



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

Amanda Fritz, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** July 28, 2014  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
 503-823-5747 / [Chris.Caruso@portlandoregon.gov](mailto:Chris.Caruso@portlandoregon.gov)

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The 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 14-118512 DZ – NEW HOUSE WITH ACCESSORY DWELLING UNIT**

**GENERAL INFORMATION**

**Applicant:** Kevin Partain/Urban Visions  
 223 NE 56th Ave./Portland, OR 97213

**Owner:** Ionel Hij  
 16933 SE Foster Rd./Gresham, OR 97080

**Site Address:** 4318 SE 79TH AVE

**Legal Description:** TL 10200 0.20 ACRES, SECTION 08 1S 2E, TL 10200 0.20 ACRES; LOT 2, PARTITION PLAT 2014-6

**Tax Account No.:** R992080740, R649650220, R649650220

**State ID No.:** 1S2E08DD 10200, 1S2E08DD 10200, 1S2E08DD 10202

**Quarter Section:** 3438

**Neighborhood:** Foster-Powell, contact Aaron Sorenson @ 971-235-0025

**Business District:** Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

**Plan District:** None

**Zoning:** R2a – Multi-Dwelling Residential with Alternate Design Density overlay

**Case Type:** DZ – Design Review

**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant seeks Design Review approval for a new two story house plus basement accessory dwelling unit (ADU) located on a flag lot in the Foster-Powell neighborhood. Exterior finishes include the following: cement lap siding; vinyl windows; steel doors; composition roof shingles; wood front porch with wood columns, cedar ceiling, wood stairs and railings, and wood lattice skirting; wood window, door, eave, rake, and belly band trim, and wood window sills; composite wood rear deck flooring with wood columns and railings; and a wood guardrail

and metal railing at the ADU entry stairs. The proposed design was not able to meet the Community Design Standards and therefore must go through discretionary Design Review.

**Relevant Approval Criteria:**

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

- 33.825 Design Review
- Community Design Guidelines

## ANALYSIS

**Site and Vicinity:** The site is an empty 5,178 SF flag lot created through a partition in 2013. The surrounding area is a mix of single-family homes, new flag lots, and newer multi-dwelling development, all done in a mix of styles. The front portion of the partitioned site is currently undeveloped but is zoned for residential uses similar to what is proposed on this flag lot. The site is just north of SE Holgate Boulevard which is a major arterial with frequent service bus service. SE 79<sup>th</sup> Avenue is listed as a Local Service Walkway and Local Service Bikeway.

**Zoning:** The Residential 2,000 (R2) zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The Alternative Design Density “a” overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

**Land Use History:** City records indicate one prior land use reviews for this site. LU 13-150855 LDP – Approval of a two-parcel partition.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **June 30, 2014**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division
- Fire Bureau
- Life Safety Review Section of BDS (Exhibit E-1)
- Site Development Section of BDS (Exhibit E-2)
- Bureau of Environmental Services (Exhibit E-3)
- Water Bureau (Exhibit E-4)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 30, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

### **Section 33.825.055 Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

### **Community Design Guidelines**

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

**E1. The Pedestrian Network.** Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

**D4. Parking Areas and Garages.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings for E1 & D4:** The pole portion of the flag lot will connect directly to the sidewalk along SE 79<sup>th</sup> Avenue, allowing the new residents of the house and accessory dwelling unit (ADU) to walk to neighborhood amenities as well as local area transit stops. The driveway will be a typical narrow residential drive with no parking at the sidewalk edge, making the site area devoted to vehicle parking quite small and unobtrusive. Cars for the proposed dwelling units will park far back on the site, away from pedestrians and public rights-of-way. *These guidelines are therefore met.*

**D1. Outdoor Areas.** When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

**D3. Landscape Features.** Enhance site and building design through appropriate placement, scale, and variety of landscape features.

**Findings for D1 & D3:** The building location and design allows each of the two units to have its own outdoor space which is landscaped around the site's perimeter. These open areas will receive a mix of sun and shade, will be accessible, and will be useable for a variety of activities. *These guidelines are therefore met.*

**D2. Main Entrances.** Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

**Findings:** The site’s driveway, which is connected to the public sidewalk, leads directly to the new structure’s covered main entry. The existing homes also have covered front entries facing the street which are connected to the public sidewalk. The main unit entry is marked by a porch that provides shelter and visual prominence. *This guideline is therefore met.*

**D5. Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

**Findings:** Windows on all sides of the new building provide surveillance of the area to prevent crime. Lighting is strategically located to highlight building entries to enhance safety at night. *This guideline is therefore met.*

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings for D6, D7 & D8:** The proposal utilizes a number of massing forms and materials which relate to the surrounding residential development and which will provide an interesting and contextually appropriate appearance for the building. The exterior finishes of the building include durable materials such as asphalt shingles, painted cementitious siding, wood, and painted metal accents. The finish materials and installation details match those of similar existing houses in the area, as do the gable roof forms, single-hung windows, and front porch. This allows the new house and accessory dwelling unit to blend into the area. *These guidelines are therefore met.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The new house, with basement accessory dwelling unit, blends into the surrounding residential neighborhood through the use of traditional residential materials and forms. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of design review for a new two story house with a basement accessory dwelling unit located on a flag lot in the Foster-Powell neighborhood that includes the following:

- cement lap siding;
- inset vinyl windows;
- steel doors;
- composition roof shingles;

- wood front porch with wood columns, cedar ceiling, wood stairs and railings, and wood lattice skirting;
- wood window, door, eave, rake, and belly band trim, and wood window sills;
- composite wood rear deck flooring with wood columns and railings;
- and a wood guardrail and metal railing at the ADU entry stairs.

Approved, per the approved site plans, Exhibits C-1 through C-15 signed and dated July 23, 2014 subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.15. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-118512 DZ. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on July 23, 2014.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 28, 2014**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on February 19, 2014, and was determined to be complete on **June 25, 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 February 19, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 22, 2014.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review,

any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 11, 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 12, 2014 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

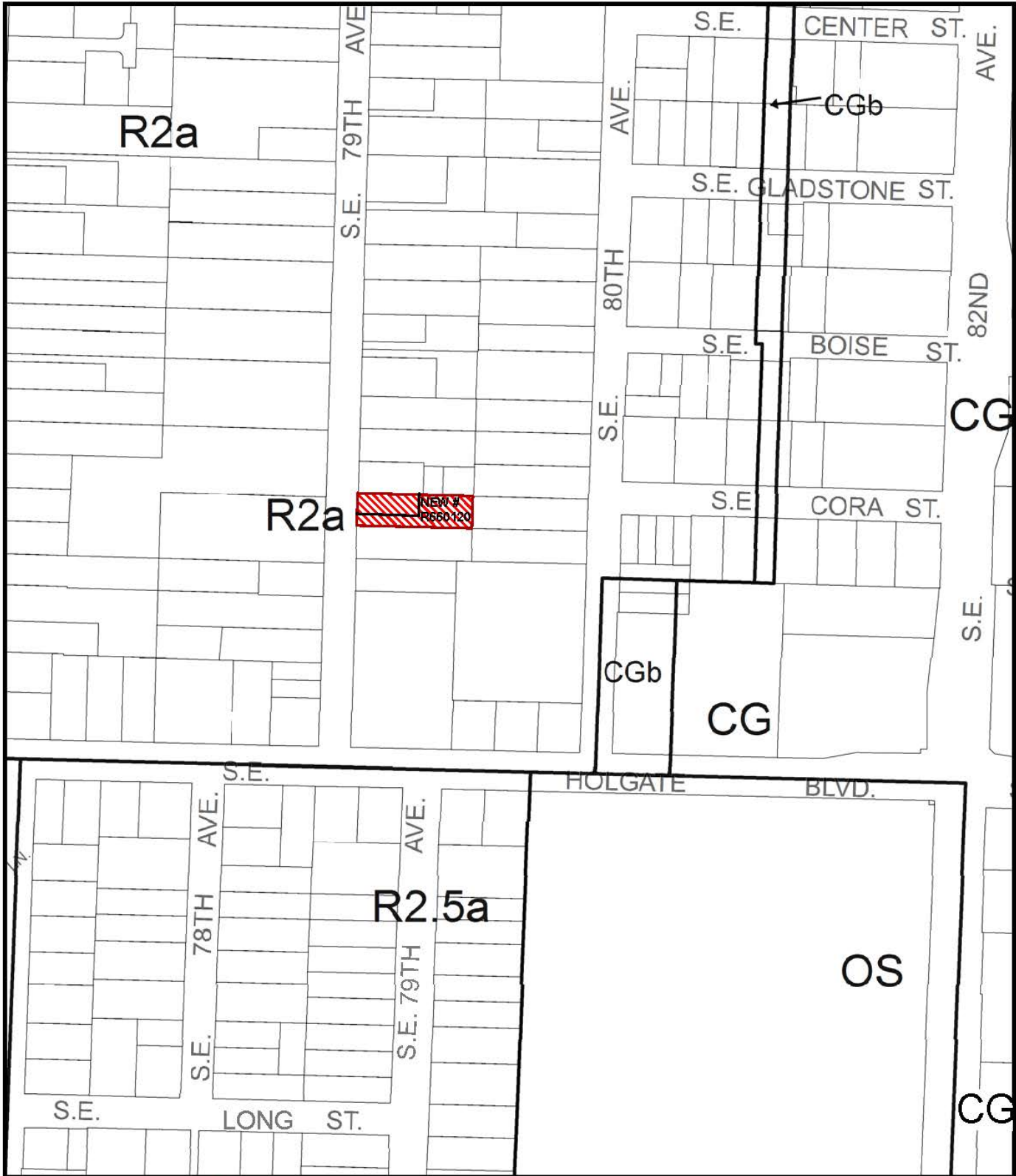
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>A. Applicant's Statement</li> <li>B. Zoning Map (attached)</li> <li>C. Plans/Drawings:               <ul style="list-style-type: none"> <li>1. Site Plan (attached)</li> <li>2. Partition Plat</li> <li>3. Floor Plans</li> <li>4. Elevations (attached)</li> <li>5. Sections and Details</li> <li>6. Details</li> <li>7. Details</li> <li>8. Recessed Vinyl Window Installation</li> <li>9. Window Information</li> <li>10. Garage Door Information</li> <li>11. Wood Trim Specifications</li> <li>12. Siding Information</li> <li>13. Back Door Information</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>14. Front Door Information</li> <li>15. Front Porch Ceiling Information</li> <li>D. Notification information:               <ul style="list-style-type: none"> <li>1. Mailing list</li> <li>2. Mailed notice</li> </ul> </li> <li>E. Agency Responses:               <ul style="list-style-type: none"> <li>1. Life Safety Review Section of BDS</li> <li>2. Site Development Review Section of BDS</li> <li>3. Bureau of Environmental Services</li> <li>4. Water Bureau</li> </ul> </li> <li>F. Correspondence: none received</li> <li>G. Other:               <ul style="list-style-type: none"> <li>1. Original LU Application</li> <li>2. Incomplete Letter</li> <li>3. Incomplete Letter #2</li> </ul> </li> </ul> |
|---|---|

**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).**



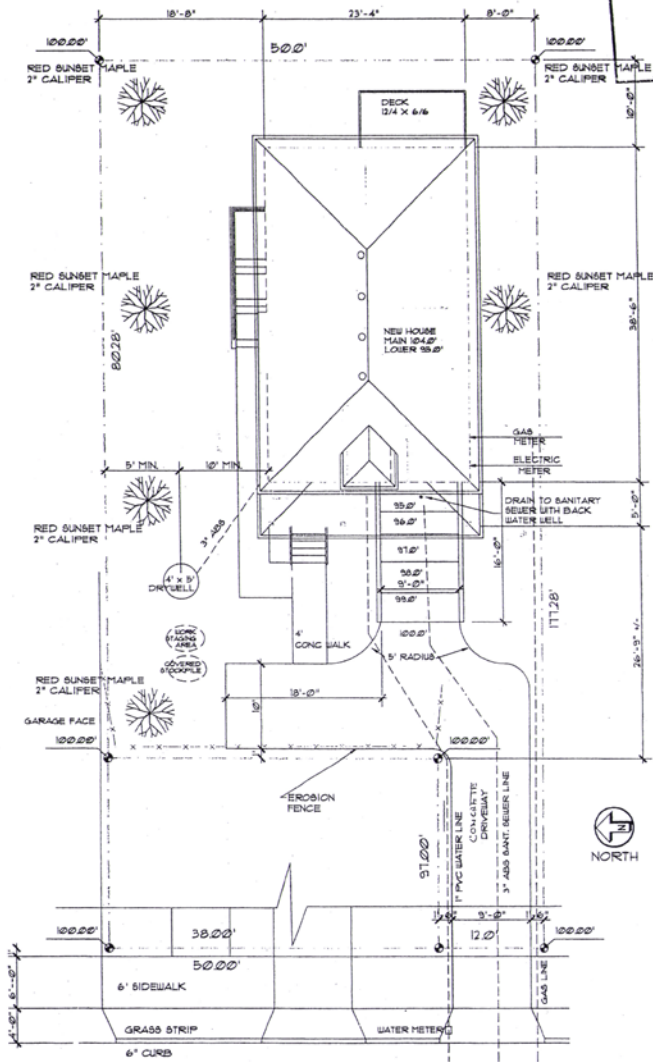
# ZONING

 Parent Site



File No. LU 14-118512 DZ  
 1/4 Section 3438  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E08DD 10200  
 Exhibit B (Feb 24, 2014)





SE. 19th Ave.

**PLOT PLAN**

SCALE: 1/8" = 1'-0"  
 PARCEL 2 - 4310 SE 19th Ave.  
 CITY OF PORTLAND

**LOT COVERAGE:**

BUILDING AREA	8988.9 SQ FT
FRONT PORCH AREA	16.7 SQ FT
DECK	80.21 SQ FT
TOTAL AREA	9085.8 SQ FT
LOT AREA	5196.0 SQ FT
COVERED AREA	2124%

**IMPERVIOUS AREA:**

BUILDING AREA	8988.9 SQ FT
FRONT PORCH AREA	16.7 SQ FT
DECK	80.21 SQ FT
DRIVEWAY	1426.68 SQ FT
WALKWAYS	2118.3 SQ FT
TOTAL AREA	2734.0 SQ FT
LOT AREA	5196.0 SQ FT
PERCENTAGE	53.0%

**FRONT YARD COVERAGE:**

WALKWAY	846.7 SQ FT
DRIVEWALKWAY	1426.68 SQ FT
FRONT YARD	2483.0 SQ FT
PERCENTAGE	61.6%

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 7/23/14

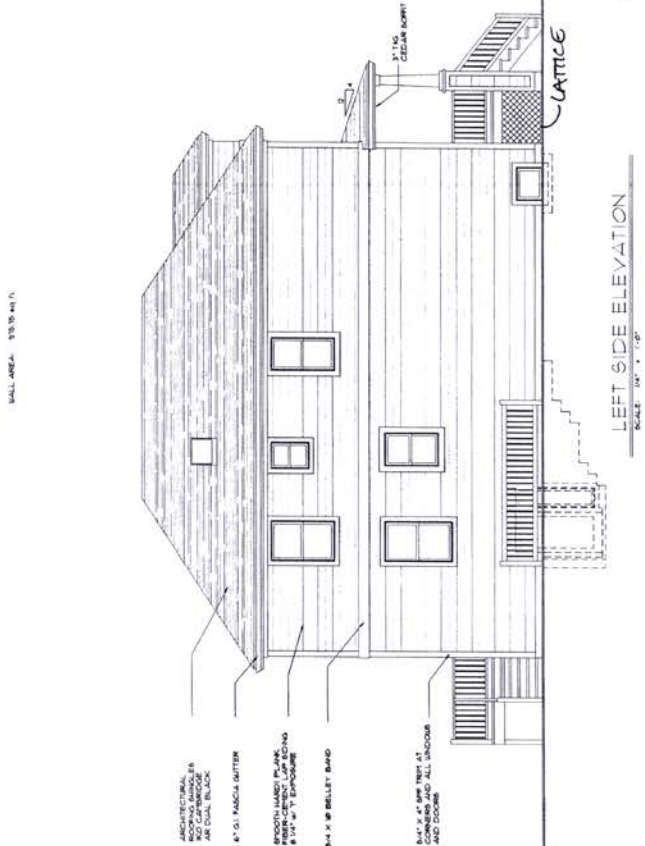
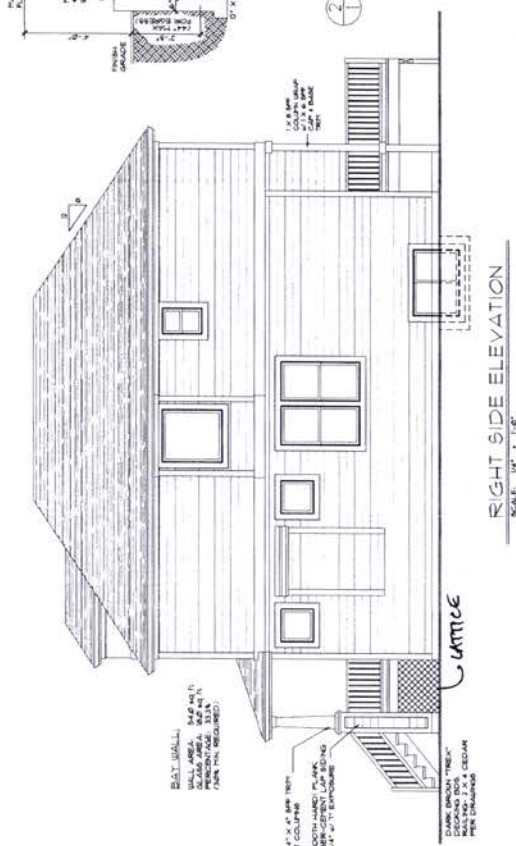
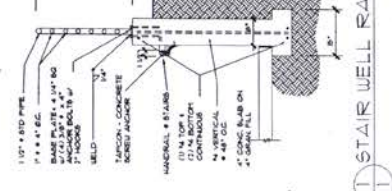
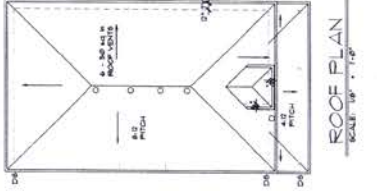
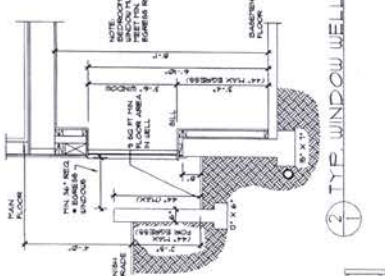
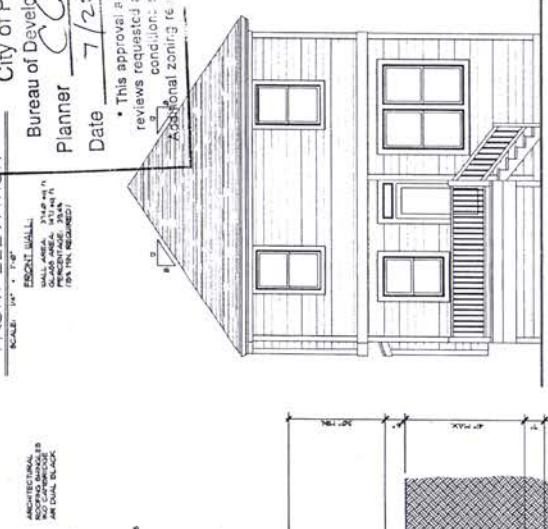
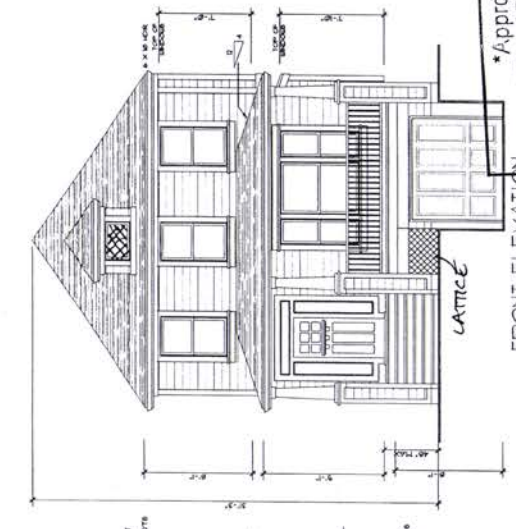
This approved plan is subject to the conditions of approval. All elements may be subject to change.

**THOGERSON DESIGNS**  
 Residential & Commercial Building Design  
 899 S.W. Main - Suite 201  
 Portland, Oregon 97205  
 Phone (503) 292-4743  
 Fax (503) 292-3110

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1631-A-ADU

LU 14-118512 D2  
 EXT C-1



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 EXH. C-4