



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: June 28, 2016
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / Marguerite.Feuersanger@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 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 16-135227 AD

GENERAL INFORMATION

Applicant and Owner: Robert J. Severdia, Jr.
P. O. Box 514
Mosier, OR 97040

Site Address: 1518 N Highland Street

Legal Description: LOT 1, HIGHLAND COMMONS
Tax Account No.: R384400050
State ID No.: 1N1E16DA 05701
Quarter Section: 2428

Neighborhood: Arbor Lodge, contact Nate Young at alna.nate@gmail.com.
Business District: None
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: North Interstate

Zoning: RHd, High Density Multi-Dwelling Residential Zone, within the Design Overlay Zone (d)

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

Proposal: The applicant is proposing to convert the attached garage space of the row house into a storage room and living area. Although vehicle parking is not required on this site, the applicant would like to retain a parking space on the existing driveway. The Portland Zoning Code does not allow parking spaces within the first 10 feet from a front lot line unless they are located immediately behind a parking space that is outside of the 10-foot setback (33.266.120.C.2). The existing driveway is 18 feet in length; the standard parking space length

is 18 feet; therefore, an Adjustment is required because the proposed parking space is entirely within the first 10 feet of the front lot line. New construction or modifications to the driveway or the exterior of the row house are not proposed.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria for Adjustment requests are found in Section 33.805.040.

ANALYSIS

Site and Vicinity: The 2,250 square-foot site is developed with a two-story row house. It is the westernmost row house in a building containing five row houses, each on their own lot. The subdivision, Highland Commons, created the row house lots in 1997. Each of the five row houses is similar in design and each contains a detached garage connected to a driveway facing N. Highland Street. West of the site, development consists primarily of single-dwelling houses on 5,000 square foot sites. Just east of the site is N. Interstate Avenue, a major commercial street and active transit street with a light rail line.

Zoning: The site is zoned RHd (Multi-Dwelling High Density Residential, within the “d” Design Overlay zone). The RH zone Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. The “a” overlay is intended to allow increased density that meets design compatibility requirements. The “a” overlay does not impact this proposal.

Land Use History: City records indicate a prior land use review for this site:

Case File LU 1996-01031. Approval of a 5-lot row house subdivision.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 23, 2016**. The following Bureaus responded with no concerns:

- Bureau of Environmental Services (Exhibit E-1);
- Portland Bureau of Transportation(Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Site Development Section of BDS (Exhibit E-4);
- Fire Bureau (Exhibit E-5);
- Life Safety Plans Examiner of BDS (Exhibit E-6); and
- Urban Forestry Division of the Parks Bureau (Exhibit E-7).

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 applicant requests one Adjustment to allow the on-site parking space to be in front of the former one-car attached garage and within the front 10 feet of the property.

The purpose of the parking standards for houses and duplexes is found in Portland Zoning Code Section 33.266.120.A, which states: *The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.*

The proposed parking space on the existing driveway is 9 feet wide by 18 feet deep, and satisfies the Zoning Code minimum parking space dimension requirements for row houses. The parking area, however, is not long enough to satisfy the requirement for the parking space to be located outside of the first 10 feet of the site, as measured from the street property line. The intent of this regulation is to maintain open and visually pleasing front yards. The subject row house lot and the other row house lots to the east have landscaped front yards adjacent to the driveways. The landscaping enhances the development as a whole and diminishes the presence of the individual driveways.

The subject lot contains two existing trees, one located on each side of the driveway. From the sidewalk view, the trees provide shade and interest, and enhance the development as a whole. The addition of low level shrubs in these two landscape areas will help obscure views of vehicles parked in the driveway. A condition is needed that requires maintenance of trees and shrubs along both sides of the driveway. With this condition, 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 to convert the garage to storage and living space and retain the row house exterior design will have minimal impact. Front yard landscaping, consisting of small trees and evergreen shrubs, will enhance the site and add visual interest. Because of these conditions, the proposal will not significantly detract from the livability or appearance of the residential area. With the condition that requires maintenance of trees and shrubs along both sides of the driveway, 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 has been requested, therefore this criterion does not apply.

- 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. No scenic or historic resource designations are mapped on the subject site. This criterion does not apply.

- 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: The site is not within an environmental zone. This criterion does not apply.

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 requests one Adjustment to allow an on-site parking space to be located within the first 10 feet of a site developed with a row house. The parking area will be adequately screened with low-level evergreen shrubs and trees. Although the garage will be converted to living and storage space, the owner proposes to retain the existing garage door, maintaining the architectural consistency of the existing row house building. This is acceptable since it will have minimal impact on the appearance of the residential area. The proposal meets the applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to allow a non-required 9-foot by 18-foot parking space to be located within the first 10 feet of the site developed with a row house (33.266.120.C.2), per the approved site plans, Exhibits C-1 and C-2, signed and dated June 23, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-135227 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A minimum of one small tree and five shrubs shall be maintained on each side of the existing 9-foot wide driveway. The shrubs will be low-level evergreen species, maintained at a height not to exceed 3 feet.

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on June 23, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 28, 2016

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 March 15, 2016, and was determined to be complete on May 12, 2016.

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 March 15, 2016.

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 9, 2016.**

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 12, 2016**, 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 **July 13, 2016 – (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. Floor Plan (attached)
- 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
- 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



This site lies within the:
 NORTH INTERSTATE PLAN DISTRICT

File No. LU 16-135227 AD
 1/4 Section 2428
 Scale 1 inch = 200 feet
 State_Id 1N1E16DA 5701
 Exhibit B (Mar 16, 2016)

IMPERVIOUS AREA

DRIVEWAY 209 sqft

PATIO 80 sqft

WALK 70 sqft

ROOF AREA
(INCL. OVERHANG) 840 sqft

TOTAL 1199 sqft

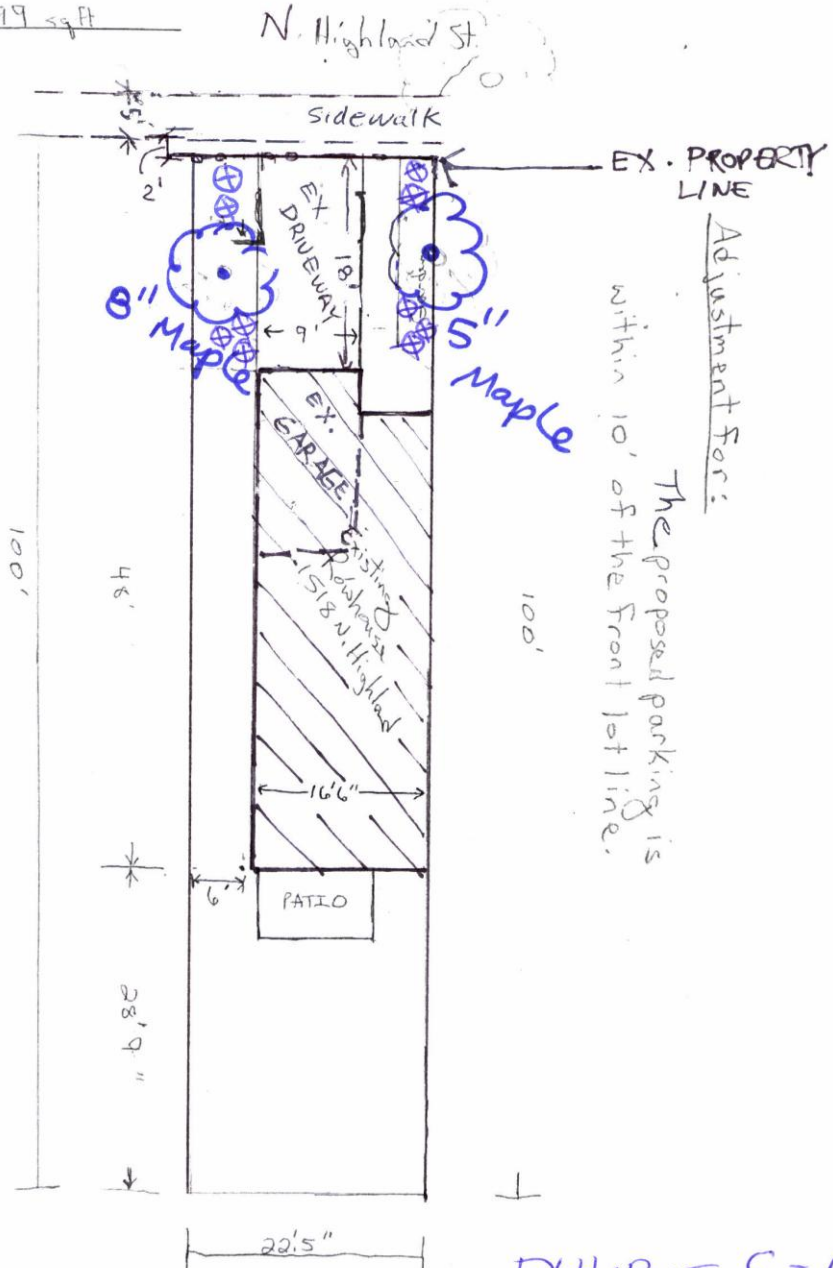
BUILDING COVERAGE

BUILDING FOOTPRINT 712

LOT AREA

.05 AC 2250 sqft

- ⊗ (10) Ten Required evergreen shrubs, max. height 3 feet.
- ☼ (2) Two REQUIRED TREES



City of Portland
Bureau of
Development Services
By [Signature] Date 6/23/16
Approved by
Planning & Zoning Review

EXHIBIT C-1
REVISED 4/13/16

PROJECT LEGAL

R 179985
Highland Commons, lot 1

PROJECT ADDRESS

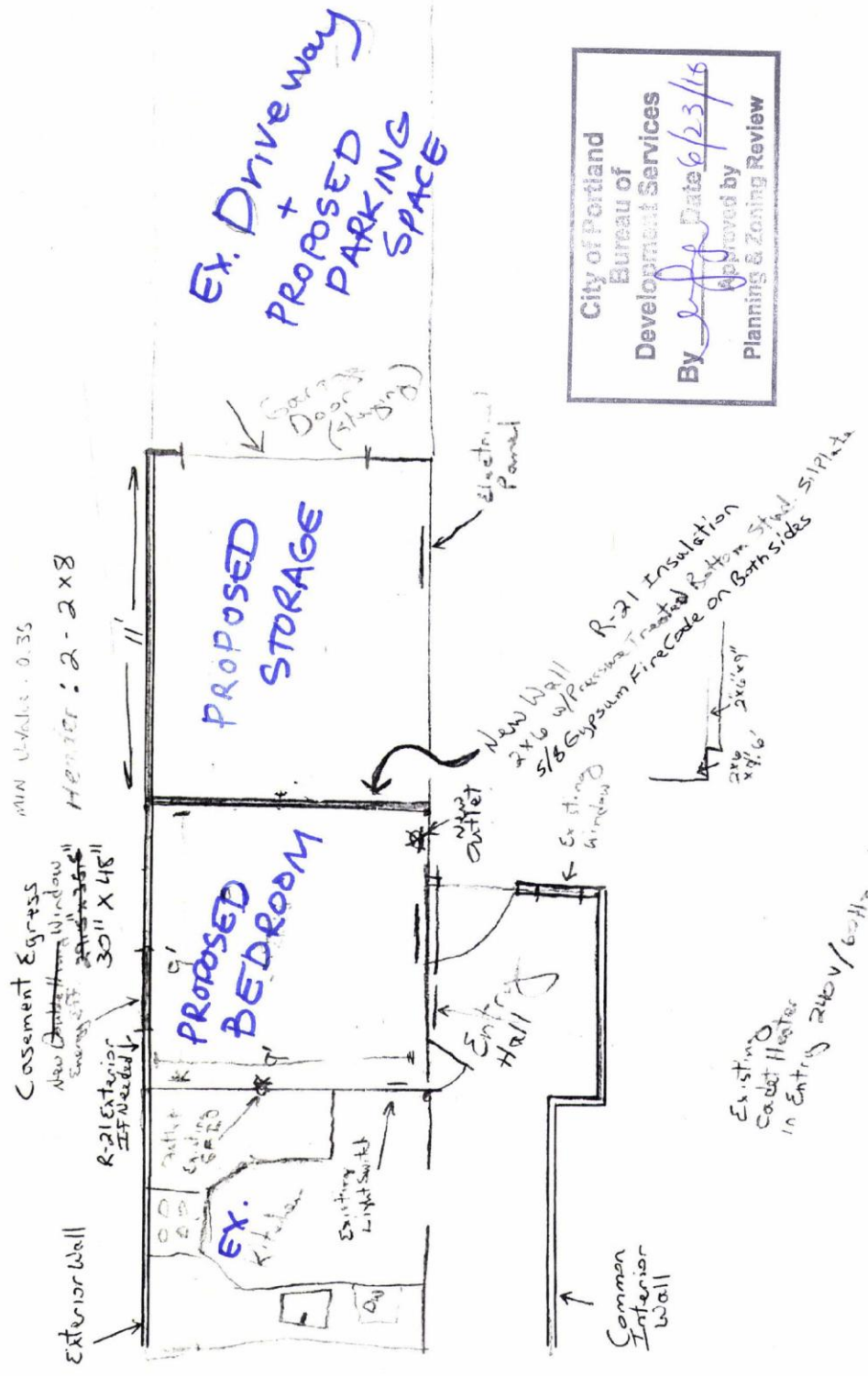
1518 N Highland St
Portland OR 97217

SITE PLAN

SCALE 1" = 10'
2" 10'



16-135227 AD



City of Portland
 Bureau of
 Development Services
 By *[Signature]* Date 6/23/16
 Approved by
 Planning & Zoning Review

1518 N. Highland St. 97217
 Severdia 503-789-9411
 Highland Commons, Lot 7 R171985
 16-135227 AD

PROPOSED FLOOR PLAN

4/13/16



EXHIBIT C-2
 16-135227 AD