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

Date: October 2, 2019

To: Interested Person

From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@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 19-198738 HR - EXTERIOR DECK

GENERAL INFORMATION

Applicant: Bradlee Hersey | Faster Permits
2000 SW 1st Ave, Ste 420 | Portland, OR 97201
bradlee@fasterpermits.com | 503-913-8811

Owner: Jose Arechiga | Premier Investors
920 SW 6th Ave #1200 | Portland, OR 97204

Site Address: 2158 NE HANCOCK STREET

Legal Description: BLOCK 15 E 1/2 OF LOT 13 LOT 14, JOHN IRVINGS 1ST ADD
Tax Account No.: R430304660
State ID No.: 1N1E26DD 09700
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.
Plan District: Albina Community
Other Designations: Contributing Resource in the Irvington Historic District
Zoning: R1a – Residential 1,000 Multdwelling zone with a Historic Resource overlay zone
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 seeks a Historic Resource Review for alterations to the residential structure at 2158 NE Hancock, which contains a contributing resource in the Irvington Historic District. The proposed alterations include removing an existing deck on the west façade and

replacing it with a smaller wood deck with railings. Historic Resource Review is required for non-exempt exterior alterations such as this.

Two egress windows in the basement are also proposed on the west façade, however they are exempt from Historic Resource Review per Section 33.445.320.B.4.B

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code, Title 33. The relevant approval criteria are:

- Section 33.846.060.G

ANALYSIS

Site and Vicinity: The 7,500 SF site near the southwest corner of NE Hancock & 22nd contains a contributing residential structure the Irvington Historic District. The 3,647 SF residence has been divided up over the years to include multiple units. It was originally constructed in 1911 in the Craftsman Style as a single-family residence. The surrounding area is primarily dominated by single family residential structures with the exception of several buildings contain churches, multi-dwelling structures, surface parking areas, and the 3-story apartment building immediately east of the site.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle-class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Zoning: The Residential 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 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.

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 **September 4, 2019**. Given the small scope of the proposal no bureau or agency responses were provided.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 4, 2019**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold representing the Irvington Community Association, email dated 9/18/19, stating no objection to the proposal.
2. Andrew Pope, email dated 9/18/19, stating frustration with the property owner's communication and recent actions and concerns with potential illegal interior work.

Staff Response - Regarding the 2nd public comment:

- *Potential violations for interior alterations without a building permit can be directed to the Code Compliance group at 503.823.CODE or a complaint can be filed here.*
- *Concerns with the property owner's and manager's lack of transparency and communication and notice to evict are civil matters and are not relevant to the approval criteria of this land use review.*

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.
7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings:

- The existing deck to be removed and replaced is not original and has not acquired any historic significance. Therefore, it's removal will not be a detriment to the character of the contributing building. All other original, historic materials will be preserved.
- The deck will clearly be new and differentiated from original material as the use of pressure treated wood is proposed for the primary structure (not the finish materials though). However, painted lattice will screen the pressure treated wood, a finish detail found often throughout the district.
- The deck design has been thoughtfully integrated to align with the large bay on the west elevation and be set back from the primary front façade. Together with complementary materials and painted finish, the deck upholds the integrity of this contributing resource and maintain its character.
- The new deck, stair and railings are comprised of wood with balusters, posts, caps that match the existing railing on the front porch of the house.
- As indicated in the details above, the smaller replacement deck has been designed to be compatible with the resource itself, and as well as the adjacent and surrounding homes in the Craftsman style.

*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 meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a deck on the west façade per the approved site plans, Exhibits C-1 through C-5, signed and dated 9/27/19, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 19-198738 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: Staci Monroe

Decision rendered by: _____ **on September 27, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed October 2, 2019

Procedural Information. The application for this land use review was submitted on July 25, 2019, and was determined to be complete on August 30, 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 July 25, 2019.

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: 12/28/19.**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **October 2, 2019** 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.

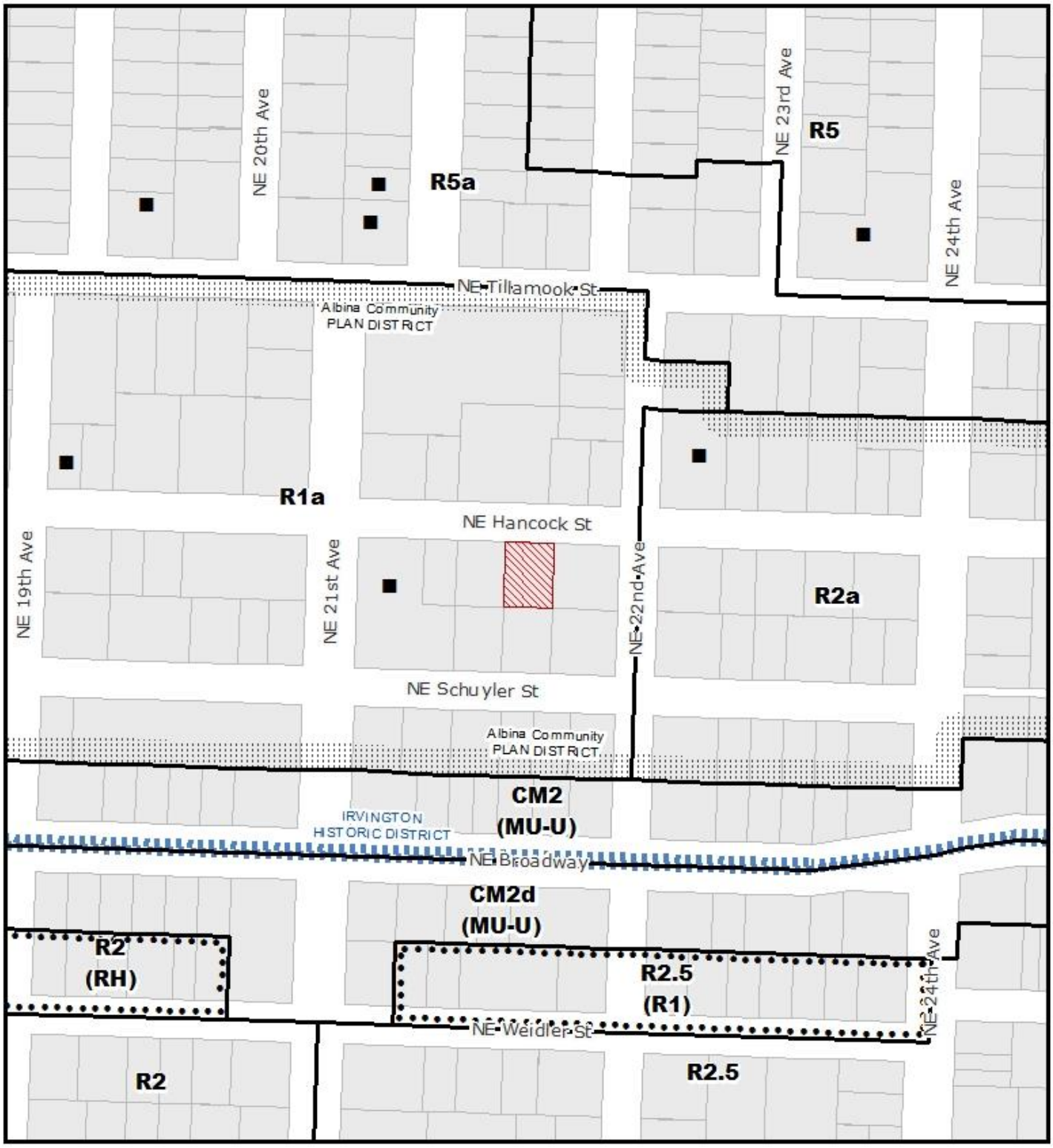
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permitees must demonstrate compliance with:

- 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. Project narrative
   2. Original drawing set
   3. Revised project narrative
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Proposed South & East Elevations (attached)
   3. Proposed floor plan
   4. Enlarged deck construction plan
   5. Railing detail
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses: none
F. Correspondence:
   1. Dean Gisvold representing the Irvington Community Association, email dated 9/18/19, stating no objection to the proposal.
   2. Andrew Pope, email dated 9/18/19, stating frustration with the property owner's communication and recent actions and concerns with potential illegal interior work.
G. Other:
   1. Original LU Application
   2. Incomplete Letter dated 8/8/19

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

NORTH

THIS SITE LIES WITHIN THE:
ALBINA COMMUNITY PLAN DISTRICT
IRVINGTON HISTORIC DISTRICT

Site

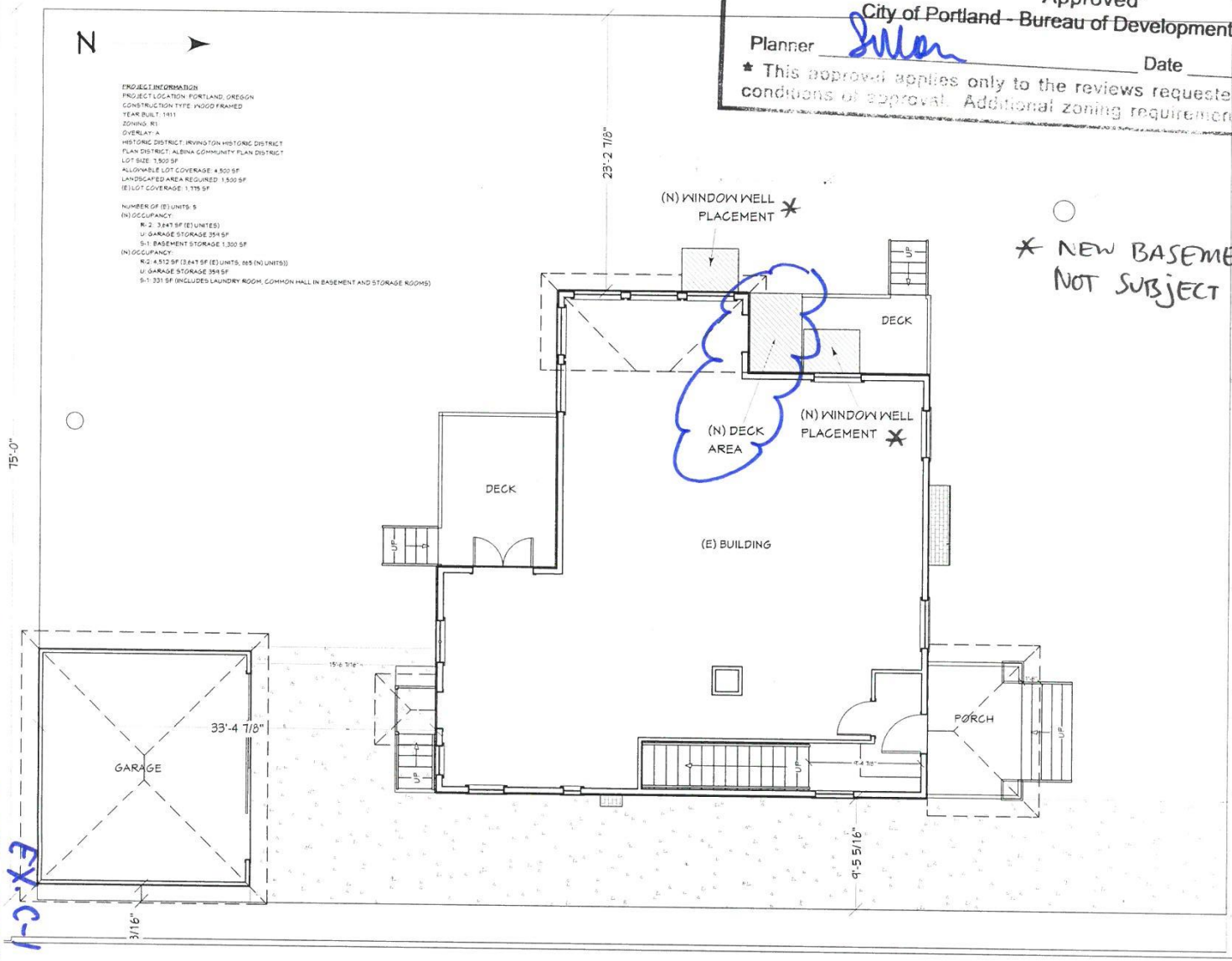
Historic Landmark

File No.	LU 19-198738 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DD 9700
Exhibit	B Jul 29, 2019

Approved
City of Portland - Bureau of Development Services
Planner Sullan Date 9/27/19
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

PROJECT INFORMATION
PROJECT LOCATION: PORTLAND, OREGON
CONSTRUCTION TYPE: WOOD FRAMED
YEAR BUILT: 1911
ZONING: R1
OVERLAY: A
HISTORIC DISTRICT: IRVINGTON HISTORIC DISTRICT
PLAN DISTRICT: ALBINA COMMUNITY PLAN DISTRICT
LOT SIZE: 7,500 SF
ALLOWABLE LOT COVERAGE: 4,500 SF
LANDSCAPED AREA REQUIRED: 1,500 SF
(E) LOT COVERAGE: 1,775 SF

NUMBER OF (E) UNITS: 5
(N) OCCUPANCY:
R-2: 3,647 SF (E) UNITES)
U: GARAGE STORAGE 354 SF
S-1: BASEMENT STORAGE 1,300 SF
(N) OCCUPANCY:
R-2: 4,512 SF (3,647 SF (E) UNITS, 865 (N) UNITS))
U: GARAGE STORAGE 354 SF
S-1: 331 SF (INCLUDES LAUNDRY ROOM, COMMON HALL IN BASEMENT AND STORAGE ROOMS)



* NEW BASEMENT WINDOWS NOT SUBJECT TO REVIEW

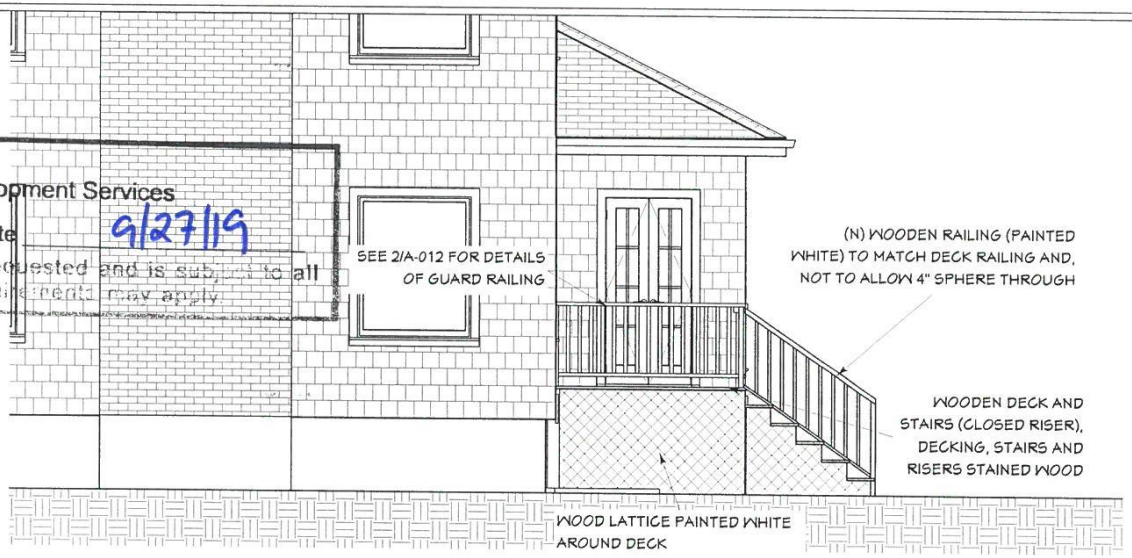
NE HANCOCK ST

A-02	
DATE:	7/15/2019
SCALE:	1/8" = 1'-0"
SHEET TITLE:	SITE PLAN
PROJECT DESCRIPTION:	2158 NE HANCOCK ST PORTLAND OR 97212
DRAWINGS PROVIDED BY:	SAB DESIGN AND DRAFTING LLC SASHA.A.BECKWITH@GMAIL.COM 541-231-6318

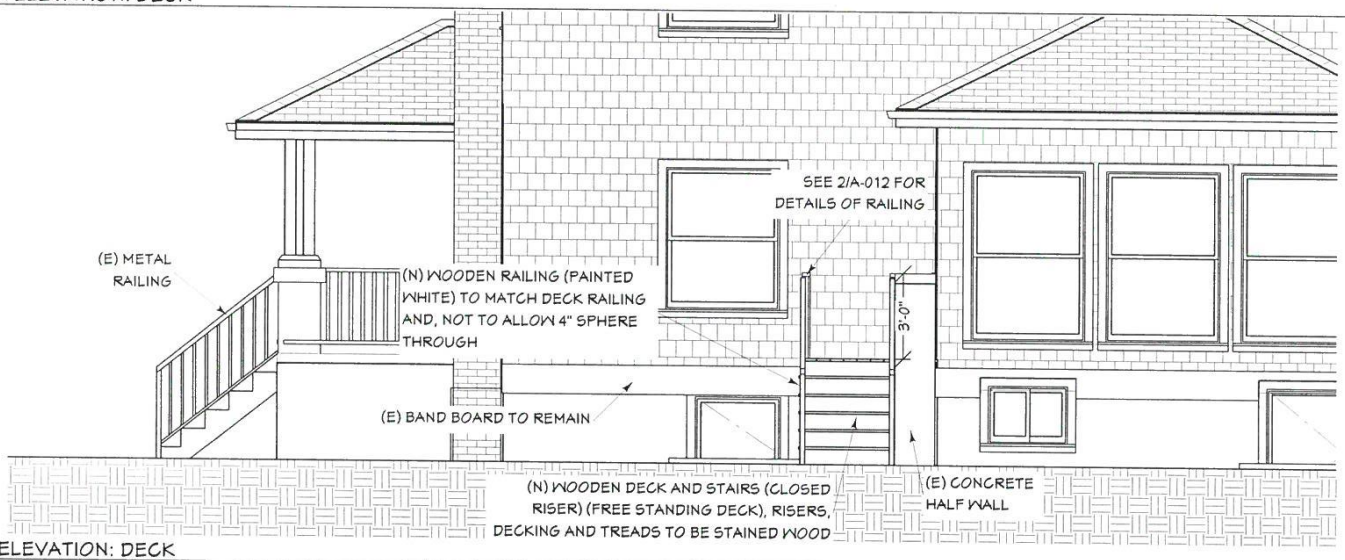
EX-C-1
LU 19-198738 HR

LU 19-198738 HR

Approved
City of Portland - Bureau of Development Services
Date 9/27/19
oval applies only to the reviews requested and is subject to all
f approval. Additional zoning requirements may apply.



01 A-011 (N) SOUTH EXTERIOR ELEVATION: DECK
SCALE: 1/4" = 1'-0"



02 A-011 (N) EAST EXTERIOR ELEVATION: DECK
SCALE: 1/4" = 1'-0"

DRAWINGS PROVIDED BY:
SAB DESIGN AND DRAFTING LLC
SASHA.A.BECKWITH@GMAIL.COM
541-231-6316

PROJECT DESCRIPTION:
2158 NE HANCOCK ST
PORTLAND OR 97212

SHEET TITLE:
(N) EXTERIOR ELEVATION: DECK

SCALE:

DATE: 8/15/2019

A-011

LU 19-198738 HR

EX. 2

LU 19-198738 HR