



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 08-152641 CU AD (HO 4080046)

Applicant/Owner: Christine Poole Jones
Delta Sigma Theta Sorority
1206 NE Knott Street
Portland, OR 97212

**Applicant's
Representatives:** Mark Nye and Greg Acker
Sienna Architecture Company
411 SW 6th Avenue
Portland, OR 97204

Hearings Officer: Ian Simpson

Bureau of Development Services (BDS) Staff Representative: Nan Stark

Site Address: 5940 N ALBINA AVE.

Legal Description: LOT 4-6 BLOCK 15, WEST PIEDMONT

Tax Account No.: R893903990

State ID No.: 1N1E15CD 02300

Quarter Section: 2429

Neighborhood: Humboldt

Business District: North Portland Business Association

District Neighborhood Coalition: Northeast Coalition of Neighborhoods

Zoning: R5a, High-Density Single-Dwelling Zone, and R2a, Medium-Density Multi-Dwelling Zone, with Alternative Design Density Overlay Zone (a)

Land Use Review: Type III, CU AD, Conditional Use Review and Adjustment Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:00 a.m. on January 28, 2009, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 9:37 a.m. The record was closed at that time.

Testified at the Hearing:

Nan Stark, BDS Staff Representative

Chris Poole-Jones, Project Manager, 1206 NE Knott St., Portland, OR 97212

Patricia Dickerson, Delta Sigma Theta Sorority President, Portland Chapter, 14225 SE 120th Pl., Clackamas, OR 97015

Mark Nye, 2965 NW Cornell Rd., Portland, OR 97210

Brian Murtagh, 5901 N Borthwick, Portland, OR 97217

Proposal: The applicant is requesting a Conditional Use Review to establish a Community Service Use on this site, which is in a residential zone. The proposal is for a two-phase expansion of the existing building (formerly a service station) to use as a community center. The center would provide weekday activities including tutoring sessions for school-age children and youth, activities for seniors, and other possible neighborhood-oriented activities. The Delta Sigma Theta Sorority (the property owner) would also have small meetings at the site one or two times a week, with a larger monthly meeting on Saturdays, for up to 30 members. In addition, one or two annual events would be held on a weekend day for up to 100 people.

Phase 1 of the project includes additions to the east and west side of the building; total floor area would increase from 1,507 square-feet (existing) to 2,757 square-feet to accommodate a meeting space, two restrooms, accessory office space, and a kitchen. The existing canopy that extends to both street frontages will remain in Phase 1. Surface parking for five vehicles would be created on the existing asphalt area on the N Ainsworth Street side of the site. Another two-space parking area and outdoor area is proposed on the southwest side of the site, accessed from N Albina Avenue. The existing undeveloped area on the east side of the site adjacent to the asphalted area would remain as an open area.

In Phase 2, a 2,200 square-foot building addition extending to N Ainsworth Street would be created, resulting in 4,957 square-feet total floor. This includes a 2,600 square-foot covered area over the addition and overhangs covering the exterior outdoor space, all of which will be a green roof. The building additions will be constructed almost entirely from reused materials. No program changes are anticipated with constructing Phase 2.

The applicant has provided information about parking demand, showing that a large percentage of the parking needs generated by daily and weekly uses will be accommodated on site or on the streets adjacent to the site. For the special weekend events, the applicant has worked with Portland Community College (PCC) Cascade Campus on an agreement to use some of its parking spaces.

The proposal requires an adjustment to the maximum building setback standards of 20 feet required in Pedestrian Districts (the site is in the Killingsworth Pedestrian District). In Phase 1, the proposed additions to the east and west sides of the existing building will be set back 35 feet from the property line on N Ainsworth Street. In pedestrian districts, at least 50 percent of the façade of new buildings or additions must be within 20 feet of the street property lines. Consequently, the applicant requests an adjustment to this standard, to allow the setback as proposed of 35 feet. The western addition will be 11 feet from the property line on the N Albina Avenue side, thus meeting the standard, but the northern two feet of the east addition will be 56 feet from the N Albina Avenue property line, and consequently an adjustment to the standard is also required for that portion of the project. In Phase 2, the addition to the Phase 1 project will bring most of the building up to the street property line on both streets, complying with the setback standards.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

• 33.815.105 Institutional and Other Uses in R Zones – Conditional Uses	• 33.805.040 Adjustments
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II. ANALYSIS

Site and Vicinity: The site consists of three platted lots that comprise 15,000 square-feet. It is on the southeast corner of N Albina Avenue and N Ainsworth Street, and directly across N Ainsworth Street from Peninsula Park. The west side of the site is developed with a former gas station oriented to and set back from the corner, with canopies from both sides of the building extending close to the street property lines. About 10,000 square-feet of the site is developed, with most of the remaining area paved. The eastern 5,000 square-feet is an open, grassy lot at the corner of N Borthwick Avenue and N Ainsworth Street. This lot sits a few feet above the public sidewalk and the developed part of the site, from which it is separated by a wooden fence.

For the purposes of this review, the site vicinity is considered to be a two-block or 400-foot radius from the site in all directions. Peninsula Park extends from the north side of N Ainsworth Street for several blocks between N Albina and N Kerby Avenues. East and west of N Albina Avenue are primarily residential neighborhoods, with higher-density, multi-dwellings (a structure containing three or more dwelling units, i.e. an apartment building) along N Albina Avenue and single dwellings interspersed with multi-dwelling buildings on the interior streets. North Albina Avenue, adjacent to the site, is characterized by a mix of commercial uses, a church directly across the street, and single- and multi-dwellings. The PCC Cascade Campus is just over one block south of the site. The I-5 Freeway is three blocks to the west.

Zoning: The site has two zoning designations—R5a and R2a. The R5 zone, which covers the eastern portion of the site, is a high-density single-dwelling zone intended to accommodate attached

and detached single-dwelling structures and duplexes, with an average density of one unit per 5,000 square feet. The R2 zone, which covers the western portion of the site, is a low-density multi-dwelling zone that allows approximately 21.8 units per acre in various development types. Community Service uses are conditional uses in the R5 and R2 zones.

The site is in the 'a' Alternative Design Density Overlay Zone. This overlay zone provides options for increased density when development meets additional design compatibility requirements.

Land Use History: City records indicate that prior land use reviews include the following:

VZ 110-62 in 1962: approval of a variance request to increase the projection of a canopy within the front yard and construct a light pole with an identification sign.

VZ 396-62 in 1962: approval of a variance request to reduce the west and north front yards and install an advertising sign.

VZ 092-64 in 1964: approval of a variance request to reduce the north front yard from ten feet to five feet to construct a pump island canopy.

Agency Review: The following agencies raised no issues or concerns:

- Fire Bureau
- Water Bureau
- Police Bureau
- Life Safety Section of BDS
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services had no objections to the proposal or conditions of approval but noted that the stormwater management plan should consider all information provided in the bureau's response for approval during building permit review.

The Site Development Section of BDS responded that stormwater overflow from the proposed treatment swales will need to be directed to appropriate discharge locations, such as drywells or soakage trenches. Because the site has a history of soil contamination from its previous use as a gasoline service station, the drywells or soakage trenches may need to be registered as Underground Injection Control facilities with the Oregon Department of Environmental Quality. In addition, the swales that are within five feet of property lines will need to use impermeable liners or water-tight flow-through planter boxes.

Portland Transportation recommends conditions requiring a shared parking agreement with the PCC Cascade Campus to use some of the campus' parking spaces during its two annual larger events, and a shuttle that will take people from that parking area to the site and back. Portland

Transportation also noted that a Public Works permit will be required during building permit review for sidewalk and right-of-way improvements.

Neighborhood Review: Brian Murtagh, land use chair of the Humboldt Neighborhood Association, stated in the January 28, 2009 hearing that the neighborhood association supports the proposal. Mr. Murtagh, in addition, stated that the neighborhood association would also like to see the planting strip continued.

ZONING CODE APPROVAL CRITERIA

CONDITIONAL USES

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:**
 - 1. The number, size, and location of other uses not in the Household Living category in the residential area; and**
 - 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.**

Findings: The site is at the intersection of N Albina and N Ainsworth. Three of the four corners at that intersection are occupied by non-residential uses: Peninsula Park to the north, a small church

to the west, and the subject site, originally a small gas station/garage. South of the site on the same block, on N Albina, is a commercial use. The remaining development within the two-block area consists primarily of residential uses in the form of single and multi-dwelling buildings. Peninsula Park extends between N Albina and N Kerby, from N Ainsworth north to N Rosa Parks Way, a distance of four blocks and comprising 16 acres. The northern edge of the PCC Cascade Campus is one block south of the site.

With the mix of small-scale institutional and commercial uses at this node, as well as the park, the subject site is well situated for non-residential use. It utilizes an existing site built for commercial use. Both of the streets at this intersection have multi-modal designations. The applicant is proposing to reuse and redevelop the existing structure, and develop within the historic development boundaries, which comprises 10,000 square-feet. By staying within these boundaries, the scale will be limited. The applicant proposes a more intensive site development, expanding the existing 1,500 square-foot building to 2,757 square-feet in Phase 1, and to 4,957 square-feet in Phase 2. This would accommodate the community service programs the applicant wants to provide.

Staff determined that at this corner location adjacent to other non-residential uses, the overall residential appearance and function of the area would not be significantly lessened by this proposal. County records show that the service station was built in 1963, and consequently it has contributed to the character of this corner for over 45 years. Expanding the building and changing to another non-residential use is an appropriate redevelopment that will not diminish the area's predominantly residential character. Rather, it will provide a buffer between the arterial streets and the residential neighborhoods.

Staff determined that the proposed community service use will bring new activity to this corner. The programs are generally going to occur during weekday, daytime hours, with a small number of evening meetings over a month's time, and a monthly Saturday meeting and two annual events. While there will be new vehicle trips resulting from these activities, they will generally be contained on the two streets adjacent to the site, N Albina and N Ainsworth, and will result in minimal impact to the surrounding residential streets. In addition, with its location on a transit street with access to frequent mass transit opportunities, and on a City Bikeway and in a Pedestrian District, public services for multi-modal transportation support this type of use. The proposed programs are intended for neighborhood residents, and consequently it is anticipated that a higher than usual percentage of program users will be arriving and leaving by means other than single occupancy vehicles.

From a neighborhood perspective, reusing a site that was originally developed for commercial use as a community service use is appropriate, given the location and the historical land use at this fairly prominent corner. Staff determined that the new scale of activity will revitalize the site while appropriately containing the activity within the property. The Hearings Officer concurs with staff and finds that this criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

- 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or**
- 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.**

Findings: There are no city-designated scenic resources on the site. The proposal is for two phases of additions to the existing service station structure. The single-story additions in Phase 1 expand the façade as seen from N Ainsworth Street, with the additions to both the east and west sides of the existing structure coming a few feet closer to the street. The west addition brings a 23-foot long wall to 11 feet from the property line on N Albina Avenue. In Phase 1, portions of the existing asphalt will be removed and replaced with a water pervious paved outdoor area. Phase 1 also includes a two-space parking area on the N Albina side, utilizing an existing curb cut, a patio area between the addition and the property line, and a grassy swale at the corner. On the N Ainsworth frontage, the swale will be prominent at the corner, as well as the new facades incorporating the existing structure. A formal five-space parking area will replace existing asphalt east of the building, up to the fence that separates the functional part of the site from the vacant lot at the east corner, which will remain undeveloped. New landscaping will be installed along the entire frontage in a five-foot deep setback, up to the driveway to the parking area, as well as landscaped setbacks around the site's southern perimeter.

Staff determined that all of the proposed changes will enhance the site in a manner that heightens its compatibility with the residential area. The service station character that the site now maintains will be transformed by additions that provide windows facing the street, variations in siding, and use of the existing canopies for covered outdoor areas.

In Phase 2, the building line comes up to the corner, removing the open grassy swale and some of the landscaped setback along the N Ainsworth frontage. The Phase 2 building additions will result in a two-story structure at the corner, stepping down to the one story Phase 1 addition towards the southern half of the site. Consequently, the larger portion of the building will be appropriately situated at the intersection, and will scale back to the east and south. The multi-dwelling structure abutting the site to the south will be of a similar scale to the two-story part of the structure, and will be taller than the single-story portion closest to it, on the south side of the N Albina frontage.

The residential area is characterized by a mix of single-dwellings to the east and west, a mix of residential structure types as well as commercial uses on N Albina, interspersed with multi-dwelling structures. Staff determined that the proposed two-phase additions are of a scale that is not unlike the residential development in the vicinity. The building additions and new landscaping will enhance the site significantly, creating more interest at this corner, as intended by the Pedestrian District designation of the area. The design's pedestrian scale and quality for both the building and landscaping heightens the site's compatibility with the residential area. The Hearings Officer concurs with staff and finds that this criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- 1. Noise, glare from lights, late-night operations, odors, and litter; and**
- 2. Privacy and Safety Issues.**

Findings: The proposed community service use would operate during typical daytime hours, generally from offering activities for senior citizens on weekdays in the morning and afternoon, and tutoring sessions and similar youth activities on weekdays after school. In addition, one to two meetings per week for community uses are anticipated, and one to two meetings a week for the Delta Sigma Theta Sorority, the owner/applicant. There will also be monthly Saturday morning meetings for the sorority.

The proposed activities are geared primarily for neighborhood residents, and are likely to generate minimal noise outside the building. It is not designed to be a center with space for physical activities that sometimes generate noise. The park across the street accommodates such neighborhood needs. Likewise, glare from lights is not a factor, as exterior lighting will not be needed to any extent more than what is found in residential applications. No late-night operations are proposed, nor any activities that would produce odors. Litter generated would likely be no different than what is already found at the site and in the general area, which is minimal but produced mostly by passers by, and not resulting from using the site.

Staff determined that regarding privacy and safety, the proposed site additions and enhancements will bring more activity to the site, thus creating more visibility both from within and outside of the site. In its current state enclosed by a chain-link fence, the site is somewhat of a neighborhood blight in contrast to the landscaped park and fairly well-preserved area around it. The proposed upgrades will result in a neighborhood amenity, both physically and programmatically, that will eliminate a vacant building that can cause safety concerns for the neighborhood. The building additions are designed such that it is open to both of the streets with substantial window area and an obvious entrance on the N Albina side, and less glazing on the sides adjacent to residences. Open outdoor areas are along the street frontages, and in the southeast side of the site, separated by a ten-foot deep landscaped setback that will ensure privacy for the neighbors to the south and east. For these reasons, the proposal will not pose adverse impacts to the adjacent residential area. The Hearings Officer concurs with staff and finds that this criterion is met.

D. Public services.

- 1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;**

- 2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;**

Findings: The site is located at the southeast corner of N Albina and N Ainsworth. It is in the Killingsworth Pedestrian District, which extends from N Ainsworth south to N Emerson Street, west to N Missouri Avenue adjacent to the I-5 Freeway, and east to N Commercial Avenue. Going south and east, the pedestrian district extends over Jefferson High School to N Alberta Street and N Williams Avenue. North Albina Avenue is classified as a Transit Access street and City Walkway north of the site. North Ainsworth Street is a City Bikeway.

These street designations are appropriate for placing a neighborhood-oriented community service use. This use will offer programs to senior citizens, youth and community groups needing meeting space, such as neighborhood association committees. The applicant anticipates that a high proportion of youth using the site will arrive and leave on foot or by bicycle, and some will be picked up by car by their family members. Jefferson High School is about three blocks away, and Ockley Green K-8 School is five blocks to the west.

Ten to 20 participants are expected on a daily basis for the senior citizen and youth programs, with one staff for the former and three to four staff for the latter programs. One or two weekly evening meetings are also anticipated, bringing between ten and 20 people. The sorority will have one to two small meetings a week (with five attendees) and one general meeting a month, attended by up to 30 members.

Portland Transportation determined that the combined on-site and on-street parking near the site will accommodate the projected demand for five to 15 parking spaces on weekdays and for evening meetings. Some meetings may generate a greater parking demand, which will likely be offset by a somewhat reduced demand for parking for the park across the street in the evenings. Given that the meetings are intended for neighborhood purposes, it is anticipated that more meeting attendees than average will walk to the site.

Ten to 12 bicycle parking spaces will be provided on-site. The zoning code requires two short-term and two long-term (covered or indoor) spaces for community service uses with floor area up to 10,000 square-feet. The additional number that the applicant proposes above what is required reflects the anticipated higher use of bicycles by users of the site. By providing these spaces, the anticipated demand becomes even more realistic with the inducement of covered, easily accessible parking spaces.

The application includes a Memorandum of Understanding with PCC to use parking on the PCC Cascade Campus for up to three weekend events per year. Portland Transportation recommended that before building permit approval, the applicant shall provide evidence of an off-site parking

agreement with PCC Cascade Campus for use during the two large events. It also recommends that during the two annual large events, the applicant shall provide a shuttle service between the off-site parking at PCC and the site.

Therefore, to satisfy this criterion, staff recommended the above conditions suggested by Portland Transportation, and installing bicycle racks that will accommodate at least ten bicycles that meet the standards for long-term bicycle parking, and at least two spaces for short-term bicycle parking. The Hearings Officer concurs with staff and finds that this criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Water and Fire Bureaus indicated no concerns about their respective services. The Bureau of Environmental Services has worked with the applicant on the stormwater management plan and had no concerns with this review. The Police Bureau indicated that it is capable of serving the proposed use. Therefore, the public services are capable of serving the proposed community service use. The Hearings Officer finds that this criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The site is in the Humboldt Neighborhood. The Humboldt Neighborhood Plan was adopted by City Council in 1993. Staff analyzed several plan policies relating to the proposal for a new community center. Policy 1, Neighborhood Livability: Improve neighborhood livability and quality of life by promoting a strong sense of community and ensuring the safety and well being of the people of Humboldt. The proposal for a community center that will serve the residents of the surrounding neighborhood directly supports this policy, by providing programs for seniors and youth as well as a venue for community meetings. Likewise, the proposal supports Policy 2, Open Space, Parks and Community Facilities: ...Promote and support all community facilities in Humboldt. Creating a new community facility upholds this policy and goals. Policy 4, Public Safety: Enhance the safety and security of those who live, work and visit Humboldt is also relevant because a community space for after-school programs and other activities serves to enhance the neighborhood's safety. The proposal supports Policy 5: Urban design and historic preservation because it reuses the existing 45 year-old commercial structure on this corner site and continues the development pattern of a non-residential use, with additions that will enhance its pedestrian orientation and its relationship to the street and surrounding development, including the prominent park and the mix of uses in the immediate vicinity.

Policy 6, Transportation: Promote the efficient use of the transportation system while reducing traffic and environmental impacts on the residential areas of the neighborhood, is supported by the proposal because the applicant wants to create a neighborhood-oriented use that will be within walking and bicycling distance of the site. Its location in a Pedestrian District further supports the higher anticipated number of users of the site who may walk to programs. In addition, it is well

situated for mass transit users, with one bus stop across the street providing north-south access, and two additional bus lines within three blocks, as well as the Interstate light rail line five blocks away. The proposal supports Policy 6, Land Use, by utilizing existing development that has been vacant and unused, returning this corner to an active and productive use.

In summary, staff determined that the proposal fully supports the relevant policies of the neighborhood plan. The physical additions to the existing building will revitalize the previously abandoned structure and will enhance it with a stronger street orientation. Its location across the street from one of the City's prominent parks makes its revitalization even more important in advancing the goals set out in the neighborhood plan. The Hearings Officer concurs with staff and finds that this criterion is met.

ADJUSTMENTS

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

... [A]djustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

Findings: The applicant has requested the following two adjustments:

1. To increase the N Ainsworth Street setback in Phase 1 from the maximum allowed 20 feet (for sites in pedestrian districts) to 35 feet from the street property line.
2. To increase the N Albina Avenue setback in Phase 1, for the north two feet of the east addition, from 20 feet to 56 feet. The west addition will be 11 feet from the property line on the N Albina Avenue side, thus meeting the standard, but the north two feet of the east addition will be 56 feet from the N Albina Avenue property line.

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

Findings: The standard for maximum setbacks along transit streets is intended to create an environment that is inviting to pedestrians and mass transit users. The two setback adjustments requested are subject to this same standard, because the proposed additions or portions of them are set further back than the maximum 20 foot distance allowed in Pedestrian Districts.

The Phase 1 design creates additions to the east and west sides of the existing structure. The additions bring the N Ainsworth façade four to six feet closer to N Ainsworth Street than the existing building, to between 33 and 35½ feet from that property line. Along with the building additions is removal of 1500 square-feet of the existing paving at the corner, replacing it with a grassy swale. On the N Albina façade, the new west addition to the building meets the maximum setback standard, placed at just over 11 feet from the N Albina Avenue property line. The addition attached to the east side of the building projects slightly north of the west addition, resulting in two feet of that façade set back 56 feet from the west property line.

Staff determined that the proposed additions and overall site design significantly enhance the pedestrian experience. The site's original use was a service station. The site is relatively small for such a use, and as a result the existing building is not so far back from the street that it has no relationship to it. The canopies extending from it to both street frontages create further, though fairly minimal, connections. The proposal is to construct the two additions in the first phase which will allow the intended programs to occur. Later additions will better accommodate the same programs.

The elevation drawings illustrate that both street-facing façades on the additions add substantial amounts of glazing while also bringing them closer to the street than the existing structure. In front of the west addition at the corner will be an open landscaped area that will be replaced with a two-story structure in Phase 2. An open water pervious-pavement mixed use motor court and open space area is situated south of the addition on the N Albina Avenue side, which will remain after both phases are complete. The new west addition is set back 11 feet from the N Albina property line, and is 23 feet long on that side, thus bringing a substantial amount of building within close proximity to the public sidewalk. Replacing asphalt with water pervious paving, having landscape setbacks in a five-foot depth on its perimeters, and a patio area in front of the addition, will significantly add interest to those passing by the site on their way to and from the park and other locations in the neighborhood. The same is true on the N Ainsworth side, with new landscaping and glazing, creating an inviting and enhanced streetscape. The Phase 2 additions will bring additional building façade up to the corner, making the site much more prominent from both streets and in the overall context of the neighborhood. Until Phase 2 is developed, the proposed additions and site treatments support the intent of the maximum setback standard for sites in pedestrian districts. The Hearings Officer concurs with staff and finds that this criterion is met for both setback adjustments.

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 in a residential zone. The proposed development area is completely within the R2a, multi-dwelling zone. The vacant lot adjacent to N Borthwick Avenue that is also part of the site is in the R5 zone, and is not proposed for development as part of this review. The increased setback requested on the N Albina and N Ainsworth frontages is part of the building additions and site improvements proposed for Phase 1. Staff determined that the applicant has brought forward a package of improvements which offers a general site upgrade that will enhance the site and bring it back to active use in the neighborhood. At a fairly prominent location within the neighborhood, the initial additions in Phase 1 will result in modest, yet significant changes that will improve the site's appearance as seen from the adjacent streets and properties. The addition creates a significant amount of glazing on the street-facing facades, as well as new landscaping and hard-scape that will provide interest at the street level. The Hearings Officer concurs with staff and finds that 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 purpose of the multi-dwelling zones is to preserve land for urban housing and to provide opportunities for multi-dwelling housing. Uses such as this proposal are reviewed through the Conditional Use process, which allows non-residential uses such as community services, schools and hospitals, among others, in the residential zones. Staff determined that the two requested adjustments acting together uphold what is allowed and intended in the multi-dwelling zones. The Hearings Officer concurs with staff and finds that this criterion is met.

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

Findings: Staff determined that there are no discernible impacts that would result from granting the requested adjustments. The additions to the existing structure, along with the site improvements, will greatly enhance the site. The increase in the street setbacks as requested are anticipated for Phase 1 only. Phase 2 additions will result in conformance with the maximum setback standards. Even if the Phase 2 additions are not made, the overall site improvements and the strong pedestrian orientation provided by the site and building design address impacts that, without those elements, may need mitigation. The Hearings Officer concurs with staff and finds that this criterion is met.

III. CONCLUSIONS

The proposal to redevelop the site by reusing and expanding the existing service station structure for a community service use satisfies all of the Conditional Use approval criteria. The proposed physical changes will revitalize this corner, which is a fairly prominent one in the Humboldt neighborhood with multi-modal designations on both streets. The site's location at the corner, on and close to several mass transit lines, in a Pedestrian District and on a bikeway supports the applicant's desire for a neighborhood-oriented community service use that will provide various programs for area residents. The scale of activities and physical expansion are appropriate for the

size of the site that is to be utilized, and the number of proposed on-site parking spaces will generally serve the site's weekly use, with some fairly small demand on the adjacent streets. Conditions will ensure adequate bicycle parking facilities for the anticipated bicycle parking demand, and will address the higher vehicle parking demand during the two annual events that will draw larger numbers of people.

The analysis of the Humboldt Neighborhood Plan shows that the proposed community service use and site/building design fully supports the applicable policies, bringing a renewed level of activity to this corner while also revitalizing the physical site.

The requested adjustments to increase the maximum building setback required in pedestrian districts support all of the relevant adjustment approval criteria. The package of improvements include the setback adjustments and result in a general site upgrade that will enhance the site and bring it back to active use at a prominent location within the neighborhood.

IV. DECISION

A Conditional Use is approved for a new community service use.

Adjustments are approved to the maximum street building setbacks. This approval will allow setbacks of up to 35 feet on the N Ainsworth, north side of the site, and up to 56 and 78 feet for two feet of projection on the east addition facing N Albina Avenue.

This approval is subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions must be noted on each of the four 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 08-152641 CU AD." All requirements must be graphically represented on the site plan or narrative and must be labeled "REQUIRED."
- B. Bicycle racks must be installed that will accommodate at least ten bicycles that meet the standards for long-term bicycle parking, and at least two spaces that meet the standards for short-term bicycle parking.
- C. Before a building permit is approved, the applicant shall provide evidence of a shared parking agreement with the PCC Cascade Campus to use during the one or two annual special events. During these events, the applicant shall provide a shuttle service between the off-site parking at the PCC Cascade Campus and the subject site.

Ian Simpson, Hearings Officer

Date

Application Determined Complete:	December 5, 2008
Report to Hearings Officer:	January 16, 2009
Report with Correction to Hearings Officer:	January 20, 2009
Decision Mailed:	February 13, 2009
Last Date to Appeal:	4:30 p.m., February 27, 2009
Effective Date (if no appeal):	March 2, 2009 Decision may be recorded on this date.

Conditions of Approval: This project is subject to specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision: ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., file the appeal at the Reception Desk on the 5th Floor. An appeal fee of \$7,032.50 will be charged (one-half of the application fee for this case). Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: A person may appeal this decision only if the person wrote a letter which is received before the close of the record on hearing, or testified at the hearing, or is the applicant or owns the subject property. If this decision is appealed, only evidence previously presented to the Hearings Officer will be considered by the City Council.

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

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

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

Recording the final decision.

This final decision must be recorded with the Multnomah County Recorder. A few days before the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision. A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.
For further information on 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.

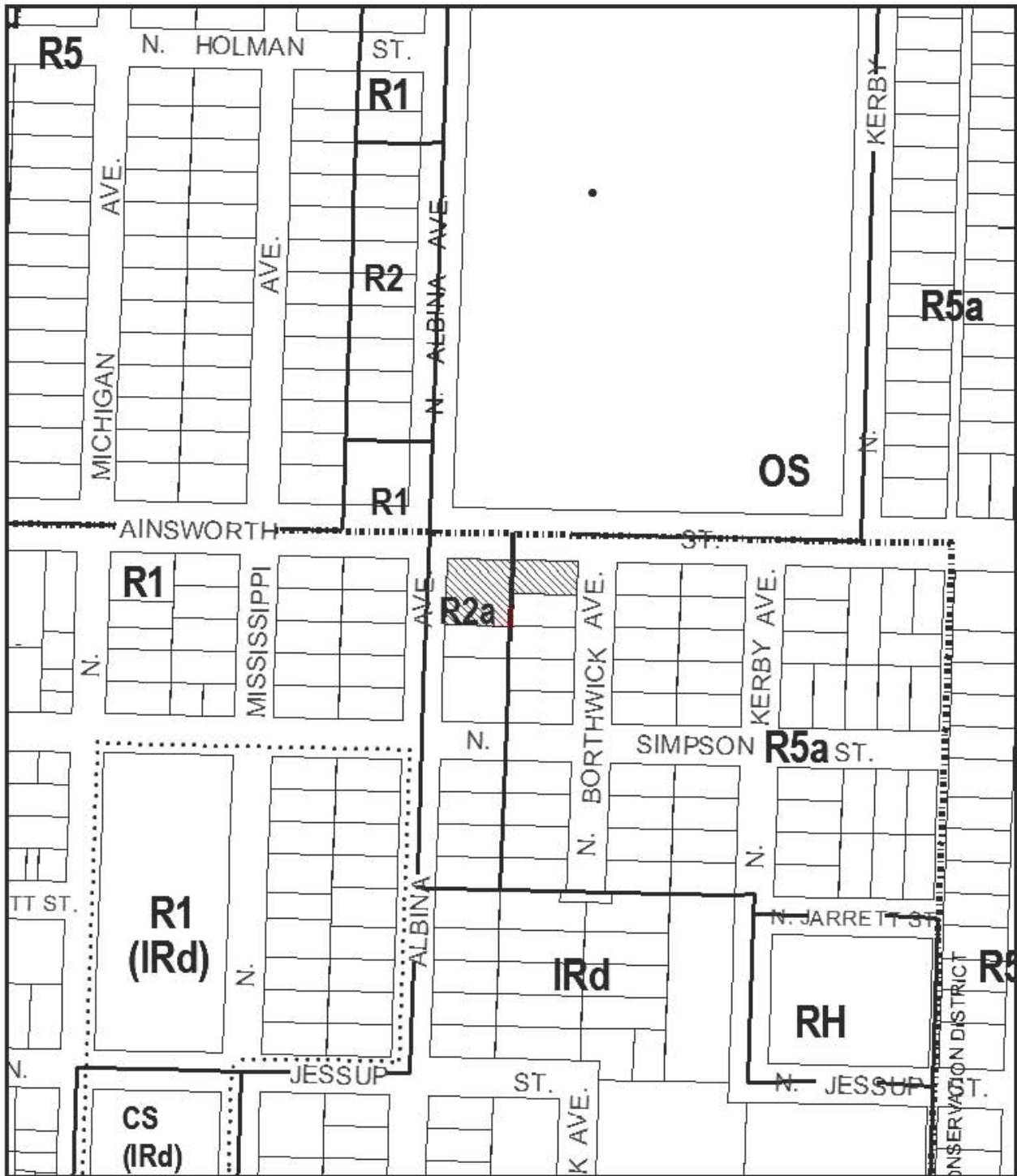
Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for permits: A building permit, occupancy permit, or development permit may be required before developing an approved project. When a permit is applied for, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original submittal
 - 2. Addendum, Nov 6, 2008
- B. Zoning Map (**attached**)
- C. Plans & Drawings
 - 1. Site Plan (**attached**)
 - 2. Elevation drawings, Phase 1 (**attached**)
 - 3. Elevation drawings, Phase 2 (**attached**)
 - 4. Floor plans
 - 5. Site utility plan
 - 6. Construction drawings and sections
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Site Development Section of Bureau of Development Services
 - 3. Life Safety Section of Bureau of Development Services
 - 4. Bureau of Transportation Engineering and Development
 - 5. TRACS Process Window
- F. Letters: none
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Email correspondence between N. Stark and applicants, Sept through Dec 2008
 - 4. Incomplete application letter, N. Stark to C. Poole-Jones, Aug 29, 2008
 - 5. Incomplete application letter, Nov 12, 2008
- H. Received in the Hearings Office
 - 1. Hearing Notice - Stark, Nan
 - 2. Staff Report - Stark, Nan
 - 3. Staff Report, Corrected Page 12 - Stark, Nan
 - 4. Presentation printout – Poole-Jones, Christine
 - 5. Pamphlet – Poole-Jones, Christine
 - 6. PowerPoint Presentation printout - Stark, Nan

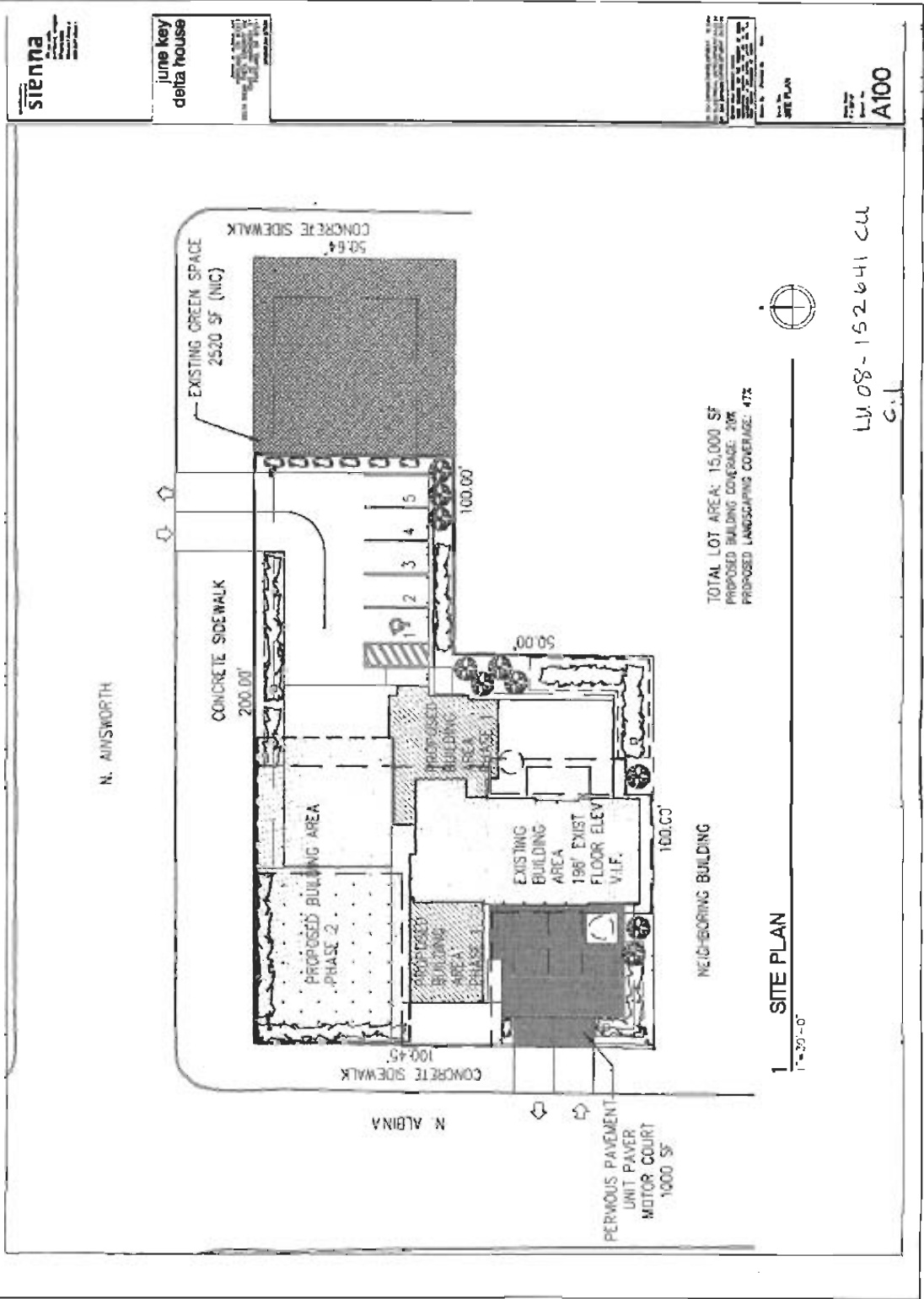


ZONING

 Site



File No. LU 08-152641 CU AD
 1/4 Section 2429
 Scale 1 inch = 200 feet
 State_Id 1N1E15CD 2300
 Exhibit B (Aug 07, 2008)



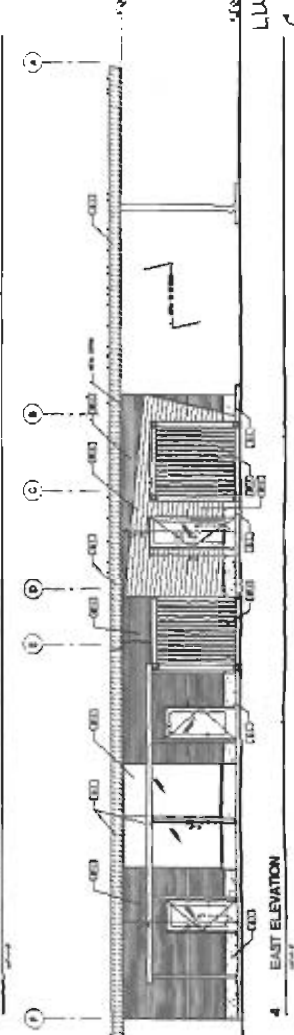
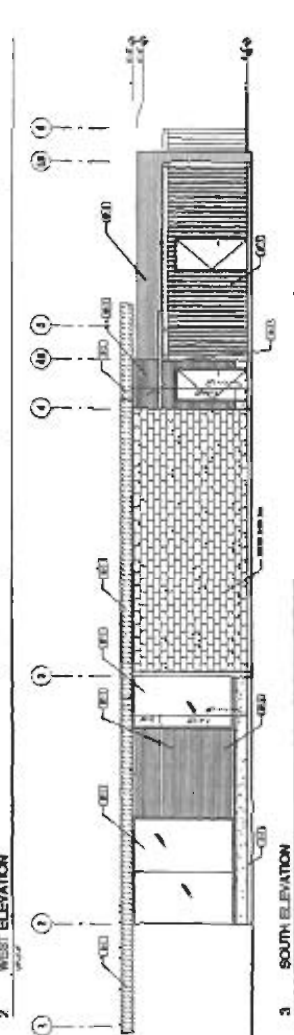
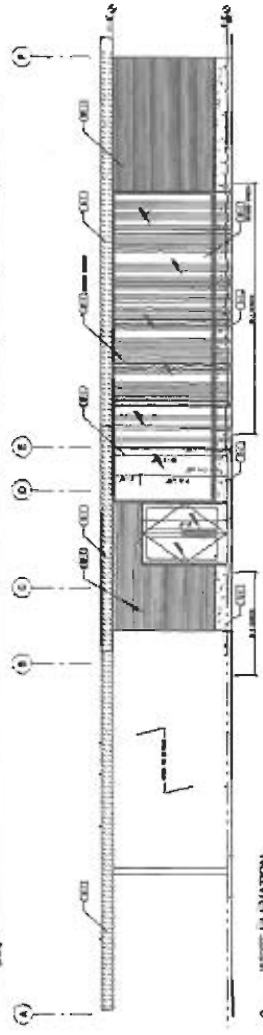
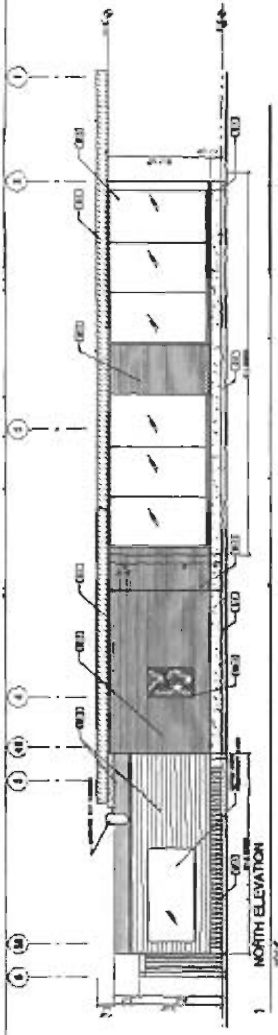
11-08-152641 CU
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NOT FOR CONSTRUCTION

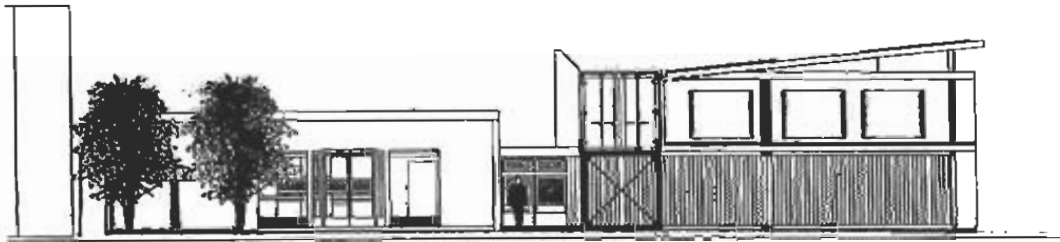
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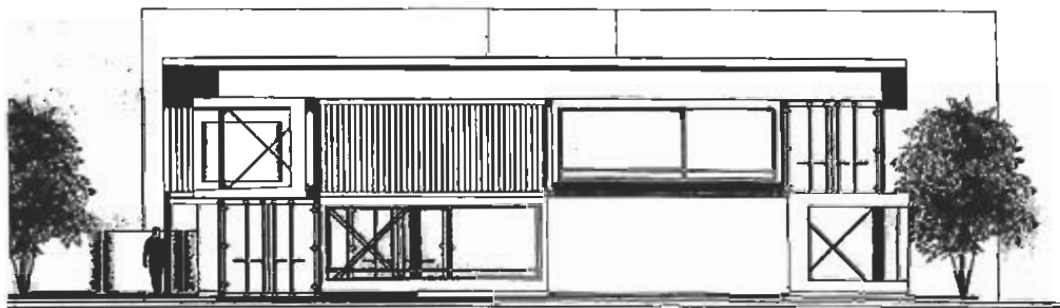
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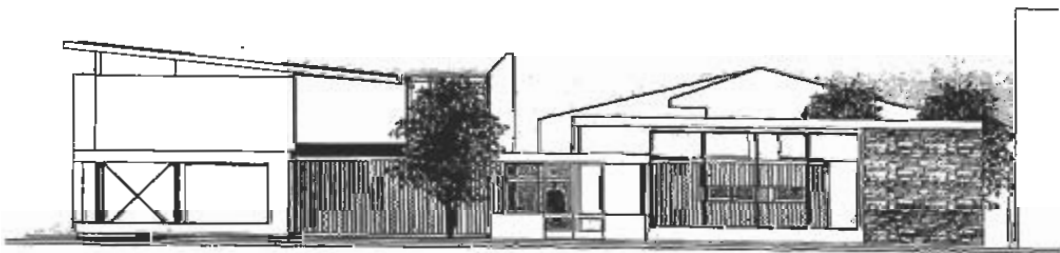
LU08-152641 CU AD
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East Elevation of Phase 2 Building



North Elevation of Phase 2 Building



LU08-152641 CUAD
C.3

West Elevation of Phase 2 Building