



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

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Date: May 10, 2021
To: Interested Person
From: Benjamin Nielsen, 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 21-021680 HR
EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Whitney Boise
2815 NE Alameda St, Portland, OR 97212-1621
(503) 703-6131, whitney@boisematthews.com

Owners: Whitney Boise & Julie Vacura
2815 NE Alameda St
Portland, OR 97212-1621

Site Address: 2815 NE ALAMEDA ST

Legal Description: BLOCK 12 LOT 1-3 HISTORIC PROPERTY, POTENTIAL ADDITIONAL TAX, ALAMEDA PARK

Tax Account No.: R007601320
State ID No.: 1N1E24CC 05200
Quarter Section: 2633

Neighborhood: Alameda, contact at stevebacker@gmail.com
Business District: Soul District Business Association, contact at Info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at jessica@necoalition.org

Plan District: None
Other Designations: Historic Landmark (Louis & Elizabeth Woerner House)
Zoning: R5h – Residential 5,000 with Aircraft Landing and Historic Resource Protection Overlays

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant requests Historic Resource Review approval for proposed exterior alterations to the Landmark Louis & Elizabeth Woerner House. These alterations are located on the side (east) and rear (north) elevations of the house and include:

- Removal of an existing pair of French doors, a small terrace, and a stair and replacement with new stucco wall infill on the rear elevation; and,
- Removal of a ganged set of three casement windows at the ground level and two basement windows on the side (east) elevation. These are proposed to be replaced with a new pair of wood French doors with sidelites and a new small terrace and stair which will reuse portions (wood railings, pilaster caps, and pilaster tiles) of the terrace being removed from the rear elevation.

Other alterations are proposed on the interior of the house; however, these interior alterations are not subject to Historic Resource Review.

Historic Resource Review approval is required for non-exempt exterior alterations to Historic Landmark structures.

Relevant Approval Criteria:

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

- PZC 33.846.060.G, Other approval criteria (<https://www.portland.gov/sites/default/files/code/33.846-historic-resource-reviews.pdf>)

ANALYSIS

Site and Vicinity: The subject site contains the landmark Louis and Elizabeth Woerner House, which is an Arts & Crafts style residence completed in 1923 by the architect William Gray Purcell. The residence is significant under criterion C as an excellent example of Purcell's work, and it is also significant as a well-preserved and locally distinctive example of Arts & Crafts architecture. The house is located on 3 parcels in the Alameda Park subdivision of Portland atop the natural ridge of "the Alameda", an affluent residential boulevard affording panoramic views of the Tualatin Mountains, Willamette River, and downtown Portland. The house is set back approximately 25 feet from NE Alameda St and 15 feet from NE 28th Ave. The building is asymmetrical in plan and finished in painted stucco.

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 Aircraft Landing Zone "h" overlay provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. A height contour map is available for review in the Development Services Center.

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 no prior land use reviews.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 26, 2021**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Fire Bureau

The Life Safety Review Section of BDS responded with general life safety comments. See Exhibit E.1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 26, 2021. No written responses have 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 a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all of the approval criteria 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.

Findings for 1 & 2: Proposed exterior alterations are limited to the rear and east side elevations of the landmark structure and are located in portions of the house that have already been altered by past remodeling work. The proposed alterations are nevertheless consistent with the overall historic character and detailing of the structure, and the building's historical significance will be retained and preserved. Furthermore, the proposed alterations do not incorporate conjectural features or architectural elements from other buildings.

Therefore, these criteria are met.

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 3, 4, & 5: The exterior of the existing landmark has been altered over time; however, none of the previous alterations which are proposed to be altered have acquired historic significance. The features of the building being altered are generally not historic, except for the wall surfaces, and these are being replaced with stucco to match the existing historic stucco siding.

Therefore, these criteria 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: Overall site disturbance is minimal, and areas which are being altered have seen previous development. Therefore, it is unlikely that archaeological resources, if extant, will be disturbed.

Therefore, this criterion is met.

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.
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, & 10: The proposed exterior alterations will not destroy historic materials that characterize the property, as noted in *Findings for 1 & 2* and *Findings for 3, 4, & 5*, above. Although the proposed alterations will be well-integrated and compatible with the historic resource, maintaining the building's architectural and historic integrity, the material composition and construction of the windows, doors, and porch will help to differentiate them from the original historic materials.

Therefore, this criterion is met.

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.

Findings: The proposed exterior alterations are limited in area on the building's exterior and can be removed in the future without detrimental impacts to the resource's essential form and historic integrity. The resource's environment will be only lightly changed by the proposed alterations, and its integrity will not be damaged by the proposal or its removal.

Therefore, this criterion is 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

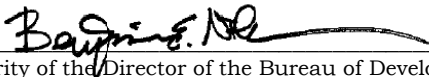
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of proposed exterior alterations on the east side and rear elevations of the Landmark Louis & Elizabeth Woerner House, per the approved site plans, Exhibits C.1 through C.12, signed and dated 05/06/2021, 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 4 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 21-021680 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: Benjamin Nielsen

Decision rendered by:  **on May 6, 2021.**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 10, 2021

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 March 4, 2021, and was determined to be complete on March 23, 2021.

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 March 4, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 21, 2021.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on May 24, 2021. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **May 25, 2021** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 Submittals
 - 1. Original Drawing Set
 - 2. Narrative
 - 3. Revised Drawing Set
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Lower Level Plan: Existing & Demo & Proposed
 - 3. Main Floor Plan: Existing & Demo & Proposed
 - 4. Second Floor Plan: Existing & Demo & Proposed
 - 5. Third Floor Plan: Existing & Demo & Proposed
 - 6. Roof Plan: Existing (No Changes)
 - 7. Elevations: Existing – Proposed [Right Side] (attached)
 - 8. Elevations: Existing – Proposed [Rear] (attached)
 - 9. Sections: Existing & Proposed
 - 10. Structural Details
 - 11. Details
 - 12. Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence:
 - No correspondence was received.*
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Application 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).