



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

FROM CONCEPT TO CONSTRUCTION

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Date: February 25, 2014
To: Interested Person
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 13-196668 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Owner: Vlad Rudnitsky / Dilusso Homes, Llc.
P.O. Box 1251 / Clackamas, OR 97015

Site Address: 1208 SE Lambert St

Legal Description: BLOCK 4 LOT 3&4, CITY VIEW PK **Tax Account No.:** R158700610
State ID No.: 1S1E23CA 17200 **Quarter Section:** 3831
Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-234-2233.
Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: R2.5ad (Single Family Residential 2,500 with "a" alternative design density overlay and "d" design overlay zone)

Case Type: LDS (Land Division Subdivision)
Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to demolish the existing Multi Unit (5-plex) building on the 10,000 square foot lot and divide the site into four new narrow lots (25 feet wide, by 100 feet in depth). Each proposed lot will measure 2,500 square feet and accommodate one detached dwelling unit. The applicant is proposing to provide shared driveway access to the rear of the proposed lots with access to off street parking and detached garages through the use of two shared driveways (see attached site plan). Future development on the site will be required to meet the Community Design standards (Zoning Code section 33.218) since the site is located in a "d" design overlay zone. The applicant has proposed to remove the existing 28" diameter Douglas Fir tree located on the site.

Relevant Approval Criteria:

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

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 4 units of land (4 lots). Therefore this land division is considered a subdivision.

RELEVANT APPROVAL CRITERIA: IN ORDER TO BE APPROVED, THIS PROPOSAL MUST COMPLY WITH THE APPROVAL CRITERIA OF *TITLE 33*. THE RELEVANT CRITERIA ARE FOUND IN **SECTION 33.660.120, APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES.**

FACTS

Site and Vicinity: The site is located on an interior lot with frontage along SE Lambert Street. The 5-Plex on the site was built in 1905. The development surrounding the site to the north and west is primarily made up of single family residential type development. The property located directly to the east with frontage along SE 13th Avenue has a CS (Commercial Storefront) zoning designation.

Infrastructure:

Streets –The site has approximately 100 feet of frontage on SE Lambert Street. There is one driveway entering the site that serves the existing 5-Plex on the site. At this location, SE Lambert Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 100 feet from the site at SE 13th Avenue via Bus 70.

SE Lambert Street improved with curbs and sidewalks along both sides of the street. Along the 100-foot wide site frontage the pedestrian corridor includes a 9-foot wide planter area, curb, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (9-6-2 configuration).

- **Water Service** – There is an existing 12-inch CI water main in SE Lambert Street. The existing 5-plex is served by a 3/4-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch VSP public combination sewer line in SE Lambert Street.

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

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

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

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 **October 4, 2013**. Six written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

Neighborhood comments (Exhibits F-1 through F-6): One of the neighborhood letters (Exhibit F-1) brings up concerns regarding density, stormwater, tree removal and displacement of the current tenants of the 5-Plex. Many of the letters expressed concerns about the Douglas Fir tree in the northwest corner of the site that is proposed for removal. In addition, many of the letters expressed concerns regarding the traffic and parking impact on the street. Several of the letters also stated they would prefer the applicant to scale back from 4 units to 2 or 3 units. The Neighbored Association (exhibit F-4) stated they were not opposed to the proposal, they preferred four detached units to the applicants original submittal, which included two sets of attached dwelling units.

BDS response: Please see the findings below for information regarding many of the comments and concerns expressed in the letters. It should be noted that the Zoning Code does not regulate the displacement of residents living in rental units proposed for demolition. As indicated in the findings below, the applicant provided a Transportation Analysis (exhibit A-4) which indicated the proposed development will have minimal impact on the surrounding transportation network. In addition, the applicant provided arborist documentation (Exhibit A-3) that indicated the Douglas Fir tree would not be a viable tree with all the impacts within its root protection zone.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian	There are no pedestrian connections proposed or

	Connections	required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Maximum density in the R2.5 zone is one unit per 2,500 square feet. The site is approximately 10,000 square feet in area and has a maximum density of 4 lots. The applicant is proposing four single family lots. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line(feet)
R2.5 Zone	1,600	NA	36	40	30
Lot 1	2,500 sq. ft.		25 ft. **	100 ft.	25 ft. **
Lot 2	2,500 sq. ft.		25 ft. **	100 ft.	25 ft. **
Lot 3	2,500 sq. ft.		25 ft. **	100 ft.	25 ft. **
Lot 4	2,500 sq. ft.		25 ft. **	100 ft.	25 ft. **

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

** Lots 1-4 are considered “Narrow” lots, please see findings below

Narrow Lots

Lots 1-4 are 25 feet wide — narrower than the minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of 33.611.200.C for R2.5.

Consistent with the Purpose of Lot Dimension Regulations

The purpose of Lot dimension regulations are as follows:

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

The applicant has demonstrated that the proposed Lots 1-4 are consistent with the purpose of

lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- The proposed lots are compatible with existing lots because each lot provides room to accommodate a reasonably sized single family detached dwelling unit with access to off street parking and an adequate outdoor area. Two lots abutting the subject sites rear lot line to the south with frontage along SE Bidwell Street are the same width as the proposed lots (25 feet in width). The majority of the adjacent lots located along SE Lambert Street in the vicinity of the subject site are 5,000 square feet in site area, however, most of these lots having a different zoning designation than the subject site (Zoned R5-single dwelling residential 5,000 square feet). The existing homes along SE Lambert Street at this location are primary made up of single family detached homes; therefore this proposal will be compatible with the existing development pattern in the vicinity.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- The lots will be developed with detached houses; however, the proposed lots are all at least 25 feet wide.

If the lot abuts an alley, then vehicle access is allowed only from the alley

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

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

- The applicant has demonstrated, with Exhibit C-2 that each lot will be built with a house that will be able to accommodate a detached garage. The proposed detached garages can be provided at the rear of each lot, accessed by shared driveways that straddle the lots lines between properties. The garage limitation standards of Subsection 33.110.253.E can be met.

60 percent landscaping requirement for attached houses

- The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.

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

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). No trees have been exempted because they were too small, unhealthy, a nuisance species, located partially off the property or located within 10 feet of an existing structure to remain on the property or partially within the environmental zone. One tree is subject to the preservation requirements of this chapter.

The inventory identifies the following trees on the site:

Tree #	Species	Diameter (inches)	Exempt? (per 33.630.030)	To be retained?	RPZ (Root Protection Zone)
1	Douglas Fire	28"	No	No	

The total non-exempt tree diameter on the site is 28 inches. Based on the location of the tree and the root protection zone that would be necessary to protect the tree under the current development plan, it was determined by the applicant's arborist (Exhibit A-3) that the tree could not be preserved based on the development proposed on the site.

The proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes instead to use the mitigation options of 33.630.300.

The site is less than 15,000 square feet in area. The applicant wishes to divide the site for detached housing, which is an allowed housing type in the R2.5 zone. The location of the existing trees on the site would prevent a land division that would result in a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2.5 zone. Criterion C.4 is met.

Therefore, the applicant has met Criterion A, because as many trees as possible will be preserved.

As mitigation, the applicant proposed to plant five new 2" diameter trees on the site (exhibit A-2) for a total of 10" of new tree diameter.

Section 33.248.020.H, known as the T1 tree planting standard, requires trees to be planted on new lots as part of the approval of future building permits. The T1 tree standard requires the planting of at least 3 inches on lots that are 3,000 square feet or smaller, which would result in 3 inches of new trees planted for each of the proposed lots (a minimum of 12"). Because of the small size of the parcels it is not practical for additional trees beyond the T1 standard to be planted without jeopardizing the overall health of all of the trees on the site. Therefore, offsite mitigation in the form of payment into the City Tree Fund is more appropriate for this proposal.

Therefore, as mitigation, the applicant is will be required to pay into the tree fund for 10 inches of tree diameter. The mitigation plan provides for approximately the same caliper inches as Option 1 of the Tree Preservation Chapter. Option 1 would require that 35% or 10 inches of the existing non-exempt tree diameter on site be preserved. The addition of 6 trees at 1.5" each through the T1 tree planning standard described above, and 10 inches paid into the tree fund exceeds the 10 inches that would be required to be preserved.

- The new trees that will be planted will help absorb air pollutants and contamination, provide buffering from noise and wind, and provide visual screening from the adjacent properties.
- The number of trees required by the T1 tree planting standard will work together to reduce the possibility for erosion, as well as reduce stormwater runoff.
- The dispersion of the T1 planting trees allows more areas of the site to reap the benefits of trees that are described in the purpose statement for the Tree Preservation Chapter. In addition, the trees will grow over time to provide additional benefits.
- Payment into the Tree Fund will contribute to the general beauty and natural heritage of the City, if not directly on the site.

Criterion B is met with a condition of approval requiring payment into the tree fund for 10 inches of tree diameter.

Therefore, with the conditions noted above for mitigation, the criteria can be met.

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

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic cesspool on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility, with a condition requiring final inspection for a decommissioning permit prior to final plat approval.

In addition, the applicant has proposed to remove the existing 5-plex and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With the conditions, the new lots can be considered suitable for development, and this criterion is met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

The following easements are required for this land division:

- A Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines between lots 1 and 2 and between lots 3 and 4 as shown on exhibit C-2;

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions of approval discussed above, this criterion is met.

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

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

At this location SE Lambert Street is classified as a Local Service Street for all modes. It is improved with curbs and sidewalks along both sides with a 9-6-2 sidewalk configuration that exceeds minimum current City standards. No dedications will be required.

The applicant has submitted a Traffic Impact Analyses (TIA) prepared by Lancaster Engineering dated January 16th, 2014 (Exhibit A-4). PBOT staff has reviewed the study contained in the information below and concurs with the findings that the transportation system can safely accommodate the proposal in addition to the existing uses in the area.

33.641.020 Approval Criterion

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Street Capacity and Level of Service

TRIP GENERATION & DISTRIBUTION

To estimate the trips generated by the proposed subdivision of the property, trip rates from the manual *TRIP GENERATION*, Ninth Edition, published by the Institute of Transportation Engineers (ITE) were used. Land-use code 210, *Single-Family Residential*, was used with trip rates based on the number of dwelling units.

The property is proposed to be divided into four lots. One home currently used as a five-plex is currently on the subject property, but will be removed to accommodate the new homes. Since the five-plex uses shared kitchen, living and bathroom spaces it is anticipated that the site generates fewer trips and less parking demand than would a typical five-bedroom apartments. For a conservative analysis, the trip generation and parking comparisons utilized for the proposed four-lot partition were based on one existing single-family home rather than a multi-unit apartment development. To the extent that the existing development generates more trips and parking demand than associated with a typical single-family home, the impacts associated with conversion to four single-family homes will be reduced.

The trip generation calculations show that the future development within the subject property will generate a net increase of two trips during the morning peak hour, with one trip entering and one trip exiting the site, and three trips during the evening peak hour, with two entering and one trip exiting. A weekday total of 28 additional trips are expected with half entering and half exiting the site. The following table offers a summary of the trip generation calculations, which are included in detail in the technical appendix of the report.

	TRIP GENERATION						
	Morning Peak Hour			Evening Peak Hour			Weekday
	In	Out	Total	In	Out	Total	Total
Proposed	1	2	3	3	1	4	38
Existing (removed)	0	1	1	1	0	1	10
Total Net Increase	1	1	2	2	1	3	28

It is expected that the majority of the new trips will travel to and from the east to SE 13th Avenue. Traffic can then travel north to SE Bybee Boulevard and SE Milwaukie Avenue or travel south to SE Tacoma Street. With the minimal number of trips associated with the proposed development, none of the surrounding transportation facilities are expected to see a significant increase in traffic or change in operation.

Due to the small number of trips generated by this development, the proposed development will not result in changes to the current operation of nearby transportation facilities.

A site visit was performed by Lancaster Engineering during the peak travel periods to observe the average delays and corresponding level of service at the intersection of SE 13th Avenue and SE Lambert Street. The average delay measured for eastbound left-turning vehicles was 21.6 seconds, and the average delay measured for eastbound right-turning traffic was 10.8 seconds. These measured delays indicate that the intersection is currently operating at level of service B/C. With the addition of site trips from the proposed development, these average delays would remain similar to existing conditions, and the intersection will continue to operate at level of service B/C. Intersection operation is acceptable per the City's performance standards and no mitigations are recommended.

Vehicle Access and Loading

The four lots on the subject property will take access via two shared driveways intersecting SE Lambert Street. One off-street parking space is being provided for each unit in the subdivision. Vehicle access and loading will take place within these driveways and by utilizing on-street parking along SE Lambert Street. Opportunities for access are favorable in the site vicinity, which is within a well-connected local street grid. There are no significant barriers to access and loading. No mitigations are recommended.

On-Street Parking Impacts

Parking supplies and demands were observed along SE Lambert Street between SE 11th Avenue and SE 13th Avenue, along SE 11th Avenue between SE Malden Street and SE Bidwell Street, and along SE 13th Avenue between SE Malden Street and SE Bidwell Street.

Site visits were conducted during the late evening/early morning hours when residential parking demands are at their peak as well as during the evening peak hour when parking demands from the nearby and proposed residential uses overlap with the peak parking demands from the nearby child care center located at the northwest corner of SE 13th Avenue and SE Lambert Street as well as commercial development along SE 13th Avenue.

Based on the Lancaster's observations, the peak parking demands occur during the evening peak hour, during which time approximately half of the available on-street parking in the site vicinity was in use. Parking during this period was most heavily used along SE 13th Avenue and at the east end of SE Lambert Street, indicating that the primary parking demands were associated with the commercial and child care center land uses. Even within these more heavily-utilized areas on-street parking remained available during the evening peak period. Since parking durations are limited for much of the on-street parking along SE 13th Avenue these spaces primarily served short-duration trips associated with commercial uses and child care drop-off/pick-up activities.

A detailed summary of the observed parking demands and the available parking supply is provided in the following table:

ON-STREET PARKING OBSERVATIONS			
	Early Morning	Evening	Parking
	Hours	Peak Hour	Supply
SE Lambert Street - North Side	6	8	13
SE Lambert Street - South Side	6	10	14
SE 11th Avenue - North of Lambert	5	4	14
SE 11th Avenue - South of Lambert	5	2	15
SE 13th Avenue - North of Lambert	6	9	16
SE 13th Avenue - South of Lambert	3	5	11
Total	31	38	83

The proposed development consists of four single-family dwellings. Based on data from the manual *Parking Generation, 4th Edition*, published by the Institute of Transportation Engineers, single family homes generate an average peak parking demand of 1.83 vehicles per dwelling unit. With the addition of three new dwelling units, it is projected that the total parking demand in the site vicinity will increase by five to six vehicles. It is also expected that the new driveway curb cuts could reduce the amount of on-street parking available along the south side of SE Lambert Street by one to two spaces.

Even under a worst-case assumption that the proposed development will use no off-street parking there is projected to be sufficient on-street parking along SE Lambert Street between SE 11th Avenue and SE 13th Avenue to accommodate the additional parking demand during all times of the day. Significant additional on-street parking will also remain available along SE 11th Avenue and SE 13th Avenue in the site vicinity.

Based on the detailed on-street parking observations and analysis, there is sufficient on-street parking in the site vicinity to accommodate the proposed development in addition to the existing uses in the site vicinity. Accordingly, no on-street parking mitigations are recommended.

Availability & Access to Transit

Tri-Met Bus Route 70, *12th/NE 33rd Avenue*, provides transit service in the site vicinity, with bus stops at the intersection of SE 13th Avenue and SE Lambert Street within 200 feet of the subject property. The bus operates weekdays from 5:00 AM to 11:00 PM with typical headways of about 40 minutes. On Saturdays, the bus operates from 9:00 AM to 10:30 PM with typical headways of approximately 40 minutes. On Sundays, the bus operates from 9:30 AM to 7:00 PM with typical headways of approximately 40 minutes.

Access to transit is sufficient for the proposed development in addition to the existing uses in the site vicinity.

Impacts on the Immediate & Adjacent Neighborhoods

As previously discussed, the proposed development is projected to result in only two to three additional trips during the morning and evening peak hours. These minimal traffic increases will have no discernable effect on operation of the area streets and intersections, and no meaningful effect on immediate and adjacent neighborhoods. Similarly, although on-street parking demands are projected to increase somewhat upon completion of the proposed subdivision, there is adequate parking available for the existing uses in addition to the proposed development.

Since the proposed development consists of residential dwellings within an existing area of residential development, there will be no significant changes to the neighborhood upon completion of the new homes.

Based on the analysis, impacts to the immediate and adjacent neighborhoods will be minimal and acceptable. No mitigations are recommended.

Safety for All Modes

Traffic volumes on SE Lambert Street and SE 11th Avenue in the immediate site vicinity are very low, with travel speeds limited by the statutory residential speed limit of 25 mph as well as the narrow roadway cross-sections and on-street parking. Cyclists can safely share the roadway with motorized vehicles on these roadways. Although SE 13th Avenue accommodates higher volumes of traffic, vehicle speeds remain relatively low based on the statutory residential speed limit of 25 mph. The SE Portland Bike/Walk map indicates that SE 7th Avenue, SE 15th Avenue, SE Sellwood Boulevard and SE Knapp Street are low-volume shared roadways that provide for safe, comfortable riding in the site vicinity. SE Spokane Street has sharrow markings indicating to motorized vehicles that they must share the roadway with bicycle traffic. It also has speed humps at intervals along its length to reduce through travel speeds and volumes, promoting safe travel by bicycle. SE Spokane Street connects to the Springwater Trail multi-use path to the west.

Existing sidewalks are in place on both sides of the roadways in the site vicinity. Although marked crosswalks are not provided for the intersection of SE 13th Avenue at SE Lambert Street, unmarked crosswalks exist on all four legs of the intersection. A marked crosswalk is also provided nearby on the south side of SE Bidwell Street, less than 300 feet south of SE Lambert Street.

The existing pedestrian facilities in the site vicinity are adequate to safely serve the needs of the proposed development in addition to the existing uses in the site vicinity.

Based on the detailed analysis, the existing streets and infrastructure in the site vicinity are sufficient to provide safe access for all travel modes.

CONCLUSIONS

The impact to the existing infrastructure created by the trips generated as a result of the proposed land division, removal of the existing five-plex building on the site, and construction of four new single-family homes will be minimal and will not significantly affect the operation of existing roadways and intersections in the site vicinity. The area roadways and intersections currently operate acceptably and are projected to continue to operate acceptably upon completion of the development within the subject property. No mitigations are recommended.

Based on the detailed evaluation of each of the transportation approval criteria evaluation factors, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the site vicinity. No mitigations are needed or recommended.

PBOT has reviewed and concurs with the information supplied, the methodology, assumptions and conclusions made by the applicant's traffic consultant. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.

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

No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods

Lots 1-4: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements.

The site is within the Portland Master Street Plan for the Southeast District. No through street or pedestrian connections are proposed at this location. Therefore, the proposal is consistent with the master street plan.

For the reasons described above, this criterion is met.

DEVELOPMENT STANDARDS

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

Future Development

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

- Narrow Lots-- development on Lots 1-4 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
 - Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b_Detached dwelling units are not permitted on lots that are less than 25 feet in width.

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

OTHER TECHNICAL REQUIREMENTS

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; if required, recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcel 2; meeting fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- Urban Forestry noted that street trees will be required along all public frontages depending on planting conditions and will be reviewed and approved by the City Forester during building permit application. Tree species and location to be determined by the City Forester during plan review. Street trees required for residential sites are to be 2 inch caliper in size. Underground utilities shall not conflict with street tree planting. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibit C-1 and C-2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision, that will result in four narrow lots as illustrated with Exhibit C-1, subject to the following conditions:

A. The final plat must show the following:

1. A minimum 9-foot wide Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Lots 1 and Lot 2 and Lots 3 and

Lot 4 extending from SE Lambert Street and adjacent to the rear lot lines of Lots 1-4, as shown on Exhibit C-1. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.

2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.4 and B.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Existing Development

3. A finalized permit must be obtained for demolition of the existing structure on the site and capping the existing sanitary sewer connection. (if the demo includes a primary residential structure, add:) Note that Title 24 requires a 35-day demolition delay period for most residential structures.

Required Legal Documents

4. A Maintenance Agreement shall be executed for the Reciprocal Access Easement described in Condition A.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
5. If required per condition B.2 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Lots 1-4 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no *. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

Other requirements

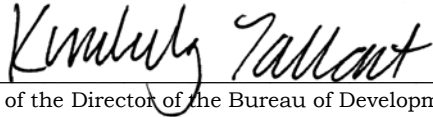
6. The applicant must pay into the City Tree Fund the amount equivalent to 10 inches of trees. Payment must be made to the Bureau of Development Services, who administer the fund for the Parks Bureau.

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

1. The applicant must meet the addressing requirements of the Fire Bureau. The location of the sign must be shown on the building permit.

2. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal and install residential sprinklers in the new dwelling units on Lots 1-4. Please refer to the final plat approval report for details on whether or not this requirement applies.
3. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Shawn Burgett

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

Decision mailed February 25, 2014

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

Procedural Information. The application for this land use review was submitted on August 22, 2013, and was determined to be complete on October 1, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 22, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 90 days (exhibits A-7). Unless further extended by the applicant, **the 120 days will expire on: April 29, 2014.**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 11, 2014** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

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

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

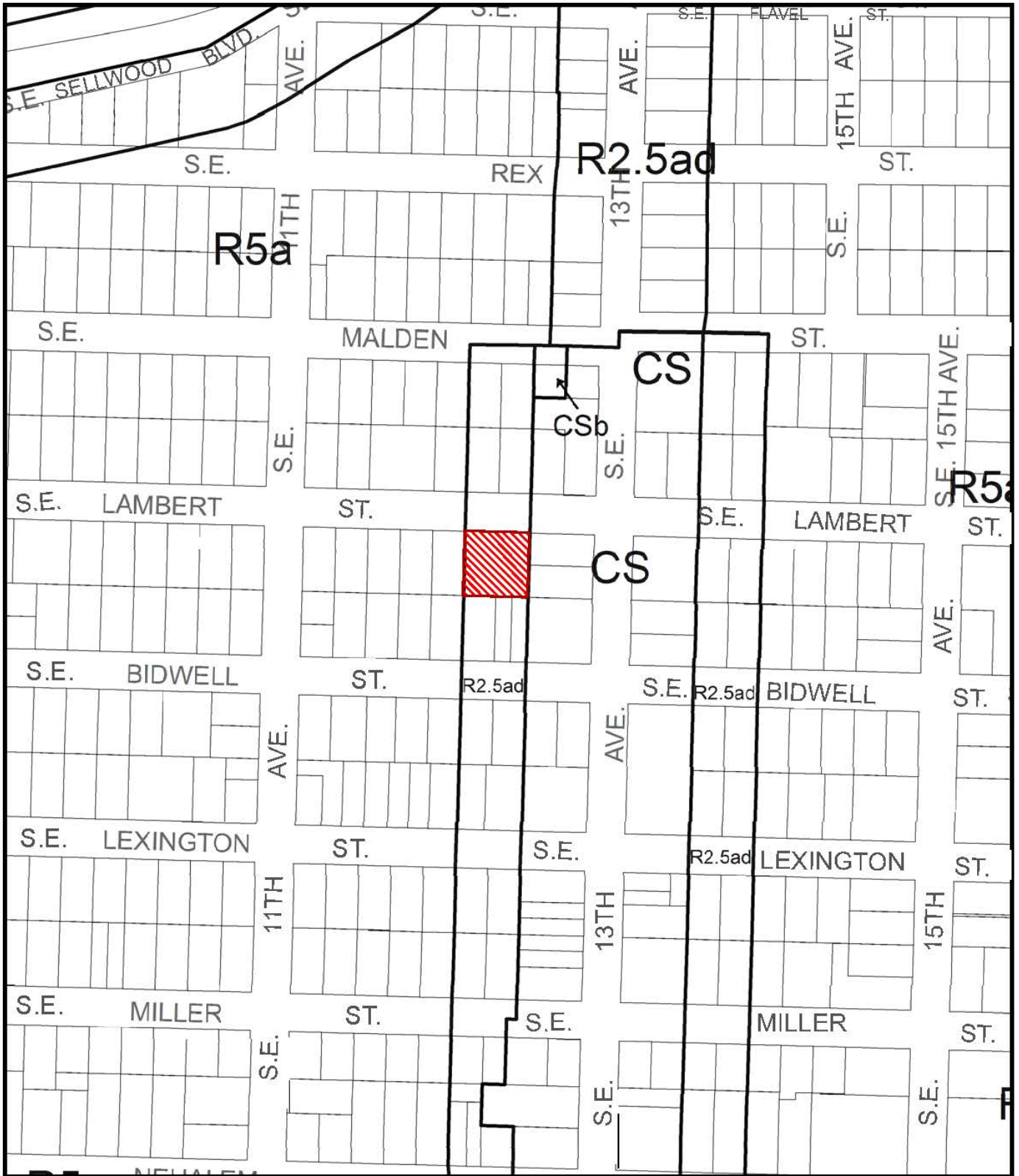
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicants Narrative
 - 2. Arborist report 7/11/13
 - 3. Arborist report dated 12/9/13
 - 4. Transportation Analysis dated 1/16/14
 - 5. Early Neighborhood notification evidence
 - 6. Simplified approach (stormwater calculations)
 - 7. Applicants 90 day extension to 120 day clock
 - 8. Applicant representative memo dated 9/26/13
 - 9. Applicant representative memo dated 12/4/13
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat (attached)
 - 2. Preliminary Utility Plan (attached)
 - 3. Existing conditions map

4. Full Plan set sheets 1-5
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Plans Examiner
- F. Correspondence:
1. Noah Jenkins, 1208 SE Lambert St. #2 Portland, OR 97202
 2. Mary Jo & Patrick Kolb, 1215 SE Lambert St. Portland, OR 97202
 3. Roy Soards & Laurel Stocker, 1143 SE Lambert St. Portland, OR 97202
 4. Ellen Burr (Land Use Chair, Sellwood Moreland Improvement League)
smilelanduse@gmail.com
 5. David & Silke Monnie, 1146 SE Lambert St. Portland, OR 97202
 6. Sarah, Chris, George & Graham Gilmore, 1126 SE Lambert. Portland, OR 97202
- G. Other:
1. Original LU Application
 2. Incomplete Letter
 3. Land Use History

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).



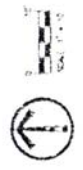
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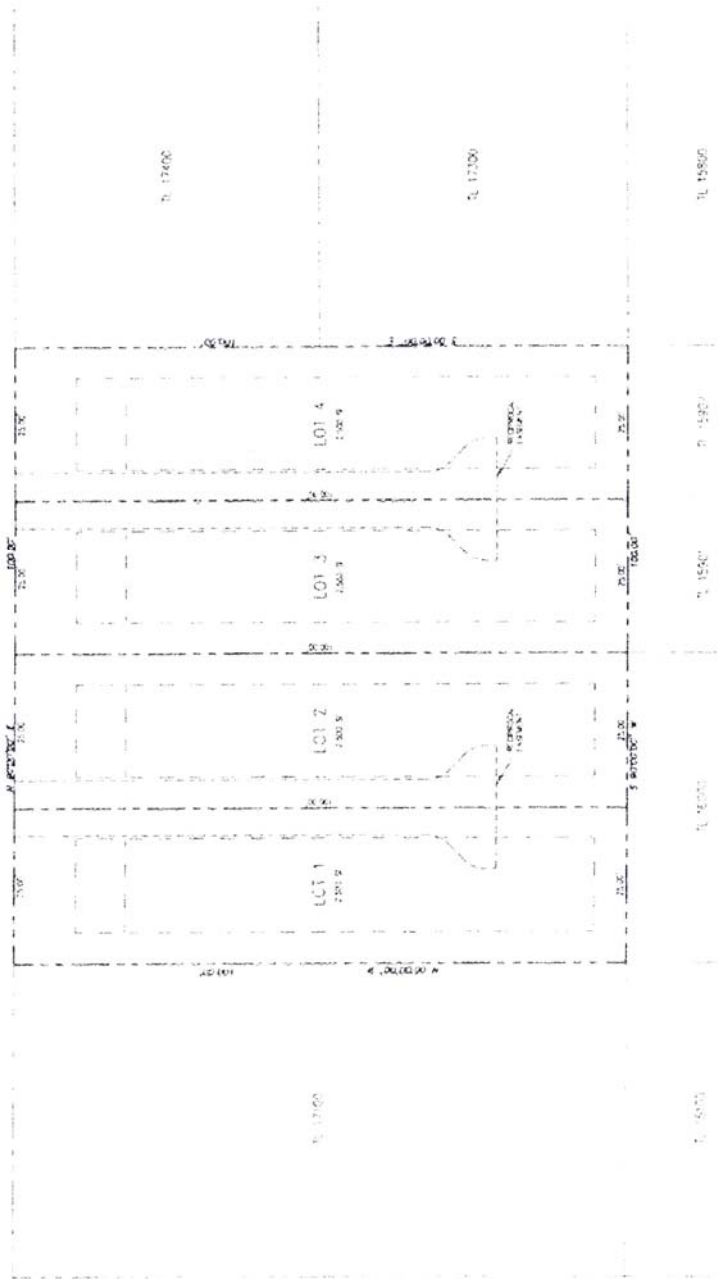
File No. LU 13-196668 LDP
 1/4 Section 3831
 Scale 1 inch = 200 feet
 State_Id 1S1E23CA 17200
 Exhibit B (Aug 27, 2013)

SETBACKS
FRONT: 10 FT.
REAR: 10 FT.
SIDE: 5 FT.

LEGEND
PROPERTY LINE
SETBACK LINE
EASEMENT
ADJACENT PROPERTY



SE LAMBERT STREET



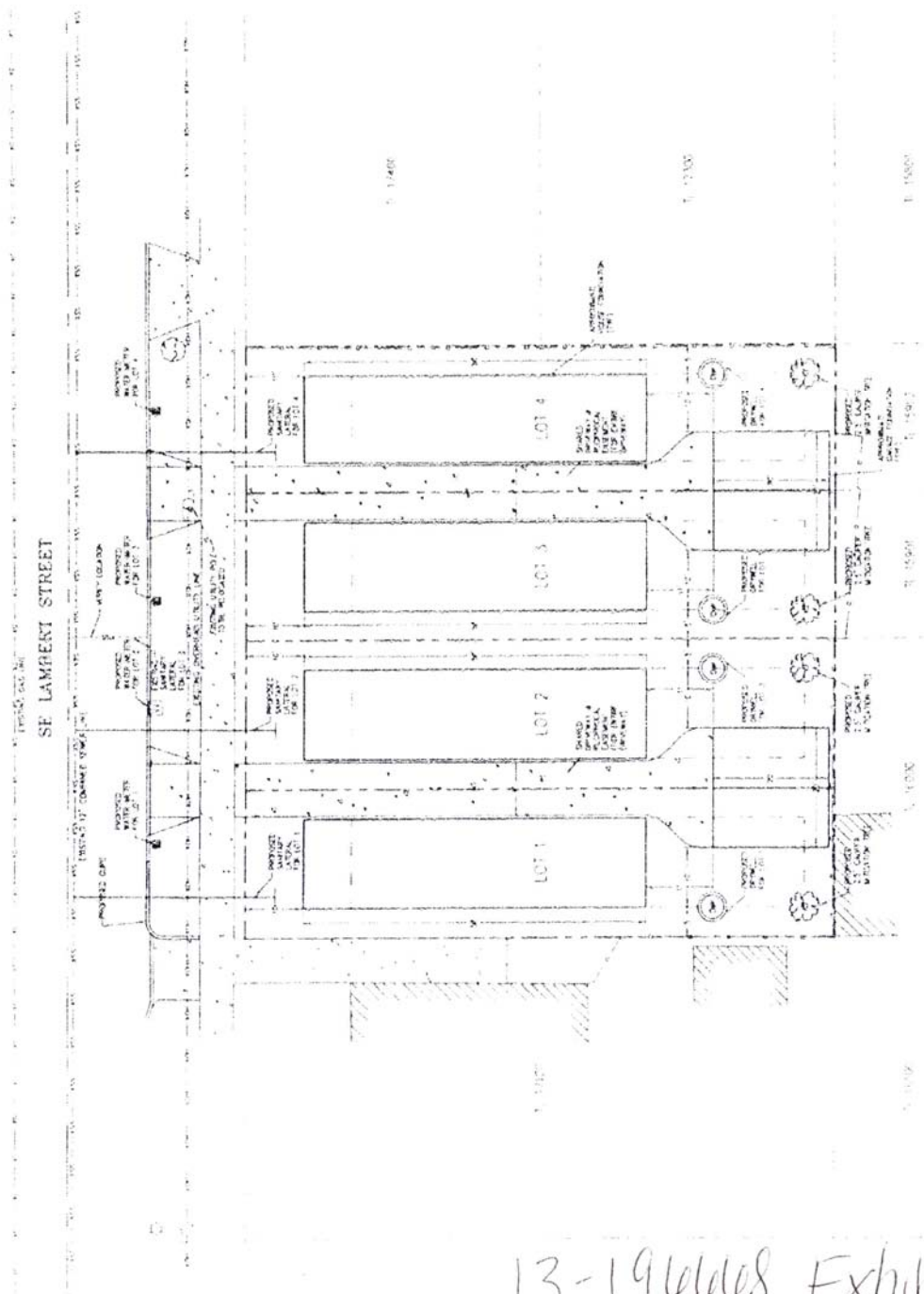
13-196668 Exhibit C-1



12-22-08

1	EXISTING UTILITY LOCATIONS
2	PROPOSED UTILITY LOCATIONS
3	PROPOSED UTILITY TRENCHES
4	PROPOSED UTILITY STRUCTURES
5	PROPOSED UTILITY VALVES
6	PROPOSED UTILITY MANHOLES
7	PROPOSED UTILITY CLEANOUTS
8	PROPOSED UTILITY SERVICE CONNECTIONS
9	PROPOSED UTILITY SERVICE CONNECTIONS TO EXISTING UTILITY
10	PROPOSED UTILITY SERVICE CONNECTIONS TO NEW UTILITY
11	PROPOSED UTILITY SERVICE CONNECTIONS TO EXISTING UTILITY AND NEW UTILITY
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NEAREST FIRE HYDRANT AT SOUTHWEST CORNER OF THE INTERSECTION OF SE 12TH AVENUE AND SE LAMBERT STREET.



13-19668 Exhibit C-2