



CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR
Hearings Office

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 10-116154 TPA (HO 4100006)

Applicants: Dave Logsdon, City of Portland
1120 SW 5th Avenue #1204
Portland, OR 97204

Merritt Paulson, Peregrine Development LLC
1844 SW Morrison Street
Portland, OR 97205

Applicants' Representative: Elliott Veazey, Icon Venue Group
958 E Dupler Road
Sandy, UT 84094

Hearings Officer: Christina A. Austin-Smith

Bureau of Development Services (BDS) Staff Representative: Kara Fioravanti

Site Address: 1844 SW Morrison Street

Legal Description: TL 5800 2.82 ACRES, SECTION 33 1N 1E; TL 800 6.95 ACRES,
SECTION 33 1N 1E

Tax Account No.: R941330460, R941330530

State ID No.: 1N1E33DC 05800, 1N1E33DC 00800

Quarter Section: 3027

Neighborhood: Goose Hollow

Business District: Goose Hollow Business Association

District Coalition: Neighbors West/Northwest

Plan District: Central City - Goose Hollow

Zoning: OSd, Open Space with design overlay and CXd, Central Commercial with design overlay

Land Use Review: Type III, TPA, Traffic and Parking Analysis

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:32 p.m. on May 12, 2010 in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 2:08 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:

Kara Fioravanti, BDS Staff Representative

Elliott Veazey, Icon Venue Group, 958 E. Dupler Rd., Sandy UT 84094

Jerry Powell, Goose Hollow Neighborhood Association Planning Committee, 1926 SW Madison St., Portland OR 97205

Fabio de Freitas, Portland Bureau of Transportation

Michael Coleman, Kittelson & Associates, 610 SW Alder St., Portland OR 97205

Proposal: This land use review is a Type III Traffic and Parking Analysis. This land use review is required because some of the Portland General Electric (PGE) Park Major League Soccer ("MLS") renovation is proposed on the Multnomah Athletic Club ("MAC") site, which is the CXd portion of the site. The development on the MAC site includes the PGE Park Physical Therapy Clinic and some south-end seating for the PGE Park Stadium ("Stadium").

Pursuant to Condition of Approval 'A' of the 1995 Zone Change approval for the MAC (LUR 95-00743 ZC), the proposed development for the PGE Park MLS renovation is subject to a Type III Traffic and Parking Analysis.

Conditions of Approval in LUR 95-00743 ZC state the following:

"A. A new Traffic and parking analysis must be reviewed and approved through a Type III process prior to any development on this site other than the six uses approved in LUR 91-00740 MS and listed below:

- 1. An addition of 50,000 square feet to the west end of the clubhouse for athletic and club-related activities.*
- 2. Remodel of baby sitting facilities in the Salmon Street parking garage.*

3. *Enclosure of open area for storage at the west end of the Salmon Street parking garage.*
 4. *The use of 40 parking spaces in the 21st Avenue parking garage for 90th percentile events after 5:00 pm.*
 5. *Development of residential housing on Block 2 (This has occurred).*
 6. *Development of mixed use or residential housing on Block 7.*
- The traffic and parking analysis may be based on the proposed development or may include the range of uses allowed in the CX zone. The approval criteria for the review will be that the transportation system is capable of supporting the proposed use or uses allowed by the zone or will be capable of supporting those uses by the time development is complete, as required by PCC 33.855.050.B.*

B. All uses on this site are subject to the transportation and parking mitigation plan and demand management plan set out on pages 30-43 of the Master Plan. In addition, the Multnomah Athletic Club will report on an annual basis the results of the Event Parking Program."

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are found in the Conditions of Approval of LUR 95-00743 ZC, which states the following: "*A. ...The approval criteria for the review will be that the transportation system is capable of supporting the proposed use or uses allowed by the zone or will be capable of supporting those uses by the time development is complete, as required by PCC 33.855.050.B. B. All uses on this site are subject to the transportation and parking mitigation plan and demand management plan set out on pages 30-43 of the Master Plan. In addition, the Multnomah Athletic Club will report on an annual basis the results of the Event Parking Program."*

II. ANALYSIS

Site and Vicinity: The Stadium was built in 1926 with architectural plans by A.E. Doyle and Morris H. Whitehouse. The open-air building is constructed of reinforced concrete, with concrete tiered seating and concrete walls with round-arch openings and coping and belt cornices.

The Stadium site is located between SW 18th and 20th Avenues, fronts onto SW Morrison Street to the north and has a standing agreement with the MAC (the original owner of the Stadium) to use a portion of the MAC property. The site, therefore, includes the MAC property located at 1849 SW Salmon Street. The current MAC was built in 1971 and designed by Wolff, Zimmer, Frasca, Ritter Architects. An earlier club building burned in 1910 and the replacement structure was demolished to make way for the current structure. The existing building is of concrete, topped by a weathered-steel barrel-vaulted roof. Portions of the building have brick or stucco veneer. A five-story addition to the original clubhouse was constructed in 1998.

The Westside Light Rail line runs along SW 18th Avenue, on the east side of the site. The Central

City Transportation Management Plan classifies SW 18th Avenue as a Regional Trafficway, a Major Transit Priority Street, a Central City Bikeway, and a Central City Transit/Pedestrian Street. Southwest Morrison is designated a Transit Access Street, and the site is within the Goose Hollow Pedestrian District. Nearby light rail stations for the MAX line occur at SW Yamhill/SW Morrison between SW 18th and SW 17th Avenues, and at SW 18th between SW Taylor and SW Salmon Streets.

Apartments and condominiums are located to the southwest and to the north. Other development nearby includes apartments, older single residences, and mixed-office, retail, and commercial uses.

Zoning: As noted above, the site includes PGE Park and the MAC. The portion of the site that includes PGE Park is zoned OSd. The portion of the site that includes MAC is zoned CXd.

The Open Space (OS) zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas.

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of Design Districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring Design Review. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate the following land use reviews for this site.

The Design Commission recently voted 3-2 to approve with conditions a Design Review for the PGE Park renovation for MLS, LU 09-179009 DZ. Some of the proposed work approved in this Design Review is what requires this pending Traffic and Parking Analysis Review. (*The related Design Advice Request (DAR), EA 09-152395 DA reviewed the PGE Park renovation for MLS. Meetings with the Design Commission to review preliminary plans were held on September 17, 2009 and on November 19, 2009.*)

LU 07-105046 DZM approved of a remodel of the south scoreboard at PGE Park, including the following two Modifications: to allow the sign to have 313.8 square feet of "changing image" area on a 618 square-foot sign, and to allow the free-standing sign to be larger than 100 square feet overall. LUR 01-00162 DZM approved a Design Review with Modification for 242.5 square feet

of changing image sign within a new 605 square-foot scoreboard, and eight new banners. The Design Commission approved **LUR 01-00049 DZM** for two new free-standing sculptures at the entry plaza areas, in March of 2001.

The comprehensive Design Review for signs at the Stadium was reviewed under **LUR 00-00228 DZM** and approved by Design Commission in June 2000. Earlier in the year, **LUR 00-00066 DZ** was approved by the Design Commission for a proposal including seismic upgrades, American Disabilities Act ("ADA") compliant concourse levels and seating, the replacement of the 18th Avenue wall with open fencing, and a number of additions and alterations to the existing plazas on SW Morrison Street. The conditions imposed by the Design Commission in **LUR 00-00066 DZ** included:

- B. An informational plaque addressing the history and existence of Tanner Creek is to be affixed to the Stadium wall along SW Morrison Avenue ONLY if the art chosen for the site does not clearly relate to the Historic Tanner Creek.;
- C. The initial primary sign proposal, exterior art funded through the percent for public art program, and any additional bleacher seating will be subject to Type III review(s) before the Design Commission; and
- D. proposal for the night-time lighting of the back of the scoreboard must be submitted for review and approval concurrent with the review of the initial primary sign proposal.

There are two prior land use reviews that evaluated PGE Park bike parking Adjustment requests. **LUR 01-00641 AD** approved an Adjustment to provide less than the 775 required long-term bike parking spaces at PGE Park (this bike parking requirement was based on a maximum seating capacity of 31,000 seats). Approval was granted to provide 12 uncovered spaces (at six existing "staple" racks) within the property lines, located at the mid-block ends of both main plazas on SW Morrison Street. The approval also waived the requirement that 50% of the long-term bike spaces be covered. The approval is subject to the following condition: B. The applicant will be required to present a bicycle count and an attendance count for each event over a two-year period (beginning on the mailing date of this decision) to the Portland Bureau of Transportation (PBOT). An earlier proposal for bike parking at the Stadium was approved under **LUR 00-00803 AD**. This case requested four Adjustments to the required bike parking, for quantity, location, permanence, and weather protection. The Stadium was not able to meet the parameters of the approved proposal and thus requested the Adjustment that was approved under **LUR 01-00641 AD**.

Two recent, minor Design Reviews at the MAC site include: **LU 06-143433 DZ**, which approved new roof access ladders and platforms on the west-façade of the MAC building; and **LU 05-111311 DZ**, which approved Design Review for the addition of a door and canopy at the fourth floor, east elevation of the MAC parking structure.

Prior to the above reviews, **LUR 97-00184 UD** was a Use Determination concerning Condition of Approval A. under **LUR 95-00743 ZC** and a 50,000 square foot addition to the MAC (approved under **LUR 97-00066 DZ**). Both the Condition of Approval A. and the large MAC addition were upheld in this Use Determination Review. **LUR 97-00066 DZ** was an approval by the Design

Commission for a 50,000 square-foot addition to the MAC. **LUR 96-00692 DZ** was a Design Review approval for a reconfigured loading dock and yard at the MAC to accommodate the Light Rail Station, and **LUR 96-00447 DZ** was a Design Review approval for painted wall signs. **LUR 95-00873 MS** was a denial of reconsideration and clarification of the status of the MAC Master Plan.

Also in 1995, **LUR 95-00743 ZC** was approved with conditions to amend the zoning at the MAC site from RH to CXd. This 1995 Zone Change approval was subject to the following two pertinent conditions:

- A. A new Traffic and parking analysis must be reviewed and approved through a Type III process prior to any development on this site for other than the six uses approved in **LUR 91-00740 MS**. The traffic and parking analysis may be based on the proposed development or may include the range of uses allowed in the CX zone. The approval criteria for the review will be that the transportation system is capable of supporting the proposed use or uses allowed by the zone or will be capable of supporting those uses by the time development is complete, as required by PCC 33.855.050.B., and
- B. All uses on this site are subject to the transportation and parking mitigation plan and demand management plan set out on pages 30-43 of the Master Plan. In addition, the Multnomah Athletic Club will report on an annual basis the results of the Event Parking Program.

It is this **LUR 95-00743 ZC** Condition of Approval A. that requires this pending Traffic and Parking Analysis Review.

A Master Plan was approved for the MAC in 1992 in **LUR 92-00813 MS**, with the Conditional Use for the Master Plan being approved with conditions under **LUR 91-00740 MS**. **CU 89-90** was an earlier amended Master Plan, dating from 1990, which was approved with conditions. Prior to these cases, **CU 31-71** approved an addition to the MAC, with conditions, in 1971, and **VZ 37-63** was an approval with conditions for signs to be installed on SW 18th Avenue along the Stadium frontage in 1963. Finally, **CU 22-63**, also dating from 1963, was an approval for the first phase of replacement of the MAC building.

Agency Review: A "Request for Response" was mailed **March 29, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (BES)
- Water Bureau
- Fire Bureau
- BDS, Fire Life Safety (*A Building Permit has previously been applied for. Please refer to correspondence from the Life Safety plans examiner, David Jones, for building code-related comments.*)
- BDS, Site Development
- Bureau of Parks-Forestry Division

The Bureau of Transportation Engineering responded with the following comment: (Exhibit E-1)

Portland Bureau of Transportation/Development Review (PBOT) has 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.

STREET CLASSIFICATION

The overall PGE Park site has frontages along three streets, SW Morrison, SW 18th Ave and SW 20th Ave. At this location, the City's Transportation System Plan classifies the streets as follows:

- *SW Morrison is classified as a Local Service street for all transportation modes, except one. It is always classified as a Transit Access street.*
- *SW 18th Ave is a Traffic Access street, Regional Transitway & Major Transit Priority street, City Bikeway, Central City Transit/Pedestrian street, Major Emergency Response street and a Community Main Design street.*
- *SW 20th Ave is classified as a Local Service street for all transportation modes. The site is also located within the Goose Hollow Pedestrian District.*

PBOT comments are included in the findings below. PBOT is supportive of the submitted traffic and parking analysis.

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on April 22, 2010. No written responses have been received. Mr. Jerry Powell appeared at the hearing on behalf of the Goose Hollow Neighborhood Association Planning Committee.

Hearings Officer's Opening Observations: It is the Hearings Officer's understanding, based on the above, that this Type III land use review is connected to the overall renovation of the PGE Park Stadium to accommodate Major League Soccer, but that it is limited only to development on the MAC-owned portion of the site. The exact location of this development on MAC property is illustrated on Exhibit C1, Site Plan. Specifically, the applicant's Land Use Review Application (Exhibit G1) states: "Work includes the addition of stands and service buildings along the eastern boundary of the site. In particular the PGE Park Physical Therapy Clinic located in the Southeast corner of the project site." The Hearings Officer asked for clarification about the scope of additional seating, as most of the BDS staff report is focused on the clinic, which is the larger, more significant portion of this application. The response from BDS staff was that it was very minimal, under 50 new seats (refer to oral testimony at hearing by Fioravanti).

ZONING CODE APPROVAL CRITERIA

Conditions of Approval in LUR 95-00743 ZC state the following:

“A. A new Traffic and parking analysis must be reviewed and approved through a Type III process prior to any development on this site other than the six uses approved in LUR 91-00740 MS and listed below:

- 1. An addition of 50,000 square feet to the west end of the clubhouse for athletic and club-related activities.*
- 2. Remodel of baby sitting facilities in the Salmon Street parking garage.*
- 3. Enclosure of open area for storage at the west end of the Salmon Street parking garage.*
- 4. The use of 40 parking spaces in the 21st Avenue parking garage for 90th percentile events after 5:00 pm.*
- 5. Development of residential housing on Block 2 (This has occurred).*
- 6. Development of mixed use or residential housing on Block 7.*

The traffic and parking analysis may be based on the proposed development or may include the range of uses allowed in the CX zone. The approval criteria for the review will be that the transportation system is capable of supporting the proposed use or uses allowed by the zone or will be capable of supporting those uses by the time development is complete, as required by PCC 33.855.050.B.

B. All uses on this site are subject to the transportation and parking mitigation plan and demand management plan set out on pages 30-43 of the Master Plan. In addition, the Multnomah Athletic Club will report on an annual basis the results of the Event Parking Program.”

33.855.050 Approval Criteria for Base Zone Changes

An Amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

B. Adequate public services.

- 2. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand projections for that zone or area, which are then applied to the size of the site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.**

Findings: The Applicant has provided a Transportation Impact Study (TIS) prepared by Kittelson & Associates, Inc. The study was prepared to address transportation impacts associated with the PGE Park renovations related to the proposed on-site, 15,000 square-foot, physical therapy clinic that will be located near the northwest corner of SW 18th Avenue/SW Salmon Street (southeast corner of the

Stadium). Access to the proposed clinic will be provided along the west side of SW 18th Avenue between SW Salmon and SW Taylor Streets. Patrons of the clinic will be able to park at a surface parking lot at the northeast corner of SW 18th Avenue/SW Salmon Street or at various on-street parking spaces in the area.

The TIS has accurately indicated that transportation facilities in the area include the adjacent roadways, pedestrian facilities, bicycle facilities and transit facilities. Southwest 18th Avenue and SW Salmon Street are currently constructed to City standards with paved travel lanes and on-street parking amenities. The streets are classified in the City of Portland Transportation System Plan (TSP) as Traffic Access Streets, which are intended to provide access throughout the Central City to accommodate high-density land use patterns and to support pedestrian, bicycle and transit activities.

The SW 18th Avenue and SW Salmon Street frontages of the site are improved with sidewalk corridors, complete with mature street trees and street lighting. The TSP also classifies these streets as City Walkways and City Bikeways. Though there are no dedicated bike lanes along SW 18th Avenue or SW Salmon Street, bicycles are expected to share the roadway. The City's recently updated Bicycle Master Plan (Action Plan and Projects List) do not include improvements to either street in the near future. However, as part of a recently approved Design Review for the renovations to PGE Park, there will be enhanced/additional bicycle parking opportunities provided.

With regard to transit facilities, TriMet provides both bus and light rail service along the site's frontages. The King Hill/Salmon Street Max Station is located in the center of SW 18th Avenue directly in front of the main entrance to the proposed clinic. Frequent light rail service is available from this point to the metropolitan region. Two TriMet bus stops are also located near the main entrance of the proposed clinic along SW 18th Avenue and there are several other stops and bus lines available in the nearby area.

With regard to the transportation system's capacity, the TIS addressed the intersection of SW 18th Avenue/SW Salmon Street. Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level-of-service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level-of-service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay.

The Applicant conducted all LOS analyses in accordance with the procedures stated in the 2000 Highway Capacity Manual. LOS analyses were performed for the aforementioned intersection under existing PM peak hour traffic conditions, under 2012 (expected year of clinic build-out) background traffic conditions without the proposed clinic, and under 2012 total traffic conditions (including the proposed clinic). In each analysis, a conservative mode split was incorporated recognizing the Max stop located adjacent to the main entrance of the proposed clinic and the robust multi-modal transportation network in the surrounding area. Accordingly, the results of the analyses indicate that the LOS at SW 18th Avenue/SW Salmon Street, with both 2012 traffic and the clinic's estimated trip generation taken into account, will remain at the current level C, well within acceptable levels for the City of Portland.

PBOT accepted the TIS methods, calculations and conclusions and therefore, concluded that the transportation system facilities and capacity will be capable of supporting the proposal in addition to existing uses in the area.

The approval criteria are met.

A supporter spoke in favor of the proposed action (Oral testimony at hearing by Jerry Powell, Chair of the Goose Hollow Neighborhood Association Planning Committee), but did note that parking is a major concern in the neighborhood. The supporter stated his issue is not with this applicant's project, but rather it is with the turnover of parking spaces, specifically the length of time allowed for on-street parking in the immediate vicinity of this project, which is long-term, 3-5 hours. The supporter testified that the neighbors understand off-street parking is available for the PT clinic in a nearby lot, at 18th and Salmon. However, since there could be times when the demand for parking that the applicant is predicting at the PT clinic might exceed parking capacity in the lot at 18th and Salmon, the supporter suggested a condition be imposed. The condition would address PBOT's assignment of long-term parking in that area, with a request that it be reduced to 90 minutes or 2 hours, whatever is more appropriate.

A representative from PBOT addressed the need for this condition (Oral testimony at hearing by Fabio de Freitas) and testified that this particular concern is not directly related to this proposal. He stated the approval criteria have been addressed in PBOT's response (Exhibit E-1), and the recommendation is that approval criteria have been satisfied. Applicant's representative (Oral testimony at hearing by Michael Coleman, traffic engineer for Kittelson & Associates), explained that in the context of the overall project to renovate the Park, they have had conversations with PBOT to see if parking could potentially be changed to a time period that is more satisfactory to neighbors. He explained the City is highly deferential to adjacent property owners and at this time it appears likely at the time development is complete, that parking on the west side of 18th Avenue could be changed from 5 hours to 90 minutes (about 6-8 stalls). However, it appears likely the time will not change on the east side of 18th Avenue.

The Hearings Officer finds that the PBOT response to BDS has adequately addressed the availability of parking for this specific applicant's proposal, and concurs with the finding that the

transportation system facilities and capacity will be capable of supporting the proposal in addition to existing uses in the area. Based on the evidence submitted by the applicant and report from BDS, the Hearings Officer finds the approval criteria are met. Based on the PBOT assessment and PBOT testimony at the hearing, the Hearings Officer also finds the condition to approval suggested by Mr. Powell at the hearing is not required.

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.

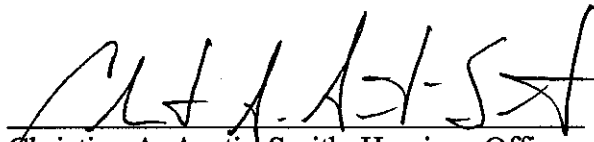
III. CONCLUSIONS

The approval criteria are met.

IV. DECISION

Approval of a Type III Traffic and Parking Analysis to allow the portion of the PGE Park Major League Soccer [MLS] renovation that is proposed on the Multnomah Athletic Club (MAC) site. Approval subject to the following condition:

- A. As part of the building permit application submittal, each of the four required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-116154 TPA. No field changes allowed."


Christina A. Austin-Smith, Hearings Officer

May 26, 2010
Date

Application Deemed Complete: March 25, 2010
Report to Hearings Officer: April 30, 2010
Decision Mailed: May 27, 2010
Last Date to Appeal: 4:30 p.m., June 10, 2010
Effective Date (if no appeal): June 11, 2010 Decision may be recorded on this date

Conditions of Approval. 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(s) 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., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$3,561.50 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(s). 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(s), 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.

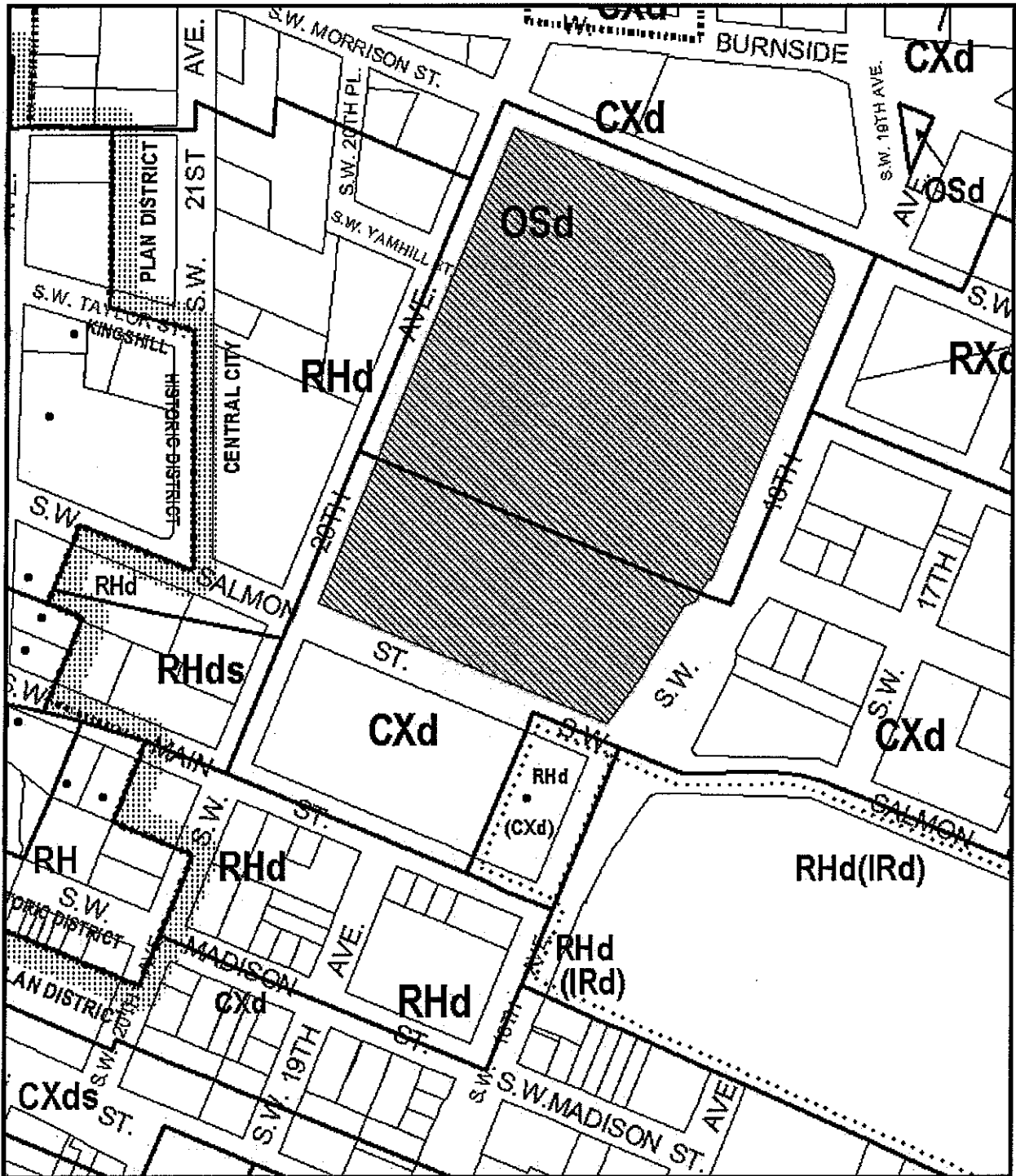
Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the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

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. Applicants' Statement
- B. Zoning Map (**attached**)
- C. Plans & Drawings:
 - 1. Site Plan (**attached**)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to Applicant
 - 3. Notice to be posted
 - 4. Applicants' statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
- F. Letters: None received
- G. Other:
 - 1. Original LUR Application
 - 2. Site History Research
- H. Received in the Hearings Office:
 - 1. Hearing Notice - Fioravanti, Kara
 - 2. Staff report - Fioravanti, Kara
 - 3. Copy of Exhibit E-1 - Fioravanti, Kara
 - 4. PowerPoint presentation – Fioravanti, Kara



ZONING

-  Site
-  Historic Landmark

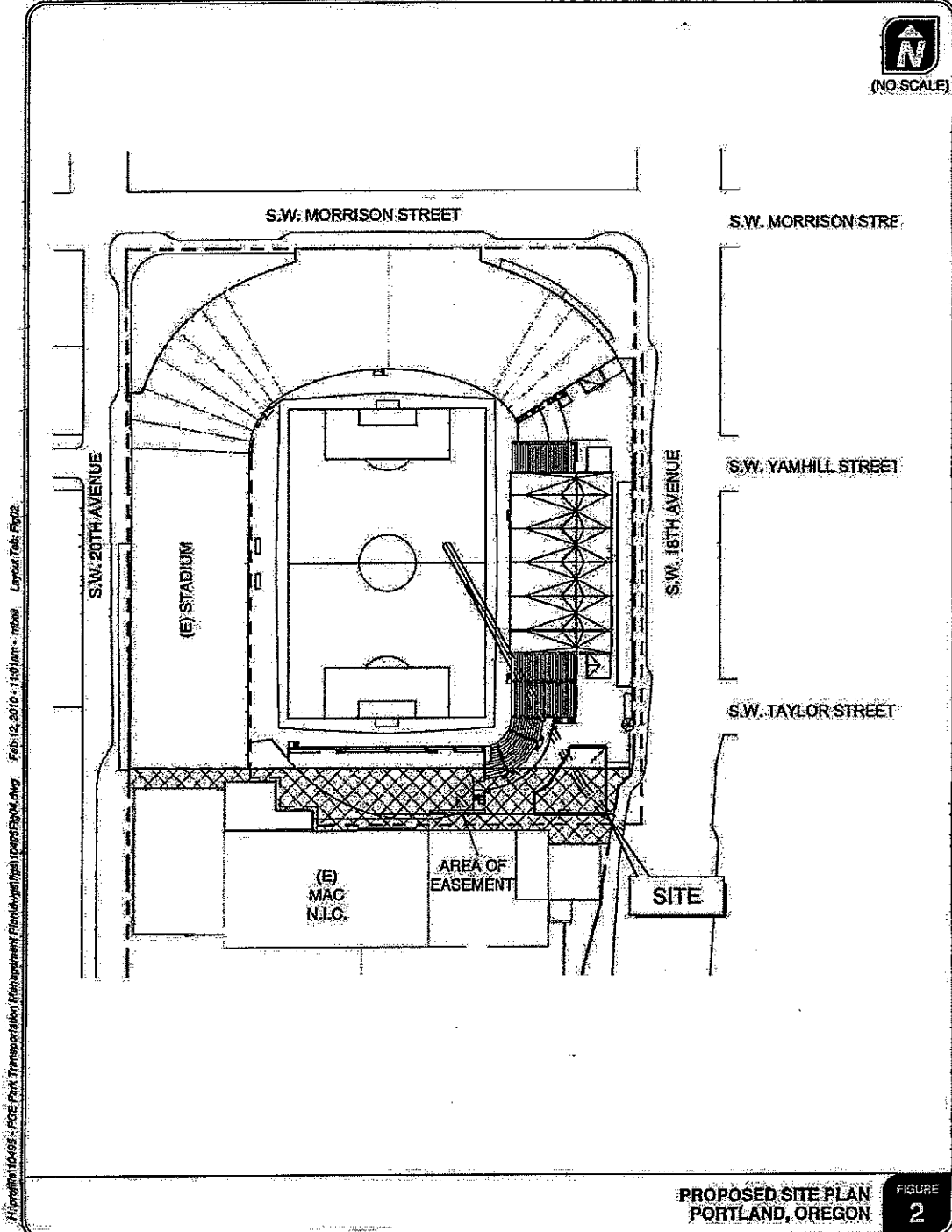


This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 10-116154
1/4 Section	3027,3028
Scale	1 inch = 200 feet
State_Id	1N1E33DC 800
Exhibit	B (Mar 08,2010)

PGE Physical Therapy Clinic

February 2010



PROPOSED SITE PLAN
PORTLAND, OREGON
FIGURE
2

KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING

LU 10-116154 ERH C.1