



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: October 8, 2018
To: Interested Person
From: Don Kienholz, Land Use Services
503-823-7771 / Don.Kienholz@portlandoregon.gov

NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD

CASE FILE: LU 18-177046 CU AD
PC # 17-254548

REVIEW BY: Hearings Officer

WHEN: October 29, 2018 at 9:00 AM

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

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: Debbie Cleek | The Bookin Group
1140 SW 11th Ave #500 | Portland OR 97205

Owner: Vladimir Ozeruga | Portland Redevelopment, LLC
Po Box 11778 | Portland OR 97211

Additional Owner: Keith Jackson | Highland United Church of Christ
7600 NE Glisan St. | Portland, OR 97213

Site Address: 416 NE 76TH AVE

Legal Description: BLOCK 1 LOT 1 EXC PT IN ST LOT 2-4, LAUREL PK; BLOCK 23 E 73.5' OF LOT 1 EXC PT IN ST E 73.5' OF N 8' OF LOT 2, MT TABOR VILLA; BLOCK 23 W 39' OF N 8' & S 36.5' OF LOT 2, MT TABOR VILLA; BLOCK 23 LOT 3, MT TABOR VILLA; BLOCK 23 LOT 4, MT TABOR VILLA; BLOCK 24 LOT 1-3 E 45.35' OF LOT 28-30, MT TABOR VILLA; BLOCK 24 LOT 4-6, MT TABOR VILLA; BLOCK 24 LOT 9, MT TABOR VILLA; BLOCK 24 LOT 24, MT TABOR VILLA; BLOCK 24 LOT 25 S 21' OF LOT 26, MT TABOR VILLA; BLOCK 24 N 19' OF LOT 26 LOT 27 POTENTIAL ADDITIONAL TAX, MT TABOR VILLA; BLOCK 24 W 79.65' OF LOT 30 EXC PT IN ST W 79.65' OF LOT 28&29, MT TABOR VILLA; BLOCK 45 LOT 13&14, SWINTON

Tax Account No.: R478100010, R589404480, R589404500, R589404510, R589404520, R589404760, R589404790, R589404840, R589404990, R589405000, R589405030, R589405070, R816112690

State ID No.: 1N2E32AC 01800, 1N2E32DB 02500, 1N2E32DB 02400, 1N2E32DB 02300, 1N2E32DB 02200, 1N2E32DA 09400, 1N2E32DA 09500,

1N2E32DA 09700, 1N2E32DB 00400, 1N2E32DB 00300, 1N2E32DB 00200, 1N2E32DB 00100, 1N1E15BA 12900
3038

Quarter Section:

Neighborhood:

Montavilla, contact Land Use Chair at hello@montavillapdx.org

Business District:

Montavilla-East Tabor, contact at montavilla.biz@gmail.com

District Coalition:

Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District:

None

Zoning:

R2.5a – Single-Dwelling Residential 2,500 with an Alternative Design Density ('a') overlay;
CSb – Storefront Commercial with a Buffer ('b') overlay zones.

Case Type:

CU AD – Conditional Use Review with an Adjustment Review

Procedure:

Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:

The applicant is proposing to remove three properties from an established Conditional Use boundary of a church enlarged in 1976. The 1976 land use review approved the current official church boundary (including the three properties proposed to be removed), utilization of additional properties for off-street parking, new structures for youth activities, and an on-site dormitory. The land use review also identified an elementary school using the site with a student body of 150 students as well as Portland Bible College with 170 students and a total of 98 parking spaces throughout the church campus. The church has since changed ownership numerous times and the school and Bible College either ceased operation or moved to another site. Today, the site is used by the Highland United Church of Christ and a part of the existing parking lot is located on the rear yards of 408 and 416 NE 76th Ave.

The applicant is proposing to:

1. Remove 408 and 416 NE 76th from the church conditional use boundary;
2. Remove the parking area in the rear yards of those lots and reduce the church's parking inventory by nine spaces; and
3. Remove the multi-dwelling property located at 351-355 NE 78th from the conditional use boundary.

The church is split zoned with a portion in the R2.5 residential zone and the majority in the Storefront Commercial zone (CS). Institutional uses in residential zones, such as the church, have separate development standards found in Zoning Code Section 33.110.245, including having a 15-foot buffer with L3 landscaping between the conditional use and an adjacent residentially zoned property. Institutional uses in the CS zone do not have separate institutional development standards and are subject to the development standards in Table 130-3 and 130-4 of the zoning code. Table 130-4 requires landscape buffers and setbacks based upon the wall height of the building in the CS zone. For the subject site, a 5-foot setback landscaped to the L3 standard would be required where the site abuts a residential zone.

When a conditional use site is reduced in size and the remaining conditional use site is not in compliance with a development standard, a Type III Conditional Use process is required and an Adjustment must be requested and approved for the development standard(s) not in compliance.

Removing the identified properties from the church conditional use boundary will require the following Adjustments:

1. Adjust the 15-feet of L3 landscaping adjacent to an R zoned property (33.110.245.C and Table 110-5) to 6-feet of L3 landscaping for the southern approximately 63-feet of the common rear property line between 416 and 408 NE 76th and the church and to 0-feet with an F2 fence for the northern approximately 37-feet of the same common lot line as seen on the attached site plan.
2. Adjust to the landscape buffer of a CS zoned property adjacent to an R zoned property (Table 130-2 & Table 130-3) from 5-feet of L3 landscaping to 15-feet of L1 landscaping with an F2 fence for the first 90-feet of the common property line between 424 NE 76th

Ave and 416 NE 76th Ave and waive the 5-foot of L3 landscaping along the remaining 35-feet of the common property line (See attached site plan).

Relevant Approval Criteria:

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

- 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.805.040 Adjustments

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 May 24, 2018 and determined to be complete on August 28, 2018.

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.

To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, or FAX your comments to 503-823-4347; or you may testify at the hearing. In your comments, you should address the approval criteria. The Hearings Officer does not accept comments via e-mail. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. Please note that all correspondence and testimony received will become part of the public record. The applicant and Bureau of Development Services 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. Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

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 Hearings Officer 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 Hearings Officer 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 Hearings Officer, 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 decision of the Hearings Officer to the City Council. If appealed, City Council will hold an evidentiary hearing. New evidence can be submitted to the City Council in the event of an appeal of an evidentiary hearing

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

Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

HEARING CANCELLATION

This public hearing will be cancelled due the inclement weather or other similar emergency.

- Hearings Officer: This public hearing will be cancelled if the City of Portland is closed. Check local television or the City of Portland website (www.portlandoregon.gov) for closures. Contact the Hearings Office at 503-823-7307, for immediate information regarding cancellations or rescheduling.
- Design Commission, Historic Landmarks Commission or Adjustment Committee: 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. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

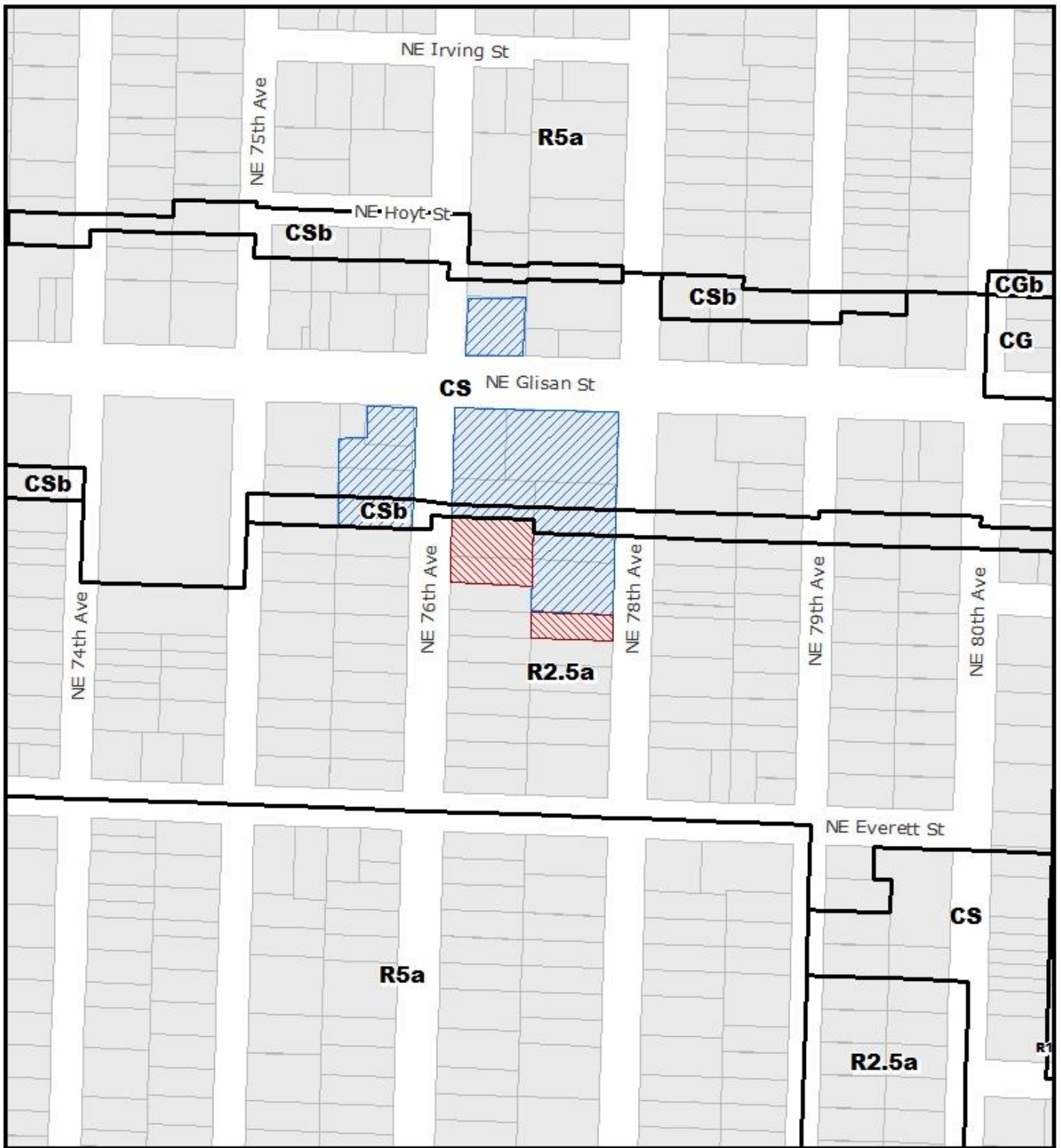
The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

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) 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 Plans



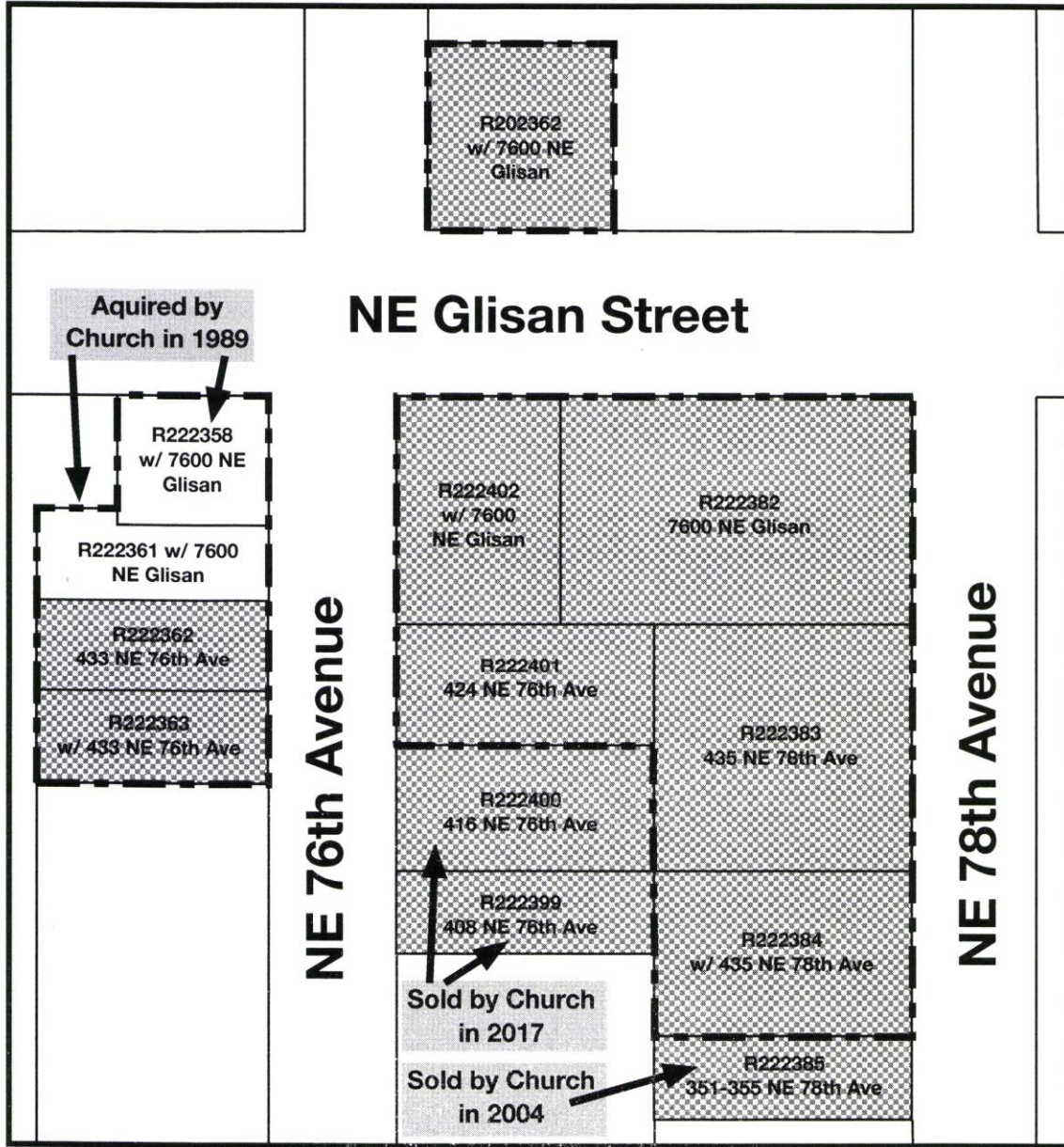
ZONING



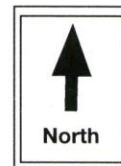
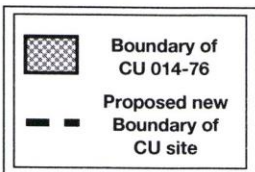
-  Properties to be removed from CU Boundary
-  CU Boundary

File No.	LU 18-177046 CU AD
1/4 Section	3038
Scale	1 inch = 200 feet
State ID	1N2E32DB 300
Exhibit	B Sep 05, 2018

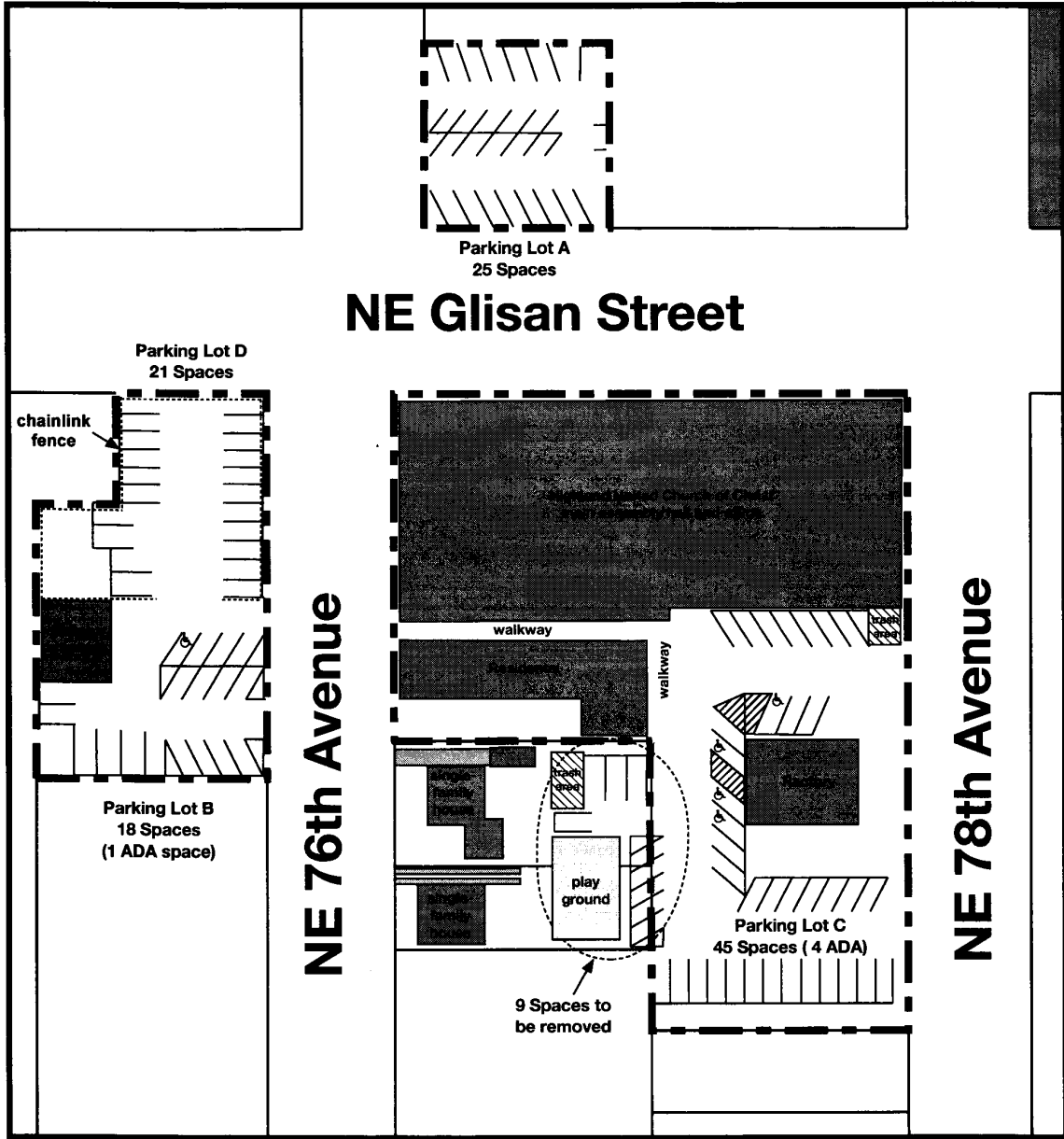
Exhibit A Conditional Use Boundary Map



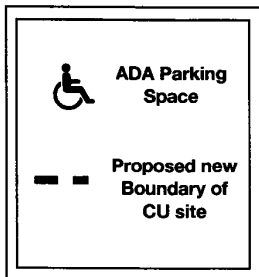
KEY



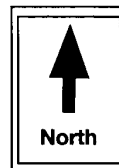
**Exhibit C
Parking Plan**



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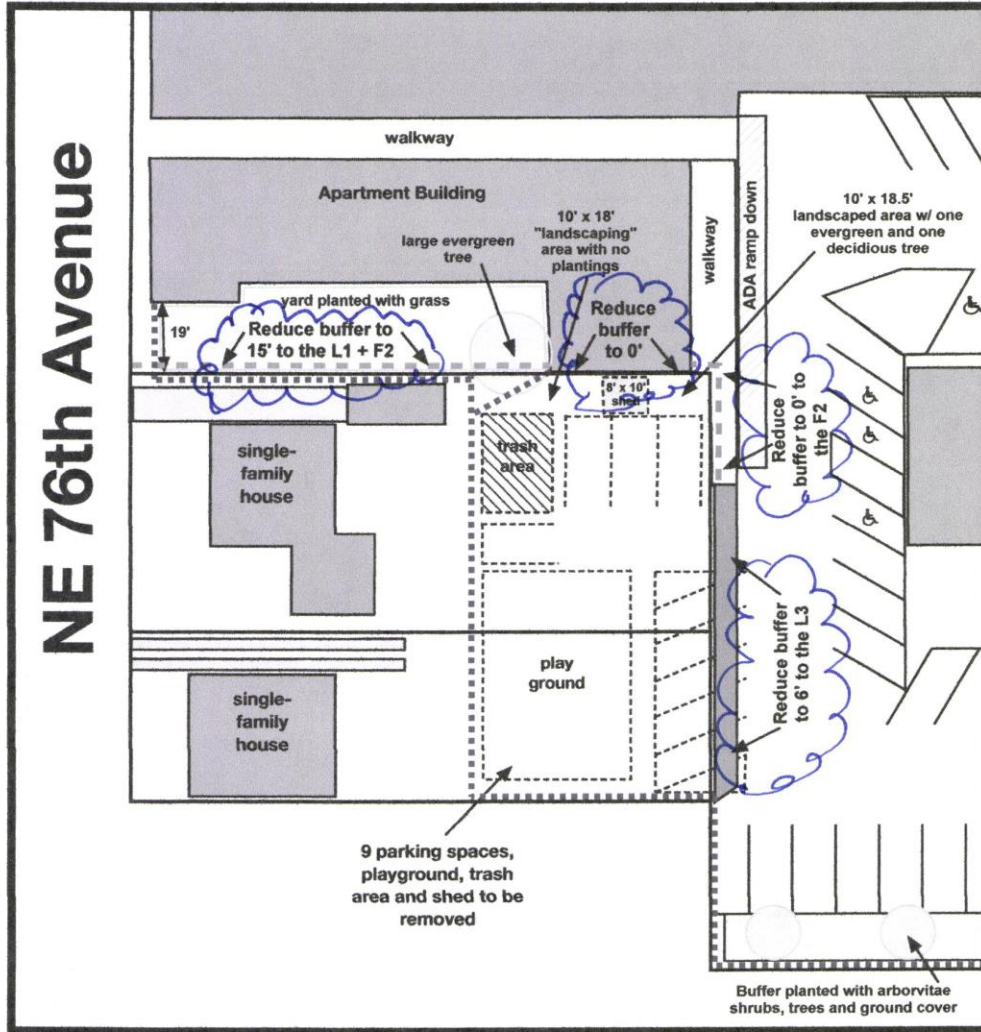


**408 & 416 NE 76th Avenue
Conditional Use Modification
and Adjustment**

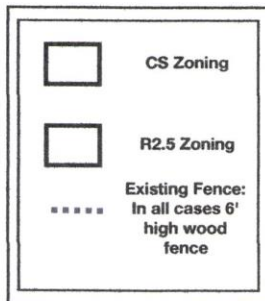


LU 18-177046 CU, AD

Exhibit D.1 Adjustment Detail



KEY



408 & 416 NE 76th Avenue Conditional Use Modification and Adjustment

