



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

Dan Ryan, Commissioner  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** September 27, 2022  
**To:** Interested Person  
**From:** Benjamin Nielsen, Land Use Services  
503-865-6519 / [Benjamin.Nielsen@portlandoregon.gov](mailto:Benjamin.Nielsen@portlandoregon.gov)

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

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

**CASE FILE NUMBER: LU 22-158773 DZM**  
***BASEMENT EGRESS WINDOWS & SITE-RELATED MODIFICATIONS***

**GENERAL INFORMATION**

**Applicant/  
Representative:** Will Uebelacker, WUD Architecture + Interiors  
1305 SE Milk Blvd, Suite B, Portland, OR 97214  
(503) 208-2034, [will@wudarchitecture.com](mailto:will@wudarchitecture.com)

**Owner:** Kevin Baron  
16820 NW Bernietta Ct, Portland, OR 97229-7945

**Site Address:** 26 NE 11TH AVE

**Legal Description:** BLOCK 236 S 14.3' OF W 71' OF LOT 1 N 18' OF W 71' OF LOT 2,  
EAST PORTLAND

**Tax Account No.:** R226515600  
**State ID No.:** 1N1E35CA 05500  
**Quarter Section:** 3031

**Neighborhood:** Kerns, contact Jesse Lopez at [yosoyjay@gmail.com](mailto:yosoyjay@gmail.com)  
**Business District:** Central Eastside Industrial Council, contact [ceic@ceic.cc](mailto:ceic@ceic.cc).  
**District Coalition:** Southeast Uplift, contact Matchu Williams at [matchu@seuplift.org](mailto:matchu@seuplift.org)

**Plan District:** Central City - Central Eastside  
**Zoning:** EXd: Central Employment with Design Overlay

**Case Type:** DZM: Design Review with Modifications  
**Procedure:** Type II: an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant requests Design Review approval for exterior alterations to an existing single-dwelling building and site in the Central Eastside Subdistrict of the Central City Plan District. Proposed alterations include the installation of two new basement level egress windows (including window wells) on the north elevation of the existing building, replacing an existing basement level window on the same elevation, and a pedestrian pathway that is approximately 3'-0 ¼" wide on the building's south side.

The applicant also requests two (2) Modifications to zoning code development standards:

- 1) 33.140.240.B.2. Pedestrian Standards, Materials. The applicant requests to provide a pedestrian pathway that is approximately 3'-0 ¼" wide, rather than the code required 6'-0" width.
- 2) 33.266.130.C.2. Building setbacks for structures that contain vehicle areas. The applicant requests to allow the existing structured parking (garage) to be set back approximately 3'-0" from the street lot line, rather than the required 18'-0" setback required for structured parking that does not allow for exiting in a forward motion.

Design Review is required for these exterior alterations because the site is located in the Design Overlay zone and because the proposed exterior alterations are not exempt from Design Review. Modifications may be requested with Design Review for zoning code development standards that are not met.

**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 District of the Central City Plan
- PZC 33.825.040, Modifications That Will Better Meet Design Review Requirements

**ANALYSIS**

**Site and Vicinity:** The subject site is a 2,272 square foot site developed with a two-story, single-dwelling residential style building (most recently used as an office) located in the Central Eastside Subdistrict of the Central City Plan District. The building is elevated above the street level by approximately one story, and it is setback behind a two-car garage that lies within approximately 3'-0" of the sidewalk. A wide staircase leads up to the porch on the south side of the garage. A similarly-scaled and designed structure lies immediately to the north of the site, and together, the two form a pair of the last remaining developments of this type that were historically found in this part of the Central Eastside. A four-story multidwelling shelter lies immediately to the south of the site. A two-story mid-century style office building lies across NE 11<sup>th</sup> Ave. A mixture of development types—including retail, office, industrial, and residential uses—and scales lies within the immediate vicinity.

The site lies between two Major City Traffic Streets: E Burnside Street to the south and NE Couch Street to the north, which form a couplet through this portion of the Central Eastside. NE 11<sup>th</sup> Avenue is classified as a City Bikeway, with local service for all other modes in the city's Transportation System Plan. The site also lies within the Central City Pedestrian District and within a Freight District.

**Zoning:** The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

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 **July 15, 2022**. A “Revised Notice of Proposal in Your Neighborhood” was mailed **August 26, 2022**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Fire Bureau
- Bureau of Environmental Services
- Water Bureau

The Bureau of Transportation, Engineering Division responded with no objections to approval. Please see Exhibit E.1 for additional details.

The Urban Forestry Division of Portland Parks & Recreation responded with no objections and with findings about existing street tree conditions (there are no street trees). Please see Exhibit E.2 for additional details.

The Life Safety Review Section of BDS responded with no objections to approval and with general life safety comments. Please see Exhibit E.3 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 15, 2022, and a “Revised Notice of Proposal in Your Neighborhood” was mailed on August 26, 2022. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Leanne C. Sliva, Jean’s Place Manager, 08/31/2022. The respondent emailed staff requesting more information about how invasive the construction would be on the south side of the site (and north side of the building she manages), with a request for the owner or staff to walk around the site with her. See Exhibit F.1.

*Staff forwarded the email to the applicant and requested that he provide the respondent with information to answer her questions. Staff also requested that he accompany her on a site visit. The applicant responded with answers and offered to connect the respondent with the owner for a walkaround. See Exhibit G.3.*

## 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 11<sup>th</sup> and 12<sup>th</sup> 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.*

**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.

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**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.

**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.

**C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings for A4, A5, A6, A7 A8, B1, & C4:** The proposed exterior alterations change very little about the existing development—altering only two egress windows on the north side of the building. With so few alterations, the existing building will still complement the similarly-scaled development to the immediate north, helping to maintain the character of the building's block while reusing an existing building with a new use. Retaining the existing staircase, pathway, and landscaping similarly help to reinforce the block's character while at the same time maintaining a sense of enclosure and vibrancy along the public sidewalk.

*Therefore, these guidelines are met.*

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

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**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.

**Findings for C2, C3, & C5:** The proposal makes only minor alterations to the exterior of the existing building. For this reason, the building’s architectural integrity and design coherency will be retained. New windows in the basement level of the building are proposed to vinyl windows, which are of sufficient quality given their location, which is both mostly below grade and significantly set back behind the existing structured parking/garage on the site, making their color compared to the overall composition of the building relatively insignificant.

*Therefore, these guidelines are met.*

**C1-1. Integrate Parking.**

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** The proposal retains the existing garage/parking structure, which is designed in a manner that is complementary to both the existing building and the sloping site.

*Therefore, this guideline is met.*

**33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

**Modification #1: 33.140.240.B.2. Pedestrian Standards, Materials. The applicant requests to provide a pedestrian pathway that is approximately 3’-0 ¼” wide, rather than the code required 6’-0” width.**

*Purpose Statement:* The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

*Standard:* 33.140.240.B.2, Materials.

- a. The circulation system must be hard-surfaced, and be at least 6 feet wide.
- b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a

- different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
- c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

**Modification #2: 33.266.130.C.2. Building setbacks for structures that contain vehicle areas. The applicant requests to allow the existing structured parking (garage) to be set back approximately 3'-0" from the street lot line, rather than the required 18'-0" setback required for structured parking that does not allow for exiting in a forward motion.**

*Purpose Statement:* The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots; • Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

*Standard:* 33.266.130.C.2, Building setbacks for structures that contain vehicle areas.

- a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
- b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
- c. Structured parking that does not allow exiting in a forward motion in C, E, I, CI, or IR zones must be set back 18 feet from the street lot line.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** Allowing the width of the pedestrian connection to remain at approximately 3'-0 ¼" wide along the south side of the property will permit the proposal to retain existing landscaping, which provides a buffer between the subject site and the adjacent property to the south. The building immediately to the south is designed with a similar setback, and landscaping between the two creates a surprisingly substantial green area in an otherwise urban area. Retaining the landscaping therefore better complements the context of existing buildings, better meeting Guideline C4, and retains significant greenery that helps to contribute to a vibrant streetscape, better meeting Guideline A8.

Retaining the existing parking structure (former residential garage) in its current location with a 3'-0" deep driveway will allow for the easier reuse of the existing building, better meeting Guidelines A6 and C3. The close proximity of the parking structure also helps to establish the sidewalk edge in this block, and keeping it in its current location will better meet *Guideline A7 – Establish and Maintain a Sense of Urban Enclosure*.

*Therefore, this criterion is met.*

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

**Findings:** The pedestrian standards are intended to encourage a safe, attractive, and usable pedestrian circulation system and to ensure a direct pedestrian connection between abutting streets and buildings on the site. The existing on-site circulation system will still meet the goals of providing safe, usable, and direct pedestrian connections to the two entrances on the existing building. Additionally, retention of the landscaping along the existing pathway will help the system to retain its attractiveness.

The purpose of the building setbacks for structures that contain vehicle areas is to provide for pedestrian access that is protected from auto traffic, create an environment that is inviting to pedestrians, limit the prominence of vehicle areas along street frontages, create a sense of enclosure, and limit the size of paved parking areas to reduce the heat island effect, among other reasons. The existing parking structure (a formerly-residential use garage) is set approximately 3'-0" from the street lot line. While not meeting the setback standard, retaining the structure in this location results in less paved area—approximately 281.25 square feet less than meeting the standard—which will help to reduce the heat island effect. The reduction in paved area keeps the building wall closer to the sidewalk, which also helps to maintain a greater sense of urban enclosure on the sidewalk.

Additionally, PBOT engineering staff have evaluated the request to keep the driveway and parking structure as is and found through a Driveway Design Exception application (TR 22-158830) that the use of the driveway was not expected to operate differently than the former residential use on the site and that traffic volumes and speeds on NE 11<sup>th</sup> Ave are low. For these reasons, the Exception was approved, and the findings also support the purpose of the standard in demonstrating that pedestrian safety will not be negatively impacted by the modification request.

For all these reasons, the requested Modifications are consistent with the purposes of both standards, and *this criterion is met.*

**C. Mitigation of impacts.** *Any impacts resulting from the modifications are mitigated to the extent practical.*

**Findings:** Staff notes that impacts resulting from the Modifications are minor, at most, and no additional mitigation is needed, as the existing structure will remain essentially as is and its use will be little to no more intense than its previous use.

*Therefore, this criterion is met.*

*For the reasons noted above, these Modifications merit approval.*

## **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 modification criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of Design Review for exterior alterations to an existing single-dwelling building and site in the Central Eastside Subdistrict of the Central City Plan District, including the installation of two new basement level egress windows (including window wells) on the north elevation of the existing building, replacing an existing basement level window on the same elevation, and a pedestrian pathway that is approximately 3'-0 ¼" wide on the building's south side.

Approval of two (2) Modifications to zoning code development standards:

- 1) 33.140.240.B.2. Pedestrian Standards, Materials. The applicant requests to provide a pedestrian pathway that is approximately 3'-0 ¼" wide, rather than the code required 6'-0" width.
- 2) 33.266.130.C.2. Building setbacks for structures that contain vehicle areas. The applicant requests to allow the existing structured parking (garage) to be set back approximately 3'-0" from the street lot line, rather than the required 18'-0" setback required for structured parking that does not allow for exiting in a forward motion.

All approvals per the approved site plans, Exhibits C.1 through C.4, signed and dated 09/22/2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 22-158773 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Benjamin Nielsen**

Decision rendered by:  on September 22, 2022  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 27, 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 June 30, 2022, and was determined to be complete on July 12, 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 June 30, 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 requested that the 120-day review period be extended by 28 days. Unless further extended by the applicant, **the 120 days will expire on: December 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 October 11, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto: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 **October 11, 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. Narrative
  - 2. Original Drawing Set
  - 3. Modification Narrative, received 08/11/2022
  - 4. Revised Site Plan, received 08/11/2022
  - 5. Copy of Signed Decision for Driveway Design Exception (TR 22-158830)
  - 6. Window Cutsheet, received 09/20/2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. North Elevation (attached)
  - 3. Basement Plan
  - 4. Window Cutsheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
  - 3. Revised mailing list
  - 4. Revised mailed notice
- E. Agency Responses:
  - 1. Bureau of Transportation Engineering and Development Review
  - 2. Urban Forestry Division of Portland Parks & Recreation
  - 3. Life Safety Review Section of BDS
- F. Correspondence:
  - 1. Leanne C. Sliva, 08/31/2022, questions about the proposal
- G. Other:
  - 1. Original LU Application
  - 2. Request to add Modifications to the proposal received 08/17/2022
  - 3. Signed Request for Extension of 120-Day Review Period, received 08/17/2022
  - 4. 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).**



For Zoning Code in effect August 1, 2021 - June 30, 2022

# ZONING

 Site

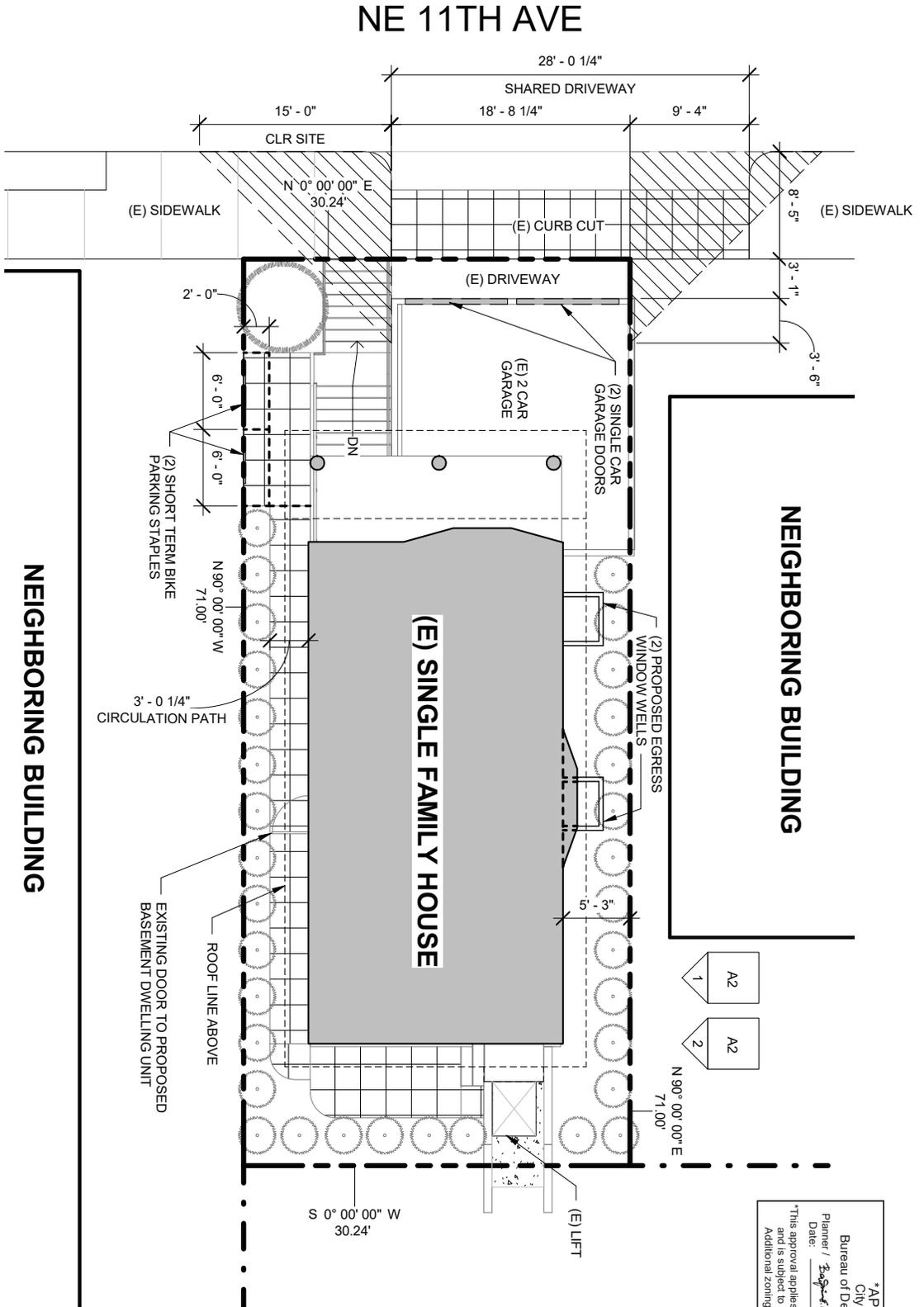
THIS SITE LIES WITHIN THE:  
 CENTRAL CITY PLAN DISTRICT  
 CENTRAL EASTSIDE SUB DISTRICT

File No.	<u>LU 22 - 158773 DZM</u>
1/4 Section	<u>3031</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E35CA 5500</u>
Exhibit	<u>B Aug 22, 2022</u>

# A1

## SITE PLAN

1 SITE PLAN  
1/8" = 1'-0"



\*APPROVED\*  
Bureau of Development Services  
City of Portland  
Planner / *Erin M. ...* 09/22/2022  
Date: 09/22/2022  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.\*

04/07/2022



### 11th Ave. Duplex

LU 22-158773 DZM - Exhibit C.1

26 NE 11th Ave  
Portland, OR



A2

NORTH ELEVATION

04/07/2022

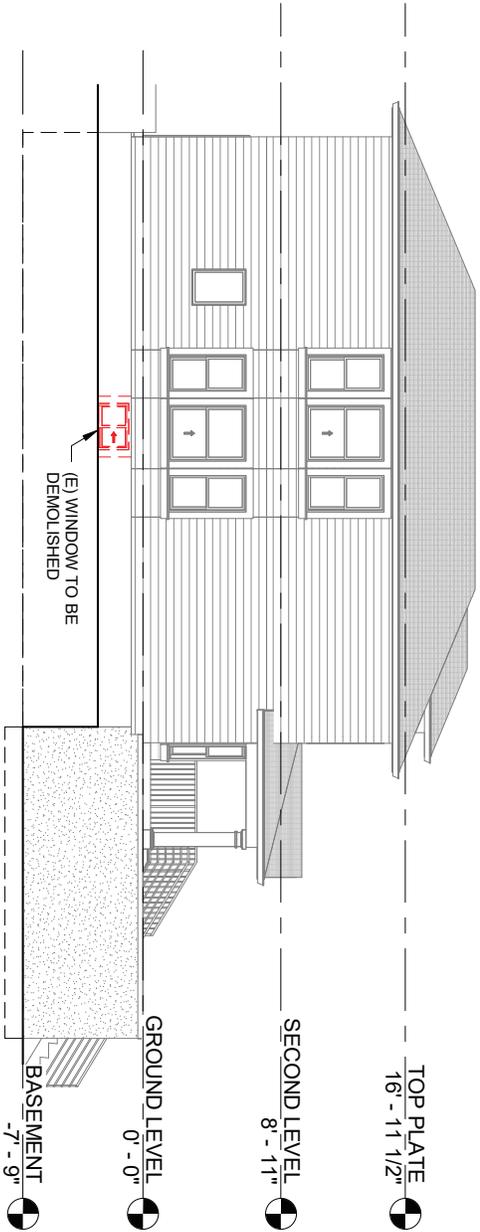
ARCHITECTURE + INTERIORS



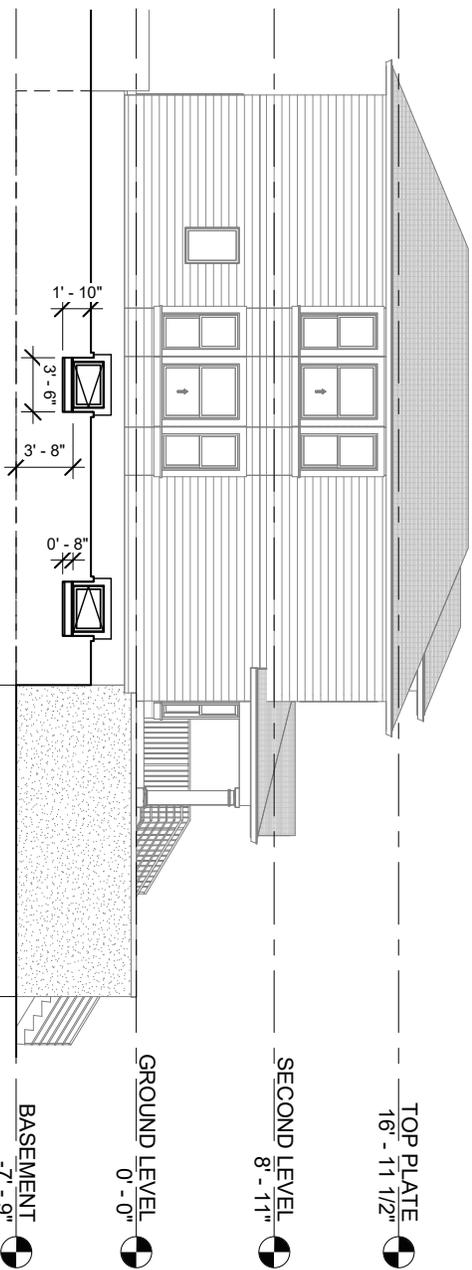
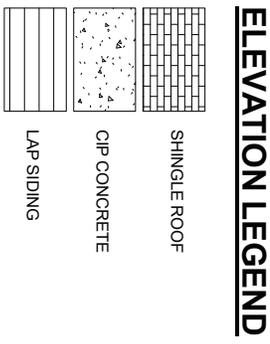
LU 22-158773 DZM - Exhibit C.2

26 NE 11th Ave  
Portland, OR

11th Ave. Duplex



2 EXISTING NORTH ELEVATION LUR  
1/8" = 1'-0"



1 PROPOSED NORTH ELEVATION LUR  
1/8" = 1'-0"

\*APPROVED\*  
City of Portland  
Bureau of Development Services  
Planner / *[Signature]* 09/22/2022  
Date: \_\_\_\_\_

\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.\*