



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

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Date: March 10, 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 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 16-286531 HR – NEW ACCESSORY DWELLING UNIT

GENERAL INFORMATION

Applicant: Brett Kilgore, Polyphon Architecture & Design LLC
412 NW Couch Street #309
Portland, OR 97209

James N Westwood & Janet B Westwood
1927 NE Hancock Street
Portland, OR 97212-4562

Site Address: **1927 NE Hancock Street**

Legal Description: BLOCK 19 LOT 5&6, JOHN IRVINGS 1ST ADD
Tax Account No.: R430305960
State ID No.: 1N1E26DD 11300
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 Jessica Rojas at 503-388-5030.
Plan District: Albina Community
Other Designations: Contributing Resource in the Irvington Historic District
Zoning: R1a, Residential 1,000 with Alternative Design Density & Historic Resource Overlay
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 proposing a new Accessory Dwelling Unit (ADU) at the rear of the lot that is currently improved with a house and garage. The proposal will result in the removal of an existing tree. The proposed ADU is 800 SF and 14'-2" high and includes:

- Hipped asphalt roof with 18" carved rafter tails that flare out at a shallow pitch, similar to that of the main house.
- Wood lap siding with a 2.5" reveal and color to match that of the existing house.
- Aluminum clad wood windows and wood door.

Historic resource review is required because the proposal is for non-exempt new construction in the Irvington Historic District.

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:

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

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 December 14, 2016 and determined to be complete on February 1, 2017.

ANALYSIS

Site and Vicinity: The subject property, with a historic name of Robert Darrow House, was built in 1903 and is a contributing resource within the Irvington Historic District. The house is a 2 story, Foursquare style house with wood horizontal board and shingle siding. The house has a hipped roof, with a street facing dormer and a full front porch. The site includes a detached contributing garage to the east of the house.

The site is located on the rectangular block bounded by NE Hancock Street to the south, NE 19th Avenue to the west, NE 21st Avenue to the east, and NE Tillamook Street to the north. The immediate neighborhood consists of a mix of multi-family dwellings, and single-dwelling homes with detached garages. NE Broadway Street, which is the main retail and Commercial Street and a major transit priority street, is located 2 blocks south of the subject lot.

Platted in the late Nineteenth Century, today's Irvington Historic District 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 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity

bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and row houses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

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.

The Alternative Design Density "a" overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

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 February 10, 2017. Bureau response was not required for this Type I proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 10, 2017. Three (3) written response were received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Susan James, 2/12/2017; wrote opposing the proposal due to concerns about ADU setbacks and external noise and light impacts from a garage use. Refer to Exhibit F1 for more details.
2. Dean P. Gisvold, ICA Land Use Chair, 2/19/2017; wrote in support of the proposal. Refer to Exhibit F2 for more details.

Staff notes that the proposal is for an accessory dwelling unit and not a garage as stated in the Susan James letter, dated 2/12/2017. No alterations are being proposed to the existing garage. The location of the ADU complies with the required 5' setbacks for this R1 zone. The proposal is discussed in further detail below.

Schuyler Smith (applicant), responded to concerns expressed in Susan James letter. He explained that the ADU would be used by the retired owners of the existing house, and is not planned as a short term or rental unit. Refer to Exhibit F3 for more details.

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.
- 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 for 1, 2 & 9: The proposal is to create a new Accessory Dwelling Unit (ADU) at the rear of the lot in the north-east corner of the site. It has very limited visibility from NE Hancock Street as it is set back approximately 109' from the front property line and screened by the existing garage. The existing house and garage, which are contributing resources on the site, are not being altered. The proposal includes the removal of an existing tree along the east property line; however there is no historically significant landscaping on the site. Therefore, the proposal will have no impact on the historic character of the property or on the primary resource. No historical material is being removed from the site, and no alterations are proposed for the residence, which is the primary contributing resource on the site. The ADU can be removed in the future without impacting the essential form and integrity of the primary resource. *These guidelines are 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 7, 8 &10:

The proposed ADU is located in the rear of lot and has been setback 5'-6" from the north and east property lines. It has very limited visibility from NE Hancock Street as it is setback approximately 109' from the front property line and screened by the existing garage. The single story ADU with a height of 14'-2" is similar in scale to the existing garage, as well as other detached accessory structures in the neighborhood. The subject lot is 15,000 sf with a R1 multi-family zoning, and even with the additional ADU, will be well within the allowable floor area ratio and building coverage for this site.

The ADU is proposed to be constructed in a compatible architectural character, and clad with materials similar to the main house. The hipped roof shape, pitch, and style will match that of the primary residence. The flared eave and ornamental rafter details also replicate those of the main house. Wood lap siding is proposed with a 2.5" exposure and ½" thickness, and matches that of the primary residence. Window openings in the proposed ADU have been designed to match the proportion and style of windows in the main home, and will be installed with similar wall recesses to maintain consistent shadow lines and detailing. However, in order to maintain the primacy of the house, the door and window details and surrounds proposed for the ADU will be simpler, but similar to those on the main house and garage.

The proposed windows will be aluminum-clad wood windows, but will have a scale and dimension similar to the traditional wood windows, and the window detailing, finish, proportions and placement will be compatible with the historic district. The Landmarks Commission has supported the use of aluminum clad windows for new construction as long as quality detailing, finish, and profiles are provided. Additionally, this product has been previously approved for a new residence in Irvington Historic District. The window materials and the simpler detailing for the door and window surround will also help differentiate the new addition.

The proposed ADU is compatible with the massing, size, scale, materials and architectural features of the original resource, adjacent properties and the rest of the district. *These guidelines 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 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. The proposed ADU has been designed to be compatible with the massing, size, scale, materials and architectural features of the original resource, adjacent properties and the rest of the district. Windows, doors, and eave details will be compatible with the proportions, details and profiles of those on the primary resource. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new Accessory Dwelling Unit (ADU) at the rear of the subject lot in the Irvington Historic District. The proposal will result in the removal of an existing tree. The proposed ADU is 800 SF and 14'-2" high.

Approved, per the approved site plans, Exhibits C-1 through C-7, signed and dated March 7, 2017 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B - 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 16-286531 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 March 7, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 10, 2017

Procedural Information. The application for this land use review was submitted on December 14, 2016, and was determined to be complete on February 1, 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 December 14, 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: June 1, 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.

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 **March 11, 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:

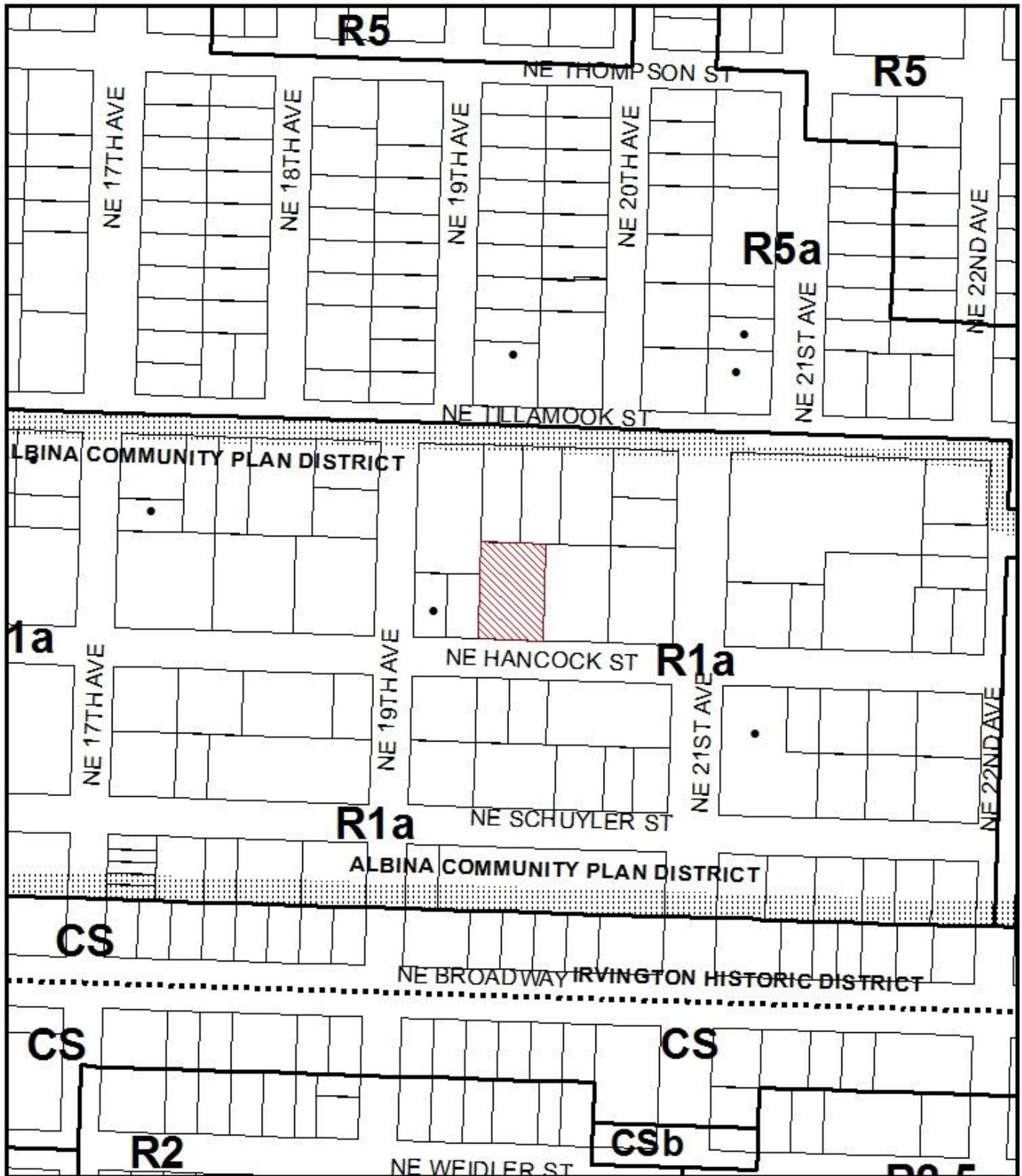
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative
 - 2. Original Drawing Set, NOT APPROVED-for reference only
 - 3. Applicant response to staff's Incomplete letter
 - 4. Revised Narrative
 - 5. Existing House and Garage elevations
 - 6. Photographs-existing house, garage, windows
 - 7. Perspectives of the proposed ADU
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Accessory Dwelling Unit (ADU) elevations
 - 3. ADU Floor plans
 - 4. ADU Section
 - 5. Details
 - 6. Details
 - 7. Manufactures Cut sheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None Required
- F. Correspondence:
 - 1. Susan James, 2/12/2017; 4565 SW Joshua Street, Tualatin, OR 97062; responded with concerns about building setbacks and external noise and light impacts from a garage use.
 - 2. Dean P. Gisvold, ICA Land Use Chair, 2/19/2017; wrote in support of the proposal.
 - 3. Schuyler Smith (applicant), 2/22/2017; responded to concerns expressed in Susan James letter.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, send by staff on 1/10/2017

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
-  Historic Landmark

File No. LU 16-286531 HR
 1/4 Section 2832
 Scale 1 inch = 200 feet
 State_Id 1N1E26DD 11300
 Exhibit B (Dec 20, 2016)



This site lies within the:
 ALBINA COMMUNITY PLAN DISTRICT
 IRVINGTON HISTORIC DISTRICT

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *3/17/17*

* This approval applies only to the reviews requested of approval. Additional zoning requirements may apply.

LOT INFORMATION
 ADDRESS: 1927 NE HANCOCK STREET
 PORTLAND, OR 97209

PROPERTY ID: R193167
 STATE ID: 1NE8RD 11300
 ALT ACCOUNT #: R43005960
 MAP NUMBER: 2832 OLD

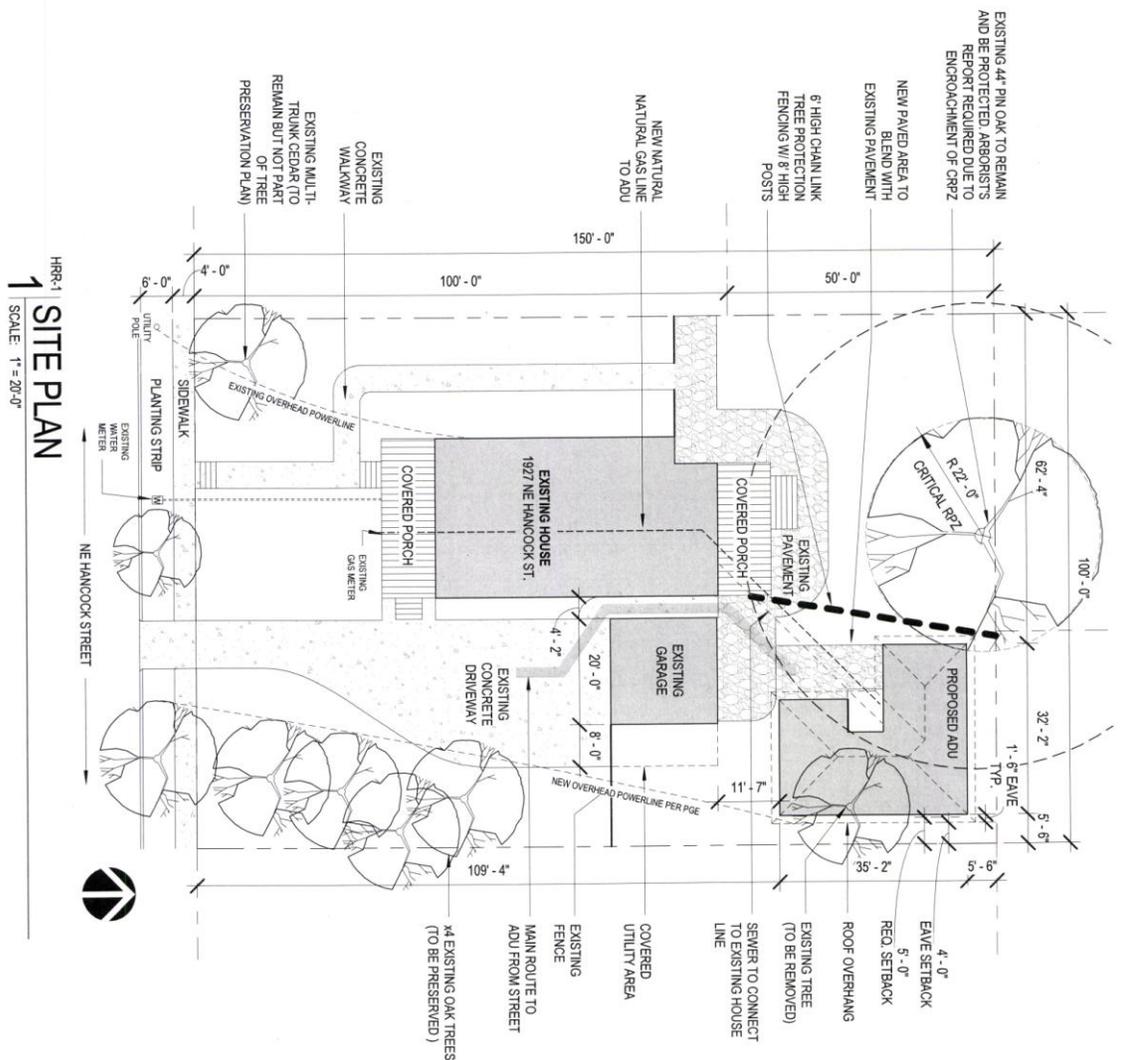
LOT AREA: 15000 SQ
 ZONE: R1a

SITE AREAS:
 BUILDING COVERAGE
 15,000 x 45% = **6750 SQ MAX**

TOTAL BLDG COVERAGE = **3390 SQ** (<6750)
 NEW ADU: 690 SQ
 (E) HOUSE: 1550 SQ
 (E) PORCHES: 590 SQ
 (E) GARAGE: 400 SQ

ACCESSORY BUILDING COVERAGE
 15000 x 15% = **2250 SQ MAX**
 (E) GARAGE: 300 SQ
 NEW ADU: 890 SQ

TOTAL ACCESSORY BLDG COVERAGE = **1190 SQ** (<2250)



HRR-1
 SCALE: 1" = 20'-0"
SITE PLAN

IRVINGTON ADU
 1927 NE HANCOCK STREET
 PORTLAND, OR 97212

PolyphoN
 ARCHITECTURE & DESIGN, LLC polyphoN.com
 412 NW COUCH ST. | SUITE 309 | PORTLAND, OR 97209

EXHIBIT C1
 SITE PLAN
 HRR-1
 ORIGINAL SHEET
 SIZE: 11" X 17"