



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 23, 2016  
**To:** Interested Person  
**From:** Matt Wickstrom, Land Use Services  
503-823-6825 / [Matt.Wickstrom@portlandoregon.gov](mailto:Matt.Wickstrom@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 16-161038 AD**

**GENERAL INFORMATION**

**Applicant:** Lyle and April Jorgenson  
1805 N Cramer St  
Portland, OR 97217-4738

**Site Address:** 1805 N CRAMER ST

**Legal Description:** BLOCK 4 LOT 4 AND LOT 11 GRANVILLE  
**Tax Account No.:** R338000430  
**State ID No.:** 1N1E16DA 15400  
**Quarter Section:** 2428

**Neighborhood:** Arbor Lodge, contact Nate Young at [alna.nate@gmail.com](mailto:alna.nate@gmail.com)  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099

**Plan District:** North Interstate

**Zoning:** R5 & R1d. The applicants own two adjacent and differently zoned lots. The lot with the house is zoned R5 (Single-dwelling Zone – Residential 5,000) and the vacant lot adjacent to the house is zoned R1d (Multi-Dwelling Zone – Residential 1,000 Zone with a Design Overlay Zone)

**Case Type:** AD (Adjustment Review – 2 concurrent Adjustments)  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:** The applicants converted their attached garage to living space and in the process proposed to relocate the on-site parking to another location on the site (permit #14-236112 RS). Rather than relocate the on-site parking pad, the applicants have applied for an Adjustment Review to provide on-site parking in the existing driveway which doesn't meet two standards of the Portland Zoning Code. The depth of the existing driveway measures 26 feet 2 inches from

the street; however, the first 10 feet of the driveway is public right-of-way where a sidewalk would potentially be constructed if the lots redevelop in the future. The Portland Zoning Code requires on-site parking spaces for houses and duplexes to measure 9 feet in width and 18 feet in depth. The applicants only have 16 feet 2 inches of driveway depth and request one Adjustment to reduce the required depth of the parking space from 18 feet to 16 feet 2 inches. The Portland Zoning Code also does not allow required parking spaces to be located within the first 10 feet of the front property line in the R5 zone. The applicants request a second Adjustment to waive that restriction. In summary, the applicants request two Adjustments:

1. Reduce the required size of the on-site parking space from 18 feet in depth to 16 feet 2 inches in depth (33.266.120.D.1); and
2. Allow the on-site parking space to be located within the 10-foot front setback (33.266.120.C.2).

**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 8,900 square foot site is composed of two tax lots. The west tax lot is 5,000 square feet and is located in the R5 (Residential 5,000) zone. It is developed with a single-story single-dwelling house. The east tax lot is 3,900 square feet and is located in the R1 (Residential 1,000) zone. It is undeveloped. The applicants received a permit in 2014 to convert the attached garage to living space and to locate parking at an angle extending partially on to the R1 zoned tax lot.

The surrounding vicinity is primarily developed with single-dwelling homes, aside from lots to the east which are developed with multi-dwelling development. The Interstate MAX Lombard station is located about 1,250 feet from the site.

**Zoning:** The site is composed of two tax lots and is split zoned. The west tax lot is zoned R5 (Residential 5,000). The east tax lot is zoned R1d (Residential 1,000 with a Design Overlay Zone). The R5 zone is a single-dwelling zone. Single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The R1 zone is a multi-dwelling zone. Multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. The “d” overlay does not apply to the proposal because the existing parking space is solely located in the R5 zone.

**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 **May 11, 2016**. The following Bureaus have responded:

The Portland Bureau of Transportation (PBOT) responded with no objections to the requested Adjustment noting that even without a sidewalk in place, 16 feet should be adequate mid-sized car. The PBOT response notes that if the site were to redevelop in the future, a sidewalk would be required and the issue of parking setbacks will be reviewed again. A condition of approval is included with this review to ensure the applicant is aware of this issue (Exhibit E-1).

The Water Bureau responded with information on water service and noted no conditions of approval (Exhibit E-2).

The Life Safety Section of the Bureau of Development Services (BDS) responded that there appears to be no conflicts between the proposal and applicable building codes (Exhibit E-3).

The Bureau of Environmental Services (BES) responded that the proposal does not appear to trigger the Stormwater Management Manual however, a stormwater disposal location will be need to be shown on building plans at time of permit review (Exhibit E-4).

The Site Development Section of BDS and the Fire Bureau responded with no concerns (Exhibit E-5).

**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

### 33.805.010 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 proposes two Adjustments associated with the conversion of an attached garage to living space which resulted in a different on-site parking configuration. The first Adjustment request is to reduce the size of the on-site parking space from 18 feet in depth to 16 feet 2 inches. The second Adjustment request is to allow the on-site parking space to be located within the 10-foot front setback. The purpose for the parking regulations for houses and duplexes is found in 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 size of the parking space will appear typical in size because the 16-foot 2-inch depth of the parking space is only 10 percent shorter than a traditional 18-foot deep parking space. PBOT confirms that a 16-foot 2-inch parking space depth is adequate for the average mid-sized car. The location of the parking space will appear typical because there is an additional 10 feet of unimproved right-of-way between the street property line and where the actual roadway or street paving begins. The additional 10 feet of unimproved right-of-way causes the on-site parking space, albeit fully within the front setback, to appear as any traditional on-site parking space especially because the space is located in front of the portion of the house which was formerly the attached garage. In order to ensure the proposed parking space is reexamined if the two lots ever redevelop, a condition of approval states that the curb cut accessing the parking space must be closed or a new Adjustment Review must approve a different on-site parking configuration. Based on this information and with the condition of approval, this criterion has been met.

- 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. As explained above under Criterion A, the proposed depth of the parking space and location within the setback will not be apparent to a pedestrian, bicyclist or motorist because the street paving is separated from the street property line by 10 feet of unimproved right-of-way. Therefore, the appearance of the parking space and location will be acceptable and similar to other situations where the parking space is not located in the setback. In turn, because the paved street is separated from the site by 10 feet of unimproved right-of-way and no sidewalk, the potential for a vehicle to park and overhang the street is minimized, as are impacts to livability. 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:** As mentioned above, the purpose of the Single-Dwelling zones (where the proposal is located) is to provide housing for individual households. The proposed location of the parking space and slightly reduced depth does not conflict with this purpose. Furthermore, the proposal is consistent with use regulations of the Single-Dwelling zones because it does not sacrifice the overall image or character by introducing non-residential elements. Finally, the proposal is consistent with the intent of the development standards to promote desirable residential areas because the appearance of the parking space will be consistent with those that meet the standards of the Portland Zoning Code. This criterion is met.

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

**Findings:** No City-designated scenic or historic resources are located on this site, 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, especially considering the condition of approval that if the site ever redevelops, the curb cut accessing the parking space will be closed or a new Adjustment Review must approve a different on-site parking configuration.

- 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 requests two Adjustments related to the parking standards in the Portland Zoning Code for houses and duplexes. The first Adjustment request reduces the depth of the on-site parking space from 18 feet to 16 feet 2 inches. The second Adjustment request allows

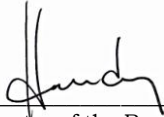
the parking space to be located within the 10-foot front setback. With one condition of approval related to any potential future redevelopment of the site, the proposal meets the applicable approval criteria and should be approved.

## ADMINISTRATIVE DECISION

Approval of two Adjustments:

1. Reduce the minimum depth of the parking space for a house from 18 feet to 16 feet 2 inches (33.266.120.D.1); and
2. Allow the on-site parking space to be located within the 10-foot front setback (33.266.120.C.2), per the approved site plan, Exhibits C-1, signed and dated June 21, 2016, 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 16-161038 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
  - B. If the R5 zoned lot (R172470) is redeveloped and/or if the R1 zoned lot (172519) is developed, the curb cut accessing the parking space must be closed or a new Adjustment Review must approve a different on-site parking configuration.

**Staff Planner: Matt Wickstrom**

**Decision rendered by:**  **on June 21, 2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: June 23, 2016**

**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 26, 2016, and was determined to be complete on May 6, 2016.

*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 26, 2016.

*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: September 2, 2016.**

**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 July 7, 2016** 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 5<sup>th</sup> 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](http://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 **July 8, 2016 – (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:

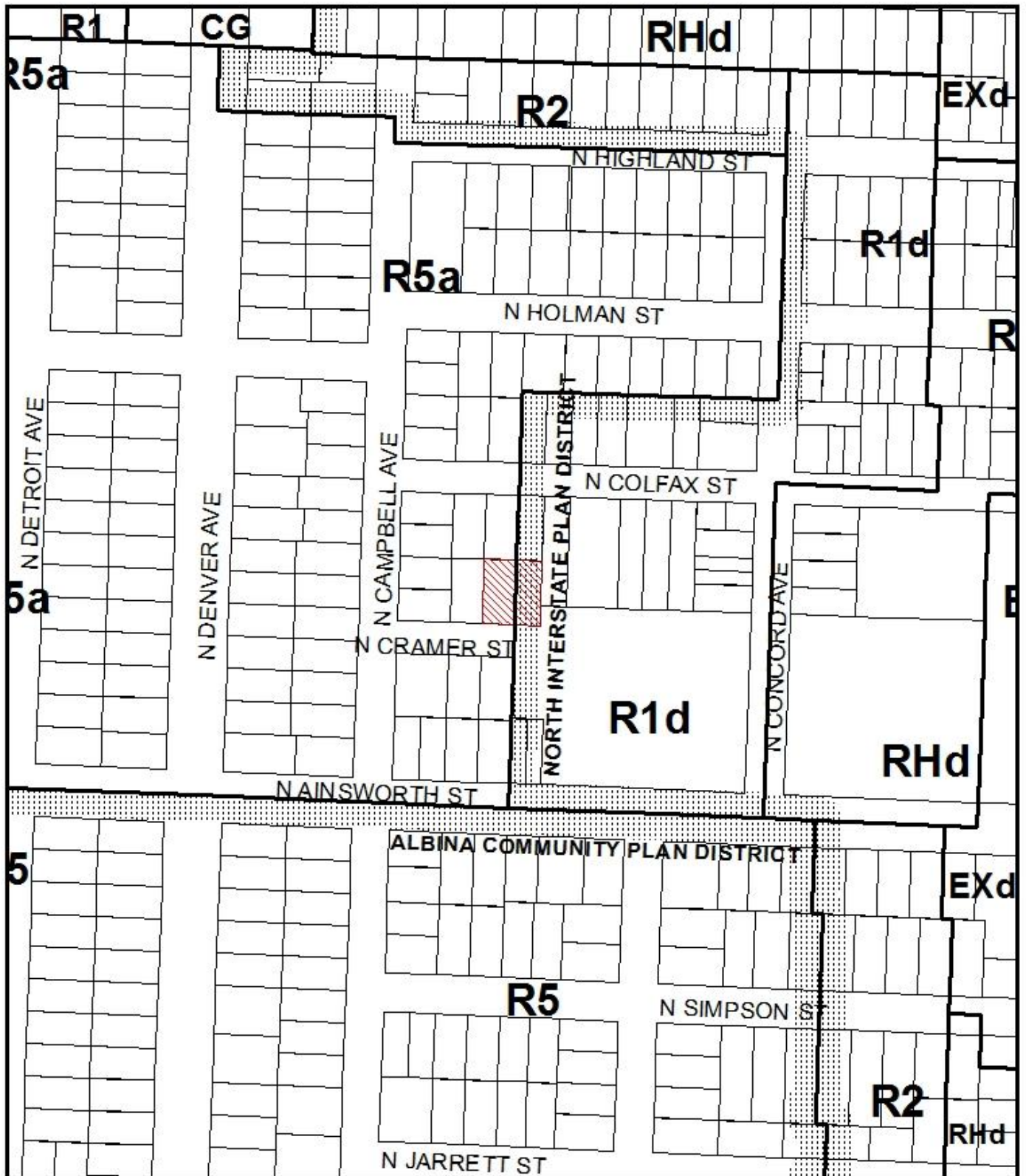
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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. Bureau of Transportation Engineering and Development Review
  - 2. Water Bureau
  - 3. Life Safety Section of BDS
  - 4. Bureau of Environmental Services
  - 5. Summary sheet of Agency responses
- 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:  
NORTH INTERSTATE PLAN DISTRICT

File No.	<u>LU 16-161038 AD</u>
1/4 Section	<u>2428</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E16DA 15400</u>
Exhibit	<u>B</u> (Apr 27, 2016)

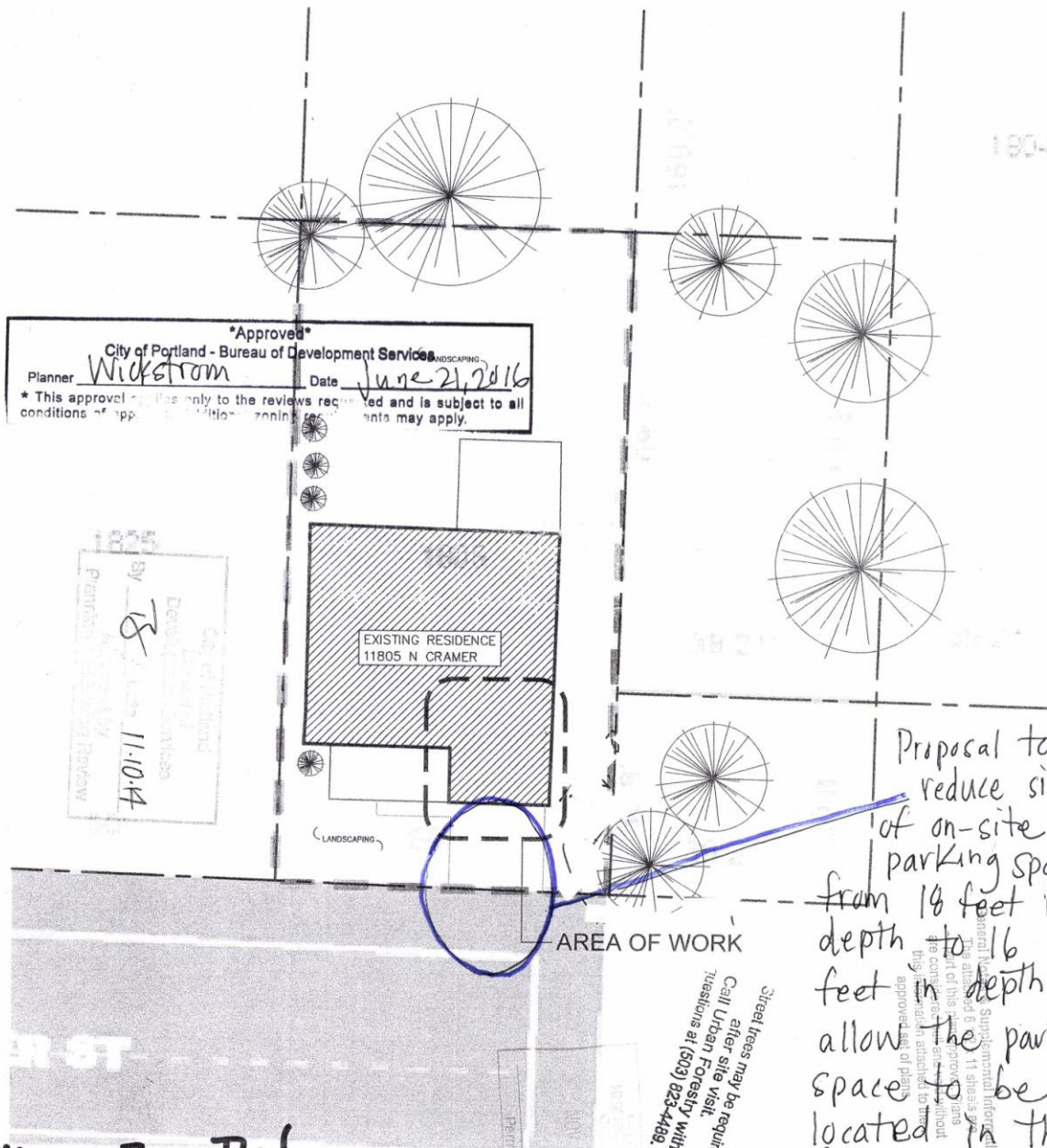


GENERAL NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS
2. THESE DESIGN DRAWINGS ARE INTENDED TO PRESENT THE CONCEPTS OF THIS PROJECT AND ARE NOT INTENDED TO SERVE AS CONTRACTORS SHOP DRAWINGS. THEREFORE, CERTAIN ITEMS MAY NOT BE COMPLETELY DETAILED ON THESE DRAWINGS. SUCH ITEMS SHALL BE CONSTRUCTED TO THE SAME STANDARDS AS SHOWN ON THESE DESIGN DRAWINGS.
3. PLAN REVISIONS MAY BE REQUIRED TO SATISFY LOCAL CONDITIONS AND/OR JURISDICTION REQUIREMENTS.

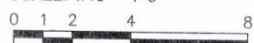


VICINITY MAP



16-161038AD

**Abram Rosenthal**  
 SITE PLAN  
 SCALE: 1/16" = 1'-0"



IVR# 3542101



SITE PLAN  
 JORGENSEN RESIDENCE  
 GARAGE RENOVATION  
 1805 N. CRAMER  
 PORTLAND, OR

BY	ISSUE DATE	SHEET
B	11/6/14	
PROJ NO:	1406	

Proposal to reduce size of on-site parking space from 18 feet in depth to 16 feet in depth and allow the parking space to be located in the front setback.

Street lines may be required after site visit. Call Urban Forestry with questions at (503) 823-4489.

14-236112 RS

A03  
 16-161038  
 Exhibit C-1