



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

Carmen Rubio, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7310  
TTY: (503) 823-6868  
[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** March 30, 2023  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-865-6714 / [Andrew.Gulizia@portlandoregon.gov](mailto:Andrew.Gulizia@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 23-002891 AD**

**GENERAL INFORMATION**

**Applicant:** Edward Radulescu  
EPR Design LLC  
8800 SE Sunnyside Rd. #213N  
Clackamas, OR 97015  
(503) 679-2493  
[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

**Applicant's Representative:** Kevin Partain  
Urban Visions  
6180 Trout Creek Ridge Rd.  
Mt Hood/Parkdale, OR 97041  
(503) 421-2967  
[kevinp@gorge.net](mailto:kevinp@gorge.net)

**Property Owner:** Paul Blashishin  
SDB Investments LLC  
12100 SE Oak St.  
Portland, OR 97216-3748

**Site Address:** 6605 N Montana Ave.

**Legal Description:** GOOD MORNING ADD, BLOCK 5, LOT 15&16 TL 9601

**Tax Account No.:** R332300910

**State ID No.:** 1N1E15BC 09601

**Quarter Section:** 2329

**Neighborhood:** Arbor Lodge, contact Dan Craver at  
[landuse@arborlodgeneighborhood.com](mailto:landuse@arborlodgeneighborhood.com)

**Business District:** None

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at  
503-823-8877

<b>Zoning:</b>	RM3d – Residential Multi-Dwelling 3 base zone with Design (“d”) overlay zone
<b>Plan District:</b>	North Interstate
<b>Case Type:</b>	AD – Adjustment Review
<b>Procedure:</b>	Type II, an administrative decision with appeal to the Design Commission

**Proposal:** A townhouse-style triplex is proposed for this site. The units will be oriented toward the east lot line (N Montana Avenue), which is classified by the Zoning Code as a side lot line for this property (Zoning Code Chapter 33.910, definitions of “front lot line” and “side lot line”). Though off-street parking is not required, the applicant proposes a driveway and a garage for each unit. The applicant requests an Adjustment to increase the maximum percentage of the area between the east building line and the east lot line that can be vehicle area from 20% to 41% (Zoning Code Section 33.266.120.C.1.b).

**Relevant Approval Criteria:** To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

## ANALYSIS

**Site and Vicinity:** The subject site is in the Arbor Lodge neighborhood in North Portland. The site occupies the northwest corner of N Montana Avenue and N Liberty Street, and the property will be about 3,200 square feet in area after required street dedications. The site was previously developed with a single-dwelling house that will be demolished. Most neighboring properties are developed with single-dwelling houses or small multi-dwelling residential buildings. The I-5 freeway is a half block east of the site.

**Zoning:** The RM3 zone is a medium to high density multi-dwelling zone that allows multi-dwelling residential development up to a maximum floor area ratio (FAR) of 2 to 1 and a minimum density of 1 unit per 1,000 square feet of site area.

The Design (“d”) overlay zone is intended to promote the conservation, enhancement, and continued vitality of areas of the city with special scenic, architectural, or cultural values. The “d” overlay regulations do not apply to this proposal per Zoning Code Section 33.420.045.A.2.

**Land Use Review History:** There are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal” was sent to City agencies and mailed to neighbors February 23, 2023 (Exhibit D-2). The following City agencies responded with no objections to the proposed Adjustment:

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

**Neighborhood Review:** No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

## ZONING CODE APPROVAL CRITERIA

### 33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated 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 requests an Adjustment to increase the maximum percentage of the area between the east building line and the east lot line that can be vehicle area from 20% to 41% (Zoning Code Section 33.266.120.C.1.b). Zoning Code Section 33.266.120.A states the purpose of the vehicle area standards that apply to a lot with a house, duplex, triplex, or fourplex:

*The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.*

The front lot line of the subject site for zoning purposes is the south lot line abutting N Liberty Street. However, this section of N Liberty Street is mostly unpaved (though the Portland Bureau of Transportation will require the applicant to provide paving adjacent to the subject site) and appears more like an alley than a standard street. The east lot line abutting N Montana Avenue (a paved street) is classified as the side lot line on this corner lot, but the triplex units will be oriented to N Montana Avenue and the east side of the property will appear as the front. If the east lot line were the front lot line for zoning purposes, up to 40% of the area between the building line and the lot line could be vehicle area, rather than the 20% limit that applies to side lot lines. Since the east side of the lot will function and appear as the front of the development, staff finds the proposal for 41% vehicle area between the building line and the east lot line is only slightly more than intended for the front yard of a triplex. The brick pavers proposed for the driveways (Exhibit C-1) will create visual interest and enhance the appearance of the site for neighbors and pedestrians compared to more typical paving materials. Staff also notes that each of the driveways will be 9 feet wide, which is the minimum width required by Zoning Code Section 33.266.120.D.2. For these reasons, and with a condition of approval for a decorative paving material, staff finds the proposal enhances the appearance and pedestrian experience of the neighborhood to the degree intended by the standard. With this condition of approval, staff finds criterion A is 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

**Findings:** Since the site is in a residential zone, the Adjustment proposal must not significantly detract from the livability or appearance of the residential area. The residential area around this site is developed with single-dwelling houses and small multi-dwelling residential buildings. Many neighboring lots have concrete driveways. As discussed above in the findings for criterion A, the proposal for 41% of the area between the east building line and the east lot line to be vehicle area only slightly exceeds the 40% maximum intended for the front yard of a triplex. The three driveways proposed for this site will serve a garage parking space for each of the units, and the driveways will be no wider than the minimum required by Zoning Code Section 33.266.120.D.2. Furthermore, the brick pavers proposed for the driveways (Exhibit C-1) will enhance the appearance of the site. For these reasons, and with a condition of approval for a decorative paving material, staff finds the Adjustment will not significantly detract from the livability or appearance of the residential area. With this condition of approval, staff finds criterion B 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 requested, so this criterion is not applicable.

- D.** City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and

**Findings:** City-designated scenic resources are identified on the official zoning maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic resources or historic resources mapped on the subject site, this criterion is not applicable.

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

**Findings:** Staff finds the brick pavers will give the driveways an attractive appearance and effectively mitigate for the Adjustment to increase the percentage of the east yard that can be vehicle area (Exhibit C-1). With a condition of approval for a decorative paving material, staff finds criterion E 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 there are no environmental overlay zones mapped on the 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

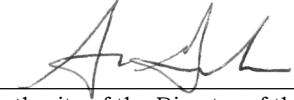
Staff finds the Adjustment request to be consistent with the purpose of the vehicle area requirement and that the Adjustment will not detract from the appearance or livability of the area. Each of the three driveways will be no wider than the minimum required, and brick pavers will give the driveways an attractive appearance. Staff finds the proposal meets each of the Adjustment Review approval criteria with the conditions of approval listed below. Therefore, the Adjustment request must be approved.

## ADMINISTRATIVE DECISION

**Approval** of an Adjustment to Zoning Code Section 33.266.120.C.1.b to increase the maximum percentage of the area between the east building line and the east lot line that can be vehicle area from 20% to 41% per the approved site plan, Exhibit C-1, signed and dated March 17, 2023, subject to the following conditions:

- A. The site plan for building permits 22-127011 RS, 22-127059 RS, 22-127104 RS, and 22-127112 SD must reflect the information and design approved by this land use review as indicated in Exhibit C-1. The following note must be added to the building permit site plan: “Proposal and design as approved in Case File # LU 23-002891 AD.”
- B. Each of the three driveways must be constructed from brick pavers or another decorative paving material, as illustrated in Exhibit C-1.

**Staff Planner: Andrew Gulizia**

**Decision rendered by:**  **on March 17, 2023.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 30, 2023**

**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 11, 2023 and was determined to be complete on February 14, 2023.

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 11, 2023.

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 June 14, 2023.**

**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 Design Commission, and if appealed a hearing will be held. The appeal application form can be accessed at [https://www.portland.gov/sites/default/files/2020/lu\\_type2\\_2x\\_appeal\\_form\\_071116.pdf](https://www.portland.gov/sites/default/files/2020/lu_type2_2x_appeal_form_071116.pdf). Appeals must be received **by 4:30 PM on April 13, 2023. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to email, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$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 Office of Community and Civic Life recognized organizations for the appeal of Type II 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and City bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 Design Commission 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 Design Commission 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 **April 13, 2023** 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 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 permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

**EXHIBITS**  
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Original narrative
  - 2. Revised narrative, submitted February 14, 2023
  - 3. Original site plan (superseded by revised site plan in Exhibit C-1)
  - 4. Driveway Design Exception approval
  - 5. Front and rear building elevations (attached)
  - 6. Side building elevations (attached)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Approved site plan (attached)
- D. Notification Information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland 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 (none received)
- G. Other:
  - 1. Land use review application form
  - 2. Incompleteness determination letter, dated January 25, 2023

**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).**