



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

**NOTICE OF A PUBLIC HEARING BEFORE
THE CITY COUNCIL ON AN APPEAL OF THE
PORTLAND LAND USE HEARINGS OFFICER**

CASE FILE: LU 11-146609 CU AD:
RODELO ASA RESIDENTIAL CARE FACILITY @ SE 174TH AVENUE
WHEN: Thursday, March 8, 2012 at 3:00 PM
WHERE: COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

Date: February 15, 2012
To: Interested Person
From: Sylvia Cate, Land Use Services, 503-823-7771

A public hearing will be held to consider an appeal of the Hearing Officer's decision to approve a Residential Care Facility [Group Living] at 2027 SE 174th Avenue. The Hearings Officer's decision of approval with conditions has been appealed by the East Portland Land Use & Transportation Committee [EPLUTC]. At the hearing City Council will consider the appeal. You are invited to testify at the hearing.

This will be an Evidentiary hearing, one in which new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

Appellant: East Portland Land Use & Transportation Committee
1017 NE 117th Avenue
Portland, OR 97220

**Appellant's
Representative:** Bonny McKnight
1617 NE 140th
Portland, OR 97230

Applicants: Rodelo and Vivian Asa, Property Owners
2027 SE 174th Avenue
Portland, OR 97233

**Applicants'
Representative:** Edward Radulescu, Main Contact
EPR Design
825 NE 20th Avenue, #202
Portland, OR 97232

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sylvia Cate

Site Address: 2027 SE 174th Avenue

Legal Description: TL 8300 0.71 ACRES, SECTION 06 1S 3E

Tax Account No.: R993061280

State ID No.: 1S3E06DC 08300

Quarter Section: 3248

Neighborhood: Centennial Association of Neighbors ("CAN")
East Portland Land Use and Transportation Committee ("EPLU & TC")¹

Business District: None

District Coalition: East Portland Neighborhood Office

Zoning: R7a: Single Dwelling Residential 7,000 with Alternative Design Density

Land Use Review: Type III, CU AD: Conditional Use and Adjustment

BDS Staff Recommendation to Hearings Officer: Approval with Conditions

Proposal:

The applicants request a Conditional Use and Adjustment to replace the existing single family residence at 2027 SE 174th Avenue (the "Subject Property") which had previously operated as an Adult Foster Care home, with a new Group Living use that will be licensed for 39 beds (the "Facility"). The applicants note that the lender for this project requires that two beds will be empty and available within the Facility, so that at any given time, there will be up to a maximum of 37 residents.

The Facility will be 2-story, with a parking lot that will accommodate 10 cars and one loading space. The parking lot will be screened by a 19 foot 8-inch deep landscaped area. The Facility will have a total of 23,963 square feet of which approximately 4,000 square feet will be used as household living by the owner and the owner's family.

The Facility will provide care for adults related to their day-to-to-day activities due to advanced age and or handicap restrictions. The Facility is not intended to serve patients with memory care issues, as such facilities require additional licensing and an around the clock secure facility. The residents at the proposed facility will be limited to a sleeping room, closet and private half bath.

The Facility will have 24-hour staff which will primarily consist of the owner and family members, who are medical and care professionals. Two additional staff are anticipated to also provide care, one during the day shift, the other during the night.

The zoning code requires one loading space for buildings that include a use that is not household living and is greater than 20,000 square feet of floor area. (PCC 33.266.310.C.2.a) The regulation requires that the one loading space meets the "Standard A" size: at least 35 feet in length, 10 feet wide, and with 13 feet of clearance. The applicants request an Adjustment to allow the required loading space to meet "Standard B" size: 18 feet long, 9 feet wide and with a clearance of 10 feet. Attached to this decision is a zoning map and site plans depicting the proposal.

¹ The East Portland Land Use and Transportation Committee is authorized to act on behalf of any member Neighborhood Association of the East Portland Neighborhoods Office when a Neighborhood Association does not have an active Land Use volunteer. The Centennial Association of Neighbors has requested additional assistance from the EPLU & TC to prepare and coordinate neighborhood responses to this application. Neighbors can contact Linda Bauer or Bonnie McKnight via the East Portland Neighborhood Office at 503-823-4550.

Approval Criteria:

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

- 33.815.105, Institutional and Other Uses in R zones
- 33.805.040 A-F, Adjustment

REVIEW BODY DECISION

Approval of:

- Conditional Use for a Group Living facility with up to 39 residents, subject to the following conditions:
 - A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 11-146609 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - B. Because of the size and scale of the modified Group Living structure, and the sensitivity of the inherent visual impacts on the surrounding residential area, the applicants will be required to call for a Special Inspection by BDS staff at time of inspection of foundation forms to ensure that the proposed 10 foot side setback is met prior to completing the foundation, and allowing for the 2 foot bump outs for façade bays as shown on the plans. The 10 foot setback shall be considered a minimum. Any setback greater than 10 feet is allowed.
 - C. At time of landscape installation, the applicants will install evergreen hedge plantings that are at least 12 feet in height at time of planting.

Decision Mailed:

January 27, 2012

APPEAL

The Hearings Officer's decision of approval with conditions has been appealed by the East Portland Land Use & Transportation Committee. According to the appellants' statement, the appeal of the Hearing Officer's decision is based on arguments that:

DOES NOT MEET APPROVAL CRITERIA BECAUSE NOT ALLOWED BY 33.110 SINGLE DWELLING ZONE STANDARDS FOR SINGLE FAMILY R7; DOES NOT MEET 33.700.070.C GENERAL RULES FOR APPLICATION OF THE CODE LANGUAGE; AND DOES NOT MEET APPROVAL CRITERIA FOR 33.229 ELDERLY AND DISABLED HIGH DENSITY HOUSING CODE

Review of the case file: The Hearings Officer's decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4th Avenue, # 5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

We are seeking your comments on this proposal. The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file

number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

If you choose to provide testimony by electronic mail, please direct it to the Council Clerk [karla.Moore-Love@portlandoregon.gov]. Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

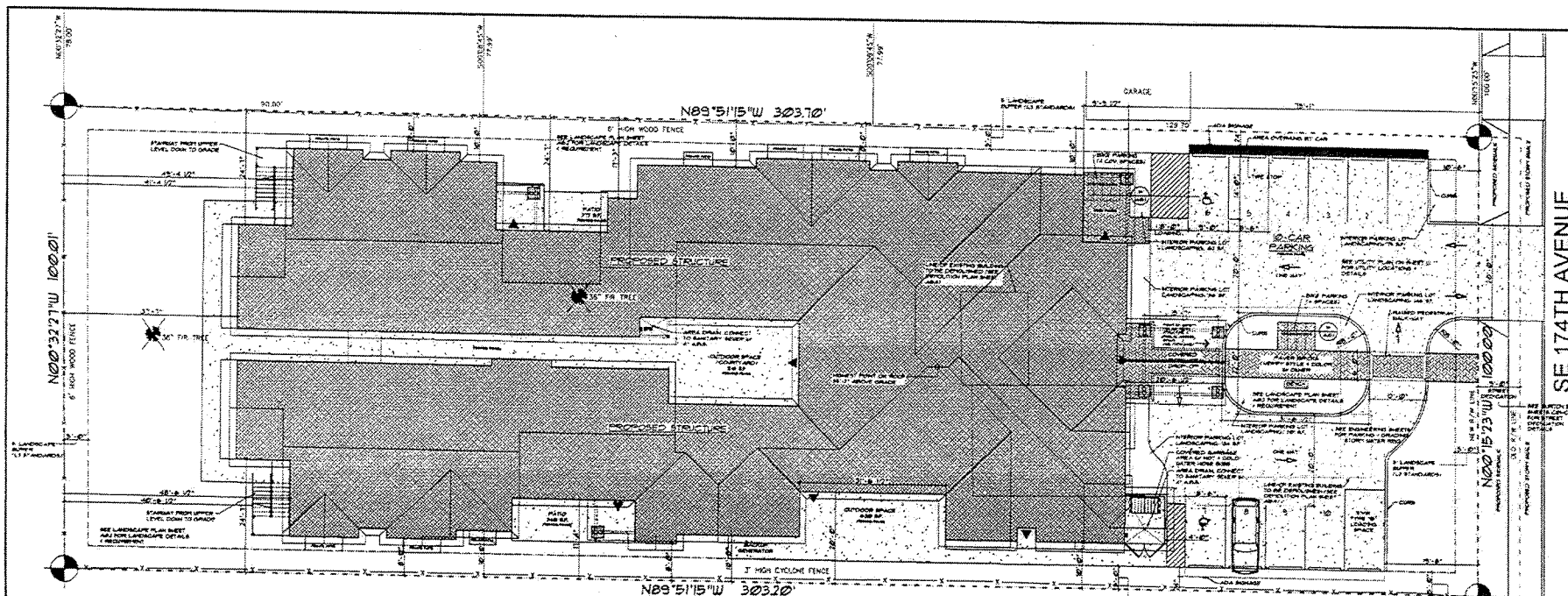
If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments

1. Zoning Map
2. Site plan
3. Elevations
4. Appeal Statement
5. City Council Appeal Process



EXHIBIT B



epr
DESIGN

625 N.E. 20th Ave. Suite 202
Portland, Oregon 97232
503-285-8461 PH.
503-285-8482 FX.
www.eprdesign.com



Rodelo Asa
Residential Care Facility
2027 SE 174th Ave.
Portland, Oregon

These plans and the designs
herein are copyrighted under
Federal Law by EPR DESIGN, Inc.

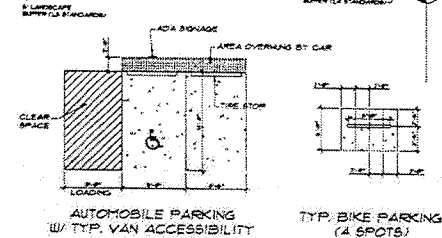
A SITE PLAN
SCALE: 3/32" = 1'-0"

NOTES:
1. SEE SHEET C-1 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
2. SEE SHEET C-2 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
3. SEE SHEET C-3 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
4. SEE SHEET C-4 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
5. SEE SHEET C-5 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
6. SEE SHEET C-6 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
7. SEE SHEET C-7 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
8. SEE SHEET C-8 FOR BUILDING
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LANDSCAPE ARCHITECTURE.
9. SEE SHEET C-9 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.
10. SEE SHEET C-10 FOR BUILDING
FOOTPRINTS & SUBMITTALS FOR
LANDSCAPE ARCHITECTURE.

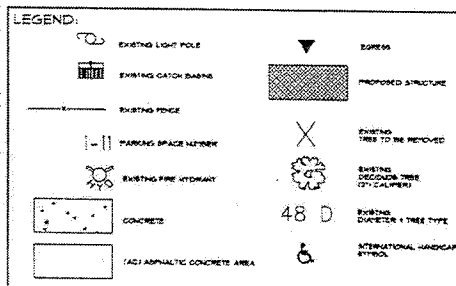
SETBACKS & ALLOWABLE
OPENINGS SUMMARY
SCALE: 1/8" = 1'-0"

SETBACK (FEET)	ALLOWABLE OPENING (FEET)	MAX. AREA (SQUARE FEET)	PROPOSED AREA (SQUARE FEET)
FRONT ELEVATION (EAST)			
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2. 0.00	2. 0.00	2. 0.00	2. 0.00
3. 0.00	3. 0.00	3. 0.00	3. 0.00
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SETBACKS & ALLOWABLE
OPENINGS SUMMARY
SCALE: 1/8" = 1'-0"

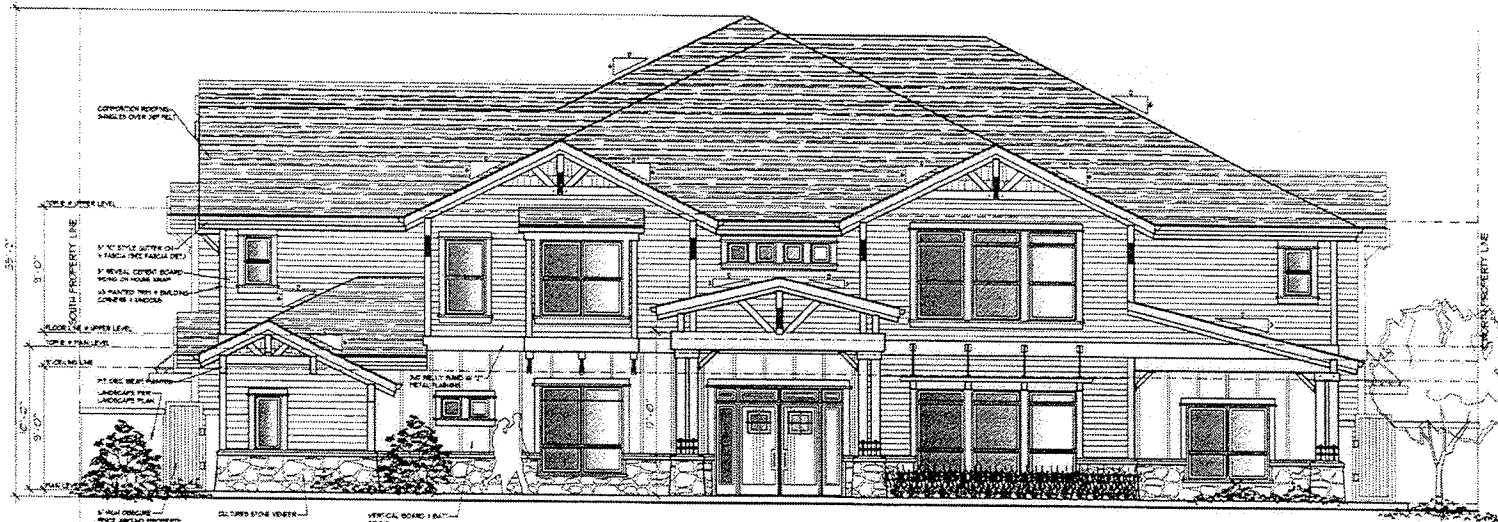


B TYPICAL PARKING DETAILS
SCALE: 1/8" = 1'-0"

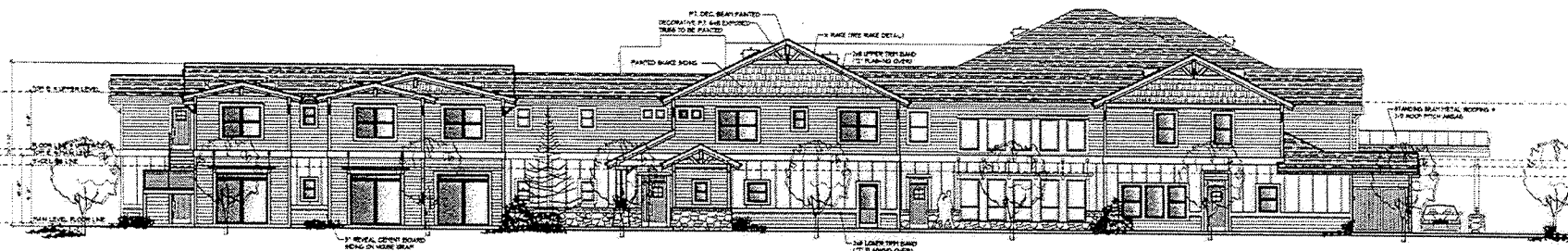


PROPOSED
SITE PLAN
REVISED:
DATE: 11/19/2011
DRAWN BY:
SHEET:
A0.1

EXHIBIT C-1 REVISE SITE PLAN



A FRONT ELEVATION (EAST)
 A05 SCALE: 1/4" = 1'-0"



B LEFT SIDE ELEVATION (SOUTH)
 A05 SCALE: 1/8" = 1'-0"



525 N. E. 20th Ave. Suite 202
 Portland, Oregon 97232
 503-285-8481 PH.
 503-285-8482 FX.
 www.eprdesign.com



Rodelo Asa
Residential Care Facility
 2027 SE 174th Ave.
 Portland, Oregon

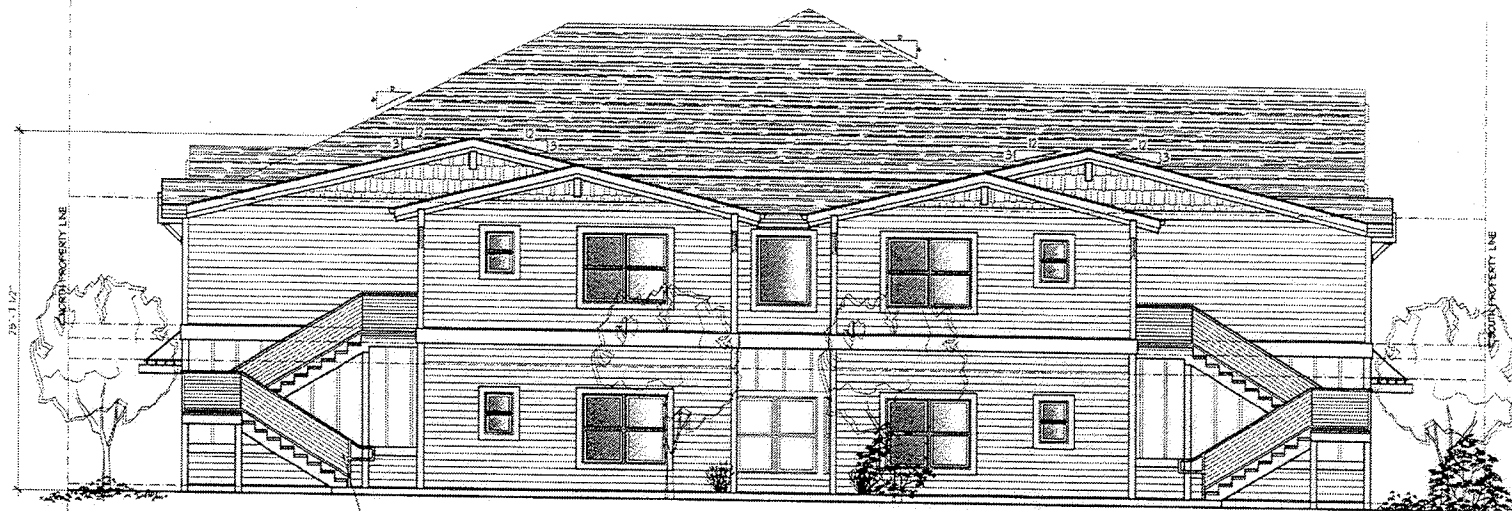
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BUILDING ELEVATIONS
 REVISED:

DATED: 11/10/2011
 DRAWN BY:

SHEET:
A0.5

EXHIBIT C4 REVISED ELEVATIONS



A REAR ELEVATION (WEST)
A0.6 SCALE: 1/4" = 1'-0"

3/4" HIGH RAILING
HORIZONTAL 3/4" ALLOY STAINLESS
STEEL CABLE SPACED 7" OC
1" SQUARE PTEL HANDRAIL
FASTENED TO ALUMINUM POSTS
SPACED 7' MAX 4' OC



B RIGHT SIDE ELEVATION (NORTH)
A0.6 SCALE: 1/8" = 1'-0"



825 N.E. 20th Ave. Suite 202
Portland, Oregon 97232
503-285-6481 PH.
503-285-6482 FX.
www.eprdesign.com



Rodelo Asa
Residential Care Facility
2027 SE 174th Ave.
Portland, Oregon

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herein are copyrighted under
Federal Law by EPR DESIGN, Inc.

**BUILDING
ELEVATIONS**
REVISED:

DATED: 11/10/2011

DRAWN BY:

SHEET:

A0.6

**EXHIBIT C 5 REVISED
ELEVATIONS**



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 • 503-823-7526 • www.portlandonline.com/bds



Type III Decision Appeal Form

LU Number: 11-146609

FOR INTAKE, STAFF USE ONLY

Date/Time Received 2/9/12 1:29 PM ☒ Action Attached APPEAL
 Received By JM H Fee Amount FREE WAIVER
 Appeal Deadline Date 2/10/12 ☒ [Y] [N] Fee Waived
☒ Entered in Appeal Log NA Bill # N/A
☒ Notice to Auditor NA ☒ [Y] [N] Unincorporated MC
☒ Notice to Dev. Review NA

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.
The appeal must be filed by the deadline listed in the Decision

Development Site
 Address or Location 2027 SE 174th AVENUE
 Date 2/8/2012 Land Use Number LU 11-146609 CU AD
 Appellant's Name BONNY MCKNIGHT
 Street Address 1617 NE 140th
 City PORTLAND State OR Zip Code 97230
 Day Phone 503-253-6048 FAX NONE email BonnyMcK@COMCAST.NET

Appellant's Interest in the case (applicant, neighbor, etc.) Neighborhood Associations & EAST PORTLAND

Appellant's Statement Please describe how the proposal meets or does not meet approval criteria, or how the City erred procedurally. The statement must address specific approval criteria or procedures and include the appropriate code citation(s).

DOES NOT MEET APPROVAL CRITERIA BECAUSE NOT ALLOWED BY 33.110 SINGLE DWELLING ZONE STANDARDS FOR SINGLE FAMILY R7; DOES NOT MEET 33.700.070.C GENERAL RULES FOR APPLICATION OF THE CODE LANGUAGE; AND DOES NOT MEET APPROVAL CRITERIA FOR 33.229 ELDERLY AND DISABLED HIGH DENSITY HOUSING CODE

Appellant's Signature Bonny McKnight

To file this appeal, take the following to the Development Services Center

- ☒ This completed appeal form
- ☒ A copy of the Type III Decision being appealed
- ☒ An appeal fee as follows:
 - ☐ Appeal fee as stated in the Decision, payable to City of Portland
 - ☒ Fee waiver for ONI Recognized Organizations approved
 - ☐ Fee waiver for low income individual approved (attach letter from Director)
 - ☐ Fee waiver for Unincorporated Multnomah County recognized organizations is signed and attached

CASE NO. 11-146609 CUAD
 EXHIBIT I-1

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

The appeal must be filed by the deadline listed in the Decision. To ensure the appeal is received within this deadline, the appeal should be filed in the Development Services Center at 1900 SW 4th Ave, 1st Floor, Suite 1500, Portland, Oregon, between 8:00 a.m. and 3:00 p.m. on Tuesday through Friday. On Mondays, and between 3:00 - 4:30 p.m. on Tuesday through Friday, the form(s) must be submitted at the Reception Desk on the 5th Floor.

Information about the appeal hearing procedure and fee waivers is on the back of this form.



East Portland Land Use & Transportation Committee

February 8, 2012

Office of Auditor Hearings Office
City of Portland
1900 SW Fourth Avenue; Room 3100
Portland, OR 97201

RE: LU - 146609 CU AD (HO4110029)
2027 SE 174th

With this letter please receive our application for the Appeal of this Type III Decision mailed on January 27, 2012 with a deadline of 4:30 pm on February 10, 2012 to file.

We have included the completed filing form, a copy of the 43 page Hearing Officer Decision, and are requesting the ONI Recognized Organization Fee Waiver (33,750.050) as an official committee of the 13 Neighborhood Associations making up the East Portland Neighborhood Association Land Use and Transportation Committee.

The Bureau of Development Services has recognized our role in acting on land use matters where an individual Neighborhood Association does not have an active Land Use person.

We voted to appeal this decision in January, 2012 with a quorum present and voting unanimously for the appeal. Present and voting to appeal were official EPNO LUTC members Linda Bauer, Pleasant Valley Neighborhood Association and Committee Chair; Bonny McKnight, Russell Neighborhood Association; Alice Blatt Wilkes Community Group; David Hampsten, Hazelwood Neighborhood Association & East Portland Action Plan; Gary Gossett, Lents Neighborhood Association; and Tom Lewis, Centennial Association of Neighbors Chair.

Acting on behalf of the East Portland Neighborhood Associations Land Use and Transportation Committee is Bonny McKnight. All correspondence regarding this appeal should be sent to her at 1617 NE 140th; Portland, OR 97230; phone 503-253-6848; email bonnymck@comcast.net.

In addition, please contact me if needed at lbauerpvna@aol.com or call me at 503-761-2941.

Thank you.


Linda Bauer, Chair
EPNO Land Use and Transportation Committee

CASE NO. 11-146609CUAD
EXHIBIT 1.12

1017 NE 117th Avenue
Portland, OR 97220
Phone: 503-823-4550
Fax: 503-823-4525
Email: info@epno.org

Argay
Neighborhood Association

Centennial
Community Association

Glenfair
Neighborhood Association

Hazelwood
Neighborhood Association

Lents
Neighborhood Association

Mill Park
Neighborhood Association

Parkrose
Neighborhood Association

Parkrose Heights
Association of Neighbors

Pleasant Valley
Neighborhood Association

Powellhurst-Gilbert
Neighborhood Assoc.

Russell
Neighborhood Association

Wilkes
Community Group

Woodland Park
Neighborhood Association

**GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR
EVIDENTIARY/DE NOVO APPEALS**

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, Oregon 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments is generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent of the Appeal	15 minutes
Other Opponents of the Appeal	3 minutes each
Appellant Rebuttal	5 minutes
Council Discussion	

- b. The applicant has the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Review Body decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, Portland, OR 97201. Call 503-823-7617 to make an appoint to review the file.

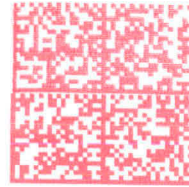
If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

11-146609



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PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR

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Portland, Oregon 97204-1987



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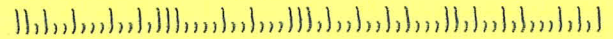
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Bureau # 11-146609 CU AD

Date Prepared: 01/26/12

Time Prepared: 3:35 PM

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