

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

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date: April 13, 2015

To: Interested Person

From: Sheila Frugoli, Land Use Services 503-823-7817 / Sheila.Frugoli@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, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

<u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 15-118511 AD

GENERAL INFORMATION

Applicant:	Phillip Chubb / FFA Architecture and Interiors Inc. 520 SW Yamhill, Suite 900 / Portland, OR 97204 / 503-327-0307
Representative:	Krista Bailey / Urban Renaissance Group 720 SW Washington St Suite 630 / Portland, OR 97205
Owner:	Portland General Electric Bob Millican 3100 NW Industrial St / Portland, OR 97210
Site Address:	3700 SE 17TH AVE
Legal Description:	BLOCK 21 INC PT VAC ST LOT 1-3 IN PT VAC STS LOT 4 DEPT OF REVENUE, FEURERS ADD; BLOCK 22 LOT 5 EXC PT IN ST INC VAC STS LOT 7 INC PT VAC ST LOT 8 EXC PT IN ST; DEPT OF REVENUE, FEURERS ADD; BLOCK 22 INC PT VAC ST LOT 2 DEPT OF REVENUE, FEURERS ADD; BLOCK 22 INC PT VAC ST LOT 3 DEPT OF REVENUE, FEURERS ADD; BLOCK 22 INC PT VAC ST LOT 6 DEPT OF REVENUE, FEURERS ADD; BLOCK 18 TL 6300 DEPT OF REVENUE, RIVERSIDE HMSTD
Tax Account No.:	R276901990, R276902050, R276902070, R276902080, R276902090, R709900430, R709900430
State ID No.:	1S1E11DB 06200, 1S1E11DB 05800, 1S1E11DB 06100, 1S1E11DB 06000, 1S1E11DB 05900, 1S1E11DB 06300, 1S1E11DB 06300
Quarter Section: Neighborhood: Business District: District Coalition: Plan District: Zoning:	3432 Brooklyn Action Corps, Hotline at 503-241-4540. Greater Brooklyn, contact David Weislogel at 503-872-9320. Southeast Uplift, contact Bob Kellett at 503-232-0010. None IG1 – General Industrial 1 zone

Case Type:	AD, Adjustment Review
Procedure:	Type II, an administrative decision with appeal to the Adjustment
	Committee.

Proposal: Portland General Electric (PGE) has submitted plans for a major renovation of the existing office building on the site (15-103929 CO). When improvements are made to properties, the Portland Zoning Code requires that certain elements of existing (nonconforming) development be upgraded to meet current standards. PGE intends to address the code required nonconforming upgrades on much of the site, with a few exceptions. The applicant is requesting the following three Adjustments:

- 1. **Interior Parking Lot Landscaping:** Waive the interior parking lot landscaping requirement for the 35 parking spaces that are located in the "Central Parking Area". At least 1,575 square feet of landscaping (45 square feet per space) is required in this area. The P1, interior parking lot landscaping standard (33.248.020.H) requires trees, shrubs and groundcover in the landscape areas.
- 2. **Perimeter Parking Lot Landscaping:** The L2, low-screen standard (33.248.020.B) requires 3-foot tall shrubs, trees and groundcover plants. For the approximate 200-foot length of perimeter landscaping, along SE 17th Avenue, for the "Office Building Employee Parking Area," the applicant is requesting to modify the requirement to include tall evergreen shrubs and a tall sight-obscuring fence.
- 3. **Exterior Storage Perimeter Screening along Street Lot Lines:** Where screening abuts a street lot line, a required 5 foot-wide setback must have L3, high-screen landscaping or the L2, low-screen landscaping with fully sight-obscuring fence (F2 standard) is required. The applicant is proposing alternatives to the requirement, as follows:
 - Along SE Center Street, waive the setback requirement and waive the landscaping and sight-obscuring fence requirement. Allow only an 8-foot tall chain link fence to provide separation.
 - Along SE 17th Avenue, for the "Southwest Storage" area, reduce the setback to approximately 3.5 feet and allow the existing tall shrubs and tall chain link fence to meet the requirement.
 - Along SE Lafayette, for the "North Storage" area, substitute a tall chain link fence for the required sight-obscuring fence. The applicant intends to install perimeter landscaping to meet the L2, low-screen standard.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section **33.805.040 A.-F., Approval Criteria for Adjustments.**

ANALYSIS

Site and Vicinity: The site, approximately 6.5 acres in size, is located on the east side of SE 17th Avenue, between SE Lafayette and Center Streets. The facility includes office buildings, warehouse buildings, exterior storage and truck and auto parking areas. The east side of SE 17th Ave has an industrial character. To the west is the Union Pacific Brooklyn Rail Yards. On the south side of SE Center Street is the Tri-Met office building and bus dispatch facility. Tri-Met is in the process of finishing its large Milwaukie Light Rail Project which includes the light rail line and an expanded bus barn/office/surface parking complex along SE 17th Avenue. Residential areas, which include the "City Life" multi-dwelling residential development, are located west of SE 17th Avenue.

Zoning: The IG1 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses

may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG1 zoned areas generally have smaller lots and a grid block pattern.

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 **March 10, 2015**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering;
- Fire Bureau;
- City Forester of the Portland Parks Bureau;
- Site Development Section of BDS; and
- Water Bureau.

The Bureau of Environmental Services responded with the following comments:

BES provides input to BDS related to whether the above referenced land use approval criteria can be met with the requested Adjustments to modify the perimeter and interior parking lot landscaping and exterior storage-perimeter screening standards. **BES finds that sufficient information has been provided to demonstrate that stormwater management approval criteria can be met**. See the *Stormwater Management* section for more information.

Note that this land use application does not alter BES requirements as identified under building permit application 15-103929-CO, which is currently under review. BES comments related to the proposed redevelopment of the PGE building are included in a checksheet issued on the Commercial Building Permit (15-103929-CO).

A. SANITARY SERVICE

- 1. Existing Sanitary Infrastructure:
 - a. There are 2 public 12-inch PVC combined sewers in SE 17th (BES as-built #E09163). One combined sewer runs north from approximately SE Rhone Street and the other sewer runs south from approximately the location of SE Bush Street.
 - b. There are 2 public combined sewers located in (generally the same areas) on the east side of the new combined sewers described above that have been abandoned.
 - c. There is a public 24-inch VSP combined sewer in SE Center Street (BES as-built #20972).
 - d. Sanitary laterals appear on the Portland to Milwaukie Light Rail Transit (PMLRT) project as-built records. It appears that this project has approximately 4 different laterals. The applicant will need to confirm this information at the time of review (refer to building permit #15-103929-CO currently under review).
 - e. *Combined Sewer*. The combined sewer system currently surcharges under certain conditions. BES will allow sanitary connections, but stormwater discharges will be restricted. See the *Stormwater Management* section, below, for a discussion of the impact this may have on the development's stormwater management plan.
- 2. *Connection Requirements*: Connection to public sewers must meet the standards of the City of Portland's <u>Sewer and Drainage Facilities Design Manual</u>.

B. STORMWATER MANAGEMENT

- 1. Existing Stormwater Infrastructure:
 - a. There is a public 18-inch CIPP storm-only sewer that runs from approximately the northern portion of this site west to SE Bush and SE 16th (BES as-built #E09163). A storm manhole (ACD159) at the end of the 18-inch storm sewer appears available to serve the stormwater disposal needs of this property. This storm only sewer connects to a combined interceptor line in SE 16th Avenue.

- 2. General Stormwater Management Requirements: All development and redevelopment proposals are subject to the requirements of the City of Portland Stormwater Management Manual (SWMM). The SWMM is periodically updated; projects must comply with the version that is adopted when permit applications are submitted. The 2008 SWMM may be obtained at the City of Portland Development Services Center (1900 SW 4th Ave) and from the BES website (www.portlandonline.com/bes/2008SWMM). Development projects are evaluated using the criteria described in Section 1.3 of the SWMM. The Stormwater Hierarchy guides the applicant in determining where stormwater runoff should be conveyed (i.e. infiltrated onsite or discharged off-site). The highest technically feasible category must be used. Regardless of the discharge point, vegetated surface facilities are required to the maximum extent feasible to meet SWMM pollution reduction and flow control requirements.
- 3. On-Site Stormwater Management Comments: BES reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control, and off-site discharges.
 - a. BES has no specific approval criteria related to Adjustment Reviews (33.805.040.A-F). However, BES does have expertise related to managing stormwater runoff from vehicle areas to assist BDS with ensuring that the approval criteria as identified under the Purpose statement of Parking and Loading, Chapter 33.266.130, can be met.
 - b. BES's mission (and expertise) includes the protection of public health, water quality and the environment by providing sewage and stormwater collection and treatment services, and by protecting the quality of surface and ground waters. Landscaping is needed to mitigate some of the negative impacts of streets and parking areas in the Willamette River watershed. In this location, which is served by combined sewer, new landscaping will have a dual benefit that is aligned with the two prongs of BES's mission:
 - 1) Landscaping will help by lowering the temperature of runoff, facilitating infiltration of stormwater which recharges groundwater and increases base flows that also reduce the temperature of water that will eventually flow into the Willamette River.
 - 2) Landscaping will help the public conveyance system by intercepting stormwater thereby reducing the peak flow, and reducing the total volume, of runoff that is conveyed to the public combined sewer system.
 - c. The applicant requested adjustments to interior parking lot landscaping, perimeter parking lot landscaping and exterior stormwater perimeter screen along street lot lines.
 - Interior Parking Lot Landscaping: In regards to the adjustment to waive interior parking lot landscaping for the "Central Parking Area" on the north side of the site, BES understands that the applicant now plans to install interior landscaping and that BDS will require a condition of approval to install additional landscaping which allow this project to meet landscaping requirements. The approval criteria related to managing stormwater runoff from vehicle areas identified under the Purpose statement of the Parking and Loading section can be met.
 - 2) Perimeter Parking Lot Landscaping: BES does not take issue with the applicant's request to modify the L2 (low-screen) standard for the perimeter parking lot landscaping to include tall evergreen shrubs and a tall sight-obscuring fence as tall evergreen shrubs assist with managing stormwater runoff from the vehicle areas and meets the intent of the Purpose statement.
 - Exterior Storage Perimeter Screening along Street Lot Lines: The applicant proposed three alternatives to the exterior storage perimeter screen along street lot lines requirements:
 - (1) SE Center waive landscaping. BES understands that storage of equipment (transformers) that could potentially contaminate groundwater if leaking were to occur and allowed to infiltrate into the soil via landscaped areas. Therefore, to reduce the potential for waterborne pollution to occur, BES has no objections to waiving the landscaping requirements along SE Center. Additionally, trees are proposed on the east side of the existing fence on this

site, which will intercept rainfall and assist with reducing temperature and the amount and rate of stormwater runoff and, in turn, reduce pollution.

- (2) SE 17th Ave waive approximately 1.5 feet of landscaping by reducing the setback to approximately 3.5 feet. BES understands that landscaping, including trees, are now being proposed in this area and that landscaping requirements are now being met. The approval criteria related to managing stormwater runoff from vehicle areas identified under the Purpose statement of the Parking and Loading section can be met.
- (3) SE Lafayette substitute a tall chain link fence for a sight-obscuring fence. The applicant intends to install perimeter landscaping. The approval criteria related to managing stormwater runoff from vehicle areas identified under the Purpose statement of the Parking and Loading section can be met.
- 4. Public Right-of-Way Stormwater Management Comments: BES reviews stormwater management facilities in the public right-of-way for compliance with SWMM requirements such as Infiltration and Discharge, Pollution Reduction, and Flow Control. The following comments apply this project, as required by the City of Portland Bureau of Transportation (PBOT).
 - a. PBOT does not require public right-of-way improvements as part of the proposed development. The frontage sidewalks and driveways along SE 17th Avenue were reconstructed as a part of the Portland-Milwaukie Light Rail Project.
- 5. TMDL Requirements: The project site is located in the Willamette River Watershed. Total Maximum Daily Load (TMDL) water quality requirements apply in the Willamette River Watershed, as required by Oregon DEQ. The Stormwater Management Manual (SWMM) requires that applicants use pollution reduction facilities that are capable of reducing TMDL pollutants. Vegetated facilities sized according to the Simplified or Presumptive Approaches meet these requirements.
- 6. Nonconforming Parking Lot and Landscape Requirements: This project will bring existing parking areas into compliance with current landscaping requirements per Chapter 33.258.070. Section 1.5 of the SWMM requires that new landscaped areas must also be utilized as vegetated stormwater facilities where feasible. Section 1.5 includes examples of criteria that will be considered to determine feasibility. Note that if a stormwater facility is determined feasible the facility must be sized using the appropriate methodology from Chapter 2 of the SWMM, and should therefore be included in the required stormwater report.

C. CONDITIONS OF APPROVAL

BES has no recommended conditions of land use review approval. (Exhibit E.1)

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the mailed Notice of Proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 Adjustments Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. have been met.

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

Findings: The applicant is requesting to adjust three development standards. Below is a response to this criterion for each respective standard.

Interior Parking Lot Landscaping: The intent for the parking lot interior landscaping, as stated in Section 33.266.130.A of the Zoning Code, is as follows:

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- Direct traffic in parking areas;
- Shade and cool parking areas;
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

The intent of the P1 interior parking lot landscaping standard in Section 33.248.020.I.1 is:

The P1 standard is a landscape treatment which uses a combination of trees, shrubs, and groundcover to provide shade, stormwater management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots and associated vehicle areas.

The request to waive the required interior parking lot landscaping for the 35 parking spaces in the "Central Parking Area" equally meets the purpose of the regulation because of the extensive upgrades to the other parking areas and the landscaping near the buildings. The submitted landscaping plan includes 36 new large trees and the retention of at least 5 mature trees in the "Office Building Employee Parking Area" and "Warehouse Building Parking Area". This proposal exceeds the total number of trees required for the total number—138—of on-site parking spaces. With a condition that requires the installation of ground cover and a total of 10 shrubs in the existing landscape islands that separate the "Employee Parking" and the "North Storage" area, the overall amount of landscaping will achieve compliance on the site.

The Bureau of Environmental Services finds that the overall landscaping upgrades for the site will serve to address landscaping requirements and adequately address stormwater management requirements.

With the condition that requires additional landscaping, this criterion is met.

Perimeter Parking Lot Landscaping: As stated above, Section 33.266.130.A describes the purpose of parking lot landscaping.

The intent of the L2 perimeter landscaping standard in Section 33.248.020.B.1 is:

The L2 standard is a landscape treatment that uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.

The applicant requests to modify the standard along approximately a 200-foot length, along SE 17th Avenue, for the "Office Building Employee Parking Area". The perimeter landscape area will include tall evergreen shrubs and a tall sight-obscuring fence. There is a dense row of healthy, tall arborvitae that screen a tall chain-link fence with slats that obscures visual

impacts of the parking to the street and adjacent properties. The existing perimeter screening appears to have been recently installed, making room for the new light-rail line right-of-way dedication and frontage improvements. Unless the new fence is removed, there is not adequate area for the planting of trees in the existing narrow landscape area. The existing shrubs and fence soften the visual impact and hence meets this approval criterion.

Exterior Storage – Perimeter Screening along Street Lot Lines: The standard that address exterior storage in the industrial zones (Section 33.140.245) is intended to assure that exterior storage and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of an employment or industrial area;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

The screening standard, along street lot lines, requires a 5 foot-wide setback with L3, highscreen landscaping or with the L2, low-screen landscaping with fully sight-obscuring fence (F2 standard). The applicant is proposing alternatives, to address the requirement.

The General Industrial zones are characterized as the zones that "provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry." Although additional landscaping would soften the appearance of the exterior storage activities on the site, this area is zoned for industrial uses where the undesirable appearance and impacts are generally not an issue. The industrial activities on the north side of SE Lafayette appear to be comprised of large exterior storage and work areas and warehouse-type uses. To the east is a massive rail yard facility with numerous train tracks used for rail car storage. To the south is the Tri-Met office building and large bus maintenance/dispatch facility. The existing tall hedge screening and multiple buildings that line the SE 17th Avenue frontage provides visual screening for the residential areas on the west side SE 17th Avenue. A double row of cyclone fencing effectively obscures views of the material and vehicle storage areas. The use of fencing, at this location, does not create detrimental impacts to the overall character of the industrial area.

BES staff note that the exterior storage of electrical equipment and recognizes that the addition of landscape areas could potentially contaminate groundwater if runoff is directed to those areas. BES notes the planned frontage improvements, with street trees and planter areas. The improvements within the public right-of-way will serve to intercept rainfall, reduce temperature and the amount and rate of stormwater runoff and in turn reduce pollution. This proposal will not have an adverse impact on the environment.

For all these reasons, 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: As stated above this large site is industrially-zoned and has frontage on SE 17th Avenue, SE Center and SE Lafayette Streets. The chart below identifies the street classifications. The site and adjacent sites are located within a designated Freight District.

Rights-of-	Traffic	Transit	Bicycle	Pedestrian
Way	Classification	Classification	Classification	Classification
SE 17 th Avenue	Neighborhood Collector	Community Transit/ Regional Transitway	Local Service	City Walkway

SE Center	Local Service	None	Local Service	Local Service
SE Lafayette	Local Service	None	Local Service	Local Service

The Adjustment to the parking lot landscaping and screening requirements will not impact the operation of the streets. This request raised no concerns or objections by PDOT staff. The Adjustment request does not conflict with the desired character of the General Industrial zone, which is to provide a place where industrial uses may locate. For these reasons, 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: The applicant has requested Adjustments to three development standards. As stated above, the IG1 zone is applied to areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. As found under criterion B, both individually and cumulatively, the effects of the requested adjustments will result in a project that is still consistent with the IG1 zone. This criterion is met.

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

Findings: This site is not located within the scenic overlay zone nor is it designated as a historic landmark or resource. Therefore, this criterion is not applicable.

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

Findings: To mitigate for the lack of interior parking lot landscaping in the "Central Parking Area", a condition will require full implementation of the proposed additional on-site landscaping, as illustrated on Exhibit C.4. A condition will require the installation of additional shrubs and ground cover in existing landscape islands that separate the Employee Parking Area from the northwest storage area. The overall increase in tree canopy and on-site landscaping will mitigate air and water-related pollution impacts. With compliance with the condition, this criterion is satisfied.

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: This site is not located within an environmental resource overlay zone. Therefore, 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

Based on the findings of this report, the approval criteria are met or will be met through compliance with conditions of approval. Therefore, the requested Adjustments should be approved.

ADMINISTRATIVE DECISION

Approval of the following three Adjustments:

- 1. **Interior Parking Lot Landscaping:** Waive the interior parking lot landscaping requirement for the 35 parking spaces that are located in the "Central Parking Area". At least 1,575 square feet of landscaping (45 square feet per space) is required in this area. The P1, interior parking lot landscaping standard (33.248.020.H) requires trees, shrubs and groundcover in the landscape areas.
- 2. **Perimeter Parking Lot Landscaping:** The L2, low-screen standard (33.248.020.B) requires 3-foot tall shrubs, trees and groundcover plants. For the approximate 200-foot length of perimeter landscaping, along SE 17th Avenue, for the "Office Building Employee Parking Area", the applicant is requesting to modify the requirement to include tall evergreen shrubs and a tall sight-obscuring fence.
- 3. **Exterior Storage Perimeter Screening along Street Lot Lines:** Where screening abuts a street lot line, a required 5 foot-wide setback must have L3, high-screen landscaping or the L2, low-screen landscaping with fully sight-obscuring fence (F2 standard) is required (33.140.245). The applicant is proposing alternatives to the requirement, as follows:
 - Along SE Center Street, waive the setback requirement and waive the landscaping and sight-obscuring fence requirement. Allow only an 8-foot tall chain link fence to provide separation.
 - Along SE 17th Avenue, for the "Southwest Storage" area, reduce the setback to approximately 3.5 feet and allow the existing tall shrubs and tall chain link fence to meet the requirement.
 - Along SE Lafayette, for the "North Storage" area, substitute a tall chain link fence for the required sight-obscuring fence. The applicant intends to install perimeter landscaping to meet the L2, low-screen standard.

Per the approved site and landscaping plans, Exhibits C.1 and C.4, signed and dated April 9, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions B must be noted on each of the 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 15-118511 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant must submit a revised site and landscaping plan for active permit 15-103929 CO. The plans must reflect the approved landscaping plan and include ground cover and an additional 10 shrubs in the existing landscape islands that separate the "Employee Parking" and the "North Storage" area, as shown on Exhibit C.4.

Staff Planner: Sheila Frugoli

Decision rendered by: ______ on April 9, 2015 By authority of the Director of the Bureau of Development Services

Decision mailed: April 13, 2015

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 February 11, 2015, and was determined to be complete on **March 5, 2015**.

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 February 11, 2015.

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.

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 April 27, 2015** 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 5th 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 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 April 28, 2015 (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
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Parking/Office Site Plan
 - 3. Warehouse/South Storage Site Plan
 - 4. Landscaping Plan (attached)
 - 5. Site Utility Plan
 - 6. Warehouse/Parking Lot Utilities
 - 7. Office Building/Canopy Utilities
 - 8. Underground Detention System
 - 9. Photos of Site and Areas Subject to Adjustment Review
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety Review Section of BDS
 - 4. TRACS Print-Out Showing "No Concerns" from Bureau of Transportation Engineering and Development Review, Fire Bureau, Site Development Review Section of BDS and Parks Urban Forestry
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Application Letter from Staff to Applicant

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).





