



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** March 22, 2012  
**To:** Interested Person  
**From:** Douglas Hardy, Land Use Services  
503-823-7816 / [Douglas.Hardy@portlandoregon.gov](mailto:Douglas.Hardy@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved with conditions** 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 11-202061 NU**

#### **GENERAL INFORMATION**

**Applicant:** Sharon Blair, property-owner  
OLSKB LLC  
P.O. Box 18147  
Portland, OR 97218

Donna Keough  
508 W 44th Street  
Vancouver, WA 98660

**Site Address:** 2111 NE 43<sup>rd</sup> Avenue

**Legal Description:** Block 21, E 1/2 of Lot 7 & 8, Rossmere  
**Tax Account No.:** R729802660  
**State ID No.:** 1N2E30CB 18800  
**Quarter Section:** 2835

**Neighborhood:** Grant Park, contact Geoff Hyde at 503-281-4097  
Hollywood, contact Doug Hamilton at 503-249-5839

**Business District:** Hollywood Boosters, contact Spencer May  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575  
Central Northeast Neighbors, contact Alison Stoll at 503-823-3156

**Plan District:** Hollywood (Subdistrict B)  
**Zoning:** Office Commercial 1 (CO1)

**Case Type:** Nonconforming Situation review (NU)  
**Procedure:** Type II, Administrative decision with appeal to the Hearings Officer

**PROPOSAL**

The site, located in an Office Commercial 1 (CO1) zone, is currently developed with a two-story, 2,040 square foot building occupied by Portland Sewing, a Retail Sales and Service. Portland Sewing provides sewing classes to the public, and sells fabric, notions and sewing machines. While Retail Sales and Service uses are prohibited in the CO1 zone, the existing use has previously been documented as a legal nonconforming use at this site.

The applicant is proposing a one-story, 950 square foot addition on the south end of the building which will accommodate additional floor area for the sale of fabric, notions and sewing machines. The applicant states that the existing business employs one full time and six part-time contractors, with approximately 130 customers coming to the site weekly. With the proposed addition, the number of employees will remain the same, and the number of customers is expected to increase by 30 to 50 per week.

Because the business is a legal nonconforming use, the floor area expansion requires a Type II Nonconforming Situation Review.

**RELEVANT APPROVAL CRITERIA**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Zoning Code Section 33.258.080 - Nonconforming Situation Review.

**ANALYSIS**

**Site and Vicinity:** The site, currently 5,000 square feet in area, is located at the northwest corner of NE Tillamook Street and NE 43<sup>rd</sup> Avenue. The property is currently developed with a two-story building that has its main entrance oriented to NE 43<sup>rd</sup> Avenue. A small driveway/parking area is located in the north setback area, and accessed from NE 43<sup>rd</sup> Avenue. The area where the addition is proposed (along the site's NE Tillamook Street frontage) is currently landscaped with shrubs and groundcover.

Blockfronts facing NE Tillamook Street within a two to three block radius are developed predominantly with one-story retail and office uses, as well as surface parking. The exceptions are a two-story office building located immediately east of the subject site, and a three-story mixed-use building located catercorner from the site. Properties along NE 43<sup>rd</sup> Avenue (north of NE Tillamook Street) are developed primarily with one-story homes.

There are no on-street parking restrictions along NE Tillamook Street (within two blocks of the subject site). Along NE 43<sup>rd</sup> Avenue (between NE Tillamook Street and NE Thompson Street), there is no on-street parking allowed on the east side of the street, with a 20-minute parking limit along the west side only in front of the subject site. There are no on-street parking limitations on the remainder of the west side of NE 43<sup>rd</sup> Avenue.

Northeast Tillamook Street serves as the northern boundary of the Hollywood Pedestrian District, and is a designated Transit Access Street. Northeast 43<sup>rd</sup> Avenue is a local service street for all designations. As part of the proposed development, Portland Bureau of Transportation will require a 3.5 foot wide public right-of-way dedication along the site's NE Tillamook Street frontage. This will reduce the overall site area from the existing 5,000 square feet to 4,825 square feet.

**Zoning:** The subject site, and properties fronting the north side of NE Tillamook Street for at least a two to three block radius, are located in an Office Commercial 1 (CO1) zone. The CO1 zone is used on small sites in or near residential areas or between residential and commercial areas. The zone is intended to be a low intensity office zone that allows for small scale offices in or adjacent to residential neighborhoods. The allowed uses are intended to serve nearby neighborhoods and/or have few detrimental impacts on the neighborhood. Retail uses are prohibited in this zone; the existing retail use on the site has legal nonconforming rights as a

retail use was established on the site prior to the existing zoning. Development in the CO1 zone is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area. Development should be oriented to pedestrians along transit streets and in Pedestrian Districts.

Properties fronting the south side of NE Tillamook Street are located in a Storefront Commercial (CS) zone, with a Design (d) overlay zone. The CS zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. The d overlay promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities by requiring design review or compliance with the Community Design Standards.

Properties immediately north of the subject site, along NE 43<sup>rd</sup> Avenue, are located in the Single-Dwelling Residential 2,500 (R2.5) zone. The use regulations of the Single-Dwelling zones are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The subject site, and nearby properties, are also located in the Hollywood plan district (see attached zoning map, Exhibit B). The Hollywood plan district provides for an urban level of mixed-use development including commercial, office, housing, and recreation. Specific objectives of the plan district include strengthening Hollywood's role as a commercial and residential center, and promoting the use of light rail, bus transit, and walking.

**Land Use History:** City records indicate there are no prior land use reviews for this site. However, the Bureau of Development Services (BDS) issued a letter on January 25, 2010, in which they confirmed that nonconforming use rights are established for Retail Sales and Service uses at the site (09-171329 PR). The letter documents that a Retail Sales and Service use was established on the site prior to April of 1984 when the underlying zone would have allowed such a use, and that this use has been maintained over time. As a legal nonconforming Retail Sales and Service use, any changes to either the use or expansion of the building requires a Nonconforming Situation Review.

**Agency Review:** A Notice of Proposal was mailed January 27, 2012. The following Bureaus have responded with no issues or concerns regarding the requested land use review:

- Water Bureau;
- BDS Site Development; and
- Portland Parks & Recreation/Urban Forestry.

The Portland Bureau of Transportation Engineering (PBOT) responded that based on ITE Trip Generation data, the expanded retail use would result in a negligible increase in the number of vehicle trips coming to the site, and will have no impact on the operation of the local street network. PBOT will require at the time of building permit review a 3.5 foot wide public right-of-way dedication along the site's NE Tillamook Street frontage. This dedication has been reflected on the applicant's current site plan (Exhibit C3).

The Bureau of Environmental Services (BES) has no concerns with the requested land use review but noted BES requirements for sanitary service and stormwater management must be met at time of building permit review.

The BDS Life Safety Plan Examiner noted that a separate building permit is required for the work proposed. Requirements for exterior wall protection and exterior wall openings are provided.

**Neighborhood Review:** One written response was received from the adjacent neighbor to the north of the subject site. The neighbor's comments generally focused on the following issues:

- **Setbacks:** The setback of the addition from NE 43<sup>rd</sup> Avenue does not conform to the existing setbacks for existing homes along this blockfront.

*Staff Comment:* The nearby homes along the NE 43<sup>rd</sup> Avenue blockfront are located in an R2.5 zone, which requires a minimum 10 foot front setback. The subject site, however, is located in a CO1, which allows buildings to be built up to the street lot line. Were the applicant to be proposing an expansion that contained office instead of retail, the building by right could be built to the lot line along NE 43<sup>rd</sup> Avenue.

- **Parking:** The floor area expansion will increase the demand for on-street parking. The availability of on-street parking is already limited, particularly with the 20-minute parking limit along the site's NE 43<sup>rd</sup> Avenue frontage. The neighbor requests that the 20-minute limit be removed to allow more general parking.

*Staff Comment:* This land use review is implemented under City Title 33 (Planning and Zoning), which generally applies only to private property. Parking management on public streets is regulated through City Title 17 (Public Improvements). As such, it is not possible through this land use review to modify on-street parking regulations. Any changes to on-street parking regulations must be considered by the Portland Bureau of Transportation Parking Management staff. Both the applicant and the neighbor were informed by BDS staff that any requested changes to the 20-minute parking limit must be directed to Parking Management. The broader issues of adequacy of parking related to the proposed addition is discussed in the finding, below.

- **Obstruction of Access Easement:** The location of the proposed ADA parking space will obstruct the easement that provides vehicular access to the adjacent property west of the subject site, and result in the removal of an existing holly tree.

*Staff Comment:* On the applicant's original site plan (Exhibit C2), an access easement was identified within the site's parking lot. The access easement extended between NE 43<sup>rd</sup> Avenue and the adjacent property to the west. The applicant has since confirmed that there is no record of such an easement in this location (Exhibit A4). Instead, the access easement is located along the site's west lot line (see Exhibit C3). As such, the location of the proposed ADA parking space will not adversely impact this easement. Additionally, should vehicle access between NE 43<sup>rd</sup> Avenue and the adjacent property to the west be desired in the future, the location of the proposed ADA parking space would not preclude this given there will still be approximately 13 to 14 feet between the edge of the parking space and the building wall through which vehicles could pass.

Regarding the holly tree, the applicant has confirmed that no trees, including the referenced holly tree, will be removed in or near the parking area.

- **Screening:** The proposed arborvitae along the north property line will grow in excess of six feet and create a visual barrier that compromises security and encourages unwanted behavior by transients.

*Staff Comment:* The applicant has agreed to substitute the arborvitae with a six foot high, good neighbor fence along this property line. The fence will be reduced in height near the NE 43<sup>rd</sup> Avenue frontage as a means of preserving sight lines. Normally, zoning regulations would require landscaping along the north property line. However, as no landscaping exists there now, and as the project cost does not trigger nonconforming upgrades, providing a fence does not conflict with any zoning requirements.

- Covered Bike Racks: Locating the covered bike racks within the setback area along NE 43<sup>rd</sup> Avenue will change the quality of the residential block.

*Staff Comment:* The proposed location of the covered bike parking close to the site's NE 43<sup>rd</sup> Avenue frontage is consistent with Zoning Code requirements of the CO1 zone. However, the applicant has agreed to relocate the covered bike parking along the north façade of the building addition where it will better blend with existing development, and better preserve existing landscape areas close to the street (see Exhibit C3).

## ZONING CODE APPROVAL CRITERIA

### 33.258.080 Nonconforming Situation Review

- A. Procedure.** A nonconforming situation review is processed through a Type II procedure.
- B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
    - a. The hours of operation;
    - b. Vehicle trips to the site and impact on surrounding on-street parking;
    - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
    - d. Potential for increased litter; and
    - e. The amount, location, and nature of any outside displays, storage, or activities; and

**Findings:** To address this criterion, BDS will compare the existing operation of Portland Sewing Company to the proposed expanded Portland Sewing Company.

#### Hours of Operation

Currently, Portland Sewing provides classes, and sells fabric, notions and sewing machines within the existing space. The proposed expansion will accommodate an increased area for the sales component of the business. A review of the Portland Sewing website indicates the current facility provides classes seven days a week. Classes start as early as 9:00 am, with the latest class ending by 9:00 pm. Up to 10 hours of classes are provided in a single day. The expanded fabric sales component of the business will operate eight hours a day, Monday through Saturday. Based on the days and hours of operation for the existing business on the site, the expansion will not represent an increase in the hours of operation.

#### Vehicle Trips to the Site and Impact on Surrounding On-Street Parking

PBOT reviewed the requested Nonconforming Situation Review proposal 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.

PBOT notes at this location, NE Tillamook Street is classified as an arterial street within a Pedestrian District. PBOT informed the applicant of a required public right-of-way dedication along the site's NE Tillamook Street frontage, and through a Public Works Administrative Appeal, the applicant will be required to dedicate 3.5 feet of this frontage in order to accommodate a 12 foot wide sidewalk corridor. This dedication will reduce the size of the building addition from the originally proposed 1,095 square feet to 950 square feet.

[PBOT notes that as a condition of building permit approval, the applicant shall be required to dedicate 3.5 feet on NE Tillamook Street, and reconstruct the sidewalk to provide a 6 foot wide pedestrian through zone separated from the existing 0.5 foot curb with a 4 foot wide furnishing zone with street trees, and a 1.5 foot wide frontage zone between the back of the sidewalk and the property line. All encroachments by retaining walls not meeting current encroachment policies must be removed from the public right-of-way.]

Based on the ITE Trip Generation manual, PBOT finds that a specialty retail use of the proposed 950 square feet would generate approximately 40 additional daily vehicle trips, with three of those trips occurring during the PM Peak Hour. PBOT finds that an additional 40 daily trips represents only a negligible increase, and will have no significant impact on the local networks of streets.

[Note: The additional 40 daily trips identified by PBOT is based on a national average for specialty retail uses. However, based on past operations, the applicant indicates Portland Sewing currently attracts approximately 20 students/customers to the site daily, with an additional six to seven customers expected to come to the site daily following the expansion. As noted below, the majority of these students/customers do not come to the site by car. As such, the number of actual vehicle trips generated by the expanded Portland Sewing business will be substantially less than that identified in the ITE Trip Generation manual.]

Regarding parking, Portland Sewing employs one full-time employee, and six part-time contract employees. Approximately one-half on the contract employees use mass transit or bike to the site. Based on a survey conducted by the applicant of students who attend Portland Sewing activities at the site, the vast majority (93 percent) reside within a three zip code radius (97212, 97213 and 97232), and prefer to walk to the site. An additional two percent of the students take mass transit or bike, with one percent carpooling. Given these statistics, the small increase in vehicle trips to the site resulting from the addition is not expected to have a significant impact on area parking.

#### Noise, Vibration, Dust, Odors, Fumes, Glare and Smoke

The request is to expand an existing Retail Sales and Service business that provides sewing classes and sales of sewing material and equipment. There are no identified adverse impacts associated with the existing business related to noise, vibration, dust, odors, fumes or smoke. The floor area expansion that is the subject of this review is limited to the sales of sewing materials and equipment. Based on the operation of the existing business and on the proposed use of the addition, there are no expected adverse impacts related to noise, vibration, dust, odors, fumes or smoke.

Regarding glare, in some situations adding new exterior lighting to a site can create adverse glare impacts on adjacent properties. For the current proposal, there is no exterior lighting that would have to potential to cast adverse glare on neighboring

properties. Additionally, any lighting that may be added in the future would be subject to glare standard identified in the Off-Site Impact regulations (Zoning Code Section 33.262.080).

Based on these findings it is determined that the proposed use will not result in increased detrimental impacts over the existing use as far as issues with noise, vibration, dust, odors, fumes, glare or smoke.

Potential for Increased Litter

The nature of the business is not one that would generate litter. The proposal is limited to expanding the existing sewing company, and there have been no identified adverse litter impacts associated with this use.

Amount, Location and Nature of Outside Displays, Storage or Activities

There are currently no exterior display, storage or work activities occurring on the site, and no such uses or activities are proposed as part of this review.

Summary

Given the limited nature of the proposal, both in terms of the proposed use and physical changes proposed to the site, the applicant has demonstrated that the expansion will not result in a net increase in overall detrimental impacts on the surrounding area, and this criterion is met.

2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:
  - a. Building scale, placement, and facade;
  - b. Parking area placement;
  - c. Buffering and the potential loss of privacy to abutting residential uses; and
  - d. Lighting and signs; and

**Findings:** Because the site is located in a CO1 commercial zone, this criterion is not applicable.

3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

**Findings:** The subject site is located in a CO1 zone. For purposes of this criterion, the desired function and character of this zone will be determined using the purpose statement of the CO1 zone (identified in Zoning Code Section 33.130.030C). The purpose statement reads as follows:

*The Office Commercial 1 (CO1) zone is used on small sites in or near residential areas or between residential and commercial areas. The zone is intended to be a low intensity office zone that allows for small scale offices in or adjacent to residential neighborhoods. The allowed uses are intended to serve nearby neighborhoods and/or have few detrimental impacts on the neighborhood. Development is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area. Development should be oriented to pedestrians along transit streets and in Pedestrian Districts.*

The proposed development will be on a small lot that will be less than 5,000 square feet in area following the required public right-of-way dedication. The small lot size, in combination with the other development standards of the CO1 zone such as maximum height and floor area ratio, limits the amount of floor area that could occur on this property. For the subject site, the development standards of the CO1 zone would allow a building up to 30 feet, with a floor area of up to 3,750 square feet. The applicant's proposal is well within this desired density of development, with the 950 square foot addition being only one story in height, and bringing the total floor area on the site to only 2,990 square feet. The proposed scale of development is not only less than what would be allowed on this site by CO1 zone standards, but also consistent with the scale and intensity of development on nearby blocks that are also in the CO1 zone.

Furthermore, the principal design elements of the addition will reflect and complement those of the existing structure on the site in terms of fenestration, trim, exterior cladding, eaves, and color. In support of the desire of the CO1 zone to serve as a transition between more commercial zones and adjacent residential zones, the expanded retail use will be oriented away from the more residential NE 43<sup>rd</sup> Avenue and instead face NE Tillamook Street, which is a designated transit street, neighborhood collector and within the Hollywood Pedestrian District.

The adjacent neighbor has raised concerns about the type of screening placed along the north property line. To address the neighbor's concerns, and to better ensure that overall development on the subject site is compatible with the adjacent residential area, a condition of approval will require that a wooden, fully sight-obscuring good-neighbor fence be installed along the length of the subject site's north property line. The height of the fence within 10 feet of the street lot line along NE 43<sup>rd</sup> Avenue shall be limited to 3.5 feet, and shall be 6 feet in height along the remainder of the subject site's north property line.

As proposed and with the condition of approval, the appearance of the proposed development will not detract from the desired function and character of the CO1 zone, and this criterion is met.

## **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 via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The applicant has demonstrated that the expansion of the existing nonconforming Retail Sales and Service use on the site meets the applicable approval criteria. The request is to expand the existing Portland Sewing retail business by 950 square feet. The documentation provided by the applicant compares the existing operation to the proposed operation, and demonstrates the expanded Portland Sewing retail business will result in no significant net increase in overall detrimental impacts over the impacts of the existing retail operation on the surrounding area. The proposed expansion will be limited in size, keeping with the desired scale of development for the CO1 zone, and oriented away from the adjacent residential neighborhood.

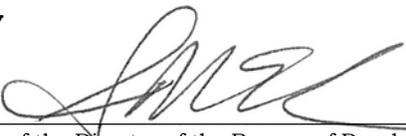
## **ADMINISTRATIVE DECISION**

Approval of a Nonconforming Situation Review to allow a 950 square foot expansion of a Retail Sales and Service use (Portland Sewing), per the approved site plans and building elevations,

Exhibits C.3 and C.4, signed and dated March 21, 2012, and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B ) 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 11-202061 NU ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A wooden, fully sight-obscuring good-neighbor fence shall be installed along the length of the subject site's north property line. The height of the fence within 10 feet of the street lot line along NE 43<sup>rd</sup> Avenue shall be limited to 3.5 feet, and shall be 6 feet in height along the remainder of the subject site's north property line.

**Staff Planner: Douglas Hardy**

**Decision rendered by:**  **on March 21, 2012.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 22, 2012**

**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 December 16, 2011, and was determined to be complete on **January 27, 2012.**

*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 December 16, 2011.

*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 21 days. Unless further extended by the applicant, **the 120 days will expire on June 16, 2012.**

**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 April 5, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 **April 6, 2012**, 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.

**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.

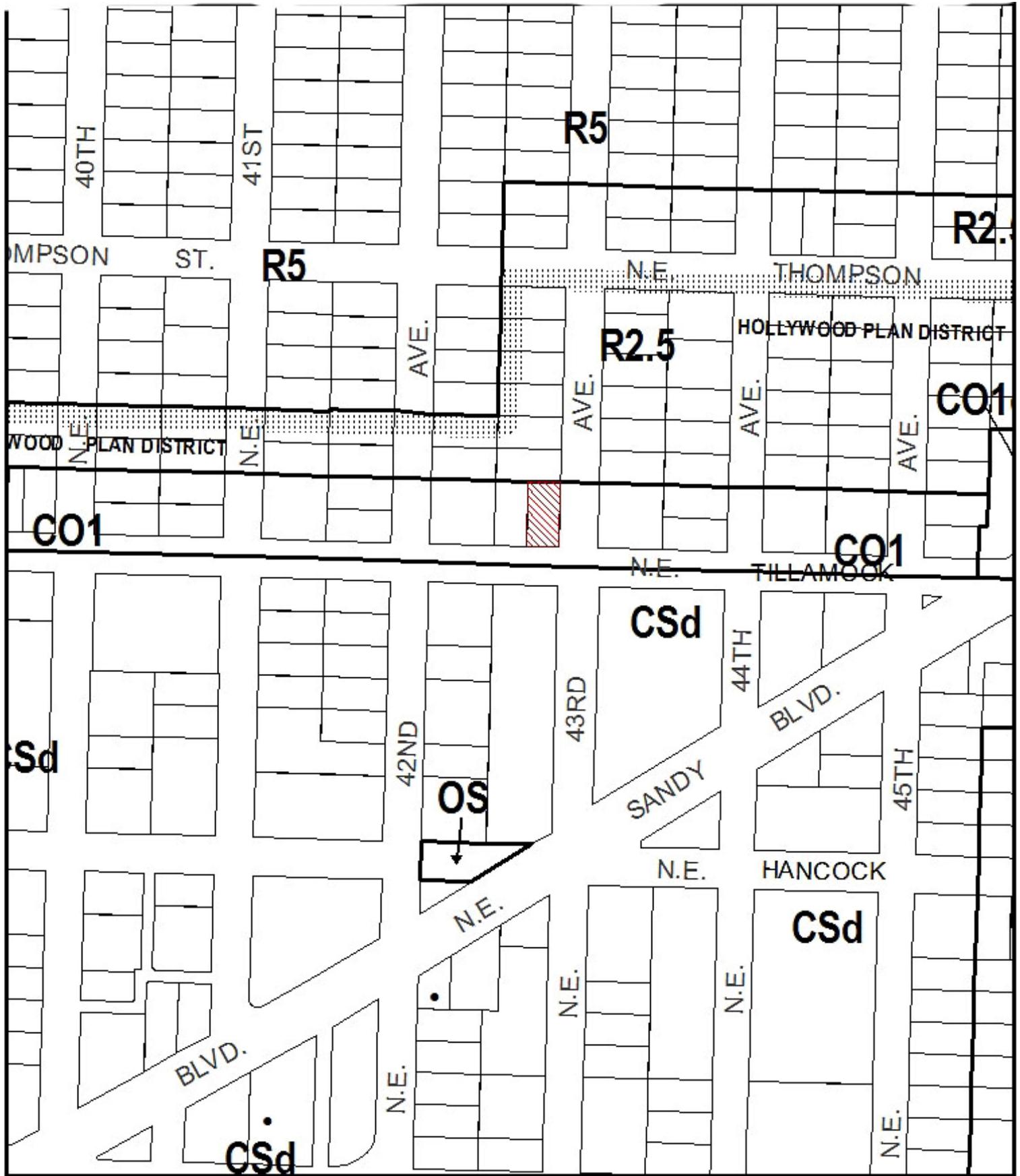
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Written narrative, received December 16, 2011
  2. Supplemental written narrative, received January 23, 2012
  3. Supplemental written narrative, received January 24, 2012
  4. Supplemental written narrative, received March 14, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan, dated December 16, 2011
  2. Building Elevations, dated December 16, 2011
  3. Site Plan, dated January 19, 2012
  4. Building Elevations, dated January 19, 2012
- 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. BDS/Site Development Review Section
  6. BDS/Life Safety Plans Examiner
  7. Bureau of Parks, Forestry Division
- F. Correspondence:
  1. Patricia Parola and Alex Yeakley, e-mail dated February 17, 2012
- G. Other:
  1. Original LU Application
  2. Site History Research
  3. Public Registry Letter Documenting Nonconforming Use Status
  4. Letter of Incompleteness, dated January 3, 2012

5. Existing Hours of Operation, from portlandsewing.com
6. Request to Delay Decision, dated February 21, 2012

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

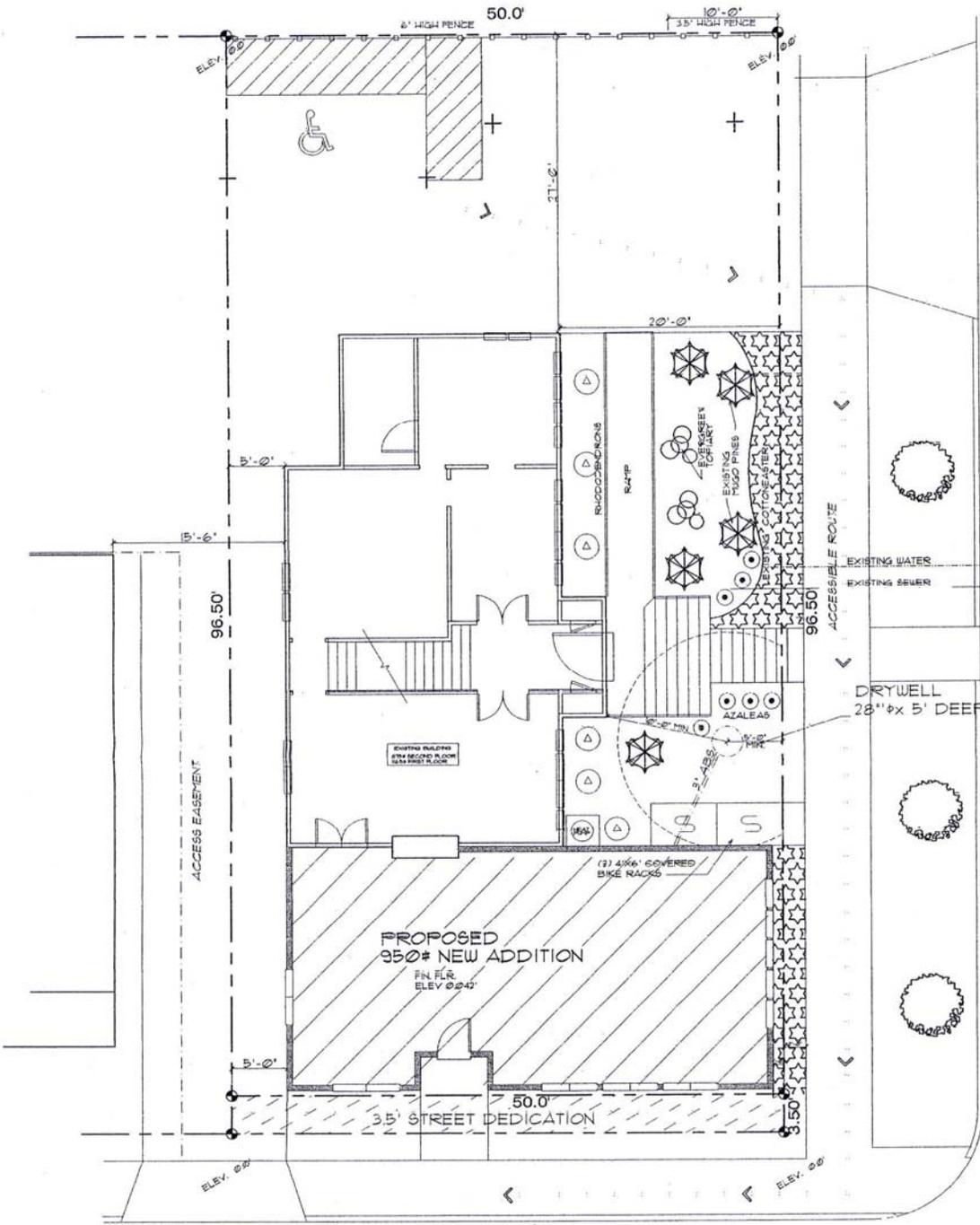
 Site



NORTH

This site lies within the:  
HOLLYWOOD PLAN DISTRICT

File No.	<u>LU 11-202061 NU</u>
1/4 Section	<u>2835</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E30CB 18800</u>
Exhibit	<u>B (Dec 23, 2011)</u>



NE TILLAMOOK ST.

NE 43rd AVE.

2111 NE 43rd Ave.  
 PORTLAND, OR. 97213

3/6/12  
**SITE**

plan

Project  
 ADDITION

**PORTLAND SEWING**  
 2111 NE 43rd AVE., PORTLAND, ORE. 97290

NO. DATE DESCRIPTION BY

NO.	DATE	DESCRIPTION	BY

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date 7.11.12  
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

CASE NO. 11-202061-00  
 EXHIBIT C3

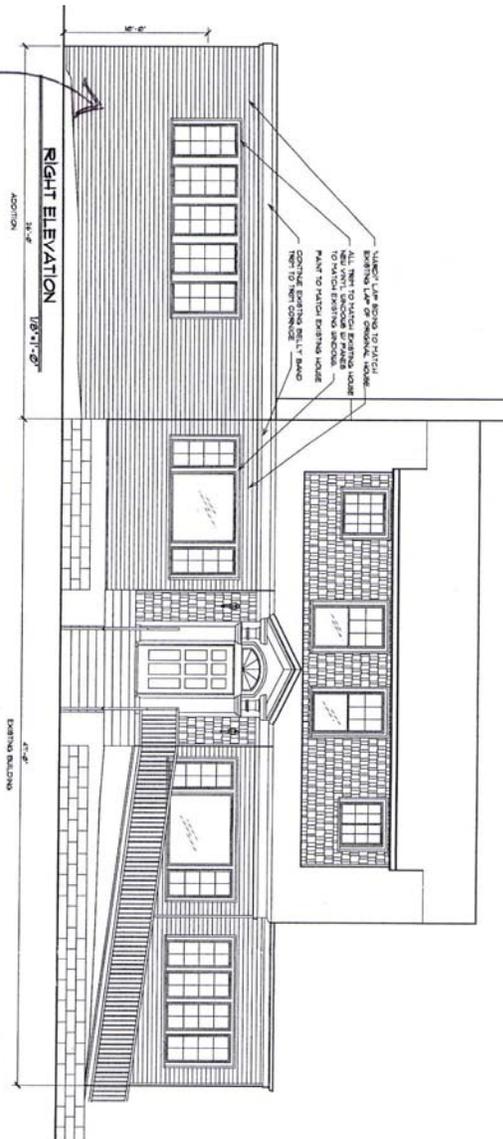
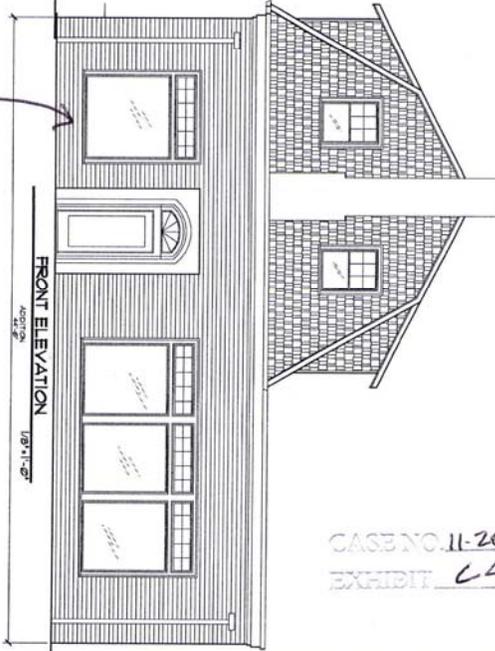
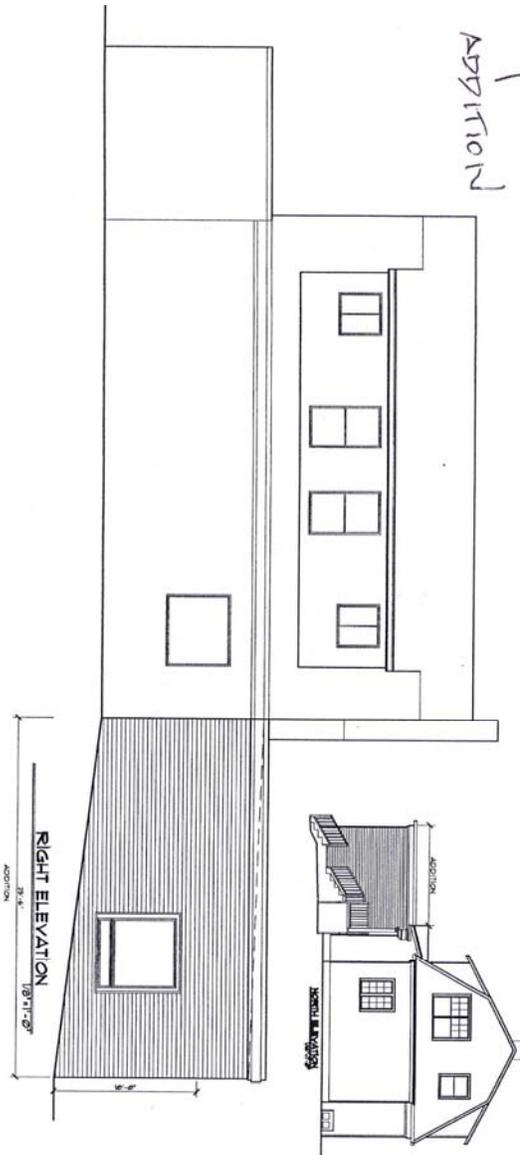
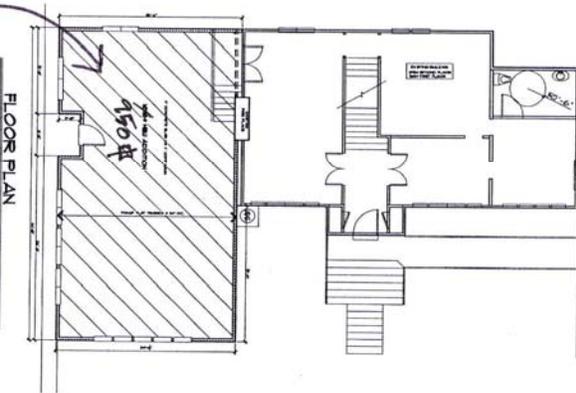
\*Approved\*

City of Portland Bureau of Development Services

Date 3.21.12

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

ADDITION



UNLESS OTHERWISE NOTED, ALL MATERIALS TO BE USED SHALL BE OF THE FOLLOWING QUALITY:

- ALL PAINT TO BE OF THE FOLLOWING QUALITY:
- ALL PAINT TO BE OF THE FOLLOWING QUALITY:
- ALL PAINT TO BE OF THE FOLLOWING QUALITY:
- ALL PAINT TO BE OF THE FOLLOWING QUALITY:
- ALL PAINT TO BE OF THE FOLLOWING QUALITY:

PORTLAND SEWING

CASE NO. 11-202061  
EXHIBIT C4

NO.	DATE	DESCRIPTION	BY

plan

ELEVATIC

ADDITI

project