



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 4, 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 19-254118 AD

GENERAL INFORMATION

Applicant: Cesar Anaya
8404 SE Raymond Ct, Unit #A
Portland OR, 97266
(503) 960-0004

Owner: Joanna Morrill
8404 SE Raymond Ct, Unit #A
Portland OR, 97266

Site Address: 8404 SE Raymond Ct

Legal Description: BLOCK 2 LOT 1, MAGDELINA PK
Tax Account No.: R527200180
State ID No.: 1S2E16BC 04900
Quarter Section: 3539

Neighborhood: Lents, contact Jennifer Breedlove at jennifer.marie.b@outlook.com.
Business District: Lents Business Association, contact at lentsgrown@gmail.com, Eighty-Second Ave of Roses Business Association, contact Frank Harris at info@82ndave.org

District Coalition: East Portland Community Office, contact at 503-823-4550.

Plan District: None
Other Designations: None

Zoning: R2.5 – Single-dwelling Residential 2,500

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

Proposal:

The applicant proposes to provide a required 18' x 9' on-site parking space in the area in front of a former garage on this site that was recently converted to an accessory dwelling unit (ADU). This site is at the corner of SE Raymond Ct and SE 84th Ave. There is a 5-foot wide setback required from the side street lot line that abuts SE 84th Ave and part of the proposed parking space extends into this setback. Portland Zoning Code Section 33.266.120.C.1 does not allow required parking spaces within a side street setback. The applicant is requesting an Adjustment to this standard to allow the 18' x 9' parking space to extend 3' 6" into the 5' wide side street lot line setback.

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 flat lot at the corner of SE Raymond Ct and SE 84th Ave. It is developed with a house and also with a detached accessory dwelling unit (ADU) located in a structure that was originally built as a garage. There is an existing driveway between this ADU and SE 84th Ave that was used as the access to the garage prior to its conversion to the ADU.

The vicinity surrounding the site on both SE 84th Ave and SE Raymond Ct is mostly developed with one-story houses on lots ranging from about 5,000 to 7,000 square feet in area. Two exceptions are the sites north across SE Raymond Ct and west across SE 84th Avenue from the subject site, both of which are developed with duplexes. The duplex west across SE 84th Ave has two off-street parking spaces between the building and the street which are partially located in the side street lot line setback.

Zoning: R2.5 – Single-dwelling Residential 2,500 – The R2.5 zone is intended to foster single-dwelling residences. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is 1 unit per 2,500 square feet. Both detached and attached single-dwellings are allowed. Minimum lot size for both types of development is 1,600 square feet with a minimum lot width of 36 feet, minimum front lot line of 30 feet and minimum depth of 40 feet. There is no required minimum lot width or front lot line for lots that are developed with structures that meet certain additional development standards related to design.

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 **February 6, 2020**. The following Bureaus have responded with no issues or concerns:

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

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

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: The applicant proposes to provide a required 18' x 9' on-site parking space in the area in front of a former garage that was recently converted to an ADU. Zoning Code section 33.266.120.C.1 does not allow required parking spaces to be located within a side street setback. A 5' wide side street setback is required from SE 84th Ave on this site. There is only 19' 6" between the ADU and the street lot line on SE 84th Ave and a total depth of 23' would be required between the ADU and the street lot line in order to provide an 18' deep parking space outside of the 5' side street setback. The applicant is requesting an Adjustment to this standard to allow the 18' x 9' parking space to extend 3' 6" into the 5' wide side street lot line setback. The purpose of the parking space regulations for houses and duplexes is:

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

The proposal equally or better meets this purpose because:

- The main entrance to the house faces SE Raymond Ct and there is no parking in the 50' wide and approximately 20' deep front yard between the house and SE Raymond Ct. Providing the required parking space in the side yard will retain the residential appearance of this most prominent façade of the house; and
- The side yard of the lot on SE 84th Ave is 100' long and, given that the parking space is only 9' wide, the majority of the area in the 5' side street setback will remain as open area; and
- There is a greater than 13' landscape strip in the SE 84th Ave right-of-way between the side street lot line and the beginning of the paved SE 84th Ave street surface that creates the appearance that the parking space is set back from the street; and
- The applicant proposes to install a pea gravel path with landscape planters between the door to the ADU and SE 84th Ave over the part of the paved area of the former garage driveway that will not be used for the new parking space (Exhibit C.1), which will enhance the residential appearance of the ADU when viewed from SE 84th Ave. Although not proposed by the applicant, additional enhancement is needed to add to the residential character. This includes removing the existing paved surface on either side of the new gravel path that is within the 5' side setback and outside the 9' wide parking space and replacing this area with landscaping

All of the factors listed above considered together show that the applicant's proposal will enhance the residential appearance of the residential area in the vicinity of the site. As these factors include the proposed path with landscape planters between the ADU, a condition of approval is necessary to require that the path and landscaping are installed and that paving is removed and replaced with landscaping within the 5' side setback and outside the 9' wide parking space. With this condition, this criterion 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: The proposal does not detract from the livability or appearance of the residential area because:

- Typical livability concerns include noise and loss of privacy, and the proposal to allow the required parking space to extend 3' 6" into the 5' side street setback will result in no increases in noise or loss of privacy to neighboring properties; and
- The main entrance to the house faces SE Raymond Ct and there is no parking in the 50' wide and approximately 20' deep front yard between the house and SE Raymond Ct. Providing the required parking space in the side yard will retain the residential appearance of this most prominent façade of the house; and
- The side yard of the lot on SE 84th Ave is 100' long and, given that the parking space is only 9' wide, the majority of the area in the 5' side street setback will remain as open area; and
- There is a greater than 13' landscape strip in the SE 84th Ave right-of-way between the side street lot line and the beginning of the paved SE 84th Ave street surface that creates the appearance that the parking space is set back from the street; and
- The applicant proposes to install a pea gravel path with landscape planters between the door to the ADU and SE 84th Ave over the part of the paved area of the former garage driveway that will not be used for the new parking space (Exhibit C.1), which will enhance the residential appearance of the ADU when viewed from SE 84th Ave. Although not proposed by the applicant, additional enhancement is needed to add to the residential character. This includes removing the existing paved surface on either side of the new gravel path that is within the 5' side setback and outside the 9' wide parking space and replacing this area with landscaping

All of the factors listed above considered together show that the applicant's proposal will have no impact on the livability of the residential area and will enhance the residential appearance of the residential area in the vicinity of the site. As these factors include the proposed path with landscape planters between the ADU, a condition of approval is necessary to require that the path and landscaping are installed and that paving is removed and replaced with landscaping within the 5' side setback and outside the 9' wide parking space. With this condition, 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 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 a pea gravel path with landscape planters be installed between the door to the ADU and SE 84th Ave over the part of the paved area of the former garage driveway. 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 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 residential appearance of the area will be retained with the extension of the required parking space by 3’ 6” into the 5’ street side setback along SE 84th Ave because:

- The main entrance to the house faces SE Raymond Ct and the front yard will not be impacted and will retain its residential appearance; and
- The 9’ wide parking space takes up a small portion of the 100’ long side yard along SE 84 Ave; and
- There is a wide existing landscape strip in the right-of-way between the beginning of the parking space and the paved portion of SE 84th Ave.

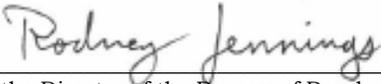
The applicant is also proposing to enhance the residential appearance by providing a new path with landscaping next to the parking space from SE 84th Ave to the doorway to the ADU. A condition of approval is necessary to ensure that this path and landscaping is installed. The proposal will also have no livability impacts related to noise or privacy.

ADMINISTRATIVE DECISION

Approval of an Adjustment to allow the required one on-site parking space to extend 3’ 6” feet into the side street setback (33.266.120.C.1), per the approved site plan, Exhibit C.1, signed and dated March 2, 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 19-254118 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Within 90 days of the approval of this Adjustment, the applicant shall apply for and received final inspection of a Zoning Permit to:
- Construct a path through the existing paved area between SE 84th Ave and the door to the ADU. The path shall be a minimum 3’ wide, and be cut through the existing paved area, improved with pea gravel with paver edging on both sides, and include shrub plantings on both sides in wood planter boxes or in ground plantings, but not in moveable pots, as shown on Exhibit C.1; and
 - Remove existing paving within the 5’ side setback in the area north of the 9’ wide parking space and replace with grass or other landscaping as shown on Exhibit C.1.

Staff Planner: Rodney Jennings

Decision rendered by:  **on March 2, 2020.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 4, 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 November 18, 2019, and was determined to be complete on February 6, 2020.

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 November 18, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 5, 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 March 18, 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 **March 18, 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:

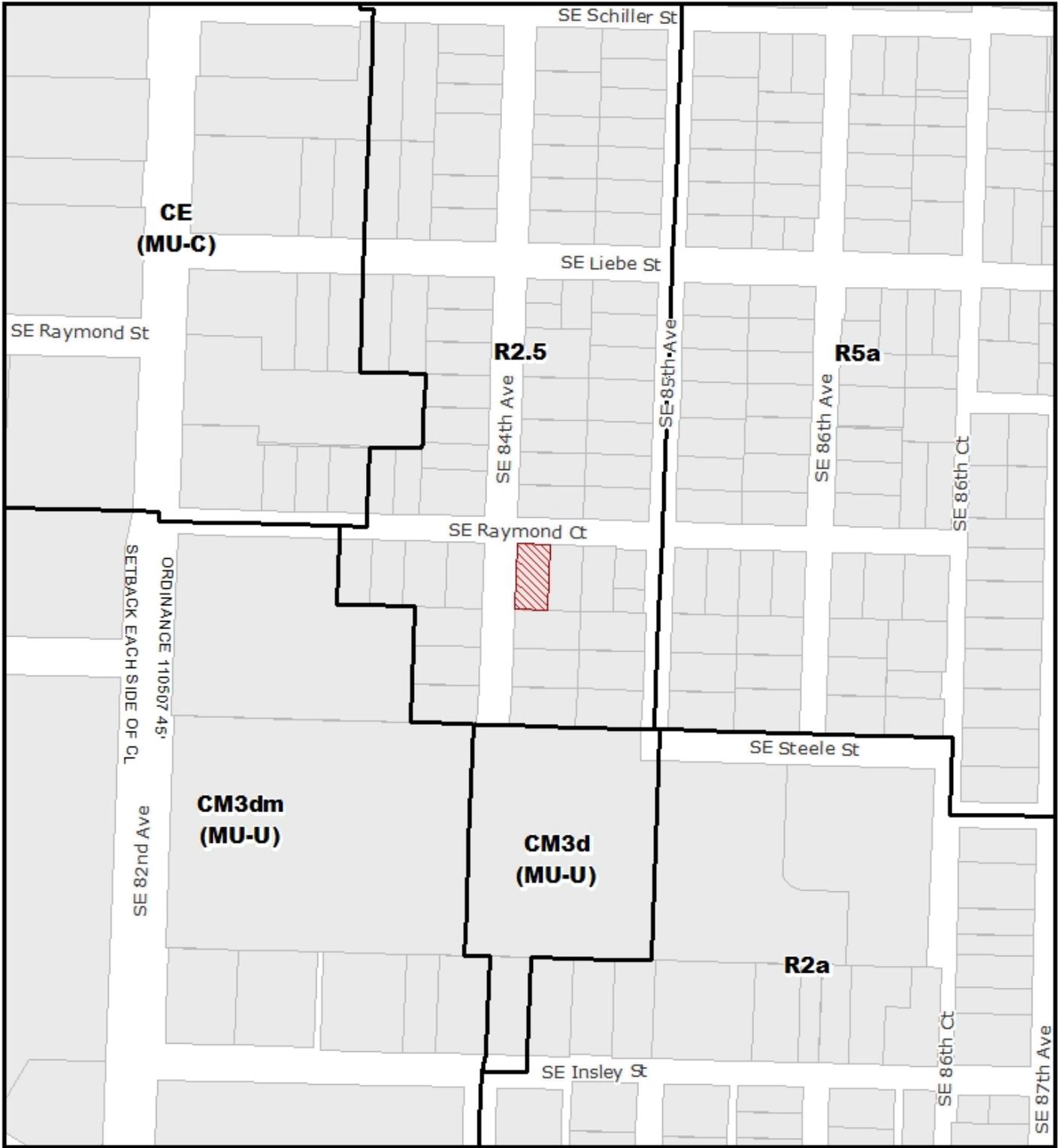
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Applicant's original statement and plans, received November 18, 2019
 - 2. Applicant's revised statement and plan, received February 3, 2020
- 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
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
- F. Correspondence:
- G. Other:
 - 1. Original LU Application & Receipt
 - 2. Incomplete Letter

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).

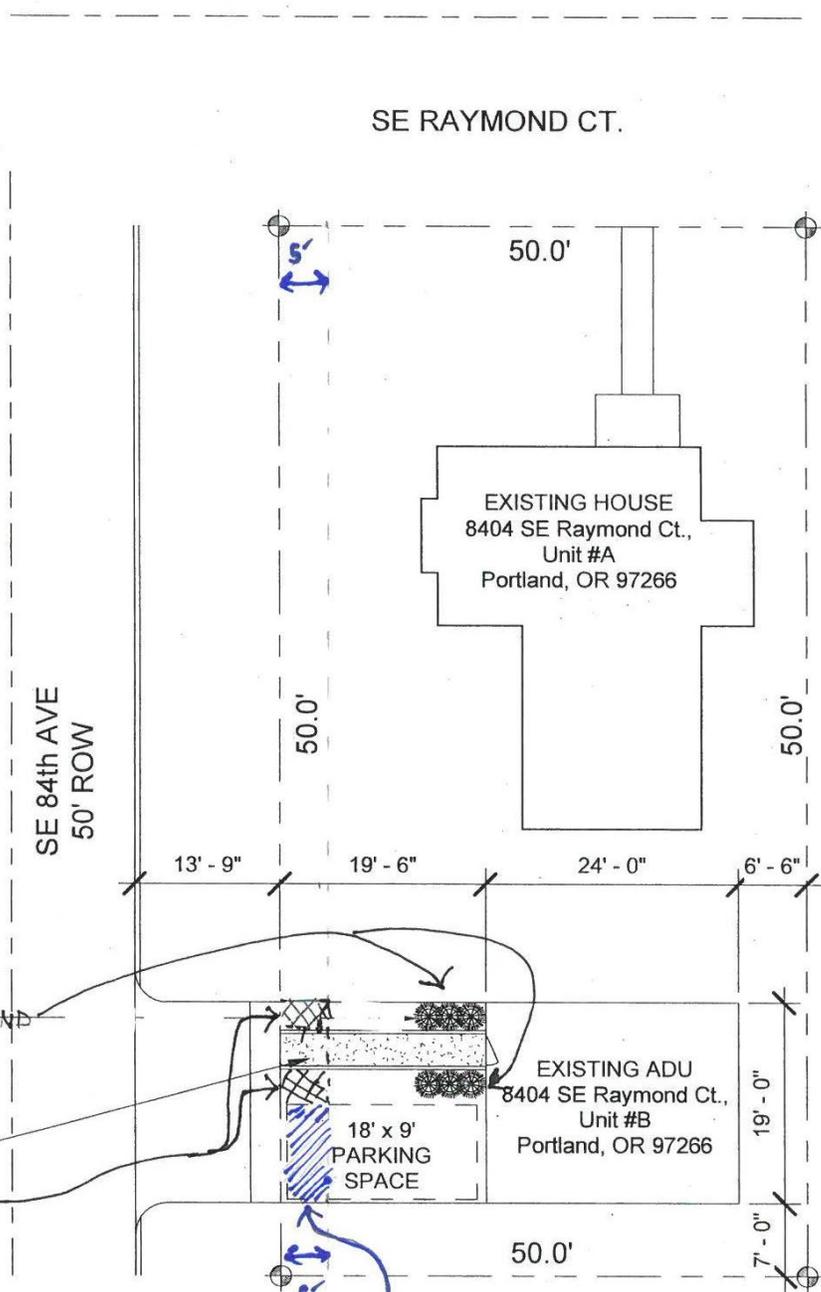


ZONING 
NORTH

 Site

File No.	LU 19 - 254118 AD
1/4 Section	3539
Scale	1 inch = 200 feet
State ID	1S2E16BC 4900
Exhibit	B Nov 21, 2019

Approved
 City of Portland - Bureau of Development Services
 Planner *Rodney Jensen* Date *3/02/2020*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



18" W X 36" L X 18" H
WOOD PLANTER
BOXES OR IN-GROUND
PLANTINGS

3" W PEA GRAVEL
PATH W/ PAVER
EDGING.

REMOVE PAVED
AREA IN 5' SIDE
SETBACK AND
REPLACE WITH GRASS
OR OTHER PLANTS.

Site Plan

① 1/16" = 1'-0"

Address: 8404 SE Raymond Ct.
Portland, OR 97266

Zoning: R2.5

Lot Coverage: No Change

Impervious Area: No Change

LU 19-254118

AREA OF 18' x 9'
PARKING SPACE
EXTENDING 3' 6" INTO
5' SIDE STREET
SETBACK



CASE NO. 19-254118AD
 EXHIBIT C.1