



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

Amanda Fritz, Commissioner
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Date: July 14, 2014
To: Interested Person
From: Sylvia Cate, Land Use Services
 503-823-7771 / Sylvia.Cate@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 14-158327 AD

GENERAL INFORMATION

Applicant/Owner: Jeffrey R Orr
 12600 SW Crescent St #401
 Beaverton, OR 97005-1730

Site Address: 1554 N JESSUP ST

Legal Description: BLOCK 2 LOT 6, HAVELOCK
Tax Account No.: R365400310
State ID No.: 1N1E16DD 14100
Quarter Section: 2428
Neighborhood: Overlook NA, contact Kent Hoddick at 503-286-9803.
Business District: Interstate Corridor Business Association, contact Aleksandra Johnson at 503-735-4420.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
Plan District: North Interstate
Zoning: R2, Multi-Dwelling Residential 2,000
Case Type: AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
 The applicant proposes to convert the existing basement into living space as an Accessory Dwelling Unit [ADU]. No exterior changes to the existing home are proposed. The Portland Zoning Code, at 33.205.030.C.6., *Design Standards for ADU's*, limits the maximum size of an ADU to no more than 75 percent of the living area of the primary dwelling unit or 800 square feet, whichever is less. The square footage of the ADU, once completed, will be 885 square feet. Therefore, the applicant requests an Adjustment to allow an increase in maximum size of an ADU from 800 to 885 square feet. Attached to this Decision are site plans and a zoning map to further illustrate the proposal.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The site is a 5,000 square foot lot developed with a 2,244 square foot house built circa 1908. The site is zoned Multi-Dwelling Residential 2,000, and is surrounded on all sides by lands zoned R2, and developed with residential uses.

Zoning: The site is zoned R2, which is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

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

A "Notice of Proposal in Your Neighborhood" was mailed **June 6, 2014**.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: 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 (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 purpose of the Accessory Dwelling Unit Design Standards can be found at 33.205.030.A., *Purpose*, which states:

Purpose. Standards for creating accessory dwelling units address the following purposes:

- Ensure that accessory dwelling units are compatible with the desired character and livability of Portland’s residential zones;
- Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
- Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and
- Provide adequate flexibility to site buildings so that they fit the topography of sites.

The applicant is requesting an Adjustment to the maximum allowed size of the proposed ADU. The Zoning Code limits the maximum size of an ADU to no more than 75 percent of the living area of the primary dwelling unit or 800 square feet, whichever is less. The square footage of the ADU, once completed, will be 885 square feet, and will occupy the existing basement of the house. There are no proposed exterior changes that would cause the existing home to not remain compatible with the desired character and livability of the surrounding residential zone. There are no changes in the general building scale and no new structures are proposed for the site. Although proposed to be 85 square feet larger than the maximum allowed size, because the proposed ADU will be on the basement level, the additional area and size of the ADU will not be perceptible to neighbors or passers-by. Because there is no proposed new structure, the flexibility for fitting the topography of the site is not applicable. For all these reasons, 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 proposed additional 85 square feet in the size of the ADU will have no impact on the existing appearance of the surrounding residential area as the ADU will be fully within the basement level of the existing house. No exterior changes are proposed. The proposal for a slightly larger ADU, an allowed use in the R2 zone, will have no impact on the livability of the residential area. For these reasons, 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: Only one adjustment is requested. This criterion is not applicable.

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

Findings: City designated resources are shown on the zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

Findings: There are no discernible impacts that would result from granting the requested adjustment. 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: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). 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 or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

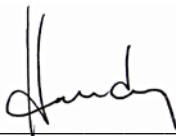
The applicant proposes to convert the existing basement into living space as an ADU. No exterior changes to the existing home are proposed. The request to allow an increase of 85 square feet in size of the ADU meets all of the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of:

- An increase in maximum size for an ADU located on the basement level from 800 square feet to 885 square feet, per the approved site plans, Exhibits C-1 through C-2, signed and dated July 10, 2014, 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 14-158327 AD."

Staff Planner: Sylvia Cate



Decision rendered by: _____ **on July 10, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 14, 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 May 19, 2014, and was determined to be complete on **June 2, 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 May 19, 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 29, 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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 28, 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 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 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 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 **July 29, 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.

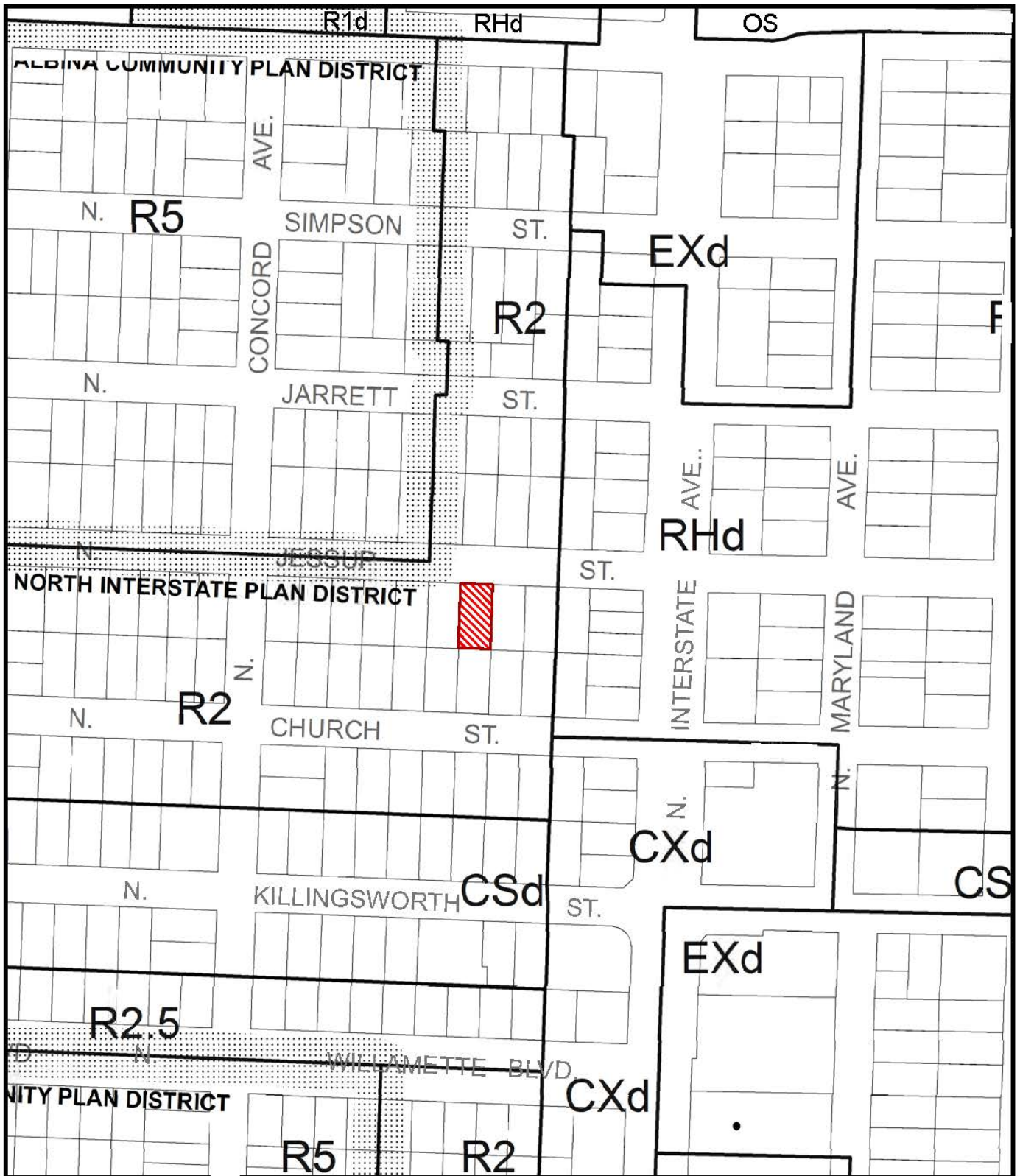
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau

4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
- F. Correspondence: None received
- G. Other:
1. Original LU Application

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

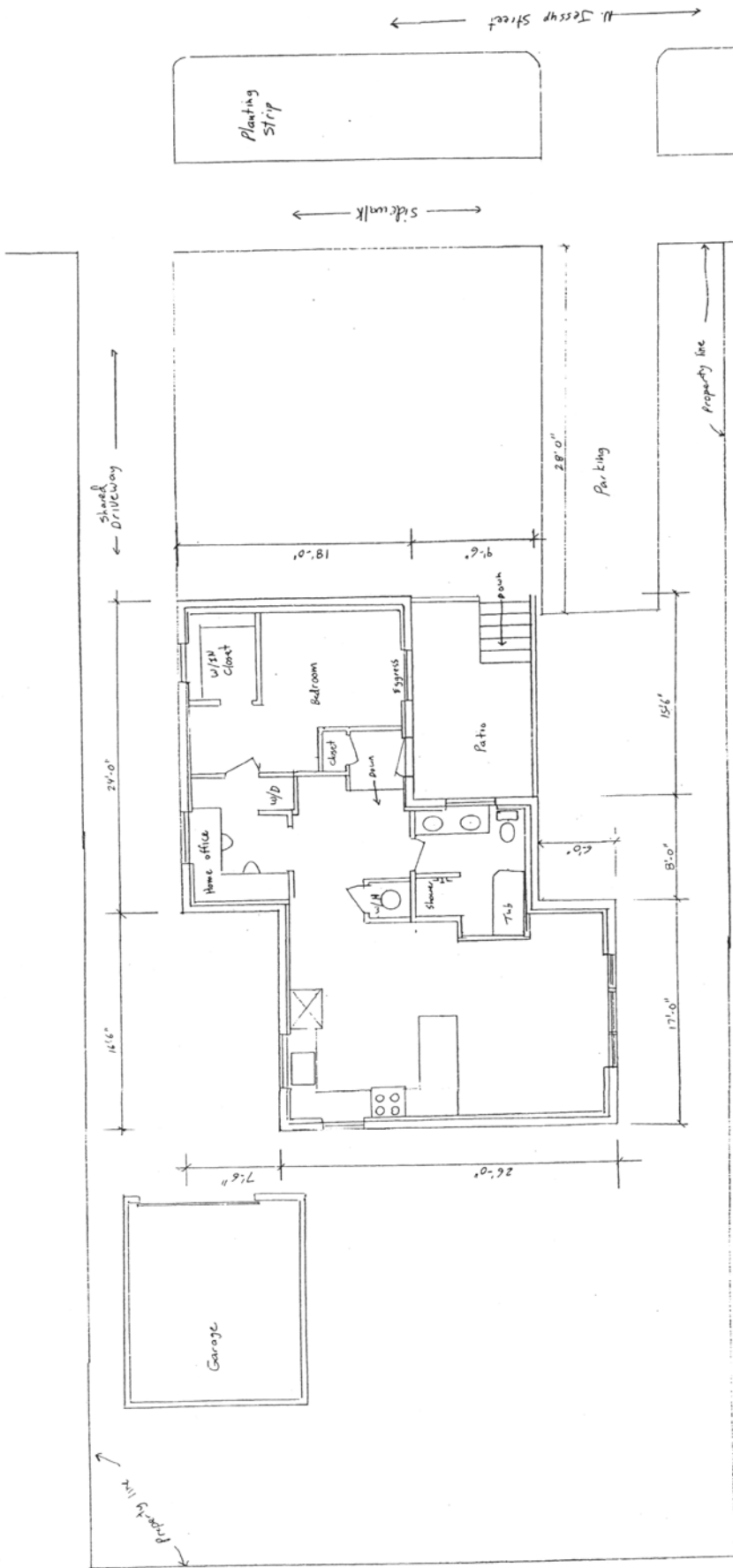


Site



This site lies within the:
NORTH INTERSTATE PLAN DISTRICT

File No. LU 14-158327 AD
 1/4 Section 2428
 Scale 1 inch = 200 feet
 State_Id 1N1E16DD 14100
 Exhibit B (May 20, 2014)

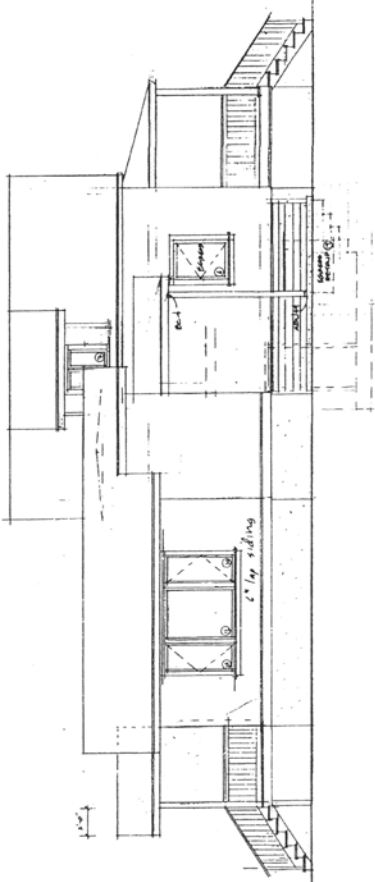


Site: 1555 N. Jessup Street
 Owners: Jeff Orr 503-522-7820

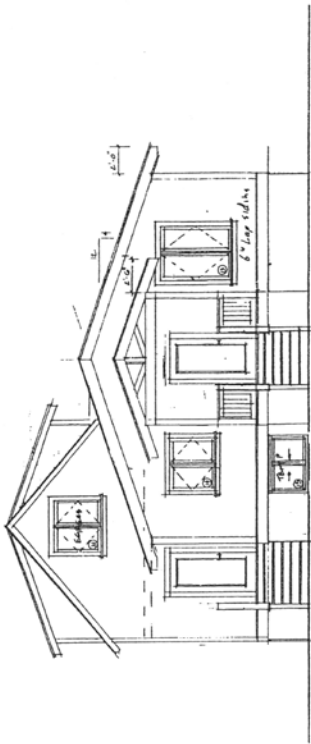
Scale: 1/8" = 1'-0" North
 Approved
 City of Portland
 Bureau of Development Services
 Planner: [Signature]
 Date: 7/10/2014
 * This approval applies only to the
 reviews requested and is subject to all
 conditions of approval.
 Special conditions or requirements may apply.

SITE PLAN

EXHIBIT C-1
 W 14 - 158327AD

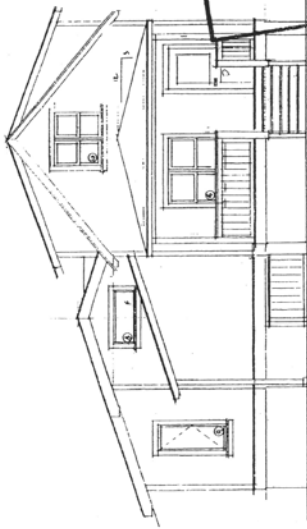


1 EAST ELEVATION
A.4 Scale: 1/4" = 1'-0"

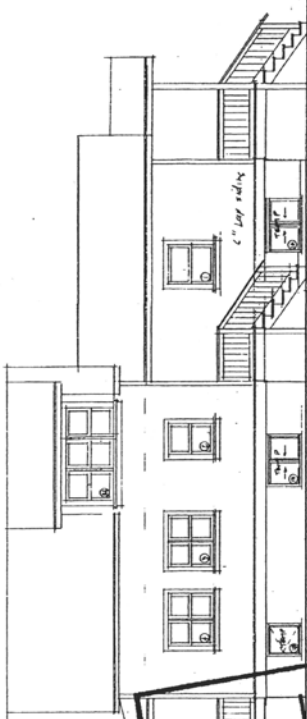


2 SOUTH ELEVATION
A.4 Scale: 1/4" = 1'-0"

#	Room	Area	Notes
1	1st Flr	1,200	1st Flr
2	2nd Flr	1,200	2nd Flr
3	3rd Flr	1,200	3rd Flr
4	4th Flr	1,200	4th Flr
5	5th Flr	1,200	5th Flr
6	6th Flr	1,200	6th Flr
7	7th Flr	1,200	7th Flr
8	8th Flr	1,200	8th Flr
9	9th Flr	1,200	9th Flr
10	10th Flr	1,200	10th Flr
11	11th Flr	1,200	11th Flr
12	12th Flr	1,200	12th Flr
13	13th Flr	1,200	13th Flr
14	14th Flr	1,200	14th Flr
15	15th Flr	1,200	15th Flr
16	16th Flr	1,200	16th Flr
17	17th Flr	1,200	17th Flr
18	18th Flr	1,200	18th Flr
19	19th Flr	1,200	19th Flr
20	20th Flr	1,200	20th Flr
21	21st Flr	1,200	21st Flr
22	22nd Flr	1,200	22nd Flr
23	23rd Flr	1,200	23rd Flr
24	24th Flr	1,200	24th Flr
25	25th Flr	1,200	25th Flr



3 NORTH ELEVATION
A.4 Scale: 1/4" = 1'-0"



WEST ELEVATION
A.4 Scale: 1/4" = 1'-0"

Approved
City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: 7/20/24

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

EXHIBIT C-2

W14-158327 AD