



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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**Date:** July 17, 2009  
**To:** Interested Person  
**From:** Crystal Hitchings, Land Use Services  
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## **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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 09-111706 CU**

#### **GENERAL INFORMATION**

**Applicant:** Sean McGinnis  
Milstead & Associates  
10121 SE Sunnyside Road, Suite 335  
Clackamas, OR 97015

**Property Owner:** Bryan Winchester  
Portland Public Schools  
PO Box 3107  
Portland, OR 97208

**Site Address:** 6700 NE PRESCOTT ST

**Legal Description:** TL 100 BLOCK 13&18, WELLINGTON  
**Tax Account No.:** R891303680  
**State ID No.:** 1N2E20C 00100  
**Quarter Section:** 2637

**Neighborhood:** Roseway, contact Dorothea Van Duyn at 503-265-8601  
**Business District:** Portland International District Business Association, contact Tyler Whitmire at 503-256-1234

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156  
**Zoning:** R5h, Single-dwelling Residential 5,000 with an Aircraft Landing Overlay Zone

**Case Type:** CU, Conditional Use  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer

#### **Proposal:**

As part of a district-wide redistribution policy, grade 8 will be taught at the Scott Elementary School starting in September, 2009. A new modular building containing 2 classrooms will be added to the Scott Elementary School campus in order to accommodate the 8<sup>th</sup> grade students. The modular building will be located on the west side of the campus, adjacent to NE 66<sup>th</sup> Avenue, south of the main school building and west of the detached classroom buildings. Landscaped planters will be located on the north, west, and south side of the building to

manage roof-runoff and provide screening of the structure. The projected staff count includes 3 additional full-time equivalents. The projected student count for 2009 is 596, which is less than a 10% increase of the highest student enrollment, recorded in 1997/1998 at 581 students. Students are anticipated to arrive from the surrounding neighborhoods by public transportation, walking, and bicycling. The campus currently provides 32 on-site parking spaces, plus two ADA parking spaces, and 50 on-site bicycle parking spaces. A student drop-off and pick-up zone is located along NE 68<sup>th</sup> Avenue. No changes to on-site parking and no increases to existing bus services are proposed.

The new modular building will add 1,771 square feet in new floor area to the school campus. Increases in floor area by more than 1,500 square feet but not more than 10% of the total floor area require a Type II Conditional Use review, and are subject to the approval criteria of **Section 33.815.105, Institutional and Other Uses in R Zones.**

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. Conditional Use requests will be approved if the review body finds that the applicant has shown that approval criteria A through E of **Section 33.815.105, Conditional Use Approval Criteria, Institutional and Other Uses in R Zones,** have been met.

## ANALYSIS

**Site and Vicinity:** The 248,728 square foot site comprises two full blocks and is bounded by NE Prescott Street on the north, NE 66<sup>th</sup> Avenue on the west, NE 68<sup>th</sup> Avenue on the east, a small section of NE Skidmore Street on the south (NE Skidmore is not a through street in this location), and Wellington Park on the south (the park occupies another 1.5 blocks bounded on the south by NE Mason). The site is developed with the Harvey Scott Elementary School, which consists of one larger main school building and 3 smaller, detached structures. The area between the buildings is paved and divided into a parking area, a playground, and an east/west oriented paved access route. The buildings are located on the north half of the site, and the south half of the site contains open, grassy play fields and a paved court.

Development of the surrounding blocks to the north, east, and west is predominantly single-dwelling residential, with some multi-dwelling residential and some small commercial uses. Immediately to the north of the school's main entrance is the Northeast Baptist Church. A large number of structures in the area are of a single-story in height, and many of the homes were constructed of a ranch style around 1950. The adjacent 1.5 blocks to the south of the school contain Wellington Park. Residential lots vary in size but are predominantly 5,000 square feet with some larger lots. Several 2,500 square foot "skinny lots" are located to the east of the school.

In this location, NE Prescott Street is classified as a Neighborhood Collector Street, City Bikeway, and City Walkway, and NE 66<sup>th</sup> and NE 68<sup>th</sup> Avenues and NE Skidmore Street are classified as Local Service Access streets, Local Service Walkways, and Local Service Bikeways.

The south side of NE Prescott, adjacent to the school, is developed with a 9.5-foot wide sidewalk and contains an additional 0.5-foot right-of-way behind the sidewalk. In front on the main entrance of the school, NE Prescott is developed with a 14.5-foot sidewalk and additional 1.5-foot ROW. The north side of NE Prescott is developed with a 3.5-foot planting strip, a 5-foot sidewalk, and an additional 2-foot right-of-way behind the sidewalk, with a wider section of sidewalk across from the school's main entrance. NE 68<sup>th</sup> Ave is developed on both sides with a 10-foot planting strip, a 6-foot sidewalk, and an additional 2-foot right-of-way behind the sidewalk. NE 66<sup>th</sup> Ave is developed on both sides with a 6.5-foot sidewalk with an additional 2-foot right-of-way behind the sidewalk.

**Zoning:** The site and surrounding vicinity to the south, east and west is zoned R5h, Single-dwelling Residential 5,000, except for the park to the south, which is zoned OS, Open Space. Sites to the north are zoned R7h, Single-dwelling Residential 7,000. The single-dwelling zones

are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The R7 zone is a medium density single-dwelling zone. The R7 Zone allows attached and detached single-dwelling structures and duplexes. The R5 zone is a high density single-dwelling zone. The R5 zone allows attached and detached single-dwelling structures and duplexes. Institutional Uses, such as schools, are allowed in the residential zones when they are approved as Conditional Uses.

The Aircraft Landing (h) Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. Structures and vegetation within the Aircraft Landing zone are subject to the height limits shown on the Aircraft Landing Zone map. However, the height limits for structures in the R5 zone (maximum height of 30 feet) are more restrictive than the Aircraft Landing zone height limit, so the R5 zone height limit controls. The structure that is the subject of this Adjustment request does not exceed the maximum height limit of the R5 zone. Therefore, the standards of the Aircraft Landing Zone Overlay are not relevant to this Adjustment request.

**Land Use History:** City records indicate that prior land use reviews include the following:

CU 119-87: No information available

CU 35-68 (68-001583): Approval for a new Industrial Arts building.

CU 115-77 (77-003762): Approval for a detached covered playshed with paving under and around the shed.

CU 32-89 (89-003914): Approval of the conversion and remodeling of a former dressing room to an office and lab space for an English as a Second Language program.

**Agency Review:** A “Request for Response” was mailed on May 15, 2009. The following Bureaus have responded with no issues or concerns (Exhibits E.1-E.4):

- Life Safety Bureau
- Fire Bureau
- Water Bureau
- Bureau of Parks-Forestry Division

The following Bureaus have submitted additional comments:

- The Site Development Section of BDS (Exhibit E.5): has reviewed the proposal and determined that there are no concerns with the Conditional Use request. The stormwater services criterion can be met using on-site infiltration.
- The Bureau of Environmental Services (Exhibit E.6): has reviewed the proposal and determined that there are no concerns with the Conditional Use request. Building plans submitted for permitting must include a detailed site utility plan which shows proposed and existing sanitary connections and stormwater management methods.
- The Bureau of Transportation Engineering (Exhibit E.7): Portland Transportation has reviewed the proposal and determined that there are no concerns with the Conditional Use request provided that certain conditions of approval are imposed. Details of the transportation response and recommended conditions are discussed in the findings for Criterion D, beginning on page 6.

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on May 15, 2009. One written response was received from a notified property owner in response to the proposal. The response was written in general support of the request, but expressed concerns about potential increases in parking/loading impacts along NE 68<sup>th</sup> Avenue, and indicated that any additional increase would be a detriment to livability for residents along NE 68<sup>th</sup>. Issues related to transportation capacity in the area and the ability of the system to handle increased traffic are addressed under criterion D.2 below.

## ZONING CODE APPROVAL CRITERIA

**33.815.010 Conditional Uses, Purpose**

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

**33.815.105 Institutional and Other Uses in R Zones**

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

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

**Findings:** The subject site is located in the center of a large, single-dwelling residential area accessed by Local Service Access streets and one Neighborhood Collector. A small pocket of multi-dwelling residential zoning occurs to the north, along NE Prescott Street, and another pocket of multi-dwelling residential occurs to the northeast, along NE Going and NE Cully Boulevard. For the purposes of this review, the residential area will be more specifically defined by those properties within the boundaries noted below. The boundaries are defined by Local Service Access streets, which enclose the immediate residential area most likely to be affected by this proposal. Properties on both sides of the boundary streets are included in the inventory. NE Prescott, a Neighborhood Collector, cuts through the center of the residential area. Several of the connecting streets within the inventoried area are narrow and have no sidewalks or curbs, and several of these streets are unpaved.

North: NE Wygant Street, an east/west Local Service Access Street, is two blocks north of the site. NE Cully Boulevard cuts through the far northeast corner of the inventory area. One block north of the site is NE Prescott, which is predominantly residentially zoned and developed in this area. Directly north of the subject site, across NE Prescott, is the Northeast Baptist Church property.

South: NE Failing Street, an east/west local service street, is two blocks south of the subject site. The properties between the subject site and NE Failing Street are all residentially zoned and developed, with the exception of Wellington Park, which is directly south of the school site.

East: NE 72<sup>nd</sup> Avenue, a north/south local service street, is four blocks east of the subject site. The properties between the subject site and NE 72<sup>nd</sup> is predominantly residentially zoned and developed.

West: NE 62<sup>nd</sup> Avenue, a north/south local service street, is four blocks west of the subject site. The properties between the subject site and NE 62<sup>nd</sup> are all residentially zoned and are predominantly residentially developed, with the exception of two properties fronting NE 62<sup>nd</sup> and one property fronting NE Cully Boulevard.

Within this area, the zoning is predominantly single-dwelling residential, R5h, and R7h, with two small pockets of R2h, multi-dwelling residential. Most lots are 5,000 square feet, 50-feet by 100-feet in size and are developed with single dwelling homes. Some lots are smaller or larger or have different dimensions, and there are several multi-dwelling homes within the inventoried residential area.

In addition to the school, five non-household living uses were documented within the residential area included in the inventory. These uses include:

1. Jump Jump Music store, located on NE Prescott and NE 70<sup>th</sup>
2. Northeast Baptist Church, located on NE Prescott
3. Prescott Café, located on NE Prescott and NE 62<sup>nd</sup>
4. A convenience store, located on NE Going and NE 62<sup>nd</sup>
5. A convenience store, located on NE Cully just south of NE Wygant

All of these non-residential uses, with the exception of the church, are located in small, single-story structures which are compatible in scale and appearance with residential uses in the inventory area. These non-living uses are spread out through the inventoried residential area, are located adjacent to larger streets, do not detract from the appearance and function of the residential area, and provide services to the residential area.

The request is not for a new non-household living use, but for a slight increase in an existing non-household living use. Therefore, the proportion of non-household living uses in the residential area is not changed. The proposal is to add one 1,771 square foot modular classroom structure, and associated stormwater management and landscaping, in the vicinity of the existing school structures, in order to accommodate retention of the 8<sup>th</sup> grade students at the Scott School. The proposed student increase is up 15 students from the highest enrollment year of 1997/1998, and 3 additional staff members are anticipated. Students are anticipated to arrive from the surrounding neighborhoods by public transportation, walking, and bicycling. The campus currently provides 32 on-site parking spaces, plus two ADA parking spaces, and 50 on-site bicycle parking spaces. No increases to existing bus services are proposed. The proposed modular structure is sized, designed, and located consistently with surrounding residential development. The anticipated student increase remains in character with the intensity and scale of activities and structures that currently occur on the site. The intensity and scale of the proposed use, alone and in combination with the existing non-residential living uses, will not be out of character with existing residential uses in the area, and will not significantly lessen the residential appearance and character of the area. This criterion is met.

**B. *Physical compatibility.***

1. *The proposal will preserve any City-designated scenic resources; and*
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:** City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site.

The proposed modular classroom building is a low profile, single-story building of wood construction with a pitched roof, and is detached and separated from the other structures on the site. Siding materials and window placement are similar to those commonly found in residential construction, and the building will be painted to match the existing school structures. The structure also contains a wood deck consistent in style and scale with the structure. Homes in the area are a mix of one-and two-stories in height, but are predominantly one-story ranch style homes. The structure will meet the minimum required setbacks. A

landscaped buffer will be provided around three sides of the structure in the form of a stormwater planter. The proposed plantings consist of a mix of trees, shrubs, and grasses. The use of the modular structure will be consistent with the current school activities on site, and the building will be unoccupied at night. No vehicles will be parked near the building, and the building is located such that it will utilize existing pedestrian areas. For these reasons, the appearance and scale of the modular structure will be compatible with surrounding residential development.

The proposed modular classroom contains the basic components of nearby residential structures and is of a similar scale to smaller single-story homes in the area. The trees and shrubs of the stormwater planter will provide some screening of the structure, and will help mitigate any perceived differences in appearance. This criterion is 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:** The classroom structure will not generate noise beyond what currently occurs at the school, and will not be used at night. The new classroom will be included in existing maintenance policies, and therefore any litter will be contained. No odors will be generated by the use.

The applicant states that privacy and safety are of significant importance to the school district, and has been planned for in the layout and construction of the new modular classroom. Privacy between the proposed classroom and the adjacent residences will be provided by the landscaped planter and minimum front setback. The structure will be located adjacent to existing school structures, and so physical separation provided by the open playing fields will not be greatly reduced. The main entrance to the building and access route between structures is located on the inside façade of the structure, reducing activity on the facades facing the street and nearby homes.

This criterion is met.

**D. *Public services.***

- 1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;*
- 2. The transportation system is capable of supporting the proposed use 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;*
- 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 Portland Bureau of Transportation (PBOT) has reviewed the request to add a new modular classroom to support the retention of the 8<sup>th</sup> grade students at the Scott School. PBOT has provided the following information in response to the proposal:

At this location, NE Prescott is classified as a Neighborhood Collector, Transit Access street, City Bikeway, City Walkway and a Local Service street for all other transportation modes in the City's Transportation System Plan. NE 66<sup>th</sup> and NE 68<sup>th</sup> Avenues are classified as Local Service streets for all transportation modes in the City's Transportation System Plan (TSP). The proposed expansion of Harvey Scott Elementary School is supportive of the Neighborhood Collector designation of NE Prescott, and the Local Service street designations of NE 66<sup>th</sup> and 68<sup>th</sup> Avenues. The TSP states that, "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The TSP states that, "The

design of Neighborhood Collectors may vary over their length as the land use character changes from primarily commercial to primarily residential. Some Neighborhood Collectors may have a regional function, either alone or in concert with other nearby parallel collectors.” The proposed school expansion on the subject site is in conformance with the Transit Access street, and City Walkway designations of NE Prescott. All of the site’s frontages are improved with curbs and sidewalks which support pedestrian activity and access to the transit line on NE Prescott.

The transportation system is capable of supporting the proposed use 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.

Access to arterials: The site is located within a well connected grid pattern of streets. The site fronts along NE Prescott (a Neighborhood Collector street). In addition to NE Prescott, the site has nearby access to NE Killingsworth (to the north), NE Cully Blvd (to the west), NE 82<sup>nd</sup> Ave (to the east) and NE Fremont and NE Sandy Blvd (to the south), each of which are additional arterials throughout the city.

Connectivity: The existing street grid pattern in the area meets City connectivity spacing guidelines for public streets and pedestrian connections. The public streets are within the recommended 530-ft spacing goals (except the subject school site block, which is connected to the abutting neighborhood park to the south). However, given that the blocks in the area are approximately 400-ft long, the goal of having pedestrian connections no further than 330-ft apart is not technically satisfied. PBOT recognizes this minor shortfall, however, does not recommend that the applicant provide a public pedestrian connection through the subject site. Due to the lot and block patterns in the area, as well as the existing development found throughout the neighboring block areas, a pedestrian connection through the subject site would/could not connect to any other such pedestrian system in the area. The site frontages along NE Fremont, NE 66<sup>th</sup> and 68<sup>th</sup> Avenues are improved with curbs and sidewalks. The streets in the surrounding neighborhood are also improved with sidewalks, promoting pedestrian activity and allowing access to local transit.

Transit availability: The site is currently served by Tri-Met Bus line 71 (60<sup>th</sup> Ave/122<sup>nd</sup> Ave) along NE Prescott.

Street Capacity/Level of service/other performance measures: Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland’s performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors. To adequately address this evaluation factor, an applicant is typically required to submit a Traffic Impact Study (TIS) prepared by a registered traffic engineer in conjunction with the other application materials. However, the PBOT had already been involved with Harvey Scott Elementary in 2008 while preparing a Safer Routes to School (SR2S) program for the school. With this program, the City conducted similar analyses that are typically contained in transportation impact studies, therefore, this information will be utilized during the course of the subject Conditional Use Review.

The Harvey Scott School start time of 8:00 am coincides with the critical AM peak hour of area intersections; however, the afternoon end time of 2:15 pm is early enough that it is not expected to have any impact on the critical PM peak hour of area intersections (the PM peak hour typically begins after 4pm).

A survey was done by the applicant to determine the mode split of students traveling to and from the school. The existing school operation includes 51% of the students being dropped off by single occupancy vehicles in the morning, and 47% of the students being picked up by single occupancy vehicles in the afternoon. The remaining students access the site by walking, biking carpooling or other means of transportation. With the proposed school expansion it is anticipated that a similar mode split will continue to be practiced given the school's efforts to promote alternative means of transportation for the families attending the school. No uses other than the school are expected to generate significant new traffic during the AM or PM peak hours. Because of the well connected grid pattern of streets in the vicinity of the site the few additional vehicle trips expected during the peak hours will take a variety of routes to and from the site to access the area local and arterial streets. PBOT's SR2S program that was prepared for Harvey Scott identified and acknowledged the numerous primary and secondary pathways that parents/students use to access the school, from every direction. Because of the variety of routes available to access the site the impacts to any one area intersection from the additional vehicles trips are expected to be insignificant. In addition, the traffic associated with the site will be reduced with continued use of transportation demand management strategies, as described in more detail below.

On-street parking/neighborhood impacts: The Harvey Scott SR2S team expressed concern about the narrowness of NE 68<sup>th</sup> Ave south of NE Prescott and congestion issues related to kindergarten pick-up activities there, which result in impacts to the neighborhood. NE 68<sup>th</sup> is only 24-ft wide between NE Prescott and NE Skidmore. Accordingly, on-street parking is limited along segments of both sides of the street. Solutions that relieve congestion due to demand and a narrow street are limited. Parking restrictions are common, but do not work well without constant enforcement. A section of one-way street may reduce congestion, but also could represent an inconvenience to local residents. In this case, if changed to a one-way street, NE 68<sup>th</sup> should operate southbound so that passenger doors open toward the school.

In developing the SR2S program for Harvey Scott, PBOT and representatives of the school worked to prioritize solutions to the various issues that were identified in the study. Harvey Scott School identified the need to address the congestion and impacts along NE 68<sup>th</sup> as the number one priority issue to consider. As such, the school, through its school district representatives, has initiated the process to change traffic flow along NE 68<sup>th</sup> between NE Prescott and NE Skidmore to one-way direction (southbound). PBOT staff can conclude that if this process is completed as necessary, that the option to one-way NE 68<sup>th</sup> Ave will adequately address the impacts to on-street parking (and the neighbors) that currently exists. As of the writing of this response, the school district had not completed the process, which includes a public outreach component to determine whether or not support from affected local residents can be achieved. Therefore, an alternative solution to the congestion issue must also be considered.

An alternative plan to provide a pick-up and drop-off area that will reduce impacts to on-street parking and the neighborhood could involve the school routing parents onto the school property such that all loading activities occurs on the school site. The details of the operation of such a loading activity would include which direction that parents would enter and exit the school site, the need for monitors or greeters as well as the need for an educational component for the plan to be passed onto parents. If the one-way proposal is not supported by neighbors or if the process cannot be completed by the start of the upcoming school calendar (in September), the applicant will need to implement the above referenced on-site loading option at least on a temporary basis, and if necessary, continue to work with the City to develop a more permanent solution. With these options, PBOT can conclude that the proposal to expand



Harvey Scott School will result in reducing the existing on-street parking impacts and impacts to the neighborhood.

Access restrictions: As noted above, the City has identified a potential to restrict access to the school site by re-directing traffic flow along a portion of NE 68<sup>th</sup> Ave to one-way direction only, in order to address current impacts to on-street parking and the neighbors along this street. If this option is not successful, an alternative solution must be implemented. However, no additional access restrictions are necessary.

Impacts on pedestrian, bicycle, and transit circulation: All streets in the surrounding neighborhood on the south side of NE Prescott are improved with sidewalks which help provide safe pedestrian access to the school site, and safer access to nearby transit facilities. There is no reason to believe that the proposed Conditional Use will result in negative impacts to pedestrian, bicycle or transit circulation in the adjacent neighborhood.

Safety for all modes: No negative safety impacts are expected with this proposal on any mode of the transportation system.

Adequate transportation demand management strategies

Transportation Demand Management (TDM) strategies are generally considered when mitigation measures are necessary to address impacts related to proposed developments. There have been no impacts found with the existing school. However, to ensure that the school can continue to operate, even after expansion, with no impacts on the transportation system, PBOT recommends that the applicant develop and submit an appropriate TDM Plan for the school. The TDM Plan would include information on the school's operation, its intention and manners in which it will be informing and advising parents on the school's drop-off and pick-up procedures, as well as on how the school plans on promoting alternative modes of transportation for the school's families. The applicant would develop and submit the TDM Plan prior to the commencement of the 2009-10 school year, with copies of the plan to be provided to BDS and PBOT staff.

In conclusion, and as analyzed above considering each of the noted evaluation factors, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. No public street improvements will be required with the proposed conditional use. Therefore, PBOT has no objection to approval of the proposed conditional use subject to the following conditions of approval:

- A. The applicant shall complete the current process to one-way NE 68<sup>th</sup> Ave between NE Prescott and NE Skidmore. If the applicant is successful in gaining approval, all efforts to make the necessary changes to implement the one-way travel should be taken prior to the commencement of the 09-10 school year.
- B. If the applicant is not successful in completing the City's process to change the direction of a portion of NE 68<sup>th</sup> as noted in Condition 1, an alternative solution to address the on-street parking and neighborhood impacts shall be developed and implemented prior to the commencement of the 09-10 school year. A recommended solution is to require the drop-off and pick-up activities to occur entirely on the Harvey Scott School site. The applicant will need to provide PBOT staff details regarding the operation and implementation of this, or any other options. PBOT staff will need to approve of any proposed alternative option prior to the commencement of the 09-10 school year.

To address the request for a TDM plan, the following condition of approval will be required by Bureau of Development Services:

- C. A Transportation Demand Management (TDM) Plan must be developed by the applicant and submitted to BDS and PBOT staff prior to the commencement of the 09-10 school year. Necessary elements of the plan shall include: information on the school's

operation; the school's intention and methods for informing and advising parents on drop-off and pick-up procedures; and plans for promoting alternative modes of transportation for the school's families.

With the above stated conditions of approval, this criterion is met.

**E. Area plans.** *The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.*

**Findings:** The site is not within an area with any adopted neighborhood or community plans. This criterion is not applicable.

## 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

With conditions of approval B through D regarding transportation management, the proposal to add a new, 1,771 square-foot modular structure containing 2 classrooms in order to accommodate the retention of the 8<sup>th</sup> grade students at the Scott School meets all of the applicable approval criterion. This Conditional Use request should be approved.

## ADMINISTRATIVE DECISION

Approval of [specific proposal description], per the approved site plans, Exhibits C.1 through C.3, signed and dated July 15, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-111706 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant shall continue with, and complete the current process to one-way NE 68<sup>th</sup> Ave between NE Prescott and NE Skidmore. If the applicant is successful in completing this process, all efforts to make the necessary changes to implement the one-way travel should be taken prior to the commencement of the 09-10 school year.
- C. If the applicant is not successful in completing the City's process to change the direction of a portion of NE 68<sup>th</sup> as noted in Condition 1, an alternative solution to address the on-street parking and neighborhood impacts shall be developed and implemented prior to the commencement of the 09-10 school year. A recommended solution is to require the drop-off and pick-up activities to occur entirely on the Harvey Scott School site. The applicant will need to provide PBOT staff details regarding the operation and implementation of this, or any other options. PBOT staff will need to approve of any proposed alternative option prior to the commencement of the 09-10 school year.
- D. A Transportation Demand Management (TDM) Plan must be developed by the applicant and submitted to BDS and PBOT staff prior to the commencement of the 09-10 school year. Necessary elements of the plan shall include: information on the school's operation; the school's intention and methods for informing and advising parents on

drop-off and pick-up procedures; and plans for promoting alternative modes of transportation for the school's families.

**Staff Planner: Crystal Hitchings**

**Decision rendered by:**  **on July 15, 2009.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: July 17, 2009**

**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 March 2, 2009, and was determined to be complete on May 13, 2009.

*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 March 2, 2009.

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 a total of 30 days, as stated with Exhibit G.4. Unless further extended by the applicant, **the 120 days will expire on: October 10, 2009.**

**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 July 31, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition,

an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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](http://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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 3, 2009 – (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.

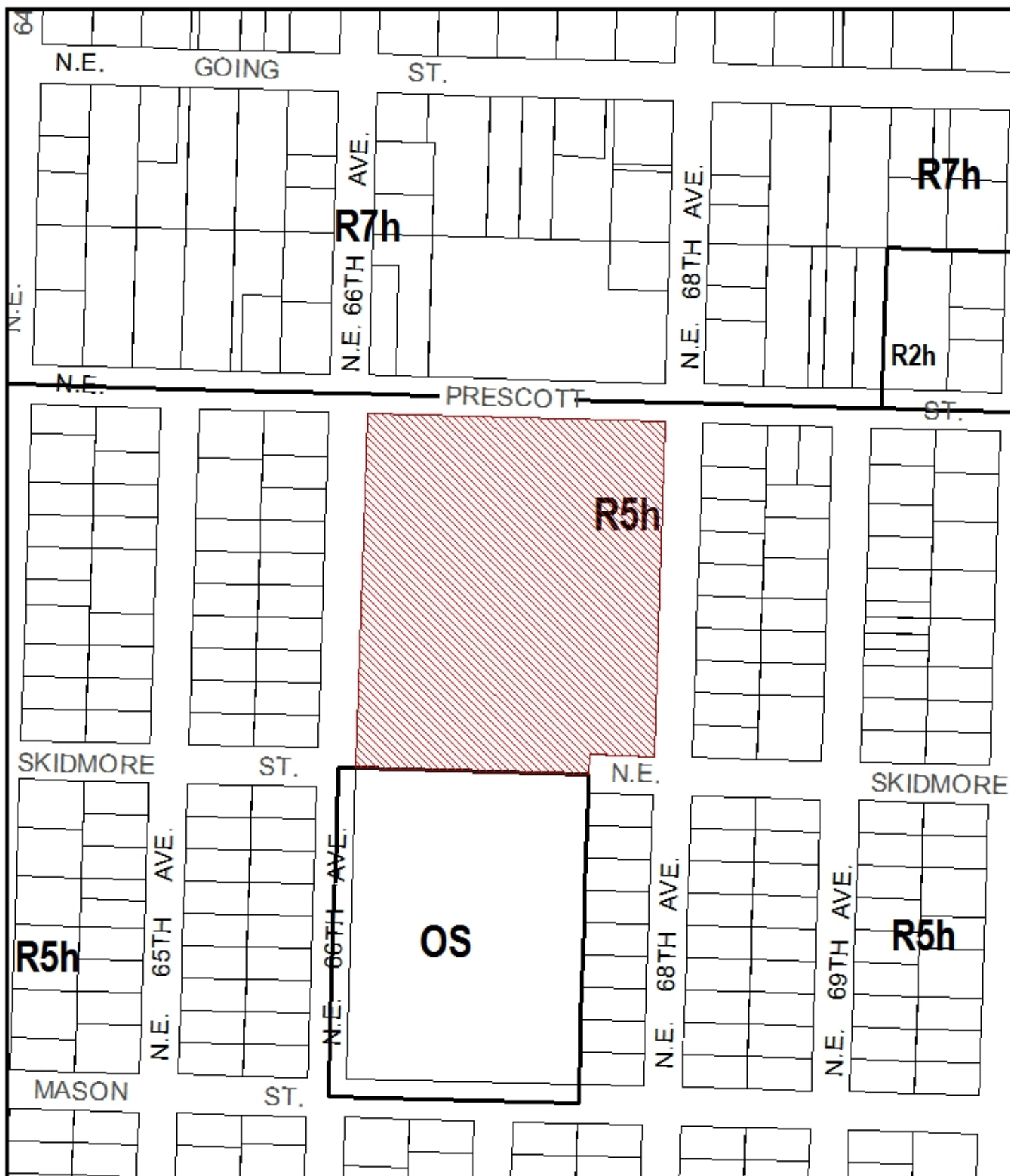
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Revised Statement dated May 12, 2009
  - 2. Supplemental information outlining historic enrollment numbers
  - 3. Original Statement dated February 21, 2009
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
    - a. Site Plan Detail
  - 2. Landscape and Planter Plan (attached)
  - 3. Elevations (attached)
  - 4. Aerial Site Plans
  - 5. Construction Details
  - 6. Residential Area Inventory
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Bureau
  - 2. Fire Bureau
  - 3. Water Bureau
  - 4. Bureau of Parks, Forestry Division
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Transportation Engineering and Development Review
  - 7. Bureau of Environmental Services
- F. Correspondence:
  - 1. Terry Ekblad; May 29, 2009; general support of proposal but expressed concerns regarding transportation impacts
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter
  - 4. Request for Extension of 120-day Review Period
  - 5. Safe Routes to School Project Summary and Recommended Priority
  - 6. Student Travel Summary (transportation modes)
  - 7. Letter from Sean McGinnis, dated April 15, 2009
  - 8. Portland Public Schools Reconfigurations narrative, dated April 14, 2008
  - 9. Portland Public Schools Reconfiguration narrative, dated April 7, 2008



# ZONING



NORTH

File No. LU 09-111706 CU  
 1/4 Section 2637  
 Scale 1 inch = 200 feet  
 State\_Id 1N2E20C 100  
 Exhibit B (Mar 03,2009)





LU09111706 CU Exhibit C.2



LU 09-111706 CU Exhibit C.3

\*Approved\*  
City of Portland - Bureau of Development Services  
Date 7-15-09  
Planner: *Carlyle Hitting*  
A staff approval applies only to the reviews requested and is subject to all  
city rules of approval. Additional zoning requirements may apply.

  
MODERN BUILDING SYSTEMS, INC.  
TELEPHONE: (503) 749-4849 FAX: (503) 749-4850  
P.O. BOX 110 - 9493 PORTER ROAD • AUMSVILLE, OR 97325  
CHECK OUT OUR WEB PAGES: [www.mbs-modular.com](http://www.mbs-modular.com)  
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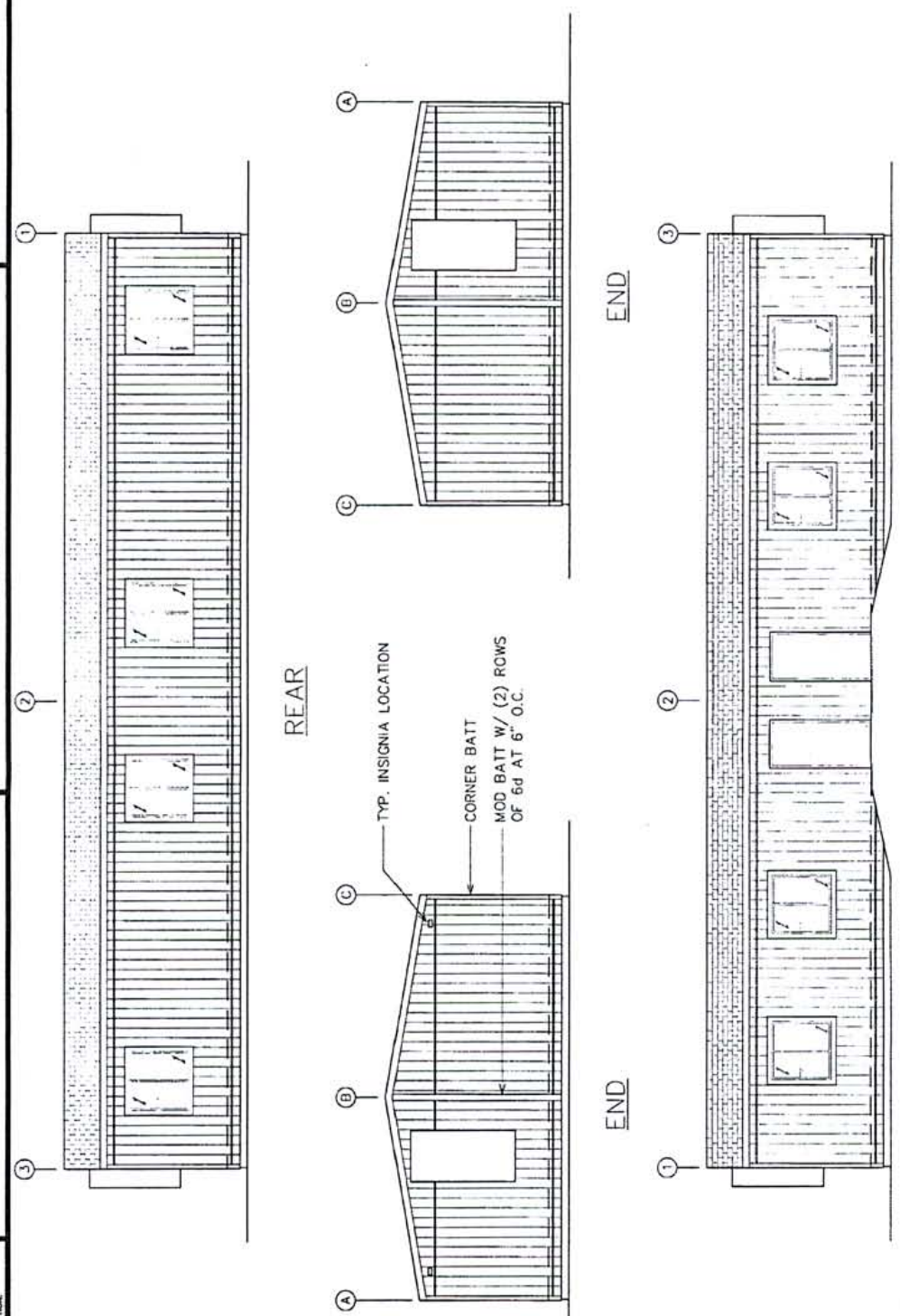
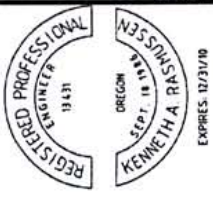
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HEREIN IS THE PROPERTY OF MODERN BUILDING SYSTEMS, INC.  
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REV. # BY: DATE: PER: SHEETS:

LH 3/18/09 -

28' x 64' MODULAR CLASSROOM  
PORTLAND SD VIII  
PORTLAND, OREGON  
EXTERIOR ELEVATIONS

2009-BS-24  
SHEET 10



FRONT  
EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"