



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

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**Date:** February 21, 2017  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-823-7282 / [David.Besley@portlandoregon.gov](mailto:David.Besley@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 <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 16-274850 HR – NEW BASEMENT WINDOWS**

#### **GENERAL INFORMATION**

**Applicant/Owner:** William Schneider  
3342 NE 13th Ave  
Portland, OR 97212

**Site Address:** 3342 NE 13TH AVE

**Legal Description:** BLOCK 71 N 3' OF LOT 14 LOT 15 S 3' OF LOT 16, IRVINGTON  
**Tax Account No.:** R420415290  
**State ID No.:** 1N1E26BA 01500  
**Quarter Section:** 2731

**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 at [chair@nnebaportland.org](mailto:chair@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030

**Zoning:** R5, Single Dwelling Residential 5,000  
**Other Designations:** Contributing structure within the Irvington Historic District

**Case Type:** HR, Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

#### **Proposal:**

The applicant seeks Historic Resource Review approval for the following street-facing changes: add two new basement windows, replace the existing metal porch posts with two new wood porch columns, and add a new porch light fixture. The new basement windows

will be Marvin painted wood casement windows: the egress window measures 2'-8" by 3'- 4 1/16" and the non-egress window measures 2'-8" by 2'-1/16". The columns will be custom built, 8 inches in diameter.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations on a contributing resource in an historic district.

A new porch and fence are proposed, which are not subject to Historic Resource Review, per 33.445.320.B.

**Relevant Approval Criteria:**

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

- 33.846.060 G Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The subject 4,700 square foot site contains a 1 1/2-story, 1,762 square foot single-dwelling home and a detached garage. The residence was built in a Minimal Traditional style around 1925, and is classified as a Contributing Resource in the Irvington Historic District because of its age and high degree of physical integrity. The site is located on the east side of NE 13<sup>th</sup> Avenue, between NE Klickitat Street and NE Fremont Street.

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:** 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 living unit per 5,000 square feet of site area. The current use is allowed by right.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment

of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** 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 **January 19, 2017**. No responses were required.

**Neighborhood Review:** Two written responses were received noting that the proposal has been reviewed and there are no objections from the Sabin Community Association Board (Exhibit F.1) and a neighbor to the south (Exhibit F.2).

## **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.

#### **Findings for 1, 2, 3, 4 and 5:**

The proposed alterations to the contributing resource will not damage or negatively affect the historic character of the 1925 resource. No changes are being proposed to the contributing house's overall form, roofline or building footprint. Proposed alterations to the structure will not unnecessarily remove or cause damage to previous historic changes that have been made and require preservation. Historic features will not be damaged and historic materials will be protected; chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used. Detail drawings and specifications submitted by the Applicant

indicate that all alterations will functionally and visually match existing house, thereby maintaining the resource's historic significance.

The proposed alterations to the west (front) elevation include two new basement windows, replacing the existing two metal porch posts with two new wood porch columns, and adding a new porch light fixture.

**Windows:** In order to limit the addition of new features on the house, especially on the front elevation, consideration was given to relocating the proposed front-facing basement windows to other facades of the house. A new window well along the north (side) elevation, however, would encroach into the existing driveway. Further, the applicant's site plan shows that the house is set back roughly three feet from south (side) property line, which is inadequate space for a new window well. Thus, in order to create needed living space within the existing house footprint, the new street-facing basement windows are a reasonable request given constraints of the existing house and site. The new basement windows will be Marvin painted wood casement windows; the egress window measures 2'-8" by 3'- 4 1/16" and the non-egress window measures 2'-8" by 2'-1/16". The windows extend only two-feet above the ground level, are symmetrically positioned on the façade with the same width, and they will change only about 3 percent of the front façade.

**Columns:** The new wooden columns will be custom built and eight inches in diameter.

Collectively, the proposed alterations are consistent with the architectural character of the resource ensuring that the contributing resource will remain a record of its time. *Therefore, these guidelines are met.*

**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:**

*Archaeological resources have not been identified and there will not be significant earthwork on site; therefore this criterion is not applicable.*

**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 7, 8, 9 and 10:**

The proposed alterations will not destroy or negatively impact historic materials or features true to the contributing resource. Collectively, the proposed alterations to the resource will not interrupt the architectural organization of the house and will ensure that the structure remain an accurate record of its time and continues to be a

valuable contributing resource to the immediate adjacent neighborhood and the Irvington Historic District as a whole. *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 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 in that the two new basement windows, porch column, and light fixture will be compatible in design and materials to the resource and the district and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of exterior alterations to the front (west) elevation of the residence in the Irvington Historic District. These include:

- add two new basement windows (Marvin painted wood casement windows; the egress window measures 2'-8" by 3'- 4 1/16" and the non-egress window measures 2'-8" by 2'-1/16")
- replace the existing metal porch posts with two new wood porch columns; and
- add a new porch light fixture.

Approved as per the approved site plans, Exhibits C.1 through C.4, signed and dated February 13, 2017, subject to the following condition:

- 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-274850 HR."

**Staff Planner: David Besley**



**Decision rendered by:** \_\_\_\_\_ **on February 13, 2017.**

By authority of the Director of the Bureau of Development Services

**Decision mailed February 21, 2017**

**Procedural Information.** The application for this land use review was submitted on November 17, 2016, and was determined to be complete on January 16, 2017.

*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 November 17, 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: May 19, 2017.**

**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](http://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 February 22, 2017. 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, permittees must demonstrate compliance with:

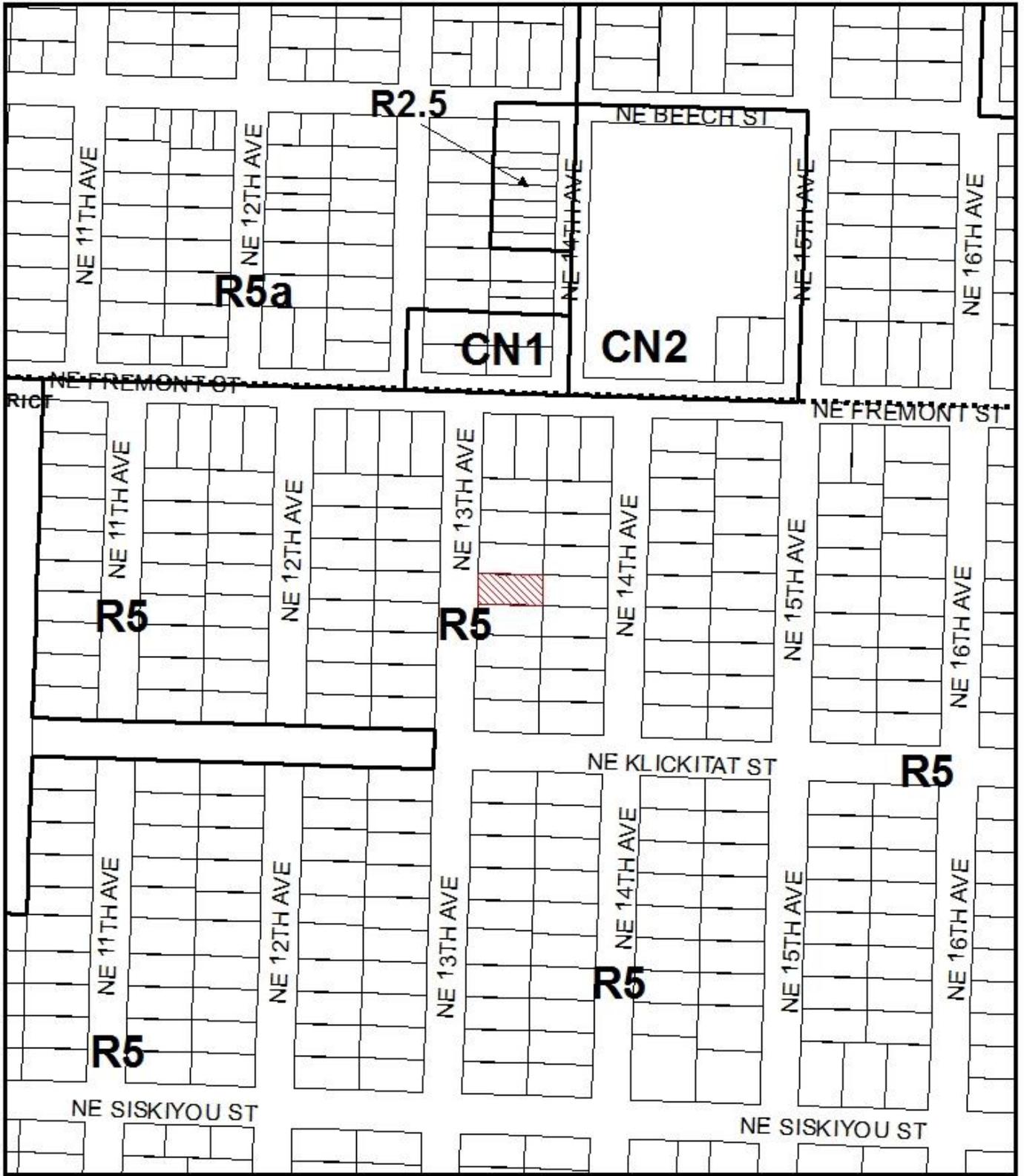
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan and West Elevation (attached)
  - 2. Window and Column Details (attached)
  - 3. Light Fixture Detail (attached)
  - 4. Window Cut Sheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were required.
- F. Correspondence:
  - 1. Rachel Lee, Sabin Land Use and Transportation Committee, January 30, 2017, letter of support
  - 2. Tony Jones, January 22, 2017, letter of support
- G. Other:
  - 1. Original LU Application and Receipt
  - 2. Incomplete letter from staff to applicant, sent December 6, 2016

**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

This site lies within the:  
IRVINGTON HISTORIC DISTRICT



File No.	<u>LU 16-274850 HR</u>
1/4 Section	<u>2731</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26BA 1500</u>
Exhibit	<u>B</u> (Nov 22, 2016)

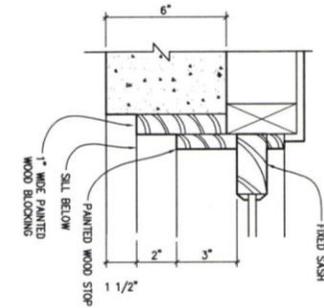


**\*Approved\***  
**City of Portland**  
 Bureau of Development Services  
 Planner David Berley  
 Date 2.13.17

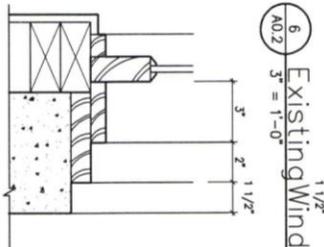
\* This approval applies only to the reviews requested and is subject to all conditions of approval  
 Additional zoning requirements may apply.

NOTE: DUE TO REPERATION OF WINDOWS, CAGED ON PAINT AND POOR QUALITY OF INSTALLATION, DIMENSIONS ARE APPROXIMATE.

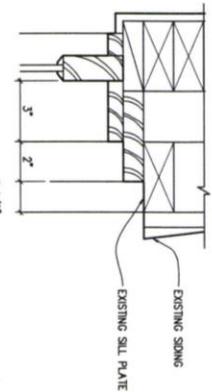
8 Existing Window Jamb AT BASEMENT



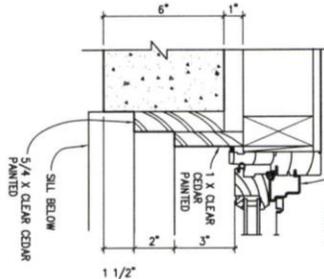
7 Existing Window Sill AT BASEMENT



6 Existing Window Head AT BASEMENT

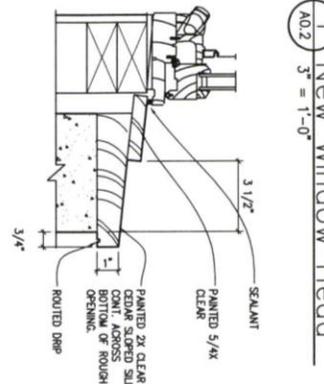


3 New Window Jamb

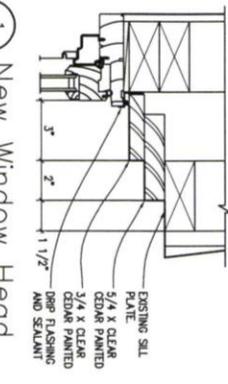


NOTE: ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVATIVE TREATED

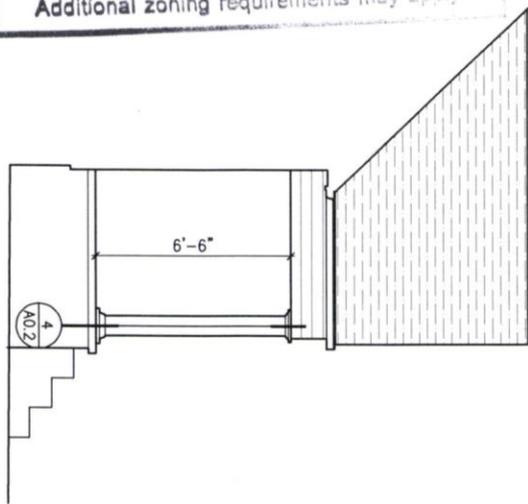
2 New Window Sill



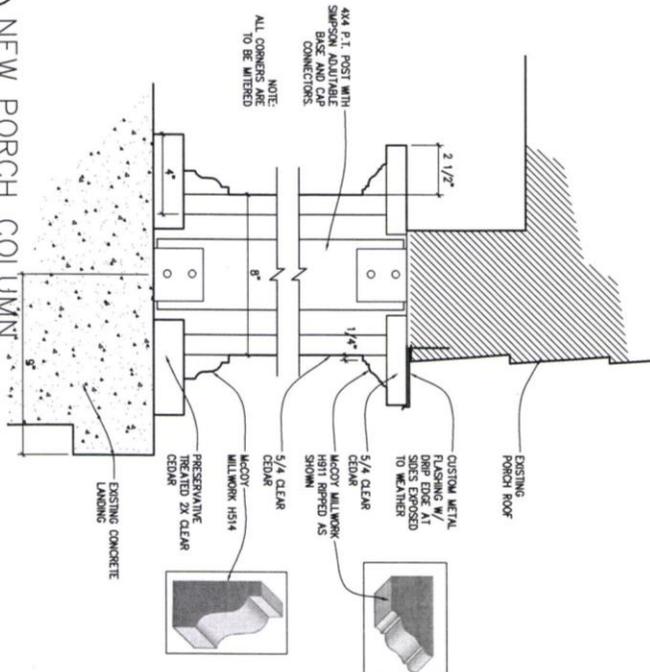
1 New Window Head



5 Porch Side Elevation



4 NEW PORCH COLUMN



JOB NO:	16106
DRAWN BY:	SNK
SCALE:	AS SHOWN
<b>A 0.2</b>	

**FORMWEST**  
 architecture, inc.  
 815 N.E. SCHUYLER #12174  
 PORTLAND, OR. 97212  
 503.297.2580  
 W.W.W.FORMWEST.COM

RESIDENCE ALTERATION  
 3342 NE 13TH AVENUE  
 PORTLAND, OREGON 97213

CASE NO. 16-274850  
 EXHIBIT C-2

REVISIONS:  
 06.2016  
 DECEMBER 16, 2016  
 08.2017  
 FEBRUARY 18, 2017

DATE ISSUED:  
 November 7, 2016

REGISTERED ARCHITECT  
 NO. 3379  
 FRANK MESS  
 PORTLAND, OREGON  
 STATE OF OREGON



**ALSEA** Item # A7107

Craftsman Wall Sconce

**\$140.00**

Porch lighting with punch, the Alsea will certainly add to your home's curb appeal. We love it with the eye-catching faceted shade shown here, but a round globe looks just as smart. Consider the Alsea for spaces both Craftsman and contemporary.

We use lightweight cast-aluminum parts to achieve this traditional look, and top it off with a classic Black Enamel finish to inhibit rust.

- Powder-coated Black Enamel finish stands up to the elements
- Wet rated for outdoor use
- Compatible with 3-1/4" fitter shades
- Choose standard incandescent or energy-efficient GU24 sockets
- Install oriented as shown for wet locations
- For a damp-rated down-light sconce, see the Paulina
- Installation Instructions

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner David Berley  
 Date 2-13-17

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

**Want to chat?**

We'd love to help you pick the right product or answer any questions you may have. Try our [live chat](#) or call us at 888-401-1900.

**Shipping & Returns**

In-stock items arrive in 2-10 business days. Some items ship directly from suppliers and may take longer. Configured products require 2-4 weeks to build plus 2-10 business days for delivery. For additional information, please see our [Shipping and Returns terms](#).

EX C-3  
 W16-274850HR