



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: June 30, 2008
To: Interested Person
From: Suzanne Savin, Land Use Services
503-823-5888 / Suzanne.Savin@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal and denied 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 08-128220 AD

GENERAL INFORMATION

Applicant: Edward Bagby
Hennebery Eddy Architects, Inc.
921 SW Washington St, Ste 250
Portland, OR 97205

Owner: QRP Gaines LLC
4380 SW Macadam Ave #190
Portland, OR 97239-6404

Site Address: 924 SW GAINES ST

Legal Description: LOT 6 BLOCK 38, PORTLAND CITY HMSTD; W 1/2 OF LOT 7 BLOCK 38 EXC E 56' OF N 39' & EXC E 64.5' OF S 11' LOT 8 BLOCK 38, PORTLAND CITY HMSTD; E 1/2 OF LOT 7 BLOCK 38 E 56' OF N 39' OF LOT 8 BLOCK 38 E 64.5' OF S 11' OF LOT 8 BLOCK 38, PORTLAND CITY HMSTD

Tax Account No.: R668002240, R668002250, R668002260
State ID No.: 1S1E09DB 02900, 1S1E09DB 02700, 1S1E09DB 02800
Quarter Section: 3428

Neighborhood: Homestead, contact Anton Vetterlein at 503-790-0719.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None

Zoning: R1 (Multi-Dwelling Residential 1,000)

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

Proposal:

The applicant is planning to construct two groups of 5 attached row houses on the site. The first group of attached row houses, Building A, will be located in the north portion of the site near the intersection of SW Gaines Street and SW 10th Avenue. The second group of attached row houses, Building B, will be located to the south of Building A. The applicant is requesting three Adjustments to Zoning Code standards for this development.

The first Adjustment is to Zoning Code Section 33.120.215 (Height). In the R1 zone, the building height is limited to a maximum of 25 feet within 10 feet of a front property line, and limited to a maximum of 45 feet when further than 10 feet from a front property line. However, the north elevation of Building A includes three bump-out walls projecting from the third-floor level, at a distance of approximately 7 feet, 8 inches from the front property line, which will have a height of approximately 39 feet. Therefore, the applicant is requesting an Adjustment to Section 33.120.215, to allow those three building projections to have a height of approximately 39 feet within 7 feet, 8 inches of the front (north) property line.

The second and third Adjustments are to Zoning Code Section 33.120.232 (Street-Facing Facades). This section requires at least 15 percent of the area of each façade that faces a street lot line to be windows or main entrance doors. However, the west walls of Buildings A and B, which will face the SW 10th Avenue right-of-way, are proposed to have window areas of approximately 12 percent and 10 percent, respectively. Therefore, the applicant is requesting Adjustments to Section 33.120.232, to reduce the window area on the west walls of Buildings A and B to approximately 12 percent and 10 percent, respectively.

Relevant Approval Criteria:

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

ANALYSIS

Site and Vicinity: The site consists of three contiguous lots located on the southeast corner of SW Gaines Street and SW 10th Avenue; the total site size is approximately 15,184 square feet. There is an accessory structure in the north portion of the property that the property owner is planning to demolish. To the north of the site, on the north side of SW Gaines Street, are R1-zoned properties developed with single-dwelling residences. The abutting property to the east is zoned R1, and is developed with two 2-story, multi-dwelling residential buildings. The abutting property to the south is split-zoned R1/R1c, and is developed with a multi-dwelling residential structure. The adjacent property to the west, on the west side of SW 10th Avenue, is split-zoned R1/R1c, and is developed with a two multi-dwelling residential buildings.

Zoning: The site is within the R1 (Multi-Dwelling Residential 1,000) zone. The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The property owner has obtained approval of a land division application (LU 07-142028 LDS EN AD) to divide the site into 10 lots with a shared court, in accordance with the allowed residential density of the site. The applicant is in the process of obtaining final plat approval of the land division. Each of the attached dwelling units that are the subject of this request will be located on their own lot, once final plat approval of LU-142028 LDS EN AD is obtained.

Land Use History: City records indicate that there is one prior land use review for the site, LU 07-142028 LDS EN AD.

LU 07-142028 LDS EN AD approved the following:

- A Preliminary Plan for a 10-lot subdivision that will result in attached housing lots and a shared court;
- An Environmental Review for enhancement of the drainageway for stormwater outfall; and,
- An Adjustment Review to reduce the rear setbacks of Lots 1 – 5 from 3 feet to zero feet (33.120.270.E) to accommodate upper floor decks.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 4, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Life Safety Plan Review Section of BDS responded that a separate building permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 4, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose

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 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 development standards requested for Adjustment are:

- 1) Height. The purpose of the height standard, as stated in Section 33.120.215.A, is as follows:

The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;

- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

In the R1 zone, building height is limited to a maximum of 25 feet within 10 feet of a front property line. The maximum building height is 45 feet at 10 or more feet from the front property line. Proposed Building A does not exceed the allowed 45-foot height maximum, and the majority of its north elevation is set back 10 or more feet from the front (north) property line. However, the north elevation of Building A includes three bump-out walls projecting from the third-floor level that will be located approximately 7 feet, 8 inches from the front (north) property line and will have a height of approximately 39 feet. The applicant is requesting an Adjustment to allow these three bump-out walls to have a height of approximately 39 feet within 7 feet, 8 inches from the front property line.

Although the third-floor projections will exceed a height of 25 feet within 10 feet of the front property line, the applicant cites several reasons that the building projections will nonetheless equally meet the purpose of the height regulation. The applicant notes that the proposed projections, together with portions of the north façade that are carved out of the main plane of the building, help to break down the scale of the façade. The applicant also notes that the area of the third-floor projections within the 10-foot setback is relatively small, as the projections start at the third floor and extend to the roof, rather than extending from the ground to the roof. The projections are each only approximately 13 feet wide, and are spaced across the north façade. The combined area of the projections totals only approximately 19 percent of the north façade area. Furthermore, these relatively small projections extend into the 10-foot setback area by only 2 feet, 4 inches. These factors will allow the building projections to promote a reasonable building scale and relationship of one residence to another, and will reflect the general building scale of multi-dwelling development in the neighborhood. The applicant also notes that privacy will be unaffected by the building projections, as they will face SW Gaines Street rather than side or rear yards of nearby properties.

Staff concurs with the applicant's findings. In addition, Staff notes that although the adjacent multi-dwelling buildings to the east and west appear to comply with the 25-foot height maximum within 10 feet of the front property line, the adjacent buildings do not appear to comply with the 3-foot setback from the front property line, based on GIS aerial photo information and site visit observation. Rather, the front elevations of the adjacent buildings to the east and west appear to be at the front property line or over it, encroaching into the right-of-way. In contrast, the majority of the front elevation of proposed Building A will be set back 10 feet from the front property line. Therefore, despite the fact that Building A's third-floor projections will be 39 feet in height and closer than 10 feet to the front property line, Building A will maintain a more open feeling at street level, and a more pedestrian-friendly scale, than the adjacent buildings to the east and west.

This criterion is met.

- 2) Street-Facing Facades. The intent of the standard, as stated in Section 33.120.232.A, is as follows:

These standards:

- Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;
- Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
- Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

The street-facing facades standard requires at least 15 percent of the area of each façade that faces a street lot line to be windows or main entrance doors. The applicant is requesting two Adjustments to this standard. The first Adjustment request is to allow the west wall of Building A, which will face the SW 10th Avenue right-of-way, to have a total window area that comprises approximately 12 percent of the west wall area. The second Adjustment request is to allow the west wall of Building B, which will also face the SW 10th Avenue right-of-way, to have a total window area that comprises approximately 10 percent of the west wall area.

The applicant cites the following reasons why the reduction in minimum window area on the west walls of Buildings A and B will equally meet the purpose of the regulation:

- The west walls of Buildings A and B contain windows from the living areas of those units to provide a visual connection between the living areas and the street. Although the window percentage does not comply with the standard, the windows that are proposed will allow residents of those units to survey the neighborhood from the interior of their residences.
- The building facades facing SW 10th Avenue are extensively articulated, and sided with a combination of plank siding and brick to offer a modulation of color, texture and change in plane which will add interest to the street-facing façade.
- There will be a shared court between the two buildings that opens onto SW 10th Avenue, adding more visual interest and activity along the street frontage of the project as a whole.
- Diagonal views from the shared court side of Buildings A and B will offer further visual connection to SW 10th Avenue.
- Right-of-way improvements to SW 10th Avenue along the western frontage of the site are proposed in conjunction with the final plat approval of the land division and the development of the site. The SW 10th Avenue right-of-way improvement will consist of a paved roadway and sidewalk to terminate in a cul-de-sac turn-around. The site plan for this Adjustment shows that the location of the cul-de-sac turn-around will be immediately west of the entrance to the shared court between the proposed buildings, and will be approximately 14 feet north of the west building wall of Building B. Therefore, based on the submitted site plan, the west wall of Building B will not face an improved street, but will face only the driveways to the two adjacent properties to the south and west, that will extend south from the cul-de-sac terminus.

Staff notes that Building A's west facade will face the portion of the SW 10th Avenue right-of-way that will be improved with a paved roadway and sidewalk, and as a result, Building A's west façade will be highly visible from SW 10th Avenue. A proposed window area that is less than 15 percent of the area of Building A's west façade will not equally or better meet the purpose of the Street-Facing Facades regulation, as compared with a window area that complies with the minimum 15 percent window area requirement. Therefore, this criterion is not met, for the proposed window area reduction on the west facade of Building A.

On the other hand, according to the applicant's site plan, Building B's west façade will be south of the proposed improved portion of SW 10th Avenue. Rather than facing the improved portion of SW 10th Avenue, Building B's west façade will face two private driveways that provide access to adjacent properties to the south and west. Therefore, the relationship of Building B's west façade with adjacent development will be similar to that of a building façade that faces an interior side lot line, with an abutting property's private driveway located adjacent to the shared side lot line.

Per the applicant's site plan, the improved portion of SW 10th Avenue will terminate north of the west façade of Building B rather than being located alongside it. As a result, providing a minimum 15 percent window area on Building B's west façade will provide no more of a visual connection between the living area of the residence and the street, and will enhance public safety and prevent large expanses of blank facades along streets to no greater degree, than a lesser window area. As a result, a reduction in the minimum window area of Building B's west façade to 10% will allow that façade to equally meet the purpose of the regulation. Therefore, this criterion is met, for the proposed window area reduction on the west facade of Building B.

- 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 is within a residential zone. The applicant states that the height adjustment for the three building projections on the north wall of Building A will not significantly detract from the livability or appearance of the residential area, because the variety of building planes at the front façade will help to break down the scale of that building wall and contribute to the residential appearance of the façade. Furthermore, the scope of the height adjustment is minimal. The area of the projections along Building A's north façade is only approximately 19 percent of the entire façade, the projections extend only from the third floor level to the roof, and the projections are only 2 feet, 4 inches closer to the front property line than allowed by the height standard. This criterion is met for the height adjustment.

Regarding the adjustments to reduce the window area on the west facades of Buildings A and B, the applicant states that the variety of surface treatments on the west facades of both buildings, and the shared court facing the street, will add interest to the street elevation, therefore not significantly detracting from the livability or appearance of the residential area. Because the improved portion of SW 10th Avenue will terminate north of the west façade of Building B, Staff agrees that a reduction in window area on Building B's west façade will not significantly detract from the livability and appearance of the residential area. Therefore, this criterion is met for the street-facing facade adjustment for the west façade of Building B.

However, the west façade of Building A will abut the improved portion of SW 10th Avenue. A reduction in window area on Building A's west façade will detract from the appearance of the residential area by creating a larger expanse of blank façade along SW 10th Avenue than would be allowed if the minimum window area requirement were met. Therefore, this criterion is not met for the street-facing façade adjustment for the west façade of Building A.

- 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: Three adjustments are being requested: a height adjustment for projections on the north façade of Building A, a street-facing facade adjustment to reduce the window area for the west façade of Building A, and a street-facing façade adjustment to reduce the window area for the west façade of Building B. Although two of the adjustments involve Building A, they involve different facades of the building, so they will not have cumulative effects.

The street-facing façade adjustments to the west facades of Buildings A and B will not have cumulative effects, because they involve two different buildings and because

portion of SW 10th Avenue that will be improved will be located alongside Building A only.

Therefore, the project remains consistent with the overall purpose of this multi-dwelling zone and this criterion is met.

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

Findings: The site does not contain any city-designated scenic or historic resources, so this criterion is not applicable.

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

Findings: The impacts of the height adjustment for the projections on the north façade of Building A are expected to be minimal, because the area of the projections is relatively small. The projections start at the third floor and extend to the roof, rather than extending from the ground to the roof. The combined area of the projections totals approximately 19% of the façade area. Furthermore, these relatively small projections extend into the 10-foot setback area by only 2 feet, 4 inches. Due to the minimal nature of expected impacts, no mitigation for the height adjustment is warranted. This criterion is met for the height adjustment.

The impacts of the street facing façade adjustment to reduce the window area on the west façade of Building B are expected to be minimal because the improved portion of SW 10th Avenue will terminate to the north of Building B's west façade, limiting the façade's visibility from the improved portion of the street. Therefore, no mitigation for the street-facing façade adjustment for Building B is warranted. This criterion is met for the street-facing façade adjustment for the west façade of Building B.

The impacts of the street-facing façade adjustment to reduce the window area on the west façade of Building A will not be minimal. The improved portion of SW 10th Avenue will be located directly alongside the west façade of Building A, and therefore that façade and its reduced window area will be highly visible from the street. The applicant cites the fact that two siding materials are used to articulate the façade as mitigation for the reduced window area. However, the articulation of the façade through variations in siding does not mitigate for the visual connection and public safety impacts of a reduction in window area. This criterion is not met for the street-facing façade adjustment for the west façade of Building A.

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 within an environmental zone, so 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

The applicant has requested 3 Adjustments in conjunction with two groups of attached row houses. The first adjustment is a height adjustment to allow three building projections on the north façade of Building A to have a height of approximately 39 feet within 7 feet, 8 inches of the front (north) property line. The second adjustment is a street-facing façade adjustment to reduce the window area on the west façade of Building A to approximately 12 percent of the total façade area. The third adjustment is a street-facing façade adjustment to reduce the window area on the west façade of Building B to approximately 10 percent of the total façade area.

The applicant has not provided information to demonstrate that the second adjustment (reducing window area for west façade of Building A) will comply with the approval criteria for adjustments, and therefore that adjustment cannot be approved. However, the applicant has provided information to demonstrate that the first and third adjustments will comply with the approval criteria for adjustments, and therefore those adjustments can be approved, per the plans and elevations. Approval of building permits is still required, after the decision is final and has been recorded with Multnomah County.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Section 33.120.215.A (Height) to allow the three building projections on the north façade of Building A to have a height of approximately 39 feet within 7 feet, 8 inches of the front (north) property line;

Denial of an Adjustment to Section 33.120.232 (Street-Facing Facades) to reduce the window area on the west façade of Building A to be approximately 12 percent of the area of the façade;

Approval of an Adjustment to Section 33.120.232 (Street-Facing Facades) to reduce the window area on the west façade of Building B to be approximately 10 percent of the area of the façade;

per the approved site plans, Exhibits C-1 through C-4, signed and dated June 26, 2008, subject to the following conditions:

- 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 Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-128220 AD."

Decision rendered by:  **on June 26, 2008.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 30, 2008

Staff Planner: Suzanne Savin

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 May 9, 2008, and was determined to be complete on June 2, 2008.

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 May 9, 2008.

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 did not waive or extend the 120-day review period.

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 July 14, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 15, 2008 – (the day following the last day to appeal)**.
- 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.

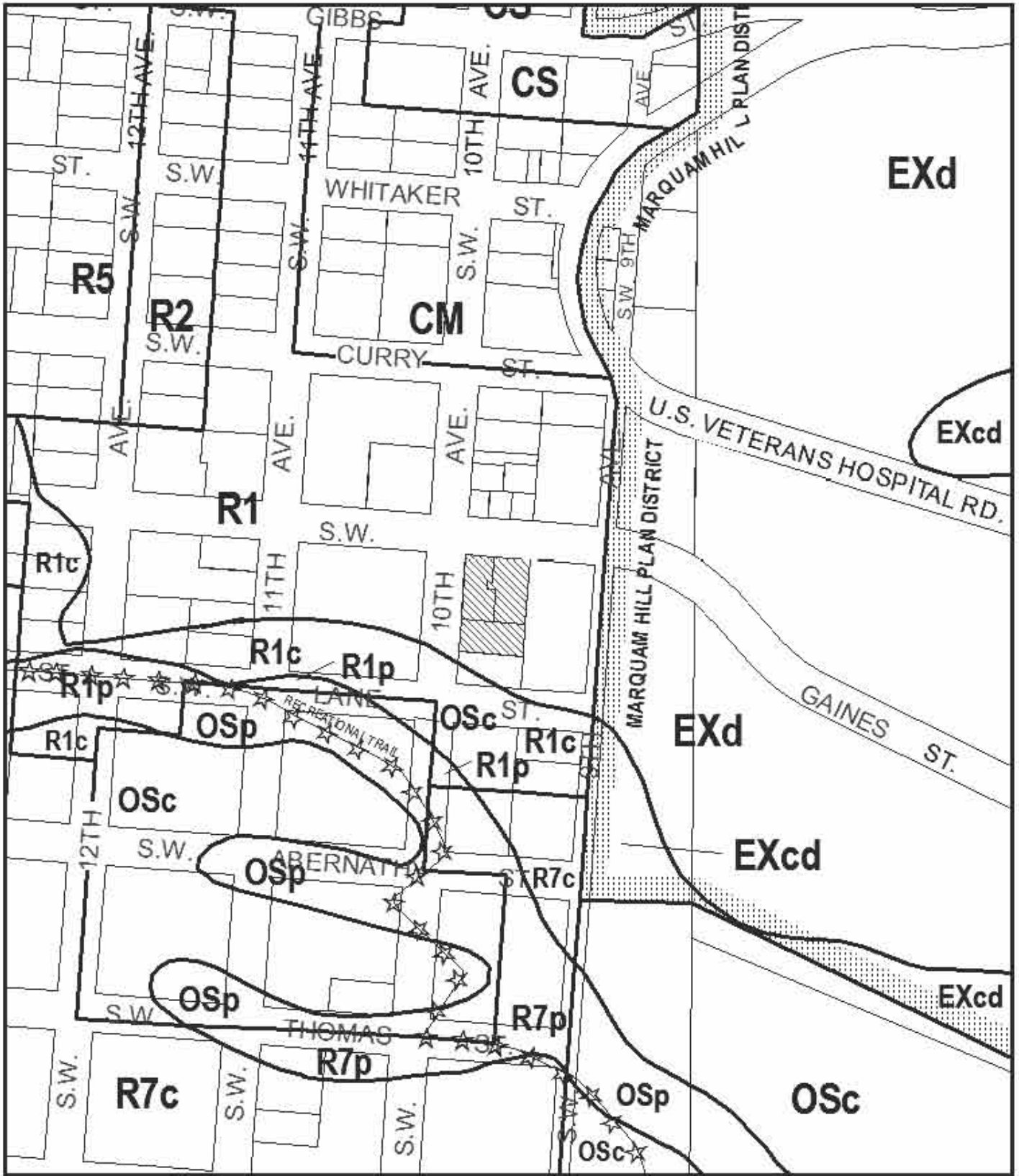
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- Applicant's Statement
- Zoning Map (attached)
- Plans/Drawings:

1. Site Plan (attached)
 2. Building A, North & South Elevations (attached)
 3. Building A, East & West Elevations (attached)
 4. Building B, East & West Elevations (attached)
 5. Building B, North & South Elevations
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Plan Review Section of BDS
 2. "No concerns" responses from Bureau of Environmental Services, Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Site Development Review Section of BDS, Bureau of Parks - Forestry Division
- F. Correspondence:
1. No correspondence was submitted.
- G. Other:
1. Original LU Application
 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

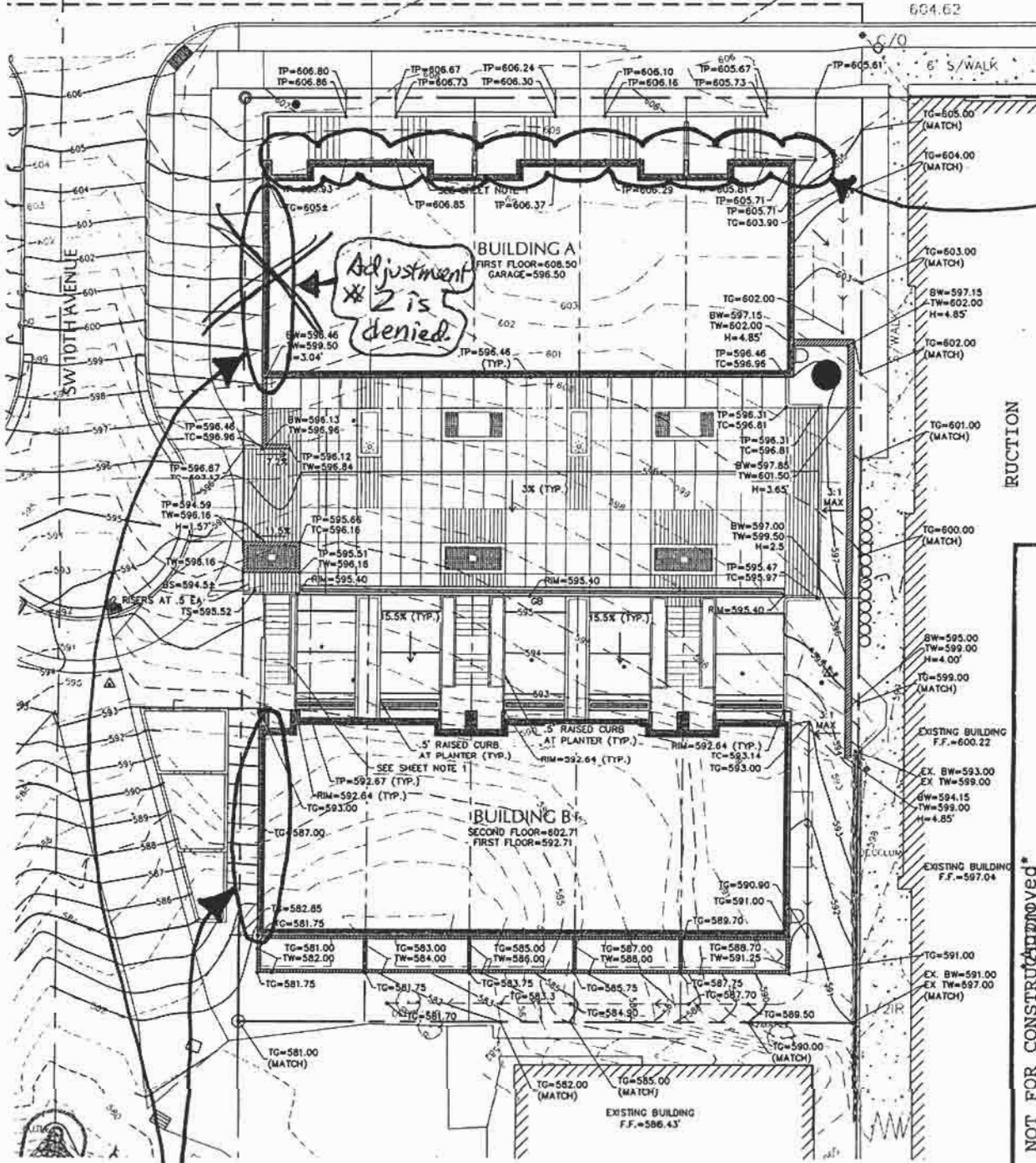
 Site



File No.	LU 08-128220 AD
1/4 Section	3428
Scale	1 inch = 200 feet
State_Id	1S1E09DB 2800
Exhibit	B (Jun 02,2008)

SW Gaines Street

604.62



Approx location of Adjustment #1 (height adjustment). Please also see North elevation, Bldg A.

RUCTION

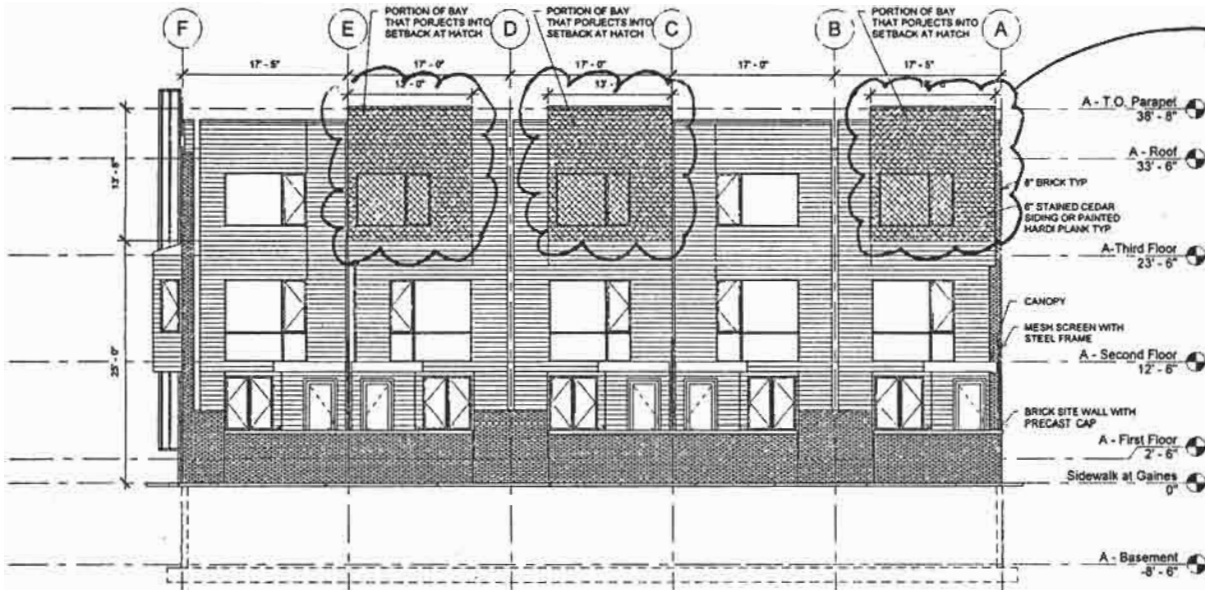
NOT FOR CONSTRUCTION APPROVED
 City of Portland - Bureau of Development Services
 Planner *Suzanne Stein* Date *June 26, 2008*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.
 Adjustment 2 (reduction in window area on west facade of Building A) is denied;
 Adjustments 1 and 3 are approved.

Approx location, Adjustments 2 & 3 (street facing facades) See west elevations of Bldgs A & B.

Site Plan

Exhibit C-1

LU 08-128220 AD



Areas within bubble outline are subject of adjustment #1 Height

1 Building A - SW Gaines Elevation (North)
1/8" = 1'-0"

NORTH

Hennebery Eddy Architects
INC.
1000 COMMERCIAL AVENUE
SUITE 200
PORTLAND, OREGON 97204
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Building A North Elevation

MARQUAM HILL TOWNHOMES
934 SW Gaines Street
Portland, OR
Date: 05 May 2008 HFA Project no. 06011

AD1-2

Approved

City of Portland - Bureau of Development Services

Planner Suzanne Swin Date June 26, 2008

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-128220AD



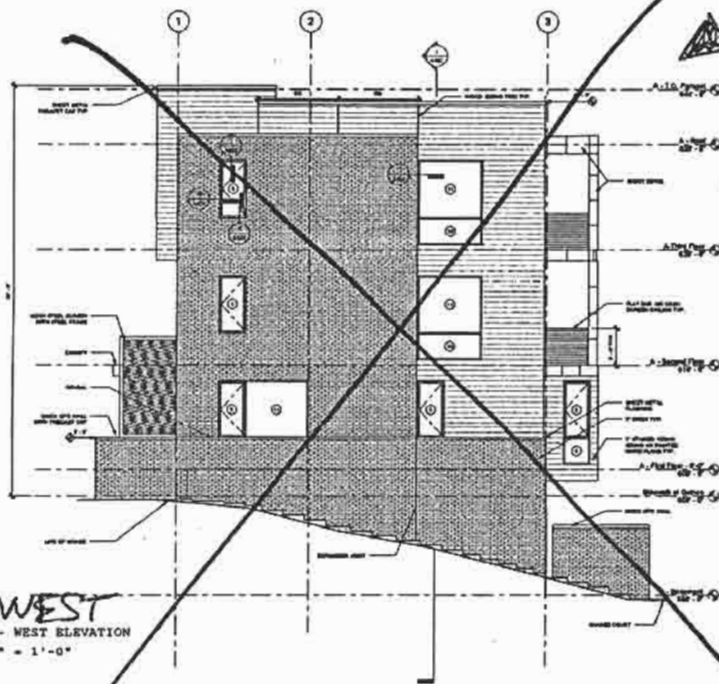
BUILDING A - SOUTH ELEVATION
SCALE = 1/8" = 1'-0"

SOUTH

Exhibit C-2

NOT FOR CONSTRUCTION

Building A - North & South Elevations



Subject of Adjustment #2 (street facing facades) - to reduce window area to approximately 12%.

WEST
BUILDING A - WEST ELEVATION
SCALE = 1/8" = 1'-0"

NOT FOR CONSTRUCTION

Adjustment #2 is denied.

LU 08-128220 AD

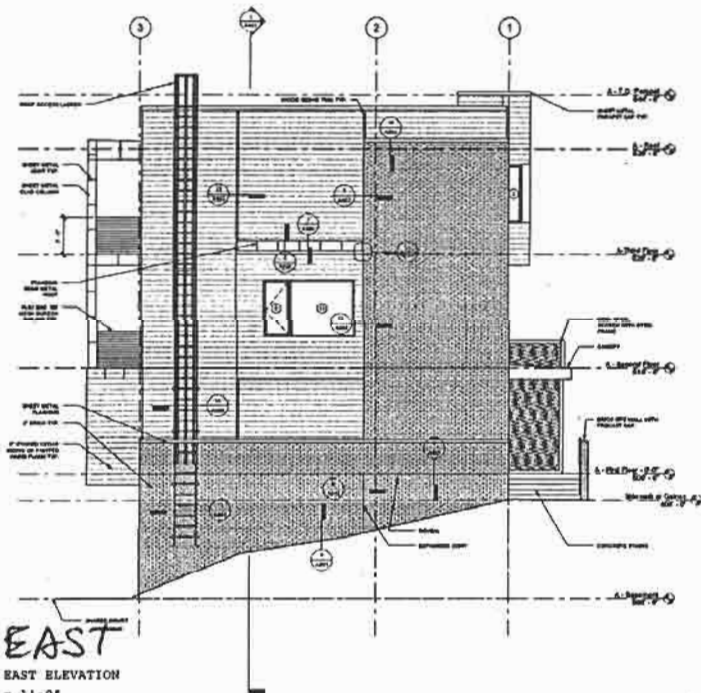
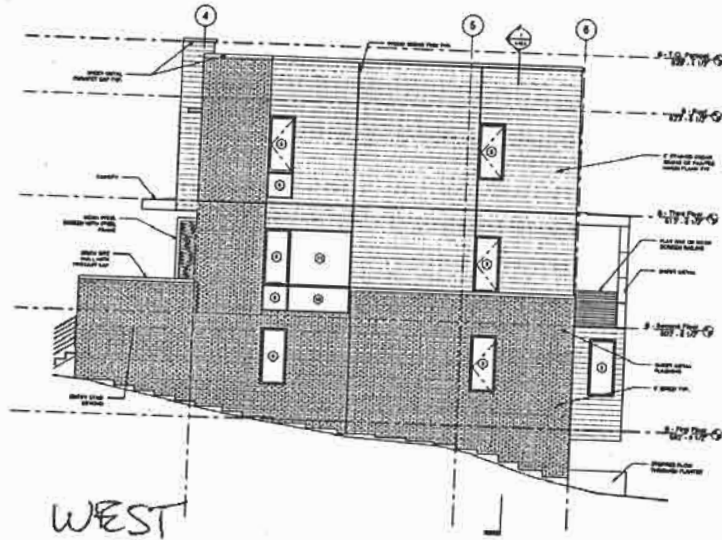


Exhibit C-3

EAST
BUILDING A - EAST ELEVATION
SCALE = 1/8" = 1'-0"

NOT FOR CONSTRUCTION

Building A - East & West Elevations



BUILDING B - WEST ELEVATION
SCALE = 1/8" = 1'-0"

Subject of Adjustment
~~3~~ (street-facing facades)
 to reduce window area
 to approximately 10%

NOT FOR CONSTRUCTION

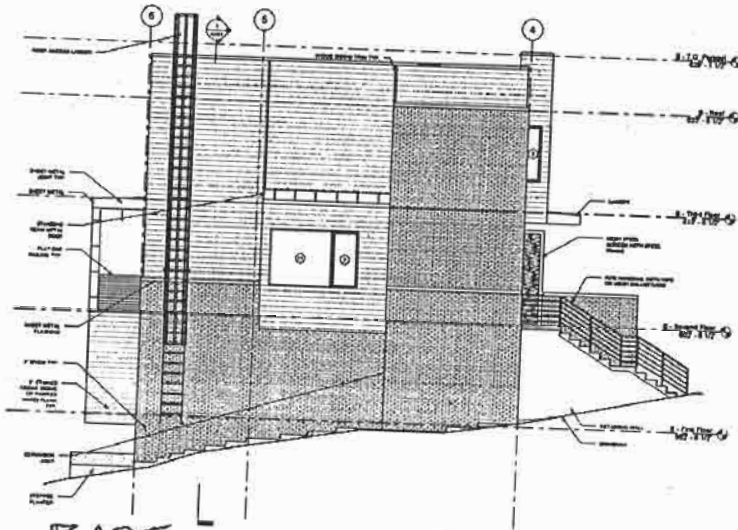
Approved

City of Portland - Bureau of Development Services

Planner *Suzanne Levin* Date *June 26, 2008*

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LU 08-128220 AD



BUILDING B - EAST ELEVATION
SCALE = 1/8" = 1'-0"

Exhibit C-4

NOT FOR CONSTRUCTION

BUILDING B - East & West Elevations