



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 27, 2013
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

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

CASE FILE: LU 13-211599 DZM
Lower Burnside Lofts
PC # 13-169941
REVIEW BY: Design Commission
WHEN: Thursday, January 23, 2014, at 1:30 p.m.
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

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: John Maier, 503-228-0311 / Vallaster Corl Architects
711 SW Alder Street, Penthouse / Portland, OR 97205

Owner: Tim O'Brien / Lower Burnside Lofts LLC
1028 SE Water Avenue, Suite 270 / Portland, OR 97214

Representative: Randy Boehm / Urban Resources Inc.
3707 NE 24th Avenue / Portland, OR 97212

Site Address: 30 SE 10th Avenue

Legal Description: BLOCK 226 LOT 3&4, EAST PORTLAND
Tax Account No.: R226514640
State ID No.: 1N1E35CD 01200
Quarter Section: 3031
Neighborhood: Buckman, contact Matthew Kirkpatrick at 503-236-6350.
Business District: Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: Central City - Central Eastside
Zoning: EXd, Central Employment with 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 six story mixed-use building, with ground floor retail, lobby, and parking areas; and five floors of rental housing above. Modifications are sought to loading, parking, and ground floor window standards. Design Review is required because the site is within the Central City Plan District – Central Eastside Subarea, and has Design Overlay zoning.

Modifications: The applicant is seeking modification of the following Zoning Code standards:

- 33.266.310 C 1 a, for non-standard loading area;
- 33.266.130 F 1 a, for parking area where moving a vehicle to allow exiting may be required, and part of drive aisle may sometimes be obstructed;
- 33.266.130 F 2, for some parking spaces narrowed by building columns; and
- 33.140.230, for less than standard ground floor windows on one facade.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Zoning Code (Title 33 of the Portland City Code). The approval criteria are:

- Central City Fundamental Design Guidelines – Central Eastside Subarea
- 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 1, 2013 and determined to be complete on December 4, 2013.

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.

We are seeking your comments on this proposal. The evidentiary proceeding before the Design Commission will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Design Commission decision and the evidence in the record compiled by the Design Commission in support of that decision.

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. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning 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. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance.

Comments for a Design Review or Historic Design Review should be sent directly to the Planning staff listed in this document.

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 Design Commission decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Design Commission decision. The City Council will consider legal arguments (for example arguments pointing out ways the Design Commission decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Design Commission findings are not supported by the evidence submitted to the Design Commission. However, the City Council will not accept or consider new evidence that was not submitted to the Design Commission.

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

Failure to raise an issue, in person or by letter, by the close of the record by the Design Commission in 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 on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

Hearing Cancellation

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. The

hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

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/schedule/allroute.htm) 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

Perspectives from Southwest, Northwest, and Southeast



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
CENTRAL EASTSIDE

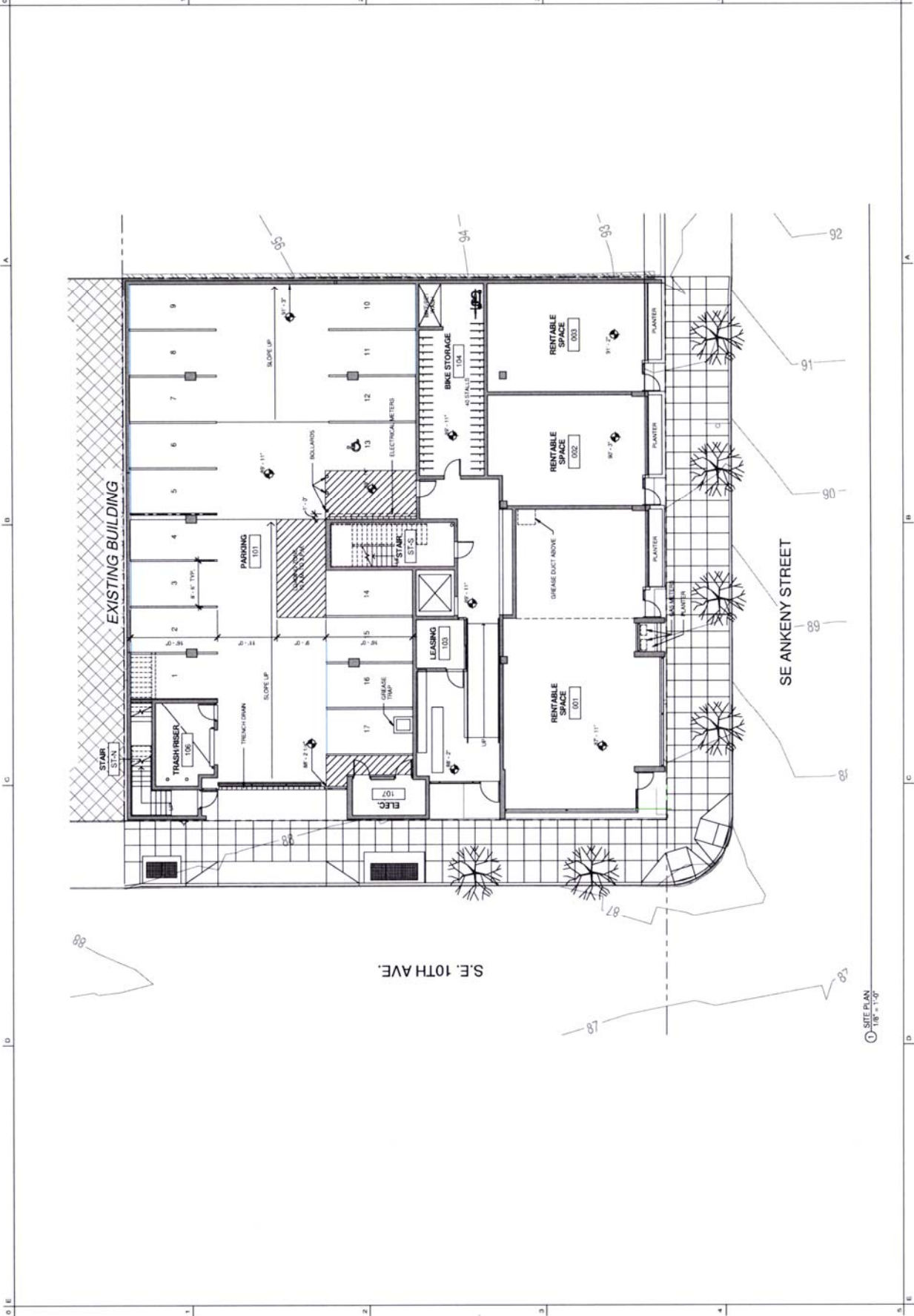
File No. LU 13-211599 DZM

1/4 Section 3031

Scale 1 inch = 200 feet

State_Id 1N1E35CD 1200

Exhibit B (Oct 03, 2013)



① SITE PLAN
1/8" = 1'-0"



**VALLASTER CORIL
ARCHITECTS, PC**
711 SW ALDER
PENTHOUSE SUITE
PORTLAND, OR 97205
PHONE: 503.228.0311
FAX: 503.228.0314
WWW.VALLASTER.COM

OWNER :
LOWER BURNSIDE LOFTS,
LLC.

PROJECT NAME :
**LOWER BURNSIDE
LOFTS**
30 SE 10TH

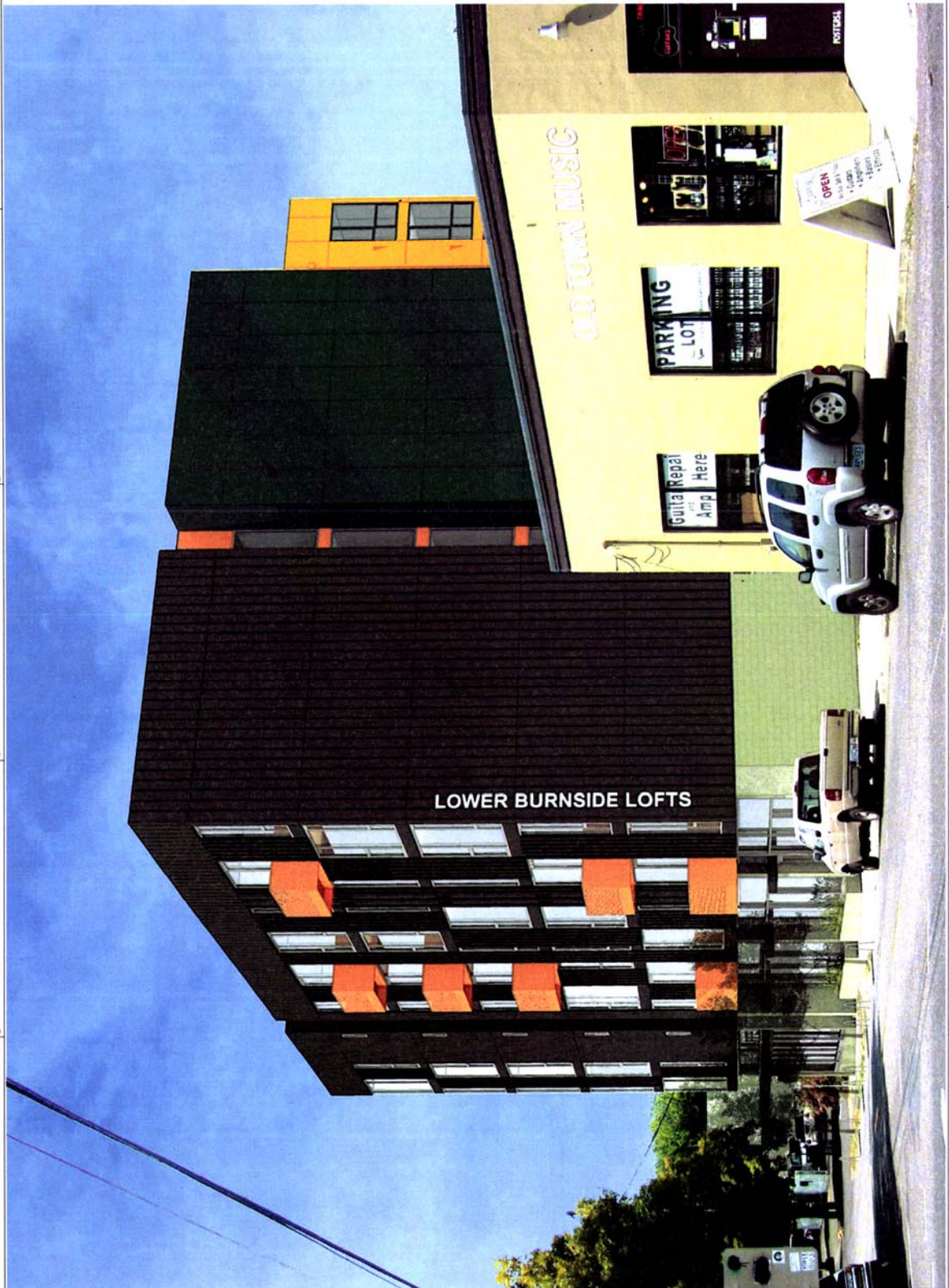
THE VISITORS

ISSUE DATES

JOB NO.	1323
DRAWN	Author
CHECKED	Checker
STATISTICHENMATIC DESIGN	

PERSPECTIVE -
NW
C35

5	ORIGINAL SHEET SIZE : 277x36
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VC

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WWW.VCARCH.COM

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PROJECT NAME:
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LOFTS
30 SE 10TH

REVISIONS

ISSUE DATES

DATE NO. 1000
DRAWN BY J. VALLASTER
CHECKED BY C. VALLASTER
STATUS SCHEMATIC DESIGN

PERSPECTIVE -
SE

C37

5. ORIGINAL SHEET SIZE: 37"X47"