City of Portland, Oregon
Bureau of Development Services
Inspection Services - Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

FINAL FINDINGS AND DECISION BY THE LANDMARKS COMMISSION RENDERED ON November 9, 2015

CASE FILE NUMBER: LU 14-253482 HR
PC # 14-199907
Marcus Apartments

BUREAU OF DEVELOPMENT SERVICES STAFF: Jeff Mitchem 503-823-7011 / Jeffrey.Mitchem@portlandoregon.gov

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

GENERAL INFORMATION

Applicant/Contact: Brett Laurila
bkl/a architecture
2700 SE Harrison St, Suite A
Milwaukie, OR 97222

Owner: Clifford and Judith Allen
11430 SE Highland Loop
Clackamas, OR 97015-7232

Site Address: 1810 NE 11TH AVE

Legal Description: BLOCK 256 LOT 3&4, HOLLADAYS ADD
Tax Account No.: R396218730
State ID No.: 1N1E26CD 07500
Quarter Section: 2831

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact info@necoalition.org

Plan District: None
Zoning: RH, High Density Residential
Case Type: HR, Historic Resource Review
Procedure: Type III, with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

Proposal:
Type III Historic Review for a new three-story, 12-unit multi-dwelling projecting on an existing surface parking lot. The 8,132 square-foot site supports a two-story, 10-unit apartment building built in 1964 that will remain. The only alteration proposed for the existing structure is the conversion of a storage room into long-term bike parking room with 26 spaces (one more than the minimum required). The new building is proposed to be separated from the existing by a 2,000 square-foot courtyard (approximately 20'x100'). Four ground floor units are proposed to be accessed from NE 11th Ave. and the upper-story units are proposed to be accessed via the courtyard. Long- and short-term bicycle parking is provided on-site. Parking is neither required nor proposed. With both existing and proposed buildings, the on-site housing total comes to 22 units. Program for the entire site is:

Existing:

- 10 – two (2) bedroom units in the existing building

Proposed:

- 4 – one (1) bedroom accessible ground floor units in the new building
- 4 – one (1) bedroom units on the second floor of the new building
- 4 – one (1) bedroom with open mezzanine loft on the third floor of the new building.

Historic Resource Review is required because the project proposes new construction within the Irvington Historic District.

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

- 33.846. 060.G. Other Approval Criteria

ANALYSIS

Site and Vicinity:
The subject property is a corner lot in the Irvington neighborhood. The existing building was built in 1964 in a modern style and materials that is not aesthetically consistent with the historic pattern of the Irvington Historic District. The building consists of ten units, is two stories and is fronted by a surface parking lot containing ten parking spaces. The National Register of Historic Places documentation for the Irvington Historic District evaluates the building as a non-contributing resource within the historic context.

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 within the historic period (1891-1948), were sometimes built at the sidewalk and/or out of architectural character with the house.

Regarding area amenities, the site is within a quarter mile, or a five minute walk, of a number of diverse shops and businesses. South of the site are small local restaurants, retail shops and businesses as well as large national chain retailers and services such as banks and a post office. The Lloyd Center Mall is also within a five minute walk to the south. Regarding outdoor areas and park facilities, the site is slightly more than a five minute walk from Holladay Park, the nearest facility to the south.

Regarding transportation, the site is serviced by a number of transportation options. Public bus transit is within a five minute walk to the south in the #17 and #77. Both lines run less than 500' south of the site on NE Broadway with frequent service of less than 20 minutes at peak hours. The Portland Streetcar runs down Weidler and Broadway but turning down NE Grand and NE 7th. The site is also close to many City Bikeways, the closest of which runs down Tillamook immediately adjacent to the site.

Zoning:
The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

Zoning Code Summary

	Allowed	**Proposed**
Max Coverage	85%	69%
Max FAR	4:1 (Map 120-10)	1.8:1
Max Built Area	40,000 square feet	14,630 square feet
Max Height	100' (Table 120-3)	44'

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.

Procedural History: City records indicate no prior land use reviews. This case was heard before the Portland Landmarks Commission on three occasions:

- May 4, 2015. Staff Report recommending approval. The Landmarks Commission determined that the project was not ready for approval citing the need for increased setback on NE 11th Ave; an Arborists Report to assess impacts to the roots of a tree on the adjacent lot; more study on the south elevation to better formalize relationship to NE Schuyler St; more attention to details to soften the verticality; better address the historic corollary; more wall articulation on all elevations; less harsh details related to the gabled parapets; and, more formalized courtyard entry. The Applicant agreed to pursue these recommendations and requested a continuation.
- June 29, 2015. Staff Report recommending approval. The Landmarks Commission determined that the project was not ready for approval citing the need for softening the verticality; elimination of the stained cedar; and, better self-referencing to the existing on-site structure to remain. The Applicant agreed to pursue these recommendations and requested a continuation.

A. November 9, 2015. Staff Report recommending denial. The Landmarks Commission determined that the Applicant had responded sufficiently to most of the directives from the June 29th hearing and the project therefore warranted an approval with the following condition: *The stained cedar shall be replaced with painted (dark color) wood (double-drop narrow plank) on all elevations.*

Agency Review: A "Request for Response" was mailed February 24, 2015. The following Bureaus have responded with no issue or concerns:

1. The **Bureau of Environmental Services** responded indicating no objection to the requested design review at this time while noting that there is still one stormwater circumstance within the design that is not fully resolved. The proposed development will be subject to BES standards and requirements during the permit review process. *Please see Exhibit E-1 for additional details.*
2. The **Life Safety Plans Examiner** responded with preliminary Building Codes information that could affect the Land Use Review and/or future Building Permit reviews. *Please see Exhibit E-2 for additional details.*
3. The **Fire Prevention Division** responded indicating no objection to the requested design. *Please see Exhibit E-3 for additional details.*
4. The **Portland Water Bureau** responded indicating no objection to the requested design. *Please see Exhibit E-4 for additional details.*
5. The **Portland Bureau of Transportation** responded indicating no objection to the requested design. *Please see Exhibit E-5 for additional details.*

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on March 24, 2015. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. **Irvington Community Association Land Use Team**. Prepared by Jim Heuer, comments in opposition to the proposed project include lack of setbacks, incompatible massing, and ground floor unit entrances on NE 11th Ave. *The letter is exhibited as Exhibit F-1.*
2. **Kathy Fritts**, email dated March 20, 2015. Resident at 1921 NE 12th Ave, commented in opposition to the proposed project citing lack of setbacks, mass and scale, and lack of parking. *The e-mail is exhibited as Exhibit F-2.*
3. **Bruce and Megan Reid**, email dated April 1, 2015. Resident at 1917 NE 10th Ave commented in opposition to the proposed project citing lack of parking. *The email is exhibited as Exhibit F-3.*
4. **Stephanie Redman**, letter dated April 30, 2015. Resident at 1816 NE 12th Ave commented in opposition to the proposed project citing height, cladding material, architectural character. *The letter is exhibited as Exhibit F-4.*
5. **Stusia Brownell**, letter received on October 30, 2015. Resident at 1810 NE 11th Ave commented in support of the proposed project citing the need for affordable housing. *The letter is exhibited as Exhibit F-5.*

6. **David Sawchak**, letter dated October 25, 2015. Resident at 1810 NE 11th Ave commented in support of the proposed project citing the need for affordable housing. *The letter is exhibited as Exhibit F-6.*

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

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

Historic Resource Review Approval Criteria
Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

> **Findings:** The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

33.846.060 G - Other Approval Criteria

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

> **Findings:** The proposed new construction will not remove historic features and the existing structure (to remain, with interior modifications) is a non-contributing resource. The vacancy of the lot does not represent a character defining historic spatial arrangement. *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:** The Irvington Historic District includes more than 2,800 primary structures, so redevelopment of the subject vacant site will have only a negligible effect on the neighborhood's overall physical historic record, as referenced in the first sentence of the approval criterion. Instead the focus in this case is on the second sentence and the ability to distinguish the proposed new structure as a product of its own time.
>
> Several aspects of the proposal will contribute to its recognizable modernity. Those factors include the presence of multiple unit entries on the main façade (set back approximately 4 feet from the property line abutting NE 11th Ave), the expansive glazing and Juliette balconies. Although these conditions exist in a few historic examples, they are atypical in the district. Balancing the need to distinguish the building as a product of the present against the need for it to be compatible with and subordinate to the actual historic resources is the essence of the design problem when adding new elements in a historic district. This issue is further explored in the findings for guidelines 8 and 10, below.
>
> The project's design does not attempt to create a false sense of historic

development. No attempt is made by the architect to add conjectural features or replicate architectural elements found on other buildings. Rather, it interprets traditional themes present elsewhere in the district in contemporary fashion – gabled roof forms, fenestrated dormers, punched openings and a centralized entry for upper-story units. Quality materials and features, like the use of traditional stucco, wood clad windows and French doors expressed in punched openings with a painted wood siding, create a simple modern yet elegant design "of its time" while respecting historic neighborhood influences.

The generally lowered lot surface is uncharacteristic of the period of historic significance (1891-1948) and will readily distinguish the building as of the current time. As such, the building addresses the street with ground floor unit entries which is consistent with adjacent development stepping up in mass and scale to NE Broadway one block south. *This criterion is met.*

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

Findings: The obvious change to the subject site over time is the creation of the existing surface parking lot. This feature has not acquired significance because it is both relatively recent (circa 1964) and out of character with the Irvington Historic District, which is densely developed. This is especially true of the site's immediate context (adjacent blocks to the south) which is characterized by Central Commercial mixed use transit supportive development. *This criterion is met.*

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: Because the existing surface parking lot and 10-unit apartment building are non-contributing, there are no historic features. *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 present on site, neither in the existing surface parking lot nor the 10-unit apartment building. *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: Most of the early lots in the Irvington Historic District were originally graded to create a raised, level building site. The subject site however is at street level. As such, it has also been significantly disturbed by earlier development. However, because the proposal includes significant excavation of previously undisturbed soil under the existing surface parking lot, 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: The existing building is in good repair and is not listed as a "contributing resource". No historic features, elements, details or other visual qualities of the existing structure shall be modified. Existing curbs, planters and sidewalks within the public way are to be replaced according to current City Standards. Existing stairs and railings of the "non- contributing resource" will be maintained.

The new storm water elements, conventional planters and new paving and screening associated with the courtyard between the new and existing structures will be clearly differentiated as new construction. In addition, the existing tall arborvitae along the south property line will be removed and replaced with a raised planting bed and a new screened recycling enclosure. The recycling enclosure, placed next to the building and fronting NE Schuyler Street, is constructed of concrete block with a brick veneer to complement the existing building (to remain). The shed roof slope complements the existing building's roof line, while meeting code requirements for refuse enclosures. A green wall "espalier" softens the brick façade of the enclosure adjacent to the public way and planter areas.

The proposed building is not attached nor connected to the existing structure in any way. The new building is contemporary in style while adapting design influences reflected in the Irvington neighborhood. Quality materials and design features – traditional stucco, wood clad windows and French doors expressed in punched openings with a painted wood siding and the centralized courtyard – create a simple yet elegant design "of its time" while respecting historic neighborhood influences.

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.

Findings: Buildings of similar mass, scale and design character are present in the immediate context and elsewhere in the Irvington Historic District. Specifically, the proposed project is compatible with the district's resource in the following ways:

Building Massing and Scale. At three and one half-stories of massing above grade at sidewalk level, the proposed building reads as a pair of gabled masses each 44' high x 40' wide x 24' deep. These vertically oriented (shallow, narrow and tall) proportions are present as architectural components in both single-family estates and older apartment buildings and in the immediate project vicinity. At 44 feet in height, the building strikes a common datum with the adjacent Irvington Place apartments across NE Schuyler St. As such, the project's mass and scale both references historic resource while acting as a mass and height mediator between the older three story development to the immediate north and east, and the four + story full-block development to the south and west.

Setback and Ground Floor. The building's minimal setback (approximately 2'-

0") and sidewalk oriented residential units are a contextually derived development pattern – four historic properties abutting the subject lot are approximately 9 feet, 7 feet, 3 feet, and 0 feet – and, while the Zoning Code requires deeper setbacks as building wall area increases, the historic development pattern for multi-dwelling buildings typically includes the narrowest of setbacks. Access to the ground floor units is provided at sidewalk grade via set-back entries approximately 4 feet from the property line. Views into ground floor units will be of active interior space such as kitchen/dining and more private programming such as bedrooms. In addition, the zero set-back on NE 11th Ave provides the additional space necessary to accommodate a functional courtyard (approximately 22 feet wide x 90 feet deep) fronting NE Schuyler St.

Architectural Features. The building shares many characteristics with the historic multi-dwelling structures and houses in the immediate vicinity, while stepping up to the mixed use development to the south and west. These common characteristics include: building proportion, zero set-back, materials, high lot coverage, emphasis on the front facade, engaging ground floor, gabled roof forms, fenestrated dormers, punched openings and a centralized entry for upper-story units. At the November 9, 2015 Hearing, the Landmarks Commission indicated they preferred the design of the project as presented at the June 29, 2015 Hearing with the exception of the stained cedar accents which they felt should be painted a dark color to be more compatible with the historic resource (district). *Therefore, with a Condition of Approval for the project as presented at the June 29, 2015 Hearing with the stained cedar replaced with dark painted wood, this criterion is 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: Because it will fill a non-historic gap in the streetscape with a compatible new building, the proposed construction will repair and strengthen the fabric of the Irvington Historic District. Because the current condition (a surface parking lot) is not considered essential to the historic form and integrity of the district, returning the site to that state under any circumstances would be unwarranted. *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 proposed project appropriately balances the need to distinguish the building as a product of the present against the need for it to be compatible with and subordinate to the historic resources in the Irvington Historic District. This balance is achieved in the following ways:

Original Resource. The new building is contemporary in style while adapting design influences reflected in the Irvington neighborhood. Quality materials and features, like the use of traditional stucco, fenestrated gables, wood clad windows and French doors expressed in punched openings with a painted wood siding, create a simple yet elegant design "of its time" while respecting historic neighborhood influences both adjacent and within the district.

Adjacent Properties. The proposed buildings' siting, materials and massing

references a specific set of observed fundamentals in adjacent and vicinity buildings.

- **Norton Apartment Building** completed in 1909 and located at NE 15th Avenue & NE Hancock is sited such that there is no setback from the property line on either street frontage, with a small courtyard/green space between two portions of the building along one street facade.
- **Holmes Apartment Building** completed in 1923, located at NE 11th Avenue & NE Tillamook and the historic **T.A. Sutherland Apartment Building** completed in 1917, located at NE 13th Avenue & NE Thompson, reference centrally located covered entries, punched window & door openings, plaster and wood exterior materials and building massing.
- **Irvington Garden Apartments Building** completed in 2011 and located at 1510 NE Hancock is a more recent example of buildings placed without setbacks, where smaller landscaped buffer and new streetscape (trees, sidewalks and planting strips) create a safer pedestrian environment.

These nearby examples (three historic and one contemporary), reflect an Irvington neighborhood Apartment genome: placement of structure on site, centrally located covered entries, punched window & door openings, plaster and wood exterior materials and building massing.

Irvington Historic District. In this case, given the lack of on-site historic resource, compatibility with the "resource" refers to the Irvington Historic District (period of significance, 1891-1948). As such, a new building shall attempt to fit into that historic context without drawing undo attention to itself. As discussed above, the proposal achieves this by adopting similar massing, scale, materials, setbacks and lot coverage. While accomplishing this, it also serves as transitional in building orientation and specific form to other multi-dwelling structures immediately to the south of the subject site.

The Irvington neighborhood is a pedestrian-oriented neighborhood where residents walk, not only to amenities, but also for the pleasure of exploring the neighborhood and socializing. The project replaces a street fronting parking lot with a building frontage activated by ground floor units as well as a landscaped courtyard. As such, the proposed project enhances the built fabric in harmony with adjacent structures while supporting the broader sense of place within the broader Irvington Historic District.

This criterion is met.

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 project appropriately balances the need to distinguish the building as a product of the present against the need for it to be compatible with and subordinate to the historic resources in the Irvington Historic District. The result is an appropriate multi-dwelling typology making for a comfortable fit within the project's specific context within the Irvington Historic District. The decision to forego onsite parking, which can lead to problematic front facade treatments, enhances the integrity of the pedestrian realm. Two-foot (2') setback frontage with recessed unit entries allows the proposed

structure to embrace the sidewalk while reinforcing the historic development pattern. 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. This proposal meets the applicable Historic Design Review criteria and modification criteria and therefore warrants approval.

LANDMARKS COMMISSION DECISION

It is the decision of the Landmarks Commission to approve Historic Resource Review for a new three-story, 12-unit multi-dwelling projecting on an existing surface parking lot and the conversion of an existing storage room into long-term bike parking room with 26 spaces and a 2,000 square-foot courtyard.

Approval per Exhibits C-1 through C-20, signed and dated November 20, 2015, subject to the following conditions

B. 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-20. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File LU14-253482 HR. No field changes allowed."
C. The stained cedar shall be replaced with painted (dark color) wood (double-drop narrow plank) on all elevations.
D. In the event of archaeological discovery during excavation, work will be stopped and the State Archaeologist will be notified.

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By: _____
Brian Emerick, Landmarks Commission Chair

Application Filed: December 24, 2014 Decision Rendered: November 9, 2015
Decision Filed: November 10, 2015 Decision Mailed: November 24, 2015

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 December 24, 2014, and was determined to be complete on January 23, 2015.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 24, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit (Exhibit #A.2). The **120 days expire on December 24, 2015:**

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 December 8, 2015 at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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. Please call the file review line at 503-823-7617 for an appointment.

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).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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.**

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.

- 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.

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

EXHIBITS – NOT ATTACHED UNLESS INICATED

A. Applicant's Statement
   1. Narrative
   2. 120-day Waiver
B. Zoning Map (attached)
C. Plan & Drawings
   1. Historic Review Design Drawing Set (Sheet C.1 – C.20)
      Sheet C.2 – Site Plan (attached)
      Sheet C.5 – West Elevation (attached)
      Sheet C.6 – South Elevation (attached)
D. Notification information:
   1. Request for response
   2. Posting letter sent to applicant
   3. Notice to be posted
   4. Applicant's statement certifying posting

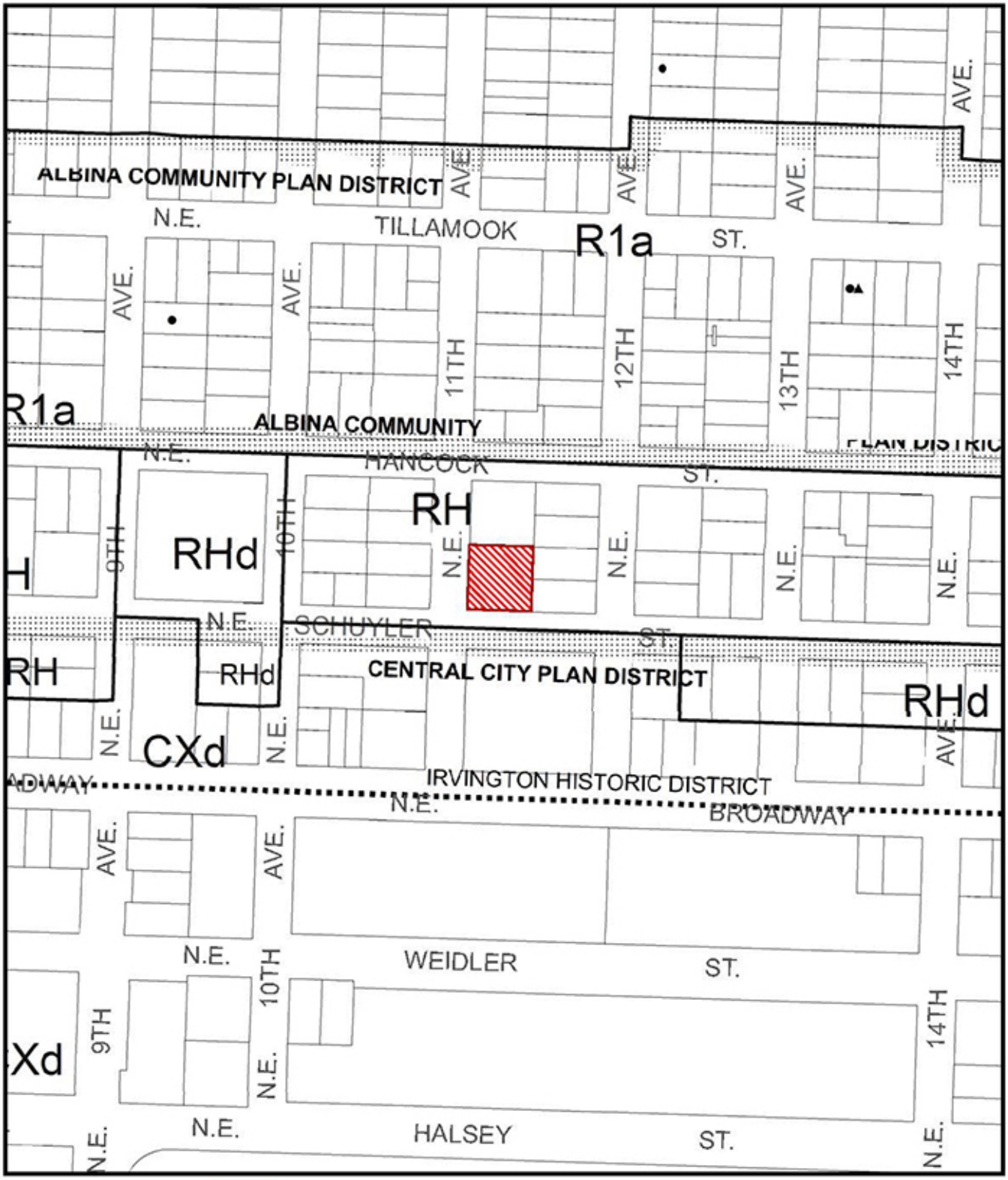
5. Mailed notice
6. Mailing list

E. Agency Responses:
1. Bureau of Environmental Services
2. Fire Bureau
3. Bureau of Transportation Engineering and Development Review
4. Site Development Section of BDS
5. Water Bureau

F. Letters
1. Irvington Community Association Land Use Team. Prepared by Jim Heuer,.
2. Kathy Fritts, email dated March 20, 2015. Resident at 1921 NE 12th Ave,
3. Bruce and Megan Reid, email dated April 1, 2015. Resident at 1917 NE 10th Ave
4. Stephanie Redman, letter dated April 30, 2015. Resident at 1816 NE 12th Ave
5. Stusia Brownell, letter received on October 30, 2015. Resident at 1810 NE 11th

G. Other
1. Original LUR Application
2. Pre-Application Conference Summary

H. Hearing
1. Staff Report, Historic Resource Review Hearing, May 4, 2015
2. Staff Report, Historic Resource Review Hearing, June 29, 2015
3. Staff Report, Historic Resource Review Hearing, November 9, 2015



ZONING

Site

Historic Landmark

Conservation Landmark

NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-253482 HR
1/4 Section 2831
Scale 1 inch = 200 feet
State_Id 1N1E26CD 7500
Exhibit B (Dec 26, 2014)

Approved
City of Portland - Bureau of Development Services
Planner _____ Date 11/9/15
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SITE & COURTYARD PLAN / BICYCLE PARKING PLAN

SCALE: 1/8" = 1'-0"

N

EXHIBIT 2

bkl/a architecture, llc
2700 SE Harrison St. Suite A
Milwaukie, OR 97222
p. | f. 503.233.8991
info@bkl-a.com • www.bkl-a.com

CONSULTANT

REVISIONS

SHEET TITLE
BIKE PARKING SITE PLAN

PROJECT TITLE
Marcus Apartment Building

Historical Design
Type III Review

1810 NE 11th Avenue
Portland, OR 97213

• FOR •

Mr. & Mrs. Clifford Allen
11430 SE Highland Loop
Clackamas, OR 97015-7232

JOB NO.	13009
DATE:	04/09/2015
DRAWN BY:	bkl
CHECKED BY:	bkl

STAMP

SHEET NO.

A200

Approved
City of Portland - Bureau of Development Services
Planner _____ Date 11/19/15
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXH C.5

bkl/a
architecture, llc
2700 SE HARRISON ST.
SUITE A
MILWAUKIE, OR 97222
503.233.8992
www.bkl-a.com

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REVISIONS

Revision Number	Revision Date

Revision Schedule

Sheet Title
WEST ELEVATION

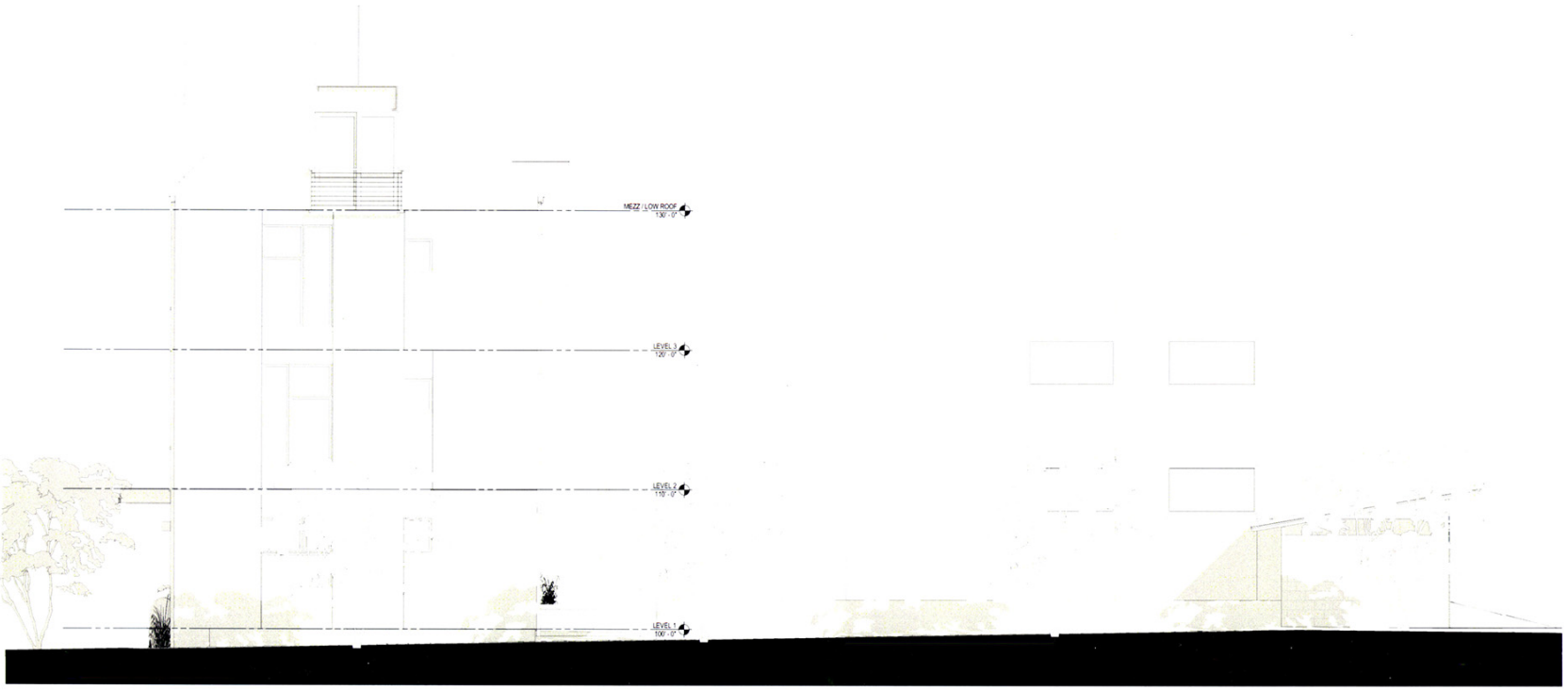
PROJECT TITLE
ALLEN APARTMENTS
1810 NE 11TH AVE, PORTLAND, OR 97213

Job No	13009
Date	04.14.2015
Drawn By	Author
Checked By	Checker

STAMP

SHEET SCALE
1/4" = 1'-0"

SHEET NO.
A300



EXH C.10

"Approved"
City of Portland - Bureau of Development Services
Planner _____ Date 11/9/15
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

bkl/a architecture, llc
2700 SE HARRISON ST.
SUITE A
MILWAUKIE, OR 97222
503.233.8992
www.bkl-a.com

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REVISIONS

Revision Number	Revison Date

Revison Schedule

Sheet Title
SOUTH ELEVATION

PROJECT TITLE
ALLEN APARTMENTS
1810 NE 11TH AVE, PORTLAND, OR 97213

Job No.	13009
Date	04.14.2015
Drawn By	Author
Checked By	Checker

STAMP

SHEET SCALE
1/4" = 1'-0"

SHEET NO.
A301