



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: October 5, 2020
To: Interested Person
From: Don Kienholz, Land Use Services
503-823-7771 / Don.Kienholz@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 20-139856 AD

GENERAL INFORMATION

Applicant: Phil Sydnor
Integrate Architecture & Planning Inc.
1715 N Terry St.
Portland, OR 97217

Owner: Kimberly Tardie
504 NW Marlborough Ave.
Portland, OR 97210

Site Address: 504 NW MARLBOROUGH AVE

Legal Description: BLOCK 7 LOT 4, ST FRANCES HILL
Tax Account No.: R737902260
State ID No.: 1N1E32AD 07300
Quarter Section: 2926

Neighborhood: Hillside, contact Kevin Kohnstamm at kevin.kohnstamm@comcast.net, Northwest District, contact Greg Theisen planning@northwestdistrictassociation.org

Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: None
Zoning: R7 – Single-Dwelling Residential, 7,000.

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

Proposal:

The applicant is proposing to expand the existing dwelling on site by converting the attached garage into additional living space. Under Portland Zoning Code Section 33.266.110, Household Living uses (single-family dwellings) are required to have one on-site parking space unless the site is within 500-feet of a frequent service transit stop, which the subject site is not. Because the applicant is converting the garage to additional living space and not providing the lost parking space elsewhere on the site, an Adjustment is required to waive the one on-site parking space.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are found in Portland Zoning Code Section 33.805.040.A through F.

ANALYSIS

Site and Vicinity: The subject site is a 4,900 square foot site developed with an approximately 3,600-sf detached single-family dwelling with attached garage built in 1930 in the R7 zone. The site slopes steeply down from the street north to the rear of the property, in excess of 20%. The rear of the site, while steep, is covered in significant tree canopy. The home is built right up to the front property line, as are most of the dwellings along NW Marlborough due to the steep slope of the area. The neighborhood is immediately west of NW Westover and the historic Alphabet District and contains several historic residences as well. The site is also about 900-feet north of W. Burnside St., a major east-west connector through the West Hills from Portland to unincorporated Washington County and Beaverton.

Zoning: The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

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 16, 2020**. The following Bureaus have responded with no issues or concerns:

- Life Safety (Exhibit E.1);
- Site Development Section of BDS, Fire Bureau and Water Bureau (Exhibit E.3); and
- Bureau of Environmental Services (Exhibit E.4).

The Bureau of Transportation Engineering (PBOT) responded (Exhibit E.2) evaluating the applicant's parking analysis, street classifications, and Title 17 requirements. Based on the parking analysis and street conditions, PBOT had no concerns with the proposal.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**33.805.040 Approval Criteria**

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

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

Finding: The applicant is remodeling the existing home and as part of that remodel, is converting the attached garage into living space. As a result, the applicant is proposing to move the existing on-site parking space onto the street and requesting an Adjustment to waive the required on-site parking space (Portland Zoning Code Section 33.266.110.B.1). The applicable purpose statement is found in 33.266.110.A:

“Purpose. The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.”

The relevant portion of the purpose statement above to the proposal is: “...to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time.”

The use of the subject site is Household Living. The subject site is zoned R7, so no retail or office uses are allowed and none are proposed. The parking standards require one on-site vehicle parking space per Household Living unit based on expected demand (33.266.110 and Table 266-1) unless a site is close to frequent service transit. In this case, the site is not within the required proximity to frequent service, so one parking space is required since there is a single-family dwelling on site.

Generally, removing the on-site parking space from a site and closing the driveway access creates one on-street parking space where the driveway and apron once were. This one-for-one exchange generally satisfies the expected parking demand of the site. Additionally, due to the age of the house and garage, it was not designed for modern vehicles and the current owners have used on-street parking rather than the garage. As such, the conversion of the garage space to living area will not impact the parking demand for the subject site. Nonetheless, the off-site parking availability was evaluated by Lancaster Mobley (Exhibit A.3), a professional traffic engineering consulting firm, to ensure the street-parking nearby can accommodate the increased on-street parking demand caused by removing the on-site space. After reviewing the analysis, the Portland Bureau of Transportation (PBOT) responded they have no concerns with the proposed removal of the on-site parking space (Exhibit E.2) because the site is near the end of a cul-de-sac terminus with a limited number of dwellings as well as the addition of an on-street parking space.

Based on the above, staff finds the purpose of the vehicle parking requirement is equally met.

Criterion met

B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Finding: The site is in the R7 zone, a residential zone. Because the subject site is located in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area.

As discussed in the findings for Approval Criterion A, PBOT evaluated the proposal and found the site was near the end of a cul-de-sac terminus with only five other dwellings. NW Marlborough has narrow travel lanes but enough area for on-street parking in front of the dwellings in addition to sidewalks on both sides of the street. The availability of on-street parking and a complete pedestrian network ensure the proposal will not adversely impact the livability of the residential area with the removal of the single on-site parking space.

The request to waive the required on-site parking space does not directly impact the appearance of the residential area. The site is in an older, close-in neighborhood where street parking is common and part of the neighborhood fabric. Because of the commonality of the on-street parking, removal of the on-site parking space and potential of an additional vehicle parking on the street will still maintain the residential appearance of the subject site.

Based on the above, staff finds the proposal will not significantly detract from the livability and appearance of the surrounding residential area. With the condition of approval, this criterion is met.

Criterion 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

Finding: Since only one Adjustment is requested, this criterion is not applicable.

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

Finding: City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” while historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. The subject property is not within a City-designated ‘s’ overlay zone nor within proximity to an Historic Resource.

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

Finding: There are no anticipated impacts from the removal of the on-site parking space, therefore no mitigation is necessary.

Criterion 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;

Finding: 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). Because no environmental overlay zone is mapped on the subject site, 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

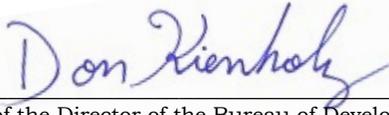
The proposal to reduce the one required on-site parking space down to zero equally meets the intent of the parking regulations and does not have any adverse impacts on the livability or appearance of the surrounding residential neighborhood. The applicant has demonstrated that the approval criteria have been met. Because the approval criteria have been met, the proposal must be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the required on-site vehicle parking space from one to zero (Zoning Code Section 33.266.110), per the approved plans, Exhibit C.1 through C.3.

- 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File #LU 20-139856 AD. No field changes allowed."

Staff Planner: Don Kienholz

Decision rendered by:  **on September 30, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 5, 2020

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on April 24, 2020, and was determined to be complete on June 4, 2020.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on April 24, 2020.

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 requested that the 120-day review period be extended 45 days (Exhibit A.10). Unless further extended by the applicant, **the 120 days will expire on: November 16, 2020.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on **October 19, 2020. Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 **October 19, 2020** 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. This approval expires if a building permit has not been issued by January 1, 2024.

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:

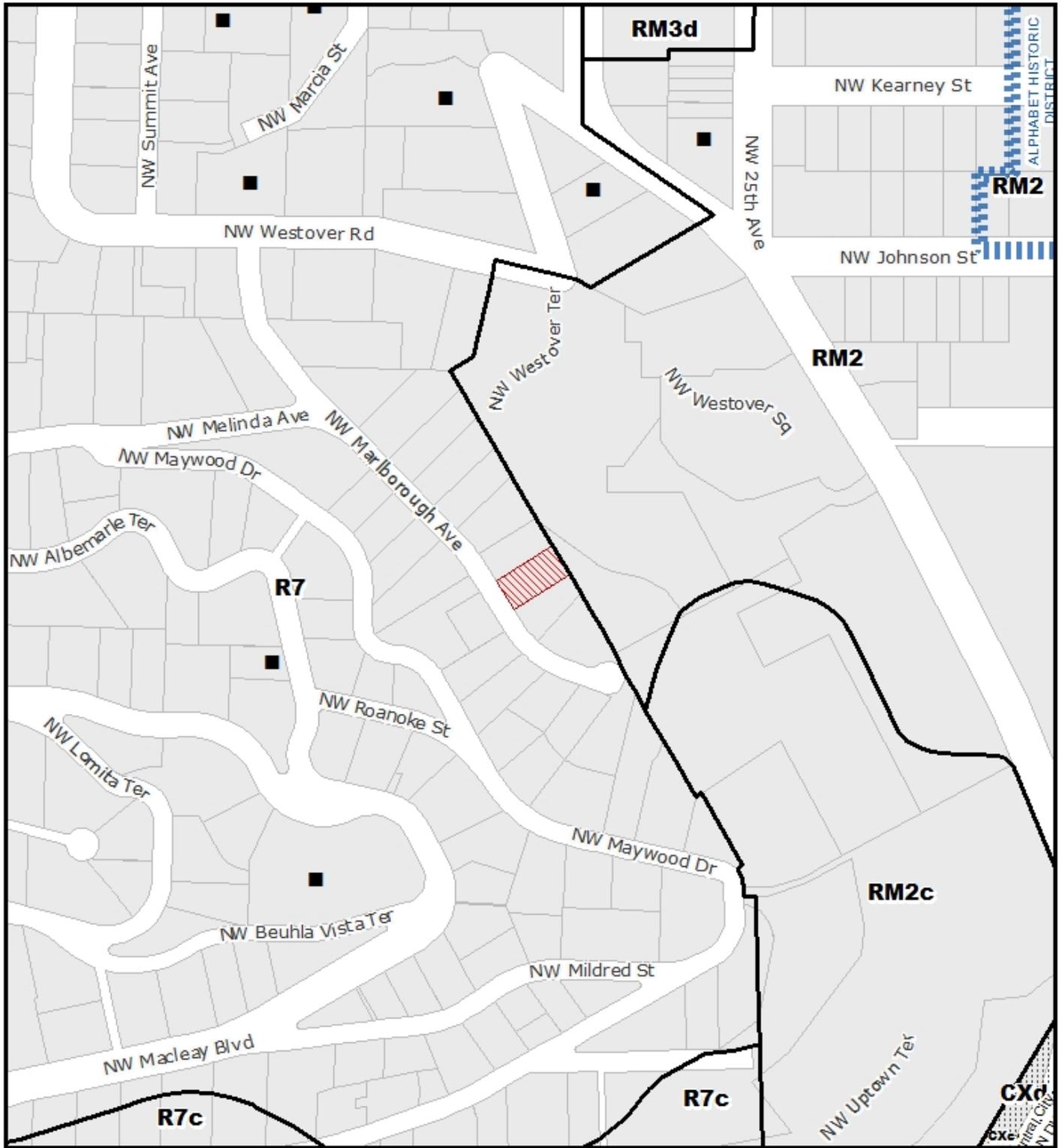
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Materials
 1. Applicant's Original Narrative
 2. Existing Floor Plans
 3. Parkin Analysis by Lancaster Mobley
 4. Original Site Plan
 5. Proposed Floor Plans
 6. Existing Elevation Plans
 7. Foundation and Framing Plans
 8. Applicant's Clarifying Narrative
 9. Survey of Site
 10. Request for 45-day Extension to 120-day clock
- B. Zoning Map (Attached)
- C. Plans/Drawings:
 1. Site Plan (Attached)
 2. Side and Rear Elevation Plans (Attached)
 3. Front Elevation (Attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety
 2. Bureau of Transportation Engineering and Development Review
 3. Site Development, Fire Bureau and Water Bureau
 4. Bureau of Environmental Services
- F. Correspondence: None
- G. Other:
 1. Original LU Application
 2. Copy of Fee Payment Receipt
 3. May 28, 2020 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



Site



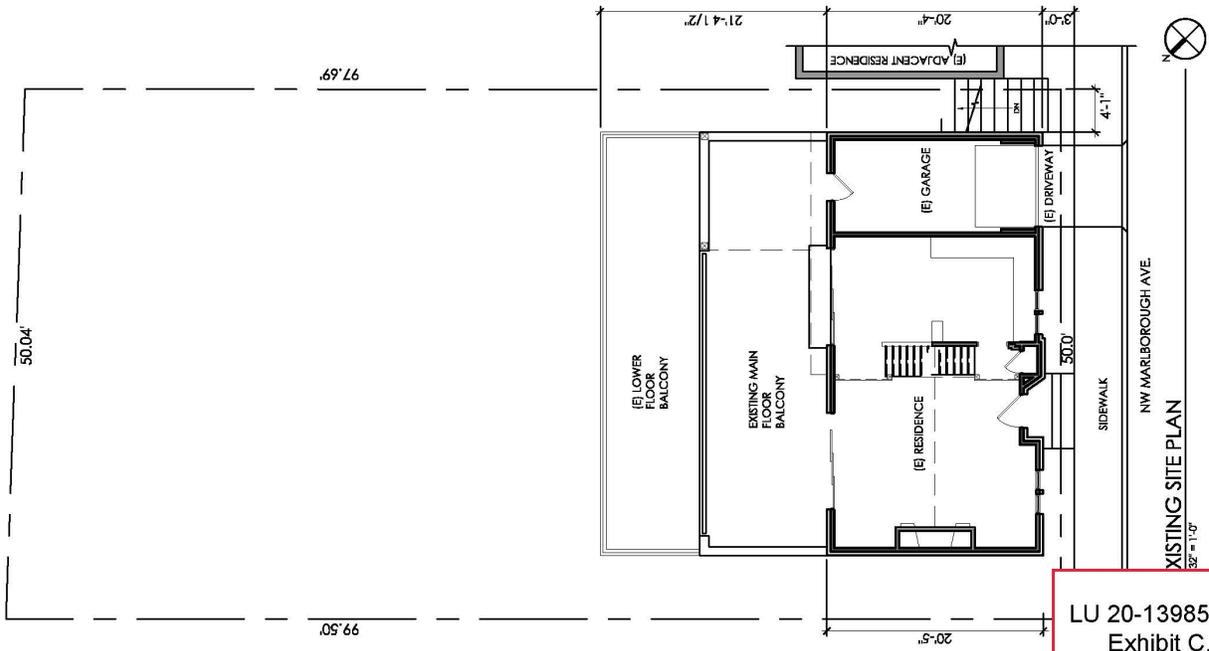
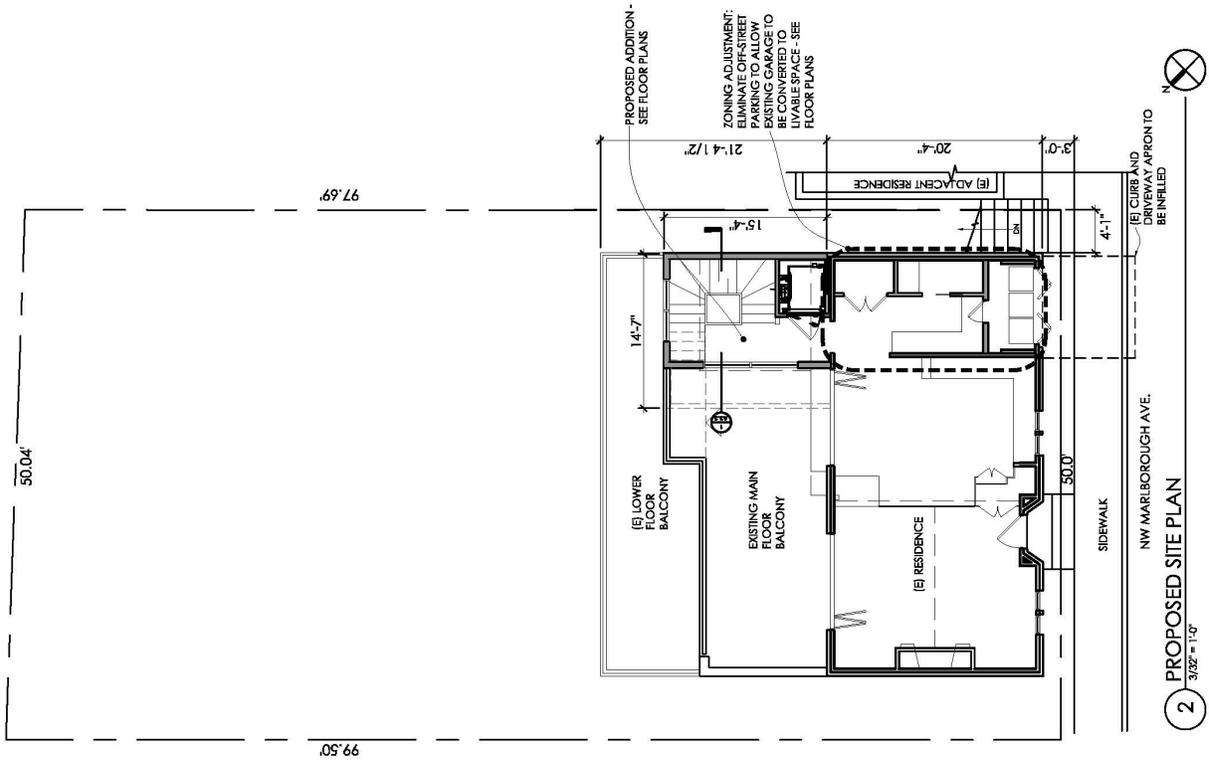
Historic Landmark

File No.	LU 20 - 139856 AD
1/4 Section	2926
Scale	1 inch = 200 feet
State ID	1N1E32AD 7300
Exhibit	B May 06, 2020

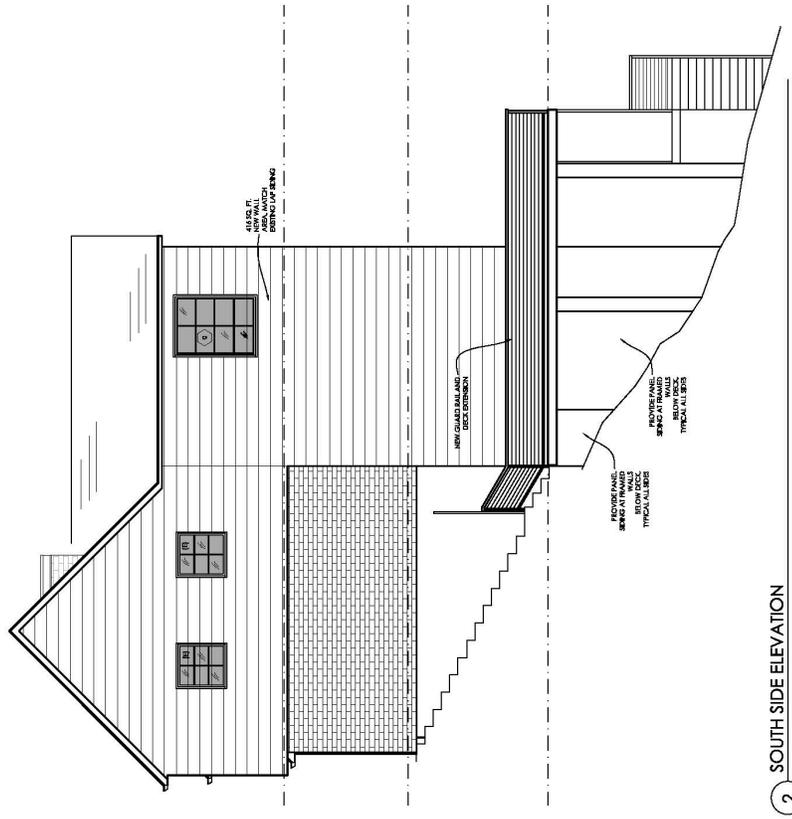
SITE PLANS

SD Set
August 14, 2020
Tordella Remondal
504 NW Wallborough Ave

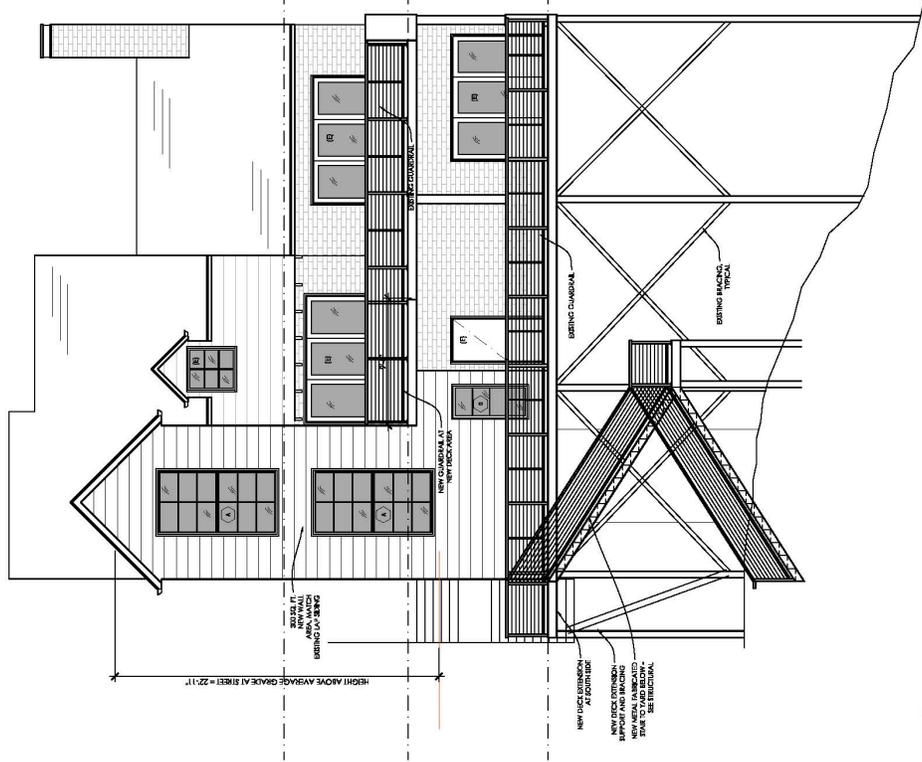
A0.1



LU 20-139856 AD
Exhibit C.1



2 SOUTH SIDE ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

LU 20-139856 AD
Exhibit C.2

PROPOSED
EXTERIOR ELEVATIONS

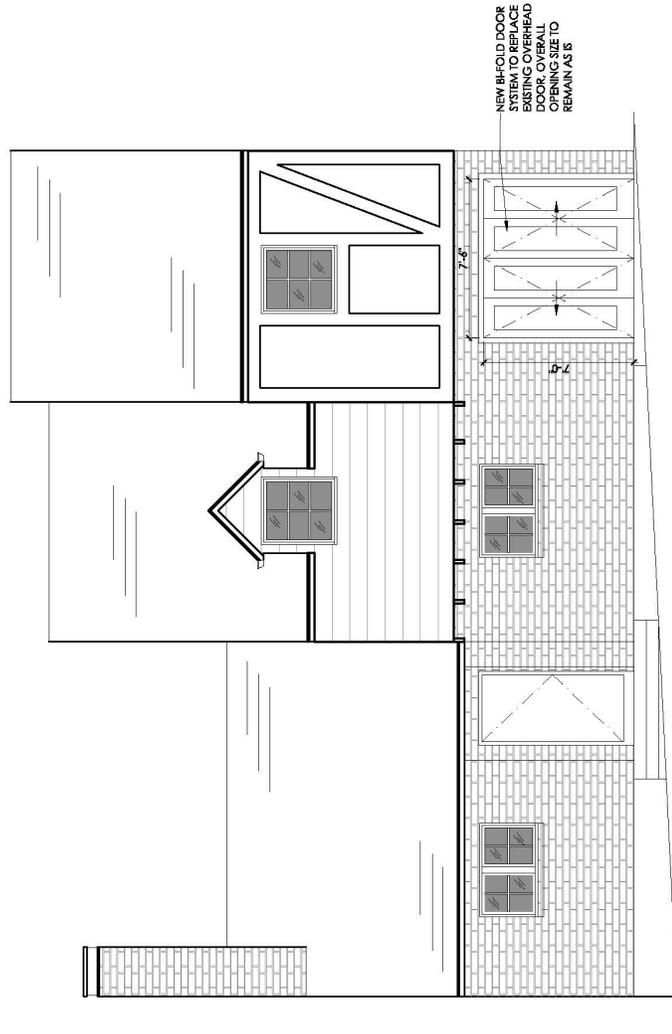
SD 557
April 30, 2020
Tonie Remodel
504 NW Macborough Ave

A3.2

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PROPOSED
EXTERIOR ELEVATIONS

3D Set
April 24, 2020
Jordan Remondal
501 NW Wallborough Ave
A3.2
INTEGRATE
ARCHITECTURE & PLANNING
www.integratearch.com
info@integratearch.com



1 PROPOSED (WEST) FRONT ELEVATION
3/16" = 1'-0"

LU 20-139856 AD
Exhibit C.3