

## Memorandum

To: Planning and Sustainability Commission  
From: Irvington Land Use Committee (Committee)  
Date: August 9, 2016  
Re: Testimony on Central City Plan (CCP)

The Committee asks the Commission and staff to make the following amendment to the CCP.

Irvington is involved in the CCP solely because of what the Committee refers to as the "Broadway Strip", the 9 block strip of the Irvington Historic District from NE 7<sup>th</sup> to 16<sup>th</sup>, between Broadway and Schuyler, which is part of the northern boundary of the CCP. The following amendment relates only to the Broadway Strip.

### **Proposed Amendment:**

**Please change the current zoning (a combination of CX and RH) to CM2.**

### **Rationale for Amendment:**

1. The proposed zoning for the area from NE 16 to NE 27, between Broadway and Schuyler is proposed to be CM2. Adoption of this amendment will mean that the same zoning applies from NE 7<sup>th</sup> to NE 27<sup>th</sup> as it relates to the Irvington side of Broadway.
2. I am also providing a six page statistical analysis by Jim Heuer, an Irvington resident and member of the Committee, in support of the proposed amendment. Jim ends his analysis with the following summary:

“Applying a CM2 zone with a maximum height of 45 feet, a FAR of 2.5 and no bonus, would align the allowable size and massing to a reasonable degree with the existing historic fabric as displayed in the graphs presented above. It would provide clarity and predictability to the development community and allow them to make sound determinations of project profitability without the uncertainties of regulations that simply restrict “massing” and “size”.”
3. Although the changes already proposed make the CCP more compatible with the guidelines and criteria that comprise the historic district, such changes do not go far enough. The proposed amendment to CM2 will make the FAR and height limitations in the Broadway Strip compatible with the Irvington Historic District and the criteria which govern new construction and major changes to existing structures.

4. The current zoning is not compatible with the Historic District.

5. As noted in a prior staff memo, there is more than enough development capacity in the current zoning to handle the growth anticipated between 2015 and 2035, even before the changes contemplated by the Comp Plan take effect.

6. Since all of the historic districts in the City comprise only 3 percent of the property in the Comp Plan area, the above amendment is de minimis.

Thank you for your consideration, and for your efforts to support historic preservation.

Dean Gisvold  
ICA Land Use Committee Chair

Statistical Arguments in Support of the Irvington Community Association's  
Request for More Appropriate Zoning of the Broadway Corridor Strip in the  
Central City 2035 Plan

August 8, 2016

Background and Legal Framework

The ICA has proposed that the commercial strip bounded by NE 7<sup>th</sup> Avenue, NE Broadway, NE Schuyler, and NE 15<sup>th</sup> Avenue be zoned CM2, with a height of 45 feet to be more compatible with the existing historic fabric.

This request implements the following Comprehensive Plan Policy Policies:

**“4.48 - Continuity with established patterns.**

Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.”

**“4.49 - Resolution of conflicts in historic districts.**

Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to take into account the character of the historic resources in the district. [our emphasis]”

It also recognizes the requirements in 33.846.060G which provides the over-arching design guideline for all Historic Districts, but specifically applies to Historic Districts, like Irvington, which do not have specific Design Guidelines tailored to their needs. Two of 060G's 10 paragraphs are germane to implementing 4.48 and especially 4.49:

**“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; [our emphasis]”

And

**“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.”

Finally, City Code provisions establishing a hierarchy of regulations require that when Historic Resource Overlay regulations are more restrictive than the Base Zoning, Historic Resource Overlays apply. Clearly the applicable Design Guideline criteria require that new development

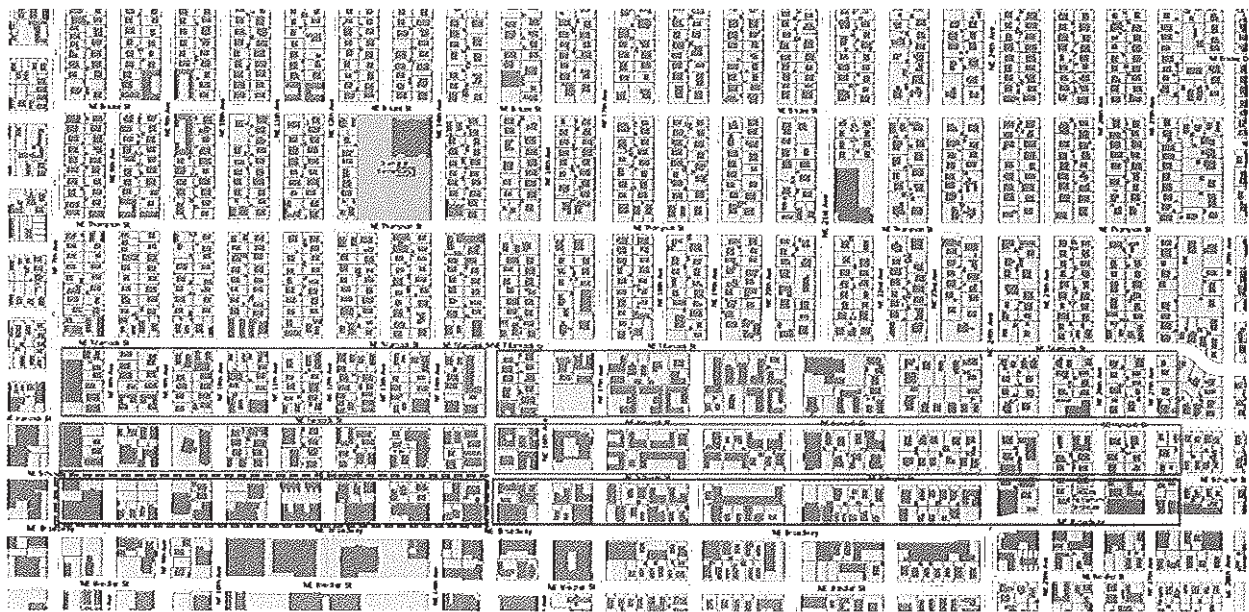
be compatible in terms of “size and massing” with their historic context AND that require supersedes any height, FAR, or other metrics of size and massing that may be found in the Base Zone. To reduce confusion, Policy 4.49 requires base zones to be refined to reduce disparities between Base Zone limits and the controlling Historic Resource Overlay regulations -- the intention, we believe, to be to minimize uncertainty and confusion on the part of both neighborhood residents and potential developers.

Accordingly, we are submitting quantitative evidence to show that proposed zoning allowing heights of 75’ and FAR values of up to 4.0, while a reduction in the allowed envelop defined by the previous zoning, is still inconsistent with the historic fabric.

### Statistical Analysis Methodology

The ICA has compiled a database of building characteristics for all 2807 properties in the Irvington Historic District – the contents of which has been drawn from PortlandMaps.com GIS data sets and other public data sources. From this database, we identified 6 segments of the neighborhood for which we prepared statistics for FAR and height, both for aggregations of Contributing (historically important) structures in the District and for all structures.

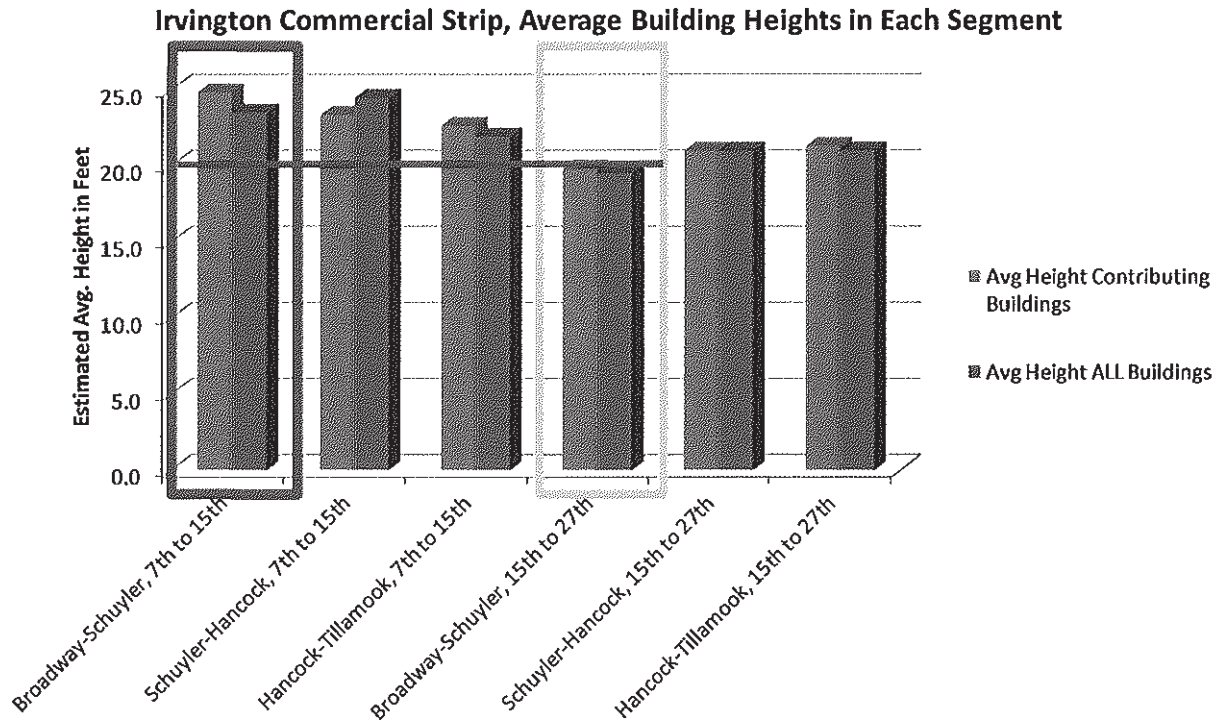
The area where the zoning is in question between 7<sup>th</sup> Avenue, Broadway, Schuyler, and 15<sup>th</sup> Avenue is compared with 5 adjacent and similarly situated segments of the Historic District as shown in the map below:



The green dashed line highlights the part of the District included in the Central City. The red outlined area to the east is that portion of the Broadway commercial strip which developed concurrently with the CC portion and is historically indistinguishable from it, both being classic Streetcar development strips. The segments outlined in blue are currently zoned mostly for

medium or high density residential purposes (except for a couple of blocks adjacent to 7<sup>th</sup> Avenue zoned Ex).

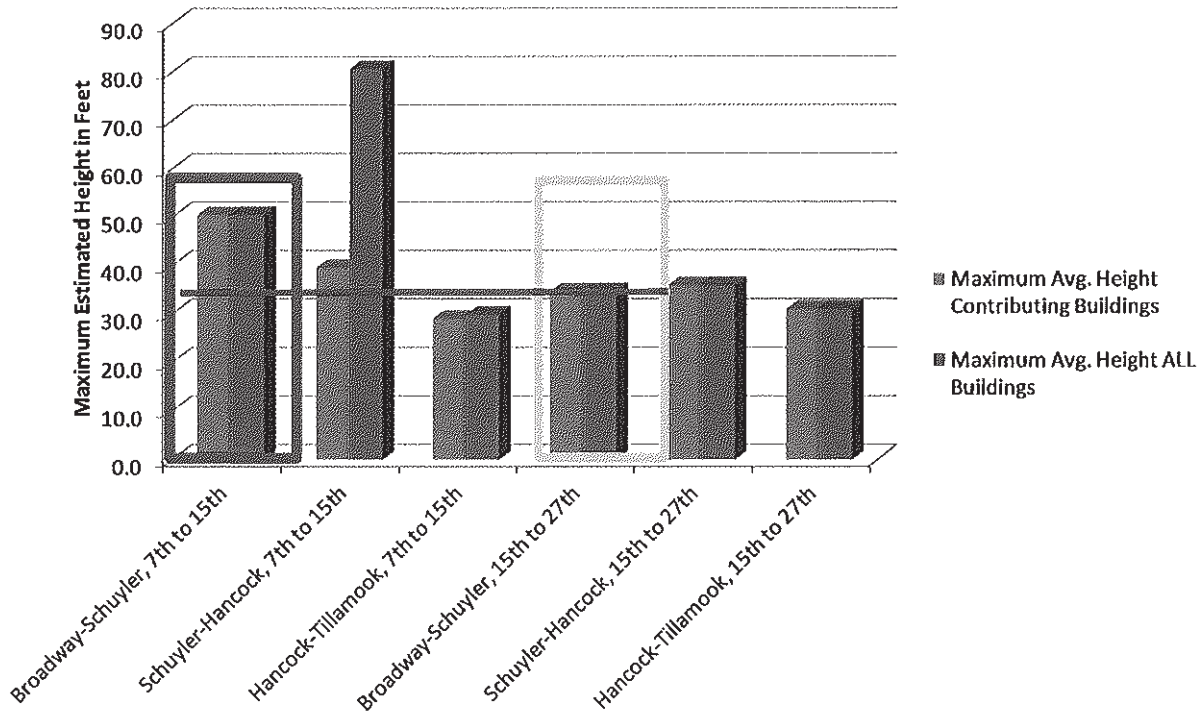
Comparisons by Height



In the graph above, the red boxed bars indicate the current average of building “average heights” as determined by PortlandMaps in the CC segment. The yellow boxed bars show the average heights in the corresponding blocks directly to the east outside of the CC. It is clear from the chart that the heights of buildings are somewhat greater in the CC segment, the difference is on the order of 20% higher. Moreover, neither Broadway segment comes close even to the proposed maximum height limit in the eastern segment of 45 feet, which we generally support. Thus we would argue that a 45 foot height limit, as found in CM2 zoning is equally applicable to both east (non-CC) and west (CC) segments along Broadway and provides for ample opportunity for larger buildings to be created beyond the current average heights.

We also compared the maximum “average heights” of buildings as reported by PortlandMaps.com to see if any “outlier” examples were distorting the averages above or if any such outliers established a pattern of height which might suggest a historic development pattern leading ultimately to taller buildings. A chart similar to the one above is provided on the following page:

**Irvington Commercial Strip, Maximum Building Heights in Each Segment**



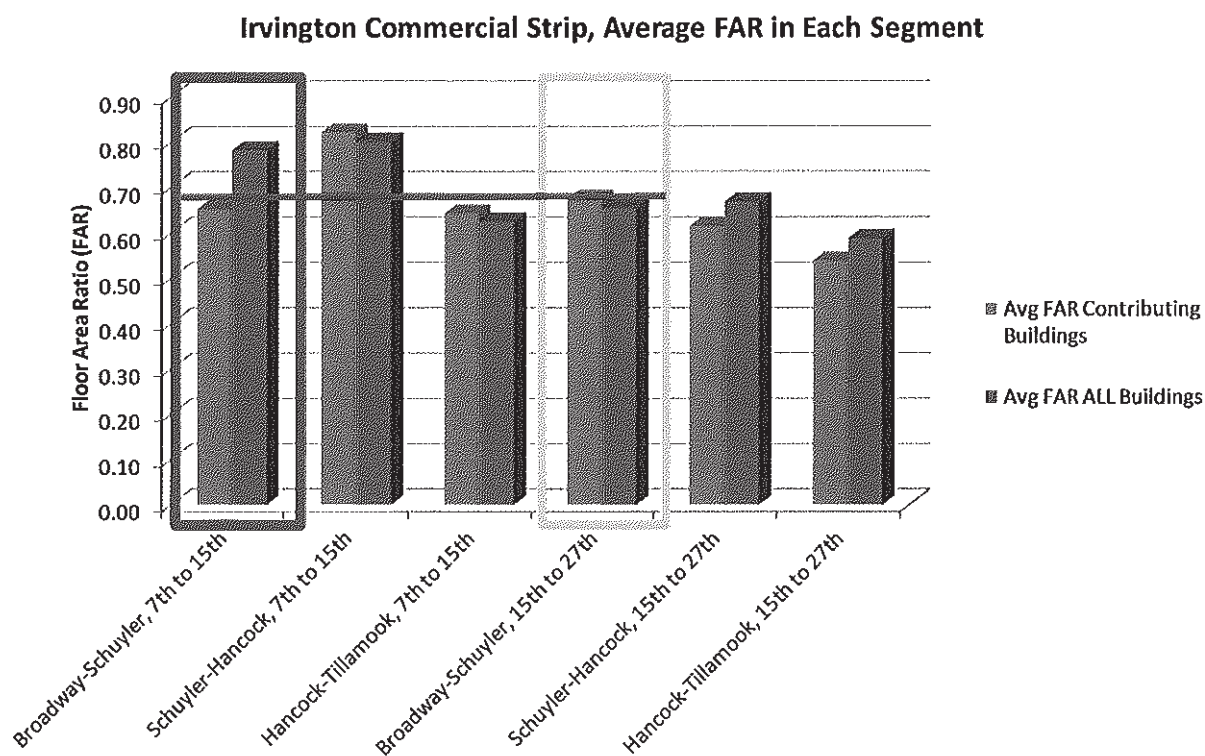
In this chart, the red and yellow boxes highlight the same CC and non-CC segments along Broadway. Notably, the tallest building across the entire study area doesn't appear along Broadway, but instead is in the blocks between Schuyler and Hancock. This is actually a Portland Housing Authority structure built in the 1970s, and is unlike anything from the Historic Period of Significance anywhere in the District.

The maximum height of a contributing building in the CC segment along Broadway is actually a 3-story brick apartment building facing Schuyler, which may reach 50 feet height above the sidewalk, but appears to be closer to 45 feet above the primary grade of the lot. It should be noted that the complex of mixed-use building and town-houses at 1102 NE Schuyler, which fronts on Broadway and was built in the early 2000s has an "average" height of approximately 50 feet as indicated, but the PortlandMaps.com metrics averaged a 65 foot tall structure along Broadway with the much lower town homes facing Schuyler. In any event, this structure is, of course, non-contributing, and cannot be used as an example for determining the historic context for new construction.

#### Comparisons by FAR

Floor area ratio is a key indicator of "massing" of a building, the compatibility of which must be achieved by new construction in a Historic District in respect to its context. The proposed zoning for the CC segment along Broadway would allow a FAR of 4.0, dramatically greater than

that of any building in the study are erected during the Historic Period of Significance, as shown in the chart below:

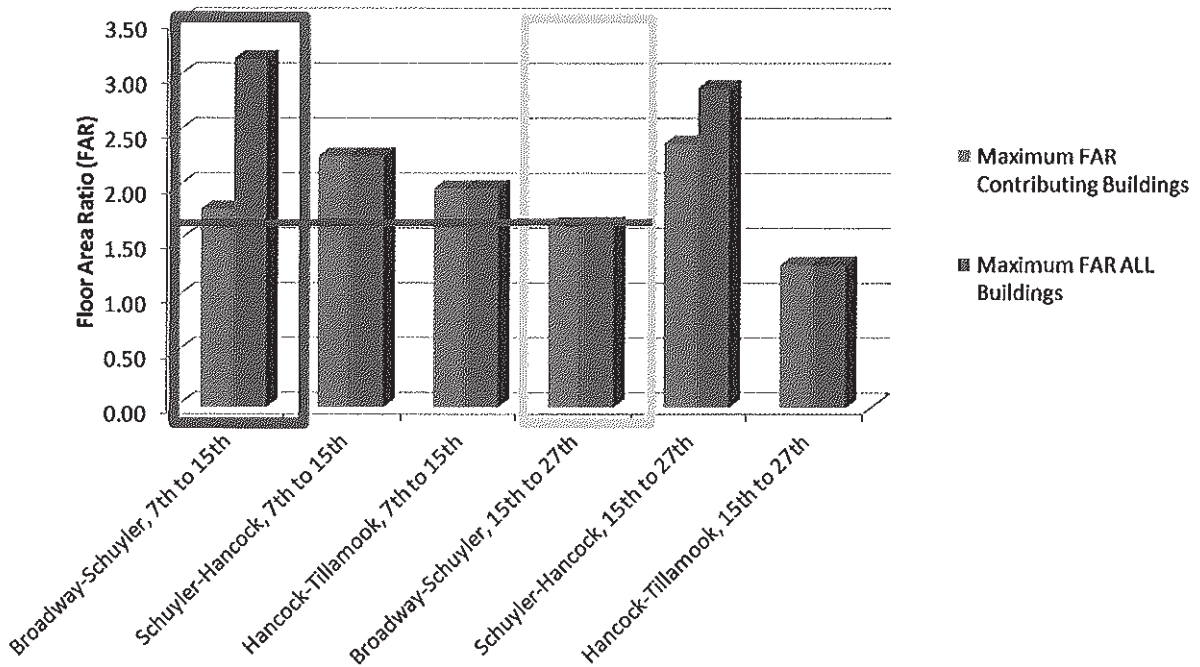


In comparing the FAR averages of Contributing structures in the west (CC) segment and east (non-CC) segment along Broadway, it is remarkable how similar they are. And throughout the study area the FAR values are remarkably low at under 1.0 throughout. The ICA argues that a FAR of 2.5, which provides plenty of room for some larger-than-average construction is vastly more appropriate to achieve compatible massing than a FAR of 4.0.

Comparing the maximum FAR values across the segments in the study area is equally revealing of historic patterns and how a maximum FAR of 2.5 reflects historic development contexts. The average FAR along Broadway in the west (CC) is barely 10% higher than the FAR to the west (non-CC). If anything, in the historic period, larger apartment buildings were built between Schuyler and Hancock compared to the retail structures along Broadway – none, however, exceeding a FAR of 2.4

This historic preference for less massive structures (often achieved with courtyards or corner garden spaces) is indicated in the maximum FAR bars of contributing buildings in the graphic on the following page.

### Irvington Commercial Strip, Maximum FAR by Building in Each Segment



### Conclusion

We believe that the statistical evidence strongly supports our position that 75' height and FAR of 4.0 along the western end of the Broadway commercial strip inside the Irvington Historic District is incompatible with the historic context. Given that, were the zoning to remain as proposed at those levels, there will be endless conflict between developers seeking to maximize their height and FAR to the Zoning limits while, in fact, being constrained to something much less than that by the Historic Resource Review guidelines. This situation would be in direct contravention of Comprehensive Plan Policy 4.49.

Applying a CM2 zone with a maximum height of 45 feet, a FAR of 2.5 and no bonus, would align the allowable size and massing to a reasonable degree with the existing historic fabric as displayed in the graphs presented above. It would provide clarity and predictability to the development community and allow them to make sound determinations of project profitability without the uncertainties of regulations that simply restrict "massing" and "size".