

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

Amanda Fritz, Commissioner
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www.portlandoregon.gov/bds

Date: November 14, 2014
To: Interested Person
From: Sylvia Cate, Land Use Services
503-823-7771 / Sylvia.Cate@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires 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 is 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.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on December 5, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-231651 NU, in your letter. It also is helpful to address your letter to me, Sylvia Cate. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 13-231651 NU

Owner: Terry W Emmert
11811 SE Highway 212 / Clackamas, OR 97015-9038

Applicant: Steve Suttich, Main Contact
Eastmoreland Raquet And Courts Club
3015 SE Berkeley Pl / Portland, OR 97202

Site Address: 3015 SE BERKELEY PL

Legal Description: TL 1400 2.36 ACRES, SECTION 24 1S 1E; TL 2200 0.14 ACRES, SECTION 24 1S 1E; TL 1500 1.81 ACRES, SECTION 24 1S 1E; TL 1600 3.53 ACRES, SECTION 24 1S 1E

Tax Account No.: R991240170, R991240380, R991240830, R991241000
State ID No.: 1S1E24DC 01400, 1S1E24DC 02200, 1S1E24DC 01500, 1S1E24DC 01600

Quarter Section: 3834

Neighborhood: Ardenwald-Johnson Creek, contact Mary King at 503-654-2969.-
Eastmoreland, contact Clark Nelson at clark@pbsenv.com

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

Plan District: Johnson Creek Basin

Zoning: R5, R7c,p: Single Dwelling Residential 5,000 and Single Dwelling Residential 7,000 with a 'c' Environmental Conservation overlay and a 'p' Environmental Protection overlay

Case Type: NU, Nonconforming Situation
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The Eastmoreland Courts and Racquet Club was established as a Conditional Use in the R5/R7 zone as a private tennis club in 1976, via case file number CU 54-76. At that time, "community clubs" were allowed in the R5 zone if approved as a conditional use. On January 1, 1991, City Council adopted revisions to the Portland Zoning Code. The revisions removed the ability to have a community club approved via a Conditional Use review, and therefore, per Portland Zoning Code 33.700.110.B.2.c., the use became a Nonconforming Use and subject to the regulations found in Chapter 33.258, which govern nonconforming situations. The applicant proposes to utilize two existing tennis courts on the site as temporary overflow parking areas when events at the facility draw more visitors to the site than during typical business hours. Because the proposal is an expansion of temporary parking, the request is subject to a Type II Nonconforming Situation review. Attached to this Notice is a zoning map and site plan.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **33.258.080.B.1.-3. Nonconforming Situation Review**

B. Approval criteria. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
 - a. The hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter; and
 - e. The amount, location, and nature of any outside displays, storage, or activities; and
2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:
 - a. Building scale, placement, and facade;
 - b. Parking area placement;
 - c. Buffering and the potential loss of privacy to abutting residential uses; and
 - d. Lighting and signs; and
3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

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 December 13, 2013 and determined to be complete on June 11, 2014.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule 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.

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.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

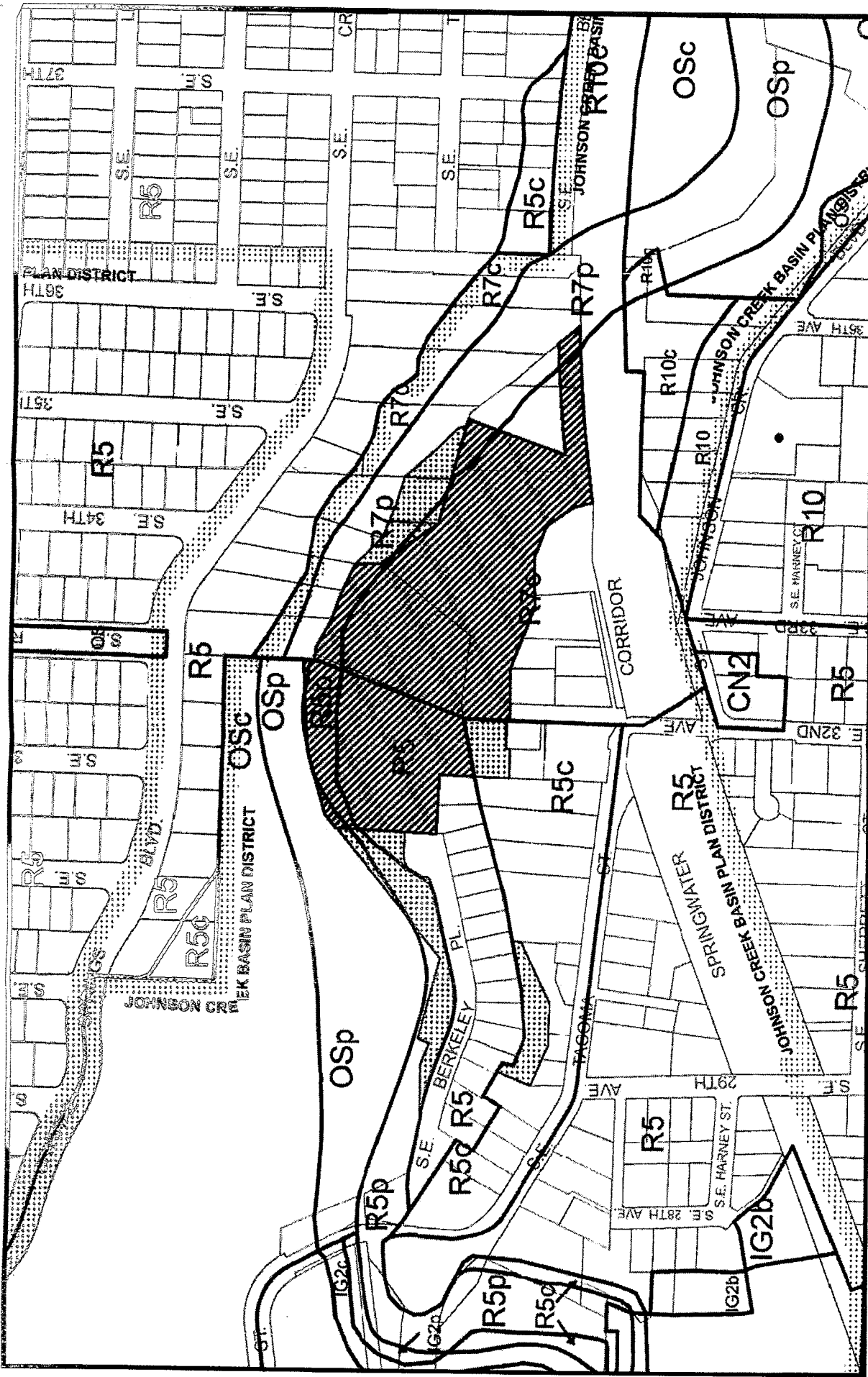
There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

APPEAL OF THE FINAL CITY DECISION



After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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



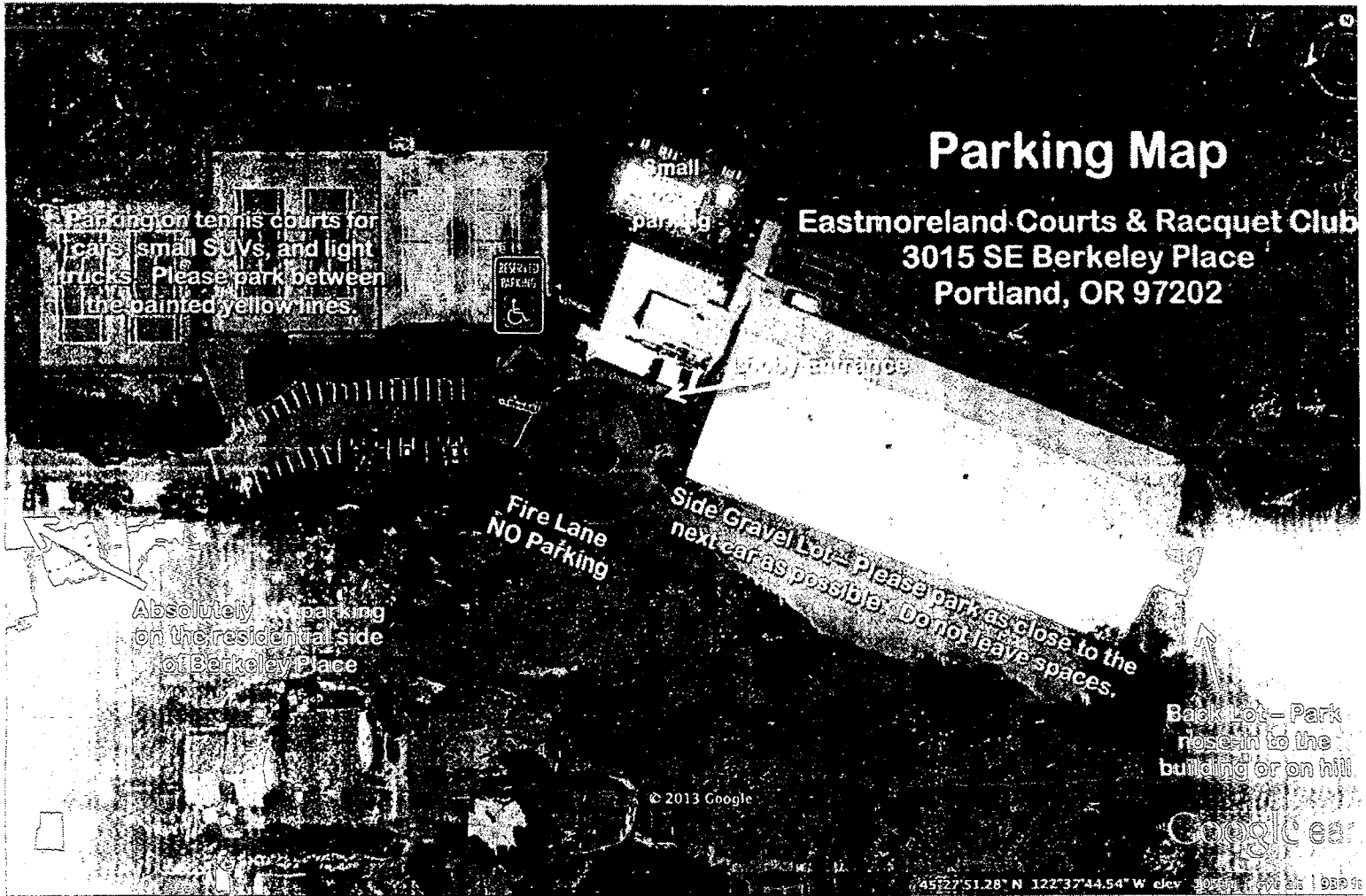
ZONING

-  Site
-  Also Owned

↑ NORTH
 This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 13-231651 NU
 1/4 Section 3833.3834
 Scale 1 inch = 300 feet
 State_Id 1S1E24DC 1600
 Exhibit B (Dec 16, 2013)

The Eastmoreland Courts & Racquet Club



Any vehicles parked illegally, found to be blocking traffic flow, or in no parking zones (Fire lane or on residential side of Berkeley Place) may be ticketed and/or towed without warning.
The Eastmoreland Courts does not allow vehicles longer than 20 feet.

The Eastmoreland Courts is located in a residential area. Please respect our neighbors by slowing down as you enter & exit. **25 mph limit**

3015 SE Berkeley Place
Portland, OR 97202
Phone: 503-653-0820
(formerly the Eastmoreland Racquet Club)

SITE PLAN