BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

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|---|---|
| TATIANA LIFSHITZ,<br>Petitioner,<br><br>v.<br>CITY OF PORTLAND,<br>Respondent,<br><br>and,<br><br>MAIN STREET DEVELOPMENT,<br><br>Intervenor-Respondent. | LUBA No. 2023-053<br><br>**NOTICE OF WITHDRAWAL OF DECISION FOR RECONSIDERATION** |

Pursuant to OAR 661-010-0021(1), Respondent City of Portland hereby withdraws for reconsideration the appealed City of Portland Adjustment Committee Type II Decision, File No. LU 22-141452 AD. The record is due in this consolidated appeal on August 8, 2023, and has not yet been filed with the Board.

DATED: August 8, 2023

Respectfully submitted,

Lauren a King

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

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# FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE CITY OF PORTLAND ADJUSTMENT COMMITTEE ON AN APPEALED ADMINISTRATIVE DECISION (TYPE II PROCEDURE)

## Case File Number: LU 22-141452 AD 7290 SW 13th Drive

The Administrative Decision for this case was appealed by Tatiana Lifshitz to the City of Portland Adjustment Committee. The Adjustment Committee denied the appeal and upheld the Administrative Decision that approved the requested Adjustments.

## GENERAL INFORMATION

**Owner/Applicant:** Nathaniel Rosemeyer | Main Street Development
5331 SW Macadam Ave #258 PMB 208 | Portland, OR 97239
503-422-7707 | nathaniel@msdpdx.com

**Owner:** Burlingame Ridge Townhomes, LLC
5331 S Macadam Ave #258 | Portland, OR 97239

**Owner:** Association of Unit Owners of Burlingame View Condominiums
1015 SW Bertha Blvd. | Portland, OR 97219

**Appellant:** Tatiana Lifshitz
7217 SW 12th Ave | Portland, OR 97219

**Site Address:** 7290 SW 13TH DR

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS
**Tax Account No.:** R054500990, R119480010
**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000
**Quarter Section:** 3728
**Neighborhood:** Hillsdale, contact at board@hna-pdx.com
**Business District:** None
**District Coalition:** Office of Community & Civic Life, contact at CivicLife@PortlandOregon.gov
**Plan District:** None
**Zoning:** RM1 – Residential Multi-Dwelling 1
**Case Type:** AD – Adjustment Review
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**
The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and

- Building 4 (units 11-12) proposed height: 45.5 feet.

These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

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

## ANALYSIS

**Site and Vicinity:** The site is approximately 150 feet northwest of the intersection of SW Bertha Blvd and SW Barbur Blvd. Existing development consists of the Burlingame View Condominiums, which is comprised of 40 units within 4 separate buildings and accessory parking. The site steeply slopes downward from north to south with grade differences as much as 80 feet between the site's SW 13th Drive and SW Bertha Blvd frontages. The surrounding neighborhood is primarily developed with single family homes to the north, with a mix of multi-dwelling and commercial development along SW Barbur Blvd to the south.

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

**Land Use History:** City records indicate that prior land use reviews include the following:

**LU 17-245578 LDP AD** – Denial on appeal of proposal for a 2-parcel partition with Adjustments to lot depth, front building setback, and garage entrance setback.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 23, 2022**. The following Bureaus have responded with no issues or concerns, most of them noting there are open building permits which are under review:

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

The Bureau of Transportation noted there are no transportation-related evaluation factors in the approval criteria and therefore, PBOT has no objection to the requested Adjustments (Exhibit E.2).

**Neighborhood Review:** A total of seven written responses received from notified residents in response to the initial proposal. Some of the comments are summarized below; others are referenced in the findings to the approval criteria.

**Previous Land Division Review:** Several neighbors pointed out that there had been a previous land use review (LU 17-245578 LDP AD), the goal of which was to separate the property where development is proposed from the rest of the site and approve Adjustments to the proposed development. This land division was ultimately denied on appeal to the City's Hearings Officer. Neighbors asked how the current proposal could be moving forward if the land division was denied (Exhibits F.5, F.7) and another stated the comments of the Hearings Officer set precedent for the current proposal at issue (Exhibit F.7). Others compared the current proposal with the one at issue in that review and found the current proposal lacking.

*Staff comment: The previous review was to legalize the separation of the parcel that Main Street Development purchased in 2017. However, the denial of that request does not mean the parcel is not developable; it only means that it doesn't have status as a separate site. For the purposes of this development, the 12 new townhouses are part of the larger site that includes the existing Burlingame View Condos; the entire property together is the site. The previous proposal, which was not reviewed during this process, is irrelevant to the current proposal and land use review underway, and findings made for the land division criteria during that case are not relevant to the current Adjustment request. Staff's job is to review the current proposal against the applicable approval criteria and determine whether the proposal meets those criteria.*

**Slope stability.** Several neighbors raised concerns about the slope stability and the site's location within a landslide hazard area. One neighbor commented that buildings on the subject site have developed cracks in recent years (Exhibit F.2); another went into depth on geotechnical reports and landslide hazard issues raised in the previous land division review (Exhibit F.6).

*Staff comment: Code requirements related to steep slopes, landslide hazards, and construction impacts will be enforced during the building permit review and inspection process but are not directly relevant to the approval criteria for this Adjustment Review. The Life Safety and Site Development Review Sections of BDS reviewed the proposal and did not object to the proposed Adjustments (Exhibits E.5 and E.6, respectively). Both noted that building permits had already been submitted and questions regarding their codes should be directed to the permit reviewers. Since these topics are outside the scope of the approval criteria, staff will not weigh in further on these issues.*

**Affordability**: A couple of neighbors commented that the townhouses would not be affordable or add to the affordable housing stock of the area (Exhibits F.2, F.7). The implication was that the proposal was somehow less compelling, or the proposal should be made to meet the height limit so that units would be smaller and more affordable.

*Staff comment: The affordability of the units is not relevant to the approval criteria. Therefore, the likely cost of the future units is not at issue in this review.*

**Appellant Statement:** According to the appellants' statement, the appeal is based on arguments that the decision maker and applicant failed to show that the proposal meets the approval criteria for Adjustments.

**Public Hearing:** On May 16, 2023, the Adjustment Committee held a public hearing to consider an appeal of the Administrative Decision on this case. The appeal was limited to the Administrative Decision for adjustments to maximum building height for four proposed buildings on the site.

Amanda Rhoads, the BDS staff planner, made a PowerPoint presentation (Exhibit H.14) that included a summary of the proposal, slides of the subject site and surrounding neighborhood, and a summary of BDS' findings related to the Adjustment approval criteria.

Following the staff presentation, the appellant, supporters of the appeal, and the applicant all testified.

Before the close of the public hearing on May 16, 2023, the appellant requested that the record be held open for additional evidence. The hearing was subsequently closed for further testimony, and the record was held open for 7 days for any party to submit new evidence, for 7 days after that for any party to submit a rebuttal of evidence that had been submitted, and for a final 7 days for the applicant to submit a final written rebuttal. Five items were submitted during the open record period (Exhibits H.15 through H.20). Exhibit H.18 provides evidence that Appellant Lifshitz attempted to submit her new evidence by the May 23, 5:00 pm deadline, but that her emails were too large and did not reach the staff for which they were intended. These emails were subsequently added to the record despite not being received by the deadline (combined as Exhibit H.17). Exhibit H.19 documents the applicant waived the final 7-day rebuttal period, closing the record on May 30, 2023 at 5:00 pm.

On June 6, 2023, the Adjustment Committee met again and deliberated on the evidence in the record. After deliberation, the Committee voted 4-0 to deny the appeal and uphold the administrative decision.

## ZONING CODE APPROVAL CRITERIA

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

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

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

**Findings:** The purpose for the height regulation in the multi-dwelling zones is in Zoning Code Section 33.120.215.A:

*A. Purpose. The height standards serve several purposes:*
- *They promote a reasonable building scale and relationship of one residence to another;*
- *They promote options for privacy for neighboring properties; and*
- *They reflect the general building scale of multi-dwelling development in the City's neighborhoods.*

On a steeply sloping site, where the difference between the lowest and highest grades is exactly 5 feet from the proposed building wall and exceeds 10 feet, building height is measured from a point 10 feet above the lowest grade (Zoning Code Section 33.930.050.A.1.b). Regardless of whether the grades are 10 feet different or 100, the height calculations result in a base point that is 10 feet above the lowest point of grade. On this site, each building has a different lowest and highest point of grade, and the difference between the two exceeds 30 feet in three of four cases, much greater than the 10 feet of "makeup" height the Base Point 2 option grants.

| **Building** | **Lowest Point** | **Highest Point** | **Difference** |
|---|---|---|---|
| Building 1 (Units 1-4) | 419.9' | 450' | 30.1' |
| Building 2 (Units 5-8) | 423.5' | 461' | 37.5' |
| Building 3 (Units 9-10) | 434.9' | 466' | 31.1' |
| Building 4 (Units 11-12) | 443.5' | 470' | 26.5' |

The single-dwelling residential zones chapter has an alternate height measurement in circumstances where the slope drops off from the street. Instead of using BP1 or BP2, the single-dwelling zones allow a measurement of height comparing the street-facing façade of the building with the average height of the street (Zoning Code Section 33.110.215.D.1) to address such circumstances where Base Point 2 still results in a house that would largely be under street level and make it challenging to gain vehicle access from the street by right.

This same option is not available in multi-dwelling zones, but the proposed design results in a similar outcome. From the street, the buildings are in scale with what would be expected in an RM1 zone: rowhouses of three stories. In fact, the view facing SW 13th Dr. will be of units that are each under 30 feet tall as measured from their front façades, less than the maximum 35 feet allowed for the zone. In this way, as suggested by the description of the RM1 zone in Zoning Code Section 33.120.030.A, the proposal does transition in scale and intensity from the 30-foot single-dwelling zone height limit to the north to the CM2 zone to the south, with its base height limit of 45 feet. If the site were flat and these buildings looked the same from the street, the height limit would be met. Alternately, if the height limit was met on this steeply sloping lot, the view from the street would be of one-story buildings, not the expected scale for a multi-dwelling zone that is "at a somewhat larger scale and building coverage than allowed in the single-dwelling zones" where three stories is allowed, or even the 23 feet above the street grade allowed in single-dwelling zones with similar lot conditions.

Many neighbor letters made the point that existing development was one- and two-story houses and apartments and therefore the proposed development should mirror that in order to fit in with the neighborhood. However, the criteria do not anticipate that a proposal will match existing development, but rather be in scale with what would otherwise be allowed. In this case, the proposal is equally consistent with what is intended – three-story rowhouses – in the RM1 zone when viewed from the street. In fact, the height when viewed from the street is 5 feet lower than what is allowed in the RM1 zone, and more consistent with the 30-foot height limit of the R7 zoning across the street. The fact that existing development in a lower-density zone across the street, or even in the same zone next door but developed 60 years ago, might be lower than currently allowed is not a reason to find that the current proposal is not consistent with the general building scale of development in the City's multi-dwelling neighborhoods.

While the buildings are built onto the slope and will appear taller on the rear, this taller height will not impact other properties significantly, because views up to the new development from many points along SW Bertha Blvd will be blocked by the existing multi-dwelling development on the site, or by mature trees on the site and adjacent sites along Bertha. Significant views from other locations will be at some distance, and from commercial or multi-dwelling sites, or across the highway. The single-dwelling-zoned areas to the north and northeast of the property will have a predominant view of three-story buildings, an appropriate scale for the zone.

Immediately to the west is an 11-unit multi-dwelling development with one- and two-story rowhouse-style units and extensive parking across the entire property. While the heights are lower, this development is similar in number of units and development type, also appropriate for the RM1 zone. The subject site already has 40 units of multi-dwelling development. The southern row of these units also presents as three stories in height as viewed from SW Bertha Blvd, making the proposed development on the same site consistent with the existing as viewed from the street.

Neighbors commented that the building would feel massive from the street, and that the height could create privacy impacts into the houses across the street due to the height (Exhibits F.2 and F.5). The Adjustment Committee finds that, since the height from the street is consistent with what is anticipated in the RM1 zone, and since all required building setbacks are to be met for the proposal, no privacy impacts to the R7 neighbors to the north are expected to result from the proposal that are greater than what would be allowed outright on a flat RM1-zoned site. The owner of the multi-dwelling development to the west posited that the proposal would impact the livability of the neighborhood (Exhibit F.3). However, the westernmost building of the proposal has no windows on the west façade, the façade closest to that multi-dwelling development.

For these reasons, The Adjustment Committee finds the proposal creates a development that has a reasonable building scale with other multi-dwelling and single-dwelling development nearby; does not cause privacy impacts; and reflects the general building scale of multi-dwelling development in the City's neighborhoods. The Adjustment Committee finds this criterion is met.

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

**Findings:** Since the site is zoned Residential Multi-Dwelling 1, the applicant must show the proposal will not significantly detract from the livability or appearance of the residential area.

Neighbors objected that the proposed structures would detract from the appearance of the area based on several reasons. First, the overall height of the structures was at issue. One neighbor said the buildings will feel massive from the street (Exhibit F.2). Another said the development "will dwarf all other neighboring development" which is two stories or less (Exhibit F.5). Another stated the proposal would create a "wall of hardscape along the current street" across from the R7 zone (Exhibit F.6). The Adjustment Committee does not concur. As described above, the height as appearing from the single-dwelling areas will be three stories, an appropriate size for a low-scale multi-dwelling zone at the edge of a single-dwelling residential area. The taller sides of

the building will largely be obscured from the public due to the existing development and mature vegetation along SW Bertha Blvd, in addition to the slope itself. The appearance from most views in the single-dwelling zone will be a proposal that is in line with what would be allowed on the R7 side of the street. Since the required 10-foot front setback is met, these buildings will all be at least 70 feet from the houses across the street (50-foot right-of-way, with a minimum distance of 10 feet on each of the private lots).

Any of the R7-zoned parcels could redevelop by right with a three-story, 30-foot-tall house, duplex, triplex, or up to 6 units on each parcel if the residential infill development standards of Zoning Code Section 33.110.265 were met. The scale of the development will not significantly detract from the appearance of the residential area more than a similar RM1 development that would be allowed outright on a flat lot. The proposal also meets other Zoning Code standards for building coverage, setbacks, and floor area ratio, which, if exceeded, could each contribute to the overall bulk and massing of the site's development.

Some neighbors also raised issues about views and blocking sunlight to neighbors. One neighbor said the buildings "create a shadow tunnel virtually blocking the sun and light for most of the day for the neighborhood" (Exhibit F.7). Another raised concerns that the three houses across from the proposed development would lose morning light and the views of the greenery on the lot as it is now (Exhibit F.4). Concerns were also raised about impacts to the subject site itself: that the removal of shrubs would result in a degradation of the views for some and there would be impacts to the light some condos got (Exhibits F.2 and F.4). The Adjustment Committee does not find that the buildings as proposed would create impacts in this regard greater than what would be expected for a multi-dwelling development. Even if the height limit were met, the site would lose its shrubs and the views of greenery would disappear, from both within and adjacent to the site. The height Adjustments do not worsen that condition. There is also no right to undeveloped private property adjacent to one's house. Given the three-story height of the buildings as viewed from SW 13th Ave, the Adjustment Committee also finds there would be no greater loss of light from the R7 properties than would be expected from an RM1 development since setbacks are met. Also, while we do not usually consider impacts from within the subject site itself, it is worth noting the buildings are proposed in the northwest quadrant of the subject site, and therefore are not likely to cause significant loss of light for the existing units except possibly at sunset. For the most part, the buildings will not be blocking significant light from the existing units.

Finally, regarding appearance, several neighbors mentioned that the "very modern" architectural style of the house does not fit with the neighborhood (Exhibits F.7, F.6, F.5). However, the Zoning Code does not promote one architectural style over another, and usually the predominant style of a neighborhood, if there is one, reflects the period of construction and not an intentional mimicry of a style over time. As new residential units are constructed in the area, new styles are likely to be added to the mix; the architectural style alone is not a viable reason to object to an Adjustment request.

The term "livability" is not defined in the Zoning Code, but for the purposes of this criterion we generally consider livability impacts as those that would disrupt neighbors' enjoyment of their properties, such as privacy and the off-site impacts discussed in Zoning Code Chapter 33.262, Off-Site Impacts: noise, vibration, odor, and glare. In this case, the structures are adjacent to other multi-dwelling development. The closest building to this adjacent development to the west, Building 1 housing Units 1-4, has no windows or openings on the west façade, and therefore is not likely

to have privacy impacts on the adjacent property since the side setback for the RM1 zone is met.

As described above, the proposed structures as viewed from the nearby single-dwelling zoned-properties north of SW 13th Dr, are three stories tall, equivalent to expected development in the RM1 zone. Since the front setback is met, the buildings are not likely to create views into single-dwelling properties that are more intrusive than what would be allowed outright for an RM1 development on a flat lot. For these reasons, the development is not expected to create privacy or glare impacts. Likewise, there is nothing about a taller building built into a hillside that would create additional noise, vibration, or odors.

For these reasons, the planner finds the proposal will not significantly detract from the livability or appearance of the residential area. Approval criterion B is met.

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

**Findings:** The applicant has requested a height Adjustment to each of the four buildings, and with the same justification that the lot is very steeply-sloping. Since four Adjustments are requested, we must review for the cumulative effect of the Adjustments. The purpose of multi-dwelling residential zones such as RM1 is described in Zoning Code Section 33.120.010:

***33.120.010 Purpose***
*The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.*

***A. Use regulations.*** *The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood character of the multi-dwelling zones and their intended role as places for housing.*

***B. Development standards.*** *The six multi-dwelling zones are distinguished primarily by their allowed scale and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character and contribute to the intended characteristics of each zone. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.*

The intended character for the RM1 zone specifically is described in Zoning Code Section 33.120.030.A:

***A. RM1 zone.*** *The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and*

*along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.*

The 4 new buildings on a vacant part of a site will contribute to a higher density residential neighborhood, as intended for the multi-dwelling residential zones. The 3-story building scale along the residential street frontage (SW 13th Dr) is also consistent with the intended character for the RM1 zone, though the building walls will be taller on the rear, downslope side of the site facing the multi-dwelling residential zone and the commercial zone further south. As noted under Development Standards above in 33.120.010.B, the zoning standards were generally written for flat, regularly shaped lots, and other situations like steeply sloping lots can be addressed through exceptions such as Adjustment Reviews.

As discussed under criterion A above, the RM1 zone is intended to transition in scale from single-dwelling zones to higher-density zones. As such, the zone has a height limit of 35 feet – the same as the single-dwelling R2.5 zone. The CM2 zoning to the south has a base height of 45 feet, with opportunities for bonus height up to 55 feet (or 75 feet through the Planned Development bonus option). As viewed from the residential area, the proposed development is roughly 29-30 feet tall, less than the maximum allowed for RM1, with the impacts of the taller parts of the building limited primarily to the subject site itself.

The proposed Adjustments will not negatively impact opportunities for recreation, energy conservation, or safety. All code requirements related to energy efficiency, fire prevention, and slope stability will apply at the time of building permit review and inspection.

As discussed previously in this report, given the steep slope of the site, the proposed Adjustments will not cause the new development to appear incompatible or out of scale with nearby development.

For these reasons, the Adjustment Committee finds the proposal is consistent with the purpose of the RM1 zone. Approval criterion C is met.

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

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

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

**Findings:** The impacts of the building height Adjustments will be somewhat visible from the rear, downslope side of the buildings facing SW Bertha Blvd. Although tall walls on the downslope side of lots are typical in Southwest Portland, the Adjustment Committee finds impacts will be effectively mitigated by tree canopy and other onsite buildings along the street. Tree canopy near the street will help obscure views of the

tall building walls from SW Bertha Blvd and better promote privacy for the residents in the multi-dwelling structures to the west.

For these reasons, the Adjustment Committee finds approval criterion E is met.

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

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

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The Adjustment Committed reviewed the case file and the additional testimony received prior to and at the May 16, 2023 hearing and until the record closed at 5:00 pm on May 30, 2023. The Committee reconvened on June 6, 2023. After deliberations, the Committee voted 4-0 to deny the appeal and uphold the administrative decision.

The site is steeply sloping, with an approximately 80-foot drop from the northeast property corner to the southwest corner. Adjustments are requested to the building height standard for each building (which is measured from 10 feet above the lowest grade on the south side of each of the new buildings). The Adjustment Committee finds the proposal is consistent with the purposes of the requirements to be modified and with the purpose of the RM1 multi-dwelling residential zone. The proposed Adjustments will not significantly detract from the livability or appearance of the residential area. The applicable Adjustment Review approval criteria are found to be met.

## ADJUSTMENT COMMITTEE DECISION

Deny the appeal, and uphold the administrative decision to approve the following Adjustments for the construction of four new buildings:

Adjustments to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

Approval is per the approved plans, Exhibits C.2 through C.8, signed and dated March 10, 2023, and H.5 (replacing C.1), signed and dated May 9, 2023, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.2-C.8 and H.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-141452 AD."

**These findings, conclusion and decision were adopted by the City of Portland Adjustment Committee on June 6, 2023.**

Leslie Hamilton

**By: Leslie Hamilton, Chair**

**Date Final Decision Effective/Mailed: June 14, 2023**
**120th day date: August 15, 2023**

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

**Procedural Information.** The application for this land use review was submitted on **May 10, 2022**, and was determined to be complete on **November 3, 2022**.

*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 10, 2022**.

*ORS 227.178(1)* 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 a total of 165 days (see Exhibits A.18, A.21, A.24 and H.16). Unless further extended by the applicant, **the 120 days will expire on: August 15, 2023.**

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

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

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

**Appealing this Decision.** This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

**Recording the final decision.**
If this Land Use Review is approved, the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **June 14, 2023** by the Bureau of Development Services.

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

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

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

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

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

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

**EXHIBITS**
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Applicant Narrative (superseded by A.9)
   2. Plans for Units 1-4 (superseded by A.22)
   3. Plans for Units 5-8 (superseded by A.22)

4. 2021 Neighborhood Meeting Information
5. Updated Plans (superseded by A.22)
6. Completeness Response Memo, July 20, 2022
7. Full Site Plan with height elevations
8. Height Adjustment Table
9. Updated Narrative
10. Frontage Improvement Plans
11. Full Site Plan – simplified
12. Updated Building Elevations (superseded by A.22)
13. 2021 Photos of Meeting Sign
14. Neighborhood Contact Certification
15. Neighborhood Notice
16. Emails to Neighborhood Association
17. Plans Shared with Neighborhood Association
18. 30-day Timeline Extension, November 14, 2022
19. Neighborhood Contact Sign Photo
20. Neighborhood Contact Database Confirmation
21. 45-Day Timeline Extension, December 19, 2022
22. Full Plan Set
23. Architect Email, January 9, 2023
24. 30-Day Extension, submitted March 3, 2023
25. Street View Rendering

B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (superseded by H.5)
   2. Street View Rendering (attached)
   3. Building 1 North and West Elevations
   4. Building 1 South and East Elevations
   5. Building 2 North and West Elevations
   6. Building 2 South and East Elevations
   7. Building 3 Elevations
   8. Building 4 Elevations
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Life Safety Plans Examiner
F. Correspondence:
   1. Glenn Bridger, Land Use Chair for Hillsdale Neighborhood Association, January 2, 2023, with questions and some comments
   2. David Kish, January 9, 2023, in opposition
   3. Jackson and Sharon Roholt, January 11, 2023, in opposition
   4. Ariel Greninger, Secretary, Burlingame View Condominiums, in opposition
   5. Gail Stiffler, January 13, 2023, in opposition
   6. Mark and Janet Zimmerdahl, January 13, 2023, in opposition
   7. Tatiana Lifshitz, January 13, 2023, in opposition
G. Other:
   1. Original Land Use Application
   2. Incomplete Letter, June 9, 2022

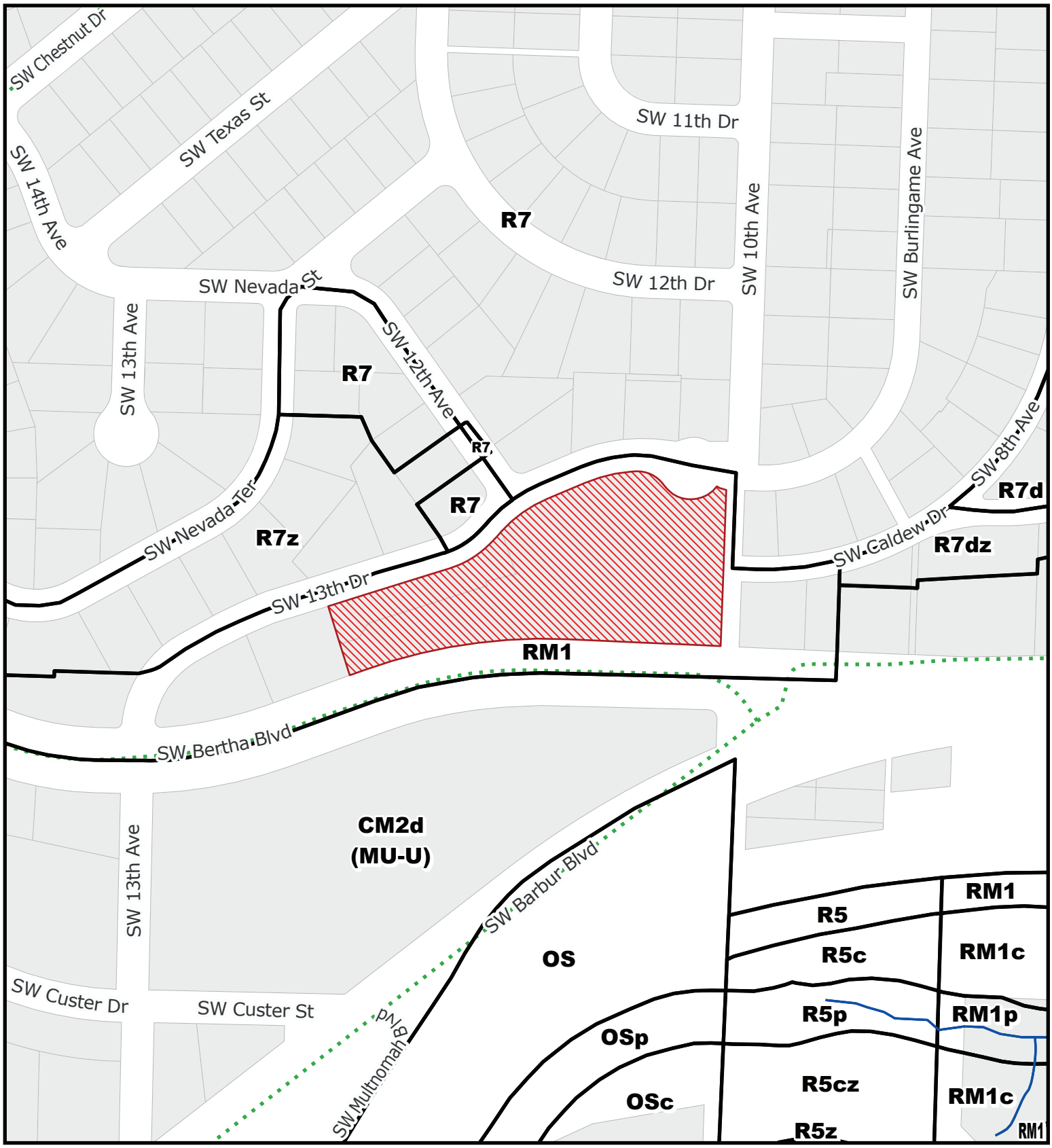
3. Planner Email, July 15, 2022
4. Planner Email, August 4, 2022
5. 180-Day Completeness Reminder Letter, October 13, 2022
6. Planner Email, November 14, 2022

H. Appeal Hearing Exhibits
1. Administrative Decision, mailed March 15, 2023

Received prior to or during the May 16, 2023 public hearing
2. Appeal Submittal, March 29, 2023
3. Notice of Appeal Hearing, mailed April 5, 2023
4. Notice of Appeal Hearing mailing list
5. Updated site plan with typo corrected, received May 9, 2023 (attached)
6. Staff Memo to Adjustment Committee, May 9, 2023
7. Applicant drawings showing retaining wall option, received May 15, 2023
8. Letter from Jason Letts, received May 16, 2023
9. Letter with multiple exhibits from Tatiana Lifshitz, received May 16, 2023
10. Letter from Andrea Stone-French, received May 16, 2023
11. Building colors – rendering, from applicant, received May 16, 2023
12. Letter from Jackson Roholt, received May 16, 2023
13. Letter with multiple exhibits from Highland Edelman, received May 16, 2023
14. BDS staff PowerPoint presentation

Received after the May 16, 2023 public hearing
15. Applicant submittal – landscape plans, received May 16, 2023
16. Applicant 60-day extension, received May 18, 2023
17. Appellant Lifshitz new evidence, submitted May 23 and 24, 2023
18. Evidence that timely Lifshitz emails were sent to staff but not received in time for the May 23 5:00 pm deadline due to being oversized
19. Applicant Rebuttal, received May 30, 2023
20. Appellant Lifshitz Rebuttal, received May 30, 2023
21. Staff Memo to Adjustment Committee, received May 30, 2023
22. List of Testifiers from May 16, 2023 Adjustment Committee Hearing

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




For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING

Site

Stream

Recreational Trails

| | |
|---|---|
| File No. | LU 22 - 141452 AD |
| 1/4 Section | 3728 |
| Scale | 1 inch =200 feet |
| State ID | 1S1E21AC 3400 |
| Exhibit | B Dec 22, 2022 |

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




LU 22-141452 AD
Exhibit C.2

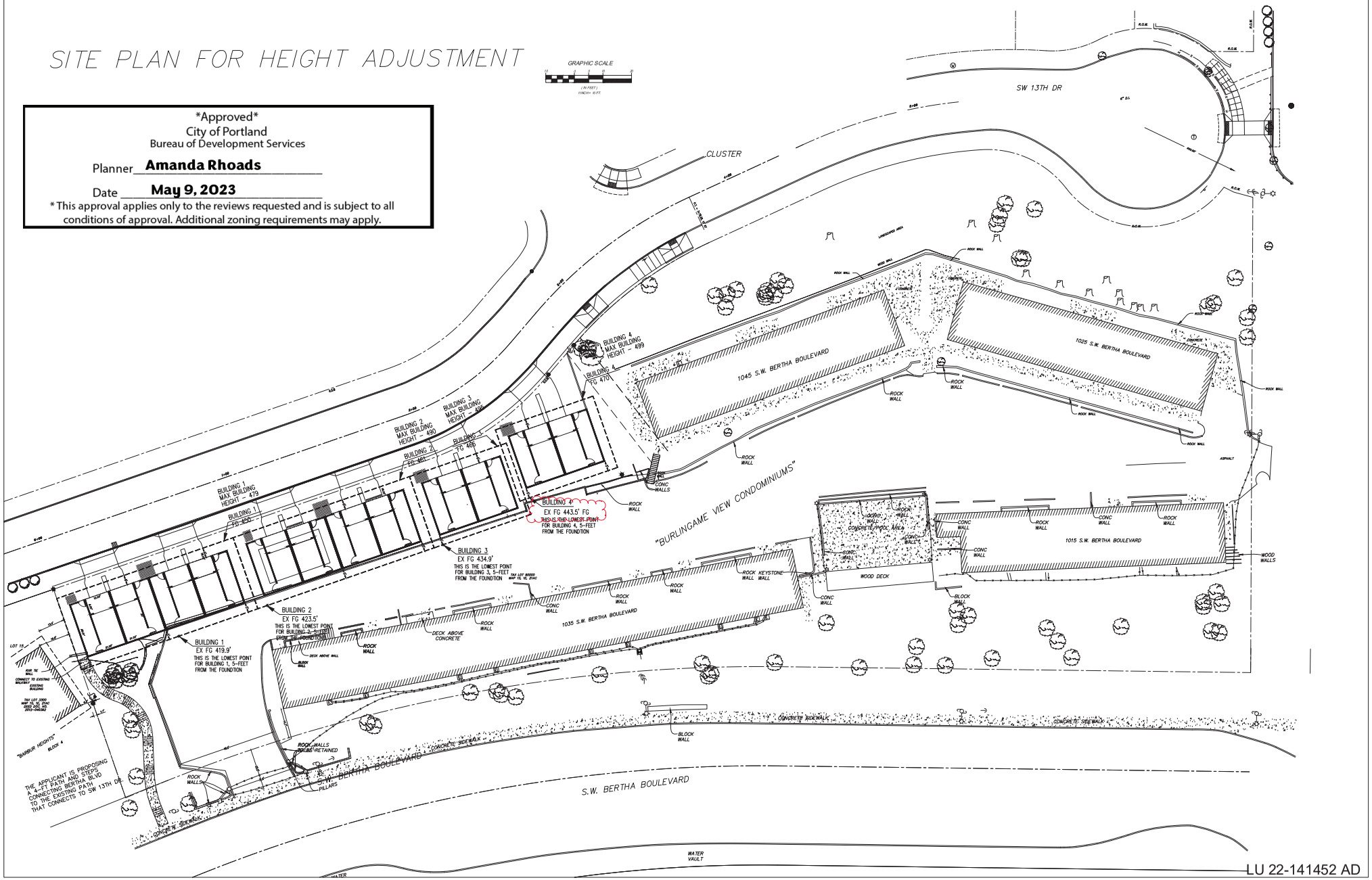
# SITE PLAN FOR HEIGHT ADJUSTMENT

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **May 9, 2023**

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




LU 22-141452 AD
Exhibit H.5

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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LU 22-141452 AD
Exhibit H.5

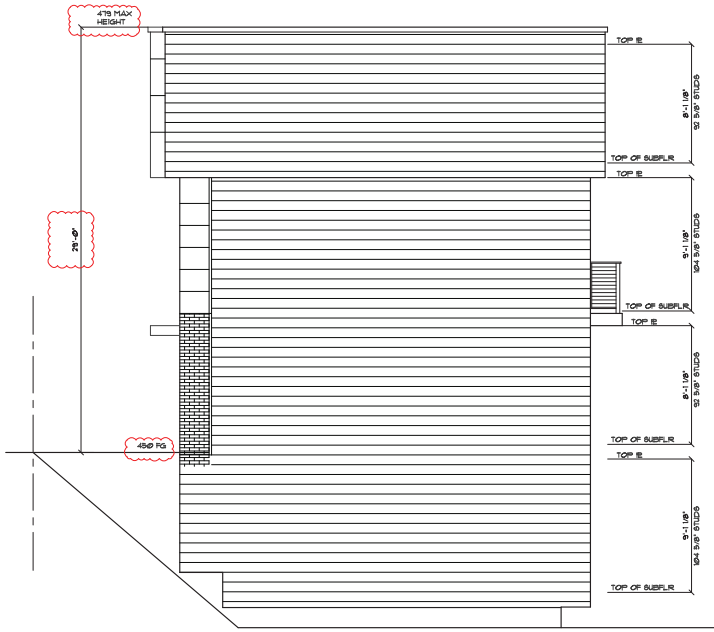
# Building 1, Units 1-4

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 1210 SQ FT
GLAZING AREA= 356 SQ FT




## Front Elevation

SCALE: 1/4"=1'-0"




## Right Elevation

SCALE: 1/4"=1'-0"

FINAL GRADING - SURFACE WATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER D ISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

***A licensed structural engineer has designed each building.**

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILING | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | High efficiency walls & windows:<br>Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | Upgraded features:<br>Exterior walls – U-0.037 / R-23 intermediate or R-21 advanced,<br>Framed floors – U-0.028 / R-38, and<br>Windows – U-0.28, (average UA ) |
| | 3. | Upgraded features:<br>Exterior walls – U-0.055 / R-23 intermediate or R-21 advanced,<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.20 R-38, |
| | 4. | Super Insulated Windows and Attic OR Framed Floors:<br>Windows – U-0.22 (Table Paints Lowest point)<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.028 / R-38 |
| | 5. | Air sealing home and ducts:<br>Mandatory air sealing of all wall coverings at top plate and air sealing detailed, and<br>Mechanical whole building ventilation system with rates meeting M1507.3 ASHRAE 62.2, and<br>All ducts and air handlers contained within building envelope or<br>All ducts sealed with mastic |
| | 6. | High efficiency thermal envelope UAg:<br>Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A | High efficiency HVAC system :<br>Gas-fired furnace or boiler AFUE- 94%, or<br>Air source heat pump HSPF 10.0 5.0 SEER cooling, or<br>Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | Ducted HVAC systems within conditioned space:<br>All ducts and air handlers contained within building envelope (d)<br>Cannot be combined with Measure A |
| | C. | Ductless heat pump:<br>Ductless heat pump HSPF 10.0 in primary zone of dwelling |
| | D. | High efficiency water heater (e):<br>Natural gas/propane water heater with UEF 0.65 OR<br>Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic, tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. Ducts and air handlers shall be located entirely within the building envelope, permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural framing and sealing of all penetrations in wall covering.
Table N1101.1(2) Alternative Prescriptive Energy Code Path shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.


SamedyKem
designer - consultant
custom design - BUILDING remodels
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Hillsboro, Oregon 97123
971.568.0552 fax: 888.313.3610
E-Mail: samedy@kem-consultant.com


"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" Booker T.

Working on

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/8/2021
Date:

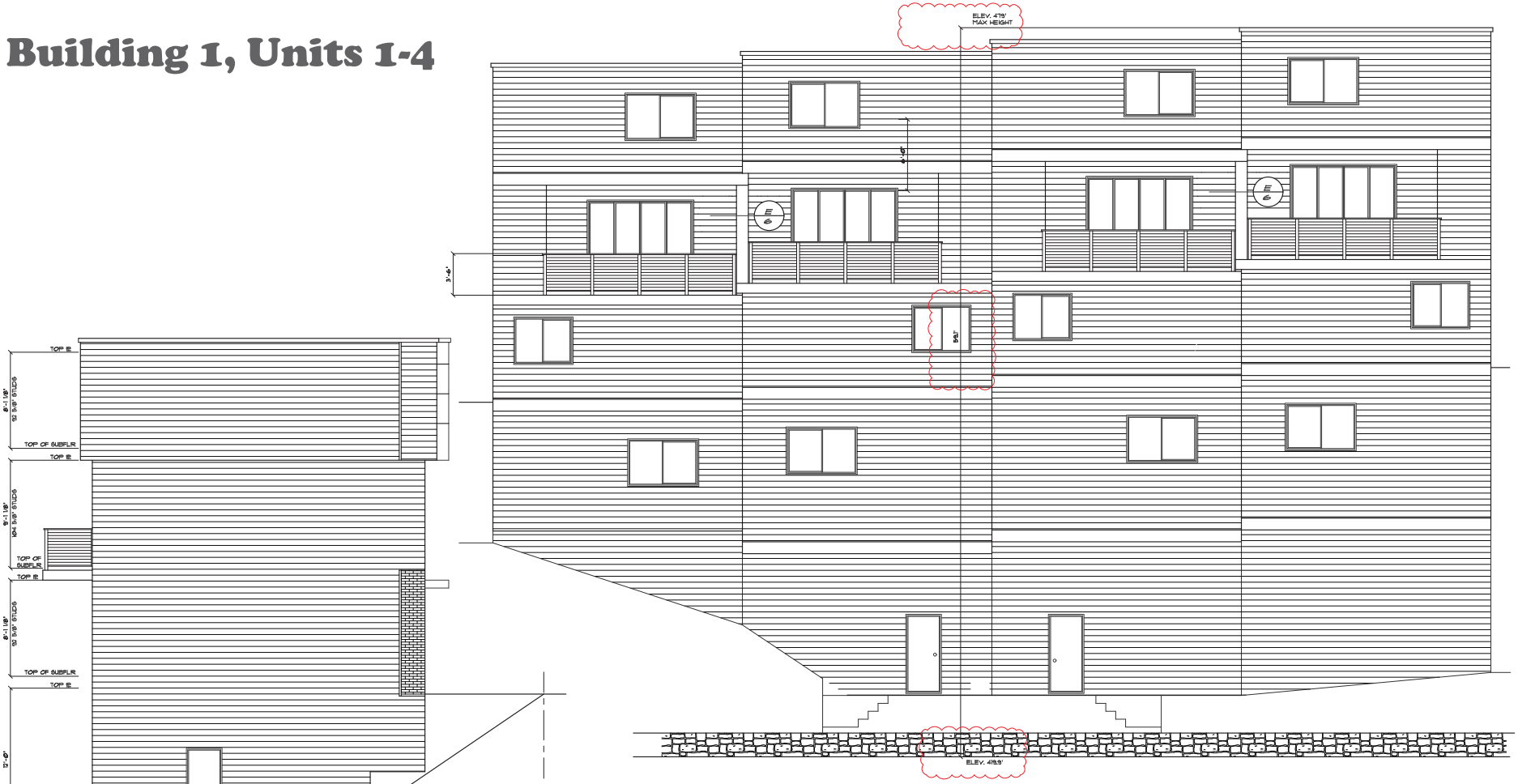
sk- 1687-4 Unit 1 thru 4
Project Number

CHECK BY Samedy Kem
DRAW BY sk

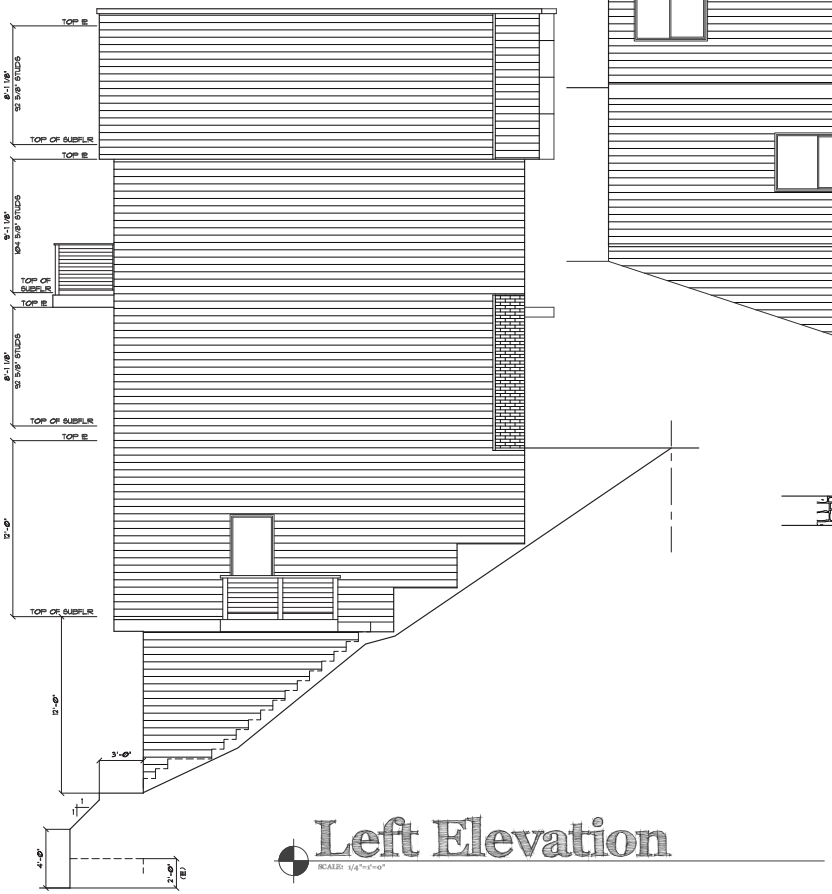
| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| | | REVISION |
| | | REVISION |

1
SHEET NUMBER

# Building 1, Units 1-4




Rear Elevation
SCALE: 1/4"=1'-0"




Left Elevation
SCALE: 1/4"=1'-0"

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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


SamedyKem
designer - consultant
custom design - additions - remodels
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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk- 1687-4 Unit 1 thru 4
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2
SHEET NUMBER

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

1X4 TRIM BOARD

HARDI PANEL W/ 3" CHANNEL

6" LAP SIDING

12" WIDE LAP SIDING

VERTICAL CEDAR SIDING

BRICK PER BUILDER

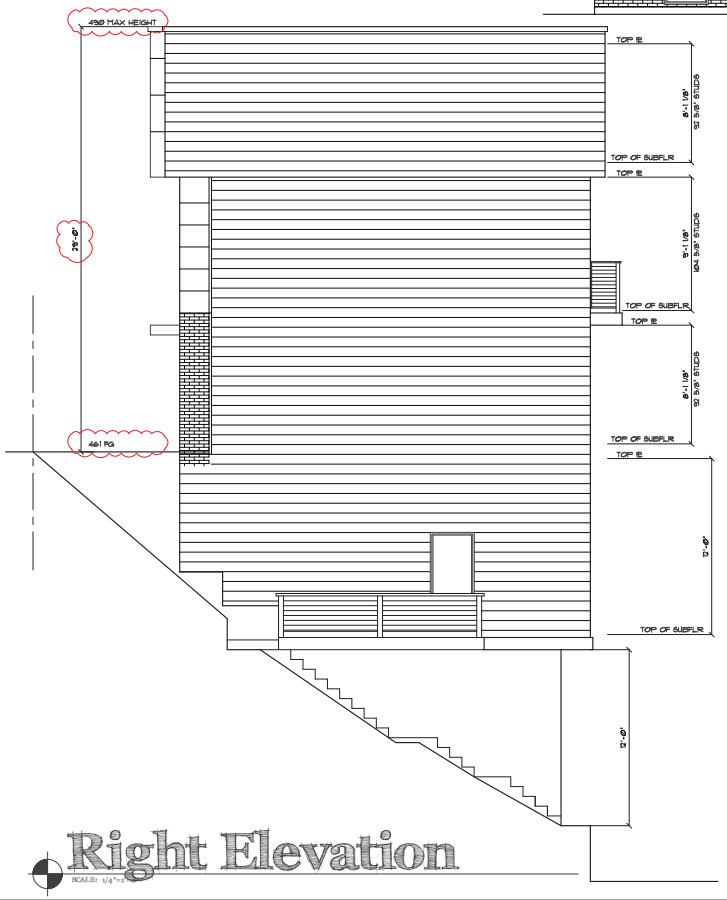


FINAL GRADING - SURFACE WATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.




# Building 2, Units 5-8

## Front Elevation

SCALE: 1/4"=1'-0"

## Right Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground flo or level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for**

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **March 10, 2023**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-38 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | < 2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| Conservation Measure Choice | | Envelope Enhancement Measures (Select One) |
|---|---|---|
| | 1. | High efficiency walls & windows: |
| | | Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | a. | Upgraded features: Exterior walls – U-0.057 / R-21 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-30, and Windows – U-0.28, (average UA) |
| | b. | Upgraded features: Exterior walls – U-0.055 / R-21 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026/R-38, |
| | 4. | Superinsulated Windows and Attic OR Framed Floors: Windows – U-0.22 (Triple Pane Low-e) and Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | Air sealing home and ducts |
| | | Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | High efficiency thermal envelope UAg: |
| | | Proposed UA is 8% lower than the code UA |
| Conservation Measure Choice | | |
| | A. | High efficiency HVAC system: |
| | | Gas-fired furnace or boiler AFUE 94% or Air source heat pump HSPF 10.0 with cooling or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | Ducted HVAC systems within conditioned space: |
| | | All ducts and air handlers contained within building envelope (d) Carnot'ar combined with Measure 3 |
| | C. | Ductless heat pump: |
| | | Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | High efficiency water heater (c): |
| | | Natural gas propane water heater with UEF 0.65 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connection to the ductwork. Duct leakage shall be verified by a Home Performance Tested Comfort Systems rater, and tested by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate and all floor coverings to subfloor. Seal shall be by caulking, gasketing or taping as required for sealing wall covering material to structural material (example: gypsum board to wood stud framing).
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.


SamedyKem
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custom design - stock plans - remodels
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"Success is not be measured by the position someone has reached in life, but the obstacles he has overcome while trying to succeed" - Booker T. Washington


Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 258 SF
Upper 643 SF
Upper 643 SF
Main 500 SF
1887 Total SF

2/8/2021
Date :

sk-1687-4 Unit 5 thru 8
Project Number

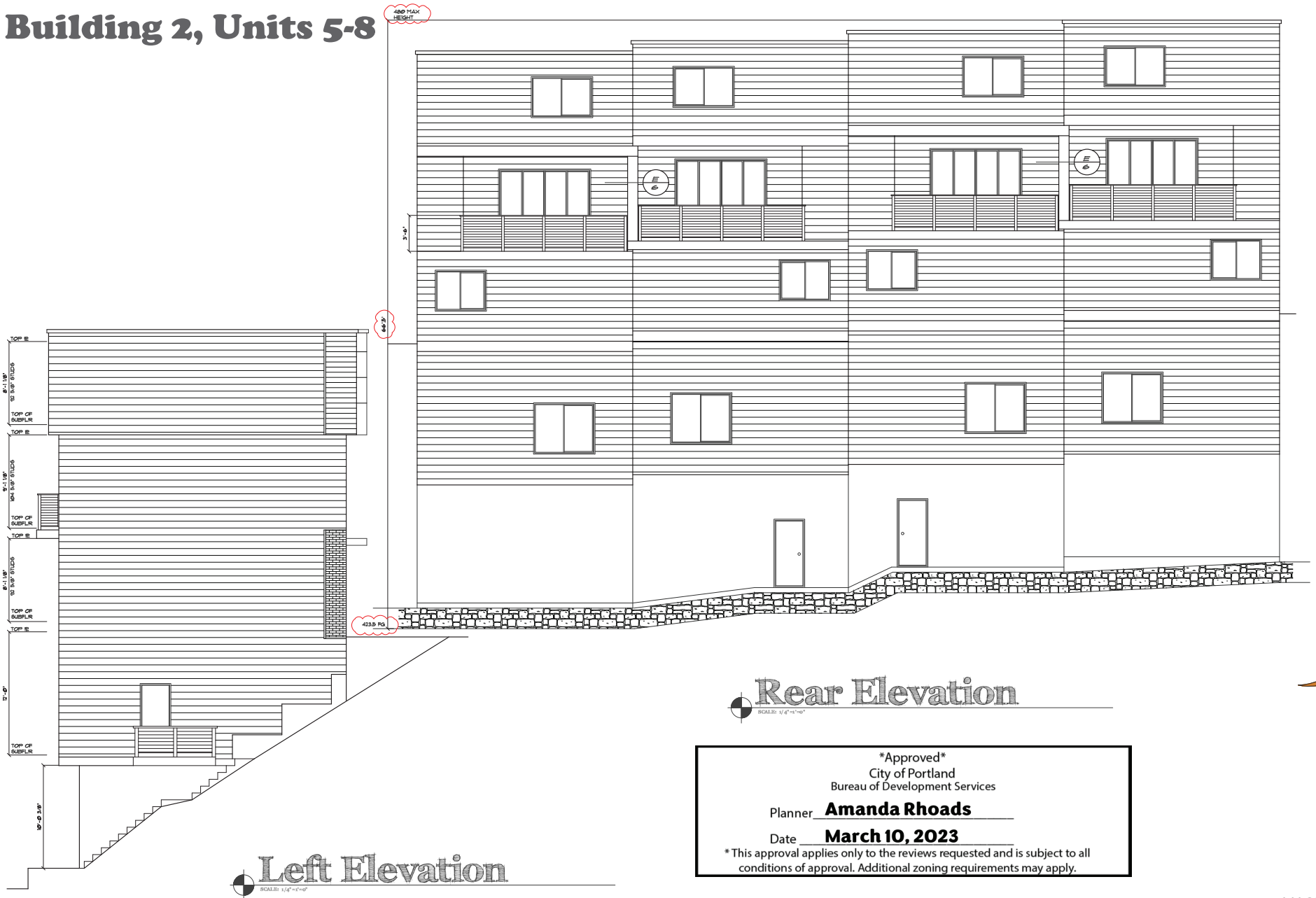
| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1
Sheet No. of 8


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# Building 2, Units 5-8




## Rear Elevation

SCALE: 1/4"=1'-0"

## Left Elevation

SCALE: 1/4"=1'-0"

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.


SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O.Box 3571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5630
E-Mail: samedy@kem-consultant.com


"Success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" - Booker T. Washington

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 258 SF
Upper 643 SF
Upper 643 SF
Main 500 SF
1887 Total SF

2/8/2021
Date :

sk-1687-4 Unit 5 thru 8
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2


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* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.30 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.30 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measures (Select One) | 1. | High efficiency walls & windows: Exterior walls – U-0.046 / R-21 cavity insulation + R-5 continuous |
| | 2. | Upgraded features: Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.20, (average UA) |
| | 3. | Upgraded features: Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026/R-38 |
| | 4. | Super insulated Windows and Attic OR Framed Floors: Windows – U-0.22 (Triple Pane Low-e) and Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | Air sealing home and ducts: Mandatory air sealing of all seal coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | High efficiency thermal envelope UAg: Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | High efficiency HVAC system: Gas-fired furnace or boiler AFUE 94%, or Air source heat pump HSPF 10.0 SEER/EER cooling,or Ground source heat pump COP3.5 or Energy Star rated |
| | B. | Ducted HVAC systems within conditioned space: All ducts and air handlers contained within building envelope (d) Cannot be combined with Measure 5 |
| | C. | Ductless heat pump: Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | High efficiency water heater (c): Natural gas/propane water heater with UEF 0.65 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m 2 1 watt per square foot = 10.8 W/m 2
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections. Duct leakage shall be verified by either a Home Performance Tested ComfortSystems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum rated sealing surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Air barrier shall be installed on the building envelope rated for sealing wall covering material to structural framing. (examples: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design. Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 1260 SQ FT
GLAZING AREA= 36 SQ FT

1X4 TRIM BOARD
HARDI PANEL W/ J' CHANNEL
6" LAP SIDING
12" WIDE LAP SIDING
VERTICAL CEDAR SIDING
BRICK PER BUILDER

5'-6" 16'-6" 2'-0" 10'-6" 9'-6"

Front Elevation
SCALE: 1/4"=1'=0"

BRICK IS SUPPORTED BY 'C' CHANNEL

495 MAX HEIGHT

8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
9'-1 1/8" 10X4 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
12'-0" 10X4 9 5/8" STUDS
TOP OF SUBFLR

5'-6"
29'-0"
466 RS

Left Elevation
SCALE: 1/4"=1'=0"

495 MAX HEIGHT

8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
9'-1 1/8" 10X4 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
12'-0"
TOP OF SUBFLR

3'-6"
60'
11'-0"
ELEV. 454.5

Rear Elevation
SCALE: 1/4"=1'=0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

lowest floor of each unit.

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

Right Elevation
SCALE: 1/4"=1'=0"

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# Building 3, Units 9-10

SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O.Box 3571
Hillsboro, Oregon 97123
971.563.0552 / fax: 888.311.5630
E-Mail: samedy@kem-consultant.com

"Success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" - Booker T. Washington

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF
LOWER 541 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/8/2021
Date :

Units 9-10
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | 5/9/22 | REVISION |
| 5 | | REVISION |

1

# Building 4, Units 11-12

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE "B"
SEE PAGE "I" FOR ENERGY CODE

| OREGON RESIDENTIAL ENERGY CODE | |
|---|---|
| BUILDING COMPONENTS | |
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

Envelope Enhancement Measures (Select One)

1. High efficiency walls & windows:
   Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous
   Upgraded features:
2. Exterior walls – U-0.037 / R-23 Intermediate or R-21 advanced,
   Framed floors – U-0.026 / R-38, and
   Windows – U-0.28, (average UA)
   Upgraded features:
3. Exterior walls – U-0.035 / R-23 Intermediate or R-21 advanced,
   Flat ceiling – U-0.017 / R-60, and
   Framed floors – U-0.026/R-38
4. Super insulated Windows and Attic OR Framed Floors:
   Windows – U-0.22 (Triple Pane Low-e) and
   Flat ceiling – U-0.017 / R-60, and
   Framed floors – U-0.026 / R-38
5. Air sealing home and ducts
   Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and
   Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and
   All ducts and air handlers contained within building envelope or
   All ducts sealed with mastic
6. High efficiency thermal envelope: UAg:
   Proposed UA is 8% lower than the code UA

Conservation Measure (Select One)

A. High efficiency HVAC system :
   Gas-fired furnace or boiler AFUE 96%, or
   Air source heat pump meeting HSPF 10.0/15.0 SEER cooling, or
   Ground source heat pump COP 3.5 or Energy Star rated
B. Ducted HVAC systems within conditioned space:
   All ducts and air handlers contained within building envelope (d)
   Cannot be combined with Measure 5
C. Ductless heat pump:
   Ductless heat pump HSPF 10.0 in primary zone of dwelling.
D. High efficiency water heater (c):
   Natural gas propane water heater with UEF 0.65 OR
   Electric heat pump water heater Tier I Northern Climate Specification Product

For SI: 1 square foot = 0.093 m 2, 1 watt per square foot = 10.8 W/m 2
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections. Duct leakage shall be verified by either the Energy Star Version 3 Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum rated sealing surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Top plate framing shall be sealed to wall covering material listed for nailing wall covering material to structural material ( exempt gypsum board to wood stud framing).
g. Table N1104.1 (1) Standard base case design. Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

NOTE: 36% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

1x4 TRIM BOARD
HARDI PANEL W/ J" CHANNEL
6" LAP SIDING
12" WIDE LAP SIDING
VERTICAL CEDAR SIDING
BRICK PER BUILDER

Front Elevation
SCALE: 1/4"=1'-0"

BRICK IS SUPPORTED BY 'C' CHANNEL

Left Elevation
SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPENSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

3. Buildings of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

Right Elevation
SCALE: 1/4"=1'-0"

Rear Elevation
SCALE: 1/4"=1'-0"

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SamedyKem
designer - consultant
custom design - track plans - remodels
P.O.Box 3571
Hillsboro, Oregon 97123
971.563.0552 / fax: 888.311.5630
E-Mail: samedy@fam-consultants.com

"Success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" - Booker T. Washington

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

This document is the property of Samedy Kem, Designer. No reuse to reproduction is allowed without the written consent from Samedy Kem.

MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF
LOWER 541 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/8/2021
Date :

4Bldg 11 & 12Bldg 11-12
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1
SHEET NO.

LU 22-141452 AD
Exhibit H.5

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing NOTICE OF WITHDRAWAL OF DECISION FOR RECONSIDERATION on:

TATIANA LIFSHITZ
7217 SW 12TH AVENUE
PORTLAND, OR 97219
*Petitioner Pro Se*

CHRISTOPHER P. KOBACK
HATHAWAY LARSON LLP
1125 NW COUCH STREET, SUITE 550
PORTLAND, OR 97209
*Attorney for Intervenor-Respondent*

on August 8, 2023, by mailing to said person(s) a correct copy thereof, contained in a sealed envelope, with postage paid, and deposited in the post office at Portland, Oregon on said day.

I further certify that on August 8, 2023, I filed the original and one copy of the NOTICE OF WITHDRAWAL OF DECISION FOR RECONSIDERATION with the:

LAND USE BOARD OF APPEALS
DSL BUILDING
775 SUMMER STREET NE, SUITE 330
SALEM, OR 97301-1283

by mailing said document, contained in a sealed envelope, with first class postage paid, and deposited with the post office at Portland, Oregon on said day.

Lauren a King

LAUREN KING, OSB #123632
Senior Deputy City Attorney



PORTLAND CITY ATTORNEY'S OFFICE
1221 SW 4TH AVENUE, RM. 430
PORTLAND, OREGON 97204
TELEPHONE: (503) 823-4047
FAX: (503) 823-3089

Oregon
Tina Kotek, Governor

Land Use Board of Appeals
775 Summer St NE Ste 330
Salem, OR 97301-1283
(503) 373-1265

August 14, 2023

RECEIVED
AUG 17 2023
Office of the City Attorney

Christopher P. Koback
Hathaway Larson LLP
1125 NW Couch Street, Suite 550
Portland, OR 97209

Lauren A. King
Portland City Attorney's Office
1221 SW 4th Avenue, Room 430
Portland, OR 97204

Tatiana Lifshitz
7217 SW 12th Ave.
Portland, OR 97219

RE: Lifshitz v. City of Portland
LUBA No. 2023-053

This is to advise you that the Board has received City of Portland's notice of withdrawal of the decision challenged in the above referenced appeal for reconsideration pursuant to ORS 197.830(13)(b).

Under OAR 661-010-0021(2), the filing of a notice of withdrawal has the effect of suspending the LUBA appeal proceeding until a decision on reconsideration is filed with LUBA by the respondent. Under OAR 661-010-0021(1), a decision on reconsideration is required to be filed with LUBA, and served on the parties, within 90 days after the date the notice of withdrawal was filed.

Best Regards,

Erin Pence
Executive Support Specialist

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

| | |
|---|---|
| TAITIANA LIFSHITZ,<br><br>Petitioner,<br><br>v.<br><br>CITY OF PORTLAND,<br><br>Respondent,<br><br>and<br><br>MAIN STREET DEVELOPMENT,<br><br>Intervenor-Respondent. | LUBA No. 2023-053<br><br>**MOTION TO INTERVENE** |

I.

Main Street Development ("Intervenor-Respondent") moves to intervene on the side of the City of Portland ("Respondent") in the above-captioned appeal.

Intervenor-Respondent's mailing address and telephone number is as follows:

5331 SW Macadam Street
Portland, OR 97239
(503) 422-7707

Intervenor-Respondent's attorney's name, address, and telephone number are as follows:

Christopher P. Koback, OSB No. 913408
Hathaway Larson LLP
1125 NW Couch Street, Suite 550
Portland, OR 97209
Telephone: (503) 303-3101

II.

The Decision being appealed is a Type II Decision by the Portland Adjustment Committee that affirmed an administrative decision in LU 22-141452AD approving an adjustment to city development standards. That decision became final on June 14, 2023. Petitioner filed a corrected Notice of Intent to Appeal on July 18, 2023.

III

The facts establishing Intervenor-Respondent's right to intervene are as follows: Intervenor-Respondent is the applicant in the local proceedings that preceded this LUBA appeal and that approved an adjustment to city standards. Intervenor-Respondent appeared in the local proceeding on its own behalf and through its representatives. Intervenor-Respondent's interest will be affected by the decision in this appeal. Therefore, Intervenor-Respondent has a right to intervene in this appeal pursuant to ORS 197.830(7) and OAR 661-010-0050(1).

DATED this 4th day of August 2023.

HATHAWAY LARSON LLP

By: Christopher P. Koback, OSB No. 913408
*Of Attorneys for Intervenor-Respondent Main Street Development*

## CERTIFICATE OF SERVICE

I hereby certify that I filed the original of this MOTION TO INTERVENE, together with one (1) copy thereof, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, Oregon 97301-1283, on August 4, 2023, by first-class mail, postage prepaid, to the Board at the above address.

HATHAWAY LARSON LLP

By: _____
Christopher P. Koback, OSB No. 913408
*Of Attorneys for Intervenor-Respondent*

I hereby further certify that on August 4, 2023, I served a true and correct copy of this MOTION TO INTERVENE on the persons listed below by first-class mail, postage prepaid:

Tatiana Lifshitz
7217 SW 12th Avenue
Portland, OR 97219
*Petitioner*

Lauren A. King, OSB No. 123632
Portland Office of City Attorney
1221 SW 4th Avenue, Suite 430
Portland, OR 97204
*Attorneys for Respondent*

HATHAWAY LARSON LLP

By: _____
Christopher P. Koback, OSB No. 913408
*Of Attorneys for Intervenor-Respondent*

**EXHIBIT 1**
(661-010-0015)

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

| | | |
|---|---|---|
| Tatiana Lifshitz, | ) | |
| | ) | |
| Petitioner, | ) | |
| | ) | |
| vs. | ) | LUBA No. _____ |
| | ) | |
| City of Portland, | ) | |
| | ) | |
| Respondent. | ) | |

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that petitioner intends to appeal that land use decision or limited land use decision of respondent entitled City of Portland Adjustment Committee Type II Procedure Height Adjustments Decision upholding Administrative grant of four Adjustments for a proposal at Site Address 7290 SW 13th Drive in Portland, which became final on June 14, 2023 and which involves Administrative Case LU 22-141452AD, a copy of Decision is attached hereto as Exhibit A.

II.

(a) Petitioner, Tatiana Lifshitz, has as their mailing address and telephone number: 7217 SW 12th Avenue, Portland, Oregon 97219; (503) 789-1797, email: tatianalifshitz@comcast.net

(b) Petitioner, Tatiana Lifshitz, is self-represented at this time.

III.

(a) Respondent, City of Portland, has as its mailing address and telephone number: Title 33 Section, Land Use Services Division, Bureau of Development Services, 1900 SW Fourth Ave, Suite 5000, Portland, OR 97201; (503) 865-6514; email: Amanda.rhoads@portlandoregon.gov

(b) Respondent, Willamette County, has as its legal counsel: to be provided.

IV.

(a) Applicant, Nathaniel Rosemeyer, Main Street Development, 5331 SW Macadam Ave. # 258, PMB 208, Portland, OR 97239, (503) 422-7707; email: Nathaniel@msdpdx.com.

(b) Applicant, Main Street Development, was not represented by an attorney in the proceeding below.

(c) Other persons mailed written notice of the land use decision or limited land use decision by Willamette County, as indicated by its records in this matter, include: Association of Unit Owners of Burlingame View Condominiums, 1015 SW Bertha Blvd, Portland OR 97219; Burlingame Ridge Townhomes, LLC, 5331 S. Macadam Ave.#258, Portland, OR 97219;

Anyone designated in paragraph IV of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by

OAR 661-010-0050.

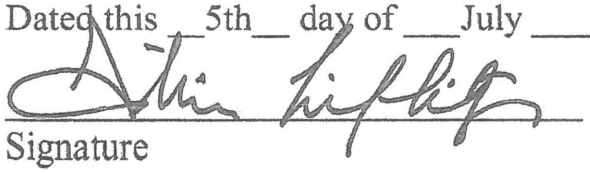
Dated this __5th__ day of _____July_____, 2023_.

Petitioner (each petitioner must sign)

## CERTIFICATE OF FILING OF NOTICE OF INTENT TO APPEAL

I hereby certify that, on July 5, 2023 I filed the original of this Notice of Intent to Appeal, together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by Certified Mail.

Dated this __5th__ day of ___July _____, 2023.

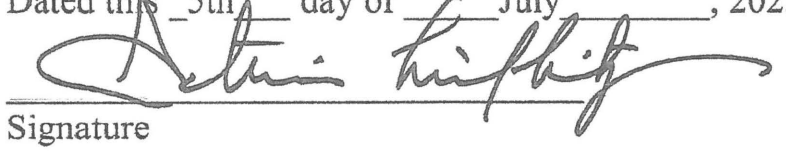


Signature

## CERTIFICATE OF SERVICE OF NOTICE OF INTENT TO APPEAL

I hereby certify that, on July 5, 2023 I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by first class mail.

Dated this _5th___ day of ____July_____, 2023_.



Signature

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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
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# FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE CITY OF PORTLAND ADJUSTMENT COMMITTEE ON AN APPEALED ADMINISTRATIVE DECISION (TYPE II PROCEDURE)

## Case File Number: LU 22-141452 AD 7290 SW 13th Drive

The Administrative Decision for this case was appealed by Tatiana Lifshitz to the City of Portland Adjustment Committee. The Adjustment Committee denied the appeal and upheld the Administrative Decision that approved the requested Adjustments.

## GENERAL INFORMATION

**Owner/Applicant:** Nathaniel Rosemeyer | Main Street Development
5331 SW Macadam Ave #258 PMB 208 | Portland, OR 97239
503-422-7707 | nathaniel@msdpdx.com

**Owner:** Burlingame Ridge Townhomes, LLC
5331 S Macadam Ave #258 | Portland, OR 97239

**Owner:** Association of Unit Owners of Burlingame View Condominiums
1015 SW Bertha Blvd. | Portland, OR 97219

**Appellant:** Tatiana Lifshitz
7217 SW 12th Ave | Portland, OR 97219

**Site Address:** 7290 SW 13TH DR

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS
**Tax Account No.:** R054500990, R119480010
**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000
**Quarter Section:** 3728
**Neighborhood:** Hillsdale, contact at board@hna-pdx.com
**Business District:** None
**District Coalition:** Office of Community & Civic Life, contact at CivicLife@PortlandOregon.gov
**Plan District:** None
**Zoning:** RM1 – Residential Multi-Dwelling 1
**Case Type:** AD – Adjustment Review
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**
The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and

- Building 4 (units 11-12) proposed height: 45.5 feet.

These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

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

## CONCLUSIONS

The Adjustment Committed reviewed the case file and the additional testimony received prior to and at the May 16, 2023 hearing and until the record closed at 5:00 pm on May 30, 2023. The Committee reconvened on June 6, 2023. After deliberations, the Committee voted 4-0 to deny the appeal and uphold the administrative decision.

The site is steeply sloping, with an approximately 80-foot drop from the northeast property corner to the southwest corner. Adjustments are requested to the building height standard for each building (which is measured from 10 feet above the lowest grade on the south side of each of the new buildings). The Adjustment Committee finds the proposal is consistent with the purposes of the requirements to be modified and with the purpose of the RM1 multi-dwelling residential zone. The proposed Adjustments will not significantly detract from the livability or appearance of the residential area. The applicable Adjustment Review approval criteria are found to be met.

## ADJUSTMENT COMMITTEE DECISION

Deny the appeal, and uphold the administrative decision to approve the following Adjustments for the construction of four new buildings:

Adjustments to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

Approval is per the approved plans, Exhibits C.2 through C.8, signed and dated March 10, 2023, and H.5 (replacing C.1), signed and dated May 9, 2023, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.2-C.8 and H.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-141452 AD."

**These findings, conclusion and decision were adopted by the City of Portland Adjustment**

**Committee on June 6, 2023.**

Leslie Hamilton

**By: Leslie Hamilton, Chair**

**Date Final Decision Effective/Mailed: June 14, 2023**
**120th day date: August 15, 2023**

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

**Procedural Information.** The application for this land use review was submitted on **May 10, 2022**, and was determined to be complete on **November 3, 2022**.

*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 10, 2022**.

*ORS 227.178(1)* 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 a total of 165 days (see Exhibits A.18, A.21, A.24 and H.16). Unless further extended by the applicant, **the 120 days will expire on: August 15, 2023.**

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

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

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

**Appealing this Decision.** This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the

close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

**Recording the final decision.**
If this Land Use Review is approved, the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **June 14, 2023** by the Bureau of Development Services.

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

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

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

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

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

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

**EXHIBITS**
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Applicant Narrative (superseded by A.9)
   2. Plans for Units 1-4 (superseded by A.22)
   3. Plans for Units 5-8 (superseded by A.22)
   4. 2021 Neighborhood Meeting Information
   5. Updated Plans (superseded by A.22)
   6. Completeness Response Memo, July 20, 2022
   7. Full Site Plan with height elevations
   8. Height Adjustment Table
   9. Updated Narrative
   10. Frontage Improvement Plans
   11. Full Site Plan – simplified
   12. Updated Building Elevations (superseded by A.22)
   13. 2021 Photos of Meeting Sign
   14. Neighborhood Contact Certification

15. Neighborhood Notice
16. Emails to Neighborhood Association
17. Plans Shared with Neighborhood Association
18. 30-day Timeline Extension, November 14, 2022
19. Neighborhood Contact Sign Photo
20. Neighborhood Contact Database Confirmation
21. 45-Day Timeline Extension, December 19, 2022
22. Full Plan Set
23. Architect Email, January 9, 2023
24. 30-Day Extension, submitted March 3, 2023
25. Street View Rendering

B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (superseded by H.5)
   2. Street View Rendering (attached)
   3. Building 1 North and West Elevations
   4. Building 1 South and East Elevations
   5. Building 2 North and West Elevations
   6. Building 2 South and East Elevations
   7. Building 3 Elevations
   8. Building 4 Elevations
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Life Safety Plans Examiner
F. Correspondence:
   1. Glenn Bridger, Land Use Chair for Hillsdale Neighborhood Association, January 2, 2023, with questions and some comments
   2. David Kish, January 9, 2023, in opposition
   3. Jackson and Sharon Roholt, January 11, 2023, in opposition
   4. Ariel Greninger, Secretary, Burlingame View Condominiums, in opposition
   5. Gail Stiffler, January 13, 2023, in opposition
   6. Mark and Janet Zimmerdahl, January 13, 2023, in opposition
   7. Tatiana Lifshitz, January 13, 2023, in opposition
G. Other:
   1. Original Land Use Application
   2. Incomplete Letter, June 9, 2022
   3. Planner Email, July 15, 2022
   4. Planner Email, August 4, 2022
   5. 180-Day Completeness Reminder Letter, October 13, 2022
   6. Planner Email, November 14, 2022
H. Appeal Hearing Exhibits
   1. Administrative Decision, mailed March 15, 2023

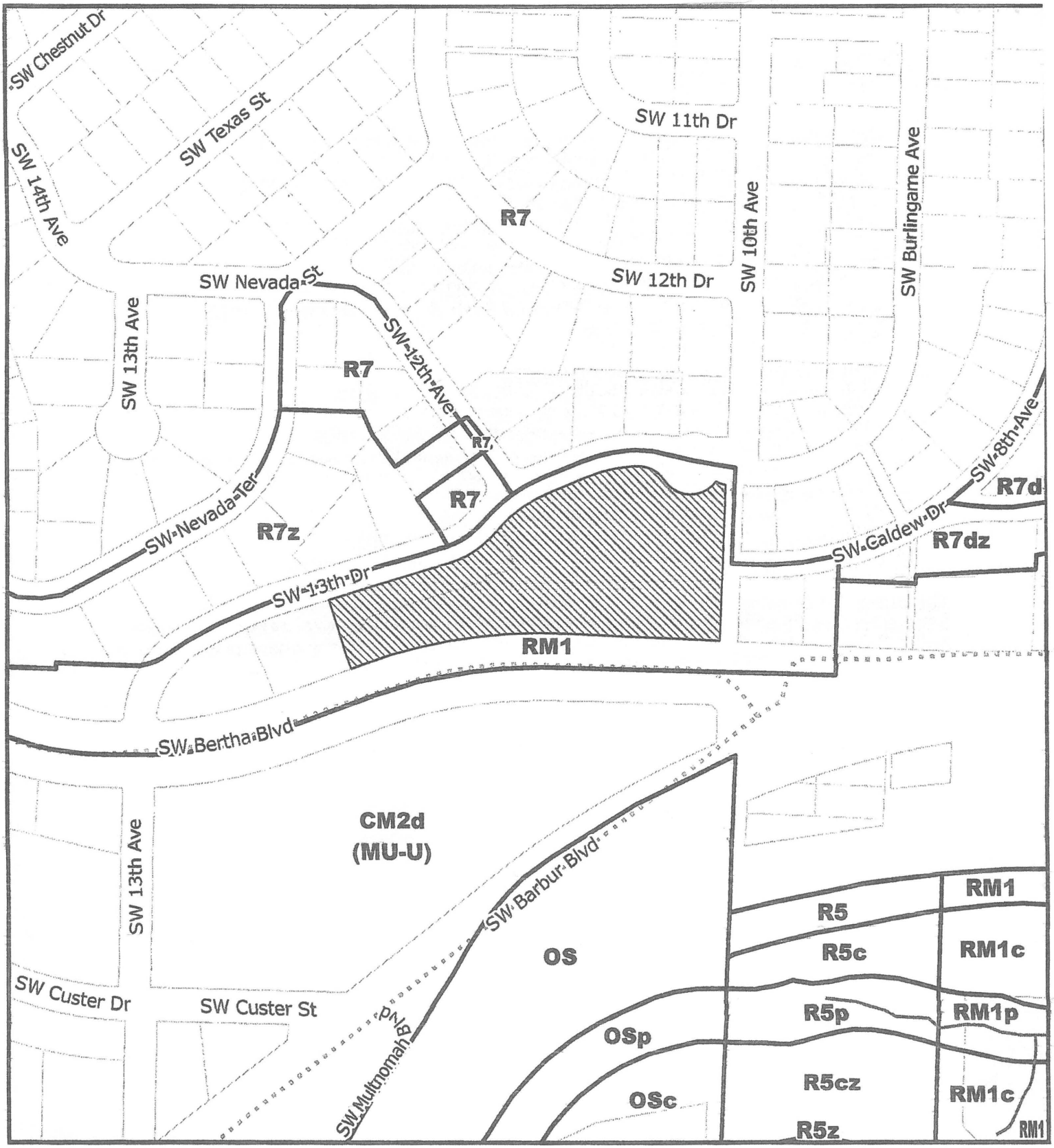
   <u>Received prior to or during the May 16, 2023 public hearing</u>
   2. Appeal Submittal, March 29, 2023
   3. Notice of Appeal Hearing, mailed April 5, 2023
   4. Notice of Appeal Hearing mailing list

5. Updated site plan with typo corrected, received May 9, 2023 (attached)
6. Staff Memo to Adjustment Committee, May 9, 2023
7. Applicant drawings showing retaining wall option, received May 15, 2023
8. Letter from Jason Letts, received May 16, 2023
9. Letter with multiple exhibits from Tatiana Lifshitz, received May 16, 2023
10. Letter from Andrea Stone-French, received May 16, 2023
11. Building colors – rendering, from applicant, received May 16, 2023
12. Letter from Jackson Roholt, received May 16, 2023
13. Letter with multiple exhibits from Highland Edelman, received May 16, 2023
14. BDS staff PowerPoint presentation

Received after the May 16, 2023 public hearing

15. Applicant submittal – landscape plans, received May 16, 2023
16. Applicant 60-day extension, received May 18, 2023
17. Appellant Lifshitz new evidence, submitted May 23 and 24, 2023
18. Evidence that timely Lifshitz emails were sent to staff but not received in time for the May 23 5:00 pm deadline due to being oversized
19. Applicant Rebuttal, received May 30, 2023
20. Appellant Lifshitz Rebuttal, received May 30, 2023
21. Staff Memo to Adjustment Committee, received May 30, 2023
22. List of Testifiers from May 16, 2023 Adjustment Committee Hearing

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




For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING

Site

Stream

Recreational Trails

File No. LU 22 - 141452 AD

1/4 Section 3728

Scale 1 inch =200 feet

State ID 1S1E21AC 3400

Exhibit B Dec 22, 2022

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

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

# FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE CITY OF PORTLAND ADJUSTMENT COMMITTEE ON AN APPEALED ADMINISTRATIVE DECISION (TYPE II PROCEDURE)

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## GENERAL INFORMATION

**Owner/Applicant:** Nathaniel Rosemeyer | Main Street Development
5331 SW Macadam Ave #258 PMB 208 | Portland, OR 97239
503-422-7707 | nathaniel@msdpdx.com

**Owner:** Burlingame Ridge Townhomes, LLC
5331 S Macadam Ave #258 | Portland, OR 97239

**Owner:** Association of Unit Owners of Burlingame View Condominiums
1015 SW Bertha Blvd. | Portland, OR 97219

**Appellant:** Tatiana Lifshitz
7217 SW 12th Ave | Portland, OR 97219

**Site Address:** 7290 SW 13TH DR

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS
**Tax Account No.:** R054500990, R119480010
**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000
**Quarter Section:** 3728
**Neighborhood:** Hillsdale, contact at board@hna-pdx.com
**Business District:** None
**District Coalition:** Office of Community & Civic Life, contact at CivicLife@PortlandOregon.gov
**Plan District:** None
**Zoning:** RM1 – Residential Multi-Dwelling 1
**Case Type:** AD – Adjustment Review
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**
The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
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These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

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

## ANALYSIS

**Site and Vicinity:** The site is approximately 150 feet northwest of the intersection of SW Bertha Blvd and SW Barbur Blvd. Existing development consists of the Burlingame View Condominiums, which is comprised of 40 units within 4 separate buildings and accessory parking. The site steeply slopes downward from north to south with grade differences as much as 80 feet between the site's SW 13th Drive and SW Bertha Blvd frontages. The surrounding neighborhood is primarily developed with single family homes to the north, with a mix of multi-dwelling and commercial development along SW Barbur Blvd to the south.

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

**Land Use History:** City records indicate that prior land use reviews include the following:

**LU 17-245578 LDP AD** – Denial on appeal of proposal for a 2-parcel partition with Adjustments to lot depth, front building setback, and garage entrance setback.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 23, 2022**. The following Bureaus have responded with no issues or concerns, most of them noting there are open building permits which are under review:

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

The Bureau of Transportation noted there are no transportation-related evaluation factors in the approval criteria and therefore, PBOT has no objection to the requested Adjustments (Exhibit E.2).

**Neighborhood Review:** A total of seven written responses received from notified residents in response to the initial proposal. Some of the comments are summarized below; others are referenced in the findings to the approval criteria.

**Previous Land Division Review:** Several neighbors pointed out that there had been a previous land use review (LU 17-245578 LDP AD), the goal of which was to separate the property where development is proposed from the rest of the site and approve Adjustments to the proposed development. This land division was ultimately denied on appeal to the City's Hearings Officer. Neighbors asked how the current proposal could be moving forward if the land division was denied (Exhibits F.5, F.7) and another stated the comments of the Hearings Officer set precedent for the current proposal at issue (Exhibit F.7). Others compared the current proposal with the one at issue in that review and found the current proposal lacking.

*Staff comment: The previous review was to legalize the separation of the parcel that Main Street Development purchased in 2017. However, the denial of that request does not mean the parcel is not developable; it only means that it doesn't have status as a separate site. For the purposes of this development, the 12 new townhouses are part of the larger site that includes the existing Burlingame View Condos; the entire property together is the site. The previous proposal, which was not reviewed during this process, is irrelevant to the current proposal and land use review underway, and findings made for the land division criteria during that case are not relevant to the current Adjustment request. Staff's job is to review the current proposal against the applicable approval criteria and determine whether the proposal meets those criteria.*

**Slope stability.** Several neighbors raised concerns about the slope stability and the site's location within a landslide hazard area. One neighbor commented that buildings on the subject site have developed cracks in recent years (Exhibit F.2); another went into depth on geotechnical reports and landslide hazard issues raised in the previous land division review (Exhibit F.6).

*Staff comment: Code requirements related to steep slopes, landslide hazards, and construction impacts will be enforced during the building permit review and inspection process but are not directly relevant to the approval criteria for this Adjustment Review. The Life Safety and Site Development Review Sections of BDS reviewed the proposal and did not object to the proposed Adjustments (Exhibits E.5 and E.6, respectively). Both noted that building permits had already been submitted and questions regarding their codes should be directed to the permit reviewers. Since these topics are outside the scope of the approval criteria, staff will not weigh in further on these issues.*

**Affordability**: A couple of neighbors commented that the townhouses would not be affordable or add to the affordable housing stock of the area (Exhibits F.2, F.7). The implication was that the proposal was somehow less compelling, or the proposal should be made to meet the height limit so that units would be smaller and more affordable.

*Staff comment: The affordability of the units is not relevant to the approval criteria. Therefore, the likely cost of the future units is not at issue in this review.*

**Appellant Statement:** According to the appellants' statement, the appeal is based on arguments that the decision maker and applicant failed to show that the proposal meets the approval criteria for Adjustments.

**Public Hearing:** On May 16, 2023, the Adjustment Committee held a public hearing to consider an appeal of the Administrative Decision on this case. The appeal was limited to the Administrative Decision for adjustments to maximum building height for four proposed buildings on the site.

Amanda Rhoads, the BDS staff planner, made a PowerPoint presentation (Exhibit H.14) that included a summary of the proposal, slides of the subject site and surrounding neighborhood, and a summary of BDS' findings related to the Adjustment approval criteria.

Following the staff presentation, the appellant, supporters of the appeal, and the applicant all testified.

Before the close of the public hearing on May 16, 2023, the appellant requested that the record be held open for additional evidence. The hearing was subsequently closed for further testimony, and the record was held open for 7 days for any party to submit new evidence, for 7 days after that for any party to submit a rebuttal of evidence that had been submitted, and for a final 7 days for the applicant to submit a final written rebuttal. Five items were submitted during the open record period (Exhibits H.15 through H.20). Exhibit H.18 provides evidence that Appellant Lifshitz attempted to submit her new evidence by the May 23, 5:00 pm deadline, but that her emails were too large and did not reach the staff for which they were intended. These emails were subsequently added to the record despite not being received by the deadline (combined as Exhibit H.17). Exhibit H.19 documents the applicant waived the final 7-day rebuttal period, closing the record on May 30, 2023 at 5:00 pm.

On June 6, 2023, the Adjustment Committee met again and deliberated on the evidence in the record. After deliberation, the Committee voted 4-0 to deny the appeal and uphold the administrative decision.

## ZONING CODE APPROVAL CRITERIA

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

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

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

**Findings:** The purpose for the height regulation in the multi-dwelling zones is in Zoning Code Section 33.120.215.A:

*A. Purpose. The height standards serve several purposes:*
- *They promote a reasonable building scale and relationship of one residence to another;*
- *They promote options for privacy for neighboring properties; and*
- *They reflect the general building scale of multi-dwelling development in the City's neighborhoods.*

On a steeply sloping site, where the difference between the lowest and highest grades is exactly 5 feet from the proposed building wall and exceeds 10 feet, building height is measured from a point 10 feet above the lowest grade (Zoning Code Section 33.930.050.A.1.b). Regardless of whether the grades are 10 feet different or 100, the height calculations result in a base point that is 10 feet above the lowest point of grade. On this site, each building has a different lowest and highest point of grade, and the difference between the two exceeds 30 feet in three of four cases, much greater than the 10 feet of "makeup" height the Base Point 2 option grants.

| **Building** | **Lowest Point** | **Highest Point** | **Difference** |
|---|---|---|---|
| Building 1 (Units 1-4) | 419.9' | 450' | 30.1' |
| Building 2 (Units 5-8) | 423.5' | 461' | 37.5' |
| Building 3 (Units 9-10) | 434.9' | 466' | 31.1' |
| Building 4 (Units 11-12) | 443.5' | 470' | 26.5' |

The single-dwelling residential zones chapter has an alternate height measurement in circumstances where the slope drops off from the street. Instead of using BP1 or BP2, the single-dwelling zones allow a measurement of height comparing the street-facing façade of the building with the average height of the street (Zoning Code Section 33.110.215.D.1) to address such circumstances where Base Point 2 still results in a house that would largely be under street level and make it challenging to gain vehicle access from the street by right.

This same option is not available in multi-dwelling zones, but the proposed design results in a similar outcome. From the street, the buildings are in scale with what would be expected in an RM1 zone: rowhouses of three stories. In fact, the view facing SW 13th Dr. will be of units that are each under 30 feet tall as measured from their front façades, less than the maximum 35 feet allowed for the zone. In this way, as suggested by the description of the RM1 zone in Zoning Code Section 33.120.030.A, the proposal does transition in scale and intensity from the 30-foot single-dwelling zone height limit to the north to the CM2 zone to the south, with its base height limit of 45 feet. If the site were flat and these buildings looked the same from the street, the height limit would be met. Alternately, if the height limit was met on this steeply sloping lot, the view from the street would be of one-story buildings, not the expected scale for a multi-dwelling zone that is "at a somewhat larger scale and building coverage than allowed in the single-dwelling zones" where three stories is allowed, or even the 23 feet above the street grade allowed in single-dwelling zones with similar lot conditions.

Many neighbor letters made the point that existing development was one- and two-story houses and apartments and therefore the proposed development should mirror that in order to fit in with the neighborhood. However, the criteria do not anticipate that a proposal will match existing development, but rather be in scale with what would otherwise be allowed. In this case, the proposal is equally consistent with what is intended – three-story rowhouses – in the RM1 zone when viewed from the street. In fact, the height when viewed from the street is 5 feet lower than what is allowed in the RM1 zone, and more consistent with the 30-foot height limit of the R7 zoning across the street. The fact that existing development in a lower-density zone across the street, or even in the same zone next door but developed 60 years ago, might be lower than currently allowed is not a reason to find that the current proposal is not consistent with the general building scale of development in the City's multi-dwelling neighborhoods.

While the buildings are built onto the slope and will appear taller on the rear, this taller height will not impact other properties significantly, because views up to the new development from many points along SW Bertha Blvd will be blocked by the existing multi-dwelling development on the site, or by mature trees on the site and adjacent sites along Bertha. Significant views from other locations will be at some distance, and from commercial or multi-dwelling sites, or across the highway. The single-dwelling-zoned areas to the north and northeast of the property will have a predominant view of three-story buildings, an appropriate scale for the zone.

Immediately to the west is an 11-unit multi-dwelling development with one- and two-story rowhouse-style units and extensive parking across the entire property. While the heights are lower, this development is similar in number of units and development type, also appropriate for the RM1 zone. The subject site already has 40 units of multi-dwelling development. The southern row of these units also presents as three stories in height as viewed from SW Bertha Blvd, making the proposed development on the same site consistent with the existing as viewed from the street.

Neighbors commented that the building would feel massive from the street, and that the height could create privacy impacts into the houses across the street due to the height (Exhibits F.2 and F.5). The Adjustment Committee finds that, since the height from the street is consistent with what is anticipated in the RM1 zone, and since all required building setbacks are to be met for the proposal, no privacy impacts to the R7 neighbors to the north are expected to result from the proposal that are greater than what would be allowed outright on a flat RM1-zoned site. The owner of the multi-dwelling development to the west posited that the proposal would impact the livability of the neighborhood (Exhibit F.3). However, the westernmost building of the proposal has no windows on the west façade, the façade closest to that multi-dwelling development.

For these reasons, The Adjustment Committee finds the proposal creates a development that has a reasonable building scale with other multi-dwelling and single-dwelling development nearby; does not cause privacy impacts; and reflects the general building scale of multi-dwelling development in the City's neighborhoods. The Adjustment Committee finds this criterion is met.

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

**Findings:** Since the site is zoned Residential Multi-Dwelling 1, the applicant must show the proposal will not significantly detract from the livability or appearance of the residential area.

Neighbors objected that the proposed structures would detract from the appearance of the area based on several reasons. First, the overall height of the structures was at issue. One neighbor said the buildings will feel massive from the street (Exhibit F.2). Another said the development "will dwarf all other neighboring development" which is two stories or less (Exhibit F.5). Another stated the proposal would create a "wall of hardscape along the current street" across from the R7 zone (Exhibit F.6). The Adjustment Committee does not concur. As described above, the height as appearing from the single-dwelling areas will be three stories, an appropriate size for a low-scale multi-dwelling zone at the edge of a single-dwelling residential area. The taller sides of

the building will largely be obscured from the public due to the existing development and mature vegetation along SW Bertha Blvd, in addition to the slope itself. The appearance from most views in the single-dwelling zone will be a proposal that is in line with what would be allowed on the R7 side of the street. Since the required 10-foot front setback is met, these buildings will all be at least 70 feet from the houses across the street (50-foot right-of-way, with a minimum distance of 10 feet on each of the private lots).

Any of the R7-zoned parcels could redevelop by right with a three-story, 30-foot-tall house, duplex, triplex, or up to 6 units on each parcel if the residential infill development standards of Zoning Code Section 33.110.265 were met. The scale of the development will not significantly detract from the appearance of the residential area more than a similar RM1 development that would be allowed outright on a flat lot. The proposal also meets other Zoning Code standards for building coverage, setbacks, and floor area ratio, which, if exceeded, could each contribute to the overall bulk and massing of the site's development.

Some neighbors also raised issues about views and blocking sunlight to neighbors. One neighbor said the buildings "create a shadow tunnel virtually blocking the sun and light for most of the day for the neighborhood" (Exhibit F.7). Another raised concerns that the three houses across from the proposed development would lose morning light and the views of the greenery on the lot as it is now (Exhibit F.4). Concerns were also raised about impacts to the subject site itself: that the removal of shrubs would result in a degradation of the views for some and there would be impacts to the light some condos got (Exhibits F.2 and F.4). The Adjustment Committee does not find that the buildings as proposed would create impacts in this regard greater than what would be expected for a multi-dwelling development. Even if the height limit were met, the site would lose its shrubs and the views of greenery would disappear, from both within and adjacent to the site. The height Adjustments do not worsen that condition. There is also no right to undeveloped private property adjacent to one's house. Given the three-story height of the buildings as viewed from SW 13th Ave, the Adjustment Committee also finds there would be no greater loss of light from the R7 properties than would be expected from an RM1 development since setbacks are met. Also, while we do not usually consider impacts from within the subject site itself, it is worth noting the buildings are proposed in the northwest quadrant of the subject site, and therefore are not likely to cause significant loss of light for the existing units except possibly at sunset. For the most part, the buildings will not be blocking significant light from the existing units.

Finally, regarding appearance, several neighbors mentioned that the "very modern" architectural style of the house does not fit with the neighborhood (Exhibits F.7, F.6, F.5). However, the Zoning Code does not promote one architectural style over another, and usually the predominant style of a neighborhood, if there is one, reflects the period of construction and not an intentional mimicry of a style over time. As new residential units are constructed in the area, new styles are likely to be added to the mix; the architectural style alone is not a viable reason to object to an Adjustment request.

The term "livability" is not defined in the Zoning Code, but for the purposes of this criterion we generally consider livability impacts as those that would disrupt neighbors' enjoyment of their properties, such as privacy and the off-site impacts discussed in Zoning Code Chapter 33.262, Off-Site Impacts: noise, vibration, odor, and glare. In this case, the structures are adjacent to other multi-dwelling development. The closest building to this adjacent development to the west, Building 1 housing Units 1-4, has no windows or openings on the west façade, and therefore is not likely

to have privacy impacts on the adjacent property since the side setback for the RM1 zone is met.

As described above, the proposed structures as viewed from the nearby single-dwelling zoned-properties north of SW 13th Dr, are three stories tall, equivalent to expected development in the RM1 zone. Since the front setback is met, the buildings are not likely to create views into single-dwelling properties that are more intrusive than what would be allowed outright for an RM1 development on a flat lot. For these reasons, the development is not expected to create privacy or glare impacts. Likewise, there is nothing about a taller building built into a hillside that would create additional noise, vibration, or odors.

For these reasons, the planner finds the proposal will not significantly detract from the livability or appearance of the residential area. Approval criterion B is met.

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

**Findings:** The applicant has requested a height Adjustment to each of the four buildings, and with the same justification that the lot is very steeply-sloping. Since four Adjustments are requested, we must review for the cumulative effect of the Adjustments. The purpose of multi-dwelling residential zones such as RM1 is described in Zoning Code Section 33.120.010:

***33.120.010 Purpose***
*The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.*

***A. Use regulations.*** *The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood character of the multi-dwelling zones and their intended role as places for housing.*

***B. Development standards.*** *The six multi-dwelling zones are distinguished primarily by their allowed scale and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character and contribute to the intended characteristics of each zone. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.*

The intended character for the RM1 zone specifically is described in Zoning Code Section 33.120.030.A:

***A. RM1 zone.*** *The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and*

*along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.*

The 4 new buildings on a vacant part of a site will contribute to a higher density residential neighborhood, as intended for the multi-dwelling residential zones. The 3-story building scale along the residential street frontage (SW 13th Dr) is also consistent with the intended character for the RM1 zone, though the building walls will be taller on the rear, downslope side of the site facing the multi-dwelling residential zone and the commercial zone further south. As noted under Development Standards above in 33.120.010.B, the zoning standards were generally written for flat, regularly shaped lots, and other situations like steeply sloping lots can be addressed through exceptions such as Adjustment Reviews.

As discussed under criterion A above, the RM1 zone is intended to transition in scale from single-dwelling zones to higher-density zones. As such, the zone has a height limit of 35 feet – the same as the single-dwelling R2.5 zone. The CM2 zoning to the south has a base height of 45 feet, with opportunities for bonus height up to 55 feet (or 75 feet through the Planned Development bonus option). As viewed from the residential area, the proposed development is roughly 29-30 feet tall, less than the maximum allowed for RM1, with the impacts of the taller parts of the building limited primarily to the subject site itself.

The proposed Adjustments will not negatively impact opportunities for recreation, energy conservation, or safety. All code requirements related to energy efficiency, fire prevention, and slope stability will apply at the time of building permit review and inspection.

As discussed previously in this report, given the steep slope of the site, the proposed Adjustments will not cause the new development to appear incompatible or out of scale with nearby development.

For these reasons, the Adjustment Committee finds the proposal is consistent with the purpose of the RM1 zone. Approval criterion C is met.

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

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

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

**Findings:** The impacts of the building height Adjustments will be somewhat visible from the rear, downslope side of the buildings facing SW Bertha Blvd. Although tall walls on the downslope side of lots are typical in Southwest Portland, the Adjustment Committee finds impacts will be effectively mitigated by tree canopy and other onsite buildings along the street. Tree canopy near the street will help obscure views of the

tall building walls from SW Bertha Blvd and better promote privacy for the residents in the multi-dwelling structures to the west.

For these reasons, the Adjustment Committee finds approval criterion E is met.

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

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

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The Adjustment Committed reviewed the case file and the additional testimony received prior to and at the May 16, 2023 hearing and until the record closed at 5:00 pm on May 30, 2023. The Committee reconvened on June 6, 2023. After deliberations, the Committee voted 4-0 to deny the appeal and uphold the administrative decision.

The site is steeply sloping, with an approximately 80-foot drop from the northeast property corner to the southwest corner. Adjustments are requested to the building height standard for each building (which is measured from 10 feet above the lowest grade on the south side of each of the new buildings). The Adjustment Committee finds the proposal is consistent with the purposes of the requirements to be modified and with the purpose of the RM1 multi-dwelling residential zone. The proposed Adjustments will not significantly detract from the livability or appearance of the residential area. The applicable Adjustment Review approval criteria are found to be met.

## ADJUSTMENT COMMITTEE DECISION

Deny the appeal, and uphold the administrative decision to approve the following Adjustments for the construction of four new buildings:

Adjustments to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

Approval is per the approved plans, Exhibits C.2 through C.8, signed and dated March 10, 2023, and H.5 (replacing C.1), signed and dated May 9, 2023, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.2-C.8 and H.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-141452 AD."

**These findings, conclusion and decision were adopted by the City of Portland Adjustment Committee on June 6, 2023.**

Leslie Hamilton

**By: Leslie Hamilton, Chair**

**Date Final Decision Effective/Mailed: June 14, 2023**
**120th day date: August 15, 2023**

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

**Procedural Information.** The application for this land use review was submitted on **May 10, 2022**, and was determined to be complete on **November 3, 2022**.

*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 10, 2022**.

*ORS 227.178(1)* 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 a total of 165 days (see Exhibits A.18, A.21, A.24 and H.16). Unless further extended by the applicant, **the 120 days will expire on: August 15, 2023.**

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

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

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

**Appealing this Decision.** This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

**Recording the final decision.**
If this Land Use Review is approved, the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **June 14, 2023** by the Bureau of Development Services.

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

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

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

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

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

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

**EXHIBITS**
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Applicant Narrative (superseded by A.9)
   2. Plans for Units 1-4 (superseded by A.22)
   3. Plans for Units 5-8 (superseded by A.22)

4. 2021 Neighborhood Meeting Information
5. Updated Plans (superseded by A.22)
6. Completeness Response Memo, July 20, 2022
7. Full Site Plan with height elevations
8. Height Adjustment Table
9. Updated Narrative
10. Frontage Improvement Plans
11. Full Site Plan – simplified
12. Updated Building Elevations (superseded by A.22)
13. 2021 Photos of Meeting Sign
14. Neighborhood Contact Certification
15. Neighborhood Notice
16. Emails to Neighborhood Association
17. Plans Shared with Neighborhood Association
18. 30-day Timeline Extension, November 14, 2022
19. Neighborhood Contact Sign Photo
20. Neighborhood Contact Database Confirmation
21. 45-Day Timeline Extension, December 19, 2022
22. Full Plan Set
23. Architect Email, January 9, 2023
24. 30-Day Extension, submitted March 3, 2023
25. Street View Rendering

B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (superseded by H.5)
   2. Street View Rendering (attached)
   3. Building 1 North and West Elevations
   4. Building 1 South and East Elevations
   5. Building 2 North and West Elevations
   6. Building 2 South and East Elevations
   7. Building 3 Elevations
   8. Building 4 Elevations
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Life Safety Plans Examiner
F. Correspondence:
   1. Glenn Bridger, Land Use Chair for Hillsdale Neighborhood Association, January 2, 2023, with questions and some comments
   2. David Kish, January 9, 2023, in opposition
   3. Jackson and Sharon Roholt, January 11, 2023, in opposition
   4. Ariel Greninger, Secretary, Burlingame View Condominiums, in opposition
   5. Gail Stiffler, January 13, 2023, in opposition
   6. Mark and Janet Zimmerdahl, January 13, 2023, in opposition
   7. Tatiana Lifshitz, January 13, 2023, in opposition
G. Other:
   1. Original Land Use Application
   2. Incomplete Letter, June 9, 2022

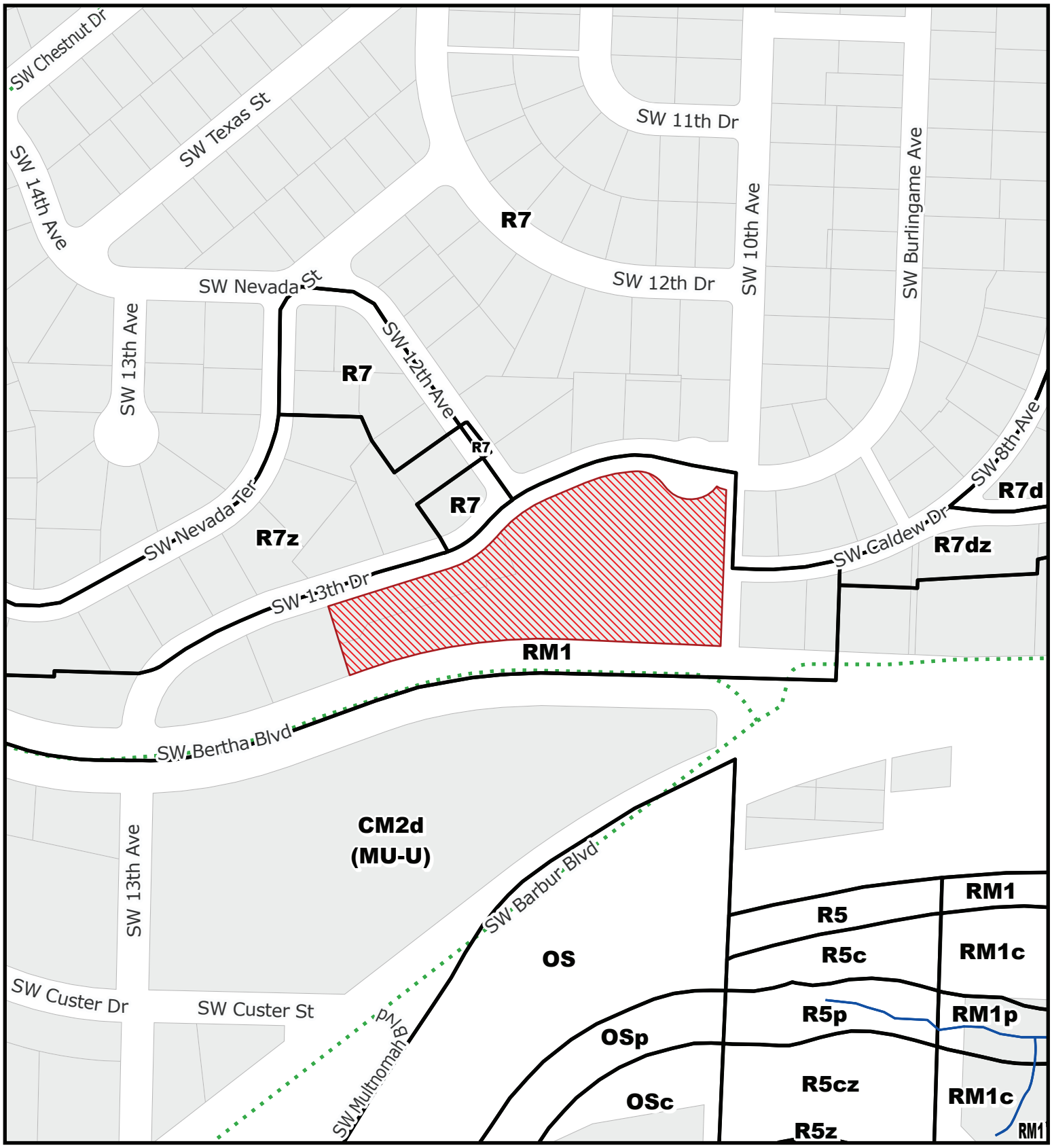
3. Planner Email, July 15, 2022
4. Planner Email, August 4, 2022
5. 180-Day Completeness Reminder Letter, October 13, 2022
6. Planner Email, November 14, 2022

H. Appeal Hearing Exhibits
1. Administrative Decision, mailed March 15, 2023

Received prior to or during the May 16, 2023 public hearing
2. Appeal Submittal, March 29, 2023
3. Notice of Appeal Hearing, mailed April 5, 2023
4. Notice of Appeal Hearing mailing list
5. Updated site plan with typo corrected, received May 9, 2023 (attached)
6. Staff Memo to Adjustment Committee, May 9, 2023
7. Applicant drawings showing retaining wall option, received May 15, 2023
8. Letter from Jason Letts, received May 16, 2023
9. Letter with multiple exhibits from Tatiana Lifshitz, received May 16, 2023
10. Letter from Andrea Stone-French, received May 16, 2023
11. Building colors – rendering, from applicant, received May 16, 2023
12. Letter from Jackson Roholt, received May 16, 2023
13. Letter with multiple exhibits from Highland Edelman, received May 16, 2023
14. BDS staff PowerPoint presentation

Received after the May 16, 2023 public hearing
15. Applicant submittal – landscape plans, received May 16, 2023
16. Applicant 60-day extension, received May 18, 2023
17. Appellant Lifshitz new evidence, submitted May 23 and 24, 2023
18. Evidence that timely Lifshitz emails were sent to staff but not received in time for the May 23 5:00 pm deadline due to being oversized
19. Applicant Rebuttal, received May 30, 2023
20. Appellant Lifshitz Rebuttal, received May 30, 2023
21. Staff Memo to Adjustment Committee, received May 30, 2023
22. List of Testifiers from May 16, 2023 Adjustment Committee Hearing

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




For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING

Site

Stream

Recreational Trails

| | |
|---|---|
| File No. | LU 22 - 141452 AD |
| 1/4 Section | 3728 |
| Scale | 1 inch =200 feet |
| State ID | 1S1E21AC 3400 |
| Exhibit | B Dec 22, 2022 |

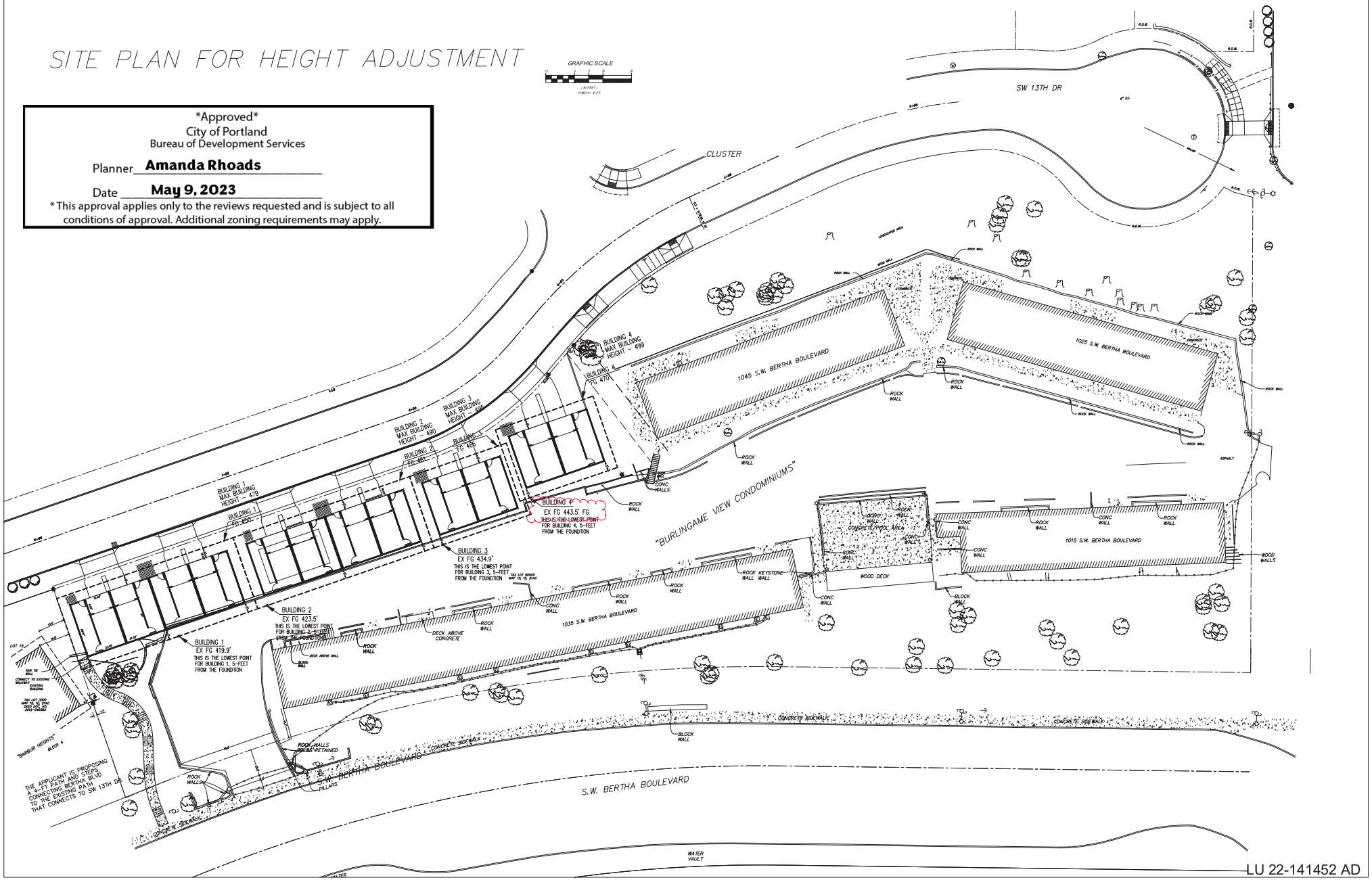
# SITE PLAN FOR HEIGHT ADJUSTMENT

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **May 9, 2023**

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




LU 22-141452 AD
Exhibit H.5

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




LU 22-141452 AD
Exhibit H.5

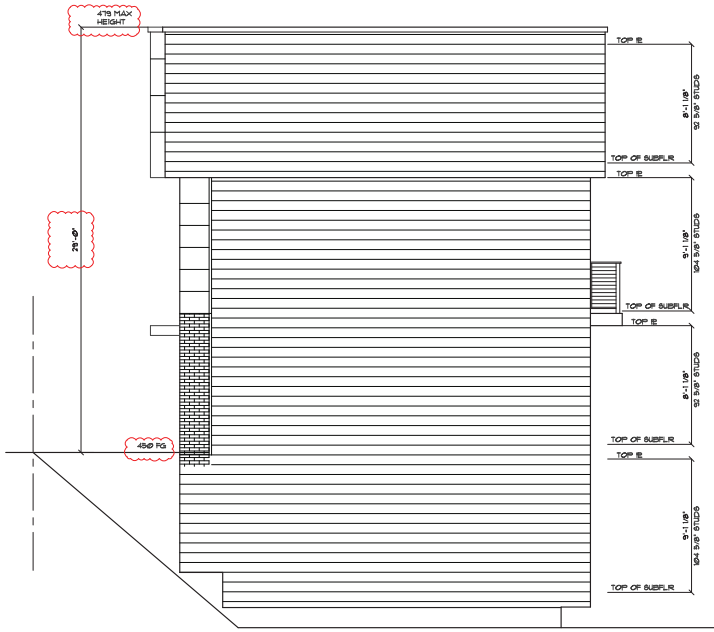
# Building 1, Units 1-4

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 1210 SQ FT
GLAZING AREA= 356 SQ FT




## Front Elevation

SCALE: 1/4"=1'-0"




## Right Elevation

SCALE: 1/4"=1'-0"

FINAL GRADING - SURFACE WATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER D ISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

***A licensed structural engineer has designed each building.**

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILING | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | High efficiency walls & windows:<br>Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | Upgraded features:<br>Exterior walls – U-0.037 / R-23 intermediate or R-21 advanced,<br>Framed floors – U-0.028 / R-38, and<br>Windows – U-0.28, (average UA ) |
| | 3. | Upgraded features:<br>Exterior walls – U-0.055 / R-23 intermediate or R-21 advanced,<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.20 R-38, |
| | 4. | Super Insulated Windows and Attic OR Framed Floors:<br>Windows – U-0.22 (Table Paints Lowest point)<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.028 / R-38 |
| | 5. | Air sealing home and ducts:<br>Mandatory air sealing of all wall coverings at top plate and air sealing detailed, and<br>Mechanical whole building ventilation system with rates meeting M1507.3 ASHRAE 62.2, and<br>All ducts and air handlers contained within building envelope or<br>All ducts sealed with mastic |
| | 6. | High efficiency thermal envelope UAg:<br>Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A | High efficiency HVAC system :<br>Gas-fired furnace or boiler AFUE- 94%, or<br>Air source heat pump HSPF 10.0 5.0 SEER cooling, or<br>Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | Ducted HVAC systems within conditioned space:<br>All ducts and air handlers contained within building envelope (d)<br>Cannot be combined with Measure A |
| | C. | Ductless heat pump:<br>Ductless heat pump HSPF 10.0 in primary zone of dwelling |
| | D. | High efficiency water heater (e):<br>Natural gas/propane water heater with UEF 0.65 OR<br>Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic, tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. Ducts and air handlers shall be located entirely within the building envelope, permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural framing and sealing of all penetrations in wall covering.
Table N1101.1(2) Alternative Prescriptive Energy Code Path shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.


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"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" Booker T.

Working on

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/8/2021
Date:

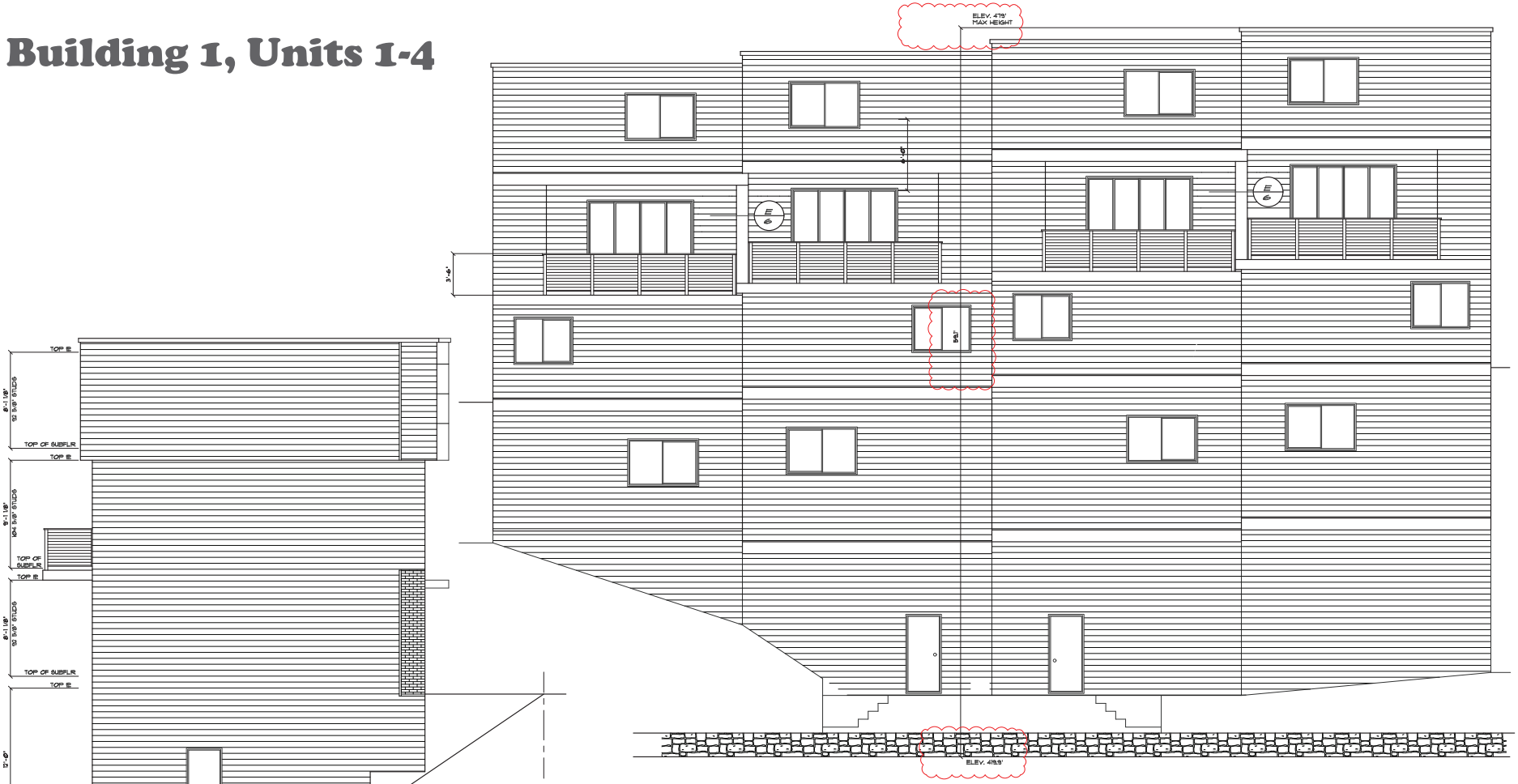
sk- 1687-4 Unit 1 thru 4
Project Number

CHECK BY Samedy Kem
DRAW BY sk

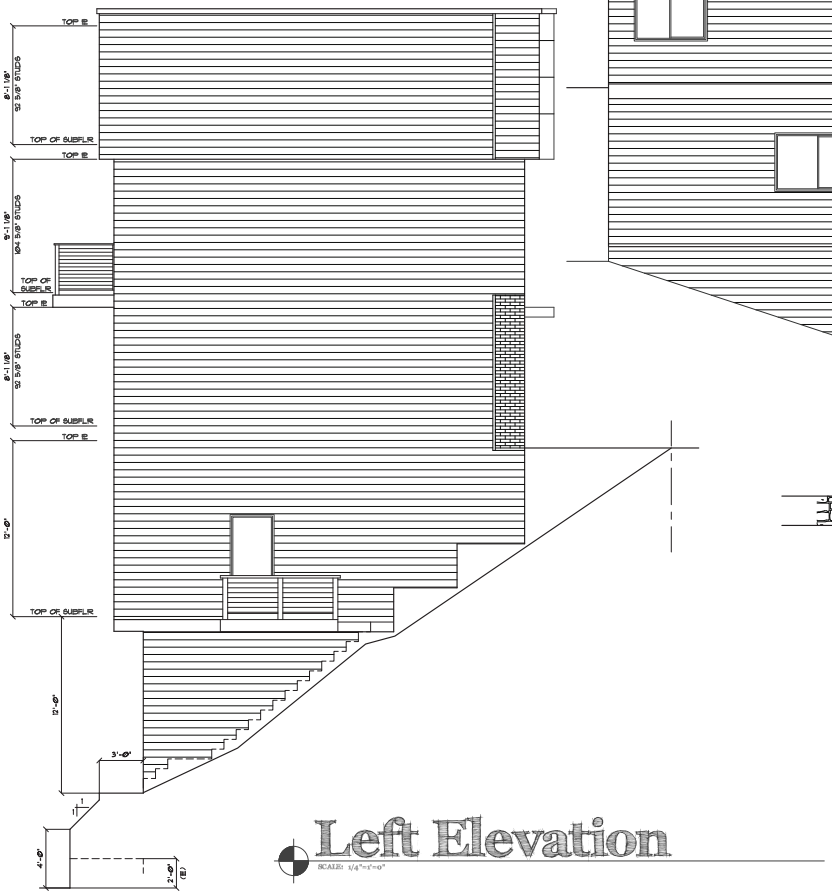
| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| | | REVISION |
| | | REVISION |

1
SHEET NUMBER

# Building 1, Units 1-4




Rear Elevation
SCALE: 1/4"=1'-0"




Left Elevation
SCALE: 1/4"=1'-0"

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk- 1687-4 Unit 1 thru 4
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2
SHEET NUMBER

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

1X4 TRIM BOARD

HARDI PANEL W/ 3" CHANNEL

6" LAP SIDING

12" WIDE LAP SIDING

VERTICAL CEDAR SIDING

BRICK PER BUILDER

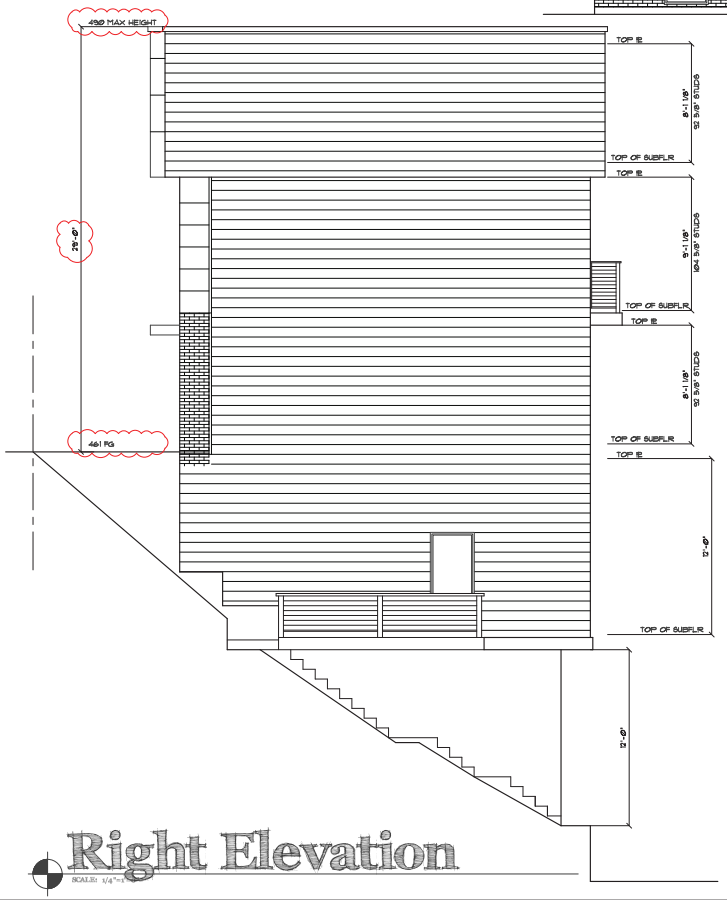


FINAL GRADING - SURFACE WATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.




# Building 2, Units 5-8

## Front Elevation

SCALE: 1/4"=1'-0"

## Right Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground flo or level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for**

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **March 10, 2023**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-38 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | < 2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| Conservation Measure Choice | | Envelope Enhancement Measures (Select One) |
|---|---|---|
| | 1. | High efficiency walls & windows: |
| | | Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | a. | Upgraded features: Exterior walls – U-0.057 / R-21 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-30, and Windows – U-0.28, (average UA) |
| | b. | Upgraded features: Exterior walls – U-0.055 / R-21 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026/R-38, |
| | 4. | Superinsulated Windows and Attic OR Framed Floors: Windows – U-0.22 (Triple Pane Low-e) and Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | Air sealing home and ducts |
| | | Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | High efficiency thermal envelope UAg: |
| | | Proposed UA is 8% lower than the code UA |
| Conservation Measure Choice | | |
| | A. | High efficiency HVAC system: |
| | | Gas-fired furnace or boiler AFUE 94% or Air source heat pump HSPF 10.0 with cooling or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | Ducted HVAC systems within conditioned space: |
| | | All ducts and air handlers contained within building envelope (d) Carnot'ar combined with Measure 3 |
| | C. | Ductless heat pump: |
| | | Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | High efficiency water heater (c): |
| | | Natural gas propane water heater with UEF 0.65 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connection to the ductwork. Duct leakage shall be verified by a Home Performance Tested Comfort Systems rater, and tested by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate and all floor coverings to subfloor. Seal shall be by caulking, gasketing or taping as required for sealing wall covering material to structural material (example: gypsum board to wood stud framing).
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 258 SF
Upper 643 SF
Upper 643 SF
Main 500 SF
1887 Total SF

2/8/2021
Date :

sk-1687-4 Unit 5 thru 8
Project Number

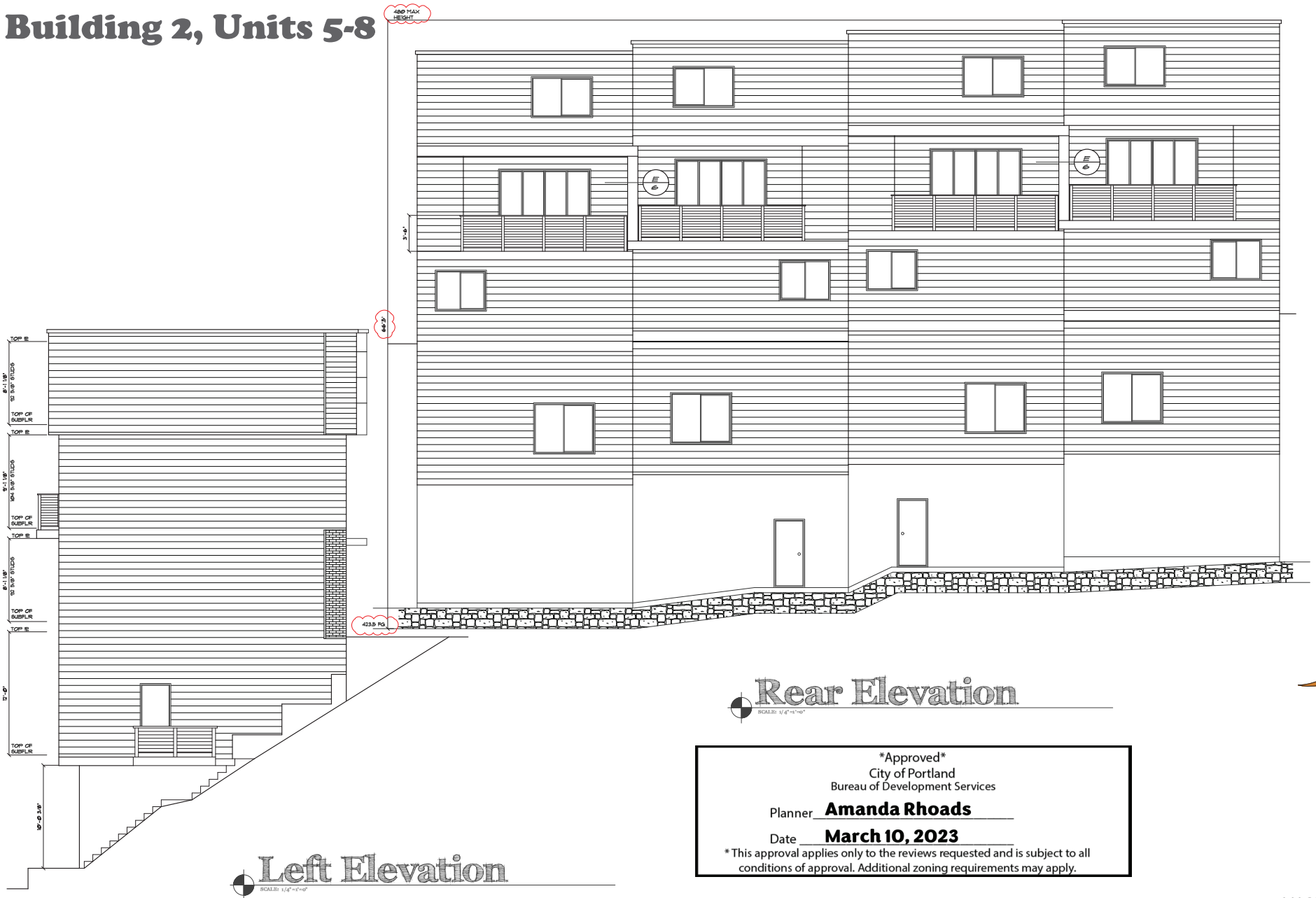
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|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1
Sheet No. of 8


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# Building 2, Units 5-8




## Rear Elevation

SCALE: 1/4"=1'-0"

## Left Elevation

SCALE: 1/4"=1'-0"

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 258 SF
Upper 643 SF
Upper 643 SF
Main 500 SF
1887 Total SF

2/8/2021
Date :

sk-1687-4 Unit 5 thru 8
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2


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* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.30 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.30 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measures (Select One) | 1. | High efficiency walls & windows: Exterior walls – U-0.046 / R-21 cavity insulation + R-5 continuous |
| | 2. | Upgraded features: Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.20, (average UA) |
| | 3. | Upgraded features: Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026/R-38 |
| | 4. | Super insulated Windows and Attic OR Framed Floors: Windows – U-0.22 (Triple Pane Low-e) and Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | Air sealing home and ducts: Mandatory air sealing of all seal coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | High efficiency thermal envelope UAg: Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | High efficiency HVAC system: Gas-fired furnace or boiler AFUE 94%, or Air source heat pump HSPF 10.0 SEER/EER cooling,or Ground source heat pump COP3.5 or Energy Star rated |
| | B. | Ducted HVAC systems within conditioned space: All ducts and air handlers contained within building envelope (d) Cannot be combined with Measure 5 |
| | C. | Ductless heat pump: Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | High efficiency water heater (c): Natural gas/propane water heater with UEF 0.65 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m 2 1 watt per square foot = 10.8 W/m 2
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections. Duct leakage shall be verified by either a Home Performance Tested ComfortSystems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum rated sealing surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Air barrier shall be installed on the building envelope rated for sealing wall covering material to structural framing. (examples: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design. Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 1260 SQ FT
GLAZING AREA= 36 SQ FT

1X4 TRIM BOARD
HARDI PANEL W/ J' CHANNEL
6" LAP SIDING
12" WIDE LAP SIDING
VERTICAL CEDAR SIDING
BRICK PER BUILDER

5'-6" 16'-6" 2'-0" 10'-6" 9'-6"

Front Elevation
SCALE: 1/4"=1'=0"

BRICK IS SUPPORTED BY 'C' CHANNEL

495 MAX HEIGHT

8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
9'-1 1/8" 10X4 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
12'-0" 10X4 9 5/8" STUDS
TOP OF SUBFLR

5'-6"
29'-0"
466 RS

Left Elevation
SCALE: 1/4"=1'=0"

495 MAX HEIGHT

8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
9'-1 1/8" 10X4 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
8'-1 1/8" 9X 9 5/8" STUDS
TOP OF SUBFLR
TOP PL
12'-0"
TOP OF SUBFLR

3'-6"
60'
11'-0"
ELEV. 454.5

Rear Elevation
SCALE: 1/4"=1'=0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

lowest floor of each unit.

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

Right Elevation
SCALE: 1/4"=1'=0"

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# Building 3, Units 9-10

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF
LOWER 541 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/8/2021
Date :

Units 9-10
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | 5/9/22 | REVISION |
| 5 | | REVISION |

1

# Building 4, Units 11-12

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE "B"
SEE PAGE "I" FOR ENERGY CODE

| OREGON RESIDENTIAL ENERGY CODE | |
|---|---|
| BUILDING COMPONENTS | |
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

Envelope Enhancement Measures (Select One)

1. High efficiency walls & windows:
   Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous
   Upgraded features:
2. Exterior walls – U-0.037 / R-23 Intermediate or R-21 advanced,
   Framed floors – U-0.026 / R-38, and
   Windows – U-0.28, (average UA)
   Upgraded features:
3. Exterior walls – U-0.035 / R-23 Intermediate or R-21 advanced,
   Flat ceiling – U-0.017 / R-60, and
   Framed floors – U-0.026/R-38
4. Super insulated Windows and Attic OR Framed Floors:
   Windows – U-0.22 (Triple Pane Low-e) and
   Flat ceiling – U-0.017 / R-60, and
   Framed floors – U-0.026 / R-38
5. Air sealing home and ducts
   Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and
   Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and
   All ducts and air handlers contained within building envelope or
   All ducts sealed with mastic
6. High efficiency thermal envelope: UAg:
   Proposed UA is 8% lower than the code UA

Conservation Measure (Select One)

A. High efficiency HVAC system :
   Gas-fired furnace or boiler AFUE 96%, or
   Air source heat pump meeting HSPF 10.0/15.0 SEER cooling, or
   Ground source heat pump COP 3.5 or Energy Star rated
B. Ducted HVAC systems within conditioned space:
   All ducts and air handlers contained within building envelope (d)
   Cannot be combined with Measure 5
C. Ductless heat pump:
   Ductless heat pump HSPF 10.0 in primary zone of dwelling.
D. High efficiency water heater (c):
   Natural gas propane water heater with UEF 0.65 OR
   Electric heat pump water heater Tier I Northern Climate Specification Product

For SI: 1 square foot = 0.093 m 2, 1 watt per square foot = 10.8 W/m 2
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections. Duct leakage shall be verified by either the Energy Star Version 3 Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum rated sealing surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Top plate framing shall be sealed to wall covering material listed for nailing wall covering material to structural material ( exempt gypsum board to wood stud framing).
g. Table N1104.1 (1) Standard base case design. Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

NOTE: 36% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

1x4 TRIM BOARD
HARDI PANEL W/ J" CHANNEL
6" LAP SIDING
12" WIDE LAP SIDING
VERTICAL CEDAR SIDING
BRICK PER BUILDER

Front Elevation
SCALE: 1/4"=1'-0"

BRICK IS SUPPORTED BY 'C' CHANNEL

Left Elevation
SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPENSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

3. Buildings of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

Right Elevation
SCALE: 1/4"=1'-0"

Rear Elevation
SCALE: 1/4"=1'-0"

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SamedyKem
designer - consultant
custom design - track plans - remodels
P.O.Box 3571
Hillsboro, Oregon 97123
971.563.0552 / fax: 888.311.5630
E-Mail: samedy@fam-consultants.com

"Success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" - Booker T. Washington

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

This document is the property of Samedy Kem, Designer. No reuse to reproduction is allowed without the written consent from Samedy Kem.

MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF
LOWER 541 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/8/2021
Date :

4Bldg 11 & 12Bldg 11-12
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1
SHEET NO.

LU 22-141452 AD
Exhibit H.5

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




LU 22-141452 AD
Exhibit C.2

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | ENDORSEMENT | INFO1 | INFO2 | NAME | ADDRESS/IO ADDRESS | CITYSTATEZIP/ADDRESSEE |
| 2 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | CHABAD CENTER FOR JEWISH LIFE | 2317 SW VERMONT ST | PORTLAND OR 97219 |
| 3 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | WILHELM MORDECHAI & WILHELM MIRIAM | 7125 SW 12TH DR | PORTLAND OR 97219 |
| 4 | RETURN SERVICE REQUESTED | | 1S1E21AB 12100 | NORDWALL FAMILY TR | 7221 SW 13TH DR | PORTLAND OR 97219 |
| 5 | RETURN SERVICE REQUESTED | | 1S1E21AB 12200 | BRIAN KENNETH SCHENCK TR | PO BOX 2083 | BEAVERTON OR 97075 |
| 6 | RETURN SERVICE REQUESTED | | 1S1E21AC 1100 | TANTASHEVA RIMMA | 7240 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 7 | RETURN SERVICE REQUESTED | | 1S1E21AC 1200 | OLD SEASONS LLC | 935 SW STEPHENSON CT | PORTLAND OR 97219 |
| 8 | RETURN SERVICE REQUESTED | | 1S1E21AC 1300 | ANDA PROPERTIES LLC | 9615 SW 49TH AVE | PORTLAND OR 97219-5156 |
| 9 | RETURN SERVICE REQUESTED | | 1S1E21AC 1400 | BEST SAZERAC PROPERTY LLC | 934 SW CALDEW DR | PORTLAND OR 97219 |
| 10 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | FRED MEYER STORES INC | 1014 VINE ST 7TH FL | CINCINNATI OH 45202-1141 |
| 11 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | JPMORGAN CHASE BANK NA | 1111 POLARIS PKWY OH1-1086 | COLUMBUS OH 43240 |
| 12 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ECOATM LLC | 10121 BARNES CANYON RD | SAN DIEGO CA 92121 |
| 13 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ONPOINT COMMUNITY CREDIT UNION | PO BOX 3750 | PORTLAND OR 97208 |
| 14 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | WAAGMEESTER CANVAS PROD INC | 9775 SW COMMERCE CIR #C6 | WILSONVILLE OR 97070 |
| 15 | RETURN SERVICE REQUESTED | | 1S1E21AC 3700 | THE 13TH DRIVE LLC | P O BOX 10510 | PORTLAND OR 97296-0510 |
| 16 | RETURN SERVICE REQUESTED | | 1S1E21AC 3900 | FARE BRENT D & FARE MEGHAN E | 7241 SW 13TH DR | PORTLAND OR 97219 |
| 17 | RETURN SERVICE REQUESTED | | 1S1E21AC 4000 | NEWMAN SARAH P & FRENCH SPENCER J | 7261 SW 13TH DR | PORTLAND OR 97219 |
| 18 | RETURN SERVICE REQUESTED | | 1S1E21AC 4100 | ANTICK JENNIFER R & OSLUND ERIC R | 7212 SW 12TH AVE | PORTLAND OR 97219 |
| 19 | RETURN SERVICE REQUESTED | | 1S1E21AC 4500 | PARKINS DYLAN J & MORRIS ALEX M | 7287 SW 13TH DR | PORTLAND OR 97219 |
| 20 | RETURN SERVICE REQUESTED | | 1S1E21AC 4700 | WOHLHUTER MAX S | 7315 SW 13TH DR | PORTLAND OR 97219 |
| 21 | RETURN SERVICE REQUESTED | | 1S1E21AC 4800 | DIFFELY ROBERT & DIFFELY LINDA | 7202 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 22 | RETURN SERVICE REQUESTED | | 1S1E21AC 4900 | KING ERIC R & KING DE ANN M | 7214 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 23 | RETURN SERVICE REQUESTED | | 1S1E21AC 5100 | DAVID H CAMPEN & CHRISTINE Y CHANG | 1892 MARK TWAIN ST | PALO ALTO CA 94303 |
| 24 | RETURN SERVICE REQUESTED | | 1S1E21AC 700 | SCHILPEROORT REID & CHRISTA | 7214 SW 10TH AVE | PORTLAND OR 97219 |
| 25 | RETURN SERVICE REQUESTED | | 1S1E21AC 800 | PEDROZA NEREIDA & PEDROZA HUGO | 7245 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 26 | RETURN SERVICE REQUESTED | | 1S1E21AC 900 | BRENT MICHAEL & HEALY MARY H | 7235 SW BURLINGAME AVE | PORTLAND OR 97219-2134 |
| 27 | RETURN SERVICE REQUESTED | | 1S1E21AC 90001 | ROSSER MIRIAM M | 1015 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 28 | RETURN SERVICE REQUESTED | | 1S1E21AC 90002 | STEERMAN SAMANTHA N | 1015 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 29 | RETURN SERVICE REQUESTED | | 1S1E21AC 90003 | CORNING SETH T | 1015 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 30 | RETURN SERVICE REQUESTED | | 1S1E21AC 90004 | ROSEBROCK ADRIENNE | 1015 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 31 | RETURN SERVICE REQUESTED | | 1S1E21AC 90005 | KEEL LINDA | 1015 SW BERTHA BLVD #5 | PORTLAND OR 97219-2078 |
| 32 | RETURN SERVICE REQUESTED | | 1S1E21AC 90006 | CRAIG ALLISON E | 1015 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 33 | RETURN SERVICE REQUESTED | | 1S1E21AC 90007 | BARDENHEIER JEAN & ANKE | 471 N SUNNYSIDE AVE | SIERRA MADRE CA 91024 |
| 34 | RETURN SERVICE REQUESTED | | 1S1E21AC 90008 | VADAY SARA E | 1015 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 35 | RETURN SERVICE REQUESTED | | 1S1E21AC 90009 | SINNER TODD | 1025 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 36 | RETURN SERVICE REQUESTED | | 1S1E21AC 90010 | MINKO IRINA & VARTANIAN VALDIMIR | 1025 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 37 | RETURN SERVICE REQUESTED | | 1S1E21AC 90011 | QUICK KATHERINE A | 1025 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 38 | RETURN SERVICE REQUESTED | | 1S1E21AC 90012 | WOOD TAMARA | 1025 SW BERTHA BLVD #4 | PORTLAND OR 97219-2079 |
| 39 | RETURN SERVICE REQUESTED | | 1S1E21AC 90013 | SMITH SAMANTHA F | 520 NW LOST SPRINGS TER #408 | PORTLAND OR 97229 |
| 40 | RETURN SERVICE REQUESTED | | 1S1E21AC 90014 | GIEBER SIERRA & TODD D & DEANNA L | 1025 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 41 | RETURN SERVICE REQUESTED | | 1S1E21AC 90015 | LINDERMAN JESSICA | 1025 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 42 | RETURN SERVICE REQUESTED | | 1S1E21AC 90016 | VINCENT JOANNE M | 1025 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 43 | RETURN SERVICE REQUESTED | 1S1E21AC 90017 | VERDIER SECURITY TR | C/O FRANCINE M VERDIER | 690 ROSS CT | SONOMA CA 95476 |
| 44 | RETURN SERVICE REQUESTED | | 1S1E21AC 90018 | DENSON JESSE JENKINS | 1035 SW BERTHA BLVD #2 | PORTLAND OR 97219-2076 |
| 45 | RETURN SERVICE REQUESTED | | 1S1E21AC 90019 | HUYNH JAMES | 1035 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 46 | RETURN SERVICE REQUESTED | | 1S1E21AC 90020 | WENGER NOAH & KENDALL ASHLEY | 1035 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 47 | RETURN SERVICE REQUESTED | | 1S1E21AC 90021 | NOVIKOFF DIMITRY | 1035 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 48 | RETURN SERVICE REQUESTED | | 1S1E21AC 90022 | LETTS JASON | 1035 SW BERTHA BLVD | PORTLAND OR 97219 |
| 49 | RETURN SERVICE REQUESTED | | 1S1E21AC 90023 | TILLIS CHELSEA N | 1035 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 50 | RETURN SERVICE REQUESTED | | 1S1E21AC 90024 | CUSHING CAITLIN | 3411 NE 38TH AVE | PORTLAND OR 97212-1903 |
| 51 | RETURN SERVICE REQUESTED | | 1S1E21AC 90025 | DICKEY CHRISTINE & GRIFFITH STEPHEN | 10221 S TERWILLIGER PL | PORTLAND OR 97219 |
| 52 | RETURN SERVICE REQUESTED | | 1S1E21AC 90026 | HOGFOSS ROGER & HOGFOSS JOANNE | 3595 HICKORY AVE | EUGENE OR 97401 |
| 53 | RETURN SERVICE REQUESTED | | 1S1E21AC 90027 | STINE STEVEN A | 1035 SW BERTHA BLVD #11 | PORTLAND OR 97219 |
| 54 | RETURN SERVICE REQUESTED | | 1S1E21AC 90028 | KIM JOAN J | 838 TERMINO AVE | LONG BEACH CA 90804-5434 |
| 55 | RETURN SERVICE REQUESTED | | 1S1E21AC 90029 | BLEU AMY L | 1035 SW BERTHA BLVD #13 | PORTLAND OR 97219 |
| 56 | RETURN SERVICE REQUESTED | | 1S1E21AC 90030 | BERGSTROM KIRSTEN | 1035 SW BERTHA BLVD #14 | PORTLAND OR 97219 |
| 57 | RETURN SERVICE REQUESTED | | 1S1E21AC 90032 | OBJECTIVE INVESTMENTS LLC | 6280 SW ARRANMORE PL | PORTLAND OR 97223-7503 |
| 58 | RETURN SERVICE REQUESTED | | 1S1E21AC 90033 | LINEGAR NEAL & LINEGAR PAMELA | 4445 SW CARL PL | PORTLAND OR 97239-1518 |
| 59 | RETURN SERVICE REQUESTED | | 1S1E21AC 90035 | TURQUAND THOMAS & TURQUAND TERI | 3515 SW XERO AVE | REDMOND OR 97756-7997 |
| 60 | RETURN SERVICE REQUESTED | | 1S1E21AC 90036 | BARLOW BRANDON E | 1045 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 61 | RETURN SERVICE REQUESTED | 1S1E21AC 90037 | EDELMAN HIGHLAND CHRISTINE | & HAUGH WILLIAM BITTRICH | 1045 SW BERTHA BLVD #5 | PORTLAND OR 97219-2077 |
| 62 | RETURN SERVICE REQUESTED | | 1S1E21AC 90038 | TUGOZ RAMSEY A TR | 243 ROSWELL AVE | LONG BEACH CA 90803-1536 |
| 63 | RETURN SERVICE REQUESTED | | 1S1E21AC 90039 | PETERSON CHRISTOPHER | 1045 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 64 | RETURN SERVICE REQUESTED | | 1S1E21AC 90040 | JOHNSON AMANDA & JOHNSON DYLAN | 1045 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 65 | | | | CURRENT RESIDENT | 1025 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 66 | | | | CURRENT RESIDENT | 7180 SW NEVADA TER | PORTLAND OR 97219 |
| 67 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #A | PORTLAND OR 97219 |
| 68 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #C | PORTLAND OR 97219 |
| 69 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #D | PORTLAND OR 97219 |
| 70 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #A | PORTLAND OR 97219 |
| 71 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #C | PORTLAND OR 97219 |
| 72 | | | | CURRENT RESIDENT | 936 SW CALDEW DR | PORTLAND OR 97219 |
| 73 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #1 | PORTLAND OR 97219 |

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 74 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 75 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 76 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 77 | | | | CURRENT RESIDENT | 7207 SW 13TH DR | PORTLAND OR 97219 |
| 78 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #D | PORTLAND OR 97219 |
| 79 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #F | PORTLAND OR 97219 |
| 80 | | | | CURRENT RESIDENT | 7529 SW BARBUR BLVD | PORTLAND OR 97219 |
| 81 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #12 | PORTLAND OR 97219 |
| 82 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #16 | PORTLAND OR 97219 |
| 83 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #9 | PORTLAND OR 97219 |
| 84 | | | | CURRENT RESIDENT | 7121 SW 12TH DR | PORTLAND OR 97219 |
| 85 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #B | PORTLAND OR 97219 |
| 86 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #C | PORTLAND OR 97219 |
| 87 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #E | PORTLAND OR 97219 |
| 88 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #B | PORTLAND OR 97219 |
| 89 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #F | PORTLAND OR 97219 |
| 90 | | | | CURRENT RESIDENT | 7601 SW BARBUR BLVD | PORTLAND OR 97219 |
| 91 | | | | CURRENT RESIDENT | 940 SW CALDEW DR | PORTLAND OR 97219 |
| 92 | | | | CURRENT RESIDENT | 942 SW CALDEW DR | PORTLAND OR 97219 |
| 93 | | | | CURRENT RESIDENT | 944 SW CALDEW DR | PORTLAND OR 97219 |
| 94 | | | | CURRENT RESIDENT | 1015 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 95 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #10 | PORTLAND OR 97219 |
| 96 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 97 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 98 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 99 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #A | PORTLAND OR 97219 |
| 100 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #E | PORTLAND OR 97219 |
| 101 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #B | PORTLAND OR 97219 |
| 102 | | | | CURRENT RESIDENT | 946 SW CALDEW DR | PORTLAND OR 97219 |
| 103 | RETURN SERVICE REQUESTED | RESPONDENT/TESTIFIER | 1S1E21AC 4600 | ZIMMERDAHL MARK & ZIMMERDAHL JANET | 7301 SW 13TH DR | PORTLAND OR 97219-2086 |
| 104 | RETURN SERVICE REQUESTED | | APPELLANT | LIFSHITZ TATIANA | 7217 SW 12TH AVE | PORTLAND OR 97219-2007 |
| 105 | RETURN SERVICE REQUESTED | OWNER | 1S1E21AC 3400 | BURLINGAME RIDGE TOWNHOMES LLC | 5331 S MACADAM AVE #258 | PORTLAND OR 97239 |
| 106 | RETURN SERVICE REQUESTED | OWNER | ASSOCIATION OF UNIT OWNERS OF | BURLINGAME VIEW CONDOMINIUM | 1015 SW BERTHA BLVD | PORTLAND OR 97219 |
| 107 | RETURN SERVICE REQUESTED | OWNER/AGENT/APPLICANT | MAIN STREET DEVELOPMENT INC | RYSTADT ERIC & ROSEMEYER NATHANIEL | 5331 S MACADAM AVE #258 PMB 208 | PORTLAND OR 97239-6104 |
| 108 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | OFFICE OF COMMUNITY & CIVIC LIFE | 1120 SW 5TH AVE #114 | PORTLAND OR 97204 |
| 109 | RETURN SERVICE REQUESTED | RESPONDENT | HILLSDALE NEIGHBORHOOD ASSOCIATION | BRIDGER GLENN | PO BOX 19902 7805 SW 40TH AVE | PORTLAND OR 97280 |
| 110 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | FRIENDS OF TERWILLIGER | 430 SW HAMILTON ST | PORTLAND OR 97239 |
| 111 | RETURN SERVICE REQUESTED | | PORTLAND METRO REGIONAL SOLUTIONS | C/O DLCD REGIONAL REPRESENTATIVE | 1600 SW FOURTH AVE #109 | PORTLAND OR 97201 |
| 112 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | PORT OF PORTLAND PLANNING | PO BOX 3529 | PORTLAND OR 97208 |
| 113 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | TRANSIT DEVELOPMENT | 1800 SW FIRST AVE #300 | PORTLAND OR 97201 |
| 114 | | | | LAND USE CONTACT | PROSPER PORTLAND | 129/PROSPER |
| 115 | | | | PORTLAND PARK TRAIL | TATE WHITE | B106/R1302 |
| 116 | | | | | DAWN KRANTZ | B299/R5000 |

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

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

**Date:** March 15, 2023

**To:** Interested Person

**From:** Amanda Rhoads, Land Use Services
503-865-6514 / Amanda.Rhoads@portlandoregon.gov

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

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

# CASE FILE NUMBER: LU 22-141452 AD

## GENERAL INFORMATION

**Applicant:** Nathaniel Rosemeyer | Main Street Development Inc
5331 SW Macadam Ave #258 PMB 208 | Portland, OR 97239-6104
503-206-9214 | nathaniel@msdpdx.com

**Owner:** Association of Unit Owners of Burlingame View Condo
1015 SW Bertha Blvd | Portland, OR 97219

**Owner:** Burlingame Ridge Townhomes LLC
5331 S Macadam Ave #258 | Portland, OR 97239

**Site Address:** 7290 SW 13TH DR

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS
**Tax Account No.:** R054500990, R119480010
**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000
**Quarter Section:** 3728

**Neighborhood:** Hillsdale, contact at board@pdxhna.org
**Business District:** None
**District Coalition:** Office of Community & Civic Life, contact at civiclife@portlandoregon.gov

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

**Proposal:**
The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated

permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

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

## ANALYSIS

**Site and Vicinity:** The site is approximately 150 feet northwest of the intersection of SW Bertha Blvd and SW Barbur Blvd. Existing development consists of the Burlingame View Condominiums, which is comprised of 42 units within 4 separate buildings and accessory parking. The site steeply slopes downward from north to south with grade differences as much as 80 feet between the site's SW 13th Drive and SW Bertha Blvd frontages. The surrounding neighborhood is primarily developed with single family homes to the north, with a mix of multi-dwelling and commercial development along SW Barbur Blvd to the south.

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

**Land Use History:** City records indicate that prior land use reviews include the following:

**LU 17-245578 LDP AD** – Denial on appeal of proposal for a 2-parcel partition with Adjustments to lot depth, front building setback, and garage entrance setback.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 23, 2022**. The following Bureaus have responded with no issues or concerns, most of them noting there are open building permits which are under review:

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

The Bureau of Transportation noted there are no transportation-related evaluation factors in the approval criteria and therefore, PBOT has no objection to the requested Adjustments (Exhibit E.2).

**Neighborhood Review:** A total of seven written responses have been received from notified residents in response to the proposal. Some of the comments are summarized below; others are referenced in the findings to the approval criteria.

**Previous Land Division Review:** Several neighbors pointed out that there had been a previous land use review (LU 17-245578 LDP AD), the goal of which was to separate the property where development is proposed from the rest of the site and approve Adjustments to the proposed development. This land division was ultimately denied on appeal to the City's Hearings Officer. Neighbors asked how the current proposal could be moving forward if the land division was denied (Exhibits F.5, F.7) and another stated the comments of the Hearings Officer set precedent for the current proposal at issue (Exhibit F.7). Others compared the current proposal with the one at issue in that review and found the current proposal lacking.

*Staff comment: The previous review was to legalize the separation of the parcel that Main Street Development purchased in 2017. However, the denial of that request does not mean the parcel is not developable; it only means that it doesn't have status as a separate site. For the purposes of this development, the 12 new townhouses are part of the larger site that includes the existing Burlingame View Condos; the entire property together is the site. The previous proposal, which was not reviewed during this process, is irrelevant to the current proposal and land use review underway, and findings made for the land division criteria during that case are not relevant to the current Adjustment request. Staff's job is to review the current proposal against the applicable approval criteria and determine whether the proposal meets those criteria.*

**Slope stability.** Several neighbors raised concerns about the slope stability and the site's location within a landslide hazard area. One neighbor commented that buildings on the subject site have developed cracks in recent years (Exhibit F.2); another went into depth on geotechnical reports and landslide hazard issues raised in the previous land division review (Exhibit F.6).

*Staff comment: Code requirements related to steep slopes, landslide hazards, and construction impacts will be enforced during the building permit review and inspection process but are not directly relevant to the approval criteria for this Adjustment Review. The Life Safety and Site Development Review Sections of BDS reviewed the proposal and did not object to the proposed Adjustments (Exhibits E.5 and E.6, respectively). Both noted that building permits had already been submitted and questions regarding their codes should be directed to the permit reviewers. Since these topics are outside the scope of the approval criteria, staff will not weigh in further on these issues.*

**Affordability**: A couple of neighbors commented that the townhouses would not be affordable or add to the affordable housing stock of the area (Exhibits F.2, F.7). The implication was that the proposal was somehow less compelling, or the proposal should be made to meet the height limit so that units would be smaller and more affordable.

*Staff comment: The affordability of the units is not relevant to the approval criteria. Therefore, the likely cost of the future units is not at issue in this review.*

## ZONING CODE APPROVAL CRITERIA

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

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

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

**Findings:** The purpose for the height regulation in the multi-dwelling zones is in Zoning Code Section 33.120.215.A:

*A. Purpose. The height standards serve several purposes:*
- *They promote a reasonable building scale and relationship of one residence to another;*
- *They promote options for privacy for neighboring properties; and*
- *They reflect the general building scale of multi-dwelling development in the City's neighborhoods.*

On a steeply sloping site, where the difference between the lowest and highest grades is exactly 5 feet from the proposed building wall and exceeds 10 feet, building height is measured from a point 10 feet above the lowest grade (Zoning Code Section 33.930.050.A.1.b). Regardless of whether the grades are 10 feet different or 100, the height calculations result in a base point that is 10 feet above the lowest point of grade. On this site, each building has a different lowest and highest point of grade, and the difference between the two exceeds 30 feet in each instance, much greater than the 10 feet of "makeup" height the Base Point 2 option grants.

| **Building** | **Lowest Point** | **Highest Point** | **Difference** |
|---|---|---|---|
| Building 1 (Units 1-4) | 419.9' | 450' | 30.1' |
| Building 2 (Units 5-8) | 423.5' | 461' | 37.5' |
| Building 3 (Units 9-10) | 434.9' | 466' | 31.1' |
| Building 4 (Units 11-12) | 433.5' | 470' | 36.5' |

The single-dwelling residential zones chapter has an alternate height measurement in circumstances where the slope drops off from the street. Instead of using BP1 or BP2, the single-dwelling zones allow a measurement of height comparing the street-facing façade of the building with the average height of the street (Zoning Code Section 33.110.215.D.1) to address such circumstances where Base Point 2 still results in a house that would largely be under street level and make it challenging to gain vehicle access from the street by right.

This same option is not available in multi-dwelling zones, but the proposed design results in a similar outcome. From the street, the buildings are in scale with what would be expected in an RM1 zone: rowhouses of three stories. In fact, the view facing SW 13th Dr. will be of units that are each under 30 feet tall as measured from their front façades, less than the maximum 35 feet allowed for the zone. In this way, as suggested by the description of the RM1 zone in Zoning Code Section 33.120.030.A, the proposal does transition in scale and intensity from the 30-foot single-dwelling zone height limit to the north to the CM2 zone to the south, with its base height limit of 45 feet. If the site were flat and these buildings looked the same from the street, the height limit would be met. Alternately, if the height limit was met on this steeply sloping lot, the view from the street would be of one-story buildings, not the expected scale for a multi-dwelling zone that is "at a somewhat larger scale and building coverage than allowed in the single-dwelling zones" where three stories is allowed, or even the 23 feet above the street grade allowed in single-dwelling zones with similar lot conditions.

Many neighbor letters made the point that existing development was one- and two-story houses and apartments and therefore the proposed development should mirror that in order to fit in with the neighborhood. However, the criteria do not anticipate that a proposal will match existing development, but rather be in scale with what would otherwise be allowed. In this case, the proposal is equally consistent with what is intended – three-story rowhouses – in the RM1 zone when viewed from the street. In fact, the height when viewed from the street is 5 feet lower than what is allowed in the RM1 zone, and more consistent with the 30-foot height limit of the R7 zoning across the street. The fact that existing development in a lower-density zone across the street, or even in the same zone next door but developed 60 years ago, might be lower than currently allowed is not a reason to find that the current proposal is not consistent with the general building scale of development in the City's multi-dwelling neighborhoods.

While the buildings are built onto the slope and will appear taller on the rear, this taller height will not impact other properties significantly, because views up to the new development from many points along SW Bertha Blvd will be blocked by the existing multi-dwelling development on the site, or by mature trees on the site and adjacent sites along Bertha. Significant views from other locations will be at some distance, and from commercial or multi-dwelling sites, or across the highway. The single-dwelling-zoned areas to the north and northeast of the property will have a predominant view of three-story buildings, an appropriate scale for the zone.

Immediately to the west is an 11-unit multi-dwelling development with one- and two-story rowhouse-style units and extensive parking across the entire property. While the heights are lower, this development is similar in number of units and development type, also appropriate for the RM1 zone. The subject site already has 40 units of multi-dwelling development. The southern row of these units also presents as three stories in height as viewed from SW Bertha Blvd, making the proposed development on the same site consistent with the existing as viewed from the street.

Neighbors commented that the building would feel massive from the street, and that the height could create privacy impacts into the houses across the street due to the height (Exhibits F.2 and F.5). Staff finds that, since the height from the street is consistent with what is anticipated in the RM1 zone, and since all required building setbacks are to be met for the proposal, no privacy impacts to the R7 neighbors to the north are expected to result from the proposal that are greater than what would be allowed outright on a flat RM1-zoned site. The owner of the multi-dwelling development to the west posited that the proposal would impact the livability of the neighborhood (Exhibit F.3). However, the westernmost building of the proposal has no windows on the west façade, the façade closest to that multi-dwelling development.

For these reasons, staff finds the proposal creates a development that has a reasonable building scale with other multi-dwelling and single-dwelling development nearby; does not cause privacy impacts; and reflects the general building scale of multi-dwelling development in the City's neighborhoods. Staff finds this criterion is met.

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

**Findings:** Since the site is zoned Residential Multi-Dwelling 1, the applicant must show the proposal will not significantly detract from the livability or appearance of the residential area.

Neighbors objected that the proposed structures would detract from the appearance of the area based on several reasons. First, the overall height of the structures was at

issue. One neighbor said the buildings will feel massive from the street (Exhibit F.2). Another said the development "will dwarf all other neighboring development" which is two stories or less (Exhibit F.5). Another stated the proposal would create a "wall of hardscape along the current street" across from the R7 zone (Exhibit F.6). Staff does not concur. As described above, the height as appearing from the single-dwelling areas will be three stories, an appropriate size for a low-scale multi-dwelling zone at the edge of a single-dwelling residential area. The taller sides of the building will largely be obscured from the public due to the existing development and mature vegetation along SW Bertha Blvd, in addition to the slope itself. The appearance from most views in the single-dwelling zone will be a proposal that is in line with what would be allowed on the R7 side of the street. Since the required 10-foot front setback is met, these buildings will all be at least 70 feet from the houses across the street (50-foot right-of-way, with a minimum distance of 10 feet on each of the private lots).

Any of the R7-zoned parcels could redevelop by right with a three-story, 30-foot-tall house, duplex, triplex, or up to 6 units on each parcel if the residential infill development standards of Zoning Code Section 33.110.265 were met. The scale of the development will not significantly detract from the appearance of the residential area more than a similar RM1 development that would be allowed outright on a flat lot. The proposal also meets other Zoning Code standards for building coverage, setbacks, and floor area ratio, which, if exceeded, could each contribute to the overall bulk and massing of the site's development.

Some neighbors also raised issues about views and blocking sunlight to neighbors. One neighbor said the buildings "create a shadow tunnel virtually blocking the sun and light for most of the day for the neighborhood" (Exhibit F.7). Another raised concerns that the three houses across from the proposed development would lose morning light and the views of the greenery on the lot as it is now (Exhibit F.4). Concerns were also raised about impacts to the subject site itself: that the removal of shrubs would result in a degradation of the views for some and there would be impacts to the light some condos got (Exhibits F.2 and F.4). Staff does not find that the buildings as proposed would create impacts in this regard greater than what would be expected for a multi-dwelling development. Even if the height limit were met, the site would lose its shrubs and the views of greenery would disappear, from both within and adjacent to the site. The height Adjustments do not worsen that condition. There is also no right to undeveloped private property adjacent to one's house. Given the three-story height of the buildings as viewed from SW 13th Ave, staff also finds there would be no greater loss of light from the R7 properties than would be expected from an RM1 development since setbacks are met. Also, while we do not usually consider impacts from within the subject site itself, it is worth noting the buildings are proposed in the northwest quadrant of the subject site, and therefore are not likely to cause significant loss of light for the existing units except possibly at sunset. For the most part, the buildings will not be blocking significant light from the existing units.

Finally, regarding appearance, several neighbors mentioned that the "very modern" architectural style of the house does not fit with the neighborhood (Exhibits F.7, F.6, F.5). However, the Zoning Code does not promote one architectural style over another, and usually the predominant style of a neighborhood, if there is one, reflects the period of construction and not an intentional mimicry of a style over time. As new residential units are constructed in the area, new styles are likely to be added to the mix; the architectural style alone is not a viable reason to object to an Adjustment request.

The term "livability" is not defined in the Zoning Code, but for the purposes of this criterion we generally consider livability impacts as those that would disrupt neighbors' enjoyment of their properties, such as privacy and the off-site impacts discussed in Zoning Code Chapter 33.262, Off-Site Impacts: noise, vibration, odor, and glare. In this case, the structures are adjacent to other multi-dwelling development. The closest building to this adjacent development to the west, Building 1 housing

Units 1-4, has no windows or openings on the west façade, and therefore is not likely to have privacy impacts on the adjacent property since the side setback for the RM1 zone is met.

As described above, the proposed structures as viewed from the nearby single-dwelling zoned-properties north of SW 13th Dr, are three stories tall, equivalent to expected development in the RM1 zone. Since the front setback is met, the buildings are not likely to create views into single-dwelling properties that are more intrusive than what would be allowed outright for an RM1 development on a flat lot. For these reasons, the development is not expected to create privacy or glare impacts. Likewise, there is nothing about a taller building built into a hillside that would create additional noise, vibration, or odors.

For these reasons, the planner finds the proposal will not significantly detract from the livability or appearance of the residential area. Approval criterion B is met.

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

**Findings:** The applicant has requested a height Adjustment to each of the four buildings, and with the same justification that the lot is very steeply-sloping. Since four Adjustments are requested, we must review for the cumulative effect of the Adjustments. The purpose of multi-dwelling residential zones such as RM1 is described in Zoning Code Section 33.120.010:

***33.120.010 Purpose***
*The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.*

***A. Use regulations.*** *The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood character of the multi-dwelling zones and their intended role as places for housing.*

***B. Development standards.*** *The six multi-dwelling zones are distinguished primarily by their allowed scale and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character and contribute to the intended characteristics of each zone. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.*

The intended character for the RM1 zone specifically is described in Zoning Code Section 33.120.030.A:

***A. RM1 zone.*** *The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-*

*dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.*

The 4 new buildings on a vacant part of a site will contribute to a higher density residential neighborhood, as intended for the multi-dwelling residential zones. The 3-story building scale along the residential street frontage (SW 13th Dr) is also consistent with the intended character for the RM1 zone, though the building walls will be taller on the rear, downslope side of the site facing the multi-dwelling residential zone and the commercial zone further south. As noted under Development Standards above in 33.120.010.B, the zoning standards were generally written for flat, regularly shaped lots, and other situations like steeply sloping lots can be addressed through exceptions such as Adjustment Reviews.

As discussed under criterion A above, the RM1 zone is intended to transition in scale from single-dwelling zones to higher-density zones. As such, the zone has a height limit of 35 feet – the same as the single-dwelling R2.5 zone. The CM2 zoning to the south has a base height of 45 feet, with opportunities for bonus height up to 55 feet (or 75 feet through the Planned Development bonus option). As viewed from the residential area, the proposed development is roughly 29-30 feet tall, less than the maximum allowed for RM1, with the impacts of the taller parts of the building limited primarily to the subject site itself.

The proposed Adjustments will not negatively impact opportunities for recreation, energy conservation, or safety. All code requirements related to energy efficiency, fire prevention, and slope stability will apply at the time of building permit review and inspection.

As discussed previously in this report, given the steep slope of the site, the proposed Adjustments will not cause the new development to appear incompatible or out of scale with nearby development.

For these reasons, staff finds the proposal is consistent with the purpose of the RM1 zone. Approval criterion C is met.

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

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

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

**Findings:** The impacts of the building height Adjustments will be somewhat visible from the rear, downslope side of the buildings facing SW Bertha Blvd. Although tall walls on the downslope side of lots are typical in Southwest Portland, staff finds impacts will be effectively mitigated by tree canopy and other onsite buildings along the street. Tree canopy near the street will help obscure views of the tall building walls from SW Bertha Blvd and better promote privacy for the residents in the multi-dwelling structures to the west.

For these reasons, staff finds approval criterion E is met.

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

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

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The site is steeply sloping, with an approximately 80-foot drop from the northeast property corner to the southwest corner. Adjustments are requested to the building height standard for each building (which is measured from 10 feet above the lowest grade on the south side of each of the new buildings). The Adjustments requested are found to be consistent with the purposes of the requirements to be modified and with the purpose of the RM1 multi-dwelling residential zone. The proposed Adjustments will not significantly detract from the livability or appearance of the residential area. The applicable Adjustment Review approval criteria are found to be met.

## ADMINISTRATIVE DECISION

Approval of the following Adjustments to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

Approval is per the approved plans, Exhibits C.1 through C.4, signed and dated March 10, 2023, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-141452 AD."

**Staff Planner: Amanda Rhoads**

**Decision rendered by:** _____ **on March 10, 2023**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 15, 2023**

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

**Procedural Information.** The application for this land use review was submitted on May 10, 2022, and was determined to be complete on November 3, 2022.

*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 10, 2022.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by a total of 105 days (see Exhibits A.18, A.21, and A.24). Unless further extended by the applicant, **the 120 days will expire on: June 16, 2023.**

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

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

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

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, and if appealed a hearing will be held. The appeal application form can be accessed at https://www.portlandoregon.gov/bds/45477. Appeals must be received **by 4:30 PM on March 29, 2023**. **The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of $250 will be charged**. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

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

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within

21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

**Recording the final decision.**
If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **March 29, 2023** by the Bureau of Development Services.

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

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

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

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

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

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

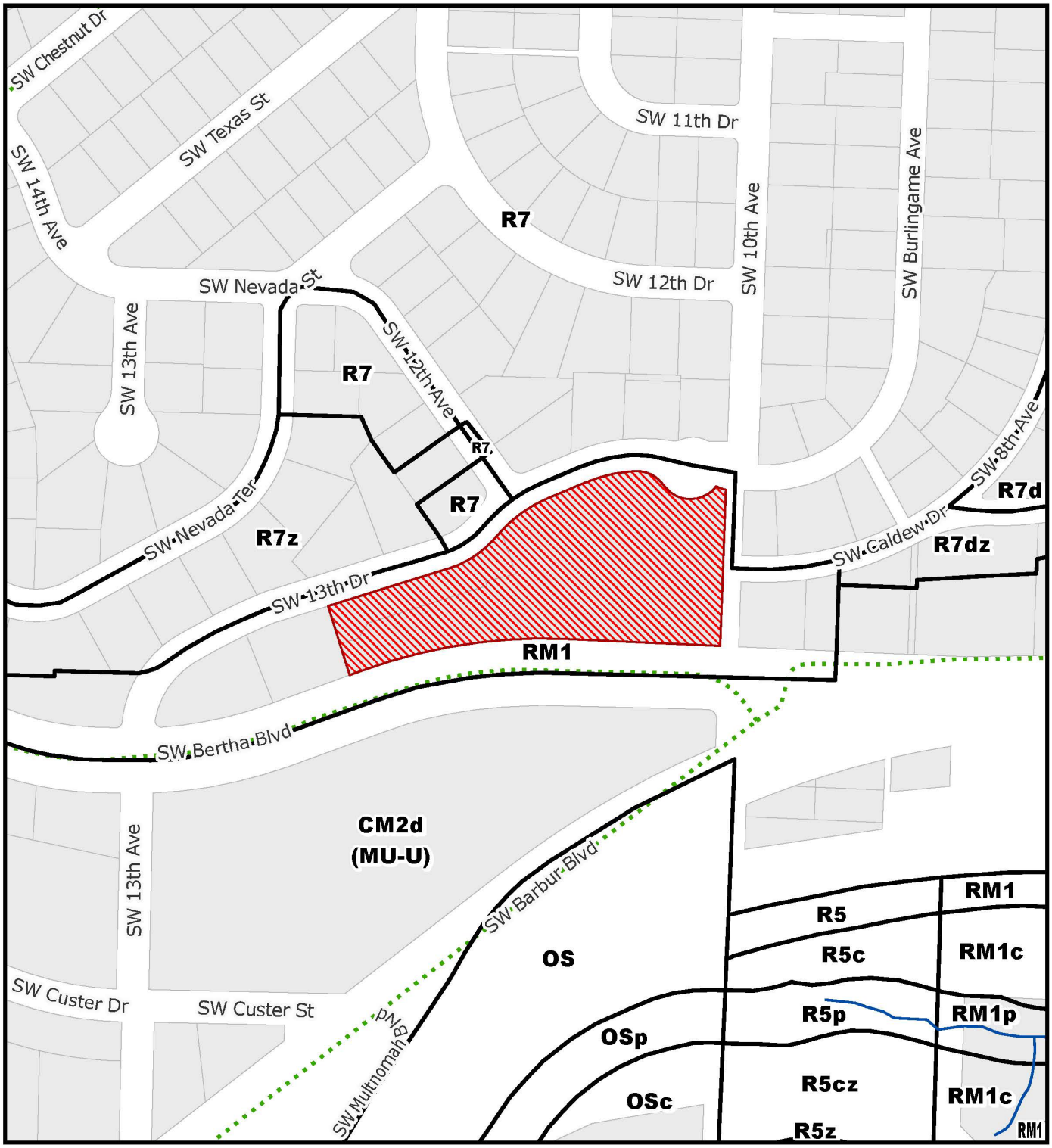
**EXHIBITS**
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Applicant Narrative (superseded by A.9)
   2. Plans for Units 1-4 (superseded by A.22)
   3. Plans for Units 5-8 (superseded by A.22)
   4. 2021 Neighborhood Meeting Information
   5. Updated Plans (superseded by A.22)
   6. Completeness Response Memo, July 20, 2022
   7. Full Site Plan with height elevations
   8. Height Adjustment Table
   9. Updated Narrative
   10. Frontage Improvement Plans
   11. Full Site Plan – simplified
   12. Updated Building Elevations (superseded by A.22)
   13. 2021 Photos of Meeting Sign

14. Neighborhood Contact Certification
15. Neighborhood Notice
16. Emails to Neighborhood Association
17. Plans Shared with Neighborhood Association
18. 30-day Timeline Extension, November 14, 2022
19. Neighborhood Contact Sign Photo
20. Neighborhood Contact Database Confirmation
21. 45-Day Timeline Extension, December 19, 2022
22. Full Plan Set
23. Architect Email, January 9, 2023
24. 30-Day Timeline Extension, March 3, 2023
25. Street View Rendering

B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Street View Rendering (attached)
   3. Building 1 North and West Elevations
   4. Building 1 South and East Elevations
   5. Building 2 North and West Elevations
   6. Building 2 South and East Elevations
   7. Building 3 Elevations
   8. Building 4 Elevations
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Life Safety Plans Examiner
F. Correspondence:
   1. Glenn Bridger, Land Use Chair for Hillsdale Neighborhood Association, January 2, 2023, with questions and some comments
   2. David Kish, January 9, 2023, in opposition
   3. Jackson and Sharon Roholt, January 11, 2023, in opposition
   4. Ariel Greninger, Secretary, Burlingame View Condominiums, in opposition
   5. Gail Stiffler, January 13, 2023, in opposition
   6. Mark and Janet Zimmerdahl, January 13, 2023, in opposition
   7. Tatiana Lifshitz, January 13, 2023, in opposition
G. Other:
   1. Original Land Use Application
   2. Incomplete Letter, June 9, 2022
   3. Planner Email, July 15, 2022
   4. Planner Email, August 4, 2022
   5. 180-Day Completeness Reminder Letter, October 13, 2022
   6. Planner Email, November 14, 2022

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




For Zoning Code in effect August 1, 2021 - June 30, 2022

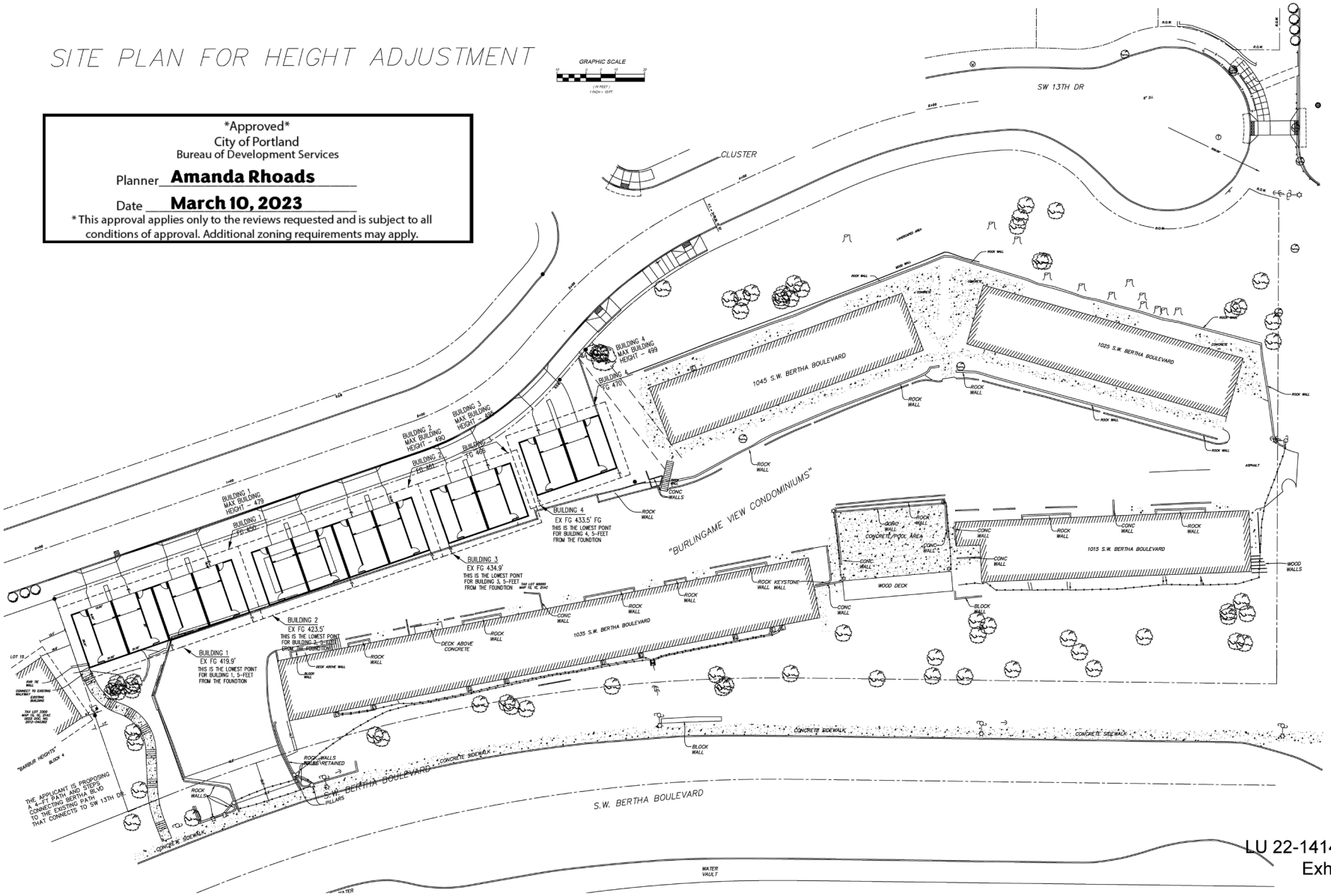
# ZONING

Site
Stream
Recreational Trails

| | |
|---|---|
| File No. | LU 22 - 141452 AD |
| 1/4 Section | 3728 |
| Scale | 1 inch =200 feet |
| State ID | 1S1E21AC 3400 |
| Exhibit | B Dec 22, 2022 |

# SITE PLAN FOR HEIGHT ADJUSTMENT

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **March 10, 2023**
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.




LU 22-141452 AD
Exhibit C.1

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




LU 22-141452 AD
Exhibit C.2

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | ENDORSEMENT | INFO1 | INFO2 | NAME | ADDRESS/IO ADDRESS | CITYSTATEZIP/ADDRESSEE |
| 2 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | CHABAD CENTER FOR JEWISH LIFE | 2317 SW VERMONT ST | PORTLAND OR 97219 |
| 3 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | WILHELM MORDECHAI & WILHELM MIRIAM | 7125 SW 12TH DR | PORTLAND OR 97219 |
| 4 | RETURN SERVICE REQUESTED | | 1S1E21AB 12100 | NORDWALL FAMILY TR | 7221 SW 13TH DR | PORTLAND OR 97219 |
| 5 | RETURN SERVICE REQUESTED | | 1S1E21AB 12200 | BRIAN KENNETH SCHENCK TR | PO BOX 2083 | BEAVERTON OR 97075 |
| 6 | RETURN SERVICE REQUESTED | | 1S1E21AC 1100 | TANTASHEVA RIMMA | 7240 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 7 | RETURN SERVICE REQUESTED | | 1S1E21AC 1200 | OLD SEASONS LLC | 935 SW STEPHENSON CT | PORTLAND OR 97219 |
| 8 | RETURN SERVICE REQUESTED | | 1S1E21AC 1300 | ANDA PROPERTIES LLC | 9615 SW 49TH AVE | PORTLAND OR 97219-5156 |
| 9 | RETURN SERVICE REQUESTED | | 1S1E21AC 1400 | BEST SAZERAC PROPERTY LLC | 934 SW CALDEW DR | PORTLAND OR 97219 |
| 10 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | FRED MEYER STORES INC | 1014 VINE ST 7TH FL | CINCINNATI OH 45202-1141 |
| 11 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | JPMORGAN CHASE BANK NA | 1111 POLARIS PKWY OH1-1086 | COLUMBUS OH 43240 |
| 12 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ECOATM LLC | 10121 BARNES CANYON RD | SAN DIEGO CA 92121 |
| 13 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ONPOINT COMMUNITY CREDIT UNION | PO BOX 3750 | PORTLAND OR 97208 |
| 14 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | WAAGMEESTER CANVAS PROD INC | 9775 SW COMMERCE CIR #C6 | WILSONVILLE OR 97070 |
| 15 | RETURN SERVICE REQUESTED | | 1S1E21AC 3700 | THE 13TH DRIVE LLC | P O BOX 10510 | PORTLAND OR 97296-0510 |
| 16 | RETURN SERVICE REQUESTED | | 1S1E21AC 3900 | FARE BRENT D & FARE MEGHAN E | 7241 SW 13TH DR | PORTLAND OR 97219 |
| 17 | RETURN SERVICE REQUESTED | | 1S1E21AC 4000 | NEWMAN SARAH P & FRENCH SPENCER J | 7261 SW 13TH DR | PORTLAND OR 97219 |
| 18 | RETURN SERVICE REQUESTED | | 1S1E21AC 4100 | ANTICK JENNIFER R & OSLUND ERIC R | 7212 SW 12TH AVE | PORTLAND OR 97219 |
| 19 | RETURN SERVICE REQUESTED | | 1S1E21AC 4500 | PARKINS DYLAN J & MORRIS ALEX M | 7287 SW 13TH DR | PORTLAND OR 97219 |
| 20 | RETURN SERVICE REQUESTED | | 1S1E21AC 4700 | WOHLHUTER MAX S | 7315 SW 13TH DR | PORTLAND OR 97219 |
| 21 | RETURN SERVICE REQUESTED | | 1S1E21AC 4800 | DIFFELY ROBERT & DIFFELY LINDA | 7202 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 22 | RETURN SERVICE REQUESTED | | 1S1E21AC 4900 | KING ERIC R & KING DE ANN M | 7214 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 23 | RETURN SERVICE REQUESTED | | 1S1E21AC 5100 | DAVID H CAMPEN & CHRISTINE Y CHANG | 1892 MARK TWAIN ST | PALO ALTO CA 94303 |
| 24 | RETURN SERVICE REQUESTED | | 1S1E21AC 700 | SCHILPEROORT REID & CHRISTA | 7214 SW 10TH AVE | PORTLAND OR 97219 |
| 25 | RETURN SERVICE REQUESTED | | 1S1E21AC 800 | PEDROZA NEREIDA & PEDROZA HUGO | 7245 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 26 | RETURN SERVICE REQUESTED | | 1S1E21AC 900 | BRENT MICHAEL & HEALY MARY H | 7235 SW BURLINGAME AVE | PORTLAND OR 97219-2134 |
| 27 | RETURN SERVICE REQUESTED | | 1S1E21AC 90001 | ROSSER MIRIAM M | 1015 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 28 | RETURN SERVICE REQUESTED | | 1S1E21AC 90002 | STEERMAN SAMANTHA N | 1015 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 29 | RETURN SERVICE REQUESTED | | 1S1E21AC 90003 | CORNING SETH T | 1015 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 30 | RETURN SERVICE REQUESTED | | 1S1E21AC 90004 | ROSEBROCK ADRIENNE | 1015 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 31 | RETURN SERVICE REQUESTED | | 1S1E21AC 90005 | KEEL LINDA | 1015 SW BERTHA BLVD #5 | PORTLAND OR 97219-2078 |
| 32 | RETURN SERVICE REQUESTED | | 1S1E21AC 90006 | CRAIG ALLISON E | 1015 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 33 | RETURN SERVICE REQUESTED | | 1S1E21AC 90007 | BARDENHEIER JEAN & ANKE | 471 N SUNNYSIDE AVE | SIERRA MADRE CA 91024 |
| 34 | RETURN SERVICE REQUESTED | | 1S1E21AC 90008 | VADAY SARA E | 1015 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 35 | RETURN SERVICE REQUESTED | | 1S1E21AC 90009 | SINNER TODD | 1025 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 36 | RETURN SERVICE REQUESTED | | 1S1E21AC 90010 | MINKO IRINA & VARTANIAN VALDIMIR | 1025 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 37 | RETURN SERVICE REQUESTED | | 1S1E21AC 90011 | QUICK KATHERINE A | 1025 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 38 | RETURN SERVICE REQUESTED | | 1S1E21AC 90012 | WOOD TAMARA | 1025 SW BERTHA BLVD #4 | PORTLAND OR 97219-2079 |
| 39 | RETURN SERVICE REQUESTED | | 1S1E21AC 90013 | SMITH SAMANTHA F | 520 NW LOST SPRINGS TER #408 | PORTLAND OR 97229 |
| 40 | RETURN SERVICE REQUESTED | | 1S1E21AC 90014 | GIEBER SIERRA & TODD D & DEANNA L | 1025 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 41 | RETURN SERVICE REQUESTED | | 1S1E21AC 90015 | LINDERMAN JESSICA | 1025 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 42 | RETURN SERVICE REQUESTED | | 1S1E21AC 90016 | VINCENT JOANNE M | 1025 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 43 | RETURN SERVICE REQUESTED | 1S1E21AC 90017 | VERDIER SECURITY TR | C/O FRANCINE M VERDIER | 690 ROSS CT | SONOMA CA 95476 |
| 44 | RETURN SERVICE REQUESTED | | 1S1E21AC 90018 | DENSON JESSE JENKINS | 1035 SW BERTHA BLVD #2 | PORTLAND OR 97219-2076 |
| 45 | RETURN SERVICE REQUESTED | | 1S1E21AC 90019 | HUYNH JAMES | 1035 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 46 | RETURN SERVICE REQUESTED | | 1S1E21AC 90020 | WENGER NOAH & KENDALL ASHLEY | 1035 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 47 | RETURN SERVICE REQUESTED | | 1S1E21AC 90021 | NOVIKOFF DIMITRY | 1035 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 48 | RETURN SERVICE REQUESTED | | 1S1E21AC 90022 | LETTS JASON | 1035 SW BERTHA BLVD | PORTLAND OR 97219 |
| 49 | RETURN SERVICE REQUESTED | | 1S1E21AC 90023 | TILLIS CHELSEA N | 1035 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 50 | RETURN SERVICE REQUESTED | | 1S1E21AC 90024 | CUSHING CAITLIN | 3411 NE 38TH AVE | PORTLAND OR 97212-1903 |
| 51 | RETURN SERVICE REQUESTED | | 1S1E21AC 90025 | DICKEY CHRISTINE & GRIFFITH STEPHEN | 10221 S TERWILLIGER PL | PORTLAND OR 97219 |
| 52 | RETURN SERVICE REQUESTED | | 1S1E21AC 90026 | HOGFOSS ROGER & HOGFOSS JOANNE | 3595 HICKORY AVE | EUGENE OR 97401 |
| 53 | RETURN SERVICE REQUESTED | | 1S1E21AC 90027 | STINE STEVEN A | 1035 SW BERTHA BLVD #11 | PORTLAND OR 97219 |
| 54 | RETURN SERVICE REQUESTED | | 1S1E21AC 90028 | KIM JOAN J | 838 TERMINO AVE | LONG BEACH CA 90804-5434 |
| 55 | RETURN SERVICE REQUESTED | | 1S1E21AC 90029 | BLEU AMY L | 1035 SW BERTHA BLVD #13 | PORTLAND OR 97219 |
| 56 | RETURN SERVICE REQUESTED | | 1S1E21AC 90030 | BERGSTROM KIRSTEN | 1035 SW BERTHA BLVD #14 | PORTLAND OR 97219 |
| 57 | RETURN SERVICE REQUESTED | | 1S1E21AC 90032 | OBJECTIVE INVESTMENTS LLC | 6280 SW ARRANMORE PL | PORTLAND OR 97223-7503 |
| 58 | RETURN SERVICE REQUESTED | | 1S1E21AC 90033 | LINEGAR NEAL & LINEGAR PAMELA | 4445 SW CARL PL | PORTLAND OR 97239-1518 |
| 59 | RETURN SERVICE REQUESTED | | 1S1E21AC 90035 | TURQUAND THOMAS & TURQUAND TERI | 3515 SW XERO AVE | REDMOND OR 97756-7997 |
| 60 | RETURN SERVICE REQUESTED | | 1S1E21AC 90036 | BARLOW BRANDON E | 1045 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 61 | RETURN SERVICE REQUESTED | 1S1E21AC 90037 | EDELMAN HIGHLAND CHRISTINE | & HAUGH WILLIAM BITTRICH | 1045 SW BERTHA BLVD #5 | PORTLAND OR 97219-2077 |
| 62 | RETURN SERVICE REQUESTED | | 1S1E21AC 90038 | TUGOZ RAMSEY A TR | 243 ROSWELL AVE | LONG BEACH CA 90803-1536 |
| 63 | RETURN SERVICE REQUESTED | | 1S1E21AC 90039 | PETERSON CHRISTOPHER | 1045 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 64 | RETURN SERVICE REQUESTED | | 1S1E21AC 90040 | JOHNSON AMANDA & JOHNSON DYLAN | 1045 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 65 | | | | CURRENT RESIDENT | 1025 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 66 | | | | CURRENT RESIDENT | 7180 SW NEVADA TER | PORTLAND OR 97219 |
| 67 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #A | PORTLAND OR 97219 |
| 68 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #C | PORTLAND OR 97219 |
| 69 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #D | PORTLAND OR 97219 |
| 70 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #A | PORTLAND OR 97219 |
| 71 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #C | PORTLAND OR 97219 |
| 72 | | | | CURRENT RESIDENT | 936 SW CALDEW DR | PORTLAND OR 97219 |
| 73 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #1 | PORTLAND OR 97219 |

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 74 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 75 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 76 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 77 | | | | CURRENT RESIDENT | 7207 SW 13TH DR | PORTLAND OR 97219 |
| 78 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #D | PORTLAND OR 97219 |
| 79 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #F | PORTLAND OR 97219 |
| 80 | | | | CURRENT RESIDENT | 7529 SW BARBUR BLVD | PORTLAND OR 97219 |
| 81 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #12 | PORTLAND OR 97219 |
| 82 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #16 | PORTLAND OR 97219 |
| 83 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #9 | PORTLAND OR 97219 |
| 84 | | | | CURRENT RESIDENT | 7121 SW 12TH DR | PORTLAND OR 97219 |
| 85 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #B | PORTLAND OR 97219 |
| 86 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #C | PORTLAND OR 97219 |
| 87 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #E | PORTLAND OR 97219 |
| 88 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #B | PORTLAND OR 97219 |
| 89 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #F | PORTLAND OR 97219 |
| 90 | | | | CURRENT RESIDENT | 7601 SW BARBUR BLVD | PORTLAND OR 97219 |
| 91 | | | | CURRENT RESIDENT | 940 SW CALDEW DR | PORTLAND OR 97219 |
| 92 | | | | CURRENT RESIDENT | 942 SW CALDEW DR | PORTLAND OR 97219 |
| 93 | | | | CURRENT RESIDENT | 944 SW CALDEW DR | PORTLAND OR 97219 |
| 94 | | | | CURRENT RESIDENT | 1015 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 95 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #10 | PORTLAND OR 97219 |
| 96 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 97 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 98 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 99 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #A | PORTLAND OR 97219 |
| 100 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #E | PORTLAND OR 97219 |
| 101 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #B | PORTLAND OR 97219 |
| 102 | | | | CURRENT RESIDENT | 946 SW CALDEW DR | PORTLAND OR 97219 |
| 103 | RETURN SERVICE REQUESTED | RESPONDENT | 1S1E21AC 4600 | ZIMMERDAHL MARK & ZIMMERDAHL JANET | 7301 SW 13TH DR | PORTLAND OR 97219-2086 |
| 104 | RETURN SERVICE REQUESTED | OWNER | 1S1E21AC 3400 | BURLINGAME RIDGE TOWNHOMES LLC | 5331 S MACADAM AVE #258 | PORTLAND OR 97239 |
| 105 | RETURN SERVICE REQUESTED | OWNER | ASSOCIATION OF UNIT OWNERS OF | BURLINGAME VIEW CONDO | 1015 SW BERTHA BLVD | PORTLAND OR 97219 |
| 106 | RETURN SERVICE REQUESTED | OWNER/AGENT/APPLICANT | MAIN STREET DEVELOPMENT INC | RYSTADT ERIC & ROSEMEYER NATHANIEL | 5331 S MACADAM AVE #258 | PORTLAND OR 97239-6104 |
| 107 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | OFFICE OF COMMUNITY & CIVIC LIFE | 1120 SW 5TH AVE #114 | PORTLAND OR 97204 |
| 108 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | HILLSDALE NEIGHBORHOOD ASSOCIATION | PO BOX 19902 7805 SW 40TH AVE | PORTLAND OR 97280 |
| 109 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | FRIENDS OF TERWILLIGER | 430 SW HAMILTON ST | PORTLAND OR 97239 |
| 110 | RETURN SERVICE REQUESTED | | PORTLAND METRO REGIONAL SOLUTIONS | C/O DLCD REGIONAL REPRESENTATIVE | 1600 SW FOURTH AVE #109 | PORTLAND OR 97201 |
| 111 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | PORT OF PORTLAND PLANNING | PO BOX 3529 | PORTLAND OR 97208 |
| 112 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | TRANSIT DEVELOPMENT | 1800 SW FIRST AVE #300 | PORTLAND OR 97201 |
| 113 | | | | LAND USE CONTACT | PROSPER PORTLAND | 129/PROSPER |
| 114 | | | | PORTLAND PARK TRAIL | TATE WHITE | B106/R1302 |
| 115 | | | | | DAWN KRANTZ | B299/R5000 |

*ADJUSTMENT TO THE HEIGHT OF THE NEWLY PROPOSED 12 UNITS.*
*APPROVAL CRITERIA FOR ADJUSTMENTS*

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

33.120.215 Height. In the RM-1 zone maximum height is restricted to 35ft, and on steep property a maximum of 45-feet at 5-feet from the lowest foundation grade. However, the applicant realizes that the lots across the street are zoned R5. While the homes are 8-10 higher (given the sloped grade) They have a maximum elevation of 30 feet. The proposed adjustment would be held to a similar height of 30-feet.

33.120.220 Minimum Setbacks: 10-feet for the front setback, 18-feet to the garage, and 5 – 14 ft for the side, and rear setbacks. No adjustment to the setbacks is being requested

33.120.220 Maximum Setbacks: The existing units on Parcel 1 exceed the maximum 20-ft setback. However, these units pre-date the code requirement. Further no development is proposed on Parcel 1. All new construction is setback less than 20-feet from the front property line.

33.120.225 Maximum Building Coverage in the RM1 zone is 50% of the Parcel. Parcel II has three new buildings. Each has a foundation plan of 1,932 SF. There is a total coverage of 5,796 SF. Foundation coverage equals 5796 / 18295 = 32%. Including pop-outs and incorporating a 12" Roof Overhand this area increases to 2,279 SF / building or 37% of lot coverage. There are four buildings on Parcel 1 with foundation coverage of 4010 + 4019 + 4152 + 8046 SF = 20,227 SF. This equals a building coverage of 20,227 / 90995 = 22%. As such both parcels are well below the 50% maximum permitted

33.120.230 Maximum Building Length in the RM1 zone is 100-ft within 30-feet of a street. Each of the three sets of three units on Parcel 2 will be 84-feet in length (each unit being 28-feet in width).

The three of the four buildings on Parcel 1 are all more than 30-feet from the street. The largest, and longest building on the property is within 30-feet and is 266-feet long. The construction of this unit was within code confines at the time of construction and was approved for construction by the City. No alteration to any of the existing structures is proposed.

33.120.231 Main Entrances: The front door for each unit is on the main façade, and is located 5-feet from the front property line

33.120.235 Minimum Landscaped Area. All portions of the landscaping fronting each of the new units not encompassed by the garage, or walkway will be landscaped to the L1 standards per 33.245.020 A.

33.120.237 Trees. The preservation of the site trees has been addressed under the Land Division section of the code Section 33.630

33.120.240 Required Outdoor Area.

The applicant is identifying two 6 x 8 outdoor areas for each unit. Twice that which is required by code. It also is worth noting that the applicant by ways of increasing the quality of livability within the units taken many of the elements noted in this section and made them integral to the overall design of each home. These elements include:

1) The construction of all units with three bedrooms
2) Larger storage areas in kitchens, bedroom and entry and linen closets.
3) The proposed design includes additional sound insulation
4) The proposed exterior lighting, and visibility should help to minimize the opportunity for criminal elements.
5) All units have multiple decks for a larger outdoor area
6) Lastly the applicant is preserving significantly more trees over both parcels than is standard.

While none of these are required the applicant hopes that these design elements in part mitigate for any perceived negative impacts of the proposed adjustment requests

## 33.120.030 Characteristics Of The Zones

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

| | |
|---|---|
| Maximum FAR (See 33.120.210) | |
| Maximum Density (See 33.120.212) | |
| Maximum Density with Affordable Housing Bonus (See 33.120.212.C | |
| Minimum Density (See 33.120.213) | |
| Base Height (See 33.120.215) | 35 ft |
| <u>Minimum Setbacks – (See 33.120.220)</u> | |
| Front building setback – | 10ft |
| Side and rear building setback. – | 5ft |
| Garage entrance setback (See 33.120.220) | 18 ft |
| Max. Building Coverage (See 33.120.225) | 50% of Site Area |
| Max. Building Length (See 33.120 230) | Yes |
| Min. Landscaped Area (See 33.120.235) | 30% of Site Are |
| Required Outdoor Areas (See 33.120.240 | Yes |

SECTION 2 - ADJUSTMENTS

33.805 Adjustments

*Comment: In a prior application the applicant had previously requested an adjustment to the lot depth, the front yard setback, and the garage setback. In response to the neighborhood successfully appealing the decision the applicant has shifted the units back so they comply with the 10-ft front yard setback, and the 18-ft garage setback from the front property line. To meet the minimum lot requirements the applicant has included them as part of the larger condominium complex. Compliance with the overall tree preservation, and open space requirements for the overall parcel are now also identified.*

*The site is steeply sloped down, and away from the street. As a consequence of moving the units back, the rear of the units is further down the slope. Because of this the applicant is unable to comply with the maximum height standard along the rear facades of new units. The applicant is therefore requesting a height adjustment.*

*In a Neighborhood Meeting this summer the applicant showed the new design responding to their concerns. In addition, the neighborhood requested an ADA ramp for a pedestrian connection across SW 13th Drive on the east side of the intersection with SW 12th Avenue. As well as the ramp proposed by the applicant on the west side of the intersection. Further the Association requested a pedestrian connection between the terminus of 13th Court and the intersection of SW 10th and Burlingame. The applicant also agreed to this request. The requested changes were made and submitted back to the Neighborhood Association. There had also been concerns noted about the impact of on-street parking. The original proposal only had room for a garage, and no 2nd parking space. By pushing back, the garage, and a second space in front of the garage the applicant has attempted to mitigate the impact of this development*

Table 612-1, Chapter 33.612 Lots in Multi-Dwellings Zones requires

1) An increase in height from the maximum permit height on the southern internal elevation of the proposed 12 units.

*Comment: It is necessary for the applicant to request a height adjustment. While the code was written to handle differences in height along street frontage, it has been interpreted to be used on all sides. So, when the street elevation is 449, and the edge of the existing driveway is an elevation of 421, there is a 28-ft difference between the front and the back. Even adding in the 10 ft leave two stories to get up to street level. Meaning that the maximum height using these number would be an elevation of 466 ft just 15-feet above street level. The Neighborhood Association have been made aware. Given the changes the applicant made to his plans, and the additional request made by the Neighborhood Association that were agreed to by applicant The Neighborhood Association will not appeal the decision with the height adjustment.*

33.805.010 Purpose

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

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

A. Eligible regulations. Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.

B. Ineligible regulations. Adjustments are prohibited for the following items:

1. To allow a primary or accessory use that is not allowed by the regulations;
*Comment: the proposed*

2. As an exception to any restrictions on uses or development which contain the word "prohibited";

3. As an exception to a threshold for a review. An example is 33.140.100.B.3 in the Employment and Industrial Zones chapter. It states that single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;

4. As an exception to a qualifying situation for a regulation, such as zones allowed, or items being limited to new development. An example of this is 33.251.030.C, which says that manufactured dwelling parks are allowed only in the R3 and RM1 zones. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;

5. As an exception to a definition or classification. An example is a convenience store, which is defined as being under 4,000 square feet in area, requiring a package store liquor license, and being open more than 15 hours a day. An adjustment could not be granted to change the amount of square feet, the package store liquor license, or the hours a convenience store is open;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;

7. To allow an increase in density in the RF through R1 zones.

***Comment:*** *The applicant is proposing the development of a northern portion of a legally created parcel. The development of the property fronting SW 13th Drive for single family condominium development is not ineligible for any of the seven reasons stated above. These criteria are not applicable. The adjustment to the height at the rear of the new buildings is necessary to allow the effective development of the parcel.*

33.805.040 Approval Criteria
The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

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

***Comment:*** *The proposed development parcel has adequate street frontage, and accessibility to all public improvements. The property is currently developed below its maximum capacity. The portion of herein unused,*

*and vacant property that has remained derelict, and overgrown would remove a blight from the community, and allow the construction of sorely needed homes. The adjustment to the height on the rear of the units is the only reasonable way to allow an effective, and livable development to occur. Without the adjustments development of this parcel is not reasonable.*

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

*Comment: The development of the 12 new homes that while higher in elevation that the existing condo units would be north of said units, and therefore not create a shading issue. From the Street the proposed homes would meet the standard height requirements of the zone. The proposal for development upon approval would allow development on a local road. The development would follow the RM1 zoning. However because the homes are situated on 13th drive adjacent to a lower density zoning..*

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

*Comment: One adjustment is being requested – to the maximum height*

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

*Comment: There are no City designated resources associated with this property.*

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

*Comment: the impact from the adjustment is internal. From the street the units meet the zoning height limit in the RM-1 zone, as well as being below the 30-ft height limit of the R-7 zone (the zoning across the street).*

*While not required the applicant has included multiple design elements in the units that if used for a density bonus would permit up to a 50% increase in density. For example: All of the units are three bedroomed; the kitchens have 67.5SF of pantry space and 36" SF of draws in the island; All bedrooms have a minimum of 16SF of closet space; The linen closest has 13.75 SF of storage; There is also 54 SF of sperate storage for large items. All party wall assembly will have an STC rating of 55 or better; the entry door and all windows will have an STC rating of 35 or better. The applicant is also providing two 48 SF decks for each unit. In addition over 80% of the total tree count, and overall circumference is being protected, and preserved.*

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

*Comment: This parcel is not located in an Environmental Overlay.*

G. Application of the regulation in question would preclude all reasonable economic use of the site; and

*Comment: the applicant previously tried to keep the proposed units as close to the street as possible requesting an adjustment to the front yard, and garage setbacks. This was appealed. By pushing the units back, they drop further down the slope. There is a 28-ft drop from the street elevation to the rear of the new buildings. There is a*

*maximum height of 35-feet in the RM-1 zone. Even when accounting for an additional 10+ feet permitted over a steep site this would permit a height of 17-feet. With the need to provide off-street parking spaces, the stairs, parking, and garage us up the ground floor space. The applicant is proposing a living space above the garage, and parking with bedrooms over the Living Space.*

*The adjacent zone is R7. The maximum height permitted in the R-7 zone is 30-feet. From the street the proposed units meet this standard.*

H. Granting the adjustment is the minimum necessary to allow the use of the site; and

*Comment: Not granting the adjustment to lot depth would impact the existing development and parking area of Parcel 1. The applicant is requesting the minimum adjustment required by staff to permit the partition of the property to move forward. Without the adjustment the applicant would not be able to proceed with the development of the property along 13th Drive*

I. Any impacts resulting from the adjustment are mitigated to the extent practical.

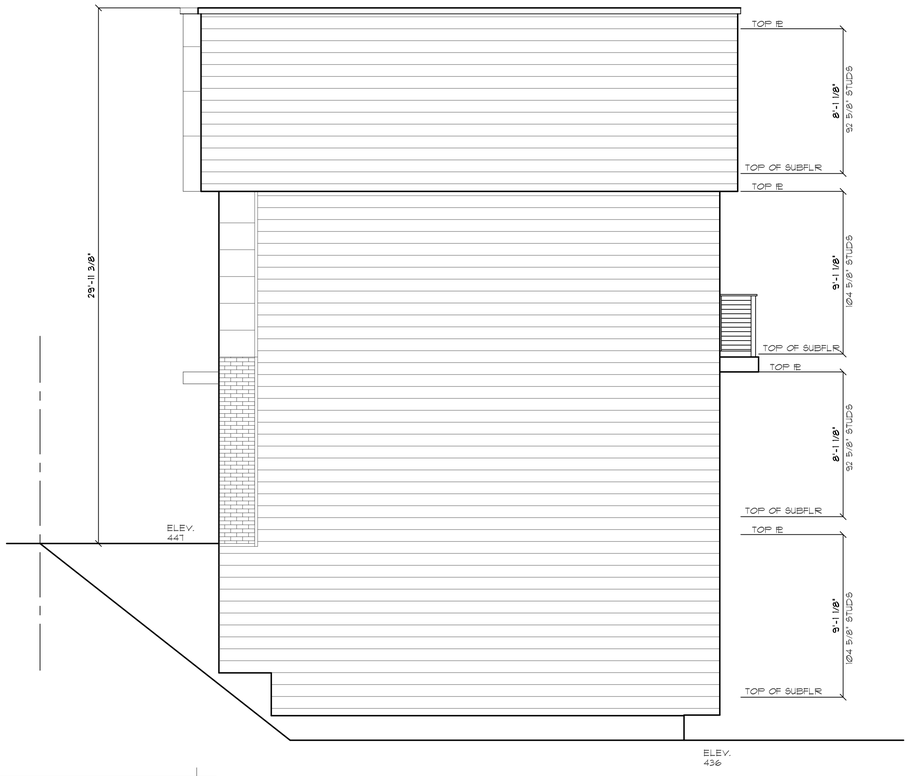
*Comment: As part of this proposal the applicant is performing extensive landscaping within the Parent parcel along both frontages on Barbur, and 13th. IN addition, the applicant has agreed to provide a 2nd ADA access on the east side of SW 12rg Avenue. In addition at the request of the Neighborhood Association the applicant has agreed to provide a n pedestrian connect at the east end of the cul-de-sac connecting the sidewalk on the north side of 13th Drive to SW Burlingame Avenue. The applicant has agreed to meet the request of the association in an attempt to mitigate any perceived impact of the proposal*

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




# Front Elevation

SCALE: 1/4"=1'-0"




# Right Elevation

SCALE: 1/4"=1'-0"

FINAL GRADING - SURFACE ATER
SHALL NOT DISPENSE ONTO ADJACENT
PROPERTY

STORM WATER CONVEYED BY PIPING
NOT TO DISPNSE ONTO ADJACENT
PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING
IS REQUIRED. STORM WATER O DISPERSE
TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES
MUST BE IN USED.

Four Story Structures Regulated Under the
Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.30 |
| MAIN ENTRY DOOR MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic, tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

LU 22-141452 AD
Exhibit A.2


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*- Brooker T.*
*Washington*


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
Project Number

| CHECK BY | Samedy Kem |
|---|---|
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
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| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |




# Left Elevation

SCALE: 1/4"=1'-0"




# Rear Elevation

SCALE: 1/4"=1'-0"

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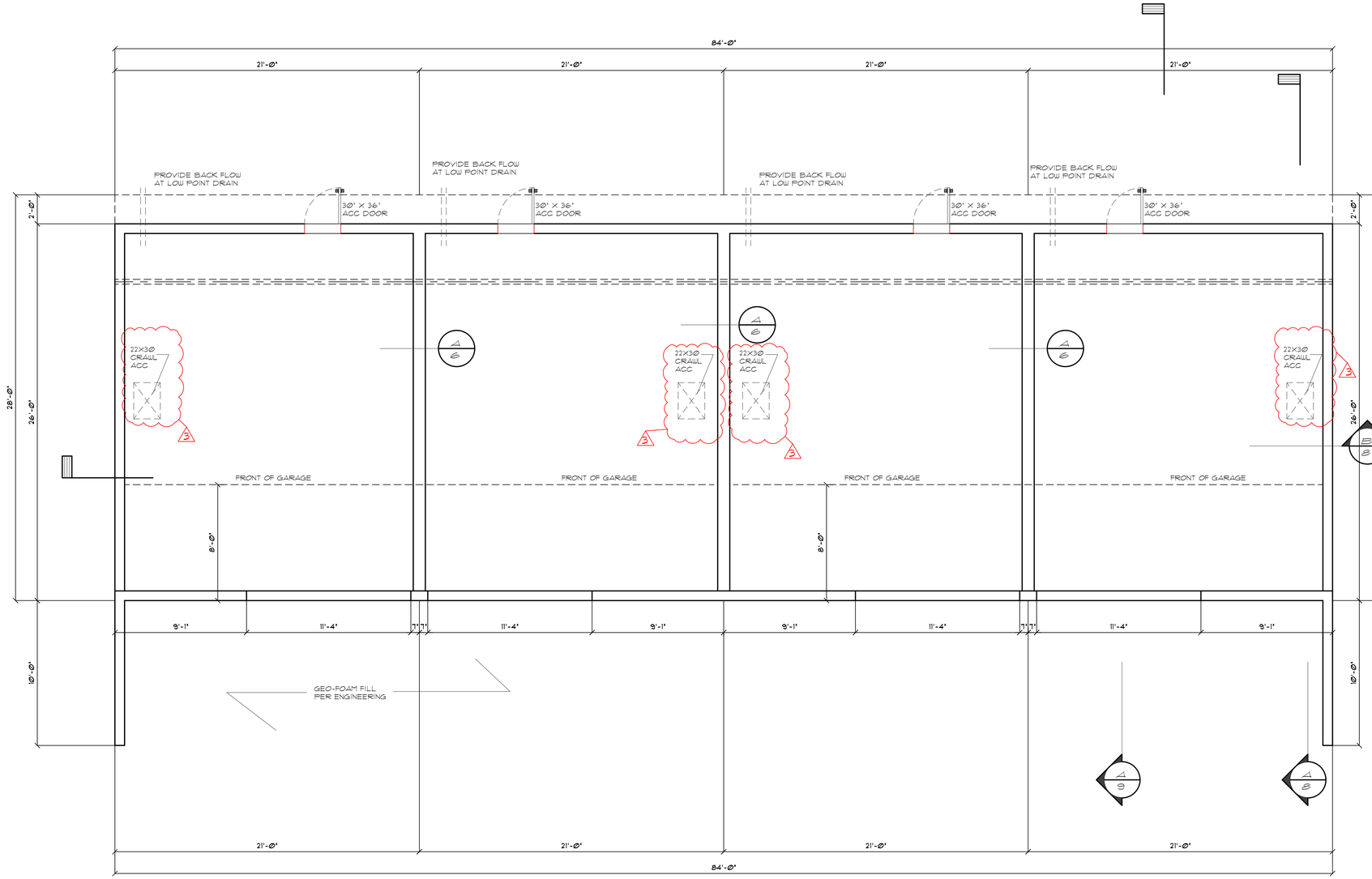
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Exhibit A.2

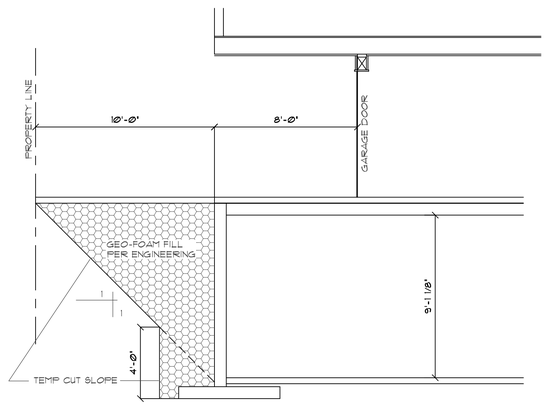
## Footings and Foundations; Residential Concrete:

1. Compressive Strength. Required minimum compressive strength of concrete (psi) at 28 days:
   a) Basement walls, foundation walls and other concrete not exposed to the weather 2500 psi
   b) Basement slabs and interior slabs on grade, except garage floor slabs 2500 psi
   c) Basement, foundation, exterior walls, other vertical concrete exposed to the weather 3000 psi
   d) Porches, carport slabs and steps exposed to the weather and garage floor slabs 3000 psi
   Concrete shall be air entrained (5%-7%) for strengths of 3000 psi and 3500 psi and when subject to freezing and thawing during construction for 2500 psi concrete. See Table R402.2.
2. Footings shall be placed on undisturbed natural soil or engineered fill. See Section R403.1.
3. Minimum depth. Bottoms of exterior wall, bearing wall, pier and column footings shall be not less than 18 inches below finished grade. See Section 403.1.5
4. Minimum sizes for concrete or masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). See R403.1.1.
5. Slope. The top surfaces of footings shall be level. The bottom surface of footings shall not have a slope exceeding 1 in 10. Footings shall be stepped where the ground surface is more than 1 in 10. See Section 403.1.6.
6. Ground clearance. Wood siding, sheathing and wall framing on the exterior of a building shall have a clearance of not less than 6 inches from the ground. See Section R319.1 Item 5.
7. Seismic reinforcing. Foundation with stem walls shall be provided with a minimum of one No. 4 bar within 12 inches of the top of the wall and one No. 4 bar located 3 inches to 4 inches from the bottom of the footing.
   EXCEPTION: Foundations constructed monolithically shall be permitted to have a minimum of two No. 4 bars placed in the footing. Section R403.1.4.1
   Where a construction joint is created between a concrete footing and stem wall, a minimum of one No. 4 bar shall be provided at no more than 4 feet on center. The vertical bar shall extend 3 inches clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches into the stem wall. See Section R403.1.4.
   NOTE: Unless otherwise detailed on plan, a 6 inch 90 degree bend on the short leg (hook) will be considered as meeting the intent of this section.
8. Grounding electrodes. When concrete reinforcing bars are installed in concrete footings, the following requirements shall be met to provide for a grounding electrode system:
1. Uncoated No. 4 reinforcing bar installed not less than 3 inches from the bottom of the footing and not less than 20 feet in length encased with a minimum of 2 inches of concrete.
2. An uncoated No. 4 reinforcing bar stubbed up at least 12 inches above the floor plate line and tightly attached to the reinforcing bar located in the footing with 3 ties. The spliced lap of the stubbed up bar to the footing bar shall be a minimum of 12 inches. Section R403.1.7
9. Wood sill plate anchor bolts shall be min. 1/2-inch diameter, 7 inches embedment, max. 6 feet on center and not more than 12 inches from a corner or mudsill splices or less than 7 bolt diameters from mudsill splice. Min. 2 anchor bolts per plate. See Sections R403.1.8 and R403.1.8.1.
   Plate washers conforming to Section R602.11.1 shall be provided for all anchor bolts over the full length of required braced wall lines. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels. Plate washers, a minimum of 0.229 inches by 3 inches by 3 inches in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch larger than the bolt diameter and a slot length not to exceed 1-3/4 inches, provided a standard cut washer is placed between the plate washer and the nut. See Section R602.11.1.
10. Concrete slab on ground floors shall be not less than 3 1/2 inches thick. Where slabs and footings are constructed monolithically, footings shall comply with requirements in Figure 403.1.1(1).
11. Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1 (5) and shall also comply with the provisions of Section R404 and the applicable provisions of Section R402.2. In Seismic Design Categories D1 and D2, concrete foundation walls shall comply with Section R404.1.4.

## Crawl spaces:

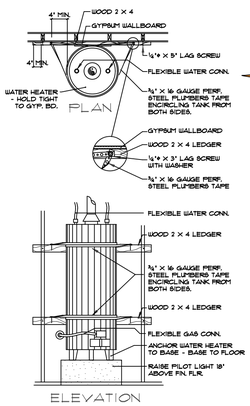
12. Access opening. Crawl spaces shall be provided with a minimum 18 inches by 24 inches access opening. Openings through a perimeter wall shall be not less than 16 inches by 24 inches. When any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches shall be provided. Pipes, ducts and other construction must not obstruct accessibility to and within the crawl space. Section. R408.3. See Section M1305.1.4 for access requirements where mechanical equipment is located under floor.
13. Under-floor space ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum net area of ventilation openings shall not be less than 1 square foot for each 150 square feet of under-floor space area. One ventilating opening shall be required within 3 feet of each corner of the building. The openings shall be covered with corrosion resistant wire mesh or equivalent with 1/8-inch minimum dimension. Ventilation openings may be omitted on one side of a building. Ventilation openings may be omitted when continuously operated mechanical ventilation is provided at a rate of 1.0 cfm for each 50 square feet of crawl space floor area and ground surface is covered with an approved vapor barrier material. Sections R408.1 and R408.2.
14. Drainage. Provide water drainage from the crawl space by means of crawl space and foundation drains sloped for gravity drainage and extending to a storm sewer, street gutter, road ditch or other drainage way or raise the finish grade in the crawl space to the level of finish grade outside. Section R408.5
15. Removal of debris. The under-floor grade shall be cleaned of all vegetation and organic material. All wood forms used for placing concrete shall be removed before a building is occupied or used for any purpose. All construction materials shall be removed before a building is occupied or used for any purpose. Section R408.4




## Section @ Driveway
SCALE: 1/4"=1'-0"

## Foundation Plan
SCALE: 1/4"=1'-0"




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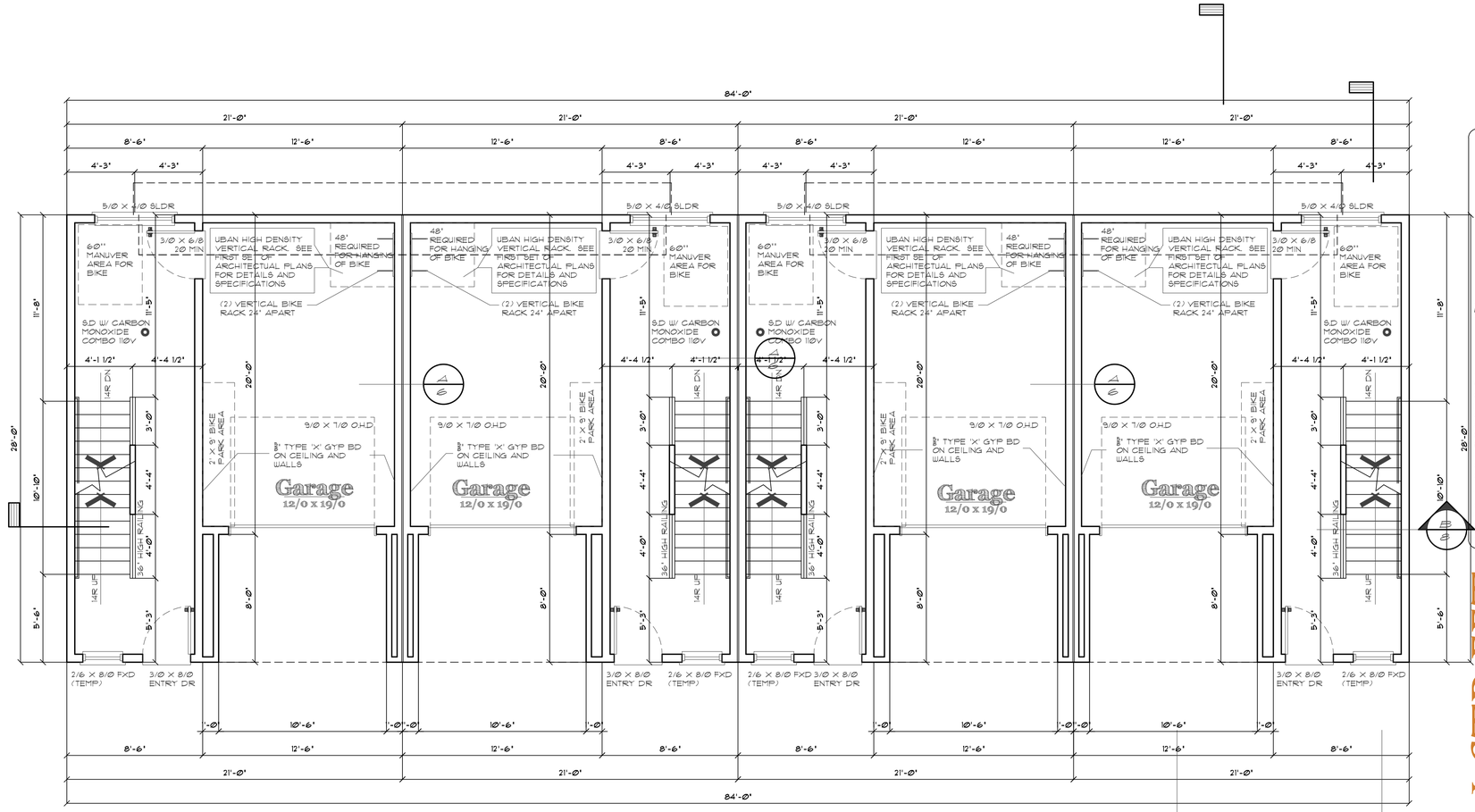
sk-1687-4 Unit 1 thru 4
Project Number

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Sheet Number 3 of 9

LU 22-141452 AD
Exhibit A.2




# Garage Level

SCALE: 1/4"=1'-0"

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.
-

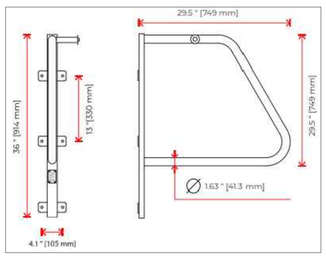
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO=60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |

IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

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MAIN STREET DEVELOPMENT
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Garage 238 SF

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Upper 643 SF
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1687 Total SF

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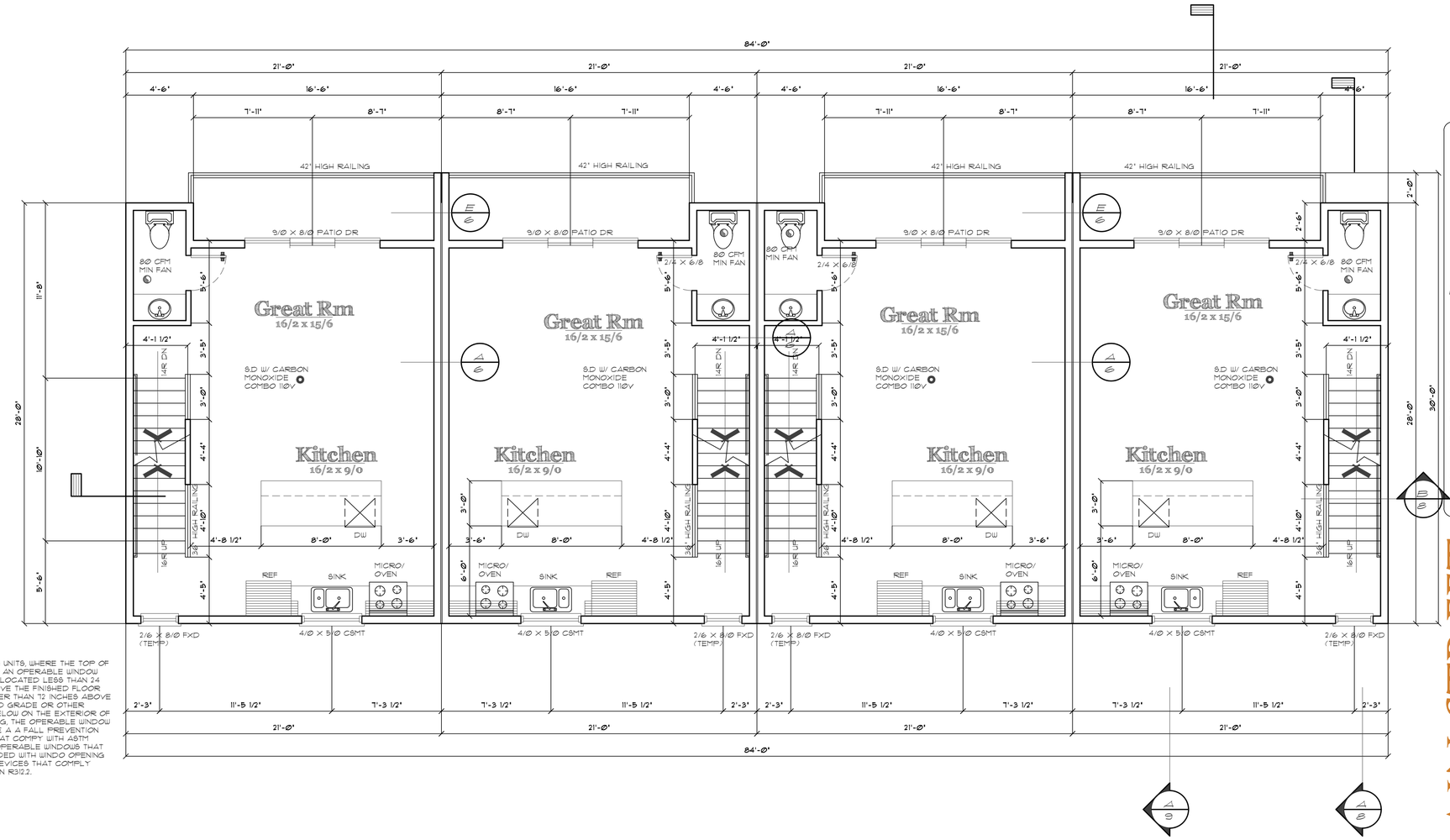
sk-1687-4 Unit 1 thru 4
Project Number

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| CHECK BY | Samedy Kem |
| DRAW BY | sk |

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Sheet Number 4 of 9

LU 22-141452 AD
Exhibit A.2




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# Main Level

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

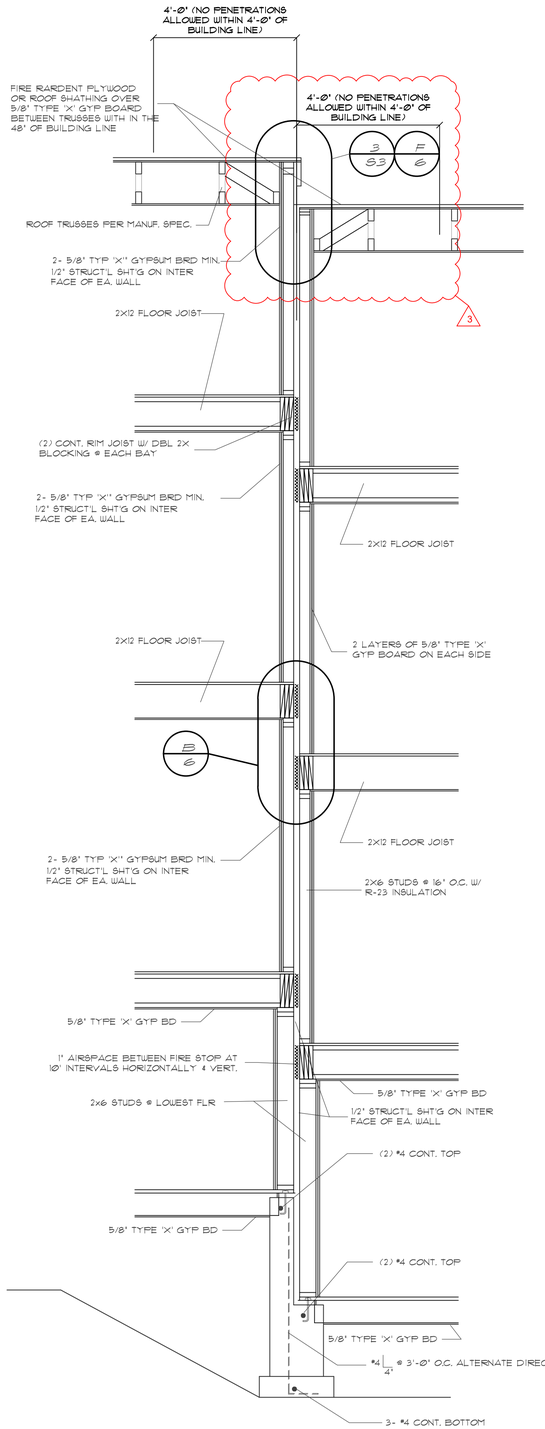
sk-1687-4 Unit 1 thru 4
Project Number

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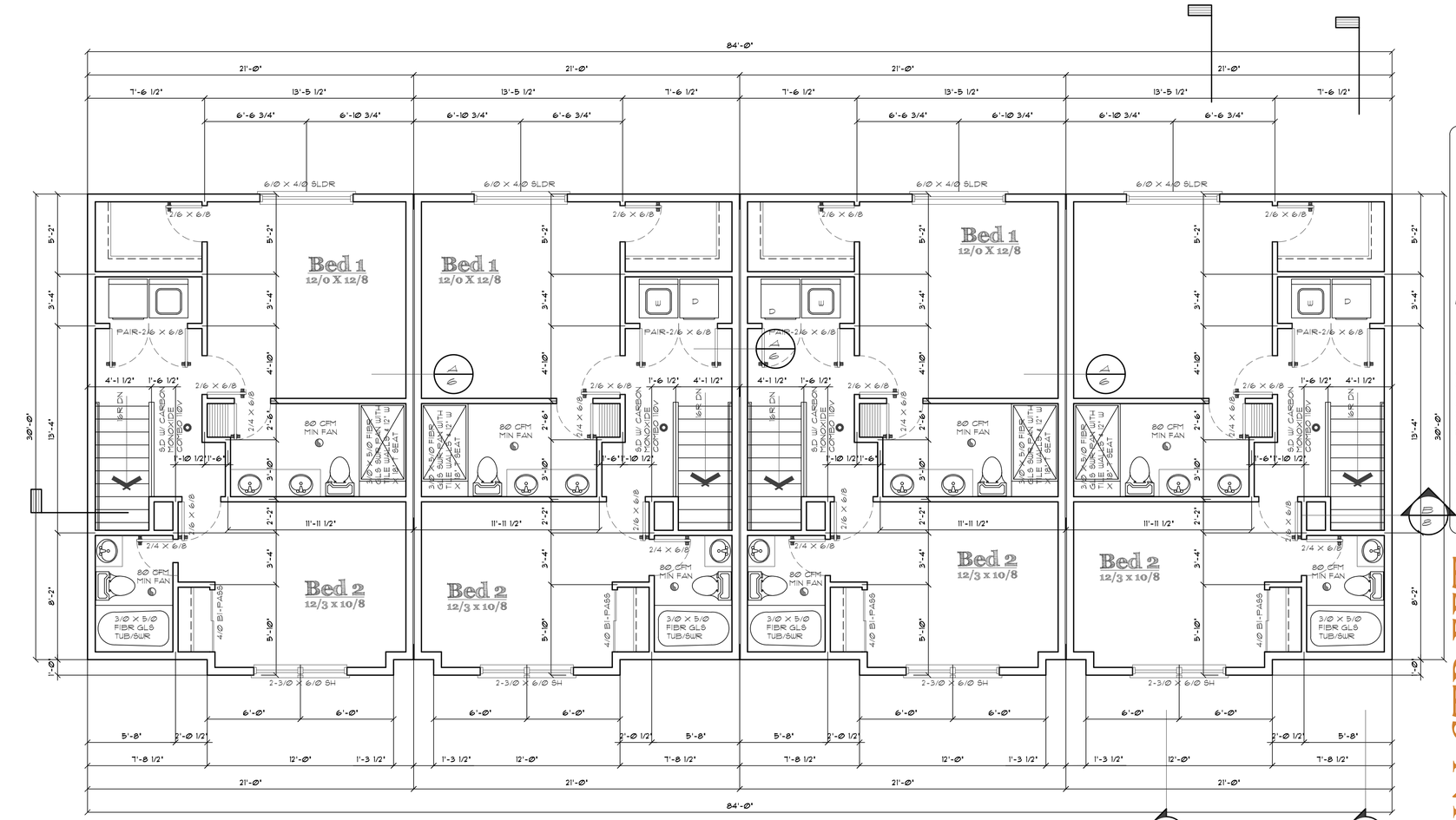
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LU 22-141452 AD
Exhibit A.2




# Mod. 2HR Wall

SCALE: N.T.S

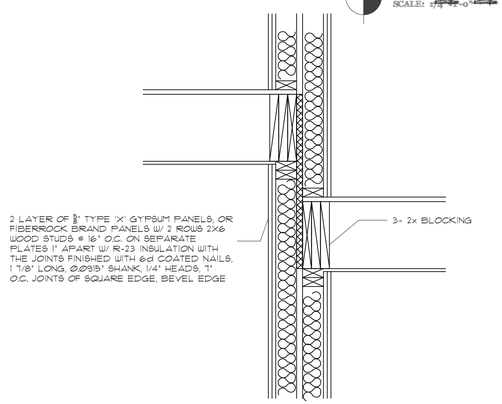



# Upper Floor Plan

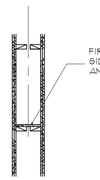
SCALE: 1/4"=1'-Ø"

IN DUELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

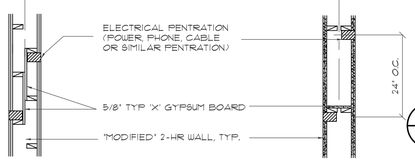
| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| SCALE= 1/2"=1'-Ø | EXAMPLE: 5/Ø X 6/8 (RO=60" X 82 3/4") |
| POCKET DR | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |



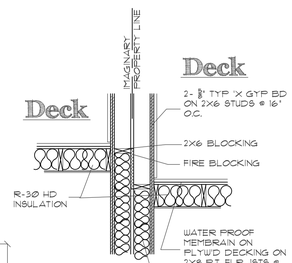

B/E DETAIL
SCALE= 1"=1'-Ø"



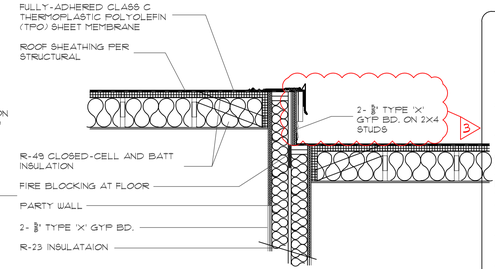

D/E DETAIL
FIRE BLOCKING
SCALE= 1/2"=1'-Ø"




C/E DETAIL
@ ELECTRICAL PENTRATION
SCALE= 1/2"=1'-Ø"




E/E Detail @ Deck
SCALE= 1/2"=1'-Ø"




F/E Detail @ Roof
SCALE= 1/2"=1'-Ø"

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DREAM • DESIGN • BUILD

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Upper 643 SF
Main 500 SF
1687 Total SF

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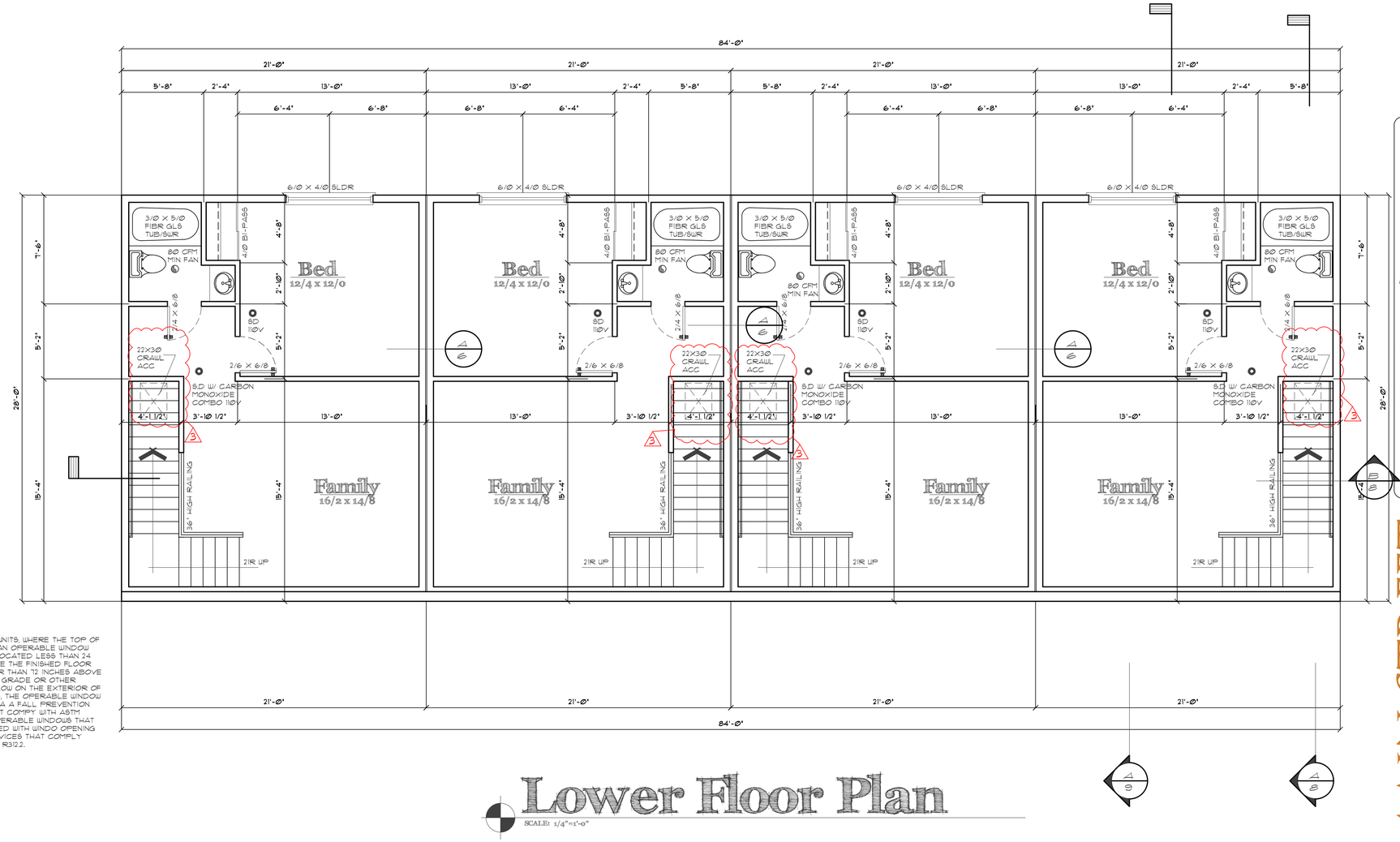
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Sheet Number 6 of 9

LU 22-141452 AD
Exhibit A.2




# Lower Floor Plan

SCALE: 1/4"=1'-0"

IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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DREAM • DESIGN • BUILD

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Main 500 SF
1687 Total SF

2/9/2021
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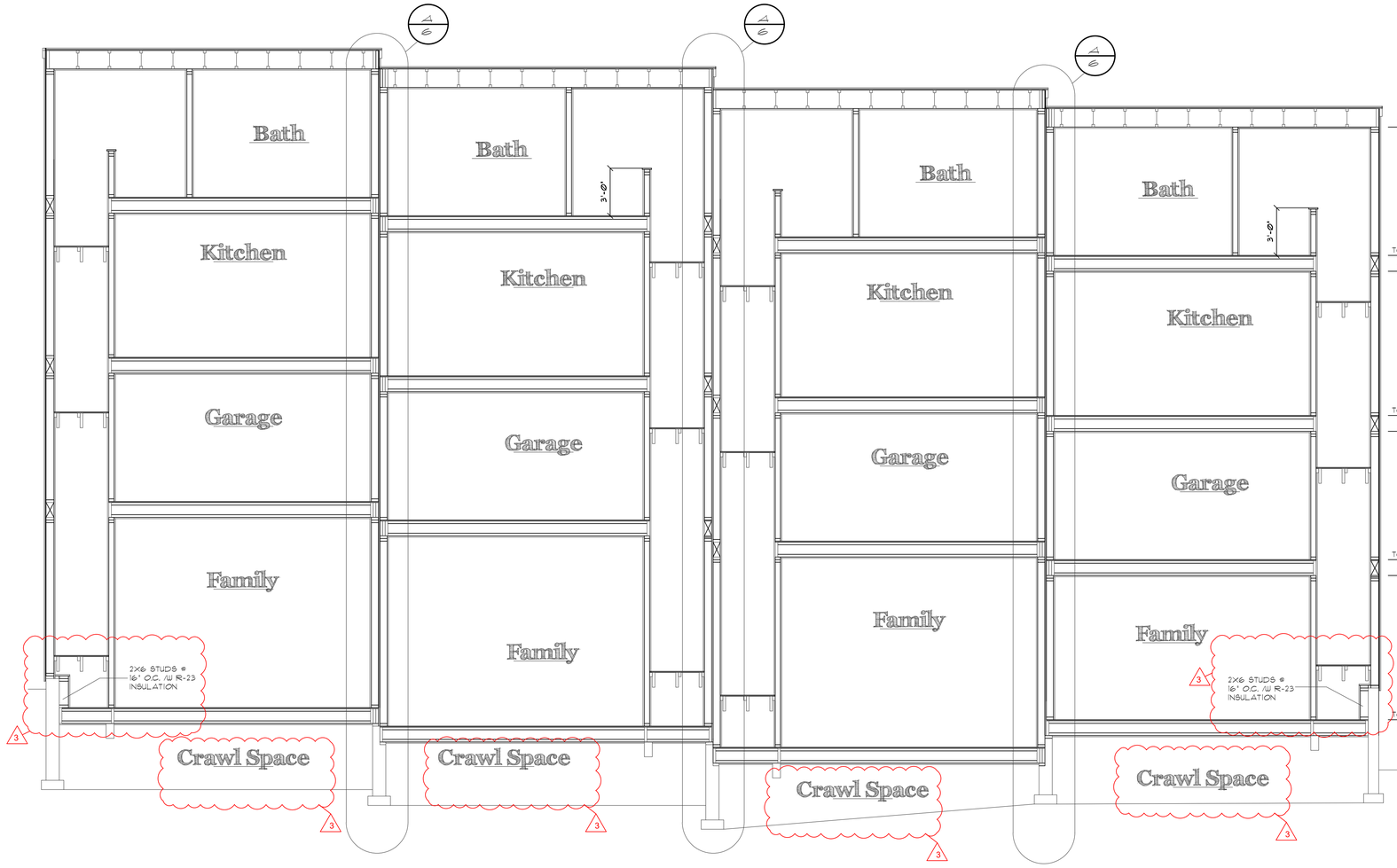
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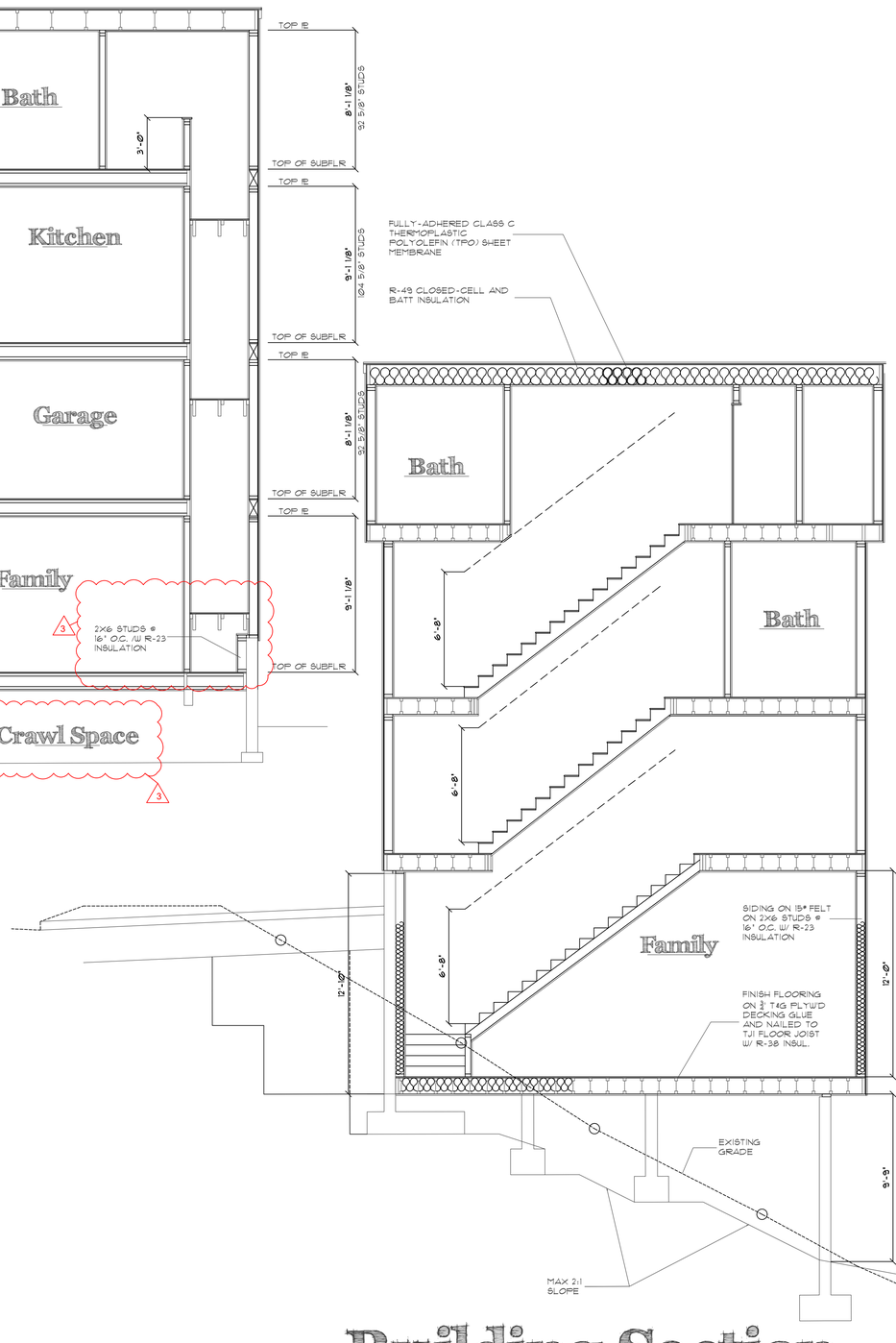
Sheet Number 7 of 9

LU 22-141452 AD
Exhibit A.2




# Building Section

SCALE: 1/4"=1'-0"




# Building Section

SCALE: 1/4"=1'-0"

LU 22-141452 AD
Exhibit A.2

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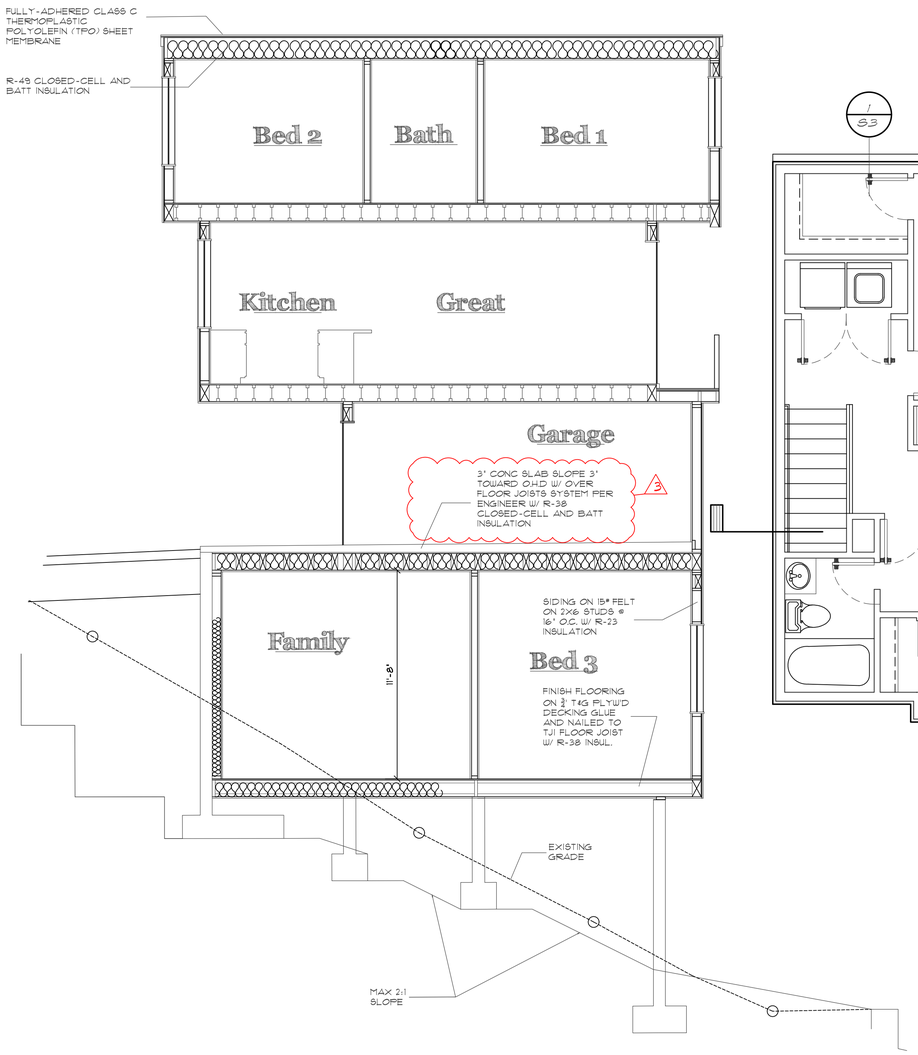
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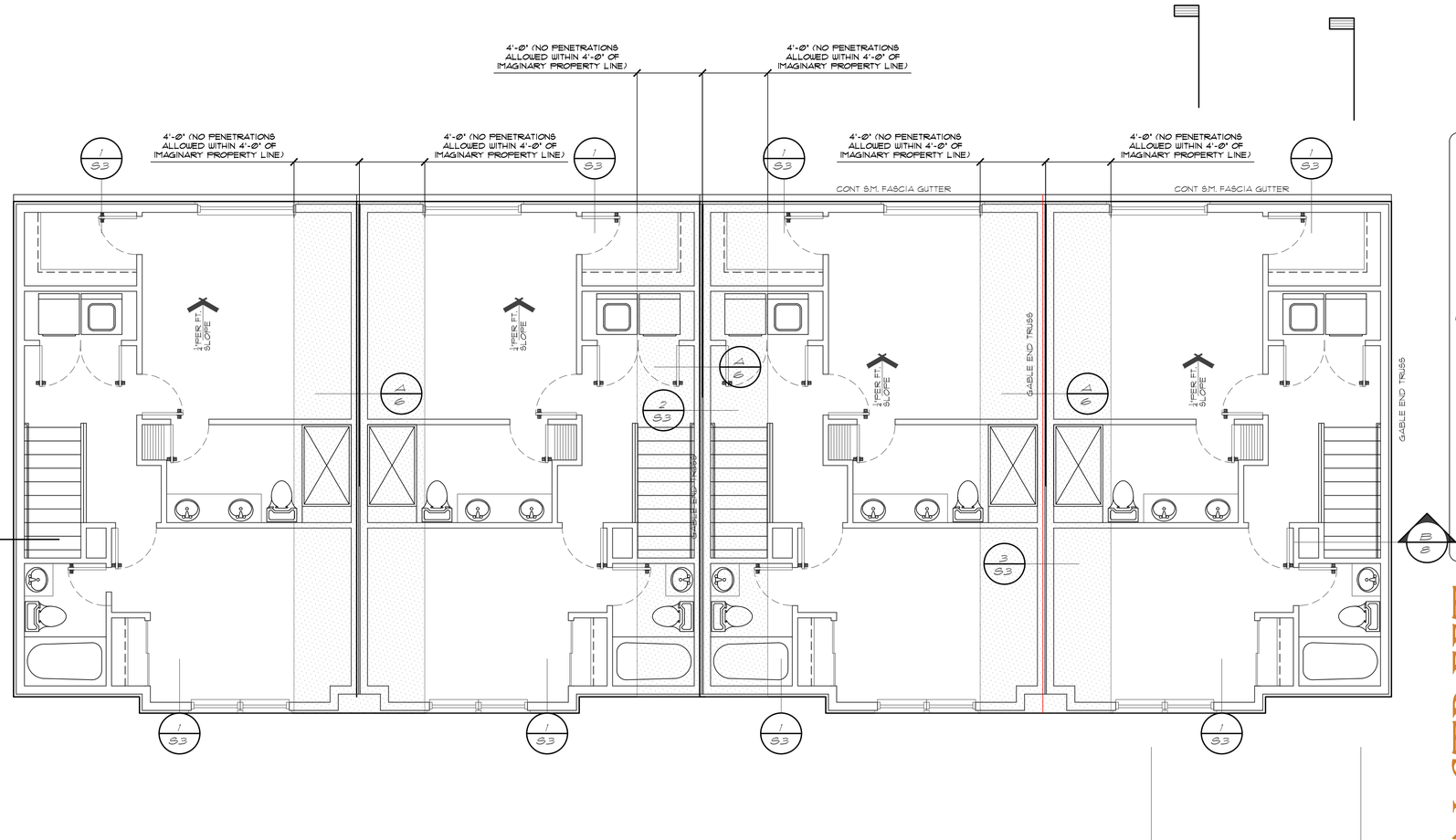
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| 1 | | REVISION |

Sheet Number 8 of 9




# Building Section

SCALE: 1/4"=1'-0"




# Roof Plan

SCALE: 1/4"=1'-0"

**ROOFING**

1. **Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceiling is applied to the underside of roof rafters shall have cross ventilation for each separate space by ventilated openings protected against the entrance of rain or snow. Ventilation openings shall be provided with corrosion-resistant wire mesh, with 1/8 inch minimum to ¼ inch maximum openings. Section R806.1 (For unvented attic assemblies, see Section R806.4)
2. **Minimum area.** The total net free ventilating area shall be not less than 1/150 of the space ventilated. The minimum net free ventilation area shall be 1/300 of the vented space provided one or more of the following conditions are met:

   1. A Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.

   2. Not less than 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located not more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically, with the balance of the required ventilation provided by eave or cornice vents. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted.
3. **Fasteners for roof covering** shall be in accordance with Chapter 9 of the Oregon Residential Specialty Code, based on type of material used. In all cases, fasteners shall be long enough to penetrate into roof sheathing 3/4 inches or through the thickness of sheathing, whichever is less. Sections R905.2.6 and R905.3.6
4. **Flashing** shall be installed at junctions of chimneys and roofs, in roof valleys and around all roof openings. See Chapter 9 of the Oregon Residential Specialty Code for specific requirements.
5. **Roof covering application.** Roof coverings shall be applied in accordance with the applicable provisions of this section and the manufacture's installation instructions. Section R905.1 (A copy of code requirements for the kind of roofing material used shall be available on request.)

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Sheet Number 9 of 9

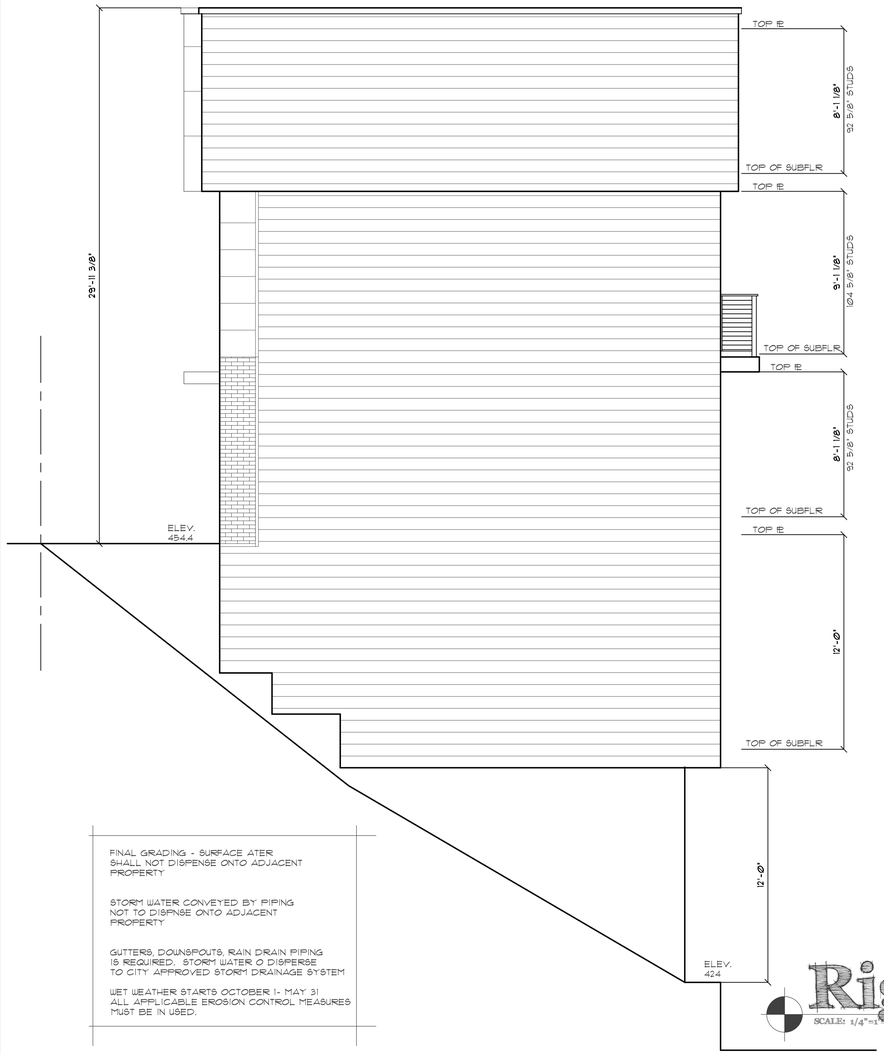
LU 22-141452 AD
Exhibit A.2




NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

# Front Elevation

SCALE: 1/4"=1'-0"




FINAL GRADING - SURFACE WATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

# Right Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

| OREGON RESIDENTIAL ENERGY CODE | |
|---|---|
| BUILDING COMPONENTS | |
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR; MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e),and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing) .
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area shall be permitted to Code UA to have 15 percent of the wall area as Fenestration.

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Sheet Number of 9

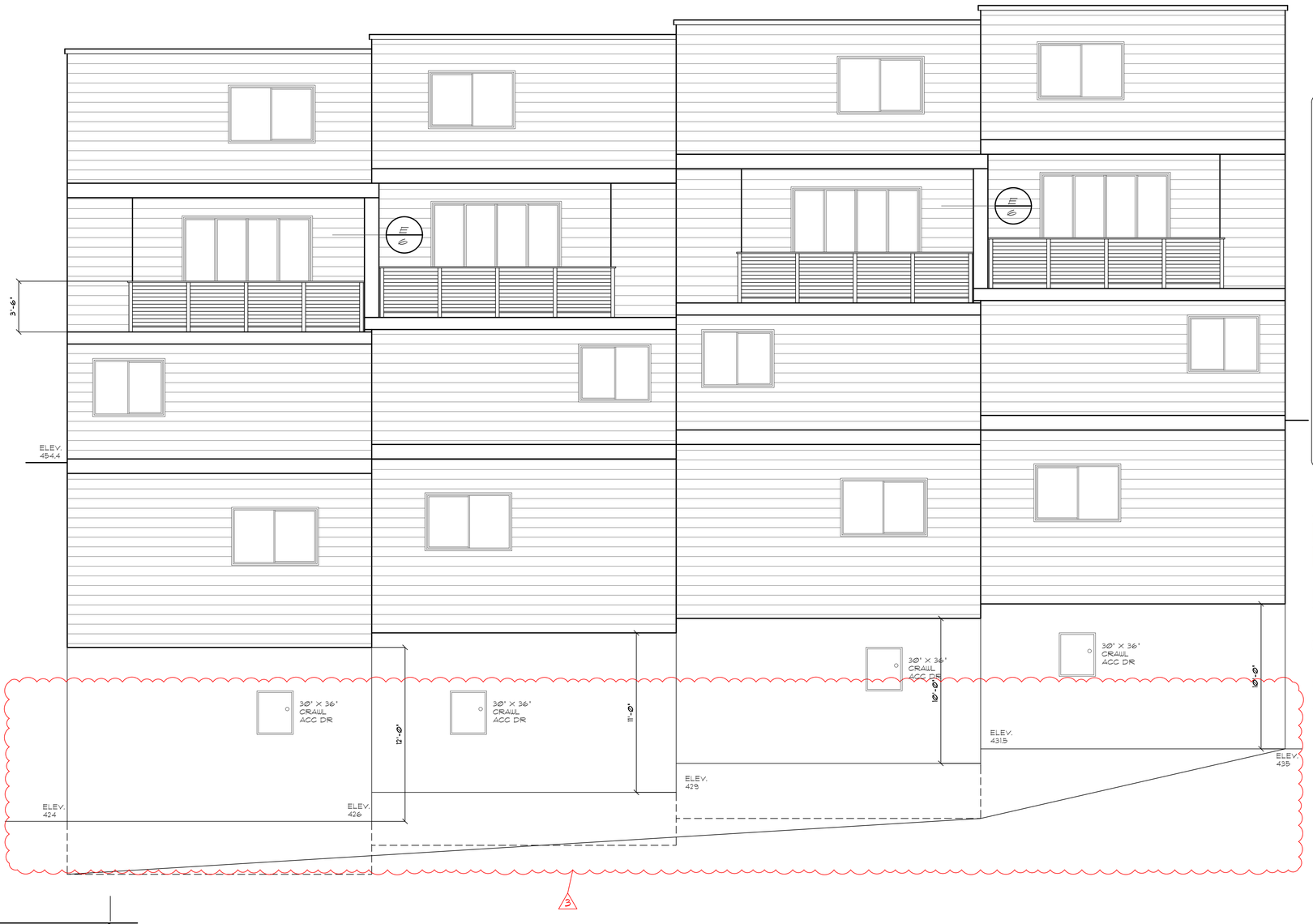
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Exhibit A.3




# Left Elevation

SCALE: 1/4"=1'-0"




# Rear Elevation

SCALE: 1/4"=1'-0"

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2
Sheet Number of 9

LU 22-141452 AD
Exhibit A.3

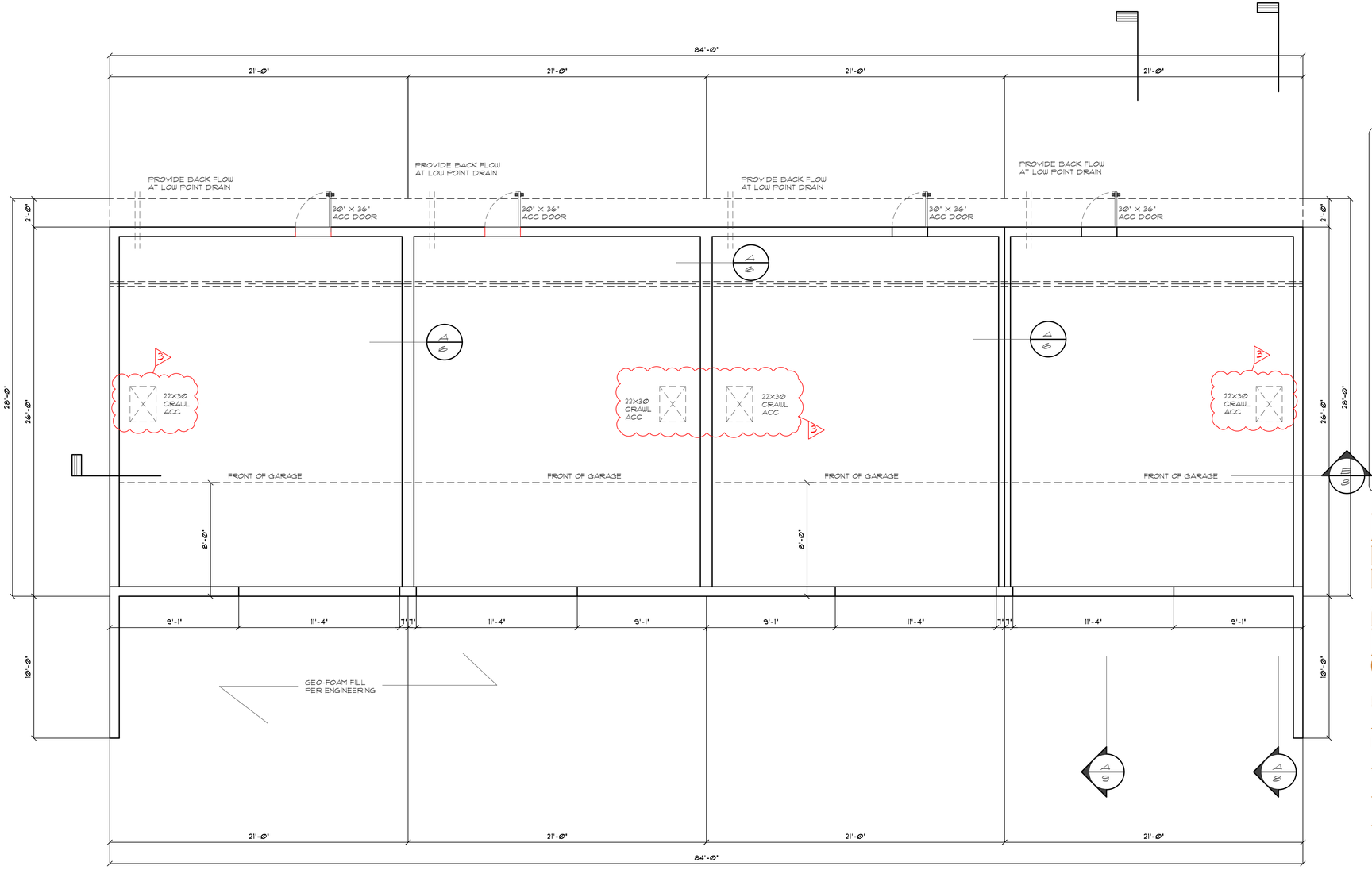
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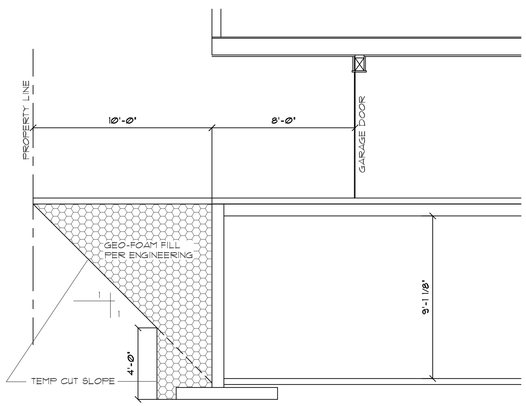
## Footings and Foundations; Residential Concrete:

1. Compressive Strength. Required minimum compressive strength of concrete (psi) at 28 days:
   a) Basement walls, foundation walls and other concrete not exposed to the weather 2500 psi
   b) Basement slabs and interior slabs on grade, except garage floor slabs 2500 psi
   c) Basement, foundation, exterior walls, other vertical concrete exposed to the weather 3000 psi
   d) Porches, carport slabs and steps exposed to the weather and garage floor slabs 3000 psi
   Concrete shall be air entrained (5%-7%) for strengths of 3000 psi and 3500 psi and when subject to freezing and thawing during construction for 2500 psi concrete. See Table R402.2.
2. Footings shall be placed on undisturbed natural soil or engineered fill. See Section R403.1.
3. Minimum depth. Bottoms of exterior wall, bearing wall, pier and column footings shall be not less than 18 inches below finished grade. See Section 403.1.5
4. Minimum sizes for concrete or masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). See R403.1.1.
5. Slope. The top surfaces of footings shall be level. The bottom surface of footings shall not have a slope exceeding 1 in 10. Footings shall be stepped where the ground surface is more than 1 in 10. See Section 403.1.6.
6. Ground clearance. Wood siding, sheathing and wall framing on the exterior of a building shall have a clearance of not less than 6 inches from the ground. See Section R319.1 Item 5.
7. Seismic reinforcing. Foundation with stem walls shall be provided with a minimum of one No. 4 bar within 12 inches of the top of the wall and one No. 4 bar located 3 inches to 4 inches from the bottom of the footing.
   EXCEPTION: Foundations constructed monolithically shall be permitted to have a minimum of two No. 4 bars placed in the footing. Section R403.1.4.1
   Where a construction joint is created between a concrete footing and stem wall, a minimum of one No. 4 bar shall be provided at no more than 4 feet on center. The vertical bar shall extend 3 inches clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches into the stem wall. See Section R403.1.4.
   NOTE: Unless otherwise detailed on plan, a 6 inch 90 degree bend on the short leg (hook) will be considered as meeting the intent of this section.
8. Grounding electrodes. When concrete reinforcing bars are installed in concrete footings, the following requirements shall be met to provide for a grounding electrode system:
1. Uncoated No. 4 reinforcing bar installed not less than 3 inches from the bottom of the footing and not less than 20 feet in length encased with a minimum of 2 inches of concrete.
2. An uncoated No. 4 reinforcing bar stubbed up at least 12 inches above the floor plate line and tightly attached to the reinforcing bar located in the footing with 3 ties. The spliced lap of the stubbed up bar to the footing bar shall be a minimum of 12 inches. Section R403.1.7
9. Wood sill plate anchor bolts shall be min. 1/2-inch diameter, 7 inches embedment, max. 6 feet on center and not more than 12 inches from a corner or mudsill splices or less than 7 bolt diameters from mudsill splice. Min. 2 anchor bolts per plate. See Sections R403.1.8 and R403.1.8.1.
   Plate washers conforming to Section R602.11.1 shall be provided for all anchor bolts over the full length of required braced wall lines. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels. Plate washers, a minimum of 0.229 inches by 3 inches by 3 inches in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch larger than the bolt diameter and a slot length not to exceed 1-3/4 inches, provided a standard cut washer is placed between the plate washer and the nut. See Section R602.11.1.
10. Concrete slab on ground floors shall be not less than 3 1/2 inches thick. Where slabs and footings are constructed monolithically, footings shall comply with requirements in Figure 403.1.1(1).
11. Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1 (5) and shall also comply with the provisions of Section R404 and the applicable provisions of Section R402.2. In Seismic Design Categories D1 and D2, concrete foundation walls shall comply with Section R404.1.4.

## Crawl spaces:

12. Access opening. Crawl spaces shall be provided with a minimum 18 inches by 24 inches access opening. Openings through a perimeter wall shall be not less than 16 inches by 24 inches. When any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches shall be provided. Pipes, ducts and other construction must not obstruct accessibility to and within the crawl space. Section. R408.3. See Section M1305.1.4 for access requirements where mechanical equipment is located under floor.
13. Under-floor space ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum net area of ventilation openings shall not be less than 1 square foot for each 150 square feet of under-floor space area. One ventilating opening shall be required within 3 feet of each corner of the building. The openings shall be covered with corrosion resistant wire mesh or equivalent with 1/8-inch minimum dimension. Ventilation openings may be omitted on one side of a building. Ventilation openings may be omitted when continuously operated mechanical ventilation is provided at a rate of 1.0 cfm for each 50 square feet of crawl space floor area and ground surface is covered with an approved vapor barrier material. Sections R408.1 and R408.2.
14. Drainage. Provide water drainage from the crawl space by means of crawl space and foundation drains sloped for gravity drainage and extending to a storm sewer, street gutter, road ditch or other drainage way or raise the finish grade in the crawl space to the level of finish grade outside. Section R408.5
15. Removal of debris. The under-floor grade shall be cleaned of all vegetation and organic material. All wood forms used for placing concrete shall be removed before a building is occupied or used for any purpose. All construction materials shall be removed before a building is occupied or used for any purpose. Section R408.4



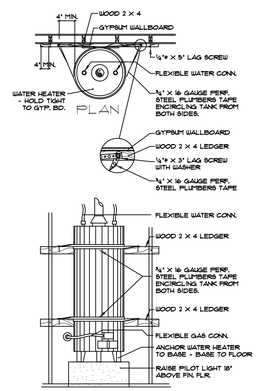




# Section @ Driveway

SCALE: 1/4"=1'-0"

# Foundation Plan

SCALE: 1/4"=1'-0"




ELEVATION
W.H SUPPORT
N.T.S.

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*Washington* - Brooker T.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF
Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

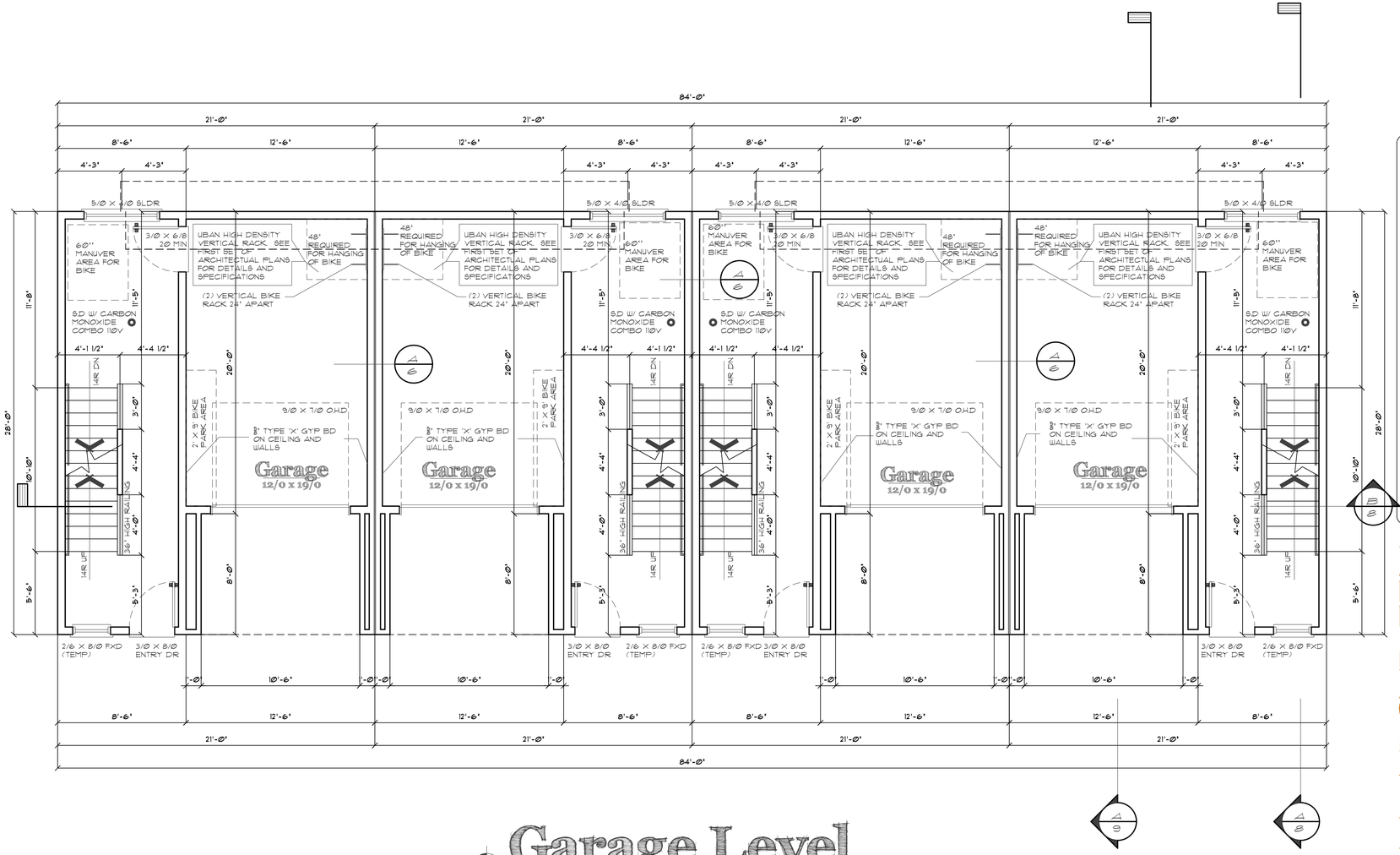
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# Garage Level

SCALE: 1/4"=1'-0"

IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.

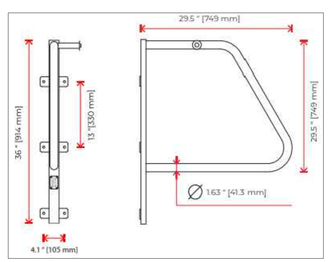
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

## FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

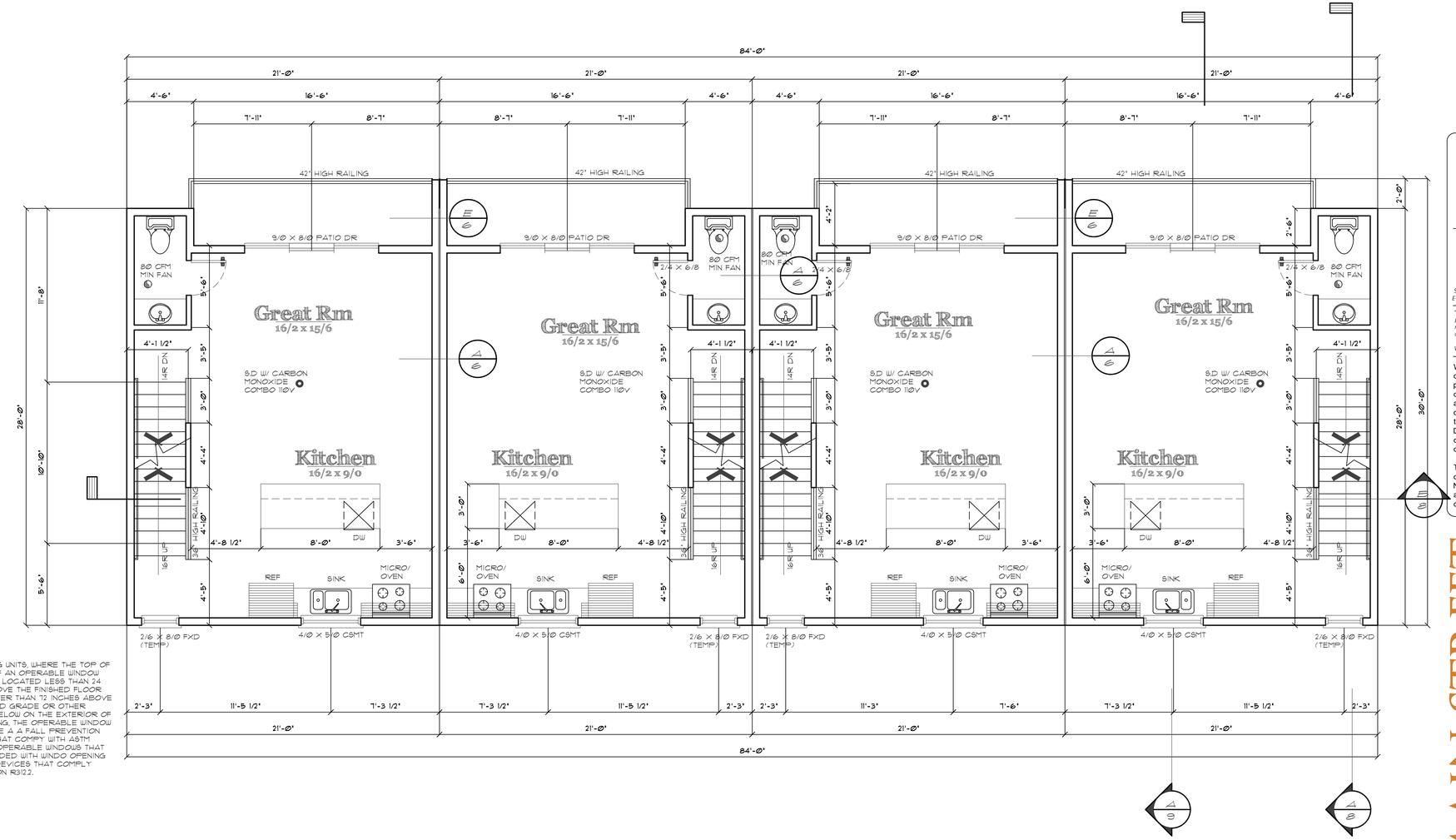
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| 4 | | REVISION |
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# Main Level

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
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| DOUBLE DR. | 2 3/4" BIGGER N WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

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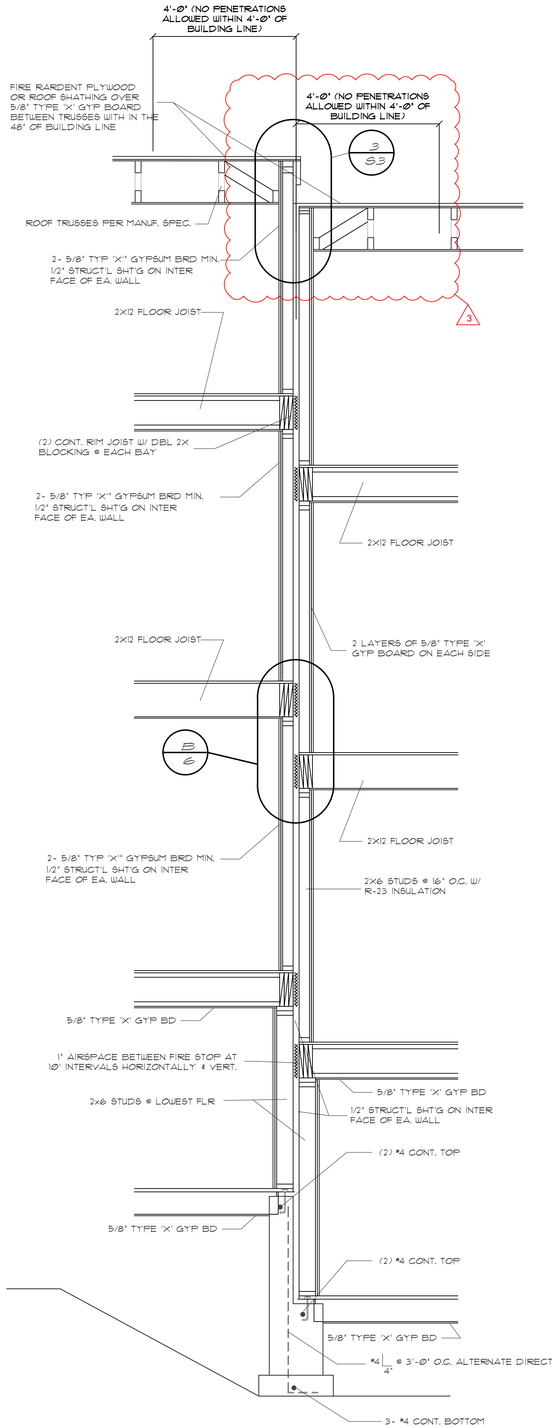
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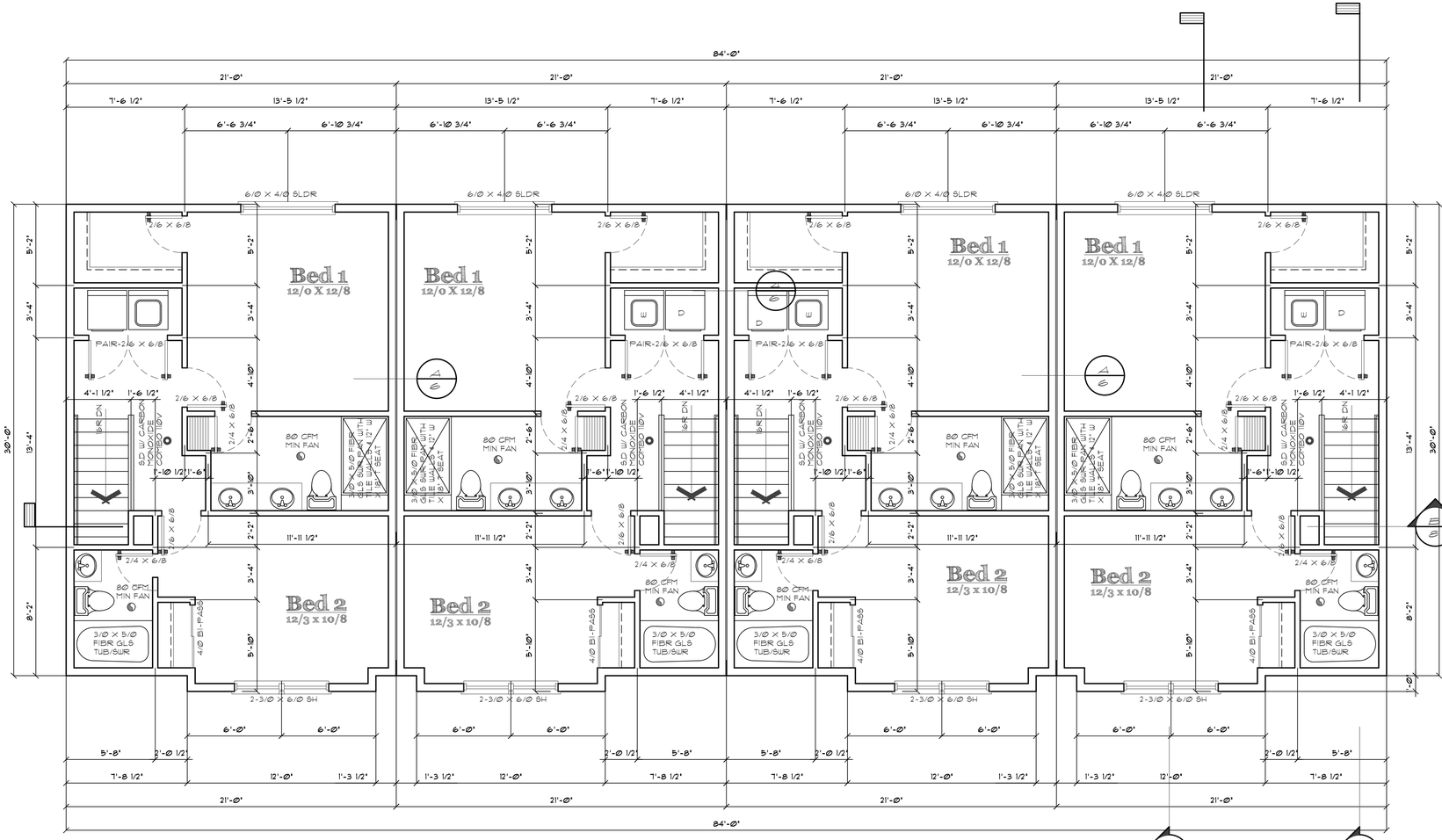
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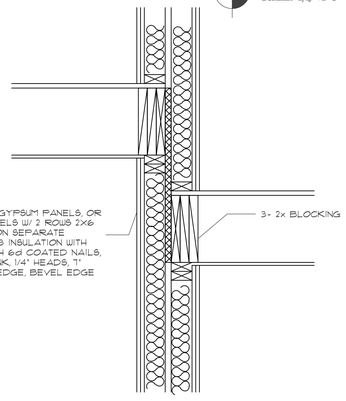

# Mod. 2HR Wall

SCALE: N.T.S



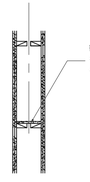

# Upper Floor Plan

SCALE: 1/4"=1'-0"




B/E DETAIL

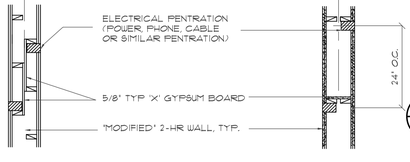
SCALE: 1"=1'-0"




D/E DETAIL

FIRE BLOCKING

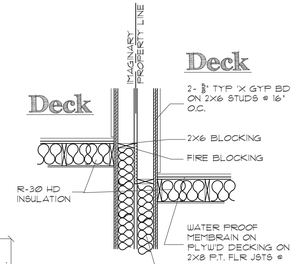
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C/E DETAIL

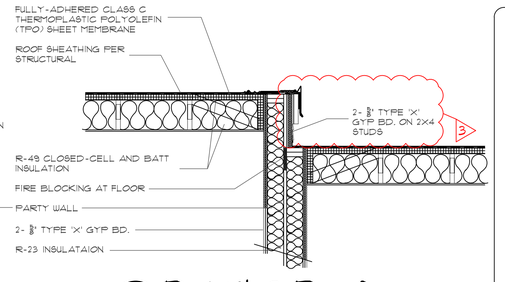
@ ELECTRICAL PENTRATION

SCALE: 1/2"=1'-0"




E/E Detail @ Deck

SCALE: 1/2"=1'-0"




F/E Detail @ Roof

SCALE: 1/2"=1'-0"

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| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS SCALE: 1/2"=1'-0" | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO+60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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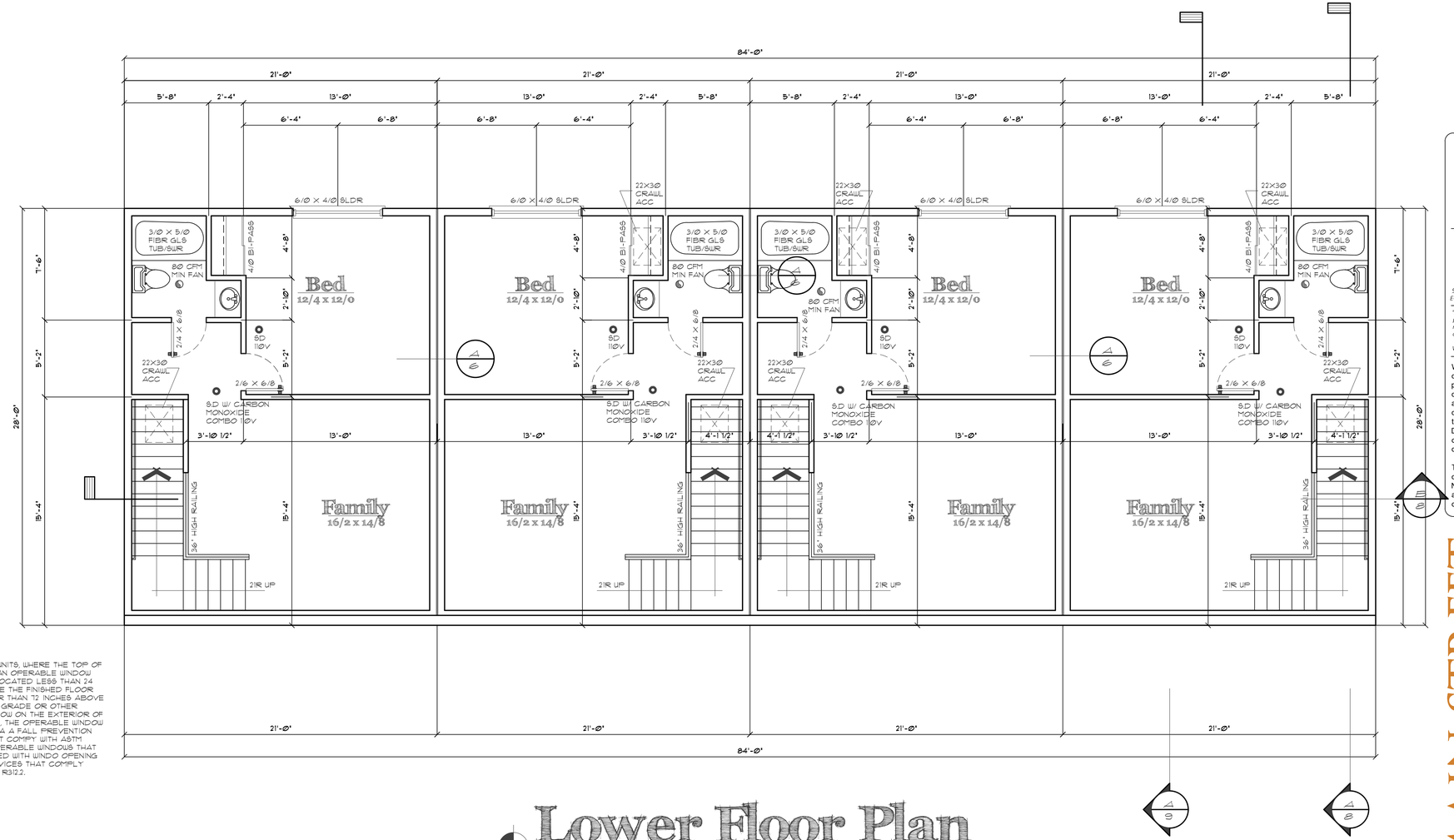
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# Lower Floor Plan

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
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MAIN STREET DEVELOPMENT
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Upper 643 SF
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1687 Total SF

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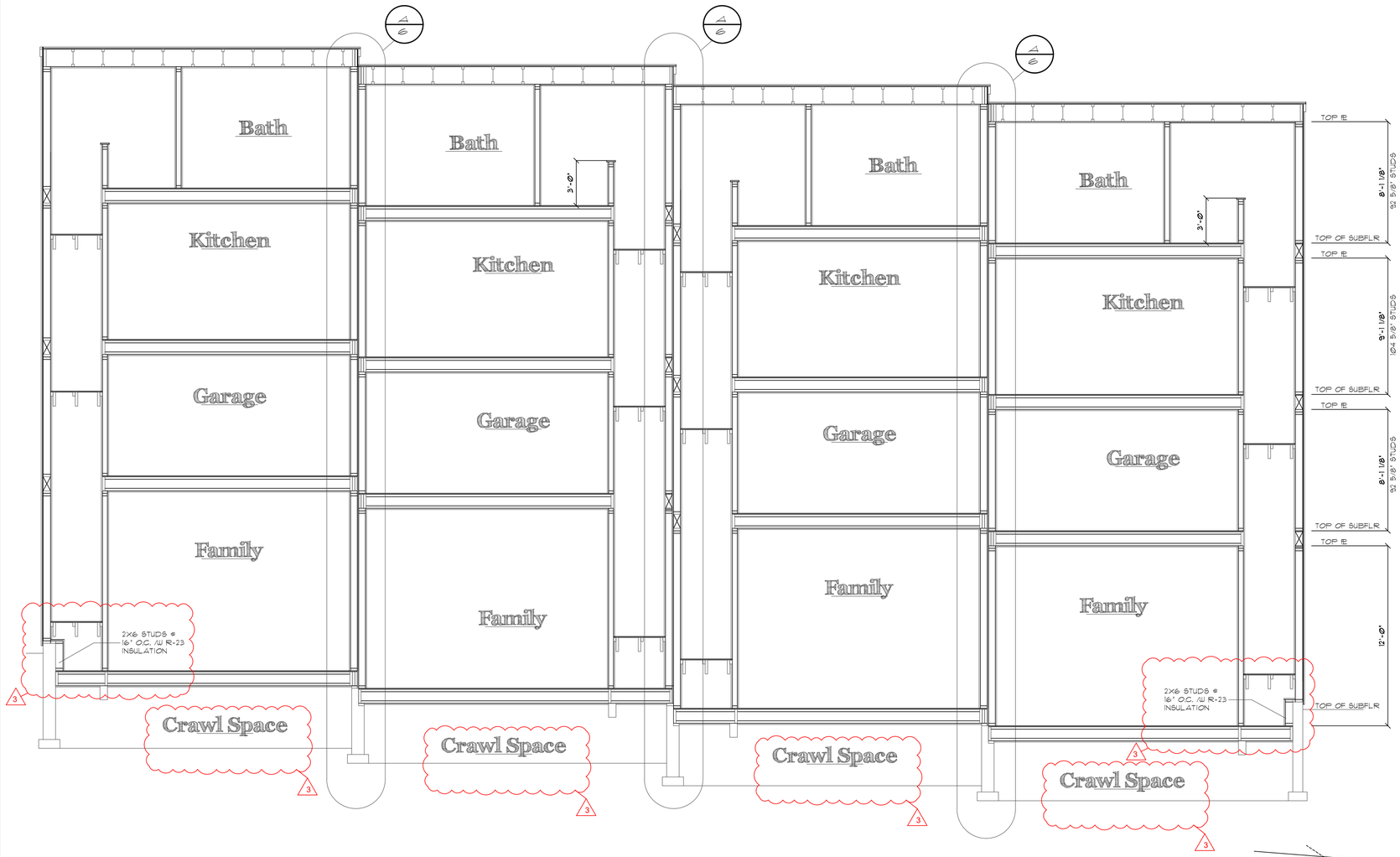
sk-1687-4 Unit 5 thru 8
Project Number

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| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
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| 5 | | REVISION |

Sheet Number 7 of 9

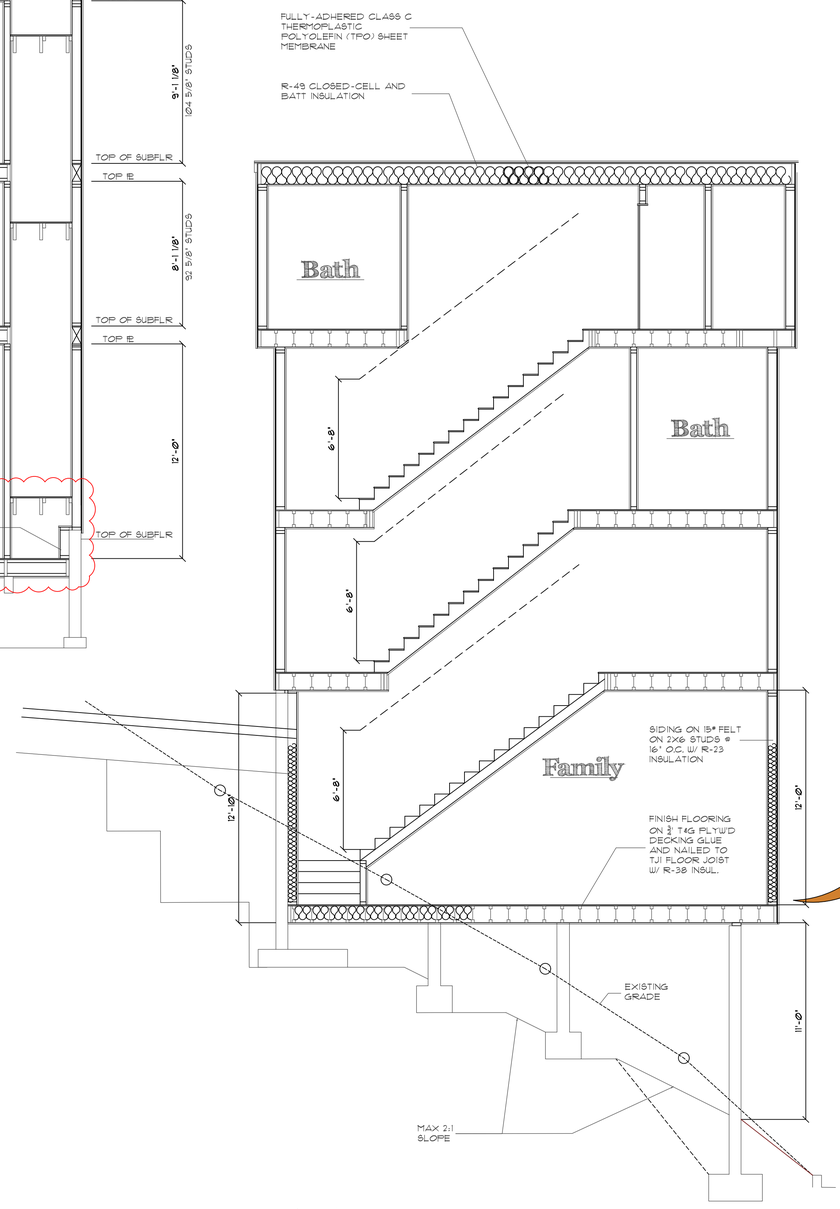
LU 22-141452 AD
Exhibit A.3




# Building Section

SCALE: 1/4"=1'-0"

B




# Building Section

SCALE: 1/4"=1'-0"

B

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971.563.0552 fax. 888.311.5610
E-Mail: samedy@kem-consultant.com

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- Brooker T.
Washington

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 8 of 9

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Submittal of 12 new multifamily units on SW 13th Drive.

We are applying for the development review of 12 new multifamily units. These will be condos in the same manner as the current Burlington Association. The homes will be three stories as they were before.

However, the applicant has taken note of the fact that the neighborhood had serious concerns about car parking in front of a 5-ft garage, and parking out into the street. The applicant has moved the garage doors back to 18-feet. The front of the homes meets the 10-ft setback standard. On-street parking will be available the entire length of the street frontage owned by the condo association (this about 380-feet: 18 spaces). The minimum number of spaces required under the new RM1 code for the entire property – both the existing, and proposed units = 52 x .33 or 18 spaces

The City is NOT requiring that 13th be a through street.

There are currently 39 condo units on site. 8 units in 1015 Bertha Boulevard, 8 units in 1025, 16 units in 1025, and 8 units in 1045. Units are between 888 SF and 1010 SF. If I use an average unit size of 1000 SF x 40 units, this accounts for 40,000 SF of Floor Area (I checked Portland Maps)

The property contains 109,303 SF. After subtracting the 40,000 SF that leaves 69,303 SF of possible development. If this were equally divided amongst the 12 proposed units that would mean each unit could be up to 5,775 SF. The applicant is proposing each units have a finished floor area of 1764 SF.

There will be no partition. Therefore, there is no adjustment required to the minimum depth standard.

We are not going through chapter 33.660.

While the height of the buildings facing the street will be no more than 30-feet, the applicant will be submitting for a height adjustment to the interior rear of the building. This does not change the height on the street frontage.

There will be one garage space, and one parking space or two spaces/unit (double the previous application). Which with the on-street parking means a bout 3.5 spaces per unit

The onsite parking, and driveway of the original condo development will be left intact.

The applicant is removing the same number of trees as before well under the number required to be retained.

I look forward to your input at the meeting

Mark Dane

LU 22-141452 AD
Exhibit A.4

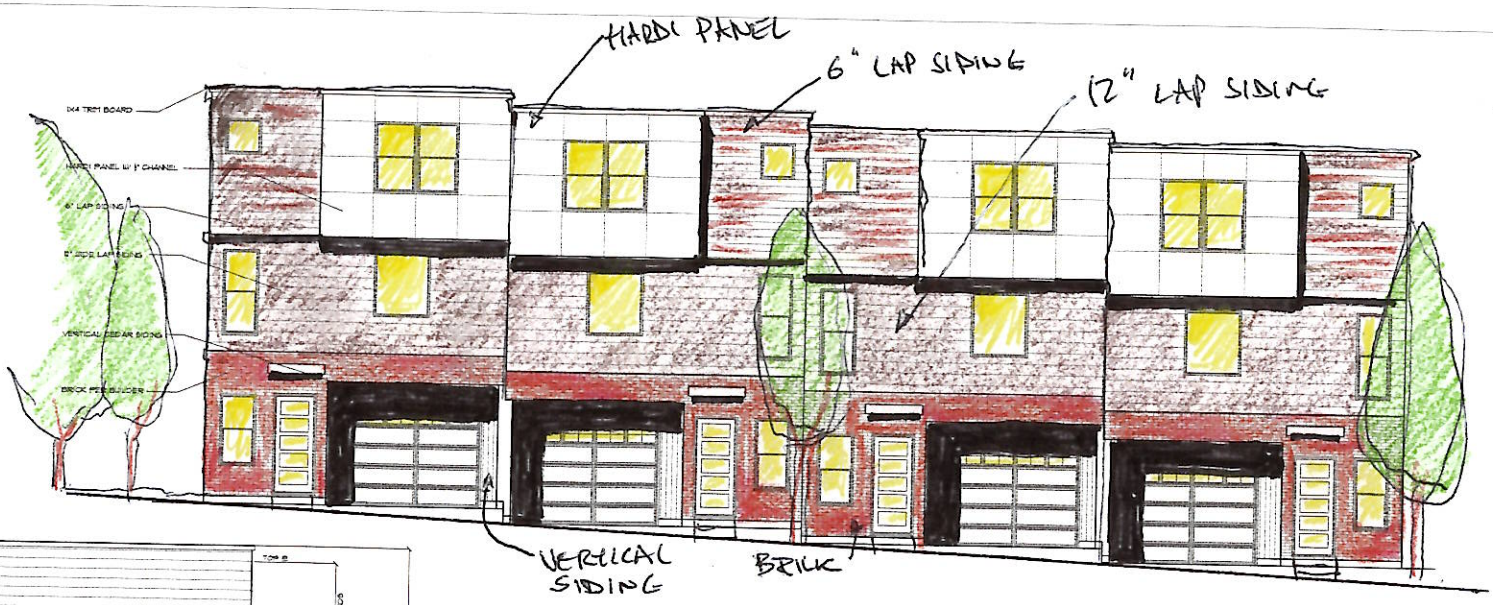


FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

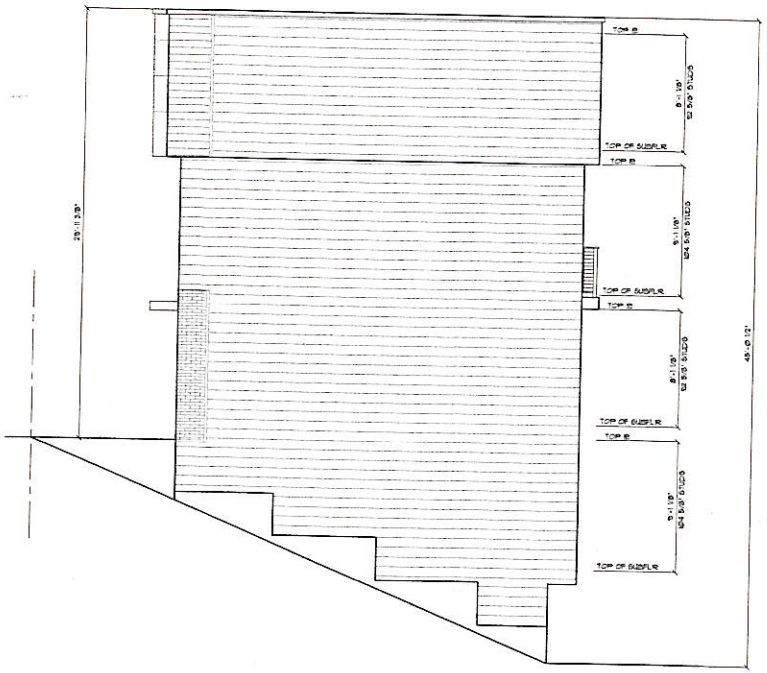
STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS DOWNSPOUTS RAIN DRAIN PIPING IS REQUIRED STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED




## Front Elevation



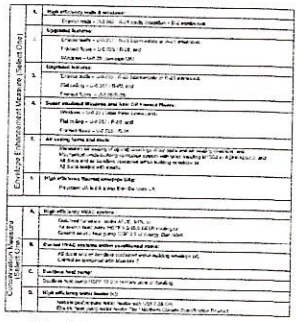

## Right Elevation

* USING ADDITION MEASURES OPTION "2" WITH CONSERVATION MEASURE "B" SEE PAGE 17 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.28 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.28 |
| WALL INSULATION | R-23 OR 20+3 OR 13+5 |
| UNDERFLOOR INSULATION | R-30 |
| FLAT CEILING | R-38 |
| VAULTED CEILING | R-30 OR 25 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | 2% |
| BASEMENT WALLS | R-15 OR 13 |
| SLAB FLOOR EDGE INSULATION | R-10 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES



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designer - consultant
code analyst - construction services
P.O. Box 1572
Hillsboro, Oregon 97123
(971) 533-0152 Fax: (866) 313-5610
E-Mail: samedy@kam-consultant.com

Submittal is not to be construed by the architect / engineer that he/she is the "Prime Professional" as he/she has overlooked what is his/her responsibility as such.
Broker / Washington

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF
LOWER 544 SF
UPPER 641 SF
MAIN 550 SF

11/18/2020
Date

Project Number

CHECK BY: Samedy Kam
DRAW BY: sk

| NO. | DATE | BRIEF REVISION |
|---|---|---|
| 1 | | REVISION |
| 2 | | REVISION |
| 3 | | REVISION |
| 4 | | REVISION |

1 of 8
Sheet Number

# HILLSDALE NEIGHBORHOOD ASSOCIATION

**HNA June 2, 2021, GENERAL MEMBERSHIP AND BOARD MEETING MINUTES**

PRESENT: Glenn Bridger*, Don Baack*, Robert Hamilton*, Eric Wilhelm*, Julia Daigneault*, Tatiana Lifshitz*, Rick Meigs, Paula Hamilton, Leslie Pohl Kosbau, Gail Stiffler, Dan Stiffler, Alex Morris, Dylan Parkins, Irena Lifshitz, Mark Dane

(* indicates HNA Board Members)

Agenda was approved.
April 7 minutes approval was carried over to the next meeting.

Elections of board members and officers:

Glenn Bridger commented that during the months of April and May the board tried to identify additional board member candidates for this election process. A couple people have expressed some interest to participate at a later date, but not yet now during the pandemic. Glenn explained that our recently elected board member Sara Hohn decided not to run for reelection right now due to getting a new job and needing a lot of additional time to learn the ropes.

A call for nominations from the floor was announced and repeated, there were no additional nominations. Two board members: Eric Wilhelm and Tatiana Lifshitz are up for re-election. Both were re-elected unanimously.

Next, officers were elected as follows:

Tatiana Lifshitz, President

Glenn Bridger, Vice President

Robert Hamilton, Treasurer

A general discussion ensued about the office of the secretary, Robert Hamilton volunteered to help Ms. Lifshitz to work on minutes, the same was supported by the board.

Mark Dane presented the new development design on SW 13th Drive:

Mark Dane presented plans again for developing 12 new three-story, multifamily condominiums on SW 13th Drive. This current plan addresses serious concerns expressed by HNA members earlier about car parking. Dane has moved the garage doors back to 18 feet from the front property line and street. The home fronts now meet the 10-foot setback standard. There will also be 18 parking spaces for cars along 380 feet of SW 13th Drive.

Structurally, foundation works wise and land stability wise the project design appears to be the same as the old proposal, without substantial changes to alleviate the land slide hazard issues. No designated staging area has been defined.

The 12 proposed units will have a finished floor area of 1,764 square feet. There will be one garage parking space and one space or two spaces per unit (double the previous application number). The number of trees to be removed, Dane said, “is well under the number required to be retained.”

Members requested a sidewalk along SW 13th Drive to the intersection with Bertha Boulevard, and a better ADA pedestrian and bicycle connection at the east end intersection with SW 10th Avenue. Concern was also expressed

regarding the PGE electrical transformer which will serve the new complex. HNA president Tatiana Lifshitz will do research on the matter and share the results with Mark Dane.

Sidewalk gaps Bertha to existing apelartments ~100 feet, and sidewalk just west of proposed development ~30 ft.

Placing the crosswalk of 13th to 12 to the north shall be to the east side of 12th due to the heavy traffic on 12th turning right onto 13th.

The ADA/Pedestruan/bike connection at SW 10th to 13th is not in the project area but would be a much appreciated improvement and would involve likely moving the guard rail opening to the south, removal of a blocking curb and design of a Storm water blocking ramp that is useable by all non-vehicle modes.

Mr. Dane did not provide the drawings of the back of the buildings, HNA requested them and he promised to provide them to HNA Land Use chair.

Housekeeping business:

Don Baack requested Ms. Lifshitz finalize the text of the Motion regarding the site cleanup in Hillsdale for the next meeting.

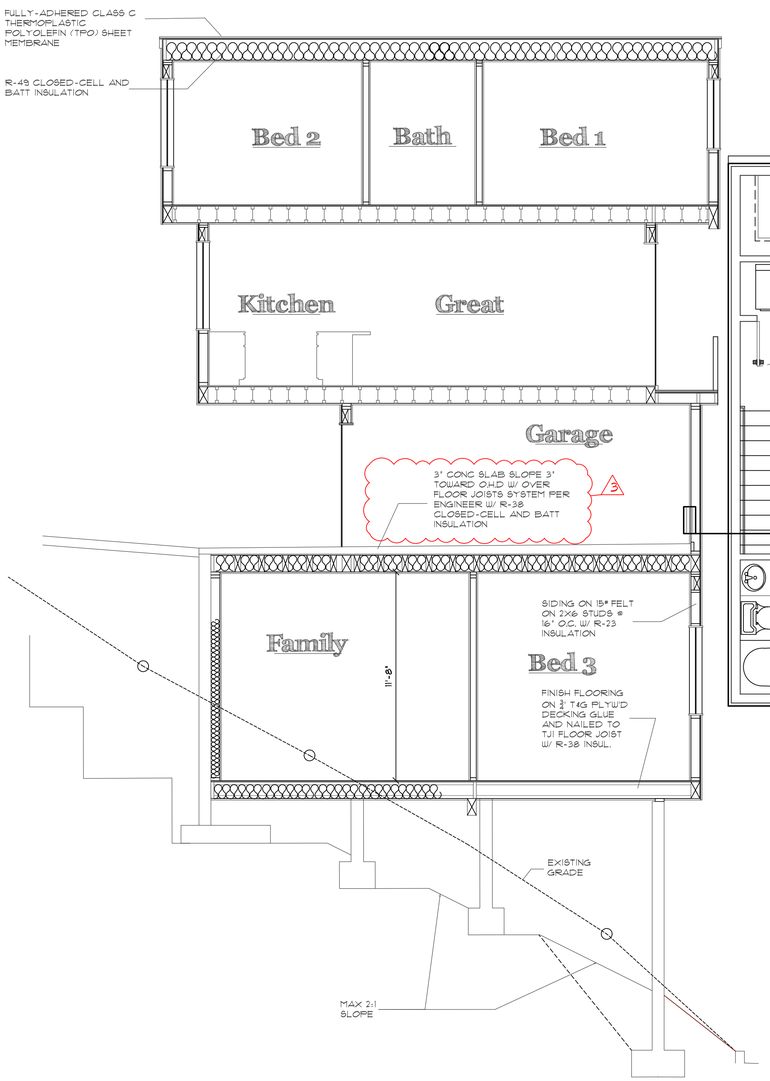
Don Baack moved to reduce the size of the Board from 9 to 7 board members. President Lifshitz indicated that the Motion was not announced in advance, no notice was given to the membership, that would have to ratify it, therefore, it would have to be deliberated next meeting, if Don was interested. It was decided to announce the motion on next meeting's agenda.

Glenn Bridger reported that he did write to the Planner in charge of the SW Terwilliger development to express HNA support.

Board requested that President Lifshitz continue working with the City office of Civic Life and the independent agent they have chosen to facilitate liability insurance coverage for HNA and its directors/officers. MS. Lifshitz agreed.

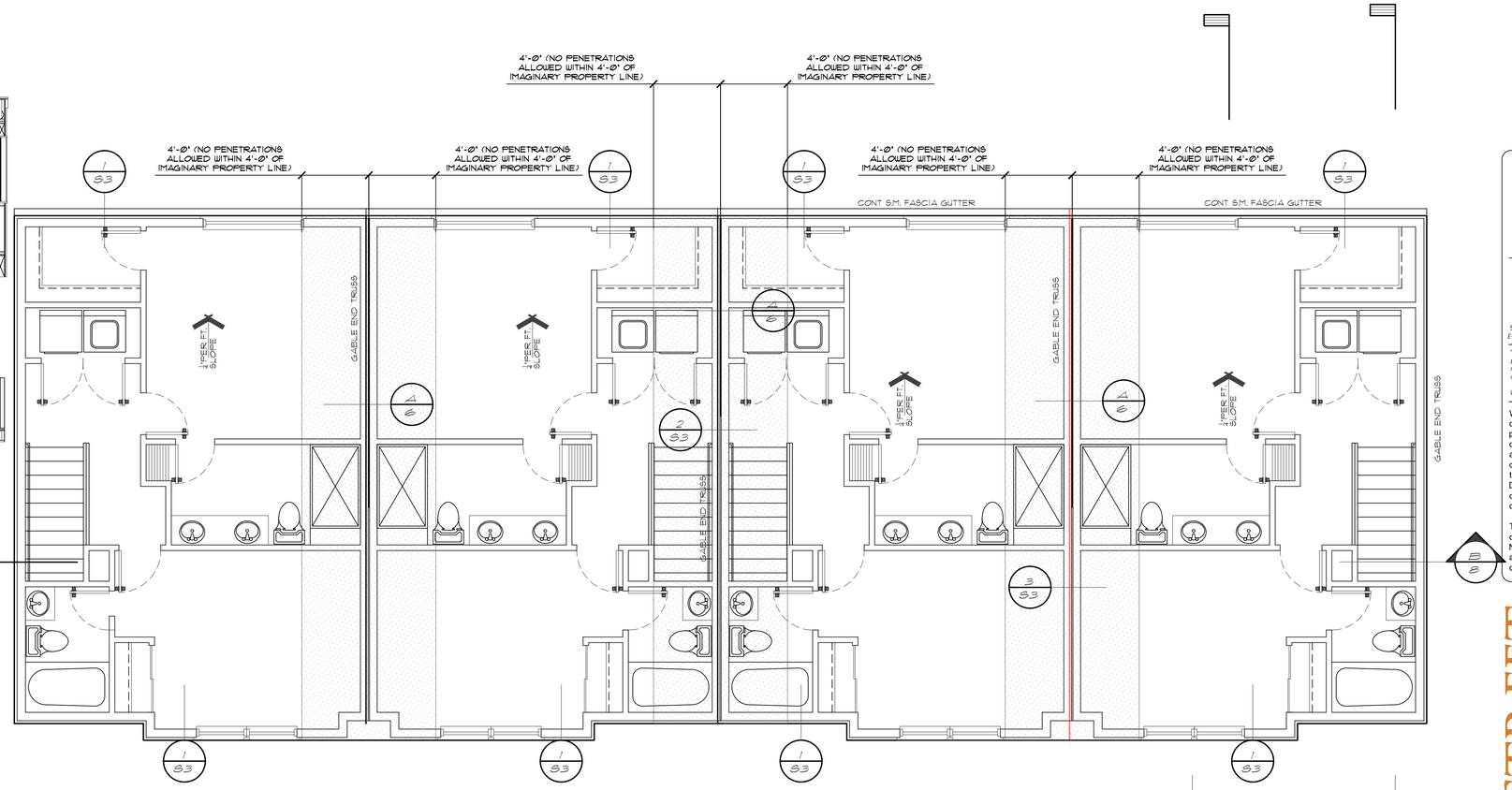
Meeting adjourned at 8:30

Minutes rendered by Robert Hamilton and Ms. Lifshitz




# Building Section

SCALE: 1/4"=1'-0"




# Roof Plan

SCALE: 1/4"=1'-0"

**ROOFING**

1. **Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceiling is applied to the underside of roof rafters shall have cross ventilation for each separate space by ventilated openings protected against the entrance of rain or snow. Ventilation openings shall be provided with corrosion-resistant wire mesh, with 1/8 inch minimum to ¼ inch maximum openings. Section R806.1 (For unvented attic assemblies, see Section R806.4)
2. **Minimum area.** The total net free ventilating area shall be not less than 1/150 of the space ventilated. The minimum net free ventilation area shall be 1/300 of the vented space provided one or more of the following conditions are met:

   1. A Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.

   2. Not less than 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located not more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically, with the balance of the required ventilation provided by eave or cornice vents. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted.
3. **Fasteners for roof covering** shall be in accordance with Chapter 9 of the Oregon Residential Specialty Code, based on type of material used. In all cases, fasteners shall be long enough to penetrate into roof sheathing 3/4 inches or through the thickness of sheathing, whichever is less. Sections R905.2.6 and R905.3.6
4. **Flashing** shall be installed at junctions of chimneys and roofs, in roof valleys and around all roof openings. See Chapter 9 of the Oregon Residential Specialty Code for specific requirements.
5. **Roof covering application.** Roof coverings shall be applied in accordance with the applicable provisions of this section and the manufacture's installation instructions. Section R905.1 (A copy of code requirements for the kind of roofing material used shall be available on request.)

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Hillsboro, Oregon 97123
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*Washington* - Brooker T.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 9 of 9

LU 22-141452 AD
Exhibit A.3

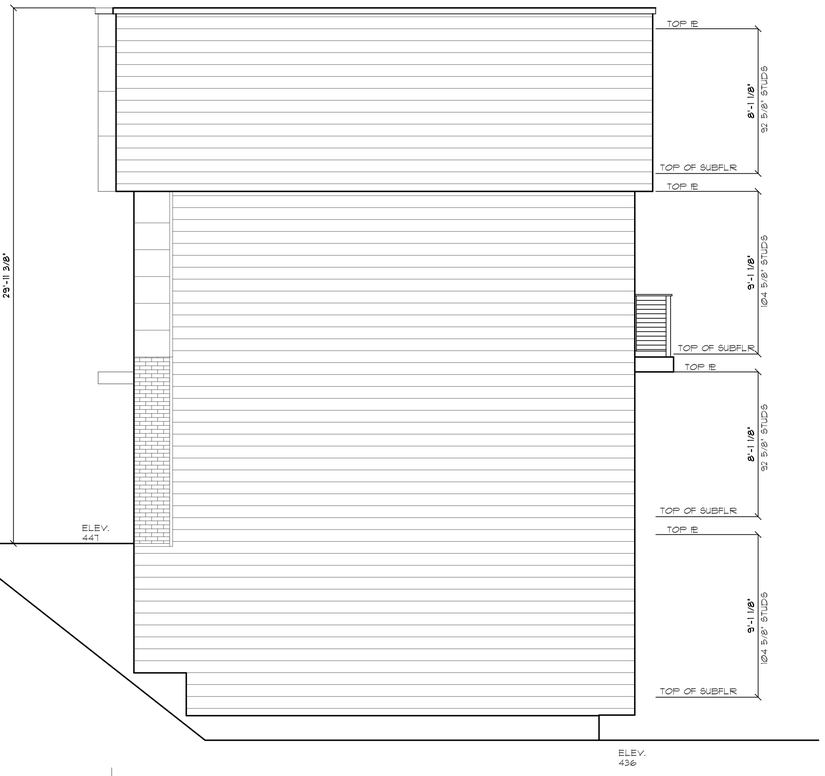
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NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




# Front Elevation

SCALE: 1/4"=1'-0"




# Right Elevation

SCALE: 1/4"=1'-0"

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.30 |
| MAIN ENTRY DOOR MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic, tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

LU 22-141452 AD
Exhibit A.5

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*- Brooker T. Washington*

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

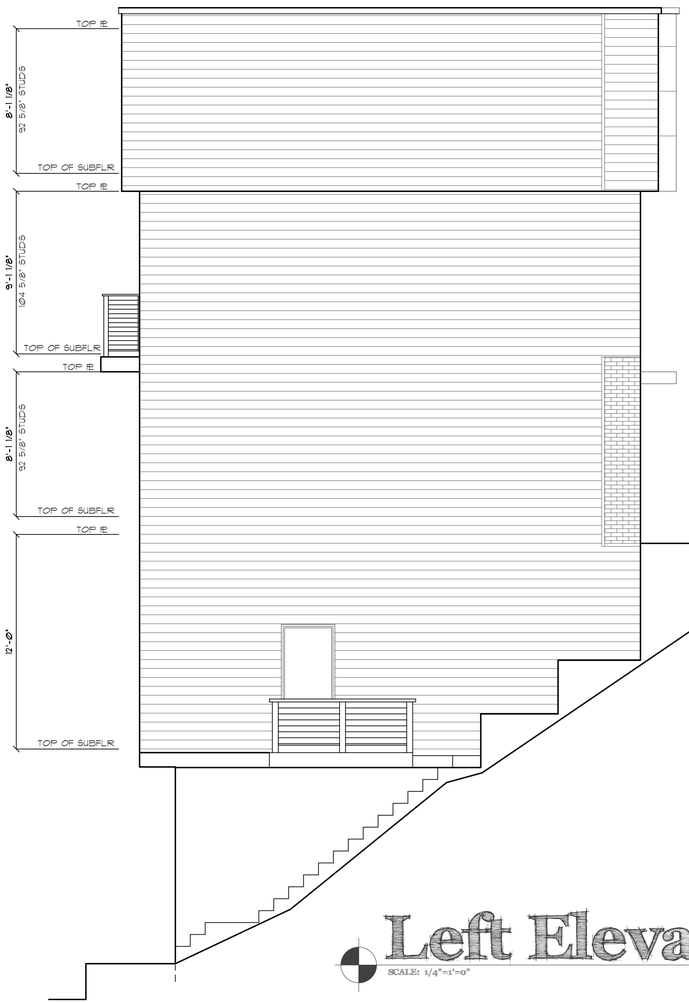
2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
Project Number

| CHECK BY | Samedy Kem |
|---|---|
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 1 of 9




# Left Elevation

SCALE: 1/4"=1'-0"




# Rear Elevation

SCALE: 1/4"=1'-0"

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designer - consultant
custom design - stock plans - remodels

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

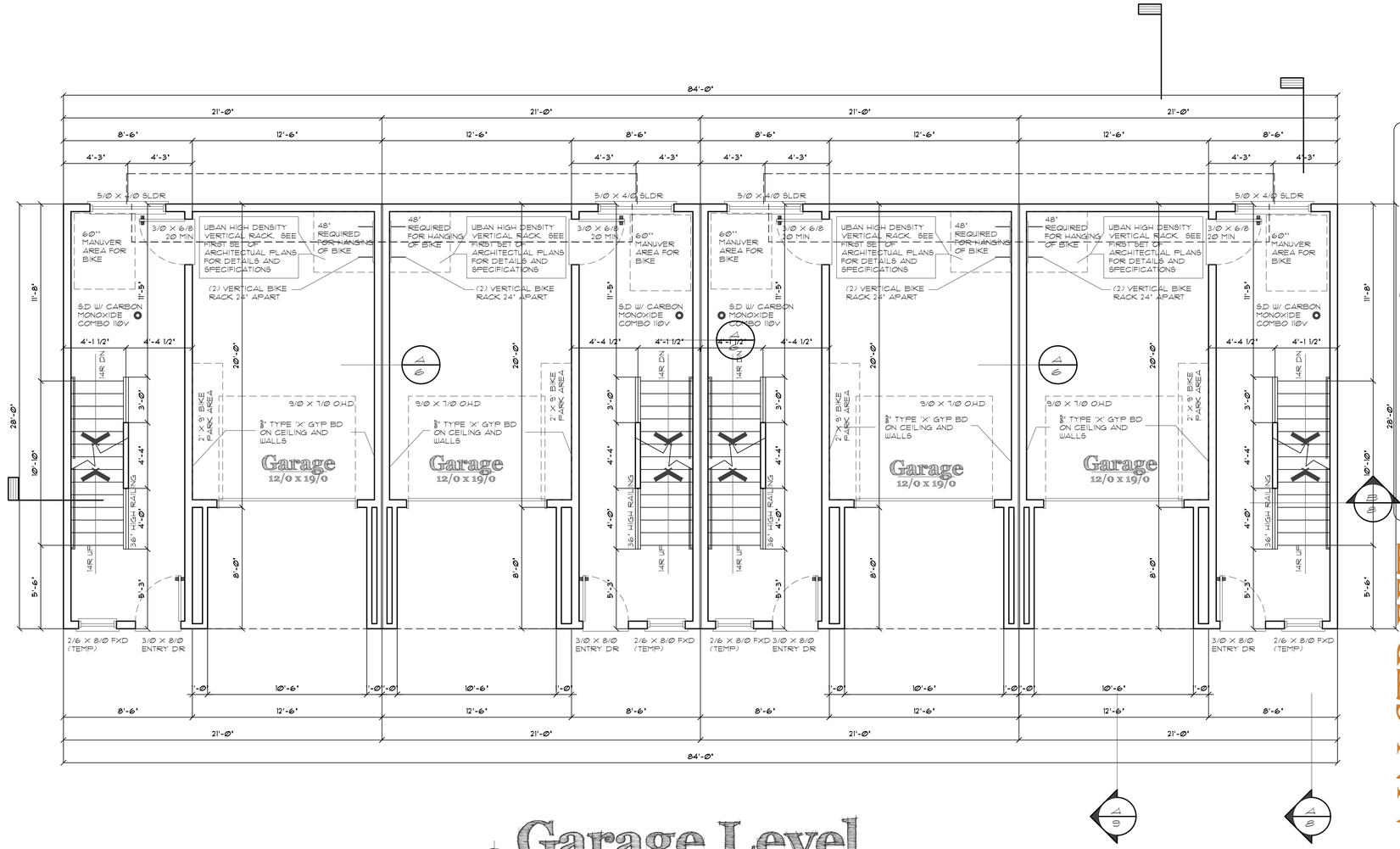
sk-1687-4 Unit 1 thru 4
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 2 of 9

LU 22-141452 AD
Exhibit A.5




# Garage Level

SCALE: 1/4"=1'-0"

IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.

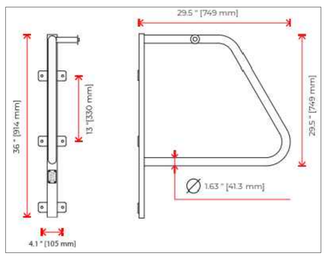
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO=60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |

FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

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Exhibit A.5

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

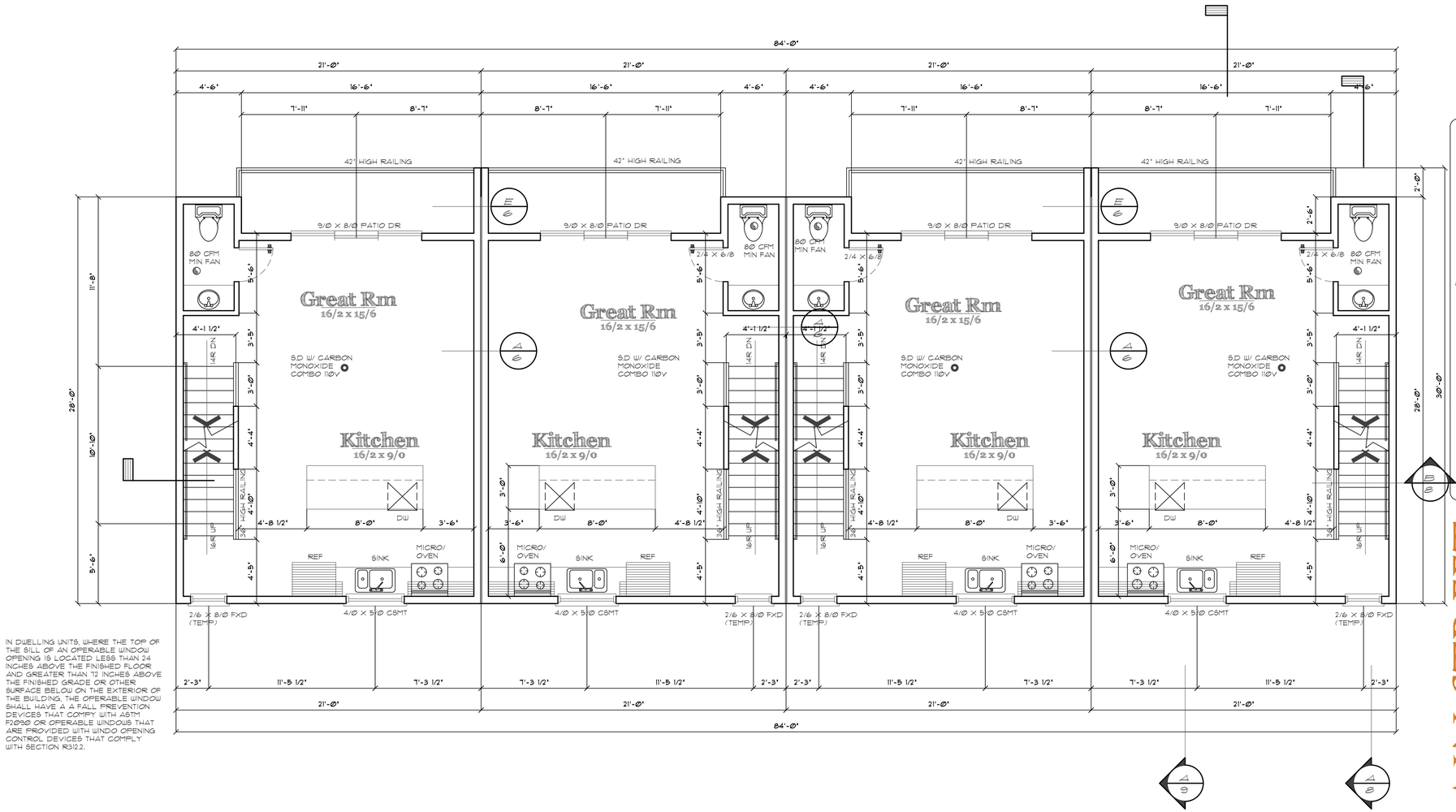
2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
Project Number

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Sheet Number 4 of 9




IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

# Main Level

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
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| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |

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DREAM • DESIGN • BUILD

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Upper 643 SF
Main 500 SF
1687 Total SF

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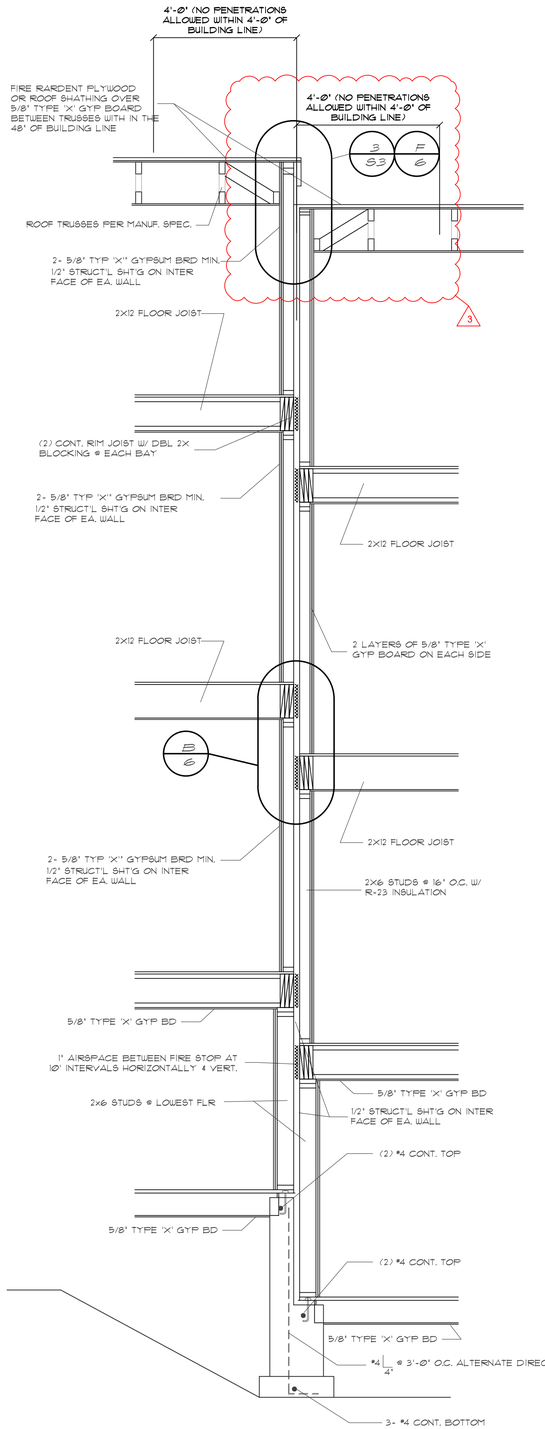
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Project Number

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| DRAW BY | sk |

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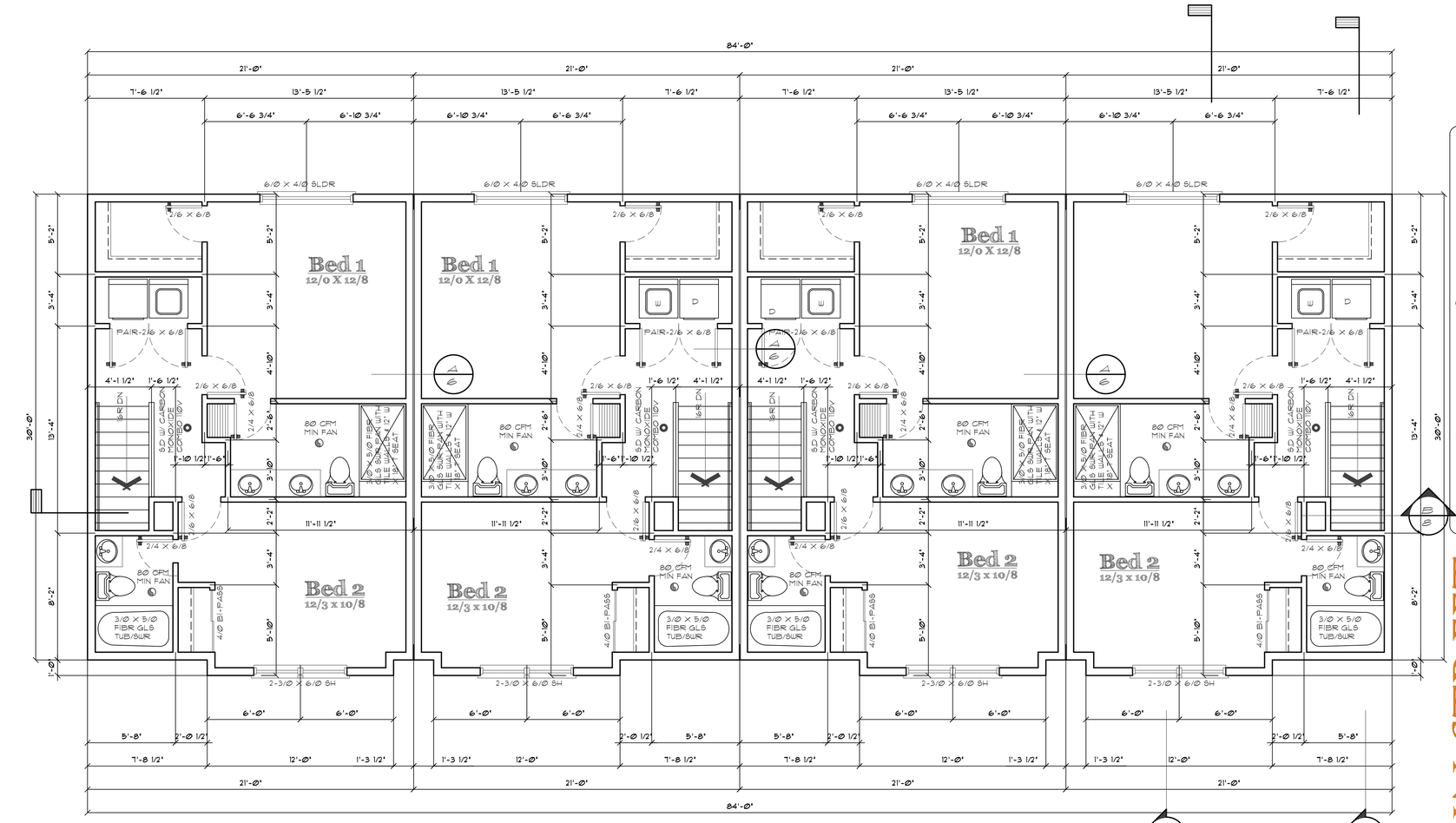
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# Mod. 2HR Wall

SCALE: N.T.S

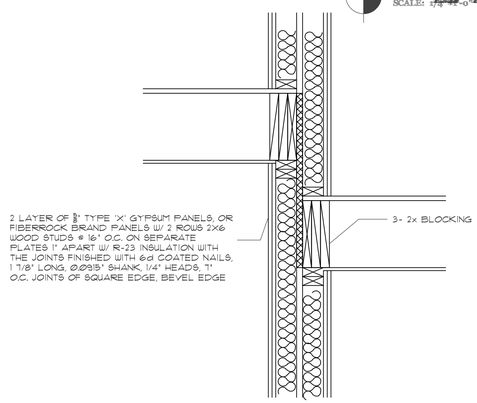



# Upper Floor Plan

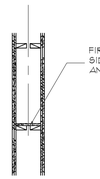
SCALE: 1/4"=1'-0"

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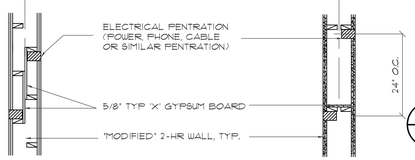
| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| SCALE= 1/2"=1'-0" | EXAMPLE: 5/Ø X 6/8 (RO=60" X 82 3/4") |
| POCKET DR | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR | 2 3/4" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |



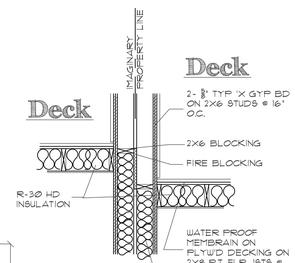

B/E6 DETAIL — SCALE= 1"=1'-0"



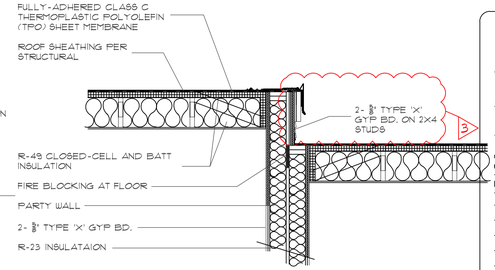

D/E6 DETAIL — FIRE BLOCKING — SCALE= 1/2"=1'-0"




C/E6 DETAIL — @ ELECTRICAL PENTRATION — SCALE= 1/2"=1'-0"




E/E6 Detail @ Deck — SCALE= 1/2"=1'-0"




F/E6 Detail @ Roof — SCALE= 1/2"=1'-0"

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

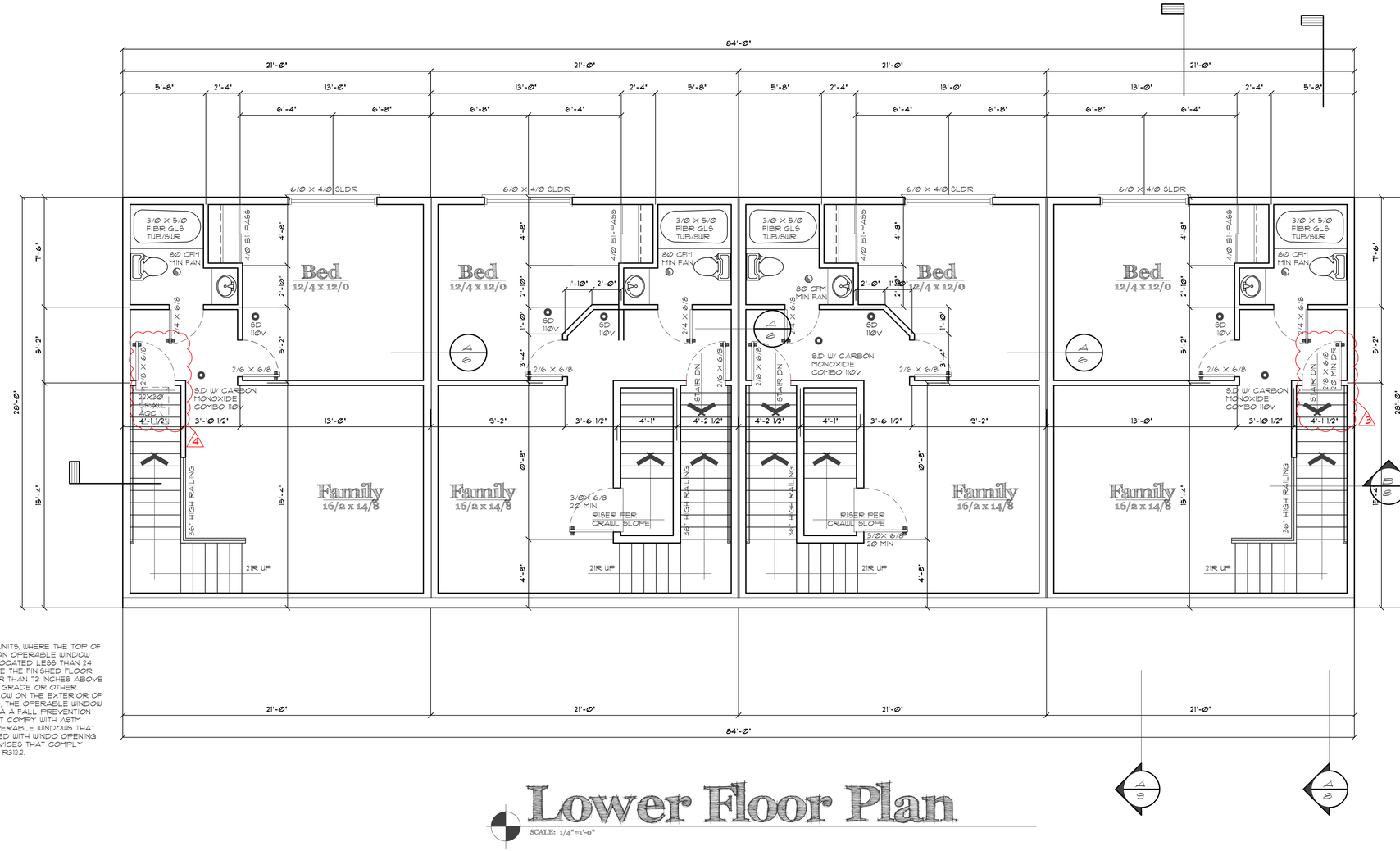
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Project Number

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| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
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6
Sheet Number of 9

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# Lower Floor Plan

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
Project Number

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|---|---|
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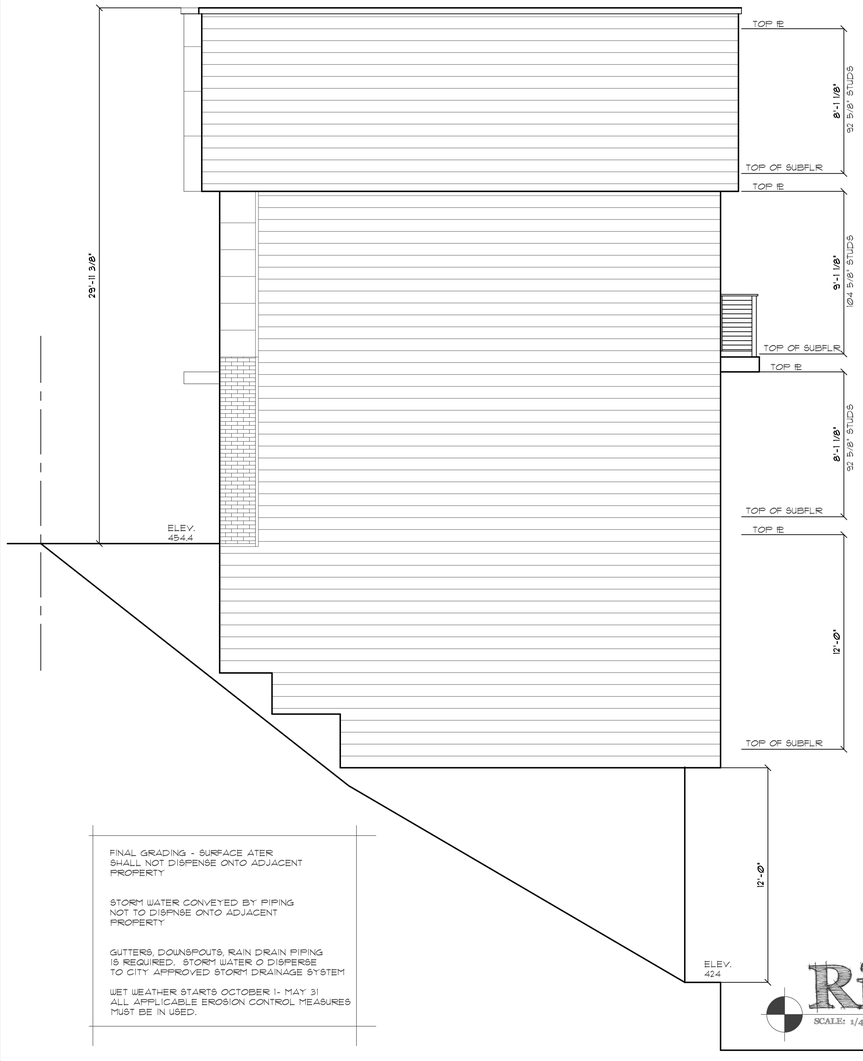
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Exhibit A.5




NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

# Front Elevation

SCALE: 1/4"=1'-0"




FINAL GRADING - SURFACE WATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

# Right Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

| OREGON RESIDENTIAL ENERGY CODE | |
|---|---|
| BUILDING COMPONENTS | |
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR; MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e),and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

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DREAM • DESIGN • BUILD

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Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
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sk-1687-4 Unit 5 thru 8
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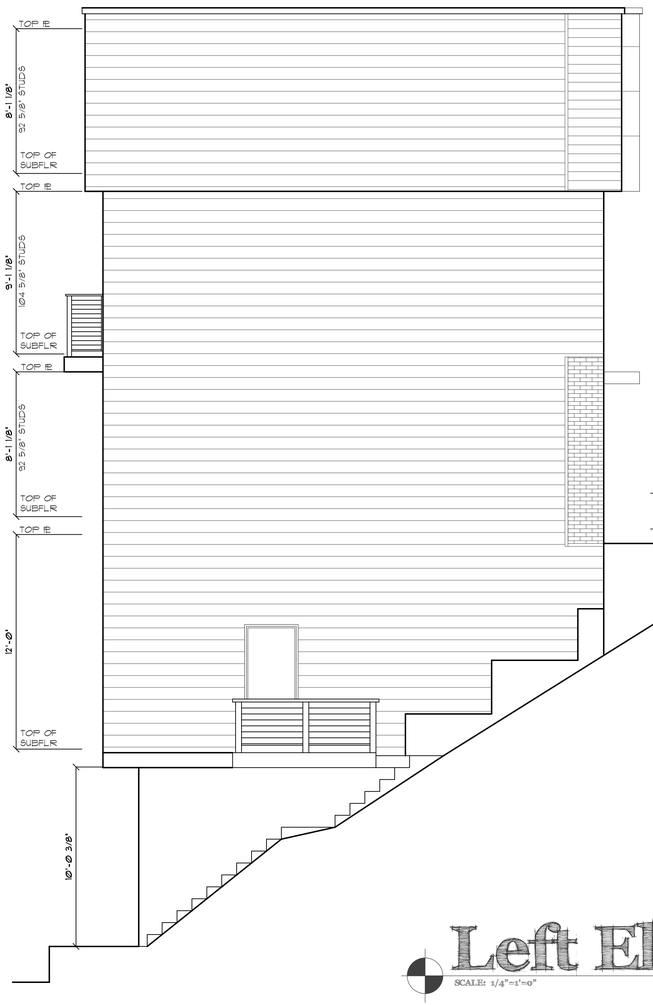
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# Left Elevation

SCALE: 1/4"=1'=0"




# Rear Elevation

SCALE: 1/4"=1'=0"

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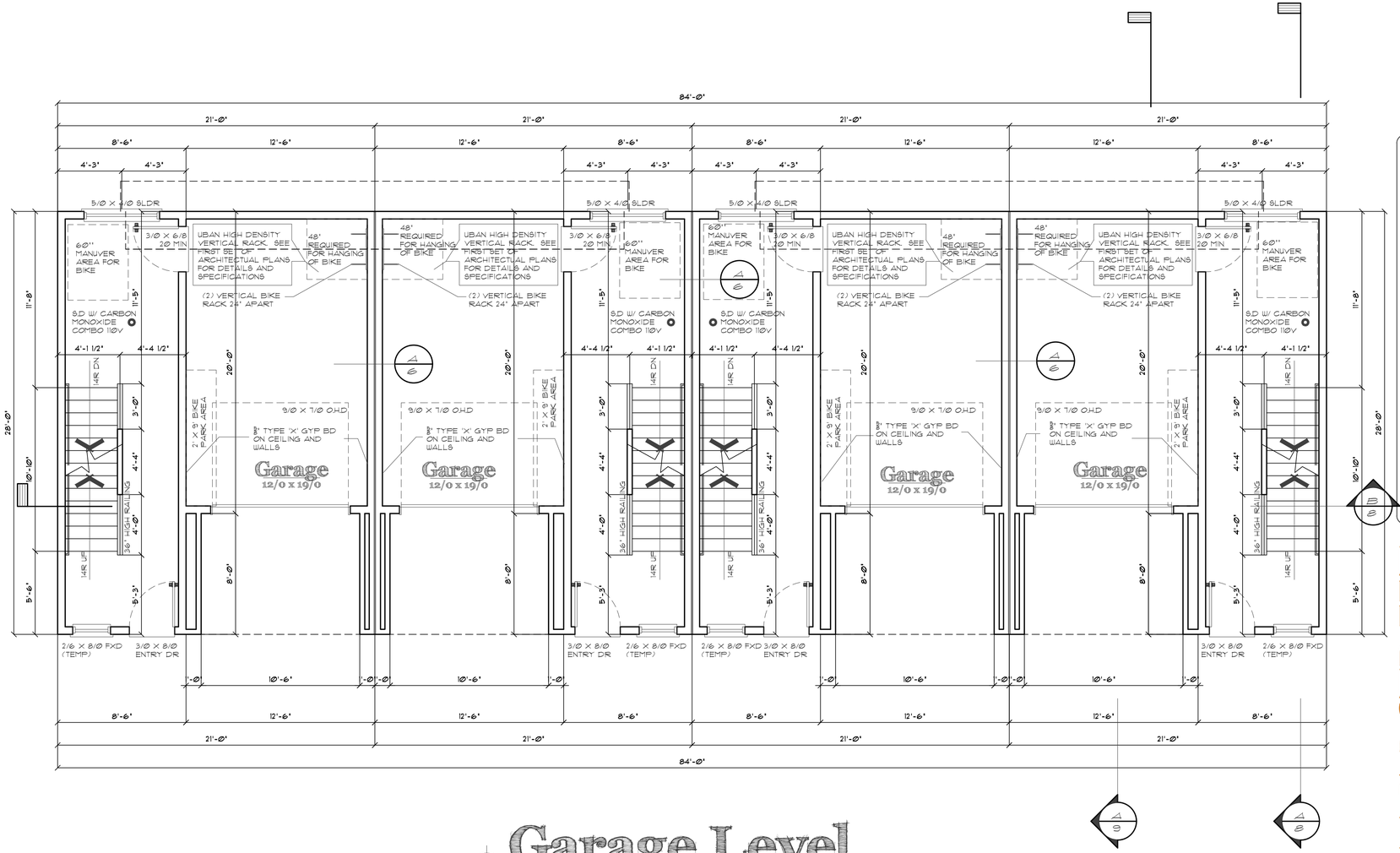
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# Garage Level

SCALE: 1/4"=1'-0"

IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.

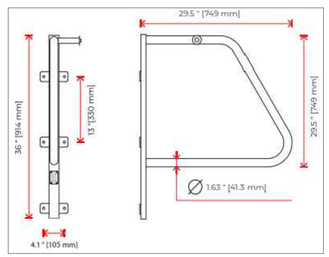
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

## FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

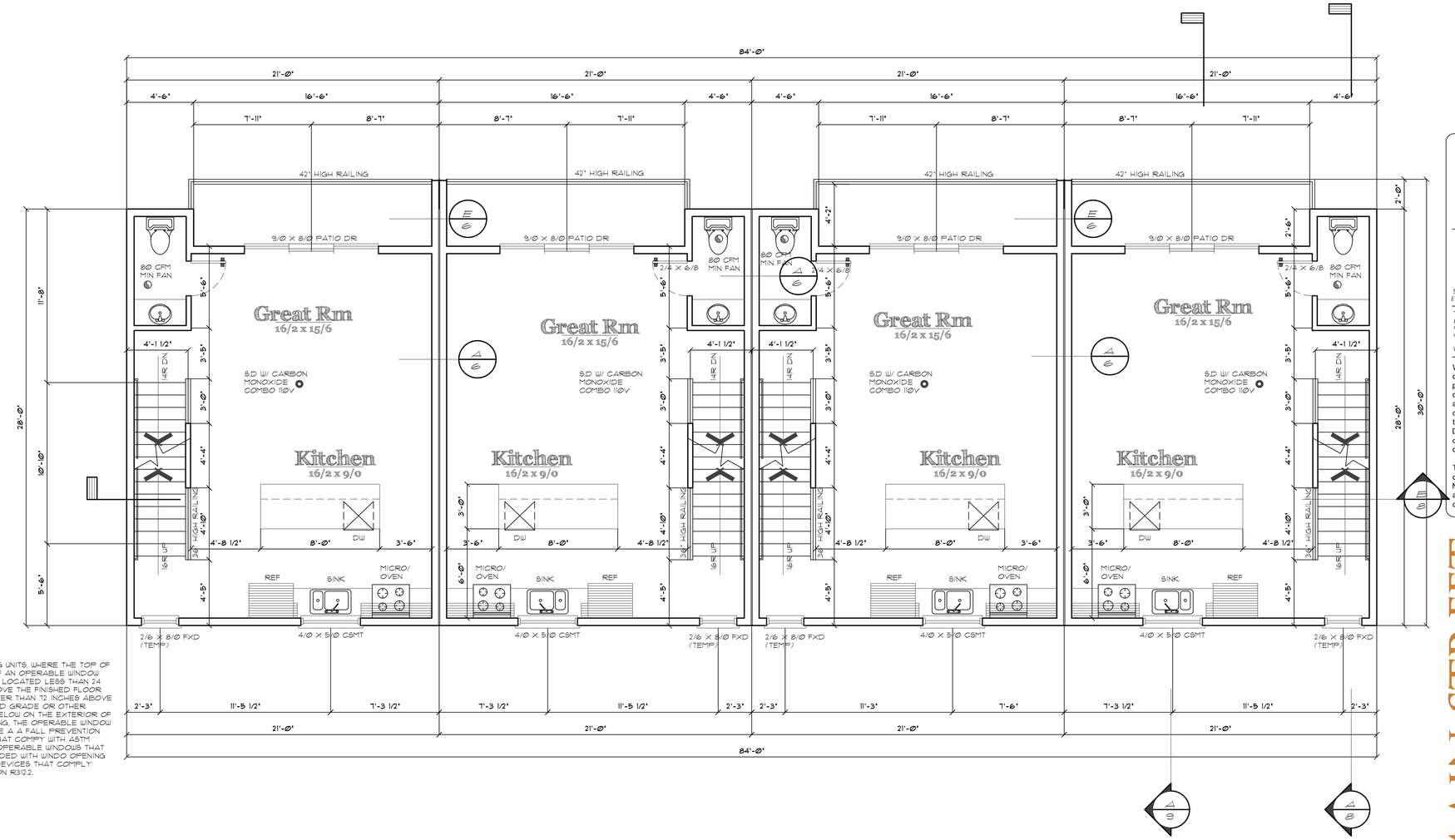
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| DRAW BY | sk |

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| 5 | | REVISION |

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IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

# Main Level

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/0 X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/0 X 6/8 (RO=60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER N WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |

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Washington - Brooker T.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
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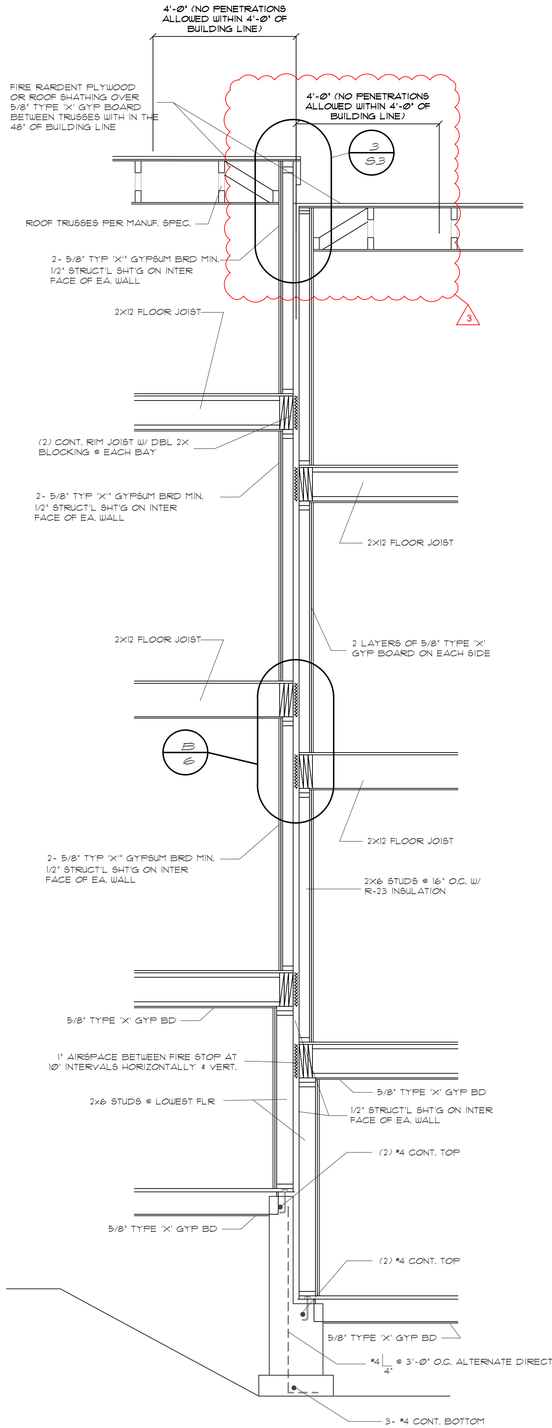
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Sheet number 5 of 9

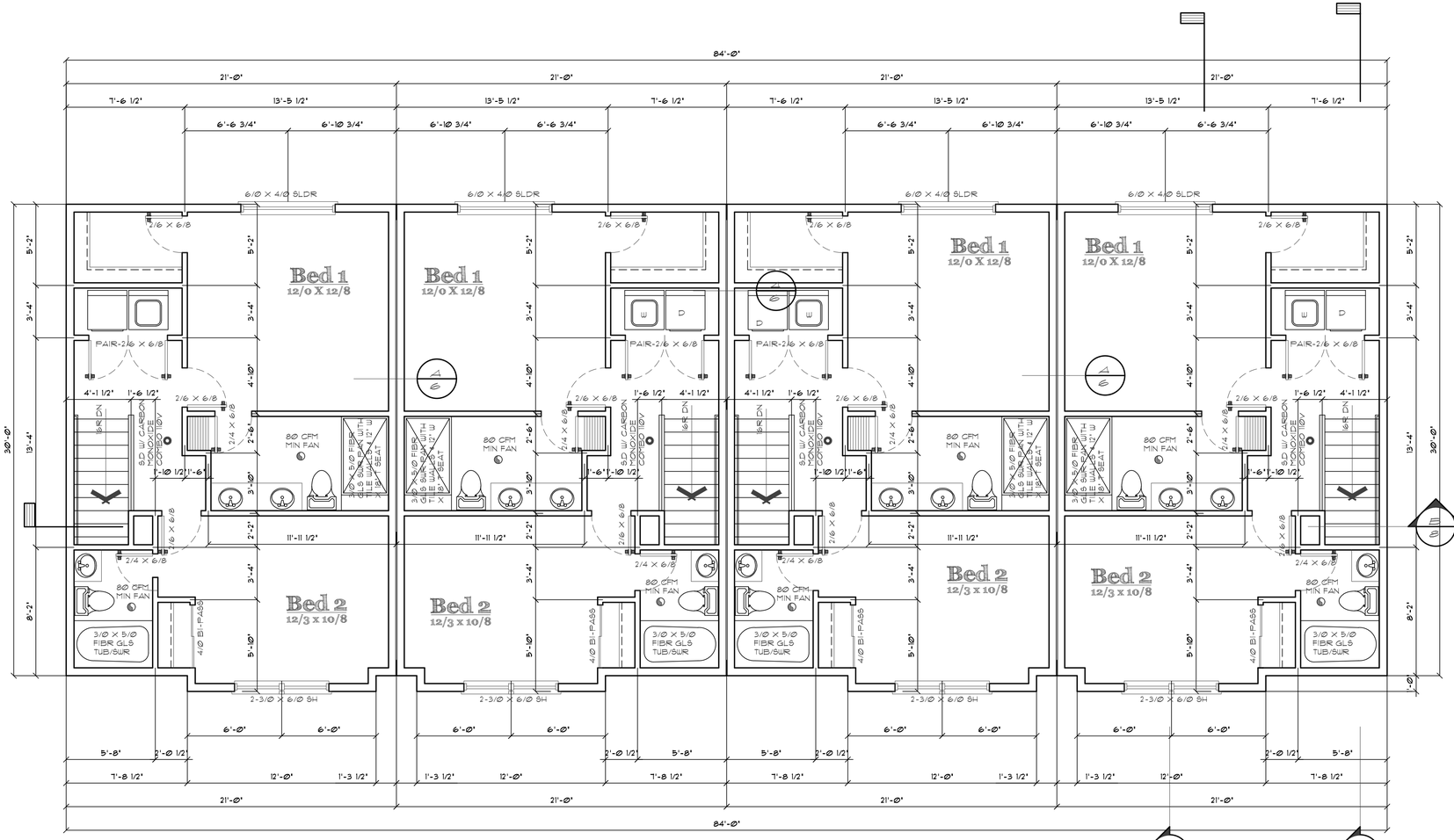
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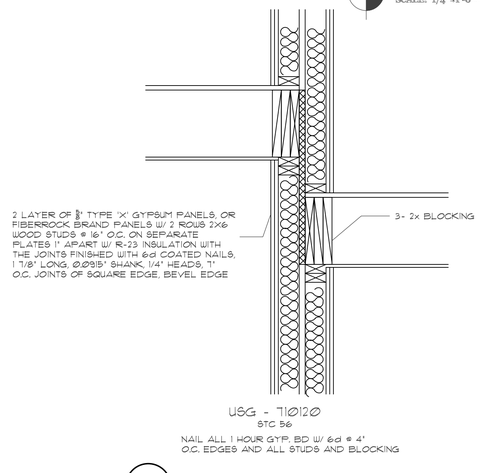

# Mod. 2HR Wall

SCALE: N.T.S

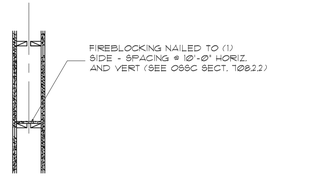



# Upper Floor Plan

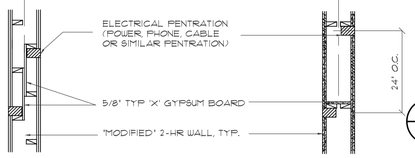
SCALE: 1/4"=1'-0"



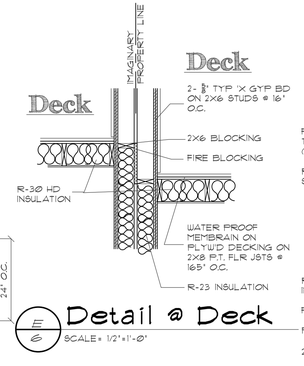

B/E SCALE: 1"=1'-0"
DETAIL



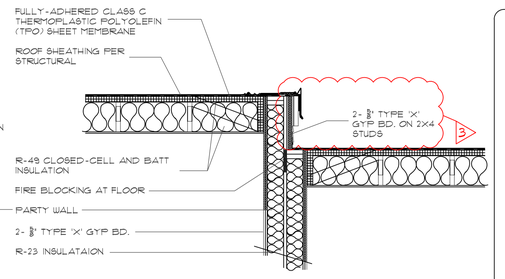

D/E DETAIL
FIRE BLOCKING
SCALE: 1/2"=1'-0"




C/E DETAIL
@ ELECTRICAL PENTRATION
SCALE: 1/2"=1'-0"




E/E Detail @ Deck
SCALE: 1/2"=1'-0"




F/E Detail @ Roof
SCALE: 1/2"=1'-0"

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| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS SCALE: 1/2"=1'-0" | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO=60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

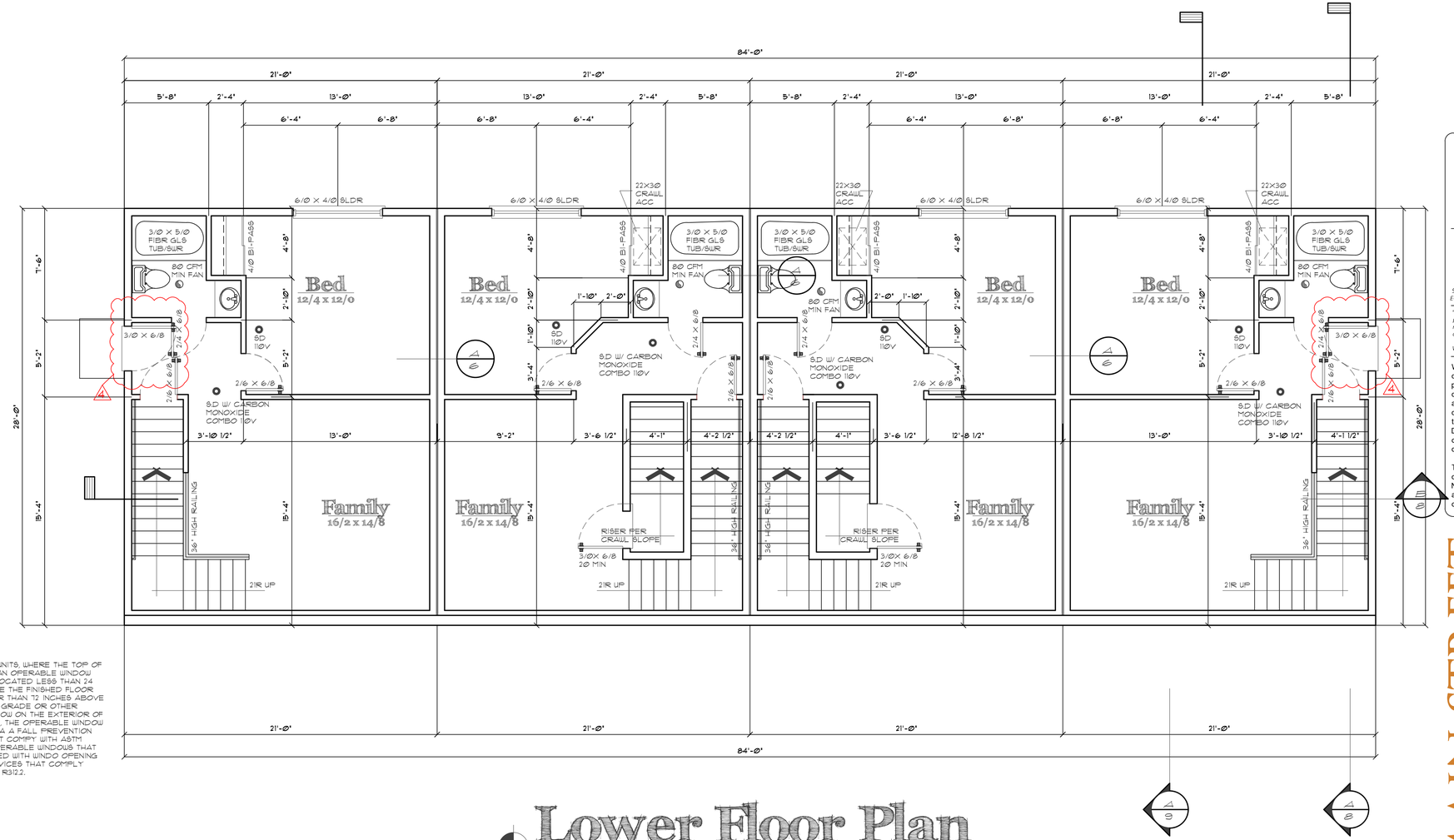
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| DRAW BY | sk |

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6
Sheet Number of 9

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Exhibit A.5

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# Lower Floor Plan

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

| CHECK BY | Samedy Kem |
|---|---|
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
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Sheet Number 7 of 9

LU 22-141452 AD
Exhibit A.5

GOING ADDITIONAL MEASURES OPTION 2
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

BUILDING COMPONENTS

| | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <3% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER
SHALL NOT DISPENSE ONTO ADJACENT
PROPERTY

STORM WATER CONVEYED BY PIPING
NOT TO DISPNSE ONTO ADJACENT
PROPERTY

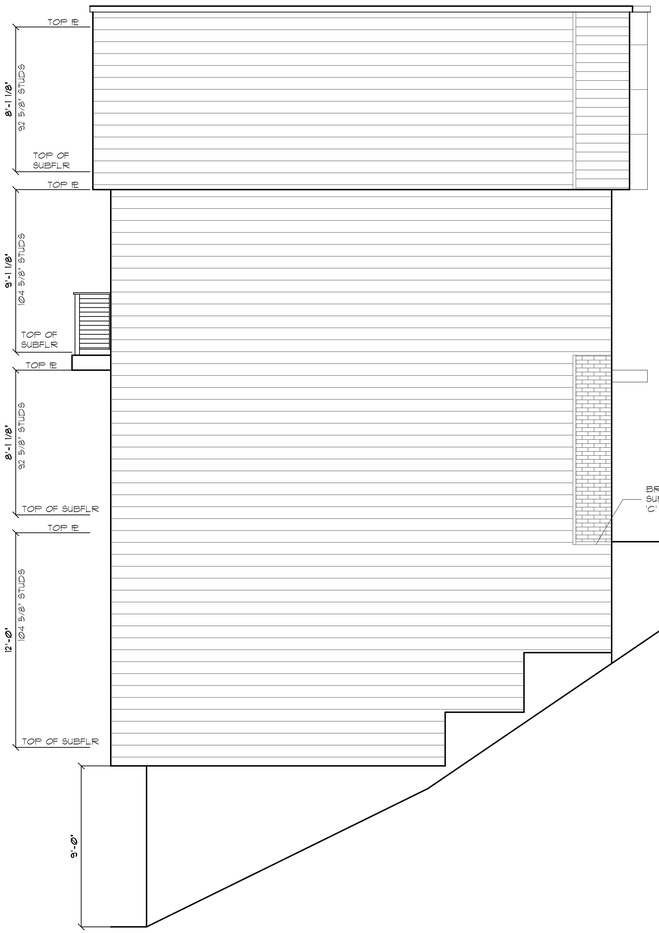
GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING
IS REQUIRED. STORM WATER O DISPERSE
TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES
MUST BE IN USED.

## ADDITIONAL MEASURES

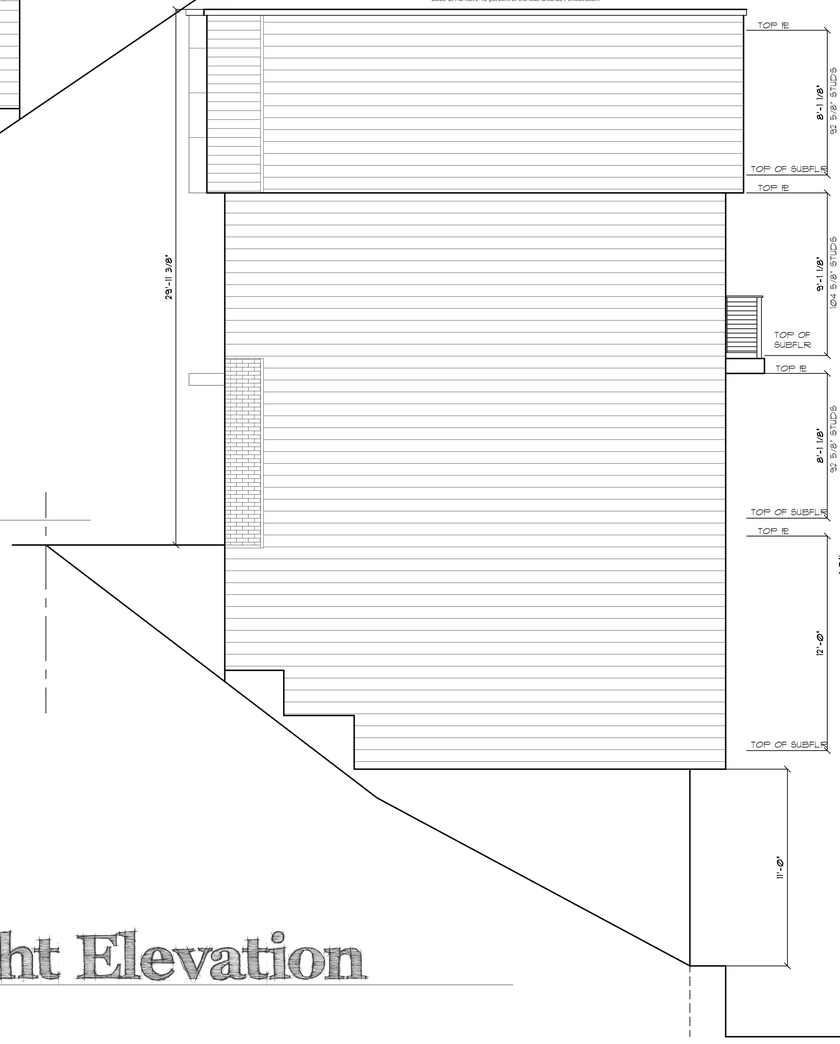
| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:**<br>Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:**<br>Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced,<br>Framed floors – U-0.026 / R-38, and<br>Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:**<br>Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced,<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:**<br>Windows – U-0.22 (Triple Pane Low-e).and)<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts**<br>Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and<br>Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and<br>All ducts and air handlers contained within building envelope or<br>All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:**<br>Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :**<br>Gas-fired furnace or boiler AFUE: 94%, or<br>Air source heat pump HSPF 9.5/15.0 SEER cooling,or<br>Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:**<br>All ducts and air handlers contained within building envelope (d)<br>*Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:**<br>Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):**<br>Natural gas/propane water heater with UEF 0.85 OR<br>Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier: Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.




# Left Elevation

SCALE: 1/4"=1'=0"




# Right Elevation

SCALE: 1/4"=1'=0"




# Front Elevation

SCALE: 1/4"=1'=0"




# Rear Elevation

SCALE: 1/4"=1'=0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

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*- Brooker T. Washington*

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

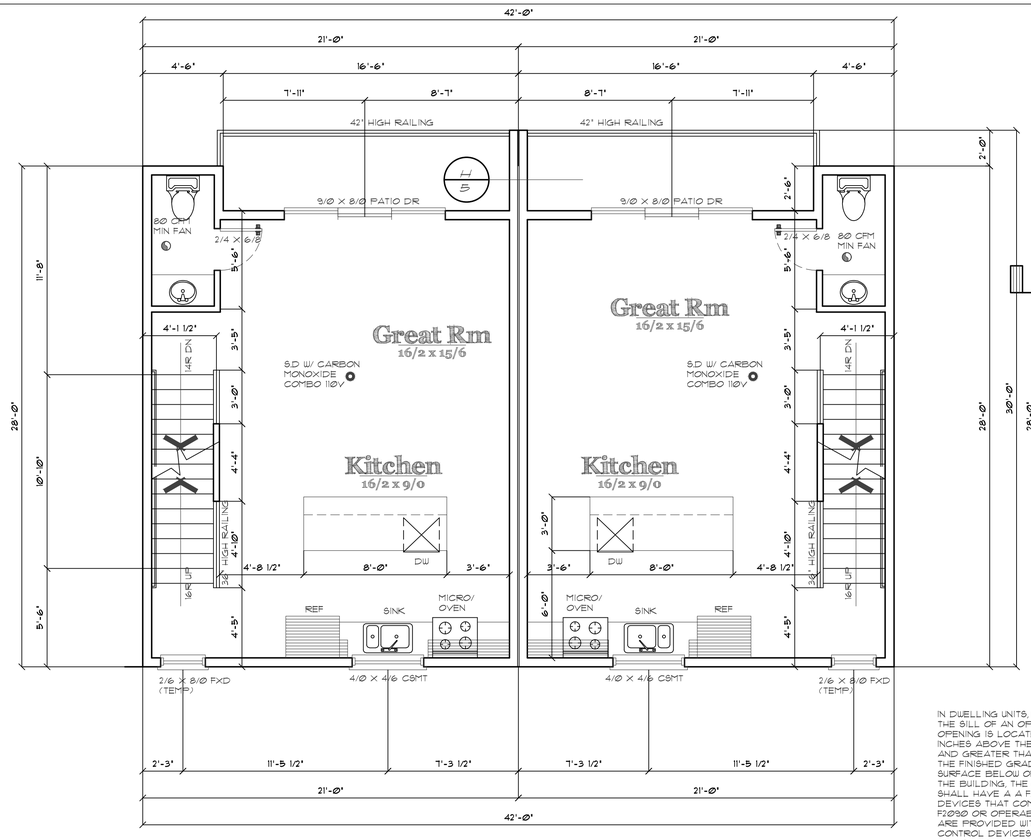
~~UNITS 1-8~~ Units 9-10
Project Number

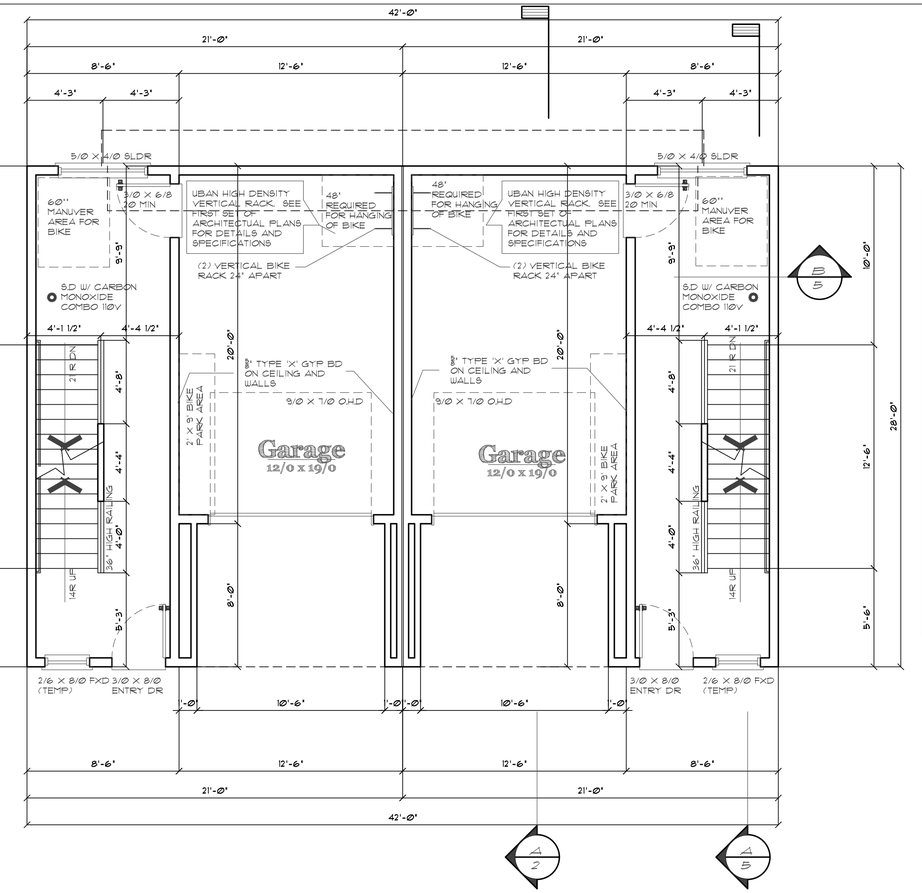
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|---|---|
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Sheet Number 1 of 5

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Exhibit A.5




IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

# Main Level

SCALE: 1/4"=1'-0"

# Garage Level

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Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
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- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
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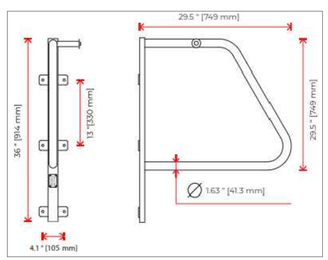
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Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO+60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~UNITS 7 & 8~~ Units 9-10
Project Number

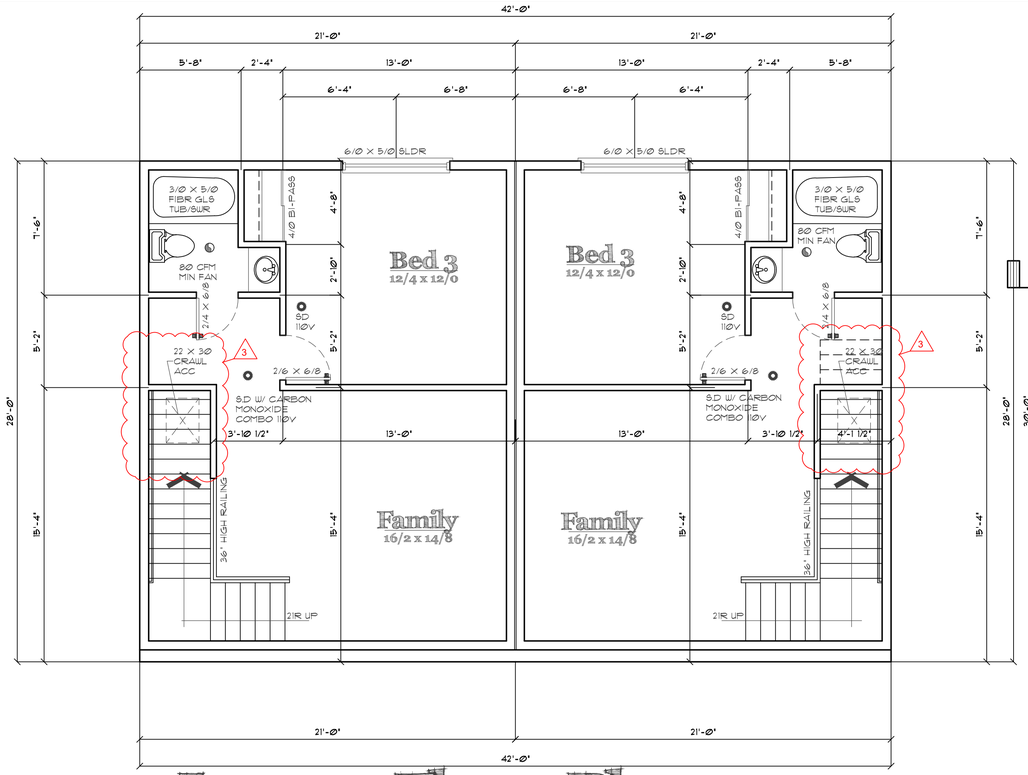
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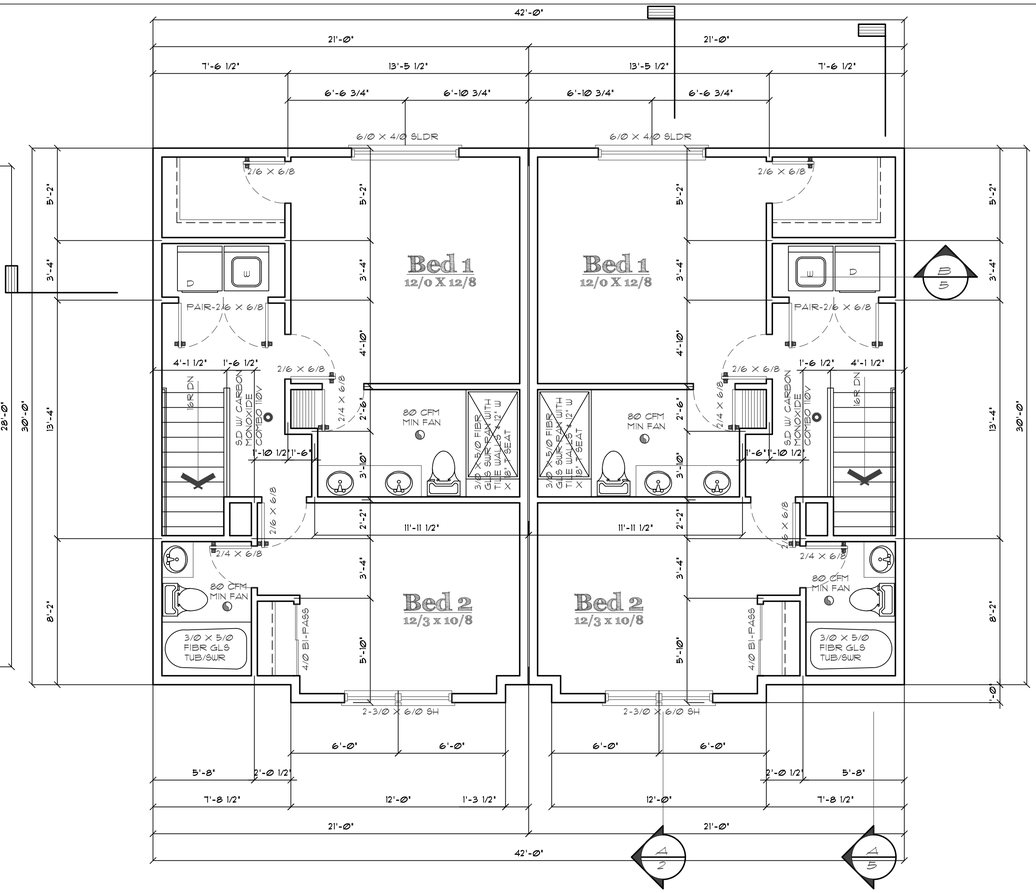
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# Lower Floor Plan

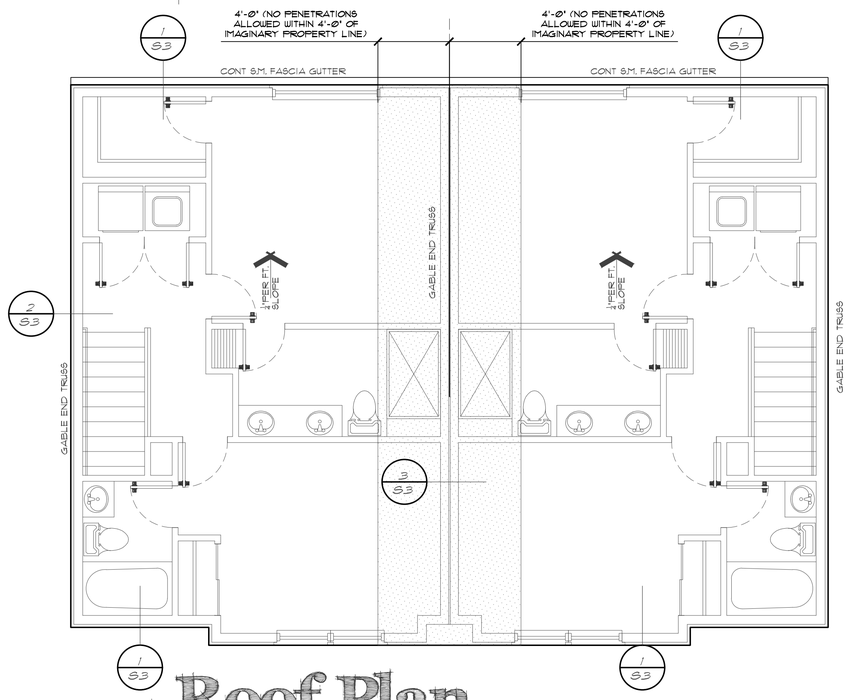
SCALE: 1/4"=1'-0"




# Upper Floor Plan

SCALE: 1/4"=1'-0"

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# Roof Plan

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~SR18B7-A~~ Units 9-10
Project Number

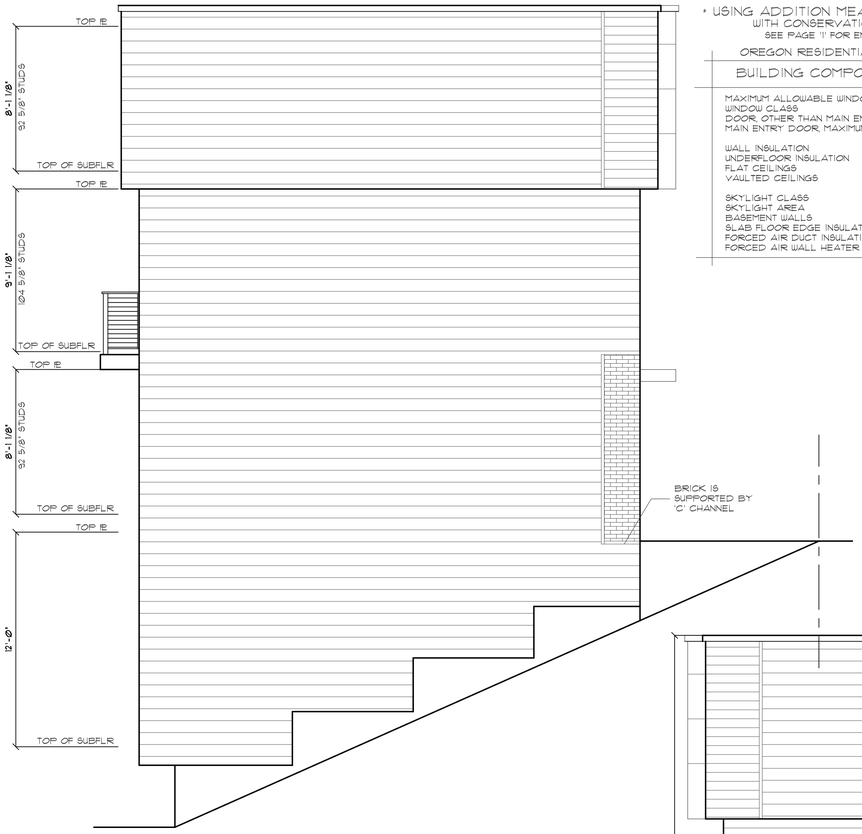
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# Left Elevation

SCALE: 1/4"=1'=0"

" USING ADDITION MEASURES OPTION #2 "
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | < 2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic. |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

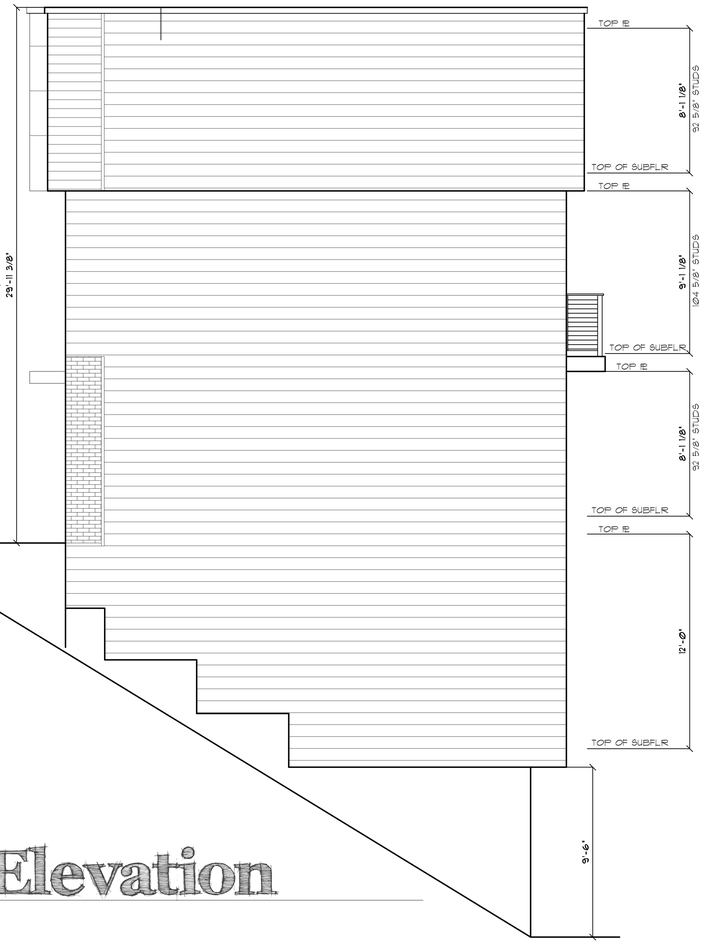
For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




# Front Elevation

SCALE: 1/4"=1'=0"




# Right Elevation

SCALE: 1/4"=1'=0"




# Rear Elevation

SCALE: 1/4"=1'=0"

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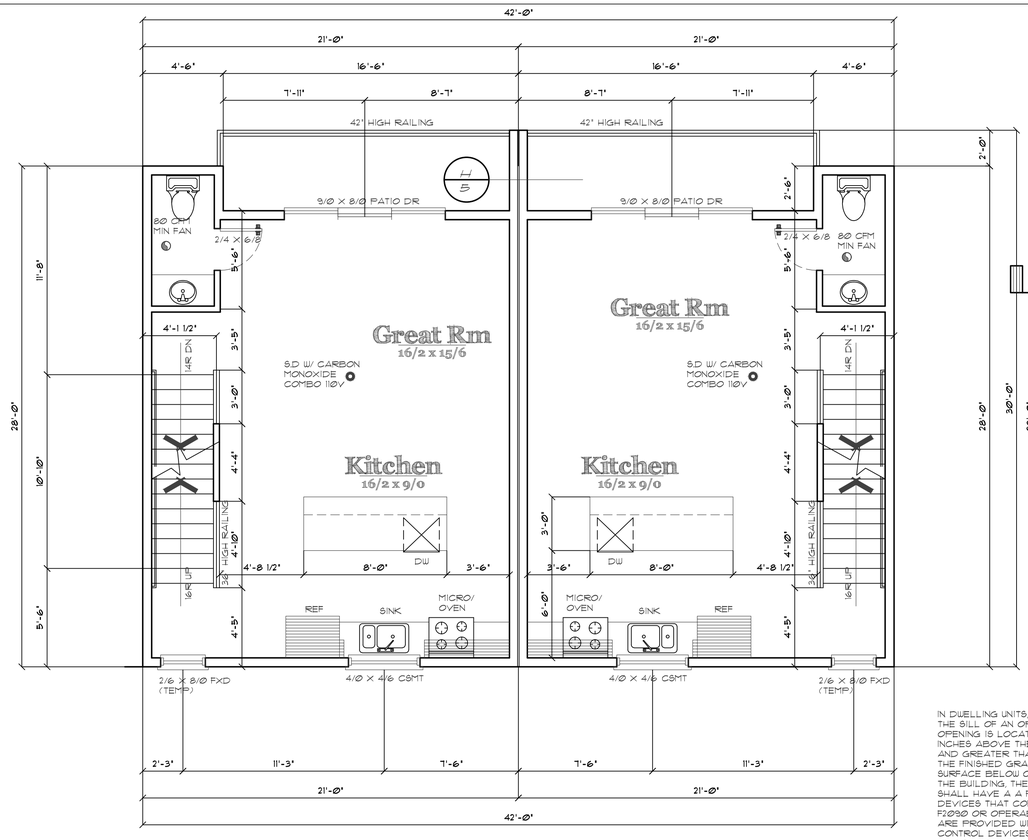
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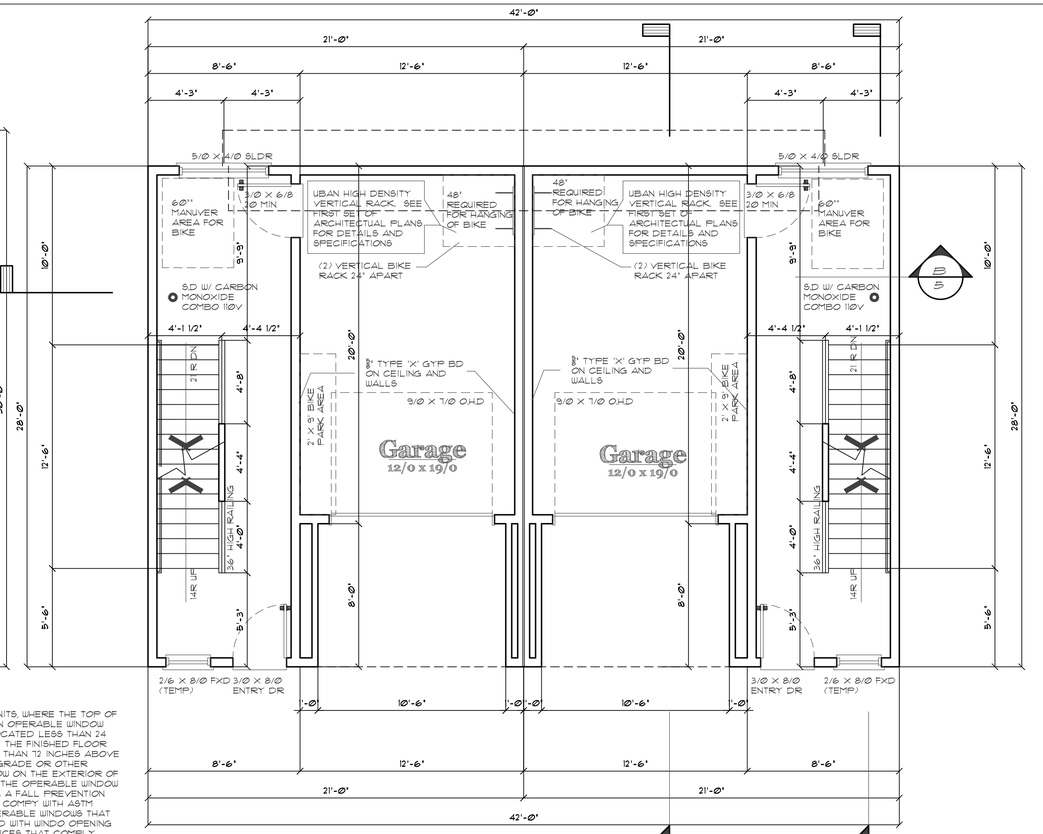
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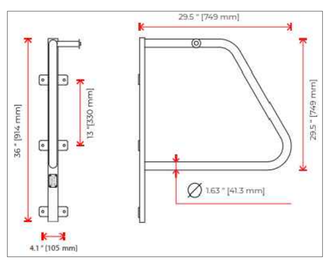
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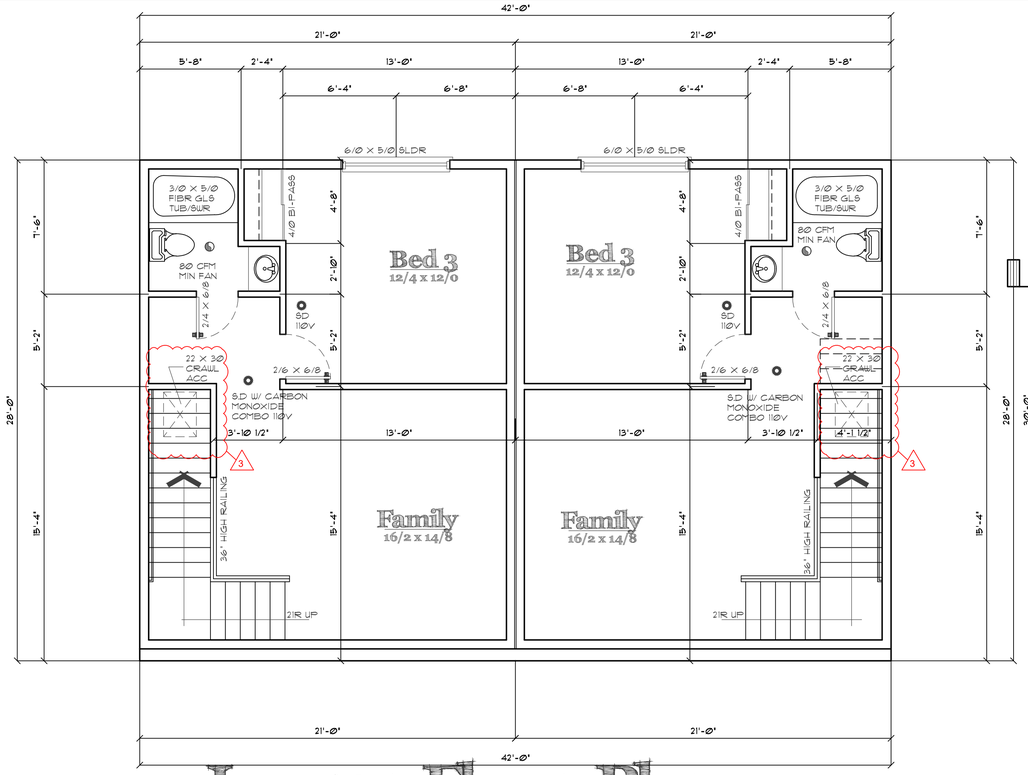
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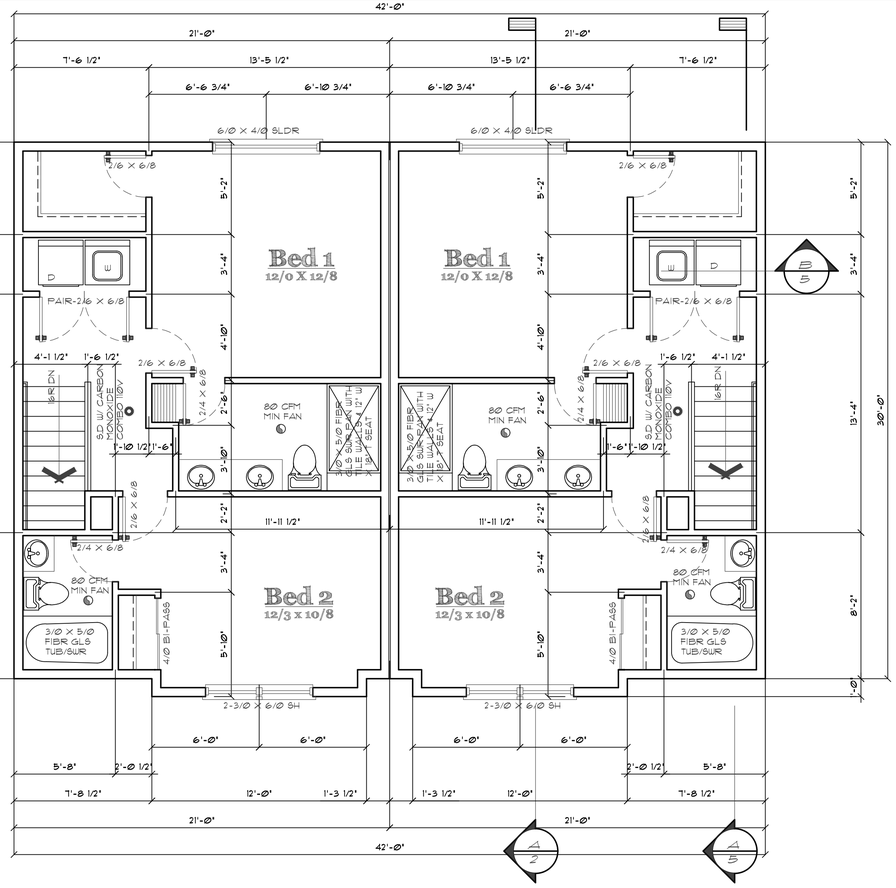
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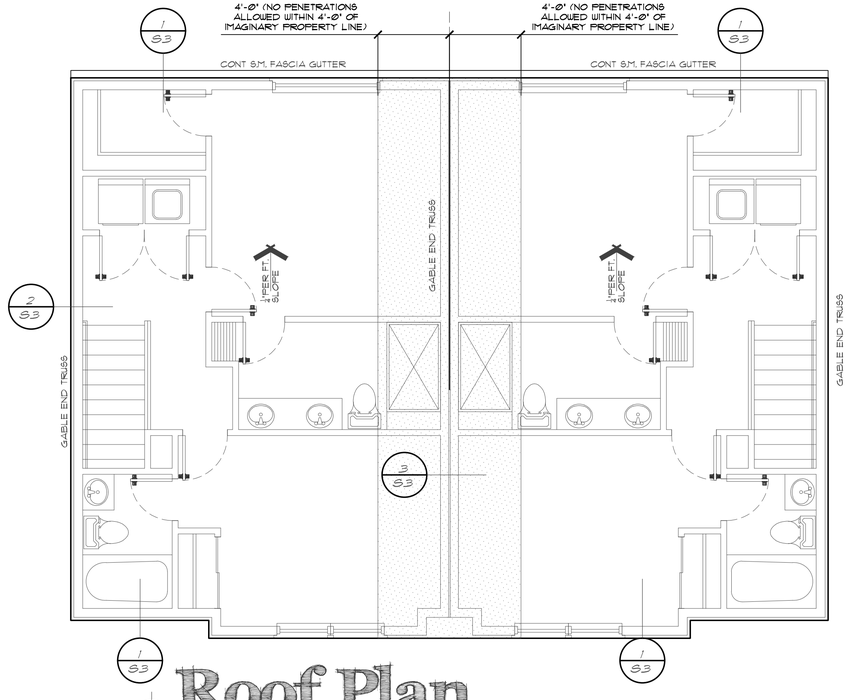

# Lower Floor Plan

SCALE: 1/4"=1'-0"




# Upper Floor Plan

SCALE: 1/4"=1'-0"




# Roof Plan

SCALE: 1/4"=1'-0"

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971.563.0552 fax. 888.311.5610
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"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" - Brooker T. Washington

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

This document is the property of Samedy Kem, Designer. No reuse to reproduction is allowed without the written consent from Samedy Kem.

MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~SKHB87-A~~ Units 11-12
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE/REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 4 of 5

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LU 22-141452 AD
Exhibit A.5

July 20, 2022

Amanda Rhoads, AICP
City Planner II
Land Use Services Division
Re: Land Use Review LU 22-141452 AD

Ms. Rhoads – thank you for your letter of June 9th, regarding the application for a Adjustment located at 7290 SW 13TH DR on May 10, 2022. This narrative is being provided in response to the issues raised, and in the order written.

## I. Information Necessary to Complete Application

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

1. Site Plan. Please provide the following items with regard to the site plan:

   a. *Full site plan.* Please provide a site plan that includes the full site, i.e., including the Burlingame View Condos portion of the site. We can work from something like what you submitted when looking in detail at the height standard, but we must have that overall site plan showing the full site.

   *Comment: The applicant has provided a full site plan. This has been previously submitted as part of the non-conforming Compliance, as well as the Site Development Application.*

   b. *Height measurement.* Height is determined for these buildings using Zoning Code Section 33.930.050.A.1.b. This method requires a line to be drawn 5 feet out from each building, all the way around, to identify the lowest and highest grade along the line. Please revise your site plan to show this line and clearly identify the highest and lowest point of grade for each building.

   *Comment: A copy of the Site Plan with the Base Point #1 and Base point #2 for each building is shown along with table for the relative, and actual elevations.*

2. Elevation Drawings. Please make the following changes and additions to the existing elevation drawings:
   a. *Height measurement*. Please accurately represent the building height measurement. You need to identify the lowest point of grade 5 feet from the building then determine whether the building height will be measured using Base Point 1 or Base Point 2 using 33.930.050.A.1.b referenced above. No height measurements for the buildings appear to be provided. At this point I do not know if height is met on any of the four buildings, and what the requested Adjustment to the height standard is.
   b. *Street-facing elevation*. Submit a street-facing elevation for the entire project and indicate whether existing house will remain.
   c. *Additional Elevations*. Please provide elevation drawings for all four buildings proposed to be added to the site and show the height measurement for each one.

   *Comment: The lowest point for each building has been shown on the accompanying cross sections. For the cases of buildings 2, 3, & 4 the lowest point is at the south-west corner, and the highest point on the north-east corner. For building 1, the location is between units 2 &*

*3. This is also called out in the Site Elevation Plan, as well as the excel spread sheet and in the height adjustment narrative.*

3. Narrative. Please make the following changes to the narrative response to the approval criteria:

   a. *Criterion A response*. The response to Criterion A did not address the purpose statement for height in the multi-dwelling residential zones, which is found in Zoning Code Section 33.120.215.A:

> *A. Purpose. The height standards serve several purposes:*
> - *They promote a reasonable building scale and relationship of one residence to another;*
> - *They promote options for privacy for neighboring properties; and*
> - *They reflect the general building scale of multi-dwelling development in the City's neighborhoods.*

*Comment: Section 33.120.215 A summarizes the purpose for the standards and calls out three issues: scale and relationship; privacy for neighboring properties; reflecting the general scale of multi-dwelling neighborhoods.*

*The 12 new units are housed in four buildings. The fourplexes are 84-feet wide, and the duplexes are 42-feet wide. There are currently four existing buildings on the property. Three of them are 133-feet and one is 266-feet wide. All of the new buildings are substantially smaller than the current buildings on site. The fourplexes to the west measure 120-feet in width. The narrowest of the homes across street measures about 60-feet, with others over a 100-feet in width.*

*The existing buildings fronting onto Bertha have roof heights of between 60 – 70 ft above the street ( for 1035 SW Bertha and 1015 SW Bertha). 1025 SW Bertha has a roof elevation (assuming 25-ft ) of 475 which is 15-feet below the street grade at the end of the cul-de-sac.*

*The applicant is proposing that no portion of any of the new units will be higher than 30-feet above street grade. This matches the maximum height permit for the R7 zoning for the properties on the north side of 13th Drive. This is about 3 – 5 feet higher than the homes directly across the street.*

*The buildings will be 10-feet apart similar to the homes across the street, and the existing buildings onsite.*

*The front windows will look out to the street in a similar fashion as the single-family homes across 13th Drive. The rear windows will look over the exiting building at 1035 SW Bertha, and at the Fred Meyer building south of Bertha.*

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

*The size, height, width and placement of the four new buildinsg fist within this description, and meet the purpose of the zoning*

b. *Criterion B response*. Please review the response to Criterion B and revise to address both the appearance of the proposal and how the proposal will not cause livability impacts on neighbors. Currently the response is not clearly addressing these issues sufficiently.

*Comment: Previously the applicant has responded to Criterion B as follows:*

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

***Comment:*** *The development of the 12 new homes that while higher in elevation that the existing condo units would be north of said units, and therefore not create a shading issue. From the Street the proposed homes would meet the standard height requirements of the zone. The proposal for development upon approval would allow development on a local road. The development would follow the RM1 zoning. However because the homes are situated on 13th drive adjacent to a lower density zoning.*

*Comment: The site has frontage onto two streets. The existing units face SW Bertha Boulevard which is a District collector. The 12 new units will have frontage on, and access from SW 13th Drive which is a local street. The property is zoned RM-1 and is a transitional zone between in this case the single family to the north and a Fred Meyers retail center to the south.*

*The new design resubmitted by the applicant responded to the Neighborhoods concerns by pulling back both the garages and building frontage to meet the underlying zoning setbacks with 10-feet to the front of the units, and 18-feet to their garages. Even though the zone permits 35-feet in height, the applicant proposed a maximum height of 30-feet to match the R-7 zoning north of the site on the other side of SW 13th.*

*The applicant also agreed to add a second pedestrian crossing at the intersection of SW 12th, and a pedestrian connection and the end of the cul-de-sac through to 10th. This was reflected in the minutes of the meting with the Hillsdale Neighborhood Association Meeting.*

*It was determined that with these additions the Neighborhood would not oppose the proposed improvements as they had with eth previous submittal. This is reflected in their lack of opposition in the minutes.*

c. *Responses to Criteria G-I*. These criteria are only accepted if the site would be fully undevelopable without the Adjustment. This proposal does not qualify for use of these criteria. Please remove their responses and resubmit the narrative with only Criteria A-F.

*Comment: The applicant has removed the initial responses for Criteria G-I and resubmitted focusing on A -F*

4. Floor Plans. Please provide floor plans for each building.

*Comment: The floor plans are included as part of this application.*

5. Neighborhood Contact. This project will add more than 10,000 square-feet of net building area to the site but less than 25,000 square-feet. The standard requires that a notification sign be

posted on the sites of future development at least 35 days before a building permit or land use review application is submitted to the city. The project applicant is responsible for posting the site. In addition, some projects will require the applicant to schedule a meeting and based on the current proposal a meeting will be triggered.

Based on your proposal to add more than 10,000 square feet of net building area to the site, but less than 25,000, Neighborhood Contact I is triggered. All the steps in 33.705 Neighborhood Contact must be completed before your land use application can proceed. For more information regarding the process and requirements please visit: https://www.portlandoregon.gov/bds/79841. The step-by-step instructions for compliance with these requirements are summarized in the handout at: https://www.portlandoregon.gov/bds/article/743077. Please provide me copies of all documentation provided the City.

***Comment**: The applicant has met twice with the Neighborhood Association regarding the development. At the last meeting the revised plans were submitted that showed the facades, and the height (both front and rear) nothing that an adjustment would be required to the rear interior portion of the development units. The neighborhood noted the changes the applicant had made in response to the previous submittal, moving the units further back, and moving the garages further back. In addition, the applicant agreed to provide a second crossing on the east side of the intersection, as well as a pedestrian connection to the east to 10th / Burlingame. These are noted in the minutes of the Neighborhood Association Attached.*

6. Other Standards Not Met. Please confirm you will be able to meet all other standards currently not shown to be met in the permit set for 21-025806 RS and the other associated permits without additional Adjustments. If you do intend on requesting other Adjustments, we should do them all concurrently in order to expedite permit review.

***Comment:** No other adjustments are sought. The original setback, and lot depth adjustment request were removed, with only the height adjustment remaining.*

Hopefully all issues raised by staff in your letter has been sufficiently addressed to allow this application to move forward.

Sincerely

Mark Dane

# HEIGHT ADJUSTMENT REQUEST

GRAPHIC SCALE
10 0 5 10 20
( IN FEET )
1 INCH = 10 FT.

SW 13TH DR
1045 S.W. BERTHA BOULEVARD
1025 S.W. BERTHA BOULEVARD
1035 S.W. BERTHA BOULEVARD
1015 S.W. BERTHA BOULEVARD
S.W. BERTHA BOULEVARD
"BURLINGAME VIEW CONDOMINIUMS"
"BARBUR HEIGHTS" BLOCK 4
CLUSTER
SSMH 4
SANITARY MANHOLE
RIM EL. 443.7'
E. IN (8" W) 429.0'
E. IN (8" N) 428.8'
E. IN (TNC E) 428.8'
E. OUT (8" S) 428.7'
BUILDING 1
UNITS 1~4
BASE POINT
#2 419.9'
BUILDING 2
UNITS 5~8
BASE POINT
#2 423.5'
BUILDING 3
UNITS 9~10
BASE POINT
#2 434.9'
BUILDING 4
UNITS 11~12
BASE POINT
#1 467' FG
MAX BUILDING
HEIGHT 490'
BUILDING 5
UNITS 1~7
BASE POINT
#1 450' FG
MAX BUILDING
HEIGHT 479'
BUILDING 6
UNITS 8~11
BASE POINT
#1 461' FG
MAX BUILDING
HEIGHT 490'
6' WOOD FENCE W/ GATE FOR GARBAGE AREA
THE APPLICANT IS PROPOSING A 4-FT PATH AND STEPS CONNECTING BERTHA BLVD TO THE EXISTING PATH THAT CONNECTS TO SW 13TH DR
ROCK WALLS TO BE RETAINED
PILLARS
WATER VAULT
CONCRETE POOL AREA
WOOD DECK
ROCK KEYSTONE WALL WALL
DECK ABOVE CONCRETE
DECK ABOVE WALL
RXR TIE WALL
CONNECT TO EXISTING WALKWAY
EXISTING BUILDING
TAX LOT 1900 MAP 1S 1E 3TAC DEED DOC. NO. 2012-040362
TAX LOT 90000 MAP 1S 1E 3TAC
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LU 22-141452 AD
Exhibit A.7

| | Base Point #1 Curb line | Base Point #2 (low point) | Difference | Qualifies for Steep Slope | Max Height Permitted | Highest Point (HP) of building | Street Grade Adjacent to HP | Height above Street Grade | Difference Between HP + LP | Adjustment To Standard |
|---|---|---|---|---|---|---|---|---|---|---|
| Building 1: Units 1 -4 | 450 | 419.9 | 30.1 | Yes ( +10) | 45 | 479 | 450 | 29 | 59.1 | 14.1 |
| Building 2 Units 5-8 | 461 | 423.5 | 37.5 | Yes ( +10) | 45 | 490 | 461 | 29 | 66.5 | 21.5 |
| Building 3: Units 9-10 | 466 | 434.9 | 31.1 | Yes ( +10) | 45 | 495 | 466 | 29 | 60.1 | 15.1 |
| Building 4: Units 11-12 | 470 | 443.5 | 26.5 | Yes ( +10) | 45 | 499 | 470 | 29 | 55.5 | 10.5 |

*ADJUSTMENT TO THE HEIGHT OF THE NEWLY PROPOSED 12 UNITS.*
*APPROVAL CRITERIA FOR ADJUSTMENTS*

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

33.120.215 Height.

*Comment: In the RM-1 zone maximum height is restricted to 35ft, and on steep property a maximum of 45-feet at 5-feet from the lowest foundation grade. However, the applicant realizes that the lots across the street are zoned R5. While the homes are 8-10 higher (given the sloped grade) They have a maximum elevation of 30 feet. The proposed adjustment is required because of the dramatic fall off from 13th Drive which requires an adjustment to the Height standard internal to the site. However the frontage of the buildings on 13th Drive would be held to a similar height of 30-feet.*

33.120.220 Minimum Setbacks:

*Comment: 10-feet for the front setback, 18-feet to the garage, and 5 – 14 ft for the side, and rear setbacks. No adjustment to the setbacks is being requested*

33.120.220 Maximum Setbacks:

*Comment: The existing units on Parcel 1 exceed the maximum 20-ft setback. However, these units pre-date the code requirement. Further no development is proposed on Parcel 1. All new construction is setback less than 20-feet from the front property line.*

33.120.225 Maximum Building Coverage

*Comment: MBC in the RM1 zone is 50% of the Parcel. Parcel II has three new buildings. Each has a foundation plan of 1,932 SF. There is a total coverage of 5,796 SF. Foundation coverage equals 5796 / 18295 = 32%. Including pop-outs and incorporating a 12" Roof Overhand this area increases to 2,279 SF / building or 37% of lot coverage. There are four buildings on Parcel 1 with foundation coverage of 4010 + 4019 + 4152 + 8046 SF = 20,227 SF. This equals a building coverage of 20,227 / 90995 = 22%. As such both parcels are well below the 50% maximum permitted*

33.120.230 Maximum Building Length

*Comment: MBL in the RM1 zone is 100-ft within 30-feet of a street. Each of the three sets of three units on Parcel 2 will be 84-feet in length (each unit being 28-feet in width). The three of the four buildings on Parcel 1 are all more than 30-feet from the street. The largest, and longest building on the property is within 30-feet and is 266-feet long. The construction of this unit was within code confines at the time of construction and was approved for construction by the City. No alteration to any of the existing structures is proposed.*

33.120.231 Main Entrances:

*Comment: The front door for each unit is on the main façade, and is located 5-feet from the front property line*

33.120.235 Minimum Landscaped Area.

*Comment*: *All portions of the landscaping fronting each of the new units not encompassed by the garage, or walkway will be landscaped to the L1 standards per 33.245.020 A.*

33.120.237 Trees.
*Comment*: *The preservation of the site trees has been addressed under the Land Division section of the code Section 33.630*

33.120.240 Required Outdoor Area.
*Comment*: *The applicant is identifying two 6 x 8 outdoor areas for each unit. Twice that which is required by code. It also is worth noting that the applicant by ways of increasing the quality of livability within the units taken many of the elements noted in this section and made them integral to the overall design of each home. These elements include:*

1) *The construction of all units with three bedrooms*
2) *Larger storage areas in kitchens, bedroom and entry and linen closets.*
3) *The proposed design includes additional sound insulation*
4) *The proposed exterior lighting, and visibility should help to minimize the opportunity for criminal elements.*
5) *All units have multiple decks for a larger outdoor area*
6) *Lastly the applicant is preserving significantly more trees over both parcels than is standard.*

*While none of these are required the applicant hopes that these design elements in part mitigate for any perceived negative impacts of the proposed adjustment requests*

33.120.030 Characteristics Of The Zones

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

| | |
|---|---|
| Maximum FAR (See 33.120.210) | |
| Maximum Density (See 33.120.212) | |
| Maximum Density with Affordable Housing Bonus (See 33.120.212.C | |
| Minimum Density (See 33.120.213) | |
| Base Height (See 33.120.215) | 35 ft |
| <u>Minimum Setbacks – (See 33.120.220)</u> | |
| Front building setback – | 10ft |
| Side and rear building setback. – | 5ft |
| Garage entrance setback (See 33.120.220) | 18 ft |
| Max. Building Coverage (See 33.120.225) | 50% of Site Area |
| Max. Building Length (See 33.120 230) | Yes |
| Min. Landscaped Area (See 33.120.235) | 30% of Site Are |
| Required Outdoor Areas (See 33.120.240 | Yes |

SECTION 2 - ADJUSTMENTS

33.805 Adjustments

*Comment: In a prior application the applicant had previously requested an adjustment to the lot depth, the front yard setback, and the garage setback. In response to the neighborhood successfully appealing the decision the applicant has shifted the units back so they comply with the 10-ft front yard setback, and the 18-ft garage setback from the front property line. To meet the minimum lot requirements the applicant has included them as part of the larger condominium complex. Compliance with the overall tree preservation, and open space requirements for the overall parcel are now also identified.*

*The site is steeply sloped down, and away from the street. As a consequence of moving the units back, the rear of the units is further down the slope. Because of this the applicant is unable to comply with the maximum height standard along the rear facades of new units. The applicant is therefore requesting a height adjustment.*

*In a Neighborhood Meeting this summer the applicant showed the new design responding to their concerns. In addition, the neighborhood requested an ADA ramp for a pedestrian connection across SW 13th Drive on the east side of the intersection with SW 12th Avenue. As well as the ramp proposed by the applicant on the west side of the intersection. Further the Association requested a pedestrian connection between the terminus of 13th Court and the intersection of SW 10th and Burlingame. The applicant also agreed to this request. The requested changes were made and submitted back to the Neighborhood Association. There had also been concerns noted about the impact of on-street parking. The original proposal only had room for a garage, and no 2nd parking space. By pushing back, the garage, and a second space in front of the garage the applicant has attempted to mitigate the impact of this development*

Table 612-1, Chapter 33.612 Lots in Multi-Dwellings Zones requires

1) An increase in height from the maximum permit height on the southern internal elevation of the proposed 12 units.

*Comment: It is necessary for the applicant to request a height adjustment. While the code was written to handle differences in height along street frontage, it has been interpreted to be used on all sides. So, when the street elevation is 450, and the edge of the existing driveway is an elevation of419.9, there is a 30.1-ft difference between the front and the back. of 454.9 ft just 4.9-feet above street level. The Neighborhood Association have been made aware. Given the changes the applicant made to his plans, and the additional request made by the Neighborhood Association that were agreed to by applicant The Neighborhood Association will not appeal the decision with the height adjustment.*

| | Base Pt #1 | Base Pt #2 | #1 - #2 | Max Height | Highest Point of Building | Height above BP # 1 | Difference Between HP + LP | Adjustment To Standard |
|---|---|---|---|---|---|---|---|---|
| Building 1: Units 1 -4 | 450 | 419.9 | 30.1 | 35 | 479 | 29 | 59.1 | 24.1 |
| Building 2 Units 5-8 | 461 | 423.5 | 37.5 | 35 | 490 | 29 | 66.5 | 31.5 |
| Building 3: Units 9-10 | 466 | 434.9 | 31.1 | 35 | 495 | 29 | 60.1 | 25.1 |
| Building 4: Units 11-12 | 470 | 443.5 | 26.5 | 35 | 499 | 29 | 55.5 | 20.5 |

At no point does the height of any of the buildings exceed 30-ft above grade on the street frontage.

33.805.010 Purpose

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

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

A. Eligible regulations. Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.

B. Ineligible regulations. Adjustments are prohibited for the following items:

1. To allow a primary or accessory use that is not allowed by the regulations;

2. As an exception to any restrictions on uses or development which contain the word "prohibited";

3. As an exception to a threshold for a review. An example is 33.140.100.B.3 in the Employment and Industrial Zones chapter. It states that single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;

4. As an exception to a qualifying situation for a regulation, such as zones allowed, or items being limited to new development. An example of this is 33.251.030.C, which says that manufactured dwelling parks are allowed only in the R3 and RM1 zones. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;

5. As an exception to a definition or classification. An example is a convenience store, which is defined as being under 4,000 square feet in area, requiring a package store liquor license, and being open more than 15 hours a day. An adjustment could not be granted to change the amount of square feet, the package store liquor license, or the hours a convenience store is open;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;

7. To allow an increase in density in the RF through R1 zones.

*Comment: The applicant is proposing the development of a northern portion of a legally created parcel. The development of the property fronting SW 13th Drive for single family condominium development is not ineligible for any of the seven reasons stated above. These criteria are not applicable. The adjustment to the height at the rear of the new buildings is necessary to allow the effective development of the parcel.*

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F.

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

*Comment: The proposed development parcel has adequate street frontage, and accessibility to all public improvements. The property is currently developed below its maximum capacity. The portion of hereto unused, and vacant property that has remained derelict, and overgrown would remove a blight from the community, and allow the construction of sorely needed homes. The adjustment to the height on the rear of the units is the only reasonable way to allow an effective, and livable development to occur. Without the adjustments development of this parcel is not reasonable.*

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

*Comment: The development of the 12 new homes that while higher in elevation that the existing condo units would be north of said units, and therefore not create a shading issue. From the Street the proposed homes would meet the standard height requirements of the zone. The proposal for development upon approval would allow development on a local road. The development would follow the RM1 zoning. However because the homes are situated on 13th drive adjacent to a lower density zoning..*

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

*Comment: One adjustment is being requested – to the maximum height*

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

*Comment: There are no City designated resources associated with this property.*

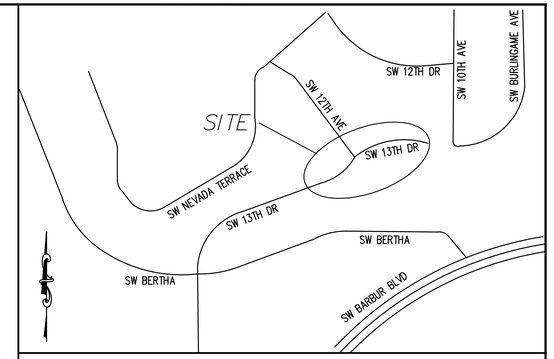
E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

*Comment: the impact from the adjustment is internal. From the street the units meet the zoning height limit in the RM-1 zone, as well as being below the 30-ft height limit of the R-7 zone (the zoning across the street). While not required the applicant has included multiple design elements in the units that if used for a density bonus would permit up to a 50% increase in density. For example: All of the units are three bedroomed; the kitchens have 67.5SF of pantry space and 36" SF of draws in the island; All bedrooms have a minimum of 16SF of closet space; The linen closest has 13.75 SF of storage; There is also 54 SF of sperate storage for large items. All party wall assembly will have an STC rating of 55 or better; the entry door and all windows will have an STC rating of 35 or better. The applicant is also providing two 48 SF decks for each unit. In addition, over 80% of the total tree count, and overall circumference is being protected, and preserved.*

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

*Comment: This parcel is not located in an Environmental Overlay.*

# FRONTAGE IMPROVEMENT PLAN
## SW 13TH DRIVE AT SW 12TH AVENUE




VICINITY MAP

NO SCALE

## SHEET INDEX:


SHEET 1 – COVER SHEET
SHEET 2 – GENERAL NOTES AND TYPICAL SECTION
SHEET 3 – S.W. 13TH DRIVE PLAN & PROFILE 0+00 TO 2+00
SHEET 4 – S.W. 13TH DRIVE PLAN & PROFILE 2+00 TO 3+73
SHEET 5 – S.W. 13TH DRIVE CONNECTION TO S.W. 10TH AVENUE
SHEET 6 – CURB RAMP DETAILS
SHEET 7 – DRIVEWAY DETAILS
SHEET 8 – DRIVEWAY DETAILS
SHEET 9 – BIKE ACCESS DETAILS
SHEET 10 – STANDARD DETAILS
SHEET 11 – STANDARD DETAILS
SHEET 12 – STANDARD DETAILS
SHEET 13 – STANDARD DETAILS
SHEET E1 – EROSION CONTROL PLAN



DEVELOPER : MAIN STREET DEVELOPMENT INC.
ERIC RYSTADT
5331 S.W. MACADAM AVE. SUITE 258
PORTLAND OR 97239
PHONE : 503-422-7707
EMAIL : ERIC@MSDPDX.COM

ENGINEER : ZTEC ENGINEERS INC.
JOHN MIDDLETON
3880 S.E. 8TH AVE. SUITE 280
PORTLAND OR 97202
PHONE : 503-235-8795
EMAIL : JOHN@ZTECENGINEERS.COM


**NOTICE TO EXCAVATORS:**

*ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-232-1987).*

*POTENTIAL UNDERGROUND FACILITY OWNERS*

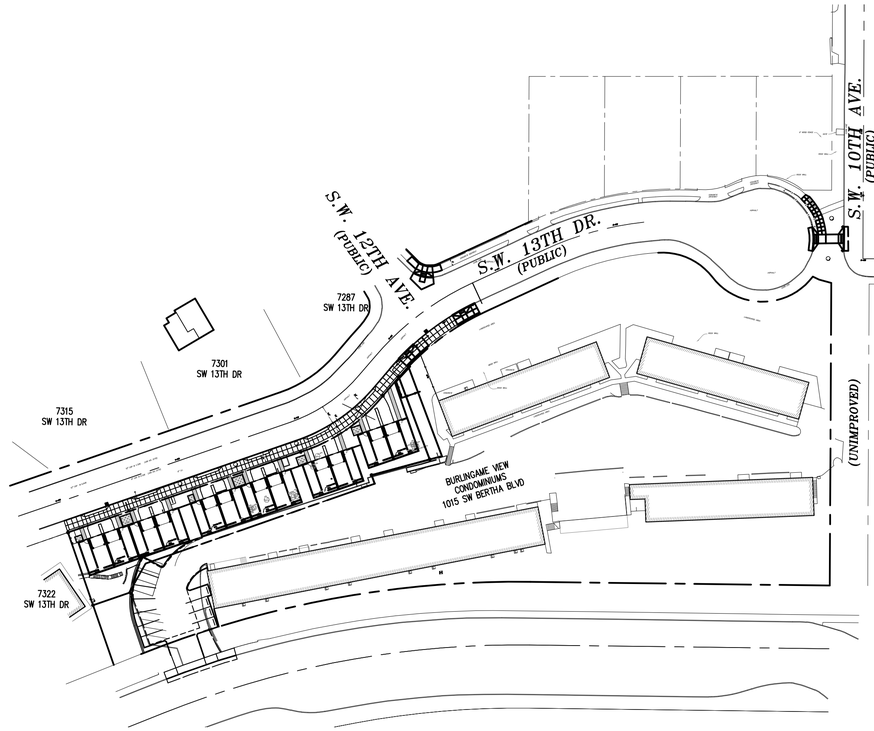
**Dig Safely.**

Call the Oregon One-Call Center

DIAL 811 or 1-800-332-2344

*EMERGENCY TELEPHONE NUMBERS*

| | |
|---|---|
| NW NATURAL GAS | |
| M-F 7am-6pm | 503-226-4211 Ext.4313 |
| AFTER HOURS | 503-226-4211 |
| PGE | 503-464-7777 |
| CENTURYLINK | 1-800-573-1311 |
| CITY BUREAU OF MAINTENANCE | 503-823-1700 |
| CITY WATER | 503-823-4874 |
| VERIZON | 1-800-483-1000 |




SITE PLAN

GRAPHIC SCALE

0 30 60 120

( IN FEET )

1 INCH = 60 FEET

## LEGEND:

| | |
|---|---|
| F/O | EXISTING FIBER OPTIC |
| XW | EXISTING WATER |
| XSD | EXISTING STORM DRAIN |
| XSS | EXISTING SEWER |
| XG | EXISTING GAS LINE |
| | EXISTING PROPERTY LINE |
| W | EXISTING WATER METER |
| S | EXISTING SEWER MANHOLE |
| | EXISTING INLET |
| | EXISTING CURB |
| | PROPOSED CURB |
| XOH | OVERHEAD POWER, TELEPHONE OR CABLE SERVICE |
| XXX | EXISTING CONTOUR |
| P | EXISTING POWER |
| x | EXISTING FENCE |
| | EXISTING CONCRETE SIDEWALK |
| | EXISTING FIRE HYDRANT |
| D | EXISTING STORM MANHOLE |
| | DIRECTION OF FLOW |
| (XXX.XX) | EXISTING GRADE ELEVATION |
| XXX.XX | PROPOSED FINISHED GRADE |
| | EXISTING UTILITY POLE |
| | EXISTING UTILITY POLE WITH COBRA HEAD STREET LIGHT |
| | SAWCUT LINE |
| | TRAFFIC/PARKING SIGN |
| | EXISTING STREET TREE |
| | PROPOSED STREET TREE |
| | PROPOSED WALK |
| | PROPOSED INLET |

## ABBREVIATIONS:

| | |
|---|---|
| G.L. | GUTTER LINE |
| G.B. | GRADE BREAK |
| T.O.B. | TOP OF BANK |
| E.P. | EDGE OF PAVEMENT |
| A.C. | ASPHALTIC CONCRETE |
| T.C. | TOP OF CURB |
| T.S. | TOP OF SIDEWALK |
| BPZ | BACK OF PEDESTRIAN ZONE |
| FPZ | FRONT OF PEDESTRIAN ZONE |
| R.O.W. | RIGHT OF WAY |

CADFILE: 16-2909-5

LU 22-141452 AD
Exhibit A.10

| NO. | DATE | DESCRIPTION | APPD. |
|---|---|---|---|
| | | | |

REVISIONS

CONSTRUCTED BY
PROJECT COMPLETED
MAP CORRECTED BY
CHECKED BY

FINAL MAP DATA

DESIGNED BY | DATE APPROVED
CAD BY | SECTION ENGR
CHECKED BY | PBOT REVIEWER

APPROVALS:

PBOT PRINCIPAL ENGINEER — REG. PROF. ENGR. 75155

PBOT CITY ENGINEER — REG. PROF. ENGR. 51538PE

PORTLAND
BUREAU OF TRANSPORTATION

JO ANN HARDESTY — COMMISSIONER

STEVE TOWNSEN, P.E. — CITY ENGINEER


ZTec ENGINEERS, INC.
3880 SE 8TH AVENUE, SUITE 280
PORTLAND, OREGON 97202
PH: 503-235-8795
FAX: 503-233-7889
EMAIL: ztec@ztecengineers.com


REGISTERED PROFESSIONAL ENGINEER 9692 OREGON JULY 14, 1978 JOHN McL. MIDDLETON

EXPIRES 12/31/2022

FRONTAGE IMPROVEMENT
S.W. 13TH DRIVE AT S.W. 12TH AVE.

COVER SHEET

PBOT JOB NO. TH0845

SHEET NO. 1 of 13

# GENERAL NOTES:

1. ERRORS AND OMISSIONS ARE THE RESPONSIBILITY OF THE "ENGINEER OF RECORD". IF ERRORS OR OMISSIONS ARE FOUND AFTER THE PERMIT HAS BEEN ISSUED, THE PERMITTEE/CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD (JOHN MIDDLETON OF ZTEC ENGINEERS AT 503-235-8795) TO HAVE THE CORRECTIONS MADE. ALL CHANGES WILL REQUIRE THE APPROVAL OF THE CITY ENGINEER PRIOR TO START OF WORK.

2. THE CONTRACTOR SHALL HAVE ON SITE AT ALL TIMES THE APPROVED CONSTRUCTION PLANS & SPECIAL SPECIFICATIONS, CITY OF PORTLAND STANDARD CONSTRUCTION SPECIFICATIONS, AND ALL OTHER APPLICABLE SPECIFICATIONS BOOKS AND MANUALS. ELECTRONIC EQUIVALENTS ARE ACCEPTABLE.

3. ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM TO THESE DRAWINGS AND THE APPLICABLE REQUIREMENTS OF THE CURRENT EDITION OF THE CITY OF PORTLAND STANDARD CONSTRUCTION SPECIFICATIONS AND ALL REVISIONS AND SPECIAL SPECIFICATIONS, IN PLACE AT THE TIME OF PLAN APPROVAL.

4. A PRECONSTRUCTION CONFERENCE WITH CITY STAFF AND AN APPROVED TEMPORARY TRAFFIC CONTROL PLAN (ISSUED IN CONJUNCTION WITH A STREET /SIDEWALK CLOSURE PERMIT) ARE REQUIRED BEFORE COMMENCING WORK. SEE PERMIT FOR SCHEDULING A PRECONSTRUCTION CONFERENCE AND ACQUISITION OF THE TTCP.

5. ELEVATIONS ARE BASED ON CITY OF PORTLAND DATUM FROM BENCH MARK NO. 1601 ELEVATION = 427.621, LOCATED AT NW CORNER OF SW 12TH AVE AND SW 13TH DR..

6. EXISTING UTILITIES AND SITE FEATURES SHOWN ON THESE PLANS ARE BASED ON A SURVEY BY CENTERLINE CONCEPTS LAND SURVEYING, INC. UTILITIES WERE LOCATED ON 1-12-2018.

7. THE CONTRACTOR SHALL REESTABLISH ANY SURVEY MONUMENTS DAMAGED OR DESTROYED DURING CONSTRUCTION. SURVEY MONUMENTS SHALL BE REESTABLISHED BY A LICENSED LAND SURVEYOR AT THE CONTRACTORS EXPENSE.

**UNANTICIPATED CONTAMINATED MATERIAL**

8. REMOVE AND DISPOSE (AT A PROPER LOCATION OR LANDFILL) ALL MATERIALS EXCAVATED FROM WORK IN THE RIGHT-OF-WAY. FOR DISPOSAL ON PRIVATE PROPERTY, SECURE A FILL PERMIT PRIOR TO BEGINNING WORK FROM THE BUREAU OF DEVELOPMENT SERVICES (BDS). PROVIDE A COPY OF THE APPROVED FILL PERMIT TO THE STREET CONSTRUCTION INSPECTOR.

   FOR UNANTICIPATED CONTAMINATED MEDIA ENCOUNTERED, THE PERMITTEE/CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE MANAGEMENT AND DISPOSAL OF CONTAMINATED MEDIA ENCOUNTERED AND IS ALSO RESPONSIBLE FOR ALL RESULTANT DELAYS. CONTACT INSPECTOR AND REFER TO ALL APPLICABLE SPECIFICATIONS AND AS AMENDED BY SPECIAL PROVISIONS.

   THE PERMITTEE/CONTRACTOR SHALL PROVIDE THE CITY (CONSTRUCTION ENGINEERING AND INSPECTION) WITH COPIES OF ALL DISPOSAL PERMITS FROM THE PERMITTED DISPOSAL FACILITY, ANALYTICAL RESULTS USED TO GAIN ACCEPTANCE OF THE CONTAMINATED MEDIA, AND DISPOSAL RECEIPTS/DAILY WEIGH SLIPS. DAILY WEIGH SLIP AMOUNTS SHALL BE CHECKED AGAINST INSPECTOR'S DAILY REPORTS. THE PERMITTEE MUST USE AN OREGON FACILITY FOR DISPOSAL OF THE CONTAMINATED MEDIA.

**UTILITIES**

9. UTILITIES SHOWN ON THESE PLANS ARE FOR INFORMATION AND COORDINATION PURPOSES ONLY AND ARE NOT AUTHORIZED FOR INSTALLATION UNDER THE PUBLIC STREET IMPROVEMENT PERMIT. PRIVATE AND PUBLIC UTILITY COMPANIES ARE REQUIRED TO SECURE SEPARATE UTILITY PERMITS FROM PBOT FOR ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY.

**STREET PAVEMENT**

10. ALL MANHOLE LIDS, VALVE BOXES OR OTHER LIDS SHALL BE ADJUSTED TO FINISHED STREET GRADE.

11. EXISTING ASPHALT CONCRETE PAVEMENT SECTION SHALL BE RESTORED PER CITY STD. DWG. P-505 AND/OR P-518. THE STREET INSPECTOR WILL MAKE THE FINAL DETERMINATION OF THE LIMITS OF PAVEMENT RESTORATION, INCLUDING SAWCUT LINES. THE PERMITTEE/CONTRACTOR SHALL CONSULT WITH THE STREET INSPECTOR PRIOR TO SAWCUTTING OR DEMOLISHING OF PAVEMENT.

**CURBS, SIDEWALKS, AND DRIVEWAYS**

12. ALL DRIVEWAYS ARE REQUIRED TO HAVE A MINIMUM OF 3 FEET OF HARD SURFACING BEHIND SIDEWALK (SEE STD. DWG. P-536).

**TRAFFIC AND PARKING CONTROL**

13. THE CONTRACTOR MUST ACQUIRE AN APPROVED TEMPORARY STREET USE PERMIT (TSUP) PRIOR TO CLOSURE OF ANY STREET, SIDEWALK, TRAVEL LANE OR PARKING LANE. THE TSUP IS ACQUIRED FROM THE PERMIT CENTER LOCATED AT 1900 SW 4TH AVENUE, OR ONLINE AT WWW.TSUP.INFO .

14. THE CONTRACTOR SHALL NOT REMOVE OR COVER ANY TRAFFIC CONTROL SIGNS, PAVEMENT MARKINGS, OR BARRICADES THAT ARE NOT IDENTIFIED ON THE APPROVED TEMPORARY TRAFFIC CONTROL PLAN.

15. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY TEMPORARY TRAFFIC CONTROL DEVICES (INCLUDING BUT NOT LIMITED TO THE FOLLOWING – SIGNS, PAVEMENT MARKINGS, AND BARRICADES) UNTIL THE PERMANENT TRAFFIC CONTROL DEVICES ARE INSTALLED.

16. WHEN WORK INTERFERES WITH THE OPERATION OF A TRIMET BUS OR BUS STOP, CONTACT TRIMET AT 503-962-4949 A MINIMUM OF 14 DAYS PRIOR TO CLOSING OR DISRUPTING TRIMET'S OPERATION.

17. THE CONTRACTOR SHALL INSTALL OR REINSTALL ALL PERMANENT TRAFFIC CONTROL SIGNING, CURB AND PAVEMENT MARKINGS, AND BARRICADES.

18. THE CONTRACTOR SHALL SUBMIT MATERIALS LIST FOR APPROVAL 14 DAYS PRIOR TO INSTALLING PERMANENT TRAFFIC CONTROL SIGNING, CURB AND PAVEMENT MARKINGS, AND BARRICADES.

19. ALL NEW SIGN MATERIALS SHALL COMPLY WITH SECTION 2910 OF THE CITY OF PORTLAND STANDARD CONSTRUCTION SPECIFICATIONS. ALL SIGNS SHALL BE ON ALUMINUM SIGN BLANKS. SIGN TYPES FOR EACH SIGN, AS SPECIFIED IN SECTION 2910.02, ARE NOTED IN THE PLANS.

20. SIGNS AND SIGN POSTS REMOVED BY THE PERMITTEE OR ITS AGENT THAT WILL NOT BE RE-INSTALLED SHALL BE PROPERLY DISPOSED OF BY THE CONTRACTOR.

21. ALL CURB AND PAVEMENT MARKING MATERIALS SHALL BE ON THE CITY'S CONSTRUCTION PRODUCTS LIST (CPL) OR THE STATE'S QUALIFIED PRODUCTS LIST (QPL). ALL MATERIALS SHALL BE INSTALLED IN CONFORMANCE WITH THE MANUFACTURER'S APPROVED APPLICATION PROCEDURE.

22. ALL LONGITUDINAL LINE WORK TO BE METHOD B (NON-PROFILE) EXTRUDED THERMOPLASTIC, 120 MILS THICK.

23. ALL TRANSVERSE LINE WORK, LEGENDS, SYMBOLS, AND ARROWS SHALL BE TYPE "B-HS" PREFORMED THERMOPLASTIC. BIKE LANE STENCILS, GREEN BICYCLE LANE MARKINGS, AND BIKE PATH RAILROAD MARKINGS SHALL BE 90 MILS THICK. ALL OTHER TRANSVERSE PAVEMENT MARKINGS SHALL BE 120-125 MILS THICK.

24. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY CURB OR PAVEMENT MARKINGS DAMAGED, WORN OUT OR REMOVED DUE TO CONTRACTOR'S OPERATION.

25. OUTSIDE METERED DISTRICTS: PARKING CONTROL SIGNING WILL BE INSTALLED BY THE CONTRACTOR. CONTACT PARKING CONTROL AT 503-823-7275 14 DAYS PRIOR TO INSTALLATION TO IDENTIFY EXACT SIGN LOCATIONS.

**TREES**

26. ALL TREE REMOVAL SHALL COMPLY WITH THE FEDERAL MIGRATORY BIRD TREATY ACT. SEE THE SPECIAL PROVISIONS FOR REQUIREMENTS PRIOR TO CUTTING OF ANY TREE.

27. ADDITIONAL INSPECTION REQUIRED PRIOR TO CUTTING STREET TREE ROOTS. APPLY FOR A ROOT PRUNING PERMIT FROM URBAN FORESTRY (HTTPS://DEVHUB.PORTLANDOREGON.GOV) ONCE ROOTS ARE EXPOSED. CONSULTATION WITH THE URBAN FORESTER IS REQUIRED BEFORE CUTTING OF ROOTS.

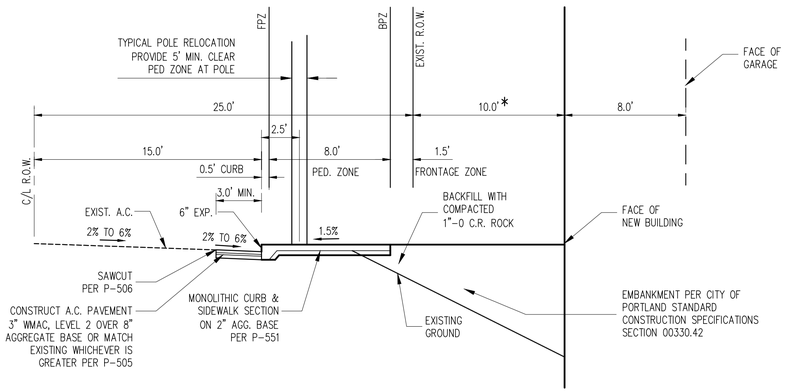
27. FOR ALTERNATE TREE SPECIES OR ALTERNATE TREE PLANTING LOCATION APPROVAL (PRIOR TO PLANTING), CONTACT URBAN FORESTRY AT 503-823-8733; TO LEAVE A MESSAGE FOR THE TREE INSPECTOR PRESS 5.

28. STREET TREES NOT APPROVED FOR REMOVAL THROUGH THIS PERMIT MUST BE PRESERVED AND PROTECTED. DO NOT DAMAGE THE TRUNK, BRANCHES, OR ROOTS. DO NOT STORE MATERIALS OR DRIVE EQUIPMENT WITHIN THE TREE'S ROOTING AREA.

**STORMWATER NARRATIVE:**

PUBLIC STREET: PUBLIC STORMWATER REQUIREMENTS MITIGATED BY ADDITION OF STREET TREES FOR IMPERVIOUS AREA REDUCTION. PUBLIC STORMWATER IS DISPOSED IS DISPOSED OF IN EXISTING PUBLIC STORM SEWER LOCATED IN SW 13TH DR.

PRIVATE LOT: STORMWATER TREATED AND DETAINED IN FLOW THROUGH PLANTERS WITH OVERFLOW TO PUBLIC STORM SEWER.




## TYPICAL SECTION – S.W. 13TH DRIVE

0+00 TO 3+62.5 SCALE: 1"=5' H&V

* 10' R.O.W. TO FACE OF BUILDING UNIT 1 TO 8.
  10' TO 28' R.O.W. TO FACE OF BUILDING UNITS 9 TO 12
  SEE SHEET 3 & 4

NOTES: 6" THICK SIDEWALK SECTION AT DRIVEWAYS

## SIGN & SUPPORT DATA TABLE

| SIGN NO. (N) | QTY. USED | SIGN DIMENSION | | SIGN CODE | | SIGN TYPE | TYPE OF SUPPORT | | | | | | | FOOTING TYPE | | SIGN LEGEND / OTHER REMARKS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | MOUNT | | | | | | | | | |
| | | WIDTH (IN) | HEIGHT (IN) | PBOT | MUTCD | (PER SEC. 2910.02 COP STD. SPECS.) | SINGLE PIPE POST | EXISTING PIPE POST | UTILITY POLE | LIGHT POLE | SIGNAL POLE | MODIFIED BIKE RACK | CANTILEVER | BREAKAWAY DOME ASSEMBLY | BREAKAWAY ANCHOR ASSEMBLY | |
| 1 | 0 | VAR | 6 | G5500 | | EXIST | | X | | | | | | | | "SW 13TH DR" |
| 2 | 0 | VAR | 6 | G5500 | | EXIST | | X | | | | | | | | "SW 12TH AV" |
| 3 | 0 | 24 | 24 | W3700 | W14-1 | EXIST | | X | | | | | | | | "DEAD END" |
| 4 | 1 | VAR | 8 | G5501 | | G | X | | | | | | | | X | "SW 13th Dr" |
| 5 | 1 | VAR | 8 | G5501 | | G | X | | | | | | | | X | "SW 12th Av" |
| 6 | 1 | 24 | 24 | W3700 | | W1 | X | | | | | | | | X | "DEAD END" |
| 7 | 1 | 12 | 18 | P1000L | | W1 | X | | | | | | | | X | NO PARKING (LEFT ARROW) |
| 8 | 1 | 12 | 18 | P1000R | | W1 | X | | | | | | | | X | NO PARKING (RIGHT ARROW) |
| 9 | | | | | | | | | | | | | | | | |

LU 22-141452 AD
Exhibit A.10

CADFILE: 16-2909-5

| NO. | DATE | DESCRIPTION | APPD. |
|---|---|---|---|
| | | | |

REVISIONS

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PROJECT COMPLETED _____
MAP CORRECTED BY _____
CHECKED BY _____

FINAL MAP DATA

DESIGNED BY | DATE APPROVED
CAD BY | SECTION ENGR
CHECKED BY | PBOT REVIEWER

APPROVALS:

PBOT PRINCIPAL ENGINEER REG. PROF. ENGR. 75155

PBOT CITY ENGINEER REG. PROF. ENGR. 51538PE

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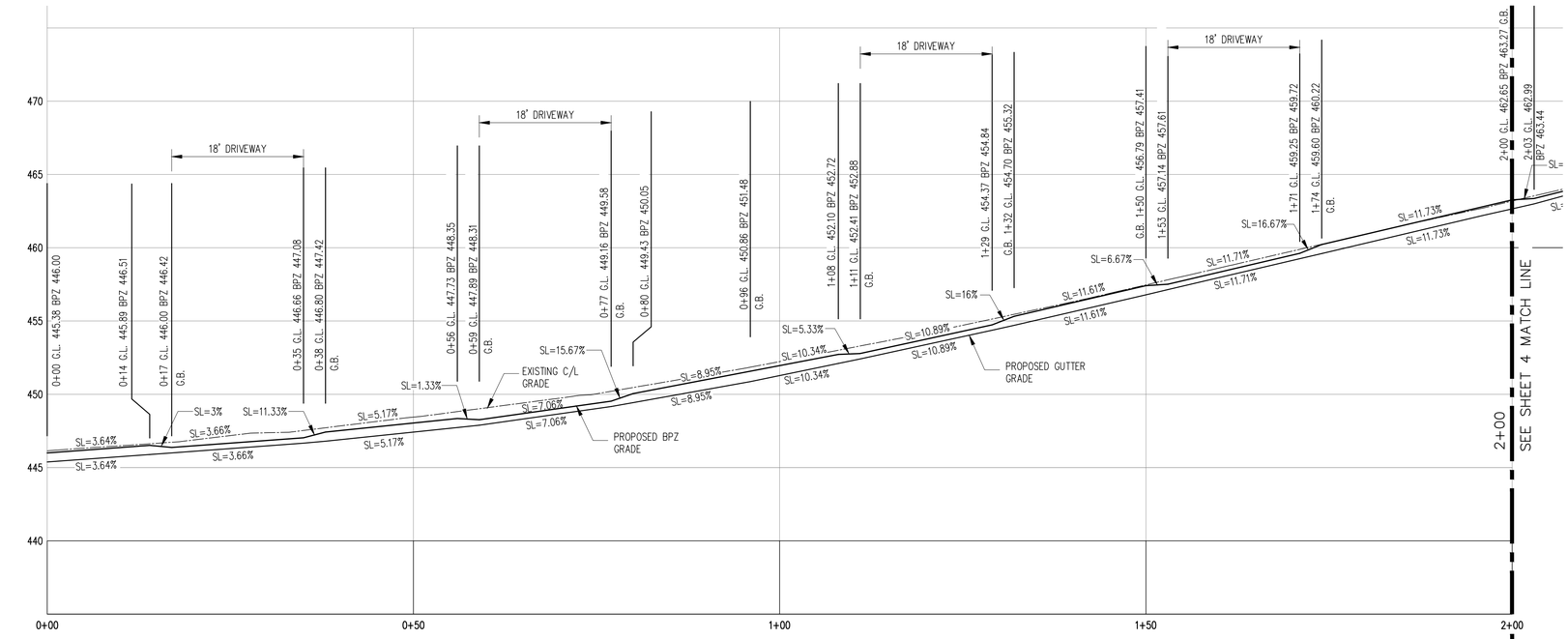
EXPIRES 12/31/2022

FRONTAGE IMPROVEMENT
S.W. 13TH DRIVE AT S.W. 12TH AVE.

GENERAL NOTES AND
TYPICAL SECTION

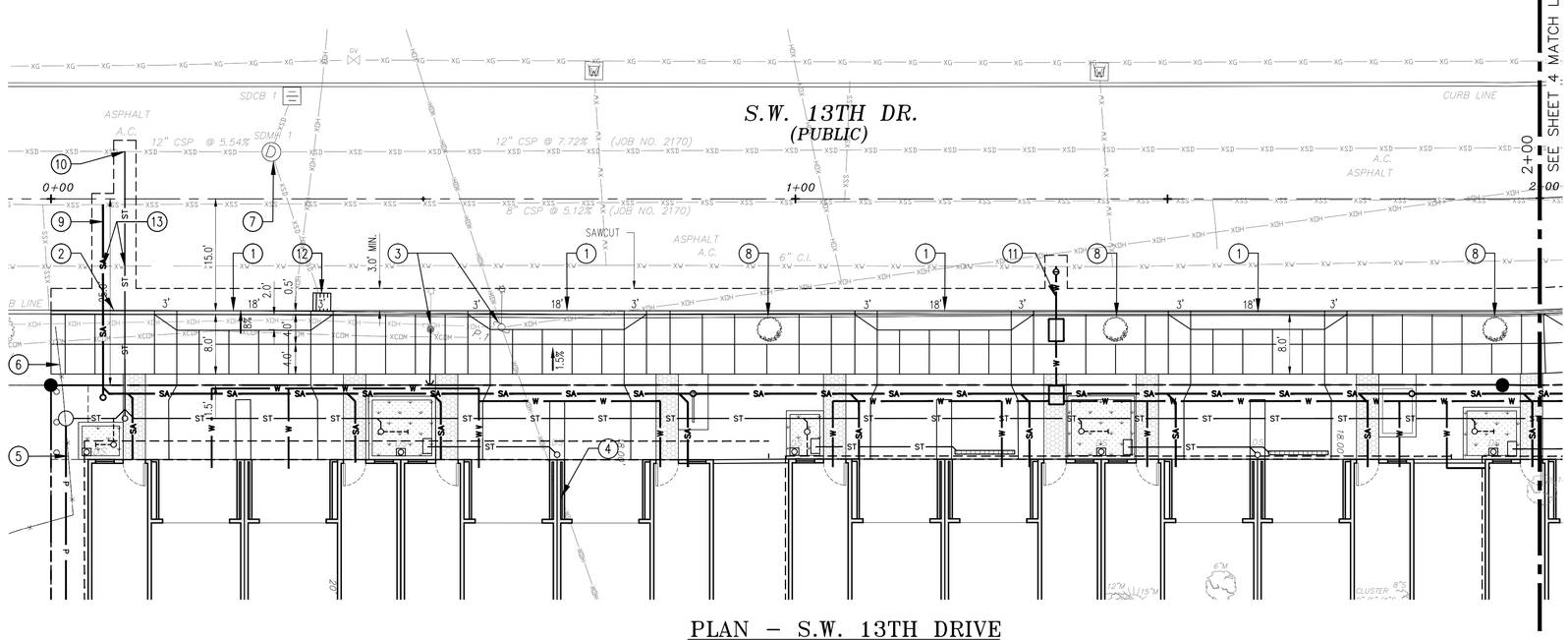
PBOT JOB NO. TH0845

SHEET NO. 2 of 13




## P R O F I L E

SCALE: 1"=10' H, 1"=5' V




## PLAN – S.W. 13TH DRIVE

SCALE: 1"=10'

## 18' WIDE DRIVEWAY TABLE

| C/L STATION | OFFSET |
|---|---|
| 0+26 | 15' RT |
| 0+68 | 15' RT |
| 1+20 | 15' RT |
| 1+62 | 15' RT |

SEE SHEET 7 FOR DRIVEWAY ELEVATIONS

1. INSTALL 18' WIDE DRIVEWAY PER P-532 MODIFIED WITH 3' WINGS. SEE DRIVEWAY TABLE SHEET 7
2. 0+00 TO 2+00, 15' RT. REMOVE EXISTING CURB REPLACE WITH MONOLITHIC CURB & SIDEWALK PER P-551
3. REMOVE EXISTING POLE AND INSTALL NEW POLE AT 0+51, 17.5' RT WITH PEDESTRIAN FRIENDLY ANCHOR. EXIST POLE PGE MAP D11 21A POLE NO. 329. SEE PGE PLAN. PGE JOB NO. M2828551 TRANSFER EXISTING STREET LIGHT TO NEW POLE AND RECONNECT TO POWER
4. OVERHEAD UTILITIES TO BE RELOCATED CLEAR OF BUILDING. COORDINATE WITH PROVIDER.
5. RELOCATE FENCE TO LOT LINE.
6. REMOVE EXISTING FENCE WITHIN RIGHT OF WAY
7. EXIST. STORM M.H. ACS 539
   RIM 447.5
   10" I.E. IN (N) 443.0
   12" I.E. IN (SE) 443.0
   12" I.E. IN (E) 440.8
   12" I.E. OUT (W) 440.6
8. 0+96.5, 1+43, 1+94, 17.5' RT
   INSTALL 1 1/2" MIN.
   CALIPER STREET TREE IN 4 X 8 SIDEWALK CUT OUT PER P-581 SARATOGA GINKGO BILOBA
9. 0+07 PROPOSED SEWER LATERAL UNDER SEPARATE BES PERMIT
   SEE SITE DEVELOPMENT PLANS
   EXISTING 8" I.E. 438.48
   6" I.E. 438.8
10. PROPOSED STORM SEWER LATERAL UNDER SEPARATE BES PERMIT
    SEE SITE DEVELOPMENT PLANS
    EXISTING 12" I.E. 439.49
    6" I.E. 440.0
11. INSTALL 2" WATER SERVICE BY PORTLAND WATER BUREAU UNDER SEPARATE PERMIT. CONTRACTOR TO CONNECT TO SHORT STUB OUT ON THE BACK SIDE OF NEW WATER METER BOX.
12. EXISTING C.B.
    RIM 446.7
    10" I.E. 444.3
    REPLACE WITH TYPE CG-2 WITH NO SUMP PER ODOT RD-366 DETAIL B
13. A UTILITY PROTECTION PLAN IS REQUIRED TO BE SUBMITTED TO PWB INSPECTION FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION. (503-823-4518, Roy.Martinez@portlandoregon.gov AND WBUPP@portlandoregon.gov)." SEE PWB GUIDELINES FOR UTILITY PROTECTION AT https://www.portlandoregon.gov/water/article/415225 FOR DETAILS.
    6" STORM I.E. 440.3 AT CROSSING A.C. 446.2
    6" SAN I.E. 439.0 AT CROSSING

## NOTE:

G.L. – GUTTER LINE
T.C. – TOP OF CURB
BPZ – BACK OF PEDESTRIAN ZONE

GRAPHIC SCALE
0 5 10 20
( IN FEET )
1 INCH = 10 FEET



LU 22-141452 AD
Exhibit A.10

CADFILE: 16-2909-5

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APPROVALS:

PBOT PRINCIPAL ENGINEER REG. PROF. ENGR. 75155

PBOT CITY ENGINEER REG. PROF. ENGR. 51538PE

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REGISTERED PROFESSIONAL ENGINEER 9692 OREGON JULY 14, 1978 JOHN McL. MIDDLETON

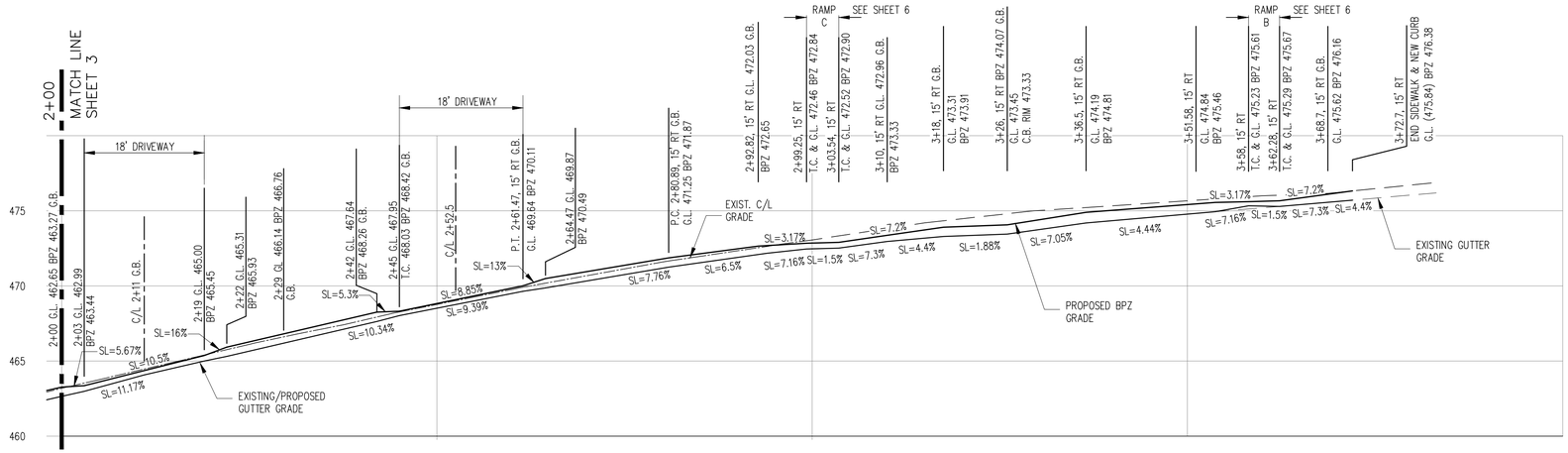
EXPIRES 12/31/2022

FRONTAGE IMPROVEMENT
S.W. 13TH DRIVE AT S.W. 12TH AVE.

SW 13TH DR. PLAN & PROFILE
0+00 TO 2+00

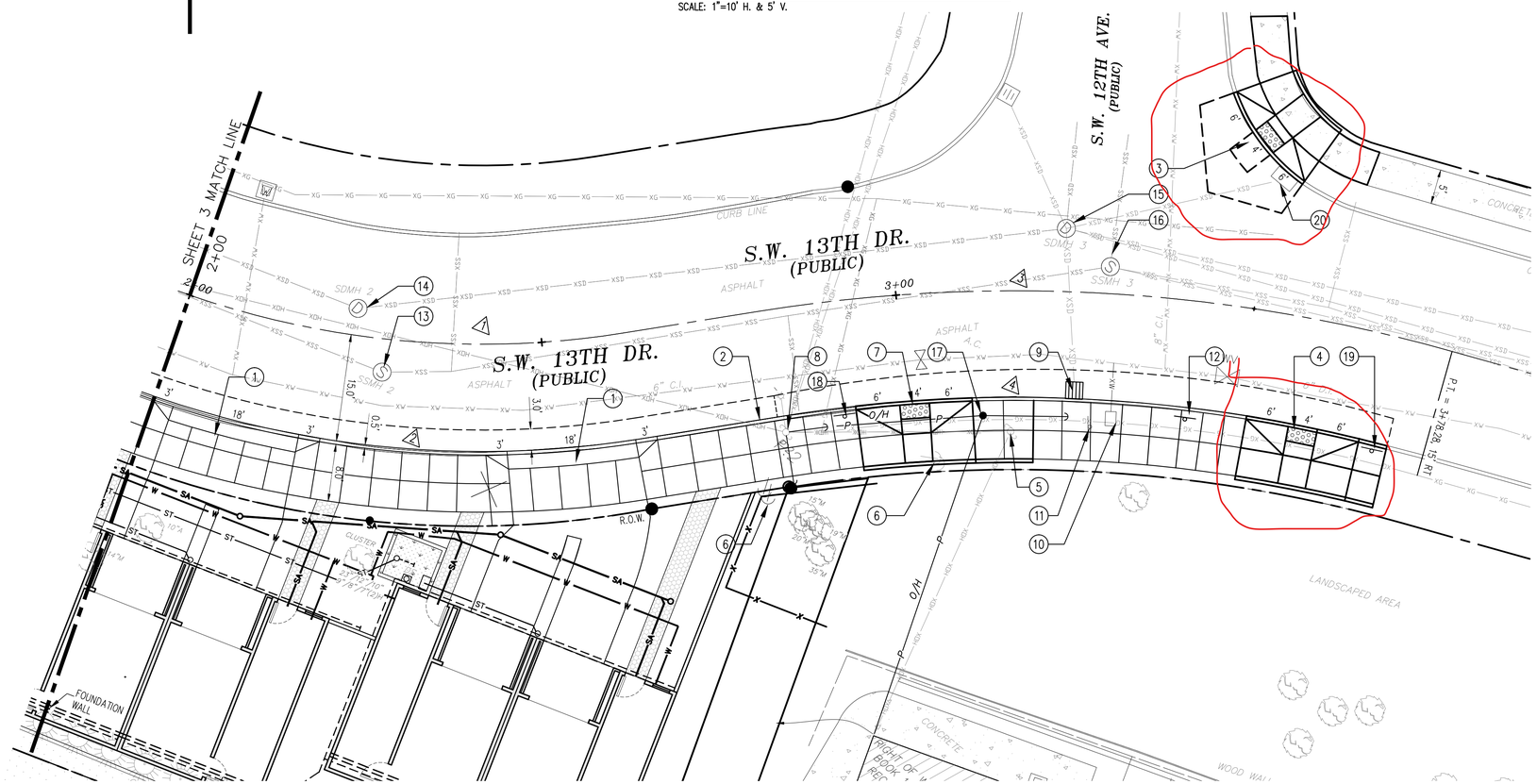
PBOT JOB NO. TH0845

SHEET NO. 3 of 13




## PROFILE – S.W. 13TH DRIVE

SCALE: 1"=10' H. & 5' V.




## PLAN – S.W. 13TH DRIVE

SCALE: 1"=10'

## 18' WIDE DRIVEWAY TABLE

| C/L STATION | G. L. EL. |
|---|---|
| 2+11 | 15' RT |
| 2+52.5 | 15' RT |

SEE SHEET 8 FOR DRIVEWAY ELEVATIONS

△1 C/L RADIUS = 125.00'
△ = 30°28'03"
ARC = 66.47'

△2 FACE OF CURB RADIUS = 140.00'
△ = 30°28'03"
ARC = 74.45'

△3 C/L RADIUS = 225.00'
△ = 24°47'56"
ARC = 97.39'

△4 FACE OF CURB RADIUS = 210.00'
△ = 24°47'56"
ARC = 90.89'

## NOTE:

G.L. – GUTTER LINE
T.C. – TOP OF CURB
B.W. – BACK OF WALK

GRAPHIC SCALE
0 5 10 20
( IN FEET )
1 INCH = 10 FEET

1. INSTALL 18' WIDE DRIVEWAY WITH 3' WINGS PER P-532. SEE DRIVEWAY DETAIL SHEET 6
2. 2+00 TO 3+69
REMOVE EXISTING CURB REPLACE WITH MONOLITHIC CURB & SIDEWALK PER P-551 WITH 6" CURB EXPOSURE
3. 3+48.5, 22' LT
INSTALL NEW CURB RAMP PER P-548
SEE DETAIL RAMP A ON SHEET 6
4. 3+60.14, 15' RT
INSTALL NEW CURB RAMP AT END OF NEW SIDEWALK PER P-547
SEE DETAIL RAMP B ON SHEET 6
5. 3+16.5, 19.75' RT
REMOVE UTILITY POLE. COORDINATE WITH POLE OWNER PGE MAP NO. D11 21A POLE NO.7.
SEE PGE PLAN JOB NO. M2828551
6. REMOVE POLE GUY ANCHORS. SEE PGE PLAN JOB NO. M2828551
7. 3+01.4, 15'RT INSTALL NEW MID-BLOCK RAMP PER P-547.
SEE DETAIL RAMP C ON SHEET 6
8. 2+81.5', 17.5' RT
EXISTING UTILITY POLE TO REMAIN
REPLACE POLE ANCHORS WITH PEDESTRIAN FRIENDLY ANCHOR CO-ORDINATE WITH POLE OWNER PGE MAP NO. D11 21A POLE NO.331
SEE PGE PLAN JOB NO. M2828551
9. 3+26, 15' RT
EXISTING C.B.
RIM 473.39
REPLACE WITH TYPE CG-2 WITH NO SUMP PER ODOT RD-366 MODIFIED
10. 3+31.5', 17' RT
PROTECT METER. CONTRACTOR TO RESET VAULT LID TO GRADE AS NECESSARY CONTACT PORTLAND WATER BUREAU IF A NEW SMALL METER BOX IS NECESSARY. 503-823-1533
LOCATION PERMITTED SEE DESIGN EXCEPTION 22-107731TR
11. 3+78, 18.5' RT
REMOVE AND DISCARD SIGNS 1, 2 & 3 AND PIPE POST. SEE SIGN DATA TABLE ON SHEET 2.
12. 3+42, 17' RT
INSTALL NEW SIGNS 4, 5 AND 6 ON PIPE POST SIGN MOUNT WITH BREAK AWAY DOME SIGN SUPPORT. SEE SIGN DATA TABLE ON SHEET 2.
13. EXIST. SAN. M.H. ACS 540
14. EXIST. STORM M.H. ACS 541
15. EXISTING STORM M.H. ACS 542
16. EXISTING SAN. M.H. ACS 543
17. INSTALL NEW POLE AND ANCHORS PER PGE PLAN JOB NO. M2828551
18. INSTALL SIGN 7 ON POST WITH BREAK AWAY ANCHOR. SEE SIGN DATA TABLE ON SHEET 2
19. INSTALL SIGN 8 ON POST WITH BREAK AWAY ANCHOR. SEE SIGN DATA TABLE ON SHEET 2
20. REMOVE EXISTING INLET AND REPLACE WITH G-2 INLET

LU 22-141452 AD
Exhibit A.10

CADFILE: 16-2909-5

| NO. | DATE | DESCRIPTION | APPD. |
|---|---|---|---|
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APPROVALS:

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PBOT CITY ENGINEER REG. PROF. ENGR. 51538PE

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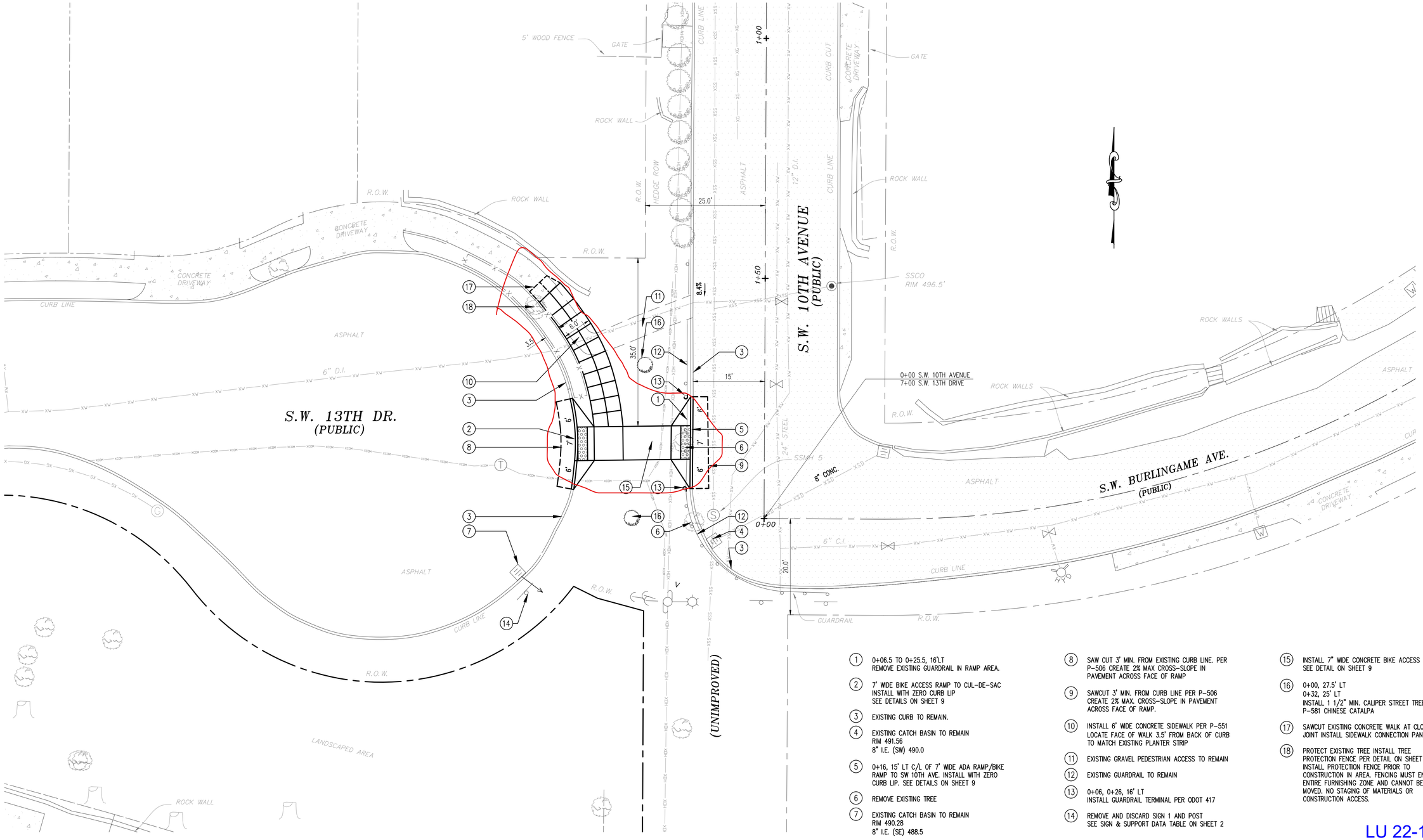
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REGISTERED PROFESSIONAL ENGINEER 9692 OREGON JULY 14, 1978 JOHN McL. MIDDLETON
EXPIRES 12/31/2022

# FRONTAGE IMPROVEMENT S.W. 13TH DR. AT S.W. 12TH AVE.

S.W. 13TH DR. PLAN & PROFILE 2+00 TO 3+73

PBOT JOB NO. TH0845
SHEET NO. 4 of 13




1. 0+06.5 TO 0+25.5, 16'LT
   REMOVE EXISTING GUARDRAIL IN RAMP AREA.
2. 7' WIDE BIKE ACCESS RAMP TO CUL-DE-SAC
   INSTALL WITH ZERO CURB LIP
   SEE DETAILS ON SHEET 9
3. EXISTING CURB TO REMAIN.
4. EXISTING CATCH BASIN TO REMAIN
   RIM 491.56
   8" I.E. (SW) 490.0
5. 0+16, 15' LT C/L OF 7' WIDE ADA RAMP/BIKE RAMP TO SW 10TH AVE. INSTALL WITH ZERO CURB LIP. SEE DETAILS ON SHEET 9
6. REMOVE EXISTING TREE
7. EXISTING CATCH BASIN TO REMAIN
   RIM 490.28
   8" I.E. (SE) 488.5
8. SAW CUT 3' MIN. FROM EXISTING CURB LINE. PER P-506 CREATE 2% MAX CROSS-SLOPE IN PAVEMENT ACROSS FACE OF RAMP
9. SAWCUT 3' MIN. FROM CURB LINE PER P-506 CREATE 2% MAX. CROSS-SLOPE IN PAVEMENT ACROSS FACE OF RAMP.
10. INSTALL 6' WIDE CONCRETE SIDEWALK PER P-551 LOCATE FACE OF WALK 3.5' FROM BACK OF CURB TO MATCH EXISTING PLANTER STRIP
11. EXISTING GRAVEL PEDESTRIAN ACCESS TO REMAIN
12. EXISTING GUARDRAIL TO REMAIN
13. 0+06, 0+26, 16' LT
    INSTALL GUARDRAIL TERMINAL PER ODOT 417
14. REMOVE AND DISCARD SIGN 1 AND POST
    SEE SIGN & SUPPORT DATA TABLE ON SHEET 2
15. INSTALL 7" WIDE CONCRETE BIKE ACCESS RAMP.
    SEE DETAIL ON SHEET 9
16. 0+00, 27.5' LT
    0+32, 25' LT
    INSTALL 1 1/2" MIN. CALIPER STREET TREE PER P-581 CHINESE CATALPA
17. SAWCUT EXISTING CONCRETE WALK AT CLOSEST JOINT INSTALL SIDEWALK CONNECTION PANEL
18. PROTECT EXISTING TREE INSTALL TREE PROTECTION FENCE PER DETAIL ON SHEET 13. INSTALL PROTECTION FENCE PRIOR TO CONSTRUCTION IN AREA. FENCING MUST ENCLOSE ENTIRE FURNISHING ZONE AND CANNOT BE MOVED. NO STAGING OF MATERIALS OR CONSTRUCTION ACCESS.

LU 22-141452 AD
Exhibit A.10

CADFILE: 16-2909-5

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| | | | |

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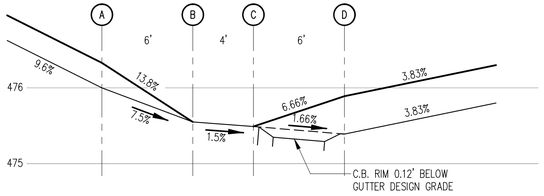
REGISTERED PROFESSIONAL ENGINEER
9692
OREGON
JULY 14, 1978
JOHN McL. MIDDLETON
EXPIRES 12/31/2022

# FRONTAGE IMPROVEMENT
# S.W. 13TH DRIVE AT S.W. 12TH AVE.

S.W. 13TH DR.
CONNECTION TO S.W. 10TH AVE.

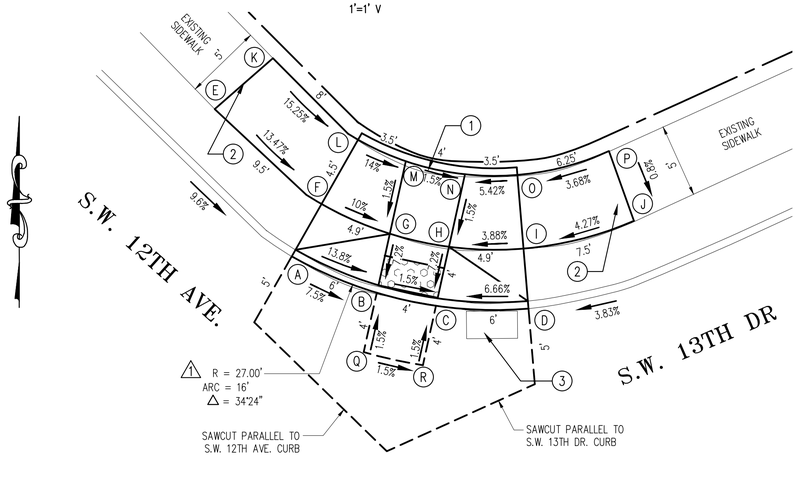
PBOT JOB NO. TH0845

SHEET NO. 5 of 13




## CURB RAMP PROFILE

1"=5' H
1'=1' V

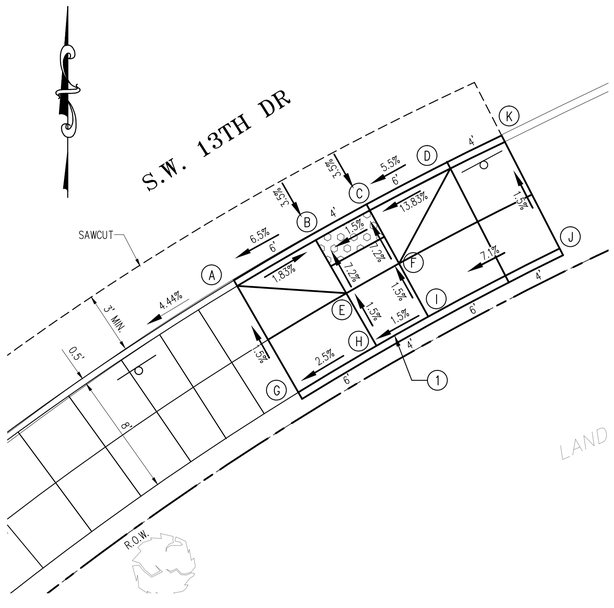



## PLAN – RAMP A

SCALE: 1"=5'

| | | G.L. EL. | T.C. EL. | T.S. EL. | A.C. EL. |
|---|---|---|---|---|---|
| A | | (476.00) | (476.33) | | |
| B | | 475.55 | 475.55 | | |
| C | | 475.49 | 475.49 | | |
| D | | (475.39) | (475.89) | | |
| E | | | | (477.61) | |
| F | | | | 476.33 | |
| G | | | | 475.84 | |
| H | | | | 475.78 | |
| I | | | | 475.97 | |
| J | | | | (476.23) | |
| K | | | | (477.62) | |
| L | | | 476.40 | 476.40 | |
| M | | | 476.41 | 475.91 | |
| N | | | 476.35 | 475.85 | |
| O | | | 476.35 | 476.04 | |
| P | | | | (476.27) | |
| Q | | | | | 475.61 |
| R | | | | | 475.55 |

1. INSTALL CURB BEHIND RAMP
2. SAWCUT AT CLOSEST JOINT & MATCH EXISTING GRADE
3. EXISTING CATCH BASIN TO BE REPLACED WITH G-2 INLET.



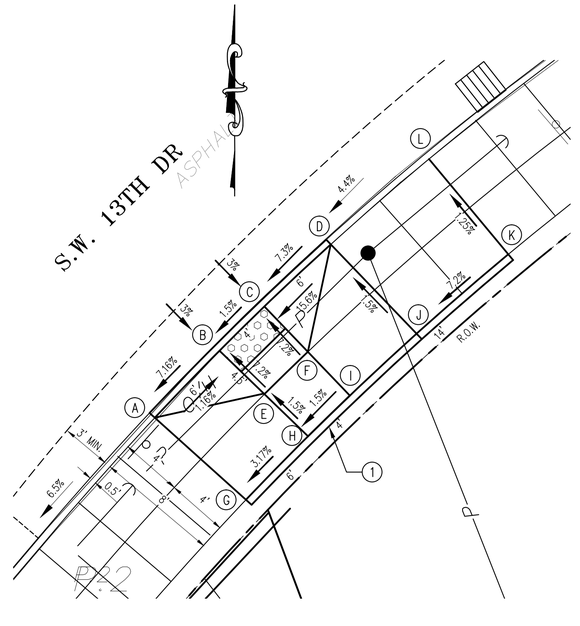

## PLAN – RAMP B

SCALE: 1"=5'

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 3+51.58, 15'RT | 474.84 | 475.34 | |
| B | 3+58, 15'RT | 475.23 | 475.23 | |
| C | 3+62.28, 15'RT | 475.29 | 475.29 | |
| D | 3+68.7, 15'RT | 475.62 | 476.12 | |
| E | 3+58, 19.5'RT | | | 475.55 |
| F | 3+62.28, 19.5'RT | | | 475.61 |
| G | 3+51.58, 23.5'RT | | 475.46 | 475.46 |
| H | 3+58, 23.5'RT | | 475.94 | 475.61 |
| I | 3+62.28, 23.5'RT | | 476.00 | 475.67 |
| J | 3+72.7, 23.5'RT | | 476.38 | 476.38 |
| K | 3+72.7, 15'RT | (475.84) | (476.26) | |

1. INSTALL CURB BEHIND RAMP

G.L. GUTTER LINE
T.C. TOP OF CURB
T.S. TOP OF SIDEWALK
(XXX.XX) EXISTING ELEVATION




## PLAN – RAMP C

SCALE: 1"=5'

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 2+92.82, 15'RT | 472.03 | 472.53 | |
| B | 2+99.25, 15'RT | 472.46 | 472.46 | |
| C | 3+03.54, 15'RT | 472.52 | 472.52 | |
| D | 3+10, 15'RT | 472.96 | 473.46 | |
| E | 2+99.25, 19.5'RT | | | 472.78 |
| F | 3+03.54, 19.5'RT | | | 472.84 |
| G | 2+92.82, 23.5'RT | | 472.65 | 472.65 |
| H | 2+99.25, 23.5'RT | | 473.17 | 472.84 |
| I | 3+03.54, 23.5'RT | | 473.23 | 472.90 |
| J | 3+10, 23.5'RT | | 473.66 | 473.33 |
| K | 3+18, 23.5'RT | | 473.91 | 473.91 |
| L | 3+18, 15'RT | 473.31 | 473.81 | |

1. INSTALL CURB BEHIND RAMP

LU 22-141452 AD
Exhibit A.10

CADFILE: 16-2909-5

| NO. | DATE | DESCRIPTION | APPD. |
|---|---|---|---|
| | | | |

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MAP CORRECTED BY
CHECKED BY

FINAL MAP DATA

DESIGNED BY | DATE APPROVED
CAD BY | SECTION ENGR
CHECKED BY | PBOT REVIEWER

APPROVALS:

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PBOT CITY ENGINEER — REG. PROF. ENGR. 51538PE

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BUREAU OF TRANSPORTATION

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EMAIL: ztec@ztecengineers.com

REGISTERED PROFESSIONAL ENGINEER 9692 OREGON JULY 14, 1978 JOHN McL. MIDDLETON

EXPIRES 12/31/2022

# FRONTAGE IMPROVEMENT
# S.W. 13TH DRIVE AT S.W. 12TH AVE.

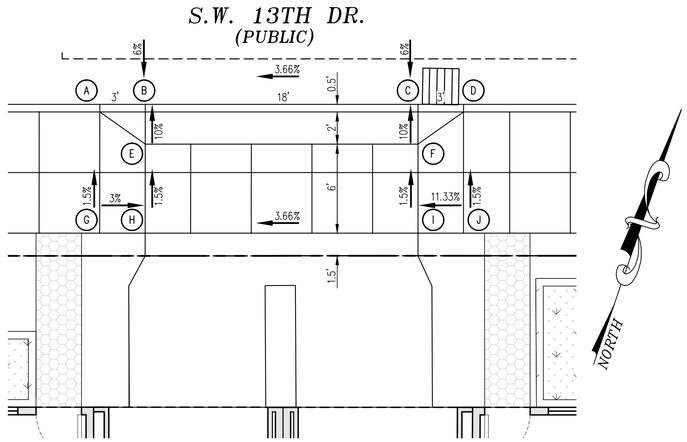
CURB RAMPS DETAILS

PBOT JOB NO. TH0845

SHEET NO. 6 of 13

## C/L STA. 0+26
## DRIVEWAY TABLE

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 0+14, 15'RT | 445.89 | 446.39 | |
| B | 0+17, 15'RT | 446.00 | 446.08 | |
| C | 0+35, 15'RT | 446.66 | 446.74 | |
| D | 0+38, 15'RT | 446.80 | 447.30 | |
| E | | | | 446.33 |
| F | | | | 446.99 |
| G | | | | 446.51 |
| H | | | | 446.42 |
| I | | | | 447.08 |
| J | | | | 447.42 |

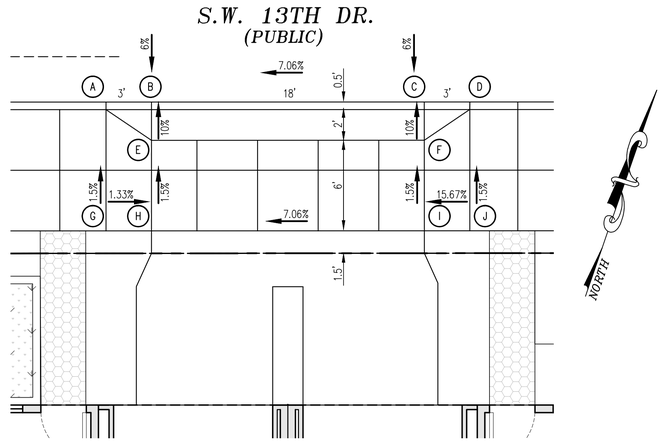



### C/L STATION 0+26
### DRIVEWAY DETAILS – 1

SCALE: 1"=5'

## C/L STA. 0+68
## DRIVEWAY TABLE

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 0+56, 15'RT | 447.73 | 448.23 | |
| B | 0+59, 15'RT | 447.89 | 447.97 | |
| C | 0+77, 15'RT | 449.16 | 449.24 | |
| D | 0+80, 15'RT | 449.43 | 449.93 | |
| E | | | | 448.22 |
| F | | | | 449.49 |
| G | | | | 448.35 |
| H | | | | 448.31 |
| I | | | | 449.58 |
| J | | | | 450.05 |

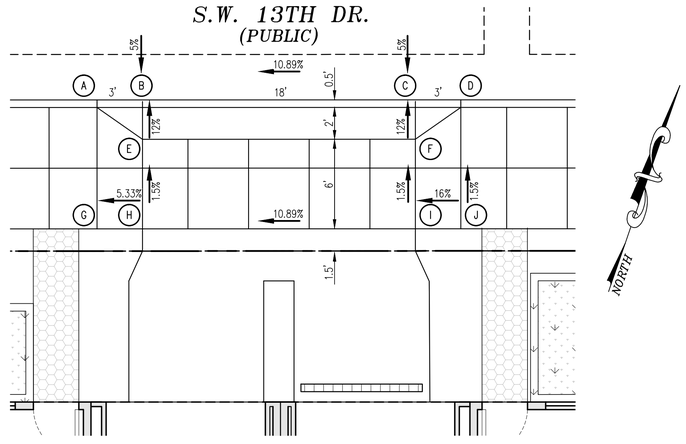



### C/L STATION 0+68
### DRIVEWAY DETAILS – 2

SCALE: 1"=5'

## C/L STA. 1+20
## DRIVEWAY TABLE

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 1+08, 15'RT | 452.10 | 452.60 | |
| B | 1+11, 15'RT | 452.41 | 452.49 | |
| C | 1+29, 15'RT | 454.37 | 454.45 | |
| D | 1+32, 15'RT | 454.70 | 455.20 | |
| E | | | | 452.79 |
| F | | | | 454.75 |
| G | | | | 452.72 |
| H | | | | 452.88 |
| I | | | | 454.84 |
| J | | | | 455.32 |

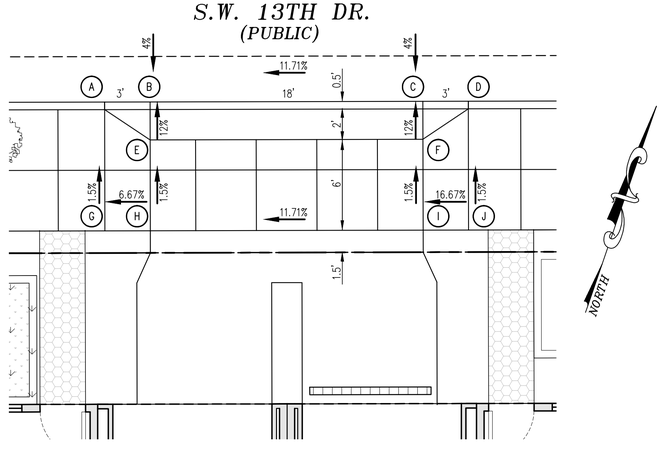



### C/L STATION 1+20
### DRIVEWAY DETAILS – 3

SCALE: 1"=5'

## C/L STA. 1+62
## DRIVEWAY TABLE

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 0+50, 15'RT | 456.79 | 457.29 | |
| B | 0+53, 15'RT | 457.14 | 457.22 | |
| C | 0+71, 15'RT | 459.25 | 459.33 | |
| D | 0+74, 15'RT | 459.60 | 460.10 | |
| E | | | | 457.52 |
| F | | | | 459.63 |
| G | | | | 457.41 |
| H | | | | 457.61 |
| I | | | | 459.72 |
| J | | | | 460.22 |




### C/L STATION 1+62
### DRIVEWAY DETAILS – 4

SCALE: 1"=5'

LU 22-141452 AD
Exhibit A.10

CADFILE: 16-2909-5

| NO. | DATE | DESCRIPTION | APPD. |
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| | | | |

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FINAL MAP DATA

DESIGNED BY | DATE APPROVED
CAD BY | SECTION ENGR
CHECKED BY | PBOT REVIEWER

APPROVALS:

PBOT PRINCIPAL ENGINEER — REG. PROF. ENGR. 75155

PBOT CITY ENGINEER — REG. PROF. ENGR. 51538PE

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REGISTERED PROFESSIONAL ENGINEER 9692 OREGON JULY 14, 1978 JOHN McL. MIDDLETON

EXPIRES 12/31/2022

# FRONTAGE IMPROVEMENT
# S.W. 13TH DRIVE AT S.W. 12TH AVE.

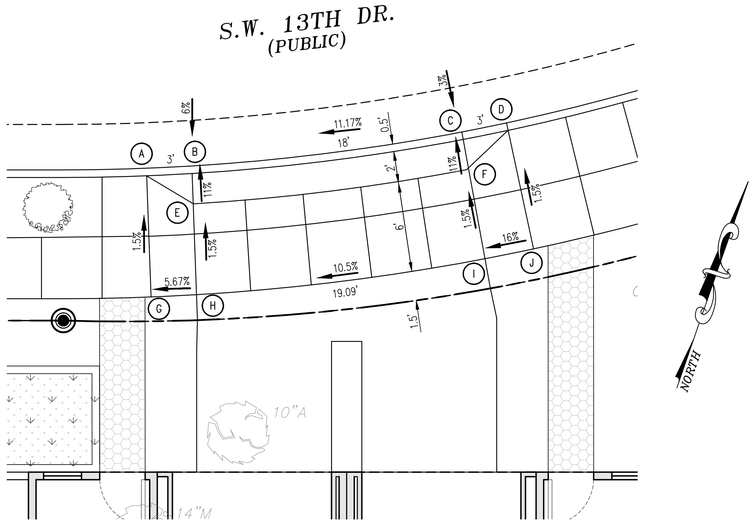
DRIVEWAY DETAILS

PBOT JOB NO. TH0845

SHEET NO. 7 of 13

## C/L STA. 2+11
## DRIVEWAY TABLE

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 2+00, 15'RT | 462.65 | 463.15 | |
| B | 2+03, 15'RT | 462.99 | 463.07 | |
| C | 2+19, 15'RT | 465.00 | 465.08 | |
| D | 2+22, 15'RT | 465.31 | 465.81 | |
| E | | | | 463.35 |
| F | | | | 465.36 |
| G | | | | 463.27 |
| H | | | | 463.44 |
| I | | | | 465.45 |
| J | | | | 465.93 |

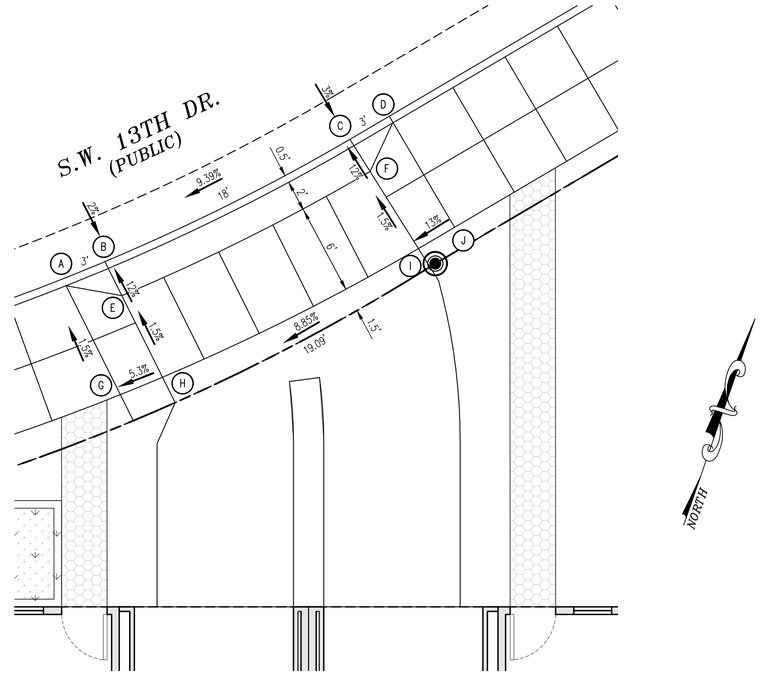



## C/L STATION 2+11
## DRIVEWAY DETAILS – 5

SCALE: 1"=5'

## C/L STA.2+52.5
## DRIVEWAY TABLE

| | | G. L. EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 2+42, 15'RT | 467.64 | 468.14 | |
| B | 2+45, 15'RT | 467.95 | 468.03 | |
| C | 2+61.47, 15'RT | 469.64 | 469.72 | |
| D | 2+64.47, 15'RT | 469.87 | 470.37 | |
| E | | | | 468.33 |
| F | | | | 470.02 |
| G | | | | 468.26 |
| H | | | | 468.42 |
| I | | | | 470.11 |
| J | | | | 470.49 |




## C/L STATION 2+52.5
## DRIVEWAY DETAILS – 6

SCALE: 1"=5'

LU 22-141452 AD
Exhibit A.10

CADFILE: 16-2909-5

| NO. | DATE | DESCRIPTION | APPD. |
|---|---|---|---|
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FINAL MAP DATA

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|---|---|---|---|
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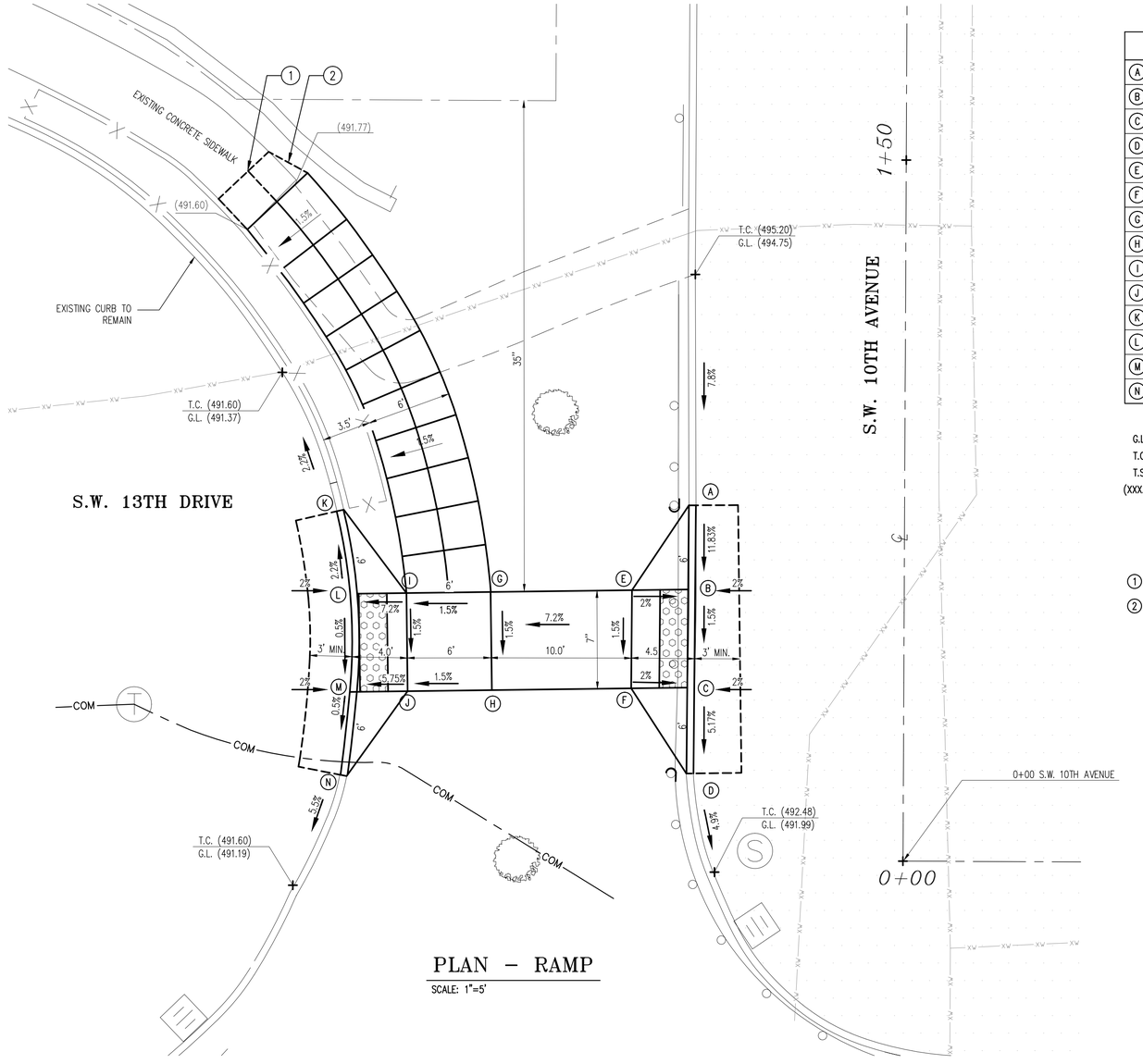
EXPIRES 12/31/2022

FRONTAGE IMPROVEMENT
S.W. 13TH DRIVE AT S.W. 12TH AVE.

DRIVEWAY DETAILS

PBOT JOB NO. TH0845

SHEET NO. 8 of 13




PLAN – RAMP

SCALE: 1"=5'

| | | G. L EL. | T. C. EL. | T. S. EL. |
|---|---|---|---|---|
| A | 0+25.5, 15' LT | (493.45) | (494.00) | |
| B | 0+19.5, 15' LT | 492.74 | 492.74 | |
| C | 0+12.5, 15' LT | 492.64 | 492.64 | |
| D | 0+06.5, 15' LT | (492.33) | (492.71) | |
| E | 0+19.5, 19.5' LT | | | 492.83 |
| F | 0+12.5, 19.5' LT | | | 492.73 |
| G | | | | 492.11 |
| H | | | | 492.01 |
| I | | | | 492.02 |
| J | | | | 491.92 |
| K | | (491.60) | (492.0) | |
| L | | 491.73 | 491.73 | |
| M | | 491.69 | 491.69 | |
| N | | (491.66) | (492.07) | |

G.L. GUTTER LINE
T.C. TOP OF CURB
T.S. TOP OF SIDEWALK
(XXX.XX) EXISTING ELEVATION

① SAWCUT AT CLOSEST JOINT

② TRANSITION SIDEWALK WIDTH TO 6'

CADFILE: 16-2909-5

LU 22-141452 AD
Exhibit A.10

| NO. | DATE | DESCRIPTION | APPD. |
|---|---|---|---|
| | | | |

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MAP CORRECTED BY
CHECKED BY

FINAL MAP DATA

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CAD BY | SECTION ENGR
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REGISTERED PROFESSIONAL ENGINEER 9692 OREGON JULY 14, 1978 JOHN McL. MIDDLETON

EXPIRES 12/31/2022

FRONTAGE IMPROVEMENT
S.W. 13TH DRIVE AT S.W. 12TH AVE.

BIKE ACCESS DETAILS

PBOT JOB NO. TH0845

SHEET NO. 9 of 13

# SITE PLAN FOR HEIGHT ADJUSTMENT

GRAPHIC SCALE
10 0 5 10 20
( IN FEET )
1 INCH = 10 FT.

SW 13TH DR
6" D.I.
R.O.W.
CLUSTER
5+00
4+00
3+00
2+00
1+00
0+00
BUILDING 1
MAX BUILDING HEIGHT = 479
BUILDING 1
FG 450
BUILDING 2
MAX BUILDING HEIGHT = 490
BUILDING 2
FG 461
BUILDING 3
MAX BUILDING HEIGHT = 499
BUILDING 3
FG 468
BUILDING 4
MAX BUILDING HEIGHT = 499
BUILDING 4
FG 470
BUILDING 1
EX FG 419.9'
THIS IS THE LOWEST POINT FOR BUILDING 1, 5-FEET FROM THE FOUNDTION
BUILDING 2
EX FG 423.5'
THIS IS THE LOWEST POINT FOR BUILDING 2, 5-FEET FROM THE FOUNDTION
BUILDING 3
EX FG 434.9'
THIS IS THE LOWEST POINT FOR BUILDING 3, 5-FEET FROM THE FOUNDTION
BUILDING 4
EX FG 433.5' FG
THIS IS THE LOWEST POINT FOR BUILDING 4, 5-FEET FROM THE FOUNDTION
"BURLINGAME VIEW CONDOMINIUMS"
1045 S.W. BERTHA BOULEVARD
1035 S.W. BERTHA BOULEVARD
1025 S.W. BERTHA BOULEVARD
1015 S.W. BERTHA BOULEVARD
LANDSCAPED AREA
ROCK WALL
WOOD WALL
CONCRETE
ROCK WALLS
CONC WALLS
CONC WALL
BLOCK WALL
WOOD WALLS
ROCK KEYSTONE WALL WALL
CONCRETE POOL AREA
WOOD DECK
DECK ABOVE CONCRETE
DECK ABOVE WALL
TAX LOT 90000 MAP 1S, 1E, 21AC
TAX LOT 3300 MAP 1S, 1E, 21AC DEED DOC. NO. 2012-040362
LOT 15
"BARBUR HEIGHTS" BLOCK 4
RVR TIE WALL
CONNECT TO EXISTING WALKWAY
EXISTING BUILDING
THE APPLICANT IS PROPOSING A 4-FT PATH AND STEPS CONNECTING BERTHA BLVD TO THE EXISTING PATH THAT CONNECTS TO SW 13TH DR.
ROCK WALLS 10-FEET RETAINED
PILLARS
ROCK WALLS
CONCRETE SIDEWALK
S.W. BERTHA BOULEVARD
ASPHALT
WATER VAULT
WATER

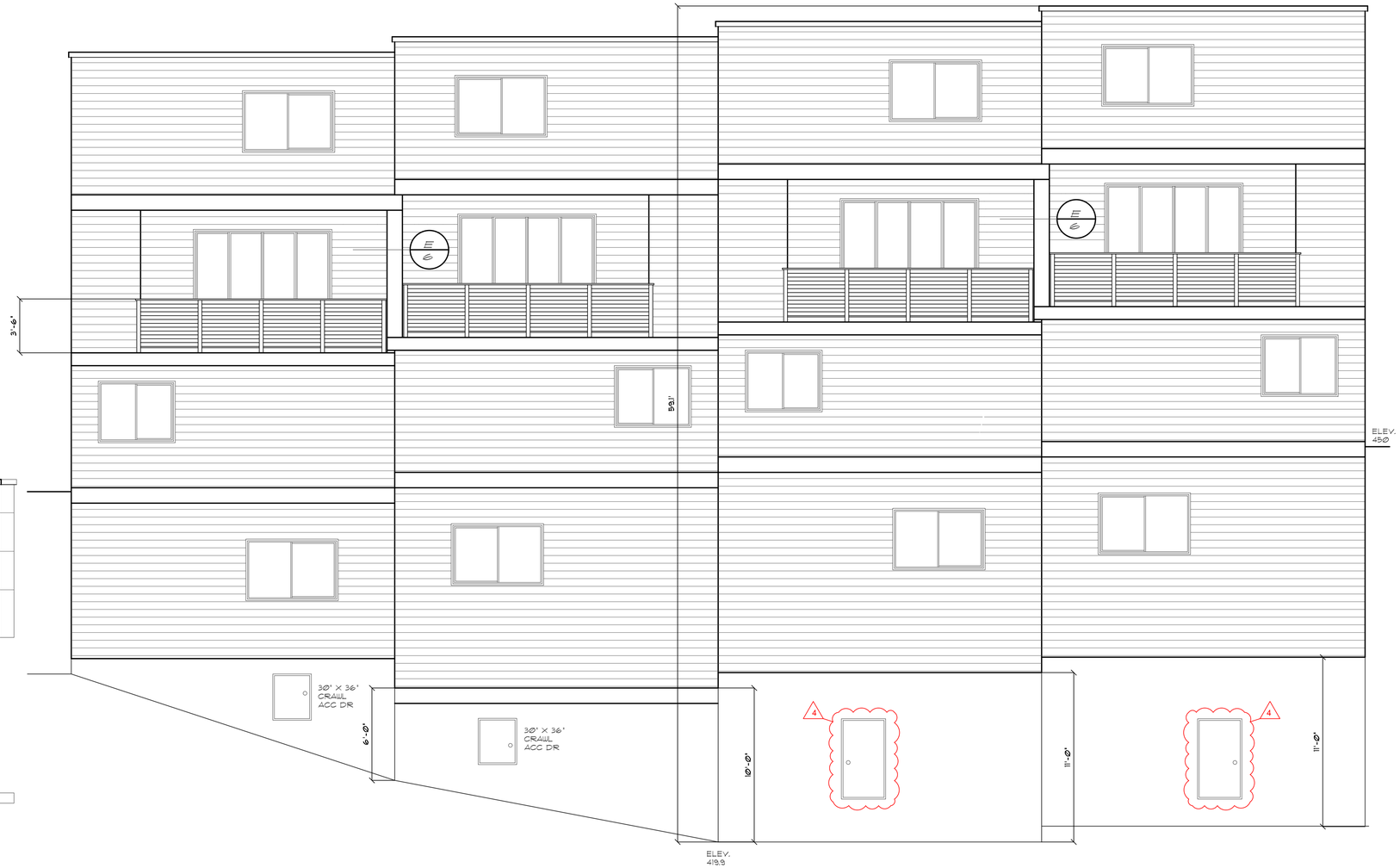
LU 22-141452 AD
Exhibit A.11

# Units 1-4




## Left Elevation

SCALE: 1/4"=1'-0"




## Rear Elevation

SCALE: 1/4"=1'-0"


SamedyKem
designer - consultant
custom design - stock plans - remodels

*P.O Box 1571*
*Hillsboro, Oregon 97123*
*971.563.0552 fax: 888.311.5610*
*E-Mail: samedy@kem-consultant.com*


*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*- Brooker T. Washington*


Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
Project Number

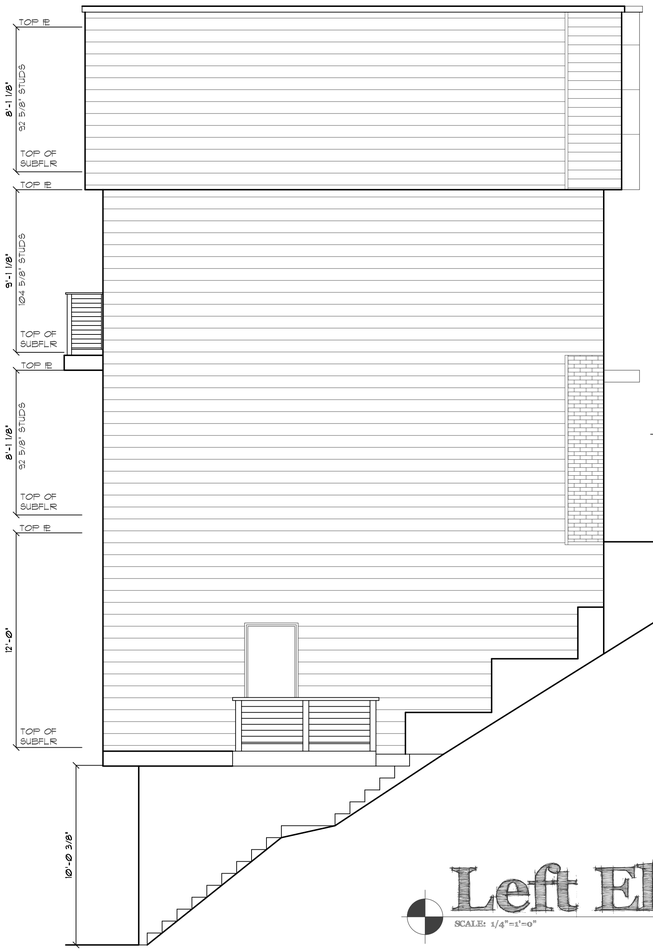
| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2
Sheet Number of 9

LU 22-141452 AD
Exhibit A.12

# Units 5-8




## Left Elevation

SCALE: 1/4"=1'-0"




## Rear Elevation

SCALE: 1/4"=1'-0"

SamedyKem
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custom design - stock plans - remodels
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*Washington* - Brooker T.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 2 of 9

LU 22-141452 AD
Exhibit A.12

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GOING ADDITIONAL MEASURES OPTION 2
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

## OREGON RESIDENTIAL ENERGY CODE

### BUILDING COMPONENTS

| | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=Ø.28 |
| DOOR OTHER THAN MAIN ENTRY | U=Ø.3Ø |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=Ø.2Ø |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-3Ø |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-3Ø |
| SKYLIGHT CLASS | U=Ø.6Ø |
| SKYLIGHT AREA | <3% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER
SHALL NOT DISPENSE ONTO ADJACENT
PROPERTY

STORM WATER CONVEYED BY PIPING
NOT TO DISPENSE ONTO ADJACENT
PROPERTY

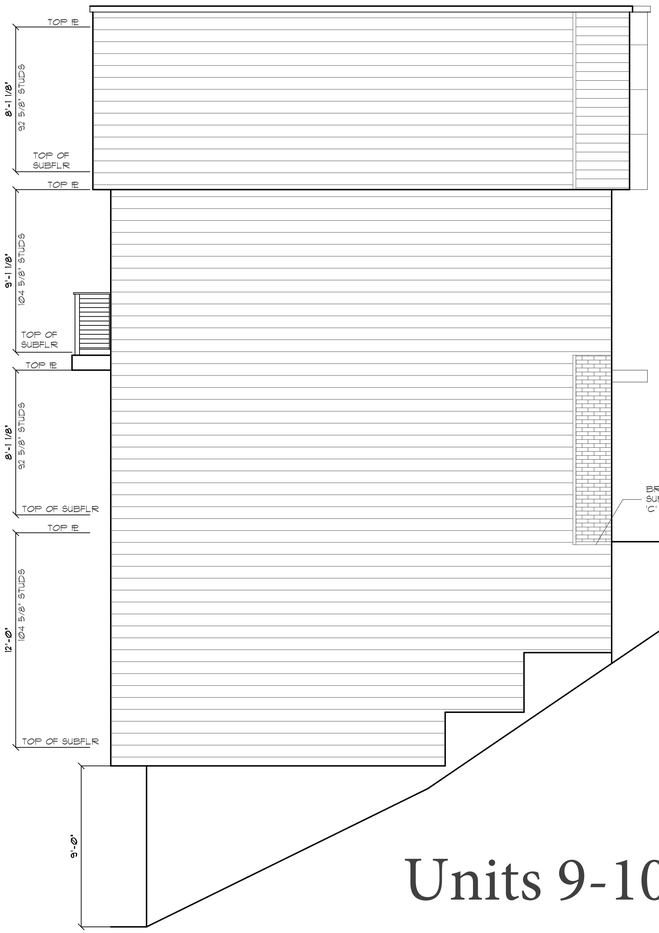
GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING
IS REQUIRED. STORM WATER O DISPENSE
TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES
MUST BE IN USED.

## ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:**<br>Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:**<br>Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced,<br>Framed floors – U-0.026 / R-38, and<br>Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:**<br>Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced,<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:**<br>Windows – U-0.22 (Triple Pane Low-e).and)<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts**<br>Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and<br>Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and<br>All ducts and air handlers contained within building envelope or<br>All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:**<br>Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :**<br>Gas-fired furnace or boiler AFUE: 94%, or<br>Air source heat pump HSPF 9.5/15.0 SEER cooling,or<br>Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:**<br>All ducts and air handlers contained within building envelope (d)<br>*Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:**<br>Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):**<br>Natural gas/propane water heater with UEF 0.85 OR<br>Electric heat pump water heater Tier I Northern Climate Specification Product |

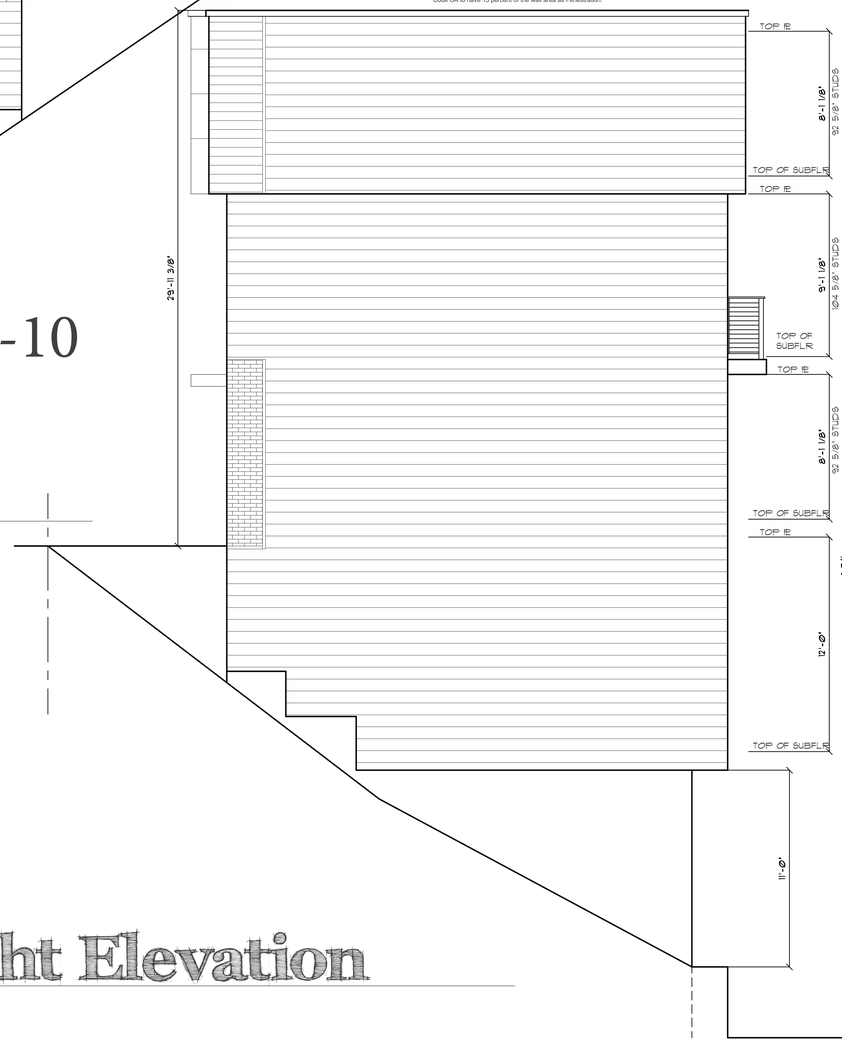
For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.




# Units 9-10

## Left Elevation

SCALE: 1/4"=1'=0"




## Right Elevation

SCALE: 1/4"=1'=0"




## Front Elevation

SCALE: 1/4"=1'=0"




## Rear Elevation

SCALE: 1/4"=1'=0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

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SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
E-Mail: samedy@kem-consultant.com

*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*- Brooker T. Washington*

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

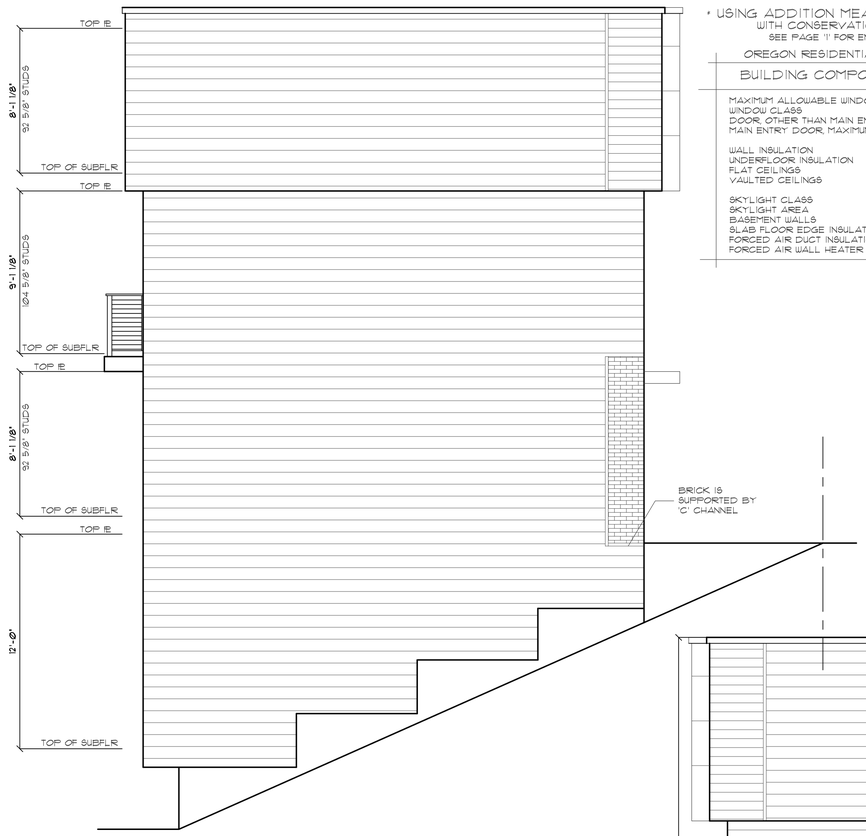
~~UNITS 7 & 8~~ Units 9-10
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | 5/9/22 | REVISION |
| 5 | | REVISION |

Sheet Number 1 of 5

LU 22-141452 AD
Exhibit A.12




Left Elevation

SCALE: 1/4"=1'-0"

" USING ADDITION MEASURES OPTION #2 "
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

BUILDING COMPONENTS

| | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | < 2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic. |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

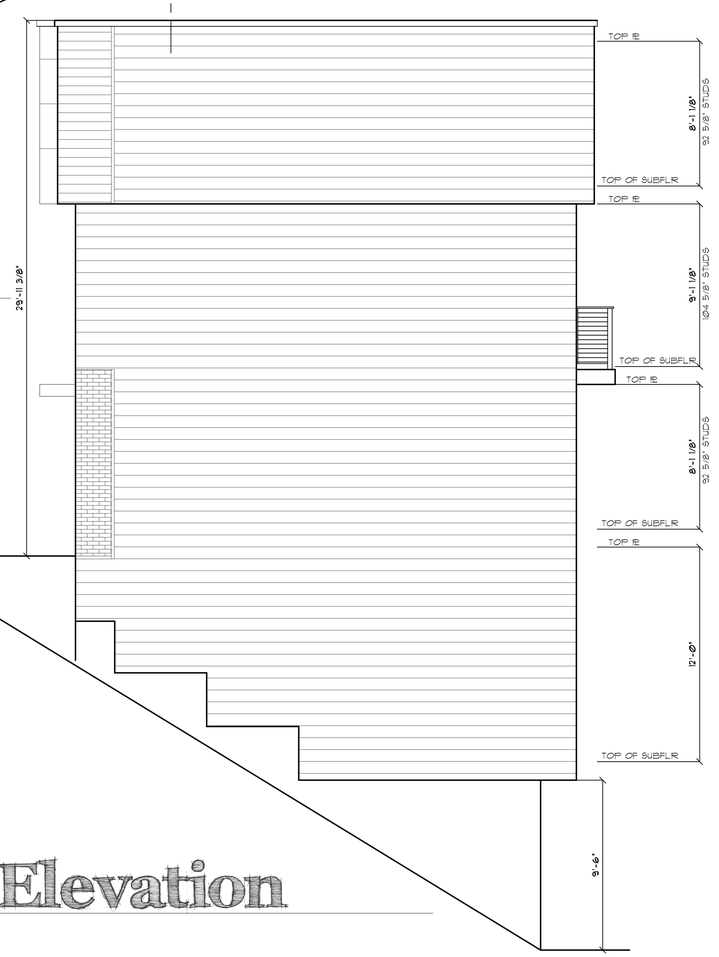
For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
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d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
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g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




Front Elevation

SCALE: 1/4"=1'-0"




Right Elevation

SCALE: 1/4"=1'-0"




Rear Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

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***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

# Units 11-12

SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
E-Mail: samedy@kem-consultant.com

*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*Washington - Brooker T.*

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~UNITS 7 & 10~~ Units 11-12
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
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| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2
Sheet Number of 5

LU 22-141452 AD
Exhibit A.12

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Original Posting Notice for 2021 Meeting

SW 13th Dr.






Original Posting Notice for 2021 Meeting

SW Barbur Blvd





# Neighborhood Contact – Certification Statement

The Neighborhood Contact requirement provides a way to learn more about a proposed development before a land use review or building permit is submitted. The applicant must provide documentation with the land use review or building permit application to document that Neighborhood Contact requirements are met. There are three different Neighborhood Contact processes, each requiring slightly different documentation. These requirements are listed below. This form can also be used to satisfy the requirements to submit a signed statement certifying certain requirements related to timelines and note distribution were met.

To complete this form:

1. Check the box that corresponds to the Neighborhood Contact process required.
2. Sign the bottom of this form to verify that timeline and note distribution requirements were met.
3. Submit the listed documentation requirements with the land use review or building permit application to verify other Neighborhood Contact requirements were met.

## ☑ Neighborhood Contact 1

- A copy of the initial notification email or letter sent to the neighborhood association, district neighborhood coalition, and business association;
- A list of email or postal addresses to which the initial notification email or letter was sent;
- Photograph(s) of the sign(s) installed at the proposed development sites that legibly shows the sign's text;
- A signed statement certifying that:
  - The initial notification email or letter was sent at least 35 days, but not more than 1 year, before applying for the land use review or building permit;
  - The required sign(s) was posted at least 35 days, but not more than 1 year, before applying for the land use review or building permit;

## ☐ Neighborhood Contact 2

- A copy of the initial notification email or letter sent to the neighborhood association(s), district neighborhood coalition(s), and business association(s);
- A list of email or postal addresses to which the initial notification email or letter was sent;
- A copy of the attendance log that includes attendees' name and address or email address;
- Photograph(s) of the sign(s) installed at the proposed development sites that legibly shows the sign's text;
- A signed statement certifying that:
  - The initial notification email or letter was sent at least 35 days, but not more than 1 year, before applying for the land use review or building permit;
  - The required sign(s) was posted at least 35 days, but not more than 1 year, before applying for the land use review or building permit;
  - The required meeting was held at least 14 days before applying for the land use review or building permit and at least 14 days after sending the initial notification email or letter and posting the required sign(s); and
  - Notes from the public meeting were emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provided an email or postal address, prior to applying for the land use review or building permit.

*continued on back*

## ❒ Neighborhood Contact 3

- A copy of the initial notification email or letter sent to the neighborhood association(s), district neighborhood coalition(s), business association, and school district;
- A list of email or postal addresses to which the initial notification email or letter was sent;
- A copy of the attendance log that includes attendees' name and address or email address;
- Photograph(s) of the sign(s) installed at the proposed development sites that legibly shows the sign's text;
- A signed statement certifying that:
  - The initial notification email or letter was sent at least 35 days, but not more than 1 year, before applying for the land use review or building permit;
  - The required sign(s) was posted at least 35 days, but not more than 1 year, before applying for the land use review or building permit;
  - The required meeting request was sent;
  - The neighborhood association either did not reply or declined the request, or that the neighborhood association meeting took place; and
  - Notes from the public meeting were emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provided an email or postal address, prior to applying for the land use review or building permit.

---

By filling out this form, I acknowledge the Neighborhood Contact requirements for the marked option above have been met.

Printed Name: Mark Dane Date: 8.12.22

☑ I acknowledge this typed name as my signature

Additional Printed Name: _____ Date: _____

☐ I acknowledge this typed name as my signature

DEVELOPMENT NOTICE FOR A FOUR BUILDING 12 UNIT CONDO DEVELOPMENT

7290 SW 13TH DRIVE

Applicant: Mark Dane Planning / markdaneplanning@gmail.com / 503-332-7167

Hillsdale Neighborhood Association - Glenn Bridger / gbridger@teleport.com / 503-201-4694

SW Community & Neighborhood Involvement Center Leah Fisher / Leah.Fisher@portlandoregon.gov / 503-865-6788

Neighborhood Meeting will be held online on October 5th at 7pm. Please see Hilldale website for correct information about zoom link for meeting

SUMMARY OF PROPOSAL

We are applying for the development review of 12 new multifamily units. These will be condos in the same manner as the current Burlington Association. The homes will be three stories as they were before. Because the plans have been moved away from the street to meet the Neighborhood Associations previous requirement, the back of the units drop off more steeply adjacent to the internal parking lot. However, the applicant has taken note of the fact that the neighborhood had serious concerns about car parking in front of a 5-ft garage, and parking out into the street. The applicant has moved the garage doors back to 18-feet. The front of the homes meets the 10-ft setback standard. Because the plans have been moved away from the street to meet the Neighborhood Associations previous requirement, the back of the units drop off more steeply adjacent to the internal parking lot. Therefore, the applicant must request a height adjustment to the rear of the buildings facing inwards to the site.

On-street parking will be available the entire length of the street frontage owned by the condo association (this about 380-feet: 18 spaces). The minimum number of spaces required under the new RM1 code for the entire property – both the existing, and proposed units = 52 x .33 or 18 spaces

The City is NOT requiring that 13th be a through street.

There are currently 39 condo units on site. 8 units in 1015 Bertha Boulevard, 8 units in 1025, 16 units in 1025, and 8 units in 1045. Units are between 888 SF and 1010 SF. If I use an average unit size of 1000 SF x 40 units, this accounts for 40,000 SF of Floor Area (I checked Portland Maps) The property contains 109,303 SF. After subtracting the 40,000 SF that leaves 69,303 SF of possible development. If this were equally divided amongst the 12 proposed units that would mean each unit could be up to 5,775 SF. The applicant is proposing each units have a finished floor area of 1764 SF.

While the height of the buildings facing the street will be no more than 30-feet, the applicant will be submitting for a height adjustment to the interior rear of the building. This does not change the height on the street frontage.

There will be one garage space, and one parking space or two spaces/unit (double the previous application). Which with the on-street parking means a bout 3.5 spaces per unit

The onsite parking, and driveway of the original condo development will be left intact.

The applicant is removing the same number of trees as before well under the number required to be retained.

I look forward to your input at the meeting

Mark Dane

The initial contact was several years ago. We then made a change and resubmitted. We notified the SWNA, and the Hillsdale Association. The SWNA just referred me back to the Hillsdale Association. The decision was appealed. In the spring of this year I call Glenn to make sure he was still running the Hillsdale Neighborhood Association. After my call he emailed me, and we continued on from there :

On Sat, Apr 24, 2021 at 1:16 PM Glenn Bridger <gbridger@teleport.com> wrote:
Mark,

Thank you for letting me know of your new efforts to develop the property on SW 13th Drive. I asked our proposal to be tentatively added to the agenda for our May 5 Hillsdale Neighborhood Association meeting.

I have not received any information on this new proposal for our Board or Membership to inform them on the proposal. With the need to publish our agenda for the May meeting, I would now like to place you on the agenda for our June 3 HNA Zoom meeting. When that meeting agenda is published, I will forward it to you for your participation.

We look forward to learning the details of your new proposal.

Glenn Bridger
HNA Vice President
Cell 503-201-4694

**From:** gbridger@teleport.com <gbridger@teleport.com>
**Sent:** Sunday, April 25, 2021 3:34 PM
**To:** 'Mark Dane' <markdaneplanning@gmail.com>
**Cc:** 'TL Office' <vivereinitalia@comcast.net>
**Subject:** RE: Land Use 13th Drive, Hillsdale

Thank you Mark. We will add you to the June agenda, looking toward seeing the new proposal before the meeting.
Glenn Bridger

**From:** Mark Dane <markdaneplanning@gmail.com>
**Sent:** Sunday, April 25, 2021 1:29 PM
**To:** Glenn Bridger <gbridger@teleport.com>
**Cc:** TL Office <vivereinitalia@comcast.net>
**Subject:** Re: Land Use 13th Drive, Hillsdale

Yes, let's push to June. To many other projects. I appreciate you working with me on this. Thanks - again



**MARK DANE PLANNING INC.**
12725 SW GLENHAVEN STREET, PORTLAND OR 97225 (NEW ADDRESS)
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM

On Sun, May 23, 2021 at 5:42 PM Glenn Bridger <gbridger@teleport.com> wrote:
Mark,

Checking it to see how your proposal is progressing. We are reaching time to finalize the agenda for June 1, and would appreciate your sharing with us the concept you wish to discuss that evening on Zoom

Glenn Bridger

**Glenn Bridger <gbridger@teleport.com>** Tue, Jun 1, 2021, 11:58 AM

to me

Mark,

Attached is the agenda and Zoom Link for our meeting tomorrow evening. I look forward to learning more about your new proposal.

Glenn Bridger
HNA Land Use Chair

**From:** Mark Dane <markdaneplanning@gmail.com>
**Sent:** Monday, May 24, 2021 3:46 PM
**To:** Glenn Bridger <gbridger@teleport.com>
**Cc:** TL Office <vivereinitalia@comcast.net>
**Subject:** Re: Land Use 13th Drive, Hillsdale

Hi Glen - I am sending you three sketches based on the architectural facades, and the site plan. I am writing something up, but it may not be done tonight ( a family friend just passed).
I wanted to send these over as quickly as possible. Talk tomorrow

**M A R K  D A N E  P L A N N I N G  I N C.**
12725 SW GLENHAVEN STREET, PORTLAND OR 97225 (NEW ADDRESS)
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM

**gbridger@teleport.com** Jun 2, 2021, 12:44 PM

to me

Mark,

I did not see the additional narrative we discussed last evening. I do see the front elevations in the earlier graphics you provided.

Glenn

---

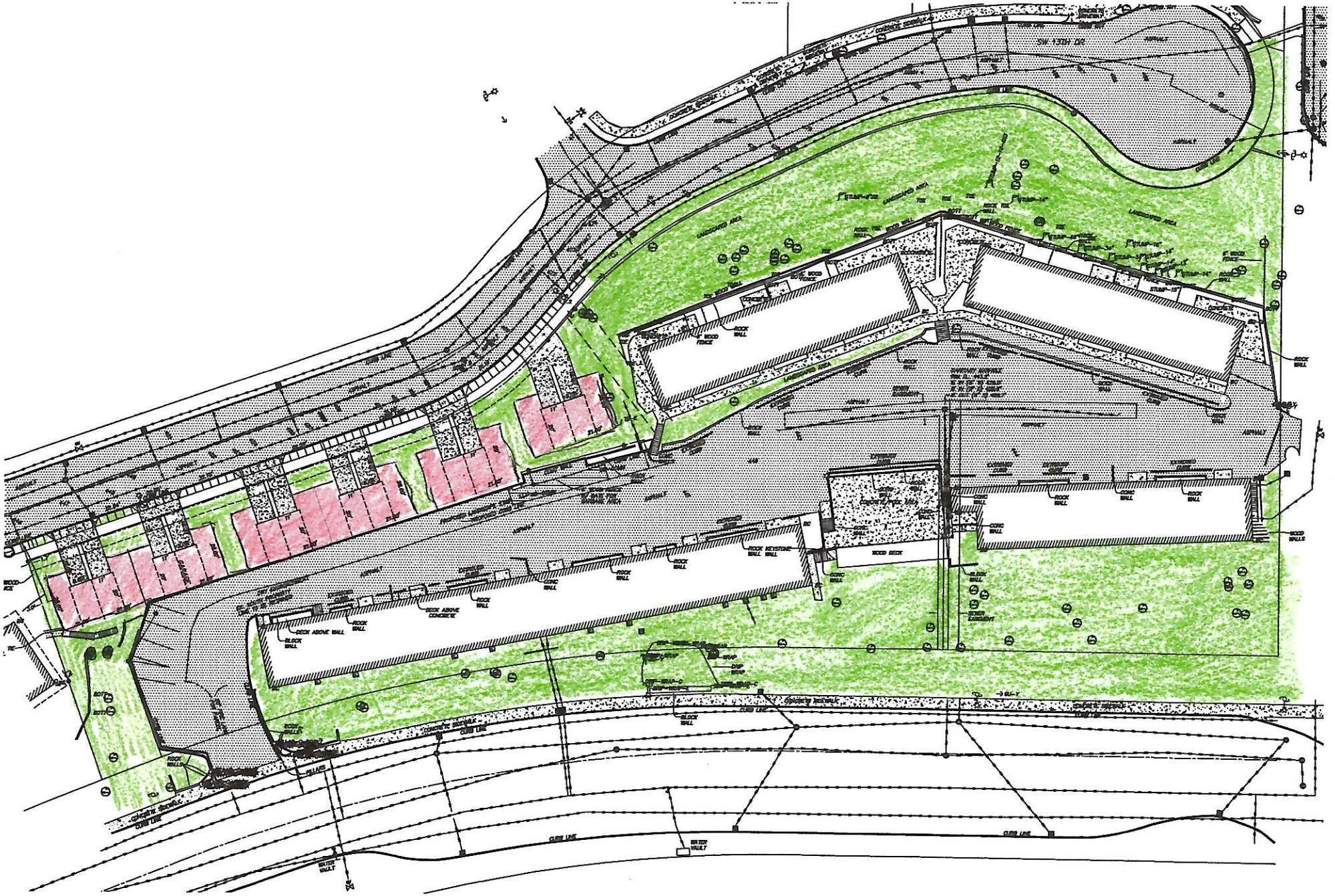
**Mark Dane <markdaneplanning@gmail.com>** Jun 2, 2021, 1:24 PM

to Glenn

I have attached the outline of the main points I will be addressing at the meeting.
I will talk with you at 7:30 tonight
I look forward to it.

- Mark Dane

**M A R K  D A N E  P L A N N I N G  I N C.**
12725 SW GLENHAVEN STREET, PORTLAND OR 97225 (NEW ADDRESS)
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM



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Exhibit A.17



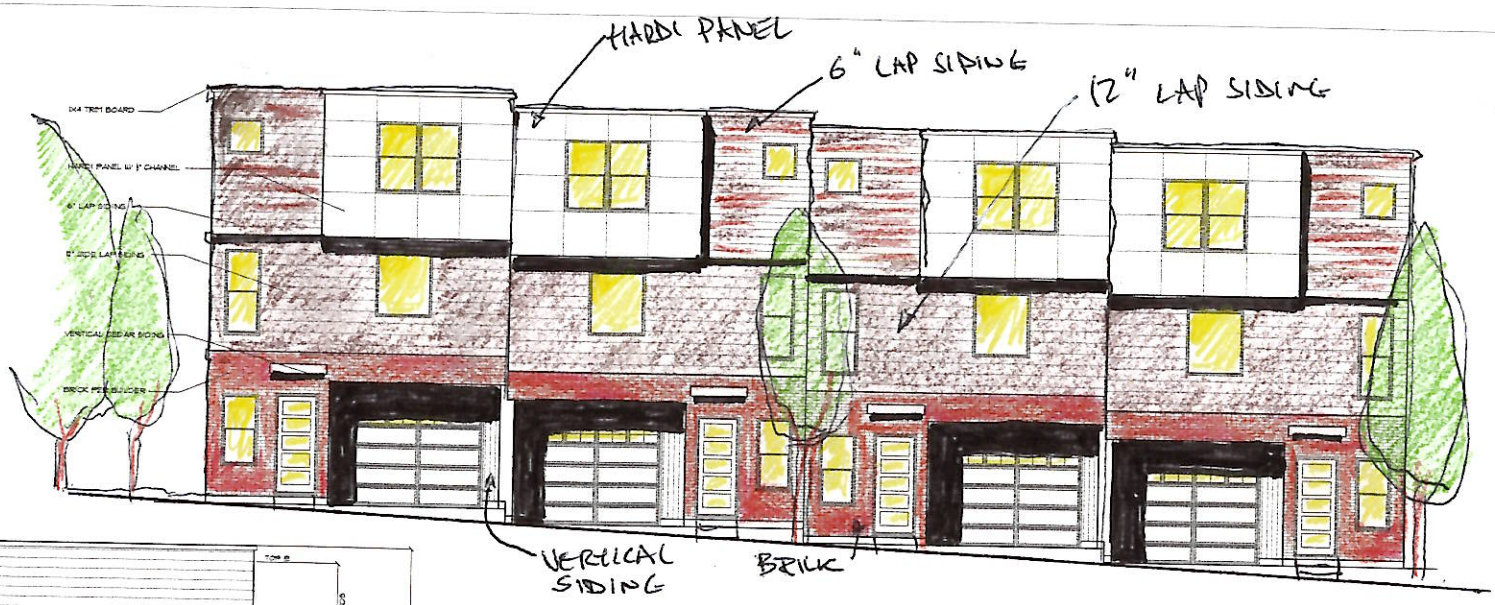

LU 22-141452 AD
Exhibit A.17

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

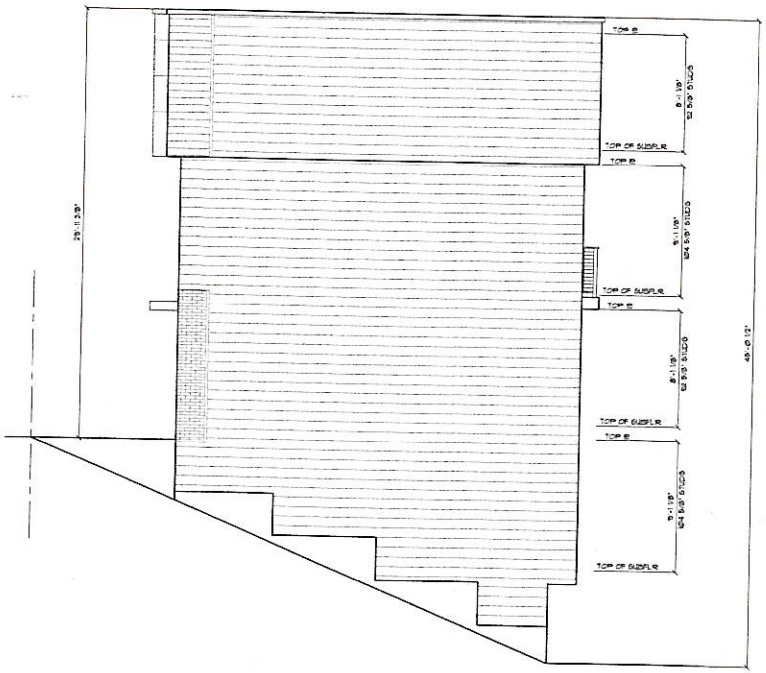
STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS DOWNSPOUTS RAIN DRAIN PIPING IS REQUIRED STORM WATER D DISPENSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED




## Front Elevation



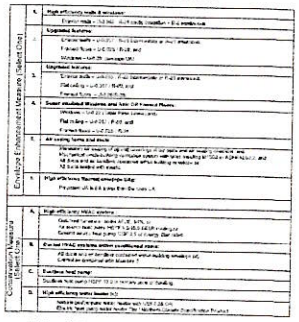

## Right Elevation

* USING ADDITION MEASURES OPTION "2" WITH CONSERVATION MEASURE "B" SEE PAGE 17 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.30 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 OR |
| UNDERFLOOR INSULATION | R-30 |
| FLAT CEILING | R-49 |
| VAULTED CEILING | R-30 OR |
| SKYLIGHT GLASS | U=0.50 |
| SKYLIGHT AREA | 2% |
| BASEMENT WALLS | R-15 OR |
| SLAB FLOOR EDGE INSULATION | R-10 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES



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SamedyKam
designer - consultant
custom design - remodels - additions
P.O. Box 1572
Hillsboro, Oregon 97123
(971) 533-0152 Fax: (866) 313-5610
E-Mail: samedy@sbcglobal.net

Submitted is not be executed by the architect, someone from reading it. He/She, but the addition he has overlooked while trying to succeed.
Broker
Washington

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kam Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF
LOWER 544 SF
UPPER 641 SF
MAIN 552 SF

11/18/2020
Date

Project Number

| | |
|---|---|
| CHECK BY | Samedy Kam |
| DRAW BY | sk |

| NO. | DATE | BRIEF REVISION |
|---|---|---|
| 1 | | REVISION |
| 2 | | REVISION |
| 3 | | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1 of 8
Sheet Number

City of Portland
**Bureau of Development Services**
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

# Request for Extension of 120-Day Review Period

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows the applicant to request in writing an extension of the 120-day review period for up to an additional 245 days. When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period. Generally, a final decision must be rendered approximately 60 days prior to the end of the review period in order to accommodate appeals.

If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

**Case Information**

1. Applicant Name: MARK DANE
2. Land Use Case Number: LU # 22-141452 AD
3. BDS Planner Name: AMANDA RHOADS

**Extension Request**

Please check one of the following:

☑ Extend the 120-day review period for an additional 30 (insert number) days.

☐ Maximum allowed extension: 245 days

**The total number of extensions requested cannot exceed 245 days.**

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

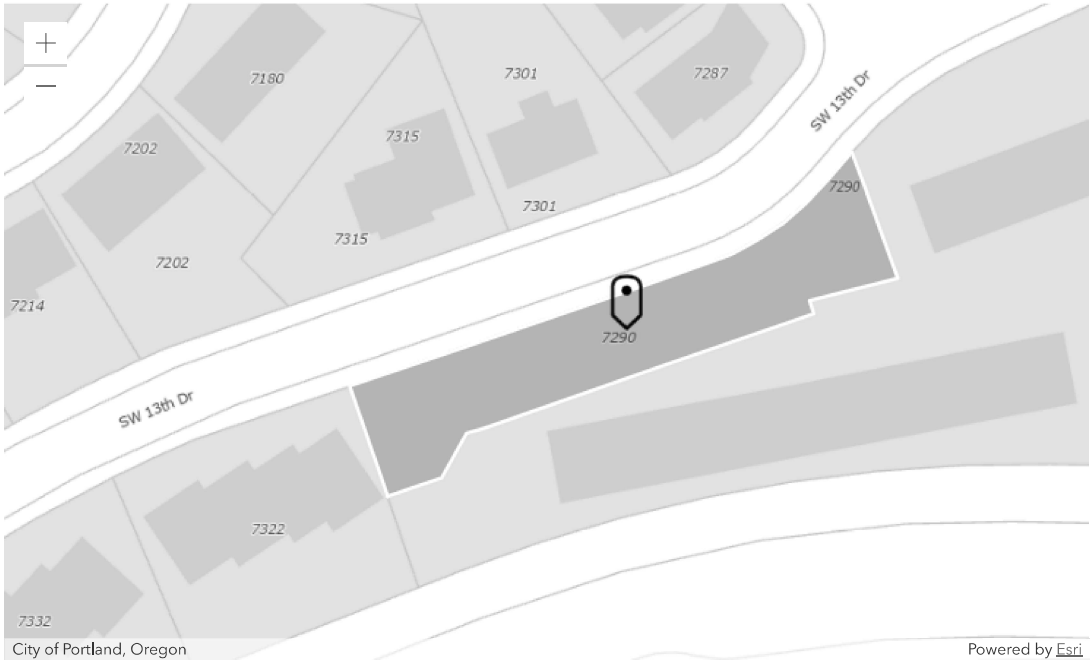
Applicant Signature: _____ Date 11.14.22.


Development Notice
PRELIMINARY PLAN
Plans
7290 SW 13th Drive
Portland OR 97239
A four building, and 12 unit addition to the Burlingame Ridge Townhomes
One space, and one parking spot
RM1 Residential Multi-dwelling
Zoning info: www.PortlandOregon.gov/ZoningCode
AN APPLICATION WILL BE SUBMITTED TO THE CITY FOR FUTURE CHANGES ON THIS SITE.
Applicant: Mark Dane Planning Inc.
Contact: Mark Dane - 503-332-7167
markdaneplanning@gmail.com
Project info: email for details.
The applicant will provide language services, auxiliary aids, alternative formats, or other reasonable accommodations to further free access if requested at least 3 days prior to the meeting. Contact the applicant for accommodations.
The applicant posted this informational notice on 8/25/22 The City has not reviewed the content of this notice.
This notice is for informational purposes and the project may change after the notice is posted.
Future application status can be viewed at www.PortlandMaps.com
PROJECT STEPS
STEP 1
INFORMATIONAL DEVELOPMENT NOTICE
STEP 2
LAND USE REVIEW AND PUBLIC COMMENT
(FOR SOME PROJECTS)
STEP 3
LAND USE PUBLIC HEARING
(FOR SOME PROJECTS)
STEP 4
BUILDING PERMIT REVIEW
STEP 5
CONSTRUCTION
Learn more about how developments like this go through the zoning and land use process: www.PortlandOregon.gov/BDS/NeighborhoodResources
Coalition: [redacted] Neighborhood Association: [redacted] email = HILLSDALE N.H.A.
General Zoning Info: Bureau of Development Services • 503-823-7526
S.W. COMMUNITY + INVOLVEMENT CENTER + LEAH.FISHER @portlandoregon.gov
gbridger@teleport.com

## Thanks!

Thank you for submitting the online application for your project. You may print this page for you records. You should also receive an email containing receipt. If you do not, please check your spam and / or junk folders.

Print




## Project Location

Property ID: R111786
Portlandmaps.com
7290 SW 13TH DR
Portland, OR
97219

## Applicant Info

### Mark Dane

markdaneplanning@gmail.com
(503) 332-7167

## Project Info

### 13th Drive Condos

| | |
|---|---|
| Project size | 21,168 ft² |
| Date submitted | 11/14/2022 |

12 new condo units divided into four buildings, two fourplexes, and two duplexes. The applicant has requested an adjustment to the height limit internally to the project. While the height of the buildings facing the street will be no more than 30 feet, the applicant will be submitting for a height adjustment to the interior rear of the building. This does not change the height of the street frontage.

2.2) Site plan with heights only.pdf

### Associations and Districts

Neighborhood assocations, neighborhood coalitions and business districts within 400' of the submitted site:

**Southwest Community Services**
District type: Neighborhood Coalition
Email: CivicLife@PortlandOregon.gov
https://www.portland.gov/neighborhoods/coalitions/southwest-community-services
https://www.portland.gov/civic/myneighborhood/swneighborhoods

**Hillsdale**
District type: Neighborhood Association
Email:
https://www.portland.gov/neighborhoods/southwest/hillsdale
https://pdxhna.org/

## Required Public Meeting

Projects over 25,000 ft², or projects over 10,000 ft² with the Design (d) overlay zone are required to hold a public meeting. Please include the date, time, and location of the public meeting if required.

The project information provided does not meet the above criteria.

City of Portland
**Bureau of Development Services**
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
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TDD: 503-823-6868
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www.portlandonline.com/bds

# Request for Extension of 120-Day Review Period

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows the applicant to request in writing an extension of the 120-day review period for up to an additional 245 days. When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period. Generally, a final decision must be rendered approximately 60 days prior to the end of the review period in order to accommodate appeals.

If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

---

**Case Information**

1. Applicant Name: MARK DANE
2. Land Use Case Number: LU # LU 22-141452 AD
3. BDS Planner Name: AMANDA RHOADS

**Extension Request**

Please check one of the following:

■ Extend the 120-day review period for an additional 45 (insert number) days.

☐ Maximum allowed extension: 245 days

**The total number of extensions requested cannot exceed 245 days.**

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

Applicant Signature: Mark Dane Date 12.19.22

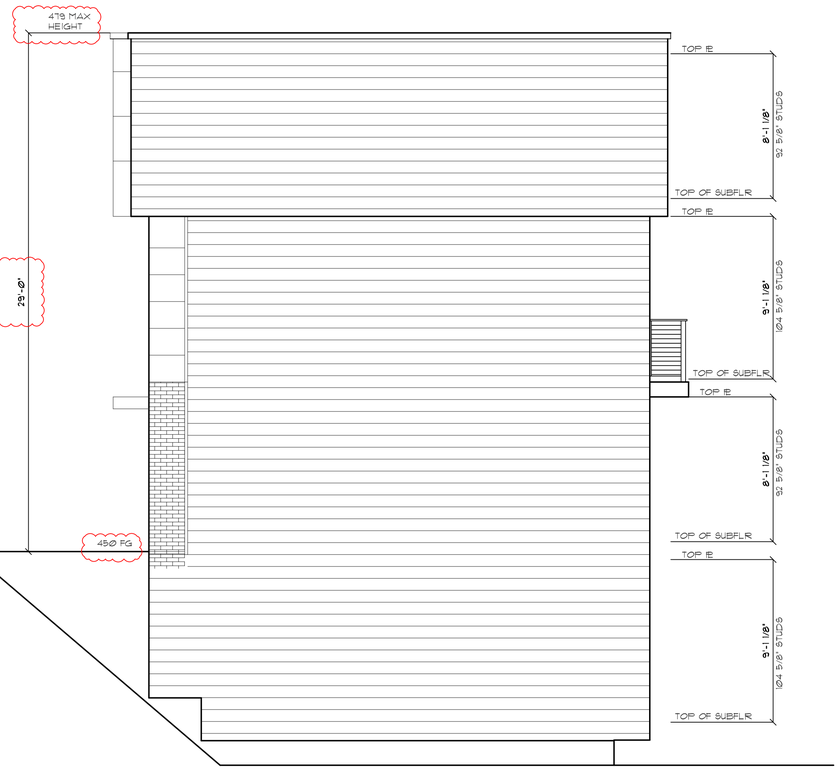
# Units 1-4

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




## Front Elevation

SCALE: 1/4"=1'-0"




## Right Elevation

SCALE: 1/4"=1'-0"

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic, tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.


SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
E-Mail: samedy@kem-consultant.com


*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*- Brooker T. Washington*


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

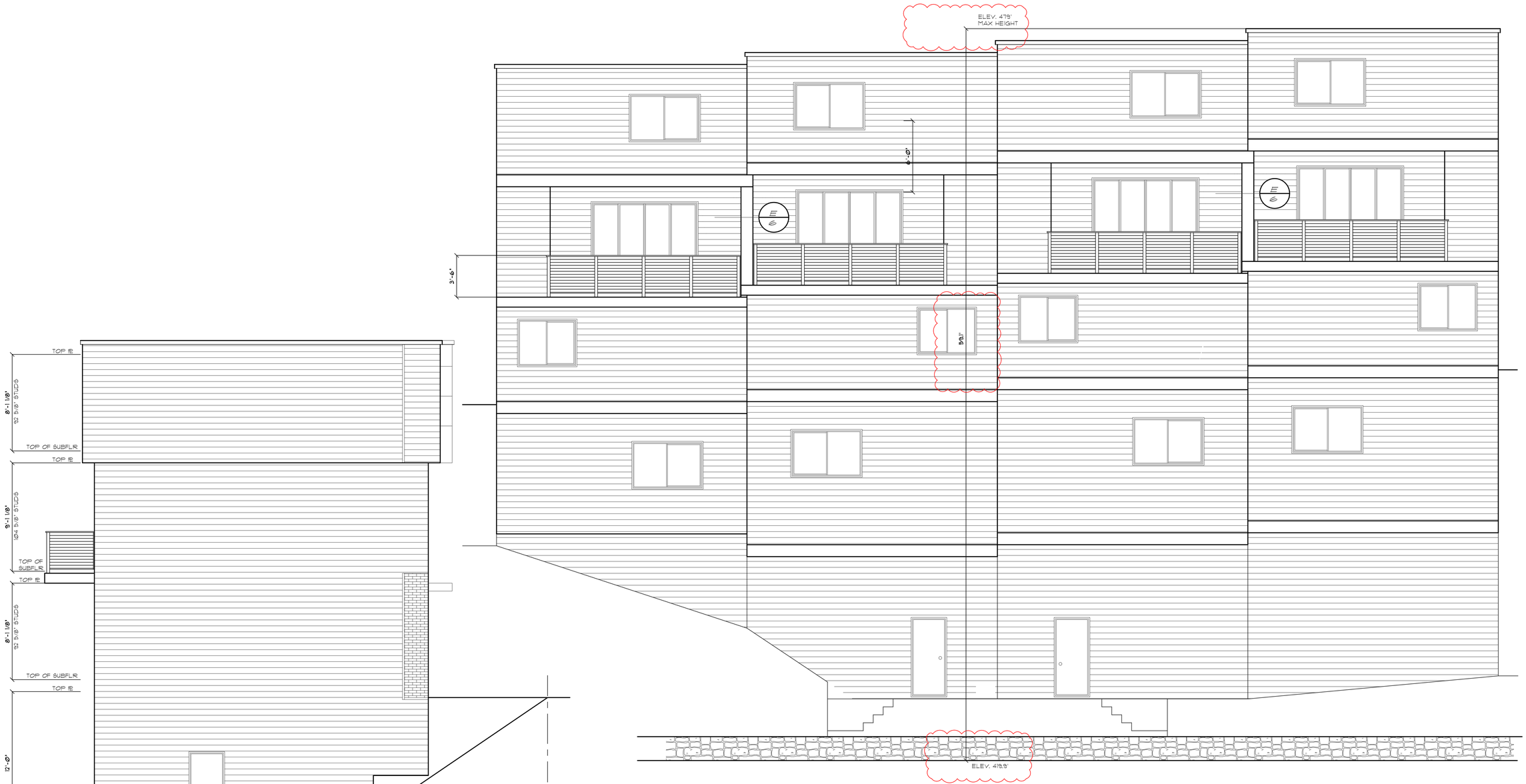
sk-1687-4 Unit 1 thru 4
Project Number

| CHECK BY | Samedy Kem |
|---|---|
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 1 of 9

LU 22-141452 AD
Exhibit A.22




# Rear Elevation

SCALE: 1/4"=1'-0"

# Left Elevation

SCALE: 1/4"=1'-0"


SamedyKem
designer - consultant
custom design - stock plans - remodels

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*Hillsboro, Oregon 97123*
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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
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| | |
|---|---|
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2
Sheet Number of 9

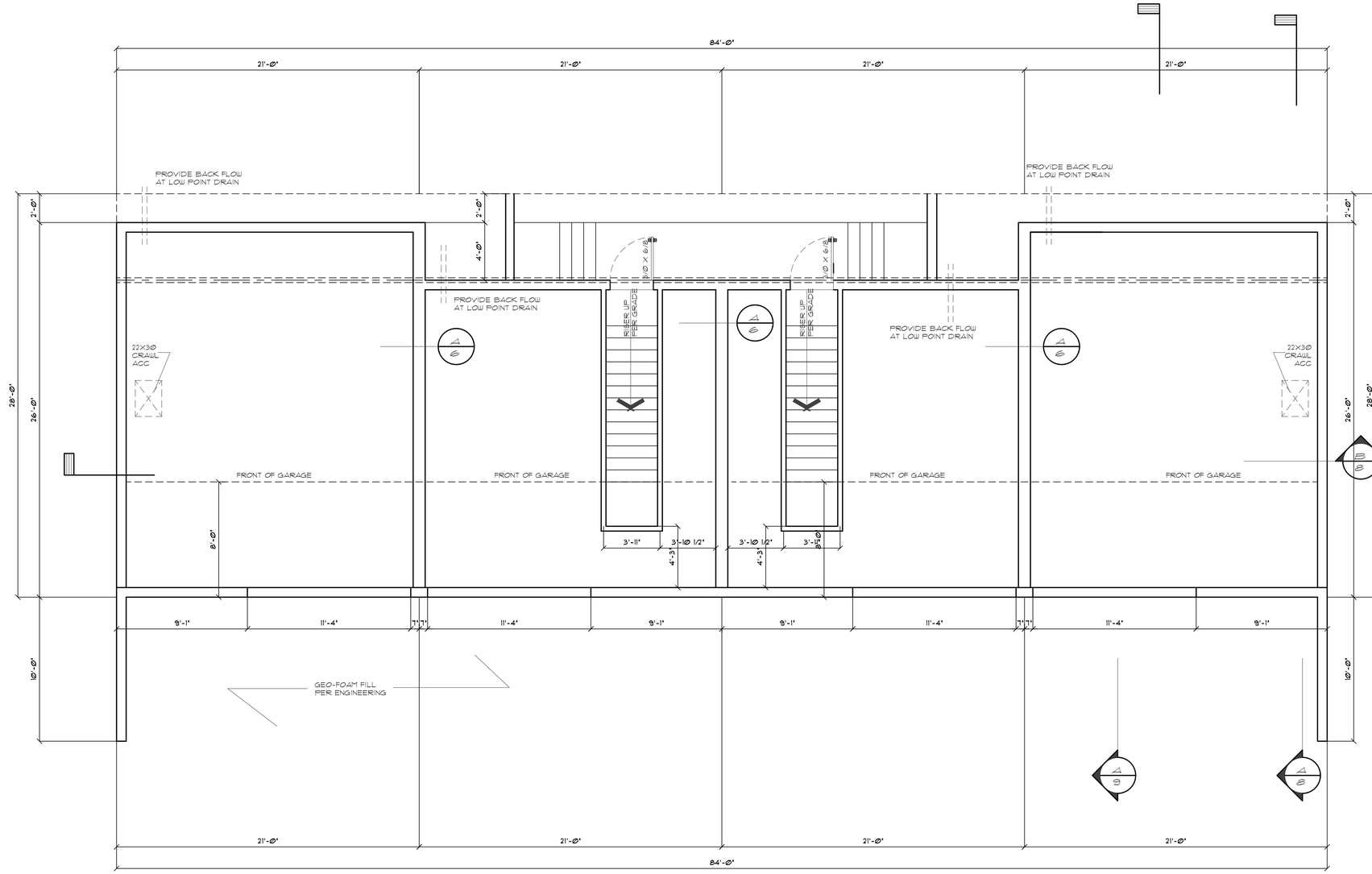
LU 22-141452 AD
Exhibit A.22

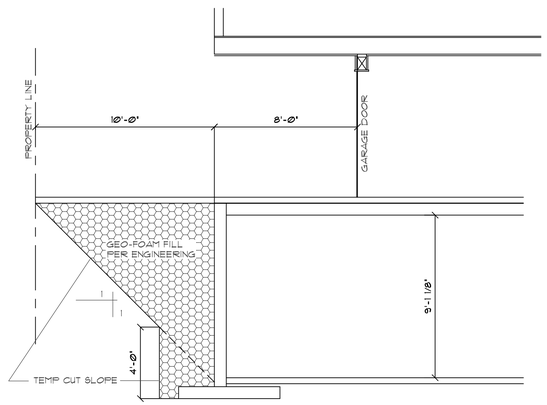
## Footings and Foundations; Residential Concrete:

1. Compressive Strength. Required minimum compressive strength of concrete (psi) at 28 days:
   a) Basement walls, foundation walls and other concrete not exposed to the weather 2500 psi
   b) Basement slabs and interior slabs on grade, except garage floor slabs 2500 psi
   c) Basement, foundation, exterior walls, other vertical concrete exposed to the weather 3000 psi
   d) Porches, carport slabs and steps exposed to the weather and garage floor slabs 3000 psi
   Concrete shall be air entrained (5%-7%) for strengths of 3000 psi and 3500 psi and when subject to freezing and thawing during construction for 2500 psi concrete. See Table R402.2.
2. Footings shall be placed on undisturbed natural soil or engineered fill. See Section R403.1.
3. Minimum depth. Bottoms of exterior wall, bearing wall, pier and column footings shall be not less than 18 inches below finished grade. See Section 403.1.5
4. Minimum sizes for concrete or masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). See R403.1.1.
5. Slope. The top surfaces of footings shall be level. The bottom surface of footings shall not have a slope exceeding 1 in 10. Footings shall be stepped where the ground surface is more than 1 in 10. See Section 403.1.6.
6. Ground clearance. Wood siding, sheathing and wall framing on the exterior of a building shall have a clearance of not less than 6 inches from the ground. See Section R319.1 Item 5.
7. Seismic reinforcing. Foundation with stem walls shall be provided with a minimum of one No. 4 bar within 12 inches of the top of the wall and one No. 4 bar located 3 inches to 4 inches from the bottom of the footing.
   EXCEPTION: Foundations constructed monolithically shall be permitted to have a minimum of two No. 4 bars placed in the footing. Section R403.1.4.1
   Where a construction joint is created between a concrete footing and stem wall, a minimum of one No. 4 bar shall be provided at no more than 4 feet on center. The vertical bar shall extend 3 inches clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches into the stem wall. See Section R403.1.4.
   NOTE: Unless otherwise detailed on plan, a 6 inch 90 degree bend on the short leg (hook) will be considered as meeting the intent of this section.
8. Grounding electrodes. When concrete reinforcing bars are installed in concrete footings, the following requirements shall be met to provide for a grounding electrode system:
1. Uncoated No. 4 reinforcing bar installed not less than 3 inches from the bottom of the footing and not less than 20 feet in length encased with a minimum of 2 inches of concrete.
2. An uncoated No. 4 reinforcing bar stubbed up at least 12 inches above the floor plate line and tightly attached to the reinforcing bar located in the footing with 3 ties. The spliced lap of the stubbed up bar to the footing bar shall be a minimum of 12 inches. Section R403.1.7
9. Wood sill plate anchor bolts shall be min. 1/2-inch diameter, 7 inches embedment, max. 6 feet on center and not more than 12 inches from a corner or mudsill splices or less than 7 bolt diameters from mudsill splice. Min. 2 anchor bolts per plate. See Sections R403.1.8 and R403.1.8.1.
   Plate washers conforming to Section R602.11.1 shall be provided for all anchor bolts over the full length of required braced wall lines. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels. Plate washers, a minimum of 0.229 inches by 3 inches by 3 inches in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch larger than the bolt diameter and a slot length not to exceed 1-3/4 inches, provided a standard cut washer is placed between the plate washer and the nut. See Section R602.11.1.
10. Concrete slab on ground floors shall be not less than 3 1/2 inches thick. Where slabs and footings are constructed monolithically, footings shall comply with requirements in Figure 403.1.1(1).
11. Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1 (5) and shall also comply with the provisions of Section R404 and the applicable provisions of Section R402.2. In Seismic Design Categories D1 and D2, concrete foundation walls shall comply with Section R404.1.4.

## Crawl spaces:

12. Access opening. Crawl spaces shall be provided with a minimum 18 inches by 24 inches access opening. Openings through a perimeter wall shall be not less than 16 inches by 24 inches. When any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches shall be provided. Pipes, ducts and other construction must not obstruct accessibility to and within the crawl space. Section. R408.3. See Section M1305.1.4 for access requirements where mechanical equipment is located under floor.
13. Under-floor space ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum net area of ventilation openings shall not be less than 1 square foot for each 150 square feet of under-floor space area. One ventilating opening shall be required within 3 feet of each corner of the building. The openings shall be covered with corrosion resistant wire mesh or equivalent with 1/8-inch minimum dimension. Ventilation openings may be omitted on one side of a building. Ventilation openings may be omitted when continuously operated mechanical ventilation is provided at a rate of 1.0 cfm for each 50 square feet of crawl space floor area and ground surface is covered with an approved vapor barrier material. Sections R408.1 and R408.2.
14. Drainage. Provide water drainage from the crawl space by means of crawl space and foundation drains sloped for gravity drainage and extending to a storm sewer, street gutter, road ditch or other drainage way or raise the finish grade in the crawl space to the level of finish grade outside. Section R408.5
15. Removal of debris. The under-floor grade shall be cleaned of all vegetation and organic material. All wood forms used for placing concrete shall be removed before a building is occupied or used for any purpose. All construction materials shall be removed before a building is occupied or used for any purpose. Section R408.4



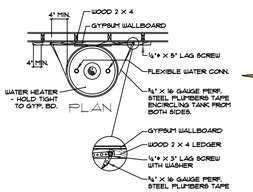



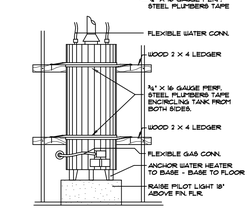

# Section @ Driveway

SCALE: 1/4"=1'-0"

# Foundation Plan

SCALE: 1/4"=1'-0"




W.H SUPPORT

N.T.S.

SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
E-Mail: samedy@kem-consultant.com

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DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

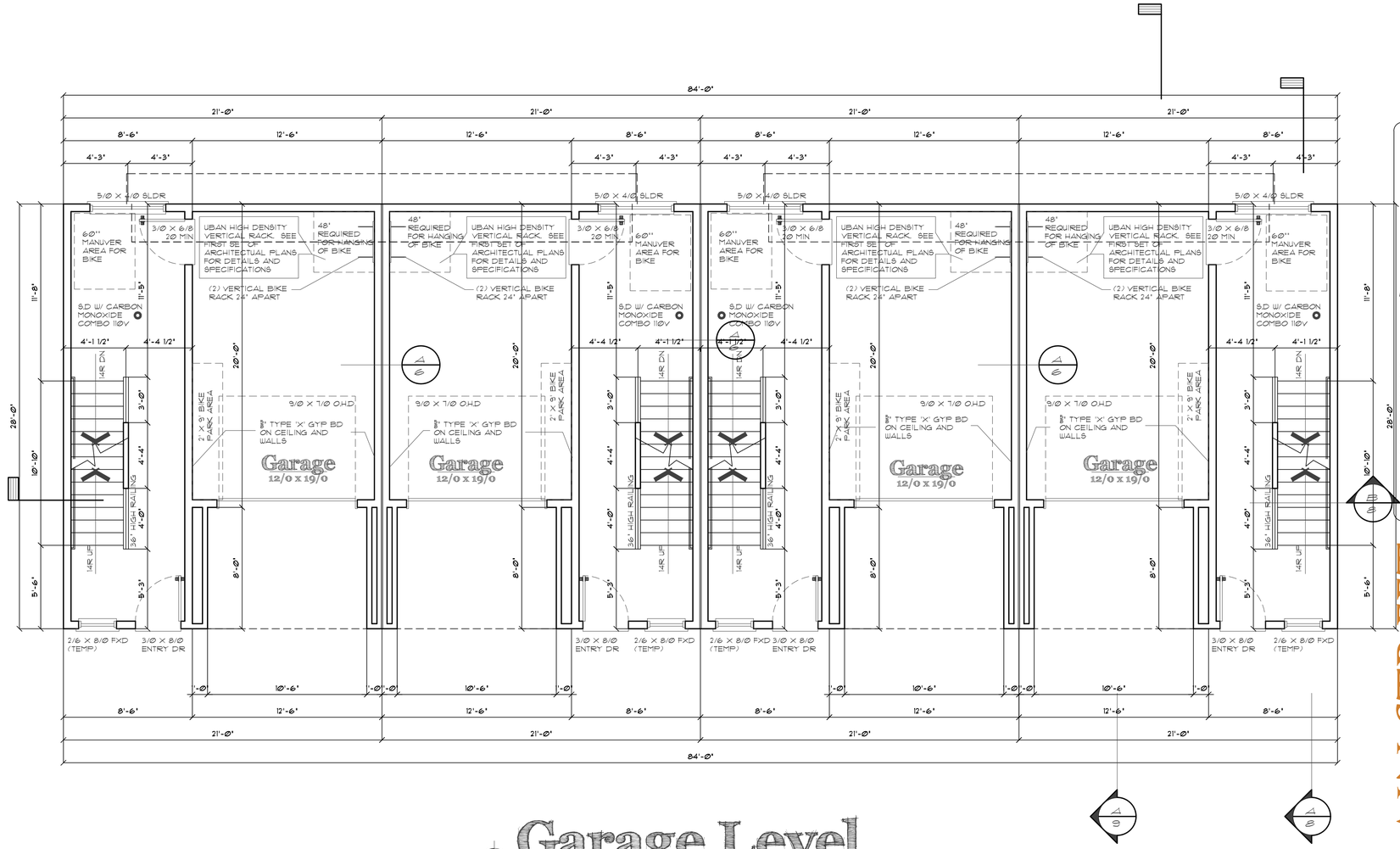
sk-1687-4 Unit 1 thru 4
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
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Sheet Number 3 of 9

LU 22-141452 AD
Exhibit A.22




# Garage Level

SCALE: 1/4"=1'-0"

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.

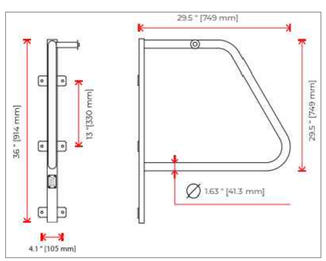
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/0 X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/0 X 6/8 (RO=60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |

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FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

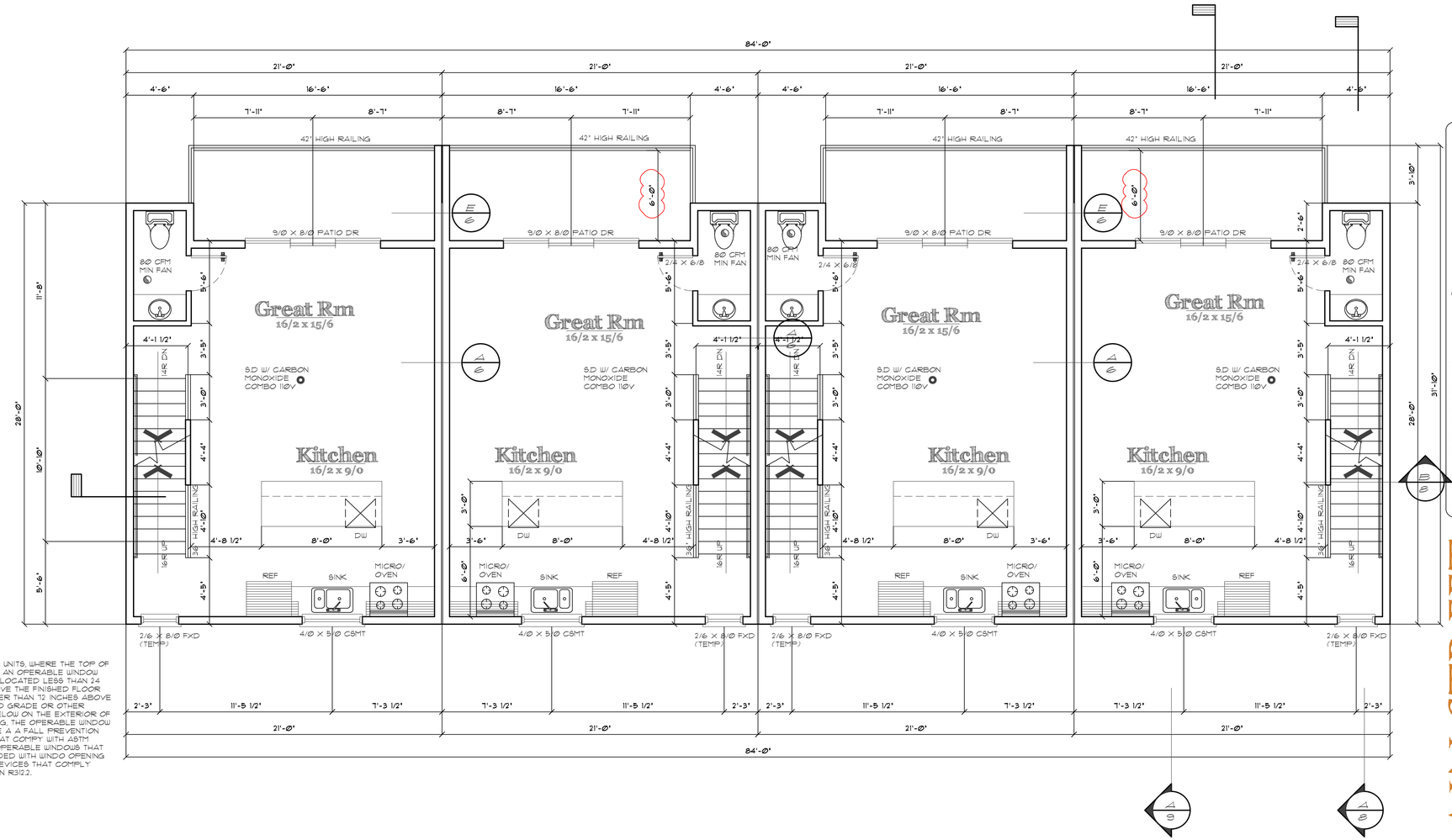
sk-1687-4 Unit 1 thru 4
Project Number

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| DRAW BY | sk |

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Sheet Number 4 of 9

LU 22-141452 AD
Exhibit A.22




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# Main Level

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO=6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

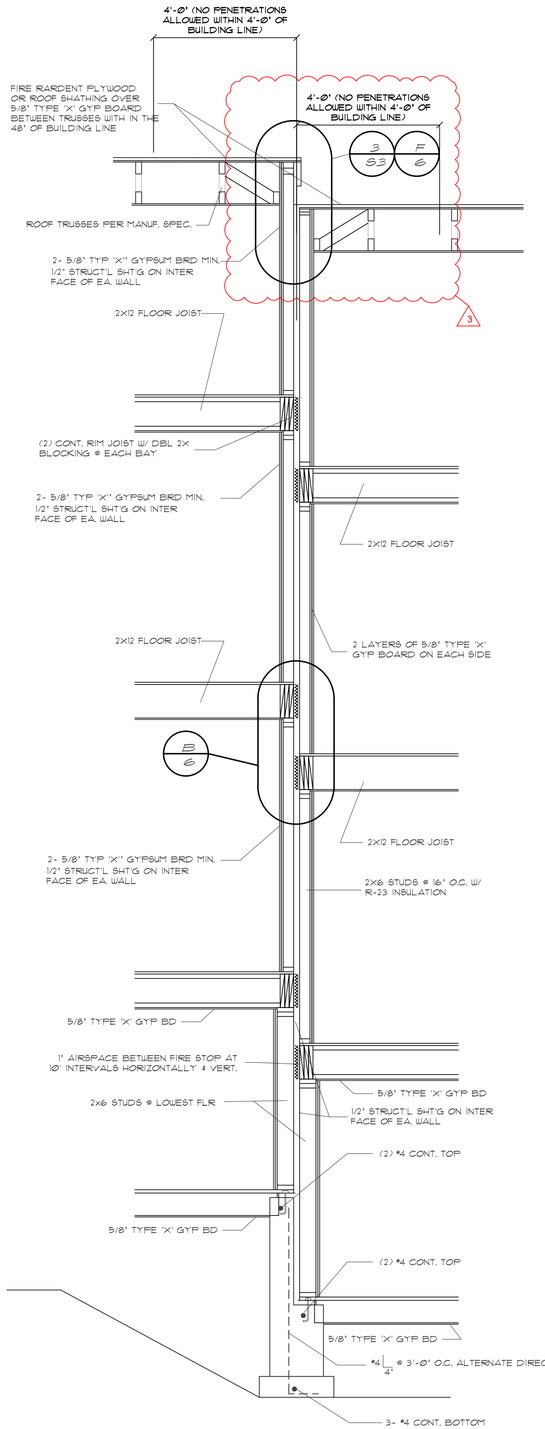
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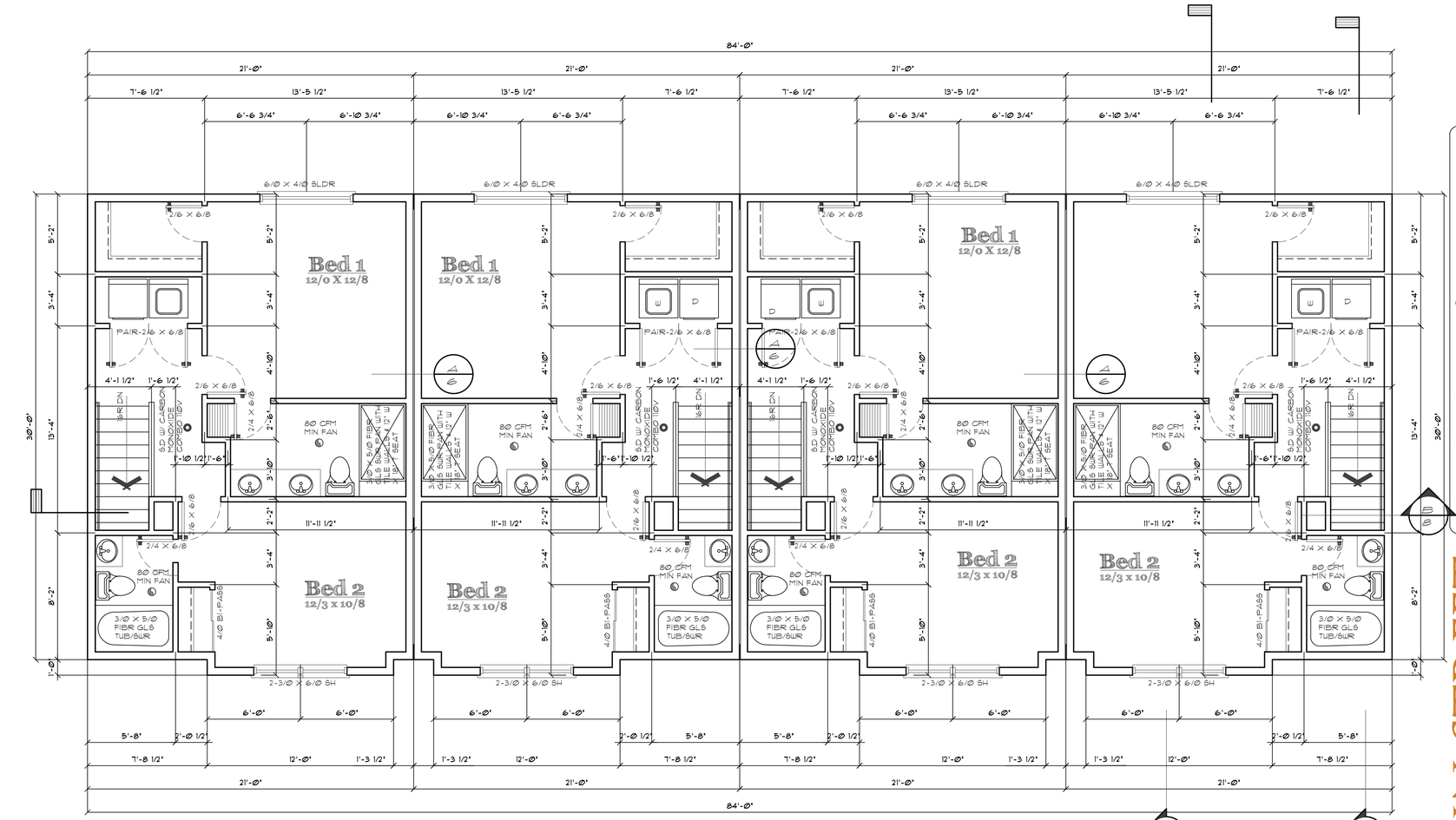
Sheet number 5 of 9

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Exhibit A.22




# Mod. 2HR Wall

SCALE: N.T.S

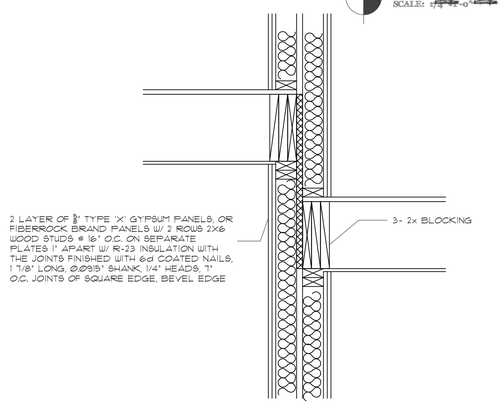



# Upper Floor Plan

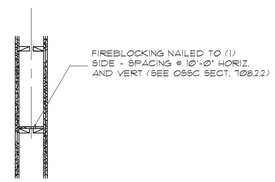
SCALE: 1/4"=1'-0"

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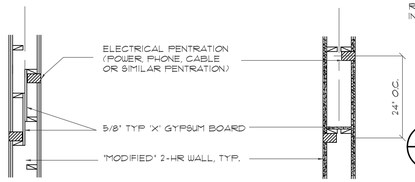
| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO=62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| SCALE= 1/2"=1'-0" | EXAMPLE: 5/Ø X 6/8 (RO=60" X 82 3/4") |
| POCKET DR | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=62" X 84 1/2") |
| DOUBLE DR | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO=62 3/4" X 82 3/4") |
| SINGLE DR | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO=32" X 82 3/4") |



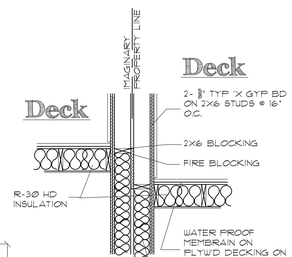

B/E6 SCALE= 1"=1'-0" DETAIL



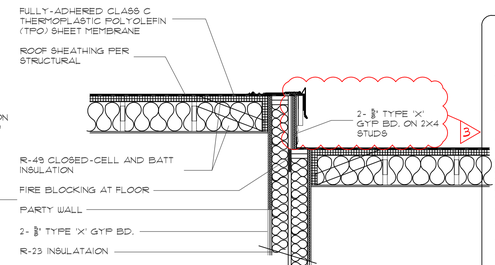

D/E6 DETAIL SCALE= 1/2"=1'-0"
FIRE BLOCKING




C/E6 DETAIL SCALE= 1/2"=1'-0"
@ ELECTRICAL PENTRATION




E/E6 Detail @ Deck SCALE= 1/2"=1'-0"




F/E6 Detail @ Roof SCALE= 1/2"=1'-0"

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF
Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

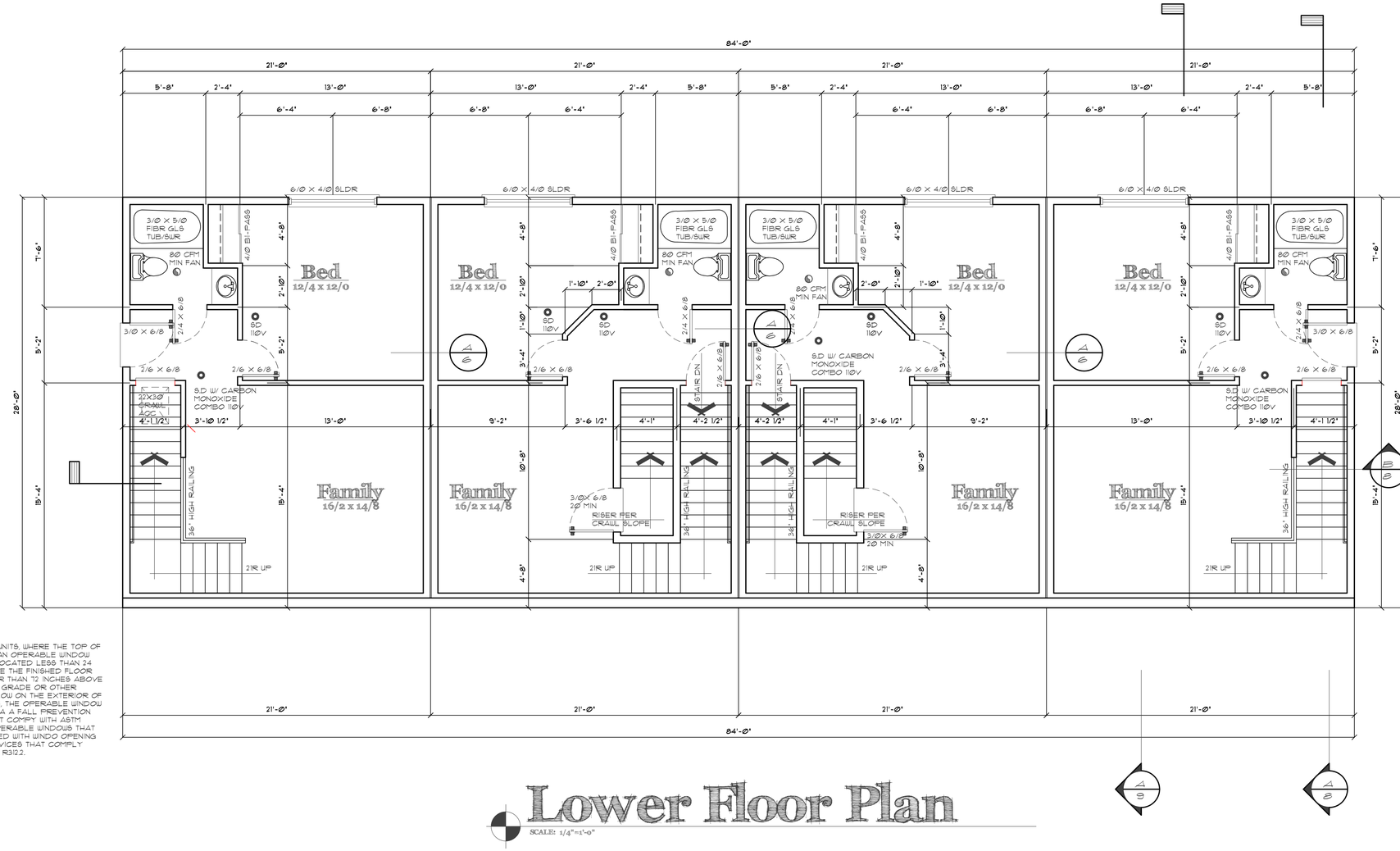
2/9/2021
Date:
sk-1687-4 Unit 1 thru 4
Project Number

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| DRAW BY | sk |

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Sheet Number 6 of 9

LU 22-141452 AD
Exhibit A.22




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# Lower Floor Plan

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

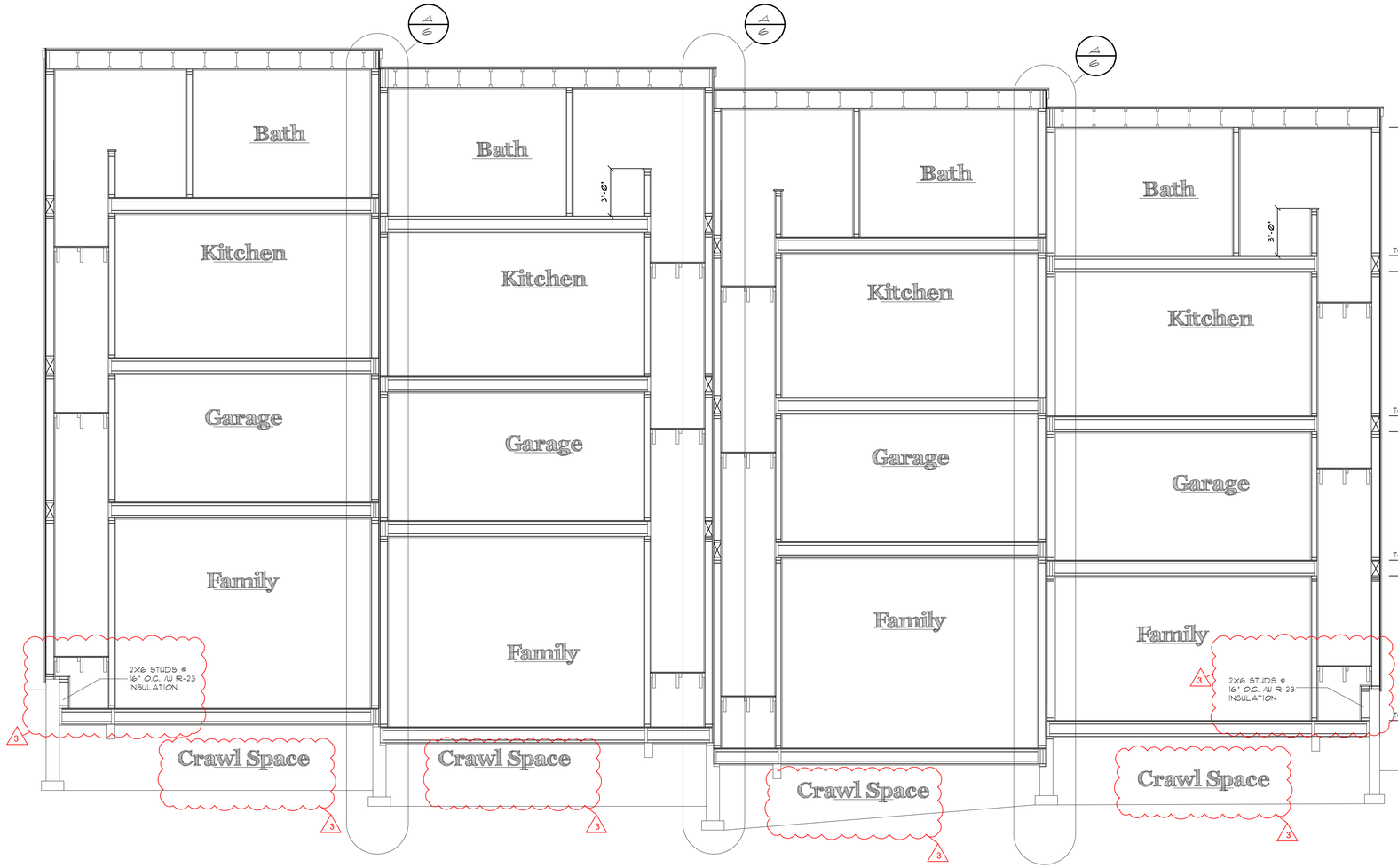
sk-1687-4 Unit 1 thru 4
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| DRAW BY | sk |

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Sheet Number 7 of 9

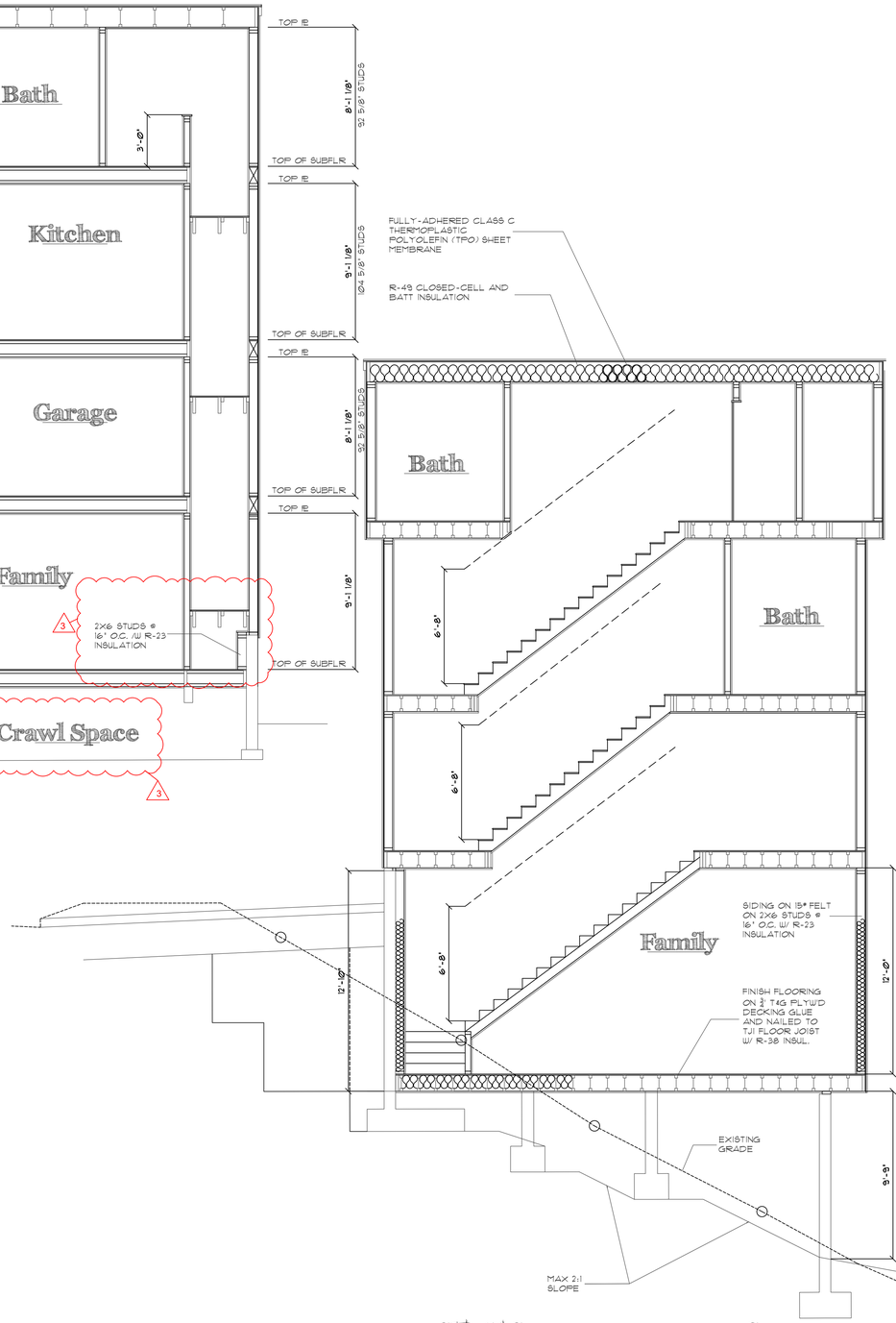
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Exhibit A.22




# Building Section

SCALE: 1/4"=1'-0"

B/8




# Building Section

SCALE: 1/4"=1'-0"

A/8

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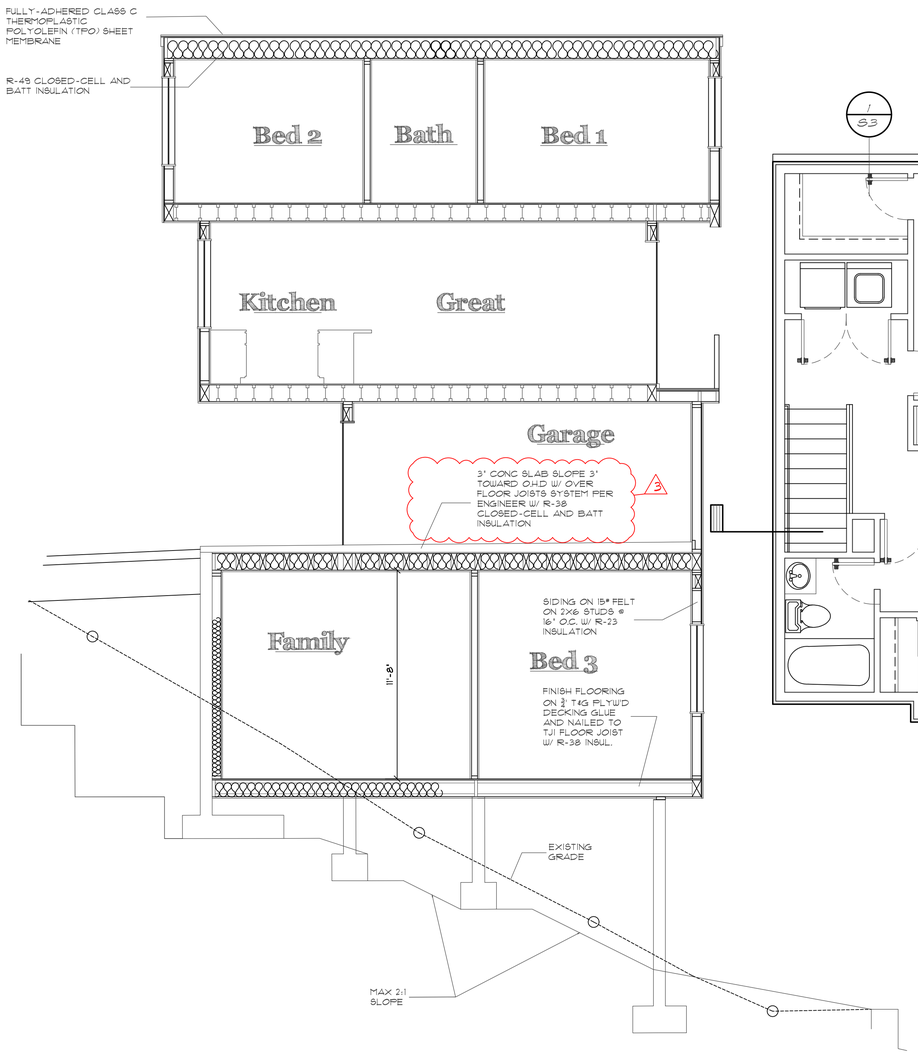
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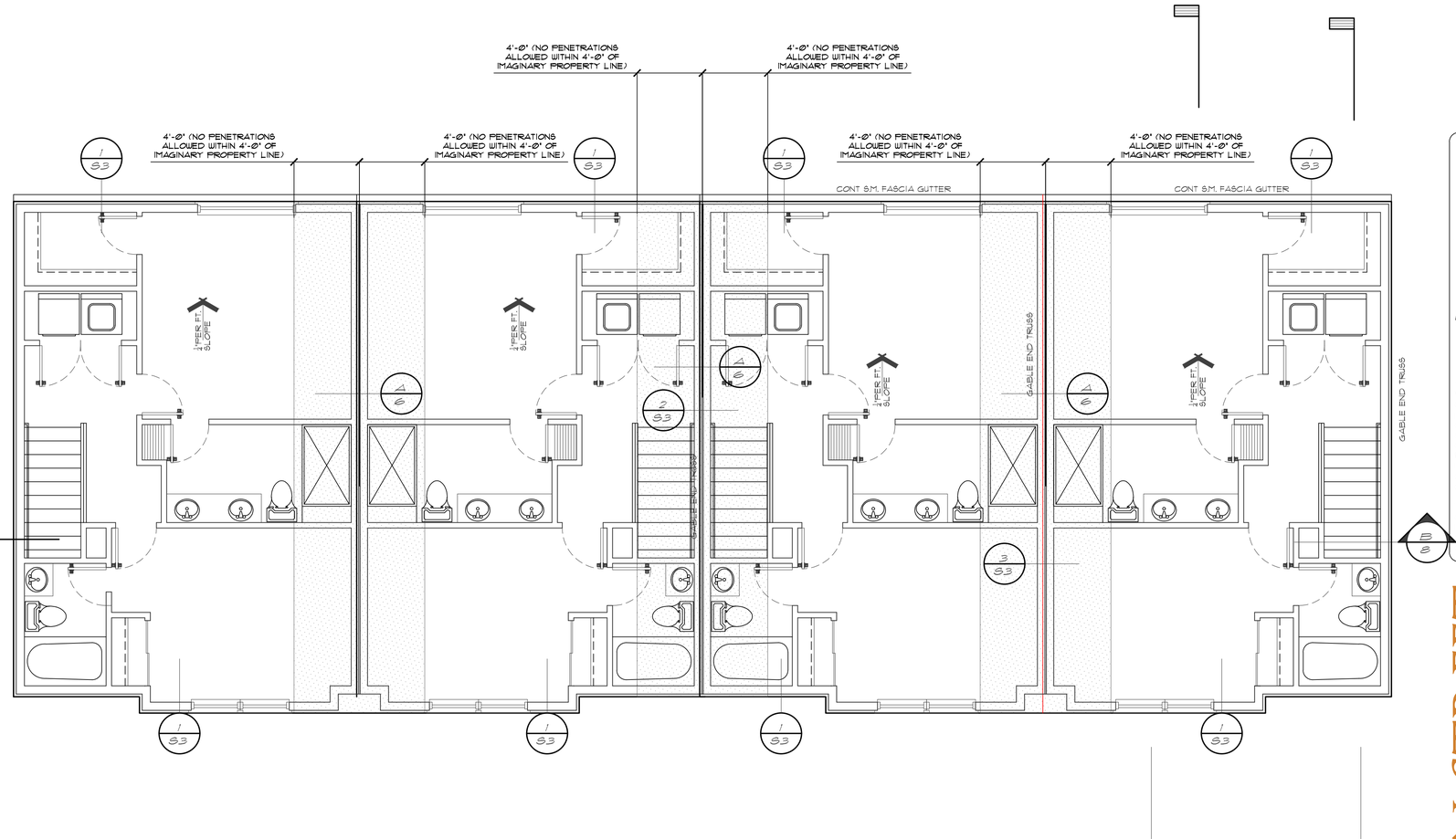
Sheet Number 8 of 9

LU 22-141452 AD
Exhibit A.22




# Building Section

SCALE: 1/4"=1'-0"




# Roof Plan

SCALE: 1/4"=1'-0"

**ROOFING**

1. **Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceiling is applied to the underside of roof rafters shall have cross ventilation for each separate space by ventilated openings protected against the entrance of rain or snow. Ventilation openings shall be provided with corrosion-resistant wire mesh, with 1/8 inch minimum to ¼ inch maximum openings. Section R806.1 (For unvented attic assemblies, see Section R806.4)
2. **Minimum area.** The total net free ventilating area shall be not less than 1/150 of the space ventilated. The minimum net free ventilation area shall be 1/300 of the vented space provided one or more of the following conditions are met:

   1. A Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.

   2. Not less than 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located not more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically, with the balance of the required ventilation provided by eave or cornice vents. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted.
3. **Fasteners for roof covering** shall be in accordance with Chapter 9 of the Oregon Residential Specialty Code, based on type of material used. In all cases, fasteners shall be long enough to penetrate into roof sheathing 3/4 inches or through the thickness of sheathing, whichever is less. Sections R905.2.6 and R905.3.6
4. **Flashing** shall be installed at junctions of chimneys and roofs, in roof valleys and around all roof openings. See Chapter 9 of the Oregon Residential Specialty Code for specific requirements.
5. **Roof covering application.** Roof coverings shall be applied in accordance with the applicable provisions of this section and the manufacture's installation instructions. Section R905.1 (A copy of code requirements for the kind of roofing material used shall be available on request.)

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Upper 643 SF
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Sheet Number 9 of 9

LU 22-141452 AD
Exhibit A.22

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

1X4 TRIM BOARD

HARDI PANEL W/ ½" CHANNEL

6" LAP SIDING

12" WIDE LAP SIDING

VERTICAL CEDAR SIDING

BRICK PER BUILDER

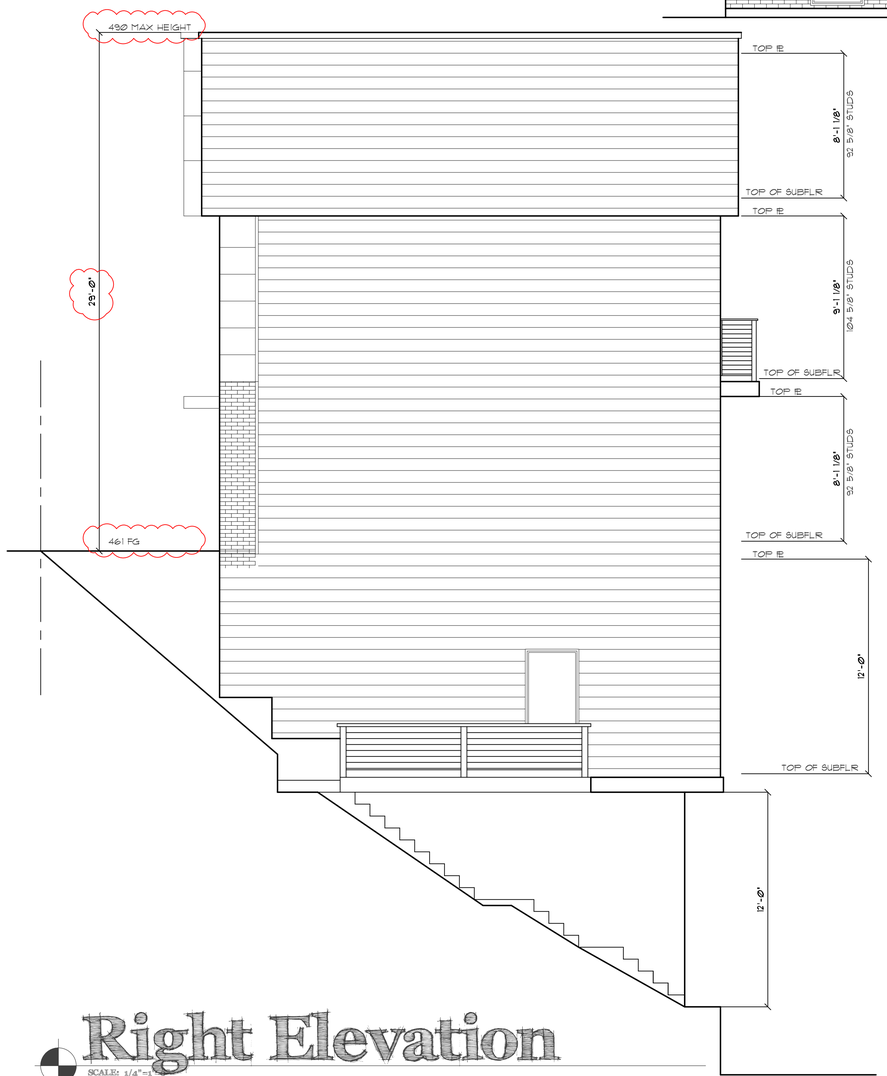


FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.




# Right Elevation

SCALE: 1/4"=1'-0"

# Units 5-8

# Front Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR; MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.


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*Washington* - Brooker T.


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

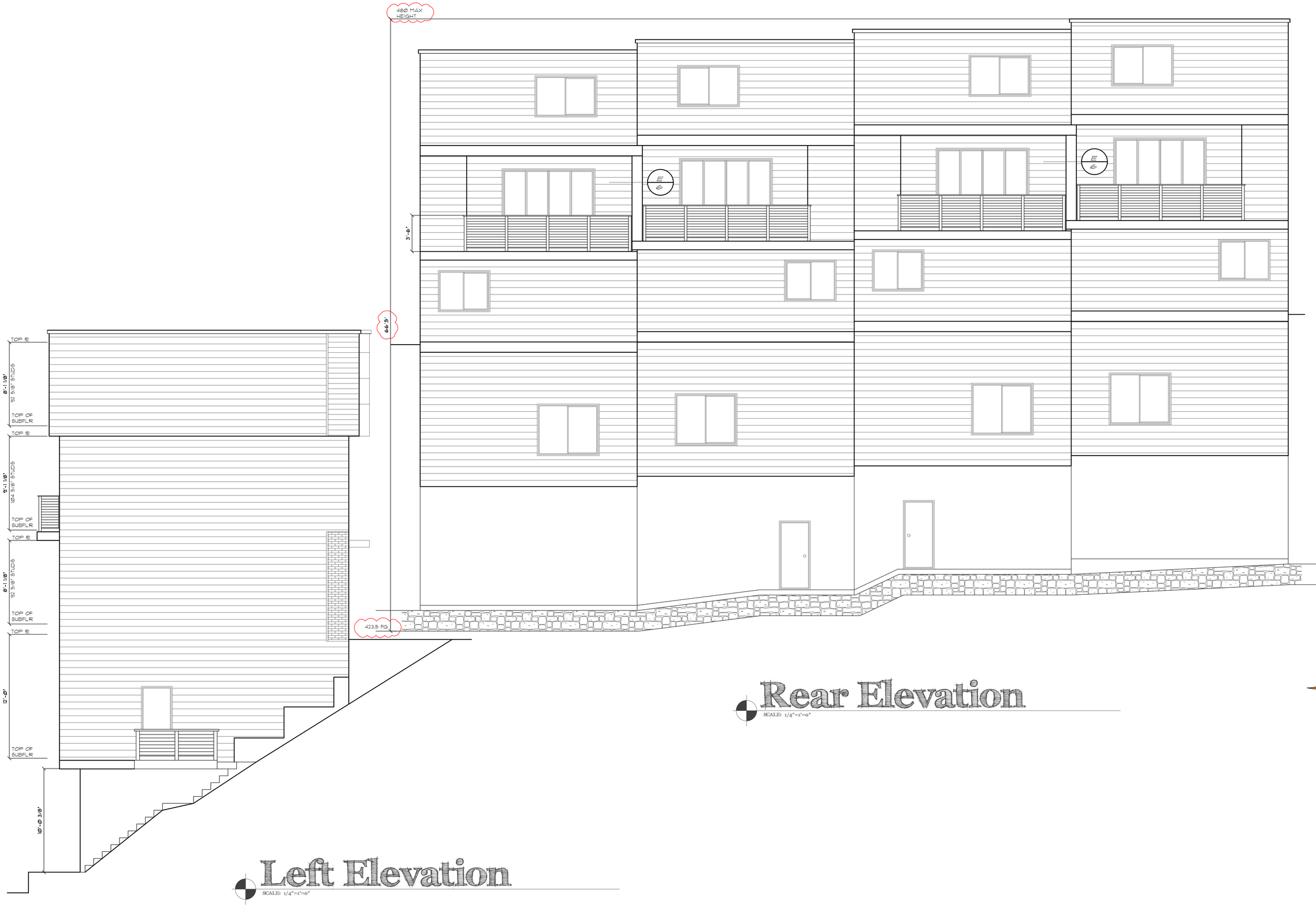
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# Rear Elevation

SCALE: 1/4"=1'-0"

# Left Elevation

SCALE: 1/4"=1'-0"

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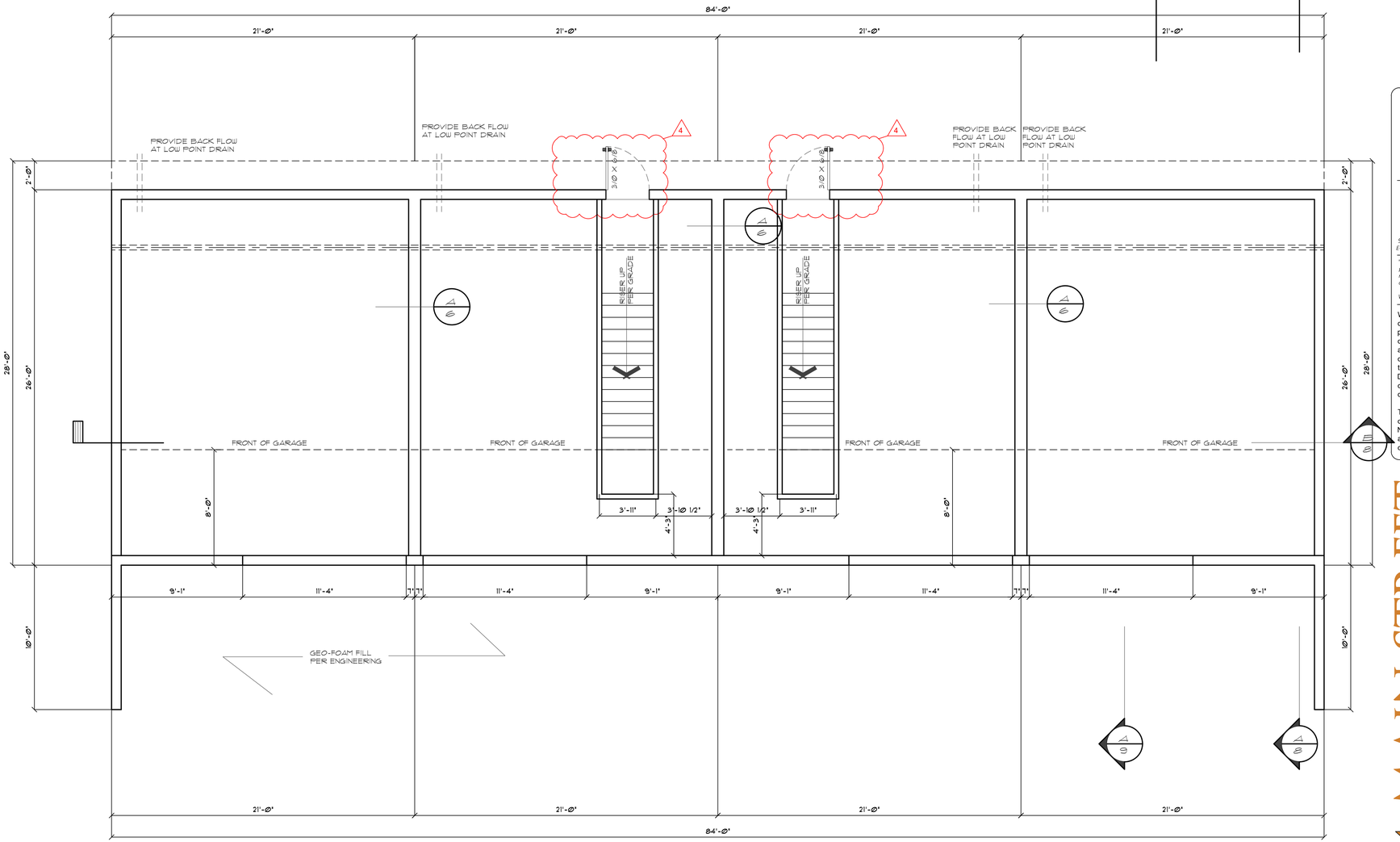
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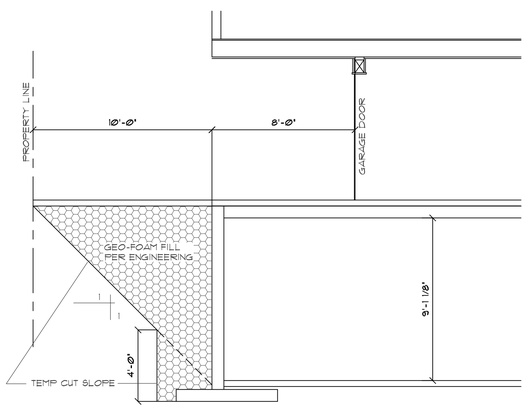
## Footings and Foundations; Residential Concrete:

1. Compressive Strength. Required minimum compressive strength of concrete (psi) at 28 days:
   a) Basement walls, foundation walls and other concrete not exposed to the weather 2500 psi
   b) Basement slabs and interior slabs on grade, except garage floor slabs 2500 psi
   c) Basement, foundation, exterior walls, other vertical concrete exposed to the weather 3000 psi
   d) Porches, carport slabs and steps exposed to the weather and garage floor slabs 3000 psi
   Concrete shall be air entrained (5%-7%) for strengths of 3000 psi and 3500 psi and when subject to freezing and thawing during construction for 2500 psi concrete. See Table R402.2.
2. Footings shall be placed on undisturbed natural soil or engineered fill. See Section R403.1.
3. Minimum depth. Bottoms of exterior wall, bearing wall, pier and column footings shall be not less than 18 inches below finished grade. See Section 403.1.5
4. Minimum sizes for concrete or masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). See R403.1.1.
5. Slope. The top surfaces of footings shall be level. The bottom surface of footings shall not have a slope exceeding 1 in 10. Footings shall be stepped where the ground surface is more than 1 in 10. See Section 403.1.6.
6. Ground clearance. Wood siding, sheathing and wall framing on the exterior of a building shall have a clearance of not less than 6 inches from the ground. See Section R319.1 Item 5.
7. Seismic reinforcing. Foundation with stem walls shall be provided with a minimum of one No. 4 bar within 12 inches of the top of the wall and one No. 4 bar located 3 inches to 4 inches from the bottom of the footing.
   EXCEPTION: Foundations constructed monolithically shall be permitted to have a minimum of two No. 4 bars placed in the footing. Section R403.1.4.1
   Where a construction joint is created between a concrete footing and stem wall, a minimum of one No. 4 bar shall be provided at no more than 4 feet on center. The vertical bar shall extend 3 inches clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches into the stem wall. See Section R403.1.4.
   NOTE: Unless otherwise detailed on plan, a 6 inch 90 degree bend on the short leg (hook) will be considered as meeting the intent of this section.
8. Grounding electrodes. When concrete reinforcing bars are installed in concrete footings, the following requirements shall be met to provide for a grounding electrode system:
1. Uncoated No. 4 reinforcing bar installed not less than 3 inches from the bottom of the footing and not less than 20 feet in length encased with a minimum of 2 inches of concrete.
2. An uncoated No. 4 reinforcing bar stubbed up at least 12 inches above the floor plate line and tightly attached to the reinforcing bar located in the footing with 3 ties. The spliced lap of the stubbed up bar to the footing bar shall be a minimum of 12 inches. Section R403.1.7
9. Wood sill plate anchor bolts shall be min. 1/2-inch diameter, 7 inches embedment, max. 6 feet on center and not more than 12 inches from a corner or mudsill splices or less than 7 bolt diameters from mudsill splice. Min. 2 anchor bolts per plate. See Sections R403.1.8 and R403.1.8.1.
   Plate washers conforming to Section R602.11.1 shall be provided for all anchor bolts over the full length of required braced wall lines. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels. Plate washers, a minimum of 0.229 inches by 3 inches by 3 inches in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch larger than the bolt diameter and a slot length not to exceed 1-3/4 inches, provided a standard cut washer is placed between the plate washer and the nut. See Section R602.11.1.
10. Concrete slab on ground floors shall be not less than 3 1/2 inches thick. Where slabs and footings are constructed monolithically, footings shall comply with requirements in Figure 403.1.1(1).
11. Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1 (5) and shall also comply with the provisions of Section R404 and the applicable provisions of Section R402.2. In Seismic Design Categories D1 and D2, concrete foundation walls shall comply with Section R404.1.4.

## Crawl spaces:

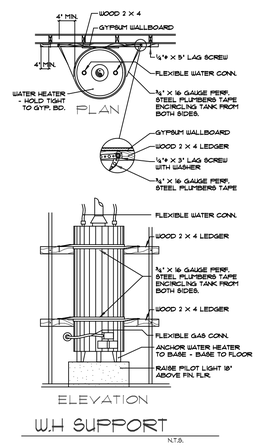
12. Access opening. Crawl spaces shall be provided with a minimum 18 inches by 24 inches access opening. Openings through a perimeter wall shall be not less than 16 inches by 24 inches. When any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches shall be provided. Pipes, ducts and other construction must not obstruct accessibility to and within the crawl space. Section. R408.3. See Section M1305.1.4 for access requirements where mechanical equipment is located under floor.
13. Under-floor space ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum net area of ventilation openings shall not be less than 1 square foot for each 150 square feet of under-floor space area. One ventilating opening shall be required within 3 feet of each corner of the building. The openings shall be covered with corrosion resistant wire mesh or equivalent with 1/8-inch minimum dimension. Ventilation openings may be omitted on one side of a building. Ventilation openings may be omitted when continuously operated mechanical ventilation is provided at a rate of 1.0 cfm for each 50 square feet of crawl space floor area and ground surface is covered with an approved vapor barrier material. Sections R408.1 and R408.2.
14. Drainage. Provide water drainage from the crawl space by means of crawl space and foundation drains sloped for gravity drainage and extending to a storm sewer, street gutter, road ditch or other drainage way or raise the finish grade in the crawl space to the level of finish grade outside. Section R408.5
15. Removal of debris. The under-floor grade shall be cleaned of all vegetation and organic material. All wood forms used for placing concrete shall be removed before a building is occupied or used for any purpose. All construction materials shall be removed before a building is occupied or used for any purpose. Section R408.4




Section @ Driveway
SCALE: 1/4"=1'-0"

Foundation Plan
SCALE: 1/4"=1'-0"




W.H SUPPORT
N.T.S.

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DREAM • DESIGN • BUILD

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Upper 643 SF
Main 500 SF
1687 Total SF

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sk-1687-4 Unit 5 thru 8
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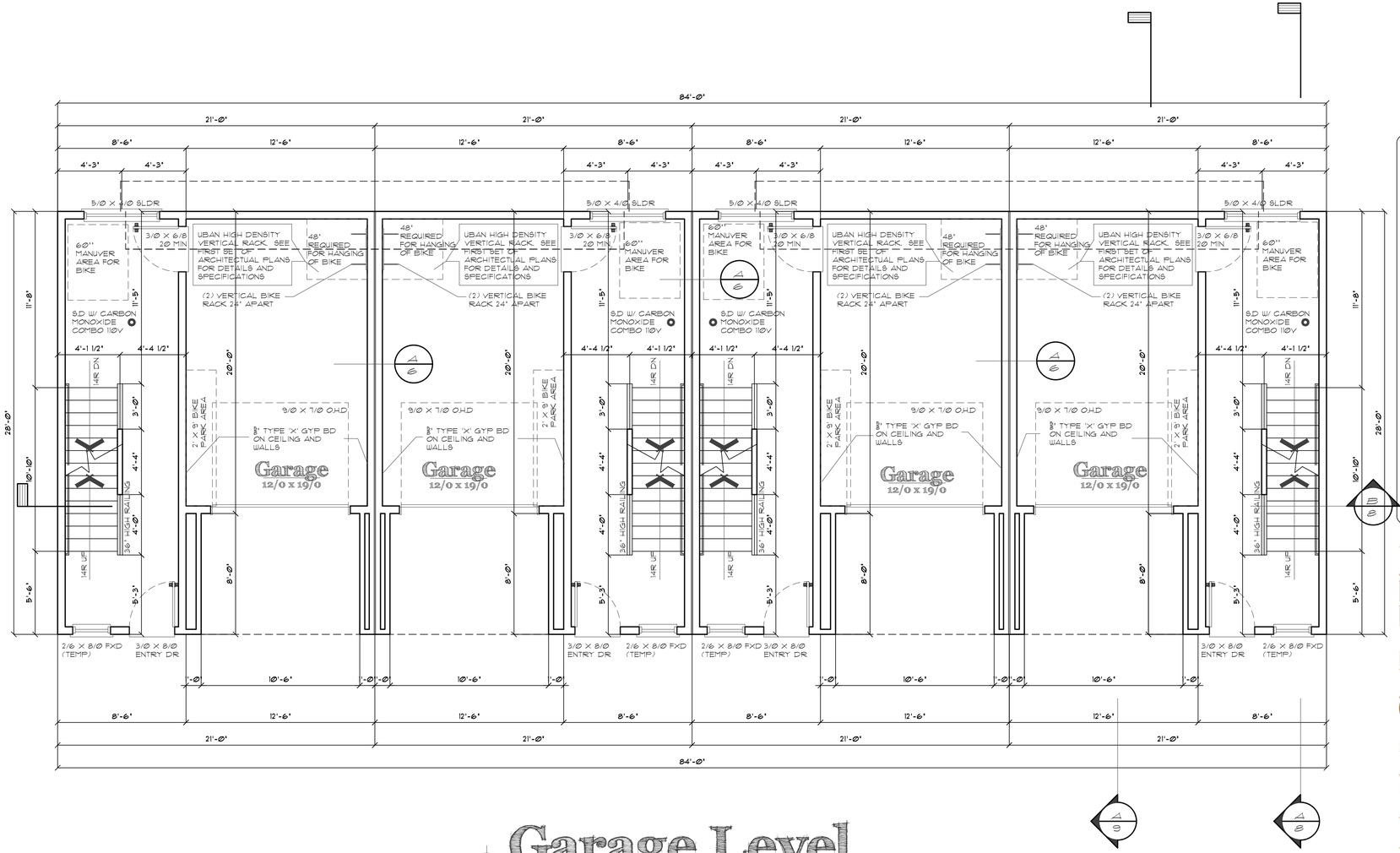
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# Garage Level

SCALE: 1/4"=1'-0"

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.

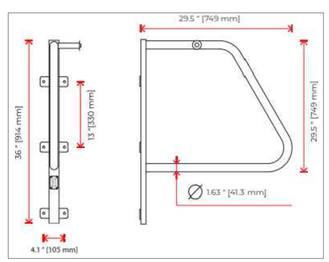
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

## FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA


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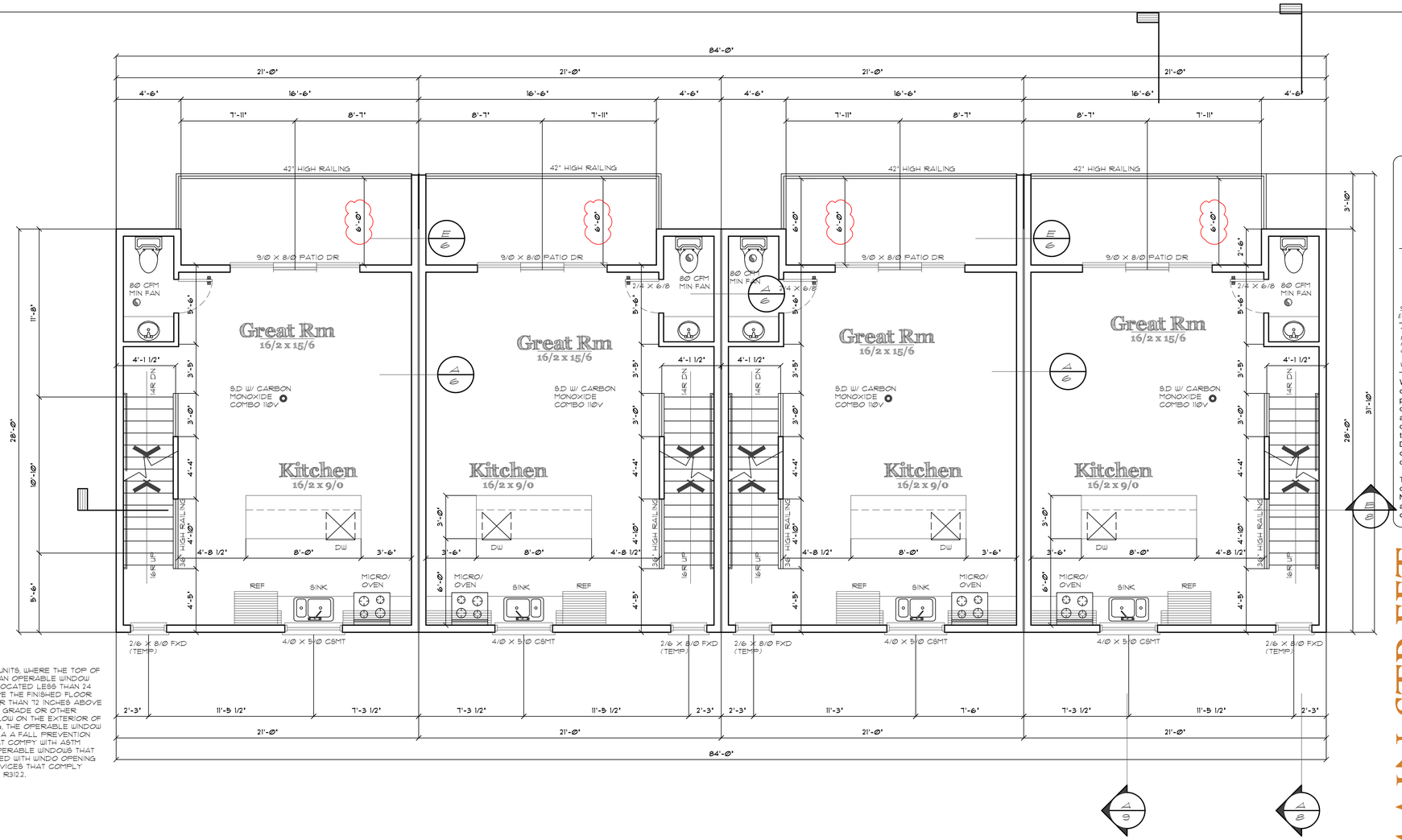
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# Main Level

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO+60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER N WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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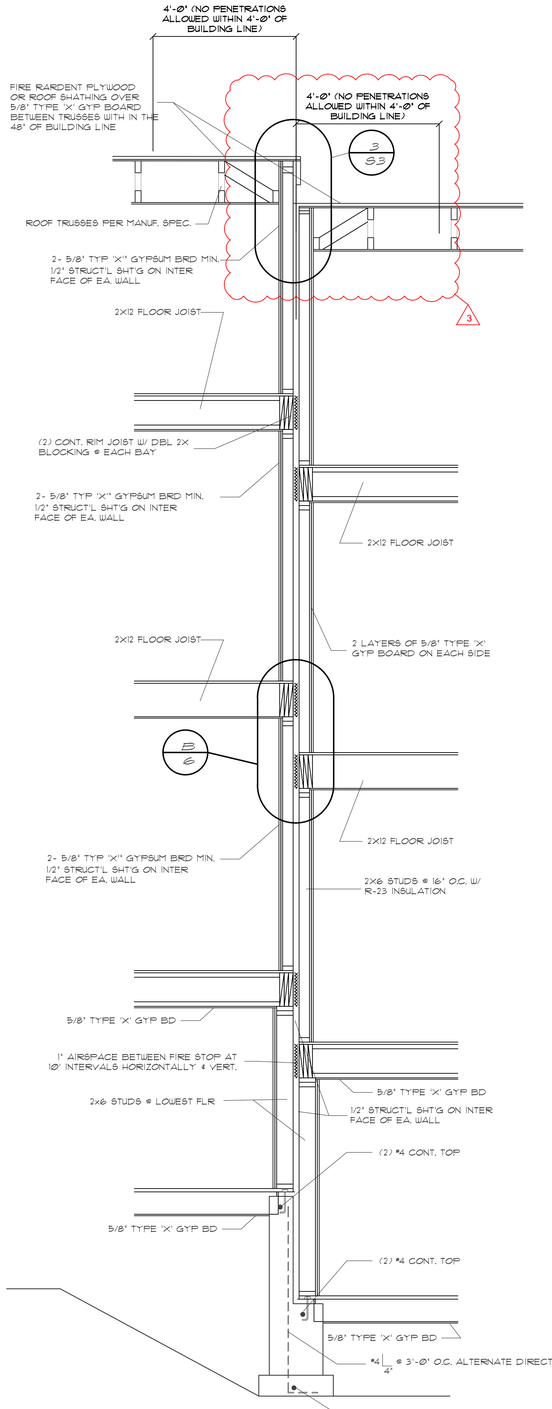
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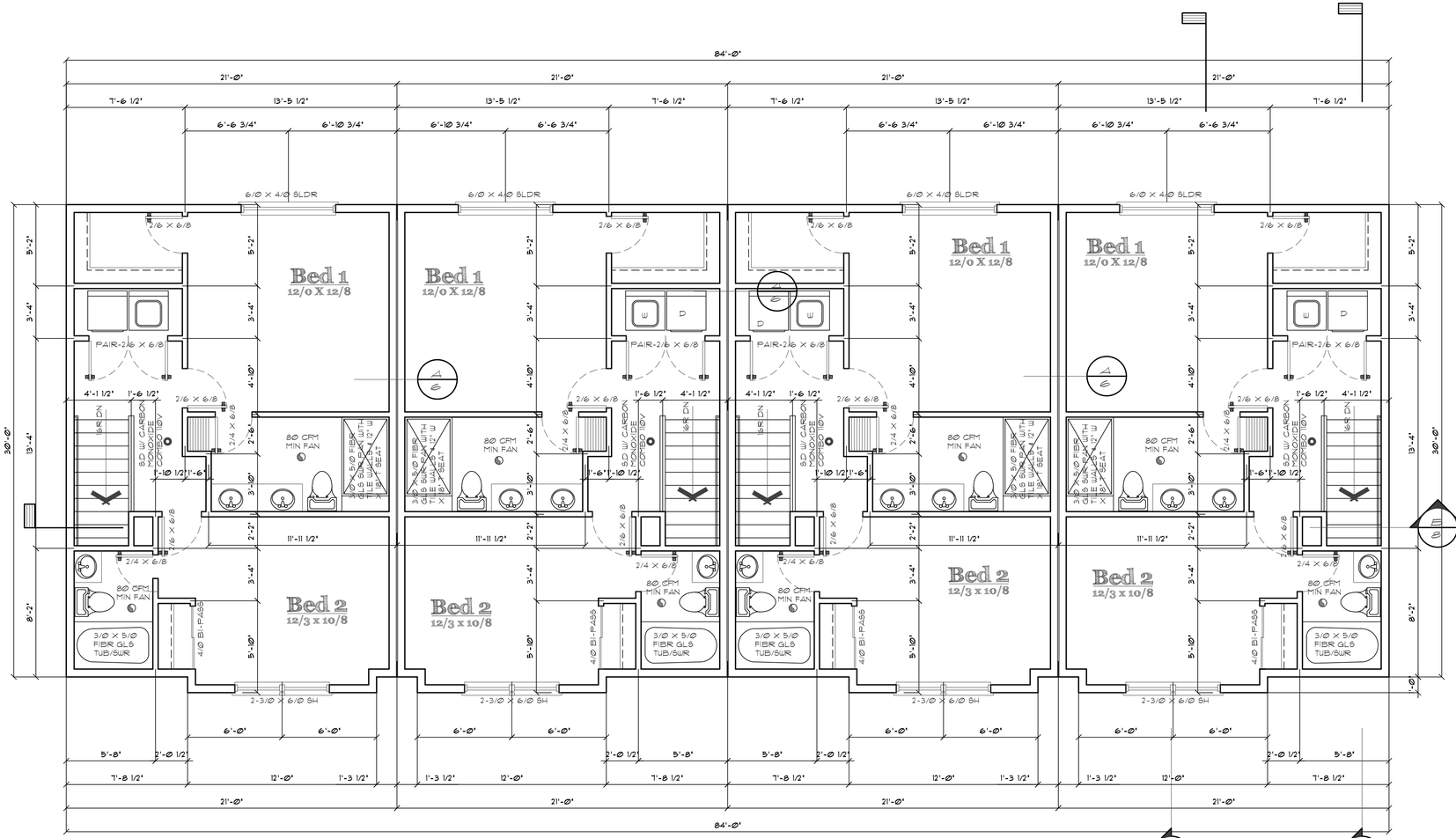
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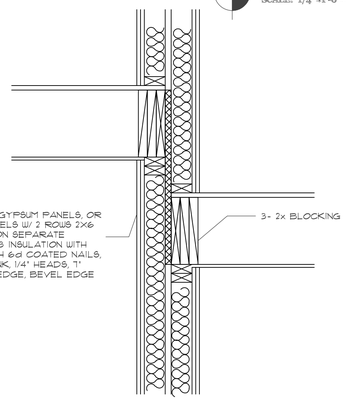

# Mod. 2HR Wall

SCALE: N.T.S

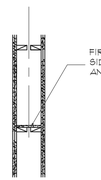



# Upper Floor Plan

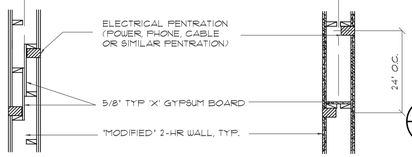
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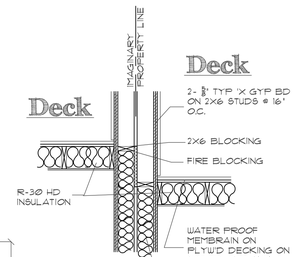

B/E SCALE: 1"=1'-0"
DETAIL



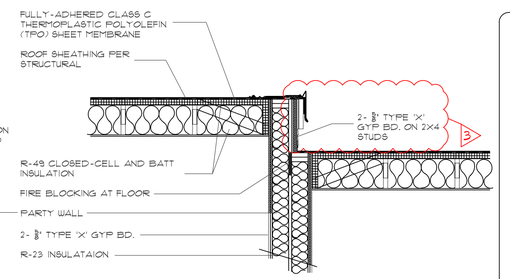

D/E DETAIL
FIRE BLOCKING
SCALE: 1/2"=1'-0"




C/E DETAIL
@ ELECTRICAL PENTRATION
SCALE: 1/2"=1'-0"




E/E Detail @ Deck
SCALE: 1/2"=1'-0"




F/E Detail @ Roof
SCALE: 1/2"=1'-0"

IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS SCALE: 1/2"=1'-0" | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

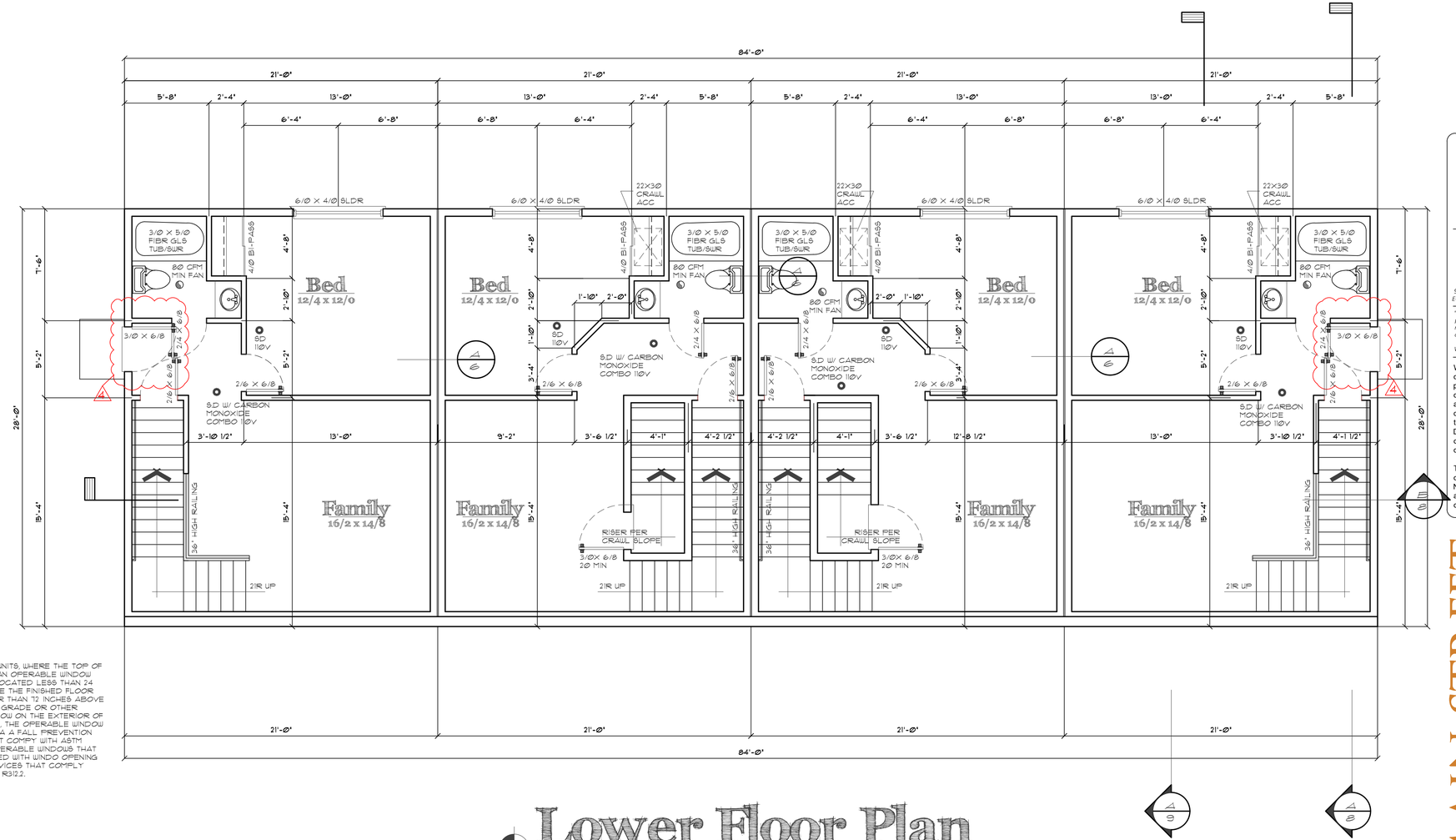
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Sheet Number 6 of 9

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IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

# Lower Floor Plan

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" H. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" H |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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Washington

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

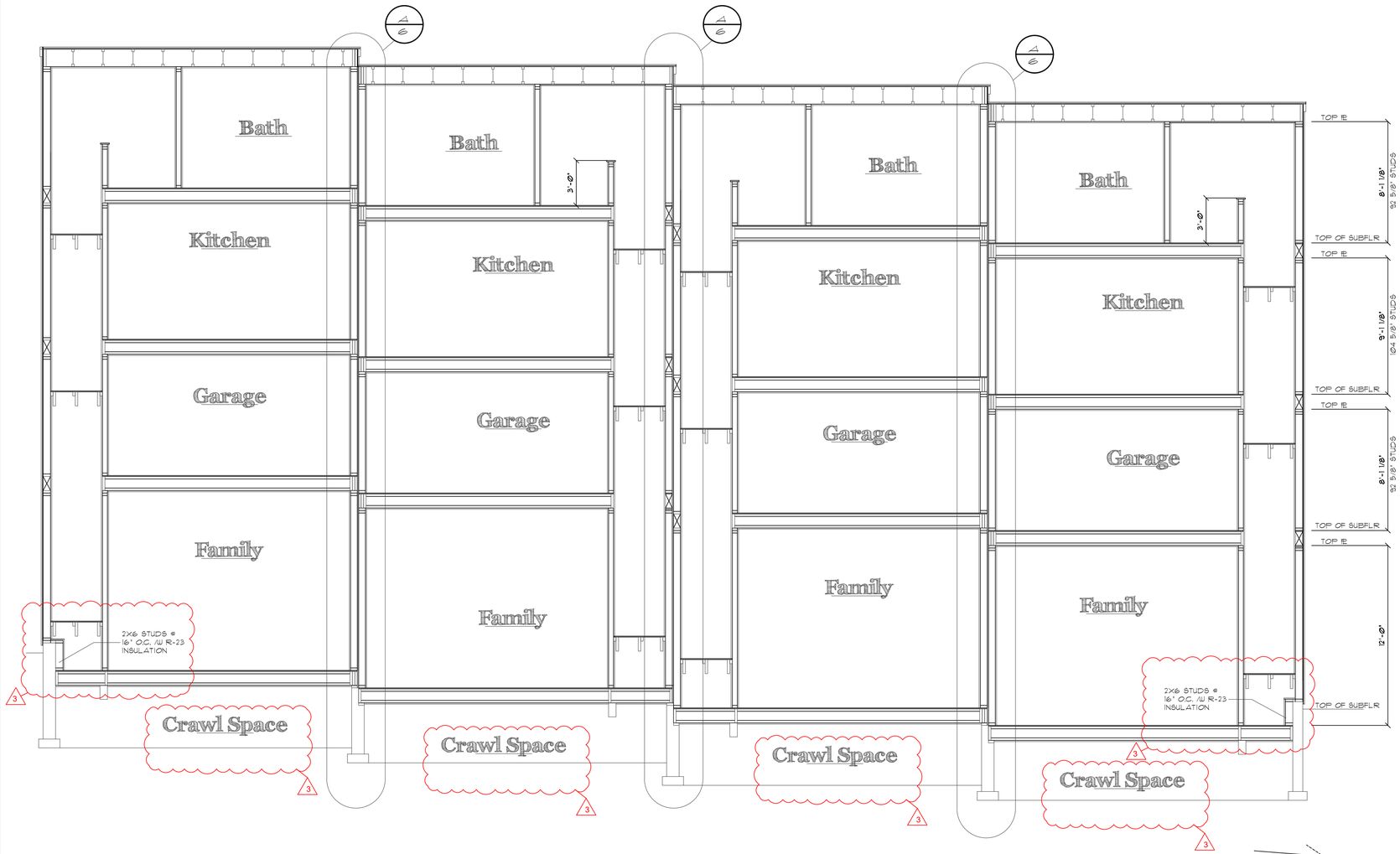
sk-1687-4 Unit 5 thru 8
Project Number

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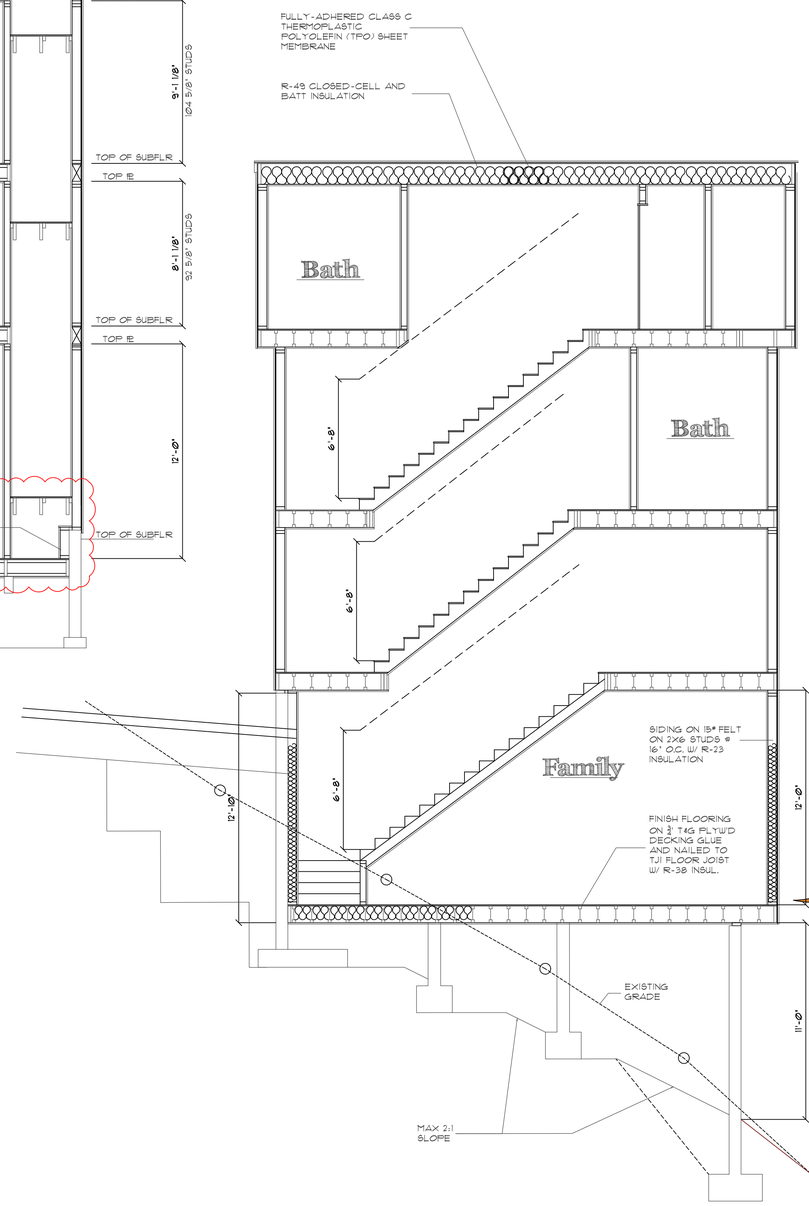
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# Building Section

SCALE: 1/4"=1'-0"

B
8




# Building Section

SCALE: 1/4"=1'-0"

A
8

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

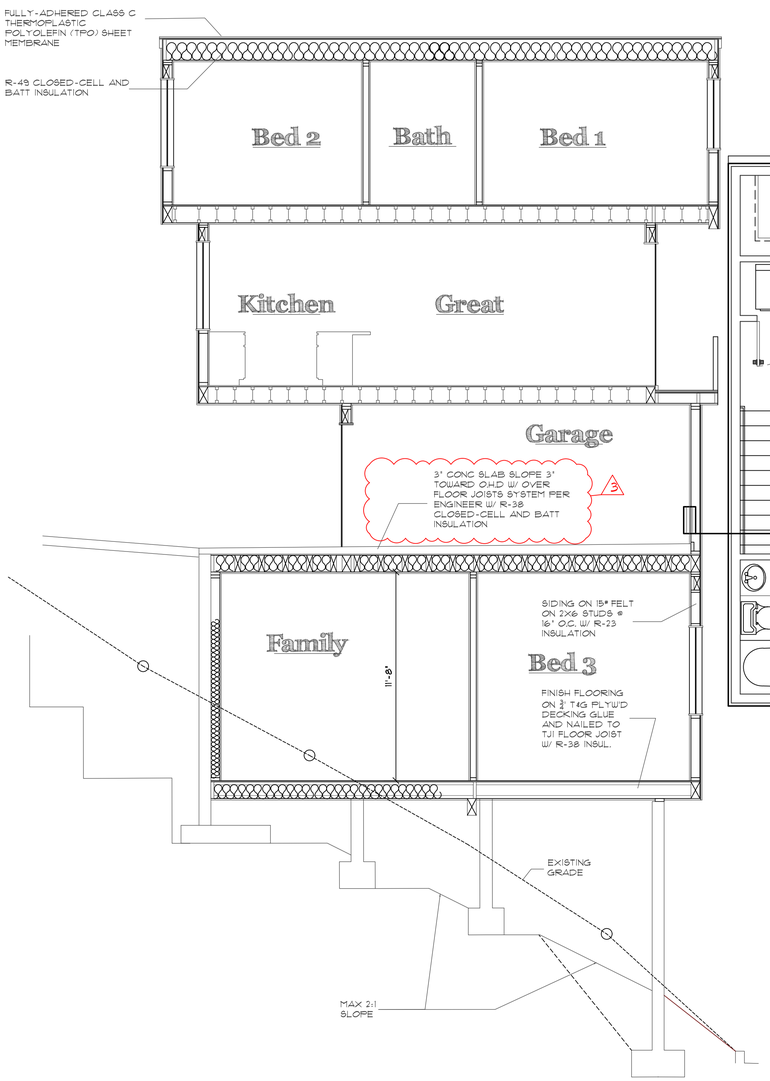
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|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
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8
Sheet Number of 9

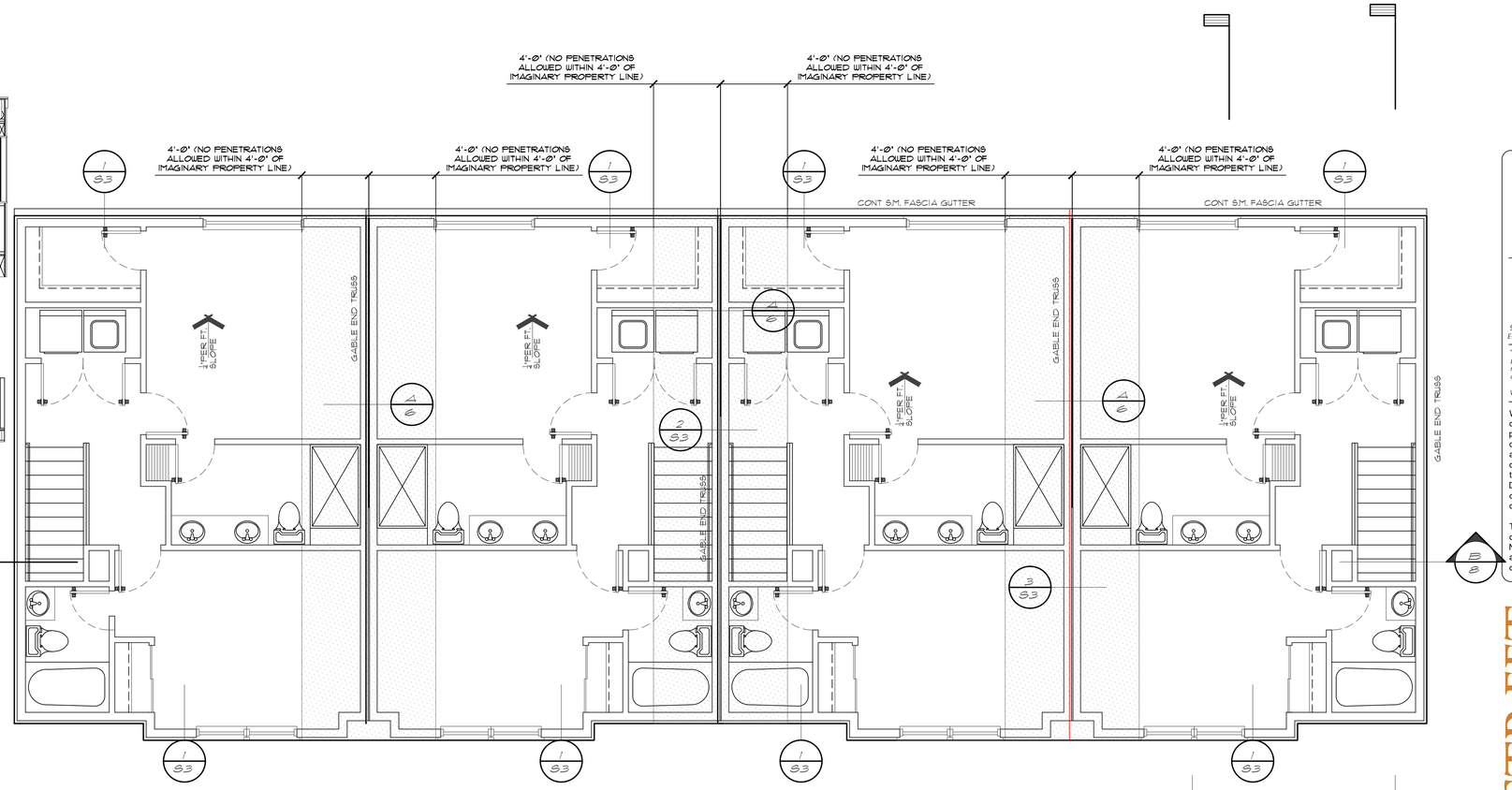
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## Building Section

SCALE: 1/4"=1'-0"




## Roof Plan

SCALE: 1/4"=1'-0"

**ROOFING**

1. **Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceiling is applied to the underside of roof rafters shall have cross ventilation for each separate space by ventilated openings protected against the entrance of rain or snow. Ventilation openings shall be provided with corrosion-resistant wire mesh, with 1/8 inch minimum to ¼ inch maximum openings. Section R806.1 (For unvented attic assemblies, see Section R806.4)
2. **Minimum area.** The total net free ventilating area shall be not less than 1/150 of the space ventilated. The minimum net free ventilation area shall be 1/300 of the vented space provided one or more of the following conditions are met:

   1. A Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.

   2. Not less than 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located not more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically, with the balance of the required ventilation provided by eave or cornice vents. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted.
3. **Fasteners for roof covering** shall be in accordance with Chapter 9 of the Oregon Residential Specialty Code, based on type of material used. In all cases, fasteners shall be long enough to penetrate into roof sheathing 3/4 inches or through the thickness of sheathing, whichever is less. Sections R905.2.6 and R905.3.6
4. **Flashing** shall be installed at junctions of chimneys and roofs, in roof valleys and around all roof openings. See Chapter 9 of the Oregon Residential Specialty Code for specific requirements.
5. **Roof covering application.** Roof coverings shall be applied in accordance with the applicable provisions of this section and the manufacture's installation instructions. Section R905.1 (A copy of code requirements for the kind of roofing material used shall be available on request.)

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
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| NO | DATE | ISSUE /REVISION |
|---|---|---|
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Sheet Number 9 of 9

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* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

## BUILDING COMPONENTS

| | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=Ø.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=Ø.2Ø |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=Ø.2Ø |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-3Ø |
| SKYLIGHT GLASS | U=Ø.6Ø |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

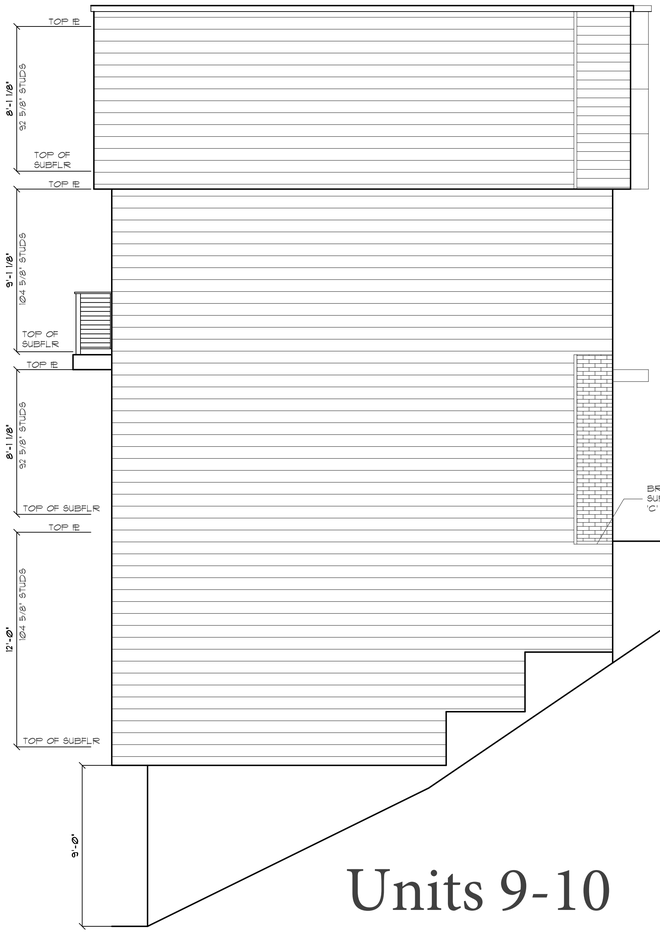
GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

## TABLE N1101.1(2)
## ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e),and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

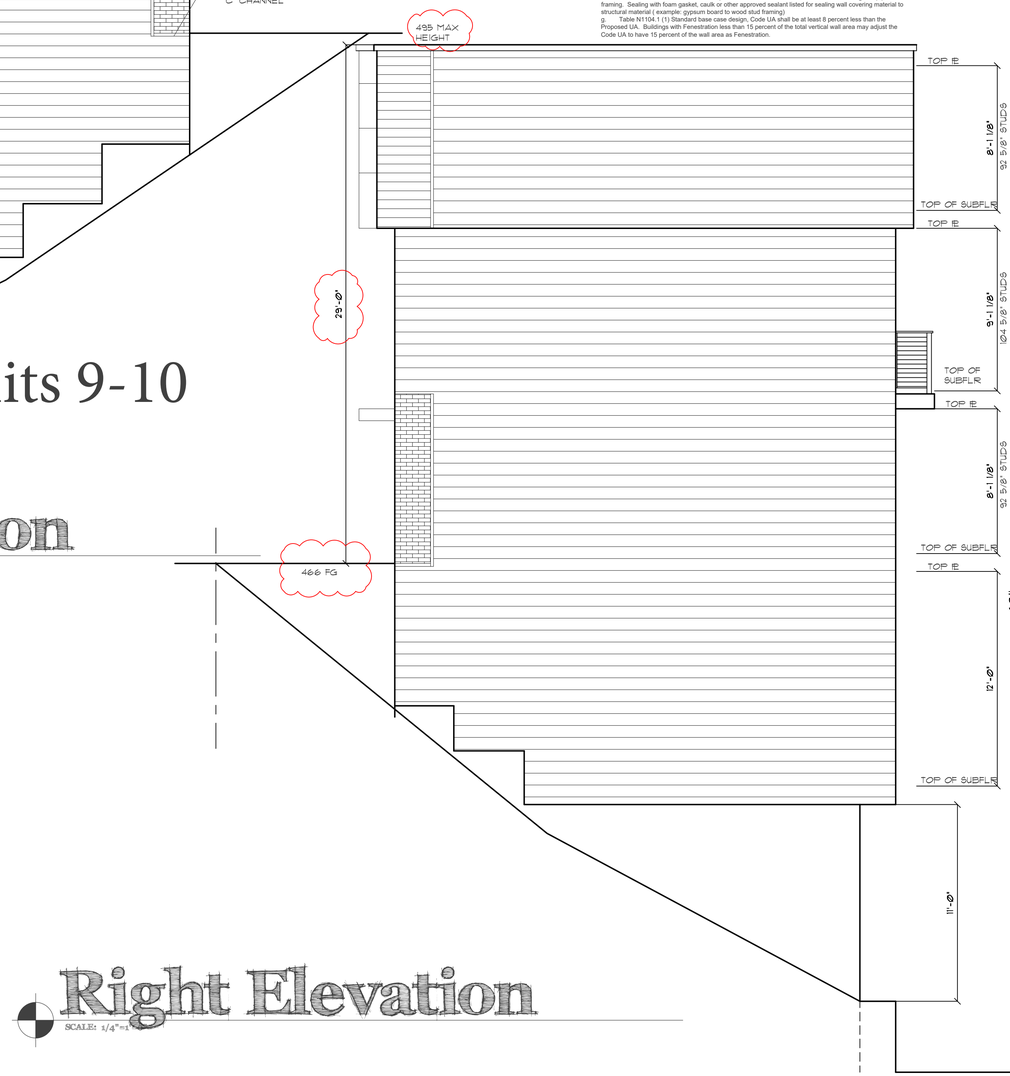
For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of air HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.




BRICK IS SUPPORTED BY 'C' CHANNEL

# Units 9-10

## Left Elevation
SCALE: 1/4"=1'-0"

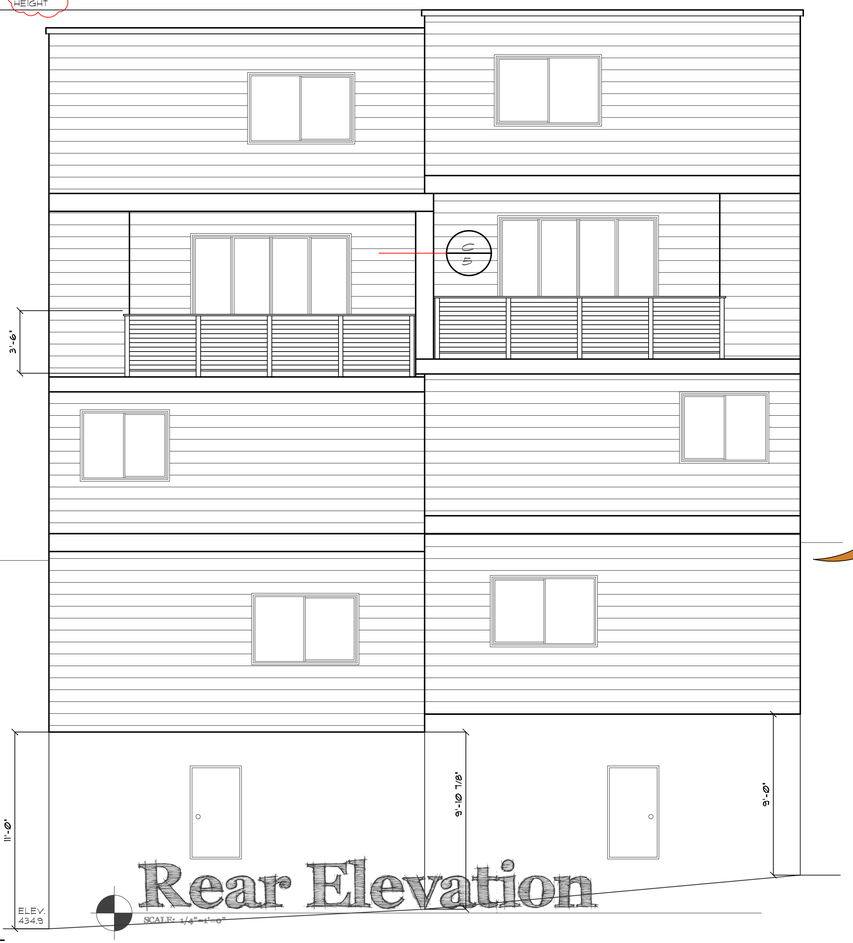



## Right Elevation
SCALE: 1/4"=1'-0"




NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

## Front Elevation
SCALE: 1/4"=1'-0"




## Rear Elevation
SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

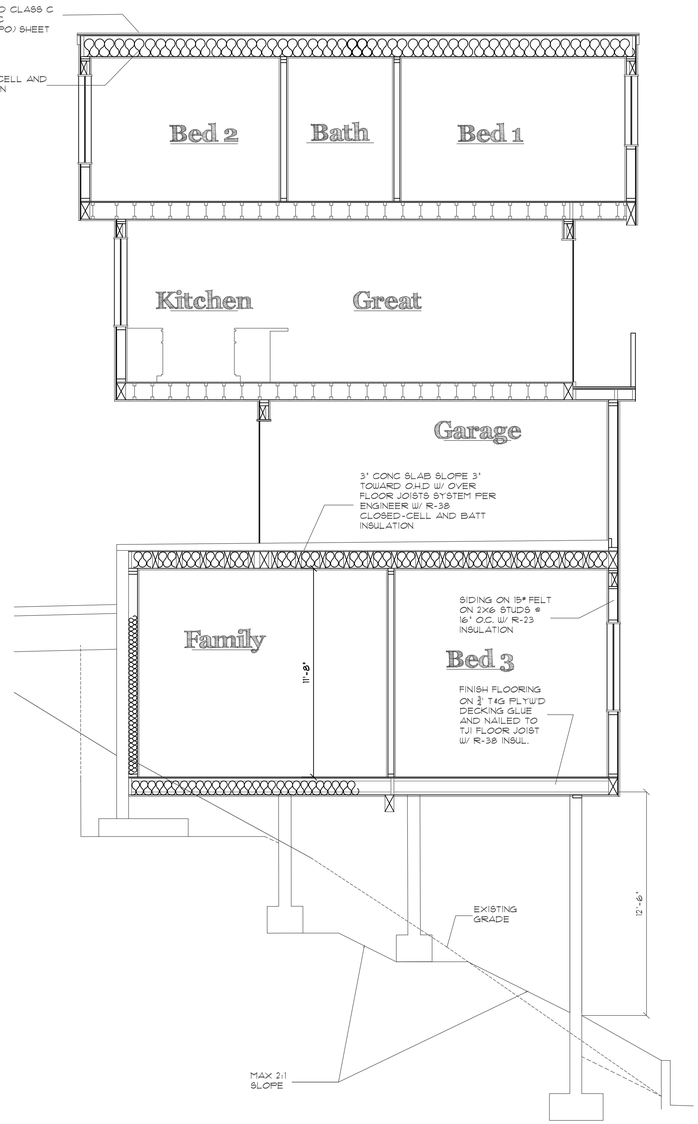
~~SK-TE87-A~~ Units 9-10
Project Number

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# Building Section

SCALE: 1/4"=1'-0"

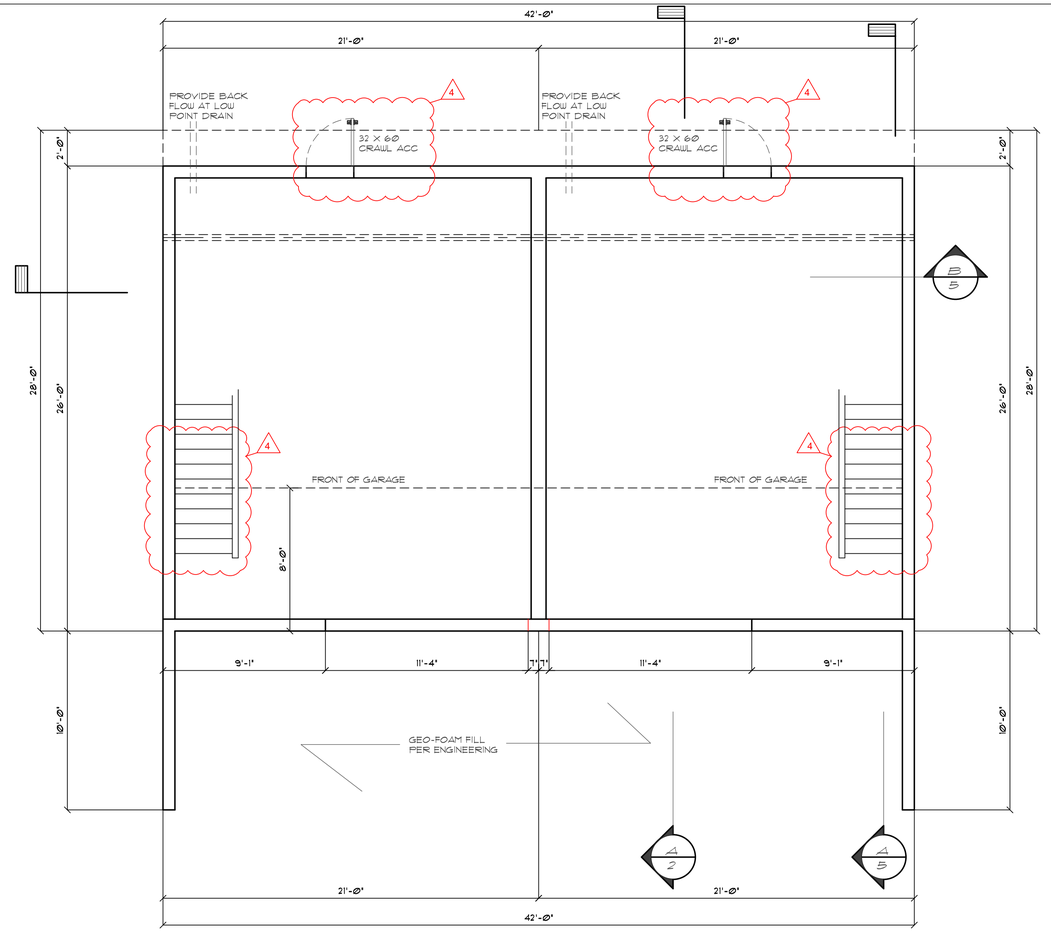
A 2

## Footings and Foundations: Residential Concrete:

1. Compressive Strength. Required minimum compressive strength of concrete (psi) at 28 days:
   a) Basement walls, foundation walls and other concrete not exposed to the weather 2500 psi
   b) Basement slabs and interior slabs on grade, except garage floor slabs 2500 psi
   c) Basement, foundation, exterior walls, other vertical concrete exposed to the weather 3000 psi
   d) Porches, carport slabs and steps exposed to the weather and garage floor slabs 3000 psi
   Concrete shall be air entrained (5%-7%) for strengths of 3000 psi and 3500 psi and when subject to freezing and thawing during construction for 2500 psi concrete. See Table R402.2.
2. Footings shall be placed on undisturbed natural soil or engineered fill. See Section R403.1.
3. Minimum depth. Bottoms of exterior wall, bearing wall, pier and column footings shall be not less than 18 inches below finished grade. See Section 403.1.5
4. Minimum sizes for concrete or masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). See R403.1.1.
5. Slope. The top surfaces of footings shall be level. The bottom surface of footings shall not have a slope exceeding 1 in 10. Footings shall be stepped where the ground surface is more than 1 in 10. See Section 403.1.6.
6. Ground clearance. Wood siding, sheathing and wall framing on the exterior of a building shall have a clearance of not less than 6 inches from the ground. See Section R319.1 Item 5.
7. Seismic reinforcing. Foundation with stem walls shall be provided with a minimum of one No. 4 bar within 12 inches of the top of the wall and one No. 4 bar located 3 inches to 4 inches from the bottom of the footing.
   EXCEPTION: Foundations constructed monolithically shall be permitted to have a minimum of two No. 4 bars placed in the footing. Section R403.1.4.1
   Where a construction joint is created between a concrete footing and stem wall, a minimum of one No. 4 bar shall be provided at no more than 4 feet on center. The vertical bar shall extend 3 inches clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches into the stem wall. See Section R403.1.4.
   NOTE: Unless otherwise detailed on plan, a 6 inch 90 degree bend on the short leg (hook) will be considered as meeting the intent of this section.
8. Grounding electrodes. When concrete reinforcing bars are installed in concrete footings, the following requirements shall be met to provide for a grounding electrode system:
1. Uncoated No. 4 reinforcing bar installed not less than 3 inches from the bottom of the footing and not less than 20 feet in length encased with a minimum of 2 inches of concrete.
2. An uncoated No. 4 reinforcing bar stubbed up at least 12 inches above the floor plate line and tightly attached to the reinforcing bar located in the footing with 3 ties. The spliced lap of the stubbed up bar to the footing bar shall be a minimum of 12 inches. Section R403.1.7
9. Wood sill plate anchor bolts shall be min. 1/2-inch diameter, 7 inches embedment, max. 6 feet on center and not more than 12 inches from a corner or mudsill splices or less than 7 bolt diameters from mudsill splice. Min. 2 anchor bolts per plate. See Sections R403.1.8 and R403.1.8.1.
   Plate washers conforming to Section R602.11.1 shall be provided for all anchor bolts over the full length of required braced wall lines. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels. Plate washers, a minimum of 0.229 inches by 3 inches by 3 inches in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch larger than the bolt diameter and a slot length not to exceed 1-3/4 inches, provided a standard cut washer is placed between the plate washer and the nut. See Section R602.11.1.
10. Concrete slab on ground floors shall be not less than 3 1/2 inches thick. Where slabs and footings are constructed monolithically, footings shall comply with requirements in Figure 403.1.1(1).
11. Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1 (5) and shall also comply with the provisions of Section R404 and the applicable provisions of Section R402.2. In Seismic Design Categories D1 and D2, concrete foundation walls shall comply with Section R404.1.4.

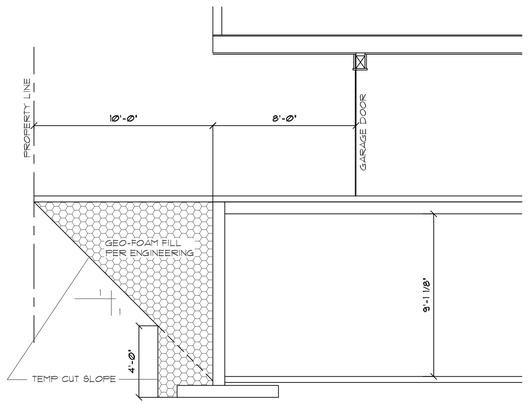
## Crawl spaces:

12. Access opening. Crawl spaces shall be provided with a minimum 18 inches by 24 inches access opening. Openings through a perimeter wall shall be not less than 16 inches by 24 inches. When any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches shall be provided. Pipes, ducts and other construction must not obstruct accessibility to and within the crawl space. Section. R408.3. See Section M1305.1.4 for access requirements where mechanical equipment is located under floor.
13. Under-floor space ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum net area of ventilation openings shall not be less than 1 square foot for each 150 square feet of under-floor space area. One ventilating opening shall be required within 3 feet of each corner of the building. The openings shall be covered with corrosion resistant wire mesh or equivalent with 1/8-inch minimum dimension. Ventilation openings may be omitted on one side of a building. Ventilation openings may be omitted when continuously operated mechanical ventilation is provided at a rate of 1.0 cfm for each 50 square feet of crawl space floor area and ground surface is covered with an approved vapor barrier material. Sections R408.1 and R408.2.
14. Drainage. Provide water drainage from the crawl space by means of crawl space and foundation drains sloped for gravity drainage and extending to a storm sewer, street gutter, road ditch or other drainage way or raise the finish grade in the crawl space to the level of finish grade outside. Section R408.5
15. Removal of debris. The under-floor grade shall be cleaned of all vegetation and organic material. All wood forms used for placing concrete shall be removed before a building is occupied or used for any purpose. All construction materials shall be removed before a building is occupied or used for any purpose. Section R408.4



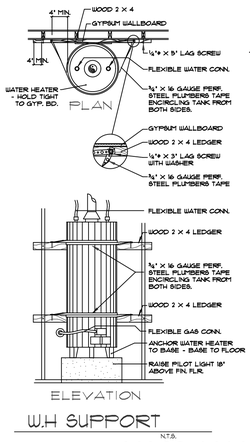

# Foundation Plan

SCALE: 1/4"=1'-0"




# Section @ Driveway

SCALE: 1/4"=1'-0"




W.H SUPPORT

N.T.S.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~UNITS 7 & 8~~ Units 9-10
Project Number

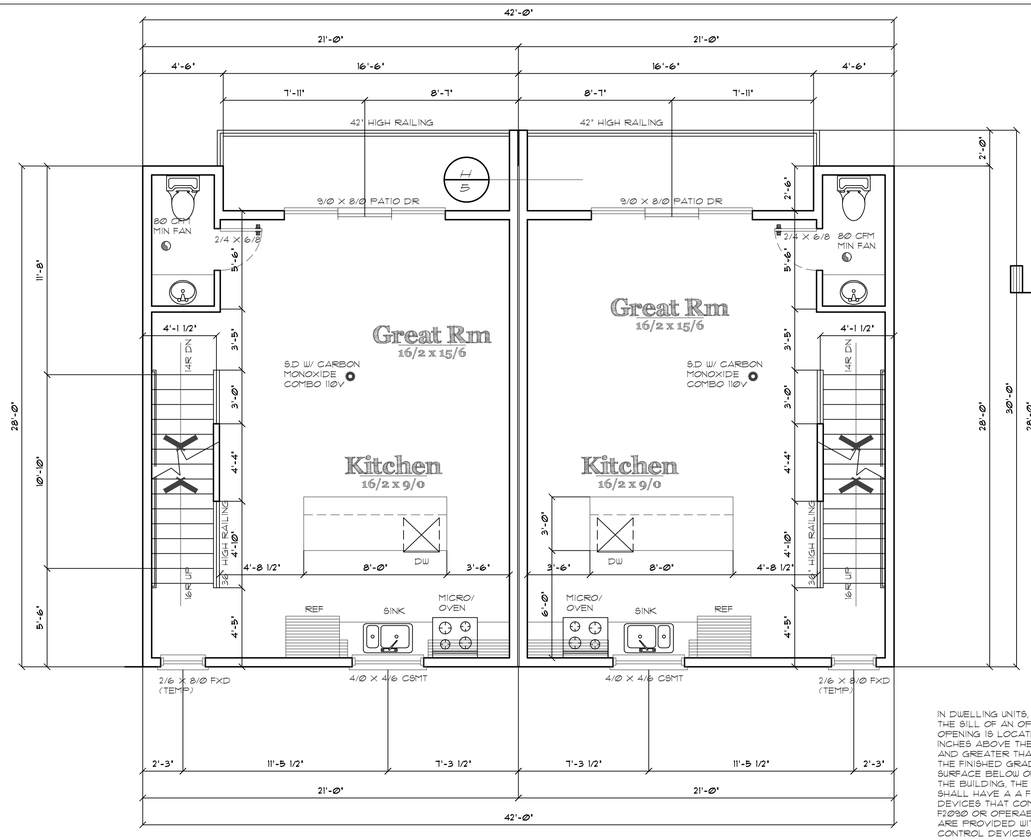
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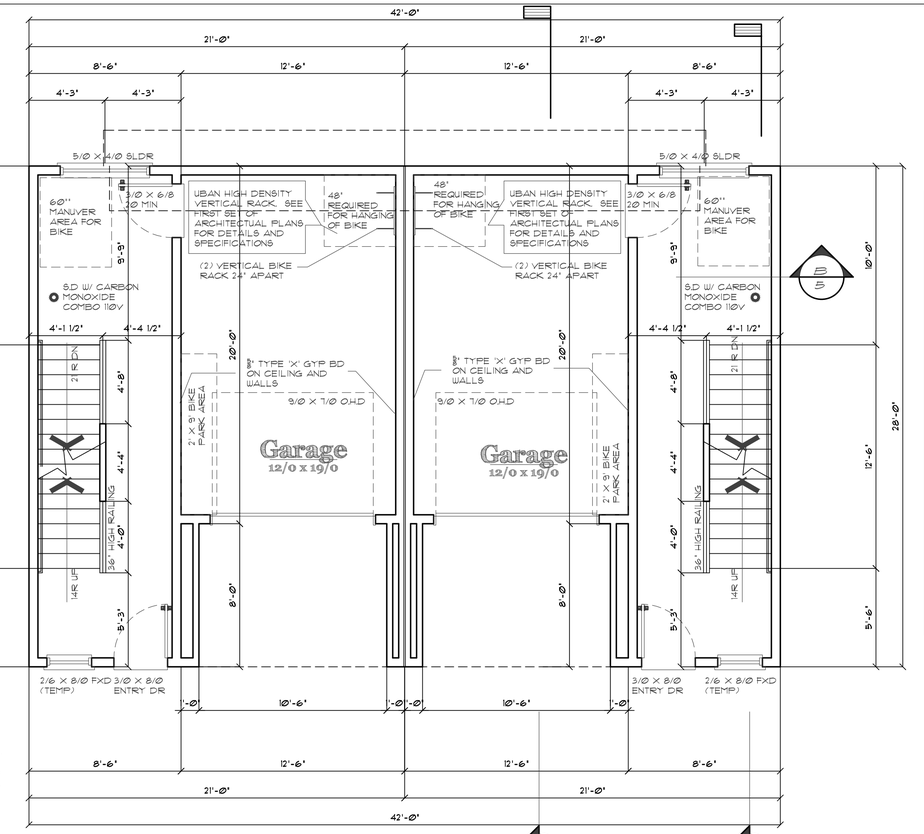
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2 Sheet Number of 5

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IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

# Main Level

SCALE: 1/4"=1'-0"

# Garage Level

SCALE: 1/4"=1'-0"

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.

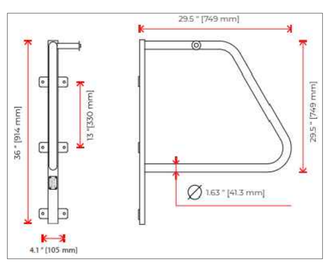
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+60" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-10 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

## FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

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2/9/2021
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Project Number

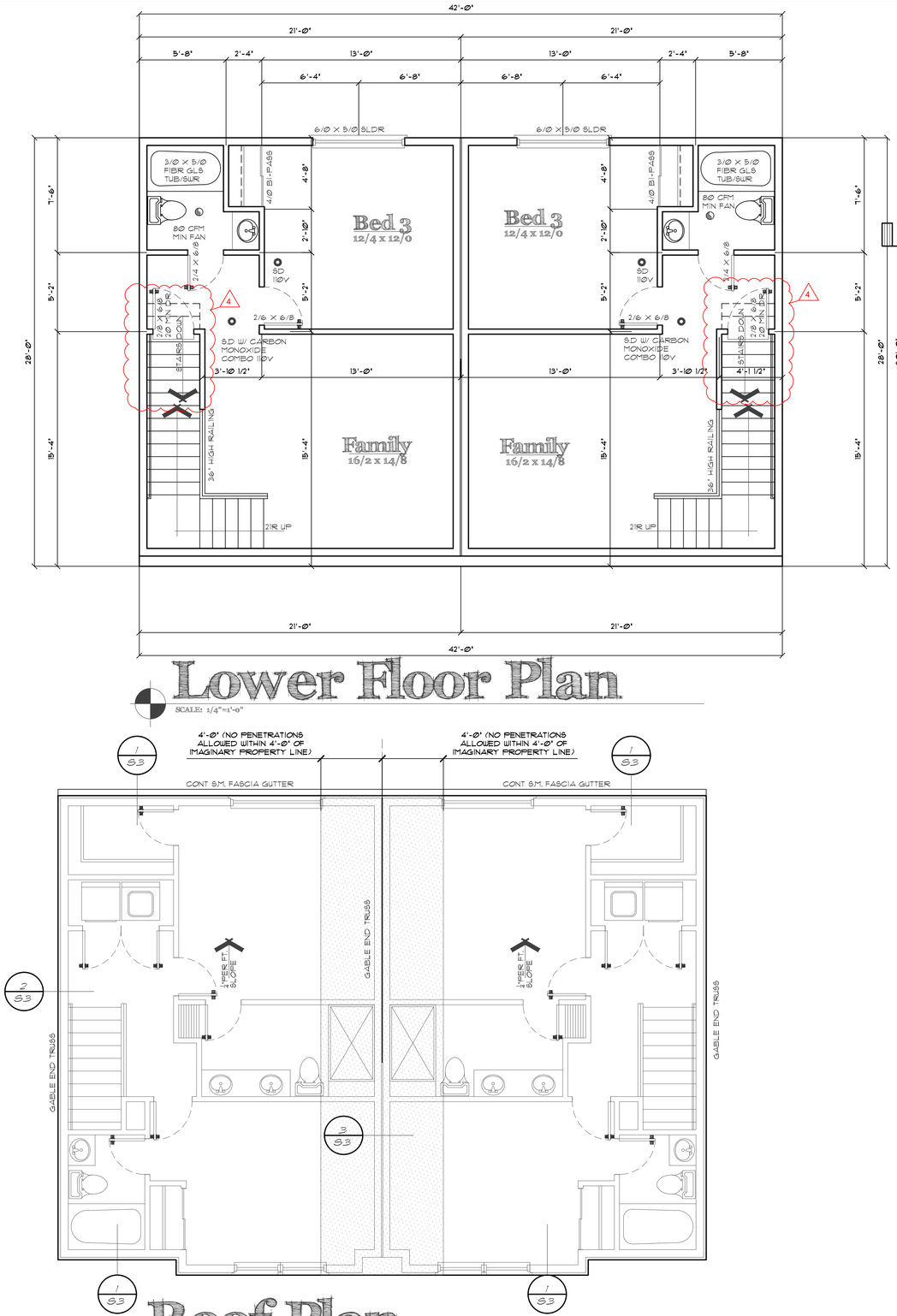
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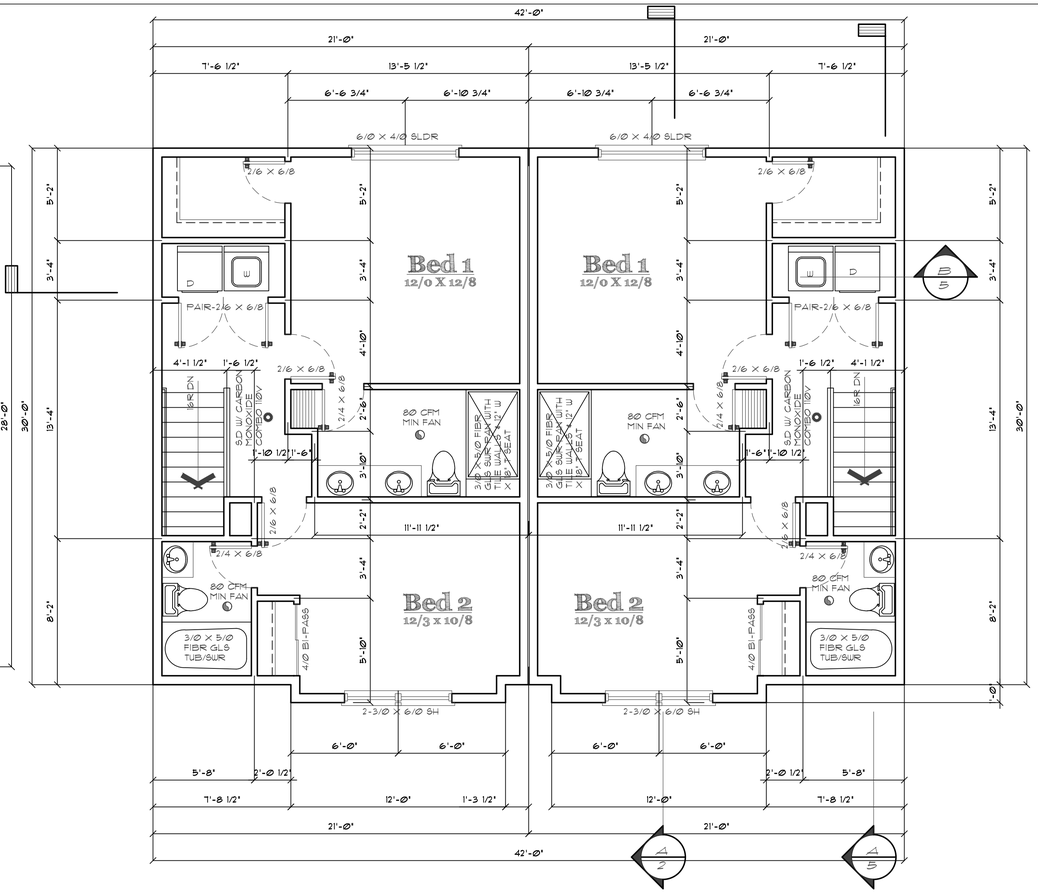
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# Lower Floor Plan

SCALE: 1/4"=1'-0"




# Upper Floor Plan

SCALE: 1/4"=1'-0"

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# Roof Plan

SCALE: 1/4"=1'-0"

| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

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~~SR1687-8~~ Units 9-10
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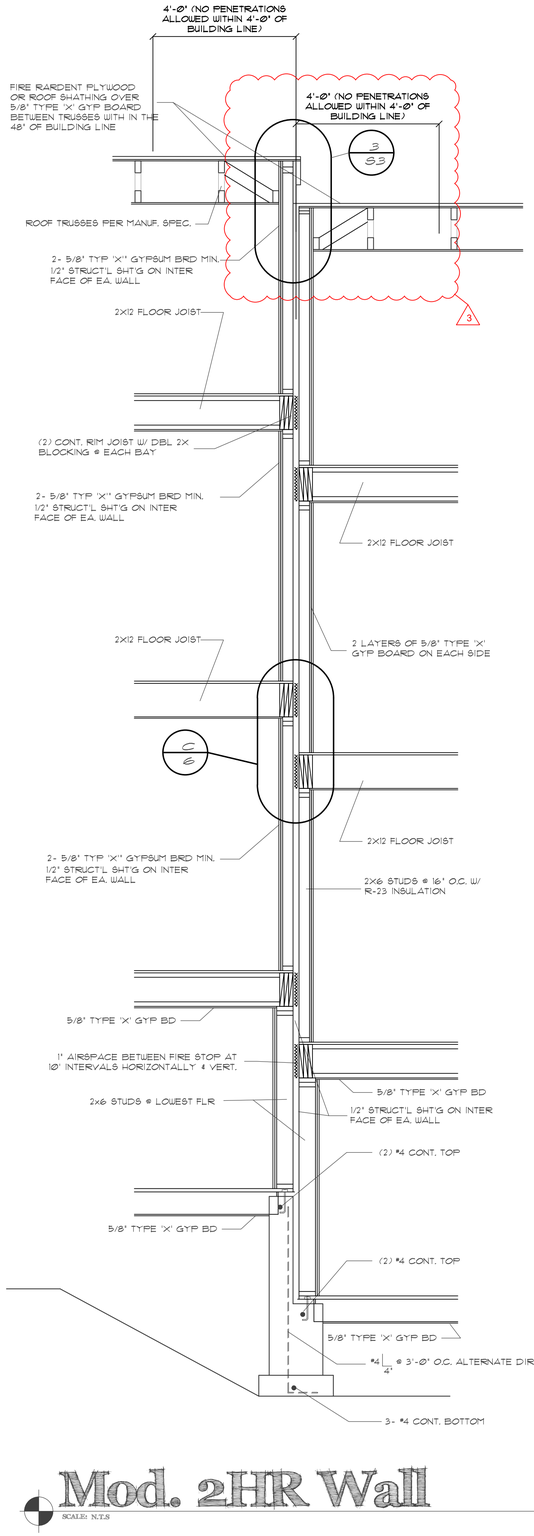
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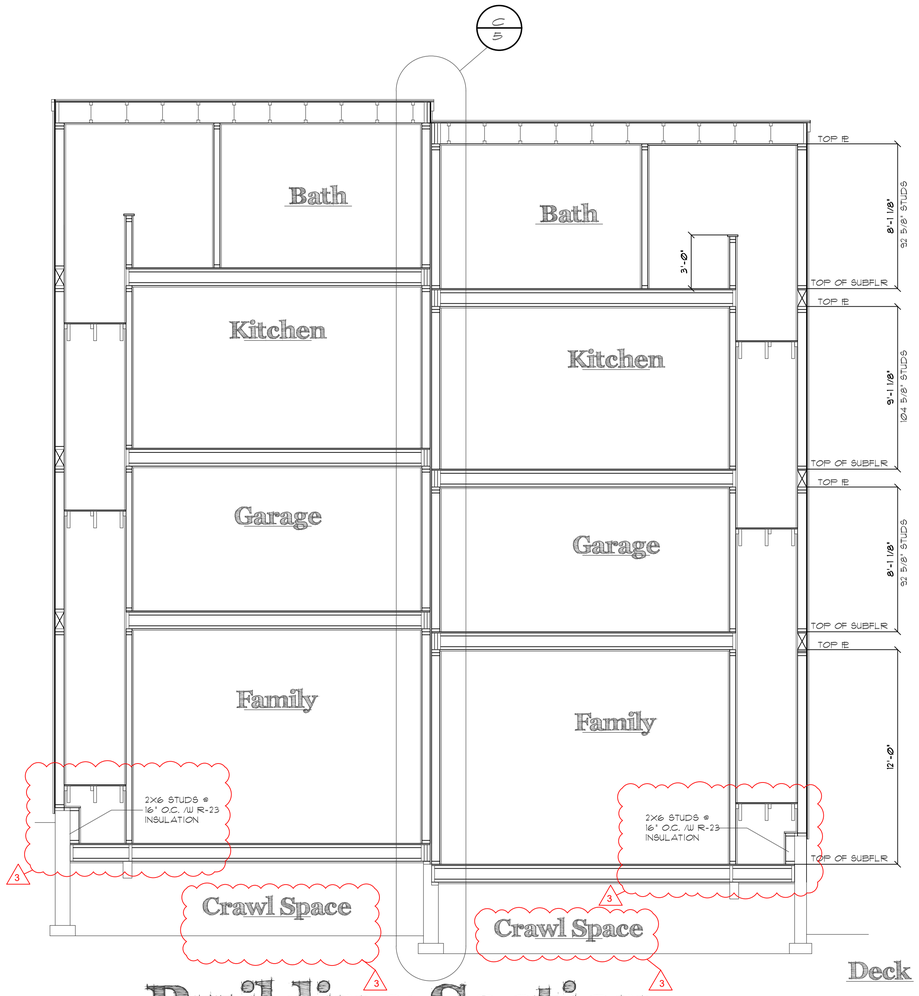
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Exhibit A.22




# Mod. 2HR Wall

SCALE: N.T.S

C 5




# Building Section

SCALE: 1/4"=1'-0"

E 5

2 LAYER OF 5/8" TYPE 'X' GYPSUM PANELS, OR FIBERROCK BRAND PANELS W/ 2 ROWS 2X6 WOOD STUDS @ 16" O.C. ON SEPARATE PLATES 1" APART W/ R-23 INSULATION WITH THE JOINTS FINISHED WITH 6d COATED NAILS, 1 7/8" LONG, Ø.095" SHANK, 1/4" HEADS, 7" O.C. JOINTS OF SQUARE EDGE, BEVEL EDGE

3- 2x BLOCKING

USG - 71Ø12
STC 56
NAIL ALL 1 HOUR GYP. BD W/ 6d @ 4" O.C. EDGES AND ALL STUDS AND BLOCKING

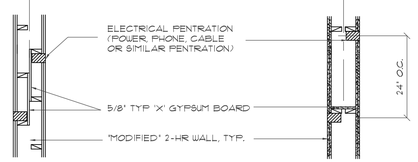
E 5 DETAIL

SCALE: 1"=1'-0"

FIREBLOCKING NAILED TO (1) SIDE - SPACING @ 10'-0" HORIZ. AND VERT (SEE 088C SECT. 710B.2.2)

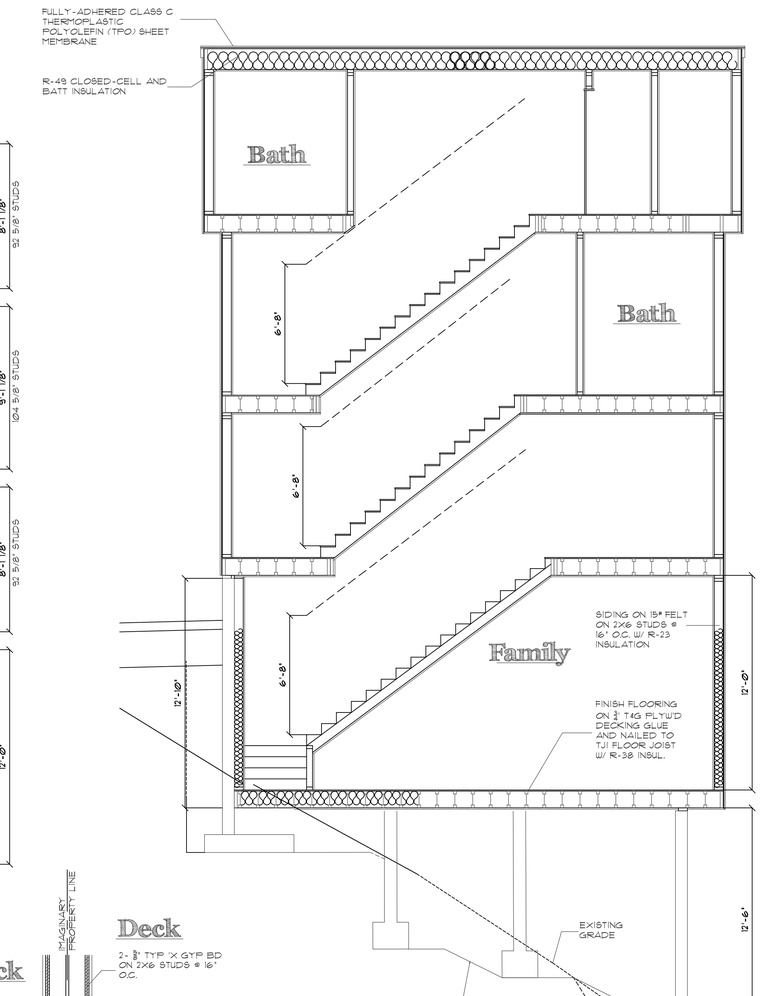
G 5 DETAIL — FIRE BLOCKING

SCALE: 1/2"=1'-0"




F 5 DETAIL — @ ELECTRICAL PENTRATION

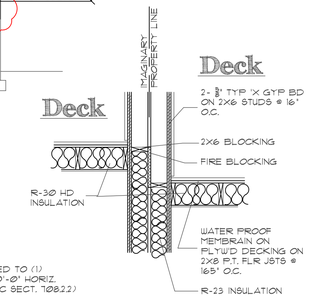
SCALE: 1/2"=1'-0"




# Building Section

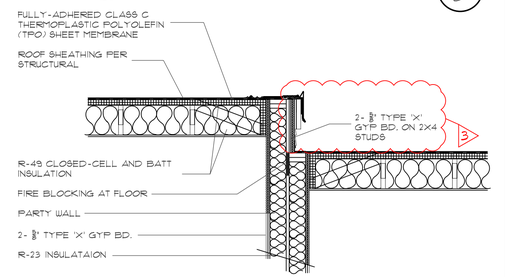
SCALE: 1/4"=1'-0"

A 5




H 5 Detail @ Deck

SCALE: 1/2"=1'-0"




I 5 Detail @ Roof

SCALE: 1/2"=1'-0"

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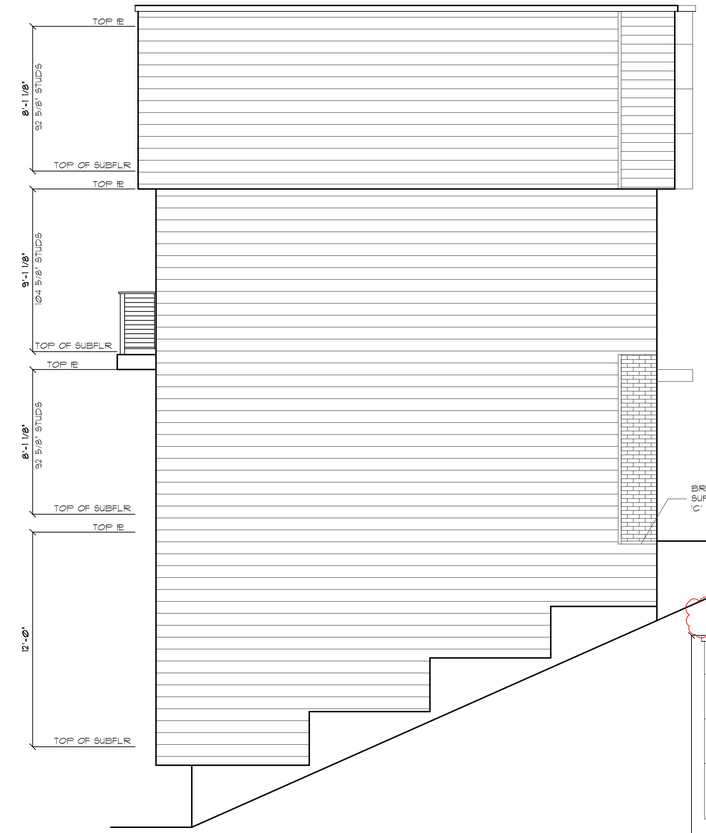
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# Left Elevation

SCALE: 1/4"=1'=0"

" USING ADDITION MEASURES OPTION #2 "
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | < 2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

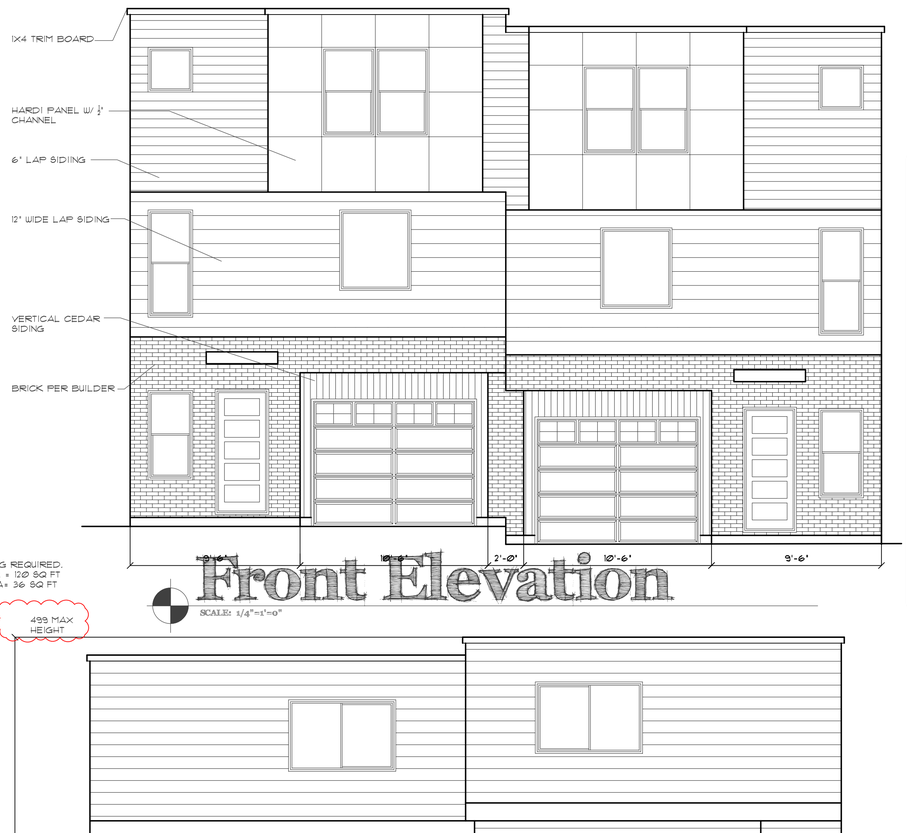
# Units 11-12

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic. |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

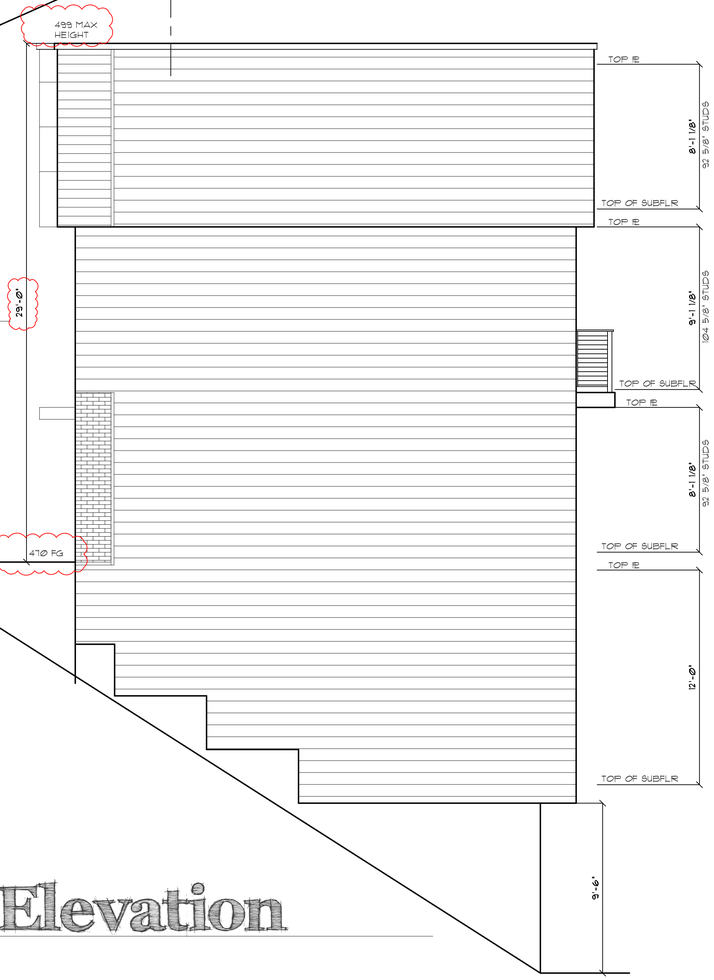
For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLACING AREA= 36 SQ FT




# Front Elevation

SCALE: 1/4"=1'=0"




# Right Elevation

SCALE: 1/4"=1'=0"

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**




# Rear Elevation

SCALE: 1/4"=1'=0"

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2/9/2021
Date:

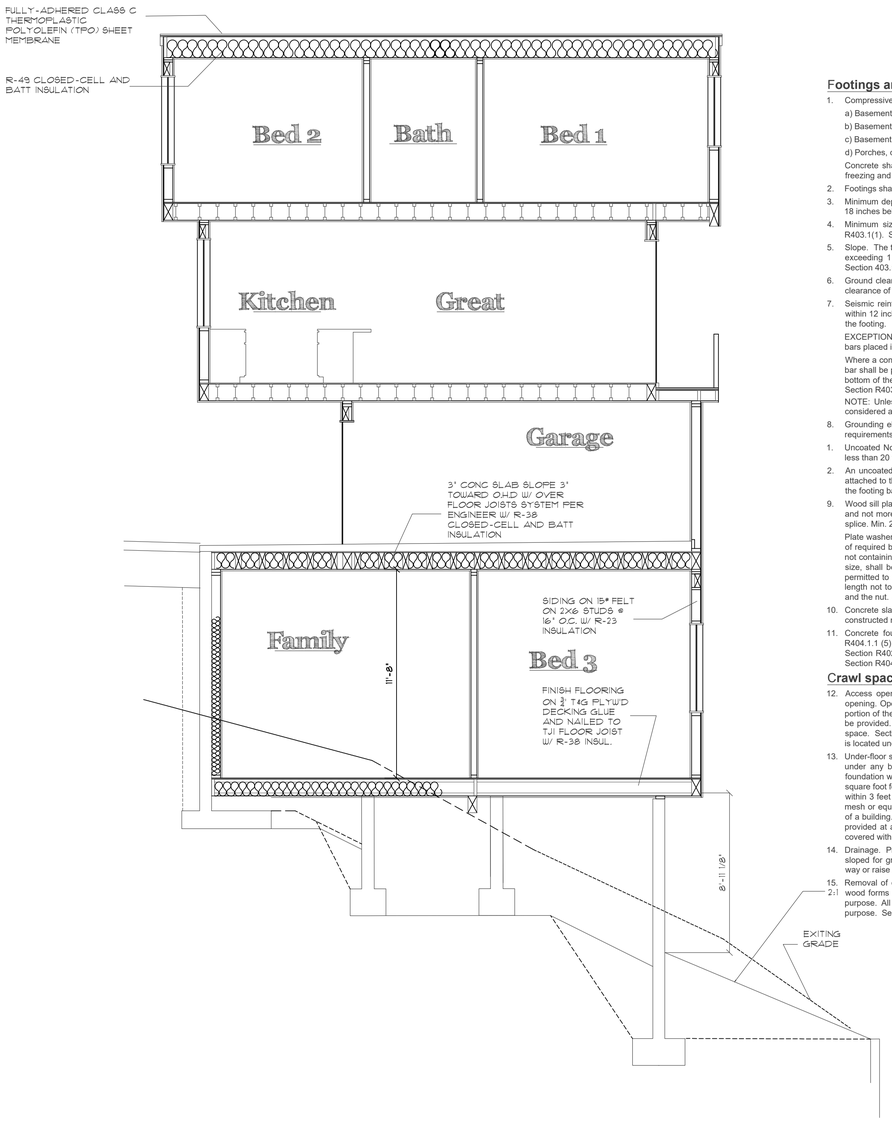
~~EXHIBIT A~~ Units 11-12
Project Number

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| 3 | 3/10/22 | REVISION |
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LU 22-141452 AD
Exhibit A.22




# Building Section

SCALE: 1/4"=1'-0"

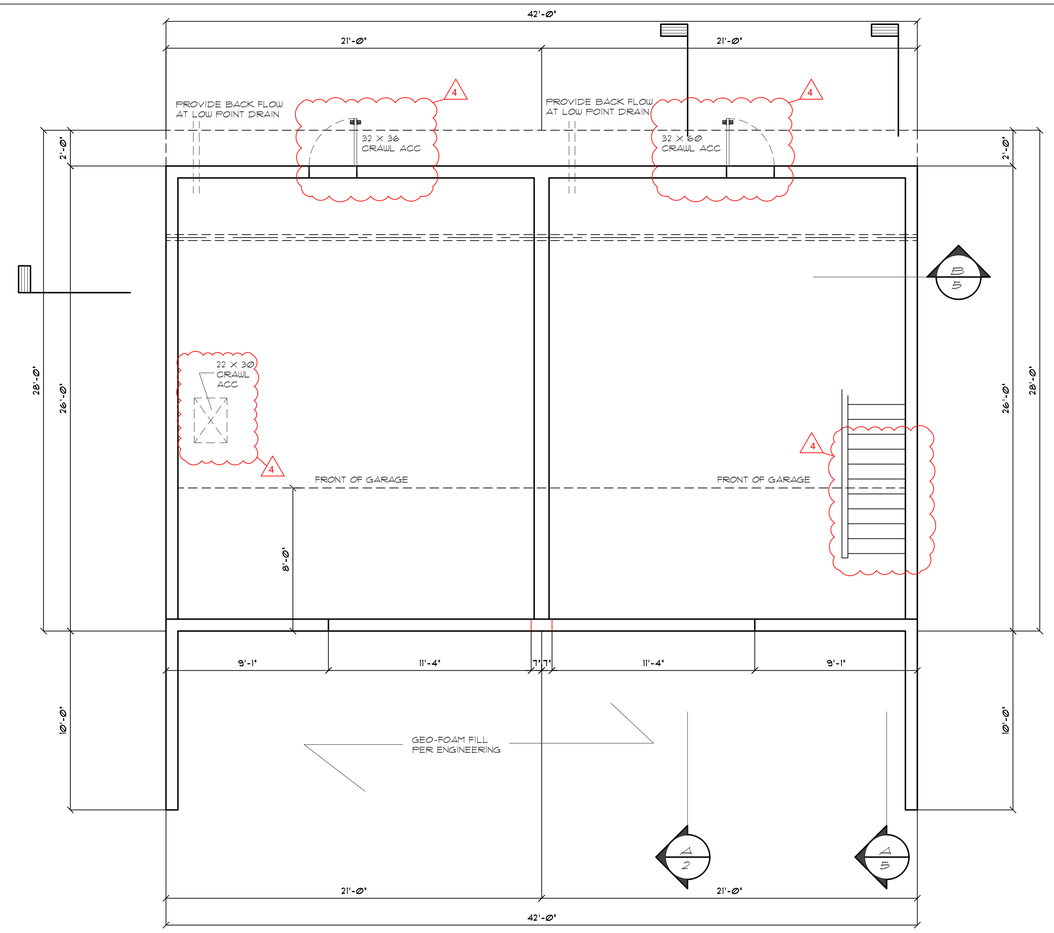
A 2

## Footings and Foundations: Residential Concrete:

1. Compressive Strength. Required minimum compressive strength of concrete (psi) at 28 days:
   a) Basement walls, foundation walls and other concrete not exposed to the weather 2500 psi
   b) Basement slabs and interior slabs on grade, except garage floor slabs 2500 psi
   c) Basement, foundation, exterior walls, other vertical concrete exposed to the weather 3000 psi
   d) Porches, carport slabs and steps exposed to the weather and garage floor slabs 3000 psi
   Concrete shall be air entrained (5%-7%) for strengths of 3000 psi and 3500 psi and when subject to freezing and thawing during construction for 2500 psi concrete. See Table R402.2.
2. Footings shall be placed on undisturbed natural soil or engineered fill. See Section R403.1.
3. Minimum depth. Bottoms of exterior wall, bearing wall, pier and column footings shall be not less than 18 inches below finished grade. See Section 403.1.5
4. Minimum sizes for concrete or masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). See R403.1.1.
5. Slope. The top surfaces of footings shall be level. The bottom surface of footings shall not have a slope exceeding 1 in 10. Footings shall be stepped where the ground surface is more than 1 in 10. See Section 403.1.6.
6. Ground clearance. Wood siding, sheathing and wall framing on the exterior of a building shall have a clearance of not less than 6 inches from the ground. See Section R319.1 Item 5.
7. Seismic reinforcing. Foundation with stem walls shall be provided with a minimum of one No. 4 bar within 12 inches of the top of the wall and one No. 4 bar located 3 inches to 4 inches from the bottom of the footing.
   EXCEPTION: Foundations constructed monolithically shall be permitted to have a minimum of two No. 4 bars placed in the footing. Section R403.1.4.1
   Where a construction joint is created between a concrete footing and stem wall, a minimum of one No. 4 bar shall be provided at no more than 4 feet on center. The vertical bar shall extend 3 inches clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches into the stem wall. See Section R403.1.4.
   NOTE: Unless otherwise detailed on plan, a 6 inch 90 degree bend on the short leg (hook) will be considered as meeting the intent of this section.
8. Grounding electrodes. When concrete reinforcing bars are installed in concrete footings, the following requirements shall be met to provide for a grounding electrode system:
1. Uncoated No. 4 reinforcing bar installed not less than 3 inches from the bottom of the footing and not less than 20 feet in length encased with a minimum of 2 inches of concrete.
2. An uncoated No. 4 reinforcing bar stubbed up at least 12 inches above the floor plate line and tightly attached to the reinforcing bar located in the footing with 3 ties. The spliced lap of the stubbed up bar to the footing bar shall be a minimum of 12 inches. Section R403.1.7
9. Wood sill plate anchor bolts shall be min. 1/2-inch diameter, 7 inches embedment, max. 6 feet on center and not more than 12 inches from a corner or mudsill splices or less than 7 bolt diameters from mudsill splice. Min. 2 anchor bolts per plate. See Sections R403.1.8 and R403.1.8.1.
   Plate washers conforming to Section R602.11.1 shall be provided for all anchor bolts over the full length of required braced wall lines. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels. Plate washers, a minimum of 0.229 inches by 3 inches by 3 inches in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch larger than the bolt diameter and a slot length not to exceed 1-3/4 inches, provided a standard cut washer is placed between the plate washer and the nut. See Section R602.11.1.
10. Concrete slab on ground floors shall be not less than 3 1/2 inches thick. Where slabs and footings are constructed monolithically, footings shall comply with requirements in Figure 403.1.1(1).
11. Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1 (5) and shall also comply with the provisions of Section R404 and the applicable provisions of Section R402.2. In Seismic Design Categories D1 and D2, concrete foundation walls shall comply with Section R404.1.4.

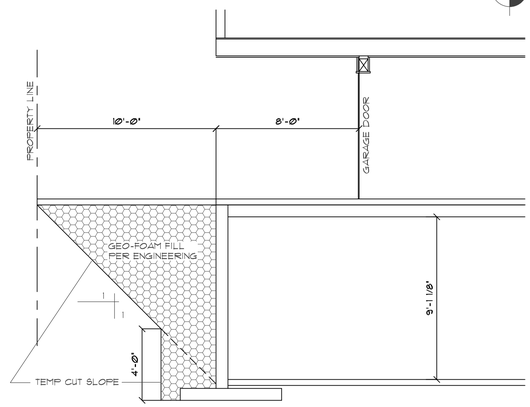
## Crawl spaces:

12. Access opening. Crawl spaces shall be provided with a minimum 18 inches by 24 inches access opening. Openings through a perimeter wall shall be not less than 16 inches by 24 inches. When any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches shall be provided. Pipes, ducts and other construction must not obstruct accessibility to and within the crawl space. Section. R408.3. See Section M1305.1.4 for access requirements where mechanical equipment is located under floor.
13. Under-floor space ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum net area of ventilation openings shall not be less than 1 square foot for each 150 square feet of under-floor space area. One ventilating opening shall be required within 3 feet of each corner of the building. The openings shall be covered with corrosion resistant wire mesh or equivalent with 1/8-inch minimum dimension. Ventilation openings may be omitted on one side of a building. Ventilation openings may be omitted when continuously operated mechanical ventilation is provided at a rate of 1.0 cfm for each 50 square feet of crawl space floor area and ground surface is covered with an approved vapor barrier material. Sections R408.1 and R408.2.
14. Drainage. Provide water drainage from the crawl space by means of crawl space and foundation drains sloped for gravity drainage and extending to a storm sewer, street gutter, road ditch or other drainage way or raise the finish grade in the crawl space to the level of finish grade outside. Section R408.5
15. Removal of debris. The under-floor grade shall be cleaned of all vegetation and organic material. All wood forms used for placing concrete shall be removed before a building is occupied or used for any purpose. All construction materials shall be removed before a building is occupied or used for any purpose. Section R408.4



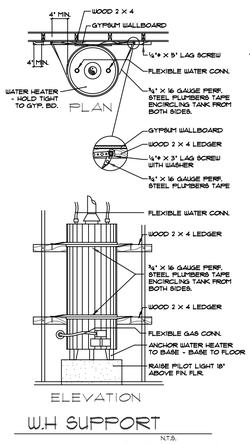

# Foundation Plan

SCALE: 1/4"=1'-0"




# Section @ Driveway

SCALE: 1/4"=1'-0"




W.H SUPPORT

N.T.S.

SamedyKem
designer - consultant
custom design - stock plans - remodels
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E-Mail: samedy@kem-consultant.com

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Washington - Brooker T.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~LU 87-A~~ Units 11-12
Project Number

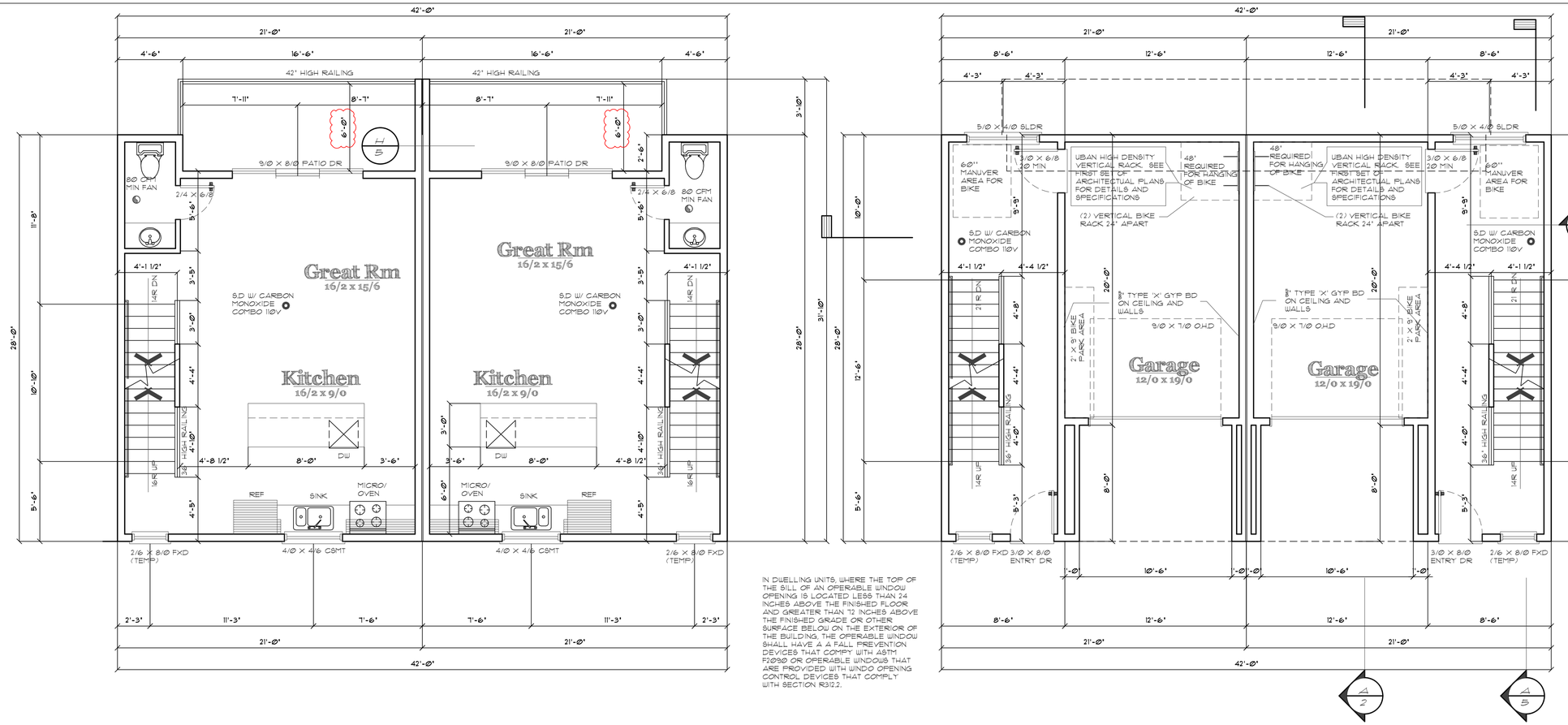
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IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES ABOVE THE FINISHED FLOOR AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL HAVE A A FALL PREVENTION DEVICES THAT COMPY WITH ASTM F2090 OR OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDO OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.

# Main Level

SCALE: 1/4"=1'-0"

# Garage Level

SCALE: 1/4"=1'-0"

Safety glazing shall be provided at hazardous locations such as:

- Tub or shower enclosures where the glazing is less than 60" above any standing surface or the drain.
- Within 24" of a door and less than 60" above the floor.
- Individual panes greater than 9 sq. ft. and bottom edge less than 18" above the floor.
- Glazing adjacent to stairways, landings or ramps and within 36" horizontal from the walking surface when the exposed surface of the glass is located less than 60" above the walking surface.
- Glazing adjacent to stairways within 60" horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60" above the nose of the tread.

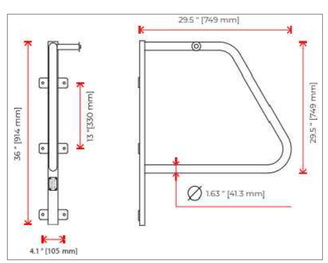
**SMOKE & CARBON MONOXIDE ALARM**

Smoke alarms with battery backup that are interconnected and connected to the house wiring are required in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and on each additional story including basements. Ionization alarms are not allowed near kitchens, bathrooms with tubs/showers, and HVAC supply registers. Photoelectric alarms are suitable for all locations

Carbon monoxide alarms shall be installed in each sleeping room or within 15 feet outside each sleeping room door. CO alarms may be hard-wired or battery-powered. CO alarms may be combination smoke/CO alarms when installed as required for smoke alarms.

HVAC

Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20 °C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.




| DOORS | ROUGH OPENING W/ EXAMPLE |
|---|---|
| BI-FOLD | 2" BIGGER IN WIDTH X 82 3/4" W. |
| | EXAMPLE: 5/Ø X 6/8 (RO+62" X 82 3/4") |
| BI-PASS | SAME AS DOOR WIDTH X 82 3/4" W |
| | EXAMPLE: 5/Ø X 6/8 (RO+6Ø" X 82 3/4") |
| POCKET DR. | 2 X WIDTH + 2" X 84 1/2" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+62" X 84 1/2") |
| DOUBLE DR. | 2 3/4" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: PAIR 2/6 X 6/8 (RO+62 3/4" X 82 3/4") |
| SINGLE DR. | 2" BIGGER IN WIDTH X 6'-1Ø 3/4" H. |
| | EXAMPLE: 2/6 X 6/8 (RO+32" X 82 3/4") |

## FLOOR PLAN GENERAL NOTES:

1) ALL EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C.
2) PROVIDE SOLID STUDS UNDER ALL BRG POINTS
3) SMOKE DET. TO BE HARDWIRE TO HOUSE POWER
4) PROVIDE SMOKE DET AT EACH SLEEPING AREA

SamedyKem
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custom design - stock plans - remodels
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Hillsboro, Oregon 97123
971.563.0552 fax 888.311.5610
E-Mail: samedy@kem-consultant.com

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF
LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~LU 87-A Units~~ 11-12
Project Number

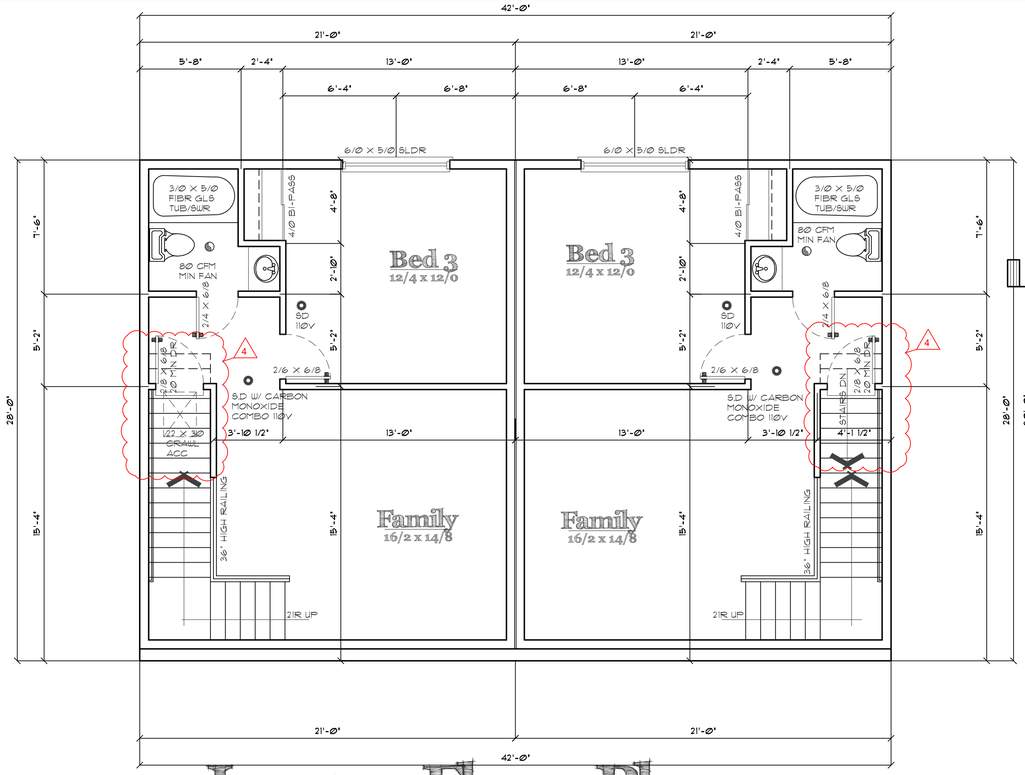
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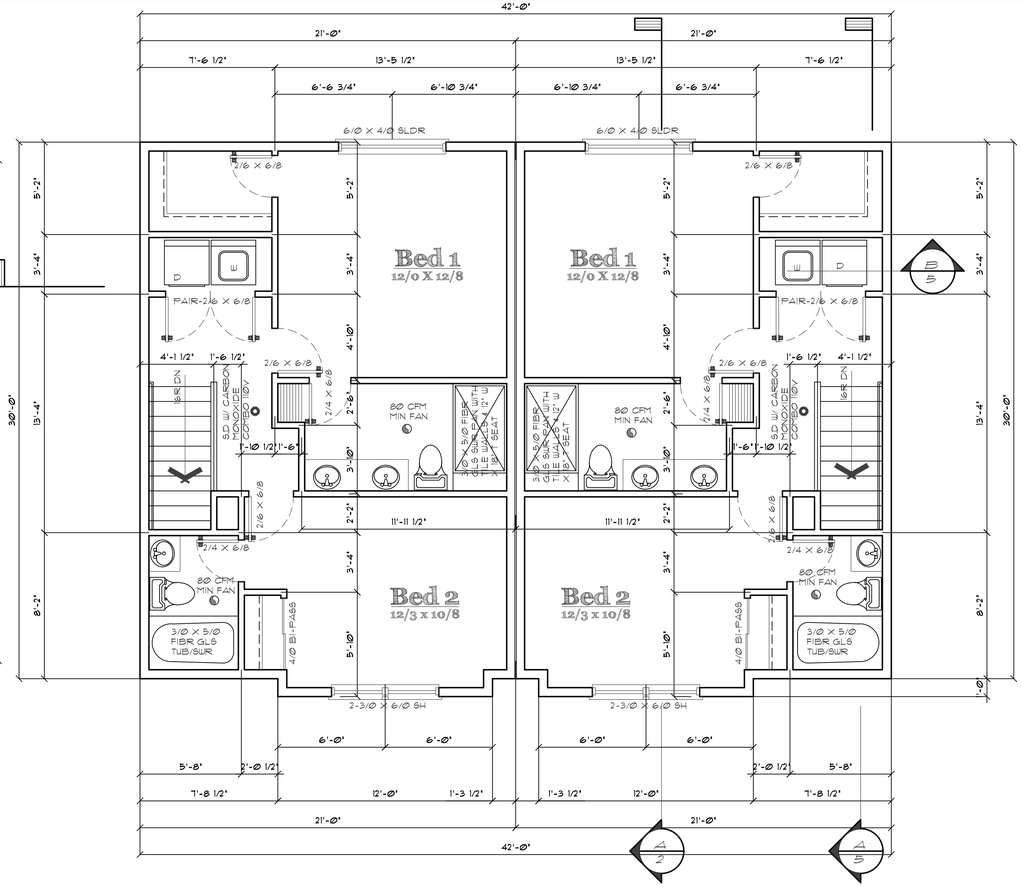
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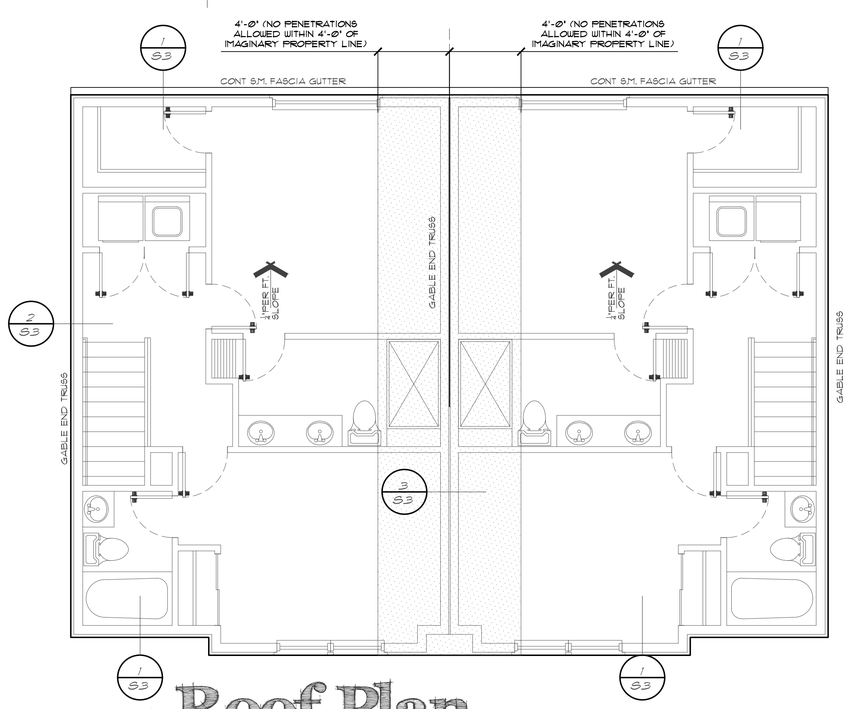

# Lower Floor Plan

SCALE: 1/4"=1'-0"




# Upper Floor Plan

SCALE: 1/4"=1'-0"




# Roof Plan

SCALE: 1/4"=1'-0"

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DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~4 Units~~ 8 Units 11-12
Project Number

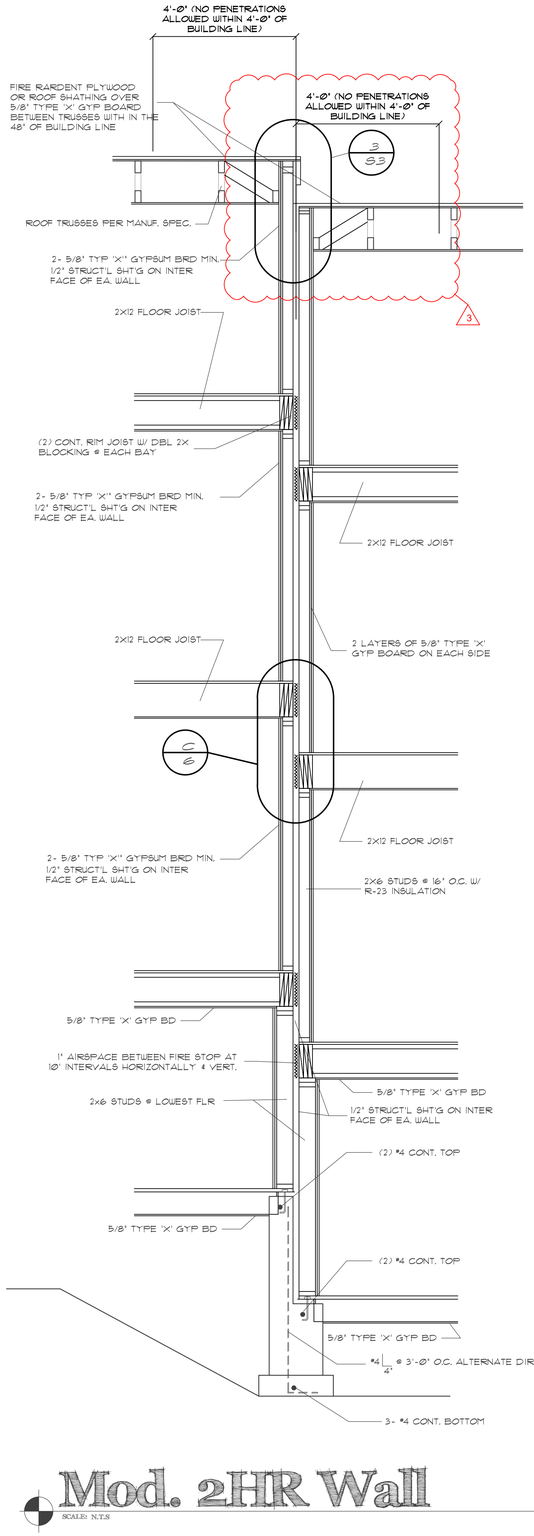
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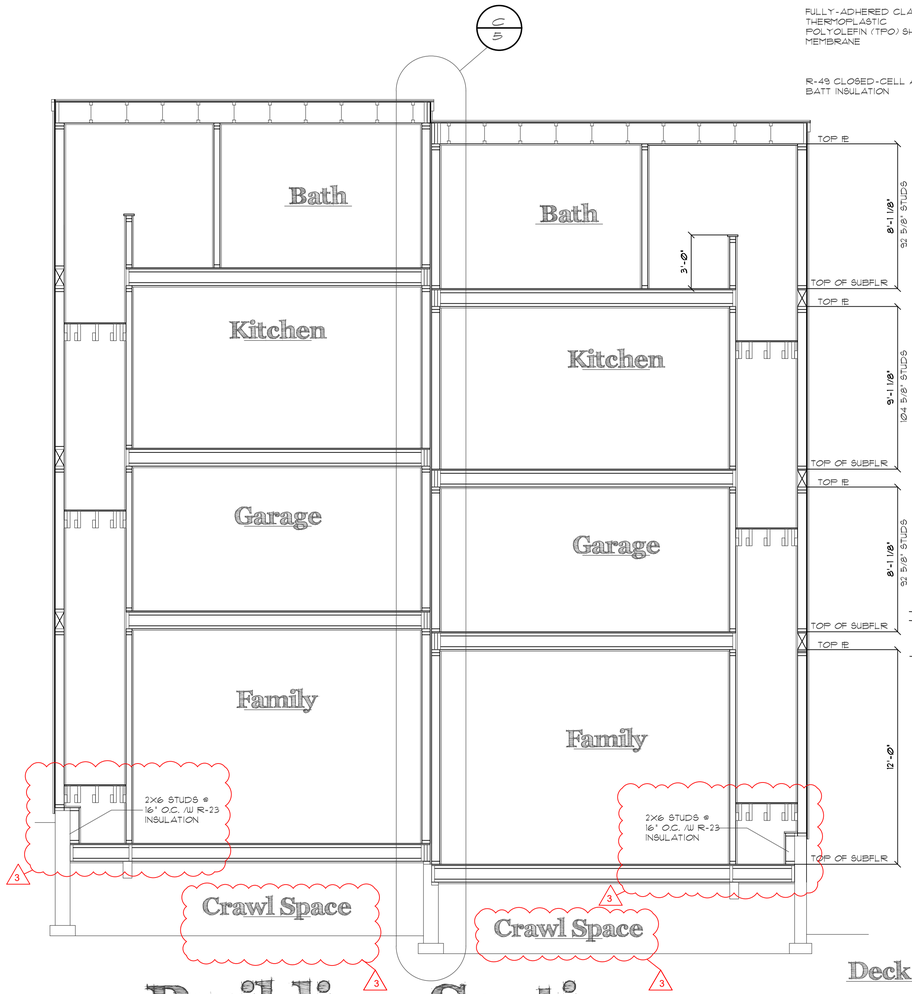
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## Mod. 2HR Wall

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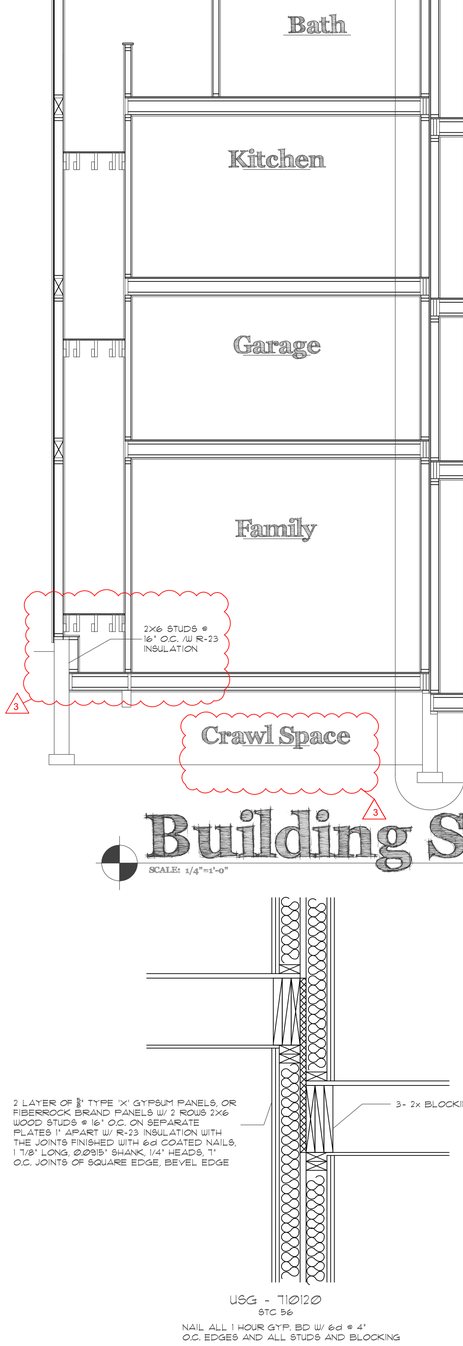
C/5




## Building Section

SCALE: 1/4"=1'-0"

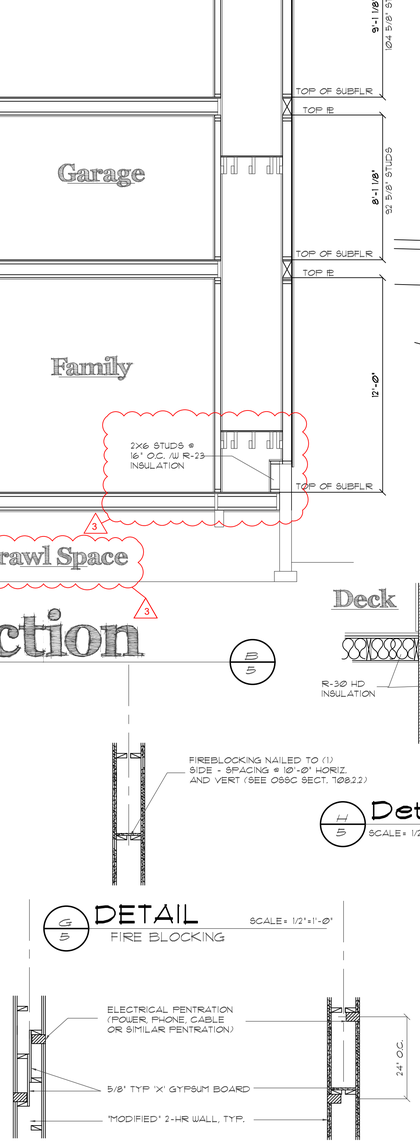
E/5




SCALE: 1"=1'-0"

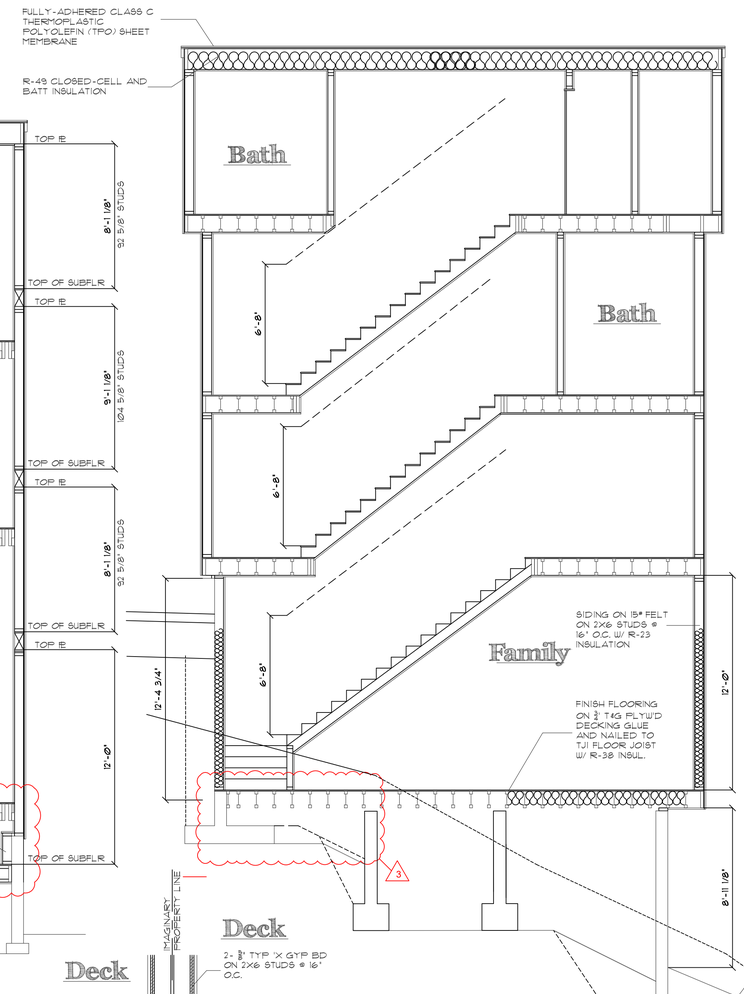
E/5 DETAIL




G/5 DETAIL — FIRE BLOCKING — SCALE: 1/2"=1'-0"

F/5 DETAIL — @ ELECTRICAL PENTRATION — SCALE: 1/2"=1'-0"



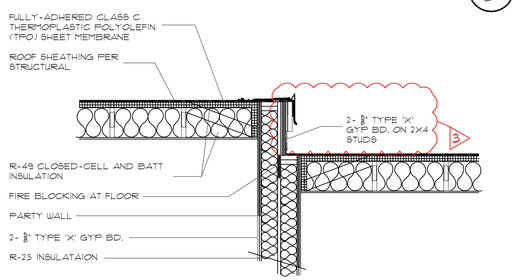

H/5 Detail @ Deck

SCALE: 1/2"=1'-0"

## Building Section

SCALE: 1/4"=1'-0"

A/5




I/5 Detail @ Roof

SCALE: 1/2"=1'-0"

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DREAM • DESIGN • BUILD

GARAGE 238 SF

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MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~SK1687-3~~ Units 11-12
Project Number

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**From:** Mark Dane
**To:** Rhoads, Amanda
**Cc:** Nathaniel; Eric Rystadt
**Subject:** Re: FW: LU 22 14152AD
**Date:** Monday, January 9, 2023 5:12:26 PM

---

Hi Amanda - I called up David - a very nice gentleman, and made sure he understood that the slope as it stands with the uncompacted fill is not very stable. That as part of our development we are removing and replacing all the 'bad' dirt. I also mentioned that the options for us were either to bring the building down or raise the retaining wall up. At 56 feet that is 11 feet above the permitted 45-ft maxim. So that was the 2nd less preferred option.

Thanks -

By the way, did you get all the facades you needed from Sam?

**MARK DANE PLANNING INC.**
825 SE 32nd Avenue Portland OR 97214
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM

On Mon, Jan 9, 2023 at 4:24 PM Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov> wrote:

> FYI the first of the comments. I'll forward others on as they are received.
>
> **Amanda Rhoads, AICP**
> City Planner II, City of Portland
> Bureau of Development Services
> Title 33 Section, Land Use Services Division
>
> 1900 SW Fourth Ave, Suite 5000
> Portland, OR 97201
>
> P (503) 865-6514

E amanda.rhoads@portlandoregon.gov

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

Read here for news about services available at the Development Services Center.

---

**From:** kishd@earthlink.net <kishd@earthlink.net>
**Sent:** Monday, January 9, 2023 10:57 AM
**To:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
**Cc:** Carol Nani Stone <stonecarol@earthlink.net>; stonefrench69@gmail.com
**Subject:** LU 22 14152AD

Hello Amanda,

My wife and I own one of the condos at 1045 SW Bertha Blvd in the Burlingame View complex, adjacent to the townhouse project which is the subject of the above case. Our daughter lives in the condo.

I have a couple comments on the proposed project.

The new buildings appear to be significantly out of scale with other residential structures in the area. The condos below are two story and surrounding homes are generally one or two stories. The change in allowed height from 35 ft to over 56 ft will overwhelm the site. They are planned on top of an existing retaining wall that is about 6 ft high, thus they will rise above the parking lot below by over 60 ft. That's the equivalent of a 5 story building, and as I said, way out of scale for that site. While the setback from the property line I'm sure will be legal, that small distance too will add to the massive feeling of the buildings. A wall of trees and bushes currently sits atop the retaining wall and with those removed, the Burlingame property, mostly lower/ moderate income housing, will be visually degraded . Construction will likely impact the entry/egress at Burlingame View as well as the parking lot.

The second major issue, I believe, is the stability of the site. The slope below the proposed construction site is not real stable. Cracks have developed in the foundations of several of the Burlingame View buildings requiring costly engineering and repair. The swimming pool on site has been closed at least five years due to cracks and slippage on the site and repairs are not feasible due to costs. Behind the pool, along Bertha Blvd, several of the old trees on the hillside have come down, and others are leaning, testimony to the potential for slides on that site.

We all know there is a need for additional housing in the Portland area, and particularly lower cost housing. But the scale of these new buildings is not appropriate, and the sign near

the site says “new townhomes, starting at $600K “, which is certainly above the Portland median price.

A reduction in the size of the new units would make them look better and could lower the price to make them more affordable, providing the geotechnical issues on the site can be properly addressed.

Thankyou for providing an opportunity to comment. Please contact me if you have questions or comments.

Regards,

David Kish

503-246-0942

City of Portland
**Bureau of Development Services**
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

# Request for Extension of 120-Day Review Period

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows the applicant to request in writing an extension of the 120-day review period for up to an additional 245 days. When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period. Generally, a final decision must be rendered approximately 60 days prior to the end of the review period in order to accommodate appeals.

If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

## Case Information

1. Applicant Name: Mark Dane
2. Land Use Case Number: LU # 22-141452 AD 7290 SW 13th Drive
3. BDS Planner Name: Amanda Rhodes

## Extension Request

Please check one of the following:

■ Extend the 120-day review period for an additional 30 (insert number) days.

☐ Maximum allowed extension: 245 days

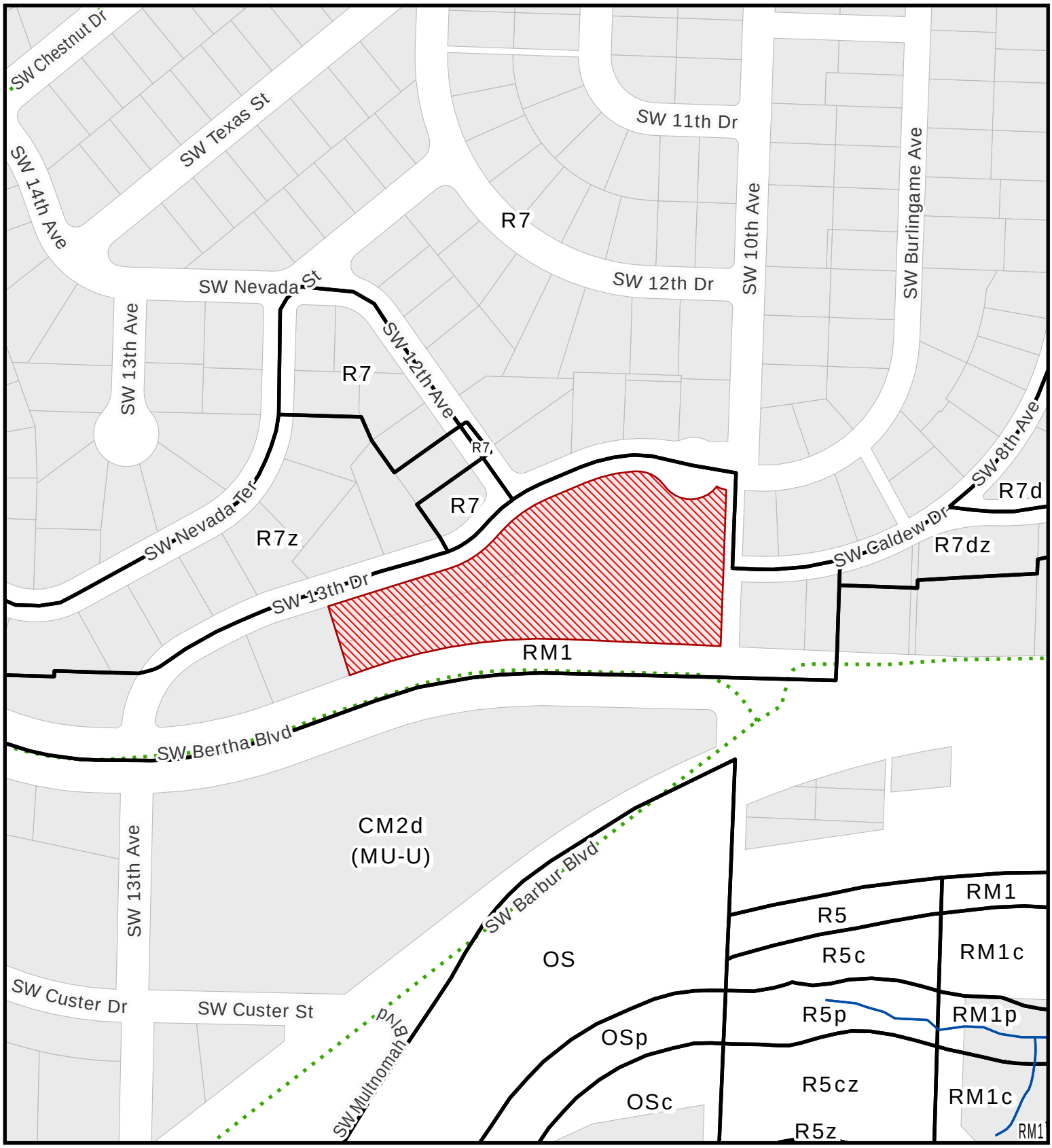
**The total number of extensions requested cannot exceed 245 days.**

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

Applicant Signature: _____ Date 3.3.23




LU 22-141452 AD
Exhibit A.25




For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING F

Site
Stream
Recreational Trails

| | |
|---|---|
| File No. | LU 22 - 141452 AD |
| 1/4 Section | 3728 |
| Scale | 1 inch =200 feet |
| State ID | 1S1E21AC 3400 |
| Exhibit | B Dec 22, 2022 |

# SITE PLAN FOR HEIGHT ADJUSTMENT

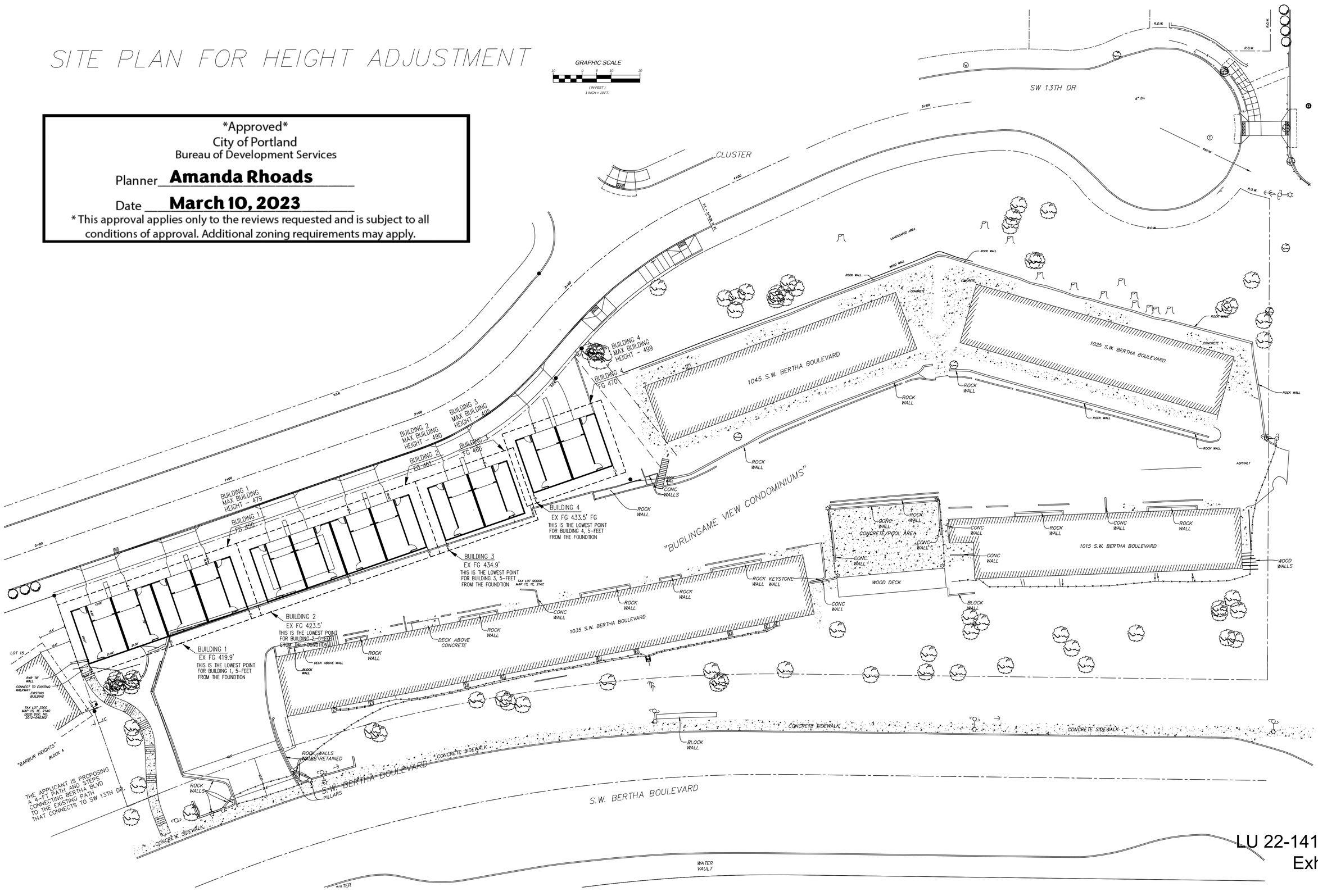
GRAPHIC SCALE
10 0 5 10 20
( IN FEET )
1 INCH = 10 FT.

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




LU 22-141452 AD
Exhibit C.1

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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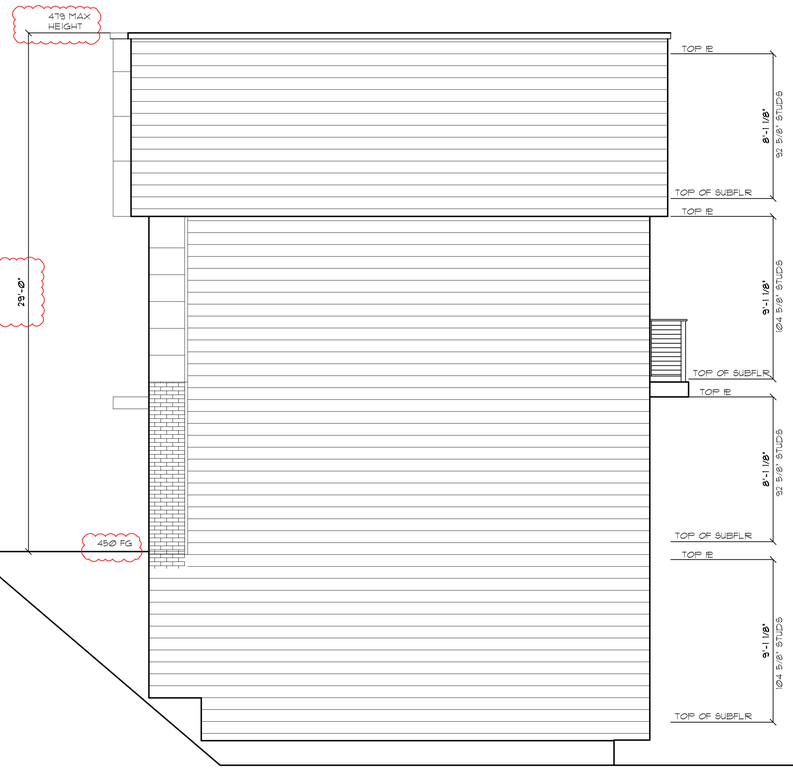



LU 22-141452 AD
Exhibit C.2

# Building 1, Units 1-4

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




## Front Elevation

SCALE: 1/4"=1'=0"

## Right Elevation

SCALE: 1/4"=1'=0"

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

***A licensed structural engineer has designed each building.**

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=Ø.28 |
| DOOR OTHER THAN MAIN ENTRY | U=Ø.3Ø |
| MAIN ENTRY DOOR MAXIMUM 24 SQ. FT. | U=Ø.12Ø |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-3Ø |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-3Ø |
| SKYLIGHT GLASS | U=Ø.6Ø |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super Insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

LU 22-141452 AD
Exhibit C.3


SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
E-Mail: samedy@kem-consultant.com


*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*- Brooker T. Washington*


Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

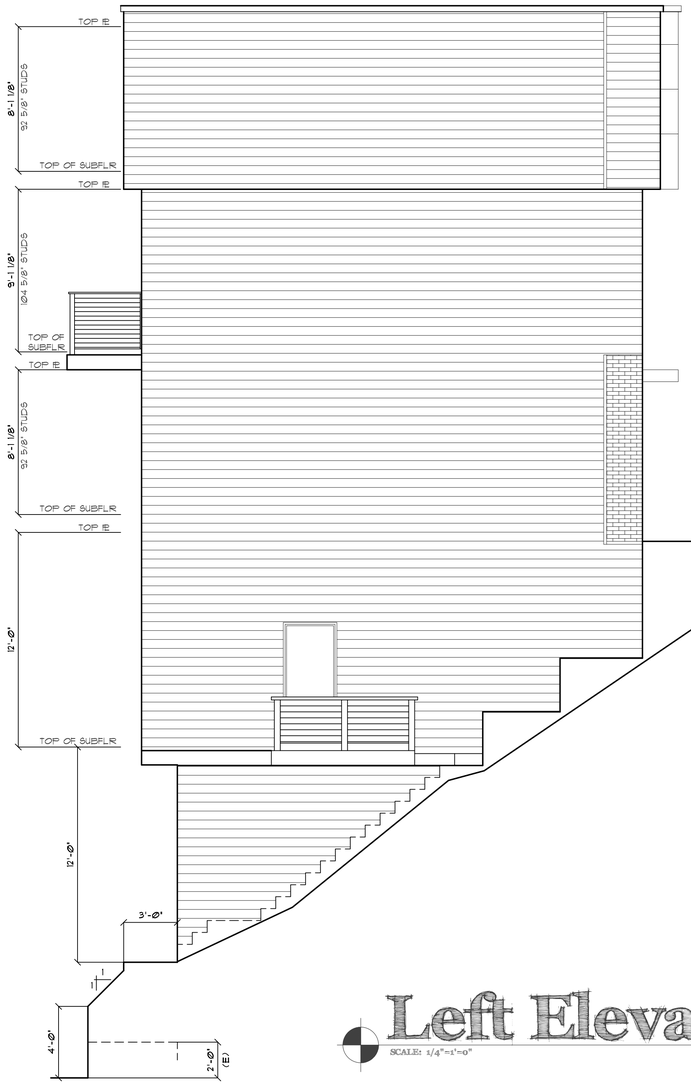
sk-1687-4 Unit 1 thru 4
Project Number

CHECK BY Samedy Kem
DRAW BY sk

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1
Sheet Number of 9

# Building 1, Units 1-4




## Left Elevation

SCALE: 1/4"=1'-0"




## Rear Elevation

SCALE: 1/4"=1'-0"

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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LU 22-141452 AD
Exhibit C.4


SamedyKem
designer - consultant
custom design - stock plans - remodels

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Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

1X4 TRIM BOARD

HARDI PANEL W/ ½" CHANNEL

6" LAP SIDING

12" WIDE LAP SIDING

VERTICAL CEDAR SIDING

BRICK PER BUILDER

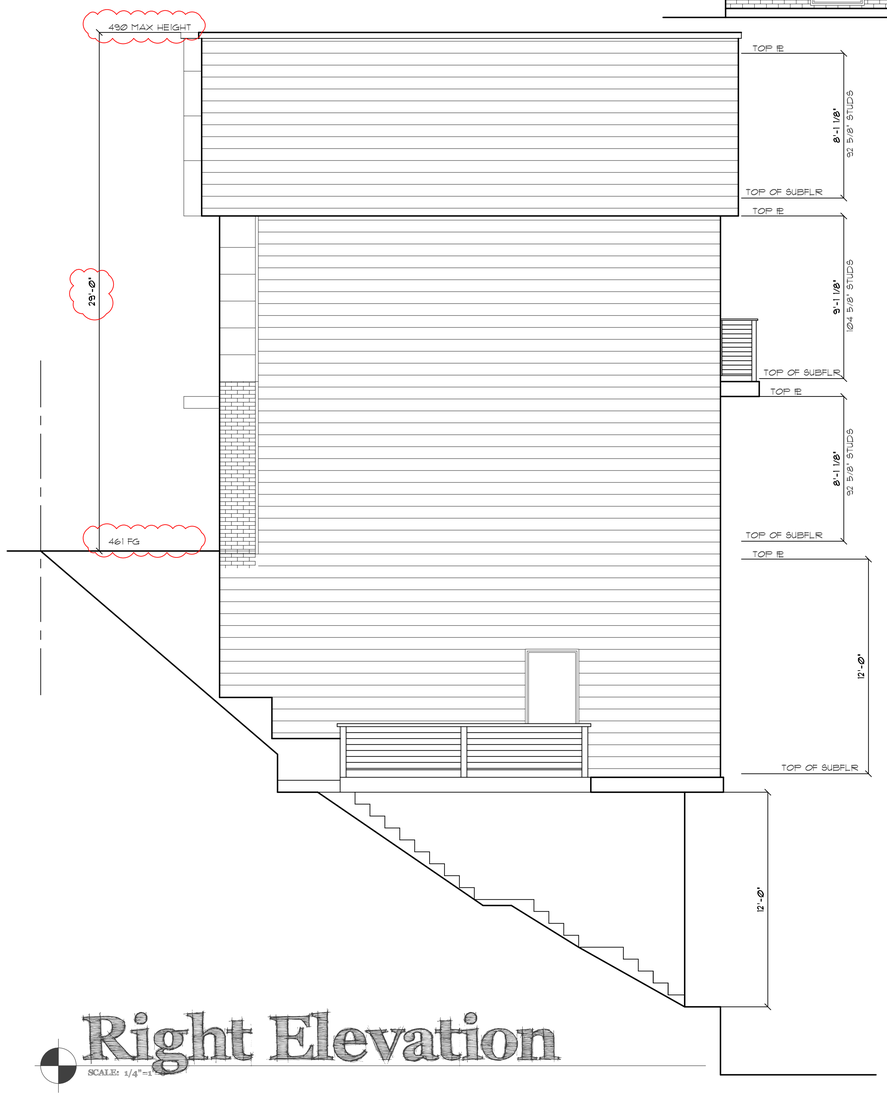


FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.




# Right Elevation

SCALE: 1/4"=1'-0"

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# Building 2, Units 5-8

# Front Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for**

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR; MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
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| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
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For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
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*Washington - Brooker T.*


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

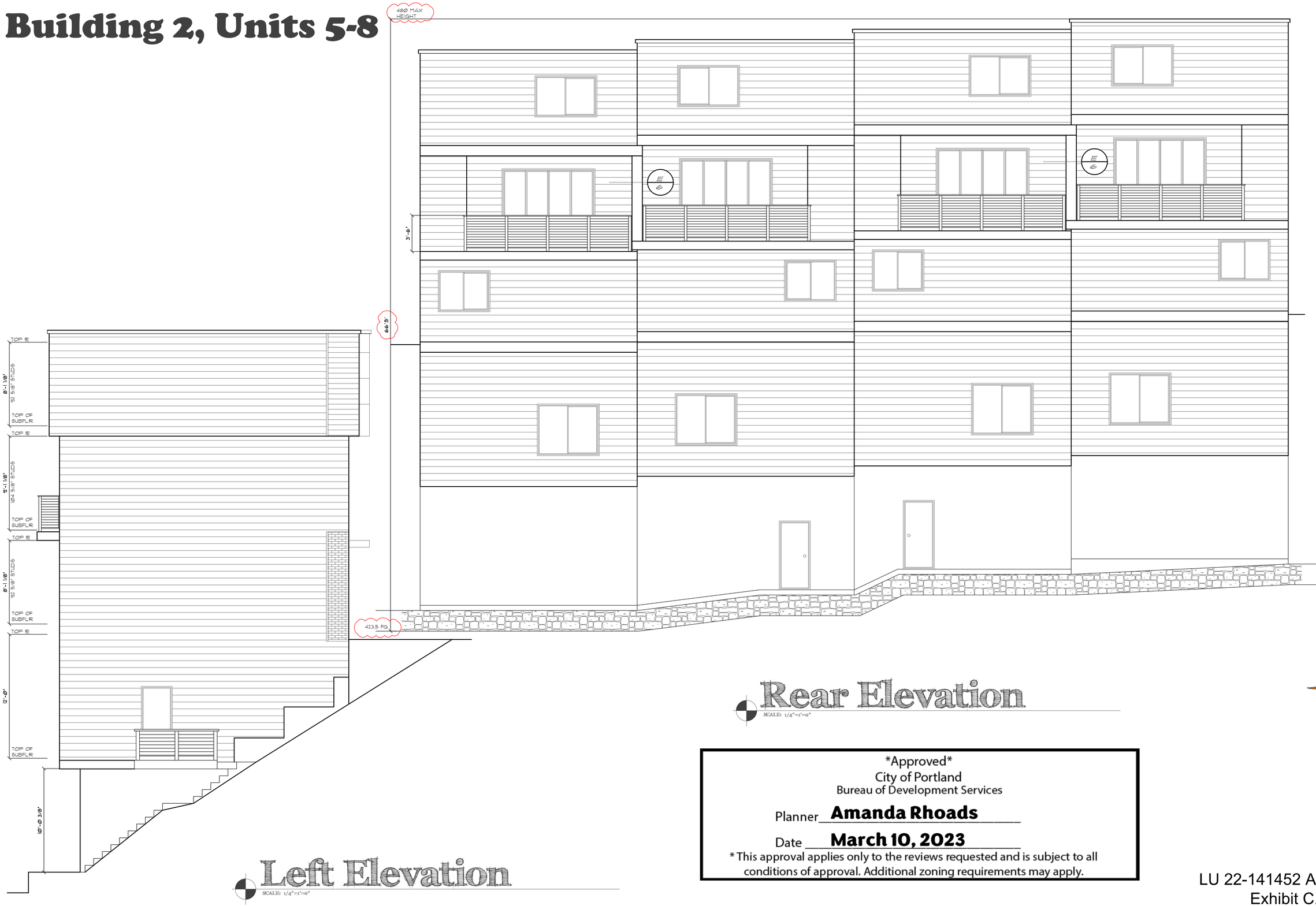
| CHECK BY | Samedy Kem |
|---|---|
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 1 of 9

LU 22-141452 AD
Exhibit C.5

# Building 2, Units 5-8




## Left Elevation

SCALE: 1/4"=1'=0"

## Rear Elevation

SCALE: 1/4"=1'=0"

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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LU 22-141452 AD
Exhibit C.6


SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax. 888.311.5610
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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 2 of 9


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# Building 3, Units 9-10

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

BUILDING COMPONENTS

| | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

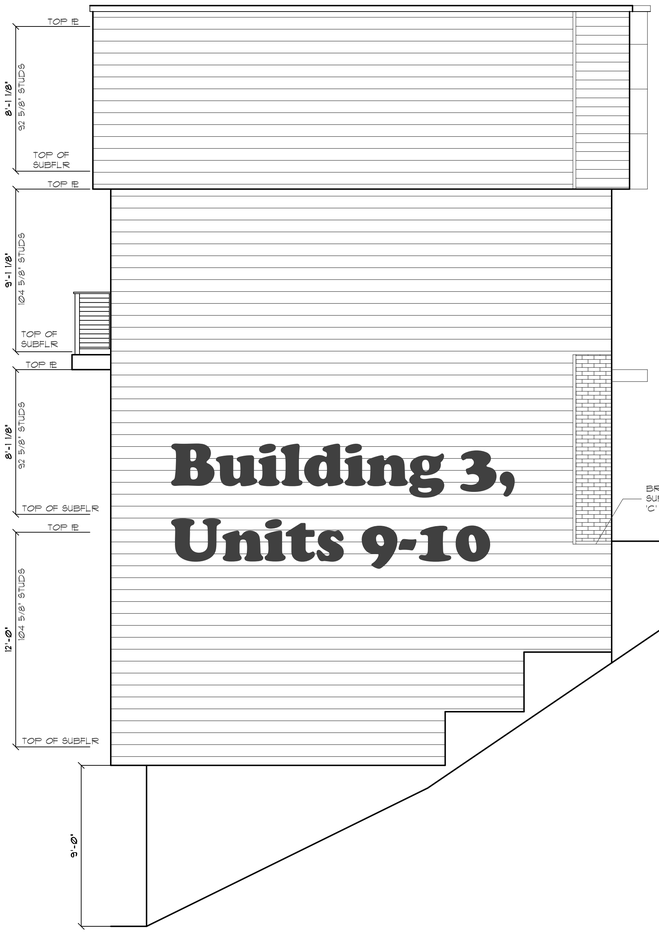
GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

TABLE N1101.1(2)
ADDITIONAL MEASURES

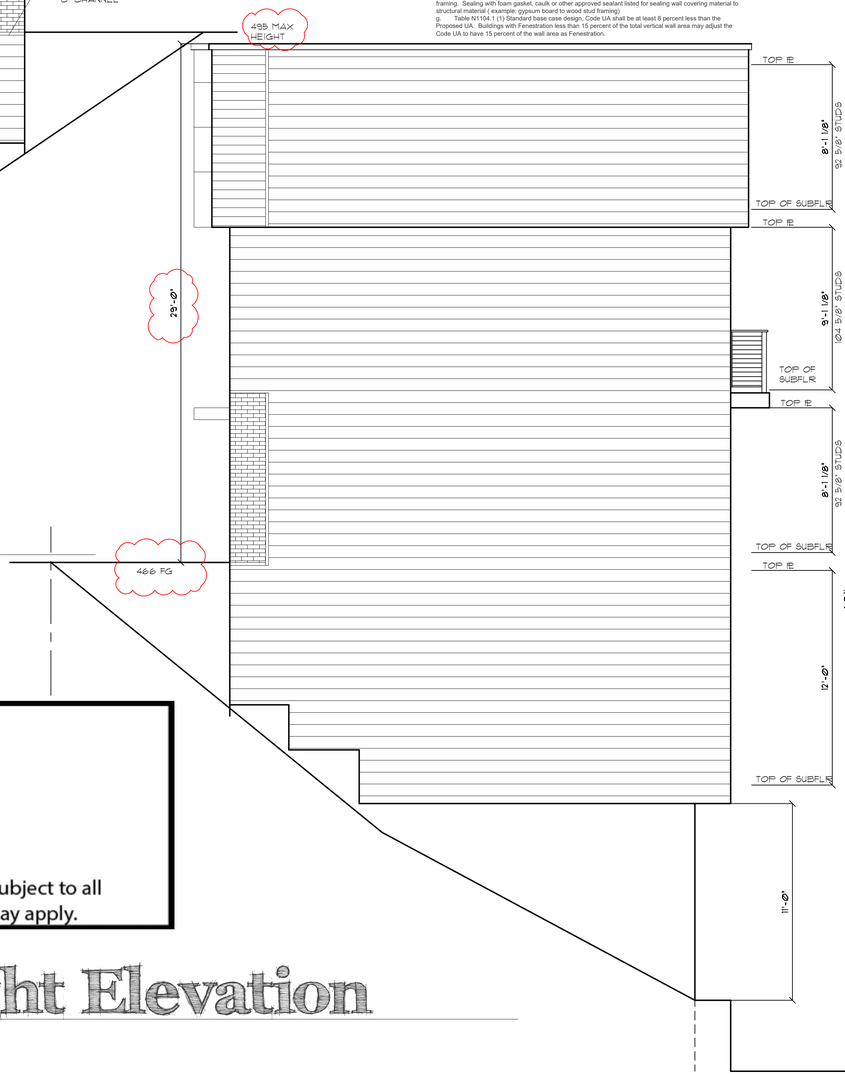
| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e);and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of air HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.




Left Elevation
SCALE: 1/4"=1'-0"

BRICK IS SUPPORTED BY 'C' CHANNEL




Right Elevation
SCALE: 1/4"=1'-0"




NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

Front Elevation
SCALE: 1/4"=1'-0"




Rear Elevation
SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **March 10, 2023**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

lowest floor of each unit.

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

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SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
E-Mail: samedy@kem-consultant.com

*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*Washington* - Brooker T.

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~SKYTE87-A~~ Units 9-10
Project Number

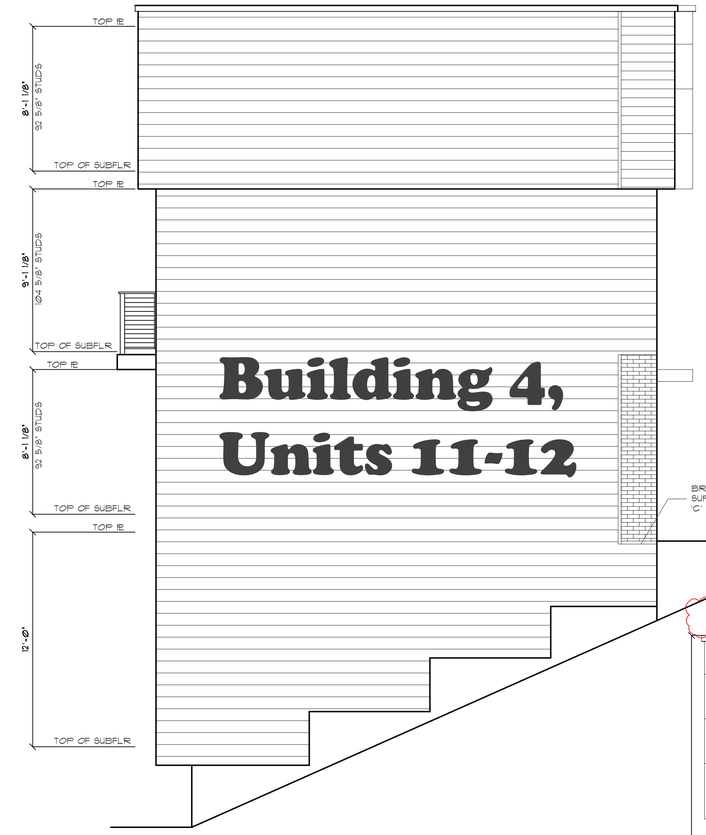
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| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | 5/9/22 | REVISION |
| 5 | | REVISION |

1
Sheet Number of 5

LU 22-141452 AD
Exhibit C.7

# Building 4, Units 11-12




## Left Elevation

SCALE: 1/4"=1'-0"

" USING ADDITION MEASURES OPTION #2 "
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | < 2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e).and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic. |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

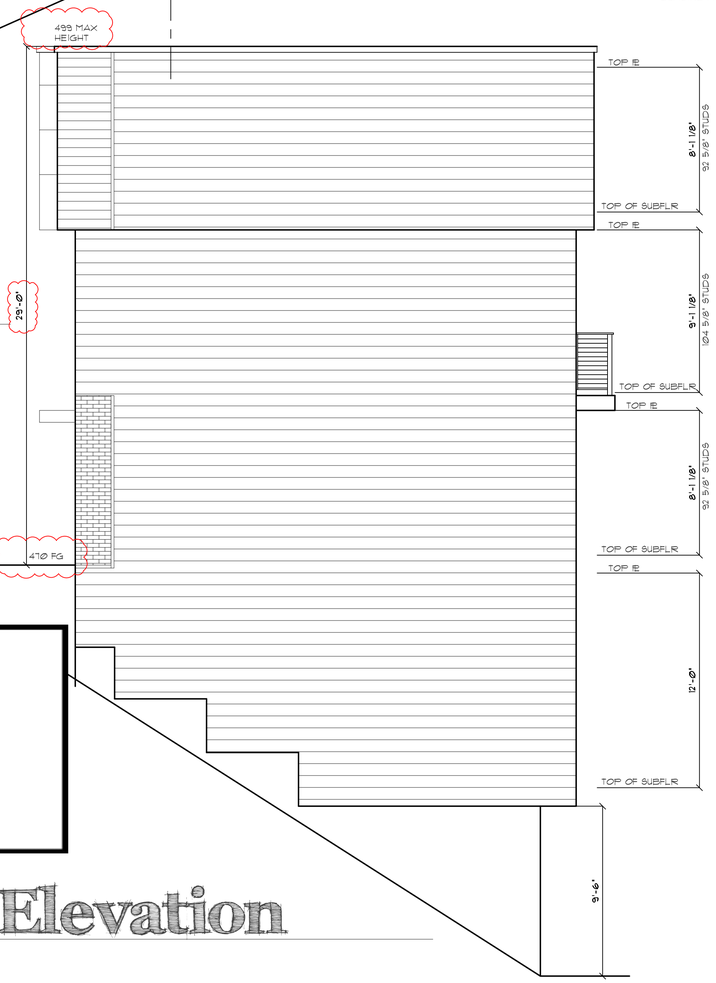
For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.




## Front Elevation

SCALE: 1/4"=1'-0"

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

## Right Elevation

SCALE: 1/4"=1'-0"




## Rear Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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

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custom design - stock plans - remodels
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Hillsboro, Oregon 97123
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*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*Washington - Brooker T.*

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~ERTEST-4~~ Units 11-12
Project Number

| CHECK BY | Samedy Kem |
|---|---|
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1
Sheet Number of 5

LU 22-141452 AD
Exhibit C.8

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | ENDORSEMENT | INFO1 | INFO2 | NAME | ADDRESS/IO ADDRESS | CITYSTATEZIP/ADDRESSEE |
| 2 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | CHABAD CENTER FOR JEWISH LIFE | 2317 SW VERMONT ST | PORTLAND OR 97219 |
| 3 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | WILHELM MORDECHAI & WILHELM MIRIAM | 7125 SW 12TH DR | PORTLAND OR 97219 |
| 4 | RETURN SERVICE REQUESTED | | 1S1E21AB 12100 | NORDWALL FAMILY TR | 7221 SW 13TH DR | PORTLAND OR 97219 |
| 5 | RETURN SERVICE REQUESTED | | 1S1E21AB 12200 | BRIAN KENNETH SCHENCK TR | PO BOX 2083 | BEAVERTON OR 97075 |
| 6 | RETURN SERVICE REQUESTED | | 1S1E21AC 1100 | TANTASHEVA RIMMA | 7240 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 7 | RETURN SERVICE REQUESTED | | 1S1E21AC 1200 | OLD SEASONS LLC | 935 SW STEPHENSON CT | PORTLAND OR 97219 |
| 8 | RETURN SERVICE REQUESTED | | 1S1E21AC 1300 | ANDA PROPERTIES LLC | 9615 SW 49TH AVE | PORTLAND OR 97219-5156 |
| 9 | RETURN SERVICE REQUESTED | | 1S1E21AC 1400 | BEST SAZERAC PROPERTY LLC | 934 SW CALDEW DR | PORTLAND OR 97219 |
| 10 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | FRED MEYER STORES INC | 1014 VINE ST 7TH FL | CINCINNATI OH 45202-1141 |
| 11 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | JPMORGAN CHASE BANK NA | 1111 POLARIS PKWY OH1-1086 | COLUMBUS OH 43240 |
| 12 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ECOATM LLC | 10121 BARNES CANYON RD | SAN DIEGO CA 92121 |
| 13 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ONPOINT COMMUNITY CREDIT UNION | PO BOX 3750 | PORTLAND OR 97208 |
| 14 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | WAAGMEESTER CANVAS PROD INC | 9775 SW COMMERCE CIR STE C6 | WILSONVILLE OR 97070 |
| 15 | RETURN SERVICE REQUESTED | | 1S1E21AC 3200 | ROHOLT JACKSON & ROHOLT SHARON | 10659 SW LANCASTER RD | PORTLAND OR 97219-6403 |
| 16 | RETURN SERVICE REQUESTED | | 1S1E21AC 3700 | THE 13TH DRIVE LLC | P O BOX 10510 | PORTLAND OR 97296-0510 |
| 17 | RETURN SERVICE REQUESTED | | 1S1E21AC 3900 | FARE BRENT D & FARE MEGHAN E | 7241 SW 13TH DR | PORTLAND OR 97219 |
| 18 | RETURN SERVICE REQUESTED | | 1S1E21AC 4000 | NEWMAN SARAH P & FRENCH SPENCER J | 7261 SW 13TH DR | PORTLAND OR 97219 |
| 19 | RETURN SERVICE REQUESTED | | 1S1E21AC 4100 | ANTICK JENNIFER R & OSLUND ERIC R | 7212 SW 12TH AVE | PORTLAND OR 97219 |
| 20 | RETURN SERVICE REQUESTED | | 1S1E21AC 4400 | LIFSHITZ TATIANA | 7217 SW 12TH AVE | PORTLAND OR 97219-2007 |
| 21 | RETURN SERVICE REQUESTED | | 1S1E21AC 4500 | PARKINS DYLAN J & MORRIS ALEX M | 7287 SW 13TH DR | PORTLAND OR 97219 |
| 22 | RETURN SERVICE REQUESTED | | 1S1E21AC 4600 | ZIMMERDAHL MARK & ZIMMERDAHL JANET | 7301 SW 13TH DR | PORTLAND OR 97219-2086 |
| 23 | RETURN SERVICE REQUESTED | | 1S1E21AC 4700 | WOHLHUTER MAX S | 7315 SW 13TH DR | PORTLAND OR 97219 |
| 24 | RETURN SERVICE REQUESTED | | 1S1E21AC 4800 | DIFFELY ROBERT & DIFFELY LINDA | 7202 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 25 | RETURN SERVICE REQUESTED | | 1S1E21AC 4900 | KING ERIC R & KING DE ANN M | 7214 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 26 | RETURN SERVICE REQUESTED | | 1S1E21AC 5100 | DAVID H CAMPEN & CHRISTINE Y CHANG | 1892 MARK TWAIN ST | PALO ALTO CA 94303 |
| 27 | RETURN SERVICE REQUESTED | | 1S1E21AC 700 | SCHILPEROORT REID & CHRISTA | 7214 SW 10TH AVE | PORTLAND OR 97219 |
| 28 | RETURN SERVICE REQUESTED | | 1S1E21AC 800 | PEDROZA NEREIDA & PEDROZA HUGO | 7245 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 29 | RETURN SERVICE REQUESTED | | 1S1E21AC 900 | BRENT MICHAEL & HEALY MARY H | 7235 SW BURLINGAME AVE | PORTLAND OR 97219-2134 |
| 30 | RETURN SERVICE REQUESTED | | 1S1E21AC 90001 | ROSSER MIRIAM M | 1015 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 31 | RETURN SERVICE REQUESTED | | 1S1E21AC 90002 | STEERMAN SAMANTHA N | 1015 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 32 | RETURN SERVICE REQUESTED | | 1S1E21AC 90003 | CORNING SETH T | 1015 SW BERTHA BLVD STE 3 | PORTLAND OR 97219 |
| 33 | RETURN SERVICE REQUESTED | | 1S1E21AC 90004 | ROSEBROCK ADRIENNE | 1015 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 34 | RETURN SERVICE REQUESTED | | 1S1E21AC 90005 | KEEL LINDA | 1015 SW BERTHA BLVD #5 | PORTLAND OR 97219-2078 |
| 35 | RETURN SERVICE REQUESTED | | 1S1E21AC 90006 | CRAIG ALLISON E | 1015 SW BERTHA BLVD UNIT 6 | PORTLAND OR 97219 |
| 36 | RETURN SERVICE REQUESTED | | 1S1E21AC 90007 | BARDENHEIER JEAN & BARDENHEIER ANKE | 471 N SUNNYSIDE AVE | SIERRA MADRE CA 91024 |
| 37 | RETURN SERVICE REQUESTED | | 1S1E21AC 90008 | VADAY SARA E | 1015 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 38 | RETURN SERVICE REQUESTED | | 1S1E21AC 90009 | SINNER TODD | 1025 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 39 | RETURN SERVICE REQUESTED | | 1S1E21AC 90010 | MINKO IRINA & VARTANIAN VALDIMIR | 1025 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 40 | RETURN SERVICE REQUESTED | | 1S1E21AC 90011 | QUICK KATHERINE A | 1025 SW BERTHA BLVD UNIT 3 | PORTLAND OR 97219 |
| 41 | RETURN SERVICE REQUESTED | | 1S1E21AC 90012 | WOOD TAMARA | 1025 SW BERTHA BLVD APT 4 | PORTLAND OR 97219-2079 |
| 42 | RETURN SERVICE REQUESTED | | 1S1E21AC 90013 | SMITH SAMANTHA F | 520 NW LOST SPRINGS TER #408 | PORTLAND OR 97229 |
| 43 | RETURN SERVICE REQUESTED | | 1S1E21AC 90014 | GIEBER SIERRA & TODD D & DEANNA L | 1025 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 44 | RETURN SERVICE REQUESTED | | 1S1E21AC 90015 | LINDERMAN JESSICA | 1025 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 45 | RETURN SERVICE REQUESTED | | 1S1E21AC 90016 | VINCENT JOANNE M | 1025 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 46 | RETURN SERVICE REQUESTED | 1S1E21AC 90017 | VERDIER SECURITY TR | C/O FRANCINE M VERDIER | 690 ROSS CT | SONOMA CA 95476 |
| 47 | RETURN SERVICE REQUESTED | | 1S1E21AC 90018 | DENSON JESSE JENKINS | 1035 SW BERTHA BLVD #2 | PORTLAND OR 97219-2076 |
| 48 | RETURN SERVICE REQUESTED | | 1S1E21AC 90019 | HUYNH JAMES | 1035 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 49 | RETURN SERVICE REQUESTED | | 1S1E21AC 90020 | WENGER NOAH & KENDALL ASHLEY | 1035 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 50 | RETURN SERVICE REQUESTED | | 1S1E21AC 90021 | NOVIKOFF DIMITRY | 1035 SW BERTHA BLVD UNIT 5 | PORTLAND OR 97219 |
| 51 | RETURN SERVICE REQUESTED | | 1S1E21AC 90022 | LETTS JASON | 1035 SW BERTHA BLVD | PORTLAND OR 97219 |
| 52 | RETURN SERVICE REQUESTED | | 1S1E21AC 90023 | TILLIS CHELSEA N | 1035 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 53 | RETURN SERVICE REQUESTED | | 1S1E21AC 90024 | CUSHING CAITLIN | 3411 NE 38TH AVE | PORTLAND OR 97212-1903 |
| 54 | RETURN SERVICE REQUESTED | | 1S1E21AC 90025 | DICKEY CHRISTINE & GRIFFITH STEPHEN | 10221 S TERWILLIGER PL | PORTLAND OR 97219 |
| 55 | RETURN SERVICE REQUESTED | | 1S1E21AC 90026 | HOGFOSS ROGER & HOGFOSS JOANNE | 3595 HICKORY AVE | EUGENE OR 97401 |
| 56 | RETURN SERVICE REQUESTED | | 1S1E21AC 90027 | STINE STEVEN A | 1035 SW BERTHA BLVD UNIT 11 | PORTLAND OR 97219 |
| 57 | RETURN SERVICE REQUESTED | | 1S1E21AC 90028 | KIM JOAN J | 838 TERMINO AVE | LONG BEACH CA 90804-5434 |
| 58 | RETURN SERVICE REQUESTED | | 1S1E21AC 90029 | BLEU AMY L | 1035 SW BERTHA BLVD #13 | PORTLAND OR 97219 |
| 59 | RETURN SERVICE REQUESTED | | 1S1E21AC 90030 | BERGSTROM KIRSTEN | 1035 SW BERTHA BLVD UNIT 14 | PORTLAND OR 97219 |
| 60 | RETURN SERVICE REQUESTED | 1S1E21AC 90031 | GRENINGER ARIEL J W | & WILKEN ZACHARY | 1035 SW BERTHA BLVD #15 | PORTLAND OR 97219 |
| 61 | RETURN SERVICE REQUESTED | | 1S1E21AC 90032 | OBJECTIVE INVESTMENTS LLC | 6280 SW ARRANMORE PL | PORTLAND OR 97223-7503 |
| 62 | RETURN SERVICE REQUESTED | | 1S1E21AC 90033 | LINEGAR NEAL & LINEGAR PAMELA | 4445 SW CARL PL | PORTLAND OR 97239-1518 |
| 63 | RETURN SERVICE REQUESTED | | 1S1E21AC 90034 | KISH DAVID O & STONE CAROL N | 1125 SW WESTWOOD CT | PORTLAND OR 97239 |
| 64 | RETURN SERVICE REQUESTED | | 1S1E21AC 90035 | TURQUAND THOMAS & TURQUAND TERI | 3515 SW XERO AVE | REDMOND OR 97756-7997 |
| 65 | RETURN SERVICE REQUESTED | | 1S1E21AC 90036 | BARLOW BRANDON E | 1045 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 66 | RETURN SERVICE REQUESTED | 1S1E21AC 90037 | EDELMAN HIGHLAND CHRISTINE | & HAUGH WILLIAM BITTRICH | 1045 SW BERTHA BLVD #5 | PORTLAND OR 97219-2077 |

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 67 | RETURN SERVICE REQUESTED | | 1S1E21AC 90038 | TUGOZ RAMSEY A TR | 243 ROSWELL AVE | LONG BEACH CA 90803-1536 |
| 68 | RETURN SERVICE REQUESTED | | 1S1E21AC 90039 | PETERSON CHRISTOPHER | 1045 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 69 | RETURN SERVICE REQUESTED | | 1S1E21AC 90040 | JOHNSON AMANDA & JOHNSON DYLAN | 1045 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 70 | | | | CURRENT RESIDENT | 1025 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 71 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #11 | PORTLAND OR 97219 |
| 72 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #14 | PORTLAND OR 97219 |
| 73 | | | | CURRENT RESIDENT | 7180 SW NEVADA TER | PORTLAND OR 97219 |
| 74 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #A | PORTLAND OR 97219 |
| 75 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #C | PORTLAND OR 97219 |
| 76 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #D | PORTLAND OR 97219 |
| 77 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #A | PORTLAND OR 97219 |
| 78 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #C | PORTLAND OR 97219 |
| 79 | | | | CURRENT RESIDENT | 936 SW CALDEW DR | PORTLAND OR 97219 |
| 80 | | | | CURRENT RESIDENT | 1015 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 81 | | | | CURRENT RESIDENT | 1025 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 82 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 83 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 84 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 85 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 86 | | | | CURRENT RESIDENT | 7207 SW 13TH DR | PORTLAND OR 97219 |
| 87 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #D | PORTLAND OR 97219 |
| 88 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #F | PORTLAND OR 97219 |
| 89 | | | | CURRENT RESIDENT | 7529 SW BARBUR BLVD | PORTLAND OR 97219 |
| 90 | | | | CURRENT RESIDENT | 1015 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 91 | | | | CURRENT RESIDENT | 1025 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 92 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #12 | PORTLAND OR 97219 |
| 93 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #16 | PORTLAND OR 97219 |
| 94 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #9 | PORTLAND OR 97219 |
| 95 | | | | CURRENT RESIDENT | 7121 SW 12TH DR | PORTLAND OR 97219 |
| 96 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #B | PORTLAND OR 97219 |
| 97 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #C | PORTLAND OR 97219 |
| 98 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #E | PORTLAND OR 97219 |
| 99 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #B | PORTLAND OR 97219 |
| 100 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #F | PORTLAND OR 97219 |
| 101 | | | | CURRENT RESIDENT | 7601 SW BARBUR BLVD | PORTLAND OR 97219 |
| 102 | | | | CURRENT RESIDENT | 940 SW CALDEW DR | PORTLAND OR 97219 |
| 103 | | | | CURRENT RESIDENT | 942 SW CALDEW DR | PORTLAND OR 97219 |
| 104 | | | | CURRENT RESIDENT | 944 SW CALDEW DR | PORTLAND OR 97219 |
| 105 | | | | CURRENT RESIDENT | 1015 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 106 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #10 | PORTLAND OR 97219 |
| 107 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 108 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 109 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 110 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 111 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #A | PORTLAND OR 97219 |
| 112 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #E | PORTLAND OR 97219 |
| 113 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #B | PORTLAND OR 97219 |
| 114 | | | | CURRENT RESIDENT | 946 SW CALDEW DR | PORTLAND OR 97219 |
| 115 | RETURN SERVICE REQUESTED | OWNER | 1S1E21AC 3400 | BURLINGAME RIDGE TOWNHOMES LLC | 5331 S MACADAM AVE #258 | PORTLAND OR 97239 |
| 116 | RETURN SERVICE REQUESTED | OWNER 1S1E21AC 90000 | ASSOCIATION OF UNIT OWNERS OF | BURLINGAME VIEW CONDO | 1015 SW BERTHA BLVD | PORTLAND OR 97219 |
| 117 | RETURN SERVICE REQUESTED | OWNER/AGENT/APPLICANT | MAIN STREET DEVELOPMENT INC | RYSTADT ERIC & ROSEMEYER NATHANIEL | 5331 S MACADAM AVE #258 | PORTLAND OR 97239 |
| 118 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | OFFICE OF COMM AND CIVIC LIFE | 1120 SW 5TH AVE STE 114 | PORTLAND OR 97204 |
| 119 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | HILLSDALE NEIGHBORHOOD ASSOCIATION | PO BOX 19902 7805 SW 40TH AVE | PORTLAND OR 97280 |
| 120 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | FRIENDS OF TERWILLIGER | 430 SW HAMILTON ST | PORTLAND OR 97239 |
| 121 | RETURN SERVICE REQUESTED | | PORTLAND METRO REGIONAL SOLUTIONS | C/O DLCD REGIONAL REP | 1600 SW FOURTH AVE #109 | PORTLAND OR 97201 |
| 122 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | PORT OF PORTLAND PLANNING | PO BOX 3529 | PORTLAND OR 97208 |
| 123 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | TRANSIT DEVELOPMENT | 1800 SW FIRST AVE SUITE 300 | PORTLAND OR 97201 |
| 124 | | | | | PROSPER PORTLAND | 129/PROSPER |
| 125 | | | | PORTLAND PARK TRAIL | TATE WHITE | B106/R1302 |
| 126 | | | | | DAWN KRANTZ | B299/R5000 |

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

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

**Date:** December 23, 2022

**To:** Interested Person

**From:** Amanda Rhoads, Land Use Services
503-865-6514/Amanda.Rhoads@portlandoregon.gov

## NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

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

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on January 13, 2023**. **Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-141452 AD, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

## CASE FILE NUMBER: LU 22-141452 AD

**Applicant/Owner:** Nathaniel Rosemeyer | Main Street Development
5331 SW Macadam Ave #258 PMB 208 | Portland, OR 97239
503-422-7707 | nathaniel@msdpdx.com

**Owners:** Association of Unit Owners of Burlingame View Condo
1015 SW Bertha Blvd | Portland, OR 97219

Burlingame Ridge Townhomes LLC
5331 S Macadam Ave #258 | Portland, OR 97239

**Site Address:** 7290 SW 13TH DR

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS
**Tax Account No.:** R054500990, R119480010
**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000
**Quarter Section:** 3728
**Neighborhood:** Hillsdale, contact at board@pdxhna.org
**Business District:** None
**District Coalition:** Office of Community & Civic Life, contact at CivicLife@PortlandOregon.gov
**Plan District:** None
**Zoning:** RM1 – Residential Multi-Dwelling 1
**Case Type:** AD – Adjustment Review
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**
The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Buidling 4 (units 11-12) proposed height: 45.5 feet.

These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

**Relevant Approval Criteria:**
In order to be approved, this proposal must comply with the approval criteria of Title 33.

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

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

Zoning Code Section *33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on May 10, 2022 and determined to be complete on November 3, 2022.

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

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

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

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

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

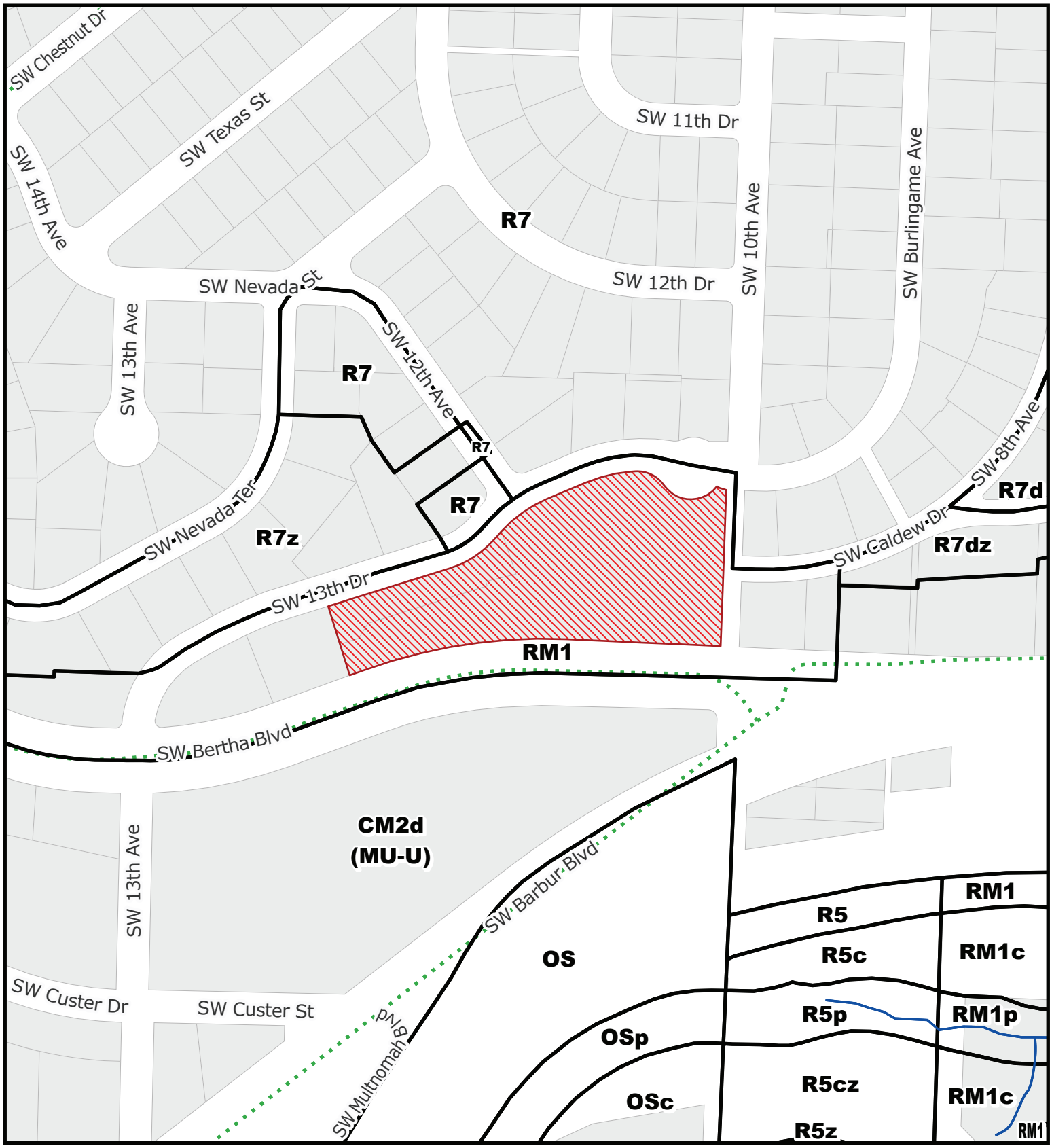
**APPEAL PROCESS**
If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information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

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

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

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

**Enclosures:**
Zoning Map
Site Plan
Building 1 North and West Elevations
Building 1 South and East Elevations




For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING

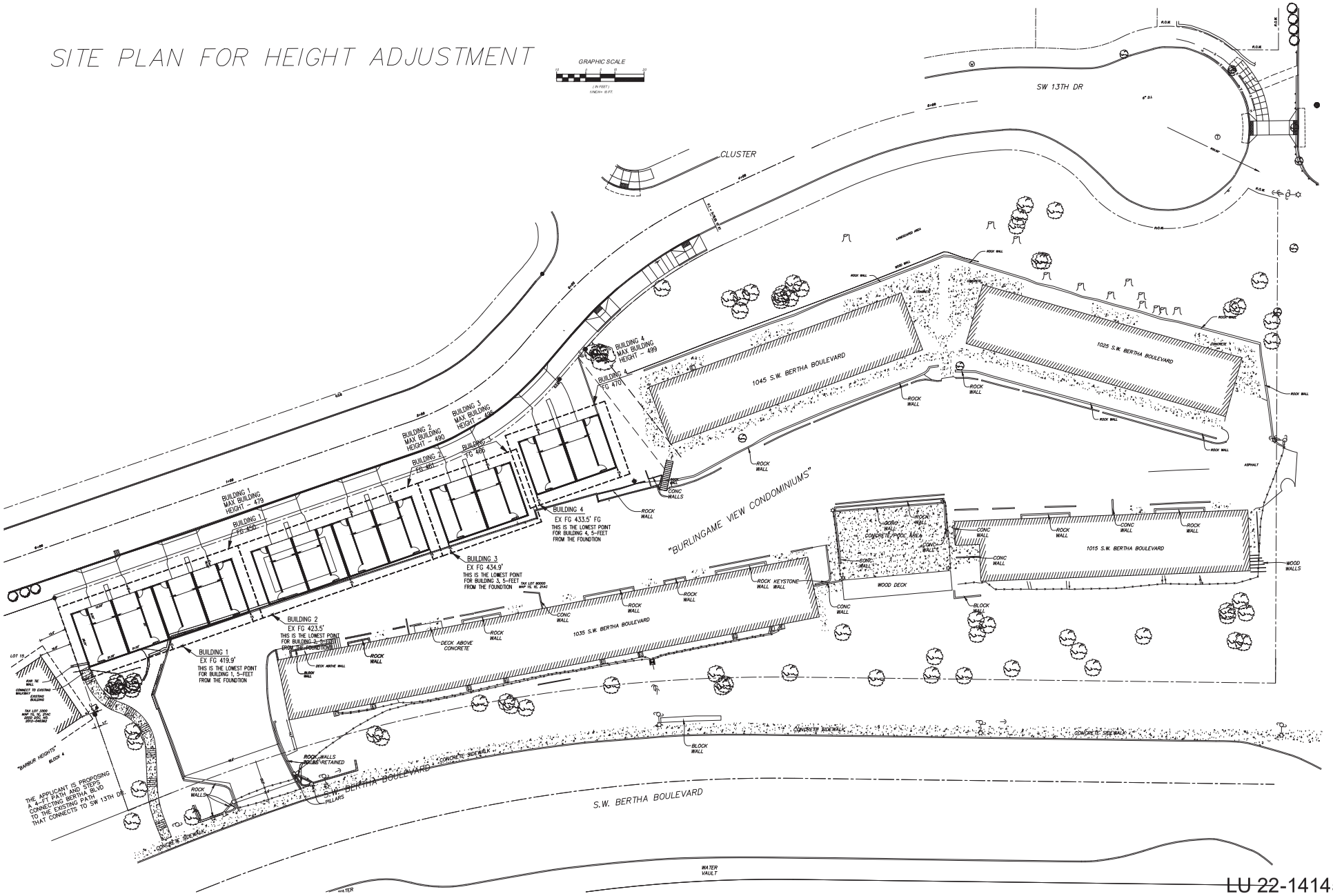
Site
Stream
Recreational Trails

File No. LU 22 - 141452 AD
1/4 Section 3728
Scale 1 inch =200 feet
State ID 1S1E21AC 3400
Exhibit B Dec 22, 2022

LU 22-141452 AD
Exhibit D.2

LU 22-141452 AD
Exhibit D.2

# SITE PLAN FOR HEIGHT ADJUSTMENT



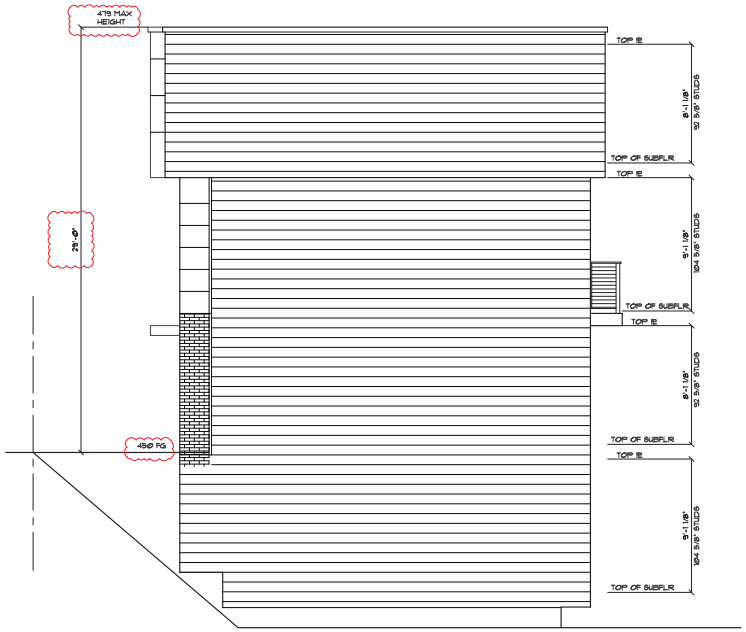

LU 22-141452 AD

NOTE: 36% GLAZING REQUIRED.
FACADE AREA = 1210 SQ FT
GLAZING AREA= 436 SQ FT




# Front Elevation

SCALE: 1/4"=1'-0"




# Right Elevation

SCALE: 1/4"=1'-0"

FINAL GRADING - SURFACE WATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPENSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER D ISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for protection on the underside the lowest floor of each unit.**

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | | |
|---|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | High efficiency walls & windows: | Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | Upgraded features: | Exterior walls – U-0.037 / R-23 intermediate or R-21 advanced,<br>Framed floors – U-0.026 / R-38, and<br>Windows – U-0.28, (average UA ) |
| | 3. | Upgraded features: | Exterior walls – U-0.055 / R-23 intermediate or R-21 advanced,<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.26/R-38, |
| | 4. | Super Insulated Windows and Attic OR Framed Floors: | Windows – U-0.22 (Table Frame Lowest point)<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.026 / R-38 |
| | 5. | Air sealing home and ducts: | Mandatory air sealing of all wall coverings at top plate and air sealing detailed, and<br>Mechanical whole dwelling ventilation system with rates meeting M1507.3 ASHRAE 62.2, and<br>All ducts and air handlers contained within building envelope or<br>All ducts sealed with mastic |
| | 6. | High efficiency thermal envelope UAg: | Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | High efficiency HVAC system : | Gas fired furnace or boiler AFUE- 94%, or<br>Air source heat pump HSPF 9.5/15.0 SEER cooling, or<br>Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | Ducted HVAC systems within conditioned space: | All ducts and air handlers contained within building envelope (d)<br>Cannot be combined with Measure A |
| | C. | Ductless heat pump: | Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | High efficiency water heater (g): | Natural gas/propane water heater with UEF 0.65 OR<br>Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic, tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. Ducts, air handlers, and flues shall not be located in unconditioned space, permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 10 percent of the total heated space floor area unless vaulted area has a U-Factor no greater than U-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural framing and sealing of all penetrations in wall covering.)
Table N1101.1(2) Standard reference design. Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

LU 22-141452 AD

LU 22-141452 AD
Exhibit D.2


SamedyKem
designer - consultant
cdfm-design - (503)345-1870 (8)
P.O Box 1571
Hillsboro, Oregon 97123
971.568.0552 fax 888.313.3610
E-Mail: samedy@kem-consultant.com


"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed" Booker T.

Working on

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

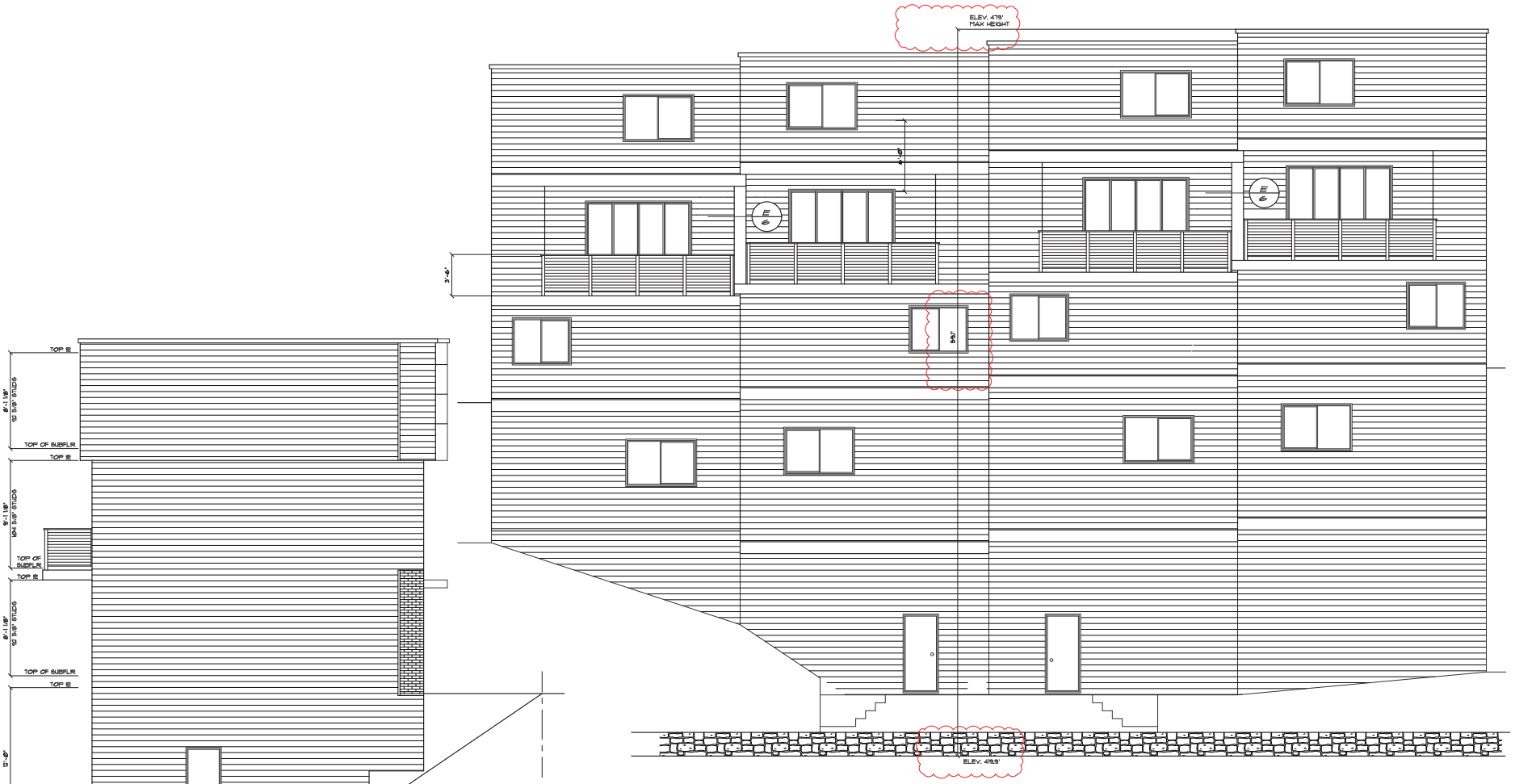
sk- 1687-4 Unit 1 thru 4
Project Number

CHECK BY Samedy Kem
DRAW BY sk

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 9/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 1 of 9

LU 22-141452 AD
Exhibit D.2




Rear Elevation
SCALE: 1/4"=1'=0"

Left Elevation
SCALE: 1/4"=1'=0"

LU 22-141452 AD

SamedyKem
designer - consultant
custom design - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.568.0552 fax: 888.313.3610
E-Mail: samedy@kem-consultant.com

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Working on

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MAIN STREET
DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/8/2021
Date:

sk- 1687-4 Unit 1 thru 4
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE / REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2
Sheet Number of 9

| | | | |
|---|---|---|---|
| **Permit Number** | 2022 141452 000 00 LU | Pending | |
| **Folder Type/Sub/Work** | Land Use Review/Type 2 procedure/AD - Adjustment | | |
| **Name** | 7290 SW 13TH DR | **Issued By** | |
| **Address** | 7290 SW 13TH DR | | |
| **In Date** | 05/10/2022 | **Issued Date** | **Expires** |
| **Description** | The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below: | | |
| **Condition** | ¿ Building 1 (units 1-4) proposed height: 49.1 feet; | | |

## Process

### Land Use Review

| Code | Description | Status | Start Date | End Date | User | Comment |
|---|---|---|---|---|---|---|
| 20000 | Application Intake | Completed | 05/11/2022 | 05/11/2022 | LUR | |
| 20095 | Planner Assigned | Open | 05/13/2022 | | RHOADSA | |
| 20030 | Verify Completeness | Completed | 06/09/2022 | 11/03/2022 | LUR | |
| 20040 | Prepare Notice | Completed | 12/23/2022 | 12/23/2022 | LUR | |
| 20110 | Finalize Decision Report | Open | | | LUR | |

### Site Development

| Code | Description | Status | Start Date | End Date | User | Comment |
|---|---|---|---|---|---|---|
| 20065 | Site Dev Review - LU | No concerr | 12/23/2022 | 12/23/2022 | SITEDEV | 12/23/22 - JBBrown - Pls refer to RS permits for Site Development plan review comments. |

### Life Safety

| Code | Description | Status | Start Date | End Date | User | Comment |
|---|---|---|---|---|---|---|
| 20085 | Life Safety Review - LU | Response | 01/10/2023 | 01/10/2023 | LUSAFE | |

### Fire Bureau

| Code | Description | Status | Start Date | End Date | User | Comment |
|---|---|---|---|---|---|---|
| 20105 | Fire Review - LU | Response | 01/12/2023 | 01/12/2023 | KRANTZD | |

**Environmental Services**

| Code | Description | Status | Start Date | End Date | User | Comment |
|---|---|---|---|---|---|---|
| 20155 | BES Dev Srv - LU | No concerr | 12/23/2022 | 12/23/2022 | BESLU | BES does not object to the requested adjustment. The proposed buildings and stormwater management plan are being reviewed by BES under the associated RS permits. Approval of this application does not alter BES requirements as identified under this building permit. |
| 20165 | BES Source Ctrl - LU | No concerr | 12/23/2022 | 12/23/2022 | BESLU | |
| 20045 | BES Watershed Srv - LU | No concerr | 12/23/2022 | 12/23/2022 | BESLU | |

**Transportation**

| Code | Description | Status | Start Date | End Date | User | Comment |
|---|---|---|---|---|---|---|
| 20075 | PDOT Review - LU | Response | 01/10/2023 | 01/10/2023 | BORENKTA | |

**Water Bureau Review**

| Code | Description | Status | Start Date | End Date | User | Comment |
|---|---|---|---|---|---|---|
| 20055 | Water Review - LU | No concerr | 01/11/2023 | 01/11/2023 | PUCKETMI | |

PBOT
PORTLAND BUREAU OF TRANSPORTATION
1900 SW Fourth Ave., Suite 5000 Portland, OR 97201 503-823-5185
Fax 503-823-7576 TTY 503-823-6868 www.portlandoregon.gov/transportation
Mingus Mapps Commissioner Chris Warner Director

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

LU: 22-141452-000-00-LU Date: January 10, 2023

To: Amanda Rhoads, Bureau of Development Services, B299/R5000

From: Tammy Boren-King, B106/800, 503-823-2948, tammy.boren-king@portlandoregon.gov

Applicant: Main Street Development *Nathaniel Rosemeyer*
MAIN STREET DEVELOPMENT
5331 SW MACADAM AVE #258 PMB 208
PORTLAND OR 97239

Location: 7290 SW 13TH DR

TYPE OF REQUEST: Type 2 procedure AD - Adjustment

## DESCRIPTION OF PROJECT

The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

Building 1 (units 1-4) proposed height: 49.1 feet;
Building 2 (units 5-8) proposed height: 56.5 feet;
Building 3 (units 9-10) proposed height: 50.1 feet; and
Buidling 4 (units 11-12) proposed height: 45.5 feet.

These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

## RESPONSE

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

**Adjustment Approval Criteria - 33.805.040.A**
The applicable approval criteria related to the requested adjustment that needs to be addressed by PBOT is noted in Code Section 33.805.040.A, B, D and E and are stated as follows:

"A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified.
B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area.

D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and
E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

The purpose statement of the regulation being modified reads as follows (33.120.215)

33.120.215 Height
A. Purpose. The height standards serve several purposes:
• They promote a reasonable building scale and relationship of one residence to another;
• They promote options for privacy for neighboring properties; and
• They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

There are no transportation related evaluation factors in this purpose statement. Therefore, PBOT has no objections to the requested adjustment.

Street Classification & Code/Title 17 Requirements

1. TSP Classifications: At this location, the City's Transportation System Plan (TSP) classifies the abutting rights-of-way as follows:
SW 13th Dr: City Bikeway, Local Service for all other modes

2. Existing Improvements:
SW 13th Dr. at this location is mapped as being improved with a 30-ft paved roadway within a 50-foot right-of-way (ROW). The sidewalk corridor is mapped as having a 0.5-ft curb and no other improvements behing the curb. 10-feet of right-of-way is mapped from face of curb to property line.

3. Standard Improvements: The standard sidewalk corridor for an RM1 zoned lot on a local service street inside of a Pedestrian District is a total of 12-feet consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 1.5-ft frontage zone.

4. Required Improvements:
Improvement requirements were set via the checksheet for permit 21-025943-SD. No dedication is required. An 8-ft curb tight sidewalk is required in compliance with 17-245547-LU. The submitted site plan shows an 8-ft sidewalk. A public works permit is under review 19-106478-WT (TH0845). Concept approval and public financial guarantee, such as a bond, will be required prior to PBOT approval of the building permits.

Driveways and Curb Cuts (Section 17.28)
The subject site is allowed only 1 driveway per 100-ft of frontage under current driveway standards (TRN 10.40.D2). The applicants secured a driveway design exception to allow each 2-unit building to share a driveway with an 18-ft throat at the right-of-way. At least 18-feet of on-street parking it to separate each driveway. (21-044810-TR) The submitted plans are in compliance with the approved Driveway Design Exception.

## RECOMMENDATION
PBOT has no objection to the requested adjustment.

PORTLAND FIRE & RESCUE

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

# LAND USE REVIEW RESPONSE

**TO:** **Amanda Rhoads, City of Portland, Land Use Review**
**FROM:** **Dawn Krantz, Portland Fire Bureau 503-823-3718**
**DATE:** **January 12, 2023**
**SUBJECT:** **LU 22-141452 AD**
**SITE LOCATION : 7290 SW 13TH DR**

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

## CONDITIONS OF APPROVAL AT TIME OF DEVELOPMENT

A building permit is currently under review for this proposal. The Fire Plans Examiner is reviewing the building permit. Any changes to the original building permit require revised drawings. All applicable Fire Code requirements will apply through the open building permit.

To: Amanda Rhoads
From: Chanel Horn, Life Safety Plans Examiner
Date: January 10, 2023
RE: 7290 SW 13TH DR, 22-141452-LU

**LIFE SAFETY PLAN REVIEW RESPONSE**

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

**RESPONSE SUMMARY**

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

☐ Life Safety Plan Review does not object to the approval of this proposal. This approval is conditional on the finalization of the property line adjustment approved through this LUR/PR. If this public record is not finalized, a Covenant Not to Sell the Properties Separately must be established for this project. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.

☐ Life Safety Plan Review does not object to the approval of this proposal. Prior to Life Safety approval of the final plat or Land Use proposal, the applicant must address the Building Code issues listed as part of the **GENERAL LIFE SAFETY COMMENTS** below.

☐ Life Safety Plan Review cannot support approval of the current Land Use proposal. Prior to Life Safety approval of the final plat, the applicant must address the Building Code issues listed as part of **the GENERAL LIFE SAFETY COMMENTS** below.

| Item # | GENERAL LIFE SAFETY COMMENTS |
|---|---|
| 1 | **Building Permit Under Review -** Building Permits have been applied for and are currently under review. A Life Safety reviewer has been in contact with the applicant. Please refer to correspondence from the assigned Life Safety reviewer for building code-related comments. All questions regarding Building Code issues should be directed to the assigned Life Safety reviewer. |

**From:** Glenn Bridger
**To:** Rhoads, Amanda
**Cc:** GLENN BRIDGER
**Subject:** Request for background on CASE FILE NUMBER: LU 22-141452 AD
**Date:** Monday, January 2, 2023 11:32:55 AM

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Amanda,

I am Land Use chair for the Hillsdale Neighborhood Association. We will be evaluating this Land use action at our meeting on Wednesday Jan 4.

I have been involved with this proposal through several years of requests. In reviewing this proposal, I am pleased to see that the height issues being addressed straight on. The Proposed buildings are too high for the residential street and neighborhood they are located in.

The proposal does not include any justification for the greater height. If the developer has given such information to the City, please provide this rationale to the HNA so we can better understand why this should be granted. Further, if there is any further information on this land use action which will help us arrive at our Neighborhood Association action, please provide.

Please share this information so our community can take action on the request at our regularly scheduled meeting on January 4, 2023.

Respectfully,

Glenn Bridger
HNA Land Use Chair

| | |
|---|---|
| **From:** | kishd@earthlink.net |
| **To:** | Rhoads, Amanda |
| **Cc:** | Carol Nani Stone; stonefrench69@gmail.com |
| **Subject:** | LU 22 14152AD |
| **Date:** | Monday, January 9, 2023 10:56:44 AM |

Hello Amanda,
My wife and I own one of the condos at 1045 SW Bertha Blvd in the Burlingame View complex, adjacent to the townhouse project which is the subject of the above case. Our daughter lives in the condo.
I have a couple comments on the proposed project.
The new buildings appear to be significantly out of scale with other residential structures in the area. The condos below are two story and surrounding homes are generally one or two stories. The change in allowed height from 35 ft to over 56 ft will overwhelm the site. They are planned on top of an existing retaining wall that is about 6 ft high, thus they will rise above the parking lot below by over 60 ft. That's the equivalent of a 5 story building, and as I said, way out of scale for that site. While the setback from the property line I'm sure will be legal, that small distance too will add to the massive feeling of the buildings. A wall of trees and bushes currently sits atop the retaining wall and with those removed, the Burlingame property, mostly lower/ moderate income housing, will be visually degraded . Construction will likely impact the entry/egress at Burlingame View as well as the parking lot.
The second major issue, I believe, is the stability of the site. The slope below the proposed construction site is not real stable. Cracks have developed in the foundations of several of the Burlingame View buildings requiring costly engineering and repair. The swimming pool on site has been closed at least five years due to cracks and slippage on the site and repairs are not feasible due to costs. Behind the pool, along Bertha Blvd, several of the old trees on the hillside have come down, and others are leaning, testimony to the potential for slides on that site.
We all know there is a need for additional housing in the Portland area, and particularly lower cost housing. But the scale of these new buildings is not appropriate, and the sign near the site says "new townhomes, starting at $600K ", which is certainly above the Portland median price.
A reduction in the size of the new units would make them look better and could lower the price to make them more affordable, providing the geotechnical issues on the site can be properly addressed.
Thankyou for providing an opportunity to comment. Please contact me if you have questions or comments.
Regards,
David Kish
503-246-0942

**From:** JACKSON ROHOLT
**To:** Rhoads, Amanda
**Subject:** Fwd: Case File Number LU 22-141452 AD
**Date:** Wednesday, January 11, 2023 10:29:48 AM

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---------- Original Message ----------
From: JACKSON ROHOLT <jsroholt@comcast.net>
To: "tatianalifshitz@comcast.net" <tatianalifshitz@comcast.net>
Date: 01/09/2023 12:11 PM
Subject: Fwd: Case File Number LU 22-141452 AD

---------- Original Message ----------
From: JACKSON ROHOLT <jsroholt@comcast.net>
To: JACKSON ROHOLT <jsroholt@comcast.net>
Date: 01/09/2023 12:09 PM
Subject: Case File Number LU 22-141452 AD

The Bureau of Development Service should deny the request for the height adjustments of the four buildings referenced in Case File Number LU 22-141452 AD for the following reasons.

Criteria A
Granting the adjustments will not equally or better meet the purpose of the regulation to be modified.

My wife and I have owned the adjacent 12-unit Burlingame Terrace Apartments for the past 20 years. This one-and two-story apartment building complex has building heights from 12 feet to 24 fee. The proposed four building height adjustments from 45.5 feet to 56.6 feet does not equally or better meet the purpose of the RM 1 zone. Allowing building heights 10.5 feet to 21.5 feet over the standards in the RM 1 zone is inconsistent with the regulations in the zone.

Criteria B
The proposal of four buildings with building heights from 45.5 feet to 56.6 feet will significantly detract from the livability and appearance of the adjacent residential areas.

All of the buildings in the immediate neighborhood are one- or two-story buildings. The proposed four buildings from four to five stories in height are not consisted with existing supply and would negatively impact the livability and appearance of the

existing neighborhood.

Criteria C
Each building is requesting an adjustment for building height. Therefore, four adjustments are being requested.

The cumulative effect of these four adjustments results in building heights from 45.5 feet to 56.5 feet, which is from 10.5 feet to 21.5 feet over the standards in the RM 1 zone and is inconsistent with the overall purpose of the zone.

A principle intent of the RM 1 zone is housing types that are compatible with the adjacent developments.

The proposed development with four- and five-story buildings is not consistent with the overall purpose of the zone and neighborhood.

Criteria E
The impacts resulting from the adjustments are not mitigated.

The applicant's description of internal design elements is nonresponsive to the approval criteria.

The four- and five-story buildings will create a wall of towers, which are incompatible with adjacent developments.

Respectfully,

Jackson and Sharon Roholt

**From:** Burlingame View HOA
**To:** Rhoads, Amanda
**Subject:** Case File Number LU 22-141452 AD comments on proposal
**Date:** Thursday, January 12, 2023 7:38:55 PM

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Amanda,
I'm writing as a representative of the Burlingame View Condominiums in response to the notice of request to adjust zoning code section 33.120.215.B1 for the townhomes to be built on 7290 SW 13th Dr.

Some of our owners are concerned about the adjusted height of the buildings detracting significantly from the view of the north facing windows of 1035 SW Bertha. The current view is lush greenery. There is also concern of significantly blocking sunlight on the east side of 1025.

The homes at 7315, 7301 and 7287 SW 13th Dr will also lose significant morning sunlight and the greenery currently seen on the hillside from their southern windows.

Unrelated to the specific request, I thought it would be prudent to point out a couple other points. The map included in the proposal notes that, "The applicant is proposing a 4-ft path and steps connecting Bertha Blvd to the existing path that connects to SW 13th Dr." That section of land is owned by BGV. We are happy to discuss the purchase of the land for the purpose of building a walkway. Also, the back side of Building 4 will be directly behind the BGV dumpsters.

Thank you for considering our comments,

Ariel Greninger
Secretary,
on behalf of the Board of Directors of
Burlingame View Condominiums

**From:** G Stiffler
**To:** Rhoads, Amanda
**Cc:** G Stiffler
**Subject:** Neighborhood input SW 13th Drive height adjustment
**Date:** Friday, January 13, 2023 12:18:11 PM

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As best I can reconstruct it from Portland Maps, the parcel located at 7290 SW 13th Drive was originally part of an apartment complex that is now the Burlingame View Condominiums (located at 1015 SW Bertha). The SW 13th lot is currently owned by Burlingame Ridge Townhouses LLC. The Burlingame View Condominiums are owned by the Owner Association of Unit Owners of the Burlingame View Condominiums.

Apparently the original division of the 2 parcels did not meet the criteria for a legal partition in some fashion. As stated in the Hearing findings for LU 17-245578 LDP AD, the applicant "originally sought approval of a partition to divide the site into two parcels. This application was filed in 2017…The Applicant ultimately revised the proposal to its current form: a two parcel partition with three adjustments to develop nine condominium units in three buildings on Parcel 2." At the time of the hearing the owners of the entire parcel (SW 13th and SW Bertha) were listed as the Burlingame View Condominiums. The proposal to partition the property was denied by the Hearings Officer.

The above narrative raises questions. First, who owns what? According to Portland Maps, 7290 SW 13th is owned by Burlingame Ridge Townhouses LLC and 1015 SW Bertha is owned by the Burlingame View Condominiums. But according to the hearing documents, in 2020, the entire property was owned by Burlingame View Condominiums. The Assessor records on Portland Maps show no sale of 7290 SW 13th since 2017. So how did ownership from Burlingame View Condominiums in 2020 to Burlingame Ridge Townhouses AND Burlingame View Condominiums in 2022 happen? Second, originally a partition of the entire property was deemed necessary since there was not a completed legal lot separation. This partition was denied by the Hearings Officer in 2020. Yet a partition is no longer requested. Indeed, in a letter dated May 11, 2022, the applicant states, "The applicant is proposing the development of a northern portion of a legally created parcel." So how did 7290 SW 13th become a "legally created parcel" without partition?

Next let us turn to the requested height adjustment for the 12 condominiums on SW 13th. According to the Guidelines for Adjustment, adjustments must meet A-F below:
>>>>>>>>>> A. Granting the adjustment will equally or better meet the purpose of the regulation.
>>>>>>>>>> In a July 20, 2022 letter to Amanda Rhoads, under Narrative, Criterion A, the zoning code purpose of height standards are listed as:
>>>>>>>>>> —- They promote reasonable building scale and relationship of one residence to another;
>>>>>>>>>> —- They promote options for privacy for neighboring properties; AND
>>>>>>>>>> —- They reflect the general building scale of multi-dwelling developments in the City's neighborhoods.

>>>>>>>>>> This adjustment request fails to meet the height purpose. The proposed condominiums fail to promote a reasonable building scale and relationship of one residence to another. This development will dwarf all other neighboring development. With the exception of a couple of small portions of Fred Meyer Burlingame, the height of residential, commercial, and multi-dwelling buildings in the area are 2 stories or less. In the photo below, the telephone pole is approximately the height of the condos if the adjustment is granted. As you can see, it is nearly twice as high as the house directly across the street.

>>>>>>>>>> If the adjustment is granted it may well compromise privacy since it may allow residents of the proposed condos to see into the backyards of homes across the street. And finally, the proposed development does not reflect the general building scale of the other multi-dwelling units in the neighborhood which is, as far as I can locate, 2 stories or less.
>>>>>>>>>>
>>>>>>>>>> Further, the development seems to fail to meet the characteristics of RM1 zoning which is to provide a transition in scale to single-dwelling residential areas. As stated previously, virtually all development in the

surrounding area is one or two stories. The Burlingame View Condominiums are 2 stories. The adjacent apartments are 2 stories. If the height adjustment is granted, the proposed condominiums, 3 stories in the front and 4+ stories in the rear, will serve as a barrier, not a transition.
>>>>>>>>>>
>>>>>>>>>> B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area. If the site is in a residential zone, you (the applicant) will need to demonstrate that the proposal is compatible with the area. It is therefore important to look at the residential area, which includes adjacent neighbors and other houses in the general vicinity of the site (approximately 1 block in all directions).
>>>>>>>>>>
>>>>>>>>>> The applicant has failed to demonstrate how this development will not detract from the livability or appearance of the residential area. He has failed to show compatibility. There is nothing of a similar scale or modern/contemporary design in the surrounding area. As part of the appeal of a previous proposal, appellants cited height, architectural incompatibility, traffic and pedestrian safety, and the creation of a canyon-like effect as primary negative impacts on livability and/or appearance. The applicant has addressed the area of traffic and pedestrian safety in the new proposal but has failed to address the other concerns which the hearings officer found to be substantial. The applicant has once again offered scant (if any) explanation of how the requested adjustment will equally or better meet the purpose of applicable code. He fails to show the resulting units are similar to other City developments, including the homes across the street or the existing Burlingame View Condominiums.
>>>>>>>>>>
>>>>>>>>>> C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone. (If only one adjustment is proposed, this criterion will not apply).
>>>>>>>>>>
>>>>>>>>>> Only one adjustment is requested so does not apply.
>>>>>>>>>>
>>>>>>>>>> D. City designated scenic resources and historic resources are preserved. (If site is not considered a City designated scenic resource, this criterion does not apply).
>>>>>>>>>>
>>>>>>>>>> This does not apply.
>>>>>>>>>>
>>>>>>>>>> E. Any impacts resulting from the adjustments are mitigated to the extent possible.
>>>>>>>>>> As previously discussed, the previous proposal identified height, architectural incompatibility, traffic and pedestrian safety, and the creation of a canyon-like effect as areas needing mitigation. The applicant has mitigated traffic and safety concerns but has failed to mitigate the others. In fact, the opposite has occurred. The previous height in the front was 23 feet; the height in the new proposal is 29 feet. Rather than mitigating the concern, this application has exacerbated it.
>>>>>>>>>
>>>>>>>>> I wish to note that every time the neighborhood objects to a proposal, the applicant essentially threatens them that he will build something worse. When appearing before the hearings officer, he threatened to build more, taller units…exactly what he is now proposing. And this time, he has stated that if adjustments are not granted, he will build an even taller development which will necessitate building a very tall rear retaining wall and very substantial additional excavation of a hillside in an identified landslide hazard zone where there is a sewer line that must be replaced and where there have been sink holes nearby further potentially compromising the livability of the neighborhood and the safety of the residents. This is not how one mitigates the impacts of the requested adjustment to the extent possible.
>>>>>>>>>>
>>>>>>>>>> F. If in an economic zone, the proposal has as few significant detrimental impacts on the resources and resource value as is practicable. (If the site is not considered a City designated environmental zone, this criterion will not apply).
>>>>>>>>>>
>>>>>>>>>> Does not apply.
>>>>>>>>>>
>>>>>>>>>> The height adjustments requested, 14.1 feet, 21.5 feet, 15.1 feet, and 10.5 feet, fail to meet the criteria for granting them. In one case, the height of the unit above street level will be approximately 2.5 times what the zoning code allows (allowable height is 8.5 feet above street level, requested adjustment is 21.5 feet). In his narrative of May 22, 2022, the applicant states that the proposed development will replace a “portion of hereto unused, and vacant property that has remained derelict and overgrown (and) would remove a blight from the

community." For some of us, the proposed overly large development on a steep unstable slope in a landslide hazard zone with a recent sink hole nearby will be far more of a blight than trees and vegetation. Please deny the requested height adjustments and apply the zoning codes.

Sincerely,
Gail Stiffler
7205 SW 12th Avenue
Portland, OR 97219

>>
>>

**To:** **Amanda Rhoads, Land Use Services**
**503-865-6514 / Amanda.Rhoads@portlandoregon.gov**
**City of Portland, Oregon**
**Bureau of Development Services**
**Land Use Services**

**From: Mark and Janet Zimmerdahl**
**7301 SW 13th Drive**
**Portland, Oregon 97219**

**Case File Number: LU 22-141452 AD**

**PROPOSAL:**
The applicant is proposing an Adjustment to Zoning Code Section 33.120.215.B.1 and table 120-3 to increase the maximum height limit of the RM1 zone from 35 feet to between 45.5 feet and 56.5 feet.

**33.805.040 Approval Criteria**
**A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified.
**B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area.
C. If more than one adjustment… (Not applicable).
D. City-designated scenic resources and historic resources… (Not applicable).
**E.** Any impacts resulting from the adjustment are mitigated to the extent practical.
F. If in an environmental zone… (Not applicable).

**PREVIOUS CORRESPONDENCE REGARDING PROPOSED DEVELOPMENT SITE:**
Previous written responses to proposals for this development site were submitted by us:

January 2018, for November 2017 proposal (LU 17-245578 LDP, AD)
November 2019, for October 2019 proposal (LU 17-245578 LDP, AD; PC # 16-103602)
**Included with this submission**
September 2020, for appeal of July 2020 decision (LU 17-245578 LDP, AD; PC # 16-103602)
September 2020, additional comments following hearing (LU 17-245578 LDP, AD; PC # 16-103602)

Written decision from the Hearings Officer, signed October 14, 2020.
**Included with this submission**

**RESPONSE AND COMMENTS:**

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

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

The height, scale, and location of the proposed buildings far exceeds that of the existing buildings of the neighborhood, both residential and commercial. The Wilson Park neighborhood is known for classic midcentury, low slung one level and daylight basement homes and the tall, square, flat roofed condominiums would have a negative impact and detract from appearance of this unique neighborhood. The pictures below show the height of area buildings is either one or two stories, but none are three stories. All of the apartments and condominiums in the area of the proposed development, as well as the single-family homes, are no taller than two stories. While we acknowledge the applicant has dropped the adjustments for both a front setback and a garage setback, the height of the proposed buildings will still create a wall of hardscape along the current street, which is across from the existing R7 zone (previous submission, November 2019). Along SW 13th Drive, the buildings are proposed to be three stories and at a height of 29 feet, with a setback of 10 feet. The backside of the buildings are proposed to be four stories-plus with a height as requested in the adjustment, between 45.5 feet and 56.5 feet. The backside of these proposed buildings are directly along the existing driveway of the Burlingame View Condominiums. As documented in the written decision of the Hearings Officer (see Hearing Officer submission, October 14, 2020), the applicant indicated that the height of the buildings fronting SW 13th Drive would be 23 feet at that time. That 23-foot measurement was at the mid-line of the pitched roof. The current proposal for a height adjustment has the measurement taken at the roof, which is now flat, and is proposed to be at 29 feet as the buildings front SW 13th Drive. This height does not meet the purpose of the regulation, which is to provide a transition between different zoned areas.

The extent of this development has increased with each applicant submission, from seven units, to nine units, and now to twelve units. If the height adjustment is being requested in order to preserve square footage, i.e., profitability, due to the elimination of the previous setback requests, it would seem the applicant could retain a desired square footage by reducing the number of stories while at the same time reducing the number of units.

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

One of several ways to mitigate the wall of hardscape has been brought up repeatedly by the neighborhood, and that is by including a planting strip with street trees along SW 13th Drive, which is a hallmark of the neighborhood. During the Appeal Hearing (September 9, 2020), the applicant's representative, Mr. Dane, stated on the Record during his rebuttal that the plans are to include tree wells along the SW 13th Drive frontage of the proposed development (see Hearing Officer submission, October 14, 2020). However, the site plan included with the current Notice of a Type II Proposal in Your Neighborhood, Dated December 23, 2022, and sent out by BDS does not identify any tree wells along SW 13th Drive. This was brought to Mr. Dane's attention

during the Hillsdale Neighborhood Association (HNA) meeting on January 4, 2023. Mr. Dane then stated that he had another site plan and that it did include plantings. This indicates to us that perhaps not all site plan information was submitted correctly to BDS in a timely manner. We also have concerns regarding what other information may be absent from your and our consideration.

The proposed development is identified as being in both the Deep Landslide Susceptibility Zone and the Shallow Landslide Susceptibility Zone. As identified in our previous submissions, SW 13th Drive was built on fill soil. The extent to which it was appropriately compacted is not known. There is a great deal of alligator cracking, along with street/curb sinking (previous submission, November 2019). We have continued concerns regarding mitigation measures to be taken to ensure the hillside and street stability, the potential impacts to the houses directly across SW 13th Drive from the proposed development, as well as for the existing condominiums below. During the HNA meeting on January 4, 2023, Mr. Dane spoke of an alternative plan to be able to build on the site potentially up to 35 ft if this current height-adjustment proposal was denied. He stated that he would prefer not to do so, many attending the meeting believed this was a threat or warning for neighbors not to appeal the proposal.



Looking east along SW 13th Drive – One story residential housing on the left, proposed site on the right. Blue arrow points to recently installed 18-20 ft temporary electrical pole. Proposed development would be approximately 10 feet taller, at 29 feet with height adjustment.



Two-story apartment complex on SW 13th Drive, located on the west border of the proposed development.



Two-story apartment complex located on the corner of SW 13th Drive and Bertha Blvd.



Typical two-story commercial building in the area, located at the corner of SW 13th Drive/SW 13th Ave. and Bertha Blvd.





Two-story apartments located along Bertha Blvd.



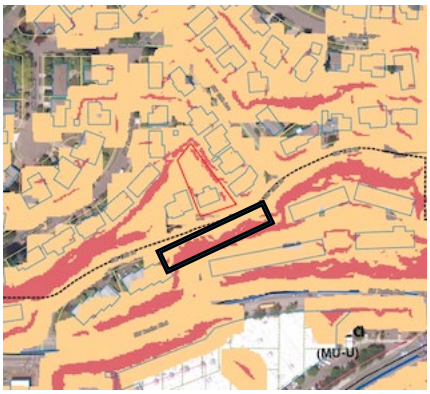
Burlingame View Condominium complex, directly below proposed development.




View from the intersection of SW 13th Ave. and Barbur Blvd., looking northeast.
All of these buildings (KFC, Goodwill, Fred Meyer) are single level buildings and, excluding the glass entry areas of Fred Meyer, are all lower in height than the height adjustments proposed for the development. Visible behind and above those businesses, with their long light-colored roofs, are the two-story buildings of the Burlingame View Condominiums.




Golden area on the map is the location of the identified Deep Landslide Susceptibility Zone.
The black box is the location of the proposed development.




Red areas on the map are locations of the identified Shallow Landslide Susceptibility Zones.
The black box is the location of the proposed development.



Late 1950's arial photo of neighborhood under development. Note low slung single story homes and nearby apartments. Arrow points to fill dirt used to build SW 13th Drive, and where the development is proposed.

Mark and Janet Zimmerdahl
7301 SW 13th Drive
Portland, Oregon 97219
503-244-8670

**To: Sean Williams, Land Use Services**
**503-823-7612 / Sean.Williams@portlandoregon.gov**
**City of Portland, Oregon**
**Bureau of Development Services**
**Land Use Services**

**From: Mark and Janet Zimmerdahl**
**7301 SW 13th Drive**
**Portland, Oregon 97219**

**Case File Number: LU 17-245578 LDP, AD**
**PC # 16-103602**

**PROPOSAL:**
The applicant has revised the proposal to include new lot dimensions for Parcel 1 (approx. 91,040 square feet) and Parcel 2 (18,295 square feet). The applicant is also requesting an additional 2 concurrent Adjustment reviews to develop the site with 9 dwelling units. The first Adjustment is to the front building setback from 10 to 5-feet and the second Adjustment is to the garage entrance setback from 18 to 5-feet.
The original proposal is unchanged, with the exception of the aforementioned revisions.

**ORIGINAL PROPOSAL:**
Applicants propose to create a two-parcel partition for the purpose of developing 7 single-family detached condominiums on SW 13th Drive.
Concurrently, there is a request for an Adjustment to Lot Depth, reducing it from the required 70 feet down to 51 feet.
Additional adjustments to required Setbacks are also being sought.
The proposed partition would create two parcels: Parcel 1 containing the current Burlingame View Condominiums, and Parcel 2 which is vacant and is proposed for the development.

Previous division of the property occurred in 2005, when the current Burlingame View Condominiums buildings were an apartment complex that converted to condominiums. At that time, the property was divided into Parcel 1 and Parcel 2. Parcel 2 was sold in 2009 for $35,000 and again in 2017 to the current developer for $360,000.

**RESPONSE:**
While this current, November 2019, response is based on our original submission of January 2018, this document contains new photographs and new information throughout. This response addresses our observations and concerns as they relate to the proposal.

**CONCERNS:**
Buildability on Parcel 2
Landslide risk and mitigation (Grading and excavation)
Adjustment requests (Lot Depth and Setbacks)
Height, Scale, and Location of proposed condominiums in relation to the neighborhood
Livability and the neighborhood, including Planting Strip Adjustment

**RESPONSE AND COMMENTS:**
The proposed Parcels are zoned R2, which is a low density multi-dwelling zone.
Allowed housing is characterized by 1-3 story buildings, such as a duplex, townhouse, rowhouse, or garden apartment. In addition, these housing types are intended to be compatible with adjacent houses.

There is a Lot Depth requirement of 70 feet in R2 zones.
As a result, the proposed two-parcel partition does not create a legal lot for Parcel 2.

The Lot Depth requirement helps to reduce the proximity of buildings to the street by allowing the required Setbacks to not have to be reduced.

Some of the Development Standards for R2 include: Maximum Height 40 feet; Minimum Front Building Setback 10 feet; Minimum Garage Entrance Setback 18 feet; Maximum Building Coverage 50% of site area; Minimum Landscaped Area 30% of site area; and Required Outdoor Areas of at least 48 SF per dwelling.

The building coverage standards, as well as the height and setback standards, limit the overall bulk of structures. These standards ensure that larger, and in this case taller, buildings will not overwhelm the adjacent houses and neighborhood. The standards also help to define and function to retain the character of the neighborhood by determining how built-up a neighborhood appears.

Development has not occurred previously on the area identified as Parcel 2 due to the fact that the lot is extremely STEEP and NARROW, and thus not inherently safe or easily suitable for building.

**BUILDABILITY**

The proposed development site is a steep, narrow, short-depth lot comprised of 13,860 SF.
According to the Application for a Two Parcel Partition, submitted to BDS, Land Use Services, by Mark Dane Planning, Inc., Received by LUS on 11/22/17, "There is significant slope over this entire property. Parcel 2 rises from a low point of 421 feet at the SW corner to a high point along SW 13th Drive of 471 feet." This represents a change in elevation of 50 feet across the lot.
According to ZTec Engineers, Inc., in their PBOT Alternative Review Request, Number 17-160312, Received by PBOT on 4/25/17, "The property has 294 feet of frontage on the south side of SW 13th Drive." "The developable portion of the property is not very deep, *as little as 37 feet*."

**Land Division (Parcel Partition)**
**33.660.120 Approval Criteria:** 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. The approval criteria are:

A. Lots.
B. Trees.
C. Special flood hazard area.
**D. Potential Landslide Hazard Area.** **See response below.**
E. Phased Plans and Staged Final Plat.
F. Required recreation area.
**G. Clearing, grading, and land suitability.** **See response below.**
**H. Tracts and easements.** **See response below.**
I. Solar access.
J. Streams, springs, and seeps.
**K. Transportation impacts.** **See Response below.**
L. Services and utilities.

**33.660.120 D. Potential Landslide Hazard Area** -and-
**33.660.120 G. Clearing, grading, and land suitability**

The proposed partition and development site is located within the city-identified Potential Landslide Hazard area.

The original Parcel had a previous documented landslide (1995). Neighbors across the street from the proposed partition and development site, as well as on the hillside above, deal with water issues and moving soil constantly. In addition to the storm water runoff, numerous springs infiltrate the hillside.

Property at 7315 SW 13th Drive, directly across the street from the proposed development, had storm water/hillside run-off damage to a section of their house which over time caused it to sink 6-8 inches and required mitigation by a foundation repair company.

The Geotechnical Investigation Report, Proposed 4-Story Residential Condominiums, dated November 10, 2017, by Earth Engineers, Inc., of this proposed site indicated that all geotechnical survey recommendations must be strictly adhered to in order to reduce the risk of land movement.

Such land movement could have an impact on the existing condos located below the proposed development; the condos of the proposed development; the apartments located on SW 13th Drive adjacent to the proposed development; the street itself, SW 13th Drive, in front of the proposed development; the homes across SW 13th Drive from the proposed development; and the hillside above those homes.

The instability the clearing and grading would create in this landslide hazard area seems an unacceptable risk.

**Concerns identified from the Geotechnical Report referenced above:**

The entire Geotechnical Investigation Report was prepared based on "Proposed **4-Story** Residential Condominiums." Proposed are 3 stories fully at street level, with a full daylight basement as the 4th level.

In R2 zones, allowed housing is characterized by 1-3 story buildings, such as a duplex, townhouse, rowhouse, or garden apartment. In addition, these housing types are intended to be compatible with adjacent houses.

Page 1 of 26: "The upslope basement wall will also be supporting the adjacent roadway – Southwest 13th Drive. The height of this retaining wall is shown to be about 13 feet within each of the drawing sets."

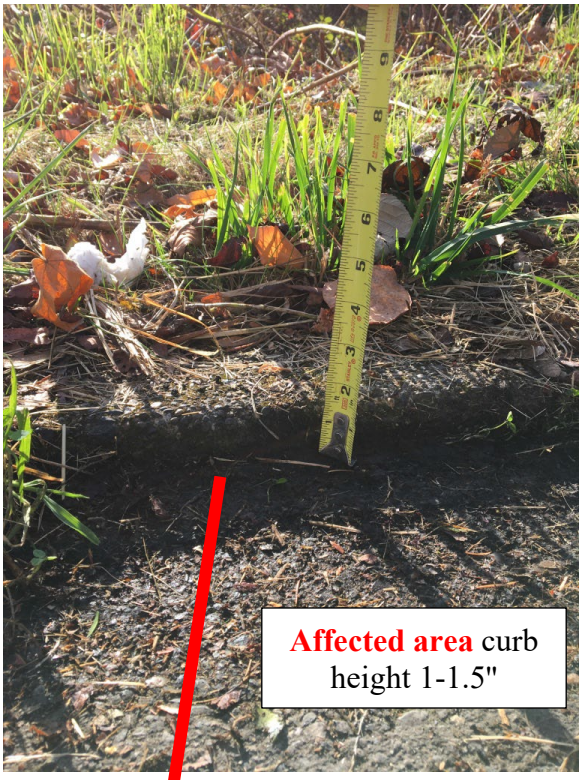
Response: We have significant concerns regarding the use of the basement wall of each condominium as the support structure for the roadway, instead of a separate retaining wall.

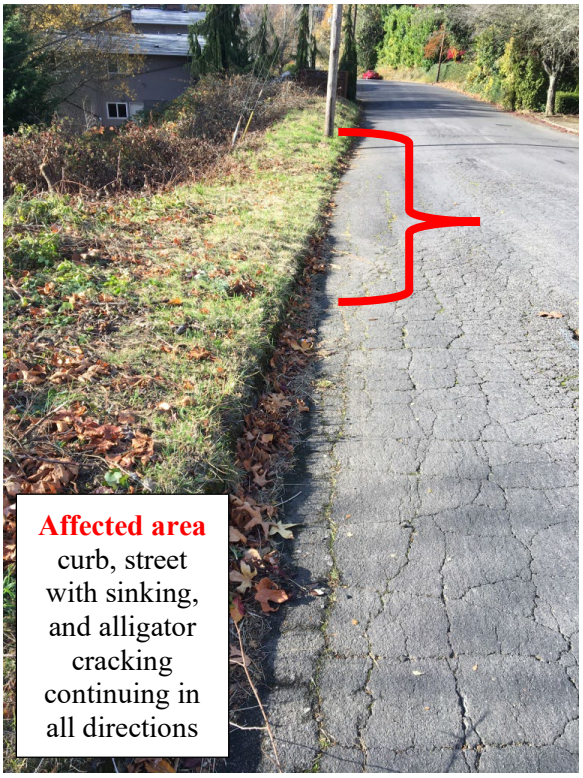
- What safeguards does the city/PBOT use to ensure the roadway and the current underlying support of it are maintained?
- What are the requirements of the contractor/developer?
- How is a roadway failure addressed, either during proposed excavation or 10 years from now?
- How is a slope destabilization - that affects not only the roadway, but the properties below and directly across SW 13th Drive from the proposed development - addressed, either during the excavation or 10 years from now?

There is existing curb along the entire frontage on SW 13th Drive of the proposed Parcel 2.
The (unaffected) curb height measures 6-7.5 inches.
There is a section of curb, and roadway, which are sunken. The curb height in the affected area measures 1-1.5 inches. The affected area is directly uphill from the utility pole, and is located across the street from the properties at 7301 and 7315 SW 13th Drive.
There is significant alligator cracking along SW 13th Drive, especially on the Parcel 2 side of the roadway. The alligator cracking in the sunken-curb area is especially pronounced.

These factors may already indicate ground movement, in an area/on lots identified on the City of Portland's Potential Landslide Hazard Areas Map as having high risk for a shallow landslide and moderate risk for a deep landslide.


Unaffected areas along property, curb height ranging from 6-7.5"


Affected area curb height 1-1.5"


Affected area curb, street with sinking, and alligator cracking continuing in all directions


Affected area curb, street section with sinking, & significant alligator cracking

Page 2 of 26: "We have not been provided detailed foundation loadings."

Response: As the "proposed site is located within a steep slope hazard area (slopes >25%) and a Title 33 mapped landslide inventory area," we are concerned about whether or not the Geotechnical report is accurate since it was prepared based on assumed loadings, rather than actual detailed foundations loadings.

Page 5 of 26: Site grades range from 30 degrees to 45 degrees, with some locally steeper portions >45 degrees. The slope is nearly vertical where a cut-out has been made for the Parcel 1 trash enclosure.

Response: The site grades of fill soils on this proposed site pose a significant risk to both the *roadway at the top of the slope* and the condominiums at the bottom of the slope during excavations.



Page 6 of 26: "…the majority of the property was heavily covered in vegetation so only the perimeter of the property was readily visible/accessible."

Response: As a result of this *vegetation*, which is a significant stabilizer of the hillside, a complete assessment was unable to be made regarding any recent earth movement or other visible hillside stability issues. In addition, the cut and fill to make the original roadway may become unstable during the extensive excavations required. As also noted on Page 6 of 26, there is visible cracking in the asphalt on SW 13th Drive (See photo on Page 14 of this document), which may also be exacerbated by the excavations.

Page 8 of 26: "Moisture contents from the samples…indicating soils are moist to saturated in terms of moisture condition."

Page 9 of 26: Groundwater Information. "Perched groundwater should be expected."

Response: The site sampling was performed after authorization papers were signed on September 18, 2017, during probably the most-dry soil time of the year and at the end of one of the driest summers on record.

Pages 10-14 of 26: Slope Stability

"…the benching of the houses into the hillside will result in a net unloading of the slope. Unfortunately this also unloads the toe of the slope (resistance to sliding) thereby requiring a reduction in the driving sliding force (top of slope)."

"However, as stated above, the new construction will remove a large portion of the toe of the slope which acts as resistance to sliding while leaving all of the fill soils at the top of the slope (driving force for sliding)."

Response: Of concern is what the process of benching the proposed condominiums safely into the hillside will entail. Again, of significant concern is the retention and stability of the fill that constitutes the roadway support. There is also concern for the condominiums directly below the proposed site. If the hillside is compromised and once sliding has begun, it can be difficult, if not impossible, to stop.

The hillside is within a steep slope hazard area. Even when the Burlingame View Condominiums were initially built (first as an apartment complex in the late 1950's), the hillside of filled soils was not used for development. It was recognized then, and for all of the intervening years, as an unsuitable building site. Not yet made at the time of this photo, further excavations/cuts were made into the hillside of filled soils to create parking and trash receptacle areas, as well as a more usable driveway to access all buildings of the complex. (In the photo, the two long buildings with the zig-zag pattern at the back of the complex were completed. The two buildings which currently line SW Bertha Blvd were constructed in the second phase.)



Pages 15-17 of 26: Geotechnical Discussion

1. Unstable slopes: As noted above, retention of fill that supports SW 13th Drive (driving force for sliding) and removal of the toe of the slope (resistance to sliding) would result in conditions that are below the minimum factors of safety.
2. Placement of lightweight fill in the form of Geo-foam blocks at the top of the slope in place of the heavier fill will increase the factors of safety.
3. The existing stacked rock wall along the south side of the proposed site and concrete wall at the trash enclosure used by Parcel 1 cannot be relied upon for any passive resistance to sliding.
4. Awareness that the presence of perched groundwater/wet soils may be encountered during excavation and construction.
5. Temporary excavation awareness.

Response: As stated in the Geotechnical report, all recommendations must be adhered to. Extensive planning and inclusion of the Geotechnical engineers is mandatory.

Pages 18-19 of 26: Lightweight Geo-foam fill
"The existing fill soils between the basement wall and Southwest 13th Drive should be benched as shown above and described below and replaced with light weight geofoam blocks."
"The Geofoam blocks should extend the entire height of the front basement wall (above the footing) and about 12-15 feet horizontally from the top of the wall (depending on proximity of the curb line along Southwest 13th Drive)." (See Figure 11 on Page 19 of 26)
"A representative of the Geotechnical Engineer should approve the benching for the lightweight fill and periodically observe the Geofoam placement to ensure that it is proceeding according to the recommendations of this report."

Response: How is the underlying support of the roadway maintained during the removal of the existing heavy fill soils between the roadway and the basement wall, and before the Geofoam blocks are installed?
Would the recommendation to extend the Geofoam block for "12-15 feet" from the basement wall all the way to the roadway be met if the request for a reduced front setback is granted? Again, of significant concern is the retention and stability of the roadway support.

Page 20 of 26: Foundations and footings recommendations.
Pages 21-22 of 26: Tieback recommendations.
Page 23 of 26: Structure backfill.

Response: Again, all recommendations must be adhered to. Extensive planning and inclusion of the Geotechnical engineers, especially for evaluation of test results, is mandatory.

Page 24 of 26: "Under no circumstances should stormwater be disposed of on site by means of filtration, stormwater dispersion (i.e. level spreaders), or other means."

According to the Application for a Two Parcel Partition, submitted to BDS, Land Use Services, by Mark Dane Planning, Inc., Received by LUS on 11/22/17, (Page 3)
"Storm water will be disposed of onsite. A perc test has also been performed. The results are included, and onsite detention and disposal is proposed for each parcel."

Response: All Geotechnical recommendations must be adhered to.

Per City of Portland, BDS: "If any part of your site is identified on the City's Potential Landslide Hazard Areas Map, your land division proposal must include a Landslide Hazard Study (LHS). The LHS must evaluate the entire site…and land directly across the street from the site."

At the end of the Geotechnical Report, beginning on page 66 of 72, is a Landslide and Geologic Hazard Assessment by Gary C. Sandstrom, LLC (with its own numbering of Pages 1-6). He states that he "observed site conditions at 7310 Southwest 13th Drive in Portland, Oregon…"
Although not currently listed on Portland Maps as the address of the proposed Parcel 2, 7310 SW 13th Dr. was at one time listed as the address. It appears to us that the evaluation was performed on the proposed Parcel 2, while noting the curb-side storm water release from the properties directly across the street. With the amount of water that runs down and through the hillside above the proposed partition, visual on-site evaluation of property directly across the street seems relevant. (See Page 3 of this response: Property at 7315 SW 13th Dr.)

Of note: At the HNA meeting on January 3, 2018, Mark Dane, of Mark Dane Planning, Inc., stated that the plan is to excavate each individual condo area, one at a time, pour its foundation/walls, and then move on to the next one in the row.

How would that be able to be accomplished when the fill soils at the top of the slope must be removed and replaced with Geofoam blocks – blocks that are to be turned 90 degrees from the layer beneath and fitted together?

**33.660.120 H. Tracts and easements**

Easement.

As stated in the BDS Notice, under Proposal: "An access and parking easement on Parcel 2 for benefit of Parcel 1 is proposed."

This proposed benefit for Parcel 1 has always been a paved parking area. It is not something "proposed" to happen, it has been a paved driveway/parking area (including dumpster site, short concrete stacked stone wall, and row of trees maintained by Parcel 1 since the condominiums on Parcel 1 were an apartment complex. This access and parking easement on Parcel 2 is not actually available for use by Parcel 2. It is not available to establish footings for retaining walls or buildings. It is not available as part of the required outdoor areas for Parcel 2. And therefore, it should not be available for measurements to determine Lot Depth/size or number/coverage of buildings on Parcel 2.

Since this is a land use review process, and the goal of the applicant is to be granted a partition of the property into Parcel 1 and Parcel 2: Why not make the lot line between the proposed parcels such that the paved access/parking area is fully included in Parcel 1, and not as an allowed-use-of-easement from Parcel 2?

While this approach may or may not meet the intent of "33.120.210.C.2, 2) the separation occurs along original lot lines (Lot of Record lines would also meet this provision)" (per email generated by Jason Richling, LUS, 3/28/16), this seems like a logical approach.

**33.660.120 K. Transportation impacts**

SW 13th Drive is a main feeder street both into and out of the neighborhood. Working family members, school students, shoppers, visitors, home and yard maintenance vehicles, and emergency personnel and associated vehicles all use this street heavily. It provides easy access to and from Barbur Blvd and I-5.

Although PBOT would require their own data, likely gathered via electronic counting wires placed on the street, we counted all vehicles traveling both up and down SW 13th Drive on two separate days and during different hours. Our house is directly across the street from and centered on the proposed Parcel 2.

| | | |
|---|---|---|
| Monday, December 4, 2017 | 2:00pm-7:00pm (5 hours) | Total vehicles: 170 |
| Monday, January 8, 2018 | 7:30am-9:00am (1.5 hours) | Total vehicles: 82 |

The buildability of sites is a question the City of Portland, as well as the surrounding metro area, have been and will be dealing with more and more.

The Colonial Manor Apartments, 4334 SW Fairvale Drive, Portland, is one example. In December 2016, these apartments were declared uninhabitable by the City of Portland. The apartments had sat on a ridge above Beaverton-Hillsdale Highway for many years, through many years of heavy rain. Below the apartments, excavation into the base of the ridge had begun for a new storage facility. The ground of the ridge began to shift downward, which affected the apartment building and its parking area. All tenants of the apartments were forced to leave and find new places to live.

The developers who are profiting from development in risky locations are not the ones paying for the consequences of their bad decisions – the taxpayers are. A case in point is the development on Bull Mountain that has caused an unmet liability of $20-30 million in infrastructure damage for the City of Tigard. When steep slopes are disturbed by removing vegetation and developing the hillside, significant issues can arise. This can often cause more problems than the benefits provide. (From http://tualatinriverkeepers.org/the-rask-of-development-on-steep-slopes)

## ADJUSTMENT REQUESTS

### Adjustment Request to Lot Depth (concurrent with the Land Division Request)

If approved, the partition request will create a Parcel 2 which is not a legal lot due to inadequate Lot Depth of considerably less than 70 feet.

There are Adjustment requests for both the Lot Depth requirement (concurrently requested) and for Setback requirements (based on the plans submitted for the proposed development).

These proposed Adjustments, while separate, are linked together when considering the lack of Lot Depth, and the size and scale of the development proposed for Parcel 2.

All of the requested Setbacks are drastically different than surrounding homes.

The Adjustment for the Lot Depth requirement is for a reduction from 70 feet down to 51 feet:
– a reduction of 27% in lot depth. (See Proposal Notice for LU 17-2435578 LDP AD)

It remains unclear as to how the 51 feet has been determined.

- According to ZTec Engineers, Inc., in their PBOT Alternative Review Request, Number 17-160312, Received by PBOT on 4/25/17, "The property has 294 feet of frontage on the south side of SW 13th Drive." "The developable portion of the property is not very deep, as little as 37 feet."

- As stated in the BDS Notice, under Proposal: "An access and parking easement on Parcel 2 for benefit of Parcel 1 is proposed."
  - This proposed benefit for Parcel 1 has always been a paved parking area.
  - This access and parking easement on Parcel 2 is not actually available for use by Parcel 2.
  - And therefore, it should not be available for measurements to determine Lot Depth/size or number/coverage of buildings on Parcel 2.

The Adjustment for the Front Setback requirement is for a reduction from 10 feet down to 5 feet:
– a reduction of 50%. (See BDS-Early Assistance Memo, EA 16-157674)

The Adjustment for the Garage Entrance Setback is for a reduction from 18 feet down to 5 feet:
– a reduction of 73%. (See BDS-Early Assistance Memo, EA 16-157674)

The purpose of these setback requirements (33.120.220.A) is to provide adequate safeguards for the condo owners, and that new developments fit in with the existing neighborhood. The requested Adjustments will not equally or better meet the purpose of these regulations to be modified.
As one would drive on or walk along SW 13th Drive, these seven (now 9, as 3 sets of 3) 3-story (at street level) towers, only a few feet apart, and only a few feet from the curb will be completely out of scale with the surrounding neighborhood. Their size and placement will loom over the smaller-scale structures, as there are no 3-story homes in the entire Barbur Heights/Wilson Park neighborhood.
The proposed buildings must be in accordance with the requirement for reduced height due to reduced setback.
These Adjustments will also eliminate the ability to park a car in front of the garage without blocking the sidewalk and possibly extending into the street. They create an issue of safety for those backing out of the driveways and for those traveling on SW 13th Drive.
Also, the new, proposed building design exceeds the percent of frontage the garage may cover.

Approval Criteria for Proposed Adjustments

**33.805.040** Approval Criteria: The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

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

**Response:** The proposed adjustments will not equally or better meet the purpose of the regulation to be modified.

The purpose of the Lot Depth requirement, along with the Setback requirements, is to limit the overall bulk of the structures on the lot and their proximity to the street. The intention is for new construction in an R2 zone to be compatible with adjacent houses.

The proposed Lot Depth adjustment to 51 feet is being sought because the amount of property available for the legal creation of Parcel 2 is well below the required 70 feet, and may be as little as 37 feet (per ZTec Engineers, Inc., in their PBOT Alternative Review Request, Number 17-160312, Received by PBOT on 4/25/17).

The Front Setback and Garage Entrance Setback are being sought as a direct result of the inadequate Lot Depth.

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

**Response:** The proposed adjustment(s) will significantly detract from the livability, and especially the character and appearance, of the residential area.

As stated above, the Lot Depth adjustment is being sought in order to create a legal lot, while the Front and Garage Entrance Setbacks are a direct result of the inadequate Lot Depth.

The proposed adjustment(s) does not meet one of the principle intents of an R2 development, which states that "…housing types are intended to be compatible with adjacent houses."

Unlike the Burlingame View Condominiums development on Parcel 1, which is tucked in the hillside above Bertha Blvd, the parcel being split off and proposed for development sits high above those condominiums. Parcel 2 is located on a residential street within the Barbur Heights/Wilson Park neighborhood. This unique single-family neighborhood, developed in the late 1950's to early 1960's, is composed of single-level daylight-basement and two-story ranch style, mid-century homes that are constructed using a typical low and wide rectangular structure with significant setbacks, driveways, and planting strips. The 7 (now 9, as 3 sets of 3) proposed four-story towers, perched on top of the ridge, will dominate the entire neighborhood and hillside.

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

**Response:** The cumulative effect of the multiple adjustments will result in a project that is not consistent with the overall purpose of the zone R2.

R2 is a low density multi-dwelling zone. Allowed housing is characterized by 1-3 story buildings, such as a duplex, townhouse, rowhouse, or garden apartment. In addition, these housing types are intended to be compatible with adjacent houses.

The cumulative effect of the proposed seven (now 9, as 3 sets of 3) buildings being squeezed onto a lot that is inadequate in Lot Depth, and thereby requiring Setback reductions, will result in the development not being substantially compatible with adjacent houses or the neighborhood.

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

**Response:** None.

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

**Response:** It is not apparent that there are any proposed mitigations for the impacts from the proposed adjustments.

The height of the buildings and their proximity to the street in front of the proposed development create a wall of towers along this section of SW 13th Drive. There are no plans for a planting strip between the sidewalk and the curb to soften the look of the front of the buildings; in fact, curb-tight sidewalks have been proposed. (See below, Pages 13-14, for more on this topic.)

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

**Response:** None.

**33.805.040 G.** Application of the regulation in question would preclude all reasonable economic use of the site; and

**Response:** Application of the Lot Depth requirement would not preclude all economic use of the site. The lots may be able to be split along all original lot lines, thereby creating 4 separate lots. There may be other building designs that could be used.

**33.805.040 H.** Granting the adjustment is the minimum necessary to allow the use of the site; and

**Response:** Granting the Lot Depth adjustment to create a legal lot would be the first step to allow use of the site. Front and Garage Entrance Setbacks are also requested in order to be able to construct the buildings as proposed.

**33.805.040 I.** Any impacts resulting from the adjustment are mitigated to the extent practical.

**Response:** No known mitigation has been proposed at this time.

**HEIGHT, SCALE, AND LOCATION**
**LIVABILITY**

Although slightly less than the stated requirement of 2000 SF of site area/unit in R2 zoning, the proposed development is for 7 (now 9, as 3 sets of 3) single-family detached condominium units.

The 7 (now 9, as 3 sets of 3) condominiums proposed for this development are each 4 stories in height, 3 fully at street level. (Building plans from Mark Dane Planning, Inc., were provided at the Hillsdale Neighborhood Association (HNA) meetings on both December 6, 2017, and January 3, 2018.)
As one views the length of the street looking upward along SW 13th Drive, each condo will appear taller than the previous condo due to the rising slope.

The scale of these proposed buildings far exceeds any housing in the neighborhood. The proposed height/size and design, as well as the proposed proximity to the street (as a result of proposed Setback reductions), will have a negative impact on the neighborhood character and quality. Livability will be impacted by the increase in concrete and traffic, and by a decrease in open space as a result of the scale of the proposed buildings.

As stated by Mark Dane, of Mark Dane Planning, Inc., at the January 2, 2018, HNA meeting, the current building plans are for approximately 3500 SF/condo at a price of approximately $700,000-800,000/condo.
This price is well above the average price of homes in Barbur Heights/Wilson Park. Per Zillow, the median home price for the past 12 months of the entire Hillsdale neighborhood is $563,000 (Hillsdale includes this Barbur Heights/Wilson Park area, as well as homes on the north side of Capitol Highway which are at a higher, and more desirable, elevation). This average home price precludes many from being able to afford to purchase a home in the neighborhood. Economic diversity in housing is important for our neighborhood and for Portland as a whole.

Trees: Title 11
Tree preservation and planting is an important aspect of the Barbur Heights/Wilson Park neighborhood.

The Application for a Two Parcel Partition, submitted to BDS, Land Use Services, by Mark Dane Planning, Inc., Received by LUS on 11/22/17, states that "all trees" (and vegetation) will be removed from Parcel 2.

This is contrary to the very fabric of what this neighborhood is all about, and it is exemplified by our planting strip tree program. Properties throughout the neighborhood are lined with street trees, yard trees, and considerable landscaping, all contributing to the livability of the area to the people, their four-legged companions, and the natural world of birds, mammals, bees, and other insects.

The trees, on the part of the property that is proposed to be Parcel 2, are important to the neighborhood. The roots of those trees, in addition to the other thick vegetation, are helping to hold the steep slope of the hillside in place. That steep slope of fill soils is what supports SW 13th Dr.

Complete removal of all trees and vegetation on proposed Parcel 2 is unacceptable. During excavation, tree roots must be protected for the trees being preserved.
The counting of trees on Parcel 1 in order to meet the tree preservation requirement for Parcel 2 is also unacceptable, as this request to create two separate parcels must include the retention/planting of trees on both parcels.

Street Appeal
Screening at ground level for garbage and recycling containers is needed.
Screening on roofs for mechanical equipment is needed.

Planting Strip
A Proposed Alternative, which we were told at the HNA meetings has already been approved, is for elimination of the planting strip located between the curb and the sidewalk for installation of curb-tight sidewalks. This greenspace is a hallmark of the neighborhood – it can be found everywhere in Barbur Heights/Wilson Park, including directly across SW 13th Drive from the proposed partition and development. It is a place where many street trees and various plants are located, a vital component of the Stephens Creek Watershed Enhancement Program. We, along with several other homes in the neighborhood, recently ordered, through the Environmental Services Stephens Creek tree planting project, several trees for our property's planting strip. The planting strip provides an urban habitat space for bees, birds, and small mammals to rest or forage. It also provides a softening effect to offset the concrete of the streets and sidewalks. The elimination of that greenspace will only confound the looming effect of the proposed development.

PBOT Public Works Alternative Review Request Form, Submitted by John Middleton of ZTec Engineers, Inc., City Request Number: 17-160312, and marked as Received 4/25/17. Statements made in the Review Description of this request misrepresent the sidewalks in our neighborhood.

Under Existing Conditions section of the submission:
These labeled Pictures #1, #2, #3 (from the above cited submission) show only the proposed site frontage (Picture #1) and the adjacent apartments property (Pictures #2 and #3), all on the south side of SW 13th Drive. The entire straight-in parking area of the adjacent apartments, with two parking spaces per apartment, is continuous with the street (Picture #3).


PICTURE #1 PROPERTY FRONTAGE LOOKING WEST.


PICTURE #2 NEIGHBORING PROPERTY WEST. SHOWS START OF CURB TIGHT SIDEWALK/DRIVEWAY


PICTURE #3 SHOWS MORE OF CURB TIGHT SIDEWALK/DRIVEWAY AS IT NEARS INTERSECTION WITH SW BERTHA BLVD.

The submission indicates that sidewalk on the north side of SW 13th Dr. is "mostly curb tight, though there is a section of sidewalk with planter next to the curb." This is incorrect, as the majority of the sidewalk on the north side of SW 13th Dr. does contain a planting strip (see photos below).
The submission also states that "Sidewalks on both sides of SW Bertha Blvd. are curb-tight (this is true), as are the sidewalks on SW 13th Dr south of SW Bertha Blvd."
The street south of SW Bertha Blvd is SW 13th Ave. Both sides of SW 13th Ave., between SW Bertha Blvd and SW Barbur Blvd, are zoned GC-General Commercial. I would expect that GC zoning could have a different sidewalk configuration than either the R2 zone of the proposed Parcel 2 on SW 13th Dr. or the R7 zones of the Barbur Heights/Wilson Park neighborhood.

Under Reasons for Alternative section of the submission:

Point 4. – "Curb side sidewalks prevail in the neighborhood." This is completely inaccurate.

As noted in the paragraph above, the planting strip between the curb and the sidewalk is a hallmark of the Barbur Heights/Wilson Park neighborhood. (See Google maps, street view, of the following Barbur Heights/Wilson Park streets: SW 13th Dr., SW Nevada Terrace, SW Nevada St., SW Texas St., SW Chestnut St., SW Florida St., SW 11th Dr., SW 12th Ave., SW 13th Ave., SW 14th Ave., SW 15th Ave.)

The proposed site is within this neighborhood of streets. It is across the street, on the same street, around the corner, and down the hill from properties which all have planting strips. The proposed Parcel 2 is not on SW Bertha Blvd. or facing any other submission-cited street as evidence of curb-tight sidewalks being the norm.



SW 13th Drive, looking west.
Vacant property on left is the proposed Parcel 2 frontage (same as in Picture #1 above).
Properties on right showing sidewalks with planting strips.



SW 13th Drive, looking east from intersection with SW 12th Ave.
Vacant property on right is Parcel 1 frontage.
Properties on right with planting strips.



SW 12th Ave., looking south to SW 13th Dr.
Sidewalks and planting strips on both sides of the street.

(Of note in Title 33, Planning and Zoning, Chapter 33.120: Figures in this document that show streets, sidewalks, and structures all show a space between the street/curb and the sidewalk.)

With regard to the Application for a Two Parcel Partition, submitted to BDS, Land Use Services, by Mark Dane Planning, Inc., Received by LUS on 11/22/17:

There are a number of errors and/or misrepresentations throughout the document.

Page 3 and Page 8: Storm water will be disposed of onsite. Incorrect.

Page 4: Zoning: Misrepresented aspects of an R2 zone by replacing them with aspects of an R1 Zone (*medium* density should be *low* density, and one to *four* story buildings should be one to *three*).

Also stated will be utilizing the *steep slope portion of the code*. Incorrect zone.

Pages 4-7: Incorrectly uses 33.*110* codes instead of 33.*120* for the R2 zone.

Page 6: Incorrectly states Building Coverage as *60%*, instead of *50%*.

Page 9: Proposed removal of *all* trees. Incorrect, as tree preservation is required.

Site *not* located in Potential Landslide Hazard area. Incorrect.

We believe, based on our review of available and relevant information pertaining to the Land Use Notice-Case File Number 17-245578 LDP, AD, that the proposed land division will result in lots that are not suitable for development for all the reasons we stated above and, as such, the proposed partition should be denied.

There is an old adage that most of us who work/have worked in almost any department in a hospital setting know well. It has to do with the making of decisions regarding the course of treatment for a patient, either by the patient themselves or by the family.

It says: Just because you *can* do something, doesn't mean you *should*.

While unconvinced that the lot in question even could be safely and wisely used for development, we believe it should not.

Mark and Janet Zimmerdahl
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# DECISION OF THE HEARINGS OFFICER ON APPEAL OF ADMINISTRATIVE DECISION

## I. GENERAL INFORMATION

**File Number:** LU 17-245578 LDP AD, Type IIx (Hearings Office 4200015)

**Applicant(s):** Eric Rystadt Main Street Development 5331 SW Macadam Avenue Suite 258 PMB 208 Portland, Oregon 97239

**Owner(s):** Burlingame View Condominium 1015 SW Bertha Boulevard Portland, Oregon 97219

**Owner's Representative(s):** Sara Vatay , Unit Owners of the Burlingame View Condominiums PO Box 28174 Portland, Oregon 97228

**Other:** Mark Dane, Mark Dane Planning 14631 SW Millikan Way #6 Beaverton, Oregon 97003

**Hearings Officer:** Kathryn Beaumont

**Bureau of Development Services (BDS) Staff Representative:** Sean Williams

**Site Address:** 1015 SW Bertha Blvd, SW 13th Dr

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS; GENERAL COMMON ELEMENTS, BURLINGAME VIEW CONDOMINIUM

**Tax Account No.:** R054500990, R119480010

**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000

**Quarter Section:** 3728

**Neighborhood:** Hillsdale, contact at contact@hna-pdx.com

**Business District:** None

**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Other Designations:** Potential Landslide Hazard

**Zoning:** Residential 2,000 (R2)

**Land Use Review:** Type IIx, Land Division Partition (LDP), Adjustment Review (AD)

**BDS Administrative Decision:** Approval

**Appellants:** Hillsdale Neighborhood Association, Janet and Mark Zimmerdahl, Tatiana Lifshitz, Jonas and Nancy Nordwall, Gail and Dan Stiffler, and other individual neighbors

**Public Hearing:** The appeal hearing was opened at 9:00 a.m. on September 9, 2020, via in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 11:54 a.m. Before the conclusion of the hearing, one of the Appellants, Tatiana Lifshitz, requested to hold the record open for an additional seven days. The record was held open for the submission of additional information until 4:00 p.m. on September 16, 2020, for rebuttal to this new information until 4:00 p.m. on September 23, 2020, and until 4:00 p.m. on September 30, 2020 for the Applicant's final written argument. The record was closed at 4:00 p.m. on September 30, 2020.

All documents submitted during the open-record period were timely and are accepted as part of the record.

**Testified at the Hearing:**

Sean Williams
Kevin Wells
Emma Kohlsmith
Mark Dane
Glenn Bridger
Tatiana Lifshitz
Gail Stiffler
Mark Zimmerdahl
Janet Zimmerdahl

## II. ANALYSIS

### A. General Information

The Applicant proposes to partition the site into two parcels and seeks approval of three adjustments to develop Parcel 2 with nine condominium units consisting of three buildings each containing three units. Parcel 1 is currently developed with 42 condominium units contained in four structures and no change to that development is proposed.

The Bureau of Development Service's Decision (BDS Decision) further describes the Applicant's proposal, relevant approval criteria, site and vicinity, relevant infrastructure, zoning, land use history, agency review, and neighborhood review as follows:

Proposal: "The applicant has proposed to partition the site into two parcels of approximately 91,040 (Parcel 1) and 18,295 (Parcel 2) square feet in size. Parcel 1 will retain an existing condominium development and Parcel 2 is proposed to be developed with 9 dwelling units. The following three concurrent Adjustment reviews are requested:

- Reduction in minimum lot depth for Parcel 2 from 70 to approximately 40-feet (33.612.200 & Table 612-1);
- Reduction in front building setback for proposed development on Parcel 2 from 10 to 5-feet (33.120.220 & Table 120-3);
- Reduction in garage entrance setback for proposed development on Parcel 2 from 18 to 5-feet (33.120.220 & Table 120-3).

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 (2 parcels). Therefore, this land division is considered a partition.

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; (3) the site is located within a Potential Landslide Hazard Area and (4) concurrent Adjustment reviews are proposed/required (see 33.660.110)."

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**
- **Section 33.805.040.A-F, Approval criteria for Adjustments"**

Site and Vicinity: "The site is approximately 150-feet northwest of the intersection of SW Bertha Boulevard and SW Barbur Boulevard. Existing development consists of the Burlingame

View Condominiums, which is comprised of 42-units within 4 separate buildings and accessory parking. The site steeply slopes downward from north to south with grade differences as much as 90-feet between the site's SW 13th Drive and SW Bertha Boulevard frontages. The surrounding neighborhood is primarily developed with single family homes to the north, with a mix of multi-dwelling and commercial development along SW Barbur Boulevard to the south."

**Infrastructure:**

- "**Streets** – The site has approximately 675-feet of frontage on SW 13th Drive, 240-feet of frontage on SW 10th Avenue, and 575-feet of frontage on SW Bertha Boulevard. There is one driveway entering the site from SW Bertha Boulevard that serves the existing condominium development. At this location, SW Bertha Boulevard is classified as a District Collector, Transit Access Street, City Bikeway, City Walkway, Truck Access Street, and Major Emergency Response street in the Transportation System Plan (TSP). Both SW 10th and 13th Avenues are classified as Local Service Streets for all modes in the TSP. Tri-Met provides transit service along SW Bertha Boulevard via Bus #1.

  The sites SW Bertha Boulevard frontage is improved with an approximately 45-foot wide roadway surface (with bike lanes) and 6-foot curb tight sidewalk within a 100-foot wide right-of-way. The sites SW 13th Drive frontage is improved with a 30-foot roadway surface and curb within a 50-foot wide right-of-way. SW 10th Avenue is an unimproved 30-fot wide right-of-way at this location."

- "**Water Service** – There is an existing 6-inch CI water main in SW 13th Drive and an 8-inch CI water main in SW Bertha Boulevard. The existing development is served by both water mains."

- "**Sanitary Service** - According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:

  - Public 8-inch CSP sanitary-only sewer in SW 13th Drive (BES as-built # 2170).
  - Public 15-inch CSP sanitary-only sewer in SW Bertha Boulevard (BES as-built #1834).
  - Public 8-inch sanitary-only sewer of varying materials location on the Burlingame View Condominium portion of this site (BES as-built #2306)."

- "**Stormwater Disposal** – According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:

  - Public 12-inch CSP storm-only sewer in SW 13th Drive (BES as-built # 2170).

- Public 10-inch NCP storm-only sewer in SW Bertha Boulevard (BES as-built #4418)."

**Zoning:** "The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing."

The site is currently zoned Residential Multi-Dwelling 1 (RM1) but is vested under the R2 zoning as that was the designation at time of application submittal."

**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 December 19, 2017 and October 16, 2019. Multiple written responses (Exhibits F.1-6) have been received from the Neighborhood Association or notified property owners regarding the proposal. The applicant has provided a response to the Neighborhood Association Letter (Exhibit A.13)." Written comments were also submitted before and at the public hearing. The Appellants and neighbors submitted additional written comments during the open-record period after the hearing (Exhibits H-5 - H-20) The Applicant also submitted additional written responses to these comments and hearing testimony following the hearing. (Exhibits H-21 - H-25)

## B. Findings - Preliminary Issue

Before addressing the substantive approval criteria applicable to this proposal, it is appropriate to address an issue the Appellants raised concerning the timeliness and changes to the Applicant's proposal over the course of this land use review. The Applicant initially sought approval of a partition to divide the site into two parcels for the purpose of developing seven single-family condominium units on Parcel 2. This application was filed in late 2017. BDS responded with a letter describing numerous incomplete items in the application, including the need to include requests for adjustments for the proposed development. Over time and with some lapses, the Applicant supplied the missing information. According to BDS staff and Applicant testimony at the hearing, the Applicant spent at least some of this time working with BDS and other city bureau staff to modify its proposal into a form that BDS could approve. The Applicant ultimately revised the proposal to its current form: a two-parcel partition with three adjustments to develop nine condominium units in three buildings on Parcel 2.

The Appellants suggest BDS denied the initial application and should treat the revised proposal as a new application. Additionally, the Appellants argue this proposal should be denied because the review time exceeds the statutory 365-day limit for making a final decision. They also assert it's unfair that the Applicant worked with BDS and modified its proposal without informing the neighborhood of the ongoing discussions and changes. In the Appellants' view, other reasons for treating the revised proposal as a new application include changes in the site's ownership and proposed parcel sizes over the course of this land use review.

While the Appellants' frustrations with this lengthy land use review are evident, their arguments offer no basis for denying the Applicant's proposal. BDS staff testified at the hearing that BDS issued no prior decision denying the proposal. At most, staff informed the Applicant his proposal could not be approved unless additional information was submitted and the proposal was modified. (See Exhibit E-5) However, the only decision BDS issued is the administrative decision under review here. Based on this testimony and the absence of contrary evidence, I find there has been only one decision made on this application: appealed decision before me.

Revisions to a land use application are permissible and common, including changes of property ownership. They do not transform an initial application into a new application as long as the application stays "fundamentally intact." *Welch v. Yamhill County*, 56 Or LUBA 166 (2008); *Corbett/Terwilliger/Lair Hill Neighborhood Association v. City of Portland*, 25 Or LUBA 601 (1993). I find the application before me meets this standard. The Applicant has consistently sought approval of a two-parcel partition for the purpose of developing condominium units on Parcel 2. The sizes of the two parcels have been adjusted over the course of this review with an ultimate decrease in Parcel and increase in Parcel 2. These changes are not so significant, however, as to render the partition proposal a completely new application.

The primary change over the process of this review has been the number and configuration of the proposed condominium units on Parcel 2: from seven detached single family units to nine units configured into three buildings containing three units each. In part, this change was made in response to geotechnical and storm drainage concerns. Additionally, the Applicant modified its proposal to include the adjustment requests in response to BDS's identification of missing information and necessary additional land use reviews. The Applicant also testified these revisions were intended to mollify neighborhood concerns about the proposal as originally envisioned. Based on the evidence in the record, I find this application as modified has remained a fundamentally intact application for a two-parcel partition and associated adjustments to develop multiple condominium units on Parcel 2.

The fact that the review time for this proposal exceeds the statutory 365-day time limit is not fatal to the Applicant's proposal. The Applicant has consistently extended and ultimately waived this time limit in its entirety. (See Exhibit A-16) Where an applicant waives the time

limit and continues on with a land use review past the 365-day time limit, a city decision issued after that time limit is not invalid or void. *Davis v. Polk* County, 58 Or LUBA 1 (2008). This is also true if an applicant waives its right to seek mandamus review for exceeding the statutory timeline, as appears to be the case here. *Leathers Oil Company v. City of Newberg*, 63 Or LUBA 176 (2011). Accordingly, there is no basis for denying or voiding the Applicant's proposal because the city's review time for this land use application exceeded the statutory time limit.

Finally, the Applicant's discussions with city staff over time about its proposal and responsive modifications are not impermissible. Understandably, this places a responsibility and burden on neighbors interested in this application to check-in with BDS staff and periodically review the file. However, neighbors and other interested persons were notified of the original and revised proposal and provided an opportunity to comment as required by the zoning code--both to BDS before it issued the BDS Decision and before, during, and after the appeal hearing in this matter. This is all the code requires. While more voluntary updates from the Applicant might have reduced neighbor frustrations and eased perceptions of mistrust the Appellants conveyed at the appeal hearing, their absence offers no basis to deny this application.

This proposal has posed challenges for both the Applicant and the Appellants. Parcel 1 comprises the bulk of the site and is developed with condominium units. Parcel 2 is much smaller and potential development is constrained by the shallow depth of this parcel, topography, stormwater disposal, and the existing development on Parcel 1. As the record reveals, the Applicant's efforts to garner approval of this proposal by various city bureaus resulted in a series of changes over time. Numerous revised and updated reports from the Applicant's geotechnical engineer, stormwater consultant, and arborist were submitted during the review process. Unfortunately, some of the updated reports repeat information from earlier reports--and sometimes inconsistencies--which has made it difficult for city staff, neighbors, and decision makers to detect the changes from report to report. It also means that piecing together all of the information that addresses the approval criteria requires identifying the relevant portion(s) of different documents. It would have been helpful if the Applicant had presented one final, complete, understandable narrative document that addressed all of the applicable approval criteria in one place.

For the Appellants, any development of Parcel 2, including the Applicant's proposal, necessarily represents a change to what has been a vacant piece of land for years. It will affect what neighbors see and experience on SW 13th Drive. It will add more people and cars. The likelihood that this parcel will remain undeveloped forever is slim, as the Applicant's representative indicated in his testimony. It is equally unlikely the Appellants will be able to forestall any and all future development of this site. Given the former R2 zoning and the current RM1 zoning, any future development may well consist of a different housing type than the single family homes located across the street from the site. The Applicant's proposal

addressed in this review challenges neighbors and the Appellants to acknowledge the reality that Parcel 2 is unlikely to remain a vacant site forever.

### C. Findings - Partition into Two Parcels

The Applicant's proposal to partition the site into two parcels is integrally related to and dependent on the specific 9-unit condominium development proposed for Parcel 2. The Applicant relies on this Parcel 2 development configuration, accompanying easements, "exchange parcels," and lot line refinements to demonstrate compliance with the approval criteria in PCC 33.660.120. The Parcel 2 development also depends on approval of the requested lot depth and setback adjustments. This makes it virtually impossible to evaluate the partition request for compliance with the criteria in 33.660.120 independent of this development.

As discussed below in Section D, I find the Applicant and the BDS Decision fail to demonstrate the Applicant has complied fully with the approval criteria in PCC Chapter 33.805 for the requested adjustments. Since the partition request depends on the specific development proposed for Parcel 2 and these adjustments, I find Applicant's proposal to partition the site into two parcels cannot independently satisfy the applicable approval criteria in PCC 33.660.120 absent that development proposal.

For simplicity in this decision, I adopt and incorporate some discussion of the approval criteria that appears in the BDS Decision. Where I have done so, this discussion is set out in quotation marks (" "). I also include supplemental findings below that address issues the Appellants raised pertaining to several key approval criteria.

#### 1. PCC 33.660.120 - Inapplicable Approval Criteria

"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." The table below is incorporated exactly as it appears at pages 3-4 of the BDS Decision.

| Criterion | Code Chapter/Section and Topic | Findings: Not applicable because: |
|---|---|---|
| C | 33.631 - Flood Hazard Area | The site is not within the flood hazard area. |
| E | 33.633 - Phased Land Division or Staged Final Plat | Not applicable. These standards only apply to land divisions in the RF through R2.5 zones. |
| F | 33.634 - Recreation Area | The site is currently developed with over 40 units, only 9 units are proposed. |

| | | |
|---|---|---|
| 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, Seeps and Wetlands | No streams, springs, seeps or wetlands are evident on the site. |
| 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. |

### 2. PCC 33.660.120.A - Lots

Subsection A requires the Applicant to meet the standards and approval criteria PCC Chapters 33.605 through 33.612. The density and lot dimension requirements applicable to the R2 zone and the proposed two multi-dwelling parcels are contained in PCC Chapter 33.612, as the BDS Decision describes below.

"Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is approximately 109,303 square feet. Therefore, the site has a minimum required density of 44 units and a maximum allowed density of 55 units.

When development other than single-dwelling or duplex development is proposed, minimum and maximum density must generally be met at the time of development. However, since the site has existing development, density must be verified at the time of the land division as well.
The applicant is proposing to develop Parcel 2 with 9 units and the existing 42-units will be retained within Parcel 1, for a total of 51 units, which complies with the density standards described above.
The required and proposed lot dimensions are shown in the following table:

| R2 | Minimum lot area (square feet) | Minimum lot width (feet) | Minimum lot depth (feet) | Minimum front lot line (feet) |
|---|---|---|---|---|
| **Multi Dwelling** | 4,000 | 33 | 70 | 30 |
| Parcel 1 | 91,008 | ≈ 321 | ≈ 300 | 550 |
| Parcel 2 | 18,295 | ≈ 440 | ≈ 40 | 436 |

* Width and depth is measured from the midpoints of opposite lot lines.

The applicant has requested an Adjustment to the minimum lot depth of Parcel 2 from 70 to approximately 40-feet, as addressed later in this report. As shown above, the applicable density standards are met."

The lot depth standard can be met only with approval of the requested adjustment to the minimum lot depth from 70 feet to approximately 40 feet. As discussed in Section D, the Applicant has not met the approval criteria for this adjustment. Without this adjustment, the Applicant's partition does not meet the lot dimension requirements and fails to satisfy Criterion A.

### 3. PCC 33.660.120.B - Trees

Criterion B requires an applicant to comply with the minimum standards and approval criteria in PCC Chapter 33.630. The BDS Decision describes these as follows:

" The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided an Existing Conditions survey (that shows the location and size of trees on the site). The applicant also provided an arborist report that identifies each tree, its condition and suitability for preservation or its exempt status.

The Applicant has addressed Criterion B in terms of the 9-unit condominium development proposed for Parcel 2. As required, the Applicant submitted an original and revised arborist's report that describes the total trees on the site, including trees to be removed and trees to remain to accommodate this development. Based on this information, 125 trees, which provide a total of 1,474 inches of tree diameter, are subject to the preservation requirements of this chapter. Of these trees, 31 are 20 or more inches in diameter. The applicant has proposed to retain 1,415 inches, or approximately 96 percent, of the total tree diameter on site and all of the trees that are 20 or more inches in diameter." According to BDS, "a majority of the trees on site are being preserved with removal only occurring in the area of Parcel 2 to accommodate reasonable development of the proposed multi-dwelling structures."

Since the Applicant addressed Criterion B anticipating the specific development proposed on Parcel 2, there is nothing in the record that indicates how the Applicant would comply with this criterion in the absence of this development. That is, whether the Applicant would propose to save or remove trees if the partition alone is approved is unclear. It is possible the Applicant might retain all existing trees, remove the same trees, or propose additional tree removal on either or both parcels. There is nothing in the record to indicate what the Applicant would choose to do. There is additional lack of clarity because the BDS Decision states the Applicant is complying with Option 1 standard in PCC 33.630.100 and the

Applicant's materials state compliance is based on the lower tree-preservation Option 3 standard. (Compare Exhibits H-3 and H-5)

The Appellants and neighbors also questioned the accuracy of the arborists' report and the Applicant's statements concerning tree preservation and removal. They asserted some trees counted on Parcel 1 had actually been removed in response to a water line break and had never been replaced as required. (Exhibits H-9, H-10, H-11, H-19) They asserted other trees that were counted are no longer alive or existing. While not entirely clear, the Applicant's response to these assertions appears to indicate their arborist's tree count is accurate but also relies on assumptions and states field verification is needed to be certain. This response also deflects responsibility for replacing the trees neighbors identified as removed to the contractor hired to cut them down. (Exhibits H-23 - H-25)

Simply stated, compliance with Criterion B is based on the specific 9-unit condominium development proposed for Parcel 2. The applicant has failed to meet the adjustment approval criteria for that development for the reasons discussed in Section D below. Absent that development, the Applicant has not discussed how the tree preservation standards in PCC Chapter 33.630 would be independently satisfied. Accordingly, I find the Applicant's partition approval does not satisfy Criterion B.

### 4. PCC 33.660.120.D - Potential Landslide Hazard Area

For any site that is partially or wholly within a Potential Landslide Hazard Area, Criterion D requires an applicant to demonstrate compliance with the approval criterion in PCC Chapter 33.632. That criterion requires an applicant to show that lots, services, and utilities will be located on "parts of the site that are suitable for development" and "in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site." (PCC 33.632.100)

As the BDS Decision explains: "The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

In order to evaluate the proposal against this criterion, the applicant has submitted a Landslide Hazard Study of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.1). This report noted less than optimal slope stability and recommended various strategies to mitigate for these instabilities. To address these concerns, numerous reports have been submitted to support the proposed development."

As the record indicates and BDS geotechnical engineering staff testified, the Applicant's initial geotechnical reports identified steep slopes, potential slope instability, and difficulty with developing the site. (Exhibit E-5) Working with BDS staff and its own experts, the Applicant's revised geotechnical reports concluded Criterion D could be satisfied only if substantial recommendations were followed and strictly adhered to during development of the proposed condominium project on Parcel 2. (Exhibits A-1, A-3, A-5, A-11, A-18) As with other approval criteria in PCC 33.660.120, the Applicant and its experts analyzed compliance with Criterion D in terms of the specific 9-unit condominium development proposed. The BDS Decision makes this clear and adopts the following statements by the Applicant's geotechnical engineer's as its findings:

> "The EEI Report No. 17-184-5, 12/27/19 (Exhibit A.18) indicates that the site is suitable for development and the proposal reasonably limit the risk of landslide potential on the site and other properties in the vicinity, as summarized below:
>
> > The layout of the buildings has changed from 7 separate condominium buildings to a total of 9 condominiums in three, 3-unit buildings. In terms of the lot layout, the overall lot coverage of the development remains generally the same. As stated above the layout has changed from 7 individual units to 9 total units in three 3unit buildings. The setbacks from 13th have not changed and remain about 15 feet from the curb line (at its closest). However, the change in configuration has resulted in larger gaps between the buildings with the addition of stormwater planters at the top of the slopes between the gaps. The new configuration (Figure 2) exposes more of the slope to potential slope instability between the buildings due to the larger gaps. EEI recommends that in order to mitigate this potential that the front (north) retaining wall extend not only under the buildings but across the gaps as well and that the entire slope within the development envelope (i.e. including between buildings) be benched (the same as in front of the buildings) and lightweight fill placed behind said wall. This not only improves the slope stability in the building area but improves the slope stability (over the existing slope stability) across the entire development."

BDS Site Development staff agreed and noted that the condominium structures could be occupied only after "significant structural" construction, stabilizing and mitigating structures (retaining walls), and drainage facilities are complete. (Exhibit H-3)

The Appellants and neighbors expressed concern about the geotechnical stability of the site, noting the site's steep slopes, a 1995 landslide on Parcel 1, the sinking curb and "alligator cracking" in SW 13th adjacent to the site, the nearby Oatfield Fault line, and inconsistencies in the Applicant's geotechnical reports. Although the Appellants submitted no geotechnical expert testimony or report, the Applicant's geotechnical expert noted that existing conditions on the site and Parcel 2 are unsuitable for building development based on slope stability

concerns. (Exhibit A-5) The Appellant testified that SW 13th Avenue adjacent to the site was built on improperly compacted fill, which may have contributed to the alligator cracking and sinking curb.

The evidence in the record ties compliance with Criterion D to the 9-unit condominium development on Parcel 2 the Applicant has proposed. That development is dependent on the requested lot depth and setback adjustments, which, as explained in Section D below, do not satisfy the approval criteria for adjustments in PCC Chapter 33.805. With the requested adjustments, the Applicant's proposal appears able to address slope staiblity concerns and satisfy Criterion D if the geotechnical recommendations and conditions of approval BDS staff proposed are followed stringently. Without the adjustments, the development on Parcel 2 cannot be approved and there is nothing in the record that addresses how the partition satisfies Criterion D independent of this development. For this reason, I find the Applicant's proposal fails to satisfy this criterion.

### 5. PCC 33.660.120.G - Clearing, Grading and Land Suitability

Under this criterion, a land division can be approved if it complies with the approval criteria in PCC 33.635. The BDS Decision describes the purpose of these criteria as follows:

> "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.
>
> Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities."

The zoning code requires a Clearing and Grading Plan to be submitted as part of a land division application. (PCC 33.730.060.D.1.d(4)). The approval criteria in PCC 33.635.100 reflect the relevance of this requirement. They require an applicant to show that clearing and grading "is sufficient for construction of development shown on the Preliminary Clearing and Grading Plan," is "limited to areas of the site that are reasonably necessary for construction of development on the Preliminary Clearing and Grading Plan," and disturbance limits and tree protection measures "shown on the Preliminary Clearing and Grading Plan" are adequate to protect trees to be retained on the site. (33.635.100.B, C, F) Other criteria require an applicant to show proposed development will leave intact existing contours and drainage patterns to the extent practicable, topsoil will be preserved onsite as practicable for later use in grading, and soil stockpiles will be kept onsite in areas designated for clearing and grading as much as is practicable. (PCC 33.635.100.A, D, and E)

**Clearing and Grading.** Despite the steep slopes (more than 20%) on the Applicant's site, the Applicant chose not to submit a Clearing and Grading Plan. Instead, the Applicant relied on its geotechnical reports (collectively described in the BDS Decision as a Landslide Hazard Report) to demonstrate compliance with Criterion G. That is permissible as long as the information in that report contains the information necessary to comply with Criterion G, which BDS determined it did.

Like its response to the Potential Landslide Hazard Area criterion, the Applicant's documents analyzing compliance with Criterion G are all phrased in terms of the specific nine-unit condominium development proposed for Parcel 2. That is they address how clearing, grading, excavation, construction of retaining walls, placement of fill, and storm drainage disposition will occur for *that particular development.* (Exhibits A-1,A-5, A-9)

While BDS found and I agree that the two-parcel partition with the condominium development appears to satisfy Criterion G, that conclusion is also dependent on three adjustments that do not meet the approval criteria in PCC Chapter 33.805. Without the adjustments for the proposed nine-unit condominium development, there is no other development proposed for Parcel 2 that addresses the criteria in PCC 33.635.100. In short, there is nothing else in the record that allows me to conclude the proposed partition independently satisfies Criterion G and I find the Applicant has not satisfied this criterion.

**Land Suitability.** The land suitability criterion in PCC 33.635.200 requires that where, as here, geologic conditions indicate a hazard may exist, the Applicant must show "the proposed land division will result in lots that are suitable for development." The BDS Decision relied on the findings addressing the Potential Landslide Hazard criterion (PCC 33.660.120.D and PCC 33.632.100) to conclude the Applicant's proposal satisfies the criterion in PCC 33.635.200. Again, I agree that if the adjustments for the 9-unit condominium development on Parcel 2 were approvable, the Applicant's proposal would satisfy this criterion. As explained in Section D, the adjustments fail to satisfy the approval criteria in PCC Chapter 33.805 and there is no other development proposed for Parcel 2 that will result in "lots that are suitable for development." Accordingly, I find the Applicant's proposal fails to satisfy the land suitability criterion in PCC 33.635.200.

### 6. PCC 33.660.120.K - Transportation Impacts

This criterion requires an applicant to show the approval criteria in PCC Chapter 33.641 are satisfied. To comply with PCC 33.641.020.A, the Applicant must show the transportation system is "capable of supporting the proposed development in addition to the existing uses." This code section lists numerous factors to be evaluated in determining compliance with this criterion, including "safety, street capacity, level of service, on-street parking impacts, availability of transit, neighborhood impacts, and safety for all modes." BDS and the City's Bureau of Transportation (PBOT) did not require the Applicant to submit a

transportation impact study and PBOT's comments on this proposal are the only expert information addressing this approval criterion.

The BDS Decision quotes PBOT's comments on the Applicant's proposal and relies on them as the principal findings demonstrating compliance with PCC 33.641.020.A as follows:

> "**Street Capacity and Levels of Service**
> The proposal will result in an increase of 9 multi-family condo residences. These residences can be expected to generate 90 daily vehicle trips with 9 trips 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. In addition, the applicant is not constructing more dwelling units than they would be allowed outright with a building permit based on the R2 zoning.
>
> **Vehicle Access/Loading**
> The new lots will have driveways to provide access to parking and loading.
>
> **On-Street Parking Impacts**
> The new lots will have at least two on-site parking spaces and one on-street parking space between the driveways. Impacts to the on-street parking supply should be minimal.
>
> **Availability of Transit**
> Tri Met Bus Line #12 and #94 are available to serve the site at SW Barbur/SW Bertha.
>
> **Neighborhood Impacts**
> The site is being developed with net increase of 9 new single-family residences in compliance with the existing R2. zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.
>
> **Safety for All Modes**
> New sidewalks along the site frontage will provide adequate pedestrian facilities. This section of SW 13th has low enough vehicle/speed volumes for cyclist to share the roadway."

PBOT's comments focused primarily on its technical standards and requirements for evaluating the transportation system in the vicinity of the Applicant's proposed development. (Exhibit E-2) PBOT's analysis of necessary transportation elements, including approval of two Public Works Alternative Reviews for street improvements, was also based on the difficulty of meeting the city's right-of-way requirements and fitting the Applicant's proposed development on the steeply sloped Parcel 2. (Exhibit E.2)

In response, the Appellants and neighbors argued the Applicant's development proposal will create safety hazards for pedestrians, emergency vehicles, and other drivers. They testified about high schoolers using SW 12th and 13th as a shortcut to and from Wilson High School and speeding up and down these streets. Pointing to the number of new residents in the Applicant's proposed development and the Applicant's request to reduce the garage setback from 18 feet to 5 feet, the Appellants argued more cars will park on the street and across the new sidewalk the Applicant proposes to build in front of the new development. In their view, this will create a safety hazard for pedestrians, emergency vehicles trying to navigate between rows of parked cars on this narrow street, and other drivers trying to pass each other as they drive on SW 13th. While this testimony has some relevance here, it is most relevant to the Applicant's requested garage setback adjustment and will be addressed in Section D below.

Like BDS's and the Applicant's analysis of other approval criteria, PBOT's findings of compliance with PCC 33.660.120.K and PCC 33.641.020.A focus on the Applicant's proposed 9-unit condominium development on Parcel 2 and its specific features like garages, driveways, and potential on-street parking spaces. As explained above, that development is dependent on obtaining approval of the three adjustments the Applicant has requested and, as explained in Section D below, those adjustment requests fail to comply with the approval criteria in PCC 33.805.040. Without these adjustments, there is only the partition request and no other development proposal to analyze for compliance with Criterion K. As I have with the approval criteria discussed above, I find the Applicant's proposal does not comply with this criterion.

### 7. PCC 33.660.120.L - Services and Utilities

To comply with this Criterion L, the Applicant must demonstrate that his proposal meets "[t]he regulations and criteria of Chapters 33.651 through 33.655." As the BDS Decision explains, "Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way." The BDS Decision includes a table addressing each of the infrastructure criteria as the findings showing the Applicant's proposal satisfies each criterion.

The BDS Decision and relevant city bureau responses indicate that water, sanitary sewer, and other utilities (telephone, cable, natural gas, and electric) are currently available to the site--with or without any partition or development proposal. There is a 6-inch water main in SW 13th Drive to serve the site and water standards are met, as required by PCC Chapter 33.651. A public 8-inch CSP sanitary-only sewer main is located in SW 13th Drive as well and sanitary sewer standards are also met consistent with PCC Chapter 33.652. No specific utility easements are indicated as necessary to serve the site and PCC 33.654.130.A is satisfied as well. I agree with BDS that Criterion L is satisfied as to these services and utilities.

That is not the case with respect to the relevant stormwater management criteria in PCC Chapter 33.653 and the rights-of-way in Chapter 33.654. The Bureau of Environmental Service's (BES) evaluation of stormwater management was based on the particulars of the Applicant's development proposal for Parcel 2. Specifically, BES relied on the Applicant's proposal to treat and detain runoff from each of the three buildings on Parcel 2 in on-site planters and to collect this treated runoff into a common storm sewer line that would discharge into the existing storm-only sewer in SW 13th Avenue. (Exhibit E.1)

Simply stated, compliance with portions of Criterion L is tied to the specific 9-unit condominium development proposed for Parcel 2. As explained in Section D below, the Applicant fails to satisfy the approval criteria in Chapter 33.805 for the adjustments necessary for this development. As a result, there is no approvable development proposal and it is not possible to evaluate compliance with the stormwater management and transportation elements of Criterion L without one. Accordingly, I find the Applicant's proposal does not fully comply with Criterion L.

## D. Adjustments - Findings

### 1. Introduction

The Applicant has requested three adjustments to accommodate the proposed three-structure condominium development on Parcel 2. The BDS Decision describes the requested adjustments as follows:

- "Reduction in minimum lot depth for Parcel 2 from 70 to approximately 40-feet (33.612.200 & Table 612-1);
- Reduction in front building setback for proposed development on Parcel 2 from 10 to 5-feet (33.120.220 & Table 120-3);
- Reduction in garage entrance setback for proposed development on Parcel 2 from 18 to 5-feet (33.120.220 & Table 120-3)."

"PCC 33.805.040 contains the approval criteria for adjustments. They are:

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
D. City-designated scenic resources and historic resources are preserved; and

E. Any impacts resulting from the adjustments are mitigated to the extent practical;
F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or
G. Application of the regulation in question would preclude all reasonable economic use of the site; and
H. Granting the adjustment is the minimum necessary to allow the use of the site; and
I. Any impacts resulting from the adjustment are mitigated to the extent practical."

This code section states that an applicant for one or more adjustments must demonstrate "that *either* approval criteria A. through F. *or* approval criteria G. through I." are satisfied. (emphasis added)

The Applicant's narrative in support of the three adjustment requests did not affirmatively choose between the two sets of approval criteria and addressed all of them in some fashion. BDS identified criteria A through F as the relevant criteria and analyzed the requested adjustments for compliance with them. The Applicant has not objected orally or in writing to BDS's determination that criteria A through F are the most relevant, nor has the Applicant asserted its adjustment requests should be analyzed for compliance with criteria G through I instead. I concur with BDS's application of criteria A through F and address the relevant criteria (A, B, C, and E) in the findings below. Criteria D and F are not applicable to this proposal because no scenic or historic resources are designated on the site and it is not in an environmental zone.

The BDS Decision quotes and relies entirely on the Applicant's narrative to conclude the three adjustment requests satisfy the relevant approval criteria. BDS offers no independent analysis of the Applicant's justification for these adjustments and does not consider the specific language of each approval criterion. After evaluating the Applicant's narrative, the considerable evidence the Appellants submitted, and the hearing testimony, I conclude the Applicant has failed to offer persuasive, credible evidence that all of the approval criteria are satisfied for each of the three requested adjustments.

### 2. Criterion A

Criterion A requires the Applicant to explain how the requested adjustments will "equally or better meet" the purposes of the lot depth and setback standards for the R2 zone. Below I address the purpose of each standard and the Applicant's statements explaining how each adjustment request equally or better serves the relevant purpose.

**Lot depth adjustment.** The code identifies multiple purposes for lot dimension standards, including lot depth. They include to ensure: that each lot has enough room for development that complies with the zoning code, each lot is an appropriate size and shape so development can be oriented toward the street as much as possible, the multi-dwelling zones can be

developed to full potential, and the housing goals for the City are met. (PCC 33.612.200) The Applicant explains that the lot depth adjustment is necessary because the proposed 9-unit condominium development is considered to be multifamily development and subject to a 70-foot lot depth standard, unlike single family detached homes or duplexes. Given the constraints of providing parking, fire access, and vegetative landscaping on the already developed Parcel 1, that leaves only 32.4 feet of lot depth on a portion of Parcel 2. Addressing the purpose statement, the Applicant states:

> "The parcel was partitioned through deed and was not processed through the City. The intent was to allow this property to be developed. Parcel 2 has adequate street frontage, and accessibility to all public improvements. The property is developed well below its maximum capacity. The partition of this hereto unused, and vacant property that has remained derelict, and overgrown would remove a blight from the community, and allow the construction of sorely needed homes. The combination of the lot depth requirement and reduction in setbacks is the only reasonable way to allow an effective, and livable development to occur. Without the adjustments development of this parcel is not possible." (Exhibit A.3)

The Applicant asserts this development will meet the city's housing goals, will be oriented to SW 13th Avenue, and represents "infill at its finest."

The Appellants argue Parcel 2 is not deep enough for the proposed development, particularly considering most of the development on this parcel will be concentrated on the portion of it that is closer to 32 feet in depth. They point to the nearby Burlingame View apartments built on a parcel that is 100 feet deep. Finally, they argue the condominiums to be built on the reduced depth Parcel 2 will not add to the city's affordable housing stock. (Exhibits H-7, H-10)

Based on the evidence in the record, I find the Applicant offers a reasonable explanation of how the requested lot depth adjustment for Parcel 2 will enable that irregularly configured parcel to be developed in a way that serves the purposes of the lot dimension standard. While the Applicant's explanation is fairly general, it is minimally adequate to satisfy Criterion A.

**Setback adjustments.** As described in the zoning code, required building setbacks are intended to serve multiple purposes. They include: reflecting "the general building scale and placement of multi-dwelling development in the City's neighborhoods," "promote a reasonable physical relationship between residences," "provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site,***and allow for architectural diversity," and "provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and***enhance driver visibility when backing onto the street." (PCC 33.120.220.A)

The Applicant's adjustment requests will enable the proposed condominium development on Parcel 2. The requested adjustments are to reduce the front building setback from 10 feet to

5 feet and the garage entrance setback from 18 feet to 5 feet, reductions of 50% and 72% respectively. The Applicant's relies on the statements summarized and quoted above to explain how the proposed setback adjustments equally or better meet the purposes of the building setback standards. According to the Applicant, the height of the condominium structures have been reduced below the maximum height permitted in order to minimize the massing and height of these structures from the street level.

The Appellants argue the proposed setback adjustments do not address or serve the code's articulated purpose for building setback requirements. (Exhibits H-5, H-7). I agree. The Applicant's narrative offers little to no explanation of how the front building and garage entrance setback adjustments equally or better meet the purposes of building setbacks. While the Applicant points to Parcel 2's steep topography as a reason for requesting both setbacks, what is missing is a reasonable explanation of how the resulting multi-dwelling development is similar in size and scale to similar developments in the city and, more specifically, how these structures are compatible with the R5-zoned single dwelling neighborhood to the north and west. The 8-foot curb tight sidewalk and 5-foot garage entrance setback the Applicant proposes leaves a distance of 13 feet between the street and the garage for each unit. The Appellants note that most cars are 18 - 20 feet in length, which means any resident's car parked in front of a garage would block the sidewalk and hang out into the street. (Exhibits H-9, H-10) PBOT made the same observation. (Exhibit E-2) This does not equally or better serve the setback purpose of providing "room for a car to park in front of a garage door without overhanging the street or sidewalk." For these reasons, I find the Applicant has not carried his burden to show the requested front building and garage entrance setback adjustments satisfy Criterion A.

### 3. Criterion B

Criterion B requires the Applicant to show that the proposed setback adjustments will not "significantly detract from the livability or appearance of the residential area." The Applicant acknowledges the detached single family homes across the street are developed at a lower density consistent with their R5 zoning. He asserts they are also somewhat higher at grade than the proposed condominiums because of the grade on which they are built. With respect to the lot depth adjustment for Parcel 2, the Applicant argues the condominium structures have been reduced in height to approximately 23 feet at the midpoint of the main roof pitch to more in scale with the homes across the street, at BDS's request. He applies this same argument to the front building setback adjustments, acknowledging that the style of the proposed condominium buildings is "a bit more modern" than the surrounding homes. (Exhibits A-3, Dane testimony) For the garage entrance adjustment, the Applicant's representative testified it will prevent residents from parking their cars in front of their garages because the shorter 5-foot driveway makes the garages more readily available and leaves no room to park in front of them. The Applicant did not otherwise address Criterion B for the garage entrance setback.

The Appellants offered numerous arguments in opposition to the requested adjustments. First, they contend the lot depth adjustment is inconsistent with a key purpose of the R2 zone, which is to ensure that housing types are compatible with adjacent homes. (Exhibit H-9) They characterize the adjacent single family development to the north and northwest of the site as 1 1/2 story, daylight basement homes with the main floor slightly above grade. They argue there are very few two-story homes and none that are three or four stories. For this reason, the Applicant's proposed 4-story condominium units are inconsistent in size and height with the homes in the surrounding residential area. (Exhibits H-7, H-9, H-10)

Second the Appellants contend the Applicant's proposal to place the buildings and garages close to the street will obliterate the openness of the streetscape and views, and submitted photos to illustrate this assertion. (Exhibits H-6, H-7, H-10) Third, they assert the style of the condominiums set close to the street will not contribute to the attractiveness of the neighborhood filled with older homes set back from the street and bordered by sidewalks with planting strips. (H-7, H-10) They fault the Applicant for failing to include any planting strip along the sidewalk in front of the proposed development to soften its appearance.

Finally, they argue placing garage entrances within 5 feet of the sidewalk and 13 feet from the street creates a safety hazard. Despite the inclusion of one-car garage units in the condominiums, they assert residents will likely park in their driveways, which will block the sidewalk. Pedestrians using the sidewalk will be forced to walk out into the street to get around the cars, which will put them in danger of being hit by vehicles using the street. (Exhibits H-7, H-9, H-10, H-14) The Appellants dispute the Applicant's assertion that bringing the garage entrance closer to the street will encourage condominium residents to park their cars inside the garages rather than in front of them. They offer a photograph of a car parked in front of a garage close to the street and blocking the sidewalk, noting "this appears to be a common occurrence in front of garages with reduced setbacks of 5 feet." (Exhibit H-9) Taken together, the Appellants contend the requested adjustments will allow a development that degrades the livability and appearance of the neighborhood and is not pedestrian friendly.

After considering the evidence in the record and both parties' arguments, I find the Appellants have presented credible, persuasive, and substantial evidence that the Applicant has failed to demonstrate the requested adjustment comply with Criterion B. Aside from lowering the height of the proposed condominiums to less than that allowed in the R2 zone, the Applicant has offered little explanation of how the proposed development with the adjustments addresses the language of Criterion B. Placing very modern structures on the narrowest portion of the site, close to the street, and with very short driveways in an established neighborhood with one- to two-story homes is not consistent with the appearance of the surrounding residential area. While creative, I find the Applicant's argument that shorter driveways will encourage residents to park in their garages rather than in front of them unpersuasive and unrealistic. If it is possible or likely that condominium residents will park in front of their garages at least some of the time, as the Appellants contend, their cars will block the sidewalk and potentially a portion of the street and create an

obstacle for pedestrians. For these reasons, I find the Applicant has failed to demonstrate the requested adjustments will not detract from the livability and appearance of the surrounding residential area as Criterion B requires.

### 4. Criterion C

Where, as here, multiple adjustments are requested, Criterion C requires evaluation of the cumulative effects of these adjustments. To be approved, the Applicant must demonstrate that this cumulative effect "results in a project which is still consistent with the overall purpose of the zone." The Applicant addresses this approval criterion as follows:

> "The applicant is requesting a depth adjustment to the proposed lot so that it matches the existing parcel lines. This will allow the development of the vacant lot to density, and level of development that is consistent with the R2 zone. The reduction in the front-yard, And garage setback is to allow the garages to be deep enough to fit a car, and to allow sufficient living area on the main floors" (Exhibit A-3, A-5)

The BDS Decision, quoted in Sections II.A and C.2 above, describes the R2 zone as a multi-dwelling zone that is intended to create and maintain higher density neighborhoods. The R2 zone requires a minimum density of one unit per 2,500 square feet, yielding a minimum density of 44 units and a maximum allowed density of 55 units on the Applicant's site. Proposed Parcel 1 has been developed with 42 units. The Applicant proposes to develop 9 units on the 18,295 square feet comprising the proposed Parcel 2. The total density on the site is 51 units and within the maximum allowed by the R2 zoning for this site.

The Appellants identify a principal intent of the R2 zone as "housing types are to be compatible with adjacent houses" and assert the cumulative effect of the adjustments yields a project that is inconsistent with this purpose. (Exhibit H-9) With respect to Criterion C, the Appellants argue:

> "The Applicant states that building the development is in itself mitigation of the adjustments. In reality, the Applicant does not support mitigation of the cumulative effects in any manner. Applicant's cumulative effects of [the] adjustments are 53% for the depth, 72% on garages and 50% on the front setback.***These enormous adjustments are gravely inconsistent with the intent and purpose of the R2 zone in every way, and they are inconsistent with the properties located in the landslide hazard zones. Granting such cumulative adjustments in the R2 zone and in the landslide hazard are sets an extremely dangerous precedent for the West Hills and Hillsdale neighborhood in particular and the community in general." (Exhibit H-10)

They also contend the cumulative adjustments will create a narrow lot that is not comparable to any other lots in the neighborhood and a development that "does not reflect the general

building scale and placement of units in an R2 zone." In particular, they point to the adjacent 12-unit Burlingame Terrace Apartments, stating that it has an average lot depth of 100 feet, 24-foot building setbacks, and 20-foot parking setbacks. They characterize this comparative development as "a typical R2 development." (Exhibit H-10) According to the Appellants, the cumulative effect of the requested adjustments is a development that isn't compatible with the adjacent homes or neighborhood, creates a safety issue for pedestrians and motorists with the short driveways, and "creates a canyon type effect for the neighbors." (Exhibits H-9, H-10)

The Applicant addresses "consistency with the overall purpose of the [R2] zone" primarily in terms of density and argues the adjustments will enable development of a project to the allowed density on Parcel 2. That is true as far as it goes. However, the Applicant does not identify or address any of the other purposes of the R2 zone or offer any significant response to the Appellants' analysis of the cumulative effects of the requested adjustments. Once again, I find persuasive and credible the testimony and evidence the Appellants offer concerning the cumulative negative effects of the proposed development on non-density related purposes of the R2 zone. Accordingly, I find the Applicant has not carried his burden to demonstrate the proposed adjustments comply with Criterion C.

**5. Criterion E**

Criterion E requires the Applicant to demonstrate the impacts resulting from each adjustment "are mitigated to the extent practical." The Applicant identified height as the primary impact from the lot depth, front building, and garage entrance setbacks and addressed Criterion E by explaining:

> "The impact from the adjustments have been mitigated in following ways:
>
> 1) The height of the units fronting 13th Drive has been limited to 23-feet, reducing the height, and mass of the buildings fronting the public street.
>
> 2) While not required the applicant has included multiple design elements in the units that if used for a density bonus would permit up to a 50% increase in density. For example: All of the units are three bedroomed; the kitchens have 67.5SF of pantry space and 36" SF of draws in the island; All bedrooms have a minimum of 16SF of closet space; The linen closest has 13.75 SF of storage; There is also 54 SF of sperate storage for large items. All party wall assembly will have an STC rating of 55 or better; the entry door and all windows will have an STC rating of 35 or better. The applicant is also providing two 48 SF decks for each unit. In addition over 80% of the total tree count, and overall circumference is being protected, and preserved." (Exhibit A-3, A-5)

Additionally, some portions of the site that are shallow will not be developed (Exhibit A-5). This presumably refers to an area of the site that is encumbered by an easement in favor of Parcel 1. At the hearing, the Applicant's representative also offered that trees would be planted in the sidewalk in front of the condominium development. (Dane testimony)

The Appellants reiterate the arguments summarized above concerning Criterion C, citing the height, architectural incompatibility, traffic and pedestrian safety, and creation of a canyon-like effect as primary impacts of the Applicant's proposed development. (Exhibits H-9, H-10). They also argue the development's proposed height will "create a wall of towers along this section of SW 13th Drive." Further, they note "there are no plans for a planting strip between the sidewalk and the curb to soften the look of the front of the buildings. The planting strip is a hallmark of the entire Barbur Heights/Wilson Park neighborhood." (Exhibit H-9) They also challenge the Applicant's mitigation in the form of a height reduction in the condominium roofs. Comparing the Applicant's original and revised proposals, the Appellants contend the Applicant has reduced the roof height by only 2 feet. (Exhibit H-9)

The Applicant is dealing with a difficult site (proposed Parcel 2) that was created by deed without the benefit of a land division review. Reducing the roof height a step toward mitigating the impact of a condominium development that is proposed to be close to the street with only a sidewalk and small 5-foot building setbacks in front of the units. Planting trees in the sidewalk is another small way to mitigate this impact. That said, the Applicant has not explained why these are the only practical ways to address or mitigate the many impacts the Appellants have identified. The Applicant's description of the internal design elements of the condominium units is nonresponsive to this approval criterion; it focuses on the interior of the units and not the exterior impacts the Appellants identified. For these reasons, I find the Applicant has not carried his burden to explain how the requested adjustments satisfy Criterion E.

### 6. Reasonable Economic Use of the Property

One last issue bears addressing: the Applicant's assertion that denial of the adjustments will preclude all reasonable economic use of the site. Without the adjustments, the Applicant argues the partition needed to legalize the previous division of the site by deed can't be approved and the proposed Parcel 2 can't be developed. It is true that without the specific lot depth and setback adjustments the Applicant seeks in this application, the proposed partition does not meet the approval standards in PCC Chapter 33.660 for the reasons explained in Section C above. This does not mean, however, that there is no future partition and development proposal that could satisfy these approval standards and be developed under the current zoning for the site.

The history of this application and the Applicant's testimony at the hearing illustrates this point. During the review process for this application, the potential development configurations proposed for Parcel 2 evolved from 7 detached condominium units to 12

condominium units in an unspecified number of buildings to 9 condominium units in three structures (Exhibits A-1, A-5). The Appellants suggested other configurations more acceptable to the neighborhood that generally consisted of fewer units and structures. (Exhibits _____A-9, A-10) Although some or all of these options might not yield the most profitable development for the Applicant, they suggest there are other potentially approvable and reasonable development configurations for Parcel 2.

Additionally, the Applicant's representative testified at the hearing that if this application was denied, the Applicant would seek to develop triplexes on the property under the current RM1 zoning in the future. (Dane testimony) Whether this statement was intended as a warning to the neighbors (because he asserted triplexes could be built taller and to a higher density) or notice of the Applicant's next step, it nevertheless reveals that denial of this application will not deprive the Applicant of all reasonable economic use of the site and Parcel 2. There are other possible --and apparently economically reasonable--development alternatives for the proposed Parcel 2, as the Applicant indicated.

## III. CONCLUSIONS

The Appellants have carried their burden of persuasion and successfully challenged the BDS Decision approving the Applicant's proposed 2-parcel partition and lot depth, front building and garage entrance setback adjustments. As explained in the findings contained in Section II, the Applicant has not carried his burden of proof to demonstrate this proposal satisfies the relevant approval criteria in PCC 33.660.120 and PCC 33.805.040. For this reason, the Applicant's application to partition the site into two parcels with three adjustments to develop a 9-unit condominium project on the proposed Parcel 2 must be denied.

## IV. DECISION

The Appellants prevailed in this appeal.

The Applicant's application to partition the site into two parcels and for adjustments to the lot depth, front building, and garage entrance setback standards to enable a 9-unit condominium development on Parcel 2 is denied.

Kathryn S. Beaumont

Kathryn Beaumont, Hearings Officer

October 14, 2020
Date

| | |
|---|---|
| **Application Determined Complete:** | November 22, 2017 |
| **Staff Decision to Hearings Officer:** | August 28, 2020 |
| **Decision Mailed:** | October 14, 2020 |
| **Last Date to Appeal:** | November 4, 2020 |

**Appealing this decision.** The Hearings Officer's decision is final and takes effect on the day the notice of decision is mailed. The decision may not be appealed to City Council, but may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearing before the Hearing's Officer; and
- a notice of intent to appeal be filed with LUBA within 21 days after the Hearings Officer's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

## EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Geotechnical Report & Landslide Hazard Study w/ Addendums
   2. Stormwater Management Report w/ revisions
   3. Adjustment Narrative
   4. Geotech Response Summary
   5. Approval Criteria Narrative
   6. Earth Engineers Memo 1/9/18
   7. Applicant revised narrative 12/20/18
   8. Geologist Report to Springs, Seeps, Streams, Wetlands
   9. Revised Narrative: Clearing, Grading, and Land Suitability
   10. Revised Stormwater Report (October 2018)
   11. Applicant Submittal 10/4/18
   12. Foundation Drain(s) Info from Applicant
   13. Applicant Response to Neighborhood Comments
   14. Expedited Land Division Form
   15. Neighborhood Contact
   16. Land Use Timeline Extensions
   17. Arborist Report
   18. EEI Report No. 17-184-5, 12/27/19
B. Zoning Map **(attached)**
C. Plans/Drawings:
   1. Existing Conditions Map
   2. Site Utility Plan
   3. Boundary Survey
   4. Elevations
   5. Preliminary Partition Plat **(attached)**
   6. Rendering
   7. Preliminary Site Plan **(attached)**
   8. Floor Plans
D. Notification information:
   1. Mailing list
   2. Mailed notice
   3. Revised Notice of Proposal
   4. Mailing List for Revised Proposal
E. Agency Responses:
   1. Bureau of Environmental Services w/ Addendums
   2. Bureau of Transportation Engineering and Development Review w/ Addendums
   3. Water Bureau w/ Addendum
   4. Fire Bureau w/ Addendum
   5. Site Development Review Section of BDS w/ Addendums

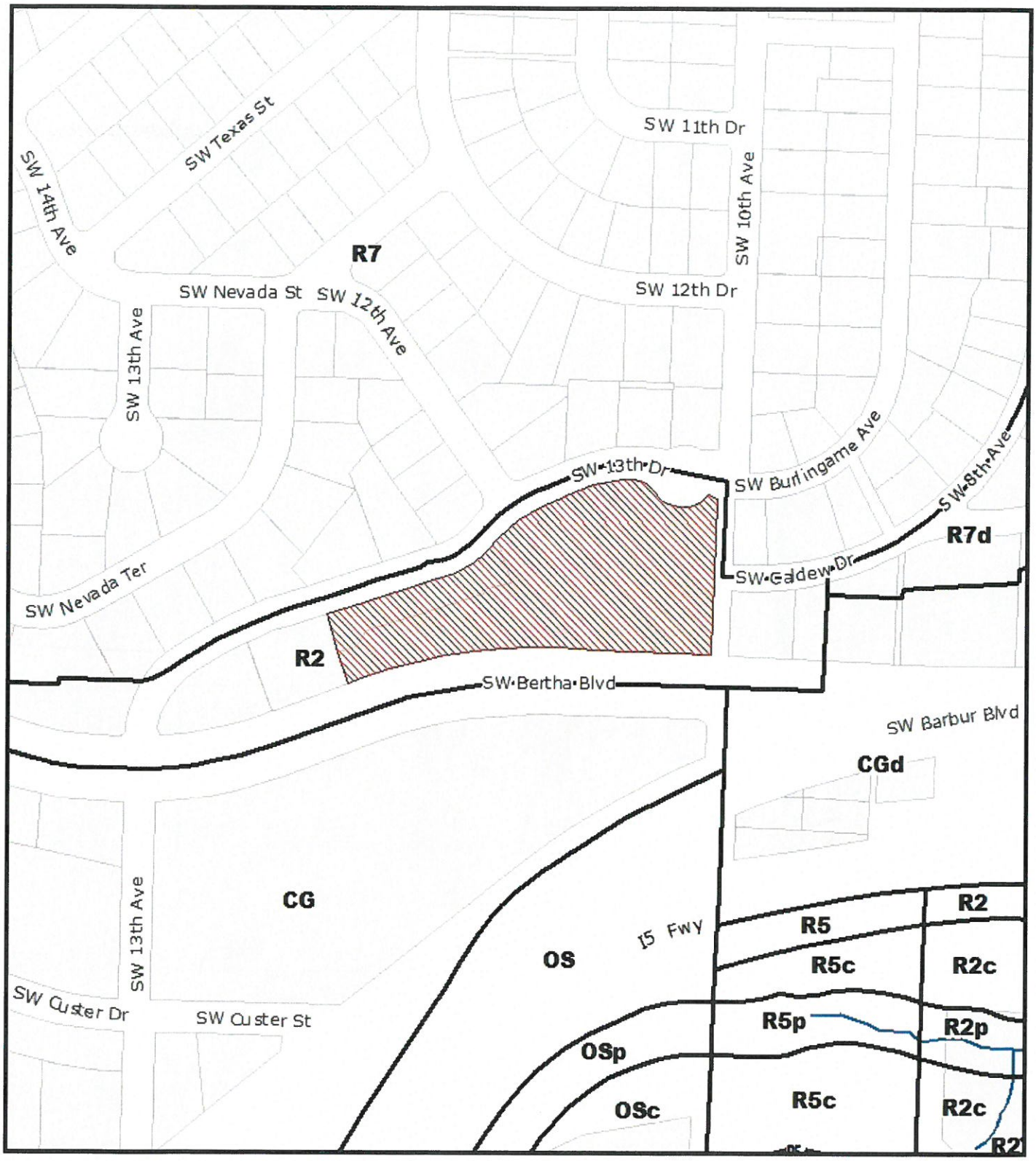
6. Bureau of Parks, Forestry Division w/ Addendum
7. Life Safety Plans Examiner w/ Addendum

F. Correspondence:
1. Hillsdale Neighborhood Association 11/15/19
2. Mark and Janet Zimmerdahl - 7301 SW 13th Drive
3. Dylan Parkins and Alex Morris 1/16/18 & 11/15/19
4. Tatiana Lifshitz & Jackson Roholt
5. Jonas G Nordwall – 7221 SW 13th Drive 1/12/18 & 11/8/19
6. Neighbors of SW 13th Drive Letter:
    a. Linda & Robert Diffely - 7202 SW Nevada Terrace
    b. Sharon Mahony Roholt (Burlingame Terrace Apartments owner) - 7322-7333 SW 13th Drive
    c. Clarissa Stoney & Max Wohlhuter - 7315 SW 13th Drive
    d. Dan & Gail Stiffler - 7205 SW 12th Avenue
    e. Megan and Brent Fare - 7241 SW 13th Drive
    f. Matt Doces - 7117 SW 12th Avenue
    g. Eric Oslund - 7217 SW 12th Avenue
    h. Sarah Pagliasotti Newman - 7261 SW 13th Drive
    i. Brooke Zueck - 7117 SW 12th Avenue
    j. Sarah & Michael Hohn - 7120 SW 12th Ave.
    k. Naomi Enos & Sean Burles - 7332 SW 13th Drive

G. Other:
1. Original LU Application
2. Incomplete Letter w/ RFC responses
3. Original Submittal

H. Received in Hearings Office:
1. Hearing Notice Williams, Sean
2. Decision Appeal Form Williams, Sean
3. Notice of Type IIx Decision Williams, Sean
4. Planner PowerPoint Presentation Williams, Sean
5. Written testimony Stiffler, Gail and Dan
6. 2 Appellant exhibits Lifshitz, Tatiana
7. Written testimony Bridger, Glenn
8. Written testimony Roholt, Jackson
9. Written testimony Zimmerdahl, Mark and Janet
10. Neighbors testimony Lifshitz, Tatiana
11. New Evidence Email from Gail Stiffler Stiffler, Gail and Dan
12. New Evidence - Comments on Next Door site Stiffler, Gail and Dan
13. New Evidence Stiffler, Gail and Dan
14. New Evidence Bridger, Glenn
15. New Evidence Zimmerdahl, Mark and Janet
16. New Evidence Stiffler, Gail and Dan
17. New Evidence Nordwall, Jonas

18. New Evidence Lifshitz, Tatiana
19. New Evidence Lifshitz, Tatiana
20. Response to New Evidence Lifshitz, Tatiana
21. Response to new evidence Dane, Mark
22. Response to new evidence - detail sheet Dane, Mark
23. Response to new evidence - response to appellant Dane, Mark
24. Response to new evidence - estimated tree removal location Dane, Mark
25. Response to new evidence - arborist report Dane, Mark




# ZONING

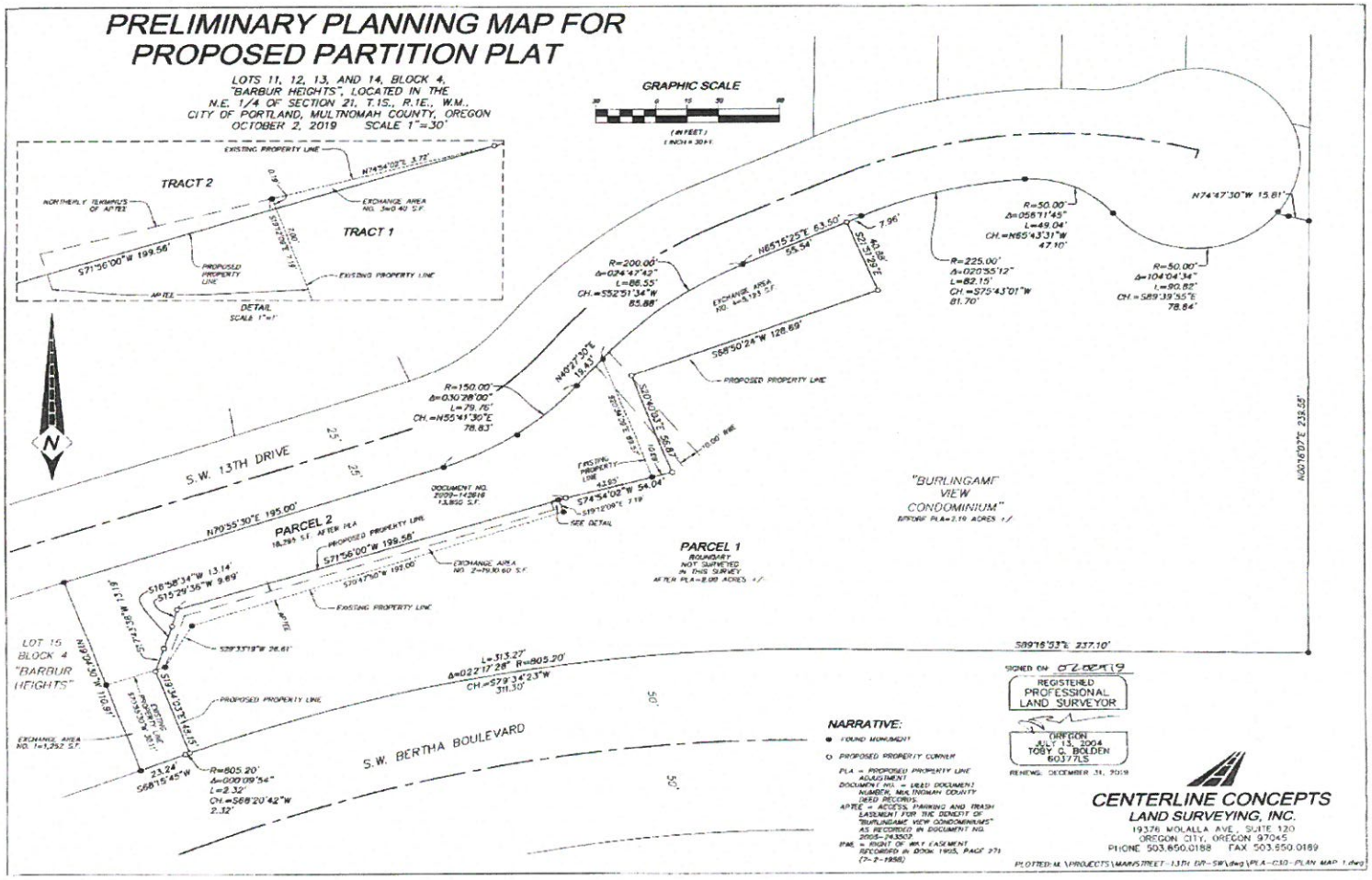
NORTH

Site

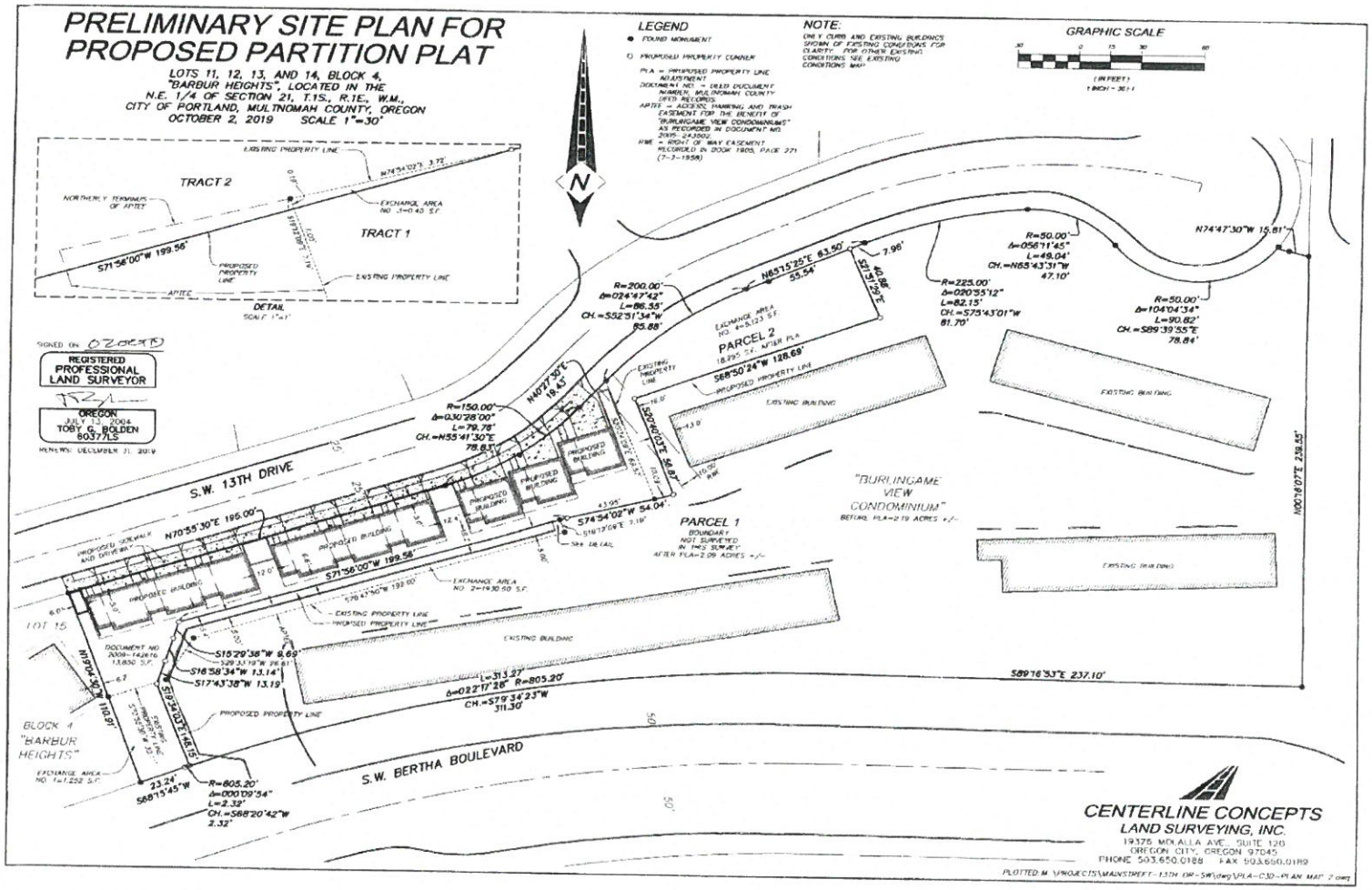
Stream

| | |
|---|---|
| File No. | LU 17-245578 LDP, AD |
| 1/4 Section | 3728 |
| Scale | 1 inch = 200 feet |
| State ID | 1S1E21AC 3400 |
| Exhibit | B Dec 13, 2017 |

LU 22-141452 AD
Exhibit F.6




LU 22-141452 AD
Exhibit F.6




LU 22-141452 AD
Exhibit F.6

| | |
|---|---|
| **From:** | TL OFFICE |
| **To:** | Rhoads, Amanda |
| **Cc:** | "TL Office" |
| **Subject:** | LU 22-141452 AD 7290 SW 13th Drive |
| **Date:** | Tuesday, January 17, 2023 10:41:59 AM |
| **Attachments:** | 13th drive with 7 new structures.pub |

Ms. Amanda Rhoads
Land Use Planner City of Portland, Oregon
BDS
Via email Amanda.Rhoads@portlandoregon.gov

Re: LU 22-141452AD Site Address: 7290 SW 13th Drive

Dear Ms. Rhoads,

The applicant is asking for a terrific height hike adjustment to four individual buildings, with different topography for each building, which height adjustments singularly and as a group, frustrate the regulation to be modified, rather than equally or better meet the purpose of the regulation. This proposed development far from meets the approval criteria set forth in Title 33. Furthermore, other ways to design and develop this site are possible, according to the applicant's own admissions, that are within the regulation and provide safety, stability and blend within the neighborhood. I urge you to deny this request for adjustment.

I am one of the immediately affected neighbors. I am also speaking for other neighbors in the immediate vicinity of the proposed development, including Ms. Sarah Pagliasotti-Newman, residing directly diagonally from the proposed development, and for Nancy and Jonas Nordwell , residing to homes up from the intersection, Eric Oslund and Jennifer Antick, residing across the street at 7212 SW 12th Avenue, and I join Gail and Dan Stiffler, Dylan Parkins and Alex Morris, and Mark and Janet Zimmerdahl, and Jackson Roholt (the owner of the multifamily apartment complex at the very beginning of SW 13th Drive immediately adjacent to the proposed site) in their comments. With the exception of a single family home rental property on SW 13th Drive, we represent all the neighbors in the immediate vicinity of the proposed development and we are all asking you to deny this adjustment request.

**A parcel with a street address but without a land partition**

We are trying to understand how did this piece of land became a parcel with its own street address when land partition was denied on October 14, 2020, see Hearing Officer's decision in LU 17-45578 LDP AD.

Although this case was decided a couple years ago under somewhat different regulations as to zoning, the construction code and adjustment related criteria and rules have remained basically unchanged. So has, according to the applicant, the design of the development. To the extent that is true, the decision of the Hearings Officer establishes precedent as to the interpretation of the existing circumstances and effects the development looms to inflict upon this neighborhood, the

applicable regulations and the stability of the site in question.

The hearings officer found that "The site steeply slopes downward from north to south with grade differences as much as 90 feet between the site's SW 13th Drive and SW Bertha Boulevard frontages. The surrounding neighborhood is primarily developed with single family homes to the north, with a mix of multi-dwelling and commercial development along SW Barbur Blvd to the south." Approval Criteria, p 4 of Hearings Officer Decision.

This neighborhood has an apartment complex and a four-plex which fir organically into the neighborhood, they are two story structures well-appointed on the parcels of land.

While the applicant states in his narrative that the requested adjustment betters the regulation, he does not offer persuasive, credible evidence that all of the approval criteria are satisfied.

The applicant does not offer how nearly doubling the allowed height of the structures equally or better meet the purpose of the height now allowed. Instead, we submit that these towering structures are completely out of character in the neighborhood, they create a shadow tunnel virtually blocking the sun and light for most of the day ( parcel is positioned north-south) for the neighborhood and construction of which takes away from stability of the land slide hazard designated parcel in question.

The proposed 12 condominiums will not add to the affordable housing stock either.

In 2020, the hearings officer held that the "applicant failed to present credible, persuasive, and substantial evidence and…failed to demonstrate the requested adjustment will not significantly detract from the livability or appearance of the residential area" She stated "Placing very modern structures on the narrowest portion of the site, …in an established neighborhood with one-to-two story homes is not consistent with the appearance of the surrounding residential area"

We submit that another looming issue with this height of the development is the loss of privacy for all the rest of us residing here and severe denial of our right to enjoy our homes and gardens in the shadow of the looming very modern ridge of structures right in our front yards.

The principal intent of the RM 1 zone is housing types that are compatible with the adjacent developments. The proposed development with four and five story buildings is not consistent with the overall purpose of the zone and the neighborhood, and we fail to see how it betters the existing regulation.

The Applicant equally fails to show us how his development mitigates the height adjustment requested. The applicant has had a meeting with the Hillsdale Neighborhood Association where he has made arrangements to have MR. Don Baack to champion his cause by promising to construct a 30 feet sidewalk. Mr. Baack is a long standing activist in Hillsdale and is obsessed with sidewalks. However, he lives on the opposite side of Hillsdale, on Burlingame Avenue, and has no appreciation for the damage that would be inflicted upon all of us neighbors in the immediate neighborhood by this development. Constructing a 30 feet side walk for Mr. Baack in our neighborhood is not a type

of mitigation we would consider real and effective. We would consider lower heights and improvements to stability of the land slide hazard area a real mitigation, of which applicant promises none.

In short, the applicant has failed to satisfy any and all of the applicable criteria for the adjustment he seeks and the same should be denied.

Thank you

Tatiana Lifshitz



# City of Portland, Oregon - Bureau of Development Services

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

## Land Use Review Application

**File Number:** LU 22-141452 AD

**FOR INTAKE, STAFF USE ONLY**

Date Rec 5/10/22 by EW

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

LU Reviews AD

[Y] [N] Unincorporated MC

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

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

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

Qtr Sec Map(s) 3728 Zoning RM1

Plan District None

Historic and/or Design District None

Neighborhood Hillsdale

District Coalition OCCL

Business Assoc None

Related File # _____

**APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.**
**Email this application and supporting documents to: LandUseIntake@portlandoregon.gov**

**Development Site Address or Location** 7290 SW 13th Dr

**Cross Street** SW 13th Dr & SW 12th Ave **Sq. ft./Acreage** .32

**Site tax account number(s)**

R 111786 R _____ R _____

R _____ R _____ R _____

**Describe project (attach additional page if necessary)**

Please see the attached narrative.

**Describe proposed stormwater disposal methods**

N/A

**Identify requested land use reviews**

Height Adjustment

- **Design & Historic Reviews -** For **new development**, provide project valuation. $_____
  For **renovation**, provide exterior alteration value. $_____
  ***AND*** provide total project valuation. $_____
- **Land Divisions -** Identify number of lots (include lots for existing development). _____
  New street (public or private)? ☐ yes ☑ no
- **Affordable Housing -** For buildings containing five or more dwelling units, will 50% or more of the units be affordable to households with incomes equal to or less than 60% of the median family income for the county or state, whichever is greater? ☐ yes ☐ no ☑ N/A

**continued / over**

## Applicant Information

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

**PRIMARY CONTACT:**

Typed Full Name: Nathaniel Rosemeyer ☑ I acknowledge this typed name as my signature

Company/Organization: Main Street Development

Mailing Address: 5331 SW Macadam Ave, Suite 258, PMB 208

City: Portland State: OR Zip Code: 97239

Day Phone: 503-206-9214 FAX: email: nathaniel@msdpdx.com

**Check all that apply** ☑ Applicant ☐ Owner ☐ Other

Typed Full Name: Eric Rystadt ☑ I acknowledge this typed name as my signature

Company/Organization: Main Street Development

Mailing Address: 5331 SW Macadam Ave, Suite 258, PMB 208

City: Portland State: OR Zip Code: 97239

Day Phone: 503-422-7707 FAX: email:

**Check all that apply** ☐ Applicant ☑ Owner ☑ Other Owner's Agent

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

Company/Organization:

Mailing Address:

City: State: Zip Code:

Day Phone: FAX: email:

**Check all that apply** ☐ Applicant ☐ Owner ☐ Other

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

Company/Organization:

Mailing Address:

City: State: Zip Code:

Day Phone: FAX: email:

**Check all that apply** ☐ Applicant ☐ Owner ☐ Other

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

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

Nathaniel Rosemeyer Date: 12.19.22

Phone number: 503-206-9214

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

**Submittal of locked or password protected documents will delay intake of your application.**

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

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

June 9, 2022

Nathaniel Rosemeyer
Main Street Development
5331 SW Macadam Ave #258 PMB 208
Portland OR 97239

Re: Land Use Review LU 22-141452 AD

Dear Nathaniel Rosemeyer:

The Bureau of Development Services received your application for a Adjustment located at 7290 SW 13TH DR on May 10, 2022. Your case has been assigned to me, Amanda Rhoads. In order to continue to review your application, additional information is needed. Once you submit this information, your application will be considered complete, and I will proceed with a full review of your proposal. Up to this point, your application has been reviewed only to determine if all required information has been submitted. The application has not been fully reviewed to determine if it meets the relevant approval criteria; however, some issues you may want to consider are identified in Section II below.

**I. Information Necessary to Complete Application**
The following information must be submitted before your proposal can be evaluated:

1. **Site Plan**. Please provide the following items with regard to the site plan:
   a. *Full site plan.* Please provide a site plan that includes the full site, i.e., including the Burlingame View Condos portion of the site. We can work from something like what you submitted when looking in detail at the height standard, but we must have that overall site plan showing the full site.
   b. *Height measurement.* Height is determined for these buildings using Zoning Code Section 33.930.050.A.1.b. This method requires a line to be drawn 5 feet out from each building, all the way around, to identify the lowest and highest grade along the line. Please revise your site plan to show this line and clearly identify the highest and lowest point of grade for each building.

2. **Elevation Drawings**. Please make the following changes and additions to the existing elevation drawings:
   a. *Height measurement.* Please accurately represent the building height measurement. You need to identify the lowest point of grade 5 feet from the building then determine whether the building height will be measured using Base Point 1 or Base Point 2 using 33.930.050.A.1.b referenced above. No height measurements for the buildings appear to be provided. At this point I do not know if height is met on any of the four buildings, and what the requested Adjustment to the height standard is.
   b. *Street-facing elevation.* Submit a street-facing elevation for the entire project and indicate whether existing house will remain.
   c. *Additional Elevations.* Please provide elevation drawings for all four buildings proposed to be added to the site and show the height measurement for each one.

3. **Narrative**. Please make the following changes to the narrative response to the approval criteria:

a. *Criterion A response*. The response to Criterion A did not address the purpose statement for height in the multi-dwelling residential zones, which is found in Zoning Code Section 33.120.215.A:

> *A. Purpose. The height standards serve several purposes:*
> - *They promote a reasonable building scale and relationship of one residence to another;*
> - *They promote options for privacy for neighboring properties; and*
> - *They reflect the general building scale of multi-dwelling development in the City's neighborhoods.*

b. *Criterion B response*. Please review the response to Criterion B and revise to address both the appearance of the proposal and how the proposal will not cause livability impacts on neighbors. Currently the response is not clearly addressing these issues sufficiently.

c. *Responses to Criteria G-I*. These criteria are only accepted if the site would be fully undevelopable without the Adjustment. This proposal does not qualify for use of these criteria. Please remove their responses and resubmit the narrative with only Criteria A-F.

4. **Floor Plans**. Please provide floor plans for each building.

5. **Neighborhood Contact**. This project will add more than 10,000 square-feet of net building area to the site but less than 25,000 square-feet. The standard requires that a notification sign be posted on the sites of future development at least 35 days before a building permit or land use review application is submitted to the city. The project applicant is responsible for posting the site. In addition, some projects will require the applicant to schedule a meeting and based on the current proposal a meeting will be triggered.

   Based on your proposal to add more than 10,000 square feet of net building area to the site, but less than 25,000, Neighborhood Contact I is triggered. All the steps in 33.705 Neighborhood Contact must be completed before your land use application can proceed. For more information regarding the process and requirements please visit: https://www.portlandoregon.gov/bds/79841. The step-by-step instructions for compliance with these requirements are summarized in the handout at: https://www.portlandoregon.gov/bds/article/743077. Please provide me copies of all documentation provided the City.

6. **Other Standards Not Met**. Please confirm you will be able to meet all other standards currently not shown to be met in the permit set for 21-025806 RS and the other associated permits without additional Adjustments. If you do intend on requesting other Adjustments, we should do them all concurrently in order to expedite permit review.

**II. Issues to Consider**

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

- At this point I do not know the requested Adjustment so cannot advise on whether staff anticipates supporting the proposal. When the above information has been submitted, I may have additional questions.

**III. Time to Complete Application**
The Portland Zoning Code allows you up to 180 days to complete your application. Since the 180-day period began on the day we received the application, the deadline to make your application complete is **Monday November 7, 2022.**

**IV. Determination of a Complete Application**
The application will be determined complete when you have submitted:

1. All of the requested information included in Section I, above. If you cannot provide all of the requested information at one time and intend to submit additional information, please include a written statement with each separate submittal indicating that you still intend to provide the additional missing information by the **Monday November 7, 2022** deadline, **or**

2. Some of the requested information included in Section I, above, and a written statement that no additional information will be provided; **or**

3. A written statement that none of the requested information included in Section I, above, will be provided.

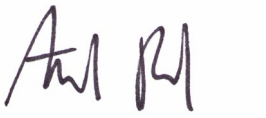
Please be aware that not submitting the requested information may result in your application being denied. The information is needed to demonstrate the approval criteria are met. Once the application is deemed complete, review of your application can proceed using the information you have provided.

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

**Voiding of Application**
If your application is not complete by **Monday November 7, 2022**, it will be voided, and the application fee will not be refunded. The City's land use review procedures are outlined in Chapter 33.730 of the Portland Zoning Code.

Please contact me if you have any questions about this letter. My telephone number is **503-865-6514**, and my e-mail address is Amanda.Rhoads@portlandoregon.gov. Requested information noted above should be emailed to me. Please e-mail me for file dropbox instructions if document or drawing file sizes are greater than 5MB. Please label all correspondence and materials you submit with the case number LU 22-141452.

Sincerely,



Amanda Rhoads, AICP
City Planner II
Land Use Services Division

cc: Application Case File

**From:** Rhoads, Amanda
**To:** Nathaniel
**Cc:** Kienholz, Don
**Subject:** RE: Incomplete Letter for LU 22-141452 AD - 7290 SW 13th Dr.
**Date:** Friday, July 15, 2022 1:54:00 PM

---

Hi Nathaniel,

We're getting closer! For some reason you did not include all four sides of Buildings 1 and 2, only the rear and left facades. Also, for building 1, there is no height measurement. Please submit full elevation drawings with height measurements clearly noted for Buildings 1 and 2. To simplify things, please also make it clear on all the elevations which building it is – 1 through 4.

For the narrative, you are still not addressing the purpose statement for criterion A, and criterion B was not completed, nor do you address the items I noted in the incomplete letter.

No floor plans were submitted.

Neighborhood Contact documentation was not received.

You did not confirm you will be able to meet all other standards not currently met in permit set.

Please review the incomplete letter and address the missing items.

I will be out of the office for the next two weeks. If you resubmit before I get back with all the missing items, I'll be able to send out the notice on my return. The case is still incomplete in the meantime.

If you have process questions while I'm gone, my colleague Don Kienholz, copied here, is available. Thanks.

**Amanda Rhoads, AICP**
City Planner II, City of Portland
Bureau of Development Services
Title 33 Section, Land Use Services Division
1900 SW Fourth Ave, Suite 5000
Portland, OR 97201
P (503) 865-6514
E amanda.rhoads@portlandoregon.gov

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

Read here for news about services available at the Development Services Center.

---

**From:** Nathaniel <nathaniel@msdpdx.com>
**Sent:** Tuesday, July 12, 2022 12:49 PM
**To:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>

**Subject:** RE: Incomplete Letter for LU 22-141452 AD - 7290 SW 13th Dr.

Hi Amanda,

Please see the attached plans and documents.

Hopefully, this is everything that you need and let me know if you need further information.

Assuming this meets all the criteria, do you know roughly how long the rest of the process will take?

Thank you very much,

**Nathaniel Rosemeyer**
**Main Street Development, Inc.**
**Project Manager**
**503-206-9214**

---

**From:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
**Sent:** Thursday, June 9, 2022 5:09 PM
**To:** Nathaniel <nathaniel@msdpdx.com>
**Subject:** Incomplete Letter for LU 22-141452 AD - 7290 SW 13th Dr.

Hi Nathaniel,

Attached you'll find an incomplete letter that looks very similar to our last height AD together! So there shouldn't be many surprises, but let me know if you have questions.

**Amanda Rhoads, AICP**
City Planner II, City of Portland
Bureau of Development Services
Title 33 Section, Land Use Services Division
1900 SW Fourth Ave, Suite 5000
Portland, OR 97201
P (503) 865-6514
E amanda.rhoads@portlandoregon.gov

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

Read here for news about services available at the Development Services Center.

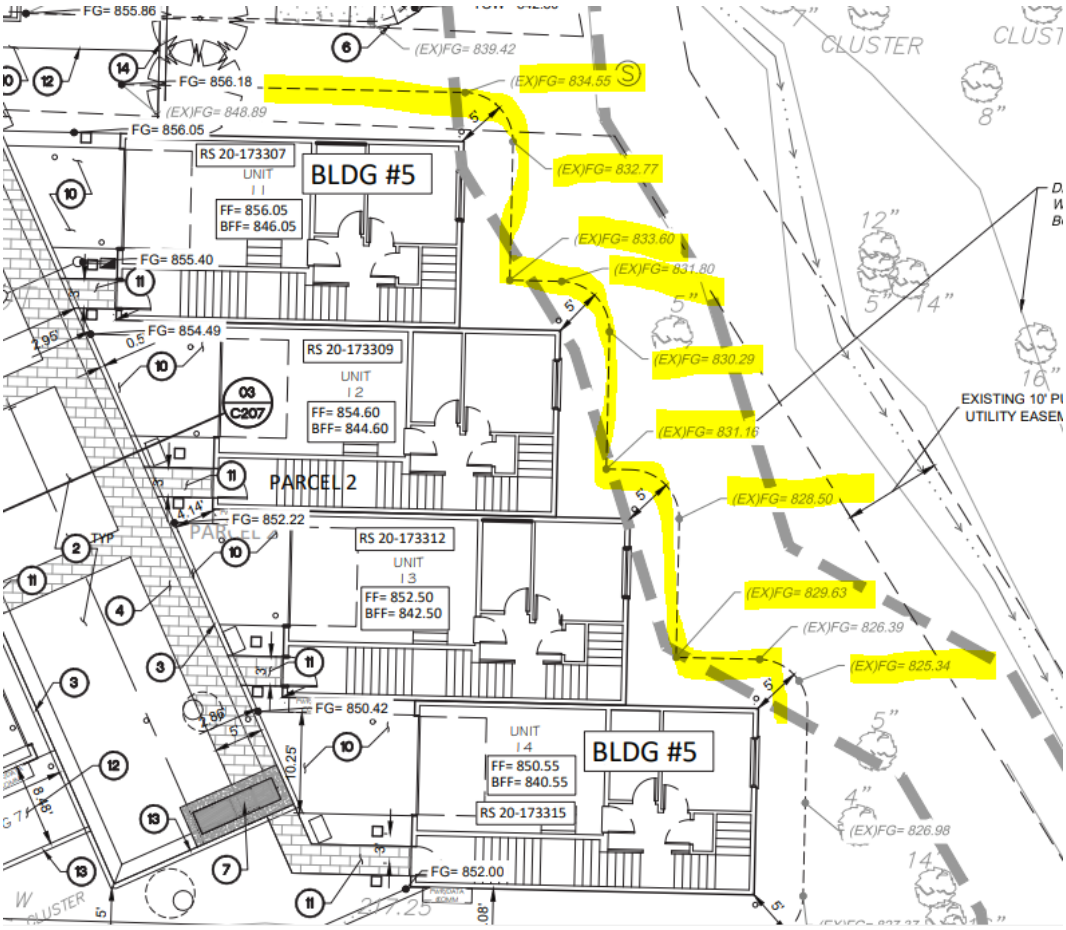
**From:** Rhoads, Amanda
**To:** Nathaniel
**Cc:** Eric Rystadt; Mark Dane
**Subject:** RE: Incomplete Letter for LU 22-141452 AD - 7290 SW 13th Dr.
**Date:** Thursday, August 4, 2022 11:50:00 AM
**Attachments:** image001.png
image002.png
image003.png
LU 22-141452 NARRATIVE.pdf

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Hi everyone,

I was hoping to get this notice out this week now that I'm back but I'm still not seeing what I need on these plans.

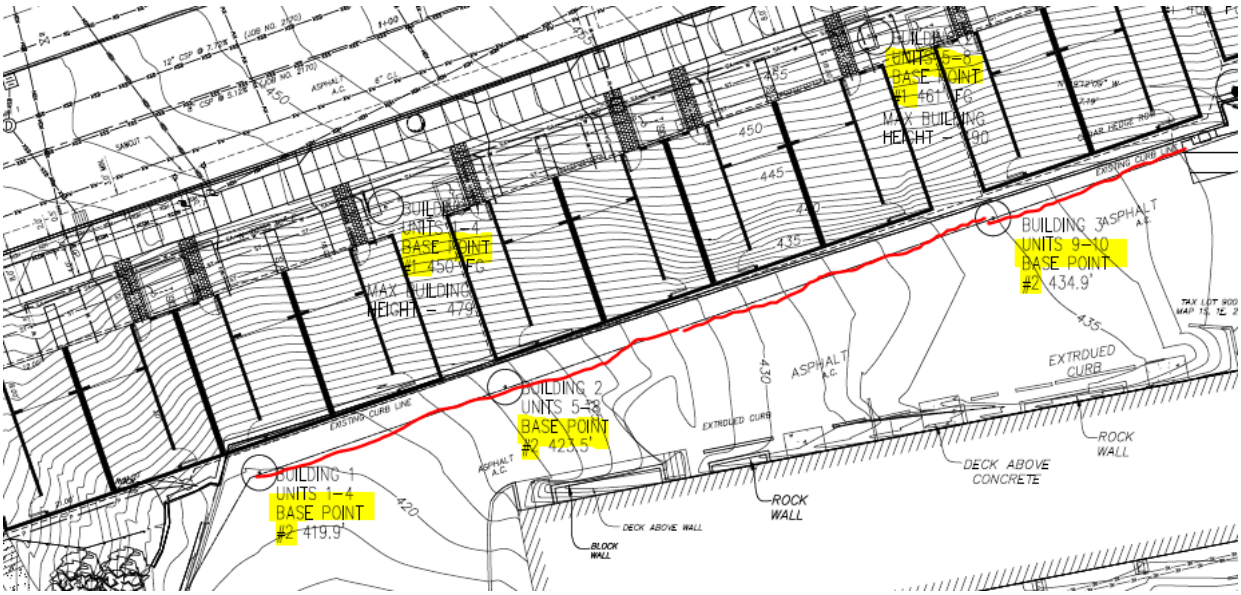
**HEIGHT ADJUSTMENT SITE PLAN:**
I requested (in my item #1) that you show your lowest and highest grades 5 feet out from the building wall for each of the 4 buildings on the site plan. We worked on this same thing for our recent height AD on SW 58th and the site plan had a great, clear line 5 feet from the building wall with multiple points of elevation around the perimeter. From this it was clear to identify the lowest and highest points of grade.




In the site plan you gave me, there might be a line that represents a 5-foot distance (the red line below?) but it's not called out as such. Also, you're using the terms Base Point #1 and Base Point #2 as labels (highlighted areas). These terms have meaning to us and I think you're not using them correctly – are you trying to use these terms to call out the lowest and highest points of grade? Base Point 1 is the lowest and Base Point 2 is the lowest plus 10 so these numbers don't match up. Please change your labels to either just the elevation or call out the lowest or highest points of grade.

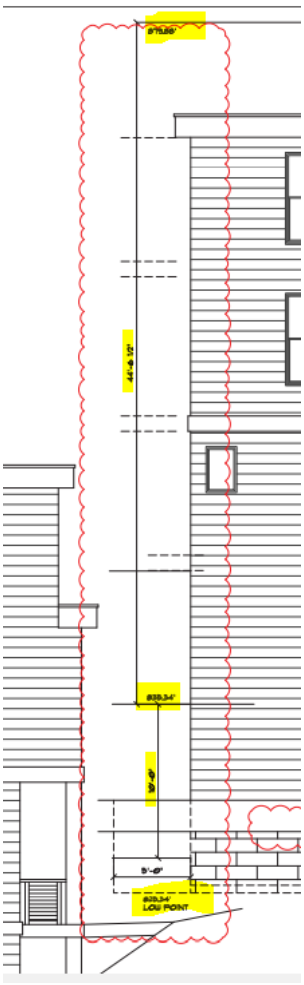
Also, since you are making changes anyway, your site plan is super cluttered. Please remove extraneous information so that the public notice will read a bit more clearly. Only show 5-foot elevation lines perhaps (or remove the lines in the

area of the four buildings) and remove utility information and anything else not needed for this review.




**ELEVATIONS (number 2)**

Thank you for getting me all four elevations for each building. It still does not appear that you are properly identifying height measurements. You are showing total numbers but not labeling the low point or the 10 feet granted by BP2. See your example from SW 58th for how I want it represented:



I'm also not seeing an elevation that shows all four buildings together from the street (2.b from my letter). Also, label each page with what building it is (1-4) and have that match a label on the site plan so it's clear what we're looking at. Replace "right" and "left" with north, east, etc.

**NARRATIVE (item 3)**

Please take your new responses to criteria A and B and place them in the narrative document originally submitted so that all responses to the Adjustment approval criteria are in one place. Feel free to delete everything prior to the 33.805.040 responses for this version, and don't forget to delete the responses for G-I. I'm attaching the document I'm referencing when I refer to the original narrative document.

**NEIGHBORHOOD CONTACT (item 5)**

Thanks for the information provided but this does not meet all NC requirements. Please include the photo of the sign, the email sent to the associations, and the signed certification form. All steps of neighborhood contact must be completed. Include the signed certification form and all required documents as one separate document. This includes a photo of the required sign. lu_zone_neighborhood_cont_certification_120320.pdf (portland.gov)

Once these plans are cleaned up and clearly represent the request, we can get the notice out. I do appreciate the little spreadsheet you all put together which summarizes the info for the different buildings – very helpful.

**Amanda Rhoads, AICP**
City Planner II, City of Portland
Bureau of Development Services
Title 33 Section, Land Use Services Division
1900 SW Fourth Ave, Suite 5000
Portland, OR 97201
P (503) 865-6514
E amanda.rhoads@portlandoregon.gov

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

Read here for news about services available at the Development Services Center.

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**From:** Nathaniel <nathaniel@msdpdx.com>
**Sent:** Friday, July 22, 2022 7:48 AM
**To:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
**Cc:** Kienholz, Don <Don.Kienholz@portlandoregon.gov>; Eric Rystadt <eric@msdpdx.com>; Mark Dane <markdaneplanning@gmail.com>
**Subject:** RE: Incomplete Letter for LU 22-141452 AD - 7290 SW 13th Dr.

Hi Amanda,

Please see the link below with the updated narrative and plans.

https://www.dropbox.com/sh/jlnir82g2k3q2n7/AADAFRiIwJfnCzPz-jzpAgY0a?dl=0

Let me know if you need anything else!

Thank you,

**Nathaniel Rosemeyer**
**Main Street Development, Inc.**
**Project Manager**
**503-206-9214**

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**From:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
**Sent:** Friday, July 15, 2022 1:55 PM
**To:** Nathaniel <nathaniel@msdpdx.com>
**Cc:** Kienholz, Don <Don.Kienholz@portlandoregon.gov>
**Subject:** RE: Incomplete Letter for LU 22-141452 AD - 7290 SW 13th Dr.

Hi Nathaniel,

We're getting closer! For some reason you did not include all four sides of Buildings 1 and 2, only the rear and left facades. Also, for building 1, there is no height measurement. Please submit full elevation drawings with height measurements clearly noted for Buildings 1 and 2. To simplify things, please also make it clear on all the elevations which building it is – 1 through 4.

For the narrative, you are still not addressing the purpose statement for criterion A, and criterion B was not completed, nor do you address the items I noted in the incomplete letter.

No floor plans were submitted.

Neighborhood Contact documentation was not received.

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

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

October 13, 2022

Nathaniel Rosemeyer, Main Street Development
5331 SW Macadam Ave #258 PMB 208
Portland OR 97239

RE: Land Use Review LU 22-141452 AD

Dear Nathaniel Rosemeyer:

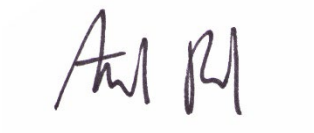
On May 10, 2022, you applied for a Land Use Review for property at 7290 SW 13TH DR. It is City case file LU 22-141452 AD. On June 9, 2022, the enclosed letter was sent to you requesting information needed in order to deem the application complete. To date, some additional information was submitted for this land use review application and other items remain unaddressed; the application is not yet considered complete.

State law (ORS 227.178) allows you up to 180 days from the date your application was submitted to provide some or all of the requested missing information, or to provide a written statement indicating that none of the requested missing information will be provided. If none of the requested information is provided within 180 days, or if a written statement is not submitted within 180 days indicating none of the requested information will be provided, the application is required to be voided on the 181st day. Without this time limit, it is difficult to process applications because regulations and other circumstances may be considerably different from when the application was first submitted.

I am writing this letter as a courtesy to notify you that day 180 of the incompleteness period for your application is Sunday, November 6, 2022. Please submit any materials by 5:00 pm on the prior business day, **Friday, November 4, 2022**. If you have not submitted all the required information requested in the attached letter by 5:00 pm on that date, State law requires that we void the land use review application and all fees will be forfeited. If you are not able to complete the application by that date, you may want to consider withdrawing the application and reapplying at a later time. Withdrawing an application prior to the 181st day entitles you to receive a refund of a portion of the fees paid.

Please contact me if you have any questions. I can be reached at 503-865-6514 or amanda.rhoads@portlandoregon.gov. Please label all correspondence and materials you submit with the case number LU 22-141452 AD.

Sincerely,



Amanda Rhoads, AICP
Land Use Services Division

cc: Application Case File

**From:** Rhoads, Amanda
**To:** Mark Dane
**Cc:** Nathaniel; Eric Rystadt
**Subject:** RE: 22-141452 AD
**Date:** Monday, November 14, 2022 10:29:00 AM
**Attachments:** 120-Day Extension Request Form FILLABLE PDF.pdf

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I have had a chance to review the materials submitted on the 3rd . I cannot proceed with a notice without the following items that still have not been provided to me because it would not give the public a clear sense of the project. Below is a list of what I still need and what I still want. The NEED list is what needs to happen before I can send out my public notice. The WANT list is what would be nice to have to show the public what is being proposed.

**Please fill out the attached timeline extension for a period of at least 14 days while you work to get me this information.**

**WHAT I STILL NEED**

1. **Neighborhood Contact**. The project is still not registered on the online database as required by 33.705.020.A.3. You must register the project before I can consider this requirement met.

2. **Elevation Drawings showing height.** The provided elevation drawings have not been altered to include height measurements. I explained what I need them to show at length on a previous email. I will forward that to you separately from 8/4. We must accurately show the request to help the public understand what you are asking for.

3. **ALL Elevations.** It does not appear I have received elevation drawings for all façades for all four buildings. Please add height measurements to at least one elevation per page and make sure I have all four sides for each of the four buildings.

**WHAT I STILL WANT (AND THINK IT WILL HELP YOUR CASE)**

1. **Full front elevation**. I requested an elevation drawing (or rendering) of the entire front elevation including the 12 new units.

2. **Neighborhood Contact: PDF of email sent**. I've repeatedly asked you to pdf the relevant emails to the neighborhood and OCCL to document exactly what was sent to them. I've gotten forwards and I've gotten word docs which just aren't inclusive of what I have been looking for. At this point I will accept a PDF of only the email with the content included in "11.1) Development Notice" submitted on 11/3. It appears this was addressed to both OCCL and the neighborhood association and should demonstrate compliance with the notice requirements.

3. **Neighborhood Contact: Clear photos of signs**. The 11/3 submittal again included the original signs you used to post the site, not the ones meeting the admin rule and format provided. In August, you did submit a couple of photos of the new signs, BUT they are not legible. The

Neighborhood Contact 1 certification form includes this item: "Photograph(s) of the sign(s) installed at the proposed development sites that legibly shows the sign's text." Please send me photos of the posted signs that are legible.

I will work on drafting your notice now so it can get mailed as soon as I get the three NEED items. Thank you – I look forward to finally getting underway with this case!!

**Amanda Rhoads, AICP**
City Planner II, City of Portland
Bureau of Development Services
Title 33 Section, Land Use Services Division
1900 SW Fourth Ave, Suite 5000
Portland, OR 97201
P (503) 865-6514
E amanda.rhoads@portlandoregon.gov

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

Read here for news about services available at the Development Services Center.

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**From:** Mark Dane <markdaneplanning@gmail.com>
**Sent:** Thursday, November 3, 2022 11:37 AM
**To:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
**Subject:** 22-141452 AD

# Hi Amanda - here is the response to your June 9th letter along with the accompanying materials



**MARK DANE PLANNING INC.**
825 SE 32nd Avenue Portland OR 97214
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM

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

**Date:** March 15, 2023

**To:** Interested Person

**From:** Amanda Rhoads, Land Use Services
503-865-6514 / Amanda.Rhoads@portlandoregon.gov

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

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

# CASE FILE NUMBER: LU 22-141452 AD

## GENERAL INFORMATION

**Applicant:** Nathaniel Rosemeyer | Main Street Development Inc
5331 SW Macadam Ave #258 PMB 208 | Portland, OR 97239-6104
503-206-9214 | nathaniel@msdpdx.com

**Owner:** Association of Unit Owners of Burlingame View Condo
1015 SW Bertha Blvd | Portland, OR 97219

**Owner:** Burlingame Ridge Townhomes LLC
5331 S Macadam Ave #258 | Portland, OR 97239

**Site Address:** 7290 SW 13TH DR

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS
**Tax Account No.:** R054500990, R119480010
**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000
**Quarter Section:** 3728

**Neighborhood:** Hillsdale, contact at board@pdxhna.org
**Business District:** None
**District Coalition:** Office of Community & Civic Life, contact at civiclife@portlandoregon.gov

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

**Proposal:**
The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated

permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

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

## ANALYSIS

**Site and Vicinity:** The site is approximately 150 feet northwest of the intersection of SW Bertha Blvd and SW Barbur Blvd. Existing development consists of the Burlingame View Condominiums, which is comprised of 42 units within 4 separate buildings and accessory parking. The site steeply slopes downward from north to south with grade differences as much as 80 feet between the site's SW 13th Drive and SW Bertha Blvd frontages. The surrounding neighborhood is primarily developed with single family homes to the north, with a mix of multi-dwelling and commercial development along SW Barbur Blvd to the south.

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

**Land Use History:** City records indicate that prior land use reviews include the following:

**LU 17-245578 LDP AD** – Denial on appeal of proposal for a 2-parcel partition with Adjustments to lot depth, front building setback, and garage entrance setback.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 23, 2022**. The following Bureaus have responded with no issues or concerns, most of them noting there are open building permits which are under review:

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

The Bureau of Transportation noted there are no transportation-related evaluation factors in the approval criteria and therefore, PBOT has no objection to the requested Adjustments (Exhibit E.2).

**Neighborhood Review:** A total of seven written responses have been received from notified residents in response to the proposal. Some of the comments are summarized below; others are referenced in the findings to the approval criteria.

**Previous Land Division Review:** Several neighbors pointed out that there had been a previous land use review (LU 17-245578 LDP AD), the goal of which was to separate the property where development is proposed from the rest of the site and approve Adjustments to the proposed development. This land division was ultimately denied on appeal to the City's Hearings Officer. Neighbors asked how the current proposal could be moving forward if the land division was denied (Exhibits F.5, F.7) and another stated the comments of the Hearings Officer set precedent for the current proposal at issue (Exhibit F.7). Others compared the current proposal with the one at issue in that review and found the current proposal lacking.

*Staff comment: The previous review was to legalize the separation of the parcel that Main Street Development purchased in 2017. However, the denial of that request does not mean the parcel is not developable; it only means that it doesn't have status as a separate site. For the purposes of this development, the 12 new townhouses are part of the larger site that includes the existing Burlingame View Condos; the entire property together is the site. The previous proposal, which was not reviewed during this process, is irrelevant to the current proposal and land use review underway, and findings made for the land division criteria during that case are not relevant to the current Adjustment request. Staff's job is to review the current proposal against the applicable approval criteria and determine whether the proposal meets those criteria.*

**Slope stability.** Several neighbors raised concerns about the slope stability and the site's location within a landslide hazard area. One neighbor commented that buildings on the subject site have developed cracks in recent years (Exhibit F.2); another went into depth on geotechnical reports and landslide hazard issues raised in the previous land division review (Exhibit F.6).

*Staff comment: Code requirements related to steep slopes, landslide hazards, and construction impacts will be enforced during the building permit review and inspection process but are not directly relevant to the approval criteria for this Adjustment Review. The Life Safety and Site Development Review Sections of BDS reviewed the proposal and did not object to the proposed Adjustments (Exhibits E.5 and E.6, respectively). Both noted that building permits had already been submitted and questions regarding their codes should be directed to the permit reviewers. Since these topics are outside the scope of the approval criteria, staff will not weigh in further on these issues.*

**Affordability**: A couple of neighbors commented that the townhouses would not be affordable or add to the affordable housing stock of the area (Exhibits F.2, F.7). The implication was that the proposal was somehow less compelling, or the proposal should be made to meet the height limit so that units would be smaller and more affordable.

*Staff comment: The affordability of the units is not relevant to the approval criteria. Therefore, the likely cost of the future units is not at issue in this review.*

## ZONING CODE APPROVAL CRITERIA

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

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

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

**Findings:** The purpose for the height regulation in the multi-dwelling zones is in Zoning Code Section 33.120.215.A:

*A. Purpose. The height standards serve several purposes:*
- *They promote a reasonable building scale and relationship of one residence to another;*
- *They promote options for privacy for neighboring properties; and*
- *They reflect the general building scale of multi-dwelling development in the City's neighborhoods.*

On a steeply sloping site, where the difference between the lowest and highest grades is exactly 5 feet from the proposed building wall and exceeds 10 feet, building height is measured from a point 10 feet above the lowest grade (Zoning Code Section 33.930.050.A.1.b). Regardless of whether the grades are 10 feet different or 100, the height calculations result in a base point that is 10 feet above the lowest point of grade. On this site, each building has a different lowest and highest point of grade, and the difference between the two exceeds 30 feet in each instance, much greater than the 10 feet of "makeup" height the Base Point 2 option grants.

| Building | Lowest Point | Highest Point | Difference |
|---|---|---|---|
| Building 1 (Units 1-4) | 419.9' | 450' | 30.1' |
| Building 2 (Units 5-8) | 423.5' | 461' | 37.5' |
| Building 3 (Units 9-10) | 434.9' | 466' | 31.1' |
| Building 4 (Units 11-12) | 433.5' | 470' | 36.5' |

The single-dwelling residential zones chapter has an alternate height measurement in circumstances where the slope drops off from the street. Instead of using BP1 or BP2, the single-dwelling zones allow a measurement of height comparing the street-facing façade of the building with the average height of the street (Zoning Code Section 33.110.215.D.1) to address such circumstances where Base Point 2 still results in a house that would largely be under street level and make it challenging to gain vehicle access from the street by right.

This same option is not available in multi-dwelling zones, but the proposed design results in a similar outcome. From the street, the buildings are in scale with what would be expected in an RM1 zone: rowhouses of three stories. In fact, the view facing SW 13th Dr. will be of units that are each under 30 feet tall as measured from their front façades, less than the maximum 35 feet allowed for the zone. In this way, as suggested by the description of the RM1 zone in Zoning Code Section 33.120.030.A, the proposal does transition in scale and intensity from the 30-foot single-dwelling zone height limit to the north to the CM2 zone to the south, with its base height limit of 45 feet. If the site were flat and these buildings looked the same from the street, the height limit would be met. Alternately, if the height limit was met on this steeply sloping lot, the view from the street would be of one-story buildings, not the expected scale for a multi-dwelling zone that is "at a somewhat larger scale and building coverage than allowed in the single-dwelling zones" where three stories is allowed, or even the 23 feet above the street grade allowed in single-dwelling zones with similar lot conditions.

Many neighbor letters made the point that existing development was one- and two-story houses and apartments and therefore the proposed development should mirror that in order to fit in with the neighborhood. However, the criteria do not anticipate that a proposal will match existing development, but rather be in scale with what would otherwise be allowed. In this case, the proposal is equally consistent with what is intended – three-story rowhouses – in the RM1 zone when viewed from the street. In fact, the height when viewed from the street is 5 feet lower than what is allowed in the RM1 zone, and more consistent with the 30-foot height limit of the R7 zoning across the street. The fact that existing development in a lower-density zone across the street, or even in the same zone next door but developed 60 years ago, might be lower than currently allowed is not a reason to find that the current proposal is not consistent with the general building scale of development in the City's multi-dwelling neighborhoods.

While the buildings are built onto the slope and will appear taller on the rear, this taller height will not impact other properties significantly, because views up to the new development from many points along SW Bertha Blvd will be blocked by the existing multi-dwelling development on the site, or by mature trees on the site and adjacent sites along Bertha. Significant views from other locations will be at some distance, and from commercial or multi-dwelling sites, or across the highway. The single-dwelling-zoned areas to the north and northeast of the property will have a predominant view of three-story buildings, an appropriate scale for the zone.

Immediately to the west is an 11-unit multi-dwelling development with one- and two-story rowhouse-style units and extensive parking across the entire property. While the heights are lower, this development is similar in number of units and development type, also appropriate for the RM1 zone. The subject site already has 40 units of multi-dwelling development. The southern row of these units also presents as three stories in height as viewed from SW Bertha Blvd, making the proposed development on the same site consistent with the existing as viewed from the street.

Neighbors commented that the building would feel massive from the street, and that the height could create privacy impacts into the houses across the street due to the height (Exhibits F.2 and F.5). Staff finds that, since the height from the street is consistent with what is anticipated in the RM1 zone, and since all required building setbacks are to be met for the proposal, no privacy impacts to the R7 neighbors to the north are expected to result from the proposal that are greater than what would be allowed outright on a flat RM1-zoned site. The owner of the multi-dwelling development to the west posited that the proposal would impact the livability of the neighborhood (Exhibit F.3). However, the westernmost building of the proposal has no windows on the west façade, the façade closest to that multi-dwelling development.

For these reasons, staff finds the proposal creates a development that has a reasonable building scale with other multi-dwelling and single-dwelling development nearby; does not cause privacy impacts; and reflects the general building scale of multi-dwelling development in the City's neighborhoods. Staff finds this criterion is met.

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

**Findings:** Since the site is zoned Residential Multi-Dwelling 1, the applicant must show the proposal will not significantly detract from the livability or appearance of the residential area.

Neighbors objected that the proposed structures would detract from the appearance of the area based on several reasons. First, the overall height of the structures was at

issue. One neighbor said the buildings will feel massive from the street (Exhibit F.2). Another said the development "will dwarf all other neighboring development" which is two stories or less (Exhibit F.5). Another stated the proposal would create a "wall of hardscape along the current street" across from the R7 zone (Exhibit F.6). Staff does not concur. As described above, the height as appearing from the single-dwelling areas will be three stories, an appropriate size for a low-scale multi-dwelling zone at the edge of a single-dwelling residential area. The taller sides of the building will largely be obscured from the public due to the existing development and mature vegetation along SW Bertha Blvd, in addition to the slope itself. The appearance from most views in the single-dwelling zone will be a proposal that is in line with what would be allowed on the R7 side of the street. Since the required 10-foot front setback is met, these buildings will all be at least 70 feet from the houses across the street (50-foot right-of-way, with a minimum distance of 10 feet on each of the private lots).

Any of the R7-zoned parcels could redevelop by right with a three-story, 30-foot-tall house, duplex, triplex, or up to 6 units on each parcel if the residential infill development standards of Zoning Code Section 33.110.265 were met. The scale of the development will not significantly detract from the appearance of the residential area more than a similar RM1 development that would be allowed outright on a flat lot. The proposal also meets other Zoning Code standards for building coverage, setbacks, and floor area ratio, which, if exceeded, could each contribute to the overall bulk and massing of the site's development.

Some neighbors also raised issues about views and blocking sunlight to neighbors. One neighbor said the buildings "create a shadow tunnel virtually blocking the sun and light for most of the day for the neighborhood" (Exhibit F.7). Another raised concerns that the three houses across from the proposed development would lose morning light and the views of the greenery on the lot as it is now (Exhibit F.4). Concerns were also raised about impacts to the subject site itself: that the removal of shrubs would result in a degradation of the views for some and there would be impacts to the light some condos got (Exhibits F.2 and F.4). Staff does not find that the buildings as proposed would create impacts in this regard greater than what would be expected for a multi-dwelling development. Even if the height limit were met, the site would lose its shrubs and the views of greenery would disappear, from both within and adjacent to the site. The height Adjustments do not worsen that condition. There is also no right to undeveloped private property adjacent to one's house. Given the three-story height of the buildings as viewed from SW 13th Ave, staff also finds there would be no greater loss of light from the R7 properties than would be expected from an RM1 development since setbacks are met. Also, while we do not usually consider impacts from within the subject site itself, it is worth noting the buildings are proposed in the northwest quadrant of the subject site, and therefore are not likely to cause significant loss of light for the existing units except possibly at sunset. For the most part, the buildings will not be blocking significant light from the existing units.

Finally, regarding appearance, several neighbors mentioned that the "very modern" architectural style of the house does not fit with the neighborhood (Exhibits F.7, F.6, F.5). However, the Zoning Code does not promote one architectural style over another, and usually the predominant style of a neighborhood, if there is one, reflects the period of construction and not an intentional mimicry of a style over time. As new residential units are constructed in the area, new styles are likely to be added to the mix; the architectural style alone is not a viable reason to object to an Adjustment request.

The term "livability" is not defined in the Zoning Code, but for the purposes of this criterion we generally consider livability impacts as those that would disrupt neighbors' enjoyment of their properties, such as privacy and the off-site impacts discussed in Zoning Code Chapter 33.262, Off-Site Impacts: noise, vibration, odor, and glare. In this case, the structures are adjacent to other multi-dwelling development. The closest building to this adjacent development to the west, Building 1 housing

Units 1-4, has no windows or openings on the west façade, and therefore is not likely to have privacy impacts on the adjacent property since the side setback for the RM1 zone is met.

As described above, the proposed structures as viewed from the nearby single-dwelling zoned-properties north of SW 13th Dr, are three stories tall, equivalent to expected development in the RM1 zone. Since the front setback is met, the buildings are not likely to create views into single-dwelling properties that are more intrusive than what would be allowed outright for an RM1 development on a flat lot. For these reasons, the development is not expected to create privacy or glare impacts. Likewise, there is nothing about a taller building built into a hillside that would create additional noise, vibration, or odors.

For these reasons, the planner finds the proposal will not significantly detract from the livability or appearance of the residential area. Approval criterion B is met.

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

**Findings:** The applicant has requested a height Adjustment to each of the four buildings, and with the same justification that the lot is very steeply-sloping. Since four Adjustments are requested, we must review for the cumulative effect of the Adjustments. The purpose of multi-dwelling residential zones such as RM1 is described in Zoning Code Section 33.120.010:

***33.120.010 Purpose***
*The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.*

***A. Use regulations.*** *The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood character of the multi-dwelling zones and their intended role as places for housing.*

***B. Development standards.*** *The six multi-dwelling zones are distinguished primarily by their allowed scale and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character and contribute to the intended characteristics of each zone. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.*

The intended character for the RM1 zone specifically is described in Zoning Code Section 33.120.030.A:

***A. RM1 zone.*** *The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-*

*dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.*

The 4 new buildings on a vacant part of a site will contribute to a higher density residential neighborhood, as intended for the multi-dwelling residential zones. The 3-story building scale along the residential street frontage (SW 13th Dr) is also consistent with the intended character for the RM1 zone, though the building walls will be taller on the rear, downslope side of the site facing the multi-dwelling residential zone and the commercial zone further south. As noted under Development Standards above in 33.120.010.B, the zoning standards were generally written for flat, regularly shaped lots, and other situations like steeply sloping lots can be addressed through exceptions such as Adjustment Reviews.

As discussed under criterion A above, the RM1 zone is intended to transition in scale from single-dwelling zones to higher-density zones. As such, the zone has a height limit of 35 feet – the same as the single-dwelling R2.5 zone. The CM2 zoning to the south has a base height of 45 feet, with opportunities for bonus height up to 55 feet (or 75 feet through the Planned Development bonus option). As viewed from the residential area, the proposed development is roughly 29-30 feet tall, less than the maximum allowed for RM1, with the impacts of the taller parts of the building limited primarily to the subject site itself.

The proposed Adjustments will not negatively impact opportunities for recreation, energy conservation, or safety. All code requirements related to energy efficiency, fire prevention, and slope stability will apply at the time of building permit review and inspection.

As discussed previously in this report, given the steep slope of the site, the proposed Adjustments will not cause the new development to appear incompatible or out of scale with nearby development.

For these reasons, staff finds the proposal is consistent with the purpose of the RM1 zone. Approval criterion C is met.

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

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

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

**Findings:** The impacts of the building height Adjustments will be somewhat visible from the rear, downslope side of the buildings facing SW Bertha Blvd. Although tall walls on the downslope side of lots are typical in Southwest Portland, staff finds impacts will be effectively mitigated by tree canopy and other onsite buildings along the street. Tree canopy near the street will help obscure views of the tall building walls from SW Bertha Blvd and better promote privacy for the residents in the multi-dwelling structures to the west.

For these reasons, staff finds approval criterion E is met.

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

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

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The site is steeply sloping, with an approximately 80-foot drop from the northeast property corner to the southwest corner. Adjustments are requested to the building height standard for each building (which is measured from 10 feet above the lowest grade on the south side of each of the new buildings). The Adjustments requested are found to be consistent with the purposes of the requirements to be modified and with the purpose of the RM1 multi-dwelling residential zone. The proposed Adjustments will not significantly detract from the livability or appearance of the residential area. The applicable Adjustment Review approval criteria are found to be met.

## ADMINISTRATIVE DECISION

Approval of the following Adjustments to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

Approval is per the approved plans, Exhibits C.1 through C.4, signed and dated March 10, 2023, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-141452 AD."

**Staff Planner: Amanda Rhoads**

**Decision rendered by:** _____ **on March 10, 2023**
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 15, 2023**

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

**Procedural Information.** The application for this land use review was submitted on May 10, 2022, and was determined to be complete on November 3, 2022.

*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 10, 2022.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by a total of 105 days (see Exhibits A.18, A.21, and A.24). Unless further extended by the applicant, **the 120 days will expire on: June 16, 2023.**

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

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

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

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, and if appealed a hearing will be held. The appeal application form can be accessed at https://www.portlandoregon.gov/bds/45477. Appeals must be received **by 4:30 PM on March 29, 2023**. **The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of $250 will be charged**. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

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

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within

21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

**Recording the final decision.**
If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **March 29, 2023** by the Bureau of Development Services.

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

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

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

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

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

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

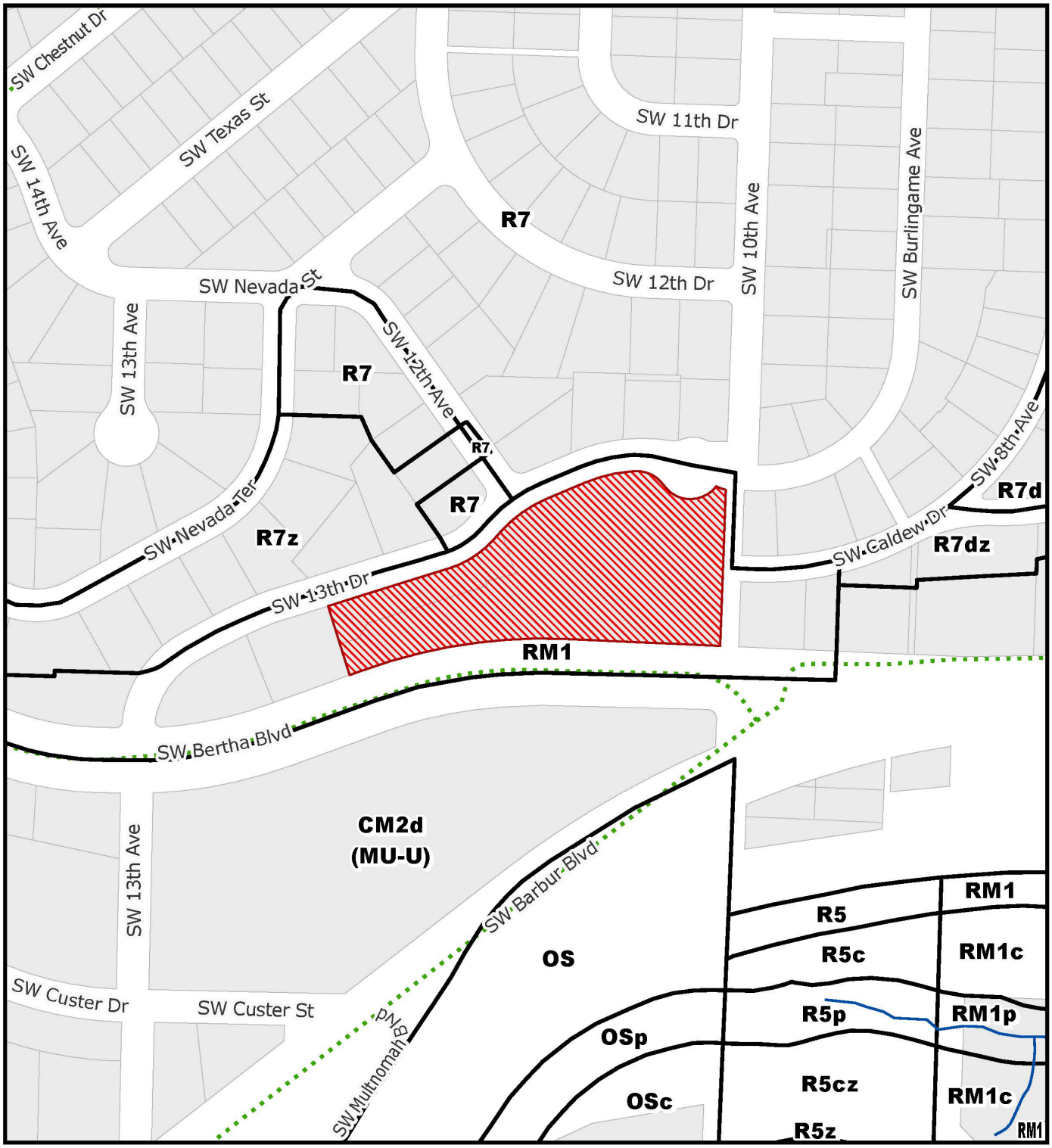
**EXHIBITS**
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Applicant Narrative (superseded by A.9)
   2. Plans for Units 1-4 (superseded by A.22)
   3. Plans for Units 5-8 (superseded by A.22)
   4. 2021 Neighborhood Meeting Information
   5. Updated Plans (superseded by A.22)
   6. Completeness Response Memo, July 20, 2022
   7. Full Site Plan with height elevations
   8. Height Adjustment Table
   9. Updated Narrative
   10. Frontage Improvement Plans
   11. Full Site Plan – simplified
   12. Updated Building Elevations (superseded by A.22)
   13. 2021 Photos of Meeting Sign

14. Neighborhood Contact Certification
15. Neighborhood Notice
16. Emails to Neighborhood Association
17. Plans Shared with Neighborhood Association
18. 30-day Timeline Extension, November 14, 2022
19. Neighborhood Contact Sign Photo
20. Neighborhood Contact Database Confirmation
21. 45-Day Timeline Extension, December 19, 2022
22. Full Plan Set
23. Architect Email, January 9, 2023
24. 30-Day Timeline Extension, March 3, 2023
25. Street View Rendering

B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Street View Rendering (attached)
   3. Building 1 North and West Elevations
   4. Building 1 South and East Elevations
   5. Building 2 North and West Elevations
   6. Building 2 South and East Elevations
   7. Building 3 Elevations
   8. Building 4 Elevations
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Life Safety Plans Examiner
F. Correspondence:
   1. Glenn Bridger, Land Use Chair for Hillsdale Neighborhood Association, January 2, 2023, with questions and some comments
   2. David Kish, January 9, 2023, in opposition
   3. Jackson and Sharon Roholt, January 11, 2023, in opposition
   4. Ariel Greninger, Secretary, Burlingame View Condominiums, in opposition
   5. Gail Stiffler, January 13, 2023, in opposition
   6. Mark and Janet Zimmerdahl, January 13, 2023, in opposition
   7. Tatiana Lifshitz, January 13, 2023, in opposition
G. Other:
   1. Original Land Use Application
   2. Incomplete Letter, June 9, 2022
   3. Planner Email, July 15, 2022
   4. Planner Email, August 4, 2022
   5. 180-Day Completeness Reminder Letter, October 13, 2022
   6. Planner Email, November 14, 2022

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




For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING ••

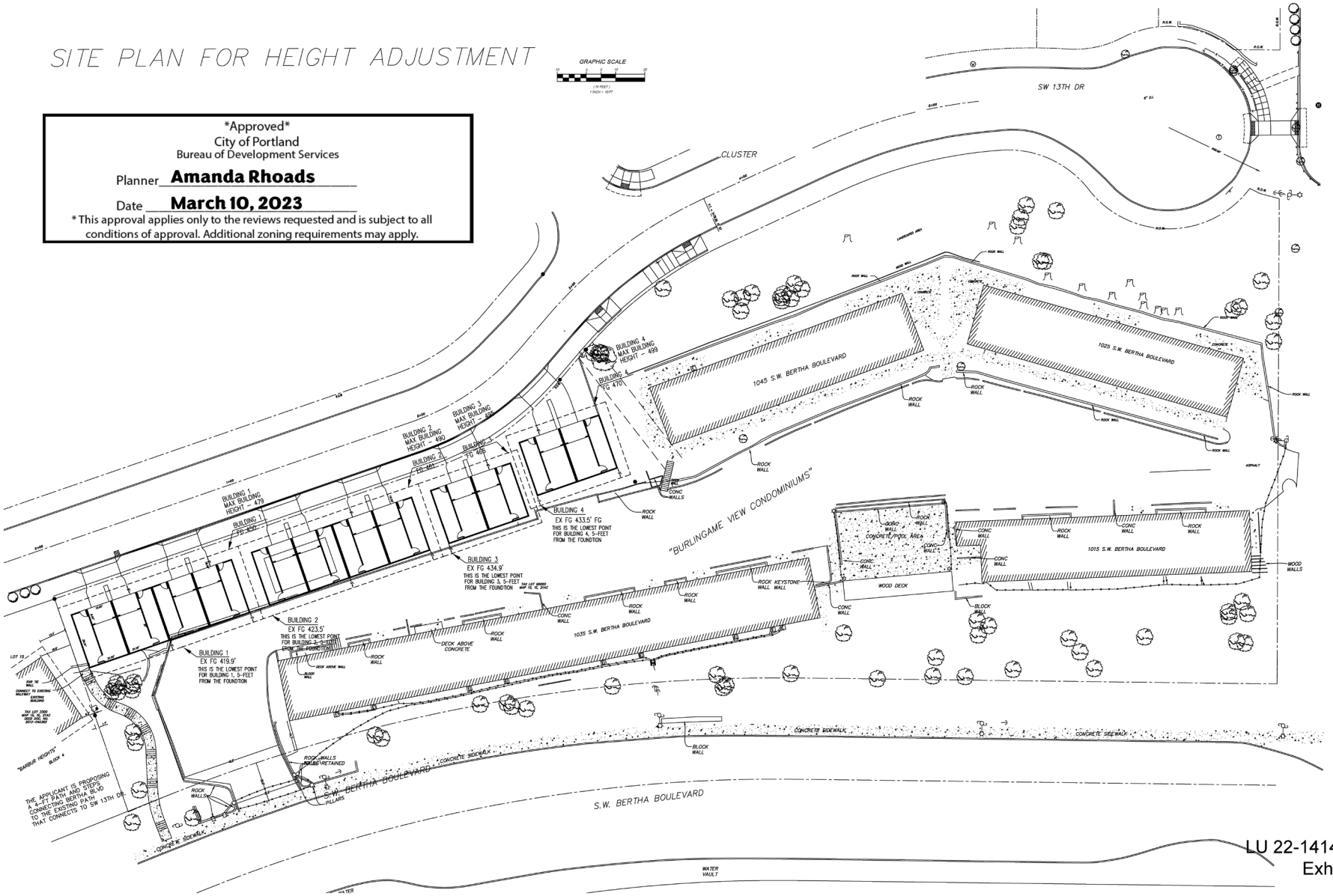
Site
Stream
Recreational Trails

| | |
|---|---|
| File No. | LU 22 - 141452 AD |
| 1/4 Section | 3728 |
| Scale | 1 inch =200 feet |
| State ID | 1S1E21AC 3400 |
| Exhibit | B Dec 22, 2022 |

LU 22-141452 AD
Exhibit H.1

# SITE PLAN FOR HEIGHT ADJUSTMENT

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **March 10, 2023**
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.




LU 22-141452 AD
Exhibit C.1

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.





# City of Portland, Oregon - Bureau of Development Services

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

# Type II and IIx Decision Appeal Form

**LU Number:** LU 22-141452 AD

**FOR INTAKE, STAFF USE ONLY**

**Date/Time Received** 3/29/2023 @1:52pm
**Received By** Mary Butenschoen
**Appeal Deadline Date** 3/29/2023
■ **Entered in Appeal Log**
❑ **Notice to Dev. Review**
❑ **Action Attached** Link to online decision
**Fee Amount** $250
☐ Y ☐ N **Fee Waived**
**Bill #** 5122260
**Neighborhood** Hillsdale

**APPELLANT: Complete all sections below. Please print legibly.**

**PROPOSAL SITE ADDRESS** 7290 SW 13th Drive **DEADLINE OF APPEAL** 3/29/23 4:30pm

**Name** Tatiana Lifshitz et al

**Address** 7217 SW 12th Ave **City** Portland **State/Zip Code** OR

**Day Phone** 5037891797 **Email** vivereinitalia@comcast.net **Fax** none

**Interest in proposal (applicant, neighbor, etc.)** neighbor and rep

**Identify the specific approval criteria at the source of the appeal**

**Zoning Code Section 33.** 120.215 . et seq
**Zoning Code Section 33.** 930.050 . et seq
**Zoning Code Section 33.** 805.040 . et seq
**Zoning Code Section 33.** 805.010 . et seq

**Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:**

decision maker and applicant erred and failed to show that development continues to meet the intended purpose of the regulations, policies and purpose of comprehensive plan, precludes use of site if adjustment not granted,and fully meet A-F of 33.805.040 of the approval criteria for adjustments, and tends to express a preferential point of view while evaluating the effects of the current design as it stands on the neighborhood, inconsistent withthe current regulations and precedent.

Appellant's Name Tatiana Lifshitz et al ■

**I acknowledge this typed name as my signature**

**FILE THE APPEAL - Submit the following:**

- ❑ This completed appeal form
- ❑ A copy of the Type II or IIX Decision being appealed
- ❑ An appeal fee as follows:
  - ❑ $250, payable to City of Portland
  - ■ No appeal fee is charged when appeal is filed by Civic Life recognized organizations for properties within organization's boundaries
  - ❑ Fee waiver request letter for low income individual is signed and attached
  - ❑ Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

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

**To file the appeal, this completed application form and any supporting documentation must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of the Decision. To be valid, the City must receive the appeal by 4:30 p.m. on the deadline listed in the Decision. Once the completed appeal application form is received, a Land Use Services Technician will contact you with instructions on how to pay the fee.**

A public hearing on the appeal will be held. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

LU 22-141452 AD
Exhibit H.2

***Information about the appeal hearing procedure and fee waivers is on the back of this form.***

# Type II and IIx Appeal Procedure

For land use review applications that follow a Type II and IIx procedure, the Bureau of Development Services makes the decision on the application. This decision is called the Administrative Decision and may be appealed. The applicant and/or an interested person who does not agree with the Administrative Decision may appeal it by using the Type II and IIx Decision Appeal Form and submitting an appeal fee. No appeal fee is charged for Type II and IIx appeals when filed by a Civic Life recognized organization; the appeal must be for property located within the organization's boundaries, and the vote to appeal must be in accordance with the organization's bylaws. An appeal of a decision triggers an initial hearing before a City review body.

There is a 14-day appeal period that starts the day that the decision is mailed. The last day to appeal is stated in the decision. If appealed, a specific review body hears the case and makes the final City decision. These review bodies include:

- The Hearings Officer
- The Design Commission
- The Portland Historic Landmarks Commission
- The Adjustment Committee

**Type II and IIx Appeal Hearing**
When a decision is appealed, the Bureau of Development Services schedules a public hearing and sends out a notice within five days of receiving the appeal. The hearing is held at least 21 days from the mailing of the notice.

At the hearing, everyone attending is allowed to speak to the review body. The testimony must address whether or not the proposal meets the approval criteria as described in the Administrative Decision or how the City erred procedurally. Written testimony is also accepted prior to or at the hearing. This may include additional information submitted by the applicant and/or appellant.

If a committee reviews the appeal, a decision is made at the hearing. If the Hearings Officer is the review body, they may make a decision at the hearing, or make a decision later. Both the Hearings Officer and the committee must make a written decision and send notice of the decision within 17 days after the hearing. The decision is mailed to the appellant, applicant, and to anyone who submits oral or written testimony at the hearing.

The review body may adopt, modify, or overturn the Administrative Decision based on the information presented at the hearing and in the case record.

**Appeal Fees**
An appeal of a land use decision must include an appeal fee. There is a $250 fee charged for appealing a Type II and IIx decision. This fee is refunded if the decision-maker grants the appeal; i.e. agrees with the appellant.

In order for an appeal to be valid, an appeal fee must accompany the appeal form or a fee waiver request must be approved before the appeal deadline as stated in the specific land use decision (Section 33.730.020 of the Portland Zoning Code). See below for fee waiver eligibility information.

**Low Income Fee Waiver**
The appeal fee may be waived for low income applicants who appeal a land use decision on the site of their primary residence in which they have an ownership interest. In addition, the appeal fee may be waived for low income individuals who have resided for at least 60 days within the required notification area for the land use review. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

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

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

**Date:** April 5, 2023

**To:** Interested Persons

**From:** Amanda Rhoads, Senior City Planner, Bureau of Development Services

# NOTICE OF APPEAL HEARING ON A PROPOSAL IN YOUR NEIGHBORHOOD

CASE FILE: LU 22-141452 AD
REVIEW BY: Adjustment Committee
WHEN: Tuesday, May 16, 2023 at 2:30 pm
REMOTE ACCESS: Adjustment Committee Agenda
https://www.portland.gov/bds/adjustment-committee/events/2023/5/16/adjustment-committee-hearing

**This land use hearing will be limited to remote participation via Zoom. The instructions to observe and participate are enclosed with this notice.**

Within the past several weeks, we sent you the Bureau of Development Services Administrative Findings and Decision on this proposal. That decision of **approval** has now been appealed by: Tatiana Lifshitz, 7217 SW 12th Ave Portland, OR 97219-2007

A summary of the appeal is provided below and an explanation of the hearings process is attached. This is a notice to inform you of a public hearing on this proposal and invite you to testify at this hearing. At the hearing, the Adjustment Committee will consider the proposal for the development described below.

The following information will tell you important information about this proposal. It is a summary of the administrative decision which you previously received.

**Applicant:** Nathaniel Rosemeyer | Main Street Development
5331 SW Macadam Ave #258 PMB 208 | Portland, OR 97239
503-206-9214 | nathaniel@msdpdx.com

**Owners:** Association of Unit Owners of Burlingame View Condominium
1015 SW Bertha Blvd. | Portland, OR 97219

Burlingame Ridge Townhomes LLC
5331 S Macadam Ave #258 | Portland, OR 97239

**Appellant:** Tatiana Lifshitz
7217 SW 12th Ave | Portland, OR 97219-2007

503-789-1797 | vivereinitalia@comcast.net

**Site Address:** 7290 SW 13TH DR

**Legal Description:** BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS
**Tax Account No.:** R054500990, R119480010
**State ID No.:** 1S1E21AC 03400, 1S1E21AC 90000
**Quarter Section:** 3728

**Neighborhood:** Hillsdale, contact at board@pdxhna.org
**Business District:** None
**District Coalition:** Office of Community & Civic Life, contact at civiclife@portlandoregon.gov

**Plan District:** None
**Zoning:** RM1 – Residential Multi-Dwelling 1

**Case Type:** AD – Adjustment Review
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**
The applicant is under building permit review to develop 12 townhomes in a multi-dwelling development made up of 4 new, separate buildings (21-025806 RS and other associated permits). The applicant is requesting an Adjustment to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as shown below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

These calculations were made with a base reference point calculated by using Zoning Code Section 33.930.050.A.1.b(1) and (2), and measuring from that base reference point to the highest point of each building as is required for flat roof buildings by 33.930.050.A.2.

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

**Administrative Decision:**
The following administrative decision was issued on March 15, 2023:

Approval of the following Adjustments to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four buildings from 35 feet to between 45.5 feet and 56.5 feet, as described below:

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.

Approval is per the approved plans, Exhibits C.1 through C.4, signed and dated March 10, 2023, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-141452 AD."

The full decision is available on the BDS website:
https://www.portlandoregon.gov/bds/article/811836.

**Appeal:**
The administrative decision of approval has been appealed by Tatiana Lifshitz. According to the appellants' statement, the appeal is based on arguments that:

The decision maker and applicant failed to show that the proposal meets the approval criteria for Adjustments.

The full appeal statement can be viewed in the notice located on the BDS website at https://www.portlandoregon.gov/bds/35625. Click on the District Coalition then scroll to the relevant Neighborhood, and case number.

**Review of the file:** If you are interested in viewing information in the file, please contact the planner listed on the front of this notice. The planner can provide information over the phone or via email. Please note that only digital copies of material in the file are available for viewing.

**We are seeking your comments on this proposal.** To comment, you may write or testify at the hearing. Please see the enclosed insert for further information on how to testify. In your comments, you must address the approval criteria as stated in the administrative report and decision which you previously received. Please note that all correspondence and testimony received will become part of the public record.

Written comments must be received by the beginning of the hearing and should include the case file number. Thank you for any information you can provide regarding this case. Note: If you have already written, it is not necessary to write again; your correspondence will be given to the Adjustment Committee.

Any new written comments must be emailed to Amanda Rhoads at Amanda.Rhoads@portlandoregon.gov. If it is not possible to email your comments, they may be mailed to The Adjustment Committee, c/o Amanda Rhoads, 1900 SW Fourth Avenue, Suite 5000, Portland, OR 97201. Written comments must be received by the time of the hearing and should include the case number.

A description of the Adjustment Committee hearings process is attached. The decision of the Adjustment Committee is final; any further appeal is 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 775 Summer St NE, Suite 330, Salem OR 97301-1283 [Telephone: 503-373-1265] for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals

(LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**For more information, call Amanda Rhoads, Planner at 503-865-6514 or email Amanda.Rhoads@portlandoregon.gov.**

Attachments:
1. Type II Appeal Hearings Process
2. Instructions for Remote Participation
3. Zoning Map
4. Approved Site Plan and Street Rendering
5. Appeal Statement (on-line version only)

**HEARING CANCELLATION**
This public hearing will be cancelled due the inclement weather or other similar emergency.

- Hearings Officer: This public hearing will be cancelled if the City of Portland is closed. Check local television or the City of Portland website (www.portlandoregon.gov) for closures. Contact the Hearings Office at 503-823-7307, for immediate information regarding cancellations or rescheduling.
- Design Commission, Historic Landmarks Commission or Adjustment Committee: This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

**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)**

## HEARINGS PROCESS FOR TYPE II and TYPE IIx LAND USE APPEALS

### HEARINGS PROCESS

Order of appearance (generally):

- Bureau of Development Services Planner
- Appellant or Appellant Representative
- Supporters of the Appeal
- Principal Opponent of the Appeal (Applicant or Representative)
- Other Opponents of the Appeal
- Appellant Rebuttal
- Review body discussion and decision in a Commission or Committee hearing, or the Hearings Officer works independently after the hearing.

Appellant Role - Appellant may be the applicant or someone else, who opposes the administrative decision. To prevail, the appellant must succeed in one of the following:

- If you are the appellant and not the applicant, you must persuade the review body that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. You may also wish to explain to the review body how or why the applicant's facts are incorrect.
- If you are the appellant and also the applicant, you must persuade the review body how you have met all of the applicable criteria and how the facts are correct. If you have appealed the decision because of a condition of approval, you must demonstrate how the applicable criteria can be met without the condition or that there is no legal relationship between the approval criteria and the condition.
- In any case, you may want to show the approval criteria are being incorrectly interpreted, the wrong approval criteria are being applied, or additional approval criteria should be applied. Any errors in the proceeding should also be identified, as well as an error in any decision by staff.

Failure to address an issue with sufficient specificity to allow the review body and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

### ADDITIONAL INFORMATION

- The Appeal Memo to the review body, including the Administrative Findings and Decision, will be available at least 10 days prior to the hearing. All reports available at https://www.portland.gov/bds/public-hearings.
- If any additional information is provided in support of the application, after the notice of the hearing is given, any party is entitled to request a continuance to allow time for review of that material. This can be requested at the end of the hearing and will occur as follows:
  - The record will remain open for at least 7 days to allow for the submittal of additional written evidence.
  - An additional 7 days will then be provided for any party to submit responses to the new evidence.
  - An additional 7 days is then provided for the final applicant rebuttal in support of the application if the applicant requires that time.
  - The Commissions and Committee will then meet again to make their decision. The Hearings Officer works independently to write their decision.
- The decision of the appeal review body will be mailed to the applicant and other participants no later than 17 days after the close of the record for Type II cases, and no later than 14 days after the close of the record for Type IIx cases.

**Observing or Testifying at the Portland Design Commission, Historic Landmarks Commission, or Adjustment Committee Webinar Hearings**

Thank you for your interest in attending a land use public hearing. All hearings are currently held virtually, via Zoom. The information below will help you get connected.

***If you do not have access to the internet from a home computer or mobile phone, please see the end of this document for instructions on how to participate from a City building at 1900 SW 4th Avenue in downtown Portland.

**Preparing for the Hearing:**

1. To access the Zoom Webinar, please go to the online hearing Agenda, and click the link under the hearing date you are interested in participating: https://www.portlandoregon.gov/bds/42441
2. In advance of the hearing, please review documents and drawings in the project link within the Online Agenda.
    - Please also provide comments to the planner assigned in advance of the hearing.

**Getting into the Hearing [Registering in Zoom to observe or participate in Hearing]:**

1. In order to observe or testify in the hearing, please be sure to Register for the Webinar as soon as possible.
    - The Webinar Link is posted to the Online Agenda typically one week prior to the hearing date.
2. Once you register you will receive an email notification of how to log-in or access the Webinar.
3. You can enter the Webinar no sooner than ten minutes before the start of the hearing.
4. You will be held in the Zoom waiting room until the Webinar begins. (Please note each individual agenda item has an estimated start time.)
5. If using a smartphone or tablet, download the Zoom app for easy entry into the Webinar.

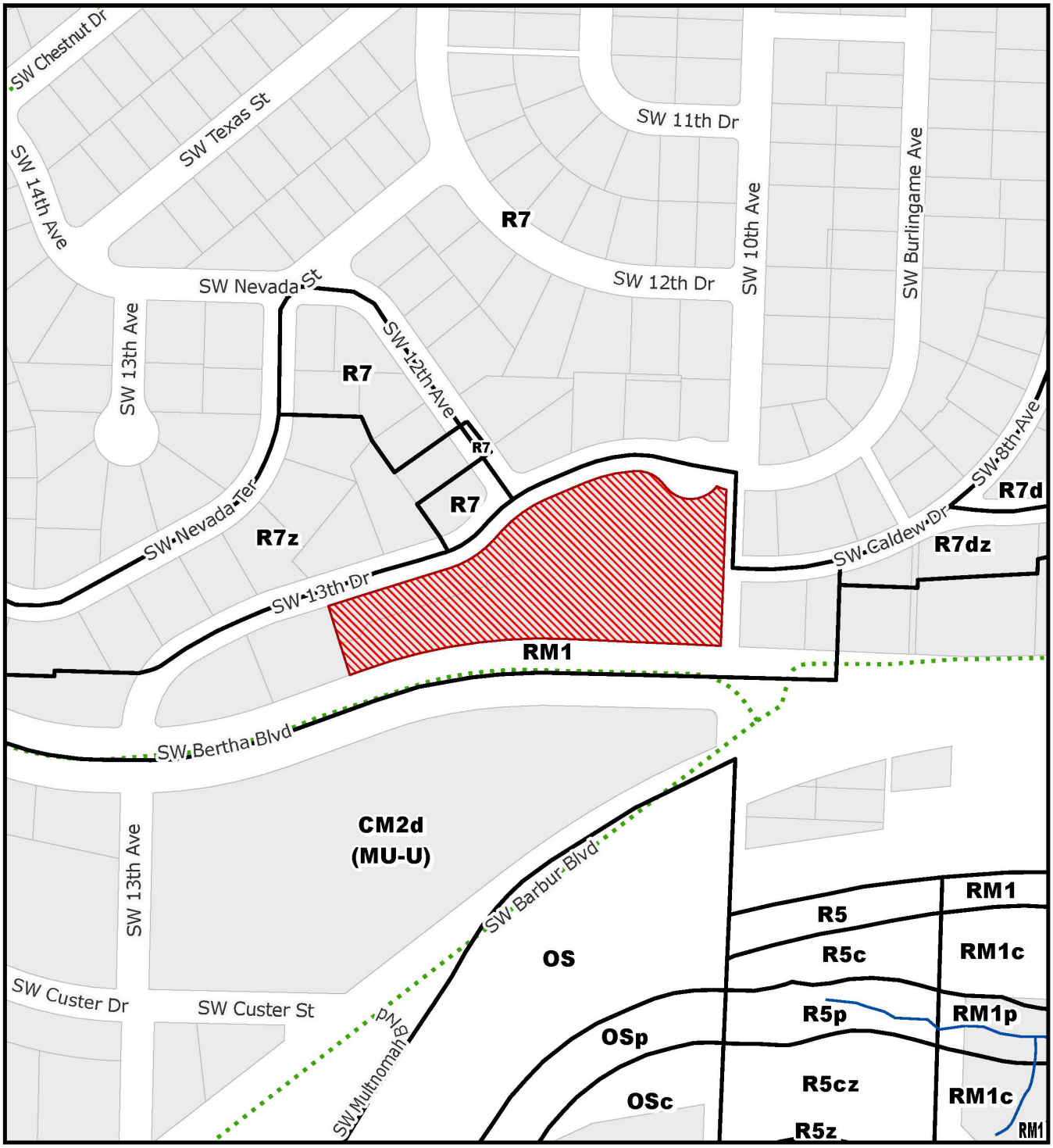
**Public participation in the Hearing:**

1. After Staff and Applicant presentations, the Chair will announce public testimony is open, and will ask if anyone else would like to testify.
2. You can provide public comment in this Webinar in several ways:
    - If during registration you indicated you would like to testify, we will put your name in order of request. Once in the hearing, testifiers will be renamed "Testifier 1 – (Your Name)"
    - Members of the public will be automatically muted except for when they are called by the Hearings Clerk for their public comment. During the Webinar, the Hearings Clerk will promote participants to "Panelists" in the order of Webinar Registrations received. When it is your turn to provide testimony, please accept the Clerk's invitation to be promoted to Panelist.
    - If you indicated in your registration that you did not want to testify but later changed your mind, when testimony is open:
        - Click the "raise your hand" function in ZOOM, and the Hearings Clerk will add you to the list of testifiers.
        - If you will be participating by call-in, raise your hand by pressing *9 - the Webinar host will see this notification.
    - When you are moved to Panelist position for your testimony, your name will be announced by the Chair or Hearings Clerk. Please be prepared to provide testimony.
    - Each testifier is allotted 2 minutes of testimony unless the Chair grants additional time.
    - Please manage your time when testifying. As a courtesy to other testifiers and our volunteer Commissions, please do not attempt to exceed the allotted amount of time.
3. We will enable screen sharing of presentations only for Design and Landmarks Commission members, project teams, and staff participating in the Webinar.
4. Testifiers who engage in inappropriate behavior or language will be promptly removed from the hearing.

**Follow-up:**

1. The Webinar will be recorded and uploaded to the City of Portland Auditors website, under the Case File Number, here: https://efiles.portlandoregon.gov/Search.

***If you do not have access to the internet from a home computer or mobile phone, we can provide accommodations for you to view a live video display of the hearing from 1900 SW 4th Avenue in downtown Portland. This option for participation requires you to travel to a City building where we will provide a computer for viewing the hearing. City staff will not be present at this viewing location. If you require such accommodation, please contact the BDS Hearings Clerk at 503-865-6525 before 8 AM on the day of the hearing.***




For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING ••

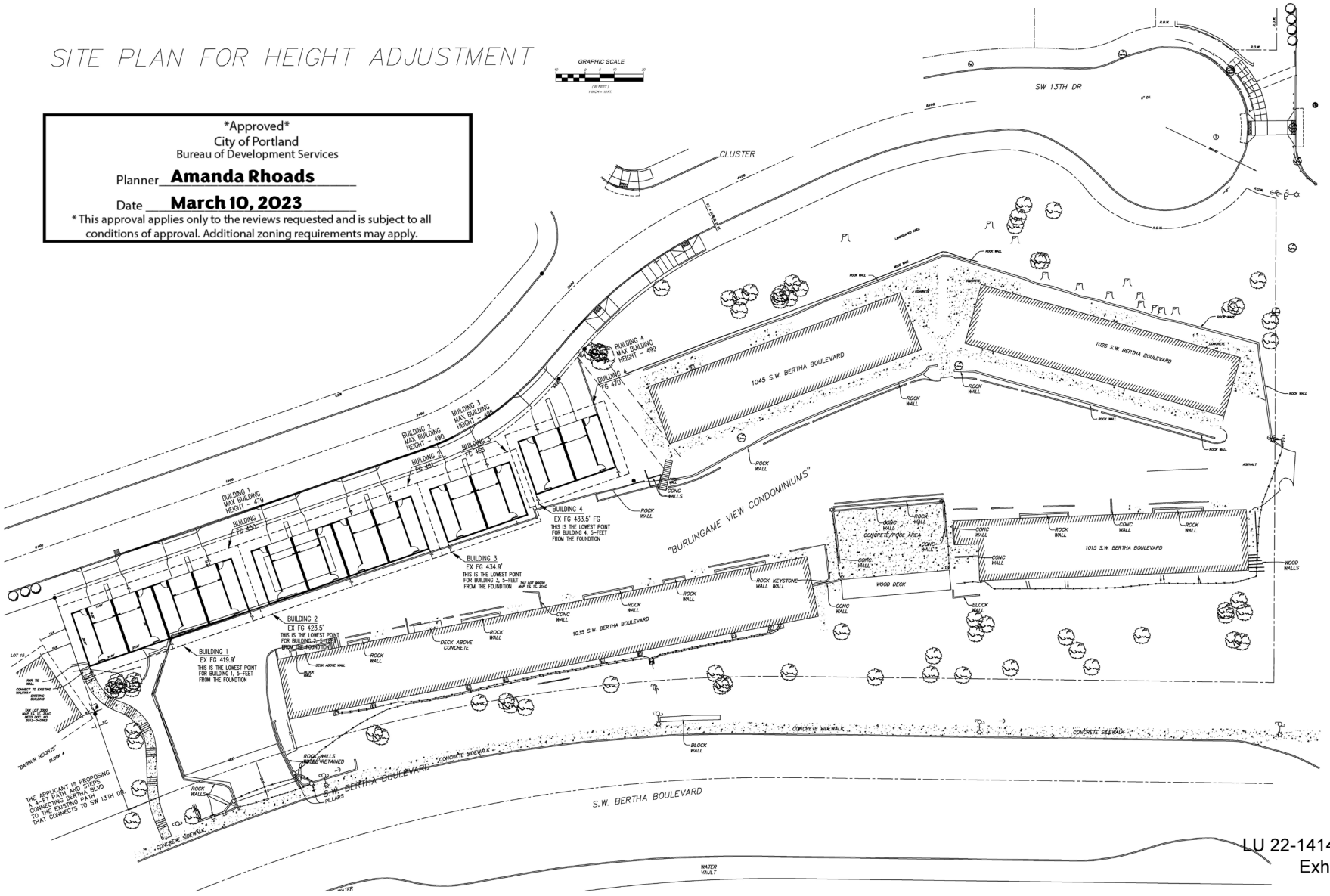
Site
Stream
Recreational Trails

| | |
|---|---|
| File No. | LU 22 - 141452 AD |
| 1/4 Section | 3728 |
| Scale | 1 inch =200 feet |
| State ID | 1S1E21AC 3400 |
| Exhibit | B Dec 22, 2022 |

# SITE PLAN FOR HEIGHT ADJUSTMENT

GRAPHIC SCALE

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **March 10, 2023**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.




LU 22-141452 AD
Exhibit C.1

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.





# City of Portland, Oregon - Bureau of Development Services

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

# Type II and IIx Decision Appeal Form

**LU Number:** LU 22-141452 AD

**FOR INTAKE, STAFF USE ONLY**

**Date/Time Received** 3/29/2023 @1:52pm
**Received By** Mary Butenschoen
**Appeal Deadline Date** 3/29/2023
☐ **Entered in Appeal Log** _____
☐ **Notice to Dev. Review** _____
☐ **Action Attached** Link to online decision
**Fee Amount** $250
☐ Y ☐ N **Fee Waived**
**Bill #** 5122260
**Neighborhood** Hillsdale

**APPELLANT: Complete all sections below. Please print legibly.**

**PROPOSAL SITE ADDRESS** 7290 SW 13th Drive **DEADLINE OF APPEAL** 3/29/23 4:30pm

**Name** Tatiana Lifshitz et al

**Address** 7217 SW 12th Ave **City** Portland **State/Zip Code** OR

**Day Phone** 5037891797 **Email** vivereinitalia@comcast.net **Fax** none

**Interest in proposal (applicant, neighbor, etc.)** neighbor and rep

**Identify the specific approval criteria at the source of the appeal**

**Zoning Code Section 33.** 120.215 . et seq
**Zoning Code Section 33.** 930.050 . et seq
**Zoning Code Section 33.** 805.040 . et seq
**Zoning Code Section 33.** 805.010 . et seq

**Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:**

decision maker and applicant erred and failed to show that development continues to meet the intended purpose of the regulations, policies and purpose of comprehensive plan, precludes use of site if adjustment not granted,and fully meet A-F of 33.805.040 of the approval criteria for adjustments, and tends to express a preferential point of view while evaluating the effects of the current design as it stands on the neighborhood, inconsistent withthe current regulations and precedent.

Appellant's Name Tatiana Lifshitz et al ■

**I acknowledge this typed name as my signature**

**FILE THE APPEAL - Submit the following:**

- ☐ This completed appeal form
- ☐ A copy of the Type II or IIX Decision being appealed
- ☐ An appeal fee as follows:
  - ☐ $250, payable to City of Portland
  - ☑ No appeal fee is charged when appeal is filed by Civic Life recognized organizations for properties within organization's boundaries
  - ☐ Fee waiver request letter for low income individual is signed and attached
  - ☐ Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

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

**To file the appeal, this completed application form and any supporting documentation must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of the Decision. To be valid, the City must receive the appeal by 4:30 p.m. on the deadline listed in the Decision. Once the completed appeal application form is received, a Land Use Services Technician will contact you with instructions on how to pay the fee.**

A public hearing on the appeal will be held. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

***Information about the appeal hearing procedure and fee waivers is on the back of this form.***

# Type II and IIx Appeal Procedure

For land use review applications that follow a Type II and IIx procedure, the Bureau of Development Services makes the decision on the application. This decision is called the Administrative Decision and may be appealed. The applicant and/or an interested person who does not agree with the Administrative Decision may appeal it by using the Type II and IIx Decision Appeal Form and submitting an appeal fee. No appeal fee is charged for Type II and IIx appeals when filed by a Civic Life recognized organization; the appeal must be for property located within the organization's boundaries, and the vote to appeal must be in accordance with the organization's bylaws. An appeal of a decision triggers an initial hearing before a City review body.

There is a 14-day appeal period that starts the day that the decision is mailed. The last day to appeal is stated in the decision. If appealed, a specific review body hears the case and makes the final City decision. These review bodies include:

- The Hearings Officer
- The Design Commission
- The Portland Historic Landmarks Commission
- The Adjustment Committee

**Type II and IIx Appeal Hearing**
When a decision is appealed, the Bureau of Development Services schedules a public hearing and sends out a notice within five days of receiving the appeal. The hearing is held at least 21 days from the mailing of the notice.

At the hearing, everyone attending is allowed to speak to the review body. The testimony must address whether or not the proposal meets the approval criteria as described in the Administrative Decision or how the City erred procedurally. Written testimony is also accepted prior to or at the hearing. This may include additional information submitted by the applicant and/or appellant.

If a committee reviews the appeal, a decision is made at the hearing. If the Hearings Officer is the review body, they may make a decision at the hearing, or make a decision later. Both the Hearings Officer and the committee must make a written decision and send notice of the decision within 17 days after the hearing. The decision is mailed to the appellant, applicant, and to anyone who submits oral or written testimony at the hearing.

The review body may adopt, modify, or overturn the Administrative Decision based on the information presented at the hearing and in the case record.

**Appeal Fees**
An appeal of a land use decision must include an appeal fee. There is a $250 fee charged for appealing a Type II and IIx decision. This fee is refunded if the decision-maker grants the appeal; i.e. agrees with the appellant.

In order for an appeal to be valid, an appeal fee must accompany the appeal form or a fee waiver request must be approved before the appeal deadline as stated in the specific land use decision (Section 33.730.020 of the Portland Zoning Code). See below for fee waiver eligibility information.

**Low Income Fee Waiver**
The appeal fee may be waived for low income applicants who appeal a land use decision on the site of their primary residence in which they have an ownership interest. In addition, the appeal fee may be waived for low income individuals who have resided for at least 60 days within the required notification area for the land use review. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

*Information is subject to change*

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | ENDORSEMENT | INFO1 | INFO2 | NAME | ADDRESS/IO ADDRESS | CITYSTATEZIP/ADDRESSEE |
| 2 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | CHABAD CENTER FOR JEWISH LIFE | 2317 SW VERMONT ST | PORTLAND OR 97219 |
| 3 | RETURN SERVICE REQUESTED | | 1S1E21AB 12000 | WILHELM MORDECHAI & WILHELM MIRIAM | 7125 SW 12TH DR | PORTLAND OR 97219 |
| 4 | RETURN SERVICE REQUESTED | | 1S1E21AB 12100 | NORDWALL FAMILY TR | 7221 SW 13TH DR | PORTLAND OR 97219 |
| 5 | RETURN SERVICE REQUESTED | | 1S1E21AB 12200 | BRIAN KENNETH SCHENCK TR | PO BOX 2083 | BEAVERTON OR 97075 |
| 6 | RETURN SERVICE REQUESTED | | 1S1E21AC 1100 | TANTASHEVA RIMMA | 7240 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 7 | RETURN SERVICE REQUESTED | | 1S1E21AC 1200 | OLD SEASONS LLC | 935 SW STEPHENSON CT | PORTLAND OR 97219 |
| 8 | RETURN SERVICE REQUESTED | | 1S1E21AC 1300 | ANDA PROPERTIES LLC | 9615 SW 49TH AVE | PORTLAND OR 97219-5156 |
| 9 | RETURN SERVICE REQUESTED | | 1S1E21AC 1400 | BEST SAZERAC PROPERTY LLC | 934 SW CALDEW DR | PORTLAND OR 97219 |
| 10 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | FRED MEYER STORES INC | 1014 VINE ST 7TH FL | CINCINNATI OH 45202-1141 |
| 11 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | JPMORGAN CHASE BANK NA | 1111 POLARIS PKWY OH1-1086 | COLUMBUS OH 43240 |
| 12 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ECOATM LLC | 10121 BARNES CANYON RD | SAN DIEGO CA 92121 |
| 13 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | ONPOINT COMMUNITY CREDIT UNION | PO BOX 3750 | PORTLAND OR 97208 |
| 14 | RETURN SERVICE REQUESTED | | 1S1E21AC 3100 | WAAGMEESTER CANVAS PROD INC | 9775 SW COMMERCE CIR #C6 | WILSONVILLE OR 97070 |
| 15 | RETURN SERVICE REQUESTED | | 1S1E21AC 3700 | THE 13TH DRIVE LLC | P O BOX 10510 | PORTLAND OR 97296-0510 |
| 16 | RETURN SERVICE REQUESTED | | 1S1E21AC 3900 | FARE BRENT D & FARE MEGHAN E | 7241 SW 13TH DR | PORTLAND OR 97219 |
| 17 | RETURN SERVICE REQUESTED | | 1S1E21AC 4000 | NEWMAN SARAH P & FRENCH SPENCER J | 7261 SW 13TH DR | PORTLAND OR 97219 |
| 18 | RETURN SERVICE REQUESTED | | 1S1E21AC 4100 | ANTICK JENNIFER R & OSLUND ERIC R | 7212 SW 12TH AVE | PORTLAND OR 97219 |
| 19 | RETURN SERVICE REQUESTED | | 1S1E21AC 4500 | PARKINS DYLAN J & MORRIS ALEX M | 7287 SW 13TH DR | PORTLAND OR 97219 |
| 20 | RETURN SERVICE REQUESTED | | 1S1E21AC 4700 | WOHLHUTER MAX S | 7315 SW 13TH DR | PORTLAND OR 97219 |
| 21 | RETURN SERVICE REQUESTED | | 1S1E21AC 4800 | DIFFELY ROBERT & DIFFELY LINDA | 7202 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 22 | RETURN SERVICE REQUESTED | | 1S1E21AC 4900 | KING ERIC R & KING DE ANN M | 7214 SW NEVADA TER | PORTLAND OR 97219-2062 |
| 23 | RETURN SERVICE REQUESTED | | 1S1E21AC 5100 | DAVID H CAMPEN & CHRISTINE Y CHANG | 1892 MARK TWAIN ST | PALO ALTO CA 94303 |
| 24 | RETURN SERVICE REQUESTED | | 1S1E21AC 700 | SCHILPEROORT REID & CHRISTA | 7214 SW 10TH AVE | PORTLAND OR 97219 |
| 25 | RETURN SERVICE REQUESTED | | 1S1E21AC 800 | PEDROZA NEREIDA & PEDROZA HUGO | 7245 SW BURLINGAME AVE | PORTLAND OR 97219 |
| 26 | RETURN SERVICE REQUESTED | | 1S1E21AC 900 | BRENT MICHAEL & HEALY MARY H | 7235 SW BURLINGAME AVE | PORTLAND OR 97219-2134 |
| 27 | RETURN SERVICE REQUESTED | | 1S1E21AC 90001 | ROSSER MIRIAM M | 1015 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 28 | RETURN SERVICE REQUESTED | | 1S1E21AC 90002 | STEERMAN SAMANTHA N | 1015 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 29 | RETURN SERVICE REQUESTED | | 1S1E21AC 90003 | CORNING SETH T | 1015 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 30 | RETURN SERVICE REQUESTED | | 1S1E21AC 90004 | ROSEBROCK ADRIENNE | 1015 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 31 | RETURN SERVICE REQUESTED | | 1S1E21AC 90005 | KEEL LINDA | 1015 SW BERTHA BLVD #5 | PORTLAND OR 97219-2078 |
| 32 | RETURN SERVICE REQUESTED | | 1S1E21AC 90006 | CRAIG ALLISON E | 1015 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 33 | RETURN SERVICE REQUESTED | | 1S1E21AC 90007 | BARDENHEIER JEAN & ANKE | 471 N SUNNYSIDE AVE | SIERRA MADRE CA 91024 |
| 34 | RETURN SERVICE REQUESTED | | 1S1E21AC 90008 | VADAY SARA E | 1015 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 35 | RETURN SERVICE REQUESTED | | 1S1E21AC 90009 | SINNER TODD | 1025 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 36 | RETURN SERVICE REQUESTED | | 1S1E21AC 90010 | MINKO IRINA & VARTANIAN VALDIMIR | 1025 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 37 | RETURN SERVICE REQUESTED | | 1S1E21AC 90011 | QUICK KATHERINE A | 1025 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 38 | RETURN SERVICE REQUESTED | | 1S1E21AC 90012 | WOOD TAMARA | 1025 SW BERTHA BLVD #4 | PORTLAND OR 97219-2079 |
| 39 | RETURN SERVICE REQUESTED | | 1S1E21AC 90013 | SMITH SAMANTHA F | 520 NW LOST SPRINGS TER #408 | PORTLAND OR 97229 |
| 40 | RETURN SERVICE REQUESTED | | 1S1E21AC 90014 | GIEBER SIERRA & TODD D & DEANNA L | 1025 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 41 | RETURN SERVICE REQUESTED | | 1S1E21AC 90015 | LINDERMAN JESSICA | 1025 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 42 | RETURN SERVICE REQUESTED | | 1S1E21AC 90016 | VINCENT JOANNE M | 1025 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 43 | RETURN SERVICE REQUESTED | 1S1E21AC 90017 | VERDIER SECURITY TR | C/O FRANCINE M VERDIER | 690 ROSS CT | SONOMA CA 95476 |
| 44 | RETURN SERVICE REQUESTED | | 1S1E21AC 90018 | DENSON JESSE JENKINS | 1035 SW BERTHA BLVD #2 | PORTLAND OR 97219-2076 |
| 45 | RETURN SERVICE REQUESTED | | 1S1E21AC 90019 | HUYNH JAMES | 1035 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 46 | RETURN SERVICE REQUESTED | | 1S1E21AC 90020 | WENGER NOAH & KENDALL ASHLEY | 1035 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 47 | RETURN SERVICE REQUESTED | | 1S1E21AC 90021 | NOVIKOFF DIMITRY | 1035 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 48 | RETURN SERVICE REQUESTED | | 1S1E21AC 90022 | LETTS JASON | 1035 SW BERTHA BLVD | PORTLAND OR 97219 |
| 49 | RETURN SERVICE REQUESTED | | 1S1E21AC 90023 | TILLIS CHELSEA N | 1035 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 50 | RETURN SERVICE REQUESTED | | 1S1E21AC 90024 | CUSHING CAITLIN | 3411 NE 38TH AVE | PORTLAND OR 97212-1903 |
| 51 | RETURN SERVICE REQUESTED | | 1S1E21AC 90025 | DICKEY CHRISTINE & GRIFFITH STEPHEN | 10221 S TERWILLIGER PL | PORTLAND OR 97219 |
| 52 | RETURN SERVICE REQUESTED | | 1S1E21AC 90026 | HOGFOSS ROGER & HOGFOSS JOANNE | 3595 HICKORY AVE | EUGENE OR 97401 |
| 53 | RETURN SERVICE REQUESTED | | 1S1E21AC 90027 | STINE STEVEN A | 1035 SW BERTHA BLVD #11 | PORTLAND OR 97219 |
| 54 | RETURN SERVICE REQUESTED | | 1S1E21AC 90028 | KIM JOAN J | 838 TERMINO AVE | LONG BEACH CA 90804-5434 |
| 55 | RETURN SERVICE REQUESTED | | 1S1E21AC 90029 | BLEU AMY L | 1035 SW BERTHA BLVD #13 | PORTLAND OR 97219 |
| 56 | RETURN SERVICE REQUESTED | | 1S1E21AC 90030 | BERGSTROM KIRSTEN | 1035 SW BERTHA BLVD #14 | PORTLAND OR 97219 |
| 57 | RETURN SERVICE REQUESTED | | 1S1E21AC 90032 | OBJECTIVE INVESTMENTS LLC | 6280 SW ARRANMORE PL | PORTLAND OR 97223-7503 |
| 58 | RETURN SERVICE REQUESTED | | 1S1E21AC 90033 | LINEGAR NEAL & LINEGAR PAMELA | 4445 SW CARL PL | PORTLAND OR 97239-1518 |
| 59 | RETURN SERVICE REQUESTED | | 1S1E21AC 90035 | TURQUAND THOMAS & TURQUAND TERI | 3515 SW XERO AVE | REDMOND OR 97756-7997 |
| 60 | RETURN SERVICE REQUESTED | | 1S1E21AC 90036 | BARLOW BRANDON E | 1045 SW BERTHA BLVD #4 | PORTLAND OR 97219 |
| 61 | RETURN SERVICE REQUESTED | 1S1E21AC 90037 | EDELMAN HIGHLAND CHRISTINE | & HAUGH WILLIAM BITTRICH | 1045 SW BERTHA BLVD #5 | PORTLAND OR 97219-2077 |
| 62 | RETURN SERVICE REQUESTED | | 1S1E21AC 90038 | TUGOZ RAMSEY A TR | 243 ROSWELL AVE | LONG BEACH CA 90803-1536 |
| 63 | RETURN SERVICE REQUESTED | | 1S1E21AC 90039 | PETERSON CHRISTOPHER | 1045 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 64 | RETURN SERVICE REQUESTED | | 1S1E21AC 90040 | JOHNSON AMANDA & JOHNSON DYLAN | 1045 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 65 | | | | CURRENT RESIDENT | 1025 SW BERTHA BLVD #5 | PORTLAND OR 97219 |
| 66 | | | | CURRENT RESIDENT | 7180 SW NEVADA TER | PORTLAND OR 97219 |
| 67 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #A | PORTLAND OR 97219 |
| 68 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #C | PORTLAND OR 97219 |
| 69 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #D | PORTLAND OR 97219 |
| 70 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #A | PORTLAND OR 97219 |
| 71 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #C | PORTLAND OR 97219 |
| 72 | | | | CURRENT RESIDENT | 936 SW CALDEW DR | PORTLAND OR 97219 |
| 73 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #1 | PORTLAND OR 97219 |



LU 22-141452 AD
Exhibit H.4

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 74 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #8 | PORTLAND OR 97219 |
| 75 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #1 | PORTLAND OR 97219 |
| 76 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #3 | PORTLAND OR 97219 |
| 77 | | | | CURRENT RESIDENT | 7207 SW 13TH DR | PORTLAND OR 97219 |
| 78 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #D | PORTLAND OR 97219 |
| 79 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #F | PORTLAND OR 97219 |
| 80 | | | | CURRENT RESIDENT | 7529 SW BARBUR BLVD | PORTLAND OR 97219 |
| 81 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #12 | PORTLAND OR 97219 |
| 82 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #16 | PORTLAND OR 97219 |
| 83 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #9 | PORTLAND OR 97219 |
| 84 | | | | CURRENT RESIDENT | 7121 SW 12TH DR | PORTLAND OR 97219 |
| 85 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #B | PORTLAND OR 97219 |
| 86 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #C | PORTLAND OR 97219 |
| 87 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #E | PORTLAND OR 97219 |
| 88 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #B | PORTLAND OR 97219 |
| 89 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #F | PORTLAND OR 97219 |
| 90 | | | | CURRENT RESIDENT | 7601 SW BARBUR BLVD | PORTLAND OR 97219 |
| 91 | | | | CURRENT RESIDENT | 940 SW CALDEW DR | PORTLAND OR 97219 |
| 92 | | | | CURRENT RESIDENT | 942 SW CALDEW DR | PORTLAND OR 97219 |
| 93 | | | | CURRENT RESIDENT | 944 SW CALDEW DR | PORTLAND OR 97219 |
| 94 | | | | CURRENT RESIDENT | 1015 SW BERTHA BLVD #7 | PORTLAND OR 97219 |
| 95 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #10 | PORTLAND OR 97219 |
| 96 | | | | CURRENT RESIDENT | 1035 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 97 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #2 | PORTLAND OR 97219 |
| 98 | | | | CURRENT RESIDENT | 1045 SW BERTHA BLVD #6 | PORTLAND OR 97219 |
| 99 | | | | CURRENT RESIDENT | 7322 SW 13TH DR #A | PORTLAND OR 97219 |
| 100 | | | | CURRENT RESIDENT | 7332 SW 13TH DR #E | PORTLAND OR 97219 |
| 101 | | | | CURRENT RESIDENT | 7555 SW BARBUR BLVD #B | PORTLAND OR 97219 |
| 102 | | | | CURRENT RESIDENT | 946 SW CALDEW DR | PORTLAND OR 97219 |
| 103 | RETURN SERVICE REQUESTED | | APPELLANT | LIFSHITZ TATIANA | 7217 SW 12TH AVE | PORTLAND OR 97219-2007 |
| 104 | RETURN SERVICE REQUESTED | RESPONDENT | 1S1E21AC 4600 | ZIMMERDAHL MARK & ZIMMERDAHL JANET | 7301 SW 13TH DR | PORTLAND OR 97219-2086 |
| 105 | RETURN SERVICE REQUESTED | OWNER | 1S1E21AC 3400 | BURLINGAME RIDGE TOWNHOMES LLC | 5331 S MACADAM AVE #258 | PORTLAND OR 97239 |
| 106 | RETURN SERVICE REQUESTED | OWNER | ASSOCIATION OF UNIT OWNERS OF | BURLINGAME VIEW CONDOMINIUM | 1015 SW BERTHA BLVD | PORTLAND OR 97219 |
| 107 | RETURN SERVICE REQUESTED | OWNER/AGENT/APPLICANT | MAIN STREET DEVELOPMENT INC | RYSTADT ERIC & ROSEMEYER NATHANIEL | 5331 S MACADAM AVE #258 PMB 208 | PORTLAND OR 97239-6104 |
| 108 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | OFFICE OF COMMUNITY & CIVIC LIFE | 1120 SW 5TH AVE #114 | PORTLAND OR 97204 |
| 109 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | HILLSDALE NEIGHBORHOOD ASSOCIATION | PO BOX 19902 7805 SW 40TH AVE | PORTLAND OR 97280 |
| 110 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | FRIENDS OF TERWILLIGER | 430 SW HAMILTON ST | PORTLAND OR 97239 |
| 111 | RETURN SERVICE REQUESTED | | PORTLAND METRO REGIONAL SOLUTIONS | C/O DLCD REGIONAL REPRESENTATIVE | 1600 SW FOURTH AVE #109 | PORTLAND OR 97201 |
| 112 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | PORT OF PORTLAND PLANNING | PO BOX 3529 | PORTLAND OR 97208 |
| 113 | RETURN SERVICE REQUESTED | | LAND USE CONTACT | TRANSIT DEVELOPMENT | 1800 SW FIRST AVE #300 | PORTLAND OR 97201 |
| 114 | | | | LAND USE CONTACT | PROSPER PORTLAND | 129/PROSPER |
| 115 | | | | PORTLAND PARK TRAIL | TATE WHITE | B106/R1302 |
| 116 | | | | | DAWN KRANTZ | B299/R5000 |

# SITE PLAN FOR HEIGHT ADJUSTMENT

GRAPHIC SCALE
10 0 5 10 20
( IN FEET )
1 INCH = 10 FT.

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **May 9, 2023**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SW 13TH DR
R.O.W.
6" D.I.
CLUSTER
BUILDING 1
MAX BUILDING HEIGHT = 479
FG 450
BUILDING 2
MAX BUILDING HEIGHT = 490
FG 461
BUILDING 3
MAX BUILDING HEIGHT = 496
FG 466
BUILDING 4
MAX BUILDING HEIGHT = 499
FG 470
BUILDING 1
EX FG 419.9'
THIS IS THE LOWEST POINT FOR BUILDING 1, 5-FEET FROM THE FOUNDTION
BUILDING 2
EX FG 423.5'
THIS IS THE LOWEST POINT FOR BUILDING 2, 5-FEET FROM THE FOUNDTION
BUILDING 3
EX FG 434.9'
THIS IS THE LOWEST POINT FOR BUILDING 3, 5-FEET FROM THE FOUNDTION
BUILDING 4
EX FG 443.5' FG
THIS IS THE LOWEST POINT FOR BUILDING 4, 5-FEET FROM THE FOUNDTION
TAX LOT 90000 MAP 1S, 1E, 21AC
1045 S.W. BERTHA BOULEVARD
1025 S.W. BERTHA BOULEVARD
1035 S.W. BERTHA BOULEVARD
1015 S.W. BERTHA BOULEVARD
"BURLINGAME VIEW CONDOMINIUMS"
CONCRETE POOL AREA
WOOD DECK
LANDSCAPED AREA
ROCK WALL
WOOD WALL
CONCRETE
ROCK KEYSTONE WALL WALL
CONC WALL
BLOCK WALL
WOOD WALLS
ASPHALT
DECK ABOVE CONCRETE
DECK ABOVE WALL
CONC WALLS
ROCK WALLS
PILLARS
WALLS RETAINED
LOT 15
"BARBUR HEIGHTS"
BLOCK 4
RVR TIE WALL
CONNECT TO EXISTING WALKWAY
EXISTING BUILDING
TAX LOT 3300 MAP 1S, 1E, 21AC DEED DOC. NO. 2012-040362
THE APPLICANT IS PROPOSING A 4-FT PATH AND STEPS CONNECTING BERTHA BLVD TO THE EXISTING PATH THAT CONNECTS TO SW 13TH DR.
CONCRETE SIDEWALK
S.W. BERTHA BOULEVARD
WATER VAULT

LU 22-141452 AD
Exhibit H.5

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




LU 22-141452 AD
Exhibit H.5

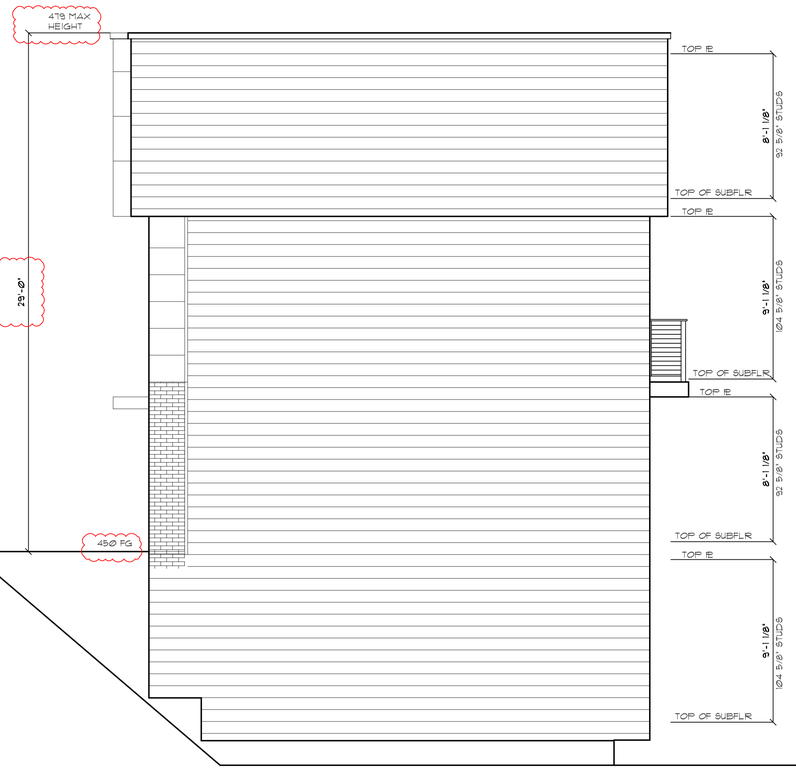
# Building 1, Units 1-4

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




## Front Elevation

SCALE: 1/4"=1'=0"




## Right Elevation

SCALE: 1/4"=1'=0"

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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

***A licensed structural engineer has designed each building.**

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | | |
|---|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** | Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** | Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced,<br>Framed floors – U-0.026 / R-38, and<br>Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** | Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced,<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** | Windows – U-0.22 (Triple Pane Low-e).and)<br>Flat ceiling – U-0.017 / R-60, and<br>Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** | Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and<br>Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and<br>All ducts and air handlers contained within building envelope or<br>All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** | Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** | Gas-fired furnace or boiler AFUE: 94%, or<br>Air source heat pump HSPF 9.5/15.0 SEER cooling,or<br>Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** | All ducts and air handlers contained within building envelope (d)<br>*Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** | Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** | Natural gas/propane water heater with UEF 0.85 OR<br>Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.


SamedyKem
designer - consultant
custom design - stock plans - remodels

*P.O Box 1571*
*Hillsboro, Oregon 97123*
*971.563.0552 fax: 888.311.5610*
*E-Mail: samedy@kem-consultant.com*


*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*- Brooker T.*
*Washington*


Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

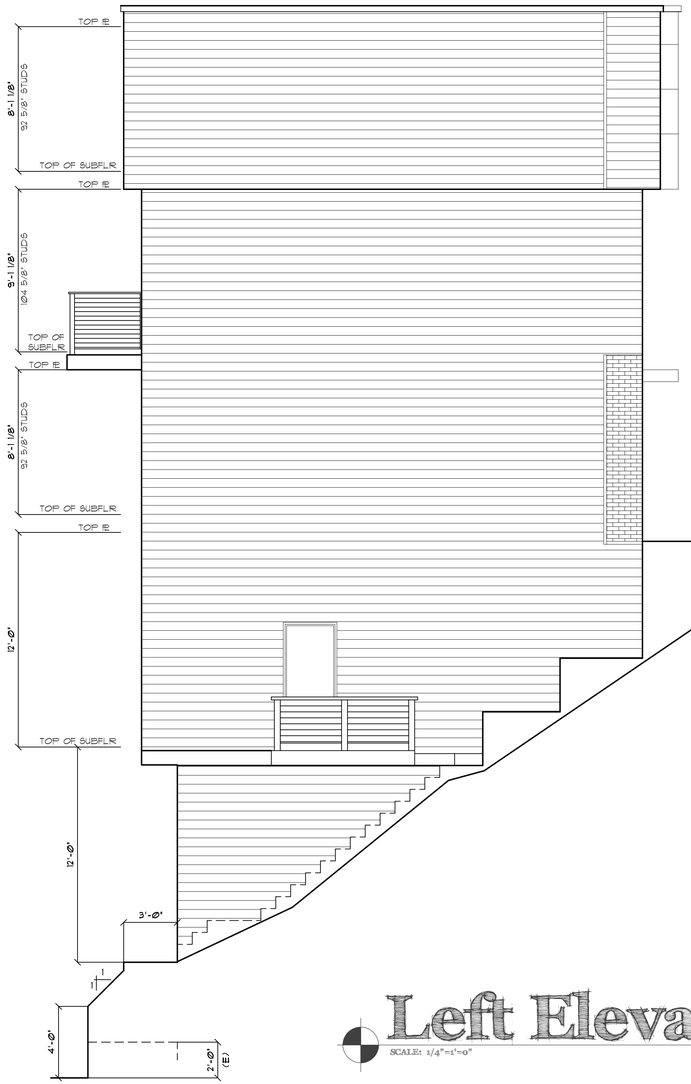
sk-1687-4 Unit 1 thru 4
Project Number

CHECK BY Samedy Kem
DRAW BY sk

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number 1 of 9

# Building 1, Units 1-4




## Left Elevation

SCALE: 1/4"=1'-0"




## Rear Elevation

SCALE: 1/4"=1'-0"

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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


SamedyKem
designer - consultant
custom design - stock plans - remodels

*P.O Box 1571*
*Hillsboro, Oregon 97123*
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*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*- Brooker T. Washington*


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 1 thru 4
Project Number

| | |
|---|---|
| CHECK BY | Samedy Kem |
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
|---|---|---|
| 1 | 5/5/2021 | REVISION |
| 2 | 8/23/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

Sheet Number of 9

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

1X4 TRIM BOARD

HARDI PANEL W/ ½" CHANNEL

6" LAP SIDING

12" WIDE LAP SIDING

VERTICAL CEDAR SIDING

BRICK PER BUILDER

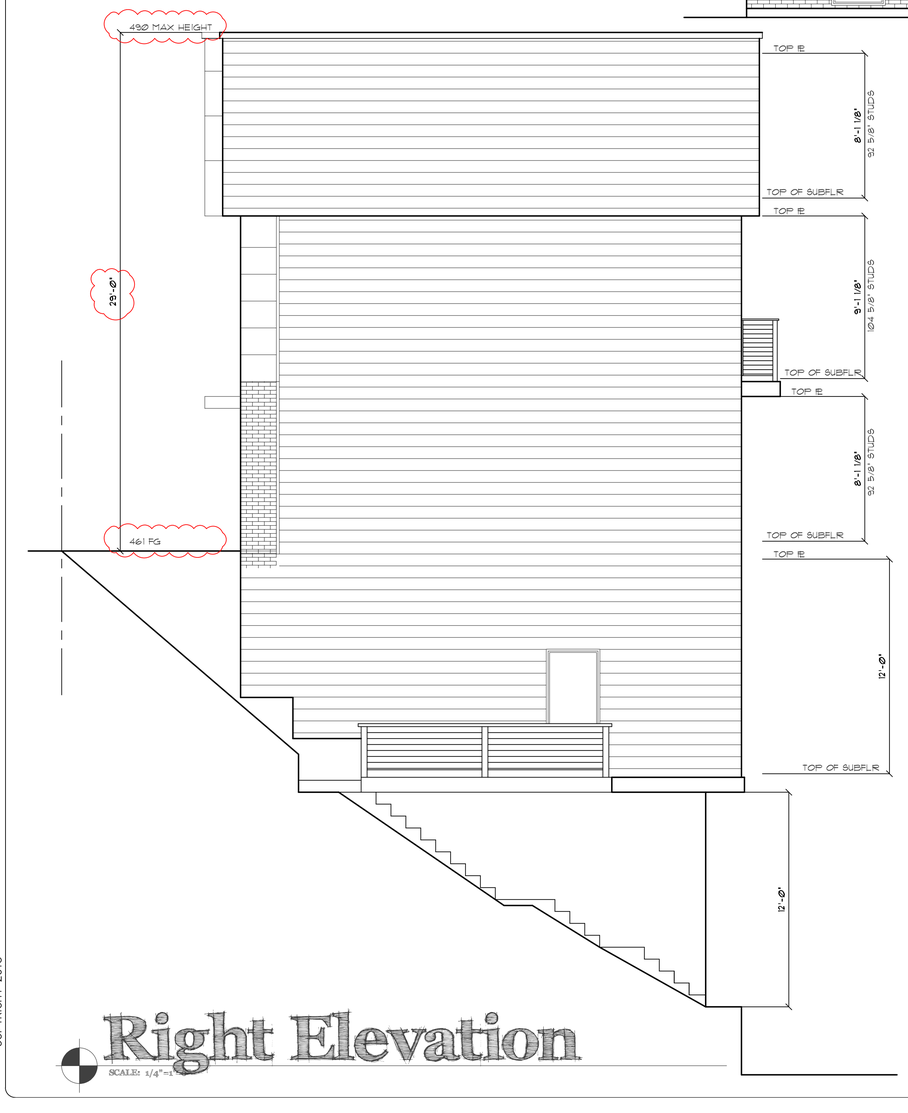


FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.




Right Elevation
SCALE: 1/4"=1'-0"

# Building 2, Units 5-8

Front Elevation
SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

3. Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

***All of the proposed structures only have 4 levels. If one of the buildings will have a basement, the building will not exceed 4 levels. The building will have a basement, and 3 levels above it only.**

4. The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

***5/8" gypsum sheathing will be used for**

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW CLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR; MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT CLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e),and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by the Bonneville Power Administration (BPA).
c. Residential water heaters less than 55 gallon storage volume.
d. A total of 5 percent of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
e. The maximum valued ceiling surface area shall not be greater than 50 percent of the total heated space floor area unless vaulted area has a U-factor no greater thanU-0.026.
f. Continuous air barrier. Additional requirement for seal of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material to structural material ( example: gypsum board to wood stud framing)
g. Table N1104.1 (1) Standard base case design, Code UA shall be at least 8 percent less than the Proposed UA. Buildings with Fenestration less than 15 percent of the total vertical wall area may adjust the Code UA to have 15 percent of the wall area as Fenestration.

SamedyKem
designer - consultant
custom design - stock plans - remodels
P.O Box 1571
Hillsboro, Oregon 97123
971.563.0552 fax: 888.311.5610
E-Mail: samedy@kem-consultant.com

*"success is not be measured by the position someone has reached in my life, but the obstacles he has overcome while trying to succeed"*
*Washington - Brooker T.*

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

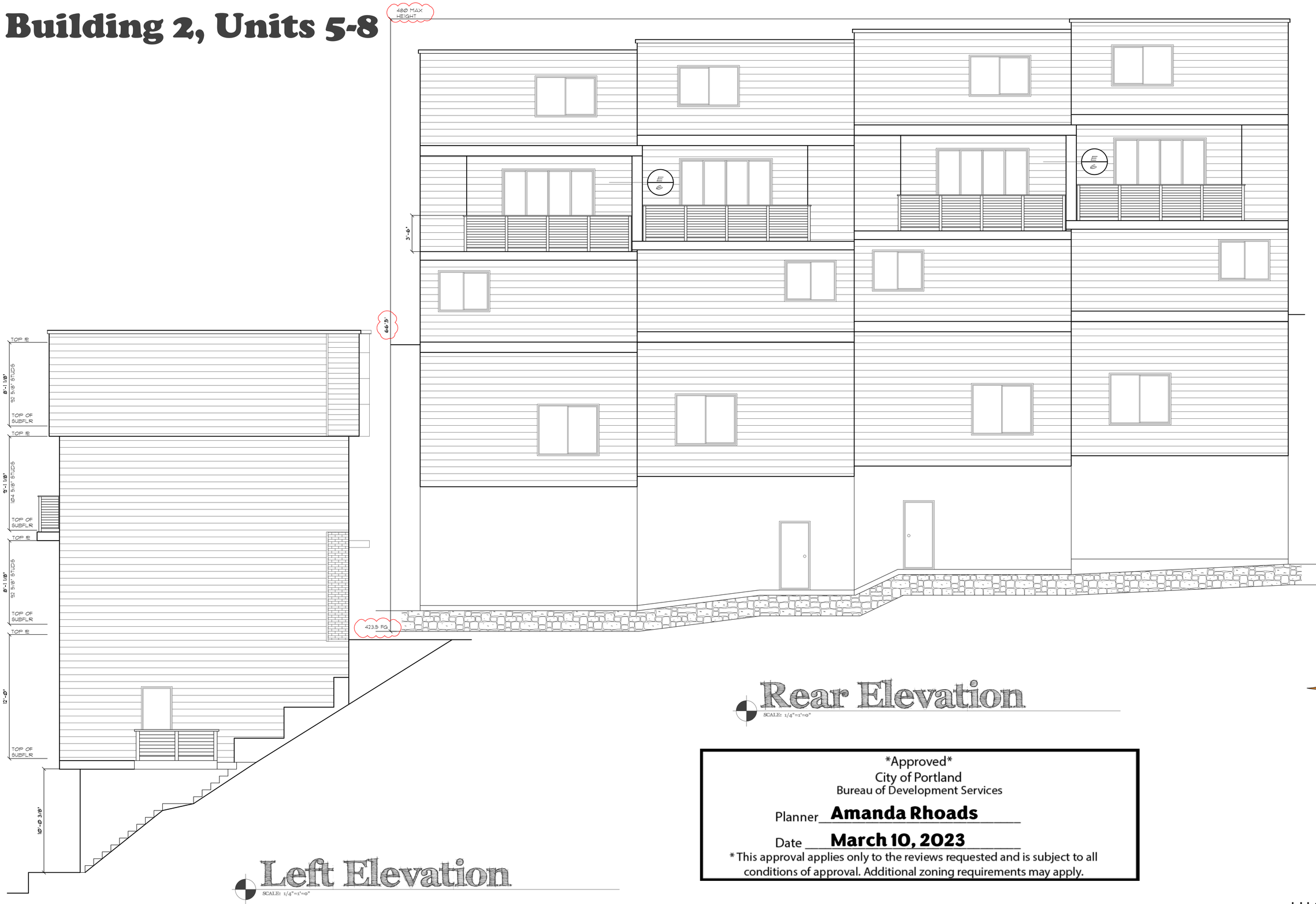
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| DRAW BY | sk |

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| 2 | 8/23/202 | REVISION |
| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

1

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# Building 2, Units 5-8




## Left Elevation

SCALE: 1/4"=1'-0"

## Rear Elevation

SCALE: 1/4"=1'-0"

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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


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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 238 SF

Upper 643 SF
Upper 643 SF
Main 500 SF
1687 Total SF

2/9/2021
Date:

sk-1687-4 Unit 5 thru 8
Project Number

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| CHECK BY | Samedy Kem |
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| 3 | 3/5/2022 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2 of 8


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LU 22-141452 AD
Exhibit H.5

# Building 3, Units 9-10

* USING ADDITION MEASURES OPTION #2 *
WITH CONSERVATION MEASURE 'B'
SEE PAGE '1' FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

BUILDING COMPONENTS

| | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR, OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
| WALL INSULATION | R-23 |
| UNDERFLOOR INSULATION | R-38 |
| FLAT CEILINGS | R-49 |
| VAULTED CEILINGS | R-30 |
| SKYLIGHT GLASS | U=0.60 |
| SKYLIGHT AREA | <2% |
| BASEMENT WALLS | R-23 |
| SLAB FLOOR EDGE INSULATION | R-15 |
| FORCED AIR DUCT INSULATION | R-8 |
| FORCED AIR WALL HEATER | |

FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

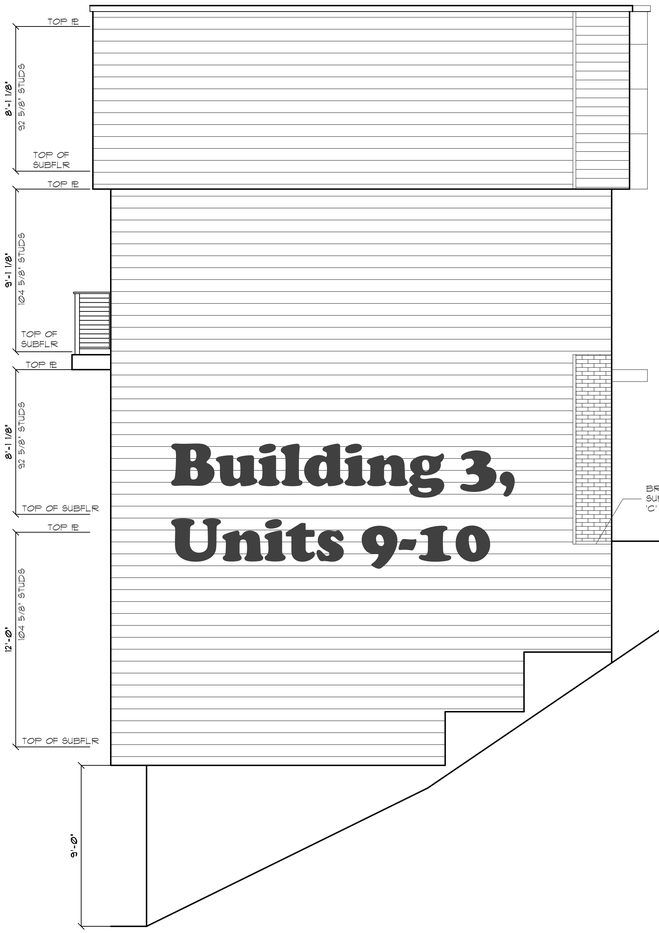
GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31
ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

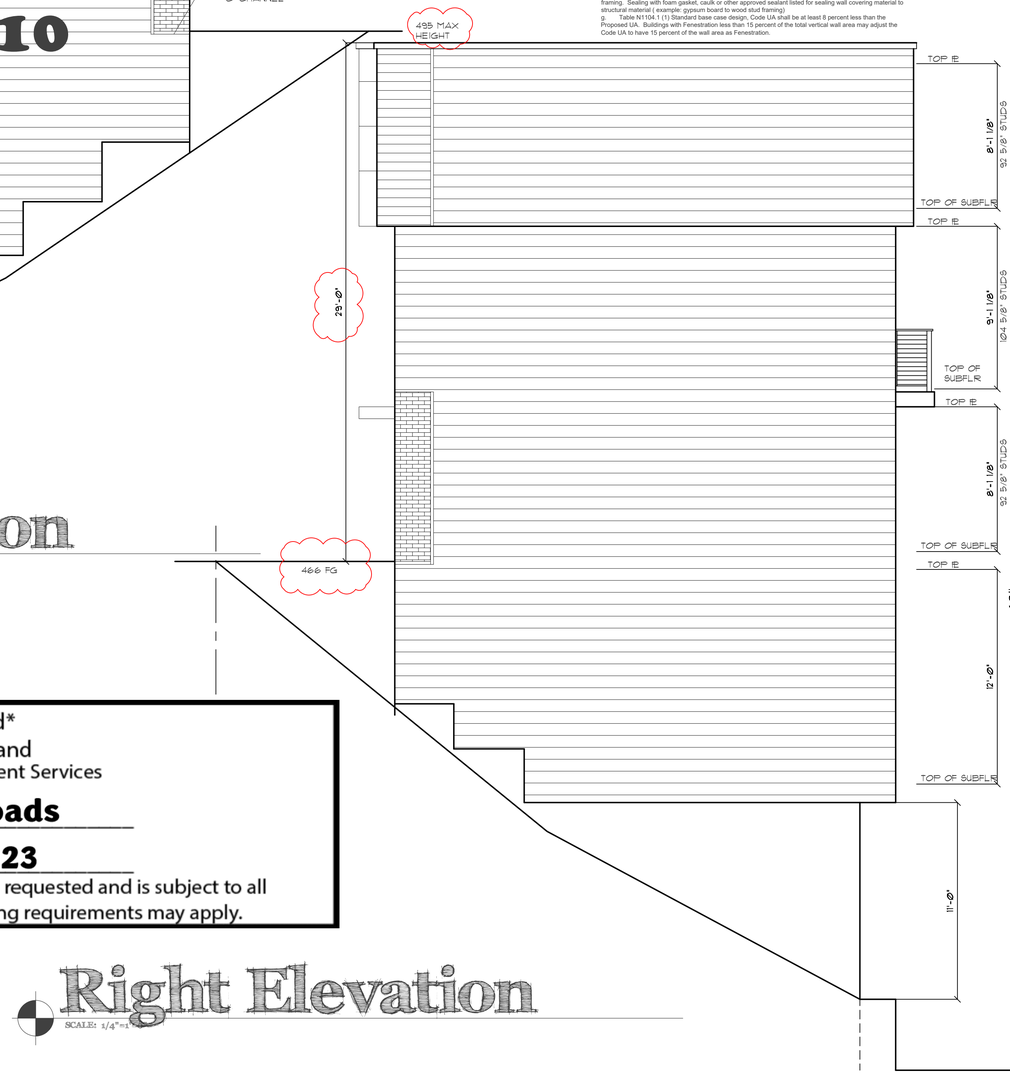
TABLE N1101.1(2)
ADDITIONAL MEASURES

| | | |
|---|---|---|
| Envelope Enhancement Measure (Select One) | 1. | **High efficiency walls & windows:** Exterior walls – U-0.045 / R-21 cavity insulation + R-5 continuous |
| | 2. | **Upgraded features:** Exterior walls – U-0.057 / R-23 Intermediate or R-21 advanced, Framed floors – U-0.026 / R-38, and Windows – U-0.28; (average UA) |
| | 3. | **Upgraded features:** Exterior walls – U-0.055 / R-23 Intermediate or R-21 advanced, Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.26/R-38; |
| | 4. | **Super insulated Windows and Attic OR Framed Floors:** Windows – U-0.22 (Triple Pane Low-e);and) Flat ceiling – U-0.017 / R-60, and Framed floors – U-0.026 / R-38 |
| | 5. | **Air seaing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
| Conservation Measure (Select One) | A. | **High efficiency HVAC system :** Gas-fired furnace or boiler AFUE: 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling,or Ground source heat pump COP 3.5 or Energy Star rated |
| | B. | **Ducted HVAC systems within conditioned space:** All ducts and air handlers contained within building envelope (d) *Cannot be combined with Measure 5* |
| | C. | **Ductless heat pump:** Ductless heat pump HSPF 10.0 in primary zone of dwelling. |
| | D. | **High efficiency water heater (c):** Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier I Northern Climate Specification Product |

For SI: 1 square foot = 0.093 m2, 1 watt per square foot = 10.8 W/m2.
a. Appliances located within the building thermal envelope shall have sealed combustion air installed. Combustion air shall be ducted directly from the outdoors.
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Left Elevation
SCALE: 1/4"=1'-0"

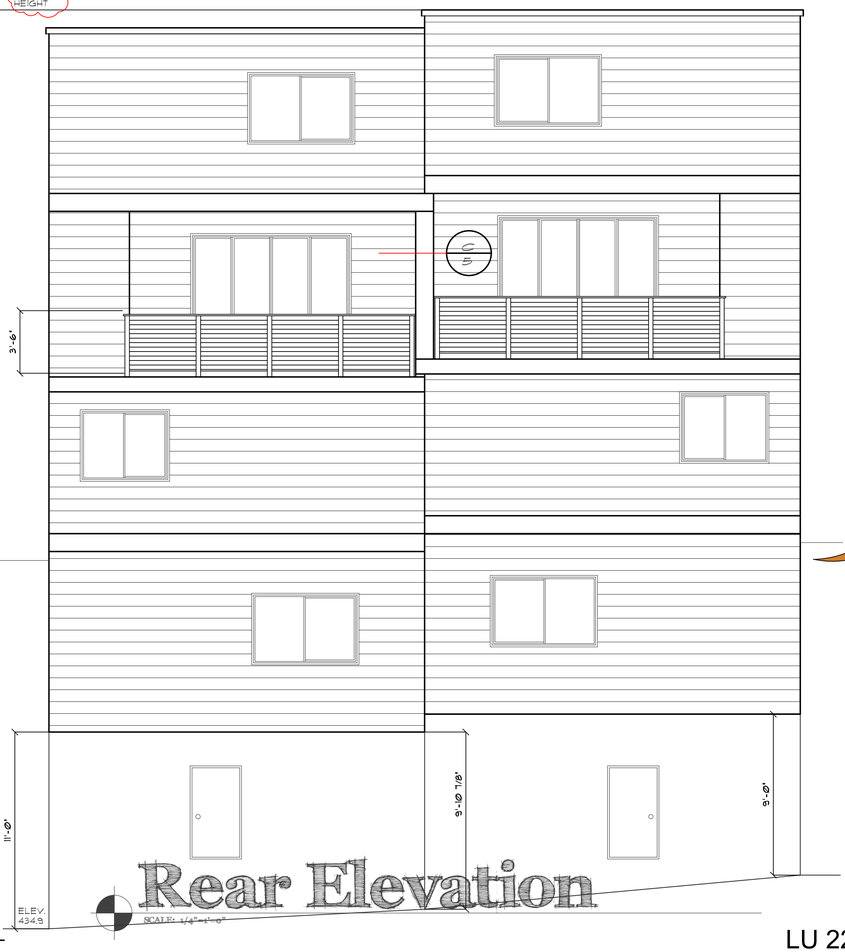



Right Elevation
SCALE: 1/4"=1'-0"




NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT

Front Elevation
SCALE: 1/4"=1'-0"




Rear Elevation
SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

*Approved*
City of Portland
Bureau of Development Services
Planner **Amanda Rhoads**
Date **March 10, 2023**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

lowest floor of each unit.

5. Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

***The buildings do not have any exposed vertical posts.**

6. The structural design for entire building shall be by a licensed design professional.

***A licensed structural engineer has designed each building.**

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~SK1687-A~~ Units 9-10
Project Number

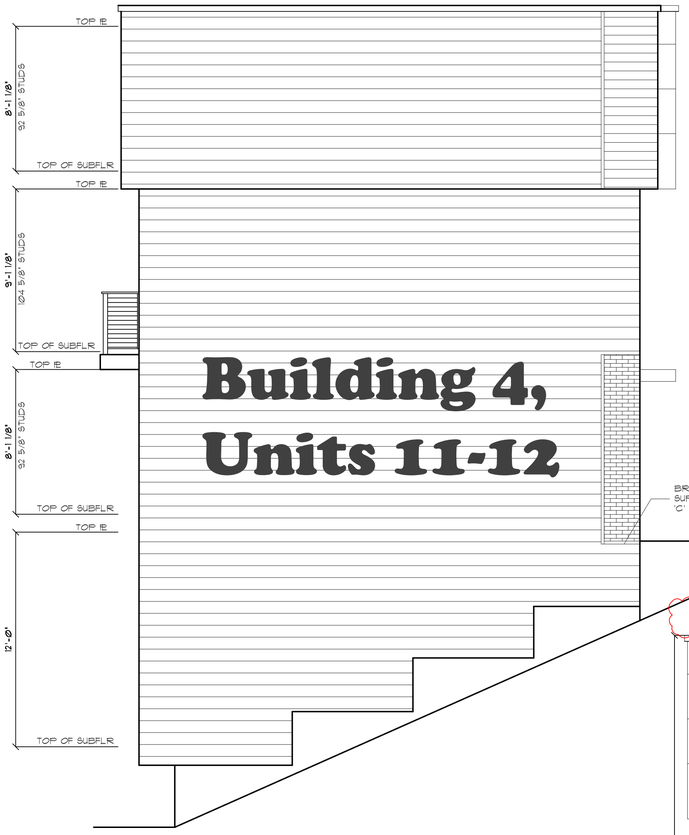
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| 1 | 7/1/21 | REVISION |
| 2 | 8/7/21 | REVISION |
| 3 | 3/10/22 | REVISION |
| 4 | 5/9/22 | REVISION |
| 5 | | REVISION |

1
Sheet Number of 5

LU 22-141452 AD
Exhibit H.5

# Building 4, Units 11-12




## Left Elevation

SCALE: 1/4"=1'-0"

" USING ADDITION MEASURES OPTION #2 "
WITH CONSERVATION MEASURE 'B'
SEE PAGE 1 FOR ENERGY CODE

OREGON RESIDENTIAL ENERGY CODE

| BUILDING COMPONENTS | |
|---|---|
| MAXIMUM ALLOWABLE WINDOW AREA | NO LIMIT |
| WINDOW GLASS | U=0.28 |
| DOOR OTHER THAN MAIN ENTRY | U=0.20 |
| MAIN ENTRY DOOR, MAXIMUM 24 SQ. FT. | U=0.20 |
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| | 5. | **Air sealing home and ducts** Mandatory air sealing of all wall coverings at top plate and air sealing checklist, and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE62.2, and All ducts and air handlers contained within building envelope or All ducts sealed with mastic. |
| | 6. | **High efficiency thermal envelope UAg:** Proposed UA is 8% lower than the code UA |
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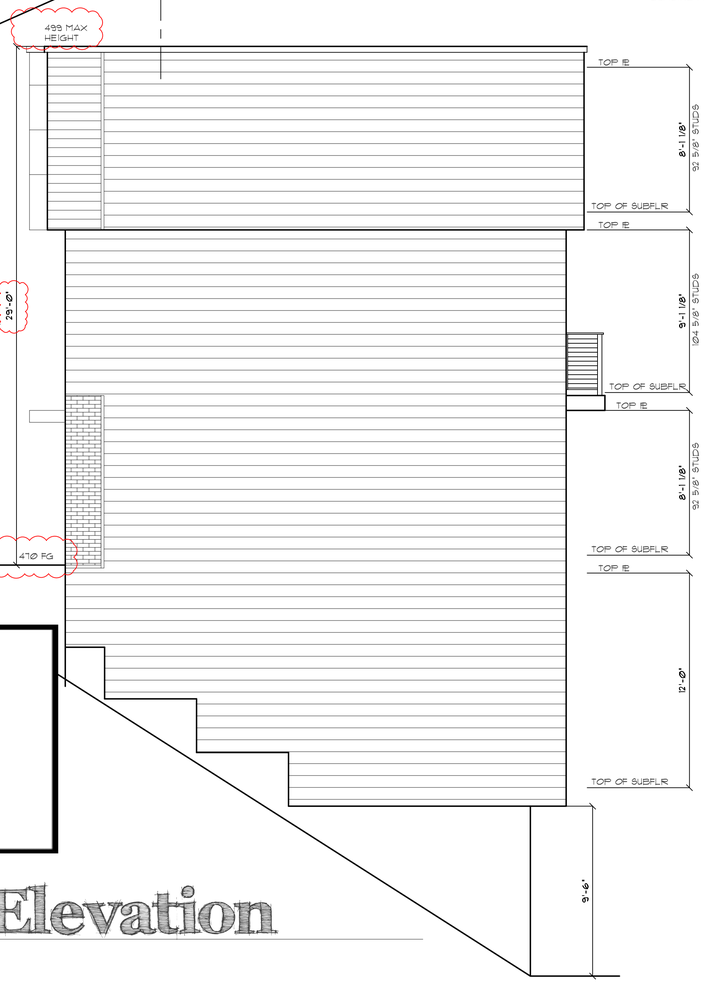
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## Front Elevation

SCALE: 1/4"=1'-0"

NOTE: 30% GLAZING REQUIRED.
FACADE AREA = 120 SQ FT
GLAZING AREA= 36 SQ FT




FINAL GRADING - SURFACE ATER SHALL NOT DISPENSE ONTO ADJACENT PROPERTY

STORM WATER CONVEYED BY PIPING NOT TO DISPNSE ONTO ADJACENT PROPERTY

GUTTERS, DOUNSPOUTS, RAIN DRAIN PIPING IS REQUIRED. STORM WATER O DISPERSE TO CITY APPROVED STORM DRAINAGE SYSTEM

WET WEATHER STARTS OCTOBER 1- MAY 31 ALL APPLICABLE EROSION CONTROL MEASURES MUST BE IN USED.

## Right Elevation

SCALE: 1/4"=1'-0"

Four Story Structures Regulated Under the Oregon Residential Specialty Code

1. NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

***This requirement is met when the Fire Suppression contractor applies for a DFS Fire Sprinkler permit.**

2. Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

***There are two exit doors. One on the 1st ground floor level, and the other on the 2nd floor.**

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




## Rear Elevation

SCALE: 1/4"=1'-0"

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

GARAGE 238 SF

LOWER 544 SF
UPPER 643 SF
MAIN 500 SF
1687 Total SF

2/9/2021
Date:

~~SHEET 4 Units 11-12~~
Project Number

| CHECK BY | Samedy Kem |
|---|---|
| DRAW BY | sk |

| NO | DATE | ISSUE /REVISION |
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| 5 | | REVISION |

1
Sheet No. of 5

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LU 22-141452 AD
Exhibit H.5

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

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

# MEMORANDUM

**DATE:** May 9, 2023

**TO:** Adjustment Committee

**FROM:** Amanda Rhoads, Senior City Planner
503-865-6514, amanda.rhoads@portlandoregon.gov

**RE:** APPEAL of LU 22-141452 AD – Adjustments to building height for four proposed buildings at 7290 SW 13th Dr.

**Appeal Packet Materials for Hearing on May 16, 2023 at 2:30pm**
Attached are documents related to LU 22-141452 AD, Adjustments to Zoning Code Section 33.120.215.B.1 and Table 120-3 to increase the maximum height limit of the RM1 zone for all four proposed buildings from 35 feet to between 45.5 feet and 56.5 feet for this steeply sloping site.

**Enclosed please find:**
1. Staff decision, zoning map, and mailed attachments (Exhibit B and Exhibits C.1-C.2)
2. Replacement site plan with one typo corrected, no bearing on request – replaces C.1
3. All other C exhibits (Exhibits C.2 through C.8)
4. Signed appeal submittal
5. Public comments received during 21-day public comment period (Exhibits F.1-F.7)

**Typo Corrected on Site Plan**
In the preparation of this memo, staff noticed a discrepancy between the site plan representation of the lowest grade 5 feet from Building 4 (433.5 feet), and the same measurement on the Building 4 elevation drawings (443.5 feet). The correct elevation for that measurement is 443.5 feet. A replacement site plan has been included in this packet with the correction shown in a red cloud. This change has no impact on the requested Adjustment.

**Staff Decision**
Staff approved the requested Adjustments based on several factors:
- From the street, the buildings will measure 29 feet tall – 6 feet less than allowed by the multi-dwelling zone of the subject site, and 1 foot less than allowed by the R7 zone across the street.
- The code allows an additional 10 feet in height for steeply sloping lots (lots with an average slope greater than 20 percent). This lot drops approximately 80 feet from the site's SW 13th Drive and SW Bertha Blvd frontages. Meeting the height limit on this site would result in buildings that range from approximately 7.5 to 15 feet in height from the street.
- The taller sides of the structures on the downslope side of the site are generally not visible to other properties due to mature foliage. The property across SW Bertha to the south is a commercial property that is significantly downhill from the subject site.

**Appeal Statement**
The administrative decision of approval was appealed by a neighbor, who stated the applicant and decision maker failed to show that the approval criteria are fully met, and did not fully evaluate the effects of the design on the neighborhood.

*Approved*
City of Portland
Bureau of Development Services

Planner **Amanda Rhoads**

Date **March 10, 2023**

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




# WITH HEIGHT ADJUSTMENT

LU 22-141452 AD
Exhibit C.2

LU 22-141452 AD
Exhibit H.7

*Approved*
City of Portland
Bureau of Development Services

Planner Amanda Rhoads

Date March 10, 2023

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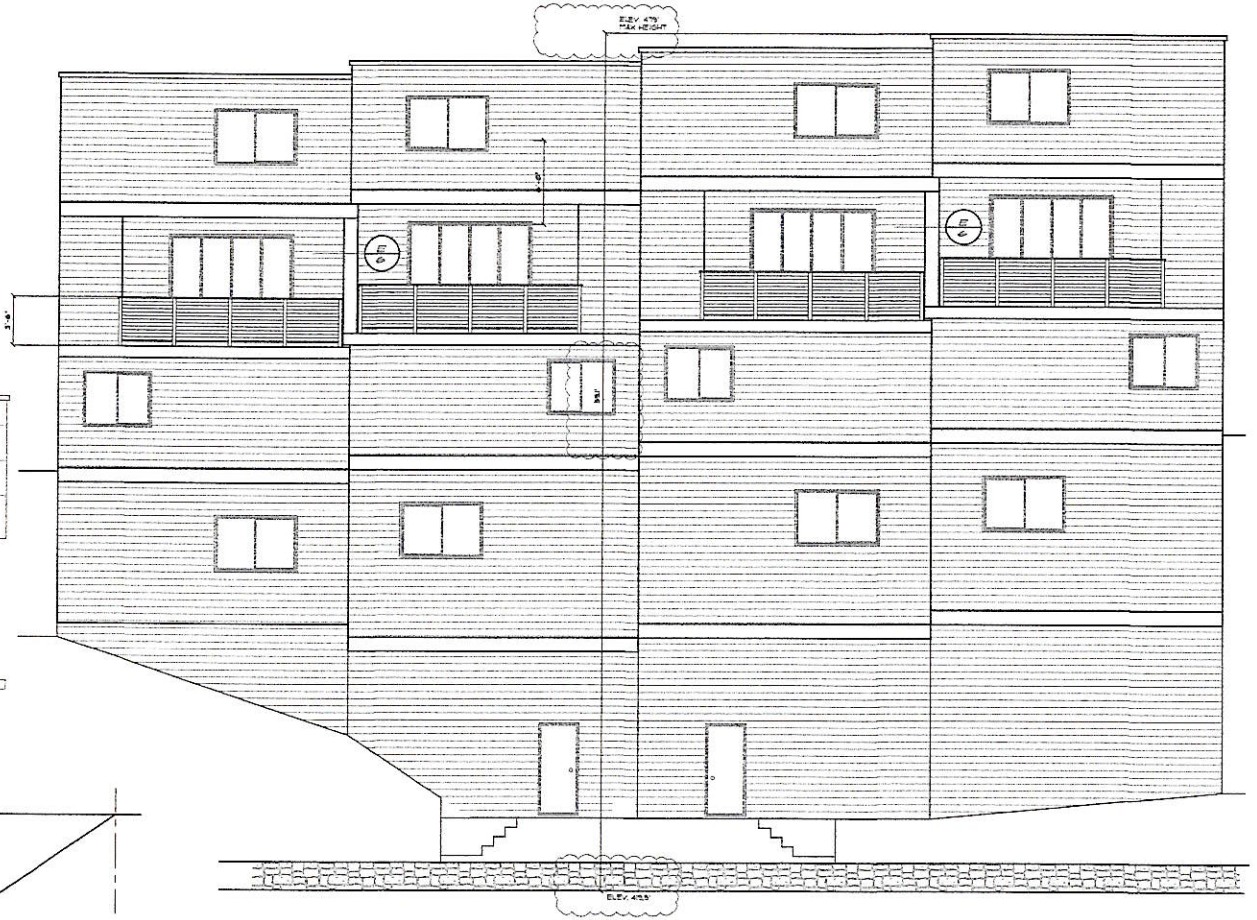

# WITHOUT HEIGHT ADJUSTMENT

LU 22-141452 AD
Exhibit C.2

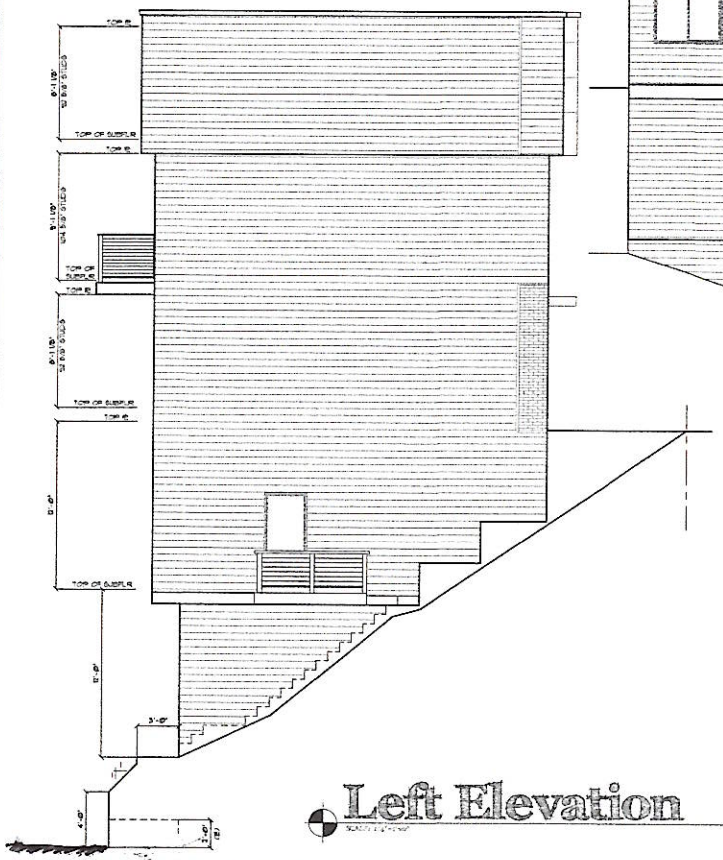
LU 22-141452 AD
Exhibit H.7

# WITHOUT RETAINING WALL

## Building 1, Units 1-4



Rear Elevation



Left Elevation

*Approved*
City of Portland
Bureau of Development Services
Planner Amanda Rhoads
Date March 10, 2023
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SamedyKem
designer - consultant

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 230 SF
Upper 643 SF
Lower 643 SF
Main 500 SF
1587 Total SF

2/9/2021
Date

21-1587-4 Unit 1 thru 4
Project Number

CHECK BY: Samedy Kem
DRAWN BY: sk

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| 1 | 10/5/2021 | REVISION |
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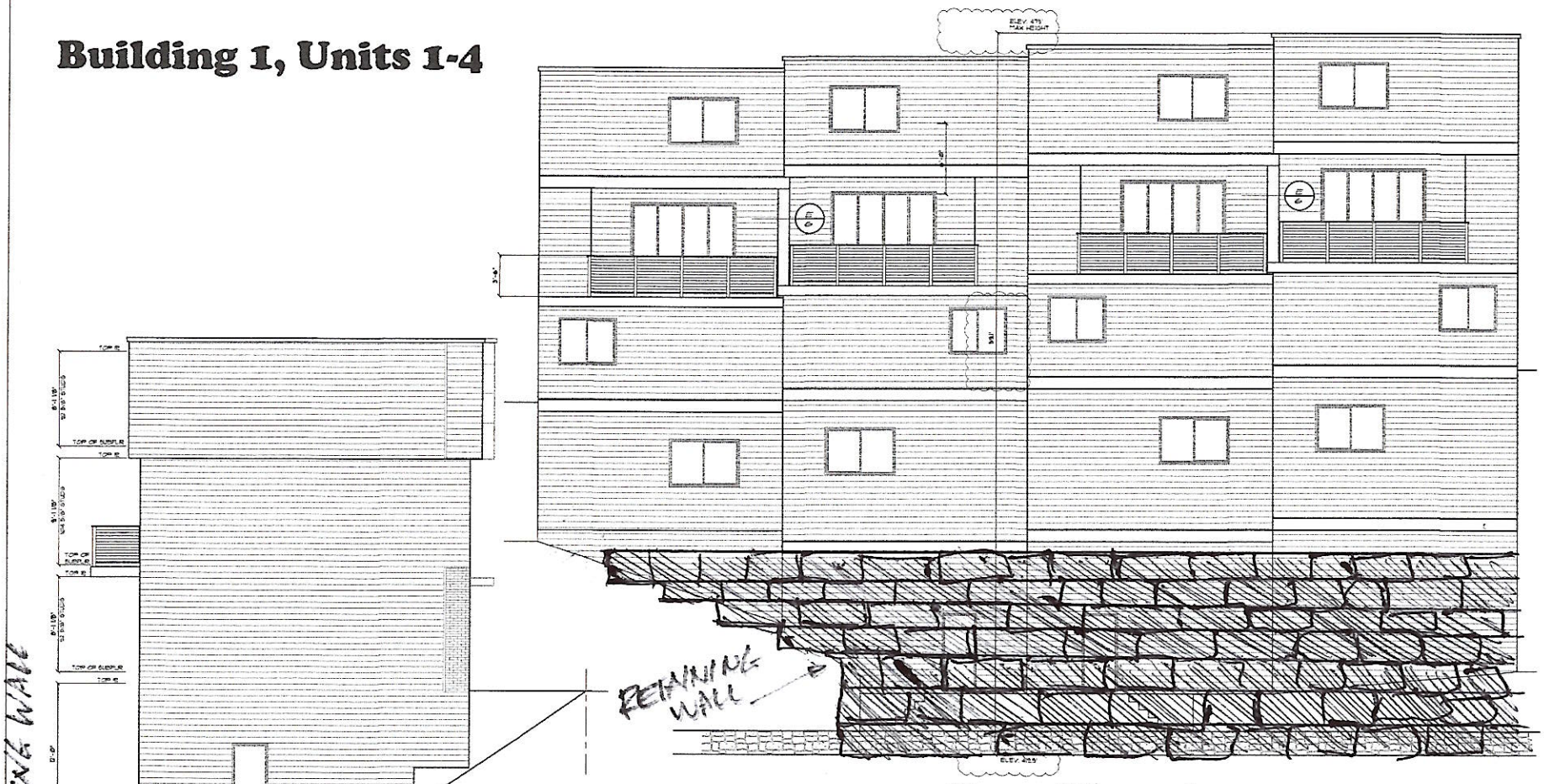
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Sheet Number of 9

LU 22-141452 AD
Exhibit C.4

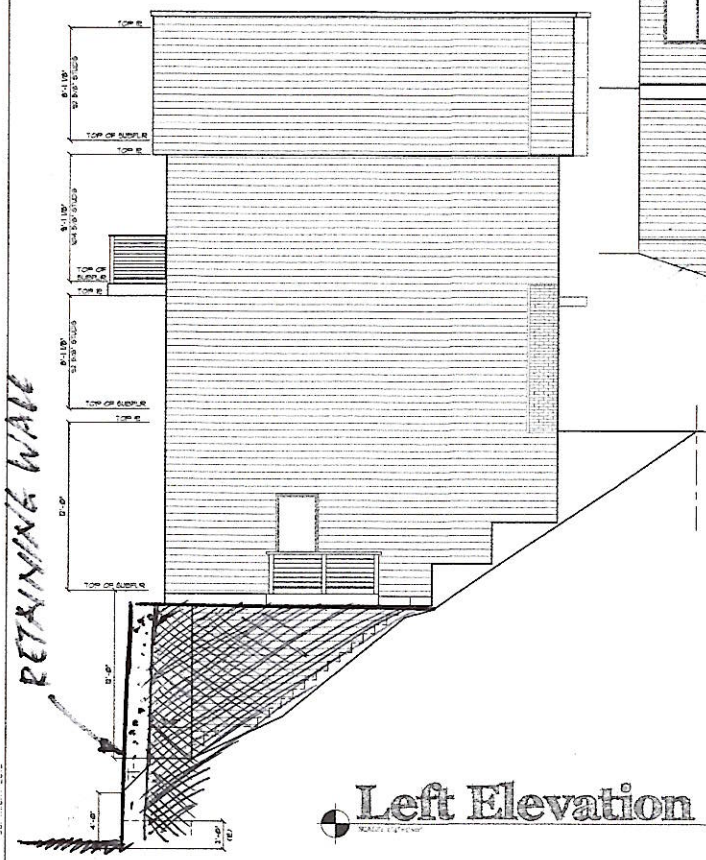
LU 22-141452 AD
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# WITH RETAINING WALL

## Building 1, Units 1-4




Rear Elevation




Left Elevation

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LU 22-141452 AD
Exhibit C.4

SamedyKem
designer - consultant

Written dimensions on these drawing shall have precedence over scaled dimensions. Contractor shall assume responsibility for all dimensions and conditions on the job. Samedy Kem, Designer must be notified and consent to any variation from dimensions set forth herein.

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MAIN STREET DEVELOPMENT
DREAM • DESIGN • BUILD

Garage 230 SF
Upper 643 SF
Upper 643 SF
Main 509 SF
1687 Total SF

2/6/2021
Date

ps1687-4 Unit 1 thru 4
Project Number

CHECK BY: Samedy Kem
DRAW BY: sk

| NO | DATE | DESCRIPTION |
|---|---|---|
| 1 | 5/6/2021 | REVISION |
| 2 | 6/23/21 | REVISION |
| 3 | 2/11/22 | REVISION |
| 4 | | REVISION |
| 5 | | REVISION |

2
Sheet Number of 9

LU 22-141452 AD
Exhibit H.7

---------- Forwarded message ---------
From: **Jason Letts** <jason.letts@gmail.com>
Date: Thu, May 11, 2023 at 4:39 PM
Subject: Letter: Against Proposed Adjustment
To: Burlingame View HOA <BGVHOA@gmail.com>

To Whom It May Concern:

I am writing to express my strong opposition to the proposed adjustment to the property adjacent to Burlingame View Condominiums.

First, as a property owner, I firmly believe that the proposed adjustments would decrease the value of our property due to a reduction in privacy of the complex because of the increase in height of the structures. Those buildings would impact our units as they will be able to look down, directly into the windows of their neighbors. No one should have to live in a home where they constantly have to have the blinds shut...A reasonable expectation of privacy is important to any homeowner. The new adjustment is not reasonable and would devalue the value of our properties.

Furthermore, I am opposed to this adjustment as it would require the removal of trees, hedges and bushes that provide stability to the hillside and also privacy to the complex. Both are very important to the livability of the area.

I am kindly asking that this proposed adjustment be rejected. I am strongly opposed to the proposed development as it will negatively impact the owner's of the complexes personal well being with lack of privacy and financial well being due to the increased risk of constructing such large structures which could make the ground unstable affecting all of us.

Thank you

Jason Letts
1035 SW Bertha Blvd. #6

# STATEMENT OF THE APPELLANT
# LU 22 141 452 AD
# ADJUSTMENTS APPROVAL APPEAL

According to BDS guidelines, once an application is submitted, the staff has 14 days to determine completeness of the application. If complete, the public notice is mailed by 14th day. If not complete, a letter is mailed to the applicant detailing needed information. Once the application is complete, public notices are sent, and after a period of analysis, a decision is reached. The application for Case File Number: LU 22-141452 AD was not complete for the reasons listed below and should not have been reviewed since information necessary to render an accurate and just opinion was missing.

Before addressing criteria A-F, we would like to address the issue of incomplete/missing information. These missing parts have direct connection to Criteria A-F.

**1. The square footage of the lot was reported incorrectly by the developer**

A memo from David Besley (Exhibit 1), a Portland City planner, states the un-partitioned plot is 13,860 square feet. Portland Maps shows there are 13,860 square feet (Exhibit 2). The developer's proposal claims there are 18,295 square feet (Exhibit 3). Surely one must know the actual size of a piece of land to evaluate it in terms of building coverage and other square footage dependent criteria. We do not know the reason for this discrepancy but do have two theories. The square footage of the lot was not established. The size of the parcel to be developed varies by 32% in the informational file.

a) When Main Street Development previously applied to partition the property they own from the property where the Burlingame View Condominiums sit, the map of that partition request shows different property lines than the pre-partition request and post-partition request. (Exhibit 4). It is possible that information from the previous partition request was transferred without correction.

b) In the current proposal, Mr. Dane states, “To meet the minimum lot requirements the applicant has included them as part of the larger condominium complex.” (Exhibit 5) Perhaps the larger square footage includes land owned by the Burlingame View Condominiums?

We do not know if either of the above reasons are correct. What we do know is that for the proposal to be complete it must report the correct square footage.

**2. The entire site is not a reunified entity**

The analysis of Site and Vicinity, Zoning, and Land Use History as stated in the review of LU 22-441452 AD is accurate but incomplete. In order to understand various points appellants will be making today, it is necessary to amplify this analysis.

Exhibit 6 shows the original site which consists of lots 1-14 in Barbur Heights. The Burlingame View Apartments were built on this site. In 2005, the apartments were converted to the Burlingame View

Condominiums. At the time a legal plat was recorded in Multnomah County. (Exhibit 7) This legal plat consists of all of lots 1-10 and part of lots 11-14.

The plat created a legally described surveyed area of land owned in common by the owners of the Burlingame View Condominiums and regulated by ORS Chapter 100. (Exhibit 16) Under those regulations, a change to the platted area requires an amendment to the original plat, a supplemental plat, or some other form of authorized change to the plat. ( Exhibit 16; 100.116, 100.117, 100.120, 125) Without legal changes to the plat, the area cannot be expanded or reduced. The land is locked in by platting and can only be unlocked by some form of plat change as authorized and approved by the Burlingame View Condominium owners and accepted by the State of Oregon under ORS Chapter 100. To date, there has been no change to the plat. There are now two portions to the original site…the Main Street un-platted portion and the platted Burlingame View Condominium portion. They are separate. And any re-platting to include additional land would require ownership by the Burlingame View Condominiums of the land included in the re-plat. (Exhibit 16, definition of Condominium, 100.100) This issue directly affects a mitigation issue identified in the proposal which we will discuss later in this appeal. The proposal is not complete until this issue is resolved and should not be reviewed until this issue is settled.

The failure to consider the issue of the plat of the Burlingame View Condominiums directly affects what the developer has represented as mitigation including promises made to the Hillsdale Neighborhood Association.

The Burlingame View Condominiums have complete ownership and control of the land in the platted area legally recorded in 2005. According to Exhibit C.1. it appears that the proposed town houses may be partially sitting on land platted to the condos and are definitely sitting on an easement in favor of the condominiums. If so, these townhouses cannot be built. It is likely a survey is necessary to resolve this issue. We find no evidence of a survey in the records.

**3. The structures are identified in the proposal and in the plan as 4 stories when they are actually 5 stories.**

The number of stories is an essential component not just in discussing if a building is appropriate for a building zone but also in determining which building code will apply. The plans submitted and approved show the building code will be ORSC and the structures will be 4 stories. This is not correct. According to ORSC guidelines and the City of Portland, these structures are 5 stories. (Exhibit 8, Exhibit 9) Five story buildings cannot be built under ORSC codes. Instead they must be built under the commercial building codes of Oregon Structural Speciality Code (OSSC) which use ORSC definitions as part of the OSSC code. (Exhibit 9, exhibit 10) The submitted plans must be built to ORSC code, not the ORSC code under which they were reviewed.

**4. The type of structure to be built is not consistently identified.**

Documents submitted by the developer have consistently said condominiums will be built. Are they townhouses or condominiums?

In the evaluation, the City Planner states the buildings proposed will be townhouses. The applicant says they will be condominiums. There are major legal differences between townhouses and condominiums and the type of building must be consistent to be properly evaluated. According to Tara Carlson, City of Portland, and Francisco Ramos, OSSC, the ORSC definition applies. (Exhibit 9, Exhibit 10) The ORSC and OSSC definition are thus are one and the same, defining townhouses as "A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides."( Exhibit 11, Exhibit 12)

According to ORSC definitions there is a requirement for "a yard or public way on not less than two sides." All of the proposed townhomes have street frontage and small front yards. There is no public way at the back of the townhouse. The backs of the townhouses appear to sit on the easement in favor of the Burlingame View Condominiums for Access, Parking, and Trash enclosures for the dumpsters. (Exhibit 13)) Additionally some only have side yards if a side setback actually can be considered a yard. The yard requirement for townhouses is not met by the developer's proposal.

By definition, townhouses include the building structure and land under/around the townhome (Exhibit 14, Exhibit 15). As noted above, the applicant states, "To meet the minimum lot requirements the applicant has included them as part of the larger condominium complex." This is not allowable. Only the Burlingame View condominiums can be part of the condominium complex as platted. So no condominium platted land can be included in the land legally owned by the owners of the townhouses. We see no way to create a separate legal lot for the townhouses from the land owned by Main Street because they sit on an unpartitioned lot, which has legal ownership status but not legal lot status. The plans submitted in LU 22-1414523 are unbuildable and an error was made in finding the application complete.

We submit the proposal must be withdrawn until the above items are addressed and corrected so that the proposal is complete. We submit that the Planner did not properly entertain and decide the adjustment requests because the file is incomplete as was just explained.

**Discussion of the Adjustment Criteria specifically**

We now turn to a discussion of 33.805.040: The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met, as described in 33.805.040:

> A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
>
> B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

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

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

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

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

In this section, we discuss how the current proposal fails to meet criteria A-F. We will apply the criterion that the adjustment must equally or better meet the purpose of the regulation to be modified as well as the reasonable person standard as defined by Merriam Webster as: a fictional person with an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something (as the existence of negligence). The reasonable person view is a standard widely employed in Land Use related evaluations by LUBA and is articulated in the overwhelmingly predominant part of its decisions and case law.

**A**. We disagree with the finding in the report that granting the adjustments will equally or better meet the purpose of the regulation to be modified. To do so they must promote a reasonable building scale and relationship of one residence to another, they must promote options for privacy for neighboring properties, and they must reflect the general building scale and placement of houses in the city's neighborhoods. The adjustments requested do not promote a reasonable building scale or relationship of one residence to another.

When showing why the height adjustment requested fails to meet criteria, we are guided by LUBA No. 2013-015 (Exhibit 17) which states:

*The PCC 33.805.040(A) requirement that granting an adjustment must "equally or better meet the purpose of the regulation to be modified" is not an easy standard to apply or comply with, and LUBA has struggled in reviewing city decisions that attempt to give effect to that standard....Under the PCC 33.805.040(A) "equally or better" criterion, it does not matter if measures can be taken to mitigate the impacts of the adjustment, because PCC 33.805.040(E) separately requires such mitigation. And it is not enough that the adjustment will not result in significant adverse impacts to adjoining properties or uses. The adjustment must "equally or better" meet the purposes of the 23-foot height limitation, one of which is to "promote a reasonable building scale and relationship of one residence to another....The PCC does not define "scale" or "building scale." Neither the parties nor the decision really make any attempt to explain what building scale means. We have been unable to find a particularly useful definition of "scale" or "building scale." For lack of a better alternative, we will assume in this opinion that building scale means the size, bulk or mass of a building. One of the purposes of the 23-foot height limit is to limit the size, bulk and mass of dwellings by limiting the dwelling's height dimension, so that dwellings will not be taller than neighboring dwellings and for that reason out of scale."*

Zoning Code Section 333.120.215.A (Exhibit 18) which applies in this case also requires the promotion of a reasonable building scale and relationship of one residence to another, the same standard required in the LUBA case cited above. By increasing the heights of building 1 by 14.1 feet over code, building 2 by 21.5 feet over code, building 3 by 15.1 feet over code, and building 4 by 10.5 feet over code, the size, bulk, and mass of the resulting buildings **fails to meet the building scale criteria** set

forth/envisioned/defined in the LUBA decision and thus fail to "*equally or better meet the purpose of the regulation to be modified."*

Granting the adjustments also does not promote the relationship between one residence to another. The proposed buildings will dwarf current residences, multi-dwelling units, and commercial buildings in the extended neighborhood. The report describes a hypothetical neighborhood where current buildings have been replaced by new taller buildings. Surely the code was intended to promote a relationship within current neighborhoods, not hypothetical neighborhoods that may never be built. By not showing how a 5 story building will promote a relationship with existing buildings, especially the 2 story condominiums and apartments which are within a few feet of the proposed buildings, the proposal fails to show how it "*equally or better meet(s) the purpose of the regulation to be modified."*

We now turn to specific findings by the adjustments requests reviewer.

*Reviewer: 1. Many neighbors' letters make the point that existing development was one-and-two story houses and apartments and therefore the proposed development should mirror that in order to fit in with the neighborhood. However, the criteria do not anticipate that a proposal will match existing development.*

The appellants do not believe that the townhouses must mirror the current development. They must, however, promote a reasonable building scale and relationship of one residence to another and these townhouses fail to do that. Granting this adjustment promotes an unreasonable building scale, with buildings that are 5 stories in height and must be built under the commercial code rather than the residential code usually used for townhouses. The reviewer fails to show how the 5 story building will *equally or better meet the purpose of the regulation to be modified."*

*Reviewer: 2. In this case, the proposal is equally consistent with what is intended-three story row-houses-in the RM1 Zone when viewed from the street*

We see no citation to the part of the code which defines the "view from the street standard" in a multi-dwelling zone. Further, the RM1 code (Exhibit 19) does not intend for there to be just one type of structure. One or two story structures are equally intended and consistent. The code states no preference for three story buildings. What is intended is that they be one, two, or three stories, not five. If the code says one, two or three stories with no indicated preference, a reasonable person would conclude one, two, or three story buildings are equally expected.

*Reviewer: 3. The fact that existing development in a lower-density zone across the street or even in the same zone next door but developed 60 years ago might be lower than currently allowed is not consistent with the general building scale of development in the City's multi-dwelling neighborhoods.*

This is not a multi-dwelling neighborhood. As the reviewer stated in her review under Site and Vicinity, "the surrounding neighborhood is primarily developed with single family homes to the north with a mix of multi-dwelling and commercial development along SW Barbur Blvd to the south." There are very few multi-family dwellings. The fact that the homes and apartments are lower actually does matter. It

matters in terms of scale. It matters in terms of mass. It matters in terms of appearance. It matters in terms of livability.

It matters in terms of meeting Portland Citywide Design Guidelines (Exhibit 20) which though offering flexibility are regulatory approval criteria that must be met.

"*Over time, the changing face of new development should augment the character and nature of a place rather than deplete it....Development should contribute to the future aspiration outlined in the Urban Design Framework, as well as the context of the area's historic and cultural past and the character of its present....While moving toward a more compact, less auto-oriented urban form, architecture can take cues from prevailing post-war language found in Western centers and along corridors and consider features such as low slung pitched roofs, landscaped or set-back frontages..." (Exhibit 20, p. 20, 21)*

Reviewer further states:B. *The current proposal states: "Code requirements related to steep slopes, and slide hazards, and construction impacts will be enforced during the building permit review and inspection process but are not directly relevant to the approval criteria for the Adjustment Review."*

We submit that finding is erroneous. In LU 22-102-758 AD, Leah Dawkins, Staff Planner, states the following when discussing approval criteria B: "Additionally, the site is located in a landslide hazard area, so having a larger lot and less density assures that the development will not overwhelm the capacity of the soils on the lot." (Exhibit 21, p. 13) During clearing, grading, and construction, the potential to further destabilize the potential landslide hazard area is high. Should further destabilization occur, the apartments on SW 13$^{th}$Drive, the Burlingame View Condominiums, and homes in the immediate area would become unlivable. We therefore submit that a Surety Bond must be posted to ensure that damage to the hillside area can be repaired, livability restored and residents/owners compensated for loss of residence and disruption to their lives.

The proposed townhouses are in the Western Neighborhoods of Portland. As stated in the Portland Citywide Design Guidelines, "The Western Neighborhoods are distinguished by the terrain of Portland's west hills and a network of trails, tree-covered forests, and streams. In Western Neighborhoods, new development should minimize impacts on the area's streams and slopes with sensitivity to the site's topography." (Exhibit 21, p. 21) Granting this height adjustment does not minimize the impact on the area's slopes but rather increases the impact by placing taller, larger mass and scale buildings on those slopes thereby further stressing the already unstable hillside.

The residents of the area for the proposed development have repeatedly spoken about the issue of livability. Many of those comments are in the material provided to you in advance of this hearing. We wish to highlight the objections of those who currently live in the RM1 zone who find the development "will be visually degrading," will "negatively impact the livability and appearance of the existing neighborhood" and mention the 5 story townhouses "significantly blocking sunlight on the east side of 1025" and (Exhibits 22, 23, and 24) Townhomes of the allowed height will have some negative impact for townhomes that are over 20 feet higher that what is allowed will have a significantly greater negative impact and fails to "*equally or better meet the purpose of the regulation to be modified*."

C. The cumulative effect of the 4 proposed adjustments must result in a project that is still consistent with the overall purpose of the zone. *RMI is a low-scale multi-dwelling zone generally applied in locations intended to provide a transition in scale to single-dwelling residential areas. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods but at a somewhat larger scale and building coverage than allowed in the single dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.* (Exhibit 19)

For the owners of the Burlingame View Condominiums, there will be massive, five story tall buildings separating their two story development from the two story homes on SW 13th Drive. That is a barrier, not a transition. For the single family residences, who currently have views of Fred Meyer Burlingame across I5 to the hills of Lake Oswego, a row of twelve 30 foot tall townhouses will also be a barrier not a transition. Granting this adjustment does not "*equally or better meet the purpose of the regulation to be modified"*

The townhomes are five stories tall and must be built under the commercial code rather than the residential code. A five story building does not meet the height characteristic of being one to three stories in the RM1 zone. The townhomes do not meet the height characteristics for RM2 (Exhibit 25) which is a medium scale multi-dwelling zone where the allowed housing is characterized by buildings of up to three or four stories. The townhomes do meet the height characteristics of RM3 (Exhibit 26) which is a medium to high density multi-dwelling zone where allowed housing is characterized by mid-rise buildings up to six stories tall. Granting the height adjustment would create medium scale multi-dwellings in a low scale multi-dwelling zone and thus does not "*equally or better meet the purpose of the regulation to be modified"*

*D. Not applicable.*

E. It is demonstrable that the impacts resulting from the adjustment have not been mitigated to the extent practical.

Merriam Webster defines mitigation as: the act of mitigating something or the state of being mitigated **:** the process or result of making something less severe, dangerous, painful, harsh, or damaging

Portions of the previously denied partition application as directly applicable to this appeal as evidence and must be considered when considering the issue of mitigation. Evaluations by the hearings officer, as well as Mr. Dane's and applicant's approach to submitting the designs and statements/veiled threats offered to the neighbors and the Hillsdale Neighborhood Association by also speak directly to the point argued the Applicant over and over again that another design to develop this site is no economically feasible. According to their statements, several other designs are possible and are economically viable.

At the hearing on September 9, 2020, a proposal was reviewed for 9 units that were to be 23 feet in height. ((Exhibit 27, p. 6) While this sounds like it is six feet under the currently proposed townhouses, it is essentially the same since the 23 feet height is for townhomes with a gable roof the height of which is measured differently than it is for a flat roof. At the time of the hearing, Mr. Dane stated that if the neighborhood opposed the current development, the developer was prepared to create a new plan for more units that would be taller and would meet code without adjustments.

This "warning" is referenced by the hearing officer when she states, "Additionally, the Applicant's representative testified at the hearing that if this application was denied, the Applicant would seek to develop triplexes on the property under the RM1 Zoning in the future. Whether this statement was intended as a warning to the neighbors (because he asserted triplexes could be built taller and to a higher density) or notice of Applicant's next step, it nevertheless reveals that denial of this application will not deprive the Applicant of all reasonable economic use of the site and parcel 2." (Exhibit 27, pg 26) However, Mr. Dane did not submit a new plan for triplexes and he did not submit a new plan for a development which would meet zoning codes. According to Mr. Dane at a January, 2023 meeting with Don Baack, Glenn Bridger, Robert Hamilton, and Gail Stiffler, rather than creating a new plan, Mr. Dane reactivated a previous plan and submitted that. That is the plan currently under consideration. There have been numerous previous plans as noted by the hearings officer: "During the review process for this application, the potential development configurations proposed for Parcel 2 evolved from 7 detached condominium units to 12 condominium units in an unspecified number of buildings to 9 condominium units in three structures...

Although some or all of these options might not yield the most profitable development for the Applicant, they suggest there are other potentially approvable and reasonable development configurations..." (Exhibit 27, pg 25 and 26) The previous proposal had a gable roof which is in keeping with the appearance of other dwellings in the neighborhood. The previous proposal had fewer dwellings which appeared less bulky and massive. But rather than taking the plan the hearings officer ruled failed to meet the mitigation test and mitigating that to the extent practical, the applicant submitted an old plan that increases the bulk/mass/height. This is not mitigation. This current proposal exacerbates detrimental and negative effects on the regulation being modified, the landslide hazard steep slopes being built upon, offends the scale of buildings in the neighborhood it is supposed to be transitioning into and creates a depressing aesthetically deplorable intrusion into this charming neighborhood imparting a feeling of doomsday and towering oppression instead of an uplifting congenial and inviting atmosphere for living. It removes the tree canopy and greenery which make it a livable and enjoyable space and offer unparalleled privacy to all, homeowners and condominium owners and renters alike, in the RM1 zone as well as in the adjacent R7.

In response to an email from Amanda Rhoads Ms. Stiffler called Mr. Dane. (Exhibit 28) She asked why the previous proposal was for buildings that were 23 feet in height and the current proposal was for buildings that are 29 feet in height. Mr. Dane responded that the buildings in both proposals were approximately the same total height but had different ways of measuring that height because the previous proposal was for building with a gable roof and the current proposal was for building with a flat roof. Ms. Stiffler then asked if the current plans could be changed to have a gable roof. Mr. Dane said they could not because that would involve resubmitting a modified plan and "Eric needs to get this built." Mr. Dane did not say it was not practical..it just did not correspond to Eric's preferred time frame. However, at the meeting in January cited above, when asked what would be the response if the current proposal was not approved, Mr. Dane said that if it failed, they would build a very high retaining wall

from the bottom of the slope to street level which would then be viewed as a street level lot and build on that. (Exhibit 29)

He also stated he would prefer not to do that because of the additional cost and time involved, potential damage to the slope during construction, and having to potentially tear up portions of the street due to code for building retaining walls. So when asked if a modification to the roof line could be made, there was not time to do so. But there would be time to submit plans to build a 56 foot retaining wall, get it permitted, and then build on it. We submit that a reasonable person would find that making a slight modification would take far less time than permitting and building a 56 foot tall retaining wall and that the refusal to make a roof modification is a failure to make a practical mitigation.

Ms. Stiffler also asked if the color might be changed, a request she had made previously at a meeting of the Hillsdale Neighborhood Association which Mr. Dane attended. The current plans show white/light colored buildings which would appear larger and more massive than darker colored buildings. Mr. Dane said he would speak with the architect and get back to Ms. Stiffler. Ms. Stiffler received an email the following day saying that color changes could be made and stating additional information about the change would be sent. (Exhibit 30) The additional information still has not be sent. But even if sent, there is no way to make the change happen. The different colors are not part of the current approved proposal. We submit a reasonable person would find that changing the color is a practical mitigation not included in the current proposal.

Other mitigations cited in the Findings are not correct when they state that "*The impacts of the building height adjustments will be somewhat visible from the rear, downslope side of the buildings facing SW Bertha Blvd. Although tall walls on the downslope side of lots are typical in Southwest Portland, staff finds impacts will be effectively mitigated by tree canopy and other onsite buildings along the street. Tree canopy near the street will help obscure views of the tall building walls from SW Bertha Blvd and better promote privacy for the residents in the multi-dwelling structures to the west."*

The impact of the building height adjustment will be very visible from the rear downslope side. Current Burlingame View Condominium residents will look out their windows and see a five story tall building.

...Without the height adjustment, the buildings will be up to 21.5 feet lower, substantially improving the view and increasing privacy at least for the residents along Bertha Blvd.

...We know of no other five story buildings in the Hillsdale area so it is difficult to understand how building walls as tall as this can be viewed as typical.

...The current buildings are two stories tall. There is no way for a two story tall building to mitigate the height of a five story building.

...There is no tree canopy on Bertha near the entrance. All five stories will be visible from Bertha.

In communication with the City about this project Mr. Dane seems to include a path, an ADA ramp and a pedestrian connection. (Exhibit 31) The path at the west of the development cannot be built. It is common property owned by the Burlingame Condominiums and cannot be built on by anyone other than them. This fact was pointed out to the City by the secretary of the Burlingame Condominium HOA in a memo. **(**Exhibit 23**)** The portion of the sidewalk SW 13th Drive sidewalk extending from slightly west

of the west side of SW 12th Ave to slightly past the east side of SW 13thAvenue appears to be on condominium owned property. If so, this may also be unbuildable.

Where there are adjoining but different zoning areas, mitigation measures are one way the City of Portland should work with neighborhoods and developers to lessen the impact on older, existing neighborhood areas of the city. Mitigation through the inclusion of street trees, to soften the look of the front of the buildings of the proposed development and mask the height is one measure that has been submitted at several points in this entire process. It has also disappeared at various points and we remain unclear if they are or are not part of the approved plans. Included in the decision we find Exhibit C.1 which does not shows trees and Exhibit C.2 which shows street trees. (Exhibits 32 and 33) Effective mitigation such a street trees must be a component of height adjustment.

**Conclusion**

This case came before the adjustments reviewer prematurely before the information needed in order to properly evaluate the adjustments was identified correctly:

The square footage of the lot was reported incorrectly by the developer and varies by 32%. Density, effects on livability and existence of mitigation could not properly be decided by the decision-maker reviewer of the adjustments application.

The entire site is not a reunified entity. Without legal changes to the plat and/or ownership, the area cannot be enlarged or reduced. At this time it appears that a portion of the structures and proposed sidewalks/paths is being placed on top of land not in the plat.

Failure to consider the issue of the plat of the Burlingame View Condominiums directly affects what the developer has represented as mitigation including promises made to the Hillsdale Neighborhood Association.

The Structures are begin referred to as Condos by the developer, townhomes by the planner, as it appears to fit their arguments in favor of proposed design and adjustments requested.

Structures are referred to as three story, however they are actually five story. Three stories are visible from SW 13th Drive, however, two additional stories are being constructed, including a family room and a garage sandwiched between the family room and the kitchen levels. These are amply visible as they tower over SW 13th Drive as well. Townhouses and Condos have completely different requirements, and townhouses must be built in groups of no less than three. Two structures in this proposal have only two townhomes. If these are Condos, they must be evaluated by the State HOA office in Salem and are not properly before the BDS of the City of Portland.

Aside from the above-stated, this proposal fails to meet the Adjustment Criteria A through F or G through I. The Application fails to show how it meets or betters the regulation it seeks to adjust and should be denied.

The Appellant for herself and the neighborhood asks the Adjustment Committee to deny the adjustments requested because they are not being met no matter whether just for reasons stated preliminarily, or failure to meet the Criteria itself.

We ask that the adjustments be denied and the case remanded back to the reviewer/planner with a directive to clear up crucial inconsistencies which bear down on the eligibility for adjustments, as well as direct the developer to engage in genuine and sincere mitigation efforts.

The Appellant asks that her appeal be granted.

Respectfully submitted,

Tatiana Lifshitz
Gail Stiffler
David Kish
Burlingame View Condominium Association
Jackson Roholt
Mark and Janet Zimmerdahl
Jonas Nordwall

APPELLANTS EXHIBIT 17 LU22 141452AD

TL

Tatiana Lifshitz <tatianalifshitz@comcast.net>
To BDS Hearings Clerk

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Tue 5/16/2023 1:36 PM

**Subject:** Corrected Exhibit 17



13015
PDF Document · 814 KB

APPELLANTS Exhibit 30 LU22 141452AD

TL

Tatiana Lifshitz <tatianalifshitz@comcast.net>

To BDS Hearings Clerk

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Tue 5/16/2023 1:

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**From:** Mark Dane

**Sent:** Wed 03/29/2023 11:40:45 AM PDT

**To:** Dan Howarth

**Subject:** Fwd: FW: Can I get the 3 this week-ish

Ms. Stiffler - I wanted to follow up with you. Per our conversation, I reviewed the facade mass colors, and have directed the development manager to add a third color to the homes to break up the white massing (see attached). You can see the areas I have crossed out which I have asked to be changed. When this is done I will send it over to you.

Thanks, Mark Dane

MARK DANE PLANNING INC.

821 SE 32nd Avenue Portland OR 97214

503-232-7367 markdaneplanning@comcast.net

---------- Forwarded message ----------

From: **Mark Dane** <markdaneplanning@comcast.net>

Date: Wed, Mar 29, 2023 at 11:36 AM

Subject: Re: FW: Can I get the 3 this week-ish

To: Dan Howarth <dan@mhdpdx.com>

Cc: Eric Rystedt <eric@mhdpdx.com>

MARK DANE PLANNING INC.

821 SE 32nd Avenue Portland OR 97214

503-232-7367 markdaneplanning@comcast.net

On Wed, Mar 29, 2023 at 10:14 AM Dan Howarth <dan@mhdpdx.com> wrote:

> Hi Mark,
>
> Please call me when you are. I want to make sure I understand correctly what's needed.
>
> Thanks,
>
> Dan Howarth
>
> Project Manager / Permitting Manager
>
> Senior Development
>
> o: 503.703.8975 x: dan@mhdpdx.com

**From:** Mark Dane <markdaneplanning@comcast.net>

**Sent:** Wednesday, March 29, 2023 10:21 AM

**To:** Dan Howarth <dan@mhdpdx.com>

**Cc:** Eric Rystedt <eric@mhdpdx.com>

**Subject:** Re: FW: Can I get the 3 this week-ish

Hi Dan - is this different from the sign that went up on 13th a while ago.

I have attached Rendering - can we add a third color in these locations a slightly different white / grey ?

MARK DANE PLANNING INC.

821 SE 32nd Avenue Portland OR 97214

503-232-7367 markdaneplanning@comcast.net

On Wed, Mar 29, 2023 at 10:13 AM Dan Howarth <dan@mhdpdx.com> wrote:

> Hi Mark,
>
> Here is the 3D Rendering.
>
> Let me know if you need anything else.
>
> Thanks,
>
> Dan Howarth
>
> Project Manager / Permitting Manager
>
> Senior Development
>
> o: 503.703.8975 x: dan@mhdpdx.com

**From:** Eric Rystedt <eric@mhdpdx.com>

**Sent:** Wednesday, March 29, 2023 7:35 AM

**To:** Dan Howarth <dan@mhdpdx.com>

**Subject:** FW: Can I get the 3 this week-ish

Dan

Please see below

**Eric**

**Eric J Rystedt**

Senior Project Development, Inc.

503-452-7595

**From:** Mark Dane <markdaneplanning@comcast.net>

**Sent:** Friday, March 24, 2023 2:13 PM

**To:** Eric Rystedt <eric@mhdpdx.com>

**Subject:** Can I get the 3 this week-ish

If I can get this, and the, after we change the color slightly, we can say that we listened to her concerns

MARK DANE PLANNING INC.

821 SE 32nd Avenue Portland OR 97214

503-232-7367 markdaneplanning@comcast.net



APPELLANTS Exhibit 21 LU22 141452AD

TL

Tatiana Lifshitz <tatianalifshitz@comcast.net>
To BDS Hearings Clerk

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Tue 5/16/2023 1:47 PM



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

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

**CASE FILE NUMBER: LU 22-102758 LDS AD**

**GENERAL INFORMATION**

801190
PDF Document · 5.1 MB

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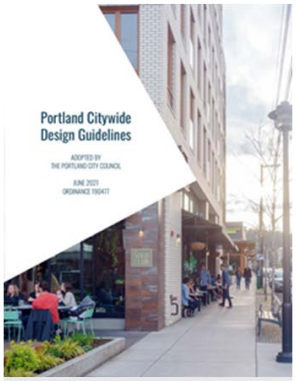
APPELLANTS Exhibit 20 LU22 141452AD

TL Tatiana Lifshitz <tatianalifshitz@comcast.net>
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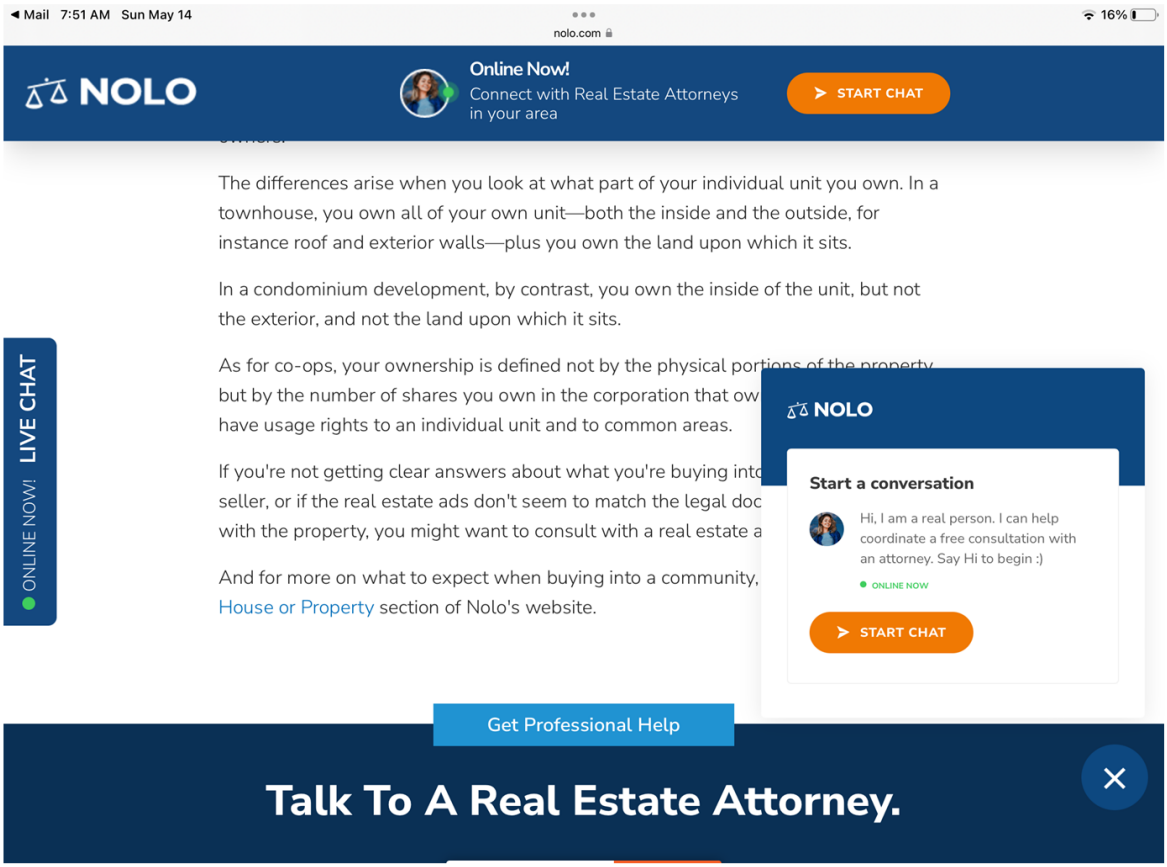
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**Subject: Attachment N**




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Tatiana Lifshitz <tatianalifshitz@comcast.net>
To BDS Hearings Clerk

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Yellow Category

**From:** G Stiffler <gcstiffler@yahoo.com>
**Date:** May 11, 2023 at 2:21:11 PM PDT
**To:** "Carlson, Tara" <Tara.Carlson@portlandoregon.gov>
**Subject: Re: Follow up to previous email**

Haven't time to check link yet…but wanted to say THANK YOU!! for this. I think it will be very helpful!

Sent from my iPad

On May 11, 2023, at 11:36 AM, Carlson, Tara <Tara.Carlson@portlandoregon.gov> wrote:

Hello Gail,

Your research is correct. The grade is determined at the point where the foundation wall intersects with the ground or paved surface. This point could also be a planter that projects 3' beyond the foundation wall in order to by back the measurement to the next finished floor. From the onset, Life Safety maintains a few of these structures exceeds the 4-Story Code Guide requirements: download (portland.gov)
Following are additional questions:

- Question 1: More than 2 dwellings:
  - See Question #4 below.
- Question 2: Has a grade plane for the townhouses been established? If so, can you share that information.
  - This has been an ongoing checksheet item. It may be resolved in one checksheet, then it seems to change the next time it is reviewed. If the grade plane changes the stories beyond what would be considered 4 stories, per the code guide, then an appeal is required.
- Question 3: It appears I need to know the type of construction to know the number of floors. Can you help me with that? I'm looking at Table 504.4.
  - Many of these questions are pointing to OSSC (commercial code book).**The permit will be reviewed under the ORSC for Life Safety issues**. The structural has to be designed and reviewed by structural engineers. The reference to OSSC is to note that no structural component may be reviewed under ORSC prescriptive measures. Note all RS permits are reviewed as construction type VB.
- Question 4: More than 2 dwelling units in R-3 Townhouses per ORSC:
  - The definition of a townhouse is as follows in the **ORSC**: A single-family dwelling unit constructed in a group three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.
- Question 5: In light of our conversation yesterday, could you please tell me if the appeal decision to allow a five story townhouse is appealable? If so, what is the procedure?
  - Yes any portion of the code may be appealed. Assigned reviewers may not approve designs outside of the code requirements without an appeal. An applicant submits the application indicated the code that is required as well as what is being proposed as an alternate and the justification or additional measures that would be provided. Sometimes they are denied with reconsideration. This allows the applicant to make an additional attempt at adjusting the design or providing alternate additional measures in order for the appeals board to consider the adjustment to the original appeal

Hope this helps moving forward,

Tara Carlson

Building Plans Examiner
Bureau of Development Services, City of Portland
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201
Office Hours: M-F 7:30-4pm

Tara.Carlson@portlandoregon.gov
Phone 503-865-6532

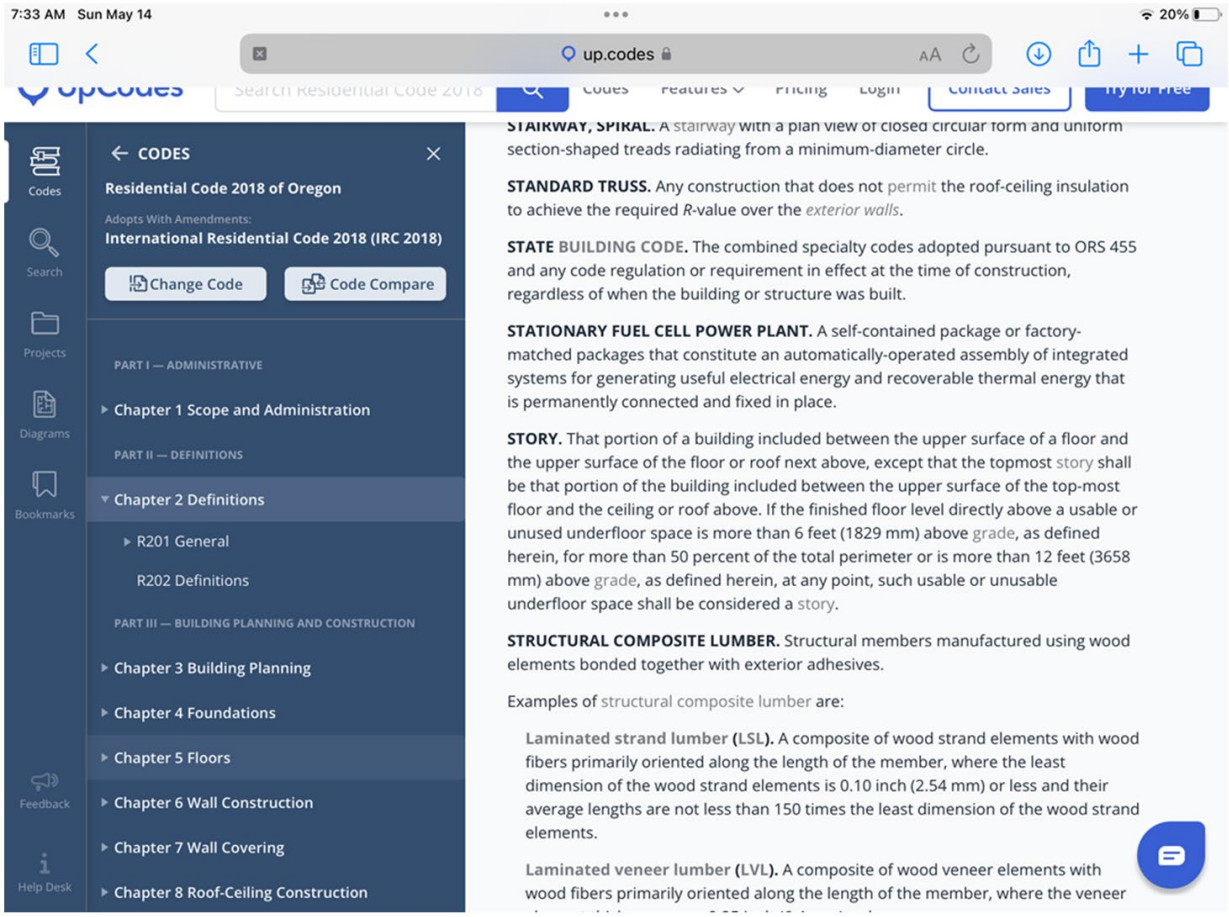
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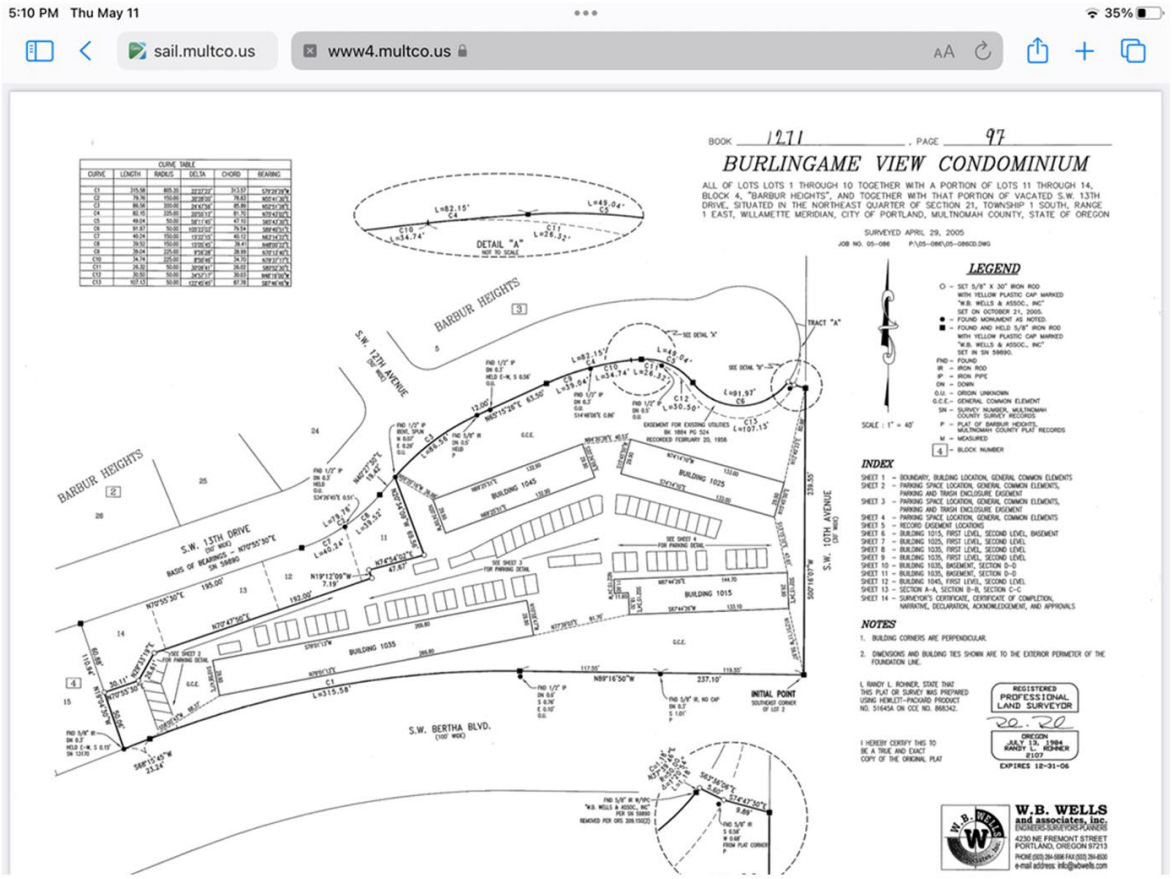
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**Subject: Legal condo platt as recorded Multnomah County**




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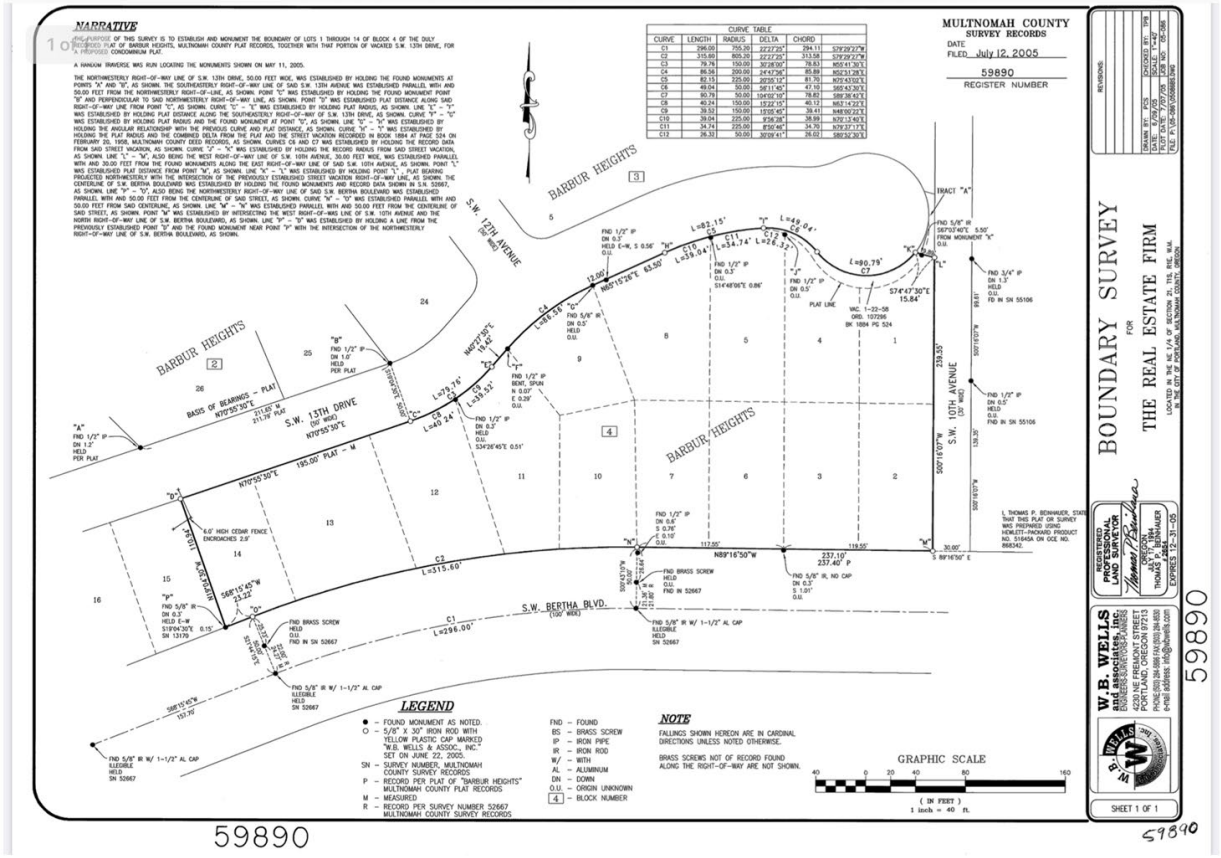
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TL

Tatiana Lifshitz <tatianalifshitz@comcast.net>
To BDS Hearings Clerk

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Tue 5/16/2023 2:01 PM

**From:** Burlingame View HOA <bgvhoa@gmail.com>
**Subject: Fwd: Letter: Against Proposed Adjustment**
**Date:** May 15, 2023 at 11:02:31 AM PDT
**To:** G Stiffler <gcstiffler@yahoo.com>

First, as a property owner, I firmly believe that the proposed adjustments would decrease the value of our property due to a reduction in privacy of the complex because of the increase in height of the structures. Those buildings would impact our units as they will be able to look down, directly into the windows of their neighbors. No one should have to live in a home where they constantly have to have the blinds shut...A reasonable expectation of privacy is important to any homeowner. The new adjustment is not reasonable and would devalue the value of our properties.

APPELLANTS Exhibit 4 LU22 141452AD

TL

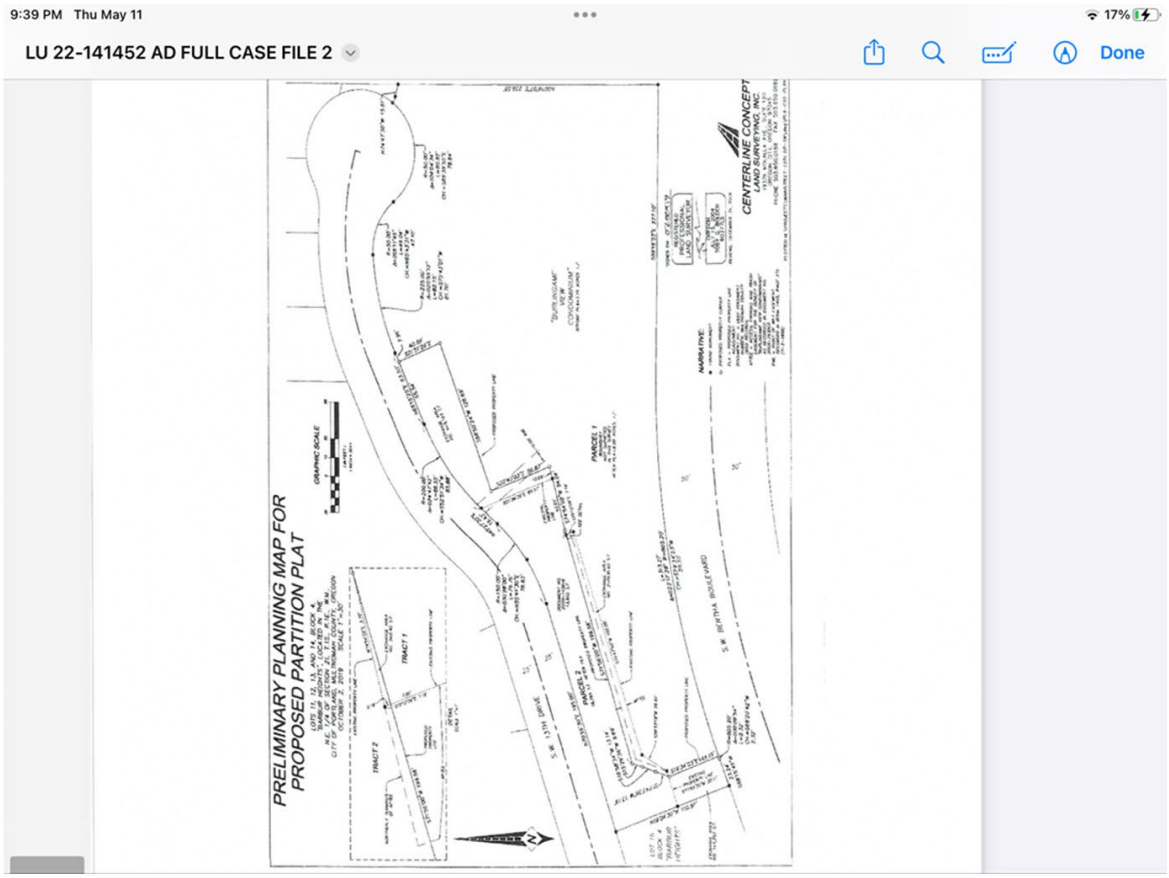
Tatiana Lifshitz <tatianalifshitz@comcast.net>
To BDS Hearings Clerk

Yellow Category

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Tue 5/16/2023 2:02 PM

**To:** gail <gcstiffler@gmail.com>
**Subject: Extra land map**




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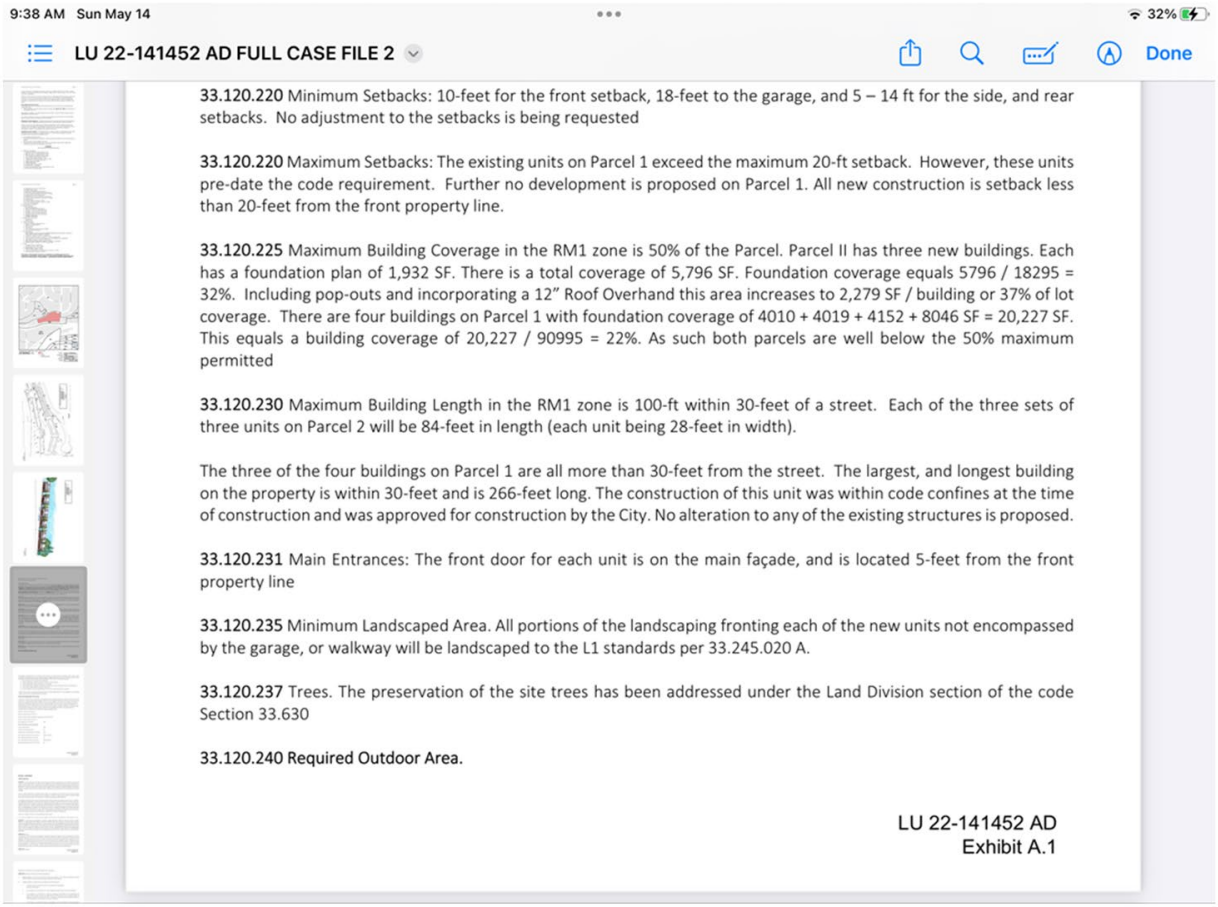
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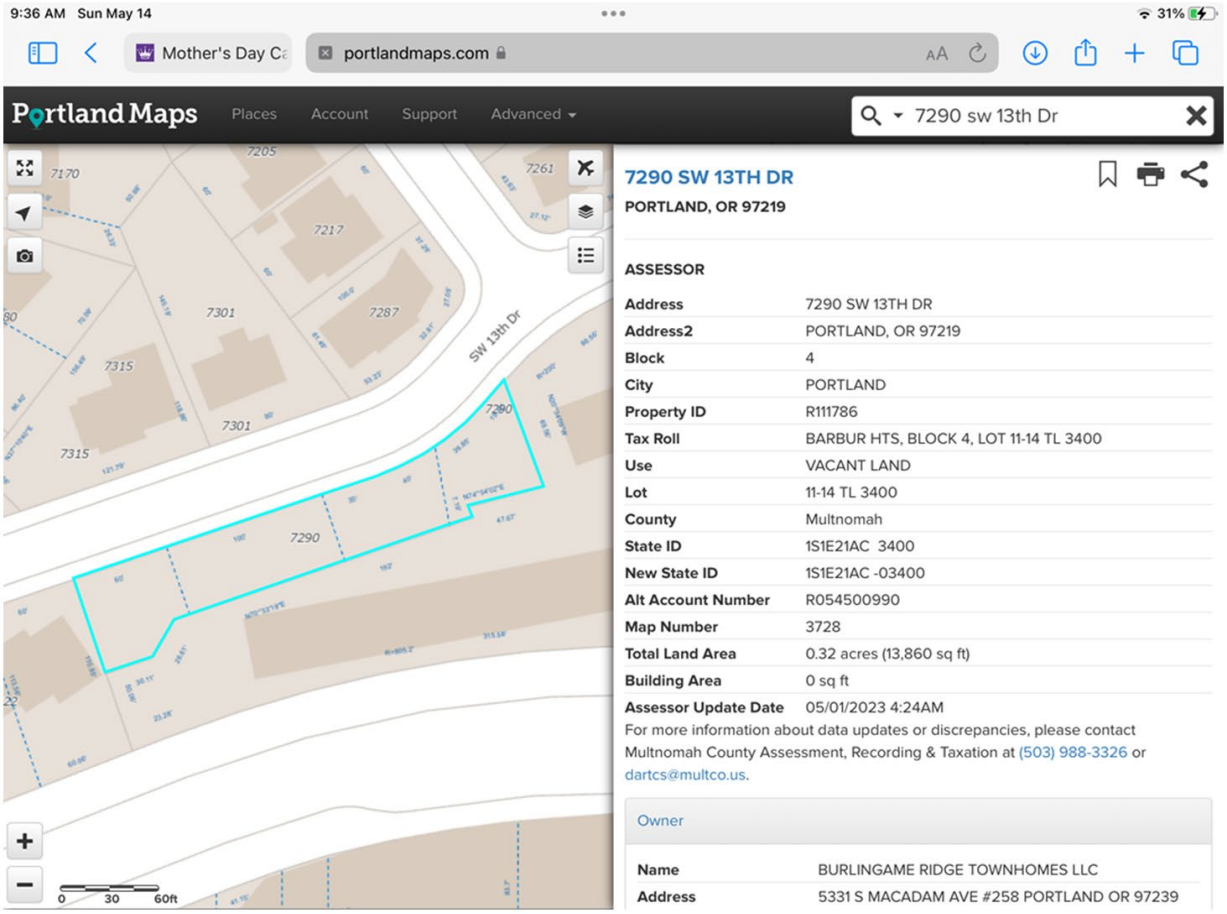
TL

Tatiana Lifshitz <tatianalifshitz@comcast.net>
To BDS Hearings Clerk

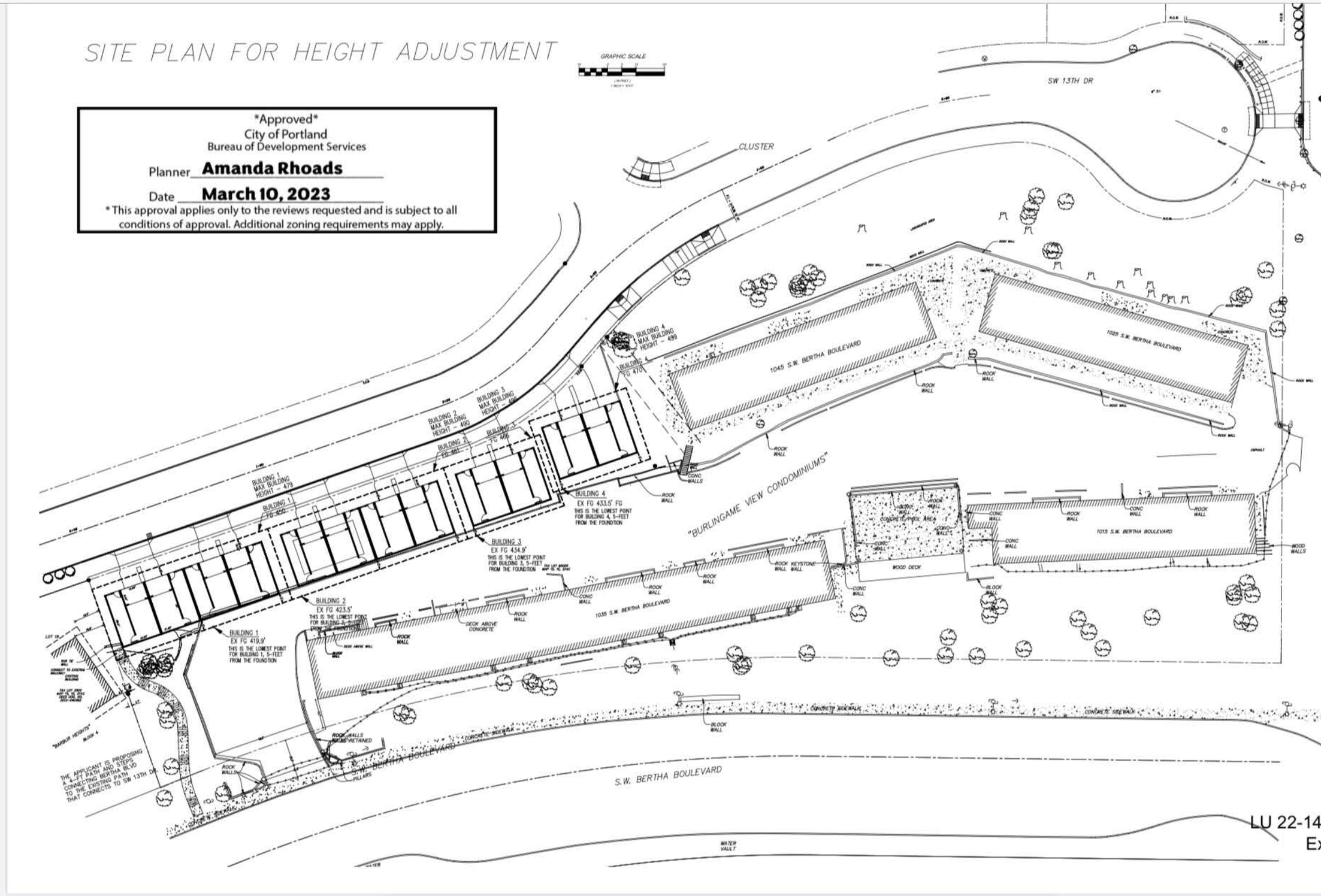
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LU 22-141452 AD
Exhibit C.1




LU 22-141452 AD
Exhibit H.9












SECTION 2 - ADJUSTMENTS

33.805 Adjustments

***Comment***: *In a prior application the applicant had previously requested an adjustment to the lot depth, the front yard setback, and the garage setback. In response to the neighborhood successfully appealing the decision the applicant has shifted the units back so they comply with the 10-ft front yard setback, and the 18-ft garage setback from the front property line. To meet the minimum lot requirements the applicant has included them as part of the larger condominium complex. Compliance with the overall tree preservation, and open space requirements for the overall parcel are now also identified.*

*The site is steeply sloped down, and away from the street. As a consequence of moving the units back, the rear of the units is further down the slope. Because of this the applicant is unable to comply with the maximum height standard along the rear facades of new units. The applicant is therefore requesting a height adjustment.*

*In a Neighborhood Meeting this summer the applicant showed the new design responding to their concerns. In addition, the neighborhood requested an ADA ramp for a pedestrian connection across SW 13th Drive on the east side of the intersection with SW 12th Avenue. As well as the ramp proposed by the applicant on the west side of the intersection. Further the Association requested a pedestrian connection between the terminus of 13th Court and the intersection of SW 10th and Burlingame. The applicant also agreed to this request. The requested changes were made and submitted back to the Neighborhood Association. There had also been concerns noted about the impact of on-street parking. The original proposal only had room for a garage, and no 2nd parking space. By pushing back, the garage, and a second space in front of the garage the applicant has attempted to mitigate the impact of this development*

Table 612-1, Chapter 33.612 Lots in Multi-Dwellings Zones requires

1) An increase in height from the maximum permit height on the southern internal elevation of the proposed 12 units.

***Comment***: *It is necessary for the applicant to request a height adjustment. While the code was written to handle differences in height along street frontage, it has been interpreted to be used on all sides. So, when the street elevation is 449, and the edge of the existing driveway is an elevation of 421, there is a 28-ft difference between the front and the back. Even adding in the 10 ft leave two stories to get up to street level. Meaning that the maximum height using these number would be an elevation of 466 ft just 15-feet above street level. The Neighborhood Association have been made aware. Given the changes the applicant made to his plans, and the additional request made by the Neighborhood Association that were agreed to by applicant The Neighborhood Association will not appeal the decision with the height adjustment.*

**33.805.010** Purpose

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

**33.805.020** Procedure

11:05 AM Mon May 15
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will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.

**B. RM2 zone.** The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.

**C. RM3 zone.** The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

**D. RM4 zone.** The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are

existing neighborhood.

Criteria C
Each building is requesting an adjustment for building height. Therefore, four adjustments are being requested.

The cumulative effect of these four adjustments results in building heights from 45.5 feet to 56.5 feet, which is from 10.5 feet to 21.5 feet over the standards in the RM 1 zone and is inconsistent with the overall purpose of the zone.

A principle intent of the RM 1 zone is housing types that are compatible with the adjacent developments.

The proposed development with four- and five-story buildings is not consistent with the overall purpose of the zone and neighborhood.

Criteria E
The impacts resulting from the adjustments are not mitigated.

The applicant's description of internal design elements is nonresponsive to the approval criteria.

The four- and five-story buildings will create a wall of towers, which are incompatible with adjacent developments.

Respectfully,

Jackson and Sharon Roholt












**From:** JACKSON ROHOLT
**To:** Rhoads, Amanda
**Subject:** Fwd: Case File Number LU 22-141452 AD
**Date:** Wednesday, January 11, 2023 10:29:48 AM

---

---------- Original Message ----------
From: JACKSON ROHOLT <jsroholt@comcast.net>
To: "tatianalifshitz@comcast.net" <tatianalifshitz@comcast.net>
Date: 01/09/2023 12:11 PM
Subject: Fwd: Case File Number LU 22-141452 AD

---------- Original Message ----------
From: JACKSON ROHOLT <jsroholt@comcast.net>
To: JACKSON ROHOLT <jsroholt@comcast.net>
Date: 01/09/2023 12:09 PM
Subject: Case File Number LU 22-141452 AD

The Bureau of Development Service should deny the request for the height adjustments of the four buildings referenced in Case File Number LU 22-141452 AD for the following reasons.

Criteria A
Granting the adjustments will not equally or better meet the purpose of the regulation to be modified.

My wife and I have owned the adjacent 12-unit Burlingame Terrace Apartments for the past 20 years. This one-and two-story apartment building complex has building heights from 12 feet to 24 fee. The proposed four building height adjustments from 45.5 feet to 56.6 feet does not equally or better meet the purpose of the RM 1 zone. Allowing building heights 10.5 feet to 21.5 feet over the standards in the RM 1 zone is inconsistent with the regulations in the zone.

Criteria B
The proposal of four buildings with building heights from 45.5 feet to 56.6 feet will significantly detract from the livability and appearance of the adjacent residential areas.

All of the buildings in the immediate neighborhood are one- or two-story buildings. The proposed four buildings from four to five stories in height are not consisted with existing supply and would negatively impact the livability and appearance of the



LU 22-141452 AD

10:57 AM Mon May 15
36%
LU 22-141452 AD FULL CASE FILE 2
Done

**From:** Burlingame View HOA
**To:** Rhoads, Amanda
**Subject:** Case File Number LU 22-141452 AD comments on proposal
**Date:** Thursday, January 12, 2023 7:38:55 PM

Amanda,
I'm writing as a representative of the Burlingame View Condominiums in response to the notice of request to adjust zoning code section 33.120.215.B1 for the townhomes to be built on 7290 SW 13th Dr.

Some of our owners are concerned about the adjusted height of the buildings detracting significantly from the view of the north facing windows of 1035 SW Bertha. The current view is lush greenery. There is also concern of significantly blocking sunlight on the east side of 1025.

The homes at 7315, 7301 and 7287 SW 13th Dr will also lose significant morning sunlight and the greenery currently seen on the hillside from their southern windows.

Unrelated to the specific request, I thought it would be prudent to point out a couple other points. The map included in the proposal notes that, "The applicant is proposing a 4-ft path and steps connecting Bertha Blvd to the existing path that connects to SW 13th Dr." That section of land is owned by BGV. We are happy to discuss the purchase of the land for the purpose of building a walkway. Also, the back side of Building 4 will be directly behind the BGV dumpsters.

Thank you for considering our comments,

Ariel Greninger
Secretary,
on behalf of the Board of Directors of
Burlingame View Condominiums

**From:** kishd@earthlink.net
**To:** Rhoads, Amanda
**Cc:** Carol Nani Stone; stonefrench69@gmail.com
**Subject:** LU 22 14152AD
**Date:** Monday, January 9, 2023 10:56:44 AM

---

Hello Amanda,
My wife and I own one of the condos at 1045 SW Bertha Blvd in the Burlingame View complex, adjacent to the townhouse project which is the subject of the above case. Our daughter lives in the condo.
I have a couple comments on the proposed project.
The new buildings appear to be significantly out of scale with other residential structures in the area. The condos below are two story and surrounding homes are generally one or two stories. The change in allowed height from 35 ft to over 56 ft will overwhelm the site. They are planned on top of an existing retaining wall that is about 6 ft high, thus they will rise above the parking lot below by over 60 ft. That's the equivalent of a 5 story building, and as I said, way out of scale for that site. While the setback from the property line I'm sure will be legal, that small distance too will add to the massive feeling of the buildings. A wall of trees and bushes currently sits atop the retaining wall and with those removed, the Burlingame property, mostly lower/ moderate income housing, will be visually degraded . Construction will likely impact the entry/egress at Burlingame View as well as the parking lot.
The second major issue, I believe, is the stability of the site. The slope below the proposed construction site is not real stable. Cracks have developed in the foundations of several of the Burlingame View buildings requiring costly engineering and repair. The swimming pool on site has been closed at least five years due to cracks and slippage on the site and repairs are not feasible due to costs. Behind the pool, along Bertha Blvd, several of the old trees on the hillside have come down, and others are leaning, testimony to the potential for slides on that site.
We all know there is a need for additional housing in the Portland area, and particularly lower cost housing. But the scale of these new buildings is not appropriate, and the sign near the site says "new townhomes, starting at $600K ", which is certainly above the Portland median price.
A reduction in the size of the new units would make them look better and could lower the price to make them more affordable, providing the geotechnical issues on the site can be properly addressed.
Thankyou for providing an opportunity to comment. Please contact me if you have questions or comments.
Regards,
David Kish
503-246-0942

10:49 AM Mon May 15 39%
LU 22-141452 AD FULL CASE FILE 2 Done

**Subject:** LU 22 14152AD

Hello Amanda,

My wife and I own one of the condos at 1045 SW Bertha Blvd in the Burlingame View complex, adjacent to the townhouse project which is the subject of the above case. Our daughter lives in the condo.

I have a couple comments on the proposed project.

The new buildings appear to be significantly out of scale with other residential structures in the area. The condos below are two story and surrounding homes are generally one or two stories. The change in allowed height from 35 ft to over 56 ft will overwhelm the site. They are planned on top of an existing retaining wall that is about 6 ft high, thus they will rise above the parking lot below by over 60 ft. That's the equivalent of a 5 story building, and as I said, way out of scale for that site. While the setback from the property line I'm sure will be legal, that small distance too will add to the massive feeling of the buildings. A wall of trees and bushes currently sits atop the retaining wall and with those removed, the Burlingame property, mostly lower/ moderate income housing, will be visually degraded . Construction will likely impact the entry/egress at Burlingame View as well as the parking lot.

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We all know there is a need for additional housing in the Portland area, and particularly lower cost housing. But the scale of these new buildings is not appropriate, and the sign near

10:50 AM Mon May 15
38%
LU 22-141452 AD FULL CASE FILE 2
Done

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A reduction in the size of the new units would make them look better and could lower the price to make them more affordable, providing the geotechnical issues on the site can be properly addressed.

Thankyou for providing an opportunity to comment. Please contact me if you have questions or comments.

Regards,

David Kish

503-246-0942

10:35 AM Mon May 15
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When this Title refers to the residential zones or R zones, it is referring to both the single-dwelling zones in Chapter 33.110 and the multi-dwelling zones in this chapter.

| Full Name | Short Name/Map Symbol |
|---|---|
| Residential Multi-Dwelling 1 | RM1 |
| Residential Multi-Dwelling 2 | RM2 |
| Residential Multi-Dwelling 3 | RM3 |
| Residential Multi-Dwelling 4 | RM4 |
| Central Residential | RX |
| Residential Manufactured Dwelling Park | RMP |

## 33.120.030 Characteristics Of The Zones

**A. RM1 zone.** The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development





will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.

LU 22-141452 AD
Exhibit H.9

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| | | |
|---|---|---|
| | 2 or more | 2 |
| 13-17 units | 1 | 1 |
| | 2 | 2 |
| | 3 or more | 3 |
| 18 or more units | 1 | 1 |
| | 2 | 2 |
| | 3 | 3 |
| | 4 or more | 4 |

## 33.120.215 Height

**A. Purpose.** The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

**B. Height standard.**

1. Base height. The base heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures. In the RM4 zone the base height is 75 feet, except as follows:

   a. On sites that are not within a Historic or Conservation district but are within 500 feet of a transit street with 20-minute peak hour service the base height is 100 feet; and

   b. On sites within 1,000 feet of a transit station the base height is 100 feet, including on sites that are within a Historic or Conservation district.

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The differences arise when you look at what part of your individual unit you own. In a townhouse, you own all of your own unit—both the inside and the outside, for instance roof and exterior walls—plus you own the land upon which it sits.

In a condominium development, by contrast, you own the inside of the unit, but not the exterior, and not the land upon which it sits.

As for co-ops, your ownership is defined not by the physical portions of the property but by the number of shares you own in the corporation that ow have usage rights to an individual unit and to common areas.

If you're not getting clear answers about what you're buying into seller, or if the real estate ads don't seem to match the legal doc with the property, you might want to consult with a real estate a

And for more on what to expect when buying into a community, House or Property section of Nolo's website.

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Hi, I am a real person. I can help coordinate a free consultation with an attorney. Say Hi to begin :)

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LU 22-141452 AD
Exhibit H.9

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# Oregon Condo & Townhome Associations – Buyer Due Diligence Items




***Generally.*** Condominiums and townhomes are similar types of housing – almost. The condo owner (technically called the "unit owner") does not own the entirety of the structure and land upon which it sits. Rather, ownership is indirect; that is, by virtue of the unit owner's membership in the unit owners' association, each is assigned a proportionate interest in the property. This is usually based upon the square footage that the unit bears to the total square footage of all units.

Technically, the unit owner owns nothing more than the airspace inside the unit, together with the windows, doors and fixtures within its interior physical boundaries. In condo developments, unit owners have shared rights to the common areas (e.g. the pool facilities, hallways, grounds, etc.) and exclusive rights to the limited common areas, such as the unit itself, the balcony, reserved parking, etc.)

Townhomes are much the same, except that the land under the structure and the land in front and behind it, comprise a separate parcel titled in the name of the owner. If there are several townhomes connected to one another side-by-side, each owner will share a common wall that is placed exactly on the common boundary line of the adjacent owners on either side.

The main similarity between condos and townhomes is that they both have general and limited common areas that are maintained by a homeowners' (or unit owners') association ("HOA" or "UOA") that operates with the power of assessment.[1] It is this governing association that I want to focus on below. This is not to minimize the importance of the physical structure of the unit and its operating systems – they are an important aspect of making any purchasing decision.[2]

**Conditions, Covenants and Restrictions ("CC&Rs") – *Including Actual and Proposed Revisions*.** This document, sometimes called the "Declaration," contains the "rules" by which the owners are bound. It is recorded in the county where the property is located, and applies uniformly to every owner of record. The Declaration should always be closely reviewed before purchase. Doing so after purchase could be too late. For example:

- What does it say about ownership of pets? *[e.g. size, breed, and number]*;
- May units be rented out? *[There frequently are limitations or "caps" on the percentage of units that may be non-owner occupied.]*;

8:32 AM Sun May 14

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CODE SECTIONS

MY NOTES

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

SECTION 202 DEFINITIONS

CHAPTER 3 OCCUPANCY CLASSIFICATION AND USE

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE

CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS

CHAPTER 6 TYPES OF CONSTRUCTION



cubic feet (566 $m^3$).

**TOOL.** A device, storage container, workstation or process machine used in a fabrication area.

**TOTAL SOLAR RESOURCE FRACTION (TSRF).** The amount of sunlight a *solar-ready zone* will receive over the year, expressed as the percent of energy produced by a fixed axis solar energy system when compared to the annual performance of the same system with optimal tilt and orientation and no external shading.

**TOWNHOUSE.** A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

**TOXIC.** A chemical falling within any of the following categories:

1. A chemical that has a median lethal dose ($LD_{50}$) of more than 50 milligrams per kilogram, but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.
2. A chemical that has a median lethal dose ($LD_{50}$) of more than 200 milligrams per kilogram, but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24

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FEEDBACK


LU 22-141452 AD
Exhibit H.9



LU 22-141452 AD
Exhibit H.9



LU 22-141452 AD
Exhibit H.9

BOOK 1271 , PAGE 98

# BURLINGAME VIEW CONDOMINIUM

ALL OF LOTS LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4, "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG

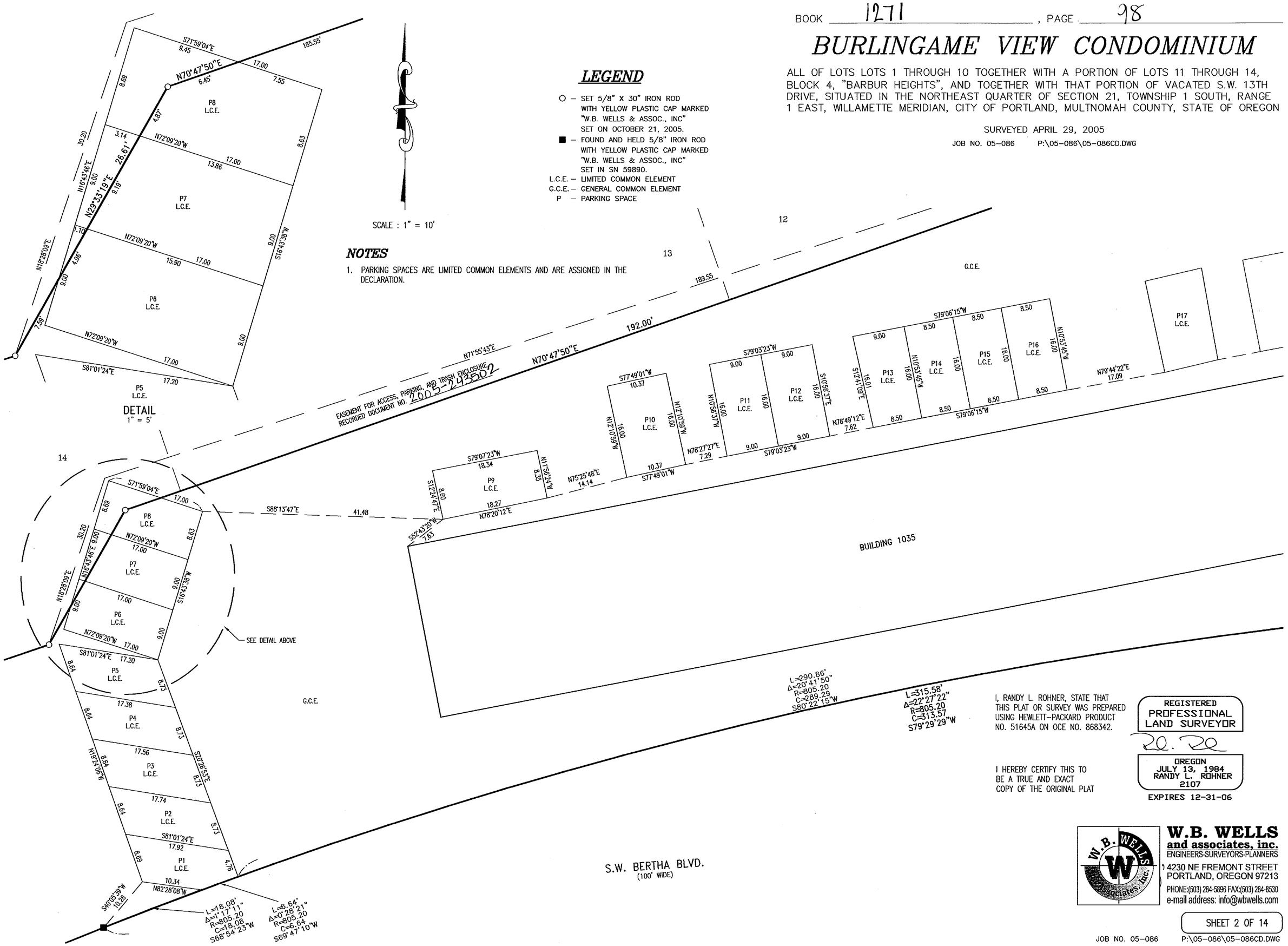
## LEGEND

- O – SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC" SET ON OCTOBER 21, 2005.
- ■ – FOUND AND HELD 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC" SET IN SN 59890.
- L.C.E. – LIMITED COMMON ELEMENT
- G.C.E. – GENERAL COMMON ELEMENT
- P – PARKING SPACE

SCALE : 1" = 10'

## NOTES

1. PARKING SPACES ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED IN THE DECLARATION.




I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 1984
RANDY L. ROHNER
2107

EXPIRES 12-31-06

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT


W.B. WELLS and associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-5896 FAX:(503) 284-8530
e-mail address: info@wbwells.com

**From:** Burlingame View HOA
**To:** BDS Hearings Clerk
**Subject:** Fwd: Proposed townhome community
**Date:** Tuesday, May 16, 2023 2:42:43 PM

---

I am submitting the following testimony regarding LU 22-141453 AD (Burlingame Ridge Townhomes) on behalf of Andrea Stone-French, an owner in the Burlingame View Condo community.

---------- Forwarded message ---------
From: **Andrea Stone-French** <stonefrench69@gmail.com>
Date: Tue, May 16, 2023 at 2:39 PM
Subject: Proposed townhome community
To: Burlingame Hoa <bgvhoa@gmail.com>

To Whom it May Concern: I have serious concerns about the proposed townhome community that is supposed to be built on our hillside. The proposed building is much too high and presents serious issues regarding the stability of the surrounding hillside. I would prefer this community not be built at all but at a bare minimum it should not nave been approved for an adjustment that will affect the livability of the people in our neighborhood.

Sincerely,
Andrea Stone-French
1045 SW Bertha Blvd Apt 2
Portland, OR. 97219

Sent from my iPhone

**From:** Mark Dane <markdaneplanning@gmail.com>
**Sent:** Tuesday, May 16, 2023 4:09 PM
**To:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
**Subject:** Fwd: Here is the plan that they were supposed to have sent you

# Per Gails request

**MARK DANE PLANNING INC.**
825 SE 32nd Avenue Portland OR 97214
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM

---------- Forwarded message ---------
From: **Mark Dane** <markdaneplanning@gmail.com>
Date: Tue, May 16, 2023 at 2:51 PM
Subject: Here is the plan that they were supposed to have sent you
To: G Stiffler <gcstiffler@yahoo.com>

# This has the third color greatly reducing the 'white'



**MARK DANE PLANNING INC.**
825 SE 32nd Avenue Portland OR 97214
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM

To: Adjustment Review Committee May 16, 2023
Case File # LU 22-141452 AD

The proposed adjustments do not serve the existing regulations in an equal or better fashion and do not meet any of the required criteria. These adjustments should be denied.

Criteria A

The proposed building heights from 45.5 feet to 56.5 feet is 10.5 feet to 21.5 feet over the allowed building height in the RM-1 zone and represents a 30% to 61.43% increase over the allowable height of 35 feet. This does not promote a reasonable building scale and relationship to surrounding developments.

The statements and justification by the planner are not supported by the facts. The proposed buildings will be five stories, not three, as is being stated by the Planner, are not comparable to the Burlingame Apartments at one- and two-stories or the Burlingame View Condominiums at two and three stories. Viewed from SW Bertha Blvd. and SW 13th Drive the proposed five-story buildings are not consistent with the existing surrounding multi-family properties and single family properties on SW 13th Drive. Indicating that the five-story buildings are comparable to one to three story buildings is not true and is misleading to any reasonable person looking at the difference. Likewise, stating that the proposed development may be compatible to empirical developments which might take place in the future is also misleading and groundless. We cannot compare non-existing structures to the ones that are being proposed at this time.

The statement that the height from the street is consistent with what is anticipated in the RM-1 zone is misleading as the height from SW Bertha Blvd. from 45.5 feet to 56.5 feet is 30% to 61.43% higher than the scale allowing in the RM-1 zone. The statements to justify Criteria A are unreasonable to anyone who looks at the facts.

The statements that the western most building has no windows on the west elevation and would not impact the adjacent properties in the neighborhood is not true and misleading. Every building in the development has balconies and windows along the proposed five-story rear elevation which will impact the privacy of the adjacent Burlingame View Apartments and Burlingame View Condominiums and will loom over the spatial perception of any reasonable person who finds themselves in the area.

The statement that the five-story taller height along the rear elevation will not impact other properties significantly because views up to the new development from many points along SW Bertha Blvd. will be blocked by the Burlingame View Condominiums or mature trees is not true and is misleading. The trees along the driveway accessing the Burlingame View Condominiums will be gone and looking north from SW Bertha Blvd. will present direct views of five-story buildings, which is inconsistent with developments

in the neighborhood. The same is true when looking at it from SW 13th Drive. The trees will be gone.

Any reasonable person looking at the facts would conclude that the proposed development presents a five-story building scale which is inconsistent with adjacent multi-family developments. This will cause privacy impacts and does not reflect multi-family scale in the neighborhood.

For these reasons Criteria A has not been met and all of the heights standards in Zoning Code Section 33.120.515A had not been satisfied.

Criteria B

The staff statement that the taller sides of the buildings will largely not be visible to the public due to the existing development and mature vegetation along SW Bertha Blvd. is not true and is misleading. The five-story buildings will be visible from the adjacent multi-family properties and SW Bertha Blvd. and SW Barbur Blvd. and they would be equally right in the face from SW 13th Drive. Allowing for heights from 45.5 feet to 56.5 feet which is 30% to 61.43% higher than the scale allowed in the RM1 zone will negatively impact the livability and appearance of adjacent residential areas. Some of the reasons are violation of privacy, creating a towering shade creation impediment over SW 13th Drive and homes and apartments on both sides, as well as the overbearing looming barrier in the spatial perception of the area, as the sun transits that space.

The staff's justification based on Zoning Code Section 33.100.265 does not consider the existing developments in the neighborhood. The conclusion that the scale of the development will not significantly impact the residential areas is not a valid conclusion based on the facts.

Again, the staff's statement that no windows on the west elevation is not likely to have privacy impacts on the adjacent property is misleading. All of the buildings have balconies and windows on the south elevation that impact the privacy of the adjacent Burlingame View Apartments and Burlingame View Condominiums.

Any reasonable analysis of approval Criteria B would indicate that the five-story buildings will negatively impact the livability of the adjacent properties. The appearance of five-story buildings 30% to 61.43% higher than the RM-1 standards is a significant impact on the character of the area.

For these reasons Criteria B has not been met. The proposed adjustments for heights should not be allowed.

Criteria C

The accumulative effect of the four adjustments results in building heights from 30% to 61.43% higher than the RM-1 standard. The intended character of the RM-1 zone is

transitional. It is recommended to utilize as a transition to existing lower height structures on the borders between zones. Clearly, in this case, the proposed development does not offer a transition. Additionally, low-scale multi-dwellings with one- to three-story buildings that are comparable with the character of Portland residential neighborhoods are preferred.

The requested height adjustments from 45.5 feet to 56.6 feet is 10.5 feet to 21.5 feet over the height limit of 35 feet. The proposed five-story buildings are incompatible and out of scale with nearby developments.

The staff justification for Criteria C is not supported by the narrative and is not consistent with the RM-1 zone.

For these reasons Criteria C has not been met and the four adjustments for heights which are 30% to 61.43% higher that the RM-1 standard should not allow a new development which is not comparable with the neighborhood and is out of scale with adjacent developments.

A reasonable person analyzing the existing facts and Criteria C would conclude that the four adjustments will result in a project that is inconsistent with the RM-1 zone. There is no support mitigation of the effects of height adjustments that are 30% to 60.43% greater that what is allowed in the RM-1 zone. These enormous adjustments are greatly inconsistent with the intent and purpose of the RM-1 zone in every way.

Criteria E

The staff conclusion that the impacts of the building height adjustments will be somewhat visible from SE Bertha Blvd. is not true and misleading. The five-story buildings will be clearly visible to the west and south and SW Bertha Blvd. and SE Barbur Blvd.

The negative impacts of the height adjustments will not be effectively mitigated by the tree canopy and the Burlingame View Condominiums which will not exist. The tree canopy will not obstruct the view of the five-story buildings from the Burlingame Terrace Apartments to the west and Burlingame View Condominiums to the south. The proposed sidewalk does not mitigate the negative impacts of the looming five story building, nor will the walking path that connects SW 13th Drive and SW Bertha. The applicant has not offered any constructive mitigation of looming height, five story or three story.

The staff conclusions that approval Criteria E is met is not supported and a reasonable analysis of the facts indicates that the adjustments are not mitigated.

Conclusion

The staff conclusion is not supported by the facts. There are numerous false and misleading statements throughout the decision of the Planner.

The heights adjustments are inconsistent with the RM-1 zone. The proposed development with adjustments significantly detracts from the livability of the adjacent properties and does not equal or further advance the regulation. The appearance of five-story buildings is not consistent with the intended character of the RM-1 zone, which is characterized by one- to three-story buildings that relate to the patterns of the neighborhood and act as a transition, not a towering mountain ridge.

A reasonable person reading and analyzing the facts would conclude that the report demonstrates observation bias which leads to over- or under-estimation of true values, which in turn compromises the validity of their findings. Over reporting good conclusions and under reporting bad conclusions, which will be viewed by others, tends to weaken the validity of the findings.

Respectfully Submitted,

Jackson S. Roholt

| | |
|---|---|
| **From:** | Burlingame View HOA |
| **To:** | BDS Hearings Clerk |
| **Subject:** | Testimony Regarding LU 22-141453 AD |
| **Date:** | Tuesday, May 16, 2023 1:28:41 PM |
| **Attachments:** | Burlingame View Board Testimony.pdf<br>BGV Exhibit A.pdf<br>BGV Exhibit C.PNG<br>BGV Exhibit B.PNG<br>BGV Exhibit E.PNG<br>BGV Exhibit D.PNG<br>BGV Exhibit F.pdf |

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Testimony Regarding LU 22-141453 AD (Burlingame Ridge Townhomes)

Good afternoon,

My name is Highland Edelman and I own a condo in the Burlingame View Condo community (1015-1045 SW Bertha Blvd. Portland, OR 97219). My address is 1045 SW Bertha Blvd. #5 Portland, OR 97219 and my phone number is (503) 999-0705. I am also the current Board President for the Association of Unit Owners of Burlingame View Condos. I am submitting testimony on behalf of the Burlingame View Condos Board of Directors in opposition of the proposed adjustment to the Burlingame Ridge Townhomes development. We support the appeal of the City of Portland's approval of this adjustment. Please see attached testimony and evidentiary documents for your review.

Sincerely,
Highland Edelman

**LU #: 22-141452 AD**

**Public Comment on Appeal of Adjustments to Proposed Development at 7290 S.W. 13th Dr. (Burlingame Ridge Townhomes)**

My name is Highland Edelman and I own a condo in the Burlingame View Condo community. I am also the current Board President of The Association of Unit Owners of Burlingame View Condos. The Association of Unit Owners of Burlingame View Condos (BGV HOA) opposes the townhome development project as currently proposed. We find that the adjustment requested by Nathaniel Rosemeyer of Main Street Development on behalf of Burlingame Ridge Townhomes LLC does not meet or improve upon the adjustment criteria as set forth in Title 33, especially regarding Part B which addresses the livability and appearance of the neighborhood. According to the adjustment criteria, a proposal must equally or better serve the existing requirements. It is not to be viewed from a de minimis point of view, rather it is to be a fully equal or better set of proposed structures. This set of structures is not. Our Board, representing our community, is concerned about the visual impact of the impermissible number of stories per townhome of the proposed adjustment; the stability of the hillside in the short and long-term; susceptibility to drainage, earthquake, urban heat island effect, and landslide issues; decreases in property values for an already vulnerable community; and unlawful overstatement of the scope of the project.

**Structural Concerns**

(See BGV Exhibit A, B, C, and D)

The BGV HOA community is built into a hillside with the area above buildings 1045 and 1025 (also where the townhome development in proposed to be built) being deemed the upper hillside and the area below buildings 1015 and 1035 being deemed the lower hillside. The lower hillside is and has been experiencing significant structural issues. Several years ago, following a geological study of the lower hillside, our community was forced to close its pool permanently due the impact of the additional weight on the hillside. The foundations of the buildings on the lower hillside have experienced shifting and cracking that has resulted in the need for major repairs. We have also been investing in additional tree planting on the lower hillside to increase stability. As the upper hillside shifts, its soil presses against the fencing surrounding buildings 1025 and 1045. We are slated to replace and fortify current fencing do the shifting of soil on the upper hillside. Both 1025 and 1045 buildings experience water drainage issues, particularly in the winter. Major projects to add large drainage pipes behind building 1025 are a top priority for the BGV HOA because of the significant winter flooding that occurs. Adding an additional 20 feet of height to each building proposed increases the risk of upper hillside instability significantly. Furthermore, all four of our buildings are at a severe risk for shaking during an earthquake and a high risk for landslide possibility as evidenced through the Statewide Geohazards Assessment Map. Any building built on the proposed site would need to undergo extensive geological assessments, drainage mitigation planning, etc. in order not to exacerbate the issues we are already experiencing in our community, and the larger the buildings are, the

greater the risk. Think of "the straw that broke the camel's back." This issue, above all else, cannot be ignored.

**Visual Concerns**

Each of the four buildings (40 units) within the Burlingame View Home Owner's Association (BGV HOA) purview is no more than approximately 20 feet in height. For condo owners in building 1035 directly across from the backside of the proposed townhome units, these new units will tower over and depress their entire building which is the largest of the four in our community. All fifteen owners in building 1035 will look out their front windows and walk out their front door to new townhomes towering nearly 30 feet above them resulting in a loss of privacy and natural light. The owner in building 1045, unit 8, will experience a loss of privacy and light as building 4 of the proposed development will be located mere feet from their unit. Building 4 of the proposed townhome development will be adjacent to 1045, unit 8, and will be built directly along the edge of their backyard. When some owners in building 1045, but particularly those in units 8 and 5, step out into their backyard, they will be greeted by a building towering over them in place of greenery. The towering building will be visible from some windows on the backside of building 1045, as well, particularly those in unit 7 and 6. Currently our view from our backyards is lush greenery, which serves as a home to many bird species, a clean air filter for our lungs, a mitigant to extreme heat, and a joyful influence.

**Privacy and Security Concerns**

The privacy experienced by owners in building 1045 due to the lush, green hillside is immensely important to our quality of life. It is exceedingly rare for condos in Portland to have the yard space and natural beauty we have in our community, especially at the low price point of our condos. In building 1035, owners currently see a green row of tall hedges and a lush green hillside. The hillside offers security as our yards and buildings cannot be accessed by passersby on the 13th Drive. We are largely hidden from street view. In recent years, our community has been subject to vandalism and theft in units closest to Bertha Blvd due to the ease of their accessibility. We do not want to face similar issues in other buildings.

**Cost Concerns**

(See BGV Exhibit E)

Portland Metro recently mapped urban heat islands in our city showing the changes in temperature between neighborhoods that occur during hot days in the summer season. 72 people died during the 2021 heat dome; the urban heat island effect is a serious issue our city is facing. Our community is already experiencing the urban heat island effect without the development of the proposed townhomes. The increase in temperature that the additional 20 feet in hard building surfaces on each building will cause, raises major concerns in summer cooling costs for our community.

Additionally, owners have expressed concerns about property values decreasing with the height adjustment due to the concerns listed above. It is likely that all home owners worry about property values decreasing, however, our community is at a higher risk of being impacted than the average Hillsdale property owner. The BGV HOA limits the number of rental units in our community to 5/40. That means most residents living in our community are condo owners, not

landlords. Given that no condo in our community is valued above appx. $250,000 at this time, our condo complex offers an affordable home buying experience for first-time buyers, individuals and families on a fixed income, and other lower-income owners. There are many owners in our community on a single income and several young couple and families. Changes in costs to utilities and property values deeply impact our owners and the proposed adjustment threatens both. Additionally, the greenspace and views in our community are a major selling point for unit owners and the proposed height adjustment is a threat to resale potential.

**Additional Comments**

(See BGV Exhibit F)

Furthermore, it should be noted that no agreement for an easement of the BGV HOA land for any purposes has been given to the applicant, Burlingame Ridge Townhomes LLC, or any other associated party. Any assertion as such made by the above parties is false. The site plans submitted for the adjustment unlawfully include a walkway on property currently owned by BGV HOA and encroach on our trash and recycle dumpsters and mailboxes.

**Summary**

The BGV HOA expresses opposition to the proposed adjustment to the Burlingame Ridge Townhome development for all reasons above and urges you to deny it.

Thank you,

Highland Edelman

Board President

Burlingame View Condo Association

October 22, 2019

Mr. Gregory Lloyd
Overleaf Community Management
PO Box 28174
Portland, Oregon 97228

Via email: gregory@overleafmgmt.com

Regarding: Updated Geotechnical Data Review and Geologic Site Reconnaissance
1015 and 1035 SW Bertha Boulevard
Portland, Oregon
PBS Project No. 73193.000

Dear Mr. Lloyd:

PBS Engineering and Environmental Inc. (PBS) has prepared this letter report to provide results of our updated geotechnical data review and geological site reconnaissance for the Burlingame View condominium property located on SW Bertha Boulevard in Portland, Oregon (site).

## BACKGROUND

PBS previously provided evaluations for the site in reports dated July 29, 2008, and July 27, 2015.[1,2] Based upon review of these two reports, some degree of slope movement or settlement appears to have occurred (e.g. foundation cracks) between 2008 and 2015.

In 2015, a certified engineering geologist (CEG) from PBS performed a site reconnaissance and geologic data review for the site, identifying on-site features of concern that may be indicative of slope instability or settlement. Identified site features included foundation and retaining wall cracking, retaining wall deformation, tilted door and window frames, and mapped landslide features along the slope between the buildings adjacent to Bertha Boulevard.[3] The interior basement of building 1015 was not observed at the time of this investigation. PBS recommended repairing the foundation cracks observed in building 1015 and 1035, installing inclinometer casings, crack gauges, and survey points to continue monitoring the buildings and slopes for additional deformation. To our knowledge, no additional measures to monitor slope or structure movement were taken by the homeowners association (HOA) or Overleaf Community Management.

## SITE RECONNISSANCE

On March 27, 2019, a PBS CEG performed a site reconnaissance at the request of Overleaf Property Management. The focus of the reconnaissance was to revisit locations observed during the previous evaluations for visual comparison, and to observe the pool area, which had reportedly been leaking for an undisclosed amount of time.

---

[1] PBS Engineering and Environmental Inc. (2015). Geotechnical Data Review and Geologic Site Reconnaissance. Overleaf Property Management, July 27, 2015, PBS Project 73193.000

[2] PBS Engineering and Environmental Inc. (2008). Geotechnical Hazard Assessment, Superior Community Management Company, July 29, 2008, PBS Project 72721.000.

[3] Burns, W. J., and Duplantis, S. (2010). Landslide Inventory Map of the Northwest Quarter of the Lake Oswego Quadrangle, Multnomah and Washington Counties, Oregon. State of Oregon Department of Geology and Mineral Industries, Interpretative Map Series -IMS-32, scale 1:8,000.

The interior foundation and basement of building 1015 was not observed by PBS prior to this reconnaissance. PBS identified sub-vertical and diagonal cracks within the basement interior foundation that exhibited approximately 1/8-inch to 1/4-inch of separation (Photo 1 and Photo 2). Exterior foundation cracks were also observed along the downhill side of building 1015, consistent with those previously identified in 2015 (Photo 3). A leaking gutter at the western-most edge of building 1015 reportedly caused scour and erosion at the top of the slope above Bertha Boulevard. The property management company repaired the gutter and backfilled the eroded area with gravel (Photo 4).

At the time of our reconnaissance, the pool was fully covered and buttoned down for the winter, and the lining of the pool was not visible. Overleaf Property Management reported that the leak in the pool was determined to have been caused by cracks within pipes that lead from the pool to the pump station, and that the water level of the pool was dropping to the same elevation as the pipes. No seepage had been observed downslope by the property manager, or by PBS at the time of our reconnaissance. Several cracks within the retaining walls surrounding the pool appeared to have been repaired since the 2015 site visit. The stairwell between building 1015 and the pool appeared to be rotating, such that the top of the wall was slightly overhanging the bottom and clear separation of the stairwell and retaining wall could be observed, consistent with observations in 2015 (Photo 5 and Photo 6).

Building 1035 appeared to be in the same condition as our 2015 reconnaissance. Repairs had been made within the recreation center bathroom sometime between 2015 and present, but interior foundation cracks identified in 2015 remain unrepaired. In addition, an exposed sewer pipe had been removed along the outside of the building (Photo 8).

The slope between buildings 1015 and 1035 and Bertha Boulevard has been cleared of brush and low-lying vegetation since our 2015 reconnaissance (Photo 9). Overleaf Property Management reported that a fire had occurred along the slope between Bertha Boulevard and building 1035 during the summer of 2018 and grubbing and clearing of brush was likely a post-fire response. This appears to have resulted in large voids, which could adversely affect stability of the slope (Photo 10). These voids likely resulted from piping of water in the hillslope between Bertha Boulevard and building 1035. However, the actual cause of these voids is unknown. This may be related to the gutters and downspouts present upslope.

In general, site conditions appear visually similar to those reported in 2015, indicating few of the previous repair recommendations had occurred to date.

## CONCLUSIONS AND RECOMMENDATIONS

As previously concluded in 2015, slope instability or settlement has occurred, but the cause and magnitude are currently unknown. Based on visual observation, it is not clear whether the existing features have gotten progressively worse (e.g. widening of foundation cracks) since our previous reconnaissance.

As previously recommended, PBS recommends implementing a site monitoring program, which could consist of:

- Installing inclinometer casings to measure subsurface deflections
- Surveyed settlement monitoring points
- Slope surveys
- Crack gauges over existing cracks
- Piezometers to monitor groundwater
- Video logging waterlines and storm lines to search for leaks

Our current opinion is that the items observed at buildings 1015 and 1035 and the cracks observed within the foundations will continue to worsen if not addressed. However, if an evaluation and monitoring to determine the cause of the observed conditions are not completed, determining the appropriate repairs will be difficult . A cost-effective, phased approach can be developed my implementing a combination of the techniques listed above. The voids observed along the hillslope between building 1045 and Bertha Boulevard should be filled immediately in combination with video inspection of nearby utilities.

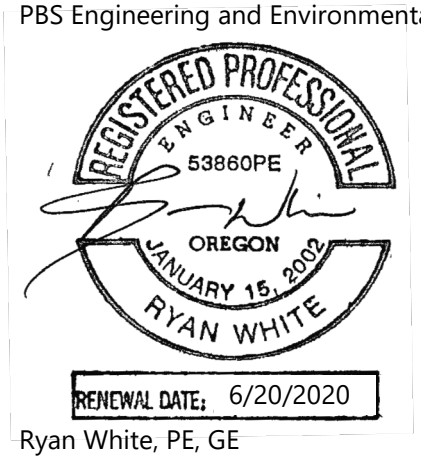
Please feel free to contact Shaun Cordes at 503.935.5517 or shaun.cordes@pbsusa.com with any questions or comments.

Sincerely,




Renewal Date 7/1/2020

Shaun Cordes, RG, CEG
Project Engineering Geologist
PBS Engineering and Environmental Inc.




Ryan White, PE, GE
Principal/Geotechnical Engineering Group Manager
PBS Engineering and Environmental Inc.

Attachments: Photos

SC:RW:rg



Photo 1. Diagonal foundation crack in the basement of building 1015.



Photo 2. Sub-vertical foundation crack in the basement of building 1015.



Photo 3. Exterior and downhill side of building 1015.



Photo 4. Location of leaking gutter and repaired scour and erosion at western end of building 1015.



Photo 5. Stairwell between building 1015 addition and pool.



Photo 6. Stairwell separating from building 1015 addition.



Photo 7. Unrepaired vertical crack in building 1035 interior basement.



Photo 8. Exterior and downhill side of building 1035.



Photo 9. Hillslope between Bertha Boulevard and buildings 1015 and 1035.



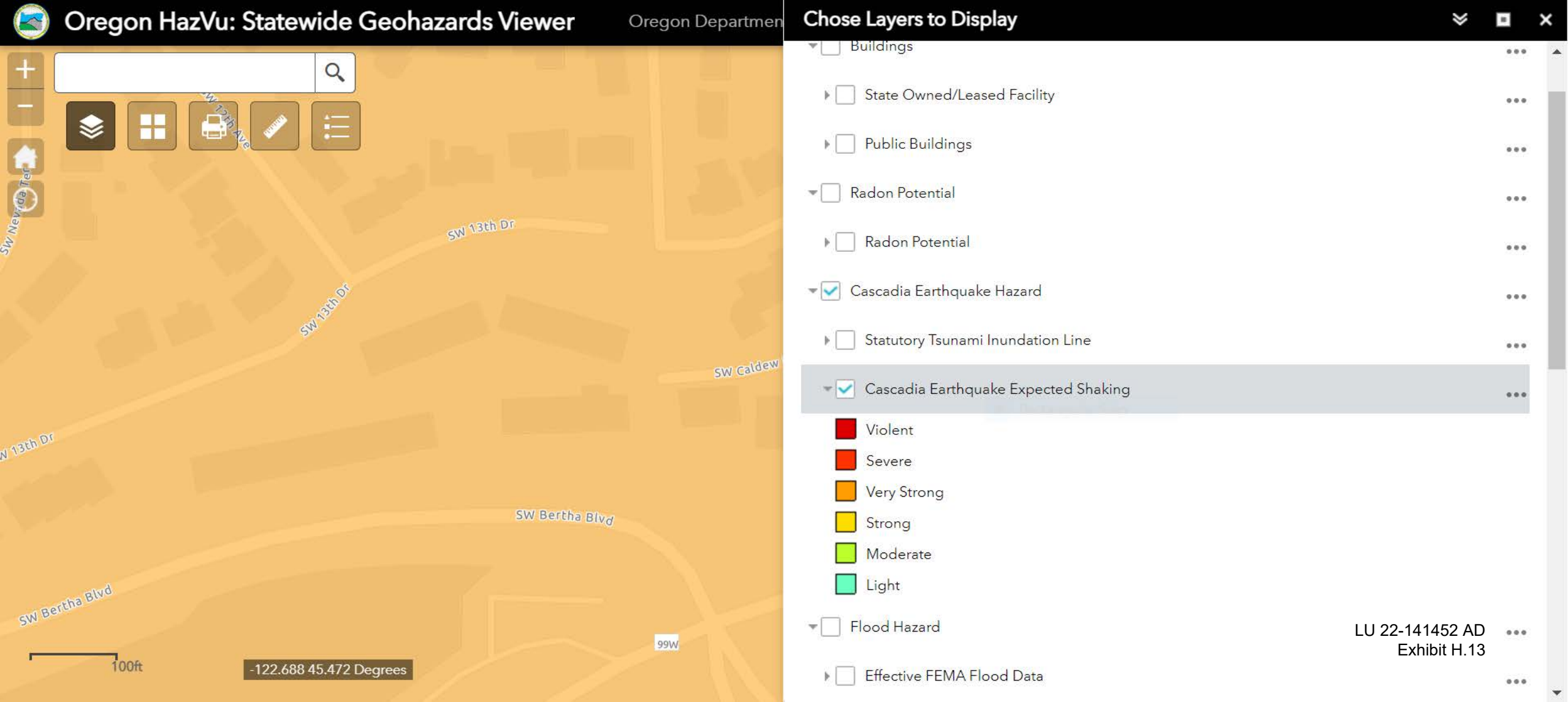
Photo 10. Voids exposed along the hillside downslope of building 1035.



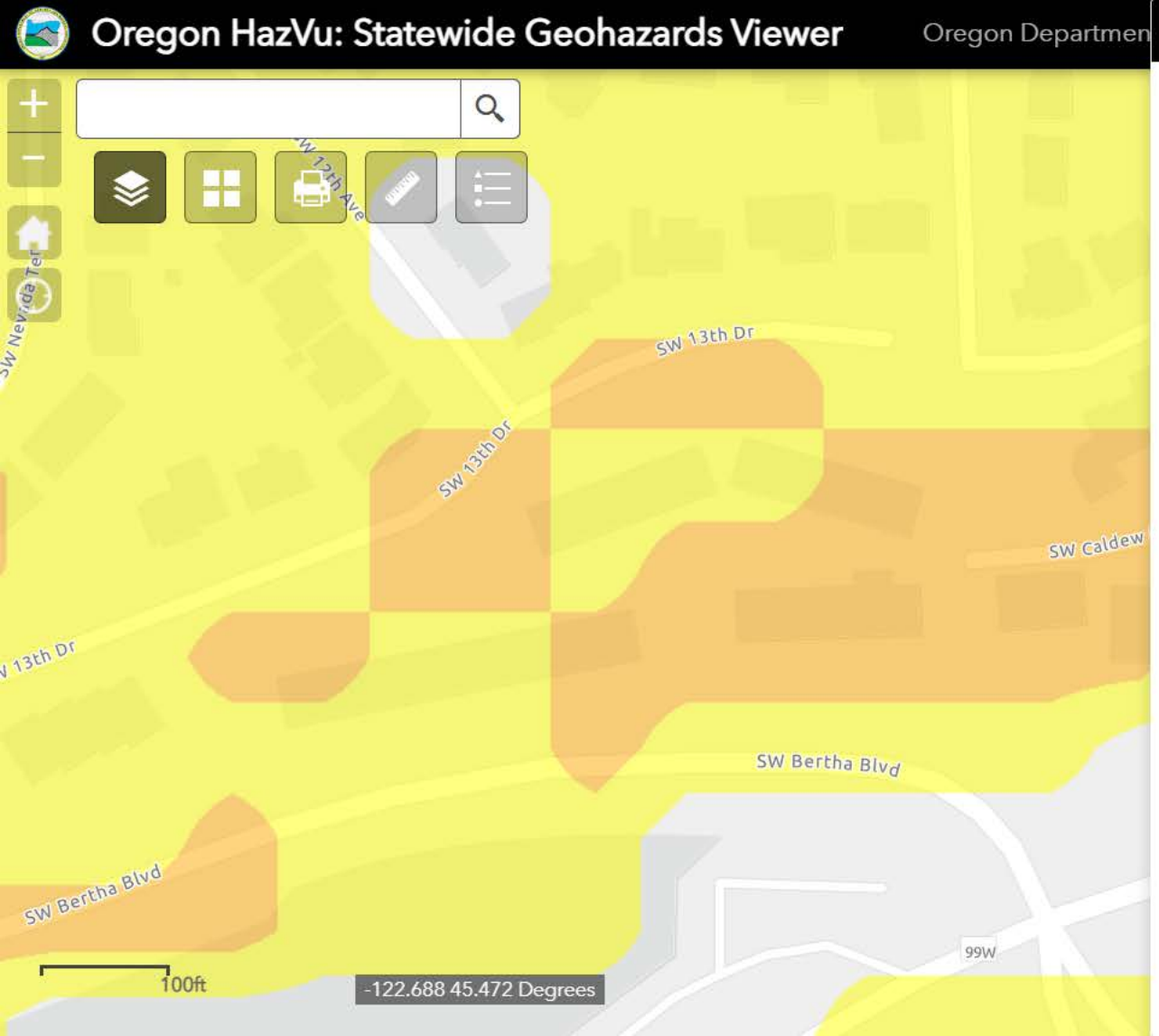

## Chose Layers to Display

- Earthquake Hazard
  - Active Faults
  - Earthquake Epicenter (1971-2008)
  - Earthquake Liquefaction (Soft Soil) Hazard
  - Expected Earthquake Shaking
    - Violent
    - Severe
    - Very Strong
    - Strong
    - Moderate
    - Light
- Landslide Hazard
- Landslide Inventory
- Highest Hit Lidar Hillshade
- Bare Earth Lidar Hillshade

LU 22-141452 AD
Exhibit H.13




LU 22-141452 AD
Exhibit H.13




Chose Layers to Display

- High Hazard Zone
- Moderate Hazard Zone
- Earthquake Hazard
  - Active Faults
  - Earthquake Epicenter (1971-2008)
  - Earthquake Liquefaction (Soft Soil) Hazard
  - Expected Earthquake Shaking
  - Landslide Hazard
    - Low - Landsliding Unlikely
    - Moderate - Landsliding Possible
    - High - Landsliding Likely
    - Very High - Existing Landslide
  - Landslide Inventory
  - Highest Hit Lidar Hillshade
  - Bare Earth Lidar Hillshade

LU 22-141452 AD
Exhibit H.13

# Urban heat islands



Oregon Metro
Metro

## Summary

2017 Urban Heat Index as derived from LandSat Data

View Full Details

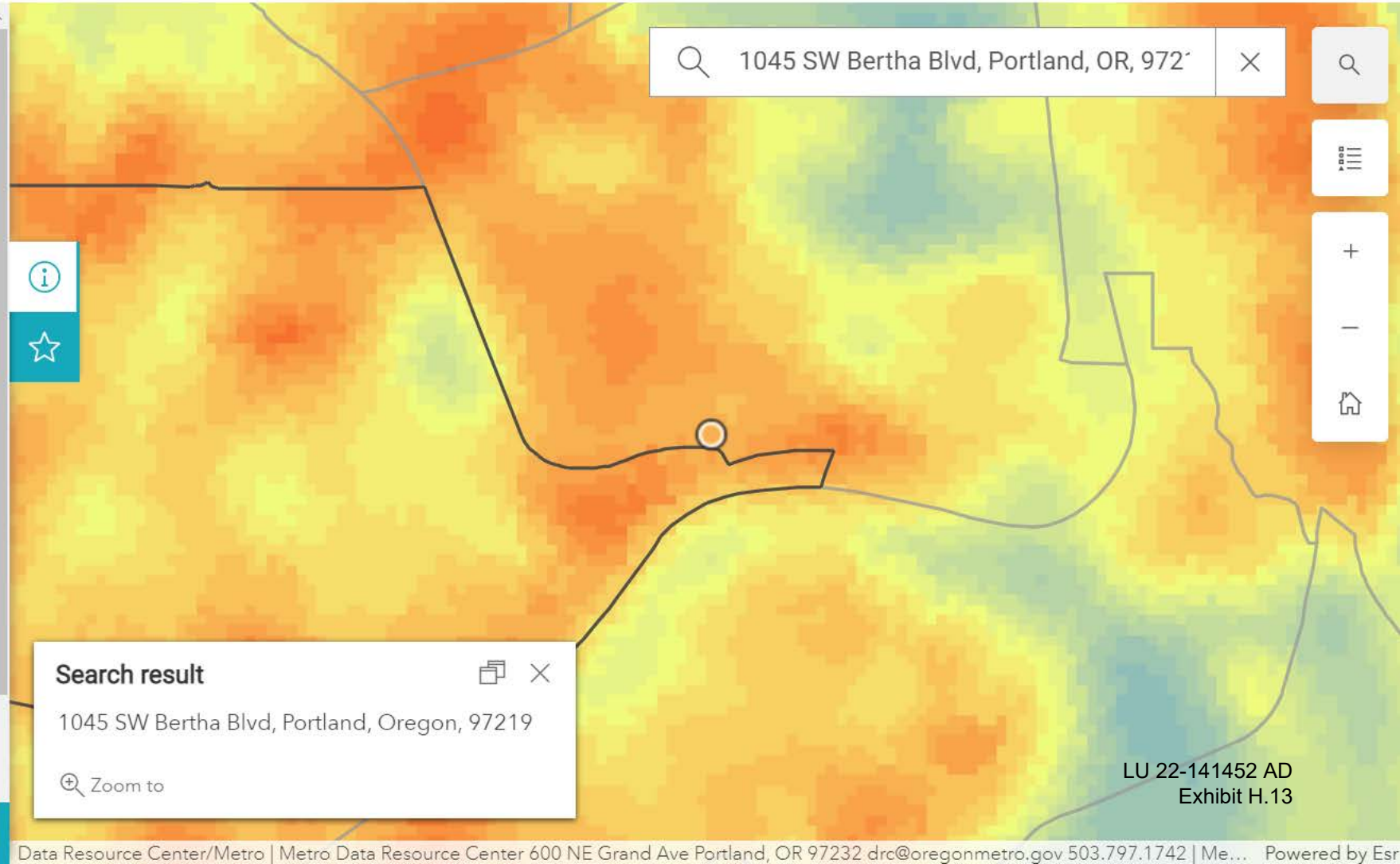
## Details

**Map**
Web Map

**November 24, 2020**
Date Updated

**November 8, 2019**
Published Date

I want to use this



BOOK 1211 , PAGE 97

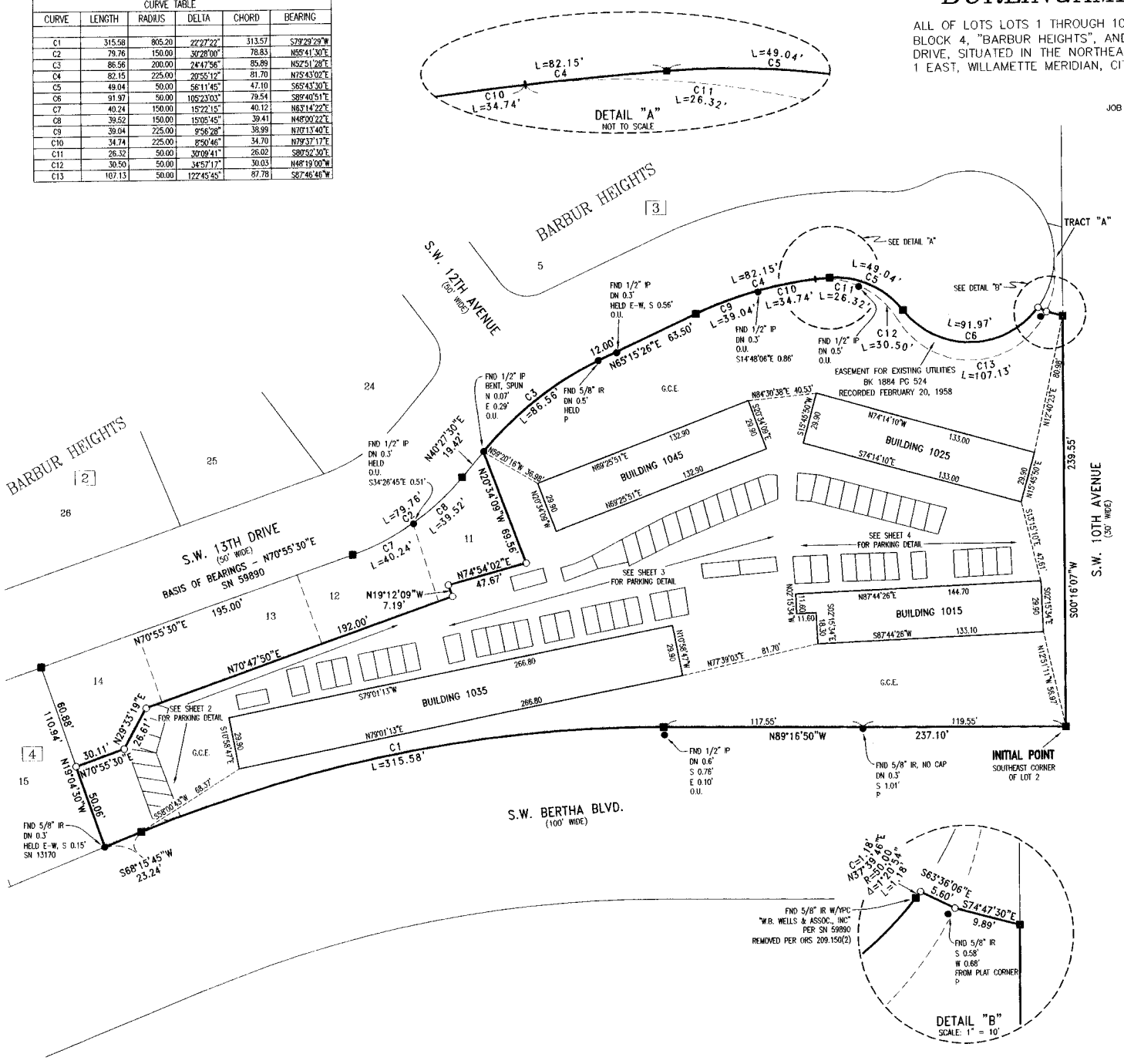
# BURLINGAME VIEW CONDOMINIUM

ALL OF LOTS LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4, "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA | CHORD | BEARING |
| C1 | 315.58 | 805.20 | 22°27'22" | 313.57 | S79°29'29"W |
| C2 | 79.76 | 150.00 | 30°28'00" | 78.83 | N55°41'30"E |
| C3 | 86.56 | 200.00 | 24°47'56" | 85.89 | N52°51'28"E |
| C4 | 82.15 | 225.00 | 20°55'12" | 81.70 | N75°43'02"E |
| C5 | 49.04 | 50.00 | 56°11'45" | 47.10 | S65°43'30"E |
| C6 | 91.97 | 50.00 | 105°23'03" | 79.54 | S89°40'51"E |
| C7 | 40.24 | 150.00 | 15°22'15" | 40.12 | N63°14'22"E |
| C8 | 39.52 | 150.00 | 15°05'45" | 39.41 | N48°00'22"E |
| C9 | 39.04 | 225.00 | 9°56'28" | 38.99 | N70°13'40"E |
| C10 | 34.74 | 225.00 | 8°50'46" | 34.70 | N79°37'17"E |
| C11 | 26.32 | 50.00 | 30°09'41" | 26.02 | S80°52'30"E |
| C12 | 30.50 | 50.00 | 34°57'17" | 30.03 | N48°19'00"W |
| C13 | 107.13 | 50.00 | 122°45'45" | 87.78 | S87°46'46"W |




SCALE : 1" = 40'

## LEGEND

- O – SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC" SET ON OCTOBER 21, 2005.
- ● – FOUND MONUMENT AS NOTED.
- ■ – FOUND AND HELD 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC" SET IN SN 59890.
- FND – FOUND
- IR – IRON ROD
- IP – IRON PIPE
- DN – DOWN
- O.U. – ORIGIN UNKNOWN
- G.C.E. – GENERAL COMMON ELEMENT
- SN – SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- P – PLAT OF BARBUR HEIGHTS, MULTNOMAH COUNTY PLAT RECORDS
- M – MEASURED
- 4 – BLOCK NUMBER

## INDEX


SHEET 1 – BOUNDARY, BUILDING LOCATION, GENERAL COMMON ELEMENTS
SHEET 2 – PARKING SPACE LOCATION, GENERAL COMMON ELEMENTS, PARKING AND TRASH ENCLOSURE EASEMENT
SHEET 3 – PARKING SPACE LOCATION, GENERAL COMMON ELEMENTS, PARKING AND TRASH ENCLOSURE EASEMENT
SHEET 4 – PARKING SPACE LOCATION, GENERAL COMMON ELEMENTS
SHEET 5 – RECORD EASEMENT LOCATIONS
SHEET 6 – BUILDING 1015, FIRST LEVEL, SECOND LEVEL, BASEMENT
SHEET 7 – BUILDING 1025, FIRST LEVEL, SECOND LEVEL
SHEET 8 – BUILDING 1035, FIRST LEVEL, SECOND LEVEL
SHEET 9 – BUILDING 1035, FIRST LEVEL, SECOND LEVEL
SHEET 10 – BUILDING 1035, BASEMENT, SECTION D-D
SHEET 11 – BUILDING 1035, BASEMENT, SECTION D-D
SHEET 12 – BUILDING 1045, FIRST LEVEL, SECOND LEVEL
SHEET 13 – SECTION A-A, SECTION B-B, SECTION C-C
SHEET 14 – SURVEYOR'S CERTIFICATE, CERTIFICATE OF COMPLETION, NARRATIVE, DECLARATION, ACKNOWLEDGEMENT, AND APPROVALS


## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. DIMENSIONS AND BUILDING TIES SHOWN ARE TO THE EXTERIOR PERIMETER OF THE FOUNDATION LINE.

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 13, 1984 RANDY L. ROHNER 2107
EXPIRES 12-31-06

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT


W.B. WELLS and associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-5896 FAX:(503) 284-8530
e-mail address: info@wbwells.com





LU 22-141452 AD
Exhibit H.13

BOOK 1271 , PAGE 98

# BURLINGAME VIEW CONDOMINIUM

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SURVEYED APRIL 29, 2005

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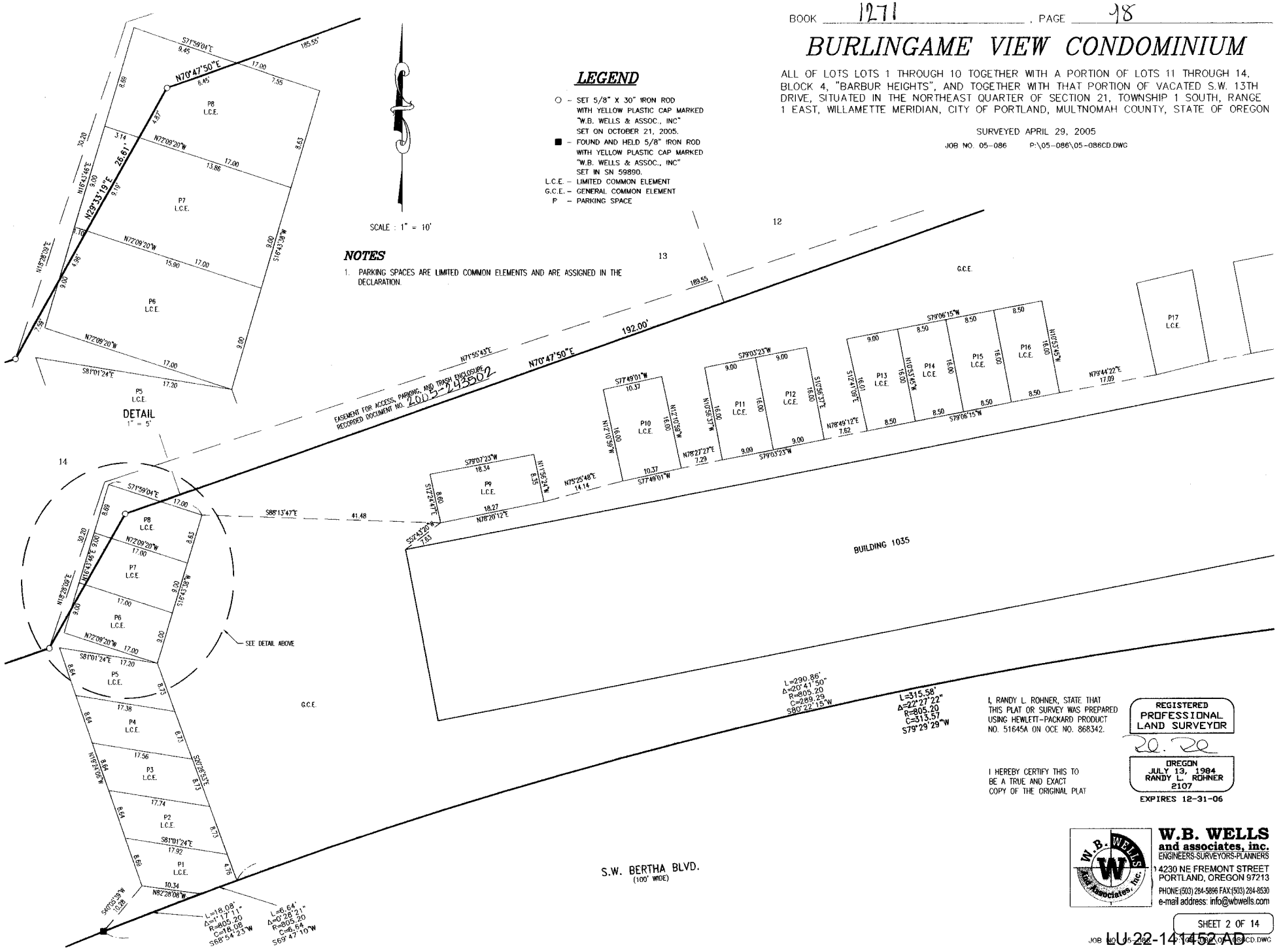
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- G.C.E. – GENERAL COMMON ELEMENT
- P – PARKING SPACE

SCALE : 1" = 10'

## NOTES

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BOOK 1271 , PAGE 99

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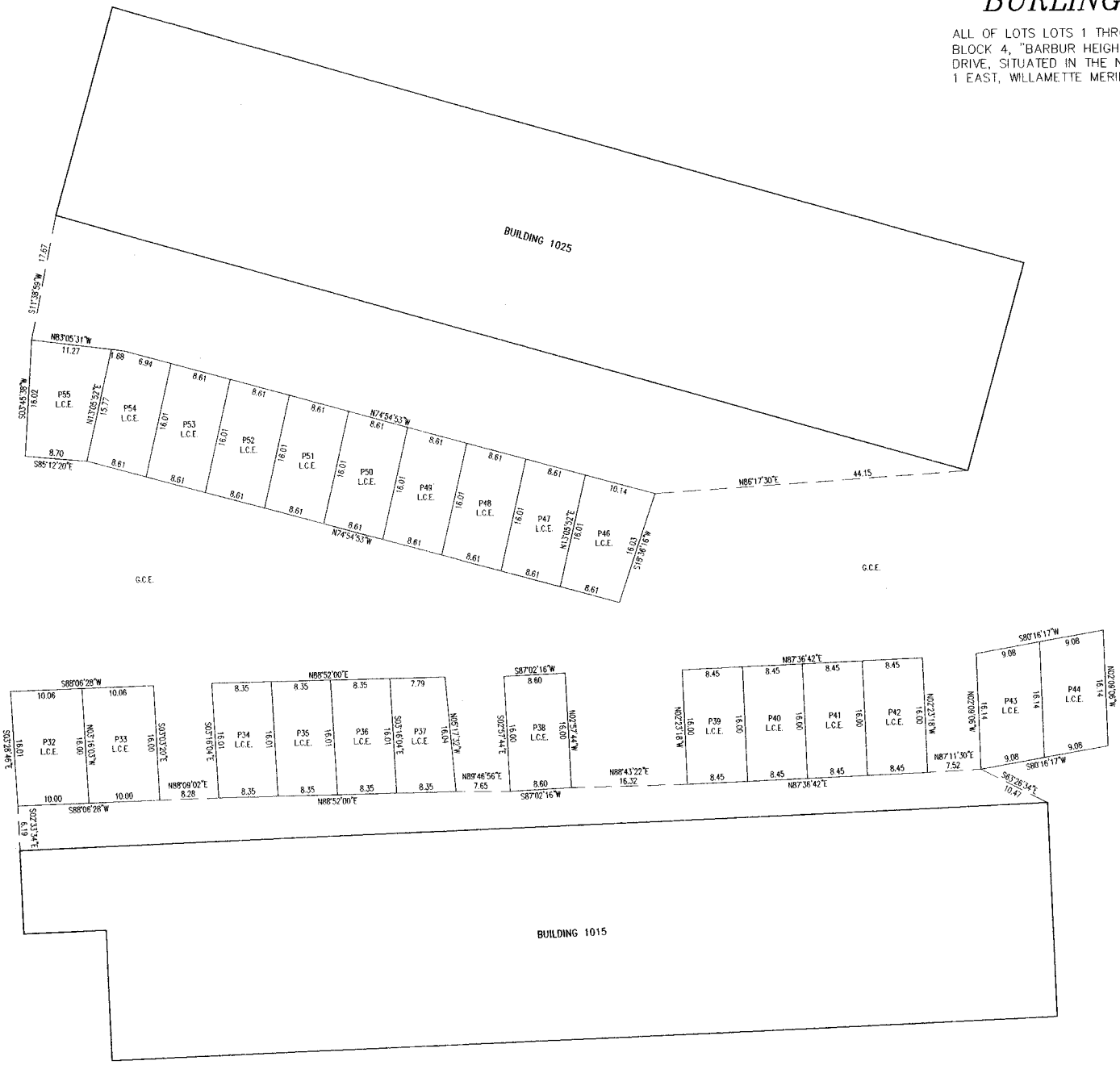
BOOK 1271 , PAGE 100

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## LEGEND

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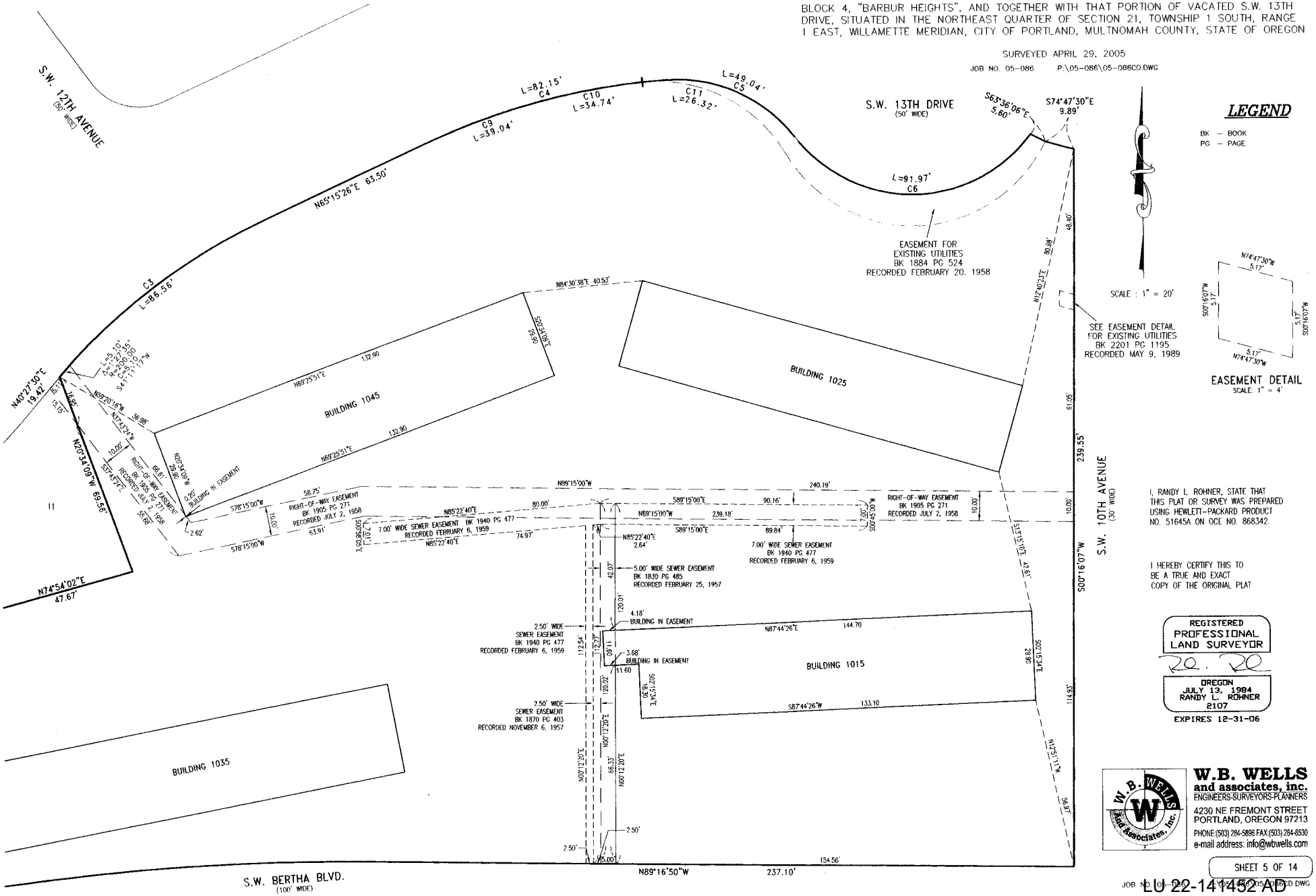
BOOK 1271 , PAGE 101

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SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG




SCALE : 1" = 20'

## LEGEND

BK – BOOK
PG – PAGE




EASEMENT DETAIL
SCALE: 1" = 4'

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BOOK 1271 , PAGE 102

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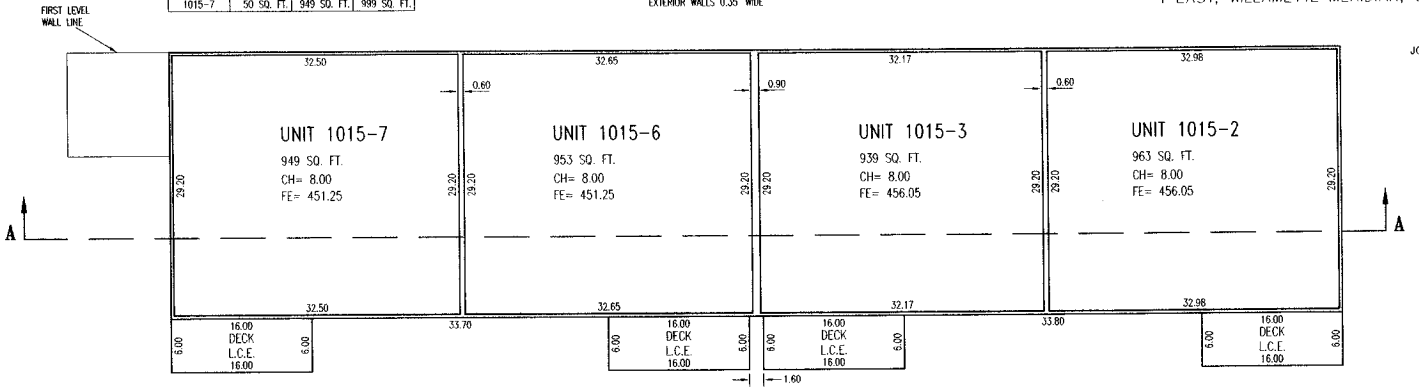
SURVEYED APRIL 29, 2005

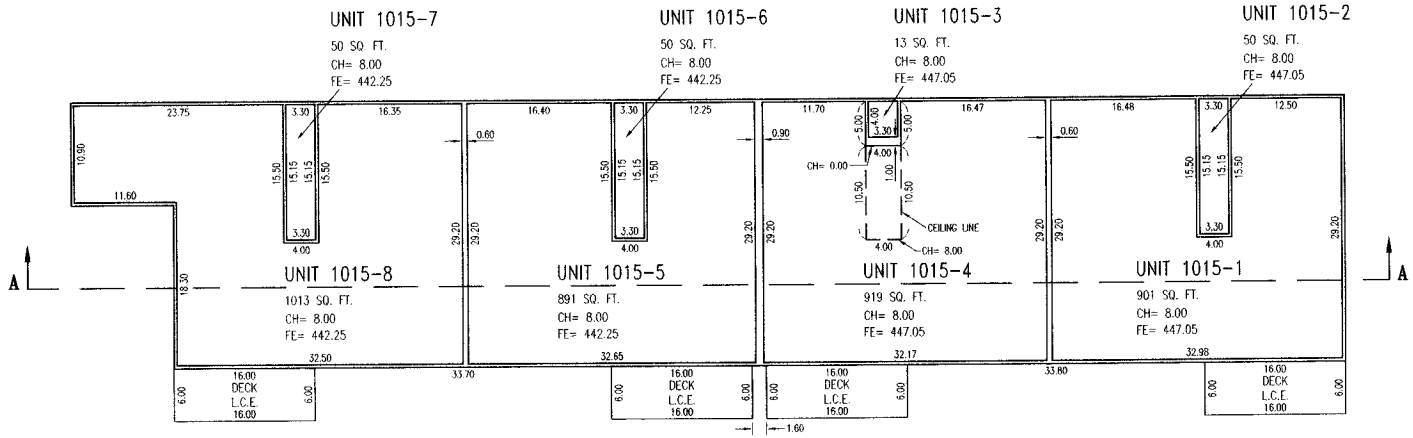
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| UNIT AREA TOTALS | | | |
|---|---|---|---|
| UNIT | ENTRY/ STAIRS | SECOND LEVEL | TOTAL AREA |
| 1015-2 | 50 SQ. FT. | 963 SQ. FT. | 1013 SQ. FT. |
| 1015-3 | 13 SQ. FT. | 939 SQ. FT. | 952 SQ. FT. |
| 1015-6 | 50 SQ. FT. | 953 SQ. FT. | 1003 SQ. FT. |
| 1015-7 | 50 SQ. FT. | 949 SQ. FT. | 999 SQ. FT. |

## BUILDING 1015
## SECOND LEVEL

INTERIOR WALLS 0.60' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE



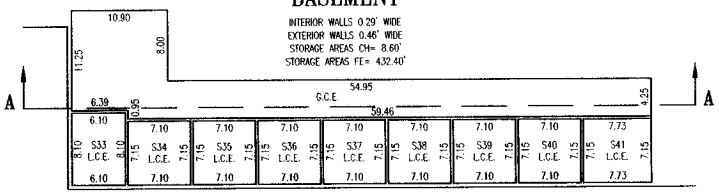




## BUILDING 1015
## FIRST LEVEL

INTERIOR WALLS 0.35' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE

## BUILDING 1015
## BASEMENT

INTERIOR WALLS 0.29' WIDE
EXTERIOR WALLS 0.46' WIDE
STORAGE AREAS CH= 8.60'
STORAGE AREAS FE= 432.40'






SCALE : 1" = 10'

## LEGEND

SQ. FT. – SQUARE FEET
CH – CEILING HEIGHT
FE – FLOOR ELEVATION
L.C.E. – LIMITED COMMON ELEMENT
S – STORAGE AREA

## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1601, A FOUND 2 1/2" BRASS DISC LOCATED AT THE N.W. CORNER OF THE INTERSECTION OF S.W. 13TH DRIVE AND S.W. 12TH AVENUE. ELEVATION = 472.621 FEET, CITY OF PORTLAND DATUM.
3. DECKS ARE LIMITED COMMON ELEMENTS AND PERTAIN TO THE UNIT TO WHICH THEY ADJOIN. STORAGE AREAS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED IN THE DECLARATION.
4. ALL LIMITED COMMON ELEMENT LINES ARE PARALLEL WITH OR PERPENDICULAR TO THE BUILDING WALL LINES.
5. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. FIRST LEVEL AND SECOND LEVEL INTERIOR HORIZONTAL MEASUREMENTS ARE FROM FINISHED WALL TO FINISHED WALL. BASEMENT INTERIOR VERTICAL MEASUREMENTS ARE FROM CONCRETE FLOOR TO CEILING JOIST. BASEMENT INTERIOR HORIZONTAL MEASUREMENTS ARE FROM CONCRETE WALL TO FACE OF STUD. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

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OREGON
JULY 13, 1984
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2107

EXPIRES 12-31-06


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LU 22-141452 AD
Exhibit H.13

BOOK 1271 , PAGE 103

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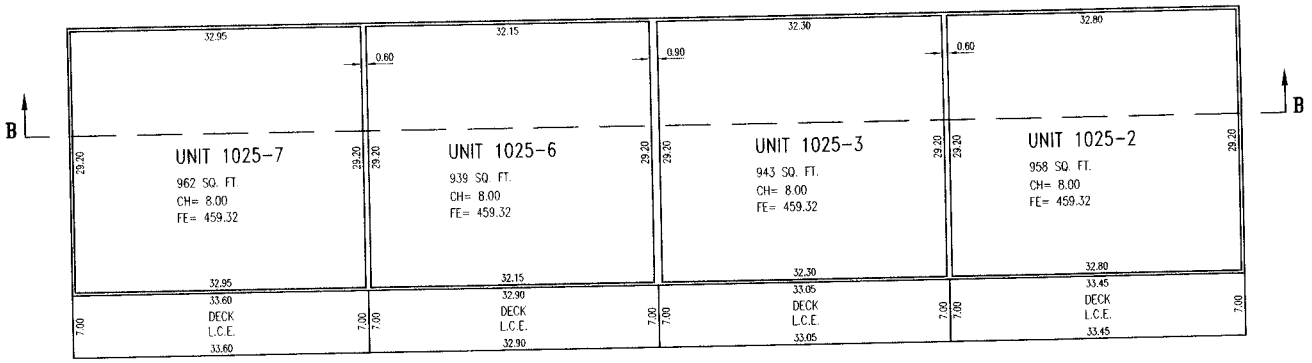
SURVEYED APRIL 29, 2005

JOB NO. 05--086 P:\05--086\05--086CD.DWG

| UNIT AREA TOTALS | | | |
|---|---|---|---|
| UNIT | ENTRY/ STAIRS | SECOND LEVEL | TOTAL AREA |
| 1025-2 | 58 SQ. FT. | 958 SQ. FT. | 1016 SQ. FT. |
| 1025-3 | 58 SQ. FT. | 943 SQ. FT. | 1001 SQ. FT. |
| 1025-6 | 58 SQ. FT. | 939 SQ. FT. | 997 SQ. FT. |
| 1025-7 | 58 SQ. FT. | 962 SQ. FT. | 1020 SQ. FT. |

## BUILDING 1025
## SECOND LEVEL

INTERIOR WALLS 0.60' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE





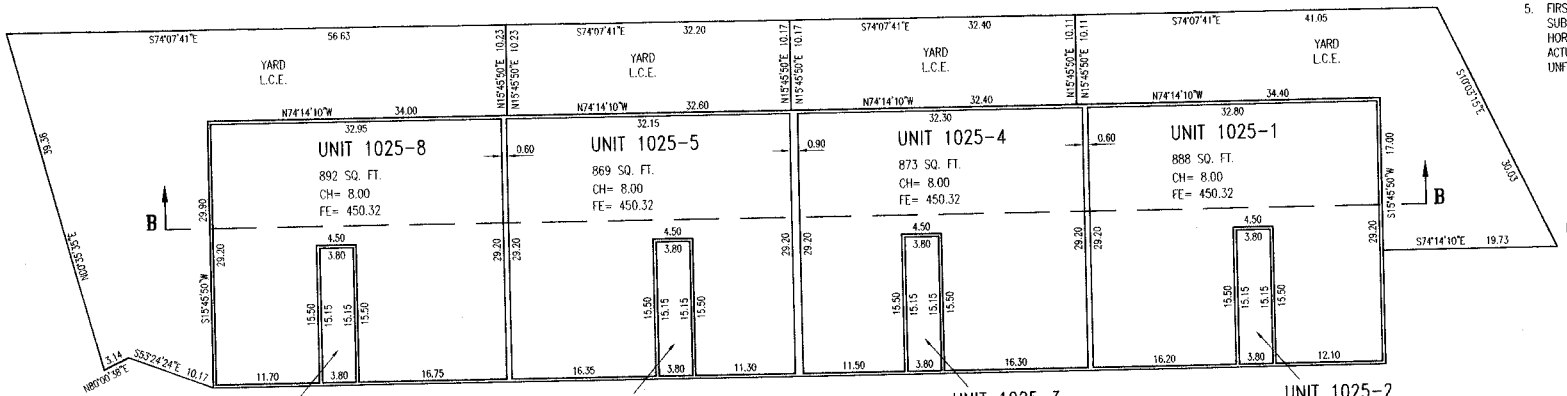

SCALE : 1" = 10'

## LEGEND

SQ. FT. – SQUARE FEET
CH – CEILING HEIGHT
FE – FLOOR ELEVATION
L.C.E. – LIMITED COMMON ELEMENT

## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1601, A FOUND 2 1/2" BRASS DISC LOCATED AT THE N.W. CORNER OF THE INTERSECTION OF S.W. 13TH DRIVE AND S.W. 12TH AVENUE. ELEVATION = 472.621 FEET, CITY OF PORTLAND DATUM.
3. DECKS AND YARDS ARE LIMITED COMMON ELEMENTS AND PERTAIN TO THE UNIT TO WHICH THEY ADJOIN.
4. ALL LIMITED COMMON ELEMENT LINES ARE PARALLEL WITH OR PERPENDICULAR TO THE BUILDING WALL LINES, OR AS NOTED.
5. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. FIRST LEVEL AND SECOND LEVEL INTERIOR HORIZONTAL MEASUREMENTS ARE FROM FINISHED WALL TO FINISHED WALL. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.




I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 13, 1984 RANDY L. ROHNER 2107

EXPIRES 12-31-06

UNIT 1025-7
58 SQ. FT.
CH= 8.00
FE= 450.32

UNIT 1025-6
58 SQ. FT.
CH= 8.00
FE= 450.32

UNIT 1025-3
58 SQ. FT.
CH= 8.00
FE= 450.32

UNIT 1025-2
58 SQ. FT.
CH= 8.00
FE= 450.32

## BUILDING 1025
## FIRST LEVEL

INTERIOR WALLS 0.35' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE


W.B. WELLS and associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-5896 FAX:(503) 284-8530
e-mail address: info@wbwells.com




JOB NO. 05--086 P:\05--086\05--086CD.DWG

LU 22-141452 AD
Exhibit H.13

BOOK 1271 , PAGE 104

# BURLINGAME VIEW CONDOMINIUM

ALL OF LOTS LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4, "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

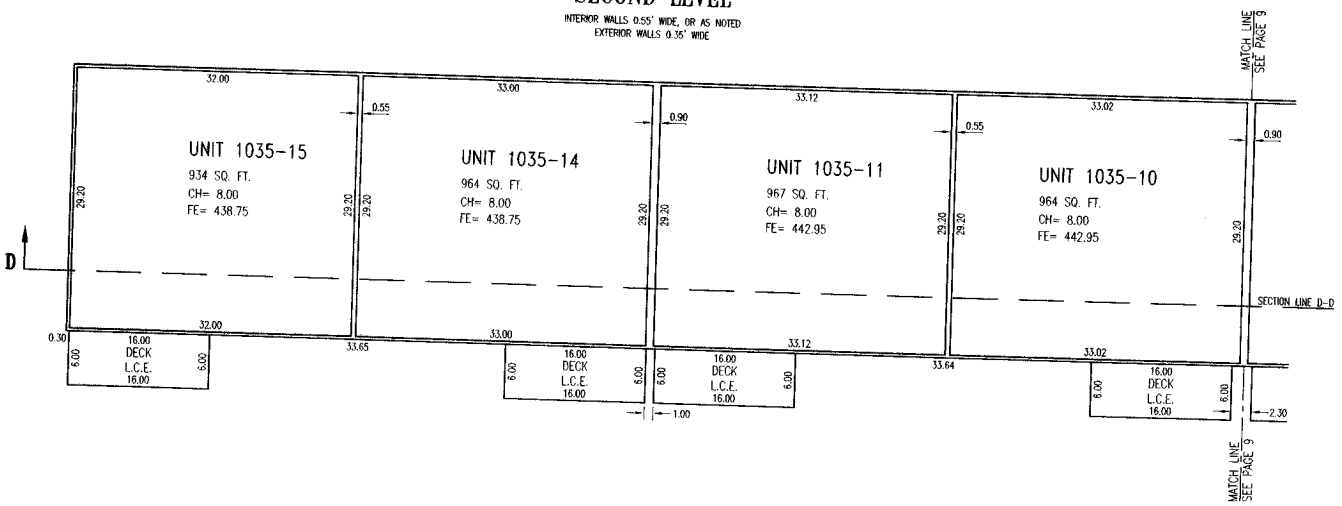
SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG

| UNIT AREA TOTALS | | | |
|---|---|---|---|
| UNIT | ENTRY/ STAIRS | SECOND LEVEL | TOTAL AREA |
| 1035-10 | 13 SQ. FT. | 964 SQ. FT. | 977 SQ. FT. |
| 1035-11 | 50 SQ. FT. | 967 SQ. FT. | 1017 SQ. FT. |
| 1035-14 | 50 SQ. FT. | 964 SQ. FT. | 1014 SQ. FT. |
| 1035-15 | 34 SQ. FT. | 934 SQ. FT. | 968 SQ. FT. |

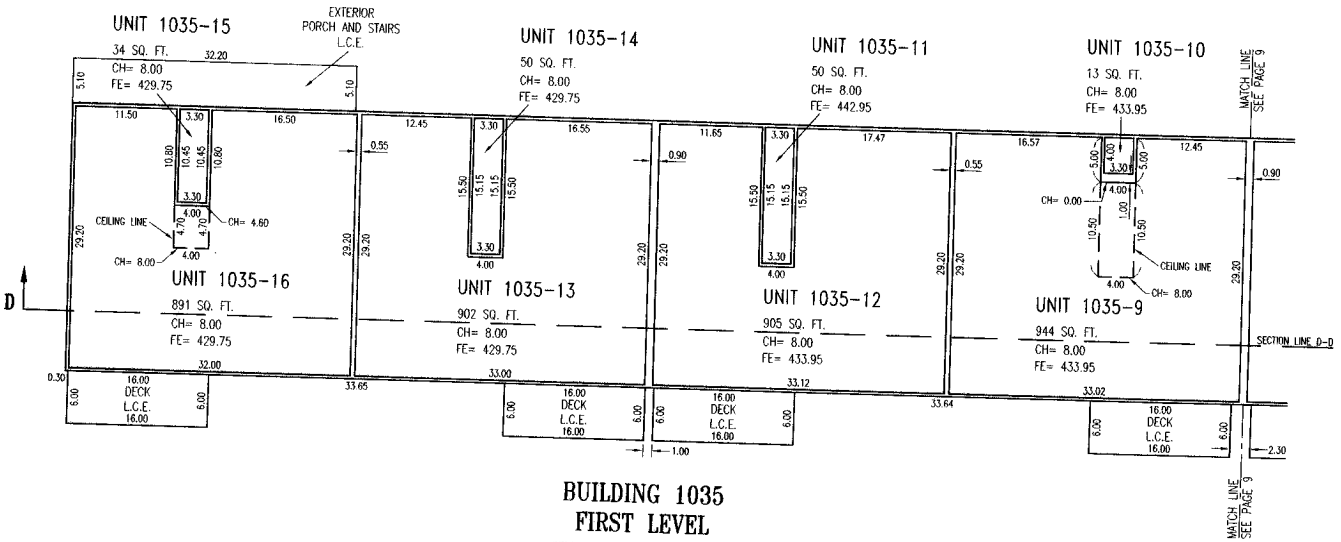
## BUILDING 1035
## SECOND LEVEL

INTERIOR WALLS 0.55' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE




## BUILDING 1035
## FIRST LEVEL

INTERIOR WALLS 0.35' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE






SCALE : 1" = 10'

## LEGEND

SQ. FT. – SQUARE FEET
CH – CEILING HEIGHT
FE – FLOOR ELEVATION
L.C.E. – LIMITED COMMON ELEMENT

## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1601, A FOUND 2 1/2" BRASS DISC LOCATED AT THE N.W. CORNER OF THE INTERSECTION OF S.W. 13TH DRIVE AND S.W. 12TH AVENUE. ELEVATION = 472.621 FEET, CITY OF PORTLAND DATUM.
3. DECKS ARE LIMITED COMMON ELEMENTS AND PERTAIN TO THE UNIT TO WHICH THEY ADJOIN.
4. ALL LIMITED COMMON ELEMENT LINES ARE PARALLEL WITH OR PERPENDICULAR TO THE BUILDING WALL LINES.
5. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. FIRST LEVEL AND SECOND LEVEL INTERIOR HORIZONTAL MEASUREMENTS ARE FROM FINISHED WALL TO FINISHED WALL. FROM FINISHED WALL TO FINISHED WALL. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 1984
RANDY L. ROHNER
2107

EXPIRES 12-31-06


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e-mail address: info@wbwells.com




LU 22-141452 AD
Exhibit H.13

BOOK 1271 , PAGE 105

# BURLINGAME VIEW CONDOMINIUM

ALL OF LOTS LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4, "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

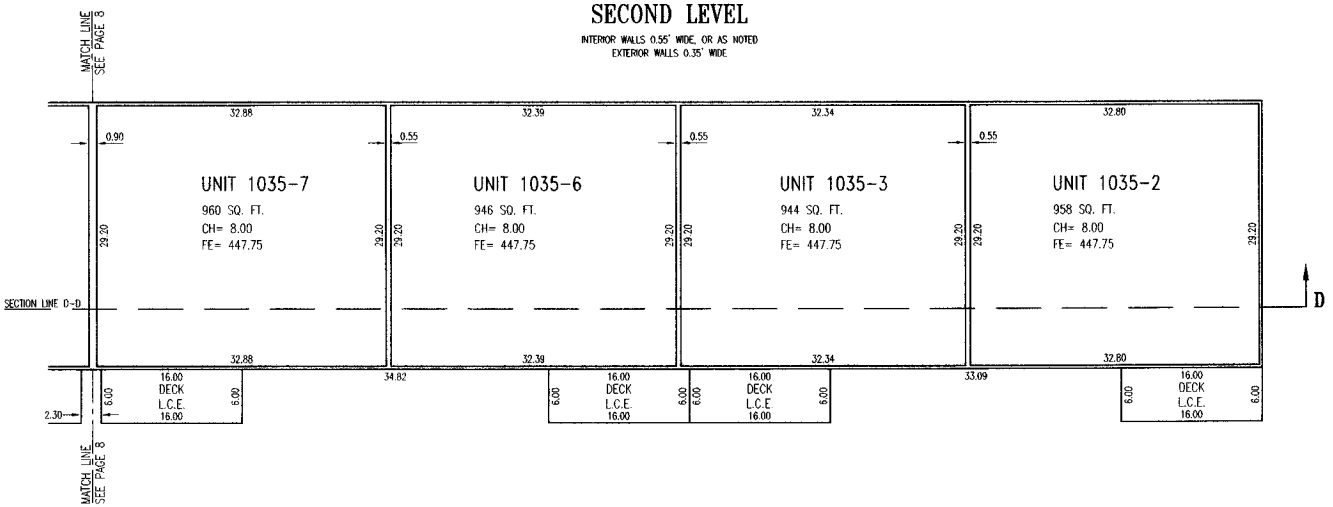
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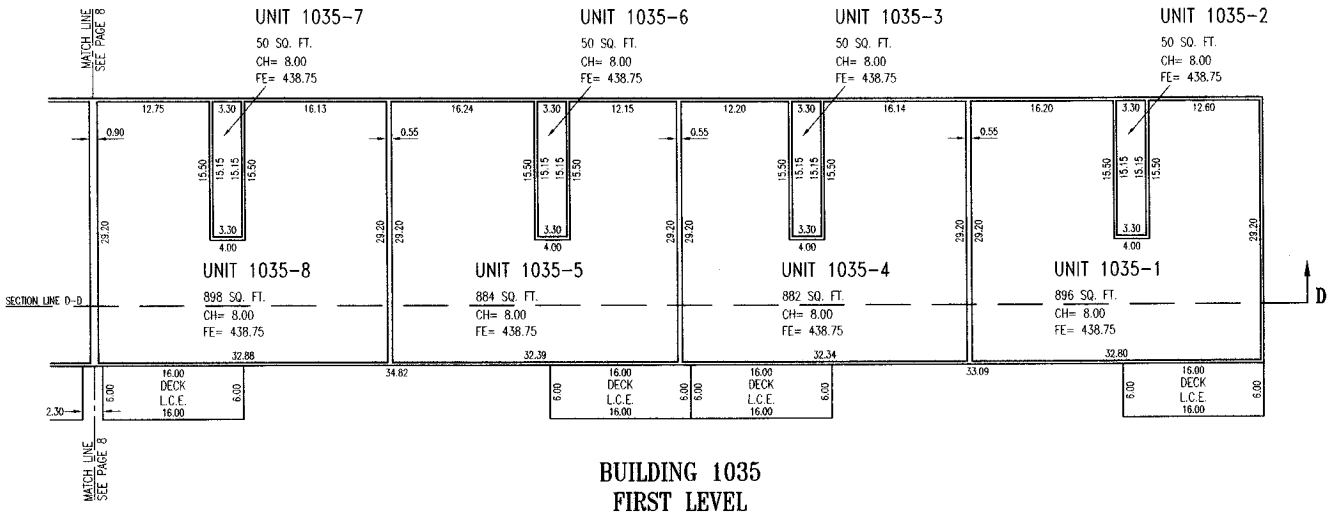
JOB NO. 05-086 P:\05-086\05-086CD.DWG

| UNIT AREA TOTALS | | | |
|---|---|---|---|
| UNIT | ENTRY/ STAIRS | SECOND LEVEL | TOTAL AREA |
| 1035-2 | 50 SQ. FT. | 958 SQ. FT. | 1008 SQ. FT. |
| 1035-3 | 50 SQ. FT. | 944 SQ. FT. | 994 SQ. FT. |
| 1035-6 | 50 SQ. FT. | 946 SQ. FT. | 996 SQ. FT. |
| 1035-7 | 50 SQ. FT. | 960 SQ. FT. | 1010 SQ. FT. |

## BUILDING 1035
## SECOND LEVEL

INTERIOR WALLS 0.55' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE




## BUILDING 1035
## FIRST LEVEL

INTERIOR WALLS 0.35' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE



SCALE : 1" = 10'

## LEGEND

SQ. FT. – SQUARE FEET
CH – CEILING HEIGHT
FE – FLOOR ELEVATION
L.C.E. – LIMITED COMMON ELEMENT

## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1601, A FOUND 2 1/2" BRASS DISC LOCATED AT THE N.W. CORNER OF THE INTERSECTION OF S.W. 13TH DRIVE AND S.W. 12TH AVENUE. ELEVATION = 472.621 FEET, CITY OF PORTLAND DATUM.
3. DECKS ARE LIMITED COMMON ELEMENTS AND PERTAIN TO THE UNIT TO WHICH THEY ADJOIN.
4. ALL LIMITED COMMON ELEMENT LINES ARE PARALLEL WITH OR PERPENDICULAR TO THE BUILDING WALL LINES.
5. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. FIRST LEVEL AND SECOND LEVEL INTERIOR HORIZONTAL MEASUREMENTS ARE FROM FINISHED WALL TO FINISHED WALL. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.

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I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 13, 1984 RANDY L. ROHNER 2107

EXPIRES 12-31-06


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LU 22-141452 AD
Exhibit H.13

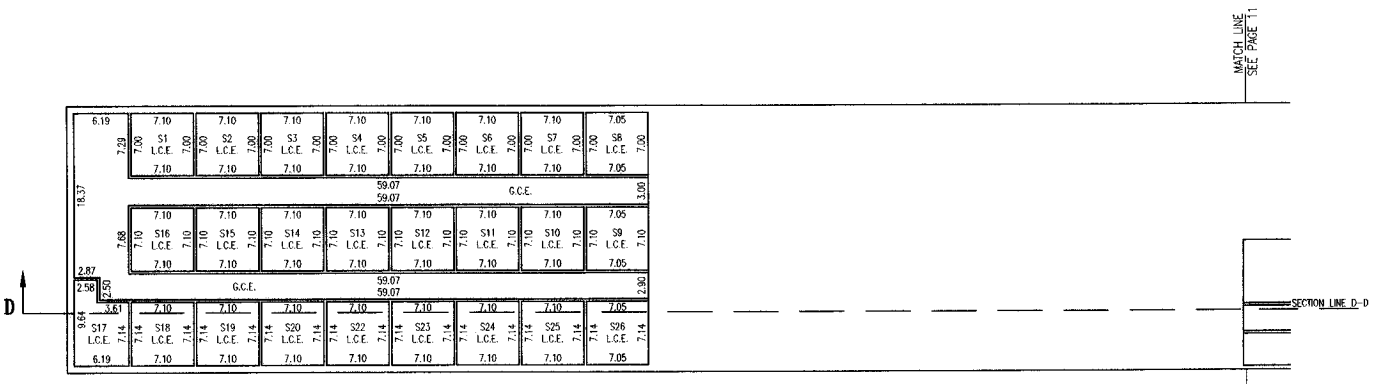
BOOK 1271 . PAGE 106

# BURLINGAME VIEW CONDOMINIUM

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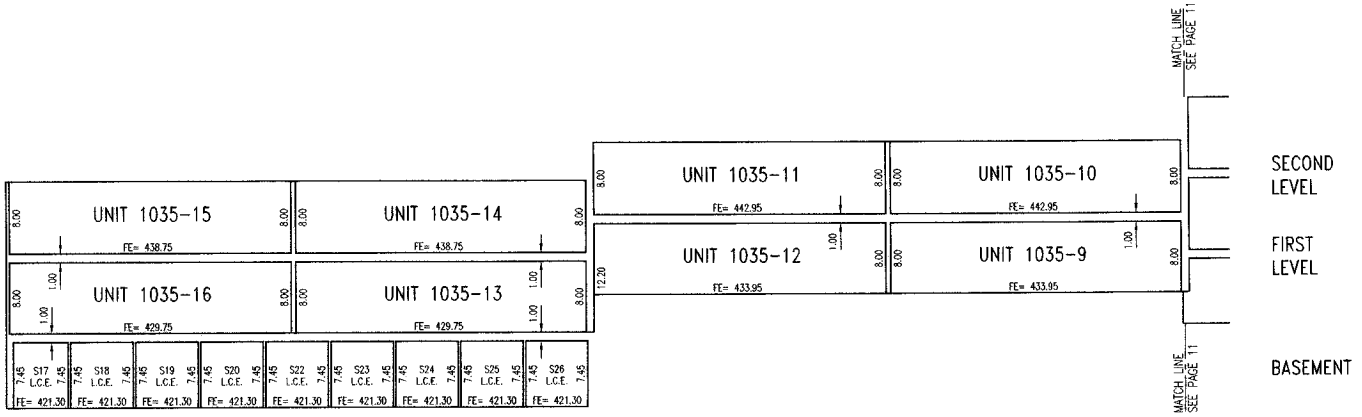
SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG




BUILDING 1035
BASEMENT

INTERIOR WALLS 0.29' WIDE
EXTERIOR WALLS 0.80' WIDE
STORAGE AREAS CH= 7.45'
STORAGE AREAS FE= 421.30'




BUILDING 1035
SECTION D-D



SCALE : 1" = 10'

## LEGEND

CH – CEILING HEIGHT
FE – FLOOR ELEVATION
L.C.E. – LIMITED COMMON ELEMENT
G.C.E. – GENERAL COMMON ELEMENT
S – STORAGE AREA

## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1601, A FOUND 2 1/2" BRASS DISC LOCATED AT THE N.W. CORNER OF THE INTERSECTION OF S.W. 13TH DRIVE AND S.W. 12TH AVENUE. ELEVATION = 472.621 FEET, CITY OF PORTLAND DATUM.
3. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. FIRST LEVEL AND SECOND LEVEL INTERIOR HORIZONTAL MEASUREMENTS ARE FROM FINISHED WALL TO FINISHED WALL. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.
4. STORAGE AREAS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED IN THE DECLARATION.

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 1984
RANDY L. ROHNER
2107

EXPIRES 12-31-06


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e-mail address: info@wbwells.com





LU 22-141452 AD
Exhibit H.13

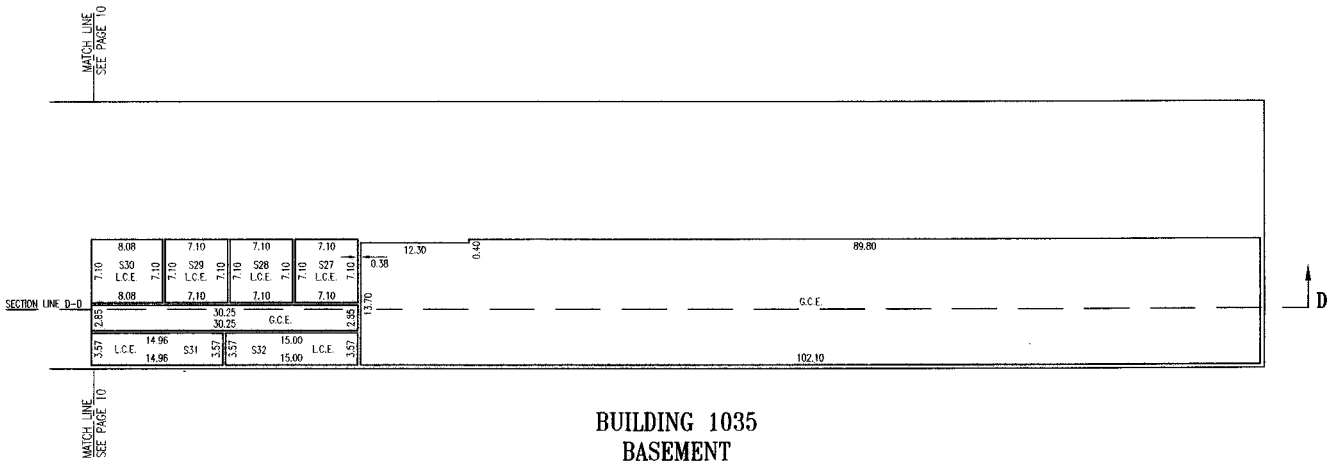
BOOK 1271 , PAGE 107

# BURLINGAME VIEW CONDOMINIUM

ALL OF LOTS LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4, "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

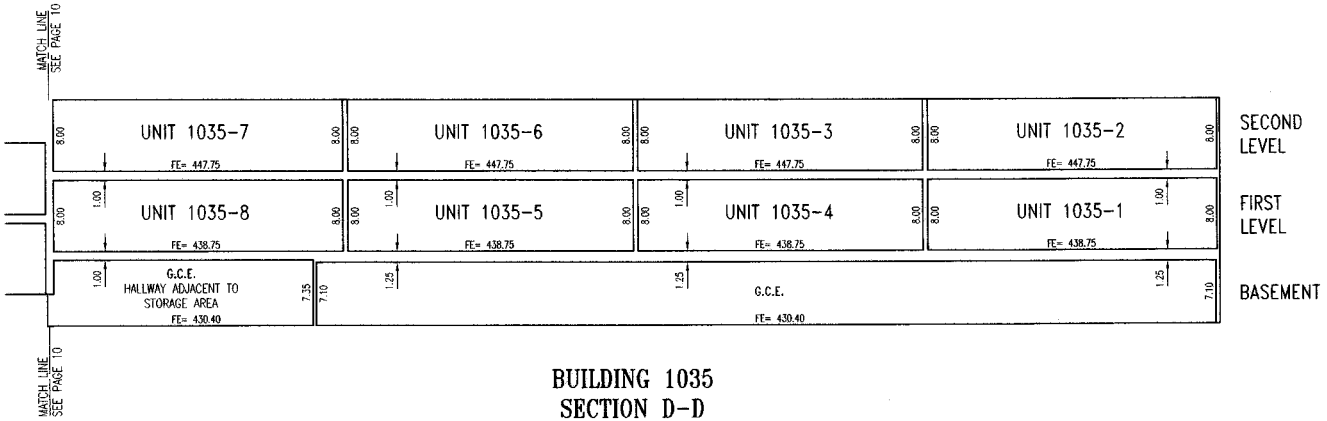
SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG




## BUILDING 1035
## BASEMENT

INTERIOR WALLS 0.29' WIDE, OR AS NOTED
EXTERIOR WALLS 0.46' WIDE
STORAGE AREAS CH= 7.35'
STORAGE AREAS FE= 430.40'




## BUILDING 1035
## SECTION D-D

## LEGEND

CH – CEILING HEIGHT
FE – FLOOR ELEVATION
L.C.E. – LIMITED COMMON ELEMENT
G.C.E. – GENERAL COMMON ELEMENT
S – STORAGE SPACE

SCALE : 1" = 10'

## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1601, A FOUND 2 1/2" BRASS DISC LOCATED AT THE N.W. CORNER OF THE INTERSECTION OF S.W. 13TH DRIVE AND S.W. 12TH AVENUE. ELEVATION = 472.621 FEET, CITY OF PORTLAND DATUM.
3. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. BASEMENT INTERIOR VERTICAL MEASUREMENTS ARE FORM FINISHED FLOOR TO FINISHED CEILING. BASEMENT INTERIOR HORIZONTAL MEASUREMENTS ARE FROM CONCRETE WALL TO FACE OF STUD. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.
4. STORAGE AREAS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED IN THE DECLARATION.

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

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OREGON
JULY 13, 1984
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2107

EXPIRES 12-31-06


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LU 22-141452 AD
Exhibit H.13

BOOK 1271 , PAGE 108

# BURLINGAME VIEW CONDOMINIUM

ALL OF LOTS LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4, "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

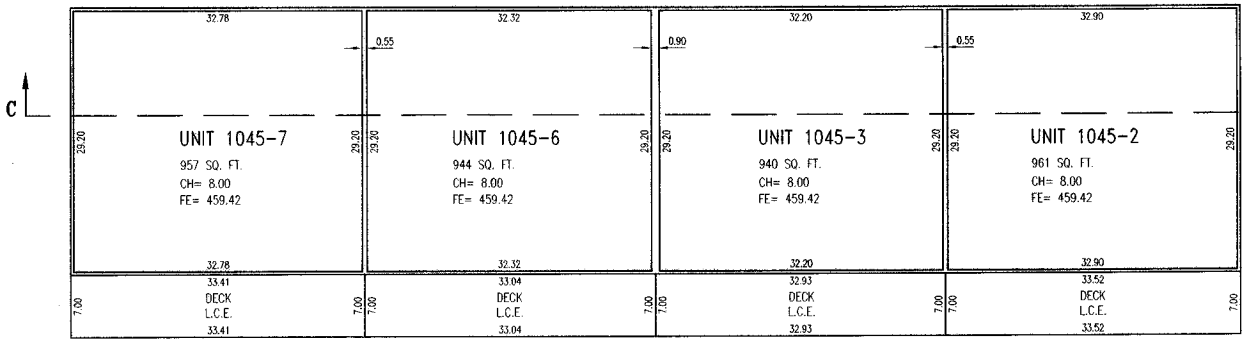
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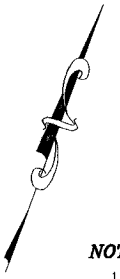
JOB NO. 05-086 P:\05-086\05-086CD.DWG

| UNIT AREA TOTALS | | | |
|---|---|---|---|
| UNIT | ENTRY/ STAIRS | SECOND LEVEL | TOTAL AREA |
| 1045-2 | 50 SQ. FT. | 961 SQ. FT. | 1011 SQ. FT. |
| 1045-3 | 50 SQ. FT. | 940 SQ. FT. | 990 SQ. FT. |
| 1045-6 | 50 SQ. FT. | 944 SQ. FT. | 994 SQ. FT. |
| 1035-7 | 50 SQ. FT. | 957 SQ. FT. | 1007 SQ. FT. |

## BUILDING 1045
## SECOND LEVEL

INTERIOR WALLS 0.55' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE



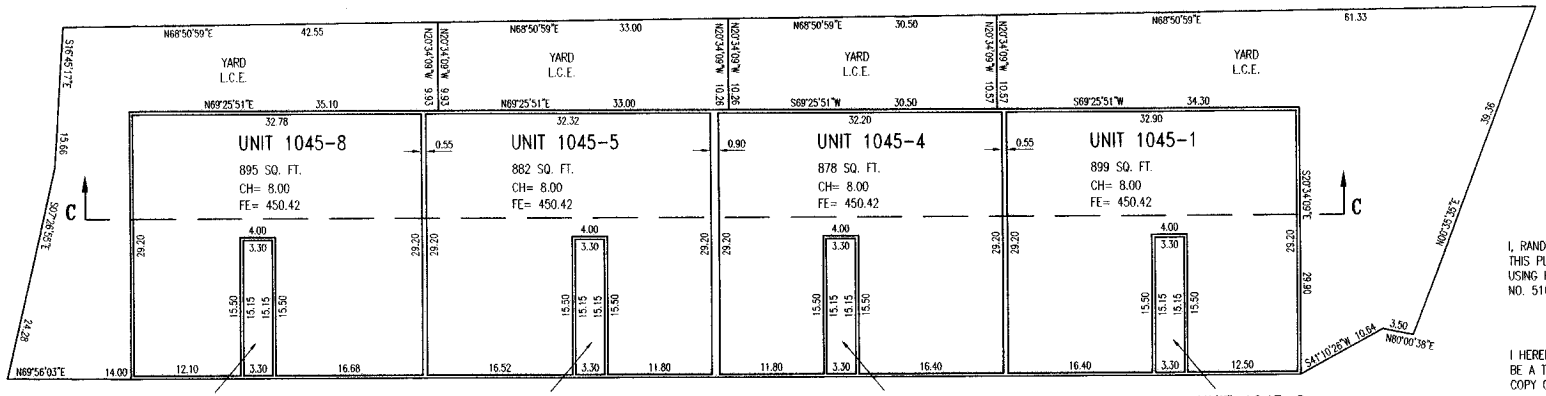
SCALE : 1" = 10'

## LEGEND

SQ. FT. – SQUARE FEET
CH – CEILING HEIGHT
FE – FLOOR ELEVATION
L.C.E. – LIMITED COMMON ELEMENT

## NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1601, A FOUND 2 1/2" BRASS DISC LOCATED AT THE N.W. CORNER OF THE INTERSECTION OF S.W. 13TH DRIVE AND S.W. 12TH AVENUE. ELEVATION = 472.621 FEET, CITY OF PORTLAND DATUM.
3. DECKS AND YARDS ARE LIMITED COMMON ELEMENTS AND PERTAIN TO THE UNIT TO WHICH THEY ADJOIN.
4. ALL LIMITED COMMON ELEMENT LINES ARE PARALLEL WITH OR PERPENDICULAR TO THE BUILDING WALL LINES, OR AS NOTED.
5. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. FIRST LEVEL AND SECOND LEVEL INTERIOR HORIZONTAL MEASUREMENTS ARE FROM FINISHED WALL TO FINISHED WALL. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.




UNIT 1045-7
50 SQ. FT.
CH= 8.00
FE= 450.42

UNIT 1045-6
50 SQ. FT.
CH= 8.00
FE= 450.42

UNIT 1045-3
50 SQ. FT.
CH= 8.00
FE= 450.42

UNIT 1045-2
50 SQ. FT.
CH= 8.00
FE= 450.42

## BUILDING 1045
## FIRST LEVEL

INTERIOR WALLS 0.35' WIDE, OR AS NOTED
EXTERIOR WALLS 0.35' WIDE

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 1984
RANDY L. ROHNER
2107

EXPIRES 12-31-06


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e-mail address: info@wbwells.com




LU 22-141452 AD
Exhibit H.13

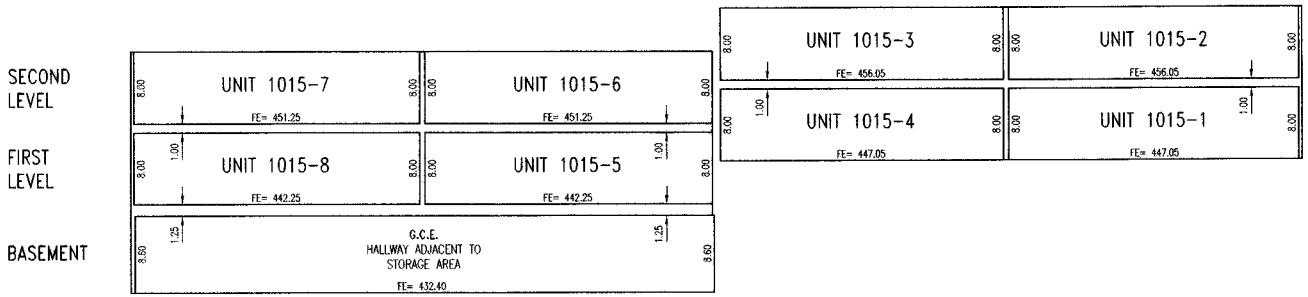
BOOK 1271 , PAGE 109

# BURLINGAME VIEW CONDOMINIUM

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SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG




BUILDING 1015
SECTION A-A

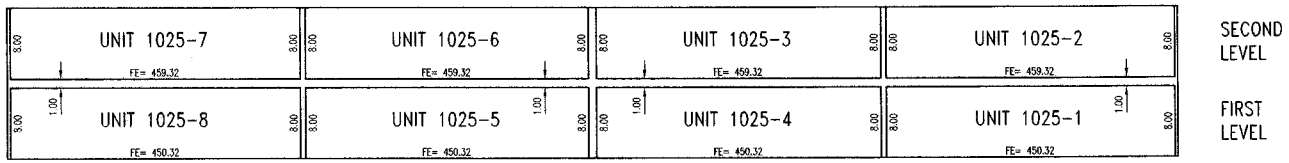
## LEGEND

FE – FLOOR ELEVATION
G.C.E. – GENERAL COMMON ELEMENT

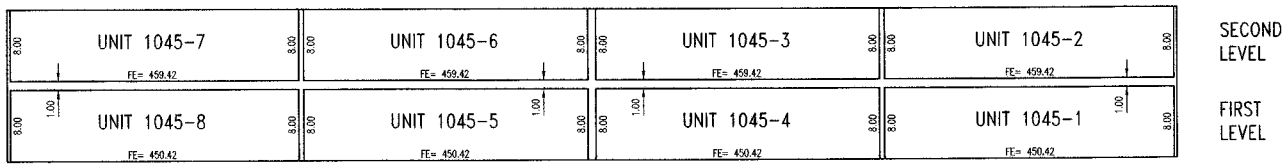
SCALE : 1" = 10'

## NOTES

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2. FIRST LEVEL AND SECOND LEVEL INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO FINISHED CEILING. BASEMENT INTERIOR VERTICAL MEASUREMENTS ARE FROM CONCRETE FLOOR TO CEILING JOIST. ACTUAL BOUNDARIES OF UNITS ARE THE INTERIOR PERIMETER OF ITS UNFINISHED SURFACES. SEE ITEM 5.2 OF THE DECLARATION DOCUMENT.




BUILDING 1025
SECTION B-B




BUILDING 1045
SECTION C-C

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 1984
RANDY L. ROHNER
2107

EXPIRES 12-31-06


W.B. WELLS and associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-5896 FAX:(503) 284-8530
e-mail address: info@wbwells.com





LU 22-141452 AD
Exhibit H.13

BOOK 1271 , PAGE 110

# BURLINGAME VIEW CONDOMINIUM

ALL OF LOTS LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4, "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

SURVEYED APRIL 29, 2005

JOB NO. 05-086 P:\05-086\05-086CD.DWG

## SURVEYOR'S CERTIFICATE

I, RANDY L. ROHNER, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ANNEXED MAP OF "BURLINGAME VIEW CONDOMINIUM", SAID LAND BEING DESCRIBED AS FOLLOWS:

BEING ALL OF LOTS 1 THROUGH 10 TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, BLOCK 4 OF THE PLAT OF "BARBUR HEIGHTS", AND TOGETHER WITH THAT PORTION OF VACATED S.W. 13TH DRIVE, VACATED BY ORDINANCE NO. 107296 RECORDED ON FEBRUARY 20, 1958, IN BOOK 1884 PAGE 524, MULTNOMAH COUNTY DEED RECORDS, SITUATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING THE SOUTHEAST CORNER OF SAID LOT 2, SAID POINT BEING MARKED BY A FOUND 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC"; THENCE NORTH 89°16'50" WEST ALONG THE SOUTH LINE OF SAID LOTS 2, 3, 6, 7, AND THE NORTH RIGHT-OF-WAY LINE OF S.W. BERTHA BOULEVARD (100.00 FEET WIDE), A DISTANCE OF 237.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, ALONG THE ARC OF A 805.20 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 22°27'22" (LONG CHORD BEARS SOUTH 79°29'29" WEST, A DISTANCE OF 313.57 FEET) AN ARC DISTANCE OF 315.58 FEET TO A POINT OF TANGENCY ON THE SOUTH LINE OF SAID LOT 14; THENCE SOUTH 68°15'45" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 23.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 14; THENCE NORTH 19°04'30" WEST ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 50.06 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC"; THENCE NORTH 70°55'30" EAST, A DISTANCE OF 30.11 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC."; THENCE NORTH 29°33'19" EAST, A DISTANCE OF 26.61 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC."; THENCE NORTH 70°47'50" EAST, A DISTANCE OF 192.00 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC."; THENCE NORTH 19°12'09" WEST, A DISTANCE OF 7.19 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC."; THENCE NORTH 74°54'02" EAST, A DISTANCE OF 47.67 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC., INC."; THENCE NORTH 20°34'09" WEST, A DISTANCE OF 69.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 9 AND TO A POINT OF NON-TANGENCY ON THE SOUTHERLY RIGHT-OF-WAY LINE OF S.W. 13TH DRIVE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.W. 13TH DRIVE AS FOLLOWS: ALONG THE ARC OF A 200.00 FOOT RADIUS CIRCULAR CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 24°47'56" (LONG CHORD BEARS NORTH 52°51'28" EAST, A DISTANCE OF 85.89 FEET) AN ARC DISTANCE OF 86.56 FEET TO A POINT OF TANGENCY; NORTH 65°15'26" EAST, A DISTANCE OF 63.50 FEET TO A POINT OF CIRCULAR CURVE; ALONG THE ARC OF A 225.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 20°55'12" (LONG CHORD BEARS NORTH 75°43'02" EAST, A DISTANCE OF 81.70 FEET), AN ARC DISTANCE OF 82.15 FEET TO A POINT OF COMPOUND CURVATURE; ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST THROUGH A CENTRAL ANGLE OF 56°11'45" (LONG CHORD BEARS SOUTH 65°43'30" EAST, A DISTANCE OF 47.10 FEET), AN ARC DISTANCE OF 49.04 FEET TO A POINT OF REVERSE CURVATURE; ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 105°23'03" (LONG CHORD BEARS NORTH 89°40'51" EAST, A DISTANCE OF 79.54 FEET), AN ARC DISTANCE OF 91.97 FEET TO A RADIAL EXTENSION FROM THE MOST NORTHERLY CORNER OF SAID LOT 1; THENCE SOUTH 63°36'06" EAST ALONG SAID RADIAL EXTENSION, A DISTANCE OF 5.60 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 1; THENCE SOUTH 74°47'30" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 9.89 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE WEST RIGHT-OF-WAY LINE OF S.W. 10TH AVENUE (30.00 FEET WIDE); THENCE SOUTH 00°16'07" WEST ALONG THE EAST LINE OF SAID LOTS 1, 2, AND SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 239.55 FEET TO THE INITIAL POINT.

TOGETHER WITH AN EASEMENT FOR ACCESS, PARKING, AND TRASH ENCLOSURE INTEREST PER DOCUMENT NO. 2005-243502 MULTNOMAH COUNTY DEED RECORDS.

## CERTIFICATE OF COMPLETION

I, RANDY L. ROHNER, A REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF "BURLINGAME VIEW CONDOMINIUM" FULLY AND ACCURATELY DEPICTS THE BOUNDARIES OF THE UNITS OF THE BUILDINGS OF "BURLINGAME VIEW CONDOMINIUM" AND THAT THE CONSTRUCTION OF THE UNITS AND BUILDINGS AS DEPICTED ON THE PLAT WERE COMPLETED AS OF APRIL 29, 2005.

I, RANDY L. ROHNER, STATE THAT THIS PLAT OR SURVEY WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 13, 1984 RANDY L. ROHNER 2107

EXPIRES 12-31-06

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

## DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT 1015 SW BERTHA, LLC, AN OREGON LIMITED LIABILITY COMPANY, HEREBY DECLARES THE ANNEXED MAP OF "BURLINGAME VIEW CONDOMINIUM", AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, AND HEREBY COMMIT SAID LAND TO THE OPERATION OF OREGON CONDOMINIUM ACT AS LAID OUT IN CHAPTER 100 OF THE OREGON REVISED STATUES. THE PROPERTY AND IMPROVEMENTS DESCRIBED AND DEPICTED ON THE PLAT ARE SUBJECT TO THE PROVISIONS OF OREGON REVISED STATUTES 100.005 TO 100.625.

1015 SW BERTHA, LLC
SCOTT P. TIMBERLAKE, MEMBER

1015 SW BERTHA, LLC
WILLIAM O'KIEF, MEMBER

## ACKNOWLEDGMENT

STATE OF OREGON )
SS
COUNTY OF MULTNOMAH )

THIS IS TO CERTIFY THAT ON THIS 7th DAY OF December, 2005, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED SCOTT P. TIMBERLAKE AND WILLIAM O'KIEF, MEMBERS OF 1015 SW BERTHA, LLC, AN OREGON LIMITED LIABILITY COMPANY WHO DID SAY THAT THEY ARE THE IDENTICAL PERSONS NAMED IN THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT WAS EXECUTED ON BEHALF OF 1015 SW BERTHA, LLC AND THAT THEY EXECUTED SAID INSTRUMENT FREELY AND VOLUNTARILY.

Lorri L Asder
NOTARY SIGNATURE

Lorri L. Asder
NOTARY PUBLIC - OREGON

COMMISSION NO. 370749

MY COMMISSION EXPIRES 9/9/07

## NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND MONUMENT THE BOUNDARY OF LOTS 1 THROUGH 10 AND TOGETHER WITH A PORTION OF LOTS 11 THROUGH 14, OF BLOCK 4 OF THE DULY RECORDED PLAT OF BARBUR HEIGHTS, MULTNOMAH COUNTY PLAT RECORDS, TOGETHER WITH THAT PORTION OF S.W. 13TH DRIVE NOW VACATED PER ORDINANCE NO. 107296, RECORDED FEBRUARY 20, 1958, IN BOOK 1884, PAGE 524, MULTNOMAH COUNTY DEED RECORDS, AND TO CREATE A CONDOMINIUM PLAT.

A RANDOM TRAVERSE WAS RUN LOCATING THE MONUMENTS SHOWN ON MAY 11, 2005.

THE BOUNDARY WAS HELD AS ESTABLISHED IN OUR PREVIOUS SURVEY FILED AS S.N. 59890, MULTNOMAH COUNTY SURVEY RECORDS. EXCEPT FOR THAT PORTION AT THE NORTHEAST CORNER OF THE SITE, AS SHOWN IN DETAIL "B", THE LINE BETWEEN S.W. 10TH AVENUE AND THE OLD RIGHT-OF-WAY LINE OF VACATED S.W. 13TH DRIVE WAS ESTABLISHED BY HOLDING PLAT ANGLE. THE LINE BETWEEN THE OLD RIGHT-OF-WAY LINE OF VACATED S.W. 13TH DRIVE AND THE NEW RIGHT-OF-WAY LINE S.W. 13TH DRIVE WAS ESTABLISHED, FROM THE POINT OF INTERSECTION OF SAID PREVIOUSLY ESTABLISHED LINE AND SAID OLD RIGHT-OF-WAY LINE RADIAL TO THE OLD RIGHT-OF-WAY, AS SHOWN. THE ARC OF THE NEW RIGHT-OF-WAY LINE OF SAID S.W. 13TH DRIVE, AS ESTABLISHED IN S.N. 59890, WAS EXTEND UNTIL IT INTERSECTED SAID RADIAL LINE, AS SHOWN.

## APPROVALS

APPROVED THIS 15th DAY OF December, 2005
CONTY SURVEYOR, MULTNOMAH COUNTY, OREGON

BY: Robert A Hoshaw

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 100.110 HAVE BEEN PAID AS OF 12-16-05, 200_
DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION

BY: _____
DEPUTY

STATE OF OREGON )
SS
COUNTY OF MULTNOMAH )

I DO HEREBY CERTIFY THAT THE ATTACHED CONDOMINIUM PLAT WAS RECEIVED FOR RECORD AND RECORDED

Dec. 16, 2005, AT 9:29 AM,
IN BOOK 1271, PAGES 97-110
COUNTY RECORDING OFFICE

BY: M C Stine
DEPUTY

DOCUMENT NO. 2005-243500

W.B. WELLS and associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-5896 FAX:(503) 284-8530
e-mail address: info@wbwells.com

SHEET 14 OF 14

JOB NO. 05-086 P:\05-086\05-086CD.DWG

LU 22-141452 AD
Exhibit H.13

# Adjustment Review Appeal Hearing LU 22-141452 AD

STAFF PRESENTATION TO THE ADJUSTMENT COMMITTEE

MAY 16, 2023

# Presentation Summary

1. Zoning
2. Proposal
3. Context
4. Photos of Site
5. Approval Criteria
6. Staff Decision

# Zoning

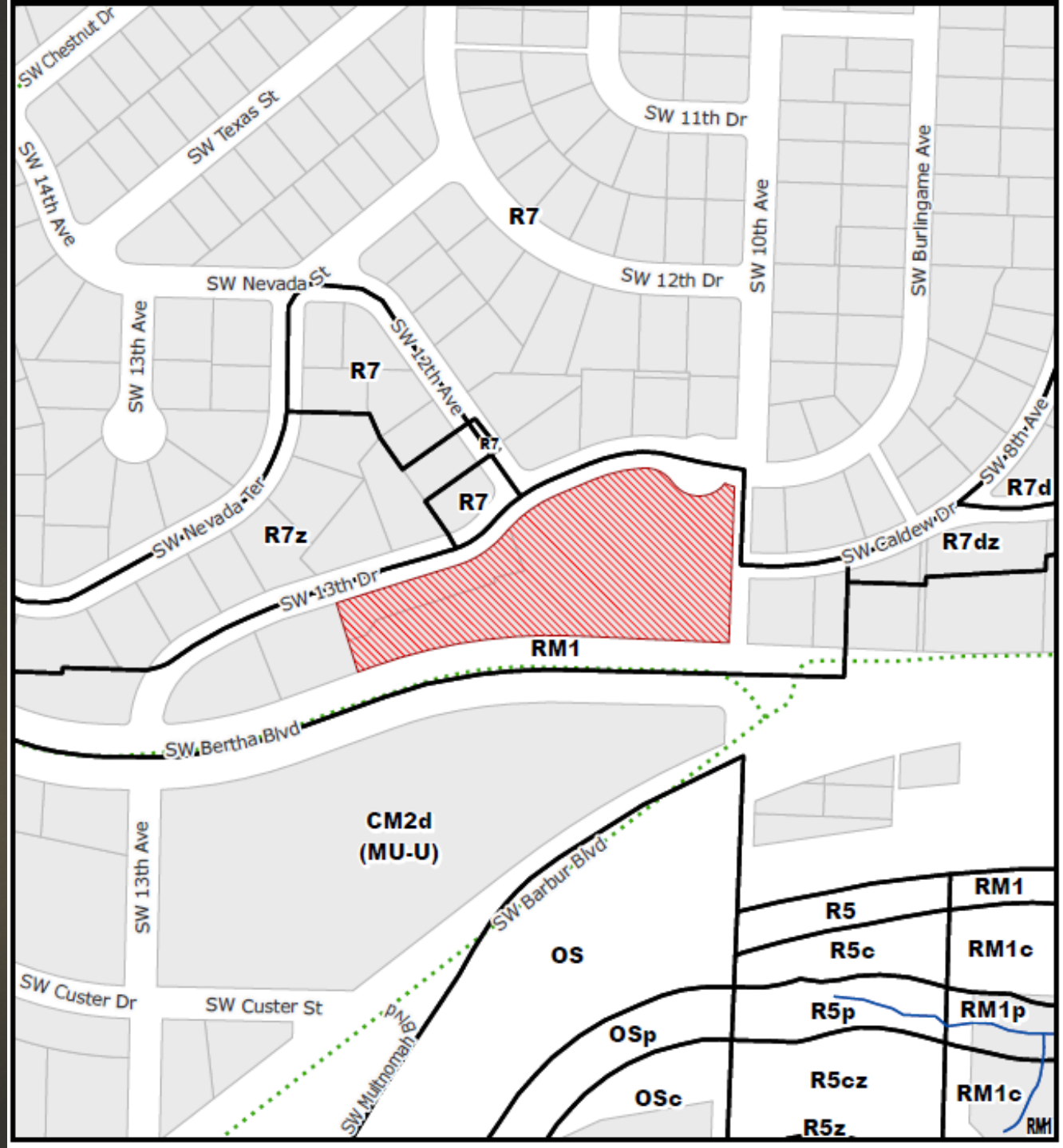
**7290 SW 13th Dr**

**Base Zone**
RM1 – Residential Multi-Dwelling 1

**Overlay Zones - none**

**Plan District – none**

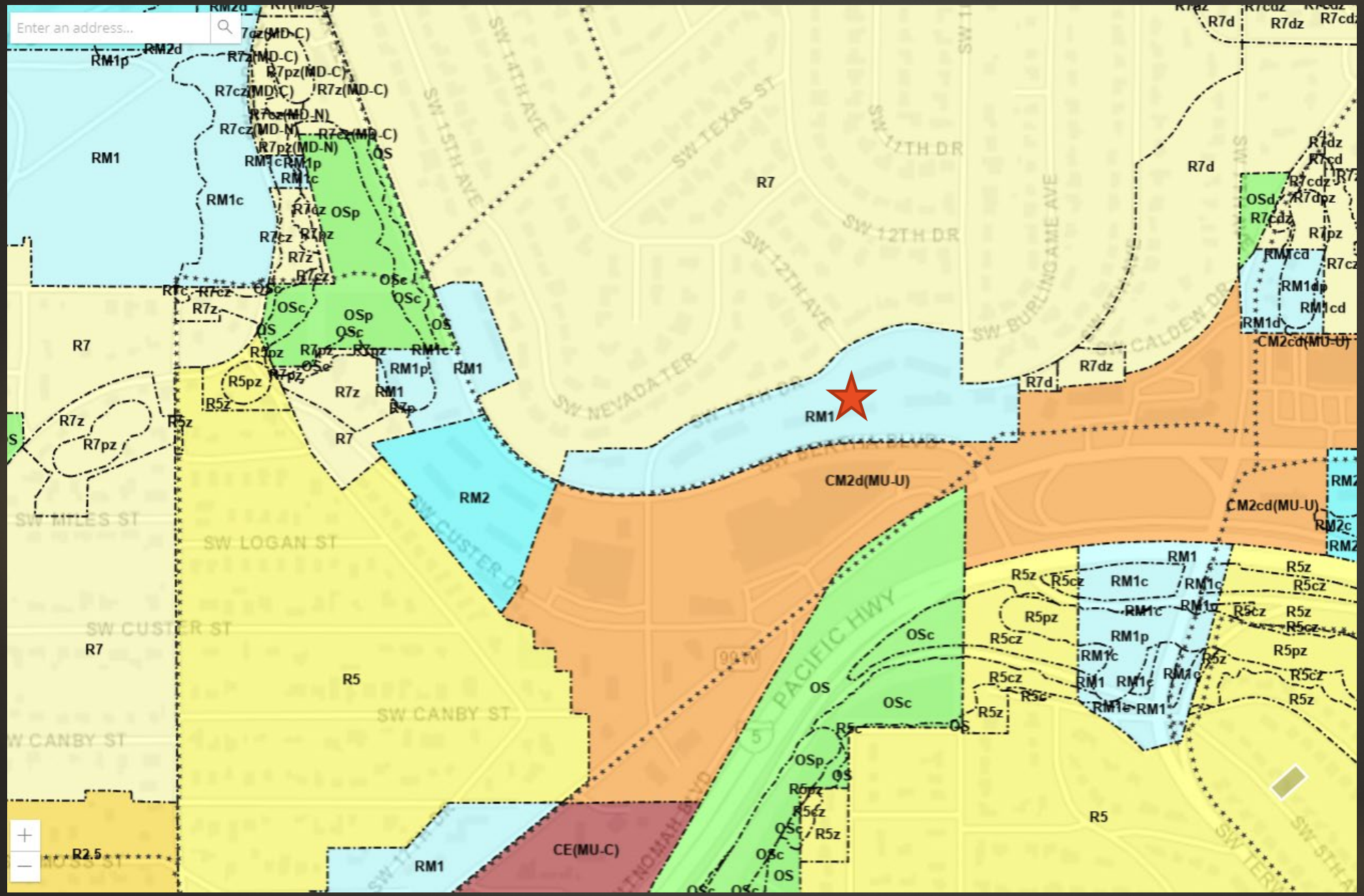
**Existing Development – 40 units of multi-dwelling development**




## Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

# Zoning




## Adjustment Review

- **Zoning**
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

# Proposal

**Height Adjustment to four proposed buildings, from a maximum of 35 feet tall to between 45.5 feet and 56.5 feet tall, as follows:**

- Building 1 (units 1-4) proposed height: 49.1 feet;
- Building 2 (units 5-8) proposed height: 56.5 feet;
- Building 3 (units 9-10) proposed height: 50.1 feet; and
- Building 4 (units 11-12) proposed height: 45.5 feet.




Building 4 Building 3 Building 2 Building 1

Adjustment Review

Zoning
Proposal
Context
Photos
Approval Criteria
Staff Decision

# Context: Height Measurement

**33.930.050 Measuring Height**

**A. Measuring building height.** The height of a building is the vertical distance between the base reference point and the highest roof-type reference point. The methods for establishing the base reference point are described in Paragraph A.1. Methods to establish the roof-type reference point are described in Paragraph A.2.

1. Base reference point.

   a. In commercial/mixed use and multi-dwelling zones. In the commercial/mixed-use zones, when any portion of a building is within 25 feet of an existing or proposed sidewalk, the base reference point is determined using the method described in Subsubparagraphs A.1.a(1) and A.1.a(2). See Figure 930-25 and 930-26. If no





portion of a building is within 25 feet of an existing or proposed sidewalk, the base reference point is determined using the method described in Subparagraph A.1.b. In addition, in the multi-dwelling zones, when the structure is a multi-dwelling structure, and some portion of the building is within 25 feet of an existing or proposed sidewalk, the applicant may choose to use the following method for determining base reference point:

(1) Identify the lowest and highest grade of the sidewalk located within 25 feet of the building.

(2) Determine the base reference point:

- When the lowest grade of the existing or proposed sidewalk located within 25 feet of the building is not more than 10 feet below the highest grade of the sidewalk adjacent to the site within 25 feet of the building, the base reference point is the highest grade of the sidewalk

Adjustment Review

- Zoning
- Proposal
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# Context: Height Measurement

b. In all other situations, the base reference point is determined using the method described in Subparagraphs A.1.b(1) and A.1.b(2). See Figure 930-6:

(1) Identify the lowest and highest grade exactly 5 feet from the building. To establish lowest and highest grade, draw a line exactly 5 feet from all sides of the building and identify the lowest and the highest grade along the line. Exclude from the identification of lowest grade pedestrian-only paths that are no more than 5 feet wide that provide access from the street to an entrance into the building. If the property line is less than 5 feet from any side of the building, the line must follow the property line for the segment where the property line is less than 5 feet from the building.

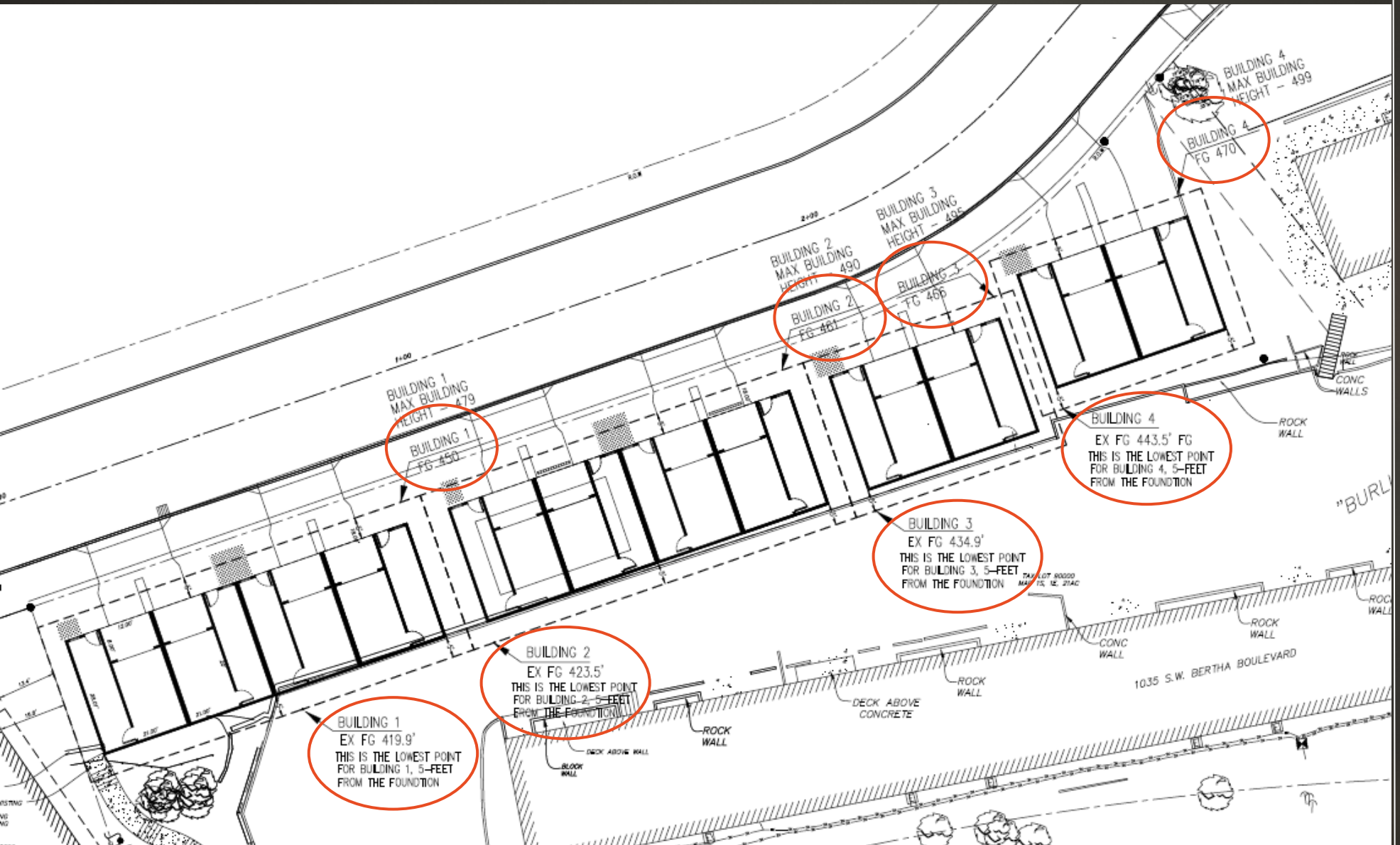
(2) Determine the base reference point:

- When the lowest grade is not more than 10 feet below the highest grade exactly 5 feet from the building, the lowest grade is the base reference point.
- When the lowest grade is more than 10 feet below the highest grade exactly 5 feet from the building, the base reference point is the lowest grade plus 10 feet.

Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

# Context: Height Measurement



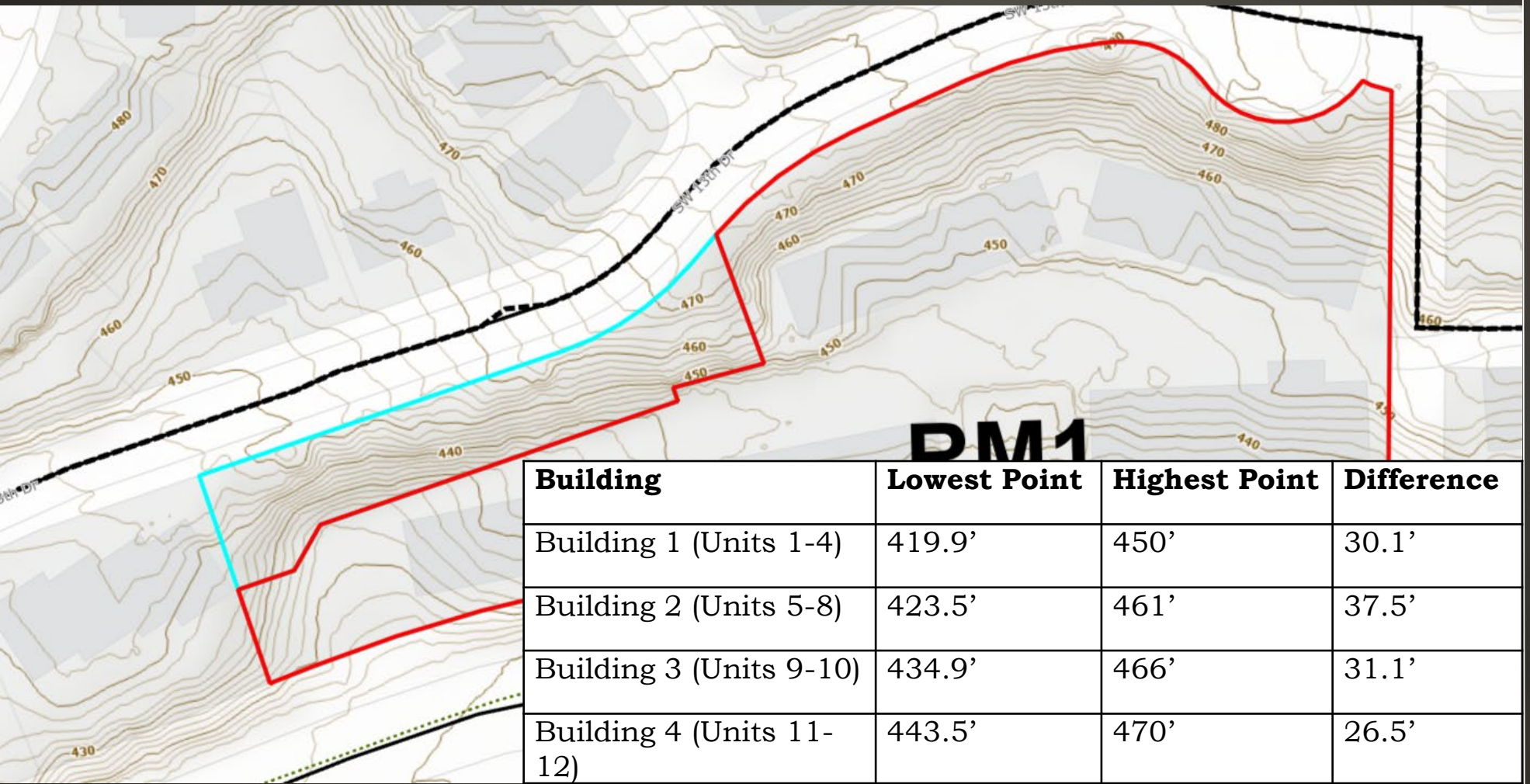

Adjustment Review

- Zoning
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LU 22-141452 AD, Exhibit H.14

# Context: Height Measurement

Zoning Code Section 33.930.050.A.1.b




| Building | Lowest Point | Highest Point | Difference |
|---|---|---|---|
| Building 1 (Units 1-4) | 419.9’ | 450’ | 30.1’ |
| Building 2 (Units 5-8) | 423.5’ | 461’ | 37.5’ |
| Building 3 (Units 9-10) | 434.9’ | 466’ | 31.1’ |
| Building 4 (Units 11-12) | 443.5’ | 470’ | 26.5’ |

# Context: Height Measurement




Adjustment Review

- Zoning
- Proposal
- Context
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- Staff Decision

LU 22-141452 AD, Exhibit H.14

# Context: Height Measurement

45.5 feet | 56.5 feet | 50.1 feet | 45.5 feet

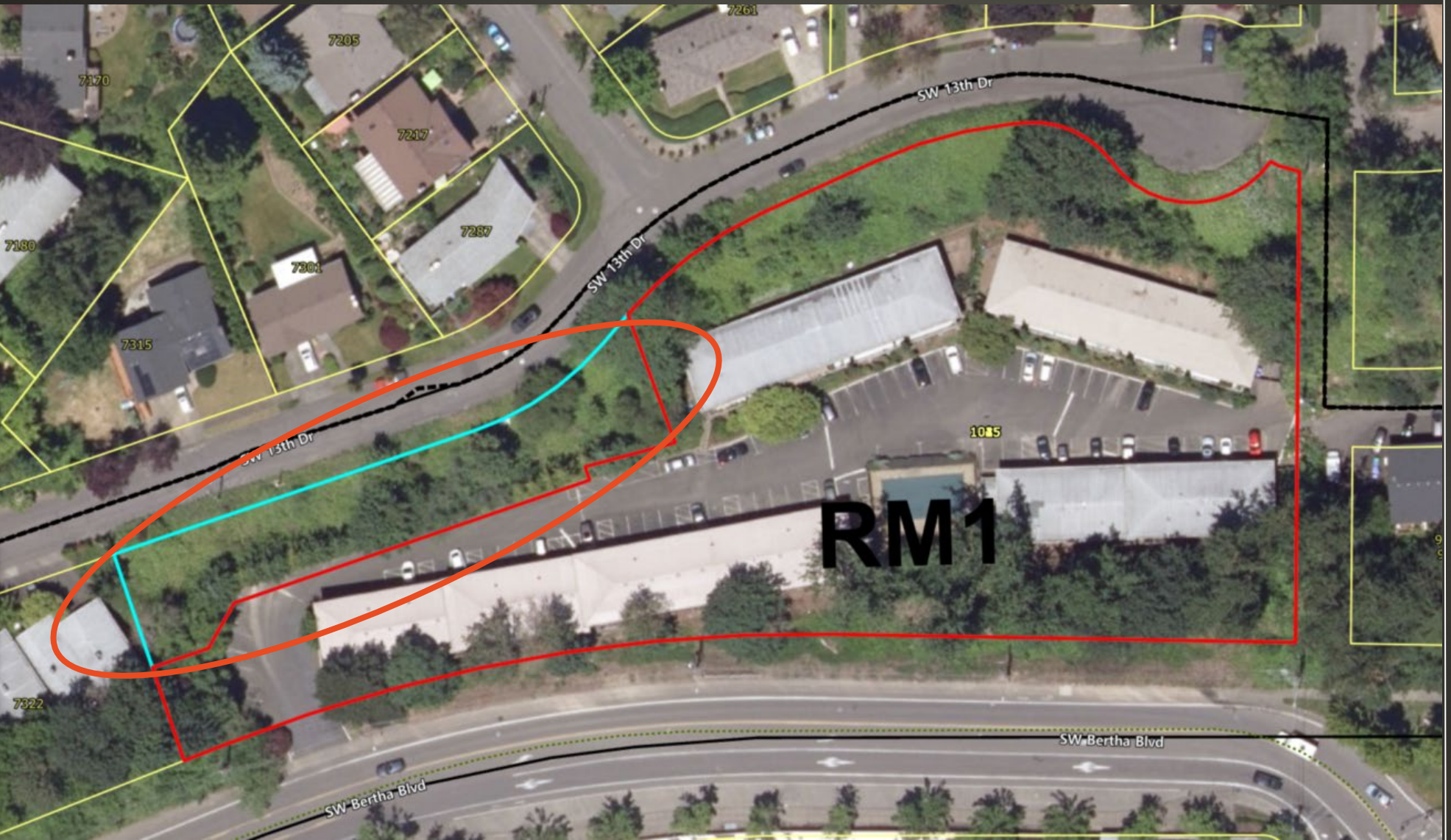



Building 4 | Building 3 | Building 2 | Building 1

Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

# Context: Land Use History




Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

# Context: Land Use History

Hearings Office
City of Portland
1900 SW 4th Avenue, Roo
www.portlandoregon.gov/
email: HearingsOfficeClerk

DECIS
ON APPE

I. GENERAL INFORMATION

File Number: LU 17-2455

Applicant(s): Eric Rystadt
Suite 258 P

Owner(s): Burlingame
Portland, O

Owner's Representative(s): Sara
PO B

Other: Mark Dane,
#6 Beaverto

Hearings Officer: Kathryn Bea

III. CONCLUSIONS

The Appellants have carried their burden of persuasion and successfully challenged the BDS Decision approving the Applicant's proposed 2-parcel partition and lot depth, front building and garage entrance setback adjustments. As explained in the findings contained in Section II, the Applicant has not carried his burden of proof to demonstrate this proposal satisfies the relevant approval criteria in PCC 33.660.120 and PCC 33.805.040. For this reason, the Applicant's application to partition the site into two parcels with three adjustments to develop a 9-unit condominium project on the proposed Parcel 2 must be denied.

IV. DECISION

The Appellants prevailed in this appeal.

The Applicant's application to partition the site into two parcels and for adjustments to the lot depth, front building, and garage entrance setback standards to enable a 9-unit condominium development on Parcel 2 is denied.

Kathryn S. Beaumont
Kathryn Beaumont, Hearings Officer

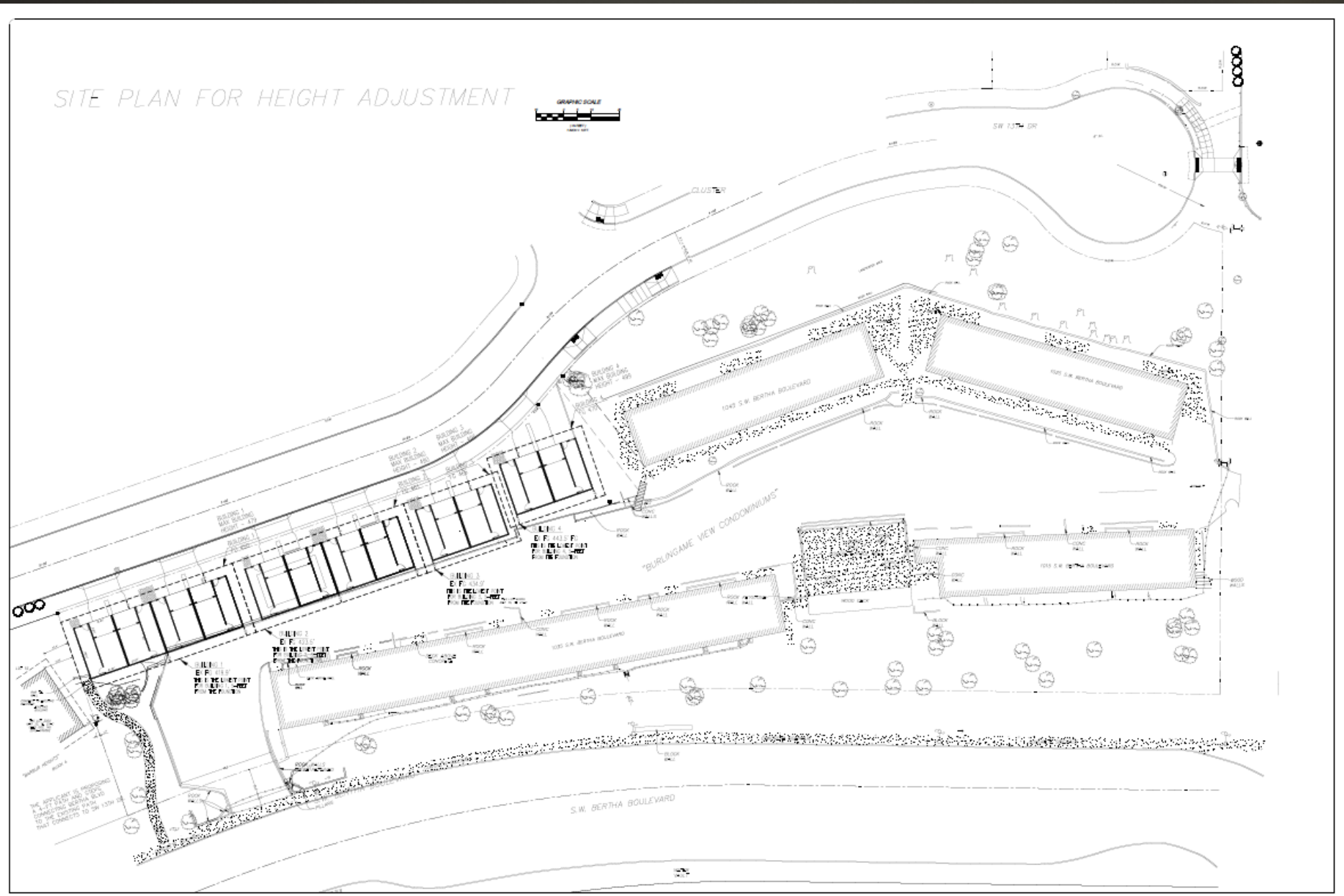
October 14, 2020
Date

Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

LU 22-141452 AD, Exhibit H.14

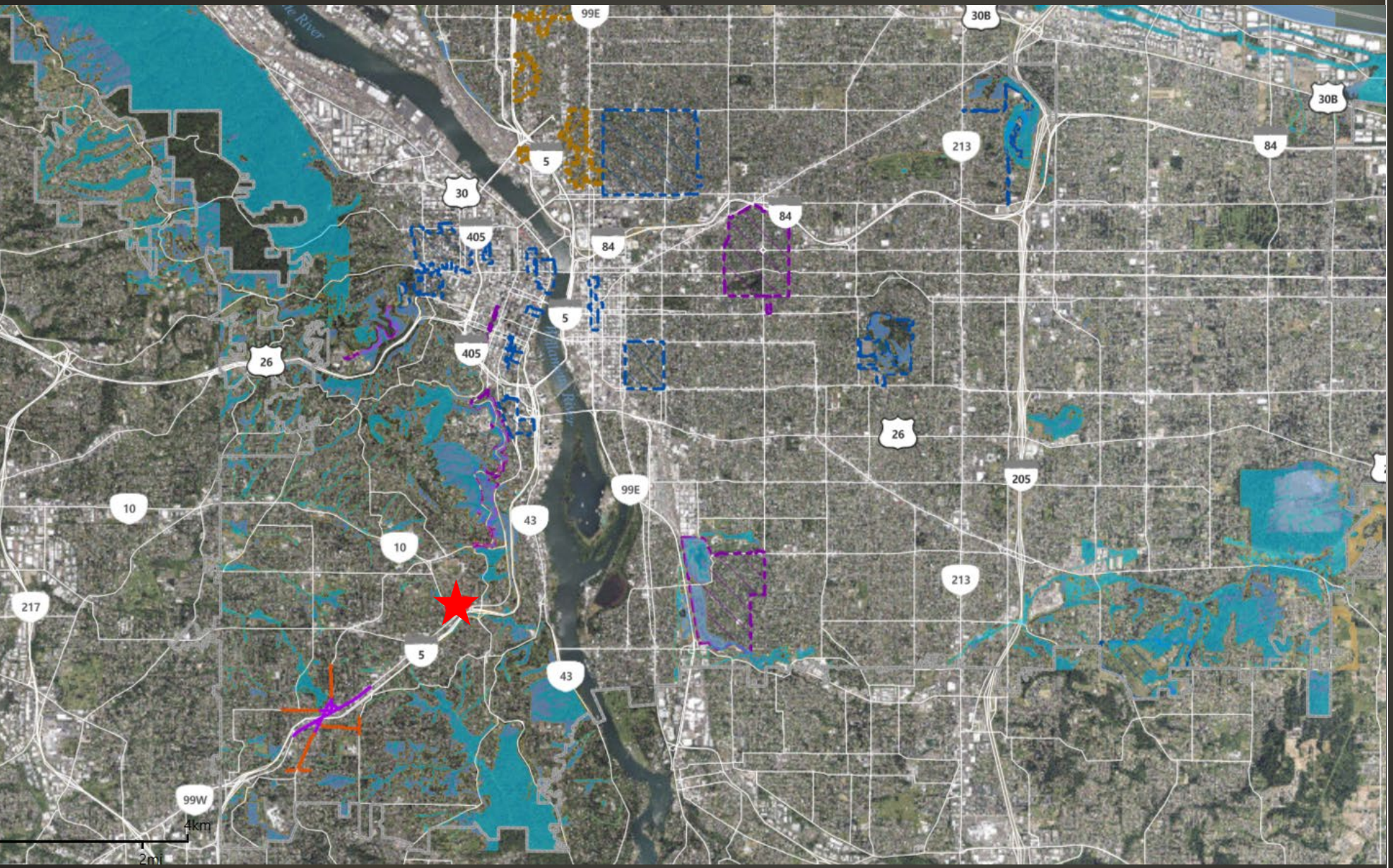
# Context: Land Use History




Adjustment Review

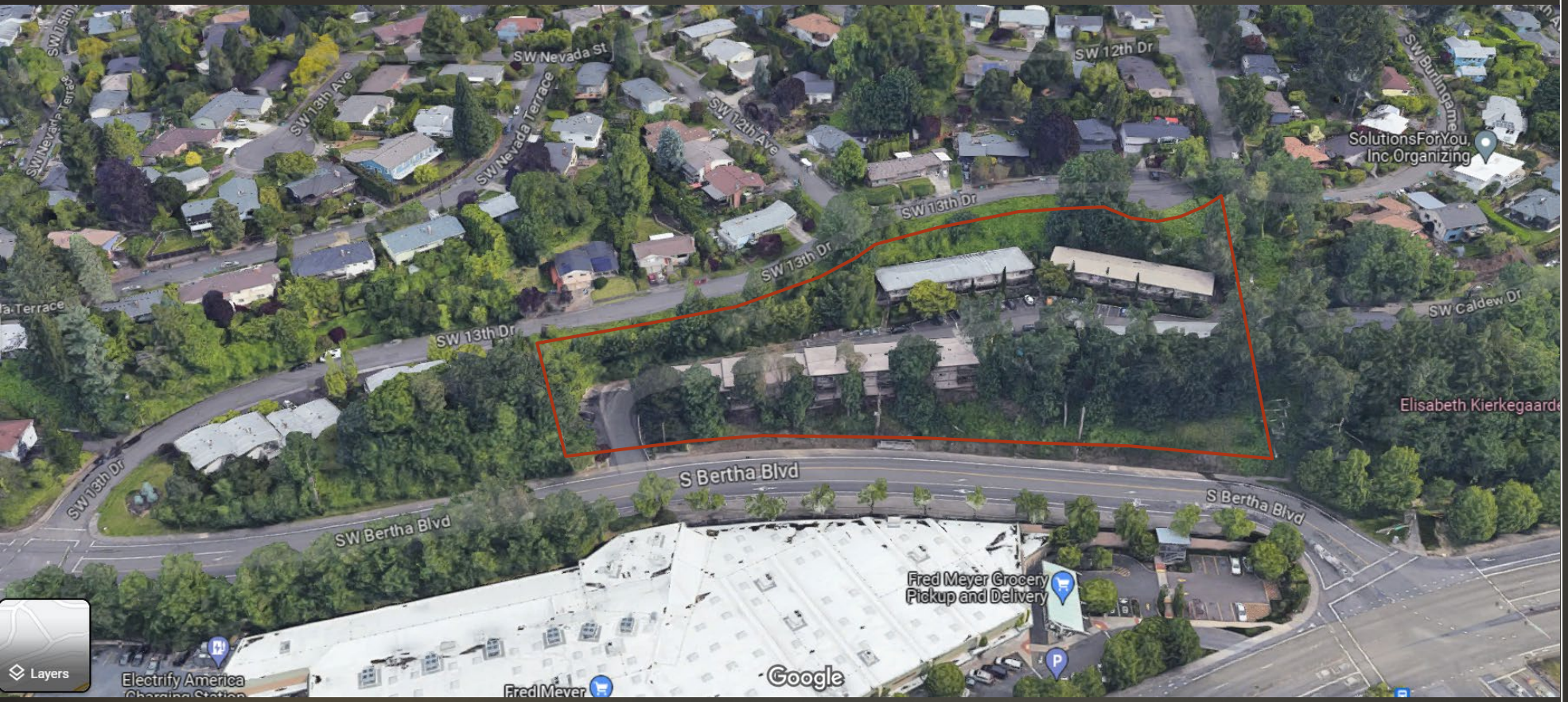
- Zoning
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LU 22-141452 AD, Exhibit H.14



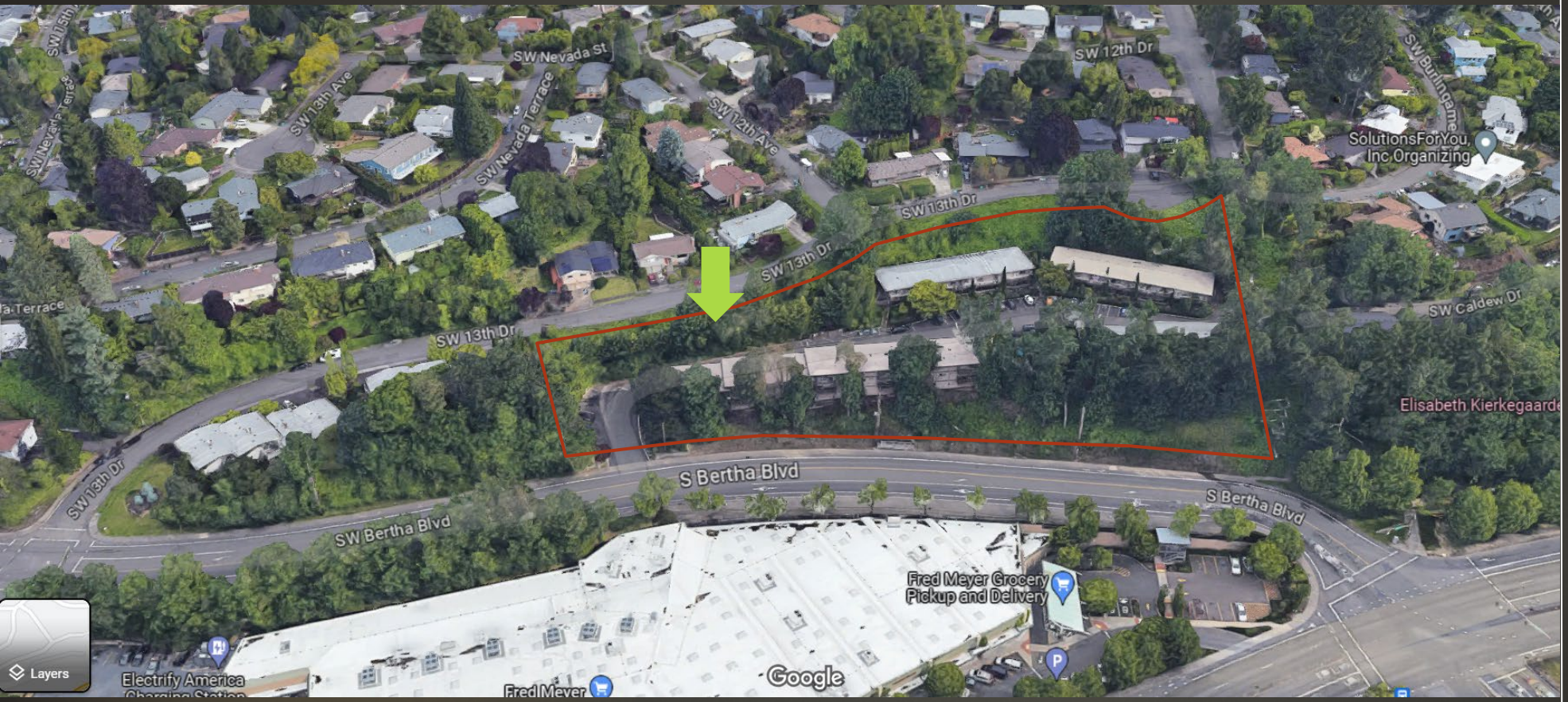

# Adjustment Review

- Zoning
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- Staff Decision




# Adjustment Review

- Zoning
- Proposal
- Context
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- Approval Criteria
- Staff Decision



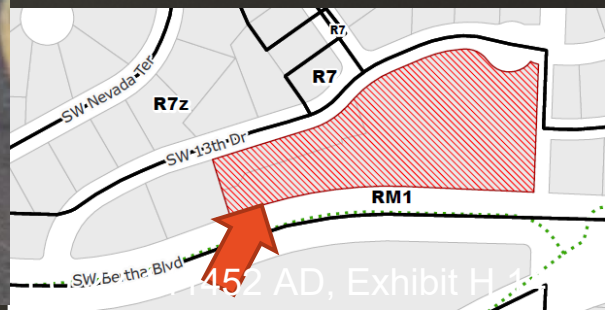

# Adjustment Review

- Zoning
- Proposal
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- Staff Decision

# Adjustment Review

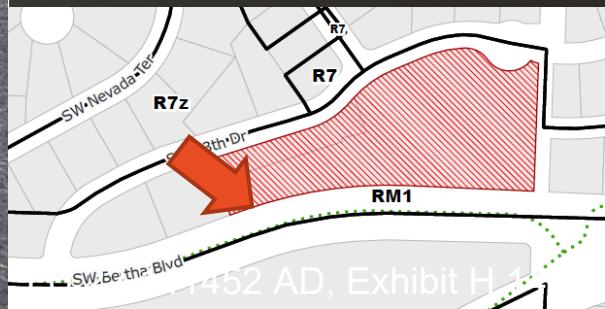
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# Adjustment Review

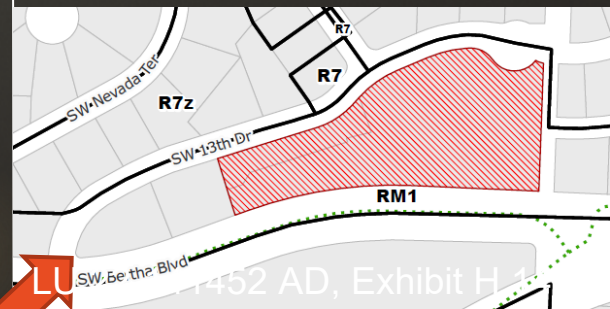
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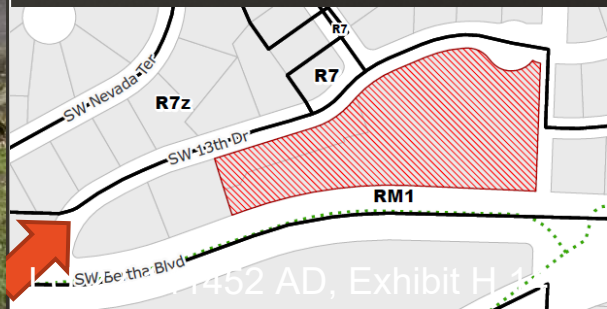

# Adjustment Review

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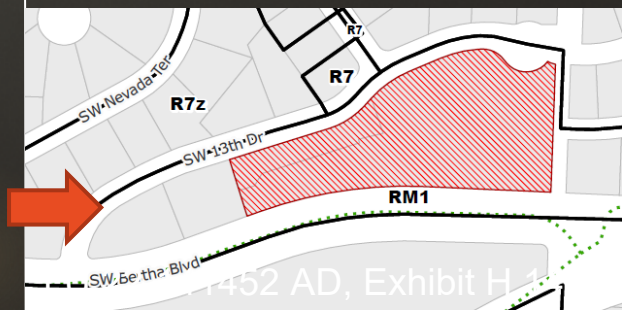
- Zoning
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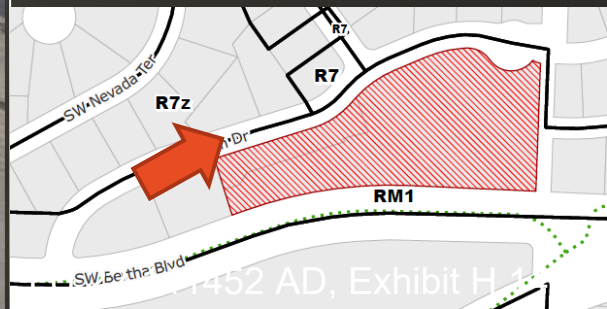
## Adjustment Review

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# Adjustment Review

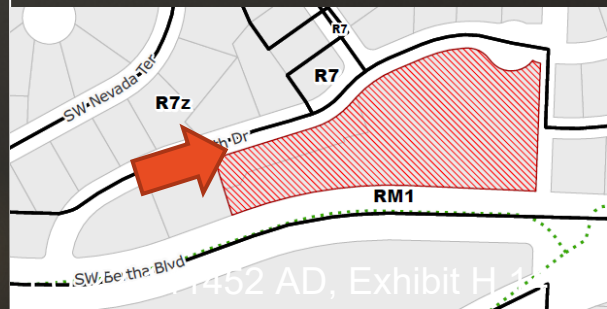
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- Staff Decision





## Adjustment Review

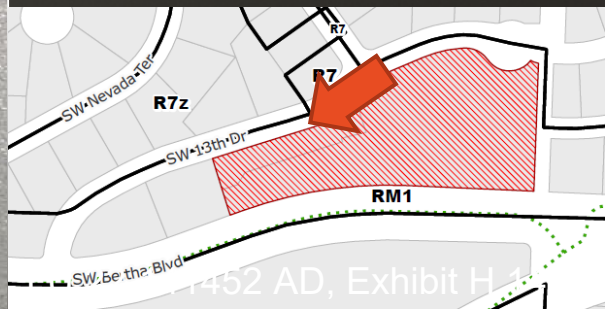
- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision





## Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision



# Adjustment Review Approval Criteria 33.805.040

A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified;

B. The proposal will not significantly detract from the livability or appearance of the residential area;

C. The cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone;

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

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

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

# Adjustment Review Approval Criteria 33.805.040

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# Adjustment Review Approval Criteria 33.805.040

A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified;

Purpose. The height standards serve several purposes:

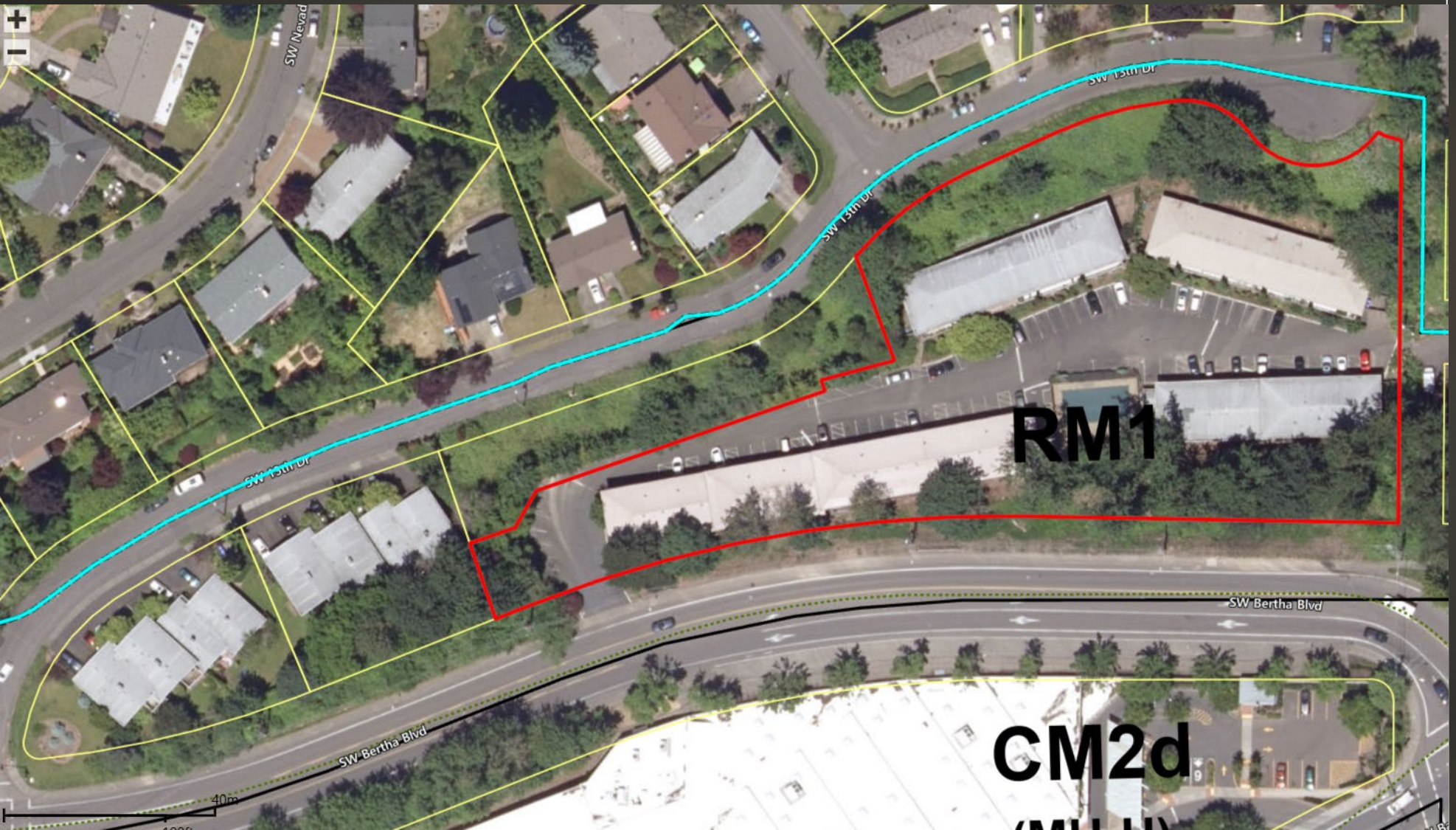
- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

# Reasonable building scale and relationship of one residence to another

**33.120.030 Characteristics Of The Zones**

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

# Reasonable building scale and relationship of one residence to another

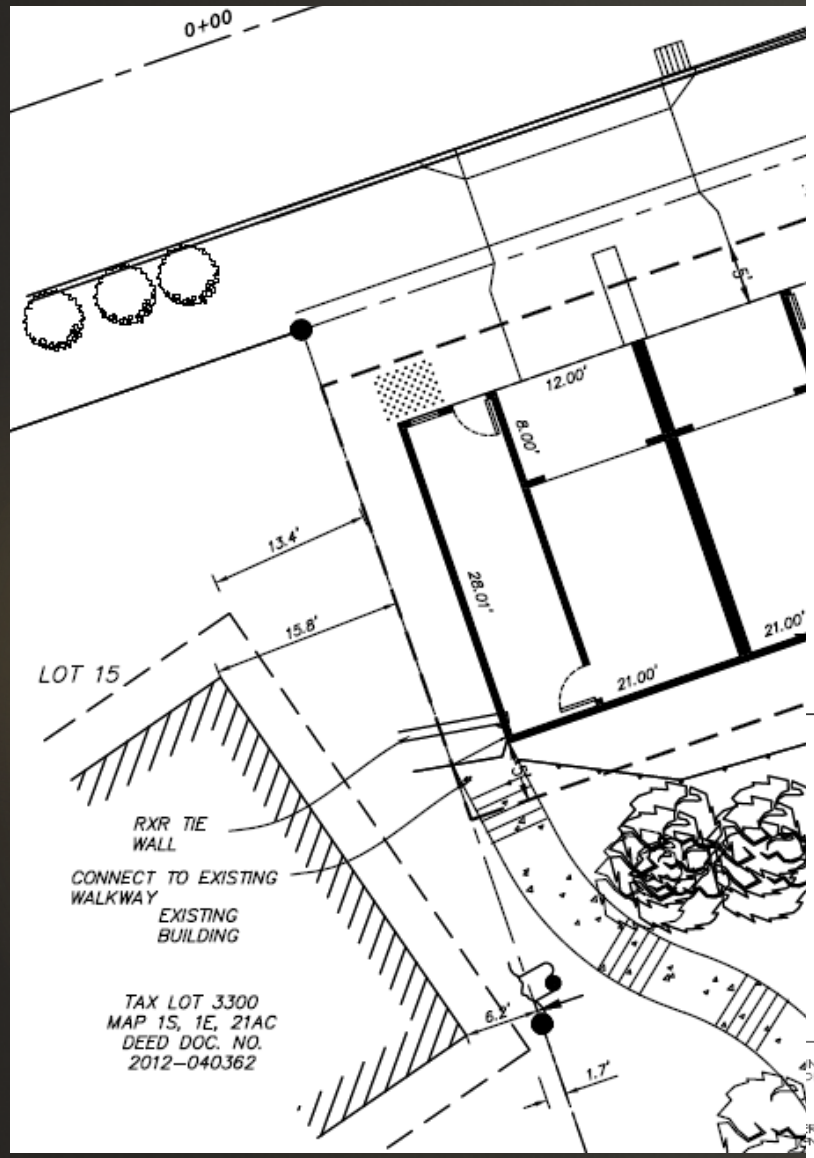


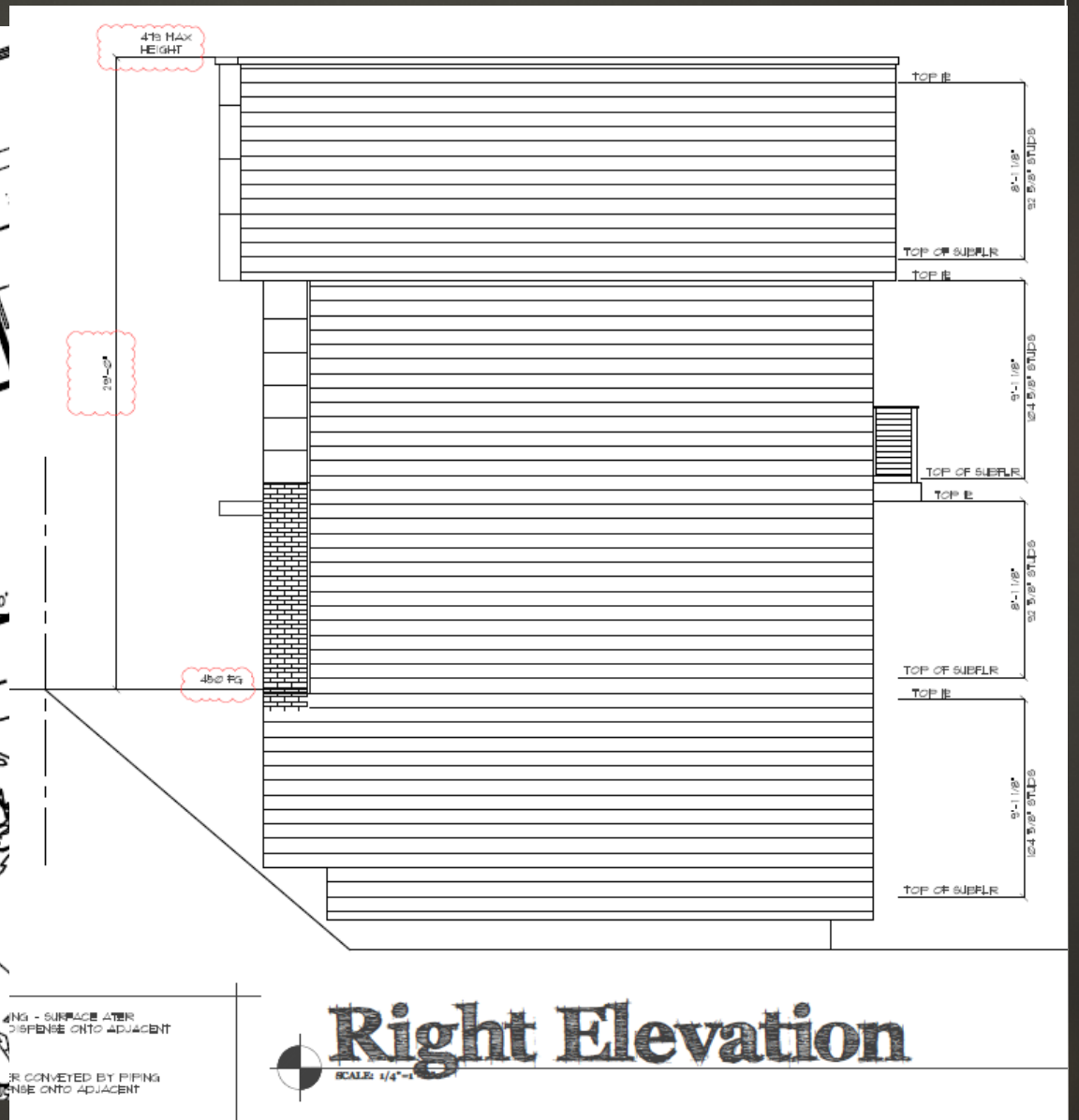

Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

LU 22-141452 AD, Exhibit H.14

# Promote options for privacy for neighboring properties



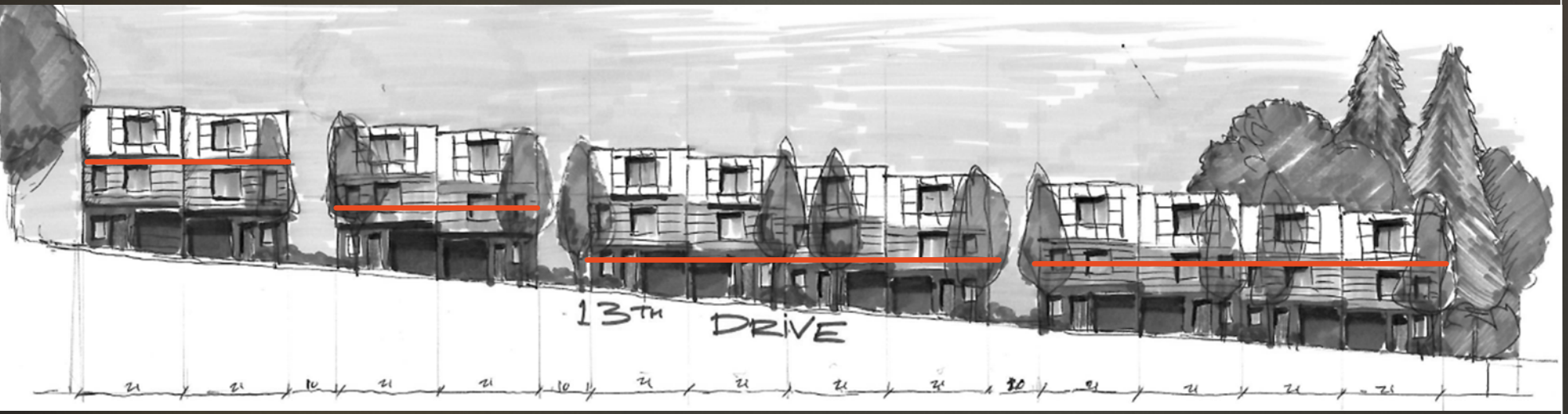

Right Elevation

Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- **Approval Criteria**
- Staff Decision

LU 22-141452 AD, Exhibit H.14

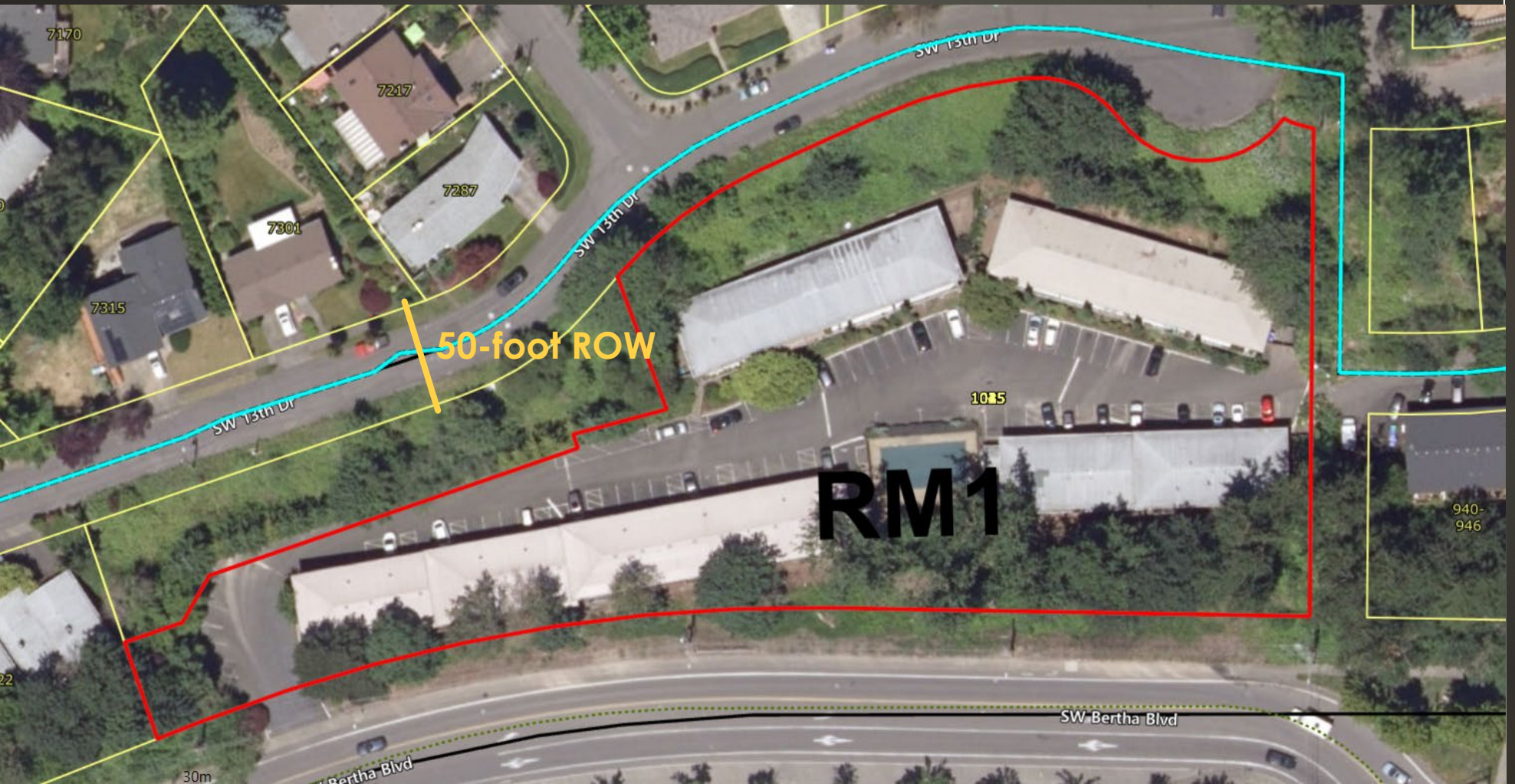
# Reflect the general building scale of multi-dwelling development in the City's neighborhoods.




Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

# Criterion B: The proposal will not significantly detract from the livability or appearance of the residential area;




Adjustment Review

- Zoning
- Proposal
- Context
- Photos
- Approval Criteria
- Staff Decision

LU 22-141452 AD, Exhibit H.14

# Criterion C: The cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone;

**33.120.010 Purpose**
The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.

A. **Use regulations.** The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood character of the multi-dwelling zones and their intended role as places for housing.

B. **Development standards.** The six multi-dwelling zones are distinguished primarily by their allowed scale and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character and contribute to the intended characteristics of each zone. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

# Criterion E: Any impacts resulting from the Adjustment are mitigated to the extent practical;

Mitigating factors:

- Mature trees and southern buildings will obscure views of taller south facades for most of their length;
- Western façade closest to adjacent neighbor has no windows and balcony set back additional 4 feet;
- All setbacks and other development standards met

# Adjustment Review
# LU 22-141452 AD

## STAFF DECISION:

- APPROVAL OF HEIGHT ADJUSTMENTS FOR FOUR PROPOSED BUILDINGS

# L1.1 DETAIL FOR NEW PARKING FOR UNITS 1 – 12




1 L1 DECIDUOUS TREE PLANTING DETAIL
SECTION N.T.S.




2 L1 EVERGREEN TREE PLANTING DETAIL
SECTION N.T.S.




3 L1 SHRUB AND GROUNDCOVER DETAIL
SECTION N.T.S.

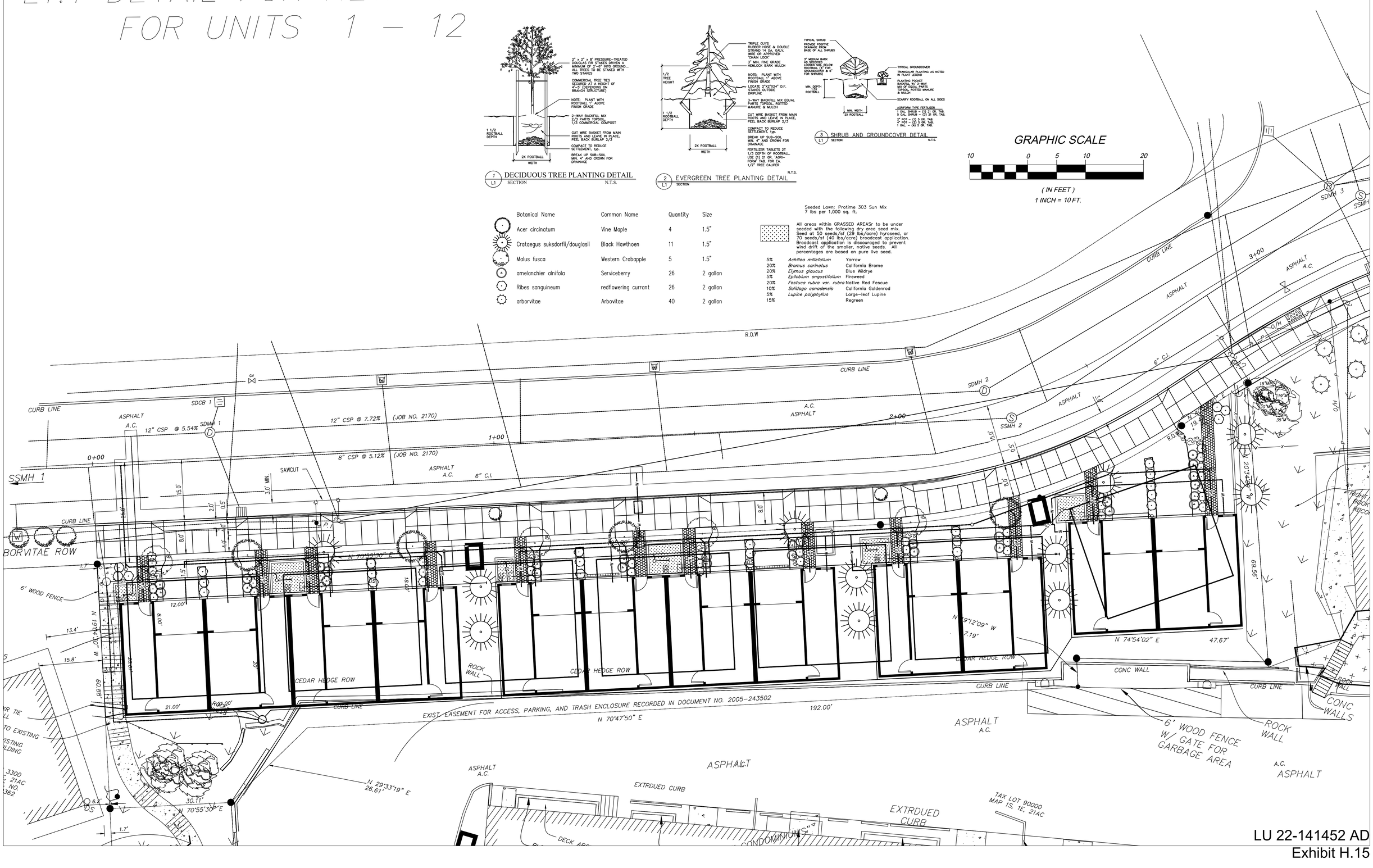
| | Botanical Name | Common Name | Quantity | Size |
|---|---|---|---|---|
| | Acer circinatum | Vine Maple | 4 | 1.5" |
| | Crataegus suksdorfii/douglasii | Black Hawthoen | 11 | 1.5" |
| | Malus fusca | Western Crabapple | 5 | 1.5" |
| | amelanchier alnifola | Serviceberry | 26 | 2 gallon |
| | Ribes sanguineum | redflowering currant | 26 | 2 gallon |
| | arborvitae | Arbovitae | 40 | 2 gallon |

Seeded Lawn: Protime 303 Sun Mix
7 lbs per 1,000 sq. ft.

All areas within GRASSED AREASr to be under seeded with the following dry area seed mix. Seed at 50 seeds/sf (29 lbs/acre) hyroseed, or 70 seeds/sf (40 lbs/acre) broadcast application. Broadcast application is discouraged to prevent wind drift of the smaller, native seeds. All percentages are based on pure live seed.

| | | |
|---|---|---|
| 5% | *Achillea millefolium* | Yarrow |
| 20% | *Bromus carinatus* | California Brome |
| 20% | *Elymus glaucus* | Blue Wildrye |
| 5% | *Epilobium angustifolium* | Fireweed |
| 20% | *Festuca rubra var. rubra* | Native Red Fescue |
| 10% | *Solidago canadensis* | California Goldenrod |
| 5% | *Lupine polyphyllus* | Large-leaf Lupine |
| 15% | | Regreen |

GRAPHIC SCALE
10 0 5 10 20
( IN FEET )
1 INCH = 10 FT.




LU 22-141452 AD
Exhibit H.15

| | Botanical Name | Common Name | Quantity | Height | Spacing | Evergreen | Remarks |
|---|---|---|---|---|---|---|---|
| | Acer macrophyllum | Bigleaf Maple | 1 | 125 | | | |
| | Thujaplicata | Western Red Cedar | 2 | 85 | | | |
| | Psuedotsuga menziesii | Douglas Fir | 3 | 100 | | x | |
| | Rhamnus alaternus | ITALIAN BUCKTHORN | 25 + 30 | 8' | 5' | x | Fast growing,tolerates drought, heat, wind. |
| | Ilex cornuta 'Berries Jubilee' | CHINESE HOLLY | 25 + 30 | 10' | 10'E | x | Grows most compactly and Shade attractively in sun |
| | Viburnum tinus | LAURUSTINUS VIBURNUM | 30 + 30 | 6–7' | 5'E | x | Pink buds open to white flowers in winter and spring. |

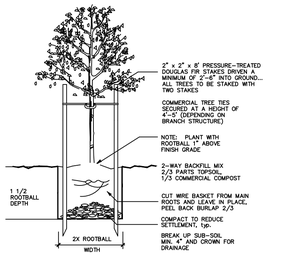
"Where the area is 30 feet deep or greater, the requirement is either two high shrubs (6 feet or greater) or three low shrubs (3 feet or greater) per 400 square feet of landscaped area in addition to the trees required in 2.a, above. The shrubs and trees may be grouped."

There is 15901 SF of landscaping area fronting Bertha. divided by 400 S2F results in 40 units of two high shrubs, for a total 80 high shrubs.

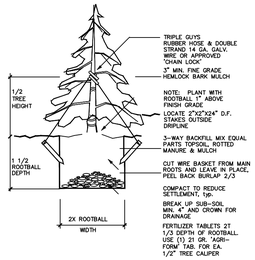
There is 575 ft of frontage which requires 20 trees to be planted There are currently 32 trees along this frontage - no more trees are required here

There is 17,877 SF of landscaping area fronting SW 13th Drive. divided by 400 SF results in 45 units of two high shrubs, for a total 90 high shrubs.

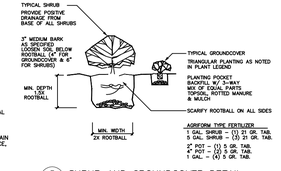
There is 681 ft of frontage which requires 22 trees to be planted There are currently 17 trees along this frontage - 5 more trees are required to be planted




1 L1 DECIDUOUS TREE PLANTING DETAIL
SECTION N.T.S.




2 L1 EVERGREEN TREE PLANTING DETAIL
SECTION N.T.S.




3 L1 SHRUB AND GROUNDCOVER DETAIL
SECTION N.T.S.

Seeded Lawn: Protime 303 Sun Mix
7 lbs per 1,000 sq. ft.

All areas within GRASSED AREASr to be under seeded with the following dry area seed mix. Seed at 50 seeds/sf (29 lbs/acre) hyroseed, or 70 seeds/sf (40 lbs/acre) broadcast application. Broadcast application is discouraged to prevent wind drift of the smaller, native seeds. All percentages are based on pure live seed.

| | | |
|---|---|---|
| 5% | *Achillea millefolium* | Yarrow |
| 20% | *Bromus carinatus* | California Brome |
| 20% | *Elymus glaucus* | Blue Wildrye |
| 5% | *Epilobium angustifolium* | Fireweed |
| 20% | *Festuca rubra var. rubra* | Native Red Fescue |
| 10% | *Solidago canadensis* | California Goldenrod |
| 5% | *Lupine polyphyllus* | Large-leaf Lupine |
| 15% | | Regreen |

GRAPHIC SCALE
10 0 5 10 20
( IN FEET )
1 INCH = 10 FT.

4230 SF OF EXISTING PARKING LOT LANDSCAPING THIS IS SUFFICIENT FOR 94 SPACES.

LOCATION OF FOUR SHORT FOUR BICYCLE PARKING STANDS EACH WITH THREE PARKING SPACES.

THE APPLICANT IS PROPOSING A 4-FT PATH AND STEPS CONNECTING BERTHA BLVD TO THE EXISTING PATH THAT CONNECTS TO SW 13TH DR.

LU 22-141452 AD
Exhibit H.15

City of Portland
**Bureau of Development Services**
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

# Request for Extension of 120-Day Review Period

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows the applicant to request in writing an extension of the 120-day review period for up to an additional 245 days. When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period. Generally, a final decision must be rendered approximately 60 days prior to the end of the review period in order to accommodate appeals.

If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

**Case Information**

1. Applicant Name: Mark Dane
2. Land Use Case Number: LU # LU 22-141452 AD
3. BDS Planner Name: Amanda Rhodes

**Extension Request**

Please check one of the following:

■ Extend the 120-day review period for an additional 60 (insert number) days.

☐ Maximum allowed extension: 245 days

**The total number of extensions requested cannot exceed 245 days.**

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

Applicant Signature: Mark Dane Digitally signed by Mark Dane Date: 2023.05.18 17:38:49 -07'00' Date 5.18.23

# APPELLANT'S ADDITIONAL EVIDENCE DUE 5-23-23
# LU-22 141452AD

We saw it important to attach photographic, site map and documentary evidence that have not yet been fully presented at the hearing on May 16, 2023.

The following exhibits support claims made regarding the encroachment of the new development on property that is owned by Burlingame View Condos.

- Exhibit A is photographic evidence of the easement belonging to Burlingame View Condos, "BVC", On which a large row of cedar trees, mailboxes, and trash receptacles sit.

The following exhibits detail the impact of the proposed height adjustment on Burlingame View Condo owners as drawn in the documents submitted by Main Street Development.

- Exhibit B, C, D is photographic evidence of the how close the owner property directly east of proposed townhouse building 4 will be to the exterior wall of building 4 which will tower over this owner's yard. Currently there are apple trees and significant privacy offered which will be replaced by the building.

- Exhibit E is testimony from the above owner not previously submitted.
    - *"The proposed height exception of this project will greatly deter from the peaceful environment of our condominium. The need for such height is because the project is planned on a space too small to satisfy the financial goals of the project. This is just one of many compromises this project represents for both the surrounding community and its own end product. In our unit personally, we have views of nothing but our back patio and undeveloped green space for 6 of our 8 windows. This project will leave us with no undeveloped land around our unit. Much of our community's*
    - *character and value comes from the trees and green space this project would wipe out. On top of that, the planned cost for these new townhomes isn't even feasible when compared with other similarly priced homes in the area."* Dylan and Amanda Johnson, Condo Owner, 1045-8 SW Bertha Blvd.

- Exhibit F is photographic evidence of the view from the yard of the owner directly east of the owner mentioned above. Building 4 will block light from the yards of every owner in this building.

- Exhibit G is photographic evidence of the view anyone entering the Burlingame View Condo community has currently. According to the height adjustment proposal, this view will be replaced with a building that is approximately 1.5-2x the height of the trees and condo buildings you see in the photo. The proposal applicant stated there would not be

a loss of sunlight as the impact of the new buildings would be on the North/South landscape, not the East/West landscape. However, the sun does not shine in a direct path touching only windows, buildings, and roads running East to West throughout the country. Natural light can be both direct and indirect. Much of our community is well lit by indirect sunlight which would absolutely be impacted by the proposed height adjustment.

- Exhibit H and I are additional photographic evidence of the view Burlingame View Condo owners facing the backside of the proposed development currently see. It should be noted the front door of the condo owners in the building directly across from the backside of the development will be only about 20 feet from the exterior door shown on drawings submitted by Main Street Development. The exterior door will open onto an active driveway in and out of the Burlingame View Condo community, which is the only way in and out of the community. This poses risk to townhome owners and drivers alike.

- Unit 8 directly impacted, They have a nice quiet green patio area that will look out at a cement wall and be shaded almost the entire day.

The following evidence supports our claims regarding the impact of the proposed height adjustment on the urban heat island effect. As stated in supporting testimony for the appellant, this neighborhood is already at an increased risk for increased temperatures and pollution based on loss of tree canopy, position to I-5, and increasing urban density. The proposed increase in height would have a direct impact on increasing risk.

- Exhibit J is Appendix C from the City of Portland's Bureau of Planning and Sustainability Better Housing by Design Code concepts that outline and describe both the urban heat island effect, its causes as they relate to housing, and specific ways in which new developments can either increase or decrease local temperatures. https://www.portland.gov/bps/better-housing/documents/climate-change-and-urban-heat/download#:~:text=Portland's%20increased%20temperatures%20in%20the,heat%20and%20inhibit%20overnight%20cooling.
- Exhibit K is an article from Willamette Weekly featuring research and commentary from Dr. Vivek Shandas, a PSU Professor, and Tom Armstrong from
- Portland BPS detailing the causes and impacts of urban heat islands in Portland. https://www.wweek.com/news/city/2021/07/14/this-is-the-hottest-place-in-portland/

Encroachment onto the easement issued in favor of the Burlingame View Condos, Appellant's Exhibit 38. It should be noted that the Additional Property has not been annexed to the Condos property and the easement has not been extinguished.

Burlingame View Condos (BVC) opposes the proposed development in its current form. **Exhibit 39.**

Life Safety's site plan showing borders unresolved borders issues, **Exhibit 40.**

Developer proposes tearing up our entire driveway, shifting over to the west several feet and rebuilding it with new parking spaces, entry signs, and curbs to meet the requirements they have to meet in order to get this approved HOA is really confused how the developer can propose all this when it's not their land and they don't have approval from HOA. Each of those parking spaces is individually deed to each owner. So the land, which is owned by the HOA is one thing and the parking spaces are another**. Exhibit 41.**

Main Street's proposal appropriates BVC legally owned and platted land to use for a Main Street development, including use as a path required by law for development, a redesigned BVC driveway, a change to deeded parking spaces, and planting of trees on BVC land. This is not allowed. We submit the definition of the right of possession under Oregon Law may be found here: https://oregon.public.law/statutes/ors_164.105

Life Safety Checklist **Exhibit 42**

Site Development Checklist **Exhibit 43** (unauthorized path through Condo property)

Zoning Checklist **Exhibit 44**



LU 22-141452 AD
Exhibit H.17



LU 22-141452 AD
Exhibit H.17


LU 22-141452 AD
Exhibit H.17


LU 22-141452 AD
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LU 22-141452 AD
Exhibit H.17



LU 22-141452 AD
Exhibit H.17

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
A49 4
Total : 36.00
ATMCS

2005-243502 12/16/2005 09:29:35am

After recording return to:
Scott Timberlake
2722 NE 33rd Avenue
Portland OR 97212

# EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is by and among 1015 SW Bertha, LLC (the "LLC"), the Association of Unit Owners of Burlingame View Condominium (the "Association"), and the unit owners of the forty units in Burlingame View Condominium, designated Unit 1015-1 through Unit 1015-8, Unit 1025-1 through Unit 1025-8, Unit 1035-1 through Unit 1035-16, and Unit 1045-1 through Unit 1045-8 (collectively, the "Unit Owners").

## Recitals

A. The LLC has created Stage 1 of Burlingame View Condominium (the "Condominium") by recording the plat, bylaws, and declaration of stage 1 in the records of Multnomah County, Oregon; and

B. The LLC owns additional real property (the "Additional Property"), being the remaining portion of the following described land that is not part of the Condominium: Lots 1 through 14, inclusive, Block 4, BARBUR HEIGHTS, together with that portion of vacated SW 13th Drive, vacated by Ordinance No. 107296, adjacent to Lots 1, 4, and 5, and accruing thereto by reason of the vacation thereof, all located in the City of Portland, Multnomah County, State of Oregon; and

C. The LLC may develop the Additional Property as a subsequent stage of the Condominium or may develop the Additional Property as a separate development project; and

D. The Additional Property contains an easement area depicted on the Condominium plat and legally described on Exhibit A attached hereto (the Easement Area"); the Easement Area abuts the northerly line in the westerly portion of the Condominium; and

E. The Easement Area will provide an area for use as access (vehicular and pedestrian) for the Association and the Unit Owners along the northwesterly boundary of the Condominium; it further will provide an area for use as a portion of the Condominium's trash enclosure in such trash enclosure's current location; and it further will provide an area for use of a portion of the parking spaces designated as P6, P7, and P8 in the Condominium, as those spaces are currently striped and located.

Now, therefore, in consideration of the foregoing premises, and other good and valuable consideration, the parties agree as follows:

1. Grant of Easement. The LLC hereby grants a perpetual easement to the Association and to the Unit Owners to use the Easement Area for use as access (pedestrian and vehicular) along the northwesterly boundary of the Condominium, for use as a portion of the Condominium's trash enclosure in such trash enclosure's current location, and for use as a portion of the parking spaces designated as P6, P7, and P8, as those parking spaces are currently striped and located. This easement may be used by the Association, the Unit Owners, and their

invitees. This easement shall not be construed to prevent use of the Easement Area by the LLC, an association and/or owners of units or lots in a separate development on the Additional Property, and their invitees, so long as such use does not prevent reasonable use of the Easement Area by the Association and Unit Owners for the purposes stated above. For example, the air space above the Easement Area may be improved so long as such improvements do not prevent reasonable use of the access, trash enclosure or parking spaces P6, P7, or P8; or, the area below the surface of the Easement Area may be used for utility conduits serving the Additional Property so long as reasonable efforts are made to minimize the time in which the surface of the Easement Area cannot be used by the Association and Unit Owners for the purposes stated above; or, the Easement Area may be used by the LLC, an association and/or owners of units or lots in a separate development on the Additional Property, and their invitees, for access and a trash enclosure so long as such uses do not unreasonably interfere with use by the Association and Unit Owners for the purposes stated above.

2. Maintenance of the Access, Trash Enclosure, and Parking Spaces. The Association shall maintain and repair, in good condition, any portion of the surface of the Easement Area that is used by the Association or Unit Owners for access, the trash enclosure, or parking spaces P6, P7, and P8; provided, that if the LLC or an association and/or owners of units or lots in a separate development of the Additional Property, or their invitees, damage the surface of the Easement Area, such person or entity will restore the damaged surface of the Easement Area to the condition existing before such damage, within a reasonable period of time.

3. Administration by Associations. The Association, through its Board of Directors, shall monitor, implement, and administer the rights and obligations of the Association and the Unit Owners set forth in this Agreement. If a separate development is developed on the Additional Property and such development has an association of those unit owners or lot owners, such association, through its board of directors, shall monitor, implement, and administer the rights and obligations of such association, unit owners, or lot owners.

4. Covenants and Easements Run the Land. The covenants and easements set forth in this Agreement shall be appurtenant to and run with the land. The rights and obligations shall inure to the benefit of and shall burden all successive owners of the Condominium, the Units, and the Additional Property (or any portion thereof). Notwithstanding the foregoing, if the Additional Property is annexed to the Condominium as Stage 2, this Easement Agreement shall be deemed extinguished and of no further force or effect as of the date that the supplemental declaration and plat for Stage 2 are recorded in Multnomah County records.

In witness whereof, the parties have signed this Agreement as of December 14th, 2005.

1015 SW ~~Bertha, LLC~~, an Oregon limited liability company (as "LLC" and as the owner of all of the units in the ~~Condominium~~, i.e., the "Unit Owners")

by:_____ by:_____
Scott Timberlake, member William O'Kief, member

Association of Unit ~~Owners~~ of Burlingame View Condominium

by:_____ by:_____
chairperson secretary

State of Oregon )
) ss.
County of Multnomah )

On this 14th day of December, 2005, before me personally appeared Scott Timberlake and William O'Kief who, being duly sworn each for himself, did say that he is a member of 1015 SW BERTHA, LLC, an Oregon limited liability company, and did further say that he executed the foregoing instrument for and on behalf of said limited liability company, and acknowledged that said instrument is the free act and deed of himself and said limited liability company.

OFFICIAL SEAL
LORRI L. ASDER
NOTARY PUBLIC-OREGON
COMMISSION NO. 370749
MY COMMISSION EXPIRES SEPTEMBER 9, 2007

Lorri L. Asder
Notary Public for Oregon
My Commission expires: 9/9/07

State of Oregon )
) ss.
County of Multnomah

On this 14th day of December, 2005, before me personally appeared Scott Timberlake and William O'Kief who, being duly sworn each for himself, did say that he is the chairperson and secretary, respectively, of the Association of Unit Owners of Burlingame View Condominium and did further say that he executed the foregoing instrument for and on behalf of said Association with authority of the Board of Directors, and acknowledged that said instrument is the free act and deed of said Association.

OFFICIAL SEAL
LORRI L. ASDER
NOTARY PUBLIC-OREGON
COMMISSION NO. 370749
MY COMMISSION EXPIRES SEPTEMBER 9, 2007

Lorri L. Asder
Notary Public for Oregon
My Commission expires: 9/9/07

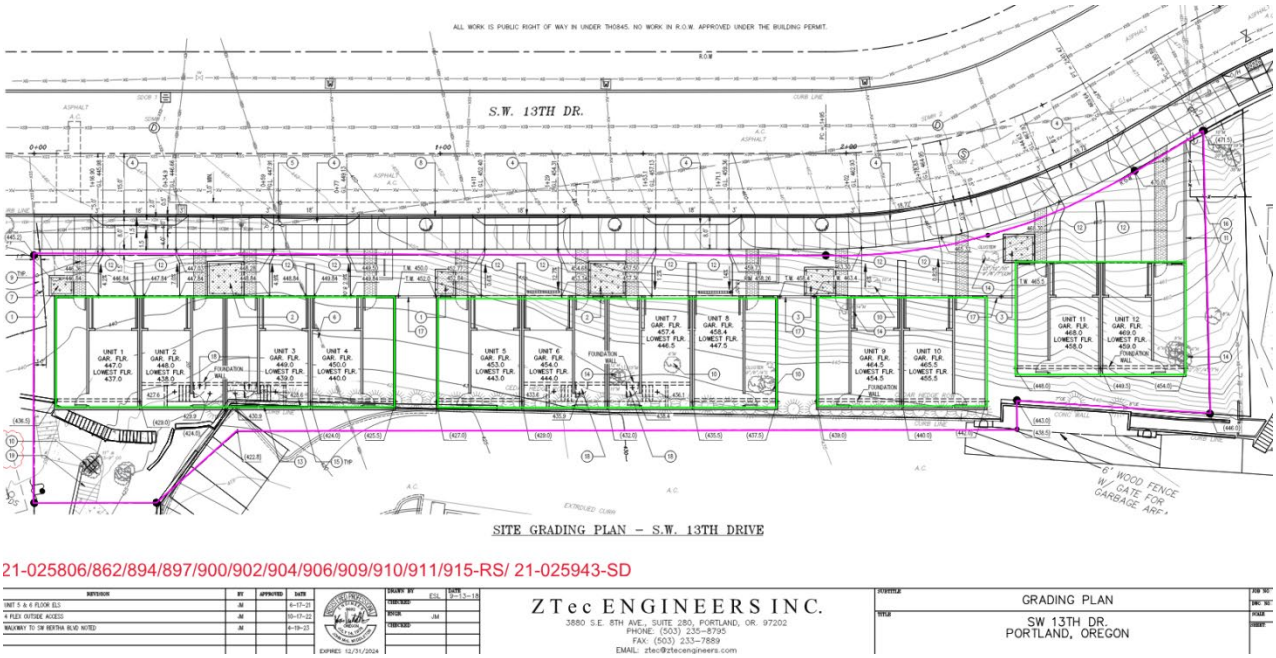
EXHIBIT A

A tract of land situated in the Northeast quarter of Section 21, Township 1 South, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, State of Oregon, being more particularly described as follows:

Commencing at the Northwest corner of Lot 14, Block 4, of "BARBUR HEIGHTS"; thence South 19 degrees 04 minutes 30 seconds East along the West line of said Lot 14, a distance of 60.88 feet to a 5/8 inch iron rod with a yellow plastic cap marked "W.B. Wells & Assoc., Inc." marking the most Westerly corner of the plat of Stage 1 of Burlingame View Condominium, recorded 12-16-05 #2005-243500, Multnomah County records; thence North 70 degrees 55 minutes 30 seconds East along the North line of said Condominium plat, a distance of 30.11 feet to a 5/8 inch iron rod with a yellow plastic cap marked W.B. Wells & Assoc., Inc.", said point being the true point of beginning of the herein described easement; thence North 18 degrees 28 minutes 09 seconds East, a distance of 30.20 feet; thence North 71 degrees55 minutes 43 seconds East, a distance of 189.55 feet; thence North 17 degrees 13 minutes 45 seconds West, a distance of 4.86 feet; thence North 74 degrees 54 minutes 02 seconds East, a distance of 3.38 feet to a 5/8 inch iron rod with a yellow plastic cap marked "W.B. Wells & Assoc., Inc.", being at an angle on the Northerly line of said Condominium plat; thence along said Condominium plat the following courses and distances: thence South 19 degrees 12 minutes 09 seconds East, a distance of 7.19 feet; thence South 70 degrees 47 minutes 50 seconds West, a distance of 192.00 feet; thence South 29 degrees 33 minutes 19 seconds West, a distance of 26.61 feet to the true point of beginning.

Exhibit 39 missing

From Tara Carlson, Life Safety: All of the buildings indicated on the property appear to be at least 5' from the property line…There are multiple sheets regarding modifications to the existing easement in regard to parking, access for walking paths etc. (Exhibits 2, 3…There are still issues to be worked out, but as mentioned before, edits happen and issues that were resolved before, need to be addressed again. Example, Unit 1 is missing the required exit door from another story other than the main floor. See the outlined site plan below. The buildings are highlighted in green and the property line in pink:




APPELLANT'S EXHBIT 40

**From:** Tatiana Lifshitz
**To:** BDS Hearings Clerk
**Cc:** "Tatiana Lifshitz"; "G Stiffler"; "Jackson Roholt"; "Burlingame View HOA"
**Subject:** Appellant"s Exhibit 41 Unauthorized proposed parking changes LU-22 141452AD
**Date:** Tuesday, May 23, 2023 4:49:22 PM
**Attachments:** image001.png
image002.png

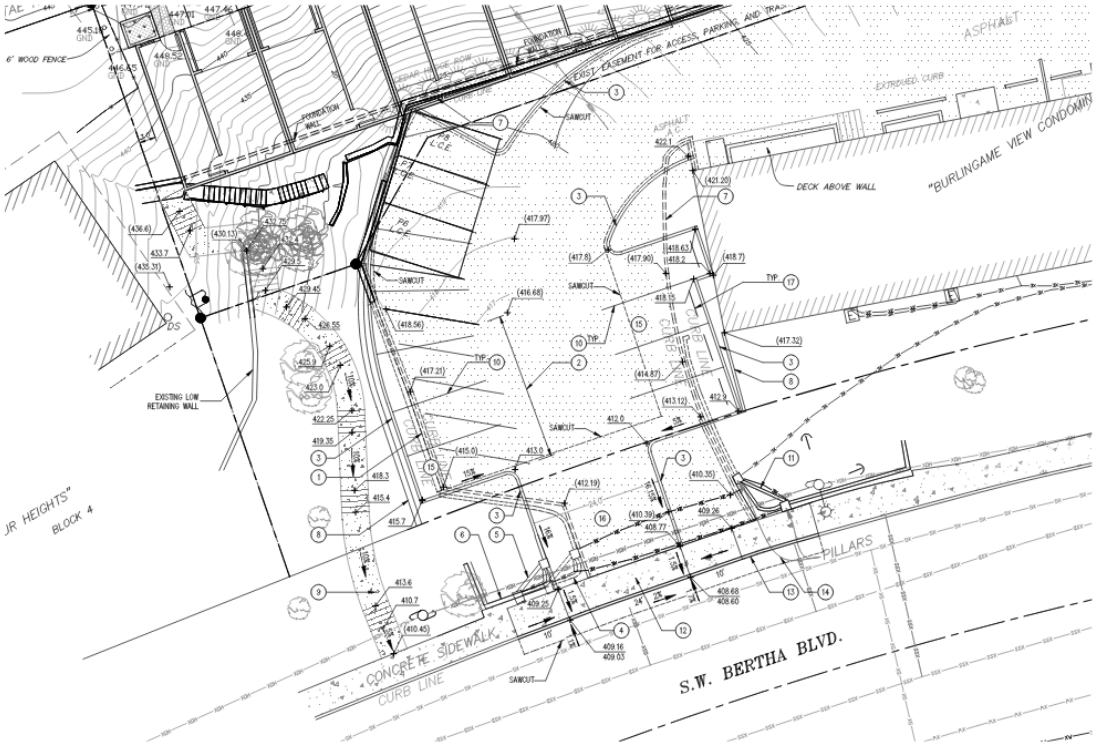
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The exhibits are existing and proposed changes for parking. To accommodate that portion of the curb where the new buildings will be built. See below:

Appellant's Exhibit 41

image001.png

image002.png




1. REMOVE EXISTING 6" CONC. CURB & R.R. WALL
2. REMOVE EXISTING ANGLED PARKING SPACE LINES
3. INSTALL 6" CONC. CURB
4. REMOVE EXISTING 3' +/- ROCK WALL, SIGN, PLANTER & PILLARS. STORE SIGN
5. INSTALL EXISTING SIGN WITH NEW ROCK PILLARS TO MATCH EXISTING ROCK WALL. INSTALL FRONT PLANTER
6. EXISTING 3.5' HIGH ROCK WALL TO REMAIN
7. REMOVE EXISTING 6" CONC. CURB
8. INSTALL <4' HIGH RETAINING WALL AS REQUIRED
9. PROPOSED 5' WIDE CONC. WALK WAY WITH INTERMITTENT STEPS
10. INSTALL 4" WHITE PARKING STALL LINES
11. EXISTING ROCK WALL, PILLARS, SIGNS & PLANTER TO REMAIN
12. RECONSTRUCT DRIVEWAY PER P-531
13. INSTALL STANDARD CURB PER P-540
14. PAVEMENT REPLACEMENT PER P-518
15. RE-PAVE AREA BETWEEN SAWCUT LINE AND NEW CURB WITH 3" A.C. ON 8" MIN. 1"-0 CR. ROCK
16. RE-PAVE NEW DRIVEWAY BETWEEN NEW CURB, SAWCUT LINE & P-531 CONCRETE DRIVEWAY PER NOTE (15)
17. INSTALL WHEEL STOP

(XXX.XX) – EXISTING GRADE
XXX.XX – PROPOSED GRADE

GRAPHIC SCALE
0 5 10 20
( IN FEET )
1 INCH = 10 FEET

NORTH

| SYM | REVISION | BY | APPROVED | DATE |
|---|---|---|---|---|
| | NEW SHEET | | | |

REGISTERED PROFESSIONAL ENGINEER OREGON JULY 14, 1995 JOHN MIL MICHELSEN
EXPIRES 12/31/2022

| | | |
|---|---|---|
| DRAWN BY | SMM | 11-29-21 |
| CHECKED | – | – |
| ENGR | JM | – |
| CHECKED | – | – |

ZTec ENGINEERS INC.
3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
PHONE: (503) 235-8795
FAX: (503) 233-7889
EMAIL: ztec@ztecengineers.com

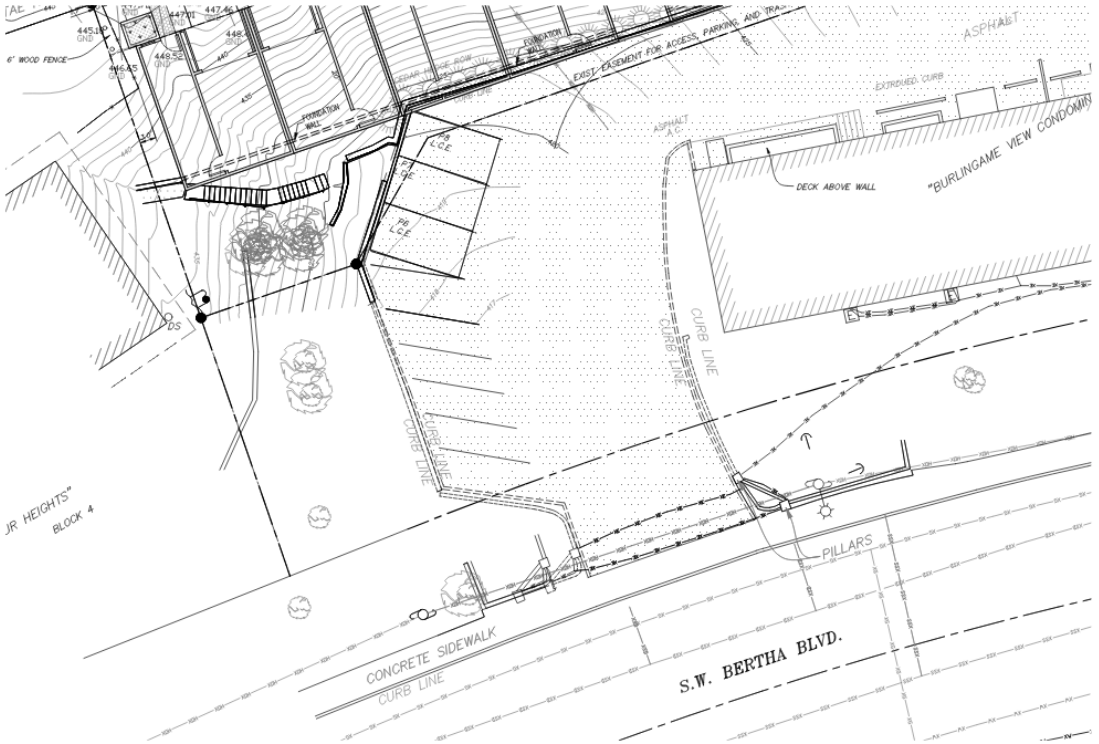
SUBTITLE: ADDITIONAL PARKING DRIVEWAY MODIFICATION & WALK PLAN
TITLE: SW 13TH DR.
PORTLAND, OREGON

JOB NO.: 16-2909-5
DWG NO.: 16-2909-5
SCALE: 1"=10'
SHEET: EXHIBIT 3

XX/XX/XX
ZTEC CAD FILE: ????????.DWG

Received 4-18-22

LU 22-141452 AD
Exhibit H.17




| SYM | REVISION | BY | APPROVED | DATE |
|---|---|---|---|---|
| | | | | |

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 1978
JOHN M. MIDDLETON
EXPIRES 12/31/2022

| | | |
|---|---|---|
| DRAWN BY | SMM | DATE 11-29-21 |
| CHECKED | – | – |
| ENGR. | JM | – |
| CHECKED | – | – |


ZTec ENGINEERS INC.
3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
PHONE: (503) 235-8795
FAX: (503) 233-7889
EMAIL: ztec@ztecengineers.com


SUBTITLE: EXISTING CONDITIONS BERTHA DRIVEWAY

TITLE: SW 13TH DR.
PORTLAND, OREGON

JOB NO: 16-2909-5
DWG NO: 16-2909-5
SCALE: 1"=20'
SHEET: EXHIBIT 2

XX/XX/XX

ZTEC CAD FILE:????????.DWG

Received 4-18-22

LU 22-141452 AD
Exhibit H.17

| | | | |
|---|---|---|---|
| **LIFE SAFETY CHECKSHEET #5**<br>**Life Safety Checksheet #6**<br>Review Date: April 22, 2021<br>Recheck 01: 7-16-2021<br>Recheck 02: 10-14-2021<br>Recheck 03: 12-14-2021<br>Recheck 04: 04-25-2022<br>Recheck 3/8/2023 | | Application #:<br>IVR #: | **21-025806/62/94/97/900/904/906/909/910/911/915-000-00-RS**<br>**4663656** |
| **To:**<br>APPLICANT | **NATHANIEL ROSEMEYER**<br>**MAIN STREET DEVELOPMENT**<br>**5331 SW MACADAM AVE #268 PMB 208**<br>**PORTLAND OR 97239** | Work:<br>Home:<br>Email: | (503) 206-9214<br>(503) 206-9214<br>Eric@msdpde.com<br>Nathaniel@msdpdx.com |
| **From:**<br>BUILDING PLANS EXAMINER | **TARA CARLSON** | Phone:<br>Email: | (503) 865-6532<br>Tara.Carlson@portlandoregon.gov |
| **cc:**<br>OWNER | **MAIN STREET DEVELOPMENT INC**<br>**5331 S MACADAM AVE**<br>**PORTLAND, OR 97239-6104** | | |

| **PROJECT INFORMATION** | | |
|---|---|---|
| Street Address: | **7320 SW 13TH DR** | |
| Description of Work: | **SINGLE PDF - 1 OF 12 TOWNHOMES ON ONE LOT / 4-STORY / TUCK UNDER 1-CAR GARAGE / SLOPED LOT / COMPLEX ***ELECTRICAL MECHANICAL AND PLUMBING SEPARATE****W/ 21-025862/94/97/900/902/904/906/909/910/911/915-RS & 21-025943 SD**** | |
| The following assumptions were made when reviewing your project: | | |
| Building Area | Stories | Sprinklers |
| **1,915 SF** | **4** | **Yes (Required)** |

**PLAN REVIEW**

Based on the plans submitted, the items listed below appear to be missing or not in conformance with the Oregon Residential Specialty Code and/or other City requirements.

| Item # | Location on plans | Code Section | Clarification / Correction Required |
|---|---|---|---|
| | | | **INCOMPLETE**<br>**LIFE SAFETY REVIEWS WILL NOT BE PROVIDED MOVING FORWARD,UNTIL THE 4-STORY DESIGN REQUIREMENTS HAVE BEEN ADDRESSED.**<br>**Recheck 5: Appeals process has not been addressed for resolving the 4-story design requirements. Please do not resubmit until this has been addressed and the approved appeal number is placed on the plan set.**<br>**Upon a quick glance, there are stairs indicated in the crawl space of the end unit of the 5-story unit. This should not have any portion of stairs in this unit identified in the foundation plan. In addition, this unit also indicates there is a crawl space access in the wall, but not indicated on the elevation. Though these two items have been pointed out, no other checksheet items have been reviewed at this time.** |
| 1 | 4-Unit Sheets 1, 3, 8<br>2-Unit Sheets 1 & 5 | 4 Story code Guide | |

Sent from my iPad

LIFE SAFETY CHECKSHEET #2
LIFE SAFETY CHECKSHEET #3
LIFE SAFETY CHECKSHEET #4

# LIFE SAFETY CHECKSHEET #5

## Life Safety Checksheet #6

Application #: **21-025806/62/94/97/900/904/906/909/910/911/915-000-00-RS**
IVR #: **4663656**

Review Date: April 22, 2021
Recheck 01: 7-16-2021
Recheck 02: 10-14-2021
Recheck 03: 12-14-2021
Recheck 04: 04-25-2022
Recheck 3/8/2023

| | | | | |
|---|---|---|---|---|
| **To:** | APPLICANT | **NATHANIEL ROSEMEYER**<br>**MAIN STREET DEVELOPMENT**<br>**5331 SW MACADAM AVE #258 PMB 208**<br>**PORTLAND OR 97239** | Work:<br>Home:<br>Email: | (503) 206-9214<br>(503) 206-9214<br>Eric@msdpde.com<br>Nathaniel@msdpdx.com |
| **From:** | BUILDING PLANS EXAMINER | **TARA CARLSON** | Phone:<br>Email: | (503) 865-6532<br>Tara.Carlson@portlandoregon.gov |
| **cc:** | OWNER | **MAIN STREET DEVELOPMENT INC**<br>**5331 S MACADAM AVE**<br>**PORTLAND, OR 97239-6104** | | |

### PROJECT INFORMATION

| | |
|---|---|
| Street Address: | **7320 SW 13TH DR** |
| Description of Work: | **SINGLE PDF - 1 OF 12 TOWNHOMES ON ONE LOT / 4-STORY / TUCK UNDER 1-CAR GARAGE / SLOPED LOT / COMPLEX ***ELECTRICAL MECHANICAL AND PLUMBING SEPARATE****W/ 21-025862/94/97/900/902/904/906/909/910/911/915-RS & 21-025943 SD**** |

The following assumptions were made when reviewing your project:

| Building Area | Stories | Sprinklers |
|---|---|---|
| **1,915 SF** | **4** | **Yes (Required)** |

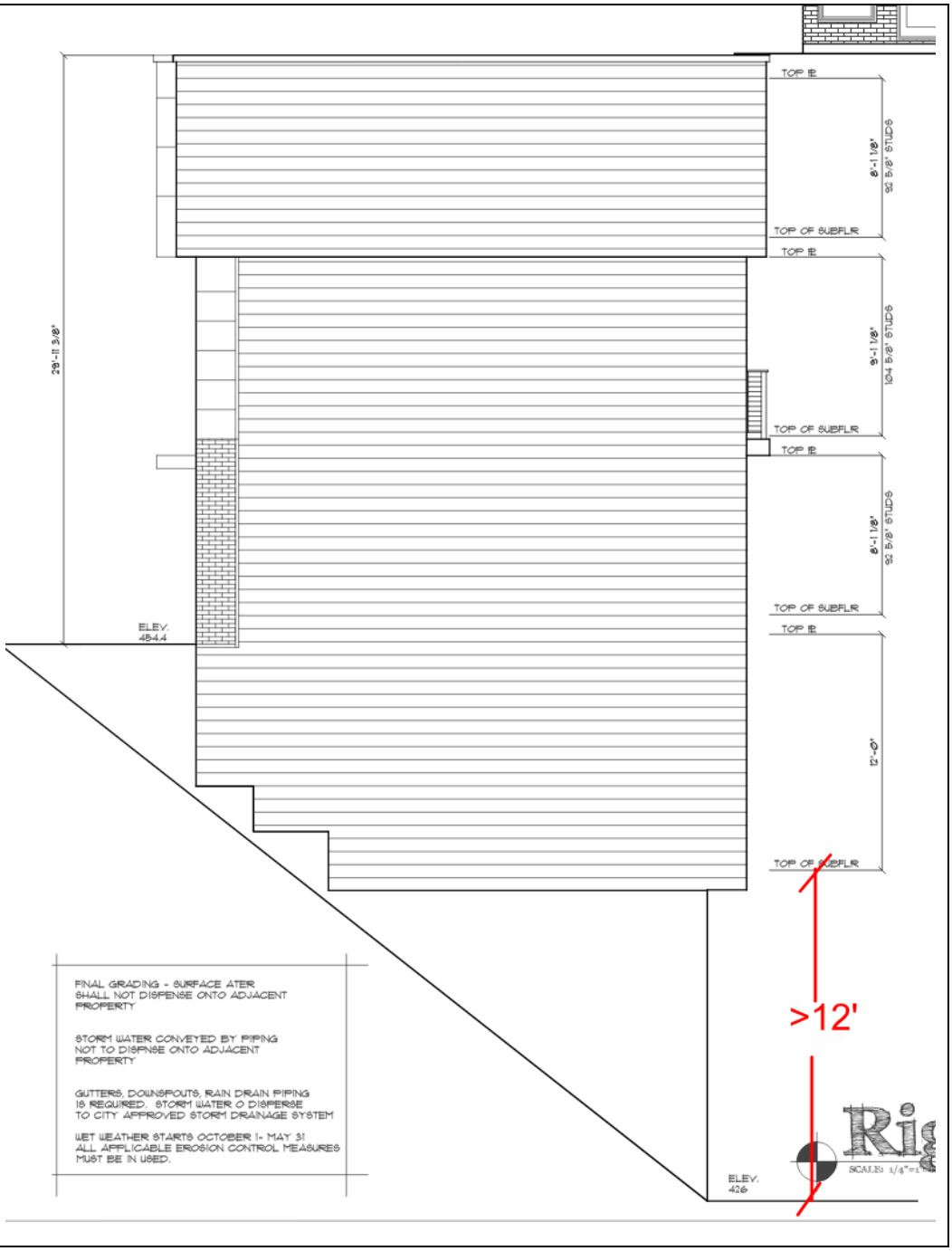
### PLAN REVIEW

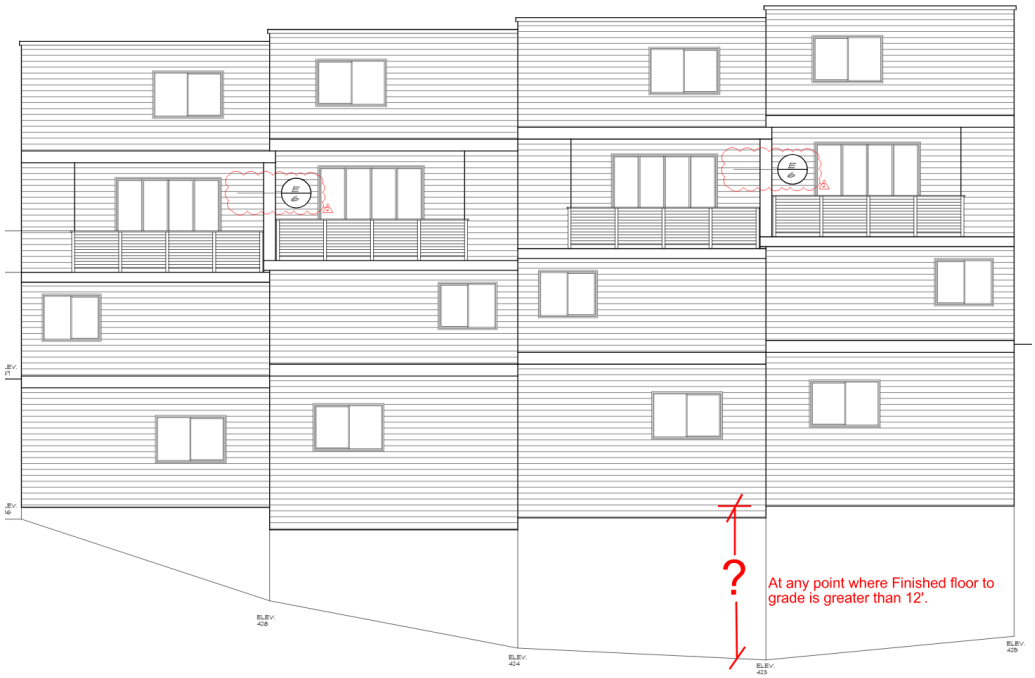
Based on the plans submitted, the items listed below appear to be missing or not in conformance with the Oregon Residential Specialty Code and/or other City requirements.

| Item # | Location on plans | Code Section | Clarification / Correction Required |
|---|---|---|---|
| | | | **INCOMPLETE**<br><br>**LIFE SAFETY REVIEWS WILL NOT BE PROVIDED MOVING FORWARD, UNTIL THE 4-STORY DESIGN REQUIREMENTS HAVE BEEN ADDRESSED.** |

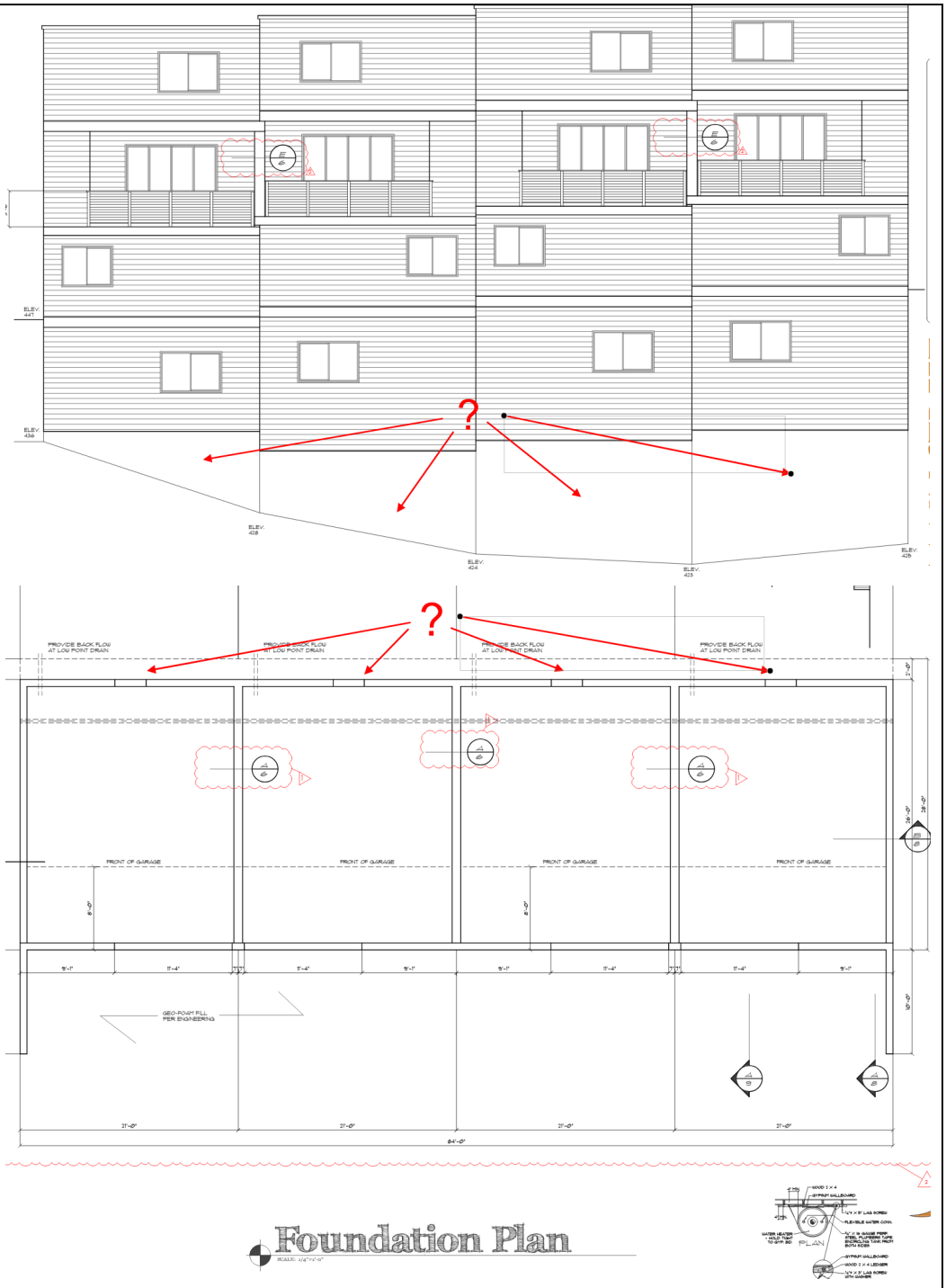
| | | | |
|---|---|---|---|
| | | | **Recheck 5: Appeals process has not been addressed for resolving the 4-story design requirements. Please do not resubmit until this has been addressed and the approved appeal number is placed on the plan set.**<br><br>**Upon a quick glance, there are stairs indicated in the crawl space of the end unit of the 5-story unit. This should not have any portion of stairs in this unit identified in the foundation plan. In addition, this unit also indicates there is a crawl space access in the wall, but not indicated on the elevation. Though these two items have been pointed out, no other checksheet items have been reviewed at this time.** |
| **1** | 4-Unit Sheets 1, 3, 8<br><br>2-Unit Sheets 1 & 5 | 4 Story code Guide | **4-Story Buildings**<br>Please see the link for the 4-Story Code Guide:<br>https://www.portlandoregon.gov/bds/article/396016<br><br>Update the plans resolve the items that have not been addressed from the code Guide:<br><br>A. Indicate on the plans: *Separate Fire Sprinklers Permit Required and to be obtained through the Fire Marshal's Office.*<br>Recheck 2: Item resolved. Thank you.<br>B. Buildings with more than 2,000 square feet of enclosed space shall have at least two exits each on a different level. Update the plans to provide this code requirement.<br>**Recheck 2: An Exit provides access grade. Please illustrate how the 2nd exit provides access to grade. There are no stairs indicated access from the second door at the balcony.**<br><br>**Recheck 3: Not resolved. Please provide code information that permits a ladder to be permitted for egress to the public right of way from an exit door above grade or an approved appeal from the building appeals board. In addition, egress doors are required to be hinged.**<br><br>**Recheck 4: Not resolved. Egress may not pass though crawl space access and out an exterior access door. An exit door shall meet the requirements of a standard exit door, with landings and meet code requirements for stairs if needed. Please update the plans.**<br><br>C. Clearly indicate the bottom floor is crawl space.<br>Recheck 2: Update to indicate storage space vs. crawl space on each of the building floor plans. Storge space would the floor area with a concreate or floor framing. Crawl space would be grade or a rat slab.<br><br>Recheck 3: Incomplete.<br>Recheck 4: Resolved.<br><br>All units: Please specify the requirement to install 5/8" Type-X gypsum board to the underside of the lowest floor level as indicated in the 4-story compliance notes on sheet 1. This specification shall be indicated on the Modified 2-hour wall detail and at all building sections.<br>**Recheck 2: Item Resolved. Thank you.**<br><br>Units 9-10: As defined in R201, these units are 5-story buildings as illustrated in section A/5. As proposed this building cannot be approved for issuance. Either, revise the building design, apply for, and receive a building code appeal, or cancel this permit and replace it with a CO permit which will require design under the provisions of the Oregon Structural Specialty Code. |

| | | | |
|---|---|---|---|
| | | | Units 11-12 As defined in R210, these units are 5-story buildings as illustrated in section A/5. As proposed this building cannot be approved for issuance. Either, revise the building design, apply for, and receive a building code appeal, or cancel this permit and replace it with a CO permit which will require design under the provisions of the Oregon Structural Specialty Code.<br><br>**Recheck 2: The items above have not been addressed. Definition of Story**: That portion of a building included between the upper surface of a floor and the upper surface of the floor next above, except that the topmost story shall be that portion of the building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than 6 feet above grade, for more than 50% of the total perimeter OR is more than 12 feet above grade as defined herein, at any point, such usable or unusable underfloor space shall be considered as a story.<br><br>**The current measurements have not been correctly dimensioned. Please apply dimensions that indicate grade to the next finished floor. The design shall either be updated to meet the 4-story code guide, be approved by an appeal through the Building Code Appeals Board, or have the permits cancelled and resubmitted as commercial building.**<br>**Please see example below of how the story dimension applies:** |

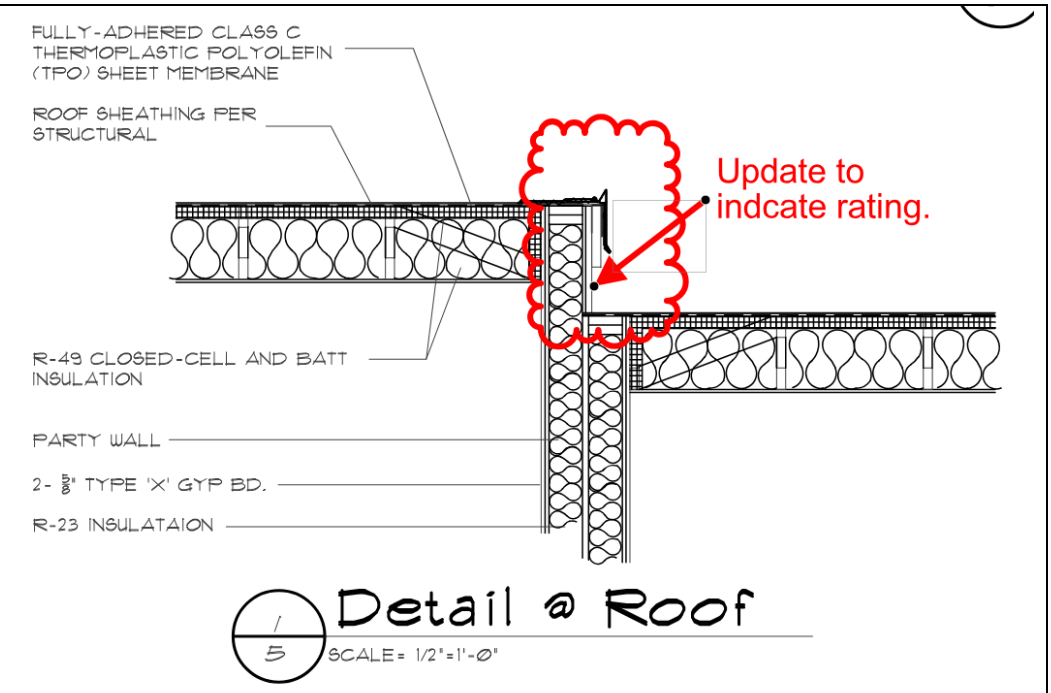
| | | | |
|---|---|---|---|
| | | |  TOP PL<br>8'-1 1/8"<br>92 5/8" STUDS<br>TOP OF SUBFLR<br>TOP PL<br>8'-1 1/8"<br>104 5/8" STUDS<br>TOP OF SUBFLR<br>TOP PL<br>8'-1 1/8"<br>92 5/8" STUDS<br>TOP OF SUBFLR<br>TOP PL<br>12'-0"<br>TOP OF SUBFLR<br>29'-11 3/8"<br>ELEV.<br>454.4<br>ELEV.<br>426<br>>12'<br>FINAL GRADING - SURFACE ATER<br>SHALL NOT DISPENSE ONTO ADJACENT<br>PROPERTY<br>STORM WATER CONVEYED BY PIPING<br>NOT TO DISPNSE ONTO ADJACENT<br>PROPERTY<br>GUTTERS, DOWNSPOUTS, RAIN DRAIN PIPING<br>IS REQUIRED. STORM WATER O DISPERSE<br>TO CITY APPROVED STORM DRAINAGE SYSTEM<br>WET WEATHER STARTS OCTOBER 1- MAY 31<br>ALL APPLICABLE EROSION CONTROL MEASURES<br>MUST BE IN USED. |

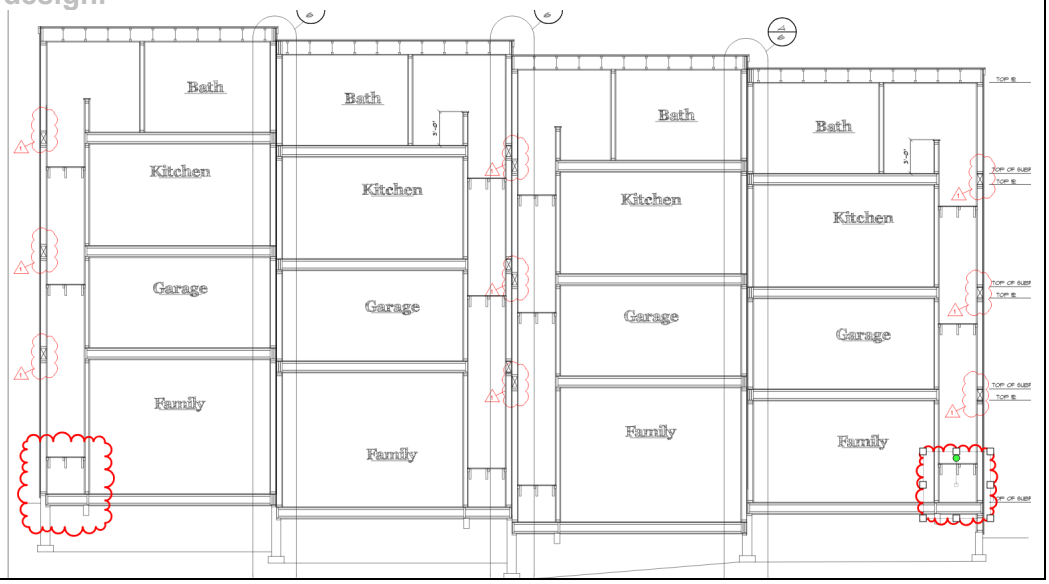
| | | | |
|---|---|---|---|
| | | |  <br>**Recheck 3: Incomplete.**<br>**Recheck 4: Resolved.** |
| **2** | 4-Unit Sheets 2-8 | R106.1 | **Section/Detail Tags**<br>The section and detail references on the floor plans indicate sheet 7, but the details are on sheet 6. Update all sheets to coordinate.<br><br>**Recheck 01:** Item resolved. Thank you. |
| **3** | 4-Unit Sheets 1 & 2<br><br>2-Unit Sheet 1 | R106.1 | **Elevations**<br>Please indicate the rated wall between balconies on the Right and Left Elevations.<br><br>**Recheck 01:** The written response indicates this has been addressed but the plans do not appear to have been revised to specify the required separation wall at the exterior balconies. Please revise the plans as required.<br>**Recheck 2: Item resolved. Thank you.** |
| **4** | 4-Unit Missing<br>2-Unit Missing | R601.1 | **Roofing Plan**<br>Provide a roofing plan for both 2- and 4-Unit buildings to show slope and possible ventilation (See Item #14.)<br><br>**Recheck 01:** The written response directs attention to the structural roof plans. However, the structural roof plans do not contain the slope, ventilation, and fire protection information required to complete the building code review. Please provide a roof plan for each building as originally requested.<br><br>**Recheck 2: Item resolved. Thank you.** |
| **5** | 2-Unit Sheet 5 | R106.1 | **Missing Sheets**<br>Sheet 5 is missing from the Unit 11, 12 set.<br><br>**Recheck 01: Item resolved. Thank you.** |

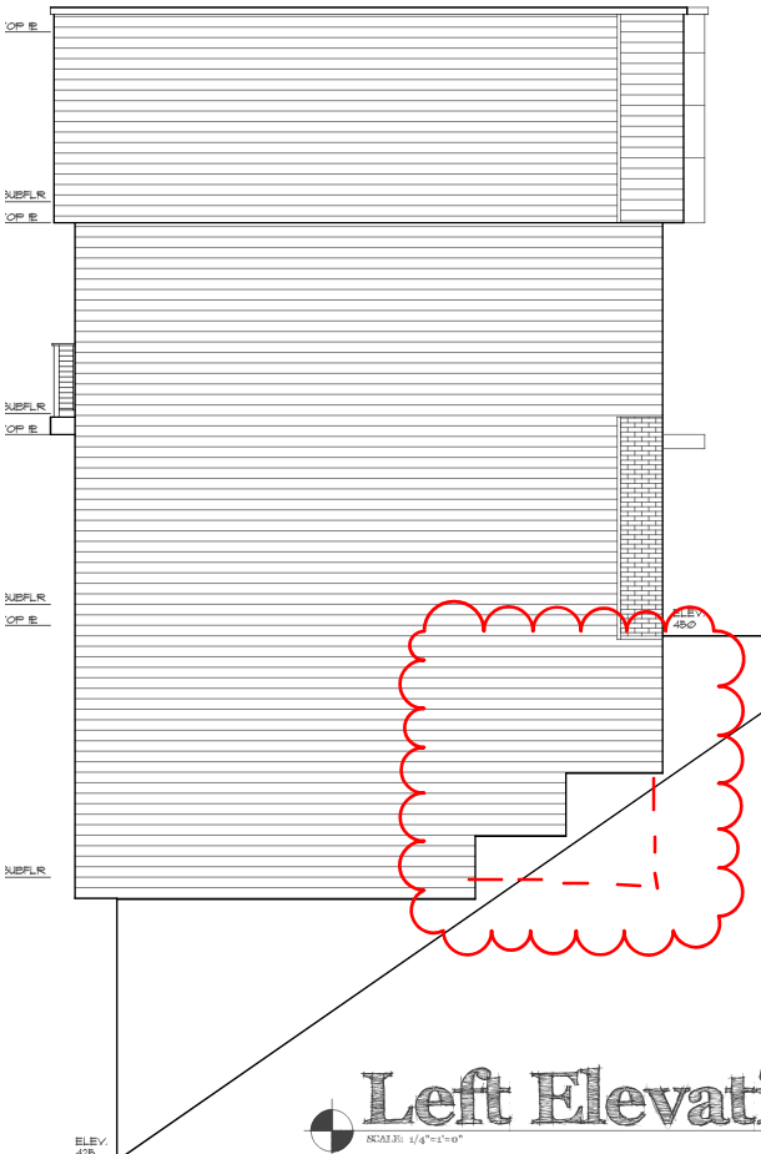
| | | | |
|---|---|---|---|
| **6** | 4-Unit<br>Sheet 6<br><br>2-Unit<br>Sheet 4 | R106.2 | **Terminology**<br>In an effort to support racial awareness, BDS has identified labels being used in the building industry that may be offensive to various groups. With the hope of becoming more socially aware, we would like to encourage everyone in the building industry to support these changes in their professional and hopefully personal lives. The following are labels we have identified that we hope you too will consider changing:<br>1. **Primary/Main** rather than Master.<br>2. **Change Marks** rather than Redlines.<br>3. **Vested** rather than Grandfathered.<br><br>**Recheck 01: Item resolved. Thank you.** |
| **7** | 4-Unit<br>Sheets 1, 2, 8<br><br>2-Unit<br>Sheets 1 & 5 | R106.1.1<br>R106.2 | **Dimensions**<br>Indicate the dimensions on the Sections and Side/Rear Elevations from grade to the bottom most floor. (Do this for each building. The contours should be reflected in elevation changes at each building rather than replicated.<br><br>**Recheck 01:** The written response reads: *"Dimensions have not been called out yet. They will be added on the next round."* This approach creates incomplete submittals from the beginning of the review process. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br><br>**Recheck 2: Unresolved. Please see Item #1 for definition of story to correct dimensions.**<br><br>**Recheck 3: Incomplete.**<br>Recheck 4: Resolved. |
| **8** | 4-Unit<br>Sheet 3<br><br>2-Unit<br>Sheet 3 | R106.1.1 | **Floor Plans**<br>Please address the following:<br>A. The foundation plan indicates a door. This door is not shown on the Rear Elevation. Please update the Rear Elevations for coordination.<br><br>**Recheck 01:** The written response reads: *"Door was not called out. We'll catch it on the next round."* This approach creates incomplete submittals from the beginning of the review process. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br><br>**Recheck 2: Floor plans are not coordinated from building to building. Some plans indicate a window in the elevation below the garage level but not on the plan. Others indicate an access panel on the plan, but nothing on the elevation. Update all of the plans and elevations to coordinate this information.**<br><br>**Example:** This building plan only has 4 floors with living space. The foundation plan indicates an access in the foundation wall. The elevation does not show access below. Adjust all plan designs as needed. If the exterior access is removed, show how the access has been met from the interor. |

| | | | |
|---|---|---|---|
| | | |  <br>**Recheck 3: Incomplete.**<br>**Recheck 4: Resolved.** |
| 9 | 4-Unit Sheets 6 and 7<br><br>Eng. Sheet S2.2 | R302.2 #3 | **Fire Separation**<br>Provide the following information:<br>A. Under the 2019 ORSC code cycle, plumbing is not permitted in townhouse 2-hour modified walls. Please provide information on how the plumbing will be addressed for the fixtures that are on the wall line of the 2-hour modified wall for the bathrooms in the 2nd bathroom on the Upper Floor Plan and the bathroom of the Lower Floor Plan.<br>B. Update the Typical Party wall detail in the engineering. The required blocking at the floors is required to be the full width of the supporting walls. Since 2x6 walls are being used, an additional block will be required with the double rim boards. |

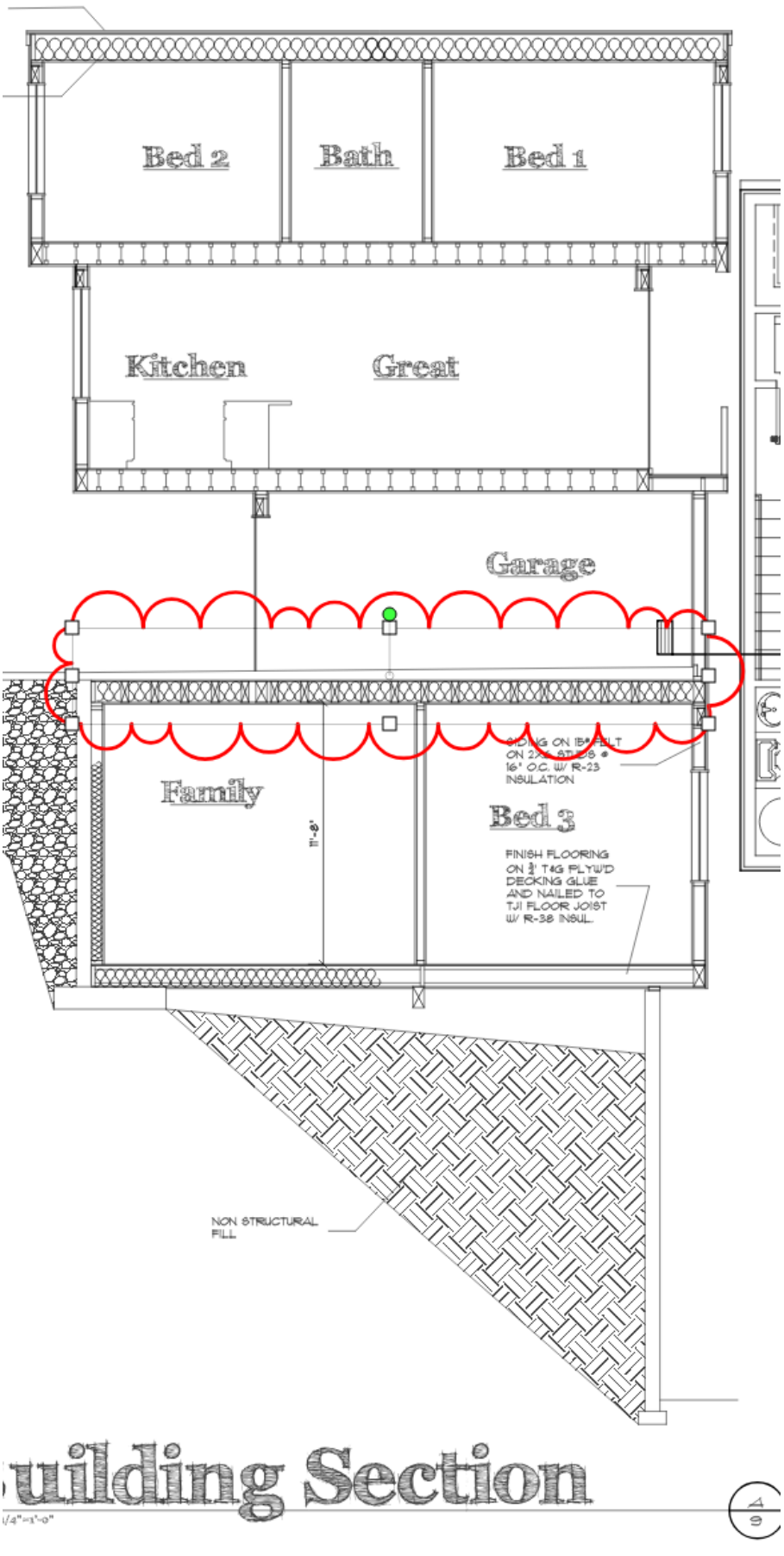
| | | | |
|---|---|---|---|
| | | | **Recheck 01:** Item resolved. Thank you. |
| **10** | 4-Unit<br>Sheet 8<br><br>2-Unit<br>Sheet 5 | R302.2.1.2 | **Fire Protection at Decks**<br>Provide a detail to illustrate how continuity will be achieved for fire separation between the two deck/balconies which are at different levels from one another. The Rear Elevation indicates a wall on the upper balcony. However, the plans indicate the 2-hour wall is extended to each exterior balcony. This is not indicated in the Rear Elevation and there is no indication on the Left or Right Elevations. Please provide a detail through the balcony to address how the continuity will be achieved.<br><br>**Recheck 01:** The written response reads: *"Detail was not added. We'll get this on the next go around."* This constitutes an incomplete submittal. This is checksheet #2. If a third Life Safety checksheet is issued an additional checksheet fee will be charged for each permit. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br><br>**Recheck 2: Item resolved. Thank you.** |
| **11** | 4-Unit<br>Sheet 8<br><br>2-Unit<br>Sheet 5 | R311.7.2 | **Stairs**<br>The head height clearance on sheets 8 of the 4 unit and sheet 5 of the 2-Unit buildings do not clear the projection overhead on the lowest floor. Please resolve this issue.<br><br>**Recheck 01:** The written response reads: *"Issue was not resolved."* This constitutes an incomplete submittal. This is checksheet #2. If a third Life Safety checksheet is issued an additional checksheet fee will be charged for each permit. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br><br>**Recheck 2: Item resolved. Thank you.** |
| **12** | 4-Unit<br>Sheet 8<br><br>2-Unit<br>Sheet 5 | R602.3 | **Wall Construction**<br>Provide a detail for typical exterior wall construction.<br><br>**Recheck 01:** The written response reads: *"Detail was not added."* This constitutes an incomplete submittal. This is checksheet #2. If a third Life Safety checksheet is issued an additional checksheet fee will be charged for each permit. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br>**Recheck 2: Item resolved. Thank you.** |
| **13** | 4-Unit<br>Sheet 8<br><br>2-Unit<br>Sheet 5 | R801.2 | **Roof Construction at 2-Hour wall**<br>Please coordinate between engineering and design details:<br>A. Detail 3 on sheet S3 does not have the roof extend over the lower roof as indicating on Sheets 8 and 5 of the Modified 2-Hour wall detail. Please remove the portion that extends beyond the rated wall.<br>B. The exterior side of the rated wall above the lower roof shall be rated.<br>C. The roof framing in the Building Sections do not coordinate with the direction or framing material indicated in the engineering. The engineer indicated open web design. Update this change in the building sections.<br><br>**Recheck 01:** The written response reads: *"Building sections were not updated."* This constitutes an incomplete submittal. This is checksheet #2. If a third Life Safety checksheet is issued an additional checksheet fee will be charged for each permit. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br><br>**Recheck 2: Please update missing information:** |

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| | | |  <br>**Recheck 3: Incomplete.**<br>**Recheck 4: Resolved.** |
| **14** | Roofing Plan | R806.1 | **Roof Ventilation**<br>Clearly indicate how the roof will be ventilated for both the 2- and 4-Unit buildings. If other than rooftop venting will be used, provide a detail for any end wall venting.<br><br>**Recheck 01:** The written response reads: *"Nothing was added to the plans. Contact Samedy Kem about clarification."* This constitutes an incomplete submittal. This is checksheet #2. If a third Life Safety checksheet is issued an additional checksheet fee will be charged for each permit. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br><br>**Recheck 2: Item resolved. Thank you.** |
| **15** | 4-Unit Sheet 8<br><br>2-Unit Sheet 5 | Table N1101.1(1) N1101.1(2) | **Insulation**<br>Update the building sections to include the insulation values at the exterior walls, floors, and roof. Include values consistent with the energy measure 2 that was chosen.<br><br>**Recheck 01:** The written response reads: *"Values were not called out."* This constitutes an incomplete submittal. This is checksheet #2. If a third Life Safety checksheet is issued an additional checksheet fee will be charged for each permit. In the future, this will prevent a checksheet response submittal from being accepted. This item is not resolved. Please address the original request.<br><br>**Recheck 2: Item resolved. Thank you.** |
| **16** | Sheet 4 (all units) | R308.4.2 | **Recheck 01:** This is a new item. I apologize for this being missed during the first review, but it must be revised for approval.<br><br>The window adjacent to the hinged, interior, garage door must be tempered due to its proximity to the door. |

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| | | | **Recheck 2: Item resolved. Thank you.** |
| **17** | Sheet 7 (all units) | Chapter 11 R311.7.1 | **Recheck 01:** This is a new item. I apologize for this being missed during the first review, but it must be revised for approval.<br><br>All units: Based on the exterior elevations and building sections, it appears the lowest floor level will require insulated furring walls to meet energy code requirements as described in ORSC Chapter 11. These furring walls appear to be required along the front and side, exterior walls. The furring walls will change the stair widths and will require some additional design changes to meet the requirements of R311.7.1. Therefore:<br><br>1. Please revise the floor plans to reflect the presence of the required furring wall(s).<br>2. Please revise the building sections to show the furring walls (front and sidewall applications).<br>3. Please provide a detail for this assembly and tag the detail at all applicable locations where it will be used (floorplans and sections).<br><br>Note: If sidewall furring walls are not required, please revise the exterior elevations to show the line of the stair stringers down to the lowest floor level so this can be reviewed for compliance.<br><br>**Recheck 2:**<br>**Please update the sections to show the portion of the wall and floor joists of the bottom level to have insulation in all sections of each building design.**<br>  <br> |

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| **18** | TBD | R806<br>Chapter 11 | **Recheck 01:** This is a new item. I apologize for this being missed during the first review, but it must be revised for approval.<br><br>All units: Due to the lack of detailing and the location of the provided building sections, how the building will be constructed. Therefore, please provide a building section (front-to-back) which cuts through the garage and balcony. The section shall show in sufficient detail how the thermal envelope will be achieved and maintained. Supporting details are required to show how the balcony floor, which also serves as the ceiling to the level below, will be insulated to the required Chapter 11 values and ventilated as required per R806.<br><br>**Recheck 2: Recheck 2: Item resolved. Thank you.** |
| **19** | TBD | R106.1.1<br>Chapter 11 | **Recheck 01:** This is a new item. I apologize for this being missed during the first review, but it must be revised for approval. |

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| | | | All units: Please detail the garage floor to show how the system will be constructed and provided with the required slope towards the door, and how the floor ceiling assembly will be ventilated (since it serves as the ceiling of the habitable space below).<br><br>**Recheck 2: Update engineering plans for each building design to confirm slope of garage and depth at each ind or required furring as indicated on design sheets Building Section A/2 and A/9.** |


Bed 2
Bath
Bed 1
Kitchen
Great
Garage
Family
Bed 3
FINISH FLOORING ON ¾" T4G PLYWD DECKING GLUE AND NAILED TO TJI FLOOR JOIST W/ R-38 INSUL.
NON STRUCTURAL FILL
uilding Section

End of Checksheet

To respond to this checksheet, come to the Bureau of Development Services located at 1900 SW Fourth Ave. The Development Service Center (1st floor) and Permitting Services (2nd floor) are open Monday through Friday from 8:00 a.m. to 3:00 p.m. (close at noon on Thursday). Please update all sets of submitted drawings by either replacing the original sheets with new sheets, or editing the originally submitted sheets. You can review "How to Update Your Plans in Response to a Checksheet" at http://www.portlandoregon.gov/bds/article/93028 Visit the BDS website for more helpful information and a current listing of services available in the Development Services Center.

Please complete the attached Checksheet Response Form and include it with your re-submittal.

If you have specific questions concerning this Checksheet, please call me at the phone number listed above. To check the status of your project, go to http://www.portlandonline.com/bds/index.cfm?c=34194. Or, you may request the status to be faxed to you by calling 503-823-7000 and selecting option 4.

You may receive separate Checksheets from other City agencies that will require separate responses.

**RECHECK FEE**: Please note that plan review fees for Life Safety, Structural, Site Development and Planning and Zoning will cover the initial review and up to two checksheets and the reviews of the applicant's responses to those checksheets. All additional checksheets and reviews of applicant responses will be charged an additional fee per checksheet.

Appeals: Pursuant to City Code Chapters 24.10, 25.07, 26.03, 27.02, and 28.03, you may appeal any code provision cited in this Checksheet to the BDS Administrative Board of Appeal within 180 calendar days of the review date. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to www.portlandoregon.gov/bds/appeals, call (503) 823-7300 or come in to the Development Services Center. Permit application expiration will not be extended pending resolution of any administrative appeal.

# Life Safety Checksheet Response #6

**Permit #: 21-025806/62/94/97/900/904/906/909/910/911/915--RS Date: _____**

**Customer name and phone number: _____**

*Note:* In the spaces below, please provide specific information concerning the changes that you have made in response to the checksheet. Note the checksheet item number, your response or a description of the revision, and the location of the change on the plans (i.e. page number and/or detail number). Use as many lines as needed. *If the item is not in response to a checksheet, write **"Applicant"** in the column labeled "Checksheet item number."*

| Checksheet item number | Description of changes, corrections, additions, etc. | Location on plans |
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**City of Portland, Oregon**
**Bureau of Development Services**
**Site Development**
FROM CONCEPT TO CONSTRUCTION

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

# SITE DEVELOPMENT CHECKSHEET

Application #: **21-025806-000-00-RS**
Review Date: March 30, 2023

| | | | | |
|---|---|---|---|---|
| **To:** | APPLICANT | **NATHANIEL ROSEMEYER**<br>**MAIN STREET DEVELOPMENT**<br>**5331 SW MACADAM AVE #258**<br>**PMB 208**<br>**PORTLAND OR 97239** | Work<br>Home<br>Email | 503 206-9214<br>503 206-9214<br>NATHANIEL@MSDPDX.COM |
| **From:** | GEOTECHINICA LENGINEER | **KEVIN WELLS** | Phone<br>Email | 503-823-5618<br>Kevin.Wells@portlandoregon.gov |
| **Cc:** | OWNER | **MAIN STREET DEVELOPMENT INC**<br>**5331 S MACADAM AVE**<br>**PORTLAND, OR 97239-6104** | | |

## PROJECT INFORMATION

| | |
|---|---|
| Street Address: | **7320 SW 13TH DR** |
| Description of Work: | **SINGLE PDF - 1 OF 12 TOWNHOMES ON ONE LOT / 4-STORY / TUCK UNDER 1-CAR GARAGE / SLOPED LOT / COMPLEX ***NFPA 13D FIRE SPRINKLERS REQUIRED***ELECTRICAL MECHANICAL AND PLUMBING SEPARATE****W/ 21-025862/94/97/900/902/904/906/909/910/911/915-RS & 21-025943 SD**** |

## PLAN REVIEW

Based on the plans and specifications submitted, the following items appear to be missing or not in conformance with the Oregon Structural Specialty Code, Oregon Residential Specialty Code and/or other city, state, or federal requirements.

| Item # | Location on Plans | Code Section | Clarification / Correction Required |
|---|---|---|---|
| 1 | Checksheet Response | Title 24.10.070 | **Partial Checksheet Response**<br>The applicant's response to Site Development's August 17, 2022 appears partially complete as we did not receive calculations for the revised foundations. As such, Site Development was unable to provide a complete review of the updated drawings.<br>Site Development understands that grade beams have been added to the plans, which appear to increase stability and largely alleviate prior comments regarding downslope foundation surcharging. However, the structural engineer must submit calculations for the updated design. Key concerns include:<br>• Strength of the foundation keyway at the bottom foundation wall. |

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| | | | • Global stability of the building and proper accounting for all lateral loading transferred to the bottom foundation keyway.<br>• Stability of the retaining walls between buildings. Are these walls self-stabilizing, or are loads transferred into the adjoining buildings then through the grade-beam system to maintain stability? |
| 2 | Sheet CS1, D2, D2a | OSSC 1803.1, Title 24.10.070 | **Cellular Concert Backfill Detailing**<br>Site Development understands the global stability model has changed and light-weight geofoam blocks will not be used for this project. As an alternative, the geotechnical engineer recommends basement walls be backfilled with up to 4 feet of crushed rock from the bottom of the footing and light-weight cellular concrete (average 30 pcf) up to final subgrade. However, the plans submitted for review show crushed rock for the entire basement backfill envelope.<br>Please revise the drawings for the basement backfill to be consistent with the recommendations of the geotechnical engineer. The revised detailing should include associated callouts in the civil and structural drawings, since both the civil and structural plans include backfill detailing. |
| 3 | Sheet CS1 | OSSC 1803.1, Title 24.10.070 | **Cellular Concrete Backfill Detailing**<br>Sheets CS1 in the structural plans show structural fill in the backfill zone of the upslope basement wall. Please change to cellular concrete as recommended by the geotechnical engineer. Also include the recommended range of cellular concrete density. |
| 4 | | OSSC 1803.1, Title 24.10.070 | **Depth of Bottom Foundation Wall**<br>Based on geotechnical engineer's slope stability analyses, and Site Development's own in-house stability checks, the depth and retained soil height of the downslope foundation wall appears key to maintaining global stability of each building. *The deeper the foundation and additional height of retained soil increases stability.*<br>However, the foundations in the cross-sections show the bottoms of the footings to be above the toe of slope or above the lower curb depth. Only the keyway is extended to below the bottom of the slope. This seems inconsistent with the geotechnical engineer's recommendations and slope stability model, at least for the most slope-critical buildings.<br>Typically, the bottom of the foundation is where vertical foundation loads are imparted to soil (the keyway is not the bottom of the footing). Please extend the bottom of the foundation below the bottom of the slope as recommended by the geotechnical engineer and as shown in the updated slope stability model.<br>*Note: Consider simply thickening the entire foundation width to the depth of the proposed keyway with suitable depth below the bottom of the slope. Site Development recommends checking the foundation depth with the geotechnical engineer to ensure it is consistent with the slope stability model for each building. If the keyway will be retained, the key must be able to withstand lateral loading imposed by the structure and portion of shear resistance that is required to ensure that potential slope stability shear surfaces pass below the foundation and not through it.* |

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| 5 | D2a | OSSC 1803.1, Title 24.10.070 | **Check Backfill for Wall Between Buildings**<br>The retaining walls at the top of the slope between buildings still show geofoam as backfill. Is this correct? Please clarify the backfill detailing for the upslope retaining walls. |
| 6 | C1 | OSSC 1803.1, Title 24.10.070 | **Elevation of Backfill**<br>On the Sheet C1 cross sections, please provide the elevation of backfill on the retained side of the bottom foundation wall. Also include a note indicating that the bottom of foundations may be adjusted in the field to meet minimum depth requirements as recommended by the geotechnical engineer. |
| 7 | TBD | OSSC 1803.1, Title 24.10.070 | **Pre-Con Meeting**<br>The geotechnical engineer recommends a pre-construction meeting prior to the start of construction to facilitate appropriate grading and excavation of foundations. Please include this pre-construction meeting as a requirement in the plan set. |
| | **Note: The remainder of Site Development's comments are copied from the August 17, 2022 checksheet since these were not addressed in the response submitted for review. Site Development understands that a grade-beam system is added to the plans to mitigate compounding surcharging of downslope foundations. However, other structural issues remain and it's unclear how these prior comments were addresses with the latest revision.** | | |
| 8 | C1, S1.2 | OSSC 1803.1, Title 24.70.30 | **Retaining Wall Between Buildings (from August 11, 2022 checksheet)**<br>It appears the 17-foot retaining wall between buildings is not embedded enough below grade to facilitate a minimum horizontal distance to daylight between the bottom of the foundation and face of slope. The geotechnical engineer recommends a minimum 5-foot horizontal distance to daylight, and 10-foot minimum where passive soil resistance is required for stability. Please revise the wall detail accordingly. |
| 9 | Str Calcs | Title 24.70.085, 24.10.070 | **Seismic Stability for Retaining Wall Between Buildings (from August 11, 2022 checksheet)**<br>Site Development did not see seismic stability calculations for the 17-foot retaining walls between buildings. Please provide a seismic stability check for these walls. |
| 10 | Str Calcs | Title 24.70.085, 24.10.070 | **Stability Calcs for Retaining Wall Between Buildings (from August 11, 2022 checksheet)**<br>The stability calculations for the 17-foot site wall show an axial load imposed at the top of the stem (DL=0.8 k/ft + LL=1.2 k/ft?). Other calculations show a backfill load imposed as 600lb/in? This seems unconservative considering there is no load at the top of the wall or above the heal (other than geofoam). The wall also appears to rely on passive soil resistance (but without suitable embedment). Please clarify.<br>Based on an in-house check, the 17-foot site wall appears sensitive to |

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| | | | traffic surcharging and could be below a FOS of 1.5 against sliding if designed as a stand-alone wall. If site walls are tied into the adjoining buildings, please account for these lateral loads in the building calculations. |
| 11 | Str Calcs | OSSC 1610.1, Title 24.70.085 | **Lateral Stability Checks of Basement Retaining Wall (from August 11, 2022 checksheet)**<br>The structural calculations for lateral stability of the basement wall (for the buildings) appear to result in a FOS of 1.3 for 0.6D+H load combinations. The minimum stability should be a FOS of 1.5. Where is the remaining load resisted? What about seismic stability?<br>The calculations indicate the basement wall is restrained. If this is the case, what is the restraining element and where is the final point of resistance to soil. The load deficit below a FOS of 1.5 should be accounted for in the load path.<br>*Note: With the addition of the grade beams, Site Development anticipates that any residual loading at the basement wall itself can likely be transferred to the grade beams. However, in this case the loads should be followed and analyzed to the final point of resistance.* |
| 12 | C1, S1.2 | OSSC 1803.1, Title 24.70.30 | **Basement Wall Embedment (from August 11, 2022 checksheet)**<br>The basement wall details currently show a minimum 4-foot horizontal distance to daylight to face of slope. Please revise the detail to be consistent with the recommendations of the geotechnical engineer, i.e. a minimum 5-foot horizontal distance to daylight, and 10-foot minimum where passive soil resistance is required for stability. Consult the geotechnical engineer for clarification. |
| 13 | Str Calcs | Title 24.70.30, 24.70.085 | **Global Building Stability to Lateral Loading (comment updated)**<br>Please provide structural calculations demonstrating the global lateral stability of the building relative to the slope. In this case, the structural engineer must demonstrate that lateral soil surcharging, wind loads, and seismic load are suitably resisted by the foundation elements. The stability check must include horizontal soil loads behind basement walls and foundation walls within the building envelope, *with reduced loads for walls with geofoam or cellular concrete*. Lateral load due to foundation surcharging should also be included. Seismic soil loads must also be considered on basement walls and foundation walls, where appropriate.<br>Given the sloping conditions, it's unclear if the soil pressures acting on the foundation elements, along with wind and seismic loads, are suitably resisted by interface friction at the base of the foundations, <u>OR the newly designed shear key at the bottom foundation wall</u>.<br>Given the inclusion of grade beams and revised foundations, Site Development anticipates that lateral loads are partially transferred through the grade beams and to the lower foundations wall. What is unclear is if the keyway is thick enough to resist shear or deep enough to develop passive soil resistance. |

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| 14 | Item 16, C3 | ORSC R106.1, Title 10.70.030, OSSC 1805.4 | **Groundwater Collection Sump/Pump Detail**<br>Please provide details for the groundwater collection basin and sump at the base of the slope. Also provide details/notes clarifying the emergency overflow. Emergency overflow of the collection system is required to facilitate slope stability should the pump fail and/or require maintenance. |

**INSTRUCTIONS**

To respond to this Checksheet, you may need to revise your plans, your supporting documents, or provide additional information. Please see BDS website directions located here: https://www.portland.gov/bds/permit-review-process/submitting-corrections. When you finish with your changes, please submit your updated plans and supporting documents. Make sure to include the attached Checksheet Response Form. Visit the BDS Permit Review Process website for more helpful information and available services: https://www.portland.gov/bds/permit-review-process

If you want to report a delay, a regulatory conflict or other issue that you have been unable to resolve with your City review team, please visit https://www.portland.gov/bds/development-permit-processes/report-problem

If you have questions about this Checksheet, please contact me at the email address or phone number listed above. To check the status of your project, go to https://www.portlandmaps.com/advanced/?action=permits. Or you may request the status to be faxed to you, by calling 503.823.7000 and selecting option 4. Please have your IVR number and fax number available.

Application fees cover an initial plan review and two checksheets. Starting with the third checksheet, additional fees will be added. These fees are based on the current Fee Schedule: https://www.portland.gov/bds/current-fee-schedules#toc-city-of-portland-fee-schedules

Appeals: Pursuant to City Code Chapters 24.10, 25.07, 26.03, 27.02, and 28.03, you may appeal any code provision cited in this Checksheet to the BDS Administrative Board of Appeal within 180 calendar days of the review date. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to www.portland.gov/bds/file-appeal or call (503) 823-7300 for assistance. Permit application expiration will not be extended pending resolution of any administrative appeal.

# Site Development Checksheet Response

**Permit #: 21-025806-000-00-RS** **Date: _____**

**Customer name and phone number: _____**

*Note: Please number each change in the '#' column. Use as many lines as necessary to describe your changes. Indicate which reviewer's checksheet you are responding to and the item your change addresses. If the item is not in response to a checksheet, write* **customer** *in the last column.*

| # | Description of changes, revisions, additions, etc. | Checksheet and Item # |
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(*For office use only)*

Exhibit 44 missing

**From:** Tatiana Lifshitz
**To:** BDS Hearings Clerk
**Cc:** Rhoads, Amanda; "G Stiffler"; "MARK ZIMMERDAHL"; "Jackson Roholt"; "Tatiana Lifshitz"; "kishd"
**Subject:** LU 22 141 452 AD
**Date:** Tuesday, May 23, 2023 5:07:43 PM
**Attachments:** image002.png
image003.png

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Hi Laura,

I sent five emails with the Appellant's Additional Evidence and the Exhibits A, B, C, D, E, Exhibit 38 through 44. Three of the emails have returned to me, it says BDS clerk undeliverable, Amanda Rhoads undeliverable. I am not sure which ones have not been delivered, the message doesn't say. Please check if you received all of the exhibits.

Thank you

Tatiana Lifshitz
For Appellant.




London • Paris • Moscow • Rome • Lichtenstein • Tel Aviv • Portland • Dubai • Tashkent • Astana
Counsel, International Law and Diplomacy
vivereinitalia@comcast.net
Skype: Tatiana.intl
(503) 789 1797

**From:** Tatiana Lifshitz
**To:** Rhoads, Amanda; BDS Hearings Clerk
**Cc:** "G Stiffler"; "MARK ZIMMERDAHL"; "Jackson Roholt"; "kishd"
**Subject:** RE: LU 22 141 452 AD
**Date:** Tuesday, May 23, 2023 5:36:04 PM
**Attachments:** image005.png
image006.png

Yes, it appears I actually received 6 of them on or before 5pm bounced back

Tatiana

---

**From:** Rhoads, Amanda [mailto:Amanda.Rhoads@portlandoregon.gov]
**Sent:** Tuesday, May 23, 2023 5:29 PM
**To:** Tatiana Lifshitz; BDS Hearings Clerk
**Cc:** 'G Stiffler'; 'MARK ZIMMERDAHL'; 'Jackson Roholt'; 'kishd'
**Subject:** RE: LU 22 141 452 AD

Hi Tatiana,

I received one email from you by the 5pm deadline (and none after). Below is a screenshot of the attachments that were on that email. I'm not clear – are you saying you sent 5 different emails all at the same time with numerous attachments?

Please provide me with forwards of the bounce-back messages you got. I will coordinate with Laura tomorrow about what emails she received by the 5pm deadline and then we'll look into the bounce-back issue as much as we can, while acknowledging the 5 pm is a hard deadline.




**Amanda Rhoads, AICP**
Senior City Planner, City of Portland
Bureau of Development Services
Title 33 Section, Land Use Services Division
1900 SW Fourth Ave, Suite 5000
Portland, OR 97201
P (503) 865-6514
E amanda.rhoads@portlandoregon.gov

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

Read here for news about services available at the Development Services Center.

---

**From:** Tatiana Lifshitz <tatianalifshitz@comcast.net>
**Sent:** Tuesday, May 23, 2023 5:07 PM
**To:** BDS Hearings Clerk <BDSHearingsClerk@portlandoregon.gov>
**Cc:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>; 'G Stiffler' <gcstiffler@yahoo.com>; 'MARK ZIMMERDAHL' <mzimmerdahl@comcast.net>; 'Jackson Roholt' <jsroholt@comcast.net>; 'Tatiana Lifshitz' <tatianalifshitz@comcast.net>; 'kishd' <kishd@earthlink.net>
**Subject:** LU 22 141 452 AD

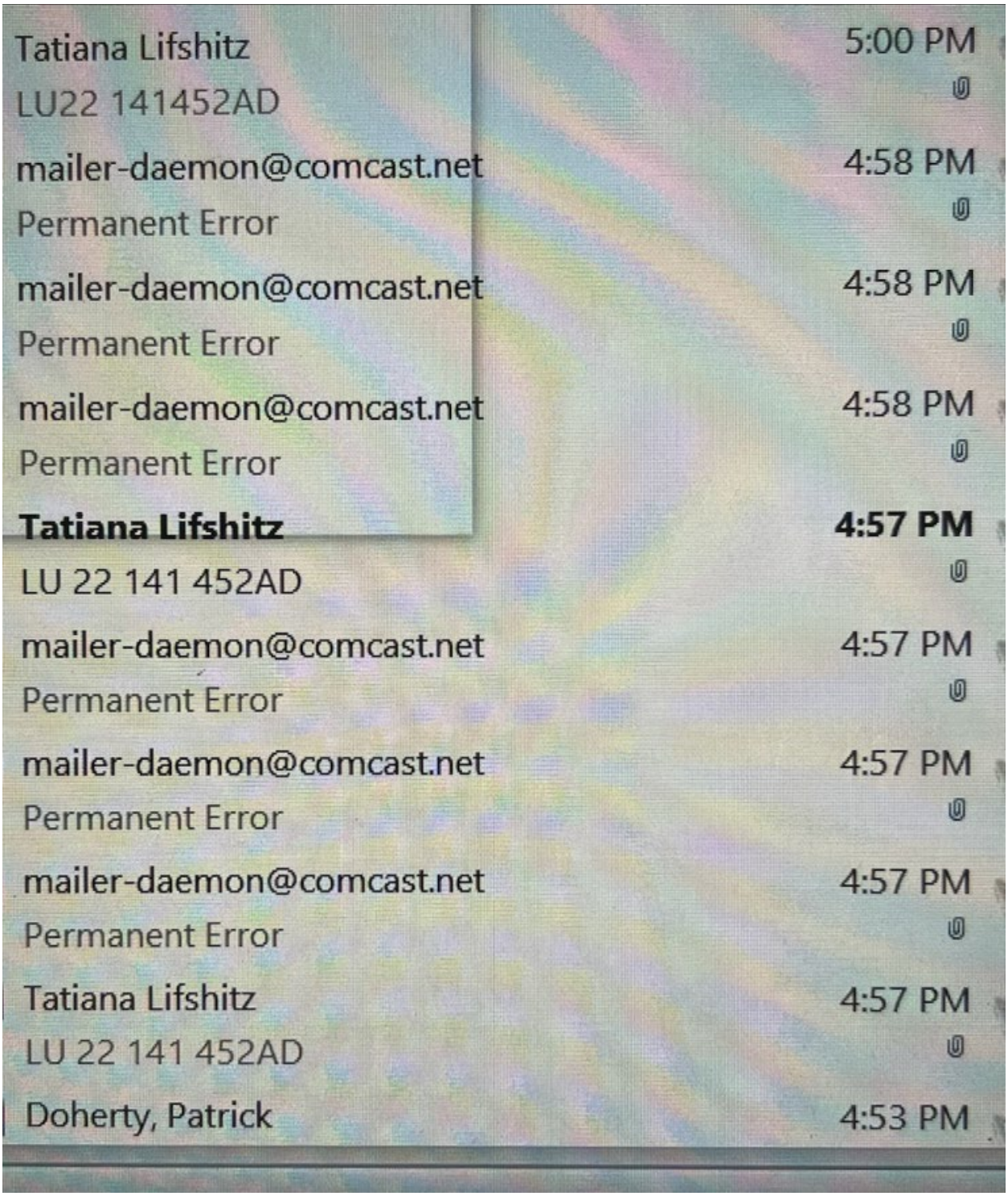
Hi Laura,

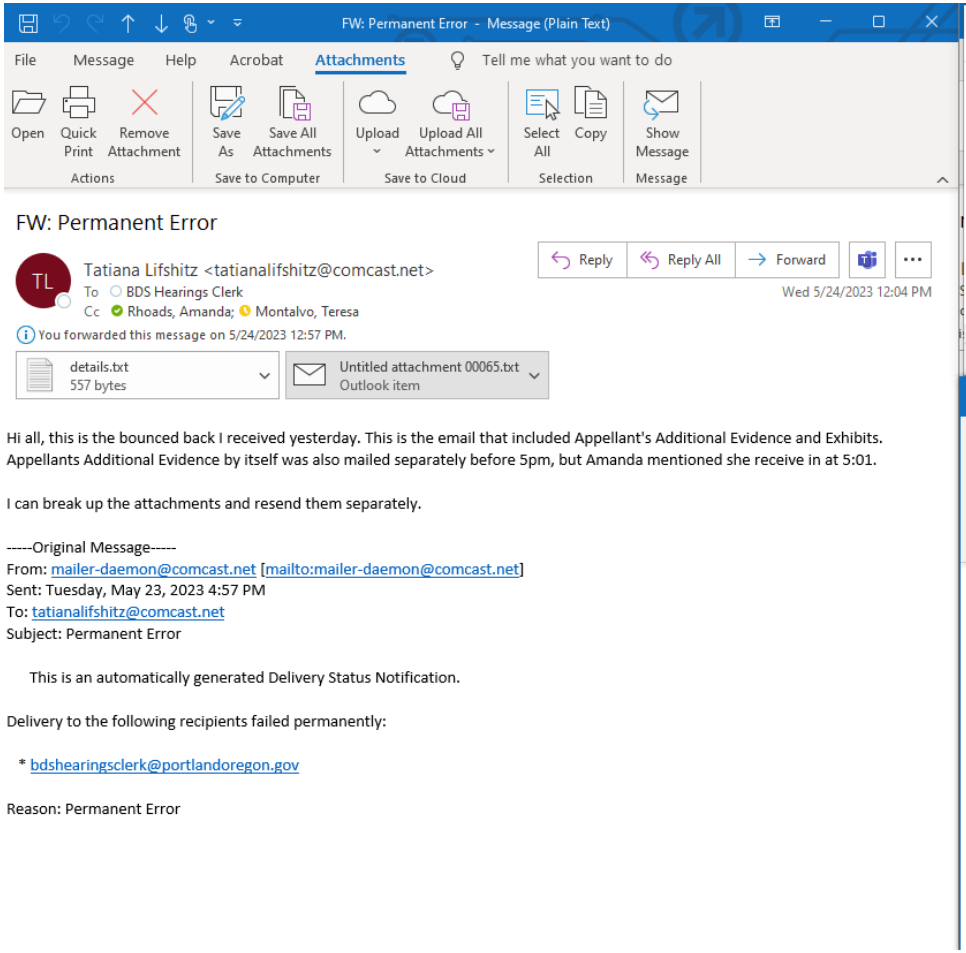
I sent five emails with the Appellant's Additional Evidence and the Exhibits A, B, C, D, E, Exhibit 38 through 44. Three of the emails have returned to me, it says BDS clerk undeliverable, Amanda Rhoads undeliverable. I am not sure which ones have not been delivered, the message doesn't say. Please check if you received all of the exhibits.

Thank you

Tatiana Lifshitz
For Appellant.

TATIANA LIFSHITZ
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P.O. Box 123, Portland OR 97207
Creating Global Culture in Business Designs
Counsel to Attorneys, Management, Organization and the Arts.
Organizational Management, Diplomacy, Government Relations
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vivereinitalia@comcast.net


Tatiana Lifshitz
5:00 PM
LU22 141452AD
mailer-daemon@comcast.net
4:58 PM
Permanent Error
mailer-daemon@comcast.net
4:58 PM
Permanent Error
mailer-daemon@comcast.net
4:58 PM
Permanent Error
Tatiana Lifshitz
4:57 PM
LU 22 141 452AD
mailer-daemon@comcast.net
4:57 PM
Permanent Error
mailer-daemon@comcast.net
4:57 PM
Permanent Error
mailer-daemon@comcast.net
4:57 PM
Permanent Error
Tatiana Lifshitz
4:57 PM
LU 22 141 452AD
Doherty, Patrick
4:53 PM



FW: Permanent Error - Message (Plain Text)

File Message Help Acrobat Attachments Tell me what you want to do

Open Quick Print Remove Attachment | Save As Save All Attachments | Upload Upload All Attachments | Select All Copy | Show Message

Actions Save to Computer Save to Cloud Selection Message

FW: Permanent Error

TL Tatiana Lifshitz <tatianalifshitz@comcast.net>

To BDS Hearings Clerk

Cc Rhoads, Amanda; Montalvo, Teresa

Reply Reply All Forward

Wed 5/24/2023 12:04 PM

You forwarded this message on 5/24/2023 12:57 PM.

details.txt 557 bytes

Untitled attachment 00065.txt Outlook item

Hi all, this is the bounced back I received yesterday. This is the email that included Appellant's Additional Evidence and Exhibits. Appellants Additional Evidence by itself was also mailed separately before 5pm, but Amanda mentioned she receive in at 5:01.

I can break up the attachments and resend them separately.

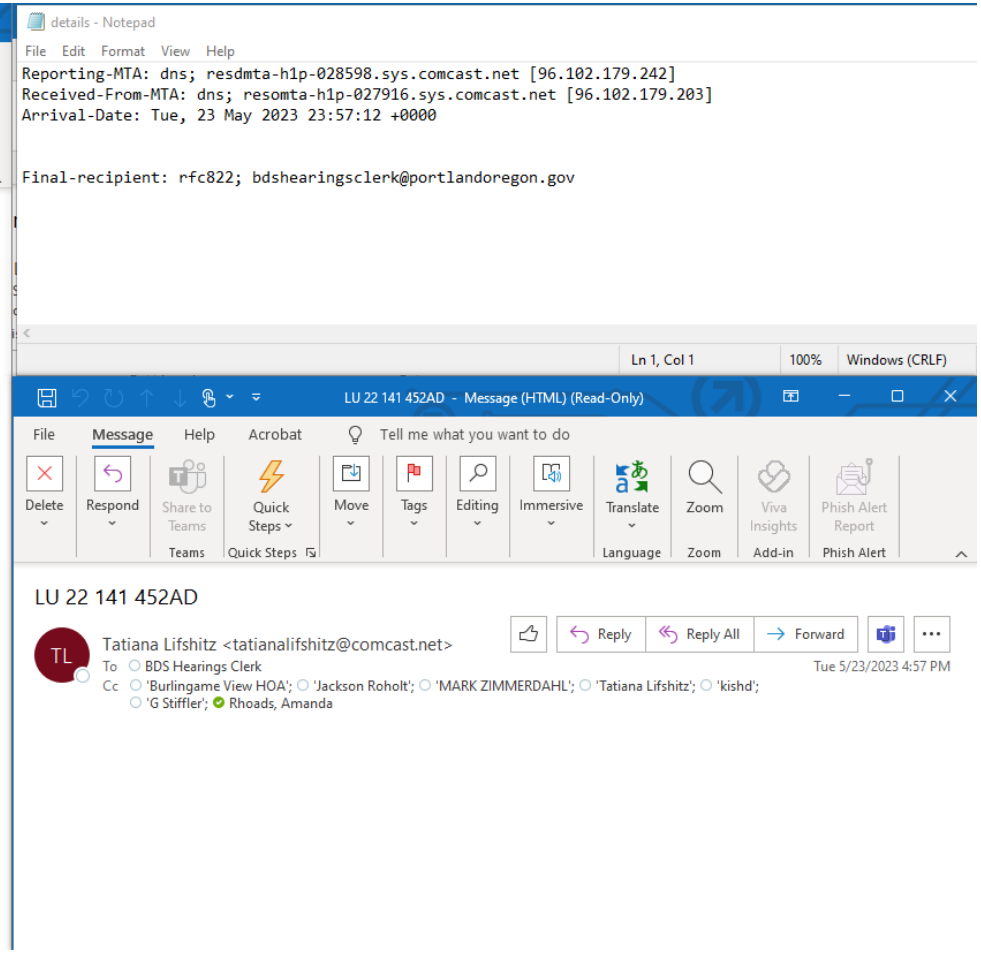
-----Original Message-----
From: mailer-daemon@comcast.net [mailto:mailer-daemon@comcast.net]
Sent: Tuesday, May 23, 2023 4:57 PM
To: tatianalifshitz@comcast.net
Subject: Permanent Error

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed permanently:

* bdshearingsclerk@portlandoregon.gov

Reason: Permanent Error



details - Notepad

File Edit Format View Help

```
Reporting-MTA: dns; resdmta-h1p-028598.sys.comcast.net [96.102.179.242]
Received-From-MTA: dns; resomta-h1p-027916.sys.comcast.net [96.102.179.203]
Arrival-Date: Tue, 23 May 2023 23:57:12 +0000


Final-recipient: rfc822; bdshearingsclerk@portlandoregon.gov
```

Ln 1, Col 1 100% Windows (CRLF)

LU 22 141 452AD - Message (HTML) (Read-Only)

File Message Help Acrobat Tell me what you want to do

Delete Respond Share to Teams | Quick Steps | Move Tags Editing Immersive | Translate Zoom Viva Insights Phish Alert Report

Teams Quick Steps Language Zoom Add-in Phish Alert

LU 22 141 452AD

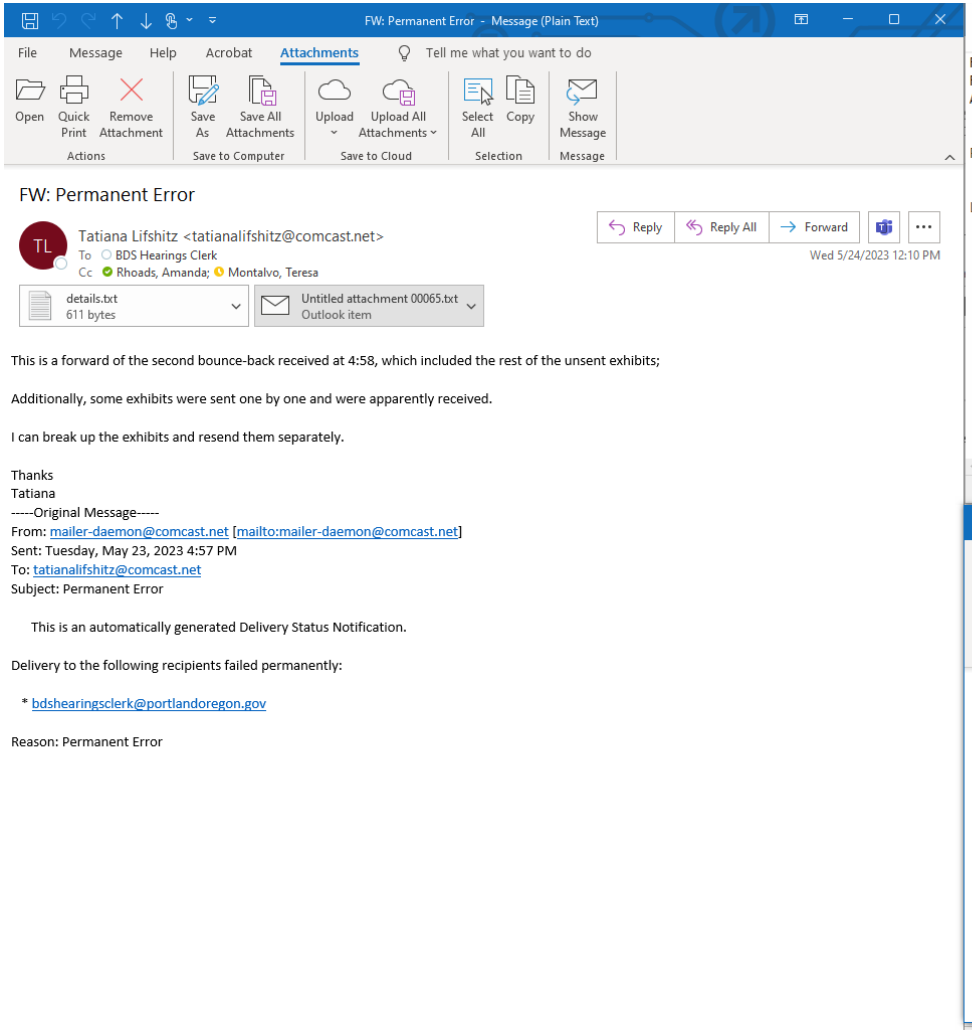
TL Tatiana Lifshitz <tatianalifshitz@comcast.net>

To BDS Hearings Clerk

Cc 'Burlingame View HOA'; 'Jackson Roholt'; 'MARK ZIMMERDAHL'; 'Tatiana Lifshitz'; 'kishd'; 'G Stiffler'; Rhoads, Amanda

Reply Reply All Forward

Tue 5/23/2023 4:57 PM



FW: Permanent Error - Message (Plain Text)

File Message Help Acrobat Attachments Tell me what you want to do

Open Quick Print Remove Attachment | Save As Save All Attachments | Upload Upload All Attachments | Select All Copy | Show Message

Actions Save to Computer Save to Cloud Selection Message

FW: Permanent Error

TL Tatiana Lifshitz <tatianalifshitz@comcast.net>

To BDS Hearings Clerk

Cc Rhoads, Amanda; Montalvo, Teresa

Reply Reply All Forward

Wed 5/24/2023 12:10 PM

details.txt 611 bytes

Untitled attachment 00065.txt Outlook item

This is a forward of the second bounce-back received at 4:58, which included the rest of the unsent exhibits;

Additionally, some exhibits were sent one by one and were apparently received.

I can break up the exhibits and resend them separately.

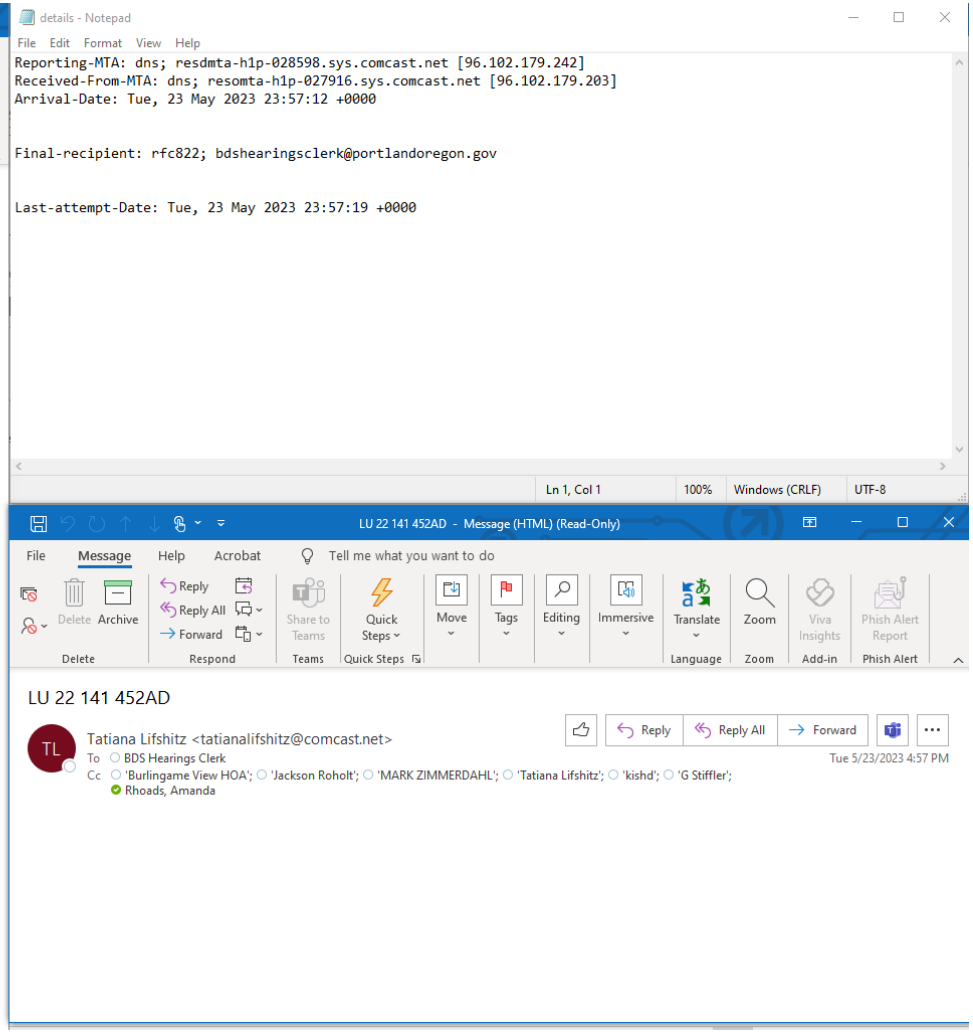
Thanks
Tatiana
-----Original Message-----
From: mailer-daemon@comcast.net [mailto:mailer-daemon@comcast.net]
Sent: Tuesday, May 23, 2023 4:57 PM
To: tatianalifshitz@comcast.net
Subject: Permanent Error

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed permanently:

* bdshearingsclerk@portlandoregon.gov

Reason: Permanent Error



details - Notepad

File Edit Format View Help

```
Reporting-MTA: dns; resdmta-h1p-028598.sys.comcast.net [96.102.179.242]
Received-From-MTA: dns; resomta-h1p-027916.sys.comcast.net [96.102.179.203]
Arrival-Date: Tue, 23 May 2023 23:57:12 +0000


Final-recipient: rfc822; bdshearingsclerk@portlandoregon.gov


Last-attempt-Date: Tue, 23 May 2023 23:57:19 +0000
```

Ln 1, Col 1 100% Windows (CRLF) UTF-8

LU 22 141 452AD - Message (HTML) (Read-Only)

File Message Help Acrobat Tell me what you want to do

Delete Archive | Reply Reply All Forward | Share to Teams | Quick Steps | Move | Tags | Editing | Immersive | Translate | Zoom | Viva Insights | Phish Alert Report

Delete Respond Teams Quick Steps Language Zoom Add-in Phish Alert

LU 22 141 452AD

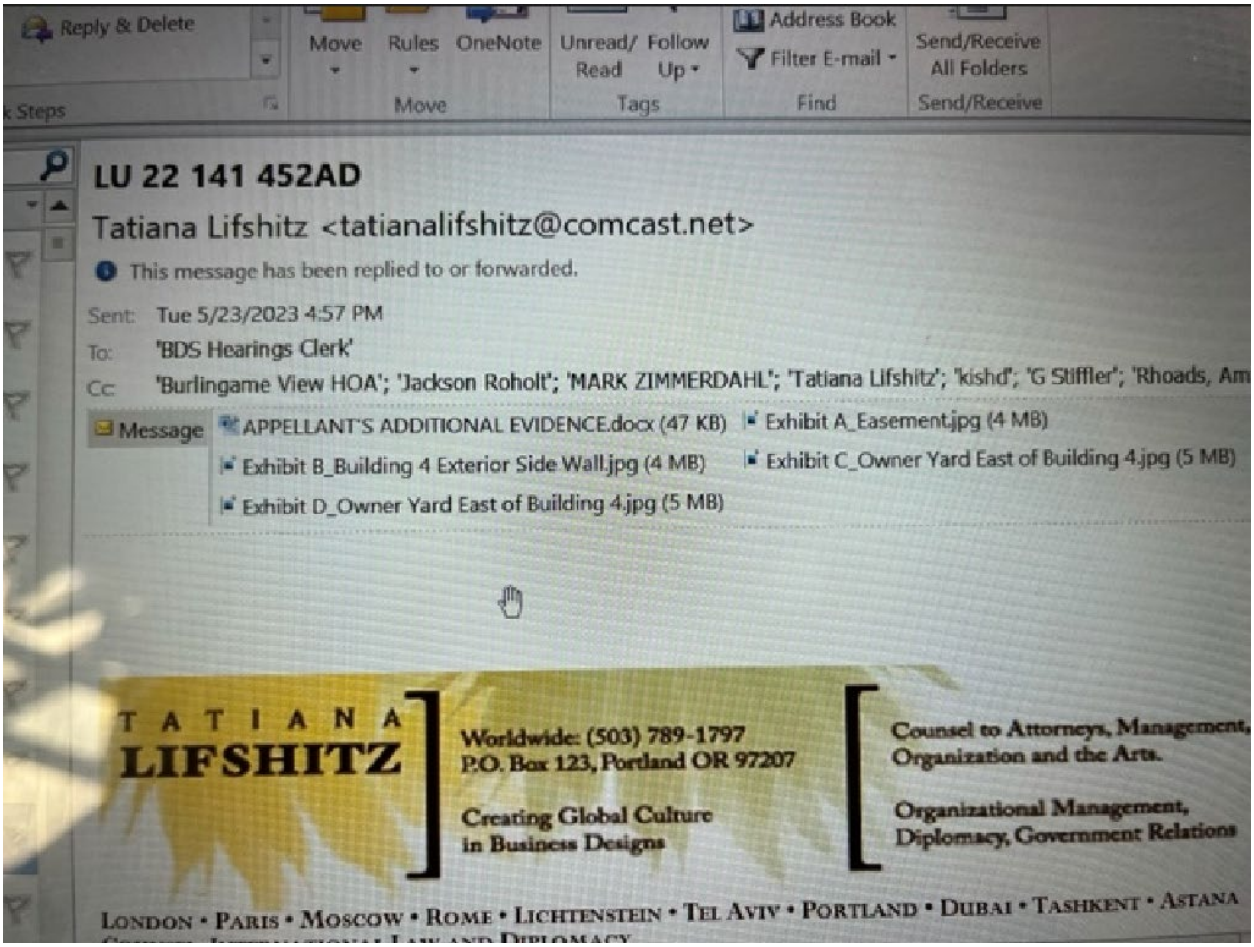
TL Tatiana Lifshitz <tatianalifshitz@comcast.net>

To BDS Hearings Clerk

Cc 'Burlingame View HOA'; 'Jackson Roholt'; 'MARK ZIMMERDAHL'; 'Tatiana Lifshitz'; 'kishd'; 'G Stiffler'; Rhoads, Amanda

Reply Reply All Forward

Tue 5/23/2023 4:57 PM


Reply & Delete
Move
Rules
OneNote
Unread/ Read
Follow Up
Address Book
Filter E-mail
Send/Receive All Folders
Steps
Move
Tags
Find
Send/Receive
LU 22 141 452AD
Tatiana Lifshitz <tatianalifshitz@comcast.net>
This message has been replied to or forwarded.
Sent: Tue 5/23/2023 4:57 PM
To: 'BDS Hearings Clerk'
Cc: 'Burlingame View HOA'; 'Jackson Roholt'; 'MARK ZIMMERDAHL'; 'Tatiana Lifshitz'; 'kishd'; 'G Stiffler'; 'Rhoads, Am
Message
APPELLANT'S ADDITIONAL EVIDENCE.docx (47 KB)
Exhibit A_Easement.jpg (4 MB)
Exhibit B_Building 4 Exterior Side Wall.jpg (4 MB)
Exhibit C_Owner Yard East of Building 4.jpg (5 MB)
Exhibit D_Owner Yard East of Building 4.jpg (5 MB)
TATIANA
LIFSHITZ
Worldwide: (503) 789-1797
P.O. Box 123, Portland OR 97207
Creating Global Culture in Business Designs
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LONDON • PARIS • MOSCOW • ROME • LICHTENSTEIN • TEL AVIV • PORTLAND • DUBAI • TASHKENT • ASTANA

**From:** Rhoads, Amanda
**To:** Tatiana Lifshitz
**Subject:** RE: LU 22 141 452 AD
**Date:** Wednesday, May 24, 2023 2:34:00 PM
**Attachments:** image004.png
image006.png

Hi Tatiana,

We've spoken internally and while it is not clear to us from what you have sent that it was our system that rejected your emails or what your emails contained, we do see that you tried to send something prior to the deadline and it appeared to not go through. I'd really encourage you to **send me an image of your sent messages that shows times and sizes**, because I want to avoid a procedural error and have documentation in the record that demonstrates clearly what happened to head off any challenges on this issue. That being said, you can upload what you sent in in the two missing emails to the link I shared with you earlier today: https://hcpaw.portlandoregon.gov/u/m5XmNYcV5hWJleY0/8293e47c-9ac3-4242-84d8-6b56342552532l.

You must upload those attachments by NO LATER THAN 5 pm. Give yourself enough time to get it done and have extra time to account for technical challenges. We will then stitch them together and get them into our efiles system, and Laura will send out when she arrives in the morning.

Note again, here are the three emails we received. I will also add your late submittal to the record.

- An email with something noted as Exhibit 41, received at 4:49 pm;
- An email with something called Exhibit E; a site development checksheet; a life safety checksheet; and an easement agreement, received at 5:00 (this is the email that I also received); and
- An email with a word attachment called "Appellant's Additional Evidence;" received at 5:01, past the deadline.

**Amanda Rhoads, AICP**
Senior City Planner, City of Portland
Bureau of Development Services
Title 33 Section, Land Use Services Division
1900 SW Fourth Ave, Suite 5000
Portland, OR 97201
P (503) 865-6514
E amanda.rhoads@portlandoregon.gov

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

Read here for news about services available at the Development Services Center.

---

**From:** Tatiana Lifshitz <tatianalifshitz@comcast.net>
**Sent:** Wednesday, May 24, 2023 1:05 PM
**To:** Rhoads, Amanda <Amanda.Rhoads@portlandoregon.gov>
**Subject:** RE: LU 22 141 452 AD

Amanda, that is all I received in the bounce=back message. However, in any event, whatever I sent on or before 5, I am entitled to resubmit.

I am going into a hearing now, but I will resubmit when I am free.

Thanks again,

Tatiana

---

**From:** Rhoads, Amanda [mailto:Amanda.Rhoads@portlandoregon.gov]
**Sent:** Wednesday, May 24, 2023 12:28 PM
**To:** Tatiana Lifshitz
**Subject:** RE: LU 22 141 452 AD

Hi Tatiana,

I received two bounce-back messages from you and have asked for a consult from our technology department. Hopefully they will respond soon. However, what is not clear from those forwards is what was included in those emails. They both appear to be untitled with no content.

For example, the first of the two bounce-backs you sent had the .txt attachment with the error message, and another attachment that, when opened up, looks like this (the arrow indicates the attachment I opened up to see the part at the bottom, which just has white space below the header):

**From:** Mark Dane
**To:** Rhoads, Amanda
**Subject:** LU 22-141452 AD - APPEAL
**Date:** Tuesday, May 30, 2023 4:14:52 PM
**Attachments:** distances between buildings.pdf
Rebuttal to appellant new information.docx

---

Ms. Rhodes - I am submitting my rebuttal to the additional evidence submitted by the appellant. I have also attached a copy of the Site Plan that was already submitted denoting the horizontal distances I mention in my text.

In addition, the applicant does not require any further time for rebuttal.
This submission represents the final word of the applicant.
The applicant withdraws the right to any further response.



**MARK DANE PLANNING INC.**
825 SE 32nd Avenue Portland OR 97214
503-332-7167 markdaneplanning@gmail.com
MARKDANEPLANNING.COM

APPELLANT'S ADDITIONAL EVIDENCE DUE 5-23-23

LU-22 141452AD

We saw it important to attach photographic, site map and documentary evidence that have not yet been fully presented at the hearing on May 16, 2023. The following exhibits support claims made regarding the encroachment of the new development on property that is owned by Burlingame View Condos.

• Exhibit A is photographic evidence of the easement belonging to Burlingame View Condos, "BVC", On which a large row of cedar trees, mailboxes, and trash receptacles sit. The following exhibits detail the impact of the proposed height adjustment on Burlingame View Condo owners as drawn in the documents submitted by Main Street Development.

***Comment:*** *The photo does show the arborvitae hedge that has been allowed to grow up. These are being removed. The mailboxes, trash, and trees closest to the existing structure are not being removed.*

*The appellants materials do not 'outline' where the building will be so its difficult to judge the overall impact from the photos.*

*Even though it has not been required – the applicant is willing to provide an L3 level of additional landscaping along the south line of the new condominium buildings where there is 5-feet of more of space between the rear of the buildings and the adjacent hardscape / curb / wall / asphalt.*

• Exhibit B, C, D is photographic evidence of the how close the owner property directly east of proposed townhouse building 4 will be to the exterior wall of building 4 which will tower over this owner's yard. Currently there are apple trees and significant privacy offered which will be replaced by the building.

*Comment: Building 4 addressed at 1045 SW Bertha Boulevard will be the closest building to the new units. Unit 12 of the new construction will be 27.9-feet east of the existing condo building. The trees being removed are on the applicant's property. There are also no side windows being proposed to protect privacy. The distances are called out on the Site Plan that was previously submitted (attached).*

• Exhibit E is testimony from the above owner not previously submitted.

o "The proposed height exception of this project will greatly deter from the peaceful environment of our condominium. The need for such height is because the project is planned on a space too small to satisfy the financial goals of the project. This is just one of many compromises this project represents for both the surrounding community and its own end product. In our unit personally, we have views of nothing but our back patio and undeveloped green space for 6 of our 8 windows. This project will leave us with no undeveloped land around our unit. Much of our community's character and value comes from the trees and green space this project would wipeout. On top of that, the planned cost for these new townhomes isn't even feasible when compared with other similarly priced homes in the area." Dylan and Amanda Johnson, Condo Owner, 1045-8 SW Bertha Blvd.

***Comment****: The green space north of the northeasterly condo apartments is not being touched. The space between the current buildings, and 13th Drive is not part of the development proposed.*

• Exhibit F is photographic evidence of the view from the yard of the owner directly east of the owner mentioned above. Building 4 will block light from the yards of every owner in this building.

***Comment**: Standing in front of the mid-point of large building facing Bertha, the height of the exiting condos, and the distance from the sidewalk to the buildings the impact is remarkably similar to what is being proposed. Standing on the sidewalk the existing condos are about 30-feet away. The foundation is about 25-feet higher than the sidewalk and the top of the three-story building is roughly an additional 35-feet. Essentially the view from the public sidewalk of the existing condos mirrors the impact of the proposed condo units on 13th. The impact of the proposed units will have the same impact as the existing units do on the sidewalk below. This can easily be seen by looking at the condominium on google earth from Bertha Boulevard.*

• Exhibit G is photographic evidence of the view anyone entering the Burlingame View Condo community has currently. According to the height adjustment proposal, this view will be replaced with a building that is approximately 1.5-2x the height of the trees and condo buildings you see in the photo. The proposal applicant stated there would not be a loss of sunlight as the impact of the new buildings would be on the North/South landscape, not the East/West landscape. However, the sun does not shine in a direct path touching only windows, buildings, and roads running East to West throughout the country. Natural light can be both direct and indirect. Much of our community is well lit by indirect sunlight which would absolutely be impacted by the proposed height adjustment.

• Exhibit H and I are additional photographic evidence of the view Burlingame View Condo owners facing the backside of the proposed development currently see. It should be noted the front door of the condo owners in the building directly across from the backside of the development will be only about 20 feet from the exterior door shown on drawings submitted by Main Street Development. The exterior door will open onto an active driveway in and out of the Burlingame View Condo community, which is the only way in and out of the community. This poses risk to townhome owners and drivers alike.

***Comment:** Measuring from the CAD file the average distance from the new units to the middle of the largest building directly south is in fact 46- feet. The closest point at the west end is 28-feet from the front door to the back wall of the new unit. I have attached a copy of the previously submitted Site Plan.*

*The proposed units do not block the sun from the west coming down the driveway as the proposed units are north of the driveway which is not being changed.*

• Unit 8 directly impacted, They have a nice quiet green patio area that will look out at a cement wall and be shaded almost the entire day.

The following evidence supports our claims regarding the impact of the proposed height adjustment on the urban heat island effect. As stated in supporting testimony for the appellant, this neighborhood is already at an increased risk for increased temperatures and pollution based on loss of tree canopy, position to I-5, and increasing urban density. The proposed increase in height would have a direct impact on increasing risk.

• Exhibit J is Appendix C from the City of Portland's Bureau of Planning and Sustainability Better Housing by Design Code concepts that outline and describe both the urban heat island effect, its causes as they relate to housing, and specific ways in which new developments can either increase or decrease local temperatures.

https://www.portland.gov/bps/better-housing/documents/climate-change-and-urbanheat/download#:~:text=Portland's%20increased%20temperatures%20in%20the,heat%2

0and%20inhibit%20overnight%20cooling.

• Exhibit K is an article from Willamette Weekly featuring research and commentary from Dr. Vivek Shandas, a PSU Professor, and Tom Armstrong from

• Portland BPS detailing the causes and impacts of urban heat islands in Portland.

https://www.wweek.com/news/city/2021/07/14/this-is-the-hottest-place-in-portland/ Encroachment onto the easement issued in favor of the Burlingame View Condos, Appellant's Exhibit 38. It should be noted that the Additional Property has not been annexed to the Condos property and the easement has not been extinguished. Burlingame View Condos (BVC) opposes the proposed development in its current form.

***Comment**: In my review of the City Heat map the proposed development is located just about the coolest location on the map, along with most of the west side. There is no evidence that this development would create any measurable change at all.*

Exhibit 39.

3 APPELLANT'S ADDITIONAL EVIDENCE DUE 5-23-23

Life Safety's site plan showing borders unresolved borders issues, Exhibit 40. Developer proposes tearing up our entire driveway, shifting over to the west several feet and rebuilding it with new parking spaces, entry signs, and curbs to meet the requirements they have to meet in order to get this approved HOA is really confused how the developer can propose all this when it's not their land and they don't have approval from HOA. Each of those parking spaces is individually deed to each owner. So the land, which is owned by the HOA is one thing and the parking spaces are another. Exhibit 41.

***Comment**: The Life Safety issues are being addressed under the building permit. The plans that the appellant has got hold of are not the most recent plans. There is in fact **no** proposal to " tearing up our entire driveway, shifting over to the west several feet and rebuilding it with new parking spaces, entry signs, and curbs to meet the requirements they have to meet in order to get this approved".*

*No parking spaces are being removed. The existing driveway is not being changed.*

Main Street's proposal appropriates BVC legally owned and platted land to use for a Main Street development, including use as a path required by law for development, a redesigned BVC driveway, a change to deeded parking spaces, and planting of trees on BVC land. This is not allowed. We submit the definition of the right of possession under Oregon Law may be found here: https://oregon.public.law/statutes/ors_164.105.

***Comment**: The appellant is throwing everything against the wall and seeing what sticks. The applicant is not appropriating land. The driveway is not being redesigned. Any proposed landscaping on the Burlingame condominium land will only be done with their express permission.*

Life Safety Checklist Exhibit 42

***Comment**: the Life Safety Checklist from April 25th has been addressed under the Building Permit*

Site Development Checklist Exhibit 43 (unauthorized path through Condo property)

***Comment**: The Site Development Checklist from March 30th has been addressed under the building permit.*

Zoning Checklist Exhibit 44

***Comment**: There was no Exhibit 44. However zoning issues associated with the building permit were addressed and resubmitted.*

1045 S.W. BERTHA BOULEVARD

"BURLINGAME VIEW CONDOMINIUMS"

1035 S.W. BERTHA BOULEVARD

R.O.W

CURB LINE

ASPHALT A.C.

(JOB NO. 2170)

SDMH 2

SSMH 2

2+00

1+00

6" C.I.

BUILDING 1
UNITS 1–4
BASE POINT
#2 419.9'

BUILDING 2
UNITS 5–8
BASE POINT
#2 423.5'

BUILDING 3
UNITS 9–10
BASE POINT
#2 434.9'

BUILDING 3
UNITS 5–8
BASE POINT
#1 461' FG
MAX BUILDING
HEIGHT – 490

BUILDING 3
UNITS 9–10
BASE POINT
#1 466' FG

BUILDING
UNITS 11–12
BASE POINT
#1 470' FG

BUILDING
UNITS 1–4
BASE POINT
#1 450' FG
MAX BUILDING
HEIGHT – 479

BUILDING CONC WALL
UNITS 11–12
BASE POINT
#1 443.5' FG

REAR ACCESS REQUIRED
ONLY FOR INTERNAL
UNITS OF FOUR–PLEX

EXIT DOOR

CONCRETE STEPS
MATCH EX. GRADE

MATCH EX. GRADE

EXISTING CURB LINE

TAX LOT BOUNDARY

EXISTING CURB LINE

DECK ABOVE WALL

BLOCK WALL

DECK ABOVE CONCRETE

ROCK WALL

CONC WALL

TAX LOT 90000
MAP 1S, 1E, 21AC

EXTRDUED CURB

LANDSCAPED AREA

ASPHALT

CONCRETE

6' WOOD FENCE

ROCK KEYSTONE WALL WALL

6' WOOD FENCE W/ GATE FOR GARBAGE AREA

CONC WALLS

N 74°54'02" E

47.67'

69.56'

27.9'

27.5'

46.5'

GRAPHIC SCALE

0 5 10 20

LU 22-141452 AD
Exhibit H.19

**From:** Tatiana Lifshitz
**To:** BDS Hearings Clerk
**Date:** Tuesday, May 30, 2023 5:00:37 PM
**Attachments:** image001.jpg
image002.png
image003.png

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Appellants submit that a coordinated and preferential effort is being made by the applicant to document and decide this case in a manner that over-simplifies the issues and the adjustment criteria. The facts have been presented by the applicant and BDS unduly narrowly. A serious attempt has been made to exclude relevant facts, impressions and observations to construe the inapplicability of the same to the adjustment criteria so narrowly as to point towards affirming the approval of the adjustment exception without further ado.

Yet, it is precisely why the statute places the burden of proof on the applicant to show that granting the adjustment will equally or better meet the purpose of the regulation to be modified; and the adjustment will not significantly detract from the livability or appearance of the residential area; and if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is consistent with the overall purpose of the zone.

Appellant submits that taking a new look at the mischaracterized facts, impressions and conclusions from a standpoint of a reasonable person, the factual and cumulative effect of what we know clearly shows that the applicant has not met his burden and has not shown convincingly that the adjustment will equally or better meet the purpose of the regulation, and that is will not significantly detract from livability and appearance of the residential area of both zones, and that the cumulative effect will result in a positive project consistent with the overall purpose of the zone, both multi-family and single family ones.

This adjustment was not properly approved and should be overturned, or overturned and remanded to complete the record to include all relevant facts before making a decision about adjustment.

Appellant submitted a statement during the hearing on May 16, with exhibits, as well as additional materials during the past week.

Testimony by the Appellant and those in support of the appeal has shown that the following points are indeed relevant to deciding whether the adjustment would equally or better serve the regulation being modified, as well as to the livability and appearance, and the cumulative effect of the four adjustments requested:

1. Proposed buildings are five stories, not four with a crawl space. The first story is 12 feet tall and although the developer might want to use it as a crawl space, regulations require it be counted as a story. Being five stories in violation of RM1 and RM2. Five story buildings must be built under a different set of regulations that the ones they are being planned under now. This goes directly to the height adjustment implications and an abuse of height limitation the RM1 zone or R7 zone do not foresee. The BDS Safety specialist Tara Carlton is in agreement with the Appellants and has grave concerns over safety as well as questionable fire remedies proposed in the form of the exit doors which lead nowhere, run into the fence or trash cans, do not provide sufficient room for people to exit in case of a fire, and propose to utilize the existing easement in favor of the condominiums in a non-sanctioned manner.
2. The heat accumulation effect from removal of the green canopy on the existing condominiums, the “green lungs”, the people residing in them and depletion of value of the existing condominiums are a very serious reality, that is now measurable and in fact is in direct violation of the new City of Portland Tree Canopy and heat policy.
3. The instability of the site is in fact a very relevant fact to the safety and livability of this project and the zone and testimony and geotechnical reports do shows it is not a site safe to build on with present conditions.
4. Burlingame View Condominiums are not in favor of the current proposal or the path and the sidewalk to be constructed by the Applicant as mitigation for the height, nor is it an appropriate mitigation for the excessive height being requested.
5. Trees the Applicant states he will be keeping, are the trees along SW Bertha Blvd, not on SW 13th Drive. Still, an insufficient number of trees is being planted, some trees are missing.
   We urge the Adjustment Review Committee to deny the adjustments requested, or to remand the case for further fact finding.

tl-esig2

LONDON • PARIS • MOSCOW • ROME • LICHTENSTEIN • TEL AVIV • PORTLAND • DUBAI • TASHKENT • ASTANA
COUNSEL, INTERNATIONAL LAW AND DIPLOMACY
VIVEREINITALIA@COMCAST.NET
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**City of Portland, Oregon**
**Bureau of Development Services**
**Land Use Services**
FROM CONCEPT TO CONSTRUCTION

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

# Memorandum

Date: May 30, 2023

To: Adjustment Committee

From: Amanda Rhoads, Senior City Planner, Land Use Services, BDS

RE: LU 22-141452 AD appeal

**STAFF RESPONSE TO NEW TESTIMONY**

The Adjustment Committee received several pieces of additional information and comments from members of the public, including the appellant and applicant, between May 16, the day of the hearing, and the close of public comments to new testimony on Tuesday, May 23. While staff has addressed many of the recurring issues in the findings for the staff decision, it is worth reiterating certain points in response and addressing new ideas that have been presented.

**Focus must remain on the height Adjustment request, not on the project overall or the building permit process**

The appellant and other neighbors have raised some valid points about what needs to happen in order for this project to get through the building permit process and ultimately be built:

- The permits musts show that the relevant code sections of the building code applicable to the project are met (Lifshitz 5/16).
- Issues of slope stability must be addressed (Letts 5/16, Edelman 5/16).
- The proposed pedestrian path down to SW Bertha Blvd is required per Zoning Code standards, and they say the Burlingame View Condominiums on the site have not yet given permission for it (Edelman 5/16 and Lifshitz ).
- There also appears to be a civil conflict regarding whether the proposed buildings cross onto the Burlingame View Condominiums portion of the site or onto an easement they hold (Lifshitz 5/16 and 5/23).
- There is some conversation about a proposal to relocate several condo parking spaces that appear to be located in part on the illegal lot (perhaps within the easement area?) without agreement from the condo owners it would affect (Lifshitz 5/23).
- The square footage of the illegal lot where the development is proposed came up in the Lifshitz 5/16 memo.

The applicant will need to address some of these issues in order to get through the building permit process. Civil challenges regarding location of property lines or easements might result in court challenges outside of the building permit process. Some, like the size of the illegal lot, are not relevant to the building permit process since the Zoning Code permit reviewer is looking at the entire site for Zoning Code conformance.

However, none of these issues are relevant to the height Adjustment request at hand. If any of them result in the process not moving forward, that would not occur in this process. At issue in this review is only whether the proposal to increase the height of the four buildings meets the approval criteria. These issues

do not relate to the approval criteria that must be found to be met in order to gain approval for the request, and therefore should be ignored in your deliberations.

There are valid reasons why an applicant may choose to pursue a single Adjustment prior to obtaining all relevant permissions for a proposal, or fully demonstrating how other Zoning Code standards will be met. Sometimes applicants want assurance that a particular issue is resolved before moving forward with more investment in a proposal. Sometimes applicants intend on working out other issues later in the process and want to resolve a land use issue first. Regardless of reasoning, planners note when other Zoning Code standards are not met or ask if the applicant wants to bundle all outstanding issues into one case, but if they decline, they have the right to request a single Adjustment (and planners do not track building permit issues with other work groups).

In this case, there were other Zoning Code standards, including the secondary pedestrian connection to SW Bertha Blvd that the permit review planner had noted as outstanding. Staff asked in her incomplete letter if the applicant was intending to meet all standards through changes to plans, and the applicant confirmed that they only intended to request the single Adjustment. It is typical to have unresolved building permit issues during the land use process, including other Zoning Code issues. The applicant drives the process; no information presented thus far gives staff pause regarding the appropriateness of the request, its timing, or whether proper procedure was followed for the land use review.

**Consideration of other units on the site**

It is true that, since the site area includes the Burlingame View Condominiums, staff focused in her findings on adjacent properties when considering possible impacts of the height Adjustment. Much of the testimony at the hearing came from residents of the Burlingame View Condominiums or was about the impacts they would experience from the project. While it is unusual to look at impacts within the site, it is clear that the sale of this land has resulted in an unusual situation with two property owners on one site who are not on the same page regarding development. Staff wants to take this opportunity to respond to the relevant concerns raised in this later testimony.

Related to livability concerns (Criterion B):

> ***Plants***. *Concerns about the loss of plants and trees on the parcel where the buildings are proposed. Edelman stated that the impact of Building 4 would be worst for the closest two units in 1045 SW Bertha Blvd, the building directly east but downslope of the development: "When some owners in building 1045, but particularly those in units 8 and 5, step out into their backyard, they will be greeted by a building towering over them in place of greenery." Lifshitz' 5/23 comments included thoughts from condo owners Dylan and Amanda Johnson, who stated, "Much of our community's character and value comes from the trees and green space this project would wipe out."*
>
> Regardless of the height Adjustment, the greenspace on this parcel will be removed for this development. Therefore, the height Adjustment is not in and of itself changing or worsening this outcome. However, the applicant did submit the project's landscape plan after the public hearing (staff had not requested it previously). From this plan it is clear that some trees and shrubs are proposed and are primarily located on the SW 13th Dr frontage and between buildings, while little additional landscaping appears to be proposed between the development and the condos on the site. Staff does not necessarily concur that the end units of 1045 SW Bertha Blvd would be left with no landscaping. The western wall of that building is located some 25 feet from the easternmost proposed building, and much of the space in between is on land controlled by the Burlingame View Condominiums. Staff would nonetheless be supportive of a condition that required additional plantings where possible along the rear and east façades of the four proposed buildings to better screen the project from the other buildings on the site.
>
> While much of the rear length of the buildings appears to be adjacent to the access easement, which presumably precludes the planting of trees and shrubs, staff would be supportive of a condition to require landscaping including trees and shrubs – perhaps an L3 high-screen standard – along the east

and south facades of Building 4 to soften the appearance from all the condo units over time. The applicant noted in his response that they would be open to providing additional landscaping anywhere there was 5 or more feet of soil along the south building facades. This would largely limit landscaping to Buildings 1 and 4.

***Privacy***. *Some respondents discussed privacy concerns. Letts stated that a reduction in privacy for condo units would occur because the over-height buildings will be able to look down, directly into the windows of their neighbors.*

Staff does not concur that the added height will impact privacy of the condo units on the site over what would be allowed by right. The buildings will be close to the existing buildings regardless. If built to the height limit, Buildings 1 and 4 would lose roughly one level off the top; the balconies proposed on the rear façade would remain and the additional windows on the upper level would not create additional views of the internal site. Building 3 loses 1.5 stories and Building 2 loses 2. What this would look like on redesign is not clear but meeting the height limit does not remove all opportunities for views into the rest of the subject site. The balcony could get moved down a level and result in views that are closer than the existing balconies and more at the same level as the condo buildings.




While new viewsheds are created by the project, there is nothing in the record demonstrating that the additional height will cause additional privacy concerns over what would be allowed outright.

***Urban heat island impacts***. *Edelman referenced urban heat islands in her written and spoken testimony. Lifshitz linked to two sources that talked about what this is and what affects urban heat island effect. Lifshitz states, "The proposed increase in height would have a direct impact on increasing [urban heat island] risk." Edelman states, "The increase in temperature that the additional 20 feet in hard building surfaces on each building will cause, raises major concerns in summer cooling costs for our community."*

Staff does not see evidence in the record that a taller building has a greater impact on contributing to urban heat islands. The Better Housing by Design Concept Report, linked from Lifshitz' new evidence document, does not mention height as a factor. In describing research on Portland from Portland State University, they state the following:

> *Drs. Shandas and Makido's research has found several factors contribute toward cooling the area, as well as delaying the rise in temperatures during the day. Their initial results indicate that decreasing paved surfaces, increasing vegetation on the property and increasing the reflectivity (albedo) of the building roofs (e.g., lighter colored roof shingles), roads and parking (e.g., lighter colored concrete rather than black asphalt) contribute to cooling the localized area (see Figure 3). These results suggest that the features and materials of development can yield very different urban heat outcomes…*

The appendix does not mention building height as a factor for rise in temperatures. The Willamette Week article that was also linked focuses on materials (dark buildings made of metal,

brick and other dense materials absorb the heat, dark roofs, asphalt roads and parking lots); breeze, or lack thereof; and number of trees, but similarly does not discuss height of a building as a factor. The proposal provides for more opportunity for airflow between buildings by providing between 7 and 10 feet of separation between structures; and by using shared driveway approaches to individual garages rather than providing surface parking. From the findings presented in the links from the appellant, staff can draw no conclusion that a taller building will have a greater impact on urban heat islands than a shorter one.

**Other proposed mitigation**

*Color*

The topic of color came up during the hearing. The discussion between Gail Schiffler and Mark Dane was further described in Lifshitz' 5/16 comments on page 9, and the applicant submitted an exhibit listed on efiles as "LU 22-141452 AD - APPLICANT SUBMITTAL 5/16/23 - BUILDING THIRD COLOR CHOICE." The appellant states that the white buildings that were shown in the notice and decision would "appear larger and more massive than darker colored buildings…[w]e submit a reasonable person would find that changing the color is a practical mitigation not included in the current proposal."



Staff was not looking for additional ways to mitigate the height Adjustment because she found the increase in height due to the very steeply sloping lot met the relevant criteria without additional mitigation. Color is also not usually conditioned through Adjustment Review. However, staff would be supportive of a condition of approval that would specify color to support neighbors' contention that darker buildings would stand out less than a lighter-colored development. The submittal from the applicant, shown above, offers one scheme meant to address neighbor concerns and could be used as a basis of a condition.

*Trees*

The 5/16 Lifshitz submittal also mentioned street trees and the importance of trees at the street for softening the appearance of the structures. The frontage improvement plans shown in Exhibit A.10 show three proposed street trees; trees in the right-of-way will be discussed as part of the Public Works permitting process. There are, however, opportunities for trees in the front yards of the new buildings beyond what will be provided in the right-of-way. The landscaping plan submitted by the applicant on 5/16 shows plantings along the front yards of the buildings. It appears there is a tree in front of each unit, so 12 trees along the frontage. However, two points to make:

- Vine maples are considered to be a deciduous high-screen shrub by the Portland Plant List, not a tree. The three vine maples that are proposed in the front yards would not be included in a tree count.
- Some of the trees are shown as being located outside the property line.

If the Committee found that additional landscaping along SW 13th Dr. would help the development better blend in with its surroundings, staff would be supportive of a condition that would require one tree in front of each unit, so long as the trees are located on private property and are classified as trees by the Portland Plant List.

**COMMITTEE NEXT STEPS**

The applicant has agreed in writing to waive the final 7-day rebuttal period, so as of 5:00 pm May 30, the public record is closed and no additional testimony will be accepted. At the June 6 hearing, the

Committee will deliberate and make a final decision on the application, which could be any of the following:

- Uphold the staff decision and staff findings and approve the Adjustment request;
- Uphold the staff decision and approve the request, but with additional or different findings or conditions of approval; or
- Overturn the staff decision and deny the Adjustment request.

If the Adjustment Committee upholds the staff decision and staff findings with no changes, adoption of the final written decision does not need to return to the Committee for another vote. If the Adjustment Committee wishes to make different findings than staff did, staff will draft these findings based on the Committee's deliberations, and include these findings in the final decision document. For a final written decision that includes revised findings, the Adjustment Committee will reconvene and vote on adopting the revised written decision.

## 5/16/23 - ADJUSTMENT COMMITTEE HEARING

### LU 22-141452 AD - APPEAL

**ATTENDEES - TESTIFIERS IN RED *(subject to change)***

| | FIRST NAME | LAST NAME | EMAIL | WOULD YOU LIKE TO TESTIFY | ARE YOU FOR OR AGAINST |
|---|---|---|---|---|---|
| 1 | Tatiana | Lifshitz | tatianalifshitz@comcast.net | YES | AGAINST |
| 2 | jackson | roholt | jsroholt@comcast.net | YES | AGAINST |
| 3 | Highland | Edelman | BGVHOA@gmail.com | YES | AGAINST |
| 4 | David | Kish | Kishd@earthlink.net | YES | FOR |
| 5 | Janet | Zimmerdahl | mzimmerdahl@comcast.net | YES | FOR |
| | Mary | Hoffmann | mary.hoffmann@portlandoregon.gov | NO | N/A |