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CITY OF  
**PORTLAND, OREGON**

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HEARINGS OFFICE

1900 S.W. 4<sup>th</sup> Avenue, Room 3100  
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[www.portlandonline.com/auditor/hearings](http://www.portlandonline.com/auditor/hearings)

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**DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE**

**File No.:** LU 09-110013 PR AD (HO 4090014)

**Applicant:** Harsch Investment Properties LLC  
1121 SW Salmon Street, 5th Floor  
Portland, OR 97205

**Representative:** Steven Siegel, Siegel Consulting  
3787 SW Lyle Court  
Portland, OR 97221

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff Representative:** Noelle Elliott

**Site Address:** 915 SW Stark Street

**Legal Description:** EXC PT IN SW OAK ST LOT 1&2 BLOCK 861/2 LOT 3-6 BLOCK 861/2, PORTLAND

**Tax Account No.:** R667708970

**State ID No.:** 1N1E34CC 02800

**Quarter Section:** 3029

**Neighborhood:** Downtown Community Association

**Business District:** Downtown Retail Council

**District Coalition:** Neighbors West/Northwest

**Plan District:** Central City – Downtown

**Zoning:** CXd: Central Commercial Zone with a Design Overlay

**Land Use Review:** Type III, PR AD: Parking Review with an Adjustment  
**BDS Staff Recommendation to Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 3:00 p.m. on May 27, 2009, in Room 2500A at 1900 SW 4<sup>th</sup> Avenue, Portland, OR, and was closed at 3:25 p.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed at the end of the hearing.

**Testified at the Hearing:**

Noelle Elliott, BDS Staff Representative

Steve Siegel, Siegel Consulting, 3787 SW Lyle Court, Portland, OR 97221

**Hearings Officer Decision:** It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated May 8, 2009, and to issue the following approval.

Approval of a Central City Parking Review:

1. Twenty (20) Preservation Parking Spaces within the basement level of the Federal Reserve Building, to serve the building at 917 SW Oak Street;
2. Two (2) long-term bicycle-parking spaces within the basement level of the Federal Reserve Building, as is required by the zoning code for Preservation Parking. This is based on a ratio of one new bicycle parking space per 14 motor vehicle parking spaces (33.510.263.B.4.c.); and
3. Adjustment to Parking – Development Standards for All Other Uses (Dimensions of Drive Aisles and Parking Stalls, PZC 33.266.130]: allowing for drive aisles widths that measure 9'-0", 14'-8", and 15'-5", and angled parking stalls with a depth of 16'-0".

The approval is subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-110013 PR AD. No field changes allowed.

**Basis for the Decision:** BDS Staff Report in LU 09-110013 PR AD (HO 4090014), and Exhibits A-1 through H-3, and the hearing testimony from those listed above.

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Gregory J. Frank, Hearings Officer

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Date

<b>Application Deemed Complete:</b>	March 25, 2009
<b>Report to the Hearings Officer:</b>	May 15, 2009
<b>Decision Mailed:</b>	May 29, 2009
<b>Last Date to Appeal:</b>	4:30 p.m., June 12, 2009
<b>Effective Date (if no appeal):</b>	June 15, 2009

**Appeal of the decision.** ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4<sup>TH</sup> 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 4th Floor. **An appeal fee of \$4,916.50 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:** You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, 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 Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to 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.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. 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 prior to filing your appeal; please allow three working days for fee waiver approval.

**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.

- 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. Statement and Drawings
- B. Zoning Map
- C. Plans & Drawings
  - 1. Site Plan
  - 2. Basement Level Garage Plan
- 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. Life-Safety Plans Examiner of the Bureau of Development Services
  - 3. Water Bureau
  - 4. Bureau of Transportation Engineering and Development Review
- F. Letters: None
- G. Other
  - 1. Original LUR Application
  - 2. Site History Research
- H. Received in the Hearings Office:
  - 1. Notice of Hearing – Elliott, Noelle
  - 2. Staff Report – Elliott, Noelle (**attached**)
  - 3. PowerPoint presentation – Elliott, Noelle