



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

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**Date:** February 4, 2019  
**To:** Interested Person  
**From:** Hannah Bryant, Land Use Services  
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## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved 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 18-283258 HR – REBUILD EXISTING CONCRETE PORCH & STAIRS**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Robert & Robyn Wagner  
1606 NE Thompson St  
Portland, OR 97212-4206

**Site Address:** **1606 NE THOMPSON ST**

**Legal Description:** BLOCK 50 W 1/2 OF LOT 19&20, IRVINGTON  
**Tax Account No.:** R420411060  
**State ID No.:** 1N1E26DB 15700  
**Quarter Section:** 2832  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

**Plan District:** None  
**Other Designations:** Contributing Resource in Irvington Historic District  
**Zoning:** **R5** – Residential 5,000 with Historic Resource Protection Overlay  
**Case Type:** **HR** – Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant seeks Historic Resource Review for the replacement of an existing concrete porch and front steps. Constructed in 1922, the E.L. French house is a contributing resource in Irvington Historic District. At the time of construction, the concrete front porch was poured on fill soil, without footings. The porch has settled over time and developed numerous significant cracks. The applicant proposes to temporarily support the porch roof, and remove the existing columns, to demolish the existing concrete porch. The new porch

will match the existing porch in all visible details and dimensions. The original wood columns will be reinstalled on the new porch. A new concrete path and front steps will replace the existing path and steps as part of this project but are not subject to Historic Resource Review.

Historic Resource Review is required for all non-exempt exterior alterations in a Historic District.

**Relevant Approval Criteria:**

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

- 33.846.060.G – *Historic Resource Review*

## ANALYSIS

**Site and Vicinity:** The site is comprised of two 5,000 square foot parcels at the southeast corner of the NE Thompson and NE 16<sup>th</sup> Avenue intersection. Constructed in 1922, the subject property is a one and a half story bungalow known as the E.L. French house. It is evaluated as a contributing resource in the National Register of Historic Places documentation for the Irvington Historic District.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

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.

**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 on **January 15, 2019**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **January 15, 2019**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Gisvold, Dean. January 28, 2019. The Irvington Community Association land use committee has no objections 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.

**Findings for 1, 2 and 3:** The wide, low original concrete porch adds a subtle horizontality that reinforces the bungalow style of the contributing resource. The proposal is to demolish the existing porch, which is cracked and sinking, and to pour a new porch that will replicate the existing original porch in all dimensions, details and material finish. While not subject to Historic Resource Review, the concrete steps set into the sloping front yard will also be replaced at this time. The resource will remain a physical record of its time, and the changes will not add any conjectural features or alter anything of historic significance. *Therefore, these guidelines are met.*

- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 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 4 and 5:** The original porch structure was built on uncompacted fill soil and has settled significantly over time. The settling has resulted in serious vertical and horizontal cracks. Complete demolition of the original porch is necessary to ensure that the new replacement porch can have sufficient site prep and internal structural reinforcement to prevent similar issues. The demolition will entail temporarily supporting the porch roof while the original historic columns are removed and protected. The original columns will be reinstalled on the new porch to match the existing conditions. *Therefore, these guidelines are 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:** The existing porch is damaged beyond repair, and it is not possible to provide the sub-grade site prep necessary to prevent further sloping without removing it. Removing it now serves to protect the foundation, porch roof and other key elements of the contributing resource before those elements are compromised or damaged due to further deterioration of the porch. Replacing the existing porch with a new one that matches it in dimension and details ensures architectural compatibility and preservation the form of the historic resource, while clearly differentiating the new concrete from the historic porch. *Therefore, 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 requirements of Title 11 can be met, and 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, to replace a damaged original porch with a new porch that matches the existing in size, material and detail, exemplifies considerate protection and preservation of the contributing resource and the surrounding Historic District. It meets the applicable Historic Resource Review criteria and therefore warrants approval.

**ADMINISTRATIVE DECISION**

Approval of replacing an original 8'-3" deep by 30'-4" wide concrete porch, per the approved site plans, Exhibits C-1 through C-2, signed and dated January 31, 2019, 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 four 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 18-283258 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 Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Hannah Bryant**

**Decision rendered by:**  **on January 31, 2019**  
By authority of the Director of the Bureau of Development Services

**Decision mailed February 4, 2019**

**Procedural Information.** The application for this land use review was submitted on December 28, 2018, and was determined to be complete on January 10, 2019.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on December 28, 2018.

*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: May 10, 2019.**

**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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**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 **February 5, 2019** 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:

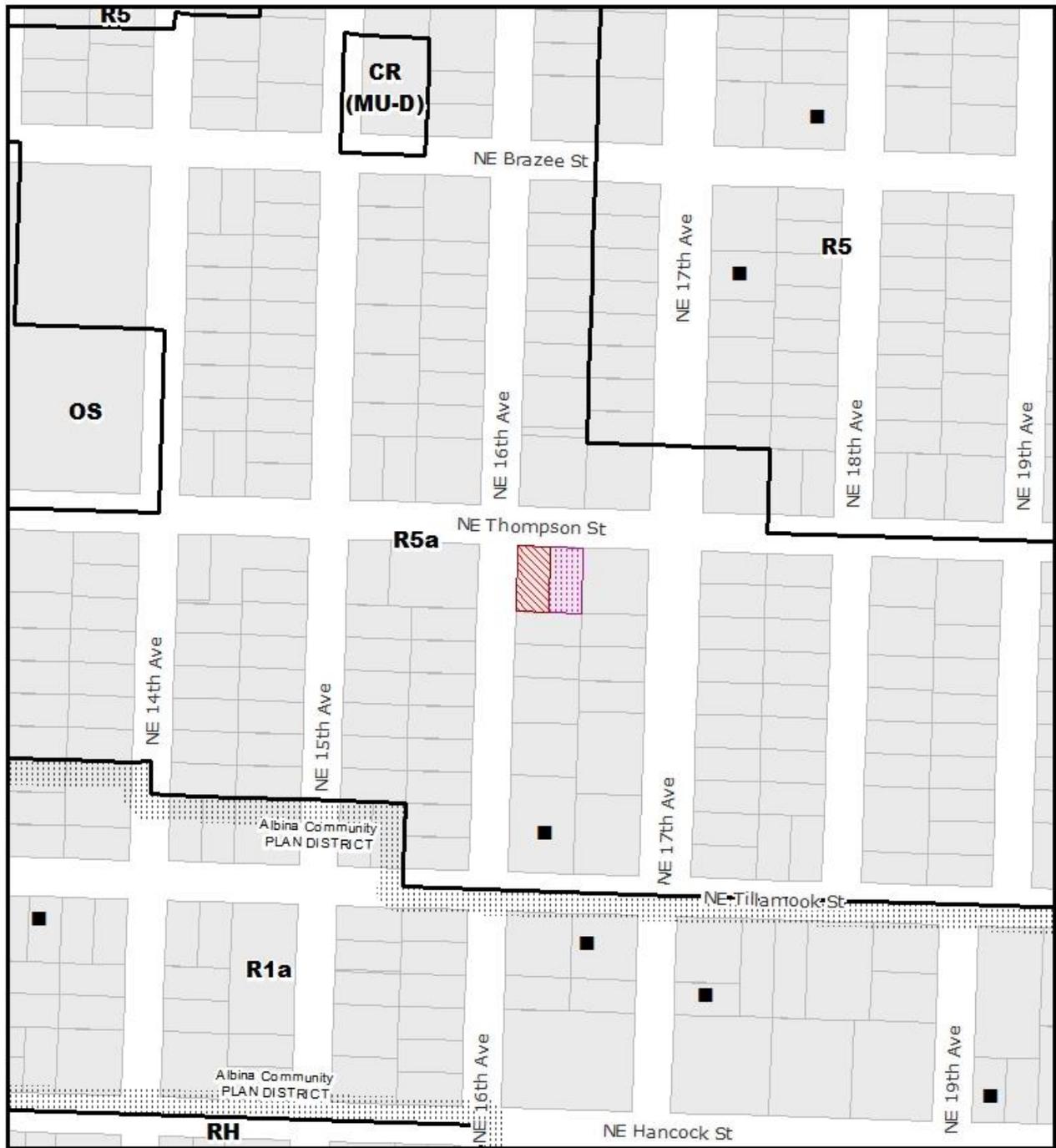
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Written Narrative
  - 2. Site photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Front Elevation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Site Development Review Section of BDS
- F. Correspondence:
  - 1. Dean Gisvold, January 28, 2019, The ICA does not object to the proposal.
- G. Other:
  - 1. Original LU Application

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

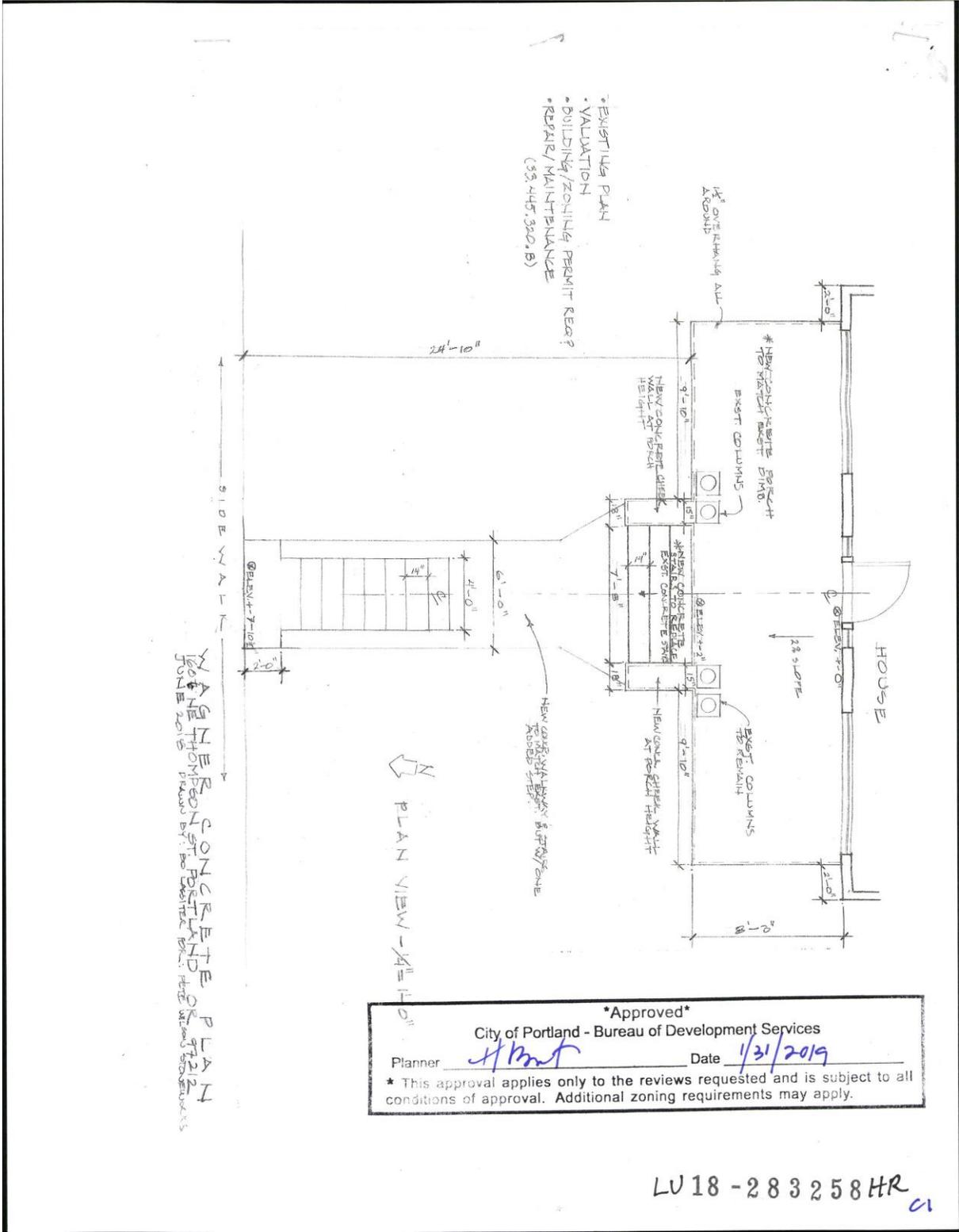


**ZONING**   
NORTH

THIS SITE LIES WITHIN THE:  
IRVINGTON HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Conservation Landmarks
-  Historic Landmark

File No.	LU 18-283258 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DB 15700
Exhibit	B Dec 31, 2018



WALK-UP CONCRETE PORCH PLAN  
 JUNE 2015 FROM BLDG DEPT. FILE NO. 18-283258

\*Approved\*

City of Portland - Bureau of Development Services

Planner H/mt Date 1/31/2019

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 18 - 283 258 HR <sub>ci</sub>