



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

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

Date: March 27, 2011

To: Interested Person

From: Tim Heron, Land Use Services

503-823-7726 / tim.heron@portlandoregon.gov

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

The Bureau of Development Services has 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 11-101726 DZM - 2ND STORY ADDITION WITH A MODIFICATION TO THE SIDE SETBACK

GENERAL INFORMATION

Applicant: Steven & Heather Grund

4255 SW Bancroft Terrace

Portland, OR 97239

Representative: Tony Yraguen, 503-806-0424

City Home Improvement 8811 NE Sandy Blvd Portland, OR 97220

Site Address: 4255 SW BANCROFT TERRACE

Legal Description: INC PT VAC ST LOT 22 EXC PT IN ST LOT 23-25, THE COVE

Tax Account No.: R827600470 **State ID No.:** 1S1E09DD 03900

Quarter Section: 3428

Neighborhood: Homestead, contact Anton Vetterlein at 503-790-0719.

Business District: None

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None

Zoning: R10cd – Single Family Residential 10,000 zone with a "c"

Environmental and "d" Design Overlay

Case Type: DZM – Design Review with a Modification

Procedure: Type II, an administrative decision with appeal to the Design

Commission

Proposal:

The applicant seeks a Design Review to construct a second story addition upon the existing residence at 4255 SW Bancroft Terrace. The addition will sit directly upon the first floor with no new building coverage or ground disturbance and include similar exterior finishes and roofline as the original house design.

Exterior alterations within the "d" Design Overlay which are visible from Terwilliger Boulevard require a Design Review.

The applicant also seeks the following Modification request [PZC 33.825.040]:

1. Reduce the side setback along the south property from the standard 10 feet to 7 feet in the R10 zone (33.110.220).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Section 33.825.065 of the Portland Zoning Code. The relevant approval criteria are:

- Terwilliger Parkway Design Guidelines
- Modifications That Will Better Meet Design Review Requirements - Section 33.825.040

ANALYSIS

Zoning: The Residential 10,000 (R10) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 10,000 square feet of site area.

The <u>Design</u> "d" overlay promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The <u>Environmental Conservation Zone</u> "c" overlay conserves important resources and functional values in areas where the resources and functional values can be protected while following environmentally sensitive urban development.

Land Use History: City records indicate that no prior land use reviews have occurred for this property.

Public Notice: A revised "Notice of Proposal in Your Neighborhood" was mailed **January 31, 2011**.

Agency Review: The following Bureaus have responded with no issues or concerns (see Exhibits E.1 and E.2 for responses):

- Water Bureau
- Fire Bureau

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

(1) Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d) therefore the proposal requires Design Review approval. Because of the site's location within the Terwilliger Parkway Design District the applicable design guidelines are the Terwilliger Parkway Design Guidelines.

Terwilliger Parkway Design Guidelines

This site is located within the Terwilliger Parkway. City Council has adopted specific goals and design review guidelines for this area.

Terwilliger Parkway, Boulevard and Trail are unique and notably successful parts of the City which allow people to enjoy the natural beauty and setting of Portland while moving through it. There are sequential views of the City, Mt. Hood, Mt. St. Helens, the Willamette River and the wooded hills along which the Boulevard is constructed. These expansive views are contrasted by sections of the Boulevard which are lush and enclosed by tall stands of deciduous trees and second growth fir. Dominant masses of nature temperate forest set off park-like plantings of ornamental shrubs and mowed lawns.

Terwilliger Boulevard was originally envisioned as a centerpiece for the development of "high class suburban and country residences." Urban development adjacent to the Parkway is sometimes hidden from the Trail and Boulevard. When visible, it often fits into the natural topography and enhances the aesthetic experience of the Parkway. Buildings which are set back from the Boulevard, well but simply landscaped, small in scale, and designed with care tend to add romance to the drive or walk.

The careful and balanced mix of urban and natural experiences, which makes Terwilliger both unique and successful, is also reflected in the way in which it is used. At its best, Terwilliger can accommodate walkers of all ages, runners, bicyclists and picnickers, as well as moderate numbers of motorists sight-seeing or driving to nearby locations along the Boulevard's easy grades and gentle curves.

Terwilliger changes as the landscape and the City grow. The quality of its future character will depend both on the effects of nature and the care taken by the citizens of Portland.

Terwilliger Parkway Goals

The following goals are general statements of the City's objectives for the Terwilliger Plan Area. They provide a framework for the Design Review process, defining its purpose and context.

- A. To preserve and enhance the scenic character and natural beauty of Terwilliger Parkway and Boulevard.
- B. To maintain and enhance unobstructed views from Terwilliger Boulevard and trail.

- C. To improve the opportunities for a variety of recreational uses along Terwilliger and reduce conflicts between these uses.
- D. To guide the siting, scale, landscaping traffic impacts and design of new development to enhance the aesthetic experience of Terwilliger.
- E. To manage the location and design of new vehicular and pedestrian access to Terwilliger in order to reduce traffic hazards and incompatible visual impacts.
- F. To reinforce the primary transportation function of the parkway as a leisurely, scenic drive and a bicycle commuting path rather than a heavily used route for vehicle through traffic.
- G. To improve public safety and protect citizens from crime.
- H. To reduce maintenance and improvement costs.

The Guidelines which follow are intended to implement the Goals of the Terwilliger Parkway Corridor and the "Character of Terwilliger" Statement. They are intended to aid developers and designers in understanding the expectations of the City and the concerns and objectives of the Design Commission for development within the Terwilliger Plan Area.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A. Height and Setback:

- 1. Buildings should be set back sufficiently from the Parkway to allow for development of the landscape treatment prescribed in the Terwilliger Plan including adequate setbacks to protect the root system of trees within the Parkway, (The Terwilliger Landscape Concept Plan is shown on map 1, accompanying this document.)
- **2.** Downhill from Terwilliger, new buildings should be limited in height and have sufficient setback to preserve unobstructed Major Views and Panoramas as identified in the Terwilliger Plan.
- **3.** In commercial zones, buildings should be setback from the Parkway not less than ten
- **4.** In areas adjacent to Parkway lands obtained by Deeds of Gift from the Fulton Park Land Company, Terwilliger Land Company and the Oregon/Washington Railroad and Navigation Company, no building within twenty-five (25) feet of the uphill property line of the Parkway should be allowed. (This requirement is explained in Section VII of this Document.)

Findings: This site is not identified as having any Major Views or Panoramas according to the Terwilliger Plan and is located uphill from Terwilliger Boulevard. *This quideline is not applicable.*

B. Landscaping

- **1.** A landscaping plan should be incorporated into the proposed development which provides for the following:
 - **a.** Landscaping should be consistent with the Terwilliger Landscape Concept Plan shown on Map 1 and illustrated in Figures 3 through 10, Pages 11-14.
 - **b.** Preservation of as many trees over 6 inches in caliper as practical.
 - **c.** Preservation of the existing topography to the extent practical by reducing necessary grading and limiting cuts and fills to slopes of less than 2 to 1 (retaining walls are permitted if they conform with the "style, scale, siting, materials and color guidelines").
 - **d.** Protection of Root Systems; trees designated for preservation should have no grading within the drip line diameter of the limbs of the tree. (see Figure 2)

Findings: The proposal does not include additional landscaping and no trees will be removed. Several trees exist on the site as well as adjacent to the site with root systems that extend onto the property. Any alteration of topography will be minimal to accommodate the new structure and the slope will be maintained. *This guideline is therefore met.*

C. Style, Scale, Siting, Materials and Color

- 1. Architectural scale, style, siting, lighting, building material, color and finishes should complement the landscape and be in keeping with the "Character of Terwilliger" statement.
- **2.** Care should be taken with all aspects of the project seen from the Boulevard and Trail, including roofs, foundations, drives and parking areas, to ensure that they are aesthetically pleasing and in keeping with the "Character of the Terwilliger" statement.

Findings: The site shares two nearly equal length property lines along both SW Bancroft Terrace and SW Lowell Street. The existing home sits approximately 132 feet from the SW Terwilliger Boulevard ROW. The property also has an environmental conservation overlay "c" designation that covers all of the property along these street. The purpose of the overlay is to protect resources while allowing environmentally sensitive development. The applicant has proposed locating the new addition on top of the existing footprint of the home to limit impacts to the site. As no existing trees are proposed to be removed on the property, or disturbed along the approximately 125 foot deep Open Space zone buffer from SW Terwilliger Boulevard. The potential negative impact of the taller structure being visible from Terwilliger is minimal and mitigated by the existing vegetation being maintained both on-site and in the adjacent OS zone, and the deep setback from SW Terwilliger Boulevard.

The high-quality design and detailing of the new addition fits well on the site by matching the architectural style and color of the existing home. Though located from the least visible vantage point from Terwilliger Boulevard, the level of architectural detail in the residence is maintained in the new addition.

The "Character of Terwilliger" statement says that development should be setback, small in scale, and designed with care, to create "a centerpiece for development of high-class suburban and country residences". The new second story addition will not increase the building coverage on the site for the R10 zone. This cohesive design, along with quality building materials, allows for a structure that will be aesthetically pleasing. The resulting development will blend into this neighborhood that is comprised of a variety residential housing styles. *This guideline is therefore met*.

Guidelines D.-H. were reviewed for this proposal. Since the site does not include identified views, no signs are planned, no new vehicle access from SW Terwilliger proposed, and no improvements within the parkway are planned, *these guidelines do not apply*.

(2) 33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review

process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification: Reduce the side setback along the south property from the standard 10 feet to 7 feet in the R10 zone (33.110.220) for the second story addition.

Purpose Statement: The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
- **A.** Better meets design guidelines. The resulting development will better meet the applicable design guidelines; and
- **B.** Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Findings for A & B: Findings for Modification to Setback: The new addition maintains the existing 7'-0" setback from the adjacent Open Space [OS] zone to the south, which in turn, abuts SW Terwilliger Boulevard. As this adjacent OS zone further separates the property by an approximately 125-foot deep setback from SW Terwilliger Boulevard, fire access, light and air is preserved. The 7'-0" setback for this structure applies only to the 26-foot wide second story addition, the remainder of the parcel, with 200-feet of frontage along the subject OS zone boundary to the south, will remain unencumbered by the new second floor addition maintaining the 7'-0" setback in the otherwise required 10'-0" setback along this property line.

The environmental overlay zone promotes development outside of environmentally sensitive areas. Sites that have environmental overlay zoning are allowed to reduce their front setback to zero if the reduction will reduce the amount of development in the environmental zone or avoid development altogether. Typically, environmental zones occur at the rear of properties. In this case, the "p" overlay along the SW Terwilliger Boulevard OS zone is intended to preserve the lush landscaped edge of the boulevard, which is also the site's front setback. This environmental overlay works in concert with Guideline B of the Terwilliger Design Guidelines, which states "maintain and enhance unobstructed views from Terwilliger Boulevard." The request to reduce the side setback of this site is similar as the new addition is being placed on top of the existing first floor

so no new exterior site disturbance will occur in the environmental zone, similar to the intent of the above-mentioned standard.

The Setback Modification request better meets the design guidelines because the new addition is located away from SW Terwilliger Boulevard, preserving the aesthetic appearance of Terwilliger. The purpose of the Setback standard is still met because the 3-foot projection into the setback is modest, and the adjacent OS zone to the south further separates the new addition an additional 125 feet from the SW Terwilliger Boulevard ROW. *This modification therefore merits approval.*

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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of second story addition to the existing residence at 4255 SW Bancroft Terrace.

Approval for the following Modification:

1. Reduce the side setback along the south property from the standard 10 feet to 7 feet in the R10 zone (33.110.220).

Per the approved site plans, Exhibits C-1 through C-7, signed and dated May 23, 2011, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-101726 DZM. No field changes allowed."

Staff Planner: Tim Heron

Decision rendered by: _____ on May 23, 2011

By authority of the Director of the Bureau of Development Services

Decision filed May 24, 2011

Decision mailed May 27, 2011

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 7, 2011, and was determined to be complete on **January 21, 2011**.

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 7, 2011.

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 Design Commission which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 10, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. 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.

Appeal fee waivers. Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190th, Portland, OR 97233.

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 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 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 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 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 June 13, 2011 (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, or
- In situations involving only the creation of lots, the land division has been recorded.

Recording the land division. The final land division plat must be submitted to the City within three years of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the City Planning Director, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.

Recording other land use decisions. If the preliminary land division approval also contains approval of other land use decisions (examples include adjustments, conditional uses, and environmental reviews), these other approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

The applicant, builder, or their representative may record the final decisions on these other land use decisions 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.

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, or
- In situations involving only the creation of lots, the land division has been recorded.

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:

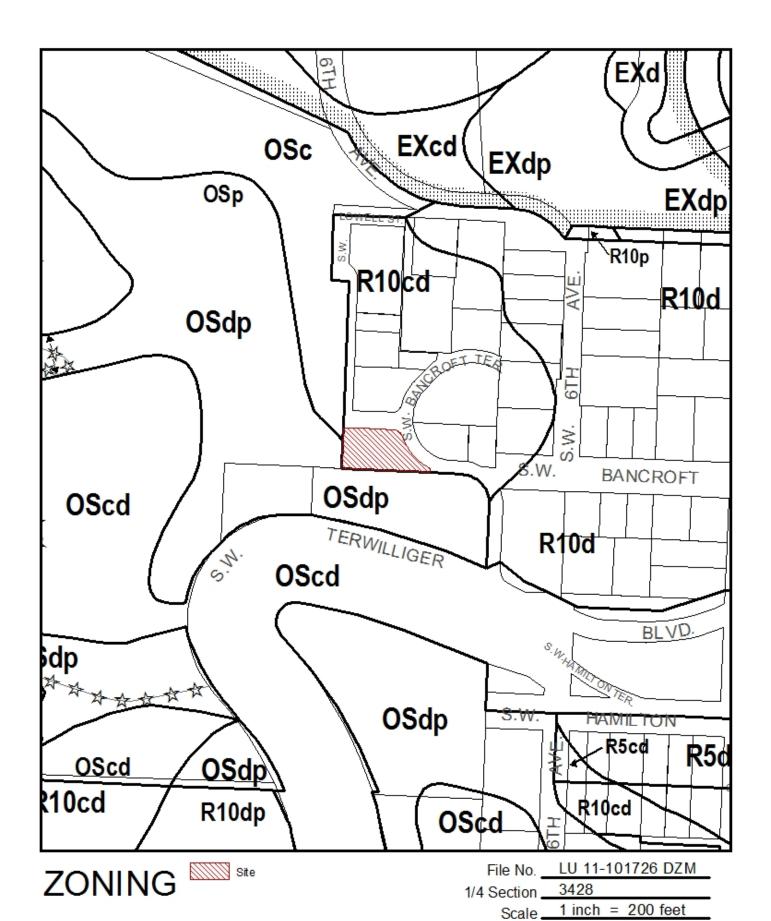
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. 120-day waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front and Rear Elevation (attached)
 - 3. Bedroom and Garage Side Elevation (attached)
 - 4. Exterior Siding Detail
 - 5. Window Detail
 - 6. Door Detail
 - 7. Roof Detail & Color Sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Water Bureau
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).



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(Jan 12,2011)

State_Id

Exhibit

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