



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

Chloe Eudaly, Commissioner
Rebecca Esau, Interim Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 11, 2017
To: Interested Person
From: David Besley, Land Use Services
503-823-7282 / David.Besley@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 17-163018 AD

GENERAL INFORMATION

Applicant: David Giulietti | Giulietti / Schouten Architects
2800 NW Thurman St
Portland, OR 97210

Owner: Sarice Bassin
2205 SW 21st Ave
Portland, OR 97201-2358

Site Address: 2205 SW 21ST AVE

Legal Description: BLOCK 77 LOT 1&2, CARTERS ADD TO P
Tax Account No.: R140405320
State ID No.: 1S1E04CB 01700
Quarter Section: 3227

Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592

Zoning: R10 (Single Dwelling Residential 10,000)

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

Proposal:

The applicant is proposing to deconstruct an existing 399 square foot attached one-car garage located toward the rear (southwest) of the house and build a new 779 square foot attached two-car garage toward the front (east) of the house. The existing 3-story residence is 6,261 square feet with building coverage of 2,895 square feet. The Portland Zoning Code limits maximum building coverage for a property of this size to 3,000 square feet (Section 33.110.225, Table

110-4). The total proposed building coverage with the new garage is 3,275 square feet. An Adjustment is therefore requested to increase the maximum building coverage from 3,000 square feet to 3,275 square feet.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The 10,000 square foot corner lot is located at the west corner of the intersection of SW Myrtle Street and SW 21st Avenue. The site slopes downward from south to north and is developed with a 6,261 square foot single-story house and a 399 square foot attached garage. Existing vehicle parking is located on SW 21st Avenue on the southernmost portion of the site. The surrounding vicinity is developed with primarily single-dwelling residences, but also includes open space zones to the west and a few multi-dwelling residences to the east.

Zoning: The R10 zone is a single-dwelling zone that is intended to preserve land for housing, and to provide housing opportunities for individual households. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

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

LUR 00-00501 AD (a.k.a. 00-007056 AD): An approval of an Adjustment (dated September 13, 2000) to increase the building coverage of a lot from 30 percent to 35 percent for a new one-story, attached, one-car garage and media room addition to an existing three-story house with the condition that at least two trees be planted and maintained within the south side building setback area between the attached garage and the south side property line.

It appears that the condition of planting two trees was not upheld. This condition of approval will therefore be carried forward to this Adjustment.

Note: At the time of this Adjustment decision, both the building coverage maximum and the way building coverage was counted were different than the current Portland Zoning Code. At the time of the 2000 Adjustment decision, the Portland Zoning Code allowed up to 30 percent building coverage in this zone; currently, the maximum building coverage is dependent upon the size of the lot (in this case 2,250 sq. ft + 15% of lot area over 5,000 sq. ft.). At the time of the 2000 Adjustment decision, the Portland Zoning Code included eaves in the building coverage count; currently, eaves are not included in building coverage.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed May 22, 2017. The following Bureaus have responded with the following information:

- The Life Safety Section of the Bureau of Development Services (BDS) responded with no concerns and provided Building Code information (Exhibit E-1);
- The Bureau of Environmental Services (BES) responded no concerns and noted that stormwater management will be required at the time of building permit review (Exhibit E-2); and
- The Bureau of Transportation responded with no concerns (Exhibit E-3).

The following Bureaus have responded with no concerns (Exhibit E-4):

- Site Development Review Section of BDS;
- The Water Bureau; and
- The Fire Bureau.

Neighborhood Review: Two written responses from neighbors were submitted regarding the proposal (Exhibit F-1 and F-2). The first (Exhibit F-1) noted concerns that the size and scope of the proposed two-car garage would negatively affect the appearance of the neighborhood and that the architecturally bulky design would overwhelm their much smaller 1891 Victorian home. The second written response (Exhibit F-2) was written in support of the proposal.

Staff Response: Concerns related to the Adjustment request are addressed in the Zoning Code Approval Criteria findings below.

ZONING CODE APPROVAL CRITERIA

33.805.040 Adjustment Approval Criteria

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

Findings: The applicant has requested an Adjustment to increase the maximum building coverage from 3,000 square feet to 3,275 square feet for the construction of a new attached garage.

33.110.225 Building Coverage

The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

While the building coverage of the total development will be approximately 275 square feet over the maximum, the garage addition includes an offset area to the north of the garage, which provides greater articulation to the structure as viewed from SW 21st Avenue and helps break up its massing and bulk. The maximum height in this zone is 30 feet; however, the garage addition will be one story with a height of under 15 feet, which will not overwhelm adjacent neighbors, many of which similarly include single-story garages set in front of, rather than behind, the single dwellings residences. Additionally, building setbacks in excess of the minimums required by the zone are provided. In the R10 zone, a minimum side setback (from SW Myrtle Street) of 10 feet is required; a side setback ranging from 16 feet to 19 feet is provided. A minimum rear setback of 10 feet is required; a rear setback ranging from 26 feet to 31 feet is provided. These increased setbacks further offset the increased building coverage.

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: As noted above, a reduced height, increased setbacks, and articulated east-facing façade improve the appearance of the project and visually reduce its mass; therefore, the proposal will not significantly detract from the livability or appearance of the residential area.

Consistent with the previous Adjustment approval (noted above), in order to maintain a typical appearance of the site from the lot to the south, two trees need to be planted and maintained within the south side setback area on the site to help screen the new additions from the neighboring house.

As conditioned, 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 is requested; therefore, 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 Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

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

Findings: As noted above, a reduced height, increased setbacks, and articulated east-facing façade will break up the massing and bulk of the garage addition and mitigate for the increased building coverage. Planting two trees will further break up and soften the massing.

As conditioned, 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 Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the 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 has requested an Adjustment to increase the maximum building coverage from 3,000 square feet to 3,275 square feet for the construction of a new attached garage. A reduced height, increased setbacks, and articulated east-facing façade will break up the massing and bulk of the addition. Consistent with the previous Adjustment approval, two trees need to be planted and maintained within the south side setback area on the site to help screen the new additions from the neighboring house. As conditioned, the proposal meets the applicable approval criteria and should therefore be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum building coverage from 3,000 square feet to 3,275 square feet for the construction of a new attached garage, per the approved site plans, Exhibits C.1 through C.3, signed and dated June 26, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheets on which this information appears must be labeled, "ZONING COMPLIANCE PAGE - Case File # LU 17-163018 AD." All

requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Prior to the issuance of a Certificate of Occupancy, a tree inspection must take place ensuring that the 2 trees (that meet the size requirements of 33.248.030.C) are planted in the southern portion of the site as shown in Exhibit C-1.

Staff Planner: David Besley



Decision rendered by: _____ **on June 26, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 11, 2017

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 28, 2017, and was determined to be complete on May 12, 2017.

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 28, 2017.

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, 2017.**

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 25, 2017** at 1900 SW

Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **July 26, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

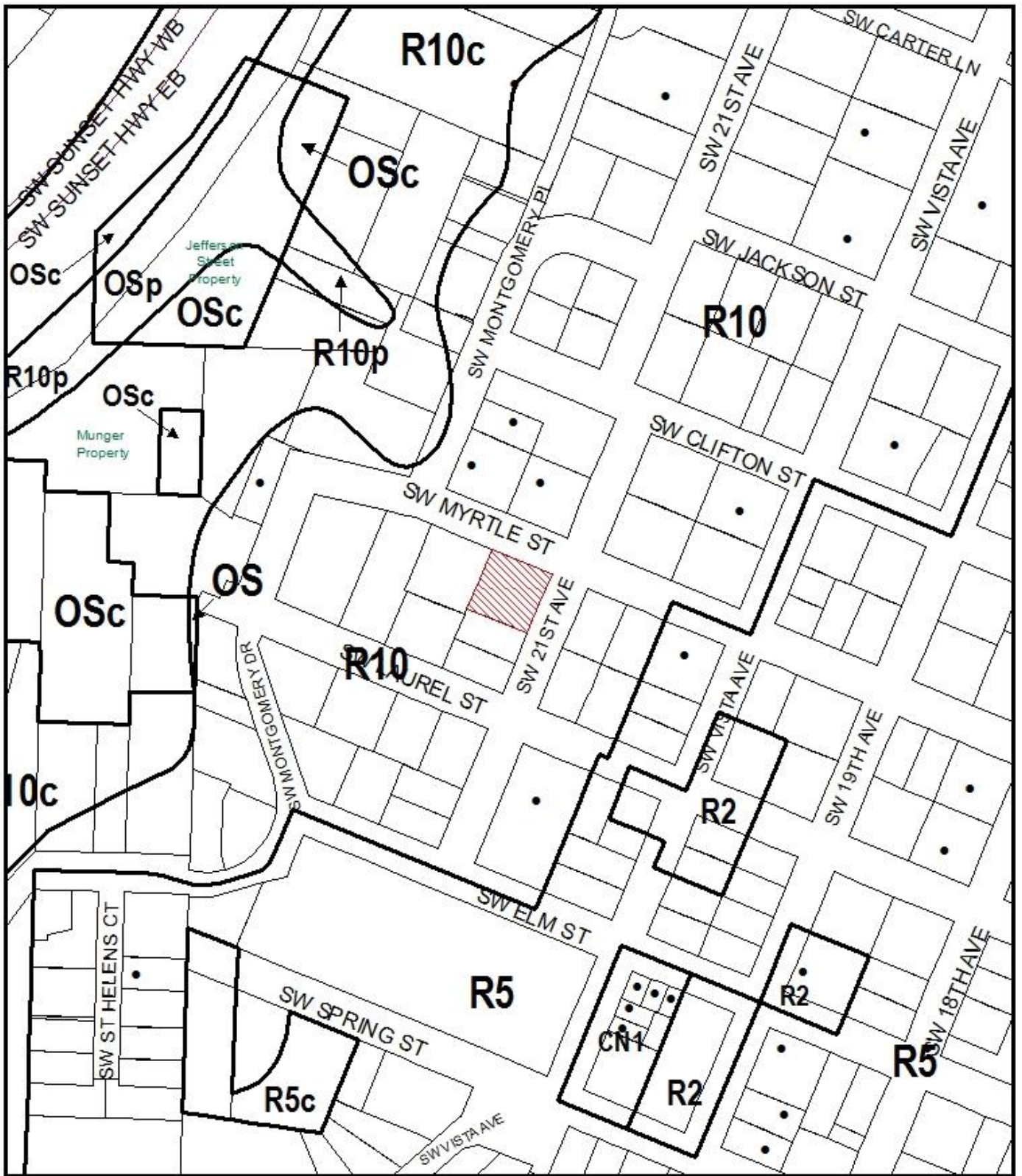
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. East Elevation Drawings
 - 3. South Elevation Drawings
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
 - 2. Bureau of Environmental Services
 - 3. Bureau of Transportation Engineering and Development Review
 - 4. Agencies responding with no concerns
- F. Correspondence:
 - 1. Raymond Garcia and Julie Jurs, June 6, 2017, letter expressing concerns
 - 2. Caroline and Robert Megli, June 12, 2017, letter of support
- G. Other:
 - 1. Original LU Application and Receipt
 - 2. Incomplete letter from staff to applicant, sent May 11, 2017

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
-  Historic Landmark



File No.	LU 17-163018 AD
1/4 Section	3227
Scale	1 inch = 200 feet
State_Id	1S1E04CB 1700
Exhibit	B (May 02, 2017)

Approved
 City of Portland
 Bureau of Development Services
 Planner David Boley
 Date 6.26.17

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

LEGAL DESCRIPTION

ADDRESS: 2205 SW 21ST AVE.
 JURISDICTION: CITY OF PORTLAND
 PROPERTY ID #: R120503
 STATE ID #: 15E04CB 1100
 LOT AREA: 10,000 SQ. FT.
 COVERAGE ALLOWED: 3,000 SQ. FT., 30%
 TOT. BUILDING AREA: 6,000 SQ. FT.
 PROPOSED BUILDING COVERAGE: 3,275 SQ. FT., 32.75%
 ZONING: R-10

Area to plant/maintain 2 trees (per \$148,050.00) as condition of approval

ZONING

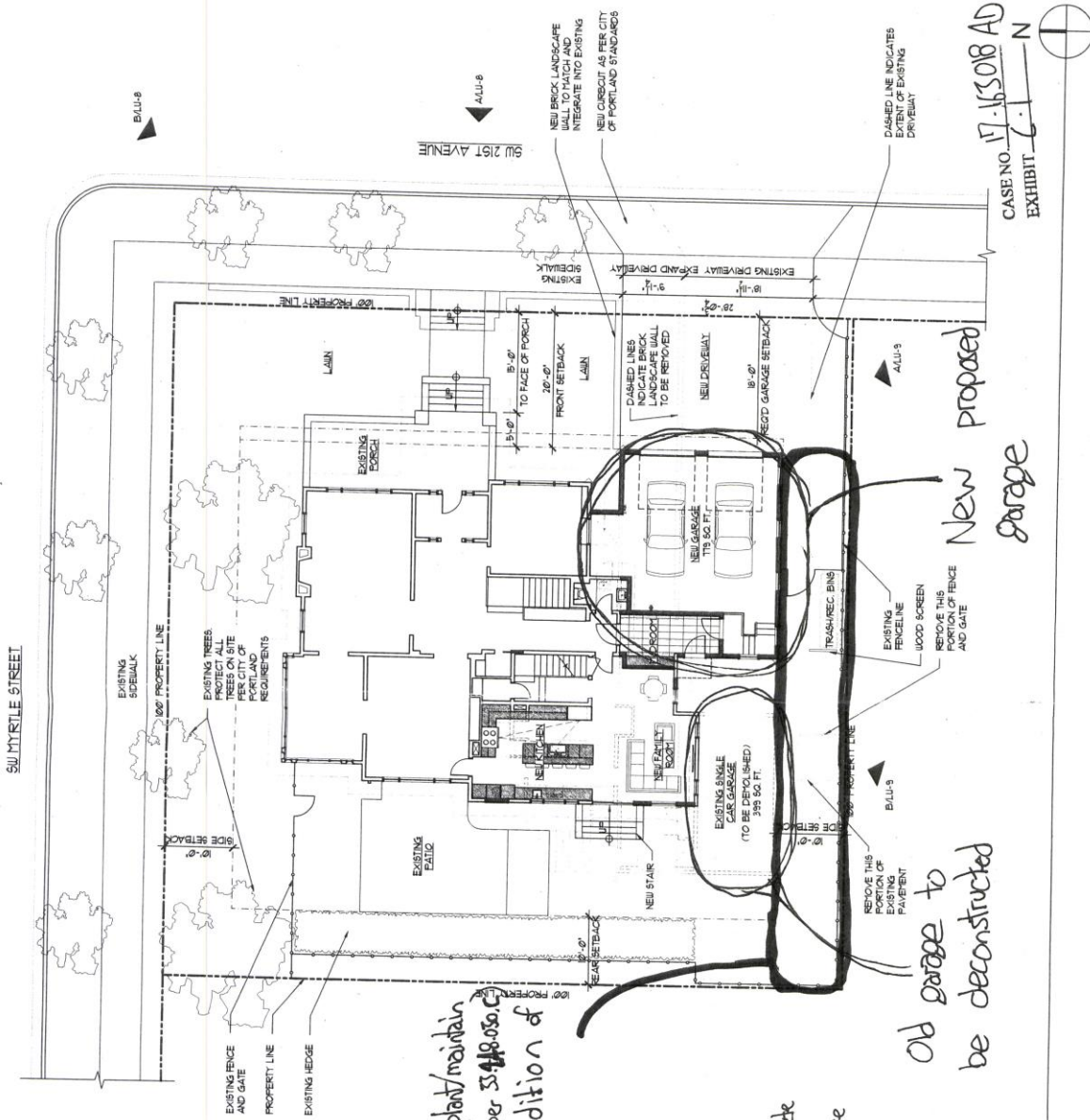
LOT AREA: 10,000 SQ. FT.
 MAX LOT COVERAGE: = 2,250 + (15*(10,000-5,000))
 = 2,250 + (15*5,000)
 = 2,250 + 750
 = 3,000 SQ. FT.
 EXISTING LOT COVERAGE: = 3,482 SQ. FT. → Based on obsolete definition of building coverage (FROM LLUR * 607056)
 PROPOSED DEMOLITION: = 395 SQ. FT.
 PROPOSED ADDITION: = 175 SQ. FT. (NEW GARAGE)
 PROPOSED LOT COVERAGE: = 3,275 SQ. FT.

NOTE: EXISTING LOT COVERAGE INCLUDES OVERHANGS. TODAY'S LOT COVERAGE DEFINITION EXCLUDES OVERHANGS.

PROPOSED SITE PLAN

1

SCALE: 1/16" = 1'-0"



BASSIN / OLSON RESIDENCE

Project No. 1615
 By: APS
 Date: April 24, 2017

Scale: As noted

Giulietti/Schouen, AIA, Architects
 2800 NW Thurman Street
 Portland, OR 97210
 P: 503-223-0325 F: 503-241-9323
 Email: daveg@gasarchitects.net

LU-2

Handwritten notes on plan:
 "New Garage"
 "old garage to be deconstructed"
 "Area to plant/maintain 2 trees (per \$148,050.00) as condition of approval"
 "Based on obsolete definition of building coverage"

CASE NO. 17-163018 AD
 EXHIBIT 2.1