



**Bureau of
Development Services
Land Use Services Division**

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**NOTICE OF FINAL
FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY OF PORTLAND ADJUSTMENT COMMITTEE
ON AN
APPEALED ADMINISTRATIVE DECISION
(Type II Process)**

**CASE FILE: 08-117091 AD
LOCATION: next to 6130 NE 32nd Avenue**

The administrative decision for this case was appealed to the Adjustment Committee by the Concordia Neighborhood Association. A public hearing was held on August 5, 2008. The deliberation resulted in a tied vote, with only four committee members present. The decision was held over to September 2, 2008, to allow the full committee to deliberate and return a decision. The Adjustment Committee issued a tentative decision that granted the appeal and overturned the decision of approval, denying the requested Adjustments. The Adjustment Committees findings and conclusions on this case are included below.

GENERAL INFORMATION

Applicant: George M Crawford
6130 NE 32nd Ave
Portland, OR 97211-6708

Appellant: Concordia Neighborhood Association
George Bruender, Land Use Committee Co-chair
2414 NE Highland
Portland, OR 97211

Site Address: Lot to north of 6130 NE 32nd Avenue

Legal Description: BLOCK 49 LOT 31, IRVINGTON PK
Tax Account No.: R421319360
State ID No.: 1N1E13CA 16101
Quarter Section: 2433

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

Zoning: R5ah (R5,000, High Density Single-Dwelling Residential with Alternative Design Density and Aircraft Landing –height-Overlays)

Case Type: Adjustment Review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: The applicant is proposing construction of a new single-dwelling residence on this 25-foot-wide lot. The proposed structure would be 18 feet wide and 22 feet tall. The house has architectural details that include numerous windows and a covered front entry porch. On-site parking is to be accommodated at the rear of the house, with access from the alley. The proposed design calls for the primary building wall of the house to be located 4 feet from the south property line and 3 feet from the north property line. The one-foot-wide roof eaves would be 3 feet from the south property line and 2 feet from the north property line. A dormer on the second story of the south side of the structure would also extend to the edge of the roof eave, 3 feet from the property line. In response to some of the comments received from neighbors, the applicant submitted a revised site plan that calls for the proposed house to be located further back on the property than was originally proposed. The revised plan shows the front wall of the dwelling unit set back 24 feet from the front property line, with the front porch set back 21 feet from the front property line.

The Portland Zoning Code, Title 33, requires structures to be set back a minimum of five feet from side and rear property lines in the R5 zone. Roof eaves must be set back a minimum of four feet from these property lines. Exceptions to this standard can be approved through Adjustment Reviews, if all of the relevant approval criteria are met. The applicant is asking approval of Adjustments to Code Section 33.110.220 to allow the required setbacks from the north and the south side property lines to be reduced, as described above, in order to build the proposed house design.

Relevant Approval Criteria: 33.805.040 A.-F., Adjustments.

ANALYSIS

Site and Vicinity: The applicant's site is a 2,500 square-foot lot that is located on the east side of NE 32nd Avenue, near the middle of the block that extends from NE Holman Street to NE Ainsworth Street. The rear property line abuts an alley that serves the properties on this block and the block that fronts onto NE 32nd Place. The lot is currently undeveloped but contains mature vegetation, including a cedar tree that has a reported circumference of about 11 feet. The area around the site is generally developed with single-dwelling residences that date from the early 1900s. Because the area was originally platted with 25-foot-wide lots, there is a mixed development pattern, with some houses that occupy two of the platted lots, some properties that are under tax accounts that consist of three or more lots and some single, vacant or undeveloped lots. Many of the properties have large second-growth, coniferous trees and there are also many deciduous trees and mature shrubs in the landscaped areas on the lots. Northeast Ainsworth Street, which is zoned OS or Open Space, has a median strip, with grass and a row of mature trees that separate the traffic lanes into one-way thoroughfares. All of the streets in the area are developed with curbs, sidewalks and planting strips.

Zoning: This site is zoned R5ah or R5,000, High Density Single-Dwelling Residential with Alternative Design Density and Aircraft Landing overlay zones. The R5 zone is intended to provide opportunities for single-dwelling development. The development standards for the zone require buildings and other structures that are taller than 6 feet above grade level to be set back a minimum of 5 feet from the side and rear property lines.

The “a” or Alternative Design Density Overlay provides the opportunity for additional

residential density in some situations, when design standards are met. The provisions of this zone are not applicable to this proposal.

The regulations of the "h" or Aircraft Landing overlay zone limit the height of structures within the aircraft landing approach patterns for the Portland International Airport. These provisions are not relevant to structures that have a height that meets the single-dwelling development standards, such as the house in this proposal.

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 22, 2008**. The following Bureaus have responded to indicate that there are no issues or concerns related to approval of the requested adjustments. Some agencies provided information on submittal requirements for building permits and are noted with exhibit numbers, below:

- Environmental Services (Exhibit E-1)
- Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS (Exhibit E-2)
- Life Safety Plan Review Section of BDS (Exhibit E-3)
- Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 22, 2008. Seven written responses were received from notified property owners in response to the proposal. All of these responses expressed opposition to approval of the requested Adjustments. The comments from the neighbors that were contained in these letters (Exhibits F-1 through F-7) are summarized below:

1. A certified survey must be provided to show that the subject lot is 25 feet wide or else the proposal must be denied.
2. If the reduced setbacks are allowed, it will prevent neighboring property owners from expanding development into the area adjacent to the common property line.
3. Two Adjustments are being requested and approval would not be consistent with the overall purpose of the zone because approval would not enhance the livability of Portland.
4. Approval of the Adjustments would impact the historic character of the Concordia Neighborhood, which the property owners living in the area consider to be a scenic and historic resource. While noting that the area is not a City designated scenic resource, the response stated that, "the property owners who actually live here would argue that." A similar comment was made about the projected impacts to the environmental resources of the Concordia Neighborhood.
5. The impacts of approving the proposal are irreversible and cannot be mitigated.
6. Objection was expressed that no notice was given to a neighbor living four houses away from the subject site.
7. The proposal is contrary to the City's Comprehensive Plan. Cutting down the cedar tree on the site to build a "skinny house," is contrary to the City's policies regarding "green" development.
8. "With the economy the way it is, this property may not sell and could set empty like so many others."

9. "No matter how the neighbors feel about this development, our voices are not being heard and our opinions do not seem to matter." The point in time that neighbors should be able to participate is earlier in the process, "before a lot segregation has even been approved, not before construction begins." "The City of Portland and its citizens need to re-examine the impact of infill housing on our environment and neighborhoods."
10. Concerns were expressed that the house was proposed to be located too close to the street lot line at the front of the property. Among the issues that were noted were that the proposed residence could possibly block visibility for emergency responders, add to the street noise level and create trapped exhaust fumes because of the number of cars on the street. Neighbors also said that locating the house closer to the front lot line would be out of keeping with the existing development pattern on the street.
11. The reduced setbacks would create a hazard, due to fire safety and have negative impacts on privacy. It was noted that "skinny houses" are generally taller than existing homes, further compromising the sense of privacy.
12. Many of the responses took particular issue with the idea that the large cedar tree that currently occupies the site would be removed to make room for the proposed residence and asked how this can be allowed, given the City's policies regarding sustainability and the environment. The responses noted the value of the tree in providing a natural habitat for wildlife, in shading and cooling the adjacent properties, in cleaning the air of pollutants and in providing historic character and aesthetic appeal for the residential area. Several neighbors argued that the relative merits of allowing infill development on a narrow lot, when it meant the removal of a significant tree, were not promoting the City's land use goals or livability. Neighbors also noted the fact that they were unhappy to learn that the tree could be removed, after the applicant applies for building permits, without any input from the neighborhood.
13. Requests were made to postpone a decision on this case and to extend the comment period in order to allow additional discussion of possible solutions.

The Concordia Neighborhood Association Land Use Chair also sent a response that stated that the majority of residents who attended the last meeting of the Land Use Committee opposed approval of the reduced setbacks, though they supported the plan to have parking and/or a garage at the rear of the lot. They requested that the house be moved back so that it would, "be aligned with its neighbors." The Land Use Chair, in reporting the majority opinion, noted that the committee does not have a fixed membership, but that it reflects those neighbors who attend to discuss specific issues. As Chair, George Bruender states that he may express alternative views, in addition to the group opinion. Mr. Bruender stated that his opinion was that the request to reduce the side setbacks should be allowed because the adjacent development was far enough away to adequately preserve the standard separation between structures and that the proposed design was attractive and preferable to a 15-foot-wide house that the Code would allow by right. Mr. Bruender also supported the proposal to place the vehicle area at the rear of the lot, with access from the alley and he agreed with the neighbors that the house should be set back farther on the lot. He did not take a stand on the issue of removing the tree, stating that he appreciated the value of the tree canopy for the health and livability of the neighborhood but that he also recognized that, due to the root structure and location of the tree, it would be difficult to develop the property at all without its removal. (Exhibit F-8).

BDS Staff Notes, corresponding to the neighborhood comments, as summarized above:

- 1) *A lot confirmation process, 07-170464 PR, was completed by BDS, on November 30, 2007, which found that the subject property was a platted lot, 25 by 100 feet in size, that has legal status for single-dwelling development.*
- 2) *Reduced setbacks do not prevent adjoining property owners from extending development into the area adjacent to common property lines. The Zoning Code standard for building setbacks is applied equally to each property and the setback requirement is not increased when the setback on an adjacent property is reduced. The building code for single-dwelling structures requires that structures have six feet of separation between them, with four feet between the eaves of the respective buildings. This required separation can even be reduced to less, if certain fire protection measures are met. In this case, the standard separation for the building code is proposed to be met. Therefore, approval of the request to reduce the setbacks from the north and south side property lines will not impact the ability of the adjacent property owners to extend development closer to the common property lines.*
- 3) *Two adjustments are being requested. The issue of cumulative impacts and consistency with the overall purpose of the zone are discussed in the findings for Criterion C, below.*
- 4) *According to state law and City of Portland Code, the approval criteria for the requested Adjustments must look only at the impacts on City-designated scenic, historic and environmental resources (Criteria 33.805.040 D and F). While it is understandable that neighbors may cherish certain elements of their neighborhood as important resources, if these resources have not been designated through the legislative process, they may not be legally considered under these criteria.*
- 5) *A discussion of impacts and mitigation is discussed under the findings for Criterion 33.805.040 E.*
- 6) *According to state law and City of Portland Code requirements, notification of Type II Land Use Review proposals are mailed to the owners of properties that are within 150 feet of the boundaries of the subject site. The official list of these property owners is the information provided from the records of Multnomah County Assessment and Taxation.*
- 7) *City Council approves the City's Zoning Code standards which are intended to implement the policies that are adopted in the Comprehensive Plan and other related plans that guide the City's growth, operation and development. These include "green" development and residential infill policies and regulations. The ability to request exceptions to the Code standards is a requirement of state law. These requests must be approved if the criteria are met or can be met with conditions of approval.*
- 8) *The City responds to requests for reviews and considers each request, based on the approval criteria. The economic wisdom of the proposal, in the current financial climate, is not something that is a subject of Title 33 standards or the expertise of BDS Land Use Services staff to ascertain.*
- 9) *The Land Use Review process offers the opportunity for neighborhood comment and any comments that relate to the relevant approval criteria are seriously considered in*

the decision making process. When concerns lie outside of the area of the relative criteria for a land use review, there is still an opportunity to discuss the issues with the Bureau of Planning for possible inclusion in future, legislative long range planning projects.

- 10) *As noted in the description of the proposal, the applicant has revised the proposed site plan so that the house would be located further back on the lot, in general alignment with the adjacent residences.*
- 11) *The concerns regarding fire safety and privacy are addressed in the findings for Criterion A, below.*
- 12) *The City's current regulations do not provide a solution for dilemmas such as the one that is posed by this case. The applicant invested in this property for the purpose of developing it and it is his right to do so. The City's regulations in Title 20, regarding tree removal, state that once building permits have been issued for a property, there are no permits required to remove trees. City staff acknowledges the fact that neighbors are frustrated because they feel that they cannot find the tools to preserve what they regard as neighborhood resources.*
- 13) *According to state law, the applicant for a land use review is the only party that can postpone a decision or otherwise ask for additional time within the prescribed process. In this case, prior to the appeal, the applicant informed staff that he did not wish to postpone the decision to allow further discussion, because he could not see that there was any way to address the neighbors' main concern, which was trying to prevent removal of the cedar tree. After the appeal was filed, the time was extended.*

PROCEDURAL HISTORY

A staff decision of approval for the requested Adjustments was mailed on May 21, 2008. The Concordia Neighborhood Association filed an appeal of the decision on June 2, 2008. A public hearing was scheduled for August 5, 2008 and notice of the pending hearing was mailed on June 6, 2008. Public testimony was heard by the Adjustment Committee on August 5, 2008. Due to a tied vote on the case, deliberations were carried over to September 2, 2008 when 5 members of the committee were present. No additional testimony was taken at that time.

Testified at the Hearing: Kathleen Stokes, BDS Staff Representative, 1900 SW 4th Ave, Room 5000, 97201; George Bruender, Land Use Chair, Concordia Neighborhood Association, 2414 NE Highland, 97211; Ken Forcier, Land Use Co-chair, Concordia Neighborhood Association, 6107 NE 32nd Place, 97211; Sean J. Broderick, 6208 NE 32nd Avenue, 97211; Mary La Point, 6236 NE 32nd Avenue, 97211; George Crawford, 6130 NE 32nd Avenue, 97211.

At the hearing, the Adjustment Committee heard the following:

- 1) a staff summary of the proposal and Administrative Decision, including a Power Point presentation (Exhibit H-7);
- 2) testimony from the appellant and supporters of the appellant. Additional written testimony of the appellant's position was also presented (Exhibit H-8 through H-10);
- 3) testimony from the applicant.

George Bruender, representing the Concordia Neighborhood Association as the appellant, stated that the proposal did not meet the purpose of the regulation, and

would have a negative impact on the livability and the appearance of the neighborhood. George then deferred to the Co-chair of the Land Use Committee for the Concordia Neighborhood Association, Ken Forcier, for a more detailed summary of their concerns.

A signed petition, listing 90 opponents of the proposal was submitted by neighborhood representatives (Exhibit H-8). Ken Forcier read a prepared statement that opposed the approval of the adjustments, stating that the code-required distance of 5 feet should be maintained and that the reduced setbacks that were requested would limit the amount of light for the adjacent properties and would not be consistent with the spacing of the existing development pattern in the neighborhood (Exhibit H-9).

Sean J. Broderick, owner of the property at 6208 NE 32nd Avenue, testified in support of the appeal, restating the concerns expressed by the neighborhood association representatives and further stated that approval of the reduced setback on the north side of the subject site would negatively impact his privacy and would appear to be too close to his residence. Mr. Broderick stated that the proposal to reduce the side setbacks would result in development that is out of character with the neighborhood, where the 25-foot-wide lots were developed in groupings of several lots, allowing garden areas and green spaces next to structures that occupied one of more of the lots.

Mary C. La Pointe, owner of the property at 6236 NE 32nd Avenue, testified that approval of the requested Adjustments would have a negative impact on the aesthetic value of the neighborhood and would reduce property values. While Ms. La Pointe acknowledged that there was no means to prevent the applicant from cutting down the large cedar tree that is on the lot, she stated her objection to its removal, noting that the tree is important to the neighborhood and that trees should not be cut down to allow new housing.

A written testimony statement in opposition to the proposal was also received at the hearing (Exhibit H-10). Gwenith Jones, indicated that she was in support of approving the appeal and that she found the distinction between the separation required by the building code and that required by the zoning code was "interesting." Ms. Jones stated that, if the appeal was denied then she would conclude that the requirements of the Zoning Code are only, "guidelines".

George Crawford, applicant for the requested Adjustments, testified in response to the appellants' arguments, stating that approval of the requested adjustment would allow construction of a house that would come closer to averaging the separation between the proposed structure and the adjacent properties. Mr. Crawford stated that this would be more in keeping with the distances between houses in the area. He also stated that the proposed design would be more compatible with the development in the neighborhood because approval of the reduced setback would allow him to build a house that had parking in the rear and was not as tall as a more narrow house design with a deeper footprint, which would be the result of meeting the 5-foot-setback requirement.

In rebuttal testimony, the representative of the Concordia Neighborhood Association again expressed the position that the narrower setbacks and wider house design would negatively impact the adjacent properties and would not be compatible with the existing development pattern in the neighborhood.

The Adjustment Committee considered the arguments after closing the record for testimony. Two committee members were inclined to grant the appeal, basing their

decision on the sense that the reduced setbacks would negatively impact light for the adjacent properties and would be incompatible with the established development pattern in the neighborhood. Two members of the committee disagreed and found that the proposed design would have little or no impact on light and would relate better with the neighborhood than a taller, skinnier structure. These committee members expressed the belief that this would mitigate for any visual impacts from the requested reduced setbacks. After considerable discussion, a vote ended in a tie between the four committee members who were present. The Chair asked the applicant if he wanted them to continue deliberations at a later date, after the fifth committee member had an opportunity to review the audio tape of the proceedings. This was agreed upon and the hearing was continued until September 2, 2008.

On September 2nd, deliberations were reopened on the case, but no further testimony was taken. The four members who had been involved in the original discussion maintained the same positions. The fifth committee member stated that the decision on this case was very difficult, because the proposed house may be more appealing than a house that could be built by right under the standards of the Code. However, the determining factor became the discrepancy from the established building pattern in the area and at the end of the deliberation, the Adjustment Committee voted to uphold the appeal, with 3 members voting to deny the proposal and two members voting to deny the appeal and uphold the decision of approval.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustments The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

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

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

Findings: The relevant purposes of building setback requirements are:

- to maintain light, air, separation for fire protection, and access for fire fighting;
- to reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences;
- to promote options for privacy for neighboring properties, and

- to provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.

The development standards for lots in the R5 zone require building walls to be set back a minimum of 5 feet from side and rear property lines and roof eaves to be set back a minimum of 4 feet from these property lines. The applicant requested approval of Adjustments to reduce the north side setback to 3 feet for the building wall and 2 feet for the roof eave and also to reduce the south side setback to 4 feet for the building wall and 3 feet for the roof eave and second story dormer. The Adjustment Committee finds that reducing the minimum setbacks from the north and south side property lines, as proposed, would be likely to result in reduced light for the adjacent residences.

The Fire Bureau reviewed this proposal and found that there were no concerns. The request to reduce the required setbacks will still preserve the minimum 6-foot separation between structures that is required by the Building Code to meet fire protection standards. The Fire Bureau requires that all portions of the building must lie within 150 feet of the street frontage to provide sufficient access for fire fighting. The Adjustment Committee agrees that the purposes of separation for fire protection and access for fire fighting would be met.

The Adjustment Committee finds that the proposed location of the house would impact privacy, due to being too close to other structures or by looking over adjacent homes.

The Adjustment Committee also finds that the requested reductions in the side setbacks would appear out of keeping with the relationship of residences and with the scale and placement of structures. Therefore, the Adjustment Committee finds that this criterion has not been 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: As stated in the findings above, the Committee finds that the proposal to reduce the required side setbacks from the north and south side property lines would have significant negative impacts on privacy, light and the relationship of residences and the scale and placement of buildings in the area. Therefore, the Committee determines that approval of the requested adjustments would have a significantly detract from the appearance and livability of the residential area and finds that this criterion is not met.

- 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; and

Findings: The purpose of the R5 zone is to preserve land for housing and to provide housing opportunities for individual households. Two adjustments have been requested. Approval of the request to reduce the north and south side setbacks will allow construction of the proposed single-dwelling house. Therefore the Adjustment Committee finds that this criterion is met, but that a different house design that

would meet the Code setback requirements would be more in keeping with the character of the surrounding neighborhood.

- D.** City-designated scenic resources and historic resources are preserved; and
Findings: There are no City-designated scenic or historic resources on the site. Therefore, the Adjustment Committee finds that this criterion does not apply.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.

Findings: The Adjustment Committee finds that the request to reduce the setbacks from the side property lines would result in impacts that are not adequately mitigated by the positive aspects of the proposed design. The Committee finds that a house that meets the required setbacks will be more compatible with the neighborhood than the proposed design and, therefore, this criterion has not been met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Findings: The site is not located in an environmental zone. Therefore, the Adjustment Committee finds that this criterion does not apply.

ADJUSTMENT COMMITTEE CONCLUSIONS

The Adjustment Committee finds that approval of the request to reduce the side setbacks would negatively impact light and privacy for the adjacent properties and would result in development that is not consistent with the spacing of structures in the neighborhood. The Committee also finds that approval of the reduced setbacks would significantly detract from the livability and appearance of the residential area and the proposed design does not provide adequate mitigation for these impacts. Therefore, the appeal was upheld and the requested Adjustments were denied.

ADJUSTMENT COMMITTEE DECISION

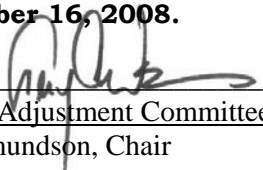
Grant the appeal and reverse the administrative decision of approval, denying the requested Adjustments.

As a recognized organization, the appeal fee for the Concordia Neighborhood Association was waived. Therefore, although the appellants prevailed, no refund will be issued.

Staff Planner: Kathleen Stokes

Date Tentative Decision Rendered: September 2, 2007

These findings and conclusions were adopted by the Adjustment Committee on September 16, 2008.

By  _____
Portland Adjustment Committee
Terry Amundson, Chair

Final Decision Rendered on September 16, 2008 and mailed on September 19, 2008.

Appeal of this decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the Adjustment Committee an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265].

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application, original narrative and plans
 - 2. Revised narrative and supplemental plans, April 16, 2008
 - 3. Copy of letter from applicant Concordia Neighborhood Association Land Use Chair
 - 4. Revised site plan, May 15, 2008
 - 5. Revised elevation drawings and site plan, May 16, 2008
 - 6. Final revised site plan, May 19, 2008
 - 7. Request to extend 120-day timeframe for final decision, May 19, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. Elevation Drawings
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
 - 3. Mailed decision
 - 4. Decision mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Review Section of BDS
 - 3. Life Safety Plan Review Section of BDS
- F. Correspondence:
 - 1. Sean Broderick, dated May 3, 2008
 - 2. Mary C. La Pointe, dated May 5, 2008
 - 3. Linda Anderson, dated May 7, 2008
 - 4. Carolyn, Barbara and Ethel Adams, dated May 8, 2008
 - 5. Gwen Johns and Ken Forcier, dated May 12, 2008
 - 6. Doug Whyte and Cheryl Stryker, dated May 12, 2008
 - 7. Janice Buck, dated May 13, 2008
 - 8. George Bruender, Concordia Neighborhood Land Use Chair, May 13, 2008
- G. Other:
 - 1. Letter from Kathleen Stokes to George Crawford, April 4, 2008
- H. Appeal
 - 1. Appeal Submittal and Statement
 - 2. Extension of 120-Day Deadline for Final Local Decision
 - 3. Sean Broderick written testimony, received June 5, 2008

4. Mary La Pointe written testimony, received July 10, 2008
5. Appeal Notice Mailing List
6. Notice of Appeal Hearing
Received at Hearing
7. Staff Power Point presentation
8. Signed petition list of Concordia residents
9. Appeal Hearing Statement, read by Ken Forcier, Condordia Neighborhood Association, Land Use Committee Co-chair
10. Written testimony card from Gwenith Jones

Copies

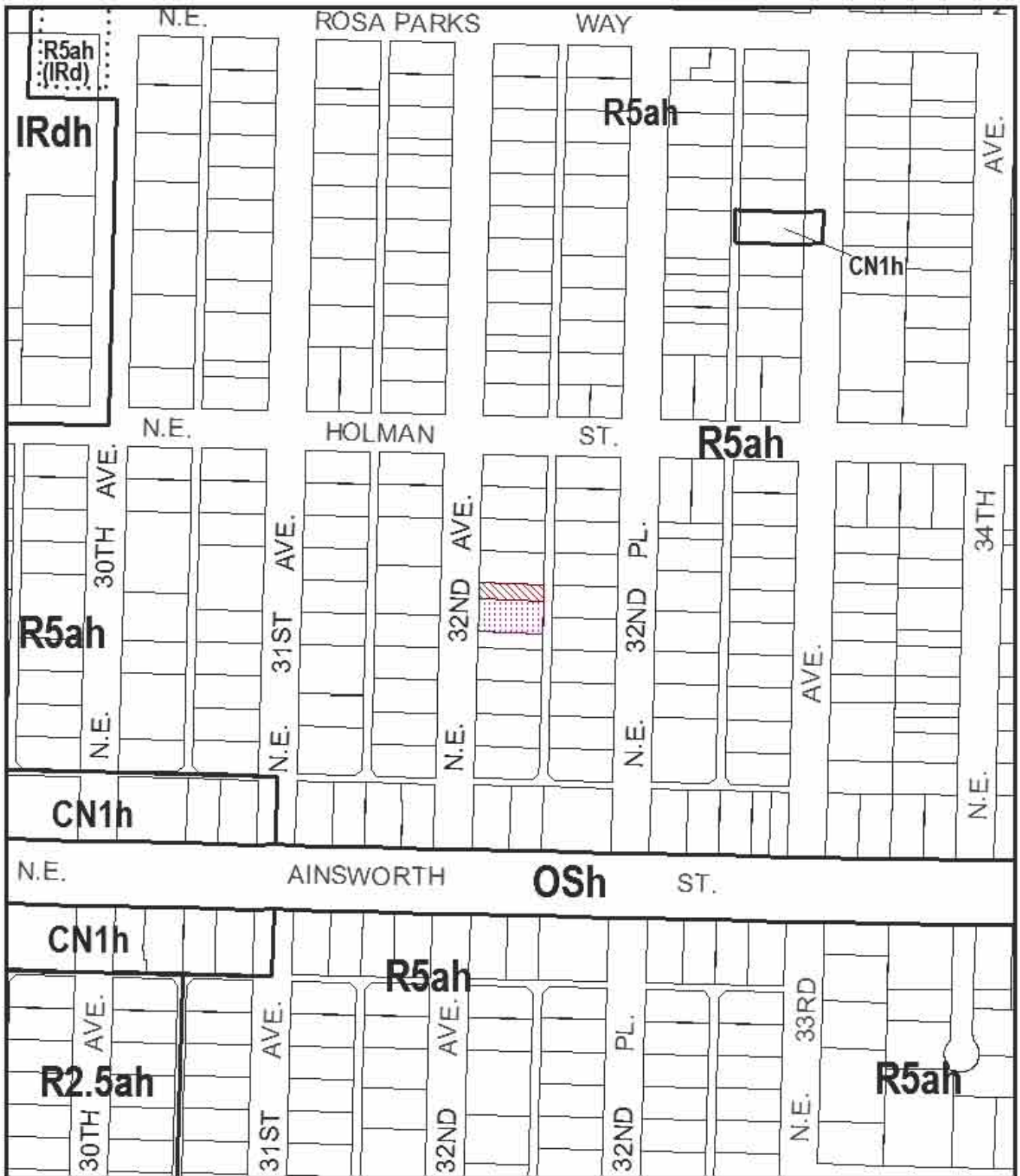
Applicant

Appellant

All Parties whom Wrote or Submitted Testimony at the Public Hearing

Neighborhood and/or Business Association(s)

BDS Planning and Zoning



ZONING

-  Site
-  Also Owned



File No. LU 08-117091 AD
 1/4 Section 2433
 Scale 1 inch = 200 feet
 State_Id 1N1E13CA 16101
 Exhibit B (Mar 25, 2008)