



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: April 13, 2009
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-823-7840 / WickstromM@ci.portland.or.us

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-108744 AD

GENERAL INFORMATION

Applicant/Property

Owner: Reyes Jr Coronado
12215 SW 60th Ave
Portland, OR 97219-7011

Site Address: 12215 SW 60TH AVE

Legal Description: TL 6900 0.51 ACRES, SECTION 31 1 S 1 E
Tax Account No.: R991310680
State ID No.: 1S1E31CB 06900
Quarter Section: 4223

Neighborhood: Far Southwest, contact Marcia Leslie at 503-246-9938
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

Zoning: R10 (Residential 10,000)

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

Proposal:

The applicant proposes to construct a two-car detached garage and a single-car carport on this site. Both structures are proposed to be located between the existing house and SW 60th Avenue. Regulations in the Portland Zoning Code state that a garage wall which faces a street may be no closer to the street lot line than the longest street facing wall of the dwelling unit. The Portland Zoning Code reviews carports under the same regulations as garages. The development plan proposed by the applicant shows the street-facing wall of the garage located 65 feet in front of the house and the carport located approximately 12 feet in front of the house. Through this land use review application, the applicant requests one Adjustment to allow the proposed detached garage to be 65 feet in front of the longest street-facing façade of the dwelling unit and the proposed carport to be 12 feet in front of the dwelling unit.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of 33.805.040 A-F, Adjustments.

ANALYSIS

Site and Vicinity: The approximately 22,000 square foot southwest sloping site is developed with a 1.5-story house. The house is located in the center of the site and is oriented so that it is diagonal to the street. The main entrance of the house is located in the center of the street-facing façade and is oriented at an approximately 45 degree angle to the street. A gravel driveway currently provides vehicle parking on site in front of the existing house. The site contains a large number of mature trees.

Zoning: The site is zoned R10 (Residential 10,000). The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. The Portland Zoning Code includes development standards which regulate the locations of garages in a manner which discourages their location in front of homes. The Zoning Code regulates carports in the same manner as garages. The Code states that a garage wall (which includes walls of attached and detached garages as well as carports) may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

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 6, 2009**. The following Bureaus have responded:

- The Life Safety Section of BDS responded that a separate building permit is required for the work proposed (Exhibit E-1).
- The Site Development Section of BDS responded with information on sanitary sewer and stormwater management. The response notes the applicant's proposal to use pervious pavement and/or permeable pavers to reduce the impervious area of the proposed development. The response also notes items which must be shown on the development plan at time of permit review and the need for the applicant to submit a utility plan and stormwater report also at the time of permit review (Exhibit E-2).
- The Bureau of Environmental Services provided information on sanitary services, stormwater management and water resources. The response notes that the design of a stormwater management facility must be included with the building permit submittal. Comments concerning the watershed were also included. The response includes no conditions of approval (Exhibit E-3).
- The Urban Forestry Division of Portland Parks & Recreation responded that street trees may be required and no existing trees that are 12 inches in diameter and greater may be removed without a written permit from the City Forester (Exhibit E-4).
- The Water Bureau responded with information on water service and included no conditions of approval (Exhibit E-5).
- The Fire Bureau and the Portland Bureau of Transportation responded with no concerns (Exhibit E-6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 6, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**Title 33.805.10 Purpose of Adjustments**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the code's regulations would preclude all use of the site. Adjustment reviews provide flexibility for unusual situations and to allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.40 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below are met.

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

Findings: The applicant requests one Adjustment to allow the proposed detached garage to be 65 feet in front of the longest street-facing façade of the house and the proposed carport to be 12 feet in front of the house. The purpose of the development standards related to garages (and carports) is listed below:

33.110.253 Garages – Purpose Statement

These Standards:

- *Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;*
- *Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;*
- *Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;*
- *Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and*
- *Enhance public safety by preventing garages from blocking views of the street from inside the residence.*

Despite the location of the two-car garage in front of the house, a strong physical and visual relationship between the living area of the residence and the street will still exist. The lot is over 100 feet wide which, even with a 10-foot side setback and a 24-foot wide garage, still allows for the diagonally oriented façade of the house to face the street without being obscured by the garage. The location of the carport behind the garage obscures that structure from the street and will not further interrupt views of the house from SW 60th Avenue. This also helps to ensure public safety because the garage and carport will not obscure the primary views of the street from inside the residence. The diagonally-oriented street-facing façade of the house is 54 feet in width whereas the street-facing façade of the garage is 24 feet in width; therefore, the amount of living area which faces the street will remain more prominent than the garage. In addition, as the main entrance to the residence is located in the middle of the street-facing façade, neither the garage nor the carport will obscure views of the main entrance from the street. The site is large with many mature trees and a quasi-ranch style of development which will help maintain a pleasant pedestrian environment and prevent the garage, carport and vehicle area from dominating the views from the sidewalk. The garage is also well designed with many attractive features to soften the appearance of the structure. These features include cedar shingles, windows in the garage doors and on the north facade, articulation of the front and north façades and an attractive detail in the street-facing (east) gable. In order to ensure that these features are reflected in the permitted drawings, the front and north elevation drawings of the garage are approved as part of the exhibits of this land use review and drawings submitted for permitting must be in substantial conformance with these exhibits. Finally, it is important to consider that the lot is over 20,000 square feet in area. Lots of this

size and dimensions are more typical of those found in the R20 (Residential 20,000) zone and the standard which regulates the location of detached garages does not apply in that zone. Based on this information, 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 proposal to allow the garage to be located approximately 65 feet in front of the longest street-facing façade of the house and the proposed carport to be 12 feet in front of the house will not significantly detract from the livability or appearance of the residential area. The garage and carport are well designed and as noted in the previous section, this land use review ensures that the street-facing and north façades of the permitted drawing of the garage are in substantial conformance with the drawings included with this review. Livability also should not be negatively impacted by the locations of the garage and carport in front of the house as neither structure will negatively impact privacy for neighbors. The BES and Site Development reviewers pointed out the importance of stormwater management and the Site Development response noted that the applicant's stormwater proposal included the use of pervious pavement and/or permeable pavers to reduce the amount of impervious area of the proposed development. Because limiting the potential for stormwater to impact neighboring sites is a component of maintaining livability, this review includes a condition of approval which states that the applicant must utilize pervious pavement and/or permeable pavers for the garage and carport driveway to minimize impervious area as determined appropriate by the Site Development Section of BDS and/or the Bureau of Environmental Services. With this condition and based on the information above, this criterion is met.

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

Findings: No impacts are expected to result from the proposal to allow the garage and the carport to be located closer to the street than the longest street-facing wall of the dwelling unit. Both structures are well designed with plenty of detail and features similar to the house so that development on the site appears cohesive and uniform. This land use review approves the front (east) and north façades of the garage as exhibits and therefore permit drawings must be in substantial conformance with those attached to this decision. A condition of approval regarding stormwater management helps ensure that it is managed to the best extent practicable. Based on this information, 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.
- D.** City designated scenic resources and historic resources are preserved; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Only one adjustment is requested, the site does not contain any identified scenic or historic resources and the site is not located in an environmental zone; therefore, these criterion are 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

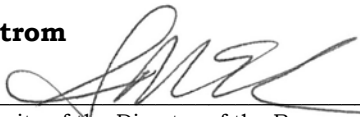
The applicant proposes one Adjustment associated with plans to construct a two-car detached garage and a carport on this site. As noted in this report, the proposal is able to meet the Adjustment approval criteria based on the location of the garage and carport in relation to the house, the amount of living space and location of the main entrance of the house which will still be visible from the street and the design of the street-facing and north façades of the garage. With approval requiring that the permit drawings substantially conform with the site plan and front (east) and north elevation drawings of the garage attached to this decision, the request meets the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.110.253.F.3 to allow the detached garage to be located 65 feet closer to the street than the longest street-facing wall of the dwelling unit and the detached carport to be located 12 feet closer to the street than the longest street-facing wall of the dwelling unit, per the approved site plans, Exhibits C-1 through C-2, signed and dated, April 9, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-108744 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant must utilize pervious pavement and/or permeable pavers for the garage and carport driveways to minimize impervious area as determined appropriate by the Site Development Section of BDS and/or the Bureau of Environmental Services.

Staff Planner: Matt Wickstrom

Decision rendered by:  **on April 9, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 11, 2009

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 17, 2009, and was determined to be complete on March 4, 2009.

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 17, 2009.

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.

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 April 27, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 28, 2009 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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.

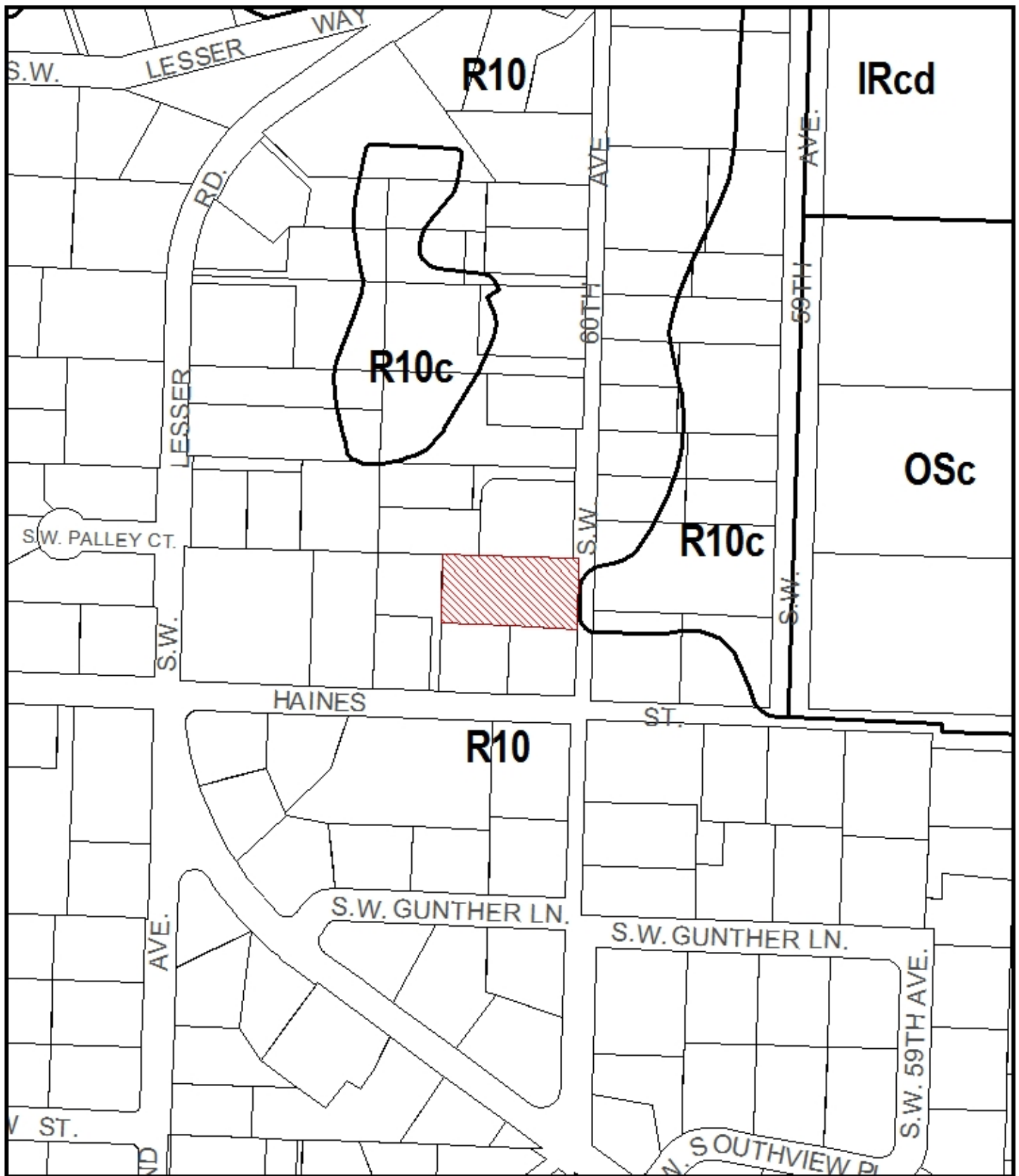
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Garage and Carport Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
 - 2. Site Development Section of BDS
 - 3. Bureau of Environmental Services
 - 4. Urban Forestry Section of Portland Parks and Recreations

- 5. Water Bureau
- 6. Summary of Agency Comments
- F. Correspondence: None received
- G. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



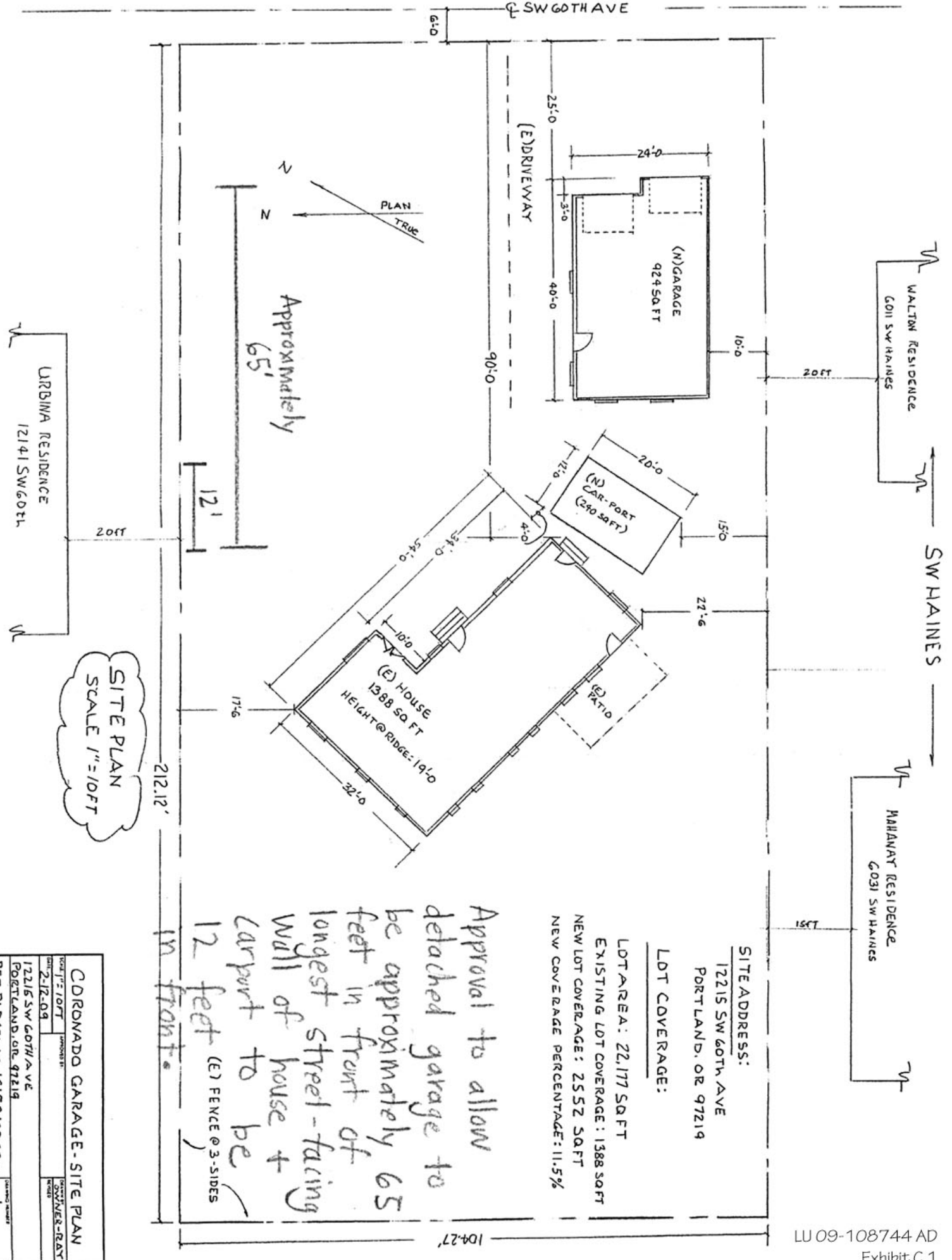
ZONING

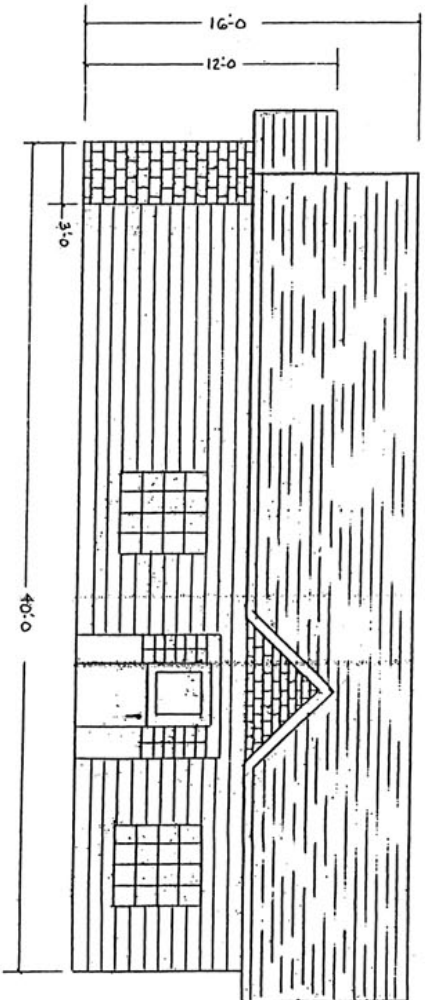
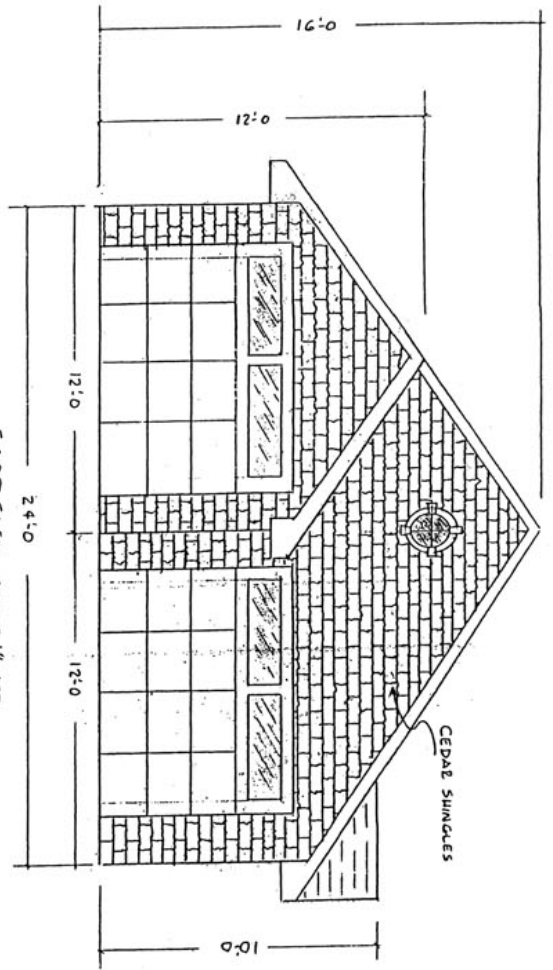
 Site



File No.	LU 09-108744 AD
1/4 Section	4223
Scale	1 inch = 200 feet
State_Id	1S1E31CB 6900
Exhibit	B (Feb 20,2009)

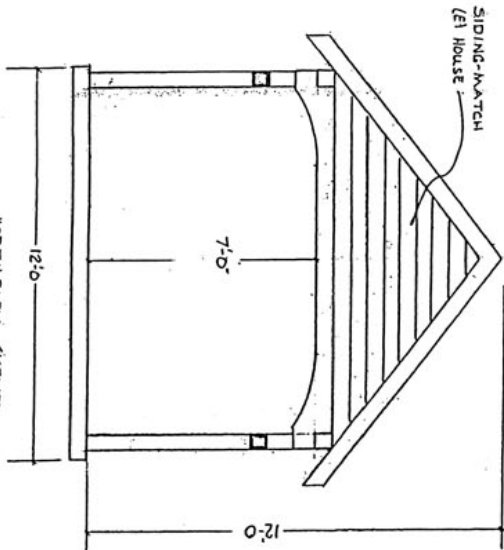
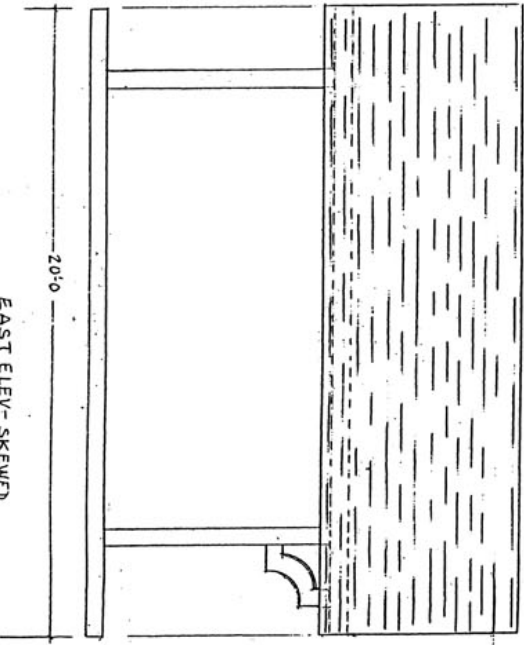
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Permit drawings must substantially conform with front (east) and north elevation drawings of garage

Garage Elevations



Carport