



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: December 29, 2016
To: Interested Person
From: Mike Gushard, Land Use Services
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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 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 16-249062 HR – ALTERATIONS DUE TO FIRE DAMAGE

GENERAL INFORMATION

Applicant: JH Architects
John Hasenberg
2104 NE 45th
Portland, OR 97213

Owner: BP-Brazee LLC
1220 NW Lovejoy Street #130
Portland, OR 97209

Site Address: 2330 NE BRAZEE ST

Legal Description: BLOCK 6 E 95' OF LOT 1&2, IRVINGTON
Tax Account No.: R420401060
State ID No.: 1N1E26DA 08900
Quarter Section: 2832

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Other Designations: Contributing Resource – Irvington Historic District

Zoning: R5- Residential 5,000
Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL:

The proposal includes the replacement of windows in a historic house within the Irvington Historic District due to a fire. The new windows are all wood windows designed to match the original windows. Existing elements of these windows including exterior trim and sills will be preserved. True leaded glass windows, will be replaced with double pane windows with leading on one of the panes. It also includes the installation of wood French doors at the south (rear) elevation of the house where a picture window with a divided light transom currently exists.

This project requires historic resource review because it is a contributing resource in the Irvington Historic District per Chapter 33.445.140(a) of the Portland Zoning Code.

RELEVANT APPROVAL CRITERIA:

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

- Portland Zoning Code - 33.846.060G
Historic Resource Review

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. This application was submitted on September 26, 2016 and determined to be complete on October, 12, 2016

ANALYSIS

Site and Vicinity: The historic Williamson house is a two-story Mediterranean Revival house with stucco cladding. It has a concrete-tile, hip roof with gabled volumes and a wide arched entry porch. Some of the existing windows had been previously replaced with wood tilt-pac sashes. The house recently withstood significant fire damage during a renovation which required gutting the interior.

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 nonresidential 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 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.

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 **October 24, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Transportation Engineering

The Life Safety Section of BDS responded with the following comment:
Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes. Please See Exhibit E-7 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 24, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Committee Chair ICA Land Use Committee: 11/14/2016, Email in support of project noting the changes made are appropriate and the windows replicate historic features.

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

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.

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 1-5, 7 and 9: This is a unique case, in that the house suffered substantial fire damage during renovation precipitating the need to replace the existing windows.

The in-kind replacement of wood sash windows where there were once wood windows does not adversely affect the integrity of the house and is in keeping with the historic character of the house. Generally, the replacement of character-defining leaded glass windows with a simulated leaded glass is not preferred, however the extent of the damage renders preservation of the existing windows and/or replacement with exact matches impractical. *Therefore these criteria are met.*

Findings 8 and 10: The leaded glass windows are damaged beyond repair and the use of simulated leaded glass represents an acceptable gesture toward the character of the now destroyed windows and an improvement over the house's current state. The inclusion of the French door at the rear bay of the property is minimal in scope and does not interrupt the architectural organization of the house and is compatible with its design. *Therefore 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 proposed alterations to the windows seek to correct damage caused by fire and are compatible with the existing resource. The installation of the French doors is minimal in scope and compatible with the resource.


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 replacement of windows and installation of a new door, per the approved site plans, Exhibits C-1 through C-8, signed and dated December 22, 2016, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-249062 HR. No field changes allowed."

Staff Planner: Mike Gushard



Decision rendered by:

on (December 22, 2016)

By authority of the Director of the Bureau of Development Services

Decision mailed: December 29, 2016

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 September 26, 2016, and was determined to be complete on October 12, 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 September 26, 2016.

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: February 9, 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.

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 January 12, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **January 13, 2017**
- 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:

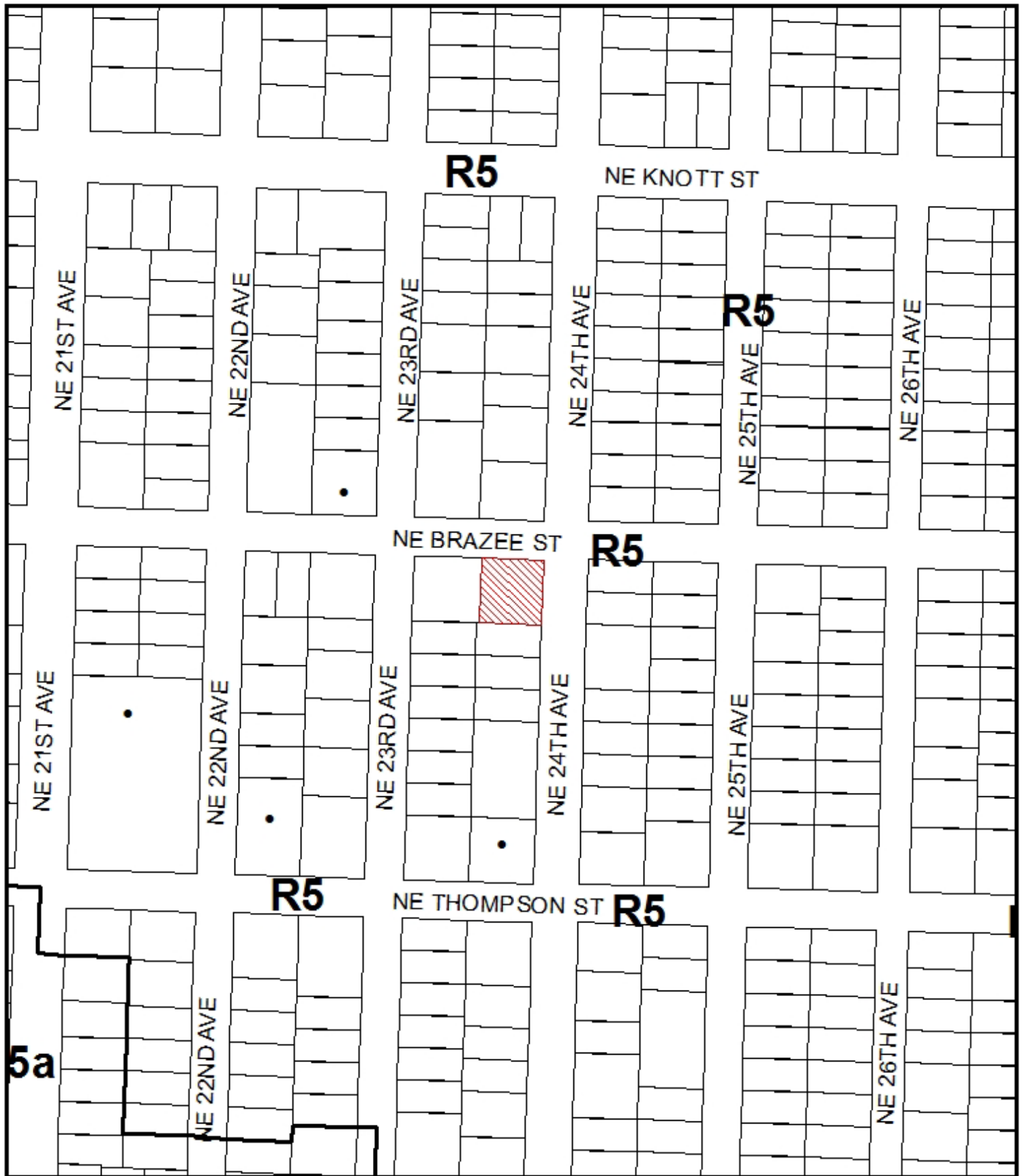
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- | | |
|---------------------------------|---|
| A. Applicant's Statement | 1. Bureau of Environmental Services |
| 1. Narrative | 2. Bureau of Transportation |
| 2. Photos | Engineering and Development |
| B. Zoning Map (attached) | Review |
| C. Plans/Drawings: | 3. Water Bureau |
| 1. Site Plan (attached) | 4. Fire Bureau |
| 2. Floor plans | 5. Site Development Review Section of |
| 3. Existing Elevations | BDS |
| 4. Proposed Elevations and Door | 6. Bureau of Parks, Forestry Division |
| Details | 7. Life Safety Section of BDS |
| 5. Window Details | F. Correspondence: |
| 6. Window Sections | 1. Dean Gisvold, Committee Chair ICA |
| 7. Window Sections | Land Use Committee: 11/14/2016, Email |
| 8. Door Details | in support of project. The changes made are |
| D. Notification information: | appropriate and the windows replicate |
| 1. Mailing list | historic features. |
| 2. Mailed notice | G. Other: |
| E. Agency Responses: | 1. Original LU Application |

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



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 16-249062 HR

1/4 Section 2832

Scale 1 inch = 200 feet

State_Id 1N1E26DA 8900

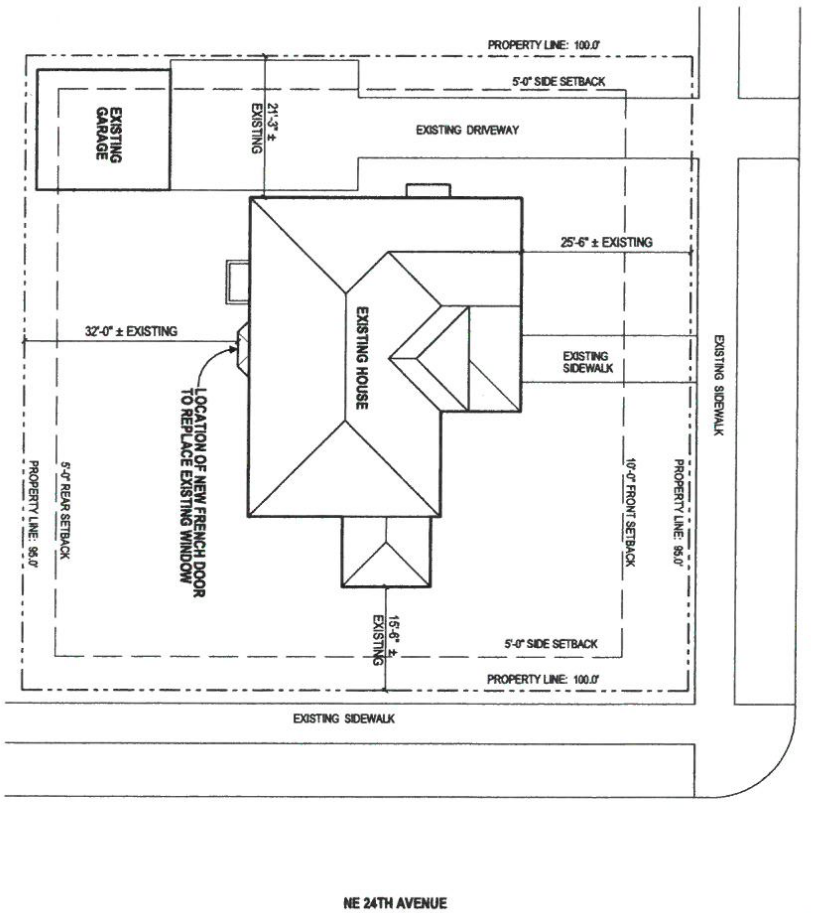
Exhibit B (Sep 29, 2016)

PROJECT SCOPE:
 1) ALL WINDOWS REPLACED AT AN EXISTING RESIDENCE DUE TO SMOKE DAMAGE
 2) REPAIRS TO EXISTING KITCHEN TO REPLACE WINDOW IN KITCHEN NOOK
LOT COVERAGE: UNCHANGED
ZONE: RS LOT AREA 9,500 SF
BUILDING COVERAGE: UNCHANGED
FOOTPRINT REMAINS UNCHANGED

PROPERTY DESCRIPTION:
 TAX MAP: RAVINGTON
 BLOCK: 6
 LOT: E 86 OF LOT 1 & 2
 MAP #: 2005 OLD
 PROJECT ID: R8788
 STATE ID: TWE2804 8900
 AL ACCOUNT #: R420401080

SHEET INDEX:
 1. SITE PLAN
 2. EXISTING FLOOR PLANS
 3. NORTH EAST & WEST EXTERIOR ELEVATIONS
 4. SOUTH EXISTING & NEW EXTERIOR ELEVATIONS
 5. FRENCH DOOR DETAILS
 6. NEW & EXISTING WINDOW DETAILS

NE BRAZEE ST.



PROPERTY OF P.A.M. COPYRIGHT 2018

Approved

City of Portland - Bureau of Development Services

Planner

Date

12/22/16

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

EXISTING SITE PLAN
 1/8" = 1'-0"
 NO CHANGES TO HOUSE FOOTPRINT OR SITE WORK
 NOTE: PROPERTY LINE LOCATIONS ARE APPROX.

Drawn: CH
 Sheet No: 1
 OF 5

PIENOVI RESIDENCE REMODEL

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 PORTLAND, OREGON 97212

2124 NE 42ND AVENUE
 PORTLAND, OREGON 97218
 PHONE: 503.281.1313
 WWW.PIENOVIArchitect.com

PIENOVIArchitect
 HISTORIC REVIEW

jha
 JOHN HASENBERG
 ARCHITECT

REGISTERED ARCHITECT
 STATE OF OREGON
 NO. 12777

LV16-249062HR