

FROM CONCEPT TO CONSTRUCTION

**Date:** March 20, 2012

**To:** Interested Person

From: Kathleen Stokes, Land Use Services 503-823-7843 / Kathleen.Stokes@portlandoregon.gov

# 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 12-106603 CU

## **GENERAL INFORMATION**

Applicant:	Paul Cathcart Portland Public Schools 501 N Dixon St Portland, OR 97227
Site Address:	7733 SE RAYMOND ST
Legal Description:	LOT 12&13 TL 5400, MARYSVILLE
Tax Account No.:	R543500820
State ID No.:	1S2E17AA 05400
Quarter Section:	3538
Neighborhood:	Foster-Powell, contact Li Alligood at 503-449-7709.
Business District:	Eighty-Second Avenue, contact Ken Turner at 503-484-6225.
District Coalition:	Southeast Uplift, contact Leah Hyman at 503-232-0010.
Zoning:	R2.5a (R2500, Attached Single-Dwelling Residential, with an Alternative Design Density Overlay)
Case Type:	Conditional Use Review
Procedure:	Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:** The applicants are proposing the reconstruction of the Marysville Elementary School, which was partially destroyed by a fire in November, 2009. The project may also include an addition to the gymnasium which would expand the floor area by a minimum of 319 square feet, and up to an expansion of 2,103 square feet, if funding is available. Expansion of the gymnasium, which would occur within the inner courtyard area, would be the only change from the original footprint of the school building. School enrollment, hours and activities would continue to be the same as they were prior to the fire.

Relevant Approval Criteria: Institutional and Other Uses in R Zones, 33.815.105 A - E.

### ANALYSIS

**Site and Vicinity:** The site is a 226, 512 square-foot property that was developed as an elementary school in 1921. The property is located on the north side of SE Raymond Street and is part of a six-block land segment that extends north to SE Long Street and west to east, from SE 77<sup>th</sup> to SE 79<sup>th</sup> Avenues. A 135-foot deep row of single-dwelling properties fronts onto SE 79<sup>th</sup> Avenue and a 100 foot-deep row fronts onto SE Long Street. Two additional single-dwelling properties are located at the northwest corner of the land segment, fronting onto SE 77<sup>th</sup> Avenue. Otherwise, the remaining area of the land segment, which includes portions of vacated 77<sup>th</sup> and 78<sup>th</sup> Avenues, is entirely occupied by the school property. The property also covers the areas where SE Liebe and SE Schiller would have connected, had these rights-of-way ever been extended, from east to west, in this area. The school building, which contains many vintage architectural elements, is located on the southern portion (approx. one-third) of the property. A parking area is located immediately to the north of the school building and an open space occupies the northern portion of the site.

As previously noted, the area immediately abutting the site, to the north and the east, consists of single-dwelling residential lots. The single-dwelling development extends farther to the north, to SE Holgate Boulevard, and east to the rear property lines of the commercially-zoned and developed parcels that front onto SE 82<sup>nd</sup> Avenue. Across Holgate, on the northeast corner of the intersection with SE 79<sup>th</sup> Avenue is a Multnomah County branch library (where the Marysville students were evacuated during the 2009 fire that destroyed a portion of the school). At the southwest corner of SE 82<sup>nd</sup> and SE Holgate, there is a pioneer cemetary that has an OS or Open Space designation. The cemetary property extends to within one block of the northeast corner of the school site. To the south of the school site, there is an area that is zoned R1, Medium Density Multi-Dwelling Residential. This area is developed with a mixture of the commercially-zoned area that abuts SE Foster Road. Two blocks to the south and one block east is a major retail development in the commercial zone, which includes the SE Foster Road Fred Meyer Store.

**Zoning:** The zoning for this site is R2.5, Attached Residential. This zone is intended for areas with complete public services and without development constraints. The zone allows a mixture of housing types of a single-dwelling character, including attached houses. The maximum density is generally 17.4 units per acre or one unit per 2,500 square feet. Institutional uses, such as schools, are allowed when they are approved as Conditional Uses.

The site also has an "a" or Alternative Design Density Overlay. This zone provides the opportunity for additional residential density in some situations, when design standards are met. The provisions of this zone are not applicable to this proposal.

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

CU 052-78 Approval of a Conditional Use Review for a 25-space, off-street parking area.

LU 09-111236 CU AD - Approval of a Conditional Use Review for a new 25-space parking area to replace the existing 25-space parking area, with access from the driveway on SE Raymond St, with two Adjustments to Zoning Code standard 33.266.130 G (parking and maneuvering setbacks and landscaping) to reduce the landscape setback along the Raymond Street driveway, from the required 5 feet to 4'4", and to waive the required trees in the east landscape setback along the driveway from Raymond Street. This approval is subject to general conformance with the site and landscape plans.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 21, 2012**. The following Bureaus have responded with no issues or concerns:

- Environmental Services provided information on existing sanitary sewers and on requirements for storm water management (Exhibit E-1).
- Transportation Engineering sent an analysis that determined that the transportation system

- Water Bureau provided information on the water service for the site (Exhibit E-3).
- Fire Bureau noted that Fire Code requirements must be met at the time of building permit review (Exhibit E-4).
- Police Bureau stated that they can serve the use and provided suggestions for improving crime prevention and safety considerations (Exhibit E-5).
- Site Development Section of BDS provided an electronic response of no concerns.
- Life Safety Plan Review Section of BDS noted that building permits are required for the proposed work (Exhibit E-6).
- Parks-Forestry Division provided an electronic response of no concerns.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 21, 2012. One written responses was received from notified property owners in response to the proposal. Rose Community Development sent a letter stating that they strongly support the approval of the proposal for reconstruction of the Marysville Elementary School and the possible gymnasium addition (Exhibit F-1).

## ZONING CODE APPROVAL CRITERIA

#### 33.815.105: Institutional And Other Uses In R Zones

#### 33.815.040 Review Procedures

The procedures for conditional use reviews depend on whether the proposal is for a new conditional use, a change to another type of conditional use, or a modification to the development at an existing conditional use. The review procedure may also depend upon the type of use that is being proposed. This proposal is for an addition, to a previously existing school at a site in the R2.5 residential zone. The proposed addition increases the floor area by more than 1,500 square feet, but less than 10% overall, and so requires approval through a Type II Conditional Use Review.

#### 33.815.105 Approval Criteria for Non Household Living Uses in R Zones

These approval criteria apply to most conditional uses in R zones. The approval criteria allow institutions and other non household living uses in a residential zone which 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 residential area includes residentially-zoned properties within several blocks of the site, from approximately SE Holgate Boulevard to SE Foster Road and from SE 75<sup>th</sup> to SE 82<sup>nd</sup> Avenues. This site has been used as a neighborhood elementary school that has served this area for more than 90 years. The continued use on the same property will not have any effect on the proportion of nonhousehold living uses in the residential area. The school will serve the same enrollment capacity as it did prior to the fire (435 students). The proposed gymnasium addition is not intended to provide any additional student capacity and so it is not expected to create any significant increase in the intensity of the use. Therefore, these criteria are met.

#### B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

**Findings:** City-designated scenic resources are protected with an "s" or Scenic Resource Overlay Zone. There are no City-designated scenic resources at the site or adjacent to the site, therefore, this criterion does not apply.

- 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:** The proposal restores a building that is part of the fabric of the surrounding neighborhood. The historic architectural elements and the setbacks and screening for the facility will be maintained, ensuring its continued compatibility with the surrounding area. The proposed gymnasium addition will be consistent with the original structure, and, although being somewhat taller than the main building, will be located within the courtyard area, and so will not become a predominant feature on the site. Therefore, these criteria are 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:** No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected to result from this proposal. There will be no change from existing school hours and activities as a result of this proposal. No late-night activities are proposed and there will be no activities that generate any additional noise that would impact the residential area. Lighting for the restored school and the gymnasium addition will be directed to avoid off-site glare. According to the applicants, special events at the school will be managed by the School District's Civic Use of Building department, which grants a permit for every after hours event, specifying the duration of the event and requiring custodial support to ensure proper cleanup and security of the building. Therefore, these criteria are met.

#### D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;

**Findings:** At this location, SE Raymond is designated a City Bikeway and a Local Service Street for all other modes. SE 77<sup>th</sup> Ave is designated a Local Service Street for all modes.

The classifications for the streets surrounding the site are noted above. The proposed Conditional Use, to allow the reconstruction of the school facility with an addition for the gymnasium, will restore a use that is probably about as old as the adjacent street system and is consistent with the intended use of streets with these classifications. Therefore, this criterion is met.

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;

conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services and provided the following analysis:

**Street capacity and level of service:** With no increase in students, staff, or activities, there will be no additional vehicle trips and no impact to levels of service of nearby intersections.

**Access to Arterials:** The site is approximately 500-feet from SE Foster Road. There are no access restrictions.

**Connectivity:** The site is a corner lot, connectivity requirements do not apply.

**Transit Availability:** There are three Tri Met bus stops within <sup>1</sup>/<sub>4</sub> mile of the school. The TDM plan developed for the school promotes the use of transit.

**On street parking impacts:** With no increase in students, staff, or activities, there will be no additional on-street parking impacts.

Access Restrictions: There are no access restrictions on either frontage.

**Impacts on pedestrian, bicycle, and transit circulation:** Volunteer crossing will be used for students and parents crossing SE 77<sup>th</sup> and SE 78<sup>th</sup>, as well as the mid block crosswalk on SE Raymond. The school will provide 40 bicycle spaces that exceed Title 33 requirements.

**Safety for all modes**: The existing transportation system adequately served the school population in November of 2009 with some temporary traffic queuing noted near the main entrance. Students, parents, and staff will also participate in activities designed to raise awareness of alternative modes of transportation to and from the school as part the City's Safe Routes to School program.

**Adequate transportation demand management (TDM) strategies:** The school has submitted a TDM plan that has the required elements and strategies to reduce the occurrence of single occupant vehicles.

Because the expansion of the gym will not increase student population or the amount of extra-curricular use, the trip generation and parking demand of the school will not increase beyond prior use of the school. Therefore, there will be no additional parking or traffic impacts associated with the site. The historical use of the site as a school has demonstrated that the transportation system is capable of safely supporting the school in addition to existing uses in the area. The school has provided a TDM plan that will be implemented once the school is rebuilt.

In summary, and as evaluated above, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Therefore, this criterion is met.

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 service agencies responded to indicate that public services are adequate to serve the proposal. This criterion is met.

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

**Findings:** This site is within the boundaries of the Foster-Powell Neighborhood Plan and the Outer Southeast Community Plan. None of the policies or the objectives of the Outer Southeast Community Plan are directly related to this proposal, although the restoration and enhancement of this neighborhood facility will generally promote the welfare of the area.

The applicant explains that the proposal will specifically support three of the policies of the Foster-Powell Neighborhood Plan:

Policy One: Parks and Open Space. Improve and maintain Foster-Powell's parks and the  $72^{nd}$  Avenue park blocks so they can better serve the needs of the neighborhood residents.

*Policy Two: Neighborhood Livability. Improve the appearance and livability of the Foster-Powell Neighborhood. Objective 3. Increase the number of community gathering places and the number and variety of recreational activities in the neighborhood.* 

<u>Comment:</u> The school property includes "Marysville Park," a recreation area that is open to the public. The space supports these policies by providing an open space that serves the neighborhood residents and a offering a community gathering place. Restoration of the school and the construction of the gymnasium addition will enhance these facilities. The gymnasium will also provide additional public recreation space.

#### Policy Five: Historic Preservation. Protect existing historic resources and identify new ones.

<u>Comment:</u> Marysville School is ranked as "II" on the City of Portland's Historic Resource Inventory. The proposed rebuild of the burnt portion of the building is not considered to be an alteration. The expansion of the gymnasium will maintain the historic character of the building. The existing vinyl siding will be replaced with a cementitious siding product, as indicated in the elevation drawings. The proposal will, therefore, preserve the character of this historic resource.

Policy Six: Transportation Reduce the speed and volume of traffic on laocal streets so that they are safe for pedestrians and bicyclists. Provide safe access across the arterials that surround the neighborhood.

<u>Comment:</u> Temporary congestion is experienced on the streets adjacent to the school, at am drop-off and pm pick-up times. School administrators are working with the City's Bureau of Transportation to address street crossing safety concerns. The school will be enrolling in the City of Portland's Safe Routes to School program, which features a bicycle safety education program.

Therefore, the proposal is found to be consistent with the policies and objectives of the adopted area plans and this criterion is met.

<u>CONCLUSION</u>: All of the relevant criteria of the Conditional Use Review for the proposal to rebuild Marysville Elementary School and to construct a possible gymnasium addition are met.

## **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.

### **ADMINISTRATIVE DECISION**

Approval of Conditional Use Review, for the reconstruction of Marysville Elementary School and the proposed gymnasium addition, in general compliance with the approved site plan and elevation drawings, Exhibits C-1 through C-3, signed and dated March 16, 2012, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-106603 CU."

#### Staff Planner: Kathleen Stokes

**Decision rendered by:** 

on March 16, 2012

By authority of the Director of the Bureau of Development Services

#### Decision mailed: March 20, 2012

**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 January 24, 2012, and was determined to be complete on February 16, 2012.

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 January 24, 2012.

*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 did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: June 17, 2012.** 

**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 April 3, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 **April 4, 2012 – (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. Application and original plans and narative
  - 2. Revised plans and narrative, dated February 14, 2012
  - 3. Final revised elevation drawings, received March 16, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. School Site Plan (South portion of site plan, attached)
  - 2. Marysville Park (North portion of site plan, attached)
  - 3. Elevation Drawings (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Police Bureau
  - 6. Life Safety Plan Review Section of BDS
  - 7. Electronic summary of agency responses
- F. Correspondence:
  - 1. Sue Wiswell, Rose Community Development
- G. Other:
  - 1. Site History Research
  - 2. Letter from Kathleen Stokes to Paul Cathcart, February 2, 2012

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).







