



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

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Date: July 28, 2015
To: Interested Person
From: Sheila Frugoli, Land Use Services
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-176209 AD

GENERAL INFORMATION

Representative: Kevin Partain, Consultant
Urban Visions / 223 NE 56th Ave / Portland, OR 97213

Owner: Renaissance Custom Homes, LLC
16771 Boones Ferry Rd / Lake Oswego, OR 97035-4213

Site Address: 5804 NE 11TH AVE

Legal Description: BLOCK 13 LOT 23, HIGHLAND PK
Tax Account No.: R384603280
State ID No.: 1N1E14CD 06000
Quarter Section: 2431
Neighborhood: Vernon, contact Mitch Snyder at 503-319-4183.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact info@necoalition.org
Plan District: None
Zoning: R2.5ah – Single-Dwelling Residential 2,500 zone with the “a” Alternative Design Density and “h” Aircraft Landing overlay zones.

Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant is requesting an Adjustment to reduce the required minimum garage entrance setback from 18 to 17 feet for a proposed new home. The proposed new 2-story home will include a single-car garage. The site is comprised of an approximate 2,500 square foot lot that is currently under final plat review—LU 14-168653. The house on the original 5,000 square foot lot has recently been demolished.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are 33.805.040.A-F, Adjustments.

ANALYSIS

Site and Vicinity: The corner lot is currently vacant as a home and detached garage were recently demolished to make room for two new homes. The site is generally surrounded by single family homes. Urban-scale commercial and residential development is located along Martin Luther King Jr. Blvd approximately a quarter-mile to the west. At this location, both NE Jarrett and NE 11th are classified as Local Service Streets. NE Jarrett Street has a 28-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides. NE Jarrett has a 16-ft sidewalk corridor that exceeds minimum standards. NE 11th Avenue has a 36-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides. NE 11th has a 12-ft sidewalk corridor with a 5-6-1 configuration that slightly exceeds minimum standards. Tri-Met provides transit service approximately 900 feet from the site at NE 15th and NE Jarrett Street via Bus #8.

Zoning: The site is zoned R2.5, Single-Dwelling Residential 2,500 zone, with the “a” Alternative Design Density and the “h” Aircraft Landing (height) overlay zones. The R2.5 designation is one of the City’s single-dwelling zones, which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. The Alternative Design Density overlay encourages new development that is compatible with the surrounding residential neighborhood. This proposal is not using any of the a-overlay provisions. The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. In the R and C zones, structures are regulated by the base zone height limits rather than the height limits of the Aircraft Landing Zone chapter.

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

- LU 14-168653 LDP: The Bureau of Development Services gave tentative approval of a proposed 2-lot land division.
- LU 14-168653 FP: The final plat review of the proposed land division is currently under review.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 19, 2015**. No City Bureaus responded with issues or concerns. Any development-related requirements have already been flagged via the land division/final plat review and/or the building permit review for the new home (15-164875 RS).

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the “Notice of Proposal”.

ZONING CODE APPROVAL CRITERIA**33.805.040 Approval Criteria**

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

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

Findings: The applicant requests an Adjustment to decrease the minimum garage entrance setback for the proposed garage from 18 feet to 17 feet. The purpose for the minimum

garage entrance setback, as stated in Zoning Code Section 33.110.220.A, is to provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and to enhance driver visibility when backing onto the street. The garage will be set back 17 feet from the NE Jarrett Street property line. As stated above, NE Jarrett Street is fully improved including a 7-foot wide sidewalk that exceeds the required 6 foot-wide standard. Hence, no street dedications were required by PBOT as part of the land division.

The Zoning Code requires only one on-site parking space per dwelling. Even if the garage is not utilized for parking, a 17-foot deep driveway will provide adequate space for most standard-size vehicles. The PBOT staff did not raise concerns/objections to the requested Adjustment. Therefore 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 proposal is not expected to significantly detract from the livability or appearance of the surrounding residential area. The front façade of the single-car garage door will be set back from the primary wall of the new dwelling. Given the front entrance of the garage will be 17 feet from the edge of the wide sidewalk, the impact of a reduced setback on the livability of the area will be negligible. 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: Because the applicant is requesting only one Adjustment, this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on City zoning maps by a lowercase “s”. Historic resources are identified by a reference dot. There are no scenic or historic resources on the subject site, therefore, this criterion is not applicable.

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

Findings: As described above in response to criterion A and B, there are no adverse impacts identified with the proposal. Therefore this criterion does not apply.

- 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 zones are identified on City zoning maps by a lowercase “c” or “p”. There are no environmental zones on the subject site, 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 is requesting an Adjustment to reduce the required garage entrance setback from 18 to 17 feet. Based on the findings of this report, each applicable criterion is met.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the required garage entrance setback (33.110.220/Table 110-2) from 18 to 17 feet for a new home with attached single-car garage, per the approved site plan, Exhibits C.1, signed and dated July 24, 2015, subject to the following condition:

- A. As part of the building 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 indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-176209 AD."

Staff Planner: Sheila Frugoli



Decision rendered by: _____ **on July 24, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 28, 2015

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 27, 2015, and was determined to be complete on **June 17, 2015**.

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 27, 2015.

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.

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 11, 2015** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 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 12, 2015 – (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:

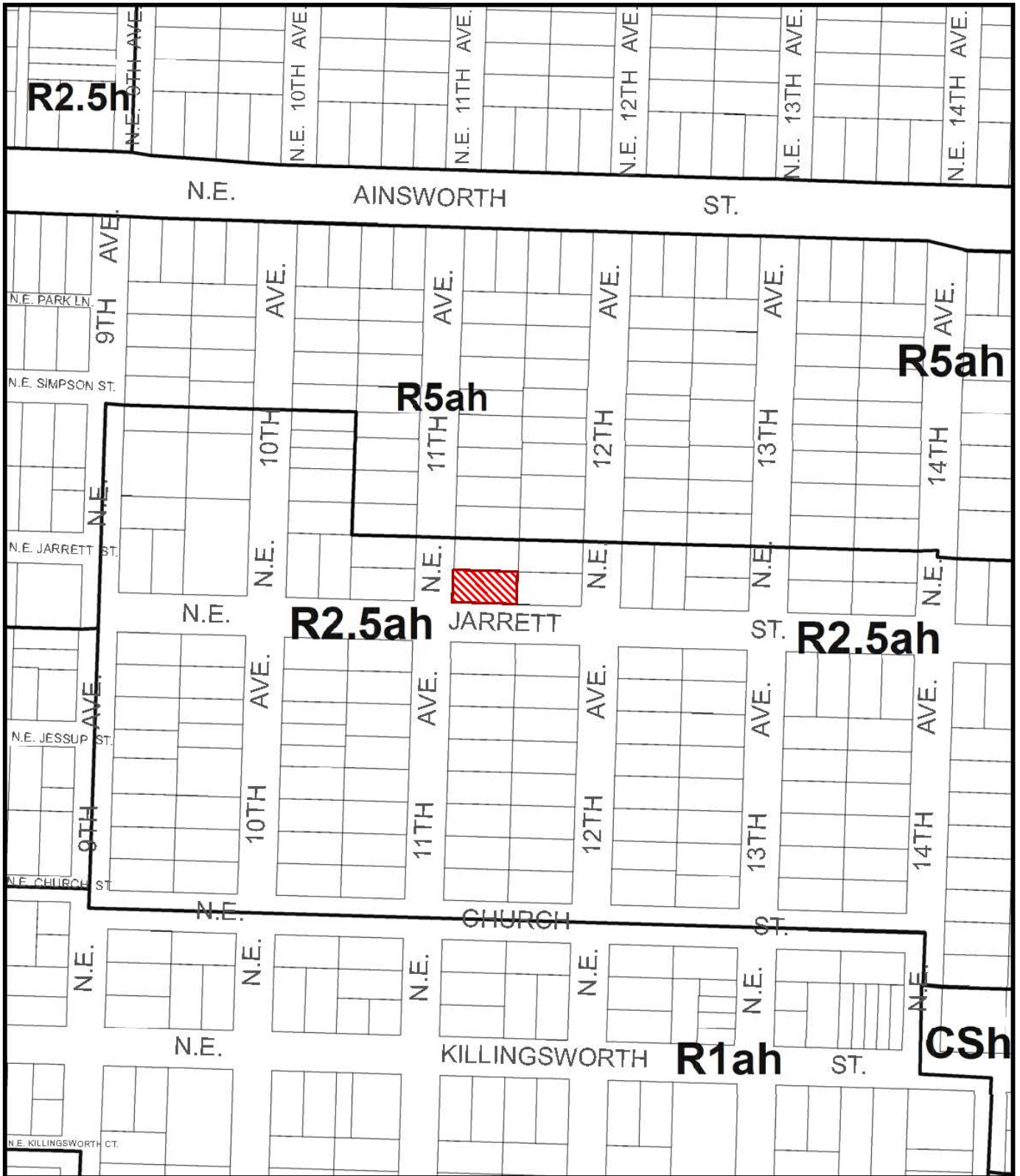
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Response to Approval Criteria, Submitted June 16, 2015
 - 2. Original Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan, Submitted June 16, 2015 (attached)
 - 2. Exterior Elevations
 - 3. Site Plan, Original Submittal
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses and Correspondence: None
- F. Other:
 - 1. Original LU Application
 - 2. Incomplete Application Letter to Applicant

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 15-176209 AD
 1/4 Section 2431
 Scale 1 inch = 200 feet
 State_Id 1N1E14CD 6000
 Exhibit B (May 29, 2015)

MA

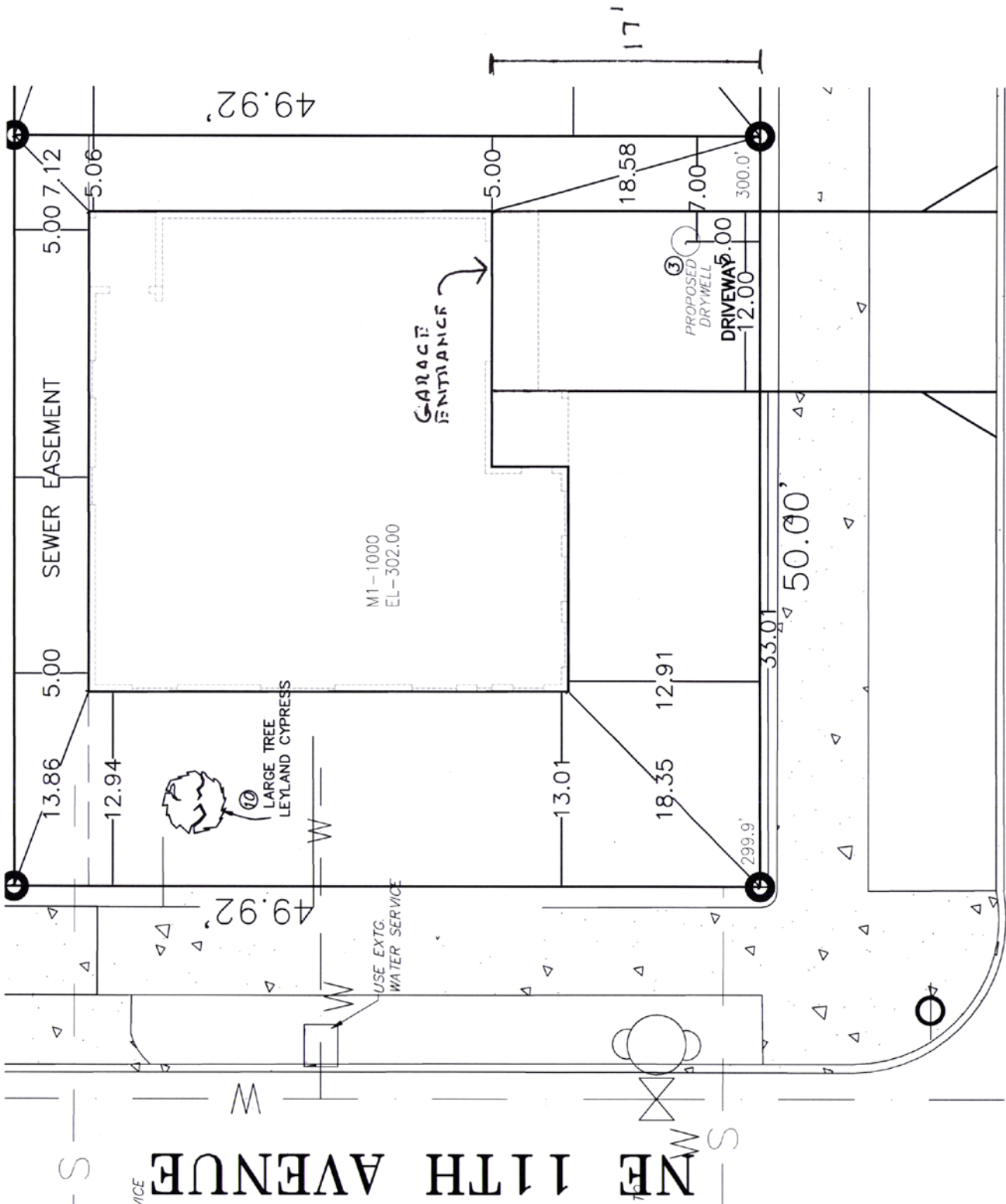
SCALE: 1" = 10'

Approved
 City of Portland - Bureau of Development Services
 Planner Sheila Frugoli Date July 24, 2015
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

RECEIVED

JUN 16 2015

LU 15-176209 AD



NE JAMES ST