



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave. Suite 5000  
Portland, Oregon 97201  
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FAX: 503-823-5630  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** September 8, 2008  
**To:** Interested Person  
**From:** Suzanne Savin, Land Use Services  
503-823-5888 / [Suzanne.Savin@ci.portland.or.us](mailto:Suzanne.Savin@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 08-140645 AD**

**GENERAL INFORMATION**

**Applicant/Owner:** Yvonne B Weber  
11120 SW 35th Ave  
Portland, OR 97219-7548

**Also Notify:** Don Ross, Architect  
2094 Ridgewood Road  
Lake Oswego, OR 97034

**Site Address:** 3449 SW Arnold Street

**Legal Description:** LOT 1, PARTITION PLAT 2002-16  
**Tax Account No.:** R649820610  
**State ID No.:** 1S1E32AB 03401  
**Quarter Section:** 4126

**Neighborhood:** Arnold Creek, contact Nancy Hand at 503-452-9483.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Plan District:** None

**Zoning:** R7 (Single-Dwelling Residential 7,000)

**Case Type:** AD (Adjustment Review)  
**Procedure:** Type II, administrative decision with appeal to Adjustment Committee.

**Proposal:**

The property owner plans to construct a duplex on the site, and is requesting two Adjustments in conjunction with the development of the duplex.

Adjustment #1 is an adjustment to the standards of Zoning Code Section 33.110.253.F (Garages – Street Lot Line Setbacks). The south wall of the proposed garage for Unit #1 will

face SW Arnold Street, and will be located approximately 8 feet closer to SW Arnold Street than the longest street-facing wall of Unit #1. However, Section 33.110.253.F states that a garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. Therefore, the applicant is requesting an Adjustment to Section 33.110.253.F, to allow the south wall of the garage for Unit #1 to be approximately 8 feet closer to SW Arnold Street than the longest street-facing wall of Unit #1.

Adjustment #2 is an adjustment to the standards of Zoning Code Section 33.266.120.C.3 (Parking and Loading – Development Standards for Houses and Duplexes – Parking Area Locations). An existing 9-foot wide driveway extends from SW 35<sup>th</sup> Avenue eastward into the site, parallel with the north property line, providing vehicle access to the residence on the abutting property to the east (3443 SW Arnold Street). This driveway will also provide vehicle access to Unit #1's proposed garage. In addition, a proposed 18-foot wide driveway will extend east into the site, from SW 35<sup>th</sup> Avenue to the proposed garage for Unit #2. The total area of these two driveways that is located between the side street lot line (west property line) and side street building line is approximately 405 square feet, which is approximately 27 percent of the land area between the side street lot line and side street building line. However, Section 33.266.120.C.3 states that on corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. Therefore, the applicant is requesting an Adjustment to Section 33.266.120.C.3, to allow the approximately 27 percent of the land area (approximately 405 square feet) between the side street lot line and side street building line to be paved or used for vehicle areas.

It should be noted that after the Notice of Proposal for this request was mailed, the applicant submitted a Revised Site Plan, a copy of which has been attached to this Notice of Decision. The Revised Site Plan differs from the original Site Plan attached to the Notice of Proposal in that the Revised Site Plan shows the proposed location of flow-through planters to handle stormwater from the development. However, the other features of the proposed development, including the location of Unit #1's south garage wall and the location and amount of proposed vehicle areas, remain unchanged.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are the Adjustment Approval Criteria of Zoning Code Section 33.805.040.A – F.

## ANALYSIS

**Site and Vicinity:** The site is located at the northeast corner of SW 35<sup>th</sup> Avenue and SW Arnold Street, and is approximately 8,050 square feet in size. The site is presently vacant. To the north are R10-zoned properties developed with attached and detached single-dwelling residences. To the east are R7-zoned properties developed with detached single-dwelling residences. To the south are properties zoned R7, R7c, R10, R10c, R20, and R20c, developed with attached and detached single-dwelling residences. To the west are R7-zoned properties, developed with detached single-dwelling residences.

**Zoning:** The site is zoned R7, Single-Dwelling Residential 7,000. The single-dwelling zones are intended to preserve land for housing, and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

Zoning Code Section 33.110.240.E allows new duplexes on corner lots in single-dwelling zones, subject to the standards in that section. The proposed development is a duplex on a corner lot.

**Land Use History:** City records indicate that prior land use reviews include the following:

LUR 99-00803 CP, ZC – This land use review approved a request for a Comprehensive Plan Map Amendment and Zone Change from R10 (Single-Dwelling Residential 10,000) to R7

(Single-Dwelling Residential 7,000). The subject site for the CP/ZC request was an approximately 23,190 square foot parcel that included the area of the subject site for this Adjustment, as well as the area of the two abutting properties to the east, that are under the same ownership.

LUR 00-00438 MP – This land use review approved a request for a 3-lot, Minor Partition of an approximately 23,190 square foot parcel. The subject site of this Adjustment request was the created Lot 1 of the minor partition, and the two abutting properties to the east were Lots 2 and 3 of the partition.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **July 23, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division
- Life Safety Plan Review Section of BDS

The Bureau of Environmental Services (BES) responded that BES cannot recommend approval of the proposal without additional information. Before BES can recommend approval of this land use review, the applicant must submit a site plan that shows a stormwater management facility (or facilities) for all proposed impervious area, off-site discharge to the manhole, and a SIM form showing compliance with the Stormwater Management Manual requirements. (Exhibit E-1)

The Site Development Section of BDS responded that insufficient information has been provided regarding the proposed method and location of stormwater management for the proposed development. Until the applicant demonstrates that a means of stormwater treatment, flow control (if required), and discharge satisfactory to BES and Site Development can be provided, Site Development cannot support the proposed adjustments. (Exhibit E-3)

**Staff:** To address the information gaps identified in the BES and Site Development responses, the applicant submitted additional information (revised site plan showing the location of proposed stormwater flow-through planters, and a SIM form) on August 18, 2008 and August 26, 2008. BES and Site Development reviewed the additional information and provided addendum responses, summarized below. In their addendum responses, BES and Site Development concluded that the information provided was acceptable to demonstrate the feasibility of complying with the stormwater requirements.

The Site Development Section of BDS provided a Land Use Review Response Addendum, dated August 28, 2008. The addendum stated that Site Development had reviewed the revised plans and concluded that the information provided is acceptable. (Exhibit E-5)

BES provided an Addendum to Land Use Response, dated September 3, 2008. The addendum stated that BES has reviewed the revision of the proposed site plan. The trench drain and stormwater planters, with off-site discharge to the storm manhole, appear acceptable. BES has no further objections to the adjustments requested through this application. (Exhibit E-4)

The Bureau of Transportation Engineering (PDOT) responded that PDOT has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. PDOT has no concerns with the proposed adjustments. (Exhibit E-2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 23, 2008. One written response has been received from the Arnold Creek Neighborhood Association in response to the proposal.

The letter states, “The neighborhood is not opposing the proposal for this property at 11120 SW 35<sup>th</sup> Avenue. The neighborhood has some concerns regarding this proposal, however. We don’t see any information in the notice about stormwater and how it is going to be handled on site. With the added driveway, there will be more impervious surface on this site. There is a steep bank on the Arnold side of the property and also on the 35th side as well. To the south side of SW Arnold is Arnold Creek. That is also a concern regarding the stormwater and how it will flow if not captured on site.”

**Staff:** As noted above in the Agency Review section, the applicant has provided additional information to demonstrate how the stormwater for the proposed development will be handled. BES and Site Development have reviewed this additional information and have concluded that it demonstrates that it is feasible for the proposed development to comply with the Stormwater Management Manual requirements.

## 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., 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 the development standards requested for Adjustment are:

1. Garages – Street Lot Line Setbacks. The purpose of the garage standards, per Section 33.110.253.A, are:
  - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
  - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
  - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
  - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
  - Enhance public safety by preventing garages from blocking views of the street from inside the residence.

The Zoning Code (Section 33.110.253.F) requires a garage wall that faces a street to be no closer to the street lot line than the longest street-facing wall of the dwelling unit. The applicant is requesting an Adjustment to this standard, to allow the

south wall of the garage for Unit #1 to be approximately 8 feet closer to SW Arnold Street than the longest street-facing wall of Unit #1.

The applicant states that the Adjustment will equally meet the purpose of the regulation for the following reasons:

- The south wall of the garage does not contain a garage entrance and there is no driveway in front of the garage's south wall; instead, the garage entrance is on the north side of the garage and is interior to the site. Since there will not be a garage entrance door facing SW Arnold Street, the pedestrian entrance for Unit #1 that will face SW Arnold Street will be prominent and will not be dominated by a garage entrance.
- The south wall of the garage is proposed to contain three residential style windows that will face SW Arnold Street. Due to the presence of these windows and lack of a garage entrance or driveway to the garage's south wall, the south garage wall will appear to be part of the living area of the residence. Therefore, the south wall of Unit #1 will not appear to be dominated by a garage, and the pleasant pedestrian environment along SW Arnold Street will be maintained.
- The offset of the south wall of the garage is further mitigated by a proposed major deck off the living room and bedrooms of Unit #1. The south edge of this deck will align with the south wall of the garage, which will emphasize the residential appearance of the entire south façade of Unit #1. Therefore, the location and amount of living area of the residence, as seen from SW Arnold Street, will appear to be more prominent than the garage.

In addition, Staff notes that the longest street-facing wall (south wall) of Unit #1 will be faced with windows along the majority of its length, as can be seen in the elevations. The longest street-facing wall will be located closer to the corner of SW 35<sup>th</sup> Avenue and SW Arnold than the south garage wall. The longest street-facing wall's windows, and its location, will allow views of the SW 35<sup>th</sup> Avenue/SW Arnold Street intersection, as well as views of SW Arnold Street in front of the residence. Therefore, there will be generous views of the street from inside the residence of Unit #1.

This criterion is met.

2. Parking and Loading – Development Standards for Houses and Duplexes – Parking Area Locations. The purpose of the parking and loading standards, per Section 33.266.120.A, are:

The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

The Zoning Code (Section 33.266.120.C.3) states that on corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. The applicant is requesting an Adjustment to this standard, to allow approximately 27 percent of the land area (approximately 405 square feet) between the side street lot line and side street building line to be paved or used for vehicle areas. The approximately 405 square feet of vehicle area consists of two components: a part of an existing driveway within the northern portion of the site that provides access from SW 35<sup>th</sup> Avenue to the abutting property to the east (3443 SW Arnold Street), and well as a part of a proposed driveway to the garage of Unit #2.

The applicant states that the Adjustment will equally meet the purpose of the regulation for the following reasons:

- The existing driveway in the north portion of the site has been in use for many years. It provides vehicle access to the abutting property to the east and will

continue to do so, while also providing vehicle access to the garage of Unit #1 on the subject site.

- The proposed driveway to the garage of Unit #2 will be cut into the existing contours, so it will primarily be below the existing grade of the site. The driveway will lead to the garage, which will also be below the existing grade. The placement of the driveway within the grade of the site will reduce the visual impact of the driveway, so that the neighborhood appearance will be maintained.
- This corner lot site abuts both SW Arnold Street and SW 35<sup>th</sup> Avenue. SW Arnold Street in this vicinity has a less developed character and fewer driveway entrances than SW 35<sup>th</sup> Avenue. The two driveway accesses to the site have been concentrated on SW 35<sup>th</sup> Avenue because of its more developed character, thus preserving the less developed character of SW Arnold Street and thereby enhancing the appearance of the neighborhood.

Staff concurs that the Adjustment will equally meet the purpose of the regulation for the reasons noted by the applicant. 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 Adjustment request to allow the south wall of the garage for Unit #1 to be approximately 8 feet closer to SW Arnold Street than the longest street-facing wall will not significantly detract from the livability or appearance of the residential area. The south wall of the garage will appear to be the wall of a living area, rather than the wall of a garage, as it will possess residential style windows and will not possess a garage entrance, and there will be no vehicle driveway in front of it.

The Adjustment request to allow approximately 27 percent of the land area between the side street lot line and side street building line to be used for vehicle areas will not significantly detract from the livability or appearance of the residential area. The driveway in the north portion of the site has existed for several years, and is only 9 feet in width. The proposed driveway to the garage of Unit #2 will be cut into the grade of the site, which will minimize its visual impact.

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:** Two adjustments are being requested. However, these two adjustments will not have a cumulative effect. The adjustment to allow the garage south wall of Unit #1 to be 8 feet closer to SW Arnold Street than the longest street-facing wall would potentially impact only the site's southern frontage along SW Arnold Street. (However, as discussed in the findings under Approval Criteria A and E, the applicant is proposing to mitigate for the potential impacts of this adjustment to the extent practical). Conversely, the adjustment to allow approximately 27 percent of the land area between the side street lot line and side street building line to be used for vehicle areas would potentially impact only the site's western frontage along SW 35<sup>th</sup> Avenue. (However, as discussed in the findings under Approval Criteria A and E, the applicant is proposing to mitigate for the potential impacts of this adjustment to the extent practical).

This criterion is met.

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

**Findings:** The site does not contain any city-designated scenic or historic resources, therefore this criterion is not applicable.

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

**Findings:** No impacts are expected to result from the adjustments. However, the applicant has proposed to mitigate for the garage's closer relationship with the street lot line by placing residential-type windows in its south wall (rather than a garage door), and by placing a deck along the longest street-facing wall of Unit #1, to enhance the prominence of the longest street-facing wall. The applicant has also proposed to mitigate for the 7 percent increase in vehicle area between the street side (west) lot line and the street side building line by placing the new driveway below the existing grade, to limit its visibility. In addition, the 7 percent increase in vehicle area between the street side lot line and street side building line is offset by the total absence of vehicle area between the front lot line and front building line.

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:** The site is not within an environmental zone, therefore 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 or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The applicant has requested two adjustments: an adjustment to allow the south wall of Unit #1's garage to be approximately 8 feet closer to SW Arnold Street than Unit #1's longest street-facing wall, and an adjustment to allow approximately 27 percent of the land area between the west side lot line and west side street building line to be paved and used for vehicle areas. The applicant has provided information to demonstrate that the adjustment will comply with the adjustment approval criteria, and therefore the adjustment can be approved, per the submitted site plan and elevations. Approval of building permits is still required, after the decision is final and has been recorded with Multnomah County.

## ADMINISTRATIVE DECISION

Approval of:

An Adjustment to Zoning Code Section 33.110.253.F, to allow the south wall of the garage for Unit #1 to be approximately 8 feet closer to SW Arnold Street than the longest street-facing wall of Unit #1; and,

An Adjustment to Zoning Code Section 33.266.120.C.3 to allow approximately 27 percent of the land area (approximately 405 square feet) between the west side street lot line and west side street building line to be paved or used for vehicle areas;

per the approved plans, Exhibits C-1 through C-2, signed and dated September 4, 2008, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-140645 AD."

**Decision rendered by:** \_\_\_\_\_ **on September 4, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: September 8, 2008**

**Staff Planner: Suzanne Savin**

**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 25, 2008, and was determined to be complete on July 18, 2008.

*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 25, 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 requested that the 120-day review period be extended by 23 days, as stated with Exhibits A-3 and A-4.

**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 September 22, 2008** 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 on the internet at [www.portlandonline.com](http://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 **September 23, 2008 – (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.

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

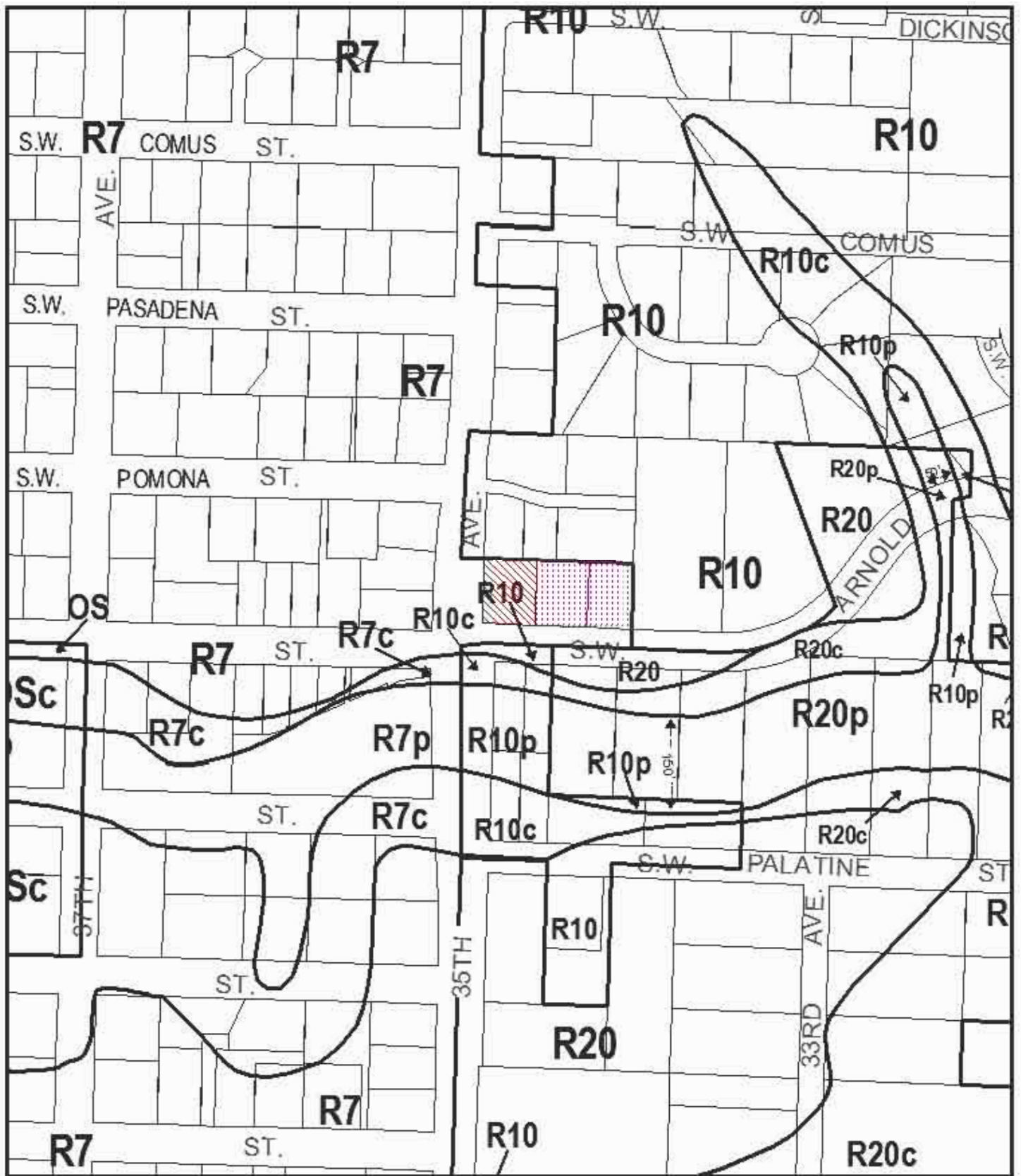
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Submittal
  1. Applicant's Statement Addressing Adjustment Approval Criteria
  2. SIM Form
  3. Applicant's Request to Stop the 120-day clock from August 13, 2008 to August 28, 2008
  4. Applicant's Request to Stop the 120-day clock from August 28, 2008 to September 5, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Revised Site Plan (attached)
  2. Elevations (attached)
  3. Original Site Plan
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services response dated August 13, 2008
  2. Bureau of Transportation Engineering and Development Review
  3. Site Development Review Section of BDS response dated August 11, 2008
  4. Bureau of Environmental Services, Addendum to Land Use Response, dated September 3, 2008
  5. Site Development Review Section of BDS, Addendum, dated August 28, 2008
  6. "No concerns" responses from the Water Bureau, Fire Bureau, Bureau of Parks - Forestry Division
- F. Correspondence:
  1. Nancy Hand (Chair of the Arnold Creek Neighborhood Association), August 13, 2008, expressed concern about how stormwater from the proposed development would be handled.
- G. Other:
  1. Original LU Application
  2. Site History Research



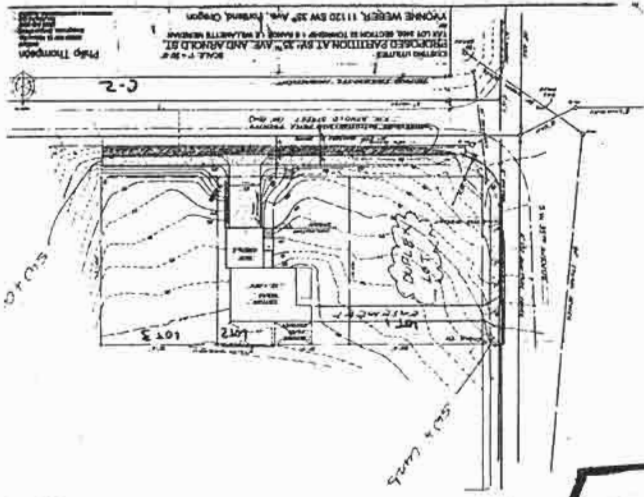
# ZONING

-  Site
-  Also Owned

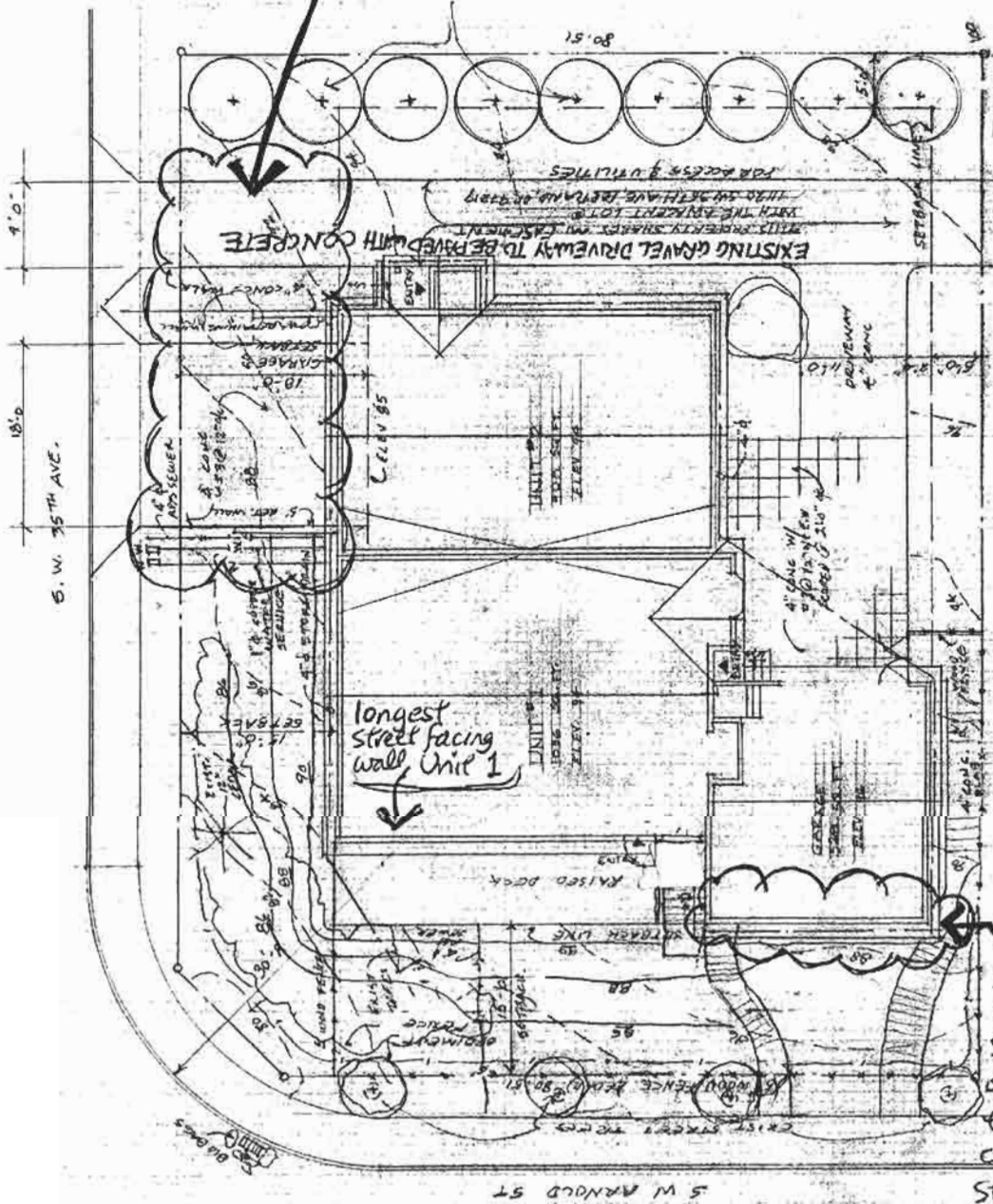


NORTH

File No.	LU 08-140645 AD
1/4 Section	4126
Scale	1 inch = 200 feet
State_Id	1S1E32AB 3401
Exhibit	B (Jun 27, 2008)



Adjustment # 2: to allow approx 27% of the land area (approx 405 sq feet) between the side street lot line + side street building line to be paved or used for vehicle area



Adjustment # 1: South wall of garage to be 8' closer to street lot line than longest street facing wall.

Philip Thompson  
 architect  
 33470 Chinook Plaza  
 Scappoose, Oregon 97068  
 (503) 543-2000  
 FAX (503) 265-5880  
 ARCHITECTURE & ENVIRONMENTAL PLANNING

DUPLEX @ SW 35<sup>TH</sup> & ARNOLD ST.  
 for  
 YVONNE WEBER  
 11120 S.W. 35<sup>TH</sup> AVE  
 Portland, Oregon 97219

SITE PLAN 6'x10'

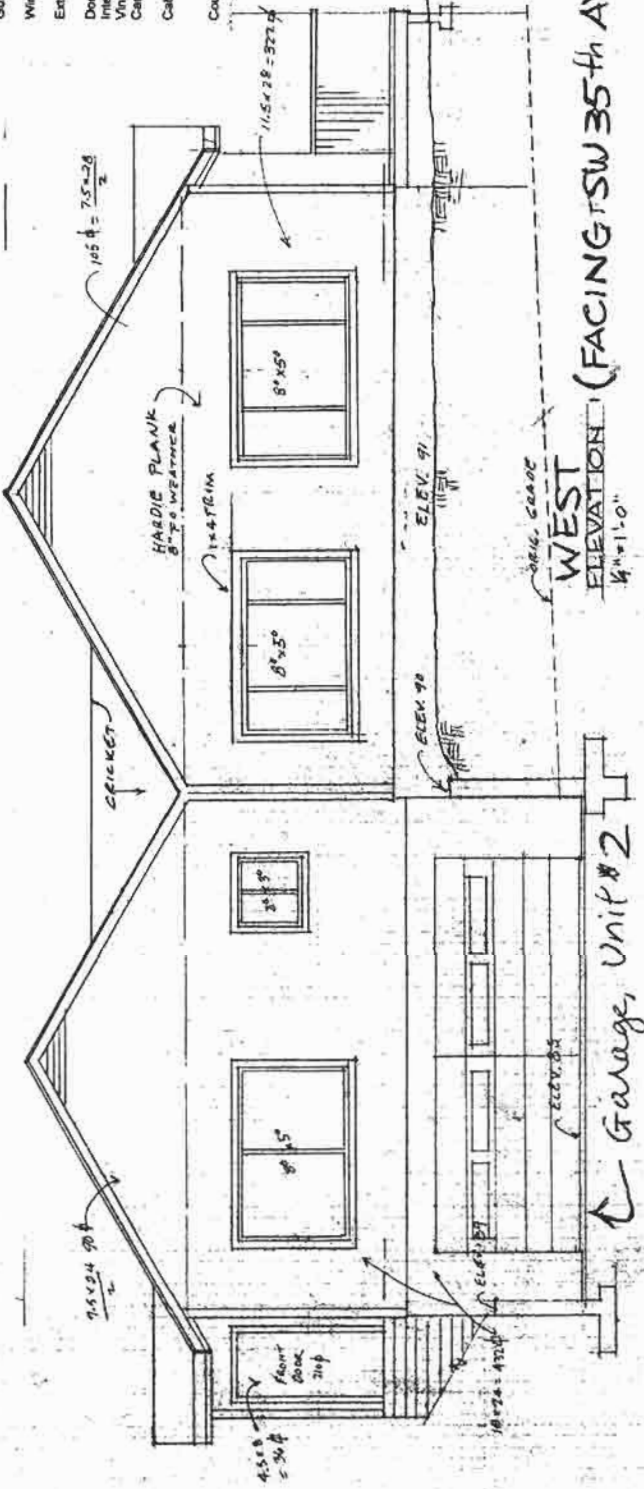
LU 08-140645 AD

**MATERIALS LIST:** bidding standard, allow owner to substitute, paying only the difference in purchase price between the specified item and that selected.

Siding: 1" Hardie Plank lapped 3" (5" exposed)  
 Roofing: 23.5# architectural grade asphalt shingles  
 Gutter: extruded continuous aluminum fascia gutter.  
 5" deep, pre-painted.  
 Windows and glass doors: Milgard or equal, double glaze.  
 Exterior Panel Doors: pre-hung metal or fiberglass, weatherstripped.  
 7" door head height, 6'-6"  
 Door Hardware: Residential grade "A", Plymouth knobs  
 Interior Doors: flush panel hollow core, paint grade birch  
 Vinyl Flooring: Armstrong Cotton "Seacrete" sheet vinyl, white, core edge  
 Carpet: wall-to-wall, 3/4" 3 base, felt pad; allow \$18.00 per yard purchase price of carpet only.  
 Cabinets: Quality Millwork Claremont edge recessed flat panel, recessed hinge, glass panel @ upper doors, paint grade birch, clear lacquer finish.  
 Counter Tops: plastic laminate, edge banded in a contrasting color.

TOTAL AREA OF FACADE

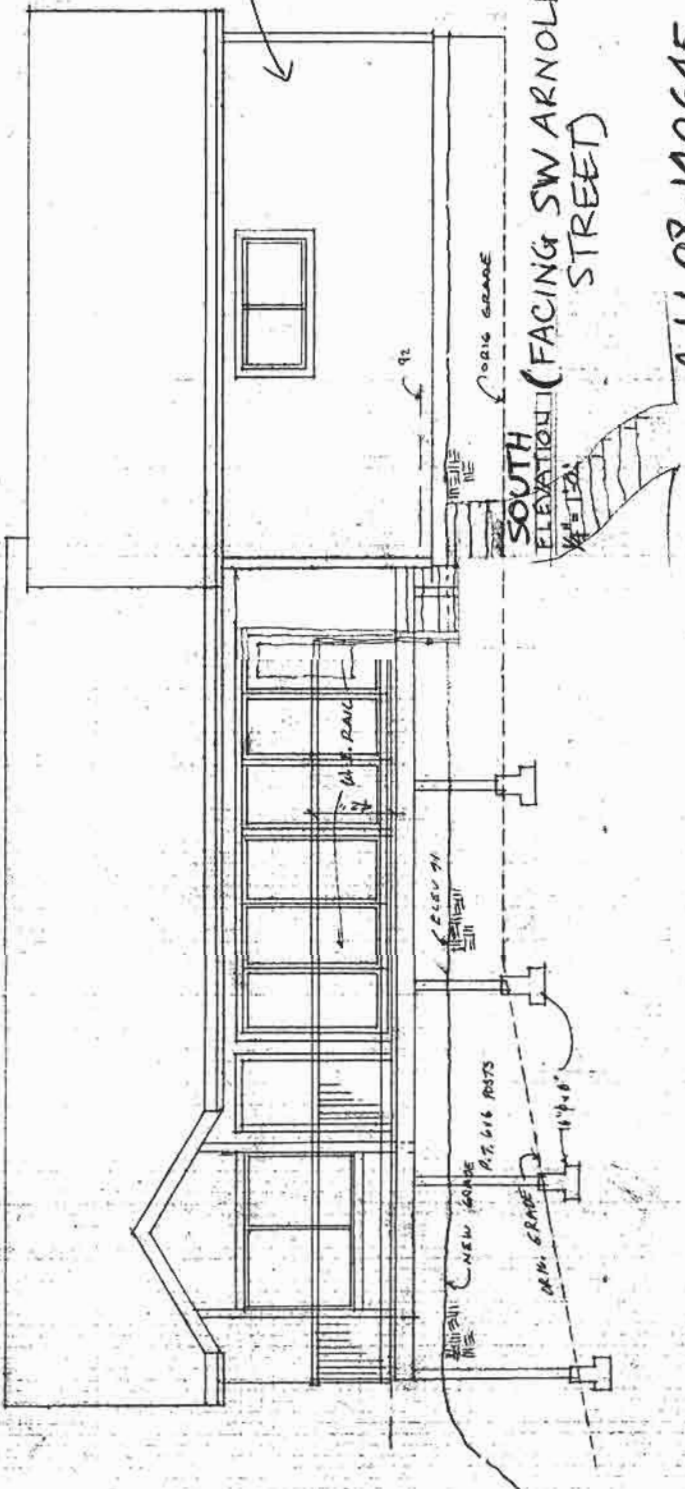
364
90
432
105
322
985 @ 73.2%
@ 15% = 147.75
837.25 FRONT DOOR = 21.4
81.5 = 40
30.80 = 40
81.5 = 40
150 @ 147.5 REQUIRED



WEST ELEVATION (FACING SW 35th AVE)

Garage, Unit #2

South wall of garage, Unit #1



SOUTH ELEVATION (FACING SW ARNOLD STREET)

DUPLEX @ SW 35th & ARNOLD ST.  
 for  
**YVONNE WEBER**  
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