



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

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Date: December 30, 2011
To: Interested Person
From: Mark Walhood, Land Use Services
503-823-7806

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-159540 AD – 2865 & 2871 NW CORNELL ROAD PARKING

GENERAL INFORMATION

Applicant/Contact: Ben Waechter, Architect
3741 NE Mallory Ave.
Portland, OR 97212

Property Owners: Alan and Lynn Crymes
6839 SE Ash St.
Portland, OR 97215-1345

Site Address: 2865 and 2871 NW CORNELL RD

Legal Description: BLOCK A W 25' OF S 93' OF LOT 11 E 27' OF LOT 14 & S 18' OF E 2' OF W 23' OF LOT 14, WILLAMETTE HTS ADD; BLOCK A W 23' OF LOT 14 EXC S 18' OF E 2' OF W 23' & E 25' OF LOT 15, WILLAMETTE HTS ADD

Tax Account No.: R913406110, R913406140
State ID No.: 1N1E32AB 05900, 1N1E32AB 05901
Quarter Section: 2926

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: **R5** (Single-Dwelling Residential 5,000 base zone)

Case Type: **AD** (Adjustment Review)
Procedure: **Type II**, an administrative decision by staff that can be appealed to the Adjustment Committee.

Proposal: The applicant has revised the proposal, adding a request to waive on-site parking requirements for the future house at 2871 NW Cornell Road.

The site includes two adjacent parcels currently in the same ownership, with an existing house on the easterly parcel at 2865 NW Cornell Road, and a lot with the former garage for the house on the westerly parcel. The lots were separated through a Lot Segregation and Property Line Adjustment (Lot Seg/PLA) case in 2008. A building permit for a new house on the westerly parcel is currently under review. Although the original idea was to retain the existing garage structure to serve the new house on the westerly parcel, the applicant now proposes to retain this structure as a non-garage building, removing the garage door and the angled, paved driveway approach.

As an alternative to re-using the existing garage for vehicle parking, the applicant is proposing through a separate process to provide for two off-street parking spaces perpendicular to the Cornell Road roadway. These two parking spaces would be served with a new curb cut, and create a rectangular parking area for two vehicles centered on the lot line between the two parcels in the public right-of-way.

Zoning regulations at this site require at least one on-site parking space for each house (33.266.110.B.1/Tables 266-1 and 266-2). Exemptions to parking exist for sites within 500 feet of a bus line with 20-minute peak hour service. The site is within 500 feet of the #18 Hillside bus service, but the #18 bus does not meet the frequency standard. The existing house on the easterly parcel is located within only a few feet of the front property line, and there is no room in either side yard for a parking pad. The revised proposal for the new house on the westerly parcel would retain the garage structure for non-garage uses with no driveway, but include no on-site parking. Both the existing and proposed homes at the site would share a single curb cut and approach to side-by-side off-roadway parking in the NW Cornell Road/Quimby right-of-way, adjacent to the front lot lines. Therefore, the applicant has requested an adjustment to waive the on-site parking requirement for the existing home at 2865 NW Cornell Road, and for the future house at 2871 NW Cornell Road.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- **33.805.040.A-F, Adjustment Approval Criteria.**

ANALYSIS

Site and Vicinity: The site includes two side-by-side parcels on the north frontage of NW Cornell Road. The site is currently improved with a home on the eastern parcel, and a detached garage on the western parcel, with the garage angled and projecting slightly into the adjacent right-of-way. The existing house and garage were originally developed as a single site in 1948, although the lots were separated into separate tax accounts in 2008.

The adjacent right-of-way is unusually wide, because it includes not only the 60-foot wide right-of-way for NW Cornell Road, but also a 30-foot wide portion that runs in alignment and connects to NW Quimby Street to both the east and west. The adjacent roadway in NW Cornell is improved with a paved roadway, two-way vehicular travel lanes, and on-street parking. A curb and sidewalk exists on the opposite, or south side of NW Cornell Road, but the existing curbing and sidewalk adjacent to the site terminates at the site frontage. A concrete public pedestrian stair is located in the NW Quimby Street right-of-way immediately west of the site, connecting to the intersection of NW 29th Avenue and Quimby Streets a short distance to the west.

The surrounding area is developed primarily with single-family homes in various ages and architectural styles. Further to the east, downhill and heading towards NW 25th Avenue, there are also several multi-dwelling structures (apartments, condominiums) in the nearby area.

Zoning: The site is zoned R5 (Single-Dwelling Residential 5,000). The R5 zone is intended preserve land for housing and to provide housing opportunities for individual households. The

use regulations of the R5 zone seek to create, maintain and promote single-dwelling neighborhoods. The development standards seek to preserve the character of neighborhoods by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

Land Use History: City records indicate no prior land use reviews at the site. An administrative property line adjustment and lot segregation were approved in 2008 (08-118732 PR).

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 21, 2011**. The following Bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and provided informational comments, but no objections or recommended conditions of approval. The applicant will still be required to meet all BES standards and requirements during the building permit review process for the new house, as well as for the public right-of-way improvements. It is unclear whether or not the right-of-way improvement work being contemplated in this decision will result in over 500 square feet of new impervious area, although preliminary investigations indicate that the Stormwater Management Manual will not be triggered. At a minimum, the existing inlet at the eastern end of the improvement area will need to be moved to match the new curb line. Because the site is steeply sloped, the applicant will be asked to address slope stability issues during all permitting procedures on the site and in the adjacent right-of-way, including use of native plants to help stabilize soils and minimize erosion. Exhibit E.1 contains staff contact and additional information.

The *Development Review Section of Portland Transportation* has reviewed the proposal and provided detailed responses to the adjustment approval criteria, which are included later in this report. Transportation staff has reviewed the proposal for potential impacts regarding the public right-of-way and transportation services, traffic impacts and conformance with adopted policies, street designations, and relevant standards and regulations in Titles 17 and 33. At this location, NW Cornell is classified as a Neighborhood Collector, Community Transit Street, City Bikeway, City Walkway, and a Greenscape Street (Design Mode), in the City’s adopted Transportation System Plan. The applicant will be required to meet Title 17 requirements during permitting, including assessment of Transportation System Development Charges, curb cut and driveway regulations, and street improvement standards. With conditions of approval and transportation-related considerations as discussed in the decision and findings below, Transportation has no objection to the requested adjustments. Exhibit E.2 contains staff contact and additional information.

The *Water Bureau* has reviewed the proposal and provided informational comments, but no objections or requested conditions of approval. There is an existing metered water service for the existing home which provides water to this location from the existing water main in NW Cornell Road. Exhibit E.3 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and responded without objections or concerns. Exhibit E.4 is a paper copy of their electronic ‘no concerns’ response.

The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and responded without objections or concerns. Exhibit E.5 is a paper copy of their electronic ‘no concerns’ response.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and provided information regarding street trees, but no objections to the requested adjustments. City code Title 20.40 requires a street tree review for new construction projects, improvements to existing structures that exceed \$25,000 in value, and to all land divisions. All existing street trees will be protected and preserved. At this time there is a building permit (11-168829 RS) under review for the west parcel. An Urban Forestry checklist has been issued for the

developer to schedule an on-site meeting and discuss a tree protection plan for the right-of-way trees. If retaining the trees is not possible a removal permit will be issued with mitigation for the loss of tree canopy. A written permit from the City Forester is required to remove, destroy, cut, break, or injure, any tree of any size in or upon any street, park, or public area as detailed in Title 20.40.090 D. Exhibit E.6 contains staff contact information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and provided informational comments, but no objections or requested conditions of approval. A separate building permit is required for the proposed new house, and the proposal must be designed to meet all applicable building codes and ordinances. A complete Life Safety plan review will be conducted as part of the building permit review process. Exhibit E.7 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 21, 2011. A total of seven written responses have been received, including five on the original proposal, and two on the revised proposal.

The original letters raised several concerns regarding the proposal, including the following specific themes and issues:

- There is a lack of any pedestrian sidewalk on the majority of the site, creating safety hazards for neighborhood residents, including especially young children and the elderly;
- The curving nature of the roadway at this location creates hazards for pedestrians, bicyclists, and parked cars, and the additional on-street parking demand resulting from the adjustment will create a hazardous situation for pedestrian, bicycle, and vehicle safety;
- Most letters suggested that on-site parking could be waived for the existing house, but not for the westerly parcel where a new house will be constructed;
- One letter suggested that any frontage improvements/sidewalk should not only connect to the Quimby staircase, but further to the west;
- One letter suggested that the parking waiver for the existing house should only be granted if the applicant installs frontage improvements along the entire site, and a parking pad perpendicular to the roadway within one year of any adjustment approval; and
- The Northwest District Association (NWDA) has written a letter supporting the concerns of the neighbors, including approval of the parking waiver for the existing house only, with conditions requiring a private parking pad in the right-of-way perpendicular to the roadway, full sidewalk and curb improvements along the site frontage, and completion of these improvements no more than one year from approval.

In response to the revised proposal (both sites included in parking waiver request), two additional letters were received, both re-stating many of the original concerns raised by the authors in their first letters on the original proposal. In this supplemental letter, concerns are raised with regards to the waiver of on-site parking for the westerly parcel, suggesting that it is technically possible to construct on-site parking, and that waiving the requirement will save the applicant money but not provide any public benefit. This supplemental letter suggests that the parking waiver for the westerly parcel should only be granted with conditions of approval that sidewalks and frontage improvements be extended further to the west, past the site's property line and to the easterly property line of the 2911 NW Cornell parcel (where Cornell turns south and meets the first property south of the NW Quimby right-of-way). Extending the curb and sidewalk this additional length beyond the site frontage would improve ADA accessibility for this stretch of sidewalk.

Staff Note: Transportation staff has reviewed all of the above letters and provided a response in their letter, which is excerpted in this decision in the adjustment findings, below. In summary, after visiting the site and reviewing right-of-way conditions and regulations, Transportation will require frontage improvements along the site as a condition of waiving parking for both sites. Improvements will only be required to extend to the nearby Quimby

Street stairway, which is located beyond the west lot line of the site frontage itself, but not any further along the NW Cornell Road right-of-way. The existing encroaching garage will be allowed to remain, but only as a non-garage structure, due to concerns about traffic visibility when backing out into the road at that particular angle.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustment Reviews

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 to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: *Portland Transportation has reviewed this proposal against this primary adjustment criterion, and provided the following response (relevant text from Exhibit E.2, excerpted in full below):*

Portland Bureau of Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

STREET CLASSIFICATION

At this location, NW Cornell is classified as a Neighborhood Collector, Community Transit street, City Bikeway, City Walkway, and a Greenscape street (Design Mode), in the City's Transportation System Plan.

ADJUSTMENT APPROVAL CRITERIA

The applicable approval criterion that needs to be addressed from PBOT is noted in Code Section 33.805.040.A, and is stated as follows:

“Granting the Adjustment will equally or better meet the purpose of the regulation to be modified”.

The purpose for the minimum number of required parking spaces as identified in Code Section 33.266.110.A is stated as follows:

“to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Transit-supportive plazas and bicycle parking may be substituted for some required

parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.”

The applicable section from the purpose statement in ***bold/italics*** is what PBOT will focus our analysis upon in this response.

This Adjustment review is associated with a building permit (11-168829 RS) for a new single-family home on the portion of the site addressed as 2871 NW Cornell. During the course of the building permit review, it was identified that the existing garage on 2871 NW Cornell, which served the existing house on 2865 NW Cornell, was actually partially located within the right-of-way. It should be noted here, that the existing public right-of-way that abuts the subject site, is unique and not ordinary. There is a combined right-of-way in front of the subject site, as well as in front of the abutting lot to the east. NW Cornell and NW Quimby rights-of-ways abut one another in this location; this combined public right-of-way amounts to 90-ft in width, which is unusual. However, even more unusual, is how existing development at this location has been permitted/constructed in relation to the public right-of-way. The front property line of the subject site, as well as that of the abutting lot to the east (2855 NW Cornell), are actually very close to the front of the existing houses (at 2865 and 2855 NW Cornell).

A site visit reveals that the public right-of-way at these two properties have historically been used as driveways/access, landscaping, fencing, walkways, etc. The apparent reason for this is because these lots have minimal level developable areas; approximately 2/3 of these lots have grades that significantly slope (downward) from the street. The proposed plan for the new house at 2871 NW Cornell indicates that the structure will be situated approximately midway down the lot (from the street) where apparently, the grade of the site is more gentle. The house will be accessed from the proposed parking pads via a structural bridge.

PBOT finds that the applicant's request is reasonable, to waive the on-site parking (space) requirement for the existing home at 2865 NW Cornell and for the proposed home at 2871 NW Cornell. Given the historic use of NW Cornell/NW Quimby right-of-way as front yard and parking areas, the continued use of the public right-of-way for the two proposed parking pads will be sufficient to accommodate the majority of traffic generated by the single-family residential uses on the subject site (both lots). Further, with the required frontage improvements that will be described in further detail below, the existing condition of the right-of-way will be better defined for the purposes of on-street parking and, the pedestrian environment will also be improved as a result of the sidewalk that the applicant will be required to construct. Off-setting the continued use of the right-of-way for parking purposes (one-space parking pad devoted for 2865 and 2871 NW Cornell) with the frontage improvements that the applicant will be required to construct will enable the applicant to reasonably develop the lot at 2871 NW Cornell while benefitting the general public with an extension of the existing pedestrian system from the east, across the subject site, and towards an existing stairwell (within the NW Quimby right-of-way). (Encroachment Permit (11-189033 TR) has already been submitted to address the “non-garage” structure and proposed parking pads).

TITLE 17 REQUIREMENTS

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Improvements (Section 17.88.010)

It is typical Portland Transportation procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff *may* receive different information from the applicant's engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

According to City database sources, where the existing sidewalk exists in front of 2855 NW Cornell, the street is improved with 36-ft of paving and 0-5.5-5.5 sidewalk corridor (5.5-ft curb-tight sidewalk), within a 60-ft right-of-way (not including the 30-ft of NW Quimby right-of-way situated between the lot and the NW Cornell right-of-way. Along the frontage of the subject site (2865 and 2871 NW Cornell), there is effectively (approximately) 78-ft of paved roadway within the combined 90-ft wide right-of-way (NW Cornell and NW Quimby).

In relation to the proposed development and the requested Adjustments, the applicant will be required to construct the following improvements: the existing curb-line and sidewalk east of the subject site shall be extended across the entire width of the site (2865 and 2871 NW Cornell) to the stairwell at the western end of the site. The new curb-tight sidewalk shall be 5.5-6-ft in width and a curb cut shall be included to serve the two parking pads proposed to be located within the right-of-way and that will serve the existing house at 2865 NW Cornell and the proposed house at 2871 NW Cornell.

Said new sidewalk construction will trigger a Public Works Permit to be issued through the City's Public Works Permitting Process. The applicant should refer to the following link for additional information on the City's Public Works Permitting Process:

<http://www.portlandonline.com/index.cfm?c=53147>.

RECOMMENDATION

PBOT has no objections to the proposed Adjustment, subject to the following conditions of approval:

1. The applicant will be required to construct frontage improvements along the site's NW Cornell frontage to the satisfaction of the City Engineer. The improvements must be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, separate from the Building Permit process. The applicant should also contact Public Works at either (503) 823-1987 or at publicworkspermit@portlandoregon.gov to initiate this process. (NOTE: Street trees may be required behind the new sidewalk pursuant to City Forester review).
2. A performance guarantee (for the estimated value of all of the improvements (the two parking pads and the sidewalk construction) and contract must be in place with PBOT as a condition of Building Permit approval for the new house on 2871 NW Cornell. The applicant is encouraged to provide Public Works Permitting staff with the frontage design information as soon as possible in order to expedite a final summation of performance guarantee requirements.

With the above noted conditions of approval from Portland Transportation, this criterion is 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 to waive on-site parking for these two sites addresses a unique right-of-way situation, with the additional right-of-way frontage in between the edge of the roadway or sidewalk and the front property lines historically being used in part as a driveway and vehicle area. Transportation-related safety and traffic concerns are addressed through conditions of approval which will require extension of a sidewalk and curb along the entire site frontage. With the conditions of approval as noted in findings for criterion A, above, the proposal will not significantly detract from the livability or appearance of the residential area, and this criterion can be 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 has been requested, since the proposal is to waive on-site parking for a single site, albeit with two parcels on the site. Therefore, this criterion is not applicable.

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

Findings: City-designated scenic resources are indicated by an 's' overlay zoning designation on the official zoning maps. Historic resources are indicated by inclusion of the site within a conservation or historic district, or through individual landmark designation. There are neither City-designated scenic nor historic resources on the site. Therefore, this criterion does not apply.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: Impacts resulting from the adjustment are mitigated partially through the unusually wide right-of-way dimensions at the site, whereby individual parking pads can be provided in front of the home sites without reducing the dimensions or safe navigability of the adjacent sidewalk and roadway area. In addition, mitigation for potential impacts to the abutting right-of-way is mitigated for through conditions of approval requiring frontage improvements at the site. Based on the unique site configuration of the right-of-way, and with the conditions of approval as noted, any impacts resulting from the requested adjustments have been mitigated to the extent practical, and this criterion is 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;

or

Findings: Environmental zoning is indicated by the presence of the 'c' or 'p' environmental overlay zones on the official zoning maps. No such overlay zoning exists on the site. Therefore, this criterion does not apply.

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 has requested adjustments to waive the on-site parking requirement for an existing house at 2865 NW Cornell Road, and for an adjacent parcel to the west, where a future home will be constructed. As discussed in this report, the relevant criteria can be satisfied for

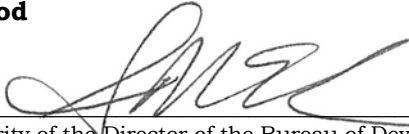
this request through conditions of approval requiring frontage improvements along the site, including a new sidewalk and curb, with new off-roadway parking pads for each home created perpendicular to the roadway. With conditions of approval as noted, the request is able to satisfy the adjustment approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an **Adjustment** to waive the on-site parking requirement (33.266.110.B.1/Tables 266-1 and 266-2) for the existing home at 2865 NW Cornell Road, and for the adjacent parcel to the west at 2871 NW Cornell Road, as shown on the approved site plan, Exhibit C.1, signed and dated December 27, 2011, and subject to the following three conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B and 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 11-159540 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant will be required to construct frontage improvements along the site's NW Cornell frontage to the satisfaction of the City Engineer. The improvements must be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, separate from the Building Permit process. The applicant should also contact Public Works at either (503) 823-1987 or at publicworkspermit@portlandoregon.gov to initiate this process. (NOTE: Street trees may be required behind the new sidewalk pursuant to City Forester review).
- C. A performance guarantee (for the estimated value of all of the improvements (the two parking pads and the sidewalk construction) and contract must be in place with PBOT as a condition of Building Permit approval for the new house on 2871 NW Cornell. (NOTE: The applicant is encouraged to provide Public Works Permitting staff with the frontage design information as soon as possible in order to expedite a final summation of performance guarantee requirements).

Staff Planner: Mark Walhood

Decision rendered by:  **on December 27, 2011.**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 30, 2011

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 July 19, 2011, and was determined to be complete on **October 19, 2011**.

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 July 19, 2011.

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 waived the 120-day review period, and the waiver form is included in the file as Exhibit A.3. **The 120 days will expire on October 18, 2012.**

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 Friday January 13, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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.

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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **January 17, 2012 – (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.

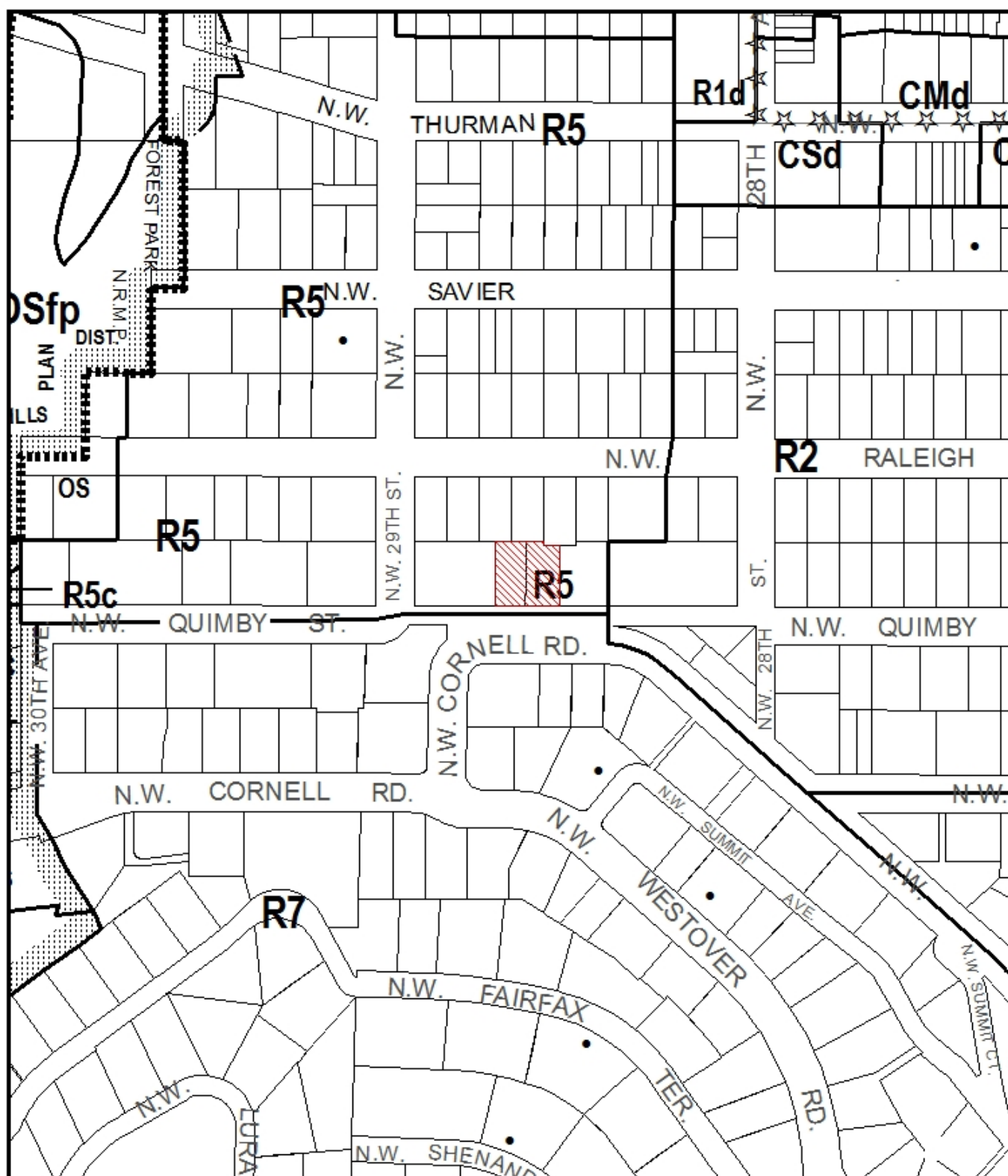
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 1. Original narrative, site photos, and site plan
 2. Revised narrative, submitted Oct. 19, 2011
 3. 120-day extension, signed Nov. 16, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
- D. Notification information:
 1. Original mailing list and notice, sent Oct. 27, 2011
 2. Mailed copy of Oct. 27, 2011 notice

3. Revised mailing list and notice, sent Nov. 21, 2011
 4. Mailed copy of Nov. 21, 2011 notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Development Review Section of Portland Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of Bureau of Development Services
 6. Urban Forestry Division of Portland Parks and Recreation
 7. Life Safety Section of Bureau of Development Services
- F. Correspondence:
1. Letter with concerns on original proposal from John Taylor and Barbara West, received Nov. 9, 2011
 2. Letter with concerns on original proposal from D. Dustin Posner and Ron Doughten, received Nov. 9, 2011
 3. Letter with concerns on original proposal from Zak Gordon, received Nov. 1, 2011
 4. E-mail conversation between neighbors and applicant regarding NWDA meeting and other issues, received from Dustin Posner on Nov. 17, 2011
 5. Letter with concerns on original proposal from John Bradley, Chair of Planning NWDA, received Nov. 17, 2011
 6. Letter with concerns on original proposal from Arthur Downard and Lawrence Cusack, received Nov. 16, 2011.
 7. Letter with concerns on revised proposal from D. Dustin Posner and Ron Doughten, received Dec. 10, 2011
 8. Letter supporting concerns regarding revised proposal raised in Exhibit F.7, above, received from Zak and Wendy Gordon on Dec. 12, 2011
- G. Other:
1. Original LU Application Form and Receipt
 2. Site History Research
 3. Incomplete Letter from staff to applicant, sent Aug. 5, 2011

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



Historic Landmark



NORTH

File No.	LU 11-159540 AD
1/4 Section	2926
Scale	1 inch = 200 feet
State_Id	1N1E32AB 5900
Exhibit	B (Aug 09,2011)

SHEET 1 OF 1



W11-159540AD
Exhibit C.1