



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

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Date: July 7, 2022
To: Interested Person
From: Amanda Rhoads, Land Use Services
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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 mailed copy of this document is only a summary of the decision. 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.

CASE FILE NUMBER: LU 21-055202 HR **REPLACEMENT OF STAIRS AND LANDINGS ON NONCONTRIBUTING RESOURCE**

GENERAL INFORMATION

Applicant: Jim Gates | Three Rivers Custom Decks
23885 S Mountain Ter | Beaver Creek, OR 97004
503-519-6550 | jgates@decksby3rivers.com

Owner: Irvington Crest, LLC
Diane and Richard Harr
6283 SW Canyon Ct | Portland, OR 97221-1442

Site Address: 1944 NE 17TH AVE

Legal Description: BLOCK 20 LOT 6-8, JOHN IRVINGS 1ST ADD
Tax Account No.: R430306420
State ID No.: 1N1E26DC 06900
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at deang@mcewengisvold.com
Business District: Soul District Business Association, contact at Info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org
Plan District: Albina Community
Other Designations: Noncontributing Resource in the Irvington Historic District
Zoning: RM2 – Residential Multi-Dwelling 2
Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant requests Historic Resource Review approval for alterations associated with replacing the two existing stairs and second-story entry landings providing access to a total of five units in this multi-dwelling structure, a noncontributing resource in the Irvington Historic District. The proposed stairs are framed with pressure-treated lumber. The decking on the

stairs and landing is proposed to be TimberTech AZEK PVC deck board. The new railings would be metal with thin spindles between metal posts and rounded top cap. The areas of work are centralized on the site, set back approximately 100 feet from NE 17th Ave and separated from NE Hancock St to the south and the property to the north by the building.

Historic Resource Review is required because the proposal includes non-exempt exterior alterations in the Irvington Historic District.

Relevant Approval Criteria:

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

- Zoning Code Section 33.846.060.G Other approval criteria

ANALYSIS

Site and Vicinity: The subject property is identified as a non-contributing resource in the documentation for the Irvington Historic District. Originally built in 1967, the structure is a multi-dwelling apartment building with a mix of brick and horizontal board façades in a non-distinct late 20th Century style. Set on a corner lot, the structure is set back from the corner, behind a parking lot which takes access from NE Hancock St. While the south elevation has access to four units, the entrances to the rest of the units are off the facades facing the parking lot area. The building is surrounded by multi-dwelling structures to the south and east, single-dwelling residences to the north, and the parking lot for Westminster Presbyterian Church to the west.

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 yard 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 address. 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 RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.

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.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard. The provisions of this plan district do not affect this proposal.

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 **May 18, 2022**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.1);
- Site Development Section of BDS (Exhibit E.2); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.3).

Neighborhood Review: One written response was received from the Irvington Community Association Land Use Committee. either the Neighborhood Association or notified property owners in response to the proposal.

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.
- 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.

- 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 1, 2, 3, 4, and 5: The existing structure on the subject property – built in 1967 – was not constructed during the period of significance of the Irvington Historic District, and is listed as a non-contributing resource in the District due to being constructed outside of the period of significance. Seeing as the property has a noncontributing status, the resource in this case is the Irvington Historic District as a whole. As such, the proposal does not include alteration to historically significant material, architectural features, or spaces contributing to the significance of the District. These criteria are met.

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: The proposal does not include significant excavation of previously undisturbed soil. As such, the potential that archaeological resources could be impacted is limited. 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.
- 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.
- 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 7, 8, 9, and 10: Alterations have been proposed to replace the two sets of stairs and upper-level landings on the west façade, which are currently open concrete stairs with metal railings. The proposed stairs and landings will be in the same location as the existing and will also have metal railings similar to the original in material and design. The surfaces will be polymer composite decking; framing lumber will be pressure-treated (see Exhibit C.2). It is important to note that while these replacements will be made on a street-facing façade (hence the reason this review is required), the stairs are set back from the NE 17th Ave lot line over 100 feet; these entrances are also blocked from NE Hancock St and the properties to the east and north by other buildings. This minimizes the visibility and impact on the district.

In an effort to maintain architectural compatibility, and preserve the integrity of this resource, the size and location of these stairs and landings will remain the same as existing and the new railing will largely be similar to the existing metal railing. However,

as the Irvington Community Association Land Use Committee pointed out, “pressure treated lumber framing is not a ‘finish’ material assembly and its raw and perforated surface is decidedly not in the ‘spirit’ of the character of the neighborhood. Like unpainted shingles, this kind of structure is not typically an element we see in many of our neighborhood structures; contributing or otherwise” (Exhibit F.1). In order to better preserve the primary compatibility of the replacement materials with the subject site, a condition will require all pressure-treated lumber to be painted to match either the railing color, decking color, or building color(s). With this condition, the proposal preserves the apartment building as a record of its time., and these guidelines are 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 purpose of the Historic Resource 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 Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Historic Resource Review approval of replacement of two sets of exterior stairs, landings, and railings on the west façade of this noncontributing resource in the Irvington Historic District, per the approved plan Exhibits C.1-C.2, signed and dated July 5, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions B through 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 21-055202 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. Any exposed pressure-treated lumber must be painted to match either the railing, decking or building color.
- D. No field changes allowed.

Staff Planner: Amanda Rhoads

Decision rendered by:  **on July 5, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 7, 2022

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 June 8, 2021, and was determined to be complete on November 24, 2021.

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 June 8, 2021.

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 requested that the 120-day review period be extended 150 days (see Exhibits A.3 and A.4). Unless further extended by the applicant, **the 120 days will expire on: August 21, 2022.**

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 Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by **4:30 PM on July 21, 2022. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital

copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **July 21, 2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 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
 - 1. Original Narrative (superseded by A.5)
 - 2. Original Plans
 - 3. 120-Day Timeline Extension, dated November 24, 2021
 - 4. 30-Day Timeline Extension, dated April 13, 2022
 - 5. Updated Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Project Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Site Development Review Section of BDS
 - 3. Life Safety Plans Examiner
- F. Correspondence:
 - 1. Tony Greiner, Chair, Irvington Community Association Land Use Committee, June 7, 2022, no objections
- G. Other:
 - 1. Original Land Use Application
 - 2. Incomplete Letter, dated July 2, 2021
 - 3. 180-Day Expiration Warning Letter, dated November 4, 2021

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).