

City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: May 29, 2012

To: Interested Person

From: Douglas Hardy, Land Use Services

503-823-7816 / Douglas.Hardy@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 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 12-130396 AD

GENERAL INFORMATION

Applicant: Chris Steenson and Nicole Walter, property-owners

11575 SW Pacific Highway, #164

Tigard, OR 97223

Representative: Art Duhon

Duhon Consulting and Design

155 NW 338th Avenue Hillsboro, OR 97124

Site Address: 100 N. Blandena Street

Legal Description: Block 15, W 49' of Lot 4, Maegly Highland Add.

Tax Account No.: R211715

State ID No.: 1N1E22AC 03800

Quarter Section: 2530

Neighborhood: Humboldt, contact Brian Murtagh at 503-962-9194

Business District: North Portland Business Assoc, contact Jim Schaller at 503-517-9915

North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321

District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at

503-823-4575

Zoning: R1a - Multi-Dwelling Residential 1,000, with an Alternative Design

Density overlay

Case Type: Adjustment (AD)

Procedure: Type II, Administrative decision with appeal to Adjustment Committee

PROPOSAL

The applicant proposes constructing a four-unit multi-dwelling building on the subject site. In the R1 zone, one on-site parking space is typically required for each dwelling unit. For sites located within 500 feet of a frequent service transit line (i.e., service running at intervals of 20-minutes or less during AM and PM peak hours), no on-site parking is required.

TriMet's #44 bus line is located within 500 feet of the subject site, with the PM peak service running at intervals of 20-minutes or less. However, the AM peak service for this bus line runs

at intervals between 19 and 22 minutes. Because some of the AM peak service intervals are greater than 20 minutes, on-site parking is required for the four proposed dwelling units.

Given the nearby bus line runs almost at what is considered a frequent service level, the applicant is requesting an Adjustment Review to waive the four required on-site parking spaces.

RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code

ANALYSIS

Site and Vicinity: The 4,900 square foot, flat site is vacant with the exception of a paved driveway extending from the street towards the rear of the property, along the west side lot line. Based on the plans the applicant submitted for the building permit application (Permit # 12-102765 CO), the driveway will be removed as part of the proposed development of the site and replaced with patios for each of the four new dwelling units.

The adjacent N. Blandena Street is a 50 foot wide improved right-of-way consisting of two travel lanes, sidewalks on both sides, and narrow planting strips. There are no parking restrictions on either side of this street between N. Vancouver Avenue and N. Williams Avenue. Development along this blockfront appears to consist predominantly of one to two-story single-dwelling residences. Most homes on this blockfront have off-site parking consisting of at least a paved driveway.

TriMet's #44 line runs northbound on N. Williams Avenue (approximately 150 east of the subject site), and southbound on N. Vancouver Avenue (approximately 100 feet west of the subject site).

Zoning: The subject site is located in a Multi-Dwelling Residential 1,000 (R1) zone, with an Alternative Design Density ("a") overlay.

The use regulations of the R1 zone are intended to create and maintain higher density residential neighborhoods. Given the size of the subject site, up to four dwelling units are allowed outright. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character. At the same time, the standards allow for flexibility for new development.

The "a" overlay is intended to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

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

Agency Review: A Notice of Proposal was mailed April 30, 2012. The Bureau of Development Services Site Development Section responded with no issues or concerns.

The Portland Bureau of Transportation (PBOT) responded that given the average interval between buses on the adjacent transit streets is near 20 minutes, the request to waive the on-

site parking spaces sufficiently meets the intent of the standard that allows applicants to waive on-site parking when located within 500 feet of frequent transit service. Therefore, PBOT has no objection to the proposed Adjustment. PBOT does note, however, that if there are future requests to waive on-site parking for multi-dwelling development on this blockfront, there may be on-street parking impacts that require additional transportation analysis to determine whether such Adjustment requests can be approved.

The Bureau of Environmental Services (BES) has no objections to the requested Adjustment, and referred the applicant to the stormwater and sanitary requirements BES noted on the related building permit (Permit # 12-102765 CO).

The Fire Bureau has no issues with the requested land use review, but notes the applicant must meet applicable Fire Code requirements at time of building permit review.

The Water Bureau has no issues with the land use review, and notes water service is available to the development from a four inch water main in N. Blandena Street.

Neighborhood Review: One written response was received from an adjacent property-owner regarding the requested Adjustment. Most of the concerns expressed in the correspondence focused on the design and appearance of the four-unit development. The neighbor states that as the site is located in the Alternative Design Density ("a") overlay, development is intended to be compatible and supportive of existing houses. This language mirrors the purpose statement for the "a" overlay included in Zoning Code Section 33.405.010. While the site is mapped with the "a" overlay, the applicant is not using any of the regulations of this overlay, and therefore the stated intent of this overlay does not apply to the proposed development. The neighbor also notes that unlike existing development along this blockfront, the proposed development does not have main entrances that face the street. While the proposed four-plex does not have main entrances that face the street, there is no requirement in the R1 zone that multi-dwelling developments have main entrances facing the street. In any case, the Adjustment request is limited to assessing whether the request to waive the on-site parking meets the applicable approval criteria. As such, this review does not allow an assessment of the general design of the development.

The neighbor also stated that the Adjustment request will adversely impact on-street parking. This issue is addressed below in response to Approval Criterion A.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (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 providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

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

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

Findings: The applicant is requesting an Adjustment to waive the four required on-site parking spaces for the proposed four-unit residential development. The purpose for requiring a minimum number of on-site spaces, as stated in Zoning Code Section 33.266.110.A, is as follows:

The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

While the stated purpose of the regulation is to ensure there is enough on-site parking to accommodate the majority of traffic generated by the household use, the regulation acknowledges that sites that are located in close proximity to transit, and that have good street connectivity and good pedestrian facilities may require little or no off-street parking. Zoning Code regulations in Section 33.266.110.B.3 implement this intent by requiring no minimum on-site parking for sites located less than 500 feet from a transit street with 20-minute peak hour service. ("Peak Hour Service" is defined in Zoning Code Section 33.910.030 as weekday service provided by public transit between 7:00 am and 8:30 am, and between 4:00 pm and 6:00 pm.)

The subject site is located within 100 feet of N. Vancouver Avenue, and 150 feet of N Williams Avenue. Both streets are identified in the Transportation Element of the Comprehensive Plan as transit streets. TriMet runs the southbound #44 bus line on N Vancouver Avenue, and the northbound #44 bus line on N. Williams Avenue. Based on the TriMet bus schedule, the #44 bus line runs on the following schedule in the vicinity of the subject site during the AM and PM peak hours:

AM Peak Hour (7:00 – 8:30)	PM Peak Hour (4:00 – 6:00)		
	3:58		
6:58	4:13 (15 minutes)		
7:19 (21 minutes)	4:29 (16 minutes)		
7:38 (19 minutes)	4:42 (13 minutes)		
7:58 (20 minutes)	4:57 (15 minutes)		
8:18 (20 minutes)	5:16 (19 minutes)		
8:40 (22 minutes)	5:36 (20 minutes)		
	5:55 (19 minutes)		

During the AM peak hour, all but two of the runs operate at 20-minute intervals or less. Only the 6:58 to 7:19, and the 8:18 to 8:40 runs operate at intervals in excess of 20 minutes (at 21 minutes and 22 minutes, respectively). The eight runs during the PM peak hour all operate at intervals of 20 minutes or less (with the average interval being 16.7 minutes). If the two AM runs had frequency intervals of only one to two minutes less, the frequent service standard would apply and no on-site parking would be required for the proposed four-unit development. Given the frequency of both AM and

PM peak hour service is nearly the equivalent of frequent service transit, it is found that providing no on-site parking is consistent with the stated intent to not require parking for sites that are proximate to frequent service transit.

In addition to being proximate to nearly frequent service transit, the site is also in a neighborhood with good street connectivity and good pedestrian facilities. The surrounding area is well developed with a grid of public streets, with the blocks ranging in length from 145 feet to 600 feet, thereby allowing ease of connectivity from block to block. Sidewalks exist along both sides of N. Blandena Street, providing direct pedestrian connections to the sidewalks along the two adjacent transit streets, and to the continuing sidewalk system in the larger neighborhood.

Based on these findings, the Adjustment request is equally supportive of the purpose of the regulation, and 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 subject site is located in an R1 Multi-Dwelling Residential zone. The request to waive the required on-site parking spaces for the four-unit development will have no impact on the appearance of the surrounding residential area. If anything, waiving the on-site parking allows for a more urban, built-out style of development that is desired in the medium-density multi-dwelling R1 zone. As for livability, the requested Adjustment is not expected to have an adverse impact on the surrounding residential neighborhood. The only potential impact the Adjustment would have on livability would be the result of increased on-street parking. However, as discussed above, the site is near two transit streets that provide near frequent service, thus reducing the necessity for residents to own a car. As stated above, the average interval between buses operating during the AM peak hour on the southbound N. Williams Avenue is 20.4 minutes, only 0.4 minutes less than what the Zoning Code considers frequent service transit. If the service intervals of this bus line were 20 minutes, no on-street parking would be required.

Additionally, the length of the subject site's street frontage can accommodate two curbside parking spaces. Almost all the homes along this blockfront (between N. Williams and N. Vancouver Avenues) have on-site parking, with a relatively high vacancy of on-street parking (at least during the daytime) that could accommodate additional vehicles.

Based on these findings, the proposal will not adversely detract from the livability or appearance of the surrounding residential area, and 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

Findings: As only one Adjustment is requested, this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there is neither a scenic nor historic resource designation on the site, this criterion is not applicable.

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

Findings: As addressed in the findings above, there are no identified impacts that would result from granting the Adjustment request. The Adjustment request equally meets the stated intent of the minimum parking regulation, and has no expected adverse impacts on the appearance or livability of the surrounding residential area.

This criterion is met.

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: As the site is not within an environmental zone, this criterion is not applicable.

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 via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant has demonstrated the applicable criteria for the Adjustment request have been met. The request to waive the four on-site parking spaces equally meets the intent of the minimum parking requirement, particularly given the proximity of a near frequent service bus line, with no expected adverse impacts on the appearance or livability of the surrounding residential area.

ADMINISTRATIVE DECISION

Approval of an Adjustment to waive the four required on-site parking spaces (Zoning Code Section 33.266.110.B), subject to the following condition:

A. As part of the building permit application submittal, each of the four required site plans and any additional drawings must reflect the information approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal as approved in Case File # LU 12-130396 AD."

Staff Planner: Douglas Hardy

Decision rendered by: ______ on May 25, 2012.

By authority of the Director of the Bureau of Development Services

Decision mailed: May 29, 2012

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 April 17, 2012, and was determined to be complete on **April 30, 2012.**

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 April 17, 2012.

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 August 28, 2012.**

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 June 12, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all

information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.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 **June 13, 2012** –
- A building or zoning 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.

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;

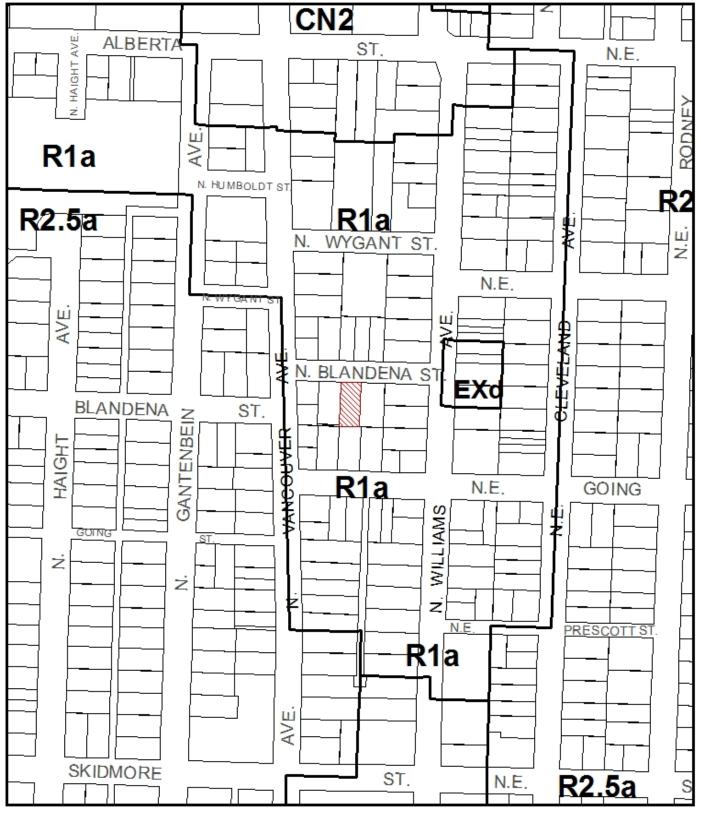
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

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. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. BDS Site Development Review Section
- F. Correspondence
 - 1. E-Mail from Nancy Altermatt and Samuel Harris, received May 22, 2012
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING

Site

File No. LU 12-130396 DZ

1/4 Section 2530

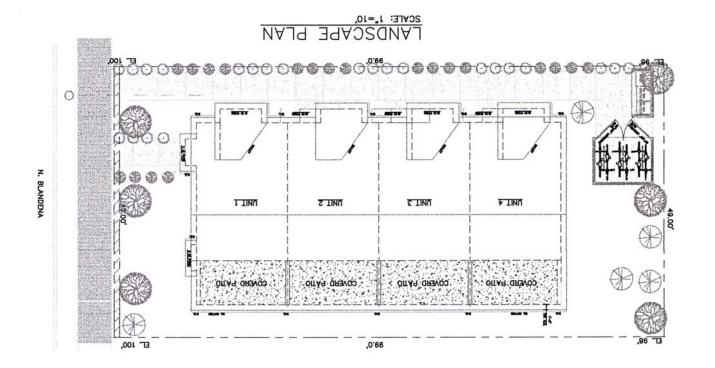
Scale 1 inch = 200 feet

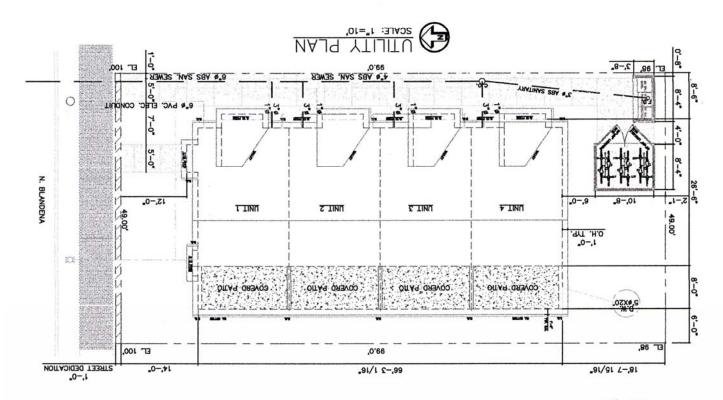
State_Id 1N1E22AC 3800

Exhibit B (Apr 20,2012)









CASE NO. 12-130396 AD
EXHIBIT C1