



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

Dan Saltzman, Commissioner
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Date: May 27, 2016
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010 / Andrew.Gulizia@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-123524 AD

GENERAL INFORMATION

Applicant: Brendan Sanchez
Phase Change Design, LLC
14800 NW Cornell Rd. #26E
Portland, OR 97229

Property Owners: William Owen and Angela Owen
9235 SW 7th Ave.
Portland, OR 97219

Site Address: 9235 SW 7th Ave.

Legal Description: BLOCK 11 LOT 3, KILPATRICK COLLINS TRACT
Tax Account No.: R450502470
State ID No.: 1S1E28AA 12500
Quarter Section: 3928
Neighborhood: Collins View, contact Dave and Dixie Johnston at 503-636-0959
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592
Zoning: R7 – Single-Dwelling Residential 7,000
Case Type: AD – Adjustment Review
Procedure: Type II administrative decision with appeal to the Adjustment Committee

Proposal: The applicant proposes to construct a new garage with an accessory dwelling unit (ADU) above. The new structure will be attached to the main house with a covered breezeway. Zoning Code Section 33.110.253.E requires that street-facing garage walls are located no closer to the street lot line than the longest street-facing wall of the house. Since the proposed garage will be closer to the street lot line than the house (which is located at the back of the lot), the applicant is requesting approval of an Adjustment to this requirement.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Section 33.805.040.A-F of the Portland Zoning Code.

ANALYSIS

Site and Vicinity: The site is an 8,800-square-foot lot located on the west side of SW 7th Avenue, between SW Orchid Street and SW Alice Street. The site is developed with a one-story, single-dwelling house located at the back of the lot. Most neighboring properties are also developed with one-story, single-dwelling houses. A commercial area at the intersection of SW Terwilliger Boulevard and SW Taylors Ferry Road is approximately four blocks north of the site.

Zoning: The R7 zoning designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal" was mailed May 3, 2016. The following Bureaus responded with no concerns:

- Portland Bureau of Transportation (Exhibit E-2); and
- Fire Bureau (Exhibit E-4).

The following Bureaus responded with information on requirements that will apply at the time of building permit review, but with no concerns about the proposed Adjustment:

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

Neighborhood Review: The applicant submitted a letter in support of the proposal that was signed by four neighbors (Exhibit F-1). This letter raised no issues specific to the approval criteria. No written responses were received from either the Neighborhood Association or notified property owners in response to the mailed "Notice of Proposal."

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings: The applicant is requesting Adjustment approval to allow the new garage to be closer to the street lot line than the main house on this site. The purposes of the garage standards in single-dwelling residential zones are stated in Zoning Code Section 33.110.253.A:

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;*

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

The existing house is located at the northwest corner of the lot, with the front porch set back 54 feet from the street lot line. This distance limits the physical and visual connection between the living area of the house and the street (though an existing rock path from the street to the house will remain), and views between the street and the house are somewhat obscured by vegetation. However, the proposed Adjustment will not worsen these conditions because the new garage will be constructed on the south side of the lot rather than in front of the house (Exhibit C-1). In response to staff concerns about the originally submitted plans (Exhibit C-5), the applicant submitted revised plans (Exhibits C-1 through C-3) with a narrower garage door (reduced from 16 feet wide to 12 feet wide) and a 1½ - story appearance from the street, with much of the upper-story ADU contained within dormers set back 1 foot further than the garage wall below. In addition, the ADU entrance was moved from the street-facing wall to the side wall. Staff finds these revisions effectively reduced the visual prominence of the proposed garage in a manner consistent with the intent of the standard. For these reasons, staff finds 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: Because the site is located in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As discussed above, the applicant revised the plans to minimize the visual prominence of the new garage for consistency with the intent of the garage standards. Staff notes that complying with the garage standards without an Adjustment would require the garage to be set back at least 62 feet from the street lot line, in line with the front wall of the existing house. Constructing the garage and driveway that far back on the lot would likely require removal of at least four trees (Exhibit C-1), while the proposed garage location leaves most of the back of the lot undisturbed. For these reasons, staff finds the proposal will not have significant negative impacts to neighborhood livability or appearance. 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: As only one Adjustment is being requested, this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

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

Findings: Staff finds the design features that minimize the visual prominence of the garage, as discussed above under the findings for criterion A, effectively mitigate potential

impacts from locating the garage closer to the street than the house. Staff finds 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). As there are no environmental overlay zones mapped on site, this criterion is not applicable.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

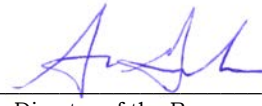
The Adjustment to allow a new garage to be closer to the street lot line than the house equally meets the intent of the regulation and will not adversely affect the livability and appearance of the surrounding residential neighborhood. The applicant has demonstrated that the applicable approval criteria have been met. Since the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.110.253.E to allow a new garage with an upper-story ADU to be closer to the street lot line than the longest street-facing wall of the dwelling unit, per the approved site plan and building elevations, Exhibits C-1 and C-2, signed and dated May 25, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 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 and C-2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-123524 AD."
- B. The garage door must be no wider than 12 feet, as illustrated in Exhibit C-2.
- C. Both street-facing dormer walls on the upper story must be set back at least 1 foot further from the street lot line than the first floor garage wall, as illustrated in Exhibit C-2.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on May 25, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 27, 2016

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 19, 2016, and was determined to be complete on April 28, 2016.

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 19, 2016.

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 extended by the applicant, **the 120 days will expire on: August 26, 2016.**

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 June 10, 2016**, 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 **June 13, 2016**.
- 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

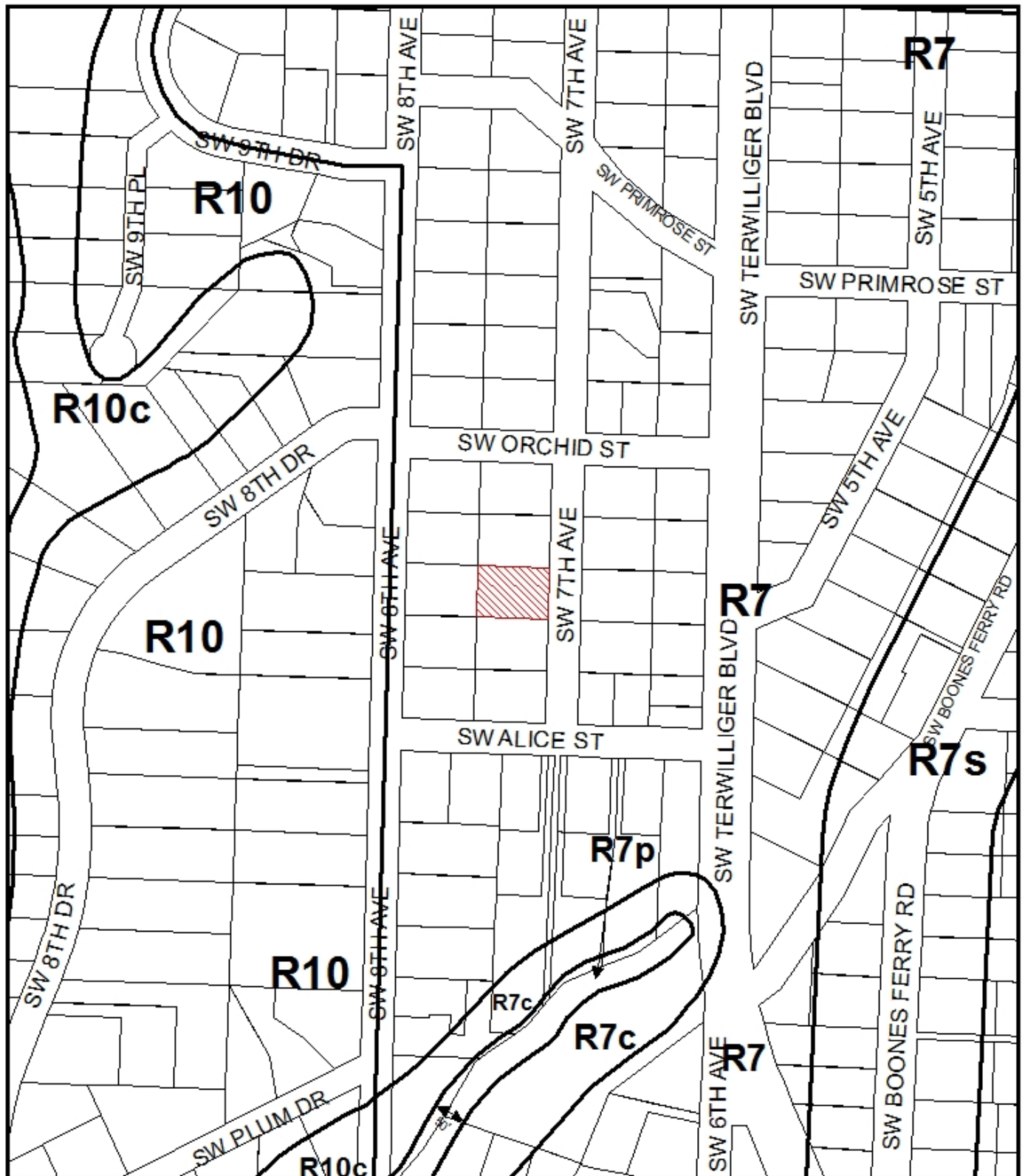
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:


1. Approval criteria responses, dated February 15, 2016

2. Revised approval criteria responses, dated April 25, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site plan (attached)
 2. Building elevations (attached)
 3. Floor plans
 4. Large, scalable plan set (3 pages)
 5. Originally submitted plan set, prior to revisions (3 pages)
- D. Notification Information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Portland Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
- F. Correspondence:
 1. Letter in support signed by four neighbors, dated February 8, 2016 (submitted by applicant)
- G. Other:
 1. Original LU application form and receipt
 2. Incompleteness determination letter, dated February 26, 2016

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).



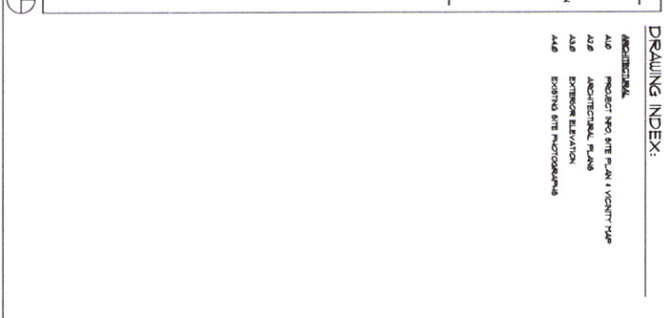
ZONING

 Site



NORTH

File No.	LU 16-123524 AD
1/4 Section	3928
Scale	1 inch = 200 feet
State Id	1S1E28AA 12500
Exhibit	B (Feb 24, 2016)



PORTLAND, OREGON
NEW DEATCHED GARAGE + ADJ



PROPERTY DISPOSITION:	PROPERTY IDENTIFICATION NO. 007035
PROPERTY ADDRESS:	4230 SE 7TH AVE. PORTLAND, OR 97216-4723
CURRENT ZONING:	R7 RESIDENTIAL
87TH AREA:	630 ACRES (34000 87')
EXISTING BUILDING AREA:	150 87'

OWNER
BILL & ANGELA QUEN
3235 SW 7TH AVE.
PORTLAND, OR 97218
P. 503.274.2005
F.

CONTACT:
BILL QUEN
BILL@ELEDDESIGN.COM

ARCHITECT
BRUNO D. SANCI-IZ, ARCHITECT
3500 RIVERVIEW BLVD.
VANCOUVER, WA 98661
PH 206/766-3013

CONTACT:
BRIAN D. SANCI-IZ
PH 206/766-3013
PH 206/766-3013

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City of Portland - Bureau of Development Services

*Approved:

Planned

APR 28 2016

RECEIVED
APR 28 2016

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

DRAWING INDEX

ARCHITECTURAL

ALD PROJECT INFO, SITE PLAN & VICINITY MAP

ASB ARCHITECTURAL PLANS
ASB INTERIOR DEcoration

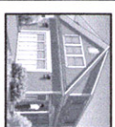
EXISTING SITE PHOTOGRAPH

OWEN ADU + GARAGE
9235 SW TTH AVENUE
PORTLAND, OREGON 97219

PRELIMINARY
NOT FOR
CONSTRUCTION

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VARIANCE APPLICATION

[illegible] Δ/ϕ

SITE PLAN &
VICINITY MAP

LU 16-123529 AD
Exhibit C-1

A3.0

EXTERIOR ELEVATIONS