



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

Ted Wheeler, Mayor
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Date: August 13, 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 19-162589 AD

GENERAL INFORMATION

Applicant: Danelle Isenhardt
Emerio Design
6445 SW Fallbrook Pl #100
Beaverton, OR 97008
503-746-8812 | danelle@emeriodesign.com

Owner: Jaisiyaram, LLC
Attn: Sukhjit Toor
16092 SE Eider Ct
Damascus, OR 97089

Site Address: 12210 NE AINSWORTH CIR

Legal Description: LOT 2, PARTITION PLAT 1999-27
Tax Account No.: R649791060
State ID No.: 1N2E14C 00602
Quarter Section: 2443
Neighborhood: Parkrose Neighborhood Assoc., contact EPNO at 503-823-4550.
Business District: Columbia Corridor Association, contact at info@columbiacorridor.org,
Parkrose Business Association, contact
parkrosebusinessassociation@gmail.com

District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.

Plan District: Columbia South Shore
Zoning: EG2h,s,x – General Employment 2 with “h” Aircraft Landing Zone, “x” Portland International Airport Noise Impact Zone and “s” Scenic Resource Zone Overlays

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

Proposal:

The applicant is proposing a new gas station and convenience store on this vacant site (permit 18-272317 CO). Gas stations with pumps are drive-through facilities and subject to regulation by Zoning Code Chapter 33.224, Drive-Through Facilities. The Vehicular Access standard in this chapter requires that all driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. In this case, the applicant is proposing that the entrance be located 39.6 feet from the intersection. The applicant requests an Adjustment to Zoning Code Section 33.224.040 to reduce the distance of the driveway entrance from the intersection from 50 feet to 39.6 feet.

No review of other relevant standards has been undertaken as part of this review. This review scope is limited only to this one standard.

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 30,928-square-foot site is a relatively flat, vacant corner lot, which abuts NE Ainsworth Circle and NE Airport Way. Deciduous trees and a few shrubs provide a landscape buffer along the frontage of NE Airport Way.

The surrounding area includes a variety of commercial and industrial uses. Directly to the east is a two-story medical office building with accessory surface parking. Across NE Ainsworth Circle to the west is the Hilton Hotel. In general, the surrounding area to the north, east, and south is largely industrial in character, while the properties to the west along NE Airport Way are more commercial, including hotels and strip commercial development. This site and the adjacent site were formerly one property owned by Legacy Health. The parcels were separated through two land division processes (LUR 98-00765 MP and LU 17-197448 AP).

The site has frontage along NE Ainsworth Circle and NE Airport Way. Northeast Airport Way has a 60-foot right-of-way, and is improved with a 44-foot wide roadway with two lanes of traffic in each direction, a turning lane, bike lanes in both directions, and five-foot, curb-tight sidewalks on either side. The City's Transportation System Plan (TSP) classifies NE Airport Way as a District Collector, a Major Transit Priority Street, a City Bikeway, a City Walkway, a Priority Truck route, and a Major Emergency Response route.

Northeast Ainsworth Circle has a 60-foot right-of-way, and is improved with a 44-foot wide roadway with one lane of traffic and parallel on-street parking in each direction, and 7-ft wide curb-tight sidewalk along this frontage. NE Ainsworth Street is classified as a Freight District Street and Local Service Street for all other modes.

Tri-Met provides transit service via Bus #87 along NE Airport Way with stops at the intersection of NE Airport Way and NE Win Sivers Drive/NE Glen Widing Drive to the west, and at NE Airport Way and NE 122nd Ave to the east.

Zoning: The General Employment 2 (EG2) zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverage and buildings which are usually set back from the street. Minimum lot area is between 10,000 and 20,000 square feet.

The Aircraft Landing Zone “h” overlay provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. A height contour map is available for review in the Development Services Center.

The Scenic Resource Zone “s” overlay is intended to protect Portland’s significant scenic resources as identified in the Scenic Resources Protection Plan; enhance the appearance of Portland to make it a better place to live and work; create attractive entrance ways to Portland and its districts; improve Portland’s economic vitality by enhancing the City’s attractiveness to its citizens and to visitors; and implement the scenic resource policies and objectives of Portland’s Comprehensive Plan. The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

The Portland International Airport Noise Impact Zone “x” overlay reduces the impact of aircraft noise on development within the noise impact area surrounding Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

The Columbia South Shore Plan District regulations encourage the development of the Columbia South Shore as an industrial employment center, which is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development. Special street setbacks and landscaping standards enhance and strengthen the image of the plan district, and create a more formal landscape design and provide continuity along Airport Way. Development standards for the southern portion of the district (Southern Industrial subdistrict) reflect the City’s standards for general industrial areas.

Land Use History: City records indicate that prior land use reviews include the following:

- **LU 17-197448 AP:** Approval of a Land Division Amendment to remove condition C.3 from LUR 98-00765 MP, which required a pedestrian connection through the subject site to the existing development on Parcel 1 to the east.
- **LUR 01-00198 CU AD:** Approval of a **Conditional Use Review** to allow a new five-story hotel with pedestrian walkways, structured parking, a transit-oriented pedestrian place, landscaping and other site amenities. The proposed hotel was approved with the requested 68,182 square feet of floor area and adjustment to 33.140.215 and 33.515.205. This conditional use review and adjustment approval for the future hotel to be developed on Parcel 2 has expired.
- **LUR 98-00765 MP:** Approval of a two-lot Minor Partition which created the subject parcel (Parcel 2) and the adjacent property (Parcel 1), which contains an Existing Medical Office building. Condition C.3, which requires a pedestrian connection to the existing development on Parcel 1 at the time of development of Parcel 2, is the subject of the 2017 land division amendment.
- **LUR 91-00557 EN:** Environmental review for a 16-acre fill and an accompanying wetland creation project within the environmental conservation zone, approved with conditions. Both the “mitigation site” and “fill site” covered in this review do not involve the subject parcel for this review.
- **LUR 91-00217 EF:** Excavation and Fill review for 15,000 cubic yards to increase elevation of site to 2 feet above street grade. Case withdrawn on May 20, 1991.
- **MP 72-87:** Request for a three-lot Minor Partition. Approved November 25th, 1987. Zoning at the time was GI-2, LN & SR, but no other information is available in City records.
- **CU 106-87/SRZ 10-87:** Conditional Use and Site Review request for an excavation and fill request. Approved with conditions September 3, 1987.
- **PC 7178:** Planning Commission initiation of City of Portland zoning for an area annexed from Multnomah County. Case was approved in 1982 through City ordinance

number 154028.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 28, 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 wrote substantive comments regarding PBOT standards and requirements, and explained the Public Works permit process the project applicant has initiated (Exhibit E.2.a). Responding to public comments, PBOT staff submitted an addendum to those initial comments addressing transportation impacts and other concerns raised (Exhibit E.2.b). More information is in the Neighborhood Review section and in the findings below.

Neighborhood Review: A total of two written responses were received from notified neighbors in response to the proposal. One response was received from the abutting property owner to the east with concerns about traffic safety and proximity to their driveway, which is accessed to the south of the subject site. Other concerns include the lack of a transportation impact study; concerns about the proximity of the site to the 122nd Ave intersection; the impacts on the traffic flow on both NE Ainsworth Cir and NE Airport Way; lack of mitigation for the requested Adjustment; and concerns about how the tanker trucks will refuel the station with the proposed driveway location. The response also stated that the proposal did not meet Zoning Code standards for setbacks, landscaping, or stacking lane depth, or buffering (Exhibit F.1).

The second response was from a group of other nearby landowners, with concerns about increased traffic on NE Ainsworth Cir and the NE 122nd intersection; and concerns about providing public bathrooms to the homeless community in the area (Exhibit F.2).

Staff Comments: *The gas station and convenience store uses are allowed by right. The overall development proposal is not subject to the Adjustment process. The limited issue addressed through this review is the relocation of the required vehicle access for the drive-through facility (gas station) from 50 feet from the intersection to 39.6 feet to the intersection. Considerations on the impact of the proposal will be limited to the impact of this change only.*

Since the vehicle access standard is the only standard to which the applicant requested an Adjustment, the development will be required at time of permit to meet all other Zoning Code standards, including buffering, landscaping, setbacks, etc. Stormwater, street improvements and all other infrastructure issues will also be addressed through the permit process.

The Bureau of Transportation reviewed these public comments and provided the following response, restated in part in the findings below:

This correspondence is a response to public comments received about case 19-162589-LU. Multiple comments were received in opposition for a variety of reasons including potential impacts to roadway function. One letter of comment strongly asked for a Transportation Impact Study to be required of the applicant prior to reaching a decision.

The letters of comment were reviewed by PBOT Development Review’s licensed Traffic Engineer. The outcome of this review is that PBOT still has no concerns with the proposed adjustment. PBOT does not recommend requiring a Transportation Impact Study in this case for the following reasons:

- *The use of the site is allowed by right*
- *All transportation modes are accommodated with the proposed improvements, which include new ADA accessible curb ramps in the sidewalk corridor*
- *The two proposed driveways take access from the lower traffic classification roadway*
- *Queuing is not anticipated to be a concern, as there is approximately 100-ft of queuing space within Ainsworth before approaching the nearest Airport Way travel lane. This is enough space to accommodate 4 to 5 passenger vehicles between the driveway approach at issue in the adjustment review and NE Airport Way.*
- *Sight distance along Airport Way is adequate for stopping sight distance*
- *There is a two-way left turn lane for making a two-stage left turn from Ainsworth Circle to Airport Way*
- *The number of trips do not warrant additional traffic control*

RECOMMENDATION

PBOT has no objection to the requested adjustment (Exhibit E.2.b).

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 purpose of the Vehicular Access standard for drive-through facilities is stated in 33.224.020:

33.224.020 Purpose

The regulations of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- Promote safer and more efficient on-site vehicular and pedestrian circulation;
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

As shown above, an overall purpose of the drive-through regulations in the Zoning Code is to promote safety so that queued traffic does not interfere with on-site and off-site traffic and pedestrian flow. In order to make this evaluation, Land Use Services staff rely on the expertise of staff from Portland Bureau of Transportation (PBOT). The PBOT reviewer examines the application for its potential impacts regarding the public right-of-way, traffic impacts, and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

In this case, the reviewer found that a 39.6-foot distance between the intersection and the driveway entrance for the drive-through would be acceptable. The reviewer concluded that there will be no queuing impacts from the proposed Adjustment: "Queuing is not anticipated to be a concern, as there is approximately 100-ft of queuing space within Ainsworth before approaching the nearest Airport Way travel lane. This is enough space to accommodate 4 to 5 passenger vehicles between the driveway approach at issue in the adjustment review and NE Airport Way. Sight distance along Airport Way is adequate for stopping sight distance" (Exhibit E.2.b). Therefore, the Adjustment will not result in an increase in idling vehicles.

The proposed Adjustment is not related to noise limitations, required lighting, or how the development looks; therefore, the first bulleted purpose statement is not addressed through the proposed Adjustment.

The PBOT response also discussed the public works permit process the applicant has also undergone, with the following comment: "This driveway is being proposed in conjunction with sidewalks and an ADA-compliant curb ramp at the intersection. Taken together, the design elements have been determined through engineering review to insure the safe and orderly flow of pedestrian, bicycle, and vehicular traffic" (Exhibit E.b.1). PBOT points out the two proposed driveways take access from the lower traffic classification roadway, reducing the likelihood of potential conflicts with traffic on NE Airport Way.

The applicant states that "the proposed north entrance location promotes safer and more efficient on-site circulation for the fuel delivery trucks. The designed north entrance location along NE Ainsworth Circle allows for the fuel delivery trucks to enter the site from that driveway (closest to Airport Way), access the underground storage tanks and then circulate back out to NE Ainsworth Circle exiting at the southern driveway in a forward motion" (Exhibit A.1).

With the analysis provided by the Bureau of Transportation, and the explanation from the applicant describing onsite circulation, this criterion is met.

- B.** *If in a residential, C11, 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: The subject site is in the General Employment 2 (EG2) zone, an employment zoning designation, so the proposal must be consistent with the classifications of the adjacent streets and desired character of the area.

The Portland Bureau of Transportation (PBOT) provided a response to the proposal and made findings that in part state the following:

At this location, the City's Transportation System Plan (TSP) classifies NE Ainsworth Circle as a Freight District Street and a Local Service street for all other modes... [the TSP] classifies NE Airport way as a District Collector, Major Transit Priority, City Bikeway, City Walkway, Priority Truck Street,

*Major Emergence Response, and Industrial Road for design purposes
(Exhibit E.2.a).*

PBOT further states that the applicant is working with PBOT in a public works permit process, the concept of which has already been approved. “This means the City Traffic Engineer’s designee has granted concept approval of the location of the proposed driveway as meeting the requirements of Title 17, including 17.28.110.D. This driveway is being proposed in conjunction with sidewalks and an ADA-compliant curb ramp at the intersection. Taken together, the design elements have been determined through engineering review to insure the safe and orderly flow of pedestrian, bicycle, and vehicular traffic. PBOT has no objection to the driveway location as proposed” (Exhibit E.2.a).

In the supplemental response from PBOT, Exhibit E.2.b, PBOT notes that all transportation modes are accommodated with the proposed improvements; both driveways take access from the lower classification roadway; queuing is not anticipated to be a concern on NE Ainsworth Cir, and the use of the site is allowed by right. For these reasons, the proposal is consistent with the classifications of the adjacent streets.

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. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.” In this instance, *desired character* is defined by the character statement of the EG2 zone, the purpose for the Columbia South Shore Plan District, and the purpose of the Cully/Parkrose Community Plan.

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial, industrially-related, and office uses, typically in a low-rise, flex-space development pattern. Retail uses are allowed but limited in intensity to maintain adequate employment development opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas...

2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

The requested Adjustment is to shift the driveway providing vehicular access to the drive-through facility (fuel pumps) 10.5 feet closer to the intersection than allowed by right. This request does not change the use proposed, or the size of the facility proposed, the site size, building coverage, height, or intensity. The proposal, therefore, is not inconsistent with the desired character of the base zone.

The Columbia South Shore Plan District has the following purpose:

33.515.010 Purpose

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center that is intended to attract a diversity of

employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development. Special street setbacks and landscaping standards enhance and strengthen the image of the plan district, and create a more formal landscape design and provide continuity along Airport Way. Development standards for the southern portion of the district (Southern Industrial subdistrict) reflect the City's standards for general industrial areas.

Special development standards for the frontages along Airport Way and Marine Drive are intended to:

- Enhance the street image of the plan district through continuity in street frontage landscaping along Airport Way;
- Soften the visual impact of buildings, semi-trucks and trailers, and outdoor storage along Airport Way and Marine Drive; and
- Encourage non-auto-oriented travel to, from, and within the district.

The proposal to move the vehicle access approximately 10.5 feet to the east does not inhibit the ability of the proposal to meet the standards of the plan district, including landscaping or streetscape standards for sites within 300 feet of Airport Way. As described in the findings for criterion A above, PBOT found that the proposed improvements, including the Adjusted driveway location, accommodate all transportation modes. The requested Adjustment is not inconsistent with the desired character of the plan district.

The site is also within the boundaries of the Cully/Parkrose Community Plan, adopted by City Council in 1986 through Ordinance 158942. Originally, this community plan was adopted when the area was part of Multnomah County; the 1986 document was the update of the plan conducted under City jurisdiction. The document does not have a purpose statement, other than the first line of the introduction: "The Cully/Parkrose Community Plan establishes a framework to guide public and private action which will shape the future of the community." The eight policies that follow are specific to areas within the larger plan area or focus on location of land uses and community design. None are relevant to the proposed Adjustment. The community and site design guidelines that make up the bulk of the document apply to 12 specific areas within the larger plan area; the subject site is not included in any of the 12. Therefore, the proposal is not inconsistent with, nor relevant to, the Cully/Parkrose Community Plan.

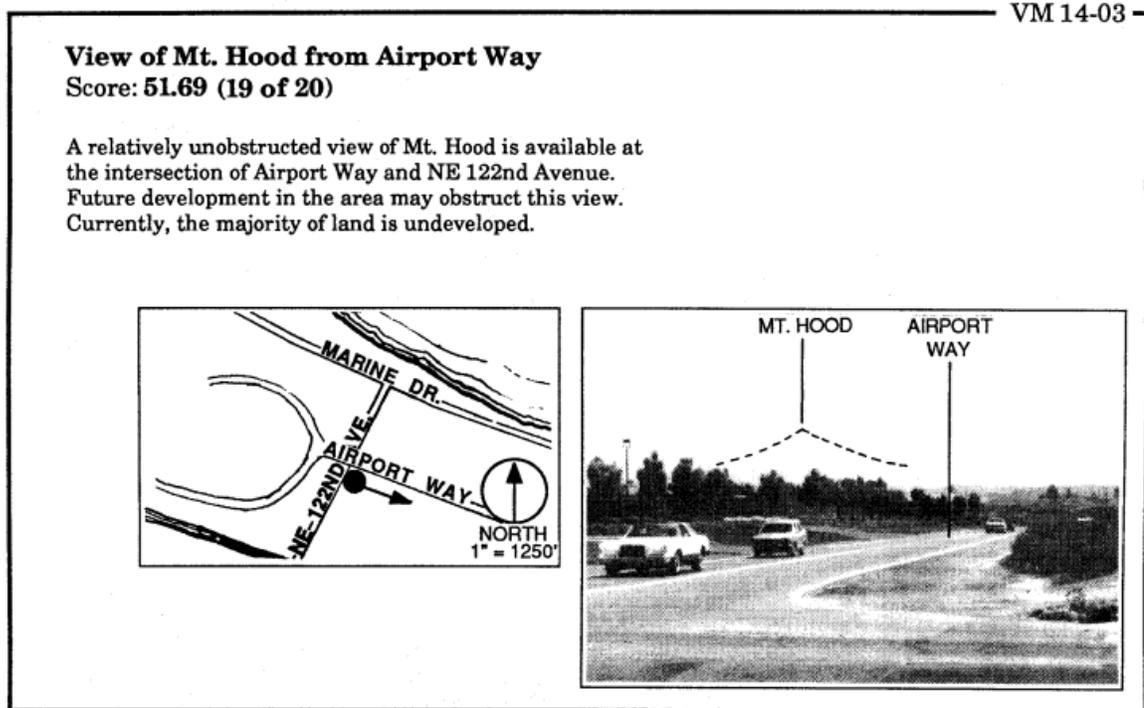
For the reasons above, this criterion is met.

- 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: Only one adjustment is requested. This criterion is not applicable.

- 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. The roughly northern two-thirds of the site has the Scenic Resources overlay, presumably in support of the nearby view of Mt Hood at NE 122nd Ave and Airport Way. The image below is from the Scenic Views, Sites and Drives Inventory published in 1989, demonstrating the location of the viewpoint near the subject site. The proposal to locate the drive closer to NE Airport Way does not impact views to the east. The building is located at the south end of the property and any applicable standards of the Scenic Resources overlay will be met at time of permit. This criterion is met.



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

Findings: Based on the above 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

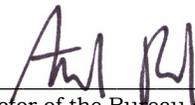
The applicant proposes one Adjustment associated with the proposed new gas station and convenience store. With approval requiring that the permit drawings substantially conform with the site plan attached, the request meets the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.224.040 to decrease the minimum required distance between the driveway for a drive-through gas station from 50 feet to 39.6 feet, per the approved site plan Exhibit C.1, signed and dated August 9, 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 Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 19-162589 AD."

Staff Planner: Amanda Rhoads

Decision rendered by:  **on August 9, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 13, 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 May 9, 2019, and was determined to be complete on June 25, 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 May 9, 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: October 23, 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 August 27, 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 **August 27, 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.

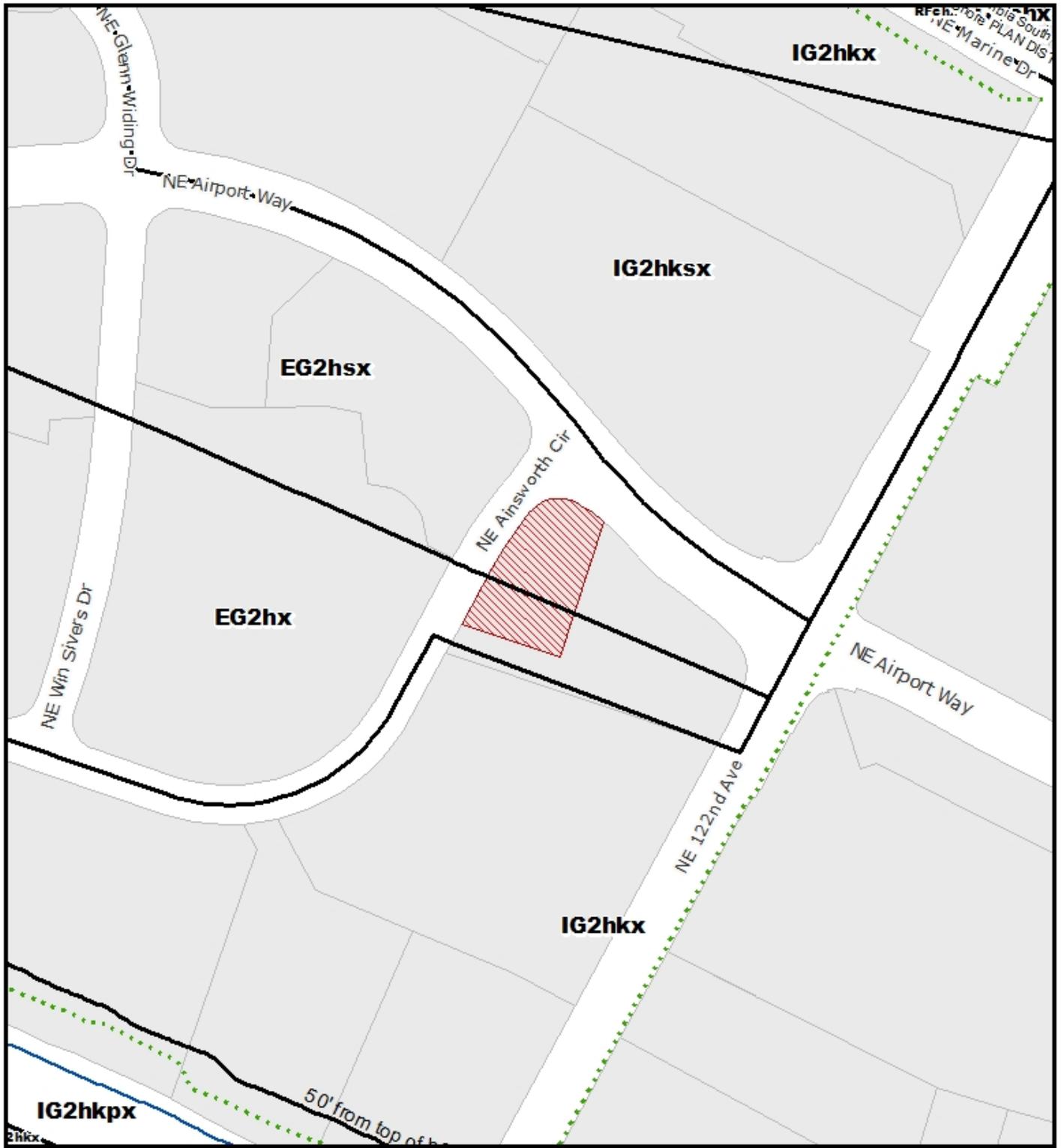
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Applicant Narrative
 - 2. Original Site Plan, scaled (superseded by Exhibit C.1)
 - 3. Response to incomplete letter, dated June 24, 2019
 - 4. Full-sized Utility and Landscape Plans
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Full-Sized Site Plan, received June 26, 2019
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - a. Initial Response, dated July 11, 2019
 - b. Addendum to respond to public comments, dated July 29, 2019
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety (Building Code) Plans Examiner
- F. Correspondence:
 - 1. Esequiel Calderon, PM/Operations Manager, Avanti Markets/Evergreen Vending, July 8, 2019, opposed with concerns
 - 2. Ben Rivera, CEO of Leatherman, Manager of Ainsworth Circle QOBLLC, July 19, 2019, opposed with concerns
- G. Other:
 - 1. Original Land Use Application and Receipt
 - 2. Incomplete Letter, May 20, 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



THIS SITE LIES WITHIN THE:
COLUMBIA SOUTH SHORE PLAN DISTRICT



Site



Stream

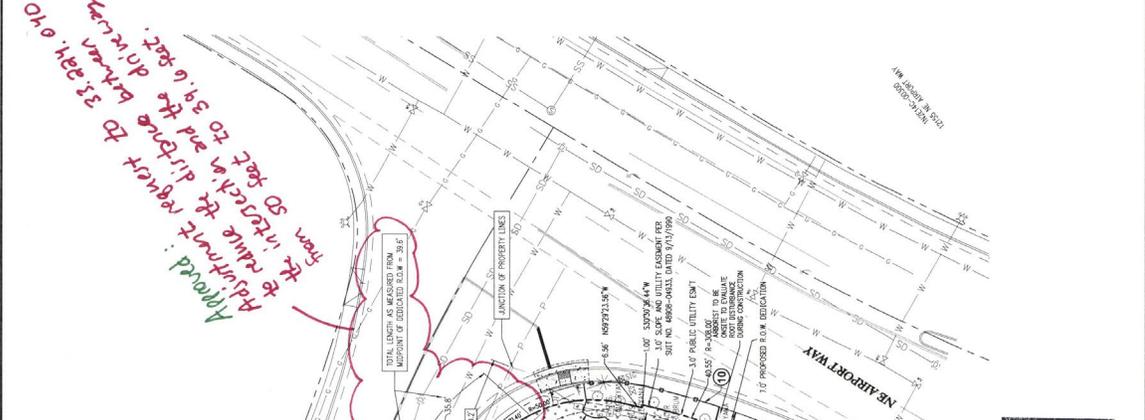


Recreational Trails

File No.	LU 19-162589 AD
1/4 Section	2443
Scale	1 inch = 200 feet
State ID	1N2E14C 602
Exhibit	B May 13, 2019

CONSTRUCTION NOTES:

- INSTALL STANDARD CURB (TYP) PER DETAIL 1, SHEET C1.0.
- PROPOSED IN-PUR TRASH ENCLOSURE, SHEET A4.2 AND A4.3.
- INSTALL 6" SIPERPAK PER DETAIL 3, SHEET C1.0.
- INSTALL MONOLITHIC CURB AND SIDEWALK PER DETAIL 4, SHEET C1.0.
- INSTALL 6" STAMPED SIDEWALK PER DETAIL 7, SHEET C1.0.
- INSTALL REINFORCED 7" ROOF CANOPY SLAB PER SHEET F1.0.
- INSTALL 5" IMAC PAVING (TYP) PER DETAIL 2, SHEET C1.0.
- INSTALL REINFORCED 8" CONCRETE SLAB WITH 12" THICKNESS PER DETAIL 5, SHEET C1.0.
- INSTALL SHORT TOW BEHIND PARKING PER DETAIL P-5/6N, SEE SHEET C1.3 FOR DETAIL.
- INSTALL TREE PROTECTION FENCE.
- INSTALL SPIRIT CONTROL SIGN, SEE SHEET DETAIL BELOW.
- INSTALL ADA ACCESSIBLE PARKING SIGN, SEE SHEET C1.3 FOR DETAIL.
- INSTALL LONG TOW INDOOR BICYCLE RACK, SEE SHEET A4.4 FOR LOCATION AND SHEET C1.3 FOR DETAIL.
- INSTALL LIGHT & POLE.
- INSTALL 4" LOW PROFILE MOUNTABLE CURB PER DETAIL 1A, SHEET C1.0.
- INSTALL METAL SHEET CHANNEL WALLS & GATE PER DETAILS ON SHEET C1.2.
- CURB TRANSITION.
- STAKING LINE.
- INSTALL BOLLARDS @ 6' O.C. PER DETAIL 6, SHEET C1.0.



IN THE EVENT OF A SPILL
 Pollution Control
 1) Turn off all storm valves located at storm entrances.
 2) Turn off storm valves located at storm entrances.
 3) Turn off storm valves located at storm entrances.
 4) Turn off storm valves located at storm entrances.
 5) Turn off storm valves located at storm entrances.
 6) Turn off storm valves located at storm entrances.
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 15) Turn off storm valves located at storm entrances.
 16) Turn off storm valves located at storm entrances.
 17) Turn off storm valves located at storm entrances.
 18) Turn off storm valves located at storm entrances.
 19) Turn off storm valves located at storm entrances.
 20) Turn off storm valves located at storm entrances.

SITE DATA
 AREA: 32,000 SF (0.68 ACRES) AFTER REDUCTION
 ZONING: GENERAL DEVELOPMENT 2
 TAX MAP: TH, REE 254
 TAX LOT: 06802
 SETBACKS: 25 FT (STREET), 0 (ADJUTING), 0 (E OR L ZONE)
 BUILDING COVERAGE: 3,491 SF (BUILDING) & 3,240 SF (CANOPY) (22.1%), 80% MAX
 ROOF AREA: 3,328 & 3,240 SF (8,568 SF) PAVEMENT AREA: 2,351 SF
 UNCOVERED PAVEMENT & CURB: 15,015 SF TOTAL IMPROVED AREA: 24,134 SF

Approved*
 City of Portland - Bureau of Development Services
 Planner: *AMM* Date: *Aug 9, 2019*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.