



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

**Date:** October 4, 2019  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-823-7294/MeganSita.Walker@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 October 25, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-188597 DZM, in your letter. It also is helpful to address your letter to me, Megan Sita Walker. 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 19-188597 DZM – NEW 3-STORY MIXED-USE BUILDING***

**Applicant:** Andrew Schilling | William Kaven Architecture  
4075 N Williams Ave, #440  
Portland, OR 97227

**Owners:** Ashley Kern & James Kern  
2923 SE Division St  
Portland, OR 97202

**Developer:** Vic Remmers | VWR Development LLC  
3300 NW Yeon Ave Suite 100  
Portland, OR 97210

**Site Address:** 2923 SE DIVISION ST

**Legal Description:** BLOCK 1 LOT 2, LINNWOOD  
**Tax Account No.:** R502000030  
**State ID No.:** 1S1E01CD 09600  
**Quarter Section:** 3233

**Neighborhood:** Richmond, contact [richmond.pdx.lutc@gmail.com](mailto:richmond.pdx.lutc@gmail.com)  
**Business District:** Division-Clinton Business Association, contact at [info@divisionclinton.com](mailto:info@divisionclinton.com)  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Plan District:** Division Street

**Zoning:** CM2(MU-U)d – Commercial/ Mixed-Use 2 with the Design Overlay

**Case Type:** DZM – Design Review with Modifications

**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant is seeking Design Review approval for a new nineteen (19) unit, 3-story mixed-use building located on a 5,000SF lot on the north side of SE Division Street between SE 30<sup>th</sup> Avenue and SE 28<sup>th</sup> Place. The proposed ground floor programming consists of retail, a residential lobby, and building services along SE Division, and three (3) ground floor units with internal access. The upper two floors consist of the remaining sixteen (16) units. On the roof level an eco roof is proposed with mechanical units. The primary building materials include brick masonry veneer, aluminum storefront and entry doors, and a painted steel canopy on the ground floor with “Cembrit Solid” fiber cement cladding and vinyl windows on upper story and rear (north) elevations.

Two (2) **Modifications** are requested as follows:

**Modification 1** – Request to modify Long-Term Bicycle Parking Spacing, PZC, 33.266.220.C.3.b to reduce the spacing of long-term bicycle parking from the required 24” to 18”.

**Modification 2** – Request to modify Required Outdoor Area, PZC, 33.130.228.B.2.b to allow the common area used in combination with individual unit outdoor area, to be partially indoor/ covered and partially outdoor/ uncovered in an internal courtyard.

Design review is necessary because the project proposes new development within a design overlay zone.

**Relevant Approval Criteria:**

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

- *Community Design Guidelines*
- *33.825.040 Modifications That Will Better Meet Design Review Requirements*

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 July 3, 2019 and determined to be complete on September 27, 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](http://www.portlandoregon.gov).

#### **APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Design Commission. 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.

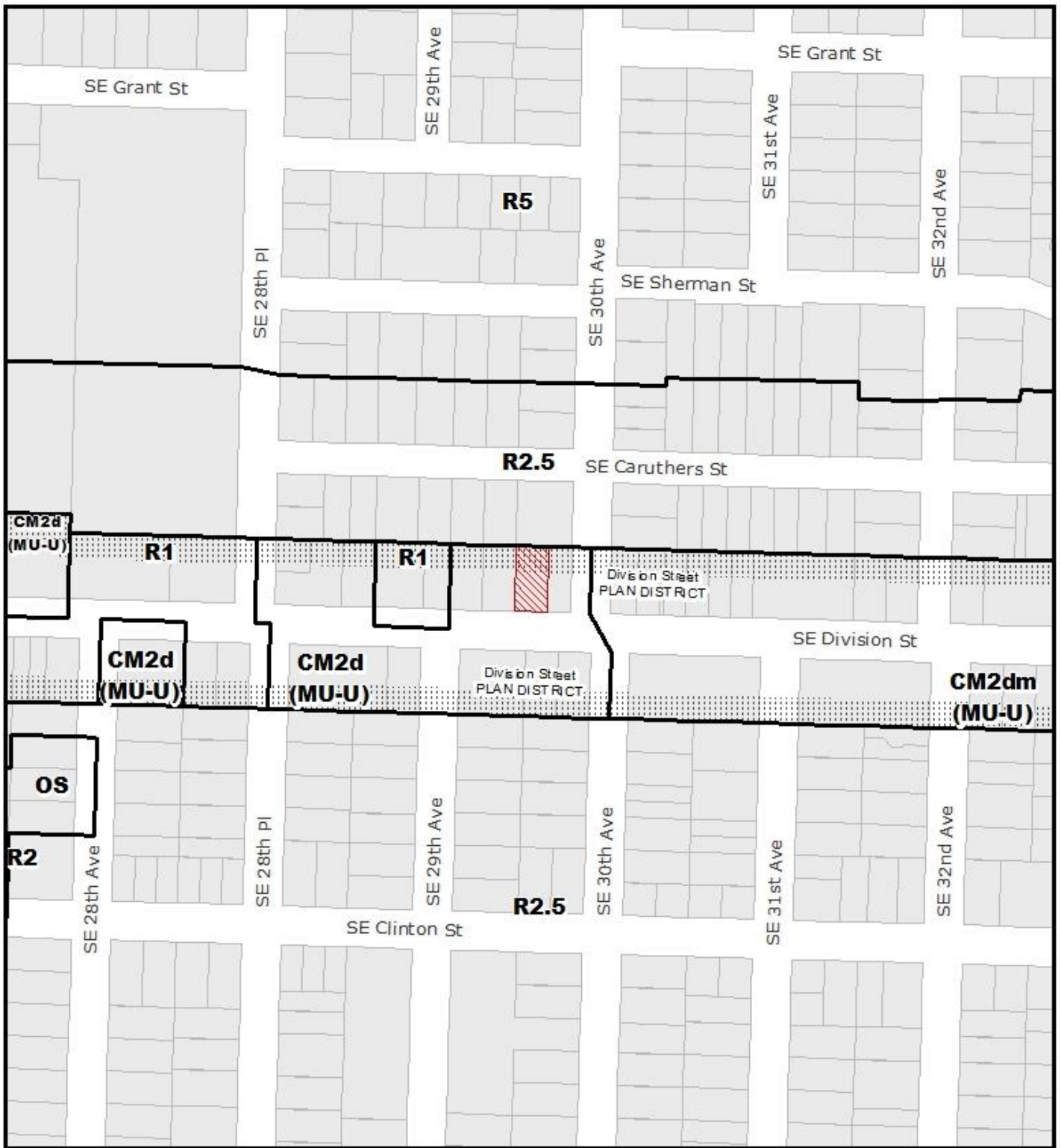
#### **APPEAL OF THE FINAL CITY DECISION**

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:**

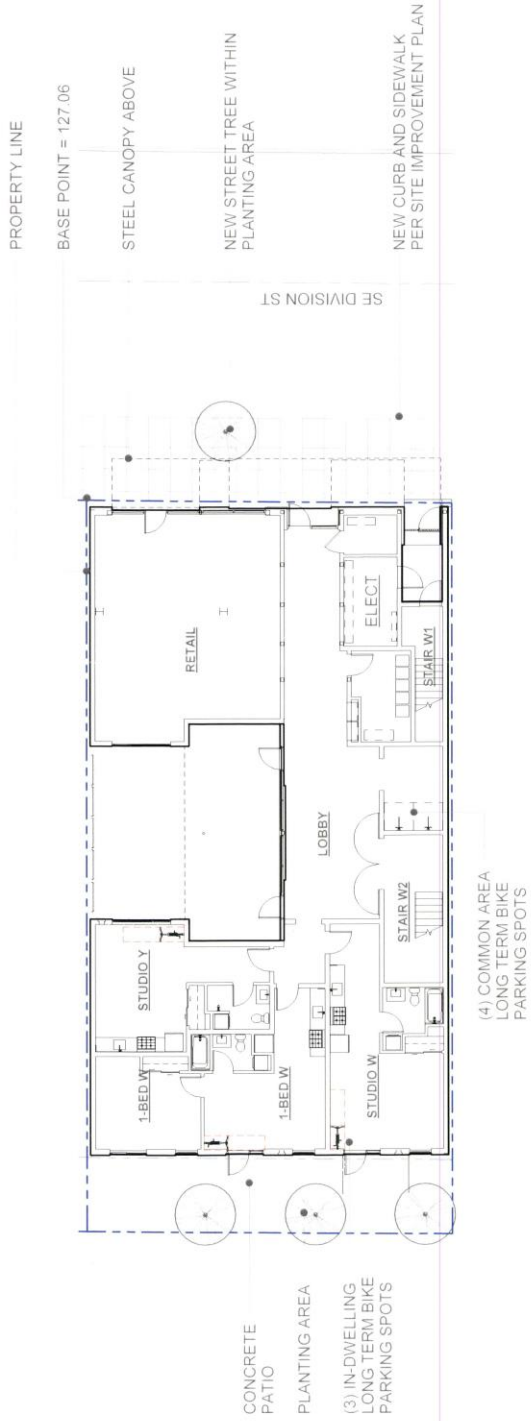
Zoning Map  
Site Plan  
South Elevation

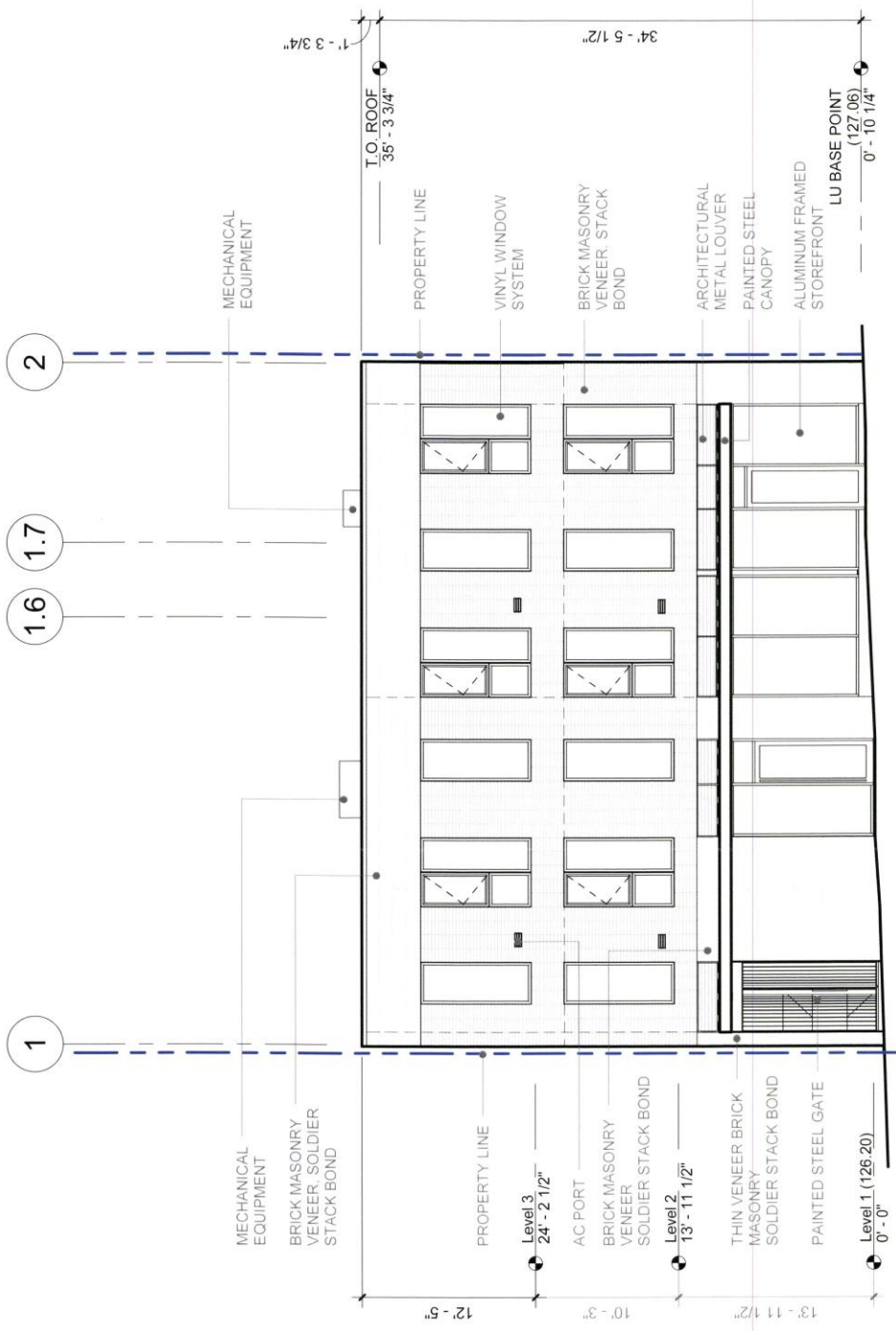


**ZONING**  NORTH  
 THIS SITE LIES WITHIN THE:  
 DIVISION STREET PLAN DISTRICT

 Site

|             |                   |
|-------------|-------------------|
| File No.    | LU 19-188597 DZM  |
| 1/4 Section | 3233              |
| Scale       | 1 inch = 200 feet |
| State ID    | 1S1E01CD 9600     |
| Exhibit     | B Jul 09, 2019    |





C.5

2923 SE DIVISION ST  
LU 19-188597 DZM

TYPE II DESIGN REVIEW SUBMITTAL

SE DIVISION ST ELEVATION

BUILDING ELEVATIONS  
SCALE: 3/32" = 1'-0"