



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

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**Date:** May 27, 2009  
**To:** Interested Person  
**From:** Matt Wickstrom, Land Use Services  
503-823-7840 / [WickstromM@ci.portland.or.us](mailto:WickstromM@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 09-119498 CU**

**GENERAL INFORMATION**

**Applicant/**

**Contact Person:** Marty Stiven  
Stiven Planning & Development Services, LLC  
148 Avenue B, Suite 100  
Lake Oswego, OR 97034

**Applicant:** James Mertz, CFO  
Willamette View Inc  
1301 River Road, Suite 1000  
Portland OR 97222

**Property Owner:** Edelman-Berger  
C/O Owen Blank, Tonkin Torp, LLC  
888 SW 5<sup>th</sup> Avenue, Suite 1600  
Portland, OR 97204

**Attorney:** Brent Crew  
Cooney & Crew LLP  
4949 Meadows Road, Suite 480  
Lake Oswego OR 97035

**Site Address:** 800 NW 25TH AVE

**Legal Description:** LOT 14 BLOCK 4, KINGS 2ND ADD; E 1/2 OF LOT 15&16 BLOCK 4, KINGS 2ND ADD; BLOCK 4 LOT 15&16 TL 15700, KINGS 2ND ADD; LOT 12 BLOCK 4, KINGS 2ND ADD; BLOCK 4 LOT 13&16-18 TL 15800, KINGS 2ND ADD

**Tax Account No.:** R452300770, R452300780, R452300790, R452300850, R452300860  
**State ID No.:** 1N1E33BC 15500, 1N1E33BC 15600, 1N1E33BC 15700, 1N1E33BC 15900, 1N1E33BC 15800

**Quarter Section:** 2927

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574  
**Business District:** Nob Hill, contact Kay Wolfe at 503-227-0898  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212

**Zoning:** R1 (Residential 1,000)

**Case Type:** CU (Conditional Use)  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant requests a Conditional Use review to alter the site area of the previous land use review (CU 24-86) which approved changes to the Hillside Residence, a 26-bed convalescent home located at 800 NW 25<sup>th</sup> Avenue. Along with the convalescent home lot, the previous land use review included the lots of four adjacent residences as part of the site area. These residences are located at 2455 NW Johnson Street and 2468, 2476 and 2486 NW Kearney Street. The Hillside Residence discontinued operations in July of 2008; however, a new operator is interested in reopening the facility but without use of the four adjacent residences. Interest has also been expressed by other individuals wishing to purchase the four residences. Separating the residences from the convalescent home site area requires approval through a Type II Conditional Use review.

**Relevant Approval Criteria:**

In order 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

## ANALYSIS

**Site and Vicinity:** The site is currently 35,000 square feet in area. It is occupied by a 1-2 story brick convalescent home and four residential structures. Each structure is located on a separate lot of record with the convalescent home occupying three lots of record. The residential structures at 2455 NW Johnson Street and 2476 NW Kearney Street contain 3 residential dwelling units, the structure at 2486 NW Kearney Street contains 2 dwelling units and the structure at 2468 NW Kearney Street contains 1 dwelling unit. A four space surface parking lot for the convalescent home is accessed from NW Johnson Street. The parking lot is screened from NW Johnson Street by existing landscaping but it not screened from the residential lot to the east which is currently part of the site. Mechanical equipment serving the convalescent home is currently located within the parking area and is screened from the street by a chain link fence with plastic slats.

The surrounding vicinity is rather densely developed with large single-dwelling residences and multi-dwelling structures. The vicinity is approximately 2 blocks from NW 23<sup>rd</sup> Avenue. A synagogue is located across NW Kearney Street from 3 of the residential structures.

**Zoning:** The site is zoned R1 (Residential 1,000). The R1 zone allows multi-dwelling residential development up to a maximum density of one unit per 1,000 square feet of site area and requires a minimum density of one unit per 2,000 square feet for sites less than 10,000 square feet in area. Existing residential development which does not meet the maximum or minimum densities is allowed to remain however, the development cannot go further out of conformance with the minimum or maximum densities of the base zone. Convalescent homes are classified by the Portland Zoning Code as Group Living uses. Group Living uses require approval through a Conditional Use Review in order to operate in the R1 zone. Unless otherwise noted in the findings of this report, existing nonconforming development associated with the residential structures and the convalescent home is subject to the regulations of 33.258 which

requires certain nonconforming development to be brought into conformance with current regulations when permit values exceed a certain amount (\$131,150 as of May 20, 2009).

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

CU 65-82 (LUR 82-002603): Conditional Use approval to allow an existing convalescent home to expand from 20 to 24 residential beds and to add a recreation room. The review also approved a series of variances to reduce the number of loading spaces from 1 to 0, reduce the depth of the east yard from 20 feet to 18 feet, reduced the depth of the north yard from 20 feet to 15 feet, increase the maximum allowed building coverage from 45 percent to 50 percent and reduced the required number of parking spaces to 4. Conditions of approval are quite similar to those listed below under CU 24-86 (LUR 82-002603).

CU 24-86 (LUR 82-002603): City Council approval of an appealed Hearings Officer decision which approved the expansion of the existing convalescent home by 2 beds to a maximum of 26 beds. Conditions of approval require the applicant to provide Tri-met passes for staff and employees, plant street trees, not remove residential structures and provide 4 on-site parking spaces.

08-107238 PR: Completion of a property line adjustment which moved the property line of the convalescent home lot to the north 8 feet so that the required setbacks for the convalescent home and the residence at 2486 NW Kearney are met.

Staff note: Conditions of approval listed above under CU 65-82 and CU 24-86 apply to the approved conditional use site area only. Once residential structures are no longer part of the Conditional Use site area, conditional use rights are lost and the related conditions of approval no longer apply. Once Conditional Use rights are lost, the residential structures revert to the existing regulations for residential structures which apply in the R1 zone. For clarity this information is listed as a condition of approval of this land use review.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **April 28, 2009**. The following Bureaus have responded:

- The Site Development Section of BDS responded with no objections to the proposal provided that conditions of approval are included regarding stormwater management for 2455 NW Johnson Street and 2468 and 2476 NW Kearney Street. Recommended conditions are discussed below under approval criterion D-3 Public Services. (Exhibit E-1).
- The Bureau of Environmental Services responded with information on sanitary services and stormwater management. The response notes that the applicant has repaired the party sewer system that was previously shared between 2486 and 2476 NW Kearney Street and following this repair, BES “can now find that the sanitary waste disposal portion of the public services approval criterion is satisfied”. The response notes no conditions of approval (Exhibit E-2).
- The Development Review Section of Portland Transportation reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. The response notes no objections to the proposal (Exhibit E-3).
- The Portland Water Bureau responded with information on water service. The response notes no objections to the proposal and recommends no conditions of approval (Exhibit E-4).
- The Police Bureau responded that it is capable of serving the proposed use at this time (Exhibit E-5).
- The Life Safety Section of BDS as well as the Fire and Parks Bureaus responded with no concerns (Exhibit E-6).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 28, 2009. One written response has been received from notified property owners in response to the proposal. The response received from neighbors who live across NW 25<sup>th</sup> Avenue from the site

states that they “strongly support this requested conditional use to reduce the site area to exclude the 4 adjacent residential lots” (Exhibit F-1).

## 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

**Findings:** The proposal will actually result in an increased number of uses in the Household Living category because four residential structures will no longer be part of the Conditional Use site for the convalescent home. The proposal also results in a reduced portion of the residential area devoted to a non-Household Living use. Conditional Use rights will be lost for the four residential structures and therefore conditions of approval which allowed them to function as part of the Group Living use will no longer apply. This ensures that the four residences are subject to the regulations for dwelling units in the R1 zone but not those associated with their previous status as a Conditional Use. This criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** The intensity of the Group Living use will increase to the extent that the convalescent home will operate on a smaller site than previously approved in 1986. In actuality, the convalescent home was already operating within the proposed site area and the four residential structures had become rental properties and were already operating as one-to-three dwelling residential structures not associated with the Conditional Use. Therefore the theoretical increase in intensity of the Group Living use will not significantly lessen the overall residential appearance and function of the area. Furthermore, without the Conditional Use status, the four residential structures could achieve the

maximum allowed density in the R1 zone and increase the number of units to four or five depending on the size of the site. In this scenario, the intensity of non-Household Living uses could potentially decrease. The scale of the uses won't change however because no development is proposed as part of this application. This criterion is met.

## **B. Physical compatibility.**

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

**Findings:** No City-designated scenic resources are located at the site; therefore, this criterion does not apply.

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

**Findings:** The proposal is compatible with adjacent residential development. The size of the site will decrease and will therefore become more similar in size to the residential lots which surround it. The building scale and style are not proposed to change as part of this review and as the building has existed in the neighborhood for a number of decades neither the building style nor the scale can be viewed as detractors to its compatibility with the adjacent residential development. In addition, the convalescent home is surrounded by mature attractive landscaping. The setback of the convalescent home from the north property line was corrected through a recent property line adjustment.

The 4-space parking area for the convalescent home however doesn't meet the 5-foot landscaped setback requirement of the Zoning Code on the east property line which it shares with one of the residential structures proposed to be removed from the Conditional Use site area. In order to ensure that the 5-foot landscaped setback is installed along the east property line, a condition of approval has been added to this land use review. The condition states that at the time of the next building permit for the convalescent home, a 5-foot landscaped setback landscaped to the L3 standard of the Portland Zoning Code must be installed between the convalescent home parking area and the east property line. An adequate landscaped setback does separate and screen the parking area from NW Johnson.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

**Findings:** Differences in appearance or scale will not result from the proposal to reduce the size of the Conditional Use site area from 35,000 square feet to 15,400 square feet by eliminating the four lots developed with residential structures from the site. The full site is already developed and setbacks are appropriate for a multi-dwelling residential neighborhood especially considering that the convalescent home is 1 to 2 stories in height and appears more like a ranch-style of development. The lot which contains the convalescent home is well landscaped which helps to better integrate the structure with the neighborhood. However, a cluster of mechanical equipment is located within the parking area and faces NW Johnson Street. The mechanical equipment is screened with a chain link fence which contains plastic slats. This method of screening doesn't meet the requirements of the Zoning Code and screening should be improved to better obscure views of the equipment. In order to ensure that proper screening be installed, a condition of approval has been added with this review. The condition

states that at the time of the next building permit for the convalescent home, the screening around the mechanical equipment located within the parking area must be improved so that it complies with the L2 or F2 standards of the Zoning Code and must be as tall as the mechanical equipment. A couple other air conditioning units are partially visible for the street but current landscaping surrounding those units is adequate. Based on this information and with the condition of approval, 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

**Findings:** The proposed modification to the Conditional Use site area will not have any adverse impacts on the livability of nearby residentially zoned lands. The four residential structures which are currently part of the Conditional Use site area will revert to residential use – a use which is allowed by right in the R1 zone. The convalescent home will continue to operate as a care center with the limitation from the previous land use review of 26 residential beds and all other relevant conditions of approval will be carried forward such as maintaining four off-street parking spaces, providing Tri-Met passes to staff and employees and providing two bicycle parking spaces. Impacts related to noise, glare from lights, late-night operations, odors and litter should continue to be minimal if not non-existent. This criterion is met.

2. Privacy and safety issues.

**Findings:** The proposal will not amount to any negative impacts on the privacy or safety of surrounding uses. The residential structures will revert to residential uses which are allowed by right in the R1 zone and the convalescent home will continue to operate under the Conditional Use conditions of approval which were first applied with the request to expand to 26 beds in 1986. Based on this information, 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;

**Findings:** The site has frontage on NW 25<sup>th</sup> Avenue, NW Johnson Street and NW Kearney Street. The entire site is located within a Pedestrian District. NW 25<sup>th</sup> Avenue is classified as a Neighborhood Collector, Community Transit Street, City Walkway, City Bikeway, a Local Street, Local Service Truck Street and a Minor Emergency Response Street. NW Johnson and NW Kearney Streets are classified as Local Service streets for all classification types as well as a Minor Emergency Response Street. A reviewer from Portland Transportation evaluated the proposal in relation to the street designations of the Transportation Element and found no issues. However, this reviewer did note that if any site with frontage along NW 25<sup>th</sup> Avenue redevelops, it will be required to provide a 3-foot dedication and sidewalk widening improvements as a condition of building permit approval. This criterion is met.

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 transportation reviewer also examined the proposal to consider whether the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. The response states that because the proposal is simply to remove four “existing homes from within the boundary of the current conditional use permit, there will be no additional vehicle trips, or increase in the demand for on-street parking. There are no transportation related concerns. The transportation system will be capable of safely supporting the revised conditional use in addition to the existing uses in the area”. Based on this information, 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 both responded with no concerns. The Bureau of Environmental Services responded with information concerning sanitary services and stormwater management. The response notes that the applicant has repaired the party sewer system that was previously shared between 2486 and 2476 NW Kearney Street and therefore “BES can now find that the sanitary waste disposal portion of the public services approval criterion is satisfied”.

The Site Development Section of BDS responded that improvements to the stormwater systems of three of the residential structures are necessary. The response states that “Site Development would not object to continued use of existing stormwater systems with discharge to the public sewer system to meet the stormwater services approval criteria, contingent on approval by BES, provided that the following conditions of approval are included in the decision for this proposal:

1. 2455 NW Johnson Street: The applicant shall obtain final approval of a Site Development Permit 09-129530 SD for evaluation of the existing stormwater system and to confirm completion of any required stormwater system retrofits. If a separate plumbing permit is required, then the permit shall be finaled prior to approval of the Site Development permit.
2. 2468 NW Kearney Street: The building currently has no gutters or downspouts and there are no records showing approved rain drains or stormwater discharge. An approved revision to building permit 08-177783 RS (to repair fire damage) to include new gutters, downspouts, and rain drains with discharge to a location approved by BES shall be required, or final approval of a separate permit for this purpose shall be required.
3. 2476 NW Kearney: Plumbing permit 09-126191 PT for rain drains shall be finaled. The permit has been issued, but as of this time no inspection results have been posted and the permit has not been finaled.

Based on this information and with the above conditions of approval bringing three residential structures into compliance with stormwater management requirements, 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 located within the Northwest District Plan Boundary and Study Area but is not located with the Northwest Plan District therefore those adopted regulations do not apply to this proposal. The site is also just outside the Alphabet Historic District and therefore those additional regulations also do not apply. 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 proposes a Conditional Use Review in order to reduce the conditional use site area of an existing convalescent home so that it no longer includes four residentially developed lots. As noted in this report, the proposal is able to meet the approval criteria with approval granted based on the increase in Household Living uses which will occur once the residentially developed lots are no longer part of the conditional use site area, the absence of exterior alterations proposed as part of the proposal and conditions of approval which will improve the screening of the parking area and mechanical equipment as well as the stormwater system for three of the homes. With approval requiring that the conditional use site area and conditions of approval apply only to the convalescent home lots as shown on the attached site plan, the request meets the applicable criteria and should be approved.

## **ADMINISTRATIVE DECISION**

Approval of a Conditional Use Review (33.815.105) to reduce the conditional use site area for an approved Group Living use from 35,000 square feet to approximately 15,400 square feet, per the approved site plans, Exhibit C-1, signed and dated May 22, 2009, subject to the following conditions:

- A. As part of the future building and/or site development permit application submittal, the following development-related conditions (B through E) 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 09-119498 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of the next building permit for the convalescent home, a 5-foot landscaped setback landscaped to the L3 standard of the Portland Zoning Code must be installed between the convalescent home parking area and the east property line. This permit applies regardless of the value of the submitted building permit. This requirement may be modified through an approved Adjustment Review.
- C. At the time of the next building permit for the convalescent home, the screening around the mechanical equipment located within the parking area must be improved so that it complies with the L2 or F2 standards of the Zoning Code and must be as tall as the mechanical equipment. This condition applies regardless of the value of the submitted building permit. This requirement may be modified through an approved Adjustment Review.
- D. The residential sites located at 2455 NW Johnston Street and 2468, 2476 and 2486 NW Kearney Street are no longer subject to the conditions of approval of CU 24-86 (LUR 82-



002603) as these sites no longer possess conditional use rights to the Group Living use. Conditions of approval of CU 24-85 (LUR 82-002603) remain applicable to the convalescent home located at 800 NW 25<sup>th</sup> Avenue. In particular the following three conditions still apply (others have been met or are no longer applicable):

1. The applicant shall provide Tri-Met bus passes for staff-employees who want such passes. The applicant shall strongly encourage all employees to use public transportation, carpool, bicycles or walk to work.
2. Two bicycle parking spaces must be installed which meet the rack design requirements of the Portland Bureau of Transportation.
3. The applicant shall provide a minimum of four off-street parking spaces. If landscaping improvements require removal of one parking space, the number of required spaces is reduced to three.

E. The following stormwater related improvements are required:

1. 2455 NW Johnson Street: The applicant shall obtain final approval of a Site Development Permit 09-129530 SD for evaluation of the existing stormwater system and to confirm completion of any required stormwater system retrofits. If a separate plumbing permit is required, then the permit shall be finalized prior to approval of the Site Development permit.
2. 2468 NW Kearney Street: The building currently has no gutters or downspouts and there are no records showing approved rain drains or stormwater discharge. An approved revision to building permit 08-177783 RS (to repair fire damage) to include new gutters, downspouts, and rain drains with discharge to a location approved by BES shall be required, or final approval of a separate permit for this purpose shall be required.
3. 2476 NW Kearney: Plumbing permit 09-126191 PT for rain drains shall be finalized. The permit has been issued, but as of this time no inspection results have been posted and the permit has not been finalized.

**Staff Planner: Matt Wickstrom**

**Decision rendered by:**  **on May 22, 2009**

By authority of the Director of the Bureau of Development Services

**Decision mailed: May 27, 2009**

**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 April 7, 2009, and was determined to be complete on April 21, 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 April 7, 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 did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 10, 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 Hearings Officer 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 Hearings Officer 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 **June 11, 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.

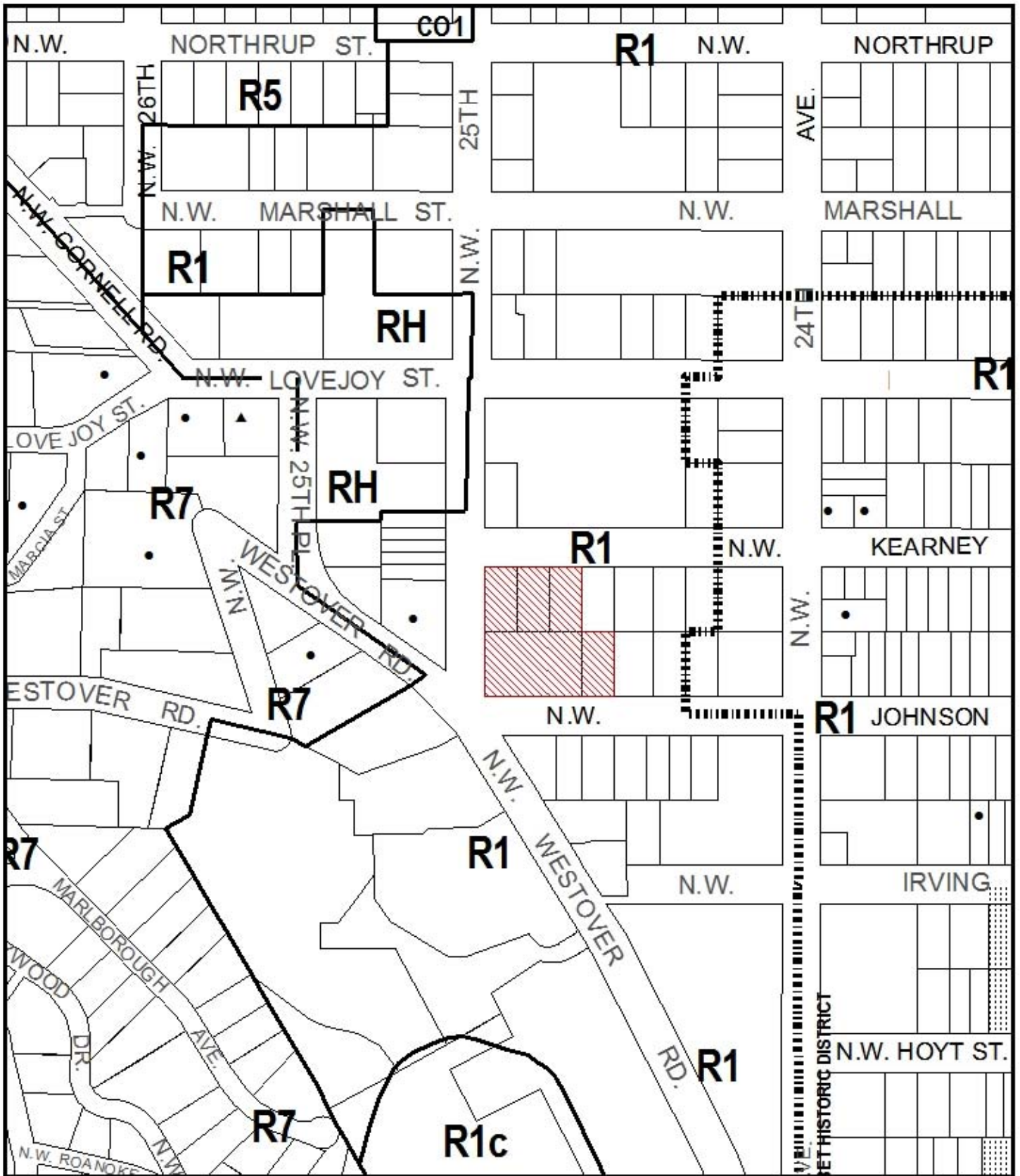
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:


1. Site Development Section of BDS
  2. Bureau of Environmental Services
  3. Portland Bureau of Transportation
  4. Water Bureau
  5. Police Bureau
  6. Summary Sheet of Agency Responses
- F. Correspondence: 1 letter
1. Dennis B. Smith, received May 19, 2009, support of proposal
- G. 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 503-823-7300 (TTY 503-823-6868).**



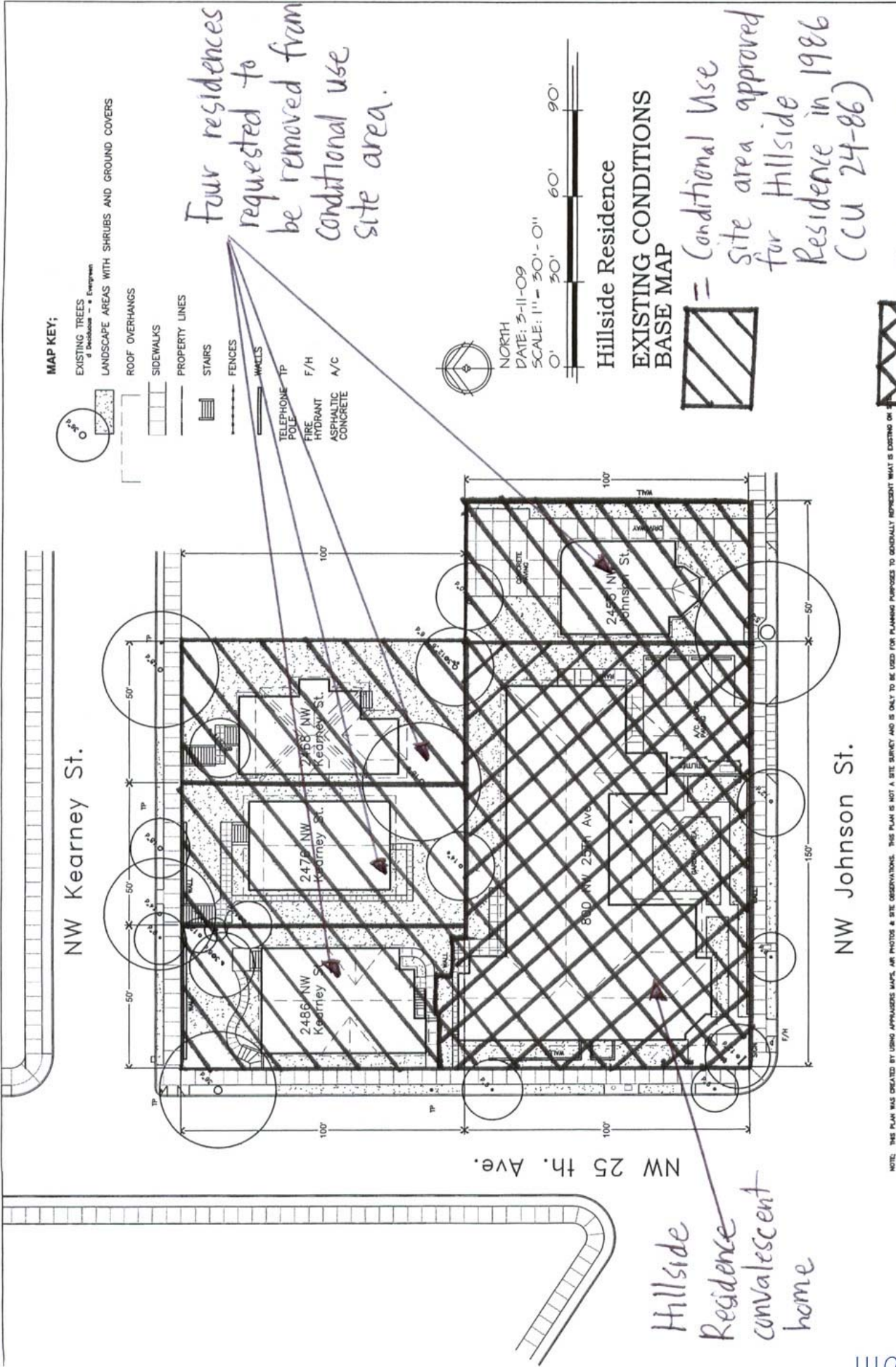
# ZONING

 Site

 Historic Landmark



File No.	LU 09-119498 CU
1/4 Section	2927
Scale	1 inch = 200 feet
State_Id	1N1E33BC 15800
Exhibit	B (Apr 08,2009)



NOTE: THIS PLAN WAS CREATED BY USING APPROXIMATE MAPS, AIR PHOTOS & SITE OBSERVATIONS. THIS PLAN IS NOT A SITE SURVEY AND IS ONLY TO BE USED FOR PLANNING PURPOSES TO GENERALLY REPRESENT WHAT IS EXISTING ON

Hillside Residence convalescent home

Type II Conditional Use Renew to reduce site area for an approved 26-bed convalescent home to exclude 4 adjacent residential lots