



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

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Date: August 12, 2019
To: Interested Person
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 19-114462 LDS

GENERAL INFORMATION

Applicant: Sarah Radelet / Strata Land Use Planning
PO Box 90833 / Portland OR 97290

Owners: Richard Follstad and Marilyn Martin
2214 NE 158th Ave / Portland OR, 97230

Site Address: 5638 SE Hawthorne Blvd
Legal Description: LOT 1 EXC S 57.25', BUCHANANS ADD
Tax Account No.: R113300010
State ID No.: 1S2E06DB 00100
Quarter Section: 3236

Neighborhood: Mt. Tabor, contact Stephanie Stewart at 503-230-9364.
Business District: Hawthorne Blvd. Bus. Assoc., contact at explore@hawthornepdx.com
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Zoning: R5 (Single-dwelling Residential 5,000)
Case Type: LDS (Land Division Subdivision)
Procedure: Type I_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a 4-lot subdivision for this 16,020 square foot corner lot that will result in 4 houses/lots in total. The existing development on the site will be removed. Lots will range from 3,549 to 3,628 square feet in area. Lots 1 and 2 are proposed to be developed with detached single-family homes; attached single family homes are proposed for Lots 3 and 4. This proposal utilizes the added density provision of 1 extra unit available for corner lots in the R5 zone (see 33.110.240.E). Off-street parking is proposed for all of the new homes. The site's frontages along SE 57th Ave and SE Hawthorne Blvd will be reconstructed to include wider sidewalks and ADA corner ramps. There are twelve regulated trees on the site. The applicant is proposing to preserve two of these trees (a 49" Deodar Cedar and a 34" Honey Locust).

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

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

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: The site is a 16,020 square foot corner lot developed with a single family detached house built in 1920. The area surrounding the site is generally developed with single family housing. Mt. Tabor Park is located a few blocks to the east. Commercial areas along SE Hawthorne Blvd are located ~ 10 blocks to the west.

Infrastructure:

- **Streets –**

The site has approximately 103 feet of frontage on SE Hawthorne Blvd and 159 feet of frontage on SE 57th Avenue. There is one driveway entering the site from SE 57th Ave that serves the existing house. At this location, the City’s Transportation System Plan (TSP) classifies SE Hawthorne Blvd a City Walkway, Civic Corridor for Design and Local Service for all remaining modes. SE Hawthorne is improved with an approximate 18-ft wide paved roadway within a 30-ft wide ROW, in which the pedestrian corridor is presently improved in a 0-5-2.5 configuration.

At this location, SE 57th Ave is classified as Local Service for all modes and is improved with an approximate 28-ft wide paved roadway within a 38-ft wide ROW, in which the pedestrian corridor is presently improved in a 0-5-0 configuration. Nearby transit service includes Tri-Met bus service #71-60th Ave. within a quarter mile from the site; and Lines #2-Division and #15-Belmont within a half mile of the site.

- **Water Service –** There are existing 8-inch water mains in SE 57th Ave. and SE Hawthorne Boulevard. The existing house is served by a 1-inch metered service from the main in SE 57th Avenue.
- **Sanitary Service -** There is an existing 14-inch VSP public combination sewer line in SE Hawthorne Blvd. and an existing 8-inch VSP public combination sewer line in SE 57th Avenue.
- **Stormwater Disposal –** There is no public storm-only sewer currently available to this property.

Zoning: The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 10, 2019**. Four written responses have been received from the Neighborhood Association or notified property owners in response to the proposal (see Exhibits F). The comments expressed concern about pedestrian safety on SE Hawthorne due to increased traffic, on-street parking capacity declining due to increased cars in the area from the new homes, new development not fitting in with the existing neighborhood and that the proposal does not comply with the Zoning Code density standards (the site can have 4 dwelling units, but not 4 lots). There also appeared to be confusion about how many new homes were proposed with the land division. The proposal will add 3 dwelling units to the site, for a total of 4 homes, and each dwelling unit will be located on its own lot.

The applicant provided the following response to the neighborhood/neighbor comments (Exhibit A.3):

Density

The proposal is for 4 lots total. Three lots are allowed by the zoning for this 16,020 square foot site in the R5 zone. Section 33.110.240.E allows an extra unit of density. This unit can be via a duplex or a pair of attached houses as set out in subsection 3.b.

Parking

Each of the 4 lots is proposed to have offsite parking via a garage. Each driveway will be at least 18 feet long to allow a car to also park in front of the garage (as required by the zoning code). The zoning code does not allow 2-car garages facing the street as the garage doors would dominate the facade. On multiple site visits, there was adequate on-street parking available on both sides of SE 57th Avenue. There will continue to be on-street parking along the SE 57th Avenue frontage between the proposed driveways. Driveways have been located so as to preserve the 49" Deodar cedar and to maximize on-street parking.

Safety

The development will be dedicating 8 feet of frontage on SE 57th Avenue and 4.5 feet on SE Hawthorne Blvd. The purpose of these dedications is to improve the sidewalk corridor by installing planter strips and moving the sidewalks away from the street. This will increase safety for pedestrians. Two areas are proposed to retain the existing curb-tight sidewalks: adjacent to the 49-inch Deodar cedar on 57th and adjacent to the 26.5-inch sweetgum tree located on the eastern frontage on SE Hawthorne. [Staff note: the curb tight sidewalk proposal for the sweetgum tree was not accepted by PBOT, therefore the only curb tight section will be adjacent to the Deodar cedar in front of Lots 1 and 2].

House Design

The current owners of the house lived in the house for 38 years. They have determined that the best use of the property is to remove the existing house with its extensive delayed maintenance and build new housing. The proposed houses will meet the development standards of the zone, including height, building coverage, setbacks, percentage of the front facade in windows, maximum garage door sizing, etc.

In summary, the proposal is meeting the approval criteria that are applicable to this 4-lot land division located in the R5 zone. Thank you.

Please also see staff responses under section A. Lots, section K. Transportation Impacts and Development Standards near the end of the decision for more information regarding the proposal and staffs' decision that it meets the required approval criteria.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes. Lots 3 and 4 (corner lot) will be developed with attached housing.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 16,020 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 3 units and a minimum required density of 3 units. If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore, in this case the minimum density is reduced to 2 units.

The applicant is proposing 4 lots, which exceeds the maximum density normally allowed for the site. However, Lots 3 and 4 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Lots 3 and 4 are developed with attached houses.

With a condition of approval limiting the development on Lots 3 and 4 to attached houses, the density standards are met.

The required and proposed lot dimensions for detached houses in the R5 zone are shown in the following table:

Detached Houses

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Lot 1	3,550		38.7	92	38.7
Lot 2	3,589		38.7	93	38.7

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

Attached Houses on Corner Lots

As shown in the table below, taken together (before the division), the lot dimension requirements for attached houses are met. Proposed Lots 3 and 4 each exceed the minimum lot dimension standards. Therefore, the corner lot may be divided to create Lots 3 and 4 as proposed.

Attached Houses

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division	7,177		NA	NA	NA
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Lot 3	3,628		38.7	94	38.7
Lot 4	3,549		38.7	95	38.7

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

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

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

Findings: The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.2) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.7) that identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, 12 trees, which provide a total of 257.5 inches of tree diameter, are subject to the preservation requirements of this chapter. Six of the trees are over 20" in diameter. The applicant proposes to preserve tree #1, a 49" Deodar Cedar, and tree #3, a 24" Honey Locust, with the root protection zones shown on Exhibit C.1.

In order to ensure that future owners of Lots 1, 2, 3 and 4 are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Lots 1, 2, 3 and 4 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.7).

The preservation proposal represents 28% of the total tree diameter and 33% of the trees over 20" in diameter, which does not meet a preservation standard in 33.630.100.A. The approval criteria require that tree preservation is maximized to the extent practicable while allowing for reasonable development of the site. The applicant provided findings that demonstrates that tree preservation is maximized given the infrastructure requirements of the City and allowance for reasonable development of the site. In summary, the findings state the following:

- Trees #5, 6, 7 and 9 cannot be preserved because of the required right-of-way dedication (4.5 feet) and frontage improvements that will be installed on SE Hawthorne Boulevard. The applicant submitted an Alternative Review request (19-143296 PW) to retain the curb-tight sidewalks along a portion of the SE Hawthorne Blvd frontage to allow preservation of tree #5, a 26.5" Sweetgum. PBOT rejected this proposal in favor of standard sidewalks separated from the roadway by a planter strip.
- Trees #12 and 13 cannot be preserved because of the required right-of-way dedication (8 feet) and improvements that will be installed on SE 57th Avenue;
- Trees #8, 10 and 11 are located on Lot 4 and could be preserved if the proposal were reduced by one unit of density and development moved to accommodate a root protection zone. However, the trees are only 7 and 10 inches in diameter and are not the best candidates for preservation according to the arborist. Therefore reducing density to preserve one of these trees isn't justified.

- Tree #2 is located near the middle of proposed Lot 1. Although this tree could be preserved, the arborist notes that it is in “ok” health (not good health), has poor structure and would require significant investment over time to mitigate failure risks. The health assessment combined with the tree’s location near the middle of Lot 1 make it a poor candidate for preservation.

Please see Exhibit A.7 for the complete analysis and findings provided by the applicant.

The Title 11 tree density standards will require that trees be planted on the lots at the time of building permit. Based on the size of the proposed lots, 2 to 5 trees will be required to be planted on each lot, depending on the type of trees chosen by the applicant. Given the required tree planting, there is not sufficient room on the lots for additional tree planting to mitigate for tree removal without jeopardizing the overall health of the trees as they mature. Therefore, offsite mitigation in the form of payment into the City Tree Preservation and Planting Fund is more appropriate for this proposal.

The applicant has proposed reasonable building envelopes for future development and has maximized tree preservation in areas of the site other than the required rights-of-way and building footprints. After the 8 feet of right-of-way dedication is conveyed along SE 57th Avenue, tree #1 will extend very slightly into the right-or-way (a few inches at most). Therefore, it will technically be a street tree and subject to Urban Forestry requirements. However, this is the highest valued tree on the site (large tree in good health) and staff recognizes that preservation of this tree will impact the development footprint on the site. Therefore, full credit will be given toward mitigation for preservation of this tree.

Given that many of the trees cannot be preserved due to the required frontage improvements, full inch for inch mitigation isn’t warranted in this case. Instead, a mitigation rate of 5 trees per each tree removed beyond the standard will be required. The applicant would have had to preserve one more large tree to meet Option 3 of the preservation standards. Therefore, payment for 5 mitigation trees will be required. At 2 inches for each replacement tree, the total requirement for mitigation will be 10 inches. With the condition that a payment equivalent to 10 inches be paid to the City Tree Planting and Preservation Fund prior to final plat approval or any tree removal on the site (whichever comes first), tree removal will be adequately mitigated.

This mitigation will be consistent with the purpose of the tree preservation regulations because it will provide for the installation of other trees that will contribute to the general beauty and natural heritage of the City; help to absorb air pollutants and contamination; reduce energy demand and urban heat island impacts; filter stormwater runoff and the reduce the possibility for erosion and provide habitat to support wildlife.

With the implementation of the noted conditions, the approval criteria will be met.

At the time of development, the individual lots must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

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

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

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. The applicant will be required to install tree protection fencing for the trees to be preserved on the site, and ground disturbance will not be allowed within the root-protection zones of the trees to be preserved as shown on Exhibit C.1. This criterion is met.

Land Suitability:

The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

Findings: The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area.

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The applicant provided a written narrative addressing the transportation approval criteria above. The application proposes to demolish the existing home and create four 38.7-ft wide lots fronting onto SE 57th Ave., including a corner lot abutting SE Hawthorne. Based upon trip generation estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, each proposed parcel is projected to generate one additional morning and one evening trip, for approximately ten daily trips for each new parcel. Most recent traffic volume data on this portion of SE Hawthorne is 2,073 vehicles on a typical weekday. The net addition of three single-family residences added to the transportation system resulting from the development will not adversely impact the operations of area intersections and is consistent with the zoning of the property. Therefore, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The site is well served by transportation options to reduce impacts to the neighborhood and provide safety for all modes, including Tri-Met bus service #71-60th Ave. within a quarter mile from the site; and Lines #2-Division and #15-Belmont within a half mile. SE Hawthorne and SE 57th are identified Local Service bikeways, which provides access to numerous bicycling routes on surrounding low volume traffic streets, including the Neighborhood Greenways of SE 52nd and SE Lincoln within 1,500 feet of the site. Therefore, the proposed development will not negatively impact transit access or other transportation modes.

Pedestrian Safety: PBOT has been made aware of area neighborhood concerns regarding pedestrian safety and connections. The pedestrian network in the area is complete and provides safe routes throughout the surrounding neighborhood and to area attractions such as Hawthorne business district and Mt. Tabor Park. The proposed development will improve the abutting sidewalk corridor to City standards, including expanding the sidewalk from 5 to 6 feet wide, establishing a furnishing zone (landscape strip) with street trees, and upgrading the corner to meet current ADA requirements. Therefore, the resulting proposed development will enhance pedestrian environment and not impact pedestrian safety.

On-street Parking Impacts: PBOT has been made aware of area neighborhood concerns regarding on street parking impacts. For Local Service streets, the City's Public Right-Of-Way (ROW) document recommends a 48-ft ROW to accommodate a 26-ft wide roadway with parking on both sides. The applicant's survey demonstrates the current paved roadway is approximately 28-ft wide, which meets City standards for low-volume traffic streets with parking and is consistent with a shared street environment in which a narrower roadway forces all users to a shared space which facilitates slower speed, eye contact, and safer streets. Therefore, PBOT has no safety concerns with the existing roadway configuration. Much of the existing single-family development in the neighborhood presently provides on-site parking for one vehicle, with few exceptions for two vehicles. The applicant proposes a 9-ft wide off-street parking space for each of the four lots accessed off SE 57th Ave., which maximizes available on-street parking adjacent to the subject site and is consistent with surrounding uses. Additionally, the applicant was approved a Driveway Design Exception (DDE) (19-143292 TR) to have a driveway placed 22.7-ft from the intersection of SE Hawthorne for Proposed Lot 4, noting that due to the narrow curb-to-curb width and off-set nature of the intersection, driveway proximity will not have an impact on on-street parking supply. Therefore, the proposal is consistent with the established neighborhood pattern of the area, and the anticipated demand for additional on-street parking is expected to be minimal.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is required beyond standard sidewalk corridor improvements to serve the proposed development (see criterion L. 33.654). These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods:
<ul style="list-style-type: none"> • Public Street Improvements: As a condition of this land use approval, PBOT requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual. • Lots 1 to 4: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES

has indicated conceptual approval of the drywells.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The block on which the subject property is located does not meet the spacing in the north-south direction. The nearest east-west street is located ~1,100 feet to the south. However, the properties adjacent to the site are already developed, and not configured in a manner that would easily allow the further extension of a street from the site. Furthermore, the site abuts the nearest east-west street to the north. So, although the optimum spacing criteria is not met on the block where the site is located, there is no practicable opportunity to provide a connection in this land division.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

For the reasons described above, this criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment

In reviewing this land division, PBOT relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case, PBOT has determined that sidewalk improvements must be made in order to meet City standards and ensure that safe pedestrian travel is possible to and from the proposed development. To accommodate these improvements additional right-of-way must be dedicated along the frontage of the site.

SE Hawthorne Blvd: For *City Walkway* streets in the R-5 zone, the City's *Pedestrian Design Guide* requires a 12-ft pedestrian corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and a 1.5-ft frontage zone. The existing pedestrian corridor does not meet City standards due to having a 5-ft curb-tight sidewalk. Due to the classification of SE Hawthorne, the abutting frontage is not eligible for TRN 1.22. Therefore, a 4.5-ft dedication is required and the applicant must reconstruct the pedestrian corridor to meet City standards above.

SE 57th Ave: For *Local Service* traffic streets within an R-5 zone, the City's *Pedestrian Design Guide* requires a 11-ft pedestrian corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and a 0.5-ft frontage zone. the existing pedestrian corridor does not meet City standards due to having a curb-tight 5-ft pedestrian corridor. According to the applicant's survey, the existing pedestrian corridor abutting SE 57th, varies between approximately 3-ft to the north to approximately 4-ft to the south. Therefore, an approximate 8-ft dedication is required and the applicant must reconstruct the pedestrian corridor to meet City standards above.

Corner Ramp: Due to the reconstruction of both frontages, the existing corner ramp will likely become out of alignment, therefore reconstruct the corner ramp to ADA standards. The applicant may need to relocate the existing utility pole to reconstruct the sidewalk corridor.

The Applicant submitted an Alternative Review (19-143296 PW) to retain the current curb tight sidewalks along portions of both frontages to preserve on-site trees. In reviewing the case, PBOT was not supportive of the applicant's alternative in entirety, concluding that sidewalks are to be reconstructed to City standards abutting both SE Hawthorne and SE 57th, however allow the sidewalk to remain curb tight in the area of the root protection zone of the 49-in Deodar Cedar (tree #1) on Proposed Lot 2.

With these improvements, three additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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

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

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those 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.

Future Development

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

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Lot 3 must be oriented toward the SE 57th Avenue and development on Lot 4 must be oriented toward SE Hawthorne Boulevard.
 3. The height of the two units must be within 4 feet of each other.
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.
- Accessory Dwelling Units - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners. ADU's are not allowed on Lots 3 and 4.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. All applicable permits must receive final inspection approval prior to final plat approval. With this condition, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use

actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for mitigation payment for loss of street tree planting area. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions for demolishing the existing development, tree preservation, services and utilities. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision, that will result in 2 standard single dwelling lots for detached housing (Lots 1 and 2) and 2 single dwelling lots for attached housing (Lots 3 and 4) approved through 33.110.240.E, as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Hawthorne Blvd and SE 57th Avenue. The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “An Acknowledgement of Tree Preservation Land Use Conditions has been recorded as document no. _____, Multnomah County Deed Records.”

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

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's SE Hawthorne Blvd and SE 57th Ave street frontages. The applicant must obtain 30% Public Works Concept approval from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements may be constructed with development on each lot as per the City Engineer's discretion.

Existing Development

2. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and designated historic resources. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit C.1. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.7).

Required Legal Documents

3. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Lots 1, 2, 3 and 4. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

4. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 3 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.
5. The applicant must pay into the City Tree Preservation and Planting Fund [Private Property Trees – Planting and Establishment, fee in Lieu (per inch)] the amount equivalent to 10 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau. Payment must be completed prior to any tree removal, or prior to Final Plat approval, whichever would occur first.

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

1. Development on Lots 1, 2, 3 and 4 shall be in conformance with the RPZs shown on the Preliminary Plan Map (Exhibit C.1) and described in the applicant's arborist report (Exhibit A.7). Specifically, trees #1 and #3 are required to be preserved, with the root protection zones indicated on Exhibit C.1. Tree protection fencing is required along the root protection zone of the trees to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Tree Protection Specifications of 11.60.030. Tree #1 will be located partially in the right-of-way after the street dedication is completed, and therefore will be under the jurisdiction of Urban Forestry.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

3. Lots 3 and 4 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.

Staff Planner: Diane Hale

Decision rendered by: Diane Hale **on August 8, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed August 12, 2019

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

Procedural Information. The application for this land use review was submitted on January 31, 2019, and was determined to be complete on April 3, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 31, 2019.

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 by 84 days, as stated with Exhibit G.4. Unless further extended by the applicant, **the 120 days will expire on October 24, 2019.**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 26th** 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 contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's original submittal and plans
 - 2. Applicant's response, April 3, 2019
 - 3. Applicant's response, May 29, 2019
 - 4. Applicant's response, July 10, 2019
 - 5. Neighborhood Contact materials
 - 6. Stormwater Calculations
 - 7. Arborist report and tree narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan Map (attached)
 - 2. Existing Conditions Map
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Section of BDS
 - 7. Parks Urban Forestry

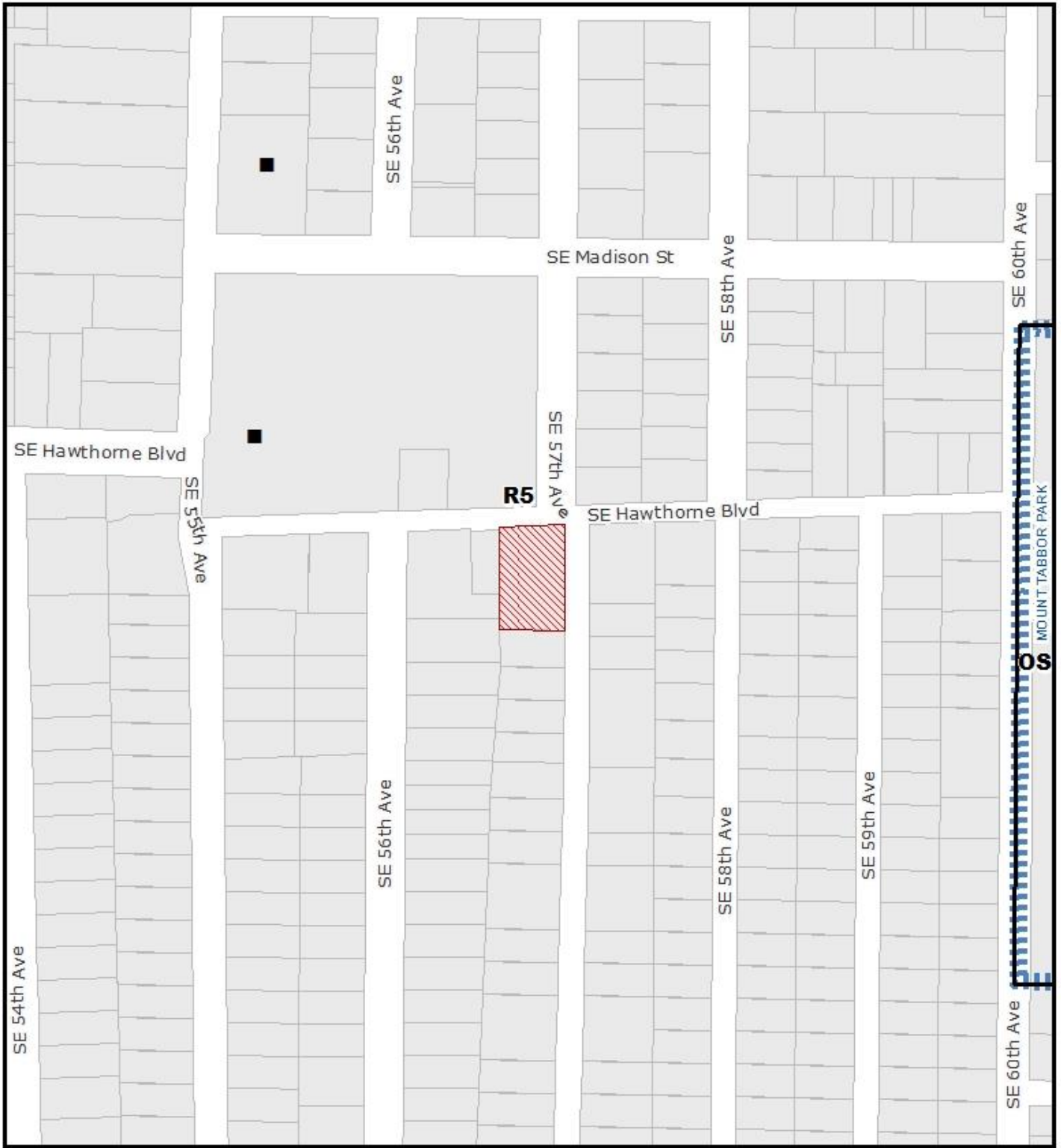
F. Correspondence:

1. Katelyn Convery, 5526 SE Powell Valley Rd, Gresham OR 97080
2. Laurie Lockert, 1604 SE 56th Avenue, Portland OR 97215
3. Stephanie Stewart, Mt Tabor Neighborhood Association
4. Greg Rice, 1534 SE 56th Avenue, Portland OR 97215

G. Other:

1. Original LU Application
2. Expedited Land Division Form
3. Incomplete Letter
4. Extension Form

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 
NORTH

 Site
 Historic Landmark

File No.	LU 19-114462 LDS
1/4 Section	3236
Scale	1 inch = 200 feet
State ID	1S2E06DB 100
Exhibit	B Feb 06, 2019

PRELIMINARY PLAN MAP

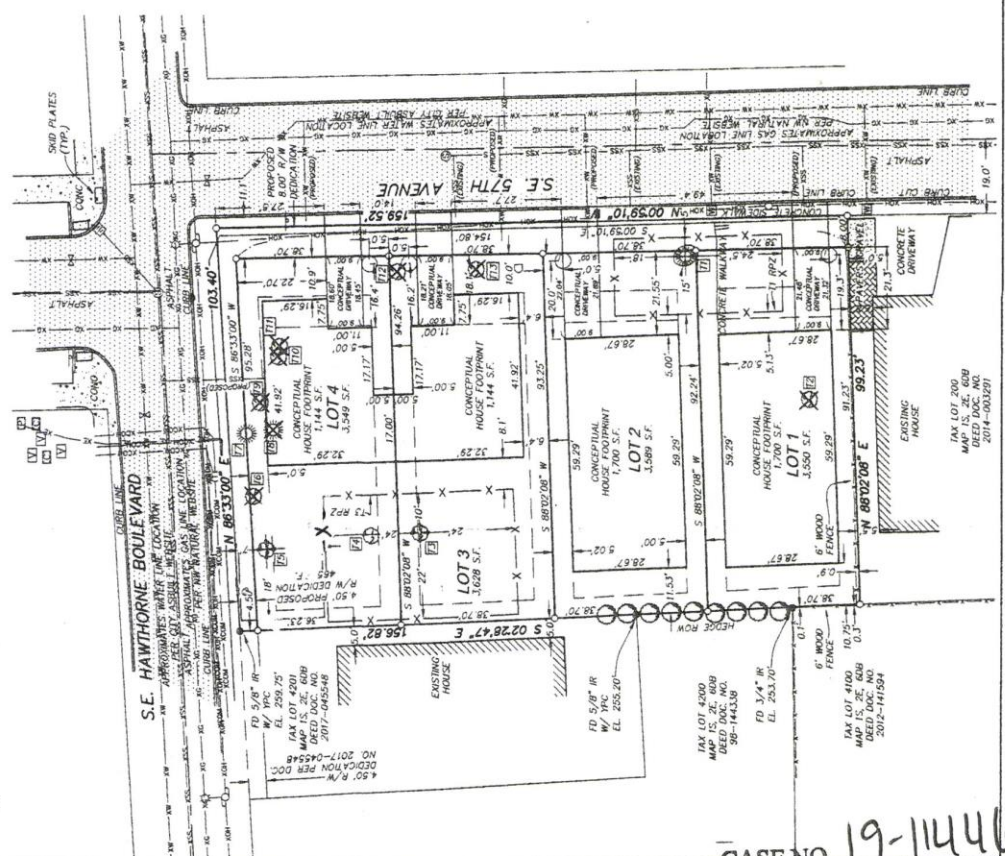
TAX LOT 100, MAP 1S, 2E, 6DB
 LOCATED IN THE S.E. 1/4 SECTION 6, T.1S., R.2E., W.M.,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 MARCH 5, 2019 SCALE 1"=20'
 LAST REVISION: MARCH 29, 2019

RECEIVED

APR 03 2019

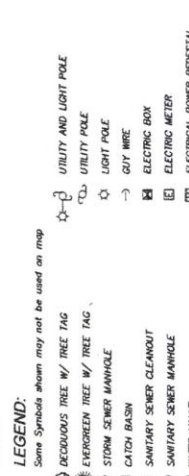
Staff note: Trees #1 + #3 required to be pruned.

SETBACKS
 FRONT: 10.00 FEET
 BACK: 5.00 FEET
 SIDE: 5.00 FEET



SURVEY NOTES:
 THE VERTICAL DATUM FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NUMBER 3401, BEING A BRASS DISC ON TOP OF CURB ON THE S.E. CORNER OF THE INTERSECTION OF S.E. HAWTHORNE BOULEVARD AND S.E. 57TH AVENUE. THE ELEVATION IS 280.717' COP DATUM.
 A TRIMBLE SP-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD WALKING.
 THE BENCH MARKS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORDS OF RECORDS UNDER PRIVATE SURVEY NUMBER 60077, RECORDS OF MULTNOMAH COUNTY.
 THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.
 NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ADVERSE ACQUISITION, ETC.
 NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.
 THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ON THIS MAP ARE NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATE AS POSSIBLE. THE UTILITIES, SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. THE SURVEYOR DOES NOT WARRANT THE EXISTENCE, LOCATION OR DEPTH OF ANY UTILITIES OR STRUCTURES SHOWN ON THIS MAP. THE SURVEYOR'S USE OR DEVELOPMENT OF THIS TRACT, THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

LEGEND:
 Some Symbols shown may not be used on map
 DECIDUOUS TREE W/ TREE TAG
 EVERGREEN TREE W/ TREE TAG
 STORM SEWER MANHOLE
 CATCH BASIN
 SANITARY SEWER CLEANOUT
 SANITARY SEWER MANHOLE
 WATER VALVE
 WATER METER
 FIRE HYDRANT
 GAS VALVE
 GAS METER
 BOLLARD
 SKIN
 MAILBOX
 COMMUNICATIONS PEDESTAL
 COMMUNICATIONS MANHOLE
 COMMUNICATIONS BOX
 STORM OUTFALL
 FOUND MONUMENT
 DOWN SPOUT TO SPLASH GUARD/GROUND
 COMMUNICATIONS VAULT
 TREE TAG
 TREE
 PROPOSED PROPERTY CORNER
 PROPOSED 4" DIAMETER OPENWELL
 UTILITY AND LIGHT POLE
 UTILITY POLE
 LIGHT POLE
 GUY WIRE
 ELECTRIC BOX
 ELECTRIC METER
 ELECTRICAL POWER PEDESTAL
 ELECTRIC RISER
 HEAT PUMP
 OVERHEAD LINE
 GAS LINE
 ELECTRICAL LINE
 COMMUNICATIONS LINE
 SANITARY SEWER LINE
 STORM DRAIN LINE
 WATER LINE
 FENCELINE
 SETBACK LINE
 UTILITY RISER
 DOWN SPOUT TO SPLASH GUARD/GROUND
 COMMUNICATIONS VAULT
 TREE TAG
 TREE
 PROPOSED PROPERTY CORNER
 PROPOSED 4" DIAMETER OPENWELL
 YPC = YELLOW PLASTIC CAP
 DE = DECIDUOUS TREE



GRAPHIC SCALE
 1"=20'
 0 10 20 30 40
 (IN FEET)



SIGNED ON: 2/29/2019
 REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 12, 2004
 TERRY G. BUDEN
 60377LS

REVISED: DECEMBER 31, 2019

Project: M:\PROJECTS\FULLSTAD-MARTIN-HAWTHORNE BLVD-SE-5638\dwg\PRELIMINARY PLAN MAP-4 LOT.dwg

CASE NO 19-114462
 EXHIBIT C.1

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189