



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: July 21, 2016
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 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 16-170728 AD

GENERAL INFORMATION

Applicant/Owner: Cecelia Maben
2730 NE Knott St.
Portland, OR 97212

Site Address: 2730 NE Knott St.

Legal Description: LOT 6&7 TL 18300, BOWERING TR
Tax Account No.: R095100480
State ID No.: 1N1E25BC 18300
Quarter Section: 2733

Neighborhood: Grant Park, contact Ken Peterson at gpnalanduse@gmail.com
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070

Zoning: R5 – Single-Dwelling Residential 5,000
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee

Proposal: The applicant proposes to construct a detached accessory dwelling unit (ADU) in the rear yard of this property. Zoning Code Section 33.205.040.C.3 limits the size of ADUs to 800 square feet of living area. Since the proposed ADU will have 945 square feet of living area, the applicant requests approval of an Adjustment to this standard.

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 5,668-square-foot lot located on the south side of NE Knott Street, between NE 27th Avenue and NE 28th Avenue. The site is developed with a one-story, single-dwelling house and a detached garage in the back yard. The applicant proposes to demolish the detached garage and replace it with a new detached structure that will include a garage and an ADU. Neighboring properties are developed with a mix of one-story and two-story houses. Grant Park and Grant High School are approximately a third of a mile east of the site.

Zoning: The site is zoned R5. The R5 zoning 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 27, 2016. The following Bureaus responded with no concerns:

- Portland Bureau of Transportation (Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4); and
- Bureau of Parks, Urban Forestry Division (Exhibit E-7).

The following Bureaus responded with information on requirements that will apply at the time of building permit review, but with no concerns about the proposed Adjustment:

- Bureau of Environmental Services (Exhibit E-1);
- Site Development Section of BDS (Exhibit E-5); and
- Life Safety Review Section of BDS (Exhibit E-6).

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

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 Adjustment approval to increase the allowable living area for an ADU. The purposes of the development standards for ADUs are stated in Zoning Code Section 33.205.040.A:

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 proposed accessory structure (containing both a garage and an ADU) will be located in the southeast corner of the lot. While all of the base zone development standards will be met (setbacks, height, building coverage, etc.), the applicant is requesting approval of an Adjustment to allow the living area of the ADU to be 945 square feet rather than 800 square feet. In response to staff concerns about the originally submitted plans (Exhibit A-4), the applicant submitted revised plans (Exhibits C-1 through C-10) which reduced the height of the structure and reduced the living area of the ADU. In the revised design, the structure is 1½ stories rather than 2 full stories, with much of the ADU living area contained within shed dormers that are set back from the first floor building walls below. Staff finds these revisions effectively reduce the visual prominence of the proposed ADU in a manner consistent with the intent of the ADU standards. The ADU will be substantially smaller than the 1,755-square-foot main house, with much of the bulk of the accessory structure located behind the main house as viewed from the street. Consistent with the character of the single-dwelling residential zone, the site design will maintain an appearance of only one full-sized house on the lot, with an accessory structure that is visible but clearly subordinate to the main house. The site plan (Exhibit C-1) allows room for a shared yard space for both the main house and the ADU in the southwest portion of the lot, and this area will be substantially larger than the minimum outdoor area required by Zoning Code Section 33.110.235. For these reasons, staff finds 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, the applicant revised the plans to minimize the height and prominence of the accessory structure for consistency with the intent of the ADU standards. The revised design (Exhibits C-1 through C-10) supports the livability and appearance of the surrounding established neighborhood by incorporating traditional design details like shingle siding and roof dormers. The new structure will meet R5 zone requirements for setbacks, height, and building coverage, and will also meet additional design standards for detached accessory structures in Zoning Code Section 33.110.250.C.4. The garage and driveway will provide off-street parking. For these reasons, staff finds the proposal will not have significant 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: Staff finds the design features that minimize the visual prominence of the accessory structure, as discussed above under the findings for criterion A, effectively mitigate potential impacts from a larger ADU living area. Staff finds 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 Adjustment to increase the living area limit for an ADU equally meets the intent of the regulation and will not adversely affect 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 Zoning Code Section 33.205.040.C.3 to increase the allowable living area for a detached ADU from 800 square feet to 945 square feet, per the approved plans, Exhibits C-1 through C-10, signed and dated July 19, 2016, 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 through C-10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-170728 AD."

Staff Planner: Andrew Gulizia

Decision rendered by:  **on July 19, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 21, 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 May 11, 2016, and was determined to be complete on June 22, 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 May 11, 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 extended by the applicant, **the 120 days will expire on October 20, 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 August 4, 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 **August 5, 2016**.
- 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.

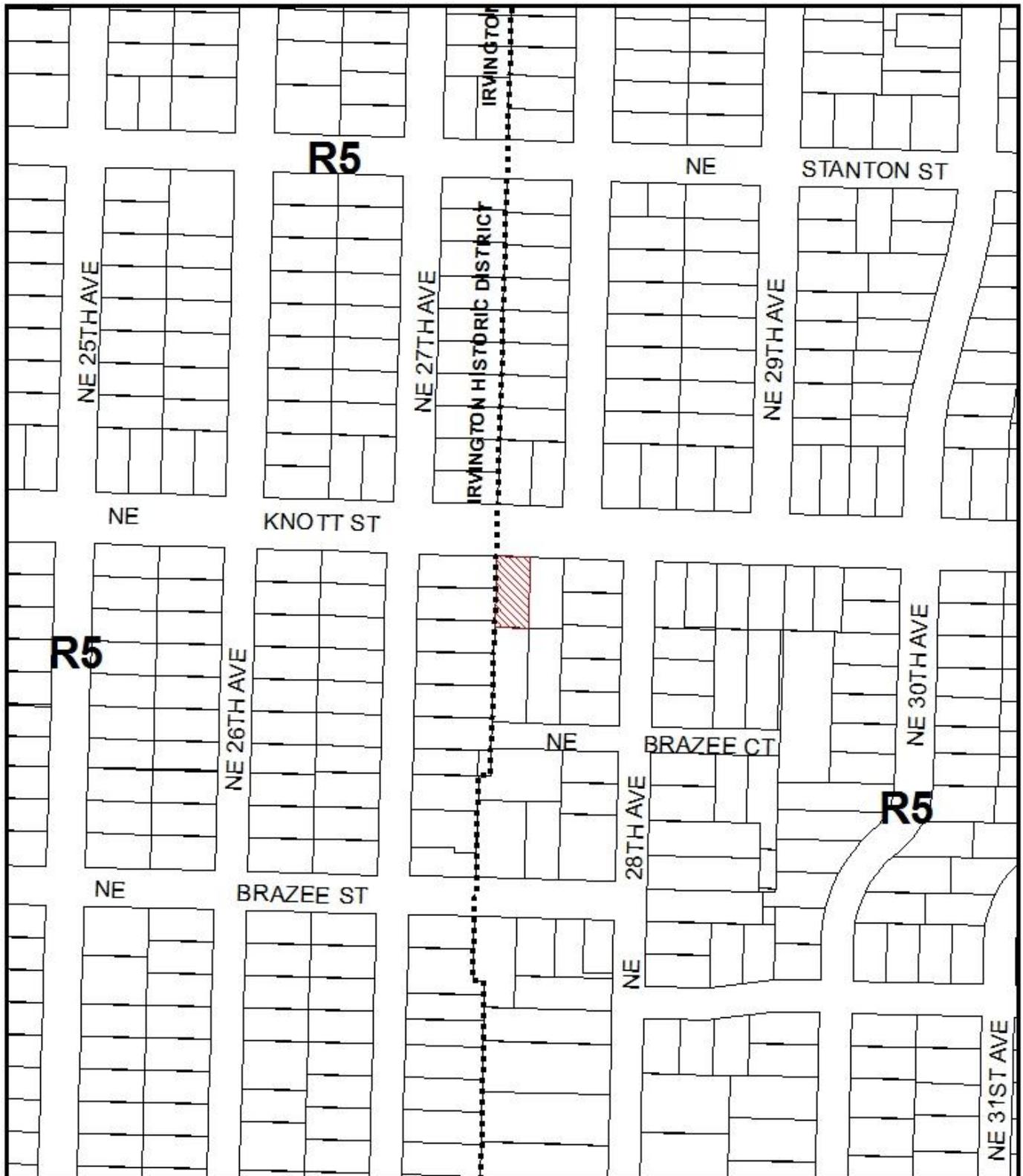
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 1. Applicant's narrative
 2. Revised applicant's narrative, received June 22, 2016
 3. Front elevation of main house
 4. Originally submitted plan set, prior to revisions (11 pages)
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site plan (attached)
 2. Building elevations (attached)
 3. Floor plans
 4. Perspective views
 5. Plan details
 6. Framing plans
 7. Foundation plan
 8. Electrical plans
 9. Building sections
 10. Full-sized, scalable plan set (11 pages)
- 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. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
 7. Bureau of Parks, Urban Forestry Division
- F. Correspondence – none received
- G. Other:
1. Original LU application form and receipt
 2. Incompleteness determination letter, dated May 24, 2016

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).

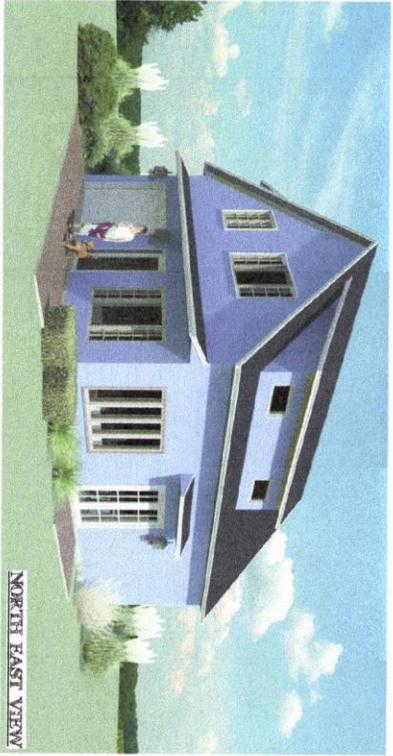


ZONING



 Site

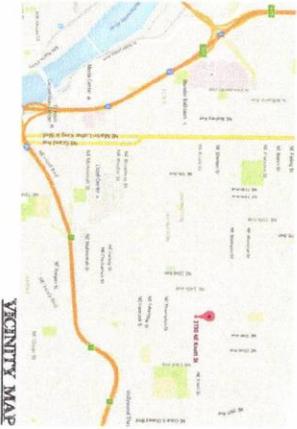
File No. LU 16-170728 AD
 1/4 Section 2733
 Scale 1 inch = 200 feet
 State_Id 1N1E25BC 18300
 Exhibit B (May 11, 2016)



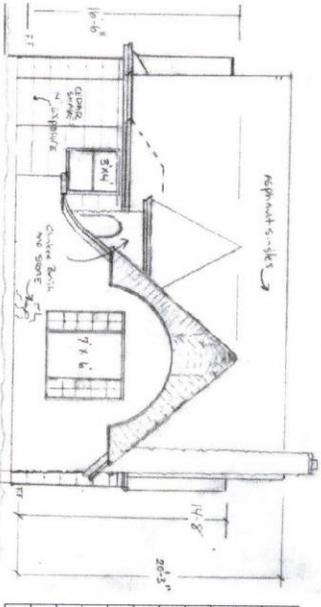
NORTH EAST VIEW



AERIAL VIEW OF SITE



VICINITY MAP



FRONT ELEVATION EXISTING HOME - NORTH

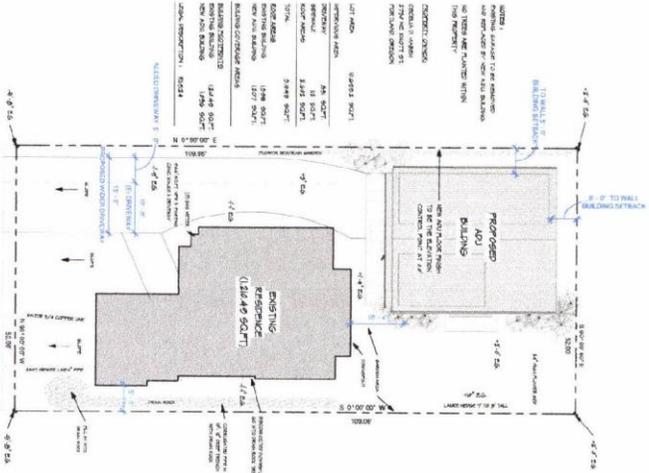
SHEET INDEX	
A1.1	SITE PLAN - AND NOTES
A2.1	FLOOR PLANS - AND NOTES
A3.1	EXTERIOR ELEVATIONS
A3.2	PERSPECTIVE VIEWS
A4.1	BUILDING SECTIONS - AND NOTES
E1.1	ELECTRICAL PLANS
S1.1	SHEAR WALL PLANS - DETAILS AND NOTES
S2.1	FOUNDATION PLAN - DETAILS AND NOTES
S3.1	UPPER FLOOR AND ROOF FRAMING PLANS
S4.1	DETAILS

City of Portland - Bureau of Development Services

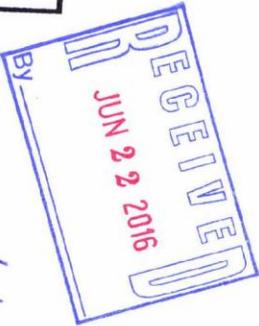
Planner *A Guzman*

Date *7/19/16*

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



KNOTT STREET
SITE PLAN
2730 NE KNOTT ST.
PORTLAND, OREGON



LU 16-170728 AD
Exhibit C-1

EDGE
BUILDING DESIGN & DRAFTING

Juan M. Duarte
Custom Home Design
Additions - Remodels
As-Built Documentation
137 Pacific Ave
Eugene, OR 97401
call (541) 613-4736
juan@edgedesign.com

PROJECT PRINCE

BUILDING PERMIT
AND
CONSTRUCTION

PROJECT DESCRIPTION

SHEET NAME
SITE PLAN

PROJECT NAME

A NEW - ADU HOME

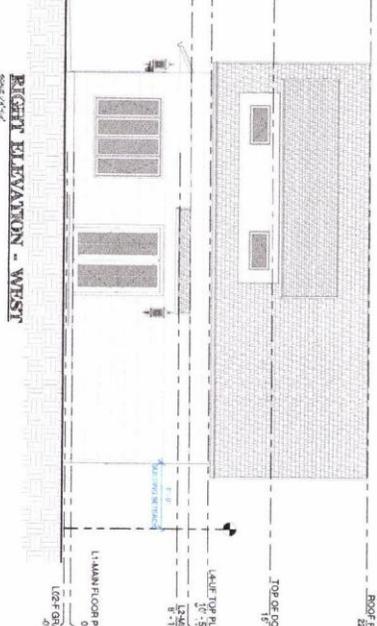
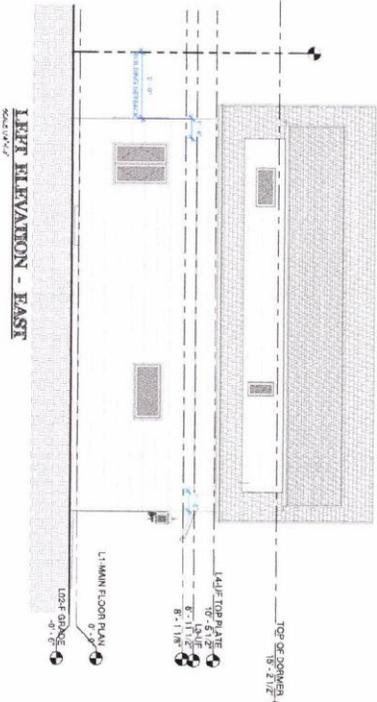
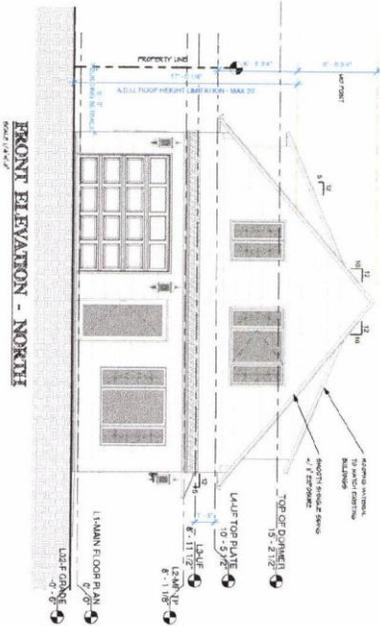
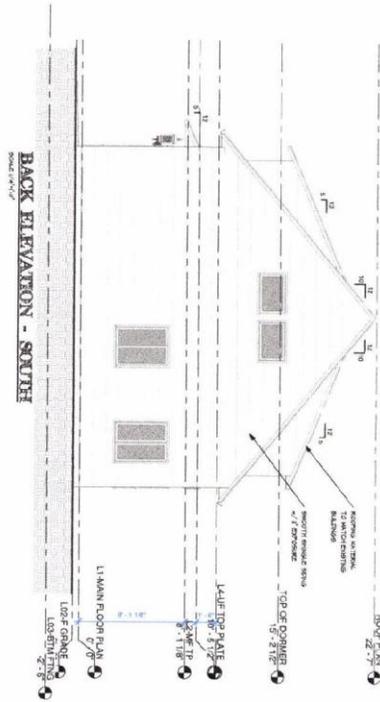
2730 NE KNOTT ST.
PORTLAND, OREGON

CLIENT NAME

CECELIA D. MABEN

DATE: 01/30/2016 9:24:05 AM

SCALE: AS SHOWN
A1.1



EDGE
BUILDING DESIGN & DRAFTING

Juan M. Duarte
 Contract Home Designer
 Address - Bend, OR
 At Build Documentation
 Corvallis Building
 137 Bondo Ave.
 Estero, CA 92221
 cell (541) 610-4736
 juanduarte970@gmail.com

PROJECT TYPE:
**BUILDING PERMIT
 AND
 CONSTRUCTION**

SHEET NAME
EXTERIOR ELEVATIONS

PROJECT NAME
**A NEW - ADU HOME
 2730 NE KNOTT ST.
 PORTLAND, OREGON**

CLIENT NAME
CECELIA D. MABEN

DATE
 6/13/2018 2:28:38 PM

A3.1

SCALE: AS SHOWN

City of Portland - Department of Development Services
 Planner A Guzman Date 7/19/16
 * This application and its subject to all conditions of applicable development code requirements may apply.

CU 16-170728 AD
Exhibit C-2