

Item 1032 (9/14/16); Item 1127 (10/12/16)

Appeal of Portsmouth Neighborhood Association against the Hearings Officer's Decision to approve the application of Bridge Meadows for a Conditional Use and Adjustment with conditions for New Meadows, a proposed group living facility, at 8710 N Dana Ave (Hearing; LU 15-273480 CU AD)

9/14/2016

Fritz motion:

Tentatively deny the appeal with two modifications to Hearings Officer's decision. #1: p. 33, IV(A). add after "Exhibits C.1-C.5" the words "except for changes to the parking that may be negotiated through a good neighbor agreement." #2: p. 34, IV(E) change "representatives met in good faith" to "representatives strived to meet in good faith."

A. As part of the building permit application submittal, each of the required site plans and any additional drawings must be in substantial conformance with the information and design approved by this land use review as indicated in Exhibits C.1-C.5 except for changes to the parking that may be negotiated through a good neighbor agreement. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-273480 CU AD."

E. Prior to obtaining final occupancy approval from the Bureau of Development Services for the construction of the Group Living facility, the Applicant must develop with the Portsmouth Neighborhood Association and representatives of Bridge Meadows a Good Neighbor Agreement (GNA) or must document that the New Meadows and Bridge Meadows representatives ~~met~~ strived to meet in good faith with the neighborhood association for the purpose of reaching agreement on a GNA. If a GNA is signed by the required three parties, the GNA must be submitted to the Bureau of Development Services within 30 days of execution.

Moved by Fritz and seconded by Saltzman.

Council voted as follows:

Yeas: Saltzman, Novick, Fritz, Fish, Hales

10/12/2016

Motion to adopt Findings.

Moved by Fish and seconded by Fish.

Council voted as follows:

Yeas: Novick, Fritz, Fish, Hales, (Saltzman absent)

AGENDA ITEM 1127:

**COUNCIL FINDINGS FOR LU 15-273480 CU AD
will be distributed on TUESDAY, OCTOBER
11TH.**



City of Portland, Oregon
Bureau of Development Services
Office of the Director

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7308
Fax: (503) 823-7250
TTY: (503) 823-6868
www.portlandoregon.gov/bds

MEMORANDUM

September 14, 2016

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

FROM: Paul L. Scarlett, Director
Bureau of Development Services

PLS

RE: City Council hearing on LU 15-273480 CUAD - Type 3 Appeal (New Meadows)

The purpose of this memorandum is to provide a summary and brief description of the land use review that will be presented to you in public hearing on September 14, 2016 at 2:45 PM, time certain.

Site Address: 8710 N. Dana Avenue

BDS Representative: Kathleen Stokes, City Planner II

1. **Land Use Reviews Requested:** Conditional Use Review, Adjustment Review

2. **Key Elements of Proposal:**

Applicant/owner: Bridge Meadows, Derenda Schubert (Executive Director)

Representative: Carleton Hart Architecture, Caitlin McKee (Project Designer)

Site Size: 14,540 SF

Development: Group living home, for up to 19 individuals (14 young adults, ages 17 to 24, who are transitioning from foster care and up to 4 children of the young adults, plus one resident assistant). Structure would contain 15 units with kitchenettes and also communal cooking and dining area and communal gathering space. A parking area would be provided with access from N. Dana Avenue and parking for 5 vehicles, including one accessible space. A small storage shed with bicycle parking included is also proposed. Although not mentioned in the decision, information provided by the applicant indicates that the primary building would have 10,700 square feet of floor area. The overall development proposal would have 39% building coverage. The maximum allowed building coverage is 50%. The proposed location is 185 feet from the Bridge Meadows group living facility and the two facilities will

be interactive, sharing the intergenerational approach of the Bridge Meadows program as an element of mentorship for the young adults at New Meadows.

A Type III Conditional Use Review is required for a new group living use in the R5 zone. An Adjustment Review has also been requested to Zoning Code Section 33.239.030.B, to allow the use to be located at 185 feet versus the required 600 feet from another group living use that is a Conditional Use in the residential zone.

3. Final Decision:

The decision of the Hearings Officer approved the Conditional Use Review (CU) and Adjustment Review (AD) with conditions. The conditions of approval are as follows:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must be in substantial conformance with the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-273480 CU AD."
- B. An architectural (split-faced) masonry wall must be constructed along the north property line. The wall must be at least 6-feet tall along the entire length except the first five feet from the west property line. To provide adequate sight-distance at the driveway, the wall in the 5 foot length from the west property line may be no taller than 3.5 feet. This wall is in addition to the required L3, high screen landscaping, as shown in Exhibit C.2.
- C. A 6 foot-tall fully sight-obscuring wood fence must be installed along the east property line, from the north property line to the edge of the interior walkway, for a distance of approximately 45 feet, to screen the accessory buildings and pavilion/patio area. This fence is required in addition to the proposed landscaping along this property line, as shown in Exhibit C.2.
- D. The Group Living facility must establish and enforce "house rules" that include the following requirements:
 1. Residents must sign an agreement that they will abide by the rules.
 2. Quiet hours must begin at 9 PM and not end until 6 AM.
 3. Residents and acquaintances must not loiter at or near the facility.
 4. No littering is allowed at the facility and residents will be responsible for outdoor clean-up.
- E. Prior to obtaining final occupancy approval from the Bureau of Development Services for the construction of the Group Living facility, the applicant must develop with the Portsmouth Neighborhood Association and representatives of Bridge Meadows a Good Neighbor Agreement (GNA) or must document that the New Meadows and Bridge Meadows representatives met in good faith with the neighborhood association for the

purpose of reaching agreement on a GNA. If a GNA is signed by the required three parties, the GNA must be submitted to the Bureau of Development Services within 30 days of execution.

F. Safety and crime prevention measures must be implemented as identified in Exhibit A.4.

4. Alternatives Facing Council:

- Deny the appeal, and uphold the Hearings Officer's decision to approve with conditions the New Meadows requested Conditional Use Review (CU) and Adjustment (AD), Case File #LU 15-273480 CUAD.
- Grant the appeal and overturn the Hearings Officer's decision, denying New Meadows requested Conditional Use Review (CU) and Adjustment (AD), Case File #LU 15-273480 CUAD.
- Grant the appeal, in part, by modifying the proposed development plan for New Meadows requested Conditional Use Review (CU) and Adjustment (AD), Case File #LU 15-273480 CUAD. (Because this is an on-the -record case, any modifications must be based on evidence that is already contained in the record for this land use review).

IMPACT STATEMENT

Legislation title:

Appeal of Portsmouth Neighborhood Association against the Hearings Officer's Decision on Conditional Use and Adjustment Reviews for New Meadows, 8710 N. Dana (LU 15-273480 CU AD)

Contact name: Kathleen Stokes, BDS

Contact phone: 503-823-7843

Presenter name: Kathleen Stokes, BDS

Purpose of proposed legislation and background information:

This is an appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides Type III Land Use Review decisions may be appealed to City Council.

Financial and budgetary impacts:

This is not a legislative action. This quasi-judicial action applies to one site. The decision will not solely or substantially impact City revenues.

Community impacts and community involvement:

Any impacts associated with the current application and appeal procedure are related to the proposal and will be addressed through the final local decision on the proposal, in order to meet the burden of proof of the relevant approval criteria (33.815.105 A-E and 33.805.040 A-F).

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Portsmouth Neighborhood Association and the North Portland Neighborhood Services (district coalition) both received notice. In addition, all property owners within 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus are also mailed notice.

A written Notice of Proposal was sent to the above-referenced entities, notifying them of the proposal and seeking their comments. Comments from the public that were received by city staff or the Hearings Officer during the review process were addressed in the Hearings Officer's decision.

The outcome of the appeal will not be known until the City Council makes its final decision.

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount