



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

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

Date: July 19, 2022
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-865-6714/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 contact 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 August 9, 2022. Your comments must be emailed to the assigned planner listed above;** please include the Case File Number, LU 22-150613 AD, in your email. If you do not have access to email, 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 22-150613 AD

Applicant: Lee Winn
Winn Architecture Llc
7338 N Chase Ave
Portland, OR 97217
(503) 803-6996
lee.r.winn@gmail.com

Property Owner: CH Woodstock LLC
236 W Portal Ave #150
San Francisco, CA 94127

Site Address: 5151 SE Holgate Blvd.

Legal Description: BLOCK 1 LOT 1&21 EXC PT IN STS LOT 2&22 EXC PT IN ST, LENOX
Tax Account No.: R488300010
State ID No.: 1S2E07DC 17500
Quarter Section: 3435
Neighborhood: Creston-Kenilworth, contact Seth Otto at ckna.landchair@gmail.com
Business District: None
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Zoning: CE – Commercial Employment

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

Proposal:

This site is developed with a four-story apartment building that was completed in 2018. The applicant proposes to convert a vacant, ground floor commercial space at the corner of SE 52nd Avenue and SE Holgate Boulevard into five new, ground floor apartments. The applicant requests two Adjustments to the “flexible ground floor design” requirements in Zoning Code Section 33.130.230.B.4.a for this change:

- To reduce the minimum clearance from the floor to the bottom of the ceiling structure above from 12 feet to 10 feet (Zoning Code Section 33.130.230.B.4.a.1).
- To reduce the minimum distance the ground floor residential units must extend inward from the street-facing façade from 25 feet to 20’-11” (Zoning Code Section 33.130.230.B.4.a.2).

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 if 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
- D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks 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 June 7, 2022 and determined to be complete on July 14, 2022.

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. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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

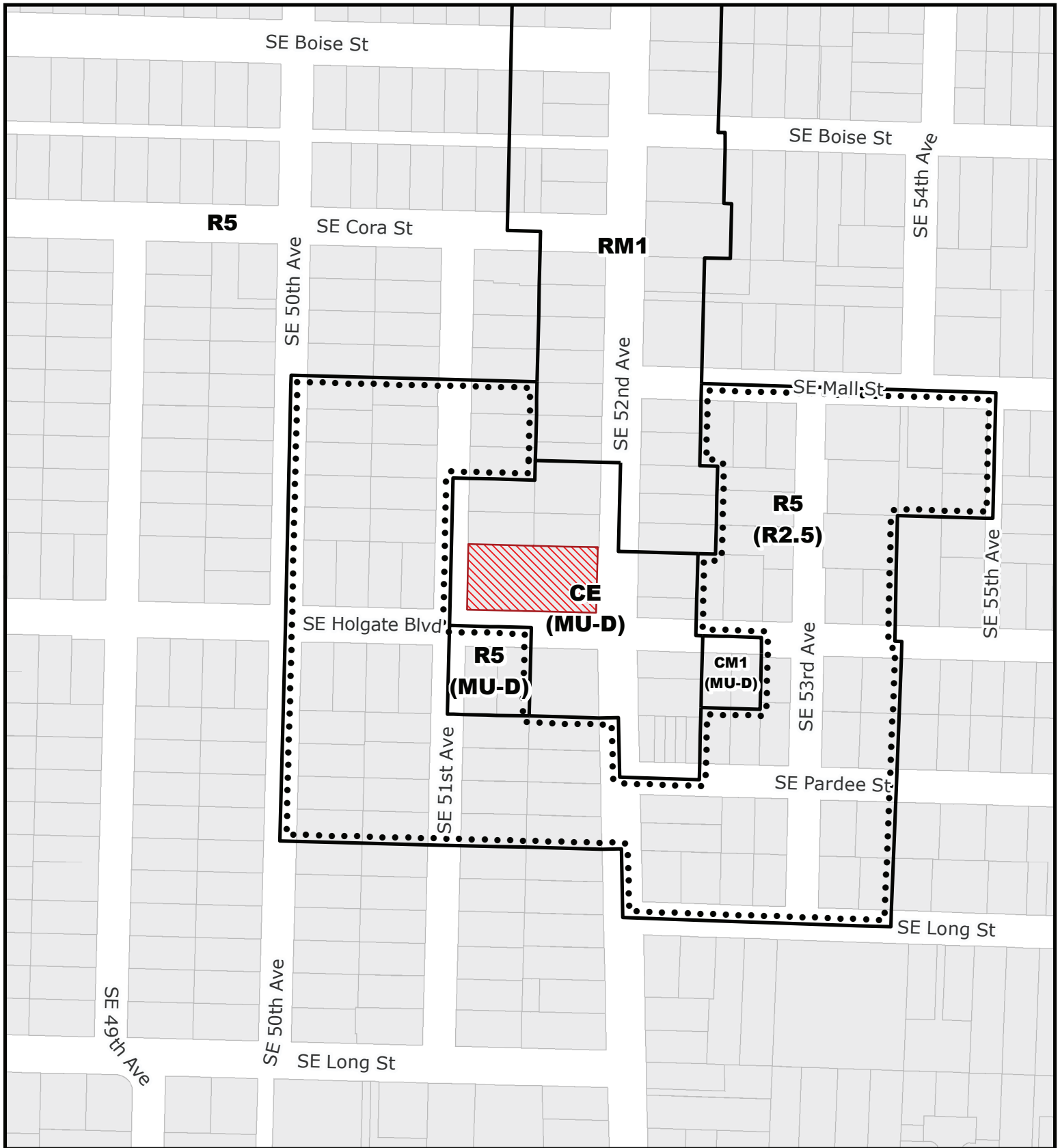
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment 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/floor plan



ZONING



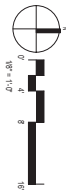
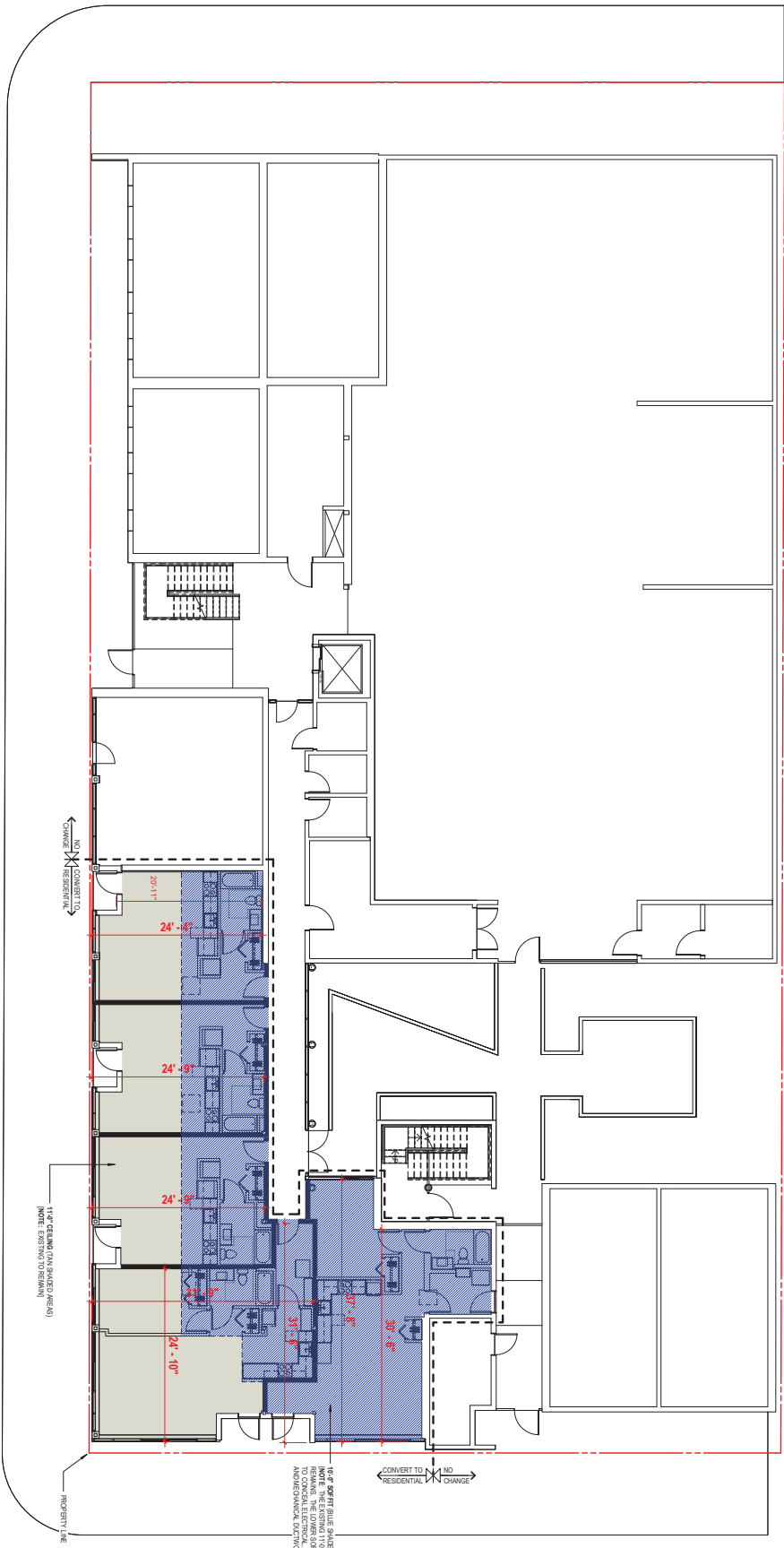
For Zoning Code in effect Post August 1, 2021

File No.	LU 22 - 150613 AD
1/4 Section	3436
Scale	1 inch = 200 feet
State ID	1S2E07DC 17500
Exhibit	B Jun 07, 2022

SE 51ST AVE

SE HOLGATE BLVD

SE 52ND AVE



No. **Decision**
 Design **Revised Schedule**
 Date **Done**

DRAWN BY: **AW**
 CHECKED BY: **AW**
 DATE: **03/01/2023**

Sheet Scale: **1/8" = 1'-0"**
 Sheet No.: **21105**

A1
 Project No.: **21105**

LENOX APTS | TENANT IMPROVEMENTS
 5151 SE HOLGATE BLVD, PORTLAND, OR 97206

SITE PLAN / GROUND FLOOR PLAN

WINN ARCHITECTURE LLC
 7338 N Chase Ave
 Portland, OR 97217

LEE WINN
 503 . 803 . 6996
 lee.r.winn@gmail.com

FOR REFERENCE ONLY