



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](http://www.portlandonline.com/bds)

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

**CASE FILE:** LU 09-133971 CP ZC AD  
**WHEN:** Thursday April 1, 2010 at 3:30 PM  
**WHERE:** CITY COUNCIL CHAMBERS  
1221 SW FOURTH AVENUE

Date: March 4, 2010  
To: Interested Person  
From: Sylvia Cate Land Use Services, (503) 823-7771

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 February 24, 2010, the Hearings Officer issued a recommendation of approval (with conditions) of the requested Comprehensive Plan Map and Zone Map Amendments and Adjustments. 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(s) if included 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.**

**Applicant:** Samuel Penfield, Listed Property Owner  
4022 N Attu St  
Portland, OR 97203-2059

Marc Pickrell, Designer  
Design And Drafting Dynamics Inc  
19901 NE 58th Street  
Vancouver, WA 98682

**Representative:** Ramasurdial Premsingh, Main Contact  
1815 N Willis Blvd  
Portland, OR 97217-6734  
503 735 4928

**Site Address:** 5012-5014 NE 26TH AVE \*

**Legal Description:** BLOCK 13 LOT 8, INA PK  
**Tax Account No.:** R413905090  
**State ID No.:** 1N1E24BB 21700  
**Quarter Section:** 2533

**Neighborhood:** Concordia, contact George Bruender at 503-287-4787.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.

**Plan District:** None  
**Other Designations:** None  
**Zoning:** R2.5ah: Single Dwelling Residential 2,500 with Alternative Design Density and Aircraft Landing overlays

**Case Type:** CP ZC AD: Comprehensive Plan Map Amendment with Zone Change and Adjustment  
**Procedure:** Type III, with a public hearing before the Hearings Officer. The Hearings Officer will make a recommendation to City Council, who makes the final decision in this matter.

**Proposal:**

The applicant requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on the site from AR, Attached Residential [designation] and R2.5ah, [zoning] to Urban Commercial [designation] and CSh, Storefront Commercial with Aircraft Landing overlay [zoning]. The proposed CSh zone will match the base zone of the abutting lot to the south of the site.

The applicant also proposes a specific development proposal concurrent with the proposed change in zoning for the site. The applicant proposes a three-story, multi-dwelling 9-unit condominium, which is allowed in the proposed Storefront Commercial zone. The proposed development will require two Adjustments to applicable development standards as follows:

- An Adjustment to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and
- An Adjustment to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.

Attached to this Notice are two zoning maps depicting the existing and proposed zone, as well as a site plan and elevations of the proposed development.

**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 Adjustments**

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).

Because the applicant proposes a specific development plan, they also seek an Adjustment, as described above. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria have been met.

## **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, 4<sup>th</sup> 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](http://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**

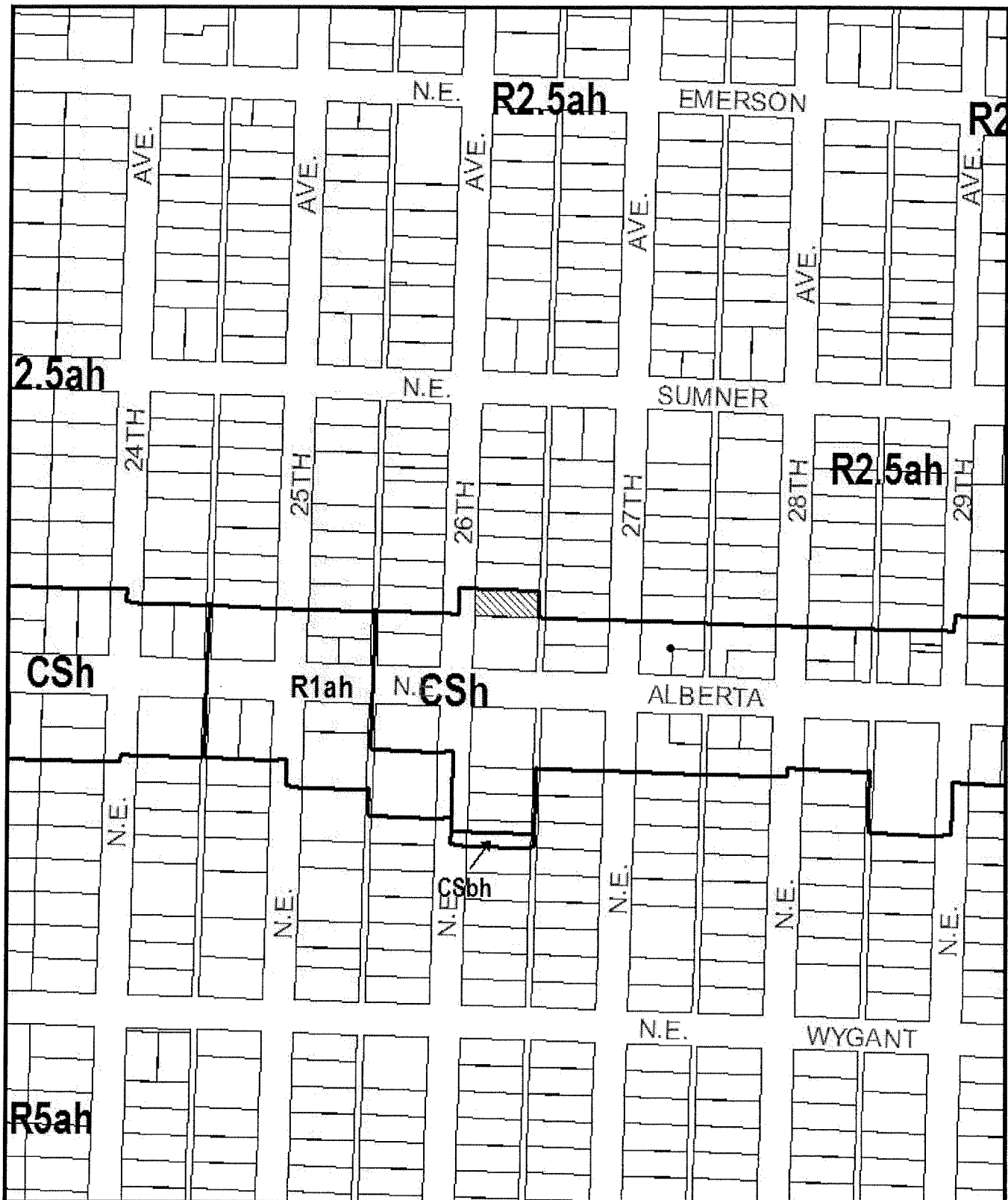
The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol Street NE, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing 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](http://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. Site Plan
4. City Council Hearing Process



**ZONING  
PROPOSED.**



Site

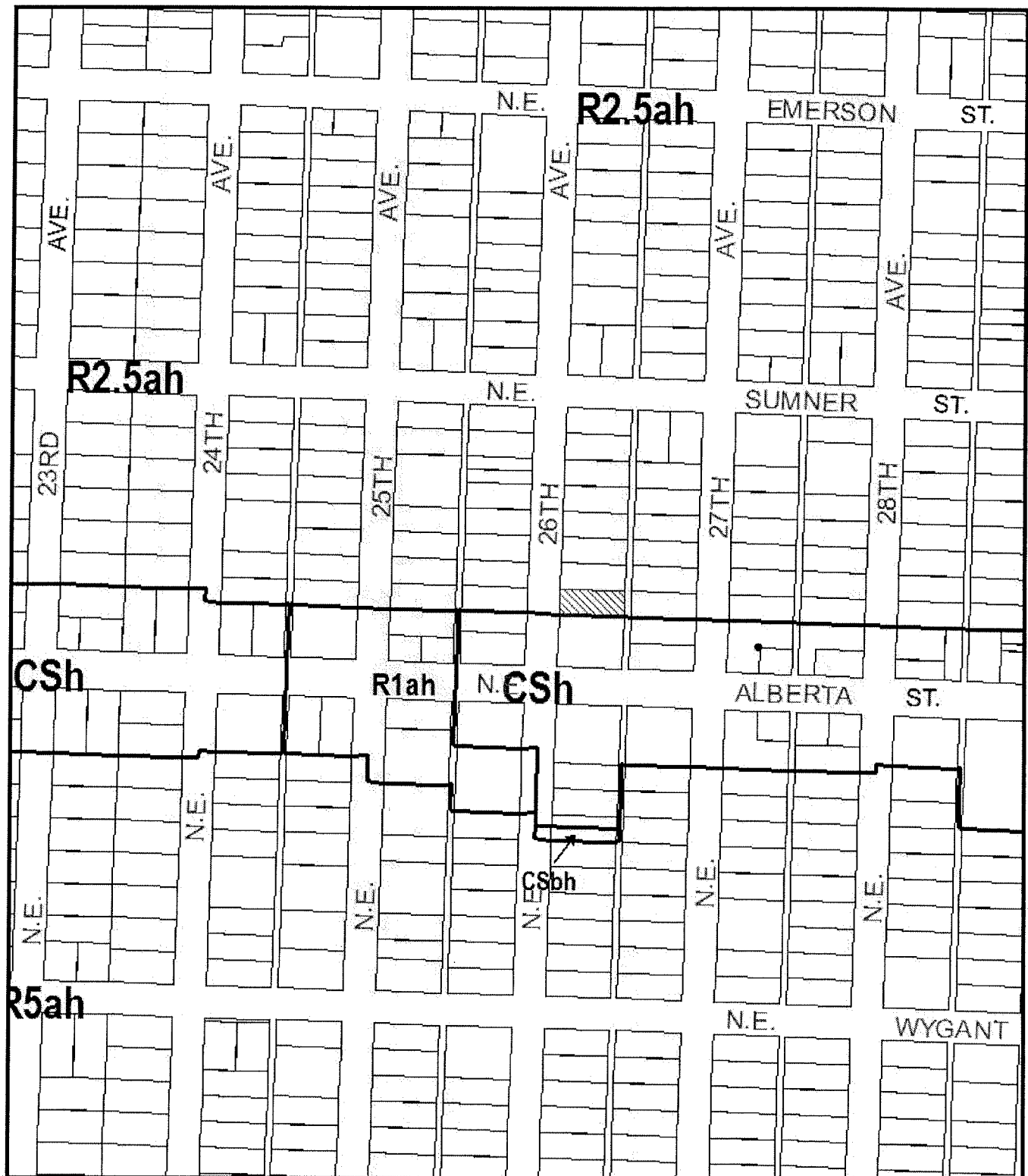


Historic Landmark



NORTH

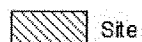
File No. LU 09-133971 CP ZC AD  
 1/4 Section 2533  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E24BB 21700  
 Exhibit B2 (Dec 11, 2009)



**ZONING  
EXISTING**



NORTH



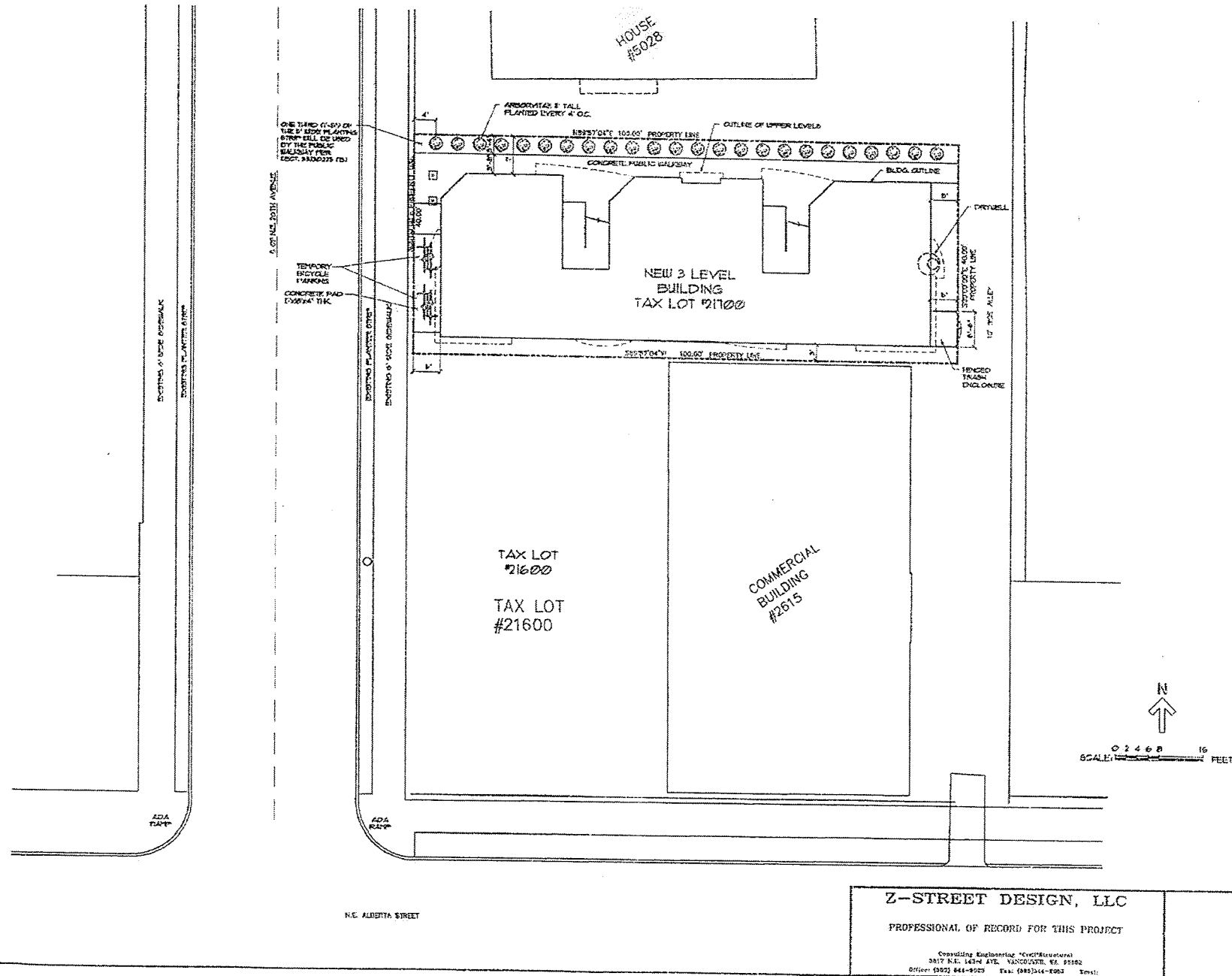
Site



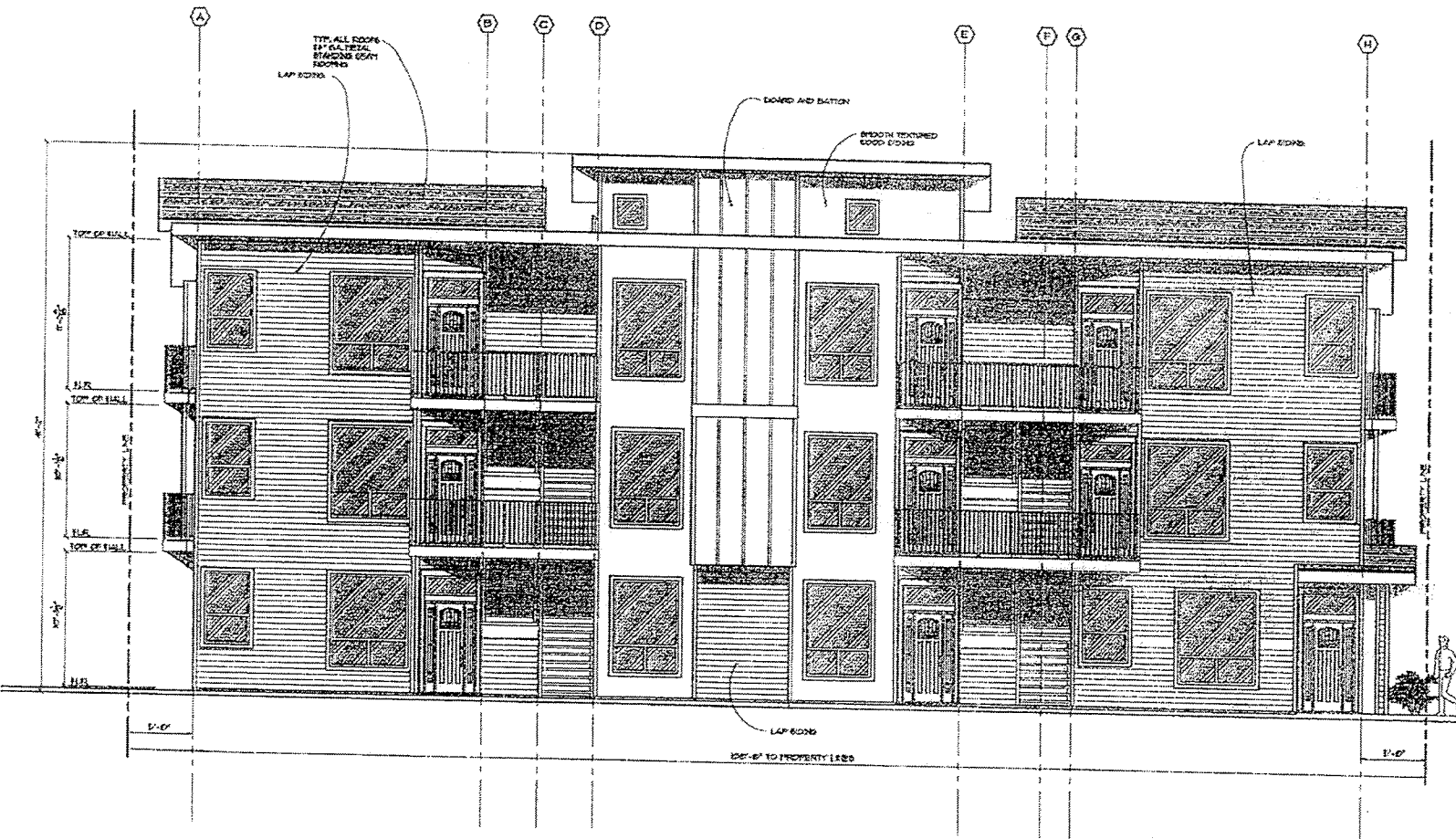
Historic Landmark

File No. LU 09-133971 CP ZC AD  
 1/4 Section 2533  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E24BB 21700  
 Exhibit B1 (Dec 11, 2009)

# SITE PLAN + LANDSCAPING



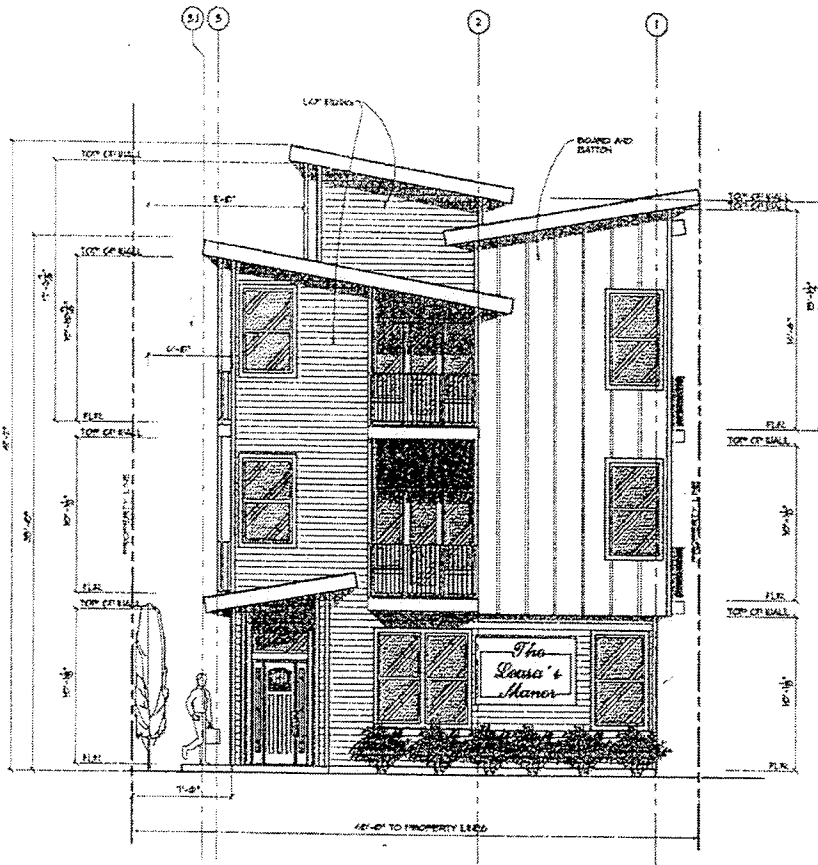
<p><b>THE LEAGA'S MANOR</b>          200 NE 24th Ave. PORTLAND, OR          97201-3000          Phone: (503) 241-1111          Fax: (503) 241-1112</p>	
<p><b>Don Walter General Contractor, LLC</b>          200 NE 24th Ave. PORTLAND, OR          97201-3000          Phone: (503) 241-1111          Fax: (503) 241-1112</p>	
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<p><b>LANDSCAPE PLAN</b></p>	
<p><b>LS-1</b></p>	



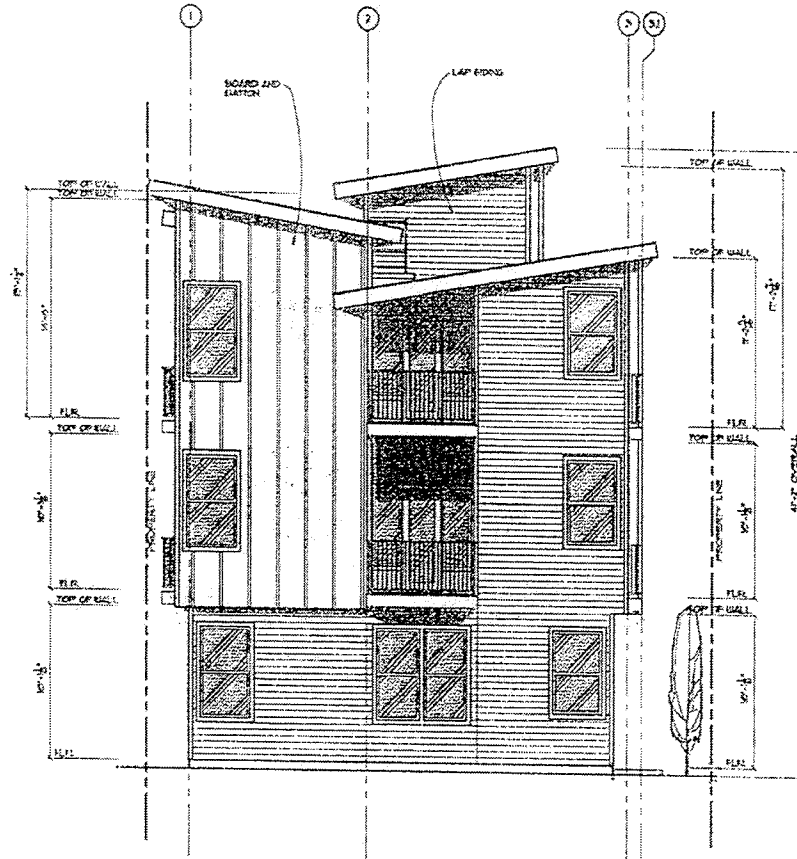
NORTH ELEVATION

**Z-STREET DESIGN, LLC**  
 PROFESSIONAL OF RECORD FOR THIS PROJECT  
 Consulting Engineering "Civil/Structural"  
 3517 N.E. 163RD AVE. VANCOUVER, WA 98682  
 Office: (202) 844-8212 Fax: (866)344-2283 Email:

<p><b>THE LEASING MANOR</b>                  3027 NE 20th Ave. PORTLAND, OR</p> <p><b>Design: Walker General Contractor, LLC</b>                  11000 N. Vancouver Way PORTLAND, OR 97208                  OFFICE: 503-284-4400 FAX: 503-284-4401                  WWW: WALKERGENERAL.COM</p>	
<p>THIS DRAWING IS THE PROPERTY OF Z-STREET DESIGN, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF Z-STREET DESIGN, LLC. ANY VIOLATION OF THESE TERMS SHALL BE CONSIDERED A VIOLATION OF FEDERAL COPYRIGHT LAWS AND SUBJECT TO SEVERAL DAMAGES. ZSD WILL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF THESE TERMS. THE USER OF THIS DRAWING IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. ZSD WILL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF THESE TERMS. THE USER OF THIS DRAWING IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. ZSD WILL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF THESE TERMS.</p>	
<p>RELEASE DATE: 11-11-2011</p>	
<p><b>ELEVATION</b></p>	
<p><b>2</b></p>	



WEST ELEVATION  
0 1 2 3 4 5  
SCALE: 1/4" = 1'-0" FEET



EAST ELEVATION  
0 1 2 3 4 5  
SCALE: 1/4" = 1'-0" FEET

<p><b>Z-STREET DESIGN, LLC</b></p> <p>PROFESSIONAL OF RECORD FOR THIS PROJECT</p> <p>Consulting Engineering, Inc./Structural 5617 N.E. 124th Ave., Vancouver, WA 98666 Office: (509) 544-5052 Fax: (509) 544-8383 Email: zstreet@zstreetdesign.com</p>		<p><b>3</b></p>
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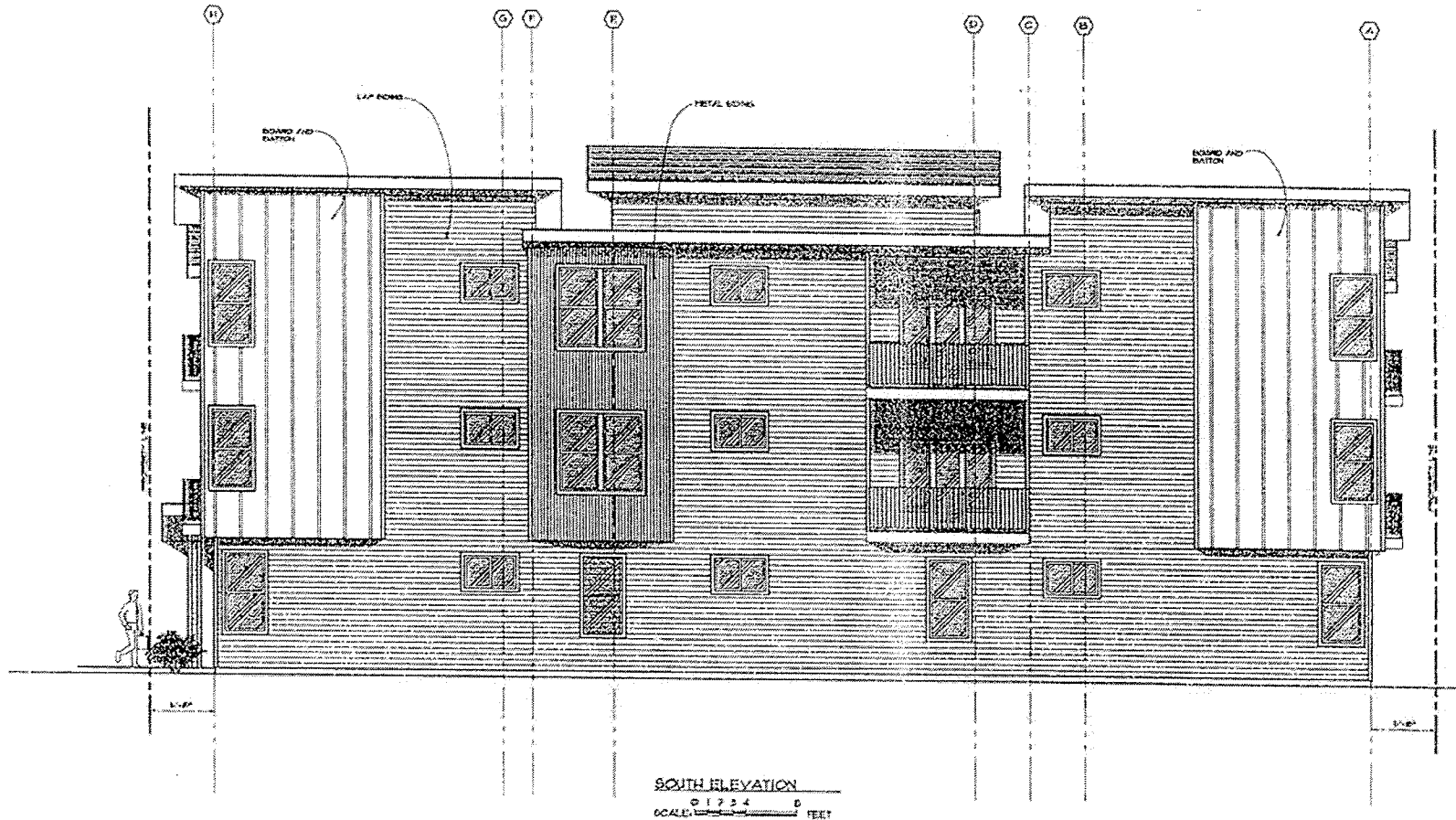
<p><b>THE LEASA'S MANOR</b> 900 NE 24th Ave. Portland, OR</p>	<p><b>Dean Walker General Contractor, LLC</b> 1000 N. Vancouver Way, Portland, OR 97217 Office: (503) 241-1131 Fax: (503) 241-1131 www.dwalkergc.com</p>
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DATE: 12-28-2018

ELEVATIONS





<p>THE LEASER'S MAJOR 503 NE 24th AVE, PORTLAND, OR</p> <p>Don Walker General Contractor, LLC 1000 N. Vancouver St., Portland, OR 97217 503.281.1111 FAX: 503.281.1112</p>	
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<p>10-22-03</p>	
<p>ELEVATION</p>	
<p>4</p>	

Z-STREET DESIGN, LLC  
PROFESSIONAL OF RECORD FOR THIS PROJECT  
Consulting Engineering "CON/Structural"  
2517 N.E. 15th Ave., PORTLAND, OR 97232  
Office: (503) 544-3623 Fax: (503) 544-3623

SOUTH ELEVATION

**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 4<sup>th</sup> 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.**