



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

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Date: April 12, 2012
To: Interested Person
From: Sue Donaldson, Land Use Services
503-823-7618 / Sue.Donaldson@portlandoregon.gov

NOTICE OF A TYPE II_x 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 12-103010 PD M

GENERAL INFORMATION

Applicant/Owner: Ante V Skoro
PO Box 2885
Clackamas OR 97015-2885

Site Address: 1743 SE Marion Street and 1749 SE Marion Street

Legal Description: LOT 1, PARTITION PLAT 2009-6; LOT 2, PARTITION PLAT 2009-6
Tax Account No.: R649890210, R649890220
State ID No.: 1S1E26AB 01701, 1S1E26AB 01702
Quarter Section: 3932

Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-234-2233.
Business District: Sellwood-Westmoreland, contact Chuck Martin at 503-230-9401.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.

Zoning: Single Dwelling Residential 2,500 (R2.5)
Alternative Design Density (a) overlay
Design (d) overlay

Plan District: None

Case Type: Planned Development Modification (PD M)
Procedure: Type II_x, Administrative decision with appeal to the Hearings Officer.

Proposal: The applicant proposes to construct two attached houses, each 20 feet wide, on 25-foot lots in the R2.5 zone. An attached garage on the front façade is proposed for each unit. The garage doors will be 10 feet wide and they will be set back 3 feet from the plane of the front building wall. Porches will project out 5 feet from the building wall. An attached garage is not allowed as part of the façade if the width of the street facing unit is less than 22 feet wide (33.110.253.E.3.b). For new narrow lots, this standard must be modified through a **Planned Development Review**.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.665.300 *Approval Criteria in General*
- 33.665.310 *Approval Criteria for Planned Developments in All Zones*
- 33.663.320 *Additional Approval Criteria for Modifications of Site-Related Development Standards*
- 33.663.340 *Proposals without a Land Division*

This proposal is reviewed as a Type IIX procedure because the Planned Development is not in conjunction with a land division and (a) multi-dwelling development is not proposed; (b) less than 11 units are proposed; (c) the site is not in a Potential Landslide Hazard Area; (d) an Environmental review is not required; and (e) the site is not in the Open Space zone.

ANALYSIS

Site and Vicinity: The site is vacant and relatively flat. There are no trees over 6-inches in diameter on this site. It is located in a residential neighborhood with mostly older single-dwelling house with some multi-dwelling and attached house development. There is commercial development west of the site, along SE 17th Avenue and south of the site along SE Linn Street. SE Marion Street is classified as a Local Service Street for all modes in the Transportation Element of the Comprehensive Plan. It is fully improved with a paved roadway, curbs, planting strips, and sidewalks. Parking is currently allowed on both sides of SE Marion Street. Tri-Met provides transit service approximately 250 feet from the site on SE 17th Avenue via bus 70.

Zoning: The site is zoned R2.5, which is a high density single-dwelling zone that allows attached and detached single-dwelling structures and duplexes. The Alternative Design Density Overlay zone (a), allows increased density for development that meets additional design compatibility requirements. The applicant is not proposing to take advantage of the a overlay provisions. The site is also in the Design (d) overlay zone. This zone requires new development to meet the *Community Design Standards of Chapter 33.218*, or undergo Design Review. The applicant has submitted information indicating the proposed development will be designed to meet the *Community Design Standards*.

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

- **LU 06-156848 LDP:** This decision approved a partition for two narrow lots (25 feet wide) for attached housing. The Final Plat was recorded on January 26, 2009. The land use decision includes conditions that apply to the subject parcels at the time of development. Those conditions continue to apply.

Agency and Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 3, 2012**.

- **Agency Review:** Bureau responses are incorporated into the findings below.
- **Neighborhood Review:** No written responses have been received.

ZONING CODE APPROVAL CRITERIA

33.665.300 Planned Development Review

- *Planned Developments in all zones must meet the criteria in Section 33.665.310.*
- *Proposals to modify site-related development standards must meet the criteria in Section 33.665.320.*
- *Proposals that do not include a land division must meet the criteria in Section 33.665.340.*

33.660.310 Approval Criteria for Planned Developments in All Zones

Configure the site and design development to:

- A. *Visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:*
1. *Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;*

Findings: The proposed development will be oriented to the public realm and will limit parking areas by limiting the area of the façade occupied by the garage doors, placing a front entry porch 8 feet closer to the street than the garages, providing a shared driveway, and a maximum 14-foot wide driveway approach to the properties. There are no storage areas on the street site of the houses.

To help minimize the visual impact of the vehicle area, the width of the driveway on each lot must be reduced from the proposed 10 feet to 9 feet. With a condition requiring a maximum 9-foot wide driveway, this will reduce the amount of the site frontage occupied by vehicle areas. Together the two 9-foot wide driveways will have a maximum width of 18 feet. This will better align the driveway with the 14-foot wide driveway approach that the lots will be sharing.

To further ensure the entry porches provide a prominent visual and physical connection to the public realm, the front entry porches must extend a minimum of 8 feet in front of the garages, as shown on the project plan (shown as Covered Porch on Exhibit C.1). Additionally, the project must include walkways (a minimum of 3-foot wide) that lead directly to the main entrance of each house. If the walkway is adjacent to the driveway, the surface must be differentiated from the vehicle area by another paving material.

With conditions requiring each lot to have no more than a 9-foot wide driveway, a front entry porch that projects 8 feet closer to the front lot line than the garage, and at least a 3-foot wide walkway between the front lot line and each front entry porch, this criterion can be met.

2. *Preservation of natural features on the site, such as stands of trees, water features or topographical elements;*

Findings: There are no distinctive natural features to preserve on either lot. There are no trees and the site is almost flat. Therefore this criterion is met.

3. *Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;*

Findings: The applicant has used a variety of architectural features to complement the most positive characteristics of surrounding development. The buildings are set back 26 to 28 feet from the street property line, which is in keeping with the older development in the vicinity. The front façade of each house is broken up with trim along the roof line and windows, horizontal siding and a front porch with ornamental columns and pitched roof. This is in keeping with the character and design of many of the older buildings in the neighborhood. Therefore, this criterion is met.

4. *Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;*

Findings: The existing development in the surrounding residential area consists primarily of 5,000 square foot lots developed with detached houses that have parking to the side or rear of the house. However, some of the lots, including those across the street from the subject site, are 2,500 to 5,000 square feet and are developed with houses or duplexes that have garages along the street facing façade. The proposed development will include garages along the street facing face, which will differ from the predominant style of the established development, but it will be similar to some of the nearby development, and will be tempered with measures to minimize the visual and physical appearance of the vehicle area and garage elements on the front facade.

To mitigate for placing the garages along the front façade, each garage door will be set back 3 feet from the front wall of the house and a front entry porch will project 8 feet closer to the front lot line than the garage doors. This façade treatment will make the garage doors less prominent. In addition, the garage doors will be 10 feet wide, half the width of the houses, which is comparable to the proportions allowed on facades that are 22 feet or wider.

Additionally, the surface of the doors is broken up with a coffering effect. If the doors were painted a darker shade than the front façade walls, they would appear to be set back further than the proposed 3 feet, which would help to ensure the main entry and the balance of the front façade are more prominent. With a condition requiring that the color of the garage doors must be a darker shade than the front building wall, this criterion can be met.

5. Minimizing potential negative effects on surrounding residential uses; and

Findings: Potential negative effects from having garages along the street facing façade of the proposed 20-foot wide attached houses include: a reduction in on-street parking; a decrease in the visual connection between the residence and the street; and street facing facades that are dominated by garages. With the implementation of the conditions noted in the findings throughout this report, those potential detrimental effects will be tempered. As such, this criterion will be met.

6. Preservation of any City-designated scenic resources; and

Findings: There are no City-designated scenic resources on the site. Therefore this criterion does not apply.

B. Provision of adequate open area on sites zoned RF through R 2.5 where proposed development includes attached houses, duplexes, attached duplexes or multi-dwelling structures. Open area does not include vehicle areas

Findings: There is a 500 square foot area behind both houses that meet the outdoor area requirement of 200 square feet, measuring at least 10 feet by 10 feet. Therefore this criterion is met.

33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

A. Better meets approval criteria. *The resulting development will better meet the approval criteria of Section 33.665.310, above; and*

Findings: The applicant has requested one modification to allow a garage on the front façade of two attached houses that are each less than 22 feet wide. The R2.5 zone allows attached housing development. A garage would have been allowed if the houses were two feet wider, so the visual effect of the doors will not be obtrusive relative to what the base zone allows generally.

The findings above show that the proposal will better meet the approval criteria, with conditions requiring a front entry porch to project 8 feet closer to the front lot line than the garage; a pathway to the front entrance of each house; a maximum 9-foot wide driveway on each lot; garage doors painted a darker color to make them recede; and a shared driveway approach. Allowing a garage to be incorporated into the façade of two narrow houses will also help to minimize parking impacts on the street. Based on these factors, this criterion is met.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.*

Findings: The purpose of the Garage (33.110.253) standard is as follows:

- *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.*

As noted in the findings above, the garages will be several feet behind the front building wall, and entry porches will project from the façade. With the provision to paint the garage doors a darker shade than the balance of the front façade, this will also help to reduce the prominence of the garage. With the conditions requiring the front entry porch to be closer to the front lot line than the garage and a walkway to the front entry, this will ensure the main entrance is prominent. With the requirement to have a shared driveway, this will prevent vehicle areas from dominating the view. Overall, each of these measures will help to ensure there is a prominent physical and visual connection between the street and living area of the residence. With the implementation of these conditions, this criterion will be met.

33.665.340 Proposals Without a Land Division

The approval criteria of this section apply to Planned Developments that do not include a land division.

Findings: The two lots that make up the site were approved through a previous land division (partition), which included meeting the approval criteria in 33.665.340. The plan was approved and the final plat recorded. The findings and conclusions of the previous land division are included by reference in this land use decision. Based on those findings, the requirements of 33.665.340 have been 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.

Additionally, development on the properties is required to meet the conditions (Conditions C.1, C.2, and C.3) outlined in the land division decision for the two subject parcels. Condition C.2 requires the development to comply with the *Community Design Standards* of Zoning Code Chapter 33.218.

CONCLUSIONS

The proposal will provide physical and visual treatments to reduce the prominence of the proposed garages and other measures to enhance the connection between the front entry porches and the public realm. These treatments will temper potential negative effects on the surrounding residential area, and allow the development to remain consistent with purpose of the garage regulations. With the implementation of the noted conditions, this proposal will meet the applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of a Planned Development Modification to allow a 10-foot wide garage door on the façade of each 20-foot wide attached house, per the approved site plan, Exhibits C-1, signed and dated April 10, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (1 through 3) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be

labeled "ZONING COMPLIANCE PAGE - Case File LU 12-103010 PD M." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

1. The attached houses must have a shared driveway. A maximum 9-foot wide driveway will be allowed on each lot. Combined the two driveways will have a maximum width of 18 feet. The shared driveway will have one 14-foot wide driveway approach from SE Marion Street.
2. Each lot must have a front entry porch that projects 8 feet closer to the front lot line than the garage entrance.
3. A minimum 3-foot wide walkway must be provided between the front lot line and the front entrance of each house. If the walkway is adjacent to the driveway, the walkway surface must be a different material than the surface of the vehicle area.
4. The garage doors must be a darker shade (to make them appear to recede) than the balance of the front façade.

Staff Planner: Sue Donaldson

Decision rendered by: Michael Nayak **on April 10, 2012.**
 By authority of the Director of the Bureau of Development Services

Decision mailed April 12, 2012.

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 12, 2012, and was determined to be complete on **February 1, 2012.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 12, 2012.

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.

Note: 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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 26, 2012** at 1900 SW Fourth Avenue. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on 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 contact the receptionist at 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.ci.portland.or.us.

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 Hearings Officer 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 Hearings Officer 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 **April 27, 2012**
- 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 planned development approval. This 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. If the approved project includes more than one component, such as multiple buildings, or multiple phases that will be broken into separate building permit applications, at least one permit must be obtained within 3 years of the date of this decision, and all permits must be obtained within ten years of the date of this decision. After that ten-year period, a new land use review will be required before permits will be issued for any remaining project components that have not yet been permitted, 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 this project. At the time they apply for a permit, permittees must demonstrate compliance with:

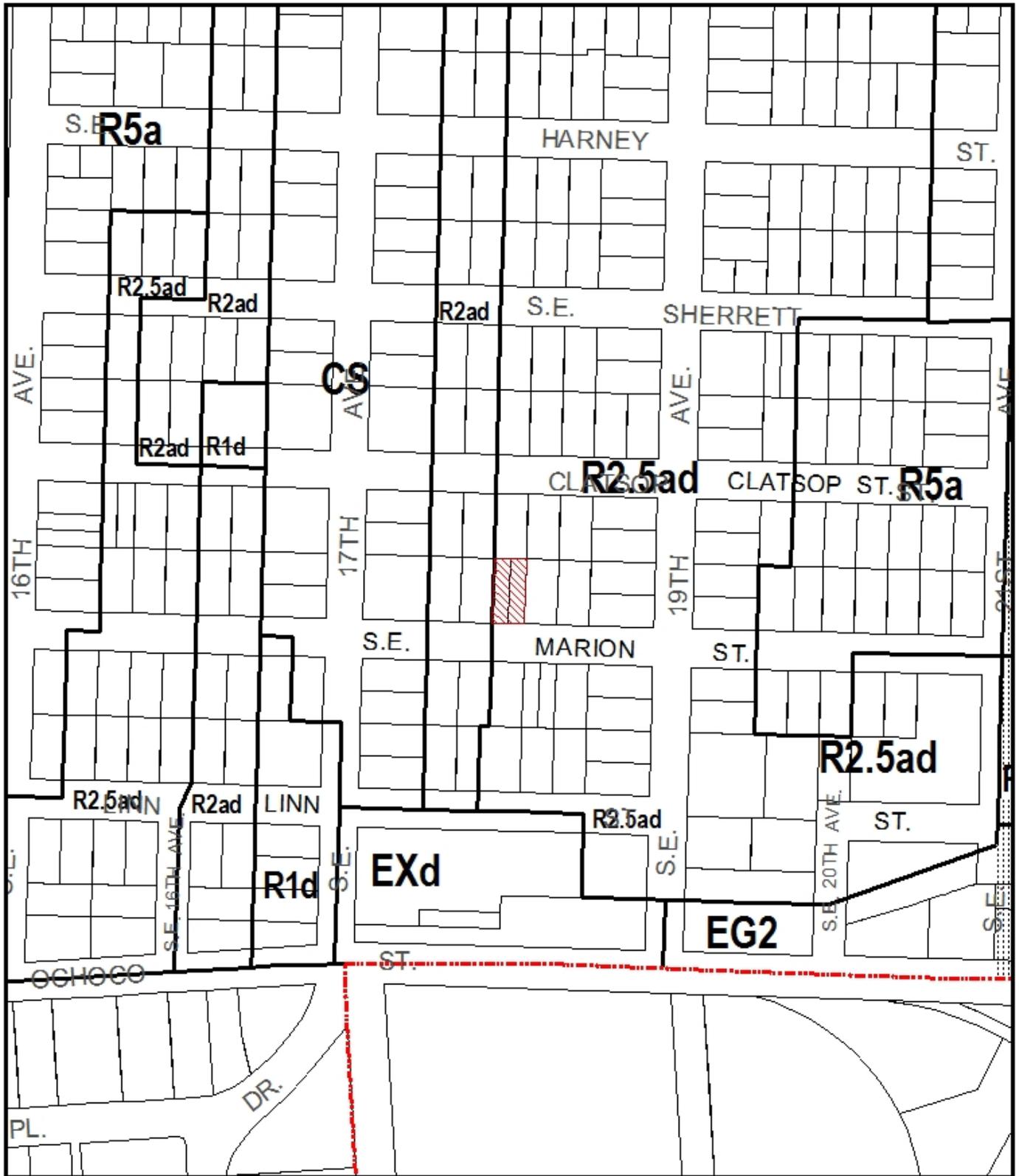
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Revised Site Plan-April 10, 2012 (reduce copy attached)
 - 2. Building Elevations (attached for reference)
 - 3. Initial Plan Set
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Portland Transportation
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Site Development, Bureau of Environmental Services, Urban Forestry
- F. Correspondence (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

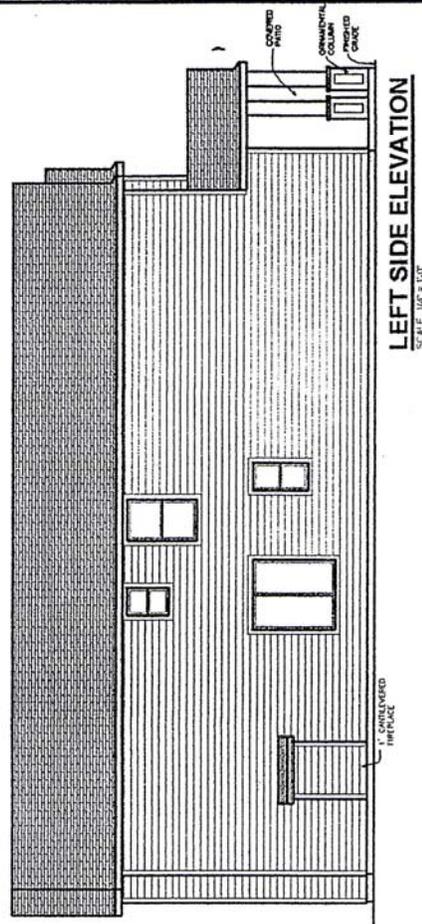
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



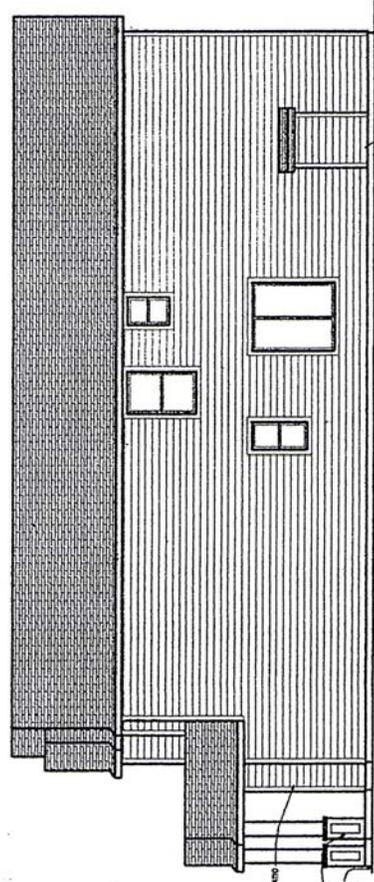
ZONING



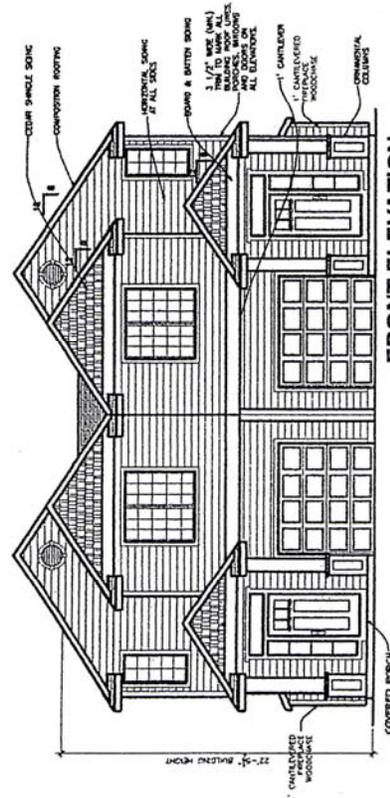
File No.	<u>LU 12-103010 PD</u>
1/4 Section	<u>3932</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E26AB 1702</u>
Exhibit	<u>B</u> (Jan 17,2012)



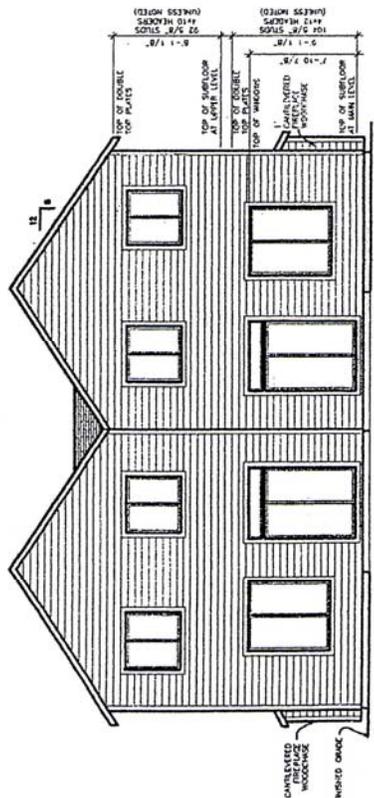
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

IN ACCORDANCE TO 8 3112
COMMUNAL CODES, THE ARCHITECT
WARRANTS THAT THE COMMUNITY LAMPWORK
REPRESENTS THE ARCHITECT'S BEST
ESTIMATE OF THE COMMUNAL
SAFETY OF THE COMMUNAL.

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SAFETY OF THE COMMUNAL.

CITY OF PORTLAND HAS THE RIGHT TO
REQUIRE THE ARCHITECT TO
OBTAIN A PERMIT FROM THE CITY OF
PORTLAND TO CONDUCT WORK IN
THE AREA OF STREET FLOOR PLANE (27A M1)

LLW 103010 PD
Exhibit C.2

for reference only