



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

FROM CONCEPT TO CONSTRUCTION

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Date: August 12, 2014
To: Interested Person
From: Sylvia Cate, Land Use Services
 503-823-7771 / Sylvia.Cate@portlandoregon.gov

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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-139487 AD

GENERAL INFORMATION

Owner: Pyco LLC
 5949 NE Cully Blvd
 Portland, OR 97218-3354

Applicant:: Brent Hedberg, Main Contact
 Specht Development, Inc
 15325 SW Beaverton Creek Ct
 Beaverton, OR 97006

Site Address: Property fronting NE Killingsworth between NE 75th and NE 82nd Avenues

Legal Description: TL 1300 9.05 ACRES, SECTION 20 1N 2E
Tax Account No.: R942200020
State ID No.: 1N2E20AA 01300
Quarter Section: 2538

Neighborhood: Cully, contact David Sweet at 503-493-9434.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Plan District: North Cully
Zoning: EG2h: General Employment 2 with Aircraft Landing 'h' overlay

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

Proposal:
 The applicant proposes to develop the site with a proposed new industrial service facility for Comcast Corporation. The project will include a warehouse, fleet parking and accessory office use which will include sales, customer service and technical support functions. Comcast will also operate a fleet of company vehicles out of the facility that will provide installation,

maintenance and support services for Comcast's operations in the eastern portion of the Portland Metropolitan Area. The zoning code regulates the number of parking spaces for specified development; based on the maximum allowed parking spaces, a maximum total of 135 parking spaces is allowed. The parking maximum assumes a relatively low number of employees working in large industrial buildings.

However, the applicant is requesting an Adjustment to 33.266.115.B to increase the maximum number of parking spaces on-site to accommodate fleet vehicle parking, which includes 21 large bucket trucks, 120 fleet vans, 20 fleet pickup trucks, 4 fleet trailers and 19 fleet pool vehicles which require a total of 184 parking spaces. Additionally there will be approximately 62 full time employees who do not drive fleet vehicles and will park their personal vehicles on site. Shift changes among employees will also cause a spike in parking demand periodically through the work day. An additional 161 full time employees will be based at this facility and will operate fleet vehicles. Therefore, the applicant requests an Adjustment to allow a total of 260 parking spaces on site. Attached to this Decision is a zoning map and site plan depicting the proposal.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.804.040.A.-F., Adjustments

ANALYSIS

Site and Vicinity: The site is a 9.05 acre parcel that, along with several adjacent parcels that were part of a larger former gravel quarry that at one time encompassed 26 acres. After operation as a sand and gravel quarry ceased, the site was operated as a clean construction and earth spoil disposal landfill.

The area surrounding the site has a mix of land uses and development. To the north and northeast of the site are properties zoned EG2 and developed with industrial uses with a scattering of retail and service commercial uses. Directly east of the former quarry are parcels zoned IG2, which are developed with industrial uses. Immediately abutting a portion of the subject site to the south is the City-owned Sacajawea Park, zoned OS. Adjacent and southwest of the Park is the Sacajawea School building. The balance of the parcels to the south, west and northwest of the site are zoned R7, R5 and R2, residential, and are primarily developed with single family dwellings.

Staff note: The applicant notes that prior to development, they will submit a required North Cully Plan District Development Plan for review [a Type III process with a public hearing before the City's hearings officer] as well as a Property Line Adjustment [PLA] to adjust the configuration of the site to meet access requirements from NE Killingsworth Street.

Zoning: The site is zoned EG2h: General Employment 2 with Aircraft Landing 'h' overlay.

The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

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

Multnomah County Case Files:

CS 23-80: This county land use review approved, with conditions, the development of a special purpose landfill and associated gravel quarry.

CU 9-82: This review approved, with conditions, a temporary asphalt batching plant.

HV 2-83: This review approved, with conditions, the expansion of the prior Community Service approval for quarrying and filling activities.

CS 3-83: approved, with conditions an expansion of the prior Community Service approval to permit placement of fill material on Tax Lots 63 and 106, subject to conditions.

City of Portland Case Files:

LUR 91-00509 EF granted approval, with conditions, to allow the gravel pit to be filled with inert materials.

LU 03-177121 CP ZC approved a Comprehensive Plan Map Amendment and Zone Change to rezone the subject site [and adjacent parcels] from R7h to EG2h.

A “Notice of Proposal in Your Neighborhood” was mailed **July 10, 2014**.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Environmental Services
- Bureau of Transportation Engineering has no concerns regarding the Adjustments, but notes that a full 20 feet is the minimum dimension necessary for cars to back up and maneuver out of a parking space.
- Bureau of Parks-Forestry Division
- Oregon Department of Transportation notes that NE Killingsworth Street is an ODOT facility and the applicant will be required to obtain ODOT permits for work along Killingsworth.

Neighborhood Review: One written response has been received from the Neighborhood Association in response to the proposal.

The letter notes that the Cully Association of Neighbors has voted to support the parking adjustment request, but includes some concerns regarding potential off-site impacts. The letter notes concerns that vehicle noise and off-site light pollution needs to be mitigated by operational or physical methods.

Staff Comment: The City noise standards are stated in Title 18, Noise Control. Given the standards and the distances involved from the proposed development and residential uses to the south and west, there does not appear to be any aspect of the proposal that would not comply with noise limits.

The site is also subject to the regulations of Chapter 33.262, Off Site Impacts, which includes a section addressing glare from lights. There is a significant difference in grade between the site and the residential neighborhood to the south and west. Current topography indicates the subject site to be approximately 98-100 feet in elevation, while the elevation of NE Alberta Street directly south of the site is 128- 130 feet in elevation. Given the existing topography, headlights from vehicles should not spill over into the residential neighborhood.

A second concern noted is potential congestion on NE Killingsworth Street with the addition of this many employees travelling to the facility. The letter notes that traffic impacts could be partially mitigated by secure bicycle storage with a shower and locker room facilities for the

employees.

Staff Comment: NE Killingsworth is an ODOT facility. However, ODOT has not responded with any objections to the proposal. However, NE Killingsworth is a designated Regional Trafficway & Major City Traffic street, a Major Transit Priority, a City Bikeway, a City Walkway, a Priority Truck street, a Major Emergency Response street, and an Urban Road. Given these designations and no objections from Portland Bureau of Transportation, the additional trips generated by the proposal, NE Killingsworth is capable of serving the proposed development. Further discussion on street classifications can be found below, in the findings of this decision.

A third concern raised is whether or not the proposal will be consistent with... *the desired character of the area*. The letter notes that Cully is one of the most racially diverse neighborhoods in Oregon, but has also been identified as vulnerable to gentrification and displacement as noted in a 2013 study commissioned by the Bureau of Planning and Sustainability. The letter notes that the Portland Plan's emphasis on equity includes a vision "...that private development provide positive and equitable community impacts..." The letter notes that the Cully Association of Neighbors is ready and interested in a 'community benefits agreement' negotiated between the Neighborhood and Comcast.

Staff Comment: The Zoning Code defines 'the desired character of the area,' and this is addressed below, in the findings of this decision. The study cited in the letter is one of many background analysis documents to help inform the ongoing legislative updates to the City's Comprehensive Plan. However, neither this study nor revisions to the Comprehensive Plan addressing gentrification have been formally adopted by the City Council. However, the study itself notes that the gentrification and risk assessment is focused on housing. The site is zoned General Employment 2, a zone that allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Residential uses in the EG2 zone require a Conditional Use review and approval. No residential uses are proposed.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

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

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

Findings: The purpose of the development standard requested for an Adjustment to maximum parking ratios is found at Section 33.266.115.A of the Zoning Code, which states:

Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.

The maximum ratios in this section vary with the use the parking is accessory to and with the location of the use. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use. Areas that are zoned for more intense development or are easily reached by alternative modes of transportation have lower maximums than areas where less intense development is anticipated or where transit service is less frequent. In particular, higher maximums are appropriate in areas that are more than a ¼ mile walk from a frequently served bus stop or more than a ½ mile walk from a frequently served Transit Station.

The zoning code regulates the number of parking spaces for specified development; based on the maximum allowed parking spaces, a total of 135 parking spaces are required. The Zoning Code parking maximum assumes a relatively low number of employees working in large industrial buildings.

The applicant requests approval to exceed the maximum allowed on-site parking from 135 to 260 parking spaces. The applicant notes that the additional parking spaces are necessary to accommodate fleet vehicle parking, which includes 21 large bucket trucks, 120 fleet vans, 20 fleet pickup trucks, 4 fleet trailers and 19 fleet pool vehicles which require a total of 184 parking spaces. Additionally there will be approximately 62 full time employees who do not drive fleet vehicles and will park their personal vehicles on site. Shift changes among employees will also cause a spike in parking demand periodically through the work day. An additional 161 full time employees will be based at this facility and will operate fleet vehicles.

The allowed parking is based on assumptions that a large warehouse building will generally have a lower employee count for the square footage of the building. This assumption, however, does not correspond with the typical operations of a company that has several uses located on the site [warehouse, industrial service, accessory office, and fleet vehicles] which require more employees than the Zoning Code contemplated in determining the maximum parking ratios for industrial warehouses or industrial service facilities.

Given the number of fleet vehicles, full time employees and required ADA parking, the applicant notes that the new facility would require 412 parking spaces. However, Comcast has utilized several transportation demand strategies that will help reduce the number of trips and vehicles arriving at the site. There is frequent service transit available along NE Killingsworth, employees are encouraged to use alternative transportation methods, and some employees will be dispatched with their fleet vehicle directly from home to reduce unnecessary trips to the facility. With these measures, the applicant notes that the requested 260 spaces will be adequate to provide parking for fleet vehicles, employees, and customers visiting the site.

The surrounding EG2 and IG2 zoned area consists of large paved areas, large warehouse-like buildings, and other industrial flex-type buildings. Large surface parking lots do not detract from the urban form of the immediate industrial area, and in general are necessary to support large industrial uses. The specific operations of the Comcast facility, as noted earlier, does not conform to the more typical operations of a warehouse/Industrial Service use that requires far fewer employees and does not include fleet vehicle parking and multiple shifts.

The phenomenon of higher fuel costs and an awareness of carbon impacts will continue to create economic and social incentives for employees and businesses to use alternative forms of transportation. The site has frequent service via the #72 bus on Killingsworth. The #71 bus runs nearby along NE Prescott, but does not have frequent service. Nonetheless the bus still offers a viable alternative to many workers. The availability of on-site vehicle parking at this facility will not create a disincentive for using alternative modes of transportation. The Portland Bureau of Transportation responded to the requested Adjustment, and noted the following:

PBOT has no objections to the requested adjustment to increase the maximum number of parking spaces on-site.

For all of the above reasons, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The site is zoned EG2. Vehicle access to the site will be from NE Killingsworth, which is designated to be a Regional Trafficway & Major City Traffic street, a Major Transit Priority, a City Bikeway, a City Walkway, a Priority Truck street, a Major Emergency Response street, and an Urban Road. Given these designations, the proposal is consistent with the designations of NE Killingsworth Street.

Portland Office of Transportation, Engineering and Development reviewed the proposal for conformance with adopted transportation policies, Title 17, and Title 33 approval criteria, as well as conformance with street designations. The Transportation Engineering staff found no concerns with the requested adjustment. The response notes that NE Killingsworth frontage will have to be reconstructed to current standards, consistent with the requirements of the Pedestrian Design Guide. At time of building permit review, the applicant will be required to make any needed repairs to the existing corridor along the NE Alberta Street frontage.

The Zoning Code defines the term “desired character” as being based on the purpose statement of the base zone, and the preferred and envisioned character included in adopted area plans (Section 33.910.030).

Desired Character. *The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.*

The purpose and characteristics of the EG2 zone are described as follows:

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation...The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns.

The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

The Aircraft Landing ‘h’ overlay zone has no bearing on this request.

The site also lies within the Cully Neighborhood, which has a Neighborhood Plan adopted in December 1991.

The Cully Neighborhood Plan notes that there is a ‘Special Focus Area’ within the neighborhood boundary that includes the various gravel quarries that historically operated in the vicinity. The site lies within “Area 3” and is subject to Objective 4C-2 and 4C-4 of the Cully Neighborhood Plan.

The purpose of the Special Focus Area is to “[E]ncourage mixed industrial, commercial and new residential uses within the special focus area...” Specific to Area 3, the Neighborhood Plan has the following Objectives:

4C-2 Objective. South of NE Killingsworth: Minimize the impact of gravel pit on the neighborhood. Require all gravel pits south of NE Killingsworth be filled by the year 2002. After the year 2002, applicants or owners wishing to excavate and fill shall submit and receive Master Plan approval insuring the excavation, fill and future redevelopment of the property are compatible with the adjacent properties. Require master plan review prior to land divisions.

The site is south of NE Killingsworth. The former gravel quarry in this area has been filled and is no longer operational. The applicant notes in the Adjustment request that they recognize that prior to redeveloping the site, they are required to submit a Type III North Cully Master Plan for the proposed development. [see 33.560.020]. This is a Zoning Code requirement. Staff notes, and the applicant has acknowledged, that no permits will be issued before the applicant submits a North Cully Master Plan (NCMP) for review, and that no development permits will be issued until the NCMP is approved.

4C-4 Objective. Encourage public acquisition of Area 3 and redevelopment regulated in conformance with a master plan to ensure compatibility with the surrounding neighborhood. Require master plan review prior to land divisions. Encourage expansion of Sacajawea Park to the north to include community cultural, education, social service and recreational facilities. Support park acquisition through redevelopment of the eastern portion of the site to residential, commercial and clean compatible industrial uses or mixed uses.

An excerpt from the 2003 Comprehensive Plan Map Amendment and Zone Change proposal description demonstrates that the Cully Neighborhood Plan Objective 4C-4 has been addressed by the prior review, Case File LU 03-177121 CP ZC, in which the subject site was a subset of the much larger site for the CP ZC. In the 2003 review, R5 residential zoning was applied to the west portion of the ‘Killingsworth Quarry’ site and an additional 3.22 acres rezoned R5 but designated as OS, Open Space, to expand the existing Sacajawea Park to the north. The balance of the Quarry site was rezoned EG2 in order to provide redevelopment opportunities for industrial, commercial, or mixed uses. (Residential uses are allowed in the EG2 via Conditional Use approval.)

The applicant notes that there are three objectives with this request. The first is to create a larger area [net total of 18.89 acres including adjacent land also owned by the applicant] rezoned EG2h in order to have a configuration of land more adaptable to larger scale development typically required by industrial uses. The second objective is to re-designate the remainder of the site to a slightly higher density residential plan designation in order to minimize the loss of housing opportunity from the site. The third objective is to provide 3.22 acres of land area for expansion of the existing City-owned Sacajawea Park, which abuts the site along the southerly property line near the southwest corner at NE Alberta Street and NE 74th Avenue.

The Adjustment request is consistent with the desired character of the area, as it will be supportive of new industrial development in the Special Focus Area. The requested 260 parking spaces are intended to meet anticipated parking demands and provide spaces for the transition during shift change, as well as provide sufficient spaces for fleet vehicle parking. The on-site parking will reduce traffic conflicts (employees and customers cueing in the roadway looking for spaces) and will reduce on-street parking demands. For all the reasons discussed above, this criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. This criterion is not applicable.

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

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

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

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

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

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant proposes to develop the site with a proposed new industrial service facility for Comcast Corporation. The project will include a warehouse, fleet parking and accessory office use which will include sales, customer service and technical support functions. Comcast will also operate a fleet of company vehicles out of the facility that will provide installation, maintenance and support services for Comcast's operations in the eastern portion of the Portland Metropolitan Area.

The applicant requests an Adjustment to allow a total of 260 parking spaces on site. As discussed above, in the findings of this decision, the proposal meets all of the applicable approval criteria, with one condition of approval. Therefore the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of:

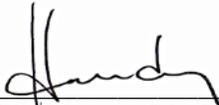
- An Adjustment to 33.266.115.B to allow a total of 260 parking spaces on the site, per the approved site plan, Exhibit C-1, signed and dated August 7, 2014, subject to the following conditions:
 - A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use

review as indicated in Exhibits C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-158051 AD."

NOTE TO APPLICANT:

Prior to redeveloping the site, or issuance of any building permits, the applicant is required to submit a Type III North Cully Master Plan for the proposed development, per Zoning Code Section 33.560.020.

Staff Planner: Sylvia Cate

Decision rendered by:  **on August 7, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 12, 2014

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 11, 2014, and was determined to be complete on July 1, 2014.

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 11, 2014.

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. Unless further extended by the applicant, **the 120 days will expire on: October 29, 2014.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 26, 2014** at 1900 SW

Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 27, 2014 – (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:

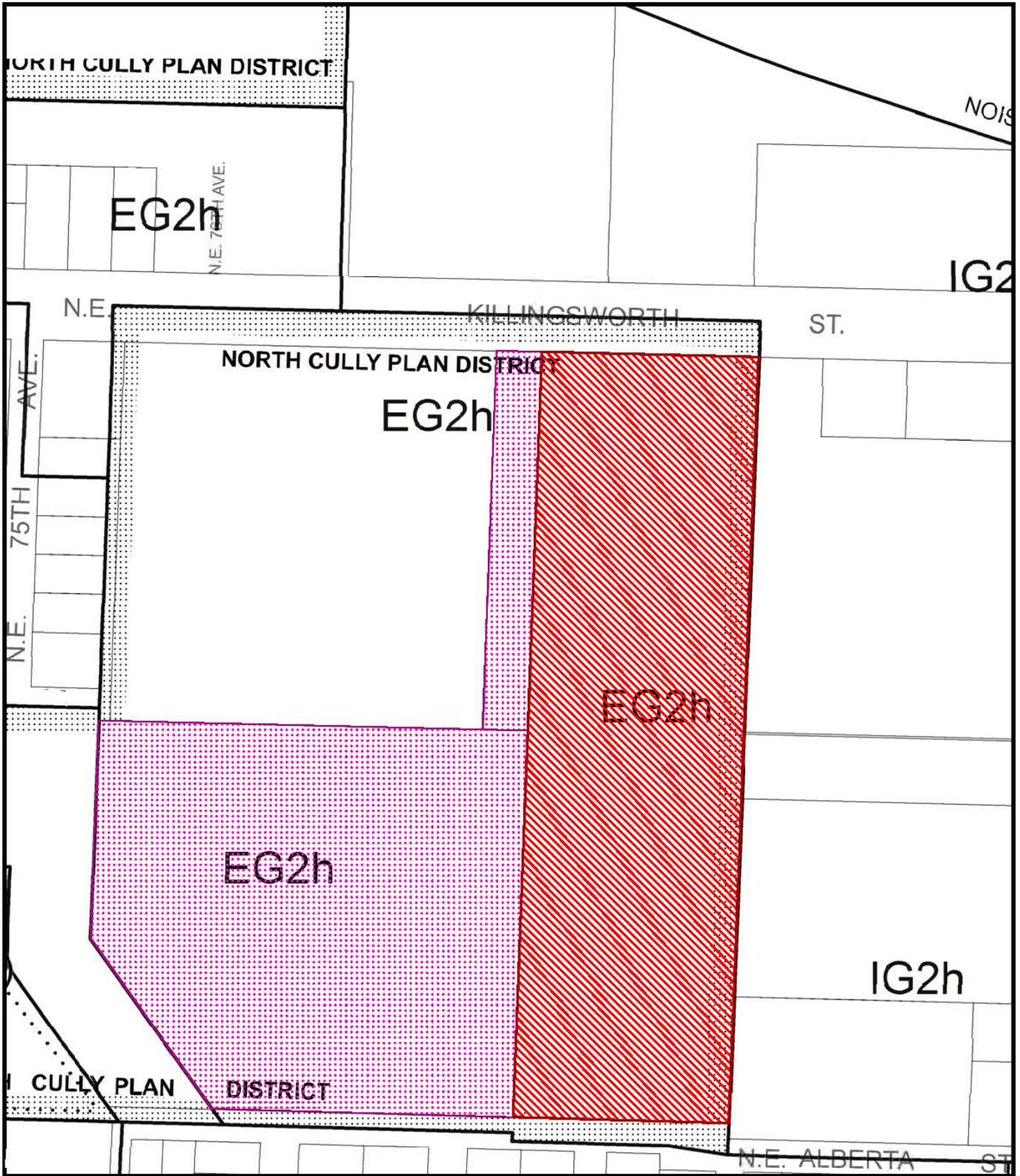
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
 - 8. ODOT
- F. Correspondence:
 - 1. Cully Association of Neighbors, July 30, 2014, in support, but with concerns
 - 2. Living Cully, July 31, 2014; with concerns
 - 3. R & J Moyle, July 31, 2014; concerns regarding noise impacts
- G. Other:
 - 1. Original LU Application
 - 2. Notes from EA 13-225893
 - 3. Incomplete letter; April 29, 2014; regarding North Cully Plan District requirements
 - 4. Updated Incomplete letter; June 9, 2014

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
-  Also Owned



This site lies within the:
North Cully Plan District

File No. LU 14-139487 AD
 1/4 Section 2538
 Scale 1 inch = 200 feet
 State_Id 1N2E20AA 1300
 Exhibit B (Apr 16, 2014)

