



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: July 25, 2013
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@portlandoregon.gov

**NOTICE OF A TYPE I DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD with correct exhibits
attached (the only change)**

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 it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 13-157009 HR - REPLACEMENT OF
BASEMENT WINDOWS**

GENERAL INFORMATION

Applicant: Ben Meoak
Meoak Contracting LLC
16491 Hiram Avenue
Oregon City, OR 97045

Owner: Debra Applebaum and Charles S Baum
2106 NE 17th Avenue
Portland, OR 97212-4601

Site Address: 2106 NE 17TH AVE

Legal Description: BLOCK 49 LOT 11, IRVINGTON
Tax Account No.: R420410760
State ID No.: 1N1E26DB 13600
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-388-5004.
Plan District: None
Other Designation: Contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010.
Zoning: R5a, Single-Dwelling Residential 5000 with Historic Resource and Alternative Design Density overlays
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 is seeking Historic Resource Review approval for a proposal to replace five existing basement windows with similar, new, wood, hopper-type windows in the same openings. A sixth basement window, on the forward half of the south face of the building, is proposed for enlargement as an egress window. Its sill will be cut down to grade and it will have a new, larger, wood, casement window installed. Historic Resource Review is required because the proposal is for a non-exempt exterior alteration in a historic district.

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Relevant Approval Criteria:

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

- 33.846.060 G – Other Approval Criteria

ANALYSIS

Site and Vicinity: The 5,000 SF lot is located at the northeast corner of NE 17th and Tillamook Street. It is developed with a 3-story foursquare residence. Built in 1908 during the period of significance, the building is a contributing structure in the Irvington Historic District. The site is located in the southern part with the historic district, several blocks north of Broadway. The surrounding area is developed with single family homes from a similar time period. The basement windows proposed for replacement are located on all facades except the west, street-facing façade on 17th.

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.

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: Given the small scope of the proposal, no agency review was provided. The Bureau of Transportation Engineering responded with the following comment: Please see Exhibit E-xxx for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **July 5, 2013**. One written response has been received from a notified property owner in support of the proposal (Exhibit F-1)

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design 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 Design 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.

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 1, 8, and 10: Findings: The proposal is to enlarge one street-facing basement window, on a secondary elevation, for emergency egress purposes and replace five other basement windows within the existing openings. The new windows will be of wood to match the existing windows. The enlarged window will still retain its smaller scale as a basement window. An existing fence along Tillamook will completely obscure any views of the window changes on the south elevation, including the enlarged basement window opening. Because the proposal utilizes complementary windows and proportions to those found on the house, it will not have an adverse effect on historic character of the resource, neighboring properties, or the historic district. *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 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 Design 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 Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval for the replacement of five, and enlargement of one basement window in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated 7/23/13, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-157009 HR."

Staff Planner: Staci Monroe



Decision rendered by: _____ **on July 23, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) July 25, 2013

Procedural Information. The application for this land use review was submitted on May 21, 2013, and was determined to be complete on July 2, 2013.

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 21, 2013.

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 18, 2013.**

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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.

Recording the final decision.

Before the applicant can proceed with their project, the final Land Use Review decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **July 25, 2013**.

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 it is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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:

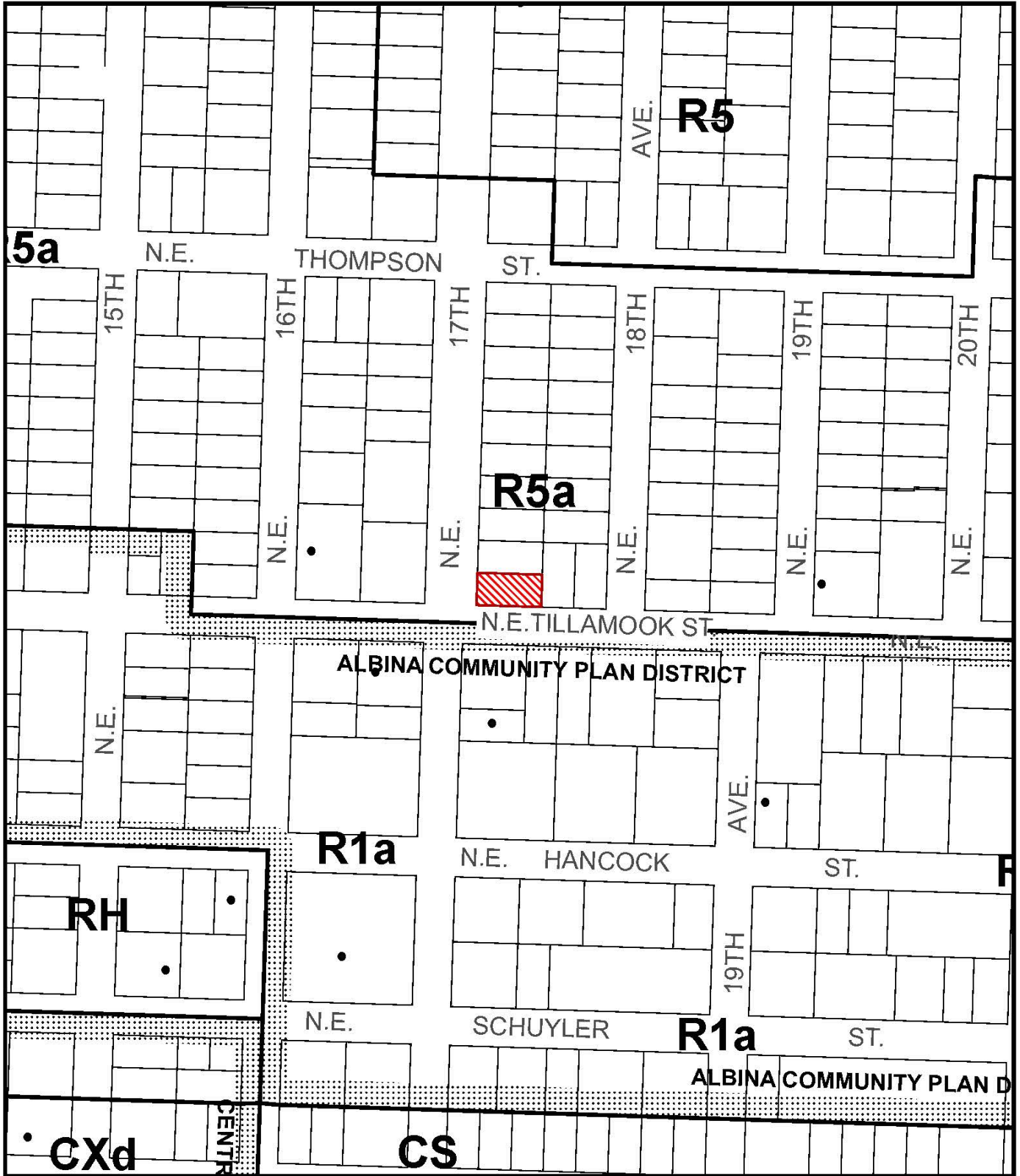
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's Narrative and responses to approval criteria
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Building Elevations (attached)
 - 3. Replacement window detail (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none.
- F. Correspondence:
 - 1. Michael Bishop, dated July 13, 2013, supports and urges approval.
- 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 13-157009 HDZ
 1/4 Section 2832
 Scale 1 inch = 200 feet
 State_Id 1N1E26DB 13600
 Exhibit B (May 21, 2013)

Approved

City of Portland - Bureau of Development Services

Planner SWL Date 7/23/13

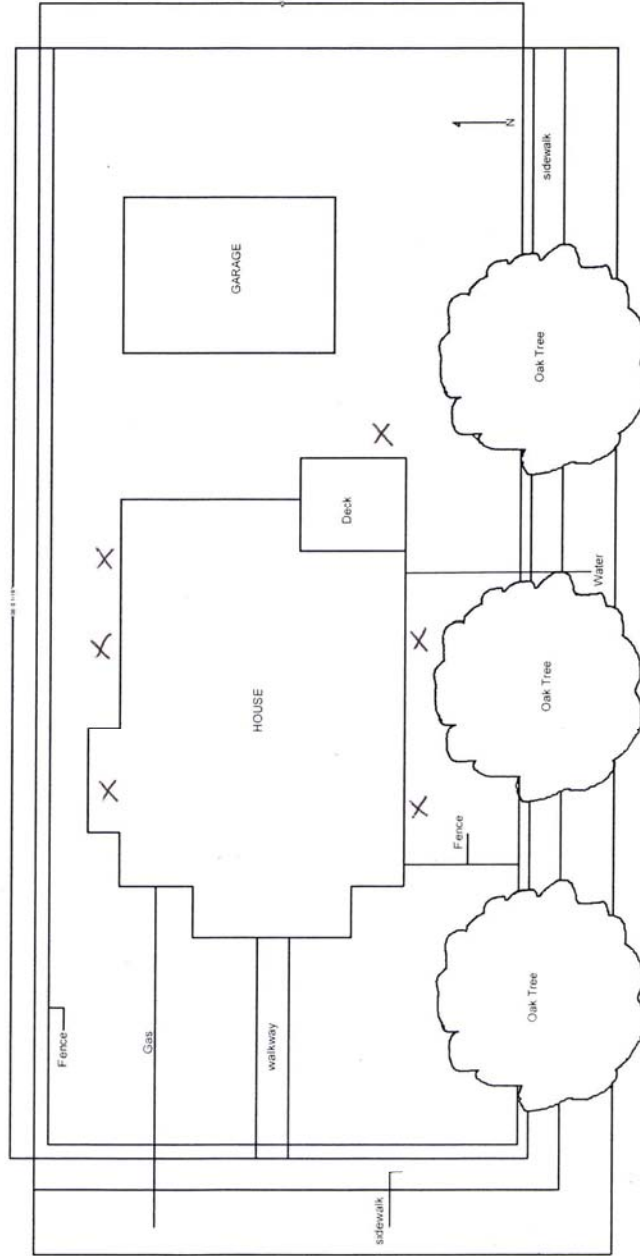
* This approval applies only to the specific project and is subject to all conditions of approval.

Window Replacement:

Home Owner:
 Elaine Baum
 2116 NE Tillamook St
 Portland, OR 97212

Contractor:
 MEOAK CONTRACTING LLC
 16491 Hiram Ave
 Oregon city, OR 97045
 877-599-7415

Sitemap

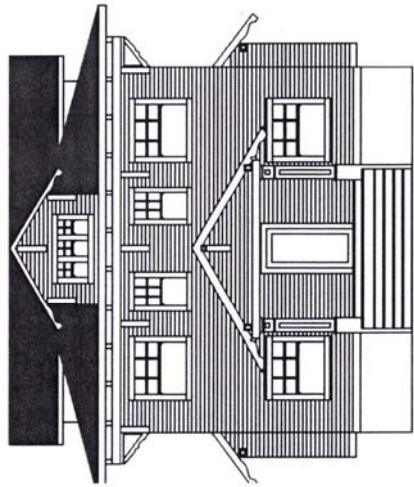


X = LOCATION OF PROPOSED BASEMENT WINDOW REPLACEMENT

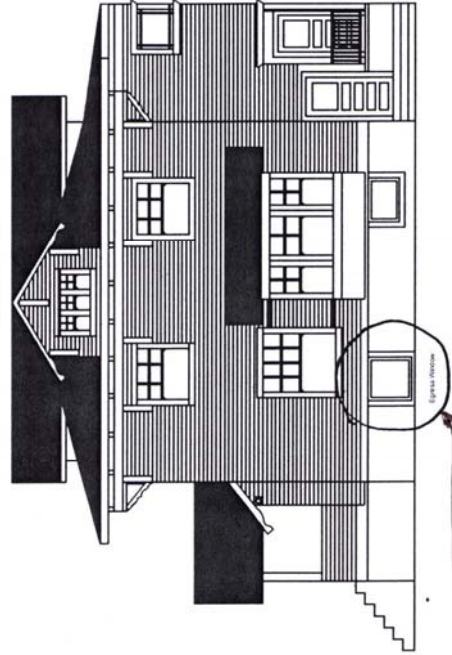
17TH ST

Ex C-1
 LN 13-157009 ITR

West Elevation

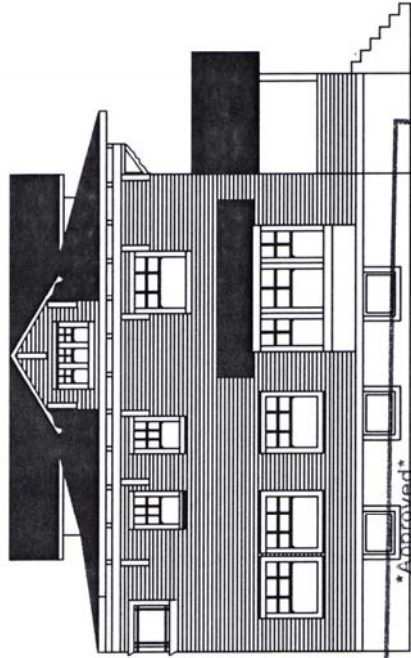


South Elevation

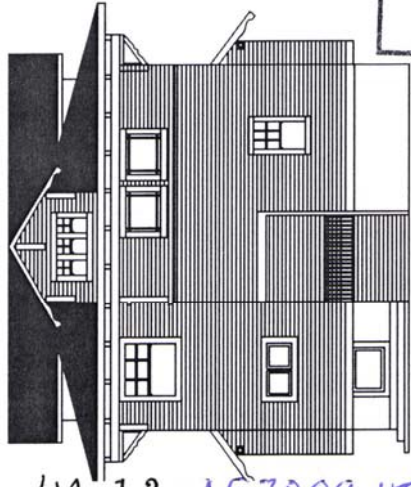


OPENING ENLARGED FOR EGRESS
ALL OTHER BASEMENT OPENINGS TO
REMAIN THE SAME SIZE.

North Elevation



East Elevation



Window Replacement:

Home Owner:
Charlie Baum
2116 Ne 17th Ave
Portland, Or 97212

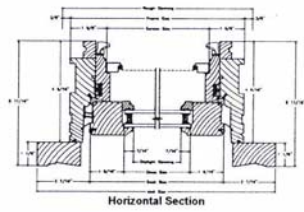
Contractor:
MEQAK CONTRACTING LLC;
16491 Hiram Ave
Creighton, Or 97045
971-506-7415

City of Portland - Bureau of Development Services
Planner Smiley Date 7/23/13
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EX.C-2

LU 13-157009 HR

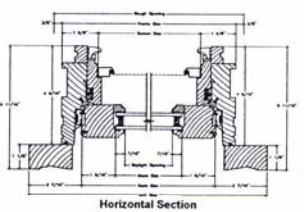
NOTES:
 1. REFER TO DRAWING FOR ALL DIMENSIONS AND MATERIALS.
 2. ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED.
 3. SEE SPECIFICATIONS FOR ALL MATERIALS.



| | |
|---|------------------------|
| JELD-WEN 2581 Airport Rd., Everett, WA 98201 Phone: 425-352-3857 FAX: 425-352-7424 | DRAWING NO. |
| | JW_Win_EX_Wd_Casmt_Sec |
| SITELINE EX WOOD CASEMENT HORIZONTAL SECTION | DESIGNED BY / DATE |
| | RDV / 10/21/10 |

| | | |
|-----------|-----------------|----------|
| DATE [SY] | REVISION RECORD | AU DR CH |
|-----------|-----------------|----------|

NOTES:
 1. REFER TO DRAWING FOR ALL DIMENSIONS AND MATERIALS.
 2. ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED.
 3. SEE SPECIFICATIONS FOR ALL MATERIALS.



| | |
|---|----------------------|
| JELD-WEN 2581 Airport Blvd., Everett, WA 98201 Phone: 425-352-3857 FAX: 425-352-7424 | DRAWING NO. |
| | JW_Win_EX_Wd_Awn_Sec |
| SITELINE EX WOOD AWNING HORIZONTAL SECTION | DESIGNED BY / DATE |
| | RDV / 10/21/10 |

| | | |
|-----------|-----------------|----------|
| DATE [SY] | REVISION RECORD | AU DR CH |
|-----------|-----------------|----------|

Approved
 City of Portland - Bureau of Development Services
 Planner S. Wilson Date 7/23/13
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EX. C-3
 LU 13 157009HR