



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

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Date: February 12, 2019
To: Interested Person
From: Megan Sita Walker, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 18-258974 DZM – NEW SINGLE-DWELLING HOUSE ON FLAG LOT

Applicant/ Owner: Todd Hutchinson
 5324 SE 89th Avenue | Portland, OR 97266

Site Address: **5324 SE 89th Avenue**

Legal Description: BLOCK 1 S 1/2 OF LOT 9, EVERGREEN PK
Tax Account No.: R262100370
State ID No.: 1S2E16BD 10000
Quarter Section: 3539

Neighborhood: Lents, contact Nick Christensen at mojavenc@gmail.com
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at info@82ndave.org & Lents Business Association, contact lentsgrown@gmail.com.

District Coalition: East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.

Plan District: None
Other Designations: None

Zoning: **R2a** – Residential 2,000 with Alternative Design Density Overlay
Case Type: **DZM** – Design Review with Modifications
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal:
 The applicant requests Design Review approval for a new single-dwelling house on a recently created flag lot approved in 2018 per Land Division – Partition (LU 12-143733 LDP). A previous Design Review with Modifications (LU 12-207136 DZM) was approved concurrently with the Land Division process. The current proposal is to make changes to the previously approved design, that is now expired.

The existing lot is 8,300 square feet in area. With the Land Division – Partition, the flag lot will be 3,518 square feet in area, and the lot where the existing house is located will be about 4,802 square feet in area. A driveway comprised of pervious pavers will provide access to the new house. A parking space for the new house will be located at the end of the driveway, in the southwest corner of the flag lot.

The proposed new house is a 2 ½ story structure with a footprint of approximately 576 square feet. The total height of the structure is 25'-2 1/2" with a pitched roof and front facing gable dormer to highlight the main entrance facing the flag portion of the lot. The gable ends of the roof face east and west and include 1-6" eaves. Materials proposed include: engineered horizontal wood lap siding with a 5" reveal and corner boards on the lower level and wood board and batten siding with battens 16" on center on the upper level. The proposed windows and doors include fiberglass-clad wood double hung, awning, and a sliding window, wood front door, fiberglass-clad wood patio door and a standing seam metal roof.

Per 33.405.070.D of the Zoning Code, proposals taking advantage of the provisions of the Alternative Design Density ("a") Overlay Zone must meet the Community Design Standards or be approved through Design Review. However, because the design of the proposed development was reviewed concurrently with the land division through design review, changes to the design of the proposed development after final plat approval must be reviewed through design review. Therefore, Design Review is required prior to the issuance of building permits.

The proposal does not meet the follow development standards, for which Modifications are requested.

- 1. Modification: PZC, 33.266.120.D.2 states:** "The minimum driveway width on private property is 9 feet." A section of the existing driveway is 6'-0" wide, adjacent to an existing large evergreen tree to be retained. This 6'-0"-wide section of the driveway will be part of the driveway used to access the new house on the flag lot. Therefore, a Modification is needed.
- 2. Modification: PZC, 33.120.220.** In the Multi-dwelling Residential Zones chapter of the Zoning Code, 33.120.220 (Table 120-4) requires five-foot setbacks from the "flagpole" portion of the new flag lot. A portion of the existing house will be located four feet from the "flagpole." Therefore, a Modification is needed.

Relevant Approval Criteria:

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

- *Community Design Guidelines*
- *PZC, 33.825.040 Modifications That Will Better Meet Design Review Requirements*

ANALYSIS

Site and Vicinity: The subject site is an approximately 8,300-square-foot lot located at 5324 SE 89th Avenue, which is located on the irregularly shaped block bounded by SE 89th Avenue, Steele Street, 92nd Avenue, Insley Street, 91st Avenue, and Ellis Street. A Land Division – Partition (LU 12-143733 LDP) was approved at the site, to allow creation of a flag lot. The proposed house will be located on the newly created flag lot.

An existing house is located at the site; constructed in 1909. The site is generally flat, though there is a slight slope up from SE 89th Avenue.

The site is located in a residential area that is generally bordered by single-dwelling residential lots (R5 zone) and Lents Park (OS zone) to the north, and multi-dwelling-zoned properties (R2 zone) and Interstate 205 to the east. To the south, extending to SE Foster Road, there is higher-density residential R1 zoning, Commercial Mixed Use 3 (CM3) zoning. To the west, extending to SE 82nd Avenue, there multi-dwelling R2 zoning and Commercial Mixed Use 3 (CM3) zoning. The existing development throughout this area does not reflect the type or scale

of development allowed by the current zoning designations. Most of the residential properties are currently developed with one- or two-story single-family homes.

The street grid consists of many developed north-south streets and fewer east-west streets. Most north-south streets include sidewalks and planters, whereas many of the east-west streets have only intermittent sidewalk and planter improvements.

According to the City of Portland's Transportation System Plan, SE 89th Avenue is classified as a Local Service Bikeway and Local Service Walkway. The site is located in the Outer Southeast Community Plan Area.

Zoning: The Residential 2,000 (R2) zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The Alternative Design Density "a" overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

Land Use History: City records indicate the following prior land use review for the subject site:

- **LU 12-143733 LDP** approval to create the flag lot where the proposed house will be located; and
- **LU 12-207136 DZM** Design Review approval with Modifications for a new one-story single-family home comprised of a wood-framed portion and a steel shipping container portion, located on a newly created flag, and approval of modifications to: 33.266.120.D.2 (minimum driveway width); 33.405.070.C.4 (setbacks at side lot lines); and 33.120.220 (setback from "flagpole" portion of new flag lot). The approved building was never built.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 2, 2019**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services (See Exhibit E-1)
2. Bureau of Transportation Engineering (See Exhibit E-2)
3. Life safety Division of BDS (See Exhibit E-3)
4. Site Development Section of BDS (See Exhibit E-4)
5. Water Bureau (See Exhibit E-5)
6. Fire Bureau (See Exhibit E-6)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 2, 2019. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

[1] Chapter 33.825 Design Review
Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: Per 33.405.070.D of the Zoning Code, proposals taking advantage of the provisions of the Alternative Design Density (“a”) Overlay Zone must meet the Community Design Standards or be approved through Design Review. However, because the design of the proposed development was reviewed concurrently with the land division through Design Review. Therefore, Design Review is required prior to the issuance of building permits. Because of the site’s location, the applicable design guidelines are the *Community Design Guidelines*.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories:

- (P) *Portland Personality* establishes Portland's urban design framework;
- (E) *Pedestrian Emphasis* states that Portland is a city for people as well as cars and other movement systems; and
- (D) *Project Design* assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

P1. Community Plan Area Character.

Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions.

D7. Blending into the Neighborhood.

Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8. Interest, Quality, and Composition.

All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

Findings for P1, D7, and D8: The subject site is located in the Outer Southeast Community Plan Area. According to the *Community Design Guidelines* document, Guideline P1 can be met in the Outer Southeast Community Plan Area “through the use of architectural details found in surrounding buildings. Outer Southeast is a mixture of housing styles ranging from farm houses and bungalows to more recent ranch style infill housing.”

The proposal is for a new single-family house on a flag lot recently partitioned from an approximately 8,300-square-foot rectangular lot with an existing single-family home. Many large lots in the surrounding area have been similarly partitioned in recent years, allowing for new single-family homes to be constructed behind older homes. The proposal is consistent with this trend, which is consistent with the Outer Southeast Community Plan goal of increasing housing density and increasing the range of housing choices.

The proposed new house incorporates the following design features of other high-quality homes in the surrounding area, contributing to a sense of quality and permanence:

- Painted lap siding with a 6” reveal;
- Painted all-wood board and batten siding with frequent batten spacing at 16” on center;
- A pitched roof form similar to that of existing homes in the area;
- A front porch centered at the main entry;
- Windows set into the building walls and surrounded by proportionally appropriate wood trim. To ensure that that proposed windows are adequately recessed into the wall plane to produce shadow lines, adding interest to the facades and consistent with recessed windows on homes in the area, staff has added Condition of Approval ‘D’ that states all proposed windows shall be recessed into the wall plane a minimum of 2” from the face of sash to the face of exterior cladding.
- Heavily landscaped setbacks also help the new house to blend into the neighborhood; The setbacks will be fully landscaped; and
- The proposed driveway will have minimal impact as it is utilizing the existing curb cut and will consist of two strips of pervious pavers.

With Condition of Approval ‘D’ that all proposed windows shall be recessed into the wall plane a minimum of 2” from the face of sash to the face of exterior cladding per Exhibit C-5, these guidelines are met.

E1. The Pedestrian Network.

Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

D4. Parking Areas and Garages.

Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings for E1 and D4: Parking for the existing house will be located at the rear of the house, along the south property line, north of the “flagpole”. Parking for the proposed new house will be located near the terminus of the “flagpole” of the newly created flag lot, on a parking pad comprised of the same pervious paver strips that comprise the new driveway. The parking pad for the existing house will be about 95 feet from the public sidewalk, and the parking pad for the proposed new house will be about 120 feet from the sidewalk. These locations, far from the pedestrian environment of SE 89th Avenue, minimize the parking areas’ visual impact on the neighborhood.

A singular driveway will be used to access the parking pads for both the existing house and the proposed new house. The existing curb cut at 89th Avenue will be reused for the new driveway. The curb cut need not be expanded. In this way, the addition of a new house to the subject site does not result in expanded vehicle area adjacent to the public sidewalk. The existing positive characteristics of the pedestrian environment of 89th Avenue will be maintained.

Therefore these guidelines are met.

D1. Outdoor Areas.

When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians.

D3. Landscape Features.

Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 and D3: The location and configuration of the proposed house allow for a small porch at centered at the main entrance, a side patio along the west property line of the “flag”, as well as heavily landscaped 8’-0” setbacks at the side lot lines and rear lot line.

The proposal retains existing usable outdoor spaces at the front and rear yards of the existing house. Through a Modification to 33.266.120.D.2, the proposal preserves the existing large coniferous tree directly abutting the driveway, adjacent to the public sidewalk on SE 89th Avenue.

Therefore these guidelines are met.

D2. Main Entrances.

Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings for D2: The main entrance for the proposed new house faces the “flag” of the newly created flag lot, and is accessed via a small porch. The location of the main entrance is highlighted by the distinctive roof form and columns supporting a small upper level deck.

Therefore this guideline is met.

D5. Crime Prevention.

Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground-level uses, and outdoor areas.

Findings for D5: The likelihood of crime is reduced in the following ways:

- The front porch and patio are lined with ample windows and doors provide outdoor space for residents of the new home to survey the immediately surrounding area;
- All façades of the new house contain clear-glazed windows; and
- A light post is proposed at the terminus of the “flagpole”.

Therefore this guideline is met.

[2] 33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

A. Better meets design guidelines.

The resulting development will better meet the applicable design guidelines; and

B. Purpose of the standard.

On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Staff individually addresses each requested Modification below. As part of addressing Modification approval criterion B, the purpose of the development standard being modified is stated for each Modification.

MODIFICATION #1

In the *Parking and Loading* chapter of the Zoning Code, 33.266.120.D.2 states: “The minimum driveway width on private property is 9 feet.” A section of the existing driveway is 6’-0” wide,

adjacent to an existing large evergreen tree to be retained. This 6'-0"-wide section of the driveway will be part of the driveway used to access the new house on the flag lot.

The purpose statement for 33.266.120: Development Standards for Houses and Duplexes, in the Parking and Loading chapter, is:

The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

Findings for Criterion A: With the Modification, the proposal better meets Guideline D1: *Outdoor Areas* and Guideline D3: *Landscape Features*, by allowing for preservation of the existing large coniferous tree directly abutting the driveway and adjacent to the public sidewalk on SE 89th Avenue. This existing tree positively contributes to the landscape of the property and the overall street. *Therefore this criterion is met.*

Findings for Criterion B: The proposal is consistent with the purpose of 33.266.120. Large coniferous trees are a positive defining feature of the neighborhood. The appearance of the neighborhood is enhanced more by the retention of the this large tree than it would be by requiring a uniformly nine-foot-wide driveway. *Therefore this criterion is met.*

MODIFICATION #2

In the *Multi-dwelling Residential Zones* chapter of the Zoning Code, 33.120.220 (Table 120-4) requires five-foot setbacks from the “flagpole” portion of the new flag lot. A portion of the existing house will be located four feet from the “flagpole.”

The purpose statement for 33.120.220: Setbacks, in the Multi-dwelling Zones chapter, is:

The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City’s neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
- Setbacks requirements along [designated] transit streets create an environment that is inviting to pedestrians and transit users; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

Findings for Criterion A: The proposal better meets *Guideline D7: Blending into the Neighborhood*. Without the Modification, a portion of the south building façade of the existing house would have to be demolished and re-built, because it is one foot too close to the “flagpole” of the newly created flag lot. Reconstructing part of the existing house, simply to create a “flagpole” that is uniformly five feet away from the existing house, would cause disruption to the site that runs counter to the spirit of blending into the neighborhood. Thus the Modification enables the site to accommodate new development with fewer effects on existing site conditions. *Therefore this criterion is met.*

Findings for Criterion B: The proposal is consistent with the purposes of 33.120.220. The location of a small portion of the south façade of the existing house four feet from the “flagpole” instead of the required five-foot distance...

- ...does not adversely affect “light, air, separation for fire protection, or access for fire-fighting.”
- ...has no effect on the “general building scale and placement of multi-dwelling development in the City’s neighborhoods.”
- ...has no effect on the “physical relationship between residences,” as the Modification

- involves the proximity of the existing house to the “flagpole” of the flag lot, not the proximity of the existing house to adjacent houses or the proposed new house.
- ...does not affect the visually pleasing nature of the front yard of the existing house.
 - ...has no bearing on the siting of the new house with respect to fitting “the topography of the site,” allowing for “required outdoor areas,” or allowing “architectural diversity” for the new house.
 - ...is irrelevant with regard to setback requirements along transit streets, as SE 89th Avenue is not a designated transit street.
 - ...is irrelevant with regard to parking a car in front of a garage door, as such a condition will not exist at the subject site.

Lastly, the proposal is consistent with the purpose of providing “adequate flexibility to site a building” to achieve compatibility, to “allow for required outdoor areas,” and to “allow for architectural diversity.” Allowing a small portion of the existing house to be four feet from the “flagpole” provides the flexibility needed for the existing house and the proposed new house to share a driveway, as well as the flexibility needed to site a new house at the rear of the site. The existing house is part of the oldest housing stock in the neighborhood. Requiring the visually awkward setback of a small portion of the house from the “flagpole,” simply to achieve a five-foot distance instead of a four-foot distance, has been deemed counterproductive and unnecessary, with regard to the existing home’s presence at the street and the side driveway appearance of the “flagpole.” *Therefore this criterion is met.*

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 requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

Design Review ensures that development conserves and enhances the recognized special design values of a site or area and ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area and to promote quality development near transit facilities. The proposed new house will have minimal visual impact on the neighborhood, by virtue of its significant side and rear setbacks, and location far from the pedestrian environment of SE 89th Avenue. The use of materials and architectural details similar to those of high-quality homes in the area helps the house to achieve compatibility with the neighborhood. The two proposed Modifications enable the proposal to better meet applicable design guidelines, and the respective purposes of the development standards being modified are still met. In conclusion, with conditions of approval the proposal meets the applicable design guidelines and the Modification approval criteria and therefore approval is warranted.

ADMINISTRATIVE DECISION

Approval of a new 2½ -story single-dwelling home located on a newly created flag lot at 5324 SE 89th Avenue, in the Lents neighborhood, in the Outer Southeast Community Plan Area.

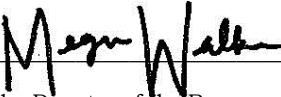
Approval of Modifications to the following development standards:

1. 33.266.120.D.2 (minimum driveway width); and
2. 33.120.220 (setback from “flagpole” portion of new flag lot)

Approval per the approved site plans, Exhibits C-1 through C-9, signed and dated February 7, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-258974 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. All proposed windows shall be recessed into the wall plane a minimum of 2" from the face of sash to the face of exterior cladding, per Exhibit C-5.

Staff Planner: Megan Sita Walker

Decision rendered by:  on **February 7, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed: February 12, 2019

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

Procedural Information. The application for this land use review was submitted on October 29, 2018, and was determined to be complete on December 21, 2018.

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 October 29, 2018.

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 extended by the applicant, **the 120 days will expire on: April 20, 2019.**

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 26, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 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.

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 Design Commission 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 Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

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

- *Unless appealed*, the final decision will be recorded after **February 26, 2019** by the Bureau of Development Services.

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

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

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

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original Project Description & Response to Approval Criteria
 - 2. Original Drawing Set
 - 3. Revised Narrative & Details, Rec'd November 16, 2018
 - 4. Revised Project Description/ Narrative, Rec'd December 21, 2018
 - 5. Revised Drawing Set, Rec'd December 21, 2018
 - 6. Updated Specifications, Rec'd December 21, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Floor Plans
 - 4. Section Details
 - 5. Window Recess Detail
 - 6. Specifications – Lap Siding
 - 7. Specifications – Roofing
 - 8. Specifications – Doors
 - 9. Specifications – Windows
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering
 - 3. Life safety Division of BDS
 - 4. Site Development Section of BDS
 - 5. Water Bureau
 - 6. Fire Bureau
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, November 8, 2018
 - 3. Final Plat Approval and Recording (FP 12-143733), dated February 28, 2018
 - 4. Land Division Partition (LU 12-143733 LDP)
 - 5. Previous Design Review (LU 12-207136 DZM)
 - 6. Recessed Window Installation Reference Sheet
 - 7. Email Correspondence between staff and the applicant

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



File No.	LU 18-258974 DZM
1/4 Section	3539
Scale	1 inch = 200 feet
State ID	1S2E16BD 10100
Exhibit	B Oct 31, 2018

GENERAL NOTES

- These drawings shall be prepared to comply with the applicable codes of the City of Portland, Oregon.
- Refer to the "General Notes" section of the "City of Portland" drawings for additional information.
- These drawings shall be prepared to comply with the applicable codes of the City of Portland, Oregon.
- Refer to the "General Notes" section of the "City of Portland" drawings for additional information.

CONCRETE

- Concrete shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Concrete shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Concrete shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.

WOOD FRAMING

- Wood framing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Wood framing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Wood framing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.

INSULATION & WEATHER SEALING

- Insulation and weather sealing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Insulation and weather sealing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Insulation and weather sealing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.

FOUNDATION

- Foundation shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Foundation shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Foundation shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.

FRAMING NOTES

- Framing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Framing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.
- Framing shall be placed and finished in accordance with the applicable codes of the City of Portland, Oregon.

COVER SHEET, GENERAL NOTES & SITE PLAN

5324 SE 89th Avenue
PORTLAND, OR 97266

Hutchinson
NEW RESIDENCE

CS 177-148

12.17.2018

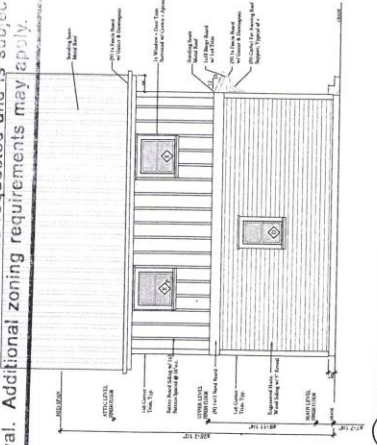
LU 18-258974 DZM

*** APPROVED PER CONDITIONS B-D**

EXH C-1

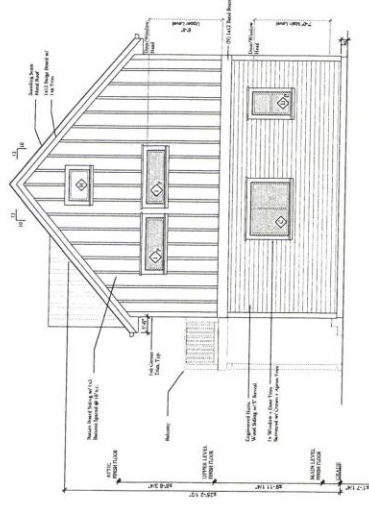
LU 18-258974 DZM

Approved
 City of Portland - Bureau of Development Services
 Planner ML Date 2.7.17
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



4 PROPOSED NORTH ELEVATION
 A2.0 SCALE: 1/4" = 1'-0"

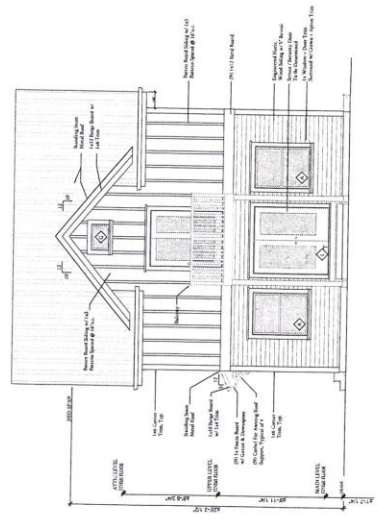
*APPROVED PER CONDITIONS B-D



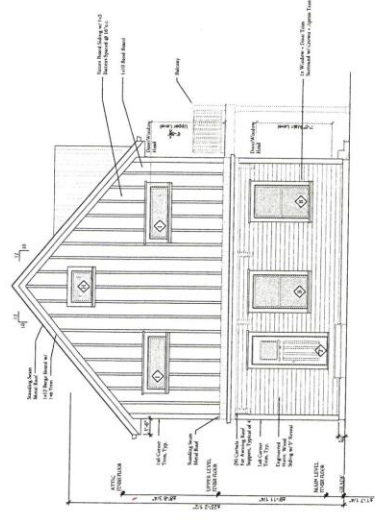
3 PROPOSED EAST ELEVATION
 A2.0 SCALE: 1/4" = 1'-0"

EXIT C-2

LU 18-258974 DZM



2 PROPOSED SOUTH ELEVATION
 A2.0 SCALE: 1/4" = 1'-0"



1 PROPOSED WEST ELEVATION
 A2.0 SCALE: 1/4" = 1'-0"

Proposed Exterior Elevations 17-148
A2.0 12.17.2018
 HUTCHINSON
 NEW RESIDENCE
 5324 SE 89th AVENUE
 PORTLAND, OR 97266

Design: **Design:**