



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

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Date: June 5, 2020
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / Marguerite.Feuersanger@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 19-237798 NU

GENERAL INFORMATION

Applicant: Tom Jaleski
Code Unlimited LLC
12655 SW Center Street, Ste 350
Beaverton, OR 97005

Owner: 733 Vista Portland LLC
c/o Andrew Greenberg
1172 Laurel Street
Berkeley, CA 94708

Site Address: 733 SW Vista Avenue

Legal Description: LOT 32 EXC S 60', CEDAR HILL
Tax Account No.: R144800390
State ID No.: 1N1E33CB 01500
Quarter Section: 3027

Neighborhood: Goose Hollow Foothills League, contact Jerry Powell at planning@goosehollow.org.

Business District: Goose Hollow Business Association, contact Angela Crawford at 503-223-6376.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Other Designations: Contributing Structure in the Kings Hill Historic District

Zoning: RH, High Density Residential Zone and within the Historic Resources Overlay Zone

Case Type: NU, Nonconforming Situation Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is requesting Nonconforming Situation review approval for Office use on the second floor of the existing building. The site is zoned RH, a Residential zone which prohibits Office uses unless legal nonconforming rights are established. The applicant has provided documentation that shows that the basement and main floors have been used legally and continually for Office uses and has established legal nonconforming Office use rights for these floors (a 5-year lease for an Office use business signed on February 1, 2019, Exhibit A-3). However, Office use rights have not been established for the second floor, which is currently permitted as a residential dwelling unit. Because the applicant would like to devote the entire building to Office use, a Nonconforming Situation review is required in order to expand Office use rights to the second floor.

The applicant states that the total floor area of the building is 7,600 square feet, with 5,600 square feet on the main floor and basement and 2,000 square feet on the second floor.

The subject site is 3,000 square-feet in area and contains the Emil Schacht house (1898), which is listed as a contributing resource within the Kings Hill historic district. The site has frontage along SW Vista and SW Green Avenues. Three onsite parking spaces are located north of the building with access from SW Green. No changes to the site or building are proposed. The applicant has submitted a professional traffic study to analyze potential impacts on the transportation system as a result of expanded office use on the site.

Notes

- Zoning designations on the site: The base zone designation on the site was changed from the RH Zone to the RM4 Zone after the land use application was submitted. Zoning Code Section 33.700.080 states that the land use application is subject to the regulations in place at the time the application is submitted. This application, therefore, is subject to the RH Zone regulations.
- Existing Basement tenant: The basement floor is currently occupied by a Retail Sales and Service business, Momentum Studio. Retail Sales and Service uses are prohibited on the site and city records do not show that a tenant improvement permit for Momentum Studio was approved. This situation is a violation of zoning regulations and may be subject to code enforcement. As a remedy, the applicant states that Momentum Studio will vacate the space as soon as possible.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section 33.258.080.B, Nonconforming Situation Review Approval Criteria.

ANALYSIS

Site and Vicinity: The subject property is 3,000 square-feet in area and has frontage along SW Vista and SW Green Avenues. The narrow angle of the intersecting streets results in the triangular shape of the property. The site is developed with an existing 2-story building and parking area for three vehicles, with access on SW Green. The existing building is oriented to SW Vista and is a contributing structure within the King's Hill Historic District. The "Emil Schacht house" was built in 1898 as a residence in the Queen Anne style. It is currently used as office and residence.

The King's Hill Historic District was locally designated as a historic district and then listed in the National Register of Historic Places in 1991. Most of the contributing resources in the district were built during the great upswing in population and construction following the successful Lewis & Clark Exposition of the 1905. King's Hill contains a significant concentration of historic middle-class houses and apartment buildings from the period 1882 to 1942. Many of the surviving houses in the district are the work of prominent local architects, representing a broad spectrum of styles from Italianate to Moderne. As the name King's Hill implies, topography plays a significant role in the character of this neighborhood. Because of the relatively steep grade of the land, buildable lots had to be created by terracing, which

resulted in historic retaining walls along many street frontages. The area also includes several independent subdivision plats, resulting in misaligned streets or streets separated only by the depth of the adjacent lots. Streets, including SW Vista Avenue, are typically lined with mature deciduous trees.

The site is 100 feet south of West Burnside Street, a major corridor in the Central City that supports primarily retail and high-density residential areas. West Burnside is designated a major city traffic street, a regional main street, a transit access street, and a city bikeway. It also serves as the southern boundary to the Northwest pedestrian district. Southwest Vista Avenue is designated a neighborhood collector street, transit access street, a city bikeway and a city walkway. Southwest Green Avenue is designated a local access street.

The area surrounding the site is a mix of retail sales and service businesses (north), large apartment complexes, single dwelling houses and townhouses (east, west and south). Washington Park, a 160-acre public park, is located approximately 600 feet west of the site.

Zoning: The High Density Residential (RH) is a high-density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.

Office uses are prohibited uses in the RH zone, unless nonconforming use rights for the use are established (Zoning Code Section 33.258.038.A and B). With this application, the applicant has provided “standard evidence” documenting that existing Office uses on the site were allowed when established and have continued to operate at the site without a lapse exceeding three continuous years. The most recent document is a 5-year lease for a business (business consultant), classified by the Zoning Code as an Office use. Since the lease was signed on February 1, 2019, legal nonconforming Office use is established for three years, through February 1, 2022.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland’s Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region’s citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

Note about recent changes to the zoning of this site: At the time of this decision, the site’s zoning is RM4d, Residential Multi-Dwelling 4 Zone, within the Design Overlay. This proposal, however, is subject to the previous RH zoning, described above, that was in effect on the site at the time the application was submitted.

Land Use History: City records indicate one relevant prior land use review for this site:

LUR 92-00641 Approval of a reduced south side building setback to 3 feet for the existing structure only.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **April 9, 2020**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E-3); and
- Site Development Section of BDS (Exhibit E-5).

The following Bureaus have no objection to the proposal and provided written comments noting that a building permit is required to convert the 2nd floor residence to office space, and identify requirements that apply at the time of building permit review:

- Bureau of Environmental Services (Exhibit E-1);
- Fire Bureau (Exhibit E-4); and
- Life Safety Plans Examiner of BDS (Exhibit E-6).

The Bureau of Transportation (PBOT) reviewed the proposal and the applicant's Transportation Impact Study (TIS, Exhibit A-2). PBOT recommends that the applicant implement a Traffic Demand Management Plan to reduce the number of vehicle trips to the site (Exhibit E-2).

Neighborhood Review: Three written responses were received in response to the Notice of Proposal:

Two nearby neighbors wrote to express their desire to maintain the area as a residential area. They have concerns over loss of potential housing units due to expansion of businesses and are concerned about the loss of affordable housing in the neighborhood area and as well as the Portland area (Exhibits F-1 and F-2).

Staff response: These issues are not considered in the approval criteria for this proposal. While the site is within a residential zone and the structure was originally built as a residence, the zoning code allows for continued operation of legal nonconforming uses. Nonconforming uses are those uses which were allowed when established but due to a change in the site's zoning, are no longer allowed. The Zoning Code regulations about nonconforming uses is found in Chapter 33.258, Nonconforming Situations (<https://www.portlandoregon.gov/bps/article/53318>).

A third letter was received in support of maintaining the existing business in the basement level of the building (Exhibit F-3).

Staff response: The business is Momentum Studios, an exercise/personal training studio, which is classified by the Zoning Code as a Retail Sales and Service use. As noted in the proposal description above, Retail Sales and Service uses are prohibited on the site and city records do not show that a tenant improvement permit for Momentum Studio was approved. As a remedy, the applicant confirmed on June 1, 2020 that Momentum Studio has vacated the space (Exhibit A-4).

ZONING CODE APPROVAL CRITERIA

33.258.080.B Approval Criteria for Nonconforming Situation Review

The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- 1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:**
 - a. The hours of operation;**

Findings: The applicant states that the hours of operation for the office uses will be from 8 am through 5 pm, Monday through Friday (Exhibit A-1). The proposed office space is relatively small (7,600 square feet in area), and this will help limit potential impacts. However, an office business (tenant) has not been identified, and hours of operation can vary greatly among different types of businesses. For office uses operating in residential zones, Zoning Code Section 33.258.050.A states that changes to hours of operation are allowed but may not extend the hours of operation into the period of 11 pm to 6 am. The

applicant's proposed time frame is acceptable to ensure that there will be no net increase in detrimental impacts, and it is reasonable to allow extra time in the afternoon to accommodate minor fluctuations in a standard schedule. To ensure that activity remains low during early evening hours, the proposed time frame must be incorporated into a condition that allows office activities and operations between the hours of 8 am and 6 pm. With this condition, this criterion is met.

b. Vehicle trips to the site and impact on surrounding on-street parking;

Findings: The Portland Bureau of Transportation (PBOT) reviewed the applicant's Transportation Impact Study and provides the following analysis (Exhibit E-2):

The applicant submitted a Transportation Impact Study (TIS) prepared by an Oregon licensed professional traffic engineer. This study was reviewed by an Oregon licensed professional traffic engineer employed by PBOT development review, who approved the study (Reference #20-135379-TR).

PBOT staff generally concurs with the applicant's analysis. There will be an anticipated increase in trips to the site by 12 trips a day. From a transportation system management point of view, this is within the normal range of traffic fluctuations of area roadways and does not rise to the level of impact which would require offsite mitigation. It does trigger the public improvement requirements of Title 17, which are not part of this land use review. Please see PBOT comments (Exhibit E-2) for detailed information on Title 17 requirements which will be enforced at the time of building permit.

The main impact of the proposal relative to the land use approval criteria will be an increase in demand for on-street parking. PBOT typically considers an area heavily parked when 85 percent of the on-street parking spaces are occupied. This is the threshold for the establishment of an area parking permit program. It is also the level of on street parking where drivers looking for a parking space must often circle the neighborhood looking for an available spot. The circling behavior increases traffic congestion, causing impacts to the larger transportation network.

As the TIS documents, the area streets are already heavily parked, with some currently experiencing 100% occupancy. The applicant's TIS shows the proposal will likely result in the demand for an additional 3 parking spaces, all of which must be accommodated on the street. The subject site is within an area that is zoned for high density development and is well-served by transit (as documented in the submitted TIS). Because the site is near frequent bus service along W Burnside, onsite parking is not required by the Zoning Code. The area has a complete, interconnected network of densely packed streets all of which are paved and most of which have sidewalks.

The Transportation System Plan (TSP) gives clear direction regarding vehicle parking (beginning on page 31, located here:

<https://www.portlandoregon.gov/transportation/article/756154>).

Multiple parking policies state that the City should be striving to reduce parking demand and increase the mode share of other modes. Policy 9.58 is most directly relevant to the subject request and reads as follows:

Off-street parking: Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand. Strive to provide adequate but not excessive off-street parking where needed, consistent with the preceding practices.

This policy is implemented in part by the minimum parking requirement in Zoning Code Section 33.266.110- Minimum Required Parking Spaces. The site meets the zoning code definition of “close to transit” and is therefore exempt from the need to provide on-site parking. The City Council made a clear statement regarding vehicle parking by passing zoning regulations which do not require off-street parking for most sites in this area. The TSP includes a transportation strategy which firmly de-emphasizes the role of automobiles in moving people. Additionally, the TSP establishes the City’s mode split goal of increasing the mode share of daily non-drive alone trips to 70 percent in the inner neighborhoods by 2035. Furthermore, the off-street parking policy of the TSP states, “Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service.” (Policy 9.58)

Together, these adopted city policies de-emphasize accommodations for vehicles and establish a position of tolerance for on-street parking impacts that result from infill development. Like many of the higher density portions of the City, on-street parking is constrained in this area. Although there will be an impact to on-street parking from the project, based on the above policy analysis, PBOT has determined that the impacts are acceptable.

PBOT recommends that the property owner or property manager develop a plan for encouraging the tenants to travel to and from the site via modes other than private cars. This can include strategies such as providing on-site bicycle parking, providing transit information, or requiring payment for use of the on-site parking lot. These types of plans are often referred to as Transportation Demand Management plans (TDMs). PBOT recommends a condition of approval requiring the submittal of a site-specific Transportation Demand Management plan with the building permit for the proposed use conversion. With the recommended condition of approval, PBOT does not object to the requested Nonconforming Situation review.

Given the above findings from PBOT staff, including the condition of approval, this criterion is met.

c. Noise, vibration, dust, odor, fumes, glare, and smoke;

Findings: Regarding potential glare impacts, the applicant states that there are three residential lighting fixtures on the building facades, each fitted with a single 60-watt bulb (Exhibit A-1):

- East: entry porch facing SW Vista;
- North: basement level north entry, facing parking area; and
- West: exterior stairs facing SW Green Avenue.

The existing lighting is consistent with lighting typically used for residential development. Changes are not proposed to the existing light fixtures and light intensity. Thus, detrimental impact of glare from the subject site on nearby residential properties is not expected.

Regarding noise, vibration, dust, odor, fumes and smoke, the applicant states that the additional office space requested (2,000 square feet on the 2nd floor) will not result in a net increase in these impacts. The applicant also notes that the building contains no machines beyond that used by a professional office business.

A lease was provided by the applicant for the existing office tenant, Greenberg SOTC, a business consulting services company. The basement level office space is currently empty. Staff agrees that the combined existing office tenant, basement level and the requested 2nd floor office space are not likely to create detrimental impacts on nearby residential uses.

However, the applicant has not identified an office tenant for the 2nd floor or the basement floor.

To ensure impacts are minimized, the regulations of Zoning Code Chapter 33.262, Off-Site Impacts, can be relied on at the time of building permit application for new office tenants in the building. This chapter contains standards that are intended to protect all uses in residential zones from noise, vibration, odor, and glare off-site impacts associated with nonresidential uses. At the time of building permit application (for the basement and 2nd level office tenants), Chapter 33.262 authorizes BDS to require that the applicant document in advance that these standards can be met. However, because future tenants in the building are limited to office uses, it is unlikely there will be a concern of noise, vibration, odor, or glare. As such a condition of approval is not required as the regulations of Chapter 33.262 apply to the site. This criterion is met.

d. Potential for increased litter; and

Findings: Increased litter associated with the expanded office use is not expected.

The applicant states that the existing trash and recycling area is located south of the building within the setback area. The site's RH zone requires trash and recycling to be screened from both SW Vista and Green Avenues, to at least the L3 or F2 standards of Zoning Code Chapter 33.248, Landscaping and Screening (Section 33.120.250). This level of screening is adequate to address this criterion. Note that the F2 standard includes a fence which may be subject to Historic Resource review (Section 33.445.320). Other options which are exempt from Historic Review include installing screening landscaping to the L3 standard or to establish the trash and recycling area inside the building. With a condition of approval requiring that the applicant demonstrate compliance with this standard at the time of building permit, this criterion is met.

e. The amount, location, and nature of any outside displays, storage, or activities; and

Findings: The applicant indicates that there are no existing or proposed outside displays, storage or activities. The site is only 3,000 square feet in area and is occupied by the building and the small parking area. Such detrimental impacts on nearby residential uses are not expected to result from the existing or proposed office uses. This criterion is met.

2. If the nonconforming use is in an OS, R, or IR zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS, R, or IR zoned area. This is based on taking into account factors such as: a. Building scale, placement, and facade; b. Parking area placement; c. Buffering and the potential loss of privacy to abutting residential uses; and d. Lighting and signs; and

Findings: The site is within the High Density Residential (RH) Zone.

No changes are proposed to the building's facades, placement or scale, and no changes are proposed to the existing three-space parking area north of the building.

The site has one abutting R zone property to its south. This adjacent property, 737 SW Vista Avenue, was originally built as a residence and is a contributing structure in the King's Hill Historic District. It appears to currently be in office use, but this review does not verify that the site contains a legal nonconforming use. Given these existing conditions and given that no exterior changes are proposed, the proposal will not cause a loss of privacy for this abutting property.

The proposal does not include new signs or new exterior lighting. Existing lighting fixtures (discussed under Criterion 1.c above) contain low wattage and their low-level location on the building façades is pedestrian-oriented and comparable to residential lighting. A sign

permit is required for any proposed signs on the site, and new lighting must meet the glare standard of Chapter 33.262, discussed under Criterion 1.c above.

In consideration of the above findings, the proposal will not lessen the residential character of the RH zone. This criterion is met.

3. If the nonconforming use is in a C, E, I, or CI zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

Findings: The site is within the RH zone, and therefore, this criterion does not apply.

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 development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal to expand the existing nonconforming Office use within the main and basement levels to the second level of the building is reasonable, given the location of the site near the commercial district of West Burnside Street and that only 2,000 square feet of the second level would be converted from a dwelling unit to office space. The structure is relatively small in scale, containing 7,500 square feet within three levels. No changes are proposed to the site or the building, which is a contributing resource in the King's Hill Historic District.

The applicant provided a professional traffic impact study which was reviewed by the Bureau of Transportation. The study concluded that the proposal will have minimal impacts on street parking in the nearby residential area. Transportation recommends a condition that requires the property owner to develop a Transportation Demand Management Plan that includes strategies for encouraging the tenants to use modes of travel other than private automobiles.

The proposal, with conditions outlined in this report, satisfies the approval criteria, and must be approved.

ADMINISTRATIVE DECISION

Approval of a Nonconforming Situation review for expansion of Office uses for the second floor of the existing building. The applicant has provided documentation that shows that the basement and main floors of the existing building have been used legally and continually for Office uses and has established legal nonconforming Office use rights for these floors through February 1, 2022.

Approval is per the approved site plans, Exhibits C-1 through C-4, signed and dated June 3, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions B through D must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-237798 NU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. The property owner must submit a site-specific Transportation Demand Management (TDM) plan with the building permit application for the proposed office use conversion. The TDM must
- outline strategies for encouraging the tenants to use modes of travel other than private automobiles;
 - be reviewed and approved by PBOT prior to approval of the building permit plan application.
- C. The site's trash and recycling area must be screened to the L3 or F2 standards of Chapter 33.248, Landscaping and Screening (Section 33.120.250) or located in a designated area inside the building. The trash and recycling area and required screening (fencing or landscape plan details) must be shown on the site plan for the building permit application.
- D. Office Use activities and operating hours on the site are allowed between the hours of 8 am and 6 pm.

Please note that public improvement requirements are triggered at the time of building permit and are not part of this land use decision.

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on June 3, 2020.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 5, 2020

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 October 8, 2019 and was determined to be complete on April 1, 2020.

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 October 8, 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 requested that the 120-day review period be extended by an additional 30 days, as stated with Exhibit G-3. Unless further extended by the applicant, **the 120 days will expire on August 29, 2020.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on June 19, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 Hearings Officer 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 Hearings Officer 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 **June 19, 2020** 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. Proposal description and approval criteria responses
 2. Transportation Impact Study
 3. Lease for Greenberg SOTC at 733 SW Vista, dated February 1, 2019
 4. Email from Andrew Greenberg regarding the status of Momentum Studio, June 1, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Existing Basement Floor Plan (attached)
 3. Existing First Floor Plan (attached)
 4. Existing Second Floor Plan (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Plans Examiner of BDS
- F. Correspondence:
 1. Bianetth Valdez, April 12, 2020, writing in opposition to the proposal
 2. Daniel and Chloe Cutting, April 13, writing in opposition to the proposal
 3. James Winkler, April 14, 2020, writing in support of the existing basement tenant, Momentum Studio
- G. Other:
 1. Original LU Application
 2. Letter to Applicant indicating information required to complete the land use application, October 17, 2010
 3. Applicant's request to extend the 120-day review period by an additional 30 days, dated May 8, 2020

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)



VICINITY MAP

FORMER INTERSECTION OF GREEN ALLE AND 15TH AVE (1980-1985)
FORMER INTERSECTION OF GREEN ALLE AND 15TH AVE (1980-1985)
FORMER INTERSECTION OF GREEN ALLE AND 15TH AVE (1980-1985)

GREEN ALLE
15TH AVE
NEW LANDSCAPUS
NEW LANDSCAPUS

Approved June 3, 2020
by M Feuersanger
BDS, City of Portland
Subject to conditions A,
B, C and D of
LU 19-237798 NU

Exterior light will scouse
Trash bin location

Trash/recycling area not approved; subject to Condition C

Exterior light will scouse

Exterior light will scouse

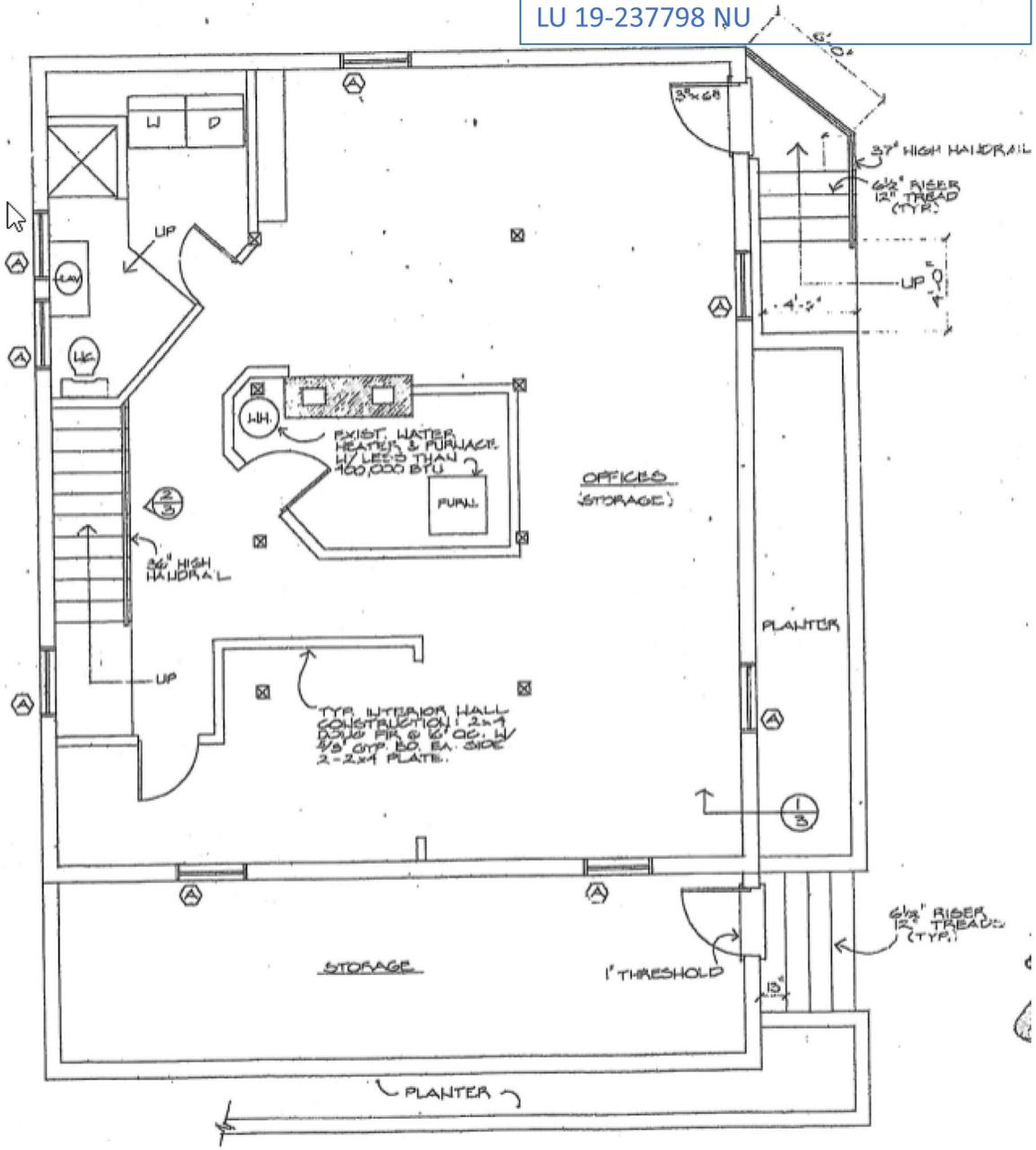
Site Plan
Exhibit C-1
19-237798 NU

No Outdoor Displays



No Changes Proposed

Approved June 3, 2020 by
 M Feuersanger
 BDS, City of Portland
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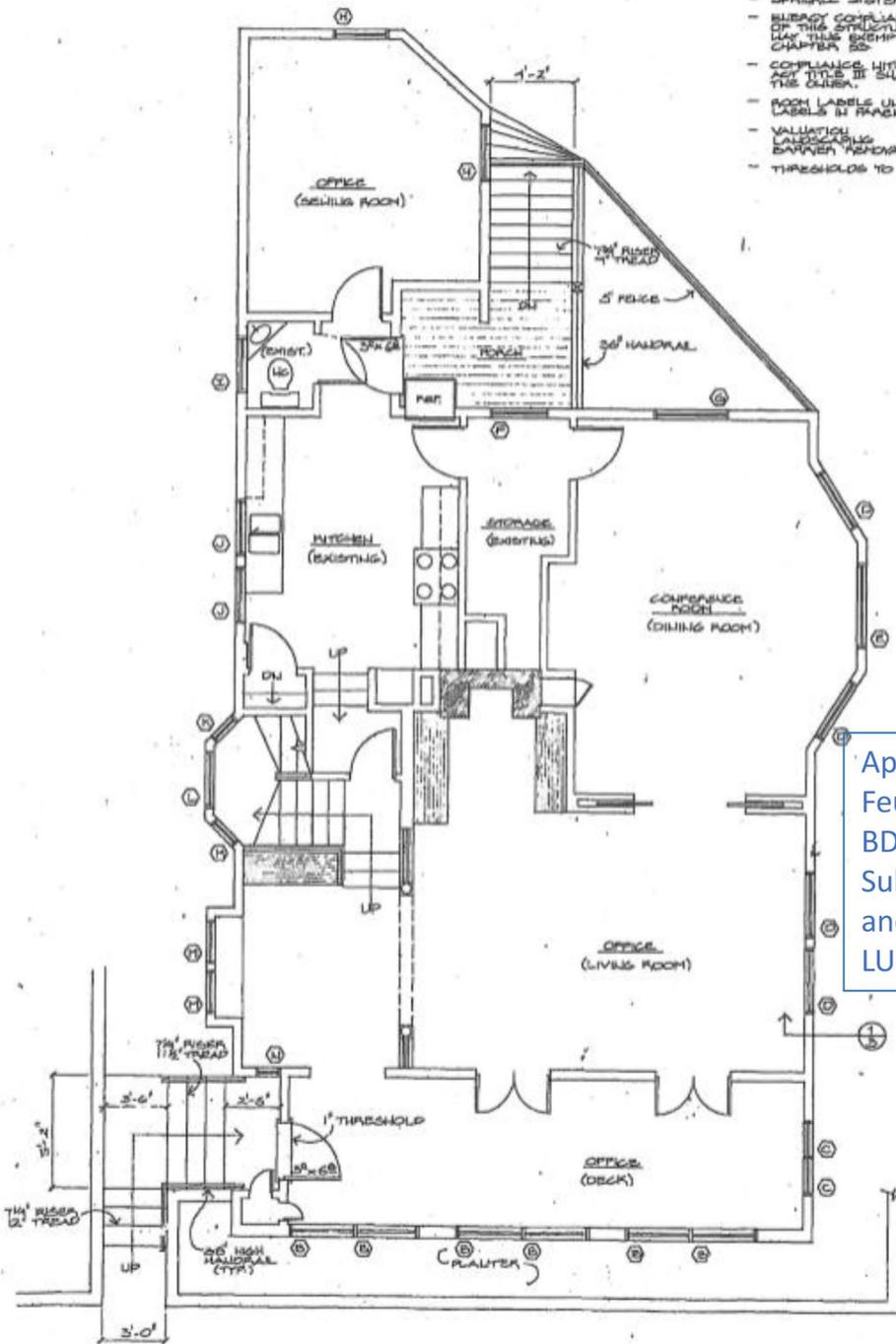


BASEMENT FLOOR PLAN
 1/4" = 1'-0"

Existing Basement Floor Plan
 Exhibit C-2
 19-237798 NU

GENERAL NOTES:

- SCOPE: CONVERT EXISTING SINGLE FAMILY RESIDENCE TO COMMERCIAL RESIDENTIAL USE TO BE OCCUPIED BY OLDER ADULTS, BASEMENT TO OFFICE SPACE; INSTALL PARTITIONS AS SHOWN.
- SPRINKLE SYSTEM BY OTHERS. SEE PERMIT NO.
- ELEVATOR COMPLIANCE: THE EXTERIOR ENVELOPE OF THIS STRUCTURE WILL NOT BE ALTERED IN ANY WAY THIS EXCEPTING FULL COMPLIANCE WITH CHAPTER 50.
- COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT TITLE III SHALL BE AT THE DISCRETION OF THE OLDER.
- ROOM LABELS UNDERLINED ARE NEW USES; ROOM LABELS IN PARENTHESIS ARE OLD USES.
- VALUATION LANDSCAPING: EXISTING REMOVAL
- THRESHOLDS TO COMPLY WITH CODES.



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 FIRST FLOOR PLAN
 1/4" = 1'-0"

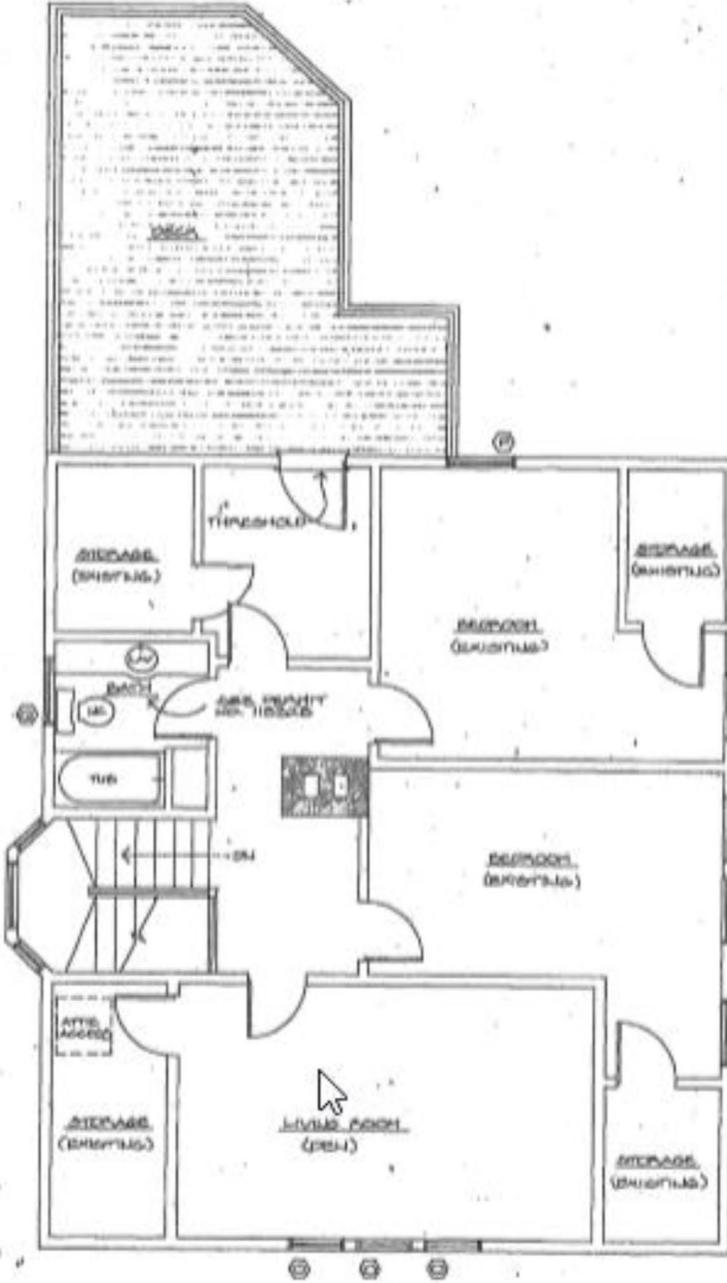
Existing First Floor Plan
 Exhibit C-3
 19-237798 NU

No Changes Proposed

Approved June 3, 2020 by M Feuersanger
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F = FIXED
 D = DOUBLE HUNG
 C = CASSEMENT

| Window | Size H x W | Type | Glazing Notes | Quality | Units H x W | Notes |
|--------|---------------|------|------------------|---------|----------------|-------|
| A | 5' x 2'-1" | C | 11 | B | 36 x 24 | |
| B | 3' x 7'-1" | F | 27 | C | | |
| C | 2' x 5'-8" | D | 27 | 2 | 24 x 30 | |
| D | 5' x 5'-8" | D | 27 | 4 | 12 x 30 | |
| E | 4' x 5'-8" | D | 27 | 1 | 54 x 30 | |
| F | 3' x 5'-8" | D | 47 | 1 | 36 x 30 | |
| G | 4' x 2'-8" | F | 48 | 1 | | |
| H | 3' x 5'-8" | D | 27 | 3 | 36 x 18 | |
| I | 3' x 3'-4" | D | 81 | 1 | 36 x 18 | |
| J | 3' x 4'-4" | D | 81 | 3 | 36 x 24 | |
| K | 1' x 6'-8" | D | 26 | 2 | 30 x 36 | |
| L | 5' x 6'-8" | D | 26 | 1 | 36 x 36 | |
| M | 2' x 2'-8" | F | 48 | 3 | | |
| N | 1' x 6'-8" | F | 23 | 1 | | |
| O | 2' x 4'-8" | D | 25 | 3 | 30 x 27 | |
| P | 3' x 4'-8" | D | 25 | 3 | 36 x 27 | |
| Q | 3' x 2'-8" | D | 50 | 1 | 36 x 18 | |



Note: A building permit is required to convert this floor from Residential to Office Use per Conditions A, B, C and D of LU 19-237798 NU

SECOND FLOOR PLAN
 1/4" = 1'-0"

Existing Second Floor Plan
 Exhibit C-4
 19-237798 NU