



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: June 15, 2012
To: Interested Person
From: Sheila Frugoli, Land Use Services
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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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-128329 AD

GENERAL INFORMATION

Applicant: Ryan Miyahira, Architect
Ankrom Moisan Associated Architects
6720 SW Macadam, Suite 100
Portland OR 97219

Owner: Phil Morford
Civitas Development
5320 SW Macadam Ave
Portland OR 97219

Site Address: 5118 N INTERSTATE AVE

Legal Description: BLOCK 35 LOT 2, M PATTONS ADD & 2ND; BLOCK 35 LOT 3, M PATTONS ADD & 2ND

Tax Account No.: R520502990, R520503000

State ID No.: 1N1E22BB 13500, 1N1E22BB 13600

Quarter Section: 2529

Neighborhood: Overlook, contact Andrew Noethe at 503-679-2347.

Business District: Interstate Corridor Business Association, contact Aleksandra Johnson at 503-735-4420.

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: North Interstate

Zoning: EXd, Central Employment zone, with the d, Design overlay zone

Case Type: AD, Adjustment Review

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

Proposal: The applicant is requesting an Adjustment to waive the required on-site loading space for a proposed new 4-story, 46-unit apartment building. Residential projects that have more than 20 residential units must include a 13 ft x 9 ft wide loading space that is accessed from the street in a forward motion. This project will not include on-site vehicle parking. The Zoning Code does not require on-site parking for sites that are located near a frequent service transit line, such as a MAX light rail line.

The new building will contain one-bedroom and studio apartments. Because of the site's mid-block location and lack of on-site vehicle area, the applicant is requesting exemption from the loading space requirement. The applicant intends to request a space be designated for loading within the N. Interstate Avenue right-of-way.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the Adjustment Approval Criteria of Zoning Code Section 33.805.040.A-F:

ANALYSIS

Site and Vicinity: The subject property is comprised of two 5,000 square foot lots. The southernmost lot is developed with a single dwelling residence and the lot to the north is vacant. The other lots on the block are developed with single dwelling residences. The southern abutting lot has a billboard sign located at the northwest corner of the lot. Across the street, on the west side of N. Interstate, the sites are developed with small commercial uses. North of N. Sumner there is a relatively new 5-story, half-block development fronting N. Interstate. The building has ground-level commercial space and residential units above. An accessory parking area with a loading space is developed behind the building.

The site fronts the Interstate MAX light rail line. The light rail tracks are located in the middle of the right-of-way, separating the vehicle traffic. The northbound traffic lane fronts properties on the east side of Interstate Avenue. The right-of-way includes a designated bicycle lane and area for on-street parking.

Zoning: The site is zoned EXd and is within the North Interstate Plan District. The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. In certain areas, such as the North Interstate Corridor, projects are eligible to use the alternative Community Design Standards. This is a plan check review. Objective design-related development standards must be addressed. NOTE: *The applicant has submitted plans for Building Permit review (12-142595 CO). The plans have been drawn to address applicable design standards. If the plans are found to comply with the standards, no additional land use review (Design Review) will be required.*

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 **April 30, 2012**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.4)
- Bureau of Environmental Services (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.4)
- Life Safety Plan Review Section of BDS (Exhibit E.3)
- Bureau of Parks-Forestry Division (Exhibit E.4)
- Water Bureau (Exhibit E.2)

The Portland Bureau of Transportation responded with extensive comments. The response is inserted below under relevant approval criterion. (Exhibit E.1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 30, 2012. A total of four written responses were received from the Neighborhood Association and notified property owners in response to the proposal.

Three nearby property owners/neighbors, object to the proposal for the following reasons:

- North Portland does not need another apartment building.
- New structures should not be allowed on N. Interstate, or elsewhere, without adequate parking spaces and a loading zone that does not impede traffic or bicyclists.
- Traffic has significantly increased on N. Interstate. There is only one travel lane. Even one vehicle that must use the shoulder for loading, would further impede the traffic flow.
- Traffic is then forced onto the side streets, which creates safety conflicts for children at a pre-school located nearby and a charter school located two blocks away.
- There is not adequate street parking to support this project and other nearby projects.
- Portland has created a “rules-are-made-to-be-broken atmosphere fit for land developers who do not represent the community they are impacting.”
- If an apartment building cannot be designed within the rules already in place, then it should not be allowed to be built.
- A loading space within the N Interstate right-of-way would not only slow vehicle traffic but would increase the risk of injury to pedestrians and vehicle occupants alike.
- Due to the large number of residential units planned without any on-site parking spaces and the fact that N. Interstate is very busy, the proposal to use the right-of-way for loading should not be approved. (Exhibits F.1, F.2, and F.3)

Tamara Maher, the Overlook Neighborhood Association Board Member and Land Use Representative submitted a letter stating that the Overlook Neighborhood vigorously opposes the approval of the Adjustment. Ms. Maher’s letter makes the following points:

- There is clear language in the Zoning Code. A single loading space is required where there is more than 20 dwelling units in a building located on a site whose only street frontage is on a street car alignment or light rail alignment.
- The applicant has already received a significant benefit from taxpayers and the nearby neighbors by being permitted to shoehorn a very dense project of 46 units in a space half the size of the Patton Park Apartment (at 50 units) directly to the north, with no obligation to provide off-street parking.
- The dedicated loading zone will further negatively impact the neighborhood traffic safety, bike safety and general livability.
- The neighborhood has experienced a substantial increase in parking issues in the recent past. This is due to a combination of the child care center located in the Patton Park Apartment building, the allowance for what has turned out to be, as a practical matter, insufficient on-site parking for the Patton Park Apartments (31 spaces for 50 units), the ICFC/Ethos building usages, and Trillium School. The erroneous assumption that most of the residents of the Patton Apartment building would not have cars has turned out not to be the case and in fact, the neighborhood experience is that some renters tend to have more cars, not less.
- Any further alliance of a dedicated loading zone in the right-of-way will impact parking in the vicinity of the project.
- The parking of a freight truck, moving van or other delivery vehicle on Interstate will negatively impact traffic, pedestrian and bike safety. Bike travel along Interstate can already be a dicey experience. Adding large vehicles that routinely straddle into the dedicated bike lane put both bikers and vehicular traffic at risk. Traffic along Interstate

at many times through the day can be very slow and additional barriers to movement will negatively impact travel.

- The applicant has provided no disabled parking. There is further concern that the applicant will request that on-street parking spaces will be dedicated as a disabled spaces.
- Lastly, the owner and applicant who attended the Neighborhood Association did not act in good faith. The owner did not share with the attendees that he would be seeking an Adjustment and failed to take the opportunity to enlighten the community as to the need, justification and accommodations that he might be able to make to ease community concerns.

Staff Response: *Staff understands the concerns raised about the development's impact to on-street parking in the area. However, the Zoning Code does not require the proposal to provide any on-site parking. There is no minimum parking requirement for sites located less than 500 feet from a transit street with 20-minute peak hour service. In addition, this site is zoned EX (Central Employment), and there is no minimum parking requirement for development in this zone. Therefore, provision of on-site parking is not required, and may be included or not at the developer's option. The nearby Patton Park mixed-use project provided some on-site parking, but it was not required.*

In response to recent proposals to construct apartment buildings with no on-site parking, the Bureau of Planning and Sustainability (BPS) who is responsible for updating/amending the Portland Zoning Code, is reviewing the concerns raised by these projects. An informational piece—"Upcoming Apartment Projects with No On-Site Parking, Frequently Asked Questions, June 2012", was recently sent to Portland neighborhood association representatives. (Exhibit G.4)

The BPS document explained that the relaxed parking standards are intended to help make "sustainable, affordable transit-oriented development more feasible" along transit corridors so that there is less pressure from single-dwelling neighborhoods to accommodate growth. Further, the Portland Plan, adopted by City Council in April 2012 includes guiding policies related to development of high-quality, well designed housing in and around neighborhood centers and near transit...to promote the 20-minute neighborhood concept and active transportation. Further focus on the policies and implementation measures (such as Zoning Code regulations) will occur as part of BPS's efforts to update the City's Comprehensive Plan. This summer, BPS and the Portland Bureau of Transportation will be surveying the rate of car ownership and usage among residents of apartments and condominiums with little or no on-site parking. Concerned citizens may direct their comments, suggestions and ideas regarding the city's policy regarding on-site parking to the Neighborhood Center Policy Expert Group (PEG). BPS expects to have a Comprehensive Plan Update Discussion Draft available to community members Fall/Winter 2012.

The neighbors' issues that speak to the Adjustment approval criteria are address below under the relevant approval criterion.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

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

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

Findings: The purpose of the loading space requirement is found in Section 33.266.310.A, as follows:

A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas

will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

The applicant is requesting an Adjustment to waive the required on-site loading space. The applicants response to the approval criteria and the supplemental memo prepared by Kittelson and Associates (Exhibit A.3) states that the adjustments to the loading standard will equally meet the above purpose of the regulation because:

- If a loading area were provided on site, it would negatively impact traffic safety. Ingress and egress with forward motion only is required for loading areas. So this would require a large area on the ground floor solely for maneuvering of the loading vehicles. This would significantly reduce the active uses along the ground floor at the street. If a loading area were provided on site, but without forward movement, it would have a negative effect on traffic safety. It would require either backing into the loading area or backing onto N. Interstate, across a bike lane. It is not supported by PBOT. (Note: At an Early Assistance meeting, held March 21, 2012, PBOT staff gave this information to the applicant.)
- There is existing on-street parking along N. Interstate, so vehicles are already allowed to parking in this area. There is no on-site parking proposed for the development, so loading off-site is the most consistent with the parking areas.
- The proposed project is an apartment building, so the loading will be primarily tenants moving in and out. Loading will be less frequent and because the units are small studio and one-bedroom apartments, the loading vehicles will be even smaller than typical moving vehicles. Loading vehicles will likely be cars, pickups and vans. The loading and unloading time to move in and out will be relatively short.
- Day-to-day deliveries at the site are proposed to be limited to mail, parcel, and other related movement typical of residential housing.
- An occasional smaller delivery truck is likely to be used for loading. The existing on-street parking lane on N. Interstate is 8 feet wide, demarcated by a 4 inch wide stripe from the bike lane. Thus, the parking lane is sufficiently wide to accommodate smaller delivery trucks.
- Bicyclists should be able to safely pass delivery vehicles parking in the loading zone. Moreover, due to the small apartment sizes and short time it takes to load and unload, bicyclists should not be frequently inconvenienced.
- Kittelson and Associates supports a 50-foot delivery zone to be designated on the southern portion of the 100-foot property frontage and that the delivery space be posted for "Loading Zone 9:00 am to Noon, Monday through Saturday" and "Loading: 1 Hour Limit".

The Bureau of Transportation (PBOT) has reviewed the application, including the Transportation Assessment from the applicants transportation engineering consultant, and provided a response (Exhibit E.1). The PBOT response offers the following:

From PBOT's perspective, the only viable option to maintaining the developable portion of at least the lower level of any building on the subject site is to allow the expected loading activities to occur along the abutting N Interstate r.o.w.

According to City GIS database resources, at this location, N Interstate is improved with 26-ft of paving (east of the light rail alignment). The paved section includes a single north-bound through lane, a striped bicycle lane and (on-street) parking lane. If the applicant provided an on-site loading space, meeting the dimensional requirements but not allowing for forward egress, a vehicle would need to back out of the space across the sidewalk, parking lane and bicycle lane, without the benefit of adequate line of sight, onto a single and one-way directional travel lane that abuts a light rail alignment. The potential for conflicts between an exiting loading vehicle with pedestrians, parked vehicles, bicyclists and motorists is very possible considering the restricted backing operation, not to mention what appears to be a large, low (clearance height) billboard/sign that is situated on the abutting lot to the south and adjacent to the subject site. Further, if no on-site loading space is provided in association with the proposed building, there will be no requirement for a curb cut/driveway, which will result in retention of all of the available on-street parking that is currently

available; a standard curb cut/driveway would result in the permanent loss of 1-2 on-street parking spaces.

From a safety perspective, having the loading activities associated with the proposed residential building occur along the abutting N Interstate r.o.w will enable all users (those undertaking the loading activities, area wide pedestrians, bicyclists and motorists) to be aware of one another without the potential for a vehicle to back out into unexpected or unseen users of the abutting r.o.w. Given the size of the proposed dwelling units (studios and one bedrooms at 450-600 sq ft), it is not expected that future tenants will be arriving to the building upon move-in with full size semi-truck-type loading vehicles. Smaller vans and passenger vehicles are anticipated to utilize the existing parking lane/future loading zone and can be accommodated within the parking lane (width) without extending into the bicycle lane. PBOT recognizes the high use of this bicycle lane along N Interstate but expects that the highest use time period is during the afternoon peak hour of travel as bicyclists/commuters are returning home from work in the downtown area (similar to peak vehicle travel). Accordingly, the applicant will be seeking (through PBOT) a limited-use loading zone along a portion of the site frontage from 9:00 am to noon, Monday through Saturday. PBOT staff, including from the bureau's Parking Control section, are in support of a limited-use on-street loading zone along a portion of the N Interstate frontage of the site, given the issues of providing an on-site loading (and forward maneuvering) space and the more visible location (for all r.o.w. users) of the on-street loading location.

During the course of the public notice period for this project, PBOT staff received copies of several letters of opposition to the proposed Adjustment request, including one from the area's neighborhood association. Common issues identified in these letters included a general opposition to the proposed apartment building, concerns about the lack of on-site parking spaces in association with the proposed project, and concerns about impacts to pedestrians, bicyclists and general traffic along N Interstate in relation to an on-street loading zone.

The general opposition to the proposed development type is not within the purview of this Adjustment request, so PBOT will not respond to this concern. With regard to the lack of on-site parking opportunities, again, this concern is beyond the issues to be considered in relation to the proposed Adjustment. However, it should be noted that the applicant is taking advantage of the Zoning Code's provision to exempt any on-site parking requirements (33.266.110.B.3) given the site's location along a light-rail alignment; on-site parking is not required in relation to the proposed development and the developer is not providing any such parking. With regard to the opposition to allowing an on-street loading zone versus the required on-site loading space, PBOT's analysis of this alternative proposal was provided above. However, in response to the letters of opposition, the applicant hired a traffic consultant to address said loading activity concerns.

The submitted analysis by Kittelson & Assoc, Inc, is part of the case record for reference. Said document supports PBOT's position by suggesting that the primary loading activities associated with the proposed project will occur with the moving in/out of tenants. Once occupied, tenant turnover and related loading activities will occur on an intermittent basis. Given the small sizes of the proposed units, as described previously, the expected types of moving vehicles will include passenger cars, pick-up trucks and small vans (moving-related or passenger). Loading/unloading activities into/out of the small units should occur within a short period of time. The traffic consultant's document included references to standard U-Haul type moving vehicles including 10-ft, 14-ft and 24-foot long models. Each of these models will be narrower than 8-ft wide, which is the width of the existing demarcated parking lane. Recognizing the higher volumes of vehicles/bicycles along N Interstate during the afternoon peak hour of travel, the applicant's traffic consultant supports the one-hour time limit, 9:00 am – 12:00 pm time frame, Mon – Sat loading zone along a portion of the subject site's frontage that the applicant will be seeking to establish with PBOT Parking Control staff (post land use review).

It is PBOT's position that the proposed alternative loading space solution, to establish a limited on-street loading zone along a portion of the subject site's frontage, equally meets Zoning Code's identified purpose(s) for loading spaces. As opposed to triggering a significant redesign of the proposed residential project to accommodate an on-site loading space and maneuvering area that meets the Zoning Code's requirements, or as opposed to allowing delivery vehicles to back into or out of a sight restricted on-site loading space, an on-street loading zone is a reasonable alternative to

meet the project's demands and to minimize impacts to pedestrians, bicyclists and motorists. This position was corroborated by the applicant's traffic consultant.

Based on the applicant's findings and the PBOT response, BDS concludes that waiving the on-site loading space requirement will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way. This approval 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: The site has frontage on N. Interstate Ave. PBOT reports that at this location, N. Interstate is classified as a District Collector street, Regional Transitway, City Bikeway, City Walkway and a Regional Main Street. As explained under criterion A, PBOT staff has reviewed the proposal, considered the potential safety issues raised by concerned neighbors and determined that the proposal is acceptable.

The Zoning Code defines the term "desired character" as being based on the purpose statement of the base zone, overlay zone and plan district and the preferred and envisioned character included in adopted area plans (Section 33.910.030). The proposal is in the EX, Central Employment zone and the d, Design overlay zone. Further, the site is within the North Interstate Plan District and the plan boundary of the adopted North Interstate Corridor Plan (adopted July 23, 2008, effect August 22, 2008).

Page 2 of this report summarizes the purpose of the EX, Central Employment zone and the d, Design Review overlay zone.

The purpose of the North Interstate Plan District (33.561.010) is described as follows:

The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density. These standards:

- *Implement urban design concepts of the North Interstate Corridor Plan;*
- *Help ease transitions between new high-density development and the existing, low-density neighborhoods; and*
- *Enhance the pedestrian experience.*

The **North Interstate Corridor Plan** includes the following two objectives that are relevant to this proposal:

Optimize the region's \$325 million public investment in light rail by encouraging transit-supportive development that will create additional jobs and housing in the light rail corridor.

Support and sustain the neighborhood by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density by encouraging quality development that strives to minimize negative impacts on the surrounding neighborhood.

The applicant's written narrative explains that by eliminating the loading on site, the building façade will provide a more pedestrian friendly and active street façade at the ground floor. If loading were on site with forward motion for ingress and egress, up to 20 percent of the building façade would be openings for the loading activities. Further the application explains that the pedestrian experience was carefully considered when designing the project. The name Corso is adapted from the Via del Corso in Rome, Italy, a prominent route through the City.

The design includes a 10-foot setback between the street property line and the building, to allow for terraces, and landscaping at the residential entries and larger main entrance plaza. The project will include a bike parking storage area for 56 bikes, located directly off the main lobby.

This proposal does not conflict with the base and overlay zones, the plan district or the relevant objectives of the adopted area plan. This request supports the objective of creating additional housing on the light rail corridor. And, PBOT finds that waiving the loading space requirement will reduce possible safety impacts by allowing on-street loading, with limited hours. Therefore, this criterion is satisfied.

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.

Findings: The applicant requested an Adjustment to one development standard. Therefore this criterion does not apply.

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

Findings: Because this site is not designated with protected resources, this criterion does not apply.

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

Findings: As described above in response to approval criteria A and B, there are no adverse impacts identified with the proposal. Hence, this criterion does not apply.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Environmental overlay zones are designated on the Official Zoning Map with either a lower case “p” (Environmental Protection) or “c” Environmental Conservation. As there are no environmental overlay zones mapped on the site, 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, each applicable approval criterion is met.

ADMINISTRATIVE DECISION

Approval of the Adjustment to waive the required on-site loading space (Standard B) for a multi-dwelling residential project [33.266.310.C.1.b), per the approved site plan, Exhibit C.1, signed and dated June 12, 2012, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal as approved in Case File # LU 12-128329 AD."



Staff Planner: Sheila Frugoli

Decision rendered by: _____ **on June 12, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 15, 2012

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 April 10, 2012, and was determined to be complete on **April 26, 2012**.

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 April 10, 2012.

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 requested that the 120-day review period be extended by an additional 10 days.(Exhibit A.4) Unless further extended by the applicant, **the 120 days will expire on: September 3, 2012**.

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 June 29, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **July 2, 2012**.
- 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.

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;

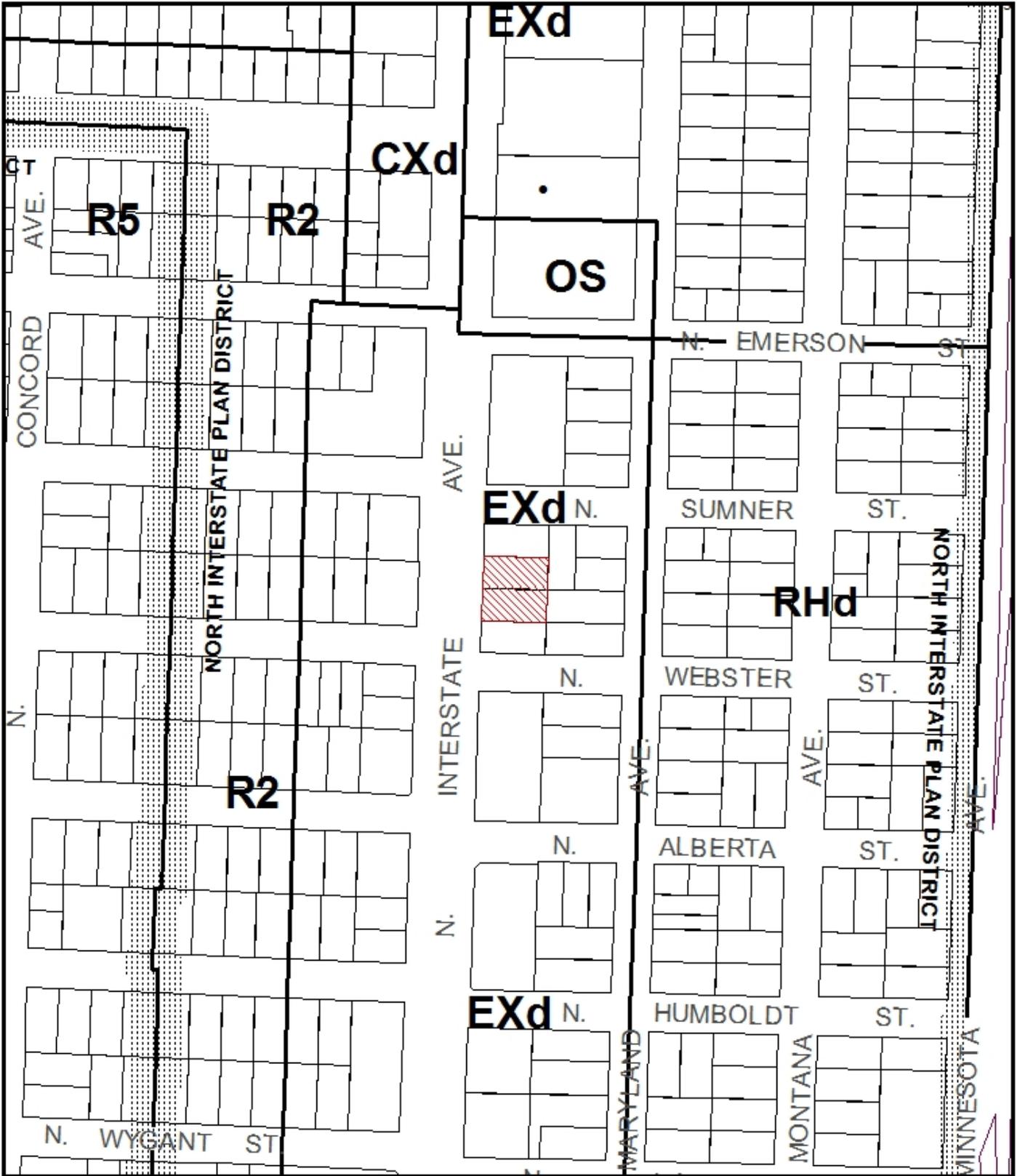
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Narrative
 2. Additional Information Submitted April 26, 2012
 3. Loading Analysis. Prepared by Kittelson and Assoc., Submitted May 30, 2012
 4. 120-Day Review Clock, 10-Day Extension, Submitted May 16, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Proposed West Elevation
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Transportation Engineering and Development Review
 2. Water Bureau
 3. Life Safety Plan Review Section of BDS
 4. TRACS Printout of "No Concerns" Noted by the Fire Bureau, Site Development Review Section of BDS, Bureau of Environmental Services and the Bureau of Parks, Forestry Division
- F. Correspondence:
 1. Pamela Perry, May 1, 2012, Opposes the Proposal
 2. Jay Hunt, May 9, 2012, Opposes the Proposal
 3. Howard Willett, May 15, 2012, Opposes the Proposal
 4. Tamara Maher, Overlook Neighborhood Board Member and Land Use Representative, May 16, 2012, Opposes the Proposal
- G. Other:
 1. Original LU Application
 2. Site History Research
 3. Incomplete Application Letter from Staff to Applicant
 4. Bureau of Planning and Sustainability FAQ: Upcoming Apartment Projects with No On-Site Parking, Frequently Asked Questions, June 2012

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).



ZONING

 Site

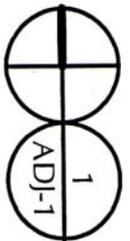
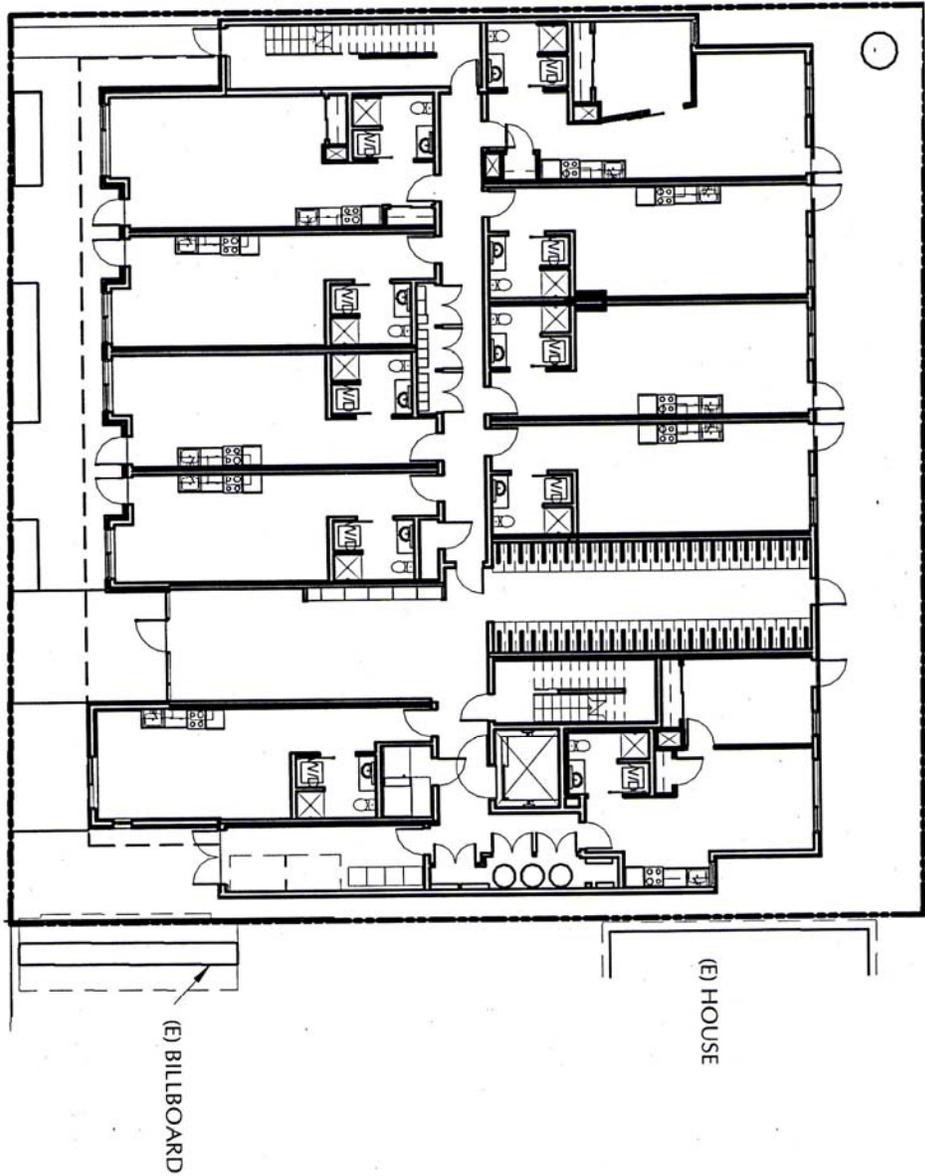


NORTH

This site lies within the:
NORTH INTERSTATE PLAN DISTRICT

File No.	<u>LU 12-128329 AD</u>
1/4 Section	<u>2529</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E22BB 13600</u>
Exhibit	<u>B</u> (Apr 26, 2012)

Approved
City of Portland - Bureau of Development Services
 Planner Sheikh Frugati Date June 12, 2012
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1
 ADJ-1
 1" = 20'-0"
SITE PLAN

LIGHT RAIL

EXISTING
 PARKING
 AREA

LOADING
 AREA
 9'-0" x 18'-0"

UU 12-128329 AD

Exhibit C.1

ADJUSTMENT

D:\ryanm\Revit
 Projects\Civitas_51North\Civitas_51North_ryanm.rvt

ADJ-1

DATE: Issue Date
 JOB: 111200
 DWN: Author
 CHK: Checker

Corso
 5124 N Interstate, Portland, OR 97217
 Civitas

ANKROM MOISAN
 ARCHITECTURE INTERIORS PLANNING
 6720 SW MACADAM, SUITE 100, PORTLAND, OREGON 97219
 PHONE 503-245-7100 | FAX 503-245-7710 | WWW.AMAA.COM