



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

Amanda Fritz, Commissioner
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Date: July 22, 2014
To: Interested Person
From: Andrew Gulizia, Land Use Services
 503-823-7010 / Andrew.Gulizia@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 14-150875 AD

GENERAL INFORMATION

Applicant/Owner: Siri Peterson
 2943 NE Couch St.
 Portland, OR 97232

Site Address: 2943 NE Couch St.

Legal Description: BLOCK 18 W 1/2 OF LOT 8, HAWTHORNES 1ST ADD
Tax Account No.: R367802130
State ID No.: 1N1E36CA 16500
Quarter Section: 3033
Neighborhood: Kerns, contact Steve Russell at 503-784-8785.
Business District: East Burnside Business Association, contact Rick Leipzig at 503-230-0231.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010
Plan District: None
Zoning: R2.5 – Single-Dwelling Residential 2,500
Case Type: AD – Adjustment Review
Procedure: Type II administrative decision with appeal to the Adjustment Committee

Proposal: Zoning Code Section 33.266.120 requires off-street parking spaces to be located at least 10 feet from the street lot line. Since a parking space must be at least 18 feet long, this standard requires a driveway providing a parking space to extend at least 28 feet past the street lot line. On this site, which has no garage, the applicant proposes to construct a new parking pad in the front yard which would extend 18 feet past the street lot line. The proposed parking pad would be constructed with either stone pavers or stamped concrete with the appearance of pavers. The applicant is requesting approval of an Adjustment to reduce the distance from the street lot line to the 18 foot-long parking space from 10 feet to 0 feet.

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

ANALYSIS

Site and Vicinity: The site is a 2,500 square-foot lot located on the north side of NE Couch Street, between NE 29th Avenue and NE 30th Avenue. The site is developed with a one-story single-dwelling house that is set back 21 feet from the street lot line. Neighboring properties are developed with a mixture of one-story and two-story single-dwelling homes. A commercial corridor along E Burnside Street is one block south of the site.

Zoning: The R2.5 designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

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

Agency Review: A "Notice of Proposal" was mailed June 25, 2014. The following Bureaus have responded with no concerns about the proposal:

- Bureau of Environmental Services;
- Bureau of Transportation Engineering;
- Water Bureau;
- Fire Bureau;
- Site Development Section of BDS; and
- Life Safety Review Section of BDS.

Neighborhood Review: One e-mail in support of the application was received from a notified property owner in response to the mailed "Notice of Proposal." The neighbor stated that parking demand in the area was increasing and that the new parking pad would have no negative impact on the neighborhood (Exhibit F-1).

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated 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 reduce the setback from the street lot line to the parking space from 10 feet to 0 feet.

The purpose of the vehicle parking requirements for houses and duplexes is stated in Zoning Code Section 33.266.120.A:

33.266.120.A Purpose: *The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.*

The purposes of the setback requirements related to parking in single-dwelling zones are stated in Zoning Code Section 33.110.220.A:

33.110.220.A Purpose:

- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

Because the parking pad will be constructed with stone pavers or stamped concrete with the appearance of stone pavers, it will somewhat resemble a decorative patio in the front yard when a car is not parked on it. Even when a vehicle is parked there, the parking pad will have an appearance of quality and permanence that will make a positive aesthetic contribution to the neighborhood. Since the parking pad will extend 20 feet past the sidewalk (18 feet past the front lot line), there will be adequate space for a car to park without overhanging the sidewalk. Based on these reasons, the proposed Adjustment equally meets the intent 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: Because the site is located in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As discussed above, because of the use of decorative paving material, the proposal will enhance rather than detract from the appearance of the neighborhood. Although the new curb cut will remove approximately 10 feet of curb space that is currently available for on-street parking, the new off-street parking space will offset the impact to parking availability in the neighborhood. In addition, the 15 feet of curb space that will be left in front of the site is still sufficient to park a motorcycle or compact car on the street. The Bureau of Transportation reviewed the proposal and had no concerns. For these reasons, the proposal has no negative impacts to neighborhood livability or appearance. 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 being 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. As there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

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

Findings: The use of decorative stone pavers (or stamped concrete with the appearance of stone pavers) will effectively mitigate any negative aesthetic impact of creating a new paved area in the front yard. A condition of approval will ensure the use of stone pavers or stamped concrete for the new parking pad and for any future reconstruction or resurfacing of the parking pad. 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 there are no environmental overlay zones mapped on site, 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

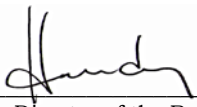
The proposal to reduce the setback from the street lot line to the parking space equally meets the intent of the regulation, and does not have adverse impacts on the livability and appearance of the surrounding residential neighborhood. The applicant has demonstrated that the applicable approval criteria have been met. Since the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the setback from the street lot line to the parking space from 10 feet to 0 feet (Zoning Code Section 33.266.120), per the approved site plan (Exhibit C-1), signed and dated July 18, 2014, subject to the following conditions:

- A. A zoning permit is required. As part of the zoning permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as illustrated in Exhibit C-1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-150875 AD."
- B. The site plan submitted for the zoning permit application must specify the paving material for the parking pad. As indicated in the applicant's statement (Exhibit A-2) and illustrated in the approved site plan (Exhibit C-1), the parking pad must be constructed with either stone pavers or stamped concrete with the appearance of stone pavers. This condition will also apply to any future reconstruction or resurfacing of the parking pad.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on July 18, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 22, 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 30, 2014, and was determined to be complete on June 20, 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 30, 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 extended by the applicant, **the 120 days will expire on: October 17, 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 August 5, 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 **August 6, 2014**.

- 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:

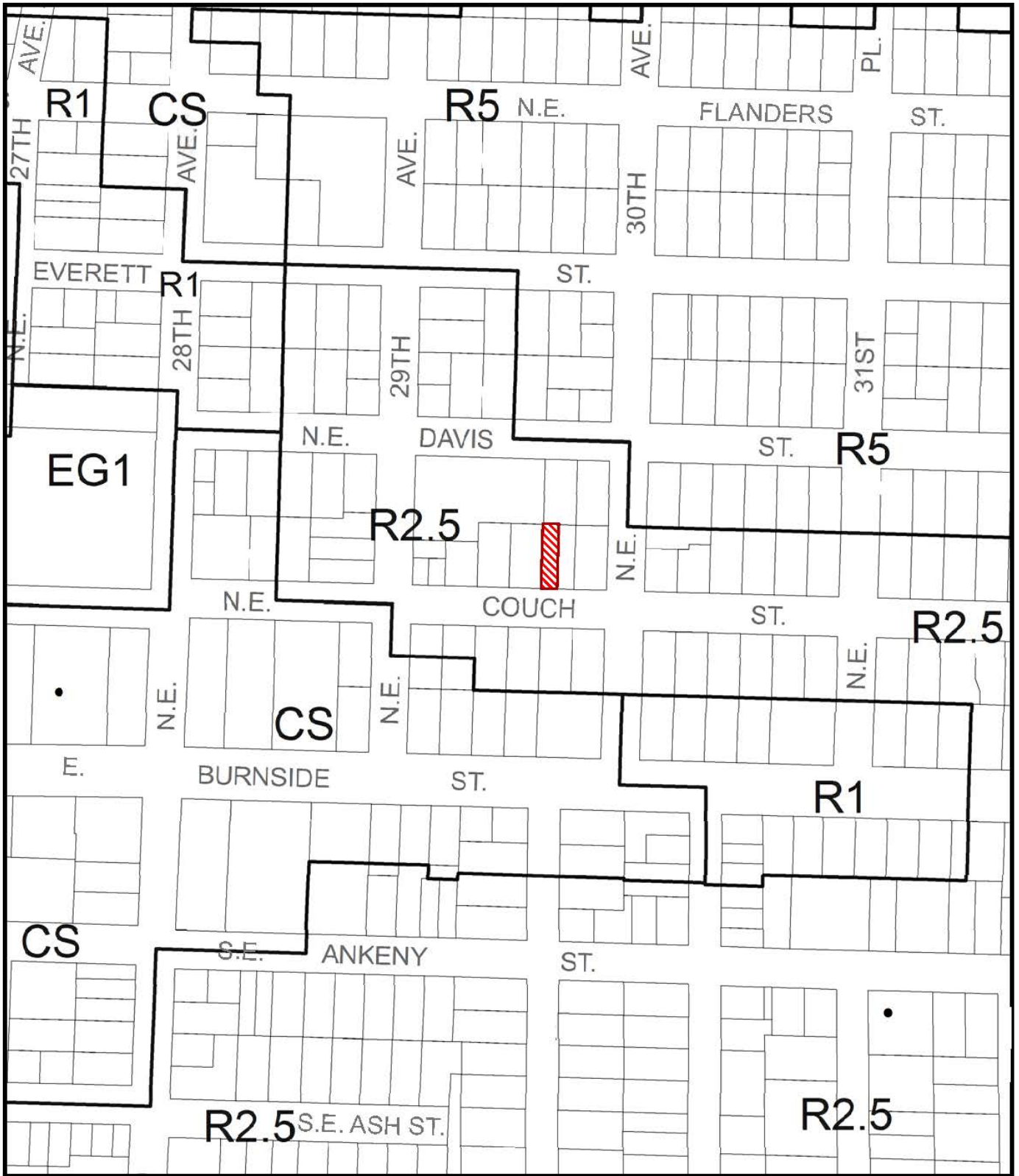
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project narrative and approval criteria responses
 - 2. Revised approval criteria responses, received June 17, 2014
 - 3. Photos submitted by applicant
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. Context map
 - 3. Building 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. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. E-mail in support from Carl Ferraris, dated July 6, 2014
- G. Other:
 - 1. Original LU application
 - 2. Incompleteness determination letter, dated May 9, 2014

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

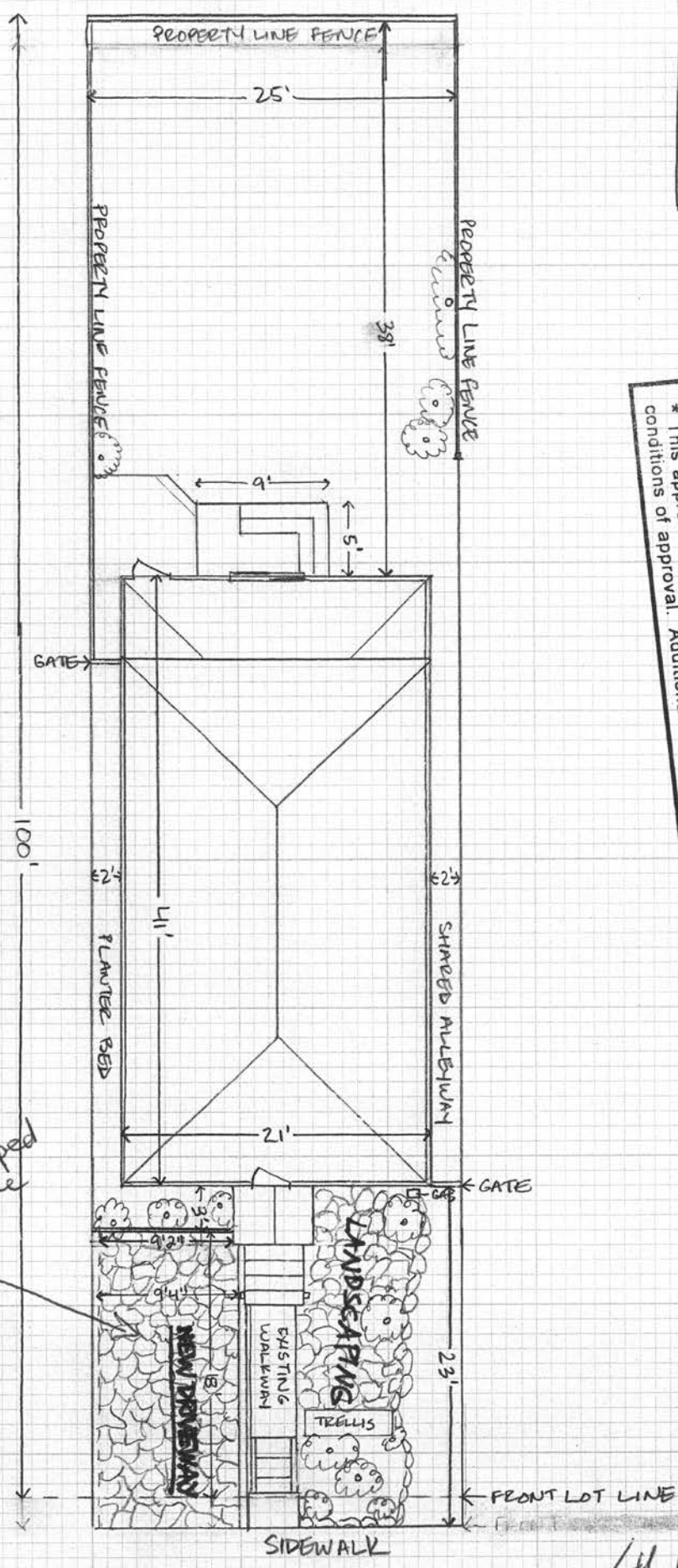


NORTH

File No. LU 14-150875 AD
 1/4 Section 3033
 Scale 1 inch = 200 feet
 State_Id 1N1E36CA 16500
 Exhibit B (May 02, 2014)



LOT PLAN W/
LANDSCAPING
2943 NE COUCH ST
PORTLAND, OR 97232
SIRI PETERSON
OWNER
SCALE: 1/10" = 1'



Parking pad
must be stone
pavers or stamped
concrete with the
appearance of
stone pavers

* Approved *
City of Portland - Bureau of Development Services
Planner: *AS*
Date: 7/18/14
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-1

LU 14-150875 AD