Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 9, 2019

To: Interested Person

From: Amanda Rhoads, Land Use Services
503-823-7837 / Amanda.Rhoads@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 19-114212 AD

GENERAL INFORMATION

Applicant: Terry Kim | Ankrom Moisan Architects
1505 5th Ave, Ste 300 | Seattle, WA 98101

Owner: CBC Moreland, LLC
1610 SE Tolman St | Portland, OR 97202

Site Address: 1610 SE TOLMAN ST

Legal Description: BLOCK 2 LOT 1&2, WESTMORELAND
Tax Account No.: R899000400
State ID No.: 1S1E14DC 13600
Quarter Section: 3632

Neighborhood: Sellwood-Moreland, contact chair.landuse.smile@gmail.com.
Business District: Sellwood-Westmoreland, contact info@SellwoodMoreland.com.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Zoning: CM2d,m – Commercial/Mixed Use 2 zone with "d" Design and "m" Centers Main Street Overlay Zones
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
The applicant proposes to substantially alter the existing Dairy Queen building on the site in order to convert it to a Chase Bank branch. The drive-through facility will be retained, as will the general footprint and location of the building. The applicant will retain parking on the site, but will close two curb cuts and re-route vehicles through the site to enter only on SE Milwaukie Ave and exit only on SE Tolman.

To proceed with the new layout, the applicant requests the following three Adjustments to Zoning Code Standards:

- Adjustment to 33.266.130.G.2.d and Table 266-5 to reduce the required perimeter parking lot landscaping from 5 feet to 3 feet along SE Milwaukie Ave;
- Adjustment to 33.130.240.B.1.a(2) to increase the maximum length of the pedestrian path from the main entrance to SE Milwaukie from 51 feet to 56 feet; and
- Adjustment to 33.266.130.C.1 and Table 266-3 to allow new vehicle area between the building and SE Tolman St.

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: This 10,000-square-foot site is currently developed with a drive-through Dairy Queen with parking area and outdoor seating at the north end, between the building and SE Tolman St. The site has four curb cuts currently, two on SE Tolman St and two on SE Milwaukie Ave. The current building was constructed in 1970. SE Tolman St is a Local Service street for all modes; SE Milwaukie Ave is a Neighborhood Collector, a Transit Access Street, a City Walkway, and is Local Service for other modes.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. 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 four 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, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Since the applicant proposes alterations to an existing building, the project is not subject to Design Review per Zoning Code Section 33.420.045.P, which exempts exterior alterations to existing development within the Sellwood-Moreland Design District from Design Review.

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.

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 **May 31, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);

- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.6).

The Bureau of Transportation initially could not support the requested Adjustments due to a conflict with a Title 17 requirement to move all driveway locations at least 25 feet from an intersection (Exhibit E.2.a). Bringing the standard into compliance would have challenged the nonconforming use of the drive-through facility, so any required site changes needed to be resolved during this land use review process. The applicant worked with PBOT and BDS to resolve the issue without the need for a Driveway Design Exception, and PBOT signed off on the requested Adjustments (Exhibit E.2.b).

Neighborhood Review: No written responses were received from either the Neighborhood Association or notified residents in response to the 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 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 findings for each of the three requested Adjustments are below.

<u>Adjustment to perimeter parking lot landscaping setback</u>
Two of the three requested Adjustments are to requirements for vehicle areas. The first concerns the landscaping standards, and the following section of the purpose statement in 33.266.130.A applies:

The setback and landscaping standards:

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

First, the applicant requests a reduction in the required width of the perimeter parking lot landscaping setback along SE Milwaukie Ave with an Adjustment to 33.266.130.G.2.d and Table 266-5. Currently, the site is deficient in this landscaping, having no perimeter parking lot landscaping between the parking area and the sidewalk corridor.

If the applicant were constructing a new building, all Zoning Code standards that apply to this site would be required to be met. Since the proposal is a remodel of an existing building, the applicant instead has the opportunity to bring the site up to or closer to conformance with current standards.

The applicant proposes to provide a landscape buffer along SE Milwaukie Ave that is 3 feet deep, with breaks in landscaping to accommodate the pedestrian path entrance and a relocated TriMet bus shelter that will move from the middle of the sidewalk to the private property. The applicant further proposes to use a provision of the Zoning Code that allows the front two feet of the parking spaces to be landscaped with groundcover plants (33.266.130.F.4). While this area does not technically contribute to perimeter parking lot landscaping (per 33.266.130.F.4.c), doing this will create the appearance of a 5-foot-deep uninterrupted landscape buffer, within the first three feet of which the applicant proposes to meet the required L2 low-screen landscape standard.

Further, there is a more generous triangular landscape island toward the south end of the property that extends some 20 feet into the site and is 14 feet wide at its widest, which will serve to separate the parking area from the drive aisle and the street more thoroughly. Additional deep landscaping along the SE Tolman St frontage will also contribute to the softening of the appearance of the vehicle area from the street frontage.

The Adjustment is largely necessitated by constraints from the location of the existing building and the desire to retain parking on the site. With the 6-foot, 8-inch wide raised pedestrian path in front of the main entrance, the required 16-foot-wide one-way drive aisle, and the minimum 17.5-foot stall depth for 60-degree parking spaces, only 3 feet remain to provide new landscaping for this existing vehicle area.

The applicant attempts to create a sense of enclosure along the transit street, and soften the appearance of the parking area, with the deep landscape beds at the north and south discussed above, and by contributing to the reduced landscape setback by additional landscaping within the parking spaces. The deeper-than-required landscaping will help to limit views to the parking area, making the site more attractive and reducing the visual impact of this small, 5-space parking area. The trees proposed in both the L2 and L3 landscaping areas around the site will grow to contribute to shading the parking area and the rest of the site. The Bureau of Environmental Services (BES) raised no concerns regarding the reduced landscaped buffer's ability to decrease pollution or adequately address stormwater, and noted the following:

> "It does not appear that approval of the requested adjustment will preclude the construction of adequately sized stormwater management facilities; therefore, BES does not object to approval. However, BES will require a detailed stormwater management plan for this project during building permit review" (Exhibit E.1).

For the reasons discussed above, the reduction in the perimeter parking lot landscaping setback equally meets the purpose for the regulation.

Adjustment to allow new vehicle area between a building and a street
The Adjustment to allow new vehicle area between the building and SE Tolman St is related to the following section of the purpose statement for vehicle areas described in 33.266.130.A:

> *The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.*

The site is in the CM2, or Commercial/Mixed Use 2, base zone. The Portland Zoning Code 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 any adopted area plans. The Commercial/Mixed Use 2 base zone has the following characteristics, per Zoning Code Section 33.130.030.C:

> ***C. Commercial/Mixed Use 2 zone.*** *The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. 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 four 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, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.*

The remodel of an existing building does not leave significant opportunities to redefine the relationship between the building and the pedestrian corridor or, in this case, the scale of development. However, the applicant does propose to convert more of the site to vehicle area, specifically the area north of the building, between the building and SE Tolman St. At first glance, this would not seem to be aligned with the desired character of the CM2 zone. However, the project equally meets the purpose of the standard for the following reasons:

- The proposal closes two of the four existing curb cuts on the site, and narrows the remaining curb cuts, thus overall lessening the impact of vehicle area on the pedestrian corridor and improving safety for all modes. Similarly, the redesigned site layout implements a one-way vehicle path through the site, further limiting potential conflicts between vehicles and all modes.

- Except for a thin landscape strip, the majority of the area north of the existing Dairy Queen is already paved with the same paving material as the existing parking lot. While this area is reserved for outdoor seating currently, there is no pedestrian access to the street without walking through the parking lot, and the paving does not provide for a relationship between the building and the street.

- The current proposal will build a new pedestrian path to SE Tolman St that meets Zoning Code requirements while maintaining landscaping elsewhere along SE Tolman to limit opportunities for conflict between vehicles and pedestrians or cyclists. This will improve safety and the appearance of the site over current conditions.

- The proposed landscaping along SE Tolman St significantly exceeds the required 5-foot width, measuring from 9 feet to 15 feet in width. The landscaping proposed in these areas will meet the L2 low-screen standard, with new trees and a break for the pedestrian path. This generous landscape island will reduce the impact of the vehicle area on the pedestrian corridor.

For these reasons, the requested Adjustment results in a proposal that equally meets the purpose for the regulation.

Current conditions – view from the northwest corner of the site.

Adjustment to length of pedestrian path width

The proposal includes a new main entrance on the west façade of the building, which triggers the requirement for a new pedestrian path connecting the main entrance to both adjacent streets. Per Zoning Code Section 33.130.240.B.1.a(2), a pedestrian path must connect the main entrance to the nearest street (SE Milwaukie Ave) along a path that is no longer than 120 percent or 20 feet longer than the straight-line distance. The proposal shows the required pedestrian path connecting the main entrance to SE Milwaukie at an angle, which results in a pedestrian path that is six feet longer than 120 percent of the straight-line distance (56 feet instead of 51 feet for a main entrance roughly 43 feet from the street).

The purpose for the pedestrian standards in the commercial zones is listed in 33.130.240.a:

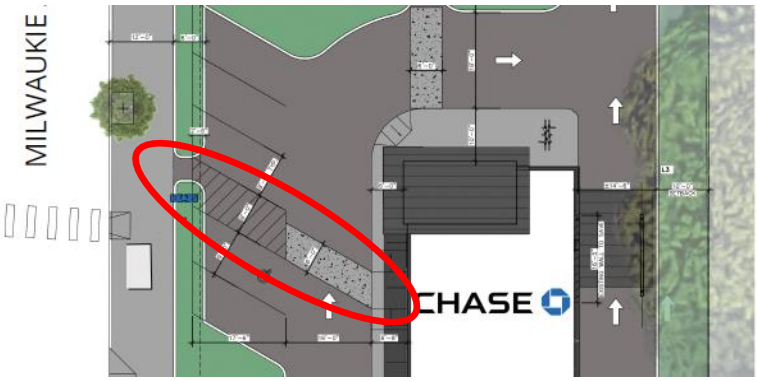
> ***A. Purpose.*** *The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.*

The proposed pedestrian access point from SE Milwaukie Ave coincides with the parking space that meets ADA requirements, with an 8-foot-wide striped area. As shown in Exhibit C.1, the applicant proposes to meet standards for a different paving material to announce both pedestrian paths. The width also meets the required 6 feet.

An earlier version of the proposal had an angled pedestrian path that connected with the walkway along the west side of the building further south than the door (see drawing below). In this scenario, it was unlikely someone would exit SE Milwaukie Ave north of the main entrance, then follow an angled pathway to south of the main entrance, then double back on the walkway north to the main entrance.

However, the current proposal provides a path that is more direct from the street to the main entrance and is more likely to be used. Aligning with the ADA maneuvering area

also supports the usability of the system and provides an almost-direct route of travel for people using the ADA spaces. The different paving material and width will promote safety and usability as well, and the pedestrian system will not impact the appearance of the site. Finally, the new landscaping buffer along streets and the removal of two curb cuts will better control pedestrian (and vehicular) access to the property, funneling pedestrians onto the proposed path. This, plus the new one-way vehicle circulation, will improve pedestrian visibility and reduce opportunities for conflicts between modes.



Prior proposal to locate the pedestrian path to terminate south of the main entrance.

As discussed above, the proposal with its three requested Adjustments equally meets the relevant approval criteria. 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: Since the site is zoned CM2, the applicant must demonstrate that the proposal is consistent with the classifications of the adjacent streets and the desired character of the area.

Street classifications
The classifications of the adjacent streets in the Transportation Element of the Comprehensive Plan are as follows:

	Traffic	Transit	Bikeway	Pedestrianway	Freight
SE Milwaukie Ave	Neighborhood Collector	Transit Access Street	Local Service	City Walkway	Local Service
SE Tolman St	Local Service	Local Service	Local Service	Local Service	Local Service

Adjusting the requirement for parking lot landscaping, vehicle area location, and pedestrian path length does not affect the intensity of the use on the site, the types of uses allowed, or the transit-oriented characteristics of the development, so the Adjustments will not affect traffic levels or demand for transit, bike, pedestrian, or freight facilities. The Portland Bureau of Transportation reviewed the proposal and responded with no concerns regarding the classifications of the adjacent streets (Exhibit E.2.b). For these reasons, staff finds the proposed Adjustment is consistent with the adjacent street classifications.

Desired character
The definition of "desired character" is described above under Criterion A, as are the characteristics of the CM2 zone. Further, the purposes for the "d" Design Overlay Zone and "m" Centers Main Streets Overlay Zone are both relevant and are included under the Zoning section above.

The proposal is limited in scope: the existing building is being retained in the same location on the site, as is the parking and drive-through facility. Because of this, some of the standards required by the base zone and overlays for new development are not required to be met. The building does not and will not meet the maximum transit street setback, minimum building frontage, or minimum floor area ratio, for example. Alterations to existing development are also exempt from Design Review in the Sellwood-Moreland Design District.

Since the applicant is not required to meet these current standards, not meeting them should not work against them in the analysis of the requested Adjustments.

Given this context, the three requested Adjustments will result in a proposal that will bring the site closer to conformance with the desired character of the base zone and overlays:

- The generous landscaping along SE Tolman and at the south end of the site along SE Milwaukie Ave will improve the pedestrian condition with substantial landscaping in an area where currently little exists. This is supportive of creating a pedestrian-oriented development, one of the characteristics of the CM2 zone.

- The applicant has agreed to relocate a TriMet bus shelter onto the property, which will have the effect of reducing the landscaping in that area, but will provide facilities for transit riders and clearing the sidewalk of an obstruction. This will help to foster a denser urban environment, increase accessibility, and provide a sense of enclosure for one section of the SE Milwaukie Ave frontage.

- Closing two of the four curb cuts, requiring vehicles to traverse the site in only one direction, and funneling pedestrians through breaks in the landscaping onto pedestrian paths will all serve to minimize conflicts between vehicles and pedestrians and increase pedestrian safety, both of which are purposes of the Centers Main Street Overlay.

- The applicant is significantly increasing the amount of storefront glass along SE Milwaukie Ave and is relocating the main entrance from SE Tolman to face the transit street.

- Another upgrade is to increase the L3 high-screen landscape buffer along the east property line, bringing this existing drive-through facility into compliance with current setbacks and landscaping requirements for drive-through facilities. The setback here is 10 feet, and this will be met the entire length of the east property line adjacent to single-dwelling zoning and development. While the depth of landscaping on the west side at the street is less than required (when not including the two feet of landscaping within the parking spaces), the applicant is increasing the landscaping adjacent to the residential property significantly.

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 purpose of the commercial zones as described in Zoning Code Section 33.130.010 largely speaks to the broader goals of creating places where people have access to goods and services and have opportunities to live active lifestyles. The purpose says, "The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone."

The proposal will allow a restaurant to be turned into a branch bank, both of which are allowed uses under commercial zoning. The characteristics of the CM2 zone specifically have been addressed in both Criterion A (for the location of vehicle area) and Criterion B (for all the Adjustments). The resulting proposal is still consistent with the overall purpose of the CM2 base zone, as demonstrated above. 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: There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

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

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

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 applicant proposes to remodel an existing building and change the use at the site from a drive-through and walk-up restaurant to a branch bank. In order to accommodate desired site changes to allow vehicle traffic to traverse one-way through the site, while still retaining some parking onsite, the applicant requests changes to locations of vehicle areas, length of pedestrian path to the new main entrance, and reduction in perimeter parking lot landscaping along the west property line.

The applicant is providing generous landscaping along the north property line; is accommodating transit facilities on the private property adjacent to the transit street; is mitigating the reduction in parking lot landscaping by adding two feet of groundcover at the front of each parking space; and is adding buffering between the drive-through facility and the adjacent single-dwelling residence. The proposal still meets the purpose of the regulations and the characteristics and purposes of the base zone and overlay zones. Since all applicable approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of the following three Adjustments for the remodel of the building at this site:

- Adjustment to 33.266.130.G.2.d and Table 266-5 to reduce the required perimeter parking lot landscaping from 5 feet to 3 feet along SE Milwaukie Ave;

- Adjustment to 33.130.240.B.1.a(2) to increase the maximum length of the pedestrian path from the main entrance to SE Milwaukie from 51 feet to 56 feet; and
- Adjustment to 33.266.130.C.1 and Table 266-3 to allow new vehicle area between the building and SE Tolman St.

Approval is per the approved plans, Exhibits C.1 through C.6, signed and dated July 5, 2019, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 19-114212 AD. No field changes allowed."

Staff Planner: Amanda Rhoads

Decision rendered by: _____ **on July 5, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 9, 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 January 31, 2019, and was determined to be complete on May 24, 2019.

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 January 31, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 21, 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 July 23, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of $250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.
If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **July 24, 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

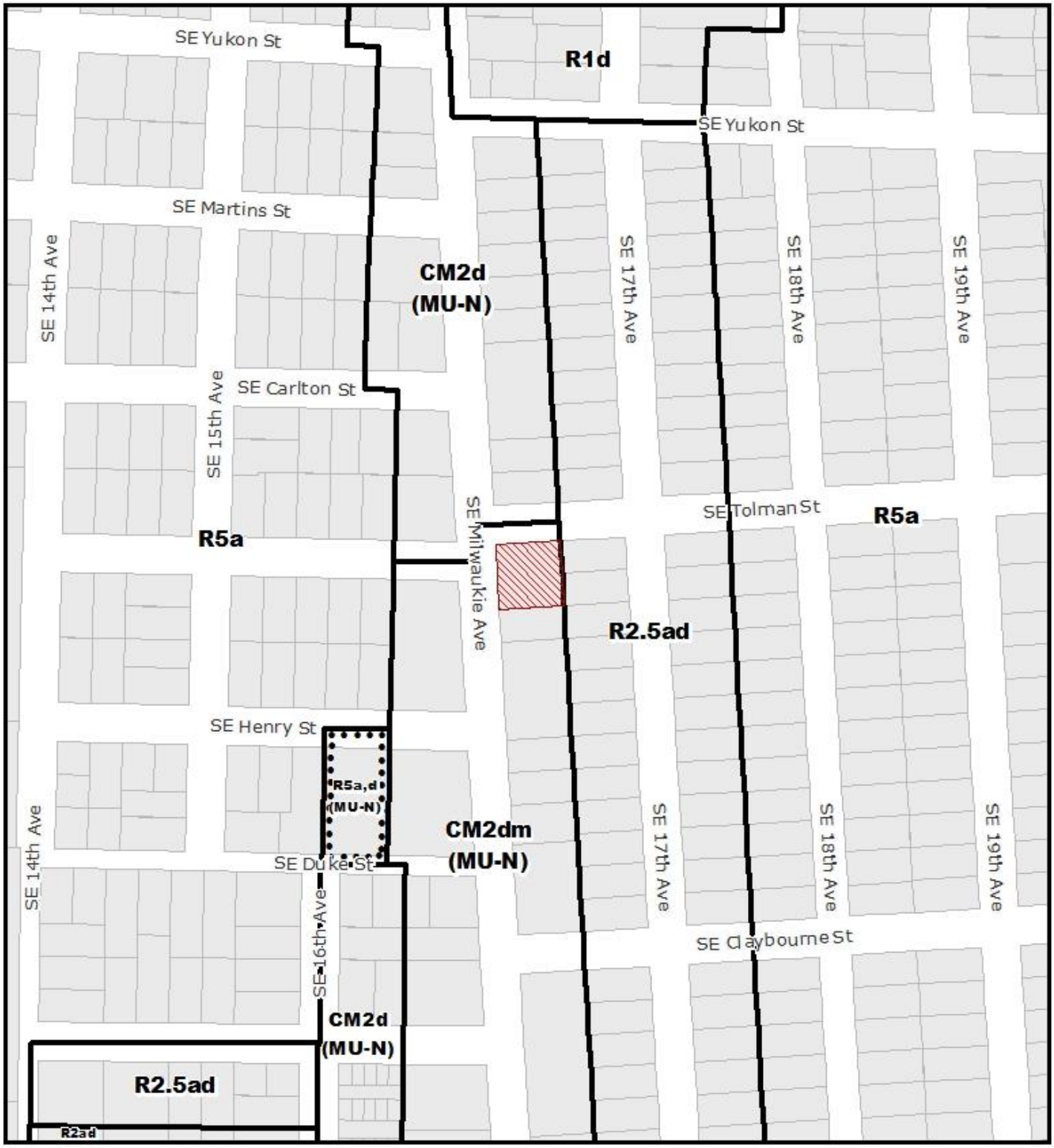
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Original Applicant Narrative
   2. Original Drawing Set (superseded by C Exhibits)
   3. Drawings, received February 28. 2019 (superseded by C Exhibits)
   4. Drawings, received April 4, 2019 (superseded by C Exhibits)
   5. Applicant Memorandum, received April 9, 2019
   6. Drawings, received April 11, 2019
   7. Site Survey, received April 23, 2019
   8. Updated Adjustment Narrative, received May 8, 2019
   9. Final Adjustment Narrative, received May 23, 2019
   10. Existing Building Elevations and Proposed Wall Section at Drive-Through Window, received June 26, 2019
   11. Proposed TriMet Shelter Details
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Floor Plan (attached)
   3. West and East Elevation Drawings
   4. North and South Elevation Drawings
   5. Perspective Drawings (attached)
   6. Landscape Plan (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. a. Bureau of Transportation initial response, June 20, 2019
   2. b. Bureau of Transportation final response, June 28, 2019
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Life Safety (Building Code) Plans Examiner
F. Correspondence: none received
G. Other:
   1. Original Land Use Application and Receipt
   2. Incomplete Letter, February 14, 2019
   3. Planner Email, February 20, 2019
   4. Planner Email, March 1, 2019
   5. Planner Memorandum, April 17, 2019
   6. Planner Email, May 9, 2019
   7. Additional Receipt, May 24, 2019
   8. Email from PBOT with TriMet Shelter Details, June 18, 2019

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



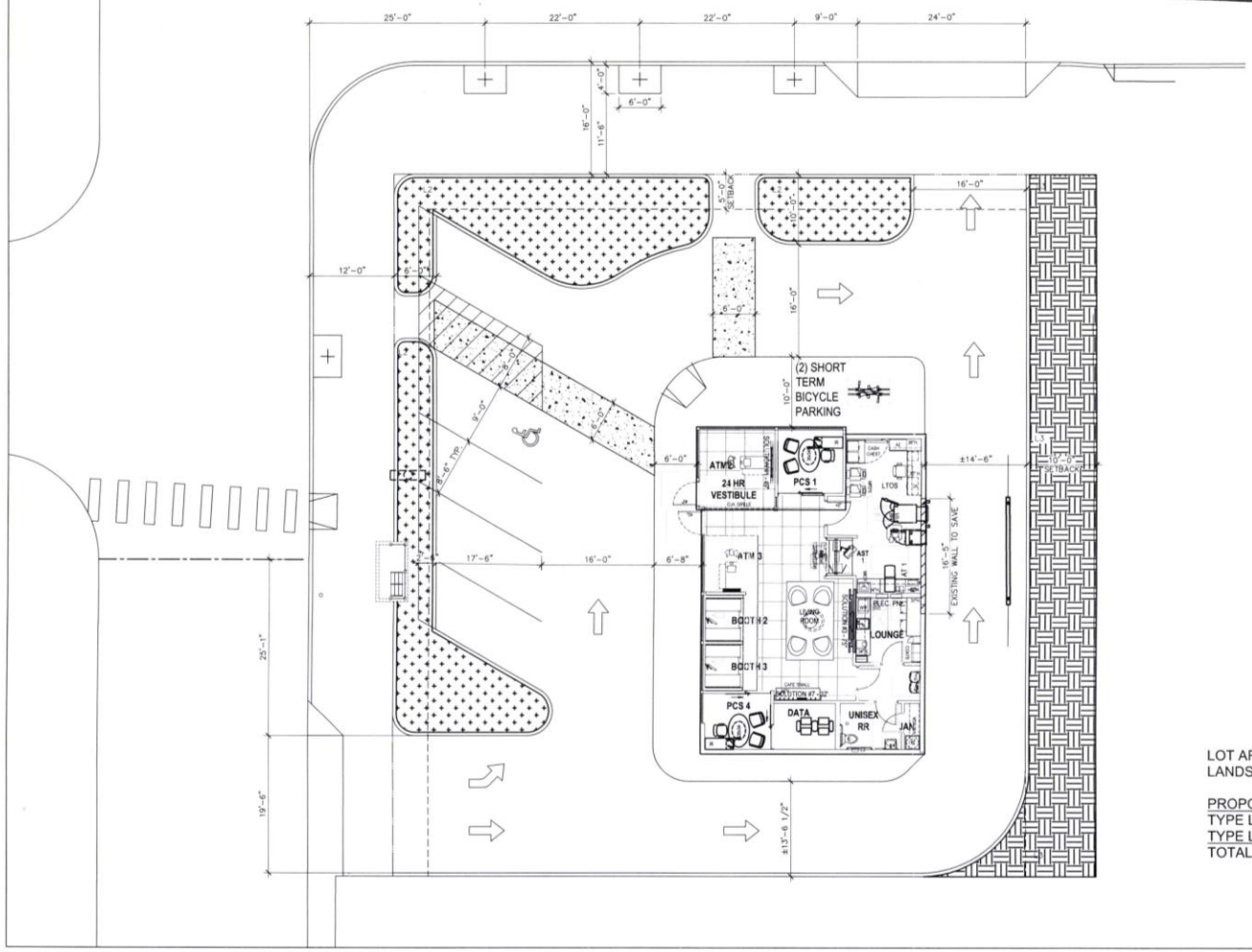
ZONING

NORTH

Site

File No.	LU 19-114212 AD
1/4 Section	3632
Scale	1 inch = 200 feet
State ID	1S1E14DC 13600
Exhibit	B Feb 05, 2019

Approved
City of Portland - Bureau of Development Services
Planner AM Date July 5, 2019
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LOT AREA = 10,000 S.F. (100' x 100')
LANDSCAPING REQUIRED = 1,500 S.F. (15%)

PROPOSED LANDSCAPING:
TYPE L2 = 1,123 S.F.
TYPE L3 = 1,001 S.F.
TOTAL = 2,124 S.F (21.2%)

CASE NO. LU 19-114217AD
EXHIBIT C.1

Ankrom Moisan

38 NW DAVIS STREET, SUITE 300
PORTLAND, OR 97209
T 503-245-7100

1505 5th AVENUE, SUITE 300
SEATTLE, WA 98101
T 206-576-1600

1014 Howard Street
San Francisco, CA 94103
T 415-252-7063

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CHASE SELLWOOD BRANCH

BUILDING CONVERSION
1610 SE Tolman St.
Portland, Oregon 97202

PROPOSED SITE PLAN

REVISION LOG

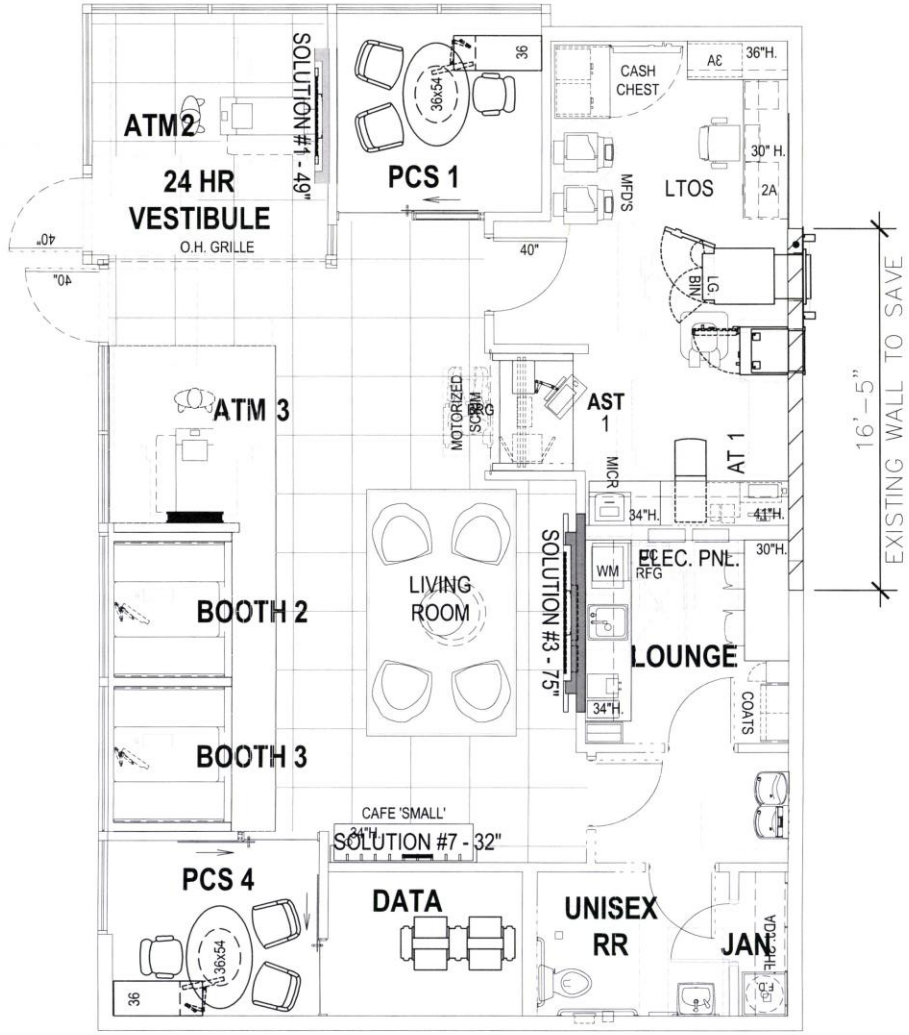
RECEIVED
JUN 26 2019
Bureau of Development Services

DATE
JUNE 24, 2019

PROJECT # 182680

SHEET NO. A4

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



A PROPOSED FLOOR PLAN
SCALE: 3/16" = 1'-0"

"Approved"
City of Portland - Bureau of Development Services
Planner AM Date July 5, 2019
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. LU19-114212AD
EXHIBIT C.2

Ankrom Moisan
38 NW DAVIS STREET, SUITE 300
PORTLAND, OR 97209
T 503-245-7100
1505 5th AVENUE, SUITE 300
SEATTLE, WA 98101
T 206-576-1600
1014 Howard Street
San Francisco, CA 94103
T 415-252-7063
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CHASE SELLWOOD BRANCH
BUILDING CONVERSION
1610 SE Tolman St.
Portland, Oregon 97202

PROPOSED FLOOR PLAN

REVISION LOG

RECEIVED
JUN 26 2019
Bureau of Development Services

DATE
05.08.2019

PROJECT # 182680

SHEET NO. A7

SCALE: AS NOTED

1 REVISED NW STYLE – NORTHWEST PERSPECTIVE

2 REVISED NW STYLE – SOUTHWEST PERSPECTIVE

Approved
City of Portland - Bureau of Development Services
Planner AM Date July 31, 2019
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. LU 19-114212AD
EXHIBIT C.5

Ankrom Moisan

38 NW DAVIS STREET, SUITE 300
PORTLAND, OR 97209
T 503-245-7100

1505 5th AVENUE, SUITE 300
SEATTLE, WA 98101
T 206-576-1600

1014 Howard Street
San Francisco, CA 94103
T 415-252-7063

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CHASE SELLWOOD

PERSPECTIVES

REVISION LOG

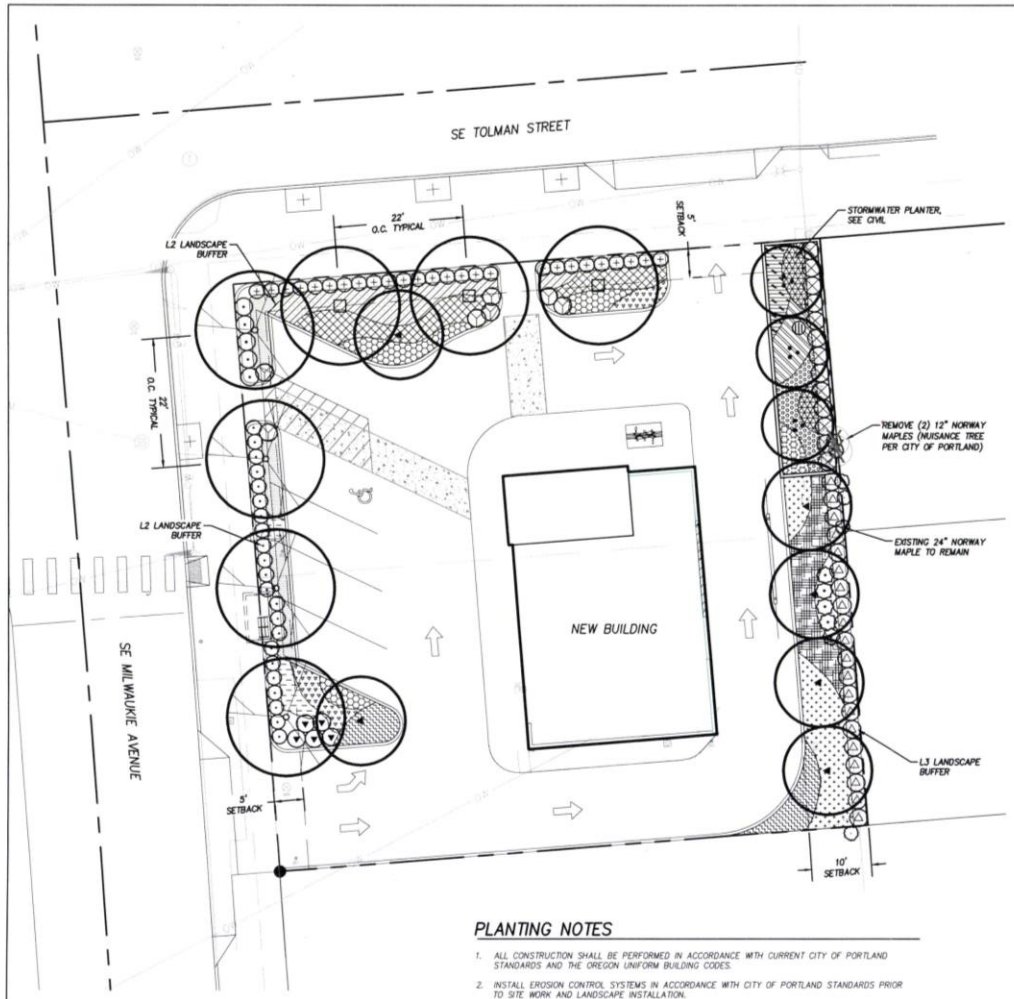
RECEIVED
JUN 26 2019
Bureau of Development Services

DATE
05.08.2019

PROJECT # 182680

SHEET NO. A10

SCALE: NTS



0 10 20 40

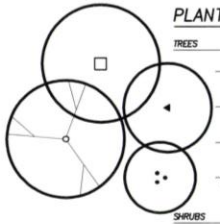
SCALE: 1" = 20'

N

PLANTING NOTES

1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT CITY OF PORTLAND STANDARDS AND THE OREGON UNIFORM BUILDING CODES.
2. INSTALL EROSION CONTROL SYSTEMS IN ACCORDANCE WITH CITY OF PORTLAND STANDARDS PRIOR TO SITE WORK AND LANDSCAPE INSTALLATION.
3. MARK AND PROTECT ALL UTILITIES, SITE FEATURES TO REMAIN IN PLACE.
4. ALL PLANTING BEDS TO RECEIVE 8" DEPTH IMPORTED TOP SOIL.
5. LANDSCAPE INSTALLATION SHALL INCLUDE INSTALLATION OF AUTOMATIC IRRIGATION SYSTEM DESIGNED TO COMPLIMENT LANDSCAPE PLANTING MEETING LOCAL AND STATE BUILDING CODES.
6. PLANT MATERIAL INSTALLED SHALL CONFORM IN SIZE AND GRADE TO THE "AMERICAN STANDARD FOR NURSERY STOCK" CURRENT EDITION.
7. THE QUANTITIES OF PLANT MATERIALS SHALL BE AS DETERMINED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFIED SPACING OR LOCATION ON THE PLAN. MATERIAL QUANTITIES SHOWN ON PLAN ARE FOR CONTRACTOR CONVENIENCE ONLY AND SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO INSTALLATION. SURPLUS OR SHORTAGES OF PLANT QUANTITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
8. LANDSCAPE CONTRACTOR SHALL MAINTAIN PLANTINGS FOR THE DURATION OF 1-YEAR WARRANTY PERIOD AFTER SUBSTANTIAL COMPLETION AND GUARANTEE ALL PLANTINGS TO BE IN SATISFACTORY AND VIGOROUS HEALTH. PROVIDE MAINTENANCE SCHEDULE PER SPECIFICATIONS.

"Approved"
City of Portland - Bureau of Development Services
Planner AM
Date July 5, 2019
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



PLANTING SCHEDULE

TREES

Qty	Size	Botanical name	Common name	Notes
3	2" CAL	Prunus x yedoensis 'Akebono'	Akebono Cherry	B&B, WELL BRANCHED, LIMBED TO 6'
6	6' HT	Chamaecyparis nootkatensis 'Pendula'	Weeping Alaska Cedar	B&B, WELL BRANCHED
4	2" CAL	Prunus sargentii	Sargent Cherry	B&B, WELL BRANCHED, LIMBED TO 6'
3	1.5" CAL	Malus fusca	Pacific Crabapple	B&B, WELL BRANCHED

SHRUBS

Qty	Size	Botanical name	Common name	Notes
28	2 GAL	Choisya ternata 'Sundance'	Mexican Orange Blossom	CONT., FULL PLANTS, 36" O.C.
5	1 GAL	Polystichum munitum	Sword Fern	CONT., FULL PLANTS, 36" O.C.
26	2 GAL	Nandina domestica 'Compacta'	Dwarf Heavenly Bamboo	CONT., FULL PLANTS, 30" O.C.
20	2 GAL	Vaccinium cinnamomifolium	Cinnamon Leaf Viburnum	CONT., FULL PLANTS, 36" O.C.

GROUNDCOVER

Qty	Size	Botanical name	Common name	Notes
29	1 GAL	Mahonia repens	Creeping Oregon Grape	CONT., FULL PLANTS, 30" O.C.
60	1 GAL	Epimedium x rubrum	Bishops Hat	CONT., FULL PLANTS, 24" O.C.
44	1 GAL	Arctostaphylos uva-ursi 'Massachusetts'	Kinnikinnick	CONT., FULL PLANTS, 24" O.C.

GRASSES

Qty	Size	Botanical name	Common name	Notes
35	1 GAL	Carex oshimensis 'Everillo'	Japanese Sedge	CONT., FULL PLANTS, 24" O.C.
54	1 GAL	Carex tumulicola	Foothill Sedge	CONT., FULL PLANTS, 24" O.C.
15	1 GAL	Deschampsia cespitosa	Tufted Hair Grass	CONT., FULL PLANTS, 24" O.C.
150	1 GAL	Festuca glauca 'Elijah Blue'	Blue Fescue	CONT., FULL PLANTS, 12" O.C.
12	1 GAL	Helictotrichon sempervirens	Blue Oat Grass	CONT., FULL PLANTS, 30" O.C.
90	1 GAL	Schizachyrium scoparium 'Standing Ovation'	Little Bluestem	CONT., FULL PLANTS, 18" O.C.
7	5 GAL	Miscanthus sinensis 'Gracillimus'	Maidenhair Grass	CONT., FULL PLANTS, SPACING AS SHOWN
5	1 GAL	Pennisetum alopecuroides 'Karley Rose'	Fountain Grass	CONT., FULL PLANTS, 36" O.C.

STORMWATER PLANTER

Qty	Size	Botanical name	Common name	Notes
77	1 GAL	Carex testacea	New Zealand Orange Sedge	CONT., FULL PLANTS, 12" O.C.
49	1 GAL	Iris siberica	Siberian Iris	CONT., FULL PLANTS, 12" O.C.
74	1 GAL	Juncus balticus	Baltic Rush	CONT., FULL PLANTS, 12" O.C.
33	1 GAL	Juncus patens	Spreading Rush	CONT., FULL PLANTS, 12" O.C.
69	1 GAL	Scirpus validus	Softstem Bulrush	CONT., FULL PLANTS, 12" O.C.
13	5 GAL	Myrica californica	Pacific Wax Myrtle	CONT., FULL PLANTS, 36" O.C.

CASE NO. LU 19-114212 AD
EXHIBIT C.6

Ankrom Moisan

HHPR Harper Houf Peterson Righellis Inc.

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.223.1511 www.hhpr.com fax: 503.223.5511

RECEIVED
JUN 26 2019
Bureau of Development Services

ISSUE	DATE	DESCRIPTION
	05.14.2019	PERMIT
2	05.23.2019	LANDSCAPE PLAN

CHASE

SELLWOOD

CONTENTS

LANDSCAPE PLAN

04.12.2019

SHEET

L1.0