



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

Dan Saltzman, Commissioner
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Date: August 4, 2015
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / Kathleen.Stokes@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-150077 CU

GENERAL INFORMATION

Applicant: Todd Iselin, Iselin Architects
1307 Seventh St
Oregon City, OR 97045

Owner: John Wilson, Buddhi Dharma Hui Lin Foundation
21391 S Grapeview Rd.
West Linn, OR 97068

Site Address: 4224 SE 62ND AVE

Legal Description: BLOCK 10 LOT 1&2, LAURELWOOD, BLOCK 1, LOT 16, LAURELWOOD

Tax Account No.: R480102800, R480100170

State ID No.: 1S2E08CC 12800, 1S2E08CC 12700

Quarter Section: 3437

Neighborhood: Foster-Powell, contact Aaron Sorenson at 971-235-0025.

Business District: Foster Area, contact Seth Richardson at 503-771-1737.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: R2.5a (Residential 2,500, Attached Single-Dwelling, with an Alternative Design Density Overlay)

Case Type: Conditional Use Review

Procedure: Type II, administrative decision with appeal to the Hearings Officer.

Proposal: The Buddhi Dharma Hui Lin Foundation is establishing a new Buddhist temple in the existing building on this site, which has been the location for a religious institution since 1922. The proposed temple would have a membership of about 400 persons from the local area, in contrast to the Church of Grace that was the last occupant of the site, with a congregation of about 500 members. An existing unimproved parking lot for the institution,

with space for about 10 vehicles, is located across the street from the building, on the northeast corner of SE 62nd Avenue and SE Boise Street. An informal agreement for shared parking with a neighborhood business provides parking for an additional 30 to 34 vehicles. The temple would be used daily but most activities will include worship activities that involve small groups of approximately 20 people. Special events, which are scattered through the year on about 10 different feast days, are expected to bring between 60 and 120 people to the site. These numbers are reported to be substantially less than the numbers of people who attended regularly scheduled services or special events for the previous church.

This proposal requires approval through a Type II Conditional Use Review because it involves a change of use that is within the same use category, Religious Institutions.

Relevant Approval Criteria: Institutional and Other Uses in R Zones, 33.815.105 A - E.

ANALYSIS

Site and Vicinity: The site consists of two properties. The 8,000 square-foot lot that is located on the southeast corner of the intersection of SE Boise Street and SE 62nd Avenue contains the former Church of Grace building that was constructed in 1922. Across SE Boise Street, on the northeast corner of the intersection there is a second lot, with an area of 4,000 square feet, that contains an unimproved (gravel) parking area.

The area around the site is generally residential in character, except for the properties that abut the north/northeast side of SE Foster Road, which are a mix of various commercial uses. As reflected in the R5 and R2.5 zoning that is predominant in the area around the site, most of the residential development consists of fairly compact single-dwelling residences, on lots that are generally 4,000 to 5,000 square feet in size. The age of the housing varies, from prior to the time that the church building was constructed, up to more current infill.

Zoning: The zoning for this site is R2.5, Attached Residential. This zone is intended for areas with complete public services and without development constraints. The zone allows a mixture of housing types of a single-dwelling character, including attached houses. The maximum density is generally 17.4 units per acre or one unit per 2,500 square feet. Institutional uses are allowed when approved through a Conditional Use Review. Institutions that may have predated the current regulations and review requirements are considered to be automatic Conditional Uses.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 11, 2015**. The following Bureaus have responded with no issues or concerns:

- Environmental Services provided information on sanitary infrastructure and stormwater management regulations (Exhibit E-1).
- Transportation Engineering provided an analysis of the potential impacts on the transportation system and found them to be minimal in character. The analysis is included in the findings for Criteria 33.815.105 D.1 and D.2, below (Exhibit E-2).
- Water Bureau gave information on the existing water service to the site and general requirements for any extension of the service (Exhibit E-3).
- Police Bureau sent a response that indicated that the bureau is capable of serving the proposed use on the site and offered some recommendations for maintaining appropriate security measures (Exhibit E-4).
- Several agencies provided a response of "no concerns," with no additional information. These include: Fire Bureau, Site Development Section of BDS, Life Safety Plan Review Section of BDS and Parks-Forestry Division (Exhibit E-5).

Neighborhood Review: A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. All three of

these responses from neighbors expressed support for approval of the location of the Temple at this site (Exhibits F-1 through F-3).

ZONING CODE APPROVAL CRITERIA

33.815.040 Review Procedures

The procedure for reviews of conditional uses depends on whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use site. The review procedure may also depend upon the type of use that is being proposed. This proposal is for the location of a religious institution at a site that previously had a different religious institution. A change of use within the same use category, such as this proposal, requires approval through a Type II Conditional Use Review.

33.815.105 Approval Criteria for Institutional And Other Uses In R Zones

These approval criteria apply to most conditional uses in R zones. The approval criteria allow institutions and other non household living uses in a residential zone which maintain or do not significantly conflict with the appearance and function of residential areas:

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 that would be directly impacted by this proposal is the residentially-zoned area within the adjacent blocks that would see the most pedestrian and vehicular traffic, or be close enough to experience any change in the activity on the site. The residential area for this review is comprised of the residentially-zoned properties that are located within the boundaries of SE Center Street to the north, SE 66th Avenue to the east, SE Foster Street to the south and SE 60th Avenue to the west. Within this impact area, land uses are generally residential. The applicant provided a list of nonresidential uses that included retail uses, an auto repair business, a Multnomah County administrative building, a church, a Masonic lodge and two parks. Staff found that none of these reported nonhousehold uses are located on residentially zoned properties. The parks are zoned OS, Open Space. The other reported uses are located on commercially zoned sites.

The temple is considered to be a religious institution, under the Portland Zoning Code and, as such, is a use that serves the existing community. The temple is proposed to be located within an existing structure that has served religious institutions on this site since 1922. Therefore the proposal will not change the number, site size or location of non-household living uses in the residential area. The change of tenants for the building will not require expanding the institutional site or any change in the location of nonhousehold uses. Therefore, this criterion is met.

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

Findings: The applicant indicates that the temple will be a use that is less intense than the previous Church of Grace that occupied the site in recent years. This previous religious institution on the site was reported to have an attendance of up to 500 members. The proposed temple has a congregation of about 400 individuals and many regular observances will have very few attendees, averaging about 20 persons. Larger events are expected to occur 8 to 10 times per year and draw about 60 to 120 members. Therefore, there should not be any noticeable impacts from the intensity or the scale of the use. This criterion is met.

B. Physical compatibility.

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

Findings: City-designated scenic resources are protected with an “s” or Scenic Resource Overlay Zone. There are no City-designated scenic resources at the site or adjacent to the site. Therefore, this criterion does not apply.

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

Findings: The approval criteria require that either 2 or 3 must be met. The architecture of institutional uses is often substantially different from residential architecture, based on characteristics such as site size, building scale and style. In this case, the proposal does not call for any changes to the development on this site. The building has an institutional scale and appearance and does not have the landscaped setbacks that new development would require. However, this building has served religious institutions on this site since its construction in 1922. Many of the residential properties were developed a few years before or around the time that the church was constructed and so the area has “grown up” around this institution. As such, it is embedded in the neighborhood and continues as a local focal point for the residents of the area. Due to these circumstances, the building will remain as an integral part of this residential area and no mitigation is required for any differences in appearance or scale. Therefore, 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
2. Privacy and safety issues.

Findings: No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected as a direct result from this proposal because all services and activities will occur inside the existing masonry building. The exterior has shielded lighting to protect from glare. There are no late night activities proposed. The building will be occupied most days from 9 AM to 9 PM and security cameras provide insurance of safety for the immediate area. Since the building is self-contained and does not include any outdoor activity areas, no impacts on privacy are expected to occur. Therefore, these criteria are met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials, connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: Portland Transportation/Development Review reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services and offered the following analysis:

“ The City's Transportation System Plan (TSP) classifies SE 62nd Ave and SE Boise as Local Service streets for all modes. The proposed institutional use on the subject site is supportive of the Local Service street classifications of the abutting streets. The TSP states that, “Local Service streets provide local circulation for traffic, pedestrians and bicyclists”. The proposed use on the site supports or enhances the above referenced street designations. The TSP also states that, ‘Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses.’ The proposal on the subject site will not adversely impact these intended functions of the abutting Local Service classified streets.

PBOT typically requires that applicants associated with proposals involving new institutional uses on a site submit a professionally prepared Transportation Impact Study (TIS) to adequately address the aforementioned multiple evaluation factors. However, given in this case that the proposed Buddhist Temple will be replacing a more traditional church (use) on the site, the temple is not necessarily introducing a new use on the subject site. The previous church use on the site (not necessarily the last parish that was housed in the church building) had been at this site since the 1920's, according to the applicant. Further, as described in the application materials, the most recent parish at the site (Church of Grace) had a congregation of approximately 500 parishioners.

At the onset of PBOT learning about this potential land use proposal, PBOT staff needed to understand the nature of the temple and especially its operations relative to regular services and special events. The proposed Buddhist temple will have a total membership of approximately 400 members, however, most daily activities will not involve more than approximately 20 members. Special events at the site would occur approximately 10 times/year and are expected to bring 60-120 people to the facility. A comparison of the schedules from the Church of Grace and the Buddhist temple of regular activities at the site also indicates that the previous church occupants on the site had a greater number of programs that extended for greater lengths of time during each day, and occupied the building for a greater number of days during the week, than the Buddhist temple will be at the site.

The comments made above are done so to indicate PBOT's position that with the change of occupants at the site, which has been utilized as an institutional use of one source or another for decades, this will result in fewer potential impacts than were perhaps previously experienced on the transportation system. With fewer occupants, which translates to a reduced number of expected vehicle trips to the site, fewer scheduled activities during a reduced number of days per week, the proposed Buddhist temple and existing uses in the area can be supported by the transportation system.

The one evaluation factor noted previously that must be considered with a little more scrutiny is the impacts related to on-street parking. The Buddhist temple will have access to an associated gravel parking lot that can accommodate approximately 10 vehicles and is located across the street (on SE Boise) from the church building. The applicant has indicated that a long-standing parking agreement with a nearby business owner will be extended to the Buddhist temple. “Mac's” located just south of the subject site has a couple of lots on which 30-34 vehicles can be accommodated and will be utilized by the Buddhist temple.

Although the above referenced +/- 45 off-street parking spaces is expected to be suitable to accommodate the Buddhist temple members that will be coming to the site for typical daily activities, PBOT staff expressed a concern about adequacy of parking opportunities/parking impacts related to the temple's numerous yearly special events. As requested, the applicant conducted a parking survey to help determine the current supply/demand of area on-street parking spaces. The result of the applicant's survey is a clear abundance of on-street parking supply that will be able to accommodate the number of expected temple members during the identified (approximately 10) special events. The applicant further identified that approximately 1/3 of the current 60 or so

members either carpool, use mass transit or ride their bicycles to their existing worship location. The expectation is that at least the same percentage of members will be utilizing these non-single occupant means of transportation to the proposed site.

PBOT is satisfied that the proposed Buddhist temple will not result in adversely impacting on-street parking in the area. As mentioned previously, the applicant has adequately demonstrated that “the transportation system is capable of supporting the proposal in addition to the existing uses in the area”.

BDS staff concurs with the analysis of the PBOT staff and finds that these criteria have been 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 proposal does not include any additional development and the intensity of the use is expected to be less than the previous use on the site. Because of these factors, the proposed temple is not expected to create any noticeable change in the burden on the City’s services. The City’s service agencies evaluated this proposal and responded to indicate that public services are adequate to serve the proposed use. Therefore, this criterion is met.

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

Findings: This site is located within the plan boundaries of the Foster-Powell Neighborhood Plan and the Outer Southeast Community Plan. While none of the policies or objectives of these plans were found to be specifically applicable to this proposal, the proposal will serve to provide religious institutional facilities for citizens in the area. This proposal is therefore consistent with the goals of the adopted area plans to foster actions that improve the livability of the area for the residents and this criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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

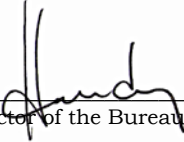
All of the approval criteria have been met for the requested Conditional Use Review. The location of the Buddhi Dharm Hui Lin Temple on this site will replace a previous religious institution that reported had a congregation that was about 20 to 25% larger and had more activities that occurred regularly on the site. Because a religious institution has existed on the site since 1922, there will be no change in the proportion of household uses in the area. All of the activities that are proposed for this new user would be located inside the existing church building so there will be no impacts from the intensity of the use and no impacts on the livability of the area. No changes are proposed to the appearance of the existing structure and so it will continue to maintain its place within the physical fabric of the neighborhood. The transportation system is adequate to serve the use and there are no impacts expected on City services. The proposal is consistent with adopted plans for the Foster Powell Neighborhood and the Outer Southeast Community area. The proposal can be approved, in general compliance with the site plan that shows the church building and the accessory parking area (Exhibit C-1).

ADMINISTRATIVE DECISION

Approval of a Conditional Use Review to establish the Buddhi Dharma Hui Lin Foundation Temple on this site, which previously was the location of another religious institution, in general compliance with the approved site plan, Exhibit C-1, signed and dated July 31, 2015, subject to the following condition:

- A. A change of occupancy permit is required. As part of this building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-150077 CU."

Staff Planner: Kathleen Stokes

Decision rendered by:  **on July 31, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 4, 2015

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on April 16, 2015, and was determined to be complete on **May 6, 2015**.

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 April 16, 2015.

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 for 49 days, from June 12, 2015 to July 31, 2015, as stated with Exhibit A-3. Unless further extended by the applicant, **the 120 days will expire on: October 22, 2015.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the

use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 18, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 19, 2015– (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
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:

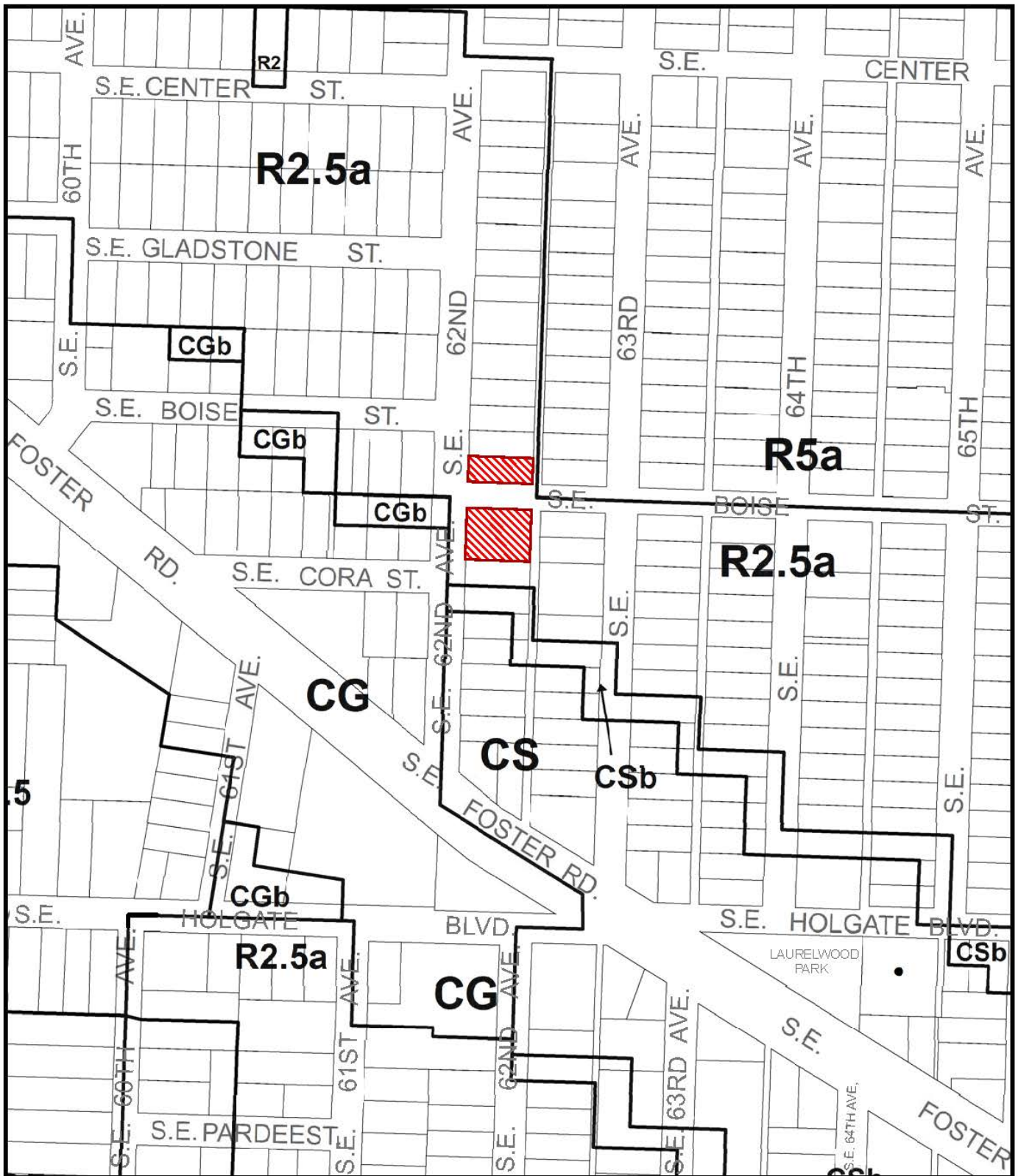
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application and original narrative and plans
 - 2. Revised narrative
 - 3. Request to extend 120 days for final local decision
 - 4. Parking study information
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Police Bureau
 - 5. Summary of City service agency responses (including Fire Bureau, Site Development Review Section of BDS, Life Safety Plan Review Section of BDS and Bureau of Parks, Forestry Division)
- F. Correspondence:
 - 1. April Lynch (email)
 - 2. Emily Ketola and Eli Wisniewitz (email)
 - 3. Gray Ayer (email)
- G. Other:
 - 1. Letter from Kathleen Stokes to Todd Iselin, April 30, 2015

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



Site



Historic Landmark



NORTH

File No. LU 15-150077 CU

1/4 Section 3437

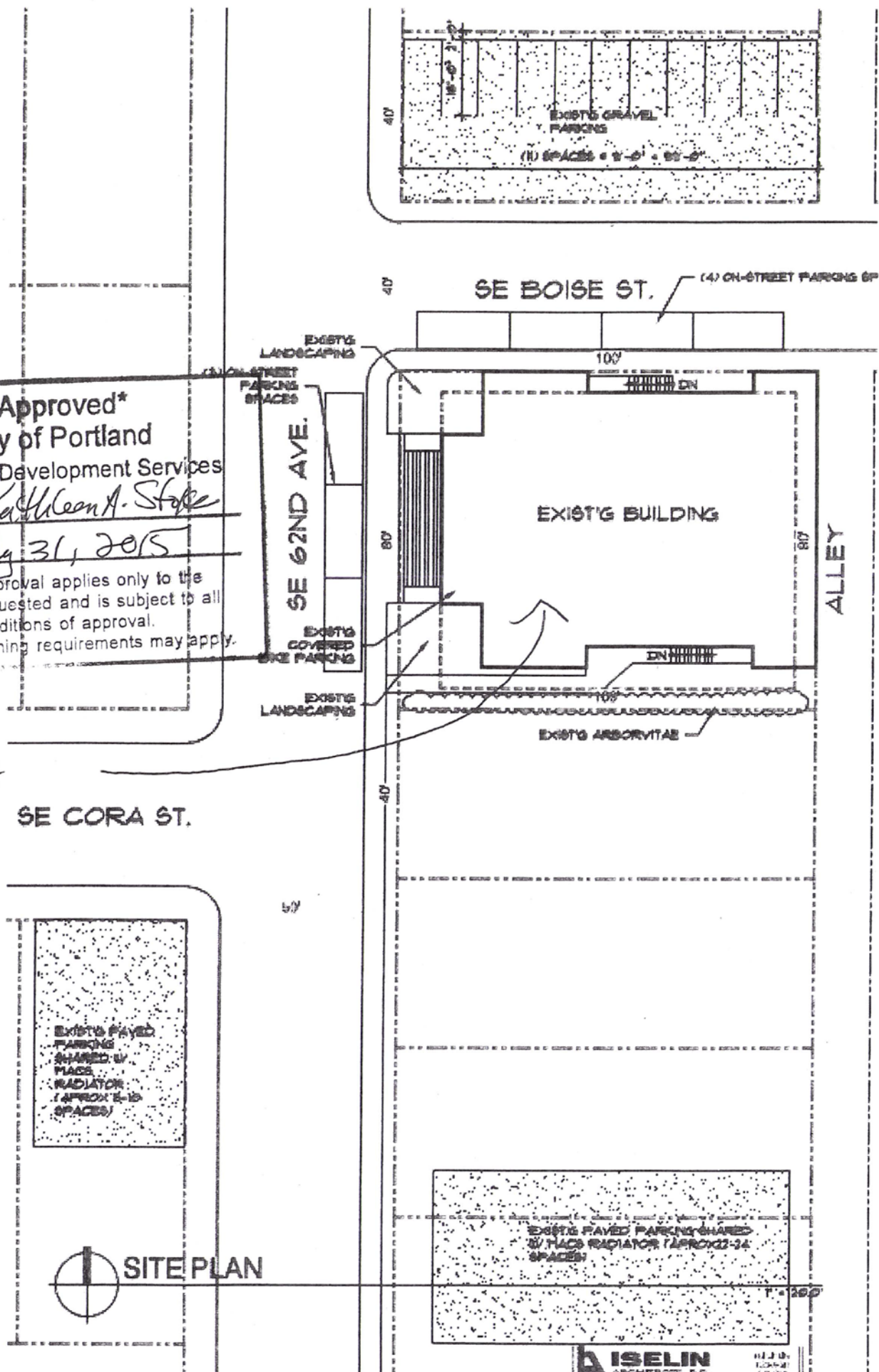
Scale 1 inch = 200 feet

State_Id 1S2E08CC 12800

Exhibit B (May 07, 2015)

Approved
City of Portland
 Bureau of Development Services
 Planner Kathleen A. Stoker
 Date July 31, 2015
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

Approval for establishment of Buddhist Hui Shan Temple



ISELIN
 ARCHITECTS, INC.
 1307 21st Street, Oregon City, Oregon 97133
 503.636.1042 • 1.800.221.6000

LU 15-150077CU Exhibit C-1