



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: September 9, 2021
To: Interested Person
From: David Besley, Land Use Services
503-865-6715/David.Besley@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 September 30, 2021. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 21-075899 AD, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 21-075899 AD

Owner/Applicant: Westin Glass
Generation Partners, LLC
412 NW 5th Ave #200
Portland, OR 97209

Site Address: 5802 SE 92ND AVE

Legal Description: BLOCK 1 LOT 15 EXC S 43.47' & EXC PT IN ST LOT 16 EXC S 43.47' & EXC PT IN ST, CLEMSON ADD; BLOCK 1 LOT 17 EXC PT IN ST, CLEMSON ADD; BLOCK 1 LOT 18 EXC PT IN ST, CLEMSON ADD

Tax Account No.: R162900150, R162900170, R162900180
State ID No.: 1S2E16DB 06900, 1S2E16DB 07200, 1S2E16DB 07100
Quarter Section: 3640

Neighborhood: Lents, contact at lentsneighborhood@gmail.com
Business District: Lents Business Association, contact lentsgrown@gmail.com.
District Coalition: East Portland Community Office, contact at 503-823-4550.

Plan District: None

Zoning: CM3dm (Commercial/Mixed Use 3 with Design "d" and Centers Main Street Overlay Zone "m" overlay zones)

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

Proposal:

The applicant is proposing a mixed-use project consisting of about 3,498 square feet of ground floor retail/commercial use and 4 floors (47 units) of residential apartment use. The existing building at 5802 SE 92nd Ave is proposed to be repurposed on the ground floor to serve as a retail establishment and the upper floors are to be converted to residential units. The Portland Zoning Code requires one “Standard B” on-site loading space for buildings with 40-100 dwelling units (on sites without streetcar or light rail alignment, and when there will be less than 20,000 square feet of non-Household Living floor area) (Section 33.266.310.C). The “Standard B” loading space dimension requirements are a minimum of 18 feet long, 9 feet wide, and 10 feet for clearance. Due to space limitations on the site, the applicant is requesting an Adjustment to reduce the minimum requirement of a “Standard B” on-site loading space from one space to zero spaces for this project.

Relevant Approval Criteria:

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

33.805.040 Approval Criteria

- 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 (*not applicable*); 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 (*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 August 10, 2021 and determined to be complete on September 7, 2021.

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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file Please note that due to

COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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
Elevation Drawings