



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** December 19, 2008  
**To:** Interested Person  
**From:** Suzanne Savin, Land Use Services  
503-823-5888 / [Suzanne.Savin@ci.portland.or.us](mailto: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 08-157972 AD**

**GENERAL INFORMATION**

**Applicant:** Robert "Ted" Lundin  
Lundin Cole Architects, PC  
208 SW Stark St, Ste 200  
Portland, OR 97204

**Owner (Tax Lot 12700):** Terri Silvis  
Catholic Charities  
231 SE 12th Avenue  
Portland OR 97214-1342

**Owner (Tax Lot 12701):** Esperanza Court Limited  
231 SE 12th Ave  
Portland, OR 97214

**Site Address (Tax Lot 12700):** 2740 SE POWELL BLVD

**Legal Description:** TL 12700 0.48 ACRES, SECTION 12 1 S 1 E; LOT 1, ESPERANZA COURT

**Tax Account No.:** R991122610, R256550100  
**State ID No.:** 1S1E12CB 12700, 1S1E12CB 12701  
**Quarter Section:** 3333

**Neighborhood:** Creston-Kenilworth, contact Nellie Korn at 503-772-0521.  
**Business District:** Greater Brooklyn, contact David Weislogel at 503-239-9050.  
**District Coalition:** Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.

**Plan District:** None

**Zoning:** CG (General Commercial)

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

**Proposal:**

The property owner is planning to demolish the existing building on the site at 2740 SE Powell Boulevard, and construct a replacement building. The replacement building will be a 4-story (with basement) multi-purpose building to primarily serve as the new headquarters for Catholic Charities of Oregon. Tenants will include a “Loaves & Fishes” dining hall and kitchen facility, a daycare center, and additional office space for lease.

Although the attached Zoning Map identifies the abutting property to the south (Tax Lot 12701, owned by Esperanza Court Limited) as part of the site, no new construction is proposed on the Esperanza Court Limited Property as part of this proposal. The Esperanza Court Limited property is included as part of the site only because use of a vehicle access easement over the Esperanza Court Limited property is proposed as mitigation for a requested adjustment for the site at 2740 SE Powell Boulevard.

The applicant has previously submitted a height adjustment request for the replacement building, to request that the building be allowed to exceed the 45-foot height maximum by approximately 3 feet, via Casefile LU 08-146087 AD. The applicant is now requesting four additional adjustments (two adjustments to the loading standards, one adjustment to the parking standard, and one adjustment to the special setbacks standard), which are described below.

- 1) Zoning Code Section 33.266.310 (Parking and Loading – Loading Standards) requires one on-site loading space for a building that is between 20,000 to 50,000 square feet in size. Section 33.266.310.F requires loading facilities to be designed so vehicles enter and exit the site in a forward motion. The on-site loading space will be located on the south side of the replacement building, and its design will require a vehicle to back out of the space toward SE 28<sup>th</sup> Avenue, rather than allowing a vehicle to exit the loading space in a forward motion. Therefore, the applicant requests an Adjustment to Section 33.266.310.F. As mitigation, the applicant is proposing to utilize a vehicle access easement over the driveway on the abutting property to the south (Tax Lot 12701, owned by Esperanza Court Limited), which would allow vehicles exiting the loading space to turn around within the easement area and then exit the site in a forward motion (see attached diagram, Proposed Easement for Loading Space Maneuvering).
- 2) Section 33.266.310.E requires loading areas to provide perimeter landscaping (a minimum of 5 feet of landscaping to the L2 standard, or a minimum of 10 feet of landscaping to the L1 standard). The L1 landscaping standard requires one large tree for every 30 linear feet of landscaped area, or one medium tree for every 22 linear feet of landscaped area, or one small tree for every 15 linear feet of landscaped area. The L2 landscaping standard requires enough low evergreen shrubs to form a continuous screen 3 feet high, plus trees as described in the L1 standard, above. The applicant is proposing perimeter landscaping that is 5 feet wide on the south side of the loading space, but requests an Adjustment to Section 33.266.310.E to allow that setback area to be screened to the L1 standard rather than the L2 standard.
- 3) Section 33.266.130.G.2.d requires parking areas to provide perimeter landscaping (a minimum of 5 feet of landscaping to the L2 standard). The applicant is proposing perimeter landscaping that is 5 feet wide on the west side of the 2 surface parking spaces south of the building, but requests an Adjustment to Section 33.266.130.G.2.d to allow this setback area to be screened to the L1 standard rather than the L2 standard.
- 4) Ordinance 148449 and Zoning Code Section 33.288 (Special Street Setbacks) require a proposed building on this site to have a minimum setback of 10 feet from SE Powell Boulevard. Zoning Code Section 33.288.020.C further requires this special setback area to be landscaped

to at least the L1 standard. However, although the proposed building will be located at 10 feet back from the north property line and SE Powell Boulevard as required, a portion of the 10-foot setback area is proposed to be paved, rather than landscaped. The applicant is proposing approximately 478 square feet of paving within the 10-foot setback area, in order to allow pedestrian pathways that meet ADA accessibility requirements to extend from the adjacent sidewalk to the building's north entry doors. The proposed paving within the 10-foot setback area will also provide room for approximately 4 bicycle parking spaces. The applicant is requesting an Adjustment to Section 33.288.020.C, to allow approximately 478 square feet (approximately 44%) of the special setback area between the north building wall and the north property line to be paved, rather than landscaped to the L1 standard.

**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 Zoning Code Section 33.805.040.A – F.

**ANALYSIS**

**Site and Vicinity:** The site is approximately 17,740 square feet in size, and is developed with an existing building that covers approximately 60 to 75% of the site area. To the north of the site, on the north side of SE Powell Boulevard, is a large (approximately 175,546 square feet) property, zoned R2.5 (Single-Dwelling Residential 2,500). This property is the Cleveland High School campus and is developed with the high school classroom and gymnasium buildings. To the east of the site, on the east side of SE 28<sup>th</sup> Avenue, are properties zoned CG (General Commercial), developed with multi-dwelling structures, single-dwelling structures, and a contractor's establishment. To the south of the site is a large (approximately 57,512 square feet) property that is zoned CG, which is being developed with multi-dwelling structures. To the west of the site are properties zoned CG, developed with a surface parking lot, a restaurant, and a multi-dwelling structure.

**Zoning:** The site is zoned General Commercial (CG). The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

**Land Use History:** City records indicate that the following prior land use reviews are applicable to this site:

LU 07-118397 LDS: A request for a subdivision to reconfigure 5 lots, and the vacated area of SE Kelton Street, into 3 parcels and an open space tract. This request was approved. The subject site is Lot 3 of the approved subdivision.

LU 07-119745 VA: A request for a street vacation to vacate the portion of SE Kelton Street that formerly bisected the southern end of the site. This request was approved.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed on November 25, 2008. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services (BES) responded that BES has no objections to the proposed adjustments. Building Permit #08-177308 CO contains additional information on BES stormwater management, sanitary, and source control requirements related to this project. BDS Site Development has indicated that pervious paving and drywells for stormwater shown on plans currently under review for 08-177308 CO will not be affected by the proposed Adjustments, including changes to landscaping requirements. Therefore, BES has no objections to this land use proposal. Further development of the property would be subject to BES' standards and requirements during the building plan review process. (Exhibit E-1)

The Bureau of Transportation Engineering (PDOT) responded that with the revised easements allowing loading vehicles to enter and exit the site in a forward manner, PDOT has no objections to the requested adjustments. (Exhibit E-2)

The Water Bureau responded that they have no objections to the adjustment requested by the applicant. The response includes details about the existing water service for the site, and the requirements that are applicable at the time of building plan review. (Exhibit E-3)

The Site Development Section of BDS responded that Site Development has no objections to the requested adjustments. Pervious paving and drywells for stormwater shown on plans currently under review for 08-177308 CO will not be affected by the proposed adjustments, including changes to landscaping requirements. (Exhibit E-4)

Life/Safety Plan Review Section of BDS responded that based on the information provided, there appears to be no conflicts between this proposal and applicable building codes for the purpose of obtaining a land use approval. (Exhibit E-5)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on November 25, 2008. Two written responses have been received from notified property owners in response to the proposal. The first response asked whether the applicant was aware of the need to dedicate right-of-way along the north side of the site to allow for a 12-foot sidewalk along SE Powell Boulevard, and whether PDOT would ask for enough right-of-way to get an 11-foot sidewalk along SE 28<sup>th</sup> Avenue.

The second response was in opposition to the proposal. That response stated that the owners of the nearby property at 2706 SE Powell Boulevard object to the proposal because one of the proposed uses of the new building on the site will be a soup kitchen for homeless persons. The response states that this use will attract a negative and undesirable clientele to this area. The response states that when the site was occupied by the St. Vincent de Paul facility, the persons who utilized that facility constantly came onto the property at 2706 SE Powell Boulevard and engaged in various criminal activities, including vandalism and using their outdoor premises as a toilet facility. Presently, the respondents lease their property to a small restaurant, and this type of negative activity will harm this restaurant and all other businesses in the area.

**Staff:** Regarding the first comment letter, the applicable right-of-way dedications for this site are described in the Bureau of Transportation (PDOT) response, Exhibit E-2. Per the PDOT response, for SE Powell Boulevard, a 12-foot corridor is recommended for designated City Walkways. The PDOT response indicates that a 2-foot dedication will be a condition of building permit approval. In addition, a 1-foot dedication along SE 28<sup>th</sup> Avenue frontage will also be a condition of building permit approval. Lastly, the PDOT response notes that the sidewalks along both SE Powell and SE 28<sup>th</sup> Avenue must be rebuilt to current City standards. Staff notes that the applicant's full-size site plan for this Adjustment indicates that the pedestrian corridor to the north of the site (SE Powell Boulevard) will be 12 feet in width, and the pedestrian corridor to the east of the site will be 11 feet in width.

Regarding the second comment letter, the proposed “Loaves and Fishes” dining hall component of this building is categorized by the Zoning Code as a Community Service use. The only Community Service uses that may require Conditional Use approval in the CG zone are short-term housing and mass shelters. Aside from short-term housing and mass shelters, all other Community Service uses are allowed by right in the CG zone. Therefore, the proposed “Loaves and Fishes” dining hall is allowed by right on this CG-zoned site. The adjustment proposals for this site cannot be denied on the basis of the use of the proposed building, which is allowed by right.

## 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., 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) **Loading Standards.** The purpose of the loading standards, as stated in Section 33.266.310.A, read:

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.

Because the proposed building has a floor area of between 20,000 and 50,000 square feet, one on-site loading space is required. Accordingly, an on-site loading space is proposed on the south side of the building.

**Forward Motion.** Loading standard 33.266.310.F requires a loading facility to be designed so vehicles enter and exit the site in a forward motion. The design of the proposed on-site loading space will require a vehicle to back out of the loading space toward SE 28<sup>th</sup> Avenue, rather than allowing a vehicle to exit the loading space in a forward motion.

The applicant states that the design of the loading space will equally meet the purpose of the loading regulation, and will ensure that access to and from the loading facility will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way, for the following reason:

- A reciprocal access agreement between the site and the Esperanza Court property to the south was established when SE Kelton Street was vacated (Document 2007-19888). Loading vehicles can exit the site by backing out of the loading space for a short distance to maneuver past the loading space landscape buffer, then pull forward and head west into the Esperanza Court site, and turn around within the access easement area, wholly on private property. Use of the access easement area on the Esperanza Court property as a turn-around will allow loading vehicles to enter and exit the access point on SE 28<sup>th</sup> Street in a forward motion.

Staff notes that the existing access agreement allows shared use of the east-west driveway that straddles the subject site and the Esperanza Court site, and allows use of the fire truck hammerhead turn-around near the westerly end of the driveway. However, the applicant is proposing that loading trucks also be able to use the roughly circular turning area within the Esperanza Court parking area on the south side of the driveway, which is shown in attached Exhibit C-4, Proposed Easement for Loading Space Maneuvering. Staff agrees that this more circular turning area would be useful to the drivers of some loading vehicles who wish to limit backing movements. Therefore, a condition of approval is warranted, requiring submittal of one of the following: 1) A new access easement agreement that grants use of the area shown in Exhibit C-4 for the turn-around of vehicles exiting from the Catholic Charities site, or, 2) a modification of the existing access agreement to include the area shown in Exhibit C-4 for the turn-around of vehicles exiting the Catholic Charities site. The PDOT response (Exhibit E-2) states that with revised easements allowing loading vehicles to enter and exit the site in a forward manner, PDOT has no objections to the requested adjustment.

In addition, a condition of approval is warranted, requiring the loading space to be posted with a sign that directs truck drivers to re-enter SE 28<sup>th</sup> Avenue in a forward motion by using the shared driveway and Esperanza Court parking area for loading vehicle turn-around.

With compliance with these conditions, Adjustment Approval Criterion A will be met for the Adjustment to Section 33.266.310.F.

Loading Area Perimeter Landscaping. Section 33.266.310.E requires loading areas to provide perimeter landscaping. The perimeter landscaping standard is a minimum of either 5 feet of landscaping to the L2 standard or 10 feet of landscaping to the L1 standard, between a loading space and a lot line abutting a property that is zoned Commercial. Both the L2 and L1 standards require the same tree quantities per linear foot of landscape area. However, the L2 standard also requires enough low evergreen shrubs to form a continuous screen 3 feet high along the landscape area. The applicant is requesting an adjustment to provide 5 feet of landscaping to the L1 standard on the south side of the loading space, adjacent to the shared driveway that straddles the site and the Esperanza Court property, which is zoned CG. In essence, the applicant is requesting to omit the continuous screen of 3-foot evergreen shrubs within the landscape area on the south perimeter of the loading space.

The applicant states that the proposed adjustment to landscaping on the south side of the loading space will equally meet the purpose of the loading standards, including ensuring that the appearance of loading areas will be consistent with that of parking areas, for the following reason:

- The loading space will be blocked from public view from the rights-of-way, since the loading space will be located perpendicular to SE 28<sup>th</sup> Avenue, and will be wholly screened from SE Powell due to the new building's layout and configuration. Since the loading space will have a minimum 5-foot width of L1

landscaping on its south side, an additional 5 feet of landscaping width would serve little purpose in screening a loading space that is located perpendicular to the public right-of-way (SE 28<sup>th</sup> Street).

The applicant is correct that the loading space will not be visible from SE Powell and will be minimally visible from SE 28<sup>th</sup> Avenue, given its perpendicular orientation to SE 28<sup>th</sup> Avenue. However, these facts are not relevant to the standard. The Zoning Code requires a minimum of 5 feet of landscaping to the L2 standard, or a minimum of 10 feet of landscaping to the L1 standard, between a loading space and a lot line abutting a C-zoned property – regardless of whether the loading space is visible from an abutting right-of-way. In this case, the loading space's location will directly face the windows of the northerly residential units on the Esperanza Court property to the south. Due to the loading space's visibility from these residential units, and due to the fact that the loading space is likely to be intermittently occupied by larger trucks (such as commercial food supply vendors), providing a level of loading space perimeter landscaping that is less than the minimum landscaping required, is not supported by the applicant's findings.

Therefore, this criterion is not met for the requested adjustment to the loading space landscaping.

- 2) **Parking Standards.** The purpose of the landscaping standards for parking, as stated in Section 33.266.130.A, read:

The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas;
- and
- Decrease airborne and waterborne pollution.

Section 33.266.130.G.2.D requires parking areas to provide perimeter landscaping (a minimum of 5 feet of landscaping to the L2 standard). The applicant is proposing perimeter landscaping that is 5 feet wide on the west side of the 2 surface parking spaces on the south side of the building, but requests that this setback area be screened to the L1 standard rather than the L2 standard. In essence, the applicant is requesting to omit the required continuous screen of 3-foot evergreen shrubs within the landscape area on the west side of the surface parking spaces.

The bullet point purposes of the regulation regarding reduction in amount, rate, pollution, and temperature of stormwater runoff are sometimes a concern for Bureau of Environmental Services (BES), in requests to reduce parking area landscaping. However, for this case, BES has expressed no concerns regarding the proposed adjustments. On the other hand, the proposed omission of the 3-foot evergreen shrubs within the landscape area does not equally improve and soften the appearance of the parking area (the first bullet point purpose of the regulation), when viewed from the west. In addition, the perimeter landscaping on the west side of the parking spaces is also functioning as the western perimeter landscaping for the proposed loading space. Although the abutting property to the west

currently contains only paved surface parking, its zoning makes it eligible to be redeveloped with commercial and/or residential uses for which minimum parking area screening on this site would be appropriate.

Therefore, this criterion is not met for the requested adjustment to the parking area perimeter landscaping.

- 3) **Special Setback Standards.** The purpose of the special setback standards, as stated in Section 33.288.010, read:

Special street setbacks may be established on City streets to regulate the location of structures and for maintaining appropriate open areas, and for adequate separation from the street. These regulations:

- Increase visibility and safety for pedestrians and drivers;
- Provide a pleasant pedestrian environment and human scale;
- Improve the appearance of the corridor and reduce visual clutter;
- Maintain adequate space for the growth of large street trees; and
- Maintain adequate light and air.

Ordinance 148449 and Zoning Code Section 33.288 require a proposed building on this site to have a minimum setback of 10 feet from SE Powell Boulevard, and Section 33.288.020.C further requires this special setback area to be landscaped to at least the L1 standard. However, the applicant is requesting an adjustment to this standard to place approximately 478 square feet of paving within the special setbacks area, to allow ADA accessible pedestrian walkways to the building's main entrance doors, and room for bicycle parking.

The applicant states that the proposal will meet the purpose of the standard to be adjusted, for the following reasons:

- SE Powell Boulevard and its adjacent sidewalk have an elevation change of approximately 4.5 feet along the north side of the proposed building. As a result of this elevation change, it is impossible to provide straight-line connections from each entrance on the north elevation to the adjacent sidewalk within the 10-foot setback area, while still meeting the Americans with Disabilities Act (ADA) requirements. The proposed paving and layout of the pedestrian connections within the special setbacks area will meet the ADA requirements, thus ensuring pedestrian safety.
- The proposed paving within the special setbacks area will maintain adequate light and air, and will maintain adequate space for the growth of large street trees.

Staff concurs with the applicant's findings. This 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 is within a Commercial Zone (General Commercial – CG). The proposed use, a community services building with retail component(s), is allowed in the CG zone, and Portland Transportation has indicated no concerns with the adjustment proposal. Therefore, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area. This criterion is 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 applicant has submitted a request for more than one adjustment. Specifically, the applicant has requested an adjustment to the special setbacks standard on the north side of the building, and adjustments to parking lot landscaping and loading standards on the south side of the building.

The requested adjustment to the special setback standard, if approved, would allow a portion of the 10-foot special setback area between the north property line and north building wall to be paved instead of landscaped, to accommodate walkways to the building's main entrances and a paved surface for bicycle parking. No reduction in the 10-foot special setback width is requested. Because the location of the special setback adjustment is on the north side of the building, it will not have a cumulative effect with the loading and parking area adjustments requested on the south side of the building.

The requested adjustment to the loading standards for the forward motion requirement, if approved, would allow the loading space to be designed so that a backing motion toward SE 28<sup>th</sup> Avenue would be required, before a loading truck could pull forward and utilize the proposed turn-around area on the abutting Esperanza Court property. This adjustment has potential effects on loading truck movement, rather than loading space appearance. Therefore, this adjustment will have no cumulative effect with the request to adjust the landscaping requirement on the south side of the loading space and on the west side of the two surface parking spaces.

The requested adjustment to the parking lot landscaping standard, together with the requested adjustment to the loading space perimeter landscaping, would result in the omission of the required 3-foot continuous screen of shrubs between the loading space and both the west and south property lines. Therefore, these adjustments would have the cumulative effect of increasing the loading space's visibility from two property lines, with no mitigation proposed. The characteristics of the CG zone, per Section 33.130.030.G, include the statement, "The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas." Increasing the loading space's visibility from two property lines, one of which abuts a residential development, is not consistent with the desired character of attractive development and compatibility with adjacent residential areas.

Therefore, for the requested adjustments to the parking lot perimeter landscaping standard and the loading space perimeter landscaping standard, this criterion is not 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:** Four adjustments are being requested.

No impacts are expected to result from the special setbacks adjustment, which will allow a portion of the special setback area to be paved for pedestrian connections to the main entrances and for required bicycle parking. The required setback width is being provided, and over half of the special setback area will be landscaped to improve the appearance of the development and provide a pleasant pedestrian environment.

A potential impact of the adjustment to the loading standard forward motion requirement is that trucks may exit the loading space by backing out into SE 28<sup>th</sup> Avenue. However, the applicant is proposing to mitigate this potential impact to the extent practical, via provision of an easement area that will allow loading trucks to turn around on private property and thereby exit onto SE 28<sup>th</sup> Avenue in a forward motion.

A potential impact of the adjustments to the parking lot perimeter landscaping on the west side of the site and to the loading space perimeter landscaping on the south side of the site, is increased visibility of loading space to the south and west. No mitigation for this increased visibility has been proposed. Therefore, this criterion not met for these two adjustments.

- 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 four adjustments: an adjustment to the forward motion standard for the loading space, an adjustment to the perimeter landscape standard for the loading space, an adjustment to the perimeter landscape standard for the parking spaces, and an adjustment to the special setbacks standard, to allow a portion of the special setbacks area to be paved. The applicant has provided information to demonstrate that the adjustments to the forward motion standard for the loading space and special setbacks standard will both comply with the adjustment approval criteria. Therefore, these adjustments can be approved, per the submitted plans.

The applicant has not provided sufficient information to demonstrate that the adjustments to the perimeter landscape standards for the loading space and parking spaces will comply with the adjustment approval criteria. Therefore, these adjustments will be denied.

## ADMINISTRATIVE DECISION

Approval of the following:

An adjustment to Section 33.266.310.F, to allow the loading space to be designed as shown on the site plan, Exhibit C-1, which will require a vehicle to make a backing motion to exit the loading space, rather than exiting the loading space in a forward motion;

An adjustment to Section 33.288.020.C, to allow approximately 478 square feet (approximately 44%) of the special setback area between the north building wall and the north property line to be paved, rather than landscaped to the L1 standard;

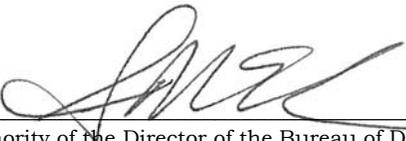
Denial of the following:

An adjustment to Section 33.266.310.E, to allow the south perimeter setback for the loading space to be 5 feet of landscaping to the L1 standard, rather than 5 feet of landscaping to the L2 standard;

An adjustment to Section 33.266.130.G.2.d, to allow the west perimeter setback for the parking area to be 5 feet of landscaping to the L1 standard, rather than 5 feet of landscaping to the L2 standard;

per the approved plans, Exhibits C-1 through C-4, signed and dated December 17, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-157972 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Recordation of one of the following documents with Multnomah County. The document must be reviewed and approved by the City Attorney prior to recordation:
- 1) A new access easement that grants use of the area shown in Exhibit C-4 (Proposed Easement for Loading Space Maneuvering) for the turn-around of vehicles exiting from the Catholic Charities loading space;
- OR,
- 2) A modification of the existing recorded access easement, to include the area shown in Exhibit C-4 (Proposed Easement for Loading Space Maneuvering) for the turn-around of vehicles exiting from the Catholic Charities loading space.
- C. Post a sign at the western (front) end of the loading space, directing drivers to re-enter SE 28<sup>th</sup> Avenue in a forward motion by using the shared driveway and Esperanza Court parking area for loading vehicle turn-around.

**Decision rendered by:**  **on December 17, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: December 19, 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 August 26, 2008, and was determined to be complete on September 9, 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 August 26, 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 requested that the 120-day review period be extended from September 10, 2008 to November 21, 2008, as stated with Exhibit A-2.

**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 January 2, 2009** 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](http://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 **January 5, 2009 – (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.

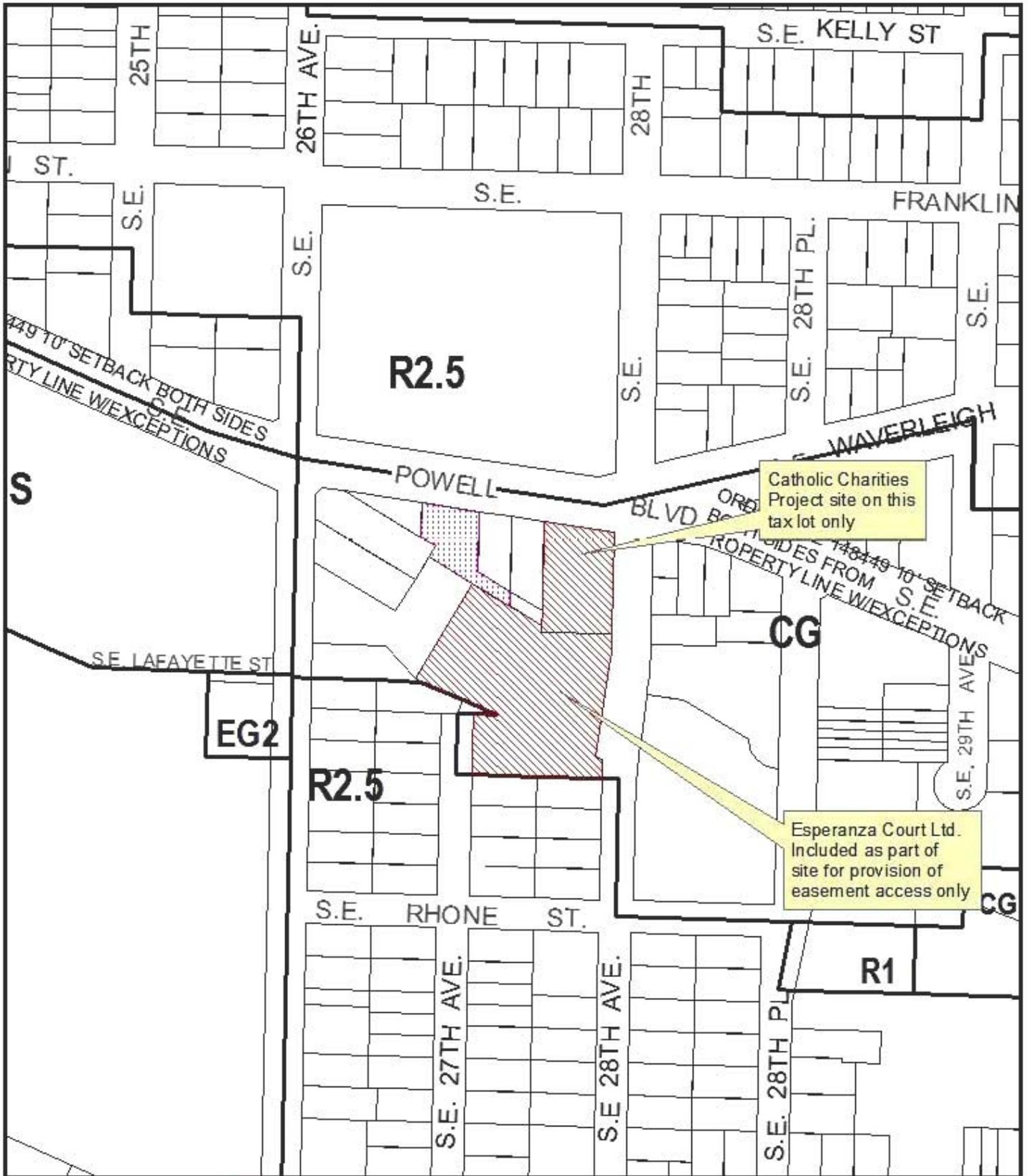
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittal

1. Applicant's Narrative
  2. Applicant's Request to Stop the 120-Day Clock from September 10, 2008 to November 21, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan (attached)
  2. North & South Elevations (attached)
  3. East & West Elevations (attached)
  4. Proposed Easement for Loading Space Maneuvering (attached)
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Site Development Review Section of BDS
  5. Life/Safety Plan Review Section of BDS
  6. "No concerns" responses from Fire Bureau, Bureau of Parks - Forestry Division
- F. Correspondence:
1. Doug Klotz, November 28, 2008, asked questions about the required sidewalk width along SE Powell Boulevard and SE 28<sup>th</sup> Avenue.
  2. Robert M. Snee (on behalf of Raul and Carol Ponce), December 16, 2008, expressed opposition to the proposal.
- 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).**



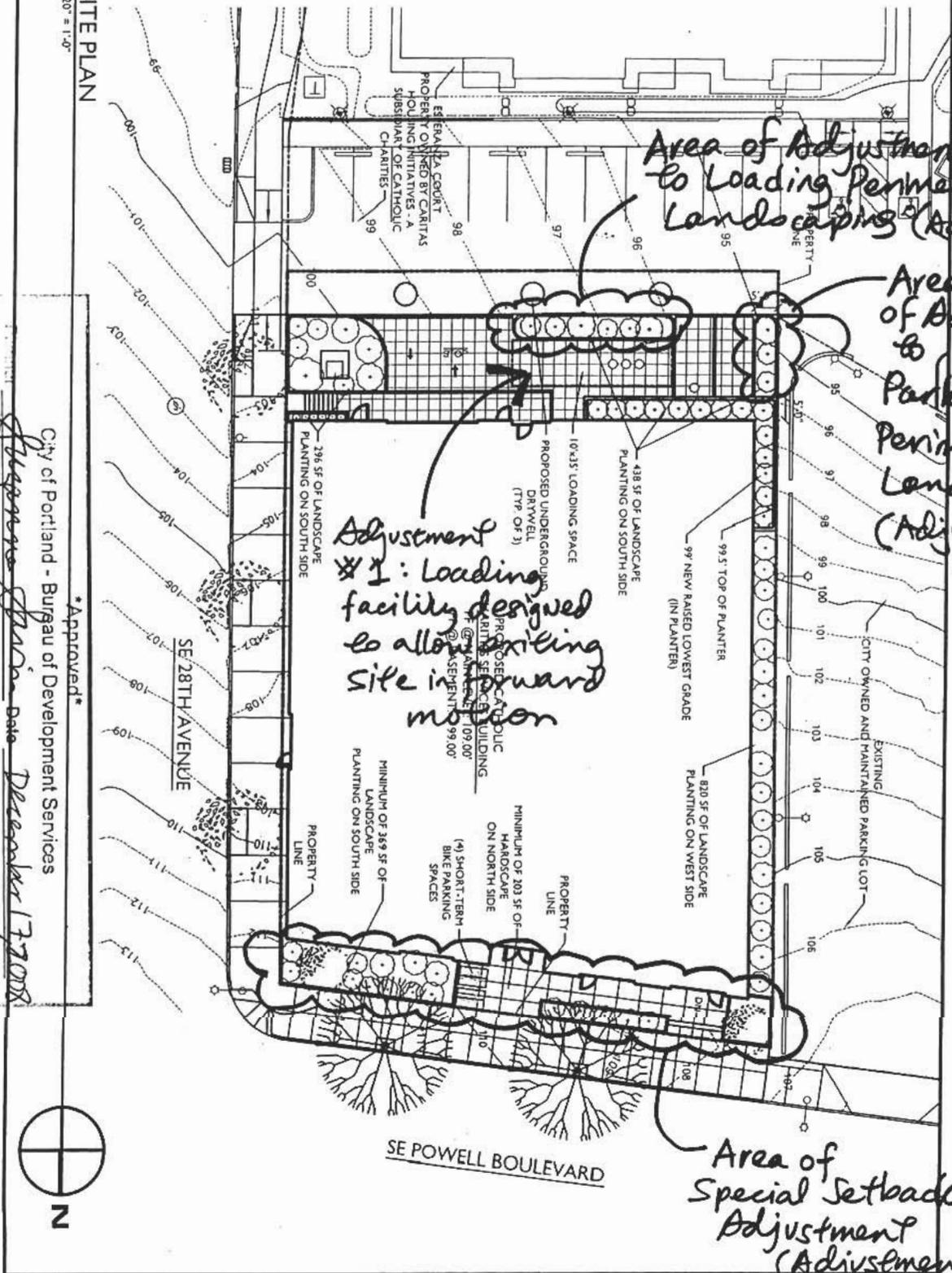
# ZONING

-  Site & Ownership
-  Also Owned



File No.	LU 08-157972 AD
1/4 Section	3333,3433
Scale	1 inch = 200 feet
State_Id	1S1E12CB 12701
Exhibit	B (Nov 05,2008)

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



Area of Adjustment to Loading Perimeter Landscaping (Adjustment #2)

Area of Adjustment to Parking Perimeter Landscaping (Adjustment #3)

Adjustment #1: Loading facility designed to allow for forward motion

Area of Special Setbacks Adjustment (Adjustment #4)

Approved

City of Portland - Bureau of Development Services

Approved Date: December 17, 2008

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

Adjustments 2 & 3 (5-foot screening to L1 standard rather than L2 standard) are denied; Adjustments 1 & 4 are approved.



LUNDIN COLE ARCHITECTS, PC  
200 SW 2nd, Suite 200 Portland, OR 97204  
P: (503) 241-3174 F: (503) 241-3188

Scale: 1/20" = 1'-0"  
Date: 11/21/08  
Project No.: 050001



Community Services Bldg.  
2740 SE Powell Blvd  
Portland, OR 97202

SITE PLAN

EX C-1

LU 08-157/972 A



NORTH BUILDING ELEVATION  
1/16" = 1'-0"

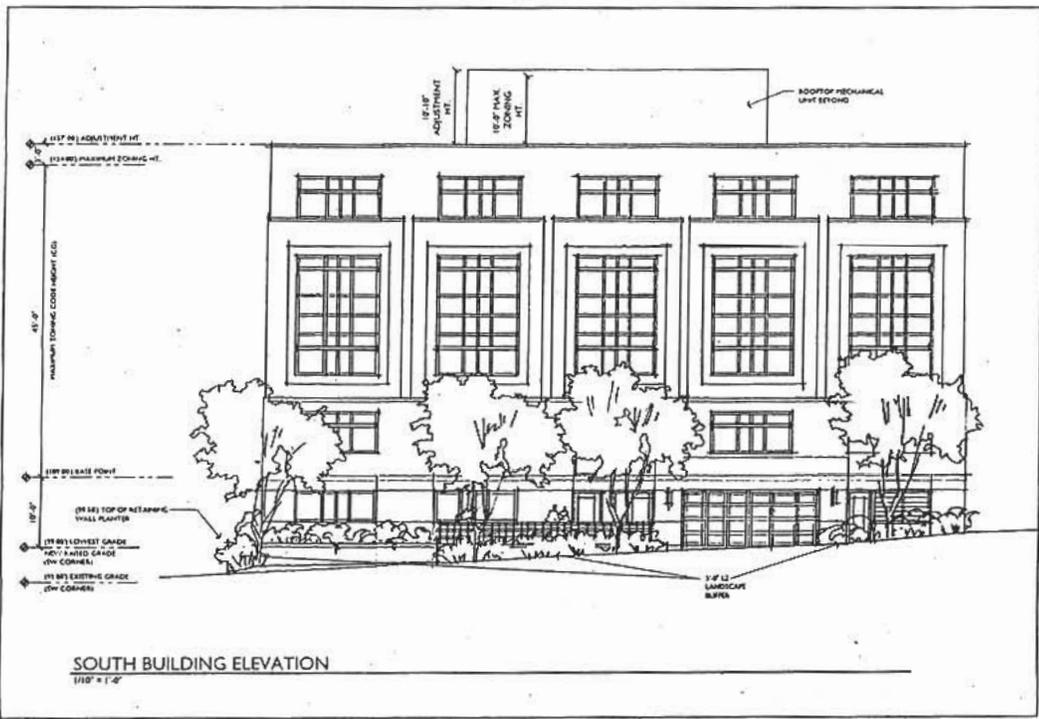
BUILDING ELEVATION  
Community Services Bldg.  
2740 SE Powell Blvd  
Portland, OR 97202

CATHOLIC CHARITIES

Scale: 1/16" = 1'-0"  
Date: 1/17/08  
Project No.: 05001

LUCKY ARCHITECTS, PC  
1100 NE Oregon Street, Suite 200  
Portland, OR 97232

\*Approved\*  
City of Portland - Bureau of Development Services  
By: *Suzanne Savin* Date: *December 17, 2008*  
Subject to the reviews requested and is subject to all zoning requirements.



SOUTH BUILDING ELEVATION  
1/16" = 1'-0"

BUILDING ELEVATION  
Community Services Bldg.  
2740 SE Powell Blvd  
Portland, OR 97202

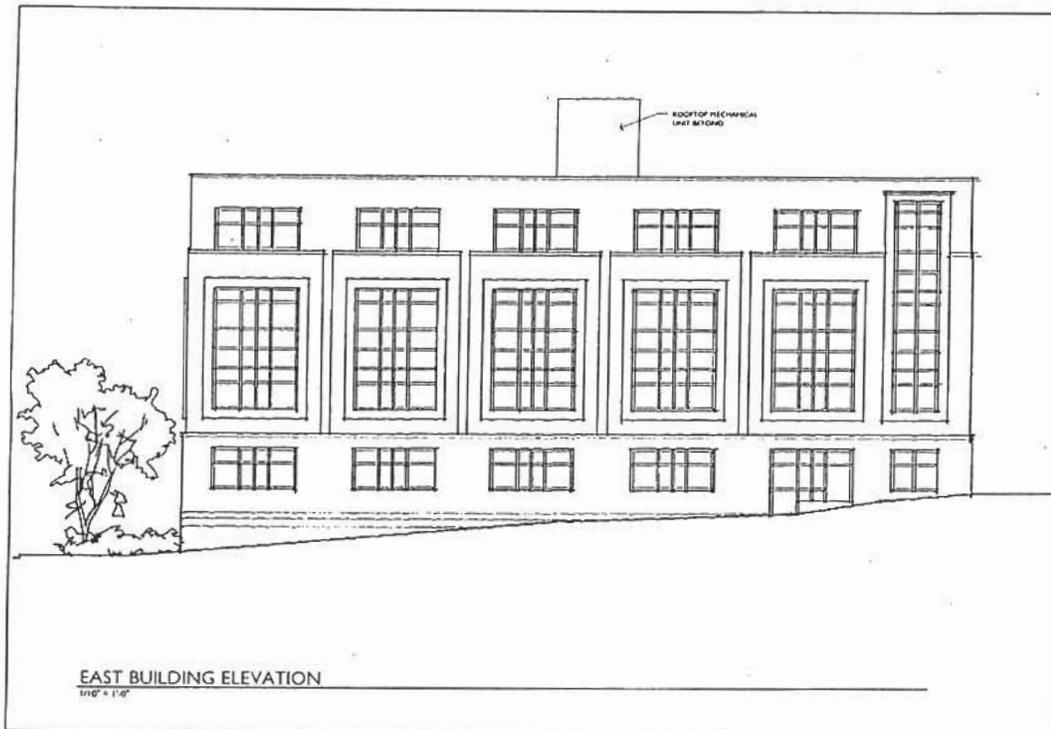
CATHOLIC CHARITIES

Scale: 1/16" = 1'-0"  
Date: 1/17/08  
Project No.: 05001

LUCKY ARCHITECTS, PC  
1100 NE Oregon Street, Suite 200  
Portland, OR 97232

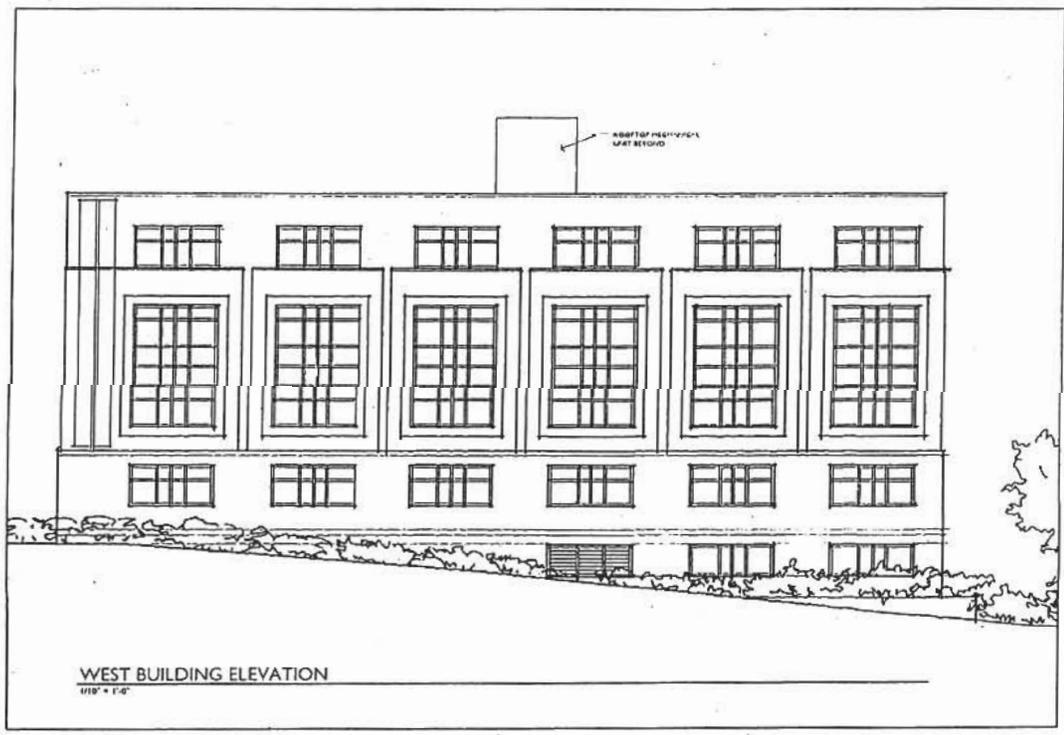
North & South Elevations  
1

EX-C-21  
LU 08-157972 AD



BUILDING ELEVATION  
 Community Services Bldg.  
 2740 SE Powell Blvd  
 Portland, OR 97202  
 CATHOLIC CHARITIES  
 SCALE: 1/16\"/>

**\*Approved\***  
 City of Portland - Bureau of Development Services  
*Susanne Savin* Date *December 17, 2008*  
 to the reviews required by the City of Portland



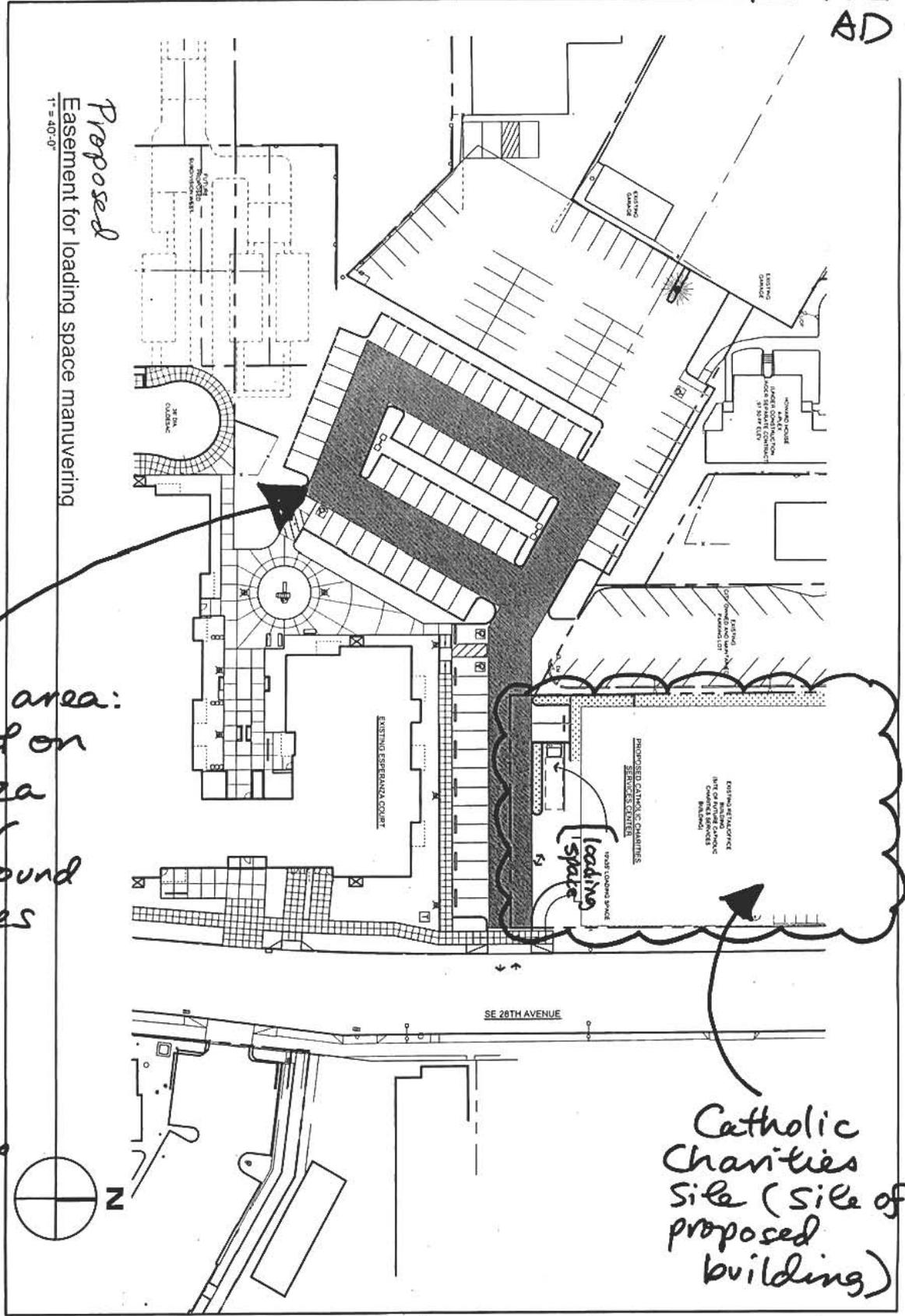
BUILDING ELEVATION  
 Community Services Bldg.  
 2740 SE Powell Blvd  
 Portland, OR 97202  
 CATHOLIC CHARITIES  
 SCALE: 1/16\"/>

East & West Elevations

7

LU 08-157972 AD  
 EX C-3

LU 08-12777C  
AD



*Proposed*  
Easement for loading space maneuvering  
1" = 40'-0"

\*Approved\*  
City of Portland - Bureau of Development Services

Planner: *Stephanie Form* Date: *December 17, 2008*

# This site plan is for informational purposes only. To the reviews requested and is subject to the requirements of the applicable zoning code. Additional zoning requirements may apply.

*Proposed easement area approved as mitigation for Adjustment #1*

*Shaded area: Easement on Esperanza site for turn-around of vehicles exiting loading space on Catholic Charities site.*

*Catholic Charities site (site of proposed building)*

**LCA**  
LUNDIN COLE ARCHITECTS, PC  
208 SW Stark, Suite 200 Portland, OR 97204  
P: (503) 241-3174 F: (503) 241-3186

Scale: 1" = 20'-0"  
Date: 10/27/08  
Project No.: 050001



Community Services Bldg.  
2740 SE Powell Blvd  
Portland, OR 97202

EX C-4