



CITY OF PORTLAND

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Hearings Office

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 11-146609 CU AD (HO 4110029)

Applicants: Rodelo and Vivian Asa, Property Owners
2027 SE 174th Avenue
Portland, OR 97233

Applicants' Representative: Edward Radulescu, Main Contact
EPR Design
825 NE 20th Avenue, #202
Portland, OR 97232

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sylvia Cate

Site Address: 2027 SE 174th Avenue

Legal Description: TL 8300 0.71 ACRES, SECTION 06 1S 3E

Tax Account No.: R993061280

State ID No.: 1S3E06DC 08300

Quarter Section: 3248

Neighborhood: Centennial Association of Neighbors ("CAN")
East Portland Land Use and Transportation Committee ("EPLU & TC")¹

¹ The East Portland Land Use and Transportation Committee is authorized to act on behalf of any member Neighborhood Association of the East Portland Neighborhoods Office when a Neighborhood Association does not have an active Land Use volunteer. The Centennial Association of Neighbors has requested additional assistance from the EPLU & TC to prepare and coordinate neighborhood responses to this application. Neighbors can contact Linda Bauer or Bonnie McKnight via the East Portland Neighborhood Office at 503-823-4550.

Business District: None

District Coalition: East Portland Neighborhood Office

Zoning: R7a: Single Dwelling Residential 7,000 with Alternative Design Density

Land Use Review: Type III, CU AD: Conditional Use and Adjustment

BDS Staff Recommendation to Hearings Officer: Approval with Conditions

Public Hearing: The hearing was opened at 1:29 p.m. on December 19, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 3:32 p.m. The record was held open until 4:30 p.m. on January 6, 2012, for all new evidence and until 4:30 p.m. on January 13, 2012, for the applicants' rebuttal only.

Testified at Hearing:

Sylvia Cate, 1900 SW Fourth Avenue, Suite 5000, Portland, OR 97201

Edward Radulescu, 825 NE 20th Avenue #202, Portland, OR 97232

Dan Muresan, 4040 SE International Way, Milwaukie, OR 97222

Thomas Cutler, 5000 SW Meadows Road, Lake Oswego, OR 97035

Tom Lewis, 1333 SE 148th, Portland, OR 97233

Bonnie McKnight, 1617 NE 140th Street, Portland, OR 97230

Proposal:

A revised proposal follows that is different from the original proposal included in the first Notice of Hearing that was mailed to the public. The revisions are noted below, as well as changes to the proposed building and site development, which are reflected in the attached plans.

The applicants request a Conditional Use and Adjustment to replace the existing single family residence at 2027 SE 174th Avenue (the "Subject Property") which had previously operated as an Adult Foster Care home, with a new Group Living use that will be licensed for 39 beds (the "Facility"). The applicants note that the lender for this project requires that two beds will be empty and available within the Facility, so that at any given time, there will be up to a maximum of 37 residents.

The Facility will be 2-story, with a parking lot that will accommodate 10 cars and one loading space. The parking lot will be screened by a 19 foot 8-inch deep landscaped area. The Facility will have a total of 23,963 square feet of which approximately 4,000 square feet will be used as household living by the owner and the owner's family.

The Facility would provide care for adults related to their day-to-to-day activities due to advanced age and or handicap restrictions. The Facility is not intended to serve patients with memory care issues, as such facilities require additional licensing and an around the clock secure facility. The residents at the proposed facility will be limited to a sleeping room, closet and private half bath.

The Facility will have 24-hour staff which will primarily consist of the owner and family members, who are medical and care professionals. Two additional staff are anticipated to also provide care, one during the day shift, the other during the night.

The zoning code requires one loading space for buildings that include a use that is not household living and is greater than 20,000 square feet of floor area. (PCC 33.266.310.C.2.a) The regulation requires that the one loading space meets the "Standard A" size: at least 35 feet in length, 10 feet wide, and with 13 feet of clearance. The applicants request an Adjustment to allow the required loading space to meet "Standard B" size: 18 feet long, 9 feet wide and with a clearance of 10 feet. Attached to this decision is a zoning map and site plans depicting the proposal.

Preliminary Matter:

The initial question to be resolved, in this case, is what use category ought to be applied to the proposal. The Hearings Officer addresses this issue below.

As stated in the description of the proposal above, the applicants are seeking approval to construct a structure, within a R7 zone, that would provide living quarters including 39 beds and a maximum of 37 residents. The applicants propose, within the structure, to provide day-to-day care for persons of "advanced age and or handicap restrictions."

BDS staff, in the Staff Report and Recommendation to the Hearings Officer, considered the proposal to be properly categorized as a "Group Living Use." (Exhibit H.2) BDS staff expanded its use category discussion in an open-record period submission. (Exhibit H.19) Testimony submitted by the CAN (see note above authorizing the EPLU & TC to represent the CAN) argued that the proposal in this case should have been categorized as a "Single Room Occupancy Housing – SRO." (Exhibits H.17, H.20 and H.22a)

The Hearings Officer finds that the determination of the proper use category to be applied to this case starts with a review of Portland City Code ("PCC") Chapter 33.110 – Single-Dwelling Zoning Zones. PCC 33.110.010, the Purpose Section, states that the

"single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing."

PCC 33.110.010 A, referencing "use regulations" states

"the use regulations are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood."

PCC 33.110.020 provides a list of "single-dwelling zones" in Portland. Included in PCC 33.110.020 are low density zones, such as RF (residential farm/forest) and R20 (residential 20,000 square feet) and relatively higher density zones such as R5 (5,000 square feet) and R2.5 (2,500 square feet).

PCC 33.110.100 describes primary uses, limited uses, conditional uses that may be permitted in the single-dwelling zones. PCC 33.110.100 also describes prohibited uses within the single-dwelling zones. PCC 33.110.100 references Table 110-1 (single-dwelling zone primary uses). Table 110-1 identifies uses that are allowed, limited, conditional and prohibited. Table 110-1 includes a column for the R7 single-dwelling zone designation. Table 110-1 includes two residential, eight commercial, six industrial, eight institutional use and six other use categories. Table 110-1 identifies the "household living" use category as being allowed by right in the R7 zone. Table 110-1 identifies "group living" use category as being allowed if approved through the conditional use process. Table 110-1 prohibits, in the R7 zone, all commercial and industrial uses. Table 110-1 allows identified institutional uses, in the R7 zone, if the proposed use meets limited/conditional use approval criteria.

The Hearings Officer finds that if the use proposed in this case is a "household living use" the proposal would be allowed outright in the R7 zone. The Hearings Officer finds that if the proposed use is a "group living use" then the applicants would be required to seek, and receive, a conditional use land use application approval. The Hearings Officer finds that if the proposed use is a commercial and/or industrial use then the application would need to be denied.

PCC 33.920 classifies land uses and activities into use categories. PCC 33.920.110 describes the "household living" use category. PCC 33.920.110 A states that "household living" is "characterized by the residential occupancy of a dwelling unit by a household." PCC 33.010 defines "household" as

"one or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit."

PCC 33.910 defines "dwelling unit" as

"a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill."

The Hearings Officer finds the proposal in this case does not fall within the PCC 33.920.110 "household living" use category. The Hearings Officer finds that the proposal includes sleeping rooms without internal kitchen facilities. Therefore, the Hearings Officer finds that the proposal in this case is not permitted outright in the R7 zone.

PCC 33.920.100 describes the "group living" use category. PCC 33.920.110 A states that "group living" is "characterized by the residential occupancy of a structure by a group of people who do not

meet the definition of Household Living.” The Hearings Officer, as set forth immediately above, described how the proposal did not meet the definition of “household living.”

The Hearings Officer finds that the proposed use, in this case, is clearly the residential occupancy of a structure as contemplated by the “group living” use description in PCC 33.920.110 A; individuals will sleep in rooms within the structure and will have access to cooking and sanitation facilities. PCC 33.920.100 A also states that “group living” is characterized by tenancies of one month or longer; if less than one month then the use would be characterized as retail sales and service or community service. The Hearings Officer finds, based upon evidence in the record, that the proposal in this case will include residential occupancies of one month or longer.

PCC 33.920.100 A characterizes “group living” as having a common eating area for residents. The Hearings Officer finds that the proposal does include a common eating area for residents. PCC 33.920.100 A states that “residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site.” The Hearings Officer finds that the proposal, in this case, does include residents receiving some care assistance.

PCC 33.920.100 A states that “group living may include the State definition of residential facility (see Chapter 33.910, Definitions).” The PCC 33.910 definition of “residential facility” includes a “residence for 6 to 15” persons. The PCC 33.910 definition of “residential facility” also includes the “state definition of Residential Facility.” Oregon Revised Statutes 443.400(6) defines “Residential facility” as a “residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.” ORS 443.400 (5) defines residential care facility as “a facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more buildings on contiguous properties” ORS 443.400 defines residential care to mean “services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.” The Hearings Officer finds, based upon the definitions in PCC 33.910 and ORS 443.400, that the proposal is one that meets the State definition of Residential Facility.

The Hearings Officer takes note that PCC 33.910 defines “group living structure” as “a structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for group living uses. The Hearings Officer finds that the proposed structure does contain sleeping areas, bath (sanitary) facilities and a single cooking facility (kitchen).

The Hearings Officer finds that the Subject Property is zoned R7. The Hearings Officer finds that PCC Table 110-1 sets forth single-dwelling zone primary use categories and which of those uses is/are allowed. The Hearings Officer notes that one use category is allowed outright (Household Living). The Hearings Officer finds that a number of use categories allow a use only in limited circumstances or upon receipt of conditional use land use approval. The Hearings Officer finds that the proposed 39 bed care facility is not allowed outright in the R7 zone; the proposed use is not a “Household Living” use as defined by PCC 33.920.110.

The Hearings Officer finds that the proposed 39 bed care facility meets the description of a "Group Living" as set forth in PCC 33.920.100. The Hearings Officer, therefore, finds that the proposed use is subject to the conditional use approval criteria found in PCC 33.815.105 (Institutional and Other Uses in R zones). The Hearings Officer respectfully disagrees with the arguments made by the CAN related to the proposal being properly reviewed as a "Group Living" use.

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:

- 33.815.105, Institutional and Other Uses in R zones
- 33.805.040 A-F, Adjustment

II. ANALYSIS

Site and Vicinity: The Subject Property is a 31,000 square foot lot with frontage on SE 174th Avenue. It is developed with a 2,414 square foot house built in 1944. Records indicate that this house has been used for Adult Foster Care in the past. Adult Foster Care is allowed by right in any residential zone as long as the number of residents meets the definition of 'household' as defined by the Portland Zoning Code 33.910; the definition is quoted in the preliminary matters findings above. In this case the proposal exceeds the total maximum number of residents and must be reviewed under the relevant conditional use approval criteria.

The Subject Property is currently completely enclosed by a chain link fence, and vegetation has been removed in preparation for construction. A tree cutting violation was noted by the City's Urban Forester on November 2, 2011, and a letter identifying the violation and the steps necessary to resolve the violation has been sent to the applicants (property owner). The letter noting the violation can be found at Exhibit E.9.

To the north, east and south are lots and parcels zoned R7a and developed with residential uses for the most part. Two exceptions include a City of Portland Fire Station approximately three lots north of the Subject Property and a Buddhist Temple with an accessory parking lot also north of the Subject Property and approximately 300 feet away.

To the west is partially vacant land zoned Multi-Dwelling R3a. Approximately one block southwest of the Subject Property, new row houses have been developed on the easterly block face of 171st, between SE Grant and SE Sherman. These new row houses are in the R3a zone. Similar development (row houses) is anticipated to occur on the vacant land to the west of, and abutting, the Subject Property.

Zoning: The Subject Property is zoned R7 with an 'a' overlay. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-

dwelling housing. The R7 zone is a medium density single-dwelling zone. The R7 Zone allows attached and detached single-dwelling structures and duplexes.

Under the current zoning regulations the R7 zone allows land divisions which will allow lots in the R7 zone to be a minimum of 4,200 square feet in area, and a maximum of 12,000 square feet in area.

Land Use History: City records indicate there is one prior land use review for this site, case file LU 06-116505 LDP, a request to divide the existing site into three parcels served by a private street, and retaining the existing house. The Land Division request was eventually withdrawn by the applicants prior to a decision being rendered.

Agency Review: A "Request for Response" was mailed September 22, 2011. The following bureaus responded with no issues or concerns:

- The ***Bureau of Parks-Forestry Division*** responded with no concerns but noted that street trees will be required if street improvements occur. Subsequent to their response, the Urban Forester noted a tree cutting violation on the property.
- The ***Bureau of Environmental Services (BES)*** responded that BES had no objection to the Conditional Use and Adjustments application. BES also noted that the proposed development would be subject to BES standards and requirements during the permit review process.
- The ***Bureau of Transportation (PBOT) Engineering*** responded that PBOT found that the applicants met the burden of proof of demonstrating that all of the transportation-related approval criteria had been satisfied. Additional comments from PBOT are found in Hearings Officer findings related to the Adequacy of Public Services approval criterion.
- The ***Water Bureau*** responded that the Water Bureau had no comments regarding LU 11-146609 CU AD, as the Subject Property is not served by the Portland Water Bureau and receives its water service from the "Rockwood Water People's Utility District." The Rockwood Water People's Utility District responded to the Pre Application Conference that the proposed use can be adequately served with water at an average pressure of 65 psi. The district will provide service from an 8-inch line located in SE 174th Avenue.
- The ***Fire Bureau*** responded that the project must meet all applicable Fire Codes; if a requirement cannot be met, the applicants must file for a Fire Code appeal during building permit review.
- The ***Site Development Section of BDS*** responded with no concerns regarding the proposal, but noted that permits are required to demolish the existing house, and noted additional requirements at time of the demolition permit will be required.

- The *Life Safety Section of BDS* responded that building permits are required for the proposed development, and recommended that the applicants contact the Process Management Team in BDS for assistance at time of building permit review.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 14, 2011, for a Hearing scheduled for November 7th. Because the site was not posted a full 30 days in advance of the hearing, a new hearing time certain was necessary. A new Notice was mailed on October 18, 2011, with a notice of the re-scheduled public hearing to occur on November 16, 2011. Subsequently, that hearing time was cancelled by the applicants, and a request to re-schedule the hearing resulted in a December 19, 2011, hearing date. A new Notice was mailed to the neighbors postmarked November 28, 2011, noting the rescheduled hearing date, along with some revisions that the applicants have made to the original proposal.

Two written responses have been received from the Neighborhood Association representatives and a petition letter was received from notified property owners in response to the proposal. Both written responses state strong opposition to the proposal. Issues raised in the letters that are directly relevant to the approval criteria are addressed below, in this decision. These concerns include the size and scale of the project, the number of residents, the potential parking and traffic impacts, the impact on the function of the residential area, the proposed structure is out of context with the surrounding neighborhood, inadequacy of infrastructure and public services, and the proposal is not consistent with the adopted Centennial Neighborhood Plan.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose

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

33.815.105 Institutional and Other Uses in R Zones

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

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the

Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and

Findings: Given the location of the Subject Property in an area of residential zoning [R7a Single Dwelling and R3a Multi-Dwelling], BDS staff evaluated land uses in the residential area that comprises roughly 475 feet in radius around the site. The Hearings Officer finds, for the purposes of this approval criterion, the residential area extends from the Subject Property on a 475 foot radius. All lands within the described residential area are zoned residential. The Hearings Officer notes that the farthest east edge of the residential area extends into the backyards of residential properties in the City of Gresham. (Exhibit G.8)

In general, the residential area is bounded on the north by SE Stephens Street, to the east by the City of Portland boundary with adjacent City of Gresham, to the south by SE Sherman Street and to the east by SE 170th Avenue.

City records document two non-household uses within the described residential area. A City of Portland Fire Bureau Station (located at 1927 SE 174th) and a Religious Institution with accessory parking (located at 1921 SE 174th). The Fire Station was approved as a Conditional Use via case file LU 09-171874 CU AD and the Religious Institution via case file LUR 94-00795 CU. Both of these non-household living uses occupy approximately 180 feet of frontage along SE 174th in the block between SE Stephens Street and SE Harrison Street. The Subject Property is one lot south of SE Harrison, thus in relatively close proximity to these two conditional uses, which are themselves in close proximity to each other, as the Fire Bureau originally owned both properties, but sold a portion of the ownership to a religious institution.

An aerial photo of the residential area (Exhibit G.10) shows these two institutional conditional uses are separated from abutting residential lots to the south and west with significant mature landscaping and tree canopy. A residential flag lot and a residential lot both zoned R7 complete the rest of the west block face of SE 174th between SE Stephens and SE Harrison. One additional residential ownership, also zoned R7 and subdivided into three parcels, begins the next block face of SE 174th between SE Harrison and SE Lincoln Court. These three lots abut the site along the northern property line.

Given this proximity, if approved as a Conditional Use for a Group Living facility, a trio of non-household uses would be located in relatively close proximity to the Subject Property. However, reasonable arguments can be made that the proximity of the Fire Station to the Subject Property is beneficial in terms of quicker response times should a fire or medical emergency occur at the Group Living facility.

The Hearings Officer notes, other than the non-household uses discussed above, the residential area is extensively and solidly residential. Therefore, the Hearings Officer finds that the addition of the proposed Adult Care Facility on the Subject Property will only incrementally increase non-household uses within the residential area; the approval of the conditional use application in this case will not be a significant change in the proportion of non-household uses to residential uses in the area.

The Hearings Officer notes that the existing conditional uses (church, fire station) comprise a total land area of 47,481 square feet; the buildings comprise a total of 15,955 square feet. The Subject Property is 31,000 square feet in size and the proposed Group Living building is 23,963 square feet in size. If this application is approved, the result would be a total land area of 78,481 square feet in approved conditional uses in the immediate area. By comparison, the lots in the R7 zone between SE Stephens Street and SE Sherman Street that are in residential uses comprise a net total land area of 595,006 square feet in residential uses (Exhibit G.9). Thus, if this application is approved, the residential area will have 13 percent of the land area in conditional uses with the existing church and fire station representing 7.9 percent of the residentially zoned land in the residential area. The proposed Group Living would represent a 5.1 percent increase in non-household uses in the residential area if it is approved. Although the three conditional uses would be clustered in close proximity to one another, the extensive residential neighborhood in all directions from the site serves to offset the appearance of the three non household uses to an extent that the residential appearance of the immediate area is not significantly lessened.

Additionally, an evaluation must be given, under this criterion, to the proportion of non household uses, together with the proposal, and whether the increase in proportion will result in a significant lessening of the function of the residential area. The first possible functional impact consideration would be traffic. Three non-residential uses, when located in close proximity, could present significant traffic impacts to the residential area. In this instance, the Hearings Officer notes that both the proposed Group Living use and the Fire Station use have relatively low trip generation factors or off-site parking needs. Religious institutions generally have greater trip generation factors, but at relatively limited times of the day or week, based on worship schedules and related activities. The specifics of the transportation impacts of the proposal are addressed in greater detail, below, under the Adequacy of Public Services criterion. The Hearings Officer finds traffic created by the non-household uses will not significantly impact the function of the residential area.

The Hearings Officer finds this approval criterion is met.

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

Findings: BDS staff noted that this approval criterion was problematic to staff. BDS staff indicated that this approval criterion requires a decision maker to address the proposal in relation to the appearance of the residential area, separate and in relation to, the existing household uses and other uses in the area.

The Hearings Officer notes that the record for this application includes the mandatory copy of the Pre Application Conference Notes from the Pre Application meeting held on January 11, 2011. Although the purpose of the Pre Application Conference is to provide the applicants with contact names within other service bureaus and information regarding requirements that are imposed by each bureau at time of building permit review, the conference also provides an opportunity for City staff to raise their own concerns regarding a proposal so that the applicants can contemplate revisions, etc. before they submit for review. An excerpt from the Pre Application Conference Summary advises the applicants of the following key issues, based on the site plans submitted at the time of the January conference:

A. "Key Issues and Requirements

Following is a brief summary of issues and requirements that may impact your proposed project or are submittal requirements that will require time to prepare prior to submittal of the land use review. Please refer to the attached responses from the City bureaus for all the requirements and details.

1. The Bureau of Development Services (BDS) Land Use Services planner noted:
 - issues with the amount of building coverage proposed and resulting compatibility issues;
 - issues with the length and height of the south building wall, and its proximity to the adjacent property;
 - if a mansard roof is proposed, the maximum building height is measured to the deck line of the roof; and
 - the need to verify that the required outdoor area standards have been met."

The applicants modified their original plans between the Pre Application Conference and submittal for the Land Use Review. BDS staff advised the applicants' representatives that there is an ongoing concern regarding the proposed size of the facility and the proposal's ability to fully meet all of the applicable approval criteria for a Conditional Use approval. (Exhibit H.6). In response, the applicants again revised their plans. It is those revised plans which are the subject of the following analysis.

One of the measures of intensity of a residential use is density. Chapter 33.239, Group Living, provides additional development standards, which includes residential density limits for this use. At 33.239.030.A.3, the code notes that for residential zones RF through R5, the residential density is 1.5 residents per 1,000 square feet of site area. Notably, the zoning code does not impose a maximum cap for residential density for Group Living in these zones, nor indicate that the 1.5 resident ratio is based on an assumption that a Group Living site does not exceed the maximum lot area for the base zone. The purpose for this ratio is identified in the Group Living chapter at 33.239.030.A, which states:

Purpose: Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.

The Subject Property is 31,000 square feet in area, before required dedications for frontage improvements; after dedications the site will be 30,345 square feet. The applicants originally requested 45 residents which is the maximum allowed under the Group Living residential density standard, given the size of the Subject Property. It is also important to note that at the existing size of 31,000 square feet, the site is almost three times the maximum lot size for the R7 zone under today's regulations [33.610.200, Table 610-2]. The current maximum lot size allowed in the R7 zone is 12,000 square feet; the minimum 4,200 square feet. Despite the code allowance for variations in lot size, the general character of the zone includes lots averaging 7,000 square feet in area. Applying the minimum, average and maximum lot sizes allowed in the R7 zone to the residential density ratio of 1.5 for Group Living, such a facility would typically be allowed a maximum residential density of:

Number of residents [site size]

6 [lot size 4,200 sq. ft.]

10 [lot size 7,000 sq. ft.]

18 [lot size 12,000 sq. ft.]

Given that the size of the Subject Property is so large that it could be further sub-divided into three lots, the originally 45 proposed residents, if approved through a Conditional Use review, seems to the Hearings Officer be out of character with the generally expected density in the R7 zone for a Group Living use, as well as with the *purpose* of the density standard; yet the square footage of site area allows the residential density to a maximum of 45. Additionally, given the plat pattern of the residential lots within the area, most of the surrounding parcels have been subdivided to current lot size standards and developed with residential uses. The Subject Property and the residentially developed property directly east of, and across the street from, the fire station are the last two significantly sized parcels in the area that can be further subdivided.

Other residential lands within the residential area are zoned Multi-Dwelling R3, which the code allows to be developed with higher residential densities. The R3 zoned land to the west abuts the rear property line of the Subject Property and is currently vacant land with frontage along SE 171st, a public street with a terminus bulb on the northern end. However, a portion of this R3 zoned area has been developed along the east block face of SE 171st between SE Grant and SE Sherman, and the anticipated build-out of the balance of this R3 area will be in a similar development style, such as attached townhouses.

As a consequence of these facts and circumstances, simply because the Subject Property could be subdivided into three separate lots, the overall size of the Subject Property results in an uncharacteristic amount of residential density for a Group Living use in the R7 zone when the code

standard is applied. BDS staff concluded that nothing in the standards of Chapter 33.236, *Group Living*, indicated that the originally proposed 45 residents should be considered 'too intense' based on Subject Property alone. BDS staff concluded that the code itself allows the residential ratio with no cap within the Group Living standards, if approved as a Conditional Use. The Hearings Officer, generally, agrees with this BDS staff analysis.

The Hearings Officer finds it appropriate to analyze what could be developed on the Subject Property, by right, if the Subject Property were further subdivided in compliance with current standards. BDS staff analyzed the development (subdivision) of the Subject Property based upon a plat plan considered in a prior land use case; LU 06-116505 LDP. As noted under the Land Use History of this decision, the subdivision application was eventually withdrawn by the applicants prior to a decision by the City. Although no final decision was rendered, BDS staff considered the prior proposed three parcels as a useful template for analysis; particularly because the lot sizes that result in a land division are reduced from the overall total site size in order to provide a private street. Based on the prior proposed plat, BDS staff found that the Subject Property could plausibly be subdivided into three lots as follows:

Parcel 1 = 9,359 SF in area [x 1.5 = 14]
Parcel 2 = 6,243 SF in area [x 1.5 = 9]
Parcel 3 = 9,726 SF in area [x 1.5 = 14]

BDS found that even if *all three lots together* were developed with Group Living facilities, the maximum total of residents would be 37; eight less than what was originally requested. The applicants have revised their proposal to have 39 beds available, but with two continuously vacant, the net total as currently proposed will be 37 residents.

However, BDS found that it would be difficult to envision a scenario in which all three lots together were so developed because in order to do so, the City would need to approve a waiver the standard found at 33.239.030 B, *Minimum Spacing*, which states:

1. **Purpose.** The minimum spacing standards assure that large Group Living uses do not unduly affect the character of residential and commercial areas.

2. **Spacing standards.** Group living facilities that are conditional uses must be at least 600 feet from a site with any other group living facility that is also a conditional use.

BDS staff noted that this standard applies in residential zones, as well as in commercial zones, indicating that clusters of Group Living sites could potentially impact the character of a residential area. For these reasons, BDS staff concluded that a scenario where all three subdivided lots were approved for Group Living uses was not realistic. Given this consideration, BDS staff also concluded that although the residential density standard as applied to the Subject Property allows a maximum of 45 residents, this intensity is much greater than what would ordinarily be allowed in

the R7 zone, based on current lot size standards, from which the residential density standard is derived.

This number of additional residents also results in a proposed structure that is of sufficient scale to house this number of residents in a Group Living facility. Because of the requirements that the Group Living structure meet ADA standards throughout the building, such as hallways wide enough to accommodate two-way wheel chair traffic, the buildings are inherently larger than a typical single dwelling home in order to accommodate the vulnerable residents in an efficient manner without overcrowding. BDS concluded that the proposed structure size in relation to the size of the Subject Property, and within the context of the residential character and development in the R7 zone, results in a proposed scale of use that has a genuine impact on the overall residential appearance of the area.

After conducting the above analysis, BDS staff were of the opinion that the originally proposed structure that was designed to accommodate 45 residents would result in an intensity and scale that would not meet this criterion. BDS staff encouraged the applicants' representatives to consider modifying the proposal to address the intensity and scale of the proposal. The applicants subsequently requested that the hearing be rescheduled in order to allow time for the proposal to be modified in both scale and intensity.

The modified proposal included a reduction in the number of residents to 39, with a condition imposed by the project's lender (Exhibit A.15) that at no time will more than 37 beds be occupied. BDS staff expressed concern about how 'lender's requirement' would be enforced. For this reason, BDS staff utilized a 39 resident proposal.

The proposed structure itself was also modified to reduce the scale and visual appearance. The overall building footprint was reduced as a consequence of a reduction in the number of residents. The proposed building coverage was reduced from 50 percent to 45 percent of the Subject Property. The setback from the rear property line was reduced to 37 feet 7-inches, resulting in a larger outdoor area for the residents, as well as shortened the overall length of the building wall of the structure to 190 feet. The roofline of the entire structure was lowered in order to reduce the bulk of the structure. The roofline for the rear portion of the building was lowered from a total height of 30 feet 4-inches to 25 feet 7.5-inches. The roof dimensions are measured to the peak of the roofline; height for purposes of meeting the development standard of 30 feet maximum height in the R7 zone, is measured to the mid-line of the roof. (PCC 33.930.050) The main roofline of the structure that faces SE 174th Avenue remains the same. A summary of all the revisions made to the building is contained in Exhibit A.16.

Other notable modifications included an increase in landscaping from 30 percent to 37 percent of the Subject Property, with an increase in depth of the perimeter landscaping along the SE 174th Avenue frontage to better screen the parking area between the Group Living structure and the street. Similarly, the proposed perimeter landscaping along the sides and rear property lines included a continuous evergreen hedge that would be installed with a minimum of 12 feet in height to ensure

adequate screening at time of development rather than utilizing smaller plants that could take several years to grow to an adequate height to screen the facility.

Arguments can be made that these revisions are relatively minor given the overall scale and size of the project. The Hearings Officer finds that even minor revisions can have a significant impact on the visual appearance of the proposed development. The applicants note (Exhibit A.14) that with these revisions and subsequent approval of the proposal, the result "...will allow for the proposed building to provide professional care and safe living environments with a residential setting for 39 elderly or handicapped citizens, while creating a new and vibrant development within this growing southeast neighborhood."

BDS staff expressed the opinion that the overall size of the Subject Property was both a blessing and a curse for this review. (Exhibit H.6) BDS stated that:

"on the one hand, as one of two large lots that could be further subdivided in the area, it provides a large site on which to develop a substantial Group Living home that can serve a larger than expected number of residents. It is clear that even at 45 residents, the site is eligible for that number of residents, given the 1.5 ratio of residents to 1,000 feet of site area that the code allows for at 33.239.030.A.3. The large site area is also conducive to larger development simply due to the overall size of the parcel. Given that surrounding residential development is more typically on smaller lots, there is an inherent difference in the scale of the proposal, simply based on the characteristics of the site itself."

BDS went on to say that:

"on the other hand, Conditional Uses in residential neighborhoods are invariably developed at a different scale and size, such as schools, churches, and similar community service uses. The benefits that Group Living facilities provide to their residents and to the neighborhood are important considerations, as well, and are similar in nature to schools, churches and similar development."

The zoning code, at 33.110.245, imposes Institutional Development Standards in all Single Dwelling Residential zones for such Conditional Uses. These standards require greater set backs, landscape screening and limits to total Floor Area Ratio [FAR] of 0.5 to 1. These standards are not triggered by the Group Living category due to Chapter 33.239, Group Living, which establishes separate development standards. None of those standards include any provisions for instances in which Group Living structures, based on the allowed residential ratio of 1.5 per 1,000 feet of site area, become unexpectedly large in order to accommodate a maximum number of residents and meet all of the ADA and care facility related requirements.

In addition, due to the function of a Group Living use and the infirmities of the residents, such uses are typically configured in ways that are essentially different from adjacent residential development: the proposal includes a small parking lot between the Group Living home and the street to facilitate ADA access for the residents and ease of vehicles in picking up residents for doctor's appointments or other trips off site. The Group Living home will also receive deliveries of food and other supplies necessary for the operation and efficiency of the services provided to the vulnerable population housed in Group Living situations.

The Hearings Officer finds that the proposed use is more intense than one single family residence on the Subject Property. However, the Hearings Officer finds that if three single family residences were constructed, as would be permitted on the Subject Property, the intensity would be more similar to that of the proposed use. In particular, the Hearings Officer finds the intensity of the proposed use is relatively low based upon the health and age of most of the occupants.

When considering the scale of the proposed use, in the context of this approval criterion, the Hearings Officer takes note of the Purpose section of the Conditional Use Chapter of the PCC. In part, the Purpose section (PCC 33.815.010) states the following:

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

The above quoted language expresses City Council's understanding that some uses allowed in a zone may not fit the "norm." In this case the "norm" would be a single family residence and the proposed use, therefore, would not fit the "norm." It is also clear, from the above quoted language, that a conditional use should be approved if the anticipated impacts are not significant.

Additionally, the Purpose language indicates that a conditional use application may be approved if the impacts are greater than minimal. The language provides that even where impacts are greater than minimal a conditional use may be approved/granted if conditions (mitigation measures) are attached to the approval.

The Hearings Officer finds that that the revisions to the proposal help reduce the bulk and scale of the proposed development. In particular, the Hearings Officer took note of the applicants' revisions that reduced the number of residents, reduced the footprint of the proposed building, lowered the roof height, increased the setbacks and increased landscaping. The Hearings Officer also took note of the overall design of the proposed structure; generally, residential in design and appearance. The

Hearings Officer finds that this approval criterion requires an evaluation of the intensity and scale of the proposed use in relation to the existing Household Living uses, and a determination as to whether the proposal will have a *significant* impact on both the residential appearance and function of the area.

Significant is not defined in the PCC. When a term is not defined in PCC then such term shall have its dictionary meaning. (PCC 33.700.070 D.1) The dictionary definition of significant is “a noticeably or measurably large amount, important.” (Merriam-Webster Online Dictionary)

The Hearings Officer finds that viewing the proposed facility from the street (east - SE 174th) the facility looks like a very large residential structure (Exhibit H.11, Sheet A0.5) When viewing the proposed structure from the sideyards the proposed structure looks like an institutional building or an apartment building. (Exhibit H.11, Sheets A0.5 and A0.6) The Hearings Officer finds that viewing the proposed facility from the rear (west) the structure appears to be a large duplex. (Exhibit H.11, Sheet A0.6) The Hearings Officer finds that the scale of the proposed structure is larger than a typical single family residence.

The applicants, in their latest revisions (Exhibit H.11, Sheet A0.2) proposed to install significant landscaping (evergreen hedge plantings that are at least 12 feet in height at time of planting) along the sideyards (north and south sides of the structure). The Hearings Officer finds with the reduced footprint of the proposed structure and with the applicants being required to conduct landscaping per Exhibit H.11, Sheet A0.2, the scale of the proposed building will not be significantly lessened.

The Hearings Officer finds that this approval criterion can be met with the imposition of conditions of approval as set forth by BDS in Exhibit H.6. The conditions would include the following:

- Because of the size and scale of the modified Group Living structure, and the sensitivity of the inherent visual impacts on the surrounding residential area, the applicant will be required to call for a Special Inspection by BDS staff at time of inspection of foundation forms to ensure that the proposed 10 foot side setback is met prior to completing the foundation. The 10 foot setback shall be considered a minimum. Any setback greater than 10 feet is allowed.
- At time of landscape installation, the applicant will install evergreen hedge plantings that are at least 12 feet in height at time of planting.

B. Physical compatibility.

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

Findings: City designated resources are shown on the zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, the Hearings Officer finds that this approval criterion is not applicable.

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

Findings: Physical characteristics such as site size, building scale and style, setbacks and landscaping were addressed in the findings for approval criterion 33.815.105.A.2.

Staff noted, in Exhibit H.6, that the zoning code does not define “compatible.” BDS staff included a dictionary definition of “compatible.” The dictionary definition, as set forth by BDS staff, is “capable of existing together in harmony.” The Hearings Officer does not believe that the term “compatible” means “the same.” Therefore the Hearings Officer finds that to be compatible structures may be different from one another so long as they exist. By way of analogy, some single family residences are designed in the “modern” style and others in the “craftsman” style; but the different styles can be “compatible.” Similarly, the single family residences can be physically compatible with non-physical structures.

Townhouse development currently exists to the southwest of the Subject Property along the westside of SE 171st Avenue. The Hearings Officer finds that townhouse development can be expected to occur immediately to the west of the Subject Property. Some of the currently existing townhouses and all of potential townhouses (along SE 171st Avenue) are within the residential area.

The Hearings Officer finds, after reviewing photos presented at the public hearing by the BDS staff (Exhibit H.8) and the applicants (Exhibit H.12), that the proposed structure is designed similarly to many of the single family residences; bigger but similar design. The Hearings Officer also finds, based on the zoning map and aerial photos (Exhibit H.11, slides 3 and 7, Exhibit G.10), that the bulk/scale of physical improvements is not so different, in physical characteristics, from the townhouse development currently existing on the westside of SE 171st Avenue. (Exhibit H.11, slides 23 and 24)

The Hearings Officer finds all setback requirements are satisfied by this proposal.

Based on the proposal, in combination with conditions of approval requiring the proposed landscaping to be installed as proposed, the development and use are anticipated to be compatible physically with the surrounding properties given adequate landscaping, reduced building bulk and increased outdoor area at the rear of the building. With imposition of previously discussed conditions of approval, the Hearings Officer concludes that this criterion can be met.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: The zoning code requires Group Living uses to comply with the development standards of the base zone in which they are proposed. One exception is building coverage: the code recognizes that such development tends to be larger than a typical house in a residential setting, so

up to 50 percent building coverage is allowed for this use. The original proposal included a structure that maximized building coverage as well as maximum allowed ratio of residents. The revised proposal reduces both the building coverage (45 percent) as well as number of residents (to 39.)

The Subject Property is zoned R7, which requires 5-foot side and rear property line setbacks. The minimum set back for the proposed structure from the side property lines is 8 feet. The proposed structure has articulated facades to help visually break up the length and bulk of the building. The south facing façade includes a patio area and a large outdoor area that are set back 17 feet and 20 feet, respectively, from the property line. The north facing façade is also setback 10 feet from the side property line and includes some small, private patio areas 10 feet away from the abutting properties to the north, as well as a larger patio area that is set back 17 feet from the property line, with the building wall further recessed to a 24 foot setback.

As discussed earlier in this decision, the rear setback has been increased to 37 feet 7-inches, which creates a backyard outdoor area that provides distance and visual relief from the bulk of the structure. The increased setback also provides an additional outdoor area that the residents can enjoy. As discussed earlier, the interior courtyard is a design feature that provides the residents a safe and sheltered amenity to enjoy the out of doors while providing additional buffering to the adjacent neighbors.

Finally, the applicants have increased the amount of landscaping on the site (from 30 percent to 37 percent) and has indicated on the revised landscaping plans that the evergreen hedge to be planted around the perimeter of the site along the side and rear property lines will be mature species that are a minimum of 12 feet in height at time of planting to ensure that the visual softening and screening from the landscaping will be effective immediately, rather than installing smaller plants that can take several years to reach an effective screening height.

For all of the above reasons, the Hearings Officer finds that this approval criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: The Group Living facility will have staff present on a 24 hour basis; however, the majority of staff will be present during daytime hours with much reduced staffing at night. The presence of staff is the extent of any anticipated late-night operations, as otherwise the facility generally operates similarly to a household, i.e., with most activities and meals occurring during daytime hours. There are no aspects to the operational characteristics of this facility that would create noise, light glare, odors or litter. Aside from at least one staff member being on site to ensure around-the-clock care, there are no late-night activities.

Therefore, the Hearings Officer concludes that the proposal meets this criterion, as there are no apparent adverse impacts to the livability of the residential neighborhood. For these reasons, the Hearings Officer finds this approval criterion is met.

2. Privacy and safety issues.

Findings: The proposed facility will operate and the site layout is designed to create a secure, safe and private residential campus for the residents. The Subject Property will be enclosed with perimeter fencing as well as extensive landscaping to provide a secure yet attractive development. An additional feature to the proposed building includes an internal courtyard area which provides residents with a safe, secure and private area in which to enjoy the outdoors. Conversely, by providing this internal courtyard as a feature of the proposal, it ensures that abutting residential properties are further screened and shielded from any outdoor activities of the Group Living residents enjoying this amenity. The Hearings Officer finds that there are no anticipated impacts to neighbors' privacy or safety due to the operation of the Group Living care facility. The Hearings Officer finds this approval criterion is met.

D. Public services.

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

Findings: At this location, SE 174th Avenue is classified as a Neighborhood Collector, City Bikeway, City Walkway and a Local Service street for all other transportation modes in the City's Transportation System Plan ("TSP"). PBOT staff has reviewed the proposal (Exhibit E.2) based on a total number of 45 residents, and notes the following:

"The proposed group living facility is supportive of the various street designations of the abutting streets. The TSP states that, "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. Auto-oriented land uses should be discouraged from locating along City Bikeways that are not also classified as Major City Traffic streets. City Walkways should serve areas with dense zoning, commercial areas and major destinations. Community Corridors are located along transit corridors and between segments of Community Main Streets. Local Service streets provide local circulation for traffic, pedestrians and bicyclists." The proposed development on the site supports or enhances the above referenced street designations."

For these reasons, this criterion is met.

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: PBOT has reviewed the proposal and made the following comments and findings:

"Street capacity/level of service"

A transportation impact study (TIS) was prepared/submitted in conjunction with the proposed Conditional Use application to adequately address these transportation-related approval criteria.

Development of the proposed Rodelo Asa Residential Care Facility (group living facility) will include a two-story, approximately 26,600 sf building that will accommodate 45 assisted living senior residents requiring full time care. These residents will not be able to drive vehicles. Approximately 4,000 sf of the building will be used as household living uses for the owner and the owner's family. Two additional staff members will also provide care, one during the day shift and one during the night shift.

The study area identified for the TIS is the surrounding neighborhood streets including SE 174th Ave and SE Division St. Also included in the study area was the intersection of SE 174th Ave/SE Division St. In order to perform industry standard Level of Service (LOS) analysis to address the aforementioned capacity evaluation factor, the applicant's traffic consultant conducted traffic counts during the standard morning and evening peak hours of travel.

To determine the net increase in trip generation between the existing single-family residential home and the proposed group living facility, the applicant referred to the Institute of Transportation Engineers (ITE) Trip Generation Manual. Based on the rate studies for the subject uses contained in the ITE, the proposed group living home is expected to generate a net increase of 110 total daily trips in the transportation system, including 5 total trips during the morning peak hour and 9 trips during the evening peak hour.

Industry standard capacity analyses utilizing the year 2000 Highway Capacity Manual methodology revealed that the SE 174th Ave/SE Division St intersection is currently operating at LOS B during the morning peak hour and LOS C during the evening peak hour. These performance levels will remain unchanged as a result of expected trip generation from the proposed group living facility, as calculated by the applicant's traffic consultant. The City of Portland's acceptable performance measure for capacity at signalized intersections is LOS D. Accordingly, the subject intersection currently exceeds the City's standard and will continue to do so after the proposed group living facility is constructed. Therefore, PBOT has no concerns with the proposed Conditional Use at the subject site in terms of its negligible impact to capacity/level of service.

Access to arterials

Findings: The subject site is located along SE 174th Ave, considered an arterial street in the City's TSP. The proposed group living facility will also be located a short distance from SE Division which is also an arterial street.

Connectivity

Findings: The existing street pattern in and around the subject area is recognized as not meeting the City's connectivity spacing guidelines for public streets and pedestrian connections (a maximum of 530-ft and 330-ft, respectively). Due to the significant scale of the subject site and other large lots in this area of the City, along with existing development patterns and uses throughout the area, the above referenced spacing goals, typically found in other parts of the City with higher density residential zoning and smaller lot and block patterns, are not found in this outer south-east Portland neighborhood. However, the applicant will be required to construct a sidewalk corridor along the site's SE 174th Ave frontage that will help facilitate pedestrian passage throughout the area, and hence, enhance the connectivity in the area. PBOT has no concerns related to the connectivity evaluation factor.

Transit availability

Findings: The site is currently indirectly served by Tri-Met bus lines #4 (Division/Fessenden) along SE Division, south of the site.

On-street parking/neighborhood impacts

Findings: PBOT staff had initial concerns with regard to the proposed use since there will be a limited number of on-site parking opportunities. PBOT directed the applicant to conduct a parking survey and collect data to determine the number of available on-street parking spaces and demonstrate that the demand in relation to existing and proposed use will not exceed the supply.

The identified study area was along SE 174th Ave between SE Grant and SE Stephens as well as the side streets along SE 174th Ave within the area. Utilizing a conservative parking stall length of 25-ft, and taking into account street widths, driveways, mailboxes, fire hydrants and posted 'no parking' zones, the applicant's traffic consultant determined that there are 78 on-street parking spaces within the study area.

Numerous parking surveys were conducted to estimate the current on-street parking demand. The applicant's traffic consultant conducted surveys at multiple time frames, including during times when residential demands for on-street parking are typically at their highest. The TIS' results show that [at times of] greatest demand, 28% of the available parking supply was utilized. This is a sufficiently low enough demand that additional on-street parking demand created by the proposed group living facility can easily be accommodated.

It should be noted, again, that the residents of the group living facility will not be driving vehicles and that most of the facility's staff will be living on-site. With the low average parking demand for the other two staff members, (one or two spaces), the expected infrequency of visitors, and low volume of service trips anticipated, it is expected that the proposed 11-space on-site parking lot will accommodate the site's demand on a regular basis and overflow parking will not be a factor. Accordingly, PBOT has no concerns relative to on-street parking impacts related to the proposed group home facility.

Access restrictions

Findings: The proposed group living facility will be accessed via a single driveway from SE 174th Ave. PBOT has no reasons to restrict or limit access to the site. The proposed parking lot is designed to allow for easy circulation to the facility and within the parking area.

Neighborhood impacts

Findings: Transportation-related impacts to neighborhoods are typically attributed to site generated trips, congested roadways and intersections and influences to on-street parking supply. As described above, and based on data collected and the analyses prepared for the subject Conditional Use, these referenced impacts will not materialize.

Impacts on pedestrian, bicycle, transit circulation and safety for all modes

Findings: It can be concluded, given the previous analyses provided to address the other transportation-related evaluation factors associated with this approval criterion, that the group living facility proposal will not result in impacts on pedestrian, bicycle, and transit circulation, and that the new use of the site will not impact safety for all modes.

However, further evidence supplied by the applicant's traffic consultant supports this conclusion. The TIS included a sight distance analysis to determine any impacts that might exist regarding accessing the site.

In accordance with AASHTO standards, the sight distance at the proposed access location was determined to exceed minimum sight distance recommendations. Further, the TIS included a section on accident history from the studied intersection of SE Division/SE 174th. Based on the most recent data obtained and available from the Oregon Department of Transportation, the crash rate calculated for the subject intersection was well below the threshold value where safety mitigation measures should be considered.

Adequate Transportation Demand Management strategies

Findings: PBOT has not identified any transportation-related impacts expected from the proposed group living facility, which is typically why a Traffic Demand Management Plan (TDMP) is proposed (or required). Therefore, PBOT is not requiring the applicant to develop and submit a TDMP. However, the TIS identified certain measures that the applicant will be incorporating into the operation of the proposed group living facility that are considered TDMP-related.

These measures include encouraging employees to utilize mass transit and offering to provide monthly passes, encouraging the use of bicycles (the applicant will be providing 8 bicycle parking spaces). Ridesharing/carpooling will be recommended for employees and visitors as well.

Taking into consideration the identified evaluation factors, the information supplied by the applicant and their traffic consultant, it has been clearly demonstrated that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

Response to Opposition Testimony

PBOT staff is aware of one letter that has been submitted into the record in opposition to the proposed group living facility. The correspondence, submitted by the East Portland Land Use and Transportation Committee cited a number of reasons for objecting to the proposal. Some of these objections included transportation related issues which will be addressed here.

Specifically, the letter of objection stated the following transportation-related issues:

'The site of the facility is served by a substandard neighborhood street system unsuitable for the potential increase in traffic caused by a 45 resident, 24-hour care facility at the site. Without adequate nearby services and without adequate transportation options to automobile use, the proposed facility would only reach 50% of the City goal of defining a 20-minute Neighborhood.

SE 174th, the only street serving pedestrians at the site, is without adequate sidewalk which is not continuous from the site to 174th and Division, where commercial resources and transit access is first available.

The nearest bus service to this site is located at SE 174th and Division, a distance of approximately ¼ mile. The nearest commercial area is similarly distant. The nearest park is approximately 15 blocks away.'

In response, PBOT offers the following:

The initial statement made above regarding 'a substandard neighborhood street system unsuitable for the potential increase in traffic' is unsubstantiated. The author of this statement provided no accompanying data, analysis or evidence to corroborate the statement. To the contrary, the submitted application package included a Transportation Impact Study that was prepared by a professional traffic consultant. The findings thereof, based on analyses utilizing acceptable and standard practices, references and calculations, concluded that the transportation system

is capable of supporting the proposed use in addition to the existing uses in the area, considering the numerous evaluation factors of the applicable transportation-related approval criteria.

The letter's reference to a City goal of defining a 20-minute Neighborhood is not reflective of or addressing any of the applicable transportation-related approval criteria for either of the two subject land use reviews, i.e. Conditional Use and Adjustment..

The statement made relative to a non-contiguous sidewalk system along SE 174th from the subject site to SE Division is accurate. However, PBOT is unsure of the purpose of making this statement. As reflective of many parts of the city, SE 174th Ave is not constructed to City standards, with either appropriate roadway width or sidewalk corridors. However, the applicant cannot be made to bear the burden or responsibility of fixing the entirety of the transportation infrastructure in this area. As described previously in this response however, PBOT will be exercising its authority to require that the applicant improve his proportionate share of the transportation infrastructure to City standards. As a condition of Building Permit issuance, the applicant will be completing the roadway and constructing an appropriately designed sidewalk corridor along the site's frontage. As in other land use cases in other parts of the city, incremental improvements to the transportation system/infrastructure in relation to approved developments is the only mechanism the City has to further said infrastructure.

With regard to the letter's final comments related to distances between the subject site and transit service, commercial areas and parks, again, PBOT questions the relevance of these statements. There is nothing in the applicable transportation-related approval criteria that speak specifically about relative distances between development sites and transit, commercial or park services. Again, it is not the applicant's responsibility in the realm of the subject land use requests, to improve upon alleged deficiencies in transit, commercial or park services.

In summary, PBOT has found that the applicant has met the burden of proof of demonstrating that all of the transportation-related approval criteria have been satisfied.

One person testifying at the hearing, in opposition,

indicated that SE 174th has not been fully developed as planned (Mr. Lewis). This opponent stated that SE 174th is mostly two lanes without sidewalks. This opponent stated that the conditions of SE 174th create a challenging environment for pedestrians and bicyclists. This opponent concluded that the current condition of SE 174th may pose safety issues for residents of the proposed facility."

The Hearings Officer finds the comments quoted above, from the PBOT written response (Exhibit E.2) to be credible. The Hearings Officer finds that the transportation system is capable of supporting the proposal in addition to the existing uses in the area.

Based upon the PBOT comments above, the Hearings Officer finds that this approval criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Rockwood Water People's Utility District responded that the proposed use can be adequately served with water. (Exhibit E.10)

The Portland Police Bureau responded that police services are capable of serving the proposed use, and notes a number of additional safety issues have been addressed by the applicant. (Exhibit E.7)

The Portland Fire Bureau responded stating no concerns, but notes that the Fire Bureau requirements are generated from the 2007 Oregon Fire Code. All current Fire Code requirements apply and are required to be met at the time of building permit. If these conditions cannot be met, an appeal providing an alternative method is an option for the applicants. (Exhibit E.4)

BES responded that there is a public 8-inch PVC sanitary gravity sewer in SE 174th Avenue that can serve the sanitary disposal needs of this project. (Exhibit E.1)

BES noted that the development will be subject to the Stormwater Management Manual in effect at time of building permit application. BES also noted the following:

"BES has reviewed the stormwater report from Burton Engineering dated August 18, 2011. The report includes infiltration test results of 60 inches per hour at depths of 2 and 4 feet. The applicant proposes on-site infiltration by means of two individual drywells for the proposed structure, pervious asphalt for the parking area, and a public infiltration swale for the improvements in SE 174th Ave (discussed further, below). Given that the tested infiltration rate is adequate on this site, and proposed stormwater management facilities meet SWMM sizing and setback requirements, BES has no objections to the proposed stormwater management approach

for the purposes of conditional use review. The Oregon Department of Environmental Quality (DEQ) regulates underground injection control (UIC) facilities to protect groundwater. Drywells and soakage trenches are examples of UICs. It is the applicant's responsibility to register all on-site UICs with DEQ, as appropriate."

BES also noted the following regarding stormwater management for the public right-of-way improvements that will be required at time of development:

"BES reviews stormwater management facilities in the public right-of-way for compliance with SWMM requirements such as Infiltration and Discharge, Pollution Reduction, and Flow Control. In this case, the applicant has applied for a joint PBOT/BES public works permit (11-117240-WT and 11-118479-WE, respectively) for the public improvements, and BES has approved the 30% plans. Therefore, BES requires no further information as part of this review to show that stormwater management in the SE 174th Ave right-of-way will be managed appropriately." (Exhibit E.1)

Based on the responses of the applicable bureaus, the Hearings Officer finds that this approval criterion is met.

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

Findings: The Subject Property is located within the boundaries of the Centennial Neighborhood Plan, adopted by City Council in March 1996 as part of the Outer Southeast Community Plan. The following Goals and Policies of the Centennial Plan are relevant to the proposal, as follows:

Comprehensive Plan Policies 2.26 and 3.9, which speak to promoting economic vitality, diverse residential character, unique environmental quality and livability of outer southeast Portland has a specific neighborhood Objective A, which states:

Maintain and encourage the suburban nature pleasant appearance and safety of Centennial.

The Hearings Officer finds that to the extent that the proposed structure is compatible with the residential appearance of the area, the proposal is consistent with this Objective. The Hearings Officer finds this approval 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. In this instance, the applicant has requested an Adjustment to a Parking and Loading Development Standard contained in Chapter 33.266.

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The zoning code, at 33.266.310.C.2.a, requires one loading space to "Standard A" size for buildings that include a use that is not household living, and is greater than 20,000 square feet of floor area. Standard A loading space size is at least 35 feet in length, 10 feet wide, and with 13 feet of clearance. The applicants request an Adjustment to allow the required loading space to meet "Standard B" size: 18 feet long, 9 feet wide and with a clearance of 10 feet.

The purpose of this regulation is found at 33.266.310.A, which states:

Purpose. A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Group Living uses, in general, have much lower loading requirements than similar sized developments. In general, Group Living residents do not move to such facilities with a large amount of furniture and related possessions that might require a larger vehicle than the typical small delivery van or truck which is anticipated to bring groceries and other supplies to the Group Living home. The Hearings Officer finds that a smaller sized loading space will accommodate the expected size of delivery vehicles servicing the site. The Hearings Officer finds that the loading

space is part of the proposed parking area, which will have additional landscaping, particularly along the street frontage to ensure visual buffering and softening. The reduced size loading space ensures that the loading space is consistent with the rest of the parking area, yet located in a convenient area to provide the necessary goods required for the facility. Such vehicles will enter and exit the parking area consistent with the other vehicles that will utilize this portion of the site. PBOT notes no objections to the requested Adjustment. The Hearings Officer finds this approval criterion is met.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The Hearings Officer finds that the requested smaller loading space is more in keeping with the residential area and will result in a smaller parking area, which will lessen any potential impacts from additional paving and an oversized parking area to accommodate the larger loading space standard. In turn, the Hearings Officer finds that allowing a smaller loading space ensures that smaller delivery vans and trucks will service the site. These smaller vehicles are more consistent with a residential area than the larger sized vehicles that would require the larger Standard A sized loading space. For these reasons, the Hearings Officer finds this approval criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. The Hearings Officer finds this approval criterion is not applicable.

- D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the Subject Property. Therefore, the Hearings Officer finds that this approval criterion is not applicable.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The Hearings Officer finds that there are no discernible impacts that would result from granting the requested adjustment. The Hearings Officer finds that this approval criterion is met.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within an environmental zone. The Hearings Officer finds this approval criterion is not applicable.

III. CONCLUSIONS

This application presents somewhat novel issues related to Group Living structures located within a residentially zoned area. BDS staff noted, in the BDS Staff Report and Recommendation to the Hearings Officer, that the applicants obtained financing for this project prior to fully understanding that approval through a Conditional Use review would be required prior to building permit issuance. BDS also noted that the applicants were reluctant to make sweeping revisions to the project based on the financing and related requirements. BDS stated that the applicants, at least initially, were operating under the misconception that the 1.5 residents per 1,000 square feet of site area was a guaranteed density allowance and that such density allowance could not be changed during the conditional use review process.

An initial concern of opponents involved the BDS staff determination that the proposed use/structure was a Group Living use. The Hearings Officer reviewed the relevant sections of the Portland Zoning Code, Oregon state statutes and regulations and dictionary definitions and determined that the proposed use/structure should be considered a Group Living use. As such, the Hearings Officer analyzed the relevant conditional use approval criteria for an institutional use within a residential zone.

Opponents expressed concerns about both the use and the size of the development proposed. The Hearings Officer infers from the BDS Staff Report and Recommendation to the Hearings Officer, and BDS testimony at the public hearing, that BDS concurred, to some extent, with the neighbors concerns related to the size of the proposed structure. The Hearings Officer found the review of approval criteria related to the intensity, scale and physical compatibility to be particularly challenging. In the end, the Hearings Officer found that the applicants' modified proposal could meet all relevant conditional use approval criteria.

The applicants also requested an Adjustment related to the size of the loading space. The Hearings Officer found that granting the Adjustment would meet all of the relevant approval criteria.


IV. DECISION

Approval of:

- Conditional Use for a Group Living facility with up to 39 residents, subject to the following conditions:
 - A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-146609 CU AD." All requirements must

be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Because of the size and scale of the modified Group Living structure, and the sensitivity of the inherent visual impacts on the surrounding residential area, the applicants will be required to call for a Special Inspection by BDS staff at time of inspection of foundation forms to ensure that the proposed 10 foot side setback is met prior to completing the foundation, and allowing for the 2 foot bump outs for façade bays as shown on the plans. The 10 foot setback shall be considered a minimum. Any setback greater than 10 feet is allowed.
- C. At time of landscape installation, the applicants will install evergreen hedge plantings that are at least 12 feet in height at time of planting.



Gregory J. Frank, Hearings Officer

January 26, 2012
Date

Application Determined Complete:	September 19, 2011
Report to Hearings Officer:	December 9, 2011
Decision Mailed:	January 27, 2012
Last Date to Appeal:	4:30 pm, February 10, 2012
Effective date (if no appeal):	February 13, 2012 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). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$ 5,000 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.

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. These dates will be indicated in the Hearings Officer's decision.
- 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.

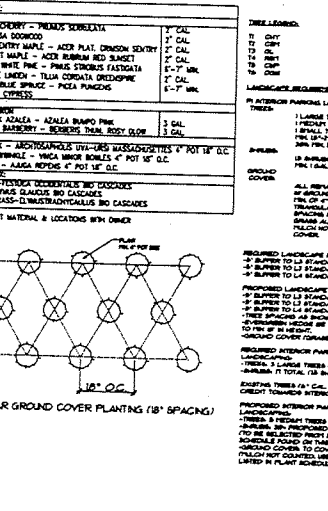
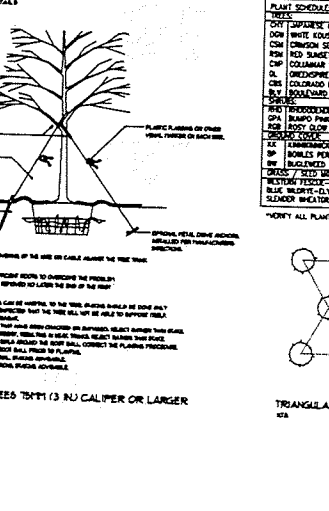
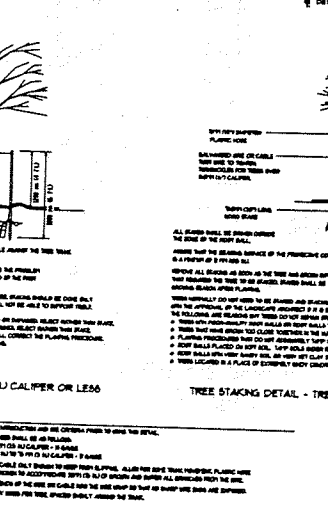
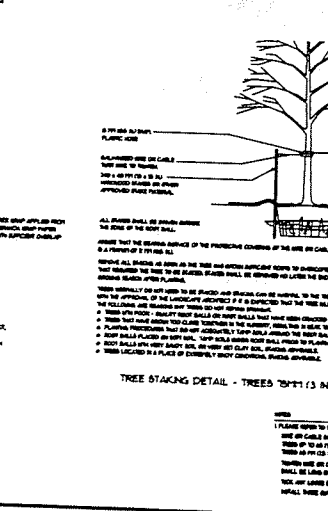
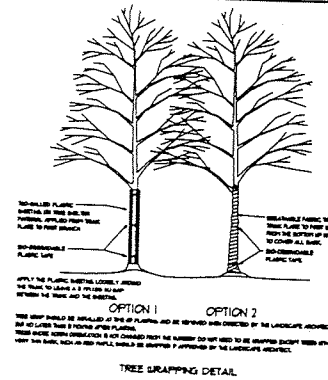
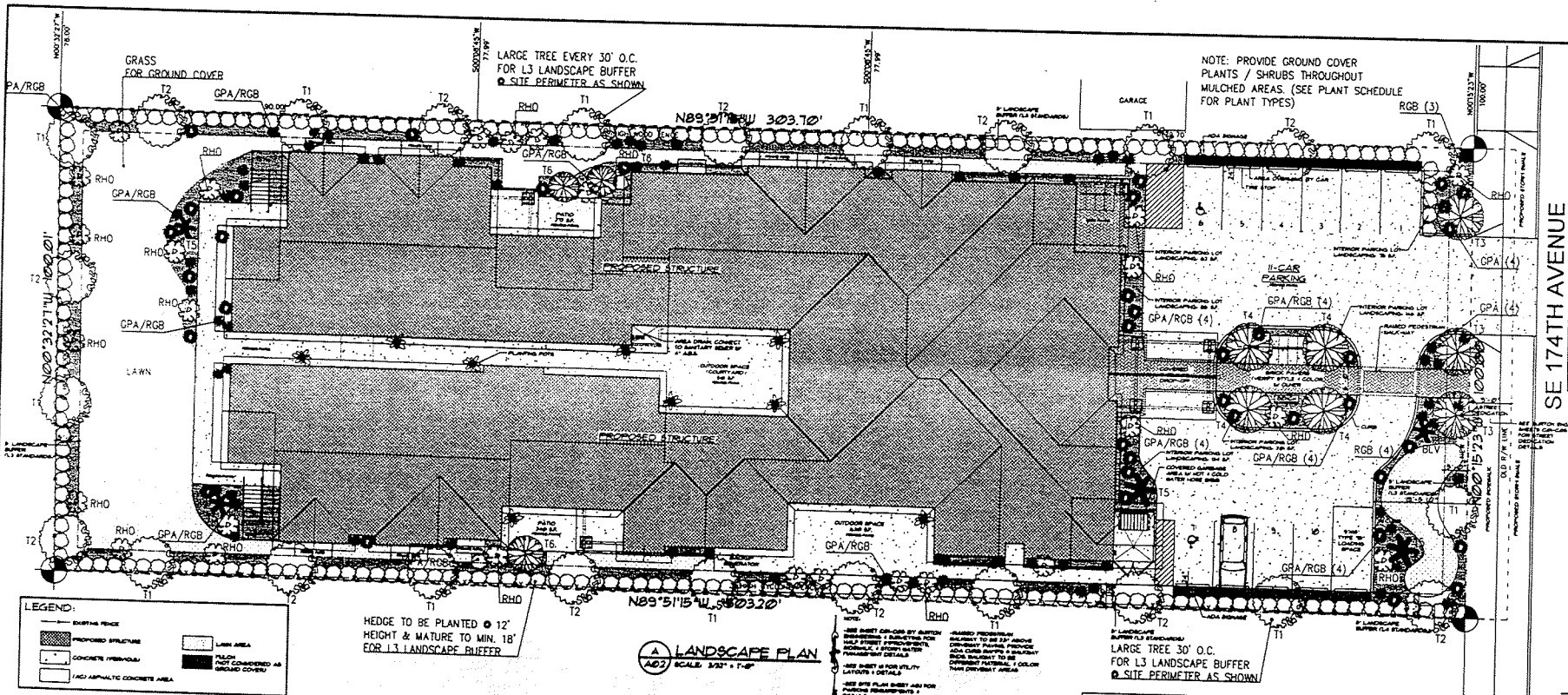
EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicants' Statement
 - 1. 120-day waiver
 - 2. Project Narrative June 8, 2011 [includes CU & AD approval criteria, keyed vicinity map and keyed photos]
 - 3. Response to BES Pre Application information
 - 4. Response to PBOT Pre Application information
 - 5. Response to Fire Bureau Pre Application information
 - 6. Response to Site Development Pre Application information
 - 7. Response to BDS Land Use Planner Pre Application information
 - 8. Burton Engineering Stormwater Management Report August 18, 2011
 - 9. Charbonneau Engineering Traffic Analysis Report
 - 10. Project Narrative July 20, 2011
 - 11. Updated Traffic Analysis Charbonneau Engineering August 18, 2011
 - 12. Project Narrative August 10, 2011
 - 13. Information necessary to complete application August 17, 2011
 - 14. Revised Project Narrative November 18, 2011
 - 15. Letter from Lender regarding project November 21, 2011
 - 16. Summary of changes on revised plans
- B. Zoning Map (**attached**)
- C. Plans and Drawings
 - 1. *Revised* Site Plan
 - 2. *Revised* Elevations: Front and South
 - 3. *Revised* Landscape Plan
 - 4. *Revised* Elevations: Front and South
 - 5. *Revised* Elevations: Rear and North
 - 6. Original Plan Set [no longer applicable due to revisions]
 - A. Site Plan
 - B. Landscape Plan
 - C. Existing Site Conditions
 - D. Demolition Plan
 - E. Building Elevations: front/south
 - F. Building Elevations: rear/north
 - G. Main Level Floor Plan
 - H. Upper Level Floor Plan
- D. Notification information
 - 1. Request for response
 - 2. Posting letters sent to applicant:
 - 2A. September 20, 2011 [hearing cancelled due to failure to post 30 days in advance]
 - 2B. November 15, 2011
 - 3. Notice to be posted

- 3A. Original Posting Notice
- 3B. Rescheduled Posting Notice
- 3C. December Hearing Posting Notice
- 4. Applicant's statement certifying posting
 - 4A. Not Received, Hearing Rescheduled
 - 4B. Rescheduled certification
 - 4C. December certification
- 5 Mailing list
 - 5.A. Original Mailing list
 - 5.B. Rescheduled Mailing list
 - 5.C. December Hearing Mailing list
- 6. Mailed notice
 - 6A. Original Notice
 - 6B. Rescheduled Notice
 - 6C. December Notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
 - 7. Police Bureau
 - 8. Life Safety Plans Examiner Section of Bureau of Development Services
 - 9. Bureau of Parks, Forestry Division Notice of Tree Violation
 - 10. Rockwood Water District
- F. Letters
 - 1. East Portland Land Use & Transportation Committee; October 19, 2011, *in opposition*
 - 2. Michael Stock well et al, October 26, 2011, petition w/7 signatures, in opposition
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Incomplete letter to applicant June 28, 2011
 - 4. Incomplete letter to applicant July 1, 2011
 - 5. Pre Application Conference Notes
 - 6. Notice for LU 06-116505 LDP
 - 7. Letter to Choi, November 16, 2011 re: rescheduled hearing
 - 8. Staff produced Map: defining Residential area around site
 - 9. Staff produced Map: analysis of land area in CU and Residential uses
 - 10. Aerial photo of area
- H. Received in the Hearings Office
 - 1. Land Use Request to Reschedule – Susan McKinney
 - 2. Hearing Notice – Sylvia Cate
 - 3. Rescheduled Hearing Notice – Sylvia Cate

4. Land Use Request to Reschedule – Sylvia Cate
5. Rescheduled Hearing Notice – Sylvia Cate
6. Staff Report – Sylvia Cate
7. Memo -- 12/16/11 – Sylvia Cate
8. PowerPoint presentation – Sylvia Cate
9. Care Facility Plan – Thomas Cutler
10. Care Facility Plan Set – Thomas Cutler
11. Care Facility Plan Set – Thomas Cutler (**attached – all pages**)
12. Color Photo Set – Thomas Cutler
13. AARP Weathering the Storm – Thomas Cutler
14. Seniors and People with Disabilities Division – Thomas Cutler
15. Long-Term Care in Oregon – Thomas Cutler
16. Governor's Task Force On the Future of Service to Seniors and People with Disabilities – Thomas Cutler
17. Written Testimony – 12/19/11 – Bonny McKnight
18. Letter from Judy Giggy – 5/13/11 – Thomas Cutler
19. Memo – 12/29/11 – Sylvia Cate
20. Letter on behalf of East Ptd. NA Land Use Trans. Committee & Centennial Assoc. of Neighbors – Bonny McKnight
21. Letter – 1/6/12 – Thomas Cutler
- 21 a. Letter from Gary Apperson, Remax – 1/5/12 – Thomas Cutler
- 21 b. Letter from Jan Karlen, DHS – 1/4/12 – Thomas Cutler
- 21 c. Letter from Rodelo Asa – 1/4/12 – Thomas Cutler
22. Letter with attachment – 1/13/12 – Thomas Cutler
22. a. Response to Information on behalf of Bonnie McKnight on 1/6/12 – Thomas Cutler





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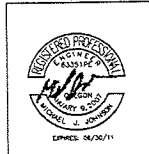
Rodelo Asa
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LANDSCAPE PLAN
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DATED: 11/10/2011
DRAWN BY:
SHEET: A0.2

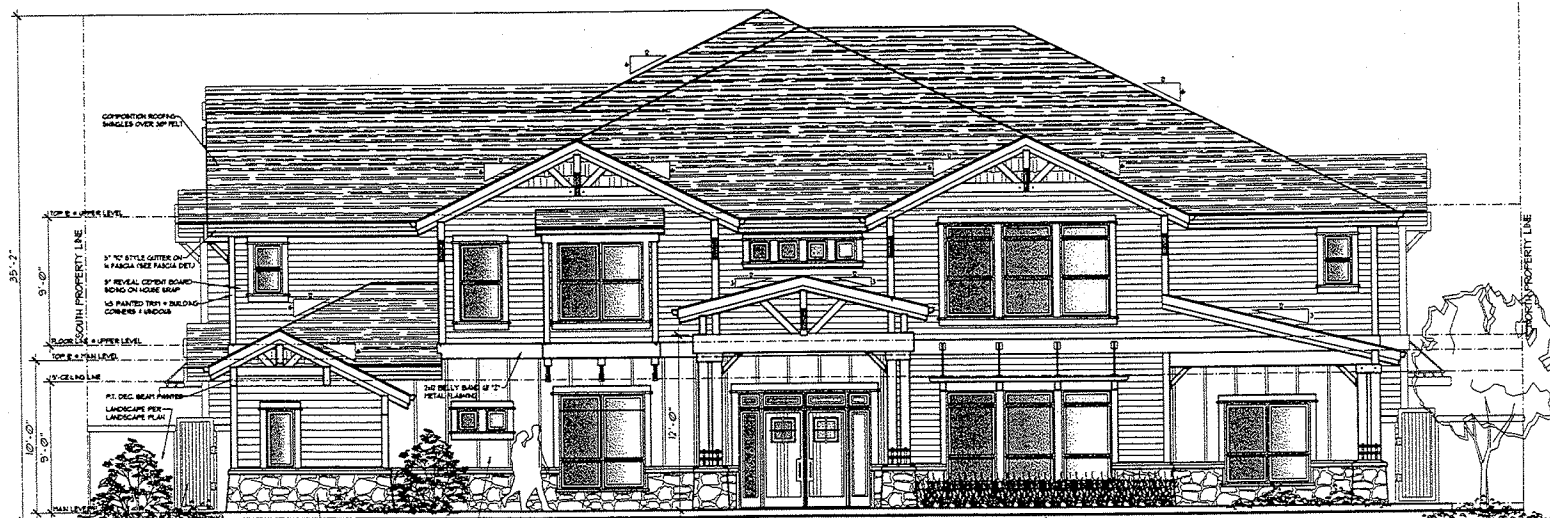


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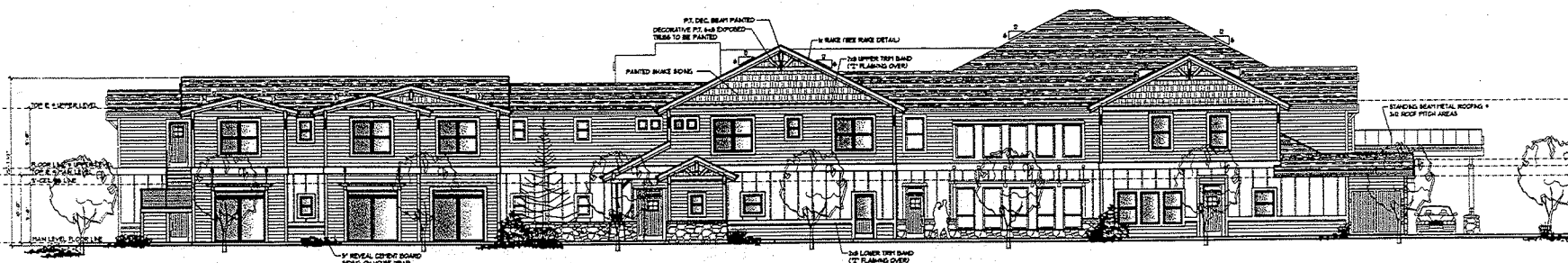


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A FRONT ELEVATION (EAST)
SCALE: 1/4" = 1'-0"



B LEFT SIDE ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"

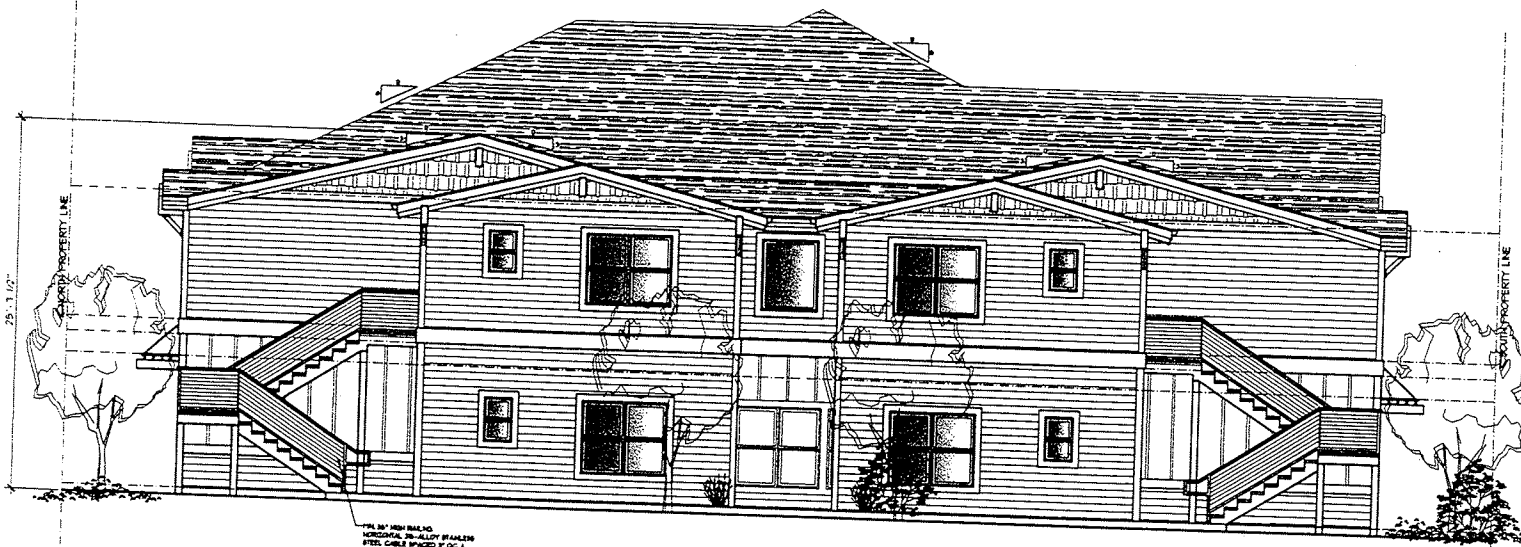
BUILDING ELEVATIONS
REVISED:

DATED: 11/10/2011

DRAWN BY:

SHEET:

A0.5



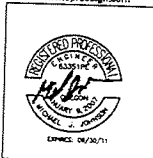
A REAR ELEVATION (WEST)
SCALE: 1/4" = 1'-0"



B RIGHT SIDE ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"



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