



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

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

Date: November 26, 2019
To: Interested Person
From: Megan Sita Walker, Land Use Services
503-823-7294 / MeganSita.Walker@portlandoregon.gov

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

CASE FILE: LU 19-242381 DZM – Division 28 Homes
PC # 19-166258; EA 19-186030 DA
REVIEW BY: Design Commission
WHEN: December 19, 2019 @ 1:30 PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Development has been proposed in your neighborhood requiring 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 are 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.

Applicant: Vijayeta Davda | Hacker Architects
1615 SE 3rd Ave, 5th Floor
Portland, OR 97214
(503) 227-1254

Owner: Division 28 LLC
Po Box 492268
Los Angeles, CA 90049

Owner's Representative: Urban Development Partners
116 NE 6th Ave, Ste 400
Portland OR 97232

Site Address: 2865 SE DIVISION ST

Legal Description: BLOCK 1 LOT 4, SELDON PL; BLOCK 1 LOT 5 S 1/2 OF LOT 6, SELDON PL; BLOCK 1 N 1/2 OF LOT 6, SELDON PL

Tax Account No.: R752200090, R752200110, R752200150, R752200110, R752200090

State ID No.: 1S1E01CC 04400, 1S1E01CC 04500, 1S1E01CC 04600

Quarter Section: 3233

Neighborhood: Richmond, contact Heather Flint Chatto at richmond.pdx.lutc@gmail.com
Business District: Division-Clinton Business Association, contact at 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 III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant is seeking Design Review approval for a new 4-story mixed-use apartment building with ten (10) units and structured below-grade parking (approximately 14 stalls and 1 loading space) accessed via SE 28th Place. The design includes prominent upper-story terraces, rooftop amenities and eco-roof, with ground floor retail oriented to the corner of SE Division Street and SE 28th Place, and retail and a residential lobby along SE Division. The primary building materials include a terra cotta rainscreen system with “Ceraclad” composite cladding on the north elevation, fiberglass windows and storefront, aluminum doors, and steel planters and railings.

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

Modification 1 – Request to modify Setbacks, PZC, 33.130.215.B.2 to extend the area paved for pedestrian use to the lot line abutting an R zone and reducing the required 5’ of L3 landscaping to 0’ for approximately 10’ adjacent to SE Division Street and approximately 20’ adjacent to SE 28th Place.

Modification 2 – Request to modify Pedestrian Standards, PZC, 33.130.240.B.2.a to reduce the width of the pedestrian circulation path at the north and east of the property from 6’ to 5’.

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 October 18, 2019 and determined to be complete on November 8, 2019.

DECISION MAKING PROCESS

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. 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 <http://www.portlandonline.com/auditor/index.cfm?c=28197> .

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled 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.

To comment, you may write to the Bureau of Development Services, 1900 SW Fourth Ave., Suite 5000 or FAX your comments to 503-823-5630; or you may testify at the hearing. In your comments, you should address the approval criteria. The Hearings Officer does not accept comments via e-mail. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. Please note that all correspondence and testimony received will become part of the public record. The applicant and Bureau of Development Services staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. Design Commission will make a decision about this proposal at the hearing or will grant a continuance.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Design Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Design Commission how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Design Commission, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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.

APPEAL PROCESS

You can appeal the decision of the Design Commission to the City Council. If appealed, City Council will hold an evidentiary hearing. New evidence can be submitted to the City Council in the event of an appeal of an evidentiary hearing

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Design Commission, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

HEARING CANCELLATION

This public hearing will be cancelled due the inclement weather or other similar emergency.

- Hearings Officer: This public hearing will be cancelled if the City of Portland is closed. Check local television or the City of Portland website (www.portlandoregon.gov) for closures. Contact the Hearings Office at 503-823-7307, for immediate information regarding cancellations or rescheduling.
- Design Commission, Historic Landmarks Commission or Adjustment Committee: This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

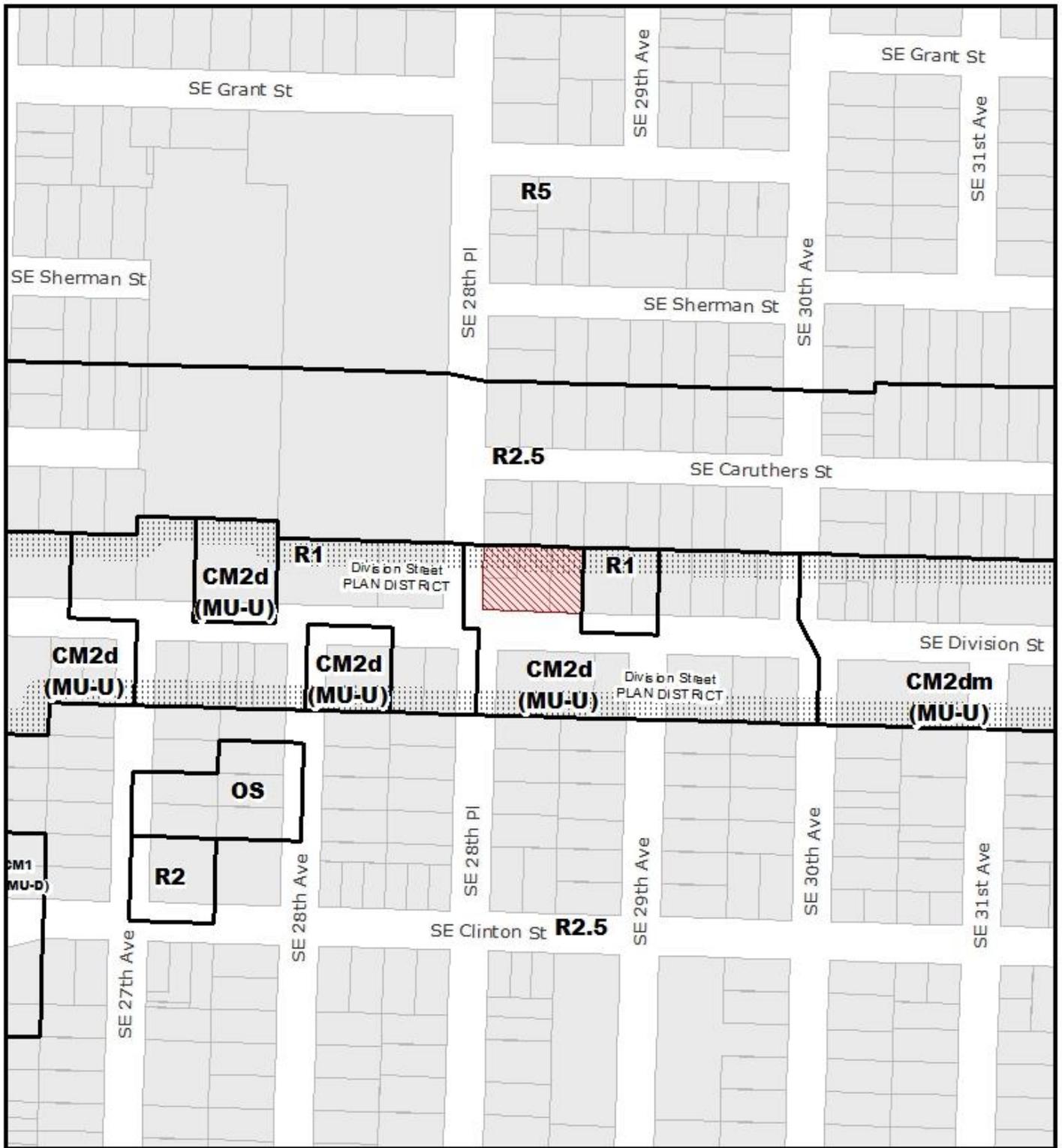
The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or www.trimet.org) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

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
West Elevation
North Elevation
East Elevation



ZONING 
 DIVISION STREET PLAN DISTRICT

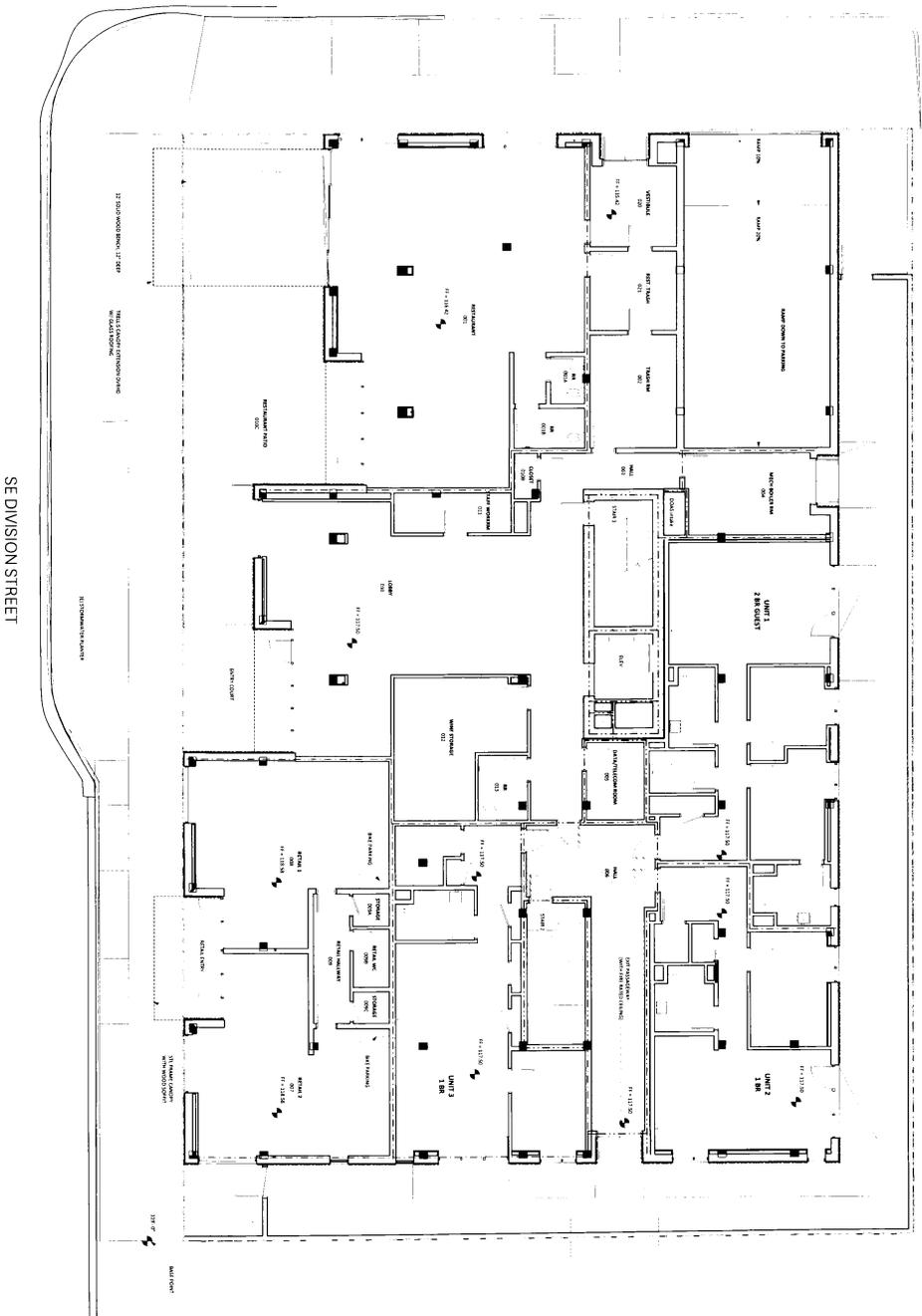
 Site

File No.	LU 19 - 242381 DZM
1/4 Section	3233
Scale	1 inch = 200 feet
State ID	1S1E01CC 4500
Exhibit	B Oct 22, 2019

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SE 28TH PLACE



SE DIVISION STREET



SCALE : 1/16" = 1'

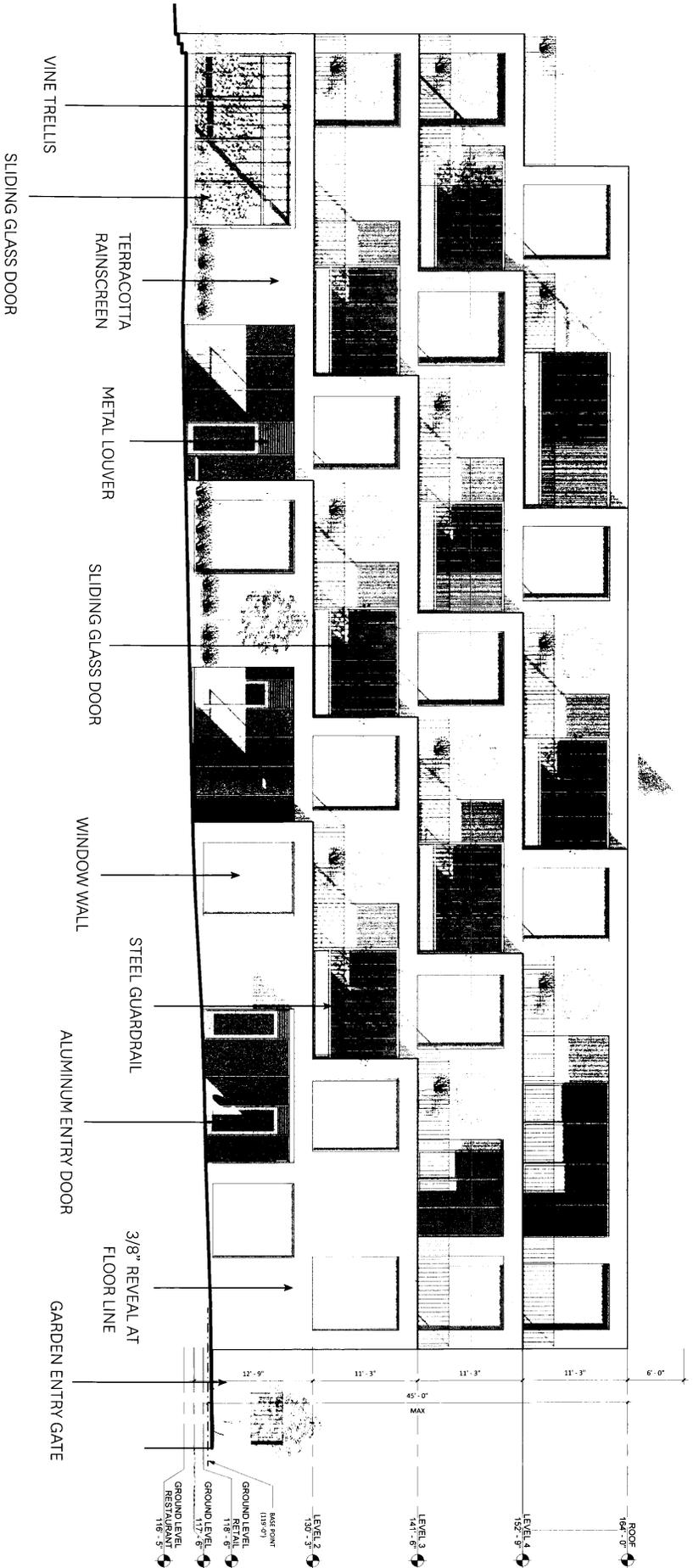
LU 19-XXXXXXXDZM

SITE PLAN

LU 19 - 24 2381 DZM Exhibit C-04

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SCALE : 3/32" = 1'

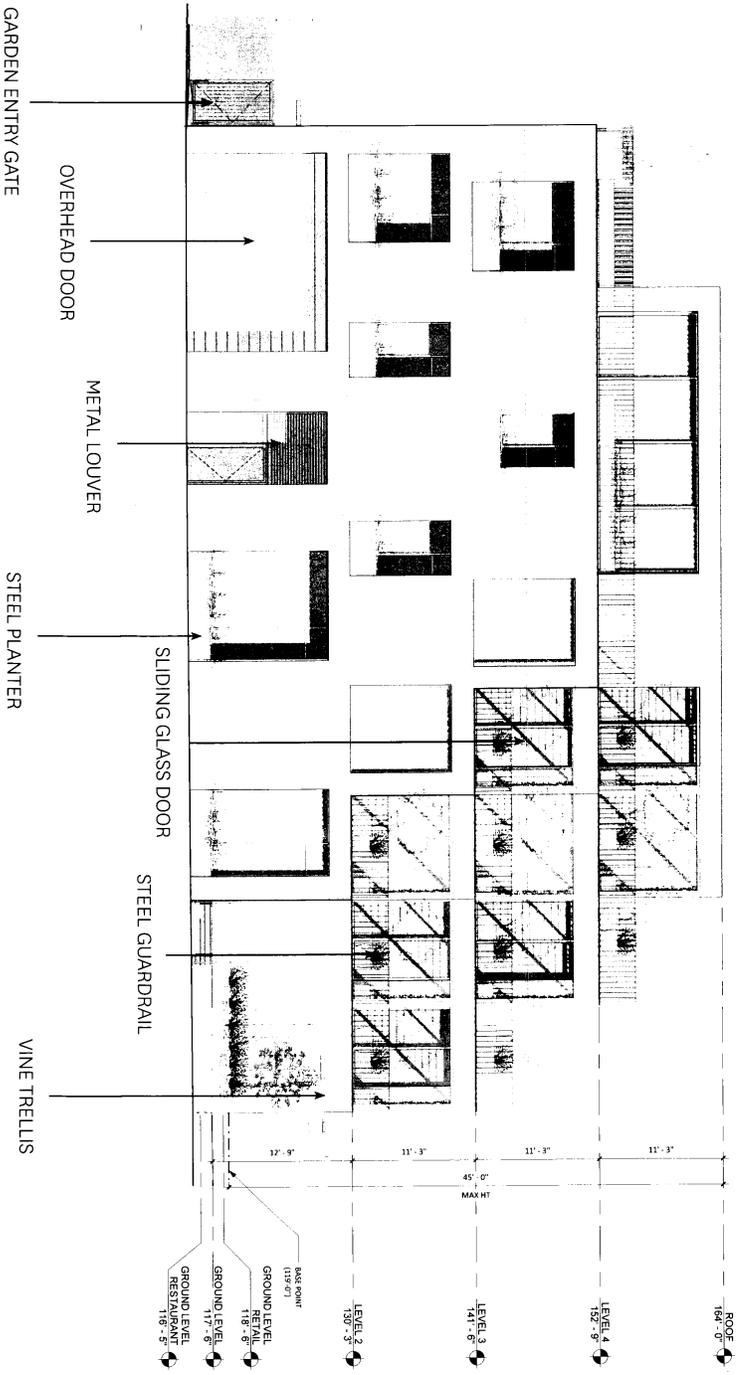
LU 19-XXXXXXXXXZM

SOUTH ELEVATION

LN 19 - 24 23 81 D2 M Exhibit C-10

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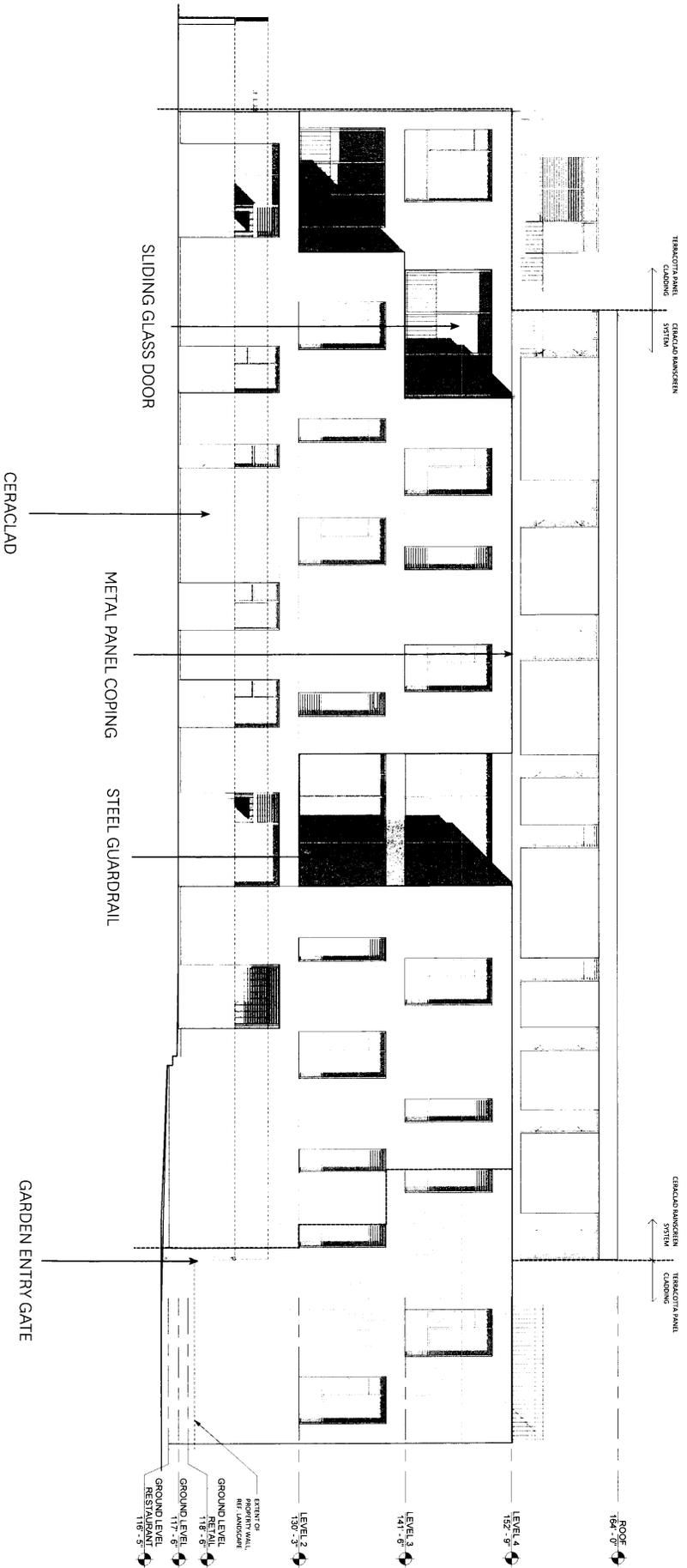


SCALE : 3/32" = 1'

LU 19-XXXXXXXDZM

WEST ELEVATION

LU 19 - 242381 DZM Exhibit C-13



SCALE : 3/32" = 1'

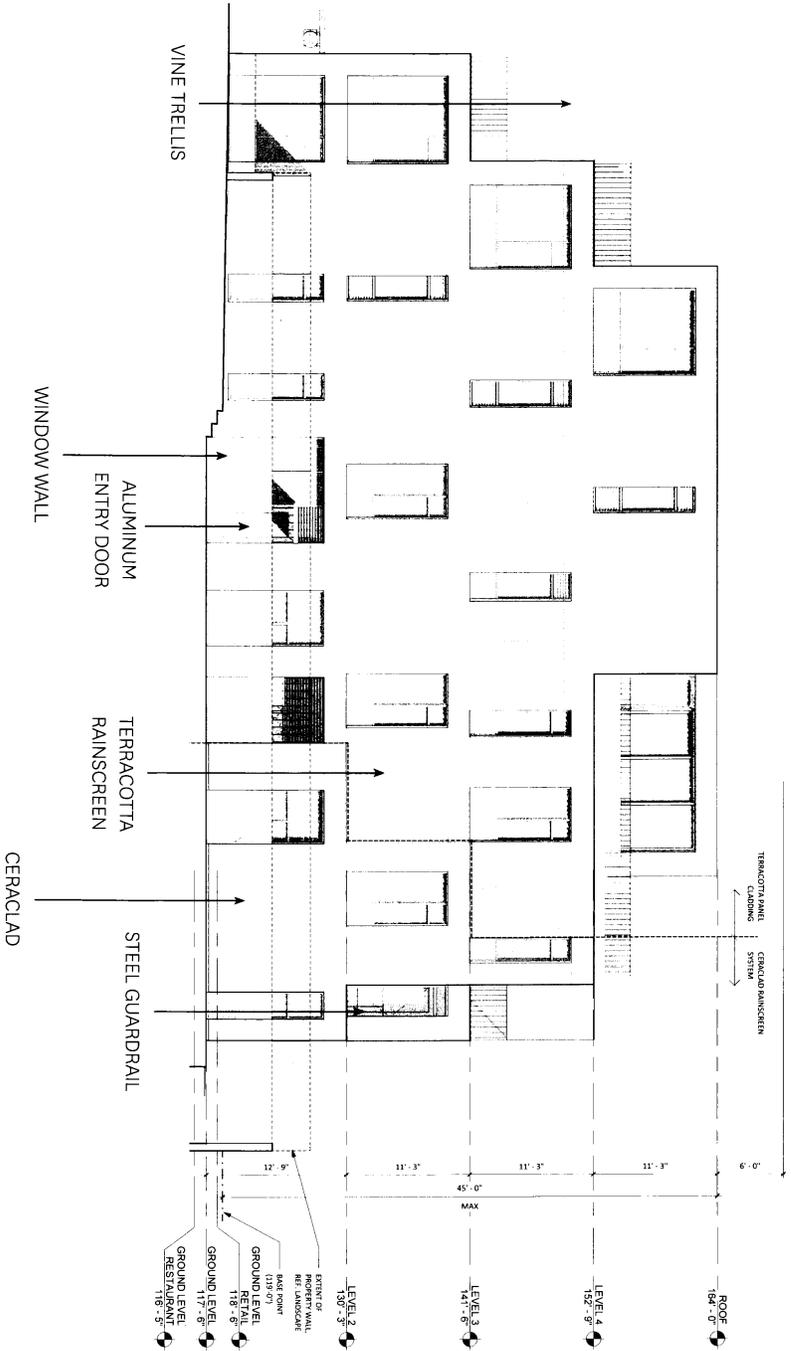
LU 19-XXXXXXXXDZM

NORTH ELEVATION

LU 19 - 2 4 2 3 8 1 Dc M Exhibit C-12

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SCALE: 3/32" = 1'

LU 19-XXXXXXXXDZM

EAST ELEVATION

LU 19 - 24 238 I DZM Exhibit C-11