



Portland City Auditor

Hearings Office

1900 SW 4th Avenue, Room 3100, Portland, OR 97201

www.portlandoregon.gov/auditor/hearings

phone: (503) 823-7307

fax: (503) 823-4347



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File Number: LU 16-129625 CU (Hearings Office 4160014)

Applicant: Stephanie Fitzhugh
Diloreto Architecture
200 NE 20th Avenue, Suite 200
Portland, OR 97232

Owners: John Amsberry
St. Joseph The Worker Catholic
2310 SE 148th Avenue
Portland, OR 97233

Belinda Marier
Serendipity Center, Inc.
PO Box 33350
Portland, OR 97292-3350

Hearings Officer: Gregory J. Frank

Bureau of Development Services Staff Representative: Kathleen Stokes

Site Address: 2310-2400 SE 148th Avenue, 14815 SE Division Street

Legal Description: TL 5300 0.45 ACRES, SECTION 01 1S 2E; TL 5200 0.44 ACRES, SECTION 01 1S 2E; TL 5500 4.79 ACRES, SECTION 01 1S 2E; TL 5400 0.62 ACRES, SECTION 01 1S 2E

Tax Account No.: R992010500, R992010510, R992011020, R992011500

State ID No.: 1S2E01CD 05300, 1S2E01CD 05200, 1S2E01CD 05500, 1S2E01CD 05400

Quarter Section: 3245

Neighborhood: Centennial

Business District: Gateway Area Business Association, Midway

District Neighborhood Coalition: East Portland Neighborhood Office

Zoning: Church and school - R3a (Residential 3,000 or Townhouse Multi-Dwelling, with Alternative Design Density Overlay) School only – also has R1a (Residential 1,000 or Medium Density Multi-Dwelling, with Alternative Design Density Overlay) and CG (General Commercial)

Land Use Review: Type III, Conditional Use Review

Bureau of Development Services Staff Recommendation to Hearings Officer: Approval with condition

Public Hearing: The hearing was opened at 1:32 p.m. on September 7, 2016, in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 1:59 p.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional seven day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

Testified at the Hearing:

Kathleen Stokes
Fabio de Freitas
Stephanie Fitzhugh

Proposal: St. Joseph the Worker Catholic Church, which is located on the northern portion of the site, is proposing to make three additions to the existing building on the site, in order to better accommodate the experience of their parishioners who come for services. The additions, totaling 3,009 square feet, include enlarging the common seating area in the sanctuary by adding 1,648 square feet to the west side of the structure to allow all parishioners to fit within the same seating area. Another 721 square-foot addition is proposed on the east side of the structure to accommodate the activities of the space. A 640 square-foot addition is also proposed to be added to the west wall of the social room to allow that space to function more efficiently for parish events. Upgrades will be made to the site to bring nonconforming development into compliance with Zoning Code standards, up to the minimum requirement of 10% of the project cost. This will largely include adding required landscaping to the parking areas but may also include other improvements, as will be determined at the time of building permit review.

In accordance with the recommendation from Portland Transportation, the parking areas will be reconfigured and restriped and additional on-site parking will be added, on both the northwest and the southeast edges of the existing parking on the church portion of the site. This will bring the number of spaces on the northern portion of the site to 182 spaces. The school portion of the site, which consists of the southern three tax lots, that abut SE Division Street, has another 31-space parking area that is shared with the church, when needed to accommodate visitors. This

proposal will increase the total number of on-site auto parking spaces, from the existing 162 to 213 spaces.

Because religious and educational institutions are conditional uses in residential zones, and because the proposed development includes additional floor area, approval of a Conditional Use Review is required. Because the proposal also includes an increase of more than 10 percent in the number of parking spaces, which is required to meet the transportation related approval criteria, the proposal requires approval through a Type III review process.

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

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated August 26, 2016, and to issue the following approval:

Approval of Conditional Use Review, to allow approximately 3,009 square feet of new floor area, in three additions to the church building, and to allow the addition of new and reconfigured parking spaces, up to an overall total of 213 spaces, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-129625 CU."

Basis for the Decision: The Bureau of Development Services Staff Report in LU 16-129625 CU, Exhibits A.1 through H.6, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

September 22, 2016

Date

Application Determined Complete: July 21, 2016
Report to Hearings Officer: August 26, 2016
Decision Mailed: September 22, 2016
Last Date to Appeal: 4:30 p.m., October 6, 2016
Effective Date (if no appeal): October 7, 2016 Decision may be recorded on this date.

Conditions of Approval. 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.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 a.m. to 3:00 p.m. and on Thursdays between 8:00 a.m. to 12:00 p.m. After 3:00 p.m. Monday through Wednesday and Fridays, and after 12:00 p.m. on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$2,100.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$2,100.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000.00).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 **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, March 2, 2016
 - 2. Original plans and narrative
 - 3. 120-day waiver, received March 21, 2016
 - 4. Revised drawings, received May 5, 2016
 - 5. Revised submittal – narrative and plans, received May 5, 2016
 - 6. Revised parking plan, site plan and landscape plan, received July 8, 2016
 - 7. Revised submittal – narrative, submitted July 18, 2016
 - 8. Annotated large size landscape plan
- B. Zoning Map
- C. Plans and Drawings
 - 1. General Site Plan
 - 2. Building area site plan with modified parking area
 - 3. Detail indicating floor plan for proposed additions
 - 4. Elevation drawings
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. 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. Site Development Review Section of Bureau of Development Services
 - 7. Life Safety Plan Review Section of Bureau of Development Services
 - 8. Bureau of Parks, Forestry Division
 - 9. Summary of service agency responses
- F. Letters (none received)
- G. Other
 - 1. Pre-application Conference Summary Notes
 - 2. Letter from Kathleen Stokes to Stephanie Fitzhugh, March 24, 2016
- H. Received in the Hearings Office

1. Notice of Public Hearing – Stokes, Kathleen
2. Staff Report - Stokes, Kathleen (**attached**)
3. 8/26/16 letter - Keenan, Dennis and Diana
4. 8/30/16 Memo from Fabio de Freitas/PBOT - Stokes, Kathleen
 - a. 8/30/16 E-mail from de Freitas - Stokes, Kathleen
5. PowerPoint presentation printout - Stokes, Kathleen
6. Record Closing Information - Hearings Office



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

RECEIVED

AUG 26 2016

CASE FILE: LU 16-129625 CU (PC # 15-110689)
REVIEW BY: Hearings Officer
WHEN: September 7, 2016 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

HEARINGS OFFICE

BUREAU OF DEVELOPMENT SERVICES STAFF: KATHLEEN STOKES /
KATHLEEN.STOKES@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Stephanie Fitzhugh, Diloreto Architecture
200 NE 20th Avenue Ste. 200
Portland OR 97232

Owners: John Amsberry, St Joseph The Worker Catholic
2310 SE 148th Avenue
Portland OR 97233

Belinda Marier, Serendipity Center, Inc
PO Box 33350
Portland, OR 97292-3350

Site Address: 2310-2400 SE 148th Avenue, 14815 SE Division Street

Legal Description: TL 5300 0.45 ACRES, SECTION 01 1S 2E; TL 5200 0.44 ACRES,
SECTION 01 1S 2E; TL 5500 4.79 ACRES, SECTION 01 1S 2E;
TL 5400 0.62 ACRES, SECTION 01 1S 2E

Tax Account No.: R992010500, R992010510, R992011020, R992011500

State ID No.: 1S2E01CD 05300, 1S2E01CD 05200, 1S2E01CD 05500, 1S2E01CD
05400

Quarter Section: 3245

Neighborhood: Centennial, Tom Lewis at 503-347-5715.

Business District: Gateway Area Business Association, Paul Wild at paul.wild@mhcc.edu.
Midway, contact David Day at 503-760-7572.

District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Zoning: Church and school - R3a (Residential 3,000 or Townhouse Multi-Dwelling,
with Alternative Design Density Overlay) School only - also has R1a
(Residential 1,000 or Medium Density Multi-Dwelling, with Alternative
Design Density Overlay) and CG (General Commercial)

Case Type: Conditional Use Review

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-2
Case # 4160014
Bureau Case # 16-129625 CU

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: St. Joseph the Worker Catholic Church, which is located on the northern portion of the site, is proposing to make three additions to the existing building on the site, in order to better accommodate the experience of their parishioners who come for services. The additions, totaling 3,009 square feet, include enlarging the common seating area in the sanctuary by adding 1,648 square feet to the west side of the structure to allow all parishioners to fit within the same seating area. Another 721 square-foot addition is proposed on the east side of the structure to accommodate the activities of the space. A 640 square-foot addition is also proposed to be added to the west wall of the social room to allow that space to function more efficiently for parish events. Upgrades will be made to the site to bring nonconforming development into compliance with Zoning Code standards, up to the minimum requirement of 10% of the project cost. This will largely include adding required landscaping to the parking areas but may also include other improvements, as will be determined at the time of building permit review.

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Because religious and educational institutions are conditional uses in residential zones, and because the proposed development includes additional floor area, approval of a Conditional Use Review is required. Because the proposal also includes an increase of more than 10% in the number of parking spaces, which is required to meet the transportation related approval criteria, the proposal requires approval through a Type III review process.

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

ANALYSIS

Site and Vicinity: The site consists of four properties that provide the location for two institutions, which are separate entities, but share some physical aspects of the site development. The site is located on the northeast corner of the intersection of SE Division Street and SE 148th Avenue. The church and the development that is related to its use are located on the northern portion of the site at 2310-2400 SE 148th Avenue. The development currently consists of the building that contains the primary church structure, parish social hall and classrooms, which is located on the middle to eastern portion of this property, and also includes an accessory structure that houses parish administrative functions, which is located closer to the street frontage on the western portion of the property. There is also a large L-shaped parking area, currently containing about 131 parking spaces, which abuts the west and south sides of the main church building. A community garden is located in the northeast corner of the property and two small modular classroom buildings, which belong to the Serendipity Center School, are located on the east side of the church building. The three properties on the south side of the site, abutting SE Division Street, belong to the Serendipity Center and house the school building and a small (31 space) parking area which is located between the school building and the SE 148th Avenue street frontage.

The area around the site consists of a mix of uses and development that reflects the various zoning designations. To the east, there is low-density multi-dwelling residential development extending through to the next intersection at SE 152nd Avenue and beyond that, further to the

east, is a single-dwelling residential area. This pattern is also repeated to the south of SE Division Street, with low density (R2 and R3) multi-dwelling residential immediately abutting the street edge and single-dwelling residential in the area beyond. At the intersection of SE Division and SE 148th, there is a commercial node that includes retail uses on three of the four corners. The western property of the Serendipity Center development is also in a commercial zone.

Zoning: This portion of the site that contains the church and the eastern school property are zoned R3, or R3,000, Townhouse Multi-Dwelling Residential. This designation is intended for areas with good public services, no development constraints, and larger development sites. It permits a mixture of housing types of a single-dwelling character including multi-dwelling structures that also have this character. The zone generally allows a maximum density of 14.5 dwelling units per acre, but may allow up to 21 units per acre in some situations. The allowed scale of development is similar to that for attached single-dwelling housing.

The centrally located of the three school properties is zoned R1, Medium Density Multi-dwelling Residential. This zone allows up to one unit per 1,000 square feet of site area and requires a minimum of one unit per 1,450 square feet of site area, or 1 unit per 2,000 square feet of site area for sites that are smaller than 10,000 square feet. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the lower density multi-dwelling zones. The major type of new housing will be condominiums and apartments, duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas, or major streets.

The portion of the site that is located within the two residential zones 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 because it does not include any residential uses.

The westernmost school property, at the intersection of SE Division and SE 148th is zoned CG, General Commercial. This zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

Institutional uses are allowed in the R1 and the R3 zones when they are approved as Conditional Uses. Most institutional uses, including churches and schools are allowed by right in the CG zone. The development standards of each zone apply specifically to the area that has each zoning designation. This means that the proposed development is subject only to the standards of the R3 zone, which also include special development standards for institutions in multi-dwelling zones that are intended to ensure that the development will maintain compatibility with and limit the negative impacts on surrounding residential areas.

Land Use History: City records indicate that prior land use reviews include several Multnomah County reviews, that occurred between 1979 and 1991. Some of the cases were for uses and/or development that no longer occupy the site. The relevant cases, where information on the review was also available, are noted below.

MCF 85-05-08 (85-021035) approved Design Review for modular classrooms on the St. Joseph property.

MCF 86-07-03 (86-021094) approved a classroom on the St. Joseph property.

MCF CS 6-90 Multnomah County placed a Community Service designation on the Serendipity Academy property to allow use for school purposes. The applicants state that the school size at that time was proposed to include a maximum enrollment of 225 students.

One former City of Portland land use review was conducted in 2007 (LU 07-137093 CU AD). This case gave approval of Conditional Use Review for construction of a 2,300 square-foot addition to the existing facilities for the Serendipity Academy, serving a maximum enrollment of 225 students, and approval of an Adjustment Review to waive the maximum Transit Street Setback requirements (Code Sections 33.130.215 B.1 and 33.120.220.B.2.b) for the proposed addition, subject to general compliance with the approved site plans and elevation drawings.

Agency Review: A "Request for Response" was mailed **July 26, 2016**. The following Bureaus have responded with no issues or concerns:

- Environmental Services noted that they find the proposed sanitary sewer service to be acceptable and also stated that the applicant's proposed stormwater management plan is acceptable for the purpose of reviewing the Conditional Use application against the stormwater management approval criterion. BES also provided detailed information for review at the time of building permit submittal (Exhibit E-1).
- Transportation Engineering provided a detailed analysis of the proposal as it is related to the transportation-related approval criteria. These comments from the PBOT response are included in this report, under the findings for Criteria 33.815.105. D.1 and D.2. (Exhibit E-2).
- Water Bureau stated there they have no issue with the proposed development and provided information on the existing water services to the site and noted requirements for building permit review, including City regulations that will relate to any extension of the water service (Exhibit E-3).
- Fire Bureau noted that all requirements of fire codes must be met at the time of building permit review (Exhibit E-4).
- Police Bureau responded with recommendations for maintaining security and working with the East Precinct staff to address any trespassing concerns. The response also recommended employing a CPTED appraisal of the site to determine any security issues that are related to environmental design and landscaping issues on the site (Exhibit E-5).
- Site Development Section of BDS provided a description of the physical characteristics of the site and noted that, at the time of building permit review, a previously existing cesspool will need to be decommissioned, if located within 10 feet of the proposed building expansions (Exhibit E-6).
- Life Safety Plan Review Section of BDS provided information on guidance for building permit submittal (Exhibit E-7).
- Parks-Forestry Division did not provide a separate written response but sent an electronic note that advised that street trees would be required if any street improvements are required as a part of the development proposal (Exhibit E-8).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 17, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.040 Review Procedures

The procedure for reviews of conditional uses depends on whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use site. The review for an expansion of the development of an educational institution that increases the floor area by more than 10% requires approval through a Type III Conditional Use Review.

33.815.105 Approval Criteria for Institutional And Other 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:

- 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

Findings: The residential area that would be directly impacted by this proposal is the residentially-zoned area within the adjacent blocks that would see the most pedestrian and vehicular traffic, or be close enough to experience any change in the activity on the site. The residential area for this review is comprised of the residentially-zoned properties that are located within the boundaries of SE Lincoln Street to the north, SE 145th Avenue to the west, SE Division Street to the south and SE 152nd Avenue to the east. Within this impact area, land uses are generally residential and include both single and multi-dwelling uses. Some commercial properties are located along SE Division Street, between SE 145th and SE 148th Avenues, but these properties are zoned General Commercial (CG) and Neighborhood Commercial 2 (CN2). In addition to the subject site with its combined church/school campus, neither staff nor the applicant has identified any other nonhousehold uses on the residentially zoned properties in this area.

Both St Joseph the Worker Catholic Church and the Serendipity Center have been in this location for a number of years, as the residential properties have continued to develop around them. The proposed additions to the church will not increase the site area and will not increase the number of nonhousehold living uses. Therefore, approval of this proposal will not cause any change to the proportion of uses that are not in the household living category and so this criterion is met.

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

Findings: The applicant indicates that the proposed additions and improvements are intended, *"to accommodate the existing parish size as the buildings in their current configuration are unable to house the parishioners in the sanctuary. The renovation of the social room will allow community to gather in one room as opposed to splitting between the basement and the current social room. This should not affect the current use of the site in terms of scheduling and volume of use. All masses, religious education and meetings will remain as they are today"*.

Therefore, based on this explanation by the applicant, the overall residential appearance and function of the area will not be significantly lessened due to the intensity and scale of the proposed use and this criterion is 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 approval criteria require that either 2 or 3 must be met. The architecture of institutional uses is often substantially different from residential architecture, based on characteristics such as site size, building scale and style. In this situation, however, the development does not include any buildings that maximize the height allowance; all of the structures are set back a significant distance from all of the property lines, and large landscaped areas are proposed to be retained. Impressive existing large cedar trees will be retained along the north edge of the site and some additional screening will be created with new landscaping that is required as part of the nonconforming upgrades for the site. Due to the separation of the structures from the adjacent residential properties and the screening that exists or will be required through the building permit review, there is adequate mitigation for any differences in appearance and scale and so Criterion B.3. 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: No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected as a direct result from this proposal because the applicant has indicated that there are currently no impacts that have been noted to be related to these factors and there is no change proposed in the number, amount or time of activities for the site. In fact, the additional landscaping that is required to meet the nonconforming upgrades for the site will reduce any glare from headlights from the small portion of the parking area that faces adjacent residential properties.

The applicant reports that privacy and safety issues have been addressed by the church through a relationship formed with the neighborhood area police to coordinate patrolling of the site. There is also adequate parking lot lighting to ensure safety of parishioners in the evening hours. These efforts are proposed to be continued, in order to ensure that these factors do not become a concern for the parishioners, the school administration or students, or for the adjacent residential neighbors. Based on these considerations, the proposal is not expected to have any adverse impacts on livability for nearby residential zoned lands and these criteria are met.

- D. Public services.**

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

Portland Bureau of Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

NOTE: The scope of the project has been changed throughout the land use process in terms of the scale of additional floor area for which the church has sought approval from the City. This is mentioned because there is a minor discrepancy between the overall floor area that has been identified in the most recently amended project description/applicant's narrative and the description of the project in the prepared Transportation Impact Study (TIS). This is pertinent because the transportation analysis prepared by the applicant's traffic consultant is based, in part, on the new floor area for the church's expansion. Fortunately, the additional floor area [3,437 sf] included in the TIS is the (slightly) greater than the actual floor area proposed [3,009 sf] – the analysis in the TIS results in more conservative findings.

Findings: At this location, the City's Transportation System Plan classifies SE 148th Ave as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway and a Local Service Street (Design Mode) in the City's Transportation System Plan. The Serendipity School is also considered part of the site and has street frontage along SE Division. The TSP classifies SE Division as a District Collector, Major Transit Priority Street, City Bikeway, City Walkway and a Community Corridor.

The TSP states the following:

"District Collectors are intended to serve as distributors of traffic from Major City Traffic Streets to streets of the same or lower classification. District Collectors serve trips that both start and end within a district"; and,

"Neighborhood Collectors are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Streets and to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors"; and,

"Major Transit Priority streets" are intended to provide for high-quality transit service that connects the Central City and other regional and town centers and main streets"; and,

"Transit Access streets are intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas. Provide safe and convenient pedestrian and bicycle access to transfer points and stops and along Transit Access Streets"; and,

"City Bikeways are intended to serve the Central City, regional and town centers, station communities, and other employment, commercial, institutional, and recreational destinations. Auto-oriented land uses should be discouraged from locating on City Bikeways that are not also classified as Major City Traffic Streets. Destinations along City Bikeways should have long-term and/or short-term bicycle parking to meet the needs of bicyclists"; and,

"City Walkways to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit"; and,

"Local Service streets are intended to distribute local traffic and provide access to local residences or commercial uses. Auto-oriented land uses are discouraged from using Local Service Traffic Streets as their primary access. Local Service Traffic Streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas and main streets"; and,

The proposed project will have no impacts on the stated functions or objectives of the roadway classifications noted above. The proposed Conditional Use request is supportive of the aforementioned street classifications from the Transportation Element of the Comprehensive Plan (Transportation System Plan [TSP]). This criterion is met.

2. The transportation system is capable of supporting the proposal 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;

Findings: To address this approval criterion, the applicant submitted a formal Traffic Impact Study (TIS) prepared by a professional traffic consultant. The following findings represent PBOT's assessment of the TIS.

Street capacity, level of service, and other performance measures

With regard to this evaluation factor, the applicant's traffic consultant conducted standard analyses, which included obtaining manual turning-movement counts related to three area intersections identified by PBOT staff. All level-of-service (LOS) analyses were performed in accordance with industry-wide accepted procedures stated in the 2000 *Highway Capacity Manual*.

The City of Portland (COP) defines the applicable intersection standards in Administrative Rule TRN 10.27 – Traffic Capacity Analysis for Land Use Review Cases as follows:

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. Level of service for two-way stop controlled intersections is based on individual vehicle movement, and all-way stop controlled intersections is based on a weighted average of vehicle delay for the intersection.*
3. *An amendment or other land use application that requires analysis of traffic capacity and allows development that either (1) may cause a transportation facility to perform below the standards established in sections 1 and 2, or (2) adds vehicle trips to a facility that is already performing below the standards established in sections 1 and 2 may be approved if:*
 - a. *Development resulting from the amendment or other land use application will mitigate the impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of development through one or more of the following:*
 - (i) *the development is limited to result in no net increase in vehicle trips over what is allowed by the existing zoning; OR*
 - (ii) *one or more combination of transportation improvements or measures are imposed to mitigate the transportation impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of any development."*

To estimate the number of additional trips that will be generated by the proposed remodel during the typical Sunday morning peak hour, trip rates based on square footage from the *TRIP GENERATION MANUAL*¹ were used. The data utilized are for land-use code 560, *Church*. The trip generation was calculated for the proposed increase of 3,437 gross sf. The analysis in the TIS shows that the capacity increase will generate a projected 2 new trips during a typical weekday morning peak hour, 2 new trips during a typical weekday evening peak hour, and 41 new trips during its typical Sunday peak hour.

To determine the capacity and level-of-service at the study intersections, a capacity analysis was conducted. The analysis was conducted using the signalized and unsignalized intersection analysis methodologies in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board. The results of the capacity analysis show that all study intersections operate at LOS C or better during the Sunday morning peak hour for the existing conditions, 2018 background

conditions (build-out), and the 2018 background plus site trips conditions. The existing and future performance of the studied intersections currently satisfy the City's performance measures and will continue to do so once the church expansions are completed.

The above referenced analysis was prepared to address the capacity question during the institutional use's traditional peak period (Sunday mornings). As additional information, the applicant's traffic consultant conducted site observations at the same study intersections during conventional weekday traffic AM and PM peak hour periods to ensure that the proposed remodel will allow the existing intersections to operate sufficiently. Based on the observations conducted during the AM and PM peak hours, the applicant's traffic consultant estimates that, similar to the Sunday analysis described previously, the study intersections are currently operating within the City's performance measures and will continue to do so once the proposed additions to the church are completed. *This evaluation factor is satisfied.*

Access to arterials

The church is located along two arterial streets in SE 148th Ave and SE Division. These arterials lead to other nearby arterials like SE 122nd Ave and SE 162nd Ave, to the west and east, respectively. The proposed additions to the church will not result in impacts to access to arterials – *this evaluation factor is satisfied.*

Connectivity

The City's spacing goals for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively. The site is not located on a block or broader area that satisfies said public street and pedestrian connection spacing goals. However, given the scale and types of development on the subject site and surrounding the subject site, providing a public street or pedestrian connection through the subject site would require the demolition of existing residential and non-residential structures to extend the connections. This is not feasible from PBOT's perspective - *this evaluation factor is satisfied.*

Transit availability

Tri-Met bus route #4, *Division/Fessenden* has stops in close proximity to the subject site along SE Division St (at the intersection with SE 148th Ave). This bus route is designated as a 'Frequent Service' route that operates weekdays with typical headways of 15 minutes and weekends with typical headways of 20 minutes. Transit is easily available to church parishioners, accordingly, *this evaluation factor is satisfied.*

On-street parking impacts

To address this particular evaluation factor, the applicant's traffic consultant supplied the City with an exhaustive amount of evidence upon significant scrutiny from PBOT staff in the many months that have passed since this land use application was submitted. Prior to providing the analysis, PBOT extends a professional "thank you" to the applicant and traffic consultant for the quantity and quality of work that has gone into the preparation of the materials to enable the City to consider this specific evaluation factor. The culmination of this analysis stems from the originally submitted thorough TIS, a subsequent amended document and multiple electronic and voice communications. The following assessment is a synopsis of the volume of information relative to the on-street parking analysis.

St. Joseph the Worker Catholic Church currently has 131 marked parking stalls within its property. In addition to the marked parking stalls there are several areas within the property that people routinely use to park their cars. These areas include gravel/grass areas and un-delineated spaces within the existing, paved parking lot. This proposed Conditional Use request includes the addition of 51 marked parking stalls to the church's parking lot - a total of 182 marked, on-site parking stalls will result.

The church has an agreement with the owner of the abutting property to the south to allow the church's patron to utilize the parking spaces on this abutting lot. Patrons can only access this

additional parking lot by traveling through the subject site's driveways/property. The two neighboring properties do not experience overlapping travel demands throughout the week - there is an agreement in place between the property owners allowing for shared use of the subject site's access points and the connected off-site parking lot for the users of the two properties. The abutting parking lot contains 31 standard marked parking stalls. The parking lot also contains one handicapped stall, which was not considered an available parking stall for the church uses.

On-street parking is allowed in the immediate vicinity of the church along SE 148th Ave. On-street parking along the east side of SE 148th Ave in the immediate vicinity of the subject property was observed while church was in service. On-street parking on the west side of SE 148th Ave was not evaluated as part of this study. The total on-street parking supply along the nearest 190-ft of SE 148th Ave can accommodate approximately 8 vehicles.

In total, therefore, consideration of this Conditional Use request is based on a future supply of 221 parking spaces (on-site = 131 existing spaces + 51 new spaces + 31 spaces on abutting lot/agreement and 8 on-street parking spaces).

The TIS contains standard referenced data, rates and associated calculations for parking space demand taken from the Institute of Transportation Engineers (ITE), *Parking Generation, 4th Edition*, 2010. The TIS also references Portland Zoning Code parking standards and most importantly, the analyses and conclusions reached in the TIS are also provided from direct observations of existing demand and the characteristics of the church facilities. Although PBOT regularly accepts industry standard estimated parking demand based on the above referenced Parking Generation Manual, information derived from actual site observations are more specific and provide a more accurate representation, in this case, of parking practices that are unique to the subject use in question.

The applicant's traffic consultant provided projected estimates for parking demand increase based on calculations made referring to the Parking Generation Manual and based on numbers derived from the actual on-site observations. The local observed data fell between the projections based on ITE data and specific local data is typically preferred over national trend data therefore the most likely increase in parking demand associated with the proposed remodel would be approximately 26 vehicles. This projection assumes that the church membership will increase in a manner proportionate to the increase in capacity and that driving patterns and behaviors will remain similar to existing conditions. Both of these assumptions are conservative with respect to the current application. The proposed number of additional parking spaces, in conjunction with the shared parking spaces on the abutting site to the south as well as the limited on-street parking spaces in proximity to the subject site will adequate to serve the needs of the church expansion and future congregation growth.

On-street parking impacts are therefore not expected in relation to the proposed Conditional Use request – *this evaluation factor is satisfied.*

Access restrictions

There are no access restrictions presently on/around the subject site nor is there a need to require any such restrictions in relation to the proposed church expansion. *This evaluation factor is satisfied.*

Neighborhood impacts

Negative impacts to the operations of local intersections and a decrease in the amount of on-street parking opportunities in an area can be easily be construed to be "neighborhood impacts". The applicant has submitted this land use request to continue to allow the use of the site as an institutional use, with an actual expansion of the existing church. No significant operational or safety problems have been identified. A nominal increase in trip generation is expected in relation to the increase in the church's physical size – an increase that has been demonstrated to not have adverse impacts to the operations of area intersections. With the additional number of on-site

parking spaces proposed, there will be a sufficient overall on-site and off-site parking supply to accommodate the existing and proposed uses. It is PBOT's determination that the proposed Conditional Use request will not result in adverse impacts on the surrounding neighborhood. *This evaluation factor is met.*

Impacts on pedestrian, bicycle, and transit circulation

The proposed church remodel could introduce more vehicles crossing the bike lane located on the east side of SE 148th Ave. Although there have not been collisions between people riding bikes and motorized vehicles along the site frontage based on a research of available crash data, to raise motorists' awareness of the potential conflict point being crossed, the TIS includes a recommendation that the City consider whether additional marking treatments are appropriate for these crossings. The City also has no record of a safety concern along this stretch of SE 148th Ave associated with bicyclists. On a voluntary basis, if the applicant wants the City to pursue any further investigation on potential roadway enhancements, the applicant may initiate contact with the City at safe@portlandoregon.gov.

Pedestrians traveling within the site vicinity along SE 148th Ave or SE Division St are able to utilize continuous sidewalks between each nearby intersection. With a requirement for the expansion of the existing sidewalk along the church's frontage, the pedestrian environment in the area will be enhanced.

Transit circulation in the site vicinity will not be impacted by the proposed church remodel.

This evaluation factor is satisfied.

Safety for all modes

Using data obtained from ODOT's Crash Analysis and Reporting Unit, a review of the most recent available five years of crash history (2010-2014) at the study intersections was performed by the applicant's traffic consultant. Crash rates were calculated using the common assumption that traffic counted during the PM peak period represents 10% of annual average daily traffic (AADT) at the intersection. PM peak period data was obtained from the City of Portland based on traffic counts from 2010. Examination of the crash rate, expressed as the number of crashes per million entering vehicles (CMEV), allows intersections with widely different traffic volumes to be compared on the basis of relative crash risk. Typically, crash rates greater than one to two CMEV require further investigation into the type and causes of the crashes to determine whether patterns indicative of specific safety hazards exist.

As identified in the TIS, there were a number of reported crashes at the study intersections, including a couple that resulted in fatalities. However, the number of crashes within the timeframe noted above does not rise to the threshold identified that warrants any mitigation related to a specific existing safety hazard. It should be noted that none of the reported crashes occurred at the intersection of the church's site driveway with SE 148th Ave and none of the crashes were identified as having any relationship with the church use.

As mentioned previously, adequate sidewalks, crosswalks, bike lanes, roadways and transit routes are presently in place to serve traffic for both the existing and proposed uses in the site vicinity. *This evaluation factor is satisfied.*

Adequate transportation demand management strategies

Transportation Demand Management Plans (TDMP) are typically considered when mitigation measures are necessary to address impacts related to proposed developments. Strategies are developed in said TDMPs to help eliminate or minimize potential impacts determined to result on the local transportation system and/or neighborhood. The goal of a TDMP is to limit single occupancy vehicle trips generated by a use by accommodating multiple alternative modes of transport. A robust TDM plan includes strategies to maximize all available transportation options, including ridesharing, transit, and active modes like biking and walking. As analyzed above, PBOT

staff has found that all of the transportation-related approval criteria related to this land use request are satisfied. Accordingly, no adverse impacts to the transportation system or to the neighborhood are expected to result from the proposed continued institutional use on the (reduced) site, and therefore, no TDMP is required. That said, the submitted TIS includes a thoughtfully prepared TDMP which addresses the goals identified above. PBOT suggests that the St Joseph Worker Catholic Church implements the proposed TDMP on a voluntary basis.

In conclusion, based on the evidence included in the record, and primarily, the submitted TIS and additional supporting documentation, all of which were prepared using acceptable industry standards, methodologies, assumptions and analyses, the applicant has clearly demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area". This approval criterion is satisfied.

BDS staff concurs with the analysis of the PBOT staff and finds that these criteria have been 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 City's service agencies for water supply, police and fire protection evaluated this proposal and responded to indicate that public services are adequate to serve any demands that may be created by the existing uses and the by the proposed additions and upgrades to the site (Exhibits E-3 through E-5).

BES Staff finds the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the conditional use application (Exhibit E-1). Additional required information may be provided for the building permit review.

Therefore, BDS staff finds that the public services are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable and 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 located within the boundaries of the adopted Centennial Neighborhood Plan and the Outer Southeast Community Plan. Staff reviewed all of the policies and objectives of these plans and found that neither plan directly addresses this situation. However, the proposal will improve a valued community resource and allow more parishioners to worship at their local parish without the need to commute farther from home. Since the proposal would enhance this religious institution for its members, it is generally supportive of the purpose of improving the appearance and livability of the area that is outlined in these plans. Therefore, the proposal is consistent with the adopted area plans and this criterion is 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.

Staff Note: The submitted plans are conceptual and may be modified, as needed, to meet all of the relevant standards of the Portland Zoning Code, Title 33, for landscaping, buffering, pedestrian

connections and bicycle parking. This also includes decreasing the number of parking spaces that were approved through this review, without further review, if needed to meet the parking area landscaping requirements.

Additions to the west and north are moving closer into compliance with the Maximum Transit Street Setback standard, as related to the street frontage along SE 148th Avenue.

TITLE 17 REQUIREMENTS (The following is provided for informational purposes only and should not be considered as recommended or required conditions of approval.)

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of Building Permits by contacting Rich Eisenhauer at (503) 823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of Building Permits.

Street Classification

At this location, SE 148th Ave is classified as a Neighborhood Collector, Transit Access street, City Bikeway, City Walkway and a Local Service street (Design Mode) in the City's Transportation System Plan (TSP). The Serendipity School is also considered part of the site and has street frontage along SE Division. The TSP classifies SE Division as a District Collector, Major Transit Priority street, City Bikeway, City Walkway and a Community Corridor.

The following information is derived from City GIS. This evaluation is not implied to be more accurate than the sources that the information was obtained from. Based on the lack of survey information to support GIS data, this information may not be accurate. According to City GIS, at this location, SE 148th Ave is improved with 71-ft of paving in a 7-ft curb-tight sidewalk within an approximate 85-ft wide right-of-way (r.o.w.). SE Division is improved with 76-ft of paving and a 0-7-0 sidewalk corridor within a 90-ft wide r.o.w.

For a City Walkway classified streets (SE 148th & SE Division) abutting R3-zoned (or R1 or CG) lots, the City's Pedestrian Design Guide requires a 12-ft wide sidewalk corridor (0.5-ft curb/4-ft wide furnishing zone/6-ft wide sidewalk/1.5-ft wide frontage zone).

The applicant will be required to dedicate sufficient property to accommodate the required 12-ft wide sidewalk corridors along both site frontages that will need to be re-constructed in relation to the Building Permit associated with the project. It appears that a 5-ft minimum dedication of property for right-of-way purposes will be required along both streets. Applicant to determine the dedication amount with a survey.

The City's dedication process is administered by PBOT's Right-of-Way Acquisitions Section & is separate from the Building Permit process. Additional information on the dedication process can be reviewed at the following link: <http://www.portlandonline.com/transportation/index.cfm?a=82666&c=38718>. It is important for the applicant to understand the dedication process and timeline thereof to avoid any conflicts with the Building Permit process.

The applicant has the opportunity to propose an alternative frontage improvement solution. The applicant may enter into the City's adopted Public Works Alternative Review process. Additional information on this process can be found at the following link: <http://www.portlandoregon.gov/article/481371>.

CONCLUSIONS

All of the approval criteria have been met for the requested Conditional Use Review. The additions to the portions of the building that house the existing church sanctuary and social room will enhance the use of this site for the existing parishioners without changing the proportion of

nonhousehold uses in the residential area and without altering the intensity of the use. The additions are in keeping with the low profile architecture of the existing development on the site and will still be located at a significant distance from abutting neighbors. Existing vegetation and additional screening that will be provided to meet nonconforming upgrades will ensure that any differences in the scale and appearance of the structure from that of the residential neighbors is adequately mitigated. No impacts on livability are expected to occur as a result of this proposal. The City's services, including the transportation system are adequate to serve the proposed use and development. The proposal will serve to upgrade an existing community resource and so it is generally consistent with the adopted area plans. The proposal can be approved, in general compliance with the general site plan, the proposed project site plans and the elevation drawings (Exhibits C-1 through C-4).

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of Conditional Use Review, to allow approximately 3,009 square feet of new floor area, in three additions to the church building, and to allow the addition of new and reconfigured parking spaces, up to an overall total of 213 spaces, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-129625 CU".

Procedural Information. The application for this land use review was submitted on March 2, 2016, and was determined to be complete on July 21, 2016.

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, 2016.

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, in order to allow an evidentiary hearing if appealed, the applicant requested that the 120-day review period be extended to the full extent allowed by Oregon State Law, as stated with Exhibit A-2.

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 recommendation 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision: The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$2,100.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000.00).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 **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.

Planner's Name: Kathleen Stokes
Date: August 26, 2016

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 1. Application, March 2, 2016
 2. Original plans and narrative
 3. 120-day waiver, received March 21, 2016
 4. Revised drawings, received May 5, 2016
 5. Revised submittal – narrative and plans, received May 5, 2016
 6. Revised parking plan, site plan and landscape plan, received July 8, 2016
 7. Revised submittal – narrative, submitted July 18, 2016
 8. Annotated large size landscape plan
- B. Zoning Map (attached):

- C. Plans & Drawings:
 - 1. General Site Plan (attached)
 - 2. Building area site plan with modified parking area (attached)
 - 3. Detail indicating floor plan for proposed additions (attached)
 - 4. Elevation drawings (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. 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. Site Development Review Section of Bureau of Development Services
 - 7. Life Safety Plan Review Section of Bureau of Development Services
 - 8. Bureau of Parks, Forestry Division
 - 9. Summary of service agency responses
- F. Letters: (none received)
- G. Other:
 - 1. Pre-application Conference Summary Notes
 - 2. Letter from Kathleen Stokes to Stephanie Fitzhugh, March 24, 2016
- H.

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).

ZONING



-  Site
-  Also Owned Parcels

File No. LU 16-129625 CU
1/4 Section 3245
Scale 1 inch = 200 feet
State_Id 1S2E01CD 5500
Exhibit B (Jul 18, 2016)

Note - All shaded area on west side and north side of building is Community Garden. Community Garden closed into Compliance with Maximum Transit Street Setback for SE 148th Av.

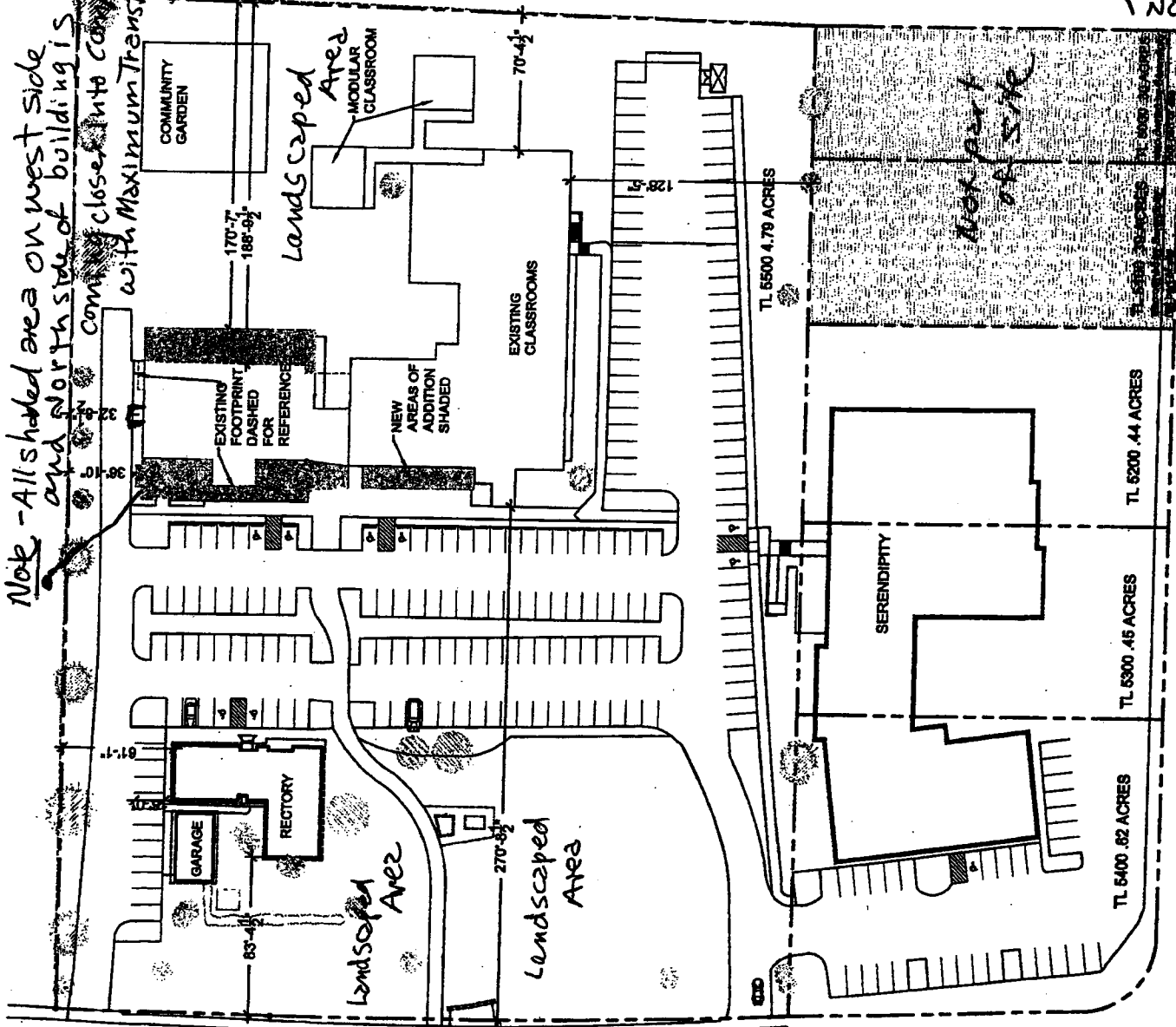
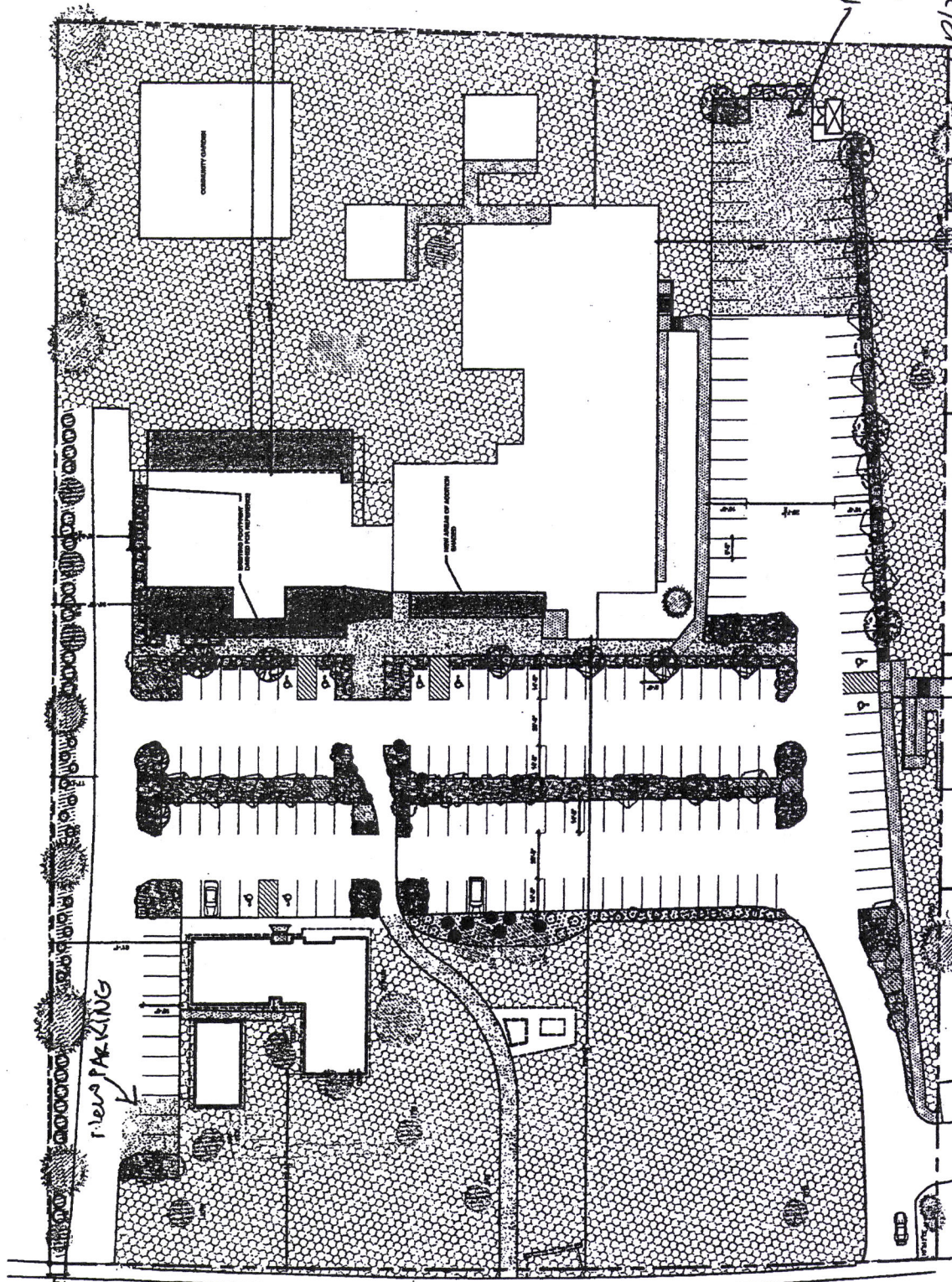


Exhibit C-1
General Site Plan
LV16-129625CU

ST. JOSEPH THE WORKER CATHOLIC CHURCH
2310 SE 148th Avenue - Portland, OR 97233



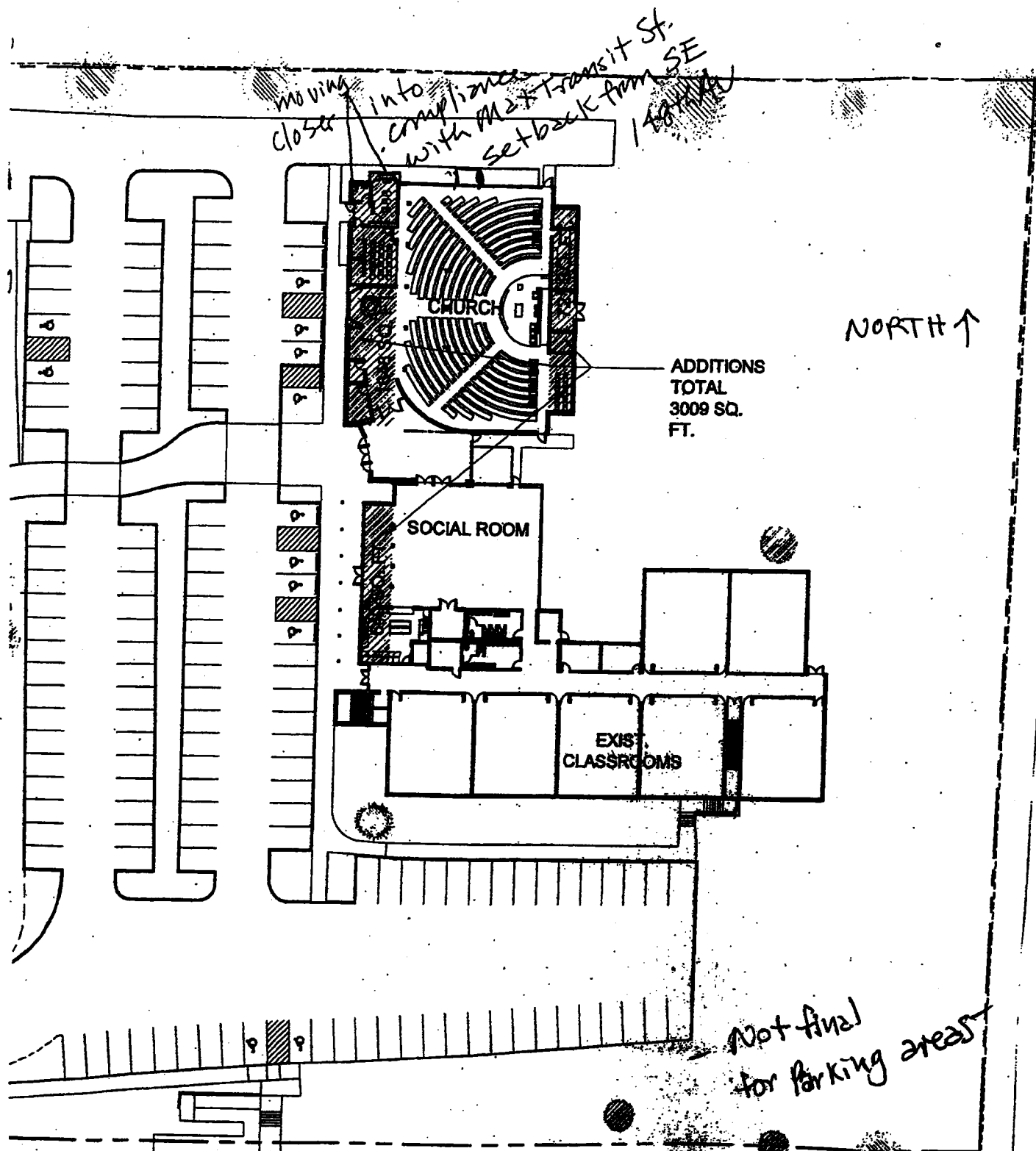
Conceptual plan
 Additions/Upgrades will be met at Building Permit Review
 LANDSCAPES
 PROPOSED PARKING PLAN
 SCALE: 1/8" = 1'-0"
 07.06.16 if needed

If needed to meet minimum
 landscaping requirements
 parking spaces may be
 removed without additional review

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dl loretoARCHITECTURE, llc

Exhibit (2) Building Area site Plan w/parking LU 16-129625CU



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