



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

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Date: June 14, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 13-116780 LDP PD

GENERAL INFORMATION

Applicant/Owner: Peter Kusyk / Firenze Development INC
7110 SW Old Wilsonville Rd / Wilsonville, OR 97070

Consultant: Bruce Vincent / Bedsaul/Vincent Consulting, LLC
416 Laurel Ave, No. 3 / Tillamook, OR 97141

Site Address: 723 NE SKIDMORE ST

Legal Description: BLOCK 4 W 1/2 OF LOT 7&8, LINCOLN PK ANX
Tax Account No.: R497300590 **State ID No.:** 1N1E23CB 01600
Quarter Section: 2631
Neighborhood: King, contact Andrew Clarke at 503-863-7780.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Zoning: R2.5a – Residential 2500, with the Alternative Design Density (a) overlay
Case Type: Land Division Partition – LDP
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant proposes to partition the subject site into two parcels, both fronting on NE Skidmore Street. The existing 1920's era home will be removed and each of the new parcels will be developed with an attached house. The site has 50 feet of frontage along NE Skidmore and is 100 feet deep, for a total lot size of 5,000 square feet. The new parcels will be 25 feet by 100 feet deep, or 2,500 square feet each. The proposed two-story houses will have tuck-under garages. The main entrances will have front porches that will span about two-thirds of the width of each dwelling and the façades will have architectural columns and façade treatments that will create a visual connection between the dwellings and the public who are using the sidewalk and NE Skidmore.

Each proposed new lot will be 2,500 square feet and will be developed with 3-story, attached houses with tucked under garages and driveways in front. The applicant proposes individual drywells to provide stormwater management for stormwater run-off.

Attention: The Proposal Notice for this review was originally published as a Type I review that included only the proposed land division. The Notice was then revised to include the applicant's request for a Planned Development Review to allow attached garages on individual house façades that are less than 22 feet in width. When two review types are requested in one proposal, a Type IIX review is required and the Proposal Notice was modified to reflect this and re-mailed. This Decision review therefore has two components: a review for a 2-lot land division and a Planned Development Review for the attached garages on house façades that are less than 22 feet wide.

RELEVANT APPROVAL CRITERIA:

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

- **33.660.120 – Approval Criteria for Land Divisions in Open Space and Residential Zones**
- **33.665.300 – Approval Criteria in General**
- **33.665.310 – Approval Criteria for Planned Developments in All Zone**
- **33.665.320 – Additional Approval Criteria for Modifications of Site-Related Development Standards**

FACTS

Site and Vicinity: This site is located in Northeast Portland, about four blocks east of NE Martin Luther King Junior Boulevard, in the King neighborhood. The site is located in a mostly residential neighborhood, surrounded primarily by older, one and two-story, single family dwellings on similar sized, 5,000 square-foot lots. A large Methodist Church is located east of the site, across the street on the corner of NE 8th Avenue.

Infrastructure:

- **Streets** – The site fronts on NE Skidmore, approximately 60 feet west of its intersection with NE 8th Avenue. It has approximately 50 feet of frontage on NE Skidmore. There is a sidewalk entering the site on the east side of the property, but no driveway.

NE Skidmore is classified as a Local Service street for all modes in the City's Transportation System Plan and is also classified as a City Bikeway. Tri-Met provides frequent transit service approximately 474 feet northwest of the site on NE Martin Luther King Junior Boulevard just south of its intersection with NE Prescott, via Bus 4. Parking is allowed on both sides NE Skidmore.

- NE Skidmore is improved with 30-ft of paving width & a 3-6-1 sidewalk corridor within a 50-ft wide right of way. the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk & 0.5-ft wide frontage zone. The existing 10-ft wide sidewalk corridor does not satisfy the identified standard. The applicant would typically be required to reconstruct the existing sidewalk corridor (and dedicate the necessary property to accommodate said improvement) to satisfy the above referenced standard in relation to the partition request. However, in this case, the applicant has successfully appealed PBOT's requirements through the Public Works Appeal process (13-128258 PW). Accordingly, there will be no frontage improvements or dedication requirements associated with this land division.
- **Water Service** – There is an existing 5/8" metered service, which provides water to this site from the existing 24" CI water main in NE Skidmore, that is available for use by proposed Parcel 2, and a new water service is also available from this main for proposed Parcel 1.
- **Sanitary Service** – There is an existing 10-inch public combination sewer located in NE 8th Avenue that provides sanitary sewer service through a shared (party) sewer line to the existing house. This line must be capped at the time of demolition of the existing house and cannot be used for future development. The applicant has completed the concept

review phase for establishing a new line from the manhole in NE 8th to Parcel 1. The applicant must also establish a second line from this manhole to serve Parcel 2, or wait until the Bureau of Environmental Services completes its existing Capital Improvement Project, which will extend the sewer west on NE Skidmore from NE 8th. The new sewer line will be available to the project site within the following year. The existing sewer must be capped at the time of demolition of the existing house.

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

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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

Agency Review: Several Bureaus responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 22, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site and there is no environmental zoning on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The applicant is proposing 2 attached housing parcels. The minimum density in the R2.5 zone is one unit per 5,000 square feet and the maximum density is one unit per 2500 square feet.

The applicant is proposing 2 parcels with one set of attached houses. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,500		25	100.00	20
Parcel 2	2,500		25	100.00	20

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

Narrow Lots

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

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

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

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

The applicant has provided site plans and elevations (Exhibits C.1 – C.3) that depict building footprints which meet all applicable setback requirements and show proposed houses that are oriented towards the street. Therefore, these lots can accommodate reasonably sized houses and garages while meeting the development standards of the Residential 2,500 (R2.5) zone. The plans also show existing and proposed water and sanitary sewer services that demonstrate Parcels 1 and 2 have, or will have access for utilities and services. The proposed parcels are not landlocked nor do they narrow to an unbuildable width close to the street. Proposed Parcels 1 and 2 are compatible with existing lots in the vicinity as demonstrated by an attached housing development west of the site at 626 and 632 NE Skidmore that includes 2 lots that are each less than 36 feet in width.

On balance, proposed Parcels 1 and 2 have dimensions that are consistent with the purpose of lot dimension regulations as demonstrated by the preceding findings. Therefore, this standard is met.

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

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

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

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

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

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

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

Findings: Parcels 1 and 2 will have individual driveways that are approximately 9 feet wide. Each parcel is 25 feet wide; which allows the 60% standard to be met in the area not devoted to driveway pavement.

- f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:**

- (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;**
(2) Meet the requirements of Section 33.700.060, Covenants with the City; and
(3) Be attached to, and recorded with the deed for the new lot.

Findings: Parking is not required for this site. However, the applicant's proposed dwelling units will have 20-foot long driveways and attached garages, which will provide on-site parking. Because the owner is providing on-site parking, a covenant with the City is not required.

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

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

Findings:

Clearing and Grading

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

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. The applicant proposes to remove the existing house and garage per finalized Permit No. 12-162300 RS and proposes to redevelop the site. BES has no conditions of approval regarding the removal of the house and states that the existing sewer lateral on the site can be used for one of the proposed attached houses. Therefore, this criterion is met.

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

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

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

33.651 Water Service standard - See Exhibit E-3 for detailed bureau comments.
The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in NE Skidmore. Parcel 2 has an existing water service from that main. Proposed Parcel 1 will require a new service and meter, appropriately sized. This criterion will be met at the time of Building Permit Review.
33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed bureau comments.
The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch public combination sewer located in NE 8 th Avenue which cannot be used and must be capped.

The applicant has completed the concept review phase for establishing one new line from the manhole in NE 8th to Parcel 1. The applicant must also establish a second line from this manhole to serve Parcel 2, or wait until the Bureau of Environmental Services completes its existing Capital Improvement Project, which will extend the sewer west on NE Skidmore from NE 8th in about one year. New sewer lines will be available to the project site within the following year. BES requires that each lot must show a means of access and individual connection to a public sewer, as approved by BES, prior to final plat approval.

33.653.020 & .030 Stormwater Management criteria and standards– See Exhibits E.1 & E.5

BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

Parcels 1 and 2: Stormwater from these parcels will be directed to drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots appears to have sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. The Oregon Dept. of Environmental Quality (DEQ) regulates underground injection control (UIC) facilities such as drywells and soakage trenches. The applicant must contact DEQ and receive approval of the proposed stormwater control methodology prior to Final Plat approval.

33.654.110.B.1 -Through streets and pedestrian connections

33.654.130.B - Extension of existing public dead-end streets & pedestrian connections

33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

33.654.110.B.1 -Through streets and pedestrian connections

33.654.130.B - Extension of existing public dead-end streets & pedestrian connections

33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

No street connections have been identified in the vicinity of the property in the Portland Master Street Plan document. The 530-ft spacing goal for public through-streets and the 330-ft spacing goal for pedestrian connections are satisfied on the subject block, and beyond. Portland Transportation has no concerns relative to connectivity or locations of rights-of-way associated with the proposed land division partition.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

33.654.120.B & C Width and elements of the street right-of-way

33.654.130.D Partial Rights of way

Based on the available evidence, PBOT estimates that the increase in daily trips will total 2 peak-hour trips per day (according to Institute of Transportation Engineers – Trip Generation Manual, 8th ed.). PBOT staff determined that this will have a minimal impact on existing facilities and capacity and that a traffic study is not required at this time (see Exhibit E-2 for a detailed analysis).

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

PBOT determined that the existing sidewalk does not meet standards and the applicant should be required to reconstruct the corridor with any required dedication. However, because the applicant successfully appealed this requirement, PBOT has no requirements for frontage improvements or dedication requirements for this land division.

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

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

PLANNED DEVELOPMENT REVIEW

33.100.253 Garage Standards

E.3.b Length of street-facing garage wall. Where the street-facing façade of a unit is less than 22 feet long, an attached garage is not allowed as part of that façade.

E.5 For new narrow lots, modifications to the standards of this subsection are allowed through Planned Development Review.

Findings: This planned development review is required because the proposed garages do not meet the standard for allowing attached garages on street-facing facades that are less than 22 feet long. Each of the proposed attached houses will have a street facing façade of 20 feet, which typically results in garages not being allowed. However, if the proposed garages meet the standards required for a Planned Development Review, then garages can be approved.

33.665.300 Approval Criteria in General

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

- A.** Proposals to modify site-related development standards must meet the criteria in Section 33.665.320; required for this review.
- B.** Proposals for commercial uses in residential zones must meet the criteria in Section 33.665.330; not required for this review.
- C.** Proposals that do not include a land division must meet the criteria in Section 33.665.340; not required for this review.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

33.665.310 Approval Criteria for Planned Developments in All Zones

Configure the site and design development to:

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

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

Findings: The attached houses will be oriented toward the public street, N.E. Skidmore, and will have useable front porches with main entrances facing the street and covering approximately two-thirds of the front of each dwelling. Each unit will also have windows that will directly face the street. Architectural columns on the porches will help create a visual connection between the dwellings and public sidewalk and street. The attached garages will be “tucked-under” the porches and recessed from the face of the porches to minimize their visual impacts and allow the foundations to be at grade level as are neighboring dwellings.

Therefore, this aspect of Criterion A is met.

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

Findings: This long-developed property contains no natural features such as trees, water features, but is elevated above the street grade by 5 to 7 feet. As discussed above, the foundations of the new structures will be at grade level on the side and the tucked-

under garages will be “nestled” at the sidewalk level in order to blend in with surrounding development.

Therefore, this aspect of Criterion A is met.

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

Findings: The surrounding development consists of Cottage/Craftsman and late Victorian structures. The proposed attached dwellings include clapboard/shingled siding, front porches with columns, second-story dormers with sash windows and barge board trim that mimic the neighborhood houses to some extent. The proposed dwellings, without the tuck-under garages, would be similar in size and scale of other two-story dwellings in the neighborhood.

Although the proposed “tuck-under” garage driveways will enter the site from the street level, which is approximately 5 to 7 feet below grade level of the site and the building will be set back from the front property line, the attached housing structure will be taller and have more bulk than most structures in the vicinity, especially in comparison with existing houses on the same block. Screening the new development with landscaping materials would mitigate some of the height and bulk impact.

Therefore, with a condition to install mitigation plants, described below, this aspect of Criterion A can be met.

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

Findings: The applicant states that by meeting the criteria of A.1 through 3 above, differences in appearance with surrounding development have already been mitigated. However, tuck-under garages are not a typical component of existing dwellings in the neighborhood, nor are two-and-a-half-story attached houses. Given that most of the surrounding development is composed of one-story house without garages, the proposed development will be quite different. Even the existing house to the east of the site, at 2-stories, will be smaller than the proposed development. However, if two, 2-inch caliper, trees were planted in the front, one in each yard, they would bring the eye downward, and over time, would reduce the impact of this proposed structure. It should be noted that the T-1 planting standards of Ch. 33.248 must also be met at the time of development.

Therefore, with a condition to plant two 2-inch caliper trees, one in each front yard upon completion of construction activity, and that the development must meet the T-1 planting standards of Ch.33.248 at the time of development, this aspect of Criterion A will be met.

5. Minimizing potential negative effects on surrounding residential uses;

Findings: As described above, the neighborhood is zoned such that attached, single-family dwellings are allowed. The proposal meets the garage setback and all other setback requirements. Because the garages will be recessed below the porches and have only a few feet showing above the sidewalk level, they will be a less significant feature of the structures' façades. The applicant has provided plans that show the proposed attached houses, with their tucked-under garages, architectural columns, and front windows, will compliment the architectural style of the neighborhood. With the required mitigation described above, this aspect of Criterion A is also met.

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

Findings: There are no City-designated scenic resources on or near the site.

Therefore, this Aspect of Criterion A does not apply.

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

Findings: Section 33.110.235 requires a minimum of 200 square feet of open outdoor area per dwelling unit in the R2.5 zone. Parcel 1 will have 500 square feet and Parcel 2 will have 625 square feet of open in the rear of their respective lots in addition to the large front porches on the front elevations.

Therefore, this Criterion is met.

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

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

The applicant has requested modification to allow garages on the front façades of the attached houses, which are each less than 22 feet wide. The R2.5 zone allows attached housing development.

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

Findings: The prohibition of garages on units less than 22 feet wide in the single-dwelling zones is an effort to prevent garages from becoming the dominant feature of the street-facing façade of the structure. Garages would have been allowed outright if the houses were each two feet wider, so the visual impact of the garage doors will not be very obtrusive relative to what the base zone allows generally.

The fact that the garages are below grade (i.e. tucked under the houses) further minimizes their visual impacts, while the partial front porches, street-facing windows, and architectural columns will draw the eye upward from the ground to the roofline. The focus will be on the livable area of the houses, including the porch areas, not the garages.

The above findings, along with the applicant's detailed analysis of the design elements of the proposal, demonstrate that the resulting development will better meet the approval criteria of Section 33.665.310, above. Therefore, this criterion is met.

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

Findings: The purposes of the Garage Standards (33.110.253.A) in Single-Dwelling zones are as follows:

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

The purpose of these standards is to diminish the effects of garages located at the front of houses. Large garages can dominate house façades, overwhelm modest design features and become the overriding feature of the structure. However, the applicants' proposed design puts most of the garage areas under the structure, out of the way, so that the bulk of the structure is the house itself. These attached houses are designed with architectural features that will make them interesting and aesthetically pleasing, with their front porches, windows, and columns. These features will diminish the presence of the garages that are tucked under the houses and recessed below the porches. Therefore, this proposal is consistent with the purpose of the garage standards for which the modification was requested.

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

DEVELOPMENT STANDARDS

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

Future Development

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

Narrow Lots

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

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

Existing development that will remain after the land division. The site contains an existing house which will be demolished, so the division of the property will not cause any structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation

Bureau	Code Authority and Topic	Contact Information
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 www.portlandonline.com/bds

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements and ensuring adequate hydrant flow from the nearest fire hydrant. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (Exhibit E-4).
- Street trees will be required along all public street frontages at the time of building permit review

CONCLUSIONS

The applicant has proposed a 2-parcel partition in conjunction with a planned development review to modify garage standards for new narrow lots (33.110.253.E.3.b), as shown on the attached preliminary plans and elevations (Exhibits C.1 – C.3). As discussed in this report, the project is able to meet the land division partition and planned development approval criteria based on substantial conformance with applicable standards and established situations in the surrounding neighborhood. With approval requiring that the permit drawings substantially conform to the site plan and elevation drawings attached, that stormwater and sanitary sewer approvals are met, and that two mitigation trees be planted, one on each lot, the request meets the minimum applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in two narrow lots for attached houses with tucked-under garages in the R2.5 zone, as illustrated with Exhibits C.1.

Approval of a Planned Development Review with a modification to allow attached garages as part of the front façades of the proposed attached housing units that are less than 22-feet long, per the approved site plan and elevations (Exhibit C.2 – C.4), subject to the following conditions:

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


1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant by the time of building permit review.
2. The applicant must contact DEQ and receive approval of the proposed stormwater control methodology prior to Final Plat approval.
3. The applicant shall meet all requirements of the Bureau of Environmental Services for installation and connection of each dwelling unit to public sanitary sewer facilities prior to Final Plat approval.

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

1. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.2.a – C.2.d. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File LU 12-184839 LDP PD. No field changes allowed."

2. The applicant shall plant one two-inch caliper tree in each front yard of each attached dwelling unit.
3. The T-1 planting standards of Ch. 33.248 must be met at the time of development.

Staff Planner: Kathy Harnden

Decision rendered by:  on June 12, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed June 14, 2013

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 15, 2013, and was determined to be complete on March 20, 2013. Subsequently, it was determined that a Planned Development Review was also required. The Planned Development Review Application was determined complete on May 2, 2013

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on May 2, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 31, 2013**

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

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 28, 2013** at 1900 SW

Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

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

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

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of a planned development. These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

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

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

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

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of a Planned Development Review. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were

necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Planned Development. These approvals expire if:

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

All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's Narrative for Minor Land Division
 - 2. Applicant's Narrative for Planned Development Review in All Zones
 - 3. Photographs of surrounding development
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Site & Utility Plan (attached)
 - 2. Proposed Front Elevation/Streetscape
 - 3. Proposed Side and Rear Elevations
- D. Notification information:
 - 1. Mailing list – Type 1
 - 2. Mailed notice – Type 1
 - 3. Mailing list – Type 2x
 - 4. Mailed notice – Type 2x
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. General Life Safety Comments
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Simplified Approach Form 1
 - 4. Neighborhood Association Letter and Certified Mail Receipts

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).

File No. LU 13-116780 LDP,PD
 1/4 Section 2631
 Scale 1 inch = 200 feet
 State_Id 1N1E23CB 1600
 Exhibit B (Feb 15, 2013)

NOTES

1. AN INDIVIDUAL 28 INCH DIAMETER X 5 FOOT DEEP DRYWELL WILL BE INSTALLED IN PARCELS 1 AND 2 TO SERVE THE NEW SANITARY SEWER LATERALS. THE DRYWELL WILL BE RUN OFF FROM EACH OF THE HOUSE ROOFDRAINS.
2. A NEW SANITARY SEWER MAIN AND SEWER SERVICE LATERALS WILL BE INSTALLED IN NE SKIDMORE ST. TO SERVE THE NEW PARCELS. THIS INSTALLATION WILL BE THROUGH A SEPARATE PUBLIC WORKS PERMIT.
3. THE CENTER OF THE COMMON WALL OF THE ATTACHED HOUSES WILL BE ON THE NEW PROPERTY LINE.

PRELIMINARY SITE AND UTILITY PLAN

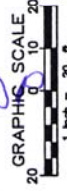
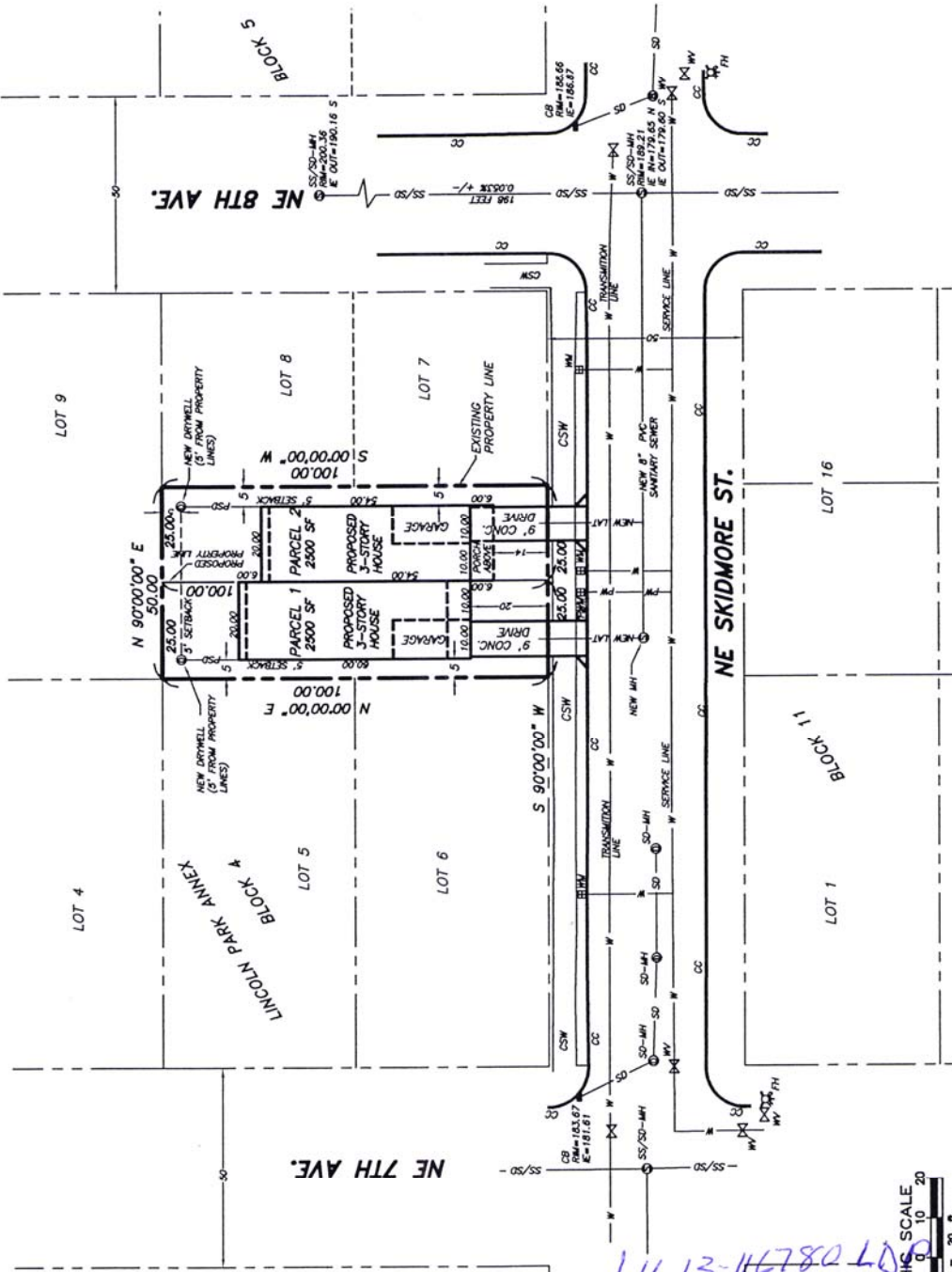
A PORTION OF LOTS 7 AND 8, BLOCK 4, LINCOLN PARK ANNEX, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: JANUARY 25, 2013 SCALE: 1"=20' / 1/4"=100'

FOR: PETER KUSYK

LEGEND

- CATCH BASIN
- ✕ FIRE HYDRANT
- SANITARY SEWER MANHOLE OR
- PROPOSED DRYWELL
- WATER METER
- WATER VALVE
- CATCH BASIN
- CONCRETE CURB
- CONCRETE BLOCK RETAINING WALL
- CHUTE SIDEWALK
- FIRE HYDRANT
- INVERT ELEVATION
- MANHOLE
- PROPOSED WATER LINE
- PROPOSED WATER METER
- PROPOSED STORM DRAIN LINE
- PROPOSED STORM DRAIN MANHOLE
- STORM DRAINAGE LINE
- SQUARE FEET
- SANITARY SEWER LINE
- UTILITY POLE
- WATER LINE
- WATER METER
- WATER VALVE



REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JULY 17, 1988
SIDEN P. MOLES
2331
RENEW: 12/31/13

REVISED:

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS

Phase 125, Building G
12750 SE Stark Street
Portland, Oregon 97233
Phone: (503) 408-1507
Fax: (503) 408-2370

DATE: JAN. 25, 2013 FILE: K12106-SITE.DWG
DRAWN BY: SPD JOB NO. K12106

LU 13-116780 LD PD
Ex. C-1

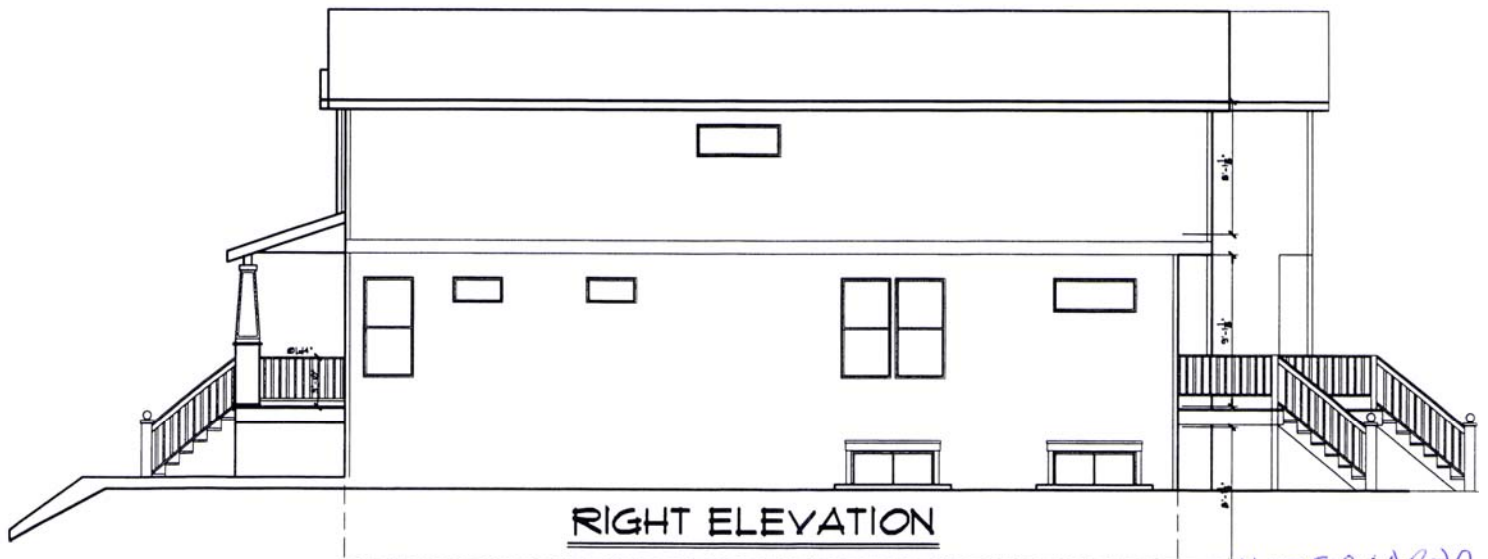
ATTACHMENT A - Proposed Building Elevations



STREETSCAPE

1/8" = 1'-0"

2413-116780 LDPD
Ex. C.2



LU 13-116780 LDP70
Ex.C.3