



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 24, 2014
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-823-7837 / Amanda.Rhoads@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development 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 p.m. on February 14, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-234476 AD, in your letter. It also is helpful to address your letter to me, Amanda Rhoads.

CASE FILE NUMBER: LU 13-234476 AD

Applicant: Michael Cerbone, Planning Consultant / Cardno
5415 SW Westgate Dr, Ste 100 / Portland, OR 97206

Owner: Randy Hodgson / Powell Street LLC
901 NE Glisan St / Portland, OR 97232

Management Agent: Leanne Johnston / Elliott Associates Inc
901 NE Glisan St / Portland, OR 97232

Site Address: 7901 SE POWELL BLVD

Legal Description: TL 12900 9.04 ACRES, SECTION 08 1S 2E
Tax Account No.: R992080160
State ID No.: 1S2E08AD 12900
Quarter Section: 3338
Neighborhood: South Tabor, contact Eric Lozano at 503-724-6266.
Business District: Eighty-Second Ave of Roses Business Association, Frank Harris at 503-774-2832.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: None
Zoning: CGb – General Commercial zone with the northwest corner of the site within the “b” Buffer Overlay Zone.

Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

A new grocery tenant, Winco, proposes to move into the tenant space on the west side of the site formerly occupied by Food 4 Less. Being valued at over \$145,200, the tenant improvements trigger upgrades to nonconforming development as described in Zoning Code Section 33.258.070. While the proposal brings the site closer to conformance on interior parking lot landscaping and minimum landscaped area, it does not fully meet those two standards. Therefore, the applicant requests Adjustments to the following two standards:

- **33.130.225 Landscaped Areas** and Table 130-3 require that 15% of the site be landscaped to the minimum standards. The proposal results in landscaping totaling 14.3% of the site, or 55,952 square feet instead of the required 58,765 square feet.
- **33.266.130.G.3 Interior Landscaping** requires that at least 45 square feet of interior landscaped area be provided for each parking space. The proposal adds new landscaped areas to get up to 29.2 square feet of interior landscaped area, or 13,866 square feet for 475 parking spaces instead of the required 21,375 square feet.

Other standards required to be brought into conformance when nonconforming upgrades are triggered (as described in Zoning Code Section 33.258.070) are being met through upgrades or are not currently out of compliance.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria have been met. The relevant approval criteria are as follows:

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 December 4, 2013 and determined to be complete on January 21, 2014.

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.
- 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 www.portlandonline.com.

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.

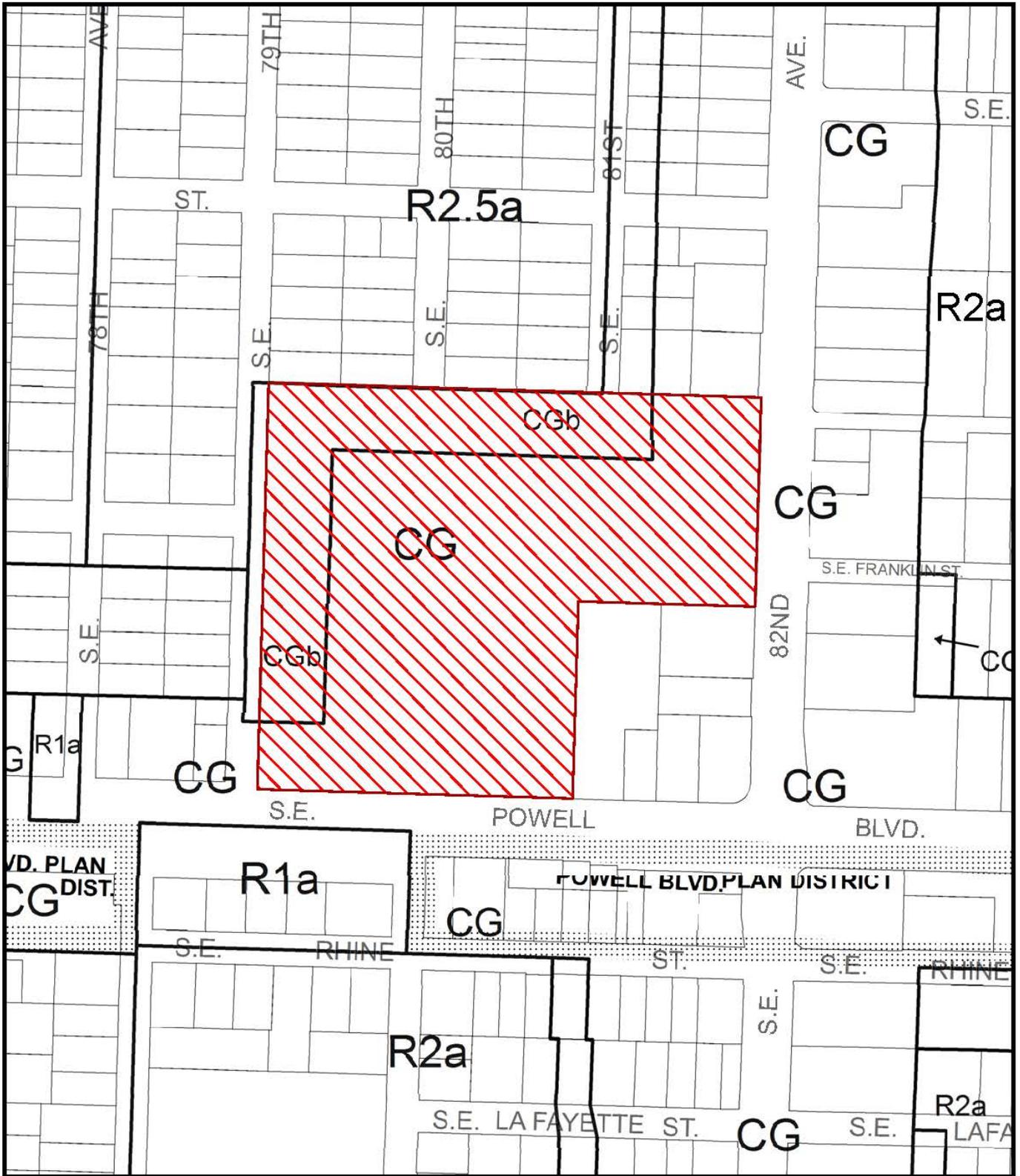
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. 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
Landscape Plan



ZONING



File No. LU 13-234476 AD
 1/4 Section 3338,3339,3438
 Scale 1 inch = 200 feet
 State_Id 1S2E08AD 12900
 Exhibit B (Dec 09,2013)

