

City of Portland - Hearings Office Office of the City Auditor

Mary Hull Caballero, City Auditor

1900 SW 4th Avenue, Rm. 3100, Portland, OR 97201 Phone (503) 823-7307 Fax (503) 823-4347 www.portlandoregon.gov/auditor/hearings

Notice of Hearing, Case #3150174

Date Mailed: Wednesday, July 08, 2015

Appeal of Beaumont-Wilshire Neighborhood Association

Type of Hearing:

Demolition Delay

Appeal was Filed:

July 8, 2015

Bureau Case #:
Property:

15-181327 RS 3215 NE 42nd Avenue

Applicant:

Urban Visions/Kevin Partain

Property Owners:

Daren M. Johnson and Paul O. Michels

You are notified that a hearing will be held in the above proceeding on:

Date:

Tuesday, July 14, 2015

Time:

8:30 AM

HEARINGS BEGIN PROMPTLY.

Place:

Room 3000 on the 3rd floor, 1900 SW 4th Avenue, Portland, OR

Those arriving late may lose the opportunity to present their case or to hear other parties' testimony. You must be prepared to present your case at the hearing, including any witnesses or evidence you wish the Hearings Officer to consider.

COPIES OF ALL DOCUMENTS SUBMITTED TO THE HEARINGS OFFICE WILL BE PROVIDED TO THE PARTIES.

BRING THESE DOCUMENTS TO THE HEARING. THIS IS THE ONLY COPY OF THE DOCUMENTS YOU WILL BE GIVEN.

- All requests for postponement MUST be in writing and filed with the Hearings Office at the address at the top of this letter.
- Requests for postponement must be received in the Hearings Office not later than forty-eight (48) hours before the scheduled hearing (not including Saturday, Sunday, or recognized City of Portland holidays).
- The Hearings Officer has sole discretion to grant a request to reschedule. It is the requester's responsibility to timely inquire as to whether or not the hearing has been rescheduled.

This notice has been mailed to the following parties:

CC: Chandra Alvey, 299/5000

CC: Beaumont-Wilshire Neighborhood Associati, ATTN: John Sandie, The Postal Station, NE 42nd Ave., Suite D #394, Portland, OR 97213

CC: Daren M. Johnson, 3215 NE 42nd Ave., Portland, OR 97212

CC: Paul O. Michels, 3215 NE 42nd Ave., Portland, OR 97212

CC: Urban Visions, ATTN: Kevin Partain, 223 NE 56th Ave., Portland, OR 97213

CC: Hearings Office

CITY OF PORTLAND HEARINGS OFFICE Exhibit #11 Case # 3150174 Bureau Case # 15-181327 RS





City of Portland, Oregon

Bureau of Development Services

Plan Review / Permitting Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7310 Fax: (503) 823-4172 TTY: (503) 823-6868

www.portlandoregon.gov/bds

Residential Demolition Delay Extension Request Checklist

Copy of registered or certified mail return receipt of letter sent to property own alternatives to demolition	er requesting RECEIVED
Declaration of the structures' significance to the neighborhood	JUL 08 2015
Pro-forma budget showing plan to preserve the structure within 95 days of the d acceptance of the complete demolition permit application	HEARINGS OFFICE
Check from individual made payable to City of Portland in the amount of \$1,318.0	00
OR	
Fee waiver application from neighborhood association in which the structure is loss signature of one of the following:	cated with
Chairperson/President 07-08-15 A11:39	RCVD
OR	
Neighborhood association representative (must be submitted with a documentation showing signing authority)	ittached
handra Alvey Chandra C. Albert Date	8/15

15 JUL 8 AM 11:37

CITY OF PORTLAND HEARINGS OFFICE Exhibit #1 Case # 3150174 Bureau Case # 15-181327 RS



City of Portland, Oregon Bureau of Development Services Plan Review / Permitting Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7310 Fax: (503) 823-4172 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Residential Demolition Permit Appeal Application

Demolition Permit Number: 15-181327-RS

For Proposed Demolition at: 3215 NE 42ND AVE

The property is currently owned by: DAREN M JOHNSON & PAUL O MICHELS

The applicant for the permit is: <u>URBAN VISIONS *KEVIN PARTAIN*</u>

Address: 223 NE 56TH AVE PORTLAND OR 97213

Phone: (503) 421-2967 Email: kevinp@gorge.net

This two page form must be received by the Bureau of Development Services (BDS) staff no later than 4:30 PM on the date below. BDS WILL REJECT ANY APPEAL RECEIVED BY BDS STAFF AFTER THE DATE LISTED BELOW, REGARDLESS OF PROOF OF MAILING. Therefore, you are strongly encouraged to deliver the appeal packet, which includes this form, the required attachments and the fee or fee waiver, IN PERSON. The last day BDS will accept the appeal packet and fee or fee waiver is:

Friday, July 10, 2015

Bureau of Development Services Second Floor - Permitting Services 1900 SW Fourth Avenue Portland, OR 97201 503-823-7300 RECEIVED

JUL 0 8 2015

HEARINGS OFFICE

Please note in-person processing may take up to 15 minutes to verify and accept your request, so please plan accordingly.

The Recognized Organization whose boundaries include the demolition site or Interested Party (Appellant) may request that the issuance of the demolition permit be delayed for an additional 60 days beyond the original 35 day demolition delay period by completing this form and submitting the required attachments and either the fee or a fee waiver. Please note: fee waivers are ONLY available to the Recognized Organizations whose boundaries include the site. (Ref. Portland City Code, Title 24, Section 24.55.200F).

APPELLANT INFORMATION	
Appellant's Name: Beanmont-Wilshire Neighborhood Association	
Mailing Address: The Postal Station NE 42rd Ave, Suite D#394, Portland	d,OR
Phone Number: 219.508.4162 Fax Number:	1213
E-mail Address: <u>Presidente biuna-us</u>	S
Signature: Date: 7-7-2015	0
Name of Person Signing Appeal: John Sandie Title: President	OFFICE 0174 e # 15-
&C 25	PF PC NGS #2 315 Case
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Residential Demolition Permit Appeal Application for Permit 15-181327-RS

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FEE INFORMATION
Only the Recognized Organization(s) whose boundaries include the demolition site may request a waiver of the Appeal Fee collected for the City of Portland Hearings Office. If the fee waiver is denied, the appealing party must submit the appeal fee to the Bureau within three business days of the denial or the appeal will be rejected.
Are you requesting a fee waiver? YES: NO:
If NO please provide payment to the City of Portland for \$1,318.00. If you are a Recognized Organization requesting a fee waiver, please complete the following information and sign below:
Organization Name: Begymont-Wilshire Neighborhard Association
Representative Name: John Sandie
Position in Organization: President
Mailing Address: The Postal Station NE 42 Ave But D394 Portland, OR
Phone Number: 219, 508, 4162 Fax Number: —— 972
E-mail Address: President @ bwina. us
Signature: Daté: 7-7-2015

REQUIRED ATTACHMENTS

Copy of the letter sent to the property owner requesting a meeting to discuss alternatives to demo- linclude a copy of the certified or registered mail receipt(s).	lition.
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Evidence of the property's significance to the neighborhood.

 χ Narrative describing the plan to save the structure.

Pro-forma budget and evidence of funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget.

_____If the "Representative Name" listed with the Office of Neighborhood Involvement does not match the "Representative Name" listed on this document, you must submit additional documentation indicating signing authority for the Recognized Organization(s).

Failure to provide all of the above REQUIRED information will result in denial of your appeal request.

Appeals will be forwarded to the Code Hearings Officer and will be governed by the provisions in City Code Section 24.55.200(H) and Chapter 22.10. The appeal may be filed any time within the initial 35-day delay period. If the 35th day of the delay period ends on a weekend or a City holiday, it will automatically be extended until the next business day. The demolition permit may be issued from the time the Bureau receives an appeal application and the fee or fee waiver, until the Code Hearings Officer has rendered a decision or the 60-day extension period has expired.



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Demolition delay appeal 3215 NE 42nd Ave.

U.S. Postal Service

HEARINGS OFFICE

HEARINGS OFFICE Exhibit #3 Case # 3150174

Certified Mail Receipt's

CERTIFIED MA (Domestic Mail Only; No For delivery information vis Postage Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees Sent To Street, Apt. No.; or PO Box No. City, State, ZIP+4 PS Form 3800, August 2006	Insurance Coverage It our website at www.u 49 345 180 6.74 Grad Paul Mi 4.74 6.02 4.74	sps.com	CE (Don For d) For d) For d F	Postage \$ Certified Fee ement Required) restage & Fees \$	AIL RECEIPT Io Insurance Coverage Provided) Isit our website at www.usps.coms CIAL USE 49 345 Postmark Here Here AIL MAYAN VISION NE 56 th ALC W. DE 97213 See Reverse for Instructions
UNITED STATE POSTAL SERVI	ES CE®		- ,		USPS Receipt fo Money or Service
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P.O. Receipt for Money		Finance Number		Unit ID	AIC Number
Receipt for: (indicate purpose)	Posta	SE			Amount \$ 13.48
Received from: (show address only w	hen receipt is mailed)	5		Permit Number of	or SSN (Employees only)
P.O. Box/Caller Service	Fees			Form 1093, <i>Applica</i> ed. For regulations aller Service on PS	tion for Post Office Box or Caller Service, must pertaining to P.O. Boxes, see rules for use of
Customer name:				Amount \$	AIC Number
Box/Caller Number(s)	☐ For annual	niannual payment period (Alcumber Fee (AIC 115	C 115)		Postmark
Certifying Signature	PE	- , ,	, (minadayyyyy)		
S Form 3544 , July 2004 (PSN: 753	0-03-000-3768)		Dis	tribution: Original -	Customer; Duplicate - File with PS Form 1412
	books				CITY OF PORTLAND



June 16, 2015

Daren Johnson and Paul Michels 3215 NE 42nd Ave. Portland, OR 97212

JUL 0 8 2015

HEARINGS OFFICE

Dear Mr. Johnson and Mr. Michels:

Per 24.55.200 H. 1., I am notifying you of the Beaumont Wilshire Neighborhood Association's request for a meeting to discuss alternatives to demolition of the home at 3215 NE 42nd Ave.

Since the property is in an active purchasing phase, this transaction may involve additional owners and/or subsidiaries. If this is the case, please extend our notification to them or immediately inform us of their identity.

You can contact me at:

John Sandie 3425 NE Fremont St. Portland, OR 97212 219.508.4162 (cell) president@bwna.us

I look forward to working with you on this property.

Yours sincerely,

John Sandie President –Beaumont Wilshire Neighborhood Association



June 17, 2015

KEVIN PARTAIN URBAN VISIONS 223 NE 56TH AVE PORTLAND, OR 97213



Dear Mr. Partain:

Per 24.55.200 H. 1., I am notifying you of the Beaumont Wilshire Neighborhood Association's request for a meeting to discuss alternatives to demolition of the home at 3215 NE 42nd Ave.

Your corporate structure may involve additional owners and/or subsidiaries. If this is the case, please extend our notification to them or immediately inform us of their identity.

You can contact me at:

John Sandie 3425 NE Fremont St. Portland, OR 97212 219.508.4162 (cell) president@bwna.us

I look forward to working with you on this property.

Yours sincerely,

John Sandie President- Beaumont Wilshire Neighborhood Association



Demolition Delay Appeal 3215 NE 42nd Avenue

Evidence of the property's significance to the neighborhood

This house represents the style of more affordable size homes, similar to many houses within the Beaumont Wilshire neighborhood. While we are not aware of a particular heritage of family history or unique architectural features, the house does represent a style and scale of home consistent with the neighborhood and other nearby homes. The proposed demolition of the home also touches on the core of neighbor concerns over the insidious level of erosion of original, redeemable housing stock that has occurred through demolitions over the last couple years in the neighborhood. It galvanizes the "concept of loss" of more affordable housing and neighborhood character that local neighbors have been forced to address due to the city's inability or unwillingness to timely act on these concerns.

Furthermore, nearby neighbors on NE 42nd Avenue are interested in saving the home at 3215 NE 42nd from demolition. This interest stems from the fact that the existing structure is sound and can continue to house families as it has done since 1923 and since the home also has great potential for remodeling and renovation while maintaining its existing character. Additionally, neighbors are concerned that replacement of the home with an ill-fitting structure that does not conform to the setback and scale of the Beaumont-Wilshire neighborhood will negatively impact their property values and adversely impact the livability of the neighborhood. Neighbors are also concerned that new development of the lot will result in destruction of the large tulip tree that is highly valued by the residents of NE 42nd Avenue between Siskiyou and Klickitat streets.

The attached petition highlights these and other salient points of this argument, as well as demonstrates the level of importance this house has to local neighbors.

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CITY OF PORTLAND HEARINGS OFFICE Exhibit #6 Case # 3150174 Bureau Case # 15-181327 RS

OPPOSITION TO DEMOLITION, TREE RAZING, AND PLANNED NEW CONSTRUCTION AT 3215 NE 42ND **AVENUE**

A demolition permit for $3215~\text{NE}~42^{\text{nd}}$ Avenue was filed on Friday, June 5, 2015. We, the undersigned residents of NE 42nd Avenue, oppose the demolition and new construction of the Renaissance Homes "Prescott" model home that is apparently planned to be built at 3215 NE 42nd Avenue. We request that Renaissance Homes schedule a meeting with concerned neighbors and officers of the Beaumont-Wilshire Neighborhood Association as soon as possible and work cooperatively and in good faith to address the issues listed below with the currently planned demolition and redevelopment.

We object to the planned demolition and new house for the following reasons:

> Massive Size and Scale: The house currently on the site was built in 1923 and is a classic example of a one-and-a-half story bungalow typical in this neighborhood of small (50' x 100'), urban lots. The new house we've heard that is planned for this site will be approximately 40' wide (12' wider than

current), 30' tall (9' taller than



Prescett

Rendering (and soon to be house) courtesy of Renaissance Homes

current) and 46' long (14' longer than current). The house is the tallest and widest house allowable by code for the lot.

- Improper Setback: If constructed, this house will deviate from the uniform 32' setbacks between sidewalk and house front doors on the west side of NE 42nd Avenue. Because the house is so long, it must be set much further forward on the lot to have the largest backyard possible - an apparent design goal. The same model of this house recently constructed at NE 34th and Shaver on a similarly sized lot has a setback from the sidewalk of less than 18 feet. The house would thus be 14' closer to the sidewalk than all of the other homes on the block. This will make it difficult to see neighbors, monitor young children, and continue the sense of community.
- Ill-Fitting Style: We feel that any new development should match the current style of the neighborhood, which consists of Craftsman bungalows, four-squares, and English Tudor houses. The planned house is more typical of a suburban subdivision and provides a two-car garage on the front of the house - unlike any other house on the block (or in the nearby neighborhood). A two-car attached garage promotes an environment in which neighbors never have to see each other, which doesn't foster community.

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Bureau Case # 15-181327 RS

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- **Likely Destruction of Beautiful Tulip Tree:** In order to accommodate the planned house, with the double car garage and double-wide driveway, the north edge of the driveway will be at the center of the lot. Without modification, this driveway configuration will require the removal of the 80' 100' tall tulip tree in the parking strip. This tree has been well maintained by the current owners, professionally pruned regularly, and is much loved in the neighborhood for its shade and beauty. As Portland aims to increase its green infrastructure, it would be terrible to lose such an incredible contribution to our urban canopy. Based on its age and height, it is likely that this tree would qualify as a Heritage Tree in the City of Portland (http://www.portlandoregon.gov/parks/40280).
- Declining Neighborhood Affordability: This same model of house at 3955 NE 34th recently sold for \$830,000. The more than doubling of the price of this address accelerates the trend of young people and families being priced out of this amazing neighborhood with excellent public schools. We want our neighborhood to continue to provide a housing opportunity for young families.
- Demolition Risk: The demolition of this old home with typical methods (i.e., by backhoe, often within a day) is sure to risk exposing the neighborhood to toxins and pollutants, including lead and asbestos, if not properly abated.
- Deviation from Sustainable Practices: "The greenest house is an existing house."
 Demolition of an existing house is a waste of precious resources including old-growth lumber. In a city such as Portland, our neighborhoods should value the natural resources that went into the construction of these almost-100-year-old houses and prevent these resources from being sent to a landfill.

People want to live in these wonderful neighborhoods in Portland such as ours for the very fabric of the community that is knit together with this characteristic and charm-filled housing stock. The

3215 NE 42nd Ave. - Nothing wrong with this picture!

increased height, bulk and scale of this planned house will have an adverse effect on the human ecology of our neighborhood. We request that if Renaissance Homes wants to provide improved housing on this lot, they should reconsider the demolition and adapt the existing structure to provide a home that fits within the size, scale and style of this neighborhood while preserving the environmental benefits of the trees and community.

Signed:

Name Addres	
Bill Barnes 3224	NE Hand Ass
	NE 42nd AVE
	NE +2nd AVE
hent Melse) 31211	NE 42 nd Are
Harianne Stach 3124	NE 4/2nd Ane
Betsy Ray 3311	NE 47 Ave
Eliza Coblentz 3	244 NE 42m Are
Mike Kendrick 37	49 NE 42. d Are
	5 NE 42 nd Ave
	O NE Hand Aur Klickitat
Mitch Haynis 413.	ME Klickik+
Deus wicks 321	6 NE 42 nd AN
David Van't Hot 342	-4 NE 42nd HVE
Roseman tranklin 331	4 Ne 42rd live
Krista Franklin 33	14 IVE 4ZNO
HENIRY FRANKLISI	3314 2/18 47
KRISTIN GUSTAY 59	35 NE Alameda.
Dennis Swelvy 42	11 NE Sistayou
Margaret Swedney 42	211 NE Sickiyon
	of NE Yand Am
LAWRA DUBY 3304	~ *
Fathryn Gray 323	34 NE 42 M aug
	6 NE 42nd Itve.

Name Addres	SS
Patricia Shirman ?:	242 NE 42ml Ave
Mary Jaron Kellzy	3322 NE 43,-1 AV
Clare Harring	3135 NE 42m Ac
Day Harrisan	
Elizabeth Lanter	3144 NE 42 nd Av
Bring Lantz	3144 NE 42nd AV
LARRY Blakely	3235 NE 42 Aye,
cann Opintz	3225 NE 42nd Ave
Minof Musham	3311 NE 42 DUE.
Lyan Soumokil	3,276 NE 41st Ave
Drivina Soumokil	3226 NE 41St Ave
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Demolition Delay Appeal 3215 NE 42nd Avenue

Narrative describing the plan to save the structure

While Beaumont Wilshire Neighborhood Association is not in the real estate business, it is in business to support and represent residents in a co-operative nature on issues of significant concern as part of its charter. When a large contingent of residents approached BWNA to represent their concerns in saving an existing house at 3215 NE 42nd Avenue, they convinced the BWNA Board to act on this responsibility. While hoping to investigate all options at saving structure, such as convincing the developer to consider renovation rather than demolition, the residents realized they must prepare a feasible plan to re-purchase the house from the developer and hold title until a new buyer could be found who would be happy for the opportunity to occupy the house in its existing, affordable stature. This plan is laid out in the following paragraphs and table.

The plan to save the structure at 3215 NE 42nd Avenue is for interested and committed neighbors to purchase the home from the developer (Renaissance). The purchase of the home, which can be completed within the 60-day demolition delay period, will realize the goal of saving the structure. Once purchased, interior and exterior maintenance will be completed to bring the home to a condition in which it is ready for sale. Because the home is in relatively good condition, with well-functioning mechanical systems, maintenance requirements are limited. Interested neighbors have committed funding sufficient to purchase the home, complete the minor maintenance, and cover carrying costs until the house is sold to a family. Sale of the home to a family that will commit to preservation of the structure will be pursued.

Neighbors committed to funding the purchase and preservation of 3215 NE 42nd Avenue may form a limited liability corporation (LLC) for that purpose, or may otherwise make contractual arrangements amongst themselves regarding the funding of the plan. Sale of the home to a family willing to commit to its preservation would realize the goals of the neighbors and the BeaumontWilshire Neighborhood Association of preserving the character and livability of the neighborhood. This model of neighbors purchasing a home from a developer to prevent its destruction is becoming more common in Portland with the rapid increase in residential demolitions in the past few years.

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CITY OF PORTLAND HEARINGS OFFICE Exhibit #8 Case # 3150174 Bureau Case # 15-181327 RS



Demolition Delay Appeal 3215 NE 42nd Avenue

Pro-forma budget and evidence of funds on hand

The pro-forma budget to save the structure is shown in Table 1 below. The purchase price of the home by the developer is not known but is estimated at \$390,000. The budget in Table 1 is based on this estimated purchase price. Total liquid funds required for purchasing, performing maintenance, and carrying the house prior to resale amount to \$132,790. As described above, the purchase of the home is achievable within the 60-day demolition delay period. The intent and objective of reselling the home to a family is expected to occur within five months of the purchase.

The neighbors below have committed to participate in the plan and attest to collectively having available liquid assets sufficient to realize the plan.

Participating Neighbors

- 1. Bill and Julie Barnes 3224 NE 42nd Avenue
- 2. Tim Hemstreet and Joanna Ogintz 3225 NE 42nd Avenue
- 3. Mike and Eliza Kendrick 3244 NE 42nd Avenue
- 4. Thad Mepham and Betsy Ray 3311 NE 42nd Avenue
- 5. David and Susan Van't Hof 3424 NE 42nd Avenue
- 6. Doug and Carol Wicks 3216 NE 42nd Avenue

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Table 1 – Pro Forma Budget Plan for 3215 NE 42nd Avenue

16	15	10 11 12 13	9	8 7 6 5	Line 1 2 3
Total plan costs	Carrying costs prior to resale (4 mos. @ \$1,860/mo.)	House Maintenance/Repairs Prior to Resale Exterior paint - west face Interior patching and painting Wood floor patching/refinishing Allowance/Contingency (30% of above items) Total Maintenance/Repair Costs	Total funds necessary to close	Financing and Closing Costs Lender/Broker Charges (points, appraisal, lender, flood fees) Prepaid and reserve items (fire insurance, prop. taxes, interest) Title Co. and Recording (escrow fees, title ins. & fees, recording) Total Financing and Closing Costs	Home Purchase Purchase Price by Developer Developer Expenses & Profit @ 10% Neighborhood Purchase Price Down payment
\$132,790	\$7,440	\$1,000 \$4,500 \$4,000 \$2,850 \$12,350	\$113,000	\$3,350 \$1,100 \$1,300 \$5,750	Amount \$390,000 \$39,000 \$429,000 \$107,250
	Available and committed by neighbors	Available and committed by neighbors	Available and committed by neighbors	Financing has been pre-approved	Status / Notes Purchase price unknown, amount estimated Surveying, permit fees, overhead, profit Estimate 25% down for non-owner occupied real estate



City of Portland

Hearings Office 1900 S.W. 4th Avenue Room 3100 Portland, Oregon 97201 (503) 823-7307 Fax (503) 823-4347

Mailing List

Case # 3150174

Bureau # 15-181327 RS Date Prepared: 07/08/15 Time Prepared: 2:48 PM

Chandra Alvey

Government Representative

Address 1 299/5000

Beaumont-Wilshire Neighborh

Phone 219-508-4162

Appellant

Address 1

ATTN: John Sandie The Postal Station

NE 42nd Ave., Suite D #394

Portland, OR 97213

Daren M. Johnson

Property Owner

Address 1

3215 NE 42nd Ave.

Portland, OR 97212

Paul O. Michels

Property Owner

Address 1

3215 NE 42nd Ave.

Portland, OR 97212

Urban Visions

Phone 503-421-2967

Applicant

Address 1

ATTN: Kevin Partain

223 NE 56th Ave.

Portland, OR 97213

CITY OF PORTLAND HEARINGS OFFICE Exhibit #10 Case # 3150174 Bureau Case # 15-181327 RS