



**Date:** July 30, 2015  
**To:** Interested Person  
**From:** Sheila Frugoli, Land Use Services  
 503-823-7817 / [Sheila.Frugoli@portlandoregon.gov](mailto:Sheila.Frugoli@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 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 15-184512 AD**

**GENERAL INFORMATION**

**Applicant:** Philip Sydnor, Architect  
 Integrate Architecture and Planning  
 1715 N Terry St  
 Portland, OR 97217  
 503-528-9899

**Owner:** Kimberly M Crowell  
 2468 NW Kearney St  
 Portland, OR 97210-3018

**Site Address:** 2468 NW KEARNEY ST

**Legal Description:** BLOCK 4 LOT 14, KINGS 2ND ADD  
**Tax Account No.:** R452300770  
**State ID No.:** 1N1E33BC 15500  
**Quarter Section:** 2927  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** None  
**Zoning:** R1- Multi-Dwelling Residential 1,000 zone.  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:** In order to construct a new 2-car garage with deck/terrace in front of the existing home, the applicant is requesting three Adjustments to applicable Zoning Code standards. The requested Adjustments are to: (1) Reduce the required front setback for the deck (on the garage roof) from 3 feet to 2 feet, 2 inches; (2) Increase the maximum length of garage wall from 50 to

68 percent of the street-facing wall of the house; and (3) Waive the requirement that the garage wall facing the street be no closer to the street lot line than the home.

The proposed garage and upper-deck will be cut into the steeply-sloped lot. Concrete stairs, on both sides of the garage, will provide a connection from the public sidewalk to the front entrance of the home.

**Relevant Approval Criteria:**

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

## ANALYSIS

**Site and Vicinity:** The site is developed with a 2.5-story home. This Portland bungalow-style home was built in the late 1890s and has no on-site parking area. Many homes in the Northwest District were constructed in the late 1890s and early 1900s. Because of the topography, many of the homes are elevated above the streets with retaining walls and landscaping that separates the homes from the public right-of-way.

NW Kearney Street is a fully improved street, with on-street parking on both sides of the street. Both sides of the street also have sidewalks and planter strips with mature street trees. In the immediate area, there are a mix of uses—attached residences, multi-dwelling residential buildings, institutional uses and single-dwelling residences.

**Zoning:** The subject property is zoned R1, Multi-Dwelling Residential 1,000. The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 dwelling units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

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

- CU 065-82/CU 24-86: A three-phase expansion was approved for the Hillside Convalescent Home site. Also, variances to modify setback, lot coverage, loading and parking space requirements were approved.
- LU 09-119498 CU: The Bureau of Development Services approved a Type II Conditional Use Review to reduce the convalescent home site/ownership at 800 NW 25<sup>th</sup> Avenue, removing the adjacent four residential lots at 2455 NW Johnson, 2486, 2476 and 2468 NW Kearney. The subject site is one of the residences that was separated from the Conditional Use site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **July 1, 2015**. The following Bureaus have responded with no issues or concerns regarding the Adjustment request.

- Bureau of Environmental Services (Exhibit E.1)
- Portland Bureau of Transportation (Exhibit E.2)
- Fire Bureau (Exhibit E.5)
- Site Development Section of BDS (Exhibit E.5)
- Water Bureau (Exhibit E.3)
- Life Safety Plan Review Section of BDS (Exhibit E.4)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 1, 2015. One written response has been received from notified property owners in response to the mailed "Notice of Proposal". Nearby neighbors submitted a letter of support that states "this will greatly improve the neighborhood as well make the homeowner's life much more comfortable." (Exhibit F.1)

## ZONING CODE 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 development standards requested for Adjustment are found in Sections 33.120.283.A for the garage wall length and street lot line setback requirement and 33.120.220/Table 120-3 for the building setback requirement, as follows:

### **Garages (33.120.283.A)**

These standards:

- 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.

### **Building Setbacks (33.120.230.A)**

The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- 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.

Garage-Street Lot Line Setback and Front Building Setback: The garage with upper deck will be located closer to the street lot line than the longest street facing wall of the house the north wall of the structure will be located 2 feet, 2 inches from the front (NW Kearney) property line. Garages are allowed to be located 5 feet or closer to the street/front property line.

Even though the garage/deck will be relatively close to the right-of-way, the proposed large stairways will emphasize the entrance and prominence of historic home. The subject house and adjacent residences all sit elevated above the sidewalk and setback from the front property line. The front porch and stairways offer ample opportunities for “eyes on the street” and making a visually pleasing experience for pedestrians. The Privacy will not be significantly reduced as the proposed new deck will be located outside of the required side setbacks, over 6 feet from the west property line and 20 feet from the east property line. The north facing deck is directly across the street from the solid, windowless rear wall of a Religious Institutional Use—Congregation Shaari Torah.

The proposed garage will reflect the general building scale and placement of garages and detached garages found in Northwest Portland’s residential areas, where the topography strongly influences the placement of structures and driveways. Because it will be located within 3 feet of the street lot line, vehicles will not park in front of the garage and overhang into the roadway area. Portland Transportation staff reviewed this proposal and have stated no concerns regarding impacts into the public right-of-way (Exhibit E.2).

This proposal equally meets the purpose of the garage street lot line and building setback standards.

Length of Street-Facing Garage Wall: The applicant is requesting an Adjustment to increase the amount of garage wall that faces the street from 50 to 68 percent.

The submitted north elevation of the structure shows an, approximately 10 foot tall garage wall with a 3-foot tall deck railing/enclosure. The garage will be comprised of finished concrete and decorative wood garage doors with carriage-style windows. Wide stairways are proposed to flank both sides of the garage. The design will not diminish the pleasant pedestrian environment of the street and will not reduce the physical and visual connection between the living area of the residence and the street. The purpose of the regulations is still met.

For the above 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 site is located in a residential zone. The garage and upper deck will be smaller, in terms of size and scale to the house and nearby homes, and is designed with architectural elements that were used in early 19th century homes. Nearby neighbors submitted written comments noting that the proposed structure is attractive and will enhance the neighborhood (Exhibit F.1). As explained under criterion A, there will be no discernible impacts to privacy.

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:** Three Adjustments are requested. Individually and collectively, the requested Adjustments will still result in a project that is consistent with the overall purpose of the multi-dwelling residential zone. This criterion is met.

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

**Findings:** City-designated scenic and historic resources are indicated on City zoning maps. There are no scenic or historic resources designated 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:** There are no impacts anticipated that would require mitigation. This criterion has been 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 zones are indicated on City zoning maps. There is no environmental zoning on the subject 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

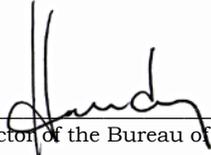
As the findings explain, the proposal meets the approval criteria and therefore should be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to: (1) Reduce the required front setback for the deck (on the garage roof) from 3 feet to 2 feet, 2 inches; (2) Increase the maximum length of garage wall from 50 to 68 percent of the street-facing wall of the house; and (3) Waive the requirement that the garage wall facing the street be no closer to the street lot line than the home, per the approved plans, Exhibit C.1 and C.2, signed and dated July 28, 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 Exhibits C.1 and C.2. The sheets on which this information appears must be labeled, "Proposal, as identified on Exhibit C.1 and design of garage/deck structure, as shown on Exhibit C.2, is approved via Case File # LU 11-190751 AD".

**Staff Planner: Sheila Frugoli**

**Decision rendered by:**  **on July 28, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 30, 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 June 11, 2015, and was determined to be complete on **June 29, 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 June 11, 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 13, 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 5<sup>th</sup> 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](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 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 14, 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**

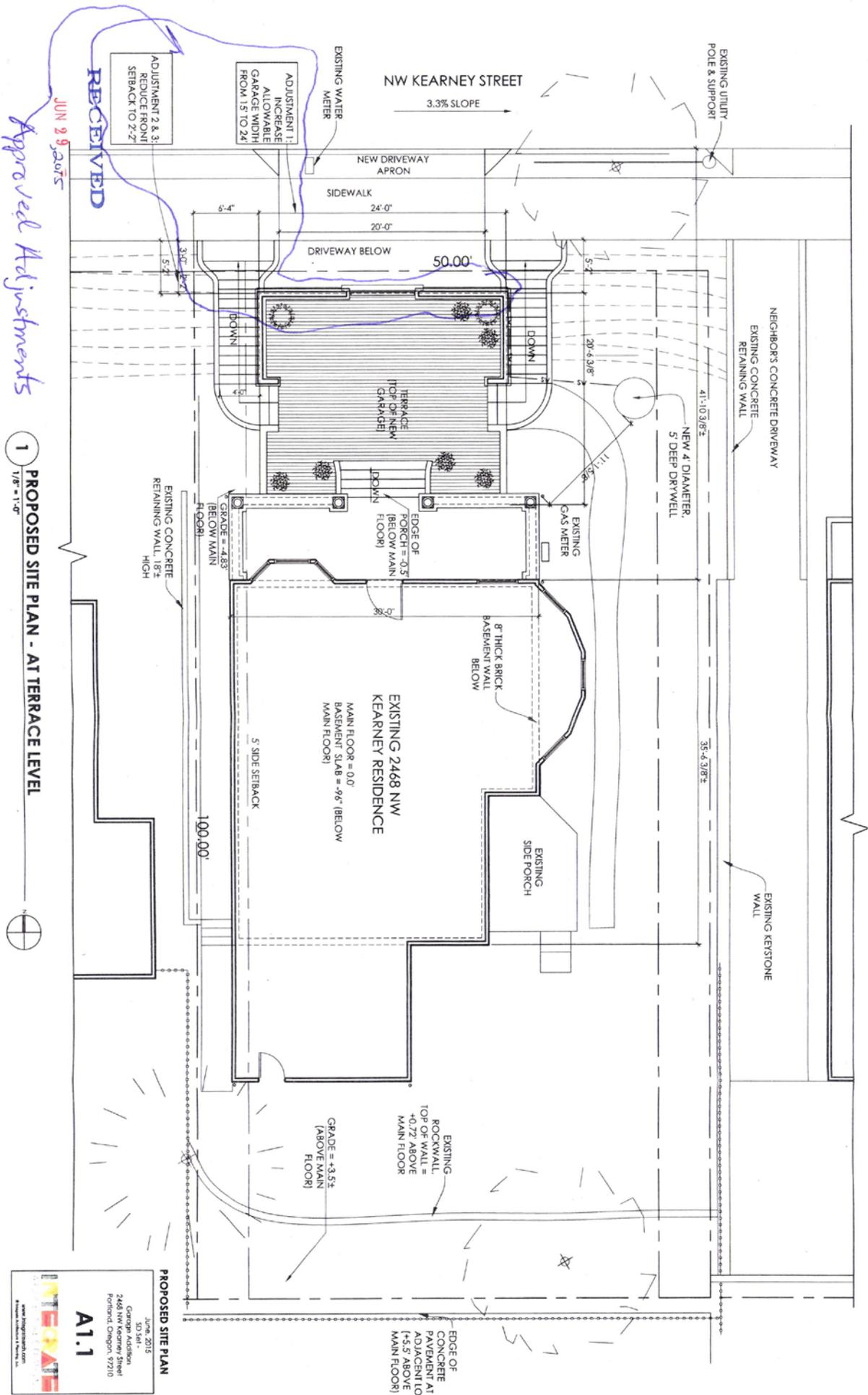
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Updated Response, Submitted June 29, 2015
  2. Original Narrative
- B. Zoning Map (attached)

- C. Plans/Drawings:
  - 1. Site Plan, Submitted June 29, 2015 (attached)
  - 2. North Elevation, (attached)
  - 3. Terrace Plan
  - 4. West Elevation, Submitted June 29, 2015
  - 5. Basement Plan
  - 6. South Section
  - 7. East Section
  - 8. Perspective Drawings
  - 9. Existing Site Plan, Submitted June 29, 2015
  - 10. Site Plan, Original Submittal
  - 11. West Elevation, Original Submittal
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Bureau of Transportation
  - 3. Water Bureau
  - 4. Life Safety Plan Review Section of BD
  - 5. TRACS Print-Out Showing "No Concerns" from Fire Bureau and Site Development Review Section of BDS
- F. Correspondence:
  - 1. Bonnie and Jim Schimschock, July 3, 2015, E-mailed letter conveying support for the proposal.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Application Letter from Staff 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).**





RECEIVED  
 JUN 29 2015  
 Approved Adjustments

1 PROPOSED SITE PLAN - AT TERRACE LEVEL  
 1/8" = 1'-0"

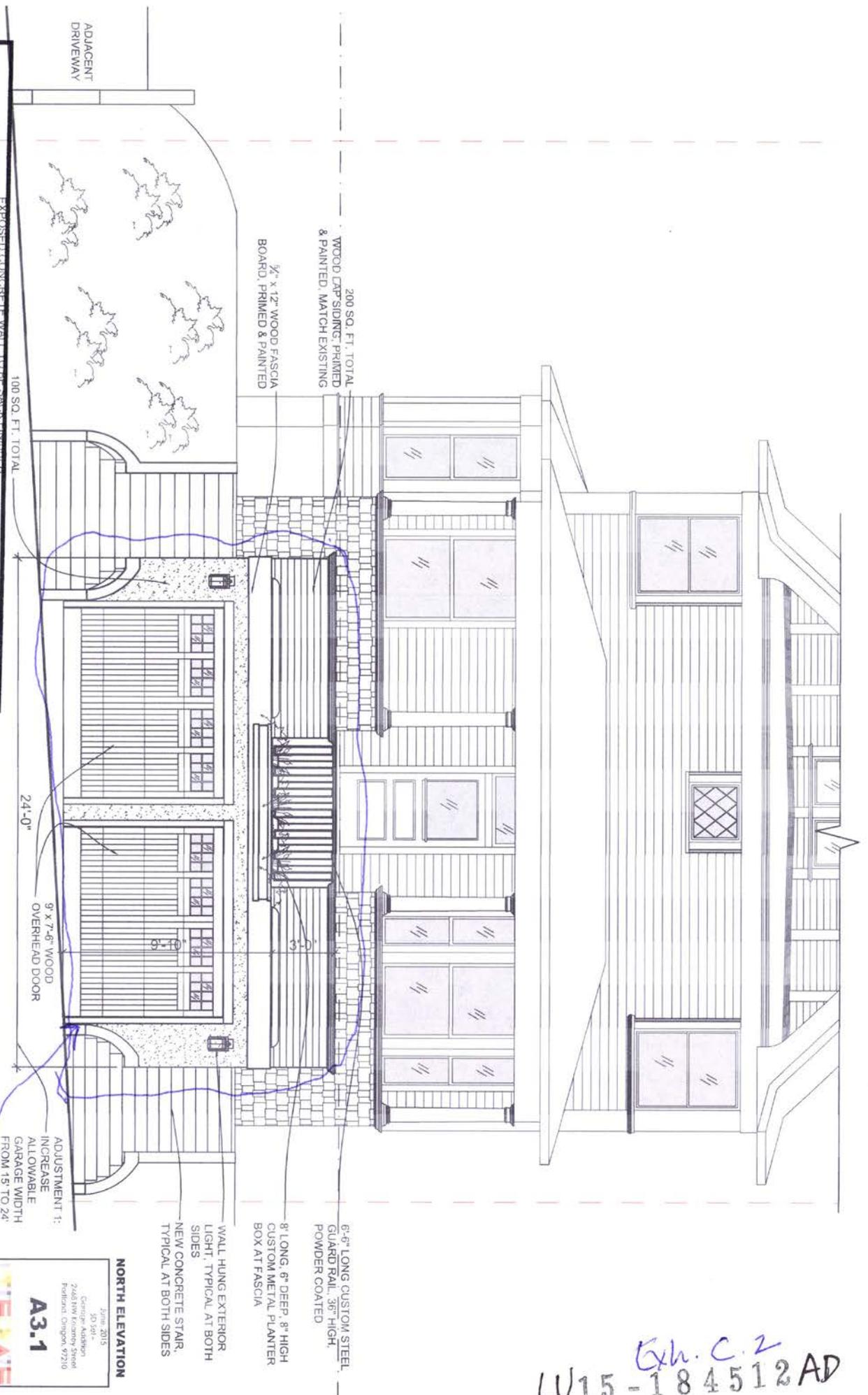


PROPOSED SITE PLAN  
 June, 2015  
 SD 541 -  
 Garage Addition  
 2468 NW Kearney Street  
 Portland, Oregon, 97210  
**A1.1**  
 www.hartgroup.com  
 Hart Group Architects & Planners, Inc.

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner S. J. Fregeault Date July 28 2015  
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LW15-184512 AD Exh. C.1

LU15-184512AD Exh. C.2



June 2015  
 301 501 -  
 George Johnson  
 2445 E. River Road  
 Portland, Oregon 97216

**A3.1**

www.a3partners.com

Approved  
 north facade  
 DMF

Planner *S. Frugoli*

Date *July 28 2015*

City of Portland - Bureau of Development Services

Approved

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