



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
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TTY 503-823-6868
www.portlandonline.com/bds

Date: March 30, 2010
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@ci.portland.or.us

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 10-111040 DZ EXTENSION FOR THE EXSITING TENNIS COVER

GENERAL INFORMATION

Applicant: Mittleman Jewish Community Center, Owner
attn: Lisa Horowitz
6651 SW Capitol Hwy
Portland, OR 97219-1914

Site Address: 6651 SW CAPITOL HIGHWAY
Legal Description: TL 7700 9.23 ACRES, SECTION 17 1S 1E; TL 7600 2.35 ACRES, SECTION 17 1S 1E
Tax Account No.: R991170590, R991171010
State ID No.: 1S1E17DD 07700, 1S1E17DD 07600
Quarter Section: 3626
Neighborhood: Hillsdale, contact Duane Hunting at 503-417-4409.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: Hillsdale
Zoning: R2d, Multi-Dwelling Residential with design overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

In 2002 the existing tennis cover on the site received land use approval – case number LUR 01-00653 DZM. Under that 2002 land use review, the tennis cover was requested and approved to be on site for not more than 7 years from the date of occupancy. According to City building permit records, final occupancy was granted May, 2003. Under this current 2010 land use review, the applicant is requesting the tennis cover to remain on site, as-is, for an additional 3 years, through May 2013.

For reference, the 2002 land use review approval stated the following:

Approval of design review to install a tennis cover over the existing tennis courts, construct a bus shelter/entry kiosk at SW Capitol Highway, plant a majority of the area between the

tennis cover and SW Capitol Highway, install new signage, widen the sidewalk along the western edge of the existing parking lot, and provide pedestrian improvements [seating, ornamental lighting, banners] along SW Capitol Highway and the new pedestrian path leading into the campus from the street. The tennis enclosure will be of a green opaque material [Exh. A.9] that prohibits any nighttime glare from lighting within. As stated by the applicant, the tennis cover, "...will be placed on the site for not more than 7 years from the date of occupancy."

Approval of the following modifications to development standards:

1. Transit Street Setback. At least 50% of the length of the ground level wall of the new structure must be within 25' of the SW Capitol Highway curb. The proposed setback of the new structure is approximately 61' from the curb.
2. Signs. The CN zone sign standards apply to this site. Freestanding signs are allowed if existing signs attached to buildings do not exceed the limit of 1 square foot to 1 lineal foot if primary building wall. This restriction is met - there are 3 existing building wall signs, totaling 165 square feet. Freestanding signs are therefore allowed. The maximum number of freestanding signs allowed is 1 per 300 feet of arterial street frontage or fraction thereof. Based on approximately 1,000 feet of arterial street frontage, 4 freestanding signs are allowed. One freestanding sign that is 40 square feet exists at a driveway entrance off SW Capitol Highway. Proposed freestanding signs include a 16 square foot retaining wall sign, a 4 square foot entry kiosk sign and 6 2 square foot banner signs. This total exceeds the number of freestanding signs allowed.

Approvals per the approved Exhibits C-1 through C-6, signed and dated March 14, 2002, 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 #LUR 01-00653 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.
- C. The proposed freestanding signs are restricted to the proposed sizes.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the Community Design Guidelines.

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. This application was submitted on February 11, 2010 and determined to be complete on February 25, 2010.

ANALYSIS

Description of Site and Vicinity: The Mittleman Jewish Community Center is located on an 11.6-acre campus in the Hillsdale Neighborhood. The campus is bound on the north and east by single dwelling neighborhoods, and to the south, across SW Capitol Highway, by a mixed use (multi-dwelling residential, commercial and institutional) area and by multi-dwelling and single dwelling uses to the west. Nearby landmarks include Wilson High School and the Hillsdale Commercial area to the east.

The highest elevation of the property is found along its frontage on SW Capitol Highway, and it slopes down to the north and east. The topography is significant in terms of stormwater disposal. In particular, there is a significant slope at the northwest corner of the campus. The site is located within the Fanno Creek and Tributaries Conservation Plan area (Site No. 125) and the Tualatin River basin. A portion of the site is located within the environmental zone.

The campus abuts rights-of-way to the east (SW 25th Avenue), north (SW 27th Avenue) and south (SW Capitol Highway/SW Vermont Street).

Zoning: The R2 zone is a low density multi-dwelling zone. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas or major streets.

Land Use History: The following constitutes the quasi-judicial land use history of the MJCC site. Conditions of approval for cases prior to 1981 are not included below because Section 33.700.110.B states that conditions of approval imposed on cases other than land divisions prior to 1981 no longer apply.

PC File No. 3473. A zone change request from R7 to C4 for the construction of a drive-in dairy store (June 25, 1959). The request was for a store to be operated in conjunction with the abutting Silver Hill Dairy. The request was denied.

PC File No. 3636. A zone change request from R7 to A2.5 to construct a large court type apartment development. Ordinance No. 111873 approved this request on April 28, 1960.

PC File No. 4237. A zone change request from A2.5 and R7 to AO to construct a retirement home consisting of a 10-story building with attached kitchen, boiler room, dining room buildings and 10, 2-story buildings (December 11, 1962). A change to A2.5 for the south 120 feet of the west 150 feet of Tax lot 60 was also approved.

CU 58-61. A conditional use review to construct two lath or shade houses for a plant nursery was approved (1961).

CU 87-66. A conditional use review for a community center with a pre-school was approved.

CU 52-71. A conditional use review for an addition to the building was approved.

CU 17-79. A conditional use review for an outdoor track was approved.

CU 84-80. A conditional use review for a school (K-8) was approved

CU 50-85. A conditional use review for the use of Tax lot 101 (to the west) for an outdoor recreation use was approved, subject to conditions of approval requiring street trees and submittal of a stormwater drainage plan. The approval specifically excluded structures or activities involving spectator sports and lighting.

CU 78-85. A conditional use review for an elementary school was approved, subject to conditions of approval requiring a sidewalk along SW Capitol Highway, provision of vanpool service, reservation of 26 parking spaces associated with the school for parent use during morning hours, improvement of footpaths along the east side of the site within the SW Nebraska right-of-way, a street waiver, construction of a bus shelter, and a requirement that any future expansions be accompanied by a master plan. If in one year, certain documentation was provided, the applicant was allowed to discontinue the vanpool service. Additionally, if accidents attributable to MJCC-generated traffic resulted from the increase in activity, then MCJJ would be required to pay for installing a traffic signal at the SW Capitol Highway driveway. This request was for a school smaller than the school approved under CU 84-80.

CU 105-87. A conditional use review to enclose a terrace to create a 700-square foot building addition was approved, with conditions of approval requiring a master plan prior to any

additional building permits, and that the master plan be submitted within one year after the date of this action (action was dated July 31, 1987).

LUR 92-00780. A conditional use review for a 400-square foot addition to the weight room and requesting changes to conditions of approval previously imposed, was approved, subject to conditions of approval requiring that a master plan be submitted no later than February 1, 1994 and monthly updates be provided on progress of compiling a master plan beginning February 1, 1993.

LUR 93-00476 CU MS. A conditional use master plan review for a number of projects (weight room, classroom wing, expansion of the elementary playground, on-site circulation improvements, additional parking, etc.) was approved, subject to conditions of approval requiring full compliance with parking lot landscaping standards within six months, a Type II review requirement for covering the tennis courts, a 228-parking space limitation (the 60-space parking lot identified in Phase II was explicitly excluded in the approval), provision of 12 bicycle parking spaces, resolution of the stormwater problem resulting in erosion on adjacent property, half street improvements along Tax lot 101.

LUR 95-00297 EN. Environmental review approval for a stormwater disposal project. Two other property owners were co-applicants.

LUR 98-01074 CU, MS, AD. A conditional use master plan and adjustment review for a number of projects [field house, health clubs, community rooms, connective link between MJCC and the new field house, pre-school classrooms for MJCC, additional classrooms and office space for PJA, a new entry/lobby for PJA, structured parking, a new foundation/museum, etc.], up to a maximum floor area increase of 99,289 square feet, was approved. Adjustments approved were to the maximum transit setback for Phase I or first addition to the PJA building from 25 feet to 328 feet and for the parking structure in the existing east parking area from 25 feet to approximately 80 feet. Conditions of approval included: a limit of 10 years for the CU, MP; design standards for approved projects; a required Type II Design Review for the field house; compliance with 33.120.255; a mater drainage plan; improvements to SW 25th Avenue; a Capitol/26th signal; a parking circulation plan; a transit pass system for employees; driveway requirements; a limit of 335 parking spaces at build out for Phase II; stated procedures for amendments to the approved master plan; and a requirement to submit final master plan documents. Refer to the approved land use review for timing and implementation requirements of these conditions of approval.

LUR 01-00653 DZM. Design Review approval to install a tennis cover over the existing tennis courts, construct a bus shelter/entry kiosk at SW Capitol Highway, plant a majority of the area between the tennis cover and SW Capitol Highway, install new signage, widen the sidewalk along the western edge of the existing parking lot, and provide pedestrian improvements [seating, ornamental lighting, banners] along SW Capitol Highway and the new pedestrian path leading into the campus from the street. The tennis enclosure will be of a green opaque material [Exh. A.9] that prohibits any nighttime glare from lighting within. As stated by the applicant, the tennis cover, "...will be placed on the site for not more than 7 years from the date of occupancy."

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- B. No field changes allowed.
- C. The proposed freestanding signs are restricted to the proposed sizes.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 1, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Parks Bureau
- Fire Bureau
- Bureau of Development Services, Life Safety
- Bureau of Development Services, Site Development

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 1, 2010. One written response was received in response to the proposal. The adjacent property owners who responded are in support of the request.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825, Design Review

Section 33.825.010, Purpose of Design Review

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area,
- The conservation, enhancement, and continued vitality of the identified historic, scenic, architectural, and cultural values of each design district,
- That certain types of infill development will be compatible with the neighborhood and enhance the area, and
- High quality of design of public and private projects.

Section 33.825.055, Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design district guidelines.

Findings: In 1998, a Conditional Use Master Plan [LUR 98-01074 CU, MS, AD] was adopted for MJCC. The review approved specific projects for which a two-track system is required. This two-track system provides prescriptive standards for all approved projects. If those standards are not met, a Type II Design Review is required. The current request does not meet the approved prescriptive standards. Therefore this project requires design review. In accordance with LUR 98-01074 CU, MS, AD, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

- P1. Community Plan Area Character.**
- E2. Stopping Places.**
- E3. The Sidewalk Level of Buildings.**
- D1. Outdoor Areas.**
- D3. Landscape Features.**
- D7. Blending into the Neighborhood.**
- D8. Interest, Quality, and Composition.**

Findings: The initial approval for the tennis cover was based on successful design for the spaces between the cover and the street/pedestrian areas, allowing those spaces to mitigate for the contextual compatibility of a large inflatable structure. Generally speaking the mitigating design elements (landscape, seating areas, light posts with celebratory elements, signage and an entry threshold), along with the grade change between the street and the cover, help hide and diminish the cover. With the mature landscaping and the design elements, the cover is found to still meet these guidelines for the requested extended period of 3 years. For these stated reasons, these guidelines are met.

- E1. The Pedestrian Network.**
- E5. Light, Wind, and Rain.**
- D2. Main Entrances.**
- D5. Crime Prevention.**

Findings: As stated in the findings above, the focus of the approval for the tennis cover shifted from the cover to the amenities around the cover that help weave the project to the public realm and the larger campus community. Those amenities help the campus welcome pedestrians and shield the cover from view. For these stated reasons, these guidelines are still met for the requested extended period of 3 years.

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

The applicable approval criteria are met.

ADMINISTRATIVE DECISION

Approval of Design Review to allow the existing tennis cover to be on site for an additional 3 years, through May 2013. Approval, per the approved site plan, Exhibit C-1 signed and dated March 26, 2010, subject to the following condition:

A. No field changes allowed.

Staff Planner: Kara Fioravanti

Decision rendered by: _____ **on March 26, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 30, 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 February 11, 2010, and was determined to be complete on February 25, 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 February 11, 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.

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 13, 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 Design Commission 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 Design Commission 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 **April 14, 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.

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:

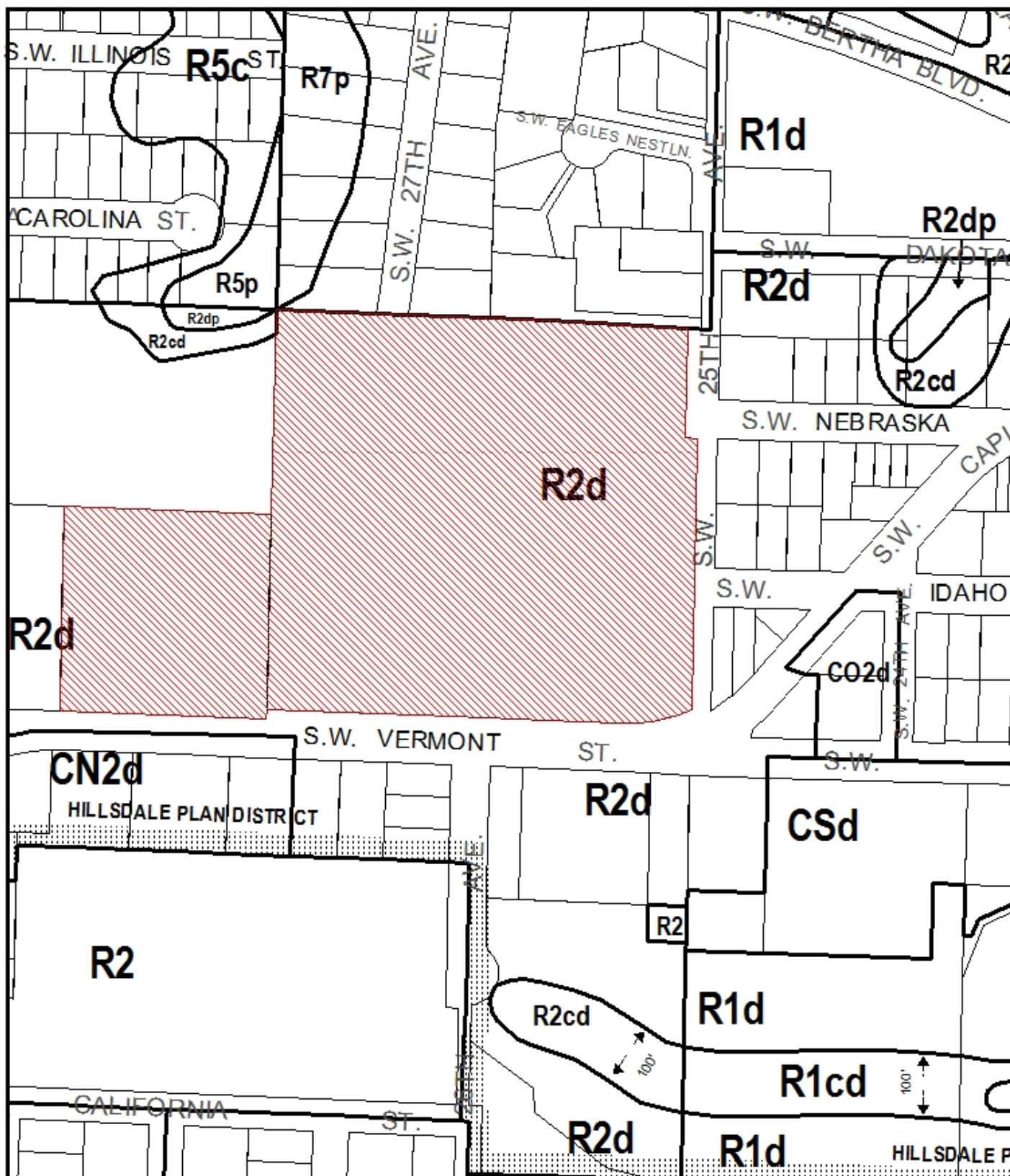
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement, with 4 photos attached
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - none received
- F. Correspondence:
 - 1. Epstein, 3-3-10, support for project
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



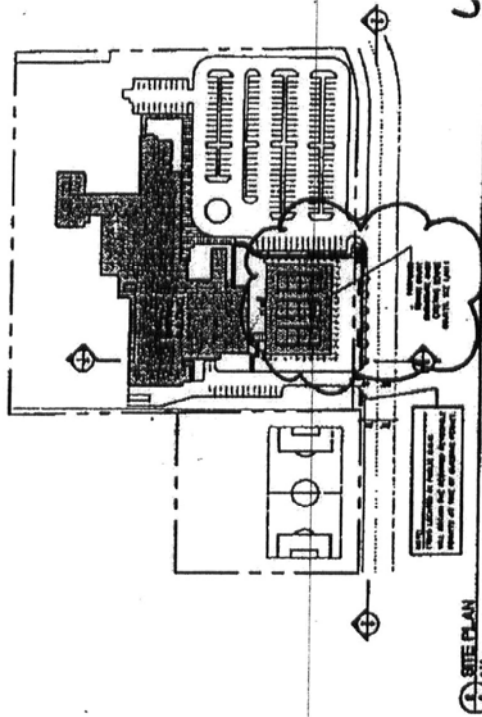
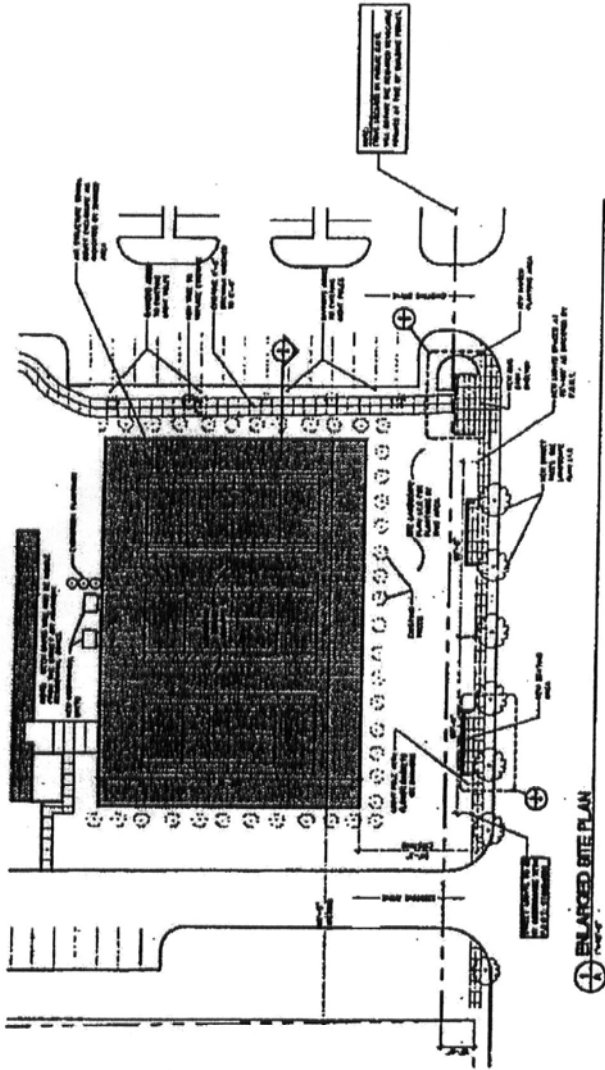
This site lies within the:
HILLSDALE PLAN DISTRICT

File No.	LU 10-111040 DZ
1/4 Section	3626,3627
Scale	1 inch = 200 feet
State_Id	1S1E17DD 7700
Exhibit	B (Feb 16,2010)



SEATING AREA

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



CUK01-653 D2M

Exh C.1

existing tennis court

EXHC.1, LV 10-11090DZ

City of Portland - Office of Planning and Development Review
Planner [Signature] Date 3/14/02
his approval applies only if the conditions of approval. Additional planning requirements may apply.