



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
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MEMORANDUM

January 30, 2020

TO: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish's Office (Chief of Staff, Sonia Schmanski)
Commissioner Amanda Fritz
Commissioner Jo Ann Hardesty

FROM: Rebecca Esau, Director *RE*
Bureau of Development Services

RE: City Council hearing on LU 19-192268 CU

The purpose of this memorandum is to provide a brief description of the land use review decision that was appealed and which will be presented to you in a public hearing on January 30, 2020 at 3:30pm time certain.

Site Address: 369 SW Kingston Ave.

BDS Representative: Andrew Gulizia, City Planner

- 1. Land Use Review Requested:** Type III Conditional Use Review for the Portland Japanese Garden to continue using the house at 369 SW Kingston Ave. as administrative office space.
- 2. Key Elements of Proposal:** In 2009, a Type III Conditional Use Review approval added the property at 369 SW Kingston Ave. to the Portland Japanese Garden's Conditional Use site so the house on this property (the "Kingston House") could be used as administrative offices for the Japanese Garden (LU 09-143061 CU AD). Condition of approval D from LU 09-143061 CU AD limited the use of the Kingston House as administrative offices for 10 years. The applicant requests Type III Conditional Use Review approval to extend the use of the Kingston House as administrative offices for the Japanese Garden for another 10 years. The applicant is not proposing any alterations to the existing house or grounds.

The applicant is the Portland Japanese Garden. The applicant's representative is Chris Hagerman from The Bookin Group LLC.

- 3. Hearings Officer Decision:** The Hearings Officer found that for the applicable approval criteria to be met, a condition of approval was necessary to limit the Portland Japanese Garden's office use in the Kingston House to 4 more years, rather than the 10 years the Garden had requested. The applicant objects to the condition of approval limiting the office use to 4 more years and has appealed the Hearings Officer's decision to the City Council. The applicant requests that the

Council modify the Hearings Officer's decision to allow office use for 10 more years rather than 4 years.

4. Alternatives Facing Council:

- Deny the appeal and uphold the Hearings Officer's findings and conditions of approval, including the condition of approval limiting the office use to 4 more years.
- Deny the appeal and uphold the Hearings Officer's decision to limit the office use to more 4 years, but with modified findings or conditions.
- Grant the appeal and modify the Hearings Officer's findings and conditions to allow office use for more than 4 years, up to a maximum of 10 years.

Agenda No.
REPORT
Title

Appeal of the Portland Japanese Garden against the Hearings Officer's decision of approval with conditions limiting the Garden's office use in the house at 369 SW Kingston Ave. to 4 years (Hearing; LU 19-192268 CU) *four Findings*

<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p> <hr/> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>M</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - <i>Vacant</i></p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <hr/> <p>BUREAU APPROVAL</p> <p>Bureau of Development Services <i>Rebecca Esau</i> Rebecca Esau, Director</p> <p>Prepared by: Leanne Torgerson Date Prepared: January 8, 2020</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p> <p>Council Meeting Date January 30, 2020, 3:30 TC</p>	<p>CLERK USE: DATE FILED <u>JAN 21 2020</u></p> <hr/> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <hr/> <p>ACTION TAKEN:</p> <p>JAN 30 2020 Continued to February 12, 2020 at 11:00 AM Time Certain</p> <p>FEB 12 2020 PREPARE FINDINGS FOR MAR 04 2020 AT 10:15AM TIME CERTAIN</p> <p>MAR 04 2020</p> <p style="text-align: center; font-size: 1.5em;">FINDINGS ADOPTED</p>
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AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/></p> <p>Start time: <u>3:30 pm</u></p> <p>Total amount of time needed: 90 minutes (for presentation, testimony and discussion)</p> <hr/> <p>CONSENT <input type="checkbox"/></p> <hr/> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. <i>Vacant</i>	2. <i>Vacant</i>	
3. Hardesty	3. Hardesty	✓
4. Eudaly	4. Eudaly ✓	
Wheeler	Wheeler ✓	