



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

Ted Wheeler, Mayor
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Date: February 14, 2020
To: Interested Person
From: Rodney Jennings, Land Use Services
503-823-5088 / Rodney.Jennings@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 19-150013 AD

GENERAL INFORMATION

Owners/Applicant: Robert Romo and Rebecca Ruhl-Romo
6025 SW Florida St
Portland, OR 97219-1150
phone: (503) 432-9449; email: rrromo3@gmail.com

Site Address: 6025 SW FLORIDA ST

Legal Description: LOT 5, CEDARWOOD
Tax Account No.: R145350300
State ID No.: 1S1E19BB 00500
Quarter Section: 3723

Neighborhood: Maplewood, contact at contact@maplewoodna.org
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None
Other Designations: None

Zoning: R10 – Single-Dwelling Residential 10,000 zone

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

Proposal:

The applicant is proposing to expand the area of the existing driveway in front of the house at 6052 SW Florida St by 83 square feet. The expanded area would be surfaced with grasscrete. The applicant also intends to extend the driveway back into the yard on the east side of the house to provide a parking area for vehicles. This area would be surfaced with concrete. Portland Zoning Code Section 33.266.120.C.3 limits the amount of area on a single-dwelling lot

that may be used as vehicle area to a maximum of 40% of the area between the street lot line and the front building line. The front building line is a line running parallel to the street lot line that is the same distance from the street lot line as the closest portion of the house. The area used as vehicle area at this site is approximately 49% which already exceeds the maximum of 40%. An Adjustment to the 40% limitation is required to increase the vehicle area between the house and the street by 83 square feet, or approximately 55%.

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 site is a 9,710 square foot lot located on the turnaround bulb of a cul-de-sac section of SW Florida St that is developed with a single-family house with an attached two-car garage. The main body of the lot behind and to either side of the house is 75' wide. This lot width narrows between the front of the house and the cul-de-sac frontage on SW Florida Street to 28.81'. Between the SW Florida St cul-de-sac and the house is a 21' wide driveway leading to the two-car garage. The west edge of this driveway intersects with the west lot line of the lot where it intersects SW Florida St. The area in front of the house west of this driveway is landscaped with shrubs and grass. The area east of the driveway in front of the house is surfaced with gravel except near the frontage of SW Florida St, where shrubs and a small tree are planted.

The vicinity around the site is a residential area of single-family houses on lots that range in size from about 10,000 to 12,000 square feet in area. There are four other lots fronting the same SW Florida St cul-de-sac turnaround bulb as the site. All of these houses include attached two-car garages. Three of these lots also have narrow frontages on SW Florida St with a large area between this street and the respective garages devoted to driveways. The corner lot immediately east of the site is developed with a house that fronts on SW 60th Ave. This lot is also developed with an accessory dwelling unit in the rear yard near the east lot line of the site.

Zoning: R10 – Single-dwelling residential 10,000 square feet. The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. Newly created lots must have a maximum density of 1 lot per 10,000 square feet of site area.

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 **November 4, 2019**. The following Bureaus have responded with no issues or concerns:

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

Neighborhood Review: A total of nine written responses have been received from either the notified property owners or residents in response to the proposal. These written responses include four signed statements of support from nearby property owners that were submitted by the applicant (Exhibit A.2), one written response in opposition submitted prior to the mailing of the Notice of Proposal (Exhibit F.1), and four written responses submitted after the mailing of

the Notice of Proposal. One of these four written responses states no objection to the proposal (Exhibit F.2). Another states neither support nor opposition, but has questions about stormwater management related to the proposal (Exhibit F.3) In response to this letter, the response to this request from the Bureau of Environmental Services (Exhibit E.1) notes that the proposal must provide a detailed site utility plan with building permits to demonstrate that the requirements of Portland Stormwater Management Manual (SWMM) are met. Two written responses to the Notice also state opposition to the proposal (Exhibits F.4 and F.5). A summary of the issues raised in these written responses, followed by a staff response, is listed below:

- The applicant intends to continue parking a recreational vehicle in the east side yard of the site. This does not meet the purpose of Zoning Code 33.266.150 (Vehicles in Residential Zones) as outdoor storage is not intended to be a primary function in residential zones.

Staff Response: There are no restrictions in the Zoning Code on parking a recreational vehicle in the medium truck category in a side setback if the parking area is behind the front building line of the house. Zoning Code Section 33.266.150.D.2 allows motor homes in the medium truck category (including RVs) to be parked in allowed parking areas, except that they may not be parked between the front lot line and the building line. Also, Zoning Code Section 33.266.120.C (Parking area locations) does not restrict parking areas in a side setback.

- The recreational vehicle is a nuisance that impacts residents in the house and ADU on the lot east of the site. Impacts identified include noise, visual disturbance, and potential safety issues related to moving the RV on and off the site.

Staff Response: Noise generated from the applicant's site is a potential enforcement issue that should be addressed by filing a complaint with the City's Code Compliance Section. The telephone number for Code Compliance is (503) 823-2633 (823-CODE). As noted in the response to the previous issue, above, there is no Zoning Code restriction on parking in a side setback, including parking RVs in the medium truck category if they are located behind the front building line.

- There are slopes between the subject property and the adjacent property to the east that will complicate construction a paved parking area at this location and create the potential for damage on the neighboring property, including damage to trees.

Staff Response: The Zoning Code does not restrict the construction of parking areas in a side setback in the R10 zone. Construction of a parking area will require approval of a zoning or building permit to meet applicable building codes, stormwater drainage regulations, as well as the requirement of Title 11, the Tree Code, for tree preservation.

ZONING CODE APPROVAL CRITERIA

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: Portland Zoning Code Section 33.266.120..C.3.a limits to a maximum of 40% the area that can be paved or used for vehicle area between the front lot line and front building line of a house . The applicant requests an Adjustment to the 40% limitation to increase the vehicle area between the front of the house and the street by 83 square feet, which is approximately 55% of the area between the front lot line and the front building line. The purpose of this regulation is in Zoning Code Section 33.266.120.A:

33.266.120.A Purpose *The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.*

About 49% of the area between the front building line and the front lot line on the subject site is currently vehicle area. In the context of this residential neighborhood, a larger than 40% vehicle area in front of the house does not detract from the appearance of the neighborhood. The lot fronts on the turnaround bulb end of a cul-de-sac section of SW Florida St. This lot, like the majority of the other lots fronting on this cul-de-sac, has a narrow width where it fronts on the cul-de-sac that widens away from the cul-de-sac frontage. Because of this unusual lot shape, which is due to the cul-de-sac frontage, the most prominent feature in the front yard of this lot, as well as in the front yards of other lots fronting the cul-de-sac, is the driveway in front of the garage. The subject lot, in fact, widens from 28.81' at the SW Florida street frontage to 75' on the main portion of the lot where the house is located. So, although much of the area directly facing the street is paved driveway, there is still substantial landscaped area in front of the house to the west of the driveway. Again, this is similar to the majority of the lots fronting the cul-de-sac that have a prominent paved driveway in between the cul-de-sac frontages and the respective houses, with landscaped areas in front of the houses on either side of the driveways.

The applicant proposes to increase the vehicle area on the site to approximately 55% by adding an 83 square foot triangular grasscrete surfaced area that would allow vehicle access to the east side of the house behind the front building line for additional on-site parking. Although as discussed above, the context of this residential neighborhood fronting on the SW Florida St cul-de-sac street includes larger vehicle areas between houses and the street than are typical in other residential neighborhoods, the addition of more vehicle area on this site will impact the appearance of the neighborhood. The primary appearance related concern is the view of the vehicle area from the street. The area east of the driveway, including where the applicant proposes the increased vehicle area, is presently improved with gravel except near the SW Florida St cul-de-sac frontage where there is a rhododendron bush and a small linden tree that provide partial screening. The rhododendron and linden tree provide some, but not full, screening of the proposed expanded vehicle area from the street. Also, the applicant's site plans imply that the gravel area that is not proposed to be converted to vehicle area will revert to landscaped area. To mitigate impacts of the added vehicle area, additional screening is required to screen views of the added area from SW Florida St, including additional shrubs along the SW Florida St frontage east of the existing driveway and shrubs along the east lot line in the area that will revert from gravel to landscaping (Exhibit C.1). These new shrubs must comply with the L3 landscape standard in Zoning Code Chapter 33.248, which requires enough evergreen high shrubs to form a screen 6' high. This additional landscaping, if required as condition of approval, would enhance the residential appearance of the front of the house by screening the added vehicle area, and by softening the overall appearance of the front yard. With this condition of approval, this criterion will be 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: The site is in a residential zone, so it must be demonstrated the proposal will not significantly detract from the livability or appearance of the residential area.

The applicant proposes to increase the vehicle area on the site to approximately 55% by adding an 83 square foot triangular grasscrete surfaced area that would allow vehicle access to the east side of the house behind the front building line for additional on-site parking. Although as discussed under Criterion A, above, the context of this

residential neighborhood fronting on the SW Florida St cul-de-sac street includes larger vehicle areas between houses and the street than are typical in other residential neighborhoods, the addition of more vehicle area on this site will impact the appearance of the neighborhood. The primary appearance related concern is the view of the vehicle area from the street. The area east of the driveway, including where the applicant proposes the increased vehicle area, is presently improved with gravel except near the SW Florida St cul-de-sac frontage where there is a rhododendron bush and a small linden tree that provide partial screening. The rhododendron and linden tree provide some, but not full, screening of the proposed expanded vehicle area from the street. Also, the applicant's site plans imply that the gravel area that is not proposed to be converted to vehicle area will revert to landscaped area. To mitigate impacts of the added vehicle area, additional screening is required to screen views of the added area from SW Florida St, including additional shrubs along the SW Florida St frontage east of the existing driveway and shrubs along the east lot line in the area that will revert from gravel to landscaping (Exhibit C.1). These new shrubs must comply with the L3 landscape standard in Zoning Code Chapter 33.248, which requires enough evergreen high shrubs to form a screen 6' high. This additional landscaping, if required as condition of approval, would enhance the residential appearance of the front of the house by screening the added vehicle area, and by softening the overall appearance of the front yard. With this condition of approval, this criterion will be met.

Livability concerns in residential area generally relate to possible impacts from noise, reduced light or air, and impacts on privacy. There are no regulations in the Zoning Code that restrict parking in a side setback that is beyond the front building line. Approval of this Adjustment will allow additional vehicle area between the front building line and the lot line of the house. Although approval of the Adjustment will allow for additional parking area to be provided within the east side setback of the lot, the addition of expanded vehicle area within the front setback in itself will not result in any changes to the availability of light, air, increases in noise, or decreases in privacy on adjacent properties.

With this condition of approval discussed above to require landscaping, this criterion will be 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 is requested. This criterion is not applicable.

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

Findings: As discussed under Criteria A and B, above, the proposal alone will result in impacts on the residential appearance of the area, but these impact can be mitigated with a condition requiring that additional landscaping be planted in the yard in front of the house. With this condition, this criterion will be met.

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

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As 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 requirements of Title 11 can be met, and 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 subject lot, like the majority of the other lots fronting on this SW Florida St cul-de-sac, has a narrow width where it fronts on the cul-de-sac that widens back away from the cul-de-sac frontage. Because of this unusual lot shape, which is due to the cul-de-sac frontage, the most prominent feature in the front yard of this lot, as well as in the front yards of other lots fronting the cul-de-sac, is the driveway in front of the garage. Because this is similar to the majority of the lots fronting the same cul-de-sac that have a prominent paved driveway in between the cul-de-sac frontages and the respective houses, with landscaped areas in front of the houses on either side of the driveways it establishes the baseline context for the residential appearance of this area.

The applicant proposes to increase the vehicle area on the site to approximately 55% by adding an 83 square foot triangular grasscrete surfaced area that would allow vehicle access to the east side of the house behind the front building line for additional on-site parking. The primary appearance related concern of this change is the view of the new vehicle area from the street. The area east of the driveway, including where the applicant proposes the increased vehicle area, is presently improved with gravel except near the SW Florida St cul-de-sac frontage where there is a rhododendron bush and a small linden tree that provide partial screening. The rhododendron and linden tree provide some, but not full, screening of the proposed expanded vehicle area. A condition of approval to plant additional landscaping to fully screen the added vehicle area and replace the gravel in the front yard with groundcover will meet the purpose of enhancing the residential appearance of the neighborhood.

The proposal to increase the vehicle area will not have any impact on light, air, noise or to privacy on neighboring properties.

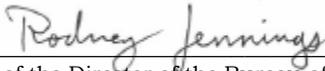
ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the 40% vehicle area limitation between the front lot line and the front building line (33.266.120.C.3.a) from 40% to 55%, per the approved site plan, Exhibit C.1, signed and dated February 12, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B 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 19-150013 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The 83 square foot increased vehicle area will be surfaced with grasscrete.

- C. The applicant shall apply for and received final inspection of a building, site development, or zoning permit to plant grass or other groundcover meeting the L1 standard in Chapter 33.248 of the Zoning Code in the area identified as “New Landscaped Area” as shown on Exhibit C.1, and also to plant shrubs meeting the L3 Landscape standard in Chapter 33.248 to form a screen at least 6’ high along the SW Florida St frontage east of the existing driveway and along the east lot line in the area that will revert from gravel to landscaping as also shown on Exhibit C.1.

Staff Planner: Rodney Jennings

Decision rendered by:  **on February 12, 2020.**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 14, 2020

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 April 16, 2019, and was determined to be complete on October 9, 2019.

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 April 16, 2019.

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 by 90 days (Exhibit G.4). Unless further extended by the applicant, **the 120 days will expire on: May 6, 2020.**

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 28, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after February 28, 2020 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.

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

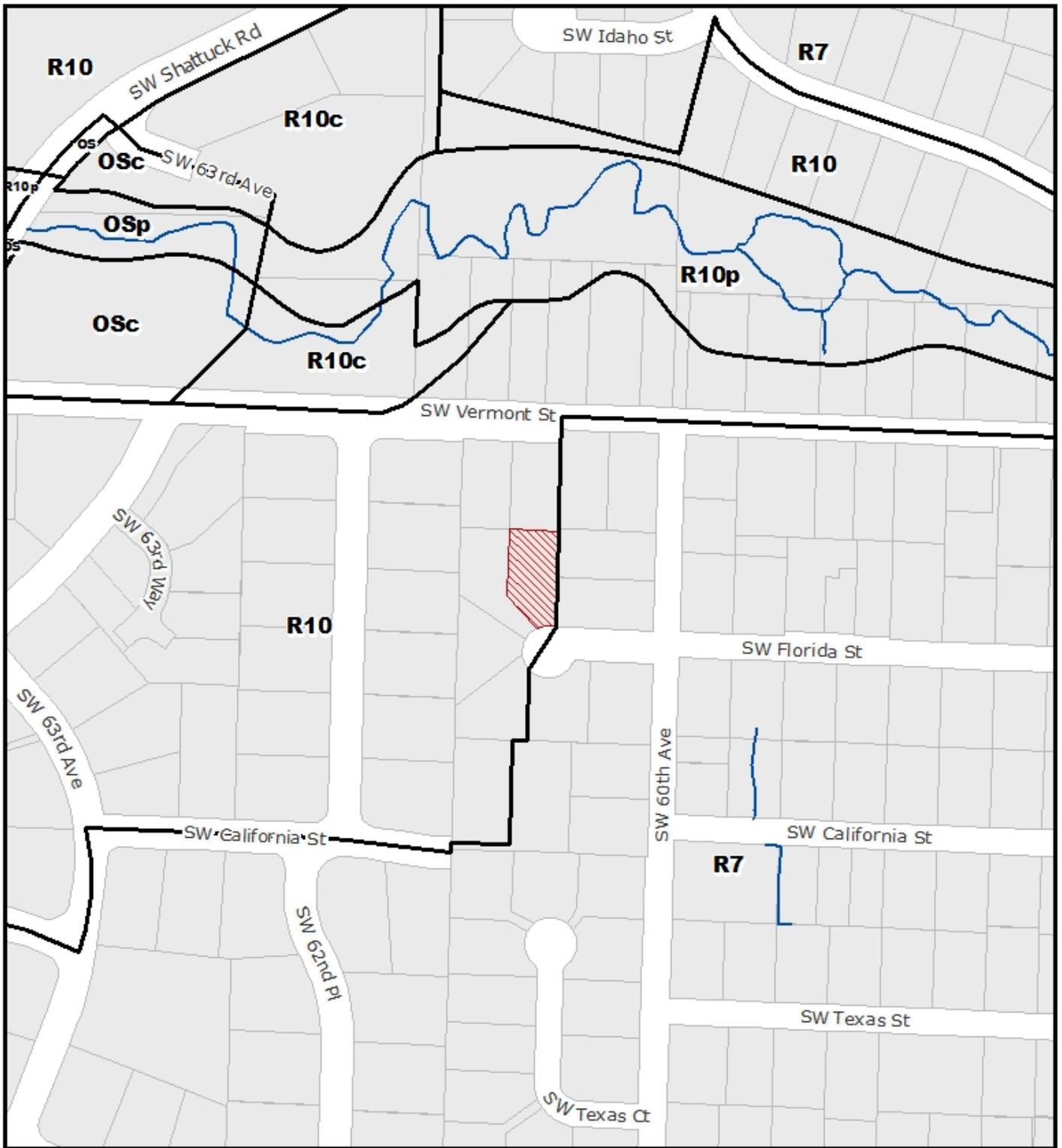
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements and Plans
 1. Applicant's original statement and plans, received April 16, 2019
 2. Applicant's revised statement and plans, received June 4, 2019
 3. Applicant's review site plan, received September 28, 2019
 4. Applicant's response to written comments, received November 29, 2019
- 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. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
- F. Correspondence:
 1. Jim and Julie Brady, June 18, 2020, opposed
 2. Katie Kehoe, November 6, 2019, no objections
 3. Alan Kiraly, November 12, 2019, no objection but stormwater concerns
 4. Marcie Connolly, November 18, 2019, opposed
 5. James and Julie Brady, November 22, 2019, opposed
- G. Other:
 1. Original LU Application, receipt, and fee waiver approval
 2. Incomplete letter
 3. 180-day expiration warning letter
 4. 90-day extension of 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

 Site
 Stream

File No.	LU 19-150013 AD
1/4 Section	3723
Scale	1 inch = 200 feet
State ID	1S1E19BB 500
Exhibit	B Apr 18, 2019

6025 SW FLORIDA ST

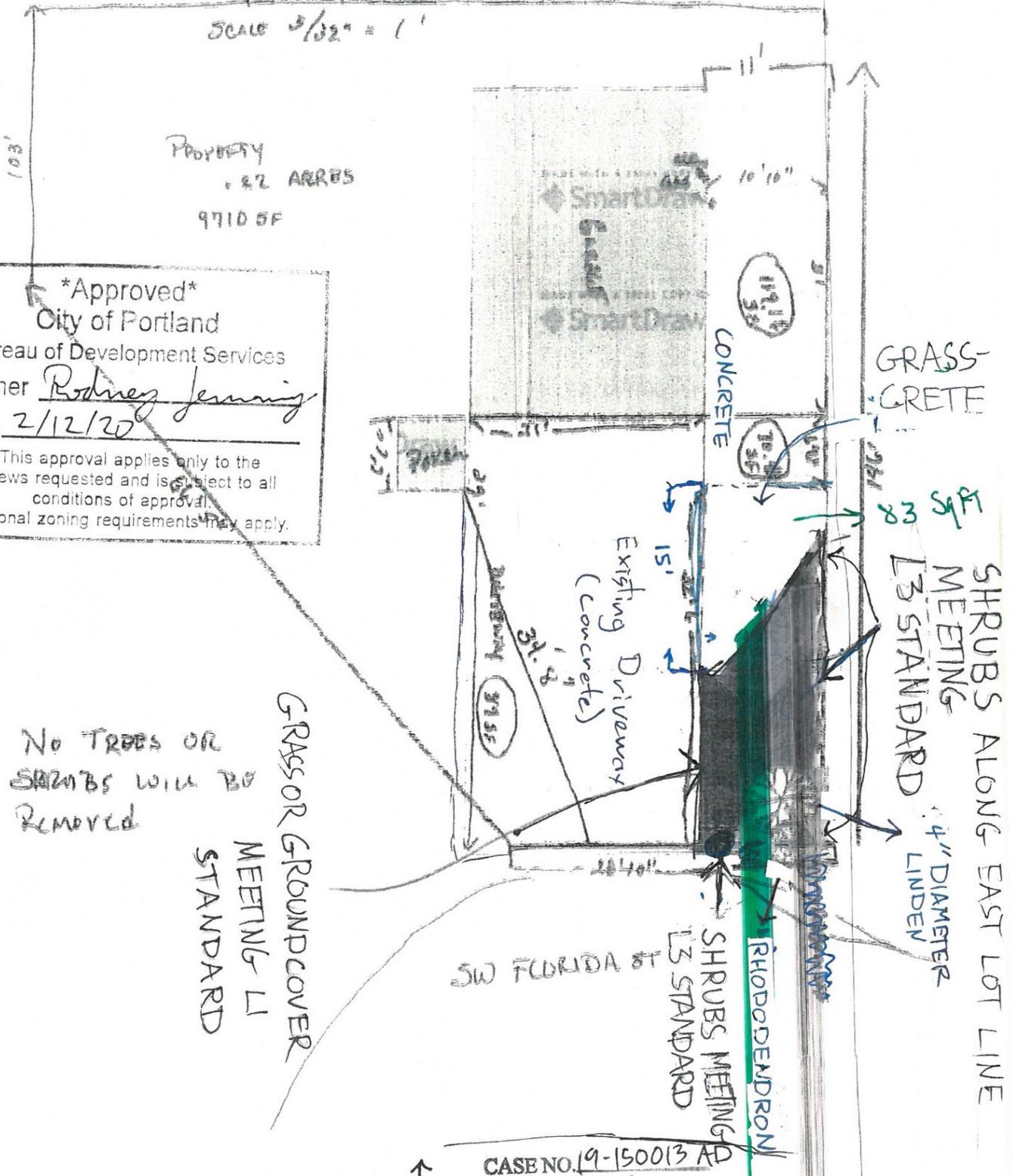
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24 19-150013

UPDATED 9.25.19

ADDED MEASUREMENT FROM POPEH CORNER TO PROPERTY LINES

- ARBOVIDAS
- ID EXISTING RHODODENDRON 7.5'



Approved
 City of Portland
 Bureau of Development Services
 Planner Rodney Jennings
 Date 2/12/20

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

← 2

CASE NO. 19-150013 AD
 EXHIBIT C.1