



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 6, 2018  
**To:** Interested Person  
**From:** Clare Fuchs, Land Use Services  
503-823-7843/Clare.Fuchs@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 March 27, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-268460 AD, in your letter. It also is helpful to address your letter to me, Clare Fuchs. You can also e-mail your comments to me at my e-mail address identified above.

### **CASE FILE NUMBER: LU 17-268460 AD**

**Owner & Applicant:** Ngoc (Steven) Huong Nguyen  
1653 4th St, Hood River, OR 97031-6734  
541-400-0164 [duocnguy@yahoo.com](mailto:duocnguy@yahoo.com)

**Representative:** Peter Radulescu  
PR Design & Consulting LLC  
919 NE 19th Ave, Suite 155N Portland OR 97031  
503-265-8461 [prarchitects@comcast.net](mailto:prarchitects@comcast.net)

**Site Address:** 9236 SE HOLGATE BLVD

**Legal Description:** LOT 3, HOLGATE-RUN  
**Tax Account No.:** R395400150  
**State ID No.:** 1S2E16AB 04500  
**Quarter Section:** 3540

**Neighborhood:** Lents, contact Cora Lee Potter, Land Use Chair, at [cora.potter@gmail.com](mailto:cora.potter@gmail.com)

**Business District:** Eighty-Second Ave of Roses Business Association, contact Frank Harris at [info@82ndave.org](mailto:info@82ndave.org). Lents Business Association, contact [lentsgrown@gmail.com](mailto:lentsgrown@gmail.com).

**District Coalition:** East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.

**Zoning:** Neighborhood Commercial 2 (CN2)

**Case Type:** Adjustment (AD)  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The applicant proposes to build a second house on the CN2 zoned site that will be located behind and to the east of the one-story existing house. The proposed house will be two-stories with a building wall height of just over 21-feet. The foot print of the proposed house will be 5-feet from the north property line; just under 6-feet from the east property line which is adjacent to the I-205 Multi-Use Path; and just over 5-feet from the southern property line, which is also a rear property line for the adjacent R2a zoned lot. Setbacks in the CN2 zone are determined by the adjacent zones, height of the building wall and whether the shared lot line is a side or rear property line as seen in 33.130.215.B.3, Table 130-4. Because the wall height of the proposed house is between 16 and 30-feet tall and the southern property line is the technical rear property line for the adjacent lot in the R2 zone, an 8-foot side building setback with L3 landscaping is required. All development in the CN2 zone is required to meet the Pedestrian Standards in Portland Zoning Code section 33.130.240, which includes having a pedestrian connection from a main entrance of a house to the street that is no more than 20-feet longer or 120 percent of the straight-line distance, whichever is less.

As designed, the proposed house has only a 5-foot setback landscaped to the L3 standard to the southern property line, which is a rear setback of an R2 zoned lot, and has no pedestrian connection from a main entrance to the street. The proposal requires Adjustments to:

1. Reduce the southern setback from 8-feet to 5-feet, and
2. Eliminate the Pedestrian Connection.

**33.805.040 Approval Criteria**

The approval criteria for signs are stated in Title 33. All other 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
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- 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
- D.** City-designated scenic resources and historic resources are preserved; and **(not applicable)**
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; **(not applicable)**

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 November 9, 2017 and determined to be complete on March 1, 2018.

**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](http://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



