



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

Chloe Eudaly, Commissioner
 Rebecca Esau, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 25, 2018
To: Interested Person
From: Santiago Mendez, Land Use Services
 503-823-1361 / Santiago.Mendez@portlandoregon.gov

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 17-262965 HR - EXTERIOR ALTERATIONS AND COURTYARD ADDITION

GENERAL INFORMATION

Applicant: Hali Knight | Peter Meijer Architect, PC
 605 NE 21st Avenue, Suite 200 | Portland, OR 97232
halik@pmapdx.com

Owner: Irvington Garden
 13467 NW Countryview Way | Portland, OR 97229-4467

Representative: Kevin Hoffman | SK Hoff Construction
 735 SW 158th Avenue | Beaverton, OR 97006

Site Address: **1516 NE HANCOCK ST**

Legal Description: BLOCK 260 LOT 1&2, HOLLADAYS ADD
Tax Account No.: R396219050
State ID No.: 1N1E26DC 10800
Quarter Section: 2832

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Plan District: None
Other Designations: Non-contributing Resource in the Irvington Historic District
Zoning: RH – High Density Residential, Multi-Dwelling Zone with Historic Resource Protection Overlay
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 to replace the existing exterior egress walkway and associated stair towers in the courtyard of the Irvington Gardens Apartments, a

non-contributing resource, located at 1516 NE Hancock Street in the Irvington Historic District. The proposed structure will be similar in design to the existing structure, replacing the current painted furred wood structure with a painted heavy timber structure of lesser dimensions. The existing guardrails, bike area hardware and metal screens will be salvaged and incorporated when rebuilt. A portion of the lower level of the east stair tower within the courtyard will be enclosed to create a janitor room and toilet, in place of long-term bike storage. The proposed addition's siding will match the existing building's siding and will not be visible from the street. Ground level bike storage will be relocated to an uncovered alley abutting the east property line.

Historic Resource Review is required for the proposed exterior alterations in the Irvington Historic District.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant 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 October 27, 2017 and determined to be complete on November 16, 2017.

ANALYSIS

Site and Vicinity: The Irvington Garden apartment building is a non-contributing resource located in the Irvington Historic District. The building was constructed in 2011 on lots 1 and 2 of Block 260, and takes up a quarter block with street frontage on NE Hancock and NE 15th Avenue. The building is four stories in height with an interior courtyard that faces east forming a "C-shaped" plan. Exterior egress walkways are located within the interior courtyard connected by two roofed open stair structures, which are visible from the east lot line.

Two historic properties share this block with the subject site. Directly south of the site is the Gustav Freiwald House, which is listed on the National Register of Historic Places and is also a City of Portland Historic Landmark. The Freiwald House, is a well-preserved and distinctive example of Queen Anne architecture and stands alone as the only example of its kind in Irvington. The house was built in 1906. Distinguishing features include the steeply pitched hip roof with pedimented dormers and a two-story cupola with a tent roof over an encircling front porch. A low wall of quarry-faced ashlar retains the site and opens at a corner entrance. The retaining wall is original to the property's development and is noted as a contributing feature. The historic Irvington Bowman Apartments, also known as the Norton Apartments, are located on the northeast corner of the subject block. The Irvington Bowman Apartments were constructed in 1912. The building is listed on the National Register of Historic Places and is significant due to its architectural integrity as an Arts and Crafts style apartment building. The Irvington Bowman Apartments building was the first multi-family dwelling structure built by local builder Frederic E. Bowman.

The area surrounding the site is generally developed with a mix of single and multi-dwelling structures, including many of a historic character. A Main Street business district and the Lloyd Center shopping mall are located on NE Broadway, one block to the south.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas

with supportive commercial services. Newly created lots in the RH 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 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.

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.

Land Use History: City records indicate that prior land use reviews include the following:

- LUR 97-014906 AD (reference file #97-00860): Design Review approval with the following modifications: reduce all parking spaces to compact size; reduce the north landscape setback adjacent to the parking area to 3 feet; and waive the east setback along the parking area.
- LU 07-111424 HDZ: Case withdrawn due to expiration of an incomplete application
- EA 07-1577361 DA: Design Advice Request for the Irvington Squire project.
- LU 07-180515 HDZ: Case appeal and reversed administrative decision of approval. Denial of the Irvington Squire proposal by the Portland Historic Landmarks Commission.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 21, 2017**.

The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS

The Life Safety Division responded with the following comments:

1. *A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances.*
2. *Exterior walls less than 30 feet to property line must be 1-hour fire-rated construction. Exterior walls located less than or equal to 10 feet to a property line must be one-hour fire-rated for exposure to fire from both sides. Exterior walls located more than 10 feet to a property line must be one-hour fire-rated for exposure to fire from the inside only. OSSC 602.1, 705.5*
3. *Openings in exterior walls less than 3 feet to a property line are not allowed. Unprotected openings in exterior walls less than 5 feet to a property line are not allowed in an unsprinklered building. OSSC 705.8*
4. *Landings are required on both sides of a doorway. The landings must be as wide as the doorway and at least 44 inches long in the direction of travel. The landing must be level, except the exterior landing may have a slope of not more than 2 percent. The door threshold must be not more than ½ inch higher than the landing surface on both sides. OSSC 1008.1.5, 1008.1.6, 1008.1.7.*

5. *Exterior stairways shall be located at least 10 feet from adjacent lot lines. Exterior stairways located less than 10 feet to an adjacent lot line must be provided with a 1-hour fire-rated wall between the stair and the adjacent lot line, extending to a height of not less than 7 feet above the stair treads and landings. OSSC 1027.3 & 1003.2*
6. *The exit discharge shall provide a direct and unobstructed access to a public way. OSSC 1027.6*

Please see Exhibit E-1 for additional details.

The Fire Bureau responded with the following comment:

1. *A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development.*

Please see Exhibit E-2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 21, 2017. 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 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.

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.

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.

Findings for Criteria 1-7: The replacement the existing exterior egress walkway and associated stair towers at the Irvington Garden Apartments will not result in changes to historic features, materials or archeological resources.

Therefore, these guidelines are 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 Criteria 8 & 10: The replacement the existing exterior egress walkway and associated stair towers at the Irvington Garden Apartments will improve the overall quality and architectural integrity of the building. The stair tower is an important feature of the building, linking the two volumes at the east side of the building. The existing stair structure has doubled up columns with furring that require replacement due to deterioration. Their replacement with a heavy timber structure will add a higher level of quality to the building in an integrated manner, maintaining similar dimensions, scale and visual expression as the existing. The existing guardrails, bike area hardware and metal screens will be salvaged and incorporated when rebuilt, maintaining the same design, color and texture as the existing. Previous versions of the submittal proposed an unpainted heavy timber structure, which was determined as an uncharacteristic material finish to the Irvington Historic District. In order to ensure this addition is compatible primarily with the building, and secondarily with other buildings in the district, condition of approval D has been added that the heavy timber structure shall be painted. (Refer to Exhibit C-2)

Within the courtyard, a portion of the lower level of the east stair tower will be enclosed to create a janitor room and toilet, in place of long-term bike storage. The proposed addition's siding will match the existing building's siding and will not be visible from the street. Wood decking at the underside of the walkways will replace existing metal decking, bringing these surfaces into the same material family and quality as the stair structure. Overall, the proposed alterations will improve the building's overall architectural integrity, while respecting the building's massing, scale and materiality.

Therefore, with the condition that the heavy timber structure shall be painted, these guidelines have been 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 and addition to the interior courtyard of the Irvington Garden Apartments in Irvington Historic District will help to repair and enhance this building. The addition is architecturally compatible in massing, size, scale, colors and materials with the existing building and will add to the overall appearance of the neighborhood.


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 modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Exterior Alterations and Courtyard Addition to the Irvington Garden Apartments, per the approved site plans, Exhibits C-1 through C-5, signed and dated 01/17/18, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 17-262965 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.
- D. The heavy timber structure shall be painted. (Refer to Exhibit C-2)

Staff Planner: Santiago Mendez

Decision rendered by:  **on (January 17, 2018)**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 25, 2018

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 October 27, 2017, and was determined to be complete on November 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 October 27, 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 requested that the 120-day review period be extended 10 days. Unless further extended by the applicant, **the 120 days will expire on: January 15, 2018.**

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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 8, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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.

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 after **February 8, 2018** 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

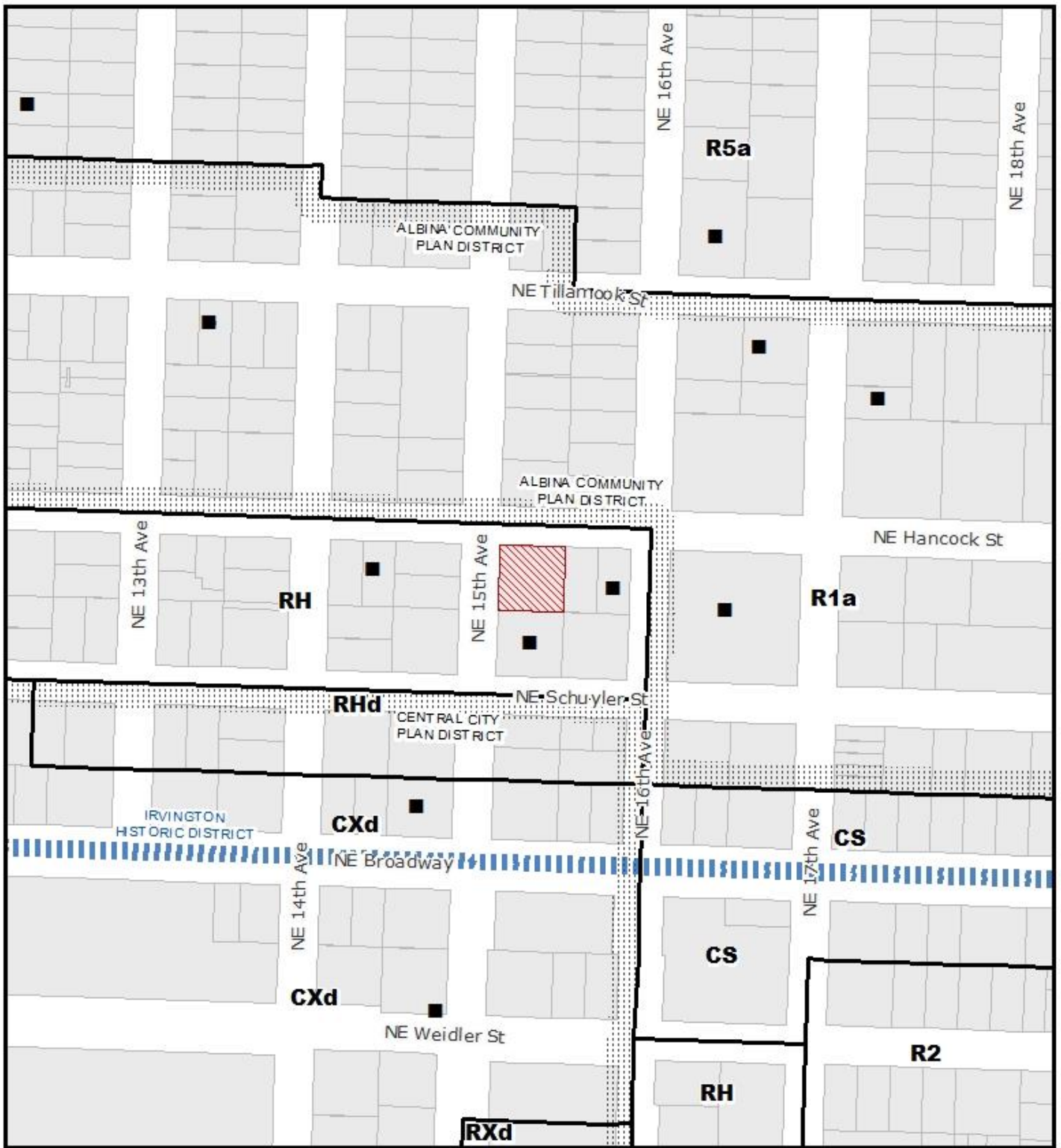
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Narrative
 - 2. Existing and Proposed Design Photos
 - 3. Extension of 120-Day Review Period Request Form
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and Ground Level (attached)
 - 2. Revised Ground Level Plan
 - 3. Floor Plans
 - 4. East Elevation
 - 5. Courtyard Elevations
 - 6. Exterior Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division
 - 2. Fire Bureau
- F. Correspondence: None
- 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

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT



Site



Conservation Landmarks



Historic Landmark

File No.	LU 17-262965 HR
	2832
Scale	1 inch = 200 feet
State ID	1N1E26DC 10800
Exhibit	B Nov 01, 2017

1/4 Section

