



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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## **FINAL FINDINGS AND DECISION BY THE LANDMARKS COMMISSION RENDERED ON April 22, 2013**

**CASE FILE NUMBER: LU 12-180238 HDZM**  
**PC # - 12-190813 BROADWAY APARTMENTS**

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. 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.

**BUREAU OF DEVELOPMENT SERVICES STAFF:** Hillary Adam 503-823-3581 / [Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@portlandoregon.gov)

### **GENERAL INFORMATION**

**Applicant:** Steve Fosler, 503-241-9339 / Fosler Portland Architecture LLC  
1930 NW Lovejoy Street / Portland, OR 97209

Mark R Madden, Owner  
1355 NW 13th Ave / Portland, OR 97209-3284

**Site Address:** Location is 2015-2019 W/I NE Broadway

**Legal Description:** BLOCK 11 LOT 4 EXC PT IN ST, JOHN IRVINGS 1ST ADD  
**Tax Account No.:** R430303100  
**State ID No.:** 1N1E26DD 12600  
**Quarter Section:** 2832  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** NE Broadway BA, contact Murray Koodish at [info@nebroadway.com](mailto:info@nebroadway.com).  
**District Coalition:** NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.  
**Other Designations:** Vacant parcel in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

**Zoning:** CS – Storefront Commercial  
**Case Type:** HDZM – Historic Design Review with Modification request  
**Procedure:** Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

### **Proposal:**

The applicant proposes a new two-story mixed-use building in the Irvington Historic District. The building will contain 14-units with twelve residential units, two retail/live-work spaces, and an attached service room to include laundry, bicycle storage and trash storage at the rear of the property. The rear service room and four units on each side of the building will be accessed via paved walkways on the west and east sides of the property. Additional bicycle storage will be located in most of the units. The residential units include micro-studios at 263 square feet, one-bedrooms at 369 square feet, townhouses at 450 square feet, and two-

bedroom units at 568 square feet. The retail/live-work spaces are proposed at 394 and 416 square feet. Small projecting balconies are proposed at the second level on all sides, with the north-facing balconies integrated with the flow through planter over the service room. Exterior materials include HardiePlank fiber cement boards and stucco siding, double-hung fiberglass windows, wood storefront windows, and wood doors. The proposed building is 23'-2" to the top of the parapet. No parking is proposed.

The following Modifications are requested:

1. Modification to 33.130.240 *Pedestrian Standards* to reduce the required 6'-0" walkways to 3'-6" wide with an adjacent 1'-6" low planting strip.

Historic Design Review is required because the proposal is for new construction in the Irvington Historic District. A modification review is required to modify 33.130.240 *Pedestrian Standards*.

### ***Relevant Approval Criteria:***

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

- 33.445, Historic Resource Protection Overlay Zone
- 33.846, Historic Reviews
- 33.846.070, Modifications Considered During Historic Design Review

## **ANALYSIS**

**Site and Vicinity:** The subject property is currently a paved vacant parcel, used as a parking area for the adjacent properties. Located on the north side of NE Broadway, this vacant parcel is situated between two 2-½-story Foursquare residences with later commercial additions attached at the front of the buildings. To the west, is the 1906 F.K. Liese House, designated a contributing resource, and currently home to a stamp and coin-related business. The building to the east is noted as being constructed in 1949 and designated as “not eligible/out of period” perhaps because of alterations to the exterior siding and because the commercial addition at the ground level is so predominant and wraps around the side of the house. It currently houses a Thai food restaurant. The 1908-1909 Sanborn map shows that there was once a 2-½-story dwelling with a full-width porch on the subject property. The 1908-1909 Sanborn map also shows the houses to the west and east as existing at that time. By 1924, the property to the east had gained a single car garage which still exists, though it is not noted in the National Register nomination. City records indicate the 1<sup>st</sup> level addition was constructed in 1948 and it is shown on the 1950 Sanborn map as wrapping the southwest corner of the existing house. The first level commercial addition on the house to the west was constructed in 1964. City records indicate the house on the subject property was demolished and the site paved for a 10-space parking lot in 1963.

North of the property, and sharing a rear lot line is the 1967 Crown Vista Apartments #1, designated as “not eligible/out of period” in the National Register nomination. The U-shaped 2-story courtyard apartment building is clad with brick and synthetic wood siding and the courtyard is paved to provide parking for 37 vehicles. Other properties on the block include a 1923 Foursquare converted for mixed-use, a one-story 1961 brick commercial building, a 1987 Jiffy Lube, and facing NE Schuyler, a 1904 Craftsman single dwelling. Across NE Broadway and outside the boundary of the Irvington Historic District are four buildings constructed in 1908 as residences and since converted to mixed-use, two one-story concrete commercial buildings built in 1913 and 1936, and one two-story concrete mixed-use building constructed in 1913.

NE Broadway marks the southern boundary of the Irvington Historic District and it is the commercial spine of the neighborhood, developing along the line of the since removed streetcar, and in conjunction with the expiration of restrictive covenants. In the City's Transportation System Plan NE Broadway is designated as a City Walkway, Regional Main Street, Major City Traffic Street, and a Major Transit Priority Street.

The Irvington Historic District was platted in 1887 and was one of the first subdivisions in Portland to employ restrictive covenants, including uniform setbacks, minimum construction expenditures, the exclusion of minorities and the exclusion of non-residential uses. The few non-residential uses allowed at the interior of the district were required to be designed to resemble residential buildings. Development of the neighborhood spread slowly from the south east corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. As the restrictive covenants expired, more commercial development occurred at the edge of the subdivision along NE Broadway through conversion of residential properties and new development. The district comprises an eclectic assortment of late 19<sup>th</sup> and early 20<sup>th</sup> century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

**Zoning:** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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 March 5, 2013. The following Bureaus responded with comments:

The **Bureau of Environmental Services** responded with the following comments:

It was recommended that the following condition of approval be included with the decision: "Prior to building permit approval, the applicant must show that stormwater runoff from the proposed paths will not adversely impact properties and will be managed appropriately per the requirements of the SWMM [City of Portland Stormwater Management Manual], to the satisfaction of BES."

In addition, BES also noted that the following measures may be employed to meet this condition, including:

1. Installation of raised curbs along the east and west property lines, as recommended in the Eco-Priora subgrade detail on Sheet C.22.
2. Grading the paths toward the building and the NE Broadway right-of-way, so that some of the excess runoff can flow into landscaped areas and the remainder can be safely conveyed to the NE Broadway right-of-way; and/or
3. Inclusion of a waterproof membrane and an underdrain system.

BES also provided additional information related to stormwater management for consideration as a courtesy to the applicant, which would not affect the proposed design. Please see Exhibit E-1 for additional details.

*Staff Response: Staff is supportive of this suggested condition of approval and has included it as condition of approval “B”. Staff notes that the installation of a curb along the east and west property lines would further decrease the width of the traversable area of the pedestrian paths by 4-6 inches to approximately 3’-0” wide. The applicant has indicated that he will address this issue by installing a curb along the west and east property line to be flush with the top of the pavers which will then be sloped toward the 1’-6” planted areas.*

The **Bureau of Transportation Engineering and Development** responded with no objection to the proposal. PBOT noted that the existing curb-cut will have to be closed and the sidewalk corridor will need to be reconstructed consistent with the City’s Pedestrian Design Guide recommendations of a 12-ft wide sidewalk with 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, and 1.5-ft frontage zone. PBOT indicated that pavers and tree wells to accommodate the required street trees are allowed in the 4-ft furnishing zone only. PBOT also noted the two proposed ornamental balconies on the front façade and stated that any projections into the right-of-way must adhere to the limitations in the International Building Code, the City’s Oriel Window Code Guide, and Encroachment Policies. PBOT also noted that the applicant has indicated a desire to utilize pavers within the furnishing zone and outside of the necessary tree wells and advised that pavers “will only be allowed within the 4-ft wide furnishing zone and cannot extend into the pedestrian-through zone (sidewalk) or frontage zone.” Please see Exhibit E-2 for additional details.

*Staff Response: The proposed projections extend into the right-of-way 2’-11” for the awnings above the entries with 1’-8” deep balconies above. With more than 9’-0” of clearance above the sidewalk, the projections are allowed as designed. With regard to the pavers, the applicant is currently proposing pavers along the walkways on the subject property, within the 4’-0” furnishing zone for the width of the property and along the 1’-6” wide frontage zone at the base of the building. As stated above, this will not be allowed and the removal of the pavers along the frontage zone is required, as noted in condition of approval “C”. PBOT has previously indicated that standard sidewalk paving or plantings are allowable in the 1’-6” frontage zone, so this may be an option to consider.*

The **Bureau of Parks-Forestry Division** responded, noting that street trees would be required. Please see Exhibit E-3 for additional details.

*Staff Response: As shown on sheet C.23 “Landscape Plan”, in the drawing set, three street trees are shown as part of the development.*

The following Bureaus have responded with no issue or concerns:

- Water Bureau
- Life Safety Division of BDS
- Fire Bureau
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 5,

2013. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on February 24, 2013, stating the following:  
*“At its regularly scheduled February meeting, the ICA Land Use Committee reviewed the application for the new infill project known as the Broadway apartments. The architect for the project, Steve Fosler, made the presentation to the Committee, which was by the way the third time he and/or his client have so appeared.”*

*Steve explained that the most recent changes were small in number, but included a change from a double window to a single window to meet the coverage limitations and changes to the retail space to make them more typically retail. At our second meeting on this project, we saw major improvements to the original design, which was not well received. In short, the committee unanimously approved this current design and the most recent changes.”*

See Exhibit F-1 for additional details.

- Thomas Conrad, wrote on March 19, 2013, in favor of the proposal. See Exhibit F-2 for additional details.
- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on March 25, 2013, stating support for the project, and suggesting minor revisions, similar to staff’s recommendations.. These comments were read at the March 25, 2013 Commission hearing. See Exhibit F-3 for additional details.
- Nathan Corser, wrote on April 16, 2013, reiterating the Irvington Community Association’s support for the proposal, noting that the applicant had made changes reflecting the Association’s concerns. See Exhibit F-4 for additional details.

### **Procedural History**

The first hearing was on March 25, 2013. The previous staff report, dated March 15, 2013, recommended approval of the form and massing for of the proposed building as it they were found to be appropriate for an infill building at this location along NE Broadway in the Irvington Historic District. Approval of the modification to 33. 130.240 *Pedestrian Standards*, to reduce the width of the pathways from the required 6’-0” to 3’-6” paved path with a 1’-6” low planted strip, was also recommended. Staff noted concerns with certain details, as outlined in the previous staff report and later echoed by representatives of the Irvington Community Association and the Commission.

At the March 25, 2013 hearing, Dean Gisvold and Nathan Corser of the Irvington Community Association (ICA) testified with largely favorable remarks, though requested that windows be set back within the wall plane and that the exterior cladding be simplified to either wood lap siding with a greater board thickness, Hardie lap siding with a greater board thickness and smooth finish, or stucco. The ICA was supportive of the proposed balconies at the 2<sup>nd</sup> floor on all facades. The ICA also states its desire that the lower two units along NE Broadway, units #1 and #2, be designed as retail space, rather than retail/live-work.

After some discussion, the Historic Landmarks Commission asked the applicant to address the following concerns and suggestions:

- Recess the windows within the wall plane 3”-4”;
- Make all balconies the same depth, preferably the smallest currently shown;
- Provide lighting details;
- Clarify the awning details;
- There should be a consistency of cladding and associated details;
- The cornice should be the same around the whole building, and maybe not include a reveal;

- With regard to the predominant cladding materials, the Commission was in favor of one material, perhaps with differentiation at the retail space only. The commission asked to see representations of both options.

## ZONING CODE DEVELOPMENT STANDARDS

Topic	Development Standard	Code Section
FAR Minimum	None	<a href="#">33.130.205</a>
FAR Maximum	3 to 1; Proposed: approx. 1.53 to 1	<a href="#">33.130.205</a>
Height – maximum	45 feet; Proposed: 23'-2" to top of parapet	<a href="#">33.130.210</a>
Setbacks	Min. 0' on street lot line. Min. 0' on rear lot line abutting other R-zoned lots for building walls 15' or less. Min. 8' for walls 16-30' tall. Min. 0' on lot lines abutting C-zoned properties. Max. 10' from street lot line. Max. 10' from a Transit Street or Pedestrian District. Proposed: 0' for rear lot line abutting R-zone; 0' for street lot line which is a Transit Street in a Pedestrian District.	<a href="#">33.130.215</a>
Building Coverage - Minimum	50% of site area Proposed: approx. 81%	<a href="#">33.130.220</a>
Pedestrian Standards	6' wide required; Proposed: 3'-6" wide with 1'-8" wide planting strip, <b>Modification</b> requested.	<a href="#">33.130.240</a>
Transit Street Main Entrance	Must face and be within 25' for each tenant space within the max. building setback (10')	<a href="#">33.130.242</a>
Landscaping – abutting an R-zoned lot	5 feet at L3 standard, or none if building abuts the lot line; Proposed: building abuts lot line	<a href="#">33.130.215</a>
Screening	All exterior garbage and recycling areas must be screened to L2 or F2 standard. Mechanical equipment located in the ground must be screened; Proposed: trash and recycling areas are interior to the building. Mechanical equipment is limited to four 3' high rooftop vents, located 12' from parapet.	<a href="#">33.130.235</a> <a href="#">Chapter 33.248</a>
Fences	50% or less sight-obscuring up to 8' high within 10' of a street lot line or lot line abutting a pedestrian connection; No fence proposed	<a href="#">33.130.270</a>
Parking	Minimum: none;	<a href="#">33.266.110</a>

	Proposed: none	
Short-Term Bicycle Parking	2 short-term spaces are required for retail and 2 spaces required for residential, for a total of 4 required spaces; Proposed: No short-term bicycle parking spaces are shown. The applicant will have to pay into the Bicycle Parking Fund as an alternative to providing an area for short-term bicycle parking.	<a href="#">33.266.220</a>
Long-Term Bicycle Parking	1.1 long-term spaces required per residential unit, plus 2 long-term spaces for the retail use, for a total of 16 spaces; Proposed: 18 long-term spaces are shown. Based on the sizes shown, some of these spaces may be insufficient; however any changes to the long-term bicycle parking will only affect interior layouts.	<a href="#">33.266.220</a>
Signs	No signs shown on plans – Any future signs will require land use approval.	<a href="#">Title 32</a>

## ZONING CODE APPROVAL CRITERIA

### HISTORIC DESIGN REVIEW

#### 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:** The historic character to be considered, in this instance, is that of the district. The proposed two story building is modeled on traditional commercial architectural forms, with commercial space at the street level fronting the sidewalk, with residential space above. The proposed building also includes residential space to the rear of the street-level commercial spaces with access provided via a pair of paved walkways on either side of the building. In order to ensure that the proposed building does not detract from the historic character of the district, the building must be designed with deference to the historic properties nearby. The applicant has made a great effort to study the massing of buildings along NE Broadway and the character of buildings both along NE Broadway as well as other similar building types in Portland.

As shown on sheet C.7 *Elevation Massing*, the top of the parapet on the proposed building is about equal in height to the eave of the contributing resource (1939 NE Broadway) immediately to the west (left). In order to not detract from the historic resources along NE Broadway, the proposed building should be no taller than the adjacent contributing resource. The applicant measured the height of the buildings to the west and east of the subject property with a laser and found that the contributing building to the west is 24'-6" to the bottom of the eave and the non-contributing building to the east is 26'-8" to the bottom of the eave. The proposed building is shown to be 23'-2" to the top of the parapet, and is therefore shown to be subordinate to the contributing resource. Staff recognizes that often there are variations in the field that may contribute to the building being constructed slightly taller than shown on the drawing and has included a condition of approval to limit this variation to ensure that the proposed building does not overwhelm the adjacent contributing resource. Condition of approval "D" requires that the building be constructed no taller than 25'-0" from the top of the first floor plate to the top of the parapet, which provides for reasonable variation while maintaining a balance between the contributing resource to the west and the non-contributing resource to the east.

In addition, many of the former single dwellings, since converted to mixed-use, have been altered so as to provide side or rear access to the residences above and toward the rear of the added commercial space. The applicant is proposing walkways on either side of the building to provide access to the units at the rear, and is requesting a modification to reduce the required 6' width of the pathways to 3'-6" with a 1'-6" wide low planted area. Staff has determined that the reduced width provides enough width to provide access to the service room and the four units served by each path, as other sections of the City's Zoning Code allow paths only 3 feet wide that serve no more than 4 residential units. In addition, the reduced width of the pathways adds to the building's presence at the sidewalk, making it more compatible with the commercial character of NE Broadway where most traditional commercial buildings extend to their side lot lines, with the occasional side path.

The applicant has also provided studies on the traditional character of NE Broadway and similar building types, which is further discussed under Criteria #8 *Architectural Compatibility*.

*With the condition of approval that the overall height of the building shall not exceed 25'-0", from the ground level floor plate to the top of the parapet, as shown in the drawings, this criterion is met.*



**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:** At the southern edge of the historic district boundary, along NE Broadway, the properties range in construction date from 1893 to 2005, with just over half contributing to the historic significance of the district. The buildings range in type from original single dwellings converted to commercial or mixed-use, often with additions built onto the front of the residence, to buildings constructed solely for commercial purposes. The subject property was once home to a single dwelling built in the first decade of the 20<sup>th</sup> century, which was demolished in 1963 to provide an area for the existing parking lot. Infill of this vacant property with a building of appropriate scale, design, and use provides for an improved urban experience and will continue the tradition of NE Broadway as a commercial corridor.

*Because the proposal is for a modestly-scaled building with ground floor commercial space, as shown in the drawings, 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:** *No historic features or materials will be affected by the proposal. 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:** Although the proposal will involve soil disturbance, the prior uses of the property imply that soil has already been disturbed and the discovery of archaeological resources is not anticipated, due to the limited depth of disturbance shown on the plans. *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.

**Findings for 7 and 8:** The applicant has provided examples of architectural context which inspired the design of the proposed building, including massing studies, window and door character, and cornice, awning, and balcony elements. The applicant has noted and employed traditional architectural elements found in the district such as: sash windows; sidelights at doorways; transom windows; metal awnings; lap siding and stucco; and an articulated cornice, belt course, and corner boards. The applicant has

also employed contemporary elements, not identified as characteristic of the district, such as balconies.

Staff is appreciative of the effort the applicant has made to identify the architectural elements in the district that are incorporated into the proposed building. In addition, it is important the proposed building be representative of its time as well as compatible with the district and adjacent properties. The proposal will be differentiated from historic properties in the district through its contemporary articulation of composition, materials, and overall design. For instance, the proposal includes contemporary elements such as an eco-roof above the service room and pervious pavers. Also, modern materials are proposed to be used including, HardiePlank siding, fiberglass windows, and metal balconies.

Staff has been supportive of the proposed massing of the building, finding it compatible with adjacent buildings and further discussion of the overall compatibility of the building, as revised by the applicant since the initial hearing, is addressed below.

Initially, the applicant showed two different stucco colors, as well as the lap siding, which prompted discussion of whether the building should be clad in stucco or lap siding. Following comments by staff, the ICA, and the Commission to simplify the building's exterior cladding to one material, with the allowance of a different expression for the commercial area, the applicant has responded by showing Hardie Artisan® lap siding over almost the entirety of the building, with the exception of the foremost part of the commercial storefront and the service area at the rear. The dividing line between the stucco and the lap siding on the west and east façades corresponds to where the public and private areas are located at the ground level interior spaces.

Staff had concerns about the initially proposed HardiePlank lap siding, which showed a board thickness of 5/16". Staff, the ICA, and the Commission asked for a deeper board thickness to create a richer façade texture and the applicant has responded, showing a board thickness of 5/8".

Staff noted that the appropriateness of HardiePlank manufactured siding as a proposed material should be considered, as it is a relatively untested material in the historic district, particularly along NE Broadway, but notes that the ICA and the Commission both voiced an openness to the material, dependent on appropriate detailing, such as a deeper board thickness and authenticity represented by its smooth finish. The applicant presented a mock-up of the proposed Hardie Artisan® siding with mitered corners and 5/8" board thickness. Staff felt like the boards could prove to be a long-lasting material, noting that the depth of the boards and smooth finish was appropriate for a new building in the historic district.

Staff notes, for reference, the materials on the immediately adjacent properties include painted wood siding and painted aluminum siding on the house and commercial addition to the west, respectively, and built-up synthetic board siding and concrete on the house and commercial addition to the east, respectively.

At the March 25<sup>th</sup> hearing, the Commission commented on architectural details, stating that there should be a consistency of cladding and associated details, with regard to the cornice and corner boards proposed at that time. The applicant has removed the corner boards from the proposal, opting for mitered corners on the Hardie Artisan® lap siding. As noted above, staff and the Commission evaluated a full-scale mockup presented at the April 22<sup>nd</sup> hearing and found it to be acceptable.

The applicant has also revised the parapet cornice to be uniform around the entire building, in response to staff, ICA, and Commission comments. The current cornice shows the upper reveal changed to metal, rather than the previously shown stucco, in response to other horizontal metal details such as the awnings and balcony railings.

Also, following comments from staff, ICA, and the Historic Landmarks Commission, the applicant has revised the proposed windows so that they will be set back from the exterior wall plane.

Lastly, staff notes that the upper floor balconies, though not intrinsic to NE Broadway, were accepted as a welcome addition to the historic district by both ICA and the Commission, as they are common on similar contemporary buildings in commercial districts and may add more vitality to the pedestrian realm.

Overall, the proposed design is both unmistakably contemporary and, with regard to its height and massing, compatible with the district. The applicant resolved staff concerns regarding architectural details including, the cornice, depth of windows, exterior material relationships and lap siding details so that the proposed building is considered compatible infill. A mockup of the proposed Hardie Artisan® lap siding system was presented at the April 22, 2013 historic Landmarks Commission hearing, at which time it was determined to be a long-lasting material of sufficient quality. *These criteria are met.*

**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:** The essential form and integrity of the historic district will be preserved with both the introduction and potential future removal of the proposed building. The proposal is limited to a single parcel in the district, currently home to a paved parking lot. The form and integrity of the historic district will be reinforced by the construction of a new 2-story building at this vacant parcel, which will serve to provide a sense of urban enclosure by strengthening the continuity of the streetscape, as well as provide retail/live-work space along NE Broadway. In addition, the requested reduction of the required side pathway widths, reinforces this sense of urban enclosure along NE Broadway, thereby preserving the form and integrity of the district. *This criterion is met.*

**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 original resource, the existing parking lot, has no historic character; therefore, compatibility will be measured against adjacent properties and the district as a whole. As mentioned above, the proposed building is designed to be of equal height with the existing contributing to the west, and of less height than the non-contributing resource to the east. The proposed building is shown to not exceed the height of the contributing resource, though if variations in the field result in the building to be constructed at a height greater than shown on the plans, it will, by condition of approval “D” not exceed the contributing resource by more than 6 inches; therefore the proposed building shows deference to the adjacent historic resource and establishes its relationship in the district. The building is proposed to be constructed at the street lot line, which is typical of commercial properties in the district, including commercial additions to single dwellings like those to the east and west of the subject property. As

such, it is compatible with adjacent properties and the district in massing and placement. In addition, the introduction of commercial space at the sidewalk level along NE Broadway, with residences above and to the rear, establishes the building's use as compatible with the commercial spine of the district along NE Broadway.

With regard to materials, the proposed building incorporates both lap siding, inspired by converted single dwellings along NE Broadway as well as stucco which is similar in appearance to concrete, the predominant building material for those buildings originally constructed for commercial purposes. Brick is also present on commercial buildings in the district.

The applicant has resolved previously existing awkward relationships between the proposed materials and refined many of the architectural details that were cause for concern. That applicant is now proposing recessed windows and a continuous uniform cornice, has refined the division of stucco and lap siding cladding as well as relationships between door and window openings. Though contemporary in its design and expression, staff feels that the proposed building is compatible with the historic district with regard to its form, massing, and scale, and that it responds to the architectural character of the district without mimicking that character by differentiating itself through modern materials and detailing. *This criterion is met.*

## **(1) MODIFICATION REQUESTS (33.846)**

### **33.445.050 Modifications that Enhance Historic Resources and 33.846.070 Modifications Considered During Historic Design 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.

**Modification #1:** *To reduce the 6' pedestrian circulation system, required by Section 33.130.240, to 3'-6" wide with an adjacent 1'-6" wide low planting strip.*

### **33.130.240 – Pedestrian Standards**

**Purpose:** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between

abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

**Findings for A:** As evidenced in the findings under Criteria #1 and #9 above, the resulting development will better meet the approval criteria because it will help the building have more presence at the sidewalk, similar to other buildings in the district and along NE Broadway which were originally designed as mixed-use buildings with commercial space at the ground level along the sidewalk and residences above, reinforcing the form of the commercial spine of the district. The reduction of the exterior pathway widths will also provide additional interior living space to these relatively small units, ultimately making the units more livable, thereby encouraging longer periods of tenancy than could be expected with wider paths and reduced interior square footage.

**Findings for B:** The purpose of the regulation is met because the proposed pathways are designed to be functional, safe, and attractive. The building is proposed to be constructed 5'-0" from the property line. Although a modification would still be required to provide paved walkways the full width of this setback, the introduction of a 1'-6" low planted strip softens the pathways and makes them more pleasant and attractive to both the user and passing pedestrians; therefore, the extra reduction to a 3'-6" paved width is justified.

*The proposed Modification better meets the approval criteria and is consistent with the purpose of the standard and therefore merits 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 building is modest and appropriately scaled for this historic district, and has received support from the Irvington Community Association. The proposed residential units are anticipated to provide options for a relatively untapped market in the Portland area, that being modern micro-units within easy access to public transportation and a neighborhood that provides many amenities. The applicant has taken great care to propose a building that is compatible with the district, while expressing its contemporary nature. New infill should be compatible with the historic district while not mimicking the buildings in the district. The proposed building is a modest example of appropriate infill in the Irvington Historic District and differentiates itself from historic buildings nearby through its use of modern construction methods and architectural detailing. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The applicant provided a mockup of the proposed Hardie Artisan® lap siding system corner detail to the Historic Landmarks Commission on April 22, 2013, which was found to be of an acceptable quality. This proposal meets all of the applicable Historic Design Review criteria and warrants approval.

## LANDMARKS COMMISSION DECISION

It is the decision of the Landmarks Commission to approve Historic Design Review for new construction in the Irvington Historic District, as described:

- A new two-story mixed-use building in the Irvington Historic District to contain 14-units with twelve residential units, two retail/live-work spaces, and an attached service room to include laundry, bicycle storage and trash storage at the rear of the property with additional bicycle storage located in most of the units.
- The rear service room and four units on each side of the building will be accessed via paved walkways on the west and east sides of the property.
- Residential units to include micro-studios at 263 square feet, one-bedrooms at 369 square feet, townhouses at 450 square feet, and two-bedroom units at 568 square feet. The retail/live-work spaces are proposed at 394 and 416 square feet.
- Small projecting balconies are proposed at the second level on all sides, with the north-facing balconies integrated with the flow through planter over the service room.
- Exterior materials include HardiePlank Artisan® lap siding, applied stucco, double-hung fiberglass windows, wood storefront windows, and wood doors.

Approval of the following Modification requests:

1. Section 33.130.240 *Pedestrian Standards* to reduce the width of the paved pathways along the west and east sides of the building to 3'-6" with an adjacent 1'-6" low planted strip.

These approvals are granted based on the design details, materials, and other elements shown on the approved drawings, Exhibits C-1 through C-39, and subject to the following condition:

- A. As part of the building permit application submittal, the following development-related conditions (A – D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 12-180238 HDZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Prior to building permit approval, the applicant must show that stormwater runoff from the proposed paths will not adversely impact properties and will be managed appropriately per the requirements of the SWMM, to the satisfaction of BES.
- C. Pervious pavers are not allowed within the 1'-6" frontage zone at the base of the building along the NE Broadway sidewalk.
- D. The total height of the building from the ground level floor plate to the top of the parapet shall not exceed 25'-0".

By: \_\_\_\_\_

Carrie Richter, Landmarks Commission Chair

Application Filed: January 2, 2013

Decision Filed: April 23, 2013

Decision Rendered: April 22, 2013

Decision Mailed: May 2, 2013

**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 January 2, 2013, and was determined to be complete on January 21, 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 January 2, 2013.

*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 G.6.

**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 May 16, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Monday, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

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 \$5,000.00 will be charged (one-half of the application fee for this case).**

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 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.

- *Unless appealed*, The final decision may be recorded on or after **May 17, 2013**.
- 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.

**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.

Hillary Adam  
April 22, 2013

**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 INDICATED**

A. Applicant's Statement



1. Approval Criteria Narrative
  2. Request for Modification
  3. Clarification of Modification Request
  4. Clarification of Modification Request and Response to BES comments
  5. Email of intent to revise drawings for final approval set, dated April 22, 2013
- B. Zoning Map (attached)
- C. Plan & Drawings
1. Title Sheet C.1R
  2. Contributing Properties C.2
  3. District Map C.3
  4. Neighborhood Map C.4
  5. Adjacent Elevations C.5
  6. Building Comparisons C.6
  7. Elevation Massing C.7
  8. Window Character C.8
  9. Door Character C.9
  10. Cornice Character C.10
  11. Composition Styles C.11R
  12. Lap Siding C.12R
  13. Stucco siding C.13
  14. Windows Cut sheet C.14R
  15. Window Details C.15R
  16. Door Cut Sheet C.16
  17. Door/Lighting Hardware C.17
  18. Pervious Pavers C.18
  19. Wood Finishes CC.19
  20. 3D Views and Elevations C.20R
  21. Existing Site Plan C.21
  22. Proposed Utilities Plan C.22
  23. Landscape Plan C.23
  24. 1<sup>st</sup> Floor Plan C.24 (attached)
  25. 2<sup>nd</sup> Floor Plan C.25 (attached)
  26. Roof Plan C.26
  27. 1<sup>st</sup> Floor Bike Parking C.27
  28. 2<sup>nd</sup> Floor Bike Parking C.28
  29. Elevations-1 C.31R (attached)
  30. Elevations-2 C.32R (attached)
  31. Sections-1 C.33
  32. Sections-2 C.34
  33. Door/Window Awnings C.35R
  34. Balcony Details C.36R
  35. Deck Details C.37
  36. Wall Sections C.38
  37. Wall Assemblies C.39
  38. Wall Details C.40
  39. Wall Details c.41
  40. Door/Window Legend C.42
  41. Windows Schedules C.43
- 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. Urban Forestry Division – Parks and Recreation Bureau
4. Water Bureau
5. Fire Bureau
6. Bureau of Parks, Forestry Division

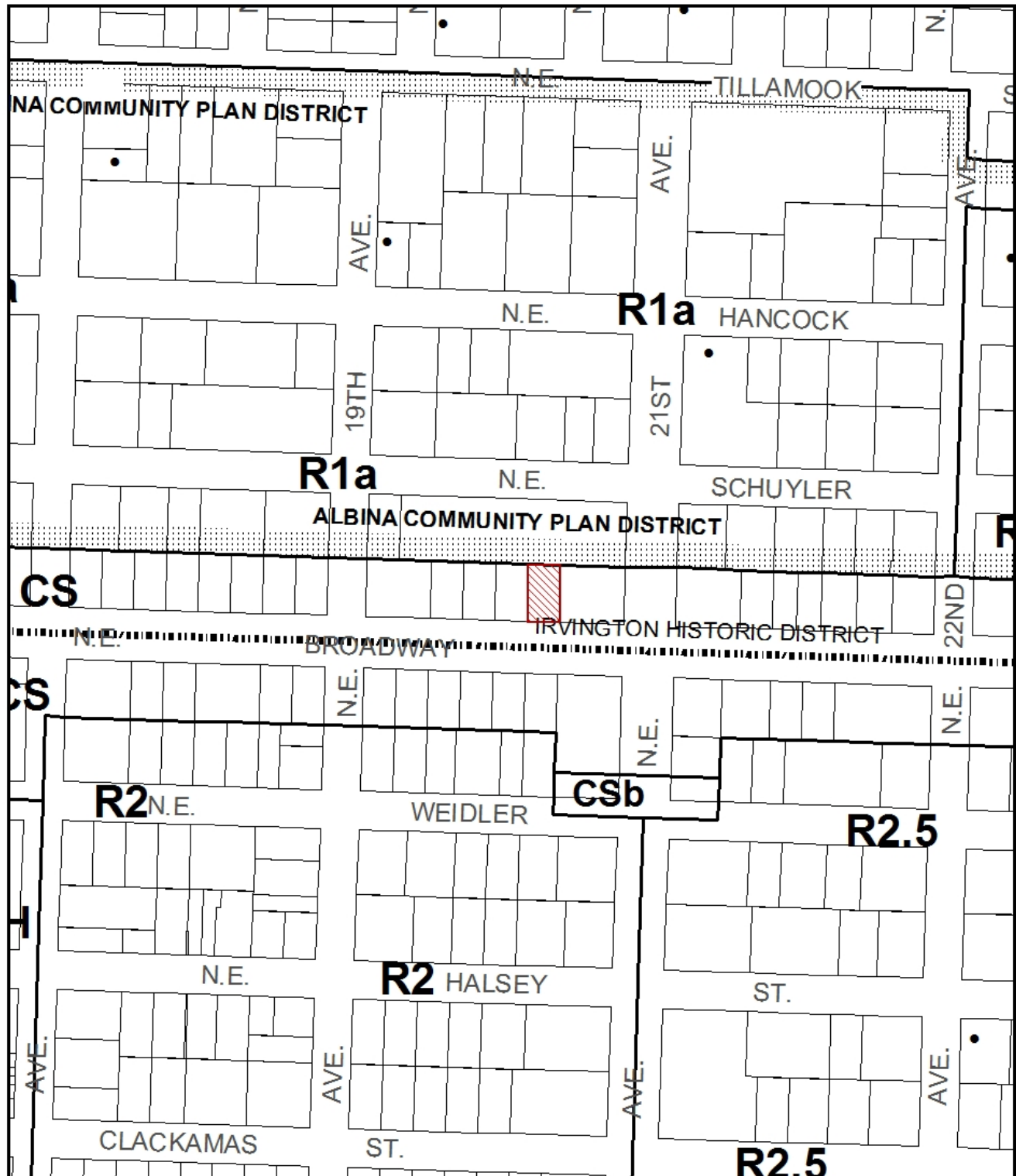
## F. Letters

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on February 24, 2013, with no objections to the proposal.
2. Thomas Conrad, wrote on March 19, 2013, in favor of the proposal.
3. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on March 25, 2013, stating that the Association was in support of the proposal, with minor revisions.
4. Nathan Corser, of the Irvington Community Association, wrote on April 16, 2013, reiterating support for the proposal.

## G. Other

1. Original LUR Application
2. Incomplete Letter, dated September 20, 2013
3. Pre-Application Conference – Land Use Planner Response, dated November 2, 2013
4. Certified Mail Receipt and Neighborhood Contact letter, dated January 16, 2013
5. Irvington Community Association Response to Neighborhood Contact requirement, email dated January 21, 2013
6. Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days, signed January 22, 2013
7. Correspondence between Applicant and Irvington Community Association, dated July 6, July 10, July 11, July 25, and July 26, 2012
8. Staff Report, dated March 15, 2013
9. Revised Staff Report, dated April 12, 2013
10. Redlined Drawing set to be revised for final approval set, dated April 12, 2013, received April 15, 2013

cc: Applicants and Representatives  
Neighborhood Associations  
Those who testified, orally or in writing



# ZONING



Site



Historic Landmark



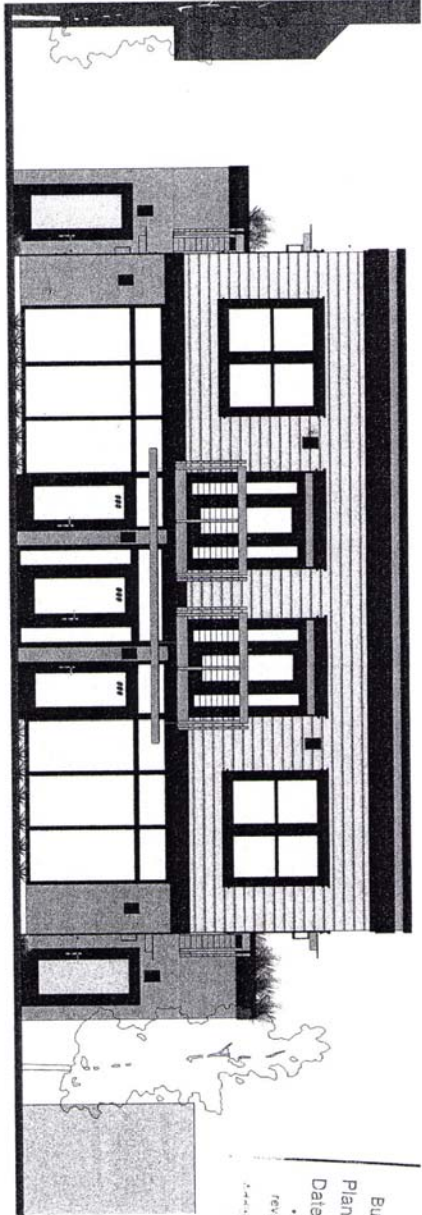
NORTH

This site lies within the:  
IRVINGTON HISTORIC DISTRICT

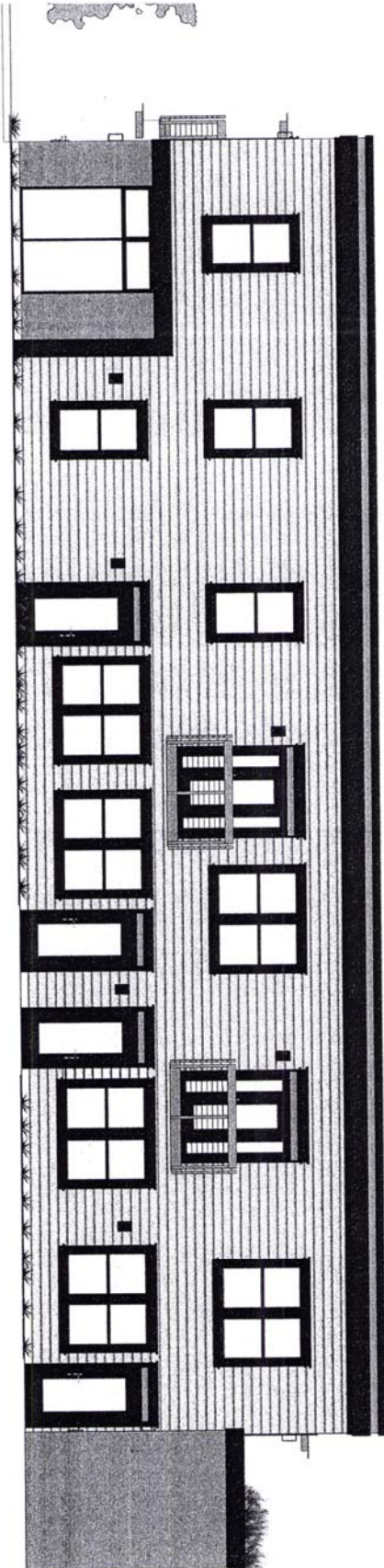
File No.	LU 12-180238 DZ
1/4 Section	2832
Scale	1 inch = 200 feet
State_Id	1N1E26DD 12700
Exhibit	B (Sep 19,2012)







SOUTH ELEVATION



EAST ELEVATION

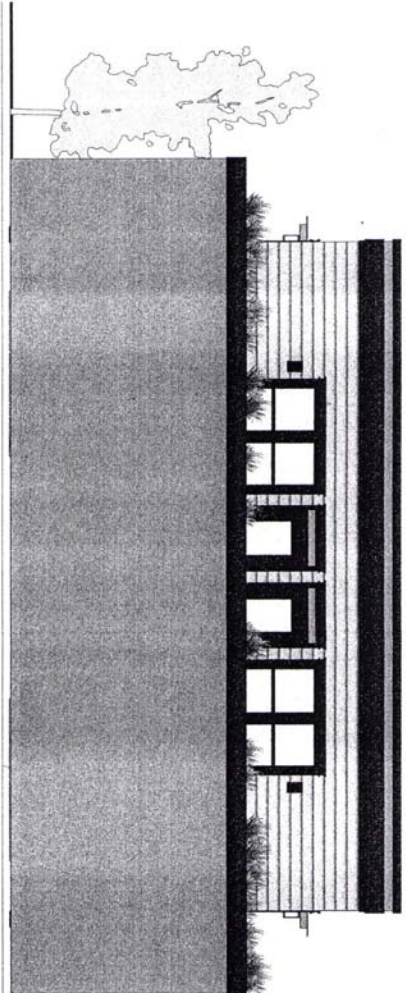
ELEVATIONS

APPROVED  
 City of Portland  
 Bureau of Development Services  
 Planner *Chloe*  
 Date 4/24/13  
 \* This approval applies only to the  
 reviews requested and is subject to all  
 conditions of approval.  
 \* Additional zoning requirements may apply.

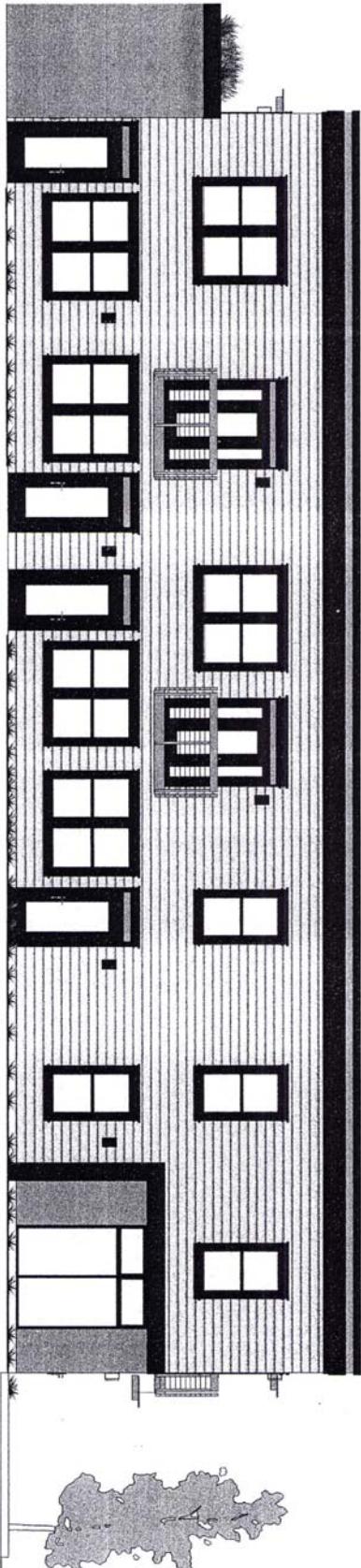
Title	Sheet	Revisions	Date	Set	Code	Project
ELEVATIONS	<b>C31.R</b>		R1 30 JAN 2013 R2 12 APR 2013	DESIGN REVIEW SET	BWY	<b>Broadway Apartments</b> <b>2007 NE BROADWAY</b> Portland, OR

**FOSLER**  
 portland  
 architecture  
 1800 NW LOVEJOY STREET  
 PORTLAND OREGON 97209  
 503.241.9399

2-2



NORTH ELEVATION



WEST ELEVATION

ELEVATIONS

Bureau of Development Services  
 Planner *Adrian*  
 Date *4/12/13*  
 \* This approval applies only to the  
 review requested and is subject to all  
 conditions of approval.  
 Additional zoning requirements may apply.

Title	Sheet	Revisions	Date	Set	Code	Project
ELEVATIONS	C32.R		R1 30 JAN 2013 R2 12 APR 2013	04 APR 2013	DWY DESIGN REVIEW SET	Broadway Apartments 2007 NE BROADWAY Portland, OR

**FOSLER**  
 portland  
 architecture  
 1930 NW LOVEJOY STREET  
 PORTLAND, OREGON 97209  
 503.241.9339