



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE  
CITY OF PORTLAND ADJUSTMENT COMMITTEE  
ON AN  
APPEALED ADMINISTRATIVE DECISION  
(TYPE II PROCEDURE)**

**Case File Number: LU 18-195487 AD (SW California Street)**

The Administrative Decision for this case was appealed by Jim Gardner (South Portland Neighborhood Association) to the City of Portland Adjustment Committee. The Adjustment Committee denied the appeal and upheld the Administrative Decision with modifications that approved the requested Adjustment.

### GENERAL INFORMATION

<b>Applicant:</b>	Larry Cowlshaw   Method Construction P.O. Box 33822, Portland, OR 97292
<b>Owners:</b>	Sara Kane and John Cooper 2035 SE 24 <sup>th</sup> Avenue, Portland, OR 97214
<b>Appellant:</b>	Jim Gardner   South Portland Neighborhood Association (SPNA) 2930 SW 2 <sup>nd</sup> Avenue, Portland, OR 97201
<b>Site Address:</b>	SW CALIFORNIA STREET (R273263)
<b>Legal Description:</b>	BLOCK 19, LOT 12, SOUTHERN PORTLAND
<b>Tax Account No.:</b>	R780203420
<b>State ID No.:</b>	1S1E22BA 16000
<b>Quarter Section:</b>	3729
<b>Neighborhood:</b>	South Portland Neighborhood Association, contact Jim Gardner at 503-227-2096
<b>Business District:</b>	South Portland Business Association, contact info@southportlanddba.com
<b>District Coalition:</b>	Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592
<b>Zoning:</b>	R5 (Single Dwelling Residential 5,000)
<b>Case Type:</b>	Adjustment Review (AD)
<b>Procedure:</b>	Type II, an administrative decision with appeal to the Adjustment Committee

### Proposal

The applicant is proposing to construct a new 6,549 square foot 5-story house (with the 5<sup>th</sup> story limited to a stairway overrun for roof deck access) on a steeply sloping lot. The house will be accessed from SW California Street to the west (upslope) and the main floor will be level with the road; all other stories are proposed below.

The Portland Zoning Code limits the building height in this zone to 30 feet (Section 33.110.215, Table 110-3). The proposed development is on very steeply sloping lot and is proposed at a maximum height of 73 feet, 3 inches (as measured from Base Point 2, which is the height from the lowest grade within a 5-foot horizontal distance of the exterior wall of the building to the

top of the roof, minus 10 feet). An Adjustment is therefore required to increase the height limit from 30 feet to 73 feet, 3 inches.

NOTE: The initial application was to construct two new 4-story attached houses on adjacent 5,000 square-foot lots with a shared vehicle area (located entirely on the western lot), for which three Adjustments were requested:

1. To reduce the required 10-foot side (west and east) setbacks, for sides opposite the common wall for attached houses, to 5 feet;
2. To increase the vehicle area limit from 40 percent to approximately 86 percent; and
3. To increase the height limit from 30 feet to 75 feet, 6 inches for the western house and 86 feet, 1 inch for the eastern house.

Due to neighborhood concern and challenges meeting the approval criteria, the applicant decided to modify the proposal and propose only one house on the western lot and to reduce the driveway size to meet code.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805 of the Portland Zoning Code.

## ANALYSIS

**Site and Vicinity:** The vacant, 5,000 square-foot lot is located on the north side of SW California Street about 260 feet east of the intersection of SW Corbett Avenue and SW California Street. It is located on a lot that slopes very steeply downward from west to east. While the site is accessed from SW California Street to the west, this street is a 260-foot long dead-end street that terminates just west of the subject lot due to topographical constraints, although the unimproved right-of-way extends to SW Virginia Avenue to the east. The surrounding vicinity is developed with single-dwelling and multi-dwelling residences. While properties uphill from the property to the west and the sites downhill from the property to the east have mostly been developed, very few houses, if any, have been developed in the sloped area itself, likely due to the topographical restraints. The undeveloped area of steep topography is approximately 250 feet wide at the widest point and breaks through-streets for 6 blocks (from SW Miles street to the south to SW Vermont Street to the north).

**Zoning:** The R5 zone is a single-dwelling zone that is intended to preserve land for housing, and to provide housing opportunities for individual households. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

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

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed March 15, 2019. The following bureaus/agencies have responded with the following information:

- The Life Safety Section of the Bureau of Development Services (BDS) responded with no concerns and provided Building Code information including a note that the structure will be required to be designed utilizing the 2014 Oregon Structural Specialty Code (Exhibit E-1);
- The Bureau of Environmental Services responded with no concerns regarding the Adjustment request and provided information on sanitary service and stormwater management. They also included recommendations to be considered at the time of building permit review of minimizing site disturbance and replanting disturbed areas with native plants to help stabilize the slope (Exhibit E-2);

- The Bureau of Transportation responded with no concerns regarding the Adjustment request and provided right-of-way improvement requirements (Exhibit E-3);
- The Fire Bureau responded with no concerns regarding the Adjustment request and provided information on the Fire Code (Exhibit E-4);
- The Site Development Section of BDS responded with no concerns regarding the Adjustment request and provided geotechnical engineering requirements (Exhibit E-5);
- Urban Forestry responded with no concerns regarding the Adjustment request and included information about street tree planting (Exhibit E-6); and
- The Water Bureau responded with no concerns regarding the requested Adjustment request (Exhibit E-7).

**Neighborhood Review:** Twelve responses were received in opposition to the proposal prior to the issuance of the Administrative Decision. One was from the South Portland Neighborhood Association (SPNA) (Exhibit F-10), and the remaining comments were from neighbors. Five additional letters of opposition (Exhibits H.4 - H.8) were submitted between the date the Administrative Decision was issued on April 24, 2019, and the appeal hearing on June 18, 2019. Concerns are summarized below:

1. The height, size, and/or massing is out of character with the area; 5-story structures are not common in this area
2. Privacy is not preserved; residents of the proposed house would look directly down into lots below.
3. It is environmentally hazardous and a danger to safety to build and in this steeply sloping landslide area.
4. Construction will have adverse impacts on views, visual appearance of the area, and/or property values.
5. The building design is unattractive and boxy.
6. This property could be used for Accessory Short-Term Rental.
7. The house should instead be built at the bottom of the hill, meeting the height limit, and accessed from the east side of SW California Street.

As was noted by BDS staff in the Administrative decision, the concerns expressed about the proposal being environmentally hazardous and unsafe are irrelevant to the Adjustment request (to increase the height limit from 30 feet to 73 feet, 3 inches). The Site Development Section of BDS did submit comments (Exhibit E-5) that the proposed project is located on a mapped, historic, deep-seated landslide and in the vicinity of several historic shallow landslides. In order to evaluate whether the proposed grading and foundation design of the proposed structures comply with the Oregon Structural Specialty Code and City of Portland Title 24, at the time of building permit application the applicant must submit a geotechnical report co-stamped by a Certified Engineering Geologist licensed in the state of Oregon. Alternatively, a separate Engineering Geology report can be provided. The report(s) must include slope stability analyses, foundation design recommendations, and slope stabilization design and construction recommendations. In addition, it will need to be demonstrated at time of building permit review that the proposed development will have no adverse impact to the stability of the adjacent properties and public right of way. Depending on the proposed construction and results of geotechnical analyses, a Landslide Hazard Area Covenant running with the land and recorded with the county recorder may be required.

The concerns expressed about the house being used for Accessory Short-Term Rental (ASTR) are also irrelevant as this is not part of the proposal and is speculative. Proposing an ASTR with 3-5 bedrooms would require approval through a Type II Conditional Use Review, which includes public notice.

In response to the recommendation that the house be built at the bottom of the hill, while it may be possible to construct a house at the bottom of the hill, such a development would not

have vehicular access or off-street parking due to the steep slope and subsequent unimproved right-of-way. The Portland Zoning Code requires a minimum of one off-street parking space (Section 33.266.110 and Table 266-2). Reducing the parking requirement may be possible via an Adjustment review, but this is not part of the proposal and to review this would require a separate Adjustment request as well as an engineered traffic study. All other houses on this block of SW California (between SW Corbett and SW Virginia) have off-street garage parking, and developing this site without off-street parking would be inconsistent with the development pattern in this area. To access the house from the east would require over 100 feet of travel, past two other undeveloped lots, on unimproved right of way up a steep hill, which is similarly inconsistent with development in the area. In any case, the applicant's proposal did not propose such an Adjustment request and cannot be considered herein.

Relevant concerns raised by neighbors are addressed in the Zoning Code Approval Criteria findings below.

**Appellant Statement:** The appellant, Jim Gardner on behalf of the South Portland Neighborhood Association (SPNA) submitted an appeal of the Administrative Decision (Exhibit H.8) stating the proposal does not meet the Adjustment approval criteria because it does not equally or better meet the purpose of the standard, because it will detract from the livability of the area, and because mitigation for impacts is inadequate.

**Public Hearing:** On June 18, 2019, the Adjustment Committee held a public hearing to consider an appeal of the Administrative Decision on this case. The appeal was limited to the Administrative Decision approving an Adjustment to increase the height limit from 30 feet to 73 feet, 3 inches for a new 6,549 square foot, 5-story house on a steeply sloping lot. An audio recording of the hearing is available here: <https://efiles.portlandoregon.gov/record/13052931>.

David Besley, the case planner and representative of the Bureau of Development Services (BDS)/Land Use Services Division, made a PowerPoint presentation (Exhibit H.9) that included a brief summary of the proposal, slides of the subject site and surrounding neighborhood, a summary of BDS' findings related to the Adjustment approval criteria, and a summary of key issues raised in the appellant's statement.

Following BDS' presentation, the appellant, Jim Gardner (representing SPNA), testified. Most of the appellant's narrative reiterated the issues noted in "Neighborhood Review" summary above, but he also noted concerns about construction staging and the potential for damage to vegetation on the vacant site to the east, which is owned by the same owner as the subject site. Mr. Gardner's testimony was followed by several neighbors testifying in support of the appellant. Concerns were expressed that while livability impacts to the neighbors uphill from the development would be minimal, the livability impacts to the neighbors downhill would be substantial and were not thoroughly considered by BDS staff. Following the appellant testimony, the applicant, Larry Cowlshaw, provided a response, including a discussion of the site difficulties, the many redesigns the project went through to respond to neighborhood and BDS concerns, and the importance of decks on a site that is so steep that having a true yard is infeasible. An additional neighbor then spoke to the applicant directly in opposition to the project and provided testimony. Finally, the appellant was allowed an opportunity to rebut the applicant's testimony. The Adjustment Committee then closed the record and deliberated on the evidence and testimony that was submitted into the record. After deliberation and adding/revising the conditions of approval (discussed below), the Committee voted 4 to 1 to deny the appeal, with one committee member abstaining, and directed staff to prepare findings supporting its decision for consideration and return to the Adjustment Committee at a meeting scheduled for July 2, 2019. Consideration and adoption of the revised findings occurred at the Committee's meeting on July 2, 2019.

## ZONING CODE APPROVAL CRITERIA

### 33.805.010 Purpose

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 to provide certainty and rapid processing for land use applications.

### 33.805.040 Adjustment 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
- 1. Findings:** The applicant has requested an Adjustment to increase the height limit from 30 feet to 73 feet, 3 inches. The relevant purpose statements and associated findings are found below:

#### 33.110.215 Height

*The height standards serve several purposes:*

- *They promote a reasonable building scale and relationship of one residence to another;*
- *They promote options for privacy for neighboring properties; and*
- *They reflect the general building scale and placement of houses in the city's neighborhoods.*

While the height of the new proposed structure will be 43 feet, 3 inches over the maximum allowed 30-foot height, this measurement does not fully reflect the unique site, which is at the edge of a cliff and has a total change in elevation of over 67 feet from the high point to the low point. The site only has access from SW California Street upslope (to the west) because this street terminates at the southwestern corner of the site and is unimproved along a total of three lots to the east (including the subject property).

On lots that slope downhill from the street with an average slope of 20 percent or greater, the height limit is the higher of either 23 feet above the average grade of the street, or the normal height limit (Zoning Code Section 33.110.215.D - Alternative Height Limits for Steeply Sloping Lots). This site has an average slope of over 33 percent; however, the street ends at the southwestern corner of the subject corner. The grade at this point is 188 feet, 2.5 inches. The height of the proposed top floor, a 134 square foot "stair penthouse," is 208 feet, 3 inches; therefore, the height of the house is 20 feet, ½ inches above the end of the improved street, which is less than the 23-foot alternative height limit. The 23 feet above the average grade of the street standard cannot be used in this case, however, because the "street" technically includes the unimproved right of way along the southern edge of the site, even though this is essentially a cliff and far too steep to ever improve as a street. Due to this technical interpretation, the average grade of the adjacent right-of-way is approximately 161.75 feet, and the 23-foot allowable building height above this would be approximately 184.75 feet, which the proposed house exceeds by 23.5 feet. As such, the normal height

limit (Base Point 2) must therefore be used in this case; however, the normal height limit does not account for this unique site, which would equally apply to a flat lot.

In the Administrative Decision, the BDS staff noted that while this may be the only 5-story house in the area, the 5<sup>th</sup> story is only 16 feet wide (from the west and east elevations), 134 square feet bin area, and 9 feet tall with a flat roof. This is not a full story on the same scale and massing as the rest of the house; it is a stairway access to an open roof deck with a 3.5-foot tall guardrail. The stairway access enclosure is stepped back from the eastern edge of the house by 4.5 feet. BDS staff noted that when viewed from the street grade to the west, the structure will appear to be a single-story house with a partial second story. All other stories are below the street grade. This is consistent with other houses on the uphill/western portion of SW California Street, which appear to be 1-2 story structures when viewed from the uphill (western) street grade, and additional stories visible when viewed from below. The lowest two stories of the proposed house will be partially built into the hillside, thereby not entirely above ground. BDS staff indicated in their findings that three-story houses are more common in this neighborhood, though there are a few four-story houses.

Regarding privacy, findings in the Administrative Decision stated that it is typical of development along this ridgeline to include decks to capitalize on views. The findings noted that any development on this site will be higher in elevation than the sites below due to the steep topography. However, the nearest downhill neighbor will be over 100 feet away to the east of the proposed house and there will be two undeveloped lots between these two houses as well as mature trees and other vegetation on these sites. The findings in the Administrative Decision concluded that the distance and trees/vegetation, with the inclusion of additional tree plantings required through a condition of approval at the northeast corner of the site, would provide visual screening between the proposed development and the neighbors below.

As for privacy of the proposed house on neighbors to the west, the Administrative Decision found that because the house is proposed downslope of the western neighbors and thus lower in elevation, granting approval of the height Adjustment would not create undue impacts to the privacy for neighboring properties to the west.

The Committee acknowledges the challenges of building on a site this steep, in which any development would face challenges meeting the height standard while still providing access from the existing right-of-way. However, based on a review of the proposal and in consideration of the testimony received, the Adjustment Committee determines that the house at its proposed height, as viewed from downhill properties to the east, would not be consistent with other development in the area as there are no other 5 story houses in the area. The Committee finds that the house as proposed therefore does not reflect the general building scale and placement of houses in the area. The Committee also finds that the privacy of the downhill neighbors potentially would also be impacted due to the increased height for the decks on the proposed house. The Committee does find that with the following conditions of approval the purpose of the height limit can equally be met. These conditions replace BDS' original condition that 2 trees be planted:

1. The 5<sup>th</sup> floor penthouse and roof deck be removed and the entire building be lowered by 3 feet, bringing the height of the building to 196 feet in elevation, within a few feet of the improved/paved portion of SW California Street, which is at approximately 194 feet in elevation. Rather than an Adjustment to increase the maximum building height from 30 feet to 73 feet, 3 inches, the Adjustment would be to increase the maximum height to 61 feet, a total reduction in what was requested by 12 feet, 3 inches. The condition of approval also will require

that the height measured from the floor of Level B3 (the ground floor of the house) to the roof of the Roof Level shall not exceed 45 feet (See Exhibit H.11).

Removing the top floor and roof deck helps alleviate privacy concerns and results in a 4-story structure that is more consistent with development in the area.

The Committee also finds that an additional condition is required to promote options for privacy for neighboring properties downhill of the site to the north and east. This condition requires that 10 large native conifer trees be planted on the eastern edge of the site and 5 large native conifer trees be planted on the northern edge of the site.

With these conditions, the Adjustment Committee finds this criterion is met.

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

**Findings:** As noted above, the proposal is consistent with other houses on the uphill/western portion of SW California Street, which appear to be 1-2 story structures when viewed from the uphill (western) street grade. Additional stories are visible when viewed from below. Regarding impacts of the proposal as viewed from below, BDS staff noted that the nearest downhill neighbor is over 100 feet away to the east of the proposed house and there will be two undeveloped lots between the two houses which contain mature trees and other vegetation. BDS staff included a condition of approval in the Administrative Decision that required providing additional screening to the north and northeast as mitigation for addressing impacts on livability or appearance.

As noted above, the Adjustment Committee determines that the 5-story structure as proposed would detract from the livability and appearance of the residential area, particularly as viewed from downhill to the east, even with the condition of approval regarding tree planting as required in the Administrative Decision. The conditions of the Adjustment Committee (stated above in Criterion A) that require the 5<sup>th</sup> floor and roof deck be removed and that the entire building be lowered by 3 feet results in a 4-story structure that is more consistent with development in the area. In acknowledgement that existing vegetation would likely be disturbed during construction and that the neighboring lots to the north and east, while vacant currently, may not always be vacant, a third condition of approval requires that 10 large native conifer trees be planted on the eastern edge of the site and 5 large native conifer trees be planted on the northern edge of the site. These additional 15 trees will soften the appearance of the structure by providing significant visual screening, and address livability concerns by promoting options for privacy.

As conditioned, the proposal will not significantly detract from the livability or appearance of the area, this criterion is met.

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

**Findings:** Only one Adjustment is requested; therefore, this criterion is not applicable.

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

**Findings:** City designated scenic resources are identified on the Official Zoning Map with a lower case "s" and historic resources are designated by a large dot or as being

within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

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

**Findings:** As noted in the proposal description above, the applicant's initial application was to construct two new attached houses on adjacent lots which required two Adjustments in addition to height: reduced setbacks and increased vehicle area. In order to respond to neighbor concerns and difficulties meeting the approval criteria, the revised application left the eastern lot undeveloped, which will allow mature trees and other vegetation to remain and provide visual screening between the development and downhill neighbors. It also allows for an additional 50 feet of distance between development and downhill neighbors.

As noted above, the Adjustment Committee determines that additional measures are required to mitigate impacts to the extent practical via conditions of approval that the 5th floor and roof deck be removed, that the entire building be lowered by 3 feet, and through the planting of 15 large, native conifer trees.

As conditioned, 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 Map with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). No environmental zoning is applied to the site; therefore, 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 is proposing to construct a new 6,549 square foot 5-story house (with the 5<sup>th</sup> story limited to a stairway overrun for roof deck access) on a steeply sloping lot. The house will be accessed from SW California Street to the west (upslope) and the main floor will be level with the road; the remaining three stories are proposed below. The site is at the edge of a cliff and has a total change in elevation of over 67 feet from high point to low point. The site only has access from SW California Street upslope (to the west) because this street terminates at the southwestern corner of the site and is unimproved along three lots to the east (including the subject property).

The Adjustment Committee determines that, as viewed from downhill (east), the house as proposed may not be consistent with other development in the area, in part as there are no other 5 story houses in the area. The proposal therefore does not reflect the general building scale and placement of houses in the area. The Committee determines that the privacy of the downhill neighbors would also be impacted due to the increased height of many of the proposed decks. The Committee acknowledges the challenges of building on a site this steep, in which



any development would face challenges meeting the height standard while still providing access from the existing right-of-way, and has determined that with conditions the Adjustment request can be approved.

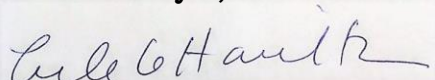
The conditions that the 5<sup>th</sup> floor and roof deck be removed and that the entire building be lowered by 3 feet effectively brings the height of the building within a few feet of the improved/paved portion of SW California Street. This condition reduces the requested height 73 feet, 3 inches, to 61 feet, a total reduction in height of 12 feet, 3 inches. Removing the top floor and roof deck alleviates privacy concerns and results in a 4-story structure that is more consistent with development in the area. A third condition that 10 large native conifer trees be planted on the eastern edge of the site and 5 large native conifer trees be planted on the northern edge of the site will further promote options for privacy for neighboring properties downhill of the site to the north and east.

### **ADJUSTMENT COMMITTEE DECISION**

Deny the appeal, and uphold the Administrative Decision with modifications, thereby approving an Adjustment to increase the maximum height from 30 feet 61 feet subject to the following conditions:

- A. The fifth floor (“stair penthouse”) and roof deck (including railings) must be removed from the building.
- B. The entire building must be lowered a minimum of 3 feet, such that the “Roof Level” (see Exhibits H.11-H.14) is no higher than 196 feet in elevation. The height from the floor of Level B3 (the ground floor of the house) to the top of the Roof Level shall not exceed 45 feet (see Exhibit H11).
- C. Ten large native conifer trees (per the [Tree and Landscaping Manual](#)) must be planted on the eastern edge of the site and 5 large native conifer trees must be planted on the northern edge of the site, and maintained in continuity.

**These findings, conclusion and decision were adopted by the City of Portland Adjustment Committee on July 2, 2019.**

By:   
\_\_\_\_\_  
**Leslie Hamilton, Chair**

**Date Final Decision Effective/Mailed: July 8, 2019**  
**120<sup>th</sup> day date (with extension): November 26, 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 June 29, 2018, and was determined to be complete on November 26, 2018.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on June 29, 2018.

ORS 227.178(1) 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 extended at the request of the applicant. In this case the applicant extended the 120-day review period the full 245 days allowed, as stated with Exhibit G.3. With this extension, **the 120 days will expire on November 26, 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 is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a “Notice of Intent to Appeal” with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

**Recording the final decision.**

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

- *Unless appealed*, the final decision will be recorded after **July 8, 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.

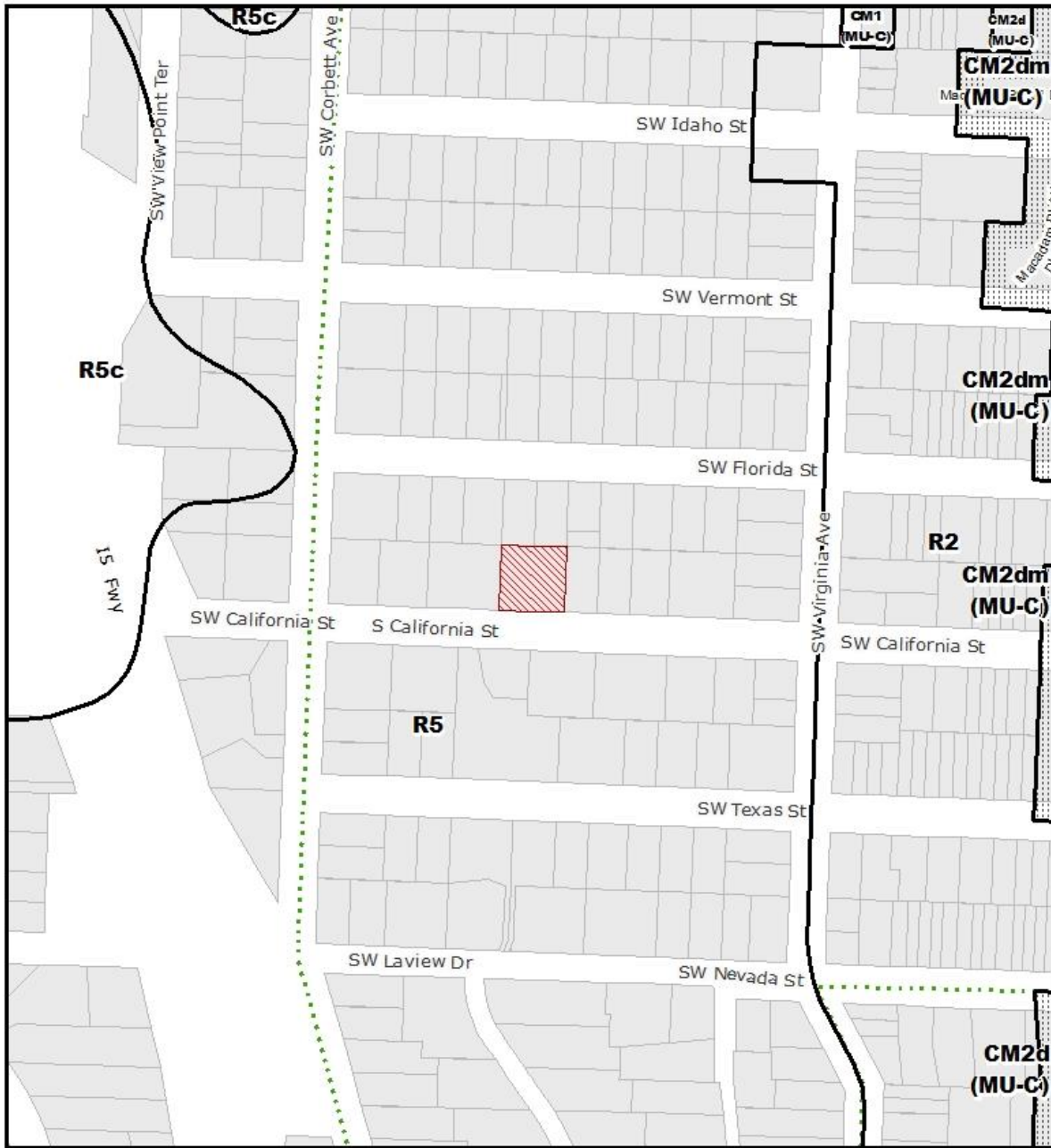
### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. South Elevation
  - 3. West Elevation
  - 4. North Elevation
  - 5. East Elevation
  - 6. Floor Plans
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. The Life Safety Section of BDS
  - 2. Bureau of Environmental Services
  - 3. Bureau of Transportation Engineering and Development Review
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Urban Forestry Division
  - 7. Water Bureau
- F. Correspondence:
  - 1. Michael Rosa, March 19, 2019, letter of opposition
  - 2. Sarah Bradley, March 20, 2019, letter of opposition
  - 3. Thomas W. Gornick, March 22, 2019, letter of opposition
  - 4. David Sanders, March 22, 2019, letter of opposition
  - 5. A-Li Yun, April 4, 2019, letter of opposition
  - 6. Adrienne Rackley, April 4, 2019, letter of opposition
  - 7. Jason Phillips, April 4, 2019, letter of opposition
  - 8. Diane Imondi, April 5, 2019, letter of opposition
  - 9. Kitson Yu, April 5, 2019, letter of opposition
  - 10. James Gardner - SPNA, April 5, 2019, letter of opposition
  - 11. Ed Sullivan, April 5, 2019, letter of opposition
  - 12. Julie Crossley, April 5, 2019, letter of opposition
- G. Other:
  - 1. Original LU Application and Receipt
  - 2. Incomplete letter from staff to applicant, sent July 12, 2018
  - 3. Request for Extension signed by applicant on January 20, 2018
- H. Appeal Hearing Exhibits
  - 1. Administrative Decision from April 24, 2019

2. Notice of Appeal Mailing List from May 14, 2019
3. Notice of Appeal Mailed Notice from May 14, 2019
4. Lisa McEldowney, June 15, 2019, letter of opposition
5. Greg Asher, June 17, 2019, letter of opposition
6. Lisa Petterson, April 5, 2019, letter of opposition
7. Edward Sullivan, June 17, 2019, letter of opposition
8. David McEldowney, June 18, 2019, letter of opposition
9. PowerPoint Presentation from Appeal Hearing on June 18, 2019
10. Appeal Form submitted by Jim Gardner on behalf of the South Portland Neighborhood Association (SPNA)
11. Revised South Elevation (attached)
12. Revised West Elevation (attached)
13. Revised North Elevation (attached)
14. Revised East Elevation (attached)

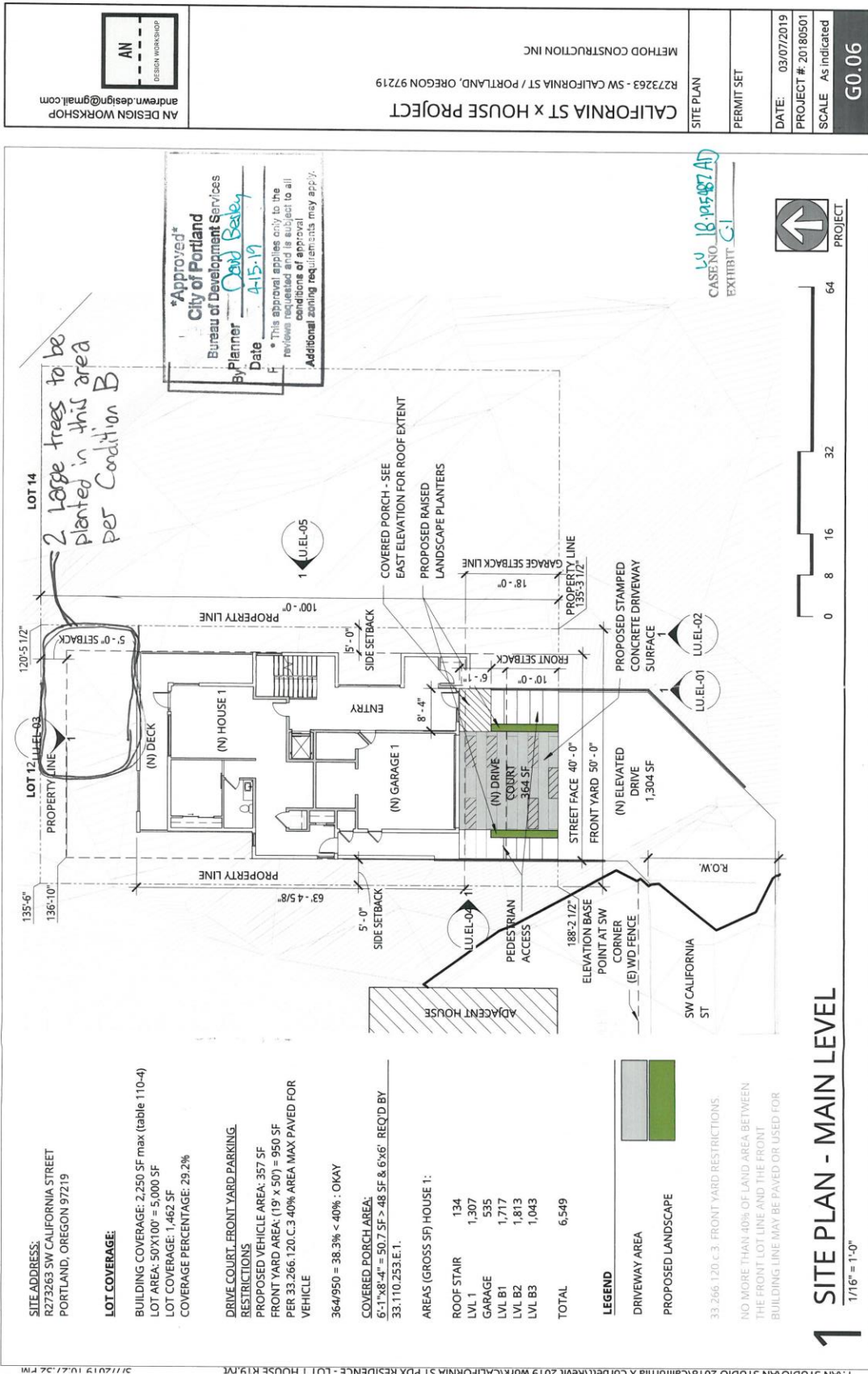
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



**ZONING**   
NORTH

-  Site
-  Recreational Trails

File No.	LU 18-195487 AD
1/4 Section	3729
Scale	1 inch = 200 feet
State ID	1S1E22BA 16000
Exhibit	B Jul 06, 2018



AN DESIGN WORKSHOP  
 andrew.design@gmail.com

AN DESIGN WORKSHOP  
 DESIGN WORKSHOP

METHOD CONSTRUCTION INC  
 R273263 - SW CALIFORNIA ST / PORTLAND, OREGON 97219

CALIFORNIA ST X HOUSE PROJECT

SITE PLAN  
 PERMIT SET

DATE: 03/07/2019  
 PROJECT #: 20180501  
 SCALE: As indicated

**G0.06**