



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: February 6, 2014
To: Interested Person
From: Amanda Rhoads, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The 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 13-237793 AD

GENERAL INFORMATION

Applicant: Adam Christie, Christie Architecture
9532 SW 18th Place, Portland, OR 97219

Owners: Kara & Hamish Murray, 4627 SW Condor Ave #B, Portland, OR 97239

Site Address: 4627 SW CONDOR AVE
Legal Description: SUB OF LOT 2 BLOCK 10 LOT E&F, PORTLAND HMSTD
Tax Account No.: R669103100
State ID No.: 1S1E15BB 04000
Quarter Section: 3529
Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Association, contact Kevin Countryman at 503-750-2984.

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Zoning: R2c, h – Residential 2,000 zone with the southwest corner of the site within the “c” Environmental Conservation Overlay Zone

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

Proposal:

The applicant proposes to replace a one-car attached, tuck-under garage with a two-car garage of similar design. The house sits up from the sidewalk so that the garage is at sidewalk level and stairs lead to the porch and main entrance 9.5 feet above. The current garage sits 17.5 feet in front of the house (11 feet in front of the porch) and measures 11 feet wide. The proposed garage will extend closer to the street and be larger. The front edge of the proposed garage will be 25 feet from the house (17.5 feet in front of the porch); it will be 25 feet wide with a rooftop deck that will serve as an expansion of the porch.

Zoning Code section 33.120.220.B.2.b. states that the required minimum front and street building setback and garage entrance setback may be reduced to zero where any portion of the site is in an Environmental Overlay Zone. This exception applies to the subject site, as part of it is within the “c” Environmental Conservation Overlay Zone.

However, two other standards are not met by the proposal. The applicant seeks Adjustment to the following two Zoning Code standards:

33.120.283.E.3 The length of the garage wall facing the street may be up to 50% of the length of the street-facing building façade. The house on the subject site is just shy of 30 feet wide. The proposed tuck-under garage will equal 83.3% of the length of the street-facing building façade.

33.120.283.F.3 A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. An Adjustment is requested to allow the proposed tuck-under garage to be 25 feet closer to the street lot line than the longest street-facing wall of the dwelling unit.

Despite the fact that the site has a 0 foot street setback standard for garages since part of it has the “c” overlay zone, this regulation still applies and must be Adjusted in order for the proposal to be permitted.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The subject area is an 8,500-square-foot lot with a house constructed in 1910. The site is on a short street which dead-ends at a steep slope. The street is adjacent to Barbur Blvd. but does not have direct access to Barbur. Access is on a street just south of Barbur, SW Condor Way.

The house to the north of the subject site and the one across the street were also built in 1910, but the other structures along the street are generally from much later and of a much higher density than these three single-dwelling residences. South of the site are four attached rowhouses from 1991; across the street is a multi-dwelling development from 1966 and more rowhouses, oriented toward the north and built in 2007.

On the corner of Condor and Barbur is an office building with a parking lot onto Condor. A Seventh Day Adventist church is located on a 25,000-square-foot lot across Condor from the office building.

SW Condor Ave. is classified as a Local Service Walkway and Bikeway. Nearby SW Barbur Blvd. is a Regional Transitway/Major Transit Priority Street, a Major City Traffic Street, City Walkway and City Bikeway, a Main Truck Street, and a Regional Corridor with a Greenscape Overlay (in the Transportation System Plan).

Zoning: The site is located in the Residential 2,000 (R2) zone with the southwest corner of the site within the “c” Environmental Conservation Overlay Zone.

The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes,

townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The “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 there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 3, 2014**. The following Bureaus have responded with no issues or concerns regarding the Adjustments:

- Bureau of Environmental Services;
- Water Bureau;
- Fire Bureau;
- Site Development Section of BDS;
- Bureau of Transportation;
- Bureau of Parks-Forestry Division; and
- Life Safety (Building Code) Plans Examiner.

Bureau comments regarding the project have been forwarded to the applicant.

Neighborhood Review: A total of two written responses have been received in response to the proposal: one from a neighbor in support, and one from the South Portland Neighborhood Association Land Use Committee in support. The neighbor letter stated that the owners keep the site in excellent condition, and the owner’s trade in construction alleviated any concerns he might have had with the work to be done.

The Land Use Committee discussed the proposal at its January 21 meeting. They concluded that, given the context of the site, on this short street with many multi-dwelling developments adjacent, and given the sensitive design which works with the character of the house, the Committee has no objection to the granting of these two Adjustments.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (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 zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

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

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

Findings: The two regulations being Adjusted share the same purpose statement. Each will be addressed separately:

33.120.283 Garages

Purpose: 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;*

Findings: The house currently has a tuck-under single garage that sits 17.5 feet in front of the house, with the living area of the home above. The proposal to expand the garage and bring it six feet closer to the street does not change the relationship the living area has with the street because the proposed garage is 9.5 feet lower than the entry to the house and does not block views. The new deck on top of the expanded garage will create new outdoor living space, effectively bringing eyes closer to the street while extending the outdoor living space to the same plane as that of the garage wall.

- *Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;*

Findings: The house is raised up on a sloping lot and, viewed from the street, has significant massing. The expansion of the garage to 25 feet wide will not make the garage more prominent than the entire 30-foot wide, 1.5-story house. Also, the expansion of the garage itself creates additional living space in the form of the new deck, which will be equally prominent to the street. Further, the rowhouses immediately south of the subject site are sited closer to the street lot line than the house, and each of them have a garage that is below the rest of the living area; the proposed garage will generally line up with the fronts of those rowhouses, creating consistency in the setback along that part of the street.

- *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;*

Findings: The garage will not obscure the sightlines from the street to the main entrance, despite the garage wall moving six feet closer to the street and expanding into a two-car garage. Currently, the main entrance is under a porch that runs the width of the house and is made visible through paint and the alignment of the stairs with the entrance. While the stairs will move and be offset from the main entry, that front door will remain open to the new deck and will maintain its visibility after renovations. The new cement stairs will clearly indicate the path for pedestrians up to the living space level.

- *Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and*

Findings: The design of the garage complements the home with Craftsman details and visual interest. It also converts a former vehicle area, the short, substandard driveway in front of the one-car garage, into a closed area that will hide the vehicle area, rather than allowing parking in the driveway to overhang the sidewalk. The expansion of the garage will improve the pedestrian environment by removing cars from the view.

- *Enhance public safety by preventing garages from blocking views of the street from inside the residence.*

The proposed garage is located six feet closer to the property line than the current garage, and will be more than doubling in width. However, the height of the house above the garage, the existence of a second story and the picture windows on the first floor façade all encourage clear views from inside the house to the street.

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 proposed design is in character with the rest of the historic home and continues the feature of the tuck-under garage already present in the house. In this way, it presents a cohesive design on the site which will not detract from the appearance of the neighborhood. Further, older homes with garages at or near the front lot line are seen in many Portland neighborhoods. Here, where the site is sloping and part of it is located in an environmental overlay zone, the request to bring the garage closer would not seem out of place architecturally.

As stated, the subject site is one of three on the street with the original, early 20th-century homes on it. Newer multi-family and rowhouse development are present on the other lots on the short street, leading to a mish-mash of architectural typologies. The request to change this site's garage to make it wider does not impact the overall functioning or appearance of the immediate neighborhood. The design furthermore has the support of both immediate neighbors and the neighborhood association. ***This criterion is met.***

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The two adjustments requested share the same purpose statement and accomplish the same goal: widening and moving the existing tuck-under garage six feet closer to the street to expand in order to accommodate two vehicles. The project is still consistent with the overall purpose of the zone. ***This criterion is met.***

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. ***Therefore, this criterion is not applicable.***

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

Findings: There are no discernible impacts that would result from granting the requested adjustment. ***This criterion is met.***

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c"

(Environmental Conservation overlay zone). The area of the site that sits within the “c” overlay zone is not going to be disturbed by the proposal – all proposed construction will take place over 80 feet away from the conservation area. ***This criterion is met.***

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

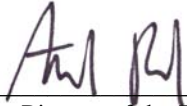
The Portland Zoning Code has many regulations to help ensure garages are not dominant in neighborhoods. It also contains exceptions for steeply sloping lots and environmentally-zoned property. While the exceptions do not release the subject site from meeting the two regulations discussed above, it is clear that certain site constraints do prevent other solutions from being enacted, such as development of a garage behind the house or next to it. Given the high-quality design of the proposed garage which complements the historic design of the existing house, the short street with a mixture of development patterns and these site constraints, the Adjustments to Zoning Code Standards 33.120.283.E.3 and 33.120.283.F.3 can meet the approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of Adjustments to 33.120.283.E.3 and 33.120.283.F.3 to allow the length of a tuck-under garage to be 83.3% of the length of the street-facing façade of the dwelling unit, and to allow the front façade of the garage to be twenty-five feet in front of the house, per the approved site plans, Exhibits C.1 through C.4, signed and dated February 4, 2014, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-237793 AD."

Staff Planner: Amanda Rhoads

Decision rendered by:  **on (February 4, 2014.)**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 6, 2014

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 December 13, 2013, and was determined to be complete on December 27, 2013.

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 December 13, 2013.

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: April 26, 2014.**

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 February 20, 2014** 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.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment

Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision 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 **February 21, 2014 – (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.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West Building Elevation (attached)
 - 3. Rendering (attached)
 - 4. Garage Section (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety (Building Code) Plans Examiner

F. Correspondence:

1. Michael Larlee, January 6, 2014, in support
2. James Gardner, South Portland Neighborhood Association Land Use Committee Chair, January 23, 2014, in support

G. Other:

1. Original LU Application

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



NORTH

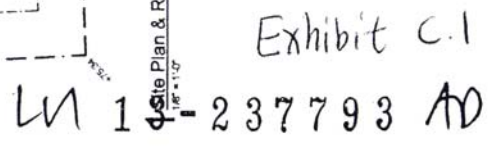
File No. LU 13-237793 AD

1/4 Section 3529

Scale 1 inch = 200 feet

State Id 1S1E15BB 4000

Exhibit B (Dec 17, 2013)



Approved
City of Portland
Bureau of Development Services

Planner Am M
to Feb 4 2014

This approval applies only to the
project described and is subject to a
final site inspection.



Exhibit C.2

LU 13-237793 AD

2 Street-facing Elevation

4'-0" = 1'-0"

Approved
City of Portland
Bureau of Development Services

Feb 4, 2014

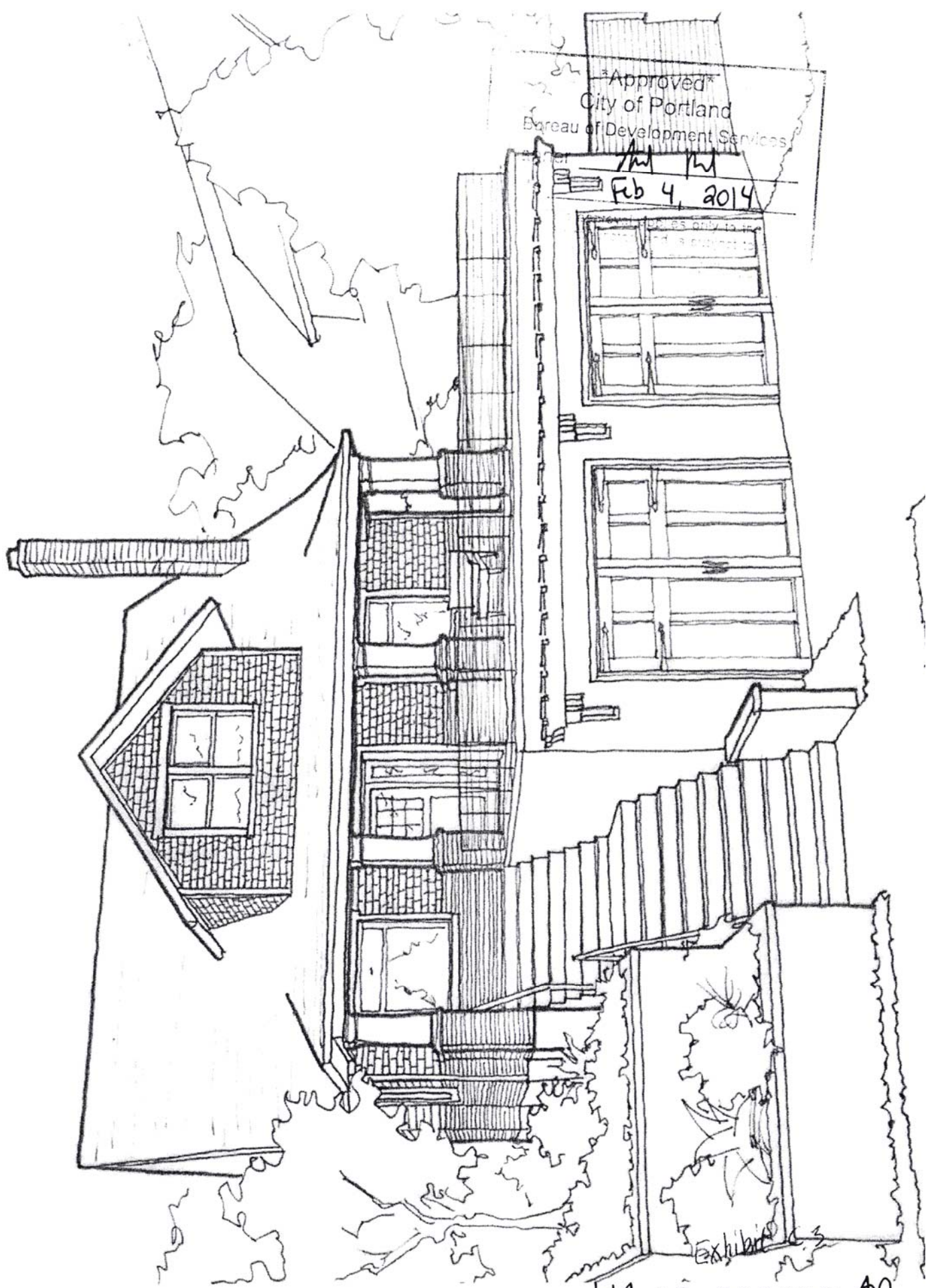


Exhibit
LN 13-237793 AD

STREET-FACING GLAZING CALC:

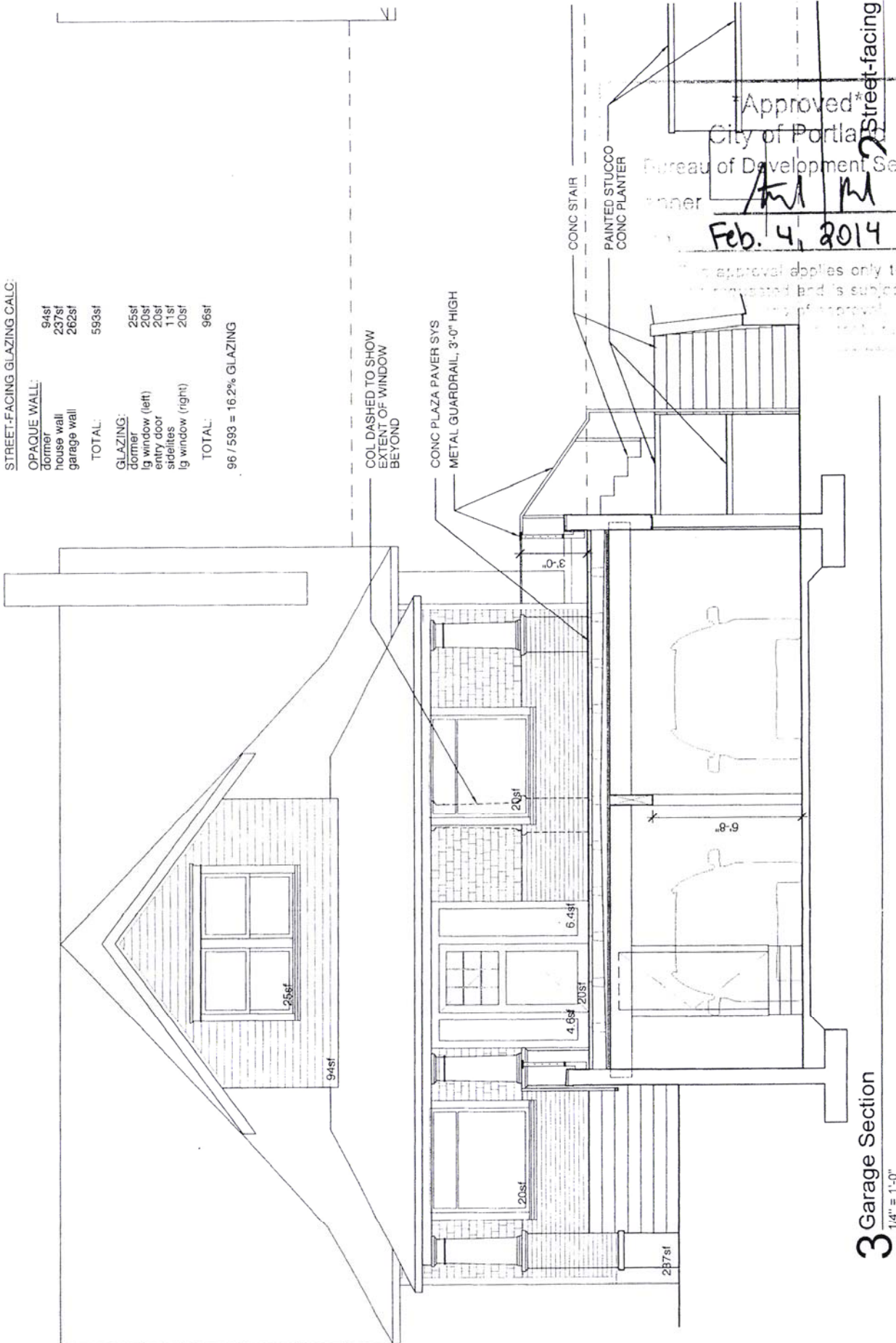
OPAQUE WALL:

94sf
 dormer
 house wall
 garage wall
 TOTAL: 593sf

GLAZING:

25sf
 lg window (left)
 20sf
 entry door
 11sf
 sidelites
 20sf
 lg window (right)
 TOTAL: 96sf

96 / 593 = 16.2% GLAZING



3 Garage Section
 1/4" = 1'-0"

CASE NO. LU 13-237793A
 EXHIBIT C.4