

# City of Portland, Oregon Bureau of Development Services Land Use Services

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Charlie Hales, Mayor

FROM CONCEPT TO CONSTRUCTION

**Date:** May 9, 2013

**To:** Interested Person

**From:** Douglas Hardy, Land Use Services

503-823-7816 / Douglas.Hardy@portlandoregon.gov

## NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood which requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, we need to receive your written comments by 5:00 p.m. on May 30, 2013. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-143485 AD, in your letter. It also is helpful to address your letter to me, Douglas Hardy.

### CASE FILE NUMBER: LU 13-143485 AD

**Applicant:** Bob Schatz

Allusa Archictecture 2118 SE Division Street Portland, OR 97202 503-235-8585

**Property-Owner:** Division Street Food Mart

2505 SE Cesar Chavez Boulevard

Portland, OR 97202

**Site Address:** 2505 SE Cesar Chavez Boulevard

**Legal Description:** Block 1, Lot 13, N 66 2/3' of Lot 14, Lot 15 exc pt in st, N 66 2/3' of

Lot 16 exc pt in st, Richmond Addition

**Tax Account No.:** R703800120 **State ID No.:** 1S1E12AA 17600

Quarter Section: 3334

**Neighborhood:** Richmond, contact Douglas Klotz at 503-233-9161

Business District: Division-Clinton Business Association, contact Darice Robinson at

503-233-1888

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010

**Zoning:** CSm - Storefront Commercial with a Main Street Corridor overlay

Case Type: Adjustment (AD)

**Procedure:** Type II, Administrative decision with appeal to Adjustment Committee

#### **PROPOSAL**

The applicant is proposing to redevelop portions of an existing gasoline station on the subject site. The redevelopment includes demolishing the existing building that contained an office and car repair bays, and replacing it with a new, 2,000 square foot auto supply store in approximately the same location. A land use review from 2012 (LU 12-107452 AD) approved an Adjustment for this portion of the redevelopment plan, which allowed the structure to exceed the maximum building setback from both SE Division Street and SE Cesar Chavez Boulevard. The 2012 review also approved an Adjustment to allow vehicle area to be located between the new building and SE Cesar Chavez Boulevard. The existing gas pumps and canopy would remain in their current location.

The applicant is now requesting an additional Adjustment to the required perimeter landscaping along a portion of the site's SE Cesar Chavez Boulevard frontage. The Zoning Code requires that a five foot deep landscaped area be provided along this frontage that is planted with trees, shrubs that will form a three foot high evergreen screen, and groundcover. Due to a required dedication of public right-of-way along the site's SE Cesar Chavez Boulevard frontage, the depth of landscaping between the existing gas pump canopy and the relocated street lot will be only one foot. The applicant is therefore requesting an Adjustment to reduce the depth of the perimeter landscaping in this location from five feet to one foot. Given the reduced depth of this landscaping and its proximity to the sidewalk and canopy, only groundcover is proposed to be planted in this area. To mitigate for the reduced landscaping in this area, the applicant proposes to place in the northeast corner of the site an equal amount of landscaping to what would have been required.

#### RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code.

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. This application was submitted on April 25, 2013 and determined to be complete on May 9, 2013.

#### **DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

#### **APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

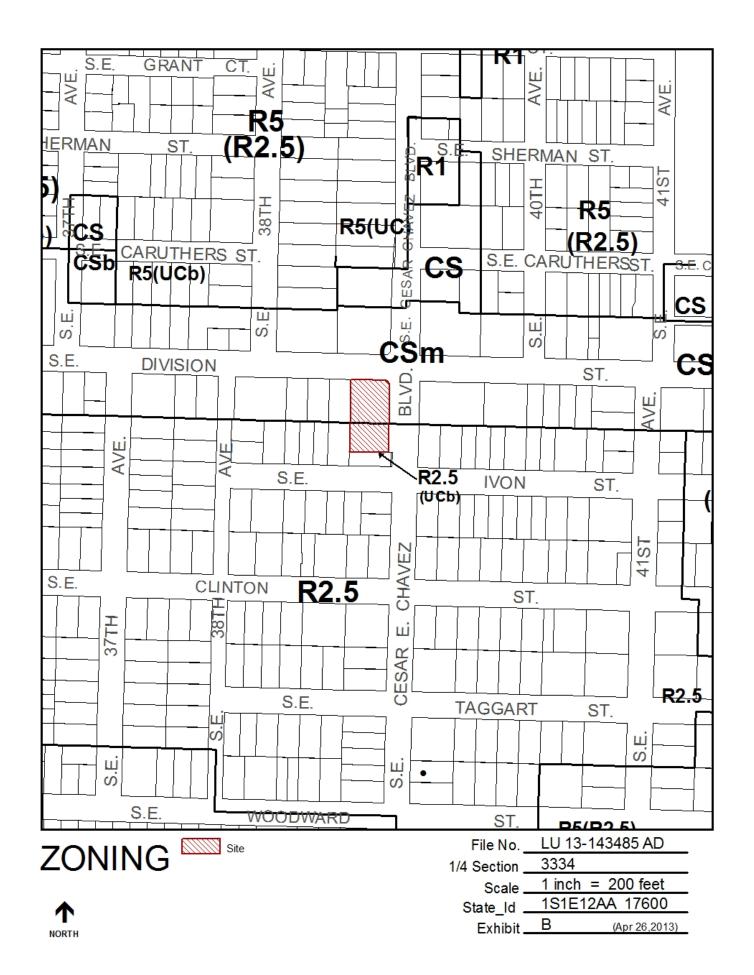
#### APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

#### **Enclosures:**

Zoning Map Site Plan



# RECEIVED

MAY 7 2013

