



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 20, 2008
To: Interested Person
From: Matt Wickstrom, Land Use Services
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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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-127778 AD

GENERAL INFORMATION

Applicant: Dennis Zerba
Multnomah Presbyterian Church
7555 SW 45th Ave
Portland, OR 97219-1516

Site Address: 7555 SW 45TH AVE

Legal Description: TL 600 5.44 ACRES, SECTION 19 1 S 1 E
Tax Account No.: R991190820
State ID No.: 1S1E19AD 00600
Quarter Section: 3724

Neighborhood: SWN, Maplewood, contact Chris Mays at 503-293-5382.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

Zoning: R7c (Residential 7,000 with an Environmental Conservation overlay)

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

Proposal:

Plans have been submitted to add 1,500 square feet for office and general gathering space to an existing church on this site. The project triggers non-conforming upgrades (improvements to certain aspects of development at the site). One upgrade requirement is for a 6-foot wide sidewalk to connect the main entrance of the church to SW 45th Avenue. Citing the lack of sidewalks on SW 45th Avenue and unnecessary nature of a pedestrian connection from the church to the street in this situation, the applicant requests one Adjustment to waive the requirement.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of 33.805.040 A-F, Adjustments.

ANALYSIS

Site and Vicinity: The approximately 6 acre site is developed with a church and surface parking lot. The site fronts on SW 45th Avenue, a two-lane street which is relatively steep and does not have public sidewalks on either side. A creek runs through the site. A large public park is located across SW 45th Avenue from the site and the surrounding vicinity is developed with single-dwelling residences and an apartment building.

Zoning: The site is zoned R7c (Residential 7,000 with an Environmental Conservation overlay). The R7 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 4,200 square feet. Religious institutions are allowed in the R7 zone through a Conditional Use Review. Alterations to existing conditional uses which do not add more than 1,500 square feet of floor area do not require a Conditional Use Review. The “c” overlay is intended to conserve important environmental features and resources while still allowing compatible development. New development and exterior modifications to existing development must meet environmental standards or are subject to environmental review. No development is proposed within the “c” overlay as part of this project; therefore, those regulations do not apply.

Land Use History: City records indicate that prior land use reviews history exists for this site. The church was constructed prior to City of Portland zoning regulations being applied to the site and therefore, it has automatic conditional use status. Since that time one land use review has been approved:

CU 010-74 (LU 74-000746): Approval for a pre-school to be operated weekdays from 9:00 AM to 11:30 AM for a maximum of 20 students.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 15, 2008**. The following Bureaus have responded:

- The Development Review Section of Portland Transportation reviewed the proposal for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33 (Portland Zoning Code), Title 17 (Public Improvements), and for potential impacts upon transportation services. The response notes that the purpose for the Zoning Code pedestrian standards are internal (on-site only) and is therefore not transportation-related. The response states however, that given the scope of the project, the opportunity to address the lack of a pedestrian system along the site’s frontage, an in an effort to improve pedestrian connectivity in the area, Portland Transportation will be requiring improvements along a portion of the SW 45th Avenue frontage. The response states that prior to the issuance of building permits for the proposed church expansion, the applicant will be required to connect a non-standard sidewalk corridor along a portion of the site’s 45th Avenue frontage. “Said portion shall commence at the church’s existing northern-most driveway (north side) to a point along the site’s frontage that meets the existing trail connection leading from Gabriel Park (on the west side of SW 45th Avenue)” (Exhibit E-1).
- The Site Development Section of BDS responded with no objections to the proposed Adjustment request and provided advisory information for the applicant concerning sanitary and stormwater details which must be shown on the plans for building permit review (Exhibit E-2).
- The Life Safety Section of BDS responded that a separate building permit for the work proposed is required and the project must be designed to meet all applicable building codes and ordinances (Exhibit E-3).
- The Bureau of Environmental Services as well as the Fire, Water and Parks Bureaus responded with no concerns (Exhibit E-4).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 15, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 33.805.10 Purpose of Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the code's regulations would preclude all use of the site. Adjustment reviews provide flexibility for unusual situations and to allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.40 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below are met.

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

Findings: The applicant requests one Adjustment to waive the on-site pedestrian connection which is required to connect the main entrance of the facility to the abutting right-of-way (SW 45th Avenue). The purpose of the pedestrian standards regulation is listed below:

Purpose 33.120.255 Pedestrian Standards (33.110.245.C.9)

The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. The standards promote configurations that minimize conflicts between pedestrians and vehicles. In order to facilitate additional pedestrian oriented space and less impervious surface, the standards also provide opportunities for accessways with low traffic volumes, serving a limited number of residential units, to be designed to accommodate pedestrians and vehicles with the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.

SW 45th Avenue is designated as a City Walkway however, there are currently no sidewalks along either side of the street in front of the site or either of the adjacent properties. Based on this information, were the applicant to install the required on-site pedestrian connection between the main entrance of the church and the abutting right-of-way, it would not connect into a functional on-street sidewalk system. It is important to note that the portion of the non-standard sidewalk improvement which PDOT will require as part of the building permit may help promote connectivity of Southwest trails by aligning with the existing trail connection leading from Gabriel Park. However, at this point in time, this portion of sidewalk does little to promote connectivity along SW 45th Avenue as it will remain isolated because no sidewalks are located along the frontages of the properties to the north or south of the site. The pedestrian standards are intended to encourage a safe, attractive and usable pedestrian circulation system. Requiring an on-site pedestrian connection to a street without a functional sidewalk connection would not result in a particularly safe or usable connection. However, SW 45th Avenue may be improved with sidewalks at some point and it is important to consider that at that time an on-site connection may be more practical and would result in an amenity which would be safe, attractive and usable. Therefore, this review includes a condition of approval which requires that if a

sidewalk is installed along the SW 45th Avenue frontage of the site and the frontages of the properties to the north and south of the site, the applicant must install the required on-site pedestrian circulation system or apply for a new review to adjust the standard. Based on this information, the proposal effectively meets the purpose of the standard considering today's sidewalk conditions and the condition of approval helps ensure that on-site improvements are required to correspond with sidewalk improvements along SW 45th Avenue. This criterion is met.

- 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

Findings: The site is located in a residential zone, therefore, the first half of this criterion applies. The proposal to waive the on-site pedestrian connection between the main entrance of the church and SW 45th Avenue will not negatively impact the livability or appearance of the residential area. As no pedestrian connection currently exists, the proposal to waive the pedestrian connection will not negatively impact the appearance of the residential area. Concerning livability, the installation of a pedestrian connection which would not connect into an existing sidewalk system along SW 45th Avenue cannot be viewed as negatively impacting livability because of the lack of practicality of such a connection and lack of use it would receive. Based on this information, this criterion is met.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: Any impacts associated with the adjustment are mitigated through the condition of approval included with this land use review. This condition requires that if a sidewalk is installed along the SW 45th Avenue frontage of the site and the frontages of the properties to the north and south of the site, the applicant must install the required on-site pedestrian circulation system or apply for a new review to adjust the standard. Currently, the proposal to waive the on-site pedestrian connection will have no discernable impacts because that sidewalk would not connect into an existing sidewalk system along SW 45th Avenue. If in the future, SW 45th Avenue is improved with sidewalks, the lack of an on-site pedestrian connection could result in impacts and the condition of approval addresses this potential appropriately. This criterion 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.
D. City designated scenic resources and historic resources are preserved; and
F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Only one adjustment is requested, the site does not contain any identified scenic or historic resources and the site is not located in an environmental zone; therefore, these criterion are 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

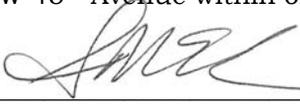
The applicant proposes one Adjustment associated with a proposal to waive an on-site pedestrian connection requirement which is triggered as part of a planned remodel to the existing church. As noted in this report, the project is able to meet the Adjustment approval criteria with approval

granted based on the current lack of sidewalks along SW 45th Avenue and the condition of approval which requires an on-site pedestrian connection if sidewalk improvements along SW 45th Avenue are made. With approval requiring that the permit drawings substantially conform with the site plan attached and proposed square footage of the addition, the request meets the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.120.255 (33.110.245.C.9) to waive the on-site pedestrian connection between the main entrance of the building and SW 45th Avenue, per the approved site plan, Exhibits C-1, signed and dated June 18, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-127778 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. If a sidewalk is installed along the SW 45th Avenue frontage of the site and the frontages of the properties to the north and south of the site to Portland Transportation standards, the applicant must install the required on-site pedestrian circulation system to connect the main entrance of the church to SW 45th Avenue within one-year or apply for a new review to adjust the standard.

Decision rendered by:  **on June 18, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 20, 2008

Staff Planner: Matt Wickstrom

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 May 8, 2008, and was determined to be complete on May 12, 2008.

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 May 8, 2008.

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 waived the 120-day review period, as stated with Exhibit A-1.

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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 7, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 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 www.portlandonline.com.

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 Adjustment Committee 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 Adjustment Committee 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **July 8, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to:

Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your 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:

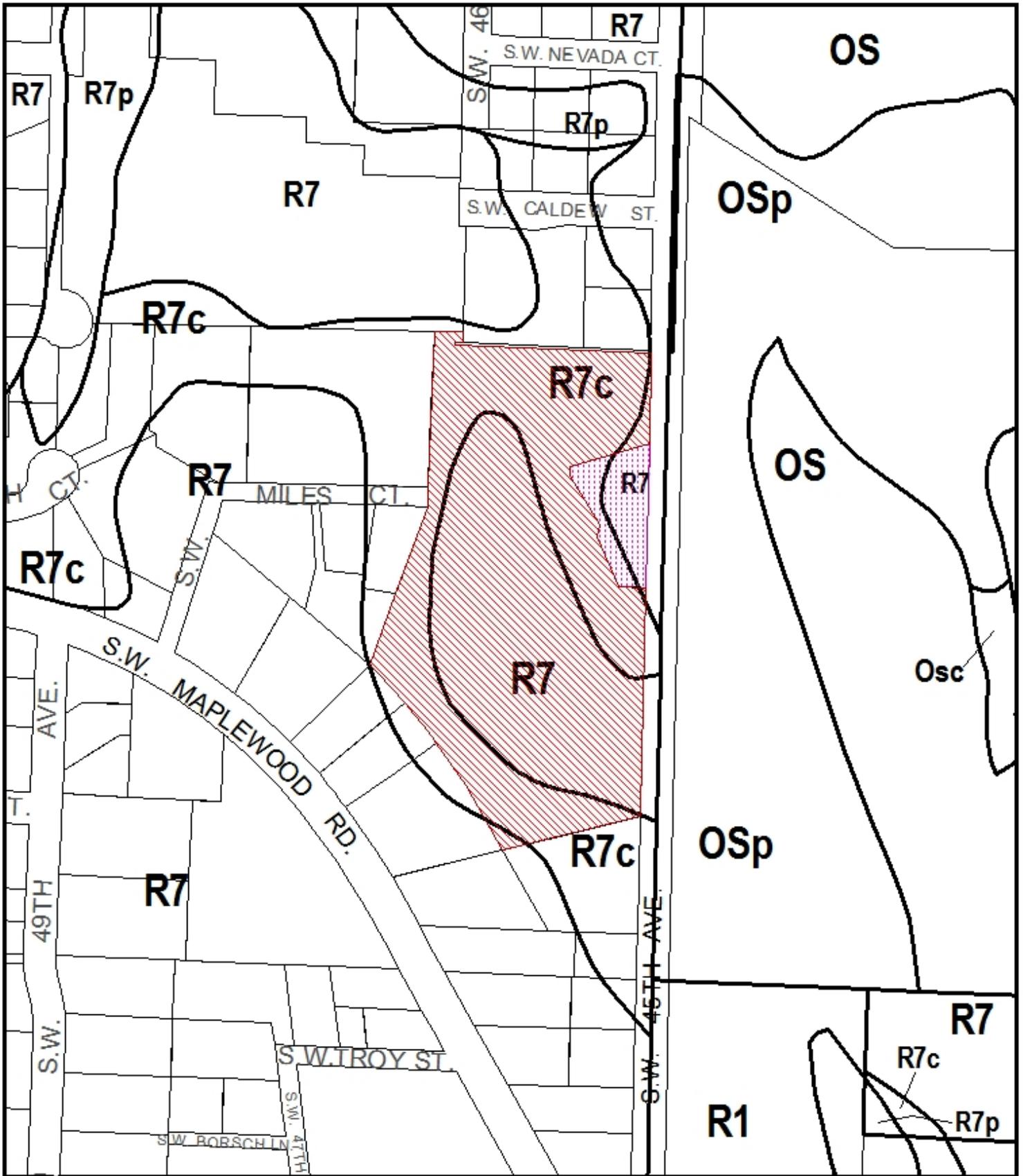
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
 1. Request from Dave Couth to delay Adjustment Review decision dated June 4, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevation Drawing (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Development Review Section of Portland Transportation
 2. Site Development Review Section of BDS
 3. Life Safety Section of BDS
 4. Summary Sheet of Bureau Responses
- F. Correspondence: None received
- G. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

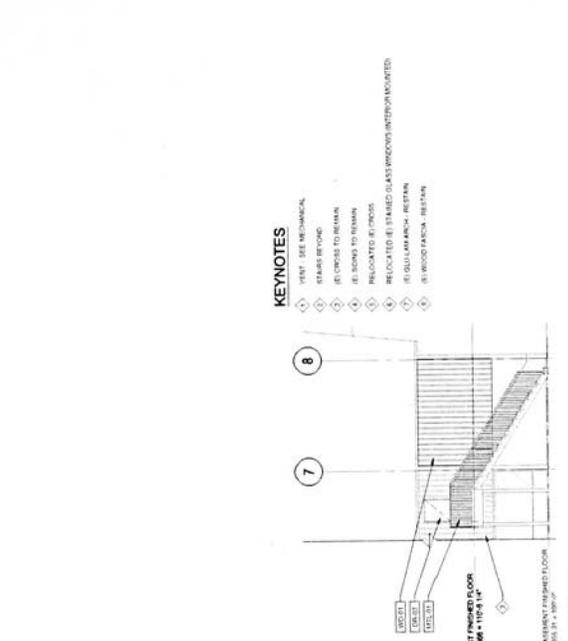
-  Site
-  Also Owned



File No.	<u>LU 08-127778 AD</u>
1/4 Section	<u>3724</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E19AD 600</u>
Exhibit	<u>B</u> (May 13, 2008)

ELEVATION NOTES

A. REFER TO EXISTING PLANS AND ELEVATIONS FOR REFERENCE. COORDINATE NEW CONSTRUCTION WITH PROPOSED ELEVATIONS AND FLOOR PLANS.



KEYNOTES

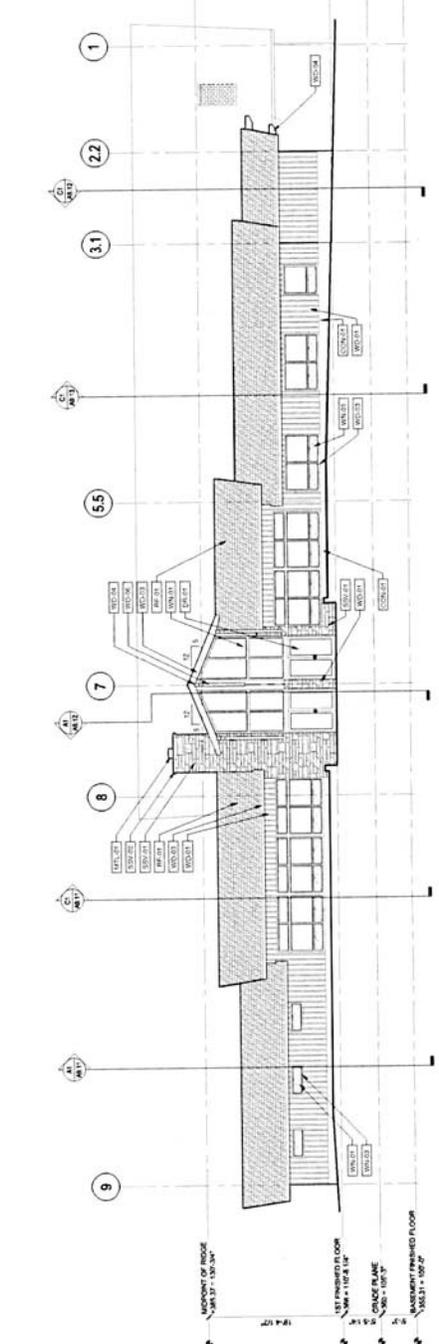
- 1. VENT SEE MECHANICAL
- 2. SEAMS BEFORE
- 3. BE CROSS TO BE HAN
- 4. BE TONGUE TO REMAIN
- 5. PRECASTED SET POINTS
- 6. RELOCATED 8" STAINED GLASS WINDOWS AND TYPICAL WINDOWERS
- 7. 6" GULLAM ARCHIT. RESTAIN
- 8. 6" WOOD FACIA - RESTAIN

60% COMPLETE DESIGN DEVELOPMENT

EXTERIOR FINISH LEGEND

- EX-01 EXPOSED CONCRETE STEEWALL
- EX-02 METAL STEEWALL DOOR
- EX-03 PAINTED DOOR WITH LITE
- EX-04 PAINTED DOOR
- EX-05 METAL CHIMNEY FLUE CAP
- EX-06 ALUMINUM BUTTER COULDALES
- EX-07 PAINTED METAL HANDRAILS
- EX-08 PAINTED METAL HANDRAILS
- EX-09 PAINTED CERAMITIC TILE PANEL
- EX-10 SYNTHETIC STONE FINISH
- EX-11 SYNTHETIC STONE FINISH HANDCRAFTED PIECE
- EX-12 COMPOSITION SHIPPLES
- EX-13 BUILT UP ROOFING
- EX-14 WOOD SIDING
- EX-15 WOOD BAY AND WARE HOUSE
- EX-16 WOOD DOOR AND WINDOW TRIM
- EX-17 GULLAM BEAM
- EX-18 GULLAM COLUMN
- EX-19 GULLAM BRIDGE
- EX-20 ALUMINUM MAIL FIN WINDOW
- EX-21 SPYGLASS

EXTERIOR ELEVATION



EXTERIOR ELEVATION



A7.11

PROPOSED EXTERIOR ELEVATIONS

LU 08-127778 AD