

City of Portland, Oregon Bureau of Development Services

Land Use Services

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FROM CONCEPT TO CONSTRUCTION

# **STAFF REPORT AND RECOMMENDATION TO THE HISTORIC LANDMARKS COMMISSION**

CASE FILE:	LU 12-215057 HDZ
	PC # 12-146409
	Irvington Row (Five Attached Dwelling Units)
<b>REVIEW BY:</b>	Historic Landmarks Commission
WHEN:	Monday, April 8, 2013, at 1:30 p.m.
WHERE:	1900 SW Fourth Ave., Room 2500A
	Portland, OR 97201

It is important to submit all evidence to the Historic Landmarks Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

BDS Staff:	Dave Skilton	503-823-0660
	dave.skilton@portlandoregon.gov	

# **GENERAL INFORMATION**

Applicant:	Guy Bryant GPB Construction Inc. 6027 SE Main Street Portland, OR 97215	503-309-3461
Site Address:	1730 NE Schuyler Street	
Legal Description: Tax Account No.: State ID No.:	BLOCK 12 LOT 9 W 1/2 OF LOT 10, JOH R430303540 1N1E26DC 05500	IN IRVINGS 1ST ADD
Quarter Section: Neighborhood: Business District:	2832 Irvington, contact Dean Gisvold at 503-284 Northeast Broadway Business Association, Koodish at info@nebroadway.com.	
District Coalition:	Northeast Coalition of Neighborhoods, cont 503-823-4575.	act Chris Lopez at
Plan District:	Albina Community	
Other Designations:	Vacant property in the Irvington Historic D listed in the National Register of Historic Pl 2010.	
Zoning:	R1a, Multi Dwelling Residental 1000, with Protection and Alternative Design Density	
Case Type: Procedure:	HDZ, Historic Design Review Type III, with a public hearing before the H Commission. The decision of the Historic I Commission can be appealed to City Counc	istoric Landmarks Landmarks

**Proposal:** The applicant is seeking Historic Design Review approval for five new attached dwelling units with garages on a vacant site at the intersection of NE 17th Avenue and NE Schuyler Street, in the Irvington Historic District. The exterior materials include:

- Columbia River basalt stone retaining wall;
- cedar board fencing;
- painted steel garage doors;
- 1x4, 1x6, and 1x10 painted cedar lap siding with metal corners;
- architectural composition asphalt roof shingles;
- wood and glass entry and balcony access doors; and
- Milgard Montecito vinyl casement and single hung windows

Historic Design Review is required because the proposal is for non-exempt new construction in a historic district.

### **Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code (Title 33 of the Portland City Code). The specified approval criteria in this case are:

• 33.846.060 G. Other Approval Criteria

# ANALYSIS

**Site and Vicinity:** The subject site is a vacant lot, 100' x 75' occupying the southeasterly corner of the intersection of NE 17<sup>th</sup> Avenue and NE Schuyler Street in the Irvington Historic District.

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 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 at rear corners and accessed by a variety of driveway types on mid-block sites, and facing side streets on corner lots. Garages that were added within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Historic multi-dwelling development is also a significant typology in the Irvington Historic District, largely concentrated in the corridor bracketed by NE Broadway and the mid-block between NE Tillamook and NE Thompson Streets. As with the development of the entire district, these buildings responded to the availability of streetcar transportation. Those closest to NE Broadway did not tend to provide onsite parking, but courtyard type complexes further north occasionally did, often displaying a full-facade array of garage doors on the secondary street face. Stylistically, the historic apartment buildings in Irvington tend to represent the same design modes that were popular for single dwelling structures during the period of historic significance. However, the multi-dwelling examples also tend toward a less elaborate expression of any given mode. Stucco is the predominant finish material but contributing examples with brick, board siding, and combinations also exist. A significant amount of posthistoric apartment redevelopment occurred within the same general area outside the period of significance. Examples from the mid-to-late 20<sup>th</sup> Century often have large parking lots at street lot lines. These paved areas are often without any buffering or internal planting.

**Zoning:** The R1 zone 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, townhouses, 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.

The Historic Resource Protection Overlay zone 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 purpose of the Alternative Design Density Overlay Zone is 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.

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

- LU 07-182808 HDZ, approving a three story, five-unit multi-dwelling structure with five on-site parking spaces.
- LU 12-150927 LDS, related to the current case and approving a Preliminary Plan for a five-lot subdivision, with easements for shared access and utilities.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed March 15, 2013.

**Agency Review:** None of the notified Bureaus has responded with significant issue or concerns:

**Neighborhood Review:** No written responses have been received to date from either the Neighborhood Association or notified property owners in response to the proposal.

# **ZONING CODE APPROVAL CRITERIA**

#### Chapter 33.846.060 - Historic Design Review

#### Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### Historic Design Review Approval Criteria

Requests for historic design 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 Design 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.

**Findings:** Because the proposal in this case is for new construction on a vacant lot, it is clear that the term "property" found throughout the approval criteria refers to the Irvington Historic District, as opposed to the site. The subject site included a structure until as recently as 2005, so the open condition of the lot is not a historically significant condition within the district. Returning a building to this location can, in fact, be thought of as reinstating a semblance of the built-up historic spatial character at the intersection of NE 17<sup>th</sup> and Schuyler. *This criterion is not applicable.* 

**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:** The Irvington Historic District includes more than 2,800 primary structures, so redevelopment of the subject vacant site will have only a negligible effect on the neighborhood's overall physical historic record, as referenced in the first sentence of the approval criterion. Instead the focus in this case is on the second sentence and the ability to distinguish the proposed new structure as a product of its own time.

Several aspects of the proposal will contribute to its recognizable modernity. Perhaps the most salient of these factors are the presence of multiple entrances on the main facade, and the provision of garages and significant paved vehicular maneuvering area at the rear. Although these conditions exist in a few historic examples, they are atypical in the district. Balancing the need to distinguish the building as a product of the present against the need for it to be compatible with and subordinate to the actual historic resources is the essence of the design

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problem when adding new elements in a historic district. This issue is further explored in the findings for items 8 and 10, below. *This criterion is met.* 

**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.

**Findings for 3, 4, and 5:** These approval criteria focus on treatment of intact historic fabric, which is absent on the site. *These criteria are not applicable.* 

**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 soil on the subject site has been intensively disturbed, first in the initial terracing of the lot, then in the construction of the original building and its basement, and finally in the removal of the structure. As a result, significant archaeological resources are extremely unlikely to be encountered. *This criterion is not applicable.* 

**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.

**9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings for 7 and 9:** The proposed new construction will be recognizably of its time, as discussed in 2, above. Although it will be within the context of the historic district, and therefore related, it will not be near or attached to any other built resource. Its removal in the future would simply restore the existing vacant lot condition. *This criterion is met.* 

**8.** Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings:** Incompatibility of the proposed new building with the character of the Irvington Historic District is the one point on which staff believes the submitted design fails. These two approval criteria anticipate new construction in historic contexts that balances compatibility with its historic context against distinctiveness. In other terms, new buildings in historic districts must blend in as a supportive yet subtly different background to the actual historic resources. Neither elegance nor refinement is precluded by this requirement.

The finding of incompatibility rests on three interacting characteristics of the proposal: over-elaboration relative to historic buildings of similar typology within the district; a lack of stylistic cohesiveness and traditional ordering; and an uneven palette of materials and assemblies. In combination these aspects of the design make it stand out inappropriately relative to its historic surroundings.

The building typology which the proposal appears to emulate, that of a historic multi-dwelling structure, is appropriate because the subject site lies within the three block deep swath along the southern edge of the district where there are many examples of historic apartment buildings. However, these historic examples are simple in character, tending to rely on traditional proportions and fenestration patterns with a limited number of window types in their facade compositions. The proposed building, by contrast, displays a highly elaborated design with multiple and varied window, door, balcony, and dormer treatments.

More elaborated historic apartment buildings in Irvington tend to derive all their decorative elements cohesively from a single, recognizable stylistic idiom. The proposed design seems to borrow elements from a number of early twentieth Century styles. The dominating, steep, hipped roof and symmetrical facade composition strongly suggest French Eclectic precedents, but with a deep, Craftsman type, exposed-rafter and strut-supported eave; the porthole windows, stepped wing walls, and prominent cantilevered and board-clad balconies seem to have a Moderne or Art Deco inspiration; and the gothic arched opening at the large central balcony is vaguely Tudor in character.

In addition to this mixing of stylistic elements, the proposed design upends the traditional spatial ordering which is so predominant in the historic apartment buildings in the Irvington Historic District. While there is appropriate emphasis on the central entry on the west facade because of the recessed balcony, the gesture is then contradicted by the lowering of the eave above which downplays the primacy of this location. Similarly, the two end wall bays, which in a traditional design would be subordinated to the "main" entry, are given unexpected prominence by breaking the eave line with dormers and extending down to their own, specially articulated foundation treatments.

Finally, the palette of materials and assemblies includes three items about which staff has concerns based on past feedback from the Historic Landmarks Commission: good quality vinyl windows detailed in a manner that mimics but does not duplicate a traditional wood window installation; atypically deep, cantilevered, street-facing balconies with: board-clad railings; no recess in the wall plane; and joists and spaced board decking exposed below; and uncharacteristically slender eave support struts.

While approval criteria 8 and 10 are not met by the current proposal, the design does contain a solid basis for an acceptable solution. In terms of the three characteristics listed above, staff recommends some combination of the following changes.

Simplification. This could be achieved by:

- reduction of the number and variety of window and door types and proportions, reserving special types to reinforce special locations and traditional spatial ordering;
- alteration of the two tower-like bay and dormer combinations at the north and south in favor of two story bays with a simple shed dormer above;
- introduction of a wall dormer or parapet that breaks the eave line at the central entry on the west façade;
- elimination of the hybrid hip-shed dormer roofs on the east roof slope in favor of simple shed roof forms; and/or
- use of a simpler secondary balcony type on the main facade, preferably cantilevering a more traditional distance than proposed, limited roughly to the width of the adjacent doors, backed by a recess in the wall plane, and with a much more open railing.

<u>Stylistic Cohesiveness</u>. The major design statement of the proposal is clearly the prominence of the steep roof relative to the walls. Combined with the symmetry of the façade composition and fact that the ridgeline runs parallel to the front of the building, this suggests a French Eclectic stylistic approach that was widely practiced during the period of significance of the Irvington Historic District, although it is not well represented there. Many of the suggested changes in the previous section would contribute to a more cohesive design in this vein by eliminating aspects alien to the style. A shallower and more finished eave treatment would also help. These suggestions are not made in preference of the specific style, but offered in the spirit of achieving the most approvable result with the least drastic changes to the design.

<u>Materials and Assemblies</u>. In the past the Commission has struggled with the proposed use of synthetic window materials, specifically vinyl and fiberglass, in historic district contexts. In addition to discussion at hearings for other proposals, this discomfort was specifically expressed at the Design Advice meeting held for this particular property where a mocked-up sample was provided. The standard of compatibility, however, relies mostly on visual characteristics and because the proposed window type in this case is casement rather than double-hung, and the proposed installation is set back in the opening, the appearance of the proposed windows is likely to closely mimic traditional wood units. Less acceptable from staff's point of view are the proposals to use exposed board decking and joists on street facing balconies, and the awkwardly slender struts supporting the deep eaves.

*If specific revisions are requested by the Commission and provided by the applicant approval is feasible.* 

### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

# CONCLUSIONS

The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations in historic districts do not compromise their ability to convey historic significance. For the reasons articulated above, this proposal does not yet meet the applicable Historic Design Review criteria and therefore does not warrant approval.

### **TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time to the Historic Landmarks Commission decision)

Approval criteria 8 and 10 are not yet met.

Staff recommends that the Historic Landmarks Commission request that the applicant return to a continued hearing with specific revisions, addressing the issues raised in the findings, in order to bring the proposal into alignment with these approval criteria.

Should the applicant choose to call the question on the current proposal, staff would recommend denial.

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**Procedural Information.** The application for this land use review was submitted on December 13, 2012, and was determined to be complete on February 25, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 13, 2012.

*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.

**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 recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Historic Landmarks Commission who will make the decision on this case. This report is a recommendation to the Historic Landmarks Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Historic Landmarks Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Historic Landmarks Commission can be mailed, c/o the Historic Landmarks Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at the Development Services Building, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**Appeal of the decision.** The decision of the Historic Landmarks Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision.** An appeal fee of \$5,000.00 will be charged.

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. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person\_authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

#### Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision. A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625. **Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

**Applying for your permits.** A building permit, occupancy permit, or development permit 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.

## 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).

Dave Skilton March 29, 2013

### **EXHIBITS** – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Materials
  - 1. Letter Certifying Neighborhood Contact
  - 2. Narrative
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Drawing Index and Site Context Photos
  - 2. Site Plan (attached)
  - 3. Utility Plan
  - 4. First Floor Plan
  - 5. Second Floor Plan
  - 6. Third Floor Plan
  - 7. Roof plan
  - 8. West Elevation (attached)
  - 9. East Elevation (attached)
  - 10. North Elevation (South mirrored) (attached)
  - 11. Building Sections
  - 12. Details
  - 13. Details
  - 14. Window information
  - 15. Door Information
  - 16. Garage Door Information
  - 17. Light Fixture information
- D. Notification information:

- 1. Request for response
- 2. Posting letter sent to applicant
- 3. Notice to be posted
- 4. Applicant's statement certifying posting
- 5. Mailed notice
- 6. Mailing list
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Bureau of Parks, Forestry Division
- F. Letters: none to date
- G. Other
  - 1. Original LUR Application
  - 2. Site History Research
  - 3.











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