

Multnomah County Official Records
E Murray, Deputy Clerk

2020-067005



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ORDER-ORDER
\$20.00 \$11.00 \$60.00

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CITY OF PORTLAND
Office of the City Auditor
1221 SW Fourth Avenue, Room 130
Portland, OR 97204-1900

I hereby certify this Land Use Document No. LU 19-192268 CU – Order of Council to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on June 4, 2020.

MARY HULL CABALLERO
Auditor of the City Of Portland

By

A handwritten signature in blue ink, appearing to read "Meghan Deery", written over a horizontal line.

Deputy

RETURN TO CITY AUDITOR
131/130/Auditor's Office

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 AVENUE TO FOUR YEARS (HEARING; LU 19-192268 CU)

Applicant: Cynthia Haruyama
Portland Japanese Garden
611 SW Kingston Avenue
Portland, OR 97205

Applicant's Representative: Chris Hagerman
The Bookin Group LLC
1140 SW 11th Avenue, Suite 500
Portland, OR 97205

Property Owner(s): Kingston House:
Japanese Garden Foundation of Oregon
PO Box 3847
Portland, OR 97205

Washington Park tax lots containing Japanese Garden Leased Land:
City of Portland
1120 SW 5th Avenue #609
Portland, OR 97204

Site Address: Kingston House
369 SW Kingston Avenue

Washington Park tax lots containing Japanese Garden Leased Land:
City of Portland
1120 SW 5th Avenue #609
Portland, OR 97204

Legal Description: BLOCK 11 LOT 18&26 TL 5800, ARLINGTON HTS & RPLT; TL 2004.22 ACRES, SECTION 32 1N 1E; TL 200 21.12 ACRES, SECTION 05 1S 1E

Zoning: Kingston House: R7c – Single-Dwelling Residential
7,000 with a portion of the site in the
Environmental Conservation ("c") overlay

Washington Park tax lots containing Japanese Garden Leased Land:
OS/OSc/OScs/OSp – Open Space with portions of the site in the

Environmental Conservation ("c"), Scenic ("s"), and Environmental Protection ("p") overlays

Procedure: Type III, CU – Conditional Use Review

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 amend condition of approval D and 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 City Council held a public hearing on the appeal on January 30, 2020, at approximately 3:30 p.m. in the City Council Chambers, 1221 SW 4th Avenue. Following the testimony, a motion was made to uphold the appeal and grant the ten years requested for the conditional use. That motion was seconded, but only three of the commissioners were present and the Mayor was not present. The third Commissioner stated that she would vote to deny the appeal and uphold the Hearings Officer's decision. Based on Code Section 3.02.040.1.4, with only three Commissioners present, the vote would have to be unanimous for the motion to pass. Because the vote would not be unanimous, the matter was continued to February 12, 2020 at 11:00 a.m. for a vote on the appeal when all four members of Council would be present. On February 12, 2020 at approximately 11:00 a.m., after some additional deliberation, a tentative vote was taken and the City Council voted 3 to 1 to tentatively uphold the appeal and grant the ten years requested for the conditional use. The City Council directed the applicant and staff to prepare findings consistent with their tentative decision. The City Council considered the findings at a public meeting on March 4, 2020 at approximately 10:15 a.m. The City Council voted 3 to 1 to approve final findings and conclusions.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in Case File LU 19-192268 CU and by this reference made a part of this Order, **it is the decision of the City Council** to UPHOLD the appeal of the Hearings Officer's decision and approve the conditional use review for use of the Kingston House as an administrative office for ten years for the Japanese Garden, subject to the following conditions:

- A. The Conditional Use approval for the Kingston House to be used as accessory administrative offices shall sunset (terminate) ten years after the effective date of the LU 19-192268 CU approval. At the ten year sunset date of this approval, a new Type III Conditional Use Review shall be required for any proposal to continue the accessory administrative office use of the Kingston House.

- B. The regular hours of operation for administrative office use shall be limited to weekdays from 7 a.m. to 7 p.m., with occasional/infrequent weekend and additional hours allowed.
- C. Meetings held in the Kingston House shall be limited to 12 people, shall occur only on weekdays, and shall conclude by 9:30 p.m.
- D. The maximum occupancy of the Kingston House shall be limited to 12 people at any onetime, including regular office staff and meeting attendees.
- E. The exterior of the Kingston House shall not be changed in a manner that would make the house look like something other than a private residence.
- F. No signs on the Kingston House property are allowed except for:
- Identification of the house address in the general manner in which the address is now identified; and
 - Signs or stickers on or near the front door that are not large enough to be readable from the street, and which comply with Title 32 (Signs and Related Regulations).
- G. The Portland Japanese Garden shall keep representatives of the Arlington Heights Neighborhood Association continuously informed of a current contact name and telephone number for after-hours security concerns related to the Kingston House. The Portland Japanese Garden shall respond promptly to any security issues.
- H. The Portland Japanese Garden shall instruct employees and visitors to the Kingston House not to utilize on-street parking on SW Kingston Avenue outside of Washington Park. Employees and visitors must park in the Kingston House garage, on the Kingston House Driveway (no more than two vehicles at a time), or within Washington Park.

IT IS SO ORDERED:

3/10/20

Date



Mayor Ted Wheeler

Presiding Officer at Hearing of

March 4, 2020

9:30 a.m. Session