



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

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

Date: September 1, 2017
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010/Andrew.Gulizia@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on September 22, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-221352 AD, in your letter. Please address your letter to me, Andrew Gulizia. You can also e-mail your comments to me at the e-mail address above. Please note all correspondence received is public record, and may be viewed by the applicant or others.

CASE FILE NUMBER: LU 17-221352 AD

Applicant/Owner: Amairali Cruz-Fenton
9432 N Tioga Ave.
Portland, OR 97203
(971) 222-7488
amairali.cruzfenton@hotmail.com

Site Address: 9432 N Tioga Ave.

Legal Description: BLOCK 32 LOT 11&12, POINT VIEW
Tax Account No.: R665714740
State ID No.: 1N1E06CC 03500
Quarter Section: 2023
Neighborhood: St. Johns, contact sjnalanduse@gmail.com
Business District: St. Johns Center for Opportunity, contact Emily Stanfield at 503-841-5522
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099
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:

For properties in the R5 zone, the Zoning Code requires at least one off-street parking space to be at least 10 feet from the street lot line. Since a parking space must be at least 18 feet long, this standard requires the driveway to be at least 28 feet long when a property lacks a garage.

On this site, the former garage has been converted to living space and the driveway is only 22 feet long between the front lot line and the house. Therefore, the applicant is requesting an Adjustment to reduce the required setback distance from the front lot line to the 18-foot-long parking space on the driveway from 10 feet to 4 feet (Zoning Code Section 33.266.120.C).

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:

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- 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
- 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 *(not applicable)*
- D. City-designated scenic resources and historic resources are preserved; and *(not applicable)*
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable. *(not applicable)*

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. This application was submitted on August 11, 2017, and determined to be complete on August 29, 2017.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and either:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

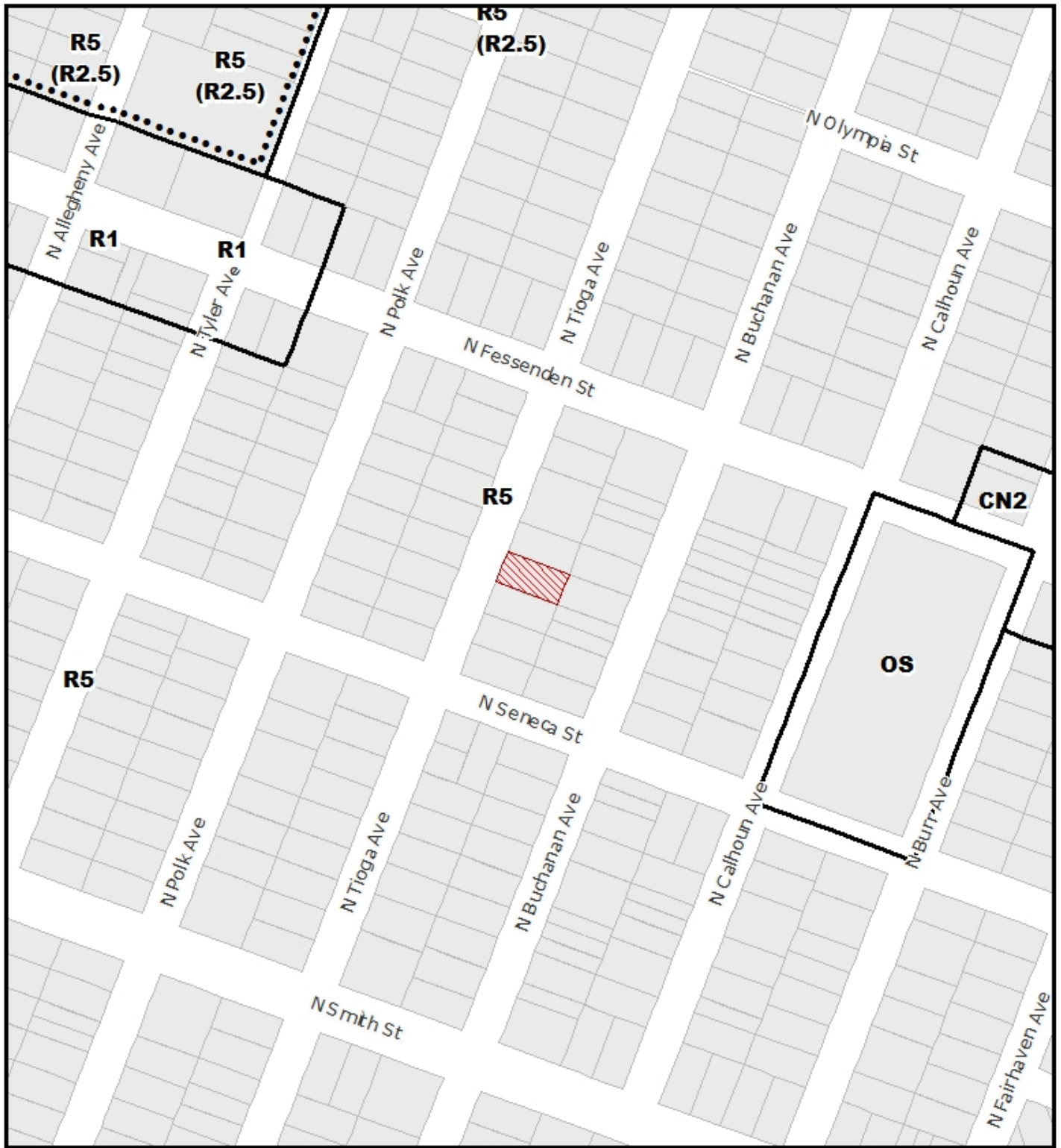
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

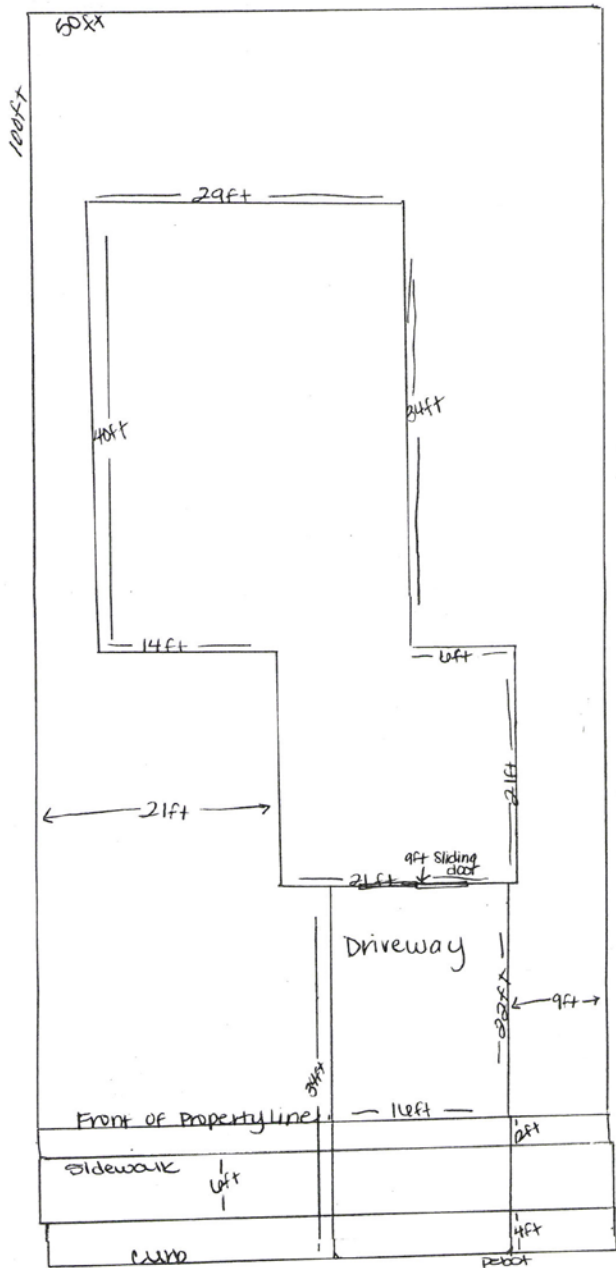
Zoning map
Site plan



ZONING 
NORTH

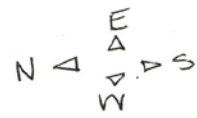
 Site

File No.	LU 17-221352 AD
1/4 Section	2023
Scale	1 inch = 200 feet
State ID	1N1E06CC 3500
Exhibit	B Aug 14, 2017



LU: 17-221352 AD

9432 N. Tioga Ave
Portland, OR 97203



1 inch = 10 feet

RECEIVED
AUG 29 2017
By _____