



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

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Date: July 28, 2016
To: Interested Person
From: Jeff Mitchem, Land Use Services
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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 15-281242 HR NEW SINGLE-FAMILY RESIDENCE AND BASEMENT ADU

GENERAL INFORMATION

Applicant/Owner: Christopher L Botero
Po Box 13121
Portland, OR 97213-0121

Representative: Nathan Arnold
Faster Permits
14334 NW Eagleridge Lane
Portland, OR
97229

Site Address: 203 NE GRAHAM ST

Legal Description: BLOCK 15 LOT 22, ALBINA
Tax Account No.: R009605350
State ID No.: 1N1E27AD 10300
Quarter Section: 2730

Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: Albina Community
Zoning: R2a, Residential 2,000 with Alternate Density Overlay
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant proposes to maintain an existing duplex (1,764 SF) at 203 NE Graham St while constructing a new single family residence (2,808 SF) including a basement Accessory Dwelling

Unit (655 SF) on a newly created flag lot. Primary cladding materials are proposed to be Hardie Artisan 5" lap and Hardie Shake within dormer frames, fiberglass clad windows and wood doors.

A Type Ix Land Division Application is being reviewed concurrently with this Historic Resource Review.

Historic Resource Review is required because the existing duplex is a Contributing Resource in the Elliot Conservation District.

Relevant Approval Criteria:

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

- 33.846 Historic Resource Review
- Community Design Guidelines
- Community Development Code

ANALYSIS

Site and Vicinity: The subject site (7,497 SF) supports an existing contributing two-story (1,764 SF) duplex. A concurrent Land Division Application requests the creation of a 4,436 SF flag lot on which to construct a new residence (2,808 SF) with a basement ADU (655 SF).

Set back approximately 18 feet from NE Graham Street [*Neighborhood Collector Street, Transit Access Street, Local Service Walkway (Eliot Pedestrian District), City Bikeway, Minor Emergency Response Street*], the existing duplex has been significantly altered over the years – replacement of original wood siding and windows with vinyl.

The new two-story residence will be located directly behind the existing duplex with a buffer of approximately 20'. This portion of the site is approximately 4' above the grade of NW Graham St. As such, the only portion of the new structure visible from the street will be the attached garage and a portion of the west façade. Massing, scale and orientation are proposed to match those of the existing residence, while roof pitch, window proportions, siding and porch details are proposed to match those of vicinity contributing resources.

Numerous contributing residential structures are adjacent to the west and directly across NE Graham Street. Many similar residential infill projects of comparable scale have been recently completed on surrounding blocks. Vicinity development context jumps up in scale on the mixed-use, multi-modal corridors of N Williams Ave (approximately 600' west) and NW Martin Luther King Jr Blvd (approximately 200' east).

Zoning: The Residential 2,000 (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. 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 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

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.

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.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

The Eliot Conservation District denotes an area with common historic values significant to the neighborhood and seeks to contribute to the preservation of significant features of Portland's development history. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to historic design review.

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 **April 22, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1)
- Bureau of Transportation Engineering (Exhibit E.2)
- Water Bureau (Exhibit E.3)
- Site Development Section of BDS (Exhibit E.4)
- Life Safety (Exhibit E.5)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **April 22, 2016**. 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 Eliot Conservation District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines*.

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

Community Design Guidelines

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 P2 & D7: Though the duplex is a contributing structure (circa 1889) within the Eliot Conservation district, it has been drastically altered over the years and retains little of its original character. All original wood siding and windows have been replaced with vinyl, and some of the window openings appear to have been reduced in size. As such, beyond massing and form, the building's present-day appearance reflects little of the architectural character found in nearby contributing commercial buildings or houses.

By contrast, the design of the new residence incorporates many of the design characteristics of contributing resources without appearing conjectural as faux historical. Those features are:

- Well articulated massing and form – stepped back second level over garage, projecting bays, and gabled dormers.
- Classic proportion – vertically accentuated wall planes through projecting bays and large double-hung windows.
- The building has a 10-12 roof pitch which is typical of contributing context.
- Front Porch – ample sized (17' long x 7' deep) wrap-around porch.
- Siding – Hardie Artisan lap and shingle siding differentiated within dormer frames.
- Fiberglass-clad wood double-hung windows.

Therefore, these guidelines are met.

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

Findings for E3 and D2: The existing duplex features side-by-side front doors oriented to the full-width front porch and aligned with the front steps within clear view of the street. This condition will remain un-altered with the proposed work. The new residence will feature a similarly prominent entry oriented to a large front porch (approximately 110 sf) with direct visual connection to the driveway.

Therefore, this guideline is met.

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: Though featuring a gravel/grass driveway, the existing duplex does not have a garage. The proposed work includes a new concrete runner driveway and gravel parking pad concealed from street view by the existing structure to allow vehicular access to the new residence's attached garage.

The new residence will feature a narrow garage door (9' wide) partially concealed by the existing residence and therefore only obliquely visible from NE Graham St over 100' away. The driveway will feature concrete runners with grass median and additional perimeter landscaping is proposed along the entire west side yard. Therefore, the proposal will provide concealed vehicle parking with enhanced landscaping to make a

more attractive condition as viewed from the abutting public ROW.

Therefore, this guideline is met.

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: As noted above, the front door and ample porch area will provide significant visibility between the interior and the exterior where none currently exists. Additionally, both elevation facing the driveway and the existing residential will feature ample windows will also increase visibility between the interior and exterior.

Therefore, this guideline is 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.

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.

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: Many of the existing and vicinity buildings' characteristics are proposed to be carried over to the new design, including the wood windows and doors, roof eaves, and porch columns. The new Hardie Artisan siding (which has a thicker profile than standard composites), trim and windows will match the existing residence's original features (prior to being covered in vinyl) setting up the prospect for restoration of the existing structure to match the new.

As noted above, the proposed design is compatible with the character of the conservation district, which features both 2½-story residences with similar articulated massing, scale and architectural detailing. All windows are to be fiberglass clad wood double-hung, which is compatible with the neighborhood and convey a sense of quality. The proposed design, materials, and architectural detailing are high quality, organized in an orderly composition, and will result in an interesting final product of high quality.

Therefore, these guidelines 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 infill development be designed to exemplify the special characteristics of historic resources. The proposal for the new residence employs high-quality materials, includes small-scale features of visual interest, and incorporates architectural characteristics of contributing resources within the Elliott Conservation District. Therefore, approval is warranted for the Historic Design Review.

ADMINISTRATIVE DECISION

Approval of a new single family residence including a basement Accessory Dwelling Unit on a newly created flag lot, per the approved site plans, Exhibits C-1 through C-13, signed and dated July 25, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.13. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-281242 HR. No field changes allowed."

Staff Planner: Jeff Mitchem

Decision rendered by:  **on July 25, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 28, 2016

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 23, 2015, and was determined to be complete on April 1, 2016.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 23, 2015.

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 requested that the 120-day review period be extended by a total of 60 days (Exhibits A.3 & A.4) Unless further extended by the applicant, **the 120 days will expire on: September 23, 2016.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 11, 2016** at 1900 SW

Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 Design 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 Design 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 **August 12, 2016**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a

new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

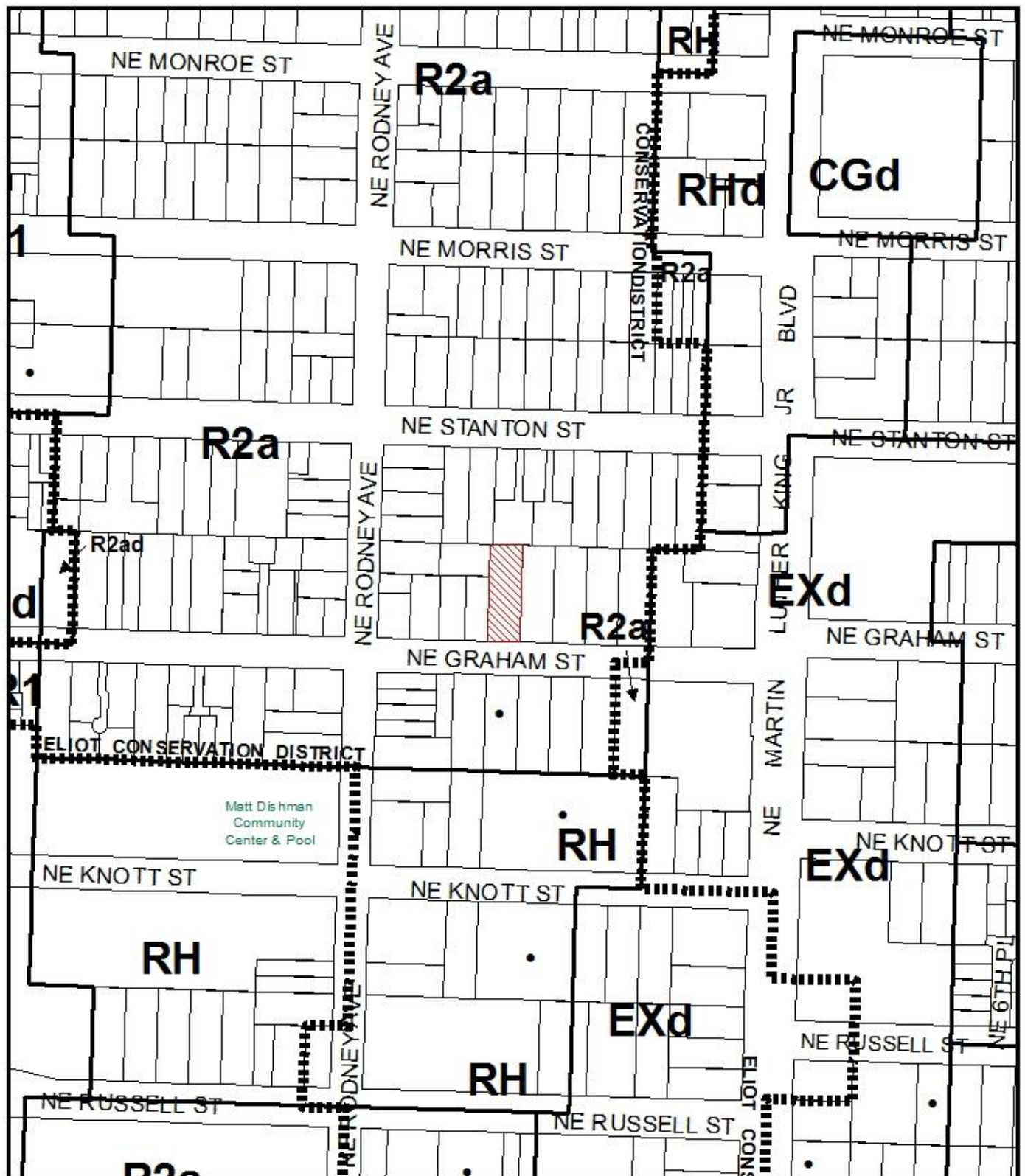
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Original Drawing Set Submitted with LUR Application
 - 3. 120-Day Extension #1
 - 4. 120-Day Extension #2
 - 5. Manufactures Cutcheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. HR Drawing Set (Sheet 1-13)
 - Sheet C.2, Site Plan (attached)
 - Sheet C.3 South Elevation (attached)
 - Sheet C.4 East Elevation (attached)
 - Sheet C.5 West Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering
 - 3. Water Bureau
 - 4. Site Development Section of BDS
 - 5. Life Safety
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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

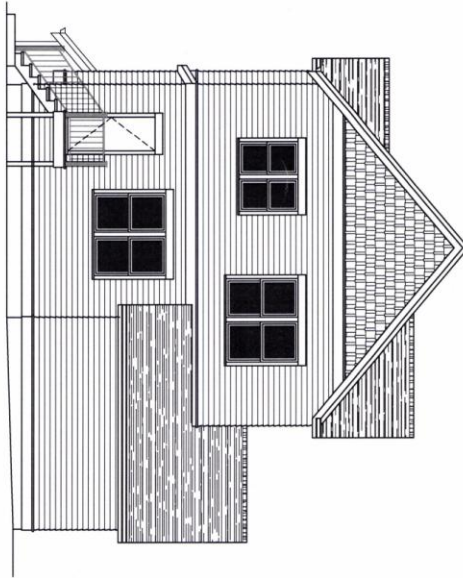
- Site
- Historic Landmark



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT
ELIOT CONSERVATION DISTRICT

File No. LU 15-281242 HR
1/4 Section 2730
Scale 1 inch = 200 feet
State_Id 1N1E27AD 10300
Exhibit B (Dec 29, 2015)

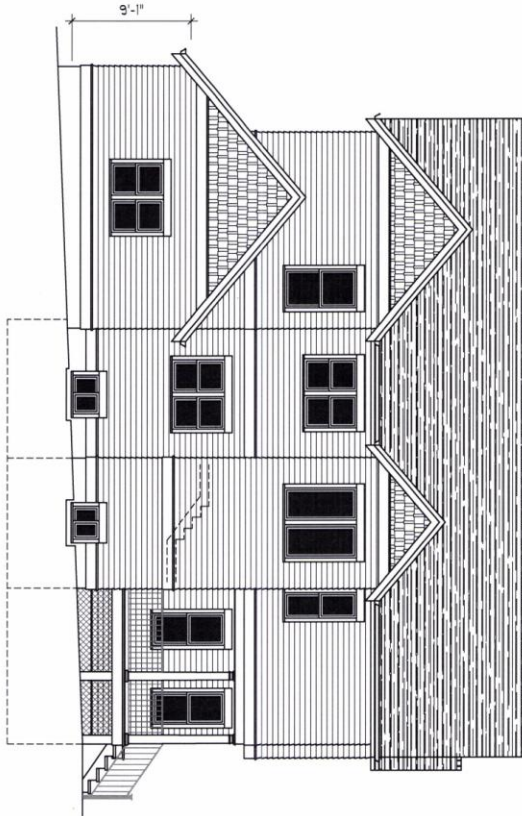
Plan 2843	Plan
David M. Olin	Owner M. Olin
Magic H&H	Magic H&H
07-20-2016	
Steel Title	
Front Elevation & Rear Plan	
Sheet No.	
A1.1	
11x17	
EX-1	
C.3	



NORTH
REAR ELEVATION

1
A1.3

SCALE: 1/8" = 1'-0"



WEST
LEFT ELEVATION

2
A1.3

SCALE: 1/8" = 1'-0"

Approved
City of Portland - Bureau of Development Services

Planner

Date

* 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

Date

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

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PROJECT
New Single Family Residence Plus ADU for:
Greenwing Restorations, LLC

Project Location: 203 NE Graham St, Portland OR 97212
Proposed New Single Family Residence

Habibi
Design & Drafting Services
620 N. Winchell St, Portland OR 97217
Tel: 503-880-4952
e-mail: majidi@habibidesign.com

Plan 2843

Scale: 1/8" = 1'-0"

North Arrow

1/8" = 1'-0"

A1.3

11x17
EXA
C.B.