

FROM CONCEPT TO CONSTRUCTION

**Date:** May 11, 2016

To: Interested Person

 From:
 Amanda Rhoads, Land Use Services

 503-823-7837 / Amanda.Rhoads@portlandoregon.gov

# NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website here: <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 15-243806 HR

# **EXTERIOR ALTERATIONS TO CONTRIBUTING HOUSE IN IRVINGTON**

# **GENERAL INFORMATION**

Applicant:	Bill Myles / Craftsman Design & Renovation 837 SE 27th Ave / Portland, OR 97214
Owners:	Jeffrey La Rochelle and Lisa Nice 2725 NE 23rd Ave / Portland, OR 97212
Site Address:	2725 NE 23RD AVE
Legal Description: Tax Account No.: State ID No.: Quarter Section: Neighborhood: Business District:	BLOCK 11 S 10' OF LOT 7 LOT 8, IRVINGTON R420402230 1N1E26AD 12600 2732 Alameda, contact Dave Johansen 415-225-6202, Irvington, contact Dean Gisvold at 503-284-3885. North-Northeast Business Assoc, contact Joice Taylor at 503-841- 5032.
District Coalition:	Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-9030.
Plan District:	None
Other Designations: Zoning:	Contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010. R5 – Single-Dwelling Residential 5,000
Case Type: Procedure:	HR – Historic Resource Review Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

## Proposal:

The applicant proposes exterior alterations on both the east and north building façades, as follows:

#### East Façade:

- Replace existing front door with new Douglas fir wood door with beveled plate glass;
- Replace the non-original glass in the sidelights with new beveled plate glass and stop molding;
- Replace the non-original concrete paver steps and porch landing with wood steps and deck;
- Replace the likely original two small casement windows above the main entry with new wood casements of the same size;

#### North Façade:

- Replace the four ganged windows from the first floor, installed in 2007, with one wood double-hung one-over-one window and trim to match the adjacent window, with siding patched to match existing; and
- Replace the two small casement windows in the attic, also installed in 2007, with larger, wood double-hung windows and new trim to match existing.

Historic Resource Review is required because the proposal is for non-exempt exterior changes to a contributing resource 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:

• 33.846.060 G Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The 6,000-square-foot site is developed with a two-and-a-half-story Craftsman-style house with horizontal lap siding, a central front porch, and two front gable dormers. The National Register of Historic Places documentation for the Irvington Historic District evaluates the building and the flat-roofed garage on the site as contributing resources within the historic context.

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 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 on **April 8, 2016**. No Bureaus have responded with issues or concerns about the proposal.

**Neighborhood Review:** Three written responses were received from the Neighborhood Association and notified property owners in response to the proposal.

- Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on April 22, 2016 with several comments. The Committee suggested donating the door to the Rebuilding Center (something the applicant has agreed to do). Second, concern was expressed regarding the removal of the four casement windows on the first story. "The location suggests an original location and gives the north façade a very nice balance that will be changed by their removal and replacement with one much larger window. If original, we question their replacement. If you are satisfied that they aren't original, we reduce our concerns." Finally, the letter raises concern about the use of aluminum-clad windows and states, even if there are reasons to use aluminum-clad on the rest of the house, "a reasonable argument can be made that the two replacement windows on the east or front façade should be all wood, regardless of the materiality of the existing windows."
- Two other neighbors wrote in support of the alterations as being in line with the Historic District goals.

*Staff response:* While the notice stated the four casement windows on the north façade were installed in 2007, it was not clear that the opening was new as of that time as well. Exhibit G.5 shows existing and proposed permit drawings from 2007, demonstrating that a sleeping porch was located off of this façade prior to that remodel and no openings were located between the two double-hung windows on the first story. Therefore, the removal of those four windows will not remove historic material or close an original window opening. As explained below in the findings, the replacement of the two original windows on the east façade is not approved (see Condition D).

## 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*.

Decision Notice for LU 15-243806 HR – Exterior Alterations to Contributing House in Irvington Page 4

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.

**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.

**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 for 1, 2, 7, 8, 9, 10:

Note: the front window replacement will be considered separately from the rest of the work (new front steps and landing, new front door, side façade window replacements).

**Porch, Front Door and North Façade Window Alterations:** The house is a contributing structure in the Irvington Historic District which underwent significant renovations in 2007. The changes proposed as part of the current proposal, with the exception of the two front windows discussed separately below, remove only nonoriginal material. The proposed front door, entry steps and landing will make the house more compatible in materiality and design with the rest of the district. The replacement aluminum-clad wood windows will match the existing window inserts already installed throughout most of the house.

The permit record from the 2007 project shows the house's appearance before and after that remodel (Exhibit G.5). From that information, it is clear that most of the windows on the house were replaced at that time. The window openings proposed to be increased in size at the attic level on the north façade were new as of that 2007 project, as were the set of four casement windows at the first-level living room now proposed to be removed. These changes occurred after a second-level sleeping porch above the driveway was removed and replaced with a pergola.

Therefore, those windows' removal will not affect historic materials, the historic window pattern on the house, or features that contribute to the property's historic significance. The aluminum-clad wood windows will match the rest of the windows on the north façade and on most of the windows on the house. A condition of approval will ensure that the new inserts are placed at the same depth as the existing aluminum-clad windows. These minor façade changes will not in and of themselves create a false sense of historic development.

While the elevation drawing on the north side shows a somewhat truncated central roof bracket at the attic windows, the applicant states the existing bracket will not be

shortened or otherwise affected by the new, larger attic windows. In order to protect historic material, a condition of approval will require that the existing bracket be maintained at its current size with no alterations.

The applicant speculates that the porch steps and landing were originally wood and not concrete, and GoogleMaps shows a change to the material and the width of the stairs, as well as the removal of the brick columns on either side of the stairs, between 2007 and 2009 (shown as remaining in the 2007 permit drawings in Exhibit G.5). The current proposed alterations will maintain the new stair width but return the material back to wood. This shift back to the likely original material and the retention of the existing porch roof and columns is compatible with the historic resources onsite and the neighborhood as a whole. The change will not result in the removal any original material.

The proposed front door will better match the existing sidelight pattern. The sidelights will lose their non-original amber dual-glazed glue-chip style glass (see photo in Exhibit A.8) for beveled-edge clear glass to match the new front door. The frames will remain. The existing front door is not original to the house and has a more modern descending three-window configuration. It was proposed to be replaced as part of the 2007 project but was not. As requested by the Irvington Community Association, the applicant states the door will be donated to the Rebuilding Center, and the hardware will likely be reused on the new door.

The historic character of the Irvington Historic District will not be adversely affected by the proposed new window openings on the north façade, the changes to the front porch or the new main entrance door. These alterations are modest and affect little to no historic material. Aluminum-clad wood is already evident on most windows on the house; the new first-story window will align with the two existing double-hung windows and will be the same size with matching trim. The new attic windows are larger but still modest compared to windows on the other two stories, which is typical for the district.

**Front Window Replacement:** The applicant proposes to replace two small windows on the front façade that open into bedroom closets on the second floor. As shown in Exhibit G.5, these are the only two windows on the front facade that are likely original (excepting the basement window) and the only wood windows. More permit records show that these are two of only four windows on the house (not including basement window) not replaced in 2007 or an earlier remodel.

The removal of this historic material will detract from the historic character of the site and, in a small way, the district, where wood windows are typical. The applicant stated that the owners want to replace the windows due to air leakage and safety concerns. Since such a limited number of historic wood windows remain on the building, removing these last two from the front façade will negatively impact the integrity of this historic resource. With the conditions of approval that new inserts are placed at the same depth as the existing aluminum-clad windows; and the existing central bracket on the north elevation be maintained at its current size with no alterations; and finally with the condition of approval that the two windows on the front (east) elevation proposed for replacement will remain; 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. Decision Notice for LU 15-243806 HR - Exterior Alterations to Contributing House in Irvington Page 6

# 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 portion of this proposal replacing the front door, the concrete steps and landing, and replacing three windows on the north façade meets the applicable Historic Resource Review criteria and therefore warrants approval. The street-facing replacement of two original wood windows, however, which would remove historic material and impact the resource's integrity, does not warrant approval.

# **ADMINISTRATIVE DECISION**

**Historic Resource Review approval** of a new wood and glass front door on the east façade; replacement of the concrete entry steps and landing with wood steps and landing; and replacement of four non-original casement windows and two attic windows with three double-hung windows, per the approved plans, Exhibits C.1 through C.10, signed and dated May 9, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 15-243806 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The new aluminum-clad wood window inserts will be placed at the same wall depth as the existing aluminum-clad windows.
- C. The existing central roof bracket on the north façade in the location of the proposed attic windows will be retained at its current size with no alterations.
- D. The two windows on the front (east) elevation proposed for replacement will remain.

### Staff Planner: Amanda Rhoads

Decision rendered by:	An	N	on May 9, 2016
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By authority of the Director of the Bureau of Development Services

## Decision mailed May 11, 2016

**Procedural Information.** The application for this land use review was submitted on October 7, 2015, and was determined to be complete on March 24, 2016.

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 October 7, 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: July 22, 2016.** 

#### 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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

#### 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 **May 11, 2016**. 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 503-823-7617.

**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, permitees must demonstrate compliance with:

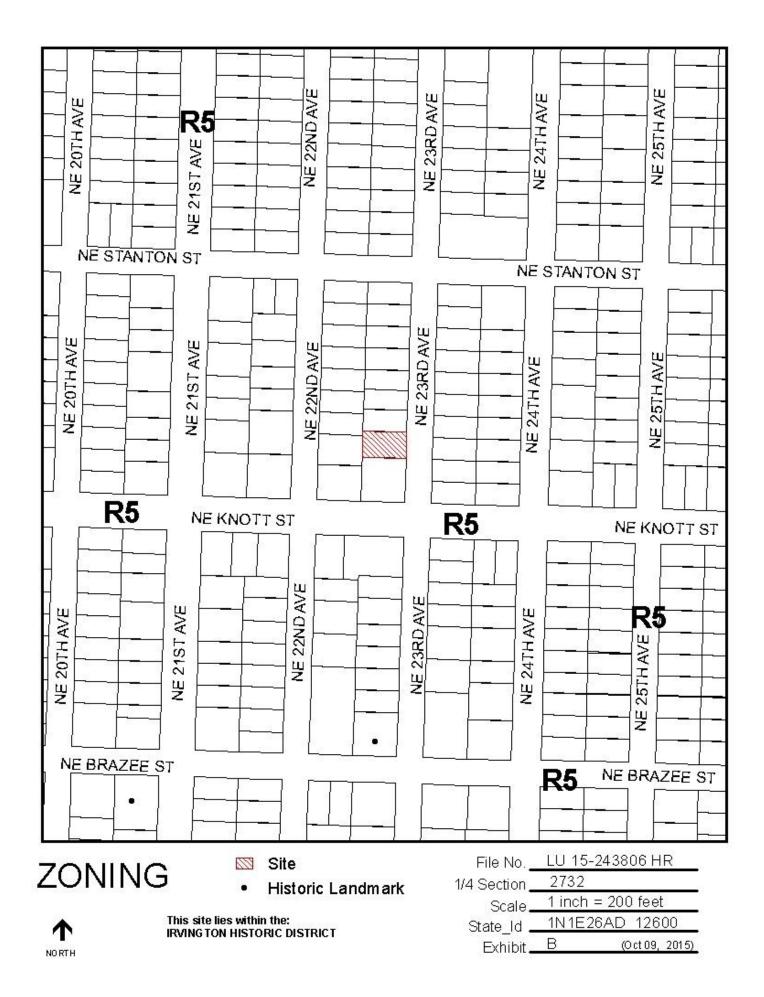
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

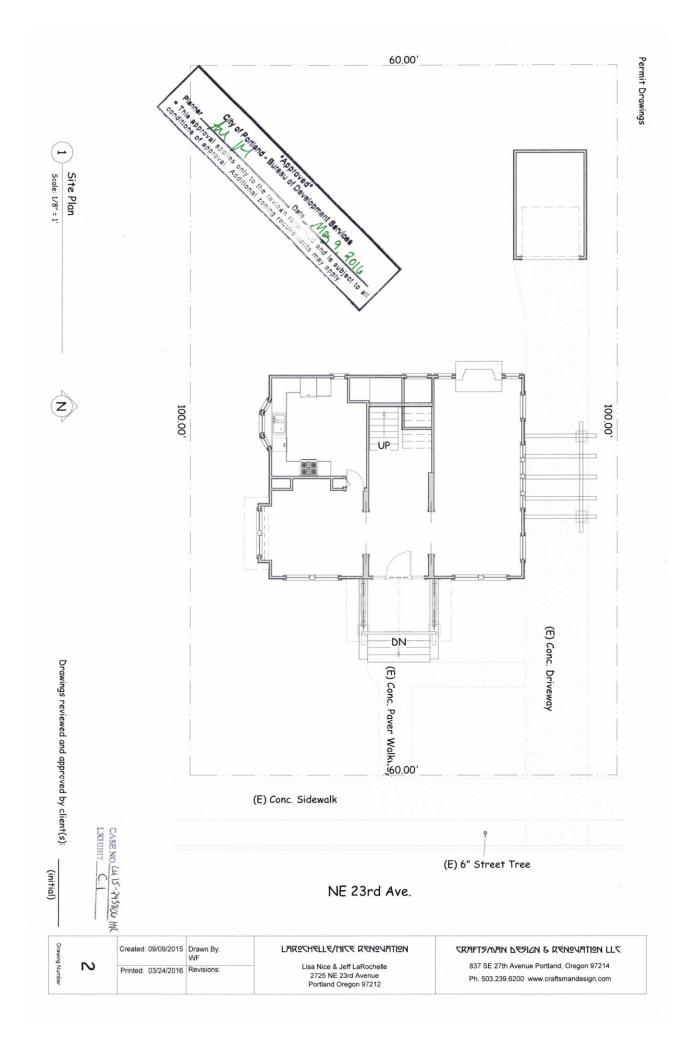
#### **EXHIBITS**

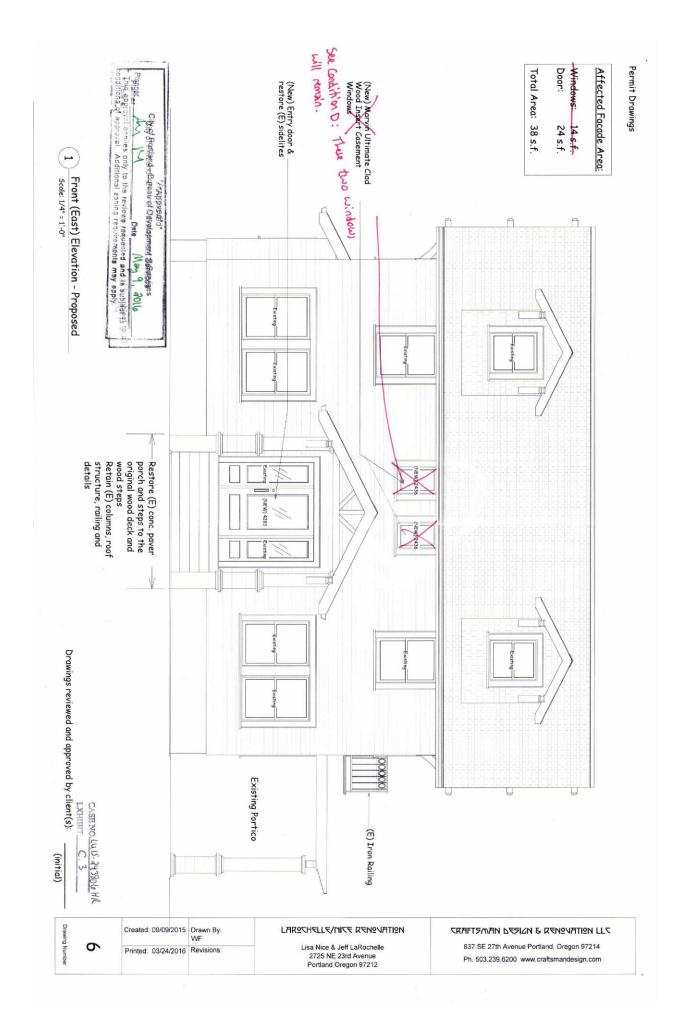
#### NOT ATTACHED UNLESS INDICATED

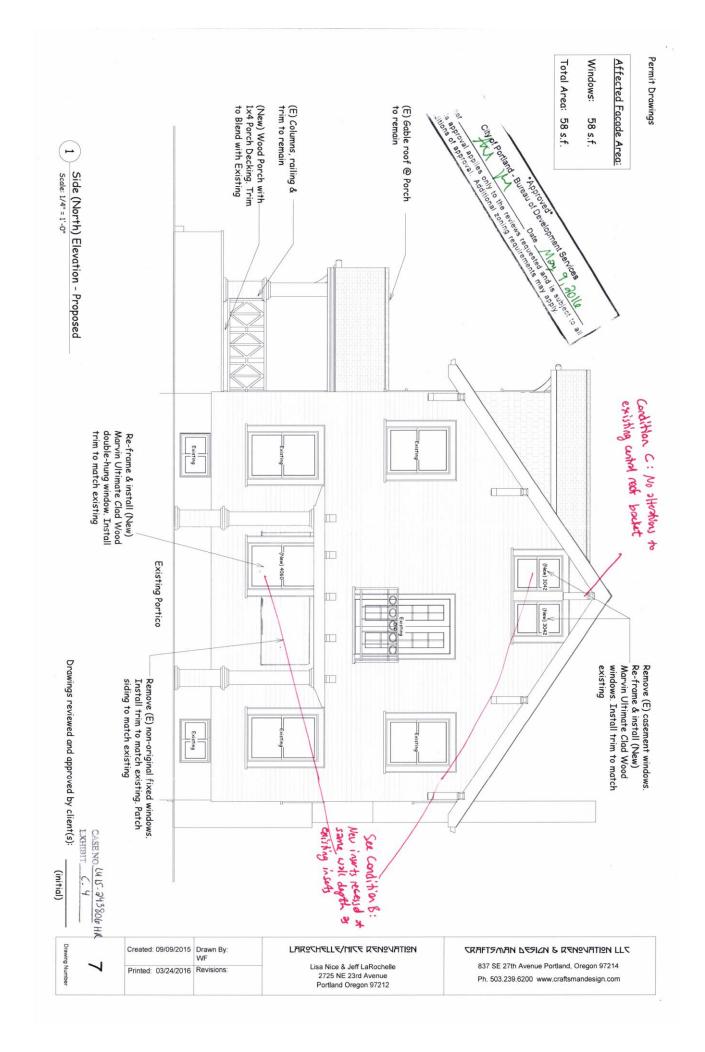
- A. Applicant's Statement
  - 1. Applicant Narrative (superseded)
  - 2. Original Plan Set (superseded)
  - 3. Subject Site and Irvington House Photos
  - 4. Applicant Email with Reference Photo for Porch Extension, November 6, 2016
  - 5. Revised Narrative
  - 6. Second Plan Set (superseded)
  - 7. Applicant Email with Information on Front Windows, April 1, 2016
  - 8. Applicant Email with Cut Sheets and Images, April 22, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Porch Plan
  - 3. East Elevation (attached)
  - 4. North Elevation (attached)
  - 5. South Elevation
  - 6. West Elevation
  - 7. Front Door Plan (attached)
  - 8. Clad Wood Insert Sections
  - 9. Rendering
  - 10. Marvin Section Details
  - 11. Existing Porch Plan
  - 12. Existing East Elevation
  - 13. Existing Rendering
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
  - 1. Graig Spolek, April 11, 2016, in support
  - 2. John Case, April 12, 2016, in support
  - 3. Dean Gisvold, representing the Irvington Community Association Land Use Committee, April 22, 2016, with concerns.
- G. Other:
  - 1. Original Land Use Application and Receipt
  - 2. Incomplete Letter, November 4, 2015
  - 3. Notice of Incomplete Period Expiration, March 1, 2016
  - 4. Historic Site Record and Sanborn Map
  - 5. Existing and Proposed East and North Elevation Drawings from 2007 permit 07-146659 RS
  - 6. Refund Request and Fee Transfer Form for case transition from Type II to Type I

#### 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).









Permit Drawings

