



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
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TTY 503-823-6868
www.portlandonline.com/bds

Date: April 28, 2011
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 11-114499 HDZM – TWO ATTACHED
HOUSES**

GENERAL INFORMATION

Applicant: Jennifer Farmer
5324 NE 28th Avenue
Portland, OR 97211

Representative: Meron Alemseghed
Geza Development LLC
432 NE Simpson Street
Portland, OR 97211-3139

Site Address: 728 NE Tillamook Street

Legal Description: LOT 3, PARTITION PLAT 2010-62
Tax Account No.: R649612470
State ID No.: 1N1E26CC 01003
Quarter Section: 2831

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Plan District: Albina Community
Other Designations: Vacant property in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2011.

Zoning: R1a, Residential 1000 with Historic Resource Protection and Alternative Design Density Overlays

Case Type: HDZM, Historic Design Review with two Modifications requested.
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to construct two new attached houses on two 25' wide x 50' deep lots. The finish materials will be brick, wood, concrete, and wooden windows/doors. Historic Design Review is required because the proposal is for new construction in a historic district.

Modifications: The applicant is seeking approval to modify two standards:

- 33.120.215 – Height. Request is to exceed the maximum height of 25' within ten feet of the front property line by 7'-6"; and
- 33.266.110 A. – Minimum Required Parking Spaces. Request is to reduce the number of required onsite parking spaces from two to zero.

Relevant Approval Criteria:

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

- 33.846.060 G. – Other Approval Criteria
- 33.846.070 – Modifications considered During Historic Design Review

ANALYSIS

Site and Vicinity: The subject properties, legally separated from the adjacent property to the east, are vacant.

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

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 the following:

- LU 06-146063 LDP, approving a three lot partition that resulted in one lot for detached housing and two lots for attached or detached housing.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **March 21, 2011**.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: One response was received from a notified individual or Neighborhood Association:

- On April 11, 2011, Dean Gisvold, Chair of the Land Use Committee of the Irvington Community Association, responded on behalf of the Committee, generally approving of the proposal but requesting three revisions to the design, as follows:

"First, the Committee generally endorsed the required changes outlined in your email dated March 17, 2001, to Mr. Alemseghed, and wants those changes to be part of the final plans.

Second, the initial drawings submitted to the Committee gave the impression of a two story building over a basement, a common look of many Irvington structures. That is not the case with the current rendering; one is left with the impression of three full stories.

Third, the windows should be wood windows, of consistent style, appropriate to the period, and be framed as in period structures in the surrounding area."

Staff Response: The applicant has agreed to incorporate the revisions outlined above, by: a) providing corrections of drawing errors; b) lowering the basement deeper below grade and reducing the height of the basement windows by half; and c) proposing wood windows that sit within the depth of the wall in a traditional manner. Those changes are reflected in the approved drawings, Exhibits C-1 through C-7.

ZONING CODE APPROVAL CRITERIA

(1) 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*.

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 subject property is two newly created vacant lots, separated from the adjacent property to the east. They do not include any materials or features that define the character of the Irvington Historic District, which is the designated resource. The spatial character of the site is significantly altered by the proposal; however it was not uncommon within the period of significance to develop corner lots more intensely along both street frontages, particularly in the area closer to NE Broadway Street and toward NE 7th Avenue. The proposed new construction exhibits many characteristics of such historic development, including a narrow setback, masonry facade finish, moderate height, daylight basement, no onsite parking, and multiple dwelling units. *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: While the proposed two new attached houses will generally blend into the historic district through their use of materials and development patterns characteristic of the period of significance, they will nonetheless be discernible as current development because of factors such as the paired entry, the simplified cornice, and the discrete penthouse roof structure. *This criterion is met.*

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

Findings: As vacant land, the property does not display any historic changes that have acquired significance over time. *This criterion is not applicable.*

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings: There are no historic materials or structures on the site. *This criterion is not applicable.*

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: There are no historic materials or structures on the site. *This criterion is 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: Because the proposal includes significant excavation of previously undisturbed soil, there is increased potential that archaeological resources could be impacted. *With a condition of approval that, in the event of any archaeological discovery, work will be stopped and the State Archaeologist will be notified, this criterion is met.*

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

Findings: There are no historic buildings, structures, or objects on the site. *This criterion is not applicable.*

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: Assuming no other changes were made elsewhere within its boundaries, the Irvington Historic District would return to its current configuration if the proposed attached houses were removed in the future. *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 for 8 and 10: The new construction proposed for these two vacant lots is "attached housing", a development pattern not present in the Irvington Historic District during the period of significance. In order to achieve compatibility the proposed design therefore consciously mimics a small, two-and-a-half story apartment building, a typology that was relatively common during the historic era, especially in the part of the district closer in to NE Broadway. This approach employs a minimal front setback and a symmetrical, brick-clad, facade, with two full stories above a true daylight basement. The entry doors are ganged together in the center of the composition to suggest a single portal, and they share a centered common stair. The facade also characteristically rises to its full height in a single plane, rather than stepping back at an upper level, and it includes a traditional cornice and stacked window bays. Street-facing garages and onsite parking are eliminated as highly out of character with this building typology.

By adopting a number of characteristics from nearby contributing resources the proposed design blends into its surroundings, minimizing any adverse effect it might have on the character of the historic district. Except for adjacent and nearby properties facing NE 8th Avenue, this site's surroundings are non-contributing and significantly out of character with the historic district. Notwithstanding the language of the approval criteria, compatibility with these properties is not desirable. *These criteria are met.*

(2) Chapter 33.846.070 Modifications Considered During Historic Design Review

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: The request is to exceed the maximum height of 25' within ten feet of the front property line by 7'-6"

33.120.215 - Height

A. Purpose. The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

Findings for A: As evidenced in the findings under Criteria 8 and 10 above, the resulting development will better meet the approval criteria because a building facade that stepped back at the upper level would introduce a modern building typology that is alien to the character of the Irvington Historic District.

Findings for B: The purpose of the regulation is met because the general typology of the small contributing multi-residential building in the historic district, which serves as a model for this proposal, is a two-and-a-half or three-and-a-half story structure with no step-back in the front facade. As such the proposed building will provide a typical degree of privacy and reflect the character of contributing resources of a similar type in the Irvington Historic District.

Modification #2: The request is to reduce the number of required onsite parking spaces from two to zero.

33.266.110 Minimum Required Parking Spaces

A. Purpose. The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

Findings for A: As evidenced in the findings under Criteria 8 and 10 above, the resulting development will better meet the approval criteria because onsite parking could only be accommodated in street-facing garages, which are out of character with the Irvington Historic District.

Findings for B: The purpose of the regulation is met because the character of the development will blend into the historic surroundings better without garage doors at the street level. In addition, the site is relatively close (750') to frequent transit service on NE Broadway, and the

elimination of two closely adjacent curb cuts will preserve more on-street parking than could be provided on the site.

The two proposed Modifications meet the approval criteria and the purpose of the standards and therefore merit 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

This proposal originally entered the system soon after the effective date of the Irvington Historic District. It required significant revision in order to meet the Historic Design Review approval criteria, which were not anticipated by the applicant. Because of this difficult circumstance the Irvington Community Association Land Use Committee provided volunteer design assistance which the applicant took it to heart. All parties are to be congratulated for finding an approvable solution under tricky circumstances.

The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources, including historic districts, do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review approval and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two new attached houses in the Irvington Historic District;

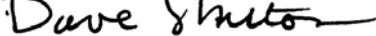
Approval of a modification to 33.120.215 – Height, to exceed the maximum height of 25' within ten feet of the front property line by 7'-6"; and

Approval of a modification to 33.266.110 – Minimum Required Parking Spaces, to reduce the number of required onsite parking spaces from two to zero;

Approvals per Exhibits C-1 through C-7, signed and dated April 22, 2011, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-114499 HDZM. No field changes allowed."
- B. In the event of archaeological discovery during excavation, work will be stopped and the State Archaeologist will be notified.

Staff Planner: Dave Skilton

Decision rendered by:  **on April 22, 2011.**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 28, 2011

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 February 18, 2011, and was determined to be complete on **March 17, 2011**.

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 February 18, 2011.

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

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 12, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. 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 the Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Historic Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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 13, 2011**.
- 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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;

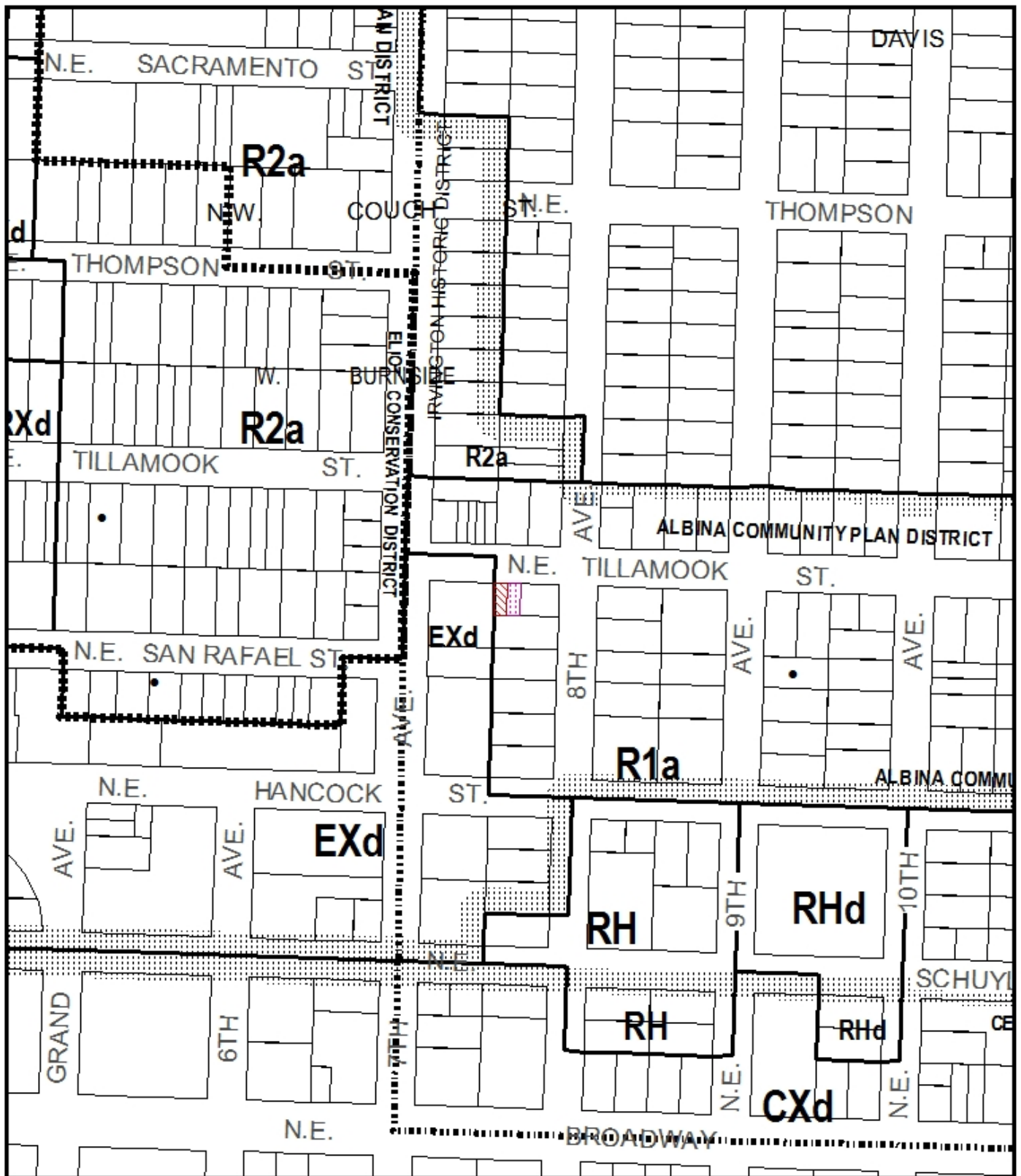
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Floor Plans
 - 4. Framing and Foundation Plans
 - 5. Sections, Framing and Roof Plans
 - 6. Details
 - 7. Window Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, April 11, 2011, approving of the proposal with conditions.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Also Owned



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 11-114499 HDZ
1/4 Section	2831
Scale	1 inch = 200 feet
State_Id	1N1E26CC 1003
Exhibit	B (Feb 24, 2011)

City of Portland - Bureau of Development Services

Date 4.22.11

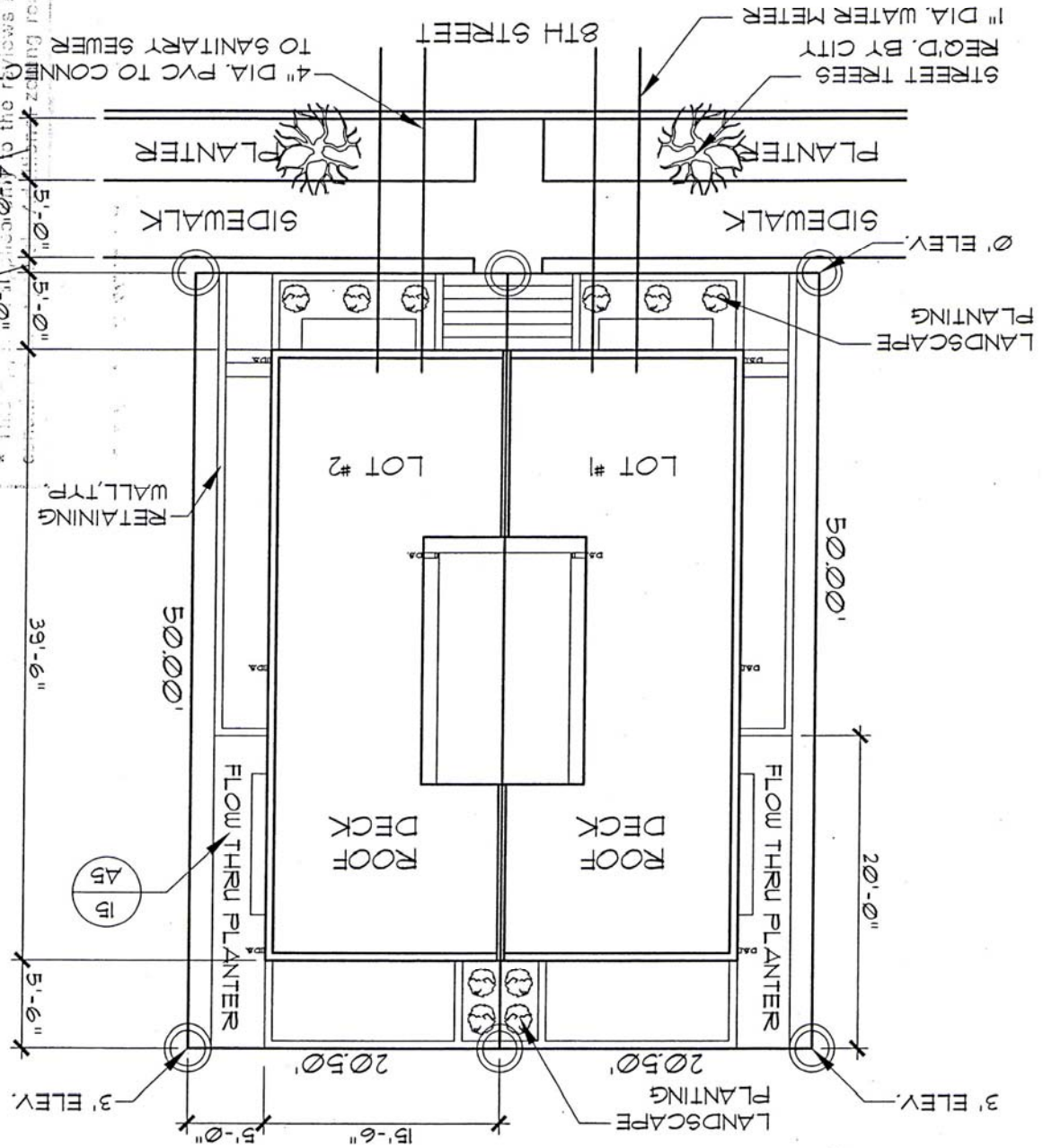
Drawn by Dave J. J. J.



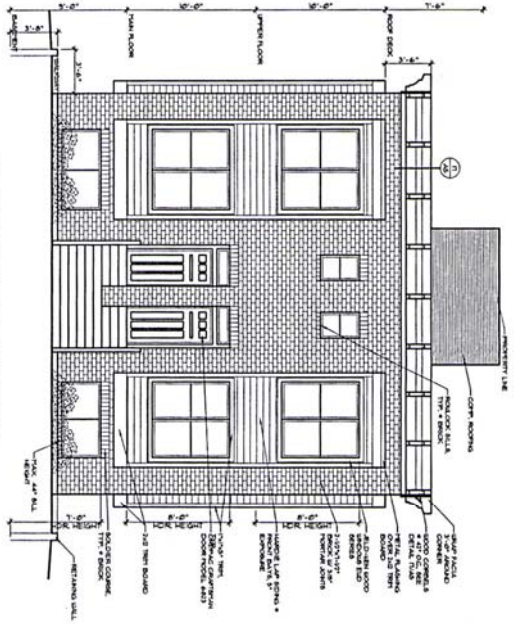
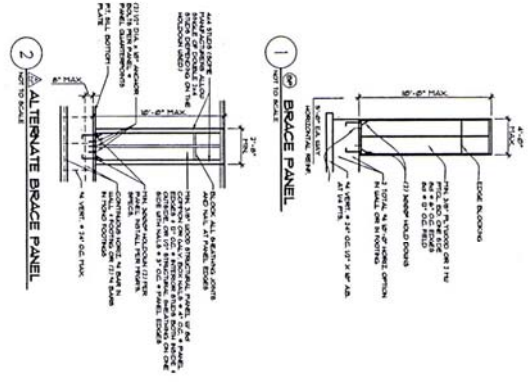
SITE PLAN

SCALE: 1"=10'
8th & TILLAMOOK
PORTLAND, OREGON

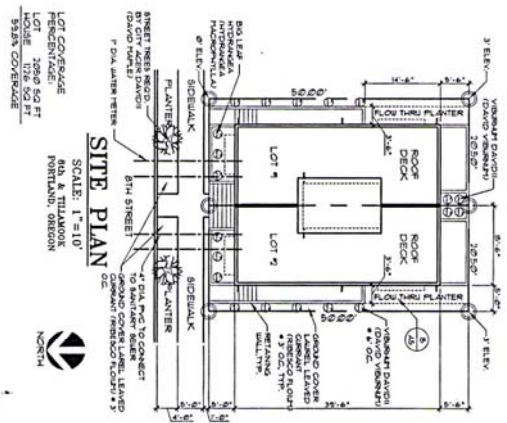
LOT COVERAGE	PERCENTAGE:
LOT 2050 SQ FT	HOUSE 1226 SQ FT
59.8% COVERAGE	



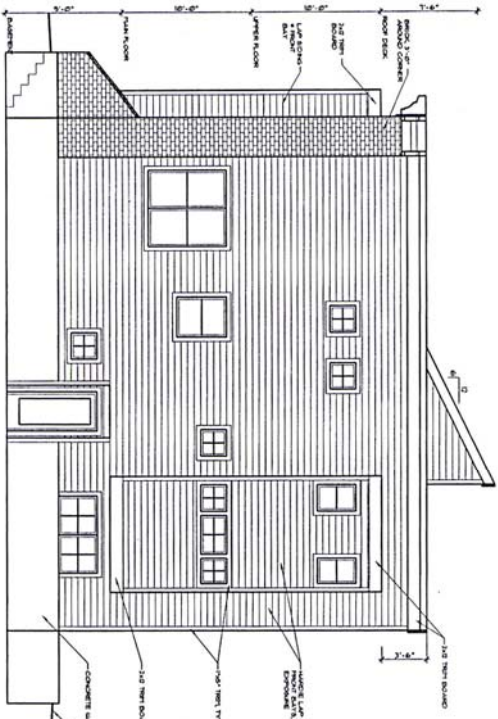
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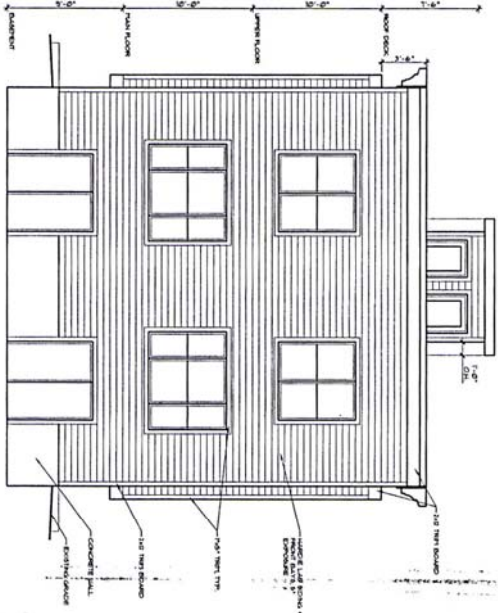
FRONT FACADE ELEVATION
SCALE: 1/4" = 1'-0"



SITE PLAN
SCALE: 1" = 10'



RIGHT SIDE FACADE (LEFT FACADE SIM.) ELEVATION
SCALE: 1/4" = 1'-0"



REAR FACADE ELEVATION
SCALE: 1/4" = 1'-0"

TYP. EXTERIOR MATERIALS

BRICK: 4" x 8" x 16" (COMMON BRICK) 2100 PER 1000
 SIDING: 1/2" x 6" x 12" (COMMON SIDING) 2100 PER 1000
 ROOFING: 1/2" x 12" x 24" (COMMON ROOFING) 2100 PER 1000
 FLOORING: 1/2" x 6" x 12" (COMMON FLOORING) 2100 PER 1000
 PAINT: 1/2" x 6" x 12" (COMMON PAINT) 2100 PER 1000
 LATH: 1/2" x 6" x 12" (COMMON LATH) 2100 PER 1000
 JAMES HARDY'S 1/2" x 6" x 12"