



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

FROM CONCEPT TO CONSTRUCTION

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Date: August 25, 2014
To: Interested Person
From: Stephanie Beckman, 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 14-115714 LDP PD

GENERAL INFORMATION

Applicant: Peter Kusyk / Firenze Development Inc
7110 SW Old Wilsonville Rd / Wilsonville, OR 97070 / 503-381-4513

Representative: Bruce Vincent / Bedsaul Vincent Consulting LLC
416 Laurel Avenue #3 / Tillamook OR 97141 / 503-842-5391

Site Address: 5245 NE 15th Ave

Legal Description: BLOCK 21 LOT 13, VERNON
Tax Account No.: R860704110
State ID No.: 1N1E23AB 09900
Quarter Section: 2532
Neighborhood: Vernon, contact Mitch Snyder at 503-319-4183.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.
Zoning: R2.5ah – Single Dwelling Residential 2,500, with Aircraft Landing ‘h’ Overlay Zone

Case Type: LDP PD – Land Division Partition and Planned Development
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to divide this 5,000 square foot site to create two parcels for attached houses. The existing house will be removed.

A Planned Development review is required to evaluate the specific development proposed for the site, which consists of two attached houses on 25-foot wide lots. The two-story houses will face NE 15th Avenue and will have front porches across the front facade. A garage is proposed for each unit, which will tuck under the porch.

The Planned Development review includes modifications to three standards:

- 1) The garage standards of 33.110.253.E.3, which require the street-facing façade of a dwelling unit on a new “narrow lot” to be at least 22 feet wide to include a garage. The proposed lots will be 25 feet wide and the street facing facades of the attached houses will be 19 feet 9 inches wide.
- 2) The main entrance distance from grade standard (33.110.230.D), which requires the main entrance on narrow lots to be located within 4 feet of grade. The applicant has proposed main entrances 6 feet above grade.
- 3) The setback standard of 33.110.220.C, which allows eaves to project 1 foot into the side setback. The applicant requests a modification to allow the eaves to project 1 foot 6 inches into the setbacks.

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

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

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The site is flat and is currently developed with two units in two separate structures. A gravel driveway runs up the south side of the property. There are no trees on the site. The surrounding area is predominantly developed with single dwelling development, however there are some duplexes in the vicinity. The area has a well developed street grid and sidewalks.

Infrastructure:

- **Streets** – At this location, NE 15th Avenue is classified as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Major Emergency Response Street, and a Local Service Street for all other modes. It is a 50-ft wide ROW improved with a 30-ft roadway and 10-ft sidewalk corridors along both sides with a 3-6-1 configuration. Tri Met Bus Line #8 runs on NE 15th in front of the site, with stops at the corner of NE 15th and NE Summer.
- **Water Service** – There is water available to this parcel from the existing 20-inch CI water main in NE 15th Ave. There are two existing 5/8” metered services which provide water to this location from the water main in NE 15th Ave. One of these services may potentially be used as is to provide water to the proposed new house to be constructed on the proposed Parcel 2.
- **Sanitary Service** - There is a 10-inch VSP public combination sewer located in NE 15th that can serve the sanitary disposal needs of this project. According to City plumbing and connection records the existing house at 5243 NE 15th is connected to the City sewer through an existing lateral located 209 feet from the manhole at NE Emerson. The lateral will be available for future development on Parcel 2.

- **Stormwater Disposal** – There is no public storm-only sewer available to this property. There are public underground injection control (UIC) systems located in the vicinity of this site that receive stormwater runoff from the public right-of-way. Private stormwater is not allowed to be directed to public sumps.

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

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

The “h” overlay limits the height of structures and vegetation, within the aircraft landing approach patterns for the Portland International Airport. In residential zones, structures are regulated by the height limits of the base zone at the time of development.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 2, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

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

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The site is 5,000 square feet in area. Maximum density in the R2.5 zone is one unit per 2,500 square feet, therefore the maximum density is 2 units on this site. The applicant is proposing 2 single family parcels. 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	2,450		25	98	25
Parcel 2	2,450		25	98	25

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

The proposed lots are 25 feet wide, which is narrower than the minimum lot width of the 36 feet and do not comply with the narrow lot regulations of Section 33.611.200.C, specifically the length of the street facing garage (Subsection 33.110.253.E). Therefore the lot dimensions must be approved through a Planned Development review. See the Planned Development section of this report.

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 flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved on the site. 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 has proposed to remove the existing house and redevelop the site. City records also indicate that there may be an abandoned cesspool or septic tank on the property. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site, sewer capping and decommissioning of the cesspool/septic system prior to final plat approval. With these conditions, the new lots can be considered suitable for development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services and has provided the following findings (see Exhibit E.2):

Street Capacity and Levels of Service

The proposal will result in a net increase of 1 single-family residence. This residence can be expected to generate 10 daily vehicle trips with 1 trip occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

Vehicle Access/Loading

The new lots will have a driveway to provide access to parking and loading.

On-Street Parking Impacts

The new lots will have at least one on-site parking space with an additional space between the garage and the front property line. Impacts to the on-street parking supply should be minimal.

Availability of Transit

Tri Met Bus Line #8 is available to serve the site at NE 15th and NE Summer.

Neighborhood Impacts

The site is being developed with a new single-family residence in compliance with the existing R2.5 zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes

Sidewalks along both sides of the area streets provide adequate pedestrian facilities. In this section of NE 15th cyclists share the roadway.

PBOT typically requires shared driveways for attached dwellings in the effort to preserve on-street parking opportunities. However, the applicant received approval of a Driveway Design

Exception (14-183235 TR) to permit separated driveway approaches. The driveways are required to be skewed to retain 17 feet of full height curb between driveway wings as shown on the site plan. At building permit review the driveway designs will need to be consistent with the approved Driveway Design Exception.

Based on the findings above, these criteria are met.

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

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p> <p>BES has reviewed the Simplified Approach stormwater report that includes infiltration test results of 6 inches per hour. The applicant proposes onsite infiltration by means of drywells for the proposed structures. BES has no objections to the proposed stormwater management approach for the purposes of land use review.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections</p> <p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements and the site is only 180-ft south of the east/west public street NE Emerson. This criterion is met.</p>
<p>33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p> <p>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. At this location, NE 15th Avenue is classified as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Major Emergency Response Street, and a Local Service Street for all other modes. It is a 50-ft wide ROW improved with a 30-ft roadway and 10-ft sidewalk corridors along both sides with a 3-6-1 configuration. Based on the City Walkway classification, a 12-ft sidewalk corridor is the current City standard. The 12-ft corridor consists of the existing 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and a 1.5-ft frontage zone. A 2-ft dedication shall be a condition of final plat approval. Reconstruction of the existing sidewalks shall also be required as condition of building permit approvals.</p> <p>Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that development can be safely served by the existing street with the required dedication to widen and reconstruct the sidewalk corridor. With the condition to show the dedication on the final plat, this criterion is met.</p>
<p>33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)</p> <p>Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.</p>

APPROVAL CRITERIA FOR PLANNED DEVELOPMENT REVIEW**33.665.310 Approval Criteria for Planned Developments in All Zones
Configure the site and design development to:****A. Visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:****1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;**

Findings: The proposed attached houses will be oriented to the public realm. The front doors and porches are oriented directly to the street, which continues the predominant pattern of single-family homes along NE 15th Avenue. The impact of the garages is limited by tucking the garages below the porches and partially below the sidewalk elevation, as well as setting the garage entrance further back from the street than the porch. The amount of driveway area is limited to a 9 foot wide paved area directly in front of the garages. The driveways and garages are separated, providing visual relief with landscaping and pedestrian walkways leading to porches and front doors of the homes. No storage areas will be visible from the public realm. This criterion is met.

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

Findings: There are no trees on the site or other significant vegetation or topography. This criterion does not apply.

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

Findings: The site is located within the Vernon Neighborhood. In the immediate vicinity of the site on properties facing NE 15th from NE Emerson to NE Sumner, predominant development is older homes from the early 1900s. There are also a mix of other homes and two duplexes built in various periods including the 1950s, 1970s and 1990s. The existing development has a range of scales from small one story structures to large 2 ½ story homes. See photos of surrounding development provided by the applicant (Exhibit A.3).

The proposed homes are two stories in height, plus a basement that is partially above grade. They have similar front and side setbacks to surrounding houses. The homes also incorporate a number of positive architectural features found in the older homes in the area, such as large front porches, pitched roofs, large windows on all elevations, horizontal lap and shingle siding, and decorative trim, belly bands and porch columns. Landscaping will be provided in the front yards consistent with other homes in the area. The proposal includes features that complement positive characteristics of surrounding development. This criterion is met.

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

Findings: The primary difference between the proposed development and the surrounding area is the amount of garage area and driveway between the houses and the street.

As discussed above under criterion "A.1", this is mitigated by recessing the garage partially below grade, tucking the garages under large front porches and setting the garage entrance further back from the street than the porch. The driveway area is mitigated by landscaping in the front yard, including two trees, shrubs and groundcover. This criterion is met.

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

Findings: As noted under criteria A.1 and A.4, the proposed development incorporates design elements that will temper potential negative effects from the appearance of the garages and driveways. In addition, the provision of on-site parking will help minimize impacts on parking supply as a result of the development. With these features, the proposal minimizes potential negative effects on the surrounding residential uses. This criterion is met.

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

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

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

Findings: The applicant's Site Plan (Exhibit C.1) illustrates an outdoor area at the rear of each parcel of approximately 600 square feet on Parcel 1 and 450 square feet on Parcel 2, including a small rear deck and back yard, and with dimensions of approximately 18 x 25 feet and 24 x 25 feet. These areas are well in excess of the minimum required outdoor area of 200 square feet and minimum dimensions of 10 feet by 10 feet required for attached houses in the R2.5 zone. Therefore, this criterion is met.

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

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

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

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 Planned Development review includes modifications to three standards:

- 1) The garage standards of 33.110.253.E.3, which require the street-facing façade of a dwelling unit on a new "narrow lot" to be at least 22 feet wide to include a garage. The proposed lots will be 25 feet wide and the street facing facades of the attached houses will be 19 feet 9 inches wide.
- 2) The main entrance distance from grade standard (33.110.230.D), which requires the main entrance on narrow lots to be located within 4 feet of grade. The applicant has proposed main entrances 6 feet above grade.
- 3) The setback standard of 33.110.220.C, which allows eaves to project 1 foot into the side setback. The applicant requests a modification to allow the eaves to project 1 foot 6 inches into the setbacks.

The findings below describe how the requested modifications contribute to the overall design which meets the approval criteria as described above and will, on balance, be consistent with the purpose of the standards to be modified:

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

A. Purpose. These standards:

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

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

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

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

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

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

As noted in the findings above, the garage entrances are recessed approximately 3-feet below sidewalk grade and a large front porch will project 6-feet beyond the plane of the garage entrance thereby limiting the presence of the garages. The main entrance will be approximately 6 feet above sidewalk grade, which allows for a visual connection to the street and is consistent with a number of other homes in the other that are set up above the street level. The main entrance opens onto a large front porch that spans the entire front façade of the homes, making it a prominent feature of the homes. Central walkways and stairs provide direct access from the sidewalk to the main entrance of the units, creating a prominent pedestrian entrance. Landscaping in the front yards will also help soften the driveway area.

The larger eaves (18 inches) will encroach into the side setback 6 inches more than the code allows by right. The larger eaves will make the new homes more compatible with surrounding older homes and will provide an enhanced design and visual relief. A reasonable physical relationship will continue to be provided between the residences because the building walls will continue to meet the minimum side setbacks standards. The reduced setback continues to meet building code and will not impact access for fire fighting or have a noticeable impact on light or air to adjacent properties.

Together, these design elements contribute to proposal better meeting the approval criteria and, on balance, is consistent with the purpose of the standard to be modified. Therefore, these criteria are met.

DEVELOPMENT STANDARDS

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

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1. See Exhibit E.4

CONCLUSIONS

The applicant has proposed a 2-parcel partition for attached houses. A planned development is required to create narrow lots that do not meet the lot width regulations of 33.611.200.C. Modifications are requested related to the length of the street facing garage wall, the distance of the main entrance above grade and the eave projection into the side setback. As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. Development on the site will be required to conform with the approved house plans

at the time of development. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in narrow lots for attached houses as illustrated with Exhibit C.1, subject to the conditions listed below.

Approval of a Planned Development for two attached houses, per the approved site plan and building elevations, Exhibits C.1 and C.2, signed and dated August 21, 2014, subject to condition C.1 and including the following modifications:

- 33.110.253.E.3, allowing a garage within a 19' 9" wide street facing façade.
- 33.110.230.D, allowing the main entrance to be up to 6.25' above grade (measured from the sidewalk elevation).
- 33.110.220.C, allowing eaves to project up to 1' 6" into side building setbacks.

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for NE 15th Ave. The required right-of-way dedication must be shown on the final plat.

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

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
2. A finalized permit must be obtained for demolition of the existing residences on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning any abandoned cesspools or septic tanks on the site.

C. 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 building elevations must reflect the information and design approved by this land use review as indicated in Exhibits C.1 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-115614 LDS PD. No Field Changes." The following must be shown on the plans, consistent with the approved exhibits:
 - The garage must be recessed below sidewalk grade a minimum of 3 feet.
 - The finished first floor elevation and main entrance may be no more than 6.25 feet above sidewalk grade.
 - Front yard landscaping is required. Trees must be a minimum 1.5 inch caliper and shrubs must be a minimum 3 gallon container. Plant species may be substituted with comparable plant materials.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Stephanie Beckman

Decision rendered by:  on **August 21, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed August 25, 2014

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

Procedural Information. The application for this land use review was submitted on February 12, 2014, and was determined to be complete on **May 28, 2014**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 12, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 30 days. Unless further extended by the applicant, **the 120 days will expire on: October 24, 2014.**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 8, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

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

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

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

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

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

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

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of a planned development 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. This approval expires if:

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

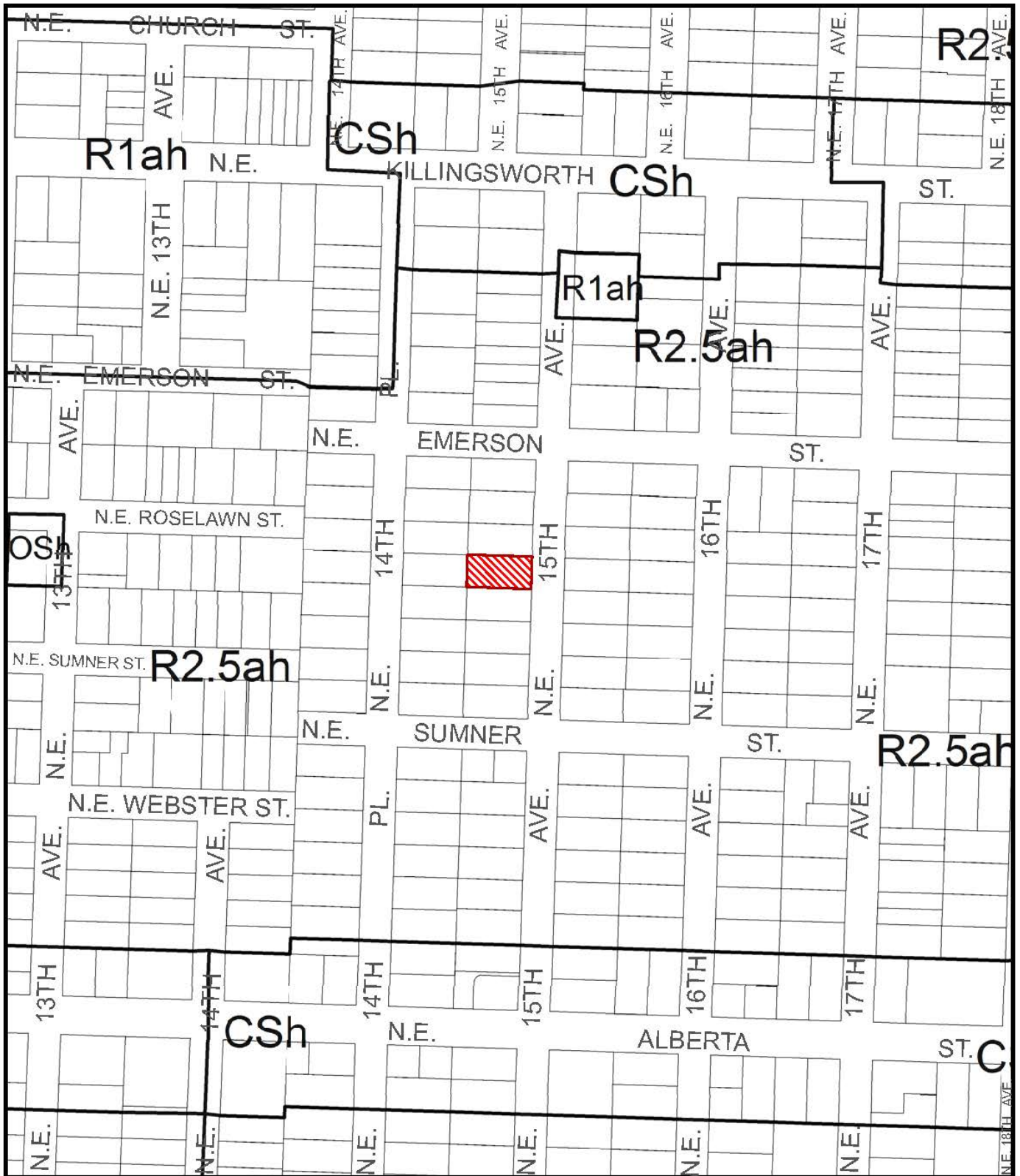
All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal
 2. Additional Information (5/22/14)
 3. Photos of Surrounding Neighborhood
 4. Stormwater Simplified Approach Form
 5. Neighborhood Contact Documentation
 6. 120 day review extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Building Elevations (attached)
 3. Floor Plans
 4. Existing Conditions Survey
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Section of BDS
- F. Correspondence (none)
- G. Other:
 1. Original LU Application
 2. Incomplete Letter
 3. Driveway Design Exception Approval

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



ZONING



Site



NORTH

File No. LU 14-115714 LDP,PD
 1/4 Section 2532
 Scale 1 inch = 200 feet
 State_Id 1N1E23AB 9900
 Exhibit B (Feb 18, 2014)

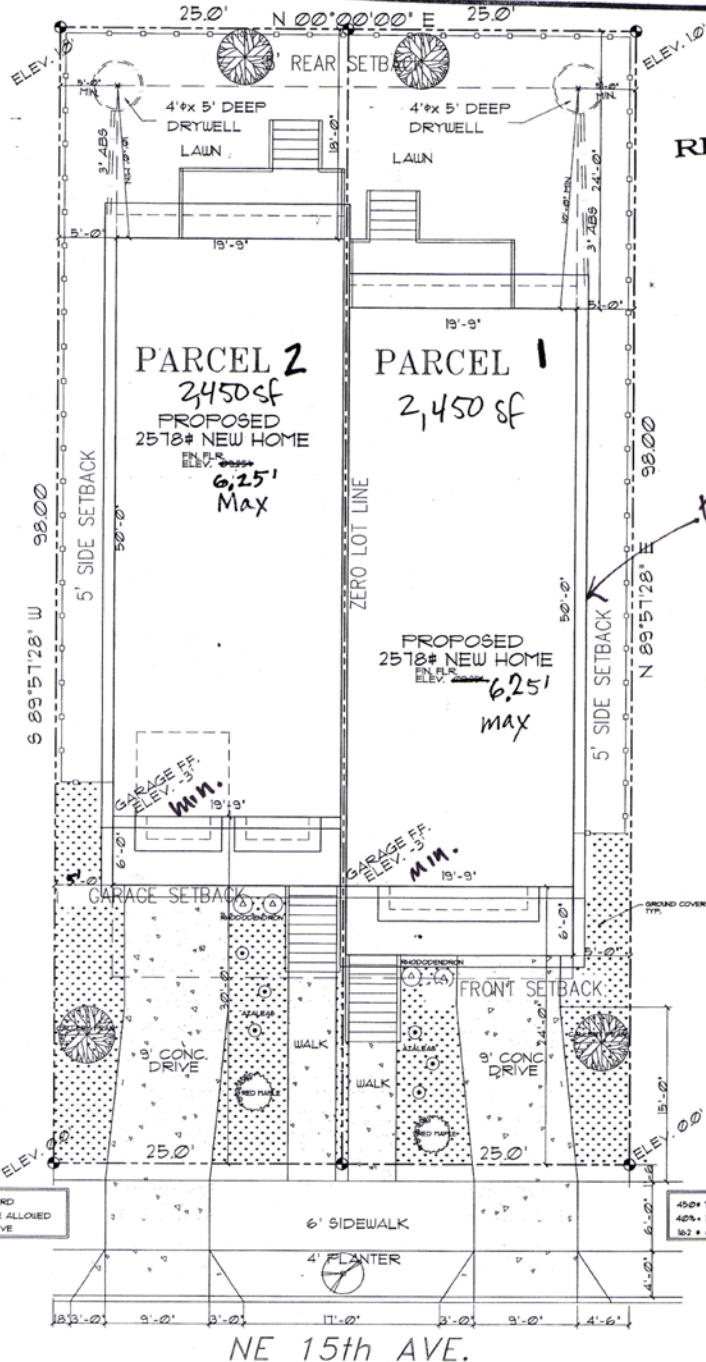
Approved

City of Portland - Bureau of Development Services

Planner S Beckman Date 8/21/14

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

RECEIVED
AUG 14 2014



Eaves allowed to project 1.5' into side setback (parcels 1 & 2)

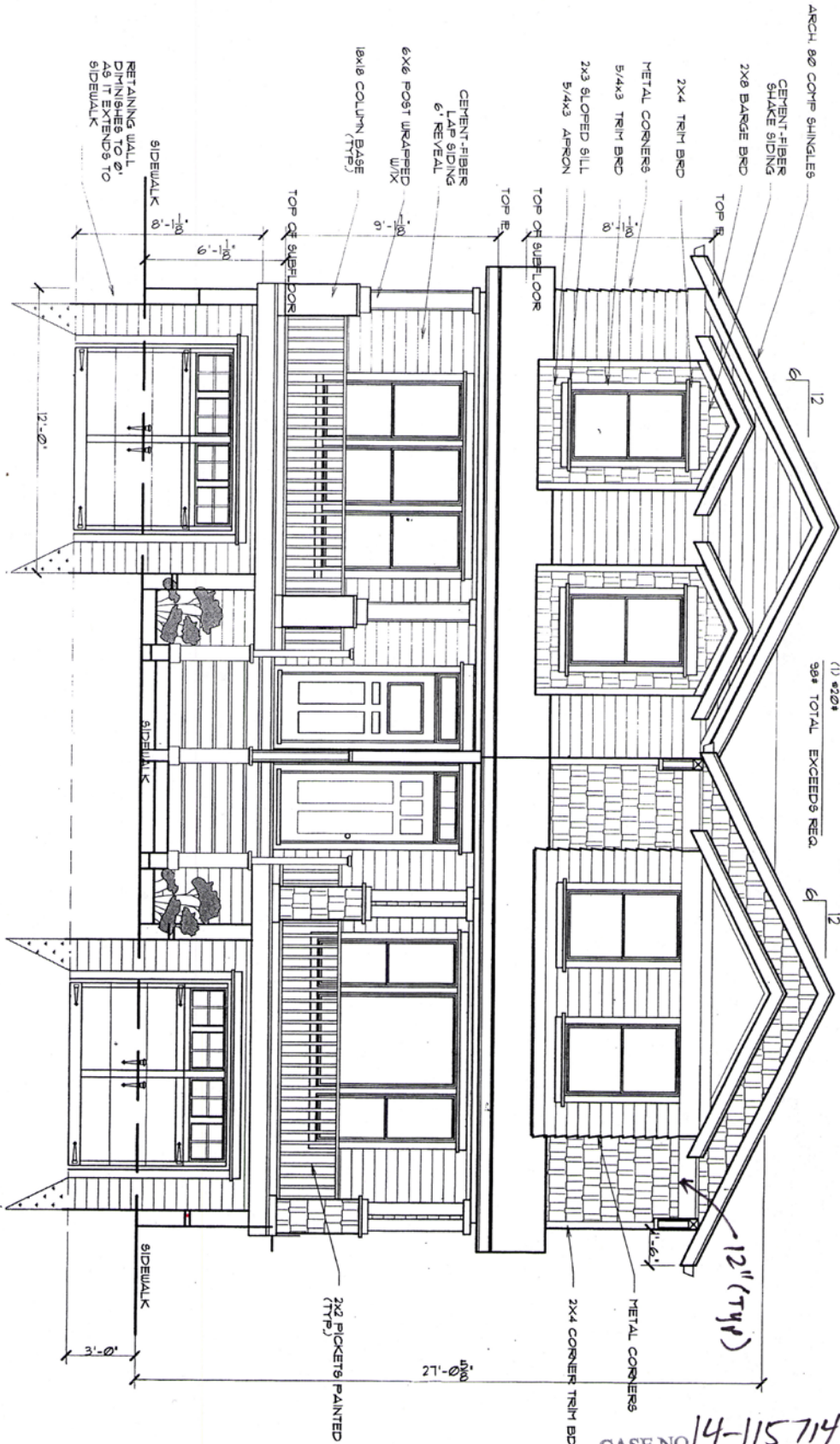
6'-00" TOTAL FRONT YARD
40% * 240" MAX DRIVE ALLOWED
216" * PROPOSED DRIVE

45'-0" TOTAL FRONT YARD
40% * 180" MAX DRIVE ALLOWED
162" * PROPOSED DRIVE

FIRENZE DEVELOPMENT, INC.

port@firenzeusa.com PORTLAND, ORE. call 503-381-4513

CASE NO. LU 14-115714 LDP
EXHIBIT C-1 PD



ELEVATION \$700
 EXCEEDS REQUIRED 12"
 (5) \$150
 (1) \$200
 999 TOTAL EXCEEDS REQ.

RECEIVE
 AUG 14 2014

CASE NO 14-115714
 EXHIBIT C.2(132)

FRONT ELEVATION

Approved

City of Portland - Bureau of Development Services
 Planner Shekara
 Date 8/21/14

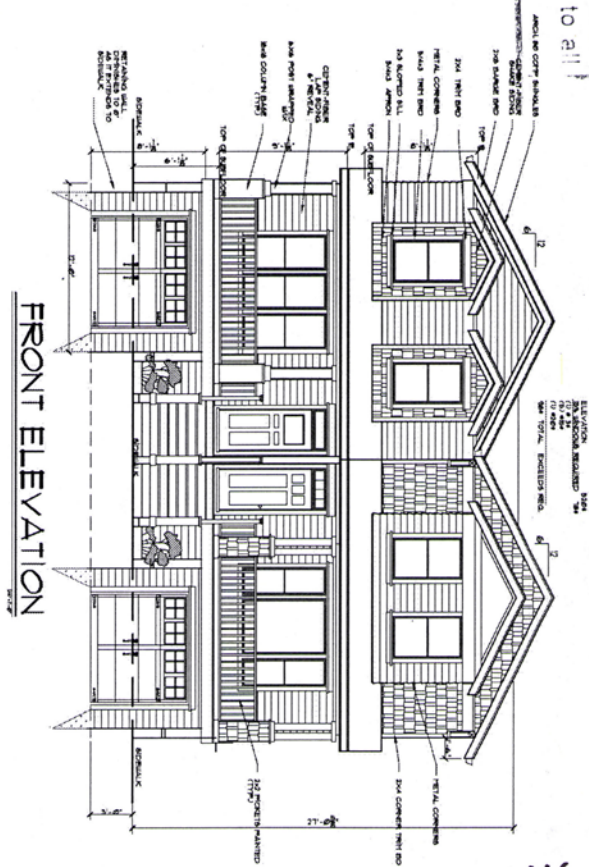
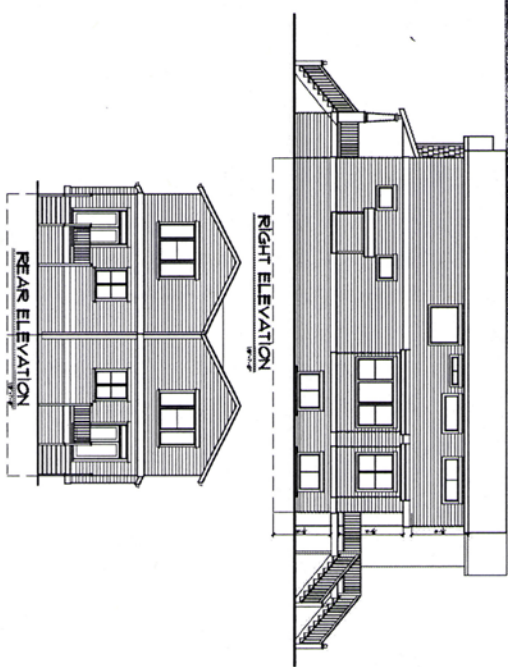
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City of Portland - Bureau of Development Services

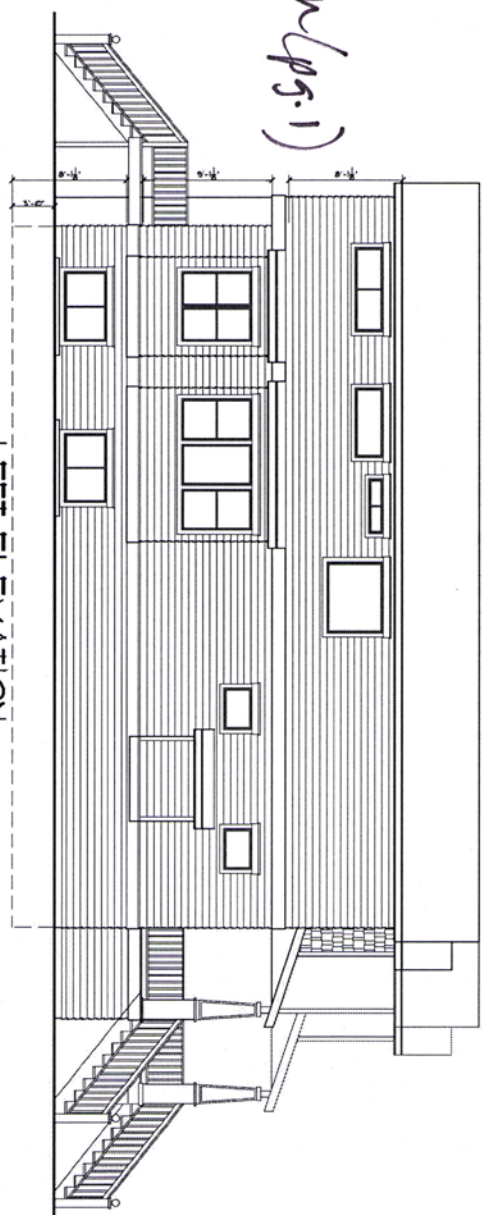
Approved

Planner S. Behm Date 8/21/14

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SEE FRONT ELEVATION (p. 5.1) FOR MATERIALS & FINISH DIMENSIONS.



CASE NO. 14-115714
EXHIBIT C-2(202)

REVISIONS	DATE	DESCRIPTION

FIRENZE DEVELOPMENT, INC.
peter@peterkusyk.com, PORTLAND, ORE. cell: 503-381-4513

NE 15th AVE
ELEVATIONS
25-18

5/8/14
1