



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

1900 SW 4th Avenue, Suite 5000
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Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

**NOTICE OF A PUBLIC HEARING BEFORE
THE CITY COUNCIL ON AN APPEAL OF THE
PORTLAND LAND USE HEARINGS OFFICER**

CASE FILE: LU 11-115222 CU AD
(Central Catholic High School)
WHEN: Thursday, September 15, 2011, at 2:00 PM
WHERE: COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE
PORTLAND, OREGON

Date: August 8, 2011
To: Interested Person
From: Douglas Hardy, Senior Planner, Land Use Services, 503-823-7816

A public hearing will be held to consider an appeal of the Hearings Officer's decision to approve a Conditional Use Master Plan with Adjustments for proposed expansions to Central Catholic High. The Hearings Officer decision of approval with conditions has been appealed by the Buckman Community Association.

At the hearing, City Council will consider the appeal. You are invited to testify at the hearing. This will be an evidentiary hearing, one in which new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

GENERAL INFORMATION

File No.: LU 11-115222 CU MS AD (HO 4110011)

**Appellant's
Representative:** Susan Lindsay, Chair
Buckman Community Association
c/o SEUL
3535 SE Main Street
Portland, OR 97214

**Applicant's
Representatives:** Abby Dacey
Boora Architects
720 SW Washington Street, Suite 800
Portland OR 97205

Applicant: John Harrington, President
Central Catholic High School
2401 SE Stark Street
Portland, OR 97214

Hearings Officer: Kenneth Helm

Bureau of Development Services (BDS) Staff Representative: Douglas Hardy
Site Address: 2401 SE Stark Street

Legal Description: BLOCK 1 LOT 1, DALTONS ADD; BLOCK 1 LOT 10, DALTONS ADD; TL 10600 5.35 ACRES, SECTION 36 1N 1E
Tax Account No.: R194900010, R194900100, R941360270
State ID No.: 1N1E35DD 19700, 1N1E35DD 14700, 1N1E36CC 10600
Quarter Section: 3032

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257
Business District: East Burnside Business Association, contact Judy Craine at 503-234-2514
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010

Zoning: R5 Single-Dwelling Residential 5,000
Plan District: None
Other Designations: None

Land Use Review: Conditional Use Master Plan with Adjustments (CU MS AD)

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 8:59 a.m. on June 6, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 12:34 p.m. The record was held open until 4:30 p.m. on June 13, 2011 for new written evidence; until 4:30 p.m. on June 20, 2011 for parties to respond; and until 4:30 p.m. on June 27, 2011 for applicant's final rebuttal. The record was closed at that time.

Testified at the Hearing:

Douglas Hardy, BDS Staff Representative
Steve Janik, 101 SW Main, Suite 1100, Portland, OR
John Harrington, 2401 SE Stark, Portland, OR 97214
Chris Linn, Boora Architects, 720 SW Washington, Portland, OR 97205
Melissa Alvarez, 13717 NW 2nd Avenue, Vancouver, WA 98685
Charles Hunter, 7534 SE Henderson Street, Portland, OR 97206
Brendan O'Callaghan, 300 NE 131st, Portland, OR 97230
Charlie Christensen, 2221 SE Oak Street, Portland, OR 97214
Linda Gerber, 2221 SE Oak Street, Portland, OR 97214
Susan Lindsay, co-chair Buckman Community Association, 625 SE 17th Avenue, Portland, OR
Patricia Sweeney, 2335 SE Pine Street, Portland, OR 97214
Chris Marston, 2315 SE Oak Street, Portland, OR
Ed Kerns, 2335 SE Pine Street, Portland, OR
Sandy Sampson, 2238 SE Oak, Portland, OR
James Wood, 2336 SE Pine Street, Portland, OR 97214
Carmen Brannon, 317 SE 24th Avenue, Portland, OR 97214
Laura Jaeger, Dean of Students, 4745 NE Everett, Portland, OR 97213

Proposal: Central Catholic High School requests approval of a Type III Conditional Use Master Plan to expand and renovate their existing facility. The proposal will add a total of 48,000 square feet of floor area, and renovate approximately 47,000 square feet of the existing building in three separate phases:

Phase I

- 29,000 square foot, three-story addition on the east side of the existing courtyard; one of the stories will be below-grade.
- 15-space parking lot located at the northwest corner of SE Stark Street and SE 24th Avenue.

Phase II

- Interior remodel of East and North Wings.
- 2,000 square foot, second-story addition over a portion of the east wing, fronting SE Stark Street.

- A one-story, back-stage addition (approximately 600 square feet) at the east end of the East Wing.
- Rebuild the Oak Street entrance façade on the North Wing.

Phase III

- 17,000 square foot, second story addition over portions of the North and East Wings, near the intersection of SE Stark Street and SE 24th Avenue.

The additions, in combination with interior renovations of existing space, are intended to provide both learning and support space, and bring the school up to modern high school standards. The changes will accommodate such facilities as larger classrooms, new language labs, larger visual arts spaces, larger band and choir room, a multi-purpose commons space, an academic support center, reconfigured administrative offices, and a student counseling center. As some of these facilities will replace existing classrooms, the changes will result in a net increase of only one classroom, with the student enrollment maintained at the current 800-850 level.

Improvements to adjacent streets are also proposed, including a four foot widening of the SE 24th Avenue roadway (between SE Stark and SE Pine Streets), and curb extensions to facilitate pedestrian crossings at SE Stark Street and SE 26th Avenue, and SE Stark Street and SE 24th Avenue.

The applicant has provided a listing of existing activities and special events that occur at the high school, and indicated there will be no increase in the number of events, or the type of events, that occur on-campus.

The proposal will require the following Adjustments:

- increase the maximum allowed floor area ratio on the site from 0.56:1 to 0.68:1;
- reduce the minimum building setback for the second story addition on SE Stark Street from 12 feet to 0 feet (replicating the existing setback of the first story);
- reduce the minimum building setback along SE 24th Street from 15 feet to 6 feet, 6 inches for portions of the existing building walls along this frontage; with the exception of a modified trash enclosure proposed along this frontage, the reduced setback is not the result of new construction but the result of widening SE 24th Avenue, which will move the property line seven feet closer to the existing building walls;
- reduce the depth of the minimum required landscaped buffer along SE 24th Avenue from 15 feet to 6 feet, 6 inches resulting from the widening of SE 24th Avenue; and
- reduce the minimum landscaped area (for the entire site) from 10 percent to 8.5 percent.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.820.050, Conditional Use Master Plan Review;
- 33.815.105, Institutional and Other Uses in R Zones; and
- 33.805.040, Adjustment Approval Criteria.

REVIEW BODY DECISION

Approval of a Conditional Use Master Plan for Central Catholic High School; and

Approval of the following Adjustments:

- increase the maximum allowed floor area ratio on the site from 0.56:1 to 0.68:1
- reduce the minimum building setback for a portion of the second story addition on SE Stark Street from 12 feet to 0 feet; reduce the minimum building setback for a portion of the building wall on SE 24th Street from 15 feet to 6 feet, 6 inches;
- reduce the depth of the minimum required landscaped buffer along portions of SE 24th Avenue from 15 feet to 6 feet, 6-inches ; and

- reduce the minimum landscaped area (for the entire site) from 10 percent to 8.5 percent;

all subject to conformance with the approved site plan (Exhibit C.2) and building elevations (Exhibit C.3);

and subject to the conditions, below; conditions from previous land use reviews on this site are superseded by the following conditions:

- A. Central Catholic High School shall continue to implement the 1987 Traffic and Parking Management Plan (Exhibit G.4) adopted as part of the approval granted in CU 99-85 Condition A and CU 112-90 Conditions A and B, except as it may be inconsistent with this approval or the 2002 Implementation Plan (see Condition B, below).
- B. Central Catholic High School shall continue to implement the 2002 Implementation Plan (Exhibit G.5), adopted as part of the approval granted in LU 02-131397 CU AD, Condition C, and signed by Central Catholic High School, the Buckman Community Association, and the immediate neighbors of Central Catholic High School. The obligation to implement the Plan is the responsibility of Central Catholic High School, the Buckman Community Association, and the immediate neighbors of Central Catholic High School. Non-compliance with the Implementation Plan is subject to enforcement by the City.
- C. Central Catholic High School shall implement the 2011 Traffic and Parking Mitigation Measures, included in Exhibit A.7.
- D. Central Catholic High School shall apply for a Public Works permit to request approval to widen SE 24th Avenue along the school's frontage by four feet, and must complete the widening prior to the beginning of the fall 2012 school year. The widening of SE 24th Avenue will also require a seven-foot dedication along the school's frontage on the east side, and a three-foot dedication along the school's frontage on the west side to provide sidewalk corridors that meet current 11-foot City standards. The dedications and a financial guarantee will be conditions of building permit approval.
- E. Central Catholic High School shall construct the 15-space parking lot at the northwest corner of SE 24th Avenue and SE Stark Street prior to the loss of any existing on-site parking. The parking lot must be reserved for carpool use, with vehicles having a minimum of three passengers.
- F. Central Catholic High School shall apply for a Public Works permit to request approval for curb extensions on the north and south side of SE Stark Street at SE 26th Avenue, and on the north side of SE Stark Street at SE 24th Avenue; the construction of these curb extensions must be completed prior to the beginning of the fall 2012 school year.
- G. The loading and unloading of buses used for school events shall be limited to the drive aisle in the 15-space parking lot at the northwest corner of SE 24th Avenue and SE Stark Street. Buses are not allowed to idle, and engines shall not be turned on until all students are loaded.
- H. Central Catholic High School shall apply for a Public Works permit to request permission to widen the sidewalk on the west side of SE 26th Avenue (between SE Stark Street and SE Morrison Street) and construct angled parking along this frontage. If approved by PBOT, the sidewalk widening and angled parking must be completed prior to the beginning of the fall 2012 school year.
- I. Prior to building permit approval for any project approved under this Master Plan, Central Catholic High School shall submit to the Portland Bureau of Transportation a separate updated Transportation Demand Management document that includes the items related to strengthening the carpool program, engaging with the City of Portland's Smart Trips program, and increasing on-site bike parking to more than the minimum required 128 spaces.

- J. With the exception of a fully-sight-obscuring access gate (meeting the F2 screening standard), the trash enclosure located on the SE 24th Avenue frontage shall be clad in a brick material that replicates that used on the adjacent building facade.
- K. This Conditional Use Master Plan shall expire 10 years from the date of the final decision.
- L. Within three months from the date of the final decision, the applicant shall provide to the Bureau of Development Services three copies of the approved Conditional Use Master Plan that includes the conditions of approval listed above, and all changes that have been made to the Master Plan since it was originally submitted on February 22, 2011.

APPEAL

The Hearings Officer's decision of approval with conditions has been appealed by the Buckman Community Association, represented by Susan Lindsay. The appellant challenges the Hearings Officer's decision based on the following:

- The Hearings Officer's decision states violations of the Conditional Use decision should be referred to the City for enforcement, but does not specify how or if the City has any obligation to respond or keep records of such violations.
- The high school did not comply with conditions of approval from past Conditional Use approvals, and no indication was previously provided on how to report violations. These violations were not considered at the Hearings Officer hearing.
- The proposed parking lot between SE Oak and SE Stark Streets on SE 24th Avenue will have a significant negative impact on the residential character of the neighborhood. In combination with the proposed increased building heights and reduced setbacks, especially along SE 24th Avenue, the impacts will be significant.
- Placing a 15-space parking lot on a residential block with ingress and egress onto SE Oak Street, an otherwise completely residential street, as well as stacking 20 cars in the lot and allowing bus loading and unloading during evening and weekend events will increase noise, litter and glare, all of which will negatively impact livability.

Review of the case file: The Hearings Officer's decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4th Avenue, # 5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

We are seeking your comments on this proposal. The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

If you choose to provide testimony by electronic mail, please direct it to the Council Clerk (karla.moore-love@portlandoregon.gov). Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

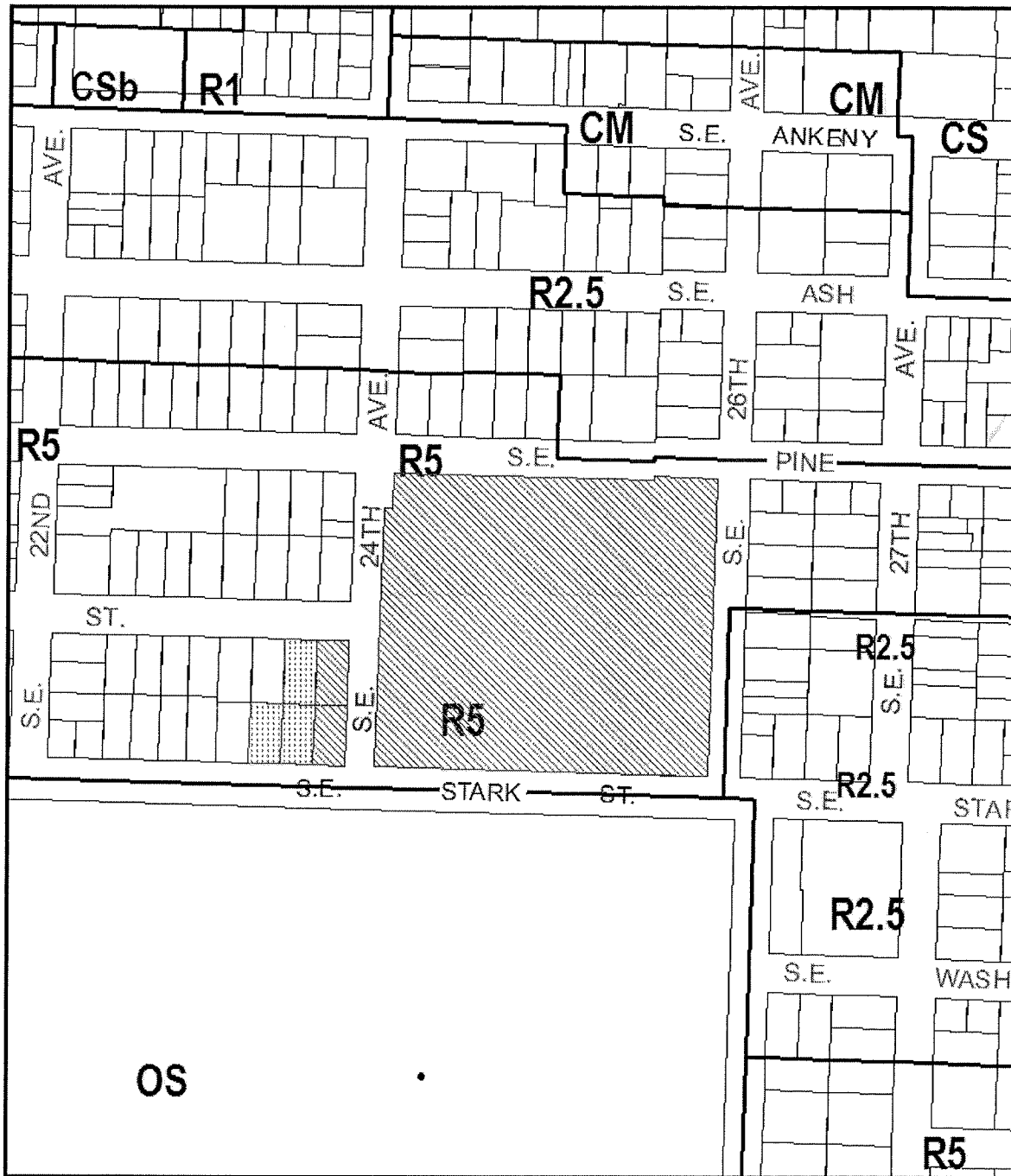
City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the

record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments

1. Zoning Map
2. Site Plan
3. Building Elevations
4. Appeal Statement
5. City Council Appeal Process

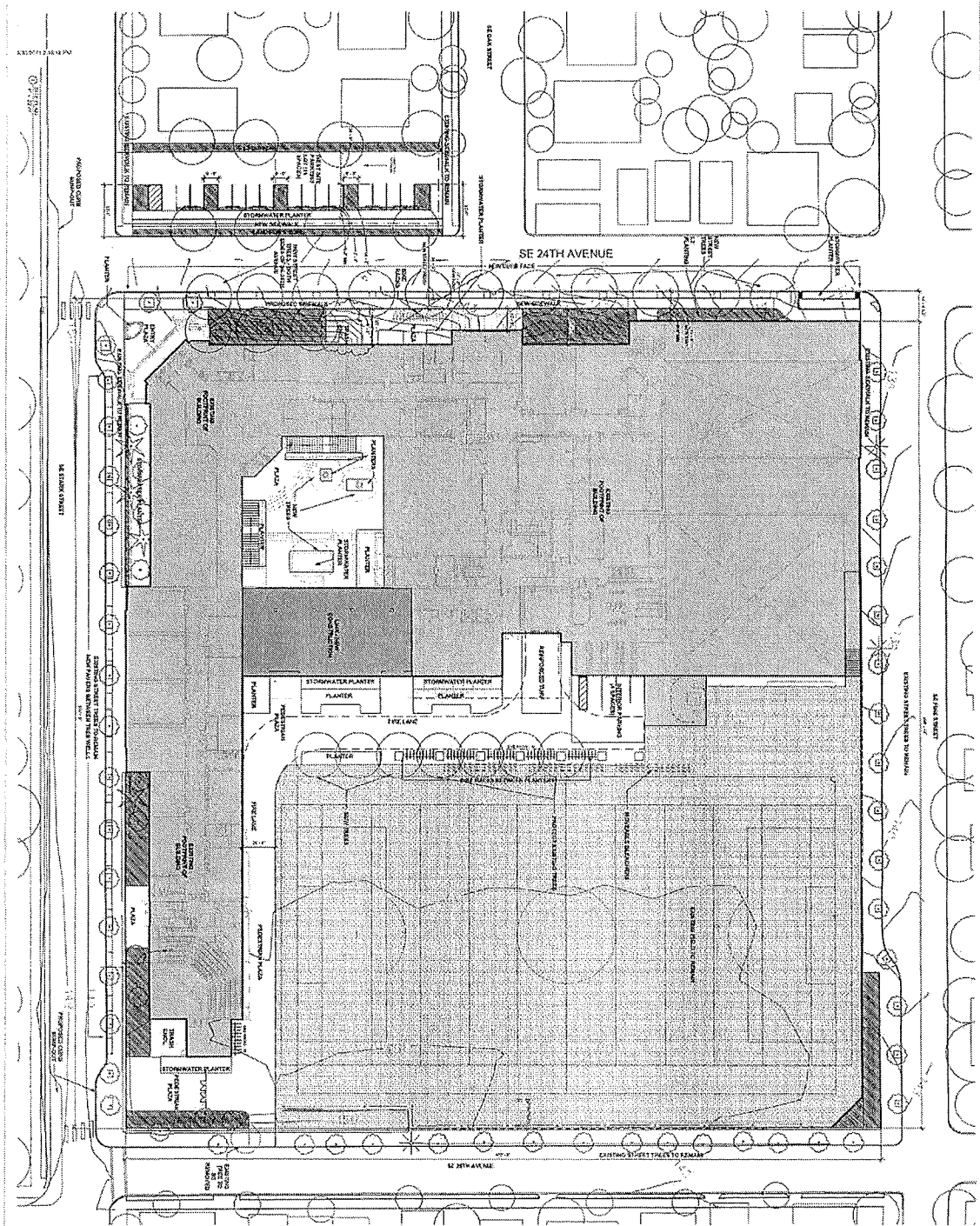


ZONING

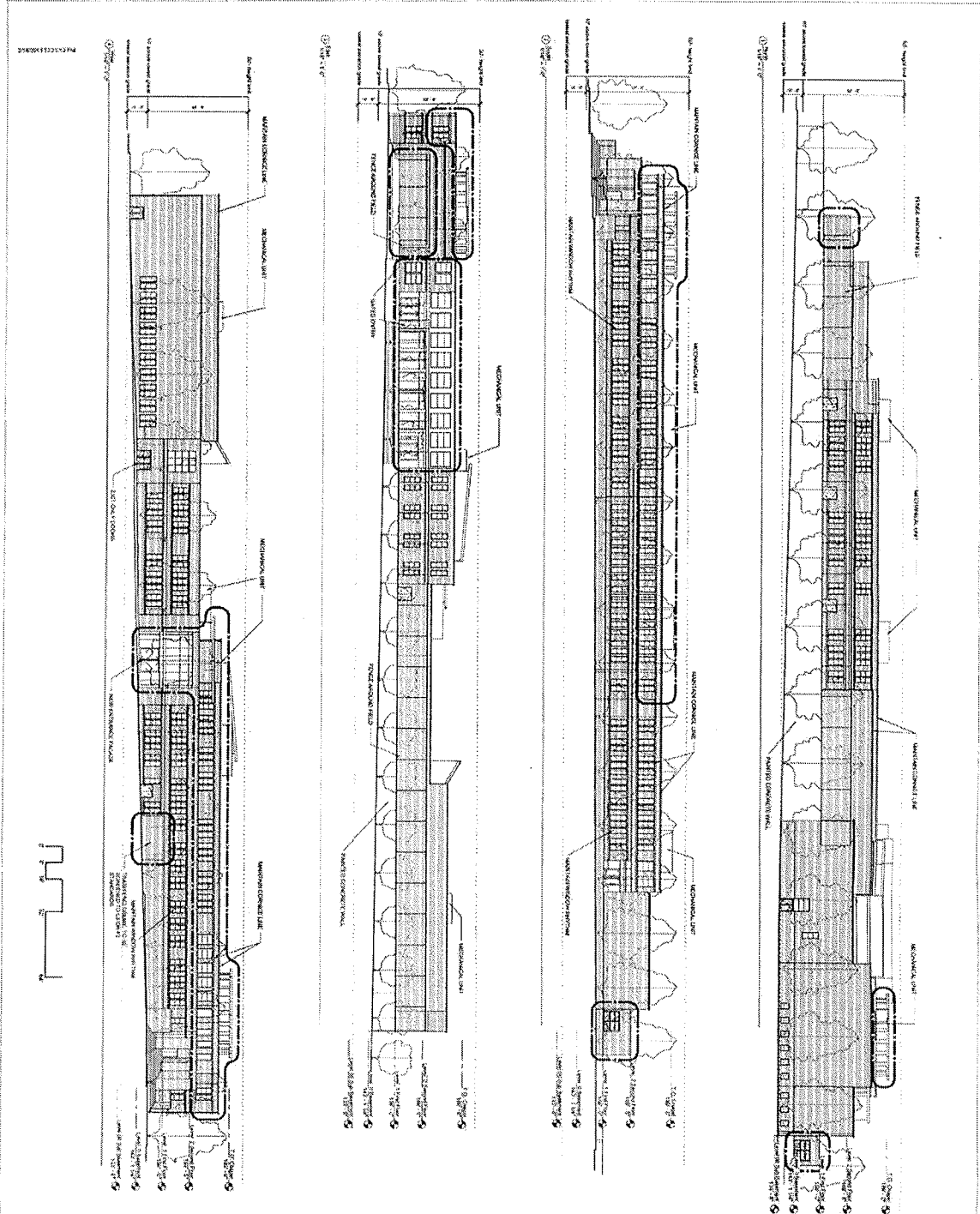
 Site
 Also Owned



File No. LU 11-115222 CUMS
 1/4 Section 3032,3033
 Scale 1 inch = 417 feet
 State_Id 1N1E36CC 10600
 Exhibit B (Mar 04,2011)



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**GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR
EVIDENTIARY/DE NOVO APPEALS**

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, Oregon 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments is generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent of the Appeal	15 minutes
Other Opponents of the Appeal	3 minutes each
Appellant Rebuttal	5 minutes
Council Discussion	

- b. The applicant has the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Review Body decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, Portland, OR 97201. Call 503-823-7617 to make an appointment to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

131/340/MAYOR/AMY RUIZ

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CHAR SHARKEY
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LU 11-115222 CU MS AD
TO BE SENT 8/8/2011
49 LABELS

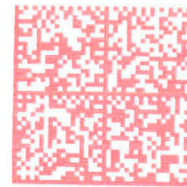


**CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR**

1221 SW 4th Ave, Room 140
Portland, Oregon 97204-1987

*8-30-11 - Rmailed
s/b
7534 SE Henderson*

**ADDRESS
SERVICE
REQUESTED**



Hasler

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08/08/2011
Mailed From 97204
US POSTAGE

CHARLES HUNTER
8725 SE HENDERSON ST
PORTLAND, OR 97206

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BC: 97204198799 *0229-01510-08-40

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