



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE  
CITY OF PORTLAND ADJUSTMENT COMMITTEE  
ON AN  
APPEALED ADMINISTRATIVE DECISION  
(TYPE II PROCEDURE)**

**Case File Number: LU 17-273727 AD (Lombard Apartments)**

The Administrative Decision for this case was appealed by Ms. Kim Spir to the City of Portland Adjustment Committee. The Adjustment Committee denied the appeal and upheld the Administrative Decision approving the requested Adjustments.

**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 pmlandusechair@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.

However, in response to staff and neighbor concerns, the proposal for loading was 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.

## ANALYSIS

**Site and Vicinity:** The site is a rectangular mid-block parcel of 10,500 square feet, located on the north side of N. Lombard Street in the Portsmouth Neighborhood. The site is developed with two older houses, both of which are currently boarded-up and vacant, and construction fencing surrounds the site. The site abuts a passable alley breaking up the block between N. Lombard and N. Lovely Streets on the north edge, to which the existing garages and parking areas for the existing homes are oriented.

The surrounding area has a mix of residential, multi-family and commercial uses. Single-story automobile-oriented convenience stores are located directly east and west of the site fronting onto N. Lombard, and smaller apartment buildings and a grocery store are located across the street to the south. Properties on the south side of N. Lombard are within the University Park neighborhood, but the development pattern of nearby areas is the same: commercial and mixed-use development in the lots fronting onto Lombard, with apartments and single-family homes in the immediately adjacent neighborhoods beyond, including opposite the back alleys for lots fronting onto N. Lombard. Directly behind the subject site to the north on the same block, as is typical for the area, we find a 1950's single-story apartment building, two older two-story homes from the 1910s and 1920s, and several single-story midcentury ranch-style homes.

North Lombard Street abutting the site is an improved right-of-way with two-way vehicle travel lanes, some on-street parking where loading zones or bus stops or bike lanes are not located, and concrete curbing, planter strips with street trees, and concrete public sidewalks. North Lombard is classified as a Major Transit Priority Street, City Walkway and City Bikeway in the City of Portland Transportation System Plan.

**Zoning:** The Storefront Commercial (CS) base 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 desired character includes areas that 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.

In order to document conformance with the inclusionary housing regulations, which is necessary to achieve the requested maximum 4:1 floor area ratio standard, the applicant will need to provide verification the project meets Portland Housing Bureau standards during the permit review process (33.130.205.D).

The Main Street Node or “j” overlay zone encourages a mix of residential, commercial and employment opportunities within identified centers of activity along identified main streets. The zone allows efficient use of land at increased densities for the mutual reinforcement of public investments and private development. The regulations of this overlay zone don’t impact or apply to the project, since the property is not a corner site, and does not face both N. Wall and N. Lombard.

**Land Use History:** City records indicate there are no prior land use reviews for this site. There is an entry for a denied Sign Variance from 1977 listed in the property records (VZ 147-77), but this application was for a different site on N. Lombard between N. Denver and N. Fillmore, approximately 2.2 miles away to the east.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 23, 2018**. The following Bureaus have responded:

The *Oregon Department of Transportation* (ODOT) has reviewed the proposal and provided comments, as N. Lombard is also a State of Oregon Highway (US Highway 30 Bypass). The ODOT has determined that there will be no significant impacts to state highway facilities and no additional state review is required. The ODOT has a project to replace the existing on-street parking on Lombard Street with a bike lane, with the project going into construction in the Spring of 2018. Exhibit E.1 contains staff contact and additional information.

The *Development Review Section of Portland Transportation* has reviewed the proposal and responded with comments, concerns and notes, and has no objections or recommended conditions of approval, provided a minimum clearance of 8’4” is maintained for the smaller on-site loading space. Title 17 requirements that will apply during the building permit process have been identified and include dedication of approximately 2.5’ along the Lombard-Lovely alley frontage, to be verified by a site survey for which the applicant is responsible. Exhibit E.2 contains staff contact and additional information.

The *Bureau of Environmental Services* (BES) has reviewed the proposal and responded without objections. All relevant stormwater and sanitary service issues must be addressed during permitting, and it appears there is adequate room on the site to provide for stormwater management facilities. Detailed stormwater management plans will be required during the building permit review process. Exhibit E.3 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and responded with standard comments, but no specific objections or concerns regarding the Adjustments. It is strongly recommended that the applicant seek preliminary building code-related information from a Plans Examiner in the Development Services Center. All firewall and window opening regulations must be met. Exhibit E.4 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and provided a standard “no concerns” response. All Fire Code regulations apply and must be met at the time of building permit review, unless an alternative approach is approved through a Fire Code Appeal process. Exhibit E.5 contains staff contact and additional information.

The *Water Bureau* has reviewed the proposal and responded without comment or concern (Exhibit E.6).

The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and responded with comments, but no objections or concerns regarding the requested Adjustments. There is no record of any cesspools on the site, and a geotechnical report will be required during the building permit review (Exhibit E.7).

**Neighborhood Review:** A total of 22 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. All but one of the commenters wrote in opposition to the proposal, and eight of the responses came from the same person (15 total individuals wrote comments via 22 responses). The letter in support suggested that Lombard needed additional housing and storefronts, and that the project will improve the pedestrian environment on Lombard. The letter also notes proximity to transit and employment centers, and has no concerns with the loading or doorway orientation Adjustments.

Letters in opposition focused on the following relevant concerns, which will be addressed during the findings on the approval criteria:

- Concerns about loading demand and impacts on the transportation system in both Lombard and the adjacent alley related to likely loading demand for the building, loading vehicles blocking traffic, related pedestrian/bicycle safety, etc.; and
- Orientation of the retail space entry door to Lombard Street.

Letters in opposition focused on additional concerns that do not relate to the approval criteria for this request. These issues (*with brief italicized staff response notes in parentheses for some items*) are as follows:

- Trees on the site (*Title 11 Tree Code exempts CS-zoned sites from both Tree Preservation and Tree Density*);
- Minimum parking and future resident neighborhood parking (*City Council waived any minimum parking for projects with Inclusionary Housing – no parking is required*);
- Existing surface condition of the alley (*alley will be paved/improved as a requirement of the building permit process regardless of any Adjustment decision, per Title 17 and PBOT requirements*);
- The height of the building (*Maximum height limit is 45'-0", and there is no nexus or legal path towards requiring a shorter building in this application*);
- Density or number of units in the building (*there is no maximum number of units within the allowable floor-area ratio*);

- Homeless “squatters” and “druggies” occupying the site, leaving trash and needles, etc. (*Code violations and nuisance concerns are addressed by the Code Compliance Section of the Bureau of Development Services – call 503.823.2633 with complaints. There are two pending cases on the site as of 3/20/18*);
- Objections to lack of on-site short-term bike parking (*Zoning Code allows this site to pay into the Bike Parking Fund, based on the proposed building site layout*);
- Stormwater impacts (*BES reviewed the proposal with no objections, stormwater management is achievable on the site and must be met with the building permit review*);
- Alleged potential unsavory behavior of low-income unit tenants, e.g. drug use, gangs, crime, etc.;
- Alleged dumping in the alley;
- Allowing Adjustments is in effect discarding any public input and conformance with Portland’s Comprehensive Plan (*Adjustments are allowed if they meet the approval criteria, in which case they do conform with our Comprehensive Plan*);
- Lack of on-site landscaping (*some landscaping is proposed in stormwater planters, but the CS zone has no minimum landscaping required*);
- Lack of proper notification to neighbors and the Portsmouth Neighborhood Association (*case records show that Portsmouth and all neighbors within 150’ of the site received the public notice as required by the Zoning Code – Exhibit D.1*);
- The “purpose” and funding entities behind the project;
- Noise associated with the nearby grocery store or Portland International Raceway (*Noise is an enforcement-based issue, not applied during permitting or Adjustments*); and
- That the project has benefitted from a “special re-zoning” or “secret re-zoning” that amounts to a “done deal” that ignores neighbor concerns (*public notice was provided for the two Adjustments, relevant input will be considered, the decision on this case was mailed on March 28<sup>th</sup>, 2018*).

**Public Hearing:** On May 15<sup>th</sup> @ 2:30 PM, the Adjustment Committee held a public hearing to consider an appeal of the Administrative Decision on this case. The appeal requested a reversal to the Administrative Decision of approval for loading and transit street main entrance Adjustments, requesting that the overall proposal be denied.

Mark Moffett, the case planner and representative of the Bureau of Development Services (BDS)/Land Use Services Division, made a PowerPoint presentation that included a brief summary of the proposal, slides of the subject site and surrounding neighborhood, a summary of BDS’ findings related to the Adjustment approval criteria, and a summary of key issues raised in the appellant’s statement.

Following BDS’ presentation, the appellant, Ms. Kim Spir, testified in support of the appeal. Supporters of the appeal and testimony from the applicant followed, including final rebuttal from both the appellant and applicant. The Adjustment Committee then closed the record, and deliberated on the evidence and testimony that was submitted into the record. After deliberation, the Committee voted unanimously 6-0 to deny the appeal, and directed staff to prepare and mail a final appeal decision based on staff’s original findings. The public record in this case includes an audio recording of the appeal. The appeal was denied.

## **ZONING CODE APPROVAL CRITERIA**

### **33.805.010 Purpose of 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 Adjustment 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 *Transit Street Main Entrance* standard (33.130.242.A) is as follows: “*Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit*”.

The new residential lobby entry door faces directly towards N. Lombard Street. The adjacent entry door for the small street-facing retail space on the west edge of the building has a door that faces sideways or perpendicular to N. Lombard. However, this door provides direct access to an open pedestrian entry plaza and walkway, which is directly accessible from and adjacent to the public sidewalk. Although not strictly meeting the language of the code by being sideways to the public sidewalk, the retail entry door is still plainly visible and accessible from the public sidewalk, and provides for convenient access to the public pedestrian network and nearby transit services. No objections have been raised by the neighborhood with regards to the precise orientation of the small retail door on this project. Therefore, with regards to the Transit Street Main Entrance Adjustment, the proposal is equally or more supportive of the purpose of the regulation noted above, and this criterion is met.

The purpose of the Loading standard for all developments (33.266.310.A) is as follows: “*A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*”

The originally proposed loading arrangement was to waive the on-site loading requirement for a “Type B” (minimum 9’ wide, 18’ deep with 10’ vertical clearance) loading stall altogether. After concerns were raised by both neighbors and city staff, the applicant reduced the scope of their proposal by showing a van-sized loading stall in the circulation aisle of the structured parking garage area with access off the alley. This loading stall proposal would have interfered with the circulation of parking vehicles, such that residents using the loading space would effectively block other resident vehicles from leaving or entering their parking stall (Exhibit A.8). In this modified proposal from the applicant, Adjustments would be necessary to reduce the vertical clearance for the loading stall (10’ to 8’-4”), to waive the forward motion standard for the loading vehicles, and to allow a loading stall in the parking area circulation aisle. The latter Adjustment to allow loading in the parking area circulation aisle (Adjustment to 33.266.130.F.1.a) would have required an additional fee and new mailed public notice (e.g. a new Adjustment).

Portland Transportation provided an agency response for this request (Exhibit E.2). In their analysis, PBOT was supportive of lowering the vertical clearance height for an on-site loading stall from 10' to 8'-4", because the PBOT truck dimensions database shows that most pick-up trucks and smaller moving vans that will fit inside the garage are typically less than 8' tall. The smaller vehicle-sized loading space size of 8'-6" by 16' is also able to handle regular Sport Utility Vehicle and small station wagon-type vehicles in addition to smaller moving or passenger-type vans from moving truck rental companies. A staff call to U-Haul Portland on March 26, 2018 to verify which moving vehicles would fit under an 8'-4" clearance height identified this would include their 8' pickup, 9' passenger van, and 10' moving truck (the 15' moving truck was 8'-8" tall, and would not fit in this garage, but everything smaller would fit). Given the low volume of traffic and speeds in the alley, and the associated low potential for vehicle conflicts, there are no significant concerns about impacts on the transportation system with loading access off the alley. Staff from PBOT was supportive of the idea of placing the loading stall in one of the nine on-site parking spaces with dimensions of 8'-6" x 16', if the southwest parking space just north of the trash/recycle room is designated as the loading space, since it has a few feet of extra available side room.

With a condition of approval that on-site loading be provided in the garage parking stall just north of the trash/recycling room that is extra wide, on-site loading can be provided that does not conflict with the movement of other vehicles. With a condition of approval that on-site loading be provided in this specific space, there is no need for an Adjustment to waive the requirement for forward motion for loading vehicles. With this noted condition of approval and a revised Adjustment approval to reduce the vertical clearance (10' to 8'-4"), width (9' to 8'-6") and length (18' to 16') of the loading stall, any concerns from Portland Transportation regarding impacts of the loading facility on the adjacent rights-of-way has been addressed, and this criterion can be 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:** North Lombard is classified as a District Collector Traffic Street, Major Transit Priority Street, City Bikeway, City Walkway and Community Corridor (design mode). The Development Review Section of Portland Transportation has reviewed the proposal for consistency with the street classifications, and is in support of a modified proposal with conditions regarding placing loading in one of the on-site parking spaces, as noted above under findings for criterion A. With regards to street classifications, this criterion is met.

The desired character of the area includes the purpose and characteristics statements of the base zone. The purpose of the CS base zone is to promote uses and developments which will enhance the economic viability of the specific commercial district and the city as a whole. The CS zone is intended to preserve and enhance older commercial areas with a storefront character, including areas that are predominantly built-up, with buildings close to and oriented towards the sidewalk. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. As proposed, the project is consistent with these general overall goals, by redeveloping two older abandoned homes into 45 dwelling units with a small retail space in a new mixed-use, multi-story building that is built close to and oriented towards the sidewalk. The main entrances to the residential lobby and the small retail space are oriented to an open entry plaza that is pedestrian-oriented with respect to its access and visibility from the public sidewalk.

Desired character also includes the purpose statement for any overlay zones. The Main Street Node or "j" overlay zone seeks to encourage a mix of residential, commercial and employment

opportunities in identified activity centers along certain main streets. The additional height and floor area provisions of the overlay zone are not being used by the project, which is otherwise consistent with the general intent of encouraging mixed-use redevelopment at this node of N. Lombard and Wall Streets.

Finally, desired character also includes any relevant goals or policies from the Portsmouth Neighborhood Plan or the St. Johns/Lombard Plan (2004). The project is generally supportive of the voluntary Design Guidelines of the Portsmouth Neighborhood Plan (PNP), although strictly speaking these are not adopted by Ordinance and therefore not part of the “desired character”. The proposal is consistent with PNP policies on Business Growth and Development (#6) and Housing (#8) by providing new retail space and housing in the neighborhood. The site is outside the Urban Character or Design overlay areas of the St. Johns Town Center in the St. Johns/Lombard Plan, and therefore the “Urban Character” policies specific to those areas do not apply. The project is otherwise consistent with Economic Development (#4) and Housing (#5) policies by providing infill, residential/housing development and new commercial space along the Lombard Main Street.

Based on these considerations, 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:** The overall purpose of the zone is to enhance the economic viability of the specific area and the city as a whole, including providing infill housing and commercial opportunities on the designated Lombard Main Street, in the historic heart of the Portsmouth neighborhood. Because the proposal provides infill residential and commercial opportunities, this criterion is met.

**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:** With conditions of approval ensuring that one of the on-site parking spaces is re-designated as the on-site loading space, the typical van-sized moving vehicles which are expected to be used most often for tenant moves will be able to park on the site without impacting other cars in the garage, or the overall function of the nearby transportation network. With an on-site loading stall and easy access to the street-facing retail space even with a sideways door orientation, there are no discernible impacts that require further or additional mitigation. 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 demonstrate conformance with all 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.

The applicant has provided documentation that it is not possible to provide all five required short-term bike parking stalls on the site (Exhibit A.6). Therefore, instead of providing on-site short-term bike parking, the project will be eligible to pay into the Bike Parking Fund for the five required short-term spaces.

Projecting bay windows shown on the project drawings must meet all PBOT standards for encroachment into the public right-of-way. As shown on the drawings in this case, the bay windows that project into the right-of-way exceed the height limit that applies on the private property. Zoning Code maximum height regulations do not apply in the public right-of-way.

## 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.

## ADJUSTMENT COMMITTEE DECISION

Deny the appeal, and uphold the Administrative Decision, thereby approving the two Adjustments in question as follows:

**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).

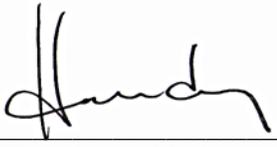
**Approval of an Adjustment** to reduce the size of the required on-site "B" loading space from 9' to 8'-6" wide, from 18' to 16' deep, and from 10' to 8'-4" of vertical clearance (33.266.310.C.1.a).

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.

**These findings, conclusion and decision were adopted by the City of Portland Adjustment Committee on May 15, 2018.**

By:  \_\_\_\_\_ **ON BEHALF OF LESLIE HAMILTON**  
**Leslie Hamilton, Chair**

**Date Final Decision Effective/Mailed: May 30, 2018.**  
**120<sup>th</sup> day date: June 14, 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(1)* 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 a period of 29 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 is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a “Notice of Intent to Appeal” with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

**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 May 31, 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:

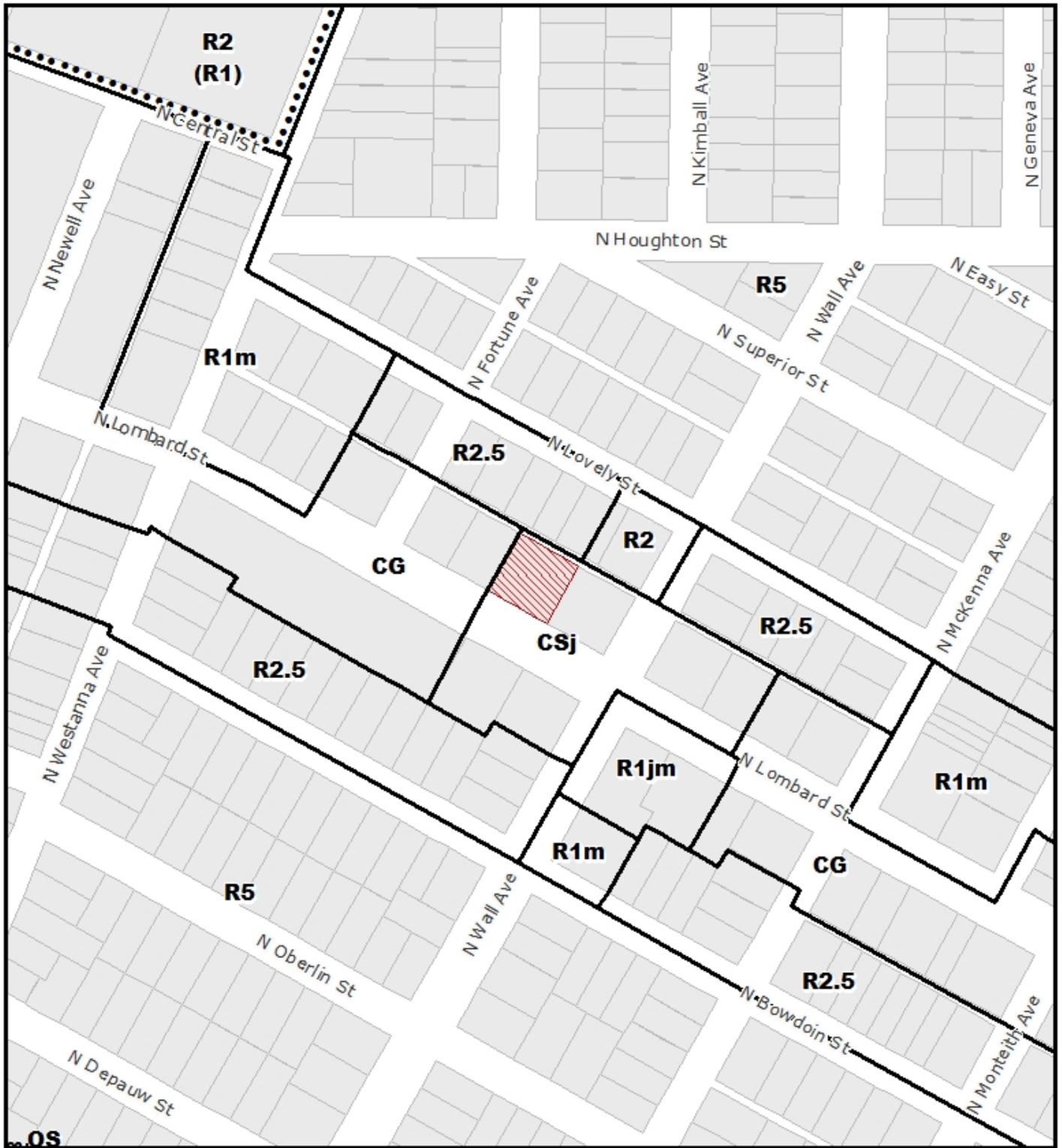
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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 Galton, 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
- H. Appeal Hearing Exhibits
1. Original mailed decision with mailing list
  2. Postmark copy of original mailed decision
  3. Appeal submittal from appellant, rec'd. 4/11/18
  4. First hearing notice – original with mailing list, sent 4/17/18
  5. Postmark copy of first hearing notice, sent 4/17/18
  6. Revised hearing notice – original with mailing list, sent 5/9/18
  7. Cover memo sent to Adjustment Committee with appeal packets, sent 5/8/19
  8. Appeal hearing sign-in sheet for testimony, 5/15/18
  9. Staff PowerPoint presentation, 5/15/18
  10. Perspective view from original application routed to Commissioners by staff at hearing, 5/15/18
  11. Appeal submittal from appellant provided at hearing, 5/15/18
  12. Letter with concerns from Dan Donahue provided at hearing, 5/15/18
  13. Maps and photographs provided by neighbor at hearing, 5/15/18
  14. Letter from Thomas Karwaki, submitted 5/15/18

**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



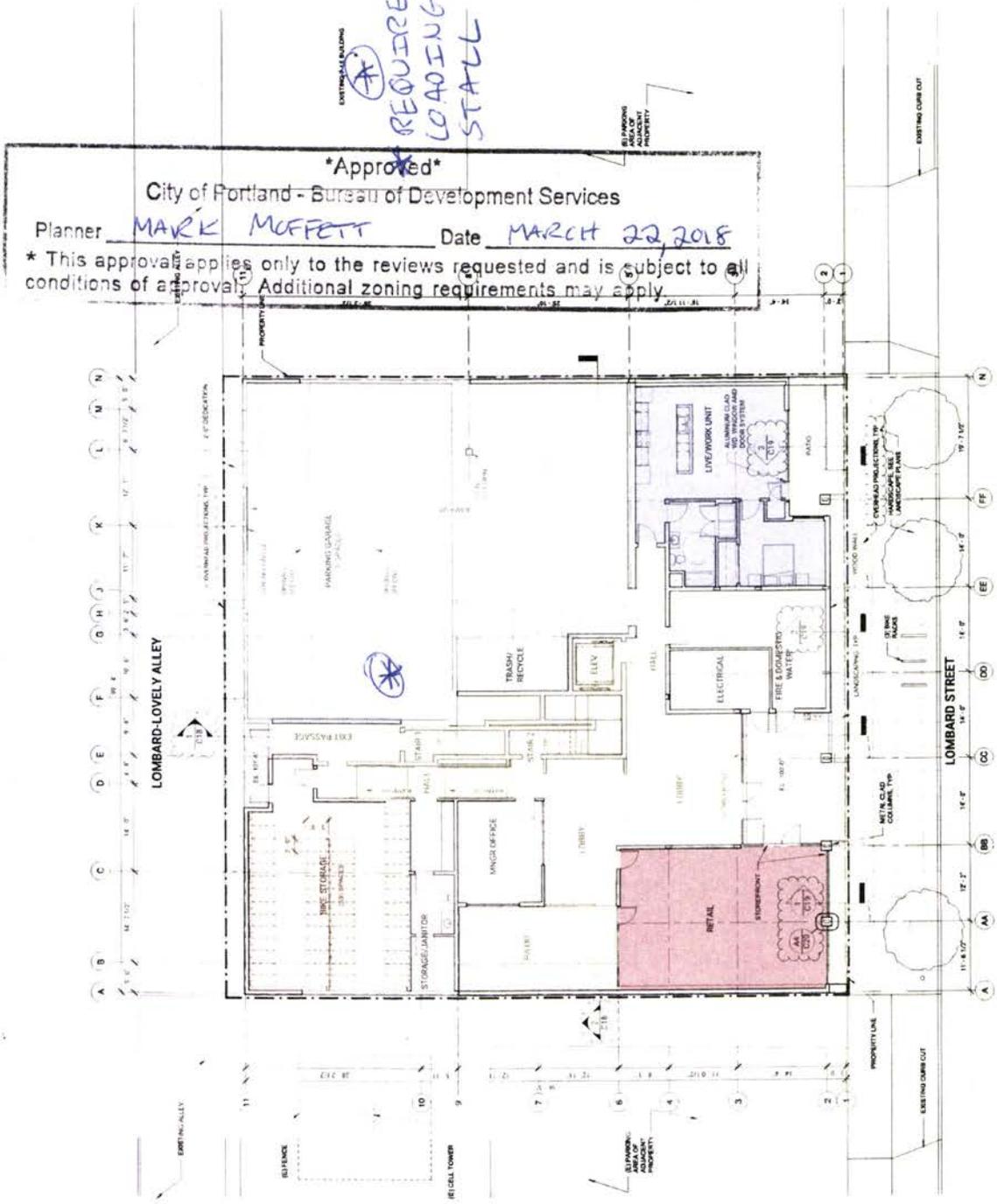
Site

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 MUFFETT 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 40  
 APPEAL

**FFA**  
 Architecture + Interiors

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