



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

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**Date:** September 5, 2013  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
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## **NOTICE OF A TYPE II<sub>x</sub> 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 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 13-103324 LDP PD**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Jack Menashe / Megra Construction Company  
11359 NE Halsey Street / Portland, OR 97220

**Representative(s):** Mark Person  
W.B. Wells & Associates, Inc  
4230 NE Fremont Street  
Portland, OR 97213

Daniel Kaven  
Williams Kaven Architecture  
8371 N Interstate Avenue, #5  
Portland, OR 97217

**Site Address:** South side of NE Beech Street approximately 100 feet east of N Williams Avenue

**Legal Description:** BLOCK 25 W 1/2 OF LOT 1&2, ALBINA HMSTD  
**Tax Account No.:** R010505140  
**Quarter Section:** 2630  
**Neighborhood:** Boise, contact Caroline Dao at 503-544-5515.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.  
**Zoning:** Residential 2,500 (R2.5) w/ Alternative Design Density Overlay (a)  
**Case Type:** Land Division Partition (LDP) w/ Planned Development (PD)  
**Procedure:** Type II<sub>x</sub>, an administrative decision with appeal to the Hearings Officer.

#### **Proposal:**

The applicant is requesting to partition the subject property into two equally sized parcels of approximately 2,500 square feet with a concurrent Planned Development review to construct attached houses with a garage as a part of the front façade of each unit. Both parcels are considered narrow lots as the proposed width is less than the minimum standard for the zone. An attached garage is not allowed as part of the façade if the width of the street facing unit is less than 22 feet wide (33.110.253.E.3.b). For new narrow lots, this standard must be modified through a Planned Development Review. An additional modification is also requested for the main entrance distance from grade (33.110.230.D) for each unit.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Planned Development) is required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

**Relevant Approval Criteria:**

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

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**
- **Section 33.665.310, Approval Criteria for Planned Developments in All Zones**
- **Section 33.665.320, Additional Approval Criteria for Modifications of Site-Related Development Standards**

**FACTS**

**Site and Vicinity:** The site is located on the south side of NE Beech Street approximately 100 feet east of the intersection with N Williams Avenue. No existing improvements or trees exist within the site which is relatively flat. Development east of the site is primarily composed of single family homes with comparable zoning. Central Employment (EX) zoning is present along the N Williams and N Vancouver Avenue corridors with a mix of commercial, industrial and multi-dwelling structures and uses.

**Infrastructure:**

- **Streets** – The site has approximately 50 feet of frontage on NE Beech Street. At this location, NE Beech Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 100 feet west of the site on N Williams Avenue via Bus #44. At this location, NE Beech Street is improved with a 35 foot paved roadway surface and pedestrian corridor that consists of a 4 foot planter, 6 foot sidewalk and 2 foot setback to private property (4-6-2) within a 60 foot wide right-of-way.
- **Water Service** – There is an existing 2-inch galvanized water main in NE Beech Street that is available to serve Parcel 2. There is no existing water service in NE Beech Street along the frontage of Parcel 1. There are two metered services available to this property from the main in NE Beech Street.
- **Sanitary Service** - There is no public sanitary sewer available in NE Beech Street along the frontage of the site. The nearest available sewer is located at the intersection of NE Beech Street and NE Cleveland Avenue.

**Zoning:** The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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. This land division proposal is not using any of the provisions of the “a” overlay.

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

**Agency Review:** Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 23, 2013**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

**33.660.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.**

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.

	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

**Applicable Approval Criteria are:**

**A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.**

**Findings:** Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The applicant is proposing attached housing parcels. The minimum and maximum density for the site is as follows:

Minimum =  $(5,000 \text{ square feet} * .80) \div 5,000 \text{ square feet} = 0.8$  (which rounds up to a minimum of 1 lot, per 33.930.020.A)

Maximum =  $5,000 \div 2,500 \text{ square feet} = 2 \text{ lots}$

The required and proposed lot dimensions are shown in the following table:

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
<b>R2.5 Zone</b>	1,600	NA	36	40	30
Parcel 1	2,500		25	100	25
Parcel 2	2,500		25	100	25

\* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Narrow Lots

Parcels 1 and 2 are 25 feet wide, which is narrower than the minimum width of 36 feet for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows the minimum lot width to be reduced below the minimum dimension stated above, if all of the following are met (33.610.200.D.2):

- a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;

**Findings:** The purpose of Lot dimension regulations are as follows:

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has provided site plans and elevations (Exhibits C.1-C.6) that depict building footprints which meet all applicable setback requirements and are oriented towards the street. Therefore, they have demonstrated that these lots can accommodate a reasonably sized house and garage while meeting the development standards of the Residential 2,500 (R2.5) zone. These plans also show existing and proposed water and sanitary sewer services that demonstrate Parcels 1 and 2 will have access for utilities and services. The proposed parcels are not landlocked nor do they narrow to an unbuildable width close to the street. Proposed Parcels 2 and 3 are compatible with existing lots as demonstrated by numerous lots in the vicinity with equal or lesser lot widths. On balance, proposed Parcels 2 and 3 have dimensions that are consistent with the purpose of lot dimension regulations as demonstrated by the preceding findings. Therefore this standard is met.

- b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;

**Findings:** The lots will be developed with attached houses; therefore, this standard does not apply.

- c. If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;

**Findings:** The site does not have access from an alley, so this standard does not apply.

- d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development;

**Findings:** The applicant has requested a modification to the garage limitation standard of subsection 33.110.253.E through Planned Development Review as addressed later in this decision.

- e. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and

**Findings:** Parcels 1 and 2 will have individual driveways that are approximately 9 feet wide. Each parcel is 25 feet wide, which will still allow for the 60% standard to be met in the area not devoted to paved vehicle areas.

- f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:
  - (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
  - (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
  - (3) Be attached to, and recorded with the deed for the new lot.

**Findings:** Parking is not required for this site. However, the applicant's proposed dwelling units will have attached garages. Therefore, alley access and the garage limitation requirements described above must be met.

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

**G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.**

**Findings:*****Clearing and Grading***

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

***Land Suitability***

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

**K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,**

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. PBOT's Analysis (Exhibit E.2) is quoted, in part, as follows:

*At this location, N Beech is classified as a Local Service Street for all modes. It is fully improved to current City standards with 12-ft sidewalk corridors along both sides. The two attached houses can be expected to generate approximately 15 daily vehicle trips with 2 trips occurring in the AM and PM Peak Hours. This insignificant peak hour volume will have no discernable impact of intersection levels of service (LOS) or street capacity. The existing sidewalks in the area provide for pedestrian safety. Traffic volumes on Beech are low enough to safely accommodate both vehicles and bicycles. Tri-Met NO 6 bus provides transit service 0.3 miles to the east with a stop at N MLK Blvd and N Beech. The site plan shows at least one on-site parking space provided for each lot. The transportation system is capable of safely serving the proposed development in addition to existing uses in the area.*

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. Therefore, this criterion is met.

**L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.**

**Findings:** The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

**33.651 Water Service standard – See Exhibit E.3**

The Water Bureau has indicated that there are two existing services available to this property, of which one may be retained for Parcel 2. The service that is not retained is required to be “killed” prior to final plat approval. There is no existing water service in NE Beech Street along the frontage of proposed Parcel 1. Therefore, the applicant must make arrangements to extend a new water main in NE Beech Street to ensure service is available to Parcel 1. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau prior to final plat approval. With the condition of approval described above, this criterion is met.

**33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1**

There is no public sanitary sewer available in NE Beech Street along the frontage of the site. The nearest available sewer is located at the intersection of NE Beech Street and NE Cleveland Avenue. Therefore, the applicant must obtain a public works permit to extend the public sewer to this site prior to final plat approval. With the condition of approval described above, this criterion is met.

**33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1**

No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:

- **Parcels 1 and 2:** Stormwater from these lots will be directed to drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. The Bureau of Environmental Services (BES) has indicated conceptual approval of the drywells. Therefore, this criterion is met.

**33.654.110.B.1 Through streets and pedestrian connections**

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located is bounded by north/south through streets of N Williams Avenue and N Cleveland Avenue, which are approximately 200 feet apart, and east/west through streets of NE Beech Street and NE Fremont Street, which are approximately 400 feet apart. Therefore, based on the existing block spacing, a through street or pedestrian connection is not warranted with this proposal. This criterion is met.

**33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)**

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

***APPROVAL CRITERIA FOR PLANNED DEVELOPMENT REVIEW*****33.665.300 Approval Criteria in General**

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.665.310. Some proposals must also meet additional approval criteria, as follows:

- Proposals to modify site-related development standards must meet the criteria in Section 33.665.320.
- Proposals for commercial uses in residential zones must meet the criteria in Section 33.665.330.
- Proposals that do not include a land division must meet the criteria in Section 33.665.340.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. The applicant's response (Exhibit A.2) to the applicable approval criterion is quoted, in part, as follows:

### **33.665.310 Approval Criteria for Planned Developments in All Zones**

Configure the site and design development to:

- A.** Visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:

1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;

**Findings:** *The project is designed to integrate with the public realm by limiting exposure of parking and storage elements along N. Beech St. In particular, each unit's driveway structure is embedded approximately 4'6" below street level elevation. In doing so, the more critical, intriguing architectural elements, as well as human interaction points, including porches and front steps, are more intimately aligned with the street-scape. Additionally, driveway features are broken down via ample amounts of lush landscape. Recycling and trash services are also hidden from view; below grade, behind concrete retaining walls and landscaping elements.*

2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;

**Findings:** There are no distinctive natural features to preserve on the parent parcel. The site is relatively flat and void of any trees subject to preservation standards. Therefore, this criterion is not applicable.

3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;

**Findings:** *Beech House very much acknowledges these established characteristics intrinsic of the historical residential precedent. Most importantly, underlying the significance of Boise's porch typology is the first step in creating a design that functions well both aesthetically and practically within the existing environment. Additionally, with the introduction of a recessed/embedded garage, the first floor is lowered as well, promoting a more hospitable presence from both interior and exterior perspectives. Setbacks and landscaping in-line with neighborhood precedents are yet two more important approaches to ensuring the successful implementation of new, modern architecture within the Boise Neighborhood fabric.*

4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;

**Findings:** *Considerable measures are intended to be utilized in order to ensure the seamless inclusion of Beech House. To expound further in reference to the mitigation of these differences via landscaping, screening and setbacks, a variety of plantings/landscape design elements, conceptualized specifically for Beech House, will be the first step in disengaging any potential features perceived as ill-fitting or alien.*

5. Minimizing potential negative effects on surrounding residential uses; and

**Findings:** *The Beech House will have a positive effect on the surrounding residential uses by transforming a now barren lot into two vibrant dwelling units; bridging single family dwellings to the east with the taller mixed use building to the west. This residential development, which is similar in scale to many in the neighborhood, can only bolster the residential feel of the area. Most*

*importantly, Beech House will bring new homeowners, thus new stakeholders and stewards of the neighborhood. Additionally, new street plantings and sidewalks will only add to the beauty and safety of the area; for the enjoyment of owners, neighbors and visitors alike.*

6. Preservation of any City-designated scenic resources; and

**Findings:** There are no City-designated scenic resources on the site. Therefore, this criterion is not applicable.

**B.** Provision of adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multidwelling structures. Open area does not include vehicle areas.

**Findings:** *In response to the provision of adequate open area on sites zoned RF through R2.5, Beech House intends to provide ample open area, vehicle parking aside, for use by project occupants. While street-side real estate is indeed limited, efficient yet attractive entrance stairs and stoops welcome both owner and neighbor. Behind the units, uninterrupted, shared green-scape connects to an alternating-mass stair intended for both direct procession and idle observation/ socialization. This communal area will be naturally screened for an added sense of privacy and seclusion*

### **33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards**

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. The modification will be approved if the following approval criteria are met:

**A. Better meets approval criteria.** The resulting development will better meet the approval criteria of Section 33.665.310, above; and

**Findings:** The applicant has requested modifications to allow attached garages as a part of the front façade and the main entrance distance from grade for each unit. For new narrow lots, attached garages are not allowed as a part of the front façade of a unit less than 22-feet long. The R2.5 zone allows attached housing development. A garage would have been allowed if the houses were two feet wider, so the visual effect of the garage doors will not be obtrusive relative to what the base zone allows generally.

Main entrances are required to be within 4-feet of the average grade measured along the foundation of the longest street facing wall of the dwelling unit. As previously mentioned, each unit's driveway structure is embedded approximately 4'6" below street level elevation. Considering that the driveways will be excavated below grade to minimize the presence of the garages it makes it difficult to meet the main entrance standard for a narrow unit on a relatively flat site. The main entrances will be approximately 5'6" above the average grade of the site which is comparable to or a negligible difference from other main entrances of residential structures in the vicinity.

The findings above demonstrate that the proposal will better meet the approval criteria. Therefore, this criterion is met.

**B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

**Findings:** The purpose of Garage Standards (33.110.253.A) in Single-Dwelling zones is as follows:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;

- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

The purpose of the Main Entrance Standards (33.110.230.A) in Single-Dwelling zones is as follows:

- Together with the street-facing façade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

As noted in the findings above, each unit's driveway structure is embedded approximately 4'6" below street level elevation. This effect helps to ensure a physical and visual connection between the front porches of the units and the street, limiting the presence of the garages. The stairs leading to the main entrance of each unit are located approximately 20-feet in front of the garage entrances, which projects a more visually prominent entrance for pedestrians, rather than automobiles. Pedestrian improvements leading to the main entrances are clearly identifiable from the street and may be easily found from the adjacent sidewalk. Specific design considerations identified in the preceding findings will prevent the garage and vehicle areas from dominating the views of the neighborhood from the sidewalk. The garage entrances are located behind the front porches of the units and will therefore not block views of the street.

On balance, the proposal will be consistent with the purpose of garage and main entrance standards as demonstrated by the preceding findings. Therefore this criterion is met.

## **DEVELOPMENT STANDARDS**

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

### **Future Development**

Among the various development standards that will be applicable to this lot, the applicant should take note of:

#### Narrow Lots

Development on Parcels 1 and 2 will be subject to the following standards at the time of development permitting:

- Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2.

**Existing development that will remain after the land division.** The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or

further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

## OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to fire flow/water supply, fire hydrant spacing and aerial Fire Department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (Exhibit E.4).
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip at the time of development. In addition, there is a large cedar tree located at 36 NE Beech that may be affected by the project. The tree should be taken into consideration during construction planning. This requirement is based on the standards of Title 20 (Exhibit E.6).

## CONCLUSIONS

The applicant has proposed a 2-parcel partition in conjunction with a planned development review to modify garage standards for new narrow lots (33.110.253.E.3.b) and main entrance standards in R10 through R2.5 zones, as shown on the attached preliminary plans and elevations (Exhibits C.1-C.6). As noted in this report, the project is able to meet the approval criteria based on substantial conformance with applicable standards and established situations in the surrounding neighborhood. With approval requiring that the permit drawings substantially conform to the site plan and elevation drawings attached, the request meets the applicable criteria and should be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition that will result in two narrow lots, as illustrated with Exhibits C.1-C.4.

**Approval** of a Planned Development Review with modifications to garage and main entrance

standards, per the approved site plans and elevations (Exhibits C.5 and C.6), subject to the following conditions:


**A. The following must occur prior to Final Plat approval:**

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met; the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in NE Beech Street. The public sewer extension requires a Public Works Permit, which must be initiated and at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must provide engineered designs, and performance guarantees for the sewer extension to BES prior to final plat approval.
3. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in NE Beech Street.
4. The applicant shall meet the requirements of the Water Bureau regarding removal of the existing water service that will not be retained for Parcel 2.

**B. The following conditions are applicable to site preparation and the development of individual lots:**

1. 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.5 and C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File LU 13-103324 LDP PD. No field changes allowed."
2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Sean Williams**

**Decision rendered by:**  **on September 3, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 5, 2013**

**About this Decision.** This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 10, 2013, and was determined to be complete on May 21, 2013.

*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 10, 2013.

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 waived the 120-day review period, as stated with Exhibit A.4.

**Note: 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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 19, 2013** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, 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. 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 contact the receptionist at 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.ci.portland.or.us](http://www.ci.portland.or.us).

**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 Hearings Officer 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 Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final

plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

**Recording concurrent approvals.** The preliminary land division approval also includes concurrent approval of Planned Development. This other concurrent approval must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions 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.

**Expiration of concurrent approvals.** The preliminary land division approval also includes concurrent approval of a Planned Development. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application. The concurrent Planned Development Review was voluntarily included with the land division application. Therefore, this concurrent approval expires three years from the date the decision is rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

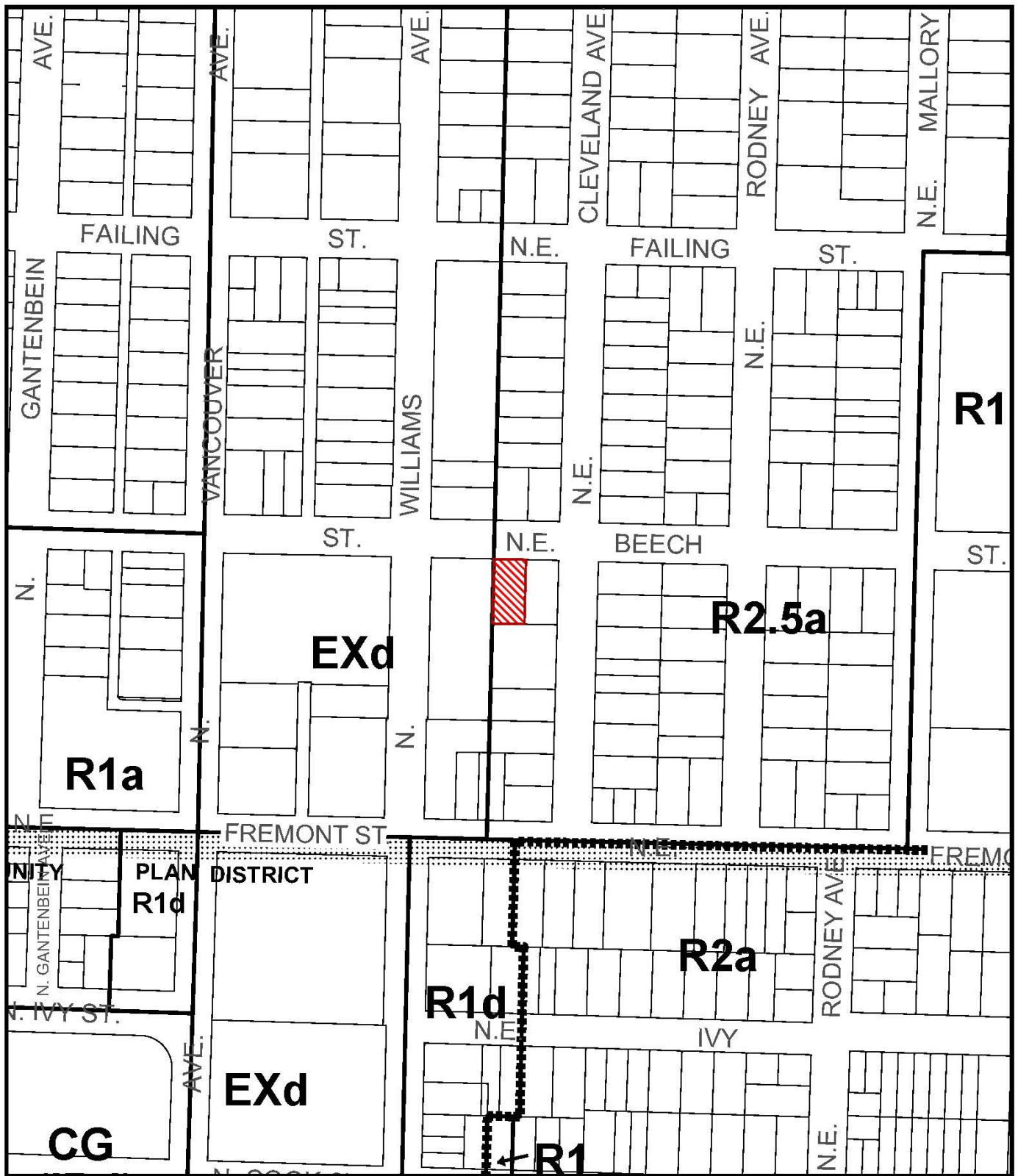
## **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Land division approval criteria narrative
  - 2. Planned development approval criteria narrative
  - 3. Infiltration test report
  - 4. Request for extension of 120-day review period
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division (attached)
  - 2. Existing Conditions
  - 3. Preliminary Improvement Plan 1
  - 4. Preliminary Improvement Plan 2
  - 5. Site Plan (attached)
  - 6. Elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services w/ addendum
  - 2. Bureau of Transportation Engineering and Development Review

3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
  7. Life Safety Plans Examiner
- F. Correspondence: NONE
- G. Other:
1. Original LU Application
  2. Neighborhood contact w/ response
  3. Incomplete letter w/ RFC responses

**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



NORTH

File No. LU 13-103324 LDP,PD

1/4 Section 2630

Scale 1 inch = 200 feet

State\_Id 1N1E22DD 19700

Exhibit B (May 20,2013)

# BEECH STREET PLANNED DEVELOPMENT



**PRELIMINARY LAND DIVISION**  
FOR  
**BEECH STREET**  
MEGRA CONSTRUCTION  
CITY OF PORTLAND, OREGON

REGISTERED  
SURVEYOR  
LAND SURVEYOR  
OREGON  
BROUGHT TO ME  
RECEIVED  
EXPIRES 04-30-14

Megra Construction  
11359 NE HALSEY STREET  
PORTLAND, OREGON 97220  
PHONE: 503-255-9680

DESIGNED BY:  
DRAWN BY:  
CHECKED BY:  
FILE # 03-00-000-DWG-DWG  
PLOT DATE: mm-dd-yy  
JOB NO: 08-084  
W.B. WELLS & ASSOCIATES  
SHEET 1 OF 4

VICINITY MAP



N.T.S.

## DRAWINGS:

1. COVER SHEET / VICINITY MAP / PRELIMINARY PLAT
2. EXISTING CONDITIONS PLAN
3. PRELIMINARY IMPROVEMENT PLAN
4. TREE PRESERVATION PLAN

## APPLICANT:

MEGRA CONSTRUCTION, ATTN: JACK MENASHE  
11359 NE HALSEY STREET  
PORTLAND, OREGON 97220  
PHONE: 503-255-9680

## PROPOSAL:

2-Lot Partition  
R-2.5

## LAND USE:

5,000 SQUARE FEET

## TOPOGRAPHY:

FIELD SURVEY BY WB WELLS & ASSOCIATES

## LEGAL DESCRIPTION:

TAX LOT 19700 OF TAX MAP 1N 1E 22 DD

## STORM AND SANITARY SEWER:

CITY OF PORTLAND

## FIRE:

CITY OF PORTLAND

## WATER:

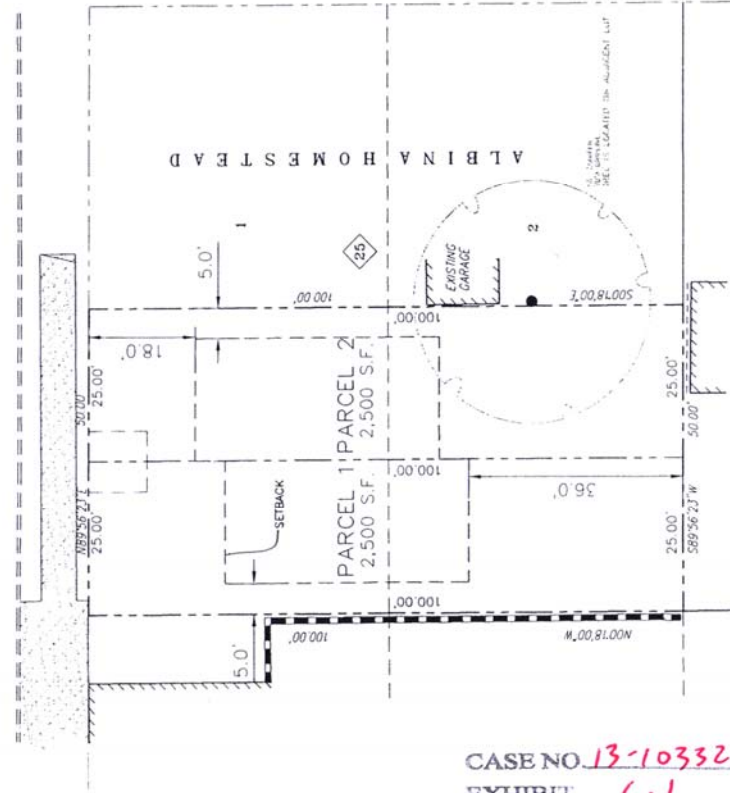
CITY OF PORTLAND

N.E. BEECH STREET

60' WIDE

N.E. CLEVELAND AVENUE

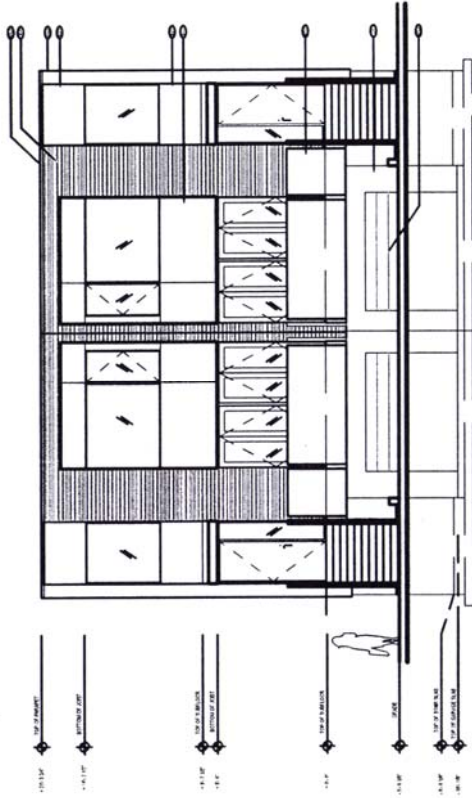
60' WIDE



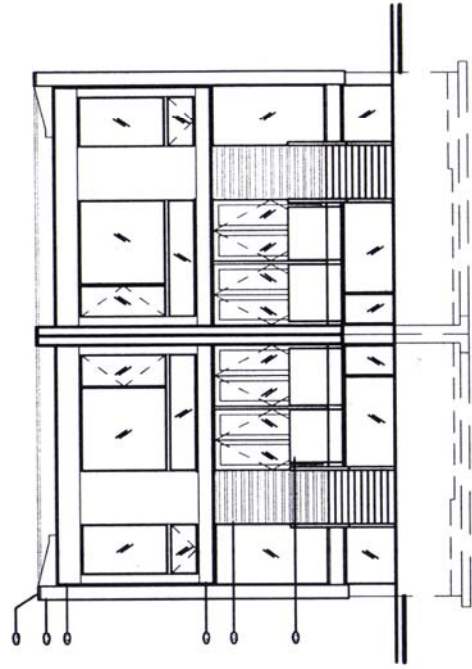
CASE NO. **13-103324**  
EXHIBIT **C-1**



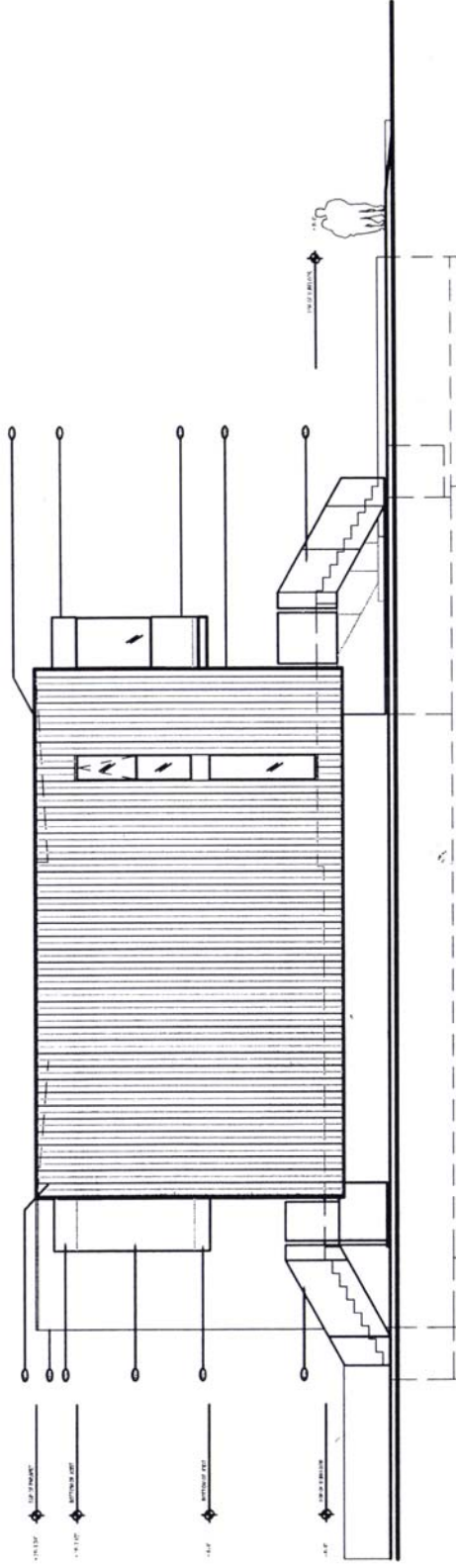




NORTH ELEVATION-03  
SCALE: 1/8"=1'-0"



SOUTH ELEVATION-02  
SCALE: 1/8"=1'-0"



EAST ELEVATION-01  
SCALE: 1/8"=1'-0"

CASE NO. 13-103324  
EXHIBIT C-6

WILLIAM KAVEN ARCHITECTURE

8371 N. Interstate Ave. # 5  
Portland, Oregon 97217  
www.williamkaven.com  
503-806-5334

BEECH HOUSE  
N. BEECH & N. WILLIAMS  
Portland, OR 97212

1 MAY 2013

A3.01  
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