



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: September 26, 2022
To: Interested Person
From: Tim Heron, Land Use Services
503-823-7726 / Tim.Heron@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 22-135835 HR – 3-STORY ADDITION

GENERAL INFORMATION

Representative: Jason Marshall, jam@limesignco.com
Lime Design Collective LLC
208 S Lane St
Portland, OR 97239

Owner/Applicant: Kevin Bailey, Elb Investment Group LLC
Po Box 19052
Portland, OR 97280-0052

Site Address: 1736 NE SCHUYLER ST
Legal Description: BLOCK 12 LOT 12, JOHN IRVINGS 1ST ADD
Tax Account No.: R430303620
State ID No.: 1N1E26DC 05700
Quarter Section: 2832
Neighborhood: Irvington, contact Tony Greiner at tony_greiner@hotmail.com
Business District: Northeast Broadway Business Association, contact at info@nebroadway.com
District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org
Plan District: Albina Community
Other Designations: Non-Contributing resource in the Irvington Historic District, listed on the National Register of Historic Places on October 22, 2010.

Zoning: RM2, Multi-Dwelling Residential 2
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:
The applicant requests approval for a new 3-story triplex addition to an existing non-contributing 2-story triplex building at 1736 NE Schuyler Street in the Irvington Historic District.

The current project site (50' x 100') contains an existing 3,240 sf residential tri-plex built in 1967 (which will remain) and an existing garage [which will be removed). The new tri-plex building will consist of 3 separate residential stacked units (2-bed, 1-bath) with an extension of the existing 2nd level walkway connecting both tri-plex structures.

The new triplex proposes matching siding, windows, and doors to the original tri-plex. The building façades will be clad in brick and fiber cement siding with different colors to distinguish the recessed interior stair from the rest of the exterior, as well as different colors and siding profile [4" and 8" reveals] to differentiate the 3rd floor level from the first and second floor levels. The wrought iron hand railing along the existing exterior stairway and 2nd story walkway will be replaced due to deterioration and updated with a black steel railing that will be used to connect both tri-plex structures.

Because the proposal is for a new construction in a Historic District, Historic Resource Review is required.

Relevant Approval Criteria:

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

- 33.846.060.G.1-10: Historic Review Approval Criteria

ANALYSIS

Site and Vicinity: The existing triplex was constructed in 1967, in a late 20th century style, and is considered NP = not eligible/out of period in the Irvington Historic District; in other words, it is a non-contributing structure in the Historic District. Materials include roman brick, horizontal siding and vinyl windows.

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 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 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 zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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 **August 2, 2022**. The following Bureaus have responded with issues or concerns:

1. The Bureau of Environmental Services responded with concerned that additional work should be completed to confirm stormwater management, trash and recycling areas have been planned and adequately sized. *Exhibit E.1 has additional details.*
2. The Bureau of Transportation Engineering and Development Review wrote with concerns to clarify the size of the existing parking. *Exhibit E.2 has additional details.*
3. The Fire Bureau wrote with no concerns. *Exhibit E.3 has additional details.*
4. The Bureau of Development Services Life Safety wrote with concerns regarding the open stair configuration. *Exhibit E.4 has additional details.*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 2, 2022**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Tony Greiner, Chair of the Irvington Neighborhood Land Use Committee, wrote with a mixed response to project. Citing that the existing building on the property was built in an era where any sense of style was ignored in favor of cost-cutting, but the property has been well-maintained. In Sum: One strong yes, one strong no, with a fair number of concerns about details that don't necessarily object to the entire project. *Exhibit F.1 has additional details.*

Staff Response: The applicant has considered the comments from the Irvington Committee and responded with a revised design that includes additional fire protection as required by Code, matching window profiles and materials, and balconies providing additional outdoor area for the new units. Additional information can be found in the findings below.

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.

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.

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.

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.

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: The existing triplex, built in 1967, is not considered contributing, or even eligible to be contributing due to its later 20th century style and being constructed outside of the period of significance for the Irvington Historic District. Nevertheless, particular care in the design of the new addition was taken to ensure a compatible infill with the existing building so as to not diminish from the historic character of the Irvington Historic District.

The scale and massing of the proposed project has been designed to be compatible with the existing building on site and historical context in general. The proposal's location, 75' setback from NE Schuyler Street, reduces the perception of the overall scale and height of the new structure as it is situated behind the existing 1967 two-story triplex building, minimizing visibility from the Historic District public rights of way. The three-story height at 30'-10" to the ridgeline, one story taller than the existing two-story triplex, but is below the otherwise allowed 45' height limit of the RM2 Zoning. The roof form of the new structure maintains the distinguishable Dutch-gable style of the existing triplex, including deep overhanging eaves, for better overall cohesion between buildings. Minimum 5' setbacks are maintained along the side and rear property lines where the proposal is located, allowing room for outdoor area, stormwater management and proper separation from adjacent properties.

The decorative wrought iron hand railing along the exterior stairway and 2nd story walkway (which are already part of the existing conditions), will be replaced due to deterioration with a simple black steel railing. The slimmer steel railing profile will complement the original triplex design, as well as new addition. The connecting walkway, new railing, and new stairway with matching steel column supports and matching brick façade enclosure are strong physical and visual elements linking the existing building to the new construction in a more harmonious and intentional way, establishing a uniformity between structures.

The existing tri-plex was retrofit with new windows (1990's). Similar horizontal sliding and vinyl windows will be used for the new building but with a painted fiber cement trim profile that will help conceal the window frame and provide a richer depth to the fenestration.

The new tri-plex specifies a fiber cement siding product that will match the cedar texture and reveal (approx. 8”) of the existing building. Further, a thicker 5/8” siding material will add enhanced depth and elevate the architectural character of the project.

Finally, to articulate contrast and scale to the building façades, an additional smooth textured fiber cement siding with a smaller reveal (approx. 4”) and different color is being used at the 3rd story. This will help accentuate the horizontality of the new structure while minimizing the 3rd level massing.

Therefore, these criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to demonstrate conformance with all 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 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 non-historic/ non-contributing resources in Historic Districts do not compromise the historic integrity of the Historic District. The proposal meets the applicable Historic Resource Review criteria and warrants approval.

ADMINISTRATIVE DECISION

Approval of a new 3-story triplex addition to an existing non-contributing 2-story triplex building at 1736 NE Schuyler Street in the Irvington Historic District per the approved Exhibits C-1 through C-14, signed and dated September 21, 2022 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 22-135835 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. No field changes allowed.

Staff Planner: Tim Heron



Decision rendered by: _____ **on September 21, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 26, 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 April 25, 2022, and was determined to be complete on **July 29, 2022**.

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 April 25, 2022.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: November 26, 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 October 10, 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 **October 10, 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 Submittal
 - 2. Revised Submittal
 - 3. 120-day waiver – 30 days extension
 - 4. Revised Narrative – NA Response - Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site/ Ground Floor Plan (attached)
 - 2. Roof Plan
 - 3. Ground Floor Plan
 - 4. 2nd/3rd Floor Plan
 - 5. Exterior Elevations 1 (attached)
 - 6. Exterior Elevations 2 (attached)
 - 7. Exterior Elevations 3
 - 8. Exterior Elevations 4
 - 9. Building Section
 - 10. Details 1
 - 11. Details 2
 - 12. Details 3
 - 13. Material Samples
 - 14. Perspective Views (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Fire Bureau
 - 4. Bureau of Environmental Services Life Safety
- F. Correspondence:
 - 1. Tony Greiner, Chair of the Irvington Neighborhood Association, wrote with approval and disapproval of the project.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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).