



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** June 6, 2014  
**To:** Interested Person  
**From:** Shawn Burgett, 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 14-106044 LDS PD**

#### **GENERAL INFORMATION**

**Applicant:** Bruce Vincent / Bedsaul/Vincent Consulting, LLC  
416 Laurel Ave, #3 / Tillamook, OR 97141

**Owner:** Peter Kusyk / Firenze Development Inc  
7110 SW Old Wilsonville Rd / Wilsonville, OR 97070

**Site Address:** 3607 NE 14th Ave/3617 NE 14th Ave/3623 NE 14th Ave

**Legal Description:** BLOCK 13 LOT 13, LINCOLN PK; BLOCK 13 LOT 14, LINCOLN PK;  
BLOCK 13 LOT 15, LINCOLN PK

**Tax Account No.:** R497101910, R497101920, R497101930

**State ID No.:** 1N1E23CD 19700, 1N1E23CD 19600, 1N1E23CD 19500

**Quarter Section:** 2631

**Neighborhood:** Sabin Community Assoc., contact Rachel Lee at 503-964-8417.

**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

**District Coalition:** NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.

**Zoning:** R2.5 (Single Family Residential 2,500)

**Case Type:** LDS (Land Division Subdivision) with PD(Planned Development)

**Procedure:** Type II<sub>x</sub>, an administrative decision with appeal to the Hearings Officer.

#### **Proposal:**

The applicant is requesting a Planned Development review to construct attached houses with a garage as a part of the front façade of each unit in conjunction with a 6-lot land division creating six 2,500 square foot lots. Two existing homes (3607 NE 14th Ave/3617 NE 14th Ave) have been demolished. In addition, the home located at 3623 NE 14th Ave will be demolished. All six lots are considered narrow lots as the proposed width (25 feet wide) 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). In this case, each unit will have a street facing façade of 20 feet in width.

An additional modification is requested for the main entrance distance from grade (33.110.230.D) for each unit. The Zoning Code's narrow lot standards require main entrances to be located within 4 feet of grade; the applicant has proposed main entrances 6 feet above grade. In addition, the applicant has proposed 18 inch eaves on each unit within the 5 foot

side setback. The Zoning Code (33.110.220.C) allows eaves to encroach into the required setback up to 20 percent, which would limit the size of the eaves to 12 inches.

For new narrow lots, these standards must be modified through a Planned Development Review.

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 Review) is requested (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create six units of land (6 lots). Therefore this land division is considered a subdivision.

#### **Relevant Approval Criteria:**

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

- Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones
- Section 33.665.300, Approval Criteria in General
- 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

## **ANALYSIS**

**Site and Vicinity:** The site is located on an interior lot with frontage along NE 14th Avenue. Three homes (3607, 3617, 3623 NE 14<sup>th</sup> Ave) were located on the site. Two of these homes (3607 and 3617 NE 14<sup>th</sup> Ave) have already been demolished. The development abutting the site to the north, west and south is primarily made up of single family residential type development. However, the property located directly east of the site, across NE 14<sup>th</sup> Avenue is zoned for commercial uses. A large grocery store anchors this commercially zoned site which is part of a larger commercial complex that has multiple retail types business located within it.

#### **Infrastructure:**

- **Streets** –The site has approximately 300 feet of frontage on NE 14th Avenue. At this location, NE 14th Avenue is classified as a Local Service Street for all other modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 360 feet from the site along NE 15<sup>th</sup> Avenue via bus line number 8 and approximately 195 feet from the site along NE Fremont Street via bus number 24.  
NE 14th Avenue includes a 3-foot wide planter area and curb, 6-foot sidewalk and 1-foot buffer at the back of the sidewalk (3-6-1 configuration).
- **Water Service** – There is an existing 8-inch water main in NE 14th Avenue that can serve this site.
- **Sanitary Service** - There is an existing 40-inch public combination sewer line located in NE 14 Avenue that can serve this site
- **Stormwater Disposal** – There is no public storm-only sewer available to the site. The applicant has proposed onsite infiltration within drywells for each of the proposed structures.

**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.

**Land Use History:** City records indicate that LU\_13\_115249 CP ZC to change the zoning on the site from R5 (Single Family Residential 5,000 square feet) to R2.5 (Single Family 2,500 square feet) was approved and adopted by the Portland City Council on 11/27/2013 under ordinance No. 186358.

**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 **March 25, 2014**. One written response has been received from the Neighborhood Association (Exhibit F-1) in response to the proposal.

**Neighborhood Response:** The letter from the Chair of the Sabin Land Use & Transportation Committee expressed support for the proposed development. The letter noted in summary “We believe higher density development on these lots will make efficient use of land that is close to a neighborhood commercial center, served by two bus lines, and very compatible with pedestrian and bicycle transportation. The developer has communicated extensively with the Land Use & Transportation Committee about his plans for these houses, and we do not have concerns about the attached garage as part of the facades or the height of the main entrances above grade” (Exhibit F-1).

## 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.
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.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
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 33.654.130.E	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. Maximum density in the R2.5 zone is one unit per 2,500 square feet. The site is approximately 15,000 square feet in area and has a maximum density of 6 lots. The applicant is proposing six single family lots. The density standards are therefore met.

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

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R2.5 Zone</b>	1,600	NA	36	40	30
Lot 1	2,475 square feet		25 feet**	99 feet	25 feet**
Lot 2	2,475 square feet		25 feet**	99 feet	25 feet**
Lot 3	2,475 square feet		25 feet**	99 feet	25 feet**
Lot 4	2,475 square feet		25 feet**	99 feet	25 feet**
Lot 5	2,475 square feet		25 feet**	99 feet	25 feet**
Lot 6	2,475 square feet		25 feet**	99 feet	25 feet**

\* 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.

\*\* Lots 1-6 are considered “narrow lots” please see discussion below

Narrow lot standards

Lots 1 through 6 are each 25 feet wide — narrower than the minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of 33.611.200.C for the R2.5 zone.

**Consistent with the Purpose of Lot Dimension Regulations**

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 demonstrated that the proposed Parcels 1-6 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of building footprints that meets most applicable setback requirements (except for an a 1.5 foot eave overhang within the 5' side setback that exceeds the code standards by 6" discussed later in report) and is oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house and parking while meeting the majority of development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street
- The proposed lots are compatible with existing lots in the area within the R2.5 zone, exceeding the minimum lot area in the zone of 1,600 square feet. For example, two lots approximately 25 feet wide accommodating detached single family residential development are located along NE 14 Avenue approximately 50 feet south from the subject site.

***The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet***

- The lots will be developed with attached houses; however, the proposed parcels are all at least 25 feet wide.

***If the narrow lot abuts an alley, then vehicle access is allowed only from the alley***

- The site does not abut an alley; therefore this requirement does not apply.

***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***

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

***60 percent landscaping requirement for attached houses***

- Parcels 1-6 will each have individual driveways that are approximately 10 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 vehicle area.

***If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.***

- Parking is not required due to the proximity of frequent transit service via bus line number 8 along NE 15<sup>th</sup> Avenue; however the applicant has proposed onsite parking for each lot. Therefore, alley access and the garage limitation requirements described above must be met. An alley does not serve this site.

This criterion is met provided the Planned Development review criteria can be 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 vacant 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***

A portion of the site is currently in residential use, and there is no record of any other use in the past. Three single family homes were previously located on the site (3607, 3617 and 3623 NE 14<sup>th</sup> Avenue). Two of the homes (3607 and 3617 NE 14<sup>th</sup> Ave) have been demolished. It is unclear when the home located at 3607 NE 14<sup>th</sup> Avenue was connected to the public sewer system. At the time of building permit application for Lots 1 and 2, the applicant will be required by Site Development to complete a Disclaimer for Existing On-site Sewage Disposal System. In addition, the applicant has proposed to remove the remaining existing house (3623 NE 14<sup>th</sup> Ave) and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With these conditions, the new lots can be considered suitable for development, and this criterion is met.

### **H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;**

**Findings:** No tracts are proposed or required for this land division, so criterion A does not apply.

The following easements are proposed and/or required for this land division:

- A Private Sanitary Sewer Easement is proposed across the relevant portions of Lot 2, for a sanitary sewer lateral connection that will serve Lot 1.
- A Private Sanitary Sewer Easement is proposed across the relevant portions of Lot 3, for a sanitary sewer lateral connection that will serve Lot 4.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

*“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

With the conditions of approval discussed above, 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. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

#### Level of Service

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.

2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors. Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. In relation to this project and to address the transportation-related approval criteria, the applicant submitted a Traffic Impact Study (TIS) that was prepared by a professional traffic consultant. Importantly, it must be noted that the submitted TIS was previously prepared/submitted in relation to the prior Comprehensive Plan Amendment/Zone Change request (13- 115249 CPA/ZMA) that was approved by the City in November of last year. The TIS accurately/adequately analyzed the potential impacts of the project at that time, which was (aside from the CPA/ZMA) an expected land division request that would result in 8 total lots. The original application filed for this subject land division request also included a proposal for an 8-lot subdivision. As reflected in the public notice for this proposal, the project has been amended to reduce the number of proposed lots to six. The originally prepared/submitted TIS will continue to reflect an appropriate level of analysis relative to the proposed amended project, and in fact, will reflect even more conservative results (since again, it was based on an 8-lot scenario). PBOT staff will refer to this document for the majority of our review of this land division proposal. However, PBOT staff did notify the applicant's traffic consultant that the previously prepared parking analysis needed to be amended to reflect the actual 6-lot subdivision proposal. The following is a review/response to the TIS' conclusions and amended parking analysis.

To estimate the trips generated by the addition of 3 new single-family attached homes to the subject property, trip rates from the *Manual Trip Generation, 9<sup>th</sup> Edition (published by the Institute of Transportation Engineers [ITE])* were used. Although the proposal is to create 6 lots for 6 new homes (3 pairs of attached homes) the potential additional impacts that may result from the proposed subdivision is related to the 3 additional homes on the site. The data for land use #230, *Residential Condominium/Townhouse* are used to calculate trip rates for the 3 added homes. The actual total number of expected daily trips associated with the 6 proposed attached homes is 35 trips. The net difference in the total number of trips related to the proposed project from the number of trips associated with the 3 existing single-family residence on the subject site is 6 trips (35-29). The expected number of AM peak hour or PM peak hour vehicle trips associated with the proposed attached dwelling development will result in no difference in trips during these peak periods than those associated with the existing development on the site.

Referring to the analysis that was prepared for the previously approved CPA/ZMA for the site, and to provide a conservative estimate on the number of trips generated by the (potential redevelopment related to the) proposed rezone, the applicant's traffic consultant also included a development scenario of 8 detached homes. The data supplied in the TIS also appropriately illustrates forecasted peak hour traffic demand in the year 2033, 20 years into the future and 27 years beyond the City's current Transportation System Plan's 2006 adoption date.

As evidenced in the TIS, even considering a project with greater potential impacts to the transportation system (8-lots/8 detached single-family subdivision) than is actually being proposed (6-lots/6 attached homes), the studied intersections in the vicinity of the site currently perform, and will continue to perform at acceptable levels of service.

#### Vehicle access and loading

Direct vehicular access to the subject site will be primarily via NE 14<sup>th</sup> Ave. Secondary access routes will be from NE Beech, to the north, and NE Fremont, to the south of the subject site. Vehicle access is therefore ample to serve the existing uses and the proposed development.

Loading is expected to take place using both private driveways for individual homes and on-street parking. Based on on-site observations made by the applicant's traffic consultant, there is ample space for passenger and delivery vehicles on the street adjacent to the site.

#### On-street parking impacts

As with the intersection capacity analysis that was prepared in the TIS for the related CPA/ZMA on the subject site, the TIS also included an extensive parking analysis to adequately address one of the specific transportation-specific goals of the Comprehensive Plan. Again, the worse-case development scenario of an 8-lot detached home subdivision was evaluated for its potential impacts to on-site parking.

A description of the general site area is necessary to provide context to the existing issues related to on-street parking. The subject site is situated near the intersection of NE 14<sup>th</sup> Ave and NE Beech. The site lies on the block between NE 13<sup>th</sup> and NE 14<sup>th</sup> Aves and between NE Beech and NE Fremont.

The subject site and the majority of the subject block are primarily developed with single-family residential development which is also the prevailing development-type surrounding the site (and block). Site visits performed by City staff revealed that not all of the residential lots in the area are served by driveways/garages: there are numerous homes whose residents rely on on-street parking to serve their parking needs.

This primary residential development throughout the area (which is also evidenced by the official Zoning Map of the area) is largely the case, except for directly across the street (NE 14<sup>th</sup> Ave) from the subject site and towards the southern end of the subject block where commercial/retail development exists. The full-block Fremont Place commercial/retail center, anchored by Whole Foods Market, is directly east of the subject site while smaller scale retail shops front along NE Fremont between NE 13<sup>th</sup> and NE 14<sup>th</sup> Aves. The Fremont Place development includes a surface parking lot which covers a significant portion of the full block development area and provides parking for the variety of establishments and uses on this block (including but not limited to Whole Foods Market, Advantis Credit Union, a branch of the Multnomah County library system, a Starbucks store and residential units [above some of these retail establishments], among others). The smaller scale retail shops along NE Fremont along the subject block are not served by any on-site parking lots: patrons of these shops who drive typically rely on the on-street parking supply in the area. The commercial/retail uses in the area utilize both on-site loading areas (on the Fremont Place site) and/or designated loading areas along NE 14<sup>th</sup> Ave. Of importance, City staff (from BDS & PBOT) observed loading activities occurring along segments of NE 14<sup>th</sup> Ave and NE Beech that are marked as "no parking". Staff observations occurred on different days of the week at similar time frames. Also observed by City staff was refuse/recycling pick-up occurring on the east side of NE 14<sup>th</sup> Ave towards NE Fremont. Further, in an interview with a Whole Foods employee, City staff learned that Whole Foods employees are not allowed to park within the Fremont Place parking lot, which is likely also the case for the other retail establishments in the shopping center. Additionally, as identified by the same Whole Foods employee, each of the 13 residential units in the same center is allotted a parking permit to use a parking space in the center's parking lot.

The above referenced description is provided to identify the variety of demands for parking and loading in the immediate area surrounding the subject site. While there is a large surface parking lot which serves the retail/non-retail uses in the Fremont Place center, there is spill-over parking along the center's surrounding streets resulting at least from employees of some of the shopping center's shops who are not permitted to park in the parking lot. During the course of PBOT staff's observations of the area, patrons of some of the retailers in the shopping center also parked along the surrounding streets (NE 14<sup>th</sup> Ave, NE Beech and NE Fremont). And, as mentioned previously, patrons of the retail shops along NE Fremont, between NE 13<sup>th</sup> and NE 14<sup>th</sup> Aves, who drive to these stores, are using some of the on-street parking supply along these streets. Further, parking in the area around the subject is constrained by delivery vehicles temporarily utilizing the streets around the shopping center to load/unload products related to the shopping center. Delivery vehicles taking up available parking spaces along the



streets or illegally parking in “no parking” zones, potentially compromise the supply of on-street parking opportunities for the primary residential uses around the Fremont Place center.

In order to accurately address the above referenced evaluation factor, it is imperative to understand the differing peak demand periods for on-street parking associated with the variety of uses in the area. For the primary residential uses found throughout the area around the subject site, the traditional peak demand period for on-street parking is during the evening, late evening and early morning time frames. Conversely, the traditional peak demand period for on-street parking for the commercial/retail uses in the area, is during conventional business hours. While there may be some minor overlap during these peak demand periods, typically during the evening hours, these peak periods for the residential and the retail uses are generally exclusive of one another.

Accordingly, the applicant’s traffic consultant conducted parking observations along NE 14<sup>th</sup> Ave (between NE Beech and NE Fremont) during traditional peak parking demand periods associated with residential development. During those time periods, on two different days and at different times, the TIS indicates the current availability of a significant number of on-street parking opportunities. **NOTE:** Because there are no marked on-street parking spaces along NE 14<sup>th</sup> Ave, an exact total for the street’s current on-street parking supply cannot be easily identified. There are numerous factors that contribute to this difficulty including the variety of vehicle lengths, existing curb cuts/driveways that appear to not meet current width standards and existing restricted or prohibited parking segments along the street. Nonetheless, the current demand for on-street parking during the traditional peak periods for residential uses does not exceed the existing supply.

Development of the proposed attached homes on the subject site will include on-site parking spaces in a garage and an additional space on a new driveway (for each lot). There will be 6-12 on-site parking spaces available to accommodate the new demand for parking created by the residents of the new homes. This would be a significant increase in the number of on-site parking opportunities over what exists today across the 3 lots that make up the overall project site. HOWEVER, with this development scenario, the area would experience an impact to the on-street parking supply given the number of necessary curb cuts that would serve each driveway for each pair of homes.

It is difficult to quantify the number of on-street parking spaces that would be compromised. Nonetheless, it is expected that even though there will be a reduction in the currently available on-street parking supply with the proposed development scenario, the demand during the traditional peak period for residential parking will not exceed the supply.

An analysis of parking in the area surrounding the subject site is complex and a variety of existing and potential circumstances factor into the complicated issue. It can be argued that the existing conditions in the area suggest that there is an overwhelming demand for parking (both on-site and on-street) given the mix of uses in the immediate area around the subject site. The existing primary development pattern in the area of residential houses creates its own supply/demand for on-site and on-street parking. Similarly, the existing full block commercial/retail uses directly across the street from the subject site (as well as the smaller scale shops at the southern end of the subject block) also has its own parking needs and stock. Obfuscating the area’s on-street parking supply is the regular delivery services associated with primarily the Fremont Place shopping center.

However, in association with the proposed development on the site, there will be an increase in on-street parking demand that needs to be factored. The parking demand that is expected to be generated as a result of the proposed project is estimated using rates from the Institute of Transportation Engineers (ITE), *Parking Generation Manual, 4th Edition, 2010*. Based upon this data, the 85<sup>th</sup> percentile peak parking demand for the 3 additional dwelling units is 6 parking spaces.

With regard to the actual proposed 6-lot attached housing subdivision, and as required as a condition of the previously approved CPA/ZMA, the proposed driveways that will serve to

access the new homes will be paired. This will result in the retention of 2 on-street parking spaces (between Proposed Lots 2-5). There will remain curb length along a portion of Lots 1 and 6, as well, to accommodate additional on-street parking opportunities. These remaining on-street parking spaces coupled with the 12-potential on-site parking opportunities will result in minimizing impacts to parking along NE 14<sup>th</sup> Ave.

Because the peak period for parking for the residential uses is at different times than that for the commercial/retail uses, the demand for the on-street parking in the area shifts, and as evidenced in the TIS, there is (and will be) ample parking supply to serve the proposed residential development.

#### Availability of transit service and facilities and connections to transit

Tri-Met bus routes #8 (Jackson Park/NE 15<sup>th</sup>) and #24 (Fremont) serve the site along NE 15<sup>th</sup> Ave and NE Fremont, respectively. The proposed Comprehensive Plan Map and Zone Change will result in a potential development on the subject site to support the use of the above referenced transit lines.

#### Impacts on the immediate and adjacent neighborhoods

The impacts associated with the 6 lots that the proposed subdivision will create are expected to be minor, and primarily consist of the small increase in vehicular traffic associated with the new homes to be constructed on the subdivision site. As described previously, these added trips will not have a significant effect on efficiency or safety of the nearby street system. The proposal is expected to result in an increase in the demand for on-street parking. However, as analyzed above, with the proposed pairing of the driveways and the accommodation of up to 12 on-site parking spaces, impacts to on-street parking will be minimized. The proposal will therefore have minimal impacts on the neighborhood.

#### Safety for all modes

The combination of an existing complete sidewalk network and close-by services and public spaces within convenient walking distance provide excellent pedestrian utility. The sidewalk network along NE 14<sup>th</sup> Ave and all streets in the vicinity is complete, including sidewalks on both sides of each roadway.

The site also has direct access to Portland's bicycle network. The PBOT Bike+Walk Map for Northeast Portland identifies NE 9<sup>th</sup> Ave, NE 18<sup>th</sup> Ave, NE Shaver St and NE Klickitat St as low traffic "shared roadways" for bicyclists. These four corridors surround the proposed project site and are no more than five blocks (approximately ¼-mile) from the site.

The impact to nearby intersections resulting from construction of the proposed 6 new attached homes will be minimal. New site trips are not expected to significantly alter the operation or safety of the existing facilities, and on-street parking in the area is sufficient to meet the new demand. The transportation impact approval criterion is met for the proposed partition, as the transportation system is capable of safely supporting the proposed use in addition to existing uses.

At this location, according to City GIS, NE 14<sup>th</sup> Ave is improved with 30-ft of paving width and a 3-6-1 sidewalk corridor configuration within a 50-ft wide right-of-way (r.o.w.). For a Local Service (classification) street along a site zoned R2.5, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb/4-ft wide furnishing zone/6-ft wide sidewalk/0.5-ft wide frontage zone).

To accommodate the above referenced 11-ft sidewalk corridor, a 1-ft dedication of property for r.o.w. purposes will be required. The applicant's submitted plans show the required 1-ft dedication along the site's NE 14<sup>th</sup> Ave frontage.

PBOT is unaware of how the applicant intends on constructing the proposed attached homes intended to accompany the proposed subdivision. The applicant may elect to construct one pair/multiple pairs of the attached homes, or all of the 6 of homes at one time. Construction of the attached homes in whatever combination, will determine the appropriate manner in which

the sidewalk re-construction will need to occur (either a PBOT issued over-the-counter permits or a Public Works Permit).

If the applicant constructs all of the homes at one time, a Public Works Permit will be required from the necessary frontage improvements. In this case, the r.o.w. improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed homes. Conceptual PW Design must be submitted to Public Works Permitting in order to verify the type of PW Permit that is required (either a full PW permit or a Limited PW Permit); and, to determine the required performance guarantee amount. PW Design Review will determine specific design elements including stormwater management, bus stop, curb-cuts, landscaping, location of signage, location of utility poles and street lights, as well as other design requirements.

PBOT has no objections to the proposed subdivision, subject to the following conditions of approval:

1. The construction of the proposed attached homes must include paired driveways as shown on the submitted plans.
2. Frontage improvements constructed to the satisfaction of the City Engineer will be required as a condition of the Building Permit(s) for the new attached homes.
3. The required 1-ft of property dedication will occur as part of the Final Plat phase of this land division request.

The findings above demonstrate that the proposal will meet the approval criteria. 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:** 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:

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p> <p>However, the available sewer is brick and tapping new connections to the main are strongly discouraged for structural reasons. The applicant will need to utilize the existing tees and laterals. The applicant provided a report from Sisul Engineering dated 1/29/13 (Exhibit A-5). The report included a DVD of video inspection and mapping of the public sewer main. The video scoping was completed by Pacific Int-R-Tek 1/4/13 from the manhole (AAT973) at NE 14<sup>th</sup> and Beech. The location of the sanitary tees are generally consistent with BES records. The houses at 3607 and 3617 NE 14<sup>th</sup> Avenue (Lots 1 – 4) were demolished under 12-185154 and 12-185165 RS. The private sewers were capped on-property and marked with green painted 2x8’s. The locations of those markers are not consistent with the provided report and it is not clear which tee each private sewer is connected to. It is also unclear which sanitary tee the existing house at 3623 NE 14<sup>th</sup> Avenue is connected to.</p> <p>Due to the discrepancies between the provided report and the location of the capped and</p>

existing sewers on property, BES recommends a condition of approval to scope the three private sewers for 3607, 3617, and 3623 NE 14<sup>th</sup> Avenue and provide a locate report and supplemental plan to BES prior to final plat approval.

The Site & Utility Plan shows sanitary easements across Lot 2 and Lot 3 for the benefit of Lot 1 and 4, respectively. BES recommends conditions of approval for the sanitary easement across Lot 3 for the benefit of Lot 4 and across Lot 2 for the benefit of Lot 1 be shown on the plat prior to final plat approval

A Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat.

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

No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods

- **Lots 1-6:** Stormwater from these lots will be directed to individual 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.

**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 meets the noted spacing requirements.

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block and others in the vicinity satisfy the above referenced public street connectivity goal, but the pedestrian connection goal is only satisfied in the north-south direction. The subject block (and those in all directions from the subject site) is approximately 400-ft (north-south length) x 200-ft (east-west length) in overall area. It is not feasible to provide any further pedestrian connectivity through the subject block without eliminating existing development on abutting lot(s). Further, considering the existing size of the subject site, providing a pedestrian connection through the subject site (or block) would likely compromise the ability to create one of the proposed parcels. These impacts do not make further connectivity through the subject site or block feasible. The established lot and block pattern throughout the much broader area is consistent with the subject block. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

The site is within the Portland Master Street Plan for the Northeast District. No through street or pedestrian connections are proposed at this location. Therefore, the proposal is consistent with the master street plan.

For the reasons described above, 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.

- C.** 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. Approval criteria B and C above do not apply to this proposal.

### **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 proposed attached housing development will be oriented to the public realm and will include prominent features of deep, open front porches with stairs providing a direct connection to the adjacent public pedestrian corridor. Less active uses of the site such as parking are visually minimized, the garage will be located 3 feet below sidewalk grade and the width of each driveway is limited to 10-feet. In addition, landscaping is present between the driveways and exterior side lot lines as well as adjacent to the entry stairway, which helps to soften the effect of the vehicle areas, per the attached Site Plan (Exhibit C.2). The applicant will be required to plant a tree (minimum 1.5" diameter) in the front yard of each unit. Due to the small front yard area available to each unit, this will provide each unit with a substantial landscape feature without overwhelming the site. Storage areas will not be visible from the public realm as they will be located underneath the entry stairway. This criterion is met.

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

**Findings:** The natural grade of the site and surrounding properties is even with the grade of the adjacent sidewalk. This grade will predominately be maintained with exception of the front of the site to accommodate vehicle access. There are no other distinctive natural features to preserve on either parcel. Therefore, this criterion is met.

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:** The site is located within the Sabin Neighborhood. This specific area of the neighborhood, north of NE Fremont Street, contains a significant amount of original housing stock, which may be characterized by turn of the century Bungalow style homes. Prominent characteristics of surrounding development include covered front porches, gable roofs, large eaves, horizontal siding and finished floor elevations located above the adjacent street grade. The applicant has indicated that architectural features of the proposed attached houses that complement positive characteristics of surrounding development include covered front porches, gable roofs with overhangs, larger eaves (18"), front entry stairs and terraced front yards. The applicant has proposed to use a combination of different façade materials on each unit. Each unit will be limited to three different façade materials to choose from a combination of 3" or 6" horizontal siding, cedar shingles, board and batten and brick. Each unit will be required to have horizontal siding as one of required façade materials. If brick is utilized, it can only be used along the basement level façade (as shown on exhibit C-2, page 3) and both attached units within the attached set will be required to have brick on this portion of the façade. In addition, the side facades of the units must utilize horizontal siding that matches the width of the horizontal siding used on the front façade of that particular unit. The combination of façade materials will add visual interest to the dwelling units and allow the applicant to have some flexibility to provide architectural differences between the six units. The variety of architectural features complement the most positive characteristics of surrounding development. The proposed development is in keeping with the character and design of many of the older buildings in the neighborhood. Therefore, this criterion is met.

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

**Findings:** The primary difference in appearance from surrounding development is the presence of attached garages on the front façade of each unit with driveways in the front yard. In order to mitigate for these differences, the building design uses materials and features common in the area, such as gable roofs, front entries with large porches and horizontal siding. While the attached garages will differ from the predominant style of the established development, certain design elements are incorporated into the proposed attached houses to minimize the visual and physical appearance of the vehicle area and garage elements on the front facade. These design elements include a large front porch that projects 6-feet beyond the garage entrance, windows across the top section of the garage doors, garage entrances recessed approximately 3-feet below sidewalk grade and landscaping at the front of the site. In addition, each set of attached units have garage entrances and front porches that are staggered from one another, and recessed approximately 6 feet from the adjacent porch and garage on each set of side by side attached units. This design element breaks up the front facades of the two attached side by side units so the garage doors do not appear to visually be a dominant feature of the front facade while also allowing each front porch to maintain privacy for future tenants. The preceding design elements adequately mitigate for the differences in appearance. Therefore, this criterion is met.

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

**Findings:** Potential negative effects from having garages along the street facing façade of the attached houses include: a reduction in on-street parking; a decrease in the visual connection between the residence and the street; and street facing facades that are dominated by garages. As noted in the preceding findings, the proposed development incorporates design elements that will temper any potential detrimental effects on surrounding residential uses. In addition, Transportation (PBOT) has required shared curb cuts for driveways serving each set of attached units in order to preserve as much on-street parking as possible. Therefore, this criterion is met.

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

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

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

**Findings:** The applicant's Site Plan (Exhibit C.1) illustrates an outdoor area at the rear of each parcel of approximately 775 (Lots 2, 4 and 6) and 625 (Lots 1, 3 and 5) square feet in size, measuring approximately 31-feet by 25-feet and 25-feet by 25-feet respectively. These areas are well in excess of the minimum required outdoor area for attached houses of 200 square feet and minimum dimensions of 10 feet by 10 feet. Therefore, this criterion is met.

### **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; increase the main entrance distance from grade for each unit and exceed the allowed eave encroachment into the side set back. 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. In addition, the garage will only encompass 50 percent of the front faced of each unit, which meets the Zoning Code development standard for the allowed width of garages on dwelling units in single family zones.

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. The applicant's proposal has the main entrances 6 feet above this grade standard. As previously mentioned, the natural grade of the site (which is even with adjacent sidewalk grade) will predominately be maintained with exception of the front of the site to accommodate vehicle access. Considering that the driveways and garages will be excavated below grade to minimize the presence of the garages it makes it difficult to the meet main entrance standard when calculating the average with the natural grade of the site. The main entrances will be prominent features, making the visual effect negligible.

Eaves are only allowed to encroach 20 percent into the required side setback. In this case, 5 foot minimum side setbacks are proposed, which would only allow a 1 foot eave to be located along the side façade of each set of attached units. In order to allow the eaves to match the architectural style of the neighborhood which has many homes which larger eaves, the applicant has proposed 18" eave which encroach into the required setback area 6" more than the Zoning Code allows. The larger eave will enhance the design of the proposed dwelling units and allow it to better fit into the overall neighborhood.

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.

The purpose of the Setback standards (33.110.220.A) in Single Family Zones as follows:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

As noted in the findings above, the garage entrances are recessed approximately 3-feet below sidewalk grade and a large front porch will project 6-feet beyond the plane of the garage entrance. This effect helps to ensure a physical and visual connection between the large open front porches of the units and the street, limiting the presence of the garages. A stairway provides direct access from the public pedestrian corridor to the main entrance of the units, which projects a more visually prominent entrance for pedestrians, rather than automobiles. This entrance is clearly identifiable from the street and may be easily found from the adjacent sidewalk. As previously addressed, additional design considerations include windows across the top section of the garage doors and landscaping at the front of the site. The larger eaves (18") will encroach into the side setback 6" more than the code allows by right, which still promotes a reasonable physical relationship between the residents because the plane of the building wall which the eaves are attached to will meet minimum side setbacks standards of 5 feet. The larger eaves allow the new homes to be compatible with the neighborhood, and allow the design of the proposed units to be enhanced which promotes architectural diversity.

Together, these design elements 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. The large front porch allows the structure to connect to the public street below, allowing the building to blend in well and add additional architectural interest within the neighborhoods built environment, while the eave encroachment is very minor and will enhance the visual the design of the units without causing any negative impacts on adjacent properties.

On balance, the proposal will be consistent with the purpose of garage, main entrance and setback 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.

**Existing development that will remain after the land division.** The applicant is proposing to remove all of the existing structures on the site, 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.

With the conditions noted above, 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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
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 addressing requirements; ensuring adequate fire hydrant spacing or installing a new hydrant; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; if required, recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers; meeting fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

It should be noted that the Water Bureau has indicated (Exhibit G-4) that the Fire Flow is 1,300 gallons per minute (GPM) in the vicinity of the site which exceeds the minimum Fire Bureau flow standards found in Exhibit E-4. This information was sent to the Fire Bureau prior to the date their land use response was published. However, the Fire Bureau has requested this information be submitted again during final plat approval based on their land use response.

- Street trees will be required along all public frontages depending on planting conditions and will be reviewed and approved by the City Forester during building permit application. Tree species and location to be determined by the City Forester during plan review. Street trees required for residential sites are to be 2 inch caliper in size. Underground utilities shall not conflict with street tree planting.

## CONCLUSIONS

The applicant has proposed a 6-lot subdivision and Planned Development, as shown on the attached preliminary plan (Exhibits C-1 and C-2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

The Planned Development review included modifications to eaves, garage and main entrance standards. As noted in this report, the project is able to meet the relevant 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 attached site plan and elevation drawings, the request meets the applicable criteria and should be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 6 lot subdivision, that will result in six narrow lots as illustrated with Exhibit C-1,

**Approval** of a Planned Development Review with modifications to allow eave encroachment into the side setback, garage and main entrance standards, per the approved site plans and elevations (Exhibits C.1-C.2), subject to the following conditions:

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Sewer locations as required under condition C.3

**B. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for NE 14<sup>th</sup> Avenue. The required right-of-way dedication must be shown on the final plat.
2. If required, a recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Special Land Use conditions/Maintenance Agreement" has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."
3. A private sanitary sewer easement, for the benefit of Lots 1 and 4; shall be shown and labeled over the relevant portions of Lots 2 and 3 as shown on exhibit C-4.

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

1. The applicant shall provide information to the satisfaction of the Fire Bureau that Fire Hydrant spacing is adequate. If necessary, the applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
2. 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.
3. The applicant shall meet the requirements of the Bureau of Environmental Services and scope the three private sewers for 3607, 3617, and 3623 NE 14<sup>th</sup> and provide a locate report to BES prior to final plat approval. This information must be shown on the supplemental survey.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for Lots 1-6, as required in Chapter 5 of the Oregon Fire Code. Alternately, the applicant will be required to install residential sprinklers in the new house on Lots 1-6, if applying the exception. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

**Existing Development**

5. A finalized permit must be obtained for demolition of the existing residence (3623 NE 14<sup>th</sup> Avenue) on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.


**Required Legal Documents**

6. If required, per Conditions C.1, C.2 or C.4 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring new residential development to contain internal fire suppression sprinklers, per Fire Bureau Appeal no \*. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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

1. The applicant must meet the addressing requirements of the Fire Bureau for Lots 1-6. The location of the sign must be shown on the building permit.
2. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units on Lots 1-6. Please refer to the final plat approval report for details on whether or not this requirement applies.
3. 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 measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.
4. 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.2 (sheets 1-3). The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-106044 LDP PD. No field changes allowed."
  - Each unit is allowed to have up to a maximum of three exterior façade materials. One of these three materials must be either 3" or 6" horizontal siding (not both). The side façade of each unit must utilize the same size horizontal siding as the front façade.
  - In addition to 3" or 6" horizontal siding (one of which is required) exterior material types that can be utilized include: cedar shingles, board and batten and brick. Brick can only be used along the basement level facade and on the porch pillars as shown on exhibit C-2 (page 3). If brick is utilized, it must be used on both units within an attached set.
5. As required by Site Development, at the time of building permit application for Lots 1 and 2, please complete a Disclaimer for Existing On-site Sewage Disposal System.
6. As required by Transportation (PBOT), frontage improvements are required to be constructed to the satisfaction of the City Engineer with any Building Permit(s) for the new attached homes.
7. As required by Transportation (PBOT), the proposed attached homes must include paired driveways as shown on exhibit C.1.

**Staff Planner: Shawn Burgett**

**Decision rendered by:**  **on June 4, 2014**  
 By authority of the Director of the Bureau of Development Services

**Decision mailed June 6, 2014**

**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 16, 2014, and was determined to be complete on March 20, 2014.

*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 16, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 30 days (exhibit A-4). Unless further extended by the applicant, the 120 days will expire on: 8/17/2014.

**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 June 20, 2014** 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 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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

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 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 a Planned Development. These other concurrent approvals 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 following approvals were necessary for the land division to be approved: Planned Development. This approval expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

All other concurrent approvals expire three years from the date 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.

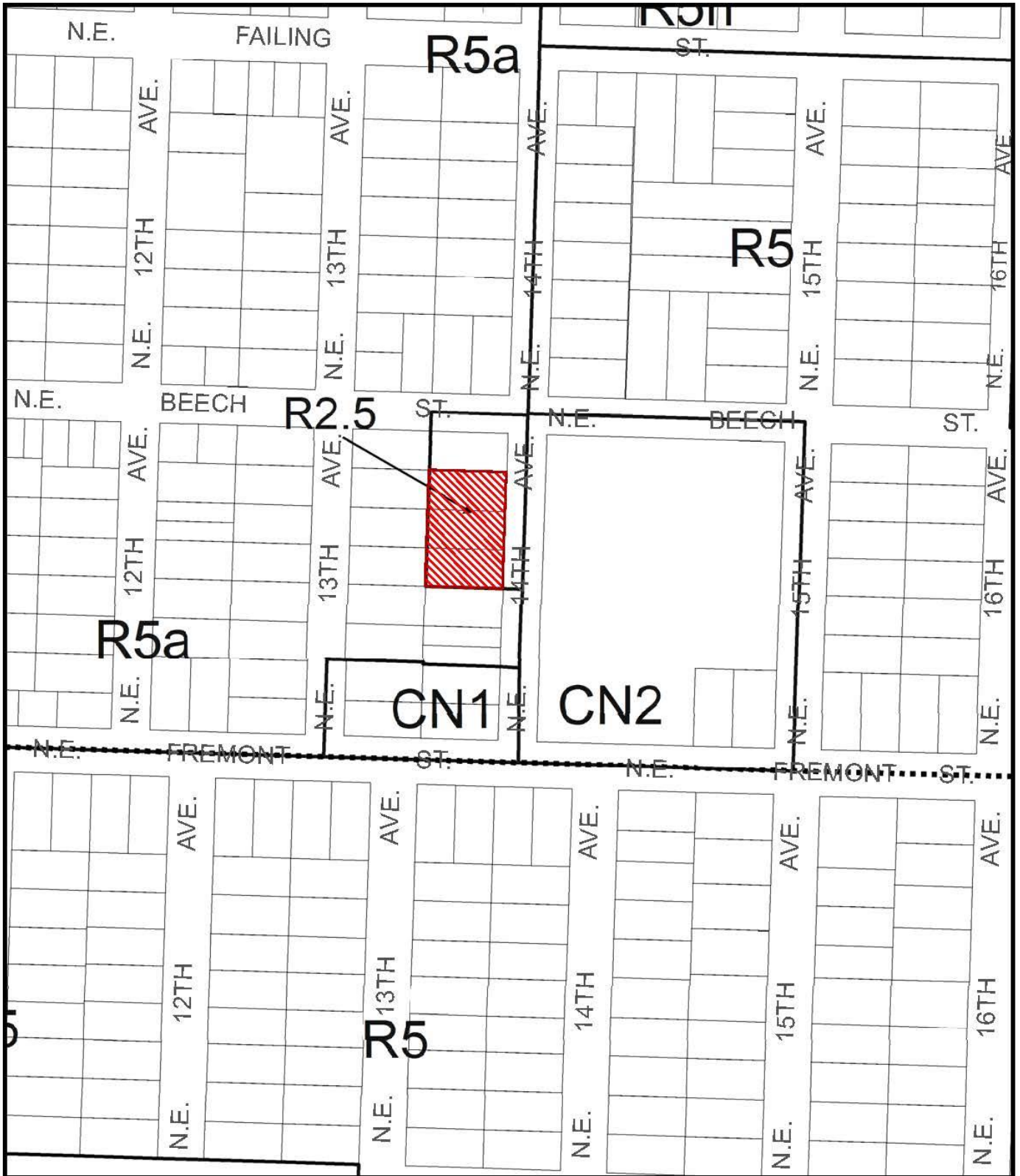
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicants Narrative

2. Applicants documentation of surrounding neighborhood
  3. Transportation Planning Rule & TIA
  4. 30 day extension to 120 day clock
  5. Sewer locate report by Sisul Engineering
  6. Simplified Approach
  7. Early Neighborhood Notification documentation
  8. Evidence of Zone Change recording
  9. Proposed Streetscape elevation
  10. Revised Transportation Analysis dated 5/14/14
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan (attached)
  2. Elevations, pages 1-3 (attached)
  3. Proposed Preliminary plat
  4. Existing conditions survey
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  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
- F. Correspondence:
- Use this format.
1. Rachel Lee, Chair, Sabin Land Use and Transportation Committee, received via e-mail: rlee@stoel.com
- G. Other:
1. Original LU Application
  2. Incomplete Letter dated 2/14/14
  3. Land Use History
  4. Fire Flow info

**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



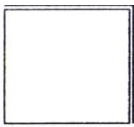
Site



NORTH

File No. LU 14-106044 LDS,PD  
 1/4 Section 2631  
 Scale 1 inch = 167 feet  
 State\_Id 1N1E23CD 19600  
 Exhibit B (Mar 20,2014)

NO.	DATE	DESCRIPTION	BY



**FIRENZE DEVELOPMENT, INC.**  
 1000 NE 14th Ave, Portland, OR 97232  
 Phone: 503-381-4513

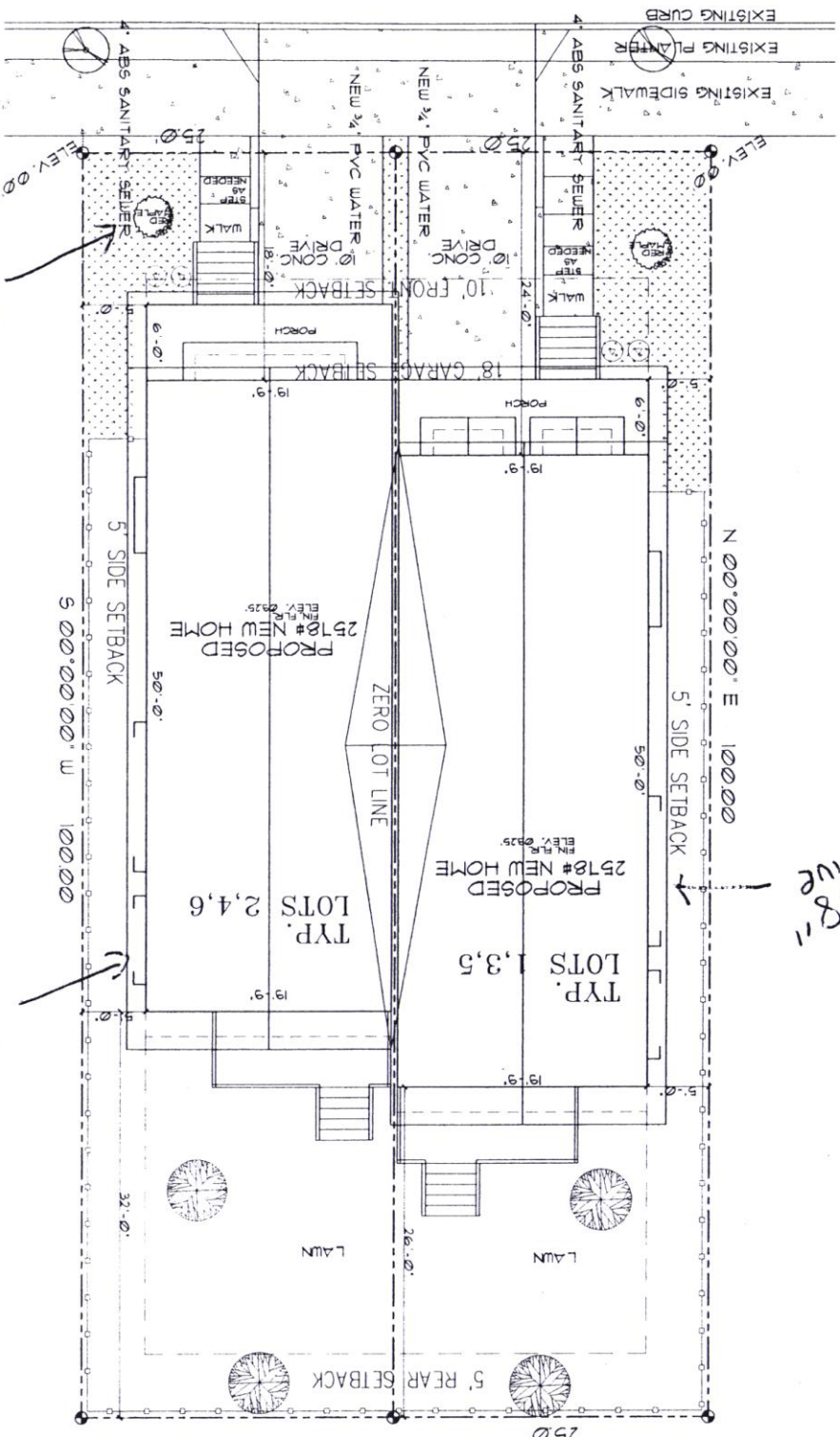


2518

**SITE**  
5/30/14

NE 14th AVE.

Required  
Tree in  
front yard  
of each  
unit



18" FAVE

18" GAVE

CASE NO. 14-106044  
 EXHIBIT C-1



+ Each unit must use 3" or 6" Horizontal Siding

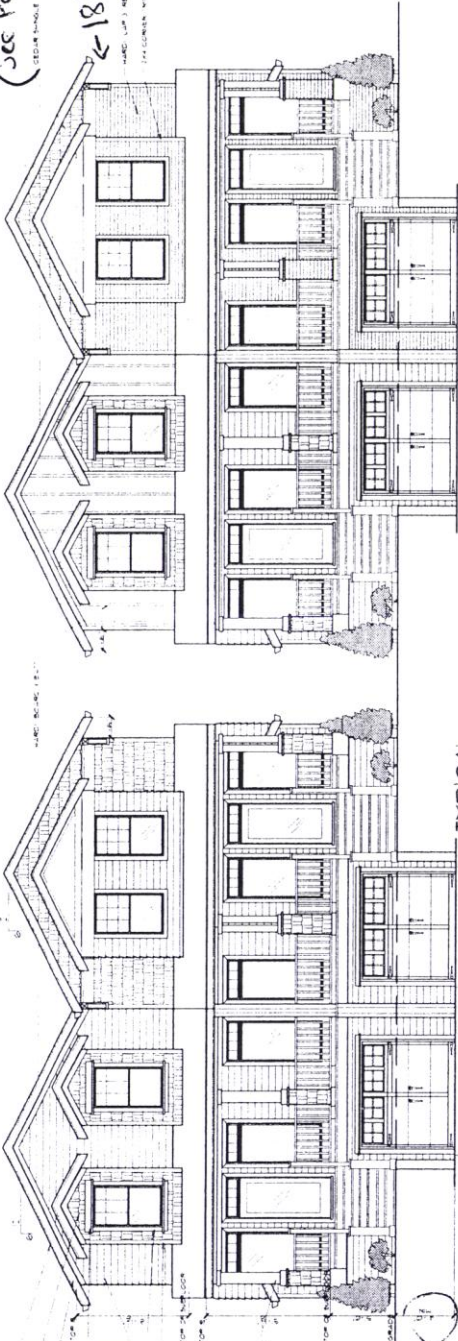
\* A maximum of 3 exterior materials can be used per unit. Approved materials include:

- Cedar Shingles,
- Board and Batten
- Horizontal Siding 3" or 6"

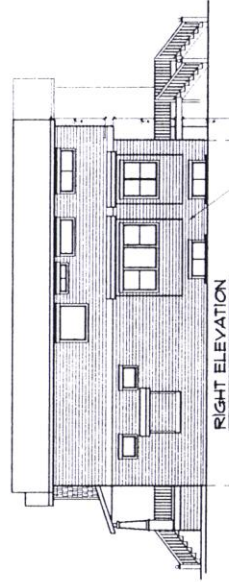
- Brick

(See Page 3 of Exhibit)

← 18" eaves



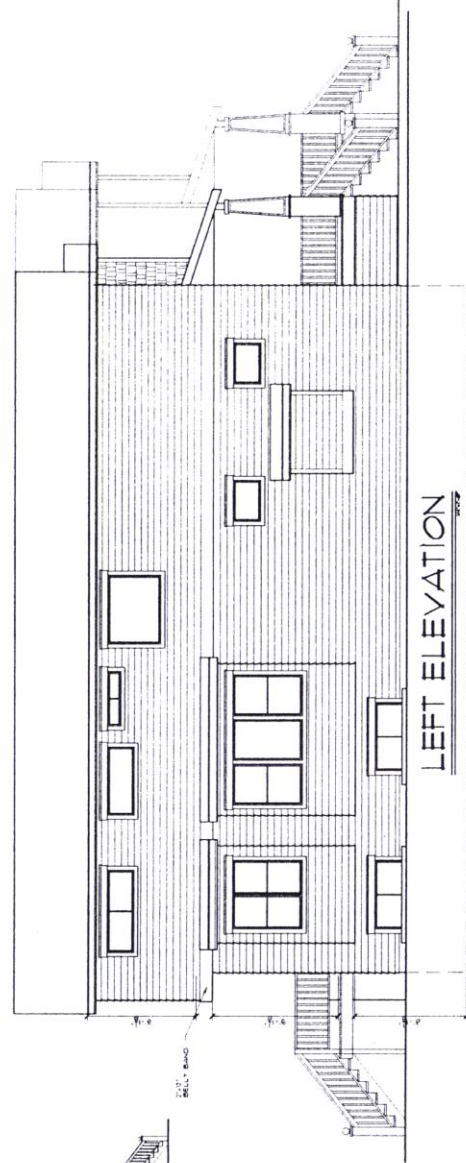
TYPICAL FRONT ELEVATIONS



RIGHT ELEVATION



REAR ELEVATION

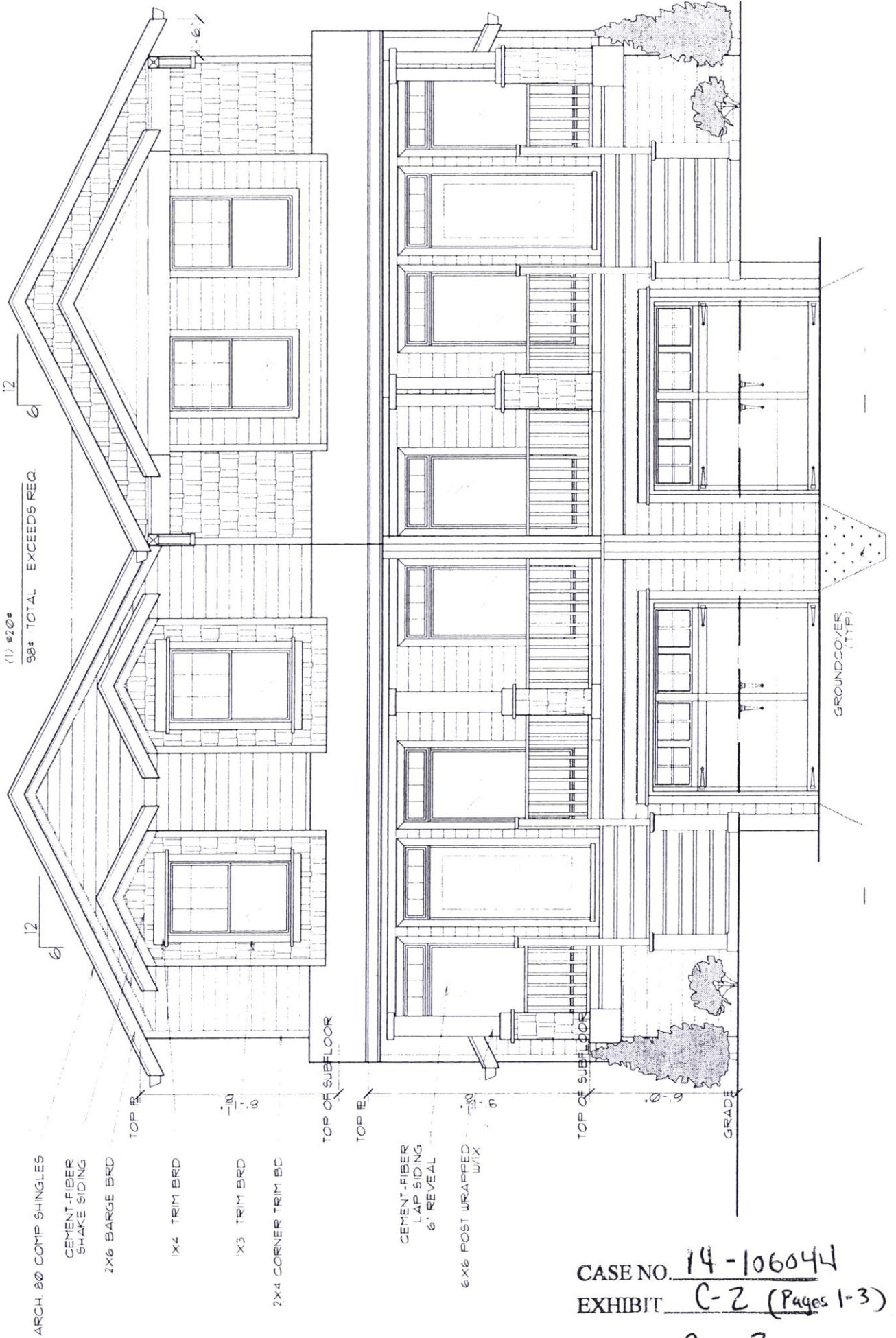


LEFT ELEVATION

\* Horizontal Siding used on Side facade must match horizontal Siding used on front facade

DATE: _____ DRAWN BY: _____ CHECKED BY: _____ REVISIONS: 1 2 3 4 5	FIRENZE DEVELOPMENT, INC. 12345678901234567890 PORTLAND, ORE 503-281-4513	SABBIN ELEVATIONS	257B	<b>1</b> 5/20/14
--	--	----------------------	------	---------------------

ELEVATION 520\*  
 15% WINDOWS REQUIRED 18\*  
 (1) @ 3\*  
 (5) @ 15\*  
 (1) @ 20\*  
 98% TOTAL EXCEEDS REQ.



ARCH. 80 COMP SHINGLES

CEMENT-FIBER  
 SHAKE SIDING

2X6 BARGE BRD

1X4 TRIM BRD

1X3 TRIM BRD

2X4 CORNER TRIM BRD

TOP OF SUBFLOOR

TOP IE

CEMENT-FIBER  
 LAP SIDING  
 6" REVEAL

6X6 POST WRAPPED  
 W/IX

TOP OF SUBFLOOR

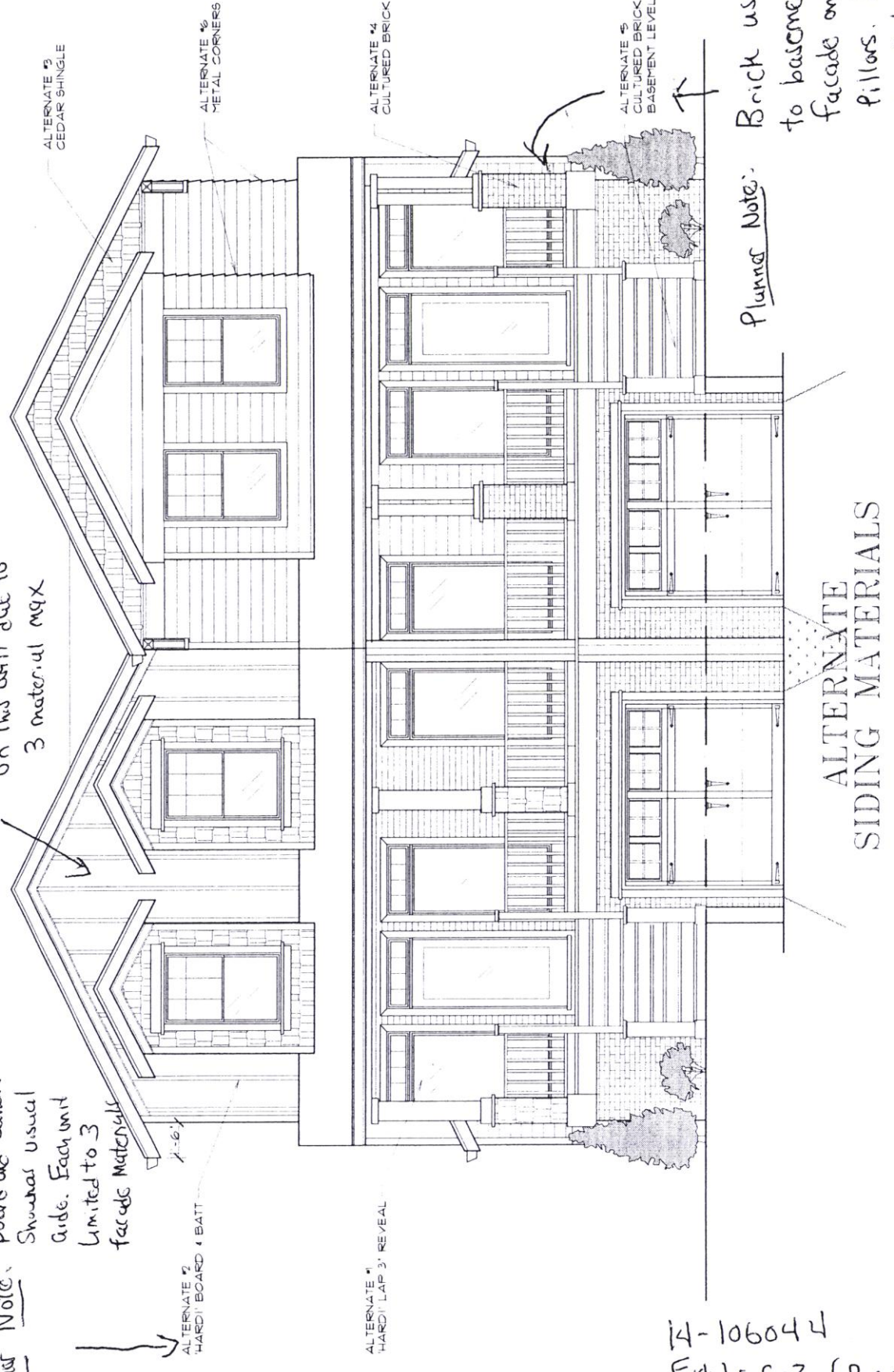
GRADE

GROUND COVER (TYP)

CASE NO. 14-106044  
 EXHIBIT C-2 (Pages 1-3)

Horizontal Siding would be required  
on this unit due to  
3 material max

Planner Note:  
Board and Batten  
Shows usual  
Grid. Each unit  
limited to 3  
facade materials



Planner Note: Brick use limited  
to basement level  
facade and porch  
pillars. Brick must  
be used on both  
units in attached  
Set (if used)

14-106044  
Exhibit C-2 (Page 3)