

Development Services

From Concept to Construction

Phone: 503-823-7300 Email: bds@portlandoregon.gov 1900 SW 4th Ave, Portland, OR 97201

More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



APPEAL SUMMARY

Status: Decision Rendered - Held over from ID 20795 (8/28/19) for additional information

Appeal ID: 21980

Project Address: 10902 SE Stephens St

Hearing Date: 10/9/19

Appellant Name: David Nguyen

Case No.: B-011

Appellant Phone: 5033806272

Appeal Type: Building

Plans Examiner/Inspector: Jason Butler-Brown, Edgar Mendez, Ken Majors, Jeff Duquette

Project Type: residential

Stories: 2 **Occupancy:** Residential **Construction Type:** Residential home

Building/Business Name:

Fire Sprinklers: No

Appeal Involves: Alteration of an existing structure

LUR or Permit Application No.: 19-176976-RS

Plan Submitted Option: pdf [File 1] [File 2]

Proposed use: Pool to be converted to lawn

APPEAL INFORMATION SHEET

Appeal item 1

Code Section

PCC 24.55.100

Requires

After removal of any structure all foundations that are not to be used for new construction shall be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade.

Proposed Design

With respect to the backfilling of the pool, our geo tech recommends the existing concrete debris greater than 6 inches in diameter and any foreign matter be hauled to an offsite facility. The pool should then be backfilled with imported crushed aggregate with a gradation of 1-1/2 inch minus, conditioned to optimum moisture and placed in compacted lifts not exceeding 12-inch loose thickness. Final grade should be extended up to an elevation consistent with surrounding grade.

Based on our review of the appeal plan, our geo tech takes no engineering exception to the plan of cutting two 6-foot diameter portions of the concrete bottom of the pool as a drainage pathway. The proposal is considered a variance from typical pool or basement floor removals given that a portion of the pool bottom will remain intact rather than be demolished. From a geotechnical standpoint, the native soils at this location and depths are very well drained (high permeability).

Due to equipment access constraints, we are also proposing on removing the pool wall structure to about 5 inches below grade. Our geo tech finds no exception to this, provided owners acknowledge that a geotechnical report will be required at the time of permit application for future development to address all structure elements left in place which are less than 36 inches below adjoining grades.

Reason for alternative

We have two small little kids and they often play in the back. The pool is not safe for them to be around. We don't use it at all so converting it to a lawn would be a better choice. This new appeal is related to appeal ID 20795. The other appeal was pending for a geo tech report.

APPEAL DECISION

Demolition of pool with partial structure to remain in place: Granted as proposed.

The Administrative Appeal Board finds that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; and that special conditions unique to this project make strict application of those code sections impractical.

Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.



DATE: September 26, 2019

TO: John Butler
City of Portland Development Services
E-mail: John.Butler@portlandoregon.gov

Copy: David Nguyen

RE: APPEAL #20795 - POOL DEMOLITION/BACKFILL
Pool Demolition Permit # 19-176976 RS
10902 SE Stephens St, Portland OR

This memo has been prepared as part of the appeal application for the proposed decommissioning of a swimming pool at the subject residence.

Project Background

In or around 2015, we understand the subject pool was backfilled with a mix of concrete rubble, gravel and soil. This work was performed without a permit.

The owner has asked that STRATA issue a report or statement with respect to an appeal application. The appeal pertains to PCC 24.55.100 (Demolition) and PCC 24.70.080-C (fills). In summary, we understand the appeal pertains to them leaving certain elements of the pool intact, and to accomplish drainage with partial removal of the concrete bottom.

The owner plans to remove the existing backfill material and replaced with backfill to the level of the adjoining grade (per PCC 24.70.080). The fill replacement will contain no material greater than 6-inch size in the upper 10 feet.

Recommendations

With respect to backfilling of the pool, we recommend the existing concrete debris greater than 6 inches in diameter and any foreign matter (plastic, etc.) be hauled to an offsite receiving facility. The pool should then be backfilled with imported crushed aggregate with a gradation of 1-½ inch minus, conditioned to optimum moisture and placed in compacted lifts not exceeding 12-inch loose thickness. Final grade should be extended up to an elevation consistent with surrounding grade.

Based on our review of the appeal plan, STRATA takes no engineering exception to the plan of cutting two 6-foot diameter portions of the concrete bottom of the pool as a drainage pathway. The proposal is considered a variance from typical pool or basement floor removals given that a portion of the pool bottom will remain intact rather than be demolished. From a geotechnical standpoint, the native soils at this location and depths are very well drained (high permeability).

We also understand due to equipment access constraints that the owner proposes on removing the pool wall structure to about 5 inches below grade. STRATA also finds no exception to this, provided owners acknowledge that a geotechnical report will be required at the time of permit application for future

development to address all structure elements left in place which are less than 36-inches below adjoining grades.

Closure

We believe the proposed appeal plan will meet the intent of the above codes. Should you have any questions regarding the information presented in this closeout, please contact the undersigned at 503-819-4423.

Respectfully Submitted,
STRATA DESIGN LLC



Exp: 6/30/21

Sophia Nguyen

From: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>
Sent: Wednesday, October 2, 2019 5:07 PM
To: Sophia Nguyen; Ruark, Donna
Cc: Butler, John
Subject: RE: Appeal #20795

Hi Sophia,

The Strata Design memorandum recommends the removal of the fill, creating two 6 foot diameter holes in the bottom of the pool and then backfilling with 1 ½ inch minus crushed rock. If this is the process, then an appeal of the fill requirements, PCC 24.70.080 is not required.

If that is not the intent, then we should have a phone conversation to discuss the preferred path to determine if an appeal to the fill requirements would be necessary.

Regards,

Jason

Jason Butler-Brown, PE, GE | Engineering Supervisor
City of Portland | Bureau of Development Services
Site Development Section | Plan Review Services Division
1900 SW 4th Ave., Suite 5000
Portland, OR 97201

jason.butler-brown@portlandoregon.gov
503-823-4936

he / him / his

Work Hours: Monday - Friday, 8:00AM - 5:00PM

From: Sophia Nguyen <nguyesop@ohsu.edu>
Sent: Wednesday, October 2, 2019 5:01 PM
To: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>; Ruark, Donna <Donna.Ruark@portlandoregon.gov>
Cc: Butler, John <John.Butler@portlandoregon.gov>
Subject: RE: Appeal #20795

Hello all,

Just to clarify – code section PCC 24.55.100 – Demolition is the only appeal that needed to be resubmitted? As Jason mentioned, the appeal of PCC 24.70.080 - Fills is no longer necessary.

Thanks,
Sophia

From: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>
Sent: Wednesday, October 2, 2019 4:57 PM
To: Ruark, Donna <Donna.Ruark@portlandoregon.gov>; Sophia Nguyen <nguyesop@ohsu.edu>
Cc: Butler, John <John.Butler@portlandoregon.gov>
Subject: RE: Appeal #20795

Good afternoon,

The appeal of 24.70.080 – Fills is not necessary if the fill placement and compaction will be performed as recommended in the geotechnical memorandum.

Sophia – you’re welcome to forward a draft of the appeal to me for review before the formal submittal if that would be helpful.

Sincerely,

Jason

Jason Butler-Brown, PE, GE | Engineering Supervisor
City of Portland | Bureau of Development Services
Site Development Section | Plan Review Services Division
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Portland, OR 97201

jason.butler-brown@portlandoregon.gov
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From: Ruark, Donna <Donna.Ruark@portlandoregon.gov>
Sent: Wednesday, October 2, 2019 4:13 PM
To: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>; Sophia Nguyen <nguyesop@ohsu.edu>
Cc: Butler, John <John.Butler@portlandoregon.gov>
Subject: RE: Appeal #20795

Sorry, our emails crossed in cyberspace. I am requesting that Sophia resubmit the appeal, separating out the two items.

Thank you, and sorry for any extra confusion I might have caused.

Donna Ruark
Office Support Specialist III
Bureauwide Projects Section
Bureau of Development Services
1900 SW 4th Ave

Portland, OR 97201
503-823-7335
Donna.Ruark@portlandoregon.gov

Work hours: M-Th 7 to 5

From: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>
Sent: Wednesday, October 2, 2019 3:59 PM
To: Ruark, Donna <Donna.Ruark@portlandoregon.gov>; Sophia Nguyen <nguyesop@ohsu.edu>
Cc: Butler, John <John.Butler@portlandoregon.gov>
Subject: RE: Appeal #20795

Good afternoon Donna,

I would be happy to review the appeal language to verify it is consistent with the 10/1/19 e-mail below. Based on a review of the 9/26/19 Strata Design memorandum, it does not appear that an appeal to PCC 24.70.080 will be necessary.

Looking forward to hearing from you.

Jason

Jason Butler-Brown, PE, GE | Engineering Supervisor
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From: Ruark, Donna <Donna.Ruark@portlandoregon.gov>
Sent: Tuesday, October 1, 2019 1:45 PM
To: Sophia Nguyen <nguyesop@ohsu.edu>; Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>
Cc: Butler, John <John.Butler@portlandoregon.gov>
Subject: RE: Appeal #20795

Sophia, actually the appeal was submitted correctly. I will make sure that your .pdfs are included with the appeal. Also, regarding the text of the appeal, the original appeal language needs to be included with your new appeal. I will go ahead and supply that for the appeal; I will take care of it for you. It will be on next week's docket (10/9/19). It was submitted too late for this week.

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From: Sophia Nguyen <nguyesop@ohsu.edu>
Sent: Tuesday, October 1, 2019 1:08 PM
To: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>
Cc: Ruark, Donna <Donna.Ruark@portlandoregon.gov>; Butler, John <John.Butler@portlandoregon.gov>
Subject: RE: Appeal #20795

Hello all,

I went to the appeals website and submitted the geo tech report (attached). I believe I did it wrong because the system gave me a new appeal number # (21965). My apologies for this. Please let me know if there is anything else needed.

Thanks,
Sophia

From: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>
Sent: Monday, September 30, 2019 2:32 PM
To: Sophia Nguyen <nguyesop@ohsu.edu>
Cc: Ruark, Donna <Donna.Ruark@portlandoregon.gov>; Butler, John <John.Butler@portlandoregon.gov>
Subject: RE: Appeal #20795

Good afternoon Sophia,

Thank you for your patience with my response.

Your pool demolition permit (permit # 19-176976 RS) has been issued. Your appeal ([Appeal ID 20795](#)) is on hold pending the submittal of additional information.

The appeal as submitted is for code section [PCC 24.70.080 - Fills](#), which includes the requirement that rock sizes greater than 6 inches in maximum dimension must be 10 feet or more below grade, measured vertically.

We understand that elements of the pool are intended to remain in place. As such, the appeal application will need to be revised to address two code sections.

The first should be [PCC 24.55.100 – Demolition](#) which requires:

After removal of any structure all foundations that are not to be used for new construction shall be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade.

In this case, the pool is considered to be the structure to be removed and the excavation would need to be backfilled to the level of the adjoining grade.

The second code section would be the appropriate sections of PCC 24.70.080 – Fills; for example, PCC 24.70.080.C.

The second appeal may be included with the reconsideration of this appeal with no additional fee.

The appeal application will need to include a letter stamped by your geotechnical engineer that provides recommendations for leaving the pool in place. The letter will need to include recommendations that address the pool backfill and measures required that will allow the pool backfill to drain. Drainage is typically accomplished by breaking up the bottom of the pool.

Assuming the appeals are granted, a second letter from the geotechnical engineer will need to be submitted before the final permit inspection can be approved. That letter will document the work that has been completed to break up the bottom of the pool and that the fill placement and compaction satisfies the code requirements or the alternative requirements approved in the appeals.

I would be happy to review this information with you and your geotechnical engineer.

Please do not hesitate to call or e-mail with questions.

Respectfully,

Jason

Jason Butler-Brown, PE, GE | Engineering Supervisor
City of Portland | Bureau of Development Services
Site Development Section | Plan Review Services Division
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Portland, OR 97201

jason.butler-brown@portlandoregon.gov
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Work Hours: Monday - Friday, 8:00AM - 5:00PM

From: Sophia Nguyen <nguyesop@ohsu.edu>
Sent: Monday, September 23, 2019 4:48 PM
To: Butler-Brown, Jason <Jason.Butler-Brown@portlandoregon.gov>
Subject: RE: Appeal #20795

Hello Jason,

Can you please help me understand a couple things? Beside what John Butler has told us, are there any requirements for the report that you would like to see? Also, once the project is completed, what is needed to be submitted to the City? Is there another report from the Geotech engineer that is required?

Thanks,
Sophia

From: Butler, John <John.Butler@portlandoregon.gov>
Sent: Thursday, August 29, 2019 5:16 PM
To: Sophia Nguyen <nguyesop@ohsu.edu>
Cc: BDS Appeals <AppealsS@portlandoregon.gov>
Subject: RE: Appeal #20795

You need to provide a report stamped by an Oregon Geotech engineer consistent with the previous e-mail I sent to you. This report will be reviewed by a City Geotech engineer who will make a recommendation to the Board for granting or denial of the appeal.

Any questions your Geotech engineer has about the requirements for the report should be made to Jason Butler Brown at 503-823-4936 or e-mail at Jason.Butler-Brown@portlandoregon.gov.

*John Butler
Senior Plans Examiner
Bureau Wide Projects Section
Bureau of Development Services
1900 SW 4th Ave, Suite 5000
Portland, OR 97201*

John.Butler@portlandoregon.gov
(503)823-7339
Work Hours: M - Th 7:00 am - 4:30 pm
Alt. Fri: 7:00 am – 3:30 pm

Sent from my iPhone

Begin forwarded message:

From: "Butler, John" <John.Butler@portlandoregon.gov>
Date: August 29, 2019 at 10:40:58 AM PDT
To: "nguyen_portland@yahoo.com" <nguyen_portland@yahoo.com>
Cc: BDS Appeals <AppealsS@portlandoregon.gov>
Subject: Appeal #20795

David,

Per our phone conversation, please provide the following information for reconsideration of appeal #20795.

- 1) Code Section to be appealed should be [24.55.100](#) rather than 24.70.080.
- 2) 24.55.100 requires:

After removal of any structure all foundations that are not to be used for new construction shall be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade.

- 3) We request that the appeal application include a memorandum stamped by the geotechnical engineer that provides drainage recommendations consistent with the proposal to create two 6 foot diameter openings. The geotechnical recommendations must be consistent with the proposed work.

In addition, we included a recommendation that the applicant consider removing the pool structure to a depth of 12 to 24 inches below grade. However, Site Development takes no exceptions to leaving structure 5 inches below grade.

Please note: a geotechnical report will be required at the time of permit application for future development in the vicinity of the pool to address structure elements left in place.

Additional information is to be submitted as a no fee reconsideration following the same submittal process and the same appeals form as the original appeal. Indicate at the beginning of the appeal form that you are filing a reconsideration and include the original assigned Appeal ID number.

Use the original appeal language with new information in a separate paragraph clearly identified as "Reconsideration Text". No additional fee is required.

Please call or e-mail if any questions.

*John Butler
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