



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

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**Date:** March 11, 2019  
**To:** Interested Person  
**From:** Lauren Russell, Land Use Services  
503-823-7817 / [Lauren.Russell@portlandoregon.gov](mailto:Lauren.Russell@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 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 18-241920 AD**

**GENERAL INFORMATION**

**Applicant:** Josh Philippi | Habitat For Humanity Portland/Metro East  
1478 NE Killingsworth St | Portland OR 97211

**Owner/Owner's Representative:** Steve Messinetti | Habitat For Humanity Portland/Metro East  
1478 NE Killingsworth St | Portland, OR 97211

**Architect:** William Wilson | William Wilson Architects  
1022 SW Salmon St Ste 350 | Portland, OR 97205

**Party of Interest:** Bobby Daniels | Portland Housing Bureau  
421 SW 6th Ave #500 | Portland, OR 97204

**Site Address:** 1408 N KILPATRICK ST

**Legal Description:** BLOCK 16 LOT 6&7 W 1/2 OF LOT 8, FAIRPORT  
**Tax Account No.:** R267901980  
**State ID No.:** 1N1E10CB 10200  
**Quarter Section:** 2229  
**Neighborhood:** Kenton, contact at [knalanduse@gmail.com](mailto:knalanduse@gmail.com).  
**Business District:** Kenton Business Association, contact [info@kentonbusiness.com](mailto:info@kentonbusiness.com).  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

**Plan District:** North Interstate  
**Zoning:** CM3dhm/RHdh – Commercial/Mixed Use 3 and High-Density Multi-Dwelling Residential, Design Overlay, Aircraft Landing Overlay, Centers Main Street Overlay

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

**Proposal:**

The applicant proposes to construct a new 30-unit multi-dwelling housing development at the corner of N Interstate Avenue and N Kilpatrick Street in two phases. Phase I includes a three-story, 12-unit building on the western half of the site that is zoned commercial/mixed use. Phase II includes a three-story, 18-unit building on the eastern half of the site that is zoned multi-dwelling residential. The Centers Main Street overlay zone is mapped on the western half of the site that is zoned commercial/mixed use. Per Zoning Code Section 33.415.200, within 100 feet of a transit street, at least 25 percent of the ground level floor area must be in an active use, which includes retail sales and service, office, industrial service, manufacturing and production, community service, daycare, religious institutions, schools, colleges, and medical centers. Because the Phase I building is located within 100 feet of N Interstate Avenue, which is a transit street, and all of the ground level floor area is proposed to be in household living use, the applicant requests an Adjustment to reduce the amount of the ground level floor area that must be in one of the specified active uses in the Phase I building from 25 percent to 0.

**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.

**ANALYSIS**

**Site and Vicinity:** The subject site is a 13,004 square foot lot located at the southeast corner of the intersection of N Interstate Avenue and N Kilpatrick Street. The site is currently developed with a one-story single-dwelling residence on the east half of the site and a one-story commercial building on the west half of the site. The remainder of the subject block is mainly developed with one- to two-story single-dwelling residences and duplexes. There is also a church on the southwest corner of the block. Interstate 5 is located two blocks to the east and the MAX light rail line runs along N Interstate Avenue. The blocks to the south of the site are mainly single-dwelling residential development and some larger-scale mixed use development is located near the light rail station at the intersection of N Interstate Avenue and N Denver Avenue.

**Zoning:** The CM3 designation is one of the City's commercial/mixed use zones, which are intended to promote uses and development that support healthy complete neighborhoods. The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone.

The RH zone is one of the City's multi-dwelling zones, which are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The Design (d) overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. Generally, new development and exterior alterations to existing development are subject to design review; however, this proposal is eligible to meet objective community design standards instead of going through design review (Zoning Code Section 33.420.055).

The Aircraft Landing (h) overlay zone provides for safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment. In Residential zones, structures are regulated by the base zone height limits rather than the height limits of the overlay zone, which in this location is over 300 feet.

The Centers Main Street (m) overlay zone encourages a mix of commercial, residential, and employment uses on the key main streets within town centers and neighborhood centers

identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed November 1, 2018. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (BES) responded that BES does not object to approval and provided information about stormwater management requirements (Exhibit E-1);
- Bureau of Transportation Development Review (PBOT) responded with no objection to approval of the requested Adjustment (Exhibit E-2);
- Water Bureau responded with no objection to approval and provided information about water service (Exhibit E-3);
- Fire Bureau responded with no concern with the proposal and provided information about fire code requirements (Exhibit E-4);
- Site Development Section of BDS responded with no objection to approval and provided information about cesspool decommissioning (Exhibit E-5); and
- Life Safety Review Section of BDS responded with no objection to approval of this proposal and provided information about building permit requirements (Exhibit E-6).

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified neighbors in response to the Notice of Proposal.

## 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 applicant has demonstrated 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 applicant is requesting an Adjustment to reduce the amount of the ground level floor area that must be in one of the specified active uses in the Phase I building from 25 percent to 0.

The purpose of the required ground floor active use standard is stated in Zoning Code Section 33.415.010:

**Purpose.** *The Centers Main Street overlay zone encourages a mix of commercial, residential, and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.*

Encourage a mix of uses and a continuous area of shops and services, support hubs of community activity, and foster a dense, urban environment: The subject property is a transition site at the southeastern-most edge of a dense mixed use node that is still developing. This node extends north to N Willis Boulevard, west to N Fenwick Avenue, south to N Schofield Street, and east to N Maryland Avenue. The properties to the south and east of the subject site are zoned high-density multi-dwelling residential. The proposed multi-dwelling development would be the first large development at the southern end of the node, which otherwise will still have a mix of low-scale commercial buildings and single-dwelling residences.

The proposed 30-unit multi-dwelling apartment buildings would add density to this transition site and could encourage further development of the adjacent properties within the southern portion of the mixed-use node. The apartments would be within walking distance to the existing shops and services within the node as well as the light rail station located at N Interstate Avenue and N Denver Avenue. This development would contribute to the density necessary to support transit and community activities in the mixed use-node. The new dwelling units would provide additional pedestrians to enhance the vitality of the neighborhood and support nearby commercial enterprises.

Therefore the request to waive the ground floor active use standard would still encourage a mix of uses and a continuous area of shops and services, support hubs of community activity, and foster a dense, urban environment.

Create a safe and pleasant pedestrian environment: The proposed Phase I apartment building would be set back just two feet from both N Interstate Avenue and N Kilpatrick Street so it would be oriented to the street and sidewalk corridor. The ground level residential units would have large windows and the units along N Kilpatrick Street would have ground level patios at the street lot line, which would provide ample opportunities for eyes on the street, increasing safety for pedestrians. The main entrance to the building would be accessed from the N Interstate Avenue sidewalk and would be bordered by landscaping on either side. Several building elements would project into the N Interstate Avenue right-of-way above the sidewalk including a canopy for the main entrance and upper level balconies, which can add interest and even some weather-protection for pedestrians. The overall design of the Phase I building would therefore create a safe and pleasant pedestrian environment.

Minimize conflicts between vehicles and pedestrians: No on-site parking is proposed, so the proposed development would not create any potential conflicts between vehicle and pedestrians.

For these reasons, the proposed Adjustment to reduce the amount of ground floor area in a specified active use equally meets the purpose of the regulation. This criterion is met.

- B. If in a residential CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**

**Findings:** Because the Phase I building is located in a commercial zone, the applicant must demonstrate that the proposal will be consistent with the classifications of the adjacent

streets and the desired character of the area. Zoning Code Section 33.910 defines desired character as 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” and “it also includes the preferred and envisioned character based on any adopted plans or design guidelines for an area.”

Street classifications: The Portland Transportation System Plan classifies N Interstate Avenue as a City Bikeway, City Walkway, Civic Main Street, District Collector Street, and Regional Transitway and Major Transit Priority Street. It classifies N Kilpatrick Street as a Local Service Street for all modes. The site is also located within the Kenton Pedestrian District. These street classifications encourage pedestrian- and transit-oriented development that is mixed use and dense. As stated above in the findings for Approval Criterion A, the proposed multi-dwelling apartment buildings would encourage dense mixed-use development close to a light rail station and would create a safe and pleasant pedestrian environment. For these reasons, the proposed Adjustment would be consistent with the classifications of the adjacent streets.

CM3 zone character statement: The Phase I building is proposed in the CM3 zone. The character statement of the CM3 zone is stated in Zoning Code Section 33.130.030.D:

*The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use zones. Design review is typically required in this zone.*

As stated above in the findings for Approval Criterion A, the proposed multi-dwelling apartment buildings would encourage dense mixed-use development close to a light rail station and would create a safe and pleasant pedestrian environment. The development would be set back just two feet from each street lot line so it would have a strong street edge. For these reasons, the proposed Adjustment would be consistent with the desired character of the CM3 zone.

Design overlay zone purpose statement: The site is located within the Design overlay zone. The purpose statement of the Design overlay zone is stated in Zoning Code Section 33.420.010:

*The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.*

The proposed apartment buildings would be designed to meet applicable Community Design Standards. The applicable standards include providing a porch at the building’s main entrance, using quality exterior finish materials, and providing a large amount of ground floor windows. As stated above in the findings for Approval Criterion A, the ground level residential units would have large windows. The main entrance to the building would have

a porch and include a canopy that would extend into the right-of-way, which can add interest and even some weather-protection for pedestrians. The overall design of the Phase I building would create a safe and pleasant pedestrian environment. For these reasons, the proposal would be compatible with the neighborhood and enhance the area.

Aircraft Landing overlay zone purpose statement: The site is located within the Aircraft Landing overlay zone. The purpose statement of the Aircraft Landing overlay zone is stated in Zoning Code Section 33.400.010:

*The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.*

The proposed building would be 40'-6". For this area of the overlay zone, there is no maximum height. The building would however meet the Community Design Standards height limit of 55 feet.

Centers Main Street overlay zone purpose statement: Consistency with the desired character of the Centers Main Street overlay zone is reviewed demonstrated in the findings for Approval Criterion A, above.

North Interstate Plan District: The site is located within the North Interstate Plan District. The purpose statement of the North Interstate Plan District is stated in Zoning Code Section 33.561.010:

*The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density. These standards implement urban design concepts of the North Interstate Corridor Plan; help ease transitions between new high-density development and the existing, low-density neighborhoods; and enhance the pedestrian experience.*

As stated above in the findings for Approval Criterion A, the proposed multi-dwelling apartment buildings would encourage dense mixed-use development close to a light rail station and would create a safe and pleasant pedestrian environment. The midrise three-story buildings would provide a transition between the denser mixed use development to the north and the lower scale mainly single-dwelling residential development to the south and east. Additionally, the North Interstate plan district includes residential uses as an active building use, which means that the proposed ground floor residential units would be considered ground floor active uses. For these reasons, the proposal would be compatible with the North Interstate plan district.

Albina Community Plan: The site is located within the boundaries of the 1993 "Albina Community Plan." The numbered and lettered policies and objectives in these plans were adopted by the City Council as part of the Comprehensive Plan. The lettered strategies in these plans were not adopted by the City Council as part of the Comprehensive Plan.

Among the 10 policies of the Albina Community Plan, two policies relate to this adjustment proposal. Policy 1, Land Use, includes three applicable sub-policies. Policy 1B, Livable Neighborhoods, protects and improves the livability of the residential neighborhoods within the Albina Community, directs new development activity to those areas that have experienced or are experiencing a loss of housing, ensures the compatibility of new development with nearby housing, fosters the development of complete neighborhoods that have service and retail businesses located within or conveniently near them, and promotes increases in residential density without creating economic pressure for the clearance of sound housing. Objective 1 under this sub-policy encourages the reestablishment of neighborhood-oriented service and retail businesses and recognizes the economic

interrelationship between jobs, services, and residential density by supporting commercial areas with new housing at nearby locations.

The proposed development would improve neighborhood livability by providing 30 new affordable housing units, which would contribute to the density necessary to support transit and community activity. It would support neighborhood services and retail businesses because of its close proximity to the commercial uses in the northern portion of the mixed-use node.

Policy 1D, Economic Development, fosters development of distinct, well-anchored commercial, institutional, and industrial nodes and centers that serve the needs of the community, attract shoppers from throughout the region, and take advantage of the close proximity of the district to the Central City, Oregon Convention Center, and Columbia Corridor; ensures that institutions have opportunities for growth that meet their needs; supports the expanding and new industrial firms that provide family wage jobs to Albina Community residents; and protects residential neighborhoods from negative impacts associated with commercial, institutional, and/or industrial growth. Objective 3 under this sub-policy recognizes and reinforces concentrations of commercial and employment businesses within the district and encourages the formation of a clear identity for these areas. Objective 5 fosters the establishment of new small businesses and housing developments, particularly on land that is vacant or underutilized.

Policy 1E, Transit Supportive Land Use, focuses new development at locations along transportation corridors that offer opportunities for transit supportive development and fosters the creation of good environments for pedestrians in these areas. Objective 1 under this sub-policy increases opportunities for people to live near where they work and shop by locating higher density housing near commercial and institutional areas. Objective 5 encourages the development of mixed-use projects in commercial areas that include both ground level business uses and upper story residential units.

The proposed development would improve neighborhood livability by providing 30 new affordable housing units, which would contribute to the density necessary to support transit and community activity. It would support neighborhood services and retail businesses because of its close proximity to the commercial uses in the northern portion of the mixed-use node. The building design would contribute to an urban environment with facades placed close to the street lot lines to create a strong street edge. The facades would have large windows and minimal blank walls along the ground floor level. The storefront-sized windows would serve both the proposed urban residential use and any future conversion to small commercial uses. The proposed development would support existing commercial uses within the mixed-use node while allowing for future conversion to commercial uses on the building's ground floor level.

The second policy of the Albina Community Plan that relates to this adjustment proposal is Policy 3, Business Growth and Development, which stimulates investment, capital formation, and job creation benefiting Albina enterprises and households; expands and diversifies the area's industrial, commercial, and institutional employment base; and aggressively markets the Albina Community to investors, developers, business owners, workers, households, and tourists. Sub-policy 3A, Business Investment and Development, builds a sustainable and robust economic activity and employment base in the Albina Community, uses public policies and resources to capture and direct the benefits of growth in community institutions and Albina Impact Area industries to Albina Community enterprises and households, improves the competitive position and performance of the community's retail and service sectors, and maintains the public infrastructure necessary to support the expansion of economic activities and employment. Objective 14 under sub-policy 3A strengthens the markets for local goods and services by encouraging business growth, tourism development, residential rehabilitation, and new housing construction.

Policy 3B, Commercial, Institutional, and Employment Centers, recruits, retains, and encourages expansion of economic activities and institutions which retain neighborhood

livability; conserves community assets and resources; and uses public programs and resources to encourage more efficient design and utilization in the Albina Community's commercial, institutional, and industrial centers. Objective 7 under sub-policy 3B encourages new construction on vacant infill and underutilized lots within Albina commercial, institutional, and employment centers and nodes to create more attractive and viable markets for area businesses and service providers. Objective 8 encourages multiuse and mixed-use development designed to create safe and attractive centers of activity, commerce, and employment.

The proposed 30-unit high-density affordable housing development would contribute to the employment base, support the mixed-use node's retail and service sectors, and support the existing public transit infrastructure. The building facades would have large windows and minimum blank walls along the ground floor level. The storefront-sized windows would serve both the proposed urban residential use and any future conversion to small commercial uses.

Kenton Neighborhood Plan: The site is also located within the boundaries of the 1993 "Kenton Neighborhood Plan." None of the 9 policies directly relate to this adjustment proposal.

For these reasons, the proposal would be consistent with the classifications of the adjacent streets and the desired character of the area. 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:** Because only one Adjustment is being requested, this criterion is not applicable.

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

**Findings:** City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s" and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

**E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and**

**Findings:** As discussed in the findings for Criteria A and B, the proposal would equally meet the purpose of the required ground floor active use standard and would be consistent with the classifications of the adjacent streets and the desired character of the area. There would be no impacts for which mitigation would be required. Therefore, 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). Because no environmental overlay zone is mapped on the subject site, 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 requirements of Title 11 can be met, and 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 proposal to reduce the amount of the ground level floor area that must be in one of the specified active uses in the Phase I building equally meets the purpose of the Centers Main Street overlay regulations and is consistent with the classifications of the adjacent streets and the desired character of the area. The applicant has demonstrated that the applicable approval criteria have been met. Because the approval criteria have been met, the proposal must be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the amount of the ground level floor area that must be in one of the specified active uses in the Phase I building from 25 percent to 0 (Zoning Code Section 33.415.200), granted per the approved site plan and elevations, Exhibits C-1 through C-3, signed and dated March 7, 2019, subject to the following condition:

- 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 – C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 18-241920 AD. No field changes allowed."

**Staff Planner: Lauren Russell**

**Decision rendered by:** Lauren Russell **on March 7, 2019.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 11, 2019**

**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 September 21, 2018, and was determined to be complete on October 29, 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 September 21, 2018.

*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 extended the 120-day review period by 60 days (Exhibit A-4). Unless further extended by the applicant, **the 120 days will expire on: April 27, 2019.**

**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 March 25, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the 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 after **March 25, 2019** 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:

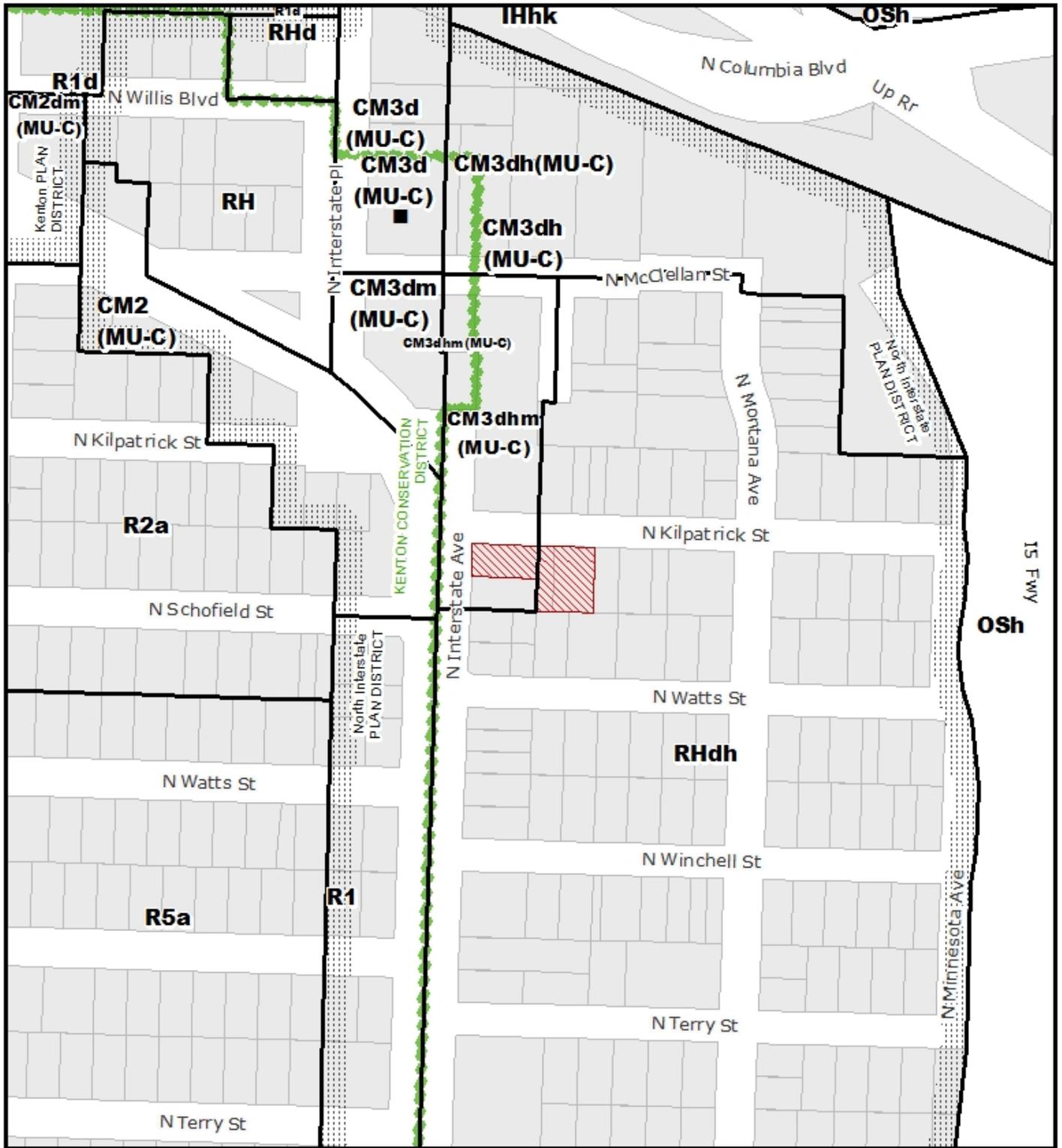
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Narrative and Plan Set submitted 9/21/18
  - 2. Portland Housing Bureau Verification Letter received 9/27/18
  - 3. Revised Narrative and Revised Plan Set received 10/29/18
  - 4. Extension to the 120-Day Review Timeline
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. North Elevation (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
- F. Correspondence: none received
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter mailed 10/5/18

**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).**

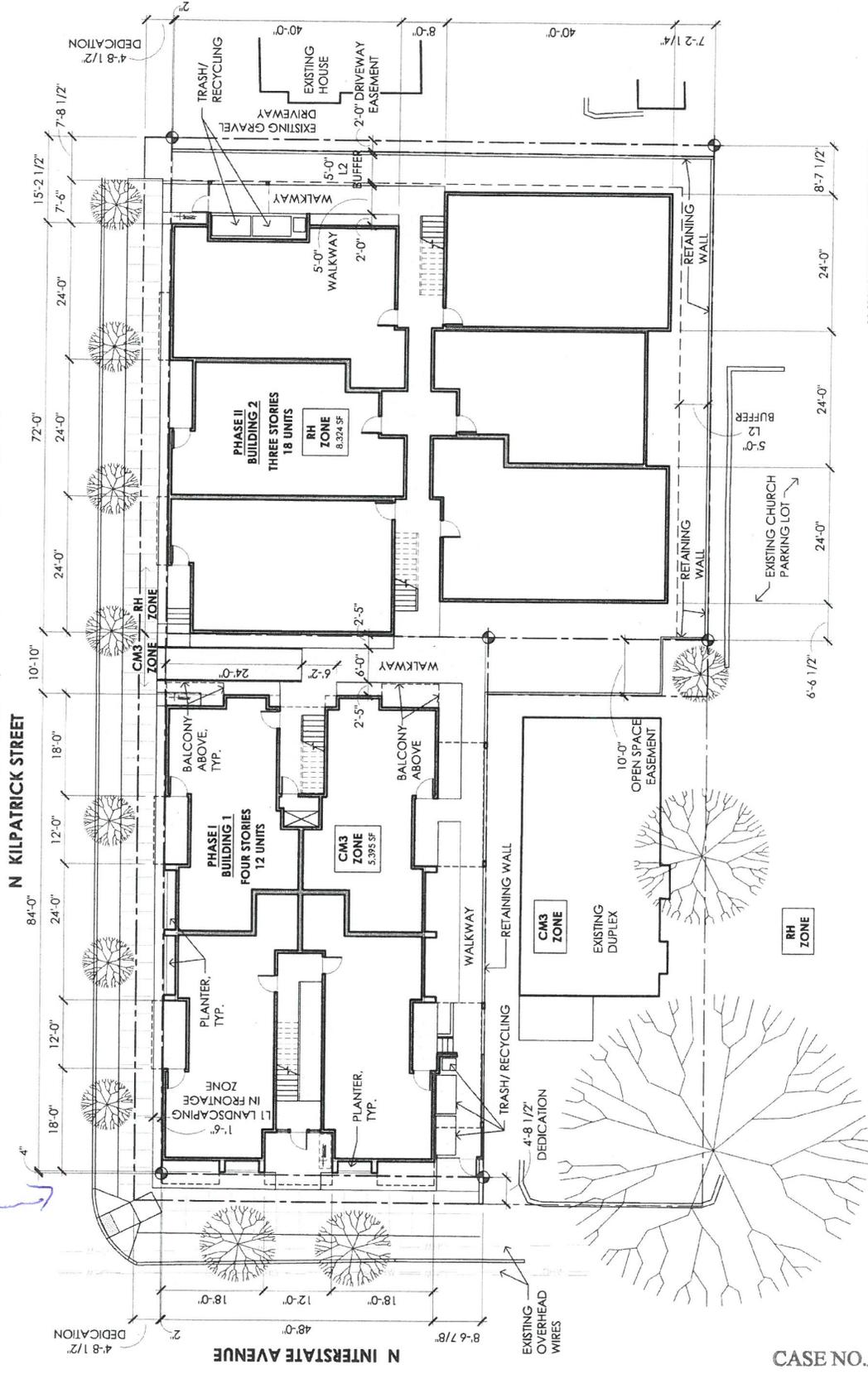


**ZONING**   
 NORTH  
 THIS SITE LIES WITHIN THE:  
 NORTH INTERSTATE PLAN DISTRICT

-  Site
-  Historic Landmark

File No.	LU 18-241920 AD
1/4 Section	2229
Scale	1 inch = 200 feet
State ID	1N1E10CB 9900
Exhibit	B Sep 26, 2018

ADJUSTMENT REQUEST TO REDUCE THE AMOUNT OF GROUND LEVEL FLOOR AREA THAT MUST BE IN ONE OF THE SPECIFIED ACTIVE USES IN THE PHASE I BUILDING FROM 25% TO 0.



N INTERSTATE / KILPATRICK AFFORDABLE HOUSING  
 HABITAT FOR HUMANITY PORTLAND/METRO EAST  
 WILLIAM WILSON ARCHITECTS PC  
 OCTOBER 25, 2018  
 EXHIBIT 1



PRELIMINARY SITE PLAN  
 SCALE: 1/4" = 1'-0"

"Approved"  
 City of Portland - Bureau of Development Services  
 Planner Jeanne Rowell Date 3/7/19

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

CASE NO. 18-241920 AD  
 EXHIBIT C-1

**\*Approved\***  
**City of Portland**  
 Bureau of Development Services

Planner Juan Russell

Date 3/7/19

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

N INTERSTATE / KILPATRICK AFFORDABLE HOUSING  
 HABITAT FOR HUMANITY PORTLAND/METRO EAST  
 WILLIAM WILSON ARCHITECTS PC  
 OCTOBER 25, 2018  
 EXHIBIT 4 (1 of 2)



PHASE I BUILDING WEST ELEVATION AT NORTH INTERSTATE AVENUE  
 SCALE: 1/8"=1'-0"

CASE NO. 18-241920  
 EXHIBIT C-2



PHASE I BUILDING NORTH ELEVATION AT NORTH KILPATRICK STREET

SCALE: 1/8"=1'-0"

CASE NO. 18-241920 DD  
 EXHIBIT C-3

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner Jane Russell Date 3/7/19  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

N INTERSTATE / KILPATRICK AFFORDABLE HOUSING  
 HABITAT FOR HUMANITY PORTLAND/METRO EAST  
 WILLIAM WILSON ARCHITECTS PC  
 OCTOBER 25, 2018  
 EXHIBIT 4 (2 of 2)