



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

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Date: July 17, 2020
To: Interested Person
From: Sean Williams, Land Use Services
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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 17-245578 LDP AD

GENERAL INFORMATION

Applicant: Eric Rystadt | Main Street Development
 5331 SW Macadam Ave, Ste 258 PMB 208 | Portland, OR 97239
eric@msdpdx.com | (503) 422-7707 | (503) 242-0711

Owner: Burlingame View Condominium
 1015 SW Bertha Blvd. | Portland, OR 97219

Owner's Representative: Sara Vatay | Unit Owners Of The Burlingame View Condominiums
 Po Box 28174 | Portland OR 97228

Other: Mark Dane | Mark Dane Planning
 14631 SW Millikan Way #6 | Beaverton OR 97003
markdaneplanning@gmail.com | (503) 332-7167

Site Address: 1015 SW Bertha Blvd, SW 13th Dr
Legal Description: BLOCK 4 LOT 11-14 TL 3400, BARBUR HTS; GENERAL COMMON ELEMENTS, BURLINGAME VIEW CONDOMINIUM
Tax Account No.: R054500990, R119480010
State ID No.: 1S1E21AC 03400, 1S1E21AC 90000
Quarter Section: 3728
Neighborhood: Hillsdale, contact at contact@hna-pdx.com
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.
Other Designations: Potential Landslide Hazard
Zoning: Residential 2,000 (R2)
Case Type: Land Division Partition (LDP), Adjustment Review (AD)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant has proposed to partition the site into two parcels of approximately 91,040 (Parcel 1) and 18,295 (Parcel 2) square feet in size. Parcel 1 will retain an existing condominium development and Parcel 2 is proposed to be developed with 9 dwelling units. The following three concurrent Adjustment reviews are requested:

- Reduction in minimum lot depth for Parcel 2 from 70 to approximately 40-feet (33.612.200 & Table 612-1);
- Reduction in front building setback for proposed development on Parcel 2 from 10 to 5-feet (33.120.220 & Table 120-3);
- Reduction in garage entrance setback for proposed development on Parcel 2 from 18 to 5-feet (33.120.220 & Table 120-3).

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

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard Area and (4) concurrent Adjustment reviews are proposed/required (see 33.660.110).

RELEVANT APPROVAL CRITERIA:

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

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space, and Residential Zones**
- **Section 33.805.040.A-F, Approval criteria for Adjustments**

FACTS

Site and Vicinity: The site is approximately 150-feet northwest of the intersection of SW Bertha Boulevard and SW Barbur Boulevard. Existing development consists of the Burlingame View Condominiums, which is comprised of 42-units within 4 separate buildings and accessory parking. The site steeply slopes downward from north to south with grade differences as much as 90-feet between the site’s SW 13th Drive and SW Bertha Boulevard frontages. The surrounding neighborhood is primarily developed with single family homes to the north, with a mix of multi-dwelling and commercial development along SW Barbur Boulevard to the south.

Infrastructure:

- **Streets** – The site has approximately 675-feet of frontage on SW 13th Drive, 240-feet of frontage on SW 10th Avenue, and 575-feet of frontage on SW Bertha Boulevard. There is one driveway entering the site from SW Bertha Boulevard that serves the existing condominium development. At this location, SW Bertha Boulevard is classified as a District Collector, Transit Access Street, City Bikeway, City Walkway, Truck Access Street, and Major Emergency Response street in the Transportation System Plan (TSP). Both SW 10th and 13th Avenues are classified as Local Service Streets for all modes in the TSP. Tri-Met provides transit service along SW Bertha Boulevard via Bus #1.

The sites SW Bertha Boulevard frontage is improved with an approximately 45-foot wide roadway surface (with bike lanes) and 6-foot curb tight sidewalk within a 100-foot wide right-of-way. The sites SW 13th Drive frontage is improved with a 30-foot roadway surface and curb within a 50-foot wide right-of-way. SW 10th Avenue is an unimproved 30-foot wide right-of-way at this location.

- **Water Service** – There is an existing 6-inch CI water main in SW 13th Drive and an 8-inch CI water main in SW Bertha Boulevard. The existing development is served by both water mains.

- **Sanitary Service** - According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:
 - Public 8-inch CSP sanitary-only sewer in SW 13th Drive (BES as-built # 2170).
 - Public 15-inch CSP sanitary-only sewer in SW Bertha Boulevard (BES as-built #1834).
 - Public 8-inch sanitary-only sewer of varying materials location on the Burlingame View Condominium portion of this site (BES as-built #2306).
- **Stormwater Disposal** – According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
 - Public 12-inch CSP storm-only sewer in SW 13th Drive (BES as-built # 2170).
 - Public 10-inch NCP storm-only sewer in SW Bertha Boulevard (BES as-built #4418).

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The site is currently zoned Residential Multi-Dwelling 1 (RM1) but is vested under the R2 zoning as that was the designation at time of application submittal.

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 December 19, 2017 and October 16, 2019. Multiple written responses (Exhibits F.1-6) have been received from the Neighborhood Association or notified property owners regarding the proposal. The applicant has provided a response to the Neighborhood Association Letter (Exhibit A.13).

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.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	The site is currently developed with over 40 units, only 9 units are proposed.
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.

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.

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing two multi-dwelling parcels.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is approximately 109,303 square feet. Therefore, the site has a minimum required density of 44 units and a maximum allowed density of 55 units.

When development other than single-dwelling or duplex development is proposed, minimum and maximum density must generally be met at the time of development. However, since the site has existing development, density must be verified at the time of the land division as well. The applicant is proposing to develop Parcel 2 with 9 units and the existing 42-units will be retained within Parcel 1, for a total of 51 units, which complies with the density standards described above.

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

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Multi Dwelling	4,000	33	70	30
Parcel 1	91,008	≈ 321	≈ 300	550
Parcel 2	18,295	≈ 440	≈ 40	436

* Width and depth is measured from the midpoints of opposite lot lines.

The applicant has requested an Adjustment to the minimum lot depth of Parcel 2 from 70 to approximately 40-feet, as addressed later in this report. As shown above, the applicable density standards are met. Subject to approval of an Adjustment to minimum lot depth for Parcel 2, the applicable lot dimension standards can be 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 an Existing Conditions survey (that shows the location and size of trees on the site). The applicant also provided an arborist report that identifies each tree, its condition and suitability for preservation or its exempt status.

Based on this information, 125 trees, which provide a total of 1,474 inches of tree diameter, are subject to the preservation requirements of this chapter. Of these trees, 31 are 20 or more inches in diameter. The applicant has proposed to retain 1,415 inches, or approximately 96 percent, of the total tree diameter on site and all of the trees that are 20 or more inches in diameter. Therefore, the proposal complies with Option 1 of the Minimum Tree Preservation Standards as all of the trees 20 or more inches in diameter and over 20 percent of the total tree diameter is being preserved.

Tree preservation is maximized with this proposal as a majority of the trees on site are being preserved with removal only occurring in the area of Parcel 2 to accommodate reasonable development of the proposed multi-dwelling structures. Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

In order to ensure that future owners of the Parcels 1 and 2 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 Parcels 1 and 2 must be carried out in conformance with the Existing Conditions Survey (Exhibit C.1) and the Arborist Report (Exhibit A.17).

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

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

In order to evaluate the proposal against this criterion, the applicant has submitted a Landslide Hazard Study of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.1). This report noted less than optimal slope stability and recommended various strategies to mitigate for these instabilities. To address these concerns, numerous reports have been submitted to support the proposed development. The EEI Report No. 17-184-5, 12/27/19 (Exhibit A.18) indicates that the site is suitable for development and the proposal reasonably limit the risk of landslide potential on the site and other properties in the vicinity, as summarized below:

The layout of the buildings has changed from 7 separate condominium buildings to a total of 9 condominiums in three, 3-unit buildings. In terms of the lot layout, the overall lot coverage of the development remains generally the same. As stated above the layout has changed from 7 individual units to 9 total units in three 3unit buildings. The setbacks from 13th have not changed and remain about 15 feet from the curb line (at its closest). However, the change in configuration has resulted in larger gaps between the buildings with the addition of stormwater planters at the top of the slopes between the gaps. The new configuration (Figure 2) exposes more of the slope to potential slope instability between the buildings due to the larger gaps. EEI recommends that in order to mitigate this potential that the front (north) retaining wall extend not only under the buildings but across the gaps as well and that the entire slope within the development envelope (i.e. including between buildings) be benched (the same as in front of the buildings) and lightweight fill placed behind said wall. This not only improves the slope stability in the building area but improves the slope stability (over the existing slope stability) across the entire development.

Site Development, the division of Development Services that makes determinations regarding soil stability, has evaluated these reports and concurs with the recommendations, subject to the following condition:

Occupancy of any single structure must only be allowed after the significant structural portions of all proposed buildings and structures show on the land use drawings that are required for geotechnical hazard mitigation of the site are complete, and site conditions are to the satisfaction of the geotechnical engineer and BDS Site Development. Slope stabilizing mitigation, including drainage facilities, must be complete prior to occupancy of any structure.

Subject to this condition of approval, this criterion can be met.

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

Findings: 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:

In this case, the site has steep grades (over 20%), and is located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed. A Preliminary Clearing and Grading Plan was not submitted with the land division application however, the applicant did submit a Landslide Hazard Report that describes how clearing and grading should occur on the site to minimize erosion risks. Following the recommendations of the Landslide Hazard Study will help to limit erosion and sedimentation concerns.

Existing contours and drainage patterns are primarily being left intact with the exception of clearing and grading within Parcel 2 to accommodate the proposed development. Retaining walls, groundwater drainage infrastructure, and construction of all buildings on the site are proposed in order to make the site suitable for development. Stormwater runoff associated with proposed development on Parcel 2 will be appropriately managed via flow through planters that will ultimately discharge to the public storm sewer main in SW 13th Drive. This method of stormwater management assures that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). In addition, no clearing and grading will be permitted within the root protection zones of the trees on the site that are required to be preserved, which are primarily located within Parcel 1. Given the limited site area the topsoil removed as part of grading will be trucked off. For similar reasons there will be no soil stockpiles kept on the site.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal for Parcel 2 a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. This criterion is met.

Land Suitability:

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 in order to make the lots suitable for their intended uses and the provision of services and utilities.

As noted under findings associated with Potential Landslide Hazard Area (D), slope stability issues are present on the site. In order to mitigate for these geologic conditions, mitigation is required in order to make the site suitable for development, primarily through construction of a retaining wall that spans the frontage of Parcel 2 for the length of the development. Subject to following the recommendations of the Geotechnical Engineer and compliance with previously noted conditions implemented by Site Development, proposed Parcel 2 will be suitable for development and this criterion can be met.

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

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

immediate and adjacent neighborhoods; and safety for all modes. Mitigation may be necessary to reduce impacts.

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):

Street Capacity and Levels of Service

The proposal will result in an increase of 9 multi-family condo residences. These residences can be expected to generate 90 daily vehicle trips with 9 trips occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed. In addition, the applicant is not constructing more dwelling units than they would be allowed outright with a building permit based on the R2 zoning.

Vehicle Access/Loading

The new lots will have driveways to provide access to parking and loading.

On-Street Parking Impacts

The new lots will have at least two on-site parking spaces and one on-street parking space between the driveways. Impacts to the on-street parking supply should be minimal.

Availability of Transit

Tri Met Bus Line #12 and #94 are available to serve the site at SW Barbur/SW Bertha.

Neighborhood Impacts

The site is being developed with net increase of 9 new single-family residences in compliance with the existing R2. zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes

New sidewalks along the site frontage will provide adequate pedestrian facilities. This section of SW 13th has low enough vehicle/speed volumes for cyclist to share the roadway.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. See findings under criterion L., 33.654 regarding pedestrian improvements along the site's SW 13th Drive frontage. 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

The Water Bureau has indicated that service is available to the site from the 6-inch CI water main in SW 13th Drive. The water service standards of 33.651 have been verified. Therefore, this criterion has been met.

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

The Bureau of Environmental Services has indicated that service is available to the site from the public 8-inch CSP sanitary-only sewer main in SW 13th Drive. The sanitary sewer service standards of 33.652 have been verified. Therefore, this criterion is met.

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:

- **Public Street Improvements (SW 13th Drive):** As a condition of this land use approval, PBOT requires the applicant to improve a portion of the site's SW 13th Drive frontage with curb tight sidewalks (discussed below). Stormwater runoff from this new impervious area will flow to existing catch basins that will discharge to the existing public 12-inch CSP storm-only sewer in SW 13th Drive.
- **Parcel 1:** The existing development has downspouts and catch basins in the parking lot that drain into underground pipes. BDS plumbing permits indicate stormwater is directed to the storm sewer in SW Bertha Boulevard.
- **Parcel 2:** Three buildings, each comprised of 3-units, is proposed on this parcel. The runoff from each roof will be treated and detained in a separate lined, flat planter. The overflow from each planter is collected in a common storm sewer line that discharges into the existing public 12-inch CSP storm-only sewer in SW 13th Drive at the west end of this parcel.

The Bureau of Environmental Services (BES) has determined the proposal can accommodate adequately sized stormwater facilities that meet the requirements of the Stormwater Management Manual (SWMM) and sufficient information has been provided to demonstrate a feasible stormwater management plan for this project. Therefore, this criterion is met.

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 site contains approximately 675-feet of frontage on SW 13th Drive to the north, 240-feet of frontage on SW 10th Avenue (unimproved) to the east, and 575-feet of frontage on SW Bertha Boulevard to the south. The site contains sufficient width to provide for a north/south through street. However, characteristics of the site including steep terrain and the presence of the existing condominium development preclude the ability to provide a connection through the site. Therefore, it is not appropriate or practicable to provide a through street or pedestrian connection with this land division.

Although it is not feasible to provide a street or pedestrian connection through the site, sidewalk improvements are required at the terminus of the SW 13th Drive cul-de-sac that will connect to SW 10th Avenue and SW Burlingame Avenue. This east/west connection will enhance pedestrian and bicycle circulation throughout the area.

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

The sites SW Bertha Boulevard frontage is improved with an approximately 45-foot wide roadway surface (with bike lanes) and 6-foot curb tight sidewalk within a 100-foot wide right-of-way. The sites SW 13th Drive frontage is improved with a 30-foot roadway surface and curb within a 50-foot wide right-of-way. SW 10th Avenue is an unimproved 30-foot wide right-of-way at this location.

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 instance, the applicant was granted approval of two Public Works Alternative Reviews associated with street improvements in large part due to topographical constraints. The first (17-160312 TR) is to allow a curb tight sidewalk along most of the site's SW 13th Drive frontage and the second (18-156430 TR) eliminates the requirement to widen the existing sidewalk along the site's SW Bertha Boulevard frontage. No new development is proposed on Parcel 1, which has frontage on SW Bertha.

As a result, PBOT has determined that improvements shall be made to SW 13th Drive consisting of an 8-foot curb tight sidewalk that will extend along the site's frontage to the intersection of SW 12th Avenue where a crossing can occur with ADA ramps on both sides of SW 13th Drive. In addition, the sidewalk along the northern side of SW 13th Drive is required to extend through the terminus of the cul-de-sac and connect to SW 10th Avenue and SW Burlingame Avenue. No right-of-way dedication is required to accommodate these improvements; therefore, the width of right-of-way is adequate to accommodate expected users. In addition, the applicant will be required to sign street and storm sewer waivers of remonstrance for SW Bertha Boulevard (for participation in future street and storm sewer improvements). With the improvements noted above, PBOT has approved the configuration of elements in the right-of-way.

This criterion is met, with the condition that the noted curb and sidewalk improvements are made, and waivers are signed for SW Bertha Boulevard prior to final plat approval.

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 rights-of-way 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.

APPROVAL CRITERIA FOR ADJUSTMENTS**33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and**
- D. City-designated scenic resources and historic resources are preserved; and**
- E. Any impacts resulting from the adjustments are mitigated to the extent practical;**
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or**
- G. Application of the regulation in question would preclude all reasonable economic use of the site; and**
- H. Granting the adjustment is the minimum necessary to allow the use of the site; and**
- I. Any impacts resulting from the adjustment are mitigated to the extent practical.**

Findings: The applicant has requested the following Adjustments for Parcel 2 and associated development:

- Reduction in minimum lot depth for Parcel 2 from 70 to approximately 40-feet (33.612.200 & Table 612-1);
- Reduction in front building setback for proposed development on Parcel 2 from 10 to 5-feet (33.120.220 & Table 120-3);
- Reduction in garage entrance setback for proposed development on Parcel 2 from 18 to 5-feet (33.120.220 & Table 120-3).

The purpose statements associated with these regulations are as follows:

33.612.200 Lot Dimension Standards

A. Purpose. *These standards ensure that:*

- *Each lot has enough room for development that meets all the requirements of the zoning code;*
- *Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.*
- *The multi-dwelling zones can be developed to full potential; and*
- *Housing goals for the City are met.*

33.120.220 Setbacks

A. Purpose. *The building setback regulations serve several purposes:*

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

The applicant has provided the following findings to address this criterion and provided an analysis of compliance with all other development standards (Exhibit A.3):

APPROVAL CRITERIA FOR ADJUSTMENTS

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, **some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations.** Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews **provide flexibility for unusual situations** and allow for **alternative ways** to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

This partition was applied for under the R2 zoning. Per **Table 612-1** Minimum Lot depth in an R2 zone for a multi-dwelling structure is 70-feet. The This proposal is for a partition to allow nine single family condos on Parcel 2. The condos will continue to be single family but, given the inherent nature of the property it was determined early on that greater slope stability could be accomplished with less separation of structures. The applicant has proposed three groups of three structures for a total of nine homes. Also, the water quality facility between each of the 'triplexes' further connected and reinforces the stability of the homes.

However, because the homes are on a single lot under the land use code this property is defined as being a multi-family development. If these were attached, or detached homes there would be no minimum lot depth. If they were duplexes, the minimum depth would be 50-feet. The Even though each unit is to be owned individually and will be platted as such by eth State, The Portland code requires 70-feet for minimum depth. This number is based upon an old understanding of a design that would require certain lot depths.

The need to maintain the parking, and fire access on Parcel 1, as well as the vegetative landscaping results in a lot depth for Parcel 2 at its narrowest point of 32.43-feet in the developed portion of the site. This is far less than the 70-ft standard. However, it should be noted that the units have been designed for single family use. The layout, and construction will be similar to single family design. When combined with the 5-ft front-yard setback this allows for the construction of a reasonable building envelope. The request for an adjustment to lot depth, and setback standards is addressed later in this narrative.

Section 33.612.200 states that the purpose of the Lot Dimension Standards is to ensure that; each lot has enough room for development that meets all the requirements of the zoning code; that lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible; that the multi-dwelling zones can be developed to full potential; and housing goals for the City are met.

There are also portions of the lot that are not be built on that are shallow, but do not impact the development as such. The need for the parceling as proposed is to allow each parcel to match the corresponding density. For example, while Parcel 1 will contain 90,995 SF, which permits 45 units. Parcel 1 contains 42 units. Parcel 2 will be 18,308 SF and will contain 9 units. After the partition each parcel will meet the

density requirements. Minimum Lot area, lot width and width at the front property line are met.

The applicant needs an adjustment to the lot depth in order to allow the development of the property to be "developed to full potential". The compliance with the adjustment criteria are noted under section **33.805 Adjustments**. This in turn adds housing so that "housing goals for the City are met". The design also creates a development that has been inward looking, and with the new homes "creates lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible". The parcel while shallow creates a series of street facing homes utilizing street frontage, and existing public services such as water, storm, and sanitary lines that are already in a fully improved street. This form of development is infill at its best. Turning an underdeveloped, unused, unstable parcel, and creating homes, stabilizing the slope, and utilizing existing infrastructure. The lot adjustment brings the property closer to the purpose of the lot dimension standards.

SECTION 2 - ADJUSTMENTS

33.805 Adjustments

Table 612-1, Chapter 33.612 Lots in Multi-Dwellings Zones requires a minimum lot depth of 70-feet for parcels in the R2 zone proposed for multi-dwelling development. The existing parcel known as Parcel 2 while created through deed was not created legally through a partition process. Most of the parcel was developed as a condominium project. The proposed partition must take into consideration the existing driveway, the parking, and the need for a 5-ft landscape strip adjacent to the parking lot. The north-south distance remaining between the north side of the landscape strip, and 13th Drive varies but is approximately 51feet. Therefore adjustments to the standard lot depth, front yard setback, and garage is being requested:

The applicant has requested the following Adjustments for Parcel 2 and associated development:

- 1) Reduction in minimum lot depth for Parcel 2 from 70 to approximately 40-feet (33.612.200 & Table 612-1);
- 2) Reduction in front setback for proposed development on Parcel 2 from 10 to 5-feet (33.120.220 & Table 120-3);
- 3) Reduction in garage setback for proposed development on Parcel 2 from 18 to 5-feet (33.120.220 & Table 120-3).

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Comment: *The parcel was partitioned through deed and was not processed through the City. The intent was to allow this property to be developed. Parcel 2 has adequate street frontage, and accessibility to all public improvements. The property is currently*

developed below its maximum capacity. The partition of this hereto unused, and vacant property that has remained derelict, and overgrown would remove a blight from the community, and allow the construction of sorely needed homes. The combination of the lot depth requirement and reduction in setbacks is the only reasonable way to allow an effective, and livable development to occur. Without the adjustments development of this parcel is not possible.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Comment: *The partition of this property would permit the development of homes that while higher in elevation than the existing condo units would be north of said units, and therefore not create a shading issue. From the Street the proposed homes would meet the standard height requirements of the zone. The proposal for development upon approval of this partition would allow development on a local road. The development would follow the R2 zoning. However because the homes are situated on 13th drive adjacent to a lower density zoning. In mitigation of the reduced front yard setbacks the applicant has agreed to meet an average height of 23-feet to the midpoint on the main roof pitch.*

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Comment: *The applicant is requesting a depth adjustment to the proposed lot so that it matches the existing parcel lines. This will allow the development of the vacant lot to density, and level of development that is consistent with the R2 zone. The reduction in the front-yard, And garage setback is to allow the garages to be deep enough to fit a car, and to allow sufficient living area on the main floors*

- D. City-designated scenic resources and historic resources are preserved; and

Comment: *There are no City designated resources associated with this property.*

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Comment: *The impact from the adjustments have been mitigated in following ways:*

- 1) *The height of the units fronting 13th Drive has been limited to 23-feet, reducing the height, and mass of the buildings fronting the public street.*
- 2) *While not required the applicant has included multiple design elements in the units that if used for a density bonus would permit up to a 50% increase in density. For example: All of the units are three bedroomed; the kitchens have 67.5SF of*

pantry space and 36" SF of draws in the island; All bedrooms have a minimum of 16SF of closet space; The linen closet has 13.75 SF of storage; There is also 54 SF of sperate storage for large items. All party wall assembly will have an STC rating of 55 or better; the entry door and all windows will have an STC rating of 35 or better. The applicant is also providing two 48 SF decks for each unit. In addition over 80% of the total tree count, and overall circumference is being protected, and preserved.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or

Comment: This parcel is not located in an Environmental Overlay.

Based on the preceding findings, the applicant has met the burden of proof to demonstrate compliance with applicable approval criterion. Therefore, the following Adjustments may be approved subject to substantial conformance with submitted site plans and elevations:

- Reduction in minimum lot depth for Parcel 2 from 70 to approximately 40-feet (33.612.200 & Table 612-1);
- Reduction in front building setback for proposed development on Parcel 2 from 10 to 5-feet (33.120.220 & Table 120-3);
- Reduction in garage entrance setback for proposed development on Parcel 2 from 18 to 5-feet (33.120.220 & Table 120-3).

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.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- **Minimum Setbacks** – The existing development identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The closest building will be approximately 13-feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

- Parking lot landscaping – As a result of the land division, a new property line will be established adjacent to the existing parking area located on Parcel 1. Setbacks between the parking area and new property line are met. However, it is unclear if required landscaping is met in this area. Therefore, the applicant must demonstrate compliance with applicable landscape requirements (33.266.130.G & Table 266-5) on a supplemental plan. If the standard is not met, final inspection approval of a Zoning Permit will be required to install the landscaping.

With the conditions noted above, 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 regarding fire apparatus access, fire flow/water supply, aerial fire department access roads, and addressing. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 2-parcel partition in addition to concurrent Adjustment reviews to minimum lot depth for Parcel 2 and reduction in front and garage entrance setbacks for future development on this parcel, as shown on attached preliminary plans (Exhibits C.1-8). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: Potential Landslide Hazard, Services/Utilities, and Adjustments. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of the following Adjustments, per the submitted site plan, elevations, and rendering, subject to condition D.1:

- Reduction in minimum lot depth for Parcel 2 from 70 to approximately 40-feet (33.612.200 & Table 612-1);
- Reduction in front building setback for proposed development on Parcel 2 from 10 to 5-feet (33.120.220 & Table 120-3);
- Reduction in garage entrance setback for proposed development on Parcel 2 from 18 to 5-feet (33.120.220 & Table 120-3).

Approval of a Preliminary Plan for a 2-parcel partition, that will result in two multi-dwelling parcels.

These approvals are illustrated with attached exhibits and are subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Perimeter parking lot landscaping adjacent to the new common property line;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. 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 C.5, 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."

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

1. The applicant shall complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) for SW Bertha Boulevard as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's SW 13th Drive frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for Parcels 1 and 2, as required in Chapter 5 of the Oregon Fire Code. Alternately, the applicant will be required to install residential sprinklers in the units on Parcel 2, if applying the exception. An Acknowledgement of Special Land Use Conditions

describing the sprinkler requirement must be referenced on and recorded with the final plat.

5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 2. 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.
6. If perimeter parking lot landscaping is not met between the existing parking lot to remain on Parcel 1 and the new common property line with Parcel 2, the applicant shall obtain final inspection approval of a Zoning Permit to install required landscaping in compliance with 33.266.130.G & Table 266-5. The permit plans must include the note: *This permit fulfills requirements of Condition C.6 of LU 17-245578 LDP AD.*

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

1. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.4, C.6, C.7, and C.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-245578 LDP AD. No field changes allowed."
2. Prior to occupancy of any structure on Parcel 2, the significant structural portions of all three proposed buildings and structures show on the land use drawings that are required for geotechnical hazard mitigation of the site are complete, and site conditions are to the satisfaction of the geotechnical engineer and BDS Site Development. Slope stabilizing mitigation, including drainage facilities, must be complete prior to occupancy of any structure.
3. Development on Parcels 1 and 2 shall be in conformance with the Existing Conditions Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.17). During construction on Parcel 2, tree protection fencing must be installed. Tree protection for any future construction activities on Parcel 1 must meet the requirements of Title 11. Tree protection fencing 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.
4. 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.
5. If required, the applicant shall meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units on Parcel 2. Please refer to the final plat approval report for details on whether this requirement applies.

Staff Planner: Sean Williams

Decision rendered by:  **on July 15, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 17, 2020

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 September 22, 2017, and was determined to be complete on November 22, 2017.

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 September 22, 2017.

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 waived all time limits and rights under *ORS 227.178* (Exhibit A.16).

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on July 31, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file

are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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.**

Recording concurrent approvals.

If the preliminary land division approval also contains approval of other land use decisions (examples include adjustments, conditional uses, and environmental reviews), these other approvals will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **July 31, 2020** 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 concurrent approvals. The preliminary land division approval also includes concurrent approval of Adjustments. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application. The following approvals were necessary for the land division to be approved: Adjustments. These approval(s) expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

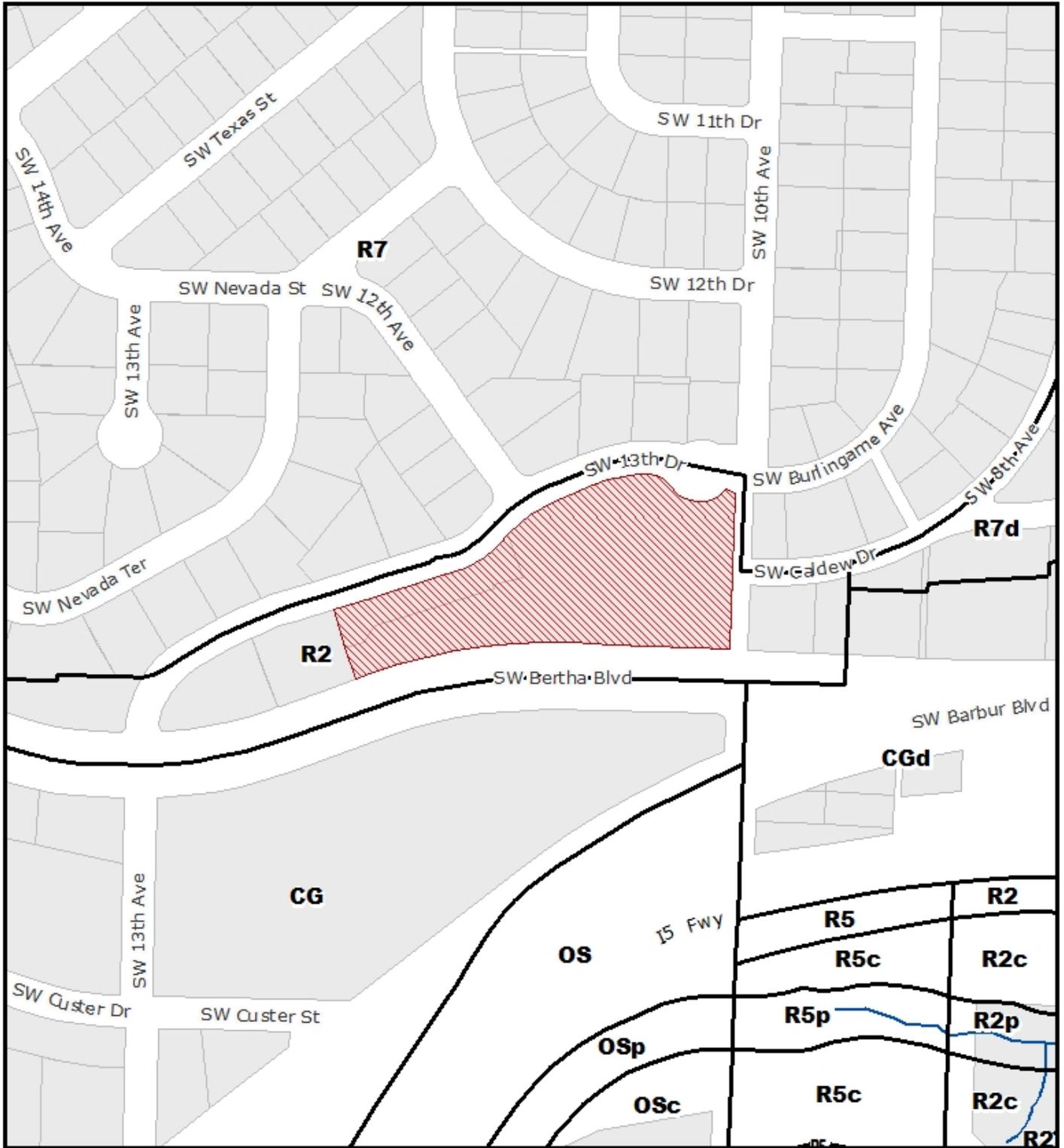
- A. Applicant's Statement
 - 1. Geotechnical Report & Landslide Hazard Study w/ Addendums
 - 2. Stormwater Management Report w/ revisions
 - 3. Adjustment Narrative
 - 4. Geotech Response Summary
 - 5. Approval Criteria Narrative
 - 6. Earth Engineers Memo 1/9/18
 - 7. Applicant revised narrative 12/20/18
 - 8. Geologist Report to Springs, Seeps, Streams, Wetlands
 - 9. Revised Narrative: Clearing, Grading, and Land Suitability
 - 10. Revised Stormwater Report (October 2018)
 - 11. Applicant Submittal 10/4/18
 - 12. Foundation Drain(s) Info from Applicant
 - 13. Applicant Response to Neighborhood Comments
 - 14. Expedited Land Division Form
 - 15. Neighborhood Contact
 - 16. Land Use Timeline Extensions
 - 17. Arborist Report
 - 18. EEI Report No. 17-184-5, 12/27/19
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Map
 - 2. Site Utility Plan
 - 3. Boundary Survey
 - 4. Elevations
 - 5. Preliminary Partition Plat
 - 6. Rendering
 - 7. Preliminary Site Plan
 - 8. Floor Plans
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
 - 3. Revised Notice of Proposal
 - 4. Mailing List for Revised Proposal
- E. Agency Responses:
 - 1. Bureau of Environmental Services w/ Addendums
 - 2. Bureau of Transportation Engineering and Development Review w/ Addendums
 - 3. Water Bureau w/ Addendum
 - 4. Fire Bureau w/ Addendum
 - 5. Site Development Review Section of BDS w/ Addendums
 - 6. Bureau of Parks, Forestry Division w/ Addendum
 - 7. Life Safety Plans Examiner w/ Addendum
- F. Correspondence:
 - 1. Hillsdale Neighborhood Association 11/15/19
 - 2. Mark and Janet Zimmerdahl - 7301 SW 13th Drive
 - 3. Dylan Parkins and Alex Morris 1/16/18 & 11/15/19
 - 4. Tatiana Lifshitz & Jackson Roholt
 - 5. Jonas G Nordwall - 7221 SW 13th Drive 1/12/18 & 11/8/19
 - 6. Neighbors of SW 13th Drive Letter:
 - a. Linda & Robert Diffely - 7202 SW Nevada Terrace
 - b. Sharon Mahony Roholt (Burlingame Terrace Apartments owner) - 7322-7333 SW 13th Drive
 - c. Clarissa Stoney & Max Wohlhuter - 7315 SW 13th Drive
 - d. Dan & Gail Stiffler - 7205 SW 12th Avenue
 - e. Megan and Brent Fare - 7241 SW 13th Drive

- f. Matt Doces - 7117 SW 12th Avenue
- g. Eric Oslund - 7217 SW 12th Avenue
- h. Sarah Pagliasotti Newman - 7261 SW 13th Drive
- i. Brooke Zueck - 7117 SW 12th Avenue
- j. Sarah & Michael Hohn - 7120 SW 12th Ave.
- k. Naomi Enos & Sean Burles - 7332 SW 13th Drive

G. Other:

- 1. Original LU Application
- 2. Incomplete Letter w/ RFC responses
- 3. Original Submittal

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



ZONING



Site



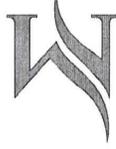
Stream

File No.	LU 17-245578 LDP, AD
1/4 Section	3728
Scale	1 inch = 200 feet
State ID	1S1E21AC 3400
Exhibit	B Dec 13, 2017

Samscoy Kim
 ARCHITECTS
 1000 15th Street, Suite 1000
 San Francisco, CA 94103
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 Fax: 415.774.1112
 Email: info@samscoykim.com
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Notes:
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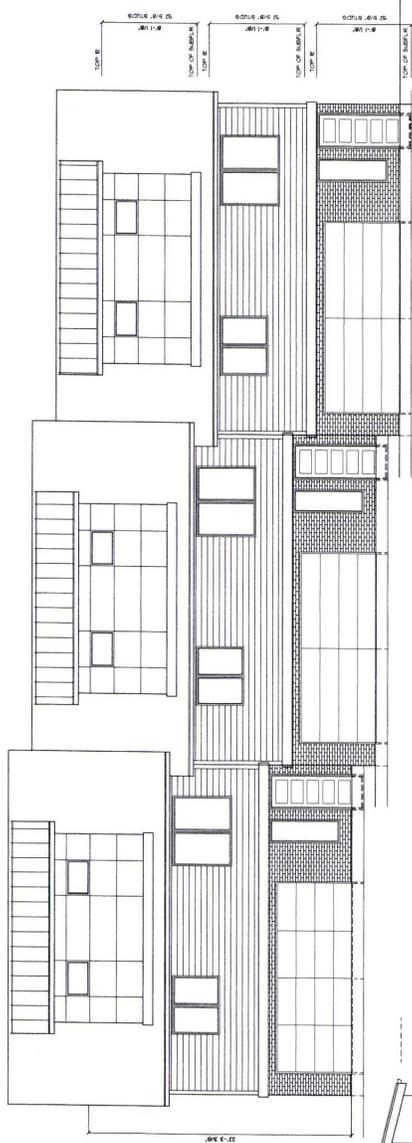
MAIN STREET DEVELOPMENT
 DREAM • DESIGN • BUILD



DATE: _____
 PROJECT NUMBER: _____
 REVISION: _____
 SHEET NO.: _____

1
 of 4

Sheet Number of _____

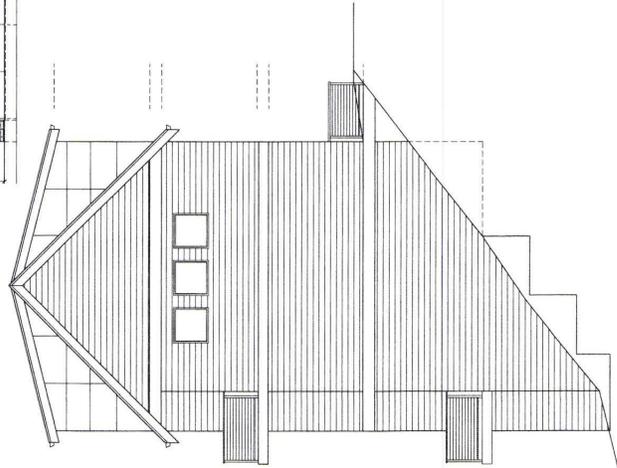


Front Elevation
 SCALE: 1/4"=1'-0"

The Amenity Bonus Option

Descriptions	%
Three bedroom units	10%
Storage areas	5%
Sound insulation	10%
Sound insulation	10%
Larger required outdoor areas	5%
Tree preservation	10%
TOTAL	50%

1877 Total Sq Ft.



Left Elevation
 SCALE: 1/4"=1'-0"

Samceyken
 ARCHITECTS
 4710 13th Avenue SW
 Seattle, WA 98147
 Phone: 206.461.1111
 Fax: 206.461.1112
 www.samceyken.com

When preparing or using architectural drawings, the user assumes all responsibility for the accuracy of the information. The user shall be responsible for all errors and omissions. The user shall be responsible for all costs and expenses incurred in connection with the preparation and use of these drawings.

**MAIN STREET
 DEVELOPMENT**
 DREAM • DESIGN • BUILD

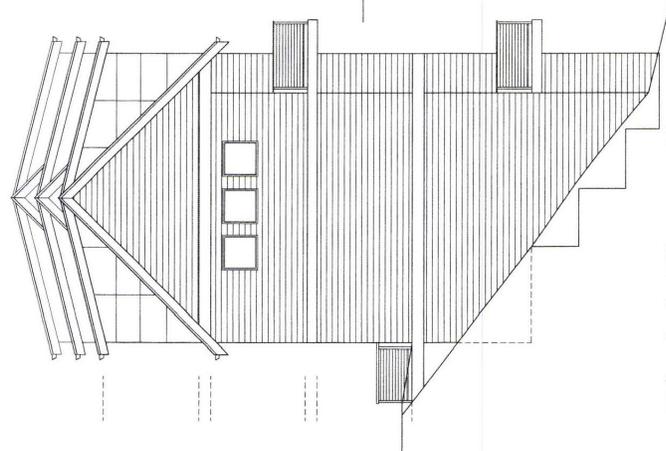


DATE:	PROJECT NUMBER:
DESIGNER:	SCALE:
DATE:	DATE:

2
 4
 Sheet Number of 4



Rear Elevation
 SCALE: 1/4" = 1'-0"



Right Elevation
 SCALE: 1/4" = 1'-0"