



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

Ted Wheeler, Mayor
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www.portlandoregon.gov/bds

Date: April 9, 2019
To: Interested Person
From: Don Kienholz, Land Use Services
503-823-7771/Don.Kienholz@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 April 30, 2019**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-128260 AD, in your letter. It also is helpful to address your letter to me, Don Kienholz. You can also e-mail your comments to me at my e-mail address identified above. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 19-128260 AD

Applicant: Rebecca Wood, Allied Works Architecture
1532 SW Morrison St, Floor 3, Portland OR 97217

Owner: BU, LLC
1532 SW Morrison St #100, Portland, OR 97205

Site Address: KINGS 2ND ADD, BLOCK 17, LOT 17&18 TL 300

Legal Description: BLOCK 17 LOT 17&18 TL 300, KINGS 2ND ADD
Tax Account No.: R452302950
State ID No.: 1N1E33CB 00300
Quarter Section: 3027

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Other Designations: Alphabet Historical District
Zoning: CM2m – Commercial Mixed Use 2 with a Centers Main Street (‘m’) Overlay Zone

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

Proposal:

The applicant is building a new, 4-story mixed use building on the site to replace the Alfred C.F. Burkhardt House, which was destroyed by a gas explosion in 2016. The proposal calls for five dwelling units located on floors 2 through 4 and approximately 900-square feet of ground floor retail, the residential lobby and a second residential exit on the first floor. The main entrance to the retail area faces NW 23rd Avenue and the main entrance to the residential units faces NW Glisan Street. The small 53x33.75-foot site is within the Northwest Plan District and within the Centers Main Street Overlay Zone that is centered on NW 23rd Avenue.

The development standards of the Northwest Plan District (33.562.240) require that the ground floor active use (retail sales and service is an active use) area be at least 25-feet deep measured from the street facing-façade along NW 23rd Ave. As designed, the retail space is between 16 and 19-feet in depth. Because the depth is less than 25-feet, an Adjustment to the ground floor active use depth is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., 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, 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**
- 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**
- 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;**

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 March 5, 2019 and determined to be complete on March 28, 2019.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

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.

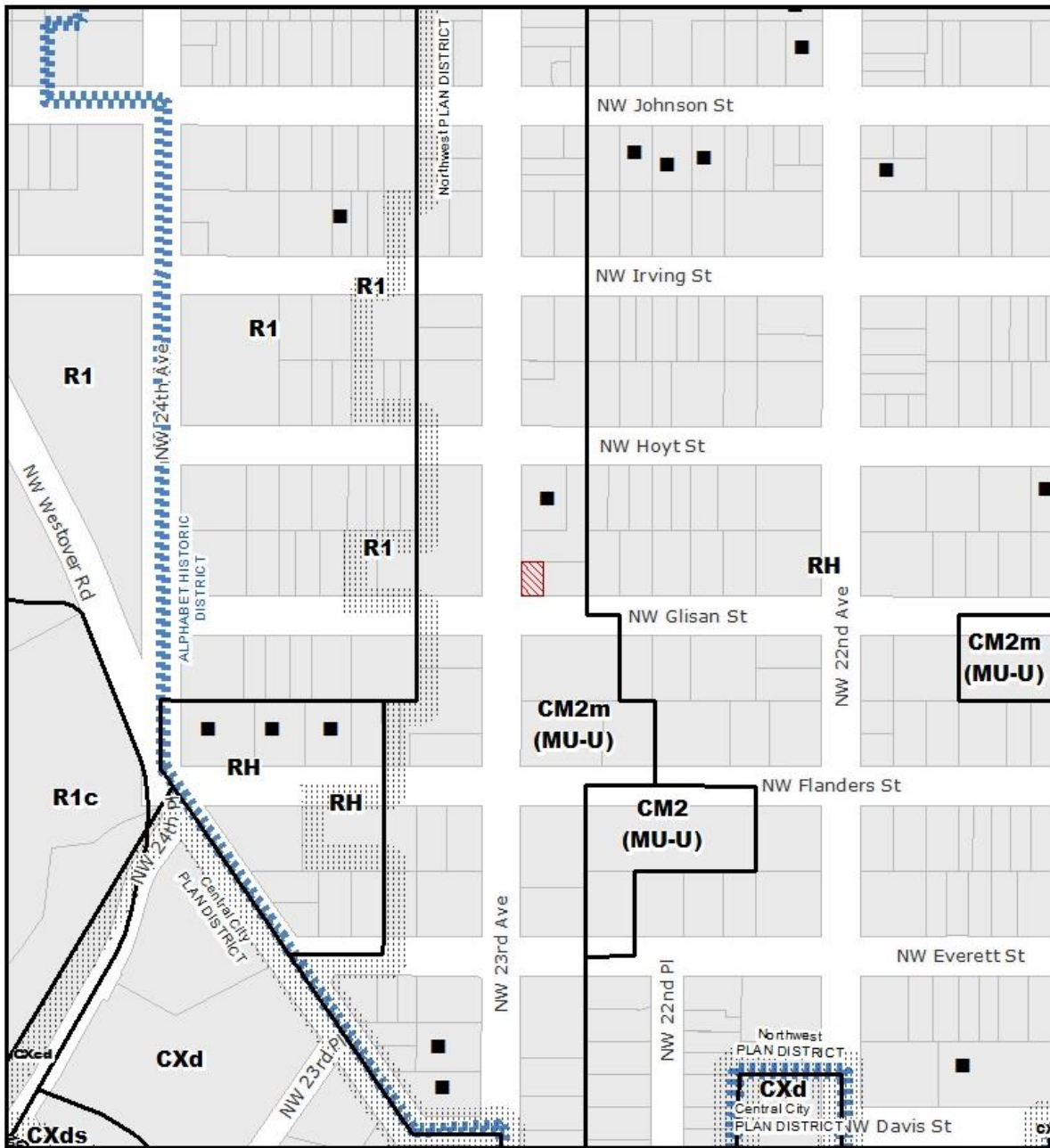
APPEAL OF THE FINAL CITY DECISION

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/Floor Plan



ZONING ↑
NORTH

THIS SITE LIES WITHIN THE:
NORTHWEST PLAN DISTRICT
ALPHABET HISTORIC DISTRICT

-  Site
-  Historic Landmark

| | |
|-------------|-------------------|
| File No. | LU 19-128260 AD |
| 1/4 Section | 3027 |
| Scale | 1 inch = 200 feet |
| State ID | 1N1E33CB 300 |
| Exhibit | B Mar 06, 2019 |

