City of Portland, Oregon
Bureau of Development Services
Land Use Services

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www.portlandonline.com/bds

Date: February 9, 2009

To: Interested Person

From: Kathleen Stokes, Land Use Services
503-823-7843 / kstokes@ci.portland.or.us

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-178328 AD

GENERAL INFORMATION

Applicant: David A Brambora
7203 N Knowles Ave
Portland, OR 97217-5869

Site Address: 7203 N KNOWLES AVE

Legal Description: LOT 17 BLOCK 20 N 13' 6'' OF LOT 18 BLOCK 20, ARBOR LODGE
Tax Account No.: R032704310
State ID No.: 1N1E16BB 10600
Quarter Section: 2327

Neighborhood: Arbor Lodge, contact Chris Duffy at 503-285-6440.
Business District: North Portland Business Assoc, contact Jim Schaller at 503-517-9915.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Zoning: R5a (R5,000, High Density Single-Dwelling, with an Alternative Design Density Overlay)

Case Type: Adjustment Review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: The applicant is requesting approval to locate a parking space in front of the existing residence at this site. Parking spaces must have minimum dimensions of 9 feet by 18 feet. Code Section 33.266.120 C. requires that parking spaces be located at least 10 feet back from the front property line in the R5 zone, except when they are located immediately in front of a required parking space that meets this standard. The parking space that is being proposed is located in the driveway in front of the house. The driveway is 15 feet, 3 inches wide and 24 feet long. An additional 2 feet of pavement exists in the right-of-way, inside the edge of the sidewalk, making the distance from the sidewalk to the house a total of 26 feet. Exceptions to the required setback for parking spaces can be approved, if the relevant approval criteria for an Adjustment Review are met. Because the proposed parking space does not meet the 10-foot setback requirement from the front property line, the applicant is requesting approval of an adjustment to reduce the required setback for the parking space from 10 feet to 6 feet.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

ANALYSIS

Site and Vicinity: The applicant's site is a 5,123 square-foot parcel that is located on the west side of North Knowles Avenue, approximately midway between North Holland and Morgan Streets. The site is developed with a one story, single-dwelling residence that was built in 1970. The former attached garage was converted to part of the living area of the dwelling unit. The area around the site is developed with other single-dwelling residences in a variety of ages and architectural styles.

Zoning: The site is zoned R5, High-Density Single-Dwelling Residential with an "a" or Alternative Design Density Overlay. The R5 zone requires an average lot area of 5,000 square feet, with a maximum allowed density of one unit per lot (generally 8.7 units per acre.) The "a" Overlay Zone allows opportunities for increased residential density in certain situations. The regulations of the overlay zone are not applicable to this situation.

Land Use History: City records include the following prior land use review for this site:

VZ 175-69 1969 variance to reduce the minimum lot width, from the required 50' to 46.8', in order to convert a lot of 93.66' by 109' into two lots of 46.8' by 109'.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 13, 2009**. The following Bureaus have responded to indicate that there are no issues or concerns related to approval of this proposal. Agencies that indicated that there were no issues with approval of the requested adjustment, but also provided information for permit review purposes are noted, with exhibit numbers, below:

- Environmental Services
- Transportation Engineering
- Water Bureau (Exhibit E-1)
- Fire Bureau
- Site Development Section of BDS (Exhibit E-2)
- Life Safety Plan Review Section of BDS (Exhibit E-3).
- Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 13, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustments 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

Findings: The purpose of regulations for the size and placement of vehicle parking areas (33.266.120) is to *enhance the appearance of neighborhoods.*

The proposal will have no impact on physical or visual pedestrian access, as the standard, 18-foot deep parking space is set back eight feet from the sidewalk and will not block views to or from the residence. The Portland Office of Transportation indicated that there were no concerns related to approval of the adjustment. Because the location of the parking space, within the front setback area, can be accommodated without impacting the pedestrian environment or the appearance of the street edge, this criterion is met.

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

Findings: The location of parking within the front setback area will not block views to or from the residence, so it will not detract from the livability or appearance of the residential area. Approval of the adjustment will allow the applicant the flexibility necessary to provide off-street parking while continuing to maintain the visual character of the neighborhood. Therefore this criterion is met.

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 adjustment are mitigated to the extent practical; and

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

Findings: Only one adjustment has been requested. There are no designated scenic or historic resources on the site. No impacts are expected to occur from approval of the requested adjustment. The site is not located within an environmental zone. Therefore, these criteria do not apply.

CONCLUSIONS

The purpose of the required setback for parking spaces is to enhance the appearance of neighborhoods. Approval of this adjustment will not impact the appearance or the livability of the adjacent residential area because it will not block views to or from the residence and is not expected to create any negative visual impacts on the streetscape. All of the relevant approval criteria have been met. The requested Adjustment can be approved, in general compliance with the approved site plan.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Code Section 33.266.120 C, to reduce the required setback for the proposed parking space, from 10 feet to 6 feet from the front property line, in general compliance with the approved site plan, Exhibit C-1, signed and dated February 5, 2009, and subject to the following condition:

A. As part of the 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 Exhibit C-1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-178328 AD."

Decision rendered by: _____ **on February 5, 2009.**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 9, 2009

Staff Planner: Kathleen Stokes

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 November 18, 2008, and was determined to be complete on January 9, 2009.

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 November 18, 2008.

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 the120-day review period.

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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 23, 2009,** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of $250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 Adjustment Committee 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **February 24, 2009 – (the day following the last day to appeal).**
- A building or zoning or other permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

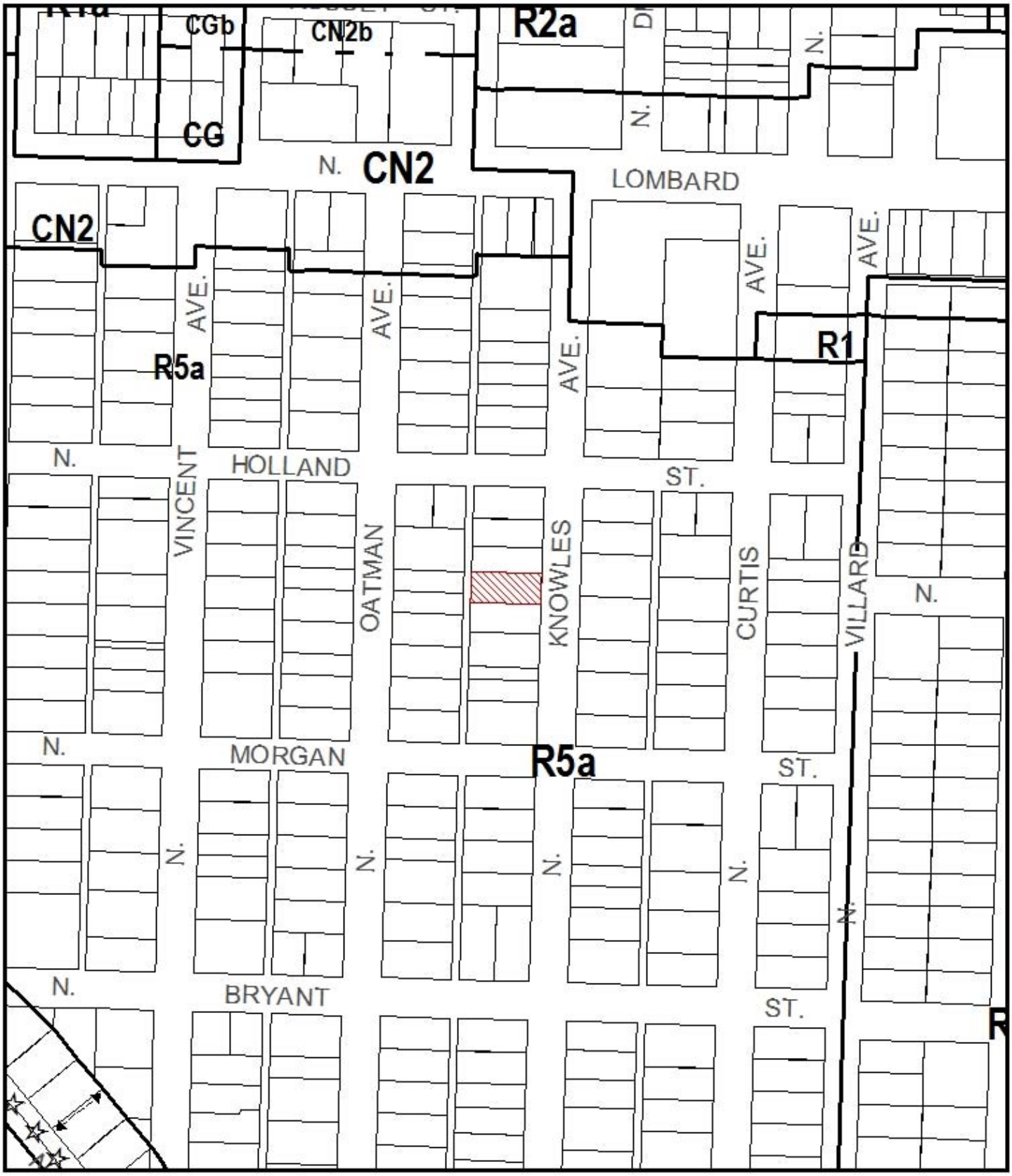
- All conditions imposed herein;

- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Water Bureau
   2. Site Development Review Section of BDS
   3. Life Safety Plan Review Section of BDS
   4. "No concerns" notations from service agencies
F. Correspondence: (none received)
G. Other:
   1. Letter from Kathleen Stokes to David Brambora, December 2, 2008
   2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

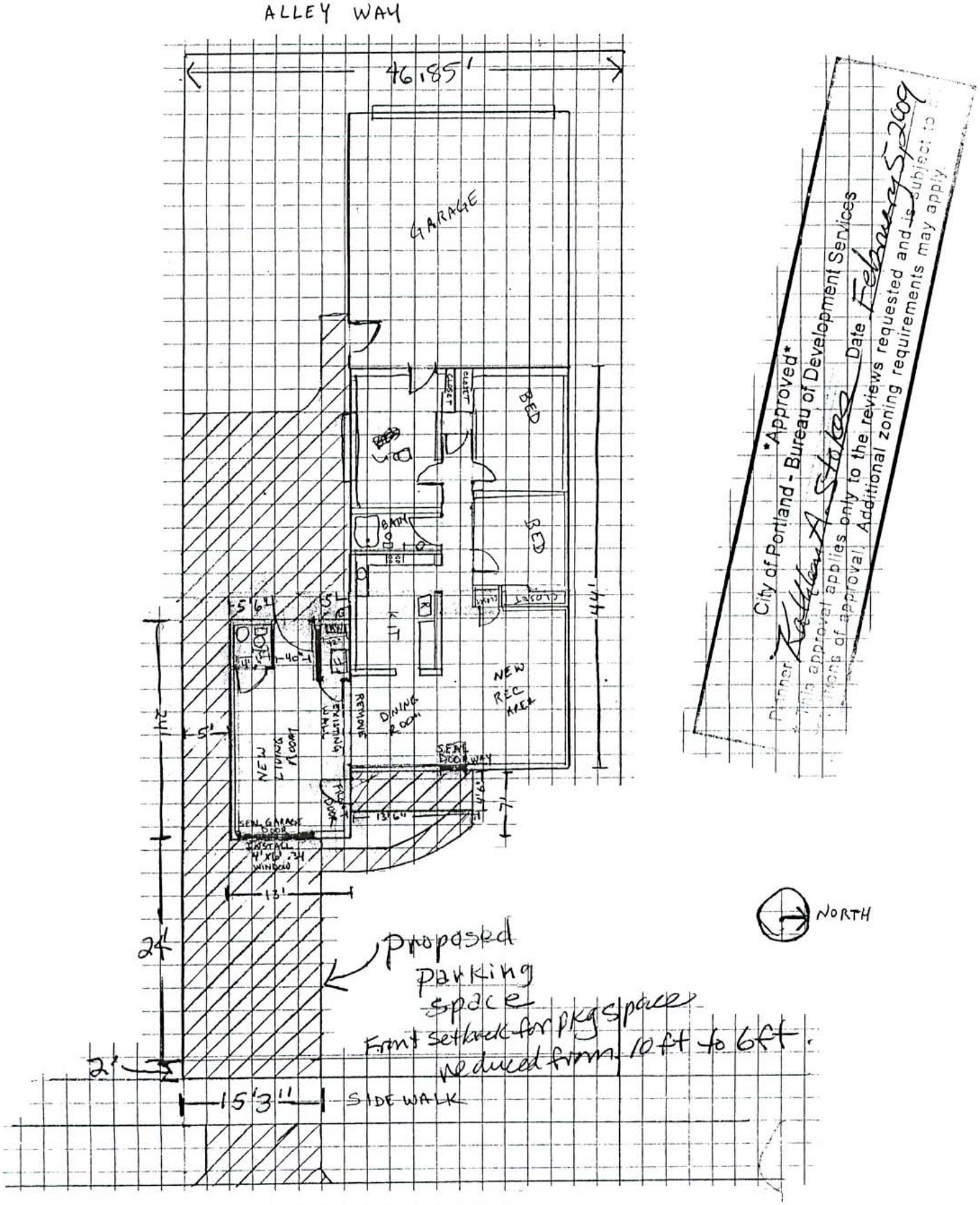


ZONING

Site

NORTH

File No.	LU 08-178328 AD
1/4 Section	2327
Scale	1 inch = 200 feet
State_Id	1N1E16BB 10600
Exhibit	B (Nov 20,2008)



N. KNOWLES AVE.

SCALE = 1" = 10'

LU08-178328AD
Exhibit C-1