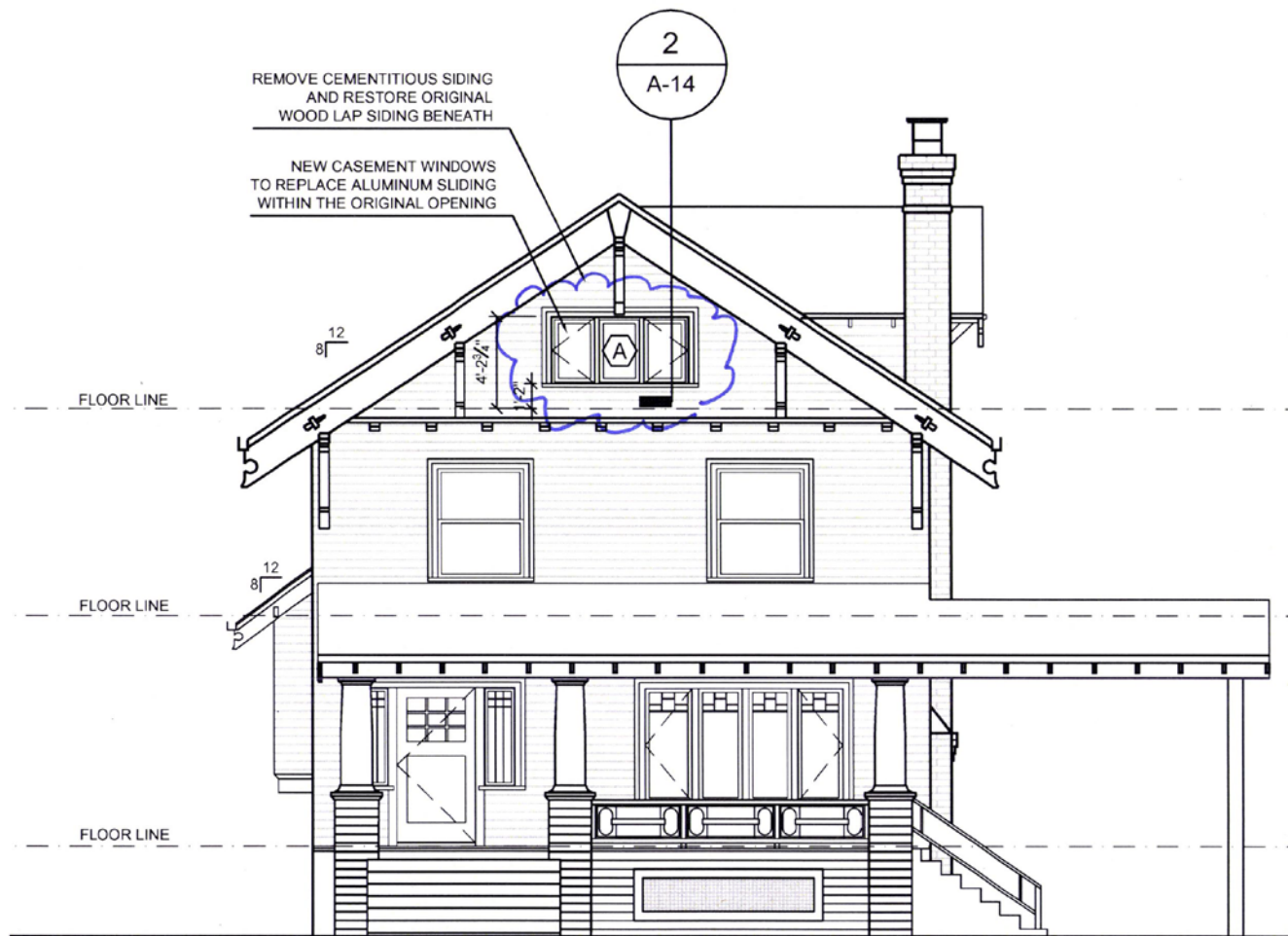


EXHIBIT C-1



1 FRONT ELEVATION - WEST  
SCALE: 1/8"=1'-0"

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner Bhutan  
Date 6/18/15  
\* This approval applies only to the  
reviews requested and is subject to all  
conditions of approval.  
Additional zoning requirements may apply

**ERNESTINA FUENMAYOR**  
HISTORIC PRESERVATION CONSULTANT

2386 SW VERMONT STREET, APT. 29, PORTLAND,  
OREGON 97219  
PH: 971-506-1714

DATE: 04/10/2015

SCALE: 1/8" = 1'-0"

DRAWN:

ERNESTINA FUENMAYOR

PROJECT:

IRVINGTON HOUSE  
2926 NE 20TH AVE. PORTLAND, OR  
REFERENCE:

PROPOSED ELEVATIONS

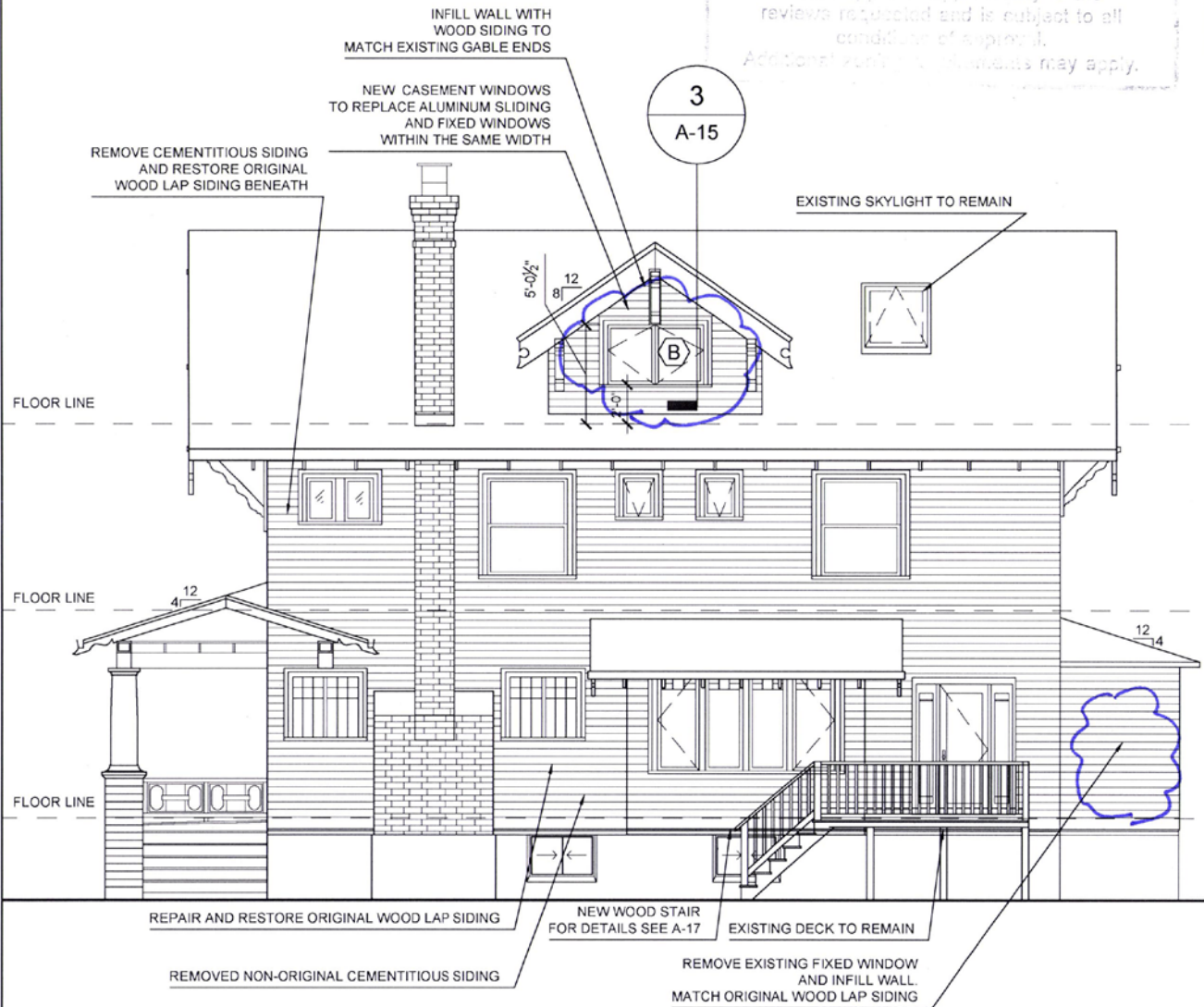
DRAWING:

A-10

EXHIBIT C5

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner Bhubani  
 Date 6/18/15

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



1 SIDE ELEVATION - SOUTH  
 SCALE: 1/8"=1'-0"

**ERNESTINA FUENMAYOR**  
 HISTORIC PRESERVATION CONSULTANT

2386 SW VERMONT STREET, APT. 29, PORTLAND,  
 OREGON 97219  
 PH. 971-506-1714

DATE: 05/20/2015

SCALE: 1/8" = 1'-0"

DRAWN:

ERNESTINA FUENMAYOR

PROJECT:

IRVINGTON HOUSE  
 2926 NE 20TH AVE. PORTLAND, OR  
 REFERENCE:

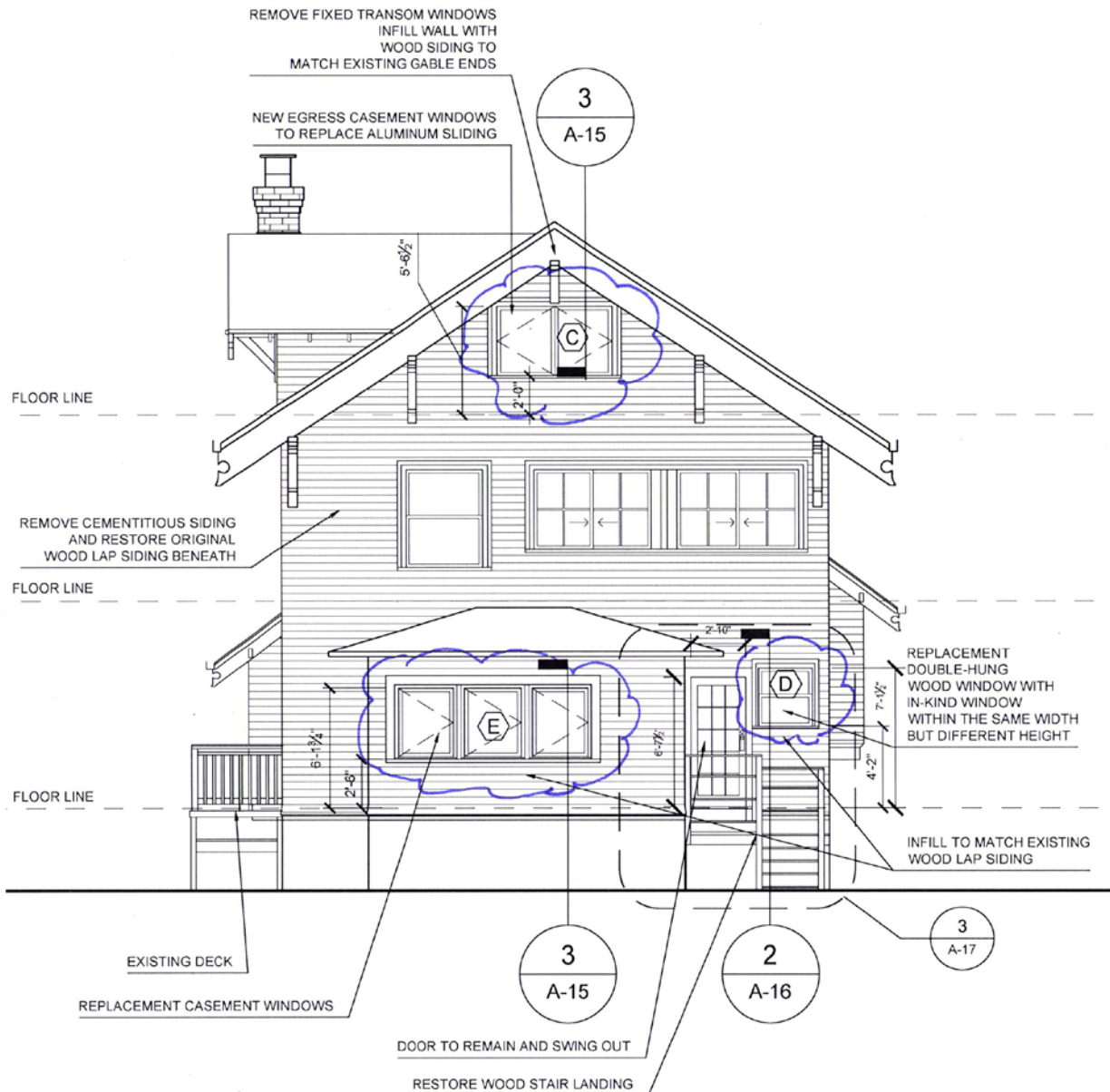
REVISED PROPOSED ELEVATIONS

DRAWING:

A-11  
 Rev

EXHIBIT C6





1 REAR ELEVATION - EAST  
SCALE: 1/8"=1'-0"

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner Bhutan  
Date 6/18/15

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

**ERNESTINA FUENMAYOR**  
HISTORIC PRESERVATION CONSULTANT

2386 SW VERMONT STREET, APT. 29, PORTLAND.  
OREGON 97219  
PH: 971-506-1714

DATE: 05/20/2015

SCALE: 1/8" = 1'-0"

DRAWN:

ERNESTINA FUENMAYOR

PROJECT:

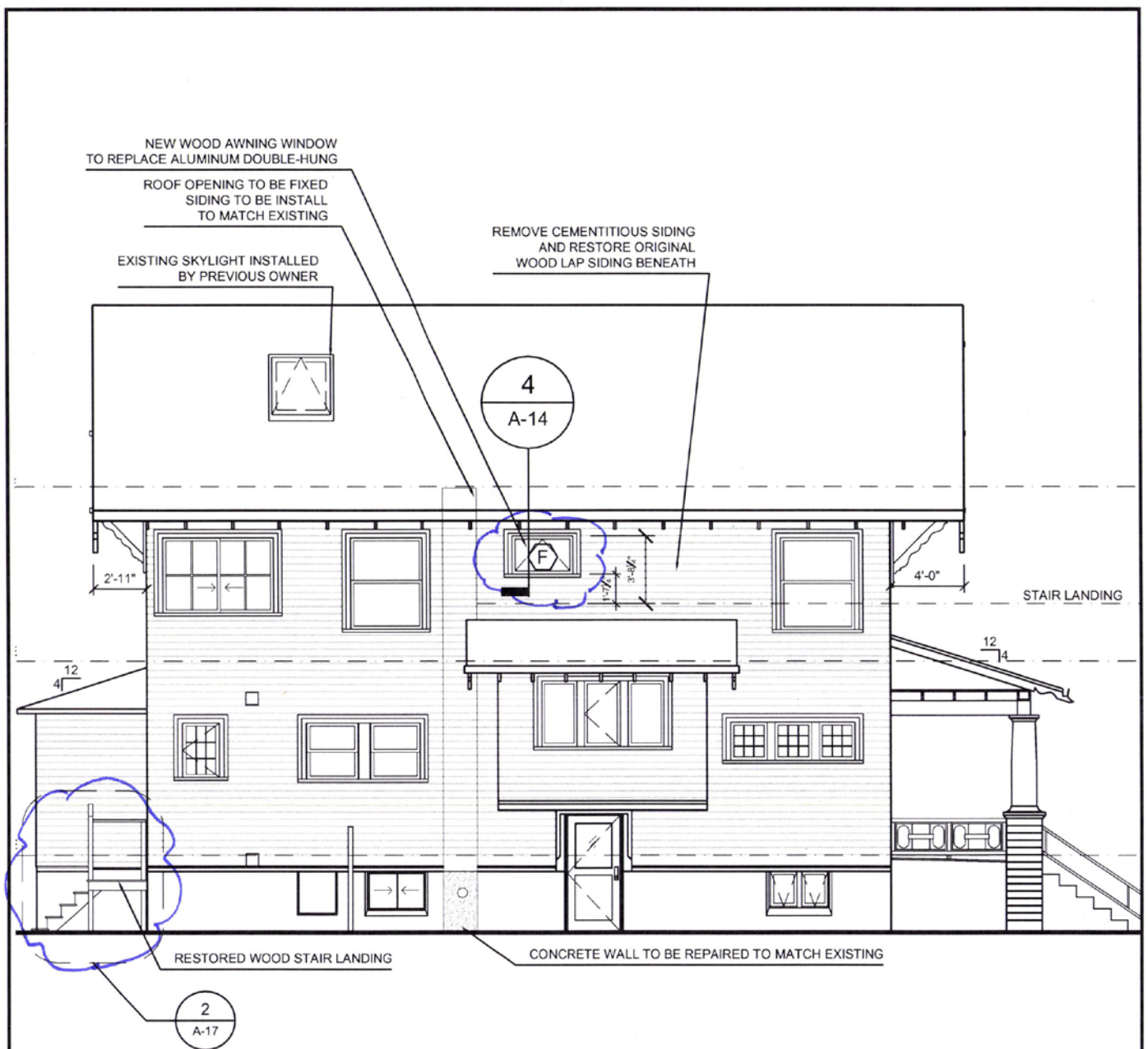
IRVINGTON HOUSE  
2926 NE 20TH AVE. PORTLAND, OR  
REFERENCE:

PREVISED ROPOSED ELEVATIONS

DRAWING:

**A-12**  
Rev

EXHIBIT C7



1 SIDE ELEVATION - NORTH  
SCALE: 1/8"=1'-0"

**ERNESTINA FUENMAYOR**  
HISTORIC PRESERVATION CONSULTANT  
2386 SW VERMONT STREET, APT. 29, PORTLAND,  
OREGON 97219  
PH: 971-506-1714

DATE: 04/10/2015  
SCALE: 1/8" = 1'-0"  
DRAWN:  
ERNESTINA FUENMAYOR

PROJECT:  
IRVINGTON HOUSE  
2926 NE 20TH AVE. PORTLAND, OR  
REFERENCE:  
PROPOSED ELEVATIONS

DRAWING:  
**A-13**

EXHIBIT C8