

TIM SOTOODEH
SOUTHWEST HILLS LLC
12802 BONITA HEIGHTS DR
SANTA ANA, CA 92705

BUREAU OF DEVELOPMENT SERVICES
HEARINGS CLERK
1900 SW 4TH AVE #5000
PORTLAND OR 97201

AESHA LORENZ
2747 SW ROSWELL
PORTLAND OR 97201

DWIGHT STEGNER
2120 SW NEVADA CT
PORTLAND OR 97219

DALE FARR
3264 SW FAIRMONT BLVD
PORTLAND OR 97239

ERIK LAWRENCE
3610 SW GROVER ST
PORTLAND OR 97221

MARILYNNE EICHINGER
2520 SW SHERWOOD DR
PORTLAND OR 97201

WALT CRATE
4424 SW WARRENS WAY
PORTLAND OR 97221

JONATHAN ATER
3344 SW FAIRMONT LN
PORTLAND OR 97239

DAVID C OLSON
5220 SW 42ND AVE
PORTLAND OR 97221

RENEE FRANCE
RADLER WHITE PARKS & ALEXANDER
LLP
111 SW COLUMBIA ST SUITE 1100
PORTLAND OR 97201

SOUTHWEST HILL RESIDENTIAL LEAGUE
C/O SOUTHWEST NEIGHBORHOODS
INC
7688 SW CAPITAL HWY
PORTLAND OR 97219

BILL FAILING
2649 SW GEORGIAN PL
PORTLAND OR 97201

LAUREN DANAHY
5112 SW HEWETT BLVD
PORTLAND OR 97221

BLYTHE OLSON
2719 SW OLD ORCHARD RD
PORTLAND OR 97201

JANET COLEMAN
4068 SW HEWETT BLVD
PORTLAND OR 97221

SHARON VAN BUREN
4273 SW COUNCIL CREST DR
PORTLAND OR 97239

NORMAN HOTZ
1837 SW ELM ST #1
PORTLAND OR 97201

SHANNON HILLER-WEBB
7809 SW 4TH AVE
PORTLAND OR 97219

RANDY MILLER
4100 SW ARTHUR WAY
PORTLAND OR 97221

BUREAU OF DEVELOPMENT SVCS
CASE FILE MARK MOFFETT
1900 SW 4TH AVE #5000
PORTLAND OR 97201

JOHN NEUMANN
2798 SW MONTGOMERY DR
PORTLAND OR 97201

MARK VAN DER VEER
2401 SW SHERWOOD DR
PORTLAND OR 97201

NANCY SETON
2020 SW EDGEWOOD RD
PORTLAND OR 97201

GREG EWER
4939 SW 35TH PL
PORTLAND OR 97221

PAUL KENNEDY
2828 SW PATTON RD
PORTLAND OR 97201

SARAH BACHMAN
4436 SW WARRENS WAY
PORTLAND OR 97221

ELLIE GODFREY
2728 SW SHERWOOD DR
PORTLAND OR 97201

LAUREN DANAHY RN
5112 SW HEWETT BLVD
PORTLAND OR 97221

ADAM LAMOTTE
4068 SW HEWETT BLVD
PORTLAND OR 97221

JENNIFER POTTER
2744 SW MONTGOMERY DR
PORTLAND OR 97201

CARRIE RICHTER
BATEMAN SEIDEL
888 SW 5TH AVE SUTE 1250
PORTLAND OR 97204

MARK VON BERGEN
4200 SW GREENHILLS WAY
PORTLAND OR 97221

BRETT SCHULZ AND
ELIZABETH STANTON
2803 SW MONTGOMERY DR
PORTLAND OR 97201

STEVEN JOSEFSBERG AND
SUSAN SEUBERT
1932 SW EDGEWOOD RD
PORTLAND OR 97201

ROBERT B CONKLIN
2635 SW MONTGOMERY DR
PORTLAND OR 97201

RAYMOND SCHWARTE
2500 SW PATTON RD
PORTLAND OR 97201

ROGER BROWN
1948 SW EDGEWOOD RD
PORTLAND OR 97201

PAULA AND PANKAJ GORE
2820 SW LABBE AVE
PORTLAND OR 97221

DR WILLIAM SHAW
2680 SW CORONA
PORTLAND OR 97201

JAMIE STROHECKER
5132 SW THOMAS ST
PORTLAND OR 97221

LESLEY MA
3730 SW 94TH AVE
PORTLAND OR 97225

VICKI REID
2728 SW SHERWOOD DR
PORTLAND OR 97201

RYAN MAUGHN AND
MARIAN MAUGHN
4340 SW ALTADENA AVE
PORTLAND OR 97239

EILEEN GALEN
1802 SW ELM ST
PORTLAND OR 97201

ELISA M HORNECKER
2959 SW MONTGOMERY DR
PORTLAND OR 97201

KENDRA HUME
4143 SW DOWNSVIEW CT
PORTLAND OR 97221

J MARY TAYLOR
2718 SW OLD ORCHARD RD
PORTLAND OR 97201

EMAILED: MARK MOFFETT, LAUREN KING, LINLY REES,
MAJA HAIUM, BDS HEARINGS CLERKS, HEARINGS
OFFICE CLERKS, DOUG MORGAN, KURT KRUEGER,
DAWN KRANTZ, ROBERT HALEY, DAWN
UCHIYAMA, STEPHEN HIMES, MARI MOORE, TAMARA
BURKOVSKAIA, BPS-GIS, MEGHAAN DAVIS, TONI
ANDERSON

LU 18-112666 CP ZC
ORDER OF COUNCIL MAILED: 10/19/18



October 19, 2018

Tim Sotoodeh
Southwest Hills LLC
12802 Bonita Heights Dr
Santa Ana, California 92705

RE: LU 18-112666 CP ZC

Consider the proposal of Tim Sotoodeh, Southwest Hills LLC and the recommendation from the Hearings Officer for removal of conditions of approval imposed by prior Comprehensive Plan Map and Zoning Map amendment ordinances for property at 2855 SW Patton Road (Hearing; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC)

Dear Applicant:

On October 17, 2018, at approximately 10:35 a.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-1 and passed Ordinance No.189212, effective November 16, 2018, 30 days from passage.

This Ordinance must to be recorded with the Multnomah County Recorder. **Please send a check to this office for \$101.00 payable to the Multnomah County Recorder, indicating the file number on your check.**

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.

Cc: Renee France, Radler White Parks & Alexander LLP

Karla Moore-Love
City of Portland
1221 SW 4th Avenue, Room 130, Portland, OR 97204
(503) 823-4086
www.portlandoregon.gov/auditor/councilclerk





P O R T L A N D
CITY AUDITOR
Council Clerk
& Contracts

NOTICE OF FINAL DECISION

TO: All Interested Persons

DATE: October 19, 2018

RE: LU 18-112666 CP ZC

Consider the proposal of Tim Sotoodeh, Southwest Hills LLC and the recommendation from the Hearings Officer for removal of conditions of approval imposed by prior Comprehensive Plan Map and Zoning Map amendment ordinances for property at 2855 SW Patton Road (Hearing; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC)

On October 17, 2018, at approximately 10:35 a.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-1 and passed Ordinance No.189212, effective November 16, 2018, 30 days from passage.

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: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call the Land Use Board of Appeals at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Encl.

Karla Moore-Love
City of Portland
1221 SW 4th Avenue, Room 130, Portland, OR 97204
(503) 823-4086
www.portlandoregon.gov/auditor/councilclerk



ORDINANCE No. 189212 As Amended

Remove conditions of approval imposed by prior Comprehensive Plan Map and Zoning Map amendment ordinances for property at 2855 SW Patton Rd, at the request of Tim Sotoodeh, Southwest Hills LLC (Ordinance; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC)

The City of Portland ordains:

Council finds:

1. The Applicant seeks, for property at 2855 SW Patton Road, State ID No. 1S1E08AA 13200, legally described as "Tax Lot 13200 of Block P, Greenway Addition" (hereinafter the "site"), the removal of various conditions of approval associated with 1984 and 1988 zone change-related Ordinances. Specifically, the Applicant seeks to remove the following conditions:
 - a) Delete conditions contained in directives c.1.a, c.1.b, c.1.c, c.1.d, c.1.e, c.1.f, c.1.g, c.1.h, c.1.k, c.1[sic], c.2.a, c.2.b, c.2.c, c.2.d, c.2.e, c.3.a, c.3.b, c.3.c, c.3.d, c.4.a, c.4.b, c.5, c.6, c.7, c.8. of Ordinance No. 155609; and
 - b) Delete conditions contained in directive b (amending Ordinance No. 155609 Condition c.1.i), directive c (amending Ordinance No. 155609 Condition c.1.j), directives d.1 through d.10, and Section 2 of Ordinance No. 160473.
2. Code Section 33.730.140.A requires changes to conditions of approval to be processed using the current procedure and approval criteria for the original land use review. To remove conditions of a prior Comprehensive Plan Map Amendment and Zone Map Amendment, the Applicant applied for Comprehensive Plan Map and Zoning Map amendments.
3. The City received an application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map with the proper fee for filing paid.
4. The Hearings Officer held a duly noticed public hearing on May 2, 2018, a continued hearing on May 30, 2018, and issued a Recommendation on June 21, 2018 (BDS File No. LU 18-112666 CP ZC). The Hearings Officer recommended conditional approval of the requested Comprehensive Plan Map Amendment and Zoning Map Amendment to remove the conditions of approval.
5. Based on the findings and conclusions contained in Exhibit A, the City Council finds the requested Comprehensive Plan Map and Zoning Map Amendments, which delete specific conditions of approval from Ordinances No. 155609 and 160473, are in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a) City Council adopts the findings and conclusions attached as Exhibit A.
- b) The Comprehensive Plan Map Amendment and Zoning Map Amendment for the site are conditionally approved as follows:
 - 1. **Approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment**, for the site at 2855 SW Patton Road, Taxlot 13200 of Block P, Greenway Addition and amend Ordinance Nos. 155609 and 160473 to eliminate various conditions of approval from prior zone change-related Ordinances at the site, as follows:
 - a. Delete directives c.1.a, c.1.b, c.1.c, c.1.d, c.1.e, c.1.f, c.1.g, c.1.h, c.1.k, c.1[sic], c.2.a, c.2.b, c.2.c, c.2.d, c.2.e, c.3.a, c.3.b, c.3.c, c.3.d, c.4.a, c.4.b, c.5, c.6, c.7, c.8 of Ordinance No. 155609; and
 - b. Delete directive b (amending Ordinance No. 155609 Condition c.1.i), directive c (amending Ordinance No. 155609 Condition c.1.j), directives d.1 through d.10, and Section 2 of Ordinance No. 160473.
 - 2. The above approvals are granted subject to the following conditions of approval:
 - A) As part of the future building permit applications at the site, any of the following development-related conditions (B through C) that are relevant to the project 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 "REQUIRED ZONING COMPLIANCE PAGE - Case File LU 18-112666 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must include descriptive written notes documenting conformance with the conditions as necessary.
 - B) (*Bureau of Environmental Services*) Prior to the issuance of any building permit that would result in an increase or modification of building area within existing City of Portland sewer easements, the proposed work must be evaluated by the Bureau of Environmental Services and any concerns related to the project must be addressed by the property owner to the satisfaction of the Bureau of Environmental Services, up to and including project modification to remain outside the easement areas, or re-routing the public sewer in a new easement so that the existing alignment and easements can be abandoned. This condition does not apply to tenant improvements within the existing building within the existing easement areas.
 - C) (*Portland Bureau of Transportation*) The following conditions of approval apply to all future proposed development, alterations, and uses on the subject site:

1. **New development or building expansion or re-use of the existing building**, as defined by the Bureau of Development Services, shall be allowed only if limited to land use and trip rate allocations per *Table 1*, below. That table specifies that total trips for new construction shall not exceed 73 AM peak hour trips. The applicant shall be responsible for providing an accounting of all square footages of each proposed use, as well as existing uses, and the conversion to trips for each Building Permit application.

Table 1. Trip Cap

Land Use and Trip Rate Allocations¹		
Maximum 73 AM Peak Hour Trips		
Land Use²	Independent Variable	ITE 10th Ed. Trip Rate per Independent Variable³
Household Living (Multifamily Housing Low-Rise, ITE 220)	1 dwelling unit	0.46 trips
Group Living (Senior Adult Housing - Attached, ITE 252)	1 dwelling unit	0.20 trips
Schools (Elementary School, ITE 520)	1 student	0.67 trips
Colleges (University/College, ITE 550)	1 student	0.15 trips
Day Care (Day Care Center, ITE 565)	1,000 square feet	11.00 trips
General Office (General Office Building, ITE 710)	1,000 square feet	1.16 trips
Medical Office (Medical-Dental Office Building, ITE 720)	1,000 square feet	2.78 trips
Retail Sales and Services (High-Turnover Sit-Down Restaurant, ITE 932)	1,000 square feet	5.67 trips

¹The independent variable shall be converted to trips and compared to the maximum established. The established trip rates for these land use categories shall not be altered.

²Per Zoning Code chapter 33.920, Description of Use Categories

³All trip rates in this table are based on the highest and most reasonable AM Peak Hour ITE Trip Generation 10th Edition rates for uses in each category.

2. **For reuse of the existing building, not to include building expansion, the applicant may opt to enter into a Type II Transportation Impact Review to document that the proposed development complies with the trip cap.** For the Transportation Impact Review required by this condition,

the application is not subject to the supplemental application requirements noted at 33.852.105.A-I. As part of the application materials, and as the sole approval criterion for the TIR required by this application (replacing those at 33.852.110.A-D) the applicant must provide a memo from a traffic engineer licensed in the State of Oregon successfully demonstrating that the proposed use(s) is (are) not expected to generate vehicle trips that exceed any of each of the following thresholds:

- A. 2,168 daily trips, OR
 - B. 73 weekday AM peak hour trips, OR
 - C. 200 PM peak hour trips
- D) (*Bureau of Development Services*) Re-use of the existing building or any redevelopment project at the site must provide at least 3,000 square feet to accommodate a retail sales and service use. The site owner shall be allowed to convert all 3,000 square feet to any other allowed use in the zone if the owner of the site or their designated agent demonstrates that the site was marketed for retail use for one year from substantial completion of the retail shell space and no retail sales and service tenant has entered into a lease or sale agreement for the space.
- E) (*Bureau of Development Services*) The applicant must complete the Neighborhood Contact process as noted at PCC 33.130.050 and 33.700.025 during the design development phase of any redevelopment project for the site, with the added requirement that all neighbors included on the mailing list for this land use review receive the initial and follow-up notification letters. Registered mail receipts shall remain a requirement for the recognized association letters per 33.700.025, but individual neighbor letters need not be certified.

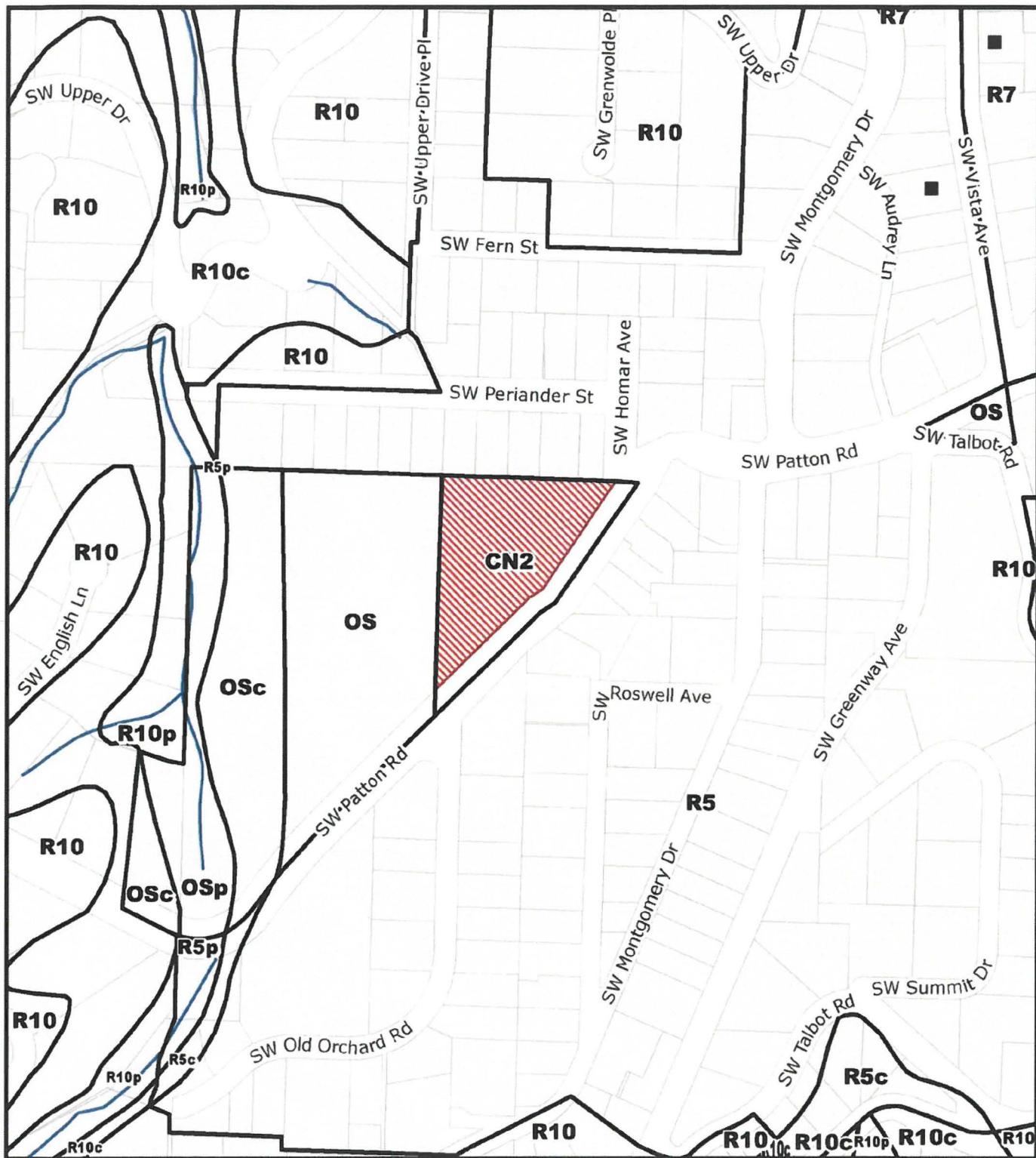
Passed by the Council: OCT 17 2018

Commissioner Chloe Eudaly
 Prepared by: Mark Moffett, BDS
 Date Prepared: August 8, 2018

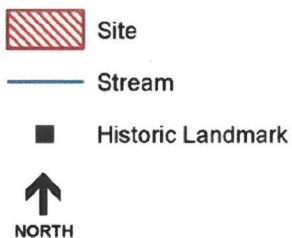
Mary Hull Caballero
 Auditor of the City of Portland

By

Deputy



EXISTING PROPOSED ZONING



File No.	LU 18-112666 CP ZC
1/4 Section	3226,3326
Scale	1 inch = 200 feet
State ID	1S1E08AA 13200
Exhibit	B.1 Jan 26, 2018