



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

Carmen Rubio, Commissioner  
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**Date:** June 07, 2023  
**To:** Interested Person  
**From:** Arthur Graves, Land Use Services  
503.865.6517 | [Arthur.Graves@portlandoregon.gov](mailto:Arthur.Graves@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has a 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 23-033403 HR: DRIVEWAY ADDITION**

### **GENERAL INFORMATION**

**Applicant:** Nicholas Hoch | Hoch Design Workshop  
4318 SE Taggart St. | Portland, OR 97206  
260.433.6040 | [nickh@hochdesignworkshop.com](mailto:nickh@hochdesignworkshop.com)

**Applicant:** Andrew Littleton | Hoch Design Workshop  
4318 SE Taggart St. | Portland, OR 97206  
206.604.7226 | [andrew@ttlstudio.com](mailto:andrew@ttlstudio.com)

**Owner:** Nicholas Chope  
2207 NE 9th Ave | Portland, OR 97212  
503.730.2302 | [nickchope@gmail.com](mailto:nickchope@gmail.com)

**Site Address:** 2207 NE 9<sup>th</sup> Avenue

**Legal Description:** BLOCK 106 LOT 5 HISTORIC PROPERTY, POTENTIAL ADDITIONAL TAX, WEST IRVINGTON

**Tax Account No.:** R893602090

**State ID No.:** 1N1E26CB 13200

**Quarter Section:** 2831

**Neighborhood:** Irvington, contact Tony Greiner at [tony\\_greiner@hotmail.com](mailto:tony_greiner@hotmail.com)

**Business District:** Soul District Business Association, contact at [Info@nnebaportland.org](mailto:Info@nnebaportland.org)

**District Coalition:** Northeast Coalition of Neighborhoods, contact at [info@necoalition.org](mailto:info@necoalition.org)

**Plan District:** None

**Other Designations:** Contributing Resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

**Zoning:** R5: Residential 5,000 with Historic Resource 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 approval for alterations to the site of the 1903 contributing resource, historically known as the Frederick Krueger house, on the 5,000 square foot lot located in the SW quadrant of the Irvington Historic District.

Proposed alterations include the installation of new driveway at the southeast corner of the property. The proposed driveway includes two 3-foot-wide concrete strips, separated by a 3-foot wide strip of turf, approximately 45-feet in length. Two 3.5-foot tall (from top of wall to the bottom of footing) x 6-inch wide retaining walls are proposed immediately north and south of the proposed driveway. Approximately 225 feet of additional concrete is proposed for pedestrian walkways to the house, adjacent to the driveway.

Historic Resource Review is required for proposals including non-exempt exterior alterations on a resource in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- 33.846.060 Other Approval Criteria

**ANALYSIS****Site and Vicinity:**

The subject property, an Irvington Four-Square, was constructed in 1903 and has been evaluated as a contributing resource in the Irvington Historic District. Development of the neighborhood spread slowly from the southwest corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. The district comprises an eclectic assortment of late 19<sup>th</sup> and early 20<sup>th</sup> century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

The site is located on a block bound by NE 9<sup>th</sup> Avenue, NE 8<sup>th</sup> Avenue, NE Thompson Street, and NE Tillamook Street. According to the Transportation System Plan (TSP), the site is immediately surrounded by local service transit streets. Major transit priority streets in proximity to the site include Martin Luther King Jr Boulevard to the west and NE Broadway and NE Weidler Streets to the south. These same streets provide bus transit service for the site. NE 9<sup>th</sup> Ave is designated as a City Bikeway.

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 zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Generally, minimum lot size is 3,000 square feet with minimum width and depth dimensions of 36 and 50 feet, respectively, and a maximum density of 1 lot per 5,000 square feet of site area. For attached houses, minimum lot size is 1,500 square feet with minimum width and depth dimensions of 15 and 50 feet, respectively, and a maximum density of 1 lot per 1,500 square feet of site area.

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.

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

- LU 17-245834 HR: Approval of alterations including the replacement of existing front porch steps due to rot and addition of a 2-tiered pony wall structure, sided and painted to match the house. New stairs will feature a decorative molding under each tread. A simple metal railing will be added to meet current building code.
- LU 15-188921 HR: Approval to remove an existing window and two doors at the south-west corner of the contributing resource to be replaced with period appropriate matching salvage oak doors on the south and west elevations.
- LU 14-224920 HR: Approval for exterior alterations to north, east and west elevations.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **May 15, 2023**.

1. Portland Bureau of Transportation: Robert Haley, May 12, 2023. With no concerns. (Exhibit E-1).
2. Bureau of Development Services Site Development: Jason Butler-Brown, May 15, 2023. With no concerns. (Exhibit E-2).
3. Bureau of Development Services Life Safety/Building Code Section: Ayush Vaidya, May 22, 2023. With no objections to the proposal, and with the following comment (Exhibit E-3).  
*Life Safety Plan Review does not object to the approval of this proposal. Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes.*
4. Fire Bureau: Dawn Krantz, May 24, 2023. With no concerns. (Exhibit E-4).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 15, 2023**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Tony Greiner, on behalf of the Irvington Neighborhood Association (ICA): May 29, 2023 - with no objections to the submittal. Exhibit F-1.

## **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.
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.
3. **Historic changes.** Most resources change over time. Those changes that have acquired historic significance will be preserved.
4. **Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the 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.
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 1, 2, 3, 4, and 5:**

The proposed driveway and concrete walkway addition do not impact the historic character of the existing contributing house. Proposed driveways addition and related concrete work are to the south-east corner of the site and although adjacent to the resource they are not connected to or touch the resource – a 6-inch gravel strip is proposed between the house and the proposed concrete work.). In addition, other than portions of the retaining wall adjacent to the sidewalk, the proposed driveway addition and related concrete alterations are at grade and so visually minimal in respect to the contributing resource.

No changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings are proposed. No changes that have acquired historic significance will be affected. No historic features are proposed to be removed with the driveway and ancillary concrete work installation. Historic materials will not be impacted – as mentioned, the additional concrete walkways will be offset 6” from the contributing resource - chemical or

physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

*Therefore, these criteria are met.*

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

**Findings:**

No ground disturbance is proposed on soils that have not been previously disturbed.

*Therefore, this criteria 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.
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 for 7, 8, 9, and 10:**

The proposed driveway and concrete walkway addition are predominantly at grade and will not compete with scale and mass of the 2.5 story contributing building. Proposed retaining walls are a maximum of 3.5-feet in height (measured from bottom of footing to top of wall) and transition to be flush with grade as the driveway grade increases slightly from the sidewalk.

Proposed concrete is utilitarian and ubiquitous throughout the historic district as a driveway, front step, and pathway material. Proposed new concrete-work will clearly read as new but will quickly patina with wear and weatherization. Because of the 6-inch separation from the contributing resource all proposed concrete work could be removed in the future with no impact to the form and integrity of the historic resource.

Collectively, the proposed driveway and concrete walkway addition is a design and material consistent and compatible primarily with the contributing resource, neighboring contributing resources (within 200 feet) and, finally, with the rest of the district.

*Therefore, these criteria 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 meets the applicable Historic Resource Review approval criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of proposed driveway, concrete walkways, and concrete retaining wall, per the approved site plans, Exhibit C-1, signed and dated June 05, 2023, 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 23-033403 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: Arthur Graves**



**Decision rendered by:** \_\_\_\_\_ **June 05, 2023.**

By authority of the Director of the Bureau of Development Services

**Decision mailed June 07, 2023.**

**Procedural Information.** The application for this land use review was submitted on April 19, 2023 and was determined to be complete on May 10, 2023.

*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 19, 2023.

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: September 07, 2023.**

**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 **June 07, 2023** 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 Submittal
  1. Initial Submittal: April 14, 2023
  2. Revised Drawings: May 10, 2023
  3. Revised Drawings: May 23, 2023
  4. Revised Drawings: June 05, 2023
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Plan and East Elevation
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Portland Bureau of Transportation: Robert Haley, May 12, 2023
  2. Bureau of Development Services Site Development: Jason Butler-Brown, May 15, 2023
  3. Bureau of Development Services Life Safety/Building Code Section: Ayush Vaidya, May 22, 2023
  4. Fire Bureau: Dawn Krantz, May 24, 2023
- F. Correspondence:
  1. Irvington Community Association, Tony Greiner, Chair of Land Use Committee: May 29, 2023.
- G. Other:
  1. Original LU Application
  2. Incomplete Letter: May 02, 2023
  3. Historic information

**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).**