



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

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Date: April 23, 2018
To: Interested Person
From: Rodney Jennings, 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 18-115874 AD

GENERAL INFORMATION

Applicant: Terry Amundson
Koble Creative Architecture
2117 NE Oregon St #701
Portland, OR 97232

Owner: Cora 4242 LLC
323 NW 13th Ave #403
Portland, OR 97209-3122

Site Address: 4242 SE MILWAUKIE AVE

Legal Description: BLOCK 10 LOT 26-29 S 4' OF LOT 30, BOISES ADD
Tax Account No.: R087302340
State ID No.: 1S1E11CD 01100
Quarter Section: 3431

Neighborhood: Brooklyn Action Corps, Hotline at 503-241-4540.
Business District: Greater Brooklyn, contact David Weislogel at 503-872-9320.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None

Zoning: R1-Multi-dwelling Residential 1,000 zone

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

Proposal:

The applicant is proposing a 12-unit multi-dwelling development at the site. The proposed development is composed of 2 buildings separated by an open central courtyard. A 1-story

building is proposed at the corner of SE Milwaukie Ave and SE Cora St on the west side of the site. A fitness center and a community room, both for the use of the tenants of the apartments, are proposed within this building. The second building is proposed on the east side of the site. It is a 3½ story building, with a 9-space tuck under parking area accessed from SE Cora St proposed on the lowest level, and 3 upper levels where the 12 dwelling units will be located.

The applicant is requesting 4 Adjustments to the requirements of the Portland Zoning Code Section 33.120.220 Setbacks and Tables 120-3 and 120-4 for this proposed development. The requested Adjustments are:

- Zoning Code Section 33.120.220 and Table 120-3 require a front building setback of 3' from the front lot line on SE Milwaukie Ave. The applicant seeks an Adjustment to reduce the required front building setback on SE Milwaukie Ave from 3' to 0'.
- Zoning Code Section 33.120.220 and Table 120-3 require a street building setback of 3' from the street lot line on SE Cora St. The applicant seeks an Adjustment to reduce the required street building setback on SE Cora St from 3' to 0'.
- Zoning Code Section 33.120.220 and Table 120-4 require setbacks from side and rear lot lines. The depth of the required side and rear setbacks is based on the area of the plane of the building wall that faces the lot line. Building wall planes with an area that is less than 1,000 square feet are required to be set back 5' from the side or rear lot line. The proposed 1-story west building includes a wall facing the north side lot with a wall plane area that is less than 1,000 square feet. The applicant seeks an Adjustment to reduce the setback required from the north side lot line for this wall from 5' to 0'.
- Zoning Code Section 33.120.220 and Table 120-4 require setbacks from side and rear lot lines. The depth of the required setbacks is based on the area of the plane of the building wall that faces the side or rear lot line. Building wall planes with an area between 1,601 square feet and 1,900 square feet are required to be set back 8' from the side or rear lot line. The proposed 3½-story east building includes a wall facing the north side lot line with a wall plane area between 1,601 square feet and 1,900 square feet. The applicant seeks an Adjustment to reduce the setback required from the north side lot line for this wall from 8' to 0'.

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 site is located at the southeast corner of SE Milwaukie Ave and SE Cora St. It is currently vacant except for an asphalt paved area. The site is generally flat on its west side facing SE Milwaukie and then begins to slope down gently about 8 feet towards the east along SE Cora. It is generally trapezoidal in shape, with a 21' by 25' notch extending out from the trapezoid's northeast corner. County records indicate the area of the site is 8,042 square feet. However, the applicant has provided a survey showing that the site area is 10,542 square feet. The applicant has indicated they intend to work with Multnomah County Survey to correct the County records. The site is located near the middle of a mostly R1 zoned corridor that faces both sides of SE Milwaukie Ave for about ¼ mile between SE Center St and SE Holgate Blvd. Development along this stretch of SE Milwaukie includes a mix of single and multi-dwelling residential, retail, office and light industrial uses in one and two story buildings. Several of these buildings are built on corner lots with 0' setback from street lot lines. Other buildings within this corridor are built at 0' setback from side and rear lot lines. An exception to the predominating R1 zoning pattern are the lots that are immediately across the street from the site on the west side of SE Milwaukie Ave between SE Boise St and SE Cora. These lots are zoned CG General Commercial, and are developed with a single story building built at a 0'

setback along the Milwaukie frontage, a parking area, and an exterior storage area. A distillery, which is a manufacturing use, is currently located at this site.

Zoning: R1 - The R1 zone allows multi-dwelling residential development up to a maximum density of one unit per 1,000 square feet of site area, and requires a minimum density of one unit per 1,450 square feet of site area. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for developments with detached or attached houses or duplexes.

On May 24, 2018 the zoning of this site will change to CM1. Under the standards that will apply in the CM1 zone there will be no required setback on this site from the street lot lines on SE Milwaukie Ave or on SE Cora St. There will also be no required setback from the north side lot line. The Adjustments that have been applied for in this request would not be necessary under the zoning that will apply after May 24, 2018.

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 **March 15, 2018**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation Engineering (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety Section of BDS (Exhibit E.6).

Neighborhood Review: A total of seven written responses have been received from notified property owners in response to the proposal. One written response does not object to the request but has questions about the timing of the development. Per Zoning Code Section 33.730.130.B, Adjustment approvals are valid for 3 years. If the applicant has not applied for and received building permits for the project within that 3-year timeframe, the Adjustment approvals will expire. Six of the letters are opposed to one or more of the Adjustment requests. The following reasons are given for the opposition:

- The site has not been maintained by the owner and has been used as a storage area for cargo containers and as the location of a drive-through coffee/food cart.
Staff response: Maintenance of the property is not related to the approval criteria for the Adjustments. However, it is reasonable to assume that development of the property with multi-dwelling housing may coincide with more active maintenance of the property. Use of the property for container storage and as a drive-through will not be possible if the property is developed with multi-dwelling development.
- The parking area on the site is used by office workers on the adjacent property and the elimination of this parking will lead to workers parking on the street.
Staff Response: This site is located next to a street (SE Milwaukie Ave) where frequent transit service is provided. Per Zoning Code Section 33.266.110.B, there is no minimum required parking for sites within 500 feet of frequent transit service. Although parking is not required, the proposed development does include 9 off-street parking spaces.
- The site is located at a higher elevation than the site immediately north. There is not currently a problem with drainage from the site onto the site to the north. The owner of the site to the north is concerned that development on the site will lead to drainage onto his site.
Staff response: There are no Adjustment approval criteria related to drainage issues. The drainage issue is a potential concern with any development that could locate on the site, including development not requiring Adjustments. The Bureau of Environmental Services (BES) regulates storm drainage and responded with no concerns to the notice of this Adjustment request (Exhibit E.1). However, during building permit review, the applicant

will have to demonstrate to BES satisfaction that applicable stormwater regulations of the City's Stormwater Management Manual are met under any development scenario.

- The reduction of the street setback on SE Cora from 3' to 0' will not be conducive to the makeup of the street which is wholly residential.
- The proposed Adjustments to reduce the setbacks on SE Milwaukie Ave and SE Cora St to 0' will crowd the sidewalk and violate the general nature of buildings along SE Milwaukie Ave in the neighborhood.
- Reducing the setback along the north lot line to 0' does not meet the setback purpose stated in 33.120.220, as the proposed structures will block light and sunshine to the property to the north and will interfere with access to the proposed structures for fire fighting.

Staff Response: As these objections relate directly to the approval criteria, staff responses to these three objections are incorporated below in this report under the findings addressing the zoning approval criteria.

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; and

Findings: The proposed 1-story west building fronting SE Milwaukie Ave has 2 building facades along SE Milwaukie that are setback 0' from the lot line; these facades are broken up by three 5' deep facade insets that provide main entrance doors. Eaves extend to the street lot line to cover these three doorway insets. The applicant seeks an Adjustment to reduce the required front building setback on SE Milwaukie Ave from 3' to 0' for the building facade and eaves. The proposed 1-story building and the 3½ story building with tuck under parking fronting SE Cora St are setback 0' from the street lot line. The applicant seeks an Adjustment to reduce the required street building setback on SE Cora St from 3' to 0' for these two buildings. The proposed 1-story west building includes a wall facing the north side lot with a wall plane area that is less than 1,000 square feet. The applicant seeks an Adjustment to reduce the setback required from the north side lot line for this wall from 5' to 0'. The proposed 3½-story east building includes a wall facing the north side lot line with a wall plane area between 1,601 square feet and 1,900 square feet. The applicant seeks an Adjustment to reduce the setback required from the north side lot line for this wall from 8' to 0'.

The purposes of the setback regulations in the R1 multi dwelling zones are listed in Zoning Code section 33.120.220.A. These purposes are listed separately below with findings addressing how each of the four proposed Adjustments will equally or better meet the purpose where applicable.

- *They maintain light, air, separation for fire protection, and access for fire fighting;*

Increased shadows resulting from the proposed Adjustments to reduce the front lot line setback on SE Milwaukie and the street lot line setback on SE Cora to 0' will fall on the sidewalks and paved areas of those two streets, and the impact on available light will be minimal. Similarly, the availability of air will be minimally altered due to the open street area along SE Milwaukie and SE Cora.

The design and siting of the two buildings along the north property line maintain access to light and air in a way that is equal to the designs that would comply with setback standards. Along the north lot line, the 1-story building and 3 ½ story building are separated by an approximately 28' wide central open area that provides an opening for light and air that would not be provided by a solid wall extending the full length of the north lot

line. By providing a greater amount of light and air to center of the lot to the north, the light and air available through this opening compensates equally for the reduction in light and air due the reduced setback of the two buildings. In the northeast corner of the site, a 21' by 25' area that extends northward from the rest of the site will be left as landscaped open area, and will provide shared light and air at the rear of the properties north and west of the site. This additional light and air will compensate for the reduced light and air available at the rear of the lot to the north due to the reduced setback of the 3½ story building. Additionally, while the R1 zone allows a building up to 45', the proposed development on the west half of the site will be limited to a single story building, allowing additional light and air to reach the abutting lot to the north.

The portion of the lot to the north that abuts this site is developed with a parking area. Impacts on light and air from the 0' setbacks of the two proposed buildings will fall on this parking area. On May 24, 2018, the subject site and the lot to the north will both be rezoned to CM1, a commercial mixed-use zone that will not require setbacks from the side lot lines on these two sites. Thus, under the new CM1 zoning that will apply, this parking area could be redeveloped with a building built at a 0' setback similar to what is proposed in the subject development.

The two buildings will be fully accessible to firefighters from SE Milwaukie and SE Cora and these existing streets will provide separation, protection and access for fire fighting from SE Milwaukie and SE Cora that is equal to what would be provided with a setback 3' from these streets. The east building will also be set back a distance ranging from 11'6" to 15' from the east lot line, which will provide additional separation and access for fire fighting. The responses from both the Fire Bureau (Exhibit 4) and the Life Safety Section of the Bureau of Development Services (Exhibit 6) indicate no objection to approval of the Adjustments and further indicate that adequate separation and access for fire protection will be provided as the development will need to comply with fire and building code requirements at the time of building permit review. Separation for fire protection and access for fire fighting will be maintained with the reduced setbacks and this purpose is equally met.

- *They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;*

The site of the proposed Adjustments is located near the middle of an approximately ¼-mile long stretch of SE Milwaukie Ave between SE Center St and SE Holgate St that is predominately zoned R1. This surrounding neighborhood area gives a context reflective of the general scale and placement of multi-dwelling development that can be used to fairly evaluate the proposed Adjustments. There are number of buildings at corners or along side streets in this corridor that are built with 0' setbacks from one or both streets. These include the sites at:

- 4001 SE Milwaukie Ave (the southwest corner of SE Milwaukie Ave and SE Center St);
- 4288-4236 SE Milwaukie Ave (the southeast corner of SE Milwaukie Ave and SE Boise St);
- 4335 SE Milwaukie Ave (the northwest corner of SE Milwaukie Ave and SE Mall St);
- 4401 SE Milwaukie Ave (the southwest corner of SE Milwaukie Ave and SE Mall St);
- 4416 SE Milwaukie Ave (the southeast corner of SE Milwaukie Ave and SE Mall St);
- 1234 SE Cora St.

The buildings listed above include multi-dwelling buildings with facades located at a 0' setback from SE Milwaukie and/or from the intersecting side streets SE Center, SE Boise, SE Cora and SE Mall. These are 4 of the 5 side streets intersecting SE Milwaukie Ave in the R1 zoned residential area between SE Center and SE Holgate. Thus, except for SE Reynolds St, there are buildings built at a 0' setback along the frontages of all the side streets in this residential area. The proposed Adjustments to reduce the front lot line

setback on SE Milwaukie and the side lot line setback on SE Cora to 0' are reflective of other multi-dwelling development building placement fronting SE Milwaukie and the side streets located off SE Milwaukie in this R1 zoned residential neighborhood, and equally meet this purpose.

There are also a number of buildings in this area that are built at a 0' setback from the side lot lines in this R1 zoned area. These include the sites at:

- 4100 SE Milwaukie Ave;
- 4126 SE Milwaukie Ave;
- 4288-4236 SE Milwaukie Ave;
- 4242 SE Milwaukie Ave (the lot immediately north of the subject lot);
- 4325 SE Milwaukie Ave;
- 4335 SE Milwaukie Ave.

The buildings on the above list are dispersed through the R1 zoned residential area that extends along SE Milwaukie Ave between SE Center and SE Holgate. They are located on the SE Milwaukie block faces between SE Center and SE Boise, between SE Boise and SE Cora, and between SE Cora and SE Mall. The proposed Adjustment to reduce the north side lot line setback to 0' on the subject site is reflective of other building placements fronting SE Milwaukie in this R1 zoned residential neighborhood, and equally meets this purpose.

On May 24, 2018, the majority of the currently R1 zoned lots in the area that extends along SE Milwaukie Ave between SE Center and SE Holgate will be rezoned to CM1, a commercial mixed use zone. The standards of the CM1 zone will not require setbacks from street lot lines or from side or rear lot lines that abut sites with OS, RX, C, E, or I zoning. Given the new CM1 zoning, it is reasonable to expect that new buildings in this neighborhood will be located at 0' setback from streets and side lot lines as redevelopment occurs. The proposed development will be reflective of the new zoning standards in this neighborhood that will be effective on May 24, 2018.

- *They promote a reasonable physical relationship between residences;*

The proposed development includes residences in the proposed 3½ story building. This building will be located at the rear of the lot, and will meet required setbacks from the R2.5 zoned property east of the site. It will also meet required setbacks from the R2.5 zoned property located northeast of the site. Despite the R2.5 zoning, which is a single-dwelling/duplex zone, both of these abutting properties are developed with multi-dwelling developments of more than five units. The lot north of the site is developed with a single-story office building on its north, and a parking area associated with the office on the south that abuts the subject property. The future zoning on this north site, effective May 24, 2018, will be CM1. The CM1 standards will not require setbacks on side lot lines, so the parking area on this north lot could be redeveloped with a building at a 0' setback from the subject property. Thus, approving the Adjustment will have no effect on the physical relationship between residences, as the required setbacks are met where the site abuts residentially developed properties, and, where the reduced setbacks are proposed on the north lot line, the site abuts a parking area that will separate the two proposed buildings from an existing office building.

- *They promote options for privacy for neighboring properties;*

The properties across SE Milwaukie Ave and SE Cora St from the site are separated from the site by the street rights-of-way of approximately 60' and 50' in width, respectively, which are public spaces. Due to the separation provided by this public space, the proposed reductions in the street lot line setbacks to 0' along SE Milwaukie and SE Cora will have no impact on the options for privacy on properties across the rights-of-way. The north facing walls of the west one-story community room/fitness center building and east

3½ story residential unit building include no windows, doors or other openings from which views onto the neighboring north property will be available. Thus, the options to site private spaces on the abutting north property that are not visible from subject site will not be reduced. As none of the proposed Adjustments will reduce options for privacy on neighboring properties, this purpose is equally met.

- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and*

The proposed development program includes two buildings that are separated by a central outdoor area that significantly exceeds the minimum 15' by 15' minimum 500 square feet of outdoor area required by Zoning Code Section 33.120.240 (Required Outdoor Areas). The two buildings provide architectural diversity on the site, as the west building is 1 story in height and angled to match the non-perpendicular street frontage along SE Milwaukie and the east building is 3½ stories in height and separated from the west building by the central outdoor area. The two buildings are sited to take advantage of the topography of the site, with the shorter one-story building located on the higher west side of the site facing SE Milwaukie and the taller building with the tuck under parking located at the east where the site begins to slope more steeply downward. This siting also enables compatibility with the neighborhood by:

- locating the one-story building at the SE Milwaukie/SE Cora street corner, which matches the pattern set at other nearby street corners, as more fully discussed above in the findings under the purpose of reflecting general building scale and placement; and
- locating the 3½ -story building at the lower, east side of the site so the tuck under parking area is accommodated under the building while keeping the height of the building at the rear of the site under the zoning maximum of 45 feet.

Approval of the Adjustments to reduce the street lot-line setbacks and north side lot line setbacks to 0' will equally meet this purpose as the Adjustments will help to achieve the proposed design that provides required outdoor area, fits the topography of the site, provides architectural diversity, and is compatible with the neighborhood.

- *Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.*

SE Milwaukie Ave is a Transit Street. The specific setback requirements that apply along transit streets are the maximum setbacks. They are intended to assure that buildings are built close to transit streets to help create an inviting environment for pedestrians and transit users. For the subject site, buildings are required to be placed within 10' of the street lot line along SE Milwaukie Ave. The proposed 0' setback along SE Milwaukie will bring the proposed community room and fitness center building closer to the street. This building includes main entrances and ground floor windows along the SE Milwaukie façade that will benefit the pedestrian and transit user environment along the street. The impact the proposed 0' setbacks for the two buildings along the north side lot line may have on the transit street environment on SE Milwaukie would be a positive one in that it will enhance the pedestrian and transit user experience by extending the length of the activated fitness center/community center street frontage along the full length of the west transit street facing facade.

- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

This purpose relates specifically to garage entrance setbacks. The required setback for garage entrances in the R1 is that they be either 5 feet or closer or 18 feet or farther from

the street lot line. If the garage entrance is closer than 5 feet from the lot line, it may also be no closer to the lot line than the front façade of the residential portion of the building. The proposed garage entrance meets these standards and no Adjustment to them is needed or requested. This purpose is not applicable to the 4 requested adjustments.

Based on the above findings, the requested Adjustments meet the stated purpose of the setback standards and therefore 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 is within a residential zone, so the applicable evaluation factor under this criterion is that the proposal will not significantly detract from the livability or appearance of the residential area. The residential area providing the context for this site is the predominately R1 zoned lots facing SE Milwaukie between SE Center St and SE Holgate Blvd. This residential neighborhood area gives a context reflective of the general scale and placement of multi-dwelling development. There are number of buildings at corners or along side streets in this corridor that are built with 0' setbacks from one or both streets. These include the sites at:

- 4001 SE Milwaukie Ave (the southwest corner of SE Milwaukie Ave and SE Center St);
- 4288-4236 SE Milwaukie Ave (the southeast corner of SE Milwaukie Ave and SE Boise St);
- 4335 SE Milwaukie Ave (the northwest corner of SE Milwaukie Ave and SE Mall St);
- 4401 SE Milwaukie Ave (the southwest corner of SE Milwaukie Ave and SE Mall St);
- 4416 SE Milwaukie Ave (the southeast corner of SE Milwaukie Ave and SE Mall St); and
- 1234 SE Cora St.

The buildings listed above include multi-dwelling buildings with facades located at a 0' setback from SE Milwaukie and/or from the intersecting side streets SE Center, SE Boise, SE Cora and SE Mall. These are 4 of the 5 side streets intersecting SE Milwaukie Ave in the R1 zoned residential area between SE Center and SE Holgate. Thus, except for SE Reynolds St, there are buildings built at a 0' setback along the frontages of all the side streets in this residential area. The proposed Adjustments to reduce the front lot line setback on SE Milwaukie and the side lot line setback on SE Cora to 0' will allow buildings that appear similar to and have the same impacts on livability as other multi-dwelling development buildings fronting SE Milwaukie and the side streets located off SE Milwaukie in this R1 zoned residential neighborhood. This criterion is met for the Adjustments to reduce the front lot-line setback on SE Milwaukie Ave and street lot line setback on SE Cora to 0' as the impacts on appearance and livability will be the same as that created by numerous other buildings in the surrounding residential area and thus any detracting from livability due to the reduced setbacks will not be significant in the context of this residential area.

There are also a number of buildings in this area that are built at a 0' setback from the side lot line. These include the sites at:

- 4100 SE Milwaukie Ave;
- 4126 SE Milwaukie Ave;
- 4288-4236 SE Milwaukie Ave;
- 4242 SE Milwaukie Ave (the lot immediately north of the subject lot);
- 4325 SE Milwaukie Ave; and
- 4335 SE Milwaukie Ave.

The buildings on the above list are dispersed through the R1 zoned residential area that extends along SE Milwaukie Ave between SE Center and SE Holgate. They are located on the SE Milwaukie block faces between SE Center and SE Boise, between SE Boise and SE Cora, and between SE Cora and SE Mall. The proposed Adjustments to reduce the north side lot line setbacks to 0' will allow buildings that appear similar to and have the same impacts on livability from reduced setbacks as other multi-dwelling development buildings fronting SE Milwaukie and the side streets located off SE Milwaukie in this R1 zoned residential neighborhood. This criterion is met for the Adjustments to reduce the north side lot line setbacks to 0' as the impacts on appearance and livability will be the same as that created by numerous other buildings in the surrounding residential area and thus any detracting from livability due to the reduced setbacks will not be significant in the context of this residential area.

On May 24, 2018, the majority of the currently R1 zoned lots in the area that extends along SE Milwaukie Ave between SE Center and SE Holgate will be rezoned to CM1, a commercial mixed use zone. The standards of the CM1 zone will not require setbacks from street lot lines or from side or rear lot lines that abut sites with OS, RX, C, E, or I zoning. Given the new CM1 zoning, it is reasonable to expect that new buildings in this neighborhood will be located at 0' setback from streets and side lot lines as redevelopment occurs. The proposed development will be reflective of the new zoning standards in this neighborhood that will be effective on May 24, 2018.

- 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: Four Adjustments are requested, so this criterion applies. The purpose of the multi-dwelling zones, including the R1 zone is:

33.120.010 Purpose

The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.

A. Use regulations. *The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for large scale institutional campuses and other nonresidential uses but not to such an extent as to sacrifice the overall residential neighborhood image and character.*

B. Development standards. *The six multi-dwelling zones are distinguished primarily by density and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.*

The cumulative effect of the Adjustments will have no effect on the proposed use at the site, which is higher density multi-dwelling development. As maintaining higher density development is the intended use of the zone described in the purpose of the use regulations and higher density residential development is proposed, approval of the four Adjustments will remain consistent with the overall purpose for the use regulations of the zone.

As discussed in more detail above, under the findings for Criterion A, there will be no safety related impacts due to the Adjustments as adequate fire access and protection can be provided by constructing a building that meets building codes. Also, as discussed under

Criterion A in more detail, the Adjustments will have no impact to privacy on abutting properties, as views from windows facing SE Milwaukie St and SE Cora St will fall onto public streets not private spaces, and there will be no windows or open deck areas on the building facades facing the north property that would impact privacy on that lot. The cumulative effect of the Adjustments will not impact energy conservation, which is generally achieved through building code regulations. The cumulative effect of the Adjustments will have no impact on recreational opportunities, as recreational opportunities that meet or exceed the requirements of the zoning code will be provided by the on-site community room, fitness center, and a central outdoor courtyard providing open space. As detailed above in the findings under Criterion A and Criterion B, there are many examples of development in the surrounding residential neighborhood that include buildings built up the streets or side lot lines. As this type of development is common in the City, it helps define and is compatible with the City's character.

The cumulative effect of the Adjustments will result in a multi-dwelling project which is consistent with the uses intended for the R1 zone as described in the zone purpose. As intended by the development standards as reflected in the purpose statement of the zone, the cumulative effect of the Adjustments will also result in a project which meets safety standards, does not impact privacy or energy conservation any more than a project that met standards would, provides recreational opportunities, and which is compatible with the residential character of the area. This criterion is met.

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. 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 detailed in the response to Approval Criteria A-C, above, 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: 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 the site is not within an environmental zone, 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 requirements of Title 11 can be met, and 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.

County records indicate that the area of this site is 8,042 square feet. The maximum density allowed in the R1 zone on an 8,042 square foot site is 8 units. The applicant is proposing 12 units. Applicant has provided survey information indicating that the site is greater than 10,000 square feet, which would allow a maximum density of 10-units. The applicant has also indicated that they intend to meet the requirements in Zoning Code section 33.120.205 to

achieve a density bonus of 2 additional units. The applicant must demonstrate that the site size and density bonus provisions allow 12-units at the site when applying for building permits.

CONCLUSIONS

The proposed development includes a 1-story community room/fitness center building located on the front of the site at corner of SE Milwaukie Ave and SE Cora Street and a 3½ -story building with 3 levels of multi-dwelling residential units above a tuck under parking area at the rear. The buildings are separated by a central open area, and are located to take advantage of the downward slope of the site from SE Milwaukie towards the east lot line by placing the shorter building on the higher ground adjacent to SE Milwaukie and the taller building on the lower portion of the site on the east. The buildings match the residential character of other buildings in the surrounding neighborhood that are built with a setback of 0' from the front and street lot lines. Because the buildings face the street, the reduced setbacks along SE Milwaukie and SE Cora will not reduce the light, air, or privacy available on properties abutting the site. The buildings also match the residential character of other buildings in the neighborhood that are built with setbacks along the side property lines of 0'. No windows are proposed on the north facades of the two buildings, so there will be no privacy impacts stemming from reducing the north side setbacks of the two buildings to 0'. The availability of light to the north property to the north will be maintained through the open central courtyard between the two building and through the 21' x 25' open area that will be maintained at northeast corner of the site, both of which will provide openings for light to fall onto the north abutting property.

ADMINISTRATIVE DECISION

Approval of the following Adjustments:

- Reduce the minimum required building setback from the front lot line along SE Milwaukie Ave (33.120.220 and Table 120-4) from 3' to 0'; and
- Reduce the minimum required building setback from the street lot line along SE Cora St (33.120.220 and Table 120-4) from 3' to 0'; and
- Reduce the minimum required building setback from the north side lot line (33.120.220 and Table 120-4) for the west 1-story building from 5' to 0'; and
- Reduce the minimum required building setback from the north side lot line (33.120.220 and Table 120-4) for the east 3 ½ story building from 8' to 0';

per the approved site plans, Exhibits C.1 and C.2, signed and dated April 19, 2018 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 Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 18-115874 AD. No field changes allowed."

Staff Planner: Rodney Jennings

Decision rendered by:  **on April 19, 2018.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 23, 2018

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 January 31, 2018, and was determined to be complete on March 12, 2018.

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 January 31, 2018.

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: July 10, 2018.**

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 May 7, 2018** 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 May 7, 2018 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.

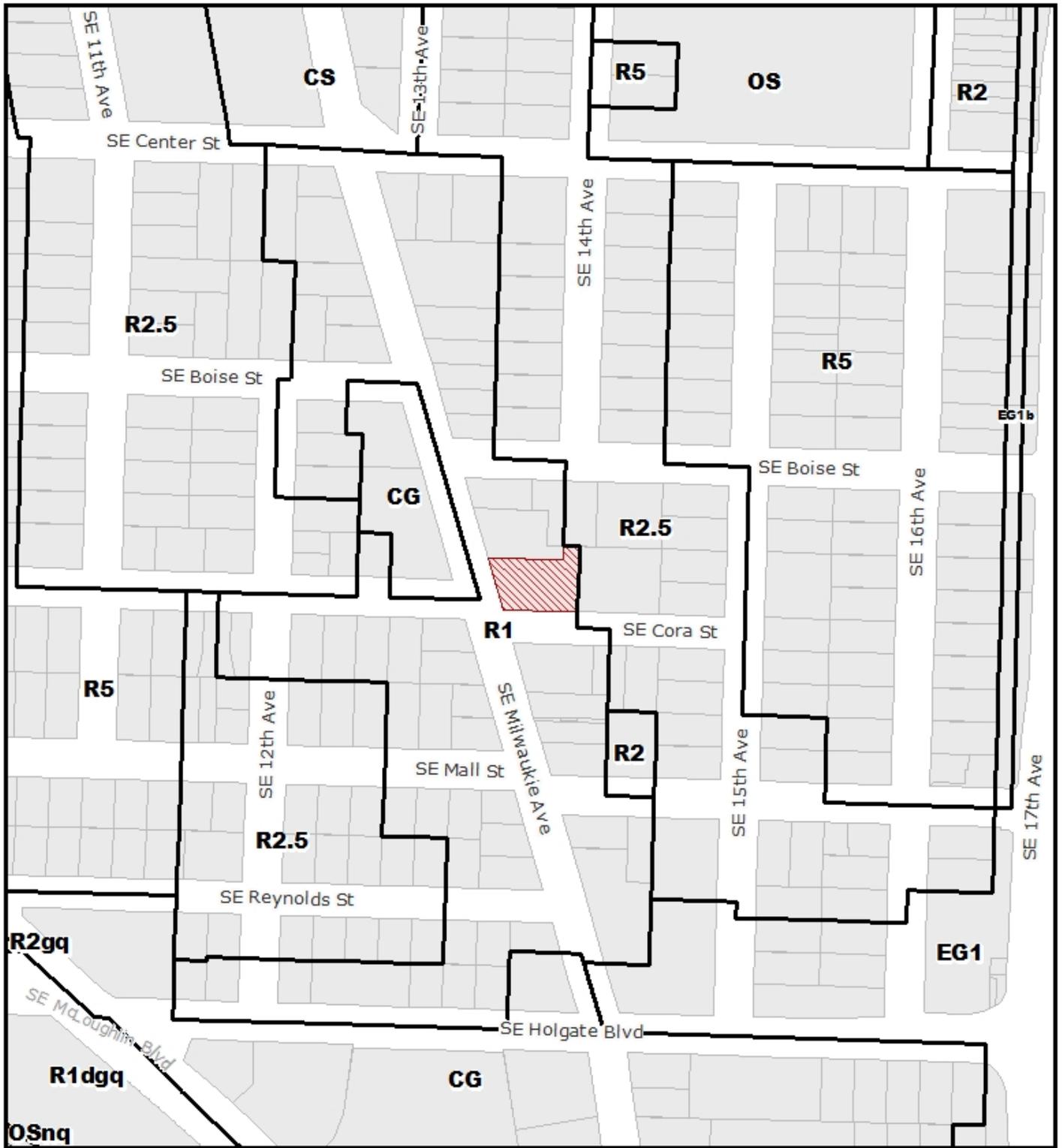
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statements
 - 1. Applicant's Original Narrative, Received January 31, 2018
 - 2. Applicant's Supplemental Narrative, Received February 20, 2018
 - 3. Site Survey, Received March 9, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Level 1 Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Vicinity Plan
 - 4. Parking Level Plan
 - 5. Level 2 Plan
 - 6. Level 3 Plan
 - 7. Roof Plan
 - 8. Large Scale Plans
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Nick Lux, Received March 17, 2018, Opposed
 - 2. Melanie Lux, Received March 26, 2018, Opposed
 - 3. Steve Schmunk, Received April 3, 2018, Opposed
 - 4. James Quatrini, Received April 3, 2018, Neutral
 - 5. Doug Garnett, Received April 3, 2018, Opposed
 - 6. Scott C. Wyse, Received April 5, 2018, Opposed
 - 7. Doug Garnett, Received April 5, 2019, Opposed
- G. Other:
 - 1. Application and Receipt
 - 2. Incomplete Letter

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

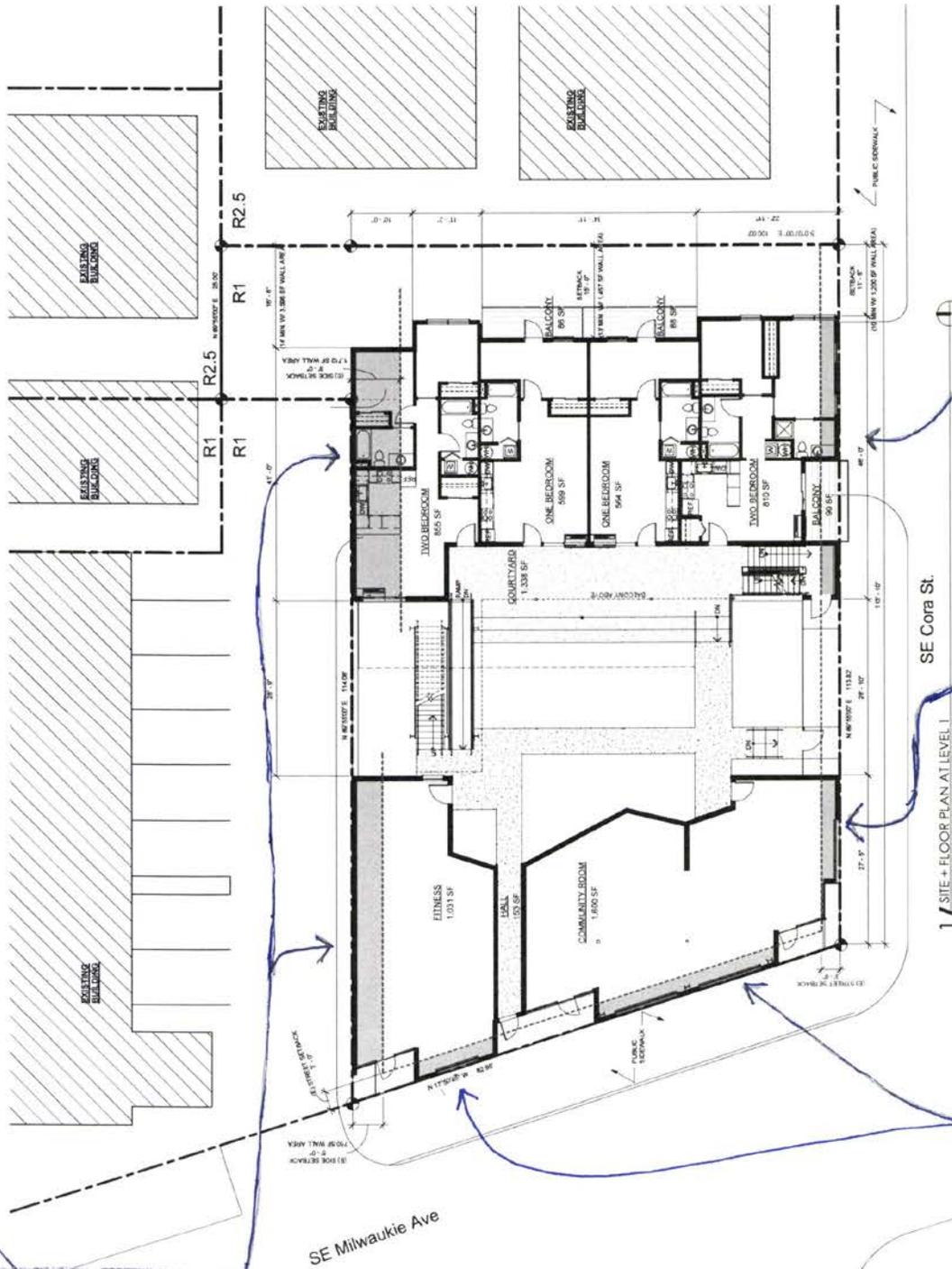
 Site

File No.	LU 18-115874 AD
1/4 Section	3431
Scale	1 inch = 200 feet
State ID	1S1E11CD 1100
Exhibit	B Feb 07, 2018

PROPOSED 0' SETBACKS ON
NORTH SIDE LOT LINE

PROPOSED 0' SETBACKS ON
SE MILWAUKIE AVE AND SE CORA ST

Approved
City of Portland - Bureau of Development Services
Planner *Prodney Johnson* Date *4/19/18*
* This approval is subject to all conditions of the... and is subject to all...
may apply.



/kobie/CREATIVE
Portland Oregon / kobiecreative.com

preliminary
not for
construction

CORA
4242 SE MILWAUKIE AVE
PORTLAND, OR 97202

DATE: 02/22/2018
JOB NO: 18-001
REV: 002

SITE + FLOOR PLAN
AT LEVEL 1

A101

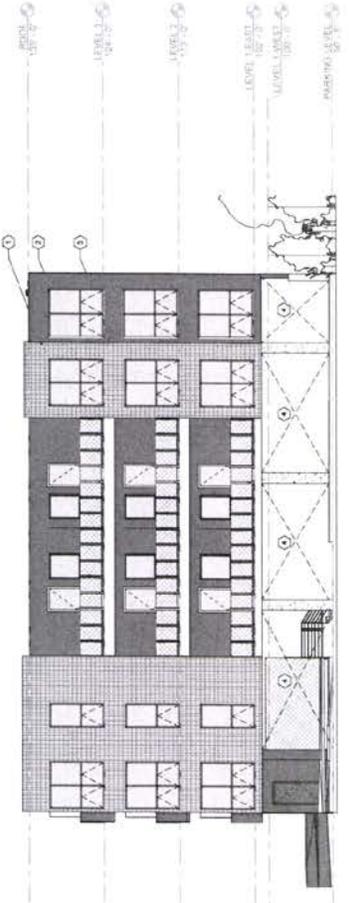
SITE ADDRESS: 4242 SE MILWAUKIE AVE
© 2018

0478511-8777
C.1

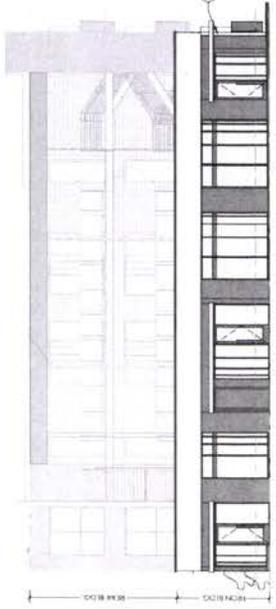
/kobia/CREATIVE

Portland, Oregon / kobiacreative.com

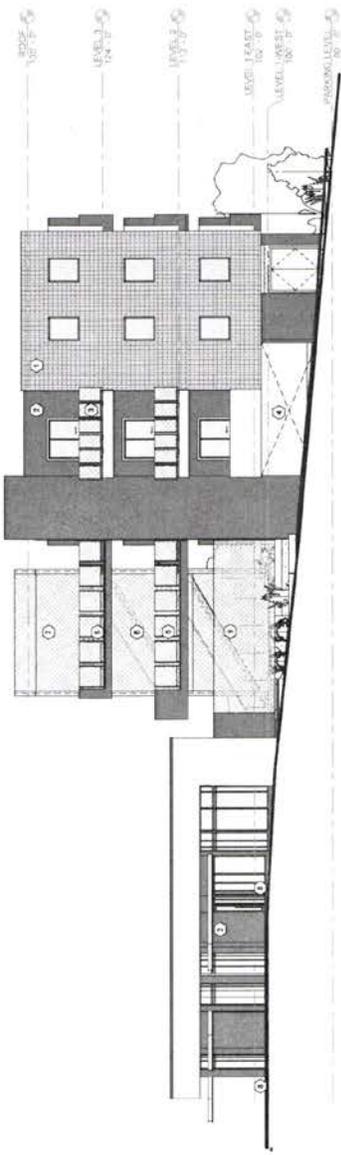
preliminary
not for
construction



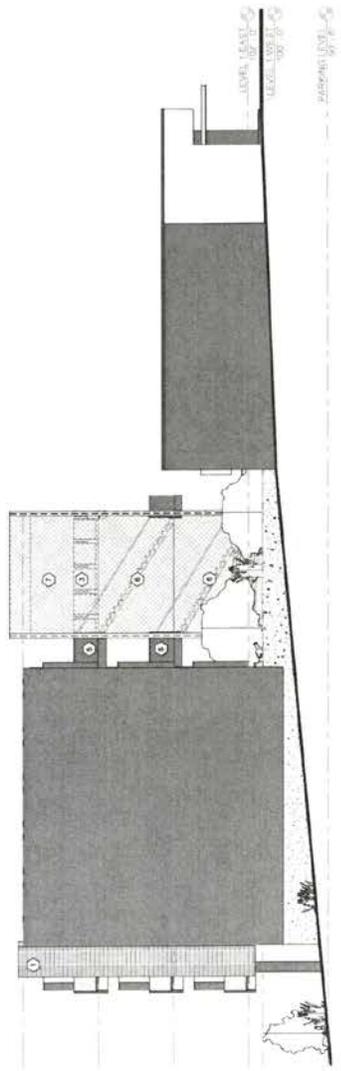
2 / WEST ELEVATION - MILWAUKEE AVE
DATE: 08-11-10



1 / EAST ELEVATION - REAR
DATE: 08-11-10



3 / SOUTH ELEVATION - CORA STREET
DATE: 08-11-10



4 / NORTH ELEVATION - SIDE
DATE: 08-11-10

EXTERIOR ELEVATION
REFERENCE NOTES

- 1 THIN-BECK EXTERIOR MATERIAL, TYP.
- 2 EXPANDED METAL, CARBORAL, TYP.
- 3 OPEN GRABBAR SYSTEM
- 4 EXTERIOR GRATED METAL STAIR
- 5 EXPANDED METAL, METHACRYLIC GLAZING
- 6 304 STAINLESS STEEL METAL PANELS
- 7 8 FOOT HIGH EXPANDED METAL SECURITY FENCE

Approved
City of Portland
Bureau of Development Services

Planner *Rodney Johnson*
Date 4/19/18

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

4242 SE MILWAUKIE AVE
PORTLAND, OR 97202

CORA

DATE: 08-11-10
DRAWN BY: [unclear]
SCALE: [unclear]

EXTERIOR
ELEVATION

A201

SEE ADJUSTMENT
8-2017

LU 18-115874 AD
C.2