



CITY OF

**PORTLAND, OREGON**

**OFFICE OF THE CITY AUDITOR**  
**Hearings Office**

**LaVonne Griffin-Valade, City Auditor**

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Portland, Oregon 97201

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[www.portlandonline.com/auditor/hearings](http://www.portlandonline.com/auditor/hearings)

## DECISION OF THE HEARINGS OFFICER

### I. GENERAL INFORMATION

**File No.:** LU 09-163734 ZC (HO 4090028)

**Applicant:** Peter Finley Fry, Planning Consultant  
2153 SW Main #105  
Portland, OR 97205

**Owner:** JB Equities XIV, LLC  
420 SW Washington Street #301  
Portland, OR 97204

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff Representative:** Sheila Frugoli

**Site Address:** 532 SE Ankeny Street and 537 SE Ash Street

**Legal Description:** BLOCK 118 LOT 5&6, EAST PORTLAND; E 1/2 OF LOT 7&8 BLOCK 118, EAST PORTLAND; W 1/2 OF LOT 7&8 BLOCK 118, EAST PORTLAND

**Tax Account No.:** R226507980, R226508000, R226508010

**State ID No.:** 1N1E35CC 03900, 1N1E35CC 04100, 1N1E35CC 04000

**Quarter Section:** 3031

**Neighborhood:** SEU, Buckman

**Business District:** Central Eastside Industrial Council

**District Neighborhood Coalition:** Southeast Uplift

**Plan District:** Central City - Central Eastside

**Zoning:** IG1d, General Industrial 1 zone with the d, Design overlay zone and EXd, Central Employment zone with the d, Design overlay zone. The site is located within the East Portland/Grand Avenue Historic District.

**Land Use Review:** Type III, ZC, Zoning Map Amendment

**BDS Staff Recommendation to Hearings Officer:** Approval

**Public Hearing:** The hearing was opened at 1:31 p.m. on January 11, 2010, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, OR, and was closed at 1:52 p.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

**Testified at the Hearing:**

Sheila Frugoli, BDS Staff Representative

Peter Finley Fry, 2153 SW Main Street, Room 105, Portland, OR 97205

**Proposal:** A Type III Review is required to change the current zoning of the two lots on the northwest corner of the block (532 SE Ankeny Street) from IG1d to EXd, consistent with the Comprehensive Plan Map designation of Central Employment. The zoning on the abutting lot at the southeast corner of the block (537 SE Ash Street) was changed to EXd in 1991, via PC file 8041. As part of this review, the applicant requests to remove Condition A of PC 8041, which required a minimum of 25 parking spaces (10 of which were to be located on-site) and required on-site parking, at a rate of 1 space per 500 square feet for future office space. In order to modify conditions, the request must be reviewed through the original Zoning Map Amendment Review.

If this 3-lot, 20,000 square-foot site were redeveloped, the EX zone would allow up to 180,000 square feet of space for uses such as retail, office, residential and employment (light industrial uses in enclosed structures). Because this site is located in the Central City Plan District and is located within 500 feet of a frequent-service bus line, no on-site parking is required. The applicant is not proposing a change of use or redevelopment as part of this review.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are: **33.855.050.A-D., Approval Criteria for Base Zone Changes**

Per Section 33.730.140, requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review. Therefore, the request to remove conditions for the Zoning Map Amendment decision (PC 8041) must comply with approval criteria **33.855.050.A-D.**

## II. ANALYSIS

**Site and Vicinity:** The southern portion of the site, listed as 537 SE Ash contains a 4-story, 40,000 square foot building with ground-level retail and upper-level commercial uses. A restaurant—J&M Café is located at the corner of SE Ash and SE 6<sup>th</sup> Avenue and the entrance to East Bank Lofts—office and artist work spaces, is off SE Ash Street. The northern half of the site consists of two lots. The one at the corner of SE Ankeny and 6<sup>th</sup> Avenue, addressed at 532 SE Ankeny Street, contains two buildings. A small building, with approximately a 1,250 square foot footprint, is located between the 4-story building and a larger, 7,000 square foot, 2-story building that faces SE Ankeny Street. The two-story building houses the Sally Mack’s School of Dance. The western abutting lot is developed as a surface parking lot and contains approximately 15 parking spaces. All three buildings are identified as “primary” contributing structures in the East Portland/Grand Avenue National Register Historic District.

Commercial and industrial uses surround this site. On the north side of SE Ankeny, there is a Retail use, an auto parts store with accessory parking. On the east side of SE Ankeny, across from the site, the 40,000 square foot lot is used for new (operable) vehicle storage, storing automobiles associated with a nearby car sales business. On the western abutting lots, there is a Retail use – an auto sales lot. The sites located directly south of the site, on the south side of SE Ash, contain an auto repair use and industrial wholesale use.

The adjacent streets are designated local service streets, improved with sidewalks and curbs.

**Zoning:** Because this review involves a change of conditions to a previous Zoning Map Amendment Review for the southern half of the site and a Zoning Map Amendment for the northern half of the site, the descriptions of each half are described below.

### Northern Portion

**Existing Zoning:** The site lies within the IG1d, General Industrial 1 zone. The General Industrial zones are two of three zones that implement the Industrial Sanctuary map designation of the City’s Comprehensive Plan. The zones provide areas where most industrial uses may locate while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for the industrial zones are intended to allow new development that is similar in character to the existing area. The IG1 zoning is applied to the City’s older industrial areas where lots are smaller and the lots follow a grid block pattern. The buildings cover most of the sites and the buildings are located close to the streets. The site is located within the Central City Plan District. The plan district applies use allowances and development standards such as height and floor area ratio (FAR) maximums. The provisions of the plan district supersede the base zone and overlay zone requirements.

The site is within the East Portland/Grand Avenue Historic District and is mapped with the d, Design Overlay zone. Demolition, new construction, and exterior alterations to existing structures

in a Historic District must receive approval through the Historic Design Review process. The buildings on the site are listed as “primary” contributing structures in the Historic District.

The Central City Plan District allows additional retail and office floor area for IG1-zoned sites that are identified as contributing to the historic significance of a Historic District. Up to 12,000 square feet, per site, may be in Retail Sales and Service or Office Use.

**Proposed Zoning:** The site has a Comprehensive Plan Map designation of Central Employment (EXd). The Central Employment zone implements the Central Employment designation of the Comprehensive Plan. The zone allows a full range of uses. It is generally applied in areas in the center of the City that have a variety of uses, including industrial and residential uses. The “d” Design Review overlay zone is applied with the EX zone. The site is located within the Central City Plan District. The plan district applies use allowances and development standards such as height and floor area ratio (FAR) maximums. The provisions of the plan district supersede the base zone and overlay zone requirements. The Central City Plan District applies a 200 foot height limit and a maximum FAR (floor area to site area ratio) of 9 to 1 to this site. The site is within the East Portland/Grand Avenue Historic District. Demolition, new construction, and exterior alterations to existing structures in a Historic District must receive approval through the Historic Design Review process. The two buildings on the northern portion of the site are listed as “primary” contributing structures in the Historic District.

#### Southern Portion

**Zoning:** The Central Employment zone implements the Central Employment designation of the Comprehensive Plan. The zone allows a full range of uses. It is generally applied in areas in the center of the City that have a variety of uses, including industrial and residential uses. The “d” Design Review overlay zone is applied with the EX zone. The site is located within the Central City Plan District. The plan district applies regulations such as height and floor area ratio (FAR) maximums that supersede the base zone and overlay zone requirements. The Central City Plan District applies a 200 foot height limit and a maximum FAR (floor area to site area ratio) of 9 to 1 to this site. The Central City Plan District applies no minimum on-site parking requirement for sites within the Central Eastside Subdistrict.

The site is within the East Portland/Grand Avenue Historic District. Demolition, new construction, and exterior alterations to existing structures in a Historic District must receive approval through the Historic Design Review process. The building on the southern half of the site is listed as a “primary” contributing structure in the Historic District.

**Land Use History:** As identified above, the southern half of the site has prior land use review history: PC File 8041 approved a Zoning Map Amendment from General Industrial to Central Employment (Exhibit G.4). The applicant is requesting removal of Condition, A which requires:

Condition A. The applicant shall provide parking according to the following requirements:

1. There will be a minimum of 25 parking spaces created at a rate of one space for each loft with the remaining spaces dedicated to retail areas.
2. Of the total spaces, there will be a minimum of 10 parking spaces located on site. The remaining parking will be acquired off site within 500 feet of the building.
3. Off site spaces will be acquired prior to rental of more than three loft spaces, prior to the construction of any office space or for any retail space created beyond the ground floor.
4. There will be additional parking provided at a rate of one space per 500 square feet for any future office space created in the structure.

**Agency Review:** A “Request for Response” was mailed November 25, 2009. The following Bureaus have responded with no issues or concerns (Exhibit E.6):

- Fire Bureau
- Bureau of Parks-Forestry Division
- Life Safety Plan Review Section of BDS

**Site Development Section of BDS** responded that it had no objection to the proposed zone change and change to previous conditions (PC 8041). Applicant provided information confirming that stormwater from the existing buildings discharges to the public sewer system. No development is proposed at this time, and thus there will be no impact on stormwater services. However, the applicant is advised that any future development must comply with the Stormwater Management Manual (Exhibit E.1).

**Bureau of Environmental Services (BES)** responded that BES has no objections to the proposed zoning map amendment and change to conditions. BES has no recommended conditions of approval. BES comments pertaining to service adequacy can be found in the findings for Zoning Code Approval Criterion 33.855.050.B, below (Exhibit E.2).

**Portland Bureau of Transportation (PBOT)** responded with no objection to the proposed zoning map amendment and change to conditions. The PBOT comments pertaining to service adequacy can be found in the findings for Zoning Code Approval Criterion 33.855.050.B, below (Exhibit E.3).

**Water Bureau** responded with no concerns or objections to the proposal. Comments pertaining to service adequacy can be found in the findings for Zoning Code Approval Criterion 33.855.050.B, below (Exhibit E.4).

**Police Bureau** supports the request: Comments pertaining to service adequacy can be found in the findings for Zoning Code Approval Criterion 33.855.050.B, below (Exhibit E.5).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 18, 2009. One written response was received from a notified individual.

Cathy Galbraith, Executive Director, Bosco-Milligan Foundation submitted a letter on December 22, 2009 opposing the request (Exhibit F.1). Ms. Galbraith noted the following:

1. The public notice for the land use review omitted the fact that the site includes three primary contributing buildings with the East Portland/Grand Avenue National Register Historic District. Any action that may weaken the status of a Historic District should be considered through a filter.
2. This land use review should be continued until the impacts on the Historic District are considered by both the Portland Landmarks Commission and the Oregon State Historic Preservation Office.
3. Although this proposal does not include a redevelopment plan, it has been acknowledged by the applicant that the intent of the rezoning is to allow at least one of the buildings in question to be moved, thereby endangering the historic integrity of the district. Relocating or demolishing a contributing structure within a National Register Historic District should only be viewed as a last resort.
4. The applicant should request a variance (*aka Adjustment*) to remove the parking requirement (*remove Condition A from PC 8041*) for the development at 537 SE Ash.

***BDS Staff Response:*** *The staff report (Exhibit H.2) identifies the current zoning including the Historic District designation. If the applicant had submitted a request to remove, move, or make exterior improvements to the buildings on the site, BDS would also be processing a Historic Design Review. A notice would have been sent identifying the required review and would have fully described the historic resources on the site. An application for a Zoning Map Amendment does not necessitate a plan for redevelopment or changes/improvements to a site. A change in zoning may be requested so that owners may fully utilize existing structures, providing space for uses that would have been limited or prohibited with the previous zoning. The approval criteria for change in the zoning designation, consistent with the City's Comprehensive Plan, is limited in focus to adequacy of public services. Information regarding the potential impacts to the Historic District is not relevant to this review and therefore will not be discussed in the findings of the staff report. BDS staff has alerted the applicant that Historic Design Review will be required for any future changes such as moving buildings and/or redeveloping the site. At that time, the Portland Landmarks Commission and the Oregon State Historic Preservation Office will consider such a request.*

The Hearings Officer finds that the issues raised by Ms. Galbraith are not part of the relevant approval criteria.

## ZONING CODE APPROVAL CRITERIA

### Zoning Map Amendment

#### 33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

#### 33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

**A. Compliance with the Comprehensive Plan Map.** The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

**Findings:** The Comprehensive Plan Map designates the site as Central Employment with Design Overlay Zone (EXd). There is only one corresponding zone that implements this designation. Therefore, this criterion is not applicable.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

**Findings:** The site is not residentially zoned. Therefore, this criterion is not applicable.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

**Findings:** The zone change request on the northern half of the site is from an industrial zone (IG1d) to an employment zone (EXd). Therefore, this criterion is not applicable.

**B. Adequate public services.** Public services for water supply, transportation system facilities and capacity, and police and fire protection are capable of supporting the uses allowed by

the zone or will be capable by the time development is complete, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand projections for that zone or area, which are then applied to the size of the site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.

**Findings:** The notified service bureaus have responded to this request, as follows:

Site Development Section of BDS: Site Development has no objection to the proposed zone change. No development is proposed at this time, thus there will be no impact on stormwater services (Exhibit E.1).

BES: Bureau of Environmental Services (BES) responded that BES has no objections to the proposed zoning map amendment and changes to previous conditions of approval (PC 8041). BES has no recommended conditions of approval. BES Systems Analysis has determined that changing the zoning from IG1d to EXd will not impact the sanitary sewer design flows from the site. In both SE Ankeny and SE Ash Streets, there are existing public 16-inch vitrified clay, combination sewers. There is no public storm-only sewer available to this property. Further development of the property would be subject to BES standards and requirements during the building plan review process. The management of stormwater from proposed development of this site must meet the requirements of the City of Portland Stormwater Management Manual current at the time of building plan review (Exhibit E.2).

Portland Transportation: The Bureau of Transportation Engineering (PBOT) responded that PBOT has no objection to the proposed zoning map amendment and change of conditions of approval for PC 8041.

Portland Transportation/Development Review 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.

A traffic study (TIS) prepared by Group Mackenzie documents that all study intersections will continue to operate at acceptable levels of service (LOS) for the planning horizon year of 2030. All frontages are improved to current City standards

and no dedications or street improvements are necessary. The TIS was prepared in accordance with City and ODOT traffic impact analysis requirements. City staff agrees with the following conclusions.

- The proposed zone change is from IG1 to EXd.
- Reasonable worst-case development assumption is a 70% of maximum FAR, which includes structured parking, ground floor retail, and 40,000 sq. ft. of general office.
- Trip generation estimates using the ITE Trip Generation Manual, 8<sup>th</sup> Edition for the PM peak hour and ADT. The proposed worst-case scenario would result in 795 ADT and 81 PM peak hour trips. A 20% mode split was applied.
- The Burnside Bridgehead Development Rezone assumptions for trip generation, background growth rates (1% per year) and 2025 study area infrastructure and traffic volumes were incorporated into the analysis.
- Intersection capacity calculations were conducted to determine the volume-to-capacity (v/c) ratio and level-of-service (LOS) calculations. All study area intersections will continue to meet both PBOT and ODOT standards for 2030 Pre-development and 2030 Post-development standards.
- No off-site mitigation is necessary to accommodate the proposed zone change; the Transportation Planning Rule is met.

In addition to the zone change proposal, the applicant is requesting to eliminate a previous condition of approval that required on-site parking spaces. The traffic consultant, Group Mackenzie, performed an on-street parking survey for a nine-block area (one block away in all directions from the subject property). The nine-block area has a supply of approximately 220 on-street parking spaces. This survey found that between 23% and 37% of on-street parking spaces were available during the daytime peak demand hours.

Based on observations, there is available on-street parking within the nine-block area at all times of the day. PBOT staff agrees that eliminating the condition of approval to provide on-site parking spaces will not adversely impact on-street parking in the area (Exhibit E.3).

Water Bureau: No concerns or objections. The site is served from a 6-inch water main located in SE 6<sup>th</sup> Avenue. The static water pressure is estimated to range from 72 to 89 psi (Exhibit E.4).

Fire Bureau: No concerns (Exhibit E.6).

Police Bureau: No concerns. If the site is redeveloped, the Police Bureau requests contact with the new occupants/businesses (Exhibit E.5).

Based on the above responses by the affected service providers, adequate levels of public services are available, and therefore, this criterion is met.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

**Findings:** This land use review does not involve a request to rezone the site to IR, Institutional Residential. Therefore, this criterion is not applicable.

- C. When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

**Findings:** Because this does not involve a request to rezone the site to IR, Institutional Residential, this criterion is not applicable.

- D. Location.** The site must be within the City's boundary of incorporation. See Section 33.855.080.

**Findings:** The site is within the City's boundary of incorporation. This criterion is met.

### **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.

### **III. CONCLUSIONS**

The applicant requests a zoning map amendment to change the existing zoning of IG1d, General Industrial 1 with Design Overlay, to EXd, Central Employment with Design Overlay, for the northern half of the subject site. The proposed zoning is in conformance with the City's Comprehensive Plan designation of (EXd) for this area. There are no conditions of approval requested by any responding service agencies. The applicant is also requesting removal of Condition A for a previous Zoning Map Amendment PC 8041. No concerns or objections were

noted by the service bureaus. Portland Transportation found that there is adequate on-street parking available to serve the site.

The proposal meets all of the applicable approval criteria, and therefore should be approved.

#### IV. DECISION

Approval of a Zoning Map Amendment to change the existing zoning of IG1d, General Industrial 1 with Design Overlay to EXd, Central Employment with Design Overlay on the portion of the subject site, also known as 532 SE Ankeny Street (State ID#: 1N1E35CC 4000 and 4100).

Approval to amend past Zone Map Amendment decision PC 8041, by removing Condition A, on the portion of the subject site known as 537 SE Ash Street (State ID #: 1N1E 35CC 3900).

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Gregory J. Frank, Hearings Officer

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Date

<b>Application Determined Complete:</b>	November 20, 2009
<b>Report to Hearings Officer:</b>	December 30, 2009
<b>Decision Mailed:</b>	January 13, 2010
<b>Last Date to Appeal:</b>	4:30 p.m., January 27, 2010
<b>Effective Date (if no appeal):</b>	January 28, 2010 Decision may be recorded on this date.

**Conditions of Approval.** 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.

**Appeal of the decision.** ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4<sup>TH</sup> AVENUE, PORTLAND, OR 97201 (823-7526. Until 3:00 p.m.,

Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$4,004.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

**Who can appeal:** You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

### **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.

- 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.

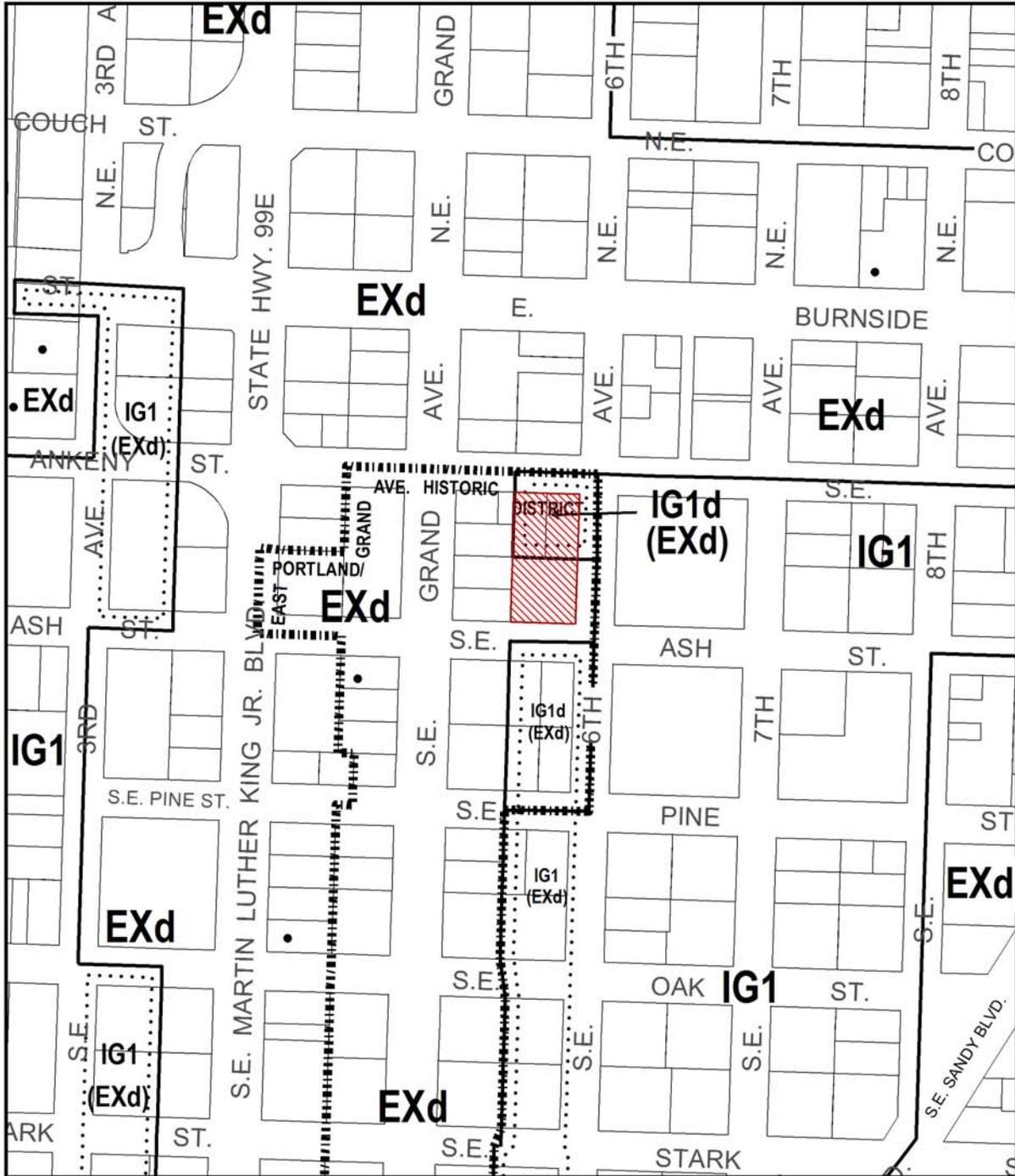
**Expiration of approval.** Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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
  - 1. Proposal Description
  - 2. Response to Approval Criteria
  - 3. Supplemental Explanation of Request to Amend Past Conditions, dated November 10, 2009
  - 4. Traffic Impact Analysis, report prepared by Group Mackenzie
  - 5. Parking Analysis, memo prepared by Group Mackenzie
- B. Zoning Map (**attached**)
  - 1. Existing Zoning
  - 2. Proposed Zoning
- C. Plans & Drawings
  - 1. Site Plan (**attached**)
  - 2. Utility Plan
- D. Notification information
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses
  - 1. Site Development Review Section of Bureau of Development Services
  - 2. Bureau of Environmental Services
  - 3. Bureau of Transportation Engineering and Development Review
  - 4. Water Bureau
  - 5. Police Bureau
  - 6. TRACS Printout – "No Concerns" from Fire Bureau, Bureau of Parks, Forestry Division, Life Safety Plan Review, BDS
- F. Letters
  - 1. Cathy Galbraith, Architectural Heritage Center, 701 SE Grand Ave, Portland, Oregon 97214. Received December 22, 2009. Opposes request.
- G. Other
  - 1. Original LUR Application
  - 2. Site History Research
  - 3. Pre-Application Conference Summary Report
  - 4. PC 8041 - Zoning Map Amendment Decision
- H. Received in the Hearings Office
  - 1. Hearing notice - Frugoli, Sheila
  - 2. Staff report - Frugoli, Sheila
  - 3. PowerPoint presentation printout - Frugoli, Sheila



# ZONING EXISTING

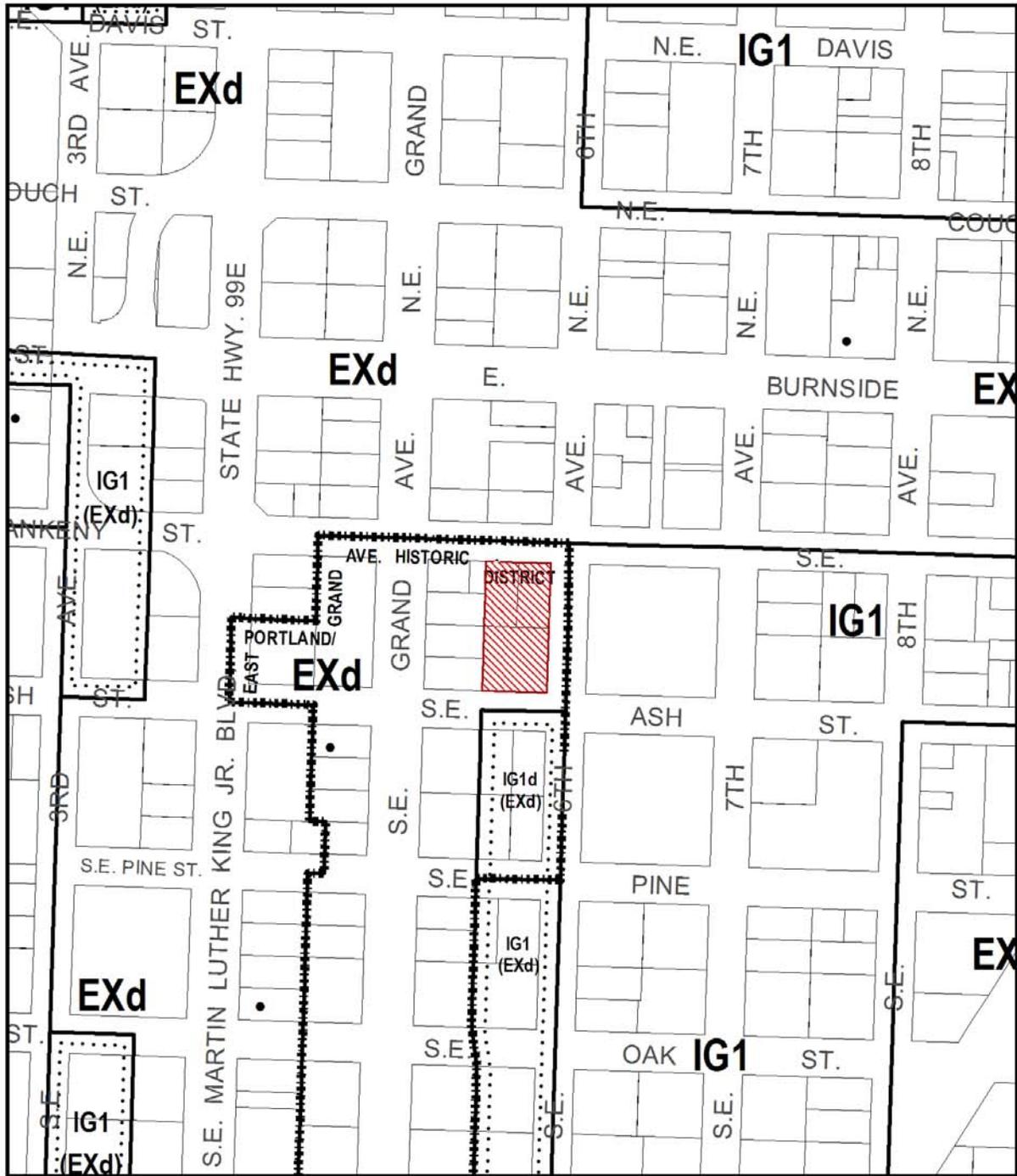
 Site

 Historic Landmark



This site lies within the:  
 EAST PORTLAND / GRAND AVENUE HISTORIC DISTRICT  
 CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 09-163734 ZC</u>
1/4 Section	<u>3031</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E35CC 3900</u>
Exhibit	<u>B</u> (Oct 13, 2009)



# ZONING PROPOSED



Site



Historic Landmark

This site lies within the:  
 EAST PORTLAND / GRAND AVENUE HISTORIC DISTRICT  
 CENTRAL CITY PLAN DISTRICT

File No. LU 09-163734 ZC  
 1/4 Section 3031  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E35CC 3900  
 Exhibit B (Oct 13,2009)

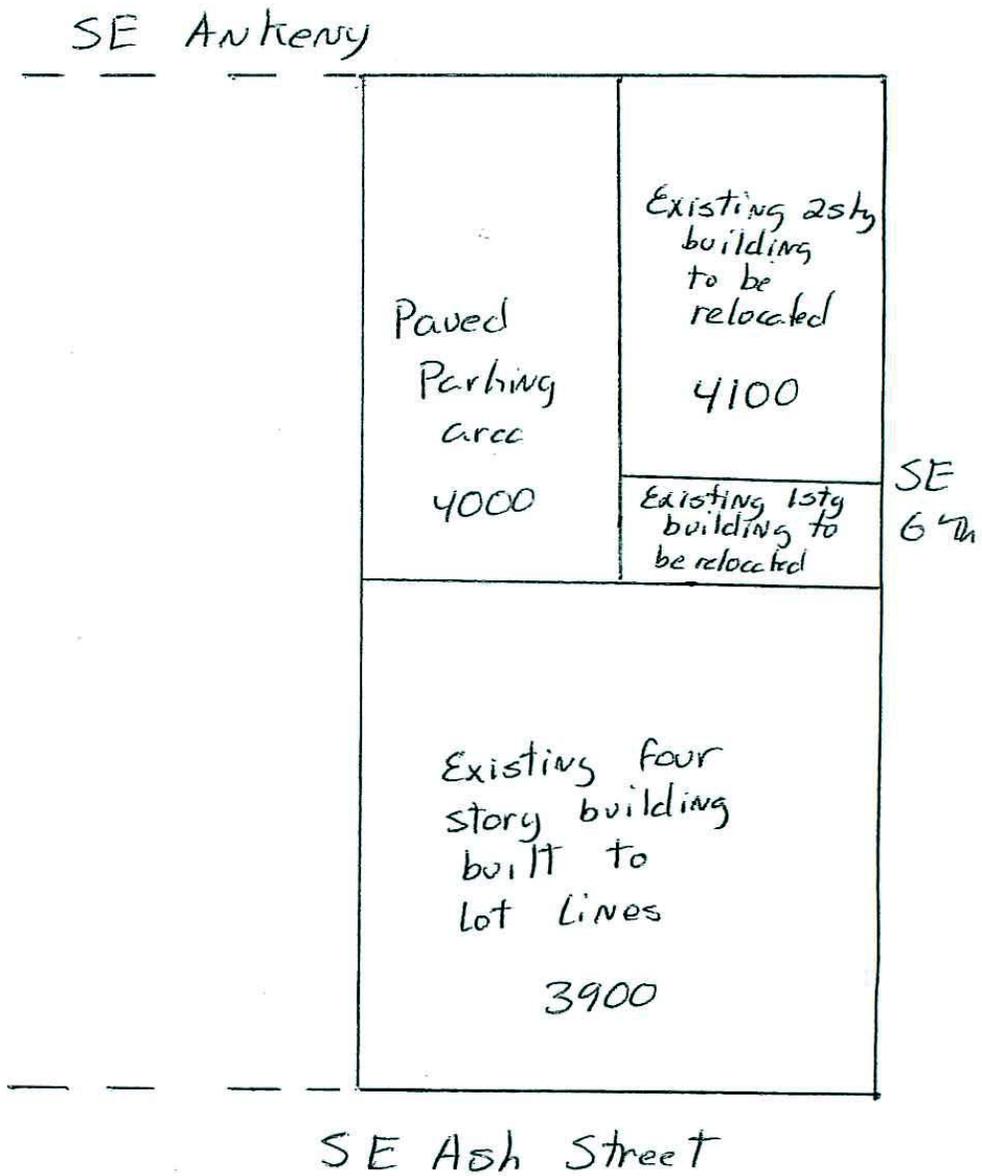


Exhibit C.1



Scale:

30:1

LU 09-163734 ZC