

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

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FROM CONCEPT TO CONSTRUCTION

**Date:** April 11, 2013

To: Interested Person

From: Kathleen Stokes, Land Use Services 503-823-7843 / Kathleen.Stokes@portlandoregon.gov

# NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

# CASE FILE NUMBER: LU 13-113639 CU AD

# **GENERAL INFORMATION**

Applicants:	Ben Schonberger, Winterbrook Planning 310 SW Fourth Ave Suite 1100 Portland OR 97204			
	Abby Dacey, Boora Architects 720 SW Washington Suite 800 Portland OR 97205			
Owner:	David Douglas School District (attn: Patt Komar) 1500 SE 130th Ave Portland OR 97204			
Representative:	Cheryl Pin, Cornerstone Management Group 9600 SW Barnes Rd Suite 125 Portland OR 97225			
Site Address:	3915 SE 112 <sup>th</sup> AVE & 10822 SE BUSH ST			
Legal Description: Tax Account No.: State ID No.:	LOT 4 EXC PT IN ST LOT 5, MULTNOMAH BERRY RANCH & LOT 12 EXC PT IN ST E 1/2 OF LOT 13 EXC N 150' & EXC PT IN ST, MULTNOMAH BERRY RANCH R592200630, R592203380 1S2E10CA 03500, 1S2E10CA 03600			
Quarter Section: Neighborhood:	3441 Lents, Cora Potter at 503-823-4550. Powellhurst-Gilbert, Mark White at 503-761-0222.			
Business District: District Coalition: Plan District: Zoning:	Midway, Bill Dayton at 503-252-2017. East Portland Neighborhood Office, Richard Bixby at 503-823-4550. Johnson Creek Basin R2a (R2000, Low Density Multi-dwelling Residential, with an Alternative Design Density Overlay)			
Case Type:	Conditional Use Review, Adjustment			

**Proposal:** The applicants are proposing the construction of a 15,800 square-foot addition to the Earl Boyles Elementary School. The addition, which would house an early childhood center, is proposed to be connected to the west side of the school building. The one-story, U-shaped structure is proposed to enclose a central courtyard, with a new play area. The addition will be located in an area that is now occupied by a grassy play area. Some other outdoor play areas will be relocated to accommodate the building addition and the new courtyard play area. Interior renovations to the existing building are also proposed, which will create a net increase of five new classrooms. Changes to the parking and circulation on the site will add 10 new spaces to the parking area to the east of the building and also create what the applicants deem a "safer and more efficient" loop circulation pattern through this area that includes a pick-up/drop-off area. A Type II Conditional Use Review is needed for approval of the proposed additions to the building and the parking area.

Approval of an Adjustment is also being requested, in order to allow L2 (low screen) landscaping along the perimeter of the expanded parking area, instead of the L3 (high screen) standard that is required by Code Section 33.266.130 G. 2.

**Approval Criteria:** Conditional Use - 33.815.105 A-E, Institutional and Other Uses in R Zones. Adjustments - 33.805.040 A-F.

# ANALYSIS

**Site and Vicinity:** The applicants' site consists of 2 adjacent parcels, located between SE Bush and Francis Streets, west of SE 112<sup>th</sup> Avenue. The western parcel has an area of about 6.5 acres and is developed with an existing elementary school building, parking areas and sports fields. The adjacent 8.75-acre parcel, to the east, fronts onto SE 112<sup>th</sup> Avenue and is the location of Ron Russell Middle School. The middle school includes a track and athletic field on the west side and the school building and parking areas on the east side of the parcel.

The area surrounding the site is developed with residential zoning, but the only abutting residential development is along the west/northwest sides of the site and one flag lot at the southeast corner. The housing to the north, between SE Powell Boulevard and SE Bush Street, mainly consists of multi-dwelling units. The remainder of the adjacent residential area, to the west, east and south, as depicted on the Zoning Map, consists mainly of single-dwelling units. Earl Boyles Park is directly south of the site, extending from Francis Street to Boise Street.

Southeast 112<sup>th</sup> Avenue is classified as a Neighborhood Collector, Community Transit Street, City Bikeway, and City Walkway. Southeast Bush and Francis Streets are classified as Local Service Streets. Bush Street is also classified as a City Walkway. Public transit is available on SE Powell Boulevard, about 1/10<sup>th</sup> mile to the north.

**Zoning:** This site is zoned R2, Low Density Multi-dwelling Residential. This zone allows approximately 21.8 dwelling units per acre. The major type of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas or major streets. Institutional uses are allowed in the R2 zone when they are approved as Conditional Uses. Special development standards for institutions in multi-dwelling zones ensure that the development will maintain compatibility with and limit the negative impacts on surrounding residential areas.

The site also has an "a" or Alternative Design Density Overlay. This zone provides the opportunity for additional residential density in some situations, when design standards are met. The provisions of this zone are not applicable to this proposal.

The site is also located within the boundaries of the Kelly Butte Subdistrict of the Johnson

Creek Basin Plan District. This plan district provides for the safe, orderly, and efficient development of lands that are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. None of the special regulations or provisions of the plan district apply to this proposal.

**Land Use History:** Earl Boyles School was built in 1955 and operated as an elementary school until 1980, when it was closed due to declining enrollment. In 1982, the David Douglas School District leased the school to ITT Technical Institute, under an approval from Multnomah County. In 1988, ITT relocated and the School District placed an alternative high school in the facility on this site. The high school was later closed and no school operated in the building until growth in the school district prompted the district to reopen the school, in 2001.

City records indicate that prior land use reviews for the Earl Boyles School property include:

MCF CS 3-82 Multnomah County Approval of Community Service designation for a technical school.

MCF DR 82-06-08 Multnomah County Design Review approved for ITT Vocational School.

Prior land use reviews for both of the School District properties (Earl Boyles School and Ron Russell Middle School) include:

#### Multnomah County Reviews:

MCF BA 106-78Permit renewal for unspecified use.MCF BA 44-79Permit renewal for watchman's mobile home at drive-in theatre.MCF TP 14-80Permit renewal for watchman's mobile home at drive-in theatre.MCF PD 5-81Mobile Home Subdivision – Approved with conditions.MCF DR 81-07-13Mobile Home Subdivision – Design Review.MCF LD 60-81, -81pMobile Home Subdivision- Approved, with conditions, for 70 units.

City of Portland Reviews:

CU 84-87 City of Portland approval of a Conditional Use for a church, seating 750-900 adults, and a school for up to 150 students, with parking for approximately 300 cars

SRZ 91-90 City of Portland approval of Site Review for church.

LU 01-007788 CU AD (originally LUR 01-390)

Denial of the requested Adjustment to reduce the required number of bicycle parking spaces from 30 to 16.

Approval of a Conditional Use Review to allow the conversion of Earl Boyles School to return it to use as an Elementary School, including the construction of an addition of approximately 20,600 square feet, and

Approval of the deferral of meeting Conditions E and L of CU 84-87 (these are now met), and

Approval of Adjustments:

- To reduce the landscaping level from L3 (high screen) to L2 (low screen) along the eastern edge of the parking area, and to allow changes to required planting materials.
- To defer the requirements for upgrading nonconforming development on the adjacent parcel to the east of the school, until the parcel is redeveloped.

Approvals were subject to compliance with the approved plans, and subject to conditions that related to permit submittal requirements and future redevelopment of the property that now contains Ron Russell Middle School.

LU 04-007848 CU AD Approval of Conditional Use Review to allow the creation of a new middle school, to serve approximately 700 to 900 students, and to allow construction of the proposed school facility, and approval of Adjustments

- To increase the maximum allowed Transit Street setback along SE 112<sup>th</sup> Avenue, which is designated as a Community Transit Street, from from 10 feet to 85 feet, and
- To increase the maximum allowed number of parking spaces for the middle school from 51 to 86 spaces. (Overflow parking is allowed in the 57 spaces at the Earl Boyles Elementary School. These are maximum numbers of spaces. The number of allowed spaces at both schools may be reduced, if necessary, to meet Title 33 landscaping and pedestrian standards.)

LU 05-150031 AD Approval of Adjustments to Title 32, Portland Sign Code (Section 32.32.020, Table 32.32-2):

- to allow the overall height of the proposed scoreboard for this school site to be increased from 15 feet to 19 feet, 11 inches and
- to increase the overall area of the face of the scoreboard from 50 square feet to 189 square feet.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 7, 2013**. The following Bureaus have responded with no issues or concerns. Agencies that provided written responses are noted with exhibit numbers:

• Environmental Services responded to provide an analysis of existing conditions and the conceptual proposals for sanitary sewers and stormwater management. Information was also provided on requirements for building permit submittal requirements (Exhibit E-1).

• Transportation Engineering provided an analysis of the proposal as it relates to the transportation related approval criteria. This response is cited in the findings for Criteria 33.815.105 D.1 and D.2, below (Exhibit E-2).

• Water Bureau provided information on the existing water service and the potential requirements for required upgrades to the service. A Water Bureau review for fixture count, along with any fire flow requirements will need to be submitted by the applicants at the time of submittal of the building permit, to appropriately size the water service and meter for the location. The response also noted that Title 21 regulations will require a tax lot consolication if there are separate properties that share a water service. (Additional information was provided in the response, Exhibit E-3, which has been forwarded to the applicants).

• Fire Bureau did not have any specific concerns, noting only that all applicable Fire Code requirements will apply at the time of building permit review and development (Exhibit E-4).

• Police Bureau stated that they are capable of serving the school use, as expanded in this proposal but also requested that on-site persons and the developer work with the East Precinct Commander on any public safety issues or concerns and that the school staff should work with the Portland Police Burau's School Resource Officers (Exhibit E-5).

• Site Development Section of BDS noted that a geo-technical report and site-specific seismic hazard study will be required at the time of building permit review (Exhibit E-6).

• Life Safety Plan Review Section of BDS reminded the applicants that a separate building permit is required for the proposed work and all applicable building code requirements must be met at the time of permit issuance (Exhibit E-7).

• Parks-Forestry Division sent an electronic response of "no concerns".

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 7, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

# ZONING CODE APPROVAL CRITERIA

#### 33.815.040 Review Procedures

The procedure for reviews of conditional uses depends on whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use site. The review procedure may also depend upon the type of use that is being proposed. This proposal is for an addition that increases the existing floor area by more than 10% and so requires approval through a Type III Conditional Use Review.

#### 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:

- **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 that would be directly impacted by this proposal is the area within the adjacent blocks that would see the most pedestrian and vehicular traffic, or be close enough to experience any increased activity on the site. This is generally the area south of Powell Boulevard, to Boise Street, and from SE 105<sup>th</sup> to 113<sup>th</sup> Avenues. The proposed school will not change the number, site size or location of non-household living uses in the residential area because the site has been a nonresidential site for many years. A school of one type or another has existed at this location since 1955. In addition, the eastern portion of the site was formerly the location of a drive-in movie theater and more recently (since 1987) was the location of a church. The park property, to the south, buffers a large portion of the residential area. The addition to increase the capacity and improve the facility for the early education and development of the pre-school age students will serve the neighborhood children, without changing the proportion of nonhousehold uses in the area. The new school will not require expanding the school district property or any change of location of nonhousehold uses. This criterion is met.

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

**Findings:** The proposal to construct a 15,800 square-foot addition and ten new parking spaces, that would serve to house an early childhood center will only create a modest increase in the intensity and scale of the use of this site, with an overall expected increase in enrollment for all ages of about 100 students, to a total of about 530. However, this increase is expected to be gradual, as the numbers of students in the area grow. The proposed addition and alterations to the existing school building will simply allow the present students and faculty to have a better facility that can also gradually absorb the additional numbers of students. The addition will be located to the west of the existing building in an existing open area. Therefore, there should not be any noticeable impacts from the intensity or the scale of the use or the development that serves it and 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 City-designated scenic resources at the site or adjacent to the site. Therefore, this criterion does not apply.

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

**Findings:** The approval criteria require that either 2 or 3 must be met. The architecture of institutional uses is often substantially different from residential architecture, based on characteristics such as site size, building scale and style. In this case, the proposed development addresses these criteria by proposing a structure that is one-story in height (18 feet) and matches the existing school structure and also by maintaining adequate setbacks and open area and landscaped screening, where appropriate. The closest adjacent residences are 54 feet from the proposed structure, on the north. To the west, the structure is set back a distance of 120 feet, and to the south, a distance of 163 feet. Staff finds that the proposed development will be compatible with the character of the existing school, which has become a central community asset in the area, and will be adequately buffered from the adjacent residences to mitigate for any differences in appearance or scale. Therefore, these critieria 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

**Findings:** No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected as a direct result from this proposal because there will be no change from previously existing hours and activities. Because the facility serves children and families, school programs and activities conclude by early evening and the building is locked after the custodian leaves at 10:30 pm. The grounds will continue to be well-maintained and litter kept under control by the School District staff. This maintenance will ensure that odors are not a problem. Play areas serve small groups of children with the primary scheduled activities occurring inside. Due to these practices and the distance from the residential properties, noise should not create issues for neighbors. No glare from lights will be generated due to this proposal.

The additional on-site parking will reduce on-street parking demand, and adequate landscape screening will be provided to reduce noise and headlight glare in the evening hours. Exterior lighting will be shielded, in accordance with Zoning Code standards, to illuminate circulation areas for safety, without spilling onto neighboring properties in excess of 0.5 foot candles of light. This criterion is met.

2. Privacy and safety issues.

**Findings:** The addition of the proposed building will not impact privacy or safety. The new building will only serve to provide better accommodations for the youngest students and their parents. The physical separation of the structure from the adjacent residences will ensure that there are no impacts on privacy. Pre-school children and parents will not create any safety issues for the residential neighbors. Looking to the safety of the students, staff and families, safety will be ensured by having secure entrances in the building and maintaining clear lines of sight for staff and security officials, through the use of low landscaping and appropriate window glazing. Play areas will be placed in high surveillance locations and the choices for landscaping, building design and placement of site improvements will elimate any potential hiding places.

#### D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

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

**Findings:** Portland Transportation/Development Review (PBOT) reviewed this proposal for its conformance with adopted policies, street designations, Title 33 Approval Criteria, Title 17, and for potential impacts upon transportation services. A summary of Transportation's analysis is contained below:

#### Street Classification

At this location, the City's Transportation System Plan classifies SE Bush & SE Francis as Local Service streets for all modes except for one. SE Bush is also a City Walkway. As previously noted, SE 112<sup>th</sup> Avenue, which lies to the east of the abutting middle school is designated as a Community Access Transit Street, a Neighborhood Collector, a City Bikeway and a City Walkway.

The street classifications for SE 112<sup>th</sup> and SE Bush and SE Francis are noted above. The proposed building addition at Earl Boyles Elementary School is supportive of the Local Service street designations of the streets that abut the elementary school. The TSP states that, "Local Service Traffic streets are intended to distribute local traffic and provide access to local residences or commercial uses." Local Service Transit streets should give preference to access for individual properties and to the specific needs of property owners and residents along the street. These streets may carry school buses. Local Service Bike streets should not have a side effect of creating, accommodating or encouraging automobile through-traffic. Local Service Walkways are usually located in residential, commercial or industrial areas on Local Service Traffic streets. Local Service Design streets are multimodal, but are not intended for trucks (other than local deliveries) in residential areas. Their design includes many connections with other streets, sidewalk and on-street parking. The site's frontages are improved with curb and sidewalk which support pedestrian activity throughout the broader neighborhood. SE Bush and SE Francis are consistent with the purposes and designs mentioned above.

(BDS Staff note: PBOT staff did not include SE 112<sup>th</sup> in this analysis, but given that the higher level classifications of this street indicate that it can accommodate more than the two local service streets that were included in the analysis, it can safely be assumed that the addition to the elementary school will still be consistent with the classifications of this street).

#### Street Capacity/Level of service/other performance measures

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

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

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors. To adequately address this evaluation factor, an applicant is typically required to submit a Traffic Impact Study (TIS) prepared by a registered traffic engineer in conjunction with the other application materials. The application submittal package for the subject Conditional Use request did include a TIS.

The Earl Boyles Elementary School primary start time of 9:00 am (half-day prekindergarten programs begin at 8:00) coincides with the critical AM peak hour of area intersections; however, the afternoon end time of 3:15 pm is early enough that it is not expected to have any impact on the critical PM peak hour of area intersections (the PM peak hour typically begins after 4pm).

The proposal for the new building on the school site also includes an increase in school enrollment, in addition to Boyles' programming changes to include the proposed Early Childhood Center. Accordingly, there will be additional trip generation in relation to this proposed Conditional Use for PBOT to consider the associated new impacts to the local transportation system. The current enrollment at the school is 430 students; the school projects an increase of 100 new students in the next several years.

The applicants submitted TIS includes LOS analyses of nearby intersections (as identified by PBOT) under current conditions, as well as under projected conditions, including the additional trips anticipated to result from the increase in enrollment. As documented in the applicants' TIS, and utilizing industry acceptable standards, references and methodology supported by PBOT for determining trip distribution and capacity analyses, the area's studied intersections currently operate under acceptable levels of service, and will continue to do so with the school's forecasted trip generation taken into account. Accordingly, the applicants have demonstrated that this evaluation factor has been met.

#### Access to arterials

While there are several options to access the greater transportation network at this location, since it is an elementary school, many trips that it generates originate or terminate in close proximity to the school. Nonetheless, SE Bush Street provides east/west connectivity in the immediate vicinity of the site, connecting to SE 104<sup>th</sup> Avenue to the west, and to SE 112<sup>th</sup> Avenue to the east, which are both arterial streets. A short distance north of the school site is SE Powell Boulevard, another arterial street directly accessed from either SE 104<sup>th</sup> or SE 112<sup>th</sup> Avenues.

#### Connectivity

The existing street grid pattern in the area does not necessarily meet City connectivity spacing guidelines in all directions for public streets and pedestrian connections. Given the orientation of nearby streets, the well established pattern of residential development throughout the area and the large land area devoted to the subject Earl Boyles Elementary and abutting Ron Russell Middle School (and nearby Earl Boyles Park), the City's spacing goals are not realistic. This is not at all, however, to suggest that students, parents, teachers and staff do not enjoy a well connected environment which includes existing sidewalks throughout the surrounding neighborhood.

#### Transit availability

The nearest transit service to Earl Boyles is provided by Tri-Met bus route #9 (Powell Boulevard). Stops are located at the intersections of SE 104<sup>th</sup> Avenue and SE Powell (approximately 360-ft north of the intersection of SE 104<sup>th</sup> and SE Bush) as well as SE 112<sup>th</sup> Avenue and SE Powell (approximately 600-ft north of the intersection of SE 112<sup>th</sup> Avenue and SE Bush). Additionally, Tri-Met bus route #17, (Holgate/Broadway) stops at SE 107<sup>th</sup> Avenue and SE Holgate Boulevard, approximately 1500-ft from the school.

#### On-street parking impacts

Detailed field observations and measurements were made by the applicants' traffic consultant to determine the amount of parking available and the utilization rates and patterns in the vicinity of the school. Current demand was observed during the peak of the school's parking demand just before the 3:15 PM dismissal. The current parking demand is used to calculate a parking rate specific to the school, and this parking

demand rate is used to calculate the estimated demand following the proposed improvements and the resulting enrollment increase of 100 students.

Earl Boyles School currently has a parking lot with 63 parking spaces on the property of the school. Additionally, the school features a loop drive that can accommodate approximately 12 vehicles in queue during pick-up periods as well as the buses that serve the school. As part of this proposal, the school plans to expand the parking lot to include ten additional parking spaces and an additional stretch of pick-up/drop-off frontage that can accommodate six additional vehicles, in queue. The total number of on-site parking spaces will be 91.

On-street parking is also available in the vicinity of the school on SE Bush Street. During the peak period of parking demand, traffic for Earl Boyles was observed to utilize the onstreet parking available as far west as the road sign demarcating the end of the school zone, approximately 100-ft to the west of the Earl Boyles property line, and as far east as the driveway into the Ron Russell Middle School parking lot. The frontage available for parking in this area was measured to be 441-ft on the north side of SE Bush Street and 432-ft on the south side of SE Bush. Assuming that each vehicle uses an average of 20-ft of frontage to park, this equates to 22 parking spaces on the north side of the street and 21 spaces on the south side. With 43 total on-street parking spaces within this defined area, the overall supply of parking spaces (on-street and on-site) is 118 spaces.

During the peak period mentioned previously, 102 of the 118 spaces were occupied. Thus, currently, during the peak period of parking space utilization, there is a surplus of parking spaces. As described above, the school plans on adding ten additional parking spaces on-site, plus an additional pick-up/drop-off area that will accommodate six additional spaces. Referring to the ITE Parking Generation (4th Edition) manual, the predicted peak demand for parking will be 126 vehicles. With the future 134 parking spaces available (on-site and on-street), there will continue to be a surplus of parking available. It is worthwhile noting that the peak demands reported in the applicants' TIS occur only for a brief 10-15 minute period during the afternoon school peak. During the remainder of the day, and especially during the peak demand period for residential uses (later in the evening) there is a significant parking surplus. Conflicts between the peak period of school related parking and the peak period for residential parking is almost never likely to occur. Several changes in the pick-up and drop-off circulation patterns are likely to decrease the peak parking demand by better utilizing the school's available frontage. The intent is to provide sufficient parking to accommodate the peak, but because the peak is very short and infrequent, it is not reasonable to provide parking capacity that is significantly greater than peak demand.

#### Access restrictions

The school's three points of access (driveways along SE Bush) are adequate to serve the campus. There is no reason to modify, enhance or restrict these access points.

#### Neighborhood impacts

Neighborhoods in proximity to schools can be adversely impacted during two traditional times, the student drop-off and pick-up times in the morning, prior to the commencement of school and in the early afternoon, when school lets out. This level of activity, confined congestion and impact, are normal around school campuses. However, without sufficient parking or without a well maintained pick-up/drop-off procedure for parents to follow, neighbors can be negatively affected. At Earl Boyles Elementary, student drop-off and pick-up activities currently occur from approximately 8:45 AM to 9:00 AM and from 3:10 PM to 3:25 PM weekdays during the school year.

Although the pick-up and drop-off activities increase parking utilization significantly in the site vicinity, the impacts to existing uses are minimal since the surrounding community is primarily residential and residents do not typically arrive at home during the brief periods when drop-off and pick-up activities occur. The currently available on-

street parking is sufficient to accommodate even the peak demands associated with dropoff and pick-up activities in addition to the existing uses in the site vicinity. And as described above, with the additional on-site parking spaces proposed, and the new area for on-site pick-up/drop off activity at the southern end of the parking lot, impacts to onstreet parking will be minimized and pick up/drop-off activity should be further improved. It is therefore not anticipated that the expansion of the Earl Boyles Elementary School will result in additional impacts to the surrounding neighborhood.

#### Impacts on pedestrian, bicycle, and transit circulation

The proposed improvement to the school will not require changes to the existing pedestrian, bicycle and transit circulation in the site vicinity. The existing facilities are adequate to serve the needs of the proposed use in addition to the existing uses in the site vicinity.

#### Safety for all modes

Adequate sidewalks, crosswalks, roadways and transit facilities are presently in place to safely serve foot traffic for both the existing and proposed uses in the site vicinity. Bicycle and pedestrian connections to and around the school are excellent, with SE Bush marked and improved as a neighborhood greenway, with improvements that include speed humps, shared roadway markings, and road signs. Most vicinity frontages are improved with sidewalks, and a pedestrian connection runs through school-district owned property on the east side of Earl Boyles School.

The applicants' TIS also included an analysis of the crash history in the area for the most recent available five years of crash history (2007-2011) at the study intersections. Crash rates were calculated under the common assumption that traffic counted during the PM peak period represents 10% of annual average daily traffic (AADT) at the intersection. The intersection of SE 104<sup>th</sup> Avenue and SE Bush had no reported crashes during the analysis period. The intersection of SE 112<sup>th</sup> Avenue and SE Bush had 4 reported crashes during the analysis period, including one involving a pedestrian. Each crash was attributed to a driver's failure to properly yield. Following the pedestrian-involved crash, safety enhancements were made at the intersection including the marking of the crosswalks. Neither this pattern of crashes nor the details of the individual crashes are indicative of any apparent safety issues with the intersection, and the crash rate is calculated to be 0.30 crashes per million entering vehicles (MEV). Crash rates greater than 1.0 crashes/MEV are generally indicative of a need for further investigation and possible mitigation. Since the study intersections both have crash rates well below this threshold, there are no apparent safety deficiencies at these intersections, and on-site observations and available data suggest that the intersections will continue to operate safely in the future.

#### Adequate transportation demand management strategies

The goal of a transportation demand management plan (TDMP) is to reduce the number of single occupancy vehicle trips to a site, in favor of modes less taxing to the system. TDMP's are also typically required to minimize impacts to adjacent neighborhoods. As previously reviewed above, PBOT has not identified any impacts related to the proposed school expansion. Accordingly, Earl Boyles can elect to put in place a formal TDMP on a voluntary basis (this will not be a condition of approval of this land use review).

Earl Boyles School does not have a formal TDMP at present, however the school does have a Safe Routes to School Plan and has taken a number of steps to reduce the number of vehicular trips to the school. The current modal split at Earl Boyles, based upon data provided by the school, is summarized in the table below.

Mode	# Arriving	% Arriving	# Departing	% Departing
Walk	72	17%	78	19%
Bike	0	0%	0	0%
School bus	162	39%	193	46%

Private vehicle	185	44%	147	35%

As identified in the table above, the current TDM strategies have been fairly successful for students, with only 44% of trips to the school and 35% of trips from the school occurring via a private vehicle. Among the faculty members, one generally commutes to and from school by walking and one bicycles, with the remaining commuting via car. A robust TDMP includes strategies to maximize all available transportation options, including ridesharing, transit, and active modes like biking and walking. It also includes performance metrics to evaluate the success of the program. To implement transportation demand management measures at a school, it is important to consider the age of the students. Earl Boyles has a fairly young student body, with current students between 4 and 11 years old, with new students following the proposed improvements ranging from 4 to 6 years old.

Several potential measures identified in the TDMP prepared by the applicant's traffic consultant would serve to further decrease the number of students arriving at the school in private vehicles. Some of these options include:

- Coordinating "bike trains" or "walking school buses" from district neighborhoods to Earl Boyles School;
- Participating in National Bike to School Day and/or International Walk to School Day, and;
- Publicizing ride-sharing and transit options to school staff.

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

BDS staff concurs with the analysis of the PBOT staff and finds that these criteria have been 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 City's other service agencies evaluated this proposal and responded to indicate that public services are adequate to serve the proposed use. Therefore, this criterion is met.

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

**Findings:** This site is located within the plan boundaries of the Lents and Powellhurst-Gilbert Neighborhood Plans and the Outer Southeast Community Plan. While none of the policies or objectives of these plans were found to be specifically applicable to this proposal, the proposal will upgrade the existing site, providing enhanced educational facilities for the youth of these neighborhoods. This proposal is therefore consistent with the adopted area plans and this criterion is met.

## 33.805.010 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 applicant 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:** The applicants are requesting approval of an Adjustment to Code Section 33.266.130 G. 2, in order to allow L2 (low screen) landscaping along the perimeter of the expanded parking area, instead of the L3 (high screen) standard that is required by Code Section The purpose for this regulation is as follows: *The landscaping requirements are intended to* 

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- Decrease airborne and waterborne pollution.

The extension of the parking area, with ten additional parking spaces is proposed to be located in the southeast corner of the elementary school portion of the site. The area is adjacent to Earl Boyles Park, to the south, and the track for Ron Russell Middle School, to the east. The proposed low screen landscaping will meet all of the purposes of landscaping requirements that are relevant in this situation, to improve and soften the appearance of the parking area, to shade and cool the parking area, to reduce the amount and rate of stormwater runoff, to reduce pollution and the temperature of stormwater runoff and to decrease airborne and waterborne pollution.

The proposed L2 landscaping will match the existing parking area, which was allowed to have L2 landscaping, as the result of an earlier review. This level of landscaping is more fitting in this location, where higher shrubbery could provide hiding places and is not needed for screening and buffering, since it is adjacent to open areas and not next to sidewalks or residences. Therefore, the purposes of the regulation are equally addressed and 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 an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** Approval of the proposed exception to the level of landscaping along the boundary of the parking area will allow the new parking spaces to match the existing lot. It will not have any impacts on the livability or the appearance of the residential area, because the spaces will not even be readily visible from the adjoining residential properties. Therefore, 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
- D. City-designated scenic resources and historic resources are preserved; and
- **E.** Any impacts resulting from the adjustment are mitigated to the extent practical.
- **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:** Only one Adjustment is being requested. There are no City-designated scenic or historic resources on this site. There are no impacts that are expected to occur from approval of the requested Adjustment. The site is not located with an environmental zone. Therefore, these criteria do not apply.

# **DEVELOPMENT STANDARDS**

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

# CONCLUSIONS

All of the relevant approval criteria have been met for the requested Conditional Use Review for the proposed additions to the building and the parking area. The approval criteria for the Adjustment to the landscaping standards for the expansion to the parking area area are also met. The proposal can be approved, subject to compliance with the proposed site plans and elevation drawings.

# **ADMINISTRATIVE DECISION**

Approval of a 15,800 square-foot building addition and 10 additional parking spaces for Earl Boyles Elementary School.

Approval of an Adjustment to Code Section 33.266.130 G. 2. to allow L2 (low screen) landscaping along the perimeter of the expanded parking area, instead of the L3 (high screen) standard.

Approvals are subject to general compliance with the approved site plans, Exhibits C-1 through C-5, signed and dated April 9, 2013, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-113639 CU AD."

## Staff Planner: Kathleen Stokes

**Decision rendered by:** 

on April 9, 2013

By authority of the Director of the Bureau of Development Services

## Decision mailed: April 11, 2013

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

**Procedural Information.** The application for this land use review was submitted on February 6, 2013, and was determined to be complete on March 4, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 6, 2013. *ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: July 3, 2013.** 

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

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

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

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

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 25, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

#### Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after April 26, 2013 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

#### **EXHIBITS**

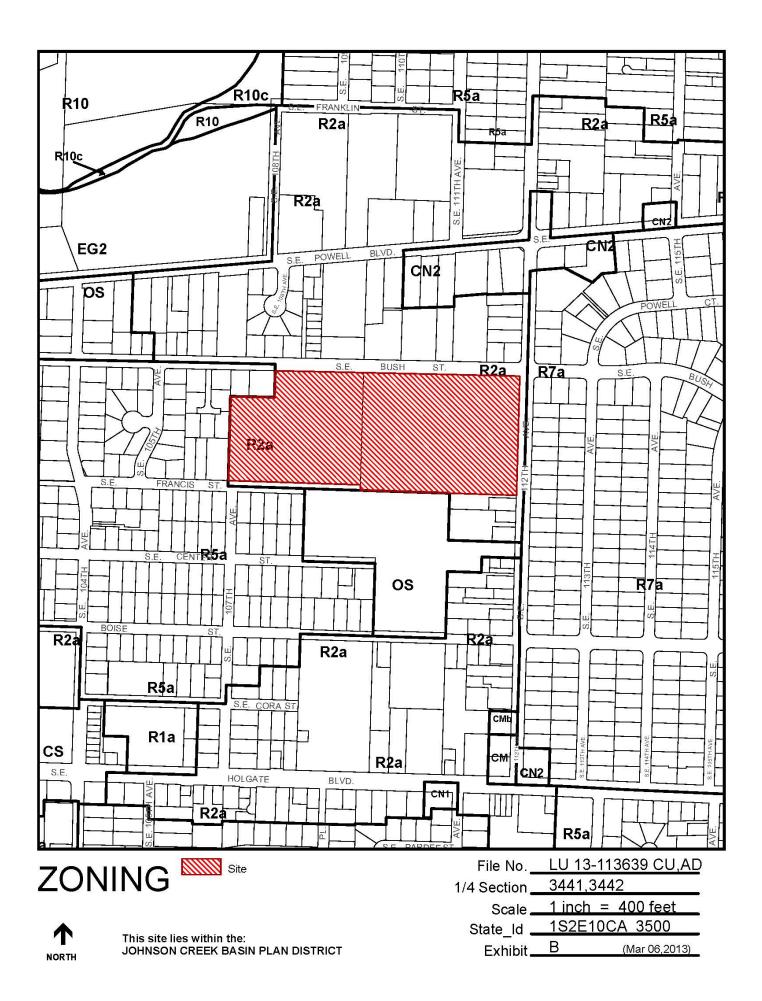
#### NOT ATTACHED UNLESS INDICATED

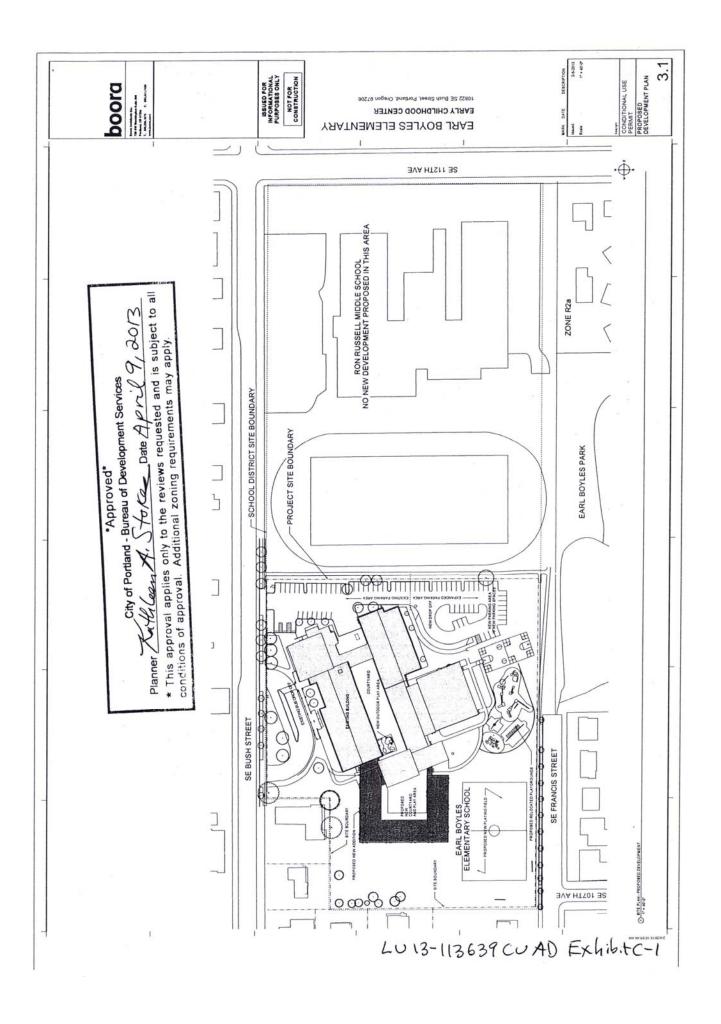
- A. Applicant's Statement
  - 1. Application and original narrative and plans
  - 2. Supplemental information, received March 1, 2013
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Overall Site Plan (attached)
  - 2. Detail/Project Site Plan (attached)
  - 3. Project Landscape Plan (attached)
  - 4. Legend for Landscape Plan (attached)
  - 5. Elevation Drawings (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice

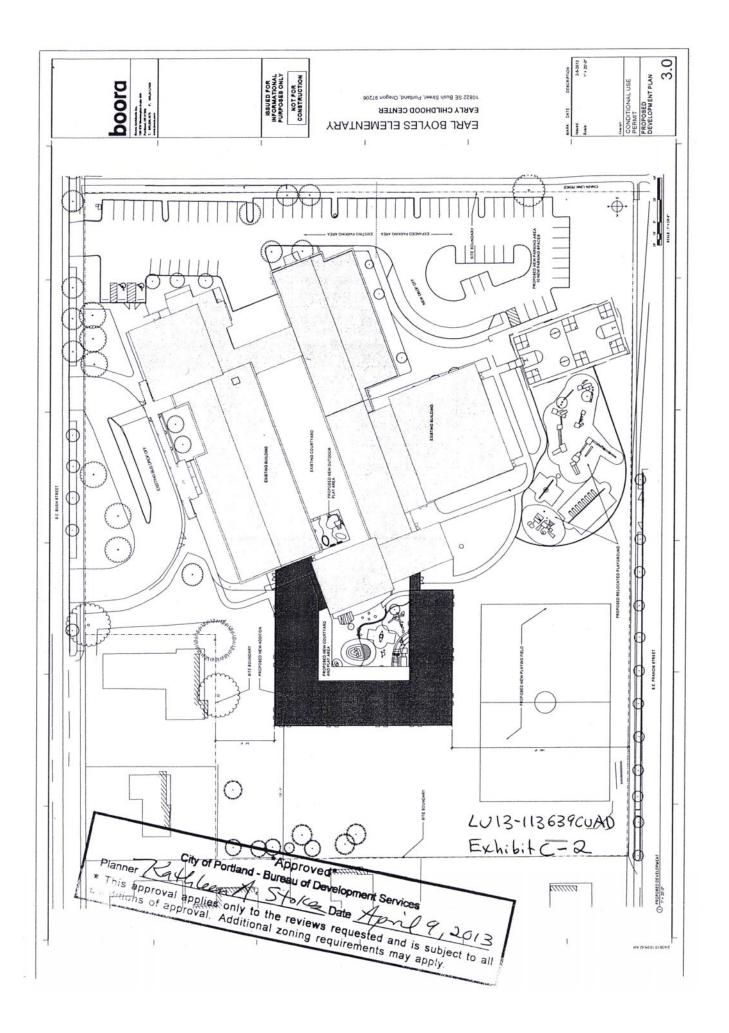
#### E. Agency Responses:

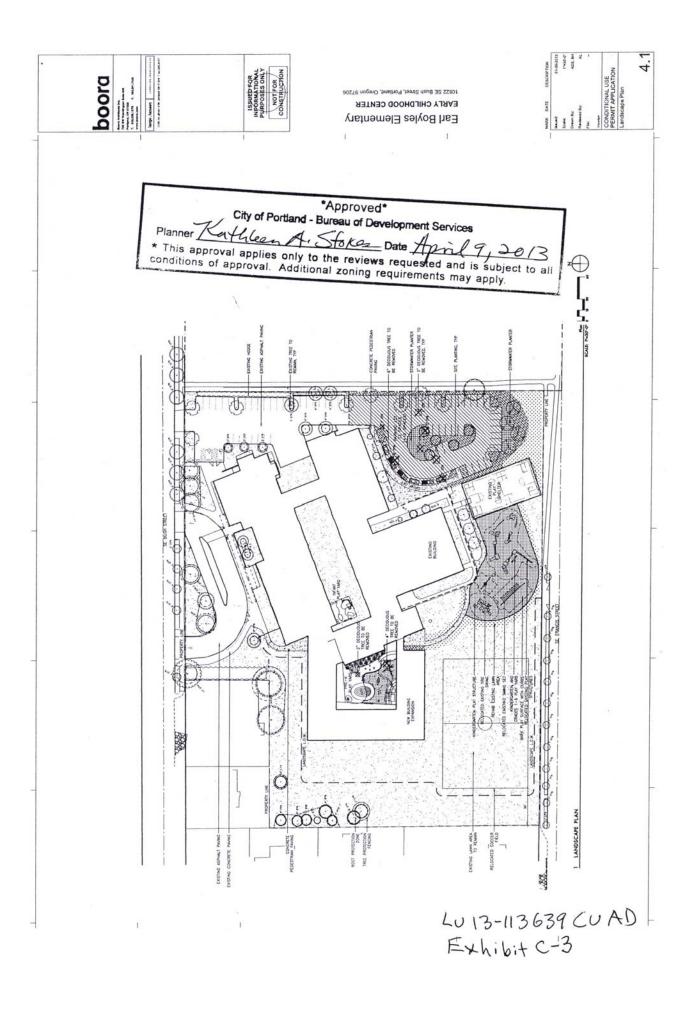
- 1. Bureau of Environmental Services
- 2. Bureau of Transportation Engineering and Development Review
- 3. Water Bureau
- 4. Fire Bureau
- 5. Police Bureau
- 6. Site Development Review Section of BDS
- 7. Life Safety Plan Review Section of BDS
- 8. Summary of electronic responses from City sevice agencies
- F. Correspondence: (none received)
- G. Other:
  - 1. Letter from Kathleen Stokes to Ben Schonberger, February 20, 2013

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









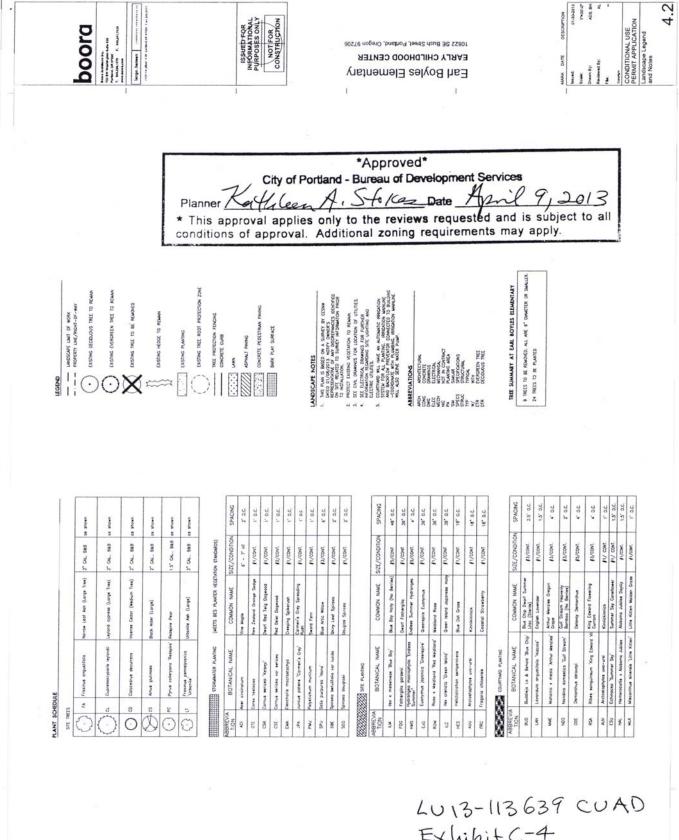
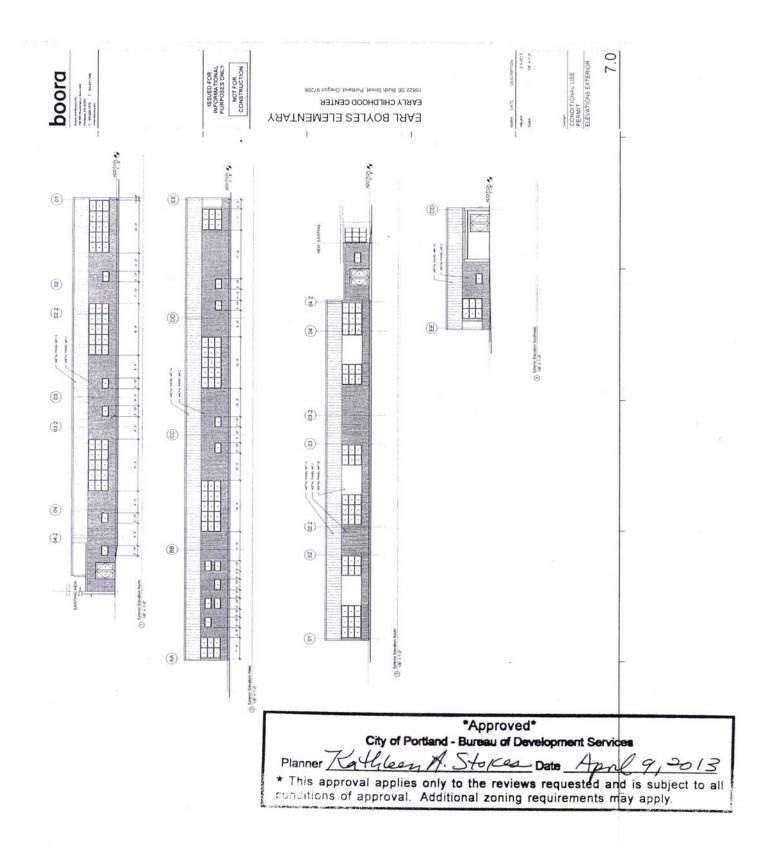


Exhibit C-4



I

LU 13-113639 CUAD Exhibit C-5