



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

FROM CONCEPT TO CONSTRUCTION

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Date: February 12, 2015
To: Interested Person
From: Matt Wickstrom, 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 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 15-100112 AD

GENERAL INFORMATION

Applicant: Jayne Imbach
14119 SE Woodward St / Portland, OR 97236

Owner: Deborah R Chin
14119 SE Woodward St / Portland, OR 97236-2639

Site Address: 14119 SE WOODWARD ST

Legal Description: LOT 5, WOODWARD ROW
Tax Account No.: R929300250
State ID No.: 1S2E11AA 02205
Quarter Section: 3344
Neighborhood: Powellhurst-Gilbert, contact Mark White at 503-761-0222
Business District: Midway, contact Bill Dayton at 503-252-2017
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550

Plan District: Johnson Creek Basin
Zoning: R1a (Residential 1,000 with an Alternative Design Density Overlay zone)

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

Proposal:

The applicant proposes to legalize alterations to an existing row house. The garage of the row house at 14119 SE Woodward was converted to living space in 2013 to accommodate a resident in a wheelchair. The project involved removing the garage door and replacing it with a main entrance door and a window. Siding was installed to match the existing. The project also caused the on-site parking space to be located in an 18-foot deep driveway that led to the former garage. The Portland Zoning Code contains requirements concerning where on-site parking may be located. In this situation, parking is not allowed within the first 10 feet of the

property measured from the N Woodward Street property line. The applicant requests one Adjustment to allow the on-site parking space to be located within the first 10 feet of the property.

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 1,038 square foot site is developed with a row house. It is one of 12 row houses in the subdivision which was approved in 1998. All but one of the row houses are developed with a lower level garage and a flight of exterior stairs leading to the main entrance and living area on the second floor. The garage of the row house which is the subject of this review was converted to living space and a ground floor entrance and window were added. The surrounding vicinity is developed with other row houses and single-dwelling detached homes.

Zoning: The site is zoned R1a (Residential 1,000 with an Alternative Design Density Overlay zone). The R1 zone allows multi-dwelling residential development up to a maximum density of one unit per 1,000 square feet of site area, and requires a minimum density of one unit per 1,450 square feet of site area. The “a” overlay is intended to allow increased density that meets design compatibility requirements. The “a” overlay does not impact this proposal.

Land Use History: City records indicate there is one prior land use reviews for this site:

- A 1998 approval of a 12-lot row house subdivision with a public street.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 16, 2015**. The following Bureaus have responded:

- The Bureau of Environmental Services, Portland Bureau of Transportation, Fire Bureau, Site Development Section of the Bureau of Development Services (BDS), and Forestry Division of the Parks Bureau responded with no concerns (Exhibit E-1).
- The Water Bureau responded with information about water service (Exhibit E-2).

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**33.805.010 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 requests one Adjustment to allow the on-site parking space to be in front of the former detached garage and within the first 10 feet of the property.

The purpose of the parking standards for houses and duplexes is found in Portland Zoning Code Section 33.266.120.A, which states: *the size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.*

The proposed parking area is 9 feet wide by 18 feet deep. This meets the size requirements for houses, row houses and duplexes as found in the Portland Zoning Code. The parking area does not meet the requirement to be located outside of the first 10 feet of the site as measured from the street property line. One intent of this regulation is the maintain open visually pleasing front yards that aren't interrupted by parking areas and vehicles. In this situation, the stairways leading to the second floor entrances to the row houses are also located in the first 10 feet from the street property line. The stairways help obscure vehicles parked in driveways as well as the parking area for the subject site. Planting strips are also located next to the driveways leading to the garages. Neighbors have planted shrubs and small trees in these areas. This also helps soften the appearance of the parking area and obscure views of vehicles parked in the driveway. Based on this information, the proposal is consistent with the purpose of the regulation.

- 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 proposal will not significantly detract from the livability or appearance of the residential area. The project, which converted the garage to living space, removed the garage door and replaced it with siding, and added a ground floor main entrance, was done with quality materials that match the existing row house. In addition, the stairways and landscaping in the planting strips adjacent to the driveways help to screen the parking area. They also add visual interest. 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: Only one adjustment has been requested, therefore this criterion does not apply.

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

Findings: The site does not contain any City designated scenic or historic resources, therefore this criterion does not apply.

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

Findings: There are no discernible impacts that would result from granting the requested adjustments. The garage was converted to living space in 2013 and no negative impacts have reported. 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

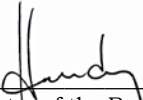
The applicant proposes one Adjustment to allow an on-site parking space to be located within the first 10 feet of a site developed with a row house. The parking area is adequately screened, the garage conversion was done with quality materials and the project has existed without impact since 2013. The proposal meets the applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to allow a 9-foot by 18-foot parking space to be located within the first 10 feet of a site developed with a row house, per the approved site plans, Exhibits C-1, signed and dated February 6, 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 Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-100112 AD."

Staff Planner: Matt Wickstrom

Decision rendered by:  **on February 6, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 12, 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 January 2, 2015, and was determined to be complete on January 12, 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 January 2, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 20, 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 February 26, 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 **February 27, 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:

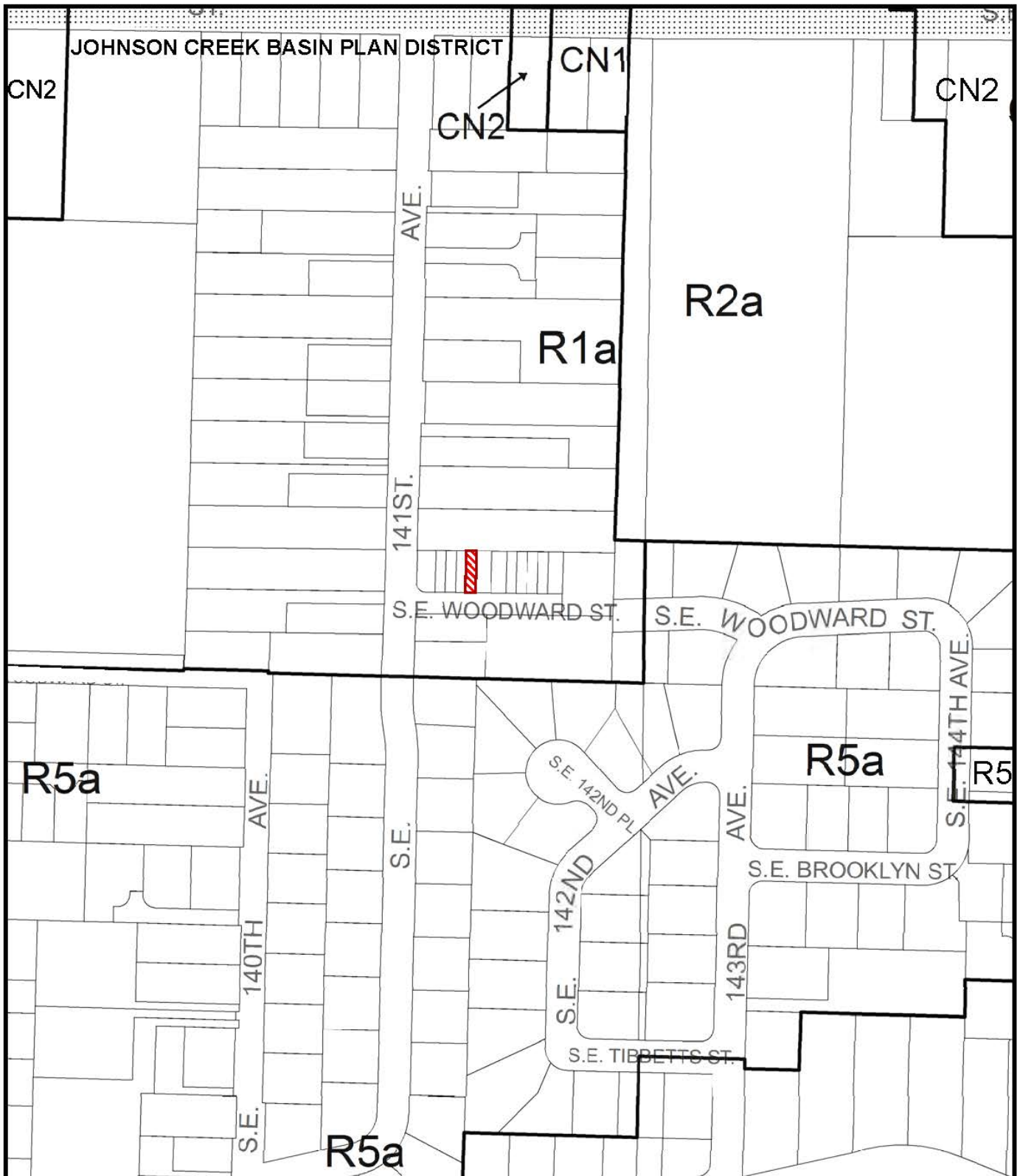
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Summary sheet of Bureau responses
 - 2. Water Bureau
- F. Correspondence: None

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



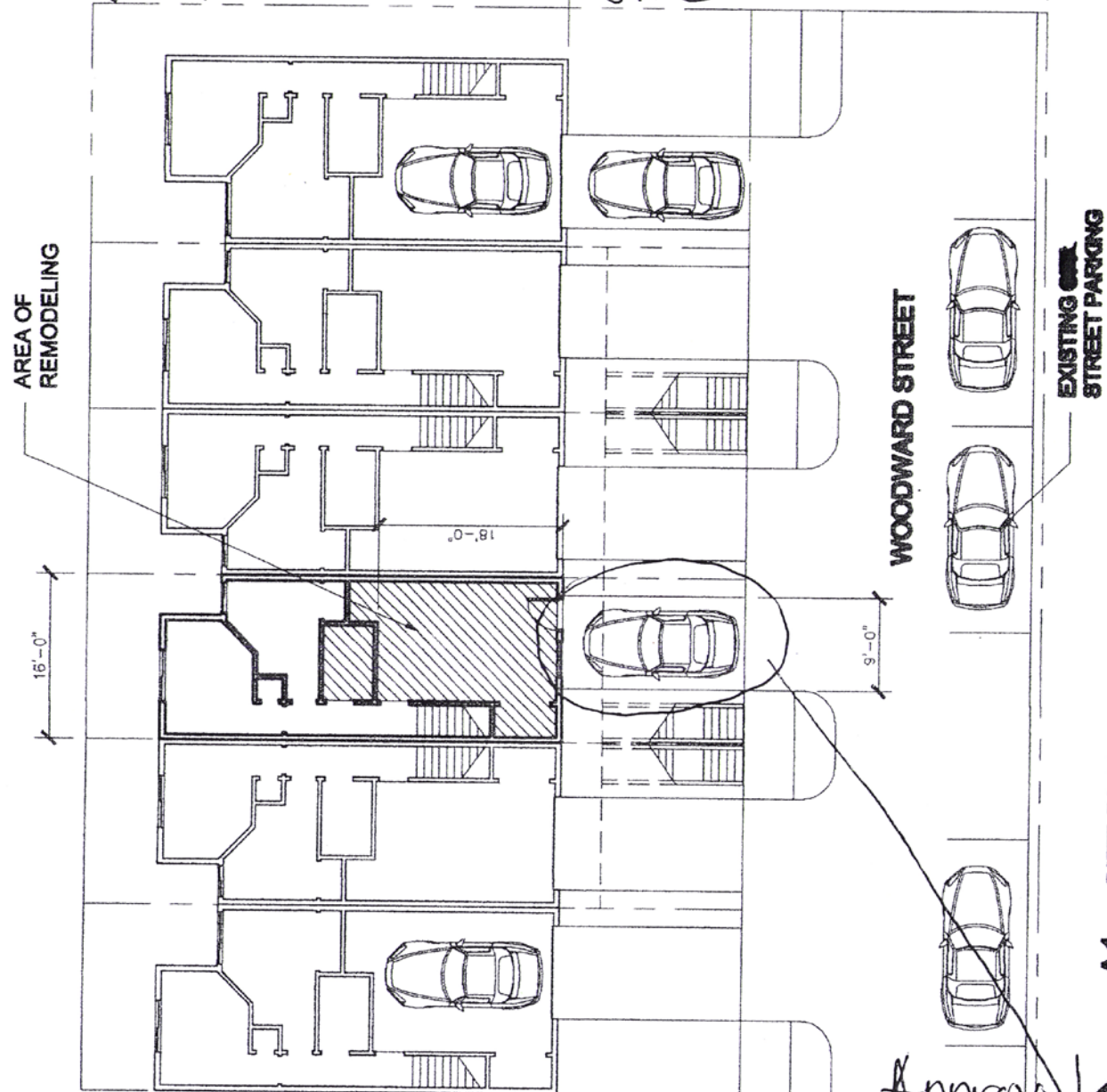
Site



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 15-100112 AD
 1/4 Section 3344
 Scale 1 inch = 200 feet
 State_Id 1S2E11AA 2205
 Exhibit B (Jan 05,2015)

Adjustment request to allow on-site parking to be located within first 10 feet of the site.



A1 SITE PLAN
SCALE 1"=10'

Approved
 City of Portland - Bureau of Development Services
 Planner Wickstrom Date 2-6-15
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

S.E. 14th AVENUE

Approval of Proposed location of 18-foot deep parking space