



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** December 1, 2016  
**To:** Interested Person  
**From:** Mike Gushard, Land Use Services  
503-823-5091 / [Mike.Gushard@portlandoregon.gov](mailto:Mike.Gushard@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 16-232793 HR – ADDITION TO REAR OF NON-CONTRIBUTING PROPERTY.**

#### **GENERAL INFORMATION**

**Applicant:** Justin Machus, Owner  
3118 NE 7th Ave  
Portland, OR 97212

Taka Nakagawa, Contractor  
The Sakura Group  
1020 SE 7th Ave, Suite 15235  
Portland, OR 97214

Robert Saladoff, Architect  
3435 NE 45th  
Portland OR 97213

**Site Address:** 3118 NE 7TH AVE

**Legal Description:** BLOCK 114 LOT 12, IRVINGTON  
**Tax Account No.:** R420424970  
**State ID No.:** 1N1E26BB 11600  
**Quarter Section:** 2731

**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact at [chair@nnebaportland.org](mailto:chair@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

**Other Designations:** Non-Contributing Resource – Irvington Historic District

**Zoning:** R5 – Residential 5,000

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

**Proposal:**

The proposal includes the construction of a new 488 sqft addition to the rear of a non-contributing property in the Irvington Historic District. The proposed addition is a long volume reaching east and emanating from the south-east corner of the existing house on the property. The proposed addition has a notch in its center around a very large existing tree. The addition would have wood windows and be clad in fiber cement shingles like those on the existing volume of the house. The project requires historic resource review because the alterations are not exempt and the site is within the Irvington Historic District per section 33.445.320(a) of the Portland Zoning Code.

**Relevant Approval Criteria:**

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

- Portland Zoning Code Chapter  
33.846.060G – Historic Resource  
Review

## ANALYSIS

**Site and Vicinity:** The subject property is a single-story midcentury ranch house. It is clad with fiber cement shingles and has vinyl windows. Both of these materials are not original. At the rear of the property there is a large western red cedar (*Thuja plicata*) tree. The house is not a contributing resource to the Irvington Historic District but requires historic resource review because it is within the bounds of the 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 nonresidential 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 northsouth 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 single-dwelling zones, including R5, are 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. 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 **October 19, 2016**.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Devel The Bureau of Transportation Engineering

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 19, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold: Wrote on behalf of the Irvington Community Association Land Use Committee on November 9, 2016 with 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 a 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. Central City and Lloyd District Guidelines are addressed concurrently.*

### **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.
- 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.
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.
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 1-10:** The house was constructed outside of the Irvington Historic District's period of significance. For this reason, it does not contribute to the district. While it does not possess the historic significance, design and materials to be a contributing property, projects that impact this property could have impacts to the historic district. Historic resource review ensures that these impacts do not adversely effect the historic character of the Irvington neighborhood. The long, sprawling addition is differentiated from the rest of the district yet compatible with the ranch style of the existing house. The addition does not impact the district because it is minimally visible from the right-of-way and compatible within the context of the existing house. The proposed fiber cement shingles already exist as the primary cladding material on the house. While this material is generally not an approved option in Irvington, it is compatible with the existing volume. The proposed windows are wood which is compatible with the district. The impacts to the form and integrity of the historic district are minimal and leave the streetscape as a record of its time. No major sub-surface impacts are proposed and this disturbance of archaeological material is unlikely. *For these reasons, the proposal meets the criteria.*

## 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.

This proposal includes a tree plan from an arborist for the performance path of Title 11.60.030

## 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

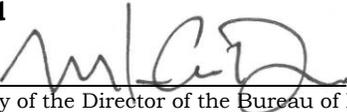
convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of rear addition to a non contributing resource in the Irvington District per the approved site plans, Exhibits C-1 through C-12, signed and dated November 28, 2016, 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.12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-232793 HR . No field changes allowed."

**Staff Planner: Mike Gushard**

**Decision rendered by:**  **on November 28, 2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: December 1, 2016**

**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 August 29, 2016, and was determined to be complete on October 11, 2016.

*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 August 29, 2016.

*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: February 8, 2016**

**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 December 15, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **December 16, 2016**
- 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 Statement
  - 1. Narrative
  - 2. Revised Narrative including tree plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Title Page
  - 2. Renderings
  - 3. Existing Site Plan
  - 4. Proposed Site Plan (attached)
  - 5. Proposed Site Plan Details
  - 6. West and North Elevation
  - 7. East Elevation and Sections
  - 8. South Elevation
  - 9. Building Sections
  - 10. Window Specifications
  - 11. Cladding Specifications
  - 12. Cladding Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 7. Life Safety Sections of BDS
- F. Correspondence:

Use this format.

  - 1. Dean Gisvold, Wrote on behalf of the Irvington Community Association Land Use Committee on November 9, 2016 with no objection 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).**



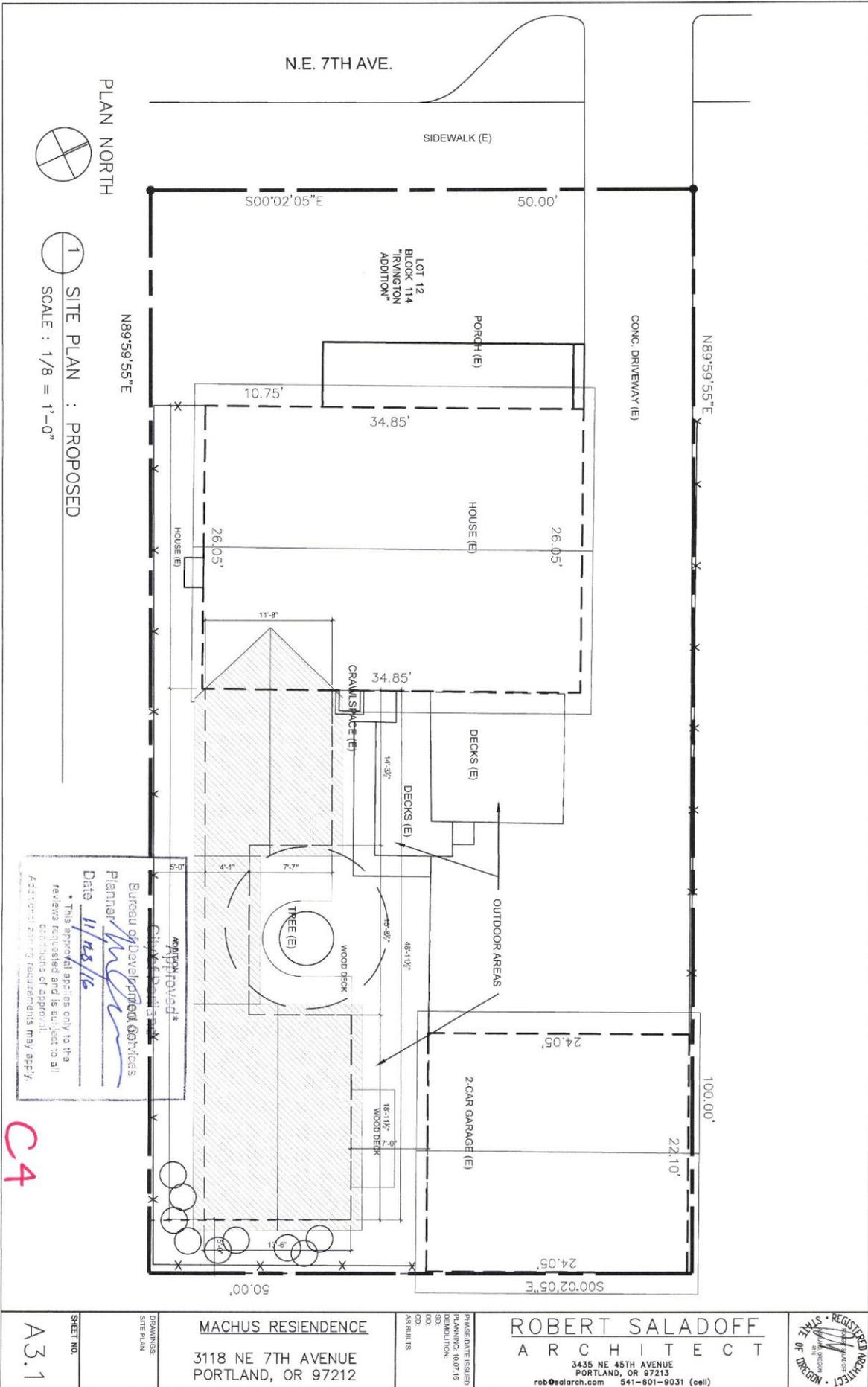
# ZONING

-  Site
- Historic Landmark



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 16-232793 HR  
 1/4 Section 2731  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26BB 11600  
 Exhibit B (Aug 31, 2016)



PLAN NORTH

1 SITE PLAN : PROPOSED  
SCALE : 1/8" = 1'-0"

Approved  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date 11/28/16  
\* This approval applies only to the  
reviews requested and is subject to all  
conditions of approval.  
Additional zoning requirements may apply.

C4

SHEET NO.  
A3.1

DRAWINGS  
SITE PLAN  
MACHUS RESIDENCE  
3118 NE 7TH AVENUE  
PORTLAND, OR 97212

PROJECT: MACHUS RESIDENCE  
DRAWING NO: 160716  
DATE: 11/28/16  
SHEET NO.:  
CD  
AS BUILT:

ROBERT SALADOFF  
ARCHITECT  
3435 NE 45TH AVENUE  
PORTLAND, OR 97215  
rob@salarch.com 541-601-9031 (cell)

