



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

Amanda Fritz, Commissioner
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Date: June 13, 2014
To: Interested Person
From: Chris Caruso, Land Use Services
 503-823-5747 / Chris.Caruso@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 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 14-137281 DZ – NEW GARAGE

GENERAL INFORMATION

Applicant: Leon R Gibb
 10247 NE Pacific St.
 Portland, OR 97220-4025

Site Address: 10247 NE PACIFIC ST

Legal Description: BLOCK 1 S 140' OF LOT 6, TULIP AC
Tax Account No.: R846500200
State ID No.: 1N2E34BC 02700
Quarter Section: 2941
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Gateway
Zoning: R1d – Multi-Dwelling Residential with design overlay
Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
 The applicant seeks design review approval for a new two-car garage with a gable roof in the rear of the yard, in the Gateway Plan District. Exterior finishes proposed include the following:

- Vinyl windows to match the existing house in style and color;
- Steel overhead garage door with lites in the top panel;
- 6-panel person door;
- Composition roof shingles to match the house;
- Cement-fiber lap siding to match the style of the house; and
- Cedar eave, rake, door, and window trim to match the style of the house.

Relevant Approval Criteria:

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

- 33.825 Design Review
- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The 10,500 SF site is developed with a one-story single-family house located toward the front of the lot which faces SE Pacific Street. Surrounding development is of a similar nature with more dense commercial development along NE 102nd Avenue to the west. NE Pacific Street is listed in the Transportation System Plan as a Local Service Walkway and Local Service Bikeway.

Zoning: The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside; and provide opportunities for more intense mixed-use development around the light rail stations.

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 13, 2014**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Bureau of Transportation Engineering
- Water Bureau (Exhibit E-3)
- Site Development Section of BDS (Exhibit E-1)
- Life Safety Review Section of BDS (Exhibit E-2)
- Bureau of Parks-Forestry Division (Exhibit E-4)

- Bureau of Environmental Services (Exhibit E-5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 13, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

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 of the site's location, the applicable design guidelines are the Gateway Regional Center Design Guidelines.

Gateway Regional Center Design Guidelines

The Gateway Regional Center is the City of Portland's only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland's Central City.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

Gateway Regional Center Design Goals

Ten goals for design review in the Gateway Regional Center have been established to enhance the area's design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.
4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A Pedestrian Emphasis

A1. Strengthen Relationships Between Buildings and the Street. Integrate building setback areas with adjacent streets.

A2. Enhance Visual and Physical Connections. Enhance visual and physical connections between buildings and adjacent sidewalks. Orient semi-public building spaces to the sidewalk and street.

Findings for A1 & A2: The proposed garage will be set back behind the existing house near the northwest corner of the site. The existing driveway will be extended along the side of the lot to the new garage. This location of the garage allows the house to remain visually prominent while locating vehicle areas to the side of the site. *These guidelines are therefore met.*

B Development Design

B1. Convey Design Quality and Building Permanence. Use design principles and building materials that convey quality and permanence.

B3. Design for Coherency. Integrate the different parts of a building to achieve a coherent design.

Findings for B1 & B3: The proposed materials for the garage will all match existing materials on the house in size and installation method. The overall size and scale of the garage is in keeping with the one-story scale of the house. The selected materials and design massing will allow the new garage to fit onto the site so it is not visually prominent and they are used in a consistent manner around the building facades to create a coherent design. The selected materials including vinyl, steel, fiberglass, cement siding, and wood are all durable materials commonly used on residential structures throughout this area of the city. *These guidelines are therefore met.*

C Context Enhancement

C4. Develop Complementary Parking Areas. Develop, orient and screen parking area to complement adjacent buildings and the pedestrian environment.

Findings: The existing driveway will remain along the side of the house and will be extended farther back from the former garage location toward the northwest corner of the site, and the garage will be wide enough for two cars. The garage location and size place vehicle areas farther back from the pedestrian environment along NE Pacific Street as well as farther from adjacent houses, minimizing any potential negative impact of vehicle areas on the site. *This guideline is therefore 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 exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed garage will complement the overall residential character of the surrounding area and is well detailed with durable materials. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review for a new two-car garage with a gable roof in the rear of the yard, in the Gateway Plan District; exterior finishes proposed include the following:

- Vinyl windows to match the existing house in style and color;
- Steel overhead garage door with lites in the top panel;
- 6-panel fiberglass person door;
- Composition roof shingles to match the house;
- Cement-fiber lap siding to match the style of the house; and
- Cedar eave, rake, door, and window trim to match the style of the house.

Approved per the approved site plans Exhibits C-1 through C-6 signed and dated month/day/year, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-137281 DZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:



on June 10, 2014

By authority of the Director of the Bureau of Development Services

Decision mailed: June 13, 2014

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 8, 2014, and was determined to be complete on May 9, 2014.

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 8, 2014.

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, 2014.**

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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 27, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 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 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 30, 2014 – (the day following the last day to appeal).**
- 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:

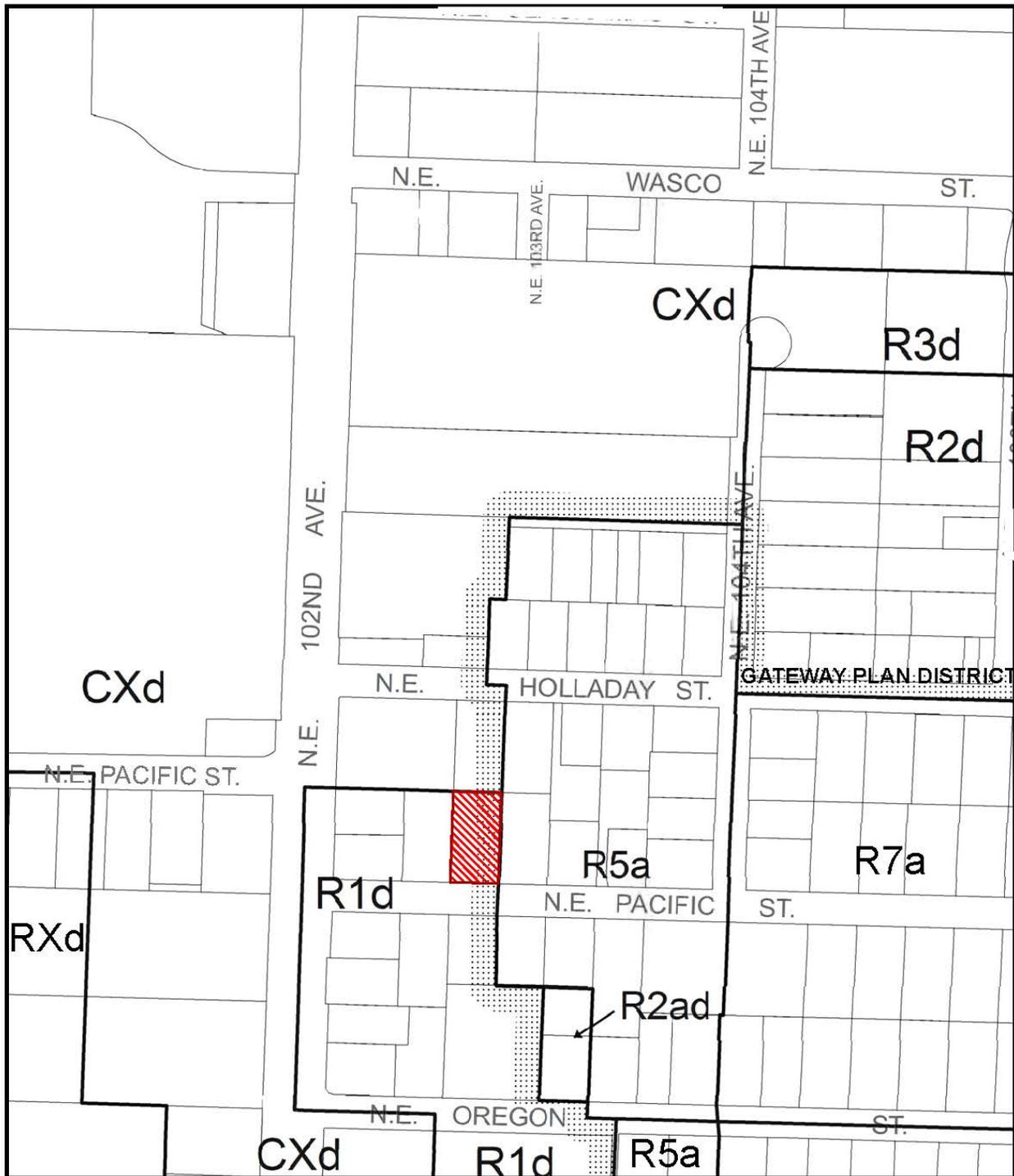
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 - 1. Project Narrative
 - 2. Memo
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front Elevation (attached)
 - 3. Elevations (attached)
 - 4. Fiberglass exterior door information
 - 5. Vinyl window information
 - 6. Steel overhead garage door information
 - 7. Elevations and Roof Plan
 - 8. 1st Floor Plan/Sections
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Section of BDS
 - 2. Life Safety Review Section of BDS
 - 3. Water Bureau
 - 4. Bureau of Parks, Forestry Division
 - 5. Bureau of Environmental Services
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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 14-137281 DZ
1/4 Section 2941
Scale 1 inch = 200 feet
State_Id 1N2E34BC 2700
Exhibit B (Apr 09,2014)

General Information

Property ID R291369
County MULTNOMAH
State ID 1N2E34BC 2700
Alt Account # R846500200
Map Number 2941 OLD

Site Info
Site Address 10247 NE PACIFIC ST
City/State/Zip PORTLAND OR 97220

Owner Info (Privacy)
Owner(s) Name GIBB LEON R
Owner Address 10247 NE PACIFIC ST
City/State/Zip PORTLAND OR 97220-4025

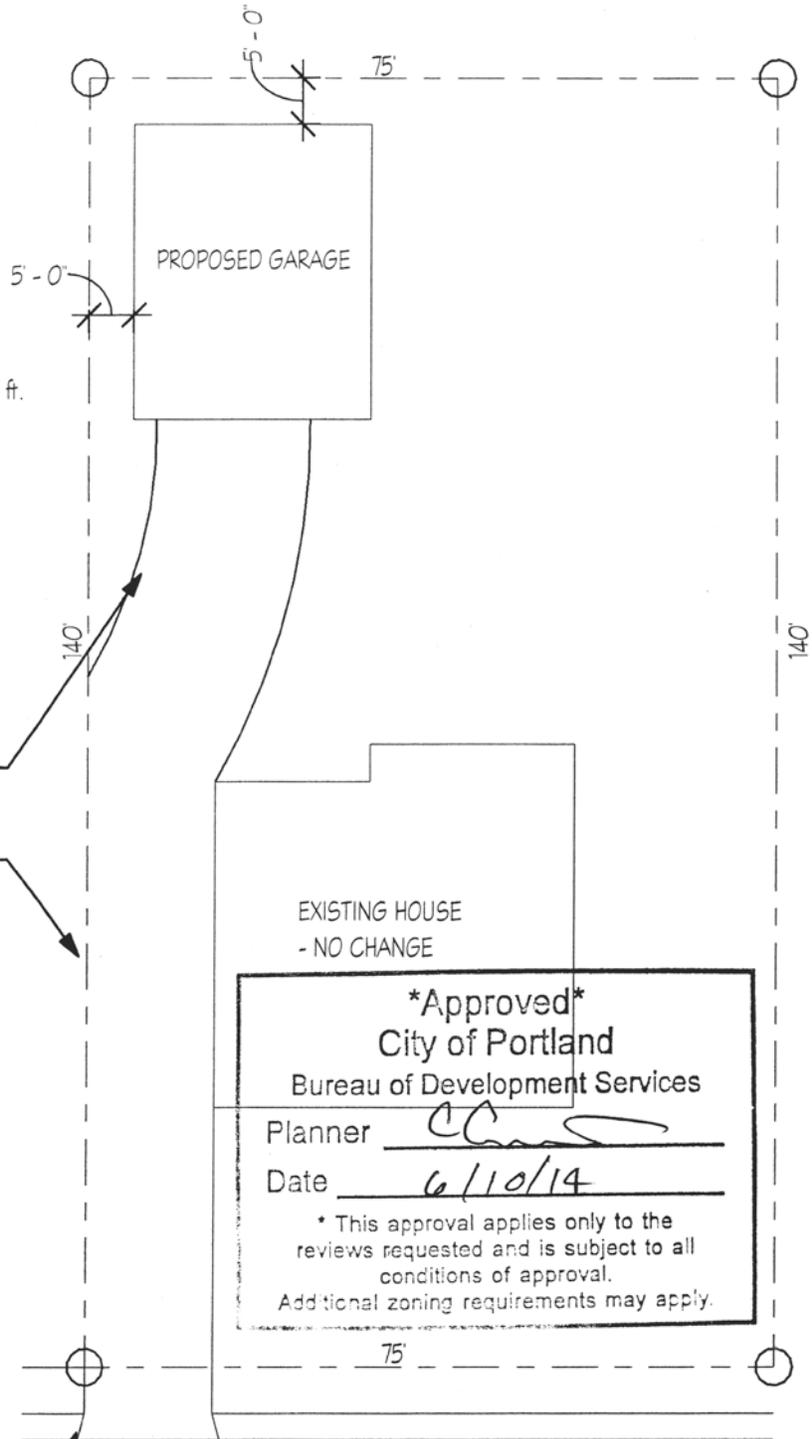
NEW IMPERVIOUS AREA: 728 sq.ft.
EXISTING IMPERVIOUS AREA: APPR. 1200sq. ft.
TOTAL: 1928 sq. ft.
TOTAL LOT AREA: 10,500 sq.ft.
TOTAL GARAGE AREA: 728 sq.ft.
GARAGE LOT COVERAGE: 6%



EXTEND EXISTING DRIVEWAY TO NEW GARAGE

EXISTING DRIVEWAY

EXISTING DRIVEWAY CUT



Approved
City of Portland
 Bureau of Development Services
 Planner [Signature]
 Date 6/10/14
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

NE PACIFIC ST

L014 - 13728102

EXH. C-1

Approved

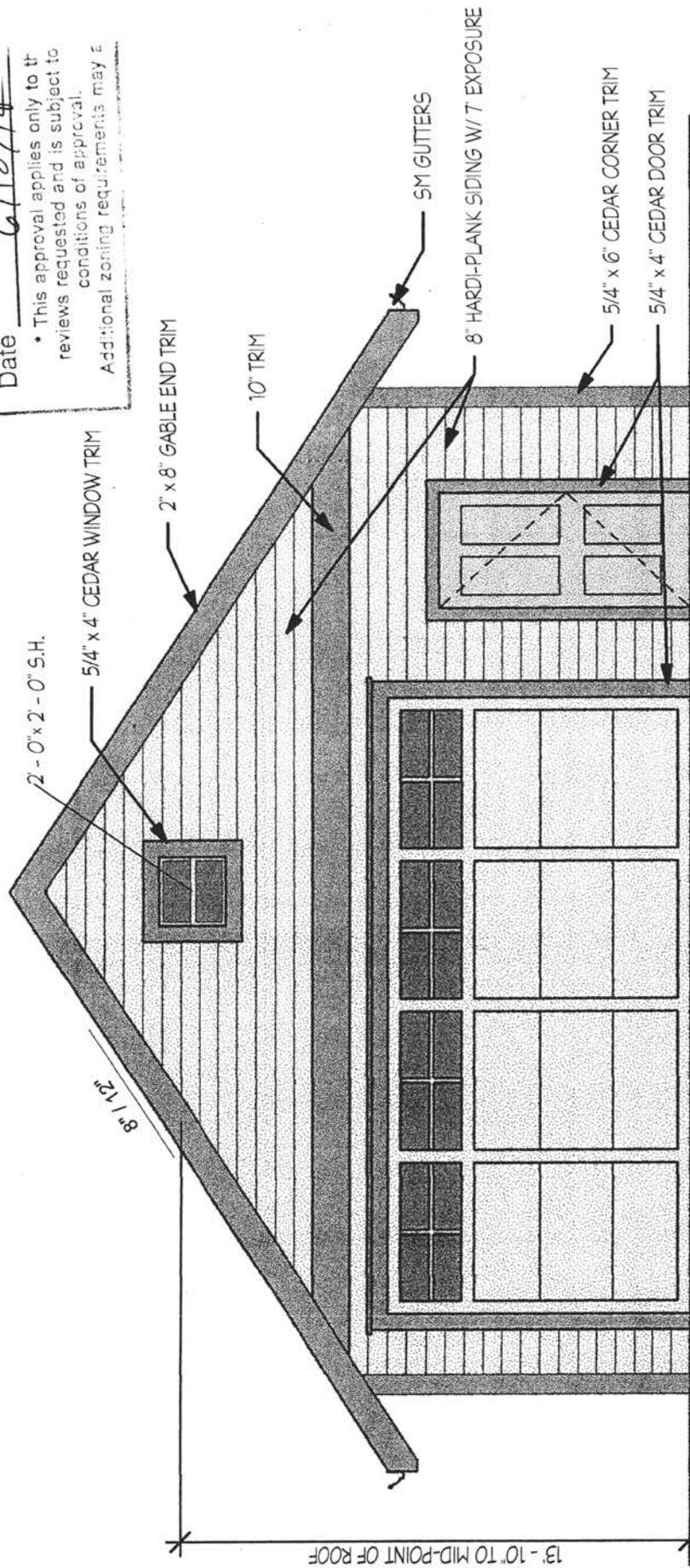
City of Portland

Bureau of Development Services

Planner *CLS*

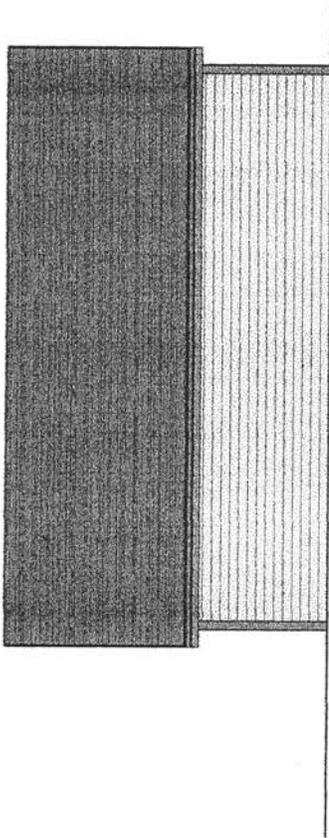
Date 6/10/14

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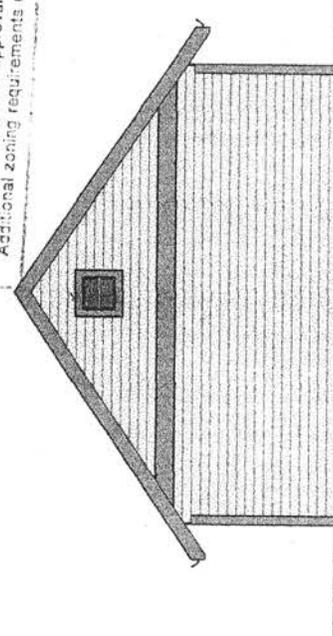
LU 14-137281 D2
EXH. C-2

FRONT
1/4" = 1'-0"

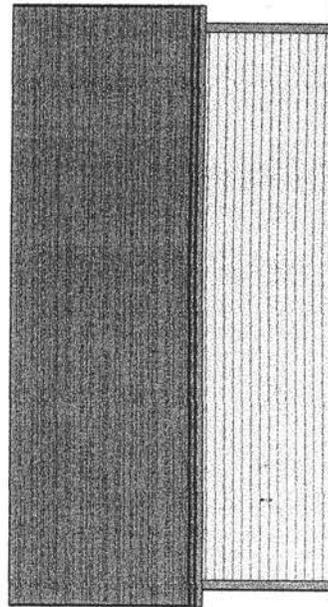


LEFT
1/8" = 1'-0"

Approved
City of Portland
Bureau of Development Services
Planner CS
Date 6/10/14
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



REAR
1/8" = 1'-0"



RIGHT
1/8" = 1'-0"

15'-0" MAX. TO MID-POINT OF ROOF

LU 14-137281 D2
EXH. C-3