



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

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Date: June 19, 2015
To: Interested Person
From: Matt Wickstrom, Land Use Services
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NOTICE OF A TYPE II DECISION ON A REVISED 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, including the written response to the approval criteria and to public comments received on this application, 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 15-122386 AD

GENERAL INFORMATION

Applicant: Rahim Abbasi / Abbasi Design Works
510 SW 5th Ave Suite 200 / Portland, OR 97204

Site Address: 1970 SW MILL STREET TER

Legal Description: LOT 9, VISTA HTS
Tax Account No.: R868500250
State ID No.: 1S1E04BA 11500
Quarter Section: 3127
Neighborhood: Goose Hollow, contact Jerry Powell at 503-222-7173
Business District: Goose Hollow Business Association, contact Angela Crawford at 503-223-6376
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212
Zoning: R2 (Residential 2,000)
Case Type: AD Adjustment Review (3 concurrent Adjustments)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to demolish the existing house on this lot and construct a duplex. The lot has frontage on SW Mill Street Terrace to the east and a public pedestrian connection to the west. It slopes steeply uphill from SW Mill Street Terrace. The applicant has designed a home that has frontage on both the street and the pedestrian connection. The project requires exceptions to three development standards of the Portland Zoning Code. The first Adjustment is to increase the maximum allowed height from 40 feet to 47 feet 7 inches. The second Adjustment is to reduce the front building setback along SW Mill Street Terrace from 10 feet to 5 feet 6 inches (1-foot 7 inches to balconies and cantilevered living space on the second and third floors). The third Adjustment is to reduce the garage entrance setback from 18 feet to 7 feet 6 inches.

Note #1: The applicant has revised the project since the Notice of Proposal was mailed on March 18, 2015. Revisions include reducing the height of the proposed duplex, increasing the garage entrance setback and increasing the front setback. Revisions also include converting upper floor living area to deck space to reduce bulk and massing.

Note #2: The Notice of Proposal listed the proposed height of the duplex as 59 feet. However, the Portland Zoning Code states that for steeply sloping lots, height is measured from a distance 10 feet above the lowest grade. Therefore, the Notice of Proposal should have listed the originally proposed height as 49 feet. This height has now been reduced to 47 feet and 7 inches.

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 4,081 square foot site has street frontage on SW Mill Street Terrace to the east and a pedestrian connection to the west. The site slopes steeply upward from SW Mill Street Terrace toward the pedestrian connection. Overall the site has a 44% average slope. The site is developed with an approximately 4-story single-dwelling residence built atop open metal framing. The home appears 2 stories from the pedestrian connection. A paved approximately 30-foot deep parking area is located off SW Mill Street Terrace. The view of the home and site from SW Mill Street Terrace is uninviting and has little street presence. The home has a long history of housing violations and nuisance complaints and violations including components of the home having been built without permits.

The immediate vicinity is developed with single-dwelling homes of varying heights and time periods of development. A single-dwelling home located south of the site is accessed from SW Mill Street Terrace via a lengthy uphill stairway. It is also accessed from an upper pedestrian connection shared with the site. A detached 2-car garage with living area is also located on this lot. The garage entrance is almost zero feet from SW Mill Street Terrace. A vacant lot and two single-dwelling homes are located on three lots north of the site. Both have driveways and aren't readily visible from SW Mill Street Terrace. Two single-dwelling homes are located across SW Mill Street Terrace from the site. These homes appear single-level from the street but, like many of the homes in the vicinity, are built on a slope and are multi-level with living space located below street grade. The greater vicinity is developed with primarily single-dwelling homes although some condominiums are located further south on SW Mill Street Terrace. The greater vicinity generally has a steep slope. This area of Southwest Portland is unique in Portland for its many stairways and urban trails. Stairways and pathways meander throughout the area.

The vicinity and site have a great deal of visual prominence. They are located on a hill above the I-26 tunnel leaving Downtown Portland.

Zoning: The site is zoned R2 (Residential 2,000). The R2 zone allows multi-dwelling residential development up to a maximum density of one unit per 2,000 square feet of site area, and requires a minimum density of one unit per 2,500 square feet of site area. Portland Zoning Code Section 33.120.205.C.1 states that in the R2 zone, if the maximum density is two units, the minimum density is two units; therefore, this site requires two dwelling units when redeveloped. Portland Zoning Code Section 33.120.220.B.2.a allows the minimum front building setback and the setback of decks, balconies and porch to be reduced to the average of the respective setbacks on the abutting lots. If a lot is vacant the Base Zone minimum setback is used to compute the average. The lot to the north is zoned R7 which has a minimum front setback of 15 feet.

Land Use History: City records indicate that prior land use reviews on the subject site include the following:

VZ 105-74 1974 approval of variances to reduce the minimum lot area from 7,000 square feet to 2,880 square feet, to reduce the south side yard from the required 5 feet to 4.5 feet and to reduce the number of off-street parking spaces from 1 space to zero, in order to construct a single-family dwelling.

VZ 114-77 1977 approval of variances to reduce the garage setback from the required 22 feet to zero, to increase the height of a fence from the permitted 3.5 feet to 8 feet in the front yard, to permit parking in the required front yard, to increase the maximum height from 2.5 stories, or 34.5 feet, to 3 stories or 40 feet and to reduce the north side yard from the required 5 feet to zero, in order to construct a single-family dwelling.

VZ 212-80 1980 approval of variances to reduce the east front yard from the required 20 feet to zero, the south side yard from the required 6 feet to zero, to reduce the minimum distance between the street property line and the entrance to the garage from the required 22 feet to zero, in order to construct a 2-story garage.

06-109528 ZC 2006 approval of a Zoning Map Amendment, from R7 to R2. Approval of Adjustments to:

- Reduce the garage entrance setback from 18 feet to 1-foot 10 inches;
- Increase the maximum building coverage from 50% to 67.4%; and
- Reduce the front building setback from 10 feet to zero and the minimum north side building setbacks from 11 feet to as little as 3 feet 10 inches and the minimum south side setback from 8 feet to as little as 1-foot 9 inches.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 18, 2015**. The following Bureaus have responded:

The Bureau of Environmental Services responded with information about sanitary service and stormwater management (Exhibit E-1).

The Portland Bureau of Transportation (PBOT) responded with no concerns about the garage entrance setback adjustment, and cited other PBOT requirements (Exhibit E-2).

The Water Bureau responded with information about water service (Exhibit E-3).

The Fire Bureau responded that the applicant must meet all applicable Fire Code requirements which based on past evaluations have included the installation of sprinklers (Exhibit E-4).

The Site Development Section of the Bureau of Development Services (BDS) responded with site and erosion control information and related requirements (Exhibit E-5).

The Life Safety Section of BDS responded with building code information (Exhibit E-6).

Neighborhood Review: A total of three written responses were received within the public comment period in response to the Notice of Proposal mailed on March 18, 2015.

The first response came from a neighbor who lives two lots to the south of the proposed development. The response states that the neighborhood is generally developed with smaller one and two story homes. The neighbor states that the approval criteria are not met and reviews history of the current home that is proposed to be demolished. The response also discusses a land use review that approved the site to be zoned R2 from R7 in 2006. The neighbor refers to the purpose of the R2 zone and questions whether 2 dwelling units are required on the site. The response questions whether standards requiring 30% of the site area to be landscaped and the maximum 50% building coverage in the R2 zone are met. The neighbor refers to Adjustment approval criteria G-I that require a hardship approval. The

neighbor discusses the availability of street parking and the lack of on-site parking for the neighbor's property. The neighbor states that the original house burned down in 1991 because fire trucks could not access the property. The neighbor provides responses to approval criteria A-F and states the approval criteria are not met (Exhibit F-1).

Staff response: The 2006 Zoning Map Amendment Review was approved by City Council and is not the subject of this review. The density requirements of the Portland Zoning Code require two dwelling units on this 4,081 square foot site (See Zoning section above). The proposed landscape area and building coverage were reviewed as part of this proposal and meet requirements. The Fire Bureau responded that Fire Code requirements must be met at time of building permit review and that a previous appeal required residential fire sprinklers. Comments regarding approval criteria A-F are addressed in findings below. Because the applicant is addressing approval criteria A-F, approval criteria G-I do not need to be addressed.

The second letter came from neighbors to the northeast of the site across SW Mill Street Terrace. The letter states that the "design project has our unqualified support" (Exhibit F-2).

The third letter came from neighbors to the east of the site directly across SW Mill Street Terrace. The neighbors state they have discussed the plans in detail with the applicant and have no objection to the requested Adjustments (Exhibit F-3).

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 applicant proposes three Adjustments associated with plans to construct a duplex at this site. The first Adjustment is to increase the maximum allowed height from 40 feet to 47 feet 7 inches. The second Adjustment is to decrease the minimum front setback from 10 feet to 5 feet 6 inches (1 foot 7 inches to balconies and cantilevered living space on the second and third floors). The third Adjustment is to decrease the minimum garage entrance setback from 18 feet to 7 feet 6 inches. The Adjustment requests are discussed according to height and setback below.

Height Adjustment

The purpose of the height regulations is found in Portland Zoning Code Section 33.120.215.A and states:

The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

The applicant proposes to increase the maximum height of the duplex from 40 feet to 47 feet 7 inches. The height increase allows the duplex to utilize the two site frontages, SW Mill Street Terrace to the east and the pedestrian connection to the west. This allows the project to maintain a development style unique to this area of Southwest Portland where homes have frontages on pedestrian connections and trails that traverse the hillside neighborhood.

Whereas the current house (although some elements were unpermitted) was built so that two stories protrude above the pedestrian connection at the upper area of the site, the proposal is designed so that only one story of the duplex protrudes above the pedestrian connection. This height above the pedestrian connection is comparable or less than the house to the south that shares access from the pedestrian connection. It is also about 6 or 7 feet less in height than the current structure. This helps minimize visual prominence from both the pedestrian connection but also from I-26, especially when compared to the highly visible derelict structure on the site today.

The proposed duplex includes design features that minimize the additional height, including a great deal of articulation. Stepping certain portions of the structure back varies its appearance and allows the duplex to better reflect the contour of the hillside. This reduces the visual impacts of the height by breaking up the massing of the structure. The decks and patios and large protruding eaves allow for living area without as much bulk and mass as enclosed living space. The glass railings around the decks help reduce massing through the use of a visually translucent material. These features create voided space that increases views of surrounding properties, provides greater visual interest and less visual dominance of the duplex among other homes and condominiums on the hillside.

The duplex also includes a darker metal siding on the upper floors and an abundance of glass, both helping to reduce the massing and visual prominence of the structure. It includes a prominent pop-out feature at the second and third floor levels sided with a lighter wood material. The design allows the structure to stand out on the lower levels but loose visual prominence on the upper level. It is located in a very prominent location of Portland, where I-26 leads into the tunnel leaving Portland. Yet, the choice of materials allows it to be more subdued on the upper levels and will provide visual interest while also blending into the hillside and development fabric of this hillside neighborhood.

Articulation is also included along the sides of the proposed duplex as certain portions are set back further than other portions. This helps reduce massing and perceptions of height when compared to a structure with large continuous facades. Furthermore, the sides of the structure include ample window area, especially toward the street, which also reduces perceptions of massing by allowing additional visual permeation on the sides of the proposed duplex. Furthermore, the proposed window placement, sizes and orientations promote visual interest.

Setback Adjustments

The applicant proposes to reduce the front building setback from 10 feet to 5 feet 6 inches (1 foot 7 inches to balconies and cantilevered living space on the second and third floors). The applicant also proposes to reduce the garage entrance setback from 18 feet to 7 feet 4 inches. The purpose of the setback regulations is found in Portland Zoning Code Section 33.120.220.A and is listed below.

The building setback regulations 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 multi-dwelling development 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
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.
- 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.

The reduction to front building setback maintains light and air for adjacent properties because the location of the reduction is between the building and the street. The homes across SW Mill Street Terrace from the site orient away from the street and therefore light and air will be maintained for those homes. The same can be said for the garage entrance setback reduction – it will not reduce light and air because the ground floor of the proposed duplex has a greater setback and the second and third floors have a roughly equal setback. Access for firefighting is preserved. The side and rear setbacks (ranging from 6 feet to 8 feet on the south façade and from 5 feet to 9 feet on the north façade) are greater than required. The Fire Bureau responded that applicable Fire Code requirements must be met at the time of building permit review and that a previous development proposal required sprinklers.

The proposed duplex is comparable to the general building scale and placement of multi-dwelling development in the City's neighborhoods. Many lots in Portland are in neighborhoods with steep slopes and have an extremely steep upward slope from the street. This often requires a home to be built closer to the street than the Portland Zoning Code allows. The scale of homes built into a hillside, especially when a pedestrian connection encompasses the upper portion of the site, invariably increases. In this situation, however, the reduced setbacks will not have a significant impact on the appearance of the building scale and placement from the street. The reduced setbacks bring the home closer to SW Mill Street Terrace allowing it to front on and have a presence on the small cul-de-sac whereas the current home has a very uninviting street frontage.

The proposed setback of the pop-out and balconies on the second and third floors is less than the overall front setback Adjustment request. The second and third floors are requested to project to 1-foot 7 inches from the SW Mill Street Terrace property line. These projections are located above the street and pedestrian-level and are separated from most surrounding lots by the street, aside from the neighboring garage/living space structure to the south that has an almost zero foot setback. No other house on SW Mill Street Terrace has much street presence. These features will bring more street presence to SW Mill Street Terrace, which it is currently lacking.

The neighboring garage/living space is located around a slight corner in the street which reduces perceived and actual proximity. Other homes are located along driveways or orient away from SW Mill Street Terrace. The pop-out and balconies on the second and third floors won't impose visual or livability impacts; they promote interaction of the house with the street. The 5-foot 6-inch proximity of the lower level of the structure and the eaves and the decks on the upper levels also won't adversely impact the street. A vacant lot is located to the north of the site. A reasonable physical relationship between residences is provided.

Privacy for neighboring properties is preserved. The front and garage entrance side of the proposed duplex face the street and will not adversely impact privacy for neighbors across the street because those homes orient toward the east. The duplex is designed with a greater amount of windows on its sides closer to the street than at its rear where it is closer to neighboring properties. This conscious window placement promotes privacy for both the existing neighbors and new neighbors.

Homes in this vicinity in Portland do not always have a typical visually pleasing front yard. The hillside terrain, meandering streets, pedestrian connections and pathways can preclude the ability to provide a typical front yard. Due to the steep slope of the site and intent to maintain both frontages – the street and the pedestrian connection, the applicant proposes a front yard dominated by the house. This will include a two-car garage with wood siding, a main entrance to one unit and a stairway to the upper unit, which also has an entrance off of the pedestrian connection. The front yard in this situation addresses the street appropriately and provides a solid presence for the duplex. The choice of wood materials at the garage and entry way-level helps soften the overall appearance. The first three floors of the duplex, which would be the most apparent at street level, provide a visually interesting appearance from the street. The applicant does however propose to improve the “backyard” of the house which is the side that fronts on the pedestrian connection. The duplex is proposed to be set back between 15 and 25 feet from the pedestrian connection so that the upper floor is accessed via a pathway. The remaining area will be landscaped and include a planter area.

The proposed duplex provides adequate outdoor area for both residences. Outdoor area for the upper unit is located between the proposed duplex and the pedestrian connection as well as decks. Outdoor area for the lower unit is located on the proposed decks.

The Portland Zoning Code allows for the averaging of front setbacks when neighboring properties are built to the street. In this situation the garage with living space on the lot to the south has almost a zero-foot setback from the street whereas the Base Zone minimum front setback (15 feet) of the R7 zoned vacant lot is used to compute the average. Therefore, the front setback for the proposed duplex could be reduced to approximately 7 feet 6 inches by right. The proposed 5-foot 6-inch setback for the majority of the structure is only 2 feet less than the average of the two abutting lots.

The Portland Zoning Code includes regulations concerning the depth of a driveway leading to a garage entrance. The intent is to make sure a driver will not park a car in a driveway such that it overhangs the sidewalk. Typically, the garage entrance setback is required to be 18 feet from the street or, in some situations, closer than 5 feet. Both situations prohibit blocking the sidewalk or street. In this situation, there is no sidewalk, and the applicant proposes a 7-foot 4-inch garage entrance setback. Because there is no sidewalk, nor is one feasible, PBOT ascertained that the intent of the setback regulations are met. With no sidewalk on SW Mill Street Terrace, a 7-foot 4-inch garage entrance setback would not encourage a driver to park in the driveway because the vehicle would extend into the street. PBOT responded with no objections to the proposal. Due to the location of the house on a cul-de-sac which is not heavily trafficked and has no sidewalk, no driver visibility concerns have been identified.

In order to ensure the duplex is designed as proposed, elevation and site plan drawings have been stamped and siding materials are called out on the drawings. Any development on the site will be required to conform to the approved plans. 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 proposed duplex is located in a residential zone. It will not significantly detract from the livability or appearance of the residential area, in fact, it will add to it. Aside from the garage/living space structure next door, the duplex is the only structure on the street to provide living space that addresses SW Mill Street Terrace. This helps liven the cul-de-sac and provides more eyes on the street. This helps to improve safety, a key component of livability.

Livability for adjacent properties will not be compromised. The proposed duplex is an improvement over the derelict home currently at the site. Notwithstanding the current condition of the site, the design of the duplex addresses privacy for adjacent properties by strategically placing side facing windows so that views orient toward the street and beyond. Additional glazing is located in the portions of the structure closer to the street, not toward the back of the site. Living area is also located at the street level where no living area is currently found.

The proposed duplex is attractively designed. The design includes ample street-facing windows, substantial articulation on both the front and side facades, as well as varied siding materials that add visual interest and often transparency. The design will add a distinctive home to the hillside area and complement the overall appearance of this hillside neighborhood.

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; and

Findings: The overall purpose of the Multi-dwelling Residential zones is to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The three proposed Adjustments do not conflict with this purpose because the site will be used to provide housing. Based on this information, this criterion is met.

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

Findings: No City-designated scenic or historic resources are located on this site; therefore, this criterion does not apply.

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

Findings: The proposal adequately mitigates for impacts resulting from the increased building height and decreased front and garage entrance setbacks. The proposed duplex is designed with ample articulation on the front and side elevations. A great deal of glazing is also provided on the street-facing façade and area of the sides closest to the street. A variety of different siding materials are also being used. These features increase visual interest and reduce perceived building height, therefore, helping to mitigate for the additional height. The applicant also reduced the size and increased the setbacks of the proposed duplex, and converted some upper floor living space to balcony space in order to mitigate for the overall height of the structure. No impacts are associated with the reductions to front building setback and garage entrance setback. The front building setback reduction is greater than the garage with living space structure to the south which does not pose any negative impacts. PBOT reviewed the proposal and determined that the reduced garage entrance setback is sufficient and drivers would not park in the driveway and hang out over the street. Based on this information, 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: The site is not within an environmental zone. This criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

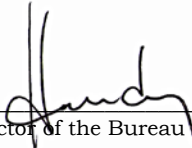
The applicant has requested three Adjustments. One Adjustment is to increase the maximum allowed building height from 40 feet to 47 feet 7 inches. The second Adjustment is to reduce the front building setback from 10 feet to 5 feet 6 inches (1-foot 7 inches to balconies and cantilevered living space on the second and third floors). The third Adjustment is to reduce the garage entrance setback from 18 feet to 7 feet 6 inches. The proposal meets the relevant approval criteria for several reasons. First, the proposed duplex is attractively designed with ample articulation on the front and side façade, ample glazing on the street-facing façade, and it uses a variety of siding materials. These design features add visual interest and reduce perceptions of height. Second, the site has frontage on SW Mill Street Terrace to the east and a pedestrian connection to the west. The proposal is designed so that the duplex fronts on both the street and the pedestrian connection, albeit at a lower height than the current structure. This continues a unique development pattern in this hillside neighborhood where homes have frontages on pedestrian connections and urban trails that traverse this part of SW Portland. Third, the front setback reduction is relatively small. A home could be built at a 7-foot 6-inch front setback by right and the primarily 5-foot 6-inch setback is relatively comparable. Furthermore, the proposed duplex increases living area on SW Mill Street Terrace where it is currently lacking. This helps activate the street and increases surveillance. Finally, the reduction to the garage entrance setback will not cause vehicles to park in the reduced driveway because they would hang out over the street. The project appropriately mitigates for impacts. This proposal meets the approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of three Adjustments for the proposed construction of a duplex:

1. Increase the maximum allowed height from 40 feet to 47 feet 7 inches (33.120.215.B);
 2. Decrease the minimum front building setback from 10 feet to 5 feet 6 inches (1-foot 7 inches to balconies and cantilevered living space on the second and third floors); and
 3. Decrease the minimum garage entrance setback from 18 feet to 7 feet 6 inches, per the approved site plans, Exhibits C-1 through C-4, signed and dated June 15, 2015, 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 15-122386 AD."

Staff Planner: Matt Wickstrom

Decision rendered by:  **on June 16, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 19, 2015

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 20, 2015, and was determined to be complete on **March 16, 2015**.

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 20, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 15 days. Unless further extended by the applicant, **the 120 days will expire on: July 29, 2015.**

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 July 6, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 **July 7, 2015 – (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:

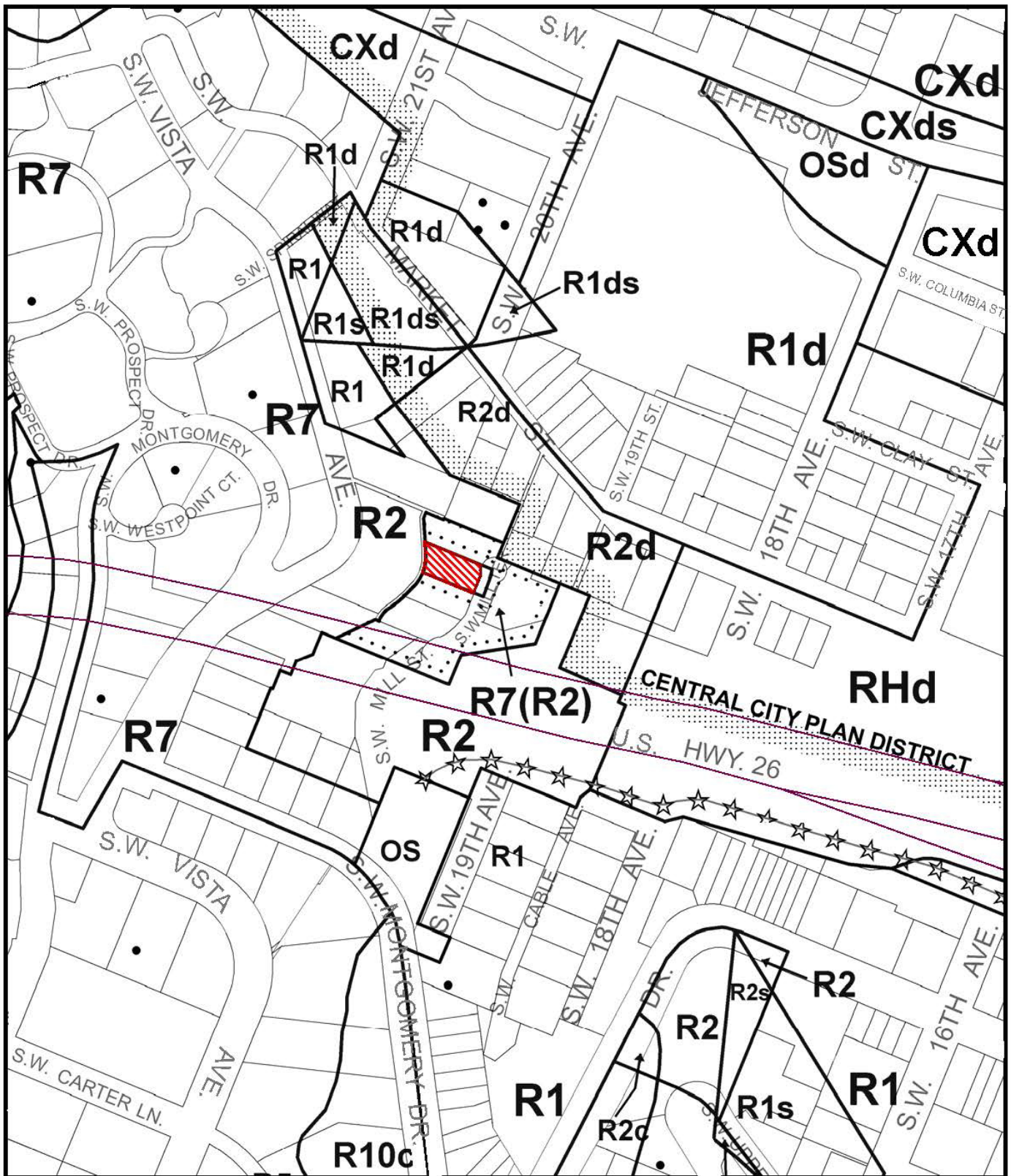
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
 - 1. Request to delay decision by 15 days received April 28, 2015
 - 2. Revised drawings submitted on May 21, 2015
 - 3. Full side site plan and elevation drawings received on June 1, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front and Rear Elevation Drawings
 - 3. Side Elevations Drawings
 - 4. Renderings
- 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 Section of BDS
 - 7. Summary sheet of agency responses
- F. Correspondence:
 - 1. Robert J. Haydock, April 6, 2015, opposition
 - 2. Paul Silver and Janet Klapstein, April 8, 2015, support
 - 3. Tony Pfannenstiel, April 8, 2015, support

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



Recreational Trail



NORTH

File No. LU 15-122386 AD

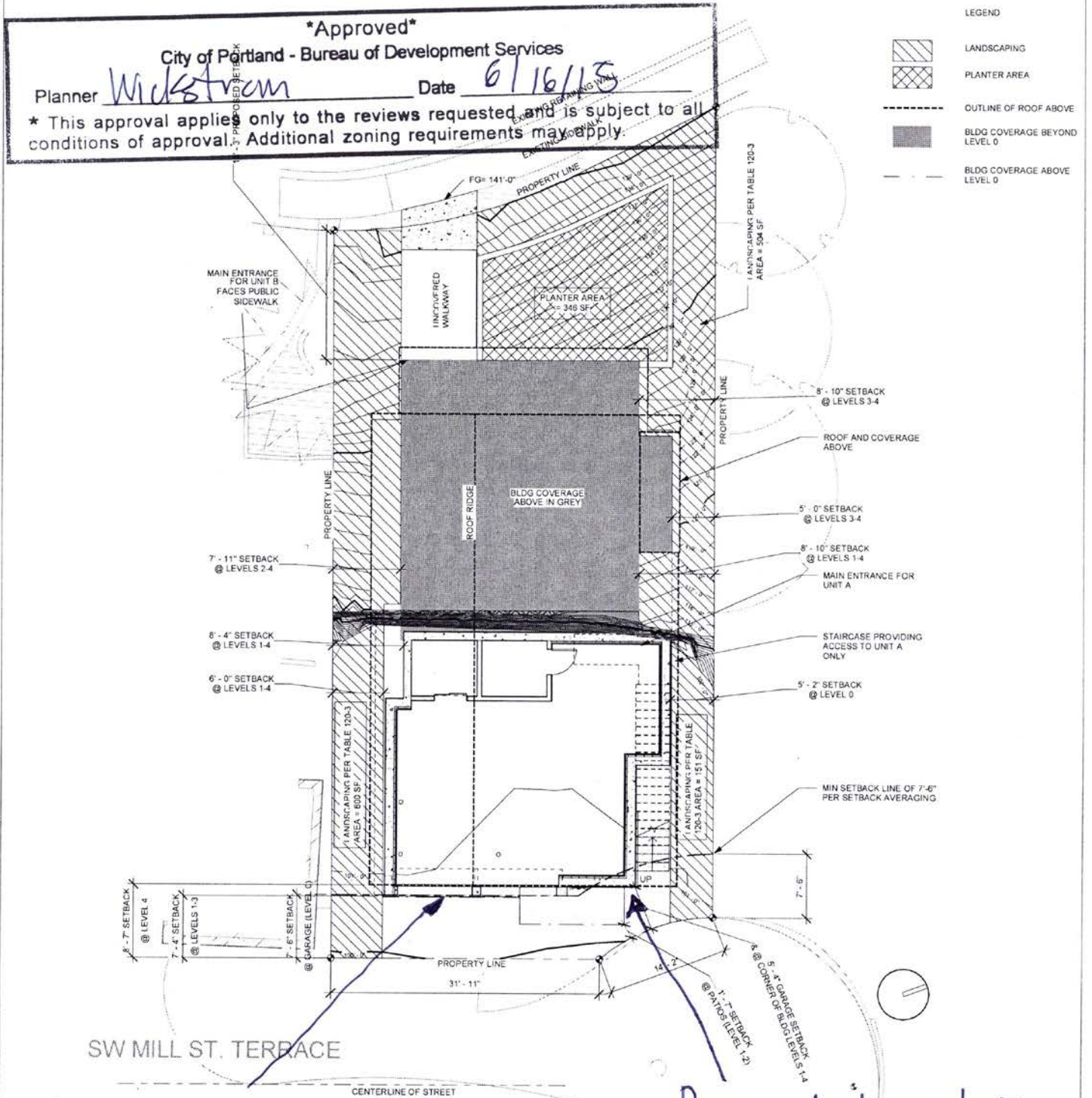
1/4 Section 3127

Scale 1 inch = 200 feet

State_Id 1S1E04BA 11500

Exhibit B (Feb 25, 2015)

Proposed duplex at 1970 SW Mill Street Terrace



Proposal to reduce garage entrance setback from 18 feet to 7 feet 6 inches

Proposal to reduce front setback from 10 feet to 5 feet 6 inches (1 foot 7 inches to 2nd + 3rd floor)

LUCAS HOUSE	8.5x11 Site Plan	Project number 14025 00	A1.13	abbasi design works LLC
		Date 6/12/2015 (REVISED)		
		Drawn by MAP		
		Checked by RAA	Scale 1/16" = 1'-0"	

6/15/2015 12:18:57 PM

LU 15-122386 AD

Exhibit C-1