



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 16, 2020  
**To:** Interested Person  
**From:** Benjamin Nielsen, Land Use Services  
503-823-7812 / [Benjamin.Nielsen@portlandoregon.gov](mailto:Benjamin.Nielsen@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 20-143024 HR – RE-SIDING EXISTING TRIPLEX**

**GENERAL INFORMATION**

**Applicant/ Representative:** Michael Efimov, Accountable Siding LLC  
20837 Yukon St NE, Aurora, OR 97002  
(503) 989-8652, [michaelaccsiding@outlook.com](mailto:michaelaccsiding@outlook.com)

**Owners:** Judith & Larry Beck  
2414 SE Brooklyn St, Portland, OR 97202-2138

**Contractor:** Kyle Kulikov, Accountable Siding LLC  
20837 Yukon St NE, Aurora, OR 97002

**Site Address:** 1924 NE 8TH AVE

**Legal Description:** BLOCK 270 FRACTIONAL LOT 1 LOT 2, HOLLADAYS ADD  
**Tax Account No.:** R396219840  
**State ID No.:** 1N1E26CC 00600  
**Quarter Section:** 2831

**Neighborhood:** Irvington, contact Dean Gisvold at [deang@mcewengisvold.com](mailto:deang@mcewengisvold.com).  
**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at [jessica@necoalition.org](mailto:jessica@necoalition.org)

**Plan District:** Albina Community  
**Other Designations:** Non-contributing structure in the Irvington Historic District

**Zoning:** RM2 – Residential Multi-dwelling 2 with Historic Resource Protection Overlay

**Case Type:** HR – Historic Resource Review

**Procedure:** Type II – an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant requests Historic Resource Review approval to replace existing T1-11 plywood siding and wood trim around the windows and doors, all of which has decayed, with new fiber cement lap siding and 5/4 x 4 fiber cement trim. The existing windows, doors, and shutters will remain.

Historic Resource Review approval is required for non-exempt exterior alterations in Historic Districts.

**Relevant Approval Criteria:**

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

- PZC 33.846.060.G, Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The existing structure is a noncontributing, two-story triplex structure in the Irvington Historic District. Its front elevation is set back over 40 feet from the street lot line behind a small parking lot, and the elevation is almost entirely blank, with the exception of two residential windows on the second floor, each with shutters on either side. Entry to the three units is provided from the south elevation of the building, and private exterior space is located on the north side of the building. City permitting records indicate that the building was built circa 1975. The site lies in the southwestern corner of the Irvington Historic District. Contributing historic structures lie adjacent to the site's north and east, while a larger noncontributing multi-dwelling structure abuts the south side of the site.

**Zoning:** The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.

The Historic Resource Protection overlay 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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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.

These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**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 . The following Bureaus have responded with no issues or concerns:

- Portland Fire Bureau

The Life Safety Review Section of BDS responded with general life safety comments. Please see Exhibit E.1 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 20, 2020. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Dean P. Gisvold, 1600 Standard Plaza, 1100 SW Sixth Ave, Portland, OR 97204, 05/23/2020. Letter noting lack of good drawings and asking questions about materials and details. See Exhibit F.1.
- 2) Dean P. Gisvold, 1600 Standard Plaza, 1100 SW Sixth Ave, Portland, OR 97204, 06/10/2020. Letter stating that proposed cladding material should be 5/8” Hardie cement lap siding rather than proposed Hardie fiber cement lap siding, which has no thickness specified. See Exhibit F.2.

*Staff response:* Staff agrees that 5/8” thick fiber cement siding is needed rather than the thinner fiber cement lap siding products that are often used to better complement the character of the historic district, as noted in Findings for Criteria 8 & 10, below. A condition of approval (D) has been added to the administrative decision.

## 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 – 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.

**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.

**Findings for 1, 3, 4, & 5:** The existing building is a noncontributing building within the Irvington Historic District and has no identified historic character or materials.

*Therefore, these criteria do not apply.*

**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 existing building has no identified historic character or features. The proposed recladding with fiber cement lap siding will not create a false sense of historic development on the site. No conjectural features or architectural elements from other buildings are proposed.

*Therefore, this criterion is 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:** The proposal, which consists of only exterior alterations to the existing building, is unlikely to disturb any archeological resources on the site.

*Therefore, this criterion is 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 exterior alterations will not destroy historic materials that characterize the existing building.

*Therefore, this criterion is 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.

**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 8 & 10:** The proposed replacement cladding material—fiber cement lap siding of unspecified thickness—along with new fiber cement trim around windows and doors will be compatible with the existing, relatively simple design of the building and its exterior. However, in order to improve the noncontributing building's historic

compatibility with adjacent historic structures and with the district as a whole, the proposed siding should show deeper reveals between boards, creating stronger shadow lines that are characteristic of historic wood lap siding materials that are prevalent in the Irvington Historic District. The Historic Landmarks Commission has in similar cases found that Hardie Artisan fiber cement lap siding better emulates historic wood lap siding, due to its greater thickness at 5/8", and due to its increased density, which results in greater structural integrity in the material itself. As such, a condition of approval requiring that the proposed cladding material be a 5/8" Hardie Artisan fiber cement lap siding, or fiber cement lap siding with similar characteristics, is needed to meet Criterion 10.

*With the condition of approval that the proposed cladding material shall consist of 5/8" thick Hardie Artisan fiber cement lap siding, or a fiber cement siding with similar characteristics to it, these criteria will be 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:** No new additions or adjacent or related new construction are proposed.

*Therefore, this criterion does not apply.*

## **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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

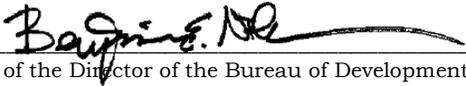
## **ADMINISTRATIVE DECISION**

Approval to replace existing T1-11 plywood siding and wood trim around the windows and doors, all of which has decayed, with new fiber cement lap siding and 5/4 x 4 fiber cement trim, per the approved site plans, Exhibits C.1 through C.3, signed and dated June 11, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 20-143024 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.
- D. The proposed cladding material shall consist of 5/8” thick Hardie Artisan fiber cement lap siding, or a fiber cement siding with similar characteristics to it.

**Staff Planner: Benjamin Nielsen**

**Decision rendered by:**  **on June 11, 2020.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: June 16, 2020.**

**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 May 8, 2020, and was determined to be complete on May 15, 2020.

*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 May 8, 2020.

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 12, 2020.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on June 30, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to**

**[BDSLUSTeamTech@portlandoregon.gov](mailto:BDSLUSTeamTech@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **July 1, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

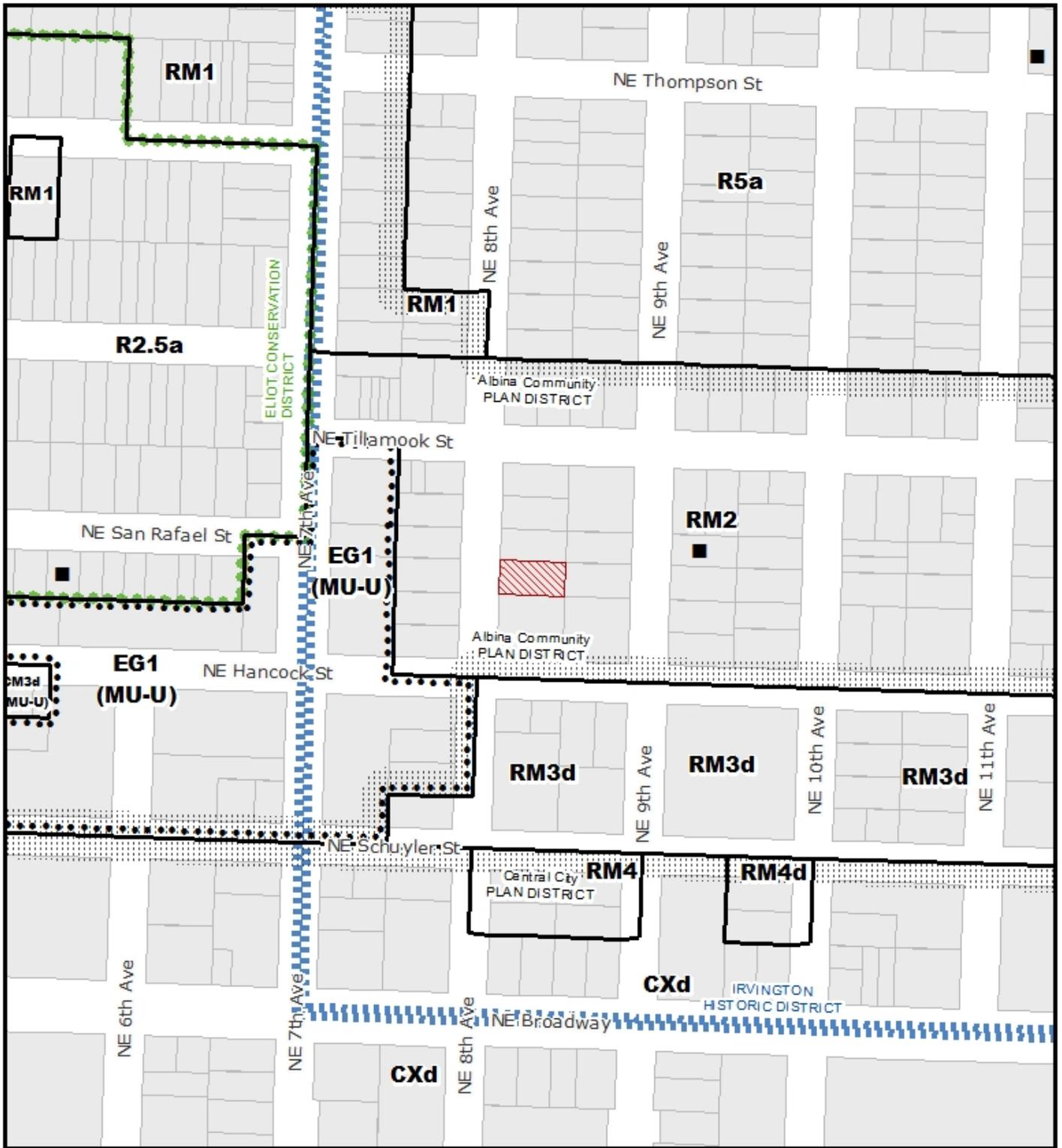
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Drawings and photographs
  - 2. Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Front [West] Side and Left [North] Side Elevations (attached)
  - 3. Back [East] and Right [South] Side Elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
- F. Correspondence:
  - 1. Dean P. Gisvold, 05/23/2020, letter with questions about details
  - 2. Dean P. Gisvold, 06/10/2020, letter recommending condition of approval
- G. Other:
  - 1. Original LU Application
  - 2. Email from staff to applicants re: need to use Hardie Artisan Lap or similar 5/8" thick siding, 05/15/2020

**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

ALBINA COMMUNITY PLAN DISTRICT  
IRVINGTON HISTORIC DISTRICT

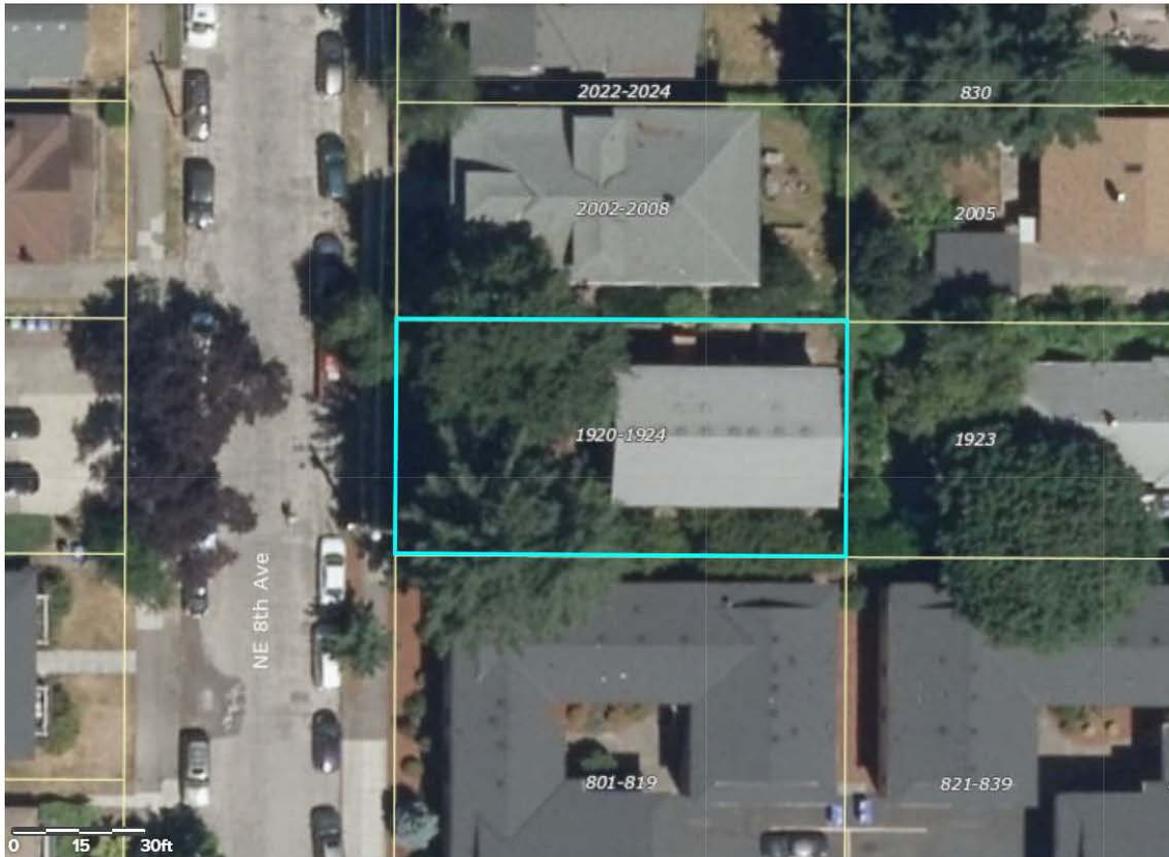


Site



Historic Landmark

File No.	LU 20 - 143024 HR
1/4 Section	2831
Scale	1 inch = 200 feet
State ID	1N1E26CC 600
Exhibit	B May 11, 2020



Site Plan

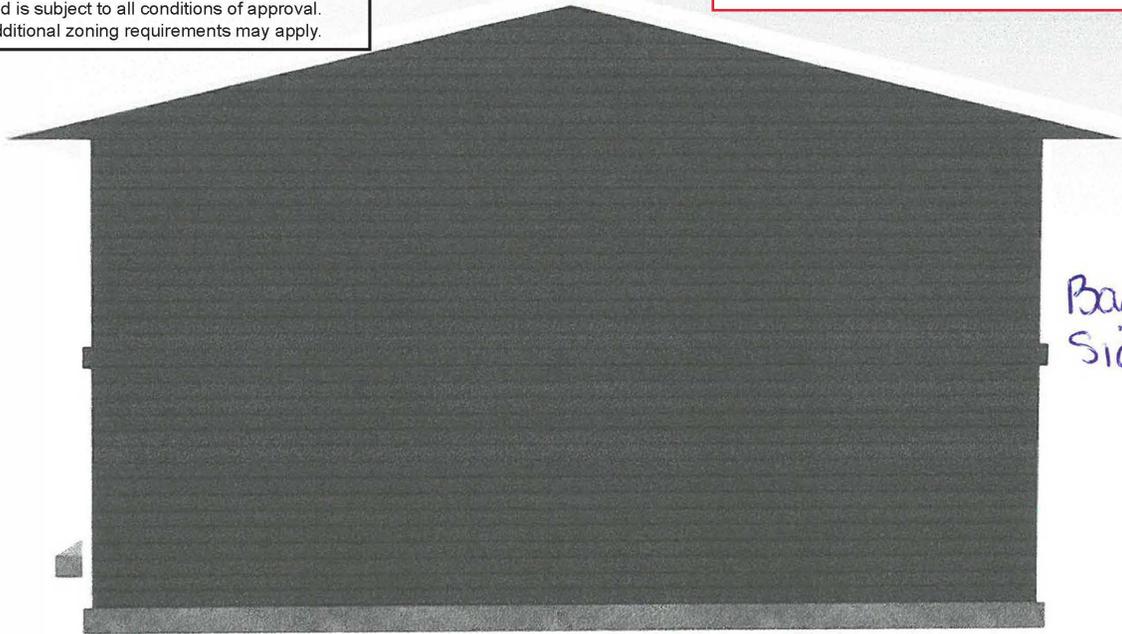
**\*APPROVED\***  
 City of Portland  
 Bureau of Development Services

Planner / Benjamin E. Nielsen Digitally signed by Benjamin E. Nielsen  
 Date: 2020.06.11 17:04:40 -0700  
 Date: Benjamin E. Nielsen

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

**\*APPROVED\***  
City of Portland  
Bureau of Development Services  
Planner / Benjamin E. Nielsen Digitally signed by Benjamin E. Nielsen  
Date: 2020.06.11 17:04:22 -0700  
Date: \_\_\_\_\_  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

See Condition of Approval "D", TYP.

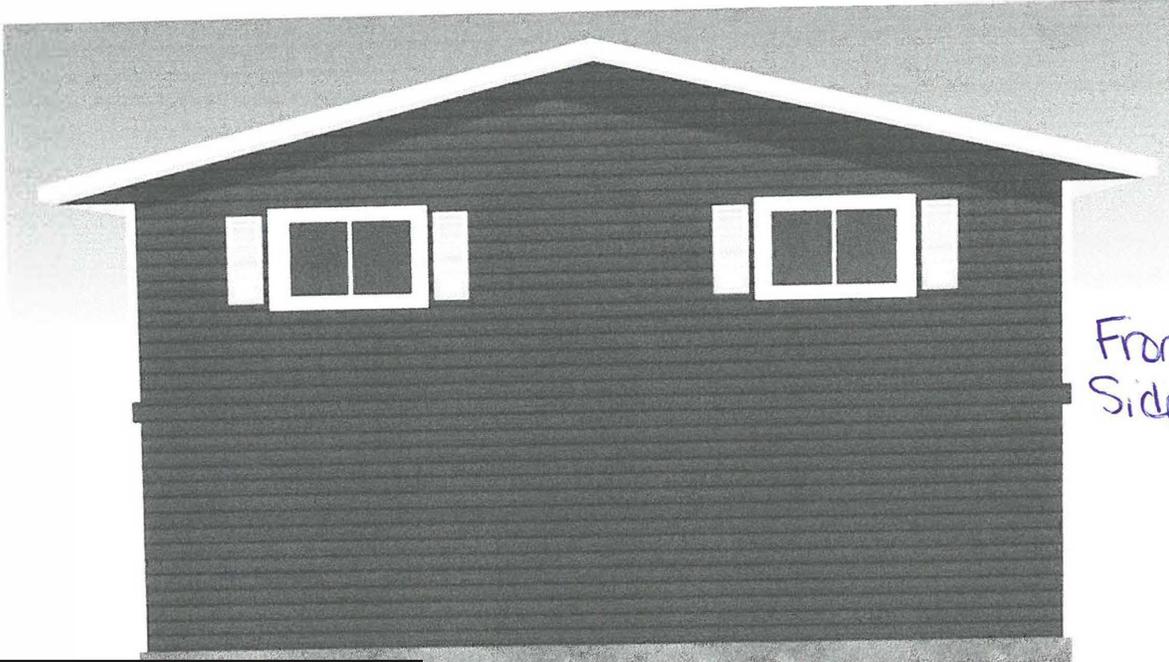


Back Side



Right Side

- 3 entry doors
- 5/4" x 4" trim around doors, windows + corners
- Lap siding / 7" reveal

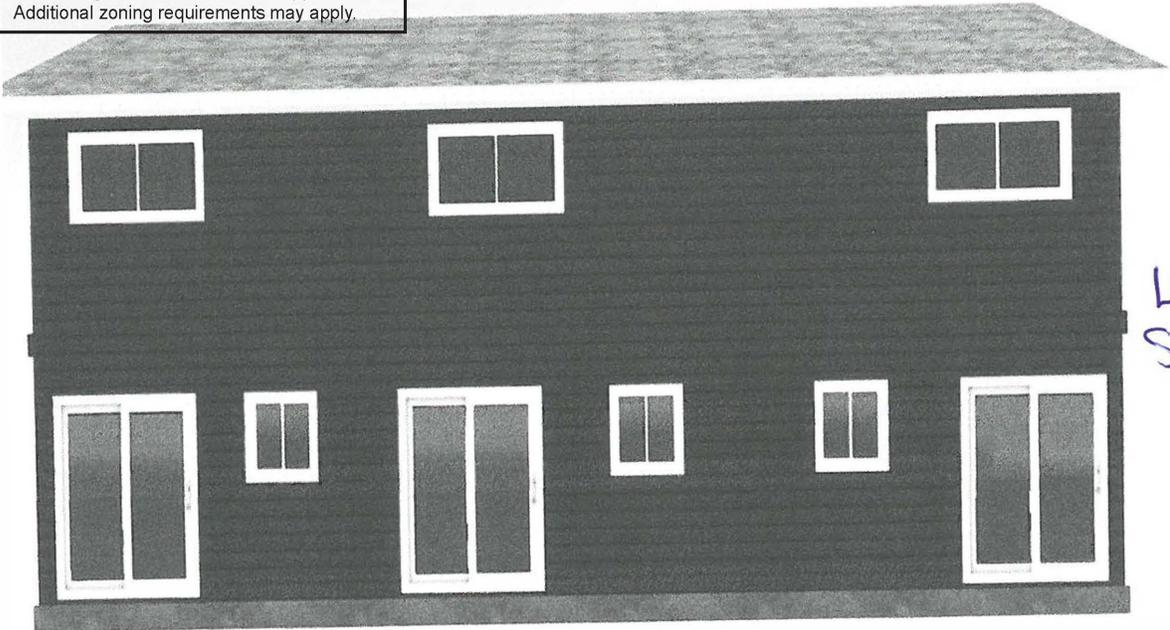


Front Side

**\*APPROVED\***  
City of Portland  
Bureau of Development Services  
Planner / Benjamin E. Nielsen  
Date: Nielsen  
Digitally signed by Benjamin E. Nielsen  
Date: 2020.06.11 17:04:04 -0700

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

See Condition of Approval "D", TYP.



Left Side

- 5/4" x 4" trim around doors, windows & corners
- Lap siding / 7" reveal