



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 10-136465 CU (HO 4100018)

Applicant: School District No. 1
Dan Jung and/or Paul Cathcart, PPS/Facilities
501 N Dixon Street
Portland, OR 97207

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Kathleen Stokes

Site Address: 5601 N YALE ST

Legal Description: BLOCK 17 INC PT VAC ALLEY LOT 1-10 INC PT VAC ALLEY & ST
LOT 11-20 BLOCK 20; INC PT VAC ALLEY & ST LOT 1-10; INC PT
VAC ALLEY LOT 11-20, PORTSMOUTH

Tax Account No.: R669903360

State ID No.: 1N1E07DC 01000

Quarter Section: 2224

Neighborhood: University Park

Business District: North Portland

District Coalition: North Portland

Zoning: OS (Open Space)

Land Use Review: Type III, Conditional Use Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:30 p.m. on October 4, 2010, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 1:51 p.m. The Applicant waived Applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

Testified at the Hearing:

Kathleen Stokes, BDS Staff Representative, 1900 SW 5th Avenue, Suite 5000, Portland, OR 97201
Dan Jung, Project Manager, Portland Public Schools, 501 N Dixon Street, Portland, OR 97207

Proposal: The Portland School District is proposing to add a 1,792 square-foot modular classroom building at Astor Elementary School. The structure is proposed to be located adjacent to N Montieth Street, immediately to the north of the modular classroom building that was added in 2008 (LU 08-122135 CU). The proposed structure will accommodate the projected increase in students for the coming school year, which is estimated to be an additional 12 students, bringing the overall enrollment to 470. This would be a 14.1% increase over the previously approved enrollment of 412 students.

Changes that increase the floor area for Conditional Use sites, over 1,500 square feet, require approval of a Conditional Use Review. Currently, the code requires a Type III Conditional Use review for increases of more than 10% for approved numbers of students at schools that are located in residential or open space zones.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The proposed development would be located in the OS zone. Therefore, the relevant criteria are those for uses in the Open Space Zone, Code Section 33.815.100, A-D.

It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated September 22, 2010, and to issue the following approval:

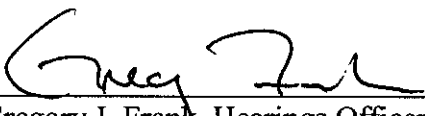
Approval of Conditional Use Review to add a 1,792 square-foot modular classroom building at Astor Elementary School and to allow a projected 14.1% increase in the school's enrollment, over the previous approved number of students, bringing the overall enrollment to 470. Approval is subject to the approved plans and elevation drawings (Exhibits C.1 through C.4), 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 four 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 10-136465 CU." All requirements must be

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

- B. A final Transportation Demand Management Plan must be submitted and must be reviewed and approved by the Portland Bureau of Transportation prior to the release of building permits for the proposed modular classroom building.
- C. The height for the security fences adjacent to the proposed modular classroom building is limited to six feet.

Basis for the decision: BDS Staff Report in LU 10-136465 CU, Exhibits A.1 through H.3, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

10/6/10

Date

Application Deemed Complete:	August 13, 2010
Report to Hearings Officer:	September 24, 2010
Decision Mailed:	October 7, 2010
Last Date to Appeal:	4:30 p.m., October 21, 2010
Effective Date (if no appeal):	October 22, 2010 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 \$3,862.50 will be charged (one-half of the application fee for this case).** 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, only evidence previously presented to the Hearings Officer will be considered by the City Council.

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.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. 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. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

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.

- 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, original plans and narrative
 - 2. Supplemental information, submitted July 30, 2010
- B. Zoning Map
- C. Plans and Drawings
 - 1. Site Plan
 - 2. Planting and floor plan
 - 3. Planting list and storm water facility detail
 - 4. Elevation Drawings
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Police Bureau
 - 5. Summary of electronic responses from City agencies
- F. Letters: (none received)
- G. Other
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Dan Jung, June 1, 2010
 - 3. Pre-application Conference Summary Notes
- H. Received in the Hearings Office
 - 1. Hearing Notice - Stokes, Kathleen
 - 2. Staff Report - Stokes, Kathleen (**attached**)
 - 3. PowerPoint presentation printout - Stokes, Kathleen



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 10-136465 CU (PC # 10-113896)
REVIEW BY: Hearings Officer
WHEN: October 4, 2010 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

RECEIVED
SEP 24 2010
HEARINGS OFFICE

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: KATHLEEN STOKES / KSTOKES@CI.PORTLAND.OR.US

GENERAL INFORMATION

Applicant: School District No 1
Dan Jung and/or Paul Cathcart, PPS/Facilities-
501 N Dixon St
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Site Address: 5601 N YALE ST

Legal Description: BLOCK 17 INC PT VAC ALLEY LOT 1-10 INC PT VAC ALLEY & ST LOT 11-20 BLOCK 20; INC PT VAC ALLEY & ST LOT 1-10; INC PT VAC ALLEY LOT 11-20, PORTSMOUTH

Tax Account No.: R669903360
State ID No.: 1N1E07DC 01000
Quarter Section: 2224

Neighborhood: University Park, Fletcher Trippe at 503-232-6499.
Business District: North Portland Business Assoc, Jim Schaller at 503-517-9915.
District Coalition: North Portland Neighborhood Services, Mary Jaron Kelley at 503-823-4099.

Zoning: OS (Open Space)

Case Type: Conditional Use Review
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: The Portland School District is proposing to add a 1,792 square-foot modular classroom building at Astor Elementary School. The structure is proposed to be located adjacent to N. Monteith Street, immediately to the north of the modular classroom building that was added in 2008 (LU 08-122135 CU). The proposed structure will accommodate the projected increase in students for the coming school year, which is estimated to be an additional 12 students, bringing the overall enrollment to 470. This would be a 14.1% increase over the previously approved enrollment of 412 students.

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Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The proposed development would be located in the OS zone. Therefore, the relevant criteria are those for Uses in the Open Space Zone, Code Section 33.815.100, A-D.

ANALYSIS

Site and Vicinity: The applicant's site is an existing elementary school that is located on the block that is bounded by N. Princeton and N. Yale Streets and N. Montieith and N. Van Houton Avenues. The site is fully developed, with the school building on the south portion of the site. An existing modular classroom building is located on the north side of the main building, adjacent to N. Monteith Street. The remainder of the block consists of open paving and outdoor play structures. Some landscaped areas, including a courtyard garden, are located adjacent to the school building, on the south and east sides of the property.

The area around the site is mainly developed with single-dwelling residences. McKenna Park, another OS-zoned property, is located on the north side of Princeton Street, two blocks to the west, on N. Wall Avenue. This 4.5-acre natural area has numerous trees and grassy areas with neighborhood park recreation facilities. N. Willamette Boulevard, a designated Scenic Corridor and Recreational Trail, is located two blocks to the south of the site.

- **Zoning:** This site is zoned OS (Open Space). The OS zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan.

Land Use History: City records include two prior land use reviews for this site:

CU 069-77 1977 approval of a Conditional Use Review to allow the construction of a covered play "shed," on the north side of the school building.

LU 08-122135 CU 2008 approval of a Conditional Use Review to allow the construction of a 1,700-square-foot modular classroom building and an increase of 2 FTE staff and 42 students, in general compliance with the approved site plans and elevation drawings and also subject to the condition that security fencing at the perimeter of the north and south sides of the modular classroom building must not exceed 6 feet in height.

Agency Review: A "Request for Response" was mailed **August 17, 2010**. The following Bureaus have responded with no issues or concerns regarding approval of the Conditional Use Review and provided written comments on requirements for building permits or future development proposals:

- Bureau of Environmental Services provided information on sanitary sewers and requirements for storm water management, noting that the proposed stormwater facility meets the requirements of the City's Stormwater Management Manual (Exhibit E-1).
- Transportation Engineering provided an analysis of the proposal regarding potential impacts on the City's transportation system and noted that a final Transportation Demand Management (TDM) plan must be approved by PBOT staff, prior to the issuance of a building permit for the proposed structure (Exhibit E-2).
- Water Bureau provided information on water services for the site and noted that, if the proposed 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 (Exhibit E-3).
- Police Bureau stated that they are capable of serving the proposed use at this time (Exhibit E-4).

The following agencies provided an electronic response of "no concerns:"

- Fire Bureau
- Site Development Section of BDS
- Life Safety Plan Review Section of BDS
- Parks-Forestry Division

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

ZONING CODE APPROVAL CRITERIA

33.815.100: Uses in the Open Space Zone

33.815.040 Review Procedures

The procedure for reviews of conditional uses depends on whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use. The review procedure may also depend upon the type of use that is being proposed. This proposal is for an addition to an existing school that is located in the OS zone. The proposed addition will increase the floor area by less than 10% and therefore requires approval through a Type II Conditional Use Review.

33.815.100 Approval Criteria for Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections of 33.815. The approval criteria allow for a range of uses and development which are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;

Findings: The purpose of the OS zone is:

- to provide opportunities for outdoor recreation;
- to provide contrasts to the built environment;
- to preserve scenic qualities;
- to protect sensitive or fragile environmental areas;
- to preserve the capacity and water quality of the stormwater drainage system; and
- to provide pedestrian and bicycle transportation connections.

The Open Space zoning on this site was applied in 1980, through the implementation of the City's Comprehensive Plan Map. Prior to 1980 the site was zoned the same as the surrounding development--R5, Single Dwelling Residential. The OS zone was applied on a site that, since 1949, was developed with a neighborhood school. The site is mostly paved so it does not provide a contrast to the built environment and there are no existing scenic qualities and no sensitive or fragile environmental areas. Outdoor recreation facilities that exist on the site will remain and none of the landscaped features that exist will be altered or removed. Storm water management will be addressed through the addition of planters that have been found to meet the standards of the City's Storm Water Management Manual. There will be no change to existing pedestrian and bicycle transportation connections that exist on the site. Therefore, the proposed addition of the modular classroom building and the increased enrollment will not have any impact on the intended character of this OS-zoned site or on its ability to meet the purpose of the OS zone and this criterion is met.

2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and

Findings: There are no open or natural areas on the site, with the exception of the hardscaped play areas and the small landscaped areas that are adjacent to the main school building. As a part of the building permit review process, additional landscaping will be added on the site and the proposal includes planters that will also address storm water management, adjacent to the proposed modular classroom building. The remainder of the site will continue to provide school play area to serve the children of the community. Therefore, this criterion is met.

3. City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

Findings: There are no City-designated environmental resources on this site. Therefore, this criterion does not apply.

B. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan; and
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 transportation demand management strategies;

Findings: Portland Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services and provided the following analysis:

Street Classification

The site abuts N. Yale and N. Princeton Streets and N. Montieth and N. Van Houton Avenues. All of these rights-of-way are designated as Local Service Streets for all transportation modes in the City's Transportation System Plan (TSP).

The proposed modular structure at Astor Elementary School is supportive of the Local Service street designations of the surrounding streets. The TSP states that, "Local Service Traffic streets are intended to distribute local traffic and provide access to local residences or commercial uses. Local Service Transit streets should give preference to access for individual properties and to the specific needs of property owners and residents along the street. These streets may carry school buses. Local Service Bike streets should not have a side effect of creating, accommodating or encouraging automobile through-traffic. Local Service Walkways are usually located in residential, commercial or industrial areas on Local Service Traffic streets. Local Service Design streets are multimodal, but are not intended for trucks (other than local deliveries) in residential areas. Their design includes many connections with other streets, sidewalk and on-street parking. All of the site's frontages are improved with curbs and sidewalks which support pedestrian activity throughout the broader neighborhood. N. Princeton, N. Van Houten, N. Yale and N. Montieth Avenues are consistent with the purposes and designs mentioned above.

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 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. To adequately address this evaluation factor, an applicant is typically required to submit a Traffic Impact Study (TIS) prepared by a registered traffic engineer in conjunction with the other application materials.

The Astor Elementary School start time of 8:00 am coincides with the critical AM peak hour of area intersections; however, the afternoon 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).

A survey was done by the applicant and included in the submitted Traffic Impact Study (TIS) to determine the mode split of students traveling to and from the school. The existing school operation includes 50% of the students being dropped off by single occupancy vehicles. The remaining 50% of students access the site by walking, biking or by school bus. With the proposed increase in school enrollment, it is anticipated that a similar mode split will continue to be practiced given the school's efforts to promote alternative means of transportation for the families attending the school and the robust and welcoming area-wide sidewalk system. No uses other than the school are expected to generate significant new traffic during the AM or PM peak hours. 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 (21 new AM trips and 13 new PM trips) 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 school is likely to 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 has nearby access to N. Willamette, N. Portsmouth and N. Lombard, major arterials through the University Park neighborhood with connections to other parts of the city.

Connectivity

The existing street grid pattern in the area meets City connectivity spacing guidelines for public streets and pedestrian connections. The public streets are within the recommended 530-ft spacing goals. The site frontages 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 currently served by Tri-Met Bus line 35 (Macadam/Greeley) along N. Willamette and N. Portsmouth, east and south of the school.

On-street parking/neighborhood impacts

The submitted TIS includes a parking capacity analysis. In said report, it is noted that during the AM peak hour there is adequate parking around the large campus (school site has frontage along four streets) to accommodate parents dropping off students. Although there are sufficient on-street parking opportunities, the TIS observations indicate that parents park primarily along the site's N. Yale frontage since the school's main entrance is located along this street. Consequently, available parking spaces along N. Yale are quickly utilized, and some parents actually stop in the travel lanes along N. Yale to allow their

children to exit their vehicles. This results in some queuing along the N. Yale frontage of the site, even though there are additional parking opportunities that go largely unutilized along the site's N. Monteith and N. Van Houten frontages. With morning parking activities described as such, and given the bus loading area in front of the school (for one bus) along N. Yale, traffic flow can become congested for a finite period of time just prior to school commencement and immediately following school departure. In the PM school peak hour however, more parents park appropriately around the school, and the queuing issue observed in the AM peak hour is significantly reduced. In the afternoon, with more parents parking along the streets noted above, and therefore less turn-over (in parking spaces), there is less congestion along the area's streets.

This level of activity, confined congestion and impact, are normal around school campuses. The additional student enrollment is not expected to result in a significant increase in on-street parking/neighborhood impacts. To assist in minimizing impacts to on-street parking/neighborhood, the applicant has developed a Transportation Demand Management Plan (TDMP) to identify appropriate pick-up/drop-off areas for parents as well as appropriate parking areas. Parents will be encouraged to, among other directions, park only along the school's frontages (same side of the street), to load/unload their students appropriately and safely, to quickly move away from the area when picking up/dropping off their student, and to safely and considerably cross (walking, bicycling) the area's streets. With these measures in place, PBOT can conclude that the proposal to expand Astor Elementary will result in minimizing the existing on-street parking impacts and impacts to the neighborhood.

Access restrictions

Direct access to Astor Elementary is via the well established local street grid, as well as from the broader robust street network. There is no reason to suggest that any of these access points should be limited or restricted. With adherence to the proposed TDMP measures, the site should become even more accessible than it currently is.

Impacts on pedestrian, bicycle, and transit circulation

All streets in the surrounding neighborhood are improved with sidewalks which help provide safe pedestrian access to the school site, and safer access to nearby transit facilities. 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 (TDM) 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 neighbors. Though the school year has already begun, the applicant will be required to make all TDM strategies available to parents as soon as possible. The applicant has also been required to develop and submit an appropriate TDM Plan (TDMP) for the school. The 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. The applicant has developed the details of the plan, and PBOT staff has determined that the copy that has been submitted demonstrates the Portland Public School District's desire to put thorough transportation demand management measures in place at Astor 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.

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

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

CONCLUSION: With the above noted condition, these criteria can be 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 service agencies responded to indicate that public services are adequate to serve the proposed development and that the proposal is acceptable. 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: No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected to result from this proposal. There will be no changes to the school's hours or activities and the building will be locked during non-school hours. School custodial staff will maintain the new building and the surrounding area to alleviate any concerns related to odor or litter. Outdoor lighting on the site will continue to be designed so that it will not spill onto residential properties. School staff will continue to safeguard against impacts related to privacy and safety. The existing school building creates a visual buffer from the south. The playground shelter helps to screen the location of the building on the east. The classroom addition will be screened by the planters that are proposed to surround it. Security fences will be limited to 6-feet in height, and will thereby provide building security without impacting the residential appearance along the street edge. The proposed addition and the small increase in the number of students that are served will improve the facilities for education for the students in the area, with no resulting impacts to the livability of the surrounding residential area. Therefore, these criteria are met.

- D. 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 site is not located within the boundaries of any adopted neighborhood or community plans. Therefore, this criterion does not apply.

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 approval criteria for the requested Conditional Use Review have been met. The proposed addition of a second modular classroom building and the proposed increase in the student enrollment will not create any changes that will detract from the character of the open space-zoned area, the amount of the open space on the site or the purpose of the OS zone. With the provision and approval of a final Transportation Demand Management (TDM) plan, there will be no impacts on public services. No significant adverse impacts will be created for the livability of nearby residential-zoned lands. Therefore, the proposal can be approved, subject to the plans and elevation drawings and the conditions of approval that require approval of a final TDM plan and that limit the height of the security fences to 6-feet.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of Conditional Use Review to add a 1,792 square-foot modular classroom building at Astor Elementary School and to allow a projected 14.1% increase in the schools' enrollment, over the previous approved number of students, bringing the overall enrollment to 470. Approval is subject to the approved plans and elevation drawings (Exhibits C-1 through C-4) 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 10-136465 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A final Transportation Demand Management plan must be submitted and must be reviewed and approved by the Portland Bureau of Transportation prior to the release of building permits for the proposed modular classroom building.
- C. The height for the security fences adjacent to the proposed modular classroom building is limited to six feet.

Procedural Information. The application for this land use review was submitted on May 11, 2010, and was determined to be complete on Aug 13, 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 May 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. Unless extended by the applicant, **the 120 days will expire on December 11, 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 recommendation 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$3,862.50 will be charged (one-half of the application fee for this case).**

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.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. 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. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

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.

- 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.

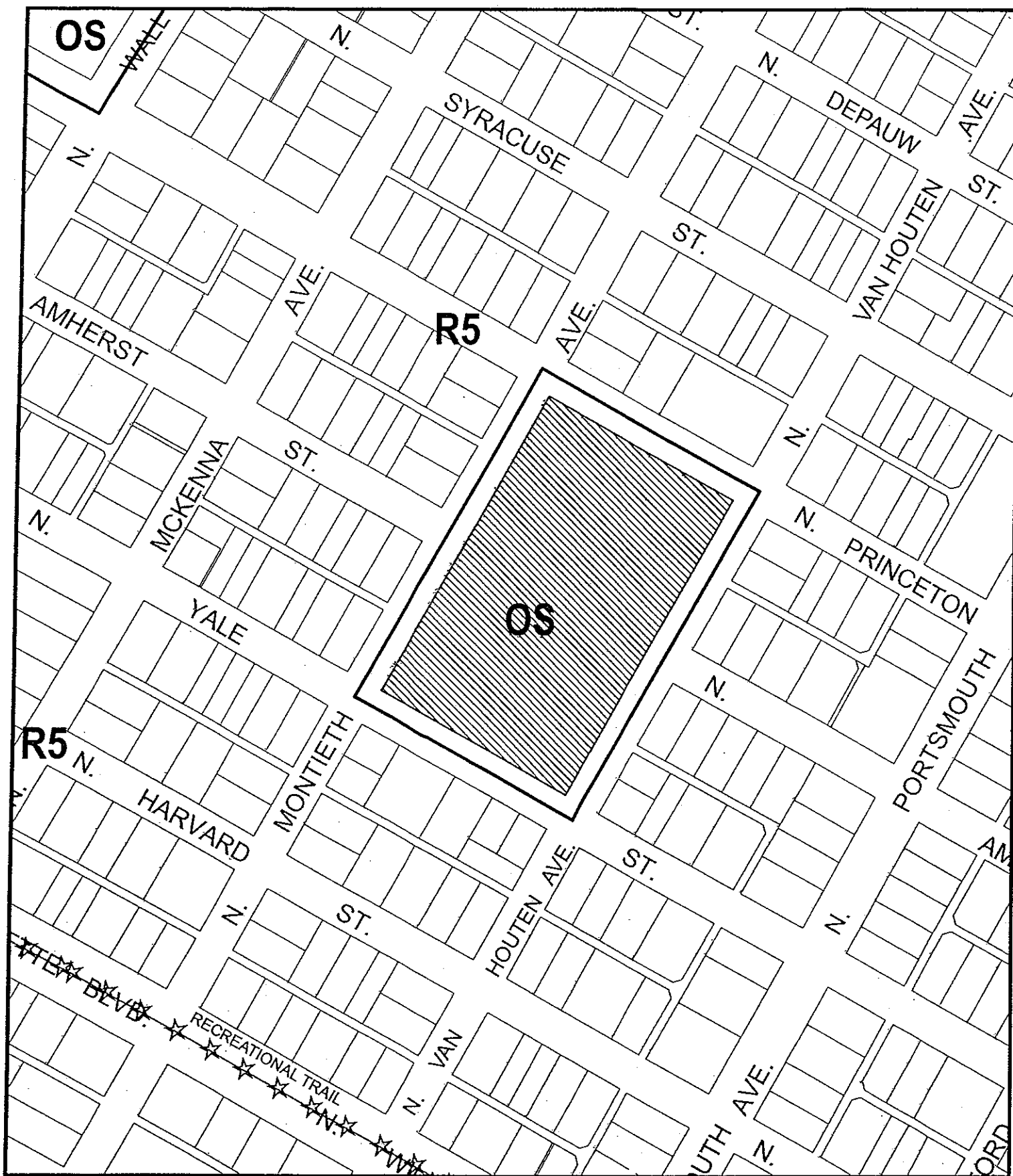
Planner's Name: Kathleen Stokes

Date: September 22, 2010

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Application, original plans and narrative
 - 2. Supplemental information, submitted July 30, 2010
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Planting and floor plan (attached)
 - 3. Planting list and storm water facility detail (attached)
 - 4. Elevation Drawings (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Police Bureau
 - 5. Summary of electronic responses from City agencies
- F. Letters: (none received)
- G. Other:
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Dan Jung, June 1, 2010
 - 3. Pre-application Conference Summary Notes

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



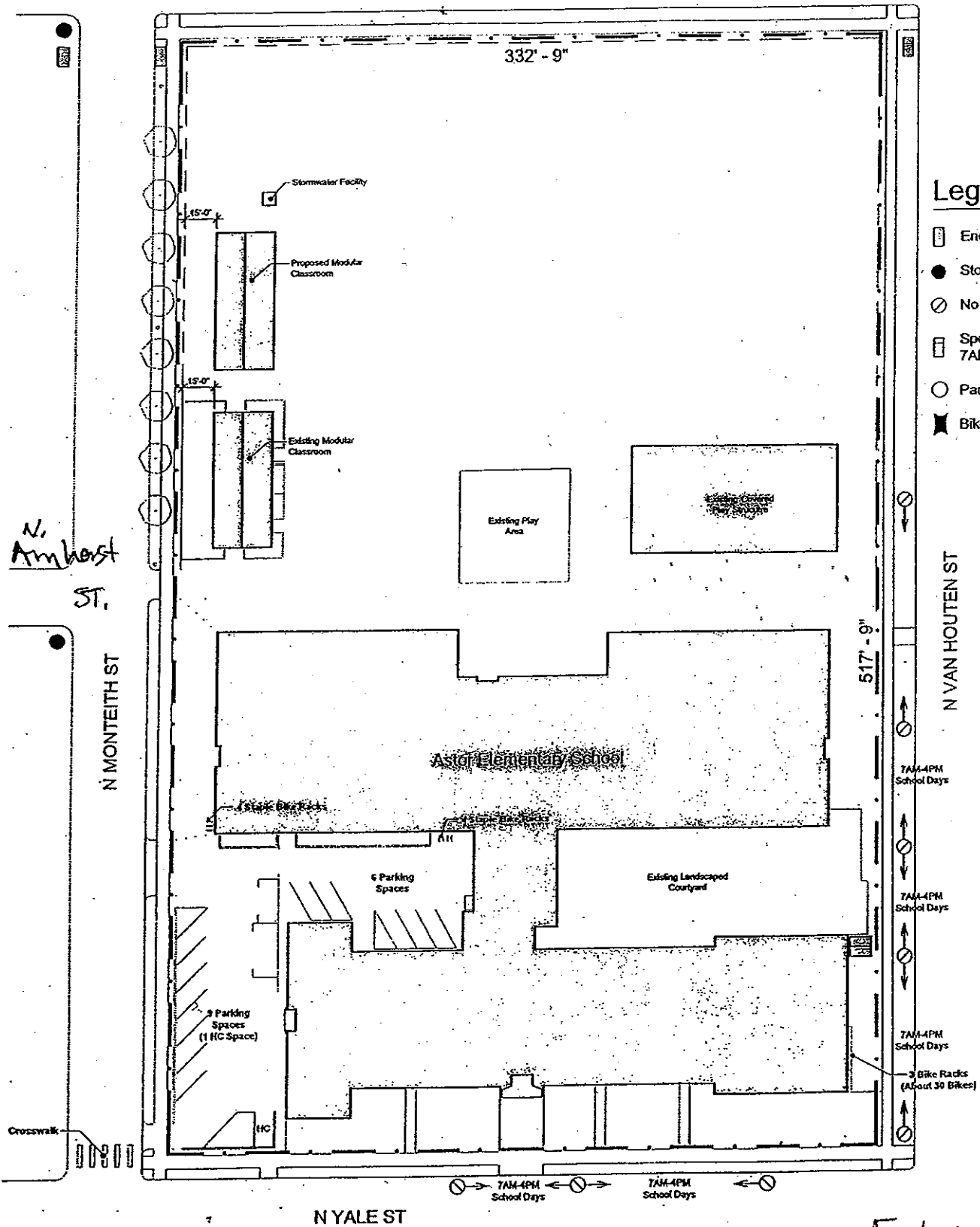
Site



NORTH

File No. LU 10-136465 CU
1/4 Section 2224
Scale 1 inch = 200 feet
State_Id 1N1E07DC 1000
Exhibit B (May 13,2010)

N PRINCETON ST



Legend

- End School Zone
- Stop Sign
- No Parking (School Days)
- Speed Limit (20 MPH-School Zone/ 7AM-5PM School Days)
- Parking
- Bike Route

Notes:

Site Size: 4.025 Acres
 Existing Building Size: 47,360 SF
 Proposed Portable: 1,792 SF
 On Site Parking Spaces: 15 Spaces (1 HC)
 On Site Bike Capacity: 38 Bikes

Exhibit C-1

Scale: 1/40" = 1'-0"

Astor LU10-136465CU
 Modular Site Plan

[illegible]

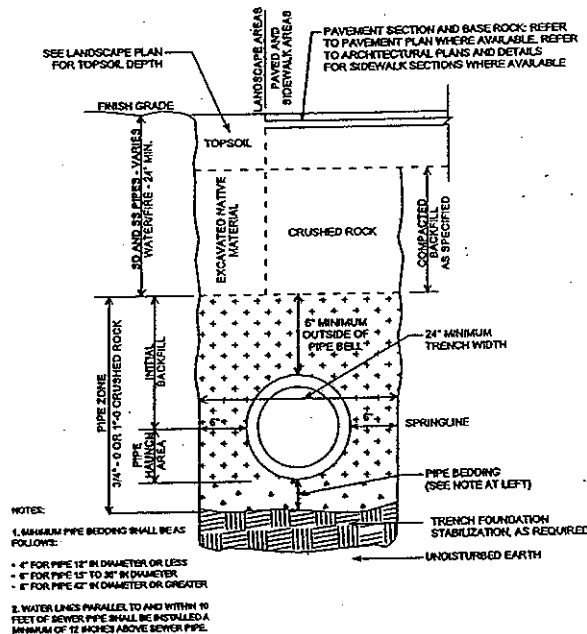
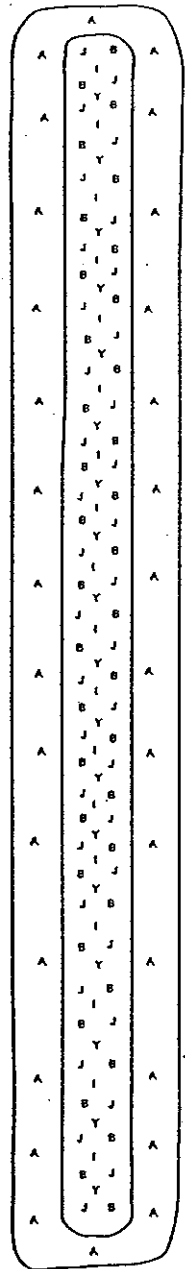
Exhibit C-2

GENERAL KEYNOTES:

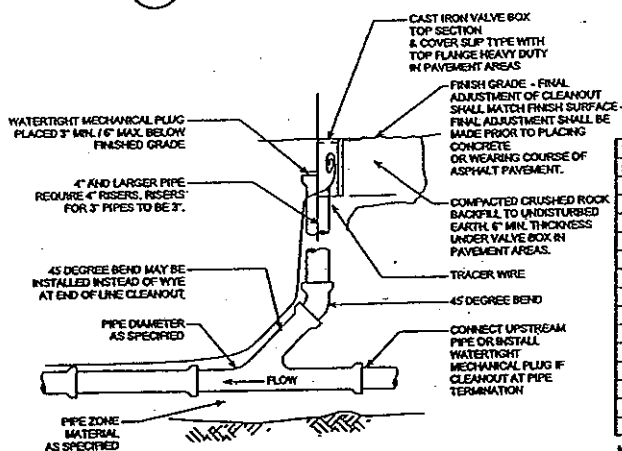
1. RAMP SYSTEM. PROVIDE DECKING, STAIR, RAMP, HANDRAILS, AND RAILING AS SHOWN.
2. MECHANICAL ENCLOSURE SYSTEM DETAILS ARE SHOWN IN 10A2. MECHANICAL ENCLOSURE SYSTEM DIMENSIONS AND ORIENTATION ARE SHOWN ON THIS SHEET.
3. DRAINAGE SYSTEM. WHERE INDICATED AND AS SHOWN EXTEND DOWNSPOUTS ALONG BUILDING TO BELOW GRADE AND BELOW GRADE TO DAYLIGHT IN THE DRAINAGE AREA SPLASH BLOCKS. PROVIDE SPLASH BLOCKS AT PIPE OUTFLOW. HOLD DOWNSPOUT EXTENSIONS CLOSE TO WALLS AND BENEATH THE MECHANICAL UNITS. TRANSITION AROUND OTHER COMPONENTS AS REQUIRED. MAINTAIN REGULATORY CODE SLOPE REQUIREMENTS OR AS INDICATED. MAINTAIN REQUIRED VOLUME OR AS INDICATED. USE APPROPRIATE REGULATORY CODE APPROVED MATERIAL (STEEL) OR AS INDICATED. ROUND PIPE OF SAME VOLUME AREA AS THE DOWNSPOUTS MAY BE UTILIZED OR AS INDICATED. DAYLIGHT OUTFLOW PIPING 3" AT DRAINAGE AREA. PROVIDE ALL PAINTED STRAPS AND FASTENERS. PRIME AND PAINT (2 COATS) AT EXPOSED AREAS TO MATCH ADJACENT PAINT. TRANSITION DOWNSPOUTS TO DRAINAGE LINES IN PAINTED PVC BOOTS. MAINTAIN ALL CLEANOUTS AT GRADE OR AS LOW AS POSSIBLE TO GRADE.
4. LAYOUT OF PIPING AND DOWNSPOUT EXTENSIONS IS DIAGRAMMATIC TO SHOW DESIGN INTENT ONLY.
5. DRAINAGE AREA COMPONENTS ARE SHOWN ON SHEET A3. CONTRACTOR TO MEET THE REQUIREMENTS INDICATED ON SHEET A3 AND OTHER SHEETS OF THESE DRAWINGS.

SPECIFIC KEYNOTES:

- A. ALIGN EDGES.
- B. MATCH NEW EXTRUDED CONCRETE CURBS TO EXISTING EXTRUDED CONCRETE CURBS. TAPER ALL CURB ENDS. WHERE CURB ENDS ARE TAPERED IN THE EXISTING CURBS MATCH THOSE TAPERS.
- C. EXISTING ASPHALT.
- D. SIZE EXISTING ASPHALT PATH WIDTH TO ACCOMMODATE MECHANICAL ENCLOSURE GATE SWING.
- E. REMOVE EXISTING PAVEMENT AND BASE AS REQUIRED TO ACCOMMODATE NEW BASE COMPONENTS AND FINISH SYSTEM. ALSO SEE DRAINAGE AREA REQUIREMENTS ON SHEET A3 WHERE APPLICABLE.
- F. NEW PLANTER ON GRADE WITH BARKDUST COVER. FINISHED SURFACE 1" LOWER THAN ADJACENT PAVEMENT. SLOPE TO DRAIN AWAY FROM BUILDING. REMOVE EXISTING ASPHALT, GRAVEL, AND SOIL. PROVIDE NEW PLANTING TOP SOIL AND THREE (3) INCHES OF BARKDUST (MEDIUM HEMLOCK) COVER. FILL WITH SOIL AND COVER WITH 3" BARK DUST AT DRAINAGE AREA. SEE DRAINAGE AREA REQUIREMENTS ON SHEET A3.
- G. AT CONTRACTOR'S OPTION OMIT CONCRETE SLAB AT MECHANICAL ENCLOSURE UNIT. EXISTING ASPHALT PAVING TO REMAIN. CUT CLEAN AND STRAIGHT LINES.
- H. 3" SD (D), S-0.0400 FT/FT MIN., 3" MINIMUM COVER.
- I. SD CO (TYP 1 OF 2) RIM FINISH @ GRADE.
- J. 3" SD (D), S-0.0400 FT/FT MINIMUM. ATTACH TO WALL. PAINT TO MATCH ADJACENT SURFACES. ATTACH LOW AT WALL ABOVE GRADE. ADVISE PPS PROJECT MANAGER IF WALL MOUNTED COMPONENTS, DOORS, AND WINDOWS ARE IN CONFLICT AND SEEK APPROVAL OF THE PROPOSED ROUTE BEFORE PERFORMING THE WORK.
- K. BUILDING FINISHED FLOOR ELEVATION TO BE SET TO PROVIDE FOR POSITIVE DRAINAGE FROM BUILDING TO PROPERTY LINE. 2% MINIMUM.
- L. 3" SD (D), BELOW GRADE 3" MINIMUM COVER. TRANSITION FROM ABOVE GRADE TO BELOW GRADE AT THIS POINT.



14 TRENCHING & BACKFILL NTS



19 STANDARD CLEANOUT (CO) NTS

Exhibit C-3
LU10-136465 cu

TABLE 1 - PLANTING LIST

SYMBOL	BOTANICAL / COMMON NAME	QUANTITY	SIZE
SHRUBS:			
O	MAHONIA AQUIFOLIA / OREGON GRAPE	2	1-GALLON
A	MAHONIA AQUIFOLIA / OREGON GRAPE 'COMPACTA'	34	1-GALLON
P	PHILADELPHI LEWIS / WILD MOCK ORANGE	1	1-GALLON
OE	OSYRIA CERASIFERAS / INDIAN PLUM	0	1-GALLON
TREES:			
C	RIBES SANGUINEUM / RED FLOWERING CURRANT	10	3-GALLON
CE	CEANOTHUS SANGUINEUS / OREGON REDSTEM CEANOTHUS	4	3-GALLON
V	VIBURNUM EDULE / HIGHBUSH CRANBERRY	0	3-GALLON
S	SPRAEA BETULIFOLIA / SHINY-LEAF SPRAEA	22	3-GALLON
WET ZONE A			
I	IRIS SIBIRICA / SIBERIAN IRIS	16	4"
Y	SESTYRICHUM CALIFORNICUM / YELLOW-EYED GRASS	16	4"
J	JUNCUS EFFUSUS / SOFT RUSH	37	4"
B	BROMUS SITCHENSIS / ALASKA BROME	37	4"

- NOTE:**
1. CONTRACTOR TO PROVIDE FULL EROSION CONTROL PROCEDURES AS INDICATED IN THE SPECIFICATIONS, DRAWINGS AND CITY OF PORTLAND SAMPLE SITE EROSION CONTROL REQUIREMENTS FORM. SEE SPECIFICATIONS.
 2. CONTRACTOR TO PREPARE EACH PLANTING HOLE, FERTILIZE PLANTS, WATER PLANTS, AND MAINTAIN ALL NEW PLANT MATERIAL AND INDIVIDUALLY PLANTED PLANTS AS NOTED IN THE SPECIFICATIONS. CONTRACTOR TO PERFORM ALL LANDSCAPE WORK ACCORDING TO ESTABLISHED INDUSTRY STANDARDS AND AS SPECIFIED. SEE SPECIFICATIONS.

SWALE PLANTING PLAN

1/4" = 1'-0"



MODERN BUILDING SYSTEMS, INC.
 TELEPHONE (503) 749-4949 FAX: (503) 749-4950
 P.O. BOX 110 • 4493 PORTER ROAD • ASTORIA, OR 97103
 CHECK OUTLINE SHEET: www.mbs-modular.com
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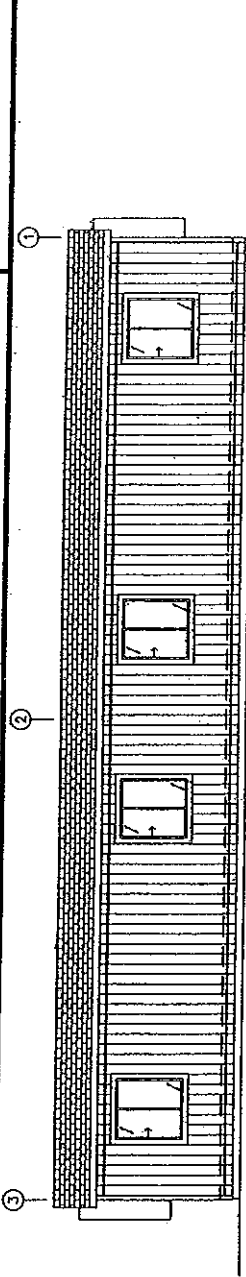
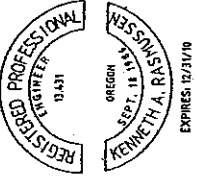
REV. # BY: DATE: PER: SHEETS:

LH 4/20/10 -

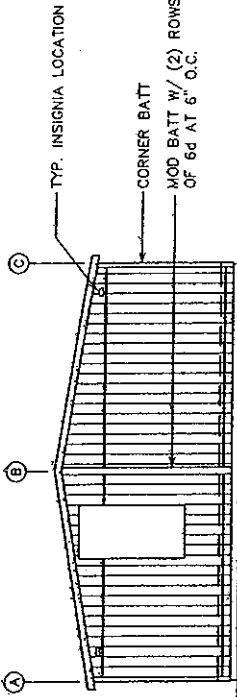
28' x 64' MODULAR CLASSROOM
 PORTLAND SD X
 ASTOR SCHOOL
 PORTLAND, OREGON

EXTERIOR ELEVATIONS

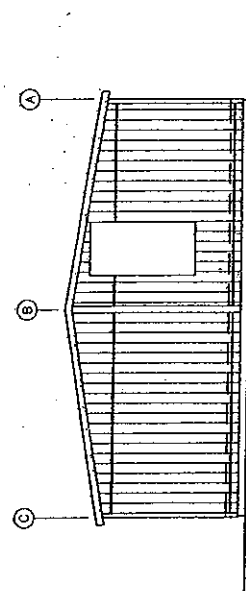
2010-BS-21-6
 SHEET 10



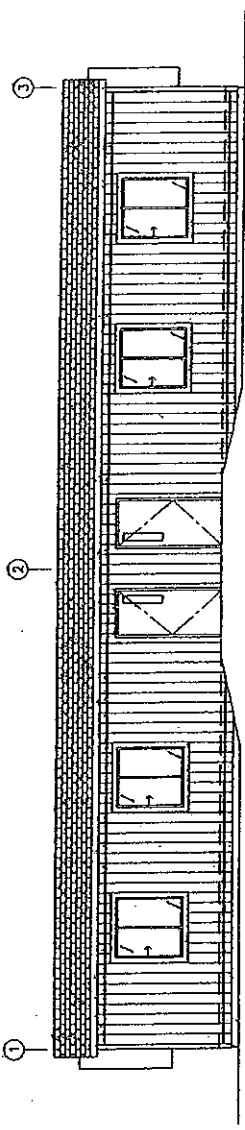
REAR



END



END



FRONT
 EXTERIOR ELEVATIONS

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

LU 10-1364653m

Exhibit C-4