



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

FROM CONCEPT TO CONSTRUCTION

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

**Date:** May 7, 2014  
**To:** Interested Person  
**From:** Jennifer Kenny, Land Use Services  
503-823-7011 / [Jennifer.Kenny@portlandoregon.gov](mailto:Jennifer.Kenny@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 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 14-133300 HR – WINDOW REPLACEMENT**

#### **GENERAL INFORMATION**

**Applicant:** Tien Huynh, Mcculloch Construction  
1729 NE Siskiyou St / Portland, OR 97212

**Site Address:** 2516 NE 27TH AVE

**Legal Description:** TL 2100 0.24 ACRES, SECTION 25 1N 1E  
**Tax Account No.:** R941250090  
**State ID No.:** 1N1E25CB 02100  
**Quarter Section:** 2833  
**Neighborhood:** Grant Park, contact Ken Peterson at [gpnalanduse@gmail.com](mailto:gpnalanduse@gmail.com).  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.

**Other Designations:** Contributing property in the Irvington Historic District  
**Zoning:** R5, a single-dwelling zone  
**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 is seeking Historic Resource Review approval to replace a fixed tri-partite window with a wood double hung window, on the north side of a Contributing property in the Irvington Historic District. Historic Resource Review is required for new construction within the Historic District. The original Notice of Proposal described the replacement as a divided light, three-over-three window. The updated proposal is for a double hung window.

**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 Approval Criteria

#### **ANALYSIS**

**Site and Vicinity:** The subject house is a contributing property within the Irvington Historic

District. Its type is noted as a English Cottage from the late 19<sup>th</sup> and early 20<sup>th</sup> century period of revivals.

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.

**Zoning:** The 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 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 **April 11, 2014**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 11, 2014**. Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on April 24, 2014 to state no objections to the project.

## **ZONING CODE APPROVAL CRITERIA**

### **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 33.846.060.G – *Other Approval Criteria*.

*Staff has considered all criteria 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;

**2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;

**Findings for 1 and 2:** The existing non-historic, fixed tri-partite window will be replaced with a more historically appropriate wood double hung window that is similar to existing historic windows in terms of material and sash profile. The siding will be patched around the smaller opening to match the existing siding. No historic materials or features will be removed. Thus the historic character of the house will be preserved and no conjectural features will be added. *These criteria are therefore met.*

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource;

**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 8 and 10:** The replacement window will be architecturally similar to historic windows in the house in terms of style, material, and sash profile. Additionally, it will replace a non-historic alteration. In terms of compatibility with the neighboring properties and the historic district, the subject resource will retain its original setbacks, height, massing, materials, site coverage, and orientation to the street. Thus there is no change to the compatibility with the original resource, adjacent properties or the district. *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 proposal replaces a non-historic alteration with a more compatible wood window that resembles the style of existing historic windows. 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.

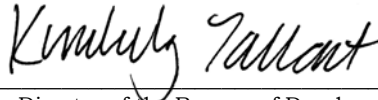
## ADMINISTRATIVE DECISION

Approval to replace a non-historic window at the north elevation with a wood double hung window, in a contributing structure in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated May 1, 2014, 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.3. The sheets on which this information

appears must be labeled, "Proposal and design as approved in Case File # LU 14-133300 HR."

Staff Planner: Jennifer Kenny



**Decision rendered by:** \_\_\_\_\_ **on May 1, 2014**

By authority of the Director of the Bureau of Development Services

**Decision mailed May 7, 2014.**

**Procedural Information.** The application for this land use review was submitted on April 1, 2014, and was determined to be complete on **April 8, 2014.**

*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 1, 2014.

*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: September 5, 2014.**

**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 **May 7, 2014**.

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:

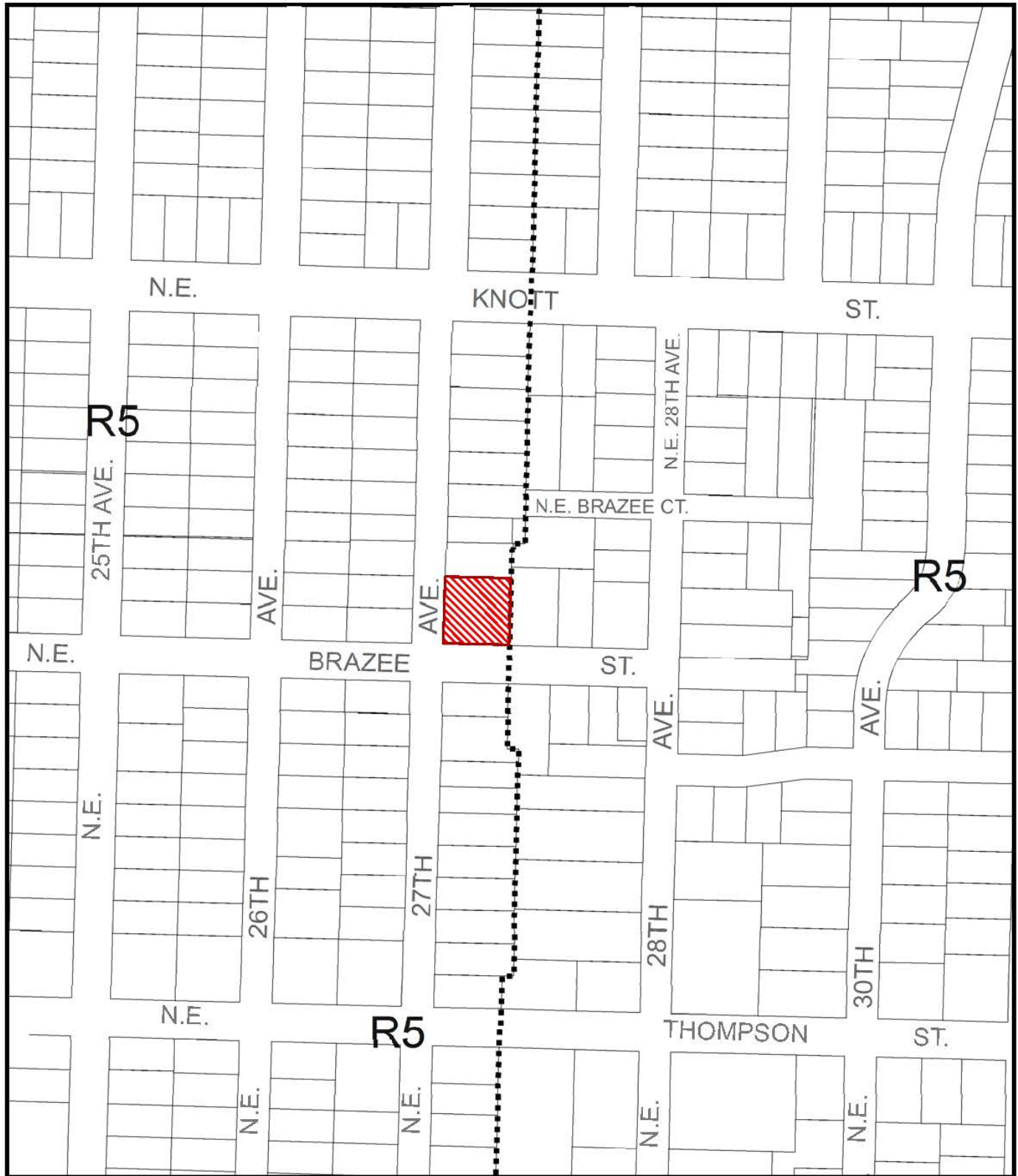
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations (attached)
  - 3. Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, April 24, 2014, no objections.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



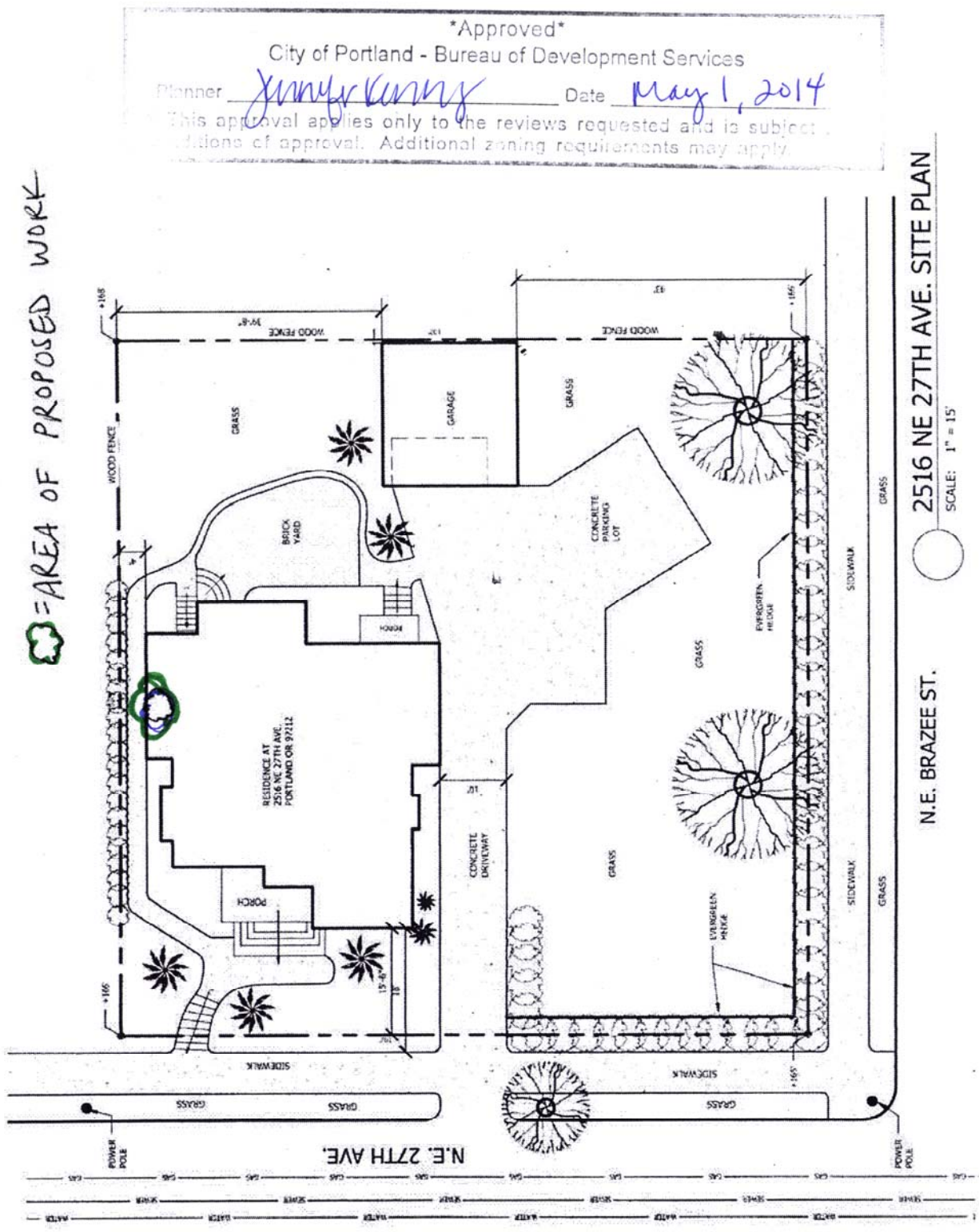
NORTH

This site lies within the:  
**IRVINGTON HISTORIC DISTRICT**

File No. LU 14-133300 HR  
 1/4 Section 2833  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E25CB 2100  
 Exhibit B (Apr 02, 2014)



🌳 = AREA OF PROPOSED WORK



W14-133300H

\*Approved\*

City of Portland - Bureau of Development Services

Planner *Jimmy Williams*

Date *May 1, 2014*

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

DESIGNER: JOHN McCULLOUGH  
DRAFTER: TEN HUYNH  
**McCULLOUGH**

BATHROOM 1 SECTION DIAGRAMS  
ASBUILT & PROPOSED NORTH ELEVATION

EDMOND WILLIAM & HOLLY  
2516 NE 27TH AVE.  
PORTLAND OR 97212

PERMIT SET

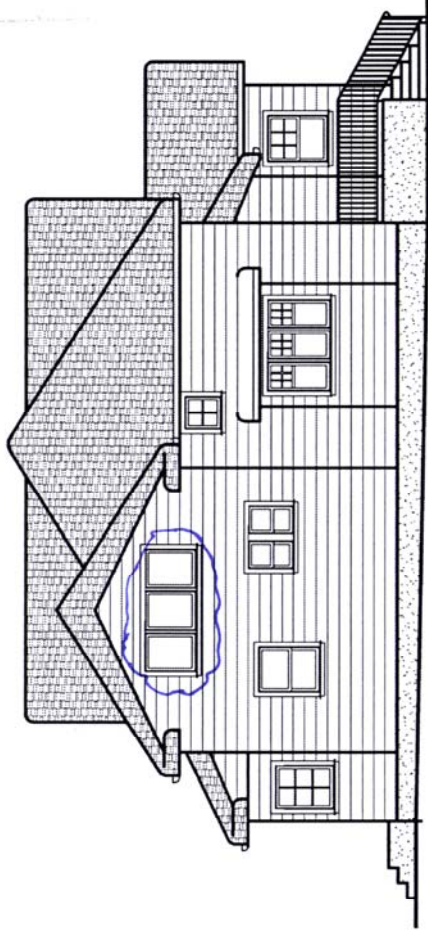
REVISIONS:

CHECK SHEET

DATE: 03/10/2014

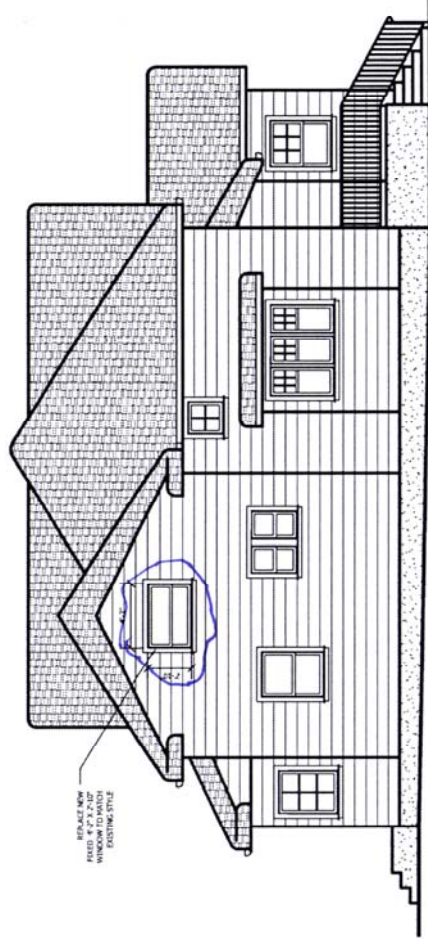
A-6

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



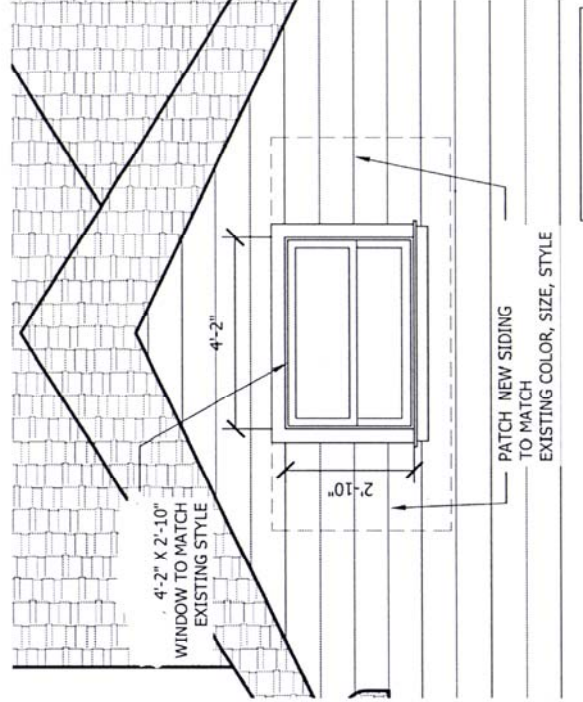
1 ASBUILT NORTH ELEVATION

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



2 PROPOSED NORTH ELEVATION

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



3 PROPOSED REPLACE WINDOW

SCALE: 3/8" = 1'-0"

*O = AREA OF WORK*