



City of Portland, Oregon
Bureau of Development Services
Inspection Services - Enforcement
FROM CONCEPT TO CONSTRUCTION

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www.portlandoregon.gov/bds

COMPLIANCE REQUEST
ZONING & CONSTRUCTION CODE VIOLATIONS – PERMIT REQUIRED

September 3, 2014

Case Number: 14-200211 CC

BACK BRIDGE LOFTS LLC
% KAISER, BENJAMIN J
5229 NE M L KING BLVD #101
PORTLAND, OR 97211-3281

COPY

BACK BRIDGE LOFTS LLC
5229 NE M L KING BLVD #101
PORTLAND, OR 97211

RE: Formerly 32 NE Fremont, NE Fremont St, SE Tax Acct. #R010800210, R010800230,
Corner N Williams and NE Fremont, R916401310, R010800250,
3410 N/N Williams Ave, 19 NE Ivy Street R916401290

Zoning: R2d, Multi Dwelling Residential Zone with Alternative Design Density Overlay, located in
the Eliot Conservation District, Albina Community Plan District; RXd, Central Residential
with Design Overlay, located in the Albina Community Plan District

We recently received a report and verified on **August 20, 2014 and August 29, 2014** that construction work, at the above referenced property, has been/is being done in violation of building and zoning codes. It is unlawful for any further work, regulated by these codes, to be done until the necessary permit(s) are obtained. The violations include, but are not limited to, the following:

1. **Building Permit to demolish house at 32 NE Fremont (permit 13-169543 RS) is lacking approved inspections. There is no confirmation of the demo of the house and capping the sewer. (Oregon State Residential Specialty Code Sections R105 and R109).**

To correct this violation, please do the following

- A. Obtain a final inspected permit to document the demolition of the house at 32 NE Fremont and confirm the sewer was capped. Permit 13-169543 RS was expired on April 21, 2014 after a notice was mailed on February 4, 2014 alerting the applicant to the expiration of the permit. The permit has been reactivated and will allow for final inspections to document the sewer cap within 5 feet of the property line and confirmation of the demolition. Expose the sewer cap and call for inspections on permit 13-169543 RS.

2. **Construction parking is occurring on a vacant residential lot on the unpaved surface that is not a recognized parking area. Portland Zoning Code Section 33.266.120.**

To correct this violation, please do the following

- A. Cease parking vehicles on the unpaved area that is not a recognized parking area. Note that once the house was demolished there is no legal parking area on the vacant property. Block off this vacant lot to prevent parking on the unpaved area that is not a recognized parking area.

3. Parking accessory to New Seasons (commercial parking) installed on a vacant lot in the RXd zone and placement of more than 10 cubic yards of gravel fill without the required permit. Portland Zoning Code Section 33.120.100 and Table 120-1. Portland City Code Title 24.70.020.

To correct this violation, please do the following (Note: the zoning violations must be corrected prior to proceeding with construction code requirements):

Zoning Code Corrections:

- A. Cease accessory parking for the New Seasons (commercial parking) on the south half of the block along N Williams accessed from NE Ivy Street and block off this area so it cannot be used for parking. Commercial parking in surface lots are prohibited in the RX zone outside of the Central City plan district.

Note: the zoning violations must be corrected prior to proceeding with construction code requirements:

Construction Code Corrections:

- B. Obtain a Site Development Permit to legalize the gravel fill or to remove the gravel fill added to this lot in excess of 10 cubic yards.

A special investigation fee for work begun without permit will be charged. This fee will be charged at \$95/hr. for a minimum charge of \$95 and will be in addition to the regular permit fees.

Applications for and information about land use reviews and construction permits may be obtained at the Development Services Center (DSC) at 1900 SW 4th Avenue, first floor. The DSC is open Monday through Friday from 7:30 a.m. to 3 p.m., except Thursdays when it closes at 2 p.m. The DSC doors open at 7:30 a.m. for building permit screening and set-up, other permits and land use review applications will be available starting at 8 a.m. Please visit the BDS website for more information regarding the DSC hours. If you wish to contact the DSC via telephone, please call (503) 823-7526 for land use review information and fees, and (503) 823-7310 for permit information and fees. Additional information is contained in the enclosed brochure(s). It is helpful to bring this letter with you.

You have 30 days from the date of this notice to correct the cited violation(s). This may include removing the unpermitted structure or submitting a completed land use review application to the DSC and obtaining a construction permit within 30 days of LUR approval, if granted. If corrective actions are not completed within these timelines, the matter will be referred for further enforcement action, which may include any or all of the following:

- 1) Assessment of monthly code enforcement fees (see enclosed fee schedule).
- 2) A special investigation fee for work begun without permit (per Section R108), which is equal to the permit fee plus \$250.00 (per City of Portland Ordinance 174719);
- 3) Referral to the Code Hearings Officer, resulting in an automatic \$359.00 hearing filing penalty and possible assessment of civil penalties of up to \$1000.00 per day of violation.

Unpaid penalties become a lien against the property.

Issued permits are valid for 180 days after issuance or for 180 days after the suspension or abandonment of authorized work. Permits not receiving approval for a required inspection for a period in excess of 180 days are subject to expiration.

If you have questions or to schedule an inspection to verify compliance, contact me at 503-823-0623.

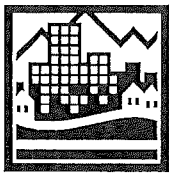


Michelle Seward
Senior Planner

Note: This letter does not reflect violations on the property with respect to other City of Portland bureaus or departments and from other government agencies. Additional information on the cited zoning code sections is available upon request or via the Internet at [www. http://www.portlandonline.com/planning](http://www.portlandonline.com/planning)

Enclosures

cc: File



City of Portland, Oregon
Bureau of Development Services
Neighborhood Inspections

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7306
Fax 503-823-7961
TTY 503-823-6868
www.portlandonline.com/bds

Fees, Penalties, Reviews, Appeals, and Waiver Information

FEES

If all violations **are not** corrected, inspected, and approved by the City Inspector within thirty (30) days of the mailing date of the first violation letter, a lien may be placed against the property. The monthly fee is based on the number of units on the property and the number of units in violation.

1-2 Units \$257.00 per unit	3 – 10 Units \$386.00 per unit	11 – 19 Units \$515.00 per unit	20 or more Units \$643.00 per unit	Residential with Non-Residential use & Properties with only Non-Residential use \$643.00 per unit
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An additional auditor charge of 10% will be added to the above amounts, along with a possible recording fee. The monthly fees will double for any property that remains in violation for three (3) months from the initial notice of violation.

Hearings: A \$359.00 penalty will be assessed if the City files a complaint with the Code Hearings Officer regarding the continued existence of violations on the property.

ADMINISTRATIVE REVIEW – Do Violations Exist?

- As the property owner or authorized agent, if you believe the finding of the notice was in error you may request an Administrative Review within 15 days of the posting notice or within 15 days of the first violation notice. Code enforcement fees will continue to accrue during the review process.
- If additional violations are cited, any property owner or authorized agent may also request an Administrative Review of additional cited violations within 15 days of the date of the notice citing those additional violations.
- An Administrative Review Appeal Fee of \$110.00 is due when the written request for an Administrative Review is requested. This fee will only be refunded if it is determined that all of the contested violations were cited in error.

The written request, along with the \$110.00 Administrative Review fee, must be received in our office within 15 days of original notification and must state the reason(s) for the review. Please make the check payable to the City of Portland:

Mail requests to:

Bureau of Development Services
Neighborhood Inspections & Compliance Services Section
Review/Appeal Desk
1900 SW 4th Avenue Suite 5000
Portland OR 97201

Your request should indicate if you or a representative of the property owner will be appearing in person for the review. If so, we will notify you and/or your representative of the date and time of the review. A written determination will be mailed following the review, which will include additional appeal information as set forth in Section 29.80.020.

Code Enforcement Fee Waivers (Zoning, Construction w/o Permit and Noise Cases)

A waiver provides for temporary suspension of code enforcement fees assessed against a property. Waivers are available on a limited basis. Call 503-823-0891 for more information or to request an application.

Income-Based Waiver

Upon approval of this waiver, monthly Code Enforcement Fees may be suspended for up to (twelve) 12 months. The following requirements must all be met before the waiver may be granted:

1. The property is owner-occupied or vacant; and
2. There is no construction work occurring without required permits; and
3. The property is clear of any other code violation administered by BDS; and
4. The dwelling is a one or two family residence; and
5. The property owner(s) must meet the income requirements by providing required documentation.
6. The cited violation does involve a violation of Zoning Code allowed uses.

New Owner Grace Period

(no application required)

Upon approval of this waiver, Code Enforcement Fees may be suspended for one (1) month. The following requirements must be met before the waiver may be granted:

1. The new owner acquired the property with pre-existing housing violations of Title 29; and
2. The existing liens have been satisfied or paid current and the City Auditor's Office has notified BDS of a new owner; and
3. The case is currently open.

Active Permit Waiver

Upon approval of this waiver, monthly Code Enforcement Fees may be suspended for up to six (6) months. The following requirements must all be met before the waiver may be granted:

1. All required permits have been issued to correct the cited code violations;
2. Ongoing approved inspections are being obtained; and
3. This waiver may be extended as required inspection approvals are obtained.
4. Waiver for issued Zoning Permits only up to 30 days.

Land Use Review Waivers

(no application required)

Upon approval of this waiver, monthly Code Enforcement Fees may be suspended during the time a Land Use Review (LUR) application is being considered. The following requirements must all be met before the waiver may be granted:

1. The building is secured against entry and the property is fenced to ensure the public's protection if necessary;
2. If a Pre-application Conference is required and has been scheduled, then a complete LUR application is to be submitted and accepted within 30 days of the Pre-application Conference for Type II Reviews and within 60 days of a Type III Review;
3. If a Pre-application Conference is not required or when an LUR application is submitted after a Pre-application Conference, an extension will be granted until the end of review process or 120 days, whichever occurs first; and
4. After a decision is issued, a 30 day extension will be granted to comply with the issued decision unless the decision sets specific timelines.

Warehouse Waivers

(available for vacant commercial properties for Construction w/o Permit cases)

Upon approval of this waiver, Code Enforcement Fees may be suspended for up to 12 months. The following requirements must be met before the waiver can be granted.

1. Inspector approval is required for this waiver;
2. The property is vacant with no exterior Fire Life Safety violations;
3. There are no immediate interior hazards, i.e. electrical, mechanical or plumbing.
4. The building is secured against entry and the property is fenced to ensure the public's protection;
5. A document is recorded against the title at the Multnomah County Recorder's Office regarding the open violation case; the applicant will pay the recording fees; and
6. The property is clear of any other violations administered by BDS.

All information is subject to change.