



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

Ted Wheeler, Mayor
Rebecca Esau, Interim Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 18, 2017
To: Interested Person
From: Puja Bhutani, Land Use Services
503-823-7226 / Puja.Bhutani@portlandoregon.gov

NOTICE OF A TYPE I 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 17-146907 HR - NEW WINDOWS AND SKYLIGHTS

GENERAL INFORMATION

Applicant: Laura Migliori | Laura Migliori Architect
812 NW 17th Avenue
Portland, OR 97209
Migliori.architects@gmail.com
503-228-4921

Owners: Donald C Vanderlaag & Holiday M Johnson
3016 NE 27th Ave
Portland, OR 97212-3551

Site Address: **3016 NE 27th Avenue**

Legal Description: BLOCK 5 LOT 6, MIAMI
Tax Account No.: R566200450
State ID No.: 1N1E25BB 18300
Quarter Section: 2733

Neighborhood: Alameda, contact Dave Johansen at johansendr@gmail.com
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Other Designations: Contributing Resource in the Irvington Historic District
Zoning: R5 – Residential 5,000
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 proposal is for a Historic Resource Review of the following exterior changes to the North Elevation of the existing single family residence, which is a contributing resource in the Irvington Historic District:

1. Replace an existing single double hung window with two (2) new wood double hung windows.
2. Removing a window on the front section of the North Elevation, and replacing it with cedar siding to match the existing house.
3. Adding two smaller skylights below the existing flat glass skylights.

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

Relevant Approval Criteria:

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

- Criteria in Section 33.846.060.G of the Portland Zoning Code

ANALYSIS

Site and Vicinity: The subject property is oriented west and fronts on to NE 27th Avenue. A contributing structure in the Irvington Historic District, it was constructed in 1930 in the Tudor Revival style tradition. The 1.5 storey house is located on a block with many other contributing resources, primarily single family dwellings.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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.

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 that there were no prior land use reviews for this property.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 20, 2017**. No Bureaus response was required.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 20, 2017**. No written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

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.
- 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, 4 & 5: There are no changes being proposed to the contributing house's form, front façade, roofline or the building footprint. The exterior alterations are limited to the side elevation, are relatively small and include removing two single double hung windows. The windows being removed are 1994 replacements. These will be replaced with two new wood double hung which are grouped as a single unit. The existing windows on the north elevation are of different sizes and asymmetrically positioned on the steep gable end wall. The proposed windows replicate the existing double windows on the gable end while maintaining the asymmetrical composition of the original north façade. The window profile, materials and depth also replicate that of the existing windows. Similarly, the two new skylights are located adjacent and just under existing skylights, and will replicate the materials, color and detailing. No conjectural features are being added, and historic materials will be protected. *These guidelines are met.*

4. Replace an existing single double hung window with two (2) new wood double hung windows.

5. Removing a window on the front section of the North Elevation, and replacing it with cedar siding to match the existing house.
6. Adding two smaller skylights below the existing flat glass skylights.

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 & 10: The exterior alterations will not affect any character defining feature of the house. As discussed above, there are no changes being proposed to the contributing house's form, front façade, roofline or the building footprint. The proposed window alterations are to the side elevation and are of a style and design that is consistent and compatible with the historic aesthetic of the property. Specifically, the proposed windows are similar to the existing double windows on the gable end while maintaining the asymmetrical composition of the original north façade. The new windows are sized appropriately to match original sizes or be proportionally comparable. The proposed wood windows will also match the existing window detailing and shadow lines to the extent possible. All the exterior trim and siding will match that of the existing house. Similarly, the two new skylights are located adjacent and just under existing skylights, and will replicate the materials, color and detailing. The proposed windows will differ from the original windows in that they will be double paned and use modern hardware. The proposed exterior alterations maintains the historic integrity of the resource, adjacent properties and the district. *These guidelines 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 exterior alterations are compatible with the existing architectural conditions and aesthetics currently found on the subject resource and respect the integrity of the historic 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

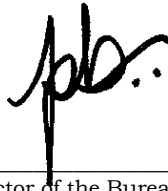
Approval of following exterior changes to the north elevation of the existing single family residence in the Irvington Historic District:

1. Replace an existing single double hung window with two (2) new wood double hung windows.
2. Removing a window on the front section of the North Elevation, and replacing it with cedar siding to match the existing house.
3. Adding two smaller skylights below the existing flat glass skylights.

Approved per the approved site plans, Exhibits C-1 through C-6, signed and dated May 16, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 17-146907 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Puja Bhutani



Decision rendered by: _____ **on (5/16/2017.)**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 18, 2017

Procedural Information. The application for this land use review was submitted on April 5, 2017, and was determined to be complete on April 14, 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 April 5, 2017.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any

project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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 19, 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;

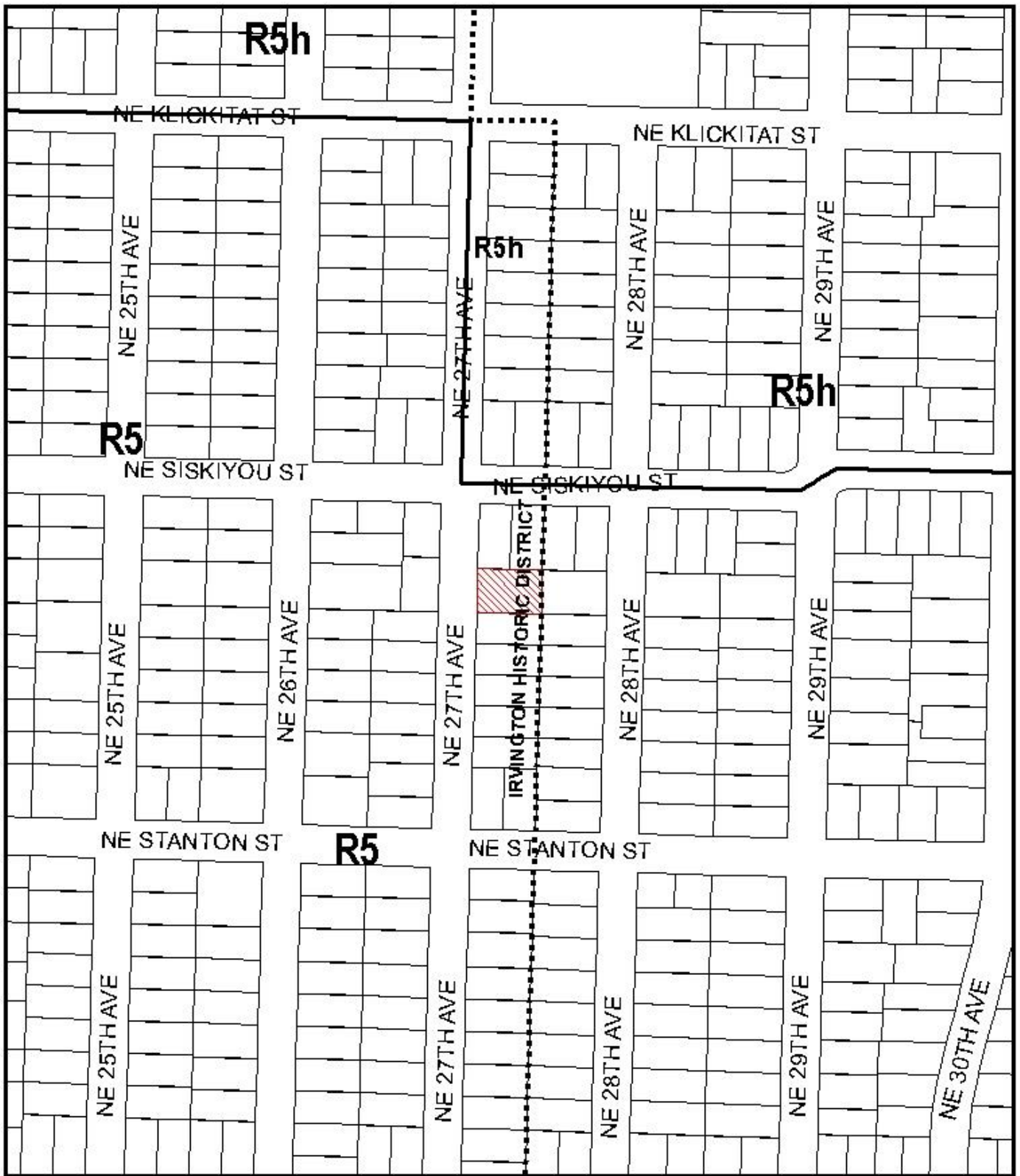
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Photographs
 - 3. Zoning Map (attached)
 - 4. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Elevation (attached)
 - 3. First Floor Plan
 - 4. Existing and Proposed Window section
 - 5. Manufactures Cut Sheet: Windows
 - 6. Manufactures Cut Sheet: Skylight
 - 7.
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None Required
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter sent by staff, dated 4/13/2017

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

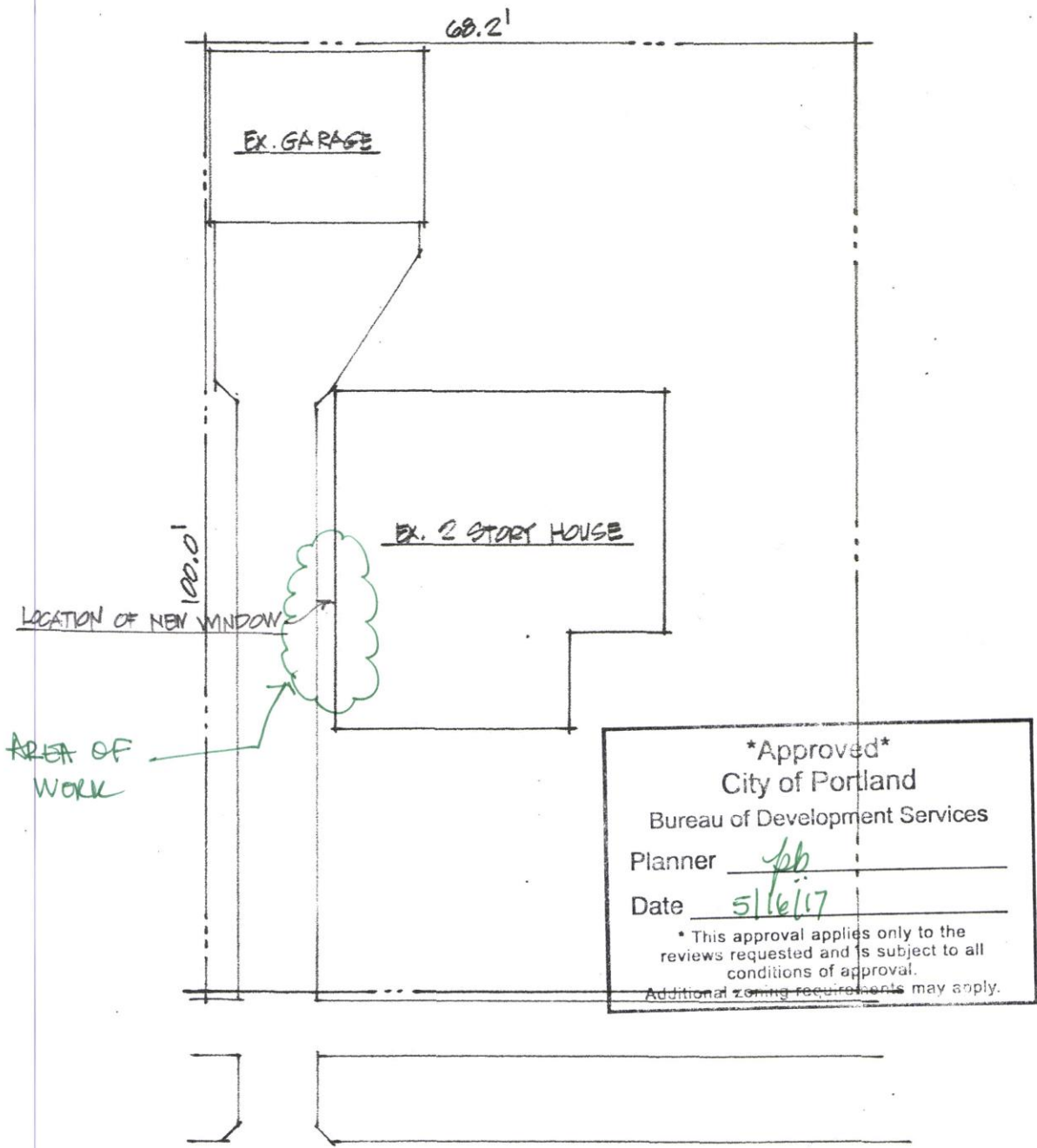


This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 17-146907 HR
 1/4 Section 2733
 Scale 1 inch = 200 feet
 State_Id 1N1E25BB 18300
 Exhibit B (Apr 06, 2017)

NO GROUND DISTURBING WORK.

NO CHANGE TO ROOF AREA OR STORM DRAINAGE.



Approved
City of Portland
Bureau of Development Services
Planner pb
Date 5/16/17
* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

N.E. 27TH AVENUE



SITE PLAN • 1/16" = 1'-0"

3016 NE 27TH AVE.

EXHIBIT C1

LU 17-146907HR



NORTH ELEVATION - 1/8" = 1'-0"

JOHNSON / VANDERLAAG RESIDENCE
 3016 NE 27TH AVE • PORTLAND, OR

Approved
 City of Portland
 Bureau of Development Services
 Planner fel
 Date 5.16.17
 • This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

EXHIBIT C2
 LW17-146907HR