



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: April 21, 2008
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@ci.portland.or.us

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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-104572 HDZ HOUSE MOVE TO 437 NE THOMPSON STREET

GENERAL INFORMATION

Applicant: W. Michael Warwick & Susan V. Bailey (owners)
535 NE Thompson St
Portland, OR 97212-3844

Representative: Kenneth Moholt Siebert (architect)
319 SW Washington St. #812
Portland, OR 97204

Site Address: 437 NE THOMPSON ST

Legal Description: BLOCK 3 LOT 6 W 16 2/3' OF LOT 7, ALBINA; E 15.7' OF LOT 6 BLOCK 3; W 16 2/3' OF LOT 7 BLOCK 3, CANCEL INTO R101808 / ALBINA

Tax Account No.: R009600870, R009600880
State ID No.: 1N1E26CB 07800, 1N1E26CB 07900
Quarter Section: 2831

Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.
Business District: North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Robin Denburg at 503-823-4135.
Plan District: Albina Community
Other Designations: Eliot Conservation District
Zoning: R2a – Multi-Family Residential with Alternative Design Density overlay
Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The proposal is to move an existing 2 ½ story wood frame Portland foursquare style house that is currently facing demolition from NE Broadway to the rear portion of two adjacent lots at 431 & 437 NE Thompson Street. The relocated house will sit on a new concrete foundation and will have additional windows and doors inserted into the south and west elevations. All new doors and windows will be trimmed with new wood trim to match the existing house. There will be a band of vertical v-groove wood siding around the entire house in the space between the top of the concrete foundation wall and below the first floor trim band. The entry porch and stairs will be replaced with a new wood porch, stairs and railings similar in style to the existing one. A new gable-end entry cover will be constructed above the new south-facing front door with wood trim and brackets to match the rest of the house. All exterior colors will match the existing house. Access to the relocated house and 4 new on-site parking spaces will be provided via a new driveway and courtyard made of pavers. New landscaping, a stormwater swale and interlocking concrete masonry unit retaining walls will be provided on site. There will also be a sunken patio on the west site of the house and a pedestrian area at the south side, both made of the same pavers as the driveway. The site will also have one 2-bicycle bike rack.

Since the project is in a designated Conservation District, Historic Design Review is required.

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 Historic Reviews
- 33.505 Albina Community Plan District
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The 8,333 SF project site is in the Eliot Conservation District which continues north to NE Fremont, south to approximately NE Hancock, and east to between NE MLK and 7th. The northern edge of the District ends at the northern boundary of the subject site. The Eliot Conservation District makes up the eastern portion of the original town of Albina. The area is predominantly residential and contains a large number of turn-of-the-century residences, some dating from the 1880's. The specific site fronts south onto NE Thompson Street and is typical of other residential sites within the District. The site is composed of two lots, each with a two-story residential structure at the front of the lots. There is a commercial business and parking area directly to the west and residences to the east with several examples of multi-building infill similar to the proposal on the south side of NE Thompson Street.

Zoning: The R2 zone allows multi-dwelling residential development up to a maximum density of one unit per 2,000 square feet of site area, and requires a minimum density of one unit per 2,500 square feet of site area. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 4,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood.

Staff note: Though the site is subject to the “a” overlay provisions, the proposed project is not taking advantage of these provisions.

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 **March 17, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Bureau of Transportation Engineering

The Bureau of Environmental Services responded with the following comment: Please see Exhibit E-1 for additional details.

The following conditions of approval and informational comments are based on the land use review information provided to the Bureau of Environmental Services (BES). The applicant may contact me with any questions or concerns.

Proposal Summary: Move a detached house onto the back of two lots in the Eliot Conservation District.
Grading to provide vehicle access between existing houses.

Approval of this design review cannot be recommended until stormwater facilities meeting the Stormwater Disposal Hierarchy have been shown, as they could affect the approved site plan. BES advises the applicant to revise the plans and submit a stormwater narrative at this time in order to avoid the need for additional design review in the future. Refer to the following information:

Sanitary Services

1. There is an existing 8-inch City-owned combination sewer located in SE Harney Street that appears to serve the sanitary needs of 437 NE Thompson Street and 431 NE Thompson Street and can serve the sanitary disposal needs of the structure proposed to be relocated to this site. The site plan BES reviewed for this land use review does not clearly show how the new structure will be connected to the combination sewer system. As identified in the BES check sheet response to building permit #08-103875-RS, existing and proposed sanitary sewer connections must be shown at the time of building permit review.
2. Each lot must be shown to have a means of access and individual connection to the City-owned sanitary sewer system, as approved by BES.
3. Connection to the public sanitary sewer in the public right-of-way must follow BES' "Rules of Connection" and meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual. The Design Manual is on the internet at www.portlandonline.com/bes/, and contains the “Rules of Connection” in Appendix H.

Stormwater Management & Water Resources

The stormwater runoff generated from the proposed project must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed (pages 1-18 and 1-19 of the Stormwater Management Manual). Free CD-ROM discs of the 2004 Stormwater Management Manual are available at the City of Portland Development Services Center, 1900 SW 4th Avenue or on the internet at www.portlandonline.com/bes/. The applicant may also contact BES with any questions or for additional information.

1. There is no City-owned storm-only sewer available to this property.
2. The 2004 Stormwater Management Manual requires that stormwater runoff from new or redeveloped impervious area be managed on-site through surface infiltration facilities to

the maximum extent practicable. Roof runoff may be managed in drywells or soakage trenches (if on-site infiltration is approved by BDS Site Development). Pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on site. Stormwater runoff from parking lot, driveway and other ground-level impervious surface must be treated by means of vegetated surface facilities with overflow directed to an appropriate disposal location. A disposal location for stormwater must be identified for any size development. NOTE: The Stormwater Management Manual defines redeveloped impervious area as any development that requires demolition or complete removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces.

The current 2004 Stormwater Management Manual is being revised and a new version of the Stormwater Management Manual is currently scheduled to be adopted in the winter of 2007-2008. This project will be required to comply with the manual that is current at the time of building plan application.

3. It is unclear how stormwater runoff from this project will be managed and whether a stormwater management facility will impact the design of this project. Until a conceptual stormwater management plan is submitted for review by BES and BDS Site Development, BES cannot recommend approval of this land use review proposal. Please be aware, it is the applicant's responsibility to ensure Stormwater Management Manual requirements are met. It is possible that a subsequent Design Review may be required and, be aware, failure to provide a conceptual stormwater management plan that is acceptable to BES and BDS Site Development at this time may delay the building permit process. NOTE: Also refer to building permit #08-103875-RS.

4. For proposed development projects, BDS Site Development approves any on-site disposal of stormwater runoff on private property and BES approves any discharges of stormwater runoff off-site. For this particular project, BDS Site Development has requested infiltration testing to determine whether on-site infiltration is feasible. Until a stormwater management method has been identified for this project, BES cannot recommend approval because it is unclear whether stormwater management facilities will impact the design of this project. NOTE: Per BDS Site Development, all on-site stormwater disposal facilities have setback considerations from structures and property lines (at least 10 feet from any structure and 5 feet from property lines) and should be situated topographically on the site in such a way as to not impact existing or proposed structures. To ensure that size and setback requirements are met, specific information regarding building location, building footprint, and location for stormwater management facilities must be provided on a revised site plan at the time of land use review approval. Please refer to comments from BDS Site Development for additional information regarding on-site stormwater disposal requirements and contact BDS Site Development with inquiries regarding on-site disposal requirements.

5. Currently the street and surrounding area is served by an existing public combination sewer, which carries both stormwater and sanitary discharges. This type of sewer contributes to the combined sewer overflow (CSO) problems within the city. Research conducted by the BES Modeling group determined that the combination sewer has reached capacity; surcharges and basement flooding occur in this area. Sanitary from this property will be allowed to discharge to the public combination sewer, however, stormwater must be managed on-site to the maximum extent practicable according to the requirements of the City of Portland's Stormwater Management Manual. New connections or additional stormwater disposal to the combination system will be restricted through the requirement of the City of Portland's Stormwater Management Manual. Please be aware that if disposal of storm water to the combination system is necessary, the combination sewer system will need to be further evaluated to determine detention requirements.

Conditions of Approval

BES has no recommended conditions of approval. However, it is unclear how stormwater will be managed from this project and whether the design of the project will impact required stormwater management facilities. Therefore, BES cannot support this land use review proposal.

Additional Information

1. Clean River Rewards, Portland's stormwater discount program, arrived in fall 2006. The program offers discounts up to 35% of the City's basic stormwater management charge to ratepayers who manage stormwater runoff on their property. The discount is calculated on a sliding scale for how much and how well properties manage stormwater on-site. To qualify, you will need to register your property and describe how you manage stormwater runoff. The Bureau of Environmental Services is offering workshops to ratepayers who want to learn more about stormwater management, and want to get the most out of the stormwater discount program. To learn more about the program and discounts, go to www.cleanriverrewards.com.

Building Permit Information

1. Building plans for this project must include a detailed site utility plan, which shows proposed and existing sanitary connections and stormwater management that meets the requirements of the Stormwater Management Manual in effect at the time of permit submittal.

Staff note: The applicant has revised the site plan to show stormwater facilities and sand-set pavers in place of permeable/porous pavers.

The Fire Bureau responded with the following comment: Please see Exhibit E-2 for additional details.

Conditions of Approval at Time of Development

Addressing of Structures

All addresses shall be permanently displayed as directed by the Fire Marshal's Office (mounted on a building, fence, post, etc.). Numbers/letters shall be contrasting in color to the background and of sufficient size to be plainly visible from the street or road fronting the property. Numbers/letters shall be a minimum of 3" high by 2 ¼" wide with at least a 5/16" wide stroke. This office may specify larger numbers/letters.

Flag lots shall have their address(es) permanently displayed within 5 feet of the flag pole connection to the public way. The address(es) shall be clearly visible from all vehicle approach points.

The Site Development Section of BDS responded with the following comment: Please see Exhibit E-3 for additional details.

Stormwater Treatment and Disposal.

Site Development has no objection to the proposed use of a drywell for on-site infiltration of roof runoff from the new house.

To evaluate the whether the proposed permeable paver driveway and parking area is feasible, Site Development will require the following information for this Historic Design Review:

1) Results of infiltration testing performed by a geotechnical engineer in the area proposed for permeable pavers, in accordance with the BES Stormwater Management Manual (SWMM). The test(s) must be conducted at the proposed subgrade elevation of the pavement section. The minimum acceptable infiltration rate is two inches pr hour.

2) A California Bearing Ratio (CBR) or resilient modulus (M_r) of the saturated subgrade must be determined and a pavement design prepared by a registered professional engineer

must be provided. The design shall have a minimum capacity equivalent to the City of Portland standard pavement section as determined by the AASHTO flexible pavement design procedure based on a 20 year design life. The City of Portland standard pavement section consists of 3 inches of asphalt concrete over 6 inches of compacted crushed rock over a compacted subgrade. The compaction requirement is 95 percent of the maximum dry density as determined by ASTM D 698. Reference Title 24.45.050 of the Code of the City of Portland.

Please refer to the attached handout for additional information regarding permeable pavers and requirements that will apply at the time of plan review.

Please direct questions regarding these requirements to George Helm, (503) 823-7201.

Porous Pavement

Porous pavement surfaces may be used in certain situations for vehicle access in private development within the City of Portland. The pavement system must be designed by a professional engineer registered in the State of Oregon and requires certain soil tests to be conducted at the site before a design can be approved.

- An on site infiltration rate must be established by site specific infiltration tests conducted per the requirements of the Bureau of Environmental Services Stormwater Management Manual (SWMM). The test(s) must be conducted at the proposed subgrade elevation of the pavement section. The minimum acceptable infiltration rate is two inches per hour. The manual is available at the City website at this link: <http://www.portlandonline.com/bes>.
- Porous pavements may be used with infiltration rates less than two inches per hour, but these systems must utilize a subdrain system in the base rock which must be treated and disposed of to a drywell or public storm sewer in accordance with the SWMM requirements.
- A California Bearing Ratio (CBR) or resilient modulus (M_r) of the saturated subgrade must be determined and a pavement design prepared by a registered professional engineer. The design shall have a minimum capacity equivalent to the City of Portland standard pavement section as determined by the AASHTO flexible pavement design procedure based on a 20 year design life. The City of Portland standard pavement section consists of three inches of asphalt concrete over six inches of compacted crushed rock over a compacted subgrade. The compaction requirement is 95 percent of the maximum dry density as determined by ASTM D 698. Reference Title 24.45.050 of the Code of the City of Portland.
- The pavement surface shall be a porous asphaltic concrete, porous Portland cement concrete, or interlocking paver blocks designed for the intended traffic load and design speed. Manufacturers installation and maintenance specifications must be provided by the applicant.
- Curbs or other edge restraints are required for interlocking paver blocks.
- Porous pavement grades shall be as flat as possible and shall be less than 10 percent in all cases.
- Porous pavements shall not be constructed on cross slopes over 10 percent unless designed by a geotechnical engineer.
- The pavement section must be designed to directly infiltrate all stormwater from the pavement surface into a crushed rock storage layer underneath which must contain enough void space to store the entire volume of a 10 year storm from the pavement area and infiltrate it into the subgrade in less than 30 hours. Additional stormwater from impervious areas, such as roof tops, may not be directed into a porous pavement system, but must be disposed of in its own system in accordance with the SWMM.
- An erosion control and construction management plan designed to protect the pavement subgrade strength and infiltration properties from vehicular traffic during building construction must be provided.

- The 100 year flood inundation area must be shown that demonstrates no structures will be flooded if the storage rock capacity is exceeded or a 100 year storm escape route must be provided that will not direct stormwater onto adjacent properties must be provided.
- Porous pavement use may be restricted in certain areas (see Chapter 4.0 SWMM for restrictions).
- Porous pavements may not be used in private rights of way tracts created through land divisions without a building code appeal. The building code appeal process is explained at this website link: <http://www.portlandonline.com/bds/index.cfm?c=34196>. A building code appeal for porous pavement will not be considered complete unless all of the preceding items above have been addressed.

Staff Note: Site Development added the following note to their Comments on 4/10/08: "Site Development's previous comments are only relevant to pervious pavers and since the new site plan shows sand-set pavers to flow-through planters, we have no objection to this proposal."

The Bureau of Parks-Forestry Division responded with the following comment: Please see Exhibit E-4 for additional details.

A permit is required from Portland Parks and Recreation if existing street trees need removal or pruning. Have applicant call (503) 823-4489 for inspection.

The Life Safety Section of BDS responded with the following comment: Please see Exhibit E-5 for additional details.

A Building Permit has been applied for and is currently under review or has been issued or, a Life Safety plans examiner has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 24, 2008**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. A summary of issues is listed below.

Support of the proposal

- The Eliot neighborhood Association Board voted unanimously in support of the project.
- The Irvington Community Association is also supportive.
- More intense development is allowed on this site and is expected based on current zoning and the intent of the Albina and Eliot Community Plans.
- Proposal saves existing single-family homes and better fits the character of the street.

Objections

- Concerns about negative effects on the character, livability and nearby property values of the neighborhood if the property changes ownership and the units are all rentals.
- Adverse impacts to on-street parking availability.
- Increased stress on the stormwater system.
- The City should consider the combined effect of this project and the Sacramento Street Lofts with regards to traffic, parking, stormwater and fire/life safety in the neighborhood.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

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 located within the Eliot Conservation District. Therefore the proposal for new structures and site improvements requires Historic Design Review approval. The relevant approval criteria are the Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

P1. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions;

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P1, P2 and D7: The site is located not only within the Albina Community Plan Area, but also in the Eliot Conservation District. The proposal maintains the existing residences at the front of both lots, which preserves the original use of the site and the original pattern of development. The applicant also proposes relocating an existing 2 ½ story wood frame Portland foursquare style house that is currently facing demolition from nearby NE Broadway to the rear of the two lots on NE Thompson Street. With the proposed relocated structure, the site comes closer into conformance with the zoning designation, which requires a minimum of 4 units and allows up to 5 units, while maintaining the typical street face to the neighborhood with the retention of the existing on-site homes.

Despite being just outside the Eliot Conservation District, the relocated house is close to 100 years old and fits nicely into the fabric of historic homes present on NE Thompson Street. The proposed alterations to the relocated house include siding, windows, doors, trim, a new entry cover, porch and stairs, all of which will match the existing house details. Since the house will be located at the rear of the site, a new street-facing entry is required on the south facade. This will be covered with a gabled roof detailed with trim and brackets to match the existing house that will mimic the existing entry pattern to residences within the District.

There are two other examples of multi-building residential development on this portion of NE Thompson Street and this proposal would continue that new pattern of infill development in this area of the District. The three-structure configuration also allows for a central shared driveway and four on-site parking spaces which maintain the existing driveway pattern as well as the on-street parking that are important to residents of the District.

For the reasons stated above, the proposal will enhance the Albina Community Plan Area and the Eliot Conservation District. *These guidelines are therefore met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings for E1 and D4: With the addition of a third structure behind two existing structures, it is important to provide a clear, straightforward accessway for residents and visitors. The new front porch on the relocated house will become a secondary entry since the house is being turned 90 degrees from its original street-facing position. A new covered main entrance with exterior lighting is being provided and will be visible from the street and public sidewalk, guiding residents and visitors to the rear of the site. The new main entrance leads straight to the shared driveway/pedestrian pathway that in turn directly connects to the public sidewalk. Even though pedestrians will share this path with vehicles, the space is made of sand-set pavers set in a pattern that is more hospitable than plain concrete or asphalt. The south façade and new entry to the relocated house is buffered from the parking area and driveway by a designated pedestrian area made of the same sand-set pavers as the vehicle areas. The four on-site parking spaces are split into groups of two and are located behind the existing houses. They are also made of the same sand-set pavers as the driveway and pedestrian area. The driveway itself will remain in its existing location between the two existing houses and will not be visible from adjacent properties to the side. The parking area behind the existing houses will be sunken several feet below grade which will partially obscure the view of cars in these spaces. Additional visual buffering will be provided by landscaping at the east and west property lines as well as the required stormwater infiltration area. *These guidelines are therefore met.*

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings for E5, D1, D3 and D5: The proposal is quite successful in balancing required density and the need for sizable, usable outdoor areas. The building locations and designs allow each unit to have private outdoor spaces. The resulting series of open areas on the site will receive a mix of sun and shade, will be accessible, and will be useable for a variety of activities. Landscaping helps to define and screen private outdoor areas and parking and direct pedestrians to main entries. Existing mature trees near the southeast corner will remain and ultimately aid in screening the new rear unit from adjacent lots. Entries and some porches have overhead cover to control effects of sun and rain. Windows on all sides of the new buildings provide surveillance of the area to prevent crime. Lighting is strategically located to highlight the pedestrian system and building entries to enhance safety at night. *These guidelines are therefore met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings: The site's proposed pedestrian system, which is connected to the public sidewalk, leads directly to the new rear structure's covered main entry. The existing homes also have covered front entries facing the street with walkways leading directly to the public sidewalk. All three entries are marked by roof overhangs or porches that provide shelter and visual prominence. *This guideline is therefore met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6 and D8: The proposed alterations to the relocated structure are designed to match details and materials present on the house today. These include new wood windows on the south façade with appropriately scaled wood trim that matches the trim on existing windows. The new main entry on the south façade features a gable-end roof structure detailed with fascia trim, eave trim, and wooden brackets to match those on the existing house. All required repairs to the roof, windows, doors, siding, and trim will be done with matching materials and colors of those on the existing house. The introduction of vertical v-groove siding above the concrete foundation wall is in keeping with the style of homes of this era. Finally, the new porch, stairs and railing on the east façade will be constructed in the same manner as the original. The proposed alterations continue the design composition of the existing house and create a cohesive composition on all sides of the structure. *These guidelines are 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, Portland Zoning Code 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 site is located not only within the Albina Community Plan Area, but also in the Eliot Conservation District. The proposal maintains the existing two residences at the front of each of the two lots, which preserves the original use of the sites and the pattern of development. The applicant proposes relocating an existing two-story wood frame home currently facing demolition from nearby NE Broadway to the rear of the two sites at 431 & 437 NE Thompson Street, behind the existing homes. With the proposed additional structure, the site comes closer into conformance with the zoning designation, which requires a minimum of 4 units and allows up to 5 units, while maintaining the typical street face to the neighborhood by leaving the two existing homes close to and facing the street. The new structure is a typical Portland four-square home and is in keeping with the historic character of the district. The proposed alterations to the relocated house are in keeping with the existing style of the house and blend into the surrounding context. With the stated conditions of approval, the criteria for historic design review approval will be met.

ADMINISTRATIVE DECISION

Approval per the approved site plans, Exhibits C-1 through C-6, signed and dated April 17, 2008, for:

- The relocation of an existing house from NE Broadway to the rear of two lots at 431 & 437 NE Thompson Street
- The addition of a new wood front porch with steps and railings.
- The addition of new windows, doors, an entry cover, trim and v-groove siding.
- The creation of a new paver system driveway, parking area, pedestrian courtyard and sunken patio.
- A new landscape swale, perimeter and site landscaping, and bike rack.

Approval of historic design review, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 08-104572 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Engineering design and soils testing requirements as outlined in the Bureau of Environmental Services (Exhibit E-1) and Site Development (Exhibit E-3) review comments IF substituting permeable pavers as shown on Exhibit C-6 for sand-set pavers as shown on Exhibit C-1.
- C. No field changes allowed.

Decision rendered by:  **on April 17, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 21, 2008

Staff Planner: Chris Caruso

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 24, 2008, and was determined to be complete on **March 11, 2008**.

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 24, 2008.

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.

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 May 5, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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.

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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **May 6, 2008**.
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

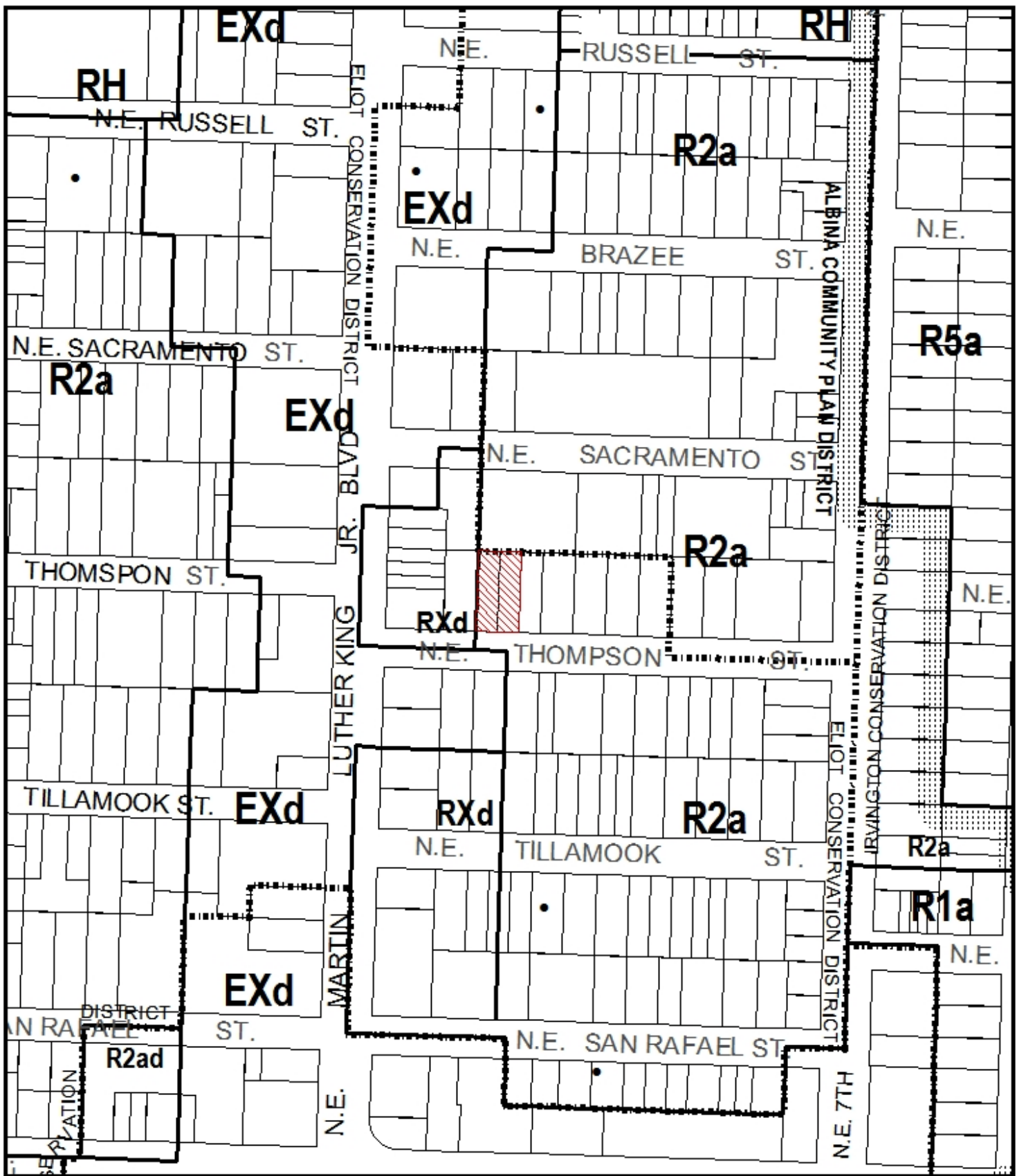
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan, Basement Plan A1 dated 4/9/2008 (attached)
 2. Elevations A6 dated 3/13/2008 (attached)
 3. Pavers cut-sheet for Tudor Interlocking in Classic Granite Walnut Blend
 4. Light fixture cut-sheet for Destination Lighting fixture #4846 black finish with white acrylic diffuser
 5. Retaining wall cut-sheet for Anchor Highland Stone Free Standing Wall in Granite Walnut Blend
 6. Site Plan, Basement Plan A1 dated 3/13/2008 (*alternate Site Plan showing permeable pavers*)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Fire Bureau
 3. Site Development Review Section of BDS
 4. Bureau of Parks, Forestry Division
 5. Life Safety Review Section of BDS
- F. Correspondence:
 1. S.V. Bailey, April 13, 2008, in support.

2. Laurie Robertson, Stephen Lojacono, Ilima Kennedy & Michael Doherty, April 14, 2008, objections.

G. Other:

1. Original LU Application
2. Site History Research
3. Aerial view of site
4. Aerial view of site
5. Existing house photos
6. Existing house photos
7. Photos of new site
8. Neighborhood context photos
9. Plat map
10. Fax memorandum to applicant dated March 31, 2008
11. Incomplete Letter dated February 1, 2008
12. Void drawing set A1-A6 dated 1/24/2008

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

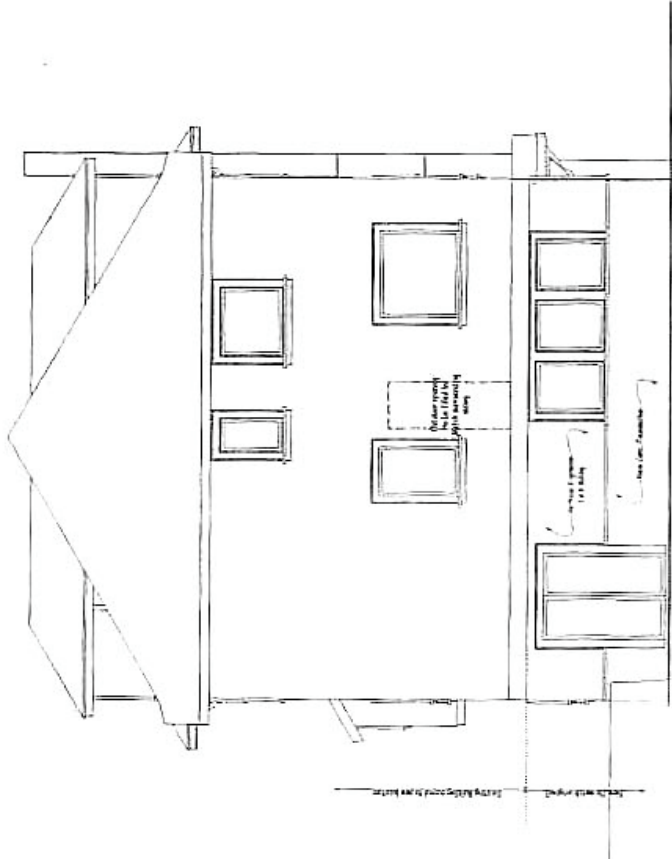


Site



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

| | |
|-------------|---------------------|
| File No. | LU 08-08-104572 HDZ |
| 1/4 Section | 2831 |
| Scale | 1 inch = 417 feet |
| State_Id | 1N1E26CB 7800 |
| Exhibit | B (Jan 28, 2008) |

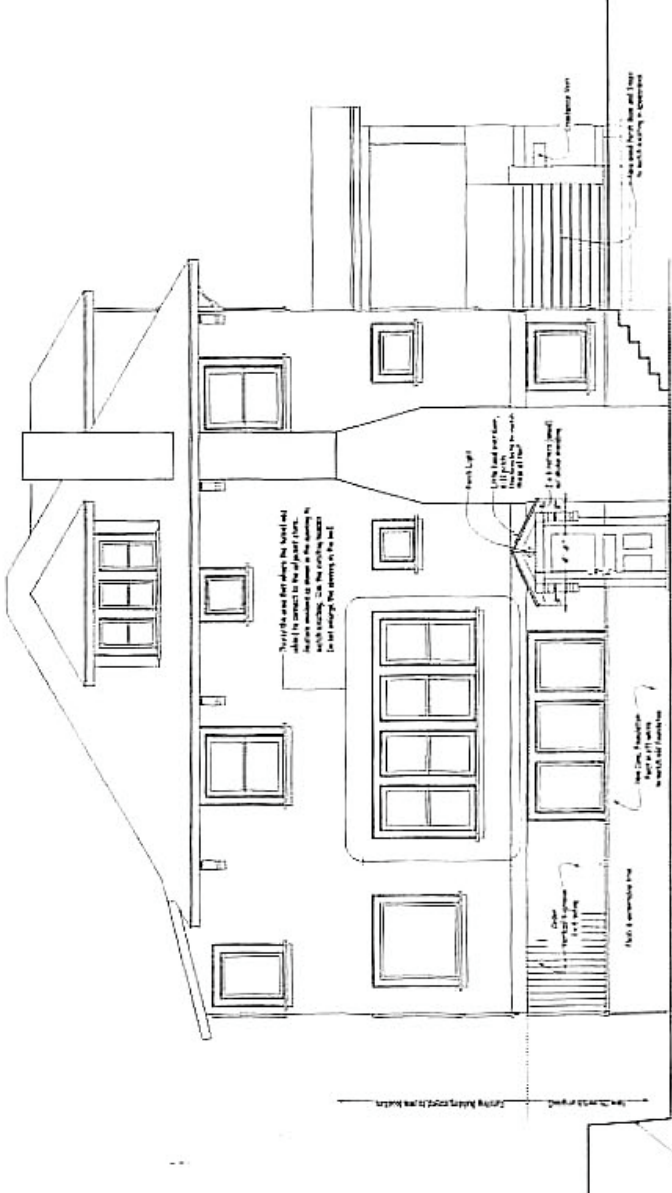


253 West (Back) Elevation
 Scale: 1/4" = 1'-0"
 Date: 4/17/08
 No. 1 of 11

Note:
 1. These are typical window sizes. Other sizes are allowed.
 2. All windows must be finished with a minimum of 1/2" x 1/2" mesh.
 3. All windows must be finished with a minimum of 1/2" x 1/2" mesh.
 4. All windows must be finished with a minimum of 1/2" x 1/2" mesh.

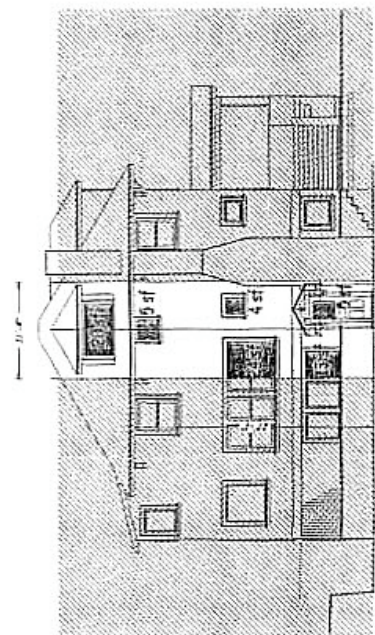
Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *4/17/08*

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

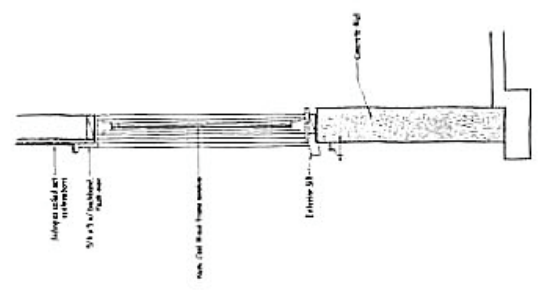


254 South (Left Side) Elevation
 Scale: 1/4" = 1'-0"
 Date: 4/17/08
 No. 1 of 11

Note:
 1. These are typical window sizes. Other sizes are allowed.
 2. All windows must be finished with a minimum of 1/2" x 1/2" mesh.
 3. All windows must be finished with a minimum of 1/2" x 1/2" mesh.
 4. All windows must be finished with a minimum of 1/2" x 1/2" mesh.



261 Fenestration Area Diagram
 Scale: 1/4" = 1'-0"
 Date: 4/17/08



271 Basement Window Detail
 Scale: 1/4" = 1'-0"
 Date: 4/17/08