Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: September 27, 2019

To: Interested Person

From: Don Kienholz, Land Use Services
503-823-7771 / Don.Kienholz@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 19-191904 AD

GENERAL INFORMATION

Applicant: Doug Circosta | Doug Circosta Architect LLC
14670 SW Forest Drive | Beaverton OR 97007

Owner: University Park United Methodist Church Of Portland Oregon
4784 N Lombard St | Portland, OR 97203-4565

Site Address: 4775 N LOMBARD ST

Legal Description: BLOCK 107 LOT 20-26, NORWOOD
Tax Account No.: R618600200
State ID No.: 1N1E08CD 05300
Quarter Section: 2225

Neighborhood: Portsmouth, contact pnalandusechair@gmail.com.
Business District: University Park Business District
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: Lombard Street - Subdistrict A
Zoning: R1 – Multi-Dwelling Residential, 1,000.
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
The subject 25,666 square foot site is home to the University Park United Methodist Church. Currently, there is an active Lot Confirmation and Property Line Adjustment application pending that will confirm a 10,000 square foot lot at the corner of N Lombard Street and N. Fiske Ave. The applicant is requesting an Adjustment to the required development standards for an Institutional Use in the R1 zone to reduce the minimum west side building setback from 10-feet down to 5-feet and reduce the L3 landscaped buffer abutting a residential zone from 10-

feet down to a variable depth between 5-feet and 10-feet along the western side of the church. Then, when the concurrent Lot Confirmation and Property Line Adjustment are completed, the new church site will be in compliance with the required institutional development standards along the new western property line. No new physical development is proposed as part of this application.

This proposal is not removing any site area from the Conditional Use boundary of the church. If, in the future, the church does choose to remove site area from the Conditional Use boundary, it will require a Type II Conditional Use Review.

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are found in Portland Zoning Code Section 33.805.040 Adjustment Approval Criteria.

ANALYSIS

Site and Vicinity: The subject site is an approximately 25,000 square foot lot on the northeast corner of N Lombard Street and N. Fiske Avenue and abuts an alley running parallel to Lombard. The site contains a church, associated parking lot and a large open grass area. Trees are located along the periphery of the property. While the church is on the corner, access is taken directly from N. Lombard. Demolition permits were recently finaled for removing a bell tower and a previous addition on the west side that contained bathrooms.

In the immediate vicinity of the site, N. Lombard is lined with commercial businesses and residential uses. Many of the commercial buildings reflect a "storefront" character, with the building located near the street lot line and the residential uses tend to be multi-family development. One block north and south of Lombard the zoning changes to R2.5 as a transition zone before hitting large swaths of R5 zoning dominated by single-family homes in a typical grid pattern at a 45-degree angle.

Zoning: R1 zone. The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Institutional Uses are allowed in the R1 zone if approved as a Conditional Use. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Lombard Street Plan District implements the Lombard Street nodes and corridors elements of the St Johns/Lombard Plan by promoting development that fosters a pedestrian- and transit-oriented main street in key places, and supports enhanced design for multi-dwelling residential developments. The standards create active use areas and community gathering places along major streets intersecting with North Lombard. These standards ensure that development at key intersections along North Lombard is oriented to enhance the pedestrian environment.

Land Use History: City records indicate there are prior land use reviews for this site. They are:

- LUR 95-00345 DM – Type 3 Demolition Approval to raze an existing education/multi-purpose building.

- LUR 97-00513 CU – Approval of a Conditional Use to modify the existing church structure, add bathrooms, and add landscaping.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 29, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation Engineering (Exhibit E.2);
- Site Development Section of BDS (Exhibit E.3); and
- Fire Bureau and Water Bureau (Exhibit E.4).

Neighborhood Review: One anonymous written response was received in response to the proposal with just the simple question of "Where is their parking?" The church has on-site parking, but the church is considering the future development of apartments on the property adjacent to the corner of Lombard and Fiske which likely prompted the concern. It is likely the question sent in was referring to that potential development rather than the current proposal for an Adjustment to the institutional development standards. Regardless, the church has existing parking and the proposed Adjustment will not add nor remove parking.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

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

Finding: The proposal is for an Adjustment to two development standards for institutional uses found in Portland Zoning Code Section 33.120.275, specifically the minimum building setback to the west property line and the buffering requirement from an abutting residential zone (for when a lot confirmation currently being reviewed is completed that will confirm a new lot west of the church at the corner of N. Lombard and N. Fiske). The purpose statement of the institutional development standards, found in 33.120.275.A, is:

> *"**A. Purpose.** The general base zone development standards in the R3 through RX zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas."*

The relevant portion of the purpose statement for this review is "to maintain compatibility with and limit the negative impacts on surrounding residential areas."

<u>Adjustment 1: Reduce the minimum west side building setback from 10-feet down to 5-feet.</u> The existing church building along the west side is a single story of approximately 15-feet in building height, which would equate to a 7.5-foot setback under Table 120-7, except in no case can it be less than 10-feet. The church site, including the vacant area at the corner of N. Fiske and Lombard, is in the R1 zone which allows a maximum building height of 45-feet. With the church building along the west side being limited to approximately 15-feet in height, it will be compatible with the size of any building that could be constructed on the vacant portion of the property. The required landscape buffer, which will range in depth from 5 to 10-feet, will also provide a softening of the institutional use façade as viewed from future residential development to the west. The lack of windows and doors other than one fire escape door along the western façade will limit the institutional activity between the church site and a future residential development. The west side of the church is effectively the back of the church. All activity takes place along the east side between the parking lot and church and between the church and the south property line along N. Lombard.

With residential development on R1 zoned property having side setbacks dependent on the area of the wall plane, the minimum setback to the common property line will be 5-feet, which would result in a minimum 10-feet of separation at the proposed buffer's narrowest point and 18-feet at its widest if the future building is placed 5-feet from the setback. These setbacks will provide adequate physical separation for fire prevention, privacy, and access to air and light – the general purposes of setbacks and could be larger depending on the design of the future development. As proposed, the reduced buffer will maintain compatibility and limit any negative impacts of the institutional use on a future residential development.

The church has existed on the subject site since 1963. Given that the church is not expanding in size or area, the proposal will not have any negative impacts on the surrounding residential areas.

Adjustment 2: Reduce the L3 landscaped buffer abutting a residential zone from 10-feet down to a variable depth between 5-feet and 10-feet along the western side of the church.

The required landscaping buffer between an institution and an adjacent residential property is to soften the exterior of the institutional use, provide visual screening and provide physical separation. Currently, the land directly west of the church building is vacant, but is in the process of having underlying subdivision lots confirmed and separated from the church lot for future development. The institutional development standards require the landscape buffer to be 10-feet deep. The proposal is to have it range in depth between 5 and 10-feet along the length of the western property line with an approximately 20-foot segment measuring 13-feet deep and one pedestrian path through the landscaping to connect the future development on the confirmed lot.

The applicant is proposing for the buffer to consist of L3 landscaping, which includes trees, tall shrubs or a 6-foot tall masonry wall, and ground cover. The proposed L3 landscaping, whether it is 5-feet deep or 13-feet deep, provide physical separation and will soften the view from the future development towards the church building and break up the bulk of the building by providing the L3 vegetative screening. Since the soon-to-be new adjacent lot is vacant, the future development will be able to be designed to take into account the church building and their perceived issues with being adjacent to an institutional use.

Given the facts above, the equally meets the purpose of the institutional development standards.

Criterion met.

B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Finding: The subject property is zoned R1, a residential zone, so the proposal must not detract from the livability of appearance of the residential area. The two proposed adjustments are to reduce the minimum building setback and required landscaped buffer along the west property line currently being established through a concurrent lot confirmation process. The reduced setback and buffering will be adjacent to a vacant parcel that will eventually be developed. As proposed, a portion of the church building wall would be a minimum 10-feet from a new building with a 1000 sf façade on the lot being confirmed to the west. If the adjacent lot is developed with a larger structure with more façade area, which would be possible on an approximately 10,000 square foot lot R1 zoned lot, the development standards will push the building further from the common lot line. This setback will retain visual separation given the existing church

building is limited in height to 15-feet. The proposed landscaped buffer will also provide a softening of the area between the church and common property line and any future building to the west. Church activity takes place in the building and on the east side of the building where the parking lot is located. As such privacy along the west property line will be retained with the setback and landscaped buffer. Given the distance between a new building to the west and the church will be able to be designed to the site, at least 10-feet from the existing church, and have a landscaped buffer between buildings, the proposal will not detract from the livability of appearance of the residential area.

It is the church's intention to manage a future housing project on the newly confirmed lot and provide a pedestrian path through the L3 landscaping for residents of the future housing to easily access the church. If the church does not manage the future housing on the site, a condition of approval will require the pedestrian path be removed to ensure the institutional use will not detract from the livability of a residential development not associated with the church.

Criterion 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

Finding: Two adjustments are requested to the institutional standards. In this case, the adjustments are nearly synonymous – reducing the minimum west side setback and reducing the west side minimum landscape buffer – which **is** the west side building setback. Because the two adjustments are to reduce the setback and buffer to the same property line and have the same purpose statement, the are effectively evaluating the same impacts. Regardless, the two adjustments (reducing the minimum building setback from 10-feet to 5-feet and reducing the minimum L3 landscaping buffer from 10-feet to a range of 5 to 13-feet with one pedestrian connection) are not anticipated to have any impacts as found above in Findings A and B and will result in a project that is still consistent with the purpose of the R1 zone.

Criterion met.

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

Finding: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," while historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. The subject property is not within a City-designated 's' overlay zone. The church was previously identified on the Historic Resource Inventory but it was removed and a portion of the church was demolished under demolition permit CO 18-184376. Considering the lack of proximity to city-designated scenic and historic resources, staff finds development will not adversely impact scenic or historic resources and they will be preserved.

Criterion met.

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

Finding: As found in Findings A through C above, there are no anticipated impacts for which no mitigation is required.

Criterion 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;

Finding: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). Because no environmental overlay zone is mapped on the subject site, this criterion is not applicable.

Criterion met

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 requirements of Title 11 can be met, and 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 demonstrated that an Adjustment to reduce the 10-foot minimum side building setback to the west property line to as little as 5-feet and reducing the required 10-feet of L3 landscaped buffering along the western property line to a variable depth of 5 to 13-feet with one pedestrian connection equally meets the purpose of the Institutional Development Standards in 33.120.275. Additionally, the adjustments will not adversely impact historic, environmental or scenic resources. Because the applicant has met the approval criteria, the Adjustments must be approved.

ADMINISTRATIVE DECISION

Approval of two Adjustments:

1. Reduce the minimum side building setback to the west property line from 10-feet down to 5-feet; and
2. Reduce the required 10-feet of L3 landscaped buffering along the western property line to a variable depth of 5 to 13-feet with one pedestrian connection,

per the approved site plans, Exhibits C.1-1 and C.2, signed and dated September 25, 2019, subject to the following conditions:

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 Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 19-191904 AD. No field changes allowed."

B. If the church does not operate, or is not associated, with future housing on the adjacent lot to the west after it is confirmed, then the proposed pedestrian path connecting the two lots west of the church building shall be removed and the area planted with L3 landscaping.

Staff Planner: Don Kienholz

Decision rendered by: Don Kienholz **on September 25, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 27, 2019

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 July 12, 2019, and was determined to be complete on August 19, 2019.

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 July 12, 2019.

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 17, 2019.**

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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 11, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th 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.

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 Hearings Officer 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 Hearings Officer 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 after **October 11, 2019** 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 Materials
   1. July 12, 2019 Narrative
   2. August 18, 2019 Updated Narrative
   3. Elevation Plans, Including Before and After Demo
   4. New Water Main Plan
   5. Copy of Demo Permit for Multi-Purpose Room and Bathrooms
   6. Photos of Site and Church
   7. Copy of Planning Staff Response for EA 18-110788 PC
   8. Copy of Pre-App Conference Facilitator Summary Memo
   9. Copy of PLA/Lot Confirmation Application for Subject Site
B. Zoning Map (Attached)
C. Plans/Drawings:
   1. Large Scale Site Plan (Attached)
   2. Close-Up Site Plan (Attached)
D. Notification Information:
   1. Mailing List
   2. Mailed Notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation Engineering and Development Review
   3. Site Development Review Section of BDS
   4. Fire Bureau and Water Bureau
F. Correspondence:
   1. Anonymous, September 6, 2019, Raised Question of Where Parking Was Located
G. Other:
   1. Original LU Application
   2. Copy of Fee Payment Receipt
   3. July 26, 2019 Incomplete Letter

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).

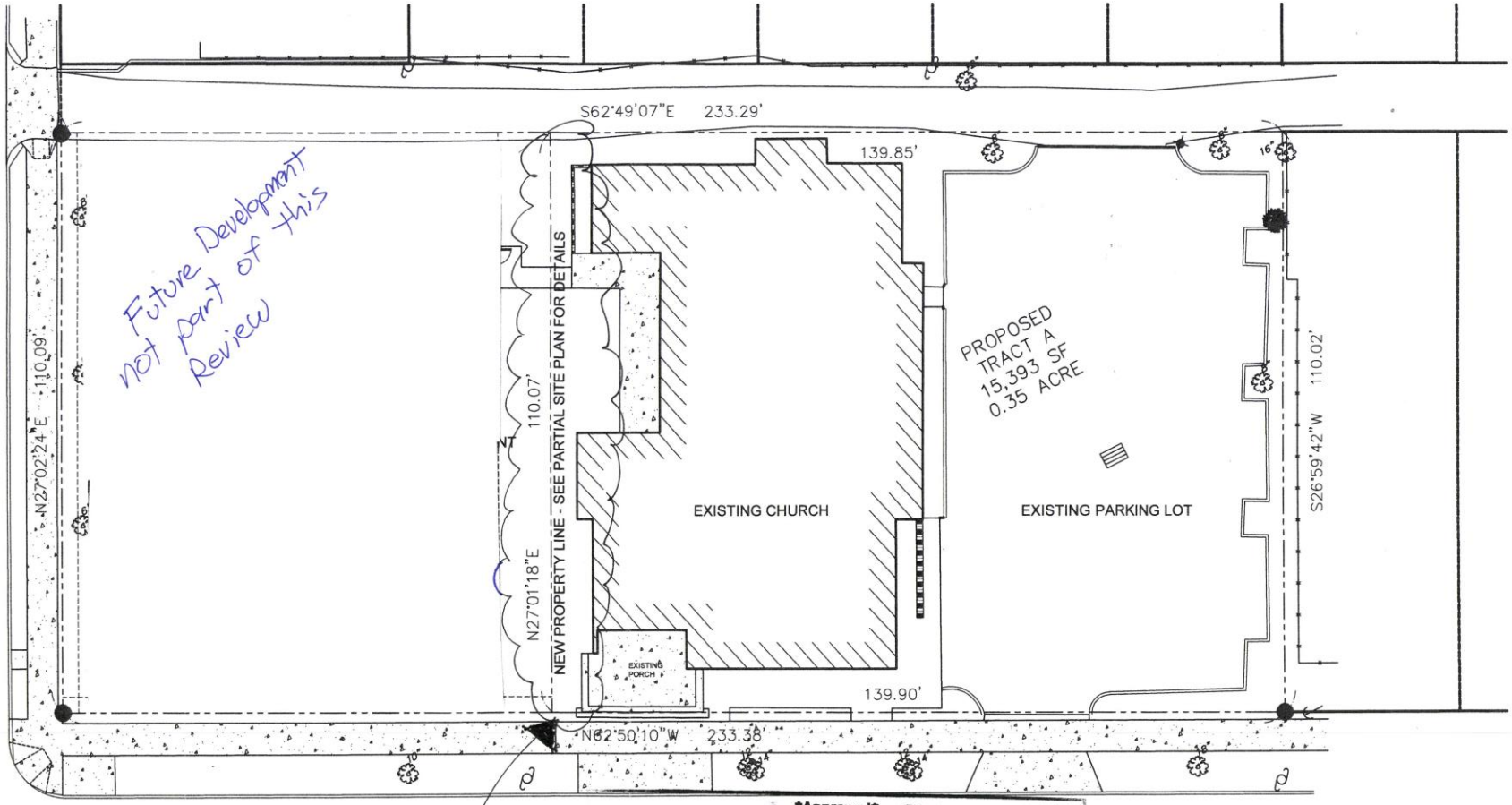
ZONING

NORTH

LOMBARD STREET PLAN DISTRICT
SUB DISTRICT A

Site

File No.	LU 19-191904 AD
1/4 Section	2225
Scale	1 inch = 200 feet
State ID	1N1E08CD 5300
Exhibit	B Sep 25, 2019

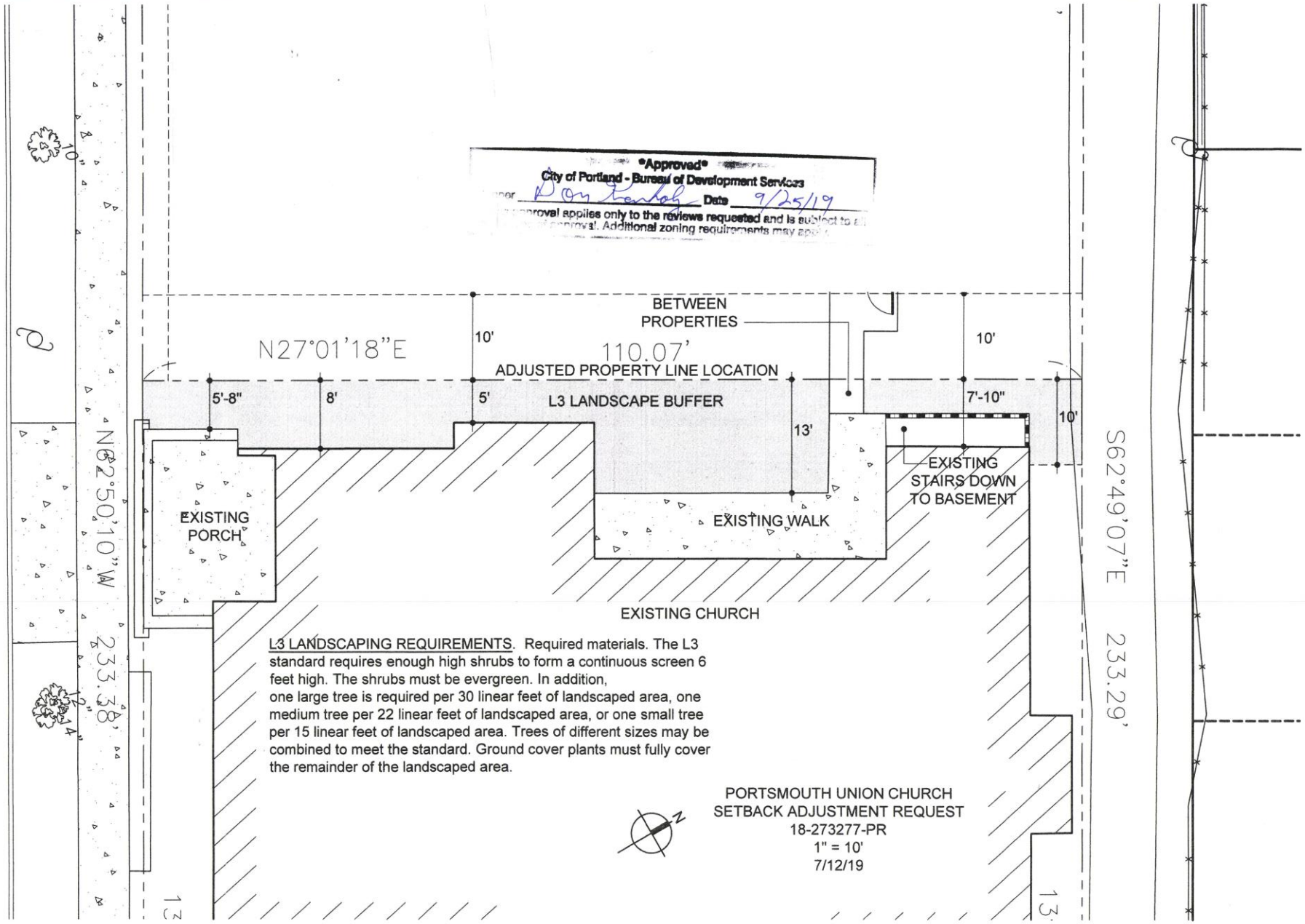


Approved
City of Portland - Bureau of Development Services
Planner Don Kienholz Date 9/25/19
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

PORTSMOUTH UNION CHURCH
SETBACK ADJUSTMENT REQUEST
18-273277-PR
1" = 20'
7/12/19

CASE NO. LU 19-191904 AD
EXHIBIT C.1

LU 19-191904 AD



L3 LANDSCAPING REQUIREMENTS. Required materials. The L3 standard requires enough high shrubs to form a continuous screen 6 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area.

PORTSMOUTH UNION CHURCH
SETBACK ADJUSTMENT REQUEST
18-273277-PR
1" = 10'
7/12/19

CASE NO. LU 18-191904 AD
EXHIBIT C.2