



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

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**Date:** September 29, 2017  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-823-7282 / [David.Besley@portlandoregon.gov](mailto:David.Besley@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 17-220097 AD**

#### **GENERAL INFORMATION**

**Applicant:** Scot Sutton  
SG Architecture LLC  
10940 SW Barnes Rd #364  
Portland, OR 97225

**Owner:** Sacred Heart Catholic Church  
3910 SE 11th Ave  
Portland, OR 97202

**Site Address:** 3926 SE 11TH AVE

**Legal Description:** N 20' OF LOT 2 BLOCK 7; LOT 3 BLOCK 7, CANCEL INTO R114721 / BENEDICTINE HTS; BLOCK 7 LOT 1-5 & 7&9, BENEDICTINE HTS

**Tax Account No.:** R068900880, R068900910

**State ID No.:** 1S1E11CA 17700, 1S1E11CA 17500

**Quarter Section:** 3431

**Neighborhood:** Brooklyn Action Corps, Hotline at 503-241-4540  
**Business District:** Greater Brooklyn, contact David Weislogel at 503-872-9320  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010

**Zoning:** R2.5 (Single-Dwelling Residential 2,500)

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

#### **Proposal:**

The applicant is proposing to make improvements to the Sacred Heart Catholic Church site that include a new parish center, a new ADA ramp, and parking lot improvements. This is considered to be nonconforming development with an existing Conditional Use because the

proposed Parish Center addition is more than a 10% increase in the total floor area on the site, and because there is also more than a 10% increase in the amount of on-site parking. When improvements are proposed on a site with non-conforming development, the site must be brought into conformance with development standards, which includes pedestrian standards (Section 33.258.070.D.2). The Land Use Code requires a pedestrian connection between the main entrance of each building on the site and the closest adjacent sidewalk (Section 33.110.245.C.10 and 33.120.255). When sites have more than one street frontage, additional connections are required between pedestrian entrances on the site and any other frontage streets, as well as between buildings and other features on the site including parking areas, bike parking areas, and outdoor amenities. The subject site has street frontage along SE 11<sup>th</sup> Avenue (to the west), SE Center Street (to the south), and SE Bush Street (to the north). Pedestrian connections are provided for SE 11<sup>th</sup> Avenue and SE Center Street; however a pedestrian connection is not provided from SE Bush Street. An Adjustment is therefore required to waive the requirement that a pedestrian connection be provided from SE Bush Street to the main entrances of each building.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. 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.

**ANALYSIS**

**Site and Vicinity:** The 32,062 square foot site occupies most of the half-block between SE Bush Street to the north, SE Center Street to the south, and with frontage on the west abutting SE 11<sup>th</sup> Avenue, in the Brooklyn neighborhood. The northwest corner of this half-block is occupied by the Boys and Girls Club, which used to be a nunnery associated with Sacred Heart Church. The existing site is developed with the historic church and rectory buildings facing SE 11<sup>th</sup> Avenue on the southern edge of the site along the street, with a small paved surface parking area behind the buildings to the east. Vehicular access to the street is provided along the north side of the site, with encroachment via an access easement within the boundaries of the multi-story senior housing project immediately to the east, which many years ago was part of the Sacred Heart Church site. The north central portion of the existing site along SE 11<sup>th</sup> Avenue, in the area where the new Parish Center is proposed, is currently covered in an open grassy lawn.

The surrounding neighborhood includes largely single-family development, with the exception of limited multi-family housing and commercial uses to the east along SE Milwaukie Avenue.

The abutting streets are all improved with paved two-way roadways and on-street parking in both directions, as well as curbing and concrete sidewalks. Southeast Center Street is a City Bikeway in the City of Portland Transportation System Plan (TSP), but the abutting streets surrounding the site are Local Service Streets in all other modes within the TSP.

**Zoning:** The R2.5 base zone is a single-dwelling zone which generally allows one house per lot, and one lot per 2,500 square feet of land area. The regulations of the R2.5 zone are intended to preserve land for housing, and to provide housing opportunities for individual households. Institutional uses such as churches are allowed in the R2.5 zone through a Conditional Use Review.

**Land Use History:**

- *CU 73-66:* Conditional Use approval for a porch addition on the existing school building;
- *CU 38-82:* Conditional Use approval for a before- and after-school daycare use for students attending the now defunct Sacred Heart School, originally located on the east portion of this block where a multi-story senior housing project now stands; and
- *LUR 00-00521 CU:* Conditional Use Review request for a new Sacred Heart high school, sports yard and parking lot on the east portion of this block, where a multi-story senior

housing project now stands. This case was void/withdrawn by the applicant before any final decision was made.

- *LU 16-287648 CU AD*: approval of a Type III Conditional Use Review for the construction of a new approximately 7,780 square-foot, 2-story Parish Center building on the Sacred Heart Church site including site alterations that incorporate an expanded parking lot for a new total of 26 on-site parking spaces, a new grand stairway entrance to SE 11th Avenue, and extensive on-site landscaping. Approval of an Adjustment Review to reduce the minimum required building setback for the Parish Center building from 15'-0" to 12'-0" for the building walls, and from 15'-0" to 9'-0" for the ornamental columns and cornice features (33.110.245.C.1/Table 110-5). Approval of an Adjustment Review to reduce the minimum depth of the required landscape buffering across the street from a residential zone from 15'-0" to 12'-0" for the building walls, and from 15'-0" to 9'-0" for the ornamental columns and cornice features (33.110.245.C.1/Table 110-5).

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **August 29, 2017**. The following Bureaus have responded with the following information:

- The Life Safety Section of the Bureau of Development Services (BDS) responded with no concerns and included Building Code information (Exhibit E-1);
- Urban Forestry responded with no concerns provided that street tree planting occur to Urban Forestry specifications (Exhibit E-2); and
- The Bureau of Environmental Services responded with no concerns and included stormwater management information (Exhibit E-3).

The following Bureaus have responded with no concerns (Exhibit E-4):

- The Portland Fire Bureau;
- The Water Bureau;
- The Portland Bureau of Transportation (PBOT); and
- Site Development Review Section of BDS.

**Neighborhood Review:** Two written responses were received expressing concerns about the proposal. The first response said the proposal will increase the amount of car and foot traffic and warrants a traffic light on the corner of Milwaukie Avenue and Center Street for safety reasons (Exhibit F-1). The second response said that attendees of the Church and the neighboring Boys and Girls Aid Society park their cars along both sides of the street and it is difficult for homeowners to park on Sundays. They feel strongly that having access from SE Bush Street will provide access to people entering the facility from the north and north east, which will help spread the parking load over the entire block (Exhibit F-2).

**Staff Response:** Relevant concerns are addressed in the Zoning Code Approval Criteria findings below.

## ZONING CODE APPROVAL CRITERIA

### 33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown 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 has requested an Adjustment to the requirement that a pedestrian connection be provided from SE Bush Street to the main entrances of each building. The relevant purpose statements and associated findings are found below:

### 33.110.245 Institutional Development Standards

*The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed*

*in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.*

### **33.120.255 Pedestrian Standards**

*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 within the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.*

The primary entrances to the church structures are located along SE 11<sup>th</sup> Avenue to the west and at the southwestern corner of the site, at the intersection of SE 11<sup>th</sup> Avenue and SE Center Street. A parking lot is behind these structures to the east; there are secondary entrances to the buildings facing the parking area and walkways that connect the parking lot to the main entrances on the opposite side. Creating a new pedestrian access along SE Bush Street to the north would lead approximately 6 feet up a hill to the parking area, not directly to the main entrances. From SE Bush Street, it would not save pedestrians significant time or distance to walk along a new pedestrian entrance rather than along the existing sidewalks (abutting SE Bush Street and SE 11<sup>th</sup> Avenue). A pedestrian access along SE Bush Street would therefore not ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. A pedestrian access that leads to a parking lot would not likely minimize conflicts between pedestrians and vehicles or improve safety.

There is a substantial landscape buffer between the church campus and the residences across the SE Bush Street. A direct pedestrian connection would require a 6-foot wide concrete stairway with concrete retaining walls with handrails that would need to be cut into the embankment, which rises steeply from the sidewalk; therefore, requiring a pedestrian access in this location would result in additional impervious surface (and one that is not ADA accessible). Altogether, a direct pedestrian connection on SE Bush Street would require the removal of over 500 square feet of landscaping and negatively impact the surrounding residential areas.

***Based on these findings, 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:** There is not an existing pedestrian access on SE Bush Street and no changes are proposed; therefore granting this Adjustment will not detract from the livability or appearance of the residential area. On the contrary, constructing a pedestrian access on SE Bush Street would result in the loss of an established landscaped area and result in visual impacts. Furthermore, a pedestrian connection from SE Bush Street will not provide a more direct pedestrian path than use of the public sidewalk along SE Bush and SE 11<sup>th</sup>, and will result in a less safe connection through a parking area.

***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; and

**Findings:** Only one Adjustment is requested; therefore, this criterion is not applicable.

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

**Findings:** City designated scenic resources are identified on the Official Zoning Map with a lowercase “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

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

**Findings:** There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

***This criterion 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 Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the site; therefore, 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 applicant has requested an Adjustment to waive the requirement that a pedestrian connection be provided from SE Bush Street to the main entrances of each building. The primary entrances to the church structures are located along SE 11<sup>th</sup> Avenue to the west and southwest. Creating a new pedestrian access along SE Bush Street to the north would lead approximately 6 feet up a hill to the parking area, not directly to the main entrances of the church structures. From SE Bush Street, it would not save pedestrians significant time or distance to walk along a new pedestrian entrance rather than along the existing sidewalks (abutting SE Bush Street and SE 11<sup>th</sup> Avenue). A pedestrian access along SE Bush Street would therefore not ensure a direct pedestrian connection between abutting streets and buildings on the site. A pedestrian access that leads to a parking lot would not likely minimize conflicts between pedestrians and vehicles or improve safety. Additionally, a direct pedestrian connection on SE Bush Street would require the removal of over 500 square feet of established landscaping and negatively impact the surrounding residential areas. The proposal meets the applicable approval criteria and should therefore be approved.

## **ADMINISTRATIVE DECISION**

Approval of an Adjustment to waive the requirement that a pedestrian connection be provided from SE Bush Street to the main entrances of each building, per the approved site plan, Exhibit C-1, signed and dated September 25, 2017, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use

review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File LU 17-220097 AD. No field changes allowed."

**Staff Planner: David Besley**

**Decision rendered by:** \_\_\_\_\_ **on September 25, 2017.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: September 29, 2017**

**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 August 9, 2017, and was determined to be complete on August 23, 2017.

*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 August 9, 2017.

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: December 21, 2017.**)

**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 October 13, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 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 [www.portlandonline.com](http://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 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 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **October 16, 2017** 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 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.

**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.

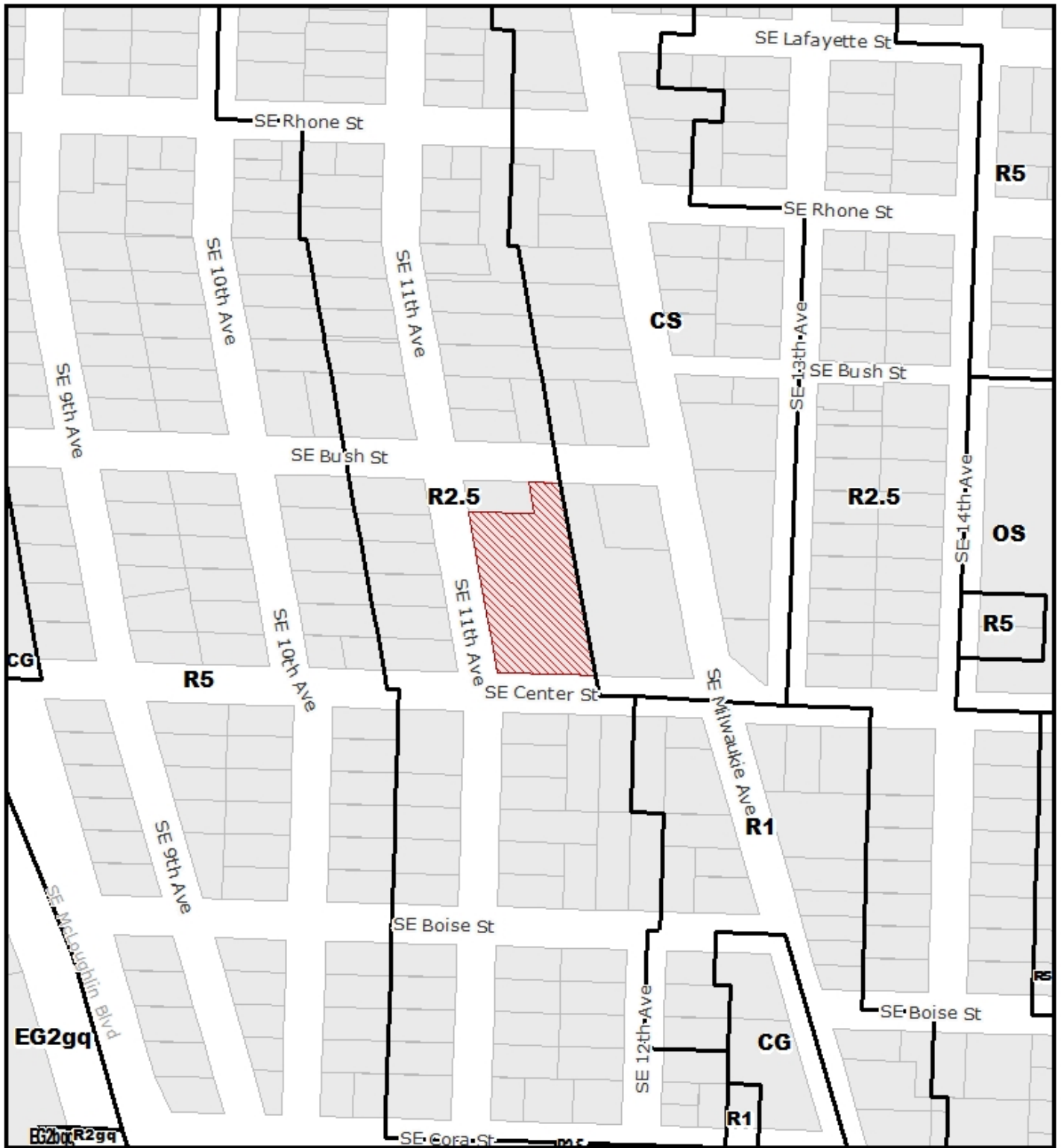
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. The Life Safety Section BDS
  - 2. Urban Forestry Division
  - 3. Bureau of Environmental Services
  - 4. Agencies responding with "no concerns"
- F. Correspondence:
  - 1. Margaret Stolowitz, September 6, 2017, email expressing concerns
  - 2. Kirsten Lampi, September 19, 2017, email expressing concerns
- G. Other:
  - 1. Original LU Application and Receipt

**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).**





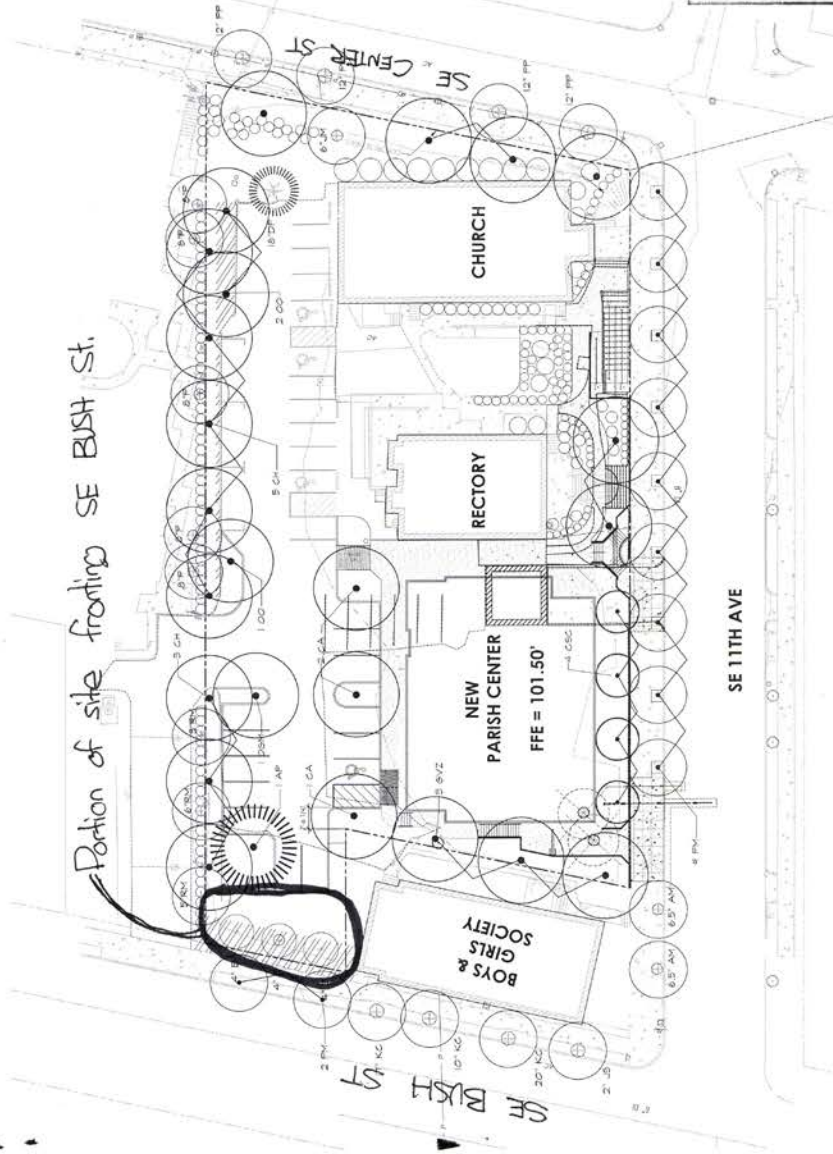
**ZONING**  NORTH

 Site

File No.	LU 17-220097 AD
1/4 Section	3431
Scale	1 inch = 200 feet
State ID	1S1E11CA 17500
Exhibit	B Aug 11, 2017

An Adjustment is requested to waive the requirement that a pedestrian connection be provided from SE Bush St to pedestrian entrances of each building.

Portion of site fronting SE BUSH ST.



### TITLE 11 TREE DENSITY REQUIREMENT CALCULATIONS

#### TREE PLAN LEGEND (EXISTING SITE TREES)

SYMBOL	BOTANICAL NAME	SIZE CATEGORY	SQUARE FOOTAGE	QUANTITY	TOTAL SQ. FT.
B	River Birch	SMALL	500	3	1500
DF	Downy Elm	LARGE	1000	1	1000
JM	Japanese Maple	SMALL	500	1	500
	Alder				26525
					2300

#### TREE PLAN LEGEND (PROPOSED SITE TREES)

SYMBOL	BOTANICAL NAME	SIZE CATEGORY	SQUARE FOOTAGE	QUANTITY	TOTAL SQ. FT.
AP	Aspen Pine	LARGE	1000	1	1000
CA	Clematis	LARGE	1000	3	3000
GA	Giant Redwood	LARGE	1000	11	11000
GGG	Giant Redwood	MEDIUM	500	4	2000
GGV	Giant Redwood	LARGE	1000	4	4000
OO	Osage Orange	LARGE	1000	5	5000
OSM	Osage Orange	MEDIUM	500	1	500
					Subtotal 26500

TOTAL SITE AREA: 55,875 SF  
 TOTAL TREE DENSITY REQUIRED (25% OF SITE): 14,219 SF  
 TOTAL EXISTING TREE DENSITY PROVIDED: 2,300 SF  
 TOTAL PROPOSED TREE DENSITY PROVIDED: 26,500 SF  
 TOTAL EXISTING AND PROPOSED SITE TREE DENSITY PROVIDED: 28,800 SF

#### EXISTING LANDSCAPE SYMBOLS LEGEND



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner **DAVID BERRY**  
 Date **01.25.17**

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.



19740 SW Barnes Road #254  
 Portland, Oregon 97225



**SACRED HEART PARISH CENTER**  
 Sacred Heart Church  
 3110 SE 11TH AVENUE  
 PORTLAND, OREGON  
 SGA PROJECT NO.: 15-103

### Construction Documents

PLAN REVIEW SET  
 05-01-2017

PROJECT NUMBER:

15-103

ISSUE DATE:

05-01-2017

DRAWN BY:

CF

Revisions:  
 1. PER RESPONSE TO CITY COMMENTS



CASE NO. **17-2200917 AD**  
 EXHIBIT **C-1**

TREE PLAN  
 SCALE: 1"=20'



**CHRISTOPHER FRESHLEY LANDSCAPE ARCHITECT**  
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