



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

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Date: December 6, 2021
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-865-6714 / Andrew.Gulizia@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 21-083033 AD

GENERAL INFORMATION

Applicant: Michael Perso
William Kaven Architecture
4075 N Williams Ave., Ste. 440
Portland, OR 97227
(503) 841-5239
mike@williamkaven.com

Property Owner: D28 Apartments LLC
3333 NW Yeon Ave #200
Portland, OR 97210

Site Address: 2880 SE Division St.

Legal Description: BLOCK 4 LOT 1-3, EAST PORTLAND HTS
Tax Account No.: R226700530
State ID No.: 1S1E12BB 01300
Quarter Section: 3333

Neighborhood: Hosford-Abernethy, contact Michael Wade at wade.michael@comcast.net

Business District: Division-Clinton Business Association, contact at info@divisionclinton.com

District Coalition: Southeast Uplift, contact [Leah Fisher at 503-232-0010 x313](mailto:Leah.Fisher@seuplift.org) [Nanci Champlin at Nanci@seuplift.org](mailto:Nanci.Champlin@seuplift.org)

Plan District: Division Street
Zoning: CM2d – Commercial/Mixed-Use 2 base zone with Design (“d”) overlay zone

Case Type: AD – Adjustment Review

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

Proposal: This site is developed with a 4-story building with 64 apartments, ground floor retail space, and a parking garage with 13 regular parking spaces, 2 parking spaces for car share vehicles, and a loading space. The applicant proposes to convert the vacant retail space into 4 new ground floor apartments. The applicant requests two Adjustments to Zoning Code requirements for this change:

- To modify the flexible ground floor design standard in Zoning Code Section 33.130.230.B.4.a to allow the ground floor apartments to have a minimum 11'-4" clearance rather than 12-foot clearance from the floor to the bottom of supporting beams above and to extend a minimum of 20'-8" inward from the street-facing façade rather than 25 feet.
- To reduce the minimum number of motor vehicle parking spaces from 14 to 13. The number of parking spaces in the existing garage (13) would not change, but the conversion of the retail space into 4 apartments increases the minimum requirement for the building from 13 spaces to 14 spaces (Zoning Code Sections 33.266.110.B.1.a.4, 33.266.110.D.2).

Relevant Approval Criteria: To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

ANALYSIS

Site and Vicinity: The subject site is 15,000 square feet in area and located on the southeast corner of SE Division Street and SE 28th Place. The site is developed with a 4-story building containing approximately 2,700 square feet of vacant, ground floor commercial space, a parking garage, and 64 apartments. The final inspection for the building was approved in January 2021. Most neighboring properties along SE Division Street are developed with multi-dwelling residential buildings. Most neighboring properties that do not front on SE Division Street are developed with single-dwelling houses.

Zoning: The CM2 zone is a medium-scale commercial/mixed-use zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Development is intended to be pedestrian oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design ("d") overlay zone is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural values. Design review is not required for this proposal per Zoning Code Section 33.420.045.B.7.g.

The Division Street Plan District promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development activates Division Street corners, enhances the pedestrian environment, and is constructed with high quality materials in combinations that are visually interesting.

Land Use Review History: The following land use review approvals have been issued for this site previously:

- LU 17-129937 AD: 2018 Adjustment Review approval for a new, 4-story building. The approval increased the allowable height for certain rooftop elements, reduced the minimum setback from the south lot line, and reduced the minimum width for 4 of the parking stalls. This applies to the current development on the site.
- VZ 146-90: 1990 Variance approval to reduce the front setback requirement for a carport. This applied to prior development that is no longer on the site.

- VZ 072-82: 1982 Variance approval for a fence. This applied to prior development that is no longer on the site.
- PC 4673C: 1965 Conditional Use approval to reduce screening and setback requirements. This applied to prior development that is no longer on the site.

Agency Review: A “Notice of Proposal” was sent November 1, 2021. The following Bureaus responded with no objections to the proposed Adjustments:

- Bureau of Environmental Services (Exhibit E-1);
- Portland Bureau of Transportation (Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Section of the Bureau of Development Services (BDS) (Exhibit E-5); and
- Life Safety Review Section of BDS (Exhibit E-6).

Neighborhood Review: No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

- A.** Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting two Adjustments to Zoning Code requirements to convert vacant, ground floor commercial space into four new apartments:

- To modify the flexible ground floor design standard to allow the ground floor apartments to have a minimum 11'-4" clearance rather than 12-foot clearance from the floor to the bottom of supporting beams above and to extend a minimum of 20'-8" inward from the street-facing façade rather than 25 feet.
- To reduce the minimum number of motor vehicle parking spaces from 14 to 13.

The purposes of these requirements are discussed below.

Flexible ground floor design standard

The existing commercial space to be converted to apartments does not fully meet the flexible ground floor design standard applicable to ground floor residential units. The purpose of this requirement is stated in Zoning Code Section 33.130.230.B.1:

In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:

- *Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like facades at street level; and*
- *Avoid a monotonous pedestrian environment.*

The standard itself reads as follows (Zoning Code Section 33.130.230.B.4.a):

Flexible ground floor design. The ground floor window standard of Subparagraph B.2.a(1) must be met, and the ground level of the building must be designed and constructed as follows:

- (1) The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;*
- (2) The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and*
- (3) Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.*

The proposal continues to meet the minimum window area requirement in Subparagraph B.2.a(1), and the existing building exterior will be unchanged except for two new doors in existing alcoves. The proposed demising and partition walls will be non-structural and may be removed to convert the space to other uses in the future.

Each of the four new apartments will have an exterior, front entrance at finished grade level, and the Adjustment request will allow the apartments to have a minimum 11'-4" clearance from the floor to the bottom of supporting beams above and to extend a minimum of 20'-8" inward from the street-facing façade.

Most of the ground floor wall area subject to the Adjustment request will be window area (Exhibit C-2 and Exhibit A-3, page 1). Therefore, the proposal will not create a monotonous or fortress-like façade, and surveillance opportunities and visual connections between the building and the adjacent sidewalks will be maintained. There are no retail or service uses on abutting properties, so the proposal does not break the continuity of such uses. Since the supporting beam heights and the distances to the back walls will not be readily apparent from the street, the proposal will not significantly affect the appearance of the building in a manner contrary to the intent of the flexible ground floor design standard. For these reasons, staff finds the proposal is equally consistent with the purpose of the requirement.

Minimum motor vehicle parking standard

The number of existing parking spaces in the garage (13) is not proposed to change. However, converting the existing, ground-floor commercial space into four new apartments increases the minimum parking requirement for the building from 13 spaces to 14 spaces. The Adjustment request is to keep the parking requirement for the building at 13 spaces. The purpose of the minimum parking requirement is stated in Zoning Code Section 33.266.110.A:

The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

The surrounding neighborhood has good street connectivity and a fully developed sidewalk network, and the abutting section of SE Division Street is served by a frequent service bus line. While the four new apartments are likely to generate some demand for on-street parking, the existing commercial space (which has no minimum parking requirement) could easily generate as much or more parking demand, particularly if the space were rented to a popular restaurant or assembly space in the future. The Portland Bureau of Transportation (PBOT) reviewed the Adjustment request and responded with support for approval (Exhibit E-2), indicating that impacts from the Adjustment on parking availability are unlikely to be significant. For these reasons, staff finds the proposal is equally consistent with the purpose statement above.

Summary

Since both Adjustment requests are equally consistent with the purposes of the requirements to be modified, approval criterion A is met.

- 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

Findings: Since the site is zoned CM2, the Adjustment Review proposal must be consistent with the classifications of the adjacent streets and the desired character of the area.

Street classifications

The classifications of the adjacent streets in the Transportation Element of the Comprehensive Plan are as follows:

	Traffic	Transit	Bikeway	Pedestrian	Freight
SE Division St.	Neighborhood Collector	Major Transit Priority Street	City Bikeway	Major City Walkway	Truck Access Street
SE 28 th Pl.	Local Service	Local Service	Major City Bikeway	Neighborhood Walkway	Local Service

The Adjustment to the flexible ground floor design standard affects interior dimensional requirements for existing building area and will have no impact on service levels on adjacent streets. The Adjustment to the parking standard will allow ground floor space that was originally constructed for commercial use to be converted into four new apartments without changing the existing parking garage in the building. Commercial use of this space could easily generate as much or more parking demand, and PBOT reviewed the proposal and responded with support for approval (Exhibit E-2). For these reasons, staff finds the proposal is consistent with the adjacent street classifications.

Desired character of area

“Desired character” is defined in Zoning Code Chapter 33.910. Pursuant to this definition, the desired character of this site is determined by:

- the character statement of the CM2 zone;
- the purpose statement for the Design (“d”) overlay zone;
- the purpose statement for the Division Street plan district;
- the Division Green Street/Main Street Plan;
- the Hosford-Abernethy Neighborhood Plan; and
- the Portland Citywide Design Guidelines.

CM2 zone

The character statement for the CM2 zone is in Zoning Code Section 33.130.030.C:

The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent

transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The building will remain four stories tall and oriented to the adjacent sidewalks, with multiple pedestrian entrances from the sidewalks and zero setbacks from both abutting street lot lines (Exhibit C-1). The proposal will allow the entire building to be in residential use, but staff finds the CM2 zone is intended to promote a mix of uses in a CM2-zoned neighborhood, not necessarily within each CM2-zoned site. The additional residents in this building are likely to support businesses nearby, and the ground floor apartments could be converted back to commercial space in the future. For these reasons, staff finds the proposal is consistent with the purpose of the CM2 zone.

Design (“d”) overlay zone

The purpose statement for the “d” overlay zone is in Zoning Code Section 33.420.010:

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city’s evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- *Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;*
- *Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and*
- *Promotes quality and long-term resilience in the face of changing demographics, climate and economy.*

The existing building is newly constructed and was designed with ample street-facing windows, articulated facades, and a strong connection to adjacent sidewalks (Exhibit A-3, page 1). The new apartments accommodate growth and change in the neighborhood. The only exterior changes to the building under this proposal are two new doors facing existing alcoves. Therefore, the requirements of the “d” overlay zone do not apply to the project per Zoning Code Section 33.420.045.B.7.g. For these reasons, staff finds the proposal is consistent with the purpose of the “d” overlay zone.

Division Street plan district

The purpose statement for the Division Street plan district is in Zoning Code Section 33.520.010:

The Division Street plan district promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development:

- *Activates Division Street corners and enhances the pedestrian environment; and*
- *Is constructed with high quality materials in combinations that are visually interesting.*

The four-story building will remain pedestrian-oriented in design, and the new apartments are likely to increase use of the frequent service bus line on SE Division Street. The ground floor building area subject to this review is at the corner of SE Division Street and SE 28th Place, and the street-facing facades have ample fenestration and varied materials (Exhibit A-3, page 1). The four new ground floor apartments will each have an exterior entrance from the sidewalk, further supporting the pedestrian environment. For these reasons, staff finds the proposal is consistent with the purpose of the Division Street plan district.

Division Green Street/Main Street Plan

The following statements from page 7 of the Division Green Street/Main Street Plan are found to be relevant:

Locate commercial areas in compact nodes of differing sizes and functions to serve the entire corridor.

Build at pedestrian scale and orient buildings to the pedestrian realm. Support new mixed-use development.

Provide spaces for small businesses to thrive. Integrate a variety of housing for all life stages.

Support affordable housing alternatives to retain residents.

The four-story building has a pedestrian-oriented design, with multiple pedestrian entrances and zero setbacks from both adjacent sidewalks. The four new ground floor apartments will each have an exterior entrance from the sidewalk, further supporting the pedestrian environment. The proposal does not provide space for small businesses or directly contribute to a commercial or mixed-use area. However, staff finds the plan intends to promote commercial development and mixed-use development within the Division Street corridor as a whole, not necessarily within each development site. The additional residents in this building are likely to support businesses nearby, and the ground floor apartments could be converted back to commercial space in the future. Also, the new apartments will be relatively small (Exhibit C-2) and are likely to be more affordable than new apartments which are larger, or which provide views from higher floors. For these reasons, staff finds that on balance, the proposal is consistent with the Division Green Street/Main Street Plan.

Hosford-Abernethy Neighborhood Plan

The following statements from the Hosford-Abernethy Neighborhood Plan are found to be relevant:

Policy 2, Housing. Protect and improve existing housing while providing the opportunity of new housing for people of all ages and income levels.

Policy 5, Commercial/Industrial, Objective 5.3. Limit impacts of commercial traffic and parking on residential areas.

Policy 5, Commercial/Industrial, Objective 5.5: Attract new retail and service commercial uses which meet the needs of those who live and work in the neighborhood.

The proposal does not retain commercial space in the building, but the addition of four new ground floor apartments will provide additional housing opportunities. The additional residents in this building are likely to support businesses nearby. Also, as stated above, the new apartments will be relatively small (Exhibit C-2) and are likely to be more affordable than new apartments which are larger, or which provide views from higher floors. The conversion of ground floor commercial space into apartments will also prevent this site from generating traffic or parking impacts from commercial uses. For these reasons, staff finds that on balance, the proposal is consistent with the Hosford-Abernethy Neighborhood Plan.

Portland Citywide Design Guidelines

The following Portland Citywide Design Guideline is found to be relevant to this proposal:

Guideline 04: Design the sidewalk level of buildings to be active and human-scaled.

The four ground floor apartments will each have ample street-facing window area and an individual entrance from the public sidewalk, contributing to an active and human-scaled sidewalk level for the building. Therefore, staff finds the proposal is consistent with this guideline.

Summary

The proposal is consistent with the classifications of the adjacent streets and the desired character of the area. Approval criterion B is met.

- 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

Findings: The purpose of commercial/mixed-use zones such as CM2 is stated in Zoning Code Section 33.130.010:

The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan, and also accommodate smaller, dispersed commercial and mixed use areas to provide opportunities for services in areas between the centers and corridors.

The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

The specific character statement for the CM2 zone is in Zoning Code Section 33.130.030.C:

The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The four-story residential building helps to create a denser, more complete neighborhood, and residential use is allowed outright in the CM2 zone (Zoning Code Section 33.130.100.A, Table 130-1). The development is oriented to pedestrian access from the adjacent sidewalks, with multiple pedestrian entrances from the street and zero setbacks from both abutting street lot lines (Exhibit C-1). The proposal will allow the entire building to be in residential use rather than provide a mix of uses. However, staff finds the CM2 zone is intended to promote a mix of uses in a CM2-zoned neighborhood, not necessarily within each CM2-zoned site. The additional residents in this building are likely to support

businesses nearby, and the ground floor apartments could be converted back to commercial space in the future. For these reasons, staff finds the proposal is consistent with the overall purpose of the CM2 zone.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic resources or historic resources mapped on the subject site, this criterion is not applicable.

E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: Staff has not identified any negative impacts resulting from the Adjustment to the flexible ground floor design standard which require mitigation. The Adjustment to the minimum parking standard could have a minimal impact on street parking availability in the neighborhood, at least when the parking demand from the four new apartments is compared with the current, vacant condition of the ground floor commercial space. To encourage alternative modes of transportation, and to minimize and mitigate the potential impact on street parking, a condition of approval will require the applicant to provide one, one-year adult Tri-Met pass to the occupants of each of the four new apartments. With this condition of approval, staff finds approval criterion E is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the official zoning maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on the site, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The Adjustments requested will allow vacant commercial space on this site to be converted into four ground floor apartments. The Adjustments are found to be consistent with the purposes of the requirements to be modified, with the desired character of the area, and with the purpose of the CM2 zone. The proposal will not change the exterior of the building except for two new doors on the ground floor. Staff finds that with the conditions of approval listed below, the applicable Adjustment Review approval criteria are met.

ADMINISTRATIVE DECISION

Approval of the following Adjustments for alteration of a 4-story building to convert ground floor commercial space into 4 residential dwelling units:

- To modify the flexible ground floor design standard in Zoning Code Section 33.130.230.B.4.a to allow the ground floor apartments to have a minimum 11'-4" clearance rather than 12-foot clearance from the floor to the bottom of supporting beams above and to extend a minimum of 20'-8" inward from the street-facing façade rather than 25 feet.

- To reduce the minimum number of motor vehicle parking spaces from 14 to 13 (Zoning Code Sections 33.266.110.B.1.a.4, 33.266.110.D.2).

Approval is per the approved plans, Exhibits C-1 and C-2, signed and dated November 29, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 and C-2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-083033 AD."
- B. One, one-year adult Tri-Met pass shall be provided for each of the four new ground floor residential units.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on November 29, 2021.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 6, 2021

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 1, 2021 and was determined to be complete on October 27, 2021.

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. Therefore, this application was reviewed against the Zoning Code in effect on September 1, 2021.

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 waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on February 24, 2022.**

Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, and if appealed a hearing will be held. The appeal application form can be accessed at https://www.portland.gov/sites/default/files/2020/lu_type2_2x_appeal_form_071116.pdf. Appeals must be received **by 4:30 PM on December 20, 2021. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to email, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

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>.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision. If this land use review is approved the final decision will be recorded with the Multnomah County Recorder. *Unless appealed*, the final decision will be recorded after **December 21~~0~~, 2021** by the Bureau of Development Services. The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder. For further information on recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

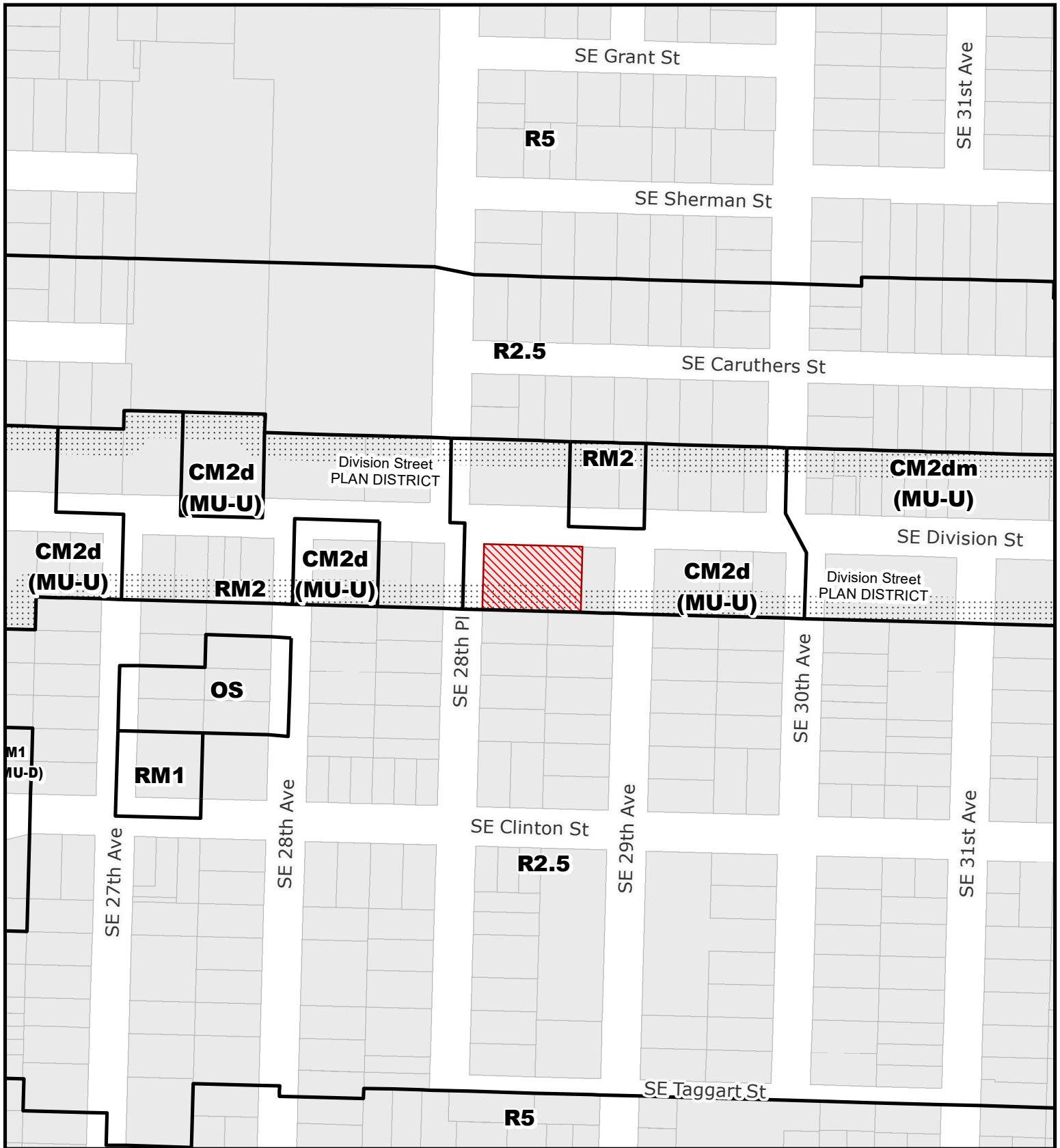
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original narrative
 - 2. Revised narrative, received October 27, 2021
 - 3. Plan set
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed site plan (attached)
 - 2. Proposed floor plan (attached)
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
- F. Correspondence – none received
- G. Other:
 - 1. Land use application form
 - 2. Incompleteness determination letter, dated September 14, 2021

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).



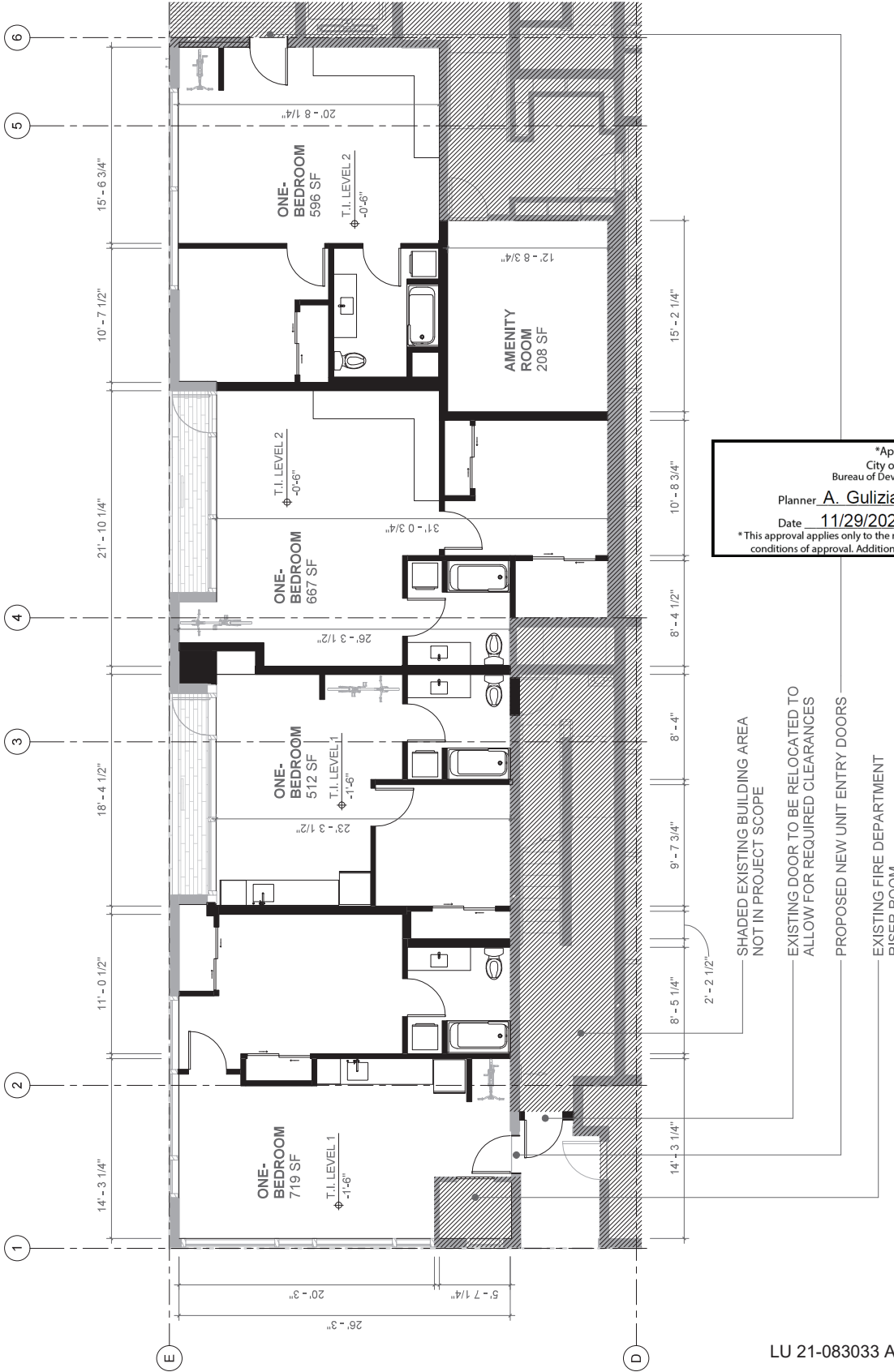
ZONING



For Zoning Code in effect Post August 1, 2021

DIVISION STREET PLAN DISTRICT

File No.	LU 21 - 083033 AD
1/4 Section	3333
Scale	1 inch = 200 feet
State ID	1S1E12BB 1300
Exhibit	B Sep 01, 2021



Approved
 City of Portland
 Bureau of Development Services
 Planner A. Gulizia
 Date 11/29/2021
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

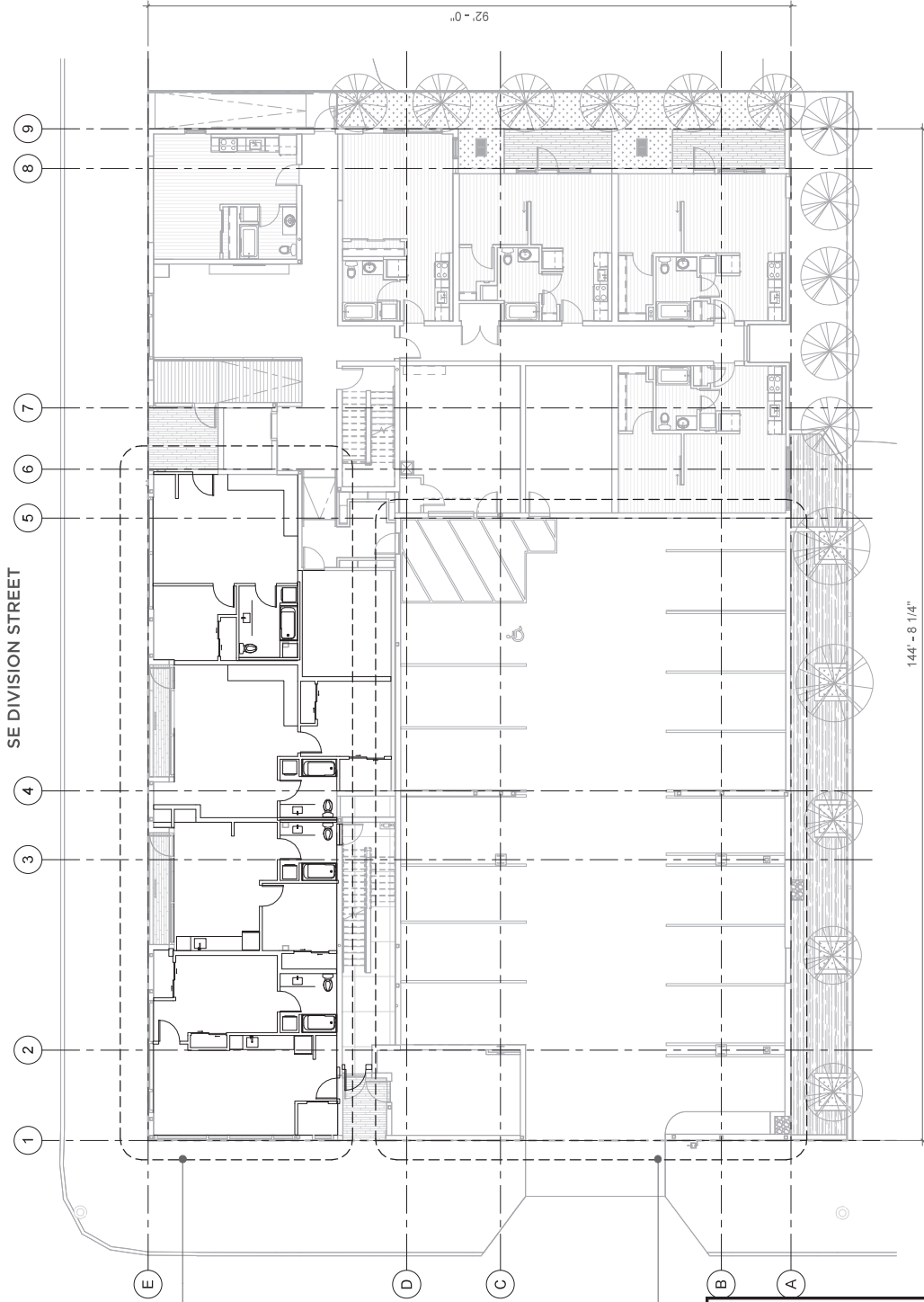
- SHADED EXISTING BUILDING AREA NOT IN PROJECT SCOPE
- EXISTING DOOR TO BE RELOCATED TO ALLOW FOR REQUIRED CLEARANCES
- PROPOSED NEW UNIT ENTRY DOORS
- EXISTING FIRE DEPARTMENT RISER ROOM

PROPOSED GROUND FLOOR PLAN

PLANS
 SCALE 1/8" = 1'-0"

ADJUSTMENT REVIEW SUBMITTAL
 2880 SE DIVISION ST
 LU 21-XXXXXX AD
 SEPTEMBER 1, 2021

C-2
 LU 21-083033 AD



LOCATION OF PROPOSED TENANT IMPROVEMENT. SEE C.2 FOR ENLARGED PLAN.
 SCREENED AREA OF FLOOR PLAN IS PORTION OF EXISTING BUILDING BEYOND THE SCOPE OF PROPOSED TENANT IMPROVEMENT.

LOCATION OF REQUIRED VEHICULAR PARKING. SEE APP.3 FOR FURTHER ANALYSIS

Approved City of Portland Bureau of Development Services	
Planner <u>A. Gulizia</u>	
Date <u>11/29/2021</u>	
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.	

SITE PLAN
 SCALE: 1/16" = 1'-0"

ADJUSTMENT REVIEW SUBMITTAL
 2880 SE DIVISION ST
 LU 21-XXXXXX AD
 SEPTEMBER 1, 2021
C.1
 LU 21-083033 AD