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149197

AUG 25 9 31 AM 1980

GEORGE YERKOVICH AUDITOR
CITY OF PORTLAND OREGON

BY: *[Signature]*

ACCEPTANCE

Portland, Oregon, February 22, 1980

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of

Ordinance No. 149197, passed by the Council February 21, 1980, granting a Revocable Permit to Milholm Corporation, deedholder, and Marina Lutgarda B. Capistrano, applicant, to use a portion of the existing single-family dwelling as a beauty shop, in zone A2.5, located at 5530 SW Beaverton Hillsdale Highway, on Tax Lot 10 of Lot 10, B.P. Cardwell Tract, under certain conditions, and declaring an emergency,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

[CORPORATE SEAL]

MILHOLM CORPORATION
BY: *[Signature]*

P.O. Box 13082, Portland, OR 97213
Address

Approved as to form:

[Signature]
City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ACCEPTANCE

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OFFICE OF THE AUDITOR
OREGON

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and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

Nicolas N. Capistrano

Nicolas N. Capistrano

* *Marina Lutgarda B. Capistrano*

Marina L.B. Capistrano

5530 SW Beaverton Hwy., Portland, OR 97221

Address

[CORPORATE SEAL]

Approved as to form: *[Signature]*

Christopher P. Thomas
CITY ATTORNEY

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ORDINANCE NO. **149197**

An Ordinance granting a Revocable Permit to Milholm Corporation, deedholder, and Marina Lutgarda B. Capistrano, applicant, to use a portion of the existing single-family dwelling as a beauty shop, in zone A2.5, located at 5530 S.W. Beaverton Hillsdale Highway, on Tax Lot 10 of Lot 10, B.P. Cardwell Tract, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Milholm Corporation, deedholder, and Marina Lutgarda B. Capistrano, applicant, have filed application for a Revocable Permit to use a portion of the existing single-family dwelling as a beauty shop, in zone A2.5, located at 5530 S.W. Beaverton Hillsdale Highway.
2. The legal description of said property is Tax Lot 10 of Lot 10, B.P. Cardwell Tract.
3. Applicants have paid the proper fee for the filing of such an application.
4. A duly authorized and conducted public hearing has been held by the City's Hearings Officer on January 21, 1980 (Planning Commission File No. 692OR) and the Hearings Officer recommends that a Revocable Permit to use a portion of the existing single-family dwelling as a beauty shop be allowed, under certain conditions.
5. The City Auditor has complied with the notice requirements of the ordinance for the hearing before the Hearings Officer.
6. The City Council after due deliberation in open session adopted the report of the Hearings Officer.
7. By limiting the size of the sign, the appearance of a commercial building in a residential area will be mitigated. Limitations on the number of employees and floor area of the beauty shop will mitigate future parking problems and make the proposal more consistent with requirements for home occupations in an A2.5 zone. Limitations on business areas would also make possible the retention of a 13 feet by 18 feet living space in the house.

NOW, THEREFORE, the Council directs:

- a. That a Revocable Permit be granted to allow use of a portion of the existing single-family dwelling as a beauty shop, in zone A2.5, located at 5530 S.W. Beaverton Hillsdale Highway, on Tax Lot 10 of Lot 10, B.P. Cardwell Tract.

ORDINANCE No.

b. This Revocable Permit is granted under the following conditions:

- 1) Operation shall conform to all limitations and requirements of home occupations in an A2.5 zone, except that one employee in addition to the residents of the house is allowed, the maximum floor area shall be 325 square feet, and commercial sinks may be installed.
- 2) Three on-site parking spaces shall be provided for the use of beauty shop patrons.
- 3) A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings, Room 111, City Hall, 1220 S.W. 5th Avenue, 248-4241, before carrying out this project in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.
- 4) The Revocable Permit hereby granted is personal to the permittee and may not be transferred, assigned or otherwise disposed of by said permittee.
- 5) The Revocable Permit hereby granted shall be revocable at the pleasure of the City Council and no expenditures of money hereunder or lapse of time or any act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittees any vested or other right.
- 6) Permittee shall comply with the provisions of the Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City, whether presently existing or hereafter enacted.

c. Neither this ordinance nor any permit issued hereunder shall be effective until accepted, filed and recorded in accordance with law.

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

Passed by the Council, FEB 21 1980

Mayor McCready
January 22, 1980
P.Norr/ja

Attest:


Mayor of the City of Portland



Auditor of the City of Portland

Calendar No. 660

ORDINANCE No. 149197

Title

An Ordinance granting a Revocable Permit to Milholm Corporation, deedholder, and Marina Lutgarda B. Capistrano, applicant, to use a portion of the existing single-family dwelling as a beauty shop, in zone A2.5, located at 5530 S.W. Beaverton Hillsdale Highway, on Tax Lot 10 of Lot 10, B.P. Cardwell Tract, under certain conditions, and declaring an emergency.

THURSDAY

Filed JAN 24 1980

GEORGE YERKOVICH Auditor of the CITY OF PORTLAND

By [Signature] Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
MAYOR MCCREADY

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>[Signature]</i>
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Hearings Office	
Prepared By: P. Norr/ja	Date: 1/22/80
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head:	

NOTED BY
City Attorney
City Auditor
City Engineer <i>[Signature]</i>