



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: August 15, 2016
To: Interested Person
From: Jeff Mitchem, Land Use Services
503-823-7011 / Jeffrey.Mitchem@portlandoregon.gov

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 15-278460 HR NEW SINGLE-DWELLING UNIT

GENERAL INFORMATION

Applicant/Owner: Nick Finke
Finke Construction
Po Box 1565
Wilsonville, OR 97070

Representative: Finke Construction LLC
P O Box 1565
Wilsonville, OR 97070

Site Address: 4523 N MISSISSIPPI AVE
Legal Description: BLOCK 1 S 1/2 OF LOT 6, CLIFFORD ADD
Tax Account No.: R163900130
State ID No.: 1N1E22BD 15900
Quarter Section: 2529
Neighborhood: Humboldt, contact Micah Meskel at 503-481-5715.
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: None
Zoning: R2.5a, Residential 2,500 with an Alternate Density Overlay
Case Type: HR, Historic Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL:

The proposal is for a new 2-story dwelling unit on a 2,500 square foot lot with one parking space within a partially below-grade garage. Storm water drainage is proposed to an existing on-site drywell. The new dwelling is proposed to match existing Mississippi Conservation District contributing resources in roof pitch, size and materials of windows (Anderson Wood Double-Hung) and doors, and siding (Hardie Artisan 6" lap).

Historic Resource review is required because the proposal is for new construction within Mississippi 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

ANALYSIS

Site and Vicinity: The subject site is located at the north end of the Mississippi Avenue Conservation District, which is located in the Albina Community Plan Area. Development context within the immediate vicinity is characterized by a mix of single- and multi-unit dwellings, while more dense, mixed-use development exists one-block south and east along the N Albina/N Mississippi Avenue corridor.

At the neighborhood scale, North Mississippi Avenue, retains much of its original character as a commercial center of the City of Albina (consolidation with the City of Portland in 1891). The Avenue was once served by the Mississippi Streetcar line, an extension of the Interstate-Stanton-Williams Loop. Surviving streetcar-era commercial structures along N Mississippi Avenue range in height from two to three stories. Abutting this commercial corridor are well-preserved residential neighborhoods with a range of zoning designations (including R2.5, Storefront Commercial and Central Employment).

The subject site, an originally-platted 2,500 square-foot lot, supports a contributing resource (circa 1909) in significant disrepair to be demolished to make way for the project. As such, per PZC 33.445.430, demolition of the subject building will require a 120-day demolition delay review. The site is abutted by common-wall row housing to the west, a multi-dwelling (approximately 6 units) to the north and a single-dwelling to the south.

The subject site is located 100' north of the Boise Pedestrian District. Pedestrian Districts are intended to give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned. The City of Portland's Transportation System Plan classifies this segment of North Mississippi Avenue as a Local Service Walkway/Bikeway. Community Main Streets are designed to accommodate motor vehicle traffic, with special features to accommodate public transportation, bicycles, and pedestrians.

The subject site is located at the northern edge of an area of Central Employment zoning that runs the length of N Mississippi Avenue. In recent years, the area has experienced intense redevelopment including single-dwelling and mixed-use infill.

Zoning: The Residential 2,500 (R2.5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is based on lot size and street configuration. Both detached and attached single-dwellings are allowed. Minimum lot size for both types of development is 1,600 square feet with minimum front lot line of 30 feet and minimum depth of 40 feet. There is no required minimum lot width or front lot line for lots that are developed with structures that meet certain additional development standards related to design.

Land Use History: City records indicate there are no prior land use reviews for this site.

Summary of Applicant's Statement: use at your discretion to further explain proposal and/or how they propose to mitigate for impacts or meet approval criteria.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **June 22, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering (Exhibit E.1)
- Site Development Section of BDS (Exhibit E.2)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **June 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 Design Review

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Mississippi Avenue Conservation District and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the *Community Design Guidelines*.

Staff has considered all Community Design Guidelines and addressed only those applicable to this proposal.

I. Community Design Guidelines

P1. Plan Area Character.

Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and 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, D7: The subject site is located within the Mississippi Historic Design Zone/Neighborhood Conservation District of the Albina Community Plan Area. The new building and associated plaza area enhance the identity of this unique place in the city. The design of the new building draws upon characteristics of contributing resources with the district and blend into the neighborhood, in the following ways:

- The new residence is no more than two stories tall.
- The ground floor is features a full-width front porch with recessed, below grade garage.
- The finish cladding – 6” lap (Hardie Artisan) – is a common dimensional material throughout the district.
- The building has a 12-12 roof pitch which is typical of contributing context.
- The proposal uses high-quality traditional building materials – wood windows and door and Hardie Artisan lap siding – that impart a sense of permanence.
- A wall-mounted light is incorporated on the front façade adjacent to the main entrance.

- The building is sited to maintain the existing building wall of adjacent structures.
- The garage door is recessed beneath the front porch and features divided lite windows.

Therefore these guidelines are 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.

Findings for E1: The proposal supports the pedestrian network of the area in the following ways:

- The garage is recessed and below-grade thereby minimizing the visual prominence of the garage door.
- The driveway and pedestrian path between sidewalk and front porch are parallel eliminating a potential conflict point between pedestrians and motorists.
- The front entry is on-axis with the porch steps and path thereby visually and physically connecting with the public sidewalk.
- The full-width, six foot deep front porch is elevated by approximately 4' providing interior privacy while reinforcing a social aspect of front porch culture prevalent in the neighborhood.

In these ways, the new building is directly and safely linked with adjacent public realm.

Therefore this guideline is met.

E3. The Sidewalk Level of Buildings.

Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small-scale building features, creating effective gathering places, and differentiating street level facades.

Findings for E3: The new building fosters a comfortable sense of urban enclosure and creates visual interest along the sidewalks of N Mississippi Avenue in the following ways:

- The building is built to the street-lot line along N Mississippi.
- The building features a covered six-foot deep full-width front porch.
- The garage door is recessed below and behind the face of the front porch by approximately 6 feet.

Therefore this guideline is 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.

- **Findings for E5:** The covered six-foot deep full-width front porch serves to mitigate the effects of weather surrounding the main entry and garage entry.

Therefore this guideline is met.

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.

Findings for D1: The new building will be a skinny house (15'W x 68'L) covering approximately 41% of a 2,500 square foot (25'W x 100'L) lot. The 90 square-foot front porch will be set back from the back of sidewalk by approximately 15', allowing for direct physical and visual connection between a functional front yard space and the abutting public realm. The rear yard is approximately 17' deep creating a 424 square foot useable

back-yard space.

Therefore this guideline is met.

D2. Main Entrances.

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

Findings for D2: The main entry is on-axis with the front porch steps and pathway leading to the sidewalk on N Mississippi Ave. The main entrance is covered by the front porch enclosure and elevated by approximately 4'. These features combine to make the entrance prominent and pedestrian-accessible.

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 for D5: Both levels of the building feature ample glazing providing for passive surveillance, while the front porch provides direct “eyes on the street.” These opportunities for can reduce the likelihood of street crime and engender a sense of security in passersby and visitors to the site. Wall-mounted lighting will provide the opportunity for illumination of the front porch at all hours.

Therefore this guideline is met.

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 D8: The front elevation features elements historically reinforced as cohesive expressions such as lap siding (6” reveal), recessed window (4.5” from face of sash to finish siding), 12-12 roof pitch, large window openings, gabled dormers, and full-width front porch. As such, the visual rhythm of the street wall will be cohesively composed with vicinity context.

The residence will be made of high-quality, long-lasting materials – the windows are made of wood and are fully operable (double-hung), the front door and garage door are made of wood and feature windows, and the siding is Hardie Artisan 6” lap.

Therefore this guideline is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the historic 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 Mississippi Ave Conservation District. Therefore, approval is warranted for the Historic Design Review.

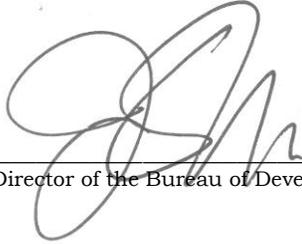
ADMINISTRATIVE DECISION

Approval of a new 2-story dwelling unit on a 2,500 square foot lot with one parking space within a partially below-grade garage, per the approved site plans, Exhibits C-1 through C-15, signed and dated August 11, 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-15. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-278460 HR. No field changes allowed."

Staff Planner: Jeffrey Mitchem

Decision rendered by: _____ **on August 11, 2016**
By authority of the Director of the Bureau of Development Services



Decision mailed: August 15, 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 17, 2015, and was determined to be complete on June 14, 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 17, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 12, 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 26, 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 29, 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:

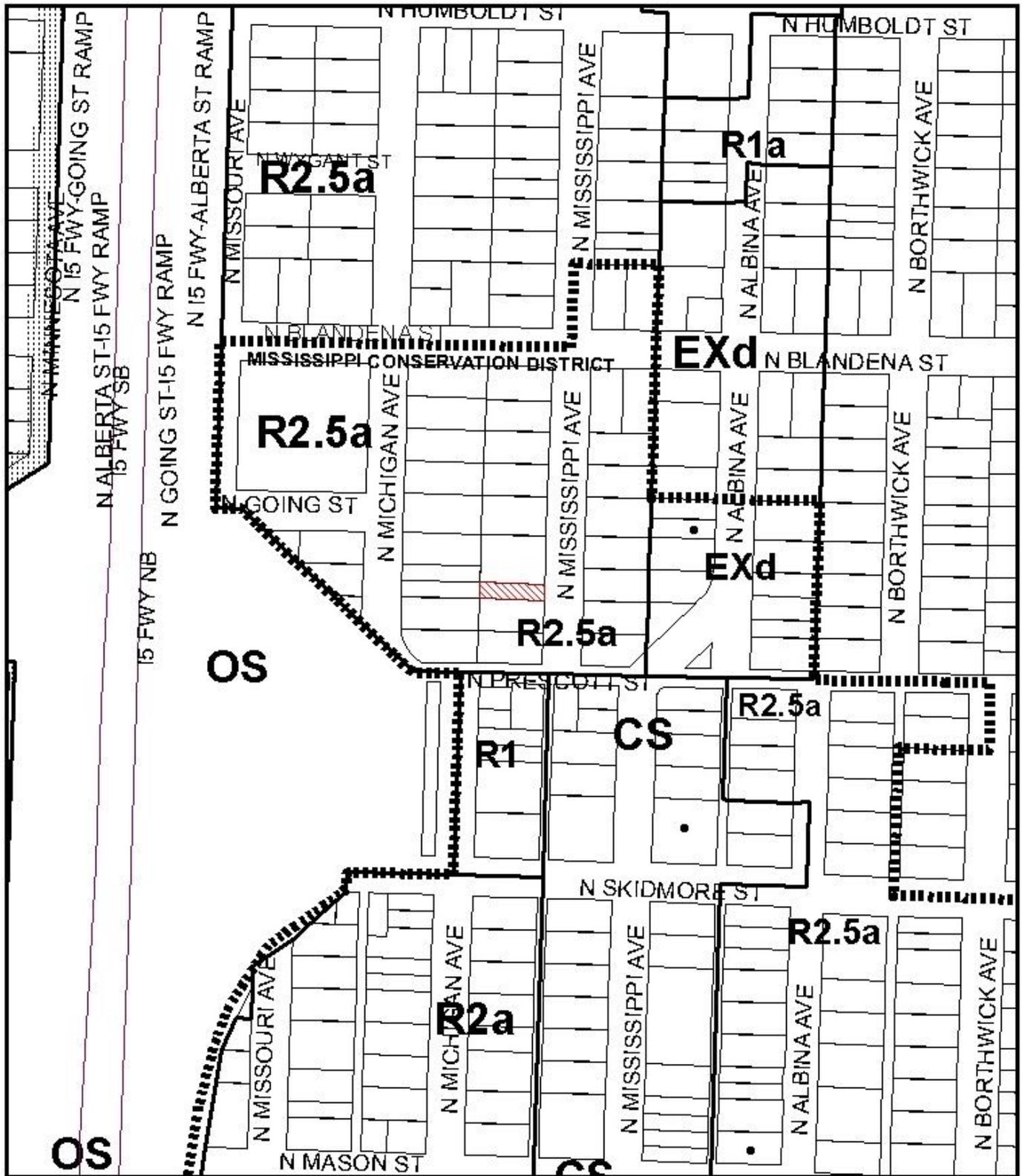
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Manufacture's Cutsheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Historic Review Drawing Set (Sheet C.1-C.15)
 - Sheet C.5 Site Plan (attached)
 - Sheet C.1 Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Site Development Review Section of BDS
- 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:
MISSISSIPPI CONSERVATION DISTRICT



File No.	LU 15-278460 HR
1/4 Section	2529
Scale	1 inch = 200 feet
State_Id	1N1E22BD 15900
Exhibit	B (Dec 22, 2015)

4523 N. Mississippi Ave
 Portland, Oregon 97217
 Phone: (503) 252-3453 Fax: (503) 252-3454
 Email: buildersdesign@gmail.com

Front Door
 Prefinished exterior door with 3-1/2" x 6-1/2" x 2-1/2" panel (1-1/2" x 1-1/2" x 1-1/2") with 1/2" x 1/2" x 1/2" panel (1-1/2" x 1-1/2" x 1-1/2")
 door hardware with double door pull and double door pull

Siding
 Arksen 6' exterior Lap Siding by James Hardie

Trim
 1-1/2" Arksen Accent Trim by James Hardie

Windows
 Andersen 200 Series Double Hung, Painted and Casement wood windows

Roofing
 Copper Red Landmark Series shingles in Waverley Wood

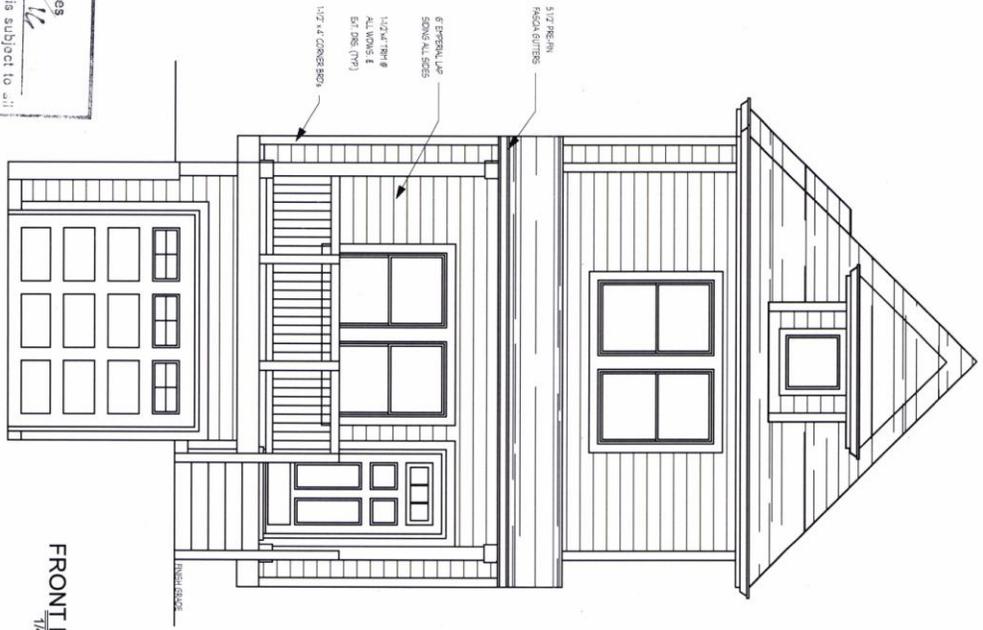
Front Light
 Design Classics Lighting Square Outdoor Wall Light

Storage Door
 Wayne Dalton 7000 9'00" Round style garage door with Clear 1

Exterior Back Door
 Sherwin Williams A-100 in IC Gray Wash

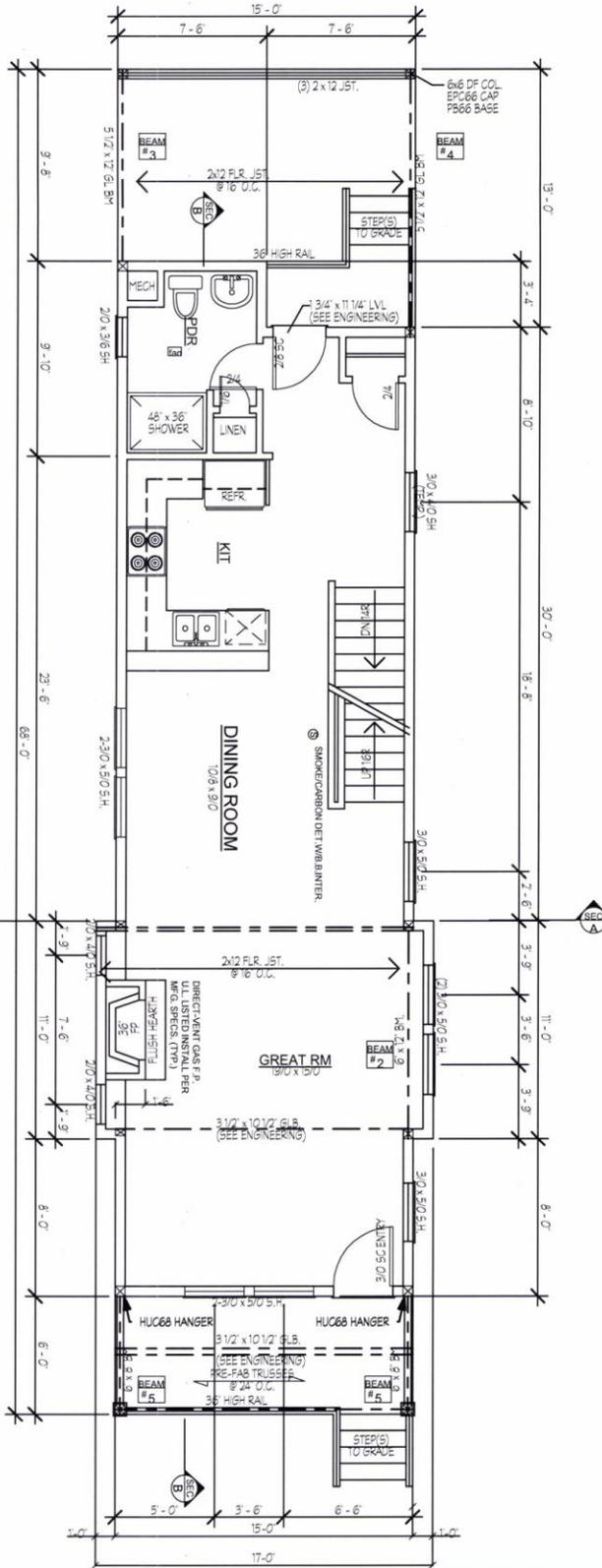
Exterior Trim Paint
 Sherwin Williams A-100 in round island 25% IC Gray Wash

Approved
 City of Portland - Bureau of Development Services
 Planner: [Signature]
 Date: 7/31/16
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



FRONT ELEVATION
 1/4" = 1'-0"

NICK FINKE FRONT ELEVATION		BUILDERS DESIGN INC COMMERCIAL · RESIDENTIAL · REMODELING 11125 NE WEIDLER ST. · PORTLAND, OR 97220 PHONE: (503) 252-3453 · FAX: (503) 252-3454 EMAIL: BUILDERSDESIGN@GMAIL.COM
Project Number: 10417 Date: 7/31/16 Drawn by: BSY Checked by: Scale: 1/4" = 1'-0" Rev:	EX-1 1-1	



MAIN FLOOR PLAN

Planner: *[Signature]* Date: *[Signature]*
 * This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

Approved
 City of Portland - Bureau of Development Services

ALL ROOMS CONTAINING BATHING OR SPA FACILITIES SHALL BE PROVIDED WITH A MECHANICAL EXHAUST SYSTEM CONTROLLED BY A DEHUMIDIFIER OR SIMILAR MEANS OF AUTOMATIC CONTROL.

ALL ELECTRICAL TOILET FIXTURES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS AND LISTED BY THE MANUFACTURER.

A MINIMUM OF 60% OF THE PERMANENTLY INSTALLED LIGHTING SHALL BE ENERGY EFFICIENT LIGHTING SOURCE THAT HAS A MINIMUM ENERGY EFFICIENCY RATING OF 1.0. ALL LIGHTING FIXTURES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS AND LISTED BY THE MANUFACTURER.

**NICK FINKE
 1ST FLOOR PLAN**

BUILDERS DESIGN INC
 COMMERCIAL · RESIDENTIAL · REMODELING
 11125 NE WEIDLER ST. · PORTLAND, OR 97220
 PHONE: (503) 252-3453 · FAX: (503) 252-3454
 EMAIL: BUILDERSDESIGN@GMAIL.COM

Project Number:	10417
Date:	7/31/16
Drawn by:	BSV
Checked by:	
Scale:	3/16" = 1'-0"

[Handwritten initials]