



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 1, 2018  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-823-7282/David.Besley@portlandoregon.gov

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

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on August 22, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-191295 AD, in your letter. It also is helpful to address your letter to me, David Besley. You can also e-mail your comments to me at my e-mail address identified above. Please note that all correspondence received will become part of the public record.

## **CASE FILE NUMBER: LU 18-191295 AD**

**Applicant:** Mandi Jenks | Lower Columbia Engineering  
58640 McNulty Way | Portland, OR 97051  
Phone: 503-366-0399 | Email: [mandi@lowercolumbiaengr.com](mailto:mandi@lowercolumbiaengr.com)

**Owner:** Heath Hansen | Performance Contracting Inc.  
8015 Hunziker Road | Tigard OR 97223

**Owner:** Rosan Inc  
Po Box 6712 | Portland OR 97228

**General Contractor:** Josh Komp | Cornice Construction  
Po Box 672 | Scappoose OR 97056

**Site Address:** 2455 NW NICOLAI ST

**Legal Description:** TL 2200 7.84 ACRES, SECTION 28 1N 1E  
**Tax Account No.:** R941280830  
**State ID No.:** 1N1E28BC 02200  
**Quarter Section:** 2726, 2826, 2727, 2827

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574., MC UNCLAIMED #14

**Business District:** Northwest Industrial, contact [chair@nwindustrial.org](mailto:chair@nwindustrial.org)  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212

**Plan District:** Guilds Lake Industrial Sanctuary

**Zoning:** IHk (Heavy Industrial zone with a Prime Industrial zone overlay)

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

### **Proposal:**

The applicant is currently making interior improvements to the office portion of a leased building and adding a truck ramp to the loading area. Because the value of this improvement

exceeds the \$163,650 non-conforming development threshold, the site must be brought into conformance with development standards, which includes interior parking lot landscaping (Section 33.258.070.D.2). The Portland Zoning Code requires that a minimum of 45 square feet of interior landscaped area must be provided for each parking space (33.266.130.G.3). The subject site currently has 77 stalls which requires a total of 3,465 square feet of interior parking lot landscape, but has only provided 1,949 square feet of interior parking lot landscape. An Adjustment is therefore required to reduce the minimum required interior parking lot landscaping from 3,465 square feet to 1,949 square feet.

Additionally, the interior parking lot landscaping must meet the "P1" standard of 33.248.020.I. This standard requires the following:

- Trees at the following rates: (1) large tree per 4 parking spaces; or (1) medium tree per 3 parking spaces; or (1) small tree per 2 parking spaces.
- One shrub per 1.5 parking spaces; and
- Groundcover at spacing consistent with the recommendations of the Tree and Landscaping Manual

While the interior parking lot landscaping meets the shrub and groundcover requirements of this standard, only 10 small trees of the required 39 (small) trees are provided. An additional Adjustment is therefore required to reduce the amount of required parking lot landscaping trees from 39 (small) trees to 10 (small) trees.

An existing vehicle parking area includes spaces that abut the eastern property line. The Portland Zoning Code requires a minimum of 5 foot setbacks and low-screen landscaping (L2 standard) between parking areas and abutting industrially zoned lot lines (Section 33.266.130.G, Table 266-5). An additional Adjustment is therefore required to reduce the minimum 5-foot setback to 0 feet to east of an existing parking area and waive the requirement for low-screen landscaping.

Note: Aside from the new loading area ramp, which will not reduce any of the existing parking lot landscaping, no new exterior development is proposed as part of this application.

#### **Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

#### **33.805.040 Approval Criteria**

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- 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
- 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
- D.** City-designated scenic resources and historic resources are preserved (*not applicable*);
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable (*not applicable*)

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. This application was submitted on June 22, 2018 and determined to be complete on July 27, 2018.

#### **DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal.

After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov](http://www.portlandoregon.gov).

#### **APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

#### **APPEAL OF THE FINAL CITY DECISION**

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

**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).**

#### **Enclosures:**

Zoning Map  
Site Plan



# ZONING

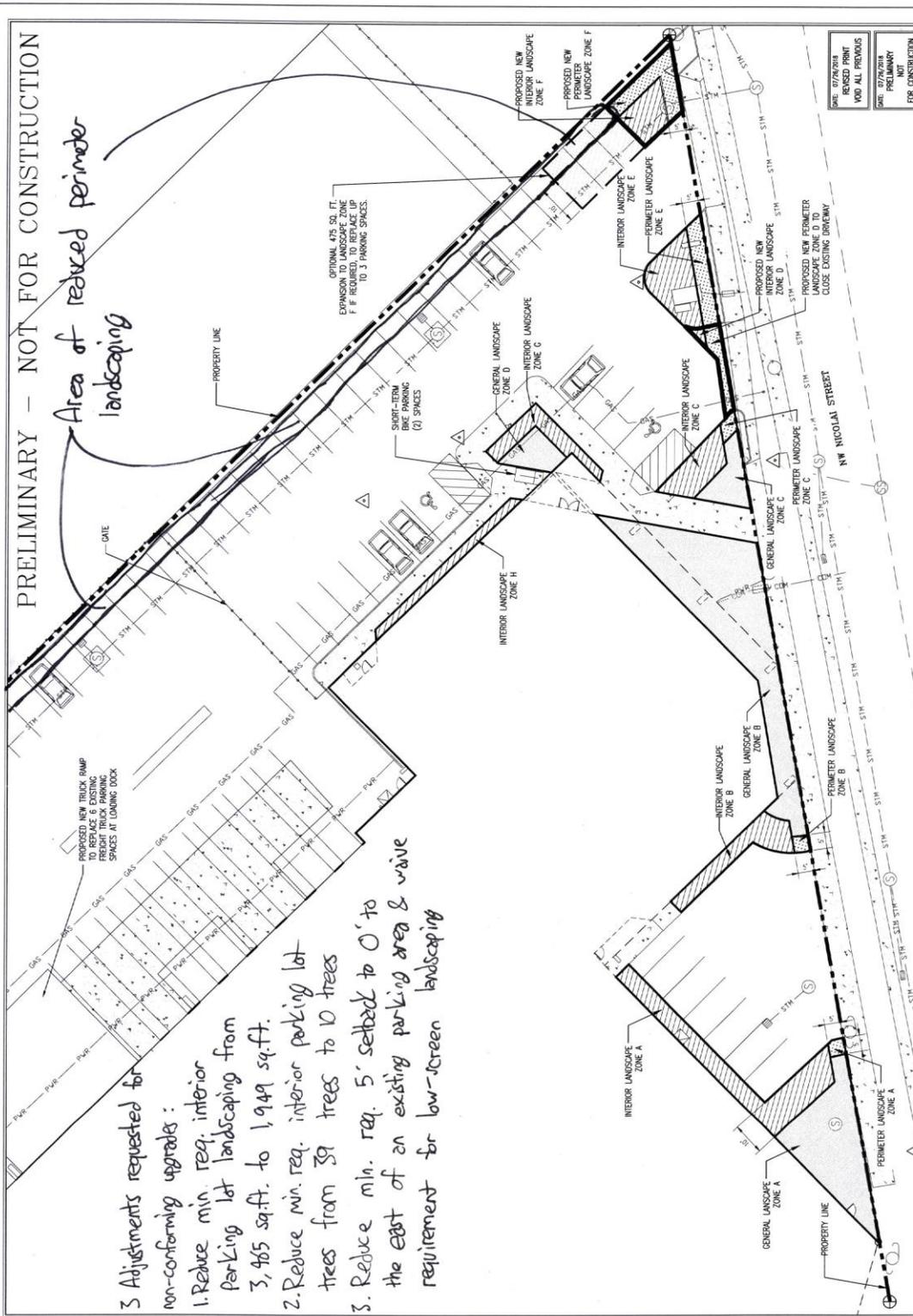
THIS SITE LIES WITHIN THE:  
GUILDS LAKE PLAN DISTRICT

-  Site
-  Recreational Trails

File No.	LU 18-191295 AD
1/4 Section	2726, 2727, 2826, 2827
Scale	1 inch = 200 feet
State ID	1N1E28BC 2200
Exhibit	B Jun 29, 2018

PRELIMINARY - NOT FOR CONSTRUCTION

Area of reduced perimeter landscaping



- 3 Adjustments requested for non-conforming upgrades:
1. Reduce min. req. interior parking lot landscaping from 3,465 sq.ft. to 1,949 sq.ft.
  2. Reduce min. req. interior parking lot trees from 39 trees to 10 trees
  3. Reduce min. req. 5' setback to 0' to the east of an existing parking area & waive requirement for low-green landscaping

PARKING LANDSCAPE ZONES

INTERIOR ZONE A	619 SQUARE FEET
INTERIOR ZONE B	278 SQUARE FEET
INTERIOR ZONE C	18 SQUARE FEET
INTERIOR ZONE D	18 SQUARE FEET
INTERIOR ZONE E	320 SQUARE FEET
INTERIOR ZONE F	117 SQUARE FEET
INTERIOR ZONE G	211 SQUARE FEET
INTERIOR ZONE H	170 SQUARE FEET
1949 SQUARE FEET	
PERIMETER ZONE A	95 SQUARE FEET
PERIMETER ZONE B	25 SQUARE FEET
PERIMETER ZONE C	32 SQUARE FEET
PERIMETER ZONE D	14 SQUARE FEET
PERIMETER ZONE E	14 SQUARE FEET
PERIMETER ZONE F	270 SQUARE FEET
611 SQUARE FEET	
GENERAL ZONE A	160 SQUARE FEET
GENERAL ZONE B	1549 SQUARE FEET
GENERAL ZONE C	192 SQUARE FEET
GENERAL ZONE D	160 SQUARE FEET
2861 SQUARE FEET	
TOTAL	5221 SQUARE FEET

KEYNOTES

1. EXISTING LANDSCAPE ZONES OUTSIDE PROPERTY BOUNDARY ARE NOT INCLUDED IN LANDSCAPE ZONE CALCULATIONS.
2. GENERAL LANDSCAPE ZONES NOT INCLUDED IN CALCULATIONS: PERIMETER LANDSCAPE.
3. ALTERNATE OPTION WITH REDUCTION OF 3 PARKING SPACES.

LANDSCAPE ZONE LEGEND

INTERIOR LANDSCAPING ZONE	(Pattern)
PERIMETER LANDSCAPING ZONE	(Pattern)
GENERAL LANDSCAPING ZONE	(Pattern)
LANDSCAPING ZONE OUTLINE	(Line)
OPTIONAL LANDSCAPING ZONE	(Pattern)
OPTIONAL LANDSCAPING ZONE	(Pattern)

SITE LEGEND

CO	CLEAN OUT
(N)	NEW/PROPOSED
(E)	EXISTING
(D)	EXISTING DOOR (8 FT TIP)
CB	CATCH BASIN
CH	CHIMNEY
CR	CRACK
DS	DOWNSPOUT
(C)	CONTROL POINT
(P)	PROPERTY CORNER
(M)	STORMWATER MANHOLE
(S)	SANITARY SEWER MANHOLE
(SW)	STORM WATER SEWER
SL	GAS LINE
STH	PDE POWER LINE
GS	CONDUIT/COMM. LINE
PWR	WATER LINE
COM	WATER LINE
ISO	(E) FENCE LINE
(F)	CONCRETE AWING
(A)	TRAFFIC DIRECTION ARROW
(S)	GENERATOR
(L)	EXTERIOR LIGHT



PROPOSED LANDSCAPE ZONES  
SCALE: 1" = 30'-0"



REV	REVISION RECORD	DATE
1	LANDSCAPE ZONE RECORDS	07/26/2018



PROJ. NO. 2721  
CORNICE CONSTRUCTION, LLC.  
DATE: 07/17/2018  
SCALE: NOTED  
APPR. BY: HBO  
FIC TENANT IMPROVEMENTS  
PROPOSED LANDSCAPE ZONES  
DATE: 07/17/18  
DWG. NO. D-2721-C4-A

DATE: 07/17/2018  
REVISION: REISED PRINT  
VOID ALL PREVIOUS  
DATE: 07/17/2018  
SCALE: 1/4" = 1'-0"  
DATE: 07/17/2018  
SCALE: 1/4" = 1'-0"  
DATE: 07/17/2018  
SCALE: 1/4" = 1'-0"