



CITY OF PORTLAND

Office of City Auditor Mary Hull Caballero

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

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

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 14-197284 CU AD (Hearings Office 4140026)

Applicant/Owner: Portland Public Schools
Paul Cathcart, Project Manager
Office of School Modernization
501 N Dixon Street
Portland, OR 97227

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sheila Frugoli

Site Address: 5405 SE Woodward Street

Legal Description: TL 200 17.60 ACRES, SECTION 07 1S 2E; TL 6600 0.71 ACRES, SECTION 07 1S 2E

Tax Account No.: R992070330, R992071240

State ID No.: 1S2E07AB 00200, 1S2E07AB 06600

Quarter Section: 3236

Neighborhood: South Tabor

Business District: Division-Clinton Business Association

District Coalition: Southeast Uplift

Plan District: None

Zoning: IRd, Institutional Residential zone with the "d" Design overlay zone

Land Use Review: Type III, CU AD – Conditional Use Review and Adjustment Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:10 a.m. on November 24, 2014, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 10:47 a.m. The record was held open until 4:30 p.m. on January 16, 2015 for new written evidence; until 4:30 p.m. on February 6, 2015 for rebuttal from anyone; and until 4:30 p.m. on February 13, 2015 for the Applicant's final rebuttal. The record was closed at that time.

Testified at the Hearing:

Sheila Frugoli
Paul Cathcart
Shem Harding
Sarah Huggins

Proposal: Portland Public Schools (“PPS”) has submitted a Conditional Use Review application for the modernization and expansion of Franklin High School (“Franklin H.S.”). The Franklin H.S. project will include renovation and additions to the existing main administration building. The existing shop, classroom, boiler and gymnasium buildings will be demolished and replaced with new buildings—classrooms, performing arts center, student center and gymnasium. The total building area, at completion, will be 281,197 square feet, an increase in floor area from the existing 219,574 square feet. The modernization is intended to accommodate an enrollment of 1,700 students. The 2014 enrollment is 1,460 students. Enrollment at Franklin H.S. has ranged from 2,250 in 1962 to 1,287 in 1988.

The Franklin H.S. project will also include a reorientation and replacement of the football field and track, with the grandstand located on the west side. Existing field lighting poles (4) will be replaced with 4 new poles that are oriented to the new football field. Lastly, on-site parking will be reconfigured, with additional on-site parking. Currently there are 107 on-site parking spaces. The new parking areas will provide a total of 129 spaces.

Included in this application are Adjustment Review requests to vary from seven Zoning Code development standards, as follows:

- **Minimum Building Setback:** Reduce the required setback, along the east property line, for the proposed gymnasium building from 28 to 10 feet and to waive the setback requirement to allow the concrete stairway/exit corridor to be located adjacent to the east property line.
- **Maximum Building Setback on Transit Street:** Waive the requirement of placing the proposed new buildings within 25 feet of the designated transit street—SE Division Street.
- **Pedestrian Connection:** Waive the required on-site pedestrian connection from the adjacent street—SE Division Street. *Note: The pedestrian pathway in the abutting Clinton Park will continue to provide pedestrian access from the north to a new pedestrian connection on the school campus. Access is proposed to be restricted during certain nighttime hours and school lockdowns.*

- **Loading Space:** Reduce the required number of on-site loading spaces from 2 to 1 spaces. A 40 ft. x 15 ft. truck loading space will be provided on the west side of the campus.
- **Perimeter Parking Lot Landscaping and Setback Area:** In some locations along the east property line, reduce the required setback from 5 feet to 1 foot and reduce the shrub and tree requirement of the L3, high screen landscaping standard.
- **Interior Parking Lot Landscaping:** For both the east and west parking lots, reduce the amount of interior parking lot landscaping from the required 45 square feet per parking space to 31.5 square feet for the west lot and 33.5 square feet for the east lot. Also, the applicant is requesting to reduce the required number of trees in the interior landscape areas.
- **Fence Height:** Increase the maximum fence height standard from 3.5 feet along SE Division (a front lot line) to 6 feet for a decorative fence and allow the installation of a 30-foot tall “home-run” net that is designed to contain baseballs and softballs in their respective fields along the SE Division Street frontage.

Because the project will not be phased over a number of years, a Master Plan (CUMS) or Institutional Mitigation Plan (IMP) is not required. Because an IMP is not proposed, the exterior improvements will not be subject to Design Review.

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.815.105, Conditional Use - Institutional and Other Uses in R Zones
- 33.805.040.A-F, Adjustments

II. ANALYSIS

Site and Vicinity: The Franklin H.S. campus is located on a 17.60 acre site (the “Subject Property”). The formal entrance to the school is off SE Woodward where a small landscaped courtyard provides connections to multiple buildings.

The major buildings are located at the southern third of the Subject Property. Atkinson Elementary School and Clinton Park abut the campus on the east. An asphalt paved pedestrian walkway on the Clinton Park provides a connection from the north (SE Division Street) to the school campus (approximately midway between SE Division and SE Woodward). Single-dwelling residences are located to the south, on the south side of Woodward and beyond. The major north-south connector—SE 52nd Avenue—has primarily single-dwellings residences fronting it. However, there is a large multi-building garden apartment development at 2757 SE 52nd Avenue. This 1940’s multi-dwelling project is located between SE Clinton and SE Taggart. Parking that serves the housing abuts a parking lot that serves Franklin H.S. SE Clinton terminates at the campus but does provide driveway access to the Franklin H.S. campus and parking lot. Single-dwellings and a duplex front this short street. SE Taggart also terminates at the Subject Property. This short street has single-dwellings fronting the north side of the street.

The sports fields that serve Franklin H.S. separate the buildings from SE Division Street. In this immediate area, SE Division is developed with small commercial business, as well as multi-dwelling and single-dwelling residences. A long-standing local attraction, the Dairy Queen fast-food restaurant, is located north west of the Franklin High campus.

Zoning: The Subject Property is zoned IRd, Institutional Residential zone with the "d" Design overlay zone. The characteristics of this multi-dwelling residential zone are described under 33.120.030.F, as follows:

"The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. IR zones will be used to implement the Comprehensive Plan's Institutional Campus designation. The IR zone will be applied only when it is accompanied by the "d" Design Review overlay zone."

Section 33.120.100.B.11 allows high schools to be reviewed as an "institutional campus" through an Impact Mitigation Plan or Master Plan or as a Conditional Use. The proposed improvements to the campus do not necessitate an Impact Mitigation Plan or a phased (3-10 year) Master Plan.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards.

Proposals for institutional uses in the IR zone that are reviewed through Conditional Use Review or Conditional Use Master Plan Review are exempt from Design Review requirements.

Land Use History: City records indicate that prior land use reviews, related to the Subject Property, include the following:

- CU 27-81: A Conditional Use Review was approved in 1981 for a proposed industrial wood and metal shop addition.
- LUR 01-00797 DZM: A changing image sign on the sports field scoreboard was approved through a Design Review with Modification (to the size allowance).

Agency Review: A “Request for Response” was mailed on October 8, 2014. The following City of Portland Bureaus responded with building permit-related information and “no issues or concerns” regarding the requested land use reviews:

- Bureau of Parks-Forestry Division (Exhibit E.9);
- Site Development Section of BDS (Exhibit E.7); and
- Life Safety Plan Review Section of BDS (Exhibit E.8).

Responses that directly address the approval criteria, as well as speak to building permit-related requirements, were submitted from the listed City of Portland bureaus, below. All pertinent comments from bureau representatives are found under the applicable approval criteria.

- Bureau of Environmental Services (“BES”) (Exhibit E.1);
- Portland Bureau of Transportation (“PBOT”) Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4); and
- Police Bureau (Exhibit E.5 and E.6)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 30, 2014.

Prior to the issuance of the BDS Staff Report and Recommendation to the Hearings Officer (Exhibit H.3 – hereafter the “BDS Staff Report”) a letter (Exhibit F.1) from Noelle and Shem Harding was received. This letter made many observations and comments. Letters were received, at the November 24, 2014 hearing (the “Hearing”) and during the open-record period from neighbors and the South Tabor Neighborhood Association (“S. Tabor NA”) commenting upon issues raised by the PPS Franklin H.S. proposal. Issues relating to relevant approval criteria are addressed in the findings below.

ZONING CODE APPROVAL CRITERIA

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that 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: For the purpose of this criterion, the "residential area" is defined as the residentially-zoned properties that are bounded by SE Sherman Street, SE 50th Avenue, SE Franklin Street and SE 59th. In response to this criterion, the application includes the following information:

"Single family zoning (R2.5-R5a) accounts for the majority (82%, 628 tax lots) of the zoning within this area. Multi-family zoning (R1-R2(R1)) follows behind at 16% and commercial (CN1, CSm, CM, CS, CG) and industrial (EG1) at 5%. Of the residential zoned properties in this area, only one (southwest corner of SE Lincoln and SE 54th Ave. has non-residential use (Kayak museum) on residential zoned property. All the residentially zoned property is built out as single or multi-family family housing.

Franklin High School has been in operation on this site for 100 years. It is an established and well-known use in the community. The proposed modernization of FHS would not add a new non-household use. The design for the modernized FHS campus includes general and specialized classrooms and instructional spaces, administrative spaces, and athletic facilities for 1,700 students. However, as many high school students arrive late or depart early, the function of the surrounding area should not [be] significantly lessened due to an anticipated enrollment increase." (Exhibit A.5)

A written submission (Exhibit H.4) from Harding, stated in part the following:

"The existing school use is proposed to be increased by 61,623 sf or 28%. Generally the size and nature of this school use is no compatible with the residential character of the neighborhood and is a constant trial for those who live nearby."

The Hearings Officer agrees with Harding that the proposal in this case will increase the number of square feet of buildings at the Subject Property. However, the Hearings Officer also finds that Franklin H.S. has operated on the Subject Property for approximately 100 years. The Hearings Officer finds, while with more square footage in buildings, the facility will function roughly equivalent as it has in the past. The projected enrollment of 1700 students is larger than it has for the last few years but less than the 2,250 students served in 1962. The Hearings Officer finds that Franklin H.S. could operate, while not efficiently, with 1700 students with the current buildings.

This proposal will increase the size of the physical improvements but will not change the number or location of non-household uses in the South Tabor neighborhood. The Hearings Officer finds the residential function of the area will not be significantly impacted. The Hearings Officer finds this approval criterion is met.

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

The Applicant, in a January 16, 2015 written submission (Exhibit H.19b, pages 5 and 6), provided a description of the historical uses at the Subject Property, a discussion of uses in close proximity to the Subject Property, a discussion of the process used to arrive at the current proposal and a discussion of the likely impacts created if this proposal were to be approved. The Hearings Officer adopts the Applicant's PCC 33.815.105 A.2 comments as additional findings for this approval criterion.

The Hearings Officer concurs with the Applicant's PCC 33.815.105 A.2 comments and conclusions. The Hearings Officer finds that the overall residential appearance and function of the area around Franklin H.S. will not be lessened if this proposal, with conditions, is approved. The Hearings Officer finds this approval criterion is met.

B. Physical compatibility.

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

Findings: There are no City-designated scenic resources on the Subject Property. The Hearings Officer finds this approval criterion is not applicable.

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: PPS, in a January 16, 2015 written submission (Exhibit H.19b, pages 9 and 10), provided a thorough description of the physical attributes of the proposal in this case. The Hearings Officer adopts the Applicant's PCC 33.815.105 B.2 comments as additional findings for this approval criterion.

BDS Staff agreed with the PPS physical attribute comments. The structures will be similar in scale to the buildings that will be retained on the site. Except for the proposed new gymnasium, the new buildings will comply with the minimum building setback requirements. To buffer and soften this institutional use from the surrounding development, the Applicant submitted a landscaping plan that includes a variety of trees and other landscaping treatment. BDS staff recommended a condition of approval be applied that required the submitted landscaping plan be implemented—in substantial conformance with the same number of trees and shrubs—as identified on the plan (Exhibits C.4-C.5).

The Hearings Officer finds that with conformance with the condition, this approval criterion will be 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: PPS, in Exhibit H.19b (page 10), provided comments regarding the utilization of Franklin H.S. if this proposal were approved. The Hearings Officer incorporates the Exhibit 19b page 10 comments as additional findings for this approval criterion.

Written comments from nearby neighbors raised concerns regarding inadequate litter control, glare from stadium lighting, vehicle noise and air pollution from buses and vehicles idling on SE Woodward, and students leaving the campus and trespassing, loitering, littering, being loud and uncouth which impacts the livability of the residential area (See, for example, Exhibit H.4).

The application includes a lighting analysis that documents that the field lighting will not exceed the glare restrictions of Section 33.262.080, Off-Site Impacts. The submitted plans identify an on-site loading space and a designated curbside student drop-off area on SE Woodward. The submitted Transportation Impact Analysis finds that it is "not considered a safety or operational concern" (Exhibit A.3). Exhibit H.19h shows approximate locations for thirteen trash receptacles to be located on the Subject Property.

Harding suggested, in Exhibit H.4, that noise impacts could be mitigated by PPS installing additional landscaping and limiting the number of large outdoor events and requiring the events to end by 9:00 p.m. Harding, in Exhibit H.4 also suggested PPS create a noise policy. The Hearings Officer notes that PPS, in Exhibit H.19b (page 10) stated the following:

"Most team practice conclude by or prior to 10 pm and football games on Friday nights by or prior to 11 pm. The modernization project will install lighting for the renovated baseball field. Field lighting is generally significantly reduced a half hour prior to the conclusion of practice or a game."

Harding suggested glare impacts could be minimized by placing time limits on special events held outside on the stadium field and baseball field. Harding suggested a non-idling policy be mandated at the Subject Property; Harding was most concerned about bus idling which created odor and health impacts upon the residential area. Harding noted that litter is a continuing problem at the Subject Property and surrounding area. Harding requested at least 6 trash receptacles along SE Woodward and that they be emptied at least twice a day.

The Hearings Officer finds the PPS proposal for landscaping is reasonable and appropriate and requiring additional plantings will only minimally impact noise emanating from the Subject Property. The Hearings Officer finds adding landscaping may increase security risks to adjacent neighbors, students and attendees of events at the Subject Property.

The Hearings Officer finds that it is not uncommon to place use and time limitations on stadiums or other outdoor event locations. The Hearings Officer finds that Harding's request to place an end-time for outdoor events is reasonable. The Hearings Officer finds events occurring after 9:00 p.m., in this instance, should be considered late-night events. The Hearings Officer finds once a week, on a Friday evening during the fall season of the year, special events can extend until 10:30 p.m. with field lighting turned off by 11:00 p.m. The Hearings Officer finds all other days of the week (excepting Friday) the use of the

stadium field, baseball field and other exterior areas at Franklin H.S. should end not later than 9:00 p.m. with field lighting turned off by 9:30 p.m.

The Hearings Officer finds motor vehicle idling is an odor and health issue that can be addressed through a condition of approval requiring PPS to include, in the Transportation Demand Management Plan, a policy that places reasonable limits on motor vehicle idling. The Hearings Officer noted 13 trash receptacles are proposed to be located on the Subject Property when the modernization project is completed; five either along the SE Woodward sidewalk or in close proximity to the sidewalk (Exhibit H.19h). The Hearings Officer finds the number of proposed trash receptacles to be adequate. The Hearings Officer finds that during days of the week when school is in session at Franklin H.S. the trash receptacles should be emptied daily.

Regarding privacy, the Subject Property abuts residentially-zoned lots only on the west side of the campus. A new parking area that is set back approximately 12 feet from the west property line and landscaped with trees and a continuous row of shrubs will provide visual separation from the parking lot and the adjacent residences. The new football stadium grandstands face east and at their closest point are at least 48 feet from the west property line. Large trees will be planted in the area between the homes and the grandstand area. BDS staff recommended a condition that required the proposed landscaping plan be implemented in substantial conformance with the approved plans (Exhibits C.4 - C.7). The Hearings Officer agrees with this BDS staff recommendation.

Lastly, the Police Bureau recommends a number of conditions that address public safety. Police Bureau issues are discussed below under criterion D.3.

The Hearings Officer finds, with conditions noted in the findings above, this approval criterion can be met.

D. Public services.

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

Findings: PPS submitted a professional prepared Transportation Impact Analysis (Exhibits A.3 and A.10) and a supplemental memorandum (Exhibit H.19c). PBOT reviewed the PPS transportation documentation and submitted the following comments/recommendations (Exhibit E.2):

"Portland Transportation/Development Review ("PBOT") reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies,

street designations, Title 33, Title 17, and for potential impacts upon transportation services. PBOT staff has reviewed the TIA prepared by DKS and concur with the findings that the transportation system will be capable of safely serving the proposal in addition to the existing uses in the area. PBOT has no objection to any of the requested adjustments.

Public services.

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

Street Classifications

SE Division Street is classified as a Neighborhood Collector, Major Transit Priority Street, City Bikeway, City Walkway, Major Emergency Response Street and a Local Service Street for all other modes. It is improved with a 12-ft sidewalk corridor with a 5-6-1 configuration.

SE Woodward is classified as a City Bikeway, and a Local Service Street for all other modes. It is improved with a 12-ft sidewalk corridor with a 4-6-2 configuration. No dedications are required. SE 52nd is classified as a Transit Access Street, City Bikeway, and a Local Service Street for all other modes. It is improved with a 10-ft sidewalk corridor with a 3-5-2 configuration.

The school has frontages on three dead end street stubs at SE Ivon, SE Clinton, and SE Taggart which are all classified as Local Service Streets for all modes. The applicant was granted approval of a Public Works Alternative Review (14-138075 PW) to not have to construct cul-de-sacs at the ends of these streets. In addition, the remainder of the frontages can remain as is. The sidewalks on those frontages are very close to current City standards and provide adequate pedestrian facilities.

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;**

Street capacity and level of service

The Portland Bureau of Transportation (PBOT) requires land use review applications demonstrate compliance with the following standards:

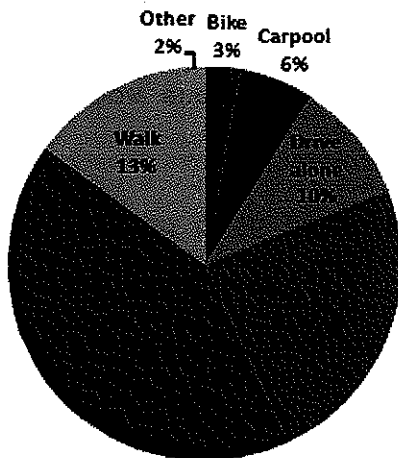
1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.

2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

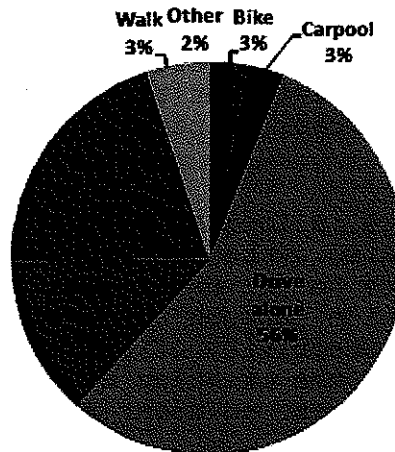
The transportation impact study prepared by DKS estimates trip generation and distribution levels for the additional students accommodated by the proposed modernization of Franklin High School. Three intersections (SE Woodward St./SE 52nd Ave.; SE Woodward St./SE 54th Ave.; SE Woodward St./SE 55th Ave.) would see decreases in level of service. Two of these intersections (SE 54th Ave. and SE 55th Ave) involve site access driveways and would see the level of service change from B to C and from C to D respectively. The third intersection (SE Woodward St./SE 52nd Ave.) would decrease in level of service from C to E. All changes to level of service are within PBOT's standards for signalized and stop-controlled intersections.

A survey conducted by the Franklin High School administration in December 2013 estimates the following transportation mode splits of students and staff:

Student Survey Respondents



Faculty Survey Respondents



Based on this mode split of traffic to and from school, a forecasted increase of 230 students in school year 2017-18 would generate approximately 106 new AM and 32 PM peak hour trips. The transportation impact analysis conducted for this project indicates the increase in peak hour traffic trips (compared to the overall number of peak hour trips) can be accommodated by the current transportation system and not put any of the study intersections out of compliance with PBOT's standards for signalized or control-stop intersections.

The expansion of the building area as part of the Franklin High School modernization will accommodate additional students and programming for students as well as use of school space by the community through the District's Civic Use of Buildings program. It is anticipated that a mode split similar to that noted above will continue for the additional enrollment in the fall of 2017, although more students may take alternative modes of

transportation to school as bicycle parking facilities will be more available and convenient.

No nearby uses other than the school are expected to generate significant new traffic during the AM and PM peak hours. The first bell for Franklin High School (currently 8:15 am) is in the latter part of the AM peak hour of area intersections. The final bell is early enough (prior to 4 PM) that it is not expected to have any impact on the PM peak hour of area intersections. The additional vehicle trips expected during the peak hours (106 new AM trips and 32 new PM trips) will take a variety of routes to and from the site to access the site, the impacts to any one area intersection from the additional vehicles trips are not expected to be a significant impact to the existing operations of the intersections. In addition, the traffic associated with the school is likely to be reduced with the implementation of the transportation demand management strategies.

Access to arterials

Franklin High School Site is approximately three blocks north of SE Powell Blvd. which is designated as a Major City Traffic Street by the TSP; approximately two blocks east of SE 50th Ave. and borders SE Division St. to the north which are designated as neighborhood collector streets by the City of Portland's TSP. The proposed modernization of the Franklin High School campus would not eliminate access to nearby arterial streets.

Connectivity

The school site is located within a well-connected grid pattern of streets. The grid system quickly leads to higher level street classifications to the north, west and south. An additional public street connection through the school site would not serve to further the connectivity of the existing street pattern and is not practical given the existing development pattern of the school site and development adjacent to the school site including Clinton Park.

Transit availability

There are four Tri-net bus stops along the SE 52nd Ave. frontage of the site (two north bound and two south bound) and three along the SE Division St. frontage of the site (two east bound and one west bound). These stops are within 1,500 feet of the FHS campus that provide frequent service (20-minute peak hour service) via lines 71 (SE 52nd Ave. and 4 (SE Division St.). The proximity of frequent transit service requires no parking for the FHS site (33.266.110.D). Access to the bus stops on SE Division St. from FHS will be improved by the installation of on-site sidewalks and plazas that will convey pedestrians to SE Divisions St. via the pedestrian path in Clinton Park.

On-street parking impacts and neighborhood impacts

The transportation impact analysis conducted for this project indicates (page 17) that currently 52% of total available off-site parking near the Franklin High School campus is taken by school

related parking in the am peak hour (7-9 am). This is the highest use of off-street parking currently used by the operations of the school. The school will also provide space for childcare related to the teen parent services provided by the District. Childcare will be of children of PPS students and will be provided by PPS students as part of career pathway option focusing on early childhood education and District staff. There will be no fee charged to parent of children in this early childhood education center.

Visitor parking will be accommodated in the visitor parking at the south end of the east parking lot. PPS is proposing (see Attachment 34) the north side of SE Woodward St. be signed for approximately 13 spaces (300 lineal feet) of 15-minute parking and approximately 12 spaces (275 lineal feet) of active loading and unloading (driver to remain at wheel) allowing additional opportunities for visitors to the site to park. While school use of on-street parking is typically higher than that of the surrounding neighborhood, the transportation impact analysis concludes there is sufficient parking on and off site to accommodate a student enrollment of 1,700 students. Changes to how the on-street parking operates are subject to the approval of PBOT Parking Operations and is outside the authority of Title 33.

Access restrictions

Franklin High School has frontage on SE Woodward St. to the south, SE 52nd Ave. to the west and SE Division St. to the north. SE Taggart Ct., SE Clinton St, and SE Ivon St. currently terminate at the western property line of the site. The site is currently accessed from SE Woodward St. (primarily by staff and Special Education buses) at the front driveway and by visitors in the east parking lot and via SE Clinton St. through a driveway to the west parking lot. Access to the driveway is currently controlled through a cable gate. Access to the three proposed parking areas will be controlled through vehicular gate with card key access. A small parking area on the south side of the east parking lot will be available for visitor parking and will not have a controlled access. PPS is proposing short-term and active loading zones on the north side of SE Woodward for 13 and 12 parking spaces respectively.

The site design for the proposed project limits pedestrian access to SE Clinton St., SE 52nd Ave., and Clinton Park to the east. Access to the parking areas will be controlled through vehicular gates with card key access.

Special education buses would drop students off at the north entrance of eastern general education building.

Impacts on pedestrian, bicycle and transit circulation

Pedestrian Circulation

The proposed site plan includes pedestrian access points from SE Clinton St., SE 52nd Ave., SE Woodward St., and Clinton Park. The

pedestrian connection between SE Division St. and SE Woodward St. that currently traverses a paved pedestrian path in Clinton Park into the east parking area on the FHS site will be improved through the installation of a new sidewalks and plazas that will separate pedestrian and vehicle traffic through the FHS site thus improving the pedestrian connection between SE Division St. and SE Woodward St. Pedestrian circulation within the FHS campus will also be achieved through a series of sidewalks that surround the classroom buildings and track and field complex. Pedestrian access to the site and buildings will be directed to the main building entrances during school hours.

The surrounding neighborhood contains a mix of street widths and improvements. The ADA routes for the school building are from the public sidewalk along SE Woodward St. to the south entrance; from the public sidewalk along SE Clinton St. to the track and field complex; from the public sidewalk on SE 52nd Ave. to the western entrance on the performing arts building; and from Clinton Park to the east side of the track and field complex.

Additionally, the City of Portland's "50s" bikeway project has improved pedestrian mobility through the installation of sidewalk corridor improvements along SE 52nd Ave.

The proposed modernization project would not result in negative impacts to pedestrian, bicycle or transit circulation in the adjacent neighborhood.

Bicycle Parking

The zoning code (33.266.210.A (Table 266-6)) identifies a minimum number of bicycle parking spaces for grades 6-12 in schools and also allows the number of bicycle parking spaces for school sites to be determined through the conditional use process. The long-term bicycle parking requirements of 33.266.220.B identifies that at least 50 percent of required long-term bicycle parking must be covered.

The modernized FHS campus will contain 68 classrooms including science labs and career technical education spaces. Providing four bicycle parking spaces per classroom would require the installation of 272 spaces on the FHS campus. A recent survey of students and faculty found that only three percent travel to school by bicycle. Installing bicycle parking for three percent of 1,700 students and an estimated 105 staff would install 54 of bicycle parking spaces. However the District anticipates a greater level of ridership with bicycle parking spaces located near main entrances and sports venues with better visibility. The District therefore proposes the placement of 100 bicycle parking spaces near main entrances and sports venues with 56 percent of the spaces being covered. This amount of bicycle parking would sufficient for 1,700 students and accompanying staff at a rate beyond current ridership.

Safety for all modes

Based on the recent survey of students and staff an estimated 13% of students walk to school. District data indicate that 32% of students live within the 1.5 mile walk radius of the District's Supplemental Student Transportation Plan. The District does not anticipate a greater percentage of students walking to school as a result of a modernized FHS. The network of local access streets with sidewalks leading to higher level streets within the walk radius will provide sufficient pedestrian facilities for students and staff who walk to school. The proposed installation of sidewalks and plazas on site will separate vehicular and pedestrian traffic improving safety for all modes of travel.

Adequate transportation demand management strategies

Transportation demand management (TDM) identifies strategies that will be used to manage parent and staff traffic to and from school and methods for encouraging alternative modes of transportation to school. The TDM plan contains measures and procedures to encourage students and parents to use alternative methods of transportation to and from Franklin High School as well as mechanisms to ensure parents are aware of proper circulation and pick-up and drop-off procedures and locations. The TDM plan also identifies a Transportation Coordinator for Franklin High School as well as a good neighbor contact process.

The TDM plan also identifies a management system to better regulate on-street parking and circulation as well as methods of providing and encouraging safe and convenient alternatives (other than single occupant vehicles) routes to and from school.

The modernized high school would not further restrict access to adjacent arterial streets or impede the connectivity between local service streets.

Based on the analysis of the findings for the applicable approval criteria above and with conditions of approval implemented with this land use decision, the transportation system is capable of supporting the proposed building addition or grade level change. The approval criteria 33.815.105.D.1&2 have been met.

RECOMMENDATION

No objection to approval subject to the following condition:

Prior to approval of final occupancy the Franklin High School TDM Plan must receive approval from PBOT's Active Transportation section.

NOTE: The proposed changes to the on-street parking signage for pick-up and drop-off, and loading areas on SE Woodward are subject to the approval of PBOT Parking Operations and outside the authority of Title 33."

The Hearings Officer finds the comments/observations/conclusions set forth above by PBOT are credible and represent substantial evidence to support findings that the proposal is supportive of the

street designations of the Transportation Element of the Comprehensive Plan and also that the transportation system is capable of supporting the proposal in addition to the existing uses in the area.

The Hearings Officer notes that the S. Tabor NA and residents along SE Taggart Court expressed concern about access to/from the west parking lot (Exhibit H.22). The west parking lot will serve faculty/staff during school hours and the general public during non-school hours. PPS proposed one-way circulation through the west parking lot with vehicle entering from SE Taggart Court and exiting onto SE Clinton Street. Currently the west parking lot is accessed only from SE Clinton Street; currently there is no vehicular access to the west parking lot from SE Taggart Court.

Taggart Court residents and the S. Tabor NA desire that access, via SE Taggart Court, to Franklin H.S. and the west parking lot be limited to police/fire/EMS vehicles only. Taggart Court residents and the S. Tabor NA desire the Taggart Court vehicular access to the west parking lot be restricted by a locked gate.

PPS requested its' traffic consultant to review access options for the west parking lot. The traffic consultant, in Exhibit H.19c, submitted a report that considered four different access options for the west parking lot; the traffic consultant did not investigate the Taggart Court and S. Tabor NA option of restricting access from SE Taggart Court to only police/fire/EMS vehicles.

PPS, in written submission (Exhibit H.19), stated the following:

"The options evaluated by DKS (see Attachment 5a) all found traffic volumes within the mobility standards of the City of Portland. PPS is amenable to restricting access from SE Taggart Ct. to Fire and EMS access only, however, we are concerned about the potential for attendees to events at Franklin High School attempt to use SE Taggart Ct. entrance causing traffic to make turn around movements [at] the end of SE Taggart Ct. even if the entrance to the site were signed to the contrary. PPS is therefore requesting that the SE Taggart Ct. access to the site also allow two-way access for school events (sports and drama)."

The Hearings Officer finds no evidence in the record that there have been any objections to accessing vehicles via SE Clinton Street. The Hearings Officer finds objections have been expressed by the S. Tabor NA and the residents along SE Taggart Court related to accessing the west parking lot via SE Taggart Court. The Hearings Officer finds that PPS is "amendable" (Exhibit H.19, page 2) to restricting SE Taggart Court vehicular access to the west lot at Franklin H.S. to fire and EMS vehicles. The Hearings Officer finds that limiting SE Taggart Court vehicular access to the west parking to fire and EMS vehicles is reasonable. The Hearings Officer finds limiting access to the west parking lot is relevant to the PCC 33.185.105 D.2 "access restrictions" evaluation factor.

Comments were received from concerned citizens (Exhibits H.12, H.19e and H.19f) and the S. Tabor NA (Exhibits H.14 and H.18) about the PPS proposal to lock, during certain night-time

hours, an access gate between Clinton Park and Franklin H.S. According to the S. Tabor NA (Exhibit H.18) "any reduced access to the park is unacceptable to the neighborhood. Please make maintaining this unhindered pedestrian connection a condition of approval."

BDS staff reviewed the PPS proposal related to the Clinton Park and Franklin H.S. connection and submitted a responsive comments (Exhibit H.23). The Hearings Officer finds the BDS staff comments in Exhibit H.23 to be relevant and credible and quotes a portion of the comments below:

"The January 16 PPS letter and revised plans speak to changes to the proposed pedestrian connection between Clinton Park and the school site. PPS now proposes to restrict access onto the school site only during nighttime hours of 11 pm to 6 am. BDS staff assumes that the access limits apply to all days of the week and during summer break. Also, as discussed previously, PPS will close gates during 'school lockdown' incidents. Historically, the Clinton Park pathway directs pedestrians onto the school site, providing a connection between SE Division and Woodward streets. PPS requested an Adjustment to waive a required on-site connection from SE Division to the school facility and pointed to the connection as a reasonable alternative (mitigation). At the hearing concerns were raised about the installation of security gates that will restrict access into the school site and thus restricting use of the north-south pedestrian connection. First, it should be noted that the pedestrian connection standard (33.120.255) is silent on security and/or access restrictions. The code requires the construction of connections but does not mandate how and when the connections will be available for use. Staff finds that the PPS's approach of providing access during daylight hours serves as sufficient mitigations from the Adjustment request. To alert pedestrians, staff recommends a condition that requires at least four permanent signs - at the SE Woodward entrance gate, at SE Division and at the gate near the Performing Arts Building be posted that identify the hours when school facility and pedestrian paths are closed. The testimony from Sarah Huggins, PP&R supports this action.

Ms. Huggins requests that a condition be applied, that requires PPS to work with PP&R if there are frequent lockdown episodes that cause sustained disruption to the use of the public path. Such a condition would require self-reporting of 'lockdown incidents' by PPS and would only require discussions between PP&R and PPS rather than tangible action such as the development of an alternative unrestricted trail connection. If both parties value an unrestricted, fully-improved connection through these large publicly-owned sites, then an alternative path could be proposed on the park site. A pedestrian/bicycle trail would be allowed and would not require a Conditional Use Review."

PPS provided responses to the concerned citizen and S. Tabor NA comments related to the night-time closure of the access from Clinton Park to Franklin H.S. (Exhibits H.19, H.19b and H.24). PPS, in Exhibit H.24, stated the following:

"PPS proposes to limit pedestrian access to the Franklin High School site via the pedestrian path from Clinton Park and pedestrian access from SE Woodward St. along the eastern property line during the hours of 11 pm to 7 am all days of the week including summer break. The proposed closure of the access between Clinton Park and the FHS site would occur with a gate in the fence between the two properties that will be controlled electronically. The BDS findings and proposed condition of approval (C) indicating the need for four signs to alert the public of the closure of the gates. While PPS is amenable to posting signs noting the hours of the gate closures, PPS understands that Portland Parks and Recreation had requested (Exhibit H5) the signs at the gate between the FHS and Clinton Park. The need for the sign was deliberated in the context of PPS's Adjustment Request to the pedestrian connection standard (33.120.255). The pedestrian gates near the Performing Arts Building and SE Division St. are not related to the Adjustment request. Additionally, BDS condition C notes that signs should be installed on the pedestrian gate at SE Ivon [Clinton] St. The pedestrian gate is proposed at SE Clinton St.

All PPS high schools are required to perform two lock down drills annually. The duration of the lock down drills is approximately 25-30 minutes. In the 2013-14 school year, FHS had three actual lock down situations. The duration of actual lock down events will vary depending on the situation. PPS Security Services estimates that FHS can anticipate 3-5 lock down events every year inclusive of drills. PPS is happy to work with Portland Parks and Recreation to look at alternative means of access to Clinton Park in the unlikely event the frequency and duration of these events significantly increases in the future, however in PPS's opinion the frequency and duration of these events would need to increase significantly to warrant an additional pathway as noted by BDS.

We concur with BDS's assessment that the pedestrian standards of 33.120.255 do not speak to security or access restrictions of pedestrian ways required by this standard. The South Tabor Neighborhood Association contends the proposal to lock the proposed gate between the FHS property and Clinton Park conflicts with approval criteria of 33.815.105 C and 33.815.105 D.

33.815.105 C. Livability. The proposal will not have significant adverse impacts on the livability of the nearby residential lands due to: Noise, glare from lights, late-night operations, odors and litter; and 2. Privacy and safety issues.

The conditional use criteria related to institutional uses (33.815.105) note that the approval criteria allow institutions in

a residential zone that maintain or do not significantly conflict with the appearance and function of residential uses. The residential function in this context is pedestrian connectivity between SE Division St. and SE Woodward St. The purpose statement of the pedestrian standards of 33.120.255 reads as follows:

Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. The standards configurations that minimize conflicts between pedestrians and vehicles. In order to facilitate additional pedestrian oriented space and less impervious surface, the standards also provide opportunities for accessways with low traffic volumes, serving a limited number of residential units, to be designed to accommodate pedestrians and vehicles within the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.

As BDS noted, the pedestrian standard does not speak to security or access restrictions to pedestrian connectivity required by this standard. Unrestricted pedestrian connectivity is not a requirement of the pedestrian connection requirements of 33.120.255. As such the closure of a pedestrian connection for the purposes of vandalism and theft prevention would not conflict with the purpose of the pedestrian connection standard or the function of residential uses as it relates to pedestrian connectivity.

The pedestrian connection proposed by PPS separates vehicular and pedestrian traffic on the FHS site and provides improved pedestrian connections from off-site to buildings on the site and between buildings and other activities within the site which are stated purposes of the pedestrian connection standards. This improved pedestrian environment and pedestrian connectivity would improve the function of the residential area.

The proposed pedestrian connection would not have (per 33.815.105C) significant adverse impacts on the livability of nearby residential zoned lands due to noise, glare from lights, late-night operations, odors, litter. Additionally, the privacy and safety of nearby residential zoned lands are better served by limiting pedestrian access to Clinton Park and FHS that are not staffed during nighttime hours.

33.815.105 D. *Public Services. 1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan; 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; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies; 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.

It is PPS's opinion that the public services referred to in 33.815.105 D. relate to services provided by the City of Portland. The criteria of 33.815.105 D do not require an analysis of impact on pedestrians from development requiring conditional use review. As noted above, the pedestrian experience on the FHS site will be improved via the site improvements on the FHS campus. The pedestrian standards of 33.120.255 relate to the provision of pedestrian connectivity on private property that provides usable pedestrian circulation in all developments and between adjacent sites where feasible. PPS contends it is reasonable for property owners to restrict pedestrian access on their site during late night hours for the purposes of site security and that this is a reasonable limitation on pedestrian access."

The Hearings Officer finds PPS comments, as quoted above, are credible and an accurate interpretation of this approval criterion. The Hearings Officer finds it the PCC does not prohibit the placement of reasonable time restrictions, related to safety and security, upon pedestrian connections.

The Hearings Officer finds this approval 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 Portland Water Bureau provided comments related to this proposal in Exhibit E.3. In summary, the Water Bureau indicated that existing water lines in the area of Franklin H.S. are capable of supplying water for the proposed project. The Water Bureau did recommend a condition of approval related consolidation of tax lots. The Hearings Officer finds that with a condition of approval (See condition E) related to tax lot consolidation the Water Bureau is capable of serving the proposed use.

BES provided written comments related to this proposal in Exhibit E.1. BES the waste disposal and stormwater disposal systems were acceptable. BES recommended a condition be included that required PPS to record a sewer easement over the intercepting sewer that runs over the Subject Property (Condition F).

The application includes a copy of a Fire Bureau appeal to vary from the requirement for aerial fire apparatus roads that are at least 26 feet wide (Exhibit A.14). The Fire Bureau provided a response

that identifies "no concerns" but notes that "All applicable Fire Code requirements apply at the time of permit review and development." (Exhibit E.4)

The Police Bureau submitted an initial response, dated November 5, 2014 (Exhibit E.5) and a follow-up e-mail on November 12, 2012 (Exhibit E.6). The responses include the following:

"ANALYSIS

Richard Kepler, Strategic Services Division, reviewed this Land Use request. Additionally, East Precinct Commander Sara Westbrook has reviewed this proposal. It was determined that the Portland Police Bureau is capable of serving the proposed change at this time; however, noted below are safety and security concerns and recommendations.

CONCERNS

- A) Maintaining the site and perimeter foliage.
- B) Accessibility of the site for Police Bureau School Resource Officers (SRO).

RECOMMENDATIONS

A) As this site serves students and community events, keep foliage and trees maintained per Crime Prevention Through Environmental Design (CPTED) standards. This will assist in preventing concealment of trespassers, provide greater visibility for officers, and as such increases the safety and security for users of the site.

a. CPTED standard for hedge height is no more than three feet near windows and along the site's perimeter and for trees a ground clearance of six feet or more.

B) As security and accessibility of the site is changed with the proposed development:

a. Provide the Portland Police Bureau's SRO with three security access cards.

b. For emergency responders the 9-1-1 system stores security access codes. Please send the code information for the punch key pads to the Police Bureau address below so that 9-1-1 dispatchers can relay this information to the responding officers."

In response to concerns from PPS that the key pad would get vandalized, the Police Bureau submitted a revised recommendation that removes the requirement for punch key pads. Instead, PPS will provide keys to Knox boxes which are traditionally used by other emergency responders—Fire and Ambulance. The Knox box holds keys or access cards that will allow access into locked buildings or gates. The Police Bureau response (Exhibit 6) states, in part, the following:

"The Police Bureau agrees that the additional use of a KNOX box at all gates would be a step in the right direction, but there would still be the concern toward immediate access during an active situation on their campus during school hours (where the gates would be locked). Currently none of the Portland Police District Officers

carry a KNOX box key, as district Officers would normally be responding to some/any event where the school was locked down, limited access into a location could hinder response. As Sworn Police staffing is a City Council decision, the number of Portland Police Officers dedicated as School Resource Officers could be impacted with those decisions."

To address the Police Bureau's concern about concealment and visibility, BDS staff recommended that the Hearings Officer approve an Adjustment to substitute the L2, low screen standard for the required L3, high screen standard in the perimeter parking lot landscaping area along the western edge of a proposed new parking area. The Hearings Officer agrees with this BDS suggestion/request.

Based upon the responses from Water and BES, BDS staff recommended conditions requiring a tax lot consolidation and the recording of a sewer easement prior to building permit submittal. The Hearings Officer concurs with the BDS recommended conditions relating to tax consolidation and recording of an easement.

With conditions the Hearings Officer finds this approval criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The Subject Property is within the plan boundary of the adopted South Tabor Neighborhood Plan and the Outer Southeast Community Plan. Both were adopted in January 1996. The following policies and objectives are relevant to this proposal:

South Tabor Neighborhood Plan

Policy 2: Transportation – Maintain mobility and accessibility by reducing the impact of autos on South Tabor and encouraging alternative forms of transportation.

Objectives:

- *Control neighborhood traffic and parking to ensure safety and livability for neighborhood residents.*
- *Increase the use of mass transit.*
- *Support improvements for pedestrian and bicycle use and safety.*
- *Encourage shared off-street parking for commercial and institutional uses.*

Policy 4: Public Safety – Nurture, reinforce and sustain a sense of neighborhood security for persons who live and work in South Tabor.

Objective:

Enhance a feeling of safety on all streets for pedestrians through landscape design, adequate lighting and sidewalks.

Policy 5: Social, Cultural and Educational Environment – Make South Tabor a neighborhood where all people can live and work in harmony and without fear of prejudice by encouraging and creating opportunities and activities for cultural, social and educational interactions.

Objective:

Encourage nearby public and private educational institutions to better serve the South Tabor neighborhood.

Policy 6: Parks, Recreation and Open Space – Encourage the development and preservation of a large variety of green and open spaces in and around South Tabor.

Objectives:

- *Encourage multiple use of greenspaces surrounding schools and churches.*
- *Foster a sense of openness in our developed areas.*

Outer Southeast Community Plan

Open Space and Environment Policy: Provide parks and open spaces to meet projected recreational needs of outer southeast residents. Create a sense of connection with the natural environment. Protect natural resources by reducing the impact of development on them.

Objective:

Ensure convenient and safe access from residential areas to neighborhood parks.

Public Safety Policy: Apply Crime Prevention Through Environmental Design (CPTED) principles to both public and private development projects. Encourage land use arrangements and street patterns that provide more eyes on the street. Encourage site layouts and building designs that encourage proprietary attitudes and natural surveillance over shared and public spaces.

Objectives:

- *Locate windows in building walls that abut such public areas as sidewalks, plazas, parks and parking lots.*
- *Illuminate walkways so that they can be easily seen from both the street and inside the building.*
- *Promote connections that provide for pedestrians, bicycles, and motorized vehicles. Avoid pedestrian-only connections in order to enhance surveillance over sidewalks.*

PPS, in Exhibit H.19b, identified relevant policies and has explained why the proposal is consistent with the two adopted plans. PPS, in Exhibit H.19b, stated the following:

"The proposed modernization of Franklin High School is consistent with the intent of these plans in that it:

- Supports improvements for pedestrian and bicycle use and safety (STNP Policy 2: Transportation, Objective 3) through the installation of additional bicycle parking spaces on site and providing additional pedestrian access to and through the site*
- Better serves the South Tabor neighborhood (STNP Objective 4 of Policy 5: Social, Cultural and Educational Environment) by providing a 21st century learning environment for neighborhood students, availability of additional classroom and athletic facilities to the community through the District's Civic Use of Buildings program*
- Encouraging the multiple use of greenspaces surrounding schools and churches (Policy 6: Parks, Recreation and Open Space, Objective 3) through the redevelopment of the track and football and baseball fields at Franklin High School allowing greater use these facilities by the South Tabor neighborhood through the District's Community Use of Buildings program*

The Outer Southeast Community Plan contains objectives (Public Safety Policy Objective 2.d) to locate and design entrances so that they can be watched from both the street and from inside the building. The entrances of modernized Franklin High School will be visible from the building reception area and multiple classrooms in the main school building. After the beginning of class on each school day, all exterior doors except the main entrances will be locked. The classroom buildings will be secured at the end of the teaching day or at the end of after school programming.

PPS has met with the South Tabor Neighborhood Association to inform them of the proposed modernization of Franklin High School and has offered to meet again with the association to answer any questions they might have."

The Hearings Officer finds that the proposal does not conflict with the policies of the adopted plans. To fully address the South Tabor Neighborhood Plan Policy 2-Transportation and Policy 4-Public Safety as well as the Outer Southeast Community Plan Public Safety Policy.

The Hearings finds this approval criterion is met.

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., below, have been met.

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

Findings: PPS requested seven Adjustments. Each respective Adjustment is discussed below:

1. **Minimum Building Setback (33.120.220.B):** PPS requested a reduction from 28 to 10 feet the building setback requirement and to waive the setback requirement for a concrete stairway/exit corridor for the proposed new gymnasium building that will be located near the east property line.

Section 33.120.275.A, Development Standards for Institutions states the purpose of the standards that apply to institutional uses are to "maintain compatibility with and limit the negative impacts on surrounding residential areas."

Specifically, Section 33.120.220.A identifies the purpose of building setbacks as follows:

- *"They maintain light, air, separation for fire protection, and access for fire fighting;*
- *They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity"*

PS submitted the following response to this criteria:

"The purpose and intent of the Institutional Development Standards in 33.120.275, within which the minimum building setback standards of Table 120-5 are found includes "to maintain compatibility with and limit the negative impacts on surrounding residential areas".

The spaces required to meet the program needs of a modernized Franklin High School for 1,700 students and the District's Education Specifications necessitated the development of a separate gymnasium building non-contiguous with the main buildings on the campus. The replacement of the track and football field to regulation size in a north/south orientation and a desire to locate locker rooms and other physical education support spaces adjacent to the replaced field area drove the design decisions to locate the gymnasium building in its proposed location. The gymnasium building is

designed to contain regulation size courts causing the 105 foot width of the building.

Clinton Park to the east of the Franklin High School site is zoned Open Space (OS). It is unlikely residential development will occur on this property adjacent to the proposed gymnasium building."

PPS concurs with PPS that the reduced setback will not negatively impact residential properties. In addition, Hearings Officer finds that there will remain adequate light and air between the building and the east property line. The Fire Bureau raised no concerns regarding separation for fire protection and access for fire fighting. The building will reflect the scale of other existing buildings on the campus and the building will fit the topography of the site. For these reasons, the Hearings Officer finds this approval criterion is met.

- 2. Maximum Building Setback on Transit Street (33.120.220.C):** The applicant is requesting to waive the requirement of placing the proposed new buildings within 25 feet of the designated transit street—SE Division Street.

The purpose of this standard, under Section 33.120.22.A. states, "Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users." PPS submitted the following response to this criteria:

"The 1915 original building (building 4), the 1916 former gymnasium building (building 3), and 1924 the auditorium addition (building 6) have been on this site over 90 years. The Franklin High School campus is developed on a through lot between SE Division St. to the north and SE Woodward St. to the south. The distance between the two streets is approximately 1,370 feet. Currently buildings 3, 4, and 6 are approximately 913, 1,044, and 915 feet respectively from SE Division St. which is classified as a Major Transit Priority Street (Transit Street). No additions north of the existing building facades are proposed for these buildings. The proposed gymnasium building would be approximately 365 feet from the northern property line.

The original Franklin High School building (Building 4) is almost one hundred years old. The functional main entrance to the site has been from SE Woodward St. since the school has been developed on the site. Given the lot dimensions of the site (narrow east to west) it would be difficult to plan the layout of the buildings on the site that could accommodate the programmatic needs of high school campus (moving between classrooms; playing sports on a variety of sports fields) given that the northern and southern property lines are a quarter mile apart. It would be a programmatic challenge to simultaneously operate classroom buildings near the street frontage on SE Division and SE Woodward St. Accomplishing the intent of this standard would require complete demolition of

the buildings on the Franklin High School site and replacement on the SE Division St. frontage.

Access to and through the FHS site from SE Division St. to SE Woodward St. for pedestrians and transit users is taken from a paved path that begins on the Clinton Park property which leads to pedestrian access on the Franklin High School site. This connection will improve with the proposed sidewalks and plaza area that will safely convey pedestrians through the FHS site to SE Woodward and students from the FHS campus to the Tri-Met transit stops on SE Division St. Currently the pedestrian connection from Clinton Park conveys pedestrians to the parking area on the east side of the FHS. The pedestrian access gates along the perimeter of the site will have the ability to be closed in lockdown situations.

The proposed gymnasium building (building 7) will be built approximately 365 feet from the north property line which is closer than any of the existing buildings and brings the new building development on the site closer to conformance with this standard."

The Hearings Officer agrees that in order to meet this standard, significant design and programmatic changes would be required to create a functional campus with new buildings located near SE Division while most the existing buildings are located near SE Woodward, a separation of approximately 1,000 feet. The Hearings Officer finds, even with nighttime limitations on access to the Subject Property from Clinton Park, the proposed on-site pedestrian system will significantly improve the pedestrian experience for student, staff and others who will utilize the school facilities.

The Hearings Officer finds that the proposed new pedestrian connections will create an environment that is inviting to pedestrians and transit users. The Hearings Officer finds this approval criterion is met.

- 3. Pedestrian Connection (33.120.255.B):** PPS requested to waive the required on-site pedestrian connection from SE Division, an adjacent street. PPS is proposing to continue to use the pedestrian pathway that is located in the abutting City of Portland Clinton Park. The park pathway will connect to a new pedestrian connection system on the school campus. PPS requested that the pedestrian pathway be closed (locked gate), from 11:00 p.m. to 6:00 a.m. all days of the week, in the vicinity of the gymnasium where it connects to Clinton Park.

Section 33.120.255.A. describes the purpose of this standard as:

"The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. The

standards promote configurations that minimize conflicts between pedestrians and vehicles.”

PPS submitted the following response to this criterion:

“Straight line pedestrian connections are provided between the main building entrances and the street frontages on SE Woodward St. and SE 52nd Avenue. A pedestrian connection from SE Division Street to the main entrance of each building on the FHS campus does not currently exist solely on the FHS site. The proposed modernization project therefore requires an Adjustment.

An existing well-used pedestrian connection from SE Division St. to the FHS campus and to SE Woodward St. traversing a paved pedestrian path in Clinton Park into the east parking area on the FHS site. This connection will be improved through the installation of new sidewalks and plazas on the FHS site that will separate pedestrian and vehicle traffic on the FHS site thereby improving the safety and usability of the pedestrian circulation system by minimizing conflicts between pedestrians and vehicles. These improvements will improve the pedestrian connection between SE Division St. and SE Woodward St. The pedestrian access gates along the perimeter of the site will have the ability to be closed in lockdown situations. Additionally, the east/west pedestrian connection through the site will improve through by the installation of sidewalks that connect the terminus of SE Clinton St. on the west to Clinton Park on the east. The proposed pedestrian improvements on the FHS site will meet the purpose and intent of the pedestrian standard.”

The Hearings Officer also incorporates, as additional findings for this approval criterion, the PPS quoted material in the findings for PCC 33.815.105 D.2.

The Hearings Office agrees that the proposed internal connections between buildings and the streets to the west will be an improvement. The Hearings Officer finds, for the reasons stated in the findings for approval criterion PCC 33.815.105 D.2 that a direct pedestrian connection from SE Division is not necessary.

The Hearings Officer finds this approval criterion is met.

4. Loading Space (33.266.310.C.): PPS requested to reduce the required number of on-site loading spaces from 2 to 1 spaces. A 40 ft. x 15 ft. truck loading space will be provided on the west side of the campus.

The purpose of this standard is described under Section 33.266.310.A, as follows:

“A minimum number of loading spaces are required to ensure

adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way."

PPS submitted the following response to this criteria:

"The size of the proposed loading space exceeds the dimensional requirements of 33.266.310.D. The District anticipates this loading area will be used to deliver larger equipment and materials related to programmatic uses of the performing arts building and the career technical education (CTE) spaces.

The loading area is within an internal parking lot. Larger vehicles using the space would enter and exit the parking area in a forward motion and therefore not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

While deliveries will take place in the east parking lot, they will primarily be characterized by van or box truck delivery that can utilize parking spaces and can make use of the turnaround at the north end of the east parking lot if needed. Any dedication of a loading space in the east parking lot area would require interruption of the proposed sidewalk directly adjacent to the library and student dining buildings."

At least one neighbor (Exhibit H.15) objected to reducing the loading spaces from two to one.

PBOT, in its written response (Exhibit E.2), did not raise any concerns regarding the proposed loading area. The Hearings Officer finds that the requested Adjustment meets this approval criterion.

- 5. Perimeter Parking Lot Landscaping and Setback Area (33.266.130.G.2/33.248.020.C):** In some locations along the east property line, PPS requested to reduce the required setback from 5 feet to 1 foot and to reduce the shrub and tree requirement of the L3, high screen landscaping standard. PPS proposed the use of shrubs and retaining walls to buffer the adjacent Clinton Park site from the parking area (Exhibit C.4). Consistent with the Police Bureau recommendation, staff is recommending approval of an **Adjustment** to substitute the L2 standard for the L3 standard for the perimeter parking lot landscaping along the western edge of the proposed new parking area.

Section 33.266.130.G and Section 33.248.020 describes the purpose of the regulations as follows:

- The parking area layout standards are intended to promote safe circulation within the*

parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- *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 L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.

PPS submitted the following response to this criteria:

"The District's programmatic requirements for the general education and student dining buildings on the east side of the campus, the desire to maintain the auditorium building (to be converted to a classroom building), and the desire to build the student dining facility in line with the auditorium building have compressed the space available for parking and perimeter landscaping on the east side of the site. Additionally, the drive aisle in this parking lot will serve as a fire access drive to the north side of the property. PPS has obtained approval from the Fire Marshall's office (see Attachment 10) to reduce the width of this fire lane to 24 feet from the required 26 feet. The combination of these factors has left little space to achieve a five foot depth for the required perimeter L3 landscaping required by 33.266.130.G.2 along the east side of the east parking lot.

Significant re-grading between the eastern edge of the auditorium and student dining buildings and the eastern property line is proposed to level out the eastern parking lot area. As a result, approximately 19 of the parking spaces will be below grade and not visible from off-site view. Approximately 12 spaces would have some parking spaces above grade at the northern end of the east parking lot area. The space between the eastern property line and the proposed retaining wall will be planted with a variety of, groundcover, trailing or low evergreen shrubs, six foot tall evergreen shrub or vine and a six-foot tall black vinyl fence thereby meeting the purpose of the parking area setback and landscaping requirements.. See Attachments 44 and 45.

The 12-foot perimeter landscaping proposed on the west side of the west parking lot will provide additional landscape screening of this parking area."

BES responded by stating that it had "no objections to the stormwater management approach proposed in the GHD report for the purpose of determining that an approvable stormwater management plan can be accommodated with the proposed site modifications." The reduced landscape area, therefore, will not affect the amount and rate of stormwater runoff from vehicle areas and will not markedly increase pollution and the temperature of the runoff. Along the eastern edge of the Subject Property, the proposed retaining walls will reduce headlight and other impacts to Clinton Park. To address public safety concerns, BDS staff recommended the approval of an Adjustment to substitute the L2, low-screen landscaping standard for the L3, high-screen standard. BDS staff felt that the L2 standard would allow surveillance while still reducing the impacts of vehicle headlights entering the adjacent residential properties. The Hearings Officer concurs with BDS comments regarding landscaping standards.

The Hearings Officer finds that this approval criterion is met.

- 6. Interior Parking Lot Landscaping (33.266.130.G.3/33.248.020.I):** PPS proposed to reduce the amount of interior parking lot landscaping from the required 45 square feet per parking space to 31.5 square feet for the west parking lot and 33.5 for the east lot. Also, PPS requested to reduce the required number of trees in the interior landscape areas.

Section 33.248.020.I describes the intent of the standard, as follows:

"The P1 standard is a landscape treatment which uses a combination of trees, shrubs, and ground cover to provide shade, stormwater management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots and associated vehicle areas."

PPS submitted the following response to this criterion:

"As noted in the Adjustment request above related to the perimeter landscaping requirements, the lot dimensions of the site in combination with the programmatic needs of the campus have compressed the available area for vehicular parking on the east and west side of the site. Additionally, the drive aisle in the east parking lot will serve as a fire access drive to the north side of the property. PPS has obtained approval from the Fire Marshall's office (see Attachment 10) to reduce the width of this fire lane to 24 feet from the required 26 feet. The combination of these factors has left little space to achieve the required interior parking landscaping.

The planting plan for the site specifies a combination of 14 small, medium, and large trees in the west parking lot and a

combination of 16 trees in the east parking lot. The combination of trees specified for these parking lots do not meet the required materials of the P1 standards (33.248.020.I.2). See Tables 1 and 2 below.

Table 1

West Parking Lot	Large	Med	Small	Total
Trees	6	2	6	
Stalls/tree	4	3	2	
Covered	24	6	12	
Parking stalls	68	68	68	
Percent	35.29%	8.82%	17.65%	61.76%

Table 2

East Parking Lot	Large	Med	Small	Total
Trees	6	2	6	
Stalls/tree	4	3	2	
Covered	24	6	12	
Parking stalls	58	58	58	
Percent	41.38%	10.34%	20.69%	72.41%

The 12-foot width of L3 perimeter landscaping consisting of groundcover, shrubs and trees along the western edge of the west parking lot will soften the appearance of the parking area from off-site residential view and improve the visual character between adjacent residential uses and the parking area.

The landscaping and eight-foot black vinyl fence proposed along the eastern edge of the eastern parking lot will reduce the visual impact of parking areas from nearby sidewalks and adjacent residential zones."

PPS submitted a landscaping plan that includes over 130 new trees that will provide buffering along the east and western edges and create an attractive campus. The overall scheme will reduce stormwater runoff, provide shading to the hardscape and soften the overall appearance. BDS staff recommended a condition of approval be applied that requires the submitted landscape plan to be implemented—in substantial conformance with the same number of trees and shrubs—as identified on the plan. The submitted plan identifies broad categories instead of species, therefore, the tree and plant selection can be modified during the final design phase.

With conformance with the condition, the Hearings Officer finds this approval criterion will be met.

7. **Fence Height (33.120.285.C):** PPS initially proposed to exceed the maximum fence height standard from 3.5 feet along SE Division (a front lot line) to 8 feet for a decorative fence and allow the installation of a 30-foot tall "home-run" net that is designed to contain baseballs and softballs in their respective fields along the SE Division Street frontage. Subsequently PPS eliminated the "home run" net from its proposal and reduced the fence height from 8 feet to 6 feet (Exhibits H.19b and H.24).

Section 33.120.285.A describes the purpose of the fence regulations as follows:

"The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones."

PPS submitted the following response to this criteria (Exhibit H.19b):

"The proposed six-foot tall fence will provide a physical and security barrier between the sidewalk corridor on SE Division St. and the Franklin High School site, a positive benefit of fences. The perceived height of the fence is mitigated by the distance from SE Division St. to buildings on site. The requested Adjustment to the height of the fences in these locations meets the intent of the maximum fence height standard by improving public safety in these locations."

The Hearings Officer concurs with the above-quoted PPS comments that a 6-foot fence provides necessary security for the Subject Property while still allowing for community surveillance. Police and community surveillance will not be hindered.

The Hearings Officer finds this approval 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: The Subject Property is within a residential zone. As discussed above, the requested Adjustment to the minimum and maximum setback, loading space, fence height and interior parking lot landscaping standards will not significantly impact the livability or appearance of the residential

area. The requested perimeter parking lot landscaping Adjustment for the parking area on the eastern edge of the Subject Property will not directly impact residential development as the parking lot abuts the 12.55 acre Clinton Park facility (an Open Space zone). For the Adjustments to substitute the L2, low-screen standard with the L3, high-screen standard, the Hearings Officer finds that the western parking area requires enhanced community surveillance. The gates to the parking area will be open during non-school hours and will be accessible from SE Clinton Street but not visible from other streets. The 12-foot deep landscape area, with a continuous row of 3-foot tall shrubs and a row of trees will adequately buffer the adjacent residences. The continuous shrubs will be tall enough to shield vehicle headlights. A condition that requires implementation of the overall landscaping plan will provide screening and visual relief that will reduce the impacts of the requested landscaping Adjustments.

The requested Adjustment to the pedestrian connection is appropriate, with nighttime and lockdown closure times, because the closures will enhance security for the entire area.

With conditions, 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: Section 33.120.030.F states:

The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located.

PPS requested seven Adjustments. BDS Staff recommended an additional Adjustment—to reduce the required shrub height for the perimeter parking lot landscaping along the west property line, to address the Police Bureau’s public safety concern. **With a condition that requires implementation of the submitted landscaping plan, with at least 130 new trees and continuous rows of shrubs along the perimeter of the parking areas, the cumulative impacts of setback and landscaping Adjustment will be reduced.**

With conditions, the Hearings Officer finds that the cumulative effects of the Adjustment will not conflict with the purpose of the IR zone. Therefore, this approval criterion will be met.

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

Findings: The Subject Property does not contain any city-designated scenic or historic resources; therefore, the Hearings Officer finds this approval criterion is not applicable.

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

Findings: Under this approval criterion, the application identifies a number of attributes about the proposal. Some of those attributes were identified by PPS and are quoted below:

"Landscaping proposed between the proposed gymnasium building and the east property line will visually breakup the eastern façade of the gymnasium building from off-site views in Clinton Park. This criterion is met. The physical distance between the proposed building and off-site views from SE Division St. and SE Woodward St. and the lack of residential development on the parks property would minimize any perceived decrease in distance between buildings normally afforded by building setback requirements thereby not significantly detracting from the appearance of the residential area.

The existing chain link fence along the northern and eastern property line will be removed and replaced with the proposed eight foot tall powder coated decorative fence thereby improving the appearance of the perimeter fence. The planting plan for the project will also install three additional street trees along SE Division Street completing the visual buffer provided by street trees in the SE Division St. right-of-way.

The space between the eastern property line and the proposed retaining wall will be planted with a variety of groundcover, trailing or low evergreen shrubs, six foot tall evergreen shrub or vine and a six-foot tall black vinyl fence."

The Hearings Officer agrees with PPS the landscaping proposal. The Hearings Officer finds it appropriate to impose a condition that requires the submitted landscaping plan be implemented. With the above-reference condition, the Hearings Officer finds this approval 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 Subject Property is not within an environmental zone. The Hearings Officer finds this approval criterion is not applicable.

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.

III. CONCLUSIONS

The Portland Public Schools is requesting Conditional Use approval in order to make significant improvements to the existing Franklin H.S. facility. The improvements will modernize existing facilities as well as add a new performing arts building, gymnasium and new sports fields to accommodate a larger student enrollment. Also requested are Adjustments to seven Zoning Code development standards.

The S. Tabor NA association and neighbors raised a number of issues related to the PPS Franklin H.S. proposal. Included in the issues raised by the S. Tabor NA and nearby neighbors were (1) vehicular access to the west parking lot, (2) limitations on pedestrian access from Clinton Park and (3) time limitations on public use of the outdoor facilities (football field and track). The Hearings Officer agreed with the S. Tabor NA and nearby neighbors that vehicular access to the west parking lot should be via SE Clinton Street; access via SE Taggart Court is limited to fire and EMS vehicles. The Hearings Officer found that the PPS proposal to limit pedestrian access from Clinton Park between the hours of 11:00 p.m. and 6:00 a.m. and during lockdown events was reasonable and consistent with the relevant approval criteria. Finally, the Hearings Officer found the nearby resident's request for time limits on outdoor events was reasonable.

The Hearings Officer found that with conditions addressing neighborhood livability, public safety, design compatibility, and City service requirements, the PPS application should be approved.

IV. DECISION

Approval of a Conditional Use Review for the modernization and expansion of Franklin H.S. with approximately 61,000 of new floor area for new classrooms, a performing art center, gymnasium, football field/track, spectator grandstands, concession/restroom building and other associated site improvements, as described in Exhibits A.1 – A.3 and updated via Exhibits H.19 and H.19b and illustrated on the submitted plans (Exhibit H.20/H.21, except Attachments #39-1, #44-1 and #45-1) and

Approval of Adjustments to:

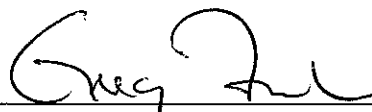
- Reduce the required minimum building setback (33.120.220.B) along the east property line, for the proposed gymnasium building from 28 to 10 feet and to waive the setback requirement to allow the concrete stairway/exit corridor to be located adjacent to the east property line.
- Waive the maximum building setback requirement (33.120.220.C) for the proposed new buildings to be set back more than 25 feet from the designated transit street—SE Division Street.

- Waive the required on-site pedestrian connection (33.120.255.B) from the adjacent street-- SE Division Street.
- Reduce the required number of on-site loading spaces (33.266.310.C) from 2 to 1 spaces.
- Reduce the perimeter parking lot landscaping and setback requirement (33.266.130.G.2/33.248.020.C) in some locations along the east property line, from 5 feet to 1 foot and reduce the shrub and tree requirement of the L3, high screen standard for the eastern edge of the site, per Exhibit C.6 and reduce the landscaping standard from L3 to L2 for the western edge of the west parking area.
- Reduce the amount of interior parking lot landscaping (33.266.130.G.3/33.248.020.I) from the required 45 square feet per parking space to 32.8square feet for the west lot and 33.5 square feet for the east lot and reduce the required number of trees in the interior landscape areas.
- Increase the maximum fence height standard (33.120.285.C) from 3.5 feet along SE Division (a front lot line) to 6 feet for a powder-coated, painted chain-link fence.

Subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) 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 14-197284 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The landscaping plan, with at least: (1) 30 new large-size trees with at least 6 trees located along the west property line, north of the stadium, (2) 75 new medium-size trees, (3) 30 new small trees, (4) a continuous row of low-screen shrubs along the 360 foot length of perimeter of west parking area, (5) a 156-foot length of continuous shrubs along the eastern edge of the gymnasium building, (6) three stormwater planter areas, and (7) large ground cover areas must be installed, in substantial conformance with Exhibits C.4 and C.5. Additional trees may be required to comply with the tree density requirements of Title 11, Tree Code which took effect January 1, 2015.
- C. At least four (4) permanent signs must be installed at the access gates that post when the school facility and pedestrian connections are closed to the public. The signs are required at the access gates at both SE Clinton Street and SE Taggart Court, the east gate at SE Woodward and the gate which connects the Clinton Park pathway to the school site.

- D. Trash receptacles, at a minimum, will be maintained at the approximate locations shown on Exhibit H.19h. During days when school is in session the trash receptacles will be emptied not less than one time per day.
- E. Prior to issuance of the first building permit, the PPS must, through Multnomah County, consolidate the tax lots under one tax account to meet Water Bureau service requirements.
- F. Prior to issuance of the building permit that includes the athletic field and grandstand improvements, the PPS must record a sewer easement over the intercepting sewer to the satisfaction of the Bureau of Environmental Services.
- G. Prior to the issuance of final occupancy permits for the new buildings, the Franklin High School Transportation Demand Management Plan must receive approval from the Portland Bureau of Transportation Active Transportation Division. The Transportation Demand Management Plan shall include a policy limiting the idling of vehicles while parked on the Subject Property.
- H. Prior to the issuance of final occupancy permits for the first new building, PPS must install KNOX boxes (or an equivalent item) for EMS (fire and ambulance responders to enter school facilities). PPS must provide at least five (5) access cards to the Portland Police Bureau staff. PPS must provide the County Emergency Dispatch (911) with use of the secure web interface for all vehicle access gates. If electronic controlled vehicle gates are not installed, KNOX boxes (or equivalent item) must be installed at each gate.
- I. At building permit review, engineer-certified documentation must be provided for the new stadium (football field/track) lights that verify that the lights will meet the Off-Site Impacts standards of the Zoning Code Section 33.262.080.
- J. Outdoor events on the football field and track, at the Subject Property, shall end on all days of the week by 9:00 p.m. and lights shall be turned off by 9:30 p.m. excepting for Fridays when events must end by 10:30 p.m. and lights are turned off by 11:00 p.m.
- K. Vehicular access to the Franklin H.S. west parking lot, during school hours, shall be limited to Franklin H.S. staff and delivery/service vehicles. Excepting for Fire/EMS vehicles, all access to the west parking lot shall be via SE Clinton Street; Fire/EMS vehicles shall be authorized to enter the west parking lot via SE Taggart Court.
- L. PPS may restrict access from Clinton Park (access gate located immediately south of the Main Gym) from 11:00 p.m. to 6:00 a.m. and also during times of school "lockdowns."



Gregory J. Frank, Hearings Officer

MARCH 2, 2015

Date

Application Determined Complete: October 2, 2014
Report to Hearings Officer: November 14, 2014
Decision Mailed: March 2, 2015
Last Date to Appeal: 4:30 p.m., March 16, 2015
Effective Date (if no appeal): March 17, 2015 Decision may be recorded on this date.

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

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

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals 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 applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

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

- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement

1. Applicant's Response to Approval Criteria, Submitted Sept. 30, 2014
2. Applicant's Response to Approval Criteria for Pedestrian Connection Adjustment, Dated Oct. 3, 2014
3. Transportation Impact Analysis, Prepared by DKS, Submitted Sept. 30, 2014
4. Cover Letter and List of Attachments for Original Application Submitted, Dated August 13, 2014
5. Applicant's Response to Approval Criteria, Original Submittal, Dated Aug. 12, 2014
6. Zoning Map
7. 2013-14 FHS Events Outside of School Hours
8. Franklin High School Space Use by User Groups – July 2013 through June 2014
9. Specifications for Two-Way Horn-Loaded Loudspeaker
10. Transportation Impact Analysis, Original Submittal, Prepared by DKS, Dated August 2014
11. Preliminary Stormwater Management Report, Prepared by GHD, Dated July 2014
12. Tree Assessment for Franklin High, Prepared by The Pacific Resources Group, Dec. 16, 2013
13. Public Works Alternative Review Decision, Date Reviewed March 17, 2014
14. Portland Fire and Rescue, Fire Code Appeal Decision, May 16, 2014
15. Field Lighting Specifications and Site Plans with Illumination Analysis, Submitted Sept. 30, 2014
16. Cover Letter from Paul Cathcart, PPS, Describing Submittal Response to Letter of Incompleteness, Sept. 26, 2014
17. E-Mail from Paul Cathcart Addressing Parking on SE Taggart Ct, Oct. 8, 2014
18. E-Mail between Paul Cathcart and Richard Kepler, Police Bureau, Oct. 13-21, 2014
19. E-Mail from Paul Cathcart Addressing Civil Use of Buildings Program, Nov. 4, 2014
20. E-Mail and Engineering Profiles from Paul Cathcart Addressing Proposed Retaining Walls on East Property Line, Nov. 5, 2014
21. E-Mail between Paul Cathcart and Richard Kepler, Police Bureau, Nov. 5, 2014
22. E-Mail from Paul Cathcart Addressing Neighbor Concern About Trash Bins and Pedestrian Access, Nov. 6, 2014
23. Franklin High School Design Process Community Engagement

B. Zoning Map (**attached**)

C. Plans and Drawings

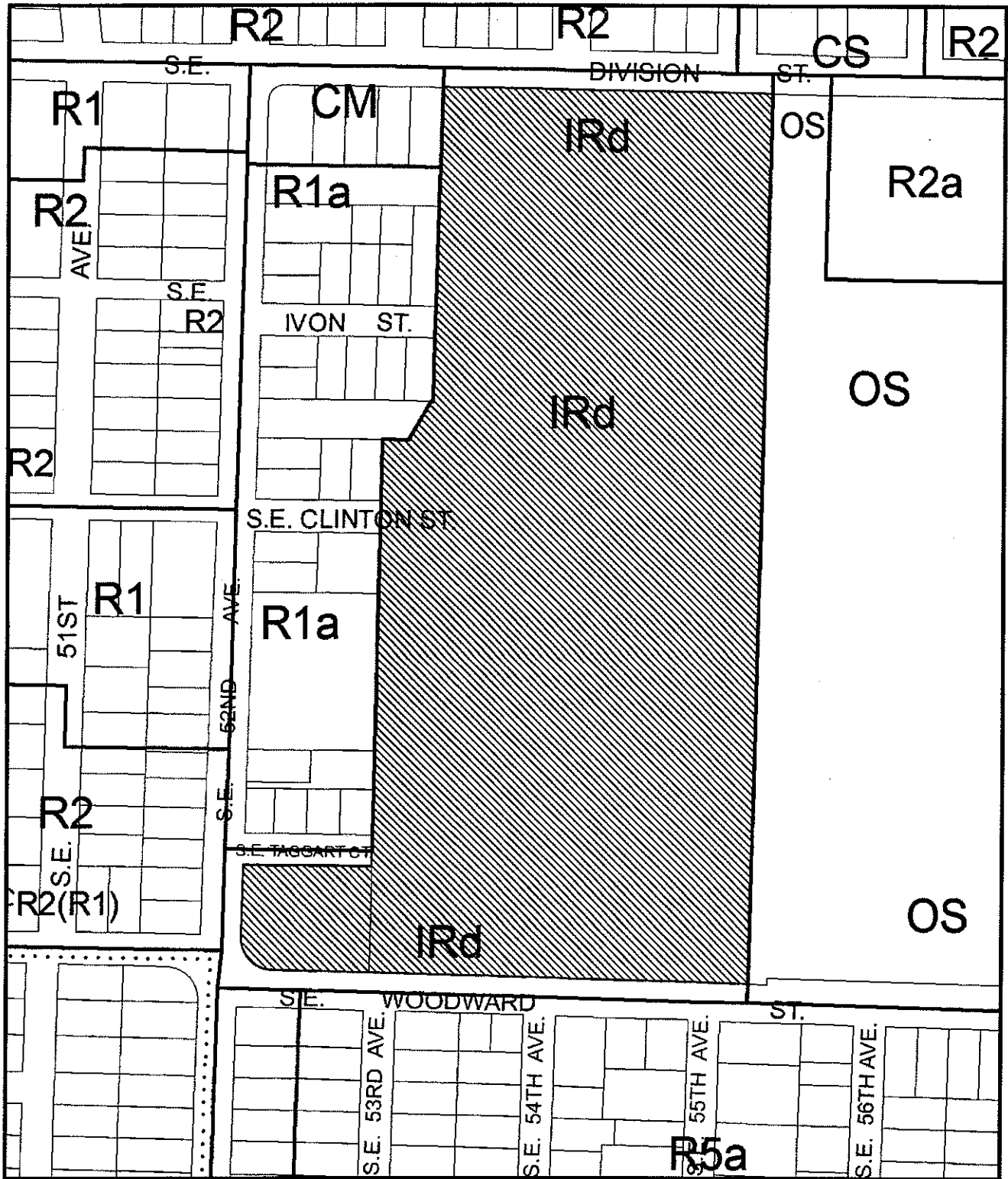
1. Site Plan – South, Submitted Sept. 30, 2014
2. Site Plan – North, Submitted Sept. 30, 2014
3. Overall Landscape Site Plan, Submitted Sept. 30, 2014
4. Planting Plan - South, Submitted Sept. 30, 2014
5. Planting Plan – North, Submitted Sept. 30, 2014
6. Planting Sections East Parking Lot, Submitted Sept. 30, 2014

7. Planting East Gym, Submitted Sept. 30, 2014
 8. Main Building Floor and Roof Plan, Submitted Sept. 30, 2014
 9. Athletics Building Floor Plan, Submitted Sept. 30, 2014
 10. Exterior Elevations Overall, East, South, Submitted Sept. 30, 2014
 11. Exterior Elevations Overall, West, North, Submitted Sept. 30, 2014
 12. Exterior Elevations Gym, Submitted Sept. 30, 2014
 13. Exterior Elevations, East Wing Sections, Trash Enclosure, Submitted Sept. 30, 2014
 14. Building Sections – Performing Arts, Submitted Sept. 30, 2014
 15. Drainage Map – South, Submitted Sept. 30, 2014
 16. Drainage Map – North, Submitted Sept. 30, 2014
 17. General Arrangement, Submitted Sept. 30, 2014
 18. Existing Conditions, Submitted Sept. 30, 2014
 19. Demolition Plan – South, Submitted Sept. 30, 2014
 20. Demolition Plan – North, Submitted Sept. 30, 2014
 21. Tree Protection Plan – South, Submitted Sept. 30, 2014
 22. Tree Protection Plan – North, Submitted Sept. 30, 2014
 23. Fence with Baseball Net Details, Submitted Sept. 30, 2014
 24. Grading Plan – South, Submitted Sept. 30, 2014
 25. Grading Plan – North, Submitted Sept. 30, 2014
 26. Stadium Seating Plan and Elevation, Submitted Sept. 30, 2014
 27. Utility Profiles, Submitted Sept. 30, 2014
 28. Site Sections, Submitted Sept. 30, 2014
 29. Utility Plan – South, Submitted Sept. 30, 2014
 30. Utility Plan – North, Submitted Sept. 30, 2014
 31. Entrance Gate Details, Submitted Sept. 30, 2014
 32. Vehicle/Pedestrian Circulation Plan, Submitted Sept. 30, 2014
 33. Original Plan Set, Submitted August 12, 2014
- D. Notification information
1. Request for Response
 2. Posting Letter Sent to Applicant
 3. Notice to be Posted
 4. Applicant's Statement Certifying Posting
 5. Applicant's Photo Documentation of Boards Installed After Storm, Oct. 30, 2014
 6. Mailing List
 7. 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, November 5, 2014
 6. Police Bureau, Follow-Up E-Mail, Nov. 12, 2014
 7. Site Development Review Section of Bureau of Development Services
 8. Life Safety Plan Review Section of Bureau of Development Services

9. Bureau of Parks, Forestry Division
- F. Letters
 1. Noelle and Shem Harding, E-Mail Letter of Opposition, Nov. 8, 2014
- G. Other
 1. Original LUR Application
 2. Letter from Staff to Applicant Identifying "Incomplete Application"
 3. Pre-Application Summary Report
- H. Received in the Hearings Office
 1. Notice of Public Hearing - Frugoli, Sheila
 2. 10/31/14 letter - Boehr, Mischa
 3. Staff Report - Frugoli, Sheila
 4. 11/12/14 Letter - Harding, Shem
 5. 11/19/14 Memo - Huggins, Sarah
 6. 11/19/14 Memo - Huggins, Sarah
 7. 11/21/14 Memo - Cathcart, Paul
 8. Request for Evidentiary Hearing and Waiver of Right to Decision within 120 Days - Cathcart, Paul
 9. Overall Site Plan (oversize) - Cathcart, Paul
 10. Plan (Oversize) - Cathcart, Paul
 11. Plan (Oversize) - Cathcart, Paul
 12. Letter with attached emails - Palmeri, Jordan
 13. Presentation printout (2 copies) - Cathcart, Paul
 14. 11/20/14 letter from South Tabor NA - Harding, Shem
 15. 11/12/14 Memo - Harding, Shem
 - a. 11/19/14 Memo from Sarah Huggins, Portland Parks & Rec - Harding, Shem
 16. Business Card - Rice, Craig S.
 17. Record Closing Information - Hearings Office
 18. 1/13/15 Memo - Magdaleno, Sandra Hay
 19. 1/16/15 Memo - Cathcart, Paul
 - a. Revision Chart - Cathcart, Paul
 - b. Approval Criteria - Applicant's Responses - Cathcart, Paul
 - c. Memo to Cathcart - Cathcart, Paul
 - d. PermaCoat brochure - Cathcart, Paul
 - e. Email from Harding - Cathcart, Paul
 - f. Letter from Palmeri - Cathcart, Paul
 - g. Email from Kepler - Cathcart, Paul
 - h. Oversize Color Plan - Cathcart, Paul (**8 ½" x 11" size attached**)
 20. Plan (A-01) - Cathcart, Paul
 - a. Plan (A-02) - Cathcart, Paul
 - b. Plan (A-03) - Cathcart, Paul
 - c. Overall Roof Plan-Main Bldg. - Cathcart, Paul
 - d. Floor Plan - Levels 0 & 1 - Cathcart, Paul
 - e. Plan A-06 - Cathcart, Paul
 - f. Plan A-07 - Cathcart, Paul

- g. Plan A-08 - Cathcart, Paul
 - h. Plan A-09 - Cathcart, Paul
 - i. Plan A-10 - Cathcart, Paul
 - j. Plan A-11 - Cathcart, Paul
 - k. Plan A-12 - Cathcart, Paul
 - l. Plan A-13 - Cathcart, Paul
 - m. Plan S1.0 - Cathcart, Paul
 - n. Plan S1.1 - Cathcart, Paul
 - o. Plan S1.2 - Cathcart, Paul
 - p. Plan S1.3 - Cathcart, Paul
 - q. Plan S3.1 - Cathcart, Paul (**attached**)
 - r. Plan S3.2 - Cathcart, Paul (**attached**)
 - s. Plan S3.3 - Cathcart, Paul
 - t. Plan S3.4 - Cathcart, Paul
 - u. Plan S3.5 - Cathcart, Paul
 - v. Plan S3.8 - Cathcart, Paul
 - w. Plan S3.9 - Cathcart, Paul
 - x. Plan S3.10 - Cathcart, Paul
 - y. Plan S4.1 - Cathcart, Paul
 - z. Plan S4.2 - Cathcart, Paul
 - aa. Plan S2.0 - Cathcart, Paul
 - ab. Plan S2.1 - Cathcart, Paul
 - ac. Plan S2.2 - Cathcart, Paul
 - ad. Plan S2.3 - Cathcart, Paul
 - ae. Plan S2.4 - Cathcart, Paul
 - af. Plan S5.1 - Cathcart, Paul
 - ag. Plan S5.2 - Cathcart, Paul
 - ah. Plan S5.3 - Cathcart, Paul
 - ai. Plan S5.4 - Cathcart, Paul
 - aj. Plan E1.01 - Cathcart, Paul
 - ak. Plan E1.02 - Cathcart, Paul
 - al. Plan E1.03 - Cathcart, Paul
 - am. Plan E1.04 - Cathcart, Paul
 - an. Plan E1.05 - Cathcart, Paul
 - ao. Plan E1.06 - Cathcart, Paul
 - ap. Plan - Cathcart, Paul
 - aq. Illumination Summary - Cathcart, Paul
 - ar. Illumination Summary - Cathcart, Paul
 - as. Illumination Summary - Cathcart, Paul
 - at. Illumination Summary - Cathcart, Paul
 - au. Illumination Summary - Cathcart, Paul
21. XL Plan Packet - Cathcart, Paul
22. Letter - South Tabor NA
23. 2/5/15 Memo - Frugoli, Sheila

24. 2/13/15 Memo - Cathcart, Paul
25. Email from Klawns to Cathcart - Cathcart, Paul
 - a. Draft Transportation Demand Mgmt. Plan - Cathcart, Paul
 - b. Oversize Plan - Cathcart, Paul
 - c. Oversize Plan - Cathcart, Paul
 - d. Oversize Plan - Cathcart, Paul
 - e. Oversize Plan - Cathcart, Paul

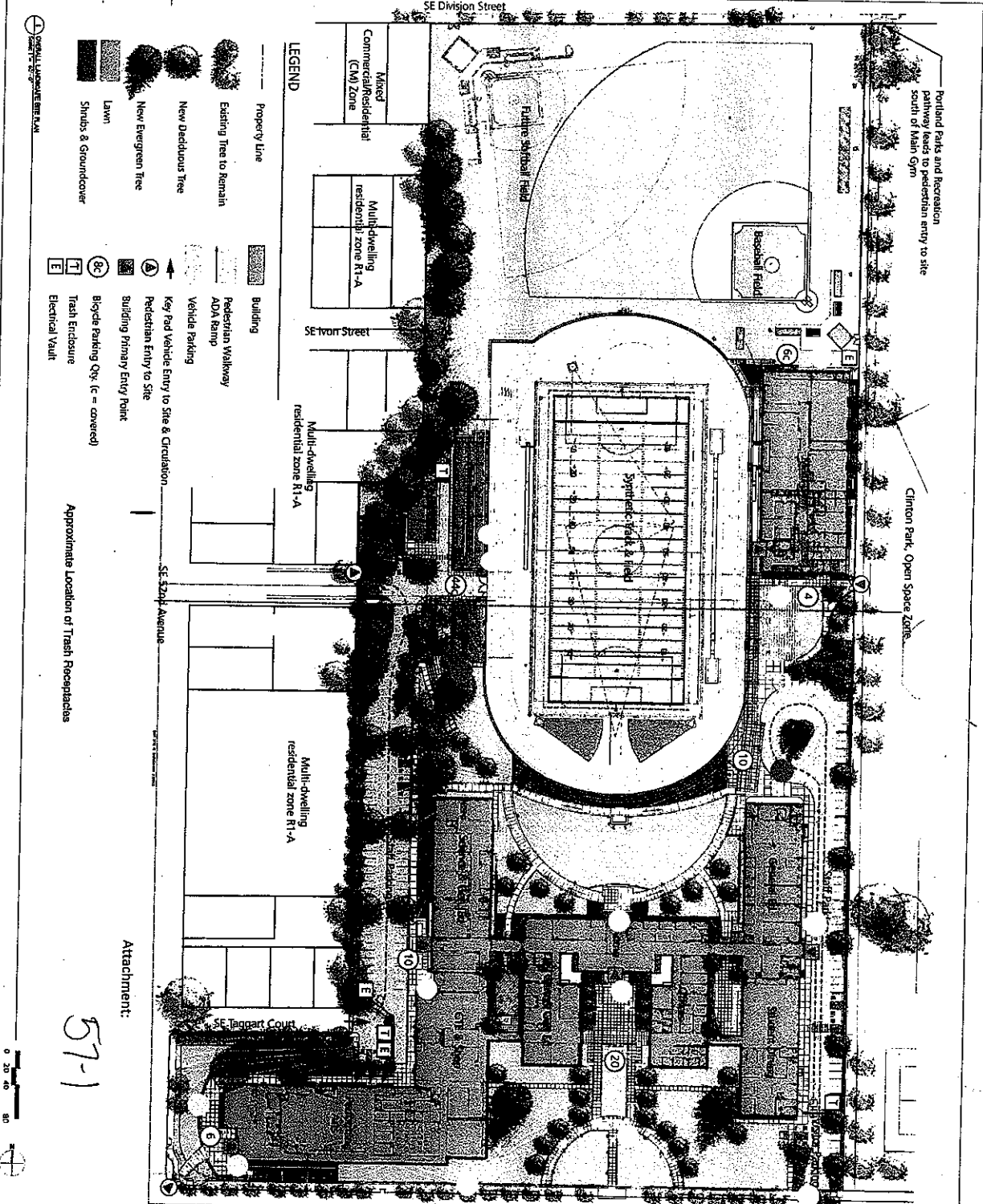


ZONING

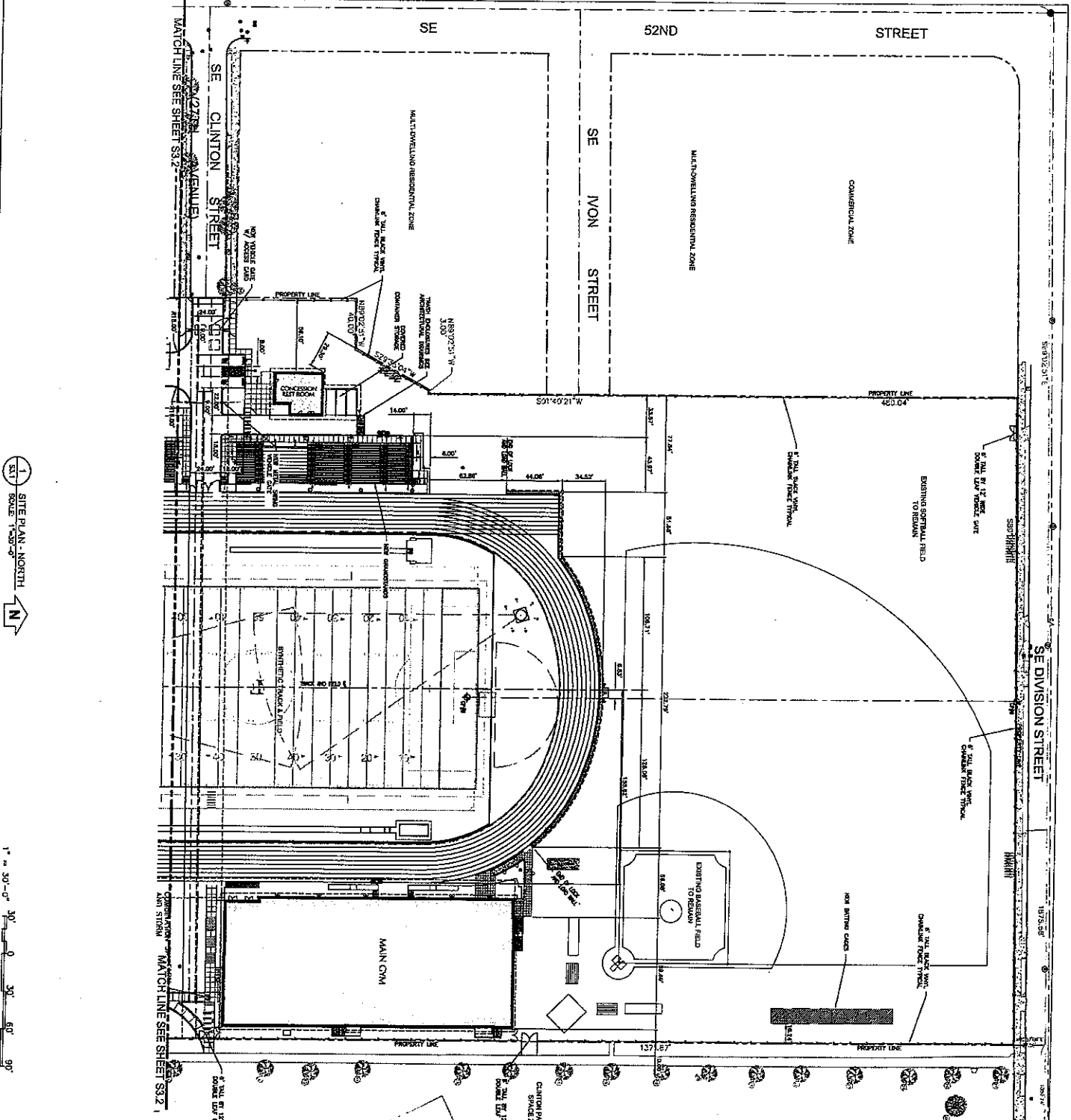
 Site



File No. LU 14-197284 CU,AD
 1/4 Section 3236.3336
 Scale 1 inch = 200 feet
 State_Id 1S2E07AB 6600
 Exhibit B (Aug 14,2014)



<p>Portland Public Schools 501 N. Oregon Street Portland, OR 97227 503.973.2000</p>	<p>Mayor/Reed 415 SW Washington St Portland, OR 97204 503.224.2000</p>	<p>IBT 1000 NE Oregon Street Portland, OR 97232 503.224.2000</p>	<p>NOT FOR CONSTRUCTION</p>	<p>Franklin High School Modernization and Additions Portland Public Schools 6405 SE Woodward St, Portland, Oregon 97226 ☎ (503) 916-5140 ☎ (503) 916-2894</p>
				<p>Overall Landscape Site Plan S2.0</p>



1 SITE PLAN - NORTH
 SCALE 1/8" = 1'-0"
 N

1" = 30'-0"
 30' 0 30' 60' 90'

RECEIVED

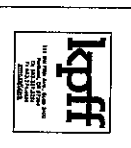
JAN 16 2015

HEARINGS OFFICE

CITY OF PORTLAND
 HEARINGS OFFICE
 Exhibit #H-20q
 Case # 4140026
 Bureau Case # 14-197284 CU AD

PROJECT #	13022
SITE PLAN	
SITE PLAN NORTH	
S3.1	

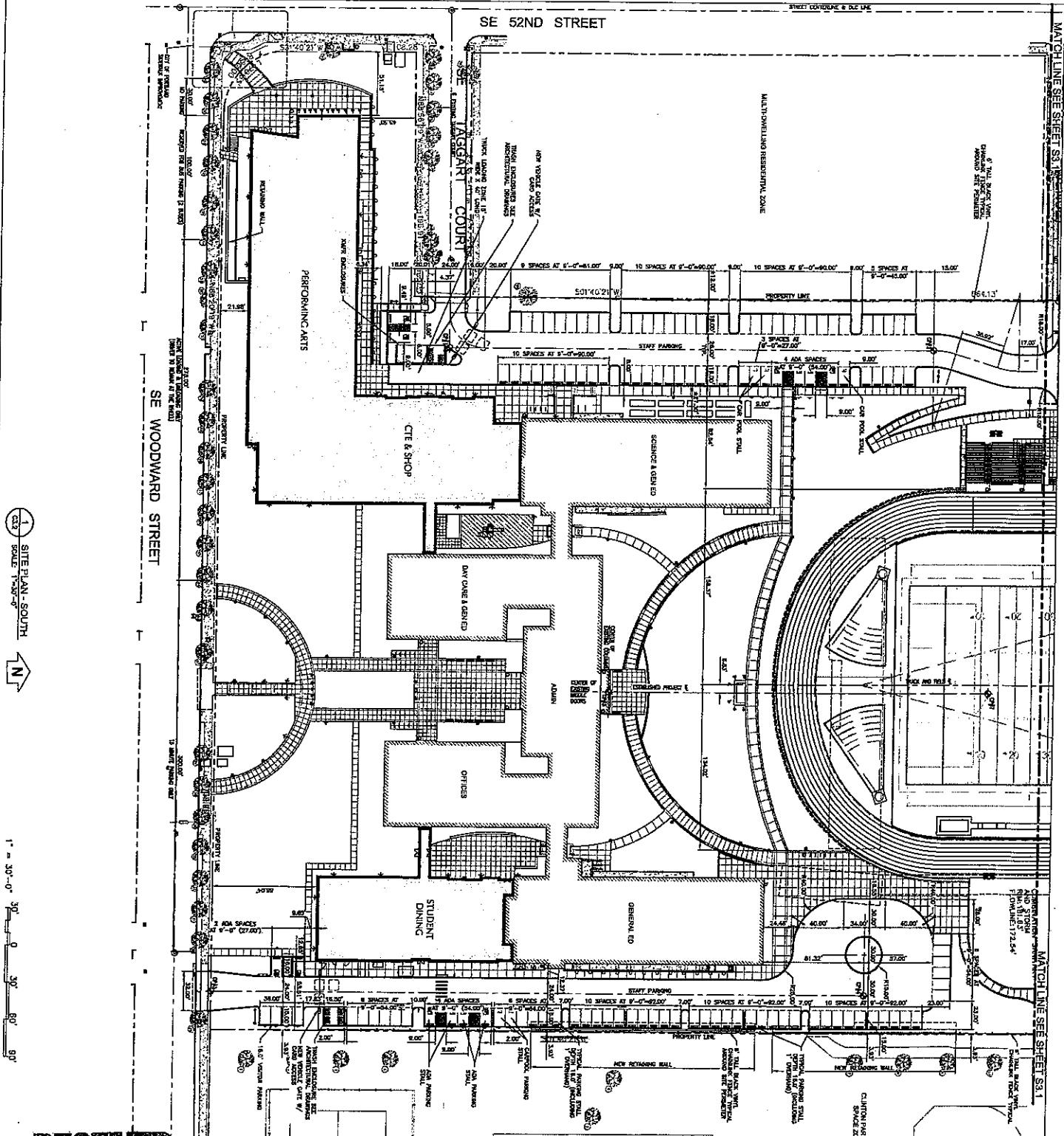
Franklin High School Modernization and Additions
 Portland Public Schools
 5405 SE Woodward St, Portland, Oregon 97206
 P: (503) 916-5140
 F: (503) 916-2694



DRILL DOWN: WOODWARD, 301 Group Architects, Inc.

PORTLAND PUBLIC SCHOOLS
 501 N. Duane Street
 PORTLAND, OR 97227
 (503) 319-2222





RECEIVED

JAN 16 2015

HEARINGS OFFICE

SITE INFORMATION	
DATE	1/15/2015
PROJECT	FRANKLIN HIGH SCHOOL MODERNIZATION AND ADDITIONS
SITE ADDRESS	5406 SE WOODWARD ST, PORTLAND, OR 97227
OWNER	PORTLAND PUBLIC SCHOOLS
DESIGNER	KPFF
DATE OF ISSUE	1/15/2015
DATE OF REVISION	1/15/2015
REVISION	1.0
REVISION	2.0
REVISION	3.0
REVISION	4.0
REVISION	5.0
REVISION	6.0
REVISION	7.0
REVISION	8.0
REVISION	9.0
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REVISION	49.0
REVISION	50.0

**CITY OF PORTLAND
 HEARINGS OFFICE
 Exhibit #H-20r
 Case # 4140026
 Bureau Case # 14-197284 CU AD**

SS.2

Site Plan South

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

North Arrow

13033

Franklin High School Modernization and Additions

Portland Public Schools

5406 SE Woodward St, Portland, Oregon 97226

T: (503) 916-5140

F: (503) 916-2694

NOT FOR CONSTRUCTION

kpff

1111 NE Oregon Street
 Portland, OR 97232

181

Dan Dineen
 Dan Dineen Architects, Inc.
 1000 NE Oregon Street
 Portland, OR 97232

PPS

Portland Public Schools
 601 N. River Street
 Portland, OR 97227
 (503) 916-2222