



Hearings Office

City of Portland

1900 SW 4th Avenue, Room 3100, Portland, OR 97201
www.portlandoregon.gov/hearings
email: HearingsOfficeClerks@portlandoregon.gov

phone: 503.823.7307
fax: 503.823.4347



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File Number: LU 19-137608 HPR AD (Hearings Office 4190022)

Applicant: Jessica Engeman
Venerable Group, LLC
1111 NE Flanders Street, Suite 206
Portland, OR 97232

Owner's Representative: Eric Paine
Alberta Abbey, LLC
3416 Via Oporto, Suite 301
Newport Beach, CA 92633

Hearings Officer: Fred Wilson

Bureau of Development Services (BDS) Staff Representative: Amanda Rhoads

Site Address: 126 NE Alberta Street

Legal Description: BLOCK 3 LOT 1&2, MAEGLY HIGHLAND

Tax Account No.: R526700780

State ID No.: 1N1E22AD 03400

Quarter Section: 2530

Neighborhood: King

Business District: Soul District Business Association

**District
Neighborhood
Coalition:** Northeast Coalition of Neighborhoods

Plan District: None

Other

Designations: Mallory Avenue Christian Church, designated as a Portland Historic Landmark on January 11, 2019

Zoning: R1 – Multi-Dwelling Residential 1,000

Land Use Review: Type III, HPR AD – Historic Preservation Incentive Review with concurrent Adjustment Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions.

Public Hearing: The hearing was opened at 9:00 a.m. on January 15, 2020, in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 9:03 a.m. The hearing was continued to February 26, 2020 at the applicant's request.

On February 26, 2020, the hearing was opened at 9:02 a.m. in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 11:12 a.m. The record was held open until 4:00 p.m. on March 25, 2020 for new evidence; until 4:00 p.m. on April 1, 2020 for response to new evidence; and until 4:00 p.m. on April 8, 2020 for the applicant's final response. The record was closed at 4:00 p.m. on April 8, 2020.

Testified at the Hearings:

January 15, 2020 - Damien Hall

February 26, 2020 - Amanda Rhoads, Damien Hall, Mark Takiguchi, Jessica Engeman, Julia Kuhn, Douglas Hardy, Richard Hunter Sr., and Bob Haley.

II. ANALYSIS

The Staff Report provides an excellent summary of the proposed use and subject property:

"The applicant is seeking Historic Preservation Incentive Review approval of a request to allow up to 100% nonresidential uses in the R1 zone as stipulated in Zoning Code Section 33.445.610.C.8. The applicant seeks to legalize existing Retail Sales and Service and Office uses in the building initiated by previous owners. This includes a performance space in the main auditorium, workspace for artists and arts organizations, a café, and space rental opportunities.

"The building is 29,500 square feet, originally constructed as a church in 1949 on a basement that dates to 1925. The last permitted use in the structure was a Religious Institution. The building was designated as a Portland Historic Landmark January 11, 2019. The parking lot to the north of NE Alberta St is in separate ownership and is not part of the current proposal.

"As part of legalizing the Retail Sales and Service and Office uses, the applicant requests an Adjustment to required parking for the uses. Per Zoning Code Section 33.266.110.B.1, sites within 500 feet of a transit street with 20-minute peak hour service require no parking for Office or Retail Sales and Service uses. The Alberta Abbey site is located 520 feet from NE Martin Luther King, Jr Blvd, the nearest transit street meeting this service definition. Therefore, the site is subject to minimum parking requirements of Table 266-2.

"Based on a breakdown of theater seats and square footage for office, basement gymnasium and café uses as seen in the attached Sheet Ao.02 (Exhibit C.3), the minimum parking required is 133 spaces. With the removal of the parking lot that historically served the church from the site, no parking is proposed to be provided. Therefore, the applicant requests an Adjustment to 33.266.110.B.2 and Table 266-2 to reduce the number of required parking spaces from 133 spaces to 0 spaces.

"No exterior alterations are currently proposed to the building or site, except for maintenance or Life Safety requirements for forthcoming change of occupancy permits, so Historic Resource Review is not expected.

"* * * * *

"The Mallory Avenue Christian Church is a modern church located at the corner of NE Alberta Street and NE Mallory Avenue in Portland's Albina Community Plan Area and the King Neighborhood. The building had an associated surface parking lot across the street to the north on Alberta, which is not included in the current proposal and which has been moved into separate ownership from the church building.

"The church sits on a square-shaped 10,000 square-foot lot that is 100 feet in each direction. This is double the typical 50x100' residential lot size in Portland. The 1949 building is primarily two stories tall, with the corner tower having three levels. It sits on a seven-foot-tall daylight concrete basement foundation that was constructed in 1925. The predominant exterior material is brick in a brown-orange-beige palette. The south wall of the church, which was originally specified to be stucco, has been sided with painted corrugated aluminum siding.

All of the windows on the building's primary elevation are original metal 'Trim-Set' windows, many with original wavy colored glass.

"While the building is generally square-shaped in plan, it has a complex roof form and many changes in the wall plane that disguise the square form. The primary roof form is a north-south gable roof with an east-facing cross gable and corner tower. There is a smaller west-facing gable extension at the northwest corner of the building. All of the gable roofs have a 12-7 roof pitch. A small shed roof extends from the southwest corner at the back of the property at the location of a chimney stack. There are solar panels on the south-facing slopes of the east and west-facing gable extensions and other rooftop equipment on the flat section of roof at the southeast corner of the building. The building retains its original copper gutters, downspouts, and rake moldings that feature verdigris.

"The character of the surrounding blocks is primarily single-family residential with some multi-family buildings. Nonresidential development, including both commercial and institutional uses, are located within a couple of blocks, to the west along North Williams Avenue, and to the east along NE Martin Luther King Boulevard. At this location, NE Alberta is classified as a Transit Access Street, City Bikeway and Local Service Walkway. Northeast Mallory is designated as a Local Service Street for all transportation modes." Staff Report, pages 1-3.

The Staff Report thoroughly explains how all of the applicable approval criteria are satisfied. The overwhelming number of findings in the Staff Report are not challenged. It would be a waste of the City's money and resources to review and repeat all of the unchallenged findings in the Staff Report. I have reviewed the findings in the Staff Report and I agree with those findings. Therefore, I adopt and incorporate the findings in the Staff Report in this decision, except as discussed further.

A number of neighbors oppose the application. Although the neighbors do not cite any specific Portland City Code (PCC) provisions, the objections concern traffic and parking. The neighbors' objections were thoroughly addressed and rejected in the Staff Report. I cannot say it any better than the Staff Report. As discussed earlier, the findings and conclusions from the Staff Report are incorporated in this decision.¹

The crux of this case involves the applicant's objection to two proposed conditions of approval – Condition B and Condition E. Condition B involves the limitation on the number of guests

¹ A number of opponents raised the issue of potential development of a surface parking lot that used to be part of the same ownership as the subject property as a needed housing development. This application does not involve that parking lot or any potential use of that property.

permitted during Abbey events to ensure traffic impacts are acceptable. Condition E involves whether and when the Abbey must obtain building permits.

A. Condition of Approval B

The issue of parking arises under a number of approval criteria. Initially, because the Abbey is more than 500 feet away from a bus line with a 20-minute peak hour service, the Abbey would be required to provide 133 parking spaces.² The Abbey seeks an adjustment under PCC 33.805.010 to eliminate the need for the otherwise required 133 spaces. As the Staff Report explains under its analysis of PCC 33.805.010, parking issues arise under other approval criteria as well. The analysis, however, is the same under all of the applicable approval criteria. The Staff Report explains how that analysis is conducted:

“When evaluating land use requests that require an assessment of on-street parking impacts, PBOT typically utilizes an 85% occupancy threshold for determin[ing] whether the existing supply of on-street parking can accommodate additional demand. 85% occupancy represents a threshold above which drivers will likely begin to circle the block in order to find an unoccupied parking space.

“To address the approval criteria associated with on-street parking impacts, the applicant’s traffic engineer conducted a parking study to measure existing parking demand associated with current activities include larger events. * * *

“* * * * *

“The analysis demonstrated that, with the exception of the larger Bluegrass Festival, the impacts upon the on-street parking capacity within the study area was within PBOT thresholds (at or below 85% occupancy). However, the larger, 400-person event caused the occupancy rate to exceed PBOT thresholds. PBOT’s traffic engineer worked with the applicant’s traffic consultant and determined that large-scale special events capped at a maximum attendance of 330 people would generally remain within the 85% thresholds. Events that exceed 330 people should not be permitted due to their potential to negatively impact on-street parking in the study area.” Staff Report, pages 16-17.

The Staff Report proposed Condition of Approval B as follows:

“Maximum capacity of people at all events/activities occurring at the site at any one time is 250 persons. However, up to 8 times a year, this maximum limit may

² Unfortunately for the Abbey it is 520 feet away from bus service, so it misses not being required to provide any parking spaces by 20 feet.

be increased to 251-330 persons. More than 330 persons onsite at any one time is prohibited.”

As the Staff Report explains, the limitation is to ensure that the 85 percent occupancy threshold is not exceeded. The Abbey argues that because the events are of limited duration and sporadic that a 90 percent occupancy threshold should be utilized. While the Abbey’s arguments are not unreasonable, I do not see that I need to decide between the 85 percent and 90 percent threshold, as the Abbey can satisfy the 85 percent threshold and still have the number of guests it wishes.

As the Staff Report explains, the Abbey can meet the 85 percent threshold with a limitation of 330 guests. The Portland Bureau of Transportation (PBOT) explained that if the Abbey had a shared parking agreement (which it did not at the time), then the number of guests could be increased. The Abbey has provided a shared parking agreement for 23 parking spaces. The Abbey and PBOT agree that each additional space translates into 2.5 additional guests. Therefore, with the shared parking agreement, the Abbey would not exceed the 85 percent occupancy threshold until 389 guests. This is more than sufficient to satisfy the Abbey’s request to modify the condition of approval to allow up to 350 guests.

The Abbey also wishes to modify the condition of approval to allow over 350 guests (based on 2.5 additional guests per each additional parking space) if additional parking spaces are available. The Abbey explains that in addition to the 23 parking spaces already included in the shared parking agreement that it is involved in discussions to procure up to 70 potential additional parking spaces. Although there is the potential problem of enforcement of the requirement to procure the additional spaces, I do not think decisions should be made based on the assumption that applicants will willingly violate their conditions of approval. Furthermore, as the Abbey explains, with or without the potential additional parking spaces the process is complaint driven, and the Abbey would have to produce the additional shared parking agreements if there are complaints. Therefore, Condition B is modified as follows:

“The Abbey shall not exceed the following peak occupancy:

- 350 patrons when no off-street parking is available to Abbey patrons;
- When off-street parking is available to Abbey patrons, peak occupancy may exceed 350 patrons by the number of off-street parking stalls available multiplied by 2.5.”³

³ The Abbey’s suggested modification also included language that would allow up to five events that would exceed these limitations – apparently without any limitation at all on the number of guests. I presume that was based on the staff’s recommendation to allow up to eight events that would exceed the originally recommended 250 guests. The staff’s recommendation that would have allowed up to eight events that exceeded the 250 guest limit still capped the number of guests at 330. I do not see any basis for allowing an unlimited number of guests – even if for a small number of events.

B. Condition of Approval E

PCC 33.815.105.C.2 provides:

"The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

"* * * * *

"2. Privacy and safety issues."

The Staff Report states:

"Safety can refer to risks of neighbors experiencing crime as a result of people brought to a location by an event, but also the safety of the building itself and risk of impact to nearby property and life from fires or other activities at the subject site. * * *

"Safety of the building is usually ensured by requiring that all permits are finalized prior to the approved activity commencing in the building. In this case, prior owners initiated new uses in the historic church building without benefit of required permits, then sold the building to the current owners prior to addressing the required change of occupancy permits. Representatives for the current owners met with BDS Commercial Plans Examiners in a preliminary Life Safety meeting in May 2019 to discuss options for legalizing retail, event, and office occupancies in the church building. Several possible paths were laid out for Alberta Abbey to pursue (Exhibit G.6). Recent conversation with the Plans Examiner at that May meeting confirmed that other than an email exchange in August, no further follow-up with BDS has been initiated by the Abbey since that May meeting (see Exhibit G.7 for the August emails). Complicating the process is an updated Building Code in effect as of January 2020; it is not clear whether an analysis of what will be required of the church building has been completed for the old or new code.

"The building has been operating for some six years without the required permits. In order to ensure the safety of guests and the safety of the wider residential area, this approval will be conditioned on a requirement to apply for and have issued all required change of occupancy permit(s) within six months of the approval of this land use decision, and to final all permit(s) within 12 months of the approval of this land use decision. This approach moves the Abbey toward full compliance with all required permits within a year without requiring

them to cease operations (and their revenue stream) until the work is completed.” Staff Report, page 10.

The Staff Report proposed the following condition of approval to satisfy PCC 33.815.105.C.2:

“Alberta Abbey will apply for all required building permits to accomplish the appropriate change of occupancy/ies of the building. The permit must be issued within 6 months of this land use approval. All permits must be finalized within 12 months of this approval.”

The Abbey argues that this condition of approval is not related to PCC 33.815.105.C.2. I tend to agree with the Abbey that ensuring the “livability of nearby residential zoned lands” due to “privacy and safety issues” does not include considerations of building permits. Livability generally involves day to day impacts that cause inconveniences and disturbances. For instance, PCC 33.815.105.C.1 addresses impacts from “[n]oise, glare from lights, late-night operations, odors, and litter[.]” The only issue the Staff Report identifies as constituting a “safety issue” is the potential for fires. I am skeptical that this is the type of safety issue envisioned by PCC 33.815.105.C.2. I think safety refers more to concerns about crime as the following portion of the Staff Report addresses:

“One commenter did write in with concerns about physical fights people leaving the Abbey allegedly engaged in with one another after an event in August (Exhibit F.16). It’s not clear if security was present at that event or where the alleged fights occurred. There is no evidence in the record indicating that this is a common occurrence. The writer of the letter likewise does not state this has ever happened before.

“The Police Bureau reviewed the proposal and evaluated it on whether police can provide adequate public safety services. They responded concluded the Police Bureau will be able to provide services to the site when 100 percent of the building is nonresidential; no conditions of approval were requested (Exhibit E.7). Staff finds that, despite the letter from the neighbor, the evidence in the record is sufficient to find the criterion is met with respect to public safety.”
Staff Report, page 10.

Even if speculative concerns about potential fires could constitute a “safety issue” for purposes of “livability of nearby residential zoned lands,” there is nothing in PCC 33.815.105.C.2 that requires or even suggests that compliance with building codes must be accomplished in a specific time frame.⁴ The Abbey argues persuasively that the upgrades the City appears to require would cost well over 6 million dollars and could not be completed in 12 months. A

⁴ The Abbey is required to comply with applicable building code provisions independently of this land use application. Thus, any conditions of approval imposed by this decision are in addition to existing requirements.

hypothetical concern about potential fires seems a slender reed to base an over 6 million dollar condition of approval that could not even be accomplished in the required time frame.

The Abbey further argues that it would be an unconstitutional taking to impose Condition E. The Staff Report relies on PCC 33.800.070 to allow the City to impose such conditions. PCC 33.800.070 provides:

“The City *may attach conditions* to the approval of all discretionary reviews. However, conditions may be applied only to ensure that the proposal will conform to the applicable approval criteria for the review or to ensure the enforcement of other City regulations.” (Emphasis added.)

PCC 33.800.070 is in the General Information on Land Use Reviews section of the PCC – not in any provisions regarding the application in this case. As the emphasized language illustrates, this is a discretionary rather than mandatory provision. While it may be appropriate to use this catch all provision to impose conditions of approval unrelated to the applicable approval criteria in some cases, I do not think it would be appropriate in this case. As discussed, the building permits alleged to be required would be extremely expensive and could not feasibly be completed within 12 months. Given the unfolding situation involving the coronavirus, it would seem unduly harsh to impose time limits when even if the Abbey made every effort to meet the deadline, it may not be possible due to extraneous circumstances. Additionally, as the Abbey conducts events such as concerts that generally involve close quarters, it may be even more financially vulnerable to coronavirus related restrictions. The Abbey has been operating in one capacity or another for a long time, and I am not aware of any fires occurring there that have adversely affected the livability of the neighborhood. The Abbey argues that much of the alleged lack of compliance is erroneous, and this case does not seem like the proper place to decide those issues. Finally, just because the Abbey is not required to obtain all of the potential permits within 12 months does not mean that it will not have to obtain whatever permits may be necessary.

The Abbey suggests the following modified condition of approval:

“Prior to the date 12 months from final approval of this application, Applicant and BDS shall mutually agree upon which, if any, building permits are required and an appropriate timeline to close-out such permits.”

While this does not seem like an unreasonable suggestion, I am concerned about what the result would be if the Abbey and BDS could not “mutually agree” on which permits are required and/or a timeline. Given the large degree of uncertainty surrounding which permits may or may not be required, potential takings issues, potential religious protection claims, and the coronavirus disruptions, I do not think this decision is the proper place to determine when or how building permit(s) decisions should be made. An enforcement action could presumably

be brought at any time as the Abbey has arguably been in violation for years. I think it would be preferable for this issue to be resolved in the building permit arena rather than the land use application arena. Therefore, I am imposing a modified condition of approval suggested by the Abbey at the public hearing that merely requires the Abbey to apply for and obtain any required building permits but does not impose any time limits in this decision.⁵ Therefore, Condition E is modified as follows: "The applicant will apply for and obtain any required building permits to accomplish the appropriate change of occupancy/ies of the building." With the imposed conditions of approval, all of the applicable approval criteria are satisfied.

III. CONCLUSIONS

The applicant has satisfied all of the applicable approval criteria. Therefore, the application is approved with the following conditions of approval.

IV. DECISION

Historic Preservation Incentive Review approval of Retail Sales and Service and Office uses in the entirety of the Portland Historic Landmark Mallory Avenue Christian Church, also called Alberta Abbey, per the attached plans, including office space across three levels; a rentable basement ballroom/gym with accessory kitchen; a café space on the main level; and a rentable auditorium with stage, seating, and lobbies.

Adjustment approval to Zoning Code Section 33.266.110.B.2 and Table 266-2 to waive the minimum required 133 parking spaces for the new uses.

All approvals are subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the four 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 19-137608 HPR AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The Abbey shall not exceed the following peak occupancy:
 - 350 patrons when no off-street parking is available to Abbey patrons;
 - When off-street parking is available to Abbey patrons, peak occupancy may exceed 350 patrons by the number of off-street parking stalls available multiplied by 2.5.

⁵ That does not mean there is no time limit – just that I am not imposing one.

- C. Alberta Abbey will implement the transportation demand management (TDM) plan outlined in Exhibit A.17, including the following elements:
- TDM page on Alberta Abbey website (currently www.albertaabbey.org) encouraging attendees to walk, bike, take the bus, and if driving, to park only in certain locations;
 - Information on nearby transit services provided on that page, including a map and link to TriMet's Trip Planner (https://trimet.org/ride/m/planner_form.html); and
 - Information on on-site and nearby bike parking opportunities, including a map.
- D. All events and gatherings at Alberta Abbey will cease by 11:00 p.m. However, up to 12 events per calendar year may end by 12:00 Midnight.
- E. The applicant will apply for and obtain any required building permits to accomplish the appropriate change of occupancy/ies of the building.
- F. Within one month of this land use approval, the owner must execute a covenant with the City and record that covenant against the property with Multnomah County that meets the requirements of Zoning Code Section 33.445.610.



Fred Wilson, Hearings Officer

April 23, 2020

Date

Application Determined Complete:	August 26, 2019
Report to Hearings Officer:	January 3, 2020
Decision Mailed:	April 23, 2020
Last Date to Appeal:	4:30 p.m. on May 7, 2020
Effective Date (if no appeal):	May 8, 2020

Conditions of Approval. 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.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OREGON 97201. Appeals can be filed at the 5th floor reception desk, Monday through Friday between 8:00 a.m. and 4:30 p.m. **An appeal fee of \$4,159.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000.00).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County

Recorder. 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.

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
 - 1. Applicant Narrative Responding to 33.846.050.C
 - 2. Chart: Current and Proposed Uses
 - 3. Transportation Impact Study (see also Exhibits A.8 and A.17)
 - 4. Applicant Narrative Responding to 33.815.105.A
 - 5. Applicant Email, April 15, 2019
 - 6. Applicant Email, July 15, 2019
 - 7. Applicant Narrative Responding to Adjustment Approval Criteria 33.805.040, Received July 15, 2019
 - 8. Supplement to Transportation Impact Study, received July 15, 2019
 - 9. Applicant Narrative Responding to 33.815.105.A-E, received August 7, 2019
 - 10. Applicant Narrative Responding to 33.846.050.C, received August 7, 2019
 - 11. Quality Counts parking, light and noise data from May 11 bluegrass festival, submitted August 7, 2019
 - 12. List of Events at Alberta Abbey from mid-2017 through 2019, received August 7, 2019
 - 13. Request for Extension of 120-Day Review Period by 7 days, received August 28, 2019
 - 14. Request for Extension of 120-Day Review Period by an additional 2 days, received September 5, 2019
 - 15. Draft website and signage language addressing parking, submitted October 3, 2019
 - 16. Request for Extension of 120-Day Review Period by 41 days, received October 10, 2019
 - 17. Supplement to Transportation Impact Study, received November 7, 2019
 - 18. Memo on Alberta Abbey occupancy permit issues, received November 18, 2019
 - 19. Statewide Planning Goals Narrative, received November 19, 2019
 - 20. Request for Extension of 120-Day Review Period by 51 days, received November 22, 2019
 - 21. Email exchange between applicant's transportation engineer and PBOT, received January 2, 2019. Contains error regarding status of adjacent parking lot, which is not included in proposal.
 - 22. Original Plan Set
- B. Zoning Map
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan
 - 2. North and East Elevation Drawings
 - 3. Parking Requirements by floor/area
- D. Notification information
 - 1. Request for response

2. Posting letter sent to applicant, September 16, 2019
 3. Notice to be posted
 4. Applicant's statement certifying posting – dated September 20, 2019
 5. Mailing list – October 2, 2019 notice
 6. Mailed notice – October 2, 2019 notice
 7. Posting letter sent to applicant, October 28, 2019
 8. Notice to be posted - repost
 9. Applicant's statement certifying posting – dated October 30, 2019
 10. Mailing list – November 12, 2019 notice
 11. Mailed notice – November 12, 2019 notice
 12. Posting letter sent to applicant, December 5, 2019
 13. Notice to be posted – second repost
 14. Applicant's statement certifying posting – dated December 12, 2019
 15. Mailing list – December 24, 2019 notice
 16. Mailed notice – December 24, 2019
- E. Agency Responses
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of Bureau of Development Services
 6. Life Safety (Building Code) Plans Examiner
- F. Letters and emails
1. Jacquie Walton, April 3, 2019
 2. Jacquie Walton, April 9, 2019
 3. Ashley Lakovic, April 20, 2019
 4. Libby Deal, April 22, 2019
 5. Tom Lakovic, April 24, 2019
 6. Jacquie Walton, May 11, 2019 (superseded by F.8, below)
 7. John Kim, May 12, 2019
 8. Jacquie Walton, May 13, 2019 (with revised photos first sent in F.6)
 9. John Kim, May 13, 2019
 10. Margaret O'Hartigan, May 13, 2019
 11. Ashley Lakovic, July 12, 2019
 12. Scott Jones, July 13, 2019
 13. Ursula Kienbaum, July 13, 2019
 14. Ayesha Hankins, July 31, 2019
 15. Alexa Pengelly, August 11, 2019
 16. Margaret O'Hartigan, August 12, 2019
 17. Mark Takiguchi, Executive Director, Alberta Abbey Foundation, with forms signed by 76 individuals supporting the application, received September 3, 2019

18. Email conversation between Jacquie Walton and PBOT Senior Planner Robert Haley, dated September 13, 2018 through September 24, 2019
 19. Scott Erwin, November 5, 2019
 20. Fiona Taylor, November 5, 2019
 21. Douglas Burns, November 8, 2019
 22. Kymberly Jeka, Chair of Humboldt Neighborhood Association, November 10, 2019
- G. Other
1. Original Land Use Application and Receipts
 2. Incomplete Letter, sent April 16, 2019
 3. Email from planner, April 17, 2019
 4. Email from planner, August 21, 2019
 5. Summary of Preliminary Life Safety Meeting, May 15, 2019, provided by applicant's architect
 6. Email exchange between Portland Life Safety Plans Examiner Geoff Harker and Ian Flood, applicant's architect regarding change of occupancy process.
- H. Received in the Hearings Office
1. Request to Reschedule - Rhoads, Amanda
 2. Request for Reschedule - Rhoads, Amanda
 3. Request for Extension of 120-Day Review Period - Rhoads, Amanda
 4. Hearing Notice - Rhoads, Amanda
 5. Request to Reschedule - Rhoads, Amanda
 6. Request to Reschedule - Rhoads, Amanda
 7. Request for Extension of 120-Day Review Period - Rhoads, Amanda
 8. Hearing Notice - Rhoads, Amanda
 9. Request to Reschedule to 1/15/20 or 1/22/20 - Rhoads, Amanda
 10. Request for Extension of 120-Day Review Period to 4/3/20 - Rhoads, Amanda
 11. Second Revised Notice of a Public Hearing - Rhoads, Amanda
 12. Staff Report - Rhoads, Amanda (**attached**)
 13. Request for Continuance Letter - Hall, Damien
 14. 1/13/20 Email from Damien Hall - Rhoads, Amanda
 - a. 1/13/20 Letter from Damien R. Hall - Rhoads, Amanda
 15. 1/13/20 Email from Sarah Moses - Rhoads, Amanda
 16. 1/10/20 letter - King Neighborhood Association
 17. Record Closing Information - Hearings Office
 18. Letter in support - Moses, Sarah
 19. Letter in support - Beck, John
 20. Letter in support (2 pages) - Walton, Jacqueline
 21. PowerPoint presentation printout Rhoads, Amanda Received
 22. Request for Extension of 120-Day Review Period - Rhoads, Amanda
 23. Change of Use or Occupancy - Rhoads, Amanda
 24. Permit history - Rhoads, Amanda
 25. Record Closing Information - Hearings Office

26. Historic Preservation Incentive Review - Rhoads, Amanda
27. Shared Parking Agreement - Rhoads, Amanda
28. Additional Evidence - Hall, Damien
29. Response to New Evidence - Hall, Damien
30. Redemption Church Overview - Hall, Damien
31. Applicant's final argument received at 4:01 p.m. - Hall, Damien



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

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

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 19-137608 HPR AD
PC # 18-210168
REVIEW BY: Hearings Officer
WHEN: Wednesday, January 15 at 9:00 am
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: AMANDA RHOADS / AMANDA.RHOADS@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Jessica Engeman | Venerable Group, LLC
1111 NE Flanders St, Suite 206 | Portland, OR 97232
503-943-6093 | jessica@venerableproperties.com

Owner's Rep: Eric Paine | Alberta Abbey, LLC
3416 Via Oporto, Suite 301 | Newport Beach, CA 92633

Site Address: 126 NE ALBERTA ST

Legal Description: BLOCK 3 LOT 1&2, MAEGLY HIGHLAND
Tax Account No.: R526700780
State ID No.: 1N1E22AD 03400
Quarter Section: 2530
Neighborhood: NECN, King, contact Michael Barrett at landuse@kingneighborhood.org.
Business District: Soul District Business Association, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: None
Other Designations: Mallory Avenue Christian Church, designated as a Portland Historic Landmark on January 11, 2019

Zoning: R1 – Multi-Dwelling Residential 1,000
Case Type: HPR AD – Historic Preservation Incentive Review with concurrent 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 seeking Historic Preservation Incentive Review approval of a request to allow up to 100% nonresidential uses in the R1 zone as stipulated in Zoning Code Section 33.445.610.C.8. The applicant seeks to legalize existing Retail Sales and Service and Office uses in the building

initiated by previous owners. This includes a performance space in the main auditorium, workspace for artists and arts organizations, a café, and space rental opportunities.

The building is 29,500 square feet, originally constructed as a church in 1949 on a basement that dates to 1925. The last permitted use in the structure was a Religious Institution. The building was designated as a Portland Historic Landmark January 11, 2019. The parking lot to the north of NE Alberta St is in separate ownership and is not part of the current proposal.

As part of legalizing the Retail Sales and Service and Office uses, the applicant requests an Adjustment to required parking for the uses. Per Zoning Code Section 33.266.110.B.1, sites within 500 feet of a transit street with 20-minute peak hour service require no parking for Office or Retail Sales and Service uses. The Alberta Abbey site is located 520 feet from NE Martin Luther King, Jr Blvd, the nearest transit street meeting this service definition. Therefore, the site is subject to minimum parking requirements of Table 266-2.

Based on a breakdown of theater seats and square footage for office, basement gymnasium and café uses as seen in the attached Sheet A0.02 (Exhibit C.3), the minimum parking required is 133 spaces. With the removal of the parking lot that historically served the church from the site, no parking is proposed to be provided. Therefore, the applicant requests an Adjustment to 33.266.110.B.2 and Table 266-2 to reduce the number of required parking spaces from 133 spaces to 0 spaces.

No exterior alterations are currently proposed to the building or site, except for maintenance or Life Safety requirements for forthcoming change of occupancy permits, so Historic Resource Review is not expected.

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:

- 33.846.050.C.1-3 Historic Preservation Incentive Review Approval Criteria
- 33.815.105.A-E Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.805.040.A-F Adjustments Approval Criteria

Because one or more of the criteria listed above is an unacknowledged land use regulation, this proposal must also comply with applicable Statewide Planning Goals. The Statewide Planning Goals may be viewed at

http://www.oregon.gov/LCD/pages/goals.aspx#Statewide_Planning_Goals.

ANALYSIS

Site and Vicinity: The Mallory Avenue Christian Church is a modern church located at the corner of NE Alberta Street and NE Mallory Avenue in Portland's Albina Community Plan Area and the King Neighborhood. The building had an associated surface parking lot across the street to the north on Alberta, which is not included in the current proposal and which has been moved into separate ownership from the church building.

The church sits on a square-shaped 10,000 square-foot lot that is 100 feet in each direction. This is double the typical 50x100' residential lot size in Portland. The 1949 building is primarily two stories tall, with the corner tower having three levels. It sits on a seven-foot-tall daylight concrete basement foundation that was constructed in 1925. The predominant exterior material is brick in a brown-orange-beige palette. The south wall of the church, which was originally specified to be stucco, has been sided with painted corrugated aluminum siding. All of the windows on the

building's primary elevation are original metal "Trim-Set" windows, many with original wavy colored glass.

While the building is generally square-shaped in plan, it has a complex roof form and many changes in the wall plane that disguise the square form. The primary roof form is a north-south gable roof with an east-facing cross gable and corner tower. There is a smaller west-facing gable extension at the northwest corner of the building. All of the gable roofs have a 12-7 roof pitch. A small shed roof extends from the southwest corner at the back of the property at the location of a chimney stack. There are solar panels on the south-facing slopes of the east and west-facing gable extensions and other rooftop equipment on the flat section of roof at the southeast corner of the building. The building retains its original copper gutters, downspouts, and rake moldings that feature verdigris.

The character of the surrounding blocks is primarily single-family residential with some multi-family buildings. Nonresidential development, including both commercial and institutional uses, are located within a couple of blocks, to the west along North Williams Avenue, and to the east along NE Martin Luther King Boulevard. At this location, NE Alberta is classified as a Transit Access Street, City Bikeway and Local Service Walkway. Northeast Mallory is designated as a Local Service Street for all transportation modes.

Zoning: The Residential 1,000 (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, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate that prior land use reviews include the following:

- **LU 18-263653 HL** – Approval of historic designation of the Mallory Avenue Christian Church, also known as the Alberta Abbey, as a Portland Historic Landmark. This designation is what made it possible for Alberta Abbey to apply for the Historic Preservation Incentive Review currently underway.

Agency Review: A "Request for Response" was mailed **September 9, 2019**. The following Bureaus have responded:

- The Bureau of Environmental Services (BES) reviewed the proposal and expressed no objections to the proposal. The proposal will be subject to BES standards and requirements during the building permit review process (Exhibit E.1.a and b);
- The Portland Bureau of Transportation (PBOT) reviewed the application and made findings that are reproduced under approval criteria 33.815.105.D.1 and D.2. Additional findings

were provided by PBOT in support, with conditions, of the Adjustment to waive the minimum parking requirements for the proposed uses (Exhibit E.2).

- The Water Bureau described the water service currently available to the site, and noted the public services are adequate to service the proposed use (Exhibit E.3).
- Portland Fire & Rescue indicated that after building permit review, public services for fire protection and access would be capable of serving the proposed use (Exhibit E.4).
- The Site Development Section of BDS had no concerns regarding the proposal (Exhibit E.5).
- The Life Safety (Building Code) Plans Examiner noted that “a building permit is required to change the use of a building to a different occupancy classification, and the building must be made to comply with building code requirements for the proposed new use or occupancy” (Exhibit E.6).
- The Police Bureau responded with no concerns regarding the proposal, and indicated they would be able to provide services to the site under the proposal (Exhibit E.7).

Neighborhood Review: A total of 22 written responses have been received from a neighborhood association, notified residents, or clients of Alberta Abbey in response to the proposal. One of the items received was a petition collected by the Abbey showing 76 individuals signing in support of the organization (Exhibit F.17). Several others were identical emails generated through the Abbey website (Exhibits F.14, F.15, and F.20-F.22).

A majority of the letters received were letters of support from both immediate neighbors but also from clients and visitors to the Alberta Abbey who are in support of their mission to provide affordable performance and class space for artists and arts organizations. The letters with concerns focused their comments in several areas:

- The parking impacts on the surrounding neighborhood during large events are severe and widespread.

Staff comment: Parking impacts are addressed in the findings for Zoning Code Section 33.815.105.D and 33.805.040 below.

- Having narrow streets like NE Mallory Ave and NE Rodney Ave north of NE Alberta St fully parked up during events results in a dangerous condition limiting emergency vehicles’ ability to access or drive through the area, and the narrow streets lead to dangerous conditions for pedestrians and traffic. The review should limit the locations where people attending events at the Abbey can park.

Staff comment: In an email communication with one neighbor, PBOT senior planner Bob Haley addressed the issue of the narrow street constraints in the area. He notes that “Technically, there should only be parking on one side for a 24-ft wide roadway.” Title 33, the City’s Zoning Code, “has no authority to place conditions of how the right-of-way functions. That is under the jurisdiction of the City Engineer through Title 17. The Hearings Officer cannot place conditions of approval regarding where on-street parking is located or whether a street has two-way or one-way traffic.” Outside of the scope of this review, the neighbors can petition PBOT to remove parking on one side of the narrow streets, make the streets one-way only, or ask for a permit parking system, which would result in neighbors paying for a parking permit to address the safety concerns. Likewise, a limitation on where

people attending events would be allowed to park would be impossible to regulate (Exhibit F.18).

- The new owners of Alberta Abbey are planning on developing a multi-dwelling building on the current Alberta Abbey parking lot, which will remove the lot from use as parking and itself contribute to parking issues in the immediate area.

Staff comment: The applicants have requested this Historic Preservation Incentive Review based only on the parcel on which the church is located. The parking lot to the north of NE Alberta St is technically in separate ownership, and the transportation impact study, therefore, cannot include the parking lot spaces in its conclusions. The owners of the lot have not proposed nor begun development on the parking lot. The current review is not considering the parking spaces on the parking lot in its analysis, and the proposal is being judged on its own merits. Future development on that lot is not assured and its potential cannot be used to penalize the current proposal.

- One neighbor raised concerns that alcohol had been served at previous events; that event attendees had started fights late at night and otherwise disturbed the peace of the neighborhood; that the Abbey had operated for years without permission for these uses or the proper permits; and that site manager Grains of Salt had lied about an association between Alberta Abbey and the King Neighborhood Association (Exhibits F.10 and F.16).

Staff comment: The current review is to legalize existing uses in the building established by a previous ownership. Permits to change the occupancy of the structure are required to legalize the proposed uses and are addressed in this review through condition of approval. The serving of alcohol would require the proper licensing through the state and is outside the scope of this review, though livability issues are addressed in the findings for 33.815.105.C below.

ZONING CODE APPROVAL CRITERIA

33.846.050 Historic Preservation Incentive Review

- C. Approval criteria.** The use of a historic preservation incentive in a Historic Landmark, Conservation Landmark, or a resource identified as contributing to the historic significance of a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;

Findings: The site is located in the King Neighborhood. The adopted plan is the King Neighborhood Plan (<https://www.portlandoregon.gov/bps/index.cfm?&a=93559>). The following objectives are relevant to the proposal:

Policy 1, Objective 3: Protect historic resources located in the King Neighborhood.

In order to apply for this land use review, the building was required to be designated a historic landmark. The Historic Landmarks Commission designated the Alberta Abbey (historically the Mallory Ave Christian Church) as a Portland Historic Landmark March 25, 2019. This designation ensures the building is not demolished without review. Allowing commercial uses in this local landmark will help ensure that

the historic Alberta Abbey is able to generate the income required to preserve and maintain the building. The proposal is aligned with this objective.

Policy 4, Objective 3: Develop the King Neighborhood's role as a tourist attraction by capitalizing on and promoting inner northeast Portland's unique ethnic diversity and historical significance.

While not specifically focused on artists based in inner northeast Portland, the Alberta Abbey does provide an arts and performance space that contributes to tourism and cultural events in the community. The retention of a historic structure that has been designated as architecturally significant for its modernist, post-war design. The proposal is aligned with this objective.

Policy 5, Objective 1: Establish [an] art and multicultural center in the King Neighborhood.

The mission of Alberta Abbey is to nurture the arts in NE Portland by providing affordable education, gallery, studio, and performance space to community members of all ages. As a performance space, it provides a focal point for the arts in the King neighborhood. The proposal is aligned with this objective.

Policy 5, Objective 3: Create opportunities for artists and entertainers to live and work in the King Neighborhood.

Providing space for artists to work and perform does enable artists to work in the King Neighborhood. Alberta Abbey claims to price tenant and event spaces approximately 40 percent below market value to support their mission to support artists and arts organizations. The proposal is aligned with this objective.

These objectives are most aligned with the proposal; other objectives are not applicable to the proposal. However, no objective is in conflict with the proposal. This criterion is met.

2. If the site is in an R zone:
 - a. The approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met; and

Findings: The site is zoned Residential 1,000; the Conditional Use approval criteria apply. These criteria are found to be met with conditions, as addressed in the findings below. Therefore, this criterion is met.

- b. Proposals on sites larger than one acre will not reduce the amount of new housing opportunity in the City. These criteria may be met by using the methods to mitigate for housing loss in Comprehensive Plan Map amendments in Subparagraph 33.810.050.A.2.c.; and

Findings: The site is the 10,000-square-foot lot currently developed with the church. Since the site is less than one acre, this criterion does not apply.

3. The regulations of 33.445.610, Historic Preservation Incentives are met.

Findings: These regulations, which are located in Zoning Code Section 3.445.610.D, are found to be met, as addressed in the findings below. Therefore, this criterion is met.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and

Findings: The residential area can generally be defined using boundaries such as changes in zoning, major streets or topographic features, or, where no such element exists, a distance of approximately six hundred feet from the site. For the purposes of this approval criterion, “residential area” is defined as the residentially-zoned properties with the area bound by N Williams Ave to the west, NE MLK Blvd to the east, NE Emerson St to the north, and NE Going St to the south.

The applicant provided a list of five businesses addressing this criterion (Exhibit A.4). Two of them, Retail Sales and Service uses in the RH zone (allowed outright as part of a new multi-dwelling development along NE Martin Luther King, Jr. Blvd in the Albina Plan District), are on the east side of NE Martin Luther King, Jr. Blvd, and therefore out of the defined residential area. Another, a former health clinic formerly owned by the Power House Temple Church on N Williams Ave, has been sold multiple times and from all appearances, no longer operates as a business in a residential zone. Likewise, this site is outside the defined residential area, being located on the west side of N Williams Ave. Similarly, the East Multnomah Soil & Water Conservation District offices are also on the west side of N Williams Ave and located outside the defined residential area.

The single non-residential use located within the designated residential area is a multi-dwelling development with seven units billed as “live-work” units, with allowances for up to 450 square feet of retail use, or up to 1,000 square feet of office use, per unit. A street view of the property shows no signs or indications that any of the units are using the allowances approved in 2008. This limited use on N Williams, a transit street and transportation corridor, has no expected impact that would carry over to the subject site. This non-residential use also does not, with the subject site, create a situation where the residential area is experiencing excessive nonresidential activities in the residential area.

The Alberta Abbey site is the only developed lot in this residential area that is proposed to be used for a non-Household Living (non-residential) use, so the proportion of non-Household Living uses in the residential area is small. Also, since no exterior alterations to the church building or grounds are proposed, the property would continue to have the appearance of a neighborhood church, a not-uncommon structure type in North and Northeast Portland residential neighborhoods.

The proposal is to allow new office and retail/event space uses in the building. The subject building has traditionally functioned as a church since the basement level was constructed in 1925. Since the Alberta Abbey (formerly Mallory Avenue Christian Church) had been a fixture in the neighborhood for decades and has never had a

residential use, its continued existence and operation with non-residential uses will not significantly lessen the overall residential appearance and function of the area.

This criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: In Exhibit A. 9, the applicant makes the case that the proposed use of the church building for office and retail/event space is commensurate with past use of the building by a Religious Institution, pointing to the congregation's 560 members in 1949, and the church's hosting of events like weddings, funerals, banquets, conferences, rehearsals, etc. More recently, the church operated after-school programs, health clinics, and other community services before leaving the building prior to 2012.

If the previous church had continued its operations, that religious institution would not require a conditional use review to continue to exist, but would be subject to conditional use review if it made significant changes to the use of the building. However, the new proposal must still address the criterion in terms of the impact on the appearance and function of the residential area. Physically, the building is not changing size; the scale of operations are limited by the scale of the building. However, due to the proposed office and retail uses on the site, the intensity of use at the site will increase. As demonstrated below, the most likely impacts to affect the neighborhood are parking-related. As explored in Criterion D below, the approval is conditional on limiting the number of people onsite at any one time to 250, with the exception of 8 times a year, where 251-330 people are allowed (more than 330 is prohibited); another condition requires the applicant to promote walking, biking, and transit to reach the site. Even with the increase, given the lack of other non-residential uses in the area and the proposed conditions of approval requiring a limit to the number of larger events on the site and the condition requiring the Abbey to implement the proposed transportation demand management plan, the proposal will not detract from the residential function and appearance of the area, and will not increase the scale of the existing development. With the two mentioned conditions of approval to limit impacts on the residential area, this criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: City-designated scenic resources are indicated on City zoning maps by a lowercase "s". There are no scenic resources on the site. This criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

Findings for B.2 and B.3: The project will allow for adaptive reuse of a local Historic Landmark on a small-scale site, which previously served as a church. The existing building is a traditional neighborhood church in terms of form, scale, and massing, complementing the historic residential area surrounding it. In addition, because the building is recognized by the City for its contribution to the historic character of the King neighborhood, and the wider Albina community, it is compatible with the traditional residential scale and style of the area. The proposal does not include

alterations to the existing historic building. The building's size, scale, style, and materials will be unaltered. These criteria are met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: Noise is not expected to be an issue for Abbey operations. The applicant provided data from a third party showing that, at various corners of the building during an event at the Abbey, sound from the building itself during a music event was not significant; the increase in sound detected was ascribed to a generator from a food cart that was there for the event but not on church property (Exhibit A.11). Noise from events is not expected to have adverse impacts on the residential area.

The same third party also provided images of the building at night during an event. The building has limited entrances and windows; the light spilling out is limited as well. No new exterior lights are proposed. Glare from lights is not expected to cause adverse impacts on the surrounding residential area.

The Alberta Abbey does not have consistent late-night operations like a restaurant or bar. The applicant states, for example, that in May 2019, only 8 events with more than 40 people ran past 8 pm (Exhibit A.9). A review of events held between July 2017 and July 2019 showed 50 events out of 135 events ran later than 10:00, the time Title 18, Noise Control, establishes as “night hours.” However, in that same time period, a much smaller number, 24 of those 135 events, ran past 11 pm (Exhibit A.12). While the Bureau of Transportation is proposing a condition below to limit the number of large events (251-330 people) and prohibiting events larger than that, staff recognizes that events of 250 or fewer people could still have adverse impacts on livability for the surrounding residential area, even if noise from within the building or after events has not risen as a major concern of neighbors.

Therefore, a condition will be placed on this approval requiring all events or gatherings held at Alberta Abbey to end by 11:00 pm. However, up to 12 events per calendar year can run until 12:00 midnight. With this condition, significant adverse impacts expected with late-night operations for this community gathering space are limited.

Odors and litter are not anticipated to be significant concerns for the operation of Alberta Abbey. Third-party analysis showed almost no litter on surrounding blocks during an event at the Abbey. No odor-causing activities are anticipated.

For these reasons, and with the condition requiring all events to cease by 11:00 pm excepting 12 per year, which can run until midnight, this criterion can be met.

2. Privacy and safety issues.

Findings: Generally, privacy concerns arise from views into neighboring yards or houses, development in required building setbacks with windows, or concentrations of activity near residential properties. In this case, no changes are proposed to the building. Views from and entrances into the primary gathering places in the building are limited to street-facing facades. Currently a parking area is located to the north of the Abbey. Views into other residential sites are limited. Most exterior changes to the building are required to go through Historic Resource Review, meaning neighbors could consider impacts during a subsequent review if any changes are ever proposed. For

these reasons, the proposal is not expected to have adverse privacy impacts on the surrounding residential area.

Safety can refer to risks of neighbors experiencing crime as a result of people brought to a location by an event, but also the safety of the building itself and risk of impact to nearby property and life from fires or other activities at the subject site. Regarding the former, the applicant speaks to years of events at the Abbey under previous ownership without significant safety issues (Exhibit A.9). The applicant states that a new partnership with Eventbrite, an online ticketing company, will enable the Abbey to communicate easily with ticket purchasers regarding expectations, transportation, etc. Further, the applicant states, "Adequate staffing is ensured for all events: for the less-frequent, later-evening events with alcohol service, the Applicant has added outside, bonded security staff" (Exhibit A.9).

One commenter did write in with concerns about physical fights people leaving the Abbey allegedly engaged in with one another after an event in August (Exhibit F.16). It's not clear if security was present at that event or where the alleged fights occurred. There is no evidence in the record indicating that this is a common occurrence. The writer of the letter likewise does not state this has ever happened before.

The Police Bureau reviewed the proposal and evaluated it on whether police can provide adequate public safety services. They respondent concluded the Police Bureau will be able to provide services to the site when 100 percent of the building is nonresidential; no conditions of approval were requested (Exhibit E.7). Staff finds that, despite the letter from the neighbor, the evidence in the record is sufficient to find the criterion is met with respect to public safety.

Safety of the building is usually ensured by requiring that all permits are finalized prior to the approved activity commencing in the building. In this case, prior owners initiated new uses in the historic church building without benefit of required permits, then sold the building to the current owners prior to addressing the required change of occupancy permits. Representatives for the current owners met with BDS Commercial Plans Examiners in a preliminary Life Safety meeting in May 2019 to discuss options for legalizing retail, event, and office occupancies in the church building. Several possible paths were laid out for Alberta Abbey to pursue (Exhibit G.6). Recent conversation with the Plans Examiner at that May meeting confirmed that other than an email exchange in August, no further follow-up with BDS has been initiated by the Abbey since that May meeting (see Exhibit G.7 for the August emails). Complicating the process is an updated Building Code in effect as of January 2020; it is not clear whether an analysis of what will be required of the church building has been completed for the old or new code.

The building has been operating for some six years without the required permits. In order to ensure the safety of guests and the safety of the wider residential area, this approval will be conditioned on a requirement to apply for and have issued all required change of occupancy permit(s) within six months of the approval of this land use decision, and to final all permit(s) within 12 months of the approval of this land use decision. This approach moves the Abbey toward full compliance with all required permits within a year without requiring them to cease operations (and their revenue stream) until the work is completed.

While they have not applied for change of occupancy permits, a letter received by the planner from an attorney representing the Abbey did list several recent upgrades the Abbey has completed as a sign of good faith that the new owners intend to upgrade the building (Exhibit A.18). These upgrades include the following:

- An upgrade to electrical service with new subpanels (permit 19-138089 ET);
- Installation of heat pump (permit 19-171055 MT) and two mini-splits (permit 19-183883 MT);

Other items listed upgraded lighting in the common areas; replacement roof; repair and sealing the masonry façade; removing a solar hot water system installed in 2013, etc. None of these address the core issue of required change of occupancy permits but do demonstrate a willingness to invest in the building.

The memo from the attorney also made a case that there was no nexus to condition this land use review that the permit requirements are met, in part because there is no change to use or occupancy of the site. This of course does not recognize that the current occupancy was never legalized. As stated in the BDS “Change of Use or Occupancy” Handout #30, “It is important to keep in mind that the legal use or occupancy classification of the building may not be consistent with its most recent actual uses. That means that a permit may be required to document the change of use or occupancy even if you don’t plan to make any changes to the building or plan to change how the building is currently being used” (<https://www.portlandoregon.gov/bds/article/125287>).

The attorney also opines that there is no danger to surrounding residential development if the proper permits are not applied for. In this case, fire safety is a large part of the discussion. Present requirements to minimize fire danger, like sprinkler systems, can of course affect whether a fire spreads to neighboring properties or not.

However, Zoning Code Section 33.800.070 allows the City to impose conditions “to ensure that the proposal will conform to the applicable approval criteria for the review **or to ensure the enforcement of other City regulations**” (emphasis added). In this case, the condition to require that the Abbey gets current on Building Code requirements within the next year not only ensures physical safety of surrounding properties, but also ensures the Abbey will comply with Building Code regulations after some 6-7 years of operating illegally.

Therefore, with the condition of approval that the Abbey get all required change of occupancy permits issued within 6 months, and finalized within 12 months of this approval, the livability criterion can be met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

Findings: The Portland Bureau of Transportation (PBOT) reviewed the proposal and the submitted transportation impact study and supplemental information provided by the applicant, and provided the following analysis (Exhibit E.2):

The subject site has frontage on NE Alberta Street and NE Mallory. The City’s Transportation System Plan (TSP) classifies the abutting streets as follows:

NE Alberta: Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, a Local Service Freight Street, a Secondary Emergency Response Street, and a Neighborhood Corridor (design).

NE Mallory: Local Service Street for all Modes.

The proposed use is supportive of the abutting street classifications. The site is located within a neighborhood with an established grid pattern with streets that are improved with sidewalks that generally meet City standards and foster safe pedestrian movement between the site and area transit opportunities. There are several key bicycle networks in this area and the proposed use will not impact the existing bike system in the area.

With this analysis, staff finds this criterion is met.

2. Transportation system:

- a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

Findings: PBOT provided the following analysis (Exhibit E.2):

The proposed development is located within a historic structure that was previously utilized as a religious institution. Thus, there are minimal opportunities to increase on-site parking while preserving the existing structure. ***Nevertheless, the applicant should strive to minimize on-street parking impacts to the greatest extent possible.*** As noted below, except for large-scale special events (greater than 250 persons), the applicant's transportation analysis demonstrated that on-street parking impacts would be within PBOT's threshold of 85% occupancy. Additionally, the applicant's traffic engineer demonstrated to PBOT's satisfaction that large-scale special events that do not exceed 330 persons are expected to remain within PBOT's 85% occupancy threshold. However, events with a capacity greater than 330 persons should not be permitted due to the impact to on-street parking and the surrounding neighborhood.

PBOT also found that the frequency of large-scale special events must be balanced with the other programming proposed for the site which include movie nights (100 attendees), smaller-scale special events (250 persons or less), classes, and exhibit openings in order to adequately address neighborhood impacts. *Thus, PBOT is supportive of the proposed development provided that large-scale special events, defined as events between 251-330 persons be limited to a maximum of 8 events per year.* The applicant submitted data indicating that in 2018 they had approximately 6 events that exceeded 250 persons. Thus, PBOT finds that limiting major special events to 8 times a year affords the applicant some opportunities for growth while limiting the scale of impact the project could have upon the surrounding neighborhood.

The applicant's transportation engineer also proposed a transportation demand management strategy to proactively reduce the number of vehicles coming to the site. This includes creating and maintaining a project website that encourages event attendees to walk, bike, and take transit. Further, the website should include a map of on-site bike parking opportunities and a map/link to TriMet's trip planner. PBOT recommends that these strategies be included as a condition of approval.

Since the building has numerous spaces that could accommodate concurrent activities, staff recommends to broaden the condition to consider not just the number of people at an isolated event, but the number of people onsite at a single time. With this reframing of the condition to limit the number of people onsite at any one time to 250, with the exception of up to 8 times a year where 251-330 people would be allowed onsite (more than that number prohibited); and to implement the transportation demand management strategies, this criterion can be met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Water Bureau reviewed the proposal, provided information about the current water service to the site, and responded with no concerns (Exhibit E.3). The Police Bureau reviewed the proposal and stated, "The Police Bureau is currently able to serve the existing site and will be able to provide services to the proposal to allow up to 100% nonresidential uses in the R1 zone and reduce the number of required parking spaces" (Exhibit E.7).

Under the conditions of approval section of the Fire Bureau response, the representative noted that a separate building permit is required for the proposal and that all applicable Fire Code requirements shall apply at the time of permit review and development. The condition of approval requiring the Abbey to secure issued building permit(s) within 6 months of approval, and to ensure those building permits are finalized within 12 months of this land use approval, will support the Fire Bureau's requirements. The respondent also stated, "There is currently access and public water lines adjacent to the site. With the addition of any required access and water services into the site, public services for fire protection and access would be capable of serving the proposed use" (Exhibit E.4).

BES found the applicant's proposed sanitary sewer service and the proposed stormwater management plan (a continuation of the existing) both to be acceptable for the purpose of reviewing the conditional use application against this approval criterion (Exhibit E.1.b).

For these reasons, and with the condition that the Abbey complete required permit issuance within 6 months, and final all required permits within 12 months, staff finds approval criterion D.3 is met.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The subject site is in the King Neighborhood Plan boundary and in the Albina Community Plan boundary. The consistency with the King Neighborhood Plan was addressed under findings for 33.846.050.C.1 above. The relevant policies and objectives of the Albina Community Plan are addressed below.

Policy Area I: Land Use

Policy B, Livable Neighborhoods – Objective 2: Buffer residential areas from the negative impacts of nearby large-scale commercial, employment, industrial, and institutional developments.

Policy D, Economic Development – Objective 1: Reduce conflicts between residential uses and commercial, industrial, and institutional activities.

These objectives both address the impacts of commercial (among other) operations on residential neighborhoods. In this case, the required Conditional Use criteria are designed to provide the analysis needed to ensure there are not impacts or conflicts between uses when an institutional or other use is in a residential area. For this proposal, the primary concern of neighbors as connected to the approval criteria relates to parking, specifically during larger events at the Abbey. These concerns are based on problems neighbors have perceived during past events at the Abbey. In this case, based on the transportation impact study and addenda provided by the applicant from Kittleson & Associates (Exhibits A.3, A.8, and A.17), Staff proposes a condition of approval that will limit the number of people onsite to 250 at all times, with the exception of allowing between 251 to 330 people onsite up to to 8 times a year (capacity larger than this is prohibited). Further, a condition of approval will require all events to cease by 11:00 pm, with the exception of up to 12 events per year that will cease by 12:00 midnight. These conditions recognize that there are impacts on the wider residential area when larger or later events occur, and limiting those cases will limit those impacts and better reduce conflicts between nearby residential uses and the proposed uses.

Policy E, Transit Supportive Land Use – Objective 4: Concentrate new commercial investment in areas which are well served by transit.

Policy E, Transit Supportive Land Use – Objective 4: Consider increasing allowable density to transit supportive levels at locations that are within one-quarter mile of transit streets.

The subject site is 520 feet from NE Martin Luther King, Jr. Blvd to the east, and approximately 630 feet to N Williams Ave to the west, both of which are Major Transit Priority Streets. Further, NE Alberta near the subject site is designated a Transit Access Street. Enabling these commercial uses so close to commercial corridors is aligned with these objectives.

Policy Area III: Business Growth and Development

Policy A, Business Investment and Development – Objective 7: Nurture and promote local entrepreneurship, micro-business growth, and business expansion particularly for emerging small business and enterprise owned by women and minorities.

Policy A, Business Investment and Development – Objective 6: Encourage rehabilitation and reuse of older non-residential building stock within Albina commercial, institutional, and employment centers and nodes to provide affordable business locations, induce private capital investment, and attract business growth.

The Abbey's mission, as discussed above, is to nurture the arts in NE Portland by providing affordable education, gallery, studio, and performance space to community members of all ages. The individuals and companies located at the Abbey are smaller, not major, established arts organizations; having this affordable space for artists and arts organizations supports these objectives to provide affordable business locations in a rehabilitated non-residential building and promotes local entrepreneurship.

Policy Area IX: Community Image and Character

Policy A, Art and Culture: Encourage private and public organizations to participate in activities and actions that create a sense of identity and community among those living and

working in the Albina Community. Promote the importance of art as a means for community pride, involvement, and revitalization.

Policy A, Art and Culture – Objective 7: Promote the use and rehabilitation of underutilized cultural centers, clubs, schools, theaters and other structures originally designed for community gathering activities.

Reusing a church, long a community gathering place for the neighborhood, to provide performance space, event space, and rentals for artists and others results in a new vitality for this historic building, and a new space for community gatherings. The applicant points out the annual neighborhood party, which “has brought together two neighborhood associations, 6 local businesses, 10 musical acts, and 150 neighbors of all ages and backgrounds” as an example of the Abbey fulfilling its role to promote art as a means for community pride (Exhibit A.1).

Policy B, Urban Design – Objective 6: Foster the creation and enhancement of district and neighborhood attractions and focal points.

Policy B, Urban Design – Objective 8: Protect and enhance Albina’s historic and cultural characteristics and encourage compatible, quality development.

Similarly, the former church can become a neighborhood attraction in its offer of public performances for small theater groups or other events held there regularly, like movie nights, classes, art exhibitions, and concerts. Enabling these new uses in the historic church will ensure the church building, now a Portland Historic Landmark, will be protected into the future.

Policy C, Historic Preservation – Objective 2: Identify and protect the Albina Community’s significant historic districts, ensembles, sites and structures and other features.

Policy C, Historic Preservation – Objective 3: Encourage adaptive reuse of historic properties as long as the historic character of the structures are maintained.

The proposal is for adaptive reuse of a historic church that is now a Portland Historic Landmark. The income generated by these new uses will enable the new ownership to maintain the building into the future. Further, allowing these uses through the Historic Preservation Incentive process results in a covenant on the property subjecting the site to demolition review, meaning the owners cannot demolish the building without agreement from the City. The condition to require building permits to change the occupancies of the building, to be finalized within 12 months of approval, will also ensure the building is updated to current safety standards, which will both protect and maintain the building and the lives of those who use it.

For these reasons, and with the conditions to limit the number of people onsite to 250 people, with the exception of allowing between 251 and 330 people onsite up to 8 times a year (more than 330 people onsite at one time prohibited); to limit the ending time of events to 11:00 pm with the exception of up to 12 events that must end by 12:00 midnight; and to final the required change of occupancy permits within 12 months of approval; this criterion can be met.

33.445.610 Historic Preservation Incentives

- D. Covenant.** The owner must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:

1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review; and
2. Meet the requirements of Section 33.700.060, Covenants with the City.

Staff Comment: The applicant has been given a draft of a covenant for this purpose. To ensure this requirement is met, a condition of approval will require the covenant to be executed and recorded with Multnomah County within one month of this land use approval. With this condition of approval, this requirement will be met.

Adjustment Review Approval Criteria

33.805.010 Purpose (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 zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 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 to waive the minimum required parking spaces for the proposed uses – 133 spaces based on auditorium seats and square footage of other spaces. The purpose for the minimum required parking spaces standard is in Zoning Code section 33.266.110.A:

- A. Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

The purpose statement for minimum parking is closely tied to the Conditional Use criterion D.2 addressed above, which included a number of evaluation factors, including on-street parking. PBOT provided the following response to this criterion (Exhibit E.2):

When evaluating land use requests that require an assessment of on-street parking impacts, PBOT typically utilizes an 85% occupancy threshold for determined whether the

existing supply of on-street parking can accommodate additional demand. 85% occupancy represents a threshold above which drivers will likely begin to circle the block in order to find an unoccupied parking space.

To address the approval criteria associated with on-street parking impacts, the applicant's traffic engineer conducted a parking study to measure existing parking demand associated with current activities include larger events. An analysis was conducted along the following streets:

- NE Rodney Avenue between NE Sumner Street and NE Wygant Street;
- NE Mallory Avenue between NE Sumner Street and NE Wygant Street;
- NE Garfield Avenue between NE Alberta Street and NE Wygant Street; and,
- NE Wygant Street between NE Rodney Avenue and NE Garfield Avenue.

The peak use of the Alberta Abbey is anticipated on weekend evenings when events are held. Therefore, parking surveys were conducted over the course of two Saturday evenings in February 2019, one when an event was held and on a second Saturday evening without an event. To further assess the impacts of larger events, at the request of PBOT, the applicant also collected parking data during the Bridgetown Bluegrass Festival on May 11, 2019 which had an estimated capacity of 400 people. For this analysis parking data was collected along the following road segments:

- NE Rodney Avenue between NE Wygant Street and NE Sumner Street;
- NE Mallory Avenue between NE Wygant Street and NE Sumner Street;
- NE Garfield Avenue between NW Wygant Street and NE Sumner Street;
- NE Wygant Street between NE Cleveland Avenue and NE Garfield Avenue; and
- NE Cleveland Avenue between NE Wygant Street and NE Alberta Street.

The analysis demonstrated that, with the exception of the larger Bluegrass Festival, the impacts upon the on-street parking capacity within the study area was within PBOT thresholds (at or below 85% occupancy). However, the larger, 400-person event caused the occupancy rate to exceed PBOT thresholds. PBOT's traffic engineer worked with the applicant's traffic consultant and determined that large-scale special events capped at a maximum attendance of 330 people would generally remain within the 85% thresholds. Events that exceed 330 people should not be permitted due to their potential to negatively impact on-street parking in the study area.

PBOT concludes that a condition limiting the number of events with 251-330 people to 8 times a year (with events greater than 330 people being prohibited) is appropriate to mitigate parking impacts from the proposed activities. As stated above, staff reframes this condition to consider the total number of people onsite at any one time to recognize that multiple spaces in the building could be rented out simultaneously. PBOT also proposed a condition of approval that requires the proposed transportation demand management strategies provided in Exhibit A.17 to be implemented. With these two conditions, PBOT supports the Adjustment request.

The purpose also indicates that development in close proximity to transit, with good street connectivity, and with good pedestrian facilities, may need little or no off-street parking. How this is represented in the code requirements is addressed solely by transit: all sites within 500 feet of a bus line with 20-minute peak hour service (or within 1,500 feet of a light rail station) is required to have less or no parking, depending on use. In this case, the site is close to two streets that meet this service standard – NE Martin Luther King, Jr. Blvd and N Williams Ave. The site is only some 520 linear feet from NE Martin Luther King, Jr. Blvd; if the church were located on the southeastern corner of the block, no parking would be required for the proposal.

The site also is in an area with a complete sidewalk network and good road connectivity. Further, NE Alberta St and NE Rodney Ave are both designated as City Bikeways, and both N Vancouver Ave and N Williams Ave 3-4 blocks to the west are Major City Bikeways. Given the easy access to transit in multiple directions, the complete sidewalk network and road connectivity, and the fact that the applicants will be required to meet bike parking standards when they come in for their change of occupancy permits, the waiving of this required parking for an existing historic building equally meets the purpose of the regulation.

With the analysis from PBOT, the statements above, the condition of approval limiting the number of people onsite to 250, excepting up to 8 times per year that between 251-330 people to may be onsite, and prohibiting more than 330 people onsite at one time; and the condition requiring implementation of the transportation demand management plan, this criterion is 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

Findings: The site is in the R1 Residential 1,000 zone, so the criterion addresses livability and appearance of the residential area. The livability issues such as noise, lights, late-night operations, safety and privacy are addressed in the livability criterion for Zoning Code Section 33.815.105.C addressed above. In those findings, a condition was applied to ensure the building has safe operations so that nearby residential structures will not be affected, as well as a condition addressing late-night operations by requiring all events end by 11:00 pm, with the exception of up to 12 events per calendar year that can run until 12:00 midnight. With the two conditions of approval ensuring the applicants complete the change of occupancy permit process within 12 months of approval of this review, and limiting the number of late-night events, the livability issues are adequately addressed.

The appearance of the historic building is not proposed to change; therefore, proposal will not detract from the appearance of the residential area.

With the conditions to obtain and final change of occupancy permits within 12 months, and to limit the number of late-night events, this criterion can be 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. This criterion is not applicable.

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no scenic resources present on the site. The building is now designated as a Portland Historic Landmark. No changes are proposed to the building at this point, and any future exterior changes would be subject to the Zoning Code regulations for sites in the Historic Resource Overlay Zone. Further, the Historic Preservation Incentive regulations require the owner of the Abbey to record a covenant stating the building will not be demolished and is subject to City demolition review. The covenant is not yet recorded; a condition of approval requires the covenant to be

completed and recorded within one month of this land use review approval. With this condition for the covenant, this criterion is met.

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

Findings: PBOT analysis showed that larger events at the Abbey would have a significant impact on on-street parking nearby. They have proposed a condition of approval capping events with 251-330 maximum capacity to a maximum of 8 times per calendar year. Events larger than 330 people would be prohibited; events of 250 people or less are unlimited. With this condition, the on-street parking impacts of the proposal would be kept within PBOT-acceptable levels of maximum 85 percent parking utilization and this criterion can be 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 Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written notice seeking comments on the proposal and notifying of the public hearing was mailed to property owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that

the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones, but the building is a designated local historic landmark. Compliance with all requirements related to this designation will be verified during required building permit review and inspection. Therefore, the proposal is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. Staff finds the proposal is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. The site in question was first developed as a church in 1925. This lot has never been developed with housing. Since this proposal is not removing housing from the supply, Goal 10 is not applicable.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report. Since the City will require the proposal to conform to the City's public facilities plan, the proposal is consistent with Goal 11.

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and found that, with the previously-discussed conditions of approval, the proposal is consistent with the street designations of the TSP, and also that the transportation system is capable of supporting the proposed limited use in addition to the existing uses in the area. Therefore, the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

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 proposal, with the conditions listed below, will allow the preservation and the maintenance of an important piece of the King Neighborhood's history, while ensuring that the livability of the surrounding properties, especially those with residential zoning, will not be impacted by the proposal. With conditions, the proposal has met the approval criteria for a Historic Preservation Incentive Review and should be approved.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Historic Preservation Incentive Review approval of Retail Sales and Service and Office uses in the entirety of the Portland Historic Landmark Mallory Avenue Christian Church, also called Alberta Abbey, per the attached plans, including office space across three levels; a rentable basement ballroom/gym with accessory kitchen; a café space on the main level; and a rentable auditorium with stage, seating, and lobbies.

Adjustment approval to Zoning Code Section 33.266.110.B.2 and Table 266-2 to waive the minimum required 133 parking spaces for the new uses.

All approvals are subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 19-137608 HPR AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Maximum capacity of people at all events/activities occurring at the site at any one time is 250 persons. However, up to 8 times a year, this maximum limit may be increased to 251-330 persons. More than 330 persons onsite at any one time is prohibited.
- C. Alberta Abbey will implement the transportation demand management (TDM) plan outlined in Exhibit A.17, including the following elements:
 - TDM page on Alberta Abbey website (currently www.albertaabbey.org) encouraging attendees to walk, bike, take the bus, and if driving, to park only in certain locations;
 - Information on nearby transit services provided on that page, including a map and link to TriMet's Trip Planner (https://trimet.org/ride/m/planner_form.html); and
 - Information on on-site and nearby bike parking opportunities, including a map.
- D. All events and gatherings at Alberta Abbey will cease by 11:00 pm. However, up to 12 events per calendar year may end by 12:00 midnight.
- E. Alberta Abbey will apply for all required building permits to accomplish the appropriate change of occupancy/ies of the building. The permit must be issued within 6 months of this land use approval. All permits must be finalized within 12 months of this approval.
- F. Within one month of this land use approval, the owner must execute a covenant with the City and record that covenant against the property with Multnomah County that meets the requirements of Zoning Code Section 33.445.610.

Procedural Information. The application for this land use review was submitted on March 25, 2019, and was determined to be complete on Aug 26, 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 March 25, 2019. Should the applicable city approval criteria become acknowledged during the course of the review, the proposal may no longer be required to demonstrate compliance with the Statewide Planning Goals.

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 requested that the 120-day review period be extended by 101 days total as stated in Exhibits A.13, A.14, A.16 and A.20. Unless further extended by the applicant, **the 120 days will expire on: April 3, 2020.**

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 recommendation 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This 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. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$4,159.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person_authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder. 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.

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.

Planner’s Name: Amanda Rhoads
Date: January 3, 2020

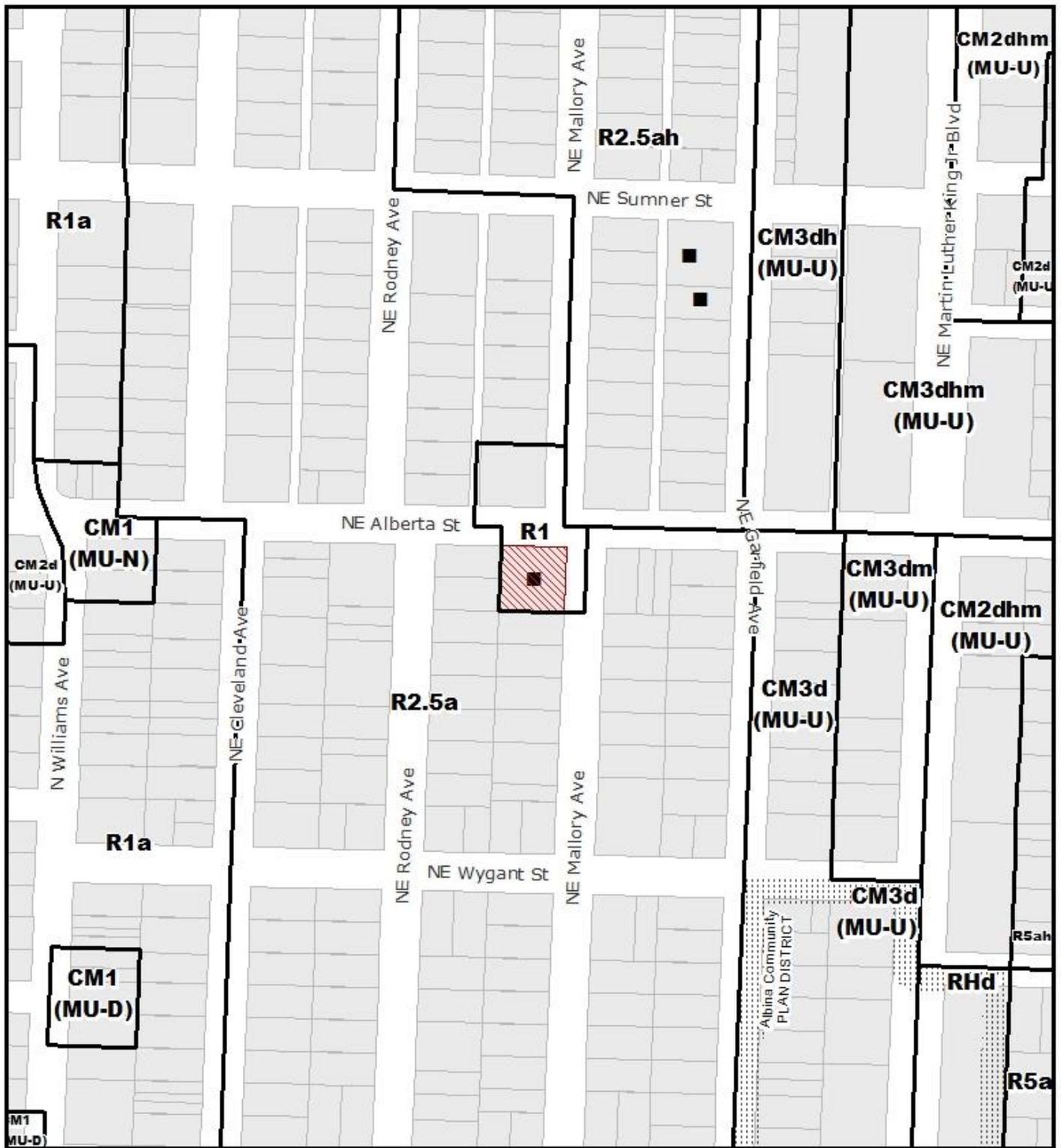
EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement:
 1. Applicant Narrative Responding to 33.846.050.C
 2. Chart: Current and Proposed Uses
 3. Transportation Impact Study (see also Exhibits A.8 and A.17)
 4. Applicant Narrative Responding to 33.815.105.A
 5. Applicant Email, April 15, 2019

6. Applicant Email, July 15, 2019
 7. Applicant Narrative Responding to Adjustment Approval Criteria 33.805.040, Received July 15, 2019
 8. Supplement to Transportation Impact Study, received July 15, 2019
 9. Applicant Narrative Responding to 33.815.105.A-E, received August 7, 2019
 10. Applicant Narrative Responding to 33.846.050.C, received August 7, 2019
 11. Quality Counts parking, light and noise data from May 11 bluegrass festival, submitted August 7, 2019
 12. List of Events at Alberta Abbey from mid-2017 through 2019, received August 7, 2019
 13. Request for Extension of 120-Day Review Period by 7 days, received August 28, 2019
 14. Request for Extension of 120-Day Review Period by an additional 2 days, received September 5, 2019
 15. Draft website and signage language addressing parking, submitted October 3, 2019
 16. Request for Extension of 120-Day Review Period by 41 days, received October 10, 2019
 17. Supplement to Transportation Impact Study, received November 7, 2019
 18. Memo on Alberta Abbey occupancy permit issues, received November 18, 2019
 19. Statewide Planning Goals Narrative, received November 19, 2019
 20. Request for Extension of 120-Day Review Period by 51 days, received November 22, 2019
 21. Email exchange between applicant's transportation engineer and PBOT, received January 2, 2019. Contains error regarding status of adjacent parking lot, which is not included in proposal.
 22. Original Plan Set
- B. Zoning Map (attached):
1. Existing Zoning
 2. Proposed Zoning
- C. Plans & Drawings:
1. Site Plan (attached)
 2. North and East Elevation Drawings (attached)
 3. Parking Requirements by floor/area (attached)
- D. Notification information:
1. Request for response
 2. Posting letter sent to applicant, September 16, 2019
 3. Notice to be posted
 4. Applicant's statement certifying posting – dated September 20, 2019
 5. Mailing list – October 2, 2019 notice
 6. Mailed notice – October 2, 2019 notice
 7. Posting letter sent to applicant, October 28, 2019
 8. Notice to be posted - repost
 9. Applicant's statement certifying posting – dated October 30, 2019
 10. Mailing list – November 12, 2019 notice
 11. Mailed notice – November 12, 2019 notice
 12. Posting letter sent to applicant, December 5, 2019
 13. Notice to be posted – second repost
 14. Applicant's statement certifying posting – dated December 12, 2019
 15. Mailing list – December 24, 2019 notice
 16. Mailed notice – December 24, 2019
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of Bureau of Development Services
 6. Life Safety (Building Code) Plans Examiner
- F. Letters and emails:
1. Jacquie Walton, April 3, 2019

2. Jacquie Walton, April 9, 2019
 3. Ashley Lakovic, April 20, 2019
 4. Libby Deal, April 22, 2019
 5. Tom Lakovic, April 24, 2019
 6. Jacquie Walton, May 11, 2019 (superseded by F.8, below)
 7. John Kim, May 12, 2019
 8. Jacquie Walton, May 13, 2019 (with revised photos first sent in F.6)
 9. John Kim, May 13, 2019
 10. Margaret O'Hartigan, May 13, 2019
 11. Ashley Lakovic, July 12, 2019
 12. Scott Jones, July 13, 2019
 13. Ursula Kienbaum, July 13, 2019
 14. Ayeesha Hankins, July 31, 2019
 15. Alexa Pengelly, August 11, 2019
 16. Margaret O'Hartigan, August 12, 2019
 17. Mark Takiguchi, Executive Director, Alberta Abbey Foundation, with forms signed by 76 individuals supporting the application, received September 3, 2019
 18. Email conversation between Jacquie Walton and PBOT Senior Planner Robert Haley, dated September 13, 2018 through September 24, 2019
 19. Scott Erwin, November 5, 2019
 20. Fiona Taylor, November 5, 2019
 21. Douglas Burns, November 8, 2019
 22. Kymberly Jeka, Chair of Humboldt Neighborhood Association, November 10, 2019
- G. Other:
1. Original Land Use Application and Receipts
 2. Incomplete Letter, sent April 16, 2019
 3. Email from planner, April 17, 2019
 4. Email from planner, August 21, 2019
 5. Summary of Preliminary Life Safety Meeting, May 15, 2019, provided by applicant's architect
 6. Email exchange between Portland Life Safety Plans Examiner Geoff Harker and Ian Flood, applicant's architect regarding change of occupancy process.
- H.

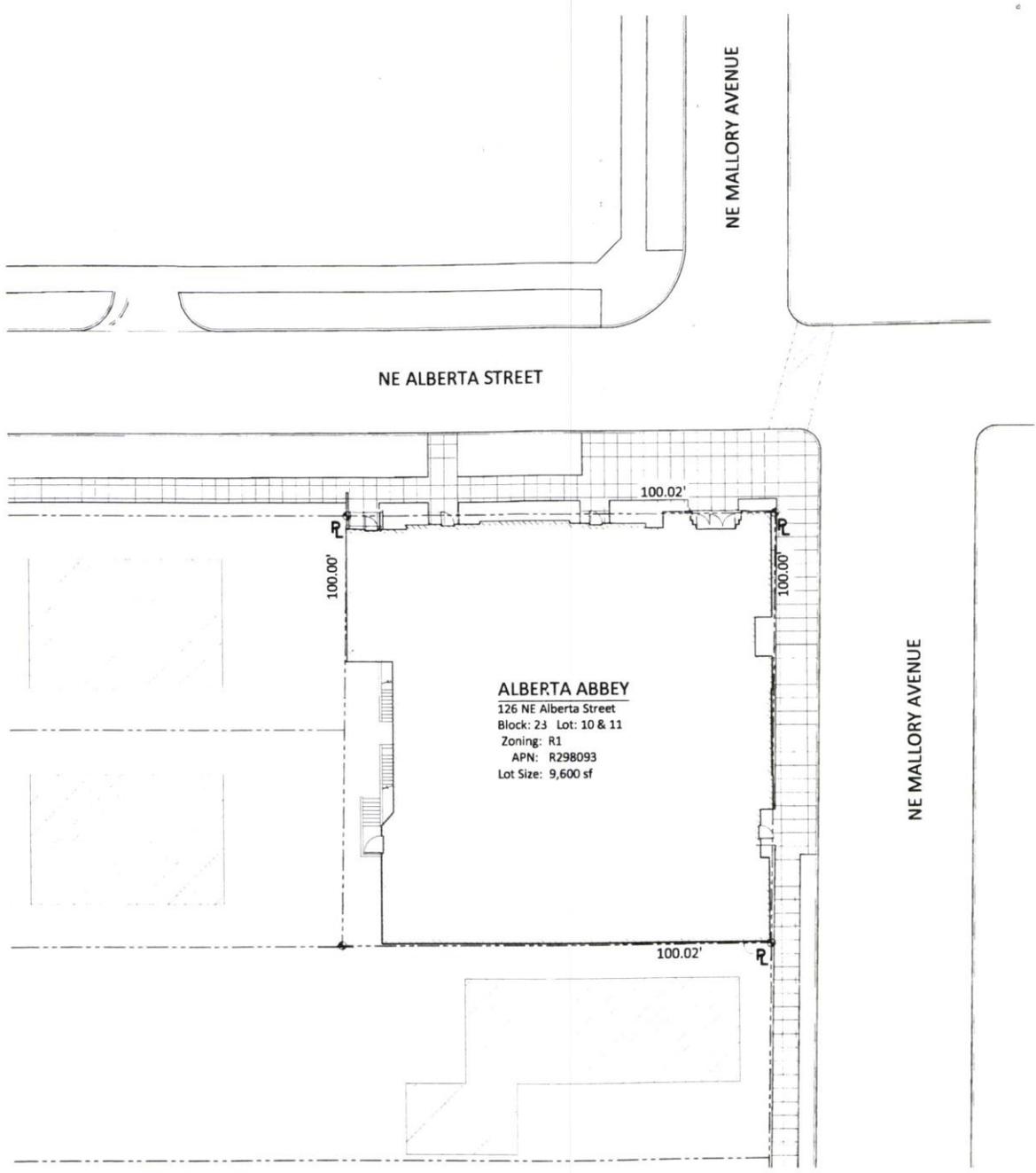
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING  NORTH

 Site
 Historic Landmark

File No.	LU 19-137608 HPR AD
1/4 Section	2530
Scale	1 inch = 200 feet
State ID	1N1E22AD 3400
Exhibit	B Sep 05, 2019

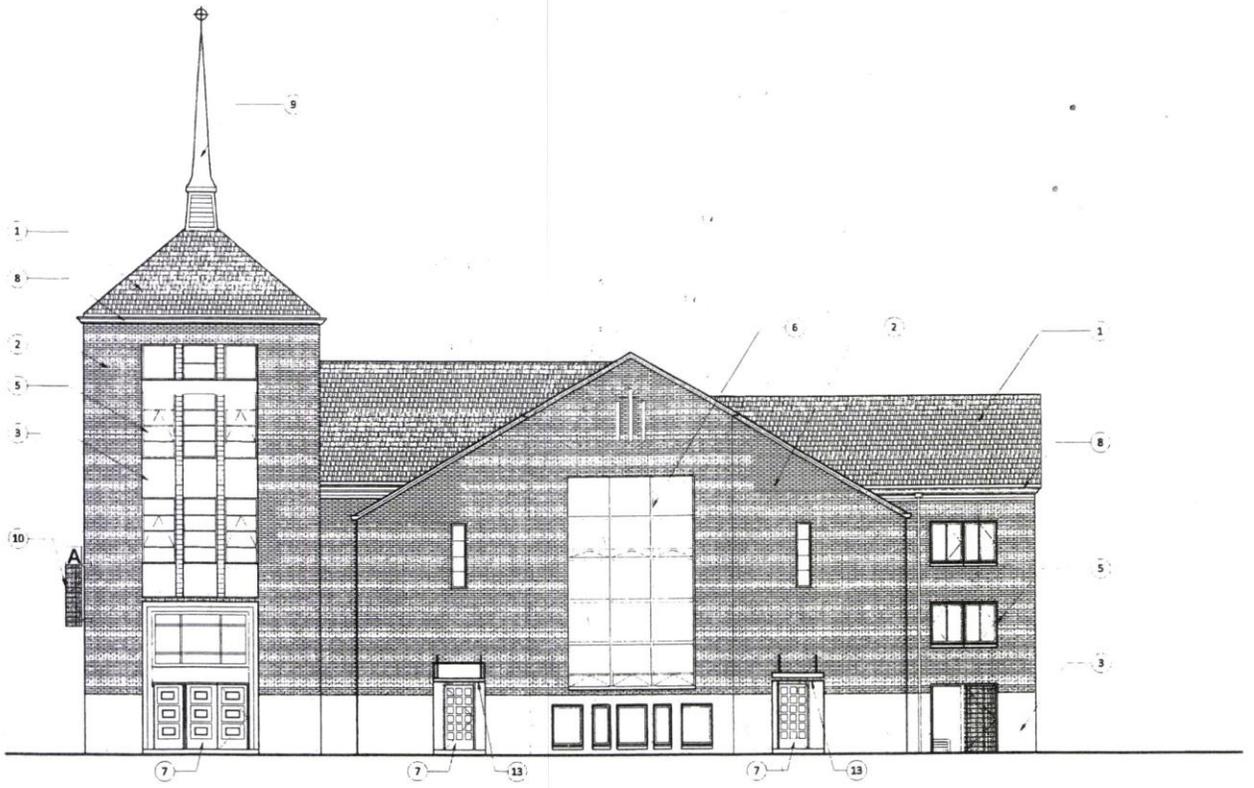


ALBERTA ABBEY
126 NE Alberta Street
Block: 23 Lot: 10 & 11
Zoning: R1
APN: R298093
Lot Size: 9,600 sf

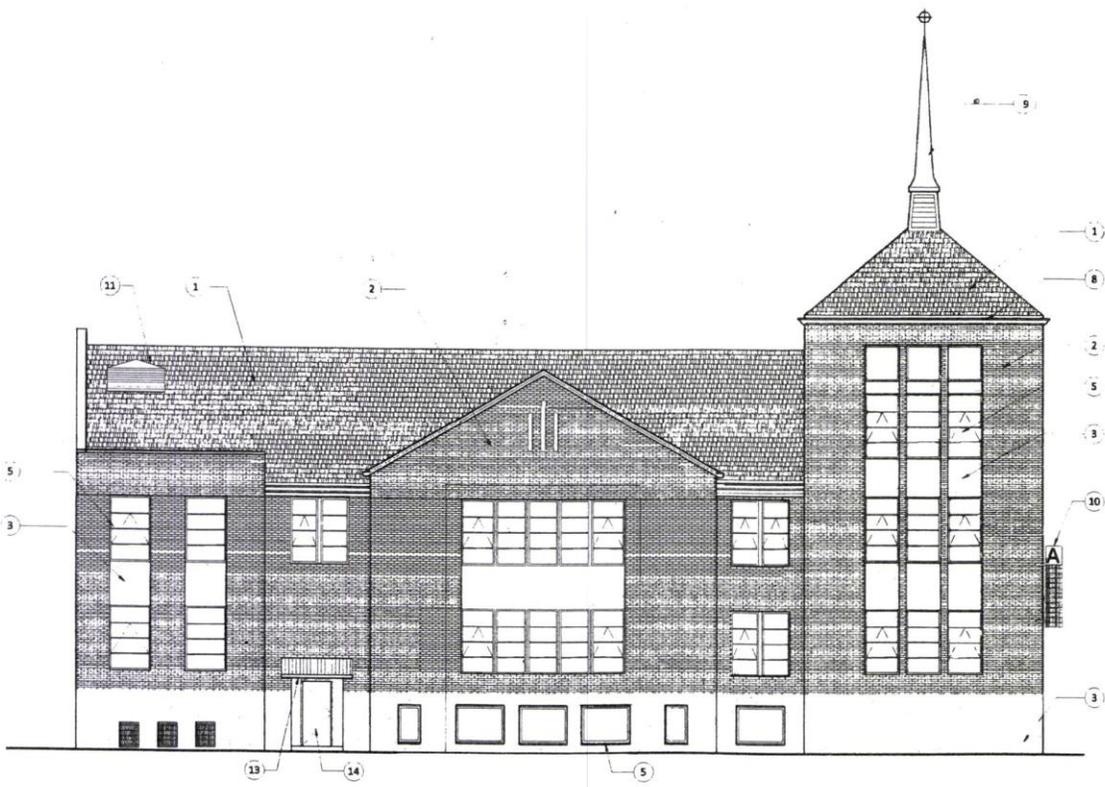
1 SITE PLAN - ALBERTA ABBEY
A1.0 SCALE: 1/16" = 1'-0"



Exhibit C.1
LU 19-137608 HPR AD

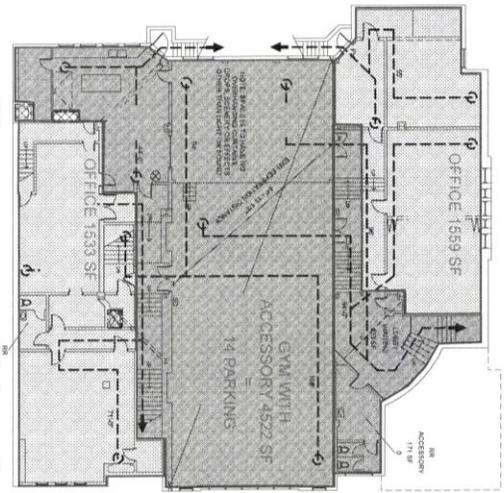


1 NORTH ELEVATION - ALBERTA ABBEY
 A6.0 SCALE: 1/8" = 1'-0"

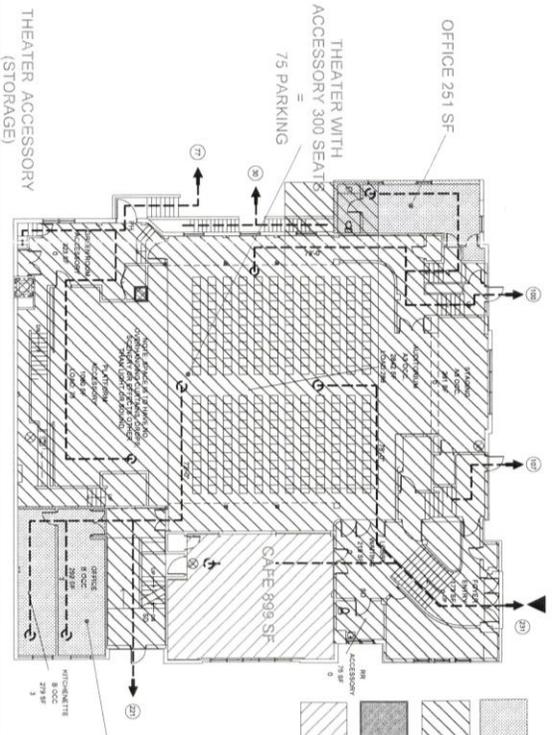


1 EAST ELEVATION - ALBERTA ABBEY
 A7.0 SCALE: 1/8" = 1'-0"

LU 19-137608 HPR AD
 Exhibit C.2



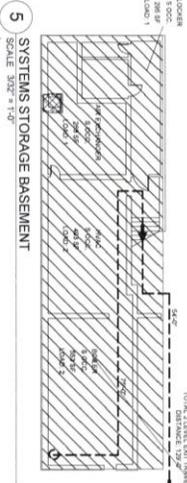
3 BASEMENT CODE PLAN
SCALE: 3/32" = 1'-0"



1 CORE PLAN
SCALE: 3/32" = 1'-0"

TABLE 266.2 CALCULATIONS

OFFICE (11/500SF) = 19 PARKING FOR 9139 SF
THEATER (114 SEATS) = 98 PARKING FOR 354 TOTAL SEATS
GYM WITH ACCESSORY (11330SF) = 14 PARKING FOR 4522 SF
CAFE (RESTRAUNTBAR) (11250SF) = 4 PARKING FOR 899 SF
TOTAL PARKING = 133

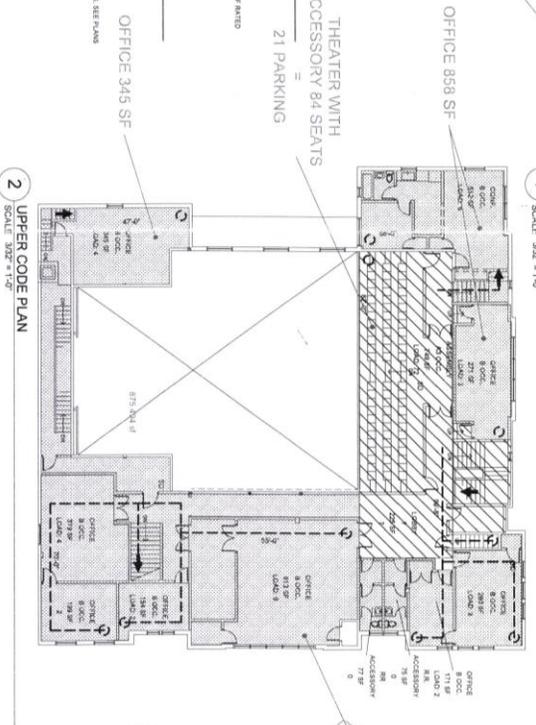


5 SYSTEMS STORAGE BASEMENT
SCALE: 3/32" = 1'-0"

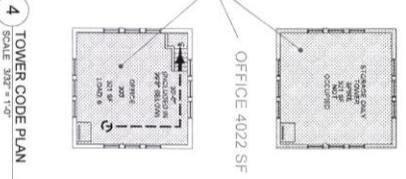
SHEET GENERAL NOTES

- SEE SHEETS A403 FOR WALL, ROOF AND FLOOR ASSEMBLY DETAILS.
- SEE SHEETS A404-209 FOR ADDITIONAL ROOM IDENTIFICATION.
- OCCUPANCY IS AS SHOWN ON ALL SHEETS NOTED OTHERWISE ON PLANS.
- MISCELLANEOUS ELECTRICAL AND PLUMBING SUBCONTRACTORS TO COMPLY WITH BUILDING AND FIRE STOPPING REQUIREMENTS AT ALL PENETRATIONS OF RATED WALLS AND FLOOR ASSEMBLIES.

- CODE PLAN LEGEND
- POINT OF EXIT
 - MAIN BUILDING ENTRY
 - EXIT PATH
 - 1/2 HOUR RATED FIRE PARTITION
 - 1 HOUR RATED FIRE PARTITION
 - 2 HOUR RATED FIRE BARRIER
 - SHUTTLE ROOM RATED
 - FEET OF EXTINGUISHER CABINET AT MAXIMUM 7' 6"
 - FEET OF TRAVEL OR ENTRY 200' OR NEWER AT LOCATION. SEE PLAN.
 - ELEVATOR
 - ELEVATOR SHAFT
 - ELEVATOR LANDING
 - SMOKE DETECTOR



2 UPPER CODE PLAN
SCALE: 3/32" = 1'-0"



4 TOWER CODE PLAN
SCALE: 3/32" = 1'-0"

Exhibit C-3
LU 19-137608 HFR AD

126 NE ALBERTA ST
ALBERTA ABBEY

ISSUANCE: INTERNAL
DATE: 06/04/2019
SCALE: As Shown
PROJECT NUMBER: 2018356.00
DRAWN BY: ADP
DRAWING TITLE: CODE SHEET

SHEET NUMBER: AO.02

muda architects
1100 WEST 10TH STREET
SUITE 100
CALGARY, ALBERTA T2P 1K1
403.241.1100
MUDAARCHITECTS.COM