



STAFF REPORT AND RECOMMENDATION TO THE LANDMARKS COMMISSION

CASE FILE: LU 25-007018 HRM
PC # 23-093036
Irvington Town Homes

REVIEW BY: Landmarks Commission
WHEN: May 19, 2025 at 1:30pm

Remote Access: Historic Landmarks Commission Agenda
<https://www.portland.gov/ppd/landmarks>

This land use hearing will be limited to remote participation via Zoom. Please refer to the instructions included with this notice to observe and participate remotely.

Portland Permitting & Development Staff:

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Please email any comments and testimony to Tanya Paglia.

GENERAL INFORMATION

Applicant: Ralph Tahrán, Tahrán Architecture & Planning LLC
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Planner: Mark Dane, Mark Dane Planning, Inc.
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Owner/Agent: Eric Rystadt, Main Street Development Inc
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Portland, OR 97239-3871
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Site Address: **1806 NE 12TH AVE**

Legal Description: BLOCK 257 LOT 4, HOLLADAYS ADD
Tax Account No.: R396218820
State ID No.: 1N1E26CD 08200
Quarter Section: 2831

Neighborhood: Irvington, contact at landusechair@irvingtonpdx.com
Business District: None
District Coalition: District 2, contact at info@necoalition.org

Plan District: None
Other Designations: Noncontributing Resource in the Irvington Historic District

Zoning: RM3d – Residential Multi-Dwelling 3 with Design and Historic Resource Overlays

Case Type: HRM – Historic Resource Review with Modifications
Procedure: Type III – with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

Proposal:

The applicant requests **Historic Resource Review** for a new, multi-dwelling residential development in the Irvington Historic District with five dwelling units divided between two buildings. The proposal includes four three-bedroom dwelling units, each with their own structured parking space accessed off a shared, central driveway, and one studio unit. The proposed buildings are approximately 49'-0" tall from grade to their peak (the actual height measurement of the buildings as defined by the zoning code would be slightly lower), and both are clad in brick at their ground floors, stucco and some areas of fiber cement shingle siding on floors two and three, and fiber cement shingle siding on the dormers and portions of the gable ends on floor 4. Remaining portions of the gable ends are proposed to be clad with fiber cement panel siding. Elevated decks cross over the driveway between both buildings and provide outdoor space for the four 3-bedroom units.

Two (2) **Modifications** to zoning code development standards are requested:

1. 33.120.220.B.1, Minimum front building setback. The standard requires a minimum front building setback of 10'-0". The applicant requests a Modification to allow the front setback (i.e., the setback from NE 12th Ave) to be 7'-6".
2. 33.120.220.B.1.a, Minimum side setback. The standard requires a minimum side setback from the NE Schuyler St lot line of 5'-0". The applicant requests a Modification to allow the street side setback to be 0'-6" for both buildings.

Historic Resource Review is required for new development in the Irvington Historic District. Modifications may be requested to site-related zoning code development standards that are not met.

Approval Criteria:

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

- PZC Section 33.846.060.G: Other Historic Approval Criteria
- PZC Section 33.846.070: Modifications Considered During Historic Resource Review

The Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

ANALYSIS

Site and Vicinity: The subject site is a vacant 5,000 square foot lot located near the southern edge of the Irvington Historic District. A noncontributing duplex formerly occupied the site, but has since been demolished. The site retains its noncontributing status. Nearby development includes a mixture of single-dwelling residential, multi-dwelling residential, and commercial and institutional uses. Building scales and heights vary in this portion of the district.

Zoning: The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Historic Resource Overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle-class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Land Use History: City records indicate that prior land use reviews include the following:

- VZ 240-80: Title 34 Variance approval to reduce the number of off-street parking spaces from the required 2 spaces to 0 spaces in order to convert an existing single-family dwelling into a duplex.
- LU 24-075006 HRM: Voided Historic Resource Review application.
- LU 24-085620 HRM: Withdrawn Historic Resource Review application.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **April 29, 2025**. The following Bureaus have responded with no issue or concerns:

- Site Development Section of PP&D

The Transportation Review Section of PP&D responded with no objections to approval though noting that the site plans should be updated prior to permit submittal, and with comments about sight distance triangles and vegetation height near the driveway (limited to no taller than 42”), about the frontage zones of each sidewalk, and about a requirement that no curbs be provided around proposed planters within the public rights-of-way. Please see Exhibit E.2 for additional details.

Staff notes that removal of curbs from the planters within the public rights-of-way would be a standard improvement within the ROW and not subject to Historic Resource Review approval. Proposed vegetation should be able to be trimmed to a height of no more than 42” within the sight distance triangles.

The Fire Bureau responded with a comment stating that all applicable Fire Code requirements shall apply at the time of permit review and submittal. Please see Exhibit E.3 for additional details.

The Life Safety Review Section of PP&D responded with the general life safety comments. Please see Exhibit E.4 for additional details.

The following Bureaus do not object to the proposal and will be sending further comments by the time of the hearing on May 19, 2025 – any conditions that may be introduced in those comments would need to be addressed prior to permit issuance:

- The Urban Forestry Section of PP&D
- The Environmental Services Review Section of PP&D
- The Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 29, 2025**. Three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Nathan Corser, ICA Board & Land Use Committee, 02/24/2025. Letter with concerns about the proposal, including siting and massing, scale and height, placement of parking, and townhouse style of the proposed units.
2. Roger Watkins, Co-Chair ICA Land Use Committee, 04/20/2025. Letter with concerns regarding the timeline to respond to the Request for Response notice before publication of the staff report.
3. Irvington Community Association (ICA) Land Use Committee, 05/03/2025. Letter in opposition to the proposal and the requested Modifications. The letter advocates for setbacks that meet code and acknowledge the context, a reduction in height by one story, reduction in the inactive frontage on NE Schuyler St, and replacement of the proposed studio unit with an “actually desired occupancy type in the neighborhood.”

Staff Response:

- The findings below address submitted concerns that are relevant to the approval criteria.
- While the findings below address how the massing, scale, and height relative to the approval criteria are compatible and consistent with the Irvington Historic District, it is also important to point out that the Code allows: an FAR of 2:1

- plus the ability to earn bonus FAR, and the proposal has an FAR of approximately 2:1; a maximum height of 65 feet, and the proposal has a height of approximately 49 feet to the ridgeline of the roof (the zoning code actually measures height to the midpoint of the roof); and a max building coverage of 85%, and the proposal is approximately 56%.
- Regarding concerns raised about the response timeline provided to the public, the Notice of a Proposal in Your Neighborhood was mailed on April 29th, per PZC 33.730.030.E.1, and the Staff Report publish date is May 9th, per PZC 33.730.030.F.1. The Request for Response notice is not required by the Code but is sent to give service bureaus and recognized neighborhood organizations extra time to study the proposal and provide testimony. The Request for Response was mailed on April 18th. Additionally, public testimony is allowed to be submitted after the staff report is published up to and during the hearing on May 19th.
 - Regarding concerns raised about the housing type proposed, they are not relevant to the approval criteria. Furthermore, with a housing emergency declared by the Mayor and Governor, all housing types are welcome, and the housing proposed is allowed by the Code.

Procedural History:

- The subject proposal was heard before at a voluntary Design Advice Request (DAR) meeting, held on December 11, 2023. (Commissioners present: Vice Chair Moreland, Commissioner Agosto, Commissioner Davis, Commissioner Foty, Commissioner Moretti, Commissioner Roman).
- The Historic Resource Review application was submitted on January 28, 2025.
- Staff sent an incomplete application letter on January 31, 2025.
- The application was deemed complete on April 14, 2025, and the hearing was scheduled for May 19, 2025.
- The Request for Response notice was mailed on April 18, 2025.
- The Proposal Notice was mailed on April 29, 2025.

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 Historic Approval Criteria

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

Findings: The proposal is for new construction on a noncontributing site in the Irvington Historic District.

Therefore, this criterion does not apply.

2. Record of its time. The landmark or contributing 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 proposal is for new construction on a noncontributing site in the Irvington Historic District.

Therefore, this criterion does not apply.

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

Findings: There is no existing building or other resources on the site.

Therefore, this criterion does not apply.

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 historic feature 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: The proposal is for new construction on a noncontributing site in the Irvington Historic District.

Therefore, this criterion does not apply.

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: The proposal is for new construction on a noncontributing site in the Irvington Historic District.

Therefore, this criterion does not apply.

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: There are no known significant archaeological resources on the subject site, which has already been disturbed by the construction and later demolition of a previous building.

Therefore, this criterion does not apply.

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.

Findings: No historic materials are present on the subject site. The construction methodologies and specific material compositions will help to differentiate this new construction from existing historic construction in the Irvington Historic District. As stated in greater detail in the Findings for 8 & 10 below, the proposed buildings will not diminish the character, features, form, or integrity of the Irvington Historic District.

Therefore, this criterion is met.

8. Architectural compatibility. New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.

10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

Findings for 8 & 10:

Height, Setbacks, & Relationship to the Street.

The new buildings are proposed to be built on a 5,000 square foot lot in the Irvington Historic District. The subject site is noncontributing to the significance of the district. The subject site is located near the southern edge of the district, which contains a mixture of single-dwelling, low-rise multi-dwelling, and mid-rise multi-dwelling residential structures and functions as a transition area in terms of use and scale between the residential, largely single-dwelling Irvington neighborhood to the north and the NE Broadway commercial/mixed-use corridor to the south.

The RM3 zoning on the site covers the full block and extends several blocks to the east and west. Zoning steps down to RM2 on the block to the north and steps up to RM4 and CX on the block to the south. RM3 zoning allows for a maximum building height of 65 feet. At four stories tall, the proposed buildings fall well below this height limit; the height of both buildings is approximately 49'-0 1/2" to the uppermost ridgeline of the double-gable roofs of both buildings. (The official zoning code height lies at a midpoint on the double-gable roofs below this ridgeline, which is not shown or measured on the drawings.)

Development within 200 feet ranges in height from one to four stories, though buildings identified as contributing resources reach only up to 2.5 stories plus a quarter basement in height. Setbacks vary, though a pattern emerges of deeper setbacks at buildings' front elevations and shallower setbacks on their side street elevations.

Looking slightly farther out, there are comparably sized, contributing multi-dwelling structures, such as the Rockaway Apartments building at 1410-1418 NE Schuyler St, which rises to four stories in height, and the Bonnie Brae Apartments complex at 1022-1036 NE Hancock St, which rises to 3.5 stories plus a quarter basement in height. Both buildings have a zero-lot-line configuration along their respective east-west streets (the Rockaway also is also built up to the NE 14th Ave lot line and, of course, has its distinctive and generous corner courtyard/forecourt at the intersection of both streets), and the Bonnie Brae has a small, landscaped setback area along NE 11th Ave. In general, though, building heights continue to range along the blocks of NE Schuyler St as do their setbacks.

The proposed buildings fit into this general pattern. Though tall compared to their immediate neighbors, they fit within the larger pattern of development in this transition zone between NE Broadway and the lower-rise neighborhood to the north. The buildings' positions on the site similarly follow the pattern in this transition zone—with a deeper setback at the front setback and a shallower setback at the side street setback along NE Schuyler St.

Building Number One's main entrances face the front setback and NE 12th Ave, which is consistent and compatible with multi-dwelling development that provides individual unit doors in the district. Since Building Number Two is set behind Number One, its entry door placement is rational and can be considered consistent with the district's patterns as well. Individual parking stalls are not generally found in historic multi-dwelling building ground levels, but with access provided off a shared driveway rather than the streets, and with living spaces lining the entirety of NE 12th Ave and most of the frontage along NE Schuyler St, there should be active uses occurring at the ground floor that will help to enliven and improve the safety of the public realm.

Massing, Articulation, & Architectural Style

The proposed multi-dwelling development is divided into two buildings with similar massing and articulation and sharing the same architectural style, which describes the buildings as being built in the Arts & Crafts style, though overall, the Craftsman style may be the more accurate designation. Craftsman style buildings are found throughout the Irvington Historic District and are consistent with the period of significance, though most Craftsman buildings are single-dwelling houses.

One such apartment building built in the Craftsman style is the Bonnie Brae apartment building, and it is also the most comparable in terms of massing and articulation to the proposed development. The building occupies most of its site, and its mass is broken down into a variety of bays that project out from the primary mass. The fourth floor extends over nearly all the mass of the building below. A hipped roof with deep eaves unifies the composition, except on its western end, where the roof transitions to a flat roof and the eaves end and transition into a cornice line. Dormers pop out through the hipped roof in various locations. The building is simply clad in stucco, and window and door openings are surrounded with simple wood trim. Multiple entries into the building are found on the NE Hancock St side of the building.

The proposed buildings are two fairly simple rectangular masses. Each has a bay projection on the south elevation, and the upper floors extend out slightly over the ground floor. A double-gable roof tops each above the third floor, and the fourth floor is expressed as dormers on the north and south elevations of the

buildings, and windows are also placed within the east and west gable ends. A paved driveway lies between the two buildings, providing access to single-car garages plus work space, garbage and recycling, and bike parking. A trellised bridge connects the two buildings, providing usable outdoor space above the driveway for 4 of the 5 dwelling units.

The overall development is slightly more ornamented than the Bonnie Brae Apartments building, though compatible with the character of development in the district. The second and third floors are clad in stucco, consistent with the style and its use in the district. The ground floor is clad in brick on the street-facing facades, which echoes the use of brick at the historic landmark Irvington Bowman Apartments a few blocks to the east on NE 16th Ave; though there, the brick wraps all four sides of both buildings. The projecting bays on the south elevations are both clad with fiber cement shingles, as are the fourth floor dormers. Though a departure from the simpler styling of Craftsman multi-dwelling buildings in the immediate vicinity, such variation in material and the use of shingles (though historically cedar) is consistent with the style. The bridge itself is a bit of an outlier, but it is a creative solution to provide required outdoor space and helps to unify the two buildings.

The proposed design includes fiberglass windows, which are paintable and generally similar to wood windows in profile and appearance. Proposed window details show that there will be sufficient depth between the cladding and glass surfaces—particularly on the hung windows—creating shadow on the façade and giving the windows a more “punched” appearance.

The termination of the brick and transition to stucco is a bit awkward, however. Though a soldier course caps the brick, a deeper shadow line would provide a better cap and transition between the two materials. Therefore, a brick sill course projecting at least one inch beyond the soldier course should be added above the soldier course.

The areas around the entries to the dwelling units are proposed to be clad with fiber cement lap siding, which is both inconsistent with the simplicity of Craftsman-style multi-dwelling buildings in the district, and which deviates from and complicates the architectural vocabulary established with the primary cladding choices. Replacing the lap siding with brick would create a more consistent ground floor expression, and the material would be more historically appropriate.

Fiber cement lap siding is also proposed on the garage elevations and interior side elevations of the ground floors of both buildings. Again, replacing this lap siding with brick would be more consistent with the patterns in the district and the architecture.

The gable ends have some of the most elaborate detailing on both buildings, with wood rafter tails or dentils projecting out above the windows and a fiber cement panel to cap it off. The fiber cement panel material is not appropriate in terms of historic compatibility, and it is also unlikely that a single panel of the size required could be provided to clad the gable end without inappropriate joints. The gable design may be made more consistent with the style and historic character of the district in one of two ways: either the fiber cement panels should be replaced with stucco, or the fiber cement shingles should replace the fiber cement panels, and the stucco cladding should extend up to the elaboration in the gable ends.

Some of the detailing on the bridge is unclear. Walls appear to be shown between each of the dwelling units' outdoor space, but no specific material cladding is indicated. To keep consistency with the architecture of the buildings and compatibility with the district's character, stucco should be used as cladding on these walls.

Conditions of approval are recommended to effect the changes described in the five preceding paragraphs above.

Overall, the proposal is consistent with the development patterns and architectural styles found in the Irvington Historic District as a whole, and more specifically those patterns and styles found within the transition area at the south edge of the district between the NE Broadway Corridor to the south and the lower-density residential neighborhood to the north.

With the following conditions of approval, these criteria will be met:

- *A brick sill course projecting one inch beyond the solidier course shall be added above the solidier course.*
- *Proposed fiber cement lap siding shall be replaced with brick.*
- *Proposed fiber cement panel siding at the gable ends shall be replaced with stucco.*
- *Stucco shall clad the walls dividing the outdoor spaces on the bridge.*

9. Preserve the form and integrity of historic resources. New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.

Findings: Proposed construction will be all new construction on a vacant, noncontributing site. Proposed buildings will not touch or alter existing historic structures. If the proposed buildings were to be built and then removed at a later date, the essential form and integrity of the Irvington Historic District would be unimpeded.

Therefore, this criterion is met.

33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource 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: 33.120.220.B.1, Minimum front building setback. The standard requires a minimum front building setback of 10'-0". The applicant requests a Modification to allow the front setback (i.e., the setback from NE 12th Ave) to be 7'-6".

Modification #2: 33.120.220.B.1.a, Minimum side setback. The standard requires a minimum side setback from the NE Schuyler St lot line of 5'-0". The applicant requests a Modification to allow the street side setback to be 0'-6" for both buildings.

Purpose Statement: The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for building residents and neighboring properties;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

Standard: 33.120.220.B.1, Minimum building setbacks. Generally. The required minimum building setbacks, if any, are stated in Table 120-4. In the RM3 and RM4 zones, the minimum side and rear building setbacks apply as follows:

- a. Buildings that are up to 55 feet tall. The required minimum side and rear building setback for buildings that are up to 55 feet tall is 5 feet. Minor projections allowed by Paragraph 33.120.215.C do not count toward this height measurement; and
- b. Buildings more than 55 feet tall. The required minimum side and rear building setback for buildings that are more than 55 feet tall is 10 feet from a side or rear lot line that is not a street lot line, and 5 feet from a side or rear lot line that is a street lot line

A. Better meets historic resource review approval criteria. *The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and*

Findings: The proposed Modifications to both the front and side street setbacks emulates similar conditions at similarly-scaled multi-dwelling development found within the higher-density, transition zone of the Irvington Historic District between the NE Broadway corridor to the south and lower-density residential neighborhood to the north, better meeting Criterion 10. The deeper setback lies at the front setback, as is typical in this area. Though less than the code required 10 feet, the front setback still contains landscaping that complements the character of development in the District. The shallower side setback from NE Schuyler Street is

also consistent with the pattern seen along side street elevations of similarly-scaled multi-dwelling buildings in the District. Proposed landscaping here softens the space between the sidewalk and building wall in a manner consistent with historic patterns in the area. While some multi-dwelling buildings do have deeper front and side setbacks, these buildings are generally two stories in height.

Therefore, this criterion is met.

- B. Purpose of the standard.** *The resulting development will meet the purpose of the standard being modified or 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.*

Findings: The purpose of the minimum setback standards is to maintain light, air, separation for fire protection, and access for fire fighting; to reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods; to promote a reasonable physical relationship between residences; to promote options for privacy for building residents and neighboring properties; and to provide adequate flexibility to site a building so that it may be compatible with the neighborhood and allow for architectural diversity. As stated in the Findings for Criterion A, the proposed Modifications to the front and side street setbacks results in a development that is consistent and compatible with taller multi-dwelling structures found in the southern transition zone of the Irvington Historic District and which contrasts slightly with lower-rise multi-dwelling development in this area, further extending the sense of architectural diversity in this area. Access to light, air, and separation for fire protection are still provided, and although the setbacks are less than those at the existing single-dwelling houses to the north of the site, they are consistent with the multi-dwelling pattern, as stated above, retaining a reasonable physical relationship between the residences. Privacy for existing buildings and residents is not compromised. Thus, the overall purpose for the setback standards is still met.

Therefore, this criterion is met.

Therefore, these Modifications 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

The proposed new multi-dwelling development in the Irvington Historic District is compatible with the overall scale, height, and placement on its site as other similarly-scaled multi-dwelling developments in the transition zone at the south end of the District between the higher-density, mixed-use development along NE Broadway and lower-density residential development to the north. The Arts & Crafts/Craftsman style used in the design is consistent with the District, and though some materials and details need revision (through conditions of approval), the overall development is architecturally and historically compatible with contributing resources in the District.

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, with conditions, and meets the modification criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Landmarks Commission decision)

Staff recommends approval of Historic Resource Review for a new, multi-dwelling residential development in the Irvington Historic District with five dwelling units divided between two buildings.

Staff recommend approval of two (2) Modifications to zoning code development standards:

1. 33.120.220.B.1, Minimum front building setback. The standard requires a minimum front building setback of 10'-0". The applicant requests a Modification to allow the front setback (i.e., the setback from NE 12th Ave) to be 7'-6".
2. 33.120.220.B.1.a, Minimum side setback. The standard requires a minimum side setback from the NE Schuyler St lot line of 5'-0". The applicant requests a Modification to allow the street side setback to be 0'-6" for both buildings.

Staff recommends the following conditions of approval:

- A. A finalized building permit must be obtained to document the approved project. As part of the permit application submittal, the following development-related conditions (B through G) must be noted on the site plans or included as a separate sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 25-007018 HRM AD". 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 permit submittal, a signed Certificate of Compliance form (<https://www.portland.gov/ppd/documents/design-and-historic-resource-review-approvals-certificate-compliance>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. A brick sill course projecting one inch beyond the soldier course shall be added above the soldier course.
- E. Proposed fiber cement lap siding shall be replaced with brick.
- F. Proposed fiber cement panel siding at the gable ends shall be replaced with stucco.
- G. Stucco shall clad the walls dividing the outdoor spaces on the bridge

=====

PROCEDURAL INFORMATION

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. This application was submitted on January 28, 2025. The application was determined to be complete on April 14, 2025.

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 extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A.16. Unless further extended by the applicant, **the 120 days will expire on: April 14, 2026.**

Some of the information contained in this report was provided by the applicant.

As required by Zoning Code Section 33.800.060, the burden of proof is on the applicant to show that the approval criteria are met. Portland Permitting & Development has independently reviewed the information submitted by the applicant and has included this information only where Portland Permitting & Development has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of Portland Permitting & Development with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to specific conditions of approval, 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.

This report is not a decision. The review body for this proposal is the Landmarks Commission who will make the decision on this case. This report is a recommendation to the Landmarks Commission by Portland Permitting & Development. The review body may adopt, modify, or reject this recommendation. The Landmarks Commission will make a decision about this proposal at the hearing or will grant a continuance. **Any written testimony should be emailed to Tanya Paglia at Tanya.Paglia@portlandoregon.gov.** If you cannot email comments and must mail comments via USPS mail, your comments to the Landmarks Commission can be mailed, c/o the Landmarks Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

If you are interested in viewing information in the file, please contact the planner listed on the front page of this document. The planner can provide information over the phone or via email.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant.

Appeal of the decision. The decision of the Landmarks Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Landmarks Commission, City Council will hold an evidentiary hearing,

one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you submit written comments which are received before the close of the record, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$6,566.00 will be charged (one-half of the PP&D LUS application fee for this case).**

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 Portland Permitting & Development website: <https://www.portland.gov/ppd/zoning-land-use/land-use-review-fees-and-types/land-use-review-appeals>. Neighborhood associations recognized by the Office of Community & Civic Life may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations who wish to qualify for a fee waiver must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this land use review is approved the final decision will be recorded with the County Recorder. *Unless appealed*, the final decision will be recorded by Portland Permitting & Development.

Expiration of this approval. Generally, land use approvals (except Comprehensive Plan and Zoning Map Amendments) expire five years from the date of the final decision unless one of the actions below has occurred (see Zoning Code Section 33.730.130 for specific expiration rules):

- A City permit has been issued for the approved development,
- The approved activity has begun (for situations not requiring a permit), or

In situations involving only the creation of lots, the final plat must be submitted within three years.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within seven 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 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.

Benjamin Nielsen
May 9, 2025

EXHIBITS (not attached unless indicated)

- A. Applicant's Submittals
 - 1. Drawing Set
 - 2. Belgian Blocks History
 - 3. Clinker Bricks image
 - 4. Four Story Buildings within Immediate Vicinity
 - 5. Massing Model
 - 6. Narrative
 - 7. Neighborhood Contact Materials
 - 8. Night View
 - 9. Geotech Report
 - 10. Tree Inventory
 - 11. DAR Summary Memo
 - 12. ICA Land Use Committee Meeting Notes from 06/11/2024
 - 13. DAR Presentation
 - 14. Survey
 - 15. Collection of Images
 - 16. Request for Evidentiary Hearing
 - 17. Revised Drawing Set, received March 15, 2025
 - 18. Revised Drawing Set, received April 1, 2025
 - 19. Revised Drawing Sheets C1.3, C2.0, C2.1, C3.1, C3.5, C3.6, & C6.1
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Existing Conditions Map
 - 3. Floor Area Calculation
 - 4. Window Area Calculation
 - 5. Basement Floor Plan
 - 6. First Floor Plan
 - 7. Second Floor Plan
 - 8. Third Floor Plan
 - 9. Fourth Floor Plan
 - 10. Roof Plan
 - 11. South Elevation
 - 12. West Elevation & East Elevation – Bldg 1
 - 13. North Elevation
 - 14. East Elevation & West Elevation – Bldg 2
 - 15. Colored South Elevation
 - 16. Colored West Elevation & Colored East Elevation – Bldg 1
 - 17. Stuc-o-flex Details
 - 18. Building Section
 - 19. Building Section

20. Building Sections
21. Landscape Plan
22. Landscape Details
23. Landscape Elevations
24. Door Schedule
25. Window Schedule
26. Milgard Ultra Series Cutsheets
27. Milgard Ultra Series Cutsheets
28. Details
29. Details
30. Wall Sections
31. Oakridge Shingles Cutsheets
32. Oakridge Shingles Cutsheets
33. Exterior Lighting Plan
34. Lighting Cutsheets
35. Frontage Improvement Plan
36. Frontage Improvement Plan
37. Frontage Improvement Plan
38. Driveway Detail
- 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. Site Development Section of PP&D
 2. Transportation Review Section of PP&D
 3. Fire Bureau
 4. Life Safety Review Section of PP&D
- F. Letters
 1. Nathan Corser, 02/24/25, letter with concerns
 2. Roger Watkins, Co-Chair ICA Land Use Committee, 04/20/25, letter with concerns about timeline
 3. Irvington Community Association, 05/03/25, letter in opposition
- G. Other
 1. Original LUR Application
 2. Incomplete Application Letter
 3. Email Correspondence
- H.





Portland Permitting & Development is committed to providing equal access to information and hearings. To request an accommodation or alternative format of communication, please contact us at least five business days prior to the hearing at 503-823-7300 (TTY 503-823-6868).



For Zoning Code in Effect Post October 1, 2024

ZONING

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Plan District
-  Historic Landmark
-  Conservation Landmarks

File No.	LU 25 - 007018 HRM
1/4 Section	2831
Scale	1 inch =200 feet
State ID	1N1E26CD 8200
Exhibit	B
	Apr 18, 2025

33.120 MULTI-DWELLING ZONES
 TABLE 120.3
 SUMMARY OF DEVELOPMENT STANDARDS IN MULTI-DWELLING ZONES

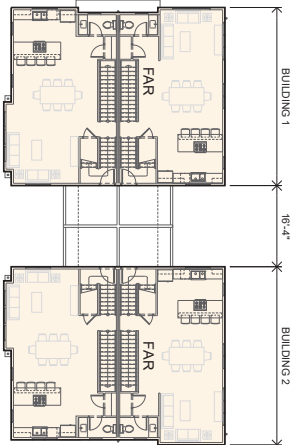
FAR ALLOWED 2.1

5,000 SF

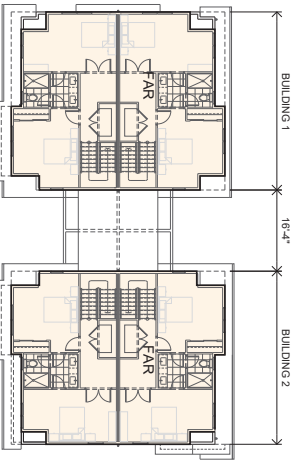
10,000 SF

PROPOSED FAR 9.868 SF

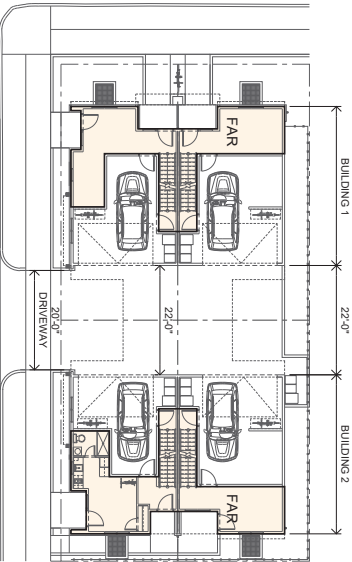
LAND INFORMATION	
RESIDENTIAL LAND	5,000 SF
PROPERTY ID: R182572	
UNIT A - AREA CALCULATION	
FIRST FLOOR	AREA, SF
	788.00 SF
SECOND FLOOR	788.00 SF
THIRD FLOOR	791.00 SF
FOURTH FLOOR	698.00 SF
TOTAL AREA	2,555.00 SF
UNIT B - AREA CALCULATION	
FIRST FLOOR	AREA, SF
	728.00 SF
SECOND FLOOR	752.00 SF
THIRD FLOOR	776.00 SF
FOURTH FLOOR	688.00 SF
TOTAL AREA	2,404.00 SF
UNIT C - AREA CALCULATION	
FIRST FLOOR	AREA, SF
	104.00 SF
SECOND FLOOR	708.00 SF
THIRD FLOOR	728.00 SF
FOURTH FLOOR	688.00 SF
ADJ. UNIT C	712.00 SF
TOTAL AREA	2,540.00 SF
UNIT D - AREA CALCULATION	
FIRST FLOOR	AREA, SF
	728.00 SF
SECOND FLOOR	752.00 SF
THIRD FLOOR	782.00 SF
FOURTH FLOOR	688.00 SF
TOTAL AREA	2,404.00 SF
UNIT NUMBER	
UNIT A	AREA, SF
UNIT B	2,555.00 SF
UNIT C	2,404.00 SF
UNIT D	2,412.00 SF
TOTAL FLOOR AREA (BUILDING 1&2)	9,980.00 SF



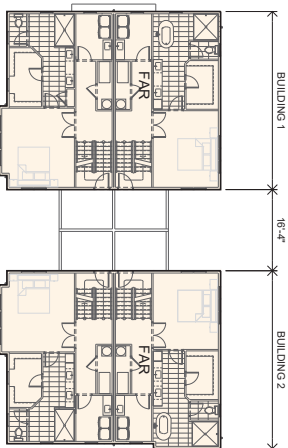
2 SECOND FLOOR PLAN - BLDG 1&2
 SCALE 1/8" = 1'-0"



4 FOURTH FLOOR PLAN - BLDG 1&2
 SCALE 1/8" = 1'-0"



1 FIRST FLOOR PLAN - BLDG 1&2
 SCALE 1/8" = 1'-0"



3 THIRD FLOOR PLAN - BLDG 1&2
 SCALE 1/8" = 1'-0"