



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

FROM CONCEPT TO CONSTRUCTION

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Date: February 10, 2012
To: Interested Person
From: Kathy Harnden, 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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-202948 AD

GENERAL INFORMATION

Applicant: Kevin Partain
Urban Visions
223 NE 56th Ave
Portland OR 97213

Owners: Wyatt C. Okey
6604 SE Reedway St
Portland, OR 97206

Allison L Bell-Stalnaker
6604 SE Reedway St
Portland, OR 97206

Site Address: 5633 SE 66TH AVE

Legal Description: BLOCK 35 LOT 11&12, TREMONT PL
Tax Account No.: R842412270
State ID No.: 1S2E17CB 02500
Quarter Section: 3637
Neighborhood: Mt. Scott-Arleta, contact Neal Sutton at 503-208-2076.
Business District: Eighty-Second Avenue, contact Ken Turner at 503-484-6225.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.
Plan District: None
Other Designations: None
Zoning: R2.5a – Residential 2500, a high density, single dwelling residential zone with the “a,” Alternative Design Density, overlay zone

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

Proposal:

The applicant is concurrently re-creating an underlying lot on this site through lot confirmation and property line adjustment reviews. If approved, the new lot would be located on the west side of the site, where parking for the existing duplex is currently located. As a result, the lot that will contain the existing duplex will no longer have on-site parking spaces. The proposed lot confirmation and subsequent property line adjustment cannot be approved unless the lot with the existing duplex contains parking or is approved through an Adjustment review to have no on-site parking. Therefore, the applicant requests an Adjustment to the requirement for on-site parking on the existing lot.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds 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 site is a corner lot in a residential neighborhood. It is bordered by SE 66th Avenue to the east and SE Reedway Street to the south. An alley separates the site from houses to the west. The site contains 80 linear feet of frontage along SE 66th Avenue and 125 feet of frontage along SE Reedway. It is currently developed with a single level duplex with one dwelling facing SE 66th and the other facing SE Reedway. The area is a fully developed older neighborhood with a mix of homes originally constructed between the early 1900s and late 1950s. Arleta Grade School is located three blocks to the north and the Mt. Scott Park and Community Center is located five blocks to the east.

Zoning: The R2.5 zone is a high density single-dwelling zone. The R2.5 zone allows attached and detached single-dwelling structures and duplexes. The provisions of the “a” overlay are not relevant to this proposal.

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 **December 30, 2011**. The following Bureaus responded:

- The Bureau of Transportation Engineering responded that it accepts the applicant’s parking analysis which shows there is adequate on-street parking area for any additional street parking that may occur as a result of approval of this proposal. Transportation found that “the proposed adjustment will not result in any significant impact to the availability of on-street parking in the vicinity of the project site.” Transportation had no conditions of approval, but noted that the frontage of the new lot facing SE Reedway will either need to be reconfigured to meet current sidewalk standards or a successful appeal of this requirement must be completed at the time of building permit application. Exhibit E.1 in the case file contains additional details.
- The Water Bureau responded with general information, but no conditions of approval. Exhibit E.2 in the case file contains additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 30, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**33.805.040 Adjustment Approval Criteria**

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

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

Findings: The regulation that would be modified by this proposal is found in Section 33.266.110, Minimum Required Parking Spaces. The purpose of required on-site parking “is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time.”

The site is zoned R2.5, a high density residential zone. The range of uses is limited to single and duplex dwellings. The site is 10,000 square feet in area and contains one duplex that occupies approximately 1809 square feet. Maximum density for the site is 4 lots; minimum density is 2 lots. Because the site also contains underlying lot lines, it can be further developed if lot confirmation and property line adjustment reviews confirm that a second lot can be re-established on the site.

A re-established lot is proposed for future development. This lot would be situated at the west end of the site, with access from SE Reedway, where current parking for the existing duplex is located. The proposed lot with the existing duplex will not have enough accessible area on which to place additional parking that meets standards. The northeast corner of the site appears to have enough room for a driveway, but a power pole and “guy wire” anchor prevent that side of the lot from providing driveway access. The southeast corner of the site also appears to have enough area for additional parking, but driveways must be located at least 25 feet from corners. Thus, there will be no driveway access to the lot with the existing duplex, so parking must be accommodated on the streets.

The site is located within 385 feet of Bus Line 10 on SE Harold Street. To meet the required parking exception for peak hour service, stops must be scheduled every 20 minutes or less during peak hour service, and be within 500 feet of the subject site. This equates to 3 stops per hour. Peak hour service is defined as between 7 and 8:30 A.M. and between 4:00 and 6:00 P.M. Bus 10 stops at the corner of SE Harold and SE 64th every 18 to 20 minutes between 7:10 and 8:25 A.M., providing three stops per hour and meeting the definition of peak hour service during the morning hours. The evening schedule also provides three stops per hour at this stop between 4:00 and 6:00 P.M, but they are scheduled every 18 to 22 minutes apart. This schedule meets the intent of the requirement which is to have buses arriving at least 3 times per hour during peak hour service, but cannot be used to except on-site parking because some of the intervals are over 20 minutes.

As noted above, the site contains 80 linear feet of frontage along SE 66th Avenue and 125 feet of frontage along SE Reedway, for a total of 205 linear feet. The applicant states that the new lot facing SE Reedway will have two conforming on-site parking spaces and will have 36 feet of street frontage, leaving over 160 feet of street parking available to meet the needs of the existing duplex. The applicant’s parking study evaluated existing parking requirements in the vicinity of the site and confirmed that the adjacent streets have ample parking space available to serve the parking needs for this development (Exhibit A.2 in the case file contains more detailed information). The study shows that between 63% and 68% of the on-street parking spaces within 200 feet of the site are available on a typical weekday evening and weekend.

Conclusions: The existing duplex will lose its on-site parking when the lot confirmation and property line adjustment reviews are complete. The site cannot use the parking exception because the only bus route within the required distance does not technically meet the definition of providing “peak-hour” service. The applicant’s parking study, however, confirmed that there is more than adequate area available on the site’s frontages along SE Reedway and SE 66th Avenue to accommodate on-street parking for two additional vehicles without compromising parking for others. This satisfies the criteria to “equally meet the purpose of the parking requirement” to “accommodate the majority of traffic

generated by the range of uses which might be located at the site over time.” Therefore, 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 site is located in a well-developed residential neighborhood with 60-foot wide street rights of way. Many of the properties in the neighborhood have on-site parking and still utilize the street parking that is also available. The existing street parking does not constrict vehicular travel and the wide planter areas and sidewalks give the impression of open space around the houses. The streets have either 26 or 30 feet of paving width, allowing for on-street parking on both sides of both streets while still accommodating two-way vehicle passage. Further, the applicant provided documentation which shows between 63% and 68% of the on-street parking spaces within 200 feet of the site are available on a typical weekday evening and weekend.

The parking study shows that demand for on-street parking in the surrounding area does not meet or exceed the available capacity. The subject site, containing 80 feet of frontage on SE 66th and a proposed 89 feet of frontage on SE Reedway, has plenty of room for at least 8 on-street parking spaces, without crowding. As discussed above, only the existing duplex requires on-street parking as the proposed future development on the vacant tract will provide two conforming off-street parking spaces. Because of the large area available for street parking adjacent to this corner lot, the addition of two more cars will not cause crowding in street parking areas.

Therefore, two additional cars, parking on streets that have ample capacity for additional parking, will not create a nuisance for other households, or detract from either the livability or appearance of the neighborhood.

Conclusions: Because the site is located in a residential zone, the second half of this approval criterion does not apply.

As shown in the parking survey, there is more than sufficient street parking available to meet the parking requirements for proposed and existing development without creating crowded parking conditions on adjacent streets. The addition of parking two cars along the 164-foot long frontage of this site will appear very similar to the existing street parking pattern on SE Reedway and SE 66th and thus will not detract in any significant way from the livability or appearance of the residential area. Therefore, this criterion is met.

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

Findings: Only one adjustment is requested.

Conclusions: Because only one adjustment is requested, this criterion does not apply.

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

Findings: There are no scenic or historic resources on the site.

Conclusions: Because there are no scenic or historic resources on the site, this criterion does not apply.

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

Findings: No impacts have been identified as a result of potential approval of this proposal.

Conclusions: Because no impacts have been identified as resulting from the proposed adjustment, this criterion does not apply.

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

Findings: The site is not located within an environmental area or zone.

Conclusions: Because this site is not located within an environmental area, this criterion does not apply.

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

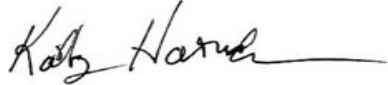
The applicant requested an Adjustment to the requirement for on-site parking on an existing lot that is being effected by a concurrent lot confirmation property line adjustment. Approval of the lot confirmation and subsequent property line adjustment will result in a new lot that will occupy the west portion of the site where existing parking is located for the existing duplex. Review of the proposal found that the lot containing the existing duplex will not be able to provide driveway access for the duplex. It also included an analysis of available street parking, which found that there is ample space available along the frontage of the corner lot where the existing duplex is located. Therefore, the proposal met the Adjustment Approval Criteria

ADMINISTRATIVE DECISION

Approval of an Adjustment to the Parking Requirements of Section 33.266.110, Minimum Required Parking Spaces, per the approved site plan, Exhibit C-1, signed and dated February 8, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the required site plan and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheet on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-202948 AD.

Staff Planner: Kathy Harnden

Decision rendered by:  **on February 8, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 10, 2012

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 20, 2011, and was determined to be complete on **December 29, 2011.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 20, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended for three weeks, or 21 days. Unless further extended by the applicant, **the 120 days will expire on: May 18, 2012.**

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 24, 2012** 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **February 27, 2012 – (the first business day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative
 - 2. Revised Narrative, received January 13, 2012
 - 3. Tri-Met Schedule for Bus Route 10 – Harold St.
 - 4. Parking Survey, received January 31, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. Site Plan after Property Line Adjustment (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. a. Bureau of Transportation Engineering and Development Review
 - b. Revised Bureau of Transportation Review
 - 2. Water Bureau
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Request to extend 120-day review period

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



NORTH

File No.	LU 11-202948 AD
1/4 Section	3637
Scale	1 inch = 200 feet
State Id	1S2E17CB 2500
Exhibit	B (Dec 27, 2011)

