



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 5, 2008
To: Interested Person
From: Nan Stark, Land Use Services
503-823-7828 / nstark@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-101807 AD

GENERAL INFORMATION

Applicant: Violeta P Paladiy
5420 SE Malden Dr
Portland, OR 97206

Site Address: 5420 SE MALDEN DR

Legal Description: TL 4700 LOT 9 BLOCK 27, DARLINGTON
Tax Account No.: R197907910
State ID No.: 1S2E19DC 04700
Quarter Section: 3836

Neighborhood: Brentwood-Darlington, contact Steve White at 503-788-2096.
District Coalition: Southeast Uplift, contact Gary Berger at 503-232-0010.

Zoning: R5a, Single-dwelling Residential 5,000, with 'a' Alternative Design Density Overlay Zone
Case Type: AD, Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicants are planning several structural changes to their home: to create a second story above the existing first floor of the house; to add a two-story addition and second story deck to the front of the house; and to add a deck on the second story at the rear of the home, above the existing first-floor deck.

The proposed two-story addition at the front of the home will be 9'6" deep by 24'6" long. The second-story deck adjacent to the addition will be 5'9" deep by 23 feet long.

The applicant is seeking an Adjustment to the following two standards:

1. 33.110.225, Building Coverage, for the purpose of constructing the two-story addition which adds 231 square feet of building coverage, and the front deck which adds 141

square-feet. The allowed maximum building coverage for the site is 3,060 square feet; the proposed building coverage is 3,620 square feet, for a proposed increase of 560 square feet over the allowed maximum building coverage. (Note that the house was approved with a footprint of 3,256 square-feet, which met zoning code standards at the time it was permitted in 1998.) *The notice for this part of the proposal erroneously calculated the total requested building coverage at 3,432 square-feet, which is the additional area requested (372 square-feet) plus the allowed (3,060 square-feet), rather than the requested area of 372 plus the existing area of 3,256, which equals 3,620 square-feet. The request remains the same: an additional 372 square-feet of building coverage.*

2. Section 33.110.240.F.1, Alternative Development Options, Flag Lot Development Standards-Setbacks. The existing wall of the house is 9 feet, 8 inches from the east property line. The required setback is 10 feet. The owners request an Adjustment to construct the second-floor addition directly above the existing structure, and the second-story deck projecting from the front of the house. Consequently, an Adjustment is required to do so, to reduce the setback from the required 10 feet to 9 feet, 8 inches from the northeast property line for the second story wall and deck. *Note that for the purposes of this review, the northeast setback refers to the lot line parallel to Malden Drive that separates the subject lot to the lot in front of it, on Malden Drive.*

The notice for this review did not include additional building coverage resulting from the proposed second-story deck on the west (rear) side of the house, which is 4' x 20'3" or 81 square-feet. The owners have eliminated this deck from the proposal, and consequently there is no change to the building coverage as indicated above.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments.

ANALYSIS

Site and Vicinity: The site is a flag lot that is 10,400 square-feet in area. The "flag" portion of the lot is 88' x 100', and the "pole" access to it is 16 feet wide by 100 feet deep. The existing 1½-story house has a footprint of 44' x 74', which is 3,256 square-feet. The house was built in 1999. It is not directly visible from Malden Drive, as it is situated nearly directly in line with the house on the lot in front of it, and there are trees, shrubs and a fence between the two properties. From the street, only the driveway leading to the house is visible.

Malden Drive is developed with houses built throughout the 20th century, with the predominant style being mid-century ranches and bi-level houses. The subject house, though built more recently, is similar in style and size to those built in the 1970s and 80s.

There are two other flag lots on this block, which extends from 52nd Avenue to the west, to Harney Drive to the southeast, where 55th Avenue intersects to the south. Other flag lots are in the nearby vicinity as well.

Zoning: The site is zoned R5a. The R5 zone corresponds to the High Density Single Dwelling designation of the Comprehensive Plan. It is generally found in closer-in areas with little or no constraints to development. The 'a' indicates the Alternative Design Density overlay zone, which allows options for higher density in some situations. This proposal is not using any of the provisions of the overlay zone.

Land Use History: City records indicate that an earlier land use review, MCF 32-79, approved the land division that created the subject flag lot when it was in Multnomah County's jurisdiction.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 1, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau

The Site Development Section of BDS commented that there is no objection to the proposed Adjustments to building coverage standards and setback requirements. At the time of building permit review plans must show an approved method of stormwater disposal. Stormwater may be directed to the existing on-site drywell. City mapping records show there is an easement on a portion of the property, which must be shown on the plans.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 1, 2008. Staff received one letter signed by four neighboring property owners in response to the proposal. The neighbors expressed opposition to the proposal, raising several issues which are summarized here:

Impacts resulting from the second-story addition:

- The change in roofline creating a full second story creates privacy issues and also changes the scale and physical relationship between residences. The existing nonconforming wall does not create these issues, as the properties are separated by a fence which provides privacy.
- The second-story addition “overwhelms the site and would not reflect comparable housing for this neighborhood”.
- The additional square-footage potentially creates a need for additional air-conditioning, which already creates a noise impact and would further worsen the noise level.

Impacts resulting from the second-story front deck:

- This would have an effect on privacy to the neighboring property.

Impacts resulting from the second-story rear deck:

- This would also have an impact on privacy to the neighboring property by allowing views into neighbors’ property.
- Could disturb existing trees.
- Possible encroachment into the setback.

Impacts from the increase in building coverage:

- Second story addition would loom near the property line with impacts to scale, physical relationship between properties, privacy, and neighborhood compatibility, which compromise the quality of the neighborhood.
- Increase in square-footage will overwhelm adjacent houses, as well as the site.
- Additional floor area increases capacity of the residence as a care facility, which already causes traffic and parking impacts.

Staff appreciates the input of the neighbors and will address these concerns in the findings of the approval criteria, in the following section of this report. Staff also comments that the application for this proposal was submitted on January 10, 2008. The original proposal was for a significantly larger project, with bay windows on the north and south sides of the house, a second-floor deck on the north side, a second-floor smaller deck on the southwest side of the main entrance, a two-story 25’ by 14’ entry area with bedroom above, and 13’ by 6’ covered two-story porch in front of it. Staff met with the owners on various occasions to suggest revisions to the plans in order to minimize potential impacts to neighboring properties. As a result, the owners submitted the plans that are now under this review, in which the scale of the project has been significantly reduced. The entry addition was revised to 24’6” by 9’6”, and the second-story deck facing east was reduced to 23’ x 5’9”. The covered front porch, north deck, bays, west (rear) deck and south deck adjacent to the main entry were eliminated.

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 to provide 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 to reduce flag lot setback from 10' to 9'8" for second floor addition: 33.110.240 Alternative Development Options

Purpose. The alternative development options allow for variety in development standards while maintaining the overall character of a single-dwelling neighborhood. These options have several public benefits:

- They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways, and for the preservation of open and natural areas;
- They promote better site layout and opportunities for private recreational areas; opportunities for affordable housing; and energy-efficient development; and
- They reduce the impact that new development may have on surrounding residential development.

The site plan indicates that the existing house is 9'8" from the northeast property line, rather than the 10 feet that it was approved to be built at when the building plans were approved in 1998. This discrepancy, apparently found by the engineering firm that produced the site plan, creates a difference of 4 inches between the existing situation and what the zoning code allows by right, i.e., without this discretionary review.

As the purpose of the flag lot standards indicate, the additional distance required for development on flag lots is in part to reduce the impact on surrounding residential development. The nearest neighbors have responded that the second-story addition does create an impact as compared to the existing dwelling, which is 1½ stories tall, with the main floor and dormer gable facing their back yard. The second-story addition will allow additional views from the house to the most affected property to the northeast, which is the lot in front of the subject flag lot, where one of the four residents who signed the letter resides. In its current condition, there are minimal windows on that side of the house, and views at eye level are minimized by the fence separating the properties, as well as trees and shrubs on the neighbor's property.

The issue in this case is what the owners can do by right, i.e. without this Adjustment review, versus whether the proposal can support the intent of the 10-foot setback standard for flag lot development. The difference is 4 inches. A second story can be built on the house without this review, but must be pulled in at least 4 inches from the northeast wall in order to comply with the 10-foot setback requirement. The height limit for houses on flag lots is the same as it is for houses on all lots in this zone, which is 30 feet. The walls of the house with the proposed

addition are 20 feet above the grade on the northeast side, typical of two-story homes that are found in the immediate vicinity.

While the second-story addition will create a change in the relationship between the subject house and the nearest one to the northeast, the difference in the four inches that would result if built exactly to code will not change that relationship. The neighbors perceive the impact of the taller wall and windows unobstructed into their yard. This could be addressed with the planting of strategically located trees. Consequently, to fully satisfy this criterion, the owners will be required to plant two trees that will grow to a mature height of at least 20 feet that will be directly adjacent to the two 5-foot wide windows on the second floor of the northeast side of the house. The other window, towards the front of the house, is narrower and oriented as a grouping to the front or southeast side of the property.

With this condition, this criterion can be met for the setback reduction.

Findings for Adjustment to exceed building coverage: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

The existing house was approved by building permits issued ten years ago. At that time, the building coverage standard was different for each zone, calculated by percentage of lot size, and included not just the foundation, but also the eaves. The maximum allowed coverage of 45 percent for this lot allowed up to 4,590 square-feet under eaves, and the calculations shown on the permit for the house showed coverage of 3,666 square-feet (which is consistent with the house dimensions of 44' x 74' with 1½' eaves). The current zoning code standards do not include eaves, and the formula is based not on zone, but on lot size. Consequently, the current standards allow a maximum coverage of 45 percent for lots up to 5,000 square-feet in area, and 15 percent coverage for the area over 5,000 square-feet for lots up to 20,000 square-feet in area. To summarize this, the allowed coverage is $2,250 + 780 = 3,030$ square-feet of footprint area. The existing house with a 44' x 74' footprint exceeds the current standards at 3,256 square-feet even though it was built in conformance with the standards at the time it was permitted.

The area proposed for additional building coverage is on the southeast or front side of the house, in effect creating an entry that is forward of the front façade by 9'6", extending upwards to include the main and second floors for a length of 24'6", or about one-third of the length of the existing facade. The addition creates 231 additional square-feet of coverage. The deck proposed above the garage also adds to building coverage, with dimensions of 5'9" x 23' for a total area of 133 square-feet.

The second-floor addition proposed to the remainder of the house is above the existing house, not extending beyond it, and thus is allowed, except for the setback on the northeast side. Consequently, that part of the addition does not contribute to additional building coverage. Nonetheless, it does contribute to the overall bulk. The building coverage standards are intended, as stated above, to control the overall bulk, in combination with the height and setback standards. The neighbors expressed concern about the bulk that will result, which will have a visual impact on the surrounding houses.

The area of addition that is creating additional building coverage over what is existing is the front entry addition and second-story deck alongside it. The entry addition has been scaled back from 14 feet deep, as originally proposed, to 9½ feet deep. The original proposal also included a covered front porch in front of the entry addition which projected another 8 feet, so that part of the project has been reduced by 12½ feet in depth. This is a fairly significant reduction, especially when combined with the other originally-proposed elements that, together, totaled 3,990 square-feet. The revised proposal is for a total of 3,620 square-feet, of which 364 square-feet would be the new entry addition and second-story deck.

Both of the proposed new elements (entry addition and deck) face southeast, set back from the nearest property line, which is to the southeast, by 21 feet. The nearest property line on the abutting lot to the northeast, in front of the subject flag lot, is over 30 feet from the entry addition. The northeast edge of the deck would be along the same line as the existing outer wall, at 9'8" from that property line. The deck is proposed to be 6 feet deep, and as a nearly transparent element of the house, would have little if any effect on the perceived bulk from either the north side or front. Consequently, neither of the proposed elements would have an overwhelming effect on any of the abutting properties due to scale, distance from the nearest properties, and in the case of the deck, transparency. For all of these reasons, this criterion is met.

- 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

Findings: In response to the notice for this proposal, neighbors commented that the proposal would have an impact on both livability and appearance. Reasons included an impact on privacy, especially resulting from second-story windows overlooking the rear yard of the nearest property (north), and impact on appearance from a larger-scale house than what is typical in the neighborhood. Another impact would be the potential need for a more powerful air-conditioning system, which may create more noise than the existing one, which creates a noise impact at its current size.

Staff must point out that the proposed second story above the existing footprint of the house is allowed by right. The owners could construct such addition without this review –only for the building permit review—as long as it were set back the additional four inches from the existing north wall. The requested setback reduction of four inches, from 10 feet to 9'8", is a reasonable one which will maintain a consistent form visually as seen from all sides, and will allow a more appropriate design from a structural standpoint. Consequently, from a livability or appearance standpoint, the proposal for the reduced setback will not detract from either of those factors, especially with the condition in criterion A. that will require trees adjacent to the windows on the north side.

The addition to the front of the house is at the middle of the façade, and occupies just under one-third of its length. Extending 9 feet from the existing house, it is a fairly minimal addition that will be over 20 feet from the nearest property (to the southeast), where it faces their yard, over 30 feet to the northeast neighbor, and over 40 feet to the southwest neighbor, which is also separated by a few feet of grade change. Given this fairly substantial separation of the addition to the nearest neighbors, the additional building coverage will not significantly detract from either the livability or appearance of the residential area.

The second-floor deck is proposed above the garage. This location will orient outdoor use of this space to the front of the house, facing the driveway and open area, and not to the side, as the deck is just under 6 feet deep and about 24 feet long. Consequently it will be a horizontal space that will be restricted by its fairly minimal depth. The additional bulk created by this element is fairly negligible, as it runs along the same horizontal line as the floor separating the garage from the second story above it. The railings do not create another wall nor additional bulk, but rather a simple feature that adds detail to that side of the house. The orientation of the deck to what functions as the front yard assures that most use of the deck will be directed that way, and not north in the direction of the nearest property.

Regarding the noise created by additional demand for air conditioning, staff cannot make a requirement to contain the noise. The zoning code (33.110.250 C.1.) allows mechanical equipment such as air conditioners and heat pumps in side and rear building setbacks if they are in a fully enclosed building that is no more than 6 feet high. If not enclosed, they are not allowed in the setbacks. The intent of this standard is to minimize noise from mechanical

equipment by either distance (setbacks) or by fully enclosing them. The air conditioning unit for the subject property must meet these standards, so such a unit must be at least 10 feet from all property lines or be fully enclosed in a building.

In summary, the condition of approval requiring the planting of at least two trees in the north setback (the side parallel to Malden Drive) will also help to ensure that the proposal does not significantly detract from either livability or appearance of the residential area. With this condition, this criterion will be 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 purpose of the single-dwelling zones is to preserve land for single-dwelling development and to provide housing opportunities for individual households. The two adjustments requested are for the expansion of a single dwelling for household living uses, thus satisfying this criterion.

- 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 neighbors have identified potential impacts resulting from adjustments to the northeast setback and building coverage. The preceding analysis details staff's perspective on those perceived impacts. It seems that the main objection is to the new bulk that will be created as a result of raising the walls to create a full second story. As indicated in the analysis, raising the walls above the existing ones does not increase building coverage. The only area of increased building coverage that is proposed is on the southeast side of the lot. The new entry area with second floor above it is at the middle of the existing façade, projecting from it 9½ feet. The deck above the garage projects just under 6 feet in depth. Both of these elements are facing towards the south/southeast and are substantially set back from the nearest property line. Consequently, the distance to the nearest property is mitigation for any perceived impact from the fairly small scale entry addition.

The deck allows for a shallow outdoor space accessed from the second floor. The orientation of the deck, like the entry, is to the south/southeast, again set back fairly substantially (about 25 feet) from the property line to the southeast. While it aligns with the wall of the garage at 9'8" from the north property line, the length and orientation is away from that wall and towards the space in front of it, not to its side. Thus, the distance and orientation as well as size mitigates for any potential impacts.

Finally, it must be reiterated that the owners significantly reduced the scope of the project since the original submittal of this application. That must be recognized as mitigation for potential impacts that those additions and consequent increases in building coverage may have created. The removal of three second-story decks, two bays and the front porch, as well as a reduction to the front entry addition, account for a substantial reduction from what the owners proposed initially. It is also important to recognize that the house was approved ten years ago meeting all code standards, and is now, without any changes, already over the allowed building coverage by nearly 200 square-feet, due to a change in the regulations regarding the measurement of building coverage.

The installation of trees along the northeast setback, where the building is 4 inches closer to the property line than allowed, will mitigate fairly significantly for the adjustments. Therefore, with the conditions outlined in the preceding criteria, this criterion is met.

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

Findings: The site is not within an environmental zone, which is designated on the zoning map by either a “c” or “p” overlay. Therefore, 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 owners of this property wish to add a full second story to the existing 1½ story dwelling. The setback reduction of four inches, which is apparently the result of a construction error of that amount when the house was built ten years ago, requires the setback adjustment. The findings show that the difference between what is required and what is proposed supports the intent of the regulation and does not create a situation that significantly detracts from either appearance or livability. The issue of bulk and a larger structure with a change in the visual quality of the dwelling from the neighbors’ perspective is a valid one. However, the second-floor addition is allowed without any Adjustments, because it is proposed directly above the existing walls. It is only because the house was built at 9’8” from the northeast property line, rather than 10 feet from it, that the setback adjustment is necessary.

The additional building coverage proposed is for a fairly modest bump-out in front of the existing front entry, and a shallow second-story deck alongside it and above the garage. The scale and orientation of those elements is such that they will not create a situation that overwhelms any of the neighboring properties. The distance from the nearest properties also ensures this.

Conditions of approval will be required to address the concerns of the setback reduction, particularly as it affects the nearest property in front of the subject flag lot where the setback is slightly reduced. The required trees will ensure, over time, that perceived impacts to privacy and appearance are mitigated.

ADMINISTRATIVE DECISION

Approval of two Adjustments:

- To reduce the northeast setback (parallel to Malden Street) on a flag lot from the required 10 feet to 9 feet 8 inches for a second-story addition and deck (per zoning code standard 33.110.240 F.1); and
- To increase the building coverage from the existing coverage of 3,256 square-feet to 3,620 square-feet for a front entry addition and second-story deck above the garage (per zoning code standard 33.110.225 B).

These Adjustments are subject to the approved site plan, Exhibits C-1 and in general conformance with the front and side elevation drawings, Exhibits C-2 and C-3, signed and dated May 30, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled “ZONING COMPLIANCE PAGE - Case File LU 08-101807 AD.” All requirements must be

graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Two trees that will grow to a mature height of at least 20 feet must be planted directly adjacent to the two 5-foot wide windows on the second floor addition of the northeast side of the house.

Decision rendered by: _____ **on May 30, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 5, 2008

Staff Planner: Nan Stark

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 January 10, 2008, and was determined to be complete on April 29, 2008.

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 January 10, 2008.

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

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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 19, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income

individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **June 20, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

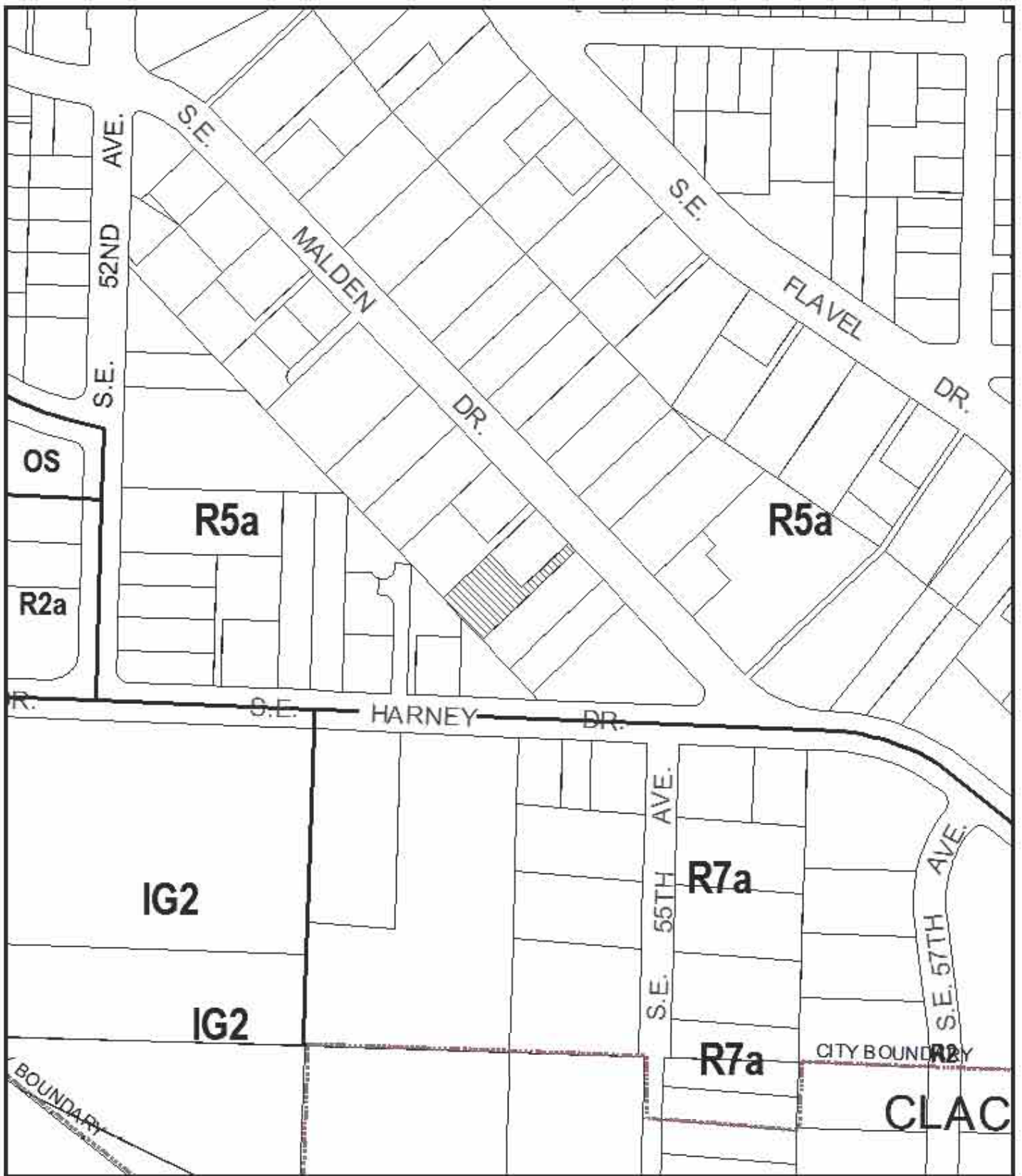
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. 1. Applicant's Statement
- 2. Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan, revised (attached)
 - 2. Elevation drawings (front and right) (attached)
 - 3. Elevation drawings (rear and left)
 - 4. Floor plans, revised
 - 5. Site Plan, original
 - 6. Elevation drawings, original proposal
 - 7. Site plan from approved building permit from 1998
 - 8. Site plan, existing, showing topography
 - 9. Floor plans, roof plan, section drawings, original proposal
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
- F. Correspondence:
 - 1. Letter of opposition, May 20, 2008, signed by S. & J. Scott, B. Price, E. Schreiber, L. Moffatt
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete application letter, Stark to Paladiy, January 22, 2008
 - 3. Incomplete application letter, Stark to Paladiy, March 21, 2008
 - 4. Site history research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site



File No.	<u>LU 08-101807 AD</u>
1/4 Section	<u>3836</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E19DC 4700</u>
Exhibit	<u>B (Jan 16, 2008)</u>

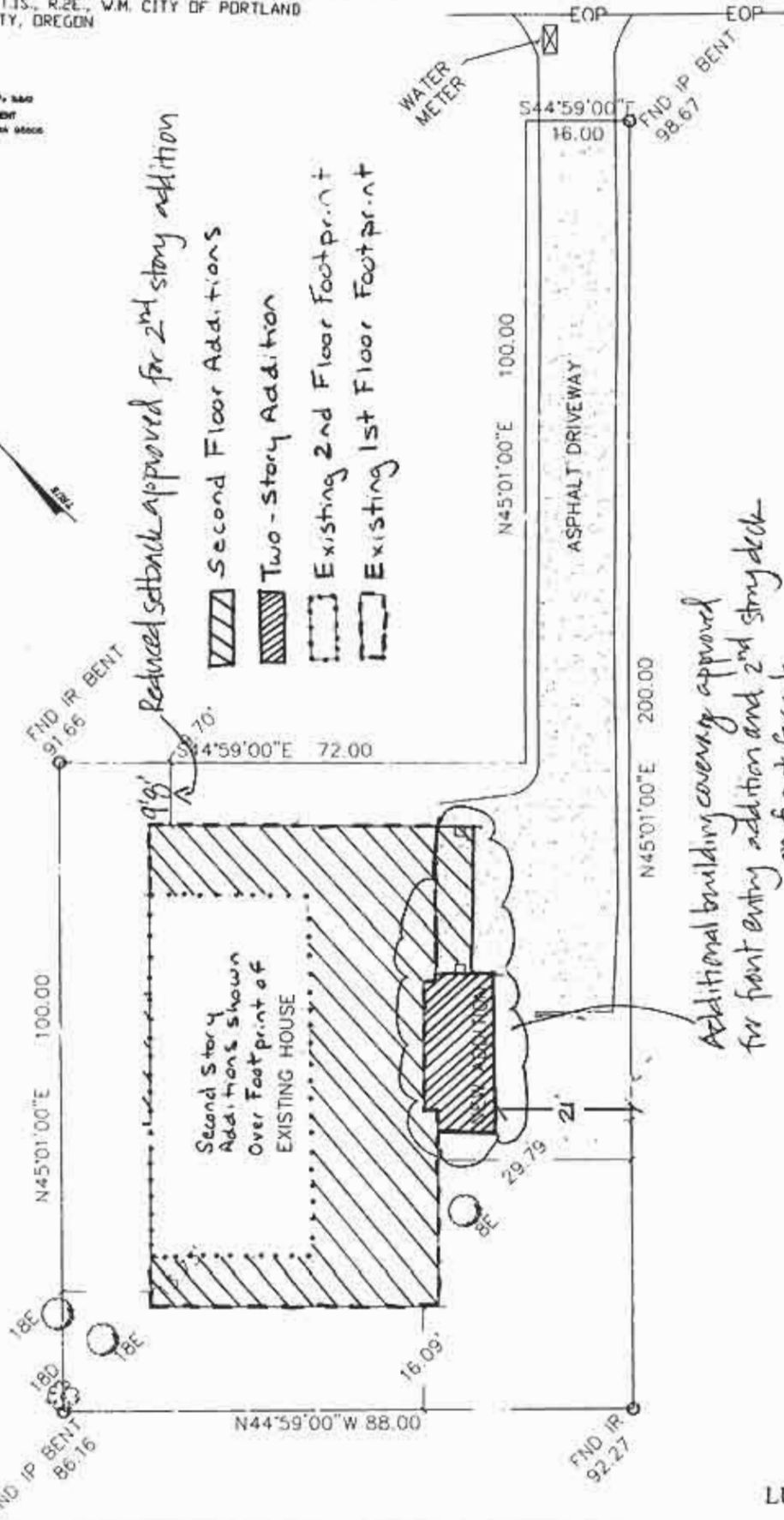
EXISTING SITE TOPOGRAPHY FOR 5420 S.E. MALDEN DRIVE

SE 1/4 SEC. 19, T.1S., R.2E., W.M. CITY OF PORTLAND
MULTNOMAH COUNTY, OREGON

RSG ENGINEERING, LLC
CIVIL ENGINEERING / CONSTRUCTION MANAGEMENT
18402 NE 152nd AVENUE, BRUSH PRairie, WA 98608
(360) 891-0070, (503) 340-6179
FAX (360) 891-7945
E-MAIL: RS@ENR.COM/CAST.NET

LU 08-101807 AD

new



Reduced setback approved for 2nd story addition

- Second Floor Additions
- Two-story Addition
- Existing 2nd Floor Footprint
- Existing 1st Floor Footprint

Additional building covering approved for front entry addition and 2nd story deck on front facade

SCALE 1/2016

Approved
 City of Portland - Bureau of Development Services
 Planner N. Stahl Date May 30, 2008
 * This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

LU 08-101807 AD

Exhibit C-1



A-8

PALMVIEW RESIDENCE
5240 SE WALDEN DRIVE
PORTLAND, OR 97206

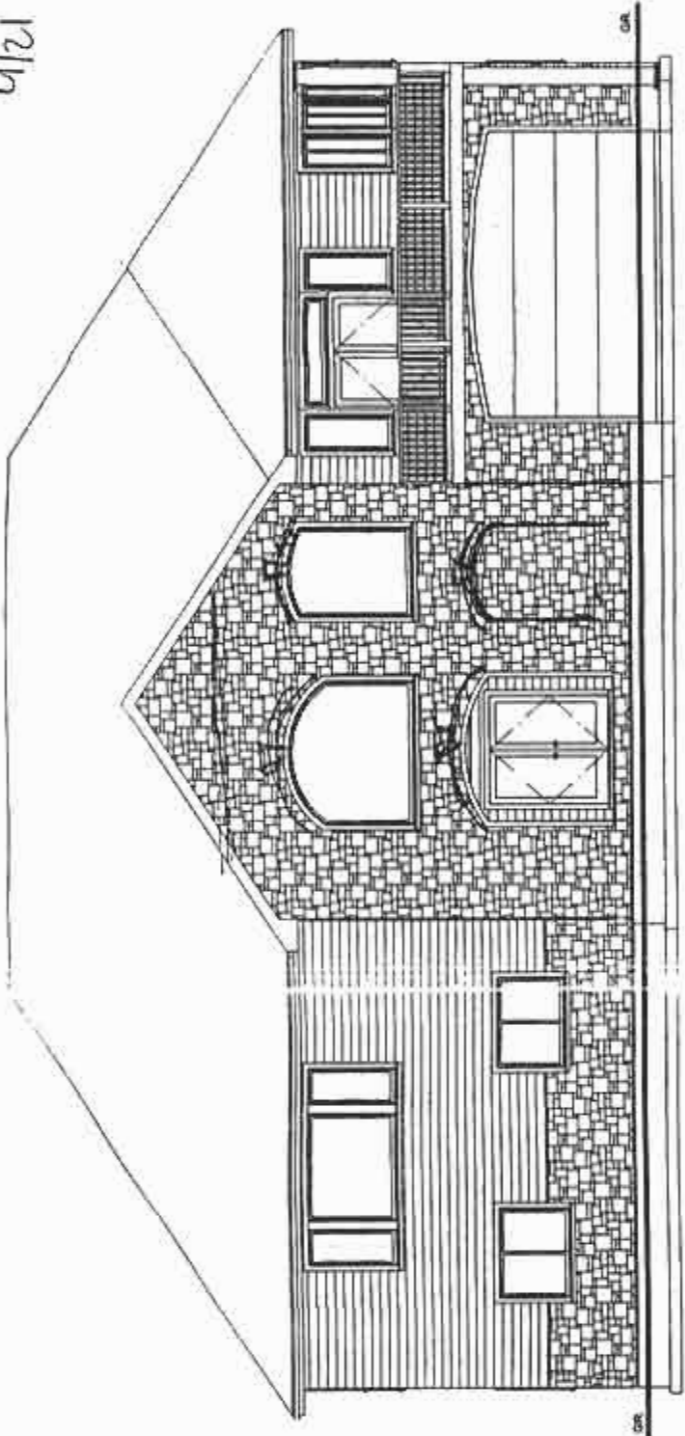
DATE: 11-11-07
DRAWN BY: J. W. WILSON
CHECKED BY: J. W. WILSON

DELSON ENGINEERING INC.
1204 NE 146th COURT
VANCOUVER, WA 98084
(360) 944-7084

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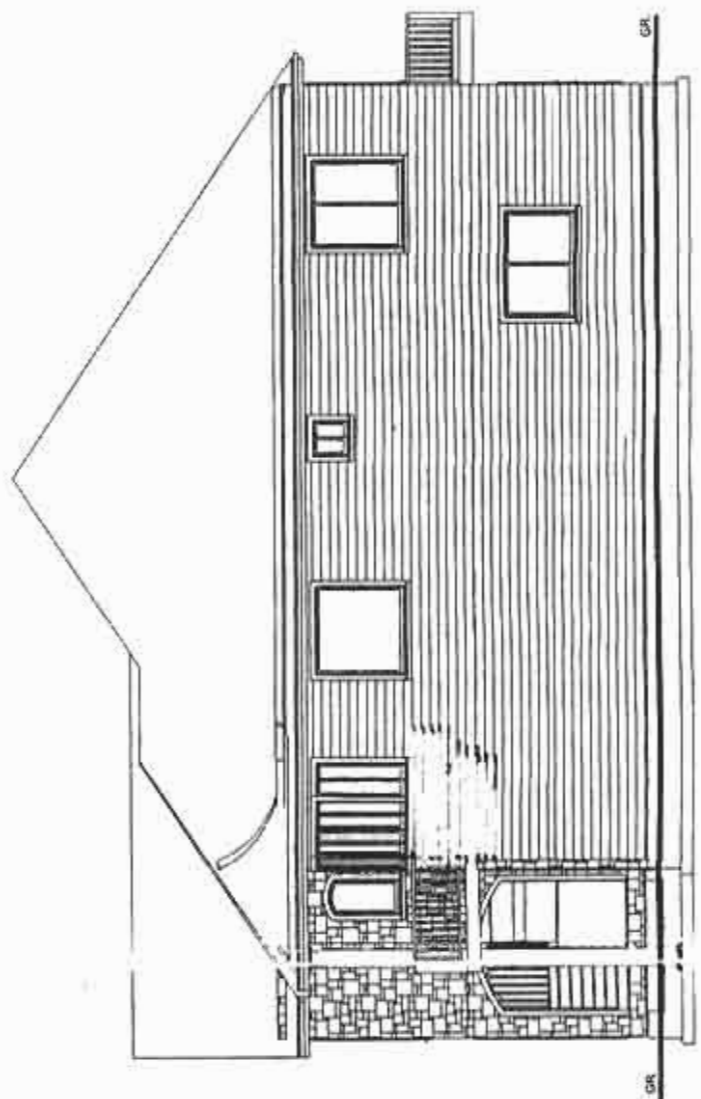


4/21



FRONT ELEVATION

1/8" = 1'-0"



RIGHT ELEVATION

1/8" = 1'-0"

LU 08-101807 AD

Exhibit C-2