



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

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Date: December 17, 2018
To: Interested Person
From: Cassandra Ballew, Land Use Services
503-823-7252 / Cassandra.Ballew@portlandoregon.gov

REVISED 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 18-117292 HR – New Conduit on North Elevation

GENERAL INFORMATION

Applicant: Lou Montgomery | MAC Consultings LLC dba Simple Home Designs
4931 SW 76th Avenue, PMB 211 | Portland, OR 97225
503-516-4823 | loum@ezpermits.biz

Owner: Joshua and Kara Pattinson
2165 NE Hancock Street | Portland, OR 97212

Site Address: 2165 NE HANCOCK ST

Legal Description: BLOCK 18 S 100' OF LOT 2 E 10' OF S 100' OF LOT 3, JOHN IRVINGS 1ST ADD

Tax Account No.: R430305500
State ID No.: 1N1E26DD 10000
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Soul District Business Association, contact at outreach@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 and Historic Resource Protection Overlays.
Case Type: HR- Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Resource Review approval for exterior alterations to a contributing home within the Irvington Historic District. Built in 1911, the primary residence is a foursquare type with horizontal board siding. This proposal is to address work which was previously done without Historic Resource Review and is related to a compliance case, 17-271056 CC. The alterations included the installation of conduit and ductwork on the north façade of the existing contributing resource, for a new mechanical system.

Historic resource review is required because the proposal is for non-exempt exterior alterations on a resource 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 Portland Zoning Code

ANALYSIS

Site and Vicinity: The subject property is an interior lot, oriented south on NE Hancock Street. The house is a contributing resource in the Irvington Historic District and was constructed in 1911 in the foursquare style, with horizontal board siding. The subject property is adjacent to a 2-story multi-dwelling apartment building to the west, surrounded by a mix of multi-dwelling developments and single-dwelling homes, 2-3 stories high; all but 3 are contributing resources. The Central Lutheran Church, a local landmark, and Holladay Church of God are also less than a block away along NE 21st Avenue. The City's Transportation System Plan designates NE Hancock Street as a Local Service Transit Street, Local Service Walkway, and a Local Service Bikeway.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required a minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. 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 rowhouses. 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 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.

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.

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 **August 6, 2018**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 6, 2018**. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Garrison Hullinger, Neighbor, August 13, 2018 – wrote in support of the proposal.
2. Kristin Winslow, Neighbor, August 14, 2018 – wrote in support of the proposal.
3. Meryl Logue, Neighbor, August 18, 2018 – wrote in support of the proposal.
4. Dean Gisvold, ICA Land Use Committee, August 19, 2018 – The ICA Land Use Committee has no objections to the application but stated that they would only support this proposal because it was on rear elevation. See Exhibit F-4 for additional details.
5. Scott Martin, Neighbor, August 19, 2018 – wrote in support of the proposal.

Staff Response:

Serious consideration was given to the comments and letters of support provided by the ICA and other neighbors. Despite these letters, staff determined that the proposal did not retain or preserve historic character, as it conflicted with the features of this contributing resource and the district. Therefore, staff issued a Decision of Denial for the original proposal on September

11, 2018. Since this time the applicant appealed the denial to LUBA. Subsequently, the City withdrew the decision for reconsideration. On reconsideration, staff provided the applicant with an option of an alternative that could result in an approval with conditions. This option has been included in this revised decision as a condition of approval which will require that the conduit run one full story, instead of all three stories, and then be internalized within the house as illustrated in Exhibit C-3. Please see findings below for more detail on how this alternative proposal better meetings approval criteria.

Overview of Process: An incomplete letter was emailed to the applicant discussing the issues with this application, and that it was not supportable, on February 15, 2018. Staff reiterated that the mechanical unit itself was exempt from review, but the installation of the conduit and ductwork was not, and this needed to be revised to meet approval criteria. See Exhibit G-8 for details. The applicant did not respond to staff efforts to aid and direct the applicant to provide greater clarity regarding exactly what the alterations entailed. This includes the additional email detailed May 21, 2018 (Exhibit G-6) which contained specific issues and concerns bullet pointed for clarity. Additional emails were sent to the applicant to provide clarity and seek required materials on May 31, June 12 and June 20 of 2018. Finally, on July 17, a warning letter was sent to the applicant letting them know the 180-day timeline would expire by August 1, 2018. This letter was followed by several subsequent emails on July 24, July 31 and August 1 of 2018, regarding this deadline, requested information, and the approvability of the application.

Since the necessary materials required to understand the submittal remained outstanding and issues identified by staff regarding the approvability of the proposal remained unresolved, staff could not support the proposal. A decision of denial was issued on September 11, 2018. The applicant appealed the district to LUBA on October 4, 2018. In response, the City requested a withdrawal of reconsideration be made so that staff and the applicant could further discuss alternative options which would be approvable under the approval criteria. The result of these discussions is a condition of approval which will require that the conduit run one full story, instead of all three stories, and then be internalized within the house as illustrated in Exhibit C-3. Please see findings below for more detail on how this alternative proposal better meetings approval criteria.

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.

Findings for 1 & 2: The completed alterations to the Portland Foursquare structure constructed in 1911, a contributing resource in the Irvington Historic District, do not positively contribute to the property's historic significance. The completed alterations to the north façade, including installation of conduit and a metal cover plate, run the entire 3-story height of the façade. In doing so, the conduit and related metal covering have been installed in a manner that impacts architecturally significant features, i.e. around windows, over a roof and through an eave, negatively impacting the composition of the rear façade on this resource (see Exhibit C-2).

As is described in “A Guide to the City of Portland Historic Resources Review Process” (produced by the HLC in July 2016), exterior materials, fenestration pattern, roof form and details are features that define the historic character of historic resources within the district. These same features are noted as character defining features in the National Register Nomination for the district. The Commission’s Guide also notes that while primary elevations receive the most scrutiny, the rear of a building is also important. The completed work does not retain or preserve historic character, but instead damages it. Based on the analysis of these two documents, as well as the listing of the resource in the nomination, staff concluded that the architecturally significant features for this historic contributing resource are the exterior materials, fenestration pattern and roof form.

Since all three of these architecturally significant features are impacted by the completed conduit work, staff found that this is an insufficient construction method for installing new mechanical work on existing structures, in particular to a contributing resource in the Irvington Historic District. Collectively the scope of construction and lack of clarity with submitted drawings regarding the addition of conjectural features to the historic resource have a noticeable impact on the historic resource and its ability to maintain a record of its time.

However, the proposal for conduit on the rear elevation of the structure can be approved provided it meets a condition of approval which reduces the visibility and amount of conduit on the exterior façade. This condition will require that the conduit run one full story, instead of all three stories, and then be internalized within the house as illustrated in Exhibit C-3. By reducing the completed work to one story, it minimizes the damage caused to significantly architectural features like the roof form, fenestration pattern and exterior materials.

Although the completed conduit and metal plate are a modern addition, the amount of this element proposed on the façade does not read as a minor mechanical element but as a major architectural feature or even a conjectural feature. This work reads as a conjectural feature because it appears to be a major building element added through surmise or guesswork and does not accurately portray the historic character of this contributing resource. The National Park Services’ Standards for Restoration, advise that projects should avoid creating a “false sense of history by adding conjectural features, features from other properties, or by combining features that never existed together historically.” By minimalizing the amount of conduit on the façade, it more clearly reads as a modern utility, and not as a conjectural feature or false architectural element and the resource will remain a physical record of its time. An additional condition of approval will require that all exterior holes and openings created by the removed portions of alterations will be patched and repaired to match existing conditions.

Therefore, with the following conditions of approval, these criteria are met:

- *The proposed conduit and metal plate covering shall run one story on the north façade, and the remainder shall be internalized within the home, as illustrated in Exhibit C-3.*
- *All exterior holes and openings created by the removed portions of exterior alterations will be patched and repaired to match existing conditions.*

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: No changes to this contributing resource that have acquired historic significance are known by staff. *This criterion is not applicable.*

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 4 and 5: The completed alterations to the contributing resource were not adequately illustrated or detailed within the submittal so that staff could confidently determine their impact to the resource. As installed, the conduit and metal plate covering appear to penetrate the roof and eave of the house and run up the entire 3-story rear façade onto the dormer. In doing so, this work contributes to the deterioration of historic features on the home such as the roof, eaves and dormer. Although the National Parks Service defines deterioration differently depending on the type of material affected, the general definition provided by the Merriam Webster dictionary is “the action or process of becoming impaired or inferior in quality, functioning or condition.” Since several materials are impacted by this completed work (i.e. roofing shingles, wood trim, siding, eaves and gutters) staff has found that the Merriam Webster dictionary definition is appropriate. By punching through the existing roof and eaves onto a third story dormer, the completed conduit and metal plate impair the existing roof system. The amount of conduit on this façade, and number of holes/openings created to install it, negatively impacts the quality and condition of the decorative historic eave, as well as the adjacent window trim and siding it runs over and around.

Again, this is an insufficient construction method for installing new mechanical equipment or conduit on existing structures. As is described in the findings above and supported in “A Guide to the City of Portland Historic Resources Review Process” (produced by the HLC in July 2016), and Historic Register Nomination, the character defining features of the building include the fenestration pattern, exterior materials, roof form and details. As a result, this work contributes to the deterioration of historic features and materials on the home such as the roof, siding, eaves and attic dormer.

To protect historic materials, staff advised the applicant during the review to internalize the conduit work within the house or present a less-intrusive alternative that did not result in the current amount of conduit on the exterior of the building, especially as it meanders around and through architecturally significant features. Therefore, in order to approve the current proposal, a condition will require that the conduit run one full story, instead of all three stories, and then be internalized within the house as illustrated in Exhibit C-3. By removing a large portion of the existing conduit and internalizing it, the historic features and materials on the resource can be repaired and returned to their original condition. An additional condition of approval will require that all exterior holes and openings created by the removed portions of alterations will be patched and repaired to match existing conditions.

Therefore, with the following conditions of approval, these criteria are met:

- *The proposed conduit and metal plate covering shall run one story on the north façade, and the remainder shall be internalized within the home, as illustrated in Exhibit C-3.*

- *All exterior holes and openings created by the removed portions of exterior alterations will be patched and repaired to match existing conditions.*

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: The proposed work will not include any ground disturbance. No new resources are expected to be found on this site. *This criterion is therefore 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.

Findings: As installed, the conduit and metal plate covering penetrate the roof and eave of the house and run up all three stories, which therefore contribute to the damage and destruction of historic materials that characterize this historic resource. Even though the inherent nature of this proposal differentiates it from the older construction and detailing of the historic resource, it does so to the detriment of the historic materials.

To help preserve historic materials, the new conduit and metal plate covering should be subtle and not result in an incongruous appearance that may diminish the structure's historic character. Therefore, in order to approve a proposal, a condition will require that the conduit run one full story, instead of all three stories, and then be internalized within the house as illustrated in Exhibit C-3. By doing this the conduit will still remain differentiated but will refrain from damaging the historic materials, features and character of this contributing resource.

Therefore, with the condition of approval that the conduit and metal plate covering shall run only one story on the north façade and the remainder shall be internalized, as illustrated in Exhibit C-3, this criterion has been 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.

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 8, 9, and 10: While the applicant provided photos, an elevation, a site plan and a cut sheet of the metal covering for the conduit, staff was still left uncertain on many of the details of the finished work because complete and accurate information (details, a complete narrative, etc.) had not been provided. However, it was clear from the materials submitted, that the work was undertaken in a way that was not compatible with the architectural features of the structure. Instead, the conduit and metal plate covering draw attention away from the finer details and craftsmanship of this façade. Even though this is a rear façade, it is still visible within the district given the structure's height and mass. It is particularly more visible due to extent of this alteration, which detracts from the overall design and character of the building, and therefore is not compatible with the architectural

detailing of this resource. As is noted in “A Guide to the City of Portland Historic Resources Review Process” (produced by the HLC in July 2016), and in the findings above, rear elevations are important.

The attachment of conduit to all three stories of the north elevation including its penetration through an eave appears to have impaired the resource. The lack of clear detail on how the conduit was attached to the siding or how it had been run through the eave, left staff concerned that the coherency and integrity of the contributing resource would not be preserved.

To address this issue of compatibility, while still allowing for the installation of conduit on the façade, a condition will require that the conduit run one full story, instead of all three stories, and then be internalized within the house as illustrated in Exhibit C-3. This change will reduce the impact to the integrity of this contributing resource and will benefit the Irvington Historic District as a whole by demonstrating a respectful, compatible solution to altering a historic resource for future mechanical equipment.

Therefore, with the condition of approval that the conduit and metal plate covering shall run only one story on the north façade and the remainder shall be internalized, as illustrated in Exhibit C-3, these criteria 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 requirements of Title 11 can be met, and 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 involved the installation of conduit and a metal cover plate, which connects to a new mechanical unit at the north (rear) elevation of a contributing resource in the Irvington Historic District, installed across three stories and through a roof eave. The completed work draws attention away from the finer details and craftsmanship of this façade. Although this is a rear façade, it is still visible within the district given the structure’s height and mass. It is particularly more visible due to the extent of this alteration, which is not compatible with the architecture or detailing of this resource.

As stated in the findings, the shorter length of conduit and metal plate covering will meet the applicable approval criteria in 33.846.060.G. These criteria take into consideration the elements of preserving historic character, features and materials, as well as differentiation and compatibility.

With the added conditions of approval, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a revised decision for exterior alterations to a contributing home within the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated December 11, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 18-117292 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 proposed conduit and metal plate covering shall run one story on the north façade, and the remainder shall be internalized within the home, as illustrated in Exhibit C-3.
- E. All exterior holes and openings created by the removed portions of exterior alterations will be patched and repaired to match existing conditions.

Staff Planner: Cassandra Ballew

Revised Decision rendered by:  **on December 11, 2018**
By authority of the Director of the Bureau of Development Services

Revised Decision mailed December 17, 2018

Procedural Information. The application for this land use review was submitted on February 2, 2018, and was determined to be complete on August 1, 2018.

A final decision of denial was issued on September 11, 2018. It was then appealed to LUBA on October 4, 2018.

The City withdrew the decision of denial for reconsideration on October 19, 2018. Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021(1), on reconsideration, the City could affirm, modify, or reverse its decision.

This revised decision on reconsideration approved an alternative proposal with added Conditions D and E.

The 120-day timeline was complied with for the first decision. Then on reconsideration OAR 661-010-0021 requires that the city issue a decision on reconsideration in 90 days. Since the decision of denial was withdrawn for reconsideration on October 19, 2018, the 90 days will expire on: **January 16, 2019.**

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 February 2, 2018.

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: November 29, 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.

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 and OAR 661-010-0021(5). 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the revised final decision of approval will be recorded on or after **December 18, 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.

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

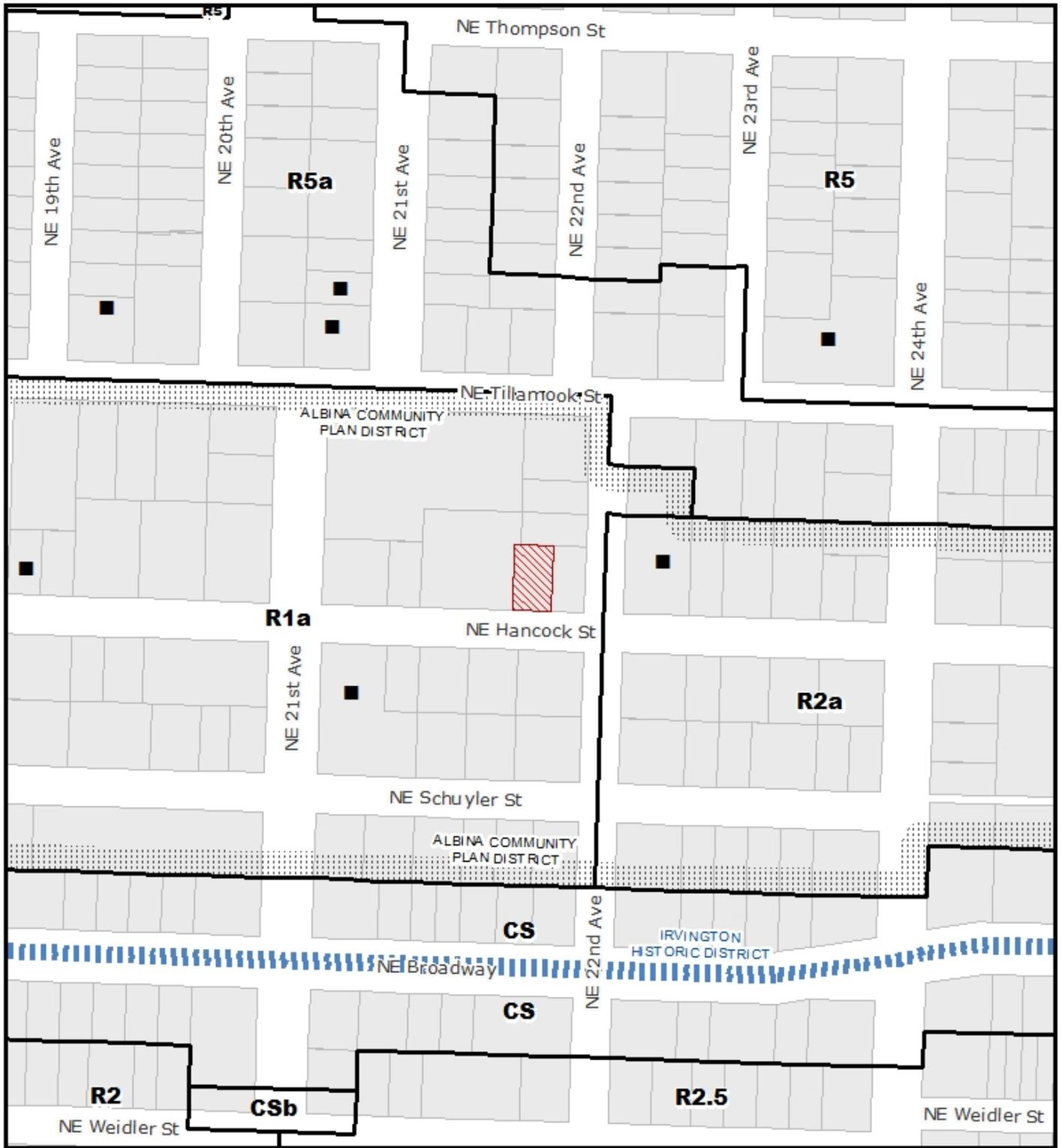
- A. Applicant's Statement
1. Original Application
 2. Copy of email correspondence regarding incomplete letter items, February 15, 2018
 3. Copy of email correspondence regarding incomplete letter items, February 16, 2018
 4. Copy of email correspondence regarding incomplete letter items, March 15, 2018
 5. Supplemental information – revised application to include rooftop deck on detached garage, received May 18, 2018
 6. Copy of email correspondence regarding approvability of proposal and relevance of Historic Resource Review, May 30, 2018
 7. Copy of email correspondence regarding approvability of proposal and relevance of Historic Resource Review, June 11, 2018
 8. Copy of email correspondence regarding scope of work, July 10, 2018
 9. Copy of email correspondence regarding scope of work, July 10, 2018
 10. Supplemental information – revised application for mechanical work, received July 20, 2018
 11. Copy of email correspondence calling the application complete, July 31, 2018
 12. Copy of email correspondence calling the application complete, August 1, 2018
 13. Copy of email correspondence regarding approvability of proposal and relevance of Historic Resource Review, August 1, 2018
 14. Copy of email correspondence regarding approvability of proposal and relevance of Historic Resource Review, August 27, 2018
 15. Copy of email correspondence regarding number of people who received notice of proposal for Historic Resource Review, September 28, 2018
 16. Copy of email correspondence regarding number of people who received notice of proposal for Historic Resource Review, September 28, 2018
 17. Mailed Letter which indicates a Notice of Intent to Appeal to LUBA, received October 4, 2018.
 18. Copy of email correspondence regarding the revised decision of approval with conditions, November 3, 2018
 19. Copy of email correspondence regarding the revised decision of approval with conditions, November 30, 2018
 20. Copy of email correspondence regarding the acceptance of a revised decision of approval with conditions, November 30, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan (attached)
 2. North Elevation: Not Approved (attached)
 3. North Elevation: Approved (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
1. Garrison Hullinger, Neighbor, August 13, 2018 – wrote in support of the proposal.
 2. Kristin Winslow, Neighbor, August 14, 2018 – wrote in support of the proposal.
 3. Meryl Logue, Neighbor, August 18, 2018 – wrote in support of the proposal.
 4. Dean Gisvold, ICA Land Use Committee, August 19, 2018 – The ICA Land Use Committee has no objections to the application but stated that they would only support this proposal because it was on rear elevation. See Exhibit F-4 for additional details.

5. Scott Martin, Neighbor, August 19, 2018 – wrote in support of the proposal.

G. Other:

1. Original LU Application
2. Site Research
3. Incomplete Letter, dated February 15, 2018
4. Copy of email correspondence regarding incomplete letter items, February 16, 2018
5. Copy of email correspondence regarding garage proposal, February 23, 2018
6. Copy of email correspondence regarding approvability of proposal and relevance of Historic Resource Review, May 21, 2018
7. Copy of email correspondence regarding approvability of proposal and relevance of Historic Resource Review, June 12, 2018
8. Copy of email correspondence regarding approvability of proposal and relevance of Historic Resource Review including permit language noting land use requirements, June 20, 2018
9. 180 Day Warning Letter, dated July 17, 2018
10. Copy of email correspondence regarding calling the application complete, July 24, 2018
11. Copy of email correspondence regarding calling the application complete, July 26, 2018
12. Copy of email correspondence regarding calling the application complete, July 31, 2018
13. Copy of email correspondence regarding approvability of proposal, August 1, 2018
14. Copy of email correspondence regarding approvability of proposal, August 21, 2018
15. Copy of email correspondence regarding approvability of proposal, August 27, 2018
16. Copy of email correspondence regarding issuance of a denial, September 7, 2018
17. Copy of email correspondence regarding approval with conditions, October 23, 2018
18. Copy of email correspondence regarding approval with conditions, October 30, 2018
19. Copy of email correspondence regarding approval with conditions, November 30, 2018
20. Copy of email correspondence regarding approval with conditions, November 30, 2018
21. Historic Landmark Commission’s “A Guide to the City of Portland Historic Resources Review Process”
22. Irvington Historic District Historic Register Nomination
23. Notice of Withdrawal for Reconsideration, October 19, 2018

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:
 ALBINA COMMUNITY PLAN DISTRICT
 IRVINGTON HISTORIC DISTRICT



Site



Historic Landmark

File No.	LU 18-117292 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DD 10000
Exhibit	B Feb 06, 2018

ROOFTOP GARDEN



DATE	12/11/18
PROJECT	ROOFTOP GARDEN
CLIENT	2165 NE HANCOCK STREET
LOCATION	PORTLAND, OREGON 97212
SCALE	AS SHOWN
DESIGNER	[Signature]
CHECKER	[Signature]
DATE	12/11/18

A1.0

ADDRESS
2165 NE HANCOCK STREET
PORTLAND, OREGON 97212

ZONING
R1 - RESIDENTIAL

SHEET INDEX
A1.0 - SITE PLAN

A2.1 - GROUND PLAN

A2.2 - FRAMING PLAN

A2.3 - DECK PLAN

A3.1 - SOUTH ELEVATION

A3.2 - NORTH & EAST PLANTER ELEVATIONS

A3.3 - WEST ELEVATION

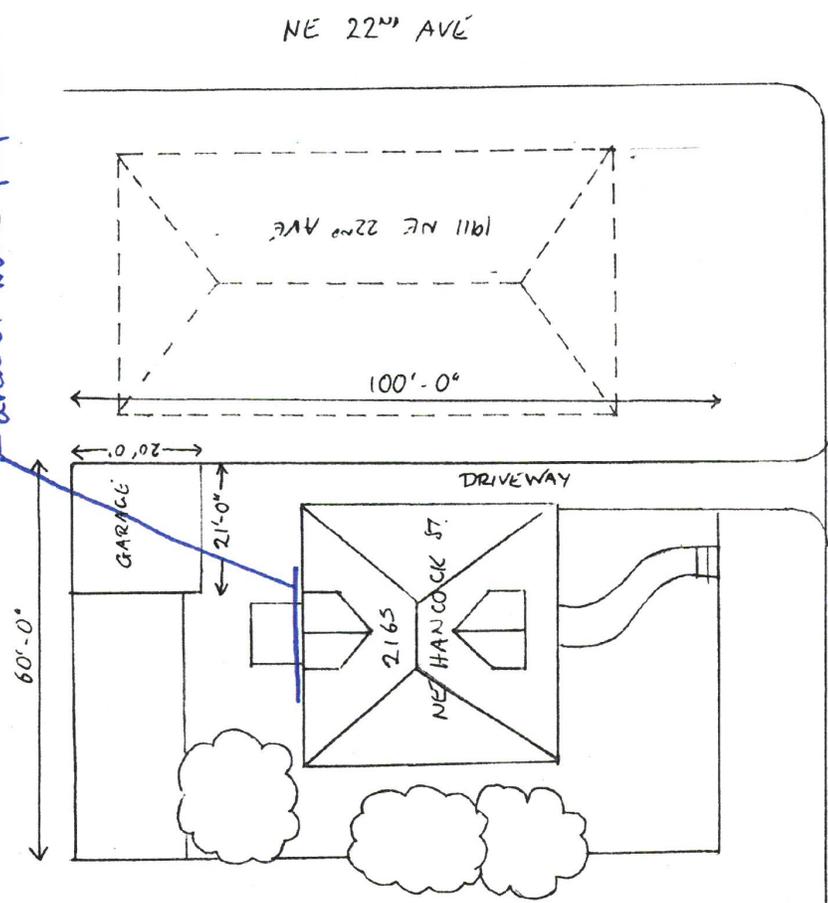
A3.4 - NORTH & EAST ELEVATIONS

A4.1 - WALL SECTIONS

A4.2 - WALL & RAILING SECTIONS

A4.3 - RAILING SECTIONS

area of work proposed.



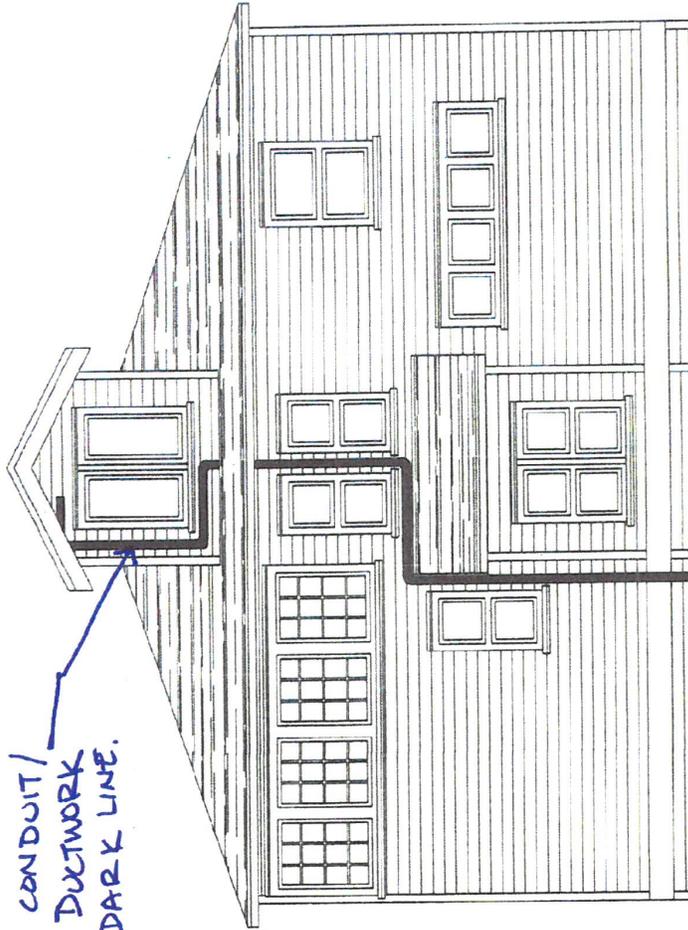
Approved: *[Signature]*
 Portland Bureau of Development Services
 Date: 12-11-18
 # 1227
 Additional zoning requirements may apply.

81826211-8117

EXHIBIT C-1

NOT APPROVED!

PROPOSED CONDUIT/
DUCTWORK
SHOWN IN DARK LINE.



* Approved*
City of Portland - Bureau of Development Services
Date 12-11-18
C. Ball
* Applies only to the reviews requested and is subject to all
conditions of approval. Additional zoning requirements may apply.

Proposed

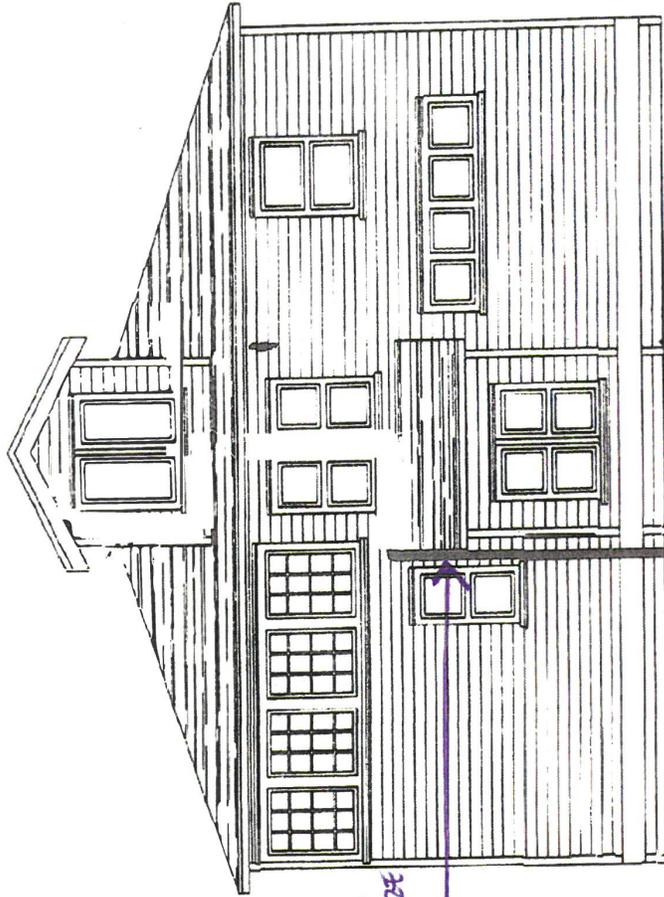
1

House - Proposed Conduit/Ductwork on North Elev.
Scale: 1/4" = 1' - 0"

LU 18-117292 HR

EXHIBIT C-2

APPROVED



RUN EXISTING
CONDUIT TO THIS
POINT & INTERNALIZE
THE REMAINING
PORTION.

LU 18-117292 HR

Proposed

1

House - Proposed Conduit / Ductwork on North Elev.

Scale: 1/4" = 1' - 0"

Approved
City of Portland - Bureau of Development Services
Date 12-11-18
* Applies only to the reviews requested and is subject to all
other applicable codes and regulations. Additional zoning requirements may apply.

EXHIBIT C-3