



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

RECORDER

Please stamp the County Recorder's copy of the recording sheet and return with the attached decision to City of Portland, BDS 299/5000/BDS LUR

Multnomah County Official Records **2023-021495**
E Murray, Deputy Clerk
04/12/2023 08:45:00 AM
LUA-LUA Pgs=6 Stn=67 ATMH
\$30.00 \$11.00 \$60.00 **\$101.00**

Date: March 24, 2023
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-865-6514 / Amanda.Rhoads@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 22-200375 AD

GENERAL INFORMATION

Applicant/Owner: Douglas MacLeod | Urbanroost Development, LLC
7675 SE Alder St | Portland OR 97215
Site Address: 4401 SE 79TH AVE
Legal Description: S 53' OF N 105' OF LOT 18 S 2' OF N 52' OF W 155.5' OF LOT 18,
KENT
Tax Account No.: R445401310
State ID No.: 1S2E08DD 11000
Quarter Section: 3438
Neighborhood: Foster-Powell, contact Joseph Liu at land.use@fosterpowell.com

Business District: None
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org
Plan District: None
Zoning: RM1 – Residential Multi-Dwelling 1
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

Eight new dwelling units are under building permit review on the subject site, behind the existing house which will be retained. Between the new units and the house, a small parking lot with 8 spaces is proposed. To provide access to this parking area and the land-locked site to the north that has an access easement on the property, a driveway of permeable concrete pavers is proposed along the north property line.

Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 requires a 5-foot setback that is landscaped to the L3 high-screen standard for driveways and parking areas adjacent to residential zones. The L3 standard requires trees, a screen of tall shrubs, and groundcover in the remaining area. The applicant proposes to reduce this 5-foot setback along the north property line to 3.5 feet for the first 67 feet from the front lot line, then reduce the setback to 0 feet for an additional 52.5 feet. Within the reduced setback, a solid wood fence is proposed at 6 feet tall (beyond the first 10 feet) along with 3 feet of landscaping.

To develop as proposed, the applicant has requested an Adjustment to Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 to reduce the required driveway setback from 5 feet to 3.5 feet and 0 feet as described above and to provide a fence along most of the property line plus the proposed landscaping, instead of meeting the L3 standard adjacent to the driveway, as shown in the attached.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

CONCLUSIONS

Staff finds that, with a new wooden fence along the north property line, and with conditions requiring the L3 standard to be met in the 67-foot-long, reduced-width landscape area north of the driveway; as well as a condition requiring the planting of some of the proposed trees taller than what is required by code, the proposed Adjustment is consistent with the purpose of the requirement to be modified and with the character intended for the area. With the described conditions, staff finds the approval criteria for the Adjustment are met. Since the approval criteria are met, the Adjustment request must be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 to reduce the required driveway setback from 5 feet to 3.5 feet and 0 feet north of the driveway and to provide a fence along most of the north property line plus provide the proposed landscaping, instead of meeting the L3 standard adjacent to the driveway.


Approval is per the approved plans, Exhibits C.1 through C.2, signed and dated March 22, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be

labeled "ZONING COMPLIANCE PAGE - Case File LU 22-200375 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. The landscaping in the reduced setback area north of the proposed driveway must meet the L3 standard for shrubs and ground cover (the tree standard is exceeded as proposed).
- C. Per the landscaping plan of Exhibit C.2, the applicant must plant the following species and number of trees at the minimum heights indicated:
- 8 Himalayan White Birches will be a minimum of 10 feet tall;
 - 6 Goldspire Ginkgos will be at least 8 feet tall;
 - 5 Italian Cypress will be at least 8 feet tall; and
 - 2 Jefferson Maples will be at least 10 feet tall.

Staff Planner: Amanda Rhoads

Decision rendered by:  **on March 22, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 24, 2023

Last date to Appeal: April 7, 2023 by 4:30 pm

Effective Date (if no appeal): April 10, 2023 Decision may be recorded on this date

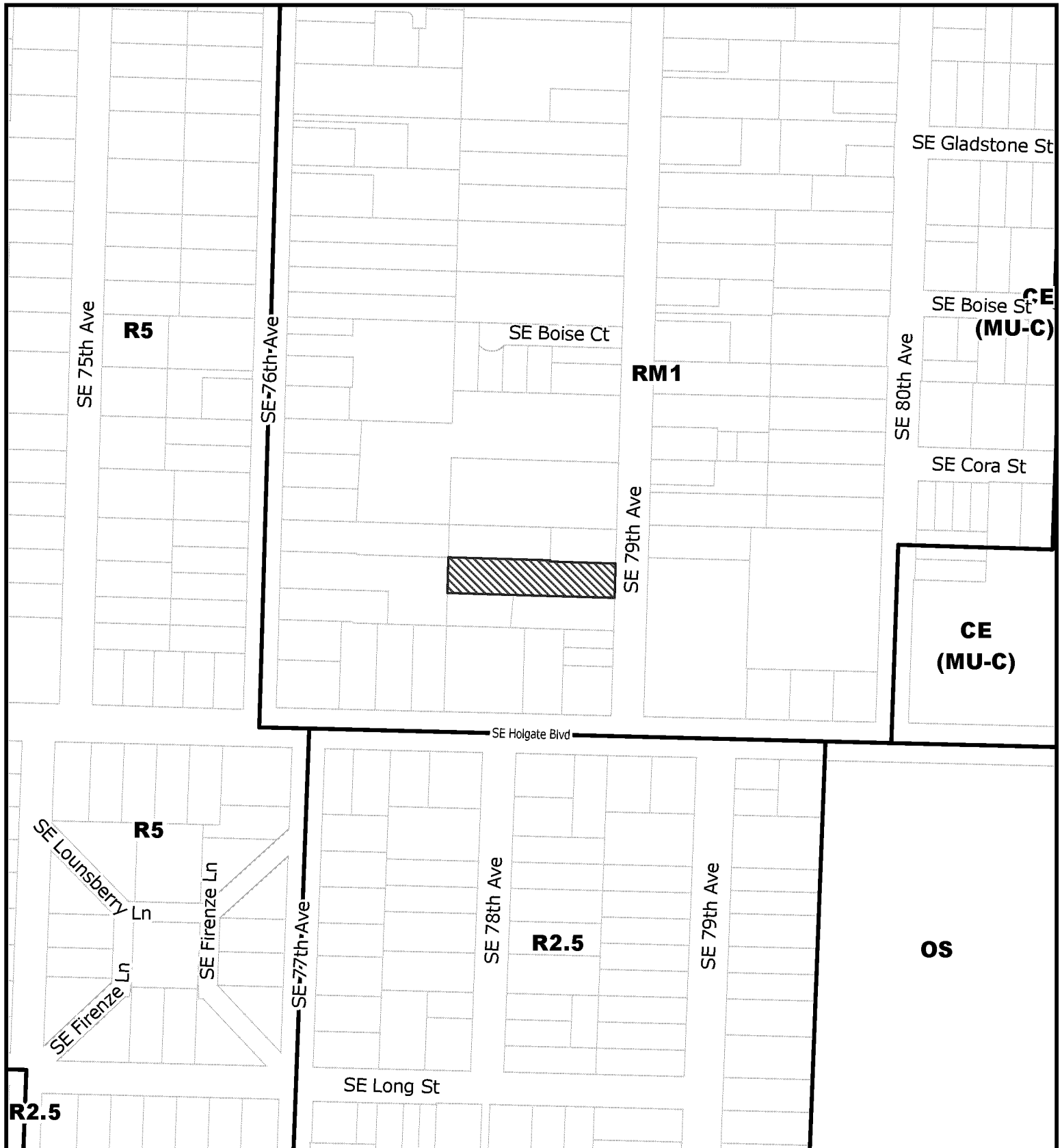
Kimberly Tallant, Principal Planner

City of Portland
Bureau of Development Services
1900 SW Fourth Ave, #5000
Portland, OR 97201

Date: April 10, 2023



Representative



For Zoning Code in Effect Post October 1, 2022

ZONING 

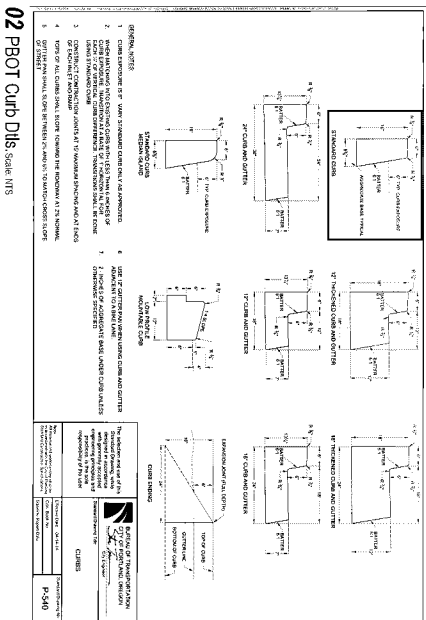
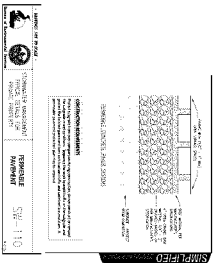
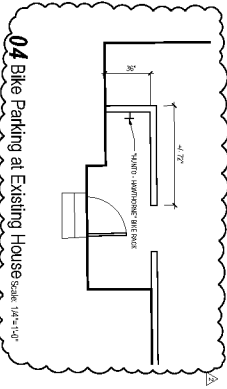
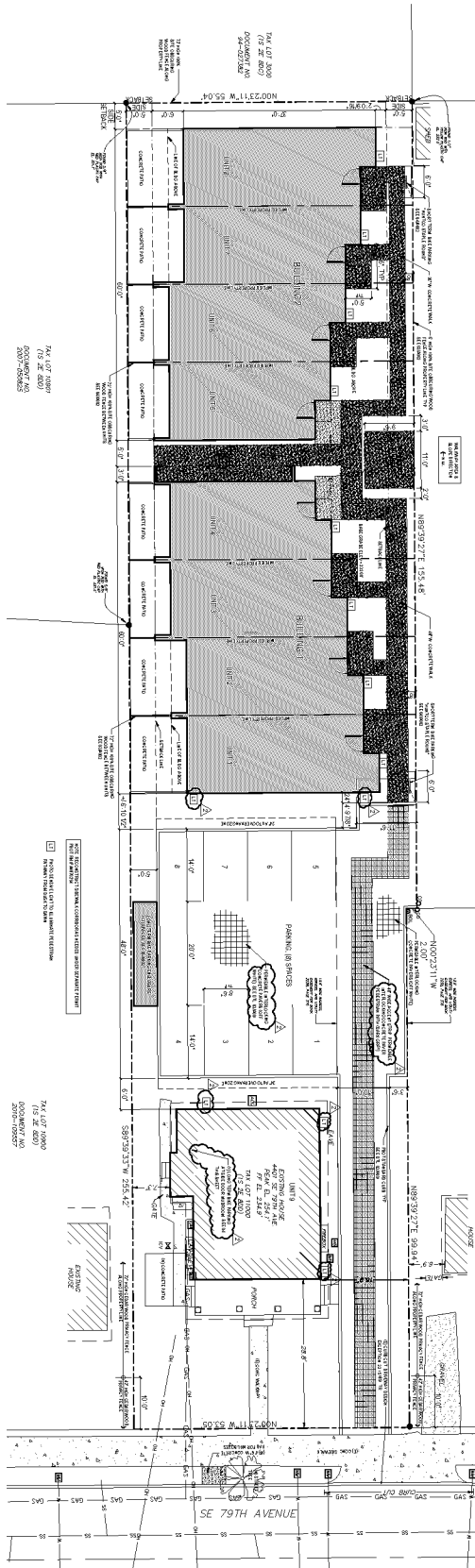
 Site

File No.	<u>LU 22 - 200375 AD</u>
1/4 Section	<u>3438</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E08DD 11000</u>
Exhibit	<u>B</u> <u>Nov 05, 2022</u>

Approved
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**

Date **March 22, 2023**

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

formingarchitecture llc
5420 NE Sandycreek Terrace #3
Portland, Oregon 97213
(503) 516-3970
www.formingarchitecture.com

REGISTERED ARCHITECT
JOHN J. BRECH
PORTLAND, OR
STATE OF OREGON

ISSUE DATE:
PERIOD SUBMITTAL:
REVIEW COMMENTS:
11.30.22
REVIEW COMMENTS:
12.22.22

SITE PLAN

A001

SUBMITTED 12/22/22
LU 22-200375 AD, Exhibit C.1

ISSUE DATE:	
Permit Submittal	
10.07.22	
Review Comments	
11.30.22	
Review Comments	
12.15.22	



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7675 SE Alder St | Portland OR 97215

Site Address: 4401 SE 79TH AVE

Legal Description: S 53' OF N 105' OF LOT 18 S 2' OF N 52' OF W 155.5' OF LOT 18, KENT

Tax Account No.: R445401310

State ID No.: 1S2E08DD 11000

Quarter Section: 3438

Neighborhood: Foster-Powell, contact Joseph Liu at land.use@fosterpowell.com

Business District: None

District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: None

Zoning: RM1 – Residential Multi-Dwelling 1

Case Type: AD – Adjustment Review

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

Eight new dwelling units are under building permit review on the subject site, behind the existing house which will be retained. Between the new units and the house, a small parking lot with 8 spaces is proposed. To provide access to this parking area and the land-locked site to the north that has an access easement on the property, a driveway of permeable concrete pavers is proposed along the north property line.

Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 requires a 5-foot setback that is landscaped to the L3 high-screen standard for driveways and parking areas adjacent to residential zones. The L3 standard requires trees, a screen of tall shrubs, and groundcover in the remaining area. The applicant proposes to reduce this 5-foot setback along the north property line to 3.5 feet for the first 67 feet from the front lot line, then reduce the setback to 0

feet for an additional 52.5 feet. Within the reduced setback, a solid wood fence is proposed at 6 feet tall (beyond the first 10 feet) along with 3 feet of landscaping.

To develop as proposed, the applicant has requested an Adjustment to Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 to reduce the required driveway setback from 5 feet to 3.5 feet and 0 feet as described above and to provide a fence along most of the property line plus the proposed landscaping, instead of meeting the L3 standard adjacent to the driveway, as shown in the attached.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The site, like others on the block, is much deeper than wide, at roughly 53 feet wide but 255 feet deep. Elsewhere on the block this has led to some reconfigurations of lots or development of the overall sites with multi-dwelling development as proposed here. The area, therefore, is a mix of single-dwelling and multi-dwelling development, with the Holgate Library site across the street (currently under redevelopment) and commercial development off of SE 82nd Ave two blocks to the east.

SE 79th Ave is classified by the City's Transportation System Plan as Local Service for all transportation modes.

Zoning: The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 13, 2023**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (BES) (Exhibit E.1);
- Bureau of Transportation (PBOT) (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety Plans Examiner (Exhibit E.6).

Several reviewers noted the proposal was in for building permit currently.

Neighborhood Review: A total of seven written responses have been received from notified neighbors in response to the proposal. Some had reservations about the overall project (Exhibit F.1) or timing of the construction given the rebuilding of the library at the corner of SE 79th Ave and SE Holgate St (Exhibit F.1 and F.5). One neighbor wanted to see the development include parking with the creation of the new units (Exhibit F.4).

Staff comment: The eight units are allowed by right in this multi-dwelling zone and no parking is required for this number of units in this location close to a transit street. The proposal is to provide vehicle access to eight parking spaces behind the existing house. The applicant has stated the construction vehicles will be able to be off the street due to the availability of the parking area (Exhibit A.11), but regardless, this Adjustment Review does not review construction proposals nor control construction timing.

The property owner to the north at 4335 SE 79th Ave was concerned the fence would block views for them pulling out of that site, and he stated his property also has rights to use the easement on the subject site that provides access to 4337 SE 79th Ave, which the fence would block. He also had concerns about trees in the planting strip impacting his house, and the new landscaping impacting existing utilities in the easement. Finally, he opined the Adjustment was too complicated and the driveway would be of insufficient width to serve the eight new units plus 4337 SE 79th Ave. He also said the Adjustment was “a HUGE detriment to existing use of the easement” (Exhibit F.2). The owner at 4337 SE 79th Ave also wrote in to state that he preferred for all Zoning Code standards to be met (Exhibit F.3).

Staff comment: The Zoning Code limits the height of fences to 3.5 feet within 10 feet of the front property line in this zone. This preserves the visibility for drivers leaving the site or adjacent sites. The site plan shows the fence height dropping to 3.5 feet in the 10 feet closest to the property line (Exhibit C.1). The Zoning Code standard limiting fence heights in setbacks but outside the front setback in this zone has an 8-foot height limit.

The Zoning Code also does not have a minimum driveway width on a property. Regarding the easement, it is staff's understanding the respondent's property (4335 SE 79th Ave) was not a party to the easement agreement, and no documentation of their legal rights to use it have been submitted. Therefore, staff does not concur the proposal denies the respondent a legal right to access the subject site. Landscaping and other concerns will be addressed in the findings below; however, there are no Zoning Code restrictions on planting trees on a site if they are within a certain distance to an adjacent residence. The proposed trees along the north property line, however, are classified as small trees and will ultimately have a smaller root area than a mature large tree in the same location.

Finally, the Adjustment request to reduce landscaping to 0 feet near the area where access is taken for 4337 SE 79th Ave will provide more maneuvering area both for the residents of that site and for the users of the small parking lot on the subject site; therefore, granting the Adjustment would support the continued access to 4337 SE 79th Ave.

Other neighbor comments focused on the proposed landscaping and mitigation issues (Exhibits F.6 and F.7). These will be addressed in the findings below.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: A 5-foot setback landscaped to the L3 landscape standard is required around parking areas and along driveways for this development. The applicant proposes to reduce this 5-foot setback along the north property line to 3.5 feet for the first 67 feet from the front lot line, then reduce the setback to 0 feet for an additional 52.5 feet to allow for increased maneuvering space for vehicles exiting the parking lot, and to support continued access to 4337 SE 79th Ave through the access easement area. The property line will have a 6-foot-tall fence that lowers to 3.5 feet in the first 10 feet of the property (with a proposed 20-foot break in the fence for the access easement) and the front 67 feet will have a 3-foot landscape buffer.

The purpose of the vehicle area development standards is stated in Zoning Code Section 33.266.130.A:

- A. Purpose.** *The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones...The setback and landscaping standards:*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas;*
- *and*
- *Decrease airborne and waterborne pollution.*

Relevant purpose statements are addressed below.

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*

In order to mitigate for the reduced landscaping adjacent to the driveway, the applicant has proposed to increase the number of trees planted around the site. In total 35 trees are proposed: 33 trees in the “small” category, and 2 “medium” trees. Five of these trees, including the two medium trees, are proposed south of the driveway to provide screening from points south to the vehicle area. Additionally, the applicant has proposed to install a new 6-foot-tall, fully sight-obscuring cedar fence around the property to further screen the new parking area from the residentially-zoned properties surrounding the site.

The landscape and setback standards are met on the south property line adjacent to the parking lot outside of where the bicycle parking structure is located, as required. While existing and new buildings between the parking area and the street and adjacent property to the west negate the need for the landscaped setback for the parking area, the applicant proposes to plant 8 trees in those areas for additional softening of the vehicle area. The 6-foot-tall fencing proposed around the property will block views into the site and provide commensurate screening to the required 6-foot-tall high-screen hedge. Along the front 67 feet, 7 trees are proposed along the driveway, which will provide screening from more

vantage points (though the house to the north is one story). Only 5 small trees would be required in this area to meet the L3 standard, so the applicants are proposing 40 percent more trees than required in this area. To ensure the other parts of the L3 standard are met, a condition of approval will require the 3 feet of landscaping in the first 67 feet to meet the L3 standard as would be required in a 5-foot setback.

Further back, past the parking, 9 more trees planted between the new buildings and the north fence will also screen views to the parking area from oblique angles. While there will be a break in the fencing to provide access to 4337 SE 79th Ave per the shared access easement on the site, the break will be appropriate to retain that access and not greater than needed (see Exhibit A.10).

Granting this Adjustment will provide flexibility to the site to both enable the applicant to honor the existing shared-access easement encumbering the property, while providing parking with sufficient maneuvering area for the new units. While parking is not required, at least one neighbor was strongly in favor of providing parking on the site (Exhibit F.5).

With a condition of approval requiring the applicant to meet the L3 standard for trees, shrubs, and groundcover in the reduced-width setback, and with the placement of the sight-obscuring fence along the north property line, staff finds the proposal equally meets these purposes.

- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas;*
and
- *Decrease airborne and waterborne pollution.*

No interior parking lot landscaping is provided on this site because the parking lot only has 8 spaces (interior landscaping is required for parking lots with more than 10 spaces). The proposal includes required landscaping to the south, including 4 Natchez crape myrtle trees that will grow on maturity to 30 feet with a canopy 20 feet wide. The additional non-required 8 trees, proposed to be distributed east and west of the parking area, would also shade and cool the parking area. These trees (*Betula jaquemontii*) would have a canopy at maturity of between 25 and 35 feet, and grow to 30-40 feet tall.

The Bureau of Environmental Services reviewed the requested Adjustment and did not raise any concerns about stormwater runoff or airborne or waterborne pollution as a result of the reduced perimeter landscaping along the north property line (Exhibit E.1). Stormwater management would be further enhanced by the installation of pervious pavers in both the driveway and small parking lot.

For these reasons, and with the condition that the reduced landscaping area along the first 67 feet of the north property line meet all L3 screening requirements within the reduced 3-foot landscape area, staff finds the proposed Adjustment equally meets the intent of the regulation and this criterion is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The site is zoned residential, and therefore the proposal to reduce the landscaping north of the driveway must not significantly detract from the livability or appearance of the residential area.

The applicant has proposed several steps to ensure the proposal does not detract from the livability or appearance of the area. First, the new wooden fence along the perimeter of the

property will provide visual separation between the driveway and the abutting residential properties, as well as shield the adjacent neighbor to the west and south from the glare of car headlights. The numerous new trees will improve the appearance of the site and neighborhood. The condition of approval to require L3 landscaping north of the driveway will ensure the proposed landscaping sufficiently mitigates any loss of greenery and screening from the reduction of the landscape buffers adjacent to the driveway. The applicant is far exceeding the number of trees required by Zoning Code standards. Also, both the driveway and the parking area are proposed as permeable, interlocking concrete pavers, which will provide more visual interest than asphalt or concrete while providing stormwater benefits as well.

The owner of 4335 SE 79th Ave raised a livability concern about the proposed fence blocking the shared curb cut and apron that is used to access their dirt/gravel driveway. He stated, “the fence would block our access and put a wall up right in our existing driveways...[and] block the existing apron and area of access for 4335...” This neighbor also raised concerns that the driveway would be too narrow for use of the people on the subject site (Exhibit F.2).

From a street view of the two properties, it appears that the dirt driveway at 4335 is at least 3 feet north of the shared property line with the subject site (Exhibit A.4). Since the fence is located on the subject site, it will not block access to the northern property’s use of its own driveway. The applicant submitted documentation that they have already received approval from PBOT to retain the shared curb cut (Exhibit A.3). The PBOT traffic engineer who reviewed the Driveway Design Exception request stated, “PBOT sees minimal concern with allowing a shared apron to remain for these adjacent properties.”

This engineer also noted that the width of the driveway met the requirements of TRN 10.40.E.1.a.3.a, the Transportation administrative rules section on multi-dwelling driveway width, which allows multi-dwelling driveways to be 10 feet wide if the street is Local Service for traffic, if the driveway provides access to 10 or fewer parking spaces, and if cars can exit in a forward motion. Since, as discussed above, the width of the driveway is not regulated by the Zoning Code, and meets the Transportation Bureau’s administrative rules relevant to this development type, staff does not have concerns that the proposed width of the driveway will cause livability issues for the residents on the subject site or 4337 SE 79th using the access easement.

Two neighbors were concerned about the number of trees in the “small” category versus “medium” (the applicant is providing 2 medium trees) and “large” trees (none are proposed), and also the size of these trees at planting. One neighbor said, “[a] mitigation option for the reduced landscaping space should include more trees and shrubs that are large enough to provide benefits sooner,” and stated, “The West side of the property could also use more tall shade trees (evergreens are best) to help cool units from hot afternoon sun and provide privacy to neighbors.” (Exhibit F.6). Another stated, “the size of trees shown are of the smaller variety overall, and also the entire West side of the property along the fence line is without a plan for trees” (Exhibit F.7).

The landscaping requirements in the Zoning Code take the potential size of trees into account in the standards. For example, the perimeter parking lot landscaping standards require 1 large tree per 30 linear feet, or 1 medium tree per 22 linear feet, or 1 small tree per 15 linear feet to meet the tree portion of the standard. In this case, the front 67 feet of perimeter landscaping would require 3 large trees, 4 medium trees, or 5 small trees to approximate a similar screening effect. As noted above, the applicant is providing 7 small trees in this area, which covers up to 105 linear feet. The 9 additional trees along the north property line, while not located near the parking area, add substantially to the tree cover along this property line.

Another standard, tree density, looks at canopy cover as represented by tree size category. For this multi-dwelling development, Title 11 Trees requires a 20% tree density, or 2,771

square feet. Again, small trees cover less area than larger ones: each small tree gets credit for 300 square feet; medium trees are 500 square feet, and large trees are 1,000 square feet. The standard could be met by only 3 large trees on the entire site, or 10 small trees. Instead, the applicant is proposing in total 33 small trees and 2 medium trees distributed throughout the site, far exceeding the tree density standard by providing 10,900 square feet of tree density coverage.

Finally, the Zoning Code dictates minimum sizes of trees upon planting per Zoning Code Section 33.248.030.C.1 to be as follows:

- a. *Broadleaf trees at the time of planting must be fully branched and must be a minimum of 1.5 caliper inches.*
- b. *Conifer trees at the time of planting must be fully branched and a minimum of 5 feet in height.*

The applicant addressed these minimum requirements in their discussion of mitigation:

With regards to landscaping in areas unrelated to our adjustment request, the most effective way to create more impressive, attractive, and lush landscaping is to provide larger trees. By company policy and unprompted by city code, UrbanRoost routinely provides trees in the 10 to 15-foot-tall range as compared to code requirements of 5 or 6 feet for evergreen and deciduous trees. We are comfortable guaranteeing that the 8 Himalayan White Birches will be a minimum of 10 feet tall, the 6 Goldspire Ginkgos will be at least 8 feet tall, the 5 Italian Cypress will be at least 8 feet tall, and the 2 Jefferson Maples will be at least 10 feet tall. Beyond that it is not possible to foresee the practical availability of the appropriate nursery stock at time of construction (Exhibit A.8).

Staff appreciates the neighbors' concerns about the length of time for trees to grow to maturity, and the applicant's initiative in providing larger trees at time of construction. To alleviate those neighbors' concerns and ensure the landscaping provided truly mitigates the landscaping not provided along the property line, staff adds a condition of approval that the minimum height for the trees listed above be as the applicant states in the paragraph above. This results in 4 trees along the driveway landscape area that will be at least 8 feet tall on planting, and two trees on the western half of the north property line that will be 8 feet tall as well. Further, trees planted elsewhere on the site will be more mature than required at time of construction, successfully mitigating the roughly 53 feet of no landscaping north of the vehicle area.

Regarding the western property line, staff notes that small trees are proposed to be planted in the northwest and southwest corners of the property. While the neighbors both suggested additional trees be planted along this property line, there is no Zoning Code requirement that trees be planted in required building setbacks. There is no direct connection either to losing landscaping adjacent to vehicle area, but gaining it behind the building. In addition, the property immediately west of the subject site is currently heavily treed, resulting in significant shading on the western portion of the subject site especially in afternoon and evening hours.

The proposed development overall is similar in scale to other multi-dwelling developments on the block. The Adjustment enables the site to have a small parking lot to serve the new residents of the site where no parking is required. For the reasons above, and with the two conditions of approval noted above, staff finds the proposal does not significantly detract from the appearance or livability of the residential area. This criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. This criterion is not applicable.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As described in the findings for criterion B above, the applicant is proposing several things that help to mitigate the reduced landscaping adjacent to the driveway. This includes far exceeding the number of required trees on the property; planting trees taller than required by code; installing a fully-sight-obscuring fence along three property lines to limit impacts to neighbors; and proposing pavers to create more visual interest for the driveway and parking area. Staff is also placing a condition to ensure the L3 landscape standards are met along the north property line (while recognizing the tree standard is exceeded in this area). Staff finds the impacts from the Adjustment are sufficiently mitigated through the proposal and conditions. This criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

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

Staff finds that, with a new wooden fence along the north property line, and with conditions requiring the L3 standard to be met in the 67-foot-long, reduced-width landscape area north of the driveway; as well as a condition requiring the planting of some of the proposed trees taller than what is required by code, the proposed Adjustment is consistent with the purpose of the requirement to be modified and with the character intended for the area. With the described conditions, staff finds the approval criteria for the Adjustment are met. Since the approval criteria are met, the Adjustment request must be approved.


ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 to reduce the required driveway setback from 5 feet to 3.5 feet and 0 feet north of the driveway and to provide a fence along most of the north property line plus provide the proposed landscaping, instead of meeting the L3 standard adjacent to the driveway.

Approval is per the approved plans, Exhibits C.1 through C.2, signed and dated March 22, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 22-200375 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The landscaping in the reduced setback area north of the proposed driveway must meet the L3 standard for shrubs and ground cover (the tree standard is exceeded as proposed).
- C. Per the landscaping plan of Exhibit C.2, the applicant must plant the following species and number of trees at the minimum heights indicated:
- 8 Himalayan White Birches will be a minimum of 10 feet tall;
 - 6 Goldspire Ginkgos will be at least 8 feet tall;
 - 5 Italian Cypress will be at least 8 feet tall; and
 - 2 Jefferson Maples will be at least 10 feet tall.

Staff Planner: Amanda Rhoads



Decision rendered by: _____ **on March 22, 2023**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 24, 2023

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 November 4, 2022, and was determined to be complete on January 4, 2023.

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 November 4, 2022.

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: May 4, 2023.**

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 Adjustment Committee, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on April 7, 2023. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 Adjustment Committee 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 Adjustment Committee 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **April 7, 2023** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a

new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Original Plan Set (superseded by A.7)
 - 3. PBOT Driveway Design Exception
 - 4. Street View
 - 5. Supplemental Survey with Easement
 - 6. Easement Survey
 - 7. Updated Plans
 - 8. Incomplete Response Letter
 - 9. Example Fence picture
 - 10. Easement Fence Gap Proposal
 - 11. Applicants Email 1/31/2023
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Landscape Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Plans Examiner
- F. Correspondence:
 - 1. Susan Ma, January 20, 2023, with concerns about the development overall
 - 2. Gilbert Stoffels, January 20, 2023, in opposition
 - 3. Gedeon Andreyuk, January 23, 2023, in opposition
 - 4. Emily Newman, January 26, 2023, in favor of providing parking
 - 5. Roy Lewis, January 31, 2023, with construction timing concerns
 - 6. Remedios Rapoport, February 3, 2023, in opposition
 - 7. Justin Riede, February 3, 2023, in opposition
- G. Other:
 - 1. Original Land Use Application
 - 2. Updated Land Use Application with new applicant
 - 3. Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



For Zoning Code in Effect Post October 1, 2022

ZONING 

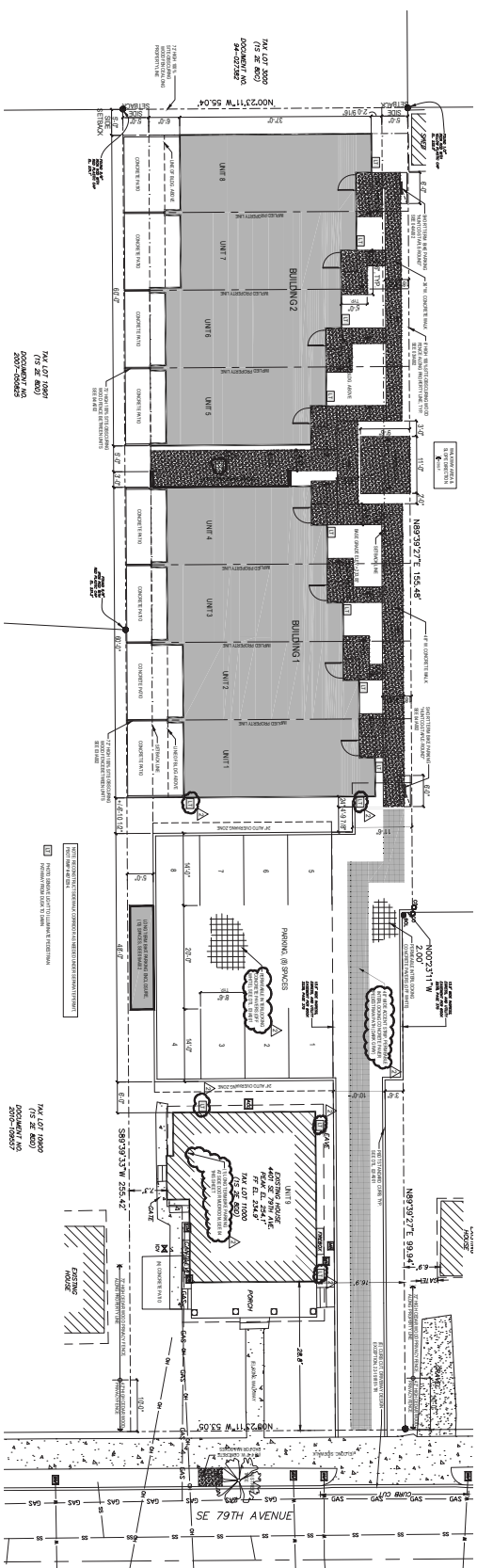
 Site

File No.	<u>LU 22 - 200375 AD</u>
1/4 Section	<u>3438</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E08DD 11000</u>
Exhibit	<u>B</u> <u>Nov 05, 2022</u>

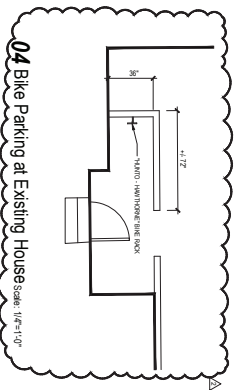
Amanda Rhoads

Date March 22, 2023

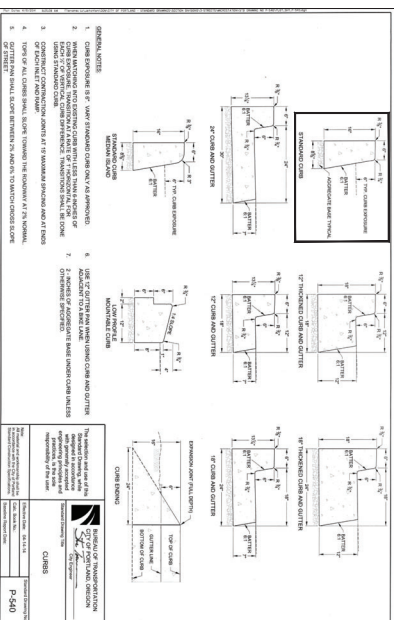
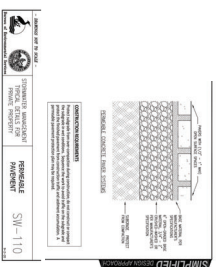
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



01 Site Plan Scale: 3/32"=1'-0"



03 Permeable Pavement



02 PBOT Curb Dtls.

4802
JOHN J. BREHM
PORTLAND, OR

formingarchitecture llc
5420 NE Sandycrest Terrace #3
Portland, Oregon 97213
(503) 516-3970
www.formingarchitecture.com

SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

PROJECT NO.:	2109
ISSUE DATE:	10.07.22
Permit Submittal	
Review Comments	
Review Comments	
Review Comments	

SITE PLAN

SUBMITTED 12/22/22

LU 22-200375 AD, Exhibit C.1

A001

Request for Adjustment to Driveway Setback
4401 SE 79th Ave., Portland, OR 97206

Adjustment Request:

The applicant seeks to reduce a required driveway-to-property-line setback from 5-feet to 3-feet along approximately two thirds of the driveway's length. Additionally, along the back third of the driveway, a zero-foot setback allowance is requested to best meet existing easement requirements and for safety reasons pertaining to on-site car parking and circulation (more below). As a mitigating measure, the applicant proposes to increase the required L3 landscaping requirements to 150% of the required plantings. Additional mitigation is proposed by the use of porous pavers, as opposed to cement or asphalt, for additional aesthetic appeal and full on-site mitigation of environmental (storm water) impact. Lastly, the applicant will construct an attractive code compliant cedar fence to replace and/or shield the current chain-link fencing along the North side of the property.

Physical Context:

The applicant is planning to build eight new small-scale, two-story attached townhomes, while maintaining the existing home at the front of the property. An improved 10-foot-wide paved driveway, with curbs additional, is proposed in place of an existing (deteriorating) driveway. The driveway will lead to a parking area serving the new units. Pedestrian access will be a four-foot-wide contrasting paved strip running centrally down the middle of the driveway, connecting to a pedestrian path serving each home and a communal landscaped courtyard.

The existing conditions map (enclosed) shows a 16.9' distance between the existing house and the adjacent property line to the North. The distance between the brick chimney and the property line is approximately 15.4' from the property line. An existing ingress, egress and utilities easement will continue to serve the property with no street frontage located to the Northwest of the site. The proposed driveway apron will also be engineered to meet ADA standards per applicant's Driveway Design Exception (approved, attached).

For context, the applicant has also attached a photograph of the site's street frontage demonstrating existing conditions. The addition of 3' of landscaping and a new cedar fence along the North property line will greatly enhance the driveway for existing residents, future residents, and pedestrians alike.

Code Section:

The specific language for which the applicant is seeking this adjustment is found in 33.266.130 G. 2. A. (3) and Table 266-5 (bottom row). Table 266-5 requires that a driveway which abuts residential zoning be setback 5-feet and planted to the L3 landscaping standard.

Note:

Below, the applicant addresses all relevant criteria in the **33.805 Adjustments** Chapter and **33.266 Parking and Loading** Chapters, while noting those sections of code language which may not apply in this instance. All quoted code sections are shown in boldface type.

General Adjustment Criteria

Per Chapter **“33.805 Adjustments”** the relevant approval criteria in this instance states that: **“...requests will be approved if the review body finds that the applicant has shown that... (the application meets) ...approval criteria A. through F...”**. Items A through F are individually addressed below.

Adjustment Approval Criteria A:

“A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified”.

33.266.130 - Parking & Loading, Development Standards for All Other Development

After stating the 33.266.130 Parking and Loading general purpose statement below, the applicant will then address each of the purpose statement’s specific bullet points in turn:

A. Purpose. The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

The purpose statement continues with the following bullet points to which the applicant responds:

• Provide pedestrian access that is protected from auto traffic;

Applicant comment: Building a new, level driveway and pedestrian walkway will greatly improve the safety and navigability of the site. Pedestrian access will be a four-foot-wide contrasting paved strip running centrally down the middle of the driveway. The applicant proposes a zero-setback section along the 34 feet to the rear of the driveway. The removal of the 5-foot landscaped area adjacent this section will both allow the applicant to meet easement requirements for ingress and egress while also increasing the walkable area between pedestrians using the pedestrian path and all car parking. This is a significant safety need, as

pedestrians will not be using a pedestrian only path, but will be sharing the driveway with auto traffic. As an additional benefit, the proposed adjustment will allow better protected buffer space for pedestrians to avoid cars entering and exiting the property.

- **Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;**

Applicant comment: SE 79th Avenue is only a local service street with no centerline pavement markings, and is not located in a designated Pedestrian District. Regardless, the applicant's proposal to increase the L3 landscaping requirement above the default planting specifications (while narrowing the width of the setback only 40%), is a good faith and practical means of creating a much more attractive street environment. Additional mitigation is proposed by the use of porous pavers, as opposed to cement or asphalt, for additional aesthetic appeal and decreased environmental (storm water) impact. The applicant's intent is to greatly exceed the code's objectives in this regard.

- **Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;**

Applicant comment: Not applicable in this instance.

- **Create a sense of enclosure on transit and pedestrian street frontages;**

Applicant comment: Neutral impact: The driveway does not run parallel to a street frontage. Regardless, the applicant proposes to exceed the required L3 landscaping requirement by 50% while narrowing the width of the setback only 40%, effectively exceeding any "sense of enclosure" intended by the code language writ large.

- **Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.**

Applicant comment: Regarding the "size of the paved parking area" (or driveway in this case) the proposal has neutral impact: The driveway will be constructed at the 10-foot minimum requirement. The width of the setback, i.e., the location of the driveway within the available space, has no bearing on this criteria.

33.120.010 to .030 - Multi-Dwelling Zones and Characteristics of the RM1 Zone

Though the applicant knows that the specific standards requiring modification are found in 266.130 Parking and Loading (above), said adjustments also secondarily affect implementation of all goals and standards for Portland's RM1 zone. Therefore, the applicant briefly points out that allowing the flexibility to minimally adjust driveway and landscaping in this instance will also greatly improve the project's ability to further the City's goals as outlined in the Purpose

and Characteristics sections of Portland's multi-dwelling zoning code, specifically RM1, by **providing a transition** from a higher-trafficked corridor into lower density residential areas (33.120.030.A), providing **more opportunity for multi-dwelling housing, creating and maintaining higher-density residential neighborhoods** while **reducing demolitions** and **preserving existing homes**, and by providing flexibility for new development that is **compatible with the City's character** and the character of the surrounding neighborhood.

Adjustment Approval Criteria B:

B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area;

Applicant comment: Repeating comments above, the proposal to increase the landscaping requirements and to the use of porous pavers in the driveway is intended to not meet, but exceed the intention of the code language in question as it relates to livability and appearance.

Adjustment Approval Criteria C:

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;

Applicant comment: Not applicable.

Adjustment Approval Criteria D:

D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved;

Applicant comment: Not applicable.

Adjustment Approval Criteria E:

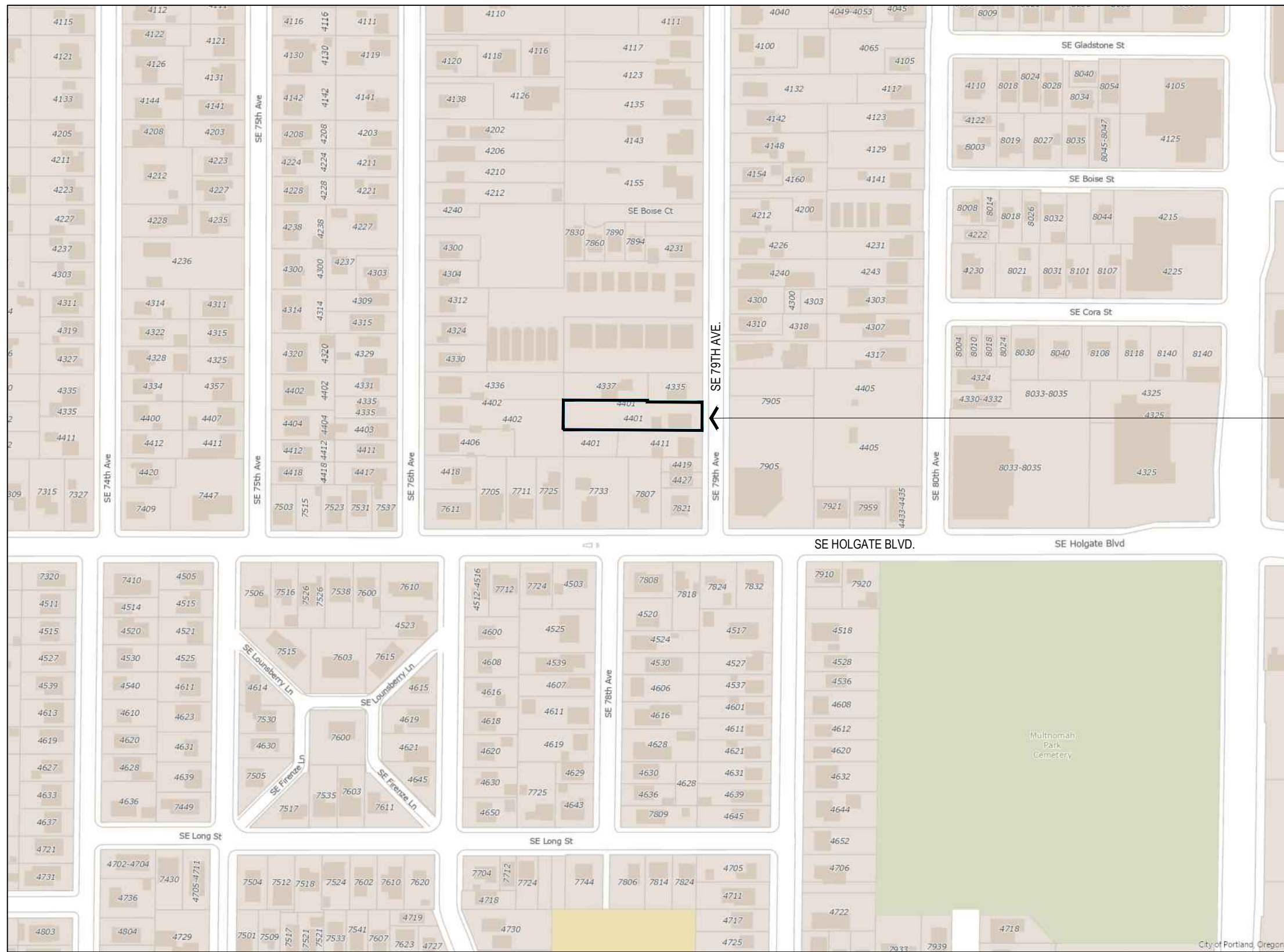
E. Any impacts resulting from the adjustment are mitigated to the extent practical; F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Applicant comment: Not applicable.

Adjustment Approval Criteria F:

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Applicant comment: Not applicable.



VICINITY MAP

Project Location

ROOF TRUSSES

DEFERRED SUBMITTALS

OWNER	ARCHITECT	STRUCTURAL ENGINEER	CONTRACTOR
Blue Sky Property Northwest Contact: Douglas MacLeod Phone: 503-481-3997 Email: douglas@blueskywnw.com	Forming Architecture LLC 5420 NE Sandycrest Terrace #3 Portland, OR 97213 Contact: John Brehm Phone: 503-516-3970 Email: brehm_j@formingarchitecture.com	Nava Contracting & Engineering, Inc. 4106 SE Oak St. Portland, OR 97214 Contact: Matt Nava Phone: 503-238-0633 Email: navaendr@gmail.com	Etruscan Ventures LLC CCB# 182609 Contact: Neil Thogerson Phone: 503-297-6763 Email: neilthogerson@gmail.com

PROJECT TEAM

FIRE SPRINKLERS REQUIRED AS PART OF APPEAL 26346, CASE NO. B-011, UNITS 3-8, TYPE 13D SYSTEM, SEE PROJECT INFO. THIS SHEET

MIN. CURB LENGTH BETWEEN DRIVEWAYS: DRIVEWAY DESIGN
EXCEPTION: 22-151851-TR

APPEALS/EXCEPTIONS

NEW CONSTRUCTION OF (2) 2-STORY, WOOD FRAMED, (4) UNIT TOWNHOME BUILDINGS. SITE WORK INCLUDES, NEW SHARED COURTYARD, PARKING AREA AND BIKE ENCLOSURE. THERE IS AN EXISTING HOUSE ON THE LOT FOR A TOTAL OF 9 UNITS. WORK FOR EXISTING HOUSE INCLUDES LONG TERM BIKE RACKS AND LANDSCAPING. NO OTHER WORK THIS PERMIT.

PROJECT DESCRIPTION

JURISDICTION CITY OF PORTLAND, OR APPLICABLE BUILDING CODE 2021 OREGON RESIDENTIAL SPECIALTY CODE APPEALS APPEAL ID: 26346 CASE NO.: B-011 REQUIRED: FIRE SPRINKLERS, 13D SYSTEM, UNITS 3-8 FOR UNIT 6 - CLASS A SHINGLES & FIBER CEMENT BOARD SIDING ALONG REAR PROPERTY LINE	LEGAL DESCRIPTION ADDRESS: 4401 SE 79TH AVENUE PORTLAND, OR 97206 PROPERTY ID NO.: R196098 STATE ID NO.: 1S2E08DD-11000 ZONE RM1 CONSTRUCTION TYPE V-B RELATED PERMITS FIRE SPRINKLER, ELECTRICAL, MECHANICAL AND FIRE SPRINKLER TO BE BIDDER DESIGNED.	UNIT FLOOR AREA BUILDING 1 UNIT 1: 1,122 S.F. UNIT 2: 1,032 S.F. UNIT 3: 1,032 S.F. UNIT 4: 942 S.F. BUILDING 2 UNIT 5: 942 S.F. UNIT 6: 1,032 S.F. UNIT 7: 1,032 S.F. UNIT 8: 1,122 S.F.	BUILDING 3 (E) HOUSE: 1,316 S.F.
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PROJECT INFORMATION

ZONE RM1 FAR MAX. FAR: 1 TO 1 LOT AREA = 13,852 S.F. MAX FAR PROPOSED FLOOR AREA: 9,572 S.F. HEIGHT MAX. HT. ALLOWED MEASURED TO MID-POINT OF GABLE ROOF: 35 FEET, NO STEPDOWN REQ'D. PROPOSED MAX. BLDG. HT.: 23'-0" SETBACK REQUIREMENTS FRONT: 10 FEET MIN. & 20 FEET MAX. SIDE & REAR: 5 FEET ALLOWED EXTENSION INTO SETBACK: 20% OF SETBACK	LOT COVERAGE LOT AREA: 13,852 S.F. ALLOWED AREA: 50% = 6,926 S.F. BUILDING COVERAGE: BLDG. 1-2178, BLDG. 2-2178, (E) HOUSE-1032, BIKE PARKING-91 TOTAL PROPOSED LOT COVERAGE: 5,479 S.F. REQUIRED OUTDOOR AREA 48 S.F. PER DWELLING UNIT: (9) UNITS 48 = 432 S.F. REQUIRED MIN. 4 FEET X 6 FEET DIMENSIONS PRIVATE OUTDOOR AREA (NOT INCLUDING SHARED COURTYARD) UNIT 1 - 153 S.F. UNIT 2 - 153 S.F. UNIT 3 - 108 S.F. UNIT 4 - 108 S.F. UNIT 5 - 108 S.F. UNIT 6 - 108 S.F. UNIT 7 - 153 S.F. UNIT 8 - 153 S.F. UNIT 9 - 80 S.F. TOTAL OUTDOOR AREA PROVIDED: 1,124 S.F.	REQUIRED ON-SITE TREES SEE SHT. A003 LANDSCAPE AND SCREENING REQUIREMENTS SEE SHT. A003 REQUIRED STREET TREES 1 PER 25 L.F. OF STREET FRONTAGE STREET FRONTAGE = 53' TOTAL STREET TREES: 1 TREE (SEE LETTER FROM FORESTRY) IMPERVIOUS AREAS ROOFS: 5,760 S.F. PATIOS: 1,124 S.F. WALKWAYS: 1,222 S.F. LONG TERM BIKE PARKING 9 UNITS X 1.5 = 14 REQUIRED (12) IN (N) SHED, (2) IN (E) HOUSE SHORT TERM BIKE PARKING 2 REQUIRED
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ZONING INFORMATION

PREScriptive ENVELOPE REQUIREMENTS EXTERIOR WALLS (ABOVE GRADE): R-21 INTERMEDIATE FRAMING -INCLUDES INSULATED HEADERS, RIM JOISTS & CRIPPLE WALLS EXTERIOR WALLS (BELOW GRADE): R-21 AT FRAMED CAVITIES OR R-15 CONT. FLAT CEILING: R-49 - MIN. 8" AT EXTERIOR WALL VAULTED CEILING (SCISSOR TRUSS): R-30 ADVANCED FRAMING UNDER FLOORS: R-30 SLAB EDGE: R-15, R-10 FOR HEATED FLOORS WINDOWS AND SLIDERS: U-0.30 EXTERIOR DOORS: U-0.20 -GREATER THAN 2.5 S.F. GLAZING: U-0.40	ADDITIONAL MEASURES ENVELOPE ENHANCEMENT MEASURE 5 - MANDATORY AIR SEALING OF ALL WALL COVERINGS AT TOP PLATE & SEALING CHECKLIST - MECHANICAL WHOLE-BUILDING VENTILATION SYSTEM WITH RATES MEETING M1503 OR ASHRAE 62.2 - ALL DUCTS & AIR HANDLERS CONTAINED WITHIN BUILDING ENVELOPE OR ALL DUCTS SEALED WITH MASTIC CONSERVATION MEASURE C - DUCTLESS MINI-SPLIT HEAT PUMP HSPF 10.0 IN PRIMARY ZONE OF DWELLING
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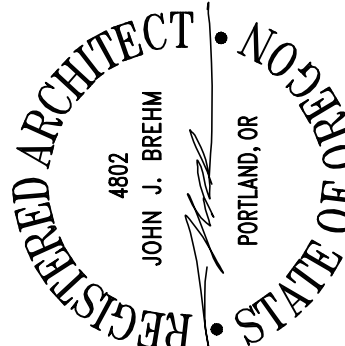
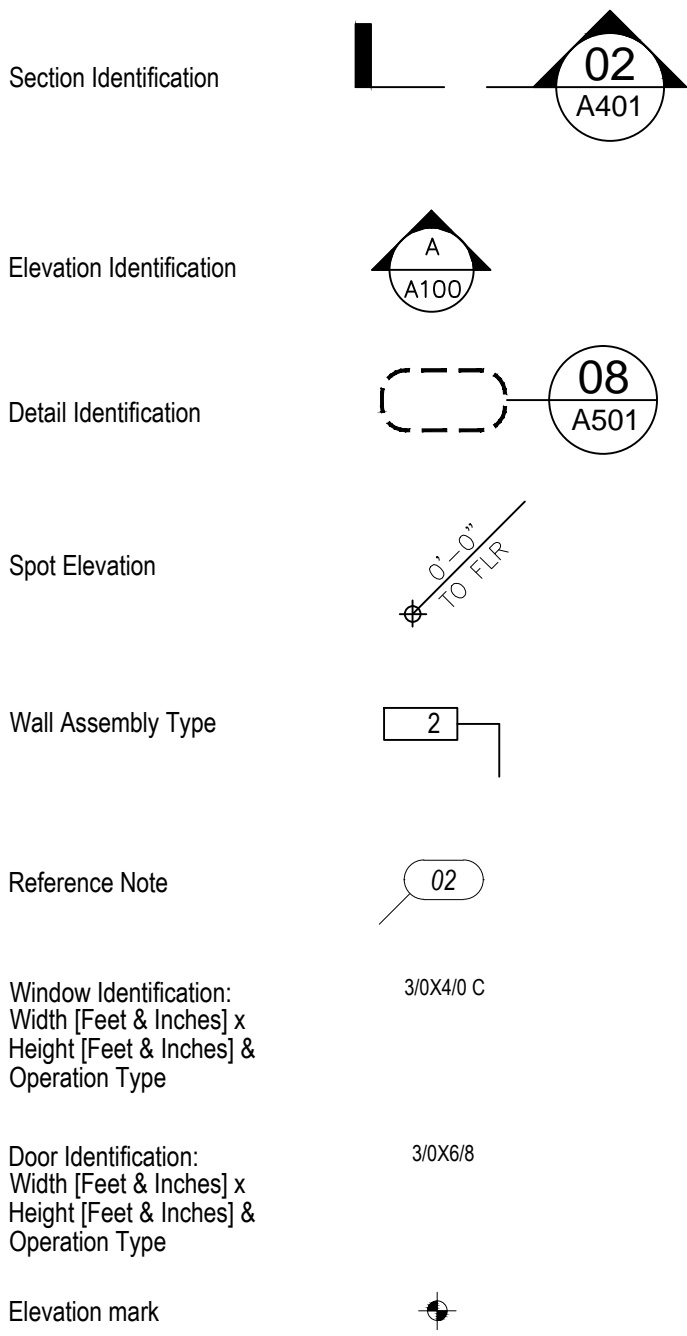
ENERGY CODE

Ordinance & Code requirements: 1. Work and materials shall be in full accordance with the latest rules & regulations of applicable federal, state & local codes and ordinances having jurisdiction. 2. Work shall be done in accordance with OSHA construction safety standards. 3. Make all necessary arrangements with authorities and provide all required inspections and permits. Construction documents: 1. Refer to architectural, structural, mechanical, and plumbing drawings for coordination and extent of work of various trades. Notify the architect in writing at once of any discrepancies found in the construction documents. 2. Drawings are diagrammatic in nature and are intended to show scope of work. 3. Do not scale drawings. Use dimensions shown on drawings at all times. 4. Design build: portions of the required work are to be performed on a 'design build' basis. The Contractor shall be solely responsible for the complete design, engineering and installation of systems, devices, equipment and layout. Contractor shall warrantee to the owner that all such work shall adequately meet the needs and requirements of the owner and of the project as planned and its intended uses as well as completely comply with applicable codes and ordinances. In no way shall the 'design build' arrangement limit the contractor's responsibility to meet such needs and requirements.	Project coordination: 1. The contractor shall verify all figured dimensions and conditions at the project site and notify the architect of any discrepancies or omissions before commencement of work. 2. The contractor shall visit the site prior to submitting a bid, verify dimensions and conditions and report to the owner and architect in writing of any errors. The contractor is responsible for any conflicts between construction documents and existing conditions. 3. The general contractor shall coordinate work of all trades. All trades shall assist in working out space conditions to make satisfactory adjustments and modifications in the work including rerouting as required by interference with structural, mechanical systems, general and work of other trades, or for the proper execution of work. Work installed prior to coordinating with other trades shall be changed to correct without additional cost to owner and at the direction of the owner's representative. 4. Protect work, materials, finishes and equipment from damage or loss due to any cause including vandalism, weather, theft, etc. All items are to be in perfect condition at project closeout. The contractor shall be responsible for and held liable for any and all damages caused by the contractor's negligence in protecting existing buildings, adjacent roof areas, sidewalks, paving, concrete, shrubs, lawn areas, trees, equipment, interiors, and contents. General requirements: 1. The contractor and all subcontractors, employees and personnel shall be insured for the duration of the project. 2. All work shall be of high quality and performed by a skilled tradesperson. The general contractor shall maintain effective supervision on the project at all times work is being performed. 3. Comply with all applicable utility company requirements as required. 4. Provide all temporary power, lighting and heat as required to properly perform the work. Maintain temporary systems throughout the duration of the project or until permanent systems are complete. 5. All work and materials shall be warrantee against defects for a period of one (1) year from substantial completion. Warrantees shall be transferred to owner at job completion.
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GENERAL NOTES

A.B. Anchor Bolt A.C. Air Conditioning ACT Acoustical Ceiling tile A.D. Area drain ADJ Adjustable A.F.F. Above Finished Floor ALT Alternate ALUM Aluminum APPROX Approximate A.P. Access Panel BD. Board BLDG Building BLKG Blocking BM Beam BO Bottom of CJ Control Joint CLG Ceiling CLR Clear COL Column CONC Concrete CONT Continuous CONT Continuous CONTR Contractor CT Ceramic Tile CMU Concrete Masonry Unit DBL Double DIA Diameter DIAG Diagonal DIM Dimension DIM PT Dimension Point DN Down DS Down Spout DTL Detail DW Dish Washer DWG Drawing [E] Existing EA Each EJ Expansion Joint EL Elevation	ELEC Electrical ELEV Elevator EP Electrical Panel EQ Equal EQUIP Equipment EXIST'G Existing EXP Expansion EXT Exterior FD Floor Drain FE Fire Extinguisher FEC Fire Extinguisher Cabinet FF Finish Floor FIN Finish FLR Floor FLUOR Fluorescent FOB Face of Brick/Block FOC Face of Concrete FOF Face of Finish FOS Face of Structure FTG Footing FV Field Verify GA Gauge GALV Galvanized GB Grab Bar GL Glass/Glazing GLAM Glue Laminated Beam GWB Gypsum Wall Board GYP Gypsum HB Hose Bibb HC Hollow Core HD Head HDR Header HDWD Hard Wood HM Hollow Metal HORIZ Horizontal HT Height ID Inside Diameter INFO Information INSUL Insulation	JT Joint LAM Laminate LAV Lavatory LF Linear Foot/Linear Feet LT Light MATL Material MAX Maximum MECH Mechanical MEMB Membrane MFR Manufacturer MIN Minimum MISC Miscellaneous MO Masonry Opening MTL Metal [N] New NA Not Applicable NIC Not In Contract NO Number NOM Nominal NTS Not To Scale OA Overall OC On Center OD Outside Diameter OPNG Opening OPP HD Opposite Hand P LAM Plastic Laminate PR Prefinshed PREFIN Pressure Treated PTD Painted PWD Plywood QT Quarry Tile R Riser RAD Radius RBR Rubber RD Roof Drain REF Reference	REIN Reinforced REQ'D Required RFR Refrigerator RM Room RO Rough Opening SAM Self Adhered Membrane SC Solid Core SEC Section SHR Shower SHT Sheet SHT'G Sheathing SIM Similar SPEC Specification SQ Square SST Stainless Steel STD Standard STL Steel STN Stain STRUCT Structural SUSP Suspended T Tread TEMP Tempered T&G Tongue and Groove THK Thick TO Top Of TS Tube Steel TYP Typical UNO Unless Noted Otherwise VB Vapor Barrier VERT Vertical VIN Vinyl W/ With W/O Without WD Wood WH Water Heater WT Weight WP Water Proof WWF Welded Wire Fabric
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ARCHITECTURAL SYMBOLS LEGEND



formingarchitecture llc
5420 NE Sandycrest Terrace #3
Portland, Oregon 97213
(503) 516-3970
www.formingarchitecture.com

SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

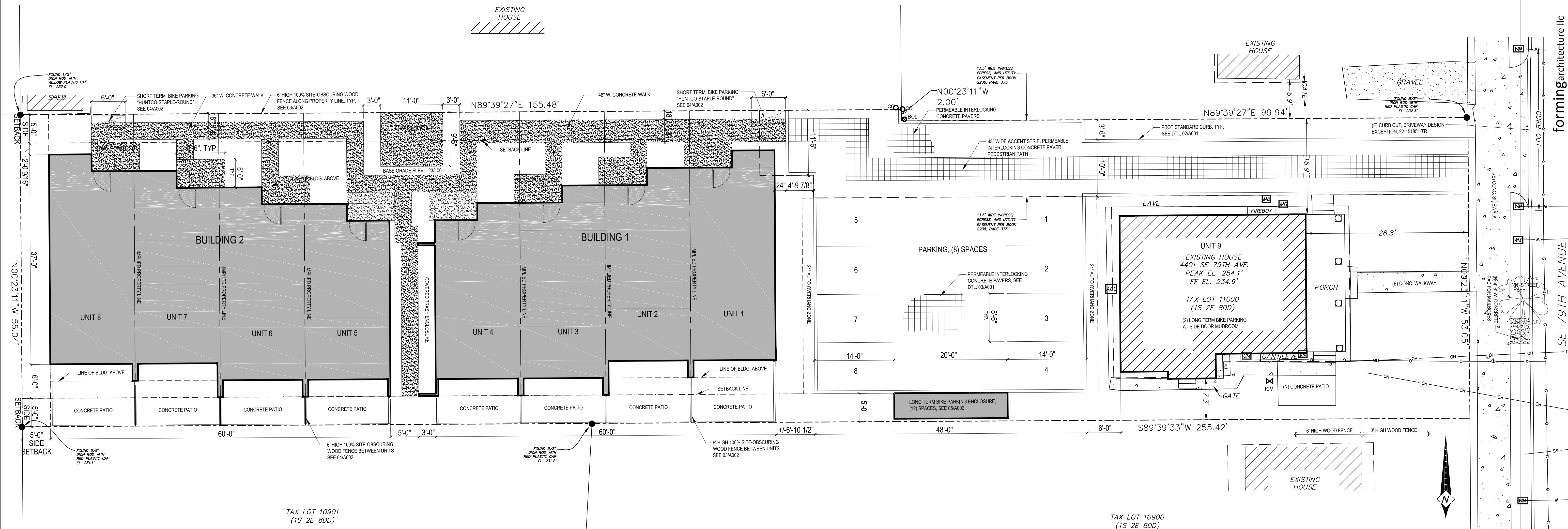
PROJECT NO.: 2109

ISSUE DATE:
Permit Submittal
10.07.22

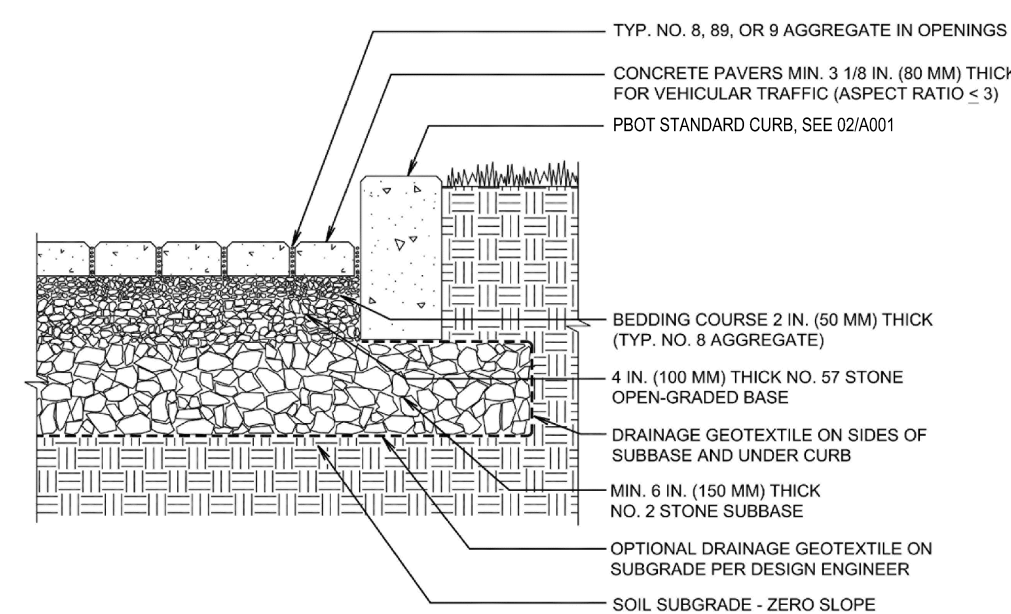
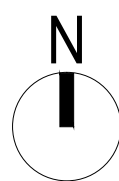
GENERAL INFORMATION

LU 22-200375 AD
Exhibit A.2

G101

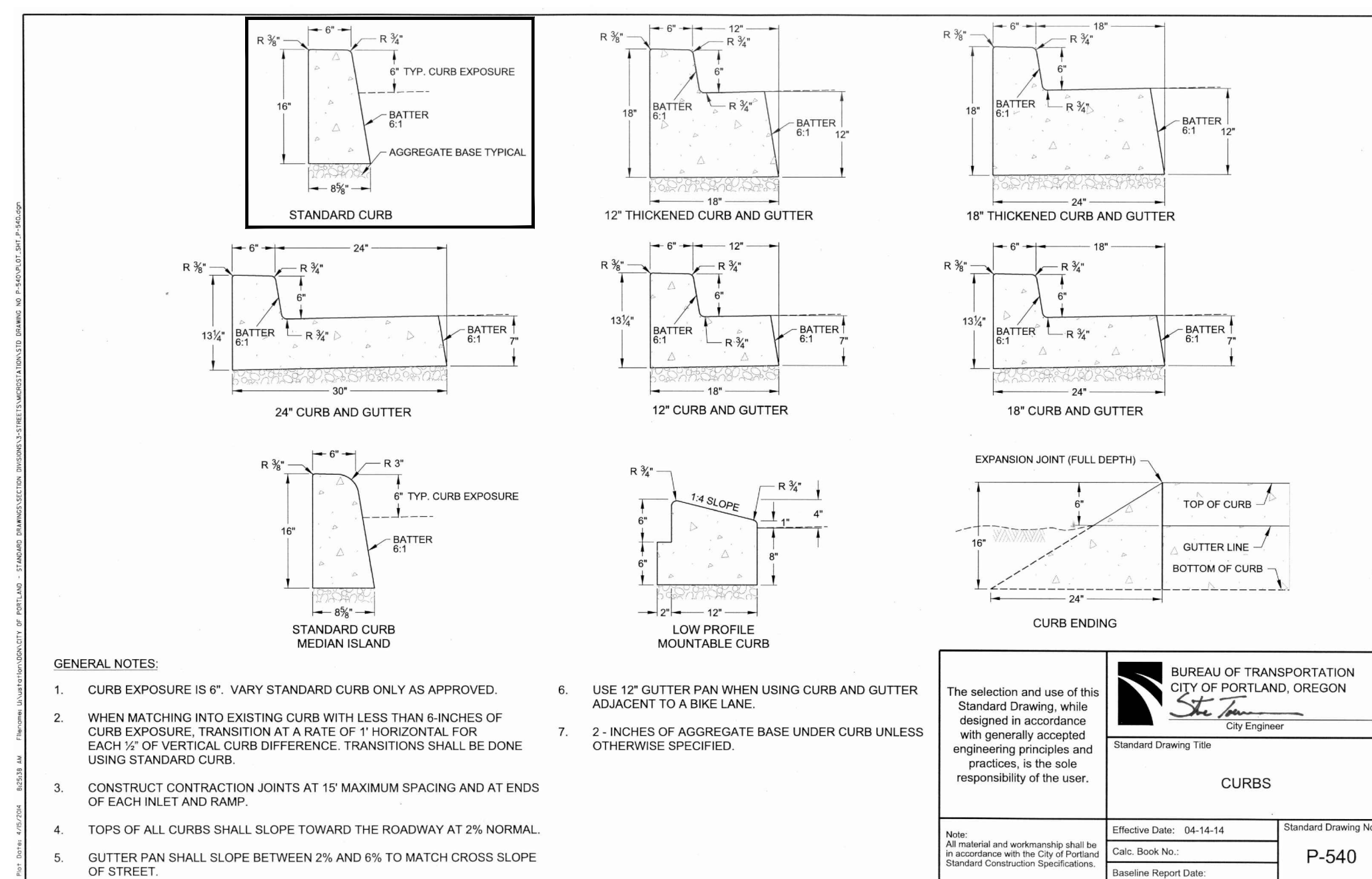


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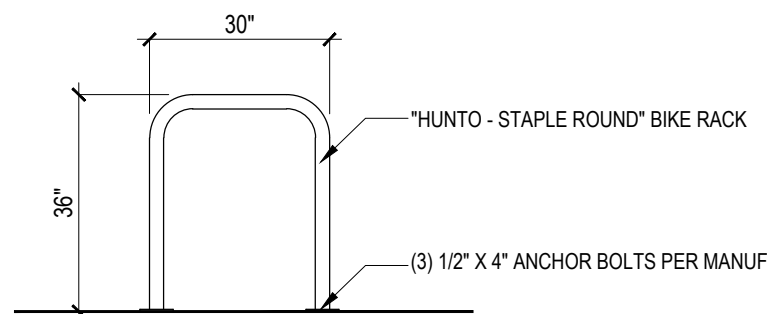


- NOTES:
1. 2 3/8 IN. (60 MM) THICK PAVERS MAY BE USED IN PEDESTRIAN AND RESIDENTIAL APPLICATIONS.
 2. NO. 2 STONE SUBBASE THICKNESS VARIES WITH DESIGN.
CONSULT ICI PERMEABLE INTERLOCKING CONCRETE PAVEMENT MANUAL.
 3. NO. 2 STONE MAY BE SUBSTITUTED WITH NO. 3 OR NO. 4 STONE.
 4. SELECT GEOTEXTILE PER AASHTO M 288.
- DETAIL NO.: ICI-68

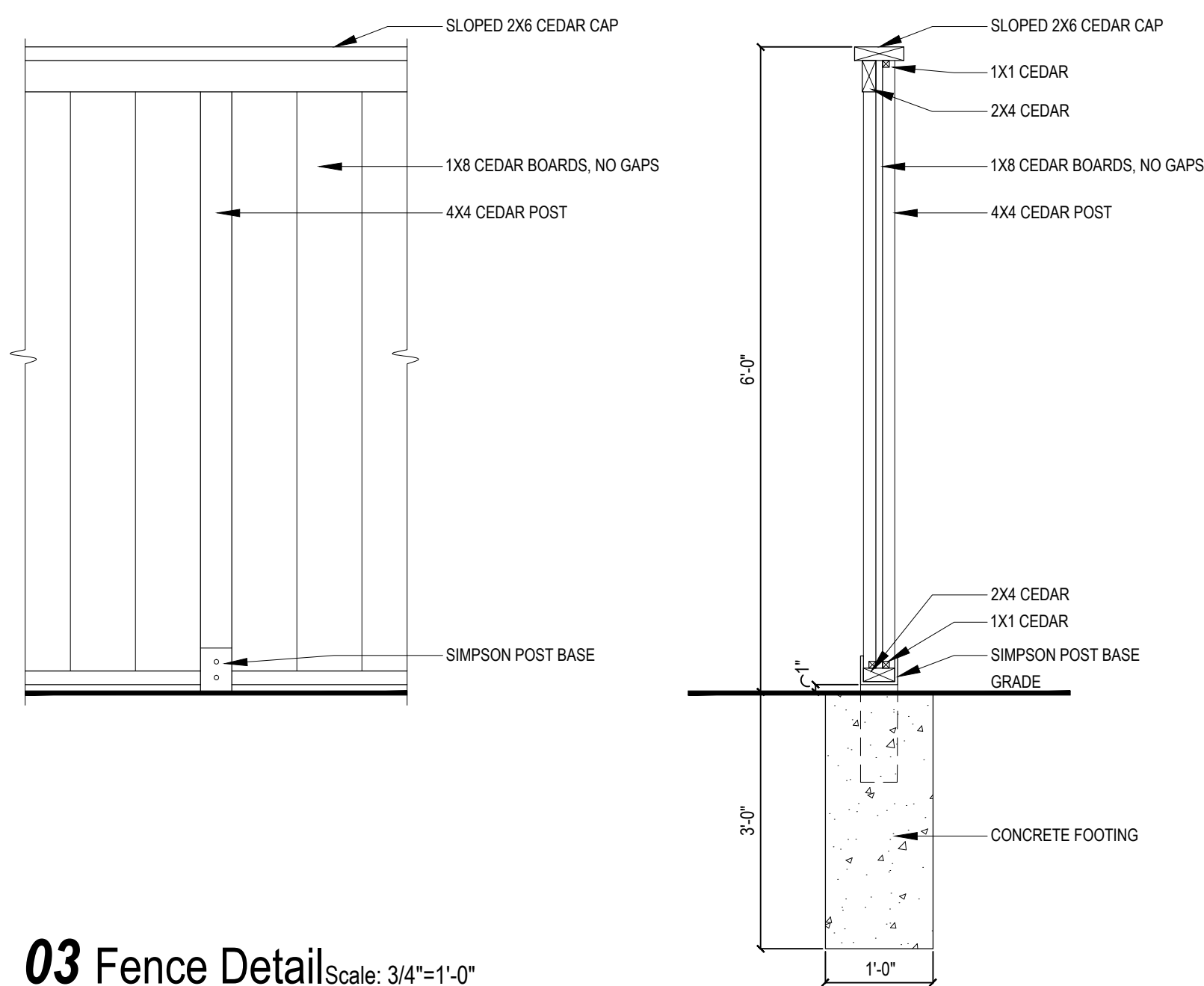
03 Permeable Pavement w/ Full Infiltration to Soil Subgrade



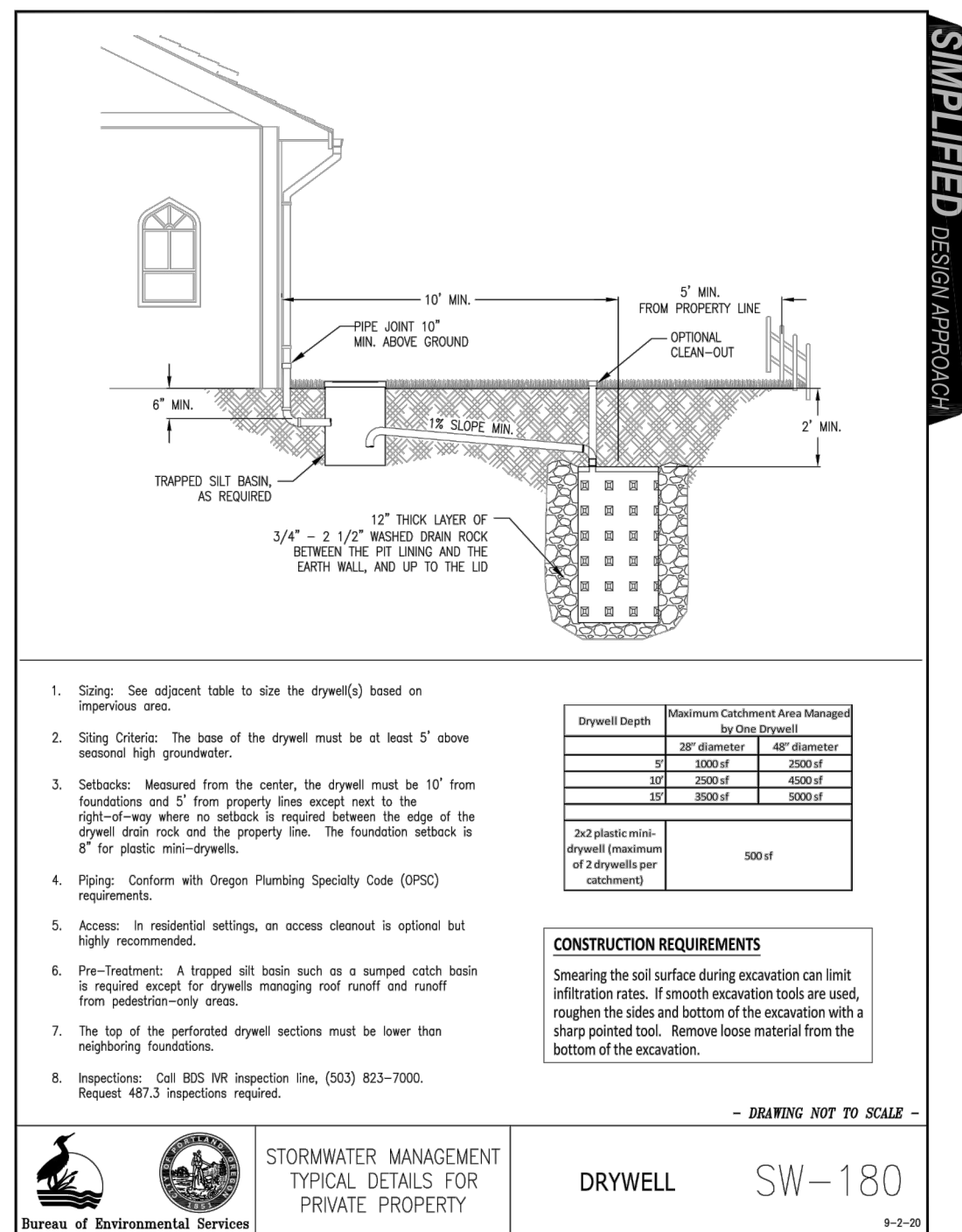
02 PBOT Curb Dtls. Scale: NTS



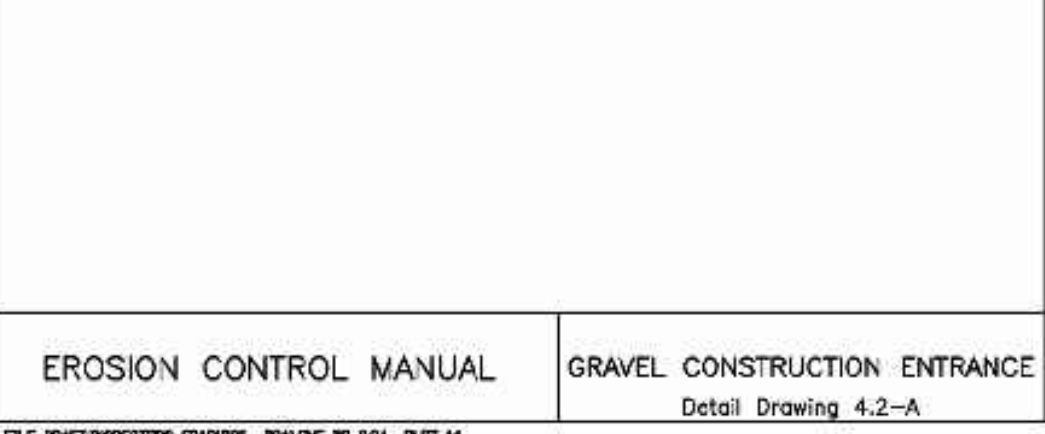
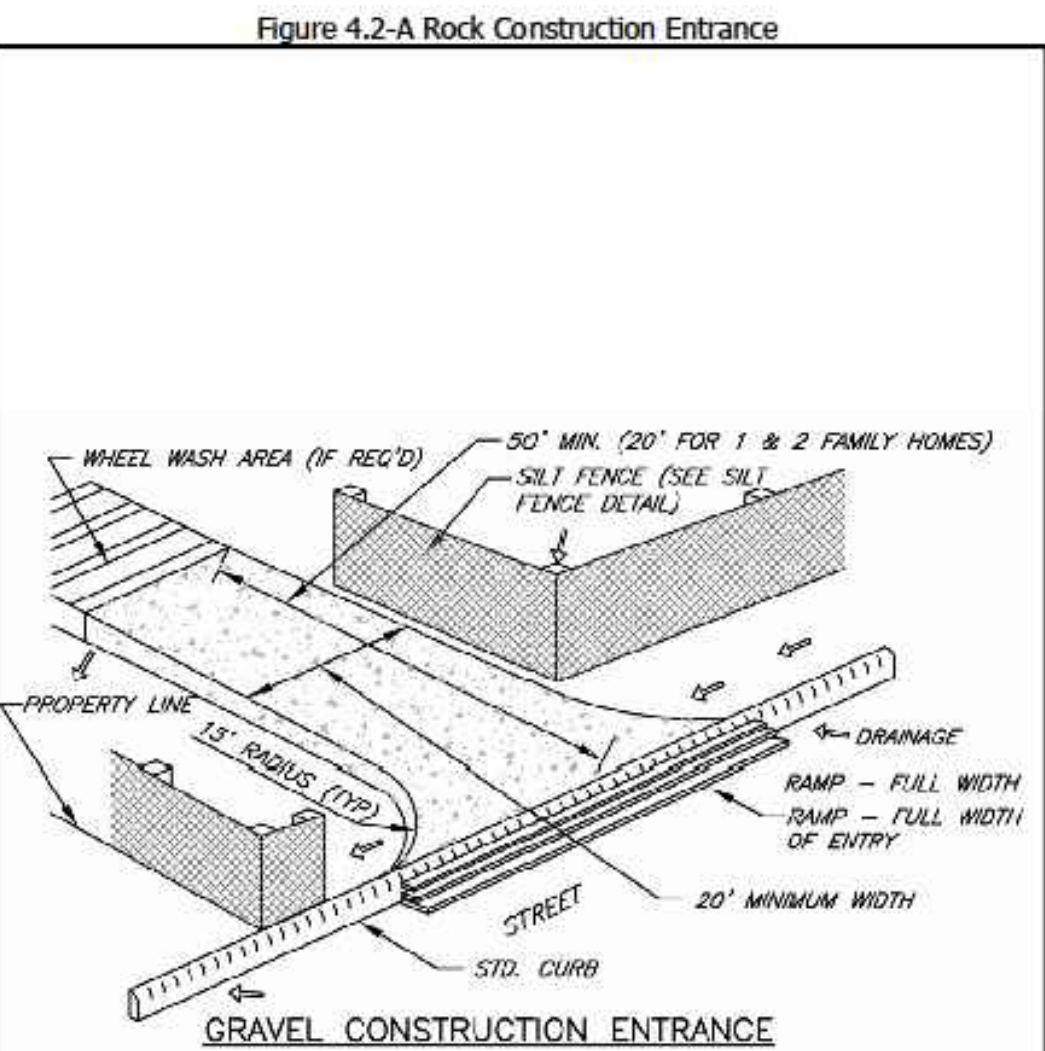
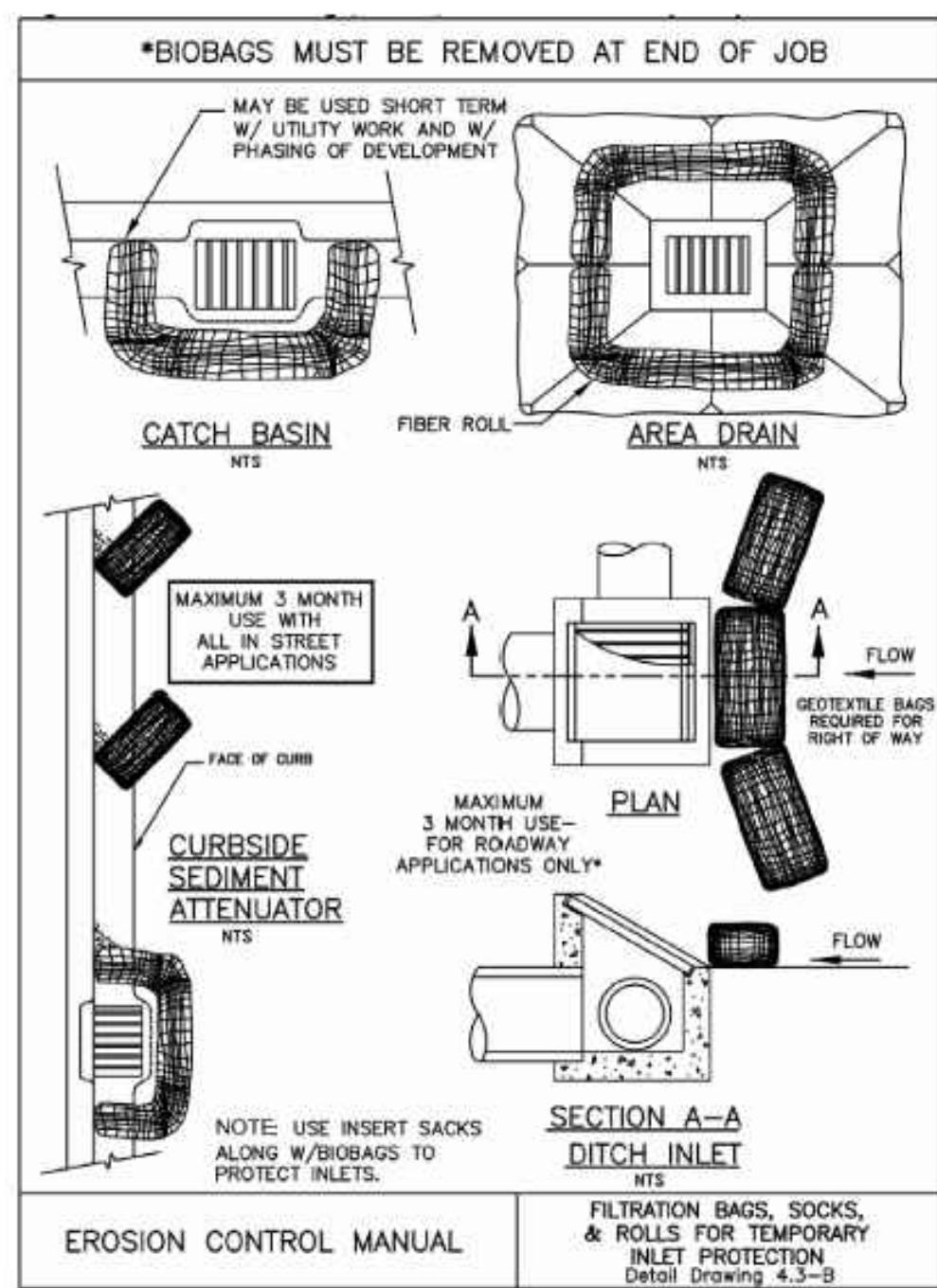
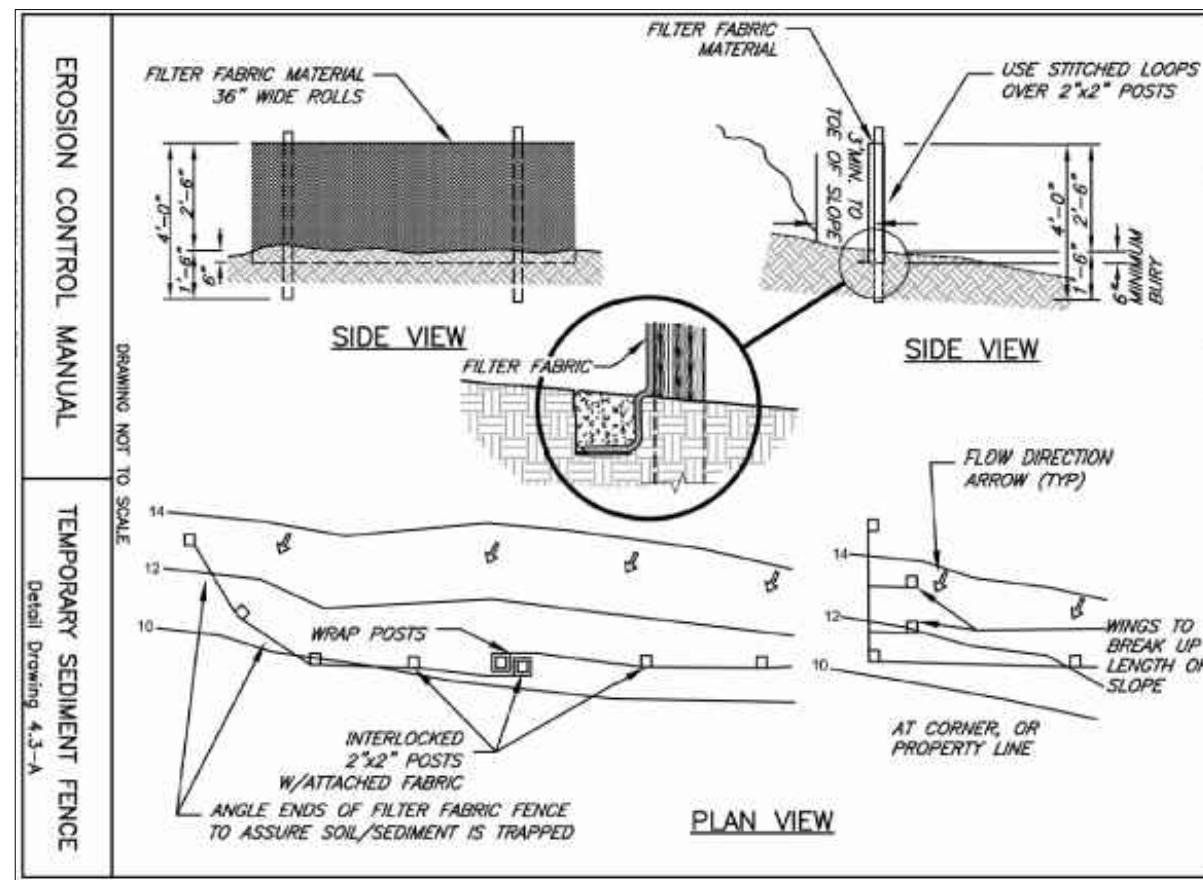
04 Short Term Bike RackScale: 1/4"=1'-0"



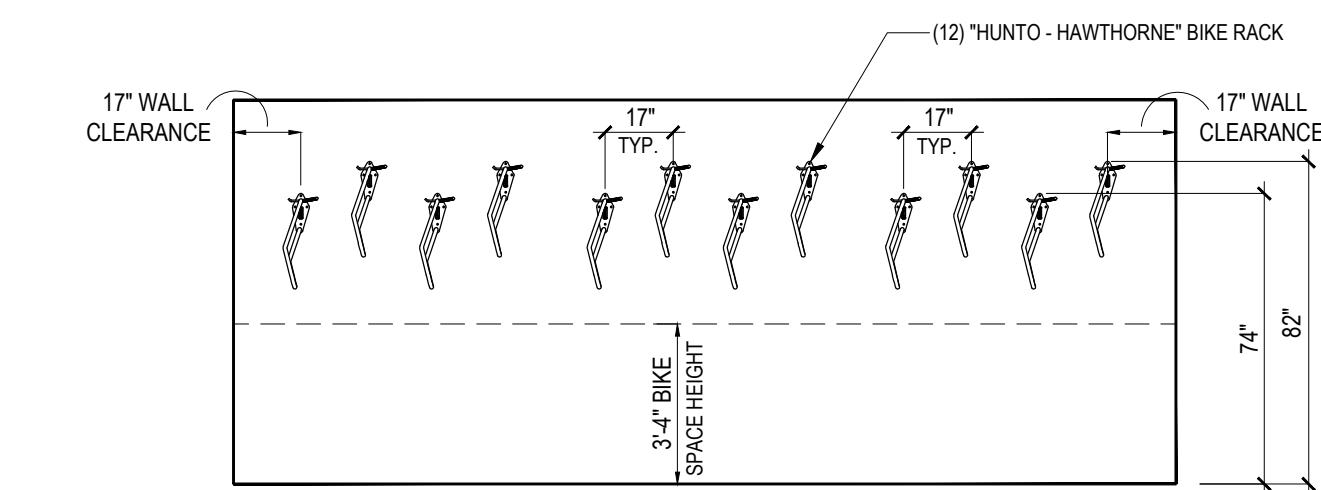
03 Fence DetailScale: 3/4"=1'-0"



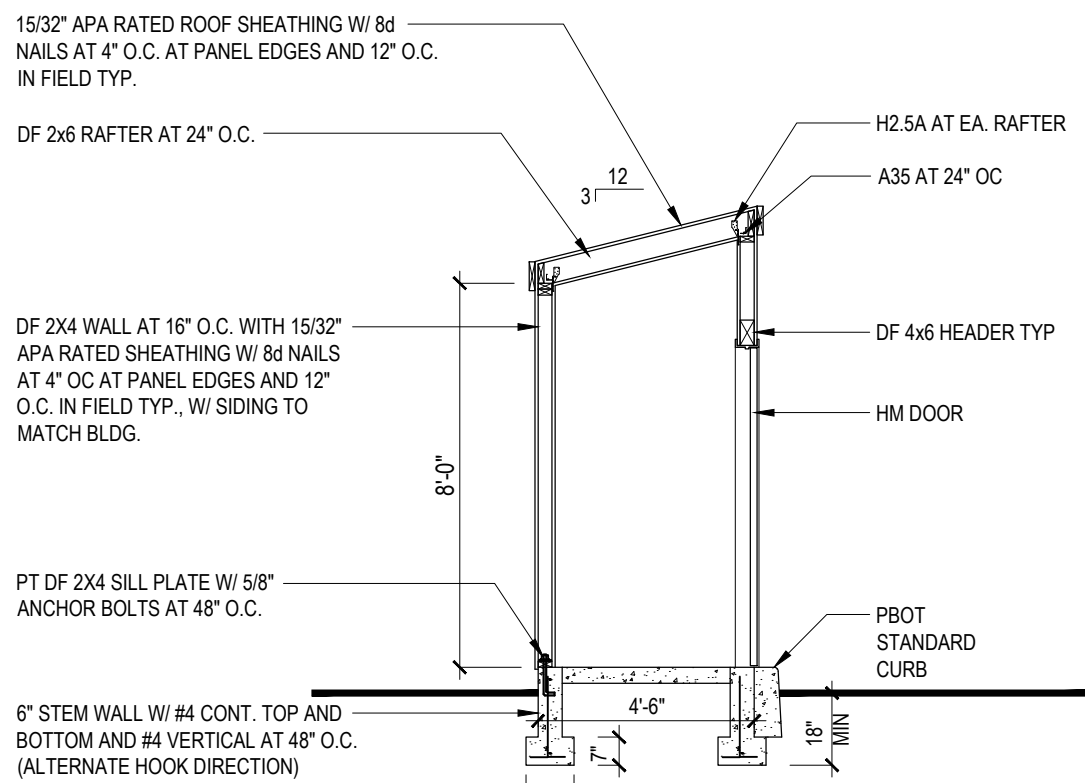
02 Drywell DetailNot to Scale



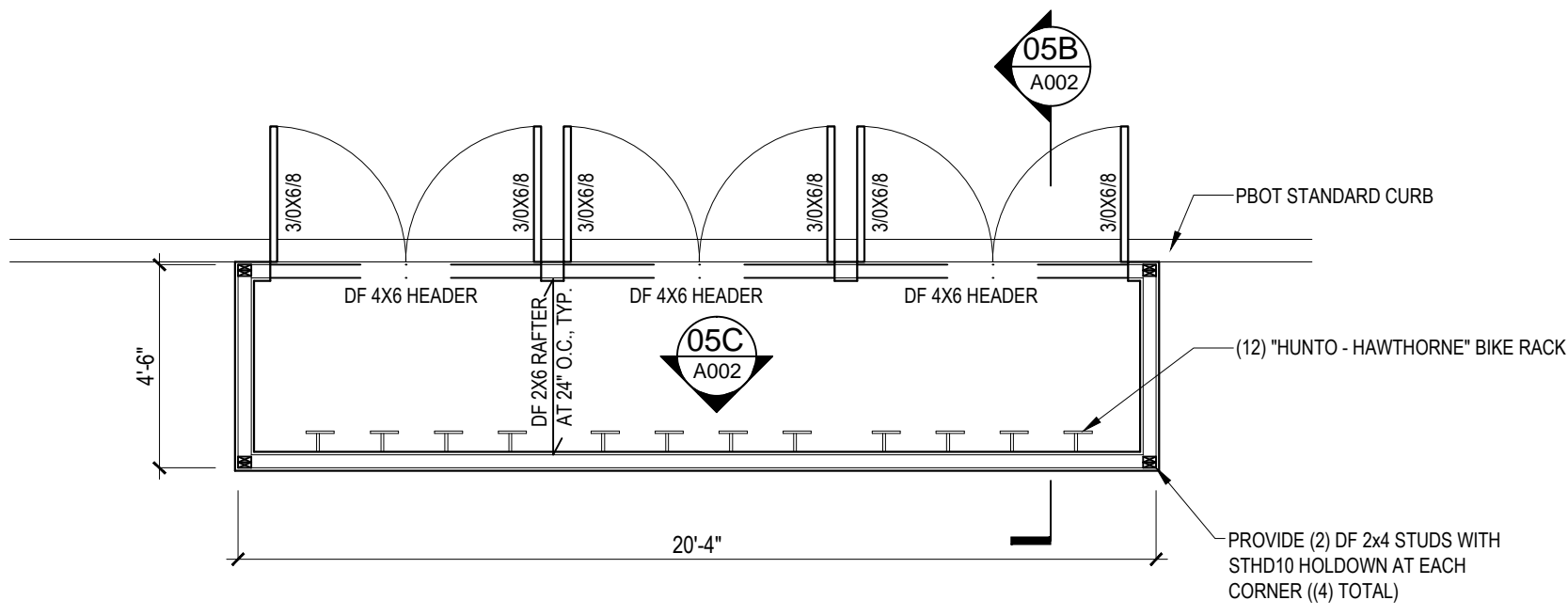
01 Erosion Control DetailsNot to Scale Exhibit A.2



C Elevation

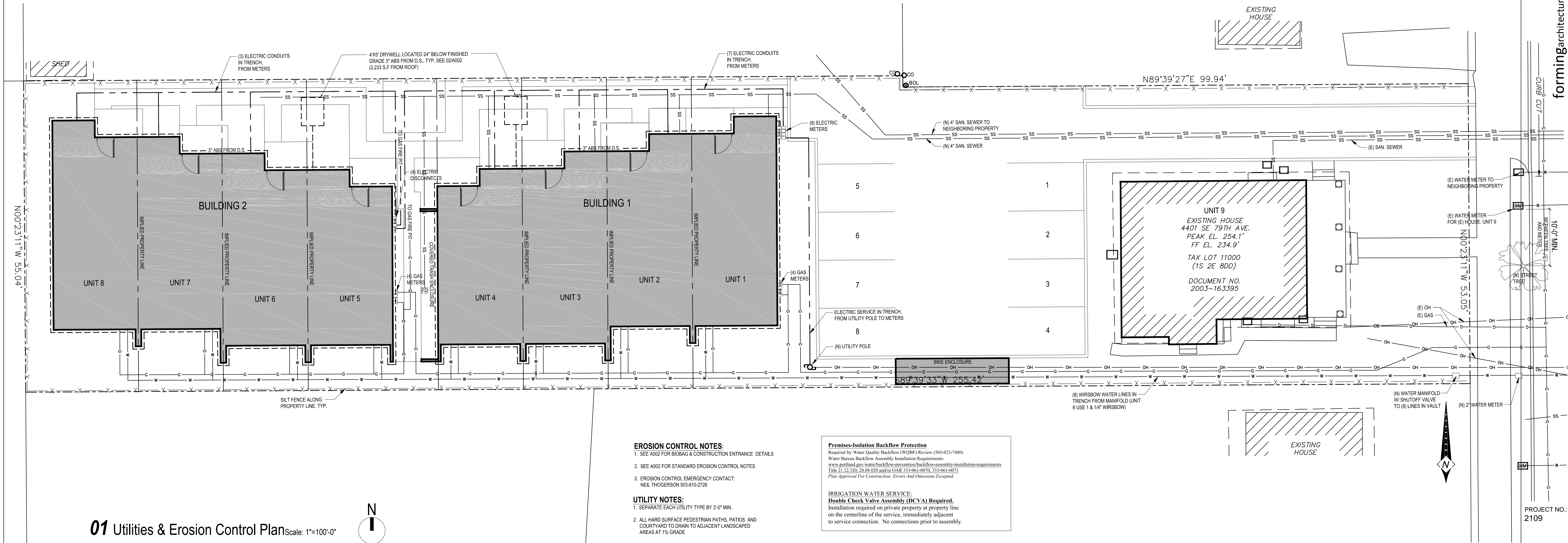


B Section



A Plan

05 Long Term Bike EnclosureScale: 1/4"=1'-0"



01 Utilities & Erosion Control PlanScale: 1"=100'-0"

EROSION CONTROL NOTES:
1. SEE A002 FOR BIOBAG & CONSTRUCTION ENTRANCE DETAILS
2. SEE A002 FOR STANDARD EROSION CONTROL NOTES
3. EROSION CONTROL EMERGENCY CONTACT:
NEIL THOGERSON 503-810-2726

UTILITY NOTES:
1. SEPARATE EACH UTILITY TYPE BY 2'-0" MIN.
2. ALL HARD SURFACE PEDESTRIAN PATHS, PATIOS AND
COURTYARD TO DRAIN TO ADJACENT LANDSCAPED
AREAS AT 1% GRADE

Premises-Isolation Backflow Protection
Required by Water Quality Backflow (WQBF) Review (503-823-7480)
Water Bureau Backflow Assembly Installation Requirements:
www.portland.gov/water/backflow-prevention/backflow-assembly-installation-requirements
Title 21.12.320, 28.08.020 and/or OAR 333-061-0070, 333-061-0071
Plan Approved For Construction: Errors And Omissions Excepted.

IRRIGATION WATER SERVICE:
Double Check Valve Assembly (DCVA) Required.
Installation required on private property at property line
on the centerline of the service, immediately adjacent
to service connection. No connections prior to assembly.

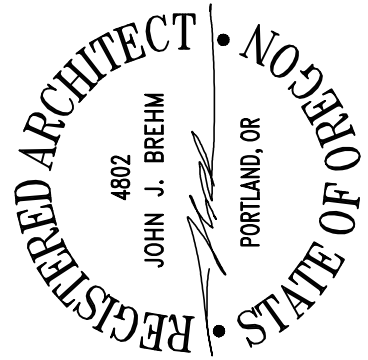
7 APPENDIX B: RECOMMENDED STANDARD NOTES FOR EROSION CONTROL PLANS

- A. Approval of this erosion, sediment and pollution control plan (ESPCP) does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.)
- B. The implementation of this ESPCP and the construction, maintenance, replacement, and upgrading of these ESPSCP facilities is the responsibility of the applicant/contractor until all construction is completed and approved and vegetation/landscaping is established.
- C. The boundaries of the clearing limits shown on this plan shall be clearly flagged in the field prior to construction. During the construction period, no disturbance beyond the flagged clearing limits shall be permitted. The flagging shall be maintained by the applicant/contractor for the duration of construction.
- D. The ESPCP facilities shown on this plan must be constructed in conjunction with all clearing and grading activities, and in such a manner as to insure that sediment and sediment laden water do not enter the drainage system, roadways, or violate applicable water standards.
- E. The ESPCP facilities shown on this plan are the minimum requirements for anticipated site conditions. During the construction period, these ESPSCP facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment and sediment-laden water do not leave the site.
- F. The ESPCP facilities shall be inspected daily by the applicant/contractor and maintained as necessary to ensure their continued functioning.
- G. The ESPCP facilities on inactive sites shall be inspected and maintained a minimum of once a month or within the 24 hours following a storm event.
- H. Stabilized construction entrances shall be installed at the beginning of construction and maintained for the duration of the project. Additional measures may be required to insure that all paved areas are kept clean for the duration of the project.

Standard Notes for Sediment Fences:

- 1. The filter fabric shall be purchased in a continuous roll cut to the length of the barrier to avoid use of joints. When joints are necessary, filter cloth shall be spliced together only at a support post, with a minimum 6-inch overlap, and both ends securely fastened to the post, or overlap 2 inch x 2 inch posts and attach as shown on detail sheet 4-2A.
- 2. The filter fabric fence shall be installed to follow the contours where feasible. The fence posts shall be spaced a maximum of 6 feet apart and driven securely into the ground a minimum of 24 inches.
- 3. The filter fabric shall have a minimum vertical burial of 6 inches. All excavated material from filter fabric fence installation, shall be backfilled and compacted, along the entire disturbed area.

- 4. Standard or heavy duty filter fabric fence shall have manufactured stitched loops for 2 inch x 2 inch post installation. Stitched loops shall be installed on the up hill side of the sloped area.
- 5. Filter fabric fences shall be removed when they have served their useful purpose, but not before the upslope area has been permanently protected and stabilized.
- 6. Filter fabric fences shall be inspected by applicant/contractor immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately.



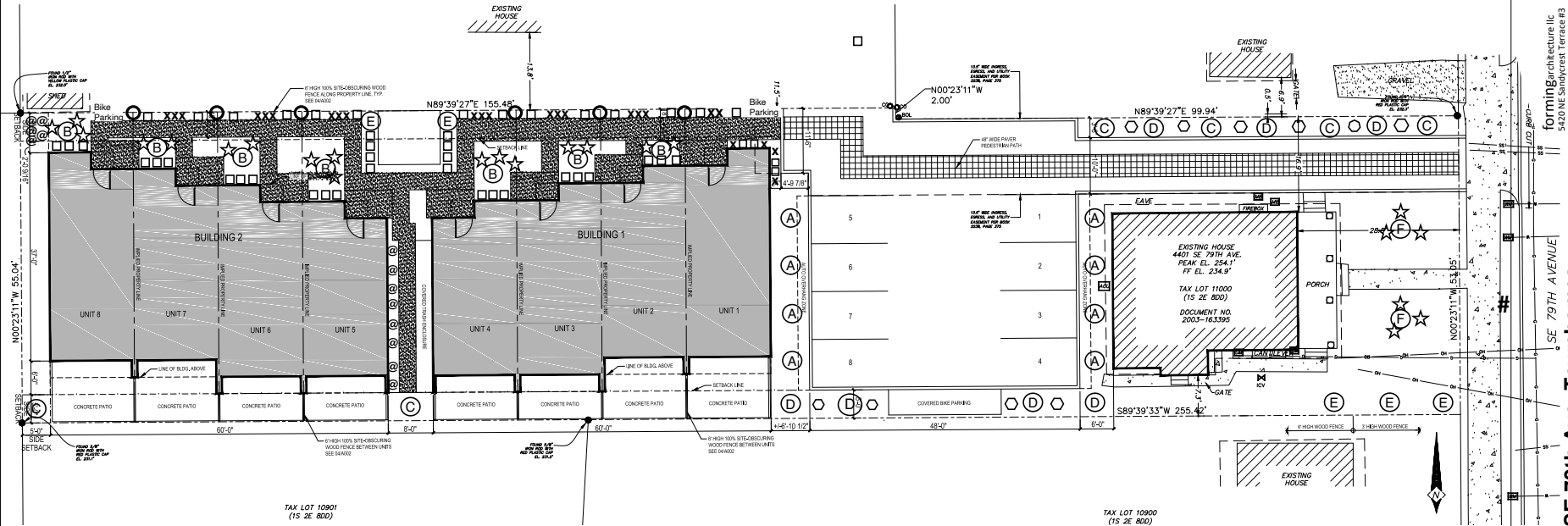
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4401 SE 79th Ave. Portland, OR 97206

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UTILITIES &
EROSION CONTROL PLAN



01 Landscape Plans



11.50.050 ON-SITE TREE DENSITY STANDARDS:

REQUIRED AREA: LOT SIZE - 13,852 S.F. X OPTION A (20% OF SITE) = 2,770 IMPACT AREA
PLAN INCLUDES: 32 SMALL TREES (33 X 300 = 9,900), 2 LARGE TREES (1,000 X 2 = 2,000), OR 11,900 S.F. TOTAL
NO TREES ARE TO BE PRESERVED

33.120.235 LANDSCAPED AREA

MINIMUM LANDSCAPED AREA PER TABLE 120-3 "30% OF SITE AREA"
33.120.235.8.1.b: "UP TO ONE-THIRD" MAY BE LANDSCAPED PEDESTRIAN PATH OR RECREATIONAL USE
LOT AREA 13,852 X 30% = 4,156 S.F. OF REQUIRED LANDSCAPING
LI STANDARD PLANTED AREA = 2/3 OF 4,156 S.F. OR 2,770 S.F.
MAXIMUM ALLOWABLE CREDIT PED / REC AREA = 1/3 OF 4,156 S.F. OR 1,385 S.F.
ACTUAL PLANTED AREA = 3,056 S.F.
ACTUAL ALLOWABLE PED / REC AREA = 1,222 S.F.

33.248.020 LANDSCAPING AND SCREENING, LI STANDARD

TOTAL LANDSCAPED SETBACK AREAS: NORTH 200 FT, SOUTH 237 FT, WEST 55 FT, EAST 43, FT =
TOTAL 535 L.F. OF NEW TREES REQUIRED.

CODE	TREES: SCIENTIFIC NAME	COMMON NAME	SIZE	#TREES	L.F. VALUE	L.F. TOTALS
A	BETULA UTILIS VAR. JACQUEMONTII	HIMALAYAN WHITE BIRCH	SMALL	8	15 FT PER	120 FT
B	PINUS CONTORTA 'POM POM'	POM POM SHORE PINE	SMALL	7	15 FT PER	105 FT
C	GINKGO BILOBA 'BLAGON GOLDSPIRE'	GOLDSPIRE GINKGO	SMALL	6	15 FT PER	90 FT
D	NATCHEZ CRAPE MYRTLE	NATCHEZ CRAPE MYRTLE	SMALL	7	15 FT PER	105 FT
E	CUPRESSUS SEMPERVIRENS CVS.	ITALIAN CYPRESS	SMALL	5	15 FT PER	75 FT
F	ACER X FREEMANII 'JEFFERSON RED'	JEFFERSON RED MAPLE	MEDIUM	2	22 FT PER	44 FT
				35		539 L. FEET

CODE	SHRUBS: SCIENTIFIC NAME	COMMON NAME	HEIGHT	SPACING	D/E	SIZE	NUMBER
O	ILEX GLABRA 'SHAMROCK'	INKBERRY	3'-4"	4'	E	2 GAL	10
O	JUNIPERUS SCOPULORUM 'BLUE ARROW'	BLUE ARROW JUNIPER	12"	2'	E	2 GAL	6
X	'BAGGENSEN'S GOLD' BOX HONEYSUCKLE	LONGICERA NITIDA 'BAGGENSEN GOLD'	3'-4"	2'	E	2 GAL	23
X	CALLAMAGROSTIS X ACUTIFOLIA 'KARL F'	FOURSTERS FEATHER REED GRASS	3'	1'-9"	D	2 GAL	47
X	ILEX CRENATA 'SKY PENCIL'	SKY PENCIL JAPANESE HOLLY	6'-8"	2'	E	2 GAL	24
@	POLYSTICHUM MUNIUM	SWORD FERN	2'-3"	3'	E	1 GAL	13

CODE	GROUND COVER: SCIENTIFIC NAME	COMMON NAME	HEIGHT	SPACING	D/E	SIZE	NUMBER
NA	OPHIPOGON JAPONICUS	MONDO GRASS	12-15"	1'-6"	E	4" POT	408
NA	OPHIPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS	6-8"	1'-6"	E	4" POT	408

IRRIGATION NOTE

DRIP (IRRIGATION BY LICENSED LANDSCAPE CONTRACTOR TO BE INSTALLED FOR ALL IMPACTED LANDSCAPED AREAS (TREES, SHRUBS AND GROUNDCOVERS).

CODE STREET TREE: SCIENTIFIC NAME COMMON NAME SIZE #TREES

CARPINUS CAROLINIANA PALISADE AMERICAN HORNBEAM SMALL 1

LU 22-200375 AD
Exhibit A.2

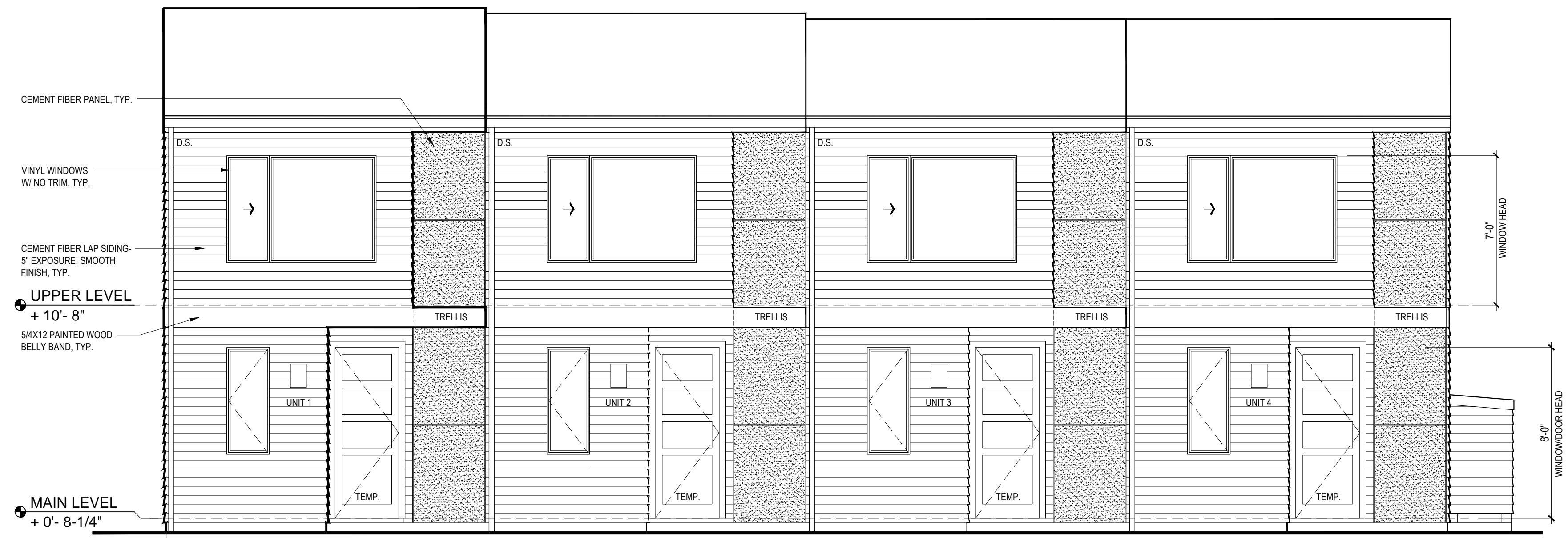
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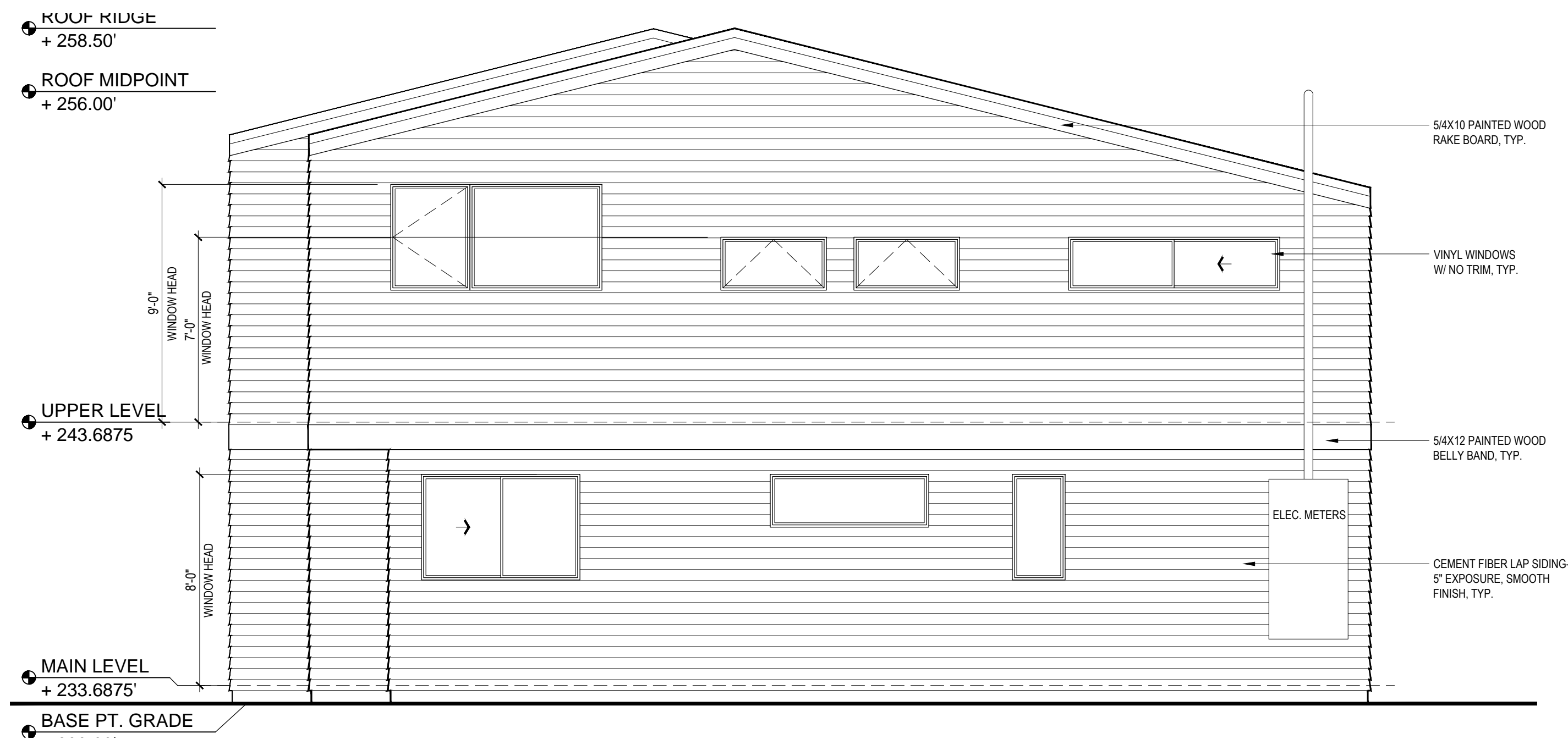
PROJECT NO.:
2109
ISSUE DATE:
Review 09.22.22

LANDSCAPE PLAN

A004



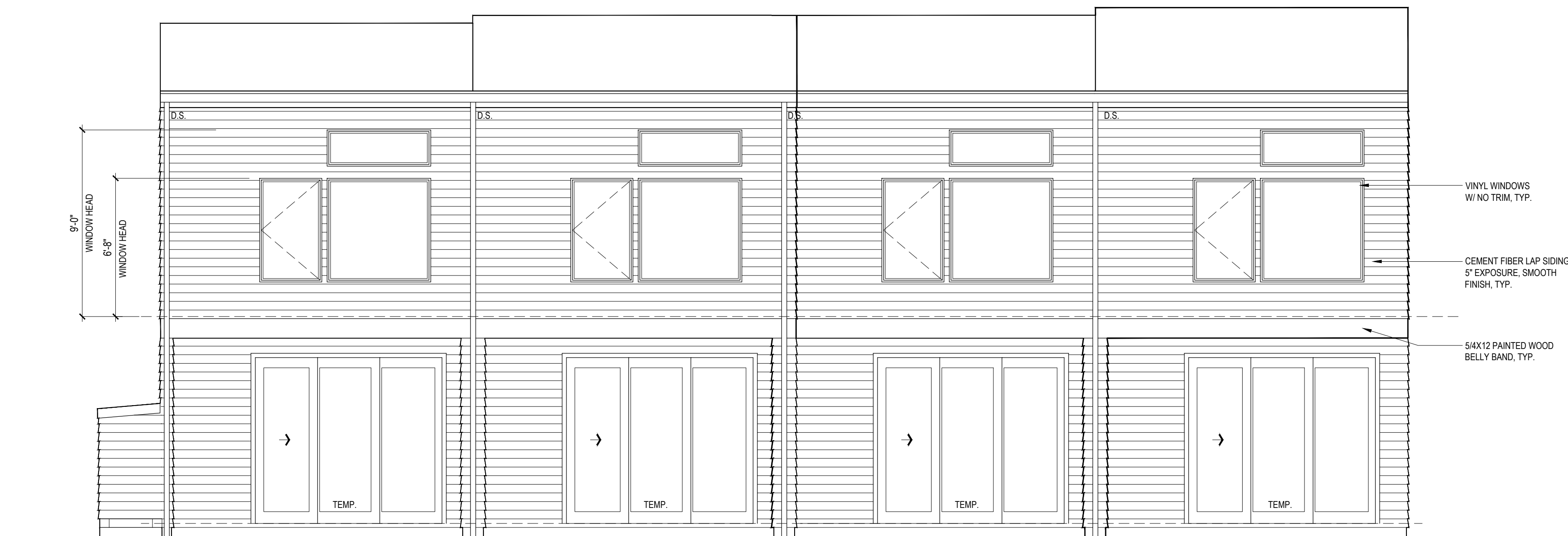
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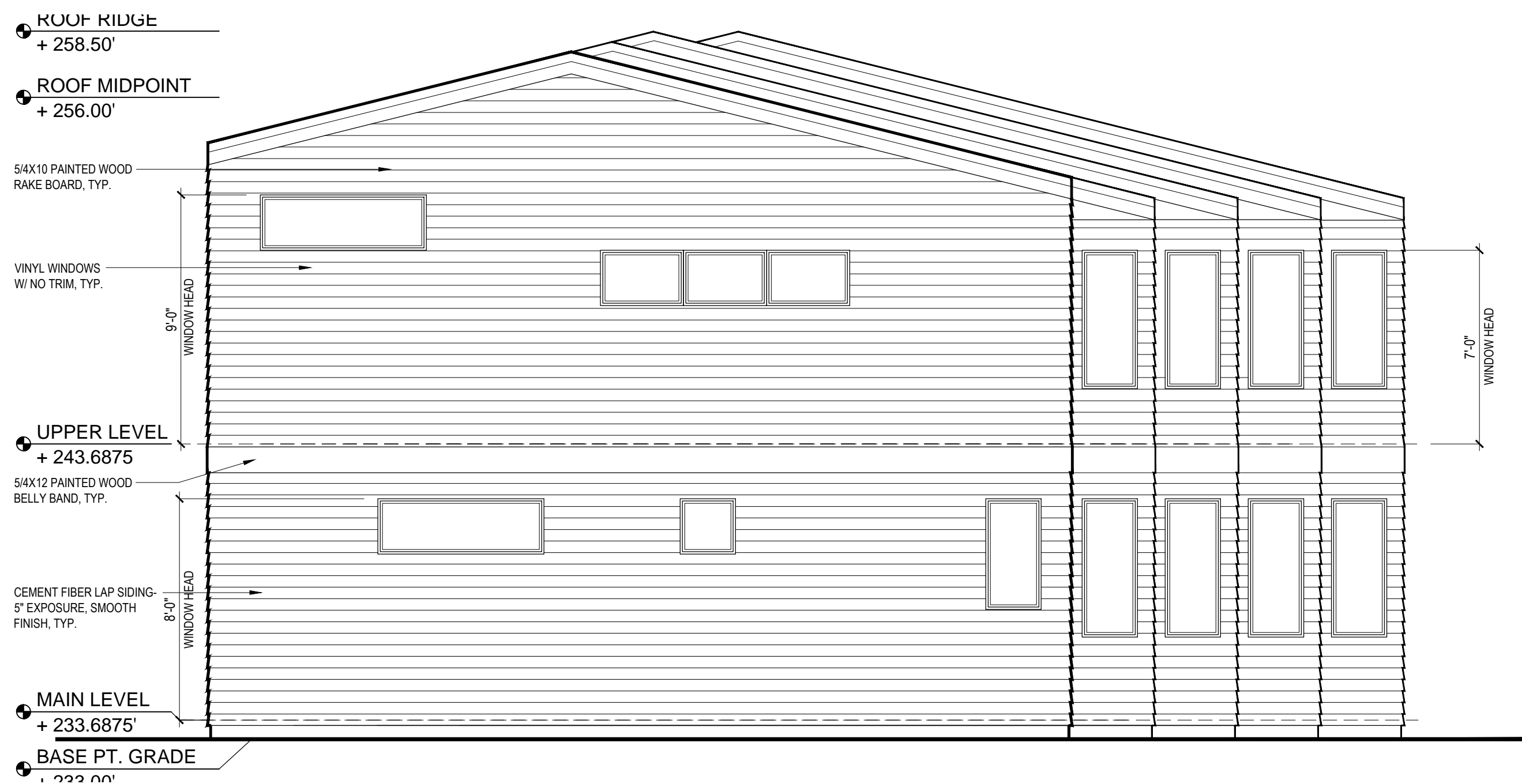
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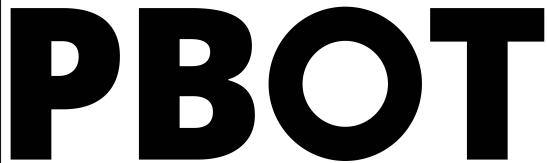


02 West Exterior Elevation Scale: 1/4"=1'-0"



04 South Exterior Elevation Scale: 1/4"=1'-0"





PORTLAND BUREAU OF TRANSPORTATION

DRIVEWAY DESIGN EXCEPTION DECISION FORM

DRIVEWAY DESIGN EXCEPTION NUMBER

ASSOCIATED CO, RS, LU, EA
NUMBER (IF APPLICABLE)

Review

Staff Name

Date

Findings

Decision

☐ Approved

☐ Approved with Conditions

☐ Denied

Approval(s)

Required

Approved

Signature

☐ Yes

☐ Yes

☐ No

☐ No

Building Plan and Development Review Manager (or designee)

Date

☐ Yes

☐ Yes

☐ No

☐ No

City Traffic Engineer (or designee)

Date

☐ Yes

☐ Yes

☐ No

☐ No

Transportation Director (or designee)

Date

Reasons, Comments, & Conditions



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

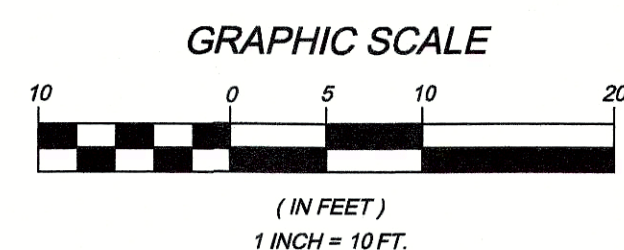
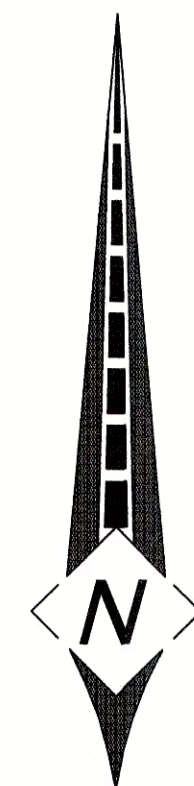
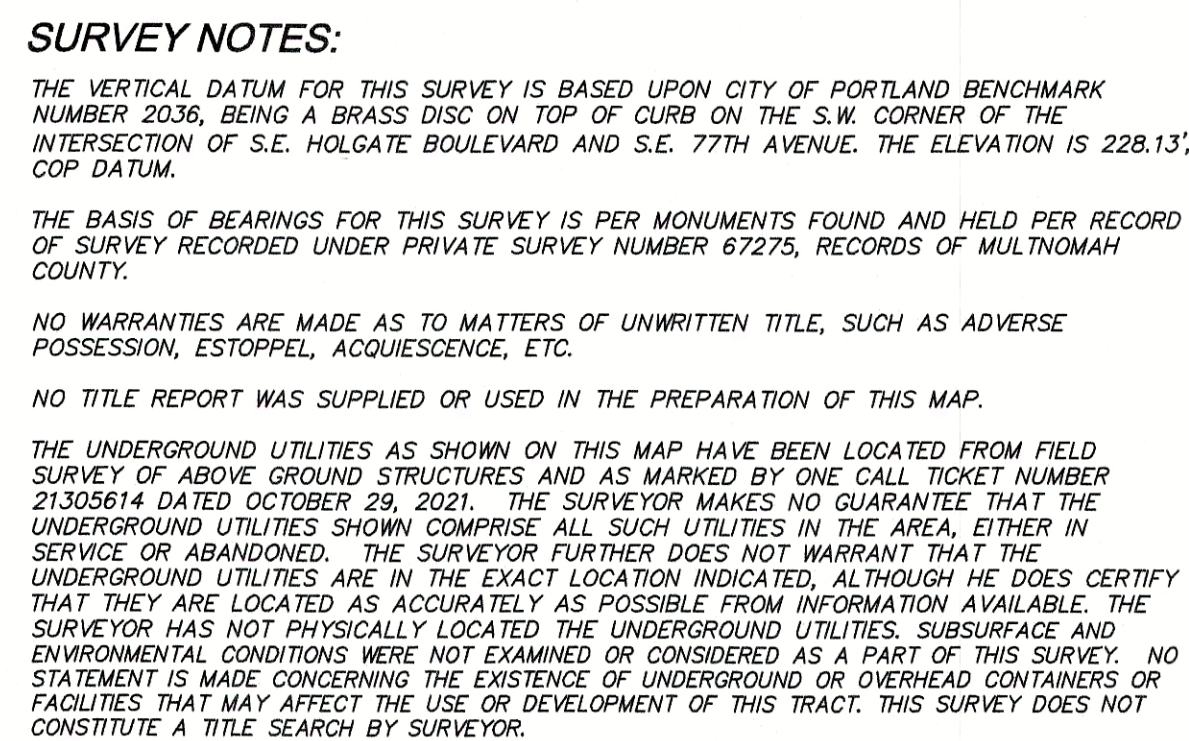
LU 22-200375 AD
Exhibit A.3































Street View

LU 22-200375 AD
Exhibit A.4


LOCATED IN THE
S.E. 1/4 SECTION 8, T.1S., R.2E., W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
DECEMBER 13, 2021 SCALE 1"=10'



- ## LEGEND:
- Some Symbols shown may not be used on map
- | | | | |
|---|----------------------------|--|---------------------|
| 12"  | DECIDUOUS TREE |  SGP | TRAFFIC SIGNAL POLE |
| 24"  | EVERGREEN TREE |  UO | UTILITY POLE |
|  D | STORM SEWER MANHOLE |  GUY | LIGHT POLE |
|  B | CATCH BASIN |  GUY WIRE | |
|  C | CURB INLET |  EB | ELECTRIC BOX |
|  A | AREA DRAIN |  EM | ELECTRIC METER |
|  D | DITCH INLET |  TF | TRANSFORMER |
|  CO | SANITARY SEWER CLEANOUT |  ER | ELECTRIC RISER |
|  S | SANITARY SEWER MANHOLE |  AC | HEAT PUMP |
|  FH | FIRE HYDRANT |  GP | GATE POST |
|  W | WATER MANHOLE |  TVB | CABLE TV BOX |
|  WM | WATER METER |  CR | CABLE TV RISER |
|  WV | WATER VALVE | — OH — | OVERHEAD LINE |
|  H | HOSE BIB | — G — | GAS LINE |
|  ICV | IRRIGATION CONTROL VALVE | — E — | ELECTRICAL LINE |
|  GV | GAS VALVE | — FD — | COMMUNICATIONS LINE |
|  GM | GAS METER | — SS — | SANITARY SEWER LINE |
|  MB | MAILBOX | — SD — | STORM DRAIN LINE |
|  UR | UTILITY RISER | — W — | WATER LINE |
|  UB | UTILITY BOX | — x — x — | FENCELINE |
|  T | TELEPHONE MANHOLE | — o — | HANDRAIL |
|  TR | TELEPHONE RISER |  | CONCRETE SURFACE |
| > | STORM OUTFALL |  | ASPHALT SURFACE |
|  | SIGN | | |
|  BOL | BOLLARD | | |
| ● | FOUND MONUMENT | | |
|  RD | DOWN SPOUT TO STORM SYSTEM | | |

SIGNED ON: 13 DEC 21

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

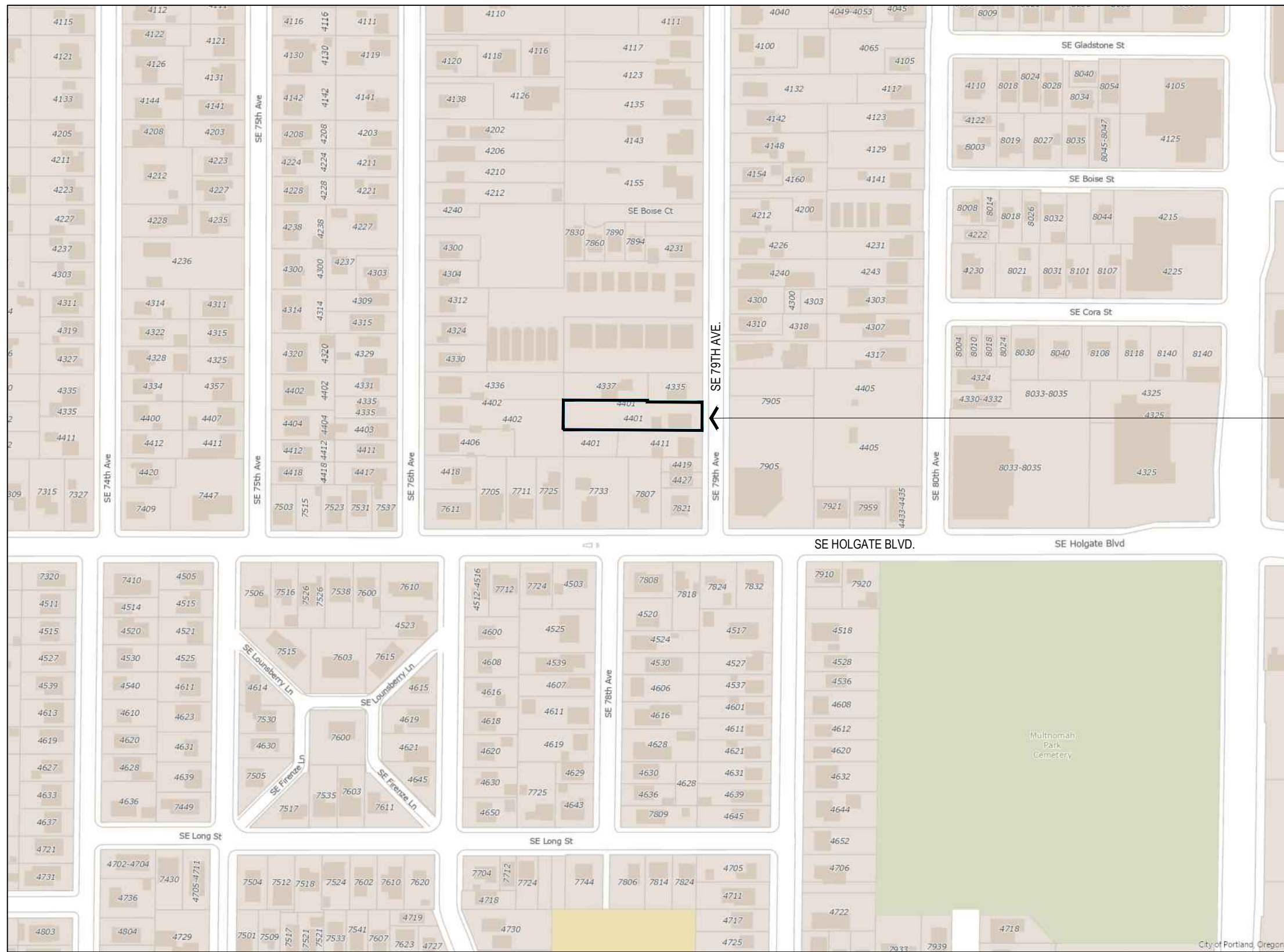
RENEWS: DECEMBER 31, 2025

LU 22-200375 AD
Exhibit A.5



CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED:M:\PROJECTS\BLUE SKY-79TH AVE-SE-4401\DWG\ECM-C3D.dwg



VICINITY MAP

Project Location

ROOF TRUSSES
RESIDENTIAL FIRE SPRINKLERS, NFPA 13D, FOR UNITS 3-8

DEFERRED SUBMITTALS

FIRE SPRINKLERS REQUIRED AS PART OF APPEAL 26346, CASE NO. B-011, UNITS 3-8, TYPE 13D SYSTEM, SEE PROJECT INFO. THIS SHEET

MIN. CURB LENGTH BETWEEN DRIVEWAYS: DRIVEWAY DESIGN
EXCEPTION: 22-151851-TR

APPEALS/EXCEPTIONS

NEW CONSTRUCTION OF (2) 2-STORY, WOOD FRAMED, (4) UNIT TOWNHOME BUILDINGS. SITE WORK INCLUDES, NEW SHARED COURTYARD, PARKING AREA AND BIKE ENCLOSURE. THERE IS AN EXISTING HOUSE ON THE LOT FOR A TOTAL OF 9 UNITS. WORK FOR EXISTING HOUSE INCLUDES LONG TERM BIKE RACKS AND LANDSCAPING. NO OTHER WORK THIS PERMIT.

PROJECT DESCRIPTION

JURISDICTION CITY OF PORTLAND, OR	LEGAL DESCRIPTION ADDRESS: 4401 SE 79TH AVENUE PORTLAND, OR 97206 PROPERTY ID NO.: R196098 STATE ID NO.: 1S2E08DD-11000	UNIT FLOOR AREA BUILDING 1 UNIT 1: 1,122 S.F. UNIT 2: 1,032 S.F. UNIT 3: 1,032 S.F. UNIT 4: 942 S.F.	BUILDING 3 (E) HOUSE: 1,316 S.F.
APPLICABLE BUILDING CODE 2021 OREGON RESIDENTIAL SPECIALTY CODE	APPEALS APPEAL ID: 26346 CASE NO.: B-011 REQUIRED: FIRE SPRINKLERS, 13D SYSTEM, UNITS 3-8 FOR UNIT 8 - CLASS A SHINGLES & FIBER CEMENT BOARD SIDING ALONG REAR PROPERTY LINE	BUILDING 2 UNIT 5: 942 S.F. UNIT 6: 1,032 S.F. UNIT 7: 1,032 S.F. UNIT 8: 1,122 S.F.	
	CONSTRUCTION TYPE V-B		
	RELATED PERMITS FIRE SPRINKLER, ELECTRICAL, MECHANICAL AND FIRE SPRINKLER TO BE BIDDER DESIGNED.		

PROJECT INFORMATION

ZONE RM1	LOT COVERAGE LOT AREA: 13,852 S.F. ALLOWED AREA: 50% = 6,926 S.F. BUILDING COVERAGE: BLDG. 1-2178, BLDG. 2-2178, (E) HOUSE-1032, BIKE PARKING-91 TOTAL PROPOSED LOT COVERAGE: 5,479 S.F.	LANDSCAPE AND SCREENING REQUIREMENTS SEE SHT. A003
FAR MAX. FAR: 1 TO 1 LOT AREA = 13,852 S.F. MAX FAR PROPOSED FLOOR AREA: 9,572 S.F.	REQUIRED OUTDOOR AREA 48 S.F. PER DWELLING UNIT: (9) UNITS 48 = 432 S.F. REQUIRED MIN. 4 FEET X 6 FEET DIMENSIONS PRIVATE OUTDOOR AREA (NOT INCLUDING SHARED COURTYARD) UNIT 1 - 153 S.F. UNIT 2 - 153 S.F. UNIT 3 - 108 S.F. UNIT 4 - 108 S.F. UNIT 5 - 108 S.F. UNIT 6 - 108 S.F. UNIT 7 - 153 S.F. UNIT 8 - 153 S.F. UNIT 9 - 80 S.F. TOTAL OUTDOOR AREA PROVIDED: 1,124 S.F.	REQUIRED STREET TREES 1 PER 25 L.F. OF STREET FRONTAGE STREET FRONTAGE = 53' TOTAL STREET TREES: 1 TREE (SEE LETTER FROM FORESTRY)
HEIGHT MAX. HT. ALLOWED MEASURED TO MID-POINT OF GABLE ROOF: 35 FEET, NO STEPDOWN REQ'D. PROPOSED MAX. BLDG. HT.: 23'-0"	SETBACK REQUIREMENTS FRONT: 10 FEET MIN. & 20 FEET MAX. SIDE & REAR: 5 FEET ALLOWED EXTENSION INTO SETBACK: 20% OF SETBACK	IMPERVIOUS AREAS NEW ROOFS: 4,639 S.F. EXISTING ROOF: 1,201 NEW PATIOS: 600 S.F. NEW WALKWAYS: 1,099 S.F. EXISTING WALKWAYS: 159 S.F. EXISTING GARAGE & DRIVE TO BE REMOVED: 1,808 S.F. TOTAL I/A: 7,698 S.F. LONG TERM BIKE PARKING 9 UNITS X 1.5 = 14 REQUIRED (12) IN (N) SHED, (2) IN (E) HOUSE
	REQUIRED ON-SITE TREES SEE SHT. A003	SHORT TERM BIKE PARKING 2 REQUIRED

ZONING INFORMATION

PRESCRIPTIVE ENVELOPE REQUIREMENTS
EXTERIOR WALLS (ABOVE GRADE): R-21 INTERMEDIATE FRAMING
- INCLUDES INSULATED HEADERS, RIM JOISTS & CRIPPLE WALLS
EXTERIOR WALLS (BELOW GRADE): R-21 AT FRAMED CAVITIES OR R-15 CONT.
FLAT CEILING: R-49 - MIN. 8" AT EXTERIOR WALL
VAULTED CEILING (SCISSOR TRUSSES): R-30 ADVANCED FRAMING
UNDER FLOORS: R-30
SLAB EDGE: R-15, R-10 FOR HEATED FLOORS
WINDOWS AND SLIDERS: U-0.27
EXTERIOR DOORS: U-0.20
- GREATER THAN 2.5 S.F. GLAZING: U-0.40

ADDITIONAL MEASURES (TABLE N1101.1(2))
5: DUCTLESS HEAT PUMP
- MIN. HSPF 10 IN PRIMARY ZONAL ELECTRIC HEAT SOURCES & PROGRAMMABLE THERMOSTAT FOR ALL HEATERS IN BEDROOMS
VENTILATION
A BALANCED WHOLE-HOUSE VENTILATION SYSTEM WILL BE PROVIDED IN ACCORDANCE WITH TABLE M1505.4.3(1) CONTINUOUS, FOR THE NEW DWELLING UNIT. THE CODE MIN. CFM FOR THIS DWELLING UNIT IS 60 CFM.
NOTE: NO DUCTWORK FOR THE MECHANICAL SYSTEM.

ENERGY CODE/MECHANICAL

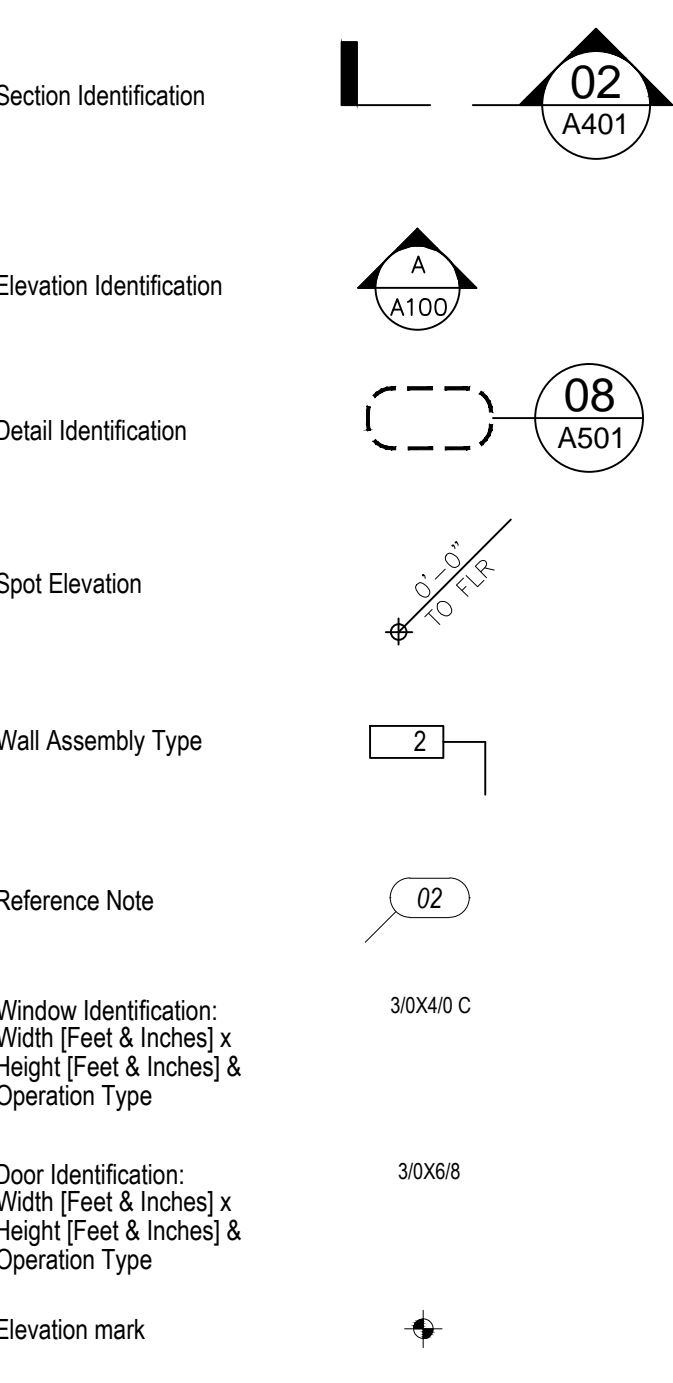
OWNER	ARCHITECT	STRUCTURAL ENGINEER	CONTRACTOR
Blue Sky Property Northwest Contact: Douglas MacLeod Phone: 503-481-3997 Email: douglas@blueskywnw.com	Forming Architecture LLC 5420 NE Sandycrest Terrace #3 Portland, OR 97213 Contact: John Brehm Phone: 503-516-3970 Email: brehm_j@formingarchitecture.com	Nava Contracting & Engineering, Inc. 4106 SE Oak St. Portland, OR 97214 Contact: Matt Nava Phone: 503-238-0633 Email: navaendr@gmail.com	Etruscan Ventures LLC CCB# 182609 Contact: Neil Thogerson Phone: 503-297-6763 Email: neilthogerson@gmail.com

PROJECT TEAM

A.B. Anchor Bolt	ELEC Electrical	JT Joint	REIN Reinforced
A.C. Air Conditioning	ELEV Elevator	LAM Laminate	REQ'D Required
ACT Acoustical Ceiling tile	EP Electrical Panel	LAV Lavatory	RFR Refrigerator
A.D. Area drain	EQ Equal	LF Linear Foot/Linear Feet	RM Room
ADJ Adjustable	EQUIP Equipment	LT Light	RO Rough Opening
A.F.F. Above Finished Floor	EXIST'G Existing		
ALT Alternate	EXP Expansion		
ALUM Aluminum	EXT Exterior	MATL Material	SAM Self Adhered Membrane
APPROX Approximate		MAX Maximum	SC Solid Core
A.P. Access Panel	FD Floor Drain	MECH Mechanical	SEC Section
	FE Fire Extinguisher	MEMB Membrane	SHR Shower
	FEC Fire Extinguisher Cabinet	MFR Manufacturer	SHT Sheet
BD. Board	FF Finish Floor	SIM Similar	SHT'G Sheathing
BLDG Building	FIN Finish	MISC Miscellaneous	SQ Square
BLKG Blocking	FLR Floor	MO Masonry Opening	SST Stainless Steel
BM Beam	FLUOR Fluorescent	[N] New	STD Standard
BO Bottom of	FOB Face of Brick/Block	NA Not Applicable	STL Steel
	FOC Face of Concrete	NIC Not In Contract	STN Stain
CJ Control Joint	FOF Face of Finish	NO Number	STRUCT Structural
CLG Ceiling	FOS Face of Structure	NOM Nominal	SUSP Suspended
CLR Clear	FTG Footing	NTS Not To Scale	
COL Column	FV Field Verify		
CONC Concrete			
CONT Continuous	GA Gauge	OA Overall	T Tread
CONT Continuous	GALV Galvanized	OC On Center	TEMP Tempered
CONTR Contractor	GB Grab Bar	OD Outside Diameter	T&G Tongue and Groove
CT Ceramic Tile	GL Glass/Glazing	OPNG Opening	THK Thick
CMU Concrete Masonry Unit	G.LAM Glue Laminated Beam	OPP HD Opposite Hand	TO Top Of
	GWB Gypsum Wall Board		TS Tube Steel
	GYP Gypsum	P LAM Plastic Laminate	TYP Typical
		PR Prefinished	UNO Unless Noted Otherwise
		PT Pressure Treated	
		PTD Painted	VB Vapor Barrier
		PWD Plywood	VERT Vertical
			VIN Vinyl
		QT Quarry Tile	W/ With
		R Riser	W/O Without
		RAD Radius	WD Wood
		RBR Rubber	WH Water Heater
		RD Roof Drain	WT Weight
		REF Reference	WP Water Proof
			WWF Welded Wire Fabric

ARCHITECTURAL ABBREVIATIONS

ARCHITECTURAL SYMBOLS LEGEND

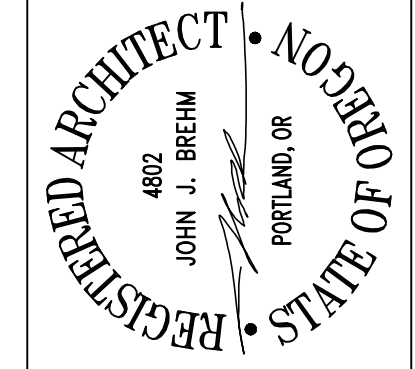


Ordinance & Code requirements: 1. Work and materials shall be in full accordance with the latest rules & regulations of applicable federal, state & local codes and ordinances having jurisdiction. 2. Work shall be done in accordance with OSHA construction safety standards. 3. Make all necessary arrangements with authorities and provide all required inspections and permits. Construction documents: 1. Refer to architectural, structural, mechanical, and plumbing drawings for coordination and extent of work of various trades. Notify the architect in writing at once of any discrepancies found in the construction documents. 2. Drawings are diagrammatic in nature and are intended to show scope of work. 3. Do not scale drawings. Use dimensions shown on drawings at all times. 4. Design build: portions of the required work are to be performed on a 'design build' basis. The Contractor shall be solely responsible for the complete design, engineering and installation of systems, devices, equipment and layout. Contractor shall warrantee to the owner that all such work shall adequately meet the needs and requirements of the owner and of the project as planned and its intended uses as well as completely comply with applicable codes and ordinances. In no way shall the 'design build' arrangement limit the contractor's responsibility to meet such needs and requirements.	Project coordination: 1. The contractor shall verify all figured dimensions and conditions at the project site and notify the architect of any discrepancies or omissions before commencement of work. 2. The contractor shall visit the site prior to submitting a bid, verify dimensions and conditions and report to the owner and architect in writing of any errors. The contractor is responsible for any conflicts between construction documents and existing conditions. 3. The general contractor shall coordinate work of all trades. All trades shall assist in working out space conditions to make satisfactory adjustments and modifications in the work including rerouting as required by interference with structural, mechanical systems, general and work of other trades, or for the proper execution of work. Work installed prior to coordinating with other trades shall be changed to correct without additional cost to owner and at the direction of the owner's representative. 4. Protect work, materials, finishes and equipment from damage or loss due to any cause including vandalism, weather, theft, etc. All items are to be in perfect condition at project closeout. The contractor shall be responsible for and held liable for any and all damages caused by the contractor's negligence in protecting existing buildings, adjacent roof areas, sidewalks, paving, concrete, shrubs, lawn areas, trees, equipment, interiors, and contents. General requirements: 1. The contractor and all subcontractors, employees and personnel shall be insured for the duration of the project. 2. All work shall be of high quality and performed by a skilled tradesperson. The general contractor shall maintain effective supervision on the project at all times work is being performed. 3. Comply with all applicable utility company requirements as required. 4. Provide all temporary power, lighting and heat as required to properly perform the work. Maintain temporary systems throughout the duration of the project or until permanent systems are complete. 5. All work and materials shall be warranteed against defects for a period of one (1) year from substantial completion. Warrantees shall be transferred to owner at job completion.
--	--

LU 22-200375 AD
Exhibit A.7

GENERAL NOTES

SUBMITTED 12/2/2022



formingarchitecture llc
5420 NE Sandycrest Terrace #3
Portland, Oregon 97213
(503) 516-3970
www.formingarchitecture.com

SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

PROJECT NO.: 2109

ISSUE DATE:
Permit Submittal 10.07.22
Plan Review Comments 11.30.22

GENERAL INFORMATION

G101

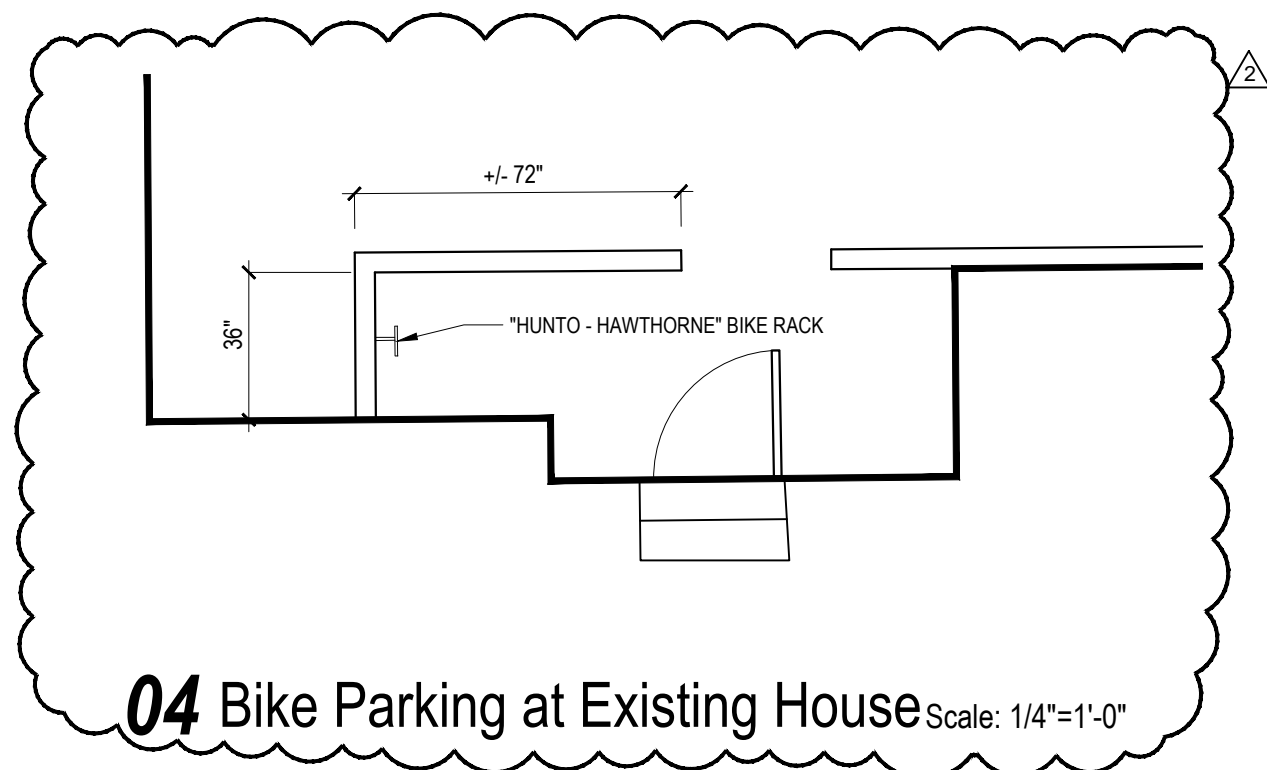
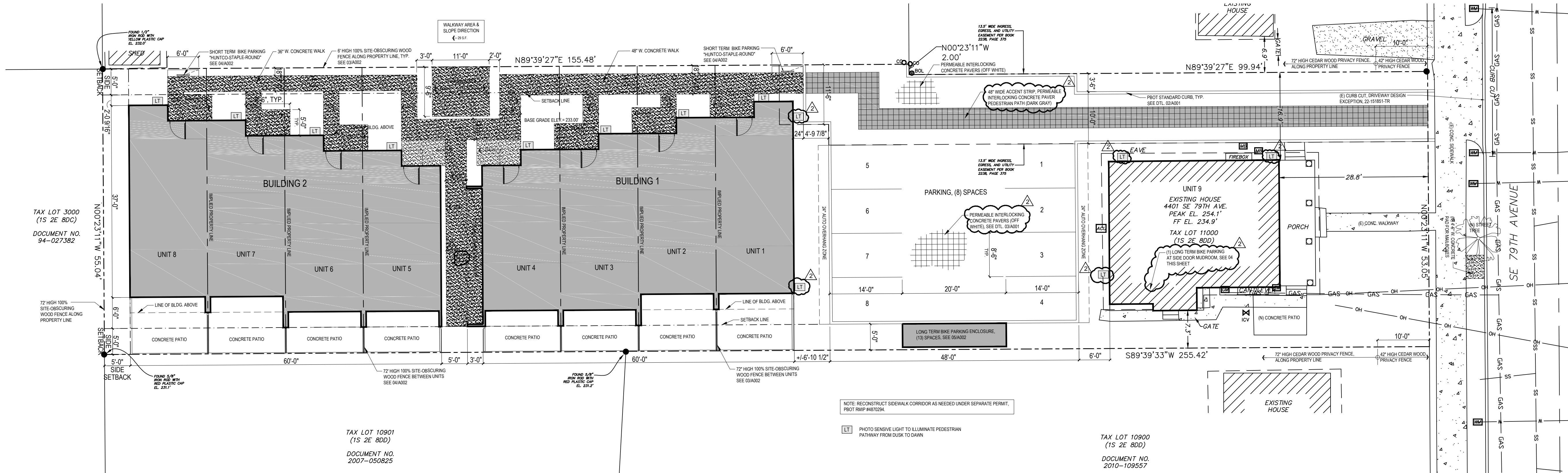
SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

PROJECT NO.:
2109

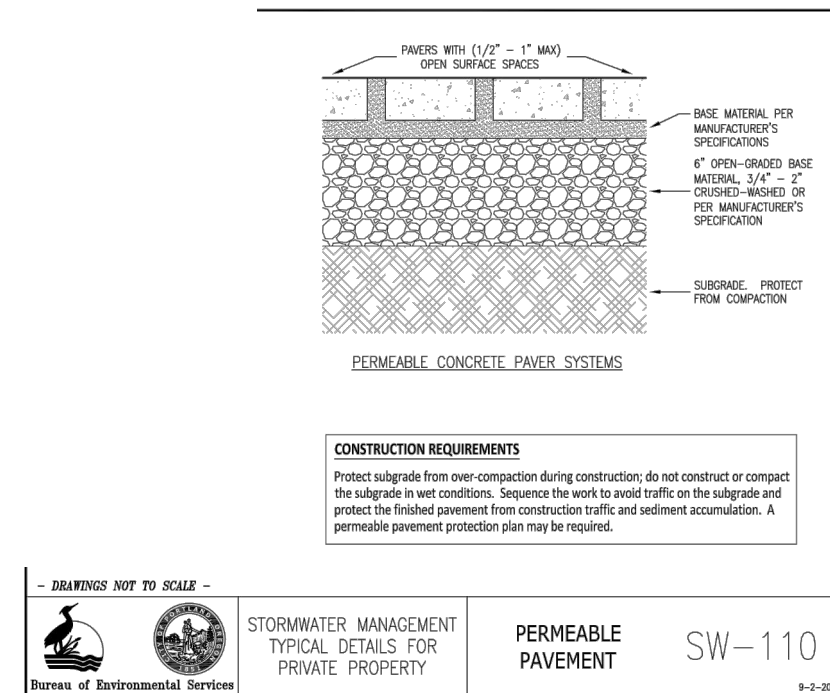
ISSUE DATE:
Permit Submittal
10.07.22
Review Comments
11.30.22
Review Comments
12.22.22

SITE PLAN

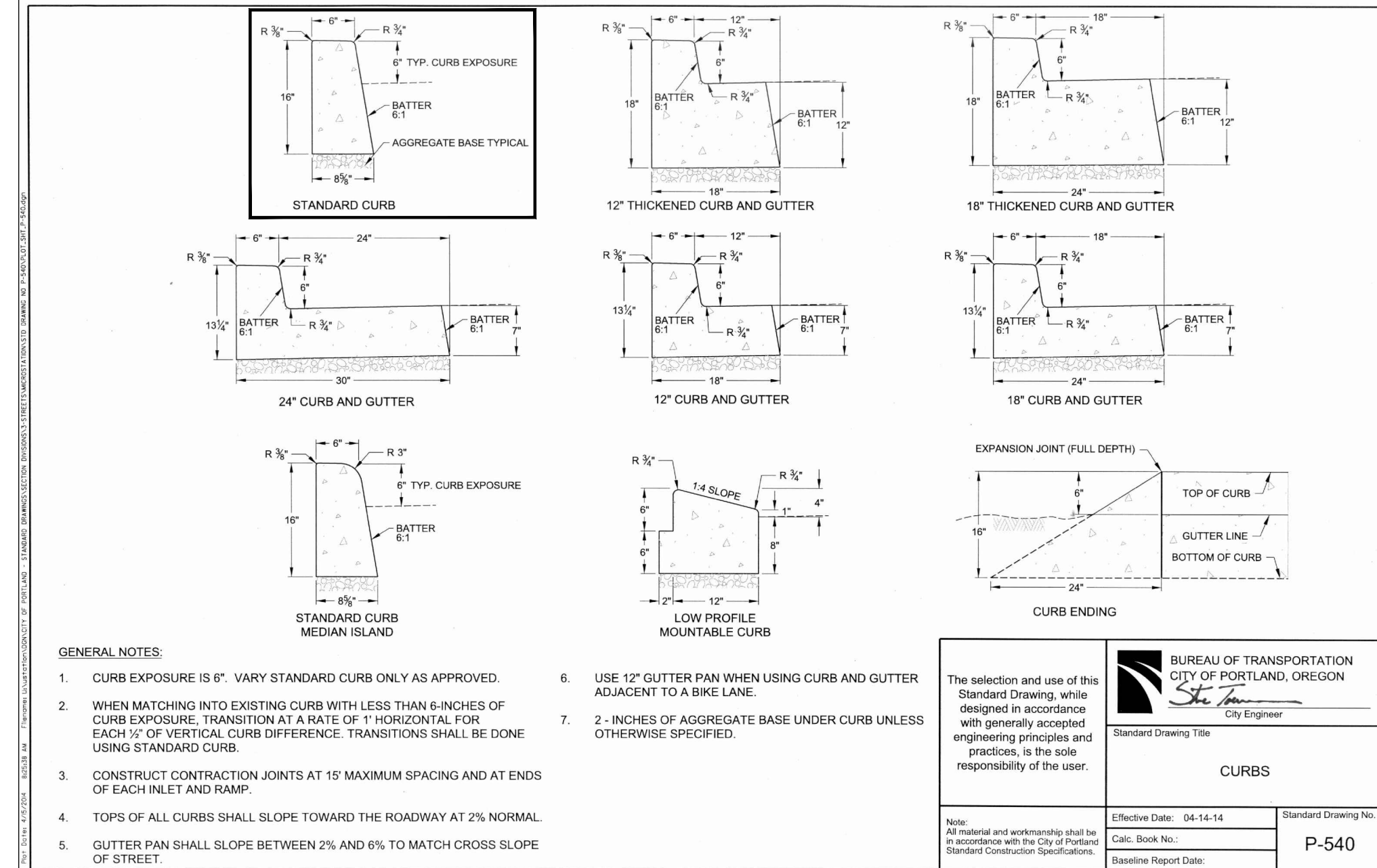
A001



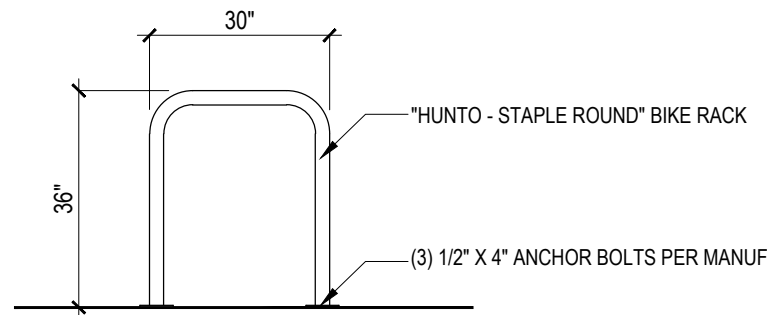
03 Permeable Pavement



02 PBOT Curb Dtls. Scale: NTS



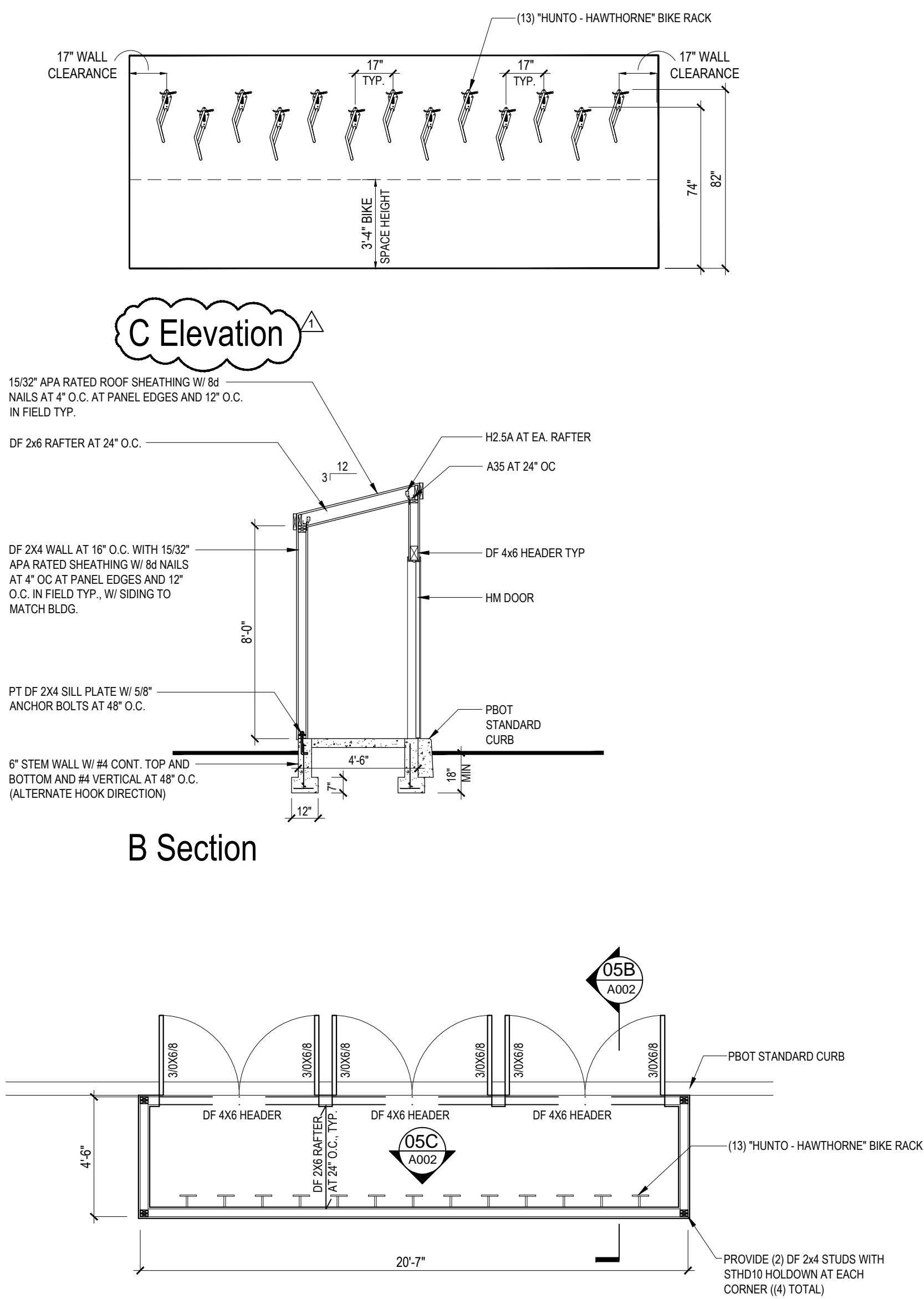
LU 22-200375 AD
Exhibit A.7
SUBMITTED 12/22/22



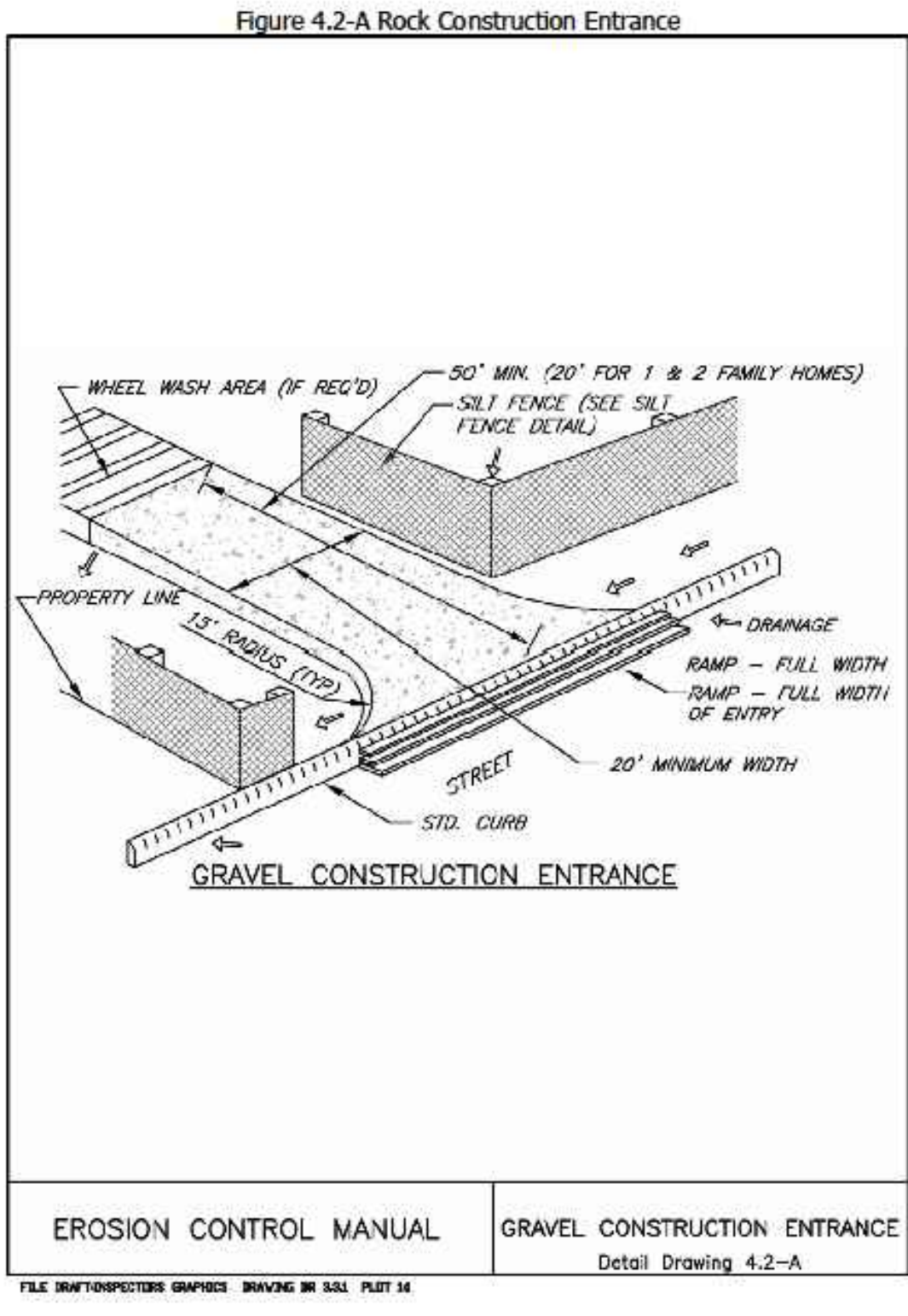
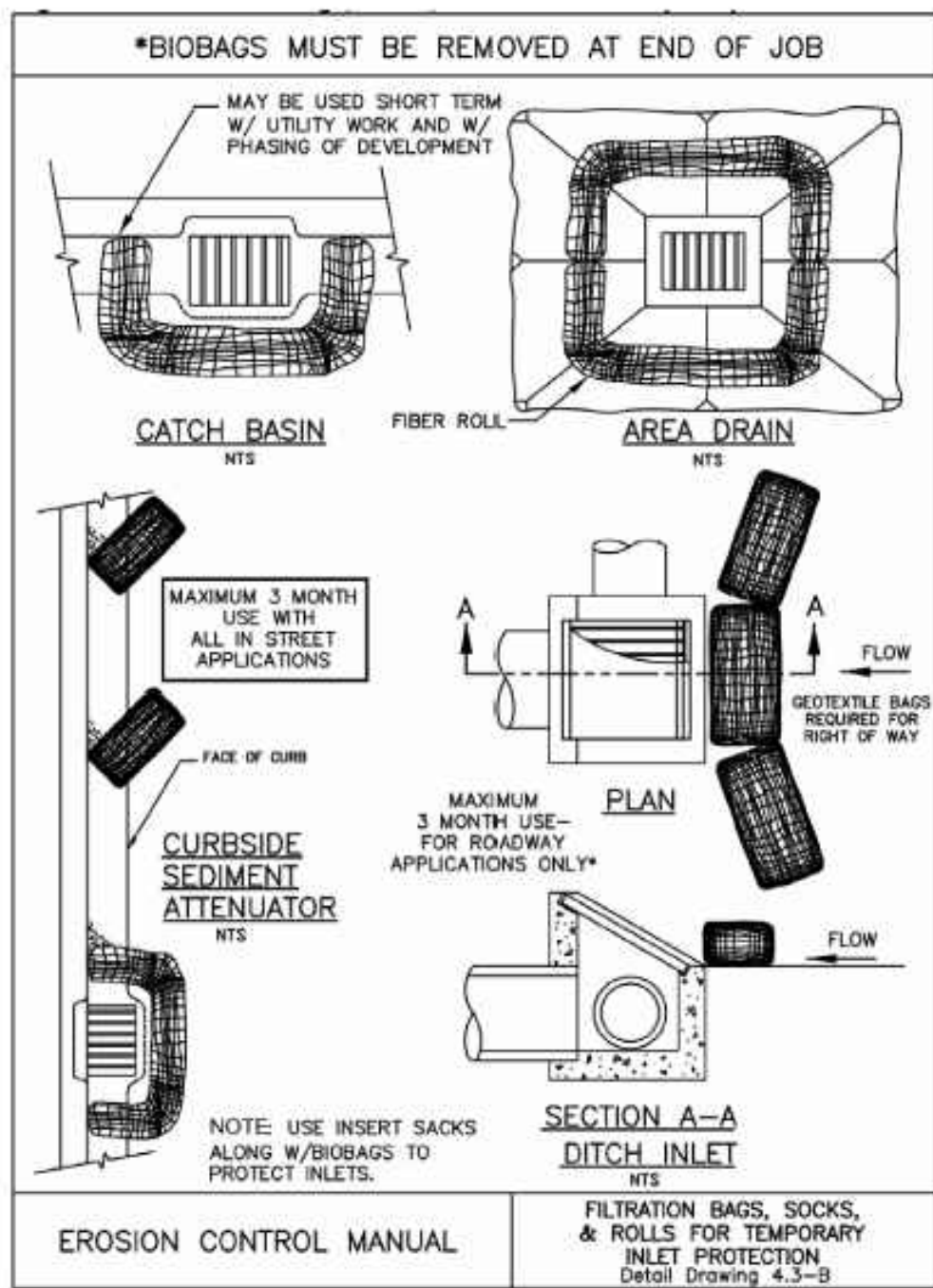
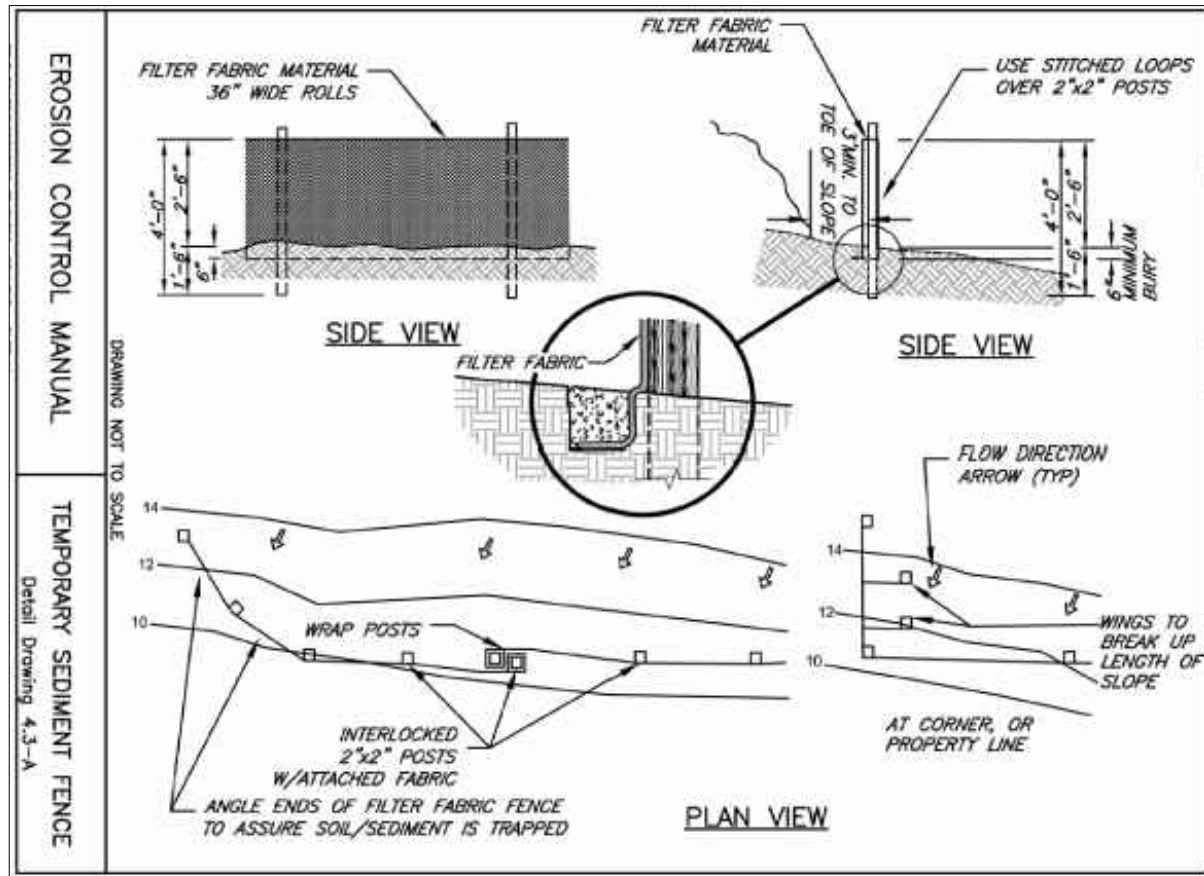
04 Short Term Bike RackScale: 1/4"=1'-0"



03 Fence DetailScale: 3/4"=1'-0"



05 Long Term Bike EnclosureScale: 1/4"=1'-0"





4. Standard or heavy duty filter fabric fence shall have manufactured stitched loops for 2 inch x 2 inch post installation. Stitched loops shall be installed on the up hill side of the sloped area.
5. Filter fabric fences shall be removed when they have served their useful purpose, but not before the upslope area has been permanently protected and stabilized.
6. Filter fabric fences shall be inspected by applicant/contractor immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately.

SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

PROJECT NO.:
2109

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11.30.22
Review Comments
12.15.22

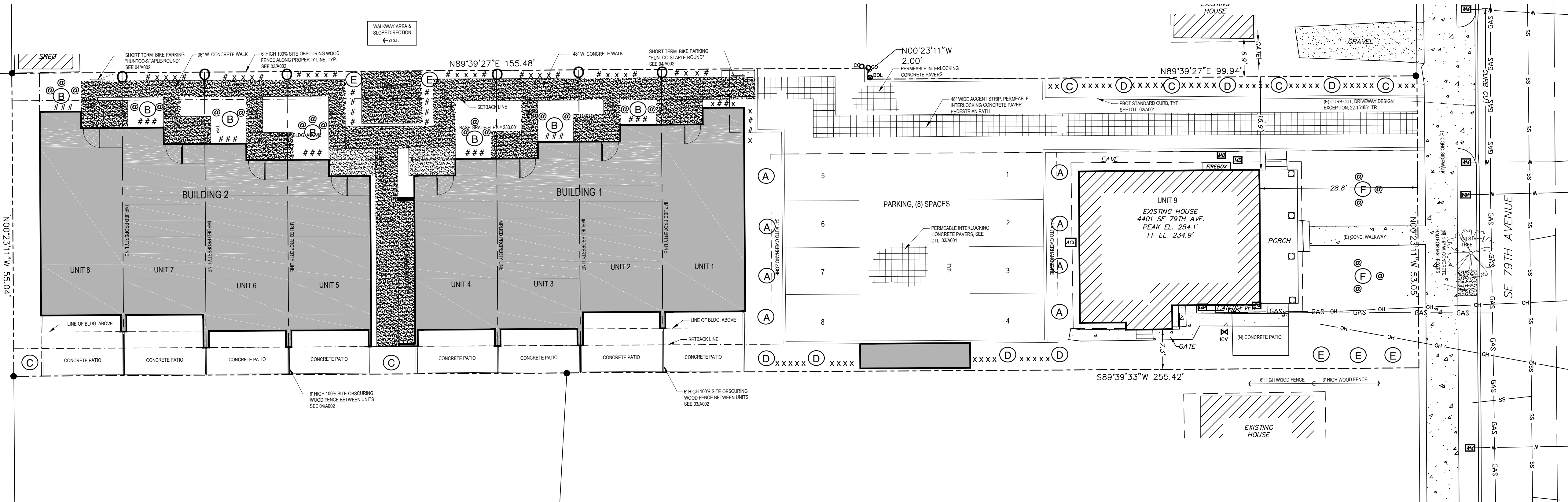
LANDSCAPE PLAN

SUBMITTED 12/22/22

Exhibit A.7

LU 22-200375 AD

A004



01 Landscape Plan Scale: 3/32"=1'-0" N

11.50.050 ON-SITE TREE DENSITY STANDARDS:

REQUIRED AREA: LOT SIZE - 13,852 S.F. X OPTION A (20% OF SITE) = 2,770 IMPACT AREA
PLAN INCLUDES: 33 SMALL TREES (33 X 300 = 9,900), 2 LARGE TREES (1,000 X 2 = 2,000), OR 11,900 S.F. TOTAL.
NO TREES ARE TO BE PRESERVED

33.120.235 LANDSCAPED AREA

MINIMUM LANDSCAPE AREA PER TABLE 120-3 "30% OF SITE AREA"
33.120.235 B.1.b. "UP TO ONE-THIRD" MAY BE HARDSCAPED PEDESTRIAN PATH OR RECREATIONAL USE
LOT AREA 13,852 X 30% = 4,156 S.F. OF REQUIRED LANDSCAPING
L1 STANDARD PLANTED AREA = 2/3 OF 4,156 S.F. OR 2,770 S.F.
MAXIMUM ALLOWABLE CREDIT PED / REC AREA = 1/3 OF 4,156 SF OR 1,385 S.F.
ACTUAL PLANTED AREA = 2,993 S.F.
ACTUAL ALLOWABLE PED / REC AREA = 1,222 S.F.

33.248.020 LANDSCAPING AND SCREENING, L1 STANDARD

TOTAL LANDSCAPED SETBACK AREAS: NORTH 200 FT, SOUTH 237 FT, WEST 55 FT, EAST 43, FT =

TOTAL 535 L.F. OF NEW TREES REQUIRED.

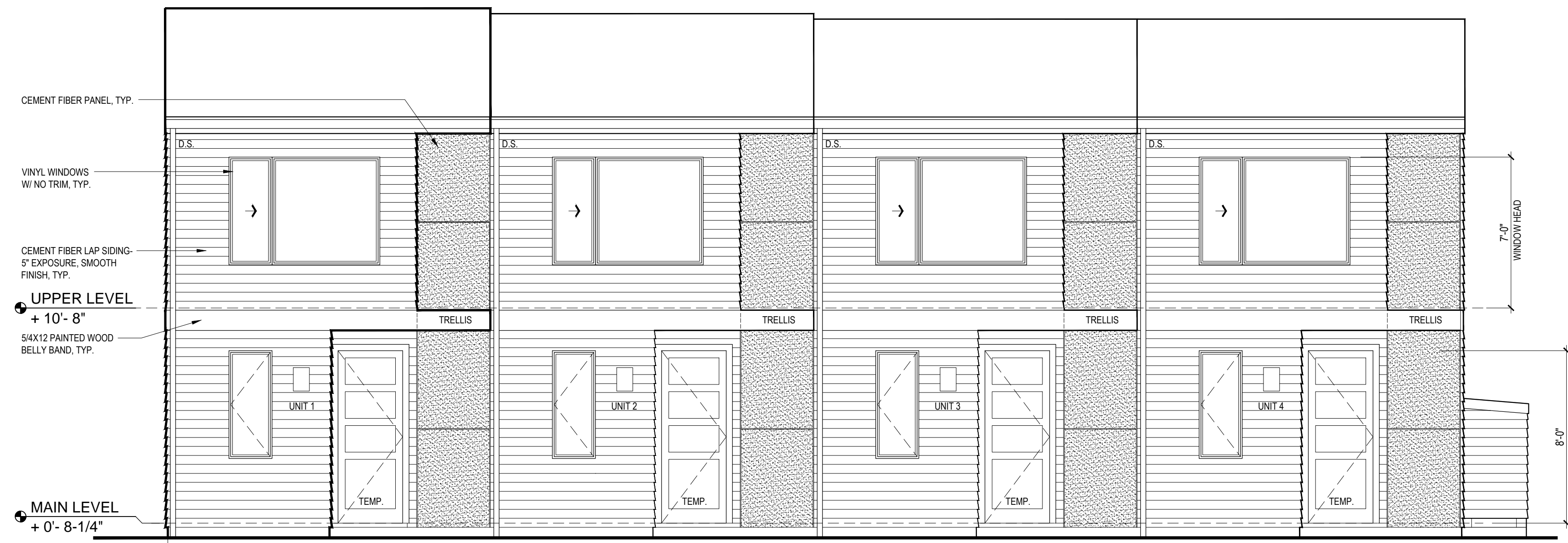
CODE	TREES: SCIENTIFIC NAME	COMMON NAME	SIZE	#TREES	L.F. VALUE	L.F. TOTALS
A	BETULA UTILIS VAR. JACQUEMONTII	HIMALAYAN WHITE BIRCH	SMALL	8	15 FT PER	120 FT
B	PINUS CONTORTA 'POM POM'	POM POM SHORE PINE	SMALL	7	15 FT PER	105 FT
C	GINKGO BILOBA 'BLAGON GOLDSPIRE'	GOLDSPIRE GINKGO	SMALL	6	15 FT PER	90 FT
D	NATCHEZ CRAPE MYRTLE	NATCHEZ CRAPE MYRTLE	SMALL	7	15 FT PER	105 FT
E	CUPRESSUS SEMPERVIRENS CVS.	ITALIAN CYPRESS	SMALL	5	15 FT PER	75 FT
F	ACER X FREEMANII 'JEFFERSON RED'	JEFFERSON RED MAPLE	MEDIUM	2	22 FT PER	44 FT
				35		539 L. FEET

CODE	SHRUBS SCIENTIFIC NAME	COMMON NAME	HEIGHT	SPACING	D/E	SIZE	NUMBER
O	ILEX GLABRA 'SHAMROCK'	INKBERRY	3'-4'	4'	E	2 GAL	10
O	JUNIPERUS SCOPULORUM 'BLUE ARROW'	BLUE ARROW JUNIPER	12'	2'	E	2 GAL	6
☆	'BAGESSEN'S GOLD' BOX HONEYSUCKLE	LONICERA NITIDA 'BAGESSEN GOLD'	3'-4'	2'	E	2 GAL	23
□	CALAMAGROSTIS X ACUTIFOLORA 'KARL F'	FOERSTER'S FEATHER REED GRASS	3'	1'9"	D	2 GAL	47
X	ILEX CRENATA 'SKY PENCIL'	SKY PENCIL JAPANESE HOLLY	6'-8'	2'	E	2 GAL	24
@	POLYSTICHUM MUNITUM	SWORD FERN	2'-3'	3'	E	1 GAL	13

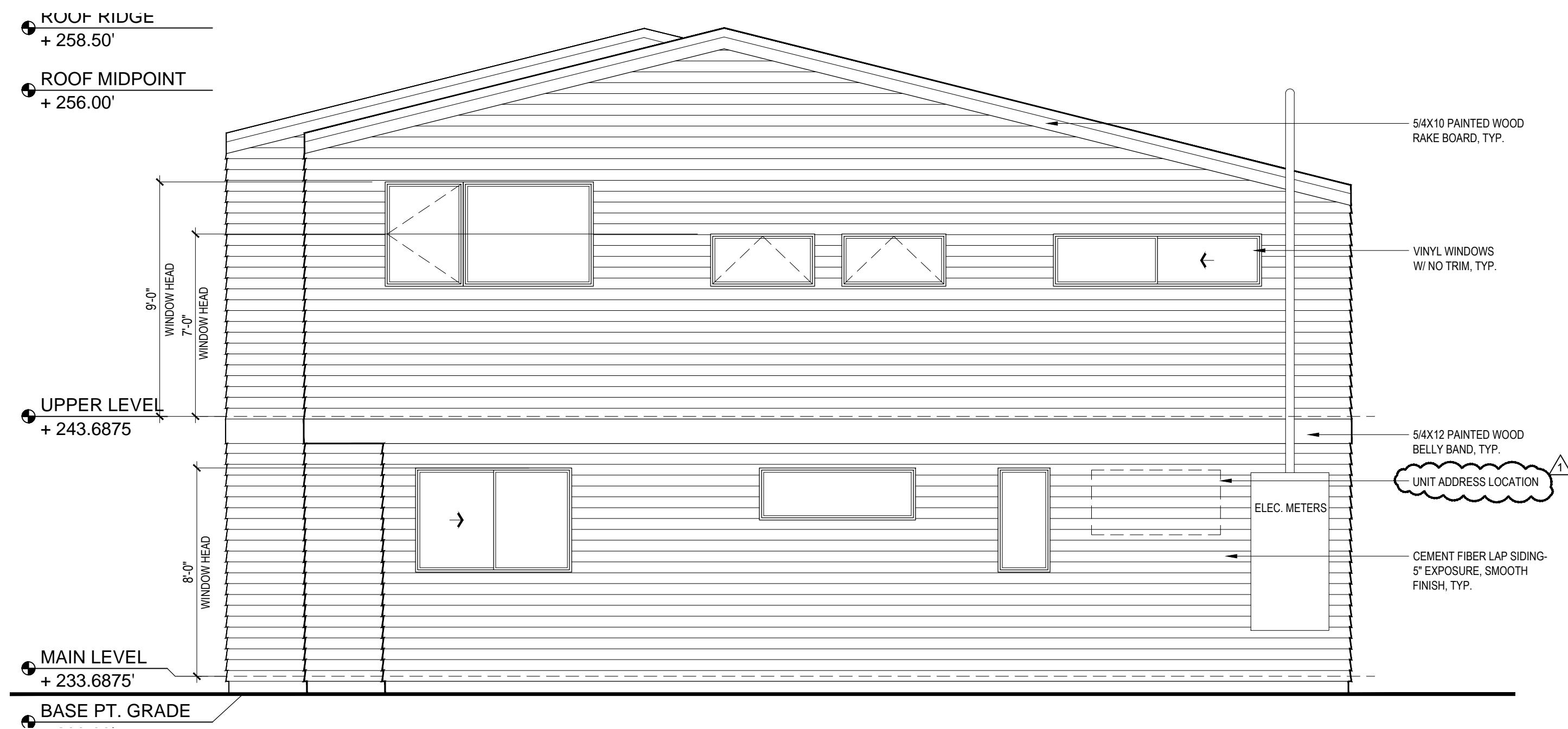
CODE	GROUND COVER SCIENTIFIC NAME	COMMON NAME	HEIGHT	SPACING	D/E	SIZE	NUMBER
NA	OPHIPOGON JAPONICUS	MONDO GRASS	12-15"	1'6"	E	4" POT	408
NA	OPHIPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS	6-8"	1'6"	E	4" POT	408

IRRIGATION NOTE
DRIP IRRIGATION BY LICENSED LANDSCAPE CONTRACTOR TO BE INSTALLED FOR ALL IMPACTED LANDSCAPED AREAS (TREES, SHRUBS AND GROUNDCOVERS).

CODE	STREET TREE: SCIENTIFIC NAME	COMMON NAME	SIZE	#TREES
#	CARPINUS CAROLINIANA PALISADE	AMERICAN HORNBEAM SMALL	1	1



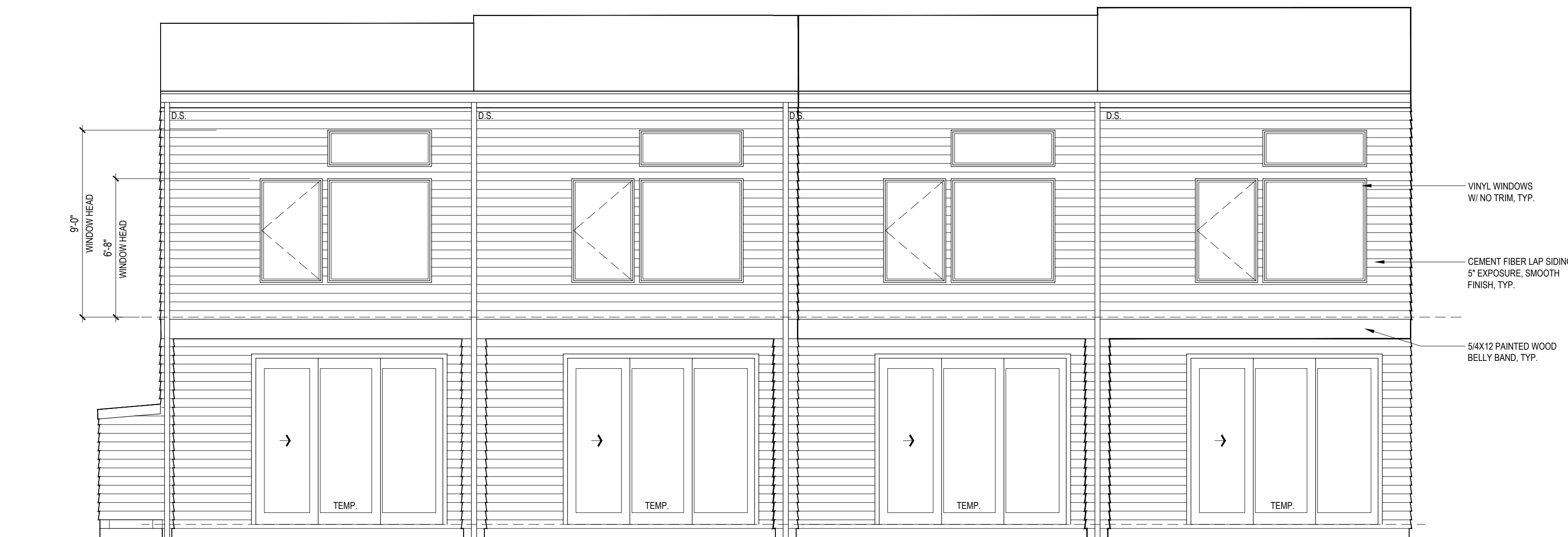
01 North Exterior Elevation



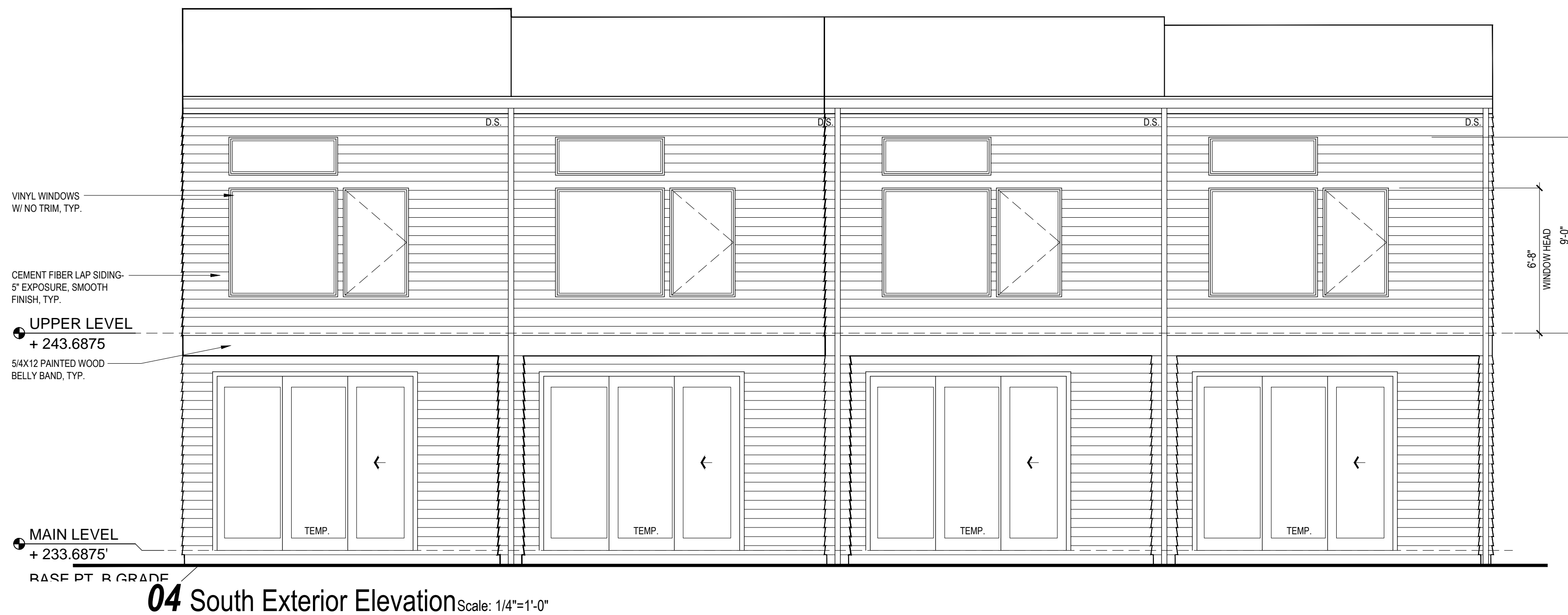
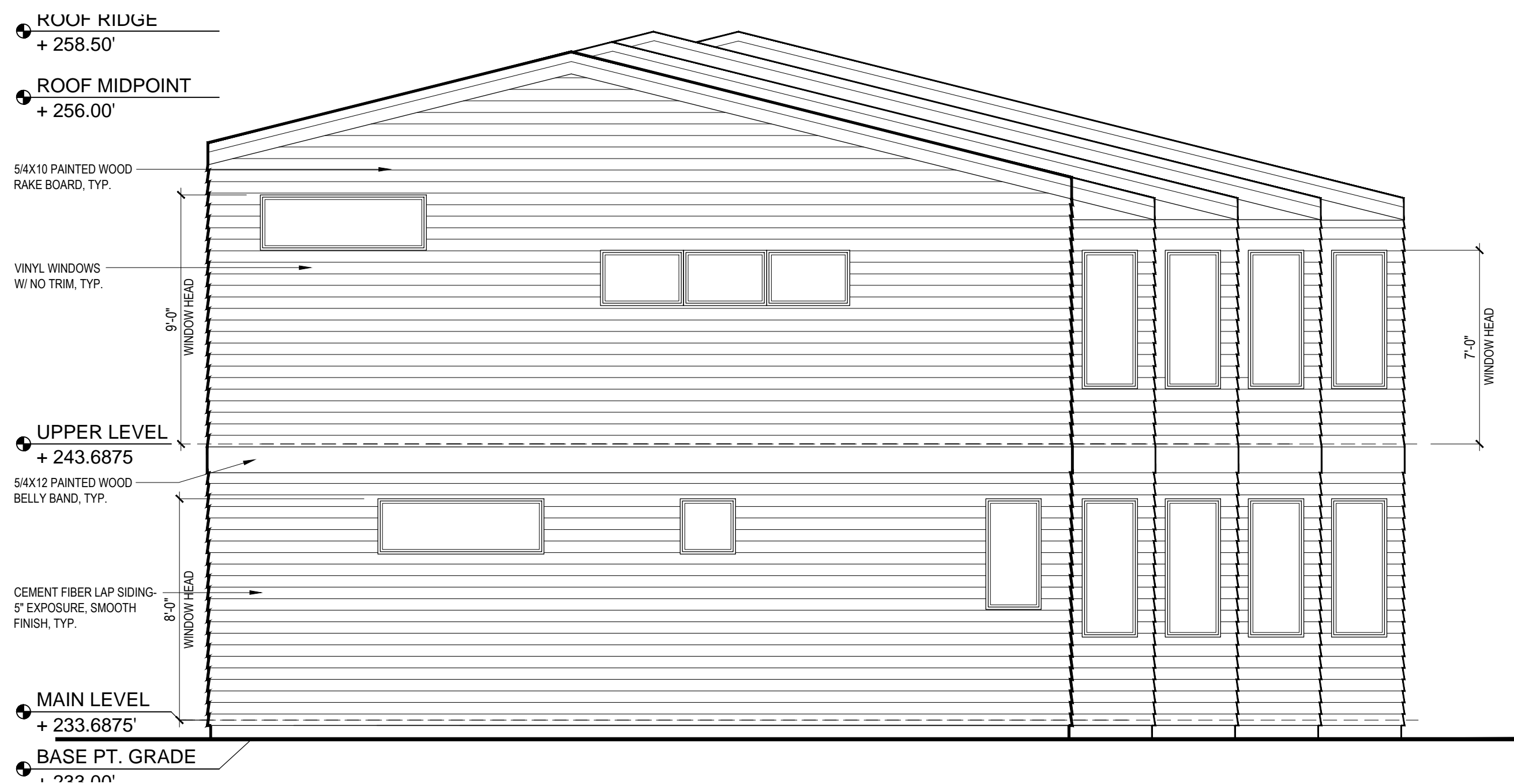
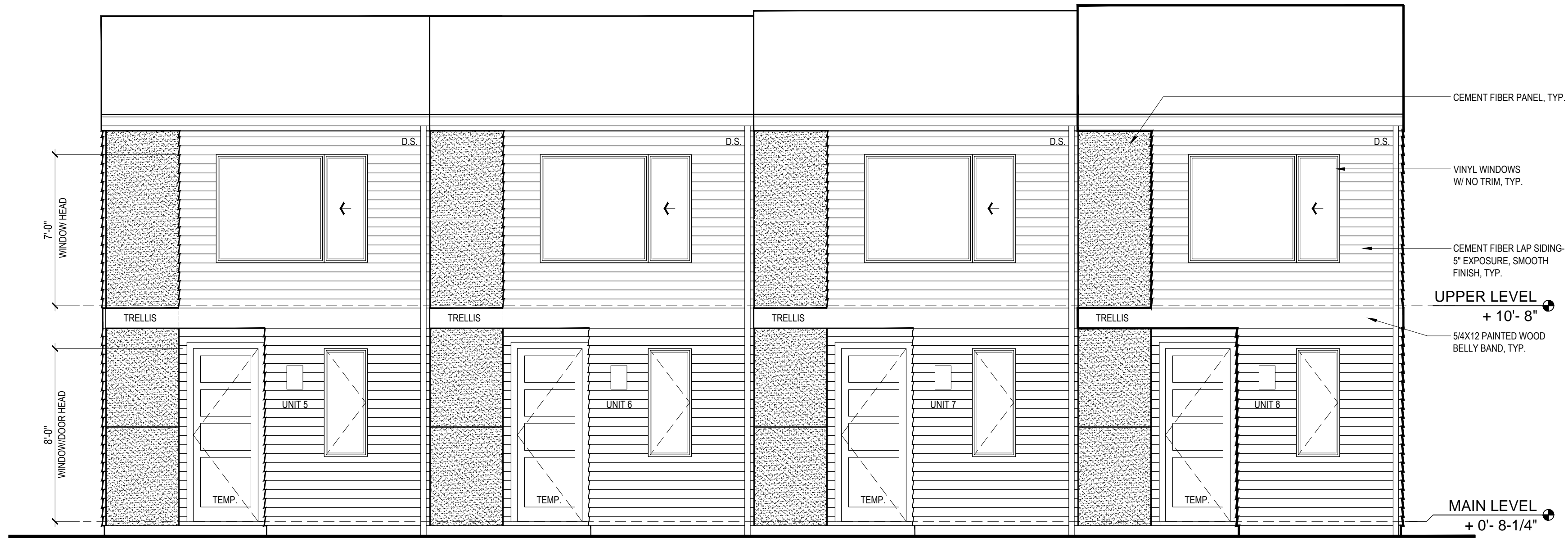
03 East Exterior Elevation



02 West Exterior Elevation



04 South Exterior Elevation



December 27, 2022

Amanda Rhoads, AICP
City Planner II
Land Use Services Division

Re: Land Use Review LU 22-200375 AD

Dear Ms. Rhoads:

Enclosed below are the applicant's responses with the information and explanations requested pertaining to our landscaped setback adjustment application LU 22-200375 AD. Please don't hesitate to let us know if we can supply any further clarification or information.

I. Information Necessary to Complete Application

The following information must be submitted before your proposal can be evaluated:

1. **Fence.** The narrative indicates a cedar fence will be constructed along the north property line. Posts and boards for such a fence generally reduce the width of a landscape area by 6 inches. No fence is shown on the landscape plan. Does the proposed 3'6" landscape area accommodate the 6" for the fence? How tall is the proposed fence? Do you have the design for it yet?

RESPONSE: Plans, attached, have been updated to display notation - located at the NE and SE corners of the Site Plan - calling out fence specifications for a 6' tall horizontal cedar fence along the North property line, reduced to 3.5' tall in the front setback. Attached please also find a sample picture of the backyard fence in a previous UrbanRoost project, Montavilla Courtyard, which precisely reflects the design and construction standards to which the proposed fence will be built. The proposed landscaped area will remain unchanged as there is already room drawn to accommodate the 6" fence posts and boards. Plans show the 3'6" wide setback along the North side; 3' of this area will be landscaped after 6 inches are given to fencing width.

2. Landscape plan.

a. Mitigation. The narrative states, "As a mitigating measure, the applicant proposes to increase the required L3 landscaping requirements to 150% of the required plantings." Please explain what this means, and where these additional plants will be located.

b. Provided landscaping. It does not appear that the landscape plan currently meets the L3 standard in the reduced setback area along the north property line with only 6 low-screen shrubs instead of a continuous screen of high- screen shrubs. The same is true on the south end of the parking lot as well.

RESPONSE: Apologies for the lack of clarity; the applicant's phrase "As a mitigating measure, the applicant proposes to increase the required L3 landscaping requirements to 150% of the required plantings" should have been clearer. The comment was intended to describe the required tree plantings. The Required Materials in the L3 code section states "one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area." The landscaped area

adjacent to the driveway as proposed is approximately 67 feet in length which would equate to a need for 4.46 small trees. Rounding to the code requirement of 5 small trees, the applicant is proposing 7 small trees, or 140% of the L3 requirements as relates to trees.

As regards shrubs, the applicant proposes the use of Ilex Crenata 'Sky Pencil' ('Sky Sentry') Japanese Holly which is described in the Portland Tree and Landscaping Manual as an evergreen shrub that grows to 8 feet tall, to be planted 1.5' apart on center. These will be added to the site plan at the appropriate spacing/density in lieu of the current shrubs if satisfactory to the adjustment reviewer.

3. **Plan Scales.** All plan sheets list a scale of 1" = 100' (even though the sheets themselves are different sizes). This is not accurate on any of the pages. Please resubmit the plan set verifying the scale is accurate for each sheet.

RESPONSE: The applicant thanks staff again for their help to clarify issues regarding plan scales. Attached please find an updated set of plans, with the following two changes made: First, the applicant and our architect have redrawn the landscaping plan to match the scale shown on all other sheets. Second, upon further examination, our architect discovered that some plan pages as first submitted had utilized the surveyor's CAD file, which was not to scale. Drawing scales on all plan pages enclosed should be accurate and uniform now, at 3/32"=1'-0".

4. **Easement.** Please provide a copy of the recorded survey that shows the easement area. Is it 13.5 feet wide for its entire length? Why can some length of the property line have landscaping, and another part cannot?

RESPONSE: Enclosed please find copies of the Ingress & Egress and Public Utilities Easement recorded survey, and a survey showing said easement overlaid with the Existing Conditions Map. As shown on the survey, the easement is 13.5' wide for most of its length, then narrows to 11.5' wide toward its westward end.

Our approved Driveway Design Exception from PBOT (submitted with application and re-attached) details standards to be met to accommodate both pedestrian and vehicle circulation. Our plans provide both a 20' aisle between rows of parking, as well as additional area to the northwest of the paved parking area to allow for an easy three-point turn. Our primary concern in allowing the vehicle and pedestrian travel area to be a bit wider - therefore narrowing the area for landscaping - is for improved visibility and safety. We seek to improve the existing driveway, to provide an easy three-point turn option for vehicles on-site (above and beyond the vehicle navigation requirements met via a 20' aisle between parking rows), and to maintain full access via the easement for our neighbor, while landscaping as much of the remaining setback as possible to a higher standard. (The proposed driveway apron will also be engineered to meet ADA standards per our Driveway Design Exception conditional approval.)

5. **Nonconforming upgrades.** Please identify any standards not met from Zoning Code Section 33.258.070.D.2.b and indicate how the nonconforming upgrade requirements will be met.
 - A. **Bike parking.** It appears 12 long-term bike parking spaces are being provided for the 8 new units. It is likely nonconforming upgrades will be required for this

project, one of which being providing bike parking for the existing unit. Have you accommodated those extra two spaces onsite yet?

- B. **Screening.** Is screening adequately provided for the existing dwelling unit's garbage and recycling area?

RESPONSE: Concerning the two standards that may require nonconforming upgrades per Zoning Code Section 33.258.070.D.2.b:

A) Bike Parking: Revised plans now display 13 spaces in the existing bike enclosure instead of the former 12 (with spacing per code, bikes are 1'5" apart), and detail 04 on sheet A001 with a 14th long term bike storage space within the existing house.

B) Screening: The applicant plans to respond appropriately if and when this concern is raised by reviewers, as there are multiple workable options to meet this standard that will allow us to remodel and preserve the existing house. None of our proposed solutions will be in the side setback where we are asking for the adjustment.

II. Issues to Consider

While not necessary to determine the application complete, additional information may be needed to show that your proposal meets the applicable approval criteria. You are encouraged to address the following issues regarding the approvability of your proposal:

- We will be looking for mitigation through more lush landscaping on the rest of the site, and doing what you can with the reduced landscape area. Please make sure the landscape plan shows landscaping in the reduced area that, as best as possible, meets the L3 standard. Also, make sure the parking lot perimeter landscaping is meeting the requirements of 5 feet of L3.

RESPONSE: The applicant appreciates the comment as regards the South Parking lot perimeter landscaping and we anticipate updating the plans accordingly. In summary, in order to exceed the purpose language of the setback section, we have proposed a six foot horizontal cedar fence (not otherwise required), we have bumped up required tree numbers (thoughtfully, we don't want to endanger them through crowding) and proposed a 100% paved driveway as opposed to less-expensive and less-attractive options.

With regards to landscaping in areas unrelated to our adjustment request, the most effective way to create more impressive, attractive, and lush landscaping is to provide larger trees. By company policy and unprompted by city code, UrbanRoost routinely provides trees in the 10 to 15 foot tall range as compared to code requirements of 5 or 6 feet for evergreen and deciduous trees. We are comfortable guaranteeing that the 8 Himalayan White Birches will be a minimum of 10 feet tall, the 6 Goldspire Ginkgos will be at least 8 feet tall, the 5 Italian Cypress will be at least 8 feet tall, and the 2 Jefferson Maples will be at least 10 feet tall. Beyond that it is not possible to foresee the practical availability of the appropriate nursery stock at time of construction.

- Please confirm if the reduced landscape area could be extended further to the west rather than dropping to 0 feet where it does.

RESPONSE: While the applicant could in theory extend the 3' landscaping further to the west, we would highly recommend keeping the additional area as shown for pedestrian and vehicle circulation and visibility. Our plans provide both a 20' aisle between rows of parking, as well as

additional area to the northwest of the paved parking area to allow for an easy three-point turn. Our primary concern in allowing the vehicle and pedestrian travel area to be a bit wider is for visibility and safety. Our goals are to maintain but improve the existing driveway, provide for a three-point turn for vehicles on-site, and maintain full access via the easement for our neighbor, while landscaping as much of the remaining setback as possible to a higher standard.

- The proposal shows the pedestrian path back to the new buildings as being located within the vehicle drive aisle. Zoning Code Section 33.120.255.B.2.d, which allows the pedestrian circulation system to be within an auto travel lane, requires that the entire auto travel lane be surfaced with paving blocks or bricks. The plans show that a four-foot-wide pedestrian path has alternate paving from the rest of the driveway. While it might be a preference, I wanted to make you aware that the pedestrian path does not need to be differentiated within the driveway.

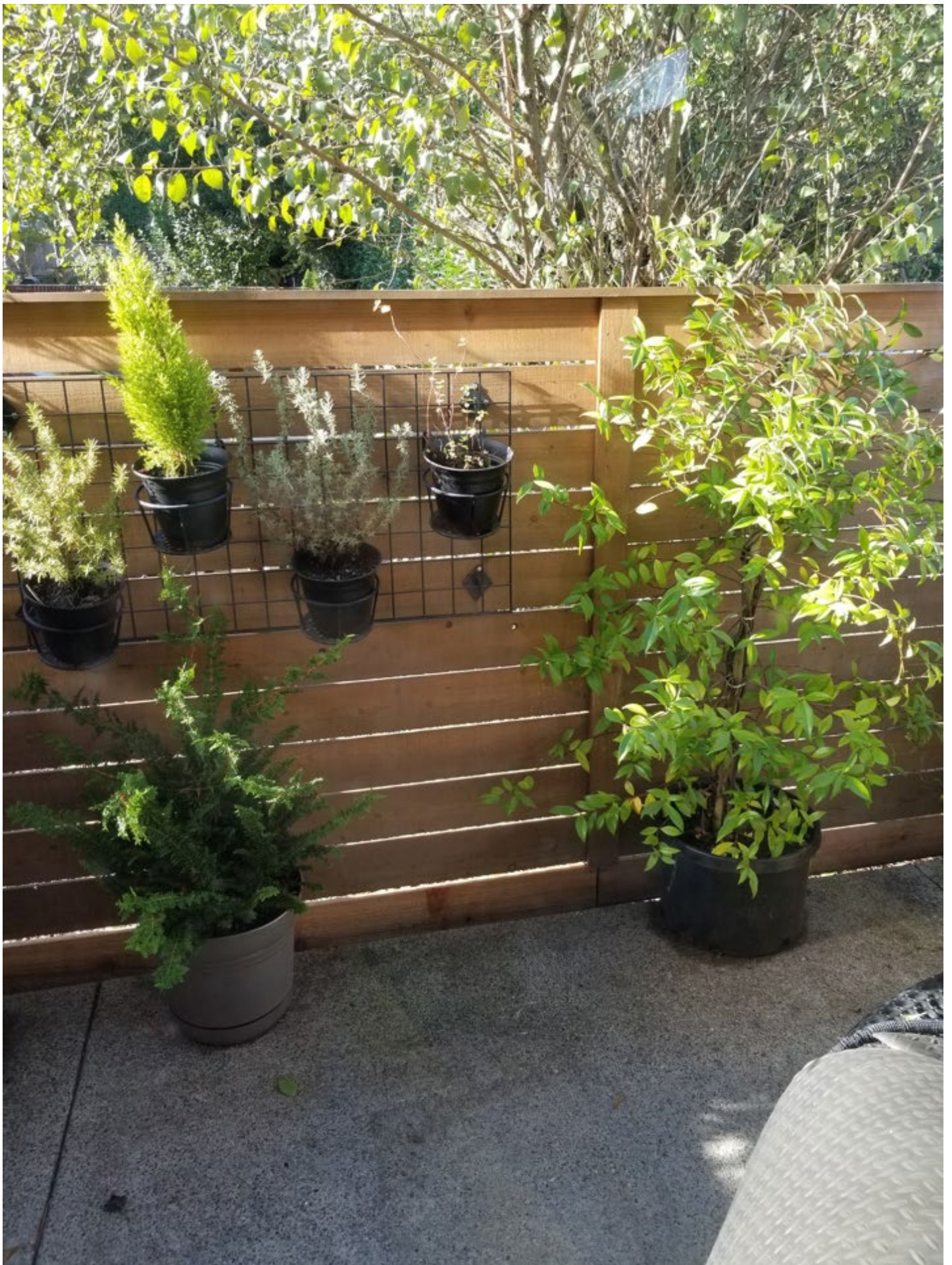
RESPONSE: We recognize that we are not required to differentiate our pedestrian path with different color pavers by code. However, we want our pedestrian users to feel accommodated, and we believe that using an alternative brick color there will further improve safety above and beyond requirements by serving as a constant visual reminder to vehicle drivers that the driveway is a shared path.

Thank you for your time and attention. Please let me know if you have any further questions or need additional information.

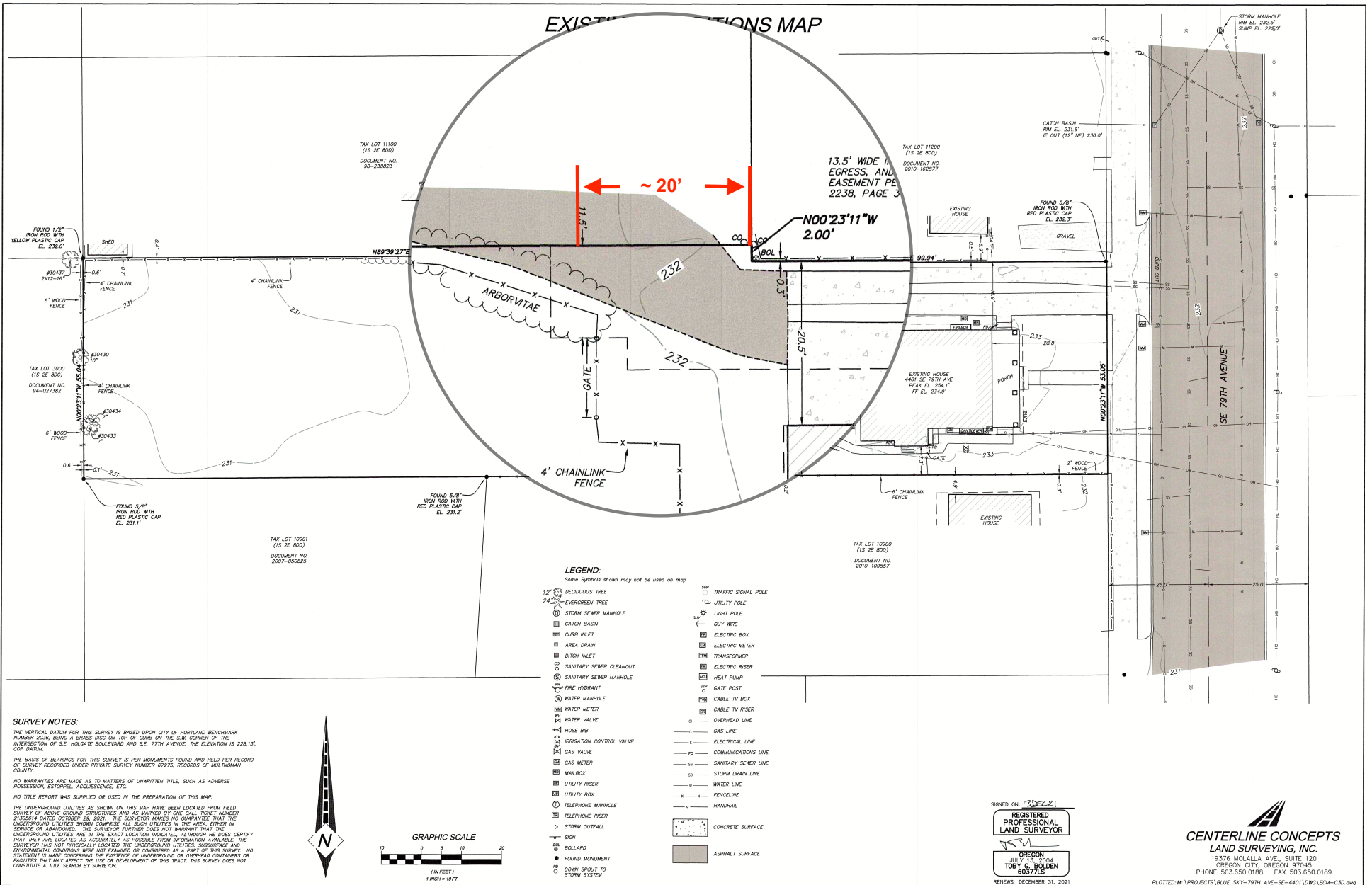
Best,

A handwritten signature in black ink, appearing to read 'Madeline Kovacs', written in a cursive style.

Madeline Kovacs
UrbanRoost Development, LLC
7675 SE Alder St
Portland OR 97215

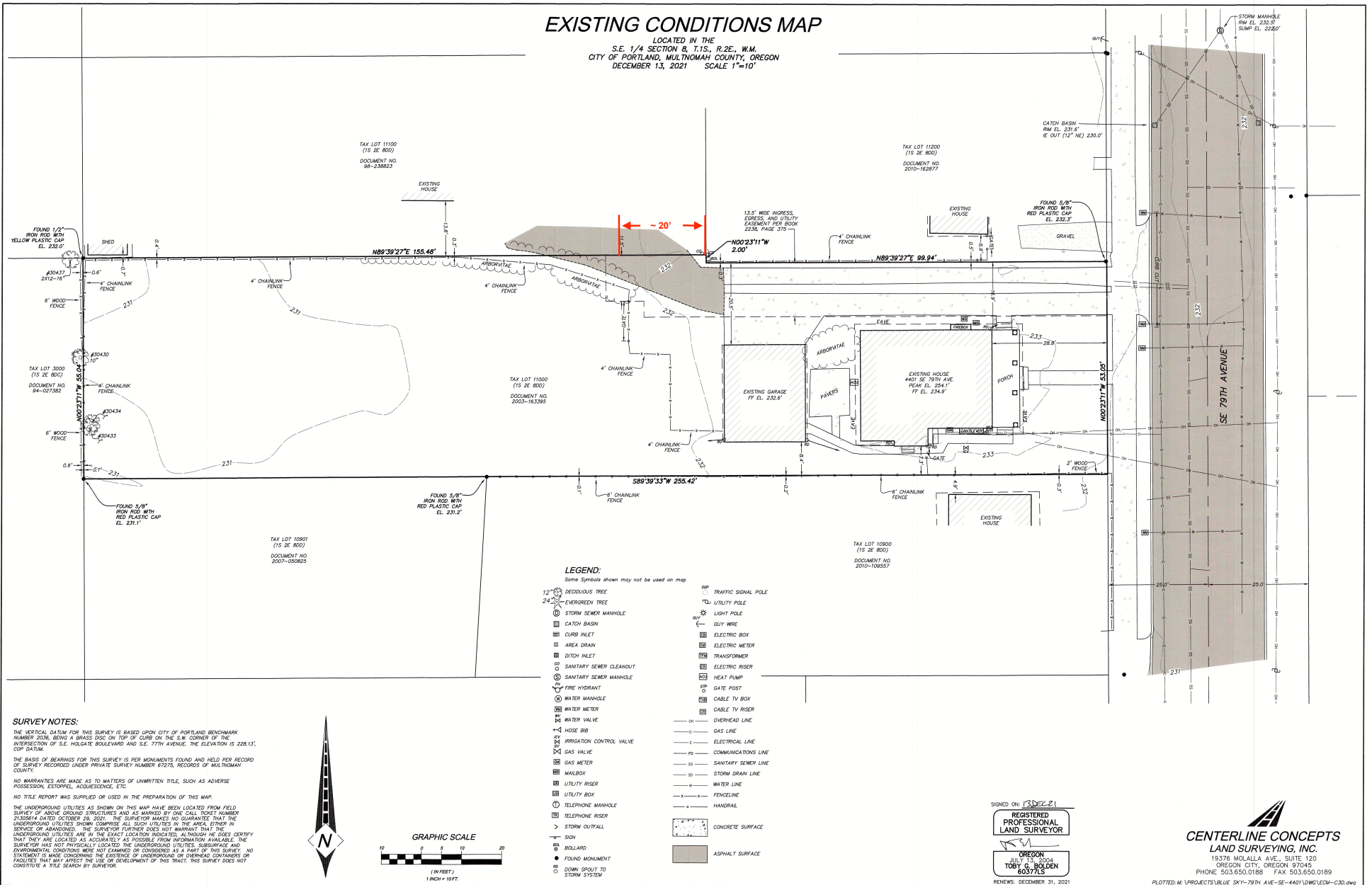


EXISTING CONDITIONS MAP



EXISTING CONDITIONS MAP

LOCATED IN THE
S.E. 1/4 SECTION 8, T.1S., R.2E., W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
DECEMBER 13, 2021 SCALE 1"=10'



LEGEND:

Some symbols shown may not be used on map

- | | |
|----------------------------|------------------------|
| 12" DECIDUOUS TREE | SP TRAFFIC SIGNAL POLE |
| 24" EVERGREEN TREE | UTILITY POLE |
| STORM SEWER MANHOLE | LIGHT POLE |
| CATCH BASIN | GUY WIRE |
| CURB INLET | ELECTRIC BOX |
| AREA DRAIN | ELECTRIC METER |
| DITCH INLET | TRANSFORMER |
| SANITARY SEWER CLEANOUT | ELECTRIC RISER |
| SANITARY SEWER MANHOLE | HEAT PUMP |
| FIRE HYDRANT | GATE POST |
| WATER MANHOLE | CABLE TV BOX |
| WATER METER | CABLE TV RISER |
| WATER VALVE | OVERHEAD LINE |
| HOSE BIB | GAS LINE |
| IRRIGATION CONTROL VALVE | ELECTRICAL LINE |
| GAS VALVE | COMMUNICATIONS LINE |
| GAS METER | SANITARY SEWER LINE |
| WALKWAY | STORM DRAIN LINE |
| UTILITY RISER | WATER LINE |
| UTILITY BOX | FENCE LINE |
| TELEPHONE MANHOLE | HANDRAIL |
| TELEPHONE RISER | |
| STORM OUTFALL | |
| SION | CONCRETE SURFACE |
| BOLLARD | ASPHALT SURFACE |
| FOUND MONUMENT | |
| DOWN SPOUT TO STORM SYSTEM | |

SURVEY NOTES:

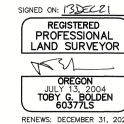
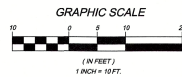
THE VERTICAL DATUM FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NUMBER 2036, BEING A BRASS DISC ON TOP OF CURB ON THE S.W. CORNER OF THE INTERSECTION OF S.E. HOLGATE BOULEVARD AND S.E. 77TH AVENUE. THE ELEVATION IS 228.13, CIP DATUM.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 67275, RECORDS OF MULTNOMAH COUNTY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE-GROUND STRUCTURES AND AS MARKED BY ONE CALL TICKET NUMBER P130014 DATED OCTOBER 28, 2021. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.



CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
PORTLAND, OREGON 97045
PHONE: 503.650.0189 FAX: 503.650.0189

PLOTTED: M:\PROJECTS\BLUE SKY-79TH AVE-SE-4401\DWG\CDM-C30.dwg

From: [Douglas MacLeod](#)
To: [Rhoads, Amanda](#)
Subject: Re: FW: Case File # LU 22-200375 AD
Date: Tuesday, January 31, 2023 11:59:09 AM

Thanks for the update Amanda.

For the record I'm glad to be in a position, rare for me, in which the construction vehicles will actually be OFF street for a change. We'll drop rock in the planned parking area and contractors can park there, closer to their work sites. That's a nice change.

Two things I'll follow up with. I'm going to email Roy Lewis and let him know that we'll be very much aiming to park off-street as we develop. FWIW.

If you want to share the neighbor's phone number or email (behind the subject property) I'll make a courtesy call. I already mailed the neighbors some months ago giving my contact info and letting them know my plans. I do that routinely.

Douglas MacLeod
Owner, UrbanRoost Development
Principal Broker, Blue Sky Property Northwest
503-481-3997

On Tue, Jan 31, 2023 at 11:44 AM Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov> wrote:

Hi Douglas,

Here is the latest letter I've received, mostly focused on not burdening the street more with construction activity during the Holgate Library remodel. I let the neighbor know construction timing is outside the scope of this review.

I also spoke to the neighbor behind the subject site yesterday at some length. She has concerns overall and I did focus her attention to the Adjustment at hand but she will be submitting comments as well as talking to the neighborhood association next week, though the public comment period will be closed at the end of the day on February 3. I will forward you any additional comments I receive.

Amanda Rhoads, AICP
City Planner II, City of Portland
Bureau of Development Services
Title 33 Section, Land Use Services Division

1900 SW Fourth Ave, Suite 5000

Portland, OR 97201

P (503) 865-6514

E amanda.rhoads@portlandoregon.gov

work schedule: Monday – Friday 8:30 am – 5:30 pm

Read [here](#) for news about services available at the Development Services Center.

From: Fred Lewis <fclewis2@att.net>
Sent: Tuesday, January 31, 2023 11:38 AM
To: Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
Subject: Case File # LU 22-200375 AD

Amanda,

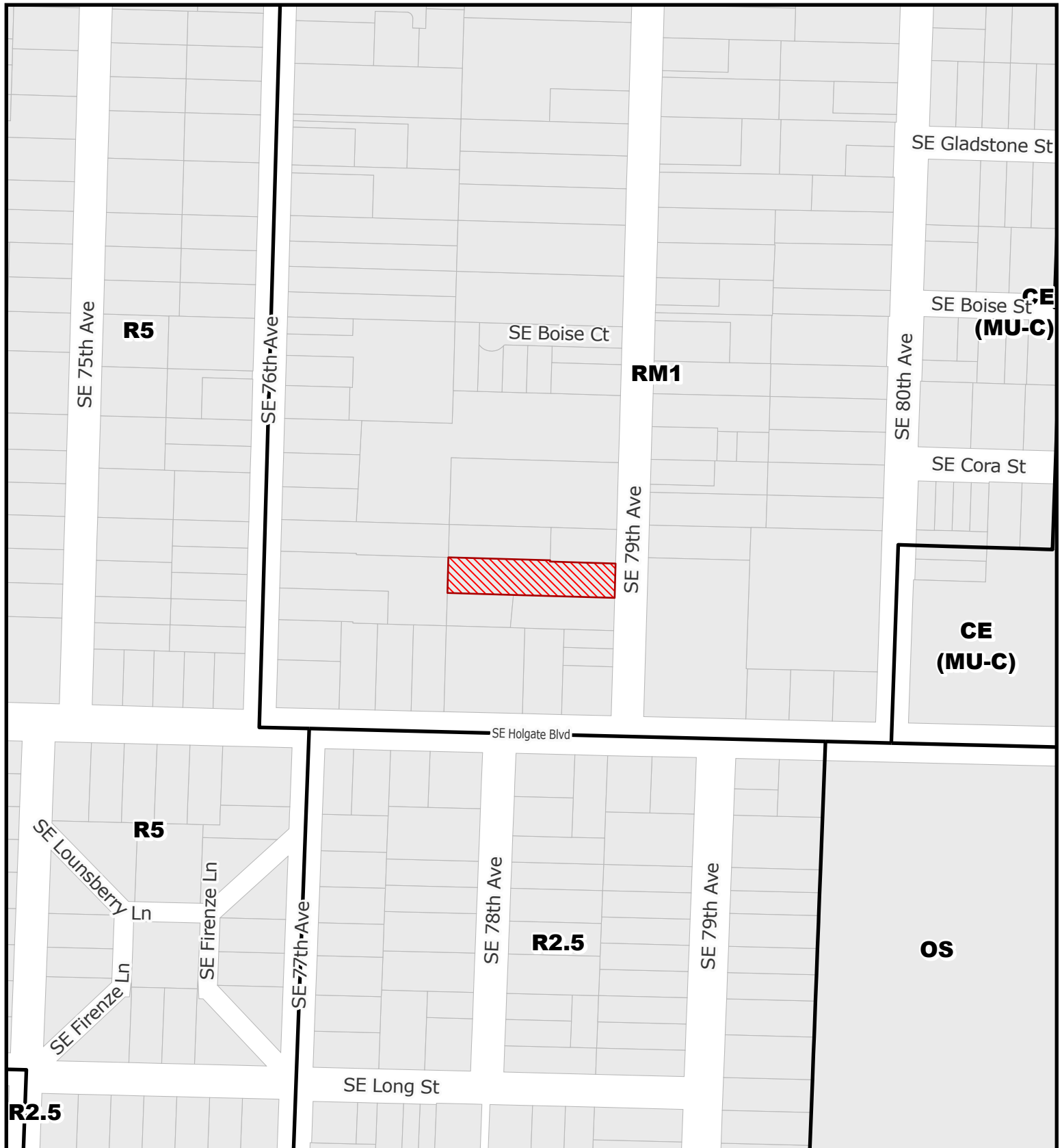
I'm the treasurer of the Essex Park HOA whose units are located at 4313-4331 SE 79th Ave. My wife, daughter, and I live in 4321 SE 79th Ave.

I want to remind you of a construction project that has just begun on SE 79th Ave. that is virtually across the street from the development at 4401 SE 79th Ave.: The demolition of the current Holgate Library building and its replacement by a larger one. The work at the Holgate Library site I believe is supposed to be completed in about two years. During that time there will be larger and smaller trucks parked on SE 79th Ave for longer and shorter periods of time. So far the disruption to traffic on 79th has been minimal, but they really are just getting started.

I would suppose that, assuming permission is given for the change in zoning, including any other permissions that may be necessary, construction will proceed as soon as possible on the proposed development. Granted I don't know when construction work on the proposed development might commence nor do I know anything at all regarding how long construction at 4401 SE 79th Ave. might take, but the picture that comes to mind is of trucks of various sizes from both construction projects repeatedly blocking traffic on SE 79th Ave., as well as blocking access to SE Holgate from SE 79th Ave.

To repeat, I don't know when work on the proposed development might begin, nor do I know when work on the new Holgate Library will shift substantially from the exterior to the interior of the new structure. However, I ask that the start of construction on the proposed development be delayed until work on the exterior of the new Holgate Library has been completed so that disruptions to traffic on SE 79th and to the north intersection of SE Holgate and SE 79th may be minimized.

Roy Lewis



For Zoning Code in Effect Post October 1, 2022

ZONING 

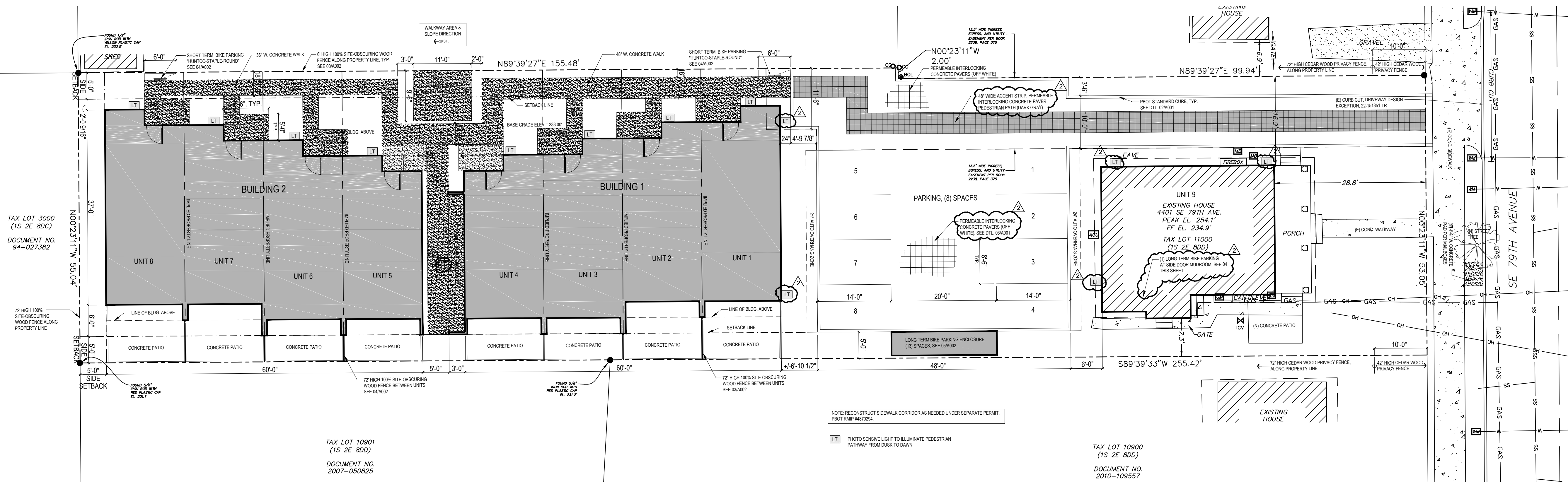
 Site

File No.	<u>LU 22 - 200375 AD</u>
1/4 Section	<u>3438</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E08DD 11000</u>
Exhibit	<u>B</u> <u>Nov 05, 2022</u>

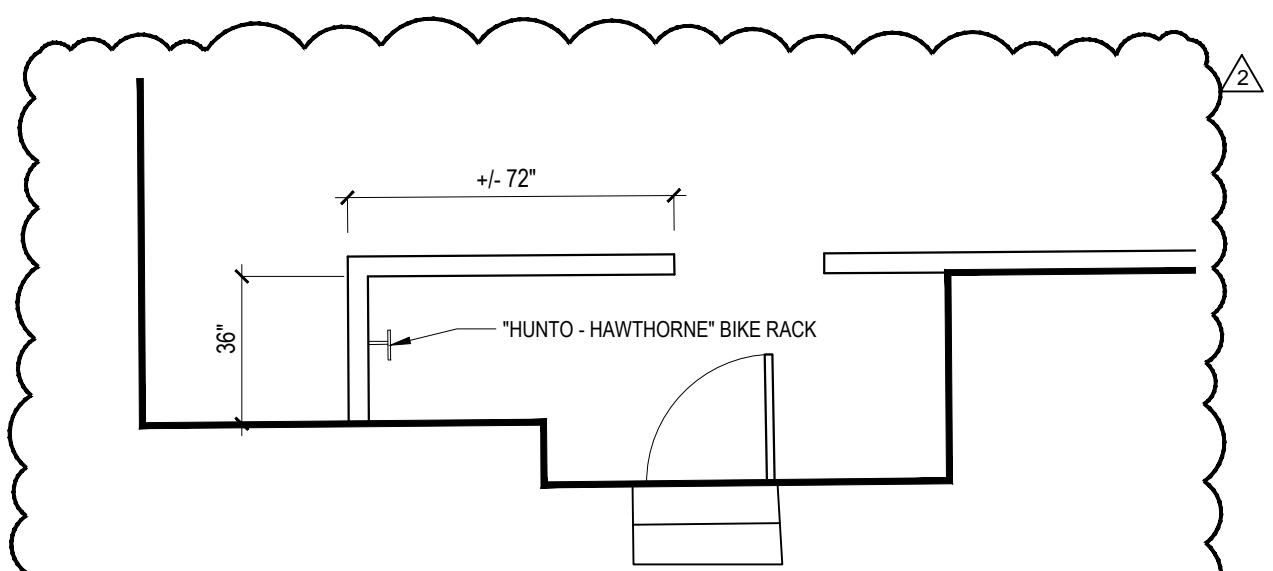
Planner **Amanda Rhoads**

Date **March 22, 2023**

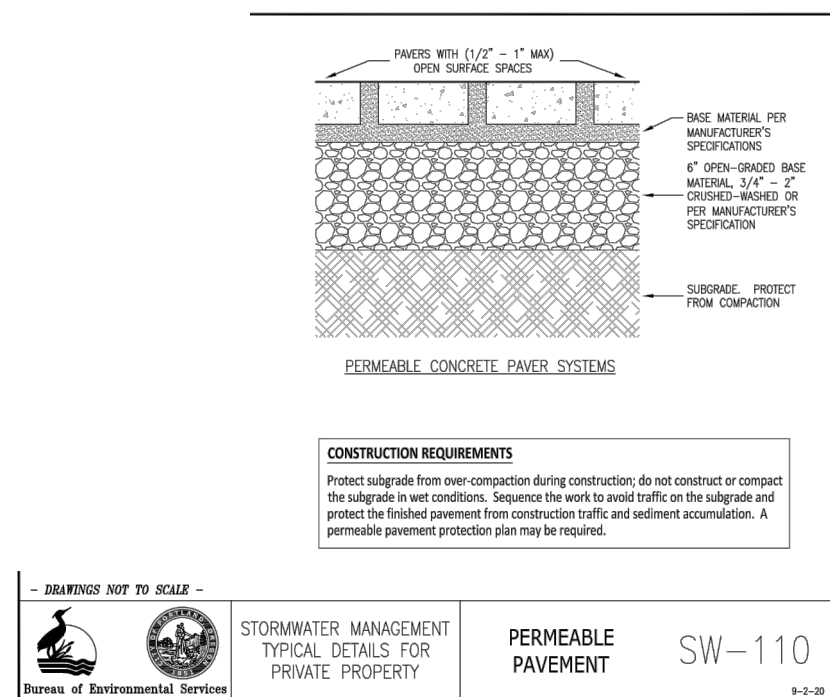
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



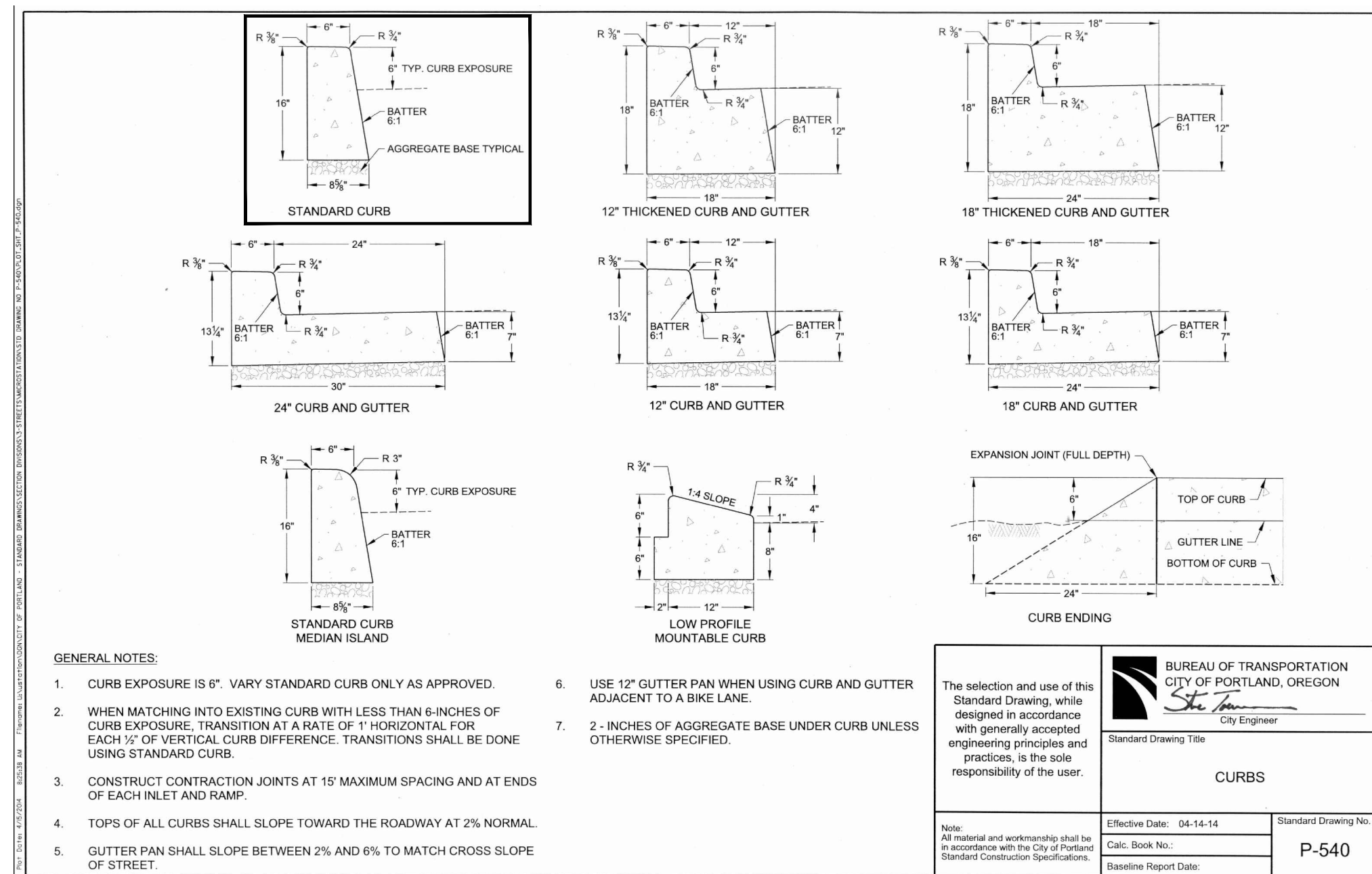
01 Site Plan Scale: 3/32"=1'-0"



04 Bike Parking at Existing House Scale: 1/4"=1'-0"



03 Permeable Pavement



02 PBOT Curb Dtls. Scale: NTS

formingarchitecture llc
5420 NE Sandycroft Terrace #3
Portland, Oregon 97213
(503) 516-3970
www.formingarchitecture.com

SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

PROJECT NO.:
2109

ISSUE DATE:
Permit Submittal
10.07.22
Review Comments
11.30.22
Review Comments
12.22.22

SITE PLAN

A001

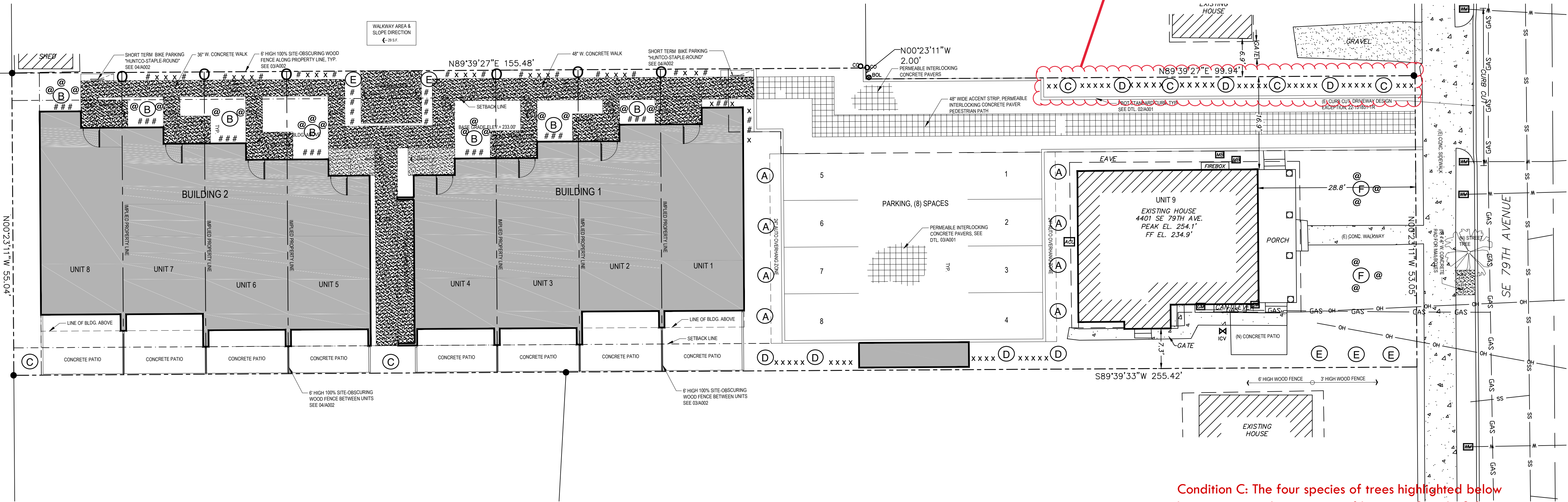
SUBMITTED 12/22/22
LU 22-200375 AD, Exhibit C.1

Approved
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 22, 2023**

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



01 Landscape Plan Scale: 3/32"=1'-0"

11.50.050 ON-SITE TREE DENSITY STANDARDS:
REQUIRED AREA: LOT SIZE - 13,852 S.F. X OPTION A (20% OF SITE) = 2,770 IMPACT AREA
PLAN INCLUDES: 33 SMALL TREES (33 X 300 = 9,900), 2 LARGE TREES (1,000 X 2 = 2,000), OR 11,900 S.F. TOTAL.
NO TREES ARE TO BE PRESERVED

33.120.235 LANDSCAPED AREA
MINIMUM LANDSCAPE AREA PER TABLE 120-3 "30% OF SITE AREA"
33.120.235 B.1.b. "UP TO ONE-THIRD" MAY BE HARDSCAPED PEDESTRIAN PATH OR RECREATIONAL USE
LOT AREA 13,852 X 30% = 4,156 S.F. OF REQUIRED LANDSCAPING
L1 STANDARD PLANTED AREA = 2/3 OF 4,156 S.F. OR 2,770 S.F.
MAXIMUM ALLOWABLE CREDIT PED / REC AREA = 1/3 OF 4,156 SF OR 1,385 S.F.
ACTUAL PLANTED AREA = 2,993 S.F.
ACTUAL ALLOWABLE PED / REC AREA = 1,222 S.F.

33.248.020 LANDSCAPING AND SCREENING, L1 STANDARD
TOTAL LANDSCAPED SETBACK AREAS: NORTH 200 FT, SOUTH 237 FT, WEST 55 FT, EAST 43, FT =
TOTAL 535 L.F. OF NEW TREES REQUIRED.

CODE	TREES: SCIENTIFIC NAME	COMMON NAME	SIZE	#TREES	L.F. VALUE	L.F. TOTALS
A	BETULA UTILIS VAR. JACQUEMONTII	HIMALAYAN WHITE BIRCH	SMALL	8	15 FT PER	120 FT
B	PINUS CONTORTA 'POM POM'	POM POM SHORE PINE	SMALL	7	15 FT PER	105 FT
C	GINKGO BILOBA 'BLAGON GOLDSPIRE'	GOLDSPIRE GINKGO	SMALL	6	15 FT PER	90 FT
D	NATCHEZ GRAPE MYRTLE	NATCHEZ GRAPE MYRTLE	SMALL	7	15 FT PER	105 FT
E	CUPRESSUS SEMPERVIRENS CVS.	ITALIAN CYPRESS	SMALL	5	15 FT PER	75 FT
F	ACER X FREEMANII 'JEFFERSON RED'	JEFFERSON RED MAPLE	MEDIUM	2	22 FT PER	44 FT
				35		539 L. FEET

CODE	SHRUBS SCIENTIFIC NAME	COMMON NAME	HEIGHT	SPACING	D/E	SIZE	NUMBER
O	ILEX GLABRA 'SHAMROCK'	INKBERRY	3'-4'	4'	E	2 GAL	10
O	JUNIPERUS SCOPULORUM 'BLUE ARROW'	BLUE ARROW JUNIPER	12'	2'	E	2 GAL	6
☆	'BAGESSEN'S GOLD' BOX HONEYSUCKLE	LONICERA NITIDA 'BAGESSEN GOLD'	3-4'	2'	E	2 GAL	23
□	CALAMAGROSTIS X ACUTIFOLORA 'KARL F'	FOERSTER'S FEATHER REED GRASS	3'	1'9"	D	2 GAL	47
X	ILEX CRENATA 'SKY PENCIL'	SKY PENCIL JAPANESE HOLLY	6-8'	2'	E	2 GAL	24
@	POLYSTICHUM MUNITUM	SWORD FERN	2-3'	3'	E	1 GAL	13

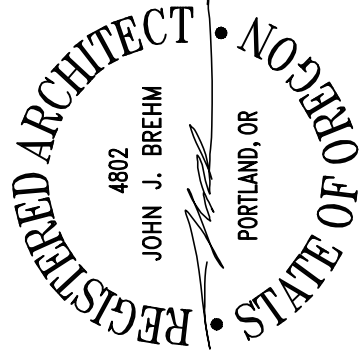
CODE	GROUND COVER SCIENTIFIC NAME	COMMON NAME	HEIGHT	SPACING	D/E	SIZE	NUMBER
NA	OPHIPOGON JAPONICUS	MONDO GRASS	12-15"	1'6"	E	4" POT	408
NA	OPHIPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS	6-8"	1'6"	E	4" POT	408

IRRIGATION NOTE
DRIP IRRIGATION BY LICENSED LANDSCAPE CONTRACTOR TO BE INSTALLED FOR ALL IMPACTED LANDSCAPED AREAS (TREES, SHRUBS AND GROUNDCOVERS).

CODE	STREET TREE: SCIENTIFIC NAME	COMMON NAME	SIZE	#TREES
#	CARPINUS CAROLINIANA PALISADE	AMERICAN HORNBEAM SMALL	1	1

SUBMITTED 12/22/22

LU 22-200375 AD
Exhibit C.2



formingarchitecture llc
5420 NE Sandcrest Terrace #3
Portland, Oregon 97213
(503) 516-3970
www.formingarchitecture.com

SE 79th Ave. Townhomes
4401 SE 79th Ave. Portland, OR 97206

PROJECT NO.: 2109
ISSUE DATE:
Permit Submittal 10.07.22
Review Comments 11.30.22
Review Comments 12.15.22

LANDSCAPE PLAN

A004

	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITY/STATE/ZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED		1S2E08DC 2800	MELLOW JASON T	3175 COLUMBINE ST	EUGENE OR 97404-1672
3	RETURN SERVICE REQUESTED		1S2E08DC 2900	RIEDE JUSTIN A & ARQUETTE AMBER J	4336 SE 76TH AVE	PORTLAND OR 97206-3354
4	RETURN SERVICE REQUESTED		1S2E08DC 3000	RAPOPORT GUSTAVO & REMEDIOS	4402 SE 76TH AVE	PORTLAND OR 97206-3356
5	RETURN SERVICE REQUESTED		1S2E08DC 3100	DENIGHT BRENNIA & DENIGHT JEFFREY	4406 SE 76TH AVE	PORTLAND OR 97206
6	RETURN SERVICE REQUESTED	1S2E08DC 3200	PHAM MINH V & NGUYEN NHA THI &	PHAN HIEU THAO N	7725 SE HOLGATE BLVD	PORTLAND OR 97206-3363
7	RETURN SERVICE REQUESTED		1S2E08DC 3300	MA SUSAN Y	13654 NW TREVINO ST	PORTLAND OR 97229
8	RETURN SERVICE REQUESTED		1S2E08DC 3400	7705 SE HOLGATE BOULEVARD LLC	PO BOX 3512221 SHELLY LANE	NORTH BONNEVILLE WA 98639
9	RETURN SERVICE REQUESTED		1S2E08DD 10201	CRANDELL LENA	4310 SE 79TH AVE	PORTLAND OR 97206
10	RETURN SERVICE REQUESTED		1S2E08DD 10202	WUNDERBRO THOMAS & WUNDERBRO MARIA	4318 SE 79TH AVE #A	PORTLAND OR 97206
11	RETURN SERVICE REQUESTED	1S2E08DD 10400	PORTLAND GENERAL ELECTRIC CO	1WTC0501-CORPORATE TAX DEPT	121 SW SALMON ST	PORTLAND OR 97204-2901
12	RETURN SERVICE REQUESTED		1S2E08DD 10500	MULTNOMAH COUNTY LIBRARY DISTRICT	401 N DIXON ST	PORTLAND OR 97227-1865
13	RETURN SERVICE REQUESTED	1S2E08DD 10500	MULT CO LIBRARY HOLGATE BRANCH	FACILITIES MGMT	2505 SE 11TH AVE	PORTLAND OR 97202
14	RETURN SERVICE REQUESTED		1S2E08DD 10601	HOPFER HEIDI N & GERLITS THOMAS V	7821 SE HOLGATE BLVD	PORTLAND OR 97206
15	RETURN SERVICE REQUESTED		1S2E08DD 10602	ALEXANDER BRIAN & ALEXANDER DARIKA	1924 SE BIDWELL ST	PORTLAND OR 97202
16	RETURN SERVICE REQUESTED		1S2E08DD 10603	FAILING ROBERT L	4419 SE 79TH AVE	PORTLAND OR 97206
17	RETURN SERVICE REQUESTED		1S2E08DD 10700	SCHULZ ALLISON MAE	7807 SE HOLGATE BLVD	PORTLAND OR 97206
18	RETURN SERVICE REQUESTED		1S2E08DD 10800	GENEVIEVE T FOX REV LIV TR	7733 SE HOLGATE BLVD	PORTLAND OR 97206
19	RETURN SERVICE REQUESTED		1S2E08DD 10900	SABOL JENNIFER L & SABOL JOHN F	1737 SE 143RD AVE	PORTLAND OR 97233
20	RETURN SERVICE REQUESTED		1S2E08DD 10901	FREEMAN OSCAR	3501 S 38TH ST	TACOMA WA 98409-4210
21	RETURN SERVICE REQUESTED		1S2E08DD 11100	ANDREYUK GEDEON & ANDREYUK LIDIYA	4337 SE 79TH AVE	PORTLAND OR 97206
22	RETURN SERVICE REQUESTED		1S2E08DD 11200	TSG INVESTMENTS LLC	10145 NW LEE ST	PORTLAND OR 97229-6240
23	RETURN SERVICE REQUESTED	COURTYARD ON SEVENTY NINTH CONDO	OWNERS ASSOCIATION	ATTN URBANROOST DEVELOPMENT LLC	7675 SE ALDER ST	PORTLAND OR 97215-2311
24	RETURN SERVICE REQUESTED		1S2E08DD 80000	EASTPORT COMMONS CONDOMINIUM ASSOC	P O BOX 381	LAKE OSWEGO OR 97034
25	RETURN SERVICE REQUESTED		1S2E08DD 80001	PARKER MELANIE	4235 SE 79TH AVE	PORTLAND OR 97206
26	RETURN SERVICE REQUESTED		1S2E08DD 80002	TEAZE JAMES & TEAZE KATHLEEN	4239 SE 79TH AVE	PORTLAND OR 97206-2552
27	RETURN SERVICE REQUESTED		1S2E08DD 80003	YARBROUGH BRAYLON	4243 SE 79TH AVE	PORTLAND OR 97206
28	RETURN SERVICE REQUESTED		1S2E08DD 80004	NEWMAN EMILY M & NEWMAN BRYAN D	4247 SE 79TH AVE	PORTLAND OR 97206
29	RETURN SERVICE REQUESTED		1S2E08DD 80005	ZHANG YAN JI & LIN HE FENG	4251 SE 79TH AVE	PORTLAND OR 97206
30	RETURN SERVICE REQUESTED		1S2E08DD 80006	CHRISTIAN TIMOTHY & JULIET	4255 SE 79TH AVE	PORTLAND OR 97206
31	RETURN SERVICE REQUESTED		1S2E08DD 80007	NGUYEN TRAM B	4257 SE 79TH AVE #4257	PORTLAND OR 97206
32	RETURN SERVICE REQUESTED		1S2E08DD 80008	CHEN GUO ZHI	4259 SE 79TH AVE	PORTLAND OR 97206
33	RETURN SERVICE REQUESTED		1S2E08DD 80009	NGUYEN DUNG THI & NGUYEN VAN DAC	4301 SE 79TH AVE	PORTLAND OR 97206
34	RETURN SERVICE REQUESTED		1S2E08DD 80010	WILLIAMS HANNAH B	4303 SE 79TH AVE	PORTLAND OR 97206
35	RETURN SERVICE REQUESTED		1S2E08DD 80011	HOFFMAN JOEL A & DORTON MEGAN	4305 SE 79TH AVE	PORTLAND OR 97206
36	RETURN SERVICE REQUESTED		1S2E08DD 80012	NGUYEN KRYSTINA J	4307 SE 79TH AVE	PORTLAND OR 97206
37	RETURN SERVICE REQUESTED		1S2E08DD 80013	SIAM GIDEON	4309 SE 79TH AVE	PORTLAND OR 97206-3308
38	RETURN SERVICE REQUESTED		1S2E08DD 80014	HEREFORD DEBORAH J	4311 SE 79TH AVE	PORTLAND OR 97206
39	RETURN SERVICE REQUESTED		1S2E08DD 90000	ESSEX PARK TOWNHOMES CONDO ASSN	PO BOX 66207	PORTLAND OR 97290-6207
40	RETURN SERVICE REQUESTED		1S2E08DD 90001	YOUNG SARAH K	4331 SE 79TH AVE	PORTLAND OR 97206
41	RETURN SERVICE REQUESTED		1S2E08DD 90002	PANARAS NICK B & PANARAS ANN J	4329 SE 79TH AVE	PORTLAND OR 97206
42	RETURN SERVICE REQUESTED		1S2E08DD 90003	GALLE ANNE M	4327 SE 79TH AVE	PORTLAND OR 97206
43	RETURN SERVICE REQUESTED	1S2E08DD 90004	LAWRENCE L FORSELL &	ALICE M FORSELL REV LIV TR	4325 SE 79TH AVE	PORTLAND OR 97206
44	RETURN SERVICE REQUESTED		1S2E08DD 90005	FOX MARILYN S	4323 SE 79TH AVE	PORTLAND OR 97206
45	RETURN SERVICE REQUESTED		1S2E08DD 90006	ROY F LEWIS JR & CAROL L LEWIS TR	4321 SE 79TH AVE	PORTLAND OR 97206
46	RETURN SERVICE REQUESTED		1S2E08DD 90007	ZHU AMY	8540 SE NORTHERN HEIGHTS CT	HAPPY VALLEY OR 97086
47	RETURN SERVICE REQUESTED		1S2E08DD 90009	NGUYEN KIM LONG T	7683 SE RAYMOND ST	PORTLAND OR 97206
48	RETURN SERVICE REQUESTED		1S2E08DD 90010	SPESUNGEL JEAN & SPESUNGEL LUKAS	4313 SE 79TH AVE	PORTLAND OR 97206
49				CURRENT RESIDENT	4317 SE 79TH AVE	PORTLAND OR 97206
50				CURRENT RESIDENT	4427 SE 79TH AVE	PORTLAND OR 97206
51				CURRENT RESIDENT	7711 SE HOLGATE BLVD	PORTLAND OR 97206
52				CURRENT RESIDENT	7905 SE HOLGATE BLVD	PORTLAND OR 97206
53				CURRENT RESIDENT	4257 SE 79TH AVE	PORTLAND OR 97206
54				CURRENT RESIDENT	4315 SE 79TH AVE	PORTLAND OR 97206
55				CURRENT RESIDENT	4319 SE 79TH AVE	PORTLAND OR 97206
56				CURRENT RESIDENT	4330 SE 76TH AVE	PORTLAND OR 97206
57				CURRENT RESIDENT	4324 SE 79TH AVE	PORTLAND OR 97206
58				CURRENT RESIDENT	4401 SE 79TH AVE	PORTLAND OR 97206
59				CURRENT RESIDENT	7705 SE HOLGATE BLVD	PORTLAND OR 97206
60				CURRENT RESIDENT	4335 SE 79TH AVE	PORTLAND OR 97206
61	RETURN SERVICE REQUESTED	OWNER	1S2E08DD 11000	URBANROOST DEVELOPMENT LLC	7675 SE ALDER ST	PORTLAND OR 97215-2311
62	RETURN SERVICE REQUESTED	APLICANT/OWNERS AGENT	URBANROOST DEVELOPMENT LLC	KOVACS MADELINE & MACLEOD DOUGLAS	7675 SE ALDER ST	PORTLAND OR 97215-2311
63	RETURN SERVICE REQUESTED		SE UPLIFT NEIGHBORHOOD PROGRAM	WILLIAMS MATCHU	3534 SE MAIN ST	PORTLAND OR 97214
64	RETURN SERVICE REQUESTED		FOSTER-POWELL NA	LIU JOSEPH	3534 SE MAIN ST	PORTLAND OR 97214
65	RETURN SERVICE REQUESTED		PORTLAND METRO REGIONAL SOLUTIONS	C/O DLCD REGIONAL REPRESENTATIVE	1600 SW FOURTH AVE #109	PORTLAND OR 97201
66	RETURN SERVICE REQUESTED		LAND USE CONTACT	PORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
67	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE #300	PORTLAND OR 97201
68				LAND USE CONTACT	PROSPER PORTLAND	129/PROSPER
69					DAWN KRANTZ	B299/R5000

Date: January 13, 2023
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-865-6514/Amanda.Rhoads@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on February 3, 2023. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-200375 AD, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 22-200375 AD

Applicant/Owner: Madeline Kovacs | Urbanroost Development LLC
7675 SE Alder St | Portland, OR 97215-2311
510-410-4176 | madeline@blueskynw.com

Site Address: 4401 SE 79TH AVE

Legal Description: S 53' OF N 105' OF LOT 18 S 2' OF N 52' OF W 155.5' OF LOT 18,
KENT

Tax Account No.: R445401310
State ID No.: 1S2E08DD 11000
Quarter Section: 3438

Neighborhood: Foster-Powell, contact Joseph Liu at land.use@fosterpowell.com
Business District: None
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: None
Zoning: RM1 – Residential Multi-Dwelling 1
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

Eight new dwelling units are being constructed on the site behind the existing house which will be retained. Between the new units and the house, a small parking lot with 8 spaces is proposed. To provide access to this parking area and the land-locked site to the north that has

an access easement on the property, a driveway of permeable concrete pavers is proposed along the north property line.

Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 requires a 5-foot setback that is landscaped to the L3 high-screen standard for driveways and parking areas. The L3 standard requires trees, a screen of tall shrubs, and groundcover in the remaining area. The applicant proposes to reduce this 5-foot setback along the north property line to 3.5 feet for the first 67 feet from the front lot line, then reduce the setback to 0 feet for an additional 52.5 feet. Within the reduced setback, a solid wood fence is proposed at 6 feet tall (beyond the first 10 feet) along with 3 feet of landscaping.

To develop as proposed, the applicant has requested an Adjustment to Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 to reduce the required driveway setback from 5 feet to 3.5 feet and 0 feet and to provide the proposed landscaping plus a fence along most of the property line instead of meeting the L3 standard, as shown in the attached.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and *(not applicable)*
- D.** City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and *(not applicable)*
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; *(not applicable)*

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. This application was submitted on November 4, 2022 and determined to be complete on January 4, 2023.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map
Site Plan
Landscape Plan



For Zoning Code in Effect Post October 1, 2022

ZONING 

 Site

File No.	<u>LU 22 - 200375 AD</u>
1/4 Section	<u>3438</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E08DD 11000</u>
Exhibit	<u>B</u> <u>Nov 05, 2022</u>



formingarchitecture llc
5420 NE Sandycrest Terrace #3
Portland, Oregon 97213
(503) 516-3570
www.formingarchitecture.com

SE 79th Ave. Townhomes

4401 SE 79th Ave. Portland, OR 97206

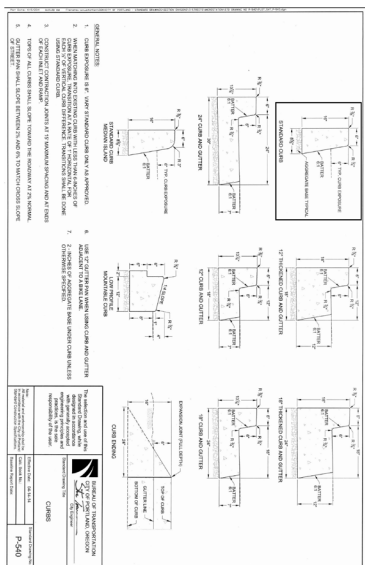
PROJECT NO.
2109

REVISION DATE:
10/07/22
11/30/22
12/22/22
Review Comments
Comments

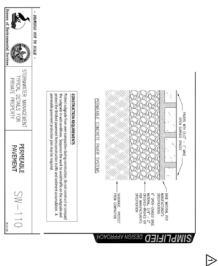
SITE PLAN

A001

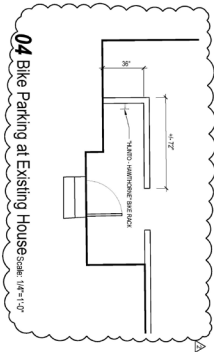
SUBMITTED 12/22/22
LU 22-200375 AD



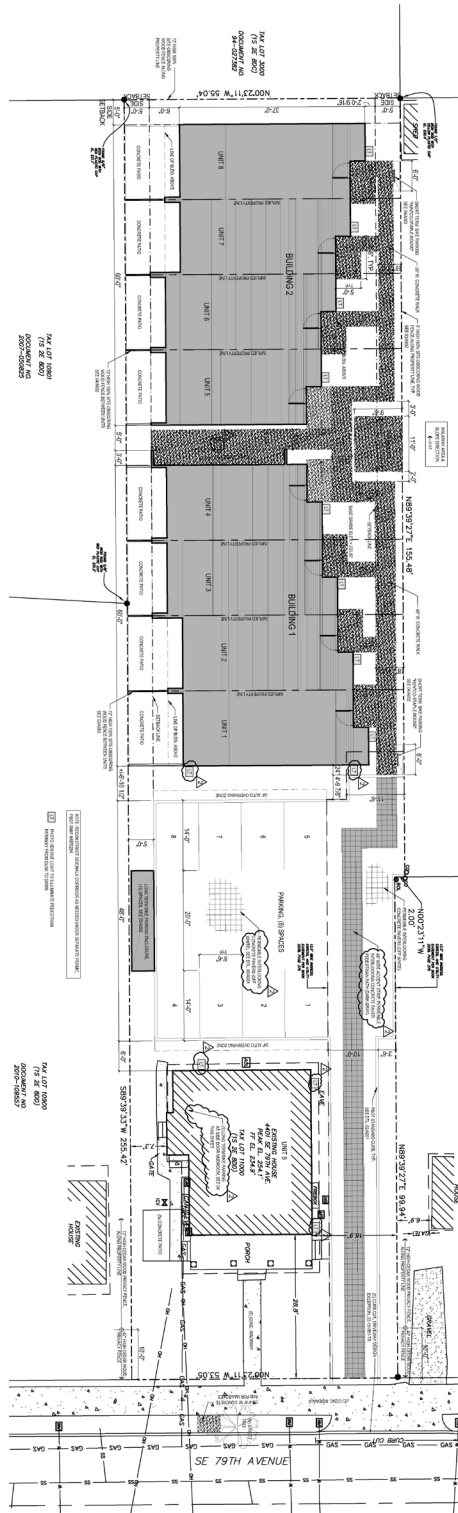
03 Permeable Pavement



04 Bike Parking at Existing House Scale 1/4"=1'-0"



01 Site Plan Scale 3/32"=1'-0"



The architectural site plan for the proposed 10-story mixed-use building at 400 SE 79th Avenue includes the following details:

- Building Footprint:** A large rectangular footprint measuring 400' x 200', divided into two main sections labeled BUILDING 1 and BUILDING 2. BUILDING 1 contains units 1 through 7, and BUILDING 2 contains units 8 through 10. The plan also shows a central core area with units 11 through 14.
- Parking Areas:** Multiple parking lots are shown, including a large lot to the west of the building (units 1-7) and a smaller lot to the east (units 8-14). The plan specifies parking spaces for 100 cars and 100 bicycles.
- Landscaping:** A dedicated landscaping area is shown to the east of the building, featuring a mix of trees and shrubs.
- Streets and Access:** The building is located on SE 79th Avenue, with access points to SE 80th Avenue and SE 81st Avenue. The plan shows the building's proximity to the SE 79th Avenue station and the proposed building height of 10 stories.
- Other Features:** The plan includes a detailed site plan showing the building's location relative to the surrounding streets and the proposed building height of 10 stories. It also shows the location of the building relative to the surrounding streets and the proposed building height of 10 stories.

[illegible][illegible]

SUBMITTED 12/22/22


LU 22-200375 AD

A004


LANDSCAPE PLAN

- + Land Use Review (5)
- + Site Development (1)
- + Life Safety (1)
- + Fire Bureau (1)
- Environmental Services (3)


BES Dev Srv - LU

No concerns 

BES Source Ctrl - LU

No concerns 

BES Watershed Srv - LU

No concerns 

+ Transportation (1)

+ Water Bureau Review (1)

+ Status Change (4)

Attempt [+Attempt](#) [Checklist](#) [Info](#)

 Options ▾

BES Dev Srv - LU (20155) No concerns 4401 SE 79TH AVE , PORTLAND, Oregon, 97206, USA

Team

Team

Assigned User

BES-LU

Baseline Start Date

Jan 13, 2023

09:48:35

Baseline End Date

Feb 03, 2023

09:48:35

To Start

Jan 13, 2023 09:48:35



To End

Feb 03, 2023 09:48:35



Sign Off User

Kohlsmith,Emma

Discipline

OPDR

Started

Jan 12, 2023 12:59:18



Ended

Jan 12, 2023 12:59:25



Created By

Reference

Reference

People

People

Last Modified By

Kohlsmith,Emma

Display Order

610

Inspection Number

Inspection Number

Last Modified

Jan 12, 2023 12:59:25

Comments

BES has no concerns related to the proposed adjustment application. The proposed driveway and buildings are being reviewed by BES under the associated RS and SD permits (see SD 22-196512).



PORTLAND BUREAU OF TRANSPORTATION

1900 SW Fourth Ave., Suite 5000 Portland, OR 97201 503-823-5185
Fax 503-823-7576 TTY 503-823-6868 www.portlandoregon.gov/transportation

Mingus Mapps Commissioner Tara Wasiak Interim Director

**RESPONSE TO THE BUREAU OF DEVELOPMENT SERVICES
LAND USE REVIEW REQUEST**

**Portland Transportation
Development Review
Bureau of Transportation Engineering & Development**

LU: 22-200375-000-00-LU Date: January 26, 2023
To: Amanda Rhoads, Bureau of Development Services, B299/R5000
From: Michael Pina, B106/800, 503-823-4249
Applicant: Douglas Macleod, URBANROOST DEVELOPMENT LLC
7675 SE ALDER STREET
PORTLAND, OR 97215
Location: 4401 SE 79TH AVE
TYPE OF REQUEST: Type 2 procedure AD - Adjustment

DESCRIPTION OF PROJECT

Eight new dwelling units are being constructed on the site behind the existing house which will be retained. Between the new units and the house, a small parking lot with 8 spaces is proposed. To provide access to this parking area and the land-locked site to the north that has an access easement on the property, a driveway of permeable concrete pavers is proposed along the north property line. Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 requires a 5-foot setback that is landscaped to the L3 high-screen standard for driveways and parking areas. The L3 standard requires trees, a screen of tall shrubs, and groundcover in the remaining area. The applicant proposes to reduce this 5-foot setback along the north property line to 3.5 feet for the first 67 feet from the front lot line, then reduce the setback to 0 feet for an additional 52.5 feet. Within the reduced setback, a solid wood fence is proposed at 6 feet tall (beyond the first 10 feet) along with 3 feet of landscaping. To develop as proposed, the applicant has requested an Adjustment to Zoning Code Section 33.266.130.G.2.d(2) and Table 266-5 to reduce the required driveway setback from 5 feet to 3.5 feet and 0 feet and to provide the proposed landscaping plus a fence along most of the property line instead of meeting the L3 standard, as shown in the attached.

RESPONSE

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Adjustment Approval Criteria (33.805.040)

The applicant has requested two Adjustments to landscaping standards along the side property lines for the site. There are no transportation-related criteria for the proposed adjustment. The project does not propose access changes to the site, nor will have an effect on the public transportation system.

RECOMMENDATION

PBOT has no objection to the proposed Adjustment.

LU 22-200375 AD
Exhibit E.2

Permit Number	2022 200375 000 00 LU		Pending			
Folder Type/Sub/Work	Land Use Review/Type 2 procedure/AD - Adjustment					
Name	4401 SE 79TH AVE				Issued By	
Address	4401 SE 79TH AVE					
In Date	11/04/2022	Issued Date	Expires			
Description	Eight new dwelling units are being constructed on the site behind the existing house which will be retained. Between the new units and the house, a small parking lot with 8 spaces is proposed. To provide access to this parking area and the land-locked site to the north that has an access easement on the property, a driveway of permeable concrete pavers is proposed along the north property line.					
Condition						

Process						
Land Use Review						
Code	Description	Status	Start Date	End Date	User	Comment
20000	Application Intake	Completed	11/04/2022	11/04/2022	LUR	
20095	Planner Assigned	Open	11/07/2022		RHOADSA	
20030	Verify Completeness	Completed	11/29/2022	01/04/2023	LUR	
20040	Prepare Notice	Completed	01/13/2023	01/13/2023	LUR	
20110	Finalize Decision Report	Open			LUR	
Site Development						
Code	Description	Status	Start Date	End Date	User	Comment
20065	Site Dev Review - LU	No concern	01/18/2023	01/18/2023	SITEDEV	
Life Safety						
Code	Description	Status	Start Date	End Date	User	Comment
20085	Life Safety Review - LU	Response	01/26/2023	01/26/2023	LUSAFE	
Fire Bureau						
Code	Description	Status	Start Date	End Date	User	Comment
20105	Fire Review - LU	Response	01/24/2023	01/24/2023	KRANTZD	
Environmental Services						
Code	Description	Status	Start Date	End Date	User	Comment
20155	BES Dev Srv - LU	No concern	01/12/2023	01/12/2023	BESLU	BES has no concerns related to the proposed adjustment application. The proposed driveway and buildings are being reviewed by BES under the associated RS and SD permits (see SD 22-196512).
20165	BES Source Ctrl - LU	No concern	01/12/2023	01/12/2023	BESLU	
20045	BES Watershed Srv - LU	No concern	01/12/2023	01/12/2023	BESLU	

LU 22-200375 AD
Exhibits E.3 and E.5

Transportation

Code	Description	Status	Start Date	End Date	User	Comment
20075	PDOT Review - LU	Response	01/26/2023	01/26/2023	PINAMI	

Water Bureau Review

Code	Description	Status	Start Date	End Date	User	Comment
20055	Water Review - LU	No concern	01/24/2023	01/24/2023	PUCKETMI	



PORTLAND FIRE & RESCUE



Jo Ann Hardesty, Commissioner
Sara Boone, Fire Chief
AJ Jackson, Fire Marshal
Prevention Division
1300 SE Gideon Street
Portland, OR, 97202
Phone: (503) 823-3770

LAND USE REVIEW RESPONSE

TO: Amanda Rhoads, City of Portland, Land Use Review
FROM: Dawn Krantz, Portland Fire Bureau 503-823-3718
DATE: January 24, 2023
SUBJECT: LU 22-200375 AD
SITE LOCATION : 4401 SE 79TH AVE

The following conditions of approval and informational comments are based on the land use review information provided to the Fire Bureau. Fire Bureau requirements are generated from the 2021 Portland Fire Code. All current Fire Code requirements apply and are required to be met. If these conditions cannot be met, an appeal providing an alternative method is an option for the applicant. If the applicant chooses to appeal a requirement, the appeal must be listed as a condition in the decision. Fire Code Appeals can be obtained at the Fire Bureau web page, www.portlandonline.com.

CONDITIONS OF APPROVAL AT TIME OF DEVELOPMENT

The Fire Bureau has no concerns with this proposal. Please note that the Fire Bureau has not reviewed any of the proposed Fire Access or Water Supply requirements. A separate building permit is required, and all applicable Fire Code requirements will apply.



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/bds



To: Amanda Rhoads
From: Sloan Shelton, Life Safety Plans Examiner
Date: January 26, 2023
RE: 4401 SE 79TH AVE, 22-200375-LU

LIFE SAFETY PLAN REVIEW RESPONSE

The following comments are based on the plans and documents provided to the Life Safety Plan reviewer. They are intended to provide the applicant with preliminary Building Code information that could affect the Land Use Review, Public Records request and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal at which time any additional Building Code issues will be noted. The comments are based on the Oregon Structural Specialty Code (OSSC), the International Existing Building Code (IEBC), the Oregon Mechanical Specialty Code (OMSC), or the Oregon Residential Specialty Code (ORSC).

RESPONSE SUMMARY

☐ Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.

Item #	GENERAL LIFE SAFETY COMMENTS
1	Building Permit Required - A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. Information about submitting a permit application request is available online at https://www.portland.gov/bds/permit-review-process/apply-or-pay-permits .

From: [susan.ma](#)
To: [Rhoads, Amanda](#)
Subject: Type II proposal in my neighborhood
Date: Friday, January 20, 2023 11:59:41 AM

Hi Amanda,

I received "Notice of a Type II proposal in my neighborhood" for Site Address 4401 SE 79th Ave.

I am the property owner for one of the houses nearby and I have concerns on the proposal of adding 8 units to the lot behind the existing house:

1. The library on 79th is remodeling and the front door will be facing 79th street, this will add lots of traffic to the already busy area/street.
2. The lot is too small for adding 8 units with parking lot, and will disturb neighbors around.
3. This area is already crowded with library, bus stops, Walgreen drug store, and traffic. I have safety concerns that the new units will bring more residents and traffic and negative impact on safety.

Thank you for your consideration.

Sincerely,
Susan Ma

From: [Gilbert Stoffels](#)
To: [Rhoads, Amanda](#)
Subject: Re: link to plans for LU 22-200375 AD
Date: Friday, January 20, 2023 12:04:14 PM

Hello Amanda,

Thank you for the information that you provided and it is so much clearer.

In regards to this development I have the following concerns:

1. Fence

A. I cannot accept having a fence that extends beyond the front of the houses making it dangerous entering the Right of Way by blocking the drivers view while leaving property.

B. The shared easement is also used by 4335 and the fence would block our access and put a wall up right in our existing driveways.

I.E. I do not believe this would meet current fence standards being 6' tall and extending out beyond the front of existing house, block the existing apron and area of access for 4335, and would cause negative impact and safety concerns for pedestrians and neighbors in the community.

2. As far as the landscape goes:

A. Requirements for landscape have been designed to limit the negative impact of development on adjacent properties and provide minimums. By changing these requirements for this development would mean losing this and what is left over becomes a problem down the road.

B. Too many items must be changed in order to try and make this work for this development. Drop from 5' to 3-1/2', only for so many feet and then drop to 0'!

C. There are utilities directly in and under the proposed landscape!

D. Trees planted in the required five foot strip will adversely affect the closely located house to North and utilities located underground.

E. The existing easement is for an existing narrow driveway and a change to this will only limit that use and future access to that property. How can this be proposed in a driveway easement that is for another property in the first place?

If allowed to happen; a driveway servicing eight new places and the neighbor will be less than nine feet wide!

It would also create a future problem for access to the existing house and future livability that will NOT be consistent with the area and the intended easement access for future development.

Granting this adjustment does not equally or better meet the purpose. It is only a work around for someone that should have been looked at before they started this development.

The impacts resulting from any adjustment in this case, will not allow for future development of said landlocked lot west of 4335; this is a HUGE detriment to existing use of the easement and will significantly detract from the future livability.

Please call if there are any questions or if I was not clear.

Thank you,
Gil Stoffels

On Jan 20, 2023, at 9:51 AM, Rhoads, Amanda
<Amanda.Rhoads@portlandoregon.gov> wrote:

From: [Gedeon Andreyuk](#)
To: [Rhoads, Amanda](#)
Subject: Re: Case File Number: LU 22-200375 AD
Date: Monday, January 23, 2023 5:43:36 PM

To whom it may concern,

We received a letter from City of Portland, OR Bureau of Development Services Land Use Services From Concept to Construction regarding the property that is located at 4337 SE 79th Ave, Portland, OR 97206. The letter stys to reduce the 5-foot setback to 3.5 feet and then to 0 feet.

Our opinion is that everything should be done according to the existing Zoning Code. Additionally, we would like to have full time access to our property during the construction period.

Thank you very much for your understanding,

Gedeon Andreyuk
503-771-4299

From: [Emily Newman](#)
To: [Rhoads, Amanda](#); land.use@fosterpowell.com
Subject: File # LU 22-2200375 comment/concern
Date: Thursday, January 26, 2023 5:44:39 PM

Good evening,

I'm writing to submit a comment/concern for the case file # LU 22-2200375. Site address: 4401 se 79th ave.

My big concern is lack of parking. There was just a development put in with 8 townhouses across the street and they are redeveloping the library across the street as well and the street parking is becoming tight/non existent so I think they need some sort of parking lot for these townhomes proposed.

Thank you,
Emily Newman - Foster -Powell resident.

From: [Fred Lewis](#)
To: [Rhoads, Amanda](#)
Subject: Case File # LU 22-200375 AD
Date: Tuesday, January 31, 2023 11:38:05 AM

Amanda,

I'm the treasurer of the Essex Park HOA whose units are located at 4313-4331 SE 79th Ave. My wife, daughter, and I live in 4321 SE 79th Ave.

I want to remind you of a construction project that has just begun on SE 79th Ave. that is virtually across the street from the development at 4401 SE 79th Ave.: The demolition of the current Holgate Library building and its replacement by a larger one. The work at the Holgate Library site I believe is supposed to be completed in about two years. During that time there will be larger and smaller trucks parked on SE 79th Ave for longer and shorter periods of time. So far the disruption to traffic on 79th has been minimal, but they really are just getting started.

I would suppose that, assuming permission is given for the change in zoning, including any other permissions that may be necessary, construction will proceed as soon as possible on the proposed development. Granted I don't know when construction work on the proposed development might commence nor do I know anything at all regarding how long construction at 4401 SE 79th Ave. might take, but the picture that comes to mind is of trucks of various sizes from both construction projects repeatedly blocking traffic on SE 79th Ave., as well as blocking access to SE Holgate from SE 79th Ave.

To repeat, I don't know when work on the proposed development might begin, nor do I know when work on the new Holgate Library will shift substantially from the exterior to the interior of the new structure. However, I ask that the start of construction on the proposed development be delayed until work on the exterior of the new Holgate Library has been completed so that disruptions to traffic on SE 79th and to the north intersection of SE Holgate and SE 79th may be minimized.

Roy Lewis

Case File Number: LU 22-200375 AD

LETTER FOR WRITTEN COMMENTS:

The following comments are in response to the requested variance of a Landscaping Zone Change for Case File Number: LU 22-200375 AD. The request is asking to reduce landscaping space on the north side of driveway at 4409 SE 79th Ave. to make space for additional paving.

The proposed development replaces a large grassy meadow, with building structures, pavement, concrete, and pavers. Planting trees in urban areas reduce the impacts of heat waves and air pollution while adding oxygen and shade with privacy to neighbors.

In reviewing the plans for the development project LU 22-200375 AD, I can see the planned landscaping on the north side of the driveway is with only a few plants and trees that are way too small and inadequate.

For mitigation of privacy issues and climate change concerns, more needs to be done within this requested variance area. It is also directly related to other areas of the landscaping plan. In recognizing the focus of this process is on the requested variance area, the lack of appropriate size and number of trees and shrubs on the entire landscaping plan for the site increases the needs for additional mitigation that might be best addresses by looking at the whole site.

The reduced landscaping space by the driveway should have a better mitigation plan.

A mitigation option for the reduced landscaping space should include more trees and shrubs that are large enough to provide benefits sooner. The heat from summer sun on this driveway area can be greatly reduced with more tall trees. This situation is even more crucial since the entire landscaping plan is lacking in enough tall trees and shrubs to address the concerns of climate change mitigation and privacy for good neighbor relationships. The West side of the property could also use more tall shade trees (evergreens are best) to help cool units from hot afternoon sun and provide privacy to neighbors.

I am requesting this variance be denied so a more appropriate revision of the landscaping plan for the Requested Variance area is created, while also inspiring the developer to improve the other landscaping areas within this development site to be more appropriate.

Contact me if you wish to discuss the plan and some options.

Sincerely,

Remedios Rapoport
4402 SE 76th Ave.
Portland, OR 97206

remediosrapoport@gmail.com

Case File Number: LU 22-200375 AD
Letter for written comments.

A notice was sent to my household at 4336 SE 76th Ave. asking us to respond to the developers request to reduce the landscaping on the north side of the driveway at 4409 SE 79th to allow for a continued driveway access to the west side of the property.

After reviewing the overall landscape plan for the full development I am going to request that the City of Portland Planning Dept. deny the developers request until a new landscaping plan is submitted. I believe the current plan does not offset the loss of landscaping that allowing the new driveway would incur.

I look forward to reviewing a new plan that is more in fitting with the standard of the other recent developments that have been done to the North of this property and the other existing properties in the general neighborhood.

In my households view of the plan we are noticing that the size of trees shown are of the smaller variety overall, and also the entire West side of the property along the fence line is without a plan for trees. In reviewing some of the other neighboring developments we have noticed that trees were planted along similar property lines that also have a structure with a 5' setback and fence.

Again please deny this request until a more well thought out landscaping plan is considered. Also I am requesting a City of Portland landscape planner take a closer look at this development with the following City Purpose in mind (copied below).

Sincerely, Justin Riede
Amber Arquette
Anneliese Riede

33.248.010 Purpose

Chapter 33.248 Landscaping and Screening

248

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/bds



Land Use Review Application

File Number: LU 22-200375 AD

FOR INTAKE, STAFF USE ONLY

Date Rec 11/4/22 by EW

☐ Type I ☐ Type Ix ☒ Type II ☐ Type IIx ☐ Type III ☐ Type IV ☐ ELD

LU Reviews AD

[Y] ☒ Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

[Y] ☒ 100-year Flood Plain [Y] ☒ DOGAMI

Qtr Sec Map(s) 3438 Zoning RM1

Plan District None

Historic and/or Design District None

Neighborhood Foster-Powell

District Coalition SEU

Business Assoc None

Related File # RS 22-196(491,493,496,499,504,506,507,509)

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

Email this application and supporting documents to: LandUseIntake@portlandoregon.gov

Development Site

Address or Location 4401 SE 79th Ave.

Cross Street SE Holgate Sq. ft./Acreage 13,852 sf

Site tax account number(s)

R R196098

R

R

R

R

R

Describe project (attach additional page if necessary)

Build eight small-scale two-story townhomes behind existing house (which will remain). Provide eight on-site parking spaces and pedestrian circulation and landscaping. More information on Narrative and plans (included).

Describe proposed stormwater disposal methods

100% Pervious pavers with on-site drainage

Identify requested land use reviews

Landscaped setback adjustment on North side

- **Design & Historic Reviews** - For **new development**, provide project valuation.

For **renovation**, provide exterior alteration value.

AND provide total project valuation.

\$ _____

\$ _____

\$ _____

- **Land Divisions** - Identify number of lots (include lots for existing development).

New street (public or private)?

☐ yes ☐ no

☐ yes ☐ no ☐ N/A

- **Affordable Housing** - For buildings containing five or more dwelling units, will 50% or more of the units be affordable to households with incomes equal to or less than 60% of the median family income for the county or state, whichever is greater?

continued / over

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified. Information provided, including telephone numbers and e-mail addresses, will be included in public notices.
- For all reviews, the applicant must sign the Responsibility Statement.
- For land divisions, all property owners must sign the application.

PRIMARY CONTACT:

Typed Full Name Madeline Kovacs ☒ I acknowledge this typed name as my signature

Company/Organization UrbanRoost Development, LLC

Mailing Address 7675 SE Alder St.

City Portland State Oregon Zip Code 97215

Day Phone 510.410.4176 FAX _____ email madeline@blueskynw.com

Check all that apply ☒ Applicant ☐ Owner ☐ Other

Typed Full Name Douglas MacLeod ☒ I acknowledge this typed name as my signature

Company/Organization UrbanRoost Development, LLC

Mailing Address 7675 SE Alder St.

City Portland State Oregon Zip Code 97215

Day Phone 503.481.3997 FAX _____ email douglas@blueskynw.com

Check all that apply ☐ Applicant ☒ Owner ☒ Other Owner's Agent

Typed Full Name _____ ☐ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply ☐ Applicant ☐ Owner ☐ Other

Typed Full Name _____ ☐ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply ☐ Applicant ☐ Owner ☐ Other

Responsibility Statement As the applicant submitting this application for a land use review, I am responsible for the accuracy of the information submitted. The information being submitted includes a description of the site conditions. I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. If the proposal is approved, the decision and any conditions of the approval must be recorded in the County Deed Records for the property. The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. In order to process this review, City staff may visit the site, photograph the property, or otherwise document the site as part of the review. I understand that the completeness of this application is determined by the Director. By my signature, I indicate my understanding and agreement to the Responsibility Statement.

Name of person submitting this application agrees to the above Responsibility Statement and acknowledges typed name as signature:

Madeline Kovacs Date: 11/04/2022

Phone number: 510.410.4176

Email this application and supporting documents to LandUseIntake@portlandoregon.gov | Submittal of locked or password protected documents will delay intake of your application. **2**



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/bds



Land Use Review Application

File Number: _____

FOR INTAKE, STAFF USE ONLY

Date Rec _____ by _____

☐ Type I ☐ Type Ix ☐ Type II ☐ Type Iix ☐ Type III ☐ Type IV ☐ ELD

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Qtr Sec Map(s) _____ Zoning _____

Plan District _____

Historic and/or Design District _____

Neighborhood _____

District Coalition _____

Business Assoc _____

Related File # _____

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R _____ R _____ R _____

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50% or more of the units be affordable to households with
incomes equal to or less than 60% of the median family
income for the county or state, whichever is greater?

continued / over

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified. Information provided, including telephone numbers and e-mail addresses, will be included in public notices.
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- For land divisions, all property owners must sign the application.

PRIMARY CONTACT:

Typed Full Name Madeline Kovacs ☒ I acknowledge this typed name as my signature
Company/Organization UrbanRoost Development, LLC
Mailing Address 7675 SE Alder St.
City Portland State Oregon Zip Code 97215
Day Phone 510.410.4119 FAX _____ email madeline@blueskynw.com

Check all that apply ☒ Applicant ☐ Owner ☐ Other

Typed Full Name Douglas MacLeod **(Primary Contact)** ☒ I acknowledge this typed name as my signature
Company/Organization UrbanRoost Development, LLC
Mailing Address 7675 SE Alder St.
City Portland State Oregon Zip Code 97215
Day Phone 503.481.3997 FAX _____ email douglas@blueskynw.com

Check all that apply ☐ Applicant ☒ Owner ☐ Other

Typed Full Name _____ ☐ I acknowledge this typed name as my signature
Company/Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Day Phone _____ FAX _____ email _____

Check all that apply ☐ Applicant ☐ Owner ☐ Other

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Company/Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Day Phone _____ FAX _____ email _____

Check all that apply ☐ Applicant ☐ Owner ☐ Other

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Name of person submitting this application agrees to the above Responsibility Statement and acknowledges typed name as signature:

Madeline Kovacs D. T. MacLeod Date: 01/12/2023
Phone number: 503.481.3997 Email this application and supporting documents to LandUseIntake@portlandoregon.gov Submittal of locked or password protected documents will delay intake of your application. 2



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

November 29, 2022

Madeline Kovacs
UrbanRoost Development, LLC
7675 SE Alder St
Portland OR 97215

Re: Land Use Review LU 22-200375 AD

Dear Madeline Kovacs:

The Bureau of Development Services received your application for an Adjustment Review located at 4401 SE 79TH AVE on November 4, 2022. Your case has been assigned to me, Amanda Rhoads. In order to continue to review your application, additional information is needed. Once you submit this information, your application will be considered complete, and I will proceed with a full review of your proposal. Up to this point, your application has been reviewed only to determine if all required information has been submitted. The application has not been fully reviewed to determine if it meets the relevant approval criteria, however some issues you may want to consider are identified in Section II below.

I. Information Necessary to Complete Application

The following information must be submitted before your proposal can be evaluated:

1. **Fence.** The narrative indicates a cedar fence will be constructed along the north property line. Posts and boards for such a fence generally reduce the width of a landscape area by 6 inches. No fence is shown on the landscape plan. Does the proposed 3'6" landscape area accommodate the 6" for the fence? How tall is the proposed fence? Do you have the design for it yet?
2. **Landscape plan.**
 - a. **Mitigation.** The narrative states, "As a mitigating measure, the applicant proposes to increase the required L3 landscaping requirements to 150% of the required plantings." Please explain what this means, and where these additional plants will be located.
 - b. **Provided landscaping.** It does not appear that the landscape plan currently meets the L3 standard in the reduced setback area along the north property line with only 6 low-screen shrubs instead of a continuous screen of high-screen shrubs. The same is true on the south end of the parking lot as well.
3. **Plan Scales.** All plan sheets list a scale of 1" = 100' (even though the sheets themselves are different sizes). This is not accurate on any of the pages. Please resubmit the plan set verifying the scale is accurate for each sheet.
4. **Easement.** Please provide a copy of the recorded survey that shows the easement area. Is it 13.5 feet wide for its entire length? Why can some length of the property line have landscaping, and another part cannot?
5. **Nonconforming upgrades.** Please identify any standards not met from Zoning Code Section 33.258.070.D.2.b and indicate how the nonconforming upgrade requirements will be met.

- a. **Bike parking.** It appears 12 long-term bike parking spaces are being provided for the 8 new units. It is likely nonconforming upgrades will be required for this project, one of which being providing bike parking for the existing unit. Have you accommodated those extra two spaces onsite yet?
- b. **Screening.** Is screening adequately provided for the existing dwelling unit's garbage and recycling area?

II. Issues to Consider

While not necessary to determine the application complete, additional information may be needed to show that your proposal meets the applicable approval criteria. You are encouraged to address the following issues regarding the approvability of your proposal:

- We will be looking for mitigation through more lush landscaping on the rest of the site, and doing what you can with the reduced landscape area. Please make sure the landscape plan shows landscaping in the reduced area that, as best as possible, meets the L3 standard. Also, make sure the parking lot perimeter landscaping is meeting the requirements of 5 feet of L3.
- Please confirm if the reduced landscape area could be extended further to the west rather than dropping to 0 feet where it does.
- The proposal shows the pedestrian path back to the new buildings as being located within the vehicle drive aisle. Zoning Code Section 33.120.255.B.2.d, which allows the pedestrian circulation system to be within an auto travel lane, requires that the entire auto travel lane to be surfaced with paving blocks or bricks. The plans show that a four-foot-wide pedestrian path has alternate paving from the rest of the driveway. While it might be a preference, I wanted to make you aware that the pedestrian path does not need to be differentiated within the driveway.

III. Time to Complete Application

The Portland Zoning Code allows you up to 180 days to complete your application. Since the 180-day period began on the day we received the application, the deadline to make your application complete is **Wednesday May 3, 2023**.

IV. Determination of a Complete Application

The application will be determined complete when you have submitted:

1. All of the requested information included in Section I, above. If you cannot provide all of the requested information at one time and intend to submit additional information, please include a written statement with each separate submittal indicating that you still intend to provide the additional missing information by the **Wednesday May 3, 2023** deadline, **or**
2. Some of the requested information included in Section I, above, and a written statement that no additional information will be provided; **or**
3. A written statement that none of the requested information included in Section I, above, will be provided.

Please be aware that not submitting the requested information may result in your application being denied. The information is needed to demonstrate the approval criteria are met. Once the application is deemed complete, review of your application can proceed using the information you have provided.

Your application will be approved if it meets the relevant land use review approval criteria. It is your responsibility to document how the approval criteria are met. The items listed above will help provide that documentation.

Voiding of Application

If your application is not complete by **Wednesday May 3, 2023**, it will be voided, and the application fee will not be refunded. The City's land use review procedures are outlined in Chapter 33.730 of the Portland Zoning Code.

Please contact me if you have any questions about this letter. My telephone number is **503-865-6514**, and my e-mail address is Amanda.Rhoads@portlandoregon.gov. Requested information noted above should be emailed to me. Please e-mail me for file dropbox instructions if document or drawing file sizes are greater than 5MB. Please label all correspondence and materials you submit with the case number LU 22-200375 AD.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amanda Rhoads'.

Amanda Rhoads, AICP
City Planner II
Land Use Services Division

cc: Application Case File