



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: October 7, 2019
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010/Andrew.Gulizia@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 28, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-223387 AD, in your letter. Please address your letter to me, Andrew Gulizia. You can also e-mail your comments to me at my e-mail address above. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 19-223387 AD

Applicant: Dave Spitzer | DMS Architects
2325 NE 19th Ave. | Portland, OR 97212
(503) 335-9040 | dave@dmsarchitects.com

Property Owner: YT Properties LLC
1665 SE Tenino St. | Portland, OR 97202

Site Address: 1400 NE 37th Ave.

Legal Description: BLOCK 31 LOT 1&2&22 TL 500, LAURELHURST
Tax Account No.: R479105740
State ID No.: 1N1E36AA 00500
Quarter Section: 2934
Neighborhood: Laurelhurst, contact Peter Meijer at info@pmapdx.com
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010
Plan District: Laurelhurst
Other Designations: Laurelhurst historic district
Zoning: CM1d – Commercial/Mixed-Use 1 with Design (“d”) overlay
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee

Proposal:

The applicant proposes a single-story addition on the west side of the existing, single-story commercial building on this site. The Laurelhurst plan district requires a minimum 15-foot building setback from the west lot line, which abuts NE 37th Avenue (Zoning Code Section

33.540.030). The applicant requests an Adjustment to reduce the minimum building setback from the west lot line from 15 feet to 8 feet.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33, the Portland Zoning Code. Adjustment requests will be approved the applicant has shown that approval criteria A through F of Zoning Code Section 33.805.040 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 *(not applicable)*
- 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 September 6, 2019 and determined to be complete on October 1, 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 calling (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 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.

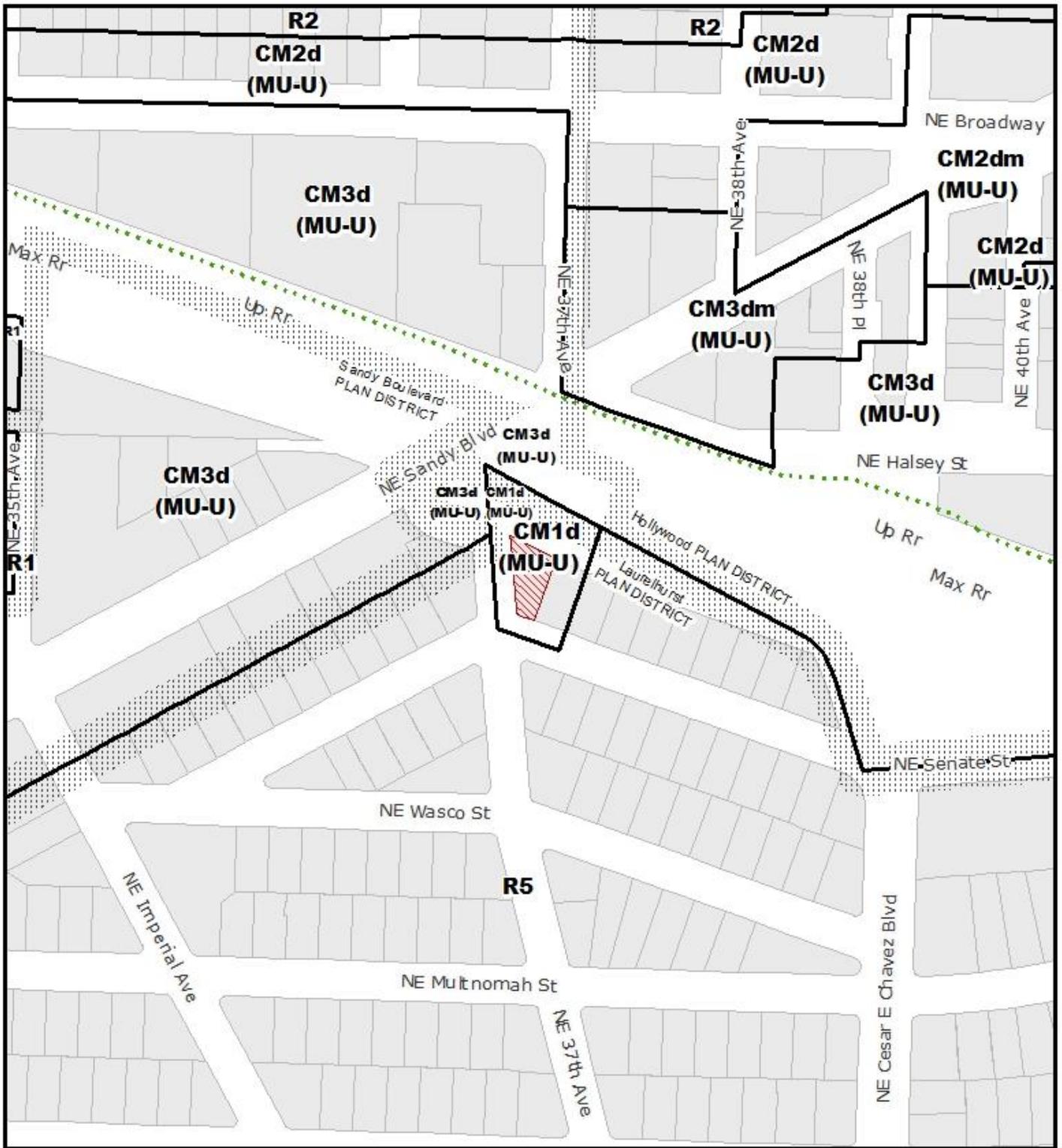
APPEAL OF THE FINAL CITY DECISION

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:

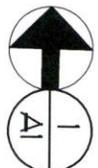
Zoning map
Site plan
Building elevations



ZONING 
 NORTH
 LAURELHURST PLAN DISTRICT
 LAURELHURST HISTORIC DISTRICT

 Site
 Recreational Trails

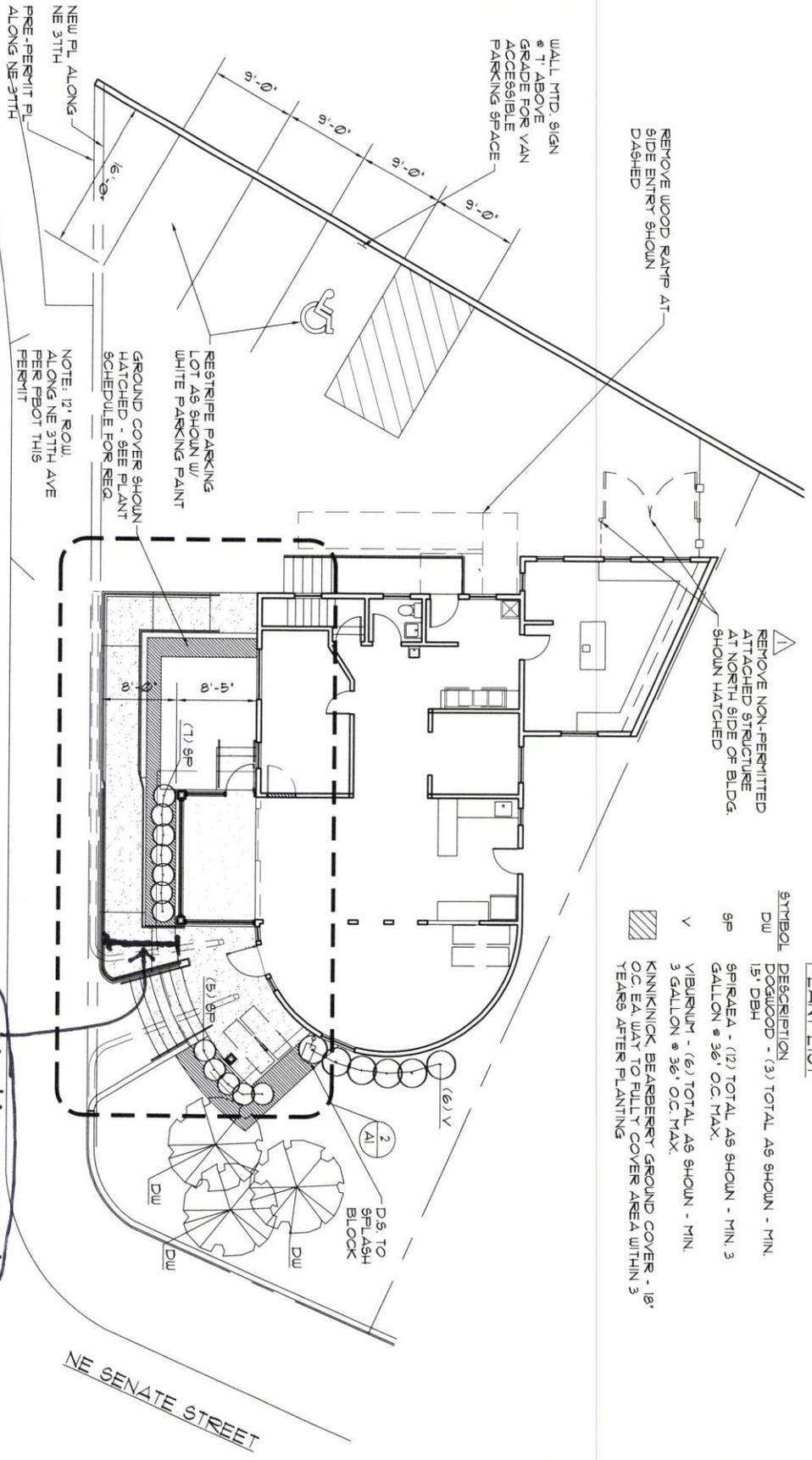
File No.	LU 19 - 223387 AD
1/4 Section	2934
Scale	1 inch = 200 feet
State ID	1N1E36AA 500
Exhibit	B Sep 11, 2019



1 SITE PLAN

1" = 10'

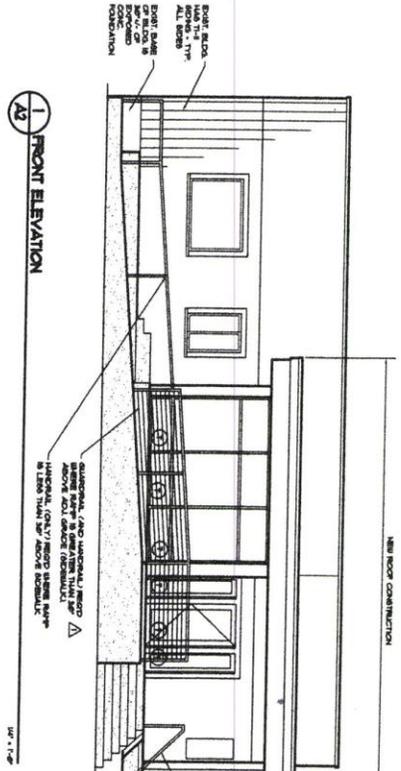
REMOVE WOOD RAMP SHOWN DASHED
 INSTALL NEW HANDRAIL (SAME)



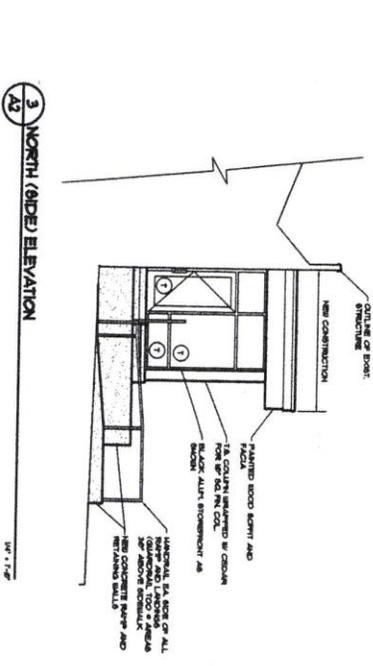
PLANT LIST

SYMBOL	DESCRIPTION	QUANTITY	NOTES
DW	DOGWOOD	(3)	TOTAL AS SHOWN - MIN. 15' DBH
SP	SPIRAEA	(12)	TOTAL AS SHOWN - MIN. 3 GALLON @ 36" OC. MAX.
V	VIBURNUM	(6)	TOTAL AS SHOWN - MIN. 3 GALLON @ 36" OC. MAX.
[Hatched Box]	KINKINICK BEARBERRY		GROUND COVER - 18" OC. EA. WAY TO FULLY COVER AREA WITHIN 3 YEARS AFTER PLANTING

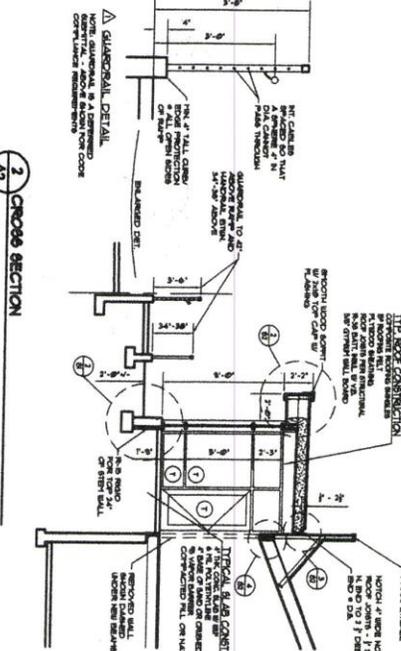
LU19-223387



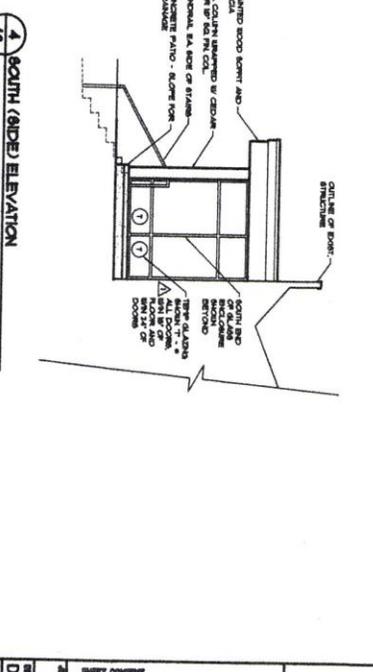
1 FRONT ELEVATION
1/4\"/>



3 NORTH (SIDE) ELEVATION
1/4\"/>



2 CROSS SECTION
1/4\"/>



4 SOUTH (SIDE) ELEVATION
1/4\"/>

LU 19-223387 AD

SHEET A2 of 3	DATE 000016	PROJECT MYOPTIC	1400 NE 37TH AVENUE PORTLAND, OREGON 97211	3338 NE 15TH AVE PORTLAND, OR 97218 OFFICE BOX 338 ROAD SAVY@CH2MHILL.COM	
	DRAWN BY DMS				
CHECKED BY DMS		EXTERIOR ELEVATIONS CROSS SECTION		7-14-19	