



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

FROM CONCEPT TO CONSTRUCTION

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Date: July 15, 2014
To: Interested Person
From: Diane Hale, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 14-130652 LDP

GENERAL INFORMATION

Applicant/Owner: Brian Bowman / B M Bowman LLC
1517 SE 106th Ave / Vancouver, WA 98664 / (503) 913-8449

Representative: Kirsten Van Loo / Vanloo 2 Associates
30495 SW Buckhaven Rd / Hillsboro, OR 97123

Site Address: 4133 N KERBY AVE

Legal Description: BLOCK 8 LOT 5, CENTRAL ALBINA
Tax Account No.: R146801000
State ID No.: 1N1E22CA 11200
Quarter Section: 2629
Neighborhood: Boise, contact Stephen Gomez at 503-819-8268.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.
Zoning: R2.5a (Single Family Residential 2,500 square feet with "a" alternative design density overlay)
Case Type: LDP (Land Division Partition)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing a 2-parcel land division resulting in two 2,499 square foot parcels for attached housing. A permit has been submitted to demolish the existing house and garage on the site. Vehicle access to on-site parking for both parcels is proposed from the alley.

This partition is reviewed through a Type 1x land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no

other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

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

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal or complete within 180 days. This application was submitted on March 25, 2014 and determined to be complete on **May 19, 2014**.

FACTS

Site and Vicinity: The 5,000 square foot site is an interior lot, developed with a single family home built in 1951. The site is generally surrounded by single family homes on a variety of lot sizes. There are no large trees on the site and it is flat. Mississippi Avenue is located approximately ¼ mile to the west, and contains a mix of urban-scale residential and commercial uses.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on N Kerby Avenue. There are no driveways serving the site from N Kerby Ave; access is provided from the existing alley. At this location, the City’s Transportation System Plan classifies N Kerby Ave as a Local Service street for all modes. Tri-Met provides transit service approximately 700 feet from the site at Mississippi Avenue via Bus 4.

City GIS indicates that N Kerby Avenue is a 65-foot right of way, with a 41-foot curb to curb paved surface and parking on both sides. The pedestrian corridor includes a 0.5 foot curb, 3.5 foot wide planter area, 6 foot sidewalk and a 2 foot wide buffer at the back of the sidewalk (4-6-2 configuration). The site also abuts a 16-ft wide alley that appears to be improved with 8-ft of center-strip paving.

- **Water Service** – There is an existing 8-inch CI water main in N Kerby Avenue. The existing house is served by a 5/8-inch metered service from this main.

- **Sanitary Service** - There is an existing 16-inch VSP public combination sewer line in N Kerby Avenue.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Public stormwater improvements will not be required.

Zoning: The site is zoned R2.5a (Residential 2,500), with a Comprehensive Plan designation of R2.5 and an alternative design density overlay zone. 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.

It allows a mixture of housing types of a single-dwelling character, including attached houses. Allowed densities for attached houses are higher than for detached housing. The maximum density is generally 17.4 units per acre for attached housing. To allow the

fulfillment of these densities, the scale of these projects should be allowed to be greater than for other single-dwelling housing structure types.

The Alternative Design Density (a) overlay encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the a-overlay provisions.

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. Exhibit “E” contains the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 23, 2014**. One written response was received from a notified property owner in response to the proposal (Exhibit F1). The neighbor expressed concern that the proposed lots are not compatible with the surrounding neighborhood because of their small size, access to the alley-loaded garages will be difficult, and the proposed demolition of the existing house and garage will contribute to a loss of historic character in the area.

Staff Response: Compatibility of the proposal to the surrounding neighborhood is discussed under approval criteria A, Lots, below. The proposal is consistent with the Approval Criteria regarding narrow lots. The Portland Bureau of Transportation has reviewed the proposal and has determined that the project is consistent with the Transportation Impacts approval criteria and meets the standards regarding vehicle loading areas. The site is not within the Mississippi Conservation District and there are no criteria for the land division related to historic character.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	All trees are exempt on the site because they are nuisance species or not located fully on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
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.B - Non-local street standard	N Kerby is a Local Street.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.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.
	33.654.130.E Ownership of Alleys	No alleys are proposed or required.

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The minimum density for this 5,000 square foot lot in the R2.5 zone is one unit, and the maximum density is 2 units. The applicant is proposing 2 lots to be developed with attached housing. However, detached housing would also be allowed. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,499		25	100	25
Parcel 2	2,499		25	100	25

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

Narrow Lots

Both parcels are approximately 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.

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 Parcels 1 and 2 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, garage and outdoor recreation area while meeting the development standards of the zoning code.
- The lots will be ~2,500 square feet after the proposed land division, and therefore will not be so large as to be able to be further divided.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street.
- The proposed lots are compatible with existing lots and the purpose of this chapter because they meet the Zoning Code standards for new narrow lots and are consistent with the variety of lot sizes and building types found in the surrounding development. Lots that are less than the standard 36 feet wide exist in several locations in the blocks surrounding the proposed site, including directly across the alley. Other examples shown on Exhibit B include 1 block to the south and east on N Commercial, 1 block to the north on N Kerby, and 1 block to the west on N Borthwick.

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

- The applicant has proposed attached housing. However, the lots are 25 feet wide and therefore this standard is met if the site is developed with detached housing.

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

- The site abuts an improved alley, and the applicant has proposed (and will be required) to provide vehicle access to all the lots from the alley.

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

- Parcels 1 and 2 will be required to take access from the alley, therefore there will be no street-facing garage walls, therefore this standard will be met.

60 percent landscaping requirement for attached houses

- Parcels 1 and 2 will be required to take access from the alley. Because there will be no paved vehicle areas at the front of the lots, the applicant can landscape at least 60 percent of the area between the front lot line and the front building line.

If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.

- Parking is required. Therefore, alley access and the garage limitation requirements described above must be met.

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

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

Findings:

Clearing and Grading

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

In this case, the site is 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. The applicant has proposed to remove the existing house and garage 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. Permits 14-152985 RS and 14-152996 RS have been approved to issue by the City at this time for demolition of the residence, garage and sewer capping. With this condition, the new lots can be considered suitable for development, and this criterion is met

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

Findings: The 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. 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.

Street Capacity and Levels of Service

The proposed land division will create 2 parcels from the current lot in order to accommodate 2 new attached homes (the existing single-family detached house on the site will be demolished). Referring to the ITE Trip Generation Manual, 9th Edition, there will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 additional total new daily trips) that may result from the development proposal on the site. The new peak hour trips will have minimal impacts to the area's nearby intersections and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

Vehicle Access/Loading

The new lots will have access via the alley for parking and loading.

On-Street Parking Impacts

On-street parking impacts will be negligible considering the new residences that will be developed on the site will include on-site parking opportunities for at least one vehicle on each parcel, with access via the abutting alley at the rear of the site. Accordingly, no new curb cuts along the site frontage will be necessary, therefore, there will be no net gain or loss of physical on-street parking opportunities related to the proposed development.

Availability of Transit

The site is served by nearby transit service along N Mississippi, west of the subject site via Tri-Met route #4 [Division/Fessenden] and by Tri-Met route #44 [Capitol Hwy/Mocks Crest], east of the subject site along N Vancouver Ave.

Impacts on the Immediate and Adjacent Neighborhoods

The site is being developed with one additional unit, and transportation impacts on the surrounding area will be minimal because of the factors listed above.

Safety for All Modes

There are existing sidewalk corridors throughout the vicinity that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk Map) in the area including Shared Roadways along N Mississippi and N Failing, west and south of the site, respectively.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the classification of the street within the transportation system, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

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

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. Stormwater from the proposed parcels 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 and Site Development have indicated conceptual approval of the drywells as detailed in Exhibits E.1 and E.5.</p>

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. Pedestrian connections should be provided no more than 330 feet apart and at least 200 feet apart. The subject block and others in the vicinity satisfy the public street connectivity goal, but the pedestrian connection goal is only satisfied in the north-south direction. The subject block is approximately 410-ft (north-south length) x 225-ft (east-west length) in overall area. The subject site is located close to midway along the block, making it a desirable location to provide a pedestrian connection through the block. However, it is not feasible to provide the connection without eliminating existing development on abutting lot(s) and would likely compromise the ability to create one of the proposed parcels. These impacts do not make further connectivity through the subject site or block feasible. The subject block and numerous others in all directions from the subject block, are similarly oriented and sized, thereby an existing established pattern has existed for some time throughout the area. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

For the reasons described above, this criterion is met.

33.654.120.C.1 and C.2 Local Service Streets width & elements of the right-of-way**33.654.120.F Alleys width & elements of the right-of-way**

– See Exhibit E.2 for bureau comment

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

Portland Transportation provided the following comments regarding the width and element of the right of way for local streets and alleys:

At this location, according to City GIS, N Kerby Ave is improved with 41-ft of paving width and a 4-6-2 sidewalk corridor within a 65-ft wide r.o.w. The site also abuts a 16-ft wide alley r.o.w. that appears to be improved with 8-ft of center-strip paving.

For Local Service streets abutting R2.5-zoned lots, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and a 0.5-ft wide frontage zone. Although the site's existing sidewalk corridor is wider than the above referenced 11-ft wide standard, the existing furnishing zone is 0.5-ft deficient of the 4-ft wide standard furnishing zone element. However, the existing improvements and site satisfy all of the conditions of PBOT's adopted Temporary Rule TRN-1.22. Accordingly, the existing sidewalk configuration will be accepted as the standard sidewalk configuration for the block length.

The submitted plans show that the new attached homes on the proposed parcels will be served by two garages at the rear of each parcel and accessed by the abutting alley. The alley appears to be improved for the entire block length from N Skidmore to N Mason. No further improvements to the alley will be triggered by the proposed land division.

Frontage improvements will not be required along the site's frontage.

There are no partial rights-of-way nor are there any configurations that allow for future extensions of streets or pedestrians connections in the area.

This criterion is met.

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

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

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.

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

- **Narrow Lots**-- development on Parcels 1 and 2 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
 - All street-facing facades must have landscaping along the foundation per 33.110.240.C.2.d(1); and
 - Sixty-percent of the area between the front lot line and the front building line must be landscaped, per 33.110.240.C.2.d(2)

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

OTHER TECHNICAL REQUIREMENTS

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street trees. At this time, existing street trees are to be protected and preserved. Any disturbance to existing street trees will be reviewed during building permit application. A written permit from the City Forester is required to remove, destroy, cut (including roots), break, injure, or plant any tree of any size in or upon any street, park, or public area as detailed in Title 20/Chapter 20.40.090.

CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plan (Exhibit C2). 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 2-parcel partition that will result in 2 narrow lots, as illustrated with Exhibit C2, subject to the following conditions:

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

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

C. 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 for Parcels 1 and 2. The location of the sign must be shown on the building permit.
2. 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.
3. Vehicular access to parcels 1 and 2 must be from the abutting public alley. Curb cuts are not permitted from N Kerby Avenue.

Staff Planner: Diane Hale

Decision rendered by: Kimberly Tallant **on July 15, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed July 15, 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 March 25, 2014, and was determined to be complete on **May 19, 2014.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 25, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 15, 2014.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 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.portlandonline.com.

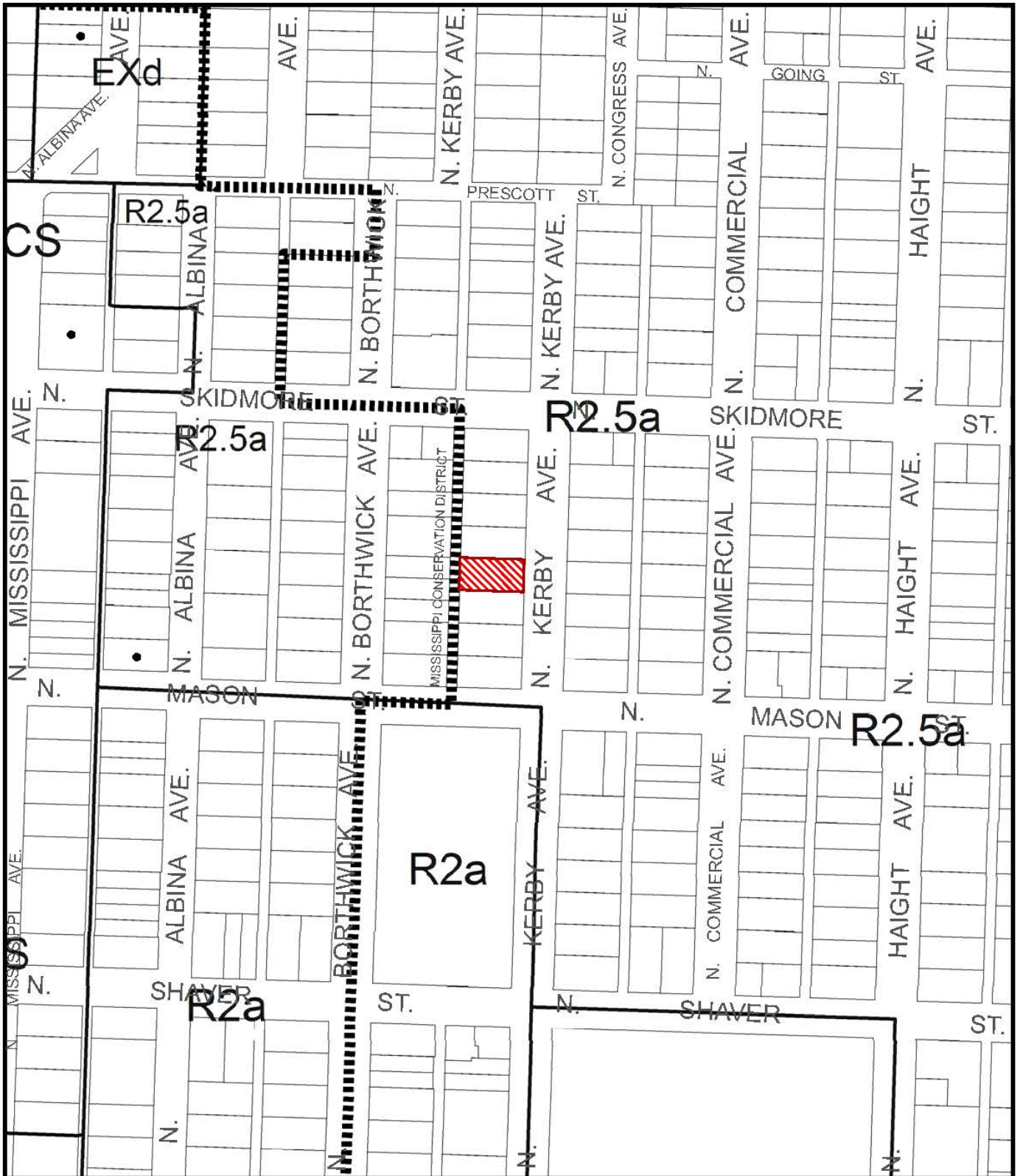
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicant's original submittal and plans
 - 2. Applicant's response, 5-19-14
 - 3. Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. Development Plan (attached)
 - 3. Existing Conditions
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
- F. Correspondence:
 - 1. Jessica Park, June 18, 2014
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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



ZONING



Site



Historic Landmark



NORTH

File No. LU 14-130652 LDP
 1/4 Section 2629
 Scale 1 inch = 200 feet
 State_Id 1N1E22CA 11200
 Exhibit B (Mar 27, 2014)

