



**OFFICE OF CITY AUDITOR
CITY OF PORTLAND**

**LaVonne Griffin-Valade, City Auditor
Council/Contracts Division**

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April 2, 2010

Samuel Penfield
4022 N Attu St
Portland OR 97203-2059

RE CASE FILE: LU 09-133971 CP ZC AD

Consider the proposal of Samuel Penfield, applicant and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Amendment and Zoning Map Amendment with adjustments for a three story, multi-dwelling, 9-unit condominium at 5012-5014 NE 26th Ave (Hearing; LU 09-133971 CP ZC AD)

Dear Applicant:

On April 1, 2010, at approximately 3:30 p.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-1 and passed Ordinance No.183658.

This Ordinance must to be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check to this office for \$51.00 payable to the Multnomah County Recorder, indicating the file number on your check.**

Yours sincerely,

LaVonne Griffin-Valade
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Enc.

cc: Marc Pickrell, Design And Drafting Dynamics Inc.
Ramasurdya Premsingh



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April 2, 2010

NOTICE OF DECISION

RE CASE FILE: LU 09-133971 CP ZC AD

Consider the proposal of Samuel Penfield, applicant and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Amendment and Zoning Map Amendment with adjustments for a three story, multi-dwelling, 9-unit condominium at 5012-5014 NE 26th Ave (Hearing; LU 09-133971 CP ZC AD)

To Whom It May Concern:

On April 1, 2010, at approximately 3:30 p.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-1 and passed Ordinance No.183658.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Yours sincerely,

LaVonne Griffin-Valade
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Enc.

ORDINANCE No. 183658

*Amend the Comprehensive Plan Map designation and change zoning at 5012-5014 NE 26th Avenue, with Adjustments at the request of Samuel Penfield (Ordinance; LU 09-133971 CP ZC AD).

The City of Portland ordains:

Section 1. Council finds:

1. The Applicant seeks, in the vicinity of 5012-5014 NE 26th Avenue, the following:
 - a. a Comprehensive Plan Map Amendment from Attached Residential to Urban Commercial for the area identified as State ID No. 1N1E24BB 21700 and legally described as Lot 8, Block 13, INA PARK, in the City of Portland County of Multnomah and State of Oregon (hereinafter referred to as the "Property");
 - b. a Zoning Map Amendment from R2.5ah (Residential 2,500 with Alternative Design Density Overlay and Aircraft Landing Overlay zoning) to CSh (Storefront Commercial with Aircraft Landing overlay zoning) for the Property; and
 - c. an Adjustment for the Property to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and an Adjustment for the Property to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendments of the Comprehensive Plan Map and Zoning Map, with Adjustments has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on February 17, 2010 and a Recommendation was issued on February 25, 2010 (BDS File No. LU 09-133971 CP ZC AD). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment, Zoning Map Amendment and Adjustments, with conditions.
4. The requested amendments to the Comprehensive Plan Map and Zoning Map, with Adjustments, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

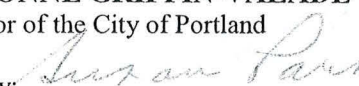
- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 09-133971 CP ZC AD.

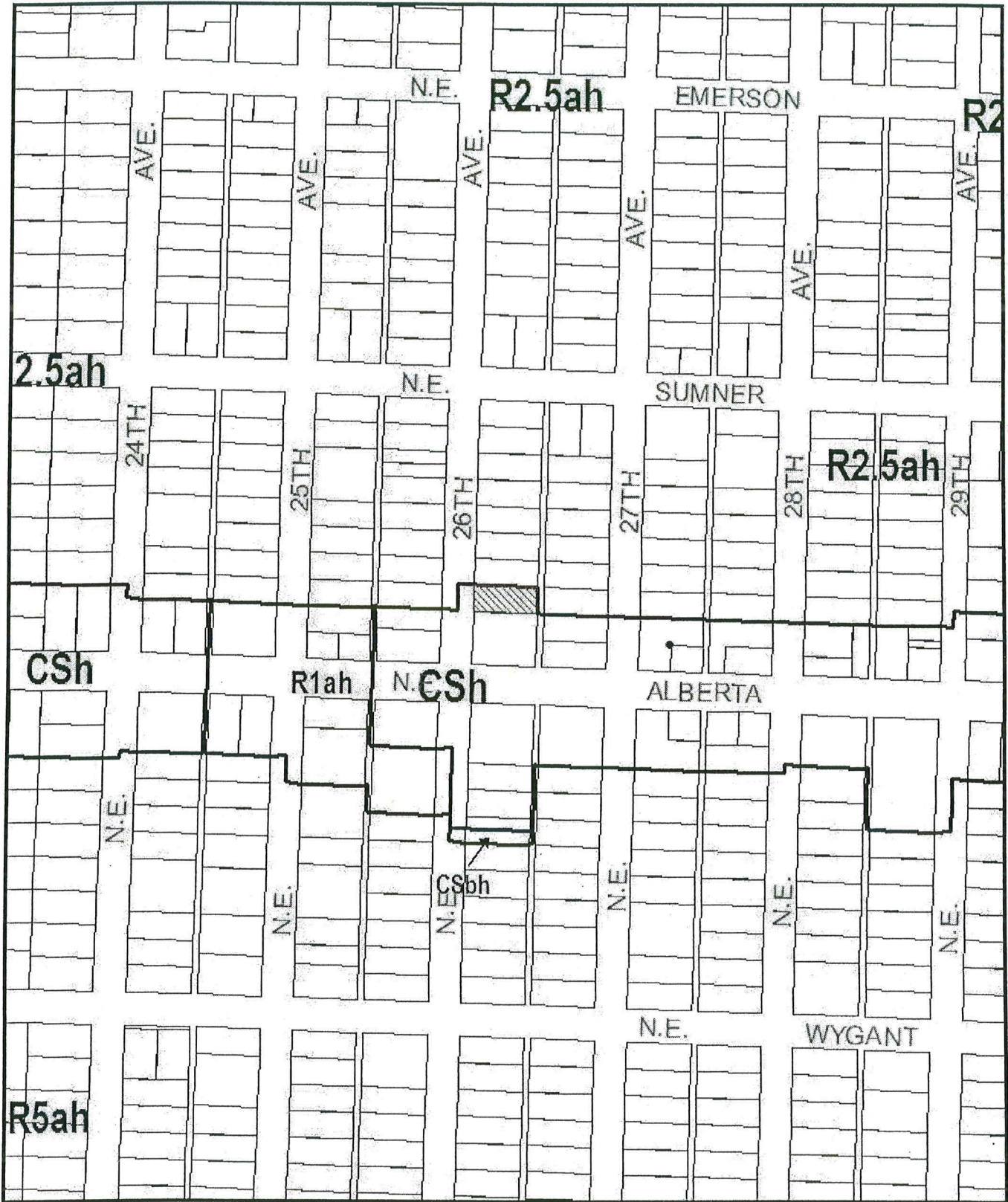
- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment, with Adjustments, for the Property described as Lot 8, Block 13, INA PARK, in the City of Portland County of Multnomah and State of Oregon are approved as follows:
1. a Comprehensive Plan Map Amendment from Attached Residential to Urban Commercial; and
 2. a Zoning Map Amendment from R2.5ah (Residential 2,500, Alternative Design Density Overlay Zone, Aircraft Landing Overlay Zone) to CSh (Storefront Commercial with Aircraft Landing Overlay) zoning for the Property.
 3. an Adjustment for the Property to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and an Adjustment for the Property to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.
 4. the Comprehensive Plan Map Amendment and Zoning Map Amendment, with Adjustments, are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City Code, but will not void the Comprehensive Plan Map Amendment, Zoning Map Amendment or Adjustments:
 - A. As part of the building permit application submittal, the following development-related conditions (B through 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 09-133971 CP ZC AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - B. If future modifications to the building introduce commercial uses, a minimum of 2 residential units must remain on this Subject Property for 25 years after the final approval date of this decision.
 - C. If the proposed three story, 9 unit multifamily building requires modification of the above adjustments, or requires a new adjustment due to agency review of the building permit plans, those Adjustments will be processed as stand alone Adjustments and will not require the applicant to submit a new Comprehensive Plan Map Amendment and Zone Change.

183658

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

Passed by the Council: APR 01 2010
Introduced by City Auditor LaVonne Griffin-Valade
Gregory J. Frank/cb
Date: March 16, 2010

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland
By: 
Deputy.



ZONING PROPOSED.

 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 B2 (Dec 11, 2009)

SAMUEL PENFIELD
4022 N ATTU ST
PORTLAND OR 97203-2059

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Reese Cadigan, Toni Anderson,

LU 09-133971 CP ZC AD
Order mailed: 4/02/2010