



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 31, 2014  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Chris.Caruso@portlandoregon.gov](mailto:Chris.Caruso@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 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 14-110816 HR**

#### **REAR PORCH ADDITION & WINDOW ALTERATIONS**

#### **GENERAL INFORMATION**

**Applicant:** Laura Migliori/Laura Migliori Architect  
812 NW 17th Avenue/Portland, OR 97209

**Owners:** Michael & Marla Flynn  
1730 NE Thompson St / Portland, OR 97212-4208

**Site Address:** 1730 NE THOMPSON ST

**Legal Description:** BLOCK 49 LOT 1, IRVINGTON / **Tax Account No.:** R420410660  
**State ID No.:** 1N1E26DB 12600 **Quarter Section:** 2831  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.  
**Other Designations:** Contributing resource within the Irvington Historic District which was listed in the National Register of Historic Places on October 22, 2012.

**Zoning:** R5a – Single Dwelling Zone with Alternative Design Density and Historic Resource overlays

**Case Type:** HR – Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

#### **Proposal:**

The applicant seeks historic design review approval for alterations to the rear and side of the 1922 bungalow-style house which is a contributing resource in the Irvington Historic District. The alterations proposed include:

- New gable roof with composite shingles to match the existing house, over a portion of the existing kitchen, nook and pantry area that will allow raising the internal ceiling height;
- Extending the new roof to cover a new side porch with round columns, exposed wood rafters and wood plank ceiling, a concrete foundation, wood eave and rake trim, wood stair risers, and wood railings;
- Option A for composite wood flooring and stair treads at the porch;

- Option B for concrete flooring and stairs at the porch;
- One new half-lite wood door with new wood trim in the existing west façade opening onto the new porch; and
- All new elements will be painted to match the house.

Exterior renovations to existing buildings in historic districts require historic resource review.

**Relevant Approval Criteria:**

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

- 33.846 Historic Resource Reviews
- 33.846.060.G Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The subject resource, identified in the National Register documentation as a bungalow-style house, was built in 1922. The original house did include the below-grade garage but the side porch and extension of the sloping roof was added at some point in time. This area was finally enclosed at an even later date to serve as a kitchen nook, pantry, and bedroom closet. The site is a standard 5,000 SF residential corner lot with the front of the house with garage and kitchen nook facing NE Thompson and one side facing NE 18<sup>th</sup> Avenue. The Portland Transportation System Plan designates both NE Thompson Street and NE 18<sup>th</sup> Avenue as Local Service Walkways and Local Service Bikeways. There are no Transit or Traffic designations for either street and the site is not within a Pedestrian 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 after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The 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 Alternative Design Density "a" overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to

allow increased density for development that meets additional design compatibility requirements.

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 **February 20, 2014**. The following Bureaus have responded with no issues or concerns. Only agencies with Exhibits listed after them provided written responses:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Fire Bureau
- Site Development Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Life Safety Review Section of BDS (Exhibit E-3)
- Bureau of Parks-Forestry Division (Exhibit E-4)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 20, 2014. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal:

1. Bruce Hazen & Jennifer Shirley, February 21, 2014. Support the modifications to the house and believe that the appearance of the western view will be improved and that the changes are in keeping with the style of the home.
2. Dean Gisvold, March 14, 2014. The Irvington Land Use Committee reviewed the proposal and would like two changes to the proposal – match the round shape of the new side porch columns to the round shape of the front porch columns; add a trim moulding piece along the edge of the roofing around the porch to match the rest of the house.

*Staff Response: The applicant has changed the column shape to be round like the front porch columns and they have included an additional trim piece around the roof line that is as close a match as can be found in today's manufactured trim profiles.*

## **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.

**Findings:** While the Irvington Historic District is the designated resource, the contributing house is also considered a resource within the larger Historic District ensemble. The existing extended roof line and eave at the old side porch will be retained so that the historic form of the roof line remains intact. The existing door opening on the enclosed former side porch will be fitted with a new wood door and wood trim to match the house. The new gable roof and side porch addition will not obscure views of the original front façade and will allow the old walls and windows of the enclosed side porch to remain visible from the street. All new material will match existing material on the house in detail and finish, allowing the addition to be complimentary to the style of the existing house. *This criterion is therefore met.*

**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.

**Findings:** The proposed alterations and additions do not affect the resource's physical record of its time, place and use as it will remain a single-family home in the bungalow style. The footprint, roof line, and window, and wall locations of the old enclosed side porch will not be altered, so this portion of the house will remain a record of its development over time. The new side porch door and the new gable-roofed side porch will compliment existing details on the house and are not conjectural additions of elements from other buildings. *This criterion is therefore met.*

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

**Findings:** The side porch and sloping roof was added to the house after it was built and was eventually enclosed later on. The existing walls, roof line, windows and door opening, as well as the majority of finish materials are being retained. This will allow the front view of the house to maintain its overall historic character as seen from the street. *The criterion is therefore 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.

**Findings:** There are no deteriorated historic features being removed with this proposal and there are no missing features being replaced. *This criterion is not applicable.*

**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:** No chemical or physical treatments are proposed. *This criterion is not applicable.*

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

**Findings:** The proposed area of ground disturbance has previously been disturbed by the original construction of the house and enclosed side porch. No new resources are expected to be found on this site. *This criterion is therefore 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.

**Findings:** Proposed new materials will match existing materials in profile and finish but will be fabricated out of new material, giving them a less weathered appearance. This will help differentiate them from older elements on the building. The house will still be recognizable as an early 20<sup>th</sup> Century bungalow with the proposed side porch addition. *This criterion is therefore met.*

**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.

**Findings:** The new side door, concrete foundation walls, and roof shingles will match existing features on the house in location and detailing. The new side porch with its round columns and wood railings will also be complementary to the bungalow style of the house by using similar detailing and materials already present on the building. The height and shape of the gable roof form matches the height and slope of an existing gabled bay window projection on the front façade, allowing the proposed side porch and new roof over the kitchen to fit the scale of the house. The gable is pulled in 2 feet from the outside edge of the front roof line so that this low sloping roof line can remain a distinctive feature of the house, particularly as visible from the adjacent streets. *This criterion is therefore met.*

**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.

**Findings:** If removed in the future, the old enclosed side porch walls, windows, door opening, trim elements, and sloping front façade roof line would remain in place and the area of roof that holds the gable could be repaired. The ease of reverting back to an earlier form means that the essential form and integrity of the contributing house and its environment are unimpaired by this addition. *This criterion is therefore met.*

**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:** The proposed alterations and addition will have no adverse effect on the designated resource, which is both the house as well as the Irvington Historic District, due to the replication of a gable shape and finish details present around the building as well as due to its location on the side of the house, pulled back from the front façade roof line. This allows the old enclosed side porch walls, windows, and door opening to remain intact while also not obscuring original features of the front facade. Proposed new materials will match the existing in form, type, and finish. The new door, trim, round columns, porch rafters and ceiling, composite wood or concrete porch floor, steps and railings are all compatible with the original resource, with adjacent residential

properties, and with the rest of the Historic District by matching typical historic profiles, finish treatments, and materials for this 1922 bungalow-style house. *This criterion is therefore met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed alterations to the front and sides of the house do not compromise the character of the Irvington Historic District or the house itself. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of historic design review for alterations to the rear and side of the 1922 bungalow-style house which is a contributing resource in the Irvington Historic District that include the following:

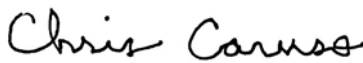
- New gable roof with composite shingles to match the existing house, over a portion of the existing kitchen, nook, pantry, and bedroom closet area;
- Extending the new roof to cover a new side porch with round columns, exposed wood rafters and wood plank ceiling, a concrete foundation, wood eave and rake trim, wood stair risers, and wood railings;
- Option A for composite wood flooring and stair treads at the porch;
- Option B for concrete flooring and stairs at the porch;
- One new half-lite wood door with new wood trim in the existing west façade that opens onto the new side porch; and
- All new wood elements will be painted to match the house, and all new trim elements will match existing features on the house.

Approved per the approved site plans Exhibits C-1 through C-13 signed and dated March 20, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.13. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-110816 HR. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**



**on March 20, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 31, 2014**

**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 January 28, 2014, and was determined to be complete on February 13, 2014.

*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 January 28, 2014.

*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: June 14, 2014.**

**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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 14, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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).

**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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 15, 2014**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
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 Information
  1. Historic Resource Review Narrative
  2. Letters of Support
- B. Zoning Map (attached)



C. Plans/Drawings:

1. Site Plan (attached)
2. Existing First Floor Plan
3. Existing Elevations
4. North Elevation (attached)
5. South Elevation
6. West Elevation (attached)
7. Porch & Post Details
8. Roof Section at Ridge/King Post
9. Partial First Floor Plan (attached)
10. Window and Door Details
11. Exterior Door Information
12. Column Information
13. Composite Decking Information

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Site Development Section of BDS
2. Water Bureau
3. Life Safety Review Section of BDS
4. Bureau of Parks, Forestry Division

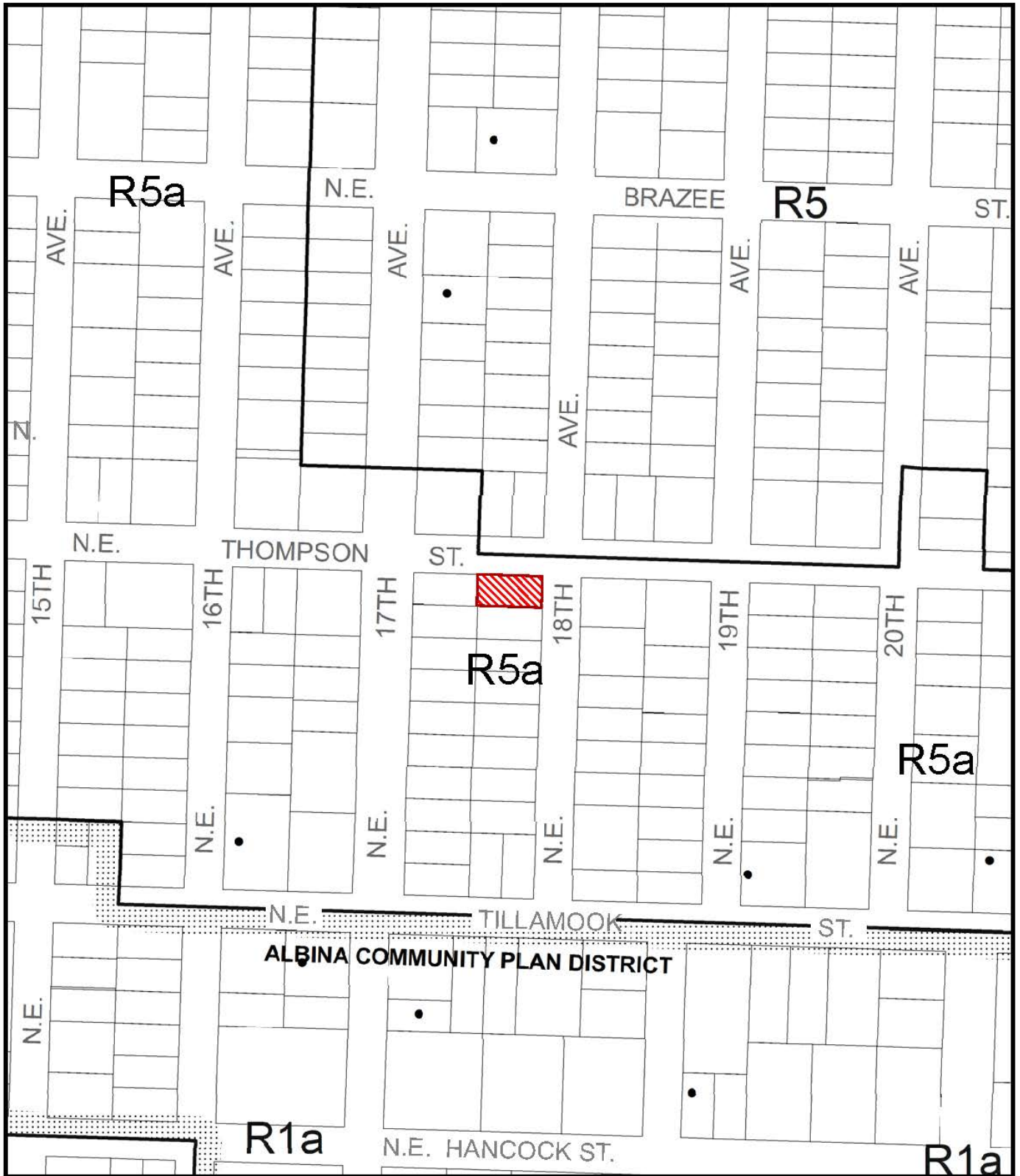
F. Correspondence:

1. Bruce Hazen & Jennifer Shirley, February 21, 2014, in support.
2. Dean Gisvold, Irvington Land Use Chair, March 14, 2014, two concerns listed.

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).**



# ZONING



Site



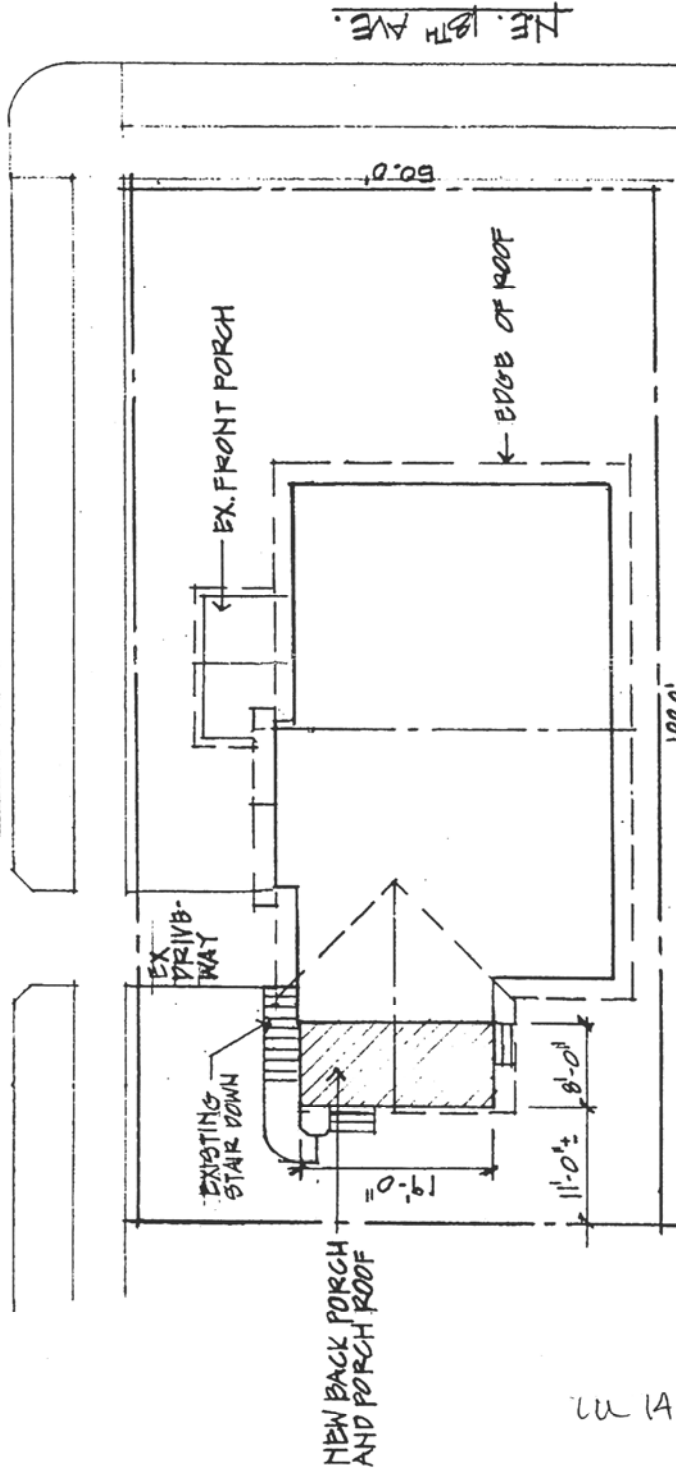
Historic Landmark



This site lies within the:  
**IRVINGTON HISTORIC DISTRICT**

File No. LU 14-110816 HR  
 1/4 Section 2832  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26DB 12600  
 Exhibit B (Jan 30, 2014)

N.E. THOMPSON ST.



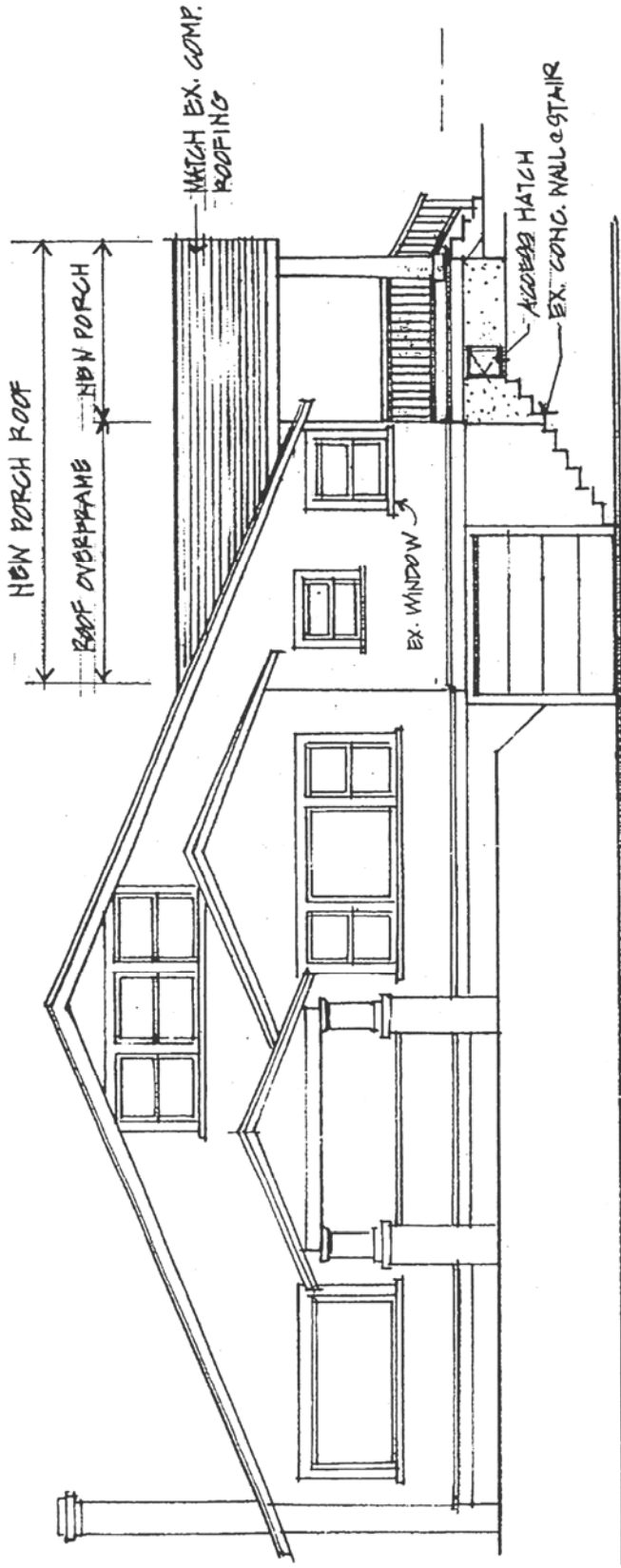
SITE PLAN

X16=1'-0"

FLYNN RESIDENCE · 1730 N.E. THOMPSON

LU 1A-110816 IR  
EX. C-1

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner: CC  
 Date: 3/29/14  
 This work is for the project listed on the permit and is not to be used for any other project without the written consent of the City of Portland.  
 Add: Special Permit Fee: \$1,000.00



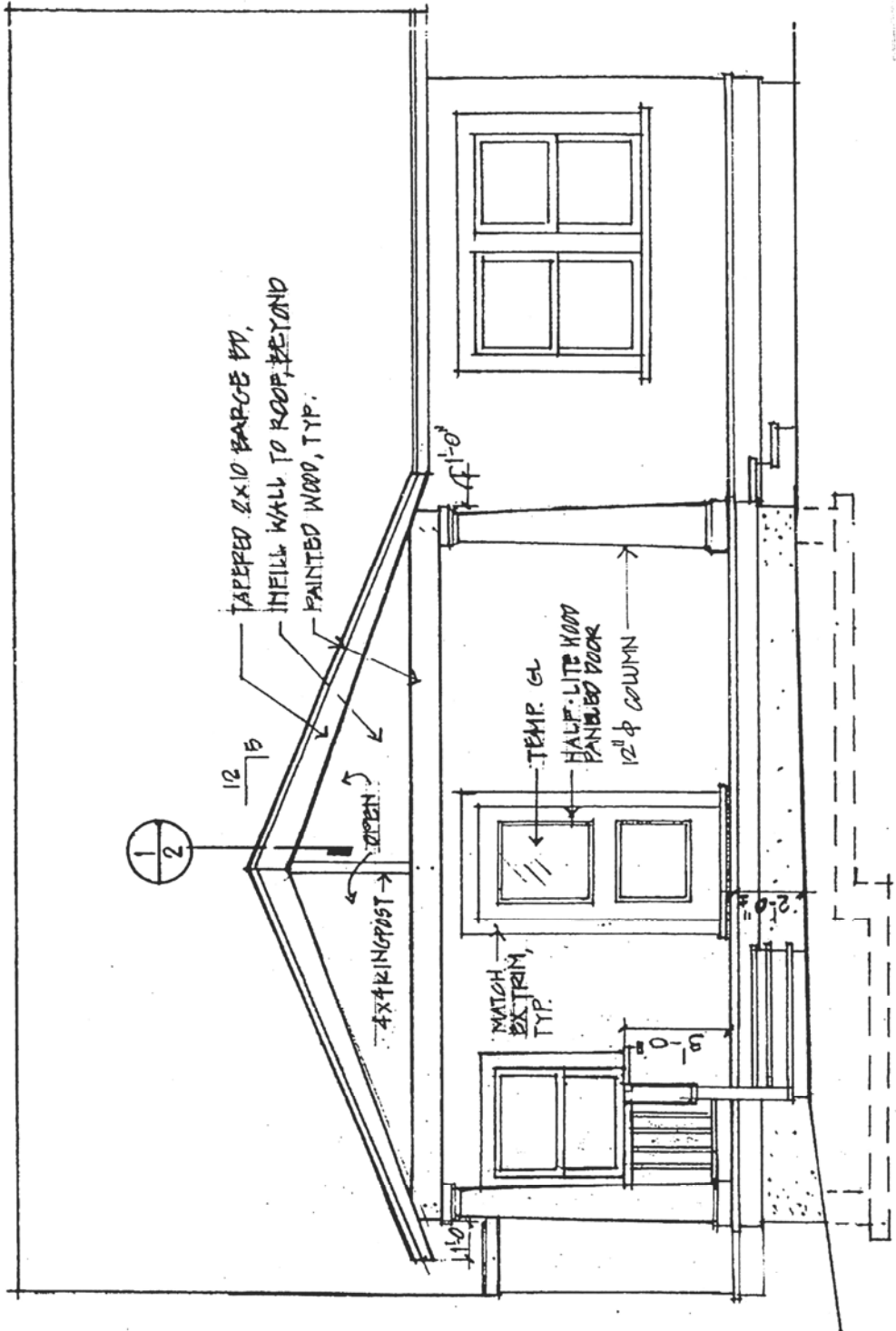
NORTH ELEVATION

1/8" = 1'-0"

NOTE: ALL SIDING PATCHES AND NEW TRIM TO MATCH EX. MATERIAL, PROFILE & COLOR

Approved  
 City of Portland  
 Bureau of Development Services  
 Planner C. C.  
 Date 3/20/14  
 \* This approval is valid only to the extent that the applicant complies with the conditions of this permit.  
 Additional zoning requirements may apply.

EXH. C-4



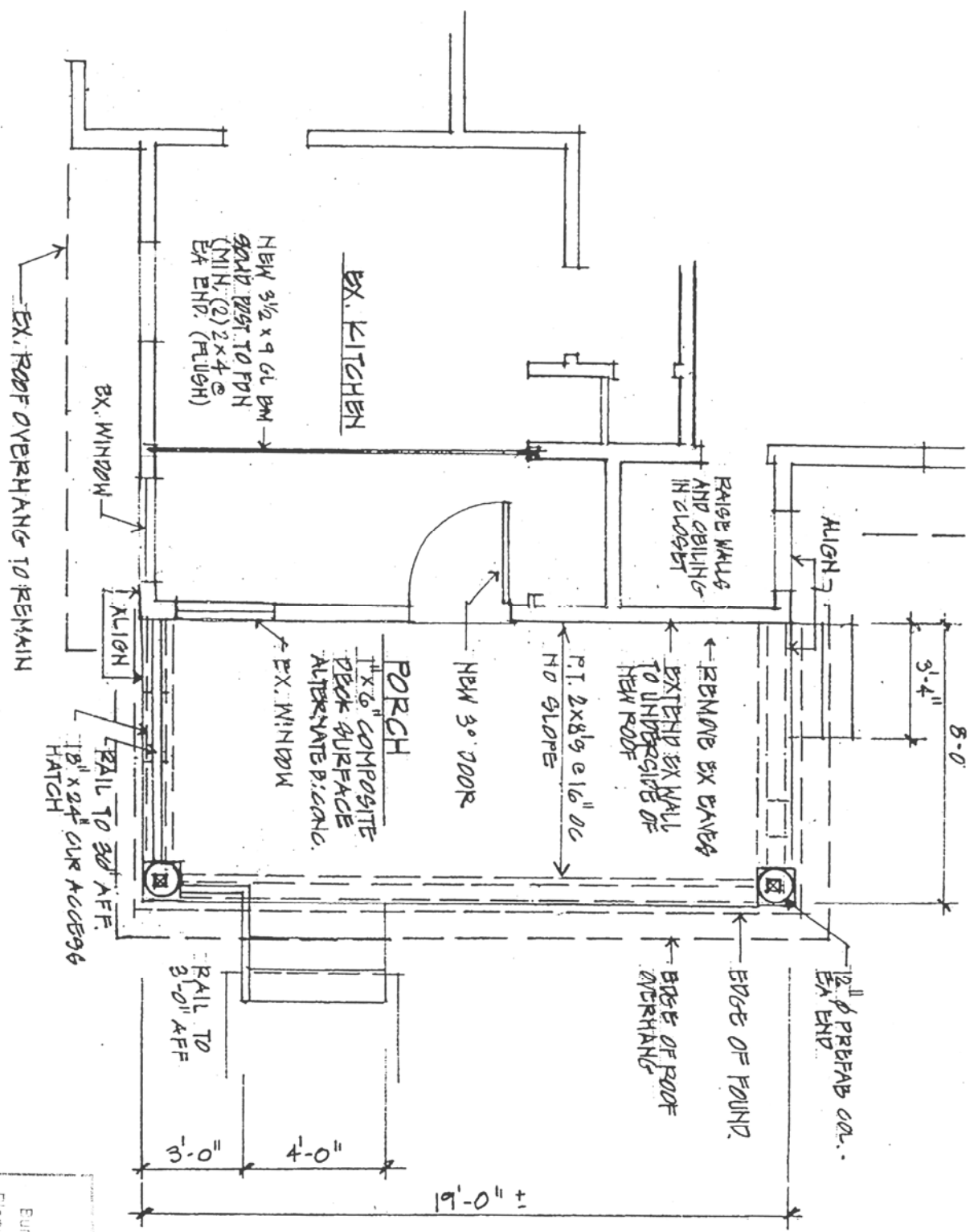
WEST ELEVATION  
 1/4" = 1'-0"

Approved  
 City of Portland  
 Bureau of Development Services  
 Planner: *C.C.*  
 Date: 3/29/14  
 \* This approval is only valid if the applicant has submitted all required information and is subject to all applicable zoning requirements.

EXH. C-6

1/4" = 1'-0"

# PARTIAL FIRST FLOOR PLAN



EXH C-9

\*Approved\*  
City of Portland  
Bureau of Development Services

Planner *[Signature]*

Date 3/29/14

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