



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

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Date: October 2, 2019
To: Interested Person
From: Amanda Rhoads, Land Use Services
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**NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

CASE FILE: LU 19-137608 HPR AD
PC # 18-210168

REVIEW BY: *Hearings Officer*

WHEN: Wednesday, October 23, 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.

Development has been proposed in your neighborhood requiring a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

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

Owner: Alberta Abbey, LLC | Contact: Eric Paine
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 michael@hbx-studio.com.
Business District: Soul District Business Association, contact at info@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 event 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 525 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, 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 Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.805.040 Adjustments Approval Criteria

Because one or more of the criteria listed above is an unacknowledged land use regulation, this proposal may also have to 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

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. This application was submitted on March 25, 2019 and determined to be complete on **August 26, 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.

DECISION MAKING PROCESS

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The 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. 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 <http://www.portlandonline.com/auditor/index.cfm?c=28197>

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

We are seeking your comments on this proposal. The evidentiary proceeding before the Hearings Officer will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Hearings Officer decision and the evidence in the record compiled by the Hearings Officer in support of that decision.

To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, or FAX your comments to 503-823-4347; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. Please note that all correspondence and testimony received will become part of the public record. The applicant and Bureau of Development Services staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Hearings Officer to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Hearings Officer how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Hearings Officer, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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 extended at the request of the applicant.

APPEAL PROCESS

You can appeal the Hearings Officer decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Hearings Officer decision. The City Council

will consider legal arguments (for example arguments pointing out ways the Hearings Officer decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Hearings Officer findings are not supported by the evidence submitted to the Hearings Officer. However, the City Council will not accept or consider new evidence that was not submitted to the Hearings Officer.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Hearings Officer in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

HEARING CANCELLATION

This public hearing will be cancelled due the inclement weather or other similar emergency.

- Hearings Officer: This public hearing will be cancelled if the City of Portland is closed. Check local television or the City of Portland website (www.portlandoregon.gov) for closures. Contact the Hearings Office at 503-823-7307, for immediate information regarding cancellations or rescheduling.
- Design Commission, Historic Landmarks Commission or Adjustment Committee: This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or www.trimet.org) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

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).

Enclosures:

Zoning Map

Site Plan

North and East Building Elevations

Floor Area/Seating Plan for Calculating Required Parking