



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: June 4, 2019
To: Interested Person
From: Rodney Jennings, Land Use Services
503-823-5088/Rodney.Jennings@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 June 25, 2019**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-279863 AD, in your letter. It also is helpful to address your letter to me, Rodney Jennings. 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 18-279863 AD

Applicant/Owner: Brian Kimura | Counterloop LLC
3934 NE M L King Jr Blvd #205a | Portland, OR 97212

Site Address: 5702 SE CENTER ST

Legal Description: BLOCK 3 LOT 5, WATTS SUB
Tax Account No.: R884300870
State ID No.: 1S2E07DD 17200
Quarter Section: 3436

Neighborhood: Foster-Powell, contact Shawn Morgan at 503-622-3933.
Business District: Foster Area, contact Venture Portland at 503-477-9648.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None
Other Designations: None
Zoning: CE – Commercial Employment

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

Proposal:

The applicant proposes to demolish the existing building facing SE Center Street and construct a new building facing SE Foster Road on this site. The proposal also includes a new driveway on SE Center street that would access two parking spaces within a garage in the new building.

This site is across the street from property that is zoned R2.5, which is a residential zone. For sites in the CE zone that are across the street from a residential zone, Section 33.130.215.B.1.b(2) of the Portland Zoning Code requires a 10' setback from the street lot line. This 10' setback is required to be landscaped to the L1 standard, which requires groundcover and trees. Also, SE Center Street is a local service street and Section 33.215.B.1.b(2) does not allow vehicle access through the 10' required setback unless the local service street facing the residential zone is the only frontage for the site. This restriction applies at this site because the site also has frontage on SE Foster Road, which is not a local service street.

The applicant requests an Adjustment to this standard to allow vehicle access from SE Center Street to the garage through the required 10' setback. In addition, the applicant proposes to landscape the remaining portion of the setback that is not vehicle area to the L3 standard instead of the L1 standard. In addition to the groundcover and trees required by the L1 standard, the L3 standard requires planting of enough high shrubs to form a screen at least 6' high.

Relevant Approval Criteria:

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, 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 *(not applicable)*
- D.** City-designated scenic resources and historic resources are preserved; *(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 December 18, 2018 and determined to be complete on June 3, 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.

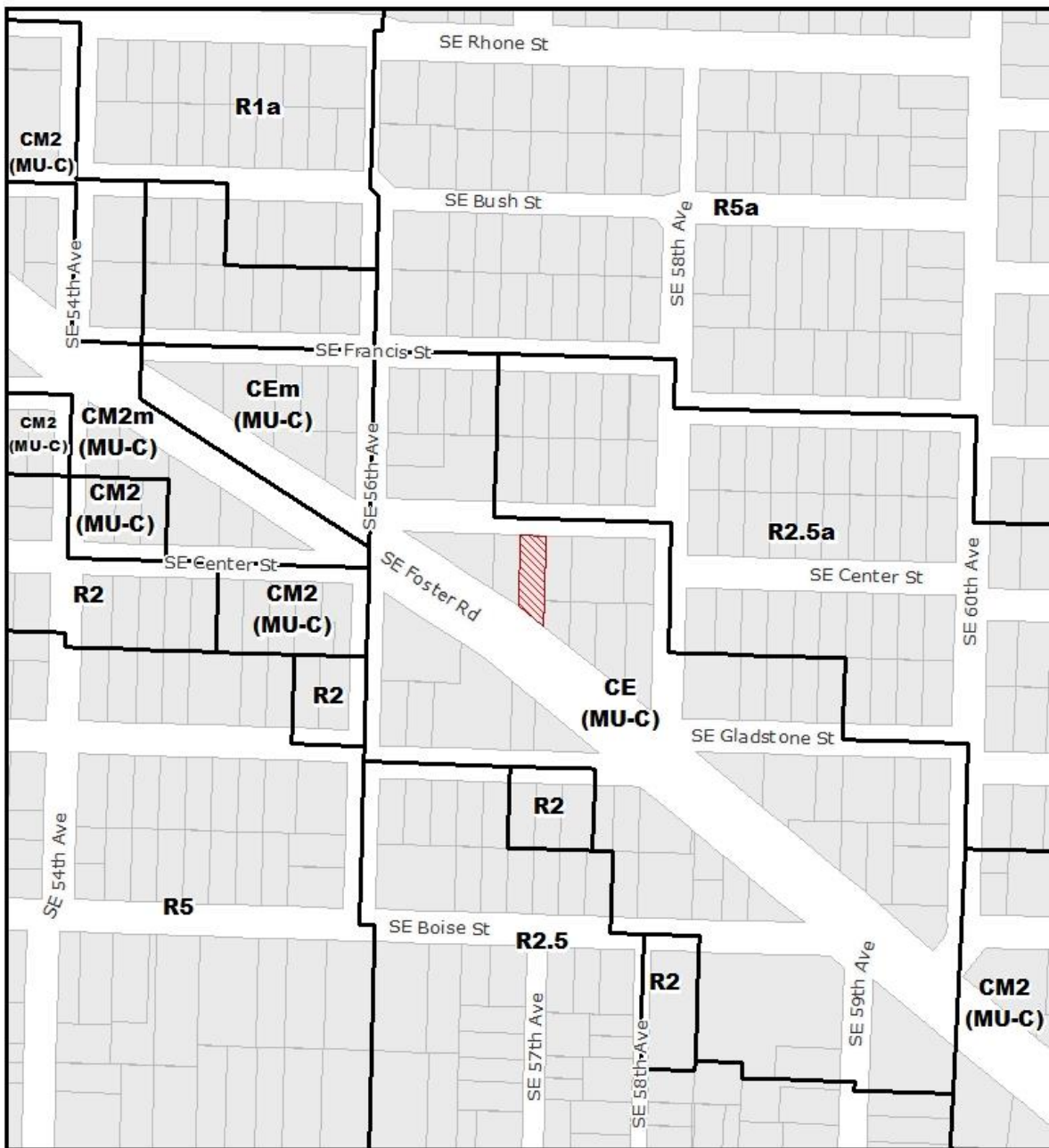
APPEAL OF THE FINAL CITY DECISION

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:

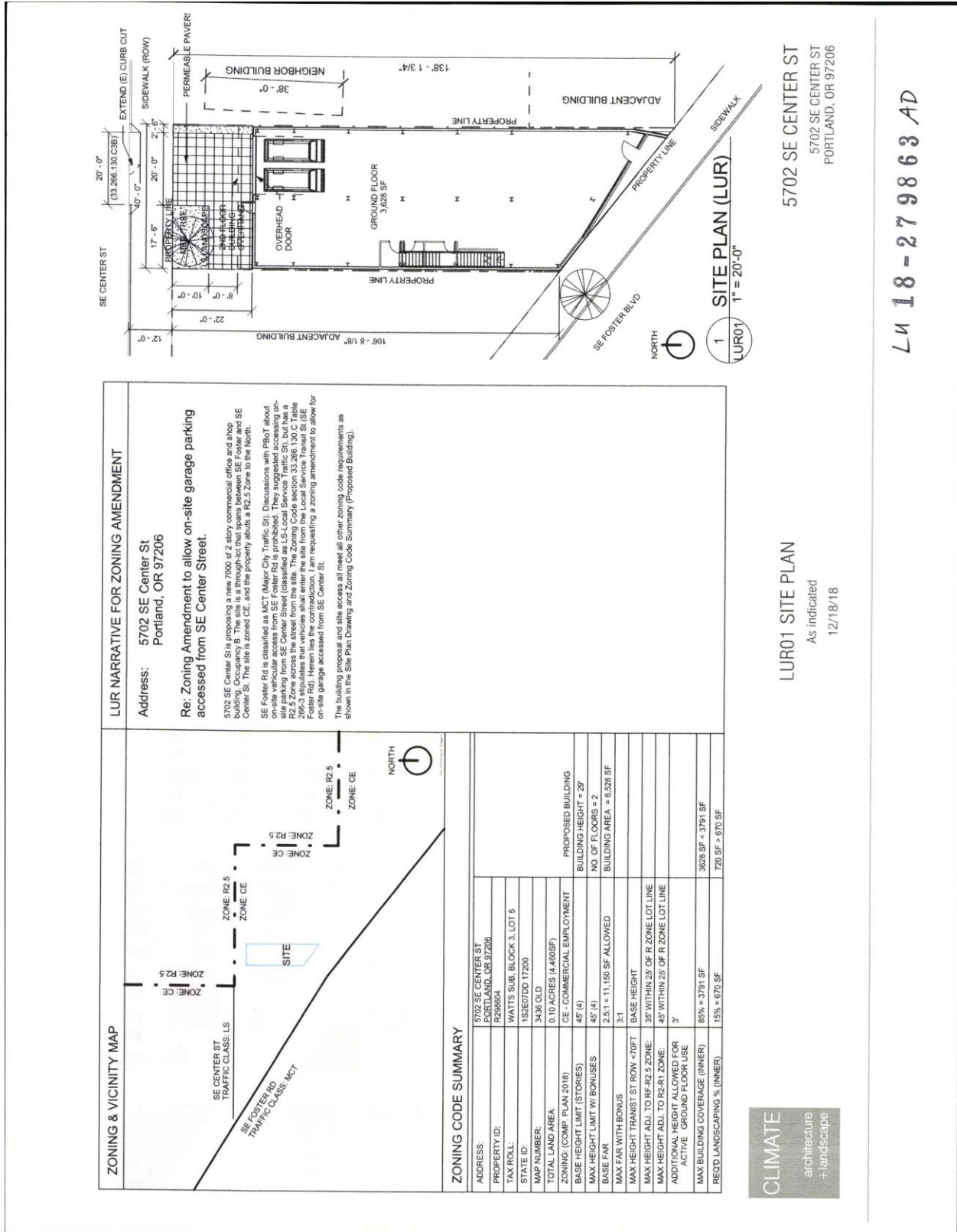
Zoning Map
Site Plan
Landscape Plan

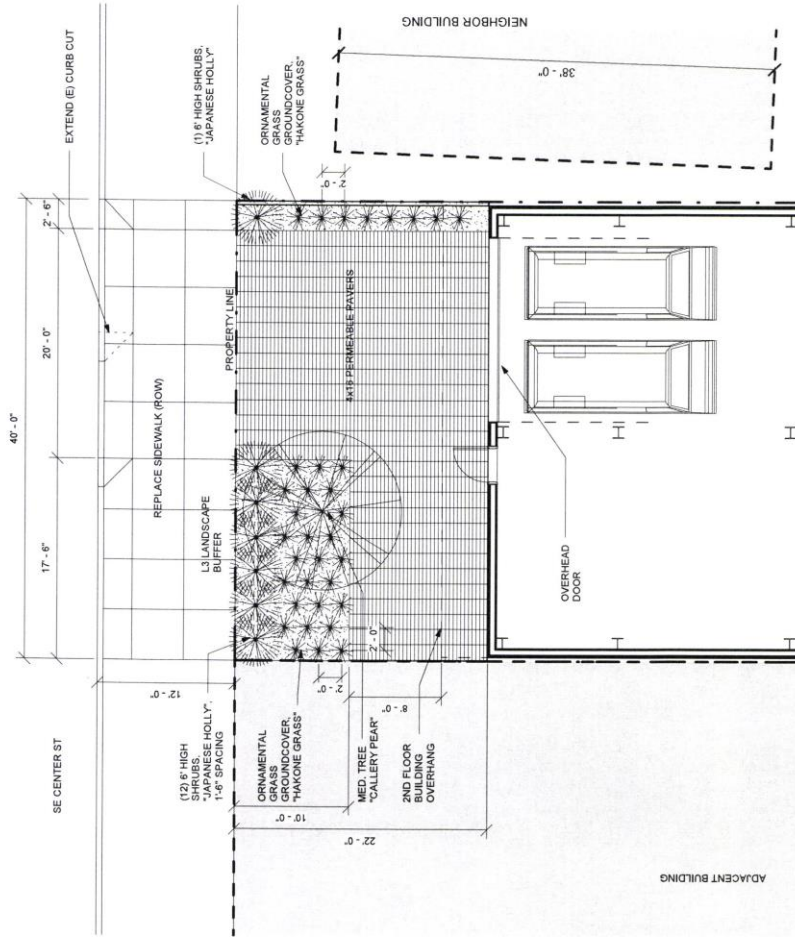


ZONING



File No.	<u>LU 18-279863 AD</u>
1/4 Section	<u>3436</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E07DD 17200</u>
Exhibit	<u>B Dec 21, 2018</u>





5702 SE CENTER ST
 5702 SE CENTER ST
 PORTLAND, OR 97206

LUR02 LANDSCAPE PLAN
 1/8" = 1'-0"
 05/30/19



LU 18-279863 AD