



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: February 15, 2019
To: Interested Person
From: Tim Heron, Land Use Services
503-823-7726 / Tim.Heron@portlandoregon.gov

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

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

CASE FILE NUMBER: LU 18-250279 DZ - DUPLEX

GENERAL INFORMATION

Applicant: Daniel Keller | Aram Irwin Historic Home Design
931 NW 20th Ave., Apt 42 | Portland OR 97209
503-544-5971

Owner: Melissa Shays
2005 State Road PO Box 324 | Mosier, OR 97040-0324

Party of Interest: Cameron Coleman
2373 SE 44th Avenue, Unit 302 | Portland, OR 97215

Site Address: Not yet addressed; flag lot south of 2123 SE 12th Avenue

Legal Description: LOT 2, PARTITION PLAT 2017-52
Tax Account No.: R649682060
State ID No.: 1S1E02CD 16502
Quarter Section: 3231

Neighborhood: Hosford-Abernethy, contact Michael Wade at wade.michael@comcast.net

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: Central City - Central Eastside
Other Designations: None

Zoning: **R1d** – Residential 1,000 with Design Overlay
Case Type: **DZ** – Design Review
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal: The proposal requests Design Review approval for a 4-story duplex [approximately 43' tall] with a rooftop terrace on the flag lot created by LU/FP 16-218773. The ground floor provides two main entrances and two parking spaces [one for each unit], and three levels above to serve both dwelling units. Required setbacks are proposed to be fully landscaped. Parking access is provided via the single lane curb cut from SE 12th Avenue. Proposed materials include concrete, composite wood siding, and fiberglass clad wood windows.

Because the proposal is for new development in a design overlay zone, Design Review is required.

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:

- Central City Fundamental Design Guidelines
- Oregon Statewide Planning Goals
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan

ANALYSIS

Site and Vicinity: The site is located in a neighborhood consisting of single-family homes, duplex and multi-dwelling development, and is adjacent to several businesses. The site itself contains an existing duplex. The site is relatively flat and contains two trees that are considered nuisance species. The street grid adjacent to the site provides good connectivity for all modes of transportation.

Zoning: The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

Land Use History: City records indicate one prior land use review:

- **LU 16-218773 LDP – Land Division Partition Approval** for a 2-parcel partition, that will result in two [2] duplex lots. As a Condition of Approval, the lots must be developed as duplexes [minimum and maximum density].

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 24, 2018**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Site Development Review Section of BDS
4. Water Bureau
5. Fire Bureau
6. Life Safety and Plan Review

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 24, 2018. A total of five written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. December 26, 2018, Katrina Terlikosky, opposed to construction.
2. January 8, 2019. Catherine Failor concerns with building size.
3. January 12, 2019, Danielle Black, concerns with driveway safety and building size.
4. January 13, 2019, Chris Eykamp, concerns with driveway safety and building size.

5. January 14, 2019, Undersigned 12th Avenue residents [Gail Hayes, Jamie Solorio, Eric Meredith, Gina Morray, Janet Blackstone, Paul Anson, Claud Gilbert, Emily von W. Gilbert], concerns with driveway safety, support for development.

Staff Response: Concerns raised with this proposed generally fall into the following categories – 1) Construction Noise, 2) Driveway Access/ Safety/ Privacy, and 3) Building Size/ Scale – and are addressed below.

- 1) Construction Noise. Statement from the Applicant: *We are sensitive to the concerns of the neighboring properties regarding neighboring development. We can appreciate that the construction of a duplex will cause some amount of disruption to everyday life regarding construction noise and the like. The previous land use application requires a duplex to be built on this flag lot, so the byproducts of construction are par for the course. As the owner is planning on being a resident of the building, he and our team are happy to work with the neighbors on making construction and development choices that are respectful. We have supplied construction noise mitigation guidelines and will require the general contract implement these best practices during construction. We are also willing to work with the neighboring properties and propose drafting and presenting a list of construction requirements that are beneficial to the neighbors, including things like limited work hours, noise regulations, erosion control, tree fencing, and the like.*
- 2) Driveway Access/ Safety. No new curb cut is being added, the existing curb cut is being maintained. The proposed parking configuration for the two off-street parking spaces provided on site will allow room to turn a vehicle around, allowing forward motion access to SE 12th Avenue.
- 3) Building Size/ Scale/ Privacy. The siting of this development, outside of all side setbacks, and the height, which is below the maximum 45' allowed, meets the zoning regulations for this site, and the same as required to the north, south and east [also R1 Zone]. To the west, an RX zoned property has a much larger zoning envelope of 0' setbacks and 100' height limit.

The applicant has also provided this statement regarding shadow studies: *As the predominant sun exposure is from the south, the greatest shadow effect will theoretically occur on properties to the north, largely those properties on SE Lincoln street, thus the neighbor has some cause for concern. However, we have performed and provided a sun study as an appendix to this application to demonstrate that the building's location on the block does allow its shadow to reach any property on SE Lincoln in the Spring or Summer months, mitigating the concern for proper sunlight for growing vegetables in neighboring properties to the north. The natural shading of trees on the block provides more blockage of the sun at these locations than the building bulk proposed. Additionally, for the Fall and Winter months, a sun study has been provided to show that there are still ample available hours for sun exposure, as the shadow of the building does not reach the property in question at all on the Fall Equinox (1126 SE Lincoln) until 2:00 pm on the Winter Solstice. Furthermore, we feel that the sun studies demonstrate that the central-east location of the duplex on the city block mitigates the worst of its shadow effects for not just this concerned neighbor's property but largely for the adjacent development.*

Regarding scale, the proposed design incorporates high-quality materials – metal clad wood windows, composite rain screen siding, concrete base – that have been composed into a highly detailed cotemporary design. Additional information is detailed in the Findings Section below.

ZONING CODE APPROVAL CRITERIA

DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the:

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central Eastside Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

Central City Plan Design Goals. This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

- 1) Encourage urban design excellence in the Central City;
- 2) Integrate urban design and preservation of our heritage into the development process;
- 3) Enhance the character of the Central City’s districts;
- 4) Promote the development of diversity and areas of special character within the Central City;
- 5) Establish an urban design relationship between the Central City’s districts and the Central City as a whole;
- 6) Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- 7) Provide for the humanization of the Central City through promotion of the arts;
- 8) Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- 9) Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project. Responses to the Design Guidelines are addressed by “Three Tenets of Design Review”: Context, Public Realm, and Quality and Permanence.

Context: A2, A3, A5, C1, C1-1, C3-1, C3-2, C4

A2: EMPHASIZE PORTLAND THEMES

A3: RESPECT THE PORTLAND BLOCK STRUCTURES

A5: ENHANCE, EMBELLISH, AND IDENTIFY AREAS

C1: ENHANCE VIEW OPPORTUNITIES

C1-1: Integrate Parking

C3-1: Design to Enhance Existing Themes in the District

C3-2: Respect Adjacent Residential Neighborhoods

C4: COMPLEMENT THE CONTEXT OF EXISTING BUILDINGS

Findings:

- The proposal is for a two-family structure [duplex] on a flag lot in the SE 11th-12th Avenue corridor which is zoned for 45’ to 100’ tall residential uses.
 - In terms of massing and general building shape, the overall “vertical block” form of the structure references both groupings of two or more adjoined-wall multi-story residential townhouses such as are found nearby, or the appearance of boxy offices or warehouses of the adjacent industrial district.
- The use of horizontal composite wood siding in the proposal as an exterior cladding material references the residential surroundings, but the use of more industrial materials like concrete pillars and cementitious panels provide a link to the industrial zone to the west.
 - The wall materiality, for example, is a mix of finer scale horizontal composite wood siding with a soft, natural wood effect, reflecting the adjacent single-family dwellings to the east, broken by vertical rhythmic window bays with more

- industrial cementitious board panels tying the structure to the concrete industrial block buildings to the west.
- Windows follow the same mix of residential and industrial, with the incorporation of smaller windows patterned after the size and proportions of the traditional double hung windows of the neighboring residential district, alternating with projecting horizontal bays of larger more vertical windows ganged into groupings of four to maintain a horizontal composition typical of the warehouse block buildings in the Industrial East Side.
 - The proposal integrates elements and features of the local design vocabulary that help unify and connect it with both the adjacent residential areas to the east, and industrial buildings and areas to the west.
 - The neighboring Victorians to the west at 2112 and 2118 SE 11th Avenue are three floors and are lifted 3/4 of a story off of the ground.
 - A 2017 multi-family structure at 1106-1114 SE Lincoln Street, approved under 15- 209072-LU is three stories and has a footprint that is about 4 times the size of the footprint proposed.
 - The Hacker Architecture development at 2014 SE 11th Avenue corridor is a four-story apartment block, approved under 16-289838-LU, is a nearby four story multi-family residential infill project.
 - This proposal will reuse the existing curb-cut and driveway, and of course, the nature of developing a flag lot will allow the older building originally on the lot before it was subdivided to remain.
 - The proposal includes a rooftop terrace accessible to both units with views of the river and greenway, including sections of open railing to allow fully unimpeded visual connection.

These guidelines are therefore met.

Public Realm: A4, A7, A8, B1, B6, B6-1, C11, C12

A4: USE UNIFYING ELEMENTS

A7: ESTABLISH AND MAINTAIN A SENSE OF URBAN ENCLOSURE

A8: CONTRIBUTE TO A VIBRANT STREETScape

B1: REINFORCE AND ENHANCE THE PEDESTRIAN SYSTEM

B6: DEVELOP WEATHER PROTECTION

B6-1: Provide Pedestrian Rain Protection

C11: INTEGRATE ROOFS AND USE ROOFTOPS

C12: INTEGRATE EXTERIOR LIGHTING

Findings:

- The proposal integrates elements and features that help unify and connect it with both the adjacent residential areas to the east, and industrial buildings and areas to the west.
 - Residential elements include the look of large expanses of fine scale horizontal natural wood siding, and central windows smaller in scale and reminiscent of historic wood double hung windows, referential of the adjacent older wood-frame residences to the east.
 - Industrial elements referential of the neighboring Industrial Eastside to the west include areas of vertical cementitious cladding, banks of larger aluminum clad windows, and metal elements such as parapet and railing. The overall “block” form of the structure and the appearance of concrete piers on the ground level reference the factories, warehouses, and loading bays of the adjacent industrial district.
- Despite the limitations of the flag lot “pole” portion, the development proposes a vibrant ground level through the integration of on-site pedestrian pathways around the building, with areas for seating and landscaping, including covered areas beneath the cantilevered portions of the building.

- With regard to pedestrian passers-by on the sidewalk, the nature of the flag lot is fortunately such that essentially all building systems, such as HVAC equipment, are set back beyond any possible interaction.
- The proposal's intent is to use a combination of pervious material and concrete pavers at the driveway to reinforce the pedestrian scale and use of the driveway corridor. Project scope also includes repair to existing dilapidated elements at sidewalk frontage.
- With regard to a resident or visitor walking up the driveway, the narrowness of the flag portion of the lot precludes an entirely separate pedestrian infrastructure. However, this can be mitigated by pedestrian scale elements and lighting systems in both the driveway ground plane and mounted at the sidewalk level of the building to enhance nighttime safety and visibility for pedestrian access. Furthermore, the driveway will consist of two parallel concrete paver parking strips continuing to the back of the property, which will provide a friendlier, landscaped, human scale experience to the pedestrian.
- Substantial 6'+ cantilevered overhangs running full width at each end of the building at the ground plane provide superb weather protection for both duplex residents.
- The proposal makes full use of the entire rooftop as a recreational terrace, allowing views in all directions including the Central City's skyline.
 - Low level lighting will be integrated into the parapet and at the exterior doorways to also allow for use of the rooftop day or night. Integrated planters at the building corners will provide natural greenery and shading opportunities. Additional container gardening, benches, and limited walkable groundcover is also envisioned for a more natural, cooler rooftop environment. Finally, rooftop rain water will be both captured by rooftop greenery, and diverted to underground storage tanks for later on-site use.
- Lighting is proposed at the driveway plane for pedestrian safety and building approach, additionally, downward-oriented (to prevent unnecessary light pollution for the neighboring property) surface-mounted lighting is proposed at the ground level to illuminate the concrete pier structure. Ceiling mounted lighting is integrated for use of the covered overhanging areas, while motion activated lights are located in this area at the entry doors to light the area when in use.

These guidelines are therefore met.

Quality & Permanence: C2, C5

C2: PROMOTE QUALITY AND PERMANENCE IN DEVELOPMENT

C5: DESIGN FOR COHERENCY

Findings:

- The building incorporates multiple high-quality materials and strategies to protect the building's integrity and permanence.
 - Roof: Seamless, walkable fiberglass and emulsion roof coating system.
 - Rain-screen siding with durable, composite, water resistant cladding includes weather-resistive barrier rated for continuous UV exposure and flashing at all penetration points and cladding transitions. This system has a longer anticipated lifespan than traditional wood lap and does not require continuous painting maintenance.
 - Aluminum clad windows with sealed anodized finish are the ultimate in window durability and require little to no maintenance over the long term.
- The overall structure is unified by symmetry and repeating patterns throughout, defined by a coherent grid of continuous, rhythmically alternating vertical and horizontal elements, comprising:
 - Regular gangs of 2, 3 or 4 tall, vertical windows grouped into horizontal window bays, stacked vertically in cementitious fiberboard bands, and arrayed horizontally at regular symmetric intervals all around the building.
 - A railing system that aligns with the vertical banding of the building.
 - A visually balanced massing of the vertical bands "resting" directly on top of the regularly spaced pillars around the base of the building.

- Beveled window bays that reference the beveled appearance of the angled pillar sections below.
- Horizontal top and bottom bands that together frame the interior components of the building.
- Continuous banding all around the building supplied by the regular fine-scale horizontal wood siding.
- Vertically aligned, identically sized, symmetrically arrayed smaller windows within the horizontal wood siding.
- The proposal incorporates one enclosed garage parking spot for each tenant on the ground floor of the building, also suitable for lockable long-term bike parking, and (2) code compliant short-term bike parking spaces at the end of the driveway.

These guidelines are therefore met.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing. The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1.

Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. *As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and *Goal 3 and Goal 4 do not apply.*

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. *This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.*

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *Staff finds the proposal is consistent with Goal 6.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any

way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *For these reasons, staff finds the proposal is consistent with Goal 10.*

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.*

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the

Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. *This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. *The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.*

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of

development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings: *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

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

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This development not only reflects the character of the mixed industrial and residential neighborhood as it exists today, but will also be something that will help define and evolve possibilities for future flag lot development opportunities in the Central City and Central Eastside Districts, as part of Portland’s overall effort to develop sufficient infill housing to keep the City’s housing stock both affordable and vibrant. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Design Review Approval for a 4-story duplex with a rooftop terrace and two parking spaces accessed by the single lane curb cut from SE 12th Avenue.

Approval includes two ground floor main entrances, landscaped setbacks, and materials, which include concrete, composite wood siding, and aluminum clad wood windows.

Approval per the approved site plans, Exhibits C-1 through C-7, signed and dated February 13, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 18-250279 DZ." 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.

Staff Planner: Tim Heron



Decision rendered by: _____ **on February 13, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 15, 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 9, 2018 and was determined to be complete on December 18, 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 9, 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 requested that the 120-day review period be extended 14-days, Exhibit A.7. Unless further extended by the applicant, **the 120 days will expire on: May 1, 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 March 1, 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 on or after **March 4, 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

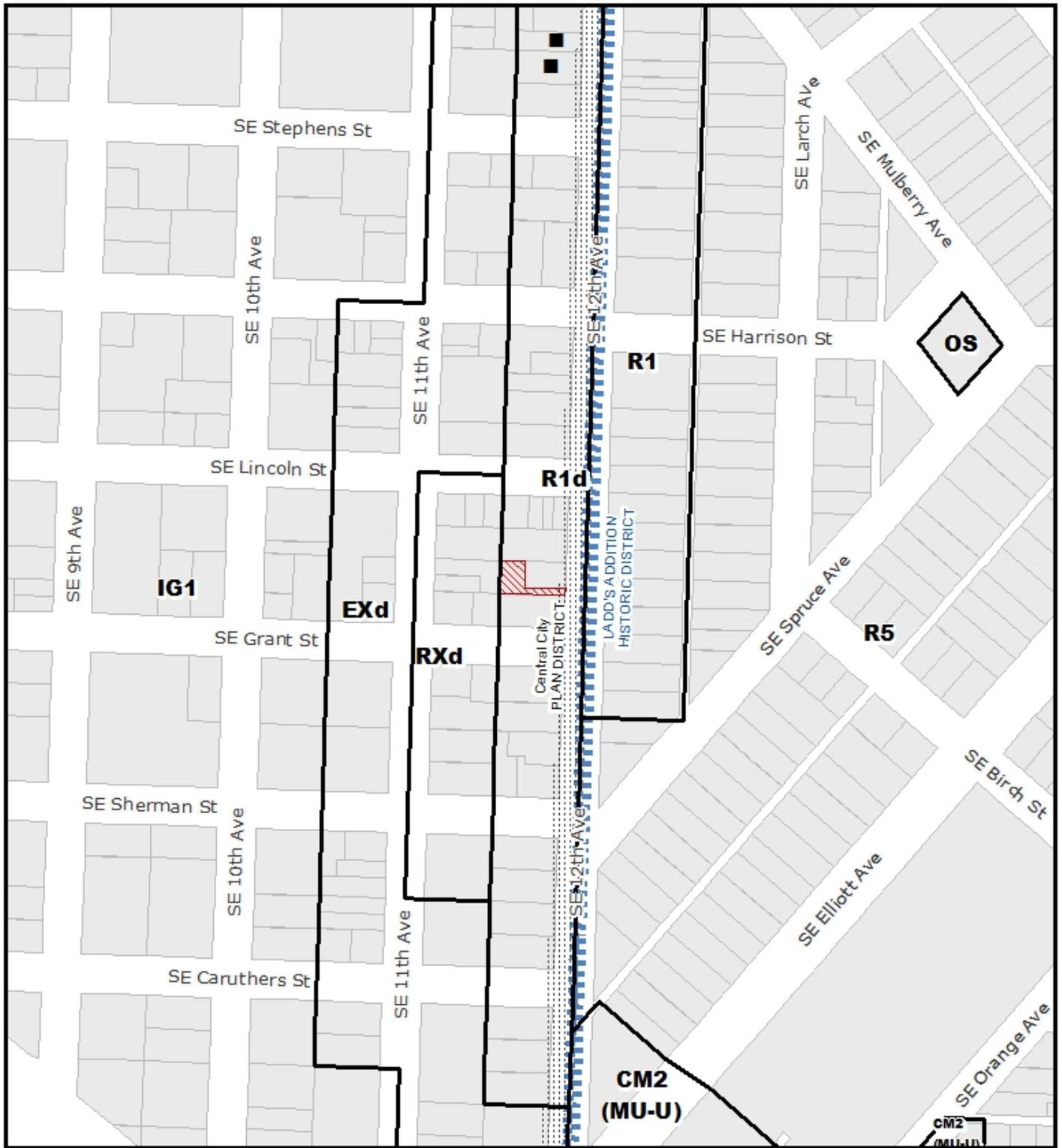
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. October 9, 2018 Original Narrative and Drawings Submittal
 - 2. November 9, 2018 REVISED Narrative and Drawings Submittal
 - 3. November 20, 2018 120-day Extension to December 9, 2018
 - 4. December 11, 2018 REVISED Drawing Submittal
 - 5. January 16, 2019 REVISED Narrative and Drawing Submittal, Appendices 1-4
 - 6. February 3, 2019 Revised Drawing Submittal, Appendices 5
 - 7. February 5, 2019 14-day extension to 120-day clock
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2.0 - 2.4 Ground Floor Plan, 2nd-4th Floor Plans, Roof Plan
 - 3.1 East Elevation (attached)
 - 3.2 South Elevation (attached)
 - 3.3 West Elevation (attached)
 - 3.4 North Elevation (attached)
 - 4. Landscape Plan
 - 5.0 - 5.1 Utility Plan and Exterior Lighting Plan
 - 6.1 - 6.2 Window and Wall Sections
 - 7.1 - 7.3 Material sections and window details
- 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. Site Development Review Section of BDS
 - 4. Water Bureau
 - 5. Fire Bureau
 - 6. Life Safety and Plan Review
- F. Correspondence:
 - 1. December 26, 2018, Katrina Terlikosky, opposed to construction.
 - 2. January 8, 2019. Catherine Failor concerns with building size.
 - 3. January 12, 2019, Danielle Black, concerns with driveway safety and building size.
 - 4. January 13, 2019, Chris Eykamp, concerns with driveway safety and building size.
 - 5. January 14, 2019, Undersigned 12th Avenue residents [Gail Hayes, Jamie Solorio, Eric Meredith, Gina Morray, Janet Blackstone, Paul Anson, Claud Gilbert, Emily von W. Gilbert], concerns with driveway safety, support for development.
- G. Other:
 - 1. Original LU Application
 - 2. October 18, 2018 Incomplete Letter
 - 3. November 1, 2018 Staff Email update [incomplete still, Planner hand-off]

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



THIS SITE LIES WITHIN THE:
CENTRAL CITY PLAN DISTRICT
CENTRAL EASTSIDE SUBDISTRICT



Site



Historic Landmark

File No.	LU 18-250279 DZ
1/4 Section	3231
Scale	1 inch = 200 feet
State ID	1S1E02CD 16502
Exhibit	B Dec 20, 2018

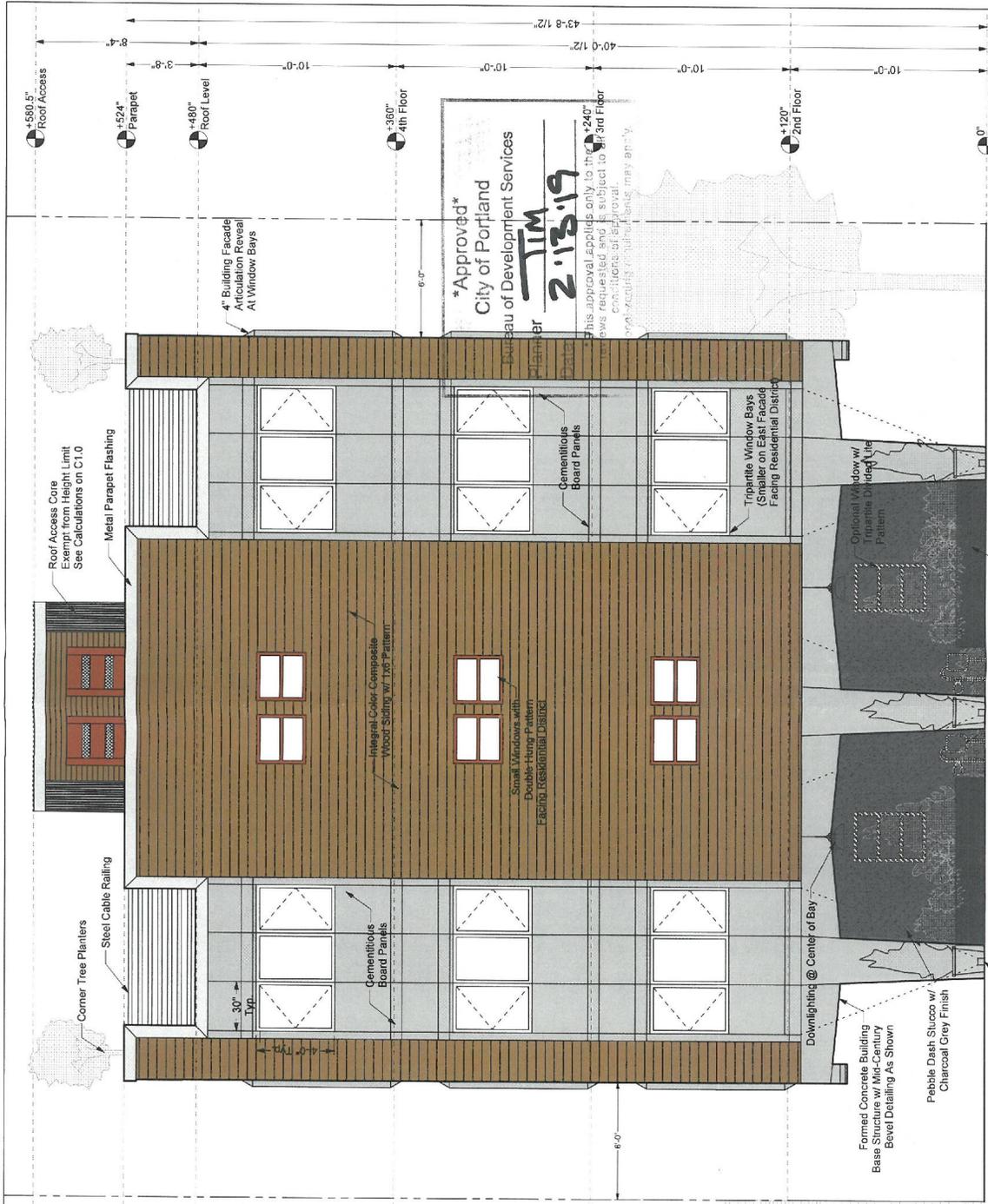
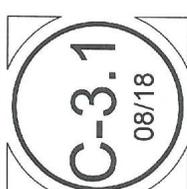


ARAM IRWIN
2829 SW Bertha Blvd.
Portland, OR 97239
(503) 544-5971
aramirwin@gmail.com

Structural Engineer
TIM COVERT P.E.
1750 SW Skyline Blvd.,
Rm 221 / PDX, OR 97221
ph: (503) 228-0426
Job #: TBD

Legal Project
Coleman Duplex
2123 SF 12TH AVE

Permit # TBD
Title **East Elevation Proposed**
Version **Design Review**
Date **02-01-19**
Scale **3/16" = 1' @ 11" X 17"**



Approved*
City of Portland
Bureau of Development Services
Planner
TIM
2.13.19
This approval applies only to the +240' level. Any requested work above this level is subject to the review and approval of the Bureau of Development Services. All other applicable codes and standards may apply.

1
East Facade Elevation
Scale: 3/16" = 1'
0' 1' 2' 3'

LJ 19-250279 DE

Setback Calculation
R1 Front Setback Min = 3'
Building Front (East) is Setback 5' From Flag Front Lot Line
- Per Situations from LU-218773-LDP
Building Front (East) is Set 6'-6" From Street Front Lot Line
Bay Window extensions into the setback:
Meets requirements of 33.120.220 D
1. Bays are less than 12' long
2. Total Facade Area is 1582 SF
Area of Bays (6) x 68 SF = 408 SF
30% of Facade Max = 474.6 SF > 408 SF
3. Bay Area is 68 SF Each
Glazing Area = 30 SF (10 SF x 3 Casements) Each Bay
30% of Bay Minimum Glazing = 20.4 SF < 30 SF



ARAM IRWIN
 2829 SW Bertha Blvd.
 Portland, OR 97239
 (503) 544-5971
 aramirwin@gmail.com

Structural Engineer
TIM COVERTE
 5856 SW Olympic Blvd.
 Portland, OR 97206
 PH: (503) 888-9933
 Job #: TBD

Project
Coleman Duplex
 # 2123 SF 12TH AVE

Permit # TBD
 Title
South Elevation Proposed

Version
Design Review
 Date
 02-01-19
 Scale
 3/16" = 1' @ 11" X 17"



Setback Calculation
 R1 Side Setbacks Per 33.120.220, Table 120-4
 South Facade Area = 1,118 SF = 8 Feet, Setback
 Bay Window extensions into the setback:
 Meets requirements of 33.120.220 D
 1. Bays are less than 12' long
 2. Total Facade Area is 1,118 SF
 Area of Bays = 144 SF (3 x 48 SF Each)
 30% of Facade Max = 335 SF > 144 SF
 3. Bay Area = 144 SF < 335 SF
 Glazing Area = 315 SF (17.5 SF x 2 Casements)
 30% of Bay Minimum Glazing = 14.4 SF < 35 SF

* Approved*
 City of Portland
 Bureau of Development Services
 Planner
TIM
 Date
2.13.19
 This approval applies only to the
 reviews requested and is subject to all
 conditions of approval.
 Additional review requirements may apply.

1 South Facade Elevation
 Scale: 3/16" = 1'

LV 19-250279 DZ

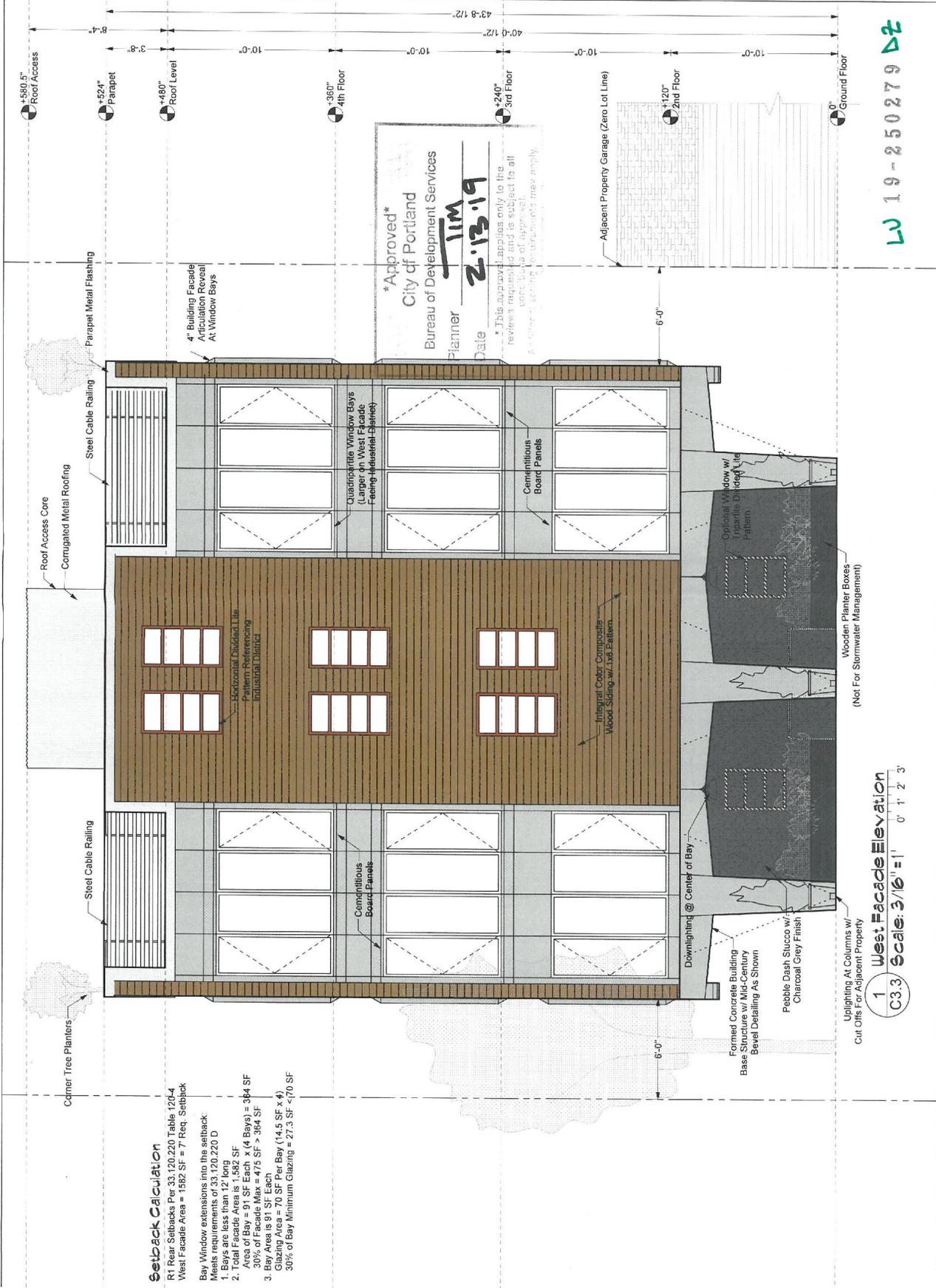


ARAM IRWIN
2829 SW Bertha Blvd.
Portland, OR 97239
(503) 544-5971
aramirwin@gmail.com

Structural Engineer
KEVIN ROBERTS
3849 SW Sawyer Blvd.,
Portland, OR 97221
PH: (503) 888-0433
Job #: TBD

Legal Project
Coleman Duplex
2123 SF 12TH AVE

Permit # TBD
Title **West Elevation Proposed**
Version **Design Review**
Date **02-01-19**
Scale **3/16" = 1' @ 11" X 17"**



Setback Calculation
R1 Rear Setbacks Per 33.120.220 Table 120-4
West Facade Area = 1562 SF = 7' Req. Setback
Bay/Window extensions into the setback:
Meets requirements of 33.120.220 D
1. Bays are less than 12' long
2. Total Facade Area is 1,582 SF
Area of Bay = 91 SF Each x (4 Bays) = 364 SF
30% of Facade Max = 475 SF > 364 SF
3. Bay Area is 91 SF Each
Glazing Area = 70 SF Per Bay (14.5 SF x 4)
30% of Bay Minimum Glazing = 27.3 SF < 70 SF

Approved
City of Portland
Bureau of Development Services
Planner **TIM**
Date **2.13.19**
This approval applies only to the review's requirements and is subject to all other applicable codes and regulations. All other applicable codes and regulations must apply.

LV 19-250279 DF

1 West Facade Elevation
Scale: 3/16" = 1' 0 1 2 3'



ARAM TWIN
 2829 SW Bertha Blvd.
 Portland, OR 97239
 (503) 544-5971
 aramtwin@gmail.com

Structural Engineer

TIM COVERTRE
 1750 SW Skyline Blvd.,
 Rm 2217 PDX, OR 97221
 ph: (503) 228-0426
 Job #: TBD

Project
Coleman Duplex
 # 2123 SE 12TH AVE #

Legal
 These Plans are an instrument of service and the property of the Designer, and may not be copied, reproduced, or otherwise used in any way without the express written consent of the Designer. // Plans are conceived in nature and Designer is not responsible for any damages, related to accuracy or overall integrity of the Plans. There is no contractor liability to construction. Contractor is responsible for reading and interpreting all applicable codes, applicable codes, and common building practices. Plans to specify site conditions, applicable codes, and common building practices.

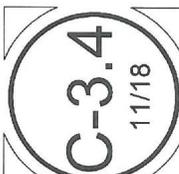
Permit# **TBD**

Title
North Elevation Proposed

Version
Design Review

Date
02-01-19

Scale
3/16" = 1' @ 11" X 17"



Approved
 City of Portland
 Bureau of Development Services
 Planner
TIM
 Date
2.13.19

This approval applies only to the plans as requested and is subject to all applicable zoning requirements. All other zoning requirements may apply.

LU 19-250279 DE

1 North Facade Elevation
 Scale: 3/16" = 1' 0' 1' 2' 3'

Setback Calculation
 R1 Site Setbacks Per 33.120.220 Table 120-4
 South Facade Area = 1,116 SF = 6' Req. Setback
 Meets requirements into the setback:
 1. Bays are less than 12' long
 2. Total Facade Area is 1,118 SF
 Area of Bays = 144 SF (3 x 48 SF Each)
 30% of Facade Max = 335 SF > 144 SF
 3. Bay Area is 48 SF Each
 Glazing Area = 35 SF (17.5 SF x 2 Casements)
 30% of Bay Minimum Glazing = 14.4 SF < 35 SF