



CITY OF PORTLAND
 Bureau of Development Services
 1900 SW Fourth Avenue, Suite 5000
 Portland, OR 97201 **P524**
Land Use Decision Enclosed
Case # LU 17-273727 AD



City of Portland, Oregon | Bureau of Development Services | 1900 SW Fourth Avenue, Portland, Oregon 97201 | www.portlandoregon.gov/bds



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503-823-7300 BDS@PortlandOregon.gov www.PortlandOregon.gov/bds/translated

Traducción e interpretación | Chuyen Ngữ hoặc Phiên Dịch | 翻译或传译
 Turjumida ama Fasiraadda | 翻訳または通訳 | Письменными средствами перевода
 Traducere sau Interpretare | 번역 및 통역 | الشفوية أو الشفهية | الترجمة التحريرية أو
 Turjumaada ama Fasiraadda | 翻译或传译 | Письмовий або усний переклад



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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Date: March 28, 2018
To: Interested Person
From: Mark Moffett, City Planner
503-823-7806 / Mark.Moffett@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A REVISED PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 17-273727 AD

GENERAL INFORMATION

Applicant: Joseph Zody
FFA Architecture + Interiors, Inc.
520 SW Yamhill St., Suite 900
Portland, OR 97204

Owner: North Lombard Land Partners LLC c/o Willamette Stone LLC
922 NW 11th Ave #408
Portland, OR 97209

Interested Party: Kerry Hughes, North Lombard Land Partners LLC
P.O. Box 68260
Oak Grove, OR 97268

Site Address: 6123-6129 N LOMBARD ST

Legal Description: BLOCK 5 E 0.5' OF LOT 6 LOT 7-10, WILLUMBIA
Tax Account No.: R918000980
State ID No.: 1N1E07AC 13300
Quarter Section: 2124

Neighborhood: Portsmouth, contact pnalandusechair@gmail.com.
Business District: University Park Business District
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Zoning: **CSj** (Storefront Commercial base zone with Main Street Node overlay zone)

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

PROPOSAL: The applicant is developing a new mixed-use building on a site with two detached single-family homes (6123 & 6129 N Lombard). The proposal is for a four-story building with three stories of apartments over ground floor lobby space, one residential unit, a small retail space, and parking for 9 cars. There are 45 total apartments, including the required long-term bike parking in a ground floor room, although a payment will be made to the Bike Parking Fund in lieu of providing on-site short-term bike parking. The building extends to the property lines on all sides of the site, including the service alley behind the building, and will meet the Inclusionary Housing requirements that 15% of the units be affordable. The Inclusionary Housing units are also required to earn the extra floor area necessary for the project, which exceeds the base zone allowance of 3:1 (three times the site area = maximum floor area).

North Lombard is a Major Transit Priority Street in the City of Portland Transportation System Plan. Regulations of the CS zone require that all non-residential tenant spaces have a door that either directly faces the transit street, or is at most angled at 45 degrees from the street (33.130.242.C). As proposed, the small retail space door along Lombard faces perpendicular or 90 degrees from the street, and is oriented to an exterior entry plaza. Therefore, the applicant has requested an Adjustment to allow the single retail space tenant door to be perpendicular to Lombard.

Loading regulations for a building of this size (under 20,000 sq. ft. of non-residential, over 40 dwelling units) require one "B" loading stall that measures 18' deep by 9' wide with 10' vertical clearance. No on-site loading space was originally proposed. Therefore, the applicant had *originally* requested an Adjustment to eliminate the one required "B" loading stall.

REVISION: In response to staff and neighbor concerns, the proposal for loading has been modified. Instead of waiving the loading stall altogether, the proposal would now provide an on-site loading stall in the parking garage. The revised proposal would trigger a reduction in the size of the loading stall from 18' to 16' deep, 9' to 8'-6" wide, and from 10' to 8'-4" vertical clearance. With the smaller loading stall size now equivalent to a cargo van or regular truck/SUV/car stall, the smaller loading vehicles that can use the space will be able to enter and exit the site in a forward motion. *Therefore, the revised loading Adjustment no longer waives the on-site loading requirement, but instead reduces the loading stall dimensions from 18' to 16' deep, from 9' to 8'-6" wide, and from 10' to 8'-4" vertical clearance.*

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found at 33.805.040.A-F, Adjustment Approval Criteria.

CONCLUSIONS

The applicant has proposed a new mixed-use building in the Portsmouth neighborhood. The small retail entry door is placed sideways to the public sidewalk in Lombard, but the generous pedestrian entry plaza mitigates for any potential impacts, and the project has excellent pedestrian access to the street and nearby services for residents, customers and visitors. With regards to loading, the applicant's proposals to waive loading or place loading in the circulation aisle are problematic, as they would interfere with on-site vehicle movement and potentially the adjacent right-of-way. By providing a smaller van-sized loading stall in one of the parking spaces near the interior door, and with some extra maneuvering room beside the designated space for loading objects, the expected loading needs of the facility can be provided on-site in a way that will limit impacts on the surrounding neighborhood and street system. Because the criteria can be met with conditions, the request must be approved.

ADMINISTRATIVE DECISION

Approval of an **Adjustment** to allow the non-residential ground floor commercial space to have an entry door placed perpendicular to the sidewalk in N. Lombard Street (33.130.242.C).

Approval of an Adjustment to reduce the size of the required on-site "B" loading space from 9' to 8'-6" wide, from 18' to 16' deep, and from 10' to 8'-4" of vertical clearance (33.266.310.C.1.a).

Both the above approvals are granted based on the approved first floor/site plan, Exhibits C.1 and C.2, signed and dated March 22, 2018, and 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 on Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-273727 AD."
- B. The parking stall directly north of the trash/recycling area on Exhibits C.1 & C.2 must be designated and signed as a permanent loading stall for occupants of the building.

Staff Planner: Mark Moffett

Decision rendered by: M. MOFFETT on March 22, 2018.
By authority of the Director of the Bureau of Development Services

Decision mailed: March 28, 2018.

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 November 21, 2017, and was determined to be complete on January 16, 2018.

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 November 21, 2017.

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 for 30 days (Exhibit A.10). Unless further extended by the applicant, **the 120 days will expire on: June 14, 2018.**

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 April 11, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

Unless appealed, the final decision will be recorded on or after **April 12, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

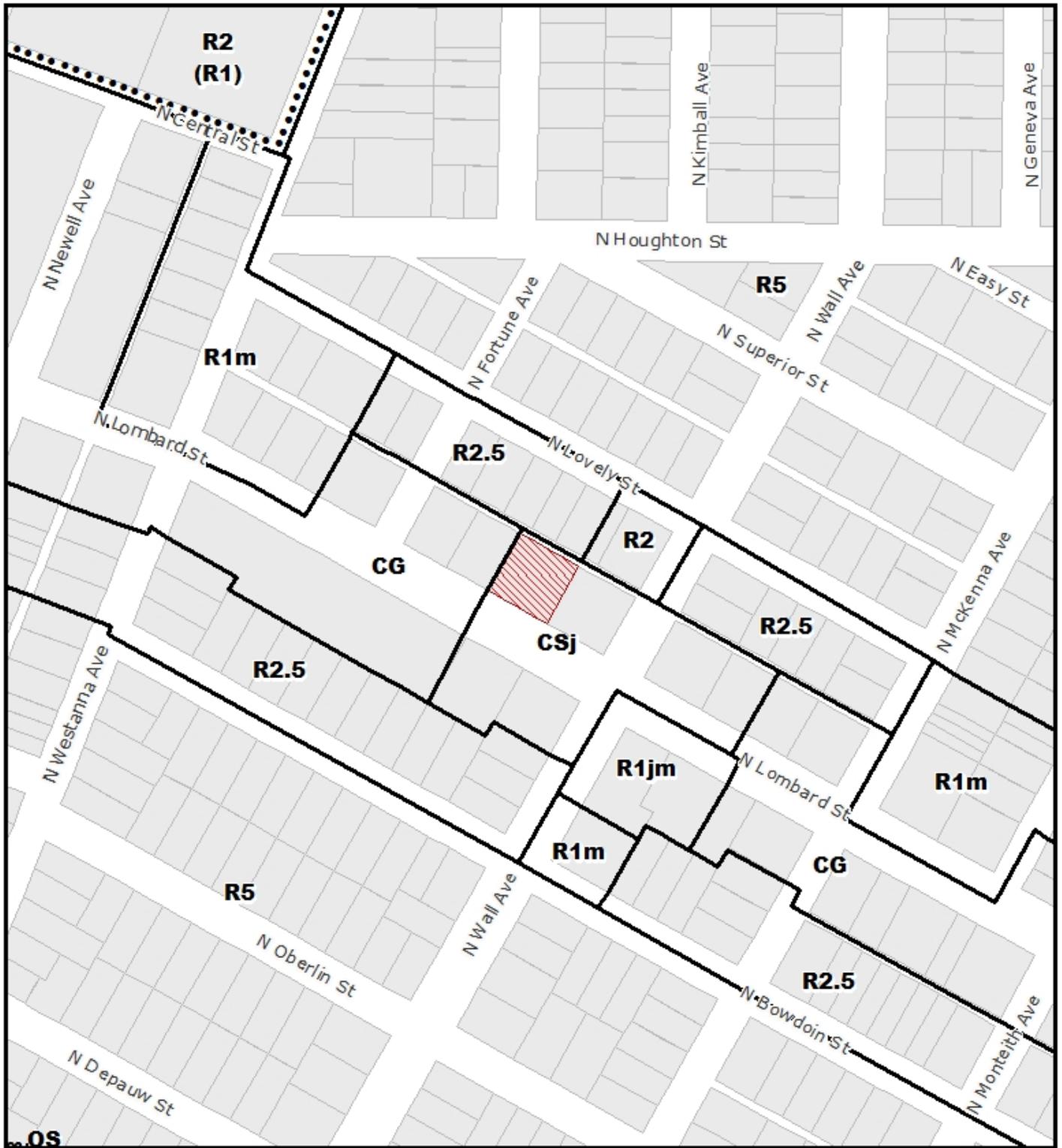
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Original narrative statement
 - 2. Early Assistance notes submitted by applicant, EA 16-251344
 - 3. Original, outdated plan set
 - 4. Original stormwater report
 - 5. Cover sheet submitted with revised plans, rec'd. 12/1/17
 - 6. Revised narrative and bike parking constraint plans, rec'd. 1/16/18
 - 7. Response from applicant via e-mail regarding request to extend the comment period, rec'd. 2/12/18
 - 8. Applicant response and original staff clarifications request regarding analysis of loading, 2/23/18 – 2/27/18
 - 9. Applicant response clarifying minimum clearance in garage, with supporting section detail exhibit, rec'd. 3/5/18
 - 10. Applicant extension of 120-day review period, rec'd. 3/8/18
 - 11. Copies of revised plan set not used for approved C exhibits
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. Large, scalable site plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Oregon Department of Transportation
 - 2. Development Review Section of Portland Transportation, including staff e-mail follow-up correspondence on revised loading layout
 - 3. Bureau of Environmental Services
 - 4. Life Safety Section of the Bureau of Development Services
 - 5. Fire Bureau
 - 6. Water Bureau
 - 7. Site Development Section of the Bureau of Development Services
- F. Correspondence:
 - 1. E-mail with comments from Brita Douglas, rec'd. 1/29/18
 - 2. E-mail with comments from Christopher Staub, rec'd. 1/31/18
 - 3. E-mail with comments from Amy Michet, rec'd. 2/5/18
 - 4. E-mail with comments from Whitney Dorer, rec'd. 2/6/18
 - 5. E-mail with comments from Kristi Hedrick, rec'd. 2/12/18
 - 6. E-mail with comments from Holly Chronister, rec'd. 2/13/18
 - 7. E-mail with comments from Susan Huffman, rec'd. 2/13/18
 - 8. E-mail with comments from Jon Sweeney, rec'd. 2/13/18
 - 9. E-mail with comments from Doug Malin, rec'd. 2/13/18
 - 10. E-mail with comments from Ryan Gaither, rec'd. 2/13/18
 - 11. E-mail with comments from Juliette Gralton, rec'd. 2/13/18
 - 12. E-mail with comments from Dan Donahue, rec'd. 2/13/18
 - 13. E-mail with comments from John Castle, rec'd 2/13/18

14. E-mail with comments from Jill Stevens, rec'd. 2/13/18
 15. E-mail with comments from Kim Spir, rec'd. 2/13/18
 16. E-mail with comments from Kim Spir, rec'd. 2/13/18
 17. E-mail with comments from Kim Spir, rec'd. 2/13/18
 18. E-mail with comments from Kim Spir, rec'd. 2/13/18
 19. E-mail with comments from Kim Spir, rec'd. 2/13/18
 20. E-mail with comments from Kim Spir, rec'd. 2/13/18
 21. E-mail with comments from Kim Spir, rec'd. 2/13/18
 22. E-mail with comments from Kim Spir, rec'd. 2/13/18
- G. Other:
1. Original LU application form and receipt
 2. Incomplete letter from staff to applicant, sent 12/6/17
 3. Returned mail (incomplete letter to listed owner)
 4. Internal staff routing slip for applicant materials
 5. Refund/withdrawal form
 6. Staff e-mail response to neighbor Amy Michet, sent 2/7/18
 7. Driveway Design Exception Decision Form: TR 18-107758
 8. E-mail adding neighbors to mailing list, sent 3/21/18

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 
NORTH

 Site

File No.	LU 17-273727 AD
1/4 Section	2124
Scale	1 inch = 200 feet
State ID	1N1E07AC 13300
Exhibit	B Nov 28, 2017

Approved

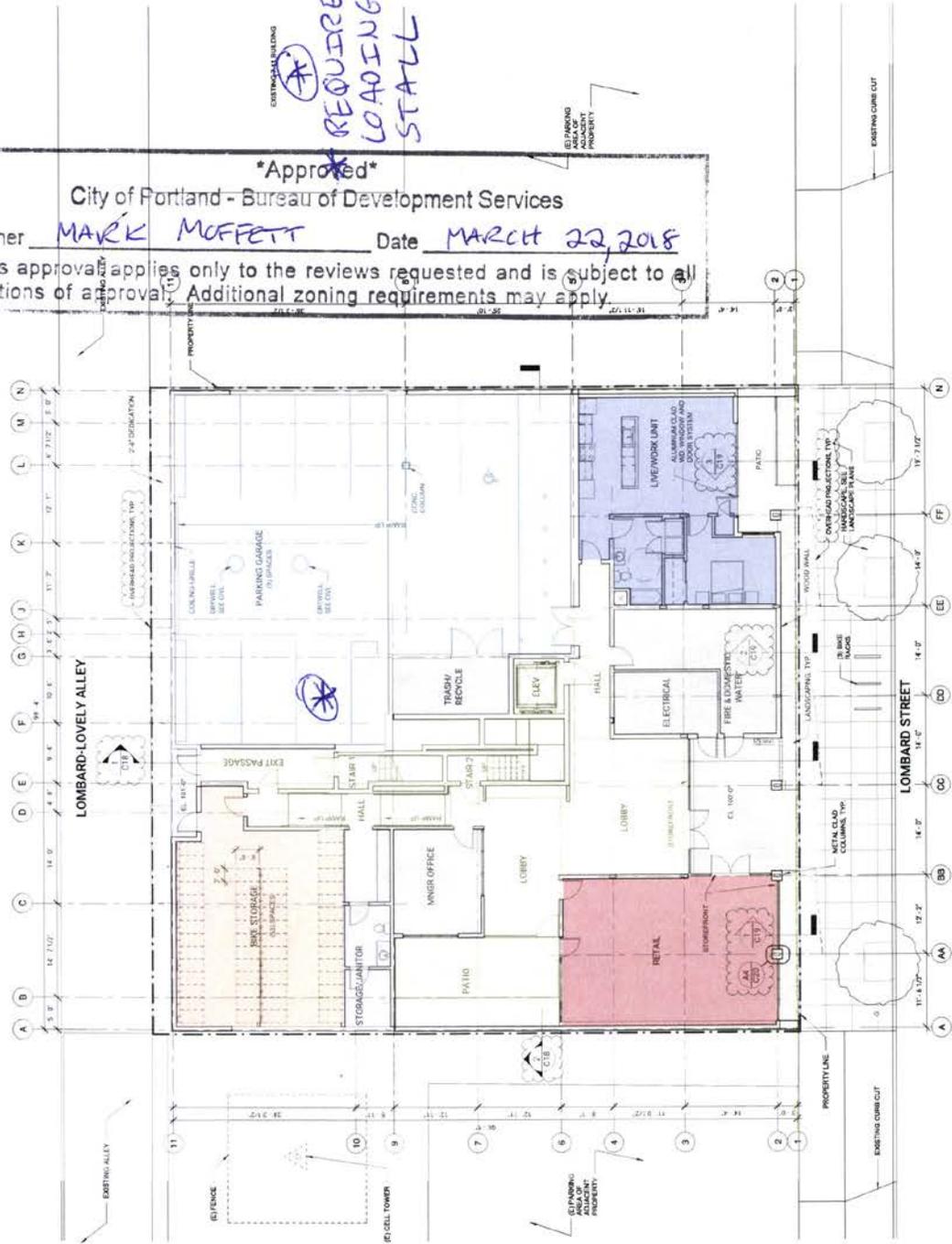
City of Portland - Bureau of Development Services

Planner MARK MOFFETT Date MARCH 22, 2018

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

REQUIRED
LOADING
STALL

- RETAIL
- RESIDENTIAL & LIVE/WORK
- BIKE PARKING
- PARKING
- CIRCULATION
- SUPPORT



First Floor / Site Plan

6123 N. Lombard St. | November 30th, 2017 | C11

Exhibit C.1

LU 17-273727 AD

Scale: 1/16" = 1'-0"

