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FINAL FINDINGS AND DECISION BY THE LANDMARKS COMMISSION RENDERED ON July 27, 2020

FINAL DECISION BY THE HISTORIC LANDMARKS COMMISSION

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 20-125955 HRM AD
[PC # 19-261648, DAR# 19-261645]
DAHLKE MANOR

BUREAU OF DEVELOPMENT SERVICES STAFF: Arthur Graves 503.823.7803
Arthur.Graves@portlandoregon.gov

GENERAL INFORMATION

Applicant: Halla Hoffer | Peter Meijer Architect PC | 971.352.3933
605 NE 21st Ave Ste 200 | Portland, OR 97232

Owner: Housing Authority of Portland Oregon
135 SW Ash St | Portland, OR 97204-3540

Owner's Agent: Michael Fu | Home Forward | 503.802.8499
135 SW Ash St | Portland, OR 97204

Party of Interest: Bennett Barnwell | Walsh Construction Co
2905 SW 1st Ave | Portland, OR 97201

Site Address: 915 NE SCHUYLER STREET

Legal Description: BLOCK 254 LOT 1-8, HOLLADAYS ADD
Tax Account No.: R396218540
State ID No.: 1N1E26CD 06400
Quarter Section: 2831

Neighborhood: Irvington, contact Dean Gisvold at deang@mcewengisvold.com.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at jessica@necoalition.org.

Plan District:	None
Other Designations:	Non-contributing Resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.
Zoning:	RM3d: Residential Multi-Dwelling 3 (RM3) Base Zone, Design (d)
Case Type:	HRM AD: Historic Resource Review, with Modification and Adjustment
Procedure:	Type III, with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

Proposal:
Type III Historic Resource Review for proposed development and site alterations including: single story addition to expand the existing community room; alterations to the existing single story storefronts; alterations to the tower include the removal of existing sunshades and grates; alterations to existing parking configuration; tree removal; generator relocation; proposed new outdoor use area (with patio, dog-run, covered seating area); new fencing; and new stormwater area. Materials for the proposed addition include: brick veneer, fiber cement panels, aluminum storefront systems, and metal canopy.

An Adjustment to Portland Zoning Code (PZC) 33.266.110.B.1.a.(4) is requested to reduce the number of on-site parking spaces from the current 28 to 24.

A Modification to 33.266.130.G.3, Interior Parking Lot Landscaping, is requested to provide less than the required 45 square feet of interior parking lot landscaping per each parking space. The proposal will be providing approximately 65% of the total interior parking lot landscaping that is required for the new parking lots.

NOTE: The following Modification was initially requested, however, the applicant has made alterations to the drawings and this Modification is no longer needed.

- A Modification to PZC 33.266.210.D.1.a.(4) is requested to allow 100%, as opposed to 50%, of long-term bicycle parking within units.

Historic Resource Review is required for all non-exempt exterior alterations in a Historic District.

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

- Criteria in Section 33.846.060.G of the Portland Zoning Code
- 33.805.040 Adjustments Approval Criteria
- 33.846.070 Modifications Considered During Historic Resource Review

ANALYSIS

Site and Vicinity:
The subject site is a full-block, non-contributing site, with a 9-story residential tower and single-story common and utility areas (built in the early 1970s), located in the Irvington Historic District. The site is in the south-west quadrant of the historic district and is one of eight contiguous blocks that while not in a plan district are immediately north of the Central City Plan District and directly south of the Albina Community Plan District. The site is defined by NE Schuyler St. to the south, NE 9th Ave. to the west, NE Hancock St. to the north, and NE 10th Ave to the east. The Portland Street Car is approximately three blocks south-west of the site. Bus service is provided a block south of the site on NE Broadway. NE 9th is both a Neighborhood Walkway and a City Bikeway.

With the exception of a commercial building to the southwest and an apartment building to the northeast, the structures located on the surrounding blocks are primarily contributing resources in the Irvington Historic District constructed between the years of 1910 and 1937. Similar to the District as a whole, the surrounding block includes a wide range of styles that were typical of the era: craftsman cottages; American foursquare, etc. The parcels surrounding the site are predominantly on 50'x100' lots consisting of single-story and two-story buildings. The contributing apartment building to the west is 3-stories. The existing 9-story residential tower on site is unique both for its height and it's off-axis orientation.

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 RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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 the following prior land use reviews:

- **LU 17-194718 HR**: Approval of radon-related alterations to the resource.
- **LU 14-129062 CU HR**: Approval of a radio frequency facility.
- **LU 11-147515 CU HR**: Conditional Use and Historic Design Review approval to add antenna and other equipment and add cabinet to an existing cabinet.

- **LU 08-182809**: Approval for a wireless facility consisting of 6 panel antennas and 3 small microwave dishes and associated equipment cabinet.
- **PC 5681**: Zone change granted upon the condition that one off-street parking space for each four dwelling units shall be provided, and the use of the property shall be limited to an apartment building to be used as public housing for elderly persons, with a maximum of 115 units.
- **VZ 238-70**: Approval to reduce the number of off-street loading berths from the required 2 berths to 1 in order to erect an apartment structure for elderly persons.
- **CU 076-61**: Approval of a six-foot high fence to be set back 15 feet from the front lot line on NE Hancock, NE 10th and NE Schuyler.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **June 23, 2020**.

- Portland Bureau of Transportation: Tammy Boren-King: May 12, 2020. (Exhibit E-1). With the following comments summarizing why the project is not supported at this time:

  The requested modification to the bicycle parking development standards is prohibited by 33.266.210.D.1.a(4). PBOT recommends the applicant modify the proposal to meet the long-term bicycle parking standards. Insufficient information was submitted to the record to demonstrate the requested adjustment to the minimum vehicle parking standards of 33.266.110 meets the purpose statement of the regulation being modified.

  SEE REVISED JUNE 26, 2020 PBOT COMMENTS BELOW

- Bureau of Development Services Life Safety / Building Code Section: Sloan Shelton: May 12, 2020. (Exhibit E-2). With no objections to the proposal.

- Fire Bureaus: Dawn Krantz, May 13, 2020. (Exhibit E-3). With no concerns.

- Parks Bureau, Urban Forestry: Dan Gleason: May 14, 2020. (Exhibit E-4). With no objections to the proposal.

- Portland Water Bureau: Michael Puckett: May 15, 2020. (Exhibit E-5). With no concerns or conditions of approval.

- Bureau of Development Services Site Development: Ye Zhuang: May 21, 2020. With no concerns. (Exhibit E-6).

- Bureau of Environmental Services: Abigail Cermak: May 26, 2020. (Exhibit E-7). With the following comments summarizing why the project is not supported at this time:

  BES does not recommend approval of the Historic Resource Review application at this time as it is unclear if the project is able to meet both BES Title 17 requirements for stormwater management while also being compliant with the BDS Title 33 requirements under review.

  Although in general it appears the project will be able to meet BES requirements for stormwater management and sanitary disposal, submitted plans for land use review must show all required parking lot landscaping and address the feasibility of using new landscaped areas as vegetated stormwater facilities. Furthermore, it is in the applicant's best interest to submit a stormwater plan that is consistent with the design plans stormwater facilities can affect the design and layout of the site. Prior to issuing a recommendation of approval, BES requires additional information as described below under Section C Stormwater Management.

SEE REVISED JUNE 25, 2020 BES COMMENTS BELOW

- Bureau of Environmental Services: Abigail Cermak: June 25, 2020. (Exhibit E-8). With revised comments stating that, "BES does not object to approval of the historic resource application".

- Portland Bureau of Transportation: Tammy Boren-King: June 26, 2020. (Exhibit E-9). With revised comments stating that, "PBOT has no objection to the approval of the design review."

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 23, 2020**. A total of six written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. John Brennan, community member, on May 15, 2020, wrote with concerns about the vehicle access to the site, site lighting, the location of garbage and recycling, and the existing trees. (Exhibit F-1)

2. John Mermin, community member, on May 15, 2020, wrote with concerns about the trees. (Exhibit F-2)

3. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on May 18, 2020, wrote with concerns about the generator location. (Exhibit F-3)

4. John Brennan, community member, on May 18, 2020, wrote with concerns about the generator and potential noise issues, on-site parking, and lighting. (Exhibit F-4)

5. John Mermin, community member, on May 18, 2020, wrote with concerns about the dog park area, generator and potential noise issues, and on-site parking. (Exhibit F-5)

6. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on June 25, 2020, wrote with concerns about parking, the dog area, and the generator location. (Exhibit F-6)

PROCEDURAL HISTORY

- **Early Assistance Pre-Application Conference (PC): EA 19-261648 PC: January 09, 2020:**
  Issues included: The location of the proposed generator; the proposed height of the addition as opposed to the height of the existing single-story portion of the building; the reduction of on-site parking; the removal of trees on site; the proposed entry sequence from NE Schuyler St.; and the proposed material palette.

- **Design Advice Request (DAR): EA 19-261645 DA: January 27, 2020**:
  Commission supported the location and siting of the proposed addition and site alterations, except for the proposed generator, which it stated should continue to be located in the building. Commission agreed that the addition should not project above the existing single-story portion of the building and should better integrate with the existing building's architecture. Commission supported the enlarged entry plaza although stated that the entry sequence should be better defined. Commission supported the reduction of parking. Commission supported the proposed material palette, agreeing that the new brick should be similar in color, but not necessarily a match, to existing.

- **Land Use Application LU 20-125955 HR: Submitted on March 04, 2020**: Deemed complete on April 23, 2020. A hearing with the Historic Landmarks Commission was scheduled for June 08, 2020, and then rescheduled for July 13, 2020.

- **Land Use Hearing: July 13, 2020**: Staff Report of denial. Commission agreed with the applicant on all counts. Return hearing date of July 27, 2020.

- **Land Use Hearing: July 27, 2020**: Closed record hearing. Staff Report of approval per July 13, 2020 hearing.

ZONING CODE APPROVAL CRITERIA

[1] 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.
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.

   Findings for 1, 2 and 4: The character of the property is noticeable both for the built and non-built features on site. The nine-story apartment building is unique and in contrast to much of the Irvington Historic District both for its height and off-axis orientation to the grid. The mature trees along the west portion of the site are significant because of their mass and height which provides symmetry to the site while effectively buffering much of the surrounding neighborhood from the 1970's tower.

   Because this is a "non-contributing" resource in the Irvington Historic District it is difficult to argue that features and materials on the resource are "historic" per these criteria. The 121 horizontal sunshades collectively constitute a minor architectural feature on the

building and will not impact the greater architectural and historic character of the building when removed without replacement: it's verticality; mass and form; and off-axis orientation.

Staff also notes that the applicant's proposal to remove the sunshades is not arbitrary but is due to their structural failure (see Exhibits C18 and C19) and concern for resident's safety.

The proposed removal of six large mature conifers (all the same genus) is balanced by the proposed new landscaping, which adds significant vegetation and plant diversity to the site. In addition, retaining the big-leaf maple and the horse chestnut maintains the "historic character" that the collective group of trees has provided to the site, as mentioned previously. Unlike the conifers which have out-grown their area and have been limbed up due to being offset approximately 10', the trees proposed to remain have been provided adequate space to establish and maintain their correct form. In addition, the proposed two large deciduous trees to remain are proposed to be integrated into the revised programming for the site: the outdoor plaza area and dog run.

The proposed alterations to the buildings and site will maintain the existing character of the site: tower with attached single story building, and established site landscaping. The overall form and mass of the building will not be significantly changed and mature trees will be retained to buffer and integrate the unique full block site into the greater Irvington Historic District.

Therefore, these Criteria have been met.

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

Findings: No changes to the property that have acquired historic significance will be removed.

Therefore, this criterion is not applicable.

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: While the use of chemical or physical treatments, such as sandblasting are not mentioned, the applicant states that, "Roughly 5% of the entire building's masonry units need to be repaired. The repair methods used will minimize any impact to the existing materials. Repairs will be minimal in appearance and will not have a negative impact on the building's appearance." To ensure that chemical or physical treatments, such as sandblasting are not used, staff has added this as a condition of approval.

With the condition of approval that chemical or physical treatments, such as sandblasting are not used, this Criteria has been met.

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: Ground disturbance will occur with the installation of the proposed new addition, tree removal, and site alterations. Because of this disturbance there is increased potential that archaeological resources could be impacted.

With a condition of approval that, in the event of any archaeological discovery, work will be stopped, and the State Archaeologist will be notified, this criterion is met.

7. **Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
8. **Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
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 7, 8, 9, and 10: As mentioned previously, the architectural and integrity of the non-contributing resource and full block site will be maintained with the proposed alterations. The overall mass and form of the tower and attached single-story building will remain intact, and existing mature trees will be maintained at the edges of the site to continue to buffer the neighborhood from the dominance of the tower. In addition, significant new landscaping will be added to the site for increased buffering, visual interest and compatibility with the neighborhood.

Specific to the tower: As mentioned previously, the wholesale removal of the 121 sunshades will not impact the mass, form, and/or architectural integrity of the tower due to their being minor architectural features on a 9-story tower. In turn, the removal of the sunshades will enhance the verticality of the tower in the historic district.

Specific to the single-story portion of the building: Much of the proposed single-story addition is integrated into, and consistent with, the existing single-story portion of the building. Architectural continuity and compatibility are provided through:

- The proposed addition maintaining the established height of the existing single-story building;
- The use of brick veneer on the addition that is similar in color to but not matching existing brick;
- The installation of storefront systems consistent with the existing systems on the building;
- Datum lines are carried through from the existing building to proposed alterations and addition;
- The addition of a uniform single metal canopy to the entire single-story structure consistent with that found on an existing portion of the current single-story portion of the building.

Specific to the proposed generator: Both the Commission and staff had significant concerns with the original location, outside of a building, in the Design Advice Request. The applicant provided site- and program-specific reasons why the final proposal could not internalize the generator. While the generator is still located outside the tower and single-

story portion of the building, it is further from the street and more discreet than previously proposed locations.

Collectively, the proposed alterations help to organize the site in a way that maintains the historic integrity and architectural character of the resource while also being compatible with the with original resource and greater Irvington Historic District.

Therefore, these Criteria have been met.

[2] MODIFICATION REQUESTS (33.846)

33.846.070 Modifications Considered During Historic Resource Review
The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic design review process. However, modification to a parking and loading regulation within the Central City plan district may not be considered through the historic design review process. Modifications made as part of historic design review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic design review may be requested through the adjustment process.

The approval criteria for modifications considered during historic design review are:

A. Better meets historic design review approval criteria. The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and

B. Purpose of the standard.

1. The resulting development will meet the purpose of the standard being modified; or

2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The following modification is requested:

Section 33.266.130.G.3, Interior Parking Lot Landscaping: To provide less than the required 45 square feet of interior parking lot landscaping per each parking space. The proposal will be providing approximately 65% of the total interior parking lot landscaping that is required for the new parking lots.

Findings: While historic resource review approval criteria do not directly address parking lots or parking lot landscaping, the criteria do speak to maintaining the historic character and integrity of the resource. In addition, current parking lot landscaping code (33.266.130.G.3) includes specific nuances that preclude certain areas of the site from counting towards interior parking lot landscaping. In this case, while landscaping is proposed to be provided in certain areas, it is not able to be counted because it is not "abutting" the vehicle area. There are two specific areas on site where the applicant has located pedestrian access abutting to the vehicle area so that hardscape is not tight to the building: one east of the north parking lot, and the other east of the south parking lot. Because landscaping is provided on the east side of the sidewalk, and so not "abutting", it may not count towards the meeting the code standard, even though the proposed landscaping could meet the "purpose of the standard" which includes the following: improve and soften the appearance of parking areas; reduce the visual impact of parking

areas from sidewalks, streets, and especially from adjacent residential zones; and shade and cool parking areas. The interior parking lot landscaping requirement would be exceeded if these two areas could be counted. However, if landscaping were provided to meet the code standards a condition inconsistent with the existing architectural character of the site would be created: sidewalks would be immediately adjacent to the tower.

Because modification approval criteria are met, this Modification warrants approval.

[3] ADJUSTMENT REQUESTS (33.805)

33.805.010 Purpose
The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria
The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

The following Adjustment is requested to Portland Zoning Code (PZC) 33.266.110.B.1.a.(4): Reduction of the number of on-site parking spaces from the current 28 to 24.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of the regulation is to, "to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time." This site and situation are unique: the site is "close to transit" however, parking is required per 33.266.110.B.1.a.(4) due to the number of existing units: 115; the building houses, "low-income residents and is reserved for seniors and those with disabilities"; the building is not new construction and the proposal is not adding more than 20 units, and so does not qualify for an exemption from <u>all</u> parking per Portland Zoning Code 33.266.110.D.1. In addition, the applicant has taken parking counts (Exhibit A-14) supporting that 24 stalls exceeds current on-site use and that surrounding streets are not at parking capacity.

This approval criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The site is located in a multi-dwelling zone (RM3) in the southwest corner of the southwest quadrant of the Irvington Historic District. The proposed re-organization of the existing on-site vehicle area from two connected parking areas spanning the majority of the south and west frontages to two separate vehicle areas (one at the north and one at the south) provides additional area for amenities and landscaping for residents.

The proposed south parking lot will have a net reduction of one parking stall, from 19 existing to 18 proposed. The parking lot will maintain existing access from NE Schuyler St. and NE 9th Ave. while providing perimeter and interior landscaping to buffer the proposed parking from the surrounding historic district neighborhood.

The proposed north parking lot includes 6 parking stalls and will be accessed through the existing curb cut from NE Hancock St. This parking area expands the existing vehicle area used to access garbage and recycling on the site. As with the south parking lot, perimeter and interior landscaping is provided to buffer the proposed parking from the surrounding historic district neighborhood.

With the reorganization of the on-site parking to the north and south, the west frontage of the site is proposed to be re-developed and re-programed with amenities for residents including: increased perimeter landscaping; dog area; and patio with barbeque area, fixed and movable seating, and designated vegetable planters.

This approval criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. The purpose of the multi-dwelling zone (RM3) is maintained: being a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. Reduction of on-site parking allows for greater building coverage and landscaping on-site.

This approval criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic resources on the site. The existing resource is "non-contributing" within the Irvington Historic District. Proposed alterations to the existing vehicle area will not directly impact either the predominant tower component or the single-story portion of the existing building. Reducing the number of on-site surface parking spaces, however, allows for greater preservation of the historic character of the district as a whole.

This approval criterion is met.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: Per comments mentioned above (see A) the reduction of on-site parking from 28 to 24 stalls will not impact demand for parking on the site.

This approval criterion is met.

F. If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: This site is not within an environmental zone.

This criterion does not apply.

Because adjustment approval criteria A-F are met, this Adjustment warrants approval.

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 alterations to the 1970's non-contributing resource and site maintains the architectural and historic integrity consistent with the original structure and the greater Irvington Historic District.

The Historic Resource Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As indicated in detail in the findings above, the proposal meets the applicable approval criteria and therefore warrants approval**.**

LANDMARKS COMMISSION DECISION

It is the decision of the Landmarks Commission to approve Historic Design Review for the proposed development and site alterations including: single story addition to expand the existing community room; alterations to the existing single story storefronts; alterations to the tower include the removal of existing sunshades and grates; alterations to existing parking configuration; tree removal; generator relocation; proposed new outdoor use area (with patio, dog-run, covered seating area); new fencing; and new stormwater area.

Approval of the following Modification request: To 33.266.130.G.3, Interior Parking Lot Landscaping, is requested to provide less than the required 45 square feet of interior parking lot landscaping per each parking space. The proposal will be providing approximately 65% of the total interior parking lot landscaping that is required for the new parking lots.

Approval of the following Adjustment request: To Portland Zoning Code (PZC) 33.266.110.B.1.a.(4) is requested to reduce the number of on-site parking spaces from the current 28 to 24.

Approvals per Exhibits C.1-C-31, signed, stamped, and dated August 10, 2020, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B – E) 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 20-125955 HRM AD. 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. To ensure that historic materials are protected, chemical or physical treatments, such as sandblasting will not be used.

D. Ground disturbance will occur with the installation of the proposed new addition, tree removal, and site alterations. Because of this disturbance there is increased potential that archaeological resources could be impacted. In the event of any archaeological discovery, work will be stopped, and the State Archaeologist will be notified.

E. NO FIELD CHANGES ALLOWED.

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By: _____
Kristen Minor, Landmarks Commission Chair

Application Filed: March 4, 2020 Decision Rendered: July 27, 2020
Decision Filed: July 28, 2020 Decision Mailed: August 14, 2020

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 4, 2020, and was determined to be complete on April 23, 2020.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on March 4, 2020.

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 waived the 120-day review period, as stated with Exhibit (Exhibit A-4). The **120 days expire on: April 22, 2021.**

Some of the information contained in this report was provided by the applicant.
As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on **August 28, 2020** The appeal application form can be accessed at https://www.portlandoregon.gov/bds/45477. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application**.**

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at https://www.portlandoregon.gov/citycode/28197.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision**. An appeal fee of $5000 will be charged. Last date to appeal: August 28, 2020.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **August 28, 2020** 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Arthur Graves
August 11, 2020

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).

EXHIBITS – NOT ATTACHED UNLESS INICATED

A. Applicant's Submittal
   1. Original Submittal: Narrative: March 04, 2020 (superseded)
   2. Original Submittal: Narrative: March 04, 2020 (superseded)
   3. Revised Submittal: March 11, 2020 (superseded)
   4. Signed Waiver: March 23, 2020
   5. Revised Submittal: March 11, 2020 (superseded)
   6. Revised Submittal: April 15, 2020 (superseded)
   7. Revised Submittal: April 24, 2020 (superseded)
   8. Revised Submittal: May 21, 2020 (superseded)
   9. Revised Civil Submittal: May 22, 2020 (superseded)
   10. Revised Civil Submittal: May 25, 2020 (superseded)
   11. Revised Submittal: June 08, 2020 (superseded)
   12. Revised Submittal: June 16, 2020 (superseded)
   13. Revised Submittal: June 17, 2020 (superseded)
   14. Revised Submittal: June 23, 2020
B. Zoning Map (attached)
C. Plan & Drawings
   1. Vicinity Map
   2. Enlarge Vicinity Map
   3. Site Plan (attached)
   4. Floor Plans
   5. Roof Plan
   6. Modification and Adjustment
   7. Enlarged Floor Plan: Level 1
   8. Elevation: South (attached)
   9. Elevation: West (attached)
   10. Elevation: East (attached)

11. Elevation: North (attached)
12. Enlarged Elevation: South
13. Enlarged Elevation: West
14. Enlarged Elevation: East
15. Enlarged Elevation: North
16. Sections/Details
17. Storefront Details
18. Sunshades
19. Sunshades: Details
20. Generator Structure: Plan, Section, Elevations
21. Generator Details
22. Landscape Plan
23. Planting Plan
24. Tree Plan
25. Landscape Legend
26. Details: Wall and Fence
27. Details: Bench
28. Details: Landscape
29. Bicycle Parking: Site
30. Bicycle Parking: In Unit
31. Lighting Plan

D. Notification information:
1. Request for Response
2. Posting letter sent to applicant – for June 08, 2020 Hearing
3. Notice to be posted – for June 08, 2020 Hearing
4. Applicant's statement certifying posting – June 08, 2020 Hearing
5. Posting letter sent to applicant – July 13, 2020 Hearing
6. Notice to be posted – July 13, 2020 Hearing
7. Applicant's statement certifying posting – July 13, 2020 Hearing
8. Mailed notice
9. Mailing list

E. Agency Responses:
1. Portland Bureau of Transportation: Tammy Boren-King: May 12, 2020.
2. Bureau of Development Services Life Safety / Building Code Section: Sloan Shelton: May 12, 2020
3. Fire Bureaus: Dawn Krantz, May 13, 2020.
4. Parks Bureau, Urban Forestry: Dan Gleason: May 14, 2020.
5. Portland Water Bureau: Michael Puckett: May 15, 2020.
6. Bureau of Development Services Site Development: Ye Zhuang: May 21, 2020.
7. Bureau of Environmental Services: Abigail Cermak: May 26, 2020.
8. Bureau of Environmental Services: Abigail Cermak: June 25, 2020.
9. Portland Bureau of Transportation: Tammy Boren-King: June 26, 2020.

F. Correspondences:
1. John Brennan, community member: May 15, 2020
2. John Mermin, community member: May 15, 2020
3. Dean P. Gisvold, on behalf of the Irvington Community Association: May 18, 2020
4. John Brennan, community member: May 18, 2020
5. John Mermin, community member: May 18, 2020
6. Dean P. Gisvold, on behalf of the Irvington Community Association: June 25, 2020

G. Other:
1. Original Application
2. Historic Information
3. Site Pictures
4. Incomplete Letter: April 03, 2020

H. Historic Landmarks Commission Hearing:

Hearing #1: July 13, 2020 Hearing

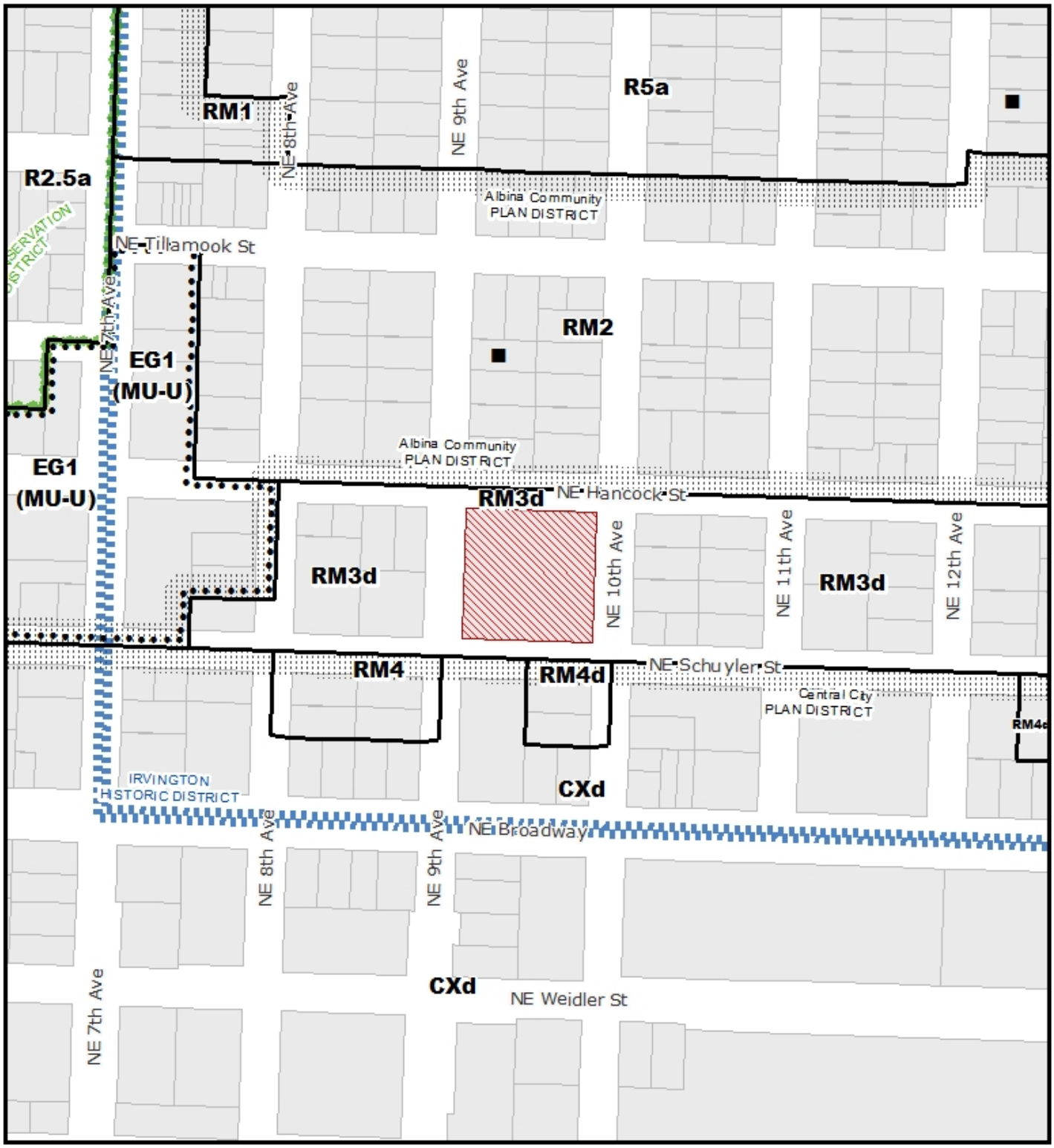
1. Staff Report – Recommending Denial
2. Staff Power Point Presentation
3. Applicant Presentation
4. Testimony: John Mermin: community member

Post Hearing #1: July 13, 2020 Hearing

5. Revised Drawing set: July 17, 2020

Hearing #2: July 27, 2020 Hearing

6. Staff Report – Recommending Approval
7. Staff Power Point Presentation
8. Testifier Sign-In Sheet: None



ZONING

NORTH

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

Site

Historic Landmark

File No.	LU 20 - 125955 HRM AD
1/4 Section	2831
Scale	1 inch = 200 feet
State ID	1N1E26CD 6400
Exhibit	B Apr 27, 2020

Keynotes

- A RELOCATED PARKING
- B EXISTING PARKING
- C ENTRY
- D ENTRY PLAZA
- E RESIDENT PATIO
- F DOG PLAY AREA
- G GENERATOR W/SCREENING
- H BIKE PARKING
- I SEATING
- J PLANTER
- K VEGETABLE PLANTER
- L BBQ
- M EXISTING CURB CUT TO REMAIN
- N PROPOSED ADDITION
- O NEW FENCE TO SCREEN SERVICE COURTYARD
- P MECHANICAL EQUIPMENT
- R STORMWATER SWALE

1 | Proposed Site Plan

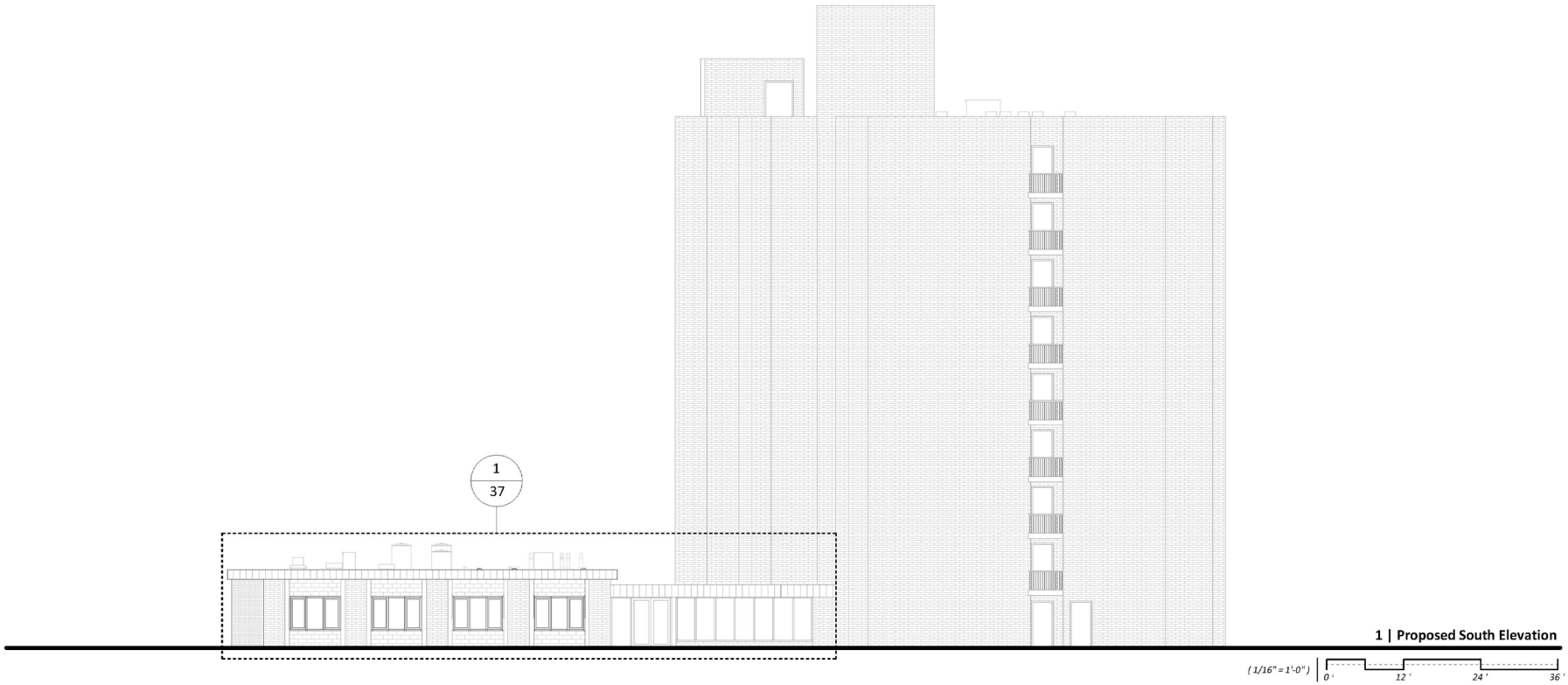
(1" = 30'-0") 0 ' 22.5 ' 45 ' 67.5 '

Approved
City of Portland
Bureau of Development Services
Planner
Date 08-10-2020
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Dahlke Land Use Application
Proposed Site Plan

Peter Meijer Architect
June 22nd, 2020

EXHIBIT C-3
LU 20-125955HRM AD



Approved
City of Portland
Bureau of Development Services
Planner
Date 08-10-2020
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Dahlke Land Use Application
Overall Elevation

Peter Meijer Architect
June 22nd, 2020

EXHIBIT C-8
LU 20-125955HRM AD

Material Legend

15 Painted CMU

1 | Proposed West Elevation

Dahlke Land Use Application

Overall Elevation

Approved
City of Portland
Bureau of Development Services
Planner
Date 08-10-2020
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Peter Meijer Architect
June 22nd, 2020

EXHIBIT C-9
LU 20-125955HRM AD

Material Legend

15 Painted CMU

1 | Proposed East Elevation

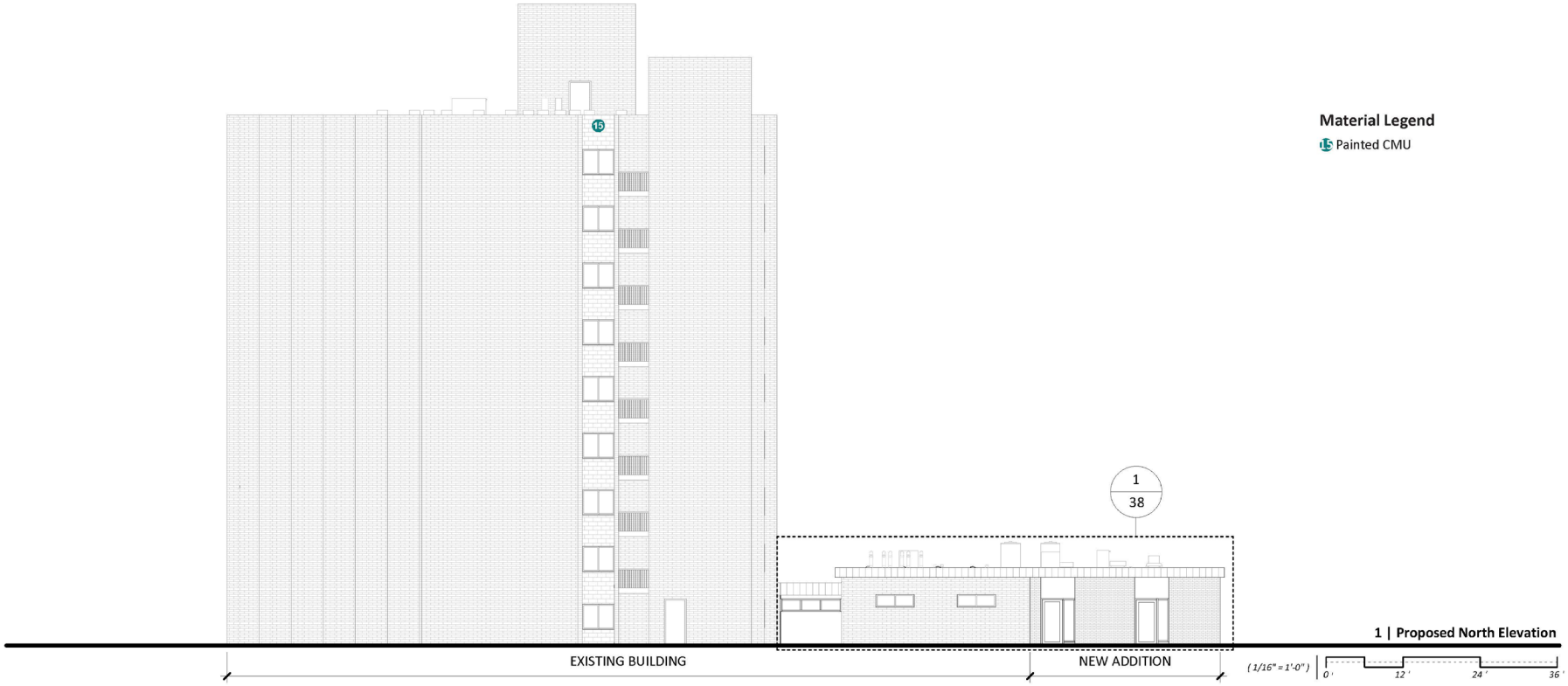
Approved
City of Portland
Bureau of Development Services
Planner
Date 08-10-2020
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Dahlke Land Use Application

Overall Elevation

Peter Meijer Architect
June 22nd, 2020

EXHIBIT C-10
LU 20-125955HRM AD



Material Legend

15 Painted CMU

1 | Proposed North Elevation

Approved
City of Portland
Bureau of Development Services
Planner
Date 09-10-2020
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Dahlke Land Use Application
Overall Elevation

Peter Meijer Architect
June 22nd, 2020

EXHIBIT C-11
LU 20-125955HRM AD