



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

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Date: August 1, 2017
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision 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 17-177946 AD

GENERAL INFORMATION

Applicant: John Flynn
Resolve Architecture + Planning
3742 SE Mill Street
Portland, OR 97214
503-939-5130 Johnflynn@Resolvearchitecture.Com

Owner: Aaron and Meghan Saito
4052 Orchard Drive
Lake Oswego, OR 97035

Site Address: 3046 NE Glisan Street

Legal Description: BLOCK 6 LOT 5 EXC PT IN ST, HAWTHORNES 1ST ADD
Tax Account No.: R367800480
State ID No.: 1N1E36CA 00900
Quarter Section: 3033

Neighborhood: Kerns, contact Steve Russell at 503-784-8785.
Business District: Kerns, contact Yu Te 2705 E Burnside St #110 Portland OR 97214
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: CS, Storefront Commercial Zone

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

Proposal: The applicant proposes to renovate and expand the existing house on the site into a small inn, with five short-term stay units. Three units will be created in the existing building and two units will be created in a new rear addition to the house, attached by a covered breezeway roof. A new exterior stair and firewall is proposed at the east elevation to

provide an entry door to the attic unit. The new addition measures approximately 18 feet by 33.5 feet. The existing driveway and detached garage will be removed; walkways, landscaping, and bicycle parking are proposed on the site. Note that on-site vehicle parking is not required for this site and proposal.

The Zoning Code classifies small inn businesses as “retail sales and service” uses, which are allowed in the Storefront Commercial (CS) Zone. Because the use is changing from residential (house) to retail sales and service, certain CS zone standards must be met, generally relating to landscaped setbacks, screening, pedestrian connections, and bicycle parking. For retail sales and service uses, the CS zone requires a pedestrian path from the building’s main entrance to the sidewalk. The length of this required path must not be longer than 120 percent of a straight-line distance. Since the straight-line distance of the existing building entrance to the adjacent sidewalk is 15.5 feet, the path must be no longer than 18.5 feet (120 percent of 15.5 feet). Instead of constructing a new path, the applicant proposes to use the existing path and stair, which is 36 feet in length (223 percent of the straight-line distance). Therefore, the applicant is requesting an Adjustment to increase the maximum length of the pedestrian path from 18.5 feet to 36 feet (Section 33.130.240.B).

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 subject site is 4,500 square-feet in area and is developed with a house, 1-1/2 stories in height, and a detached garage and driveway accessed from NE Glisan Street. The site’s topography is relatively flat, although the house is raised from the sidewalk level approximately four to five feet. The main entrance to the house is accessed by a six-foot-wide paved path that leads from the raised porch to the adjacent right-of-way. The front yard is landscaped with lawn and shrubs. Nearby uses are a mix of single-dwelling residential development to the south, multi-dwelling residential development to the north, a religious institution to the north, and commercial uses along both sides of NE Glisan Street. A public park (Oregon Park) is located on NE Hoyt Street, two blocks northwest of the site.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 22, 2017**. The following city service bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E-3);
- Site Development Section of BDS Exhibit E-4); and
- Fire Bureau (Exhibit E-6).

Other city service bureaus provided written comments:

- The Bureau of Environmental Services (BES) generally reviews proposed development for compliance with requirements related to stormwater disposal systems and sanitary

sewer service. BES states that the proposed Adjustment does not appear to have an impact on the stormwater management system and the Adjustment approval criteria do not involve BES-related issues. The proposed development will be subject to BES standards and requirements during the building permit review process. Please see Exhibit E-1 for additional details.

- The Bureau of Transportation (PBOT) has no objection to the proposed Adjustment. PBOT notes that the existing curb cut along the site's frontage must be closed. A Minor Improvement Permit from PBOT must be obtained. Please see Exhibit E-2 for additional details.
- The Life Safety Plans Examiner of BDS (plans examiner) notes several building code issues involved with converting the house to a commercial building. The plans were revised to address building code requirements. A firewall will be provided along the east property line due to the new stairway leading to the attic apartment. Note that the height of the firewall may not exceed 3.5 feet within the front yard area, 10 feet from the front property line. Please see Exhibit E-5 for additional details.

Neighborhood Review: One written responses was received from adjacent property owners in response to the Notice of Proposal. Concerns raised include an existing fence on the neighbor's property, and potential impacts of the new business relating mainly to garbage, odor and noise. These concerns are not related to the proposed Adjustment to the length of the pedestrian connection. However, the Zoning Code contains regulations about impacts of commercial properties on adjacent residential properties. Refer to Chapter 33.262, Off-Site Impacts: <https://www.portlandoregon.gov/bps/article/53319>

Information about the City's code enforcement complaint process: <https://www.portlandoregon.gov/bds/34170>

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

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

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

Findings: The applicant is requesting an Adjustment to Zoning Code Pedestrian Standards, Section 33.130.240. The purpose of the Pedestrian Standards are:

Purpose. *The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.*

The proposed pedestrian connection route is a right-angle shape, extending from the city sidewalk of NE Glisan Street to the front-facing main entrance of the building. While other entrances to apartments are located on the sides of the building, the front entrance is the widest and most prominent of the building's entrances and thus is required to have a straight-line path connecting it to the city sidewalk.

The first half of the proposed path length is located on the paved surface of the former driveway. The path turns 90 degrees to join with the existing stairs that connect to the porch and front entrance. The existing path is six feet in width, which meets the minimum width requirement of the CS Zone.

As viewed from the city sidewalk, the path and building entrance will be welcoming and attractive. Vehicle parking and the driveway function will be removed from the site. The existing

driveway will be used as a courtyard for pedestrian access, bicycle parking, and landscaping. The front façade of the building and stairs appear well-maintained. A handrail borders a side of the stairs. Because the building is only 15.5 feet from the front property line, the proposed path's length is only about 36 feet, a relatively short distance.

The above conditions result in an on-site pedestrian system that is safe, attractive and useable. Therefore, the proposal meets the purpose of the regulation. 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 has frontage along NE Glisan Street, classified as a Neighborhood Collector Street, a Transit Access Street and a City Walkway in the City's Transportation System Plan (TSP). In the written response, Transportation staff raised no concerns regarding the Adjustment. Furthermore, the request to allow the pedestrian path to be longer than the straight line distance has no impact on the type of uses desired or intended for transit-oriented development along these TSP classifications.

The term "desired character" is defined in the Zoning Code as based on the purpose statement of the base zone, and the preferred and envisioned character included in adopted area plans (Section 33.910.030). The site is within the Storefront Commercial (CS) Zone, which is intended to:

. . . preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The existing building on the site was originally constructed in 1922 as a single-dwelling house. The front facade has an entrance that faces NE Glisan, a covered porch, and large horizontal windows. Presently, the property owner would like to convert it to use as a small hotel, or short-term stay apartments while keeping these features. Converting the building's use from residential to retail service is consistent with the CS Zone. And the renovation and reuse of the building preserves the character of the commercial area.

The building is located close to the street and has an existing porch and stair. All existing vehicle area will be removed from the site. The existing curb cut (driveway approach) will be removed and the sidewalk and curb will be reconstructed. The applicant will add two long-term and two short-term bicycle parking spaces as required by the new Retail Sales and Service use. Bicycle parking for customers and employees is a desirable and important feature for pedestrian-oriented streets such as NE Glisan Street. 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.

Findings: The applicant has requested only one Adjustment. Therefore, this approval criterion does not apply.

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

Findings: City designated scenic resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by boundaries of historic and conservation

districts. There are no scenic or historic resources present on the site. Therefore, this criterion does not apply.

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

Findings: There are no identified impacts from the Adjustment request; therefore, mitigation measures are not necessary. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Environmental overlay zones are designated on the Official Zoning Map with either a lower case “p” (Environmental Protection) or “c” (Environmental Conservation). Because the site does not contain environmental overlay zones, 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 proposal to convert the house to a small inn is consistent with the site’s Storefront Commercial Zone (CS), and the renovation and expansion of the existing building helps to preserve the character of the business district and the immediate neighborhood area. Existing street-facing features of the existing house will be retained, such as the main entry, porch, stairs and large windows. These features enhance the pedestrian environment. Replacing the site’s vehicle access and parking with an improved pedestrian path, bicycle parking and landscaping will strengthen the pedestrian orientation of NE Glisan Street. The proposed Adjustment to increase the maximum length of the required on-site pedestrian path meets all applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum length of the six-foot-wide paved pedestrian path from 18.5 feet to 36 feet (Section 33.130.240.B), per the approved site plan, Exhibit C-1, signed and dated July 27, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-177946 AD. No field changes allowed."

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on July 27, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 1, 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 May 26, 2017, and was determined to be complete on June 16, 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 May 26, 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 October 14, 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 August 15, 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 **August 15, 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
 1. Original Submittal, May 26, 2017
 2. 1st Revised Submittal, June 16, 2017
 3. 2nd Revised Submittal, July 27, 2017
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan, July 27, 2017 (attached)
 2. Proposed North and East Elevations – Existing Building
 3. Proposed South and West Elevations – Existing Building
 4. Proposed Elevations of Rear Addition
- D. Notification information:
 1. Mailing list
 2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Transportation
3. Water Bureau
4. Site Development Review Section of BDS
5. Life Safety Plans Examiner of BDS
6. Fires Bureau

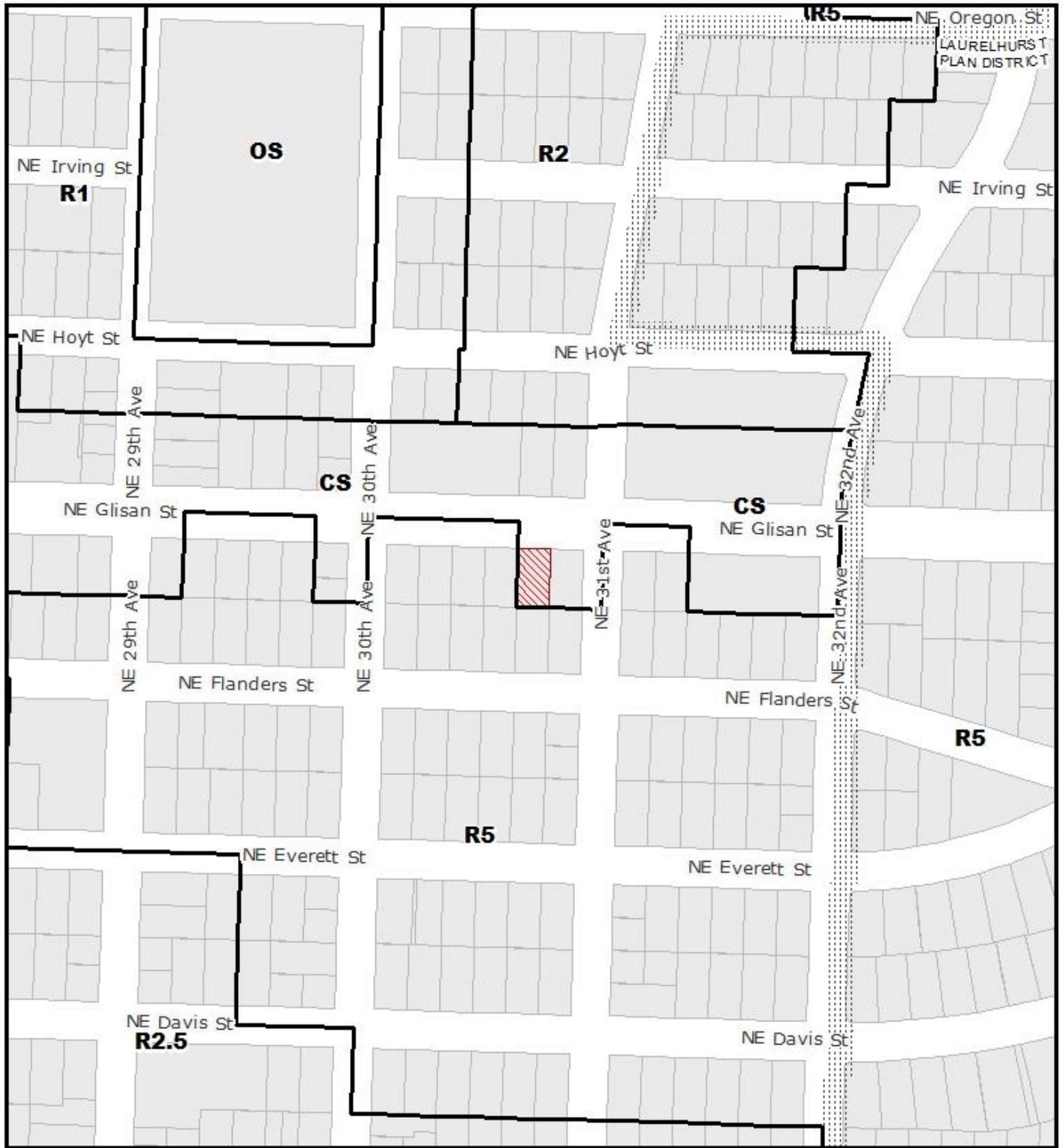
F. Correspondence:

Sylvia and Bill Endres, July 12, 2017, writing to raise concerns about the proposal

G. Other:

1. Original LU Application
2. Stormwater Report, Standridge Planning and Engineering, May 25, 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 
NORTH

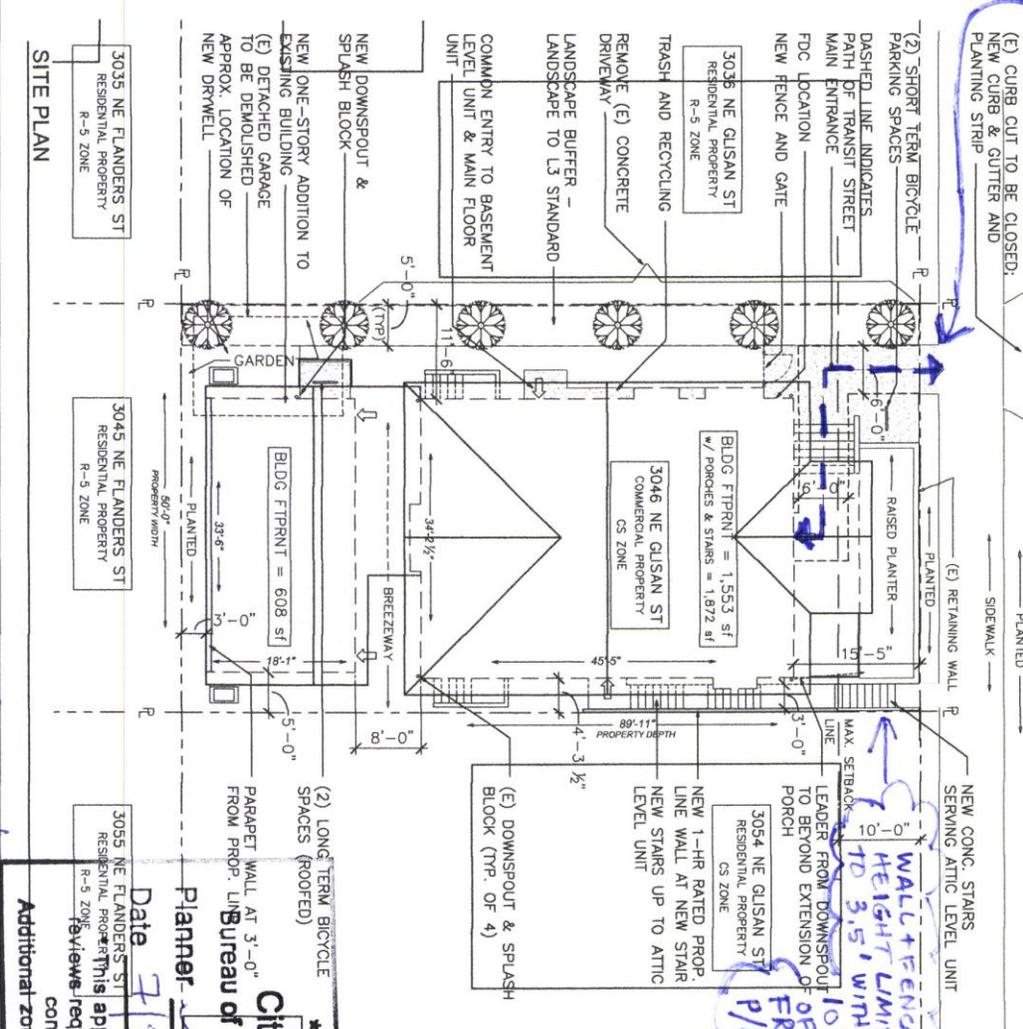
 Site

File No.	LU 17-177946 AD
1/4 Section	3033
Scale	1 inch = 200 feet
State ID	1N1E36CA 900
Exhibit	B May 31, 2017

SITE PLAN KEY

---	PROPERTY LINE	■	IMPERVIOUS PAVING
---	MAX. TRANSIT STREET SETBACK LINE	■	PERVIOUS PAVING
○	NEW TREE	■	EXISTING STRUCTURE
	NOTE: NO PRIVATE TREES GREATER THAN 12" DBH EXIST ON THE PROPERTY.	■	PROPOSED STRUCTURE

APPROVED 6-FOOT-WIDE PEDESTRIAN PATH LOCATION



PROPERTY INFORMATION

ADDRESS: 3046 NE GLISAN ST.
PORTLAND, OR 97232

PROPERTY ID#: R177549

PROPERTY DESCRIPTION
TAX ROLL: HAWTHORNE'S 14th ADDITION
BLOCK 6, LOT 5 EXC PT IN ST
STATE ID: 1N1E36CA 900
ZONE: CS

BUILDING COVERAGE CALCS

EXISTING HOUSE	1,872 sf
NEW ADDITION	608
TOTAL COVERAGE	2,480 sf
MINIMUM ALLOWED BUILDING COVERAGE (per Title 33, Section 130.220, Table 130-3)	
LOT AREA = 4,500 sf	
MINIMUM STANDARD	
4,500 (0.50) = 2,250 sf	
2,480 > 2,250	

IMPERVIOUS AREA CALCS

SITE AREA	4,500 sf
IMPERVIOUS AREA (EXISTING)	2,207 sf
ROOFS	948
DRIVEWAYS	105
WALKS/PATIOS	105
TOTAL IMPERVIOUS	3,260 sf (EXISTING)
IMPERVIOUS AREA (PROPOSED)	
ROOFS	2,925 sf
DRIVEWAYS	0
WALKS/PATIOS	365
TOTAL IMPERVIOUS	3,290 sf (PROPOSED)

Approved*
City of Portland
Bureau of Development Services

Planner: *Margaret Park*

Date: 7/27/2017

Additional zoning requirements may apply

approval applies only to the EXHIBIT C-1
reviews requested and is subject to
conditions of approval

7/27/2017

SITE PLAN

17-177946 AD

NE GLISAN HOSPITALITY, LLC
SHORT-TERM STAY APARTMENTS
3046 NE GLISAN ST
PORTLAND, OR 97232

PROJ #: 17-02

RESOLVE
ARCHITECTURE + PLANNING
3742 SE MILL STREET
PORTLAND, OR 97214
t: (503) 231-6120 e: info@resolvearchitecture.com

REV: 6/15/2017
LUR COMPLETENESS 7/24/2017
REV TO LUR

DATE: 5.25.2017

SP