



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

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Date: May 25, 2018
To: Interested Person
From: David Besley, 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 18-121150 AD

GENERAL INFORMATION

Applicant: Dick Clarke | Dc2 Construction
3412 NE 127th St | Vancouver, WA 98686

Owner: Rodney & Jacqueline Neufeld
3635 NE Cesar E Chavez Blvd | Portland, OR 97212-1921

Site Address: 3635 NE CESAR E CHAVEZ BLVD

Legal Description: BLOCK 5 LOT 4, ROSSDALE BLOCKS 3-7
Tax Account No.: R729400740
State ID No.: 1N1E24DD 14600
Quarter Section: 2634

Neighborhood: Beaumont-Wilshire, contact Jack Bookwalter at 503-539-2707
Business District: None
District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780

Zoning: R5h (Single Family Residential 5,000 with Aircraft Landing Zone overlay)

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

Proposal:

The applicant is proposing to build a new, approximately 209 square foot covered deck and a new, approximately 378 square foot attached garage that includes a carport to an existing 1,576 square foot house. This addition adds about 14 linear feet of façade on the north, facing NE Bryce Street. The Portland Zoning Code requires that at least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors (Section 33.110.232.C). The existing northern façade includes about 45 square feet of windows and the proposed garage addition will not include new windows.* The northern façade (including the

garage addition) requires a minimum of about 90 square feet of windows; therefore, an Adjustment is required to reduce the amount of street-facing window area from a minimum of 15 percent to 7.5 percent on the north façade.

*The garage door includes windows, but windows in garage doors do not count toward meeting this standard (Section 33.110.232.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.

ANALYSIS

Site and Vicinity: The relatively flat 4,000 square foot site is on the southwest corner of NE Cesar Chavez Boulevard and NE Bryce Street. The site is currently developed with a 1,576-square foot house. The surrounding vicinity is developed with primarily single-dwelling residences on all sides.

Zoning: The R5 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. Regulations of the and "h" zone overlay (Aircraft Landing Zone) is not applicable to the Adjustment proposal.

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 April 20, 2018. 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); and
- The Bureau of Environmental Services (BES) responded with no concerns and provided stormwater management information (Exhibit E-2).

The following Bureaus have responded with no concerns (Exhibit E-3):

- The Site Development Section of BDS;
- The Bureau of Transportation (PBOT);
- The Fire Bureau; and
- The Water Bureau.

Neighborhood Review: Three written responses have been received from notified property owners in support of the proposal (Exhibits F-1 through F-3).

ZONING CODE APPROVAL CRITERIA

33.805.040 Adjustment 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 applicant has requested an Adjustment to reduce the amount of street-facing window area from a minimum of 15 percent to approximately 7.5 percent on the north façade for an attached garage addition. The relevant purpose statements and associated findings are found below:

33.110.232 Street-Facing Facades in R10 through R2.5 Zones

- Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

The applicant is proposing to build a new 378 square foot attached garage (308 square foot enclosed garage with a 70 square foot attached carport) with access via NE Bryce Street to the north. The main entrance and front façade of this house are east-facing (toward NE Cesar Chavez Boulevard). The adjustment is requested for the north-facing side façade of the house. The proposed garage is considered attached because it shares a roof with the house, but the two structures are separated by a covered porch rather than being one continuous façade. If not for the covered porch, the garage would be considered detached and would not be subject to this standard (33.110.232.B). The garage is not considered active living space and so does not require a visual connection to the street. That said, the covered porch is open and provides an active space which will enable neighborhood surveillance from the side and back yard.

The proposed garage adds about 14 linear feet of single story, street-facing façade (NE Bryce Street) and, while windows in garage doors do not count toward meeting this standard, the garage door includes a row of windows which will add visual interest to the structure, breaking up the structure bulk, and therefore provide a more pleasant pedestrian environment. There are 5 existing windows on this façade of the house; therefore, this addition will continue to allow a visual connection between the living area of the residence and the street. Similarly, these windows, which add up to about 45 square feet, will promote public safety by allowing for neighborhood surveillance.

The house will not have large expanses of blank facades along the street due to the presence of five existing windows, a chimney, a windowed carriage-style garage door, and an open covered deck. These features visually break up the north side façade.

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: Corner lots in this area often have garages facing side yards rather than front yards. The proposal is consistent with the development pattern in the area, which includes note other corner lots that do not appear to meet the minimum street-facing window requirement. Additionally, because the 378 square foot attached garage is a minor addition, and includes an open covered porch that is similar in design to architecture common in the area, it will not significantly detract from the appearance of the area.

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 proposed; 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: There are no discernible impacts that would result from granting the requested adjustments for which mitigation would be required. The proposal is consistent with the development pattern in the vicinity.

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 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.

CONCLUSIONS

The applicant has requested an Adjustment to reduce the amount of street-facing window area from a minimum of 15 percent to approximately 7.5 percent on the north façade for a 378 square foot attached garage addition. There are 5 existing windows on the north façade of the house; therefore, this addition will continue to allow a visual connection between the living area of the residence and the street. These windows (which add up to about 45 square feet), combined with the covered porch, will promote public safety by allowing for neighborhood surveillance. The house will not have large expanses of blank facades along the street due to the presence of five existing windows, a chimney, a windowed carriage-style garage door, and a covered deck. These features visually break up the façade. The proposal is consistent with the development pattern in the area, which includes other corner lots with side yard-facing garages that do not appear to meet the minimum street-facing window requirement. Additionally, because the 378 square foot attached garage (70 square feet of which is a carport) is a minor addition, it will not significantly detract from the appearance of the area. The proposal meets the applicable approval criteria and should therefore be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the amount of street-facing window area from a minimum of 15 percent to about 7.5 percent on the north façade (Section 33.110.232.C) as the result of a new 378 square foot attached garage (308 square foot enclosed garage with a 70 square foot attached carport), per the approved site plans, Exhibits C-1 through C-2, signed and dated May 21, 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 18-121150 AD. No field changes allowed."

Staff Planner: David Besley



Decision rendered by: _____ **on May 21, 2018.**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 25, 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 February 12, 2018, and was determined to be complete on April 16, 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 February 12, 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: August 14, 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 June 8, 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 **June 8, 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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. The Life Safety section of BDS
 - 2. Bureau of Environmental Services
 - 3. Bureaus responding with no concerns
- F. Correspondence:
 - 1. Ian and Barbara Fergusson, April 23, 2018, Letter in support of proposal
 - 2. Bill Wesslund and Mary Copenhaver, April 30, 2018, Letter in full support of proposal
 - 3. Jene F. Cates, May 4, 2018, Letter in thorough support of proposal
- G. Other:
 - 1. Original LU Application and receipt
 - 2. Incomplete letter from staff to applicant, sent February 26, 2018

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 18-121150 AD
1/4 Section	2634
Scale	1 inch = 200 feet
State ID	1N1E24DD 14600
Exhibit	B Feb 16, 2018

IMPERVIOUS AREA

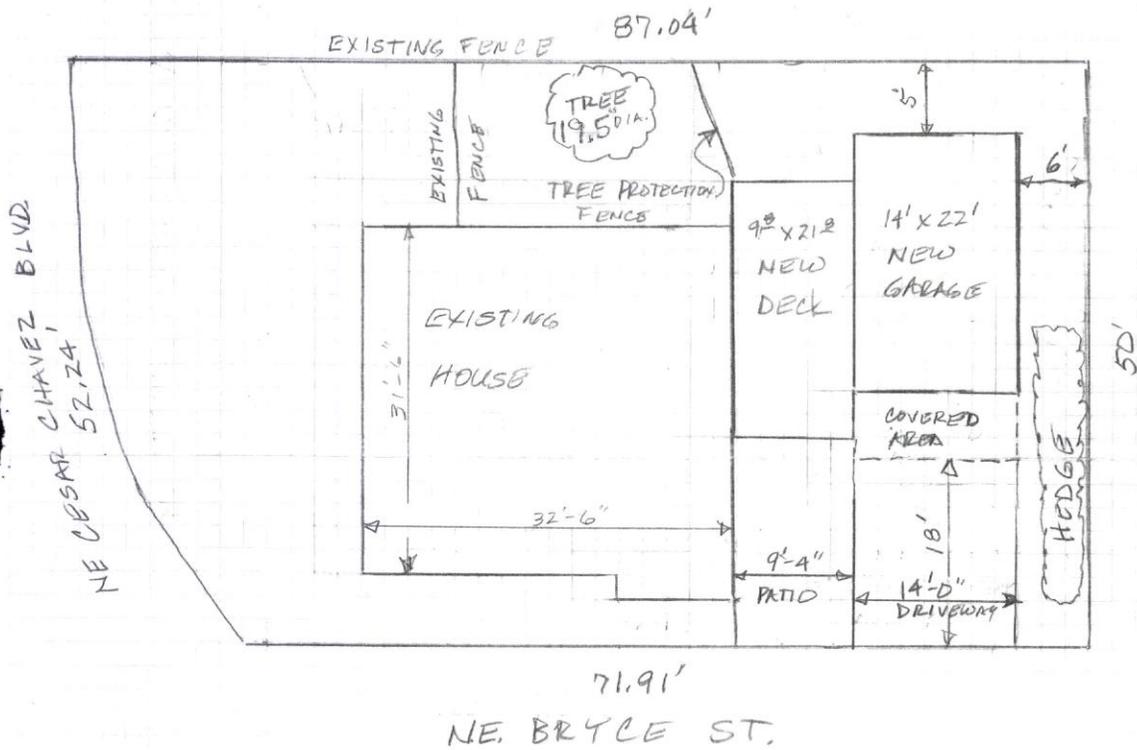
BUILDING COVERAGE

LOT AREA

DRIVEWAY _____
 PATIO _____
 WALK _____
 ROOF AREA
 (INCL. OVERHANG) _____
 TOTAL _____

BUILDING FOOTPRINT _____

CASE NO. 18-121150 AD
 EXHIBIT C-1



NE CESAR CHAVEZ BLVD
 52.24'

71.91'
 NE BRYCE ST.



Approved
 City of Portland
 Bureau of Development Services
 Planner David Reddy
 Date: 5/21/18
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

CASE NO. 18-121150 AD
 EXHIBIT C-1

PROJECT LEGAL

PROJECT ADDRESS

SITE PLAN

 3635 NE CESAR CHAVEZ BLVD
 PORTLAND, OR. 97212

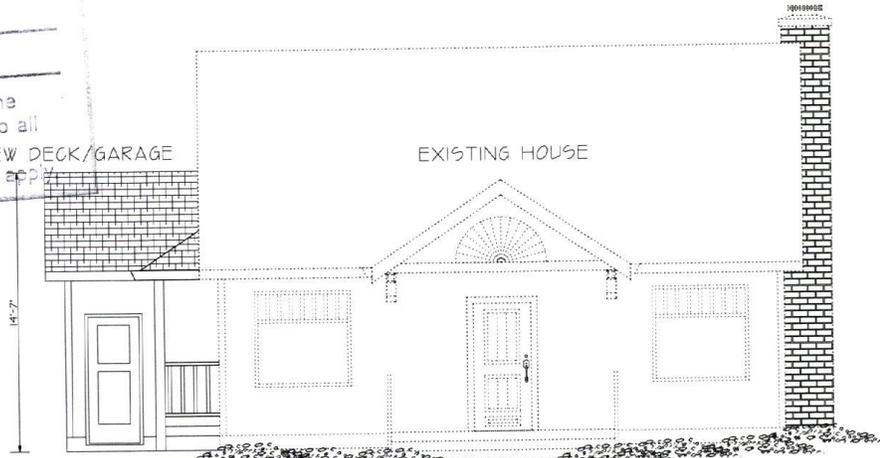
SCALE 1" = 10'
 2" | 10'



18-121150 AD

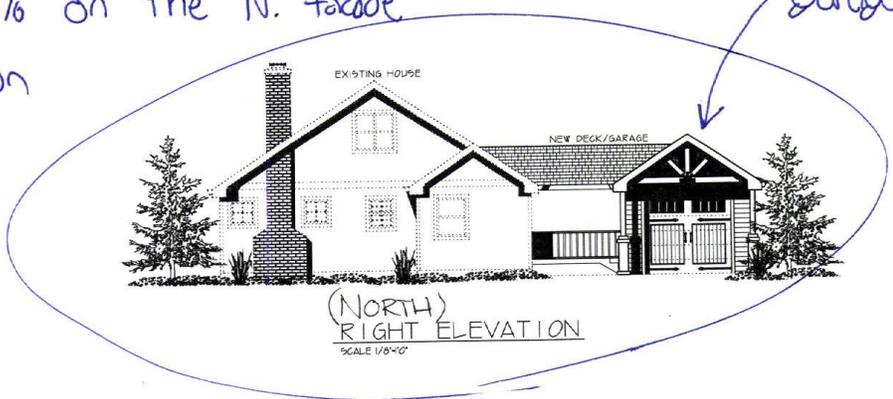
*Approved
 City of Portland
 Bureau of Development Services
 Planner David Besley
 Date 5-21-18

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

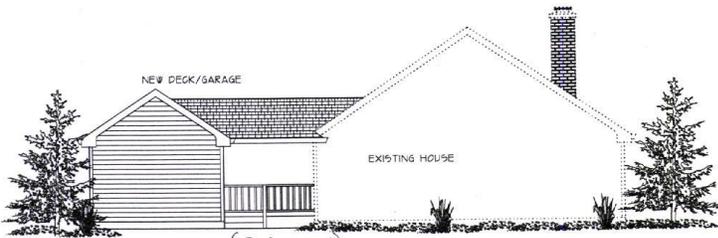


(EAST)
 FRONT ELEVATION
 SCALE 1/4"=1'-0"

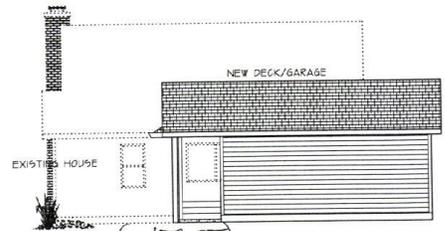
Adjustment requested to reduce amt. street-facing window area from min 15% to about 7.5% on the N. faade for a garage addition



(NORTH)
 RIGHT ELEVATION
 SCALE 1/8"=1'-0"



(SOUTH)
 LEFT ELEVATION
 SCALE 1/8"=1'-0"



(WEST)
 REAR ELEVATION
 SCALE 1/4"=1'-0"

Exh C.2

LU18-121150AD