



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

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Date: July 12, 2022
To: Interested Person
From: Benjamin Nielsen, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 22-112749 DZ
NEW RESIDENTIAL 6-PLEX AT 2315 SE 12TH AVE

GENERAL INFORMATION

Applicant/ Representative: Tyson Okely, DEZ Development LLC
15648 SE 114th Ave, Suite 211, Clackamas, OR 97015
(503) 858-3035, tyson@dezdevelopment.com

Owner/Agent: Slavik Dezhnyuk, Kingdom Capital NW LLP
10800 SE 82nd Ave, Happy Valley, OR 97086

Land Use Consultant: Sarah Radelet, Strata Land Use Planning
PO Box 90833, Portland, OR 97290

Site Address: 2315 SE 12TH AVE

Legal Description: BLOCK 129 LOT 7, STEPHENS ADD
Tax Account No.: R794015950
State ID No.: 1S1E02CD 13000
Quarter Section: 3231

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

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: Central City - Central Eastside Subdistrict
Zoning: RM2d –Residential Multi-dwelling 2 with Design Overlay

Case Type: DZ – Design Review
Procedure: Type II – an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review approval for a proposed 6-plex multidwelling residential building in the Central Eastside Subdistrict of the Central City Plan District. The six proposed dwelling units are arranged into two-story townhouses, with the townhouse unit closest to the street having a door and porch facing the street and the remaining five townhouse units having doors facing an interior sidewalk along the sites south lot line. The building is proposed to be clad in painted fiber cement lap siding. A small, detached garbage and recycling structure are proposed near the northeast corner of the property.

Design Review is required for new development on sites in the design overlay zone of the Central City Plan District.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The subject site is located at the boundary between the Central Eastside and the Ladd's Addition Historic District in a neighborhood consisting of an eclectic mixture of single-family homes, duplexes, and small to medium-scale multi-dwelling development as well as several commercial businesses. Industrial uses lie in close proximity to the west of the site. The existing single dwelling home which previously stood on the site has been demolished. The site is relatively flat. The street grid adjacent to the site provides good connectivity for all modes of transportation.

This site has approximately 50 feet of frontage on SE 12th Avenue. At this location SE 12th Avenue is classified in the Transportation System Plan as a Traffic Access Street, Neighborhood Corridor, Transit Access Street, Major City Walkway, City Bikeway, Major Truck Street, and a Major Emergency Response Route. The site lies within the Central City Pedestrian District and a freight district. The site is not in a bicycle district.

Zoning: The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and

human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Central Eastside Subdistrict of this plan district.

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 17, 2022**. The following Bureaus have responded with no issues or concerns:

- Water Bureau

The Bureau of Environmental Services responded with a recommendation to deny the proposal until an approvable stormwater management system is proposed. BES staff found that the Simplified Approach to stormwater management was not satisfied and that insufficient information was provided to determine if the project could accommodate approvable stormwater facilities. Furthermore, BES staff indicate that the proposed drywell would not meet building or property line setback requirements or take into account recommendations from the geotechnical engineer based on observed soil conditions. (See Exhibit E.1 for details.)

The applicant submitted a response that they could use a “non-infiltrating facility using the Simplified Approach method”, though BES indicated that this information was insufficient to determine if that approach would meet their criteria. (See Exhibit E.2 for details.)

Staff response: While the stormwater management issue remains outstanding, it may be possible to resolve without impacting the overall design of the proposal. If revisions to the proposed design are found to be needed, a subsequent Design Review may be required to review proposed design revisions.

The Bureau of Transportation Engineering responded with no objections and with information about Title 17 requirements. Please see Exhibit E.3 for additional details.

The Fire Bureau responded with no concerns and a comment that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E.4 for additional details.

The Site Development Section of BDS responded with no objections and with information about permitting requirements. Please see Exhibit E.5 for additional details.

The Life Safety Review Section of BDS responded with no objections and with general life safety comments. Please see Exhibit E.6 for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 17, 2022. A total of four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Simon Harding, 2276 SE Spruce Ave, Portland, OR 97214, 05/20/2022. Letter in opposition to the proposal because it includes no on-site parking and because respondent thinks it is “exceedingly ugly”. See Exhibit F.1.
2. Mary Mayther-Slac, 06/02/2022. Letter in opposition due to lack of on-site parking. See Exhibit F.2.
3. Michael Wade, HAND LUTC Chair, 06/07/2022, forwarding letter on behalf of Simon Harding. Letter contains the same content as Exhibit F.1. See Exhibit F.3.
4. Julie Nguyen & Ha Pham, 2323 SE 12th Ave, Portland, OR 97214, 06/08/2022. Letter in opposition to the proposal citing deteriorating neighborhood quality with increasing

density and privacy and noise concerns with south-facing entryways into the townhouse dwelling units. See Exhibit F.4.

Staff response: Three of the four pieces of correspondence received oppose the proposal due to lack of parking; however, parking is not required for any development in the Central City Plan District per PZC 33.510.261.F.2. The Design Review approval criteria also do not require parking; rather, when parking is provided, the approval criteria encourage its integration into the development.

Regarding Julie Nguyen & Ha Pham’s letter citing concerns with the decreasing quality of the neighborhood and concerns about privacy, staff requested the applicant to propose design revisions that could help to address their concerns. The applicant did not respond with any revisions. Staff notes that this proposal is similar (in many ways identical) to a proposal one block to the north. In that proposal, the building is 2.5 feet narrower and the north side yard is 1.5 feet narrower. The applicant could have proposed to narrow both the building and the north side yard to help mitigate the respondents’ concerns. Staff, however, has no authority to request reduction in floor area to accommodate such a change per PZC 33.825.035, Factors Reviewed During Design Review. This code section states “... While the review may evaluate the distribution of massing and placement of structures on the site, the review may not require the applicant to reduce or increase the total floor area or height...” It is also difficult to condition a narrower north setback area, as there may be unanticipated conflicts with adjacent development and other on-site design elements. Although staff is sympathetic to the concerns raised, staff finds that the proposal meets the approval criteria as indicated in the findings below.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

Section 33.825.055, Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

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

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

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

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

Central Eastside Design Goals

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

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

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

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

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project. Staff has also reorganized the guidelines into three primary tenets, which are Context, Public Realm, and Quality & Permanence.

Context.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

C3-1. Design to Enhance Existing Themes in the District. Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

C3-2. Respect Adjacent Residential Neighborhoods. Respect the architectural character and development patterns of adjacent residential neighborhoods.

C4. Complement the Context of Existing Buildings. Complement the context of existing

buildings by using and adding to the local design vocabulary.

Findings for A2, A4, A5, C3-1, C3-2, & C4: The proposal meets these guidelines in the following ways:

- This area between SE 12th and SE 11th Avenues serves as a transitional zone between the single-family residences that predominate in Ladd's Addition to the east and the more industrial nature of the inner southeast industrial area to the west. Although containing 6 dwelling units, the proposed building is scaled to read as a single-dwelling residential structure from the street, maintaining the pattern of single-dwelling scaled buildings with porches facing towards Ladd's Addition on this section of SE 12th Ave.
- The design of the proposed 6-plex also complements the character of nearby residential buildings by paying homage to the neighborhood's Queen Anne-style single-dwelling homes and larger "boarding house" style buildings, with vertically oriented bays and windows, gabled roof forms, large covered front porch, and landscaped front setback. Overall material articulation is simple with shiplap siding and simple trims, taking more inspiration from the area's largely unornamented boarding house style buildings and simple single-dwelling houses rather than the more-ornate Queen Anne-style houses in the vicinity.
- The remaining 5 dwelling units are accessed from a pathway along the site's south side, and the side elevations are broken up into smaller masses that complement the single-dwelling residential scale of much development in the vicinity.

One aspect of the proposal, however, does not fully satisfy these guidelines:

- Although proposed on-site landscaping and setbacks generally complement the context of development in the vicinity, the medium-sized Red Alder trees proposed along the site's southern edge are too large both for the ground space provided and for the proximity of the proposed trees to existing development to the immediate south of the site. For these reasons, the proposed medium-sized trees along the south side of the property line should be replaced with small-sized trees (as defined by the zoning code) in an amount that provides at least the necessary number of trees to satisfy the Landscaping Standards in PZC 33.120.235. Staff had requested that this revision be made, but since the plans were not revised to address this issue, a condition of approval requiring this change is necessary.

With the following condition of approval, these guidelines will be met:

- *The proposed medium-sized trees along the south side of the property line shall be replaced with small-sized trees (as defined by the zoning code) in an amount that provides at least the necessary number of trees to satisfy the Landscaping Standards in PZC 33.120.235.*

A5-3. Plan for or Incorporate Underground Utility Service. Plan for or Incorporate Underground Utility Service to development projects.

Findings: Water, sewer, and gas utilities will be located underground. Electrical will be serviced from transformers on one of the two power poles adjacent to the site, similar to the other single-family houses on the block.

Therefore, this guideline is met.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings: Large windows and a glazed entry door are placed on the east façade, facing SE 12th Ave, affording visual connections to the sidewalk and street from the building. The

front porch is similarly situated to allow for visual connections to the activity of the street. There are no protected existing views or view corridors in the vicinity.

Therefore, this guideline is met.

Public Realm.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings: The proposal meets these guidelines in the following ways:

- The proposed building is setback approximately 10'-0" from the street lot line with trees, landscaping, and landscape planters set between the sidewalk and the building, maintaining the street's context of landscaped setbacks for single-dwelling scaled residential structures along this portion of SE 12th Ave and, consequently, the type of urban enclosure found in this area.
- An elevated, covered front porch also faces the street, with large windows and a glazed entry door opening onto the porch, providing additional articulation on the east elevation of the building.
- The porch, glazed door, and windows on the east façade also help contribute to the vibrancy of the streetscape, with the latter two design elements allowing for views into the front dwelling unit's active living spaces from the sidewalk and affording opportunities for interaction between pedestrians and residents using the front porch.

Therefore, these guidelines are met.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

Findings: The proposal meets this guideline in the following ways:

- The public sidewalk will be rebuilt to meet current city standards, including a 6-foot wide sidewalk, 4-foot wide furnishing zone, and 1.5-foot frontage zone. The furnishing zone will be differentiated from the main movement zone of the sidewalk with trees and landscape plantings; the frontage zone will have similar ground cover landscaping.
- A 4'-0" wide pathway will connect the dwelling units on the site to the public sidewalk. A similar 4'-0" wide sidewalk will connect the easternmost unit's front porch to the public sidewalk.

Therefore, this guideline is met.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The proposal meets this guideline in the following ways:

- The public sidewalk will be separated from moving traffic by a landscaping strip with street trees and a parking lane between this landscape strip and the driving lane of the street. No vehicles will be entering or exiting the site, as no on-site parking or loading spaces are proposed.
- Lighting is proposed at the building's front porch and along the pathway along the south side of the building. These light fixtures will help to increase the safety of pedestrians walking past these areas.

One aspect of the proposal does not yet satisfy this guideline, however:

- The building's electrical meters are located on the south elevation of the building; however, they are shown on the public side of the wooden fence and gate, which detracts from the pedestrian environment. For this reason, a condition of approval is needed to relocate the meters behind the fence (or, if necessary, shift the fence slightly closer to the street) to conceal the meters from view from the sidewalk.

With the following condition of approval, this guideline will be met:

- *The electrical meters shall be located behind the fence.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for B4 & C6: The proposal meets these guidelines in the following ways:

- The easternmost dwelling unit has a front porch which faces SE 12th Ave. This porch will provide a space outside the unit where residents of the unit and their guests may stop, socialize, and rest off the public sidewalk while still maintaining a connection to it.
- The remaining dwelling units have their entries located off of a pathway along the south side of the site. Residents and their visitors may choose to stop briefly at the junction of the pathway with the sidewalk, or, perhaps more likely, in front of the individual entry doors to their units. Each of these doors is recessed slightly from the main pathway, providing a small space to stop and socialize.

Therefore, these guidelines are met.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

B6-1. Provide Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

Findings for B6 and B6-1: The proposed building is not located adjacent to a primary pedestrian route (i.e., the public sidewalk). Rather it is setback approximately 10'-0". Therefore, it does not include canopies or awnings projecting over the sidewalk that a more urban multidwelling or mixed-use residential structure might have. Instead, protection from weather is provided by the covered front porch on the easternmost dwelling unit. Additional weather protection is provided at the small, recessed porch areas at the remaining dwelling units, where the second floor extends over the entries.

Therefore, these guidelines are met.

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings: The proposed building includes accessible entry and egress routes and doors to all dwelling units.

Therefore, this guideline is met.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: Although the building is only two stories in height and design in the style of a single-dwelling residence, the sidewalk-level of the building incorporates a covered porch with a railing and a small canopy roof over the other ground floor, street-facing windows. These elements provide definition and articulation to the sidewalk-level of the building and provide separation from the second and attic stories.

Therefore, this guideline is met.

Quality & Permanence.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: The proposal meets this guideline in the following ways:

- Hardie Artisan fiber cement shiplap siding comprises the majority of the building's exterior. This siding product has a 5/8" thickness, which helps to ensure the material's durability and retain its quality over time.
- Other proposed exterior building components are of sufficient quality for the scale of the proposed building, and details provided demonstrate that they will be installed in such a way as to ensure their durability.

Therefore, this guideline is met.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

Findings for C5 and C11: The proposal meets this guideline in the following ways:

- The front façade of the building incorporates a simple but clear single-dwelling style residential design that emulates other similarly-scaled buildings along SE 12th Ave in the vicinity of the project.
- Side elevations of the building express its townhouse typology with a simple rhythm of roof peaks, windows, and entries.

Therefore, these guidelines are met.

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings: The front dwelling unit's public living spaces are located on the ground floor with windows and a glazed door facing the public sidewalk along SE 12th Ave. These living spaces can accommodate a variety of future residents' active uses.

Therefore, this guideline is met.

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: Wall sconce fixtures are proposed at the building's front porch, at each of the other townhouse entries along the side elevation, along the pathway connecting the sidewalk to the townhouse entries, and near the trash enclosure, which are locations where the lighting will provide benefits to pedestrians on and near the site and which complement the overall residential scale of the building.

Therefore, this guideline is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines and therefore warrants approval.

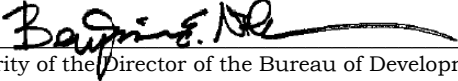
ADMINISTRATIVE DECISION

Approval of a proposed 6-plex multidwelling residential building in the Central Eastside Subdistrict of the Central City Plan District, per the approved site plans, Exhibits C.1 through C.11, signed and dated 07/08/2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 22-112749 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

- D. The proposed medium-sized trees along the south side of the property line shall be replaced with small-sized trees (as defined by the zoning code) in an amount that provides at least the necessary number of trees to satisfy the Landscaping Standards in PZC 33.120.235.
- E. The electrical meters shall be located behind the fence.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on July 8, 2022.**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 12, 2022.

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

Procedural Information. The application for this land use review was submitted on February 4, 2022, and was determined to be complete on May 10, 2022.

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 February 4, 2022.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 7, 2022.**

Some of the information contained in this report was provided by the applicant.

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, 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 26, 2022. The completed appeal application form must be emailed 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 Office of Community and Civic Life 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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

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

Recording the final decision.

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

- *Unless appealed*, the final decision will be recorded after **July 26, 2022**, by the Bureau of Development Services.

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

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

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

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

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Original Drawing Set
 2. Original Narrative
 3. Original Material Cutsheets
 4. Development Standards Table
 5. Elevation
 6. Checksheet Responses, received 05/10/2022
 7. Copy of Deed, received 05/10/2022
 8. Revised Drawing Set, received 05/10/2022
 9. Revised Material Cutsheets, received 05/10/2022
 10. Geotechnical Report, received 05/10/2022
 11. SIM form, received 05/10/2022
 12. Revised Front Elevation, received 05/10/2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Cover Sheet
 2. Site Plan
 3. Landscaping Plan (attached)
 4. Front Elevation and Left [South] Elevation (attached)
 5. Rear Elevation and Right [North] Elevation (attached)
 6. Main Floor Plan/Site Plan
 7. Upper Floor Plan
 8. Roof Plan
 9. Details
 10. Window Coverage
 11. Material Cutsheets
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Response from Bureau of Environmental Services to revisions
 3. Bureau of Transportation Engineering and Development Review
 4. Water Bureau
 5. Fire Bureau
 6. Site Development Review Section of BDS
- F. Correspondence:
 1. Simon Harding, 05/20/2022, letter in opposition
 2. Mary Mayther-Slac, 06/02/2022, letter in opposition
 3. Michael Wade, on behalf of Simon Harding, 06/07/2022, letter in opposition
 4. Julie Nguyen & Ha Pham, 06/08/2022, letter in opposition
- G. Other:
 1. Original LU Application
 2. Incomplete Application Letter
 3. Follow-up to Incomplete Application Letter
 4. All email correspondence

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).