



**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:** March 18, 2009  
**To:** Interested Person  
**From:** Sylvia Cate, Land Use Services  
503-823-7771 / scate@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 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 09-105652 AD**

#### **GENERAL INFORMATION**

**Applicant:** Christina J Williams, listed property owner  
1035 Pt Stanley Rd  
Lopez Island, WA 98261

John Williams, owner's representative  
PO Box 42330  
Portland OR 97242

**Representative:** Mary Hogue, main contact  
MKM Architecture  
3304 SE 52nd Ave  
Portland OR 97206  
503 432 8588

**Site Address:** 5052 SW DICKINSON ST

**Legal Description:** INC PT VAC STS LOT 1 BLOCK 3 INC PT VAC ST LOT 2-5 BLOCK 3,  
WEST PORTLAND PK

**Tax Account No.:** R894600420

**State ID No.:** 1S1E31AB 00200

**Quarter Section:** 4024

**Neighborhood:** West Portland Park, contact Rob Shirley at 503-293-1010.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Plan District:** None  
**Other Designations:** None

**Zoning:** R2, Multi-Dwelling Residential 2,000

**Case Type:** AD, Adjustment

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

**Proposal:**

The site is developed with three separate buildings, one of which was extensively damaged by fire. The applicant proposes to demolish the fire damaged building and replace it with a new multi-dwelling structure. As the result of a street vacation by County Ordinance 4275, the northwest corner of the site has a small frontage along SW Barbur Blvd. This frontage consists of approximately 15 - 17feet and is approximately 20 feet above the finished grade of the paved roadway of Barbur. Vehicle access to the site is via SW Dickinson.

Because the site has frontage along SW Barbur Blvd, and Barbur is a designated Transit Street, the applicant requests two adjustments as follows:

- An Adjustment to waive 33.120.220. C, Maximum Building Setbacks on a Transit Street, which requires buildings to be set back a maximum of 20 feet; and
- An Adjustment to waive 33.120.255, Pedestrian Standards, which requires a straight line connection between one main entrance on the site and the adjacent Transit Street.

Attached to this notice is a site plan depicting the proposed redevelopment of the site in the area of the fire damaged building.

**Relevant Approval Criteria:**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria have been met.

## ANALYSIS

**Site and Vicinity:** The site is approximately 19,800 square feet and is comprised of 5 lots and additional area from two vacated streets. It is developed with three multi-dwelling structures; however one was extensively damaged by fire, and is being replaced with a new multi-dwelling structure with additional units. The site is accessed via SW Dickinson Street, which extends to the northeast corner of the site. The northern 30 feet of the site were acquired when the terminus stub of SW Dickinson was vacated by Multnomah County via Ordinance 4275 in 1972. The westerly 30 feet of the site were also acquired via a street vacation of the terminus stub of SW 51<sup>st</sup> Avenue under the same Ordinance. As a result of these two street vacations, the site has approximately 15-17 feet of frontage along SW Barbur Boulevard. Given the topography in this area, the actual improved roadway grade of SW Barbur is roughly 20 feet below the site. As a result the portion of SW Barbur public right of way that is immediately abutting the site consists of a relatively steep slope that is vegetated with underbrush and mature trees.

To the north and west of the site are properties zoned General Commercial. Abutting the site to the east and south are lots and parcels in the R2 zone. A large apartment building is directly south of the site, while businesses in the CG zone are across SW Barbur from the site. A large office building is immediately north of the site, and one block northeast of the site is the Markham Elementary School and play fields. The balance of development to the east and southeast of the site is a mixture of multi-dwelling and single dwelling residential uses.

SW Barbur Boulevard is designated a Major Traffic and Major Transit Street, as well as a City walkway and City Bikeway. SW Dickinson is designated as a Local Service Street.

**Zoning:** The site lies within the Multi-Dwelling R 2,000 zone. The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building

coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. This site would allow a maximum of 10 units; with the proposed replacement structure, the site will be redeveloped to maximum density.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 12, 2009**. The following Bureaus have responded with no issues or concerns about the adjustment:

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

The Bureau of Transportation Engineering responded with comments explaining why there are no objections to the Adjustment requests. The response from Portland Transportation has been incorporated into the findings, below, in this decision. Exhibit E-2 has additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 12, 2009. A total of two written responses have been received from the West Portland Park Neighborhood Association and the District Coalition, SWNI. No notified property owners or adjacent neighbors have responded to the proposal.

The letter from West Portland Park Neighborhood Association notes that the WPPNA Board voted unanimously to oppose the Adjustment request to waive the Pedestrian standards. The WPPNA has no position on the Adjustment request to waive the Maximum Building Setback on a Transit Street.

The letter submitted by the WPPNA notes that the property has frontage on Barbur, a street with very good transit service. The Neighborhood Association expresses concerns about the lack of a pedestrian connection to Barbur, where Metro is currently in the planning stage for High Capacity Transit along Barbur. The WPPNA notes that the Adjustment request to waive the pedestrian connection is not consistent with the adopted Barbur Streetscape Plan, adopted December 8, 1999, by the City Council. The WPPNA states that this specific policy, adopted with respect to Barbur Boulevard, overrides and supplants any more general provisions in the [zoning] code.

The letter speculates as to what types of arguments the applicant will make in justifying the adjustment request and dismisses any argument based on the inappropriateness of a pedestrian facility here as fallacious. The letter further speculates that the developer ‘may argue that a pedestrian connection to Barbur would endanger children residing at the project’ and further states that the overall development is not a child friendly project and lacks play areas or amenities for children. The letter also states that complaints were made to the Nuisance Enforcement section of ONI regarding litter and abandoned appliances on the site and that such conditions are “hardly the environment one would anticipate that a developer really interested in children’s safety would tolerate.”

The WPPNA states that the site actually has no frontage along SW Dickinson due to a previous street vacation, and the closest portion of the public right of way for SW Dickinson is at least a hundred feet east of the site. The WPPNA notes that while there are no sidewalks currently along this portion of Barbur, both the Barbur Streetscape Plan and the Metro Corridor Plan will place sidewalks on Barbur. The WPPNA feels that the concept underlying the proposal, high-density housing, is counterintuitive and counterproductive to limiting easy pedestrian access to

transit on Barbur. The WPPNA concludes that the Adjustment request to waive the pedestrian connection to Barbur does not satisfy approval criteria A, B and C.

Staff Note: The relevant portions of the WPPNA objections to the Adjustment request will be discussed, below, under the findings for criteria A, B, and C. City records indicate that a Nuisance Complaint, 09-106114 NU, was received concerning the burned out apartment unit, garbage and appliances on the site. The case was closed after a city inspector deemed the complaint unfounded.

The second letter, from the Southwest Neighborhoods District Coalition expressed support of the WPPNA opposition to the proposal. SWNI acknowledges in their letter that there may be some circumstances where the City believes flexibility is needed and pedestrian standards might be waived. However, the letter states that new infill developments abutting major transit streets is an opportunity to support the long-term transportation goals for the region, and SWNI supports the opposition to the adjustment to waive the pedestrian requirement.

Staff Note: The findings below will address the concerns expressed by SWNI.

## ZONING CODE APPROVAL CRITERIA

### **33.805.010 Purpose (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 providing certainty and rapid processing for land use applications.

### **33.805.040 Approval Criteria**

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

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

**Findings:** The applicant requests two adjustments as follows:

- An Adjustment to waive 33.120.220 C, Maximum Building setbacks on a Transit Street.

The purpose statement for this regulation is found at 33.120.220 A, Purpose, which states:

The building setback regulations serve several purposes, as described in the purpose statement. In this specific instance, the applicant is requesting to waive the maximum building setback on a transit street. The purpose for the transit street setback requirement is:

*Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.*

The site is a 19,800 square foot parcel developed with three separate buildings, one of which was extensively damaged by fire. The applicant proposes to demolish the fire damaged building and replace it with a new multi-dwelling structure. Because of

the location of the existing four-plex on the site, existing parking lot and enclosed trash area, it would be physically infeasible to replace the fire damaged building and meet the maximum transit street building setback on this site.

In addition, the frontage the site has along Barbur is approximately 15 - 17 feet in length and is at an angle to the balance of the site. Due to the topography in this area, the grade of the site is approximately 20 feet above the grade of the improved roadway of SW Barbur Boulevard and is generally obscured both by significant mature vegetation and the steep slope between the roadway and the site. Furthermore, there is no pedestrian facility along the southern [abutting] section of Barbur, nor are there any plans to install sidewalks on the southern side of this section of Barbur Boulevard.

Portland Bureau of Transportation commented on this request, and in the response notes:

*The Barbur Boulevard Streetscape Plan adopted by the City in June of 1999 encourages pedestrian connections to SW Barbur to increase transit opportunities for neighborhood residents...[However, the] plan does not call for sidewalks along the south side of Barbur in the Far Southwest of the planning area as shown on page 55 of the plan. The plan does identify limited sidewalk construction on the south side of Barbur near the future potential pedestrian overpass near the Markham Elementary School northeast of the site, and southwest of the site at Pomona. In the plan, on page 49, there is a typical proposed roadway cross section for the Far Southwest section of SW Barbur. Sidewalks are proposed on the north side only due to the steep slope on the south side. The cross section shows only a bike lane on the south side. The plan intends for residents in the general area of the subject site to access SW Barbur only at locations where safe crossings can be potentially provided. Since no sidewalks are planned in the Barbur Blvd Streetscape Plan along this site's frontage, it would be inappropriate to direct pedestrians onto a high volume, high speed blvd to share a bike lane.*

Consequently, due to the physical separation of the site from SW Barbur, and given that there are no plans to install pedestrian facilities along this section of Barbur abutting the site, the request to waive the Maximum Building setback will have no impact on the streetscape and transit/pedestrian environment along this portion of Barbur. Given the steep topography and the extensive and mature vegetation along this bank, the existing environment along this portion of SW Barbur is visually pleasant for all passers-by, whether they are using transit, bicycles or private vehicles. For these reasons, the Adjustment request to waive the Maximum Building Setback on a Transit Street equally meets the intent of the regulation. This criterion is met for this Adjustment.

- The second Adjustment requested by the applicant is an Adjustment to waive 33.120.255, Pedestrian Standards, which requires a straight line connection between one main entrance on the site and the adjacent Transit Street.

The purpose for the Pedestrian Standards is found at 33.120.255 A, which states:

*The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent*

sites, where feasible. The standards promote configurations that minimize conflicts between pedestrians and vehicles. In order to facilitate additional pedestrian oriented space and less impervious surface, the standards also provide opportunities for accessways with low traffic volumes, serving a limited number of residential units, to be designed to accommodate pedestrians and vehicles within the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.

The primary street serving the site is SW Dickinson Street. The northwest corner of the site has approximately 17 feet of frontage along SW Barbur Boulevard. However, as noted above in the findings and site description in this decision, the site is physically separated from the paved roadway of SW Barbur by a steep slope approximately 20 feet in height and estimated to be a steep slope approaching 40-45 per cent. In this specific instance, requiring a pedestrian connection down a significantly steep slope in order for pedestrians to access SW Barbur where no sidewalk exists and none is planned would result in an obvious hazard for the pedestrian. It would be inappropriate to direct pedestrians onto a high volume, high speed state highway in an area where a pedestrian would be forced to share a bike lane. The adopted Barbur Boulevard Streetscape Plan has identified where pedestrians in the nearby area can safely access SW Barbur, and future facilities to provide safe pedestrian access are planned nearby. The BBSP does not identify this section of SW Barbur that abuts the site as a future safe pedestrian access point.

Portland Bureau of Transportation commented on this request, and in the response notes:

*The plan does identify limited sidewalk construction on the south side of Barbur near the future potential pedestrian overpass near the Markham Elementary School northeast of the site, and southwest of the site at Pomona. In the plan, on page 49, there is a typical proposed roadway cross section for the Far Southwest section of SE Barbur.*

*Sidewalks are proposed on the north side only due to the steep slope on the south side. The cross section shows only a bike lane on the south side. The plan intends for residents in the general area of the subject site to access SW Barbur only at locations where safe crossings can be potentially provided*

The closest pedestrian connections to the site, as identified in the adopted plan are located at the intersection of SW Barbur and SW Pomona Street, which is a signalized intersection. This connection is approximately 700 feet to the south of the site. A second identified pedestrian connection in the adopted plan is approximately 862 feet, adjacent to the Markham Hill Elementary School playing fields. This area is identified to have a future pedestrian overpass to provide pedestrians a safe connection to existing and future sidewalks along SW Barbur.

Therefore, the requested Adjustment is consistent with the purpose statement for pedestrian facilities and in turn, is also consistent with the adopted Barbur Boulevard Streetscape Plan. For these reasons, this criterion is met for this Adjustment.

- 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 lies within the Low Density Multi-Dwelling Residential 2,000 zone. The proposal to waive both the Transit Street Building Setback and the Pedestrian

Connection to a Transit Street will result in an overall project that will maintain the current livability of the immediate residential area, because no hazardous and unsafe pedestrian route will be provided. The waiver of the Building Setback will enable an efficient reuse of the land and the footprint of original structure that was damaged by fire. The new structure will be located in roughly the same area and connect to existing utilities that remain on site. Granting both Adjustment requests will have no impact on the appearance of the residential area. For these reasons, this criterion is met for both Adjustment requests.

- 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:** Two Adjustments are requested. The cumulative effect of both adjustments will allow the redevelopment of a portion of the site in the area where a prior structure was badly fire damaged. The purpose of the low density Multi-Dwelling Residential 2,000 zone is found at 33.120.010 A, which states: *The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.* The overall result of approval of both Adjustments will be a project that will provide additional opportunities for multi-dwelling housing. This criterion is met.

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

**Findings:** City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

**Findings:** There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

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

**Findings:** The site is not within an environmental zone. 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 requests two Adjustments in order to redevelop a portion of the site with a new multi dwelling structure to replace a structure that was fire damaged. The Adjustment requests are reasonable and appropriate due to the specific circumstances of the site, i.e. topography and lack of future planned pedestrian facilities along this section of SW Barbur as enumerated in the adopted Barbur Boulevard Streetscape Plan. The Adjustment requests meet all of the applicable approval criteria, and therefore should be approved.

## ADMINISTRATIVE DECISION

Approval of:

- An Adjustment to waive 33.120.220. C, Maximum Building Setbacks on a Transit Street, which requires buildings to be set back a maximum of 20 feet; and
- An Adjustment to waive 33.120.255, Pedestrian Standards, which requires a straight line connection between one main entrance on the site and the adjacent Transit Street,

per the approved site plans, Exhibits C-2 through C-3, signed and dated March 16, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.2-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-105652 AD."

**Decision rendered by:**  **on March 16, 2009**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 18, 2009**

**Staff Planner: Sylvia Cate**

**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 January 30, 2009, and was determined to be complete on February 10, 2009.

*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 January 30, 2009.*

*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 sufficient number of days to complete the review, per Exhibit A-3.*

**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 April 1, 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 **April 2, 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

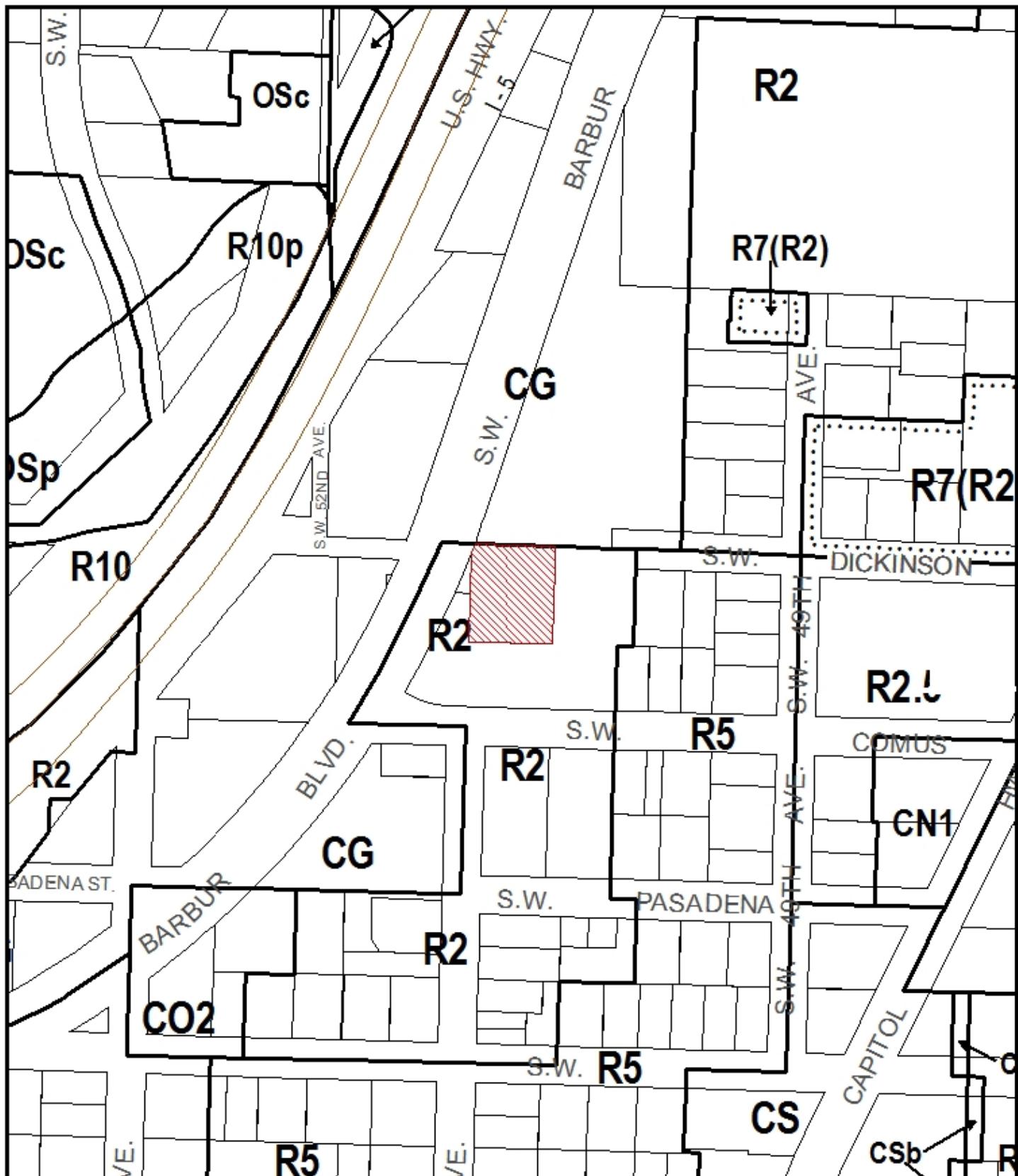
- A. Applicant's Statement
  1. Original narrative
  2. Response and Rebuttal to Neighborhood Assn letter of February 27, 2009
  3. Extension of the 120-day clock
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Existing Conditions Site Plan
  2. Proposed Site Plan (attached)
  3. Proposed Landscape Plan
  4. Elevations
- 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. Fire Bureau
  5. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
- F. Correspondence:

1. WPPNA, February 27, 2009, In opposition to Pedestrian Adjustment
2. SWNI, March 2, 2009, In support of WPPNA in opposition

G. Other:

1. Original LU Application
2. Site History Research
3. Street Vacation Ordinance
4. Barbur Streetscape Cross-Section, page 49 BBSP
5. Barbur Streetscape Plan: Far Southwest [middle section] page 55 BBSP

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

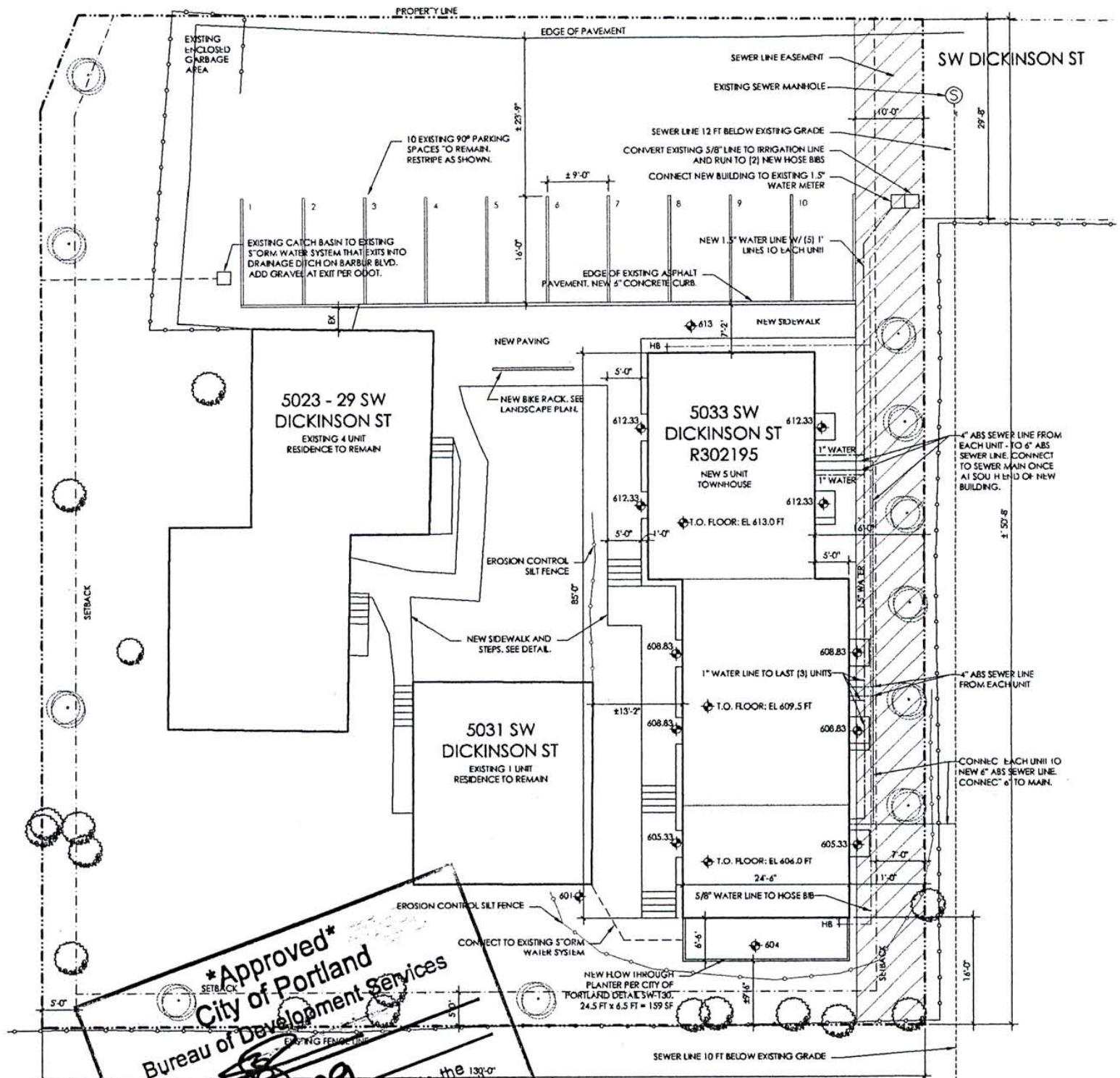


# ZONING

Site



File No. LU 09-105652 AD  
 1/4 Section 4024  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E31AB 200  
 Exhibit B (Feb 02, 2009)



**\*Approved\***

**SETBACK**

**City of Portland**

**Bureau of Development Services**

**EXISTING FENCE LINE**

**Planner**

**Date 3/16/2009**

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

LU 09-105652  
Exhibit C-2