



CITY OF PORTLAND

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Hearings Office

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 11-201984 CUMS AD
(HO 4120013)

Applicants: Susan Meamber
Portland Parks
1120 SW 5th Avenue, Suite 1302
Portland, OR 97204

Beverly Bookin
The Bookin Group
1020 SW Taylor, Suite 760
Portland, OR 97205

Lisa Petterson
Sera Architects
338 NW 5th Avenue
Portland, OR 97209

Hearings Officer: Kenneth D. Helm

Bureau of Development Services (BDS) Representative: Kathleen Stokes

Site Address: SE 12th Avenue and SE Stark Street

Legal Description: BLOCKS 256 260 261&283 TL 102, EAST PORTLAND

Tax Account No.: R226516800

State ID No.: 1S1E02BA 00102

Quarter Section: 3131

Neighborhood: Buckman

Business District: Belmont Business Association

District Coalition: Southeast Uplift

Zoning: R1 (R1,000, Medium Density Multi-Dwelling Residential) and RH (High Density Multi-Dwelling Residential)

Land Use Review: Type III, Conditional Use Master Plan, Adjustment Review (CUMS AD)

Public hearing: The hearing was opened at 9:33 a.m. on July 23, 2012, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 11:12 a.m. At the hearing, the record was held open until 4:30 p.m. on July 30th, 2012 for new written evidence/argument; until 4:30 p.m. on August 6, 2012 for responsive argument only, no additional evidence; and until 4:30 p.m. on August 13, 2012 for the applicants' final comment. On August 8, 2012, the applicants submitted a request to close the record (Exhibit H.13). The Hearings Officer granted the request to close the record. The record closed on August 8, 2012.

Testified at hearing:

Kathleen Stokes, 1900 SW 4th Avenue, Suite 5000, Portland, OR 97201
Brett Horner, 1120 SW 5th Ave. Suite 1302, Portland, OR 97204
Beverly Bookin, 1020 SW Taylor, Suite 760, Portland, OR 97205
Martha Peck Andrews, 907 NE 25th Avenue, Portland, OR 97232
Susan Lindsay, 625 SE 17th Avenue, Portland, OR 97214
Mary Ann Schwab, 605 SE 38th Avenue, Portland, OR 97214
Ken Diener, 536 SE 17th Avenue, Portland, OR 97214

Proposal: The City of Portland is proposing development of a two-story, 60,710 square-foot public community center, with an indoor aquatic facility, exercise, activity, meeting and class rooms, a 55,930 square-foot underground parking garage for 168 cars, and an outdoor open space area. The project is proposed to be completed in two phases.

Phase One is proposed to include a full-service, indoor aquatic facility, exercise and fitness facilities, meeting and art rooms, locker rooms, control desk, child care facility, kitchen, offices, lobby, storage and related support functions, for a total of just under 49,000 square feet. The underground parking garage would be part of Phase One and, in addition to the 168 auto parking spaces, would include one loading space. In addition, most site development would be included in Phase One, including an outdoor plaza, a multi-use playing field, built over the garage and possible addition of community garden plots, a playground and a natural landscaped area.

Phase Two is proposed to include an 11,820 square-foot, two-story addition in the southeast corner of the building to include a ground-floor gymnasium and possible second-floor circular walking track along the gym's perimeter.

Phase One is expected to be completed within three years, while Phase Two may occur at any time, up to the end of the ten years that would be granted with approval of the proposed master plan. When complete, the facility would employ about 60 staff persons, with six of these being full-time positions and the remainder part-time. The facility would operate year round, and hours will likely follow the pattern of other similar full-service community centers which are open from 6 AM to 10 PM on weekdays and from 8 AM to 6 PM on weekends.

The proposal covers full development of the site so additional proposals are not anticipated to occur. However, in accordance with the allowances of 33.820.090 the applicants are proposing that any future revisions or amendments to this master plan would be subject only to the review thresholds of Code Chapter 33.815, Conditional Uses, and not to the additional thresholds (such as requirements for proposals that are within 400 feet of the master plan boundary), that are contained in Code Section 33.820, Conditional Use Master Plans.

Four Adjustments to development standards are being requested as a part of the proposal:

- 1) Reduce the required minimum building setbacks from the street lot lines (Code Section 33.120.275) from 20 feet to 0 feet along SE 12th Avenue and from 14 feet to 0 feet along SE Stark Street, and
- 2) Reduce the required number of on-site loading spaces from two to one and reduce the height of the loading space from 13 feet to 10 feet (Code Section 33.266.310), and
- 3) Waive the requirement for vegetative screening along a portion of the north property line, adjacent to the plaza area that is shared with the old Washington Monroe High School property (Code Section 33.120.275), and
- 4) Increase the allowed maximum length of the building walls that are within 30 feet of the property lines along SE 12th Avenue and SE Stark Street (Code Section 33.120.230), from 100 feet to 200 feet on each side

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code, for Conditional Use Master Plans, 33.820.050. These criteria include compliance with 33.815.105 A-E, Institutional and Other Uses in R Zones. In order to approve the requested Adjustments the proposal must meet the applicable approval criteria found in Title 33, Section 33.805.040 A-F.

II. ANALYSIS

HEARINGS OFFICER'S OVERVIEW OF ISSUES AND RELEVANT APPROVAL CRITERIA:

At the July 23, 2012 public hearing, BDS Staff provided an overview of the staff report and recommended approval with conditions. Exhibit H-7. Staff identified one modification to proposed Condition C which was requested by the Bureau of Environmental Services ("BES") and agreed with the requested modification. That modified language is identified in Exhibit H-4.

The applicants' representative, Brett Horner, explained how the need for the community center was identified and the multi-year planning effort culminating in the current proposal. He noted the high participation rate of the public and community organizations in the planning process. He clarified that no sports field use was proposed as part of the application, and this was in response to public comment.

The applicants' land-use consultant Beverly Bookin explained that the development was proposed as a two phase project. She clarified that Phase 1 would be "started" within the next 10 years, but may not be fully completed within that time period due to available funding. She then discussed a request for an additional condition of approval which would clarify that the master plan would apply to both Phase 1 and Phase 2 of the proposed project, and since the entire project was currently under review with the current application that further planning review of Phase 2 prior to the time that component was scheduled to begin would not be necessary. Due to the interrelated nature of Phase 1 and Phase 2, she requested that the applicants be allowed to defer physical elements of Phase 1 to Phase 2 without further review. See Exhibit H-5. BDS Staff agreed with this request.

Martha Peck Andrews testified in support of the application. She stated that she felt that the proposal met the City's requirements for physical compatibility with the surrounding neighborhood. Her primary concern was whether outdoor lighting for evening use of the outdoor areas would be allowed and adequately controlled. Both BDS Staff and the applicants later clarified that the application contained no proposal for outdoor lighting for the outdoor areas, and therefore the lighting for that purpose could be approved.

Susan Lindsay, chair of the Buckman Community Association, testified in support of the application. Her support was contingent upon the understanding that parking for the proposed community center would not be one of the development components that could be deferred from Phase 1 to Phase 2. She reiterated that limited use of the outdoor areas was a condition of the association's support for the proposal. She stated that the community association understood that formal playing fields and outdoor lighting was to be excluded from the development proposal. She also testified that the community association strongly supported a rigorous traffic demand management plan as identified in the staff report. After

a short consultation with the applicants, she agreed with the proposed condition identified in Exhibit H-5.

Ken Diener testified as a neutral party stating that he was generally in support of the proposed adjustments requested by the applicants. However, he made several recommendations for required setbacks and chamfers at the corners of the proposed development which he argued would increase visibility for all users. He argued in favor of an integrated light well to improve lighting between the parking area and the building, and he argued that the proposed elevator to serve the building should be included in Phase 1. He also recommended several proposed conditions to implement these ideas. The Hearings Officer requested that he reduce the proposed conditions to writing and submit them into the record which he agreed to do. Those recommendations are set forth in Exhibits 10 and 11. Mr. Diener also advocated that the community center and associated parking be built in such a way as to accommodate peak vehicle use for future swim meets. He argued that the traffic impact assessment should have considered higher peak usage during times that are typical for swim meets in order to understand what the transportation system and parking requirements might be to accommodate such a use. Both BDS Staff and the applicants later responded that the current proposal did not include a request to allow swim meets to occur at the community center. They stated that the neighborhood was opposed to allowing swim meets to occur at the community center, and for that reason that type of usage was not considered in the TIA.

Mary Anne Schwab testified both as a proponent and opponent of the application, although the substance of her comments appear to mostly be in opposition to the proposal. She raised concerns that the taxpayers of the County had paid both for the school district to initially buy the subject property and then again for Portland Parks to buy the property from the school district. To her mind, this represented a duplicate payment on the part of the taxpaying public. She also raised questions about whether the title to the subject property might in some way be encumbered by a requirement that the property be used for school use in perpetuity. She further questioned why the current design option was selected instead of the so called "Option D" and hoped that the applicants would explain why this option was not selected. She did not support the concept of holding swim meets at the community center because the demand for parking for such events would adversely impact the neighborhood.

In response to the above testimony, BDS Staff clarified that the former Washington Monroe High School site is not part of the current application and is not the subject to the current review. Staff testified that Portland Public Schools owned both the former high school property and the property that is subject to the current application. Staff explained that the required parking for the development would be part of Phase 1. Finally, staff explained that if Portland Parks desired to allow swim meets to be held at the facility, that use would require an additional future conditional use review.

The applicants provided a brief closing comment in which they agreed with BDS Staff comments on lighting and swim meets. The applicant opposed the design suggestions made

by Mr. Diener primarily because the current application is for conditional use review and not design review.

The applicants and Mary Anne Schwab requested that the written record remain open for an additional period. The Hearings Officer granted that request, leaving the record open until July 30, 2012 for argument and evidence on any issue, and until August 6, 2012 for responsive argument only - directed toward comments made during the first open record period. The applicant was given until August 13, 2012 to provide a final comment, and or to notify the Hearings Officer that no further comment would be forthcoming.

During the open record period, Mary Anne Schwab submitted numerous documents that she asserts are relevant to the title and deed records for the subject property. These documents include a letter identified as Exhibit H-9 and various other documents purporting to relate to the subject property and potential deed limitations related to the subject property. Exhibits H-9a through-9z, and H-12. She also submitted Exhibit H-12 which purports to contain some background on the planning for the subject property and the individuals who have participated. Although this document is marginally helpful, the Hearings Officer finds that it is largely irrelevant to understanding whether the current application meets the requirements for a conditional use master plan.

The Hearings Officer has examined the documents in Exhibit H-9a – 9aa, and Ms. Schwab's written testimony on the issue of whether the subject property might be encumbered with a limitation that requires the property to be used for school use only in perpetuity. In her July 27, 2012 memorandum and cover letter or her submissions Ms. Schwab states that her title search is incomplete, and requests that a full title search be prepared for the entire Washington Monroe High School property and lands in order to support her contention that the subject property is likely encumbered by a deed restriction requiring only school use in perpetuity. The Hearings Officer finds that the documentation submitted by Ms. Schwab is either irrelevant or unpersuasive on the issue of some sort of deed restriction. First, it is not the applicants' burden, nor BDS Staff's, nor the Hearings Officer's to conduct a title search to discover asserted limitations on the use of the subject property. If such documentation is desired, it is the responsibility of the party asserting certain facts to supply that information into the record. The current record contains no substantial evidence that a deed restriction exists on the use of the subject property that would foreclose its use as a community center. Furthermore, the applicants have provided the most recent title documents conveying the subject property from Multnomah County School District No. 1 to Portland Parks & Recreation, and there is no indication of a deed restriction of the sort that Ms Schwab asserts. Second, if there were such it restriction it would be the duty of a former owner of the property to enforce the restriction, not the City of Portland through the Bureau of Development Services. The current review is for the purposes of demonstrating whether the City code criteria for conditional use master plans are met. In that regard, Portland Parks as the fee title holder is entitled to bring forward the current application.

Mr. Diener submitted additional comments by fax and regular mail during the open record period. Exhibits H-10 and H-11. Those comments are discussed in more detail below.

The applicants' land-use consultant Beverly Bookin submitted a final comment on August 8, 2012, and the record closed on that day.

Site and Vicinity: The applicants' site is an irregularly shaped, 196,033 square-foot (4.5 acre) property, that resembles a capital letter T turned on its side. The stem of the T points to the east and connects through from SE 12th to SE 14th Avenue. The long cross-bar of the T fronts onto SE 12th Avenue and extends south from SE Stark Street to a point midway between the SE Alder and Morrison rights-of-way which, along with SE 13th Avenue, are vacated on this "super block." The site is currently undeveloped, except for a small, vacated parking area and the abandoned steam plant that served the adjacent high school.

The area around the site consists of a variety of different uses. The adjacent parcel that abuts the east side of the northern portion of the site contains the former Washington Monroe High School building. The applicants' site was originally part of the Washington Monroe school campus, but the old school building was sold to a private party in recent years with an expected rehabilitation of the building for residential use. The property that abuts the east side of the southern portion of the site has a small building and a field that has been retained under the ownership of the Portland Public School District. A single-dwelling residence is located at the northwest corner of the intersection of SE 14th Avenue and SE Morrison Street, at the far corner of the school district property. There are commercial uses on the lots that abut the south property line of the site and the west property line of the School District property, on the northeast corner of SE Morrison and SE 12th Avenue. A mixture of retail, industrial and residential uses are located on west side of SE 12th Avenue. The area has a high volume of automobile traffic but is also a pedestrian and bicycle-oriented neighborhood that is well served by transit.

Zoning: Most of the site is zoned R1, Medium Density Multi-dwelling Residential. This zone allows up to one unit per 1,000 square feet of site area and requires a minimum of one unit per 1,450 square feet of site area, or 1 unit per 2,000 square feet of site area for sites that are smaller than 10,000 square feet. A portion of the site is zoned RH, High Density Multi-dwelling Residential. In this zone, density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Institutional and Community Service Uses are allowed in these residential zones when they are approved as Conditional Uses.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Request for Response" was mailed **May 29, 2012**. The following Bureaus responded with no issues or concerns:

- Bureau of Environmental Services reviewed the proposal in terms of requirements for public sewer facilities and storm water management requirements. An analysis was provided that found that the approval criteria related to these services can be met, with a condition that required construction of a new public sewer to serve the proposed development (Exhibit E-1).
- Transportation Engineering reviewed the proposal as it relates to the transportation-related approval criteria and found that, with a condition that requires implementation of the proposed Transportation Demand Management Plan all of those criteria could be met (Exhibit E-2).
- Water Bureau outlined requirements for providing water service to the site, including a requirement for Portland Public Schools to relocate the water service to their adjacent property, which currently runs through the Community Center property and also options for either improving or decommissioning the water main in the vacated portion of SE Alder Street (Exhibit E-3).
- Fire Bureau responded electronically to indicate that there are no concerns.
- Police Bureau noted that the bureau is capable of serving the proposed use and offered suggestions for dealing with potential safety and security issues at the location (Exhibit E-4).
- Site Development Section of BDS provided comments regarding potential requirements for building permits (Exhibit E-5).
- Life Safety Plan Review Section of BDS provided a reply that discussed some building code requirements that must be met at the time of permit review (Exhibit E-6).
- Parks-Forestry Division provided an electronic response of "no concerns."

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 30, 2012. One written response was received prior to the July 23, 2012 hearing from notified property owners. Those neighbors wrote to express strong support for approval of the proposed community center, noting that it will fill a need for a facility of this type in inner SE Portland (Exhibit F-1).

ZONING CODE APPROVAL CRITERIA

33.820.050 Approval Criteria for Conditional Use Master Plans. Requests for Conditional Use Master Plans will be approved if the review body finds that the applicants have shown that all of the following approval criteria are met:

- A.** The master plan contains the components required by 33.820.070;

33.820.070 Components of a Master Plan. The applicants must submit a Master Plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of

subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

- A. Boundaries of the use.** The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

Findings: The proposed master plan boundaries have been identified, as shown in the Overall Site Plan, Exhibit C-1. The master plan site consists of just the one property that is identified as the proposed development site, 1S1E02BA Tax Lot 102 or R562970.

- B. General Statement.** The master plan must include a narrative that addresses the following items:

1. A description in general terms of the use's expansion plans for the duration of the master plan;
2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and
3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

Findings: The applicants provided a narrative that describes the use's expansion plans, in two phases, for the duration of the proposed 10-year master plan, as summarized in the proposal, above. A narrative was also provided that addresses the Conditional Use Approval Criteria. The applicants' narrative also explains how the use will limit impacts on any adjacent residentially zoned areas.

Most activities are proposed to occur inside the building and late night activities are not a part of any regular community center programming. Parking and loading for activities at the center will be in the underground garage. Drop off and pick up, without parking may occur on the west side of the building, on the off-street, drive-through lane that will be constructed for that purpose. In this way, the surrounding residential neighborhood will be buffered from the community center activities by the adjacent open space areas. No housing units are being removed as a result of this proposal.

- C. Uses and functions.** The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan

boundary but not part of the conditional use must be shown.

Findings: The site is currently vacant, so the only current use is as an unofficial community outdoor recreation space. The applicants' narrative fully describes the proposed uses for the site, including the projected numbers of staff and the proposed hours of operation.

The facility would employ about 60 staff persons, with six of these being full-time positions and the remainder part-time. The facility would operate year round, and hours will likely follow the pattern of other similar full-service community centers which are open from 6 AM to 10 PM on weekdays and from 8 AM to 6 PM on weekends. Typically, Portland's public community centers serve thousands of citizens each year. The cycles of usage vary through the seasons and not all numbers are documented since some activities are of a drop-in basis. This center is expected to be well used by inner Southeast Portland residents but also will likely serve residents who come from other portions of the City. The site is compact and does not include any uses that are not related to the community service and parks and open space uses (public community center and playground and recreational field) that are proposed.

D. Site Plan. The master plan must include a site plan, showing the appropriate level of detail, buildings and other structures, the pedestrian and vehicle circulation system, parking areas, open areas, and other required items. This information must cover the following:

1. All existing improvements that will remain after development of the proposed use;
2. All improvements planned in conjunction with the proposed use; and
3. Conceptual plans for possible future uses.

Findings: The applicants provided individual plans for each phase, including pedestrian and vehicular areas and open spaces. There are no plans for additional future uses or development, beyond the proposed planned redevelopment of the site.

E. Development standards. The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements. These may be such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, sign programs, view corridors, or façade treatments. Standards more liberal than those of the code require adjustments.

Findings: The proposed development will be subject to the Title 33 development standards. Exceptions through Adjustments have been requested

for development standards that relate to minimum building setbacks, the number and size of loading spaces, vegetative screening, adjacent to the abutting R-zoned property to the north, and maximum length of building walls.

- F. Phasing of development.** The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.

Findings: Development is proposed in two phases and the overall duration of the proposed master plan is the allowed maximum of ten years. Phase 1 is scheduled to begin between 2012 and 2015. Phase 2 is proposed for development up to 2022. The scheduling of these phases may vary, depending on financing.

- G. Transportation and parking.** The master plan must include information on the following items for each phase.

1. Projected transportation impacts. These include the expected number of trips (peak and daily), analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles.

Findings: The master plan narrative includes a Transportation Impact Analysis ("TIA"), prepared by a registered Professional Traffic Engineer. The applicants have identified the analysis as Appendix B and it is included in the record. The analysis contains information on projected transportation and parking impacts, based on the proposed uses and activities.

The impacts of the proposed community center are compared to the maximum buildout that could occur with household units allowed by the residential zoning on the site. The 4.5 acre site would allow the development of about 196 multi-dwelling units, which would be expected to generate 120 trips at the weekday PM peak hour.

A trip generation calculation for the proposed community center indicated that the community center would generate fewer trips than the full residential buildout of the site (100 at weekday AM peak hour and 95 at weekday PM peak hour).

The analysis indicates that all study area intersections are anticipated to operate

within City standards and so no mitigation, in the form of changes or controls to the intersections was recommended. Transportation Demand Management measures are proposed by the applicants, as a part of the TIA. Portland Transportation reviewed the applicants' submittal and agreed with the conclusions of the analysis.

2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

Findings: The TIA states that the proposed community center will likely have a parking demand, at full buildout, of 158 spaces. Since 168 spaces are proposed in the underground parking garage, the on-site supply will be adequate to meet the potential demand.

H. Street vacations. The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations which might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)

Findings: This site includes several previously vacated streets. No new street vacations are being proposed.

I. Adjustments. The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.

Findings: Four Adjustments to development standards are requested as a part of the proposal:

1) Reduce the required minimum building setbacks from the street lot lines (Code Section 33.120.275) from 20 feet to 0 feet along SE 12th Avenue and from 14 feet to 0 feet along SE Stark Street, and

2) Reduce the required number of on-site loading spaces from two to one and reduce the height of the loading space from 13 feet to 10 feet (Code Section 33.266.310), and

3) Waive the requirement for vegetative screening along a portion of the north property line, adjacent to the plaza area that is shared with the old Washington Monroe High School property (Code Section 33.120.275), and

4) Increase the allowed maximum length of the building walls that are within 30 feet of the property lines along SE 12th Avenue and SE Stark Street (Code Section 33.120.230), from 100 feet to 200 feet on each side

The Adjustment Review Approval Criteria, 33.805.040 A-F, are addressed below.

- J. Other discretionary reviews.** When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.

Findings: No other discretionary reviews have been requested at this time.

- K. Review procedures.** The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

Findings: The applicants generally propose to follow Code requirements for any future amendments or additions to the approved plan, with the exception that future development proposals, not previously approved and proposed to be located within 400 feet of the master plan boundary, are not automatically required to be approved through a Type III Master Plan Amendment Review, but are, instead, subject to review process requirements of all other proposed development, regardless of the location. BDS Staff agreed to this proposal and the Hearings Officer concurs.

33.815.105 Approval Criteria for Institutional and Other 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

Findings: The residential area generally includes residentially-zoned properties that are within a radius of about 200 to 1,000 feet, as determined by through streets, existing uses, development and zoning. In this case, the area extends south to Morrison Street, north to Burnside, west to 12th Avenue, and east to 20th Avenue.

According to the applicants' inventory of this area, there are 28 non-residential uses, including the subject site, within this area. The applicants' narrative analyzes the household v. non-household uses in terms of acres devoted to each category and finds that there are 76 acres of residentially zoned land, with the non-household uses, including the subject site, occupying about 15.1 acres or 20% of the land area.

This site however, has historically been a part of the high school campus and so the proposed community center will be replacing one institutional use (school) with another institutional use (community service). The proposal will not remove any household uses and will not intrude into the area that is developed with household uses. Therefore, there will not be any change in the proportion of uses not in the Household Living category, based on acreage, and the overall residential appearance and function of the area will not be significantly lessened. This criterion is met.

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

Findings: The intensity and scale of the proposed community center will not create a negative impact on the function or the appearance of the adjacent residential area because the vehicular entrance and exit will be from the western side of the property, via SE 12th Avenue and the four-story Washington-Monroe High School building provides a physical buffer between the proposed community center structure and the residences that lie on the east side of SE 14th Avenue. The southeastern and the southwestern portions of the site, that will have the proposed recreational field and the open space area, plus the eco-roof over a portion of the structure, will approximate the current situation, where the neighborhood uses the former playing fields of the high school as a community recreation space. This configuration will ensure that the community center provides a positive contribution to the larger area of the City, but not at the cost of livability to the immediate neighbors. Therefore, this criterion is 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 designated scenic resources on 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: The Code requires that either B. 2 or B. 3 must be met. BDS Staff concurred with the applicants' narrative as follows:

"Community Center. The proposed design for the community center recalls the look of historic gymnasiums and will match the high school facility in scale and exterior treatments. The building will be built out to the lot lines at SE Stark Street and SE 12th Avenue, respectively, mirroring the zero setbacks of the commercial buildings across SE Stark and reinforcing the transit-oriented pedestrian environment that is desirable for SE 12th Avenue.

Underground Parking Garage. PPR (*Portland Parks and Recreation*) is incurring additional substantial cost to construct the below-grade parking structure so as to maximize useable open space for the Buckman Neighborhood, which is chronically park-deficient. Except for the entrance ramp off of SE 12th Avenue, the garage will have no visual impact on surrounding uses.

Playground and Recreation Fields. The proposed playground will be adjacent to the proposed community center and at the far side of the site from the existing residential uses across SE 14th Avenue. The abutting residentially-zoned properties are more than 50' from the edges of the playground. The proposed playing fields will maintain the current open space used by the community with additional activities programmed by the community center. These outdoor recreation areas will be buffered by additional landscaping at their edges, including community garden plots, adjacent to the RH-zoned site abutting the southeast corner of the site, and across from the residential uses on SE 14th Avenue."

Mr. Diener appears to advocate an additional condition of approval which would require the applicant's to encourage underground parking on the adjacent

property when the former Washington Monroe High School is redeveloped sometime in the future. Mr. Diener's assertion is that such future underground parking on the adjacent site might improve compatibility with the existing neighborhood by mitigating overflow parking impacts to the neighborhood. Exhibit H-10.

The applicants respond that such a condition would require the applicants to be responsible for future development by a third-party of the former high school site. The nature of that redevelopment is uncertain, and that in any case the applicant is not responsible for assuring the physical compatibility of that future development with the surrounding neighborhood. Exhibit H-13.

The hearings officer agrees with the applicants. The record shows that the amount of available parking that will be created with the community center will be more than sufficient to accommodate anticipated vehicle trips. The proposed below grade parking facility will further mitigate actual and visual impacts on surrounding neighborhood. Given that the record shows that identified impacts are already likely to be satisfactorily mitigated, Mr. Diener's request to require the applicant to grant an easement to the developers of the former high school site appears to be unnecessary, and for multiple different reasons likely to be legally unsupportable.

Finally, Jessica Engeman of the Venerable Group submitted a letter dated July 19, 2012 requesting that certain aspects of the plaza between the subject property and the former Washington Monroe High School be maintained in order to facilitate the redevelopment of that site. Exhibit H-3. The applicants oppose the request primarily because the design of the redevelopment of the former Washington Monroe High School is unknown at this time and that conditioning the application to react to the future actions of a third party would be inappropriate. The Hearings Officer agrees with the applicant.

These criteria are 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: BDS Staff found and the Hearings Officer concurs that:

"Noise and odors are not expected to be issues because most activities will occur inside the building. Those activities that do occur outdoors, such as playground and field activities will be restricted to daytime hours. As there

is no surface parking, headlight glare will not be a problem on this site. The applicants also states that, "exterior lighting will be limited to driveways and buildings and will meet industrial standards that provide sufficient lighting for safety and security purposes without spillover onto neighboring properties." The applicants reports that the project will be, "dark sky friendly," which will ensure that the lighting will not have any unnecessary glare or intensity. Lighting will be required, by code, along pedestrian paths, in order to ensure safety on these walkways. On-site trash disposal and recycling facilities will be maintained to ensure that litter does not become a problem. Selective screening and vegetative buffering, together with the fact that the main focus of activities is set away from the residential area will preserve privacy. Lighting and controlled access to the parking garage will help to prevent any safety concerns for that portion of the facility. Staffing of the community center is expected to provide a greater level of safety than currently exists with the unsupervised open space."

Mr. Diener made three comments and recommendations with respect to this criterion.

The first request was that the Northwest and Northeast corners of the proposed facility be required to have a minimum of 3 foot chamfered corners on each side. He argued that these chamfers will allow better visibility around the building for all uses, and that such chamfered corners would better meet the purpose of the regulation than the proposed design and the associated requested adjustment. Exhibit H-10.

The applicants respond that requirement at such chamfered corners is unnecessary to meet this criteria and would substantially change the design of the project which is been extensively reviewed through public input and comment, resulting in substantial unnecessary cost increases to the project. Exhibit H-13.

The hearings officer agrees with the applicants. The record shows that the new community center will be a substantial improvement over the current appearance of the subject property. While Mr. Diener asserts that the chamfered corners will increase visibility and provide a more pleasing look to the development, there appears to be substantial professional disagreement between himself and the applicants' planners and architects. Hearings officer is unsure whether such chamfered corners would be the best design possible for the proposed development. However, as to this criterion and the primary mandate for adjustments, the resulting design is not required to be the "best possible" design. The proposed development need only avoid having "significant adverse impacts" (PCC 33.815.105.C) and "equally or better meet

the purpose of the regulation to be modified" (PCC 33.805.040.A). The record is sufficient to show that the current proposal, without chamfered corners, is sufficient to meet these criteria.

The second request is that the applicants be required to install skylights in the floor of the first-floor hallway over the underground garage in order to provide natural light and a visual connection to the upper floor. The rationale behind requiring this change would be to make users feel safe and connected to the lobby. He asserts that if the parking garage does not feel safe to users, then they will opt not to use the garage, thus defeating the purpose of off street parking. Exhibit H-10.

The applicant responds in two ways. First, that Mr. Diener's assertion of a safety issue is just that, an assertion, which is not supported by documentation or evidence in the record. Second, the applicants argued that the requested change or condition relates to the internal design of the building which is not controlled by the conditional use master plan criteria.

The Hearings Officer agrees with the applicants. There is simply no evidence in the record to support the contention that potential users of the community center will either actually confront a safety issue with respect to the garage or will necessarily feel unsafe in the garage based on the current configuration. The requested condition is not warranted.

The third request appears to be for a condition requiring the front south façade of the proposed development to be set back a distance to allow the future control desk of the facility to have better surveillance of the East-West hallway leading between the public plaza and whatever future development occur on the former high school building site.

The applicant proposes this request primarily because several different configuration options were considered for the control desk over number of years and the configuration which Mr. Diener urges was rejected by the applicants' consultants and architects.

For the same reasons discussed immediately above, the Hearings Officer finds that there is no substantial evidence in the record indicating that this criterion cannot be met as proposed by the applicant. The requested condition is, again, not warranted.

This criterion is met.

D. Public services.

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

Findings: BDS Staff found that at this location, SE Stark is classified as a Neighborhood Collector, City Walkway, and a Local Service Street for all other modes in the City's Transportation System Plan (TSP). Southeast 12th Avenue is classified as a Traffic Access street, Transit Access Street, City Bikeway, City Walkway and Community Corridor. Southeast 14th Avenue is classified as a Local Service Street for all transportation modes.

As stated in the TSP, "Neighborhood Collectors should connect neighborhoods to nearby centers, corridors, station communities, main streets, and other nearby destinations. New land uses and major expansions of land uses that attract a significant volume of traffic from outside the neighborhood should be discouraged from locating on Neighborhood Collectors". SE Stark Street will act to connect the neighborhood to the proposed community center. As a City Walkway (similar to SE 12th Avenue), these classified streets are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit. Both SE Stark Street and SE 12th Avenue will accomplish these goals.

The site also has frontage along SE 12th Avenue, a Traffic Access street. The TSP states that "Traffic Access Streets serve Central City land uses. Connections to adjoining transportation districts should be to District or Neighborhood Collectors. Intersections of Traffic Access Streets and streets with higher or similar classifications should be signalized, where warranted, to facilitate the safe movement of traffic along each street as well as turning movements from one street to the other. SE 12th and SE Stark, with their signalized intersection, are representative of these descriptions. The proposed community center will not detract from the classifications, functions, goals or objectives of any of the surrounding streets.

The other frontage, SE 14th Avenue, is a Local Service Street for all modes. The TSP states that "auto-oriented land uses should be discouraged from using Local Service Traffic Streets as their primary access". The proposed community center has deliberately been designed so that vehicle access to the site will be primarily from SE 12th Avenue, to help prevent impacts to the surrounding neighborhood.

BDS Staff found, and the Hearings Officer concurs, that the proposed community center is in conformance with the street designations of the Transportation Element of the Comprehensive. This criterion is met.

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

Findings: BDS Staff adopted the findings provided by the Portland Bureau of Transportation (PBOT) in response for this criterion. The record does not contain evidence that would contradict PBOT's findings, and therefore, the Hearings Officer also adopts those findings as follows:

Level of service. The application submittal package for the proposed Washington Monroe High School Community Center (WHSCC) included a professionally prepared Traffic Impact Study (TIA). The consulting traffic engineer provided a current level of service analysis at four area intersections, including the proposed site access driveways along SE Stark Street (at SE 11th, 12th and 14th Avenues) and at SE Alder Street/SE 12th Avenue.

The City of Portland has an adopted administrative rule that governs traffic capacity analysis for land use review cases. Administrative Rule ARB-TRN-10.27 (Traffic Capacity Analysis for Land Use Review Cases) stipulates that:

1. Level of Service (LOS) "D" is considered adequate for signalized intersections (based on a weighted average vehicle delay for the intersection); and,
2. LOS "E" is considered adequate for stop-controlled intersections. Level of service for two-way stop controlled intersections is based on individual movement delay while all-way stop controlled intersection level of service is based on a weighted average vehicle delay for the intersection.

Using the weekday AM and PM peak hour traffic volumes that were obtained from manual turning movement counts, peak hour volume-to-capacity ratios and levels of service were calculated for the signalized and unsignalized study intersections. As shown in the TIA, all four study intersections currently operate well within acceptable levels of service, based on City standards (LOS B at each intersection in the AM and PM peak hours, except at SE Stark/SE 14th Ave (unsignalized) during the PM peak which is operating at LOS C).

Estimates of weekday AM and PM peak hour vehicle trip ends for the proposed community center were developed based on empirical observations summarized in the standard reference *Trip Generation, 8th Edition*, published by the Institute of Transportation Engineers. The trip generation estimate was based on a 63,000 sf building. It should be noted that the weekday PM peak hour trip estimate results tabulated by the applicants' traffic consultant were validated by a trip generation study completed at the Mt. Scott Community Center and Pool (located at 5530 SE 72nd Avenue in Portland). Said results include a total daily number of expected vehicle trips of 1,440, with 100 trips occurring during the AM peak hour and 95 during the PM peak hour.

The total traffic conditions analysis provides a summary of how the study area's transportation system would operate with the inclusion of traffic from the proposed community center development. The site generated traffic total was added to the year 2011 existing traffic volumes to arrive at the future total traffic volumes. As noted in the TIA, all study intersections are forecast to continue to operate acceptably during the weekday AM and PM peak hours (no changes to LOS as noted previously except that at the unsignalized intersection at SE Alder/SE 12th Ave, the PM peak hour will change from operating at LOS B to LOS C [still much better than acceptable LOS E]).

It should be noted that the submitted TIA also contained the following compelling analysis: Based on the City of Portland Comprehensive Plan and Zoning Code, the existing R1 land use designation allows for the development of the site with medium-density multi-dwelling structures. It allows a maximum of approximately one unit per 1,000 sf, which is equivalent to approximately 43.56 units per acre. Thus, this 4.5-acre site could accommodate 196 multi-family residential units if developed in conformance with its existing zoning designation. The 196 multi-family dwellings that could be developed in conformance with the existing zoning would generate an estimated 120 trips during the most critical hour of an average weekday - the weekday PM peak hour. As referred to above, the site, if developed as proposed, will generate 95 PM peak hour trips. The proposed development of the site with a community center will result in less trip generation during the PM peak hour of travel than otherwise would result if the site was developed with currently allowed uses, based on existing zoning.

Portland Transportation staff has reviewed the submitted TIA and determined that all of the sources, study methodologies, data, assumptions and assessments are acceptable. The conclusions made by the consulting traffic engineer support the finding that the proposed WHSCC will not adversely impact the area's intersection(s) level of service; there will be adequate intersection capacity to serve the existing uses as well as the proposed use.

Access to arterials The subject site is located along two arterial streets (SE Stark and SE 12th Avenue), each of which connect to the broader transportation system, including other arterial streets. Vehicle access onto the site will be exclusively from SE 12th Avenue.

Connectivity The existing street grid and pattern does not meet connectivity spacing requirements. However, given the proposed use on the site and the surrounding uses on the subject block (single family home, office complexes and retail uses), there is no opportunity to further the (public street) connectivity goals of the City. It should be noted that SE Alder Street used to run through the site and connect to the east and west of the subject block. The segment of the street that was situated through the subject site was vacated in 1970.

Further, the site has an internal pedestrian system that utilizes the existing plaza adjacent to the vacant high school building and the pedestrian improvements that remain in the vacated portions of SE Alder. The proposed development will maintain the plaza and its function in connecting the community center use to the high school building to the sidewalk along SE Stark. The east-west connection provided along vacated SE Alder will be replaced by a new pedestrian path in approximately the same location. A new east-west (public) pedestrian connection will be provided across the subject site (between SE 12th and SE 14th Avenues) and provide access to WHSCC's new entrance plaza adjacent to the sidewalk along SE 12th Avenue. It is PBOT's position that the two pedestrian paths through the subject site further enhance the pedestrian connectivity in the area.

Transit availability The site is currently served by two Tri-Met bus lines, the #15-Belmont and the #70-12th Ave. The Belmont line runs one block south of the subject site while the 12th Avenue line runs along the west side of the subject site (with a transit stop at the SE corner of SE 12th/SE Stark). The #6-MLK Blvd line runs approximately 0.4 miles west of the site along Grand/MLK and the East-side street-car line will be running in the near future along Grand/MLK as well.

On-street parking/neighborhood impacts The consulting traffic engineer supplemented the submitted TIA with a parking supply/demand analyses to demonstrate the proposed WHSCC would not result in on-street parking impacts, thereby minimizing impacts to the surrounding neighborhood.

The parking demand anticipated at the site was projected based on other similar community centers in the Portland metropolitan area. Assessment of the parking supply considered the number and availability of parking spaces on-site as well as the street frontages around the site.

Previous parking studies conducted for other Portland area community centers were first reviewed to estimate the number of parking spaces needed at the subject site. Studies conducted at the SW Portland Community Center (SWPCC) and East Portland Community Center (EPCC) determined that typical weekday peak parking demand occurred mid-morning between 9:00 and 11:00 AM. The data prepared by the applicant's traffic consultant relates to this period, on the assumption that if there is enough parking at peak demand, there is enough the rest of the time.

As documented in 2005/2006 attendance data provided by Portland Parks & Recreation, winter historically has been the busiest season for attendance at community centers city-wide. Winter was reported to have 26.2% greater attendance than summer. Thus, in order to reflect seasonal peaking at the community centers, it was assumed that parking demand, as measured in July/August, would be 26.2% higher in the winter. Although the average observed parking demand was determined to be 2.46 spaces per 1,000 gross square feet (gsf), the EPCC rate (2.60) was applied because its site shares similar characteristics to the proposed WHSCC development. As such, typical weekday peak parking demand on site should average approximately 158 spaces (60,712 square feet x 2.60 spaces/1,000 gsf = 158 spaces).

The proposed WHSCC will include 168 on-site parking spaces in an underground parking garage. Of these 168 spaces, eight will be designated handicapped (as required by code), thus providing an effective parking supply to the general public of 160 spaces during the morning peak parking demand period (10:00 AM). It can be expected that on occasion, the typical weekday parking peak rate may be exceeded during special events or other unique circumstances. Additional on-street parking available along the site frontage may be used during such periods.

Based on the parking inventory which was counted at 10:00 AM on a weekday morning, there are approximately 42 parking spaces available during the peak demand hours on the block faces immediately adjacent to the proposed site. Of these, 16 vehicles were parked there during the mid-morning peak period. Hence, there were 26 spaces available for public use. Spaces along the SE Stark St and SE 14th Avenue frontages, excluding those along the former high school building itself, are the most heavily used (16 of the 19 spaces had parked cars), while spaces along SE 12th Avenue were least used (0 used out of 23 available spaces). Of the 26 available spaces, two of these spaces are located along 14th Avenue and likely would not be used by patrons of the proposed community center. Further, two on-street spaces will be removed along SE 12th Avenue with construction of the new driveway into the site at Alder Street. The remaining 22-space available supply could be used by patrons or employees of the proposed community center during periods when the on-site parking supply

is full. Adding 22 spaces to the 160 spaces available to the general public on-site (excluding the 8 handicapped spaces), a total of up to 182 parking spaces should be available to accommodate parking during peak demand, providing an effective parking supply ratio of 3.00 parking spaces per 1,000 gsf. The 182 available parking spaces will provide a 15% buffer to turnover and unexpected peaks, in addition to the 158 space mid-morning parking demand. This satisfies the need for a parking buffer for special activities and events. Given the citing of the proposed community center building at the NW corner of the site, with the location of the main entrance to the building and the location of the underground garage along the site's SE 12th Avenue frontage, the project has been designed and planned to help minimize impacts to the abutting residential neighborhood to the east of the subject site, including making it less likely that WHSCC patrons will park along SE 14th Avenue.

Notwithstanding the analysis above, the submitted TIA went further to demonstrate that the parking demand at the WHSCC site is likely to be lower than other community center sites that were used as comparisons, as a result of the very probable use of alternative modes of travel that will be utilized by patrons of the new WHSCC. Compared to the other community centers referred to in the TIA, the proposed WHSCC will benefit from close, frequent and multiple transit service(s). Given the relatively small proportion (4%) of community center visitors using transit at those centers for which parking demand was observed, it is reasonable to conclude that transit use at the proposed WHSCC will likely be higher than its counterparts with the numerous opportunities that exist close to the subject site. As a result, the traffic and parking demand may be lower at WHSCC than was assumed in the applicants' TIA.

The submitted TIA also included data documenting the population within given distances from the WHSCC site, and comparable EPCC and SWCC based on demographic data available. The data provided suggests that there is a much larger population within convenient walking and bicycling distance to the proposed WHSCC than to the EPCC and particularly the SWCC. It should be noted that these statistics relate only to population, and exclude the substantial number of employees within reasonable walking and biking distance of both the WHS and EPCC sites. The sidewalk and bike paths in the WHSCC area are also substantially more robust and direct, when compared with either the SWCC or EPCC sites. These observations and data underscore the similarities of the two facilities and the likelihood that the WHSCC site will likely attract more visitors via alternative modes, thereby resulting in a lower parking demand than expected, and designed to be accommodated.

Included with the parking of vehicles on and around the proposed WHSCC site, are loading activities associated with the operations of the community center as

well as pick-up/drop-off activities associated with patrons (especially children). The applicants is proposing two on-site pick-up/drop-off areas, one, near the main entrance of building and the other within the underground parking garage. Referring to the site plan, the first pick-up/drop-off area is located north of the entrance driveway and accessed from a perpendicular driveway which leads to the round-about area towards the building's main entrance. The round-about area will be wide enough to accommodate one lane for the actual pick-up/drop-off activity to occur within and one passing (through) lane. The second pick-up/drop-off area is along the northern end of the parking garage, adjacent to the building's lower lobby. There is a separated pick-up/drop-off lane beyond the parking stalls which will prevent potential conflicts with patrons attempting to park their vehicles for lengthier stays. PBOT staff is very supportive of these two on-site facilities for pick-up/drop-off activities to occur within, since by providing said opportunities on-site, conflicts with motorists, bicyclists and pedestrians around the site (along the abutting public rights-of-ways) will be essentially negated.

With regard to the proposed loading space associated with the WHSCC's operations, this topic will be discussed further in the subsequent "Adjustment" section. (*See page 18*).

Access restrictions There will be one vehicle access onto the site from a driveway at the west end of the vacated SE Alder Street right-of-way, where it intersects with SE 12th Avenue. The driveway will allow for two-way directional travel onto and exiting the site. The driveway will lead to both the underground garage and to a proposed drop-off round-about serving the WHSCC's main entrance. There will be no vehicle access from SE 14th Avenue however pedestrians will be able to cross the site between SE 12th and SE 14th Avenues via two pedestrian connections.

Impact on pedestrian, bicycle, and transit circulation The three frontages of the site are improved to City standards. Pedestrian movement will be enhanced by the proposed on-campus (community center) pedestrian connections, which will connect with the surrounding sidewalk corridors around the site. Bicycle circulation will not be adversely impacted by the proposed community center in that the proposed plan includes only one access point onto the project site. Area transit experience will be enhanced by the construction of the proposed building at the NW corner of the site, which will replace the existing combination retaining wall/chain link fence. Direct access to the transit stop from the primary access into the WHSCC building will be a short walk from the entrance.

Safety for all modes No significant negative safety impacts are expected with this proposal on any mode of the transportation system. With one single point

of access for both patrons of the proposed community center and for service/delivery vehicles, conflicts with motor vehicles, bicycles and pedestrians will be minimized. Providing on-site parking, pick-up/drop-off areas and an on-site loading space will lessen opportunities for these activities to occur along the site's frontages. The proposed pedestrian circulation on the WHSCC campus will enhance and connect with the robust sidewalk system in the established residential area.

Adequate Transportation Demand Management strategies Transportation Demand Management strategies are typically associated with the submittal of Transportation Demand Management Plans (TDMP) which are generally required where issues are identified with a proposed development and mitigation is necessary. As noted in the previous sections above, PBOT has found that each of the applicable transportation-related approval criteria/evaluation factors will be satisfied. Nonetheless, the applicant's traffic consultant has included a proposed TDMP as an attachment to the submitted TIA. The primary objective of the WHSCC TDMP is to reduce the number of vehicle trips made to the community center on a daily basis. The goal over time is to reduce the rate at which per patron vehicle trips are made. For this reason, the goals of this plan are:

- reduction of reliance on single-occupancy vehicles for employee and patron trips, and
- increased use of alternative modes for access to the center.

In order to accomplish these goals, this plan includes a broad range of TDM measures in the following categories:

- Parking Management;
- Provision of facilities for bicyclists, pedestrians, and transit riders;
- Incentive Programs; and,
- Education Programs

The measures identified in the proposed TDMP in the above referenced categories are typical measures that PBOT staff have reviewed in relation to TDMPs associated with other projects. Implementation of the TDMP will occur at the time of the opening of WHSCC. A coordinator and committee will be identified and established for overseeing and coordinating the TDMP. The committee, which will be comprised of representatives from various neighborhood associations and other agencies, will be responsible for monitoring, recommending and reporting on the progress of the TDMP.

Without going into further detail of the proposed TDMP, PBOT staff will state its support of the proposed TDMP and will recommend the implementation of

said TDMP as a condition of approval, by reference to the plan in the submitted TIA.

PBOT staff concludes that the applicants has adequately demonstrated that "the transportation system is capable of supporting the proposal in addition to the existing uses in the area", and therefore has no objection to the proposed CUMS for the new Washington Monroe High School Community Center.

This criterion is met.

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

Findings: The BDS Staff report stated that the City's service agencies evaluated this proposal and found that there would be no public service issues related to approval of this proposal that cannot be resolved with the imposition of the following conditions which must be met at the time of building permit review:

The Bureau of Environmental Services (BES) requires that prior to issuance of the building permit, the applicants must construct a new public sewer, in a location acceptable to BES, to replace the public sewer currently located on the subject site in a public sewer easement. The new sewer, to be permitted through Public Works or other permit process acceptable to BES, must be constructed and accepted by BES before the sewer crossing the site can be abandoned and the easement quit-claimed; BES will not approve the building permit until this work is completed.

The Portland Bureau of Water Works requires that the applicants must either submit an approvable plan to the Water Bureau for development within the vacated portion of SE Alder Street or request that the water main be decommissioned and all associated fees paid in full.

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 Buckman Neighborhood Plan. The following policies and objectives of this plan are relevant to this proposal:

Policy 1. Urban Design and Livability. Maintain and improve the quality and urban character of Buckman's physical environment and attract compatible development.

Policy 6. Education, Recreation and Cultural Resources. Promote and improve educational, recreational and cultural resources and activities in the Buckman Neighborhood.

Policy 8. Ensure that social service agencies and institutions which provide needed services to the neighborhood and the broader community, do not cause adverse impacts.

BDS Staff found, and the Hearings Officer agrees, that the proposed master plan will allow an up-to-date facility to serve the recreational needs of the neighborhood, offering a new and attractive focal point and landmark for this well-traveled central location. The building has been designed to create a major institutional statement that is compatible with the historic high school structure that is located on the adjacent property to the north. Because this community center will be a public facility, it will also provide amenities to the neighborhood at affordable rates and so will further enhance the attractiveness of the area. The services and activities that this community service use will provide for the neighborhood have been assessed through this review and found to be presented in a way that is not expected to create adverse impacts for the adjacent residential area.

This criterion is met.

- C. The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

Findings: The applicants have shown that all of the development standards of Title 33 will be met. The requests for approval of Adjustments are addressed in the findings below. This criterion is met.

33.805.10 Purpose of Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews

provide flexibility for unusual situations and to allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

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

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

Findings: BDS Staff found that all four of the requested Adjustments would equally or better meet the purpose of the regulation to be modified. The Hearings Officer agrees and adopts those findings below. As discussed in the findings above for PCC 33.815, particularly with regard to Mr. Diener's comments, this criterion does not require the applicant to demonstrate that the proposed adjustment is the "best" option, just that the proposal will equally meet the purpose of the regulation at issue. Those findings are incorporated here by this reference.

Adjustment 1. Reduce the required minimum building setbacks from the street lot lines (Code Section 33.120.275) from 20 feet to 0 feet along SE 12th Avenue and from 14 feet to 0 feet along SE Stark Street. The minimum building setbacks and other standards for institutions in multi-dwelling zones were created to recognize that institutions require different standards than residential uses. The purpose statement says that these standards are intended to maintain compatibility with and limit negative impacts on the surrounding residential areas. The request to reduce the minimum building setback are for the sides of the building that will abut the frontages on SE Stark Street and SE 12th Avenue. These frontages do not generally face residentially developed properties. The only residences that abut these streets in this area are actually in nonresidential zones and most of the properties that will face the proposed community center are developed with commercial uses. The proposed design will be compatible with the adjacent, historic Washington-Monroe High School building to the north which is scheduled for restoration for use apartments for senior living. The iconic institutional façade that is proposed for the community center will fit well into the historic context and the built-up character of the neighborhood. Therefore, for this adjustment, this criterion is met.

Adjustment 2. Reduce the required number of on-site loading spaces from two to one and reduce the height of the loading space from 13 feet to 10 feet (Code Section 33.266.310), and
The minimum number and size of loading spaces are required to ensure adequate areas for loading are provided for larger uses and development projects.

Portland Transportation provided the following comments regarding this Adjustment request: Based on experiences at other area community centers, it is expected that the

proposed community center will have approximately 30 deliveries per week. With an average of six deliveries per day (not including the weekends), it is highly unlikely that the incidence of two deliveries from separate vendors or services will occur simultaneously. Accordingly, with such a low frequency of deliveries expected, the applicants is seeking to reduce the number of on-site loading spaces from two to one. Although the size of the building dictates the number of required loading spaces that must be provided on-site, pursuant to Chapter 33.266 of the Zoning Code, the use of the building, in this proposal, suggests that there will not be the need for the more frequent numbers of deliveries associated with the building's size. PBOT staff reviewed this Adjustment request and concurs that given the small number of expected deliveries, and in this case it is a relatively known number of deliveries (using the other community centers in the area as a reference), that having two conventionally sized loading spaces would be excessive for the proposed WHSCC.

Regarding the applicants' request to reduce the clearance height (dimensional requirement) from 13-ft to 10-ft, it is understandable given the cost of constructing the proposed underground parking structure, that the additional height it would take to provide for the standard clearance dimension, would only result in additional cost to the applicants, with no resulting gains or advantages. Again, taking from experiences at other area community centers, the few deliveries that are made on a weekly basis are done so in smaller vehicles (small/mid-sized trucks/vans) as opposed to semi-trucks, which the 13-ft height is designed to accommodate. PBOT staff has no objections to the applicant's request for an on-site loading space that is only 10-ft high. Said height is the proposed floor height of the parking garage and additional clearance is not necessary to accommodate the expected types of delivery vehicles.

Accordingly, the single, proposed on-site loading space is the minimum number of loading spaces required to ensure adequate areas for loading for the proposed use. Further, by providing the on-site loading space, even with its modified size, the proposal will ensure that access to and from the loading facility will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way. BDS staff concurs and so, for this adjustment, this criterion is met.

Adjustment 3. Waive the requirement for vegetative screening along a portion of the north property line, adjacent to the plaza area that is shared with the old Washington Monroe High School property (Code Section 33.120.275). The purpose of this and other regulations for institutions that are located in multi-dwelling residential zones is to maintain compatibility with and limit negative impacts on the surrounding residential areas.

This development standard would require the applicants to place a 5-foot-wide landscaped area, with a six-foot tall hedge and trees in the middle of the shared plaza that straddles the north property line of the site. This small common area would be made unusable, even if only the tree requirement was met. The applicants has requested

approval of an Adjustment to waive the screening requirement in order to preserve this proposed amenity for the two properties. In this case, waiving the screening requirement will better meet the purpose than requiring the planting and losing the southern portion of the shared plaza. Therefore, for this adjustment, this criterion is met.

Adjustment 4. Increase the allowed maximum length of the building walls that are within 30 feet of the property lines along SE 12th Avenue and SE Stark Street (Code Section 33.120.230), from 100 feet to 200 feet on each side. The maximum building length standard, along with the height and setback standards, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.

The building walls on Stark Street face properties that are zoned CG and CS. Both of these zones have zero street lot line setback requirements for buildings that can be up to 45 feet tall, with no requirement for articulation of the walls. The EX zone, which runs along the west side of SE 12th Avenue also has a zero setback from the street lot line. This EX-zoned area, which is part of the Central City Plan District, allows a much more built-up character, with buildings that can be up to 65 feet tall, with no limits on the length of building walls.

Allowing a longer building wall, in this instance, will be compatible with the development that is allowed in the zones that face the site on both SE Stark Street and SE 12th Avenue. The building does step back in the upper areas of the structure and so the building wall that is next to the street will actually be shorter than the buildings that could be located in the other zones that face the property on the west and the north. The building also has articulation on each façade, dispelling the sense of a monolithic structure. This articulation, while it is not deep enough to meet this standard, does provide interest and variety in these facades. These design features, together with the fact that these portions of the site do not face areas that call for lower density development ensures that the purpose of this regulation is still equally met. Therefore, for this adjustment, this criterion is met.

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

Findings: The applicants' site is located in the R1 and RH zones, but the major part of the surrounding residential is to the east, across SE 14th Avenue, where there are a number of single-dwelling homes. BDS Staff found that there are a couple of older residential apartment buildings in the commercial and employment zones but the proposed development will not impact the character of those buildings, which are already flanked by retail and industrial uses. The portion of the proposed development that will

be closer to the single-dwelling residential area will remain an open space area and so the development should not have any negative impacts on the livability or the appearance of this area. Therefore the Hearings Officer agrees with staff's conclusion that for all of the requested Adjustments, this criterion is met.

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

Findings: Four Adjustments to development standards are being requested as a part of the proposal. The purpose of the multi-dwelling zones is to preserve land for urban housing and to provide opportunities for multi-dwelling housing. Institutional uses, such as this proposed community service use can be located in residential zones, when they are approved as Conditional Uses. Earlier in this report, findings showed that the proposed community center meets the Conditional Use Approval Criteria for locating on this site.

The site is rather compact for the proposed facility. The plan for the development considers that this is a rather densely built-up area and there is a need to preserve some open space for community recreation, in addition to providing a structure for the indoor activities that will be offered. Approval of the Adjustments that have been requested will allow all of these needs to be met on this site and will present a structure that carries with it the elegance that was characteristic of the institutional edifices in the era when the neighborhood was first developed. BDS Staff found, and the Hearings Officer concurs, that approval of the adjustments is consistent with the purpose of the zone and is not expected to have any cumulative effect.

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

Findings: City-designated scenic resources are indicated by the application of the "s" or Scenic Resource Overlay. There are no City-designated scenic or historic resources on this site. Therefore, this criterion does not apply.

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

Findings: No negative impacts are expected to result from the requested adjustments. Therefore, no mitigation is required and this criterion is met.

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

Findings: The site is not located in an environmental zone, so this criterion does not apply.

Summary: The requested Adjustments have been found to meet the relevant approval

criteria so this criterion for the Conditional Use Master Plan 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.

TITLE 17 REQUIREMENTS

Transportation System Development Charges (Chapter 17.15)

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

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Improvements (Section 17.88.010)

It is typical Portland Transportation procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff *may* receive different information from the applicants' engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

According to City database sources, SE Stark is improved with 36-ft of center-strip paving in a 60-ft right-of-way (r.o.w.). The site's frontage is improved with a 4-6-2 sidewalk configuration. For a site located along a street classified as a City Walkway, the City's Pedestrian Design Guide recommends a 12-ft pedestrian corridor (0.5-ft curb/4-ft (min.) planter/6-ft/sidewalk/0.5-ft setback to the property line). The existing sidewalk corridor along SE Stark satisfies the recommended sidewalk corridor identified in the Pedestrian Design Guide.

According to City database sources, SE 12th is improved with 36-ft of center-strip paving in a 60-ft right-of-way (r.o.w.). The site's frontage is improved with variable sidewalk corridor configurations. Between SE Stark and SE Washington, the existing sidewalk corridor is a 4-6-2 configuration. Between SE Washington and SE Alder, the existing sidewalk corridor is a 0-12-0 configuration (12-ft curb-tight sidewalk). South of SE Alder, the existing sidewalk corridor is a 0-9-3 configuration (9-ft curb-tight sidewalk). For a site located along a street classified as a City Walkway, the City's Pedestrian Design Guide recommends a 12-ft pedestrian corridor (0.5-ft curb/4-ft (min.) planter/6-ft/sidewalk/0.5-ft setback to the property line). A portion of the existing sidewalk corridor along SE 12th satisfies the recommended

sidewalk corridor identified in the Pedestrian Design Guide. For those segments not satisfying the above referenced sidewalk corridor, the pedestrian-through dimension is actually wider than called out by the Pedestrian Design Guide, therefore, the applicants will not be required to retrofit a planter area as recommended by said Guide. The applicants is advised that additional street trees (and necessary tree wells) will likely be required by the City Forrester.

According to City database sources, SE 14th is improved with 36-ft of center-strip paving in a 60-ft right-of-way (r.o.w.). The site's frontage is improved with a 0-12-0 sidewalk configuration. For a site located along a street classified as a City Walkway, the City's Pedestrian Design Guide recommends a 12-ft pedestrian corridor (0.5-ft curb/4-ft (min.) planter/6-ft/sidewalk/0.5-ft setback to the property line). As noted above for SE 12th Ave, the applicants will not be required to retrofit a planter area as recommended by said Guide. The applicants is advised that additional street trees (and necessary tree wells) will likely be required by the City Forrester.

The applicants is advised that if, during the course of construction, any of the site's existing curbs/sidewalks are damaged, that they'll need to be reconstructed to City standards.

III. CONCLUSIONS

All of the relevant approval criteria for the requested Conditional Use Master Plan and Adjustments have been met. The proposal is approved with the recommend conditions set forth below.

IV. DECISION

Approval of a Conditional Use Master Plan for development, in two phases, of a two-story, approximately 60,710 square-foot public community center, with an indoor aquatic facility, exercise, activity, meeting and class rooms, an approximately 55,930 square-foot underground parking garage for 168 cars, and an outdoor open space area, as described in the applicant's proposal, Exhibits A-2, A-3, A-5 and A-8.

Approval of the following Adjustments:

- 1) Reduce the required minimum building setbacks from the street lot lines, from 20 feet to 0 feet along SE 12th Avenue, and from 14 feet to 0 feet along SE Stark Street (Code Section 33.120.275).
- 2) Reduce the required number of on-site loading spaces from two to one and reduce the height of the loading space from 13 feet to 10 feet (Code Section 33.266.310).
- 3) Waive the requirement for vegetative screening along a portion of the north property line, adjacent to the plaza area that is shared with the old Washington Monroe High School property (Code Section 33.120.275).

4) Increase the allowed maximum length of the building walls that are within 30 feet of the property lines along SE 12th Avenue and SE Stark Street, from 100 feet to 200 feet on each side (Code Section 33.120.230).

Approval of the Conditional Use Master Plan is subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-201984 CUMS AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicants shall implement the proposed Transportation Demand Management Plan upon the opening of the new Washington Monroe High School Community Center that was included with the submitted Traffic Impact Study prepared by Kittelson & Assoc, Inc., dated December/2011 and found on pp 31-37 of said document.
- C. Prior to issuance of the building permit, the applicants must construct a new public sewer, in a location acceptable to BES, to replace the public sewer currently located on the subject site in a public sewer easement. The new sewer, to be permitted through Public Works or other permit process acceptable to BES, must be constructed and accepted by BES before the sewer crossing the site can be abandoned and the easement quit-claimed; BES will not release the building permit until this work is complete.
- D. The Portland Bureau of Water Works requires that the applicants must either submit an approvable plan to the Water Bureau for development within the vacated portion of SE Alder Street or request that the water main be decommissioned and all associated fees paid in full.
- E. Any future revisions or amendments to this master plan would be subject only to the review thresholds of Code Chapter 33.815, Conditional Uses, and not to the additional thresholds (such as requirements for proposals that are within 400 feet of the master plan boundary), that are contained in Code Section 33.820, Conditional Use Master Plans.
- F. The applicants must submit five hard copies and one electronic copy of the master plan, incorporating all revisions that were made for this review process, to BDS prior to submittal for any permits for the proposed development.

- G. The applicants may differ physical elements of the Phase 1 approve plan to Phase 2 without further review.



Kenneth D. Helm, Hearings Officer

Date

8/22/12

Application Determined Complete:	May 25, 2012
Report to Hearings Officer:	July 13, 2012
Decision Mailed:	August 24, 2012
Last Date to Appeal:	September 7, 2012
Effective Date (if no appeal):	September 10, 2012

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 "applicants" includes the applicants for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$5,000 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicants. 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.

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 applicants 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 applicants, 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. Conditional Use Master Plans and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remain in effect until:

- All development allowed by the plan is completed; or
- The plan is amended or superseded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

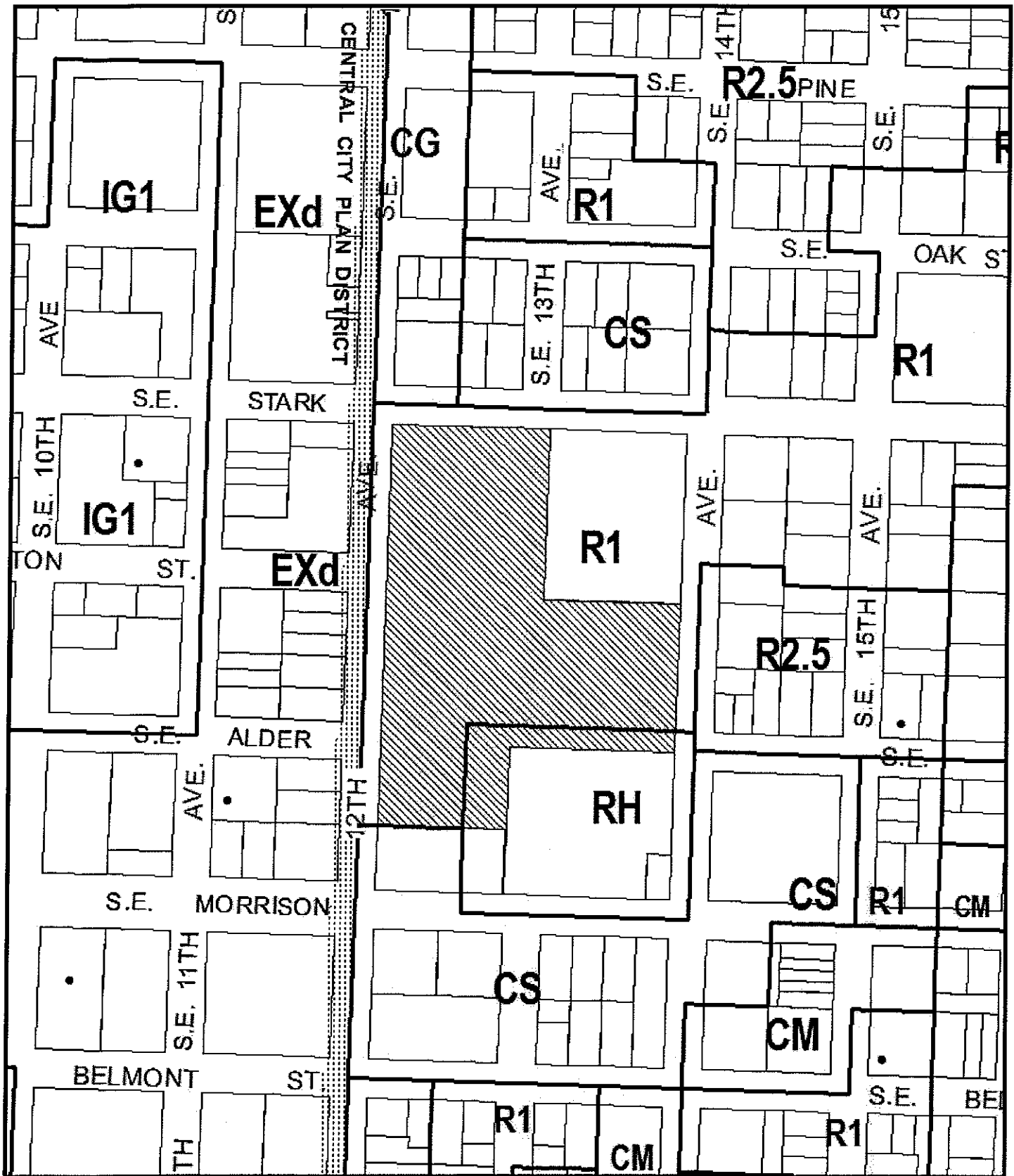
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicants' Statement
 - 1. Application form
 - 2. Binder with original plans and narrative
 - 3. Transportation Impact Analysis
 - 4. Original Stormwater Report
 - 5. Supplemental information and revisions, received April 10, 2012
 - 6. 120-day extension for 9 days, dated May 25, 2012
 - 7. Copies of eight activity schedules for Portland Parks and Recreation community centers
 - 8. Final revised Stormwater Management Report, dated June 27 and 28
- B. Zoning Map (attached)
- C. Plans & Drawings
 - 1. Overall Site Plan
 - 2. Basement Level Plan, Phase 1
 - 3. Level 1 Plan, Phase 1
 - 4. Level 2 Plan, Phase 1
 - 5. Level 1 Plan, Phase 2
 - 6. Level 2 Plan, Phase 2
 - 7. Streetscape Perspective, from corner along SE Stark and SE 12th
 - 8. South and West Elevations
 - 9. North and East Elevations
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicants
 - 3. Notice to be posted
 - 4. Applicants' 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. Site Development Review Section of Bureau of Development Services
 - 6. Life Safety Plan Review Section of Bureau of Development Services
 - 7. Electronic summary of City agency responses
- F. Letters
 - 1. Christopher Rauschenberg and Janet Stein
- G. Other

1. Letter from Kathleen Stokes to Susan Meamber, January 13, 2012
2. Pre-application Conference Summary Notes
- H. Received in the Hearings Office
 1. Hearing Notice – Kathleen Stokes
 2. Staff Report – Kathleen Stokes
 3. 7/19/12 Letter – Jessica Engeman
 4. 7/23/12 Memo from BES – Kathleen Stokes
 5. 7/23/12 Memo – Beverly Bookin
 6. 7/23/12 Written Testimony – Martha Peck Andrews
 7. Presentation Notes – Kathleen Stokes
 8. Record Closing Information – Hearings Office
 9. 7/27/12 Letter – Mary Ann Schwab
 - 9a. Deed copy – Mary Ann Schwab
 - 9b. Deed copy – Mary Ann Schwab
 - 9c. 7/27/12 Memo – Mary Ann Schwab
 - 9d. NWDA printout -- Mary Ann Schwab
 - 9e. 5/29/12 Memo -- Mary Ann Schwab
 - 9f. Divider 1 -- Mary Ann Schwab
 - 9g. Email string -- Mary Ann Schwab
 - 9h. Divider 2. -- Mary Ann Schwab
 - 9i. Purchase and Sale Agreement -- Mary Ann Schwab
 - 9j. Exhibit A – Pictorial Description of 3.8 Acre Parcel -- Mary Ann Schwab
 - 9k. Exhibit B – Pictorial Description of 4.5 Acre Parcel -- Mary Ann Schwab
 - 9l. Divider 3 -- Mary Ann Schwab
 - 9m. Wikipedia printout -- Mary Ann Schwab
 - 9n. Divider 4 – Property Valuation -- Mary Ann Schwab
 - 9o. City-Data.com printout -- Mary Ann Schwab
 - 9p. Divider – PDC URAC (6.81 acres) -- Mary Ann Schwab
 - 9q. Portland Maps printout -- Mary Ann Schwab
 - 9r. Divider – Block info -- Mary Ann Schwab
 - 9s. Portland Maps printout -- Mary Ann Schwab
 - 9t. Divider 4 -- properties comprising WHS -- Mary Ann Schwab
 - 9u. Portland Maps printout -- Mary Ann Schwab
 - 9v. Portland Maps printout -- Mary Ann Schwab
 - 9w. Portland Maps printout -- Mary Ann Schwab
 - 9x. Portland Maps printout -- Mary Ann Schwab
 - 9y. Divider – Assessor / Some Deed Info. -- Mary Ann Schwab
 - 9z. Portland Maps printout -- Mary Ann Schwab
 - 9aa. Portland Maps printout -- Mary Ann Schwab
 10. Fax – Ken Diener
 11. 7/30/12 Memo – Ken Diener
 12. 7/30/12 Memo – Mary Ann Schwab
 13. 8/8/12 Memo – Beverly Bookin



ZONING

Site

Historic Landmark



File No. LU 11-201984 CUMS
 1/4 Section 3131
 Scale 1 inch = 200 feet
 State_Id 1S1E02BA 102
 Exhibit B (Jan 04,2012)