



Date: August 23, 2019
To: Interested Person
From: Andrew Gulizia, Land Use Services
 503-823-7010 / Andrew.Gulizia@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 19-154891 AD

GENERAL INFORMATION

Applicant: Shea Gilligan | Brett Schulz, Architect PC
 2500 NE Sandy Blvd., Ste. D | Portland, OR 97232

Property Owners: Kevin Cavanaugh | Some Knucklehead Inc.
 2500 NE Sandy Blvd., Ste. C | Portland, OR 97232

Campau, Dorothy J. Trust
 1220 S Sycamore St. | Canby, OR 97013

Site Address: 2510 NE Sandy Blvd.

Legal Description: BLOCK 3 LOT 1&2 EXC PT IN ST, LOGANS ADD; BLOCK 3 LOT 3&4 EXC PT IN ST LOT 5-8, LOGANS ADD

Tax Account No.: R504500390, R504500430

State ID No.: 1N1E36BC 09400, 1N1E36BC 09300

Quarter Section: 2933

Neighborhood: Kerns, contact Elliott Mantell at commonchiro@yahoo.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010

Plan District: Sandy Boulevard

Zoning: CM3dm – Commercial Mixed-Use 3 base zone with Design (“d”) and Centers Main Street (“m”) overlay zones

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 building on this site with ground-floor retail space and 48 residential units. The applicant is requesting the following Adjustments to Zoning Code standards:

- To waive the requirement of the Sandy Boulevard plan district that building facades facing NE Sandy Blvd. must be parallel to the street lot line (Zoning Code Section 33.575.110.C);
- For each of the two building facades facing NE Sandy Blvd., to waive the requirement for at least 25% of the façade to be off-set by at least 2 feet from the rest of the façade (Zoning Code Section 33.130.222.C); and
- To waive the requirement for an off-street, 9' x 18' loading space (Zoning Code Section 33.266.310.C). The applicant proposes to remove an existing driveway on NE Lawrence Ave. and restore the curb there for on-street parking and loading.

Relevant Approval Criteria: To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

ANALYSIS

Site and Vicinity: The site is located on the southwest corner of NE Sandy Blvd. and NE Lawrence Ave. While the property currently extends from NE Sandy Blvd. south to NE Hoyt St. (Exhibit B), the applicant plans to separate the northern half of the property through a separate lot confirmation application to restore existing, underlying lot lines. The applicant plans to demolish the existing development on the northern half of the property in order to construct the new mixed-use building. Neighboring properties along NE Sandy Blvd. are mostly developed with older commercial and industrial buildings, and neighboring properties to the south (along NE Hoyt St.) are developed with apartment buildings. The I-84 freeway is 3 blocks north of the site.

Zoning: The CM3 zone is 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. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge.

The Design (“d”) overlay zone is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural values. Since the site is in the “d” overlay zone, the new building will be subject to the Community Design Standards in Zoning Code Section 33.218.140.

The Centers Main Street (“m”) overlay zone encourages a mix of commercial, residential, and employment uses on key main streets within town centers and neighborhood centers. 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 Sandy Boulevard plan district implements the Sandy Boulevard elements of the Hollywood and Sandy Plan through special height transitions and unique setback treatments.

Land Use History: City records include the following prior land use reviews for this site:

- LU 16-251833 DZM: 2017 Design Review approval for a mixed-use building. The current proposal is different from the plans approved in LU 16-251833 DZM, so the prior approval does not apply. In the current proposal, the applicant elected to meet the Community Design Standards in Zoning Code Section 33.218.140 rather than apply for a new Design Review. This is allowed for this site per Zoning Code Sections 33.420.055 and 33.420.060.
- VZ 150-90: 1990 Variance approval to increase the maximum distance from a building to off-site employee parking.

Agency Review: A “Notice of Proposal” was sent July 26, 2019. The following Bureaus responded with no objections to the proposed Adjustments:

- Bureau of Environmental Services (Exhibit E-1);
- Portland Bureau of Transportation (Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Site Development Section of BDS (Exhibit E-4); and
- Life Safety Review Section of BDS (Exhibit E-5).

Neighborhood Review: No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

ZONING CODE APPROVAL CRITERIA

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 the following Adjustments:

- To waive the requirement of the Sandy Boulevard plan district that building facades facing NE Sandy Blvd. must be parallel to the street lot line (Zoning Code Section 33.575.110.C);
- For each of the two building facades facing NE Sandy Blvd., to waive the requirement for at least 25% of the façade to be off-set by at least 2 feet from the rest of the façade (Zoning Code Section 33.130.222.C); and
- To waive the requirement for an off-street, 9’ x 18’ loading space (Zoning Code Section 33.266.310.C).

The purposes of these requirements are discussed below.

Sandy Boulevard plan district requirement

The applicant’s proposal does not meet the requirement for building facades facing NE Sandy Blvd. to be parallel to the NE Sandy Blvd. street lot line. The purpose of this requirement is stated in Zoning Code Section 33.575.110.A:

These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.

In the applicant’s proposal, the building facades facing NE Sandy Blvd. are angled only slightly (about 4 degrees) from the street lot line (Exhibit C-1). These slight angles will add visual interest to the building, but the building will still appear to be oriented towards and nearly parallel to NE Sandy Blvd. Therefore, staff finds the proposal will still reinforce the unique diagonal geometry that NE Sandy Blvd. creates in the street grid.

Façade articulation requirement

Zoning Code Section 33.130.222.C requires at least 25% of the building façades facing NE Sandy Blvd. to be articulated (off-set) by 2 feet or more from the rest of the façade. The purpose of this requirement is stated in Zoning Code Section 33.130.222.A:

These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland’s commercial/mixed-use areas and add visual interest and variety to the street environment.

Per Zoning Code Section 33.130.222.C.1.b, this standard only applies to street-facing facades that are larger than 4,500 square feet in area. Per Zoning Code Section 33.130.222.C.1.c, there will be two separate facades facing NE Sandy Blvd. for purposes of this standard, since the two facades will be separated by a recess in the building that's 10 feet wide and 20 feet deep (Exhibits C-1 and C-4).

The proposed facades facing NE Sandy Blvd. are each about 5,000 square feet in area, which is about 11% larger than the façade area that triggers the articulation requirement (4,500 square feet). This means that if each of the facades were 500 square feet smaller, an Adjustment to the façade articulation standard would not be needed.

Even though the two facades facing NE Sandy Blvd. will not be articulated to meet this standard, staff finds there are several elements to the design which support the purpose of the requirement:

- The street-facing facades are separated from each other and are both slightly angled from the street lot line (Exhibit C-1), a unique design that will enhance visual interest and variety while promoting a more open, airy feeling along the street.
- The very large, divided-light windows facing NE Sandy Blvd. will be reminiscent of older factory buildings in the area and will help to break up the street-facing wall area (Exhibit C-2).
- The awnings above the ground-floor windows (Exhibit C-2) will make the ground floor facades visually distinct from the upper stories, helping to break down the street-facing façades into smaller sections. (To ensure these awnings are retained in the final building permit plans, a condition of approval will require them.)
- Public art will be installed on the ground-floor facades facing NE Sandy Blvd. to meet the requirements in Zoning Code Sections 33.415.340 and 33.130.230.B (Exhibit A-3). To count toward these requirements, public art must be approved by the Regional Arts and Culture Council (RACC) and a covenant must be recorded to ensure the art is maintained (Zoning Code Section 33.130.230.B.5). The RACC approval and covenant are required before building permit approval. Public art on the ground-floor façades facing NE Sandy Blvd. will add visual interest and variety and further separate the ground floor from the floors above. (If the applicant decides *not* to pursue public art, the ground floor windows facing NE Sandy Blvd. must be increased to cover at least 60% of the ground-floor, street-facing facades, which would also enhance visual interest and differentiate the ground floor.)

For these reasons, and with the awning-related condition of approval mentioned above, staff finds the proposal equally meets the purpose of the façade articulation standard.

Off-street loading space requirement

The purpose of the requirement for an off-street loading space is stated in Zoning Code Section 33.266.310.A:

A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Without the proposed Adjustment, the new building would require one off-street, 9' x 18' loading space. In the applicant's proposal, no off-street loading area will be provided and the existing driveway on NE Lawrence Ave. will be removed. A new curb along NE Lawrence Ave. will be constructed for on-street parking and loading.

The Portland Bureau of Transportation (PBOT) reviewed the proposal and stated the following (Exhibit E-2):

PBOT has no objection to approval of the requested Adjustment to waive the requirement to provide a single Type B loading space on-site. A Type B loading space requires a 10-ft wide driveway with 6-ft driveway wings for a total curb space of 22-ft. This would result in a permanent loss of an on-street parking space. PBOT would prefer to retain that 22-ft of curb zone to allow for on-street parking with a potential for a loading space with limited hours.

These findings from PBOT indicate the new curb along NE Lawrence Ave. will provide adequate loading area for the new building. Therefore, based on PBOT's findings, and with a condition of approval to construct the new curb along NE Lawrence Ave., staff finds an off-street loading space is not required to ensure adequate loading area.

Since no off-street loading space will be provided, the aspects of the above purpose statement related to the appearance of loading spaces and access to loading spaces are not applicable.

Summary

With the conditions of approval discussed above, staff finds each of the proposed Adjustments will equally meet the purpose of the regulation to be modified. Approval criterion A 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 CM3, the Adjustment Review proposal must be 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
NE Sandy Blvd.	Major City Traffic Street	Major Transit Priority Street	City Bikeway	City Walkway	Main Truck Street
NE Lawrence Ave.	Local Service	Local Service	Local Service	Local Service	Local Service

The proposed Adjustments to the building façade standards and to the off-street loading requirement will not affect the type or intensity of the uses on the site, and as discussed in the findings for approval criterion A, the new curb to be constructed along NE Lawrence Ave. will create additional on-street parking and loading area. PBOT reviewed the proposal and expressed support for the Adjustments with the new curb (Exhibit E-2). For these reasons, and with a condition of approval for the new curb, staff finds the proposal is consistent with the classifications of the adjacent streets.

Desired character of area

“Desired character” is defined in Zoning Code Chapter 33.910. Pursuant to this definition, the desired character of this site is determined by the character statement of the CM3 base zone, the purpose statements for the Design (“d”) and Centers Main Street (“m”) overlay zones, the purpose statement for the Sandy Boulevard plan district, and relevant statements from the Kerns Neighborhood Plan.

CM3 zone

The character statement for the CM3 zone is 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 and residential zones. Design review is typically required in this zone.

The proposed building will be six stories (including mezzanines and lofts) and will include ground-floor retail space and 48 residential units. The proposal will increase the intensity of urban development along NE Sandy Blvd., a transit street and a designated civic corridor. The building footprint will extend to the street lot lines (Exhibit C-1), with entrances oriented to pedestrian traffic on the adjacent sidewalks. As discussed below, the building will meet the Community Design Standards in Zoning Code Section 33.218.140, which will promote an attractive appearance for the project and meet the Design (“d”) overlay zone requirements.

For these reasons, staff finds the proposal is consistent with the character statement for the CM3 zone.

Design (“d”) overlay zone

The purpose statement for the “d” overlay zone is 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 the 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 development will meet each of the applicable Community Design Standards in Zoning Code Section 33.218.140. Meeting these Community Design Standards will fully satisfy the requirements of the “d” overlay zone for this site (Zoning Code Section 33.420.055) and will promote a quality appearance for a new development adjacent to a transit street (NE Sandy Blvd.). No Adjustments are requested for any of these design standards, and no Adjustments to these standards would be allowed (Zoning Code Section 33.218.015.B). Since the Community Design Standards support the purpose of the “d” overlay zone (Zoning Code Section 33.218.010), and since these design standards will be met, staff finds the proposal is consistent with the purpose of the “d” overlay.

Centers Main Street (“m”) overlay zone

The purpose statement for the “m” overlay zone is in Zoning Code Section 33.415.010:

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.

As intended by the “m” overlay, a continuous ground-floor commercial area is proposed along the north lot line abutting the NE Sandy Blvd. sidewalk. The residential units in the new building will contribute to a greater development intensity that is supportive of transit service, and no curb cuts or driveways are proposed. No Adjustments are requested to any of the “m” overlay requirements. Therefore, staff finds the proposal is consistent with the purpose of the “m” overlay.

Sandy Boulevard plan district

The purpose statement for the Sandy Boulevard plan district is in Zoning Code Section 33.575.010:

The Sandy Boulevard Plan District implements the Sandy Boulevard elements of the Hollywood and Sandy Plan through special height transitions and unique setback treatments.

The only requirement from the Sandy Boulevard plan district that applies to this site is the requirement for building facades facing NE Sandy Blvd. to be parallel to the street lot line (Zoning Code Section 33.575.110.C). The plan district’s requirements for special height transitions only apply to sites which abut or are across the street from residential zones (Zoning Code Section 33.575.100).

An Adjustment is requested for the requirement for building facades to be parallel to NE Sandy Blvd. As stated in the findings for approval criterion A, the building facades facing NE Sandy Blvd. will be angled only slightly (about 4 degrees) from the street lot line (Exhibit C-1). These slight angles will add visual interest to the building, but the building will still appear to be oriented towards and nearly parallel to NE Sandy Blvd. Therefore, the proposed Adjustment is consistent with the purpose of the requirement.

For these reasons, staff finds the proposal is consistent with the purpose statement for the Sandy Boulevard plan district.

Kerns Neighborhood Plan

Staff finds the following statements from the Kerns Neighborhood Plan to be relevant to this proposal:

Policy 1 – Neighborhood Quality and Livability; Objective 1.2: Strengthen community identity within Kerns by taking advantage of all opportunities to upgrade appearance of both residential and commercial properties.

Policy 1 – Neighborhood Quality and Livability; Objective 1.8: Recognize the unique historic resources and physical attributes of the area.

Policy 2 – Land Use; Objective 2.1: Maintain land use designations which ensure the existing diversity and balance of residential, commercial, and industrial uses.

Policy 3 – Housing; Objective 3.2: Recognize unique opportunities to develop new housing, including ownership alternatives such as condominiums and cooperative buildings.

Policy 4 – Safety and Security; Objective 4.2: Encourage mixed use development which provides around-the-clock occupancy of the business districts adjacent to residential areas.

Policy 5 – Business and Industry; Objective 5.1: Maintain the unique range of services and stores.

Policy 5 – Business and Industry; Objective 5.1: Encourage new neighborhood commercial businesses.

Policy 5 – Business and Industry; Objective 5.3: Encourage large industries to remain in the neighborhood to continue to support a strong employment base.

Policy 6 – Transportation; Objective 6.2: Ensure adequate and efficient on- and off-street parking to support businesses.

Policy 9 – Neighborhood Commercial Areas; Objective 9.2: Encourage new development which provides a mixture of residential and commercial uses and is compatible with the surrounding area.

Policy 9 – Neighborhood Commercial Areas; Objective 9.5: Improve the quality of development design, especially along arterials and at prominent intersections such as 20th and Sandy and 12th/Sandy/Burnside.

The new building will include ground-floor retail space that will expand the range of services and stores in the neighborhood and new housing units that will create round-the-clock occupancy in the commercial area. The building will have an attractive design with public art facing the street and large, divided-light windows that are reminiscent of older factory buildings in the area (Exhibits A-3, C-2 and C-3).

Part of an existing industrial building will be demolished for this project, but most of the industrial building (on the southern half of the block) will remain, supporting the area's job base. The commercial space in the new building will also contribute to the area's job base.

No off-street parking will be provided, and none is required because the site is close to frequent transit service and because the affordable housing requirement in Zoning Code Chapter 33.245 will be met on-site (Zoning Code Section 33.266.110.D.1.a). However, as discussed previously, the new curb along NE Lawrence Ave. will provide additional on-street parking and loading area.

For these reasons, and with the condition of approval for the new curb, staff finds that on balance the proposal is consistent with the Kerns Neighborhood Plan.

Summary

With the condition of approval mentioned above, staff finds the proposed Adjustments are consistent with the classifications of the adjacent streets and the desired character of the area. Approval criterion B is met.

- C.** If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The purpose of commercial/mixed-use zones such as CM3 is stated in Zoning Code Section 33.130.010:

The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan, and also accommodate smaller, dispersed commercial and mixed use areas to provide opportunities for services in areas between the centers and corridors.

The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

The specific character statement for the CM3 zone is 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 and residential zones. Design review is typically required in this zone.

The proposed building will be six stories (including mezzanines and lofts) and will include ground-floor retail space and 48 residential units. The proposal will increase the intensity of urban development along NE Sandy Blvd., a transit street and a designated civic corridor. The new investment will also support a more prosperous, complete neighborhood with new retail opportunities and services accessible to neighborhood residents. The building footprint will extend to the street lot lines (Exhibit C-1), with entrances oriented to pedestrian traffic on the adjacent sidewalks. As discussed previously, the building will meet the Community Design Standards in Zoning Code Section 33.218.140, which will promote an attractive appearance for the project and meet the Design (“d”) overlay zone requirements.

For these reasons, staff finds the proposal is consistent with the purpose of the CM3 zone and that approval criterion C is met.

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. As there are no scenic resources or historic resources 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: The Adjustment to the requirement for building facades facing NE Sandy Blvd. to be parallel to the street will cause no negative impacts that require mitigation. The facades facing NE Sandy Blvd. will be angled only slightly (about 4 degrees) from the street lot line (Exhibit C-1). As intended by the standard, the building will still appear to be oriented towards and nearly parallel to NE Sandy Blvd., respecting the diagonal geometry that NE Sandy Blvd. creates in the street grid.

The Adjustment to the façade articulation standard will be effectively mitigated by design features that break down the facades and add visual interest and variety to the street environment. As discussed in the findings for approval criterion A, these features include:

- the street-facing facades being separated from each other and slightly angled from the street lot line (Exhibit C-1);
- the very large, divided-light windows facing NE Sandy Blvd. (Exhibit C-2);
- the awnings above the ground-floor windows (Exhibit C-2); and
- the public art proposed for the ground-floor, street-facing facades (Exhibit A-3).

The Adjustment to the off-street loading space requirement will be effectively mitigated by the new curb along NE Lawrence Ave. As discussed in the findings for approval criterion A, PBOT reviewed the proposal and found the new curb will provide adequate loading area for the new building.

For these reasons, and with conditions of approval requiring the awnings and the new curb, staff finds approval criterion E 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 there are no environmental overlay zones mapped on the 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 proposed Adjustments are found to be consistent with the purposes of the zoning requirements to be modified, with the adjacent street classifications, with the purpose of the site’s zoning designations, and with the Kerns Neighborhood Plan. With a condition of approval to construct a new curb along NE Lawrence Ave., potential impacts will be mitigated to the extent practical. Staff finds the Adjustment Review approval criteria are met.

ADMINISTRATIVE DECISION

Approval of the following Adjustments:

- To waive the requirement of the Sandy Boulevard plan district that building facades facing NE Sandy Blvd. must be parallel to the street lot line (Zoning Code Section 33.575.110.C);
- For each of the two building facades facing NE Sandy Blvd., to waive the requirement for at least 25% of the façade to be off-set by at least 2 feet from the rest of the façade (Zoning Code Section 33.130.222.C); and
- To waive the requirement for an off-street, 9’ x 18’ loading space (Zoning Code Section 33.266.310.C)

all per the approved plans, Exhibits C-1 through C-3, signed and dated August 19, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 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 19-154891 AD."
- B. On the building facades facing NE Sandy Blvd., awnings are required above all ground floor window areas, as illustrated in Exhibits C-2 and C-3.
- C. The existing curb cut on the site's frontage on NE Lawrence Ave. must be removed, and a continuous curb along the site's frontage on NE Lawrence Ave. must be constructed to the satisfaction of the Portland Bureau of Transportation.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on August 19, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 23, 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 April 24, 2019 and was determined to be complete on July 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 April 24, 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 November 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 September 6, 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 **September 6, 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 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 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:

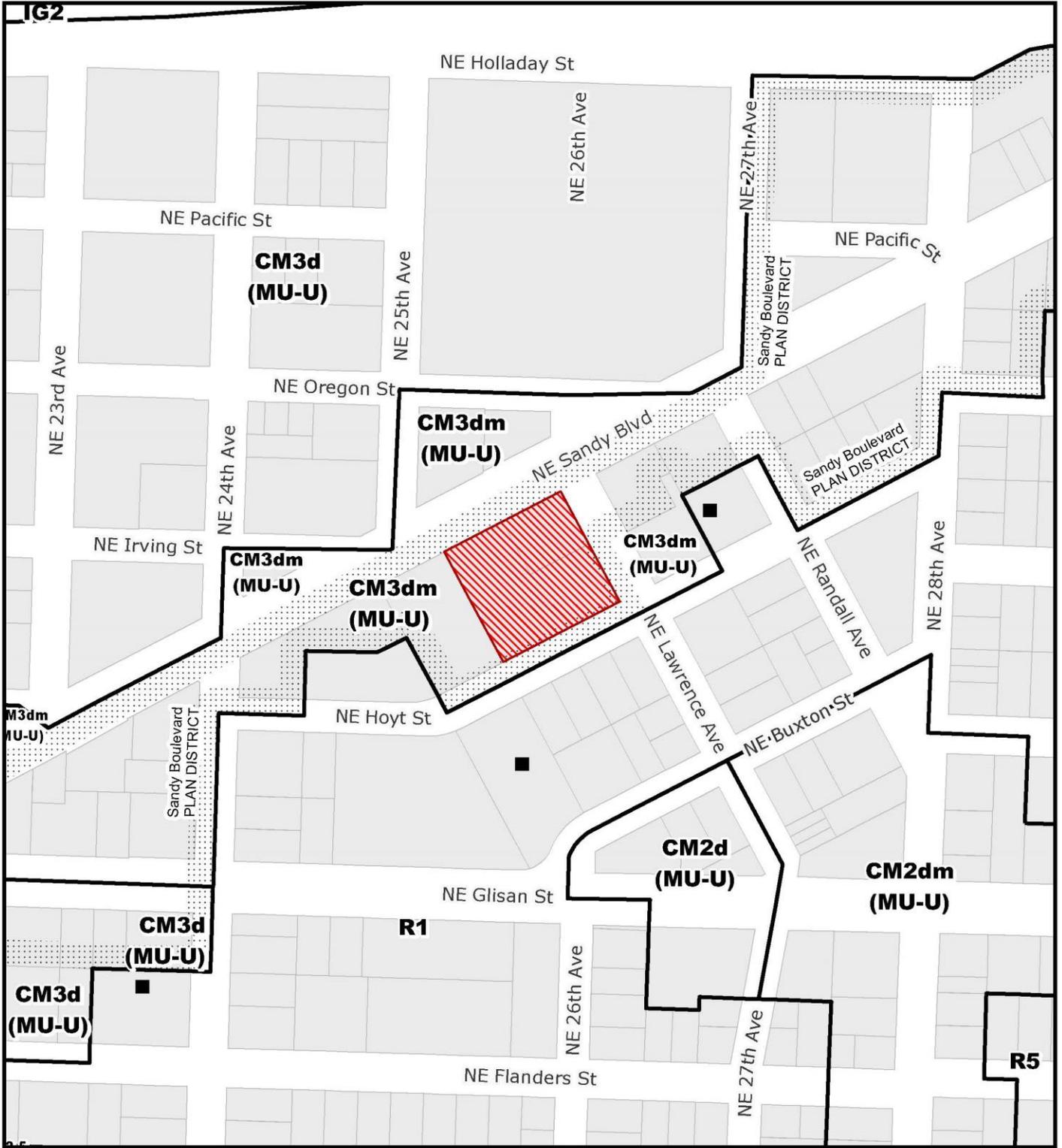
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Applicant's narrative
 - 2. Building rendering
 - 3. Letter from applicant, received July 16, 2019
 - 4. Revised approval criteria responses for Sandy Blvd. plan district Adjustment
 - 5. Approval criteria responses for façade articulation Adjustment
 - 6. Approval criteria responses for loading Adjustment
 - 7. Floor plans
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. North and south building elevations (attached)
 - 3. West and east building elevations (attached)
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Site Development Review Section of BDS
 - 5. Life Safety Review Section of BDS
- F. Correspondence – none received
- G. Other:
 - 1. Land use application form and receipt
 - 2. Incompleteness determination letter, dated May 8, 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
 THIS SITE LIES WITHIN THE:
 SANDY BOULEVARD PLAN DISTRICT

 Site
 Historic Landmark

File No.	LU 19-154891 AD
1/4 Section	2933
Scale	1 inch = 200 feet
State ID	1N1E36BC 9300
Exhibit	B Apr 26, 2019

