



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: November 21, 2013
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

NOTICE OF A TYPE I 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 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 13-218746 HR – NEW BASEMENT WINDOW AND WINDOW WELL

GENERAL INFORMATION

Owner: N S R LLC
5230 Crown Street / West Linn, OR 97068-3414

Representative: Robert Ward / Custom Design & Construction
4275 SW 165th Street / Beaverton, OR 97007

Site Address: 3538 SW Barbur Boulevard

Legal Description: BLOCK 147 W 55' OF LOT 5 EXC PT IN ST, CARUTHERS ADD
Tax Account No.: R140913920
State ID No.: 1S1E10CB 02600 **Quarter Section:**3429
Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Assoc, Kevin Countryman at 503-750-2984.
District Coalition: Southwest Neighborhoods Inc., Leonard Gard at 503-823-4592.
Other Designations: Non-contributing resource in the South Portland Historic District, which was listed in the National Register of Historic Places on July 31, 1998.

Zoning: R2, Multi Dwelling Residential 2000, with Historic Resource Overlay
Case Type: HR, Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Resource Review approval for a proposal to install a new basement egress window and window well at the front of a non-contributing house in the South Portland Historic District. Historic Resource Review is required because the proposal is for a non-exempt alteration in a historic district.

Approval Criteria:

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

- Lair Hill Historic Conservation District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a non-contributing duplex in the South Portland Historic District.

The South Portland Historic District is significant as the remnant of an early, originally much larger, working class and immigrant neighborhood that was greatly diminished by construction of the I-5 and I-405 freeways, and by large scale clearance under the auspices of Urban Renewal, during the 1960s and 1970s. The area was originally home to concentrations of ethnic and religious minorities from southern and eastern Europe, especially Italian Catholics and Jews from Poland, the Baltic States, and the Russian Empire. The majority of the district's remaining historic resources were built as residences, but with supporting commercial buildings, religious and social institutions, and small scale industrial structures scattered throughout the neighborhood fabric. Originally associated with workers at the shipping, manufacturing, and processing enterprises dependent on the nearby Willamette River, the area today is among the best remaining examples of a late Nineteenth Century working class residential neighborhood in Portland.

Zoning: The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The R2 zone is a low density multi dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Historic Resource Protection overlay 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: No previous land use cases are recorded for this property.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed October 28, 2013.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response 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 located within the South Portland Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Lair Hill Historic Conservation District Design Guidelines*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

Lair Hill Historic Conservation District Design Guidelines

1. How the Building Relates to the Street. How the Building Relates to Adjacent Buildings.

1. Front Yard. A distance equal to the average of the front setbacks of the immediately adjacent buildings. Where there are no adjacent buildings, the recommended setback is 8’.
2. Side Yard. Average of adjacent setbacks. If no adjacent buildings, the recommended setback is 5’.
3. Rear Yard. Average of adjacent setbacks. If no adjacent buildings, the recommended setback is 15’.

Findings: The approval criteria, although specific to the point of prescription in some cases, do not give any guidance regarding the type of work proposed. Because the proposal is for an egress window and window well at the front of the building, this guideline comes closest to addressing the impact of the development on the character of the historic district. That impact will be negligible because the proposed window will be more than half below grade, installed in the traditional manner within the depth of the wall, and in a recessed corner of the facade. *This guideline is 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

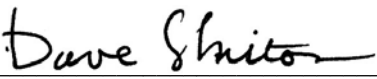
ADMINISTRATIVE DECISION

Approval of a basement egress window and well on a non-contributing resource in the South Portland Historic District;

Approval is per Exhibits C-1 through C-5, signed and dated November 18, 2013, 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 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-218746 HR."

Staff Planner: Dave Skilton

Decision rendered by:  **on November 18, 2013.**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 21, 2013

Procedural Information. The application for this land use review was submitted on October 18, 2013, and was determined to be complete on October 24, 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 October 18, 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.

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.

If this Land Use Review is approved, the final 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 **November 22, 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 the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

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

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

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

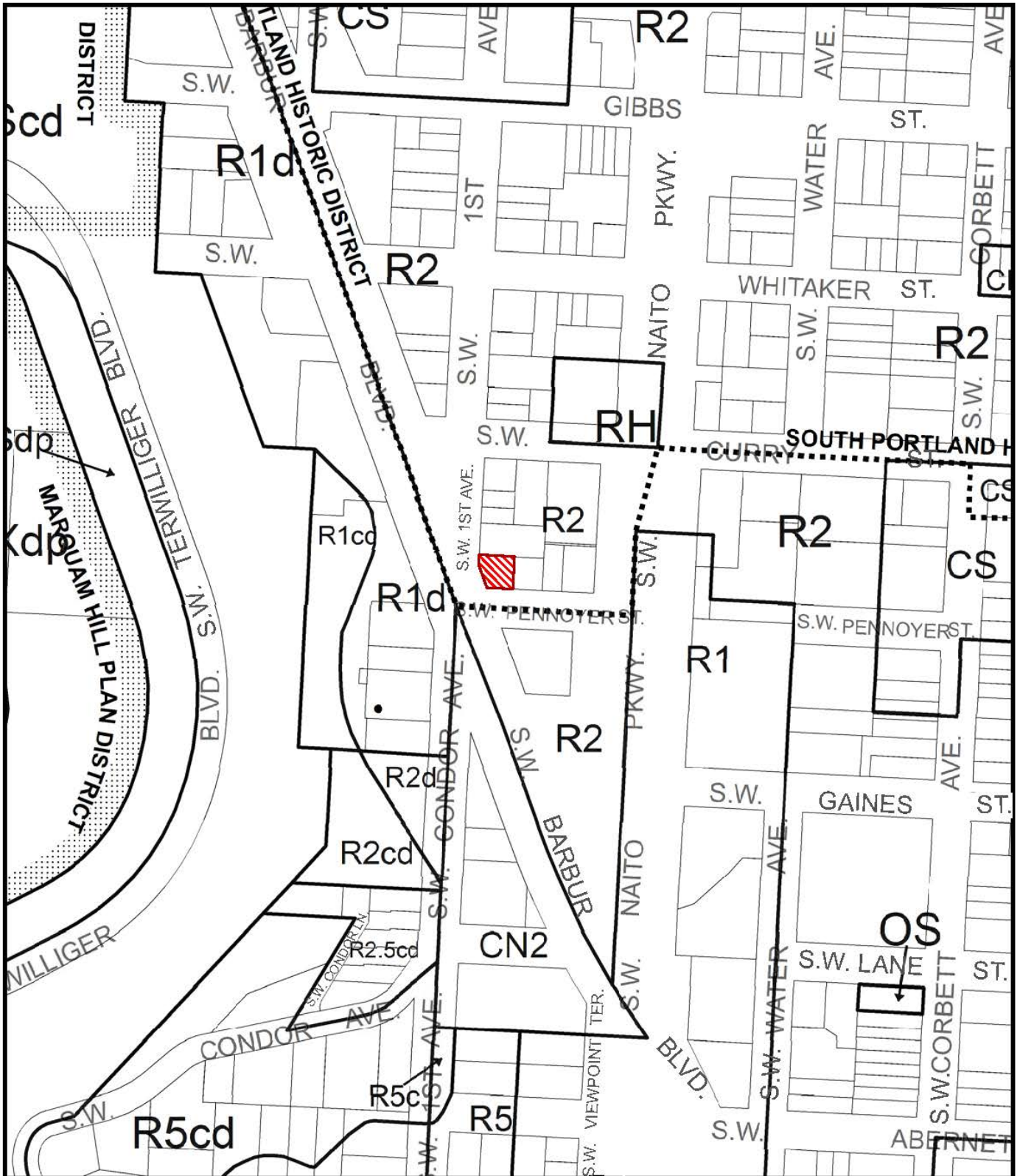
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Axonometric (attached)
 3. Floor Plan
 4. Window Elevation
 5. Window Section
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- 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



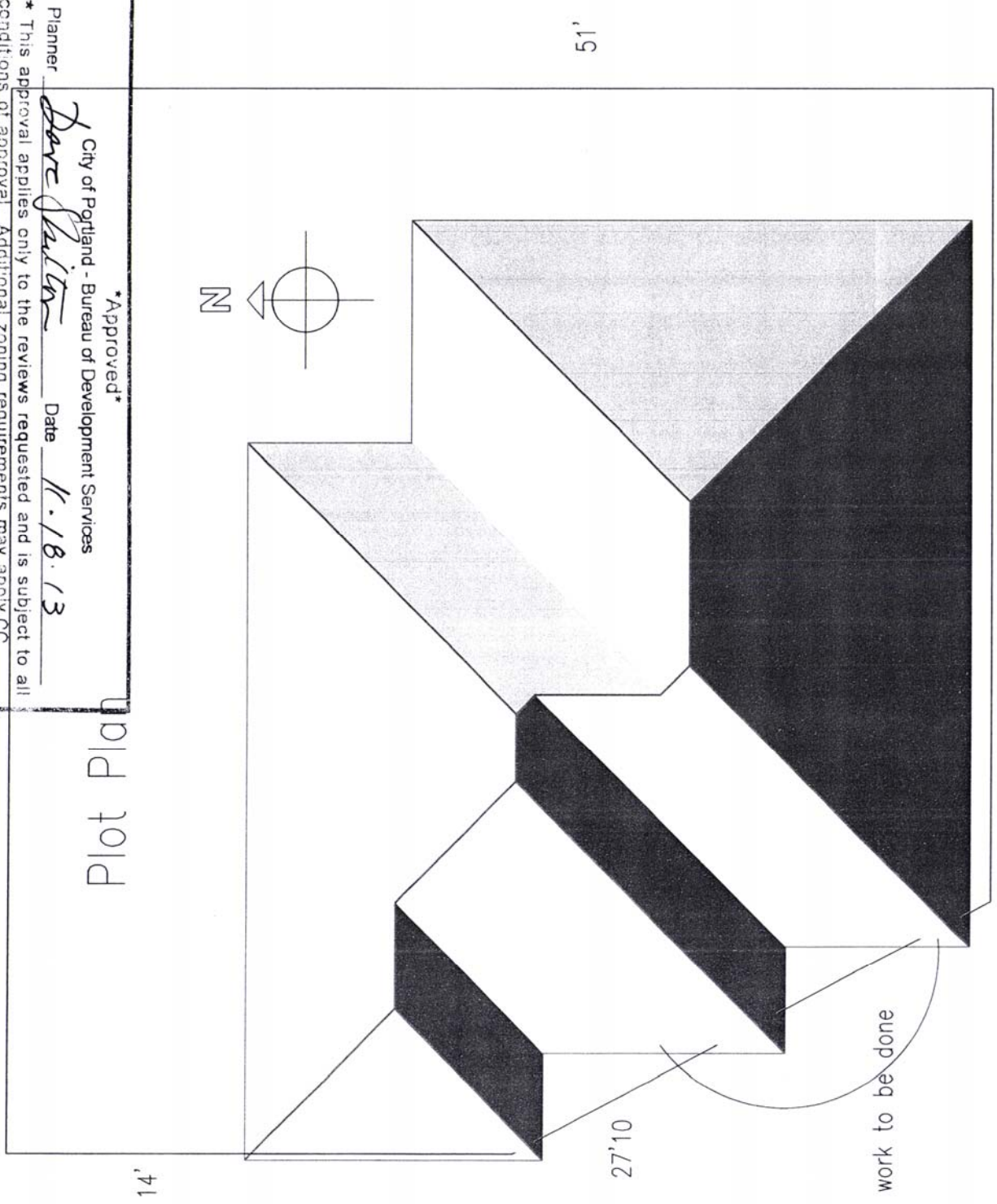
This site lies within the:
SOUTH PORTLAND HISTORIC DISTRICT

File No. LU 13-218746 HR
 1/4 Section 3429
 Scale 1 inch = 200 feet
 State_Id 1S1E10CB 2600
 Exhibit B (Oct 23, 2013)

24014010-2107

BARBUR BLVD.

area of work to be done



Plot Plan

Approved

City of Portland - Bureau of Development Services

Planner

Dore Salton

Date

11.18.13

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

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10/18/13
Robert Ward
none

Revision/Issue

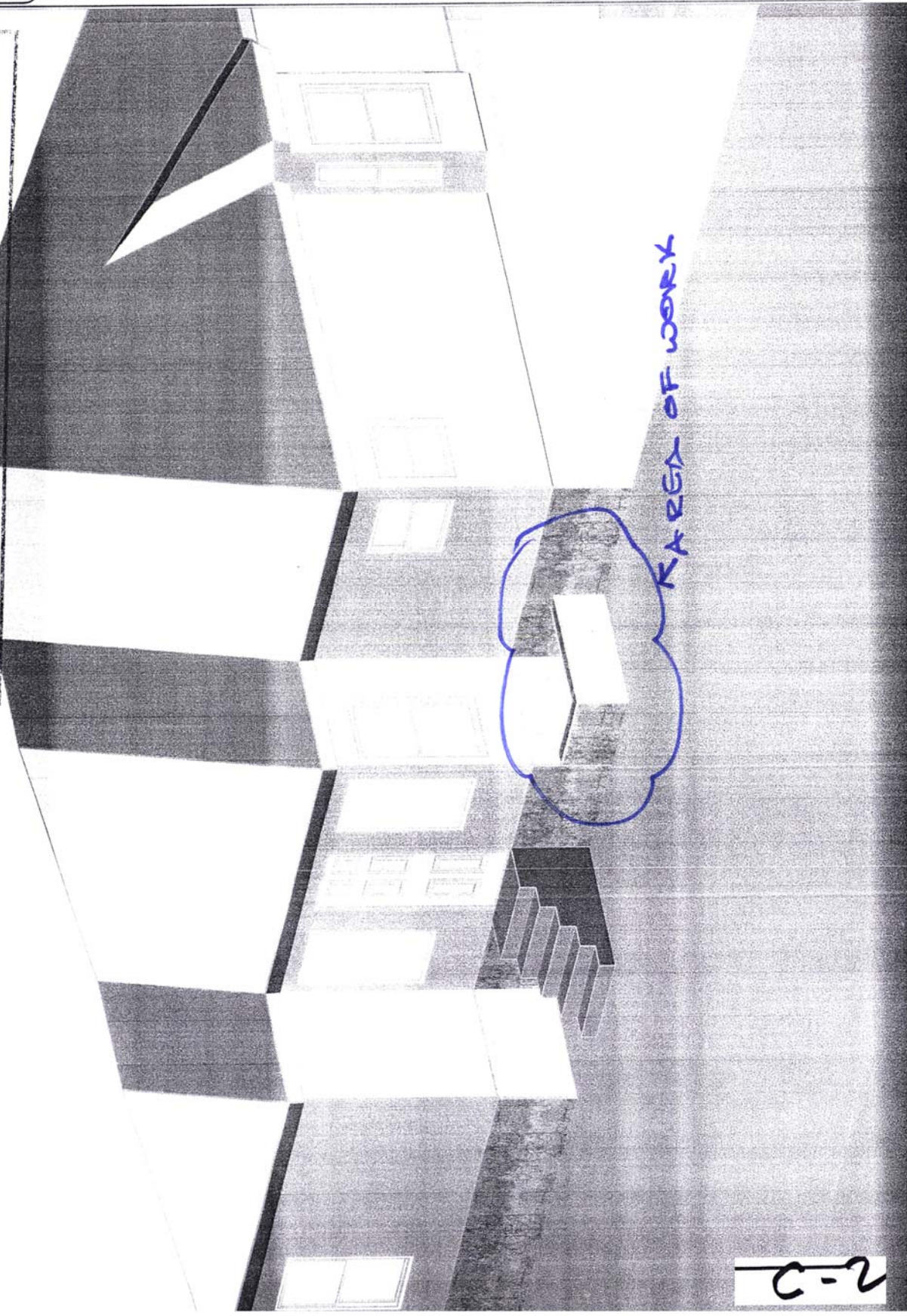
CUSTOM DESIGN & CONSTRUCTION

ROBERT WARD

CUSTOM DESIGN & CONSTRUCTION

ROBERT WARD
saad

Revision/Issue		10/18/13	10/18/13
		10/18/13	



AREA OF WORK

PH 9 7 4 6 7 4 6 PH

C-2

City of Portland - Bureau of Development Services

Planner Dave Prater Date 11.18.13

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