



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: April 6, 2021
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-865-6714 / 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 21-008722 AD

GENERAL INFORMATION

Applicant: Sarah Radelet
Strata Land Use Planning
P.O. Box 90833
Portland, OR 97290

Property Owner: Anna Minyard
1941 NW 25th Ave.
Portland, OR 97210

Site Address: 2407 N Rosa Parks Way

Legal Description: BLOCK 1 LOT 45&46, MULTNOMAH PK
Tax Account No.: R592500450
State ID No.: 1N1E16AC 15700
Quarter Section: 2328

Neighborhood: Arbor Lodge, contact Dan Craver at landuse@arborlodgeneighborhood.com

Business District: None
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at (503)823-8877.

Zoning: RM2 – Multi-Dwelling Residential 2
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee

Proposal: This property is comprised of two underlying, platted lots: Lot 45 and Lot 46. The lot line between Lot 45 and Lot 46 runs through the existing, single-story house in a north-south direction. Through a separate Lot Confirmation/Property Line Adjustment application (PR 20-192466 PLA LC), the applicant intends to create a developable lot on the north side of the

property by reorienting the existing lot line to an east-west direction and moving it 3 feet from the northern edge of the existing house, currently occupied as a single dwelling. Since Zoning Code Section 33.120.220.B.1 requires a 5-foot minimum building setback between the existing house and the relocated lot line, the applicant requests an Adjustment in this review to reduce the minimum building setback from the existing house to the relocated lot line from 5 feet to 3 feet. Although the existing house will be converted from a single dwelling to a duplex under a separate building permit (20-206931 RS), no expansion in the existing footprint or height of the building is proposed.

Relevant Approval Criteria: To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

ANALYSIS

Site and Vicinity: The subject site is located on the northwest corner of N Rosa Parks Way and N Boston Avenue. The site is 5,000 square feet in total area and, as mentioned above, is comprised of two underlying, platted lots: Lot 45 and Lot 46. The site is currently developed with a single-story house and a detached garage. In permit applications separate from this review, the applicant proposes to demolish the garage and convert the house into a duplex. Most neighboring properties are developed with single-story houses. Commercial development around the intersection of N Rosa Parks Way and N Denver Avenue is a few blocks east of the site.

Zoning: The RM2 (Multi-Dwelling Residential 2) zone is a medium-scale multi-dwelling zone that allows residential development up to a maximum FAR of 1.5 to 1 and requires a minimum density of 1 unit per 1,450 square feet of site area.

Land Use Review History: There are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal” was sent March 11, 2021. The following Bureaus responded with no concerns about the proposed Adjustment:

- Bureau of Environmental Services (Exhibit E-1);
- Portland Bureau of Transportation (Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Section of the Bureau of Development Services (BDS) (Exhibit E-5); and
- Life Safety Review Section of BDS (Exhibit E-6).

Neighborhood Review: No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

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 requests an Adjustment to reduce the minimum rear building setback requirement from the duplex building to the proposed, relocated north lot line from 5 feet to 3 feet. The purposes of the building setback requirements in the RM2 zone are stated in Zoning Code Section 33.120.220.A:

Purpose. The building setback regulations serve several purposes:

- *They maintain light, air, separation for fire protection, and access for fire fighting;*
- *They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for building residents and neighboring properties;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;*
- *Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

The duplex building on this site is only a single story and has little window area facing the proposed lot line (Exhibit A-4). Future development on the vacant lot to be established north of the duplex will be subject to a minimum 5-foot building setback requirement from the duplex property's north lot line. Therefore, even with this Adjustment for the relocated lot line to be 3 feet from the duplex rather than 5 feet, the majority (8 feet, or 80%) of the intended, 10-foot separation between buildings will be provided. (A new building on the vacant lot less than 5 feet from this lot line cannot be proposed without a new Adjustment Review.)

Since most of the intended separation between buildings will be provided, and since the duplex is relatively low in height and scale and has little north-facing window area, staff finds the proposal will preserve access to light, air, and privacy and retain a reasonable physical relationship between buildings. By remodeling rather than demolishing an existing, single-story building, the proposal also retains a typical building scale for the area and promotes neighborhood compatibility.

A minimum 3-foot building setback is generally considered adequate for fire safety, as evidenced by comments received from the Fire Bureau and the Life Safety Review Section of BDS who both reviewed this proposal and responded with no concerns (Exhibits E-4 and E-6, respectively).

The remaining open area around the duplex will exceed the minimum outdoor area requirement in Zoning Code Section 33.120.240.B-C, and while the site abuts a transit street to the south (N Rosa Parks Way), the reduced setback from the north lot line will not affect the environment along the transit street.

No off-street parking is required or proposed, and the existing driveway and garage on the vacant lot north of the duplex will be demolished.

For all these reasons, staff finds the proposed Adjustment equally meets the purpose of the minimum building setback requirement. Approval criterion A is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Since the site is in the RM2 residential zone, the proposal must not significantly detract from the livability or appearance of the residential area. As explained above, the proposed Adjustment allows a reduced, 3-foot building setback from the duplex to the relocated lot line, but any new development on the vacant lot to the north will be subject to the full 5-foot setback requirement. Most (80%) of the intended 10-foot separation between buildings will be provided, so the Adjustment will not create an unusually crowded

appearance or significantly impact privacy or livability. Furthermore, by remodeling rather than demolishing the existing building, the proposal promotes compatibility with the established neighborhood around the site. For these reasons, staff finds the proposal will not significantly detract from the livability or appearance of the residential area. Approval criterion B 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 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 resources or historic resources 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: Most of the intended separation between buildings will be provided when the vacant lot to the north is developed, and the existing building is only a single story with little north-facing window area (Exhibit A-4). Staff has not identified any negative impacts specifically resulting from the reduced building setback which require mitigation. Therefore, this criterion is not applicable.

- 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 the 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.

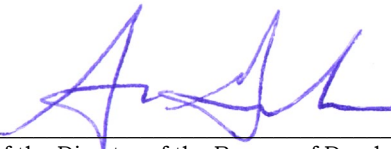
CONCLUSIONS

The proposed Adjustment is found to be consistent with the purpose of the building setback requirement and will not detract from the livability or appearance of the residential area. No negative impacts specifically resulting from this Adjustment are identified. Staff finds each of the applicable approval criteria for the Adjustment is met. Since the approval criteria are met, the Adjustment must be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the minimum rear building setback requirement in Zoning Code Section 33.120.220.B.1 from the existing building to the relocated north lot line proposed in the pending Lot Confirmation/Property Line Adjustment (PR 20-192466 PLA LC) from 5 feet to 3 feet per the approved site plan, Exhibit C-1, signed and dated April 2, 2021.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on April 2, 2021.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 6, 2021

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 27, 2021 and was determined to be complete on March 8, 2021.

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 27, 2021.

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 July 6, 2021.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. **Appeals must be received by 4:30 PM on April 20, 2021.**

The completed appeal application form must be e-mailed to landuseintake@portlandoregon.gov and to the planner listed on the first page of this decision. If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community & Civic Life recognized

organizations for the appeal of Type II decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 will be recorded with the Multnomah County Recorder.

Unless appealed, the final decision will be recorded after April 20, 2021 by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

Applying for 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.

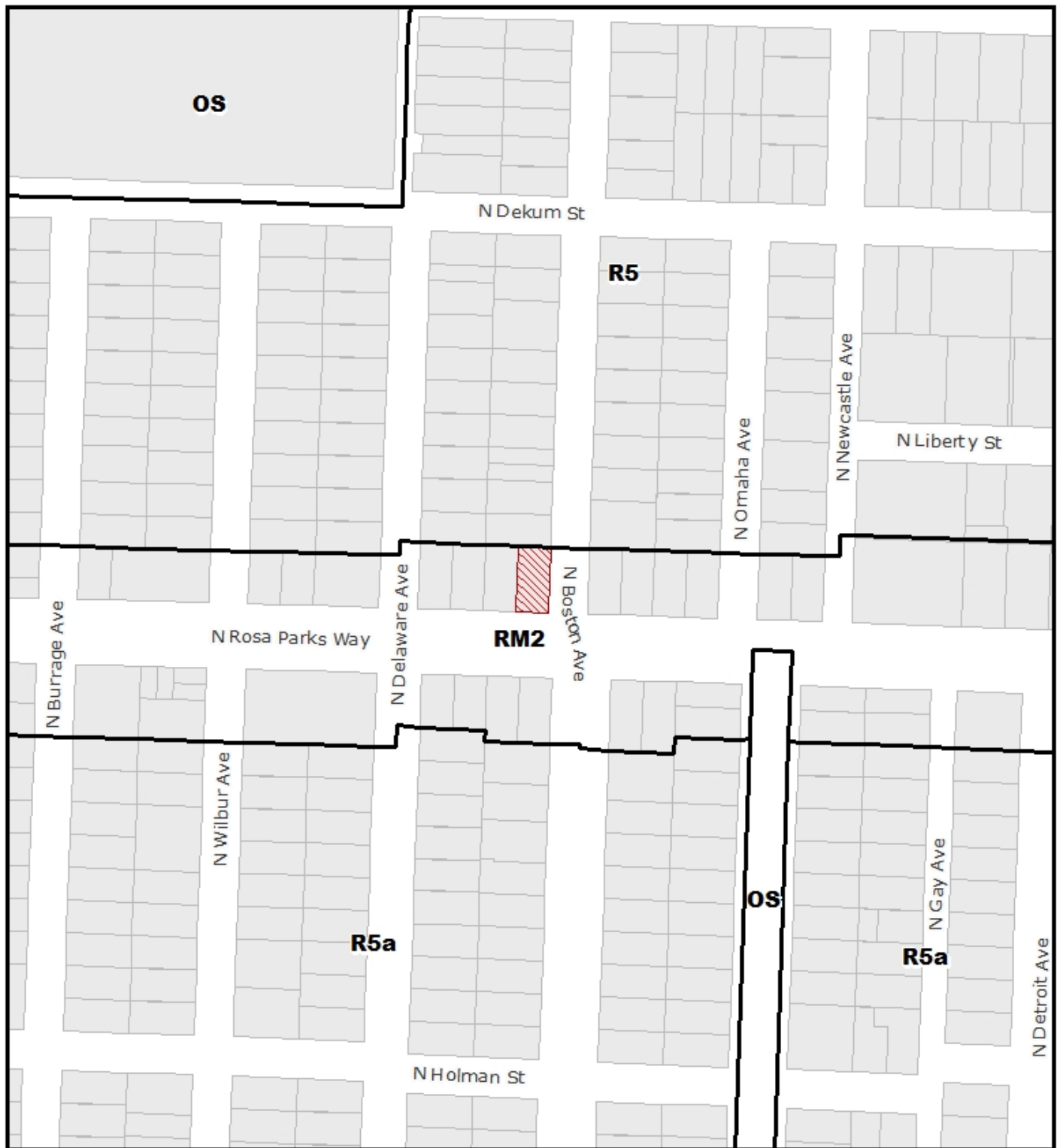
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original narrative
 - 2. Plans for originally proposed fourplex (no longer proposed as part of this review)
 - 3. Revised narrative
 - 4. Building elevations for existing house
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
- 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 – none received
- G. Other:
1. Land use application form
 2. Incompleteness determination letter, dated February 9, 2021

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.	LU 21 - 008722 AD
1/4 Section	2328
Scale	1 inch = 200 feet
State ID	1N1E16AC 15700
Exhibit	B Jan 28, 2021



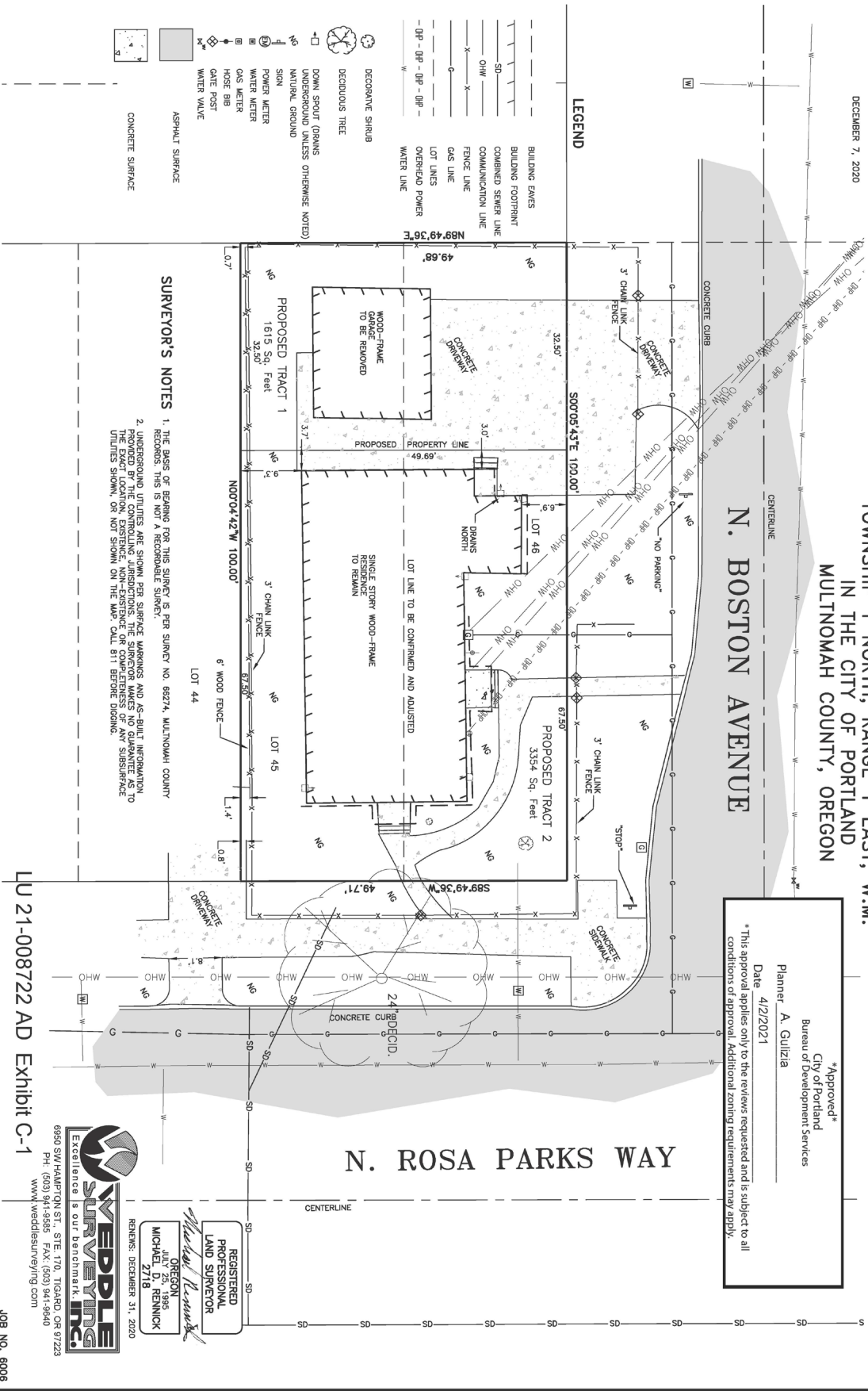
SCALE: 1" = 10'
DECEMBER 7, 2020

SUPPLEMENTAL SITE PLAN AND UTILITY SURVEY

2407 N. ROSA PARKS WAY
LOTS 45 AND 46, BLOCK 1, "MULTNOMAH PARK"
LOCATED IN THE N.E. 1/4 OF SECTION 16
TOWNSHIP 1 NORTH, RANGE 1 EAST, W.M.
IN THE CITY OF PORTLAND
MULTNOMAH COUNTY, OREGON

OWNER: ANNA CHRISTINA MANARD
REQUESTED BY: SYLVIE HONES, LLC
ATTN: DUSTIN MILLER

Approved
City of Portland
Bureau of Development Services
Planner: A. Guizila
Date: 4/12/2021
*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



- LEGEND**
- BUILDING EXTERIOR
 - BUILDING FOOTPRINT
 - COMBINED SEWER LINE
 - COMMUNICATION LINE
 - FENCE LINE
 - GAS LINE
 - LOT LINES
 - OVERHEAD POWER
 - WATER LINE
 - DECORATIVE SHRUB
 - DECIDUOUS TREE
 - DOWN SPOUT (DRAINS)
 - UNDERGROUND UNLESS OTHERWISE NOTED
 - SIGN
 - POWER METER
 - WATER METER
 - GAS METER
 - HOSE BIB
 - GATE POST
 - WATER VALVE
 - ASPHALT SURFACE
 - CONCRETE SURFACE

SURVEYOR'S NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS PER SURVEY NO. 66274, MULTNOMAH COUNTY RECORDS. THIS IS NOT A RECORDED SURVEY.
2. UNDERGROUND UTILITIES ARE SHOWN PER SURFACE MARKINGS AND AS-BUILT INFORMATION PROVIDED BY THE CONTROLLING JURISDICTIONS. THE SURVEYOR MAKES NO GUARANTEE AS TO THE EXACT LOCATION, EXISTENCE, NON-EXISTENCE OR COMPLETENESS OF ANY SUBSURFACE UTILITIES SHOWN, OR NOT SHOWN ON THE MAP. CALL 811 BEFORE DIGGING.

LU 21-008722 AD Exhibit C-1



REGISTERED PROFESSIONAL LAND SURVEYOR
JULIE RENNING
MICHAEL D. RENNING
2718
RENEWED: DECEMBER 31, 2020