



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

RESCHEDULED

Note: The hearing time has been rescheduled from 2 pm to 3 pm January 26, 2012 to accommodate the Council's schedule.

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL
ON A
COMPREHENSIVE PLAN MAP AMENDMENT, ZONING MAP
AMENDMENT AND ADJUSTMENT**

CASE FILE: LU 11-103310 CP ZC AD (Safeway Barbur Store)

WHEN: **Thursday, January 26, 2012 at 3:00 PM**

WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE

Mailing Date: January 12, 2012

To: Interested Person

From: Sheila Frugoli, Senior Planner, Land Use Services, (503) 823-7817

Applicant: Diane Phillips, Real Estate Manager, Portland Division
Safeway Inc.
16300 SE Evelyn St
Clackamas, OR 97015-9515

Owner: Safeway Inc.
1371 Oakland Blvd #200
Walnut Creek, CA 94596

Site Address: 8039 SW CAPITOL HILL RD and 8145 SW BARBUR BLVD

Case Type: CP ZC AD, Comprehensive Plan Map and Zoning Map Amendment Review
with a concurrent Adjustment Review

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map and Zoning Map Amendment. On October 21, 2011, the Hearings Officer issued a recommendation of approval, with conditions, of the requested Comprehensive Plan Map, Zone Map Amendment and Adjustment. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

NOTE: This notice is abbreviated. The notice that was mailed November 1, 2011 describes the proposal, the decision-making process and specifically the City Council hearings process. Please refer to the November 1 notice for detailed information. I am the staff person handling this case. Please contact me with any questions regarding this land use review, the Council hearing process and how to testify on this matter.

FROM CONCEPT TO CONSTRUCTION



16

CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 **P524**
City Council Hearing
Case # LU 11-103310 CP ZC AD

Return Service Requested

131/140
OFC OF CITY AUDITOR
TONI ANDERSON



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

RESCHEDULED

Note: The applicant has requested the hearing be rescheduled from December 8, 2011 to January 26, 2011 so that all 5 members of Council will be in attendance.

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL
ON A
COMPREHENSIVE PLAN MAP AMENDMENT, ZONING MAP
AMENDMENT AND ADJUSTMENT**

CASE FILE: LU 11-103310 CP ZC AD (Safeway Barbur Store)

WHEN: **Thursday, January 26, 2012 at 2:00 PM**

WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE

Mailing Date: December 2, 2011

To: Interested Person

From: Sheila Frugoli, Senior Planner, Land Use Services, (503) 823-7817

Applicant: Diane Phillips, Real Estate Manager, Portland Division
Safeway Inc.
16300 SE Evelyn St
Clackamas, OR 97015-9515

Owner: Safeway Inc.
1371 Oakland Blvd #200
Walnut Creek, CA 94596

Site Address: 8039 SW CAPITOL HILL RD and 8145 SW BARBUR BLVD

Case Type: CP ZC AD, Comprehensive Plan Map and Zoning Map Amendment Review
with a concurrent Adjustment Review

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map and Zoning Map Amendment. On October 21, 2011, the Hearings Officer issued a recommendation of approval, with conditions, of the requested Comprehensive Plan Map, Zone Map Amendment and Adjustment. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

NOTE: This notice is abbreviated. The notice that was mailed November 1, 2011 describes the proposal, the decision-making process and specifically the City Council hearings process. Please refer to the November 1 notice for detailed information. I am the staff person handling this case. Please contact me with any questions regarding this land use review, the Council hearing process and how to testify on this matter.

FROM CONCEPT TO CONSTRUCTION



CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 **P524**
CITY COUNCIL HEARING
Case # LU 11-103310 CP ZC AD

16

Return Service Requested

131/140
OFC OF CITY AUDITOR
TONI ANDERSON



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

CORRECTED NOTICE

NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL ON A COMPREHENSIVE PLAN MAP AMENDMENT, ZONING MAP AMENDMENT AND ADJUSTMENT

CASE FILE: LU 11-103310 CP ZC AD (Safeway Barbur Store)

WHEN: Thursday, December 8, 2011 at 2:05 PM

WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE

Mailing Date: November 14, 2011

To: Interested Person

From: Sheila Frugoli, Senior Planner, Land Use Services, (503) 823-7817

Applicant:	Diane Phillips, Real Estate Manager, Portland Division Safeway Inc. 16300 SE Evelyn St Clackamas, OR 97015-9515
Owner:	Safeway Inc. 1371 Oakland Blvd #200 Walnut Creek, CA 94596
Site Address:	8039 SW CAPITOL HILL RD and 8145 SW BARBUR BLVD
Case Type:	CP ZC AD, Comprehensive Plan Map and Zoning Map Amendment Review with a concurrent Adjustment Review

On November 1, 2011, a notice was sent regarding the City Council hearing. A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map and Zoning Map Amendment. On October 21, 2011, the Hearings Officer issued a recommendation of approval, with conditions, of the requested Comprehensive Plan Map, Zone Map Amendment and Adjustment. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

The November 1, 2011 notice inadvertently left out the approval criteria code section for the Adjustment Review. The applicable approval criteria for this proposal are:

Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33, the Planning and Zoning Code. The applicable criteria are:

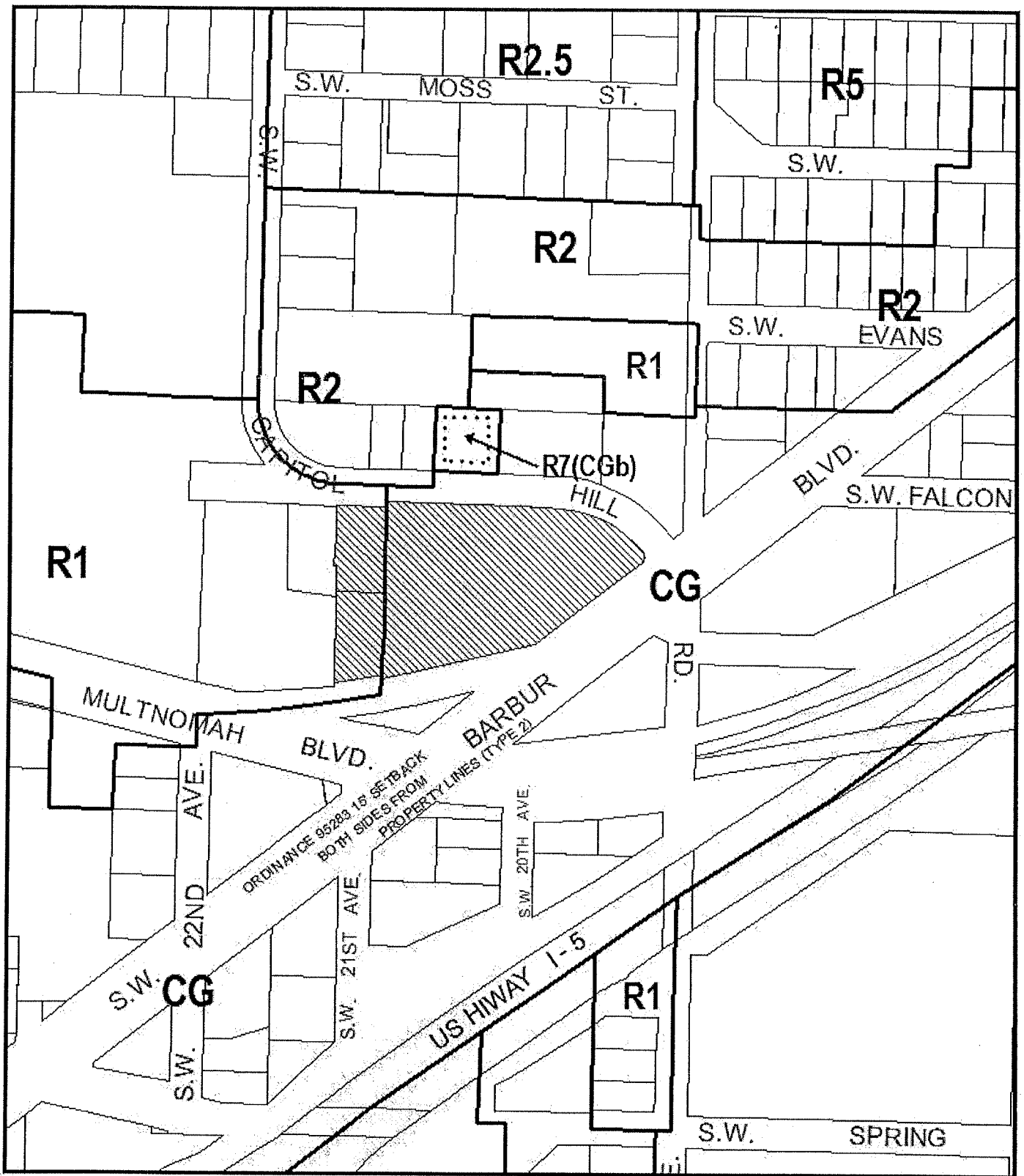
- 33.810.050 Comprehensive Plan Map Amendments
- 33.855.050 Zoning Map Amendments
- **33.805.040. A-F Adjustments**

NOTE: This notice is abbreviated. The notice that was mailed November 1, 2011 describes the proposal, the decision-making process and specifically the City Council hearings process. Please refer to the November 1 notice for detailed information. I am the staff person handling this case. Please contact me with any questions regarding this land use review, the Council hearing process and how to testify on this matter.

Attachments:

1. Existing Zone Map
2. Proposed Zone Map
3. Survey – Identified Lots Proposed for Mapping Change
4. Site Plan – Redevelopment Proposal

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

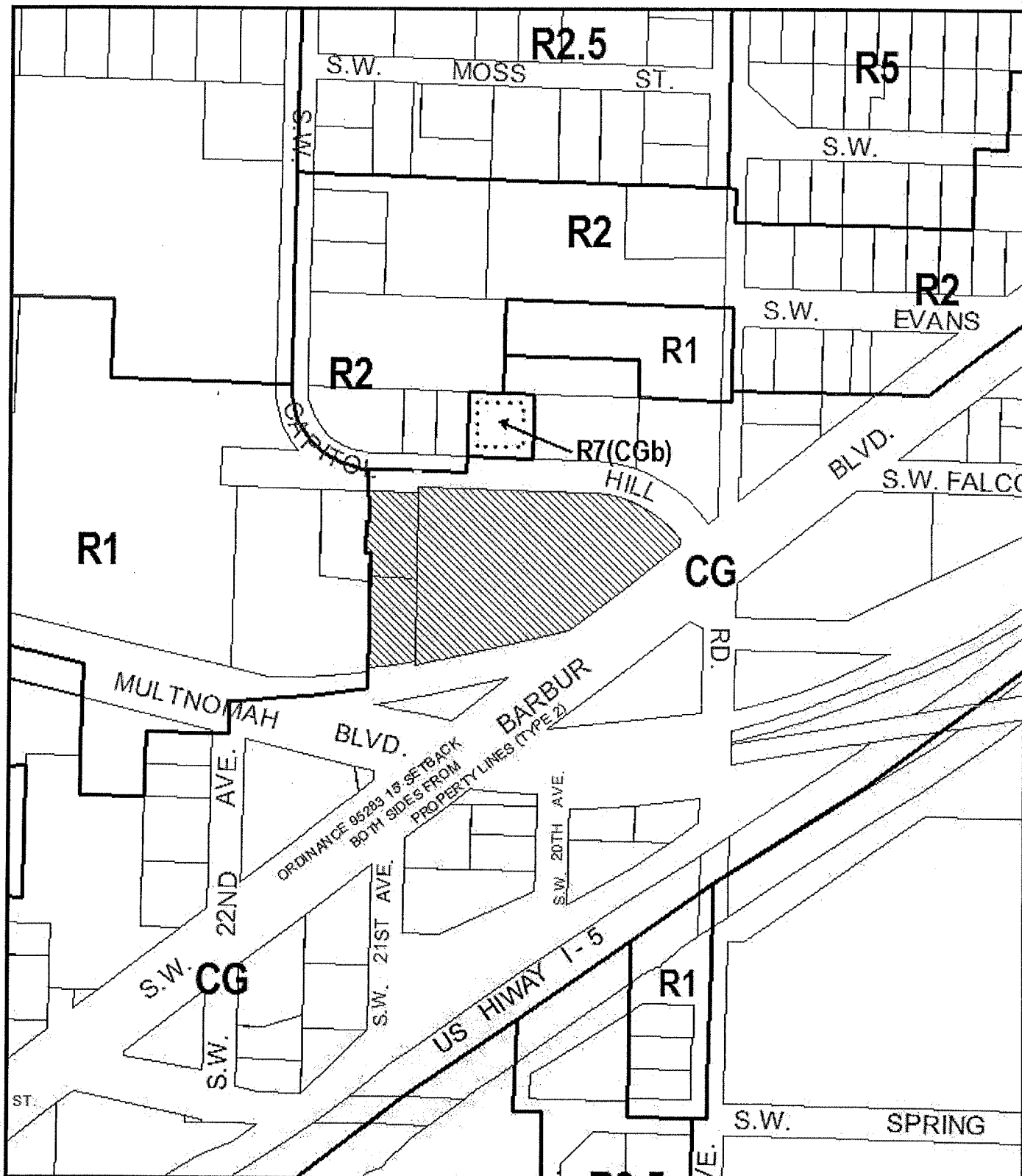


ZONING

 Site



File No. LU 11-103310 CP,ZC,AD
 1/4 Section 3827
 Scale 1 inch = 200 feet
 State_Id 1S1E21CB 4200
 Exhibit B (Jan 13, 2011)



ZONING PROPOSED



File No. LU 11-103310 CP,ZC AD
 1/4 Section 3827
 Scale 1 inch = 200 feet
 State_Id 1S1E21CB 4200
 Exhibit B (Jan 13, 2011)



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL
ON A
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE MAP
AMENDMENT**

CASE FILE: LU 11-103310 CP ZC

WHEN: Thursday, December 8, 2011 at 2:05 PM

**WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE**

Mailing Date: November 1, 2011

To: Interested Person

From: Sheila Frugoli, Senior Planner, Land Use Services, (503) 823-7817

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map and Zoning Map Amendment. On October 21, 2011, the Hearings Officer issued a recommendation of approval, with conditions, of the requested Comprehensive Plan Map, Zone Map Amendment and Adjustment. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

Copies of the existing and proposed zoning maps and site plan are attached. I am the staff person handling this case - please contact me with any questions regarding this proposal, the Council hearing, or how to testify in this matter. **For a general explanation of the City Council hearing process, please refer to the last page of this notice.**

Representative: Mark Whitlow, Attorney
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, Oregon, 97209
(503) 727-2073

Applicant: Diane Phillips, Real Estate Manager, Portland Division
Safeway Inc.
16300 SE Evelyn St
Clackamas, OR 97015-9515

Owner: Safeway Inc.
1371 Oakland Blvd #200
Walnut Creek, CA 94596

Site Address: 8039 SW CAPITOL HILL RD and 8145 SW BARBUR BLVD

Legal Description: TL 4200 1.94 ACRES, SECTION 21 1S 1E; LOT 1, PARTITION PLAT 2003-21; LOT 2, PARTITION PLAT 2003-21

Tax Account No.: R991212050, R649830810, R649830820

State ID No.: 1S1E21CB 04200, 1S1E21CB 04301, 1S1E21CB 04302

Quarter Section: 3827

Neighborhood: Multnomah, contact Moses Ross at 503-309-9785.

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None

Zoning: R1, Multi-Dwelling Residential 1,000
CG, General Commercial

Case Type: CP ZC AD, Comprehensive Plan Map and Zoning Map Amendment Review with a concurrent Adjustment Review

Procedure: Type III, with a public hearing before the Hearings Officer. The Hearings Officer will prepare a recommendation to the City Council. The City Council will hold a public hearing to consider the Comprehensive Plan Map and Zoning Map Amendment request. The Adjustment Review is being reviewed concurrently.

Proposal: The applicant, Safeway Inc., is requesting a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on two lots that immediately abut the western property line of the existing Safeway Barbur grocery store. The applicant requests a change in designation and corresponding zoning from Medium Density Multi-Dwelling Residential (R1) to General Commercial (CG). The northern most lot is 10,000 square feet and is identified as Tax Lot 4301 (8039 SW Capitol Hill Road) and is currently developed with a single-dwelling residence. The abutting lot to the south is 10,266 square feet, has frontage on SW Multnomah Boulevard and is identified as Tax Lot 4302.

The applicant is proposing a specific development proposal concurrent with the proposed change in zoning. The applicant wishes to expand the commercial site in order to replace the existing 21,665 square foot building with a new 62,925 square foot, 2-story grocery store. The lower floor will contain the store's entrance, parking and loading area. The store will provide 135 on-site vehicle parking spaces and 20 bicycle parking spaces. The sales (display and stock area) will be located on the upper floor. The upper floor will be accessible via escalators, elevators and stairs. Sidewalk widening and other right-of-way frontage improvements are proposed. Landscaping and a tall concrete wall or fence will provide a buffer between the rear of the store and the adjacent residential development.

The applicant is requesting an Adjustment to reduce the minimum total landscaping required on the site (Zoning Code Section 33.130.325) from 15 percent (14,686 square feet) to 14.4 percent (14,057 square feet).

Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33, the Planning and Zoning Code. The applicable criteria are:

- 33.810.050 Comprehensive Plan Map Amendments
- 33.855.050 Zoning Map Amendments

The above criteria also include, by reference, applicable portions of the *Portland Comprehensive Plan* (goals and policies), State Land Use Goals, and the *Metro Urban Growth Management Functional Plan* (titles).

DECISION MAKING PROCESS

Review of the Case File: The Land Use Hearings Officer's recommendation and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900

SW Fourth Avenue, 4th Floor, Portland OR 97201. Please contact the receptionist at 503-823-7300 to schedule a time to review the file. 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 for such services. You may also find additional information about the City of Portland and City bureaus as well as a digital copy of the Portland Zoning Code, by visiting the City's home page on the Internet at www.ci.portland.or.us

We are seeking your comments on the proposal. The hearing will be held before the City Council. To comment, you may write, or testify at the hearing. In your comments, you should address the approval criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing**, and should include the case file number and name and address of the submitter. It must be given to the Council Clerk in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97201.

APPEAL PROCESS

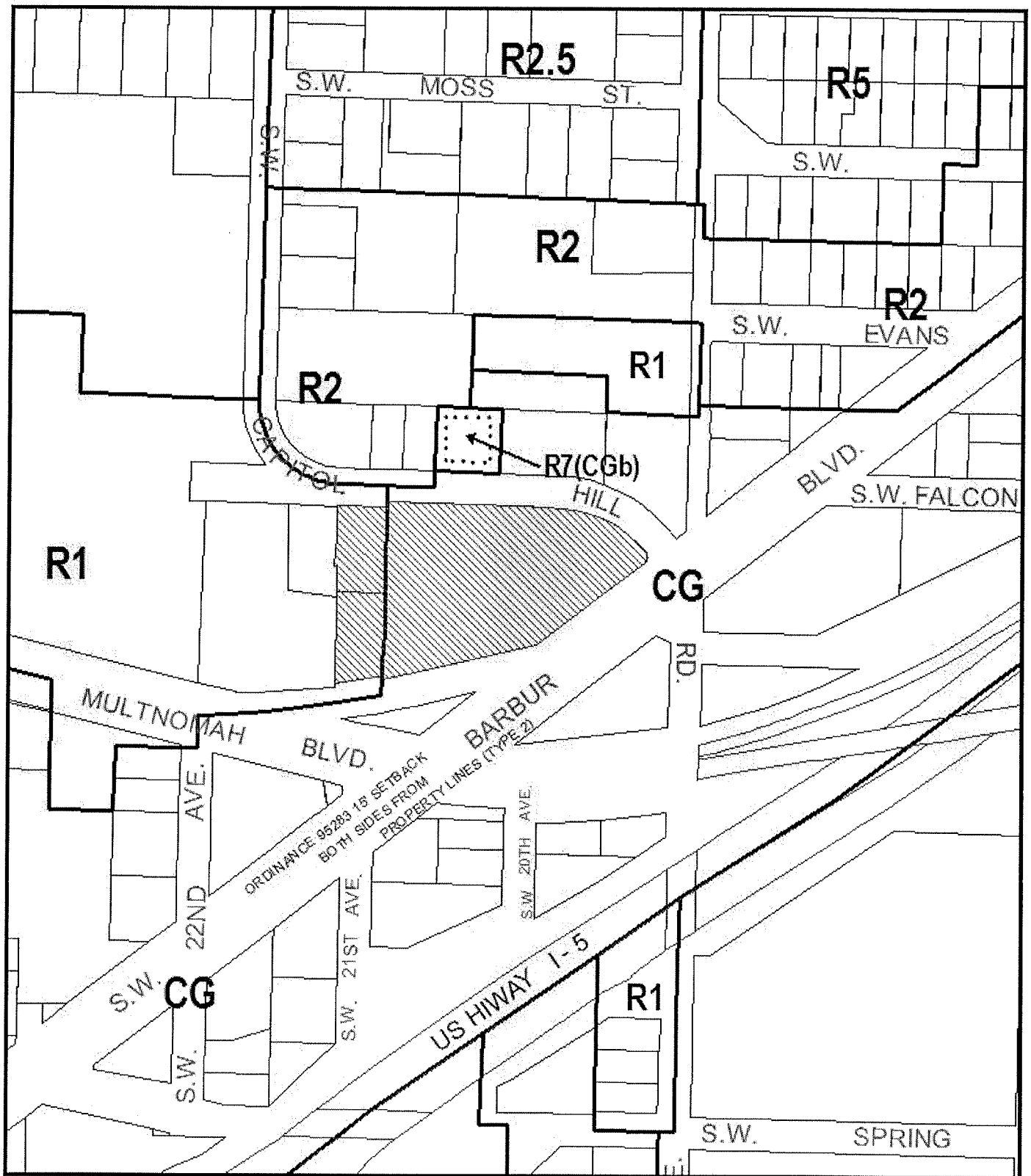
The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol Street NE, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing before the City Council on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the review body, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

Public transportation to City Hall is available. Call TriMet at (503) 238-7433 (or www.trimet.org/routes_times.htm) for routes and times. Hourly rated public parking is available underneath the Portland Building immediately north of City Hall. Other public parking garages are in the immediate vicinity.

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments:

1. Existing Zone Map
2. Proposed Zone Map
3. Survey – Identified Lots Proposed for Mapping Change
4. Site Plan – Redevelopment Proposal
5. Landscaping Plan – Redevelopment Proposal
6. City Council Hearing Process

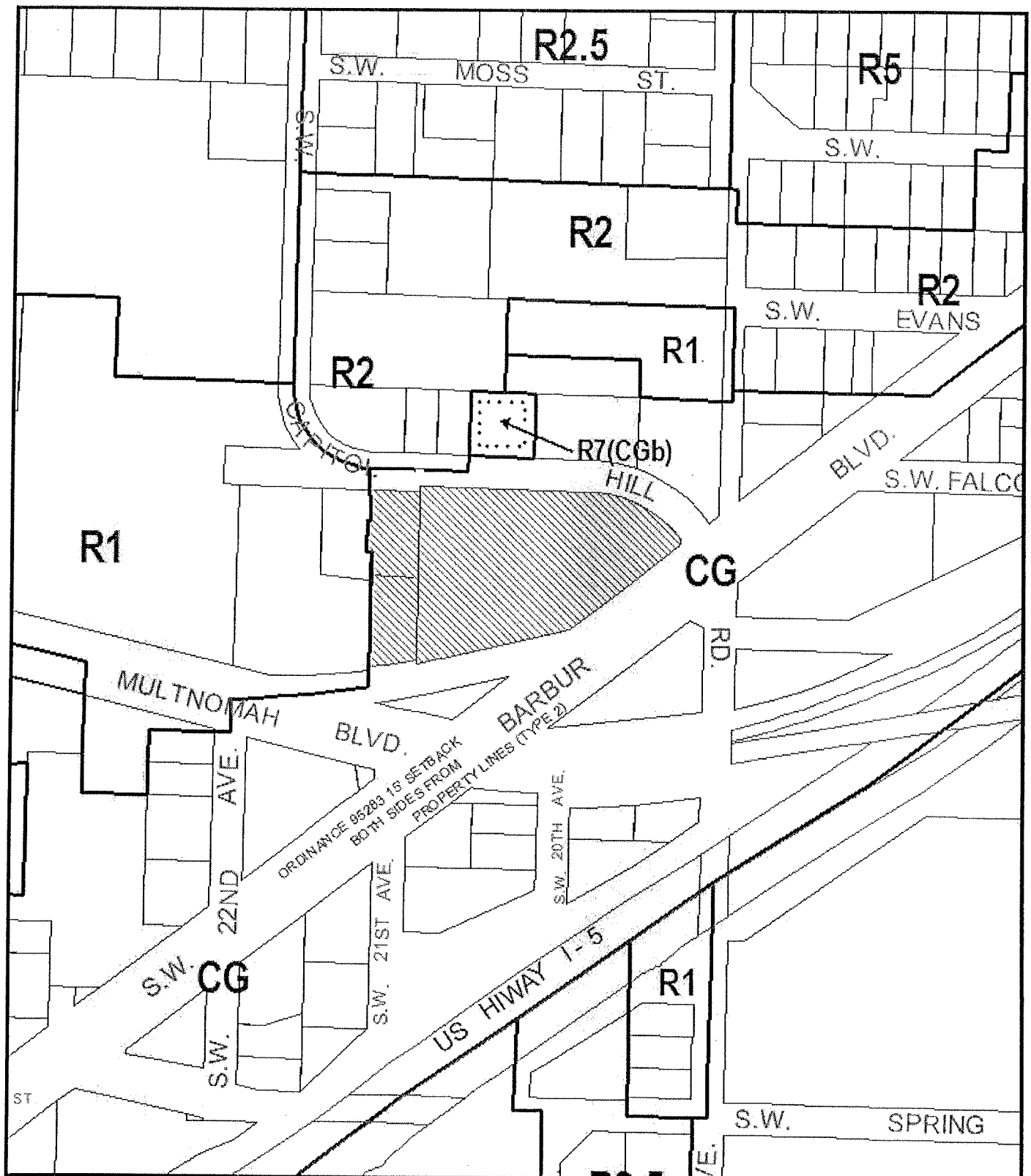


ZONING

 Site



File No. LU 11-103310 CP,ZCAD
 1/4 Section 3827
 Scale 1 inch = 200 feet
 State_Id 1S1E21CB 4200
 Exhibit B (Jan 13,2011)



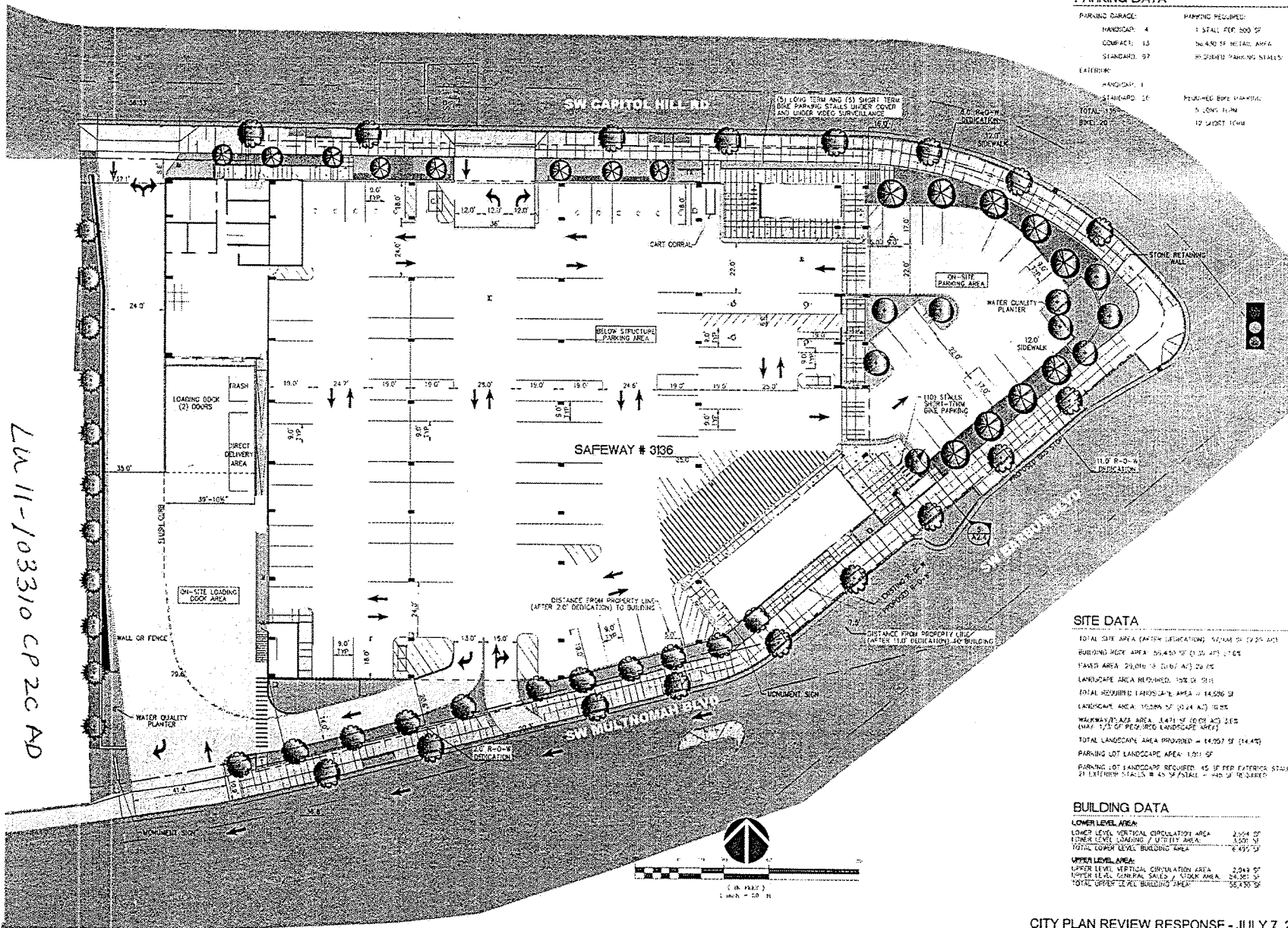
ZONING PROPOSED

 Site



NORTH

File No.	LU 11-103310 CP,ZC AD
1/4 Section	3827
Scale	1 inch = 200 feet
State_Id	1S1E21CB 4200
Exhibit	B (Jan 13, 2011)



PARKING DATA

PARKING GARAGE:	PARKING REQUIRED:
HANDICAP: 4	1 STALL PER 500 SF
COMPACT: 13	ONE AND ONE HALF AREA
STANDARD: 97	IN DESIGNATED PARKING STALLS: 113
EXTERNAL:	
HANDICAP: 1	PERMANENT BIKE STORAGE
STANDARD: 26	1 LONG TERM
TOTAL: 137	12 SHORT TERM
LEVEL: 24	

SITE DATA

TOTAL SITE AREA (AFTER DEDICATION)	14,245 SF (0.32 AC)
BUILDING FOOT AREA	50,453 SF (1.16 AC)
PAVED AREA	29,010 SF (0.66 AC)
LANDSCAPE AREA REQUIRED	15,235 SF
TOTAL REQUIRED LANDSCAPE AREA	14,586 SF
LANDSCAPE AREA	15,235 SF (0.35 AC)
WALKWAY/PLAZA AREA	2,471 SF (0.06 AC)
LANDSCAPE AREA PROVIDED	14,586 SF (0.33 AC)
PARKING LOT LANDSCAPE AREA	1,001 SF
PARKING LOT LANDSCAPE REQUIRED	45 SF PER EXTERIOR STALL
21 EXTERIOR STALLS @ 45 SF PER STALL	945 SF

BUILDING DATA

LOWER LEVEL AREA:	
LOWER LEVEL VERTICAL CIRCULATION AREA	2,554 SF
LOWER LEVEL LOADING / UTILITY AREA	1,500 SF
TOTAL LOWER LEVEL BUILDING AREA	4,054 SF
UPPER LEVEL AREA:	
UPPER LEVEL VERTICAL CIRCULATION AREA	2,049 SF
UPPER LEVEL GENERAL SALES / STOCK AREA	14,586 SF
TOTAL UPPER LEVEL BUILDING AREA	16,635 SF

GROUP
MACKENZIE
PORTLAND, OREGON
1015 SE Water Ave., Portland, OR 97214
503.274.8520

BARBUR BLVD 3136
SAFEWAY STORE
8145 SW BARBUR BLVD
PORTLAND, OR 97219

SITE PLAN

C2.1

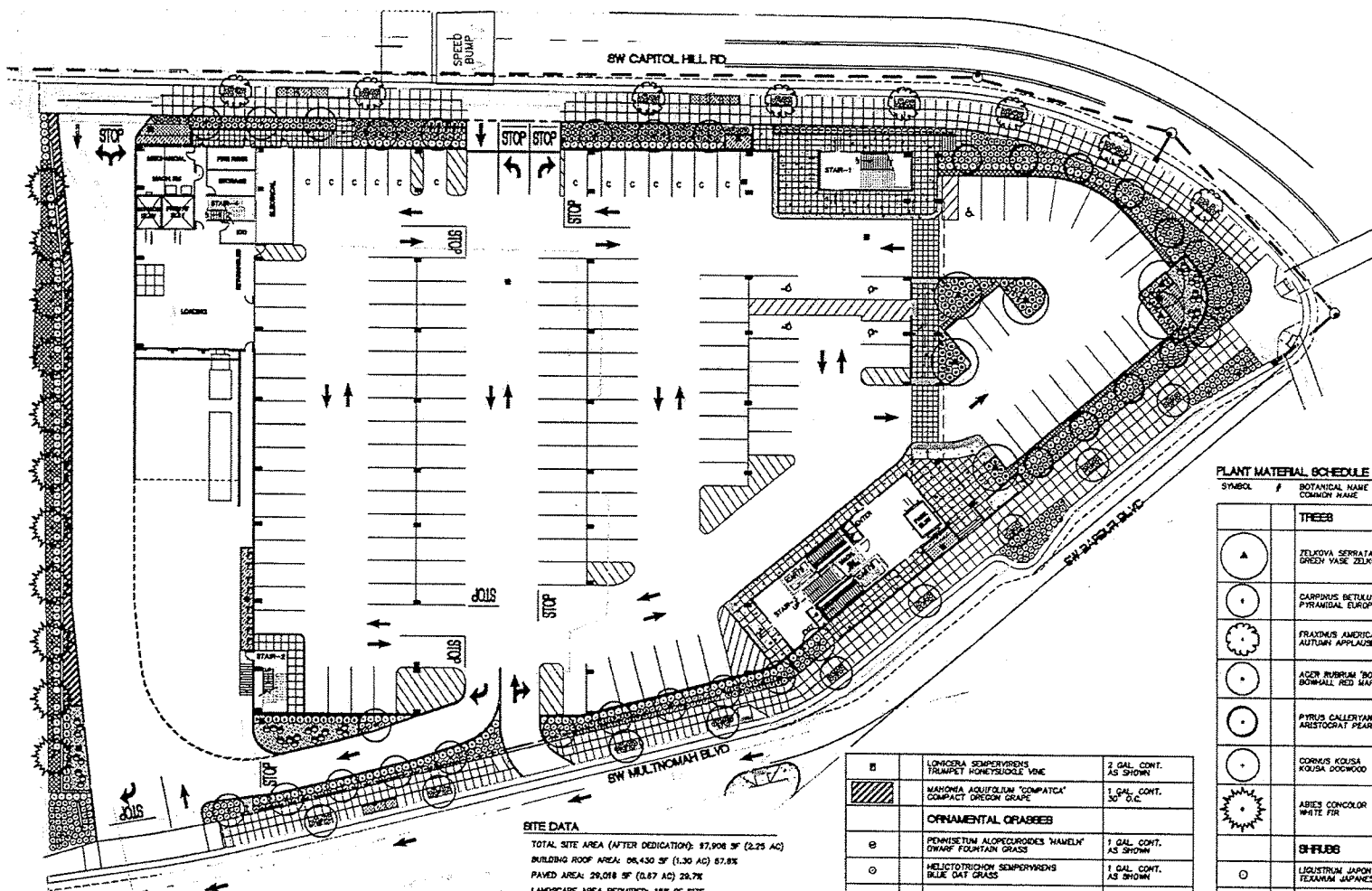
2100140.00

CITY PLAN REVIEW RESPONSE - JULY 7, 2011

© 2011 MACKENZIE

LU 11-103310 CP 2C AD

LA 11-103310 CP 2L AD



EXITE DATA

TOTAL SITE AREA (AFTER DEDICATION): 87,908 SF (2.25 AC)
 BUILDING ROOF AREA: 66,430 SF (1.30 AC) 67.8%
 PAVED AREA: 29,018 SF (0.67 AC) 29.7%
 LANDSCAPE AREA REQUIRED: 15% OF SITE
 TOTAL REQUIRED LANDSCAPE AREA = 14,086 SF
 LANDSCAPE AREA: 10,888 SF (0.24 AC) 10.8%
 DRIVEWAY/PLAZA AREA: 3,471 SF (0.08 AC) 3.6%
 (MAX. 1/3 OF REQUIRED LANDSCAPE AREA)
 TOTAL LANDSCAPE AREA PROVIDED = 14,087 SF (14.4%)
 PARKING LOT LANDSCAPE AREA: 1,011 SF
 PARKING LOT LANDSCAPE REQUIRED: 48 SF PER EXTERIOR STALL
 21 EXTERIOR STALLS @ 48 SF/STALL = 945 SF REQUIRED

GENERAL NOTES

- ALL NEW LANDSCAPE AREAS TO BE IRRIGATED WITH A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- PROVIDE DESIGN BUILD IRRIGATION DRAWINGS IN ACCORDANCE WITH SPECIFICATIONS.

1	LONGICERA SEMPERVIRENS ULMUS HOMOTRICHUS VINE	2 GAL. CONT. AS SHOWN
2	MAHONIA AQUILEGIUM 'COMPACTA' COMPACT OREGON GRAPE	1 GAL. CONT. 30" D.C.
ORNAMENTAL GRASSES		
3	PENNISETUM ALOPECUROIDES 'HAMELI' DWARF FOUNTAIN GRASS	1 GAL. CONT. AS SHOWN
4	HELICTOTRICHON SEMPERVIRENS BLUE OAT GRASS	1 GAL. CONT. AS SHOWN
GROUND COVER		
5	ARCTOSTAPHYLOS UVA-URSI KORONAVICK	1 GAL. CONT. 30" D.C.
STORMWATER		
6	CORNUS SERICEA 'NELSEY' KELSEY DOGWOOD	1 GAL. CONT. AS SHOWN
7	SALEX PURPUREA 'NANA' DWARF ARCTIC WILLOW	1 GAL. CONT. AS SHOWN
8	JUNCUS PATENS COMMON RUSH	1 GAL. CONT. 12" D.C.
9	ELEOCHARIS PALUSTRIS CREeping SPike RUSH	1 GAL. CONT. 12" D.C.
10	CAREX TESTACEA NEW ZEALAND ORANGE SEDGE	1 GAL. CONT. 12" D.C.

PLANT MATERIAL SCHEDULE

SYMBOL	BOTANICAL NAME - COMMON NAME	SIZE/ SPACING
TREES		
1	ZELKOVA SERRATA 'GREEN VASE' GREEN VASE ZELKOVA	2" CAL. BAG AS SHOWN
2	CARPINUS BETULUS 'TASTIGATA' PYRAMIDAL EUROPEAN HORNBEAM	1.5" CAL. BAG STD. HT. BRANCHING AS SHOWN
3	FRAXINUS AMERICANA 'AUTUMN APPLAUSE' AUTUMN APPLAUSE ASH	1.5" CAL. BAG AS SHOWN
4	ACER RUBRUM 'BONHALL' BONHALL RED MAPLE	1" CAL. BAG AS SHOWN
5	PIRUS CALLERYANA 'ARISTOGRA' ARISTOGRA PEAR	1" CAL. BAG AS SHOWN
6	CORNUS KOLSA KOLSA DOGWOOD	1" CAL. BAG AS SHOWN
7	ABIES CONCOLOR WHITE FIR	6" HT. BAG AS SHOWN
SHRUBS		
8	LIGUSTRUM JAPONICUM 'TEXANUM' TEXANUM JAPANESE PRIVET	3 GAL. CONT. AS SHOWN
9	ILEX GLABRA 'SHAMROCK' SHAMROCK	3 GAL. CONT. AS SHOWN
10	LOROPETALUM CHINENSIS 'RUBY' RUBY CHINESE FRINGE FLOWER	2 GAL. CONT. AS SHOWN
11	YUCCA FILIFERA DAVID YUCCA	2 GAL. CONT. AS SHOWN
12	BERBERIS THUNBERGII 'DRIMON PYROM' DRIMON PYROM BARBERRY	2 GAL. CONT. AS SHOWN
13	SPERIA JAPONICA 'GOLDFLAME' GOLDFLAME SPIREA	2 GAL. CONT. AS SHOWN
14	HANDIA DOMESTICA 'HARBOR DWARF' HARBOR DWARF HANDIA	2 GAL. CONT. AS SHOWN
15	ILEX OPACATA 'NELLER' NELLER'S JAPANESE HOLLY	2 GAL. CONT. AS SHOWN

CITY PLAN REVIEW RESPONSE - JULY 7, 2011

GROUP
MACKENZIE

BARBUR BLVD 3136

SAFEWAY

SAFEWAY STORE
8145 SW BARBUR BLVD
PORTLAND, OR 97219

LANDSCAPE
PLAN

L2.1

2100140.00

© 2011 MACKENZIE LTD.
ALL RIGHTS RESERVED

GENERAL EXPLANATION OF THE CITY COUNCIL PROCESS FOR EVIDENTIARY/DE NOVO HEARINGS

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Applicant	10 minutes
Supporters of Applicant	3 minutes each
Principal Opponent	15 minutes
Opponents	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Hearings Officer decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, Portland, OR 97201. Call 503-823-7300 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.