

CYNTHIA HARUYAMA  
PORTLAND JAPANESE GARDEN  
611 SW KINGSTON AVE  
PORTLAND OR 97205

CHRIS HAGERMAN  
THE BOOKIN GROUP LLC  
1140 SW 11<sup>TH</sup> AVE SUITE 500  
PORTLAND OR 97205

JAPANESE GARDEN FOUNDATION OF  
OREGON  
PO BOX 3847  
PORTLAND OR 97205

CITY OF PORTLAND  
1120 SW 5<sup>TH</sup> AVE #609  
PORTLAND OR 97204

BUREAU OF DEVELOPMENT SERVICES  
HEARINGS CLERK  
1900 SW 4<sup>TH</sup> AVE #5000  
PORTLAND OR 97201

BALL JANIK LLP  
STEVE JANIK  
101 SW MAIN ST SUITE 1100  
PORTLAND OR 97204

JAY SHOEMAKER AND COLLEEN  
SHOEMAKER  
2770 SW RUTLAND TERR  
PORTLAND OR 97205

KRISTI WUTTIG  
3322 SW EVERGREEN TERR  
PORTLAND OR 97205

KATHY GOEDDEL  
2767 SW RUTLAND TERR  
PORTLAND OR 97205

JEFFREY KLEINMAN  
1207 SW 6<sup>TH</sup>  
PORTLAND OR 97204

CHRISTIE GALEN  
2732 SW FAIRVIEW BLVD  
PORTLAND OR 97205

MARSHALL GANNETT  
2732 SW FAIRVIEW BLVD  
PORTLAND OR 97205

EMAILED: ANDY GULIZIA, LAUREN KING, LINLY REES,  
MICHAEL JETER, BDS HEARINGS CLERKS, HEARINGS  
OFFICE CLERKS, DOUG MORGAN, KURT  
KRUEGER, DAWN KRANTZ, ROBERT HALEY, DAWN  
UCHIYAMA, STEPHEN HIMES, MEGHAAN DAVIS

**LU 19-192268 CU**  
**ORDER OF COUNCIL MAILED: 03/10/20**



P O R T L A N D  
**CITY AUDITOR**  
**Council Clerk  
& Contracts**

March 10, 2020

Cynthia Haruyama  
Portland Japanese Garden  
611 SW Kingston Avenue  
Portland, OR 97205

Chris Hagerman  
The Bookin Group LLC  
1140 SW 11<sup>th</sup> Ave., Suite 500  
Portland, OR 97205

**RE: LU 19-192268 CU**

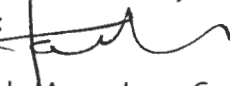
Appeal of the Portland Japanese Garden against the Hearings Officer's decision of approval with conditions limiting the Garden's office use in the house at 369 SW Kingston Avenue to four years (Hearing; introduced by Mayor Wheeler; LU 19-192268 CU)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 19-192268 CU. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$91.00 made payable to the Multnomah County Recorder, indicating the file number on your check and SEND TO: The City of Portland, Office of the City Auditor, 1221 SW 4<sup>th</sup> Ave. Room 130, Portland, OR 97204-1900**

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website ([www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)) for further information on filing an appeal.

Yours sincerely,  
Mary Hull Caballero  
Auditor of the City of Portland

By: 

Karla Moore-Love, Council Clerk

Encl.

cc: Japanese Garden Foundation of Oregon  
City of Portland-Washington Park tax lots/Japanese Garden Leased Land

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1221 SW 4<sup>th</sup> Avenue, Room 130, Portland, OR 97204

(503) 823-4086

[www.portlandoregon.gov/auditor/councilclerk](http://www.portlandoregon.gov/auditor/councilclerk)





## **NOTICE OF FINAL DECISION**

TO: All Interested Persons

DATE: March 10, 2020

RE: LU 19-192268 CU

Appeal of the Portland Japanese Garden against the Hearings Officer's decision of approval with conditions limiting the Garden's office use in the house at 369 SW Kingston Avenue to four years (Hearing; introduced by Mayor Wheeler; LU 19-192268 CU)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 19-192268 CU, upholding the appeal of the Hearings Officer's decision and approving the conditional use review for use of the Kingston House as an administrative office for ten years for the Japanese Garden, with conditions. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov) or at (503) 823-4086.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website ([www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)) for further information on filing an appeal.

Yours sincerely,  
Mary Hull Caballero  
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.



APPEAL OF THE PORTLAND JAPANESE GARDEN AGAINST THE HEARINGS OFFICER'S DECISION OF APPROVAL WITH CONDITIONS LIMITING THE GARDEN'S OFFICE USE IN THE HOUSE AT 369 SW KINGSTON AVENUE TO FOUR YEARS (HEARING; LU 19-192268 CU)

**Applicant:** Cynthia Haruyama  
Portland Japanese Garden  
611 SW Kingston Avenue  
Portland, OR 97205

**Applicant's Representative:** Chris Hagerman  
The Bookin Group LLC  
1140 SW 11<sup>th</sup> Avenue, Suite 500  
Portland, OR 97205

**Property Owner(s):** Kingston House:  
Japanese Garden Foundation of Oregon  
PO Box 3847  
Portland, OR 97205

Washington Park tax lots containing Japanese Garden Leased Land:  
City of Portland  
1120 SW 5<sup>th</sup> Avenue #609  
Portland, OR 97204

**Site Address:** Kingston House  
369 SW Kingston Avenue

Washington Park tax lots containing Japanese Garden Leased Land:  
City of Portland  
1120 SW 5<sup>th</sup> Avenue #609  
Portland, OR 97204

**Legal Description:** BLOCK 11 LOT 18&26 TL 5800, ARLINGTON HTS & RPLT; TL 2004.22 ACRES, SECTION 32 1N 1E; TL 200 21.12 ACRES, SECTION 05 1S 1E

**Zoning:** Kingston House: R7c – Single-Dwelling Residential  
7,000 with a portion of the site in the  
Environmental Conservation ("c") overlay

Washington Park tax lots containing Japanese Garden Leased Land:  
OS/OSc/OScs/OSp – Open Space with portions of the site in the

Environmental Conservation (“c”), Scenic (“s”), and Environmental Protection (“p”) overlays

**Procedure:** Type III, CU – Conditional Use Review

**Proposal:** In 2009, a Type III Conditional Use Review approval added the property at 369 SW Kingston Ave. to the Portland Japanese Garden’s Conditional Use site so the house on this property (the “Kingston House”) could be used as administrative offices for the Japanese Garden (LU 09-143061 CU AD). Condition of approval D from LU 09-143061 CU AD limited the use of the Kingston House as administrative offices for 10 years. The applicant requests Type III Conditional Use Review approval to amend condition of approval D and extend the use of the Kingston House as administrative offices for the Japanese Garden for another 10 years. The applicant is not proposing any alterations to the existing house or grounds.

The City Council held a public hearing on the appeal on January 30, 2020, at approximately 3:30 p.m. in the City Council Chambers, 1221 SW 4<sup>th</sup> Avenue. Following the testimony, a motion was made to uphold the appeal and grant the ten years requested for the conditional use. That motion was seconded, but only three of the commissioners were present and the Mayor was not present. The third Commissioner stated that she would vote to deny the appeal and uphold the Hearings Officer’s decision. Based on Code Section 3.02.040.I.4, with only three Commissioners present, the vote would have to be unanimous for the motion to pass. Because the vote would not be unanimous, the matter was continued to February 12, 2020 at 11:00 a.m. for a vote on the appeal when all four members of Council would be present. On February 12, 2020 at approximately 11:00 a.m., after some additional deliberation, a tentative vote was taken and the City Council voted 3 to 1 to tentatively uphold the appeal and grant the ten years requested for the conditional use. The City Council directed the applicant and staff to prepare findings consistent with their tentative decision. The City Council considered the findings at a public meeting on March 4, 2020 at approximately 10:15 a.m. The City Council voted 3 to 1 to approve final findings and conclusions.

## **DECISION**

Based on evidence in the record and adoption of the Council’s Findings and Decision in Case File LU 19-192268 CU and by this reference made a part of this Order, **it is the decision of the City Council** to UPHOLD the appeal of the Hearings Officer’s decision and approve the conditional use review for use of the Kingston House as an administrative office for ten years for the Japanese Garden, subject to the following conditions:

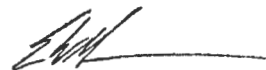
- A. The Conditional Use approval for the Kingston House to be used as accessory administrative offices shall sunset (terminate) ten years after the effective date of the LU 19-192268 CU approval. At the ten year sunset date of this approval, a new Type III Conditional Use Review shall be required for any proposal to continue the accessory administrative office use of the Kingston House.

- B. The regular hours of operation for administrative office use shall be limited to weekdays from 7 a.m. to 7 p.m., with occasional/infrequent weekend and additional hours allowed.
- C. Meetings held in the Kingston House shall be limited to 12 people, shall occur only on weekdays, and shall conclude by 9:30 p.m.
- D. The maximum occupancy of the Kingston House shall be limited to 12 people at any onetime, including regular office staff and meeting attendees.
- E. The exterior of the Kingston House shall not be changed in a manner that would make the house look like something other than a private residence.
- F. No signs on the Kingston House property are allowed except for:
- Identification of the house address in the general manner in which the address is now identified; and
  - Signs or stickers on or near the front door that are not large enough to be readable from the street, and which comply with Title 32 (Signs and Related Regulations).
- G. The Portland Japanese Garden shall keep representatives of the Arlington Heights Neighborhood Association continuously informed of a current contact name and telephone number for after-hours security concerns related to the Kingston House. The Portland Japanese Garden shall respond promptly to any security issues.
- H. The Portland Japanese Garden shall instruct employees and visitors to the Kingston House not to utilize on-street parking on SW Kingston Avenue outside of Washington Park. Employees and visitors must park in the Kingston House garage, on the Kingston House Driveway (no more than two vehicles at a time), or within Washington Park.

**IT IS SO ORDERED:**

3/10/20

Date



\_\_\_\_\_  
Mayor Ted Wheeler

Presiding Officer at Hearing of

March 4, 2020

9:30 a.m. Session