



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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Date: June 11, 2018
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010/Andrew.Gulizia@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on July 2, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-128933 NU, in your letter. Please address your letter to me, Andrew Gulizia. You can also e-mail your comments to me at the e-mail address above. Please note all correspondence received is public record, and may be viewed by the applicant or others.

CASE FILE NUMBER: LU 18-128933 NU

Applicant's Representative: Matthew Zekala
Ungar Law Office, LLC
805 SW Broadway, Ste. 2440
Portland, OR 97205
(503) 419-3014
matt@ungarlawoffice.com

Applicant/Owner: Scott Ray Becker
Skytav LLC / Middle Kingdom LLC
8031 NW Skyline Blvd.
Portland, OR 97229

Site Address: 8031 NW Skyline Blvd.

Legal Description: BLOCK 2&3 TL 5200, WILLALATIN PK; BLOCK 7 EXC NELY OF SKYLINE BLVD, WILLALATIN PK; BLOCK 6 EXC NELY OF SKYLINE BLVD, WILLALATIN PK

Tax Account No.: R911700180, R911700550, R911700500

State ID No.: 1N1W10C 05200, 1N1W10C 05300, 1N1W10C 05400

Quarter Section: 2217

Neighborhood: Forest Park, contact Jerry Grossnickle at 503-289-3046

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212

Plan District: Northwest Hills - Skyline

Zoning: RF/RFs/RFs – Residential Farm/Forest with Scenic (“s”) and Environmental Conservation (“c”) overlay zones over portions of the site

Case Type: NU – Nonconforming Situation Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer

Proposal:

Skyline Tavern is a restaurant and bar which is considered a “nonconforming use” in the residential zone per Zoning Code Chapter 33.258. Nonconforming uses are allowed to continue, but Nonconforming Situation Review is required for certain types of changes. The applicant requests approval of the following through Nonconforming Situation Review:

1. The partial enclosure of a previously-approved covered patio on the north side of the tavern. This work was already done at some point in the past, but without the required Nonconforming Situation Review. If this aspect of the Nonconforming Situation Review is approved, the applicant would also be required to obtain a retroactive building permit for this work to demonstrate compliance with building code requirements.
2. Use of the existing house on the property as storage space and office space for the tavern. The house is already used in this way, but there is no prior Nonconforming Situation Review for this on record.
3. Hours of operation extending to midnight. The tavern is already open until midnight, but nonconforming uses in residential zones are generally required to close by 11pm (Zoning Code Section 33.258.050.A).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are in Zoning Code Section 33.258.080.B.

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 March 1, 2018, and determined to be complete on June 5, 2018.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and either:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120 days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

APPEAL OF THE FINAL CITY DECISION

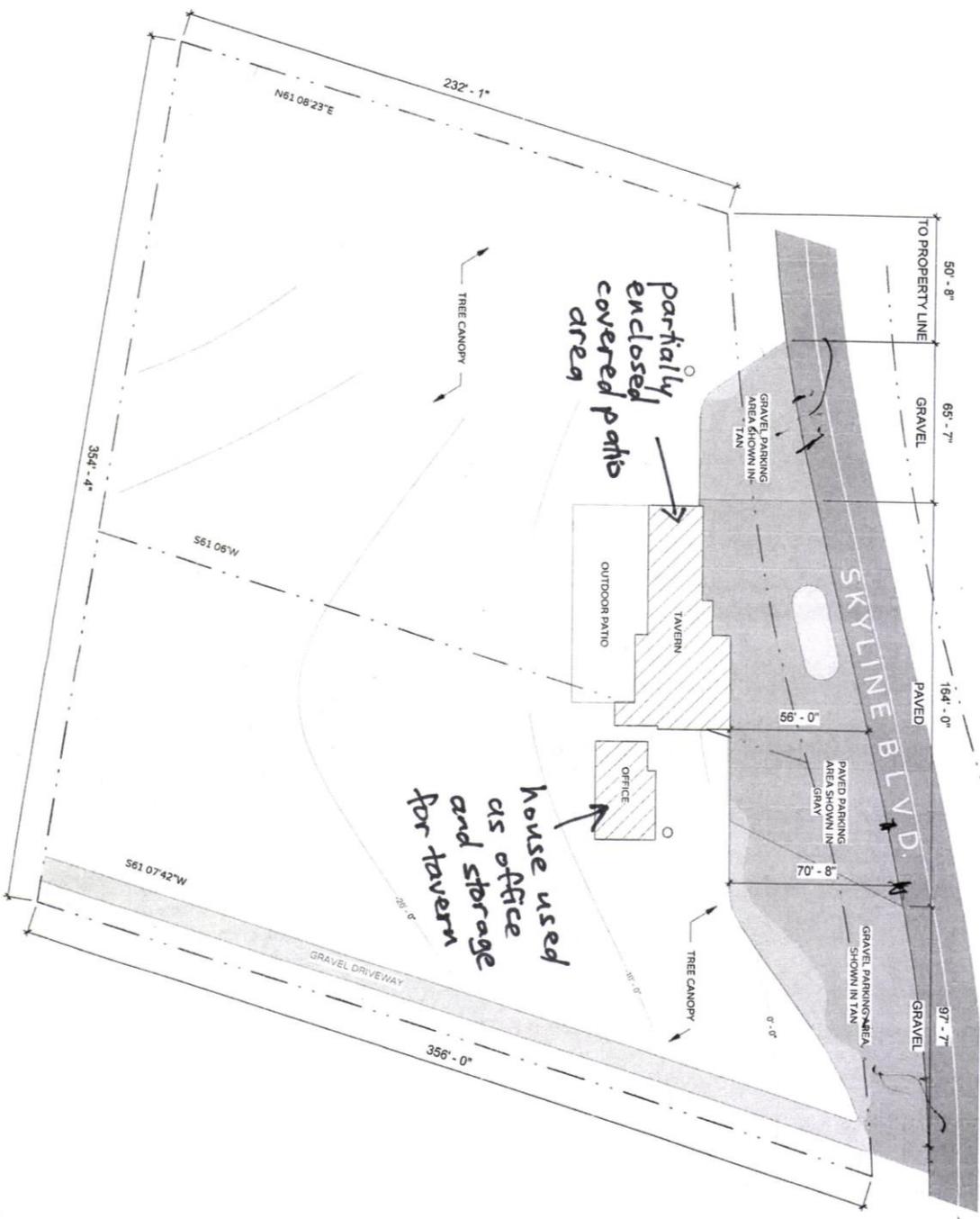
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning map
Site plan

1 SITE PLAN
1" = 40'-0"



DRAWN BY: McCulloch



LU 18-128933 NU

SHEET	SITE PLAN
1	SKYLINE TAVERN 8031 NW SKYLINE BLVD, PORTLAND, OR 97229

Mike McCulloch Architects LLC
13000 NW Germantown Rd
Portland, OR 97231
e: mike@mncarch.com
t: 503-380-5815

4/26/2018 2:13:05 PM

Michael McCulloch 015