



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

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Date: June 17, 2010
To: Interested Person
From: Kathleen Stokes, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-115353 CU (PPS: RIGLER)

GENERAL INFORMATION

Applicant: Dan Jung, Portland Public Schools
501 N Dixon
Portland, OR 97207

Site Address: 5401 NE PRESCOTT ST

Legal Description: TL 7000 8.77 ACRES, SECTION 19 1N 2E
Tax Account No.: R942190140
State ID No.: 1N2E19AC 07000
Quarter Section: 2536

Neighborhood: Cully, contact Steve Yett at 503-282-3251.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Zoning: R7 (R5)h (R7,000, Medium Density Single-Dwelling Residential, with an Aircraft Landing or height Overlay and a Comprehensive Plan Map Designation of R5,000, High Density Single-Dwelling Residential)

Case Type: Conditional Use Review
Procedure: Type II, administrative decision with appeal to Hearings Officer.

Proposal: The Portland School District is proposing to add a 1,792 square-foot modular classroom building at Rigler Elementary School. The structure is proposed to be located 40 feet to the north of the original school building and just over 24 feet west of the NE 55th Avenue property line, across from the intersection with NE Going Street. The proposed structure will accommodate the projected increase in students for the coming school year, which is estimated to be an additional 33 students over the previous enrollment and 26 more students than were approved in the last CU review, LU 09-111711. This would bring the overall enrollment to 629, which is a 4.3% increase over the previously approved enrollment of 603 students.

Changes that increase the floor area for Conditional Use sites, over 1,500 square feet, but less than 10%, require approval of a Type II Conditional Use Review. Currently, the Code also requires a Type II Conditional Use review for increases of less than 10% for approved numbers of students at schools that are located in residential or open space zones. The Conditional Use Review will also determine whether it is appropriate for development on a site that abuts a

designated Transit Street (NE Prescott) to be located outside of the 20-foot maximum setback from the Transit Street.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are those for Institutional and Other Uses in R Zones, Code Section 33.815.105, A through E.

ANALYSIS

Site and Vicinity: The applicant's site is an 8.77-acre parcel that is located on the north side of NE Prescott Street, between NE 52nd and NE 55th Avenues. The property is developed with a two-story school building that was constructed in 1931 and several accessory structures, including five modular classroom buildings. The main parking area for the school is located adjacent to Prescott Street, to the southwest of the main school building. A community garden abuts the parking area, on the west side. Two soccer fields are located to the north of the community garden and the west of the modular classrooms buildings. Additional athletic fields and a covered play structure are located to the north of the main school building and modular classrooms. The northern edge of the school property abuts lots with single-dwelling development that face onto the south side of NE Wygant Street.

Zoning: The site is currently zoned R7h, Medium Density Single-Dwelling Residential with an Aircraft Landing (height) Overlay. The R7 zone designation is intended for areas with adequate public services but minor development constraints. Single-dwelling residential will be the primary use. The maximum density is generally 6.2 units per acre or an average of one lot for every 7,000 square feet. Institutional uses, such as schools, are allowed in the residential zones when they are approved as Conditional Uses. The "h" Overlay restricts the height of taller structures that are located on land underneath the flight paths for the Portland International Airport. The proposed development in this case is not of sufficient height to be effected by the regulations of this overlay zone. The site has a Comprehensive Plan Map designation of R5, High Density Single-Dwelling Residential, which has an average maximum density of one unit per 5,000 square feet.

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

CU 114-77 (77-003754 CU) Approval of 1977 Conditional Use Review to resurface a paved area and construct a covered play shelter.

LU 02-14065 CU AD Approval of 2002 Conditional Use Review for a Radio Frequency Transmission Facility operating at no greater than 98.62 watts ERP, consisting of five panel-style antennas flush-mounted to an existing chimney, and a fenced accessory equipment area at grade; and approval of an Adjustment Review to waive the required landscaping around the base of the accessory equipment.

The five proposed antennas, mounting equipment, and all visible connecting conduit or cabling were required to be painted to match the color of the chimney structure (buff-colored brick) and the at-grade accessory equipment enclosure was required to be screened on the north, west and east sides by an 8' tall, fully sight-obscuring wooden fence.

LU 09-111711 CU Approval of 2009 Conditional Use Review to increase the enrollment of Rigler School to approximately 603 students, with 46 FTE staff, and to add a new modular classroom. The approval allows the classroom building to be located beyond the maximum Transit Street Setback from the property line on NE Prescott. Approval was subject to general compliance with the site plans and elevation drawings and a condition that required that a Transportation Demand Management (TDM) Plan must be developed and submitted by the applicant. Necessary elements of the plan included information on the school's drop-off and pick-up procedures and methods for promoting alternative modes of transportation for students. The applicant was required to provide BDS and PBOT staff with a copy of the TDM Plan prior to the commencement of the 2009-10 school year

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 18, 2010**. The following Bureaus have responded with no issues or concerns regarding approval of the proposed modular building. Bureaus that provided comments regarding building permit requirements are noted with exhibit numbers:

- Environmental Services (BES) provided information on sanitary sewers and requirements for stormwater management. No conditions of approval were required to meet the approval criteria for adequacy of services. The submittal of building plans must include a plan that shows the “definitive location of the existing drywells,” in order to “assure that the the 10 foot setback between foundations and stormwater facilities can be met.” Building permits will not be issued until this requirement is met. A detailed site utility plan must also be submitted, with proposed and existing sanitary connections and stormwater management that meets the requirements of the Stormwater Management Manual in effect at the time of permit submittal (Exhibit E-1).
- Transportation Engineering provided an analysis of the impacts of the proposal on the transportation system and noted that a final Transportation Demand Management Plan (TDMP) will be required to be submitted, reviewed and approved by PBOT staff, prior to issuance of a Building Permit. Details of Transportation’s response are included in the findings for Criteria 33.815.105 D. 1 and 2, below (Exhibit E-2).
- Water Bureau provided information on available water services and noted no objections. The response indicated that, if the new modular building is to be supplied with water from the existing water system on the property building site, a separate water service agreement must be signed with the Portland Water Bureau (Exhibit E-3).
- Fire Bureau noted that all Fire Code requirements must be met at the time of permit review (Exhibit E-4).
- Police Bureau noted that services are adequate for this proposal. The response included a caveat encouraging the school district to work with the North Precinct Commander on any public safety issues or concerns (Exhibit E-5).
- Site Development Section of BDS stated that on-site infiltration is acceptable, contingent on approval by BES. BDS Site Development also provided information on requirements for erosion control and geotechnical and structural requirements for commercial building permits (Exhibit E-6).
- Life Safety Plan Review Section of BDS noted that building permits have been applied for and are under review and provided information on requirements for permit approval (Exhibit E-7).
- Parks-Forestry Division sent an electronic response that indicated that there are no concerns.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.105: Institutional And Other Uses In R Zones

33.815.040 Review Procedures Review procedures for conditional uses depend on whether the proposal is for a new conditional use, change to another type of conditional use, or changing development at an existing conditional use. The procedure may also depend upon the type of use being proposed. This proposal is for an addition of less than 10% to the school enrollment and an addition to the floor area that is greater than 1,500 square feet, but less than 10% of the overall campus floor area, and so requires approval through a Type II Review.

33.815.105 Approval Criteria for Non Household Living Uses in R Zones These approval criteria apply to most conditional uses in R zones. The approval criteria allow institutions and other non household living uses in a residential zone which maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function

of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: The residential area includes residentially-zoned properties within several blocks of the site, beginning at NE Alberta Street, to the north, and extending to NE Mason Street to the south, west to NE 47 Avenue and east to 57 Avenue. This area includes properties that are zoned for a mixture of single and multi-dwelling residential uses. A church property is located on NE Alberta Street, about 1.5 blocks, directly to the north of the site. Single-dwelling residential properties abut the northern edge of the school site.

The school has existed in this neighborhood since at least 1947, when the main school building was constructed. The proposed addition will be located on the existing school site and will serve the school population, as an improvement to the facilities on the site. Therefore, the number, size and location of nonhousehold uses will not change. The increase in the enrollment at the school will be less than 10% over the highest recent approved enrollment (26 more students than the 2009 approval allowed, for an increase of 4.3%, to a total enrollment of 629 students) The hours and types of activities at the school will not change. Therefore, there is not expected to be any significant increase in the intensity or the scale of the use and these criteria are met.

B. Physical compatibility.

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

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

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: Either approval criteria 2 or 3 must be met. The architecture of institutional uses is often substantially different from residential architecture, based on characteristics such as site size, building scale and style. With a condition that requires siding for the building that is horizontally, rather than vertically “scored” and also requires the structure to be painted to either match the color of the bricks of the original school building or to coordinate with the colors of the existing modular classroom buildings, the proposed development can be compatible with the scale and architectural features of other development on the site. The proposed location for the modular classroom building is adjacent to the north side of the original school building, between the playing fields and NE 55th Avenue. This location continues to group structures in one quadrant of the site, separated from the closest residential properties by the playing fields, the community garden, the parking area and the NE Prescott Street and NE 55th Avenue rights-of-way.

Proposed landscaping and setbacks for the structure will provide screening that buffers adjacent homes and minimizes visual impacts from the institutional development.

Although this location exceeds the maximum Transit Street Setback from the frontage on NE Prescott Street, the plan provides better site design for this situation, while preserving the pedestrian environment along the transit street edge with landscaping and screening. Therefore, this 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
2. Privacy and safety issues.

Findings: There will be no change from existing school hours and activities as a result of this proposal.

No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected to result from this proposal, as the school will continue to maintain policies related to these potential disturbances. A minimal amount of new outdoor lighting is proposed, in the area around the new structure, but the lighting is designed so that it will not spill onto adjacent residential properties. Use of the new building will not create any additional noise as it only serves to improve facilities for the school's programs and accommodate a small increase in enrollment. Portland School District's security practices will continue to safeguard against impacts related to privacy and safety. Maintenance of the school site, to prevent any impacts from odors or litter, will also continue. The new building will improve the student facilities, with no resulting impacts to the surrounding residential area. These criteria are met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
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: Portland Transportation/Development Review reviewed this proposal for its conformance with adopted policies, street designations, Title 33 Approval Criteria, Title 17, and for potential impacts upon transportation services. Transportation's analysis is contained below:

Street Classifications

At this location, NE Prescott is classified as a Neighborhood Collector, Transit Access street, City Bikeway, City Walkway and a Local Service street for all other transportation modes in the City's Transportation System Plan. Northeast 52nd and 55th Avenues are classified as Local Service streets for all transportation modes in the City's Transportation System Plan.

The proposed expansion of Rigler Elementary School is supportive of the Neighborhood Collector designation of NE Prescott, and the Local Service street designations of NE 52nd and 55th Avenues. The Transportation System Plan (TSP) states that, "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The TSP states that, "The design of Neighborhood Collectors may vary over their length as the land use character changes from primarily commercial to primarily residential. Some Neighborhood Collectors may have a regional function, either alone or in concert with other nearby parallel collectors." The proposed school expansion on the subject site is in conformance with the Transit Access Street,

and City Walkway designations of NE Prescott. Pedestrian activities and access to the transit line on NE Prescott are supported by sidewalk improvements along the site's Prescott and 55th frontages.

Street Capacity/Level of service/other performance measures

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The Rigler school start time of 7:50 AM coincides with the critical AM peak hour of area intersections; however, the school's end time of 2:15 PM is early enough that it is not expected to have any impact on the critical PM peak hour of area intersections (the PM peak hour typically begins after 4 PM).

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

The existing school operation includes students being dropped off by car in the morning or arriving to the site by walking, riding bicycles or taking school transportation. The applicant provided City staff with survey data collected at Rigler Elementary to determine the mode split of students traveling to and from the school. The following mode split currently exists at the school, with school children arriving to the school by the following figures; school bus = 35% of students, walk/bike = 20% of students, automobile = 45% of students. Therefore, more than one-half of the students attending Rigler Elementary currently arrive to the school by non-single occupancy vehicle means. With the proposed school expansion, it is expected this mode split will not differ greatly. No uses other than the school are expected to generate significant new traffic during the AM or PM peak hours. A Traffic Impact Study (TIS) was required by PBOT for the proposed school expansion. The applicant had Lancaster Engineering prepare the TIS. The study utilized a more conservative student enrollment increase (10%) than is proposed with the subject Conditional Use request. With this larger than proposed student increase figure, the TIS indicates that there will be 27 additional AM peak hour trips and 17 additional PM peak trips generated. These are minor increases into the transportation system which, along NE Prescott, may appear to be congested during the AM and PM peak hours, but it is not as a result of school related traffic. Since NE Prescott is a higher classification facility, there is a larger percentage of non-school traffic along the street during the peak school periods. Slower traffic and congestion around a school are not an indication of unacceptable operations of a street or intersection system. These issues are, instead, a product of school-related traffic control devices such as 20 mph school speed zones, crossing guards and signalized pedestrian crossings, all of which are in place along the school's Prescott frontage.

Because of the well connected grid pattern of streets in the vicinity of the site the few additional vehicle trips expected during the peak hours will take a variety of routes to and from the site to access the area's local and arterial streets. Because of the variety of routes available to access the site the impacts to any one area intersection from the additional vehicles trips are expected to be insignificant. In addition, the traffic associated with the site may be reduced with continued use of transportation demand management strategies, as described in more detail below.

Access to arterials

The site is located within a well connected grid pattern of streets. The site fronts along NE Prescott (a Neighborhood Collector {arterial} street). In addition to NE Prescott, the site has nearby access to NE Killingsworth (to the north), NE Cully Blvd (to the east), NE 42nd Ave (to the west) and NE Fremont (to the south), each of which are additional arterials that provide connections throughout the city.

Connectivity

The existing street grid pattern in the area does not meet City connectivity spacing guidelines for public streets and pedestrian connections. Although some of the public streets are within the recommended 530-ft spacing goals in one direction, they fail to be within the recommended spacing in all directions. The same can be said about the surrounding blocks and the goal of having pedestrian connections no further than 330-ft apart. However, given the lot and block patterns in the area, as well as the existing development found throughout the neighboring block areas, a pedestrian connection through the subject site would/could not connect to any other such pedestrian system in the area. The site frontages along NE Fremont and NE 55th are improved with curbs and sidewalks. The streets in the surrounding neighborhood are also improved with sidewalks, promoting pedestrian activity and allowing access to local transit.

Transit availability

The site is not directly served by any Tri-Met Bus lines. However, approximately 1,500 feet to the east of the school, Tri-Met does offer bus service along NE Cully and NE Prescott, on Route 71 (60th Ave/122nd Ave).

On-street parking/neighborhood impacts

The school's operation currently includes a school bus pick-up and drop-off zone along its frontage on NE 55th. It also includes a pick-up and drop-off zone along the front of the school on NE Prescott for parents to drop off and pick up their children. For a significant portion of the school's frontage along NE 55th Ave, the street is improved with ample paving (47-ft wide) to accommodate parking on the east side of the street for residents, as well as the school's loading activities on the west side of the street, without any conflicts.

The existing loading activities along NE Prescott were reviewed by the applicant's traffic consultant. Observations were made during the morning and afternoon school peak hours. It was observed that, although parents are utilizing the on-street loading/unloading zone along NE Prescott, many parents are also using the on-site parking lot accessed from NE Prescott. This activity results in furthering the congestion along the street by creating a queue of vehicles behind parents attempting to enter the parking lot (from either direction on Prescott). PBOT staff also conducted site visits to observe the drop-off/pick-up activities, and noted similar findings.

To offer a more detailed account of what was observed, parking along the school's Prescott frontage was full, as the time for commencement of classes grew closer. Similarly, parking along the south side of Prescott was also mostly occupied. From appearances, it looked like many of the parked vehicles along both sides of the street belonged to staff/teachers, since most of the spaces along the street were filled prior to parents arriving. With few parking opportunities along the street, many parents were observed turning into the on-site parking lot (from either direction on Prescott). This maneuver was usually challenging because of either approaching vehicles from the opposite direction (for those parents attempting to cross Prescott from the east) or because of vehicles attempting to exit the parking lot. The driveway width is narrow, and because of a difference in grade elevation between the parking lot and the street, as well as the proximity of parked vehicles on either side of the driveway, parents attempting to exit the parking lot had to do so with extreme caution due to limited line of sight distance. Additionally, there were three (staff?) vehicles along the western side of the parking lot that were parked in a stacked configuration, which led to a more constrained space for

incoming/exiting parents. There were several moments when parents were attempting to enter the (fully parked) parking lot from both directions on Prescott, while one or several cars were attempting to exit the parking lot at the same time. This resulted in longer and longer queues along Prescott in both directions. To further complicate matters, many students were observed walking along the sidewalk along the school's Prescott frontage, attempting to arrive at the school and enter the campus at this same driveway (or cross it to enter the school further to the east). At times, as the students walked behind parked vehicles along NE Prescott, the students were visually obstructed by the parked car from parents attempting to maneuver their vehicles into the parking lot.

The applicant's traffic consultant concluded in the TIS that if the spillback on NE Prescott becomes an issue and impedes traffic, pick-up and drop-off in the parking lot may need to be restricted, or a staff member might be stationed to help keep traffic moving through the lot. PBOT staff believes that the conflicts observed along Prescott were created by parents attempting to enter/exit a parking lot that was already at full capacity. Though there is maneuvering area within the parking lot to allow for vehicles to be circulating in this space, the limited and constrained access to the parking lot results in impacts along NE Prescott, such that, this is an issue that must be addressed by the applicant.

A possible solution would be to restrict parents from using the on-site parking lot for drop-off/pick-up activities and limit the parking lot to teachers/staff only. This would require the applicant to advise teachers/staff to refrain from parking along either side of NE Prescott, to allow as much opportunity for parents to either park or drop-off/pick-up their students along the street. With sufficient on-street parking opportunities along either NE 52nd or NE 55th Avenues for teachers/staff (who have not parked in the on-site parking lot), there is a simple solution to freeing up more space along NE Prescott to facilitate parent/student drop-off/pick-up and minimize impacts to the street and reduce the potential for conflicts. The applicant's traffic consultant should consider this, and any other options to address the above referenced issues.

A required final Transportation Demand Management Plan (TDMP) will provide measures to continue to ensure that there are minimal impacts to on-street parking and the neighborhood. The final TDMP will need to have specific measures to improve the drop-off/pick-up activities, as noted above. Said measures will need to be supported and approved by PBOT.

Access restrictions

As noted above, there may be a need to restrict access to the on-site parking lot by parents. The applicant's traffic consultant will need to provide an alternative(s) to the current drop-off/pick-up activities within the on-site parking lot. Otherwise, there are no other access restrictions identified in relation to the proposed Conditional Use.

Impacts on pedestrian, bicycle, and transit circulation

Not all of the streets in the surrounding neighborhood are improved with sidewalks. Those streets that do have sidewalks, help provide safe pedestrian access to the school site, and safer access to transit facilities. The school's NE Prescott and NE 55th Ave frontages are improved with sidewalks; the school's NE 52nd Ave frontage has no sidewalk. However, there is no reason to believe that the proposed Conditional Use will result in negative impacts to pedestrian, bicycle or transit circulation in the adjacent neighborhood.

Safety for all modes

No negative safety impacts are expected with this proposal on any mode of the transportation system.

Adequate transportation demand management strategies

Transportation Demand Management strategies are generally considered when mitigation measures are necessary to address impacts related to proposed developments. As noted previously, the applicant will be taking measures to address existing impacts to on-street

parking and to the transportation system. Though this issue will be addressed prior to the commencement of the upcoming school year, the applicant will also be required to develop and submit an appropriate Transportation Demand Management Plan (TDMP) for the school. The applicant has already submitted a *draft* TDMP for PBOT staff to review. The *draft* TDMP contains standard elements and measures to promote families to use alternative methods of transportation to/from schools as well as mechanisms to ensure parents are aware of proper circulation and loading/unloading procedures. It should be noted that the TDMP is a *draft* document only, at this time. The applicant has not developed the details for a final version of the plan, but PBOT staff have determined that the *draft* copy that has been submitted demonstrates the Portland Public School District's desire to put thorough transportation demand management measures in place at Rigler Elementary in order to minimize impacts to the local neighborhood. The applicant will however, be required to submit a final version of the TDMP, and receive PBOT's approval, prior to the issuance of a Building Permit for the subject portable structure.

In conclusion, and as analyzed above considering each of the noted evaluation factors, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

Street Configuration and Public Improvement/Dedication Requirements (Title 17)

No public street improvements will be required with the proposed Conditional Use. The school's street frontages along NE Prescott and NE 55th are currently improved with sidewalks. However, the site's NE 52nd Ave frontage is lacking in pedestrian corridor improvements. Given the lack of proportionate impacts to the area's transportation system resulting from the proposed expansion, PBOT cannot recommend a condition of approval requiring the applicant to improve the site's NE 52nd Ave frontage. PBOT does encourage the school district to contact the City's Local Improvement District (LID) coordinator to obtain information about, and possibly pursue an option to construct frontage improvements in accordance with the City's LID program. The applicant should contact Andrew Aebi at (503) 823-5648.

Building Permit Information

At the time of building permit review (following the land use review) the applicant should be aware of the following:

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

PBOT Conclusion

Portland Transportation has no objection to approval of the proposed Conditional Use subject to the following condition of approval:

A final Transportation Demand Management Plan (TDMP) must be completed, submitted, reviewed and approved by PBOT staff prior to the issuance of a Building Permit for the proposed modular structure.

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

Findings: The City's other service agencies evaluated this proposal and found that public services are adequate to serve the proposed use. Therefore, this criterion is met.

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

Findings: This site is within the boundaries of the Cully Neighborhood Plan. Although Rigler School is mentioned in the plan, under the section on Land Use, none of the

policies or objectives of the plan are directly related to the school use. However, improving the facilities at this school appears to be consistent with the focus of the adopted plan, to improve the neighborhood environment and identity. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

All of the relevant criteria for the requested Conditional Use Review can be met. There will be no impacts on the function or appearance of the residential area, due to the increase in enrollment or the addition of the new modular classroom building. With the requirements to use siding that gives the appearance of horizontal boards and to paint the structure to match the other buildings, the building design will be compatible with the existing development of the school campus. According to the proposed plan, adequate landscaping buffers will be provided. The site design and proposed location of the building, beyond the maximum setback on NE Prescott Street will provide a sensible grouping of structures and will not impact the adjacent pedestrian environment. There will be no change in the impacts on neighborhood livability. With the requirement that a comprehensive working TDMP is submitted, reviewed and approved by PBOT, prior to the issuance of building permits, the impacts on the transportation system can be mitigated. No other impacts were noted that would create an additional burden on City services. The proposal is consistent with adopted area plans. Therefore, the proposal can be approved, according to the proposed plans and the conditions noted above.

ADMINISTRATIVE DECISION

Approval of a Conditional Use Review to increase the enrollment of Rigler School to approximately 629 students and to add a new modular classroom. The approval allows the classroom building to be located beyond the maximum Transit Street Setback from the property line on NE Prescott. Approval is subject to general compliance with the site plans and elevation drawings, Exhibits C-1 through C-3, signed and dated June 15, 2010, and also 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 10-115353 CU ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Siding on the modular building must appear to be made of horizontal "boards," rather than vertical "boards," as is currently depicted on approved exhibit C-3. The structure must be painted to either match the color of the bricks of the original school building or to coordinate with the colors of the existing modular classroom buildings.
- C. A final Transportation Demand Management Plan (TDMP) must be completed, submitted, reviewed and approved by PBOT staff prior to the issuance of a Building Permit for the proposed modular structure.

Staff Planner: Kathleen Stokes



Decision rendered by: _____ **on June 15, 2010**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 17, 2010

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 2, 2010, and was determined to be complete on May 14, 2010.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 2, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: September 12, 2010.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 1, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify

for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **July 2, 2010 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

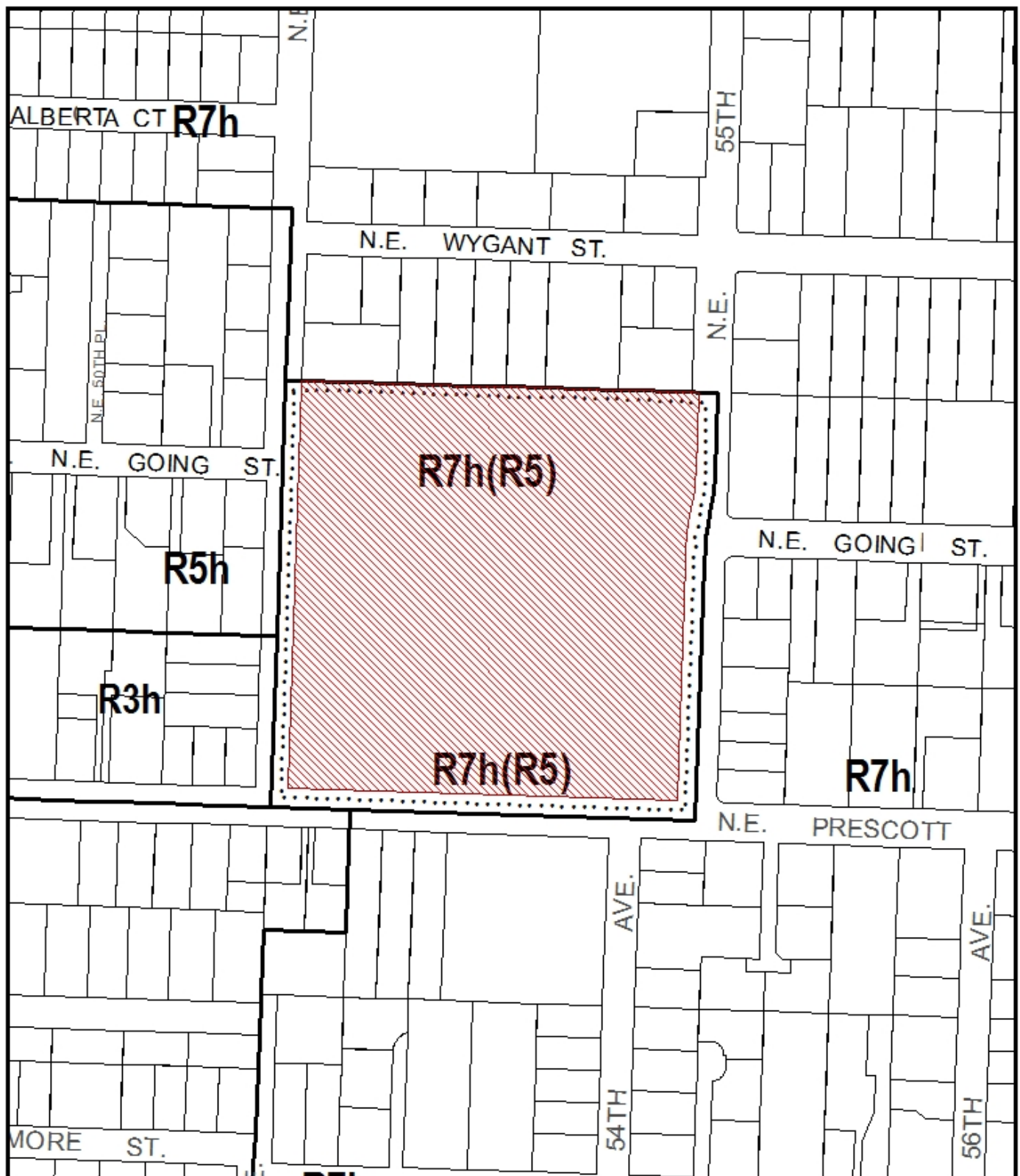
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Application and original submittal
 2. Additional information, received March 29, 2010
 3. Addendum, dated April 14, 2010
 4. Additional information, received April 29, 2010
 5. Draft TDM Plan, received May 6, 2010
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Detail Site Plan (attached)
 3. Elevation Drawings (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Police Bureau
 6. Site Development Review Section of BDS
 7. Life Safety Plan Review Section of BDS
 8. Summary of electronic responses from City service agencies
- F. Correspondence: (none received)
- G. Other:
 1. Site History Research
 2. Letter from Kathleen Stokes to Dan Jung, PPS, March 18, 2010

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site

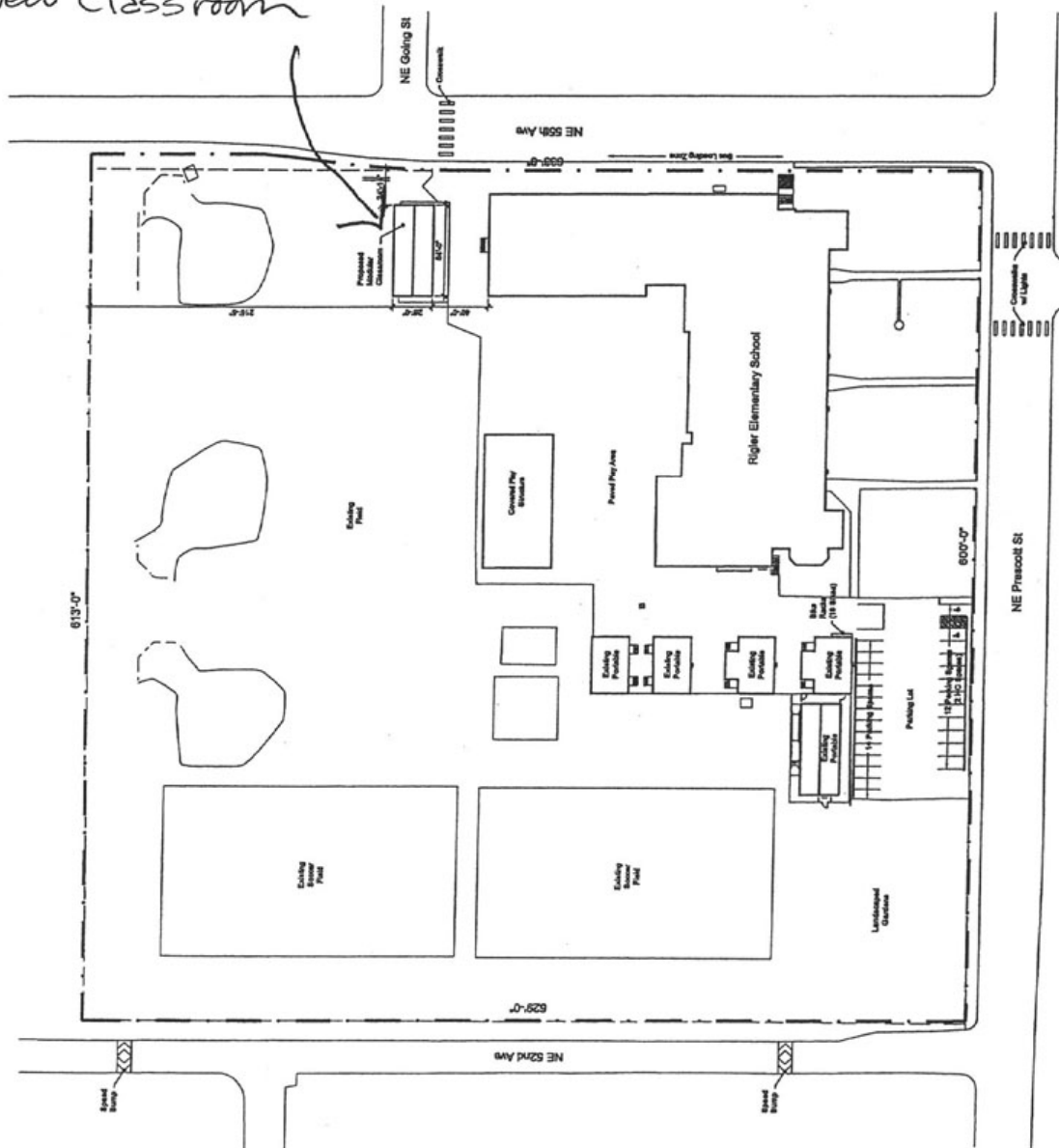


File No.	<u>LU 10-115353 CU</u>
1/4 Section	<u>2536,2636</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E19AC 7000</u>
Exhibit	<u>B (Mar 03,2010)</u>

Site Size: 8.74 Acres
Existing Building Size: 83,423 SF
Proposed Portable: 1,792 SF
On Site Parking Spaces - 26 Spaces
Site Bike Rack Capacity - 18 Bikes

$$z \oplus$$

Rigler Modular Site Plan



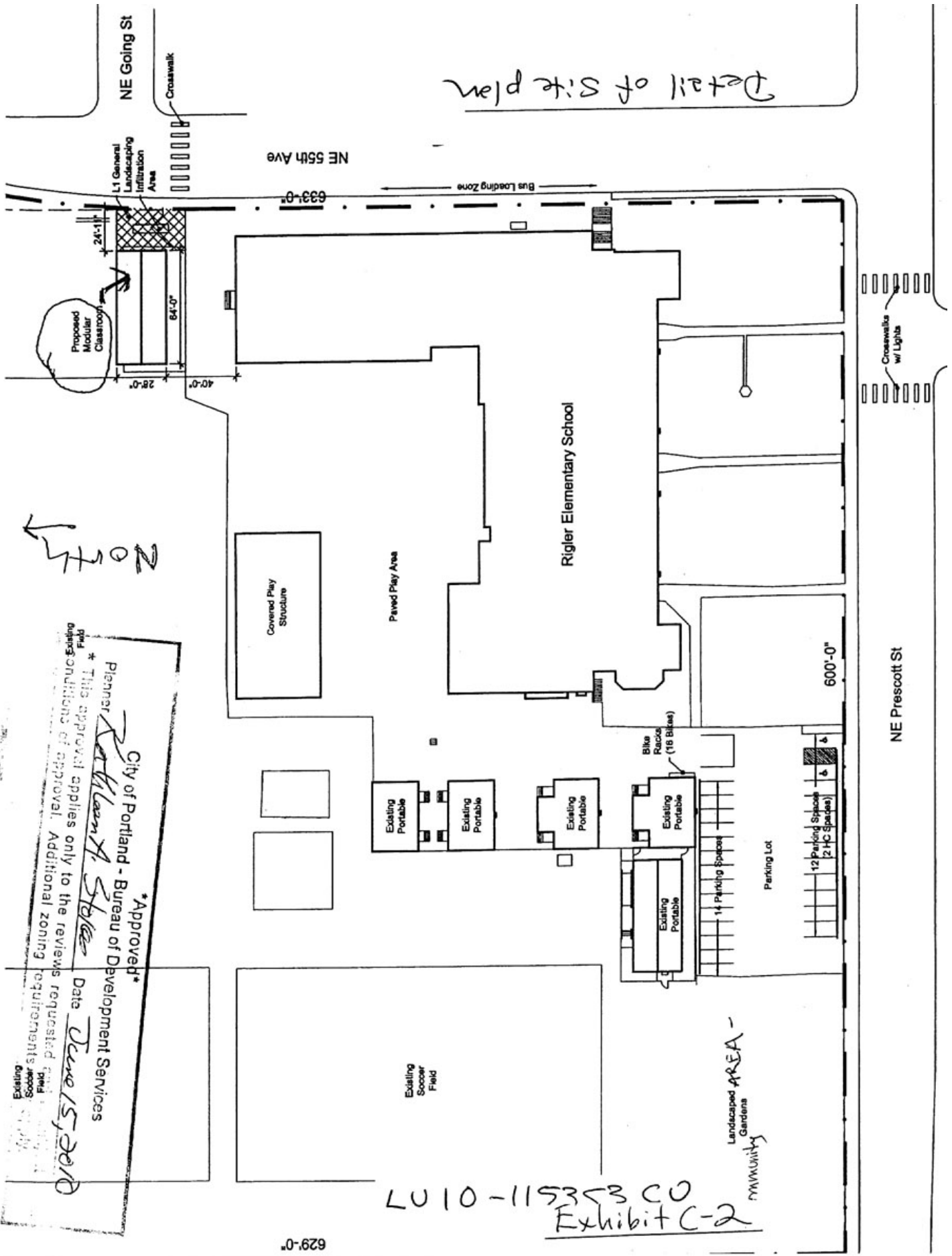
City of Portland - Bureau of Development Services

Date 7/15/2019

* This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

W10-115353CW
Exhibit C-1

Detail of Site plan



NE Prescott St

NE 55th Ave

NE Going St

Rigler Elementary School

Paved Play Area

Covered Play Structure

Existing Soccer Field

Parking Lot

Landscaped AREA - Existing Sodas Field

12 Parking Spaces (2 HC Spaces)

14 Parking Spaces

Blue Racks (18 Bikes)

Existing Portables

Planner

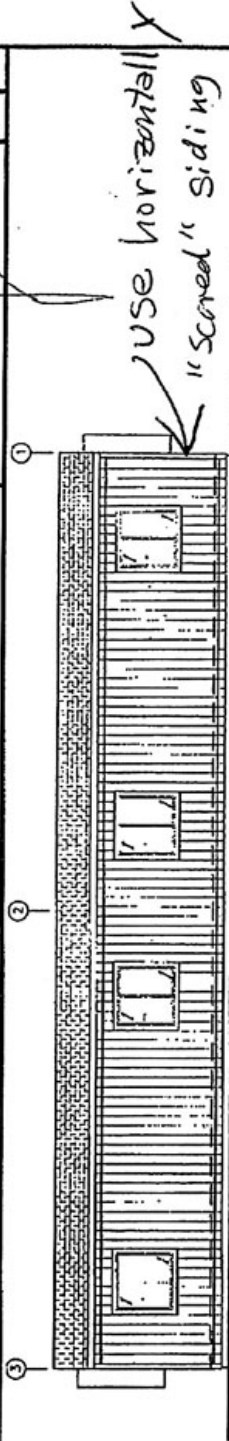
City of Portland - Bureau of Development Services

Approved

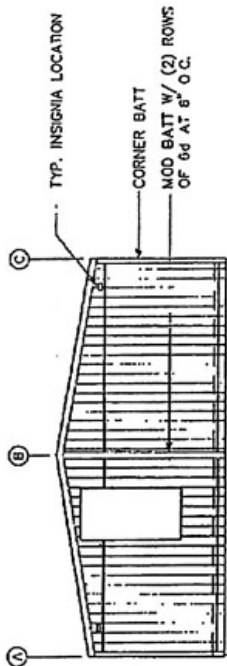
* This approval applies only to the reviews requested and requirements of approval. Additional zoning requirements

Date June 15, 2010

LU10-115353 CO Exhibit C-2



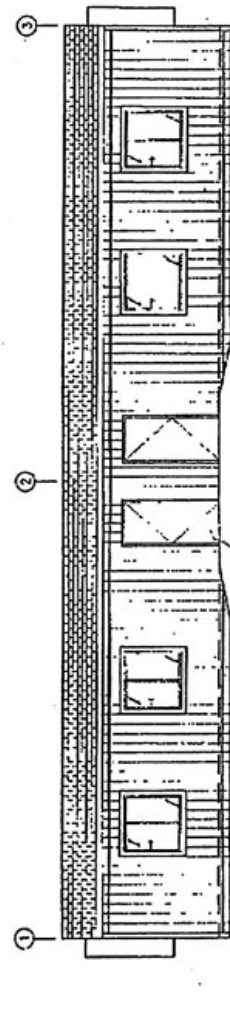
REAR



END

END

Paint structure to either match the color of the bricks of the original school building or to coordinate with the colors of the existing modular classroom buildings.



FRONT
EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

Approved

City of Portland - Bureau of Development Services

Planner Kathleen A. Stokes Date June 15, 2010

* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

LH 10-115353 CU