

Multnomah County Official Records  
C Swick, Deputy Clerk

2010-046804



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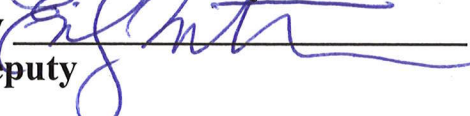
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Cnt=1 Stn=38 ATMWB

**CITY OF PORTLAND**  
**Office of the City Auditor**  
**1221 SW Fourth Avenue, Room 140**  
**Portland, OR 97204-1900**

I hereby certify this Land Use Document No. LU 09-133971 CP ZC AD – Ordinance No. 183658 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on April 12, 2010.

**LAVONNE GRIFFIN-VALADE**  
**Auditor of the City Of Portland**

By   
Deputy

**RETURN TO CITY AUDITOR**  
**131/140/Auditor's Office**

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## ORDINANCE No. 183658

\*Amend the Comprehensive Plan Map designation and change zoning at 5012-5014 NE 26<sup>th</sup> Avenue, with Adjustments at the request of Samuel Penfield (Ordinance; LU 09-133971 CP ZC AD).

The City of Portland ordains:

### Section 1. Council finds:

1. The Applicant seeks, in the vicinity of 5012-5014 NE 26<sup>th</sup> Avenue, the following:
  - a. a Comprehensive Plan Map Amendment from Attached Residential to Urban Commercial for the area identified as State ID No. 1N1E24BB 21700 and legally described as Lot 8, Block 13, INA PARK, in the City of Portland County of Multnomah and State of Oregon (hereinafter referred to as the "Property");
  - b. a Zoning Map Amendment from R2.5ah (Residential 2,500 with Alternative Design Density Overlay and Aircraft Landing Overlay zoning) to CSh (Storefront Commercial with Aircraft Landing overlay zoning) for the Property; and
  - c. an Adjustment for the Property to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and an Adjustment for the Property to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendments of the Comprehensive Plan Map and Zoning Map, with Adjustments has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on February 17, 2010 and a Recommendation was issued on February 25, 2010 (BDS File No. LU 09-133971 CP ZC AD). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment, Zoning Map Amendment and Adjustments, with conditions.
4. The requested amendments to the Comprehensive Plan Map and Zoning Map, with Adjustments, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 09-133971 CP ZC AD.

b. The Comprehensive Plan Map Amendment and Zoning Map Amendment, with Adjustments, for the Property described as Lot 8, Block 13, INA PARK, in the City of Portland County of Multnomah and State of Oregon are approved as follows:

1. a Comprehensive Plan Map Amendment from Attached Residential to Urban Commercial; and
2. a Zoning Map Amendment from R2.5ah (Residential 2,500, Alternative Design Density Overlay Zone, Aircraft Landing Overlay Zone) to CSh (Storefront Commercial with Aircraft Landing Overlay) zoning for the Property.
3. an Adjustment for the Property to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and an Adjustment for the Property to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.
4. the Comprehensive Plan Map Amendment and Zoning Map Amendment, with Adjustments, are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City Code, but will not void the Comprehensive Plan Map Amendment, Zoning Map Amendment or Adjustments:
  - A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 09-133971 CP ZC AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
  - B. If future modifications to the building introduce commercial uses, a minimum of 2 residential units must remain on this Subject Property for 25 years after the final approval date of this decision.
  - C. If the proposed three story, 9 unit multifamily building requires modification of the above adjustments, or requires a new adjustment due to agency review of the building permit plans, those Adjustments will be processed as stand alone Adjustments and will not require the applicant to submit a new Comprehensive Plan Map Amendment and Zone Change.


Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described properties; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

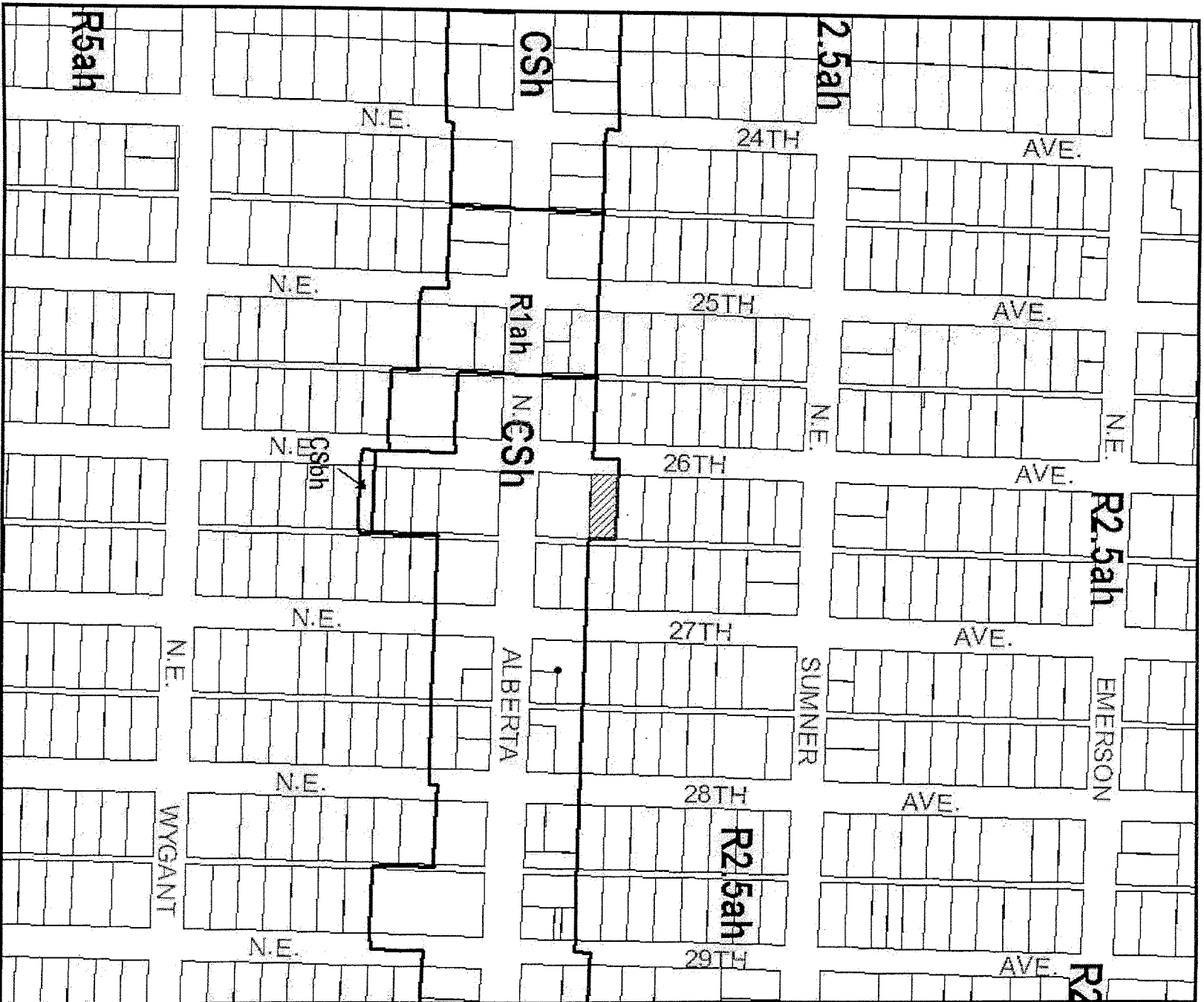
Passed by the Council: APR 01 2010  
Introduced by City Auditor LaVonne Griffin-Valade  
Gregory J. Frank/cb  
Date: March 16, 2010

**LAVONNE GRIFFIN-VALADE**

Auditor of the City of Portland

By:

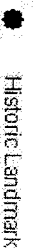
Deputy: 



# **ZONING PROPOSED**



Site



Historic Landmark

File No. LU 09-133971 CP ZC AD

1/4 Section 2533

Scale 1 inch = 200 feet

State\_Id 1N1E24BB 21700

Exhibit B2 (Dec 11, 2009)



NORTH