



# Portland City Auditor

## Hearings Office

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### DECISION OF THE HEARINGS OFFICER

#### I. GENERAL INFORMATION

**File No.** LU 14-234299 CU EN AD  
(Hearings Office 4150037)

**Applicant:** Chris Hagerman  
The Bookin Group LLC  
813 SW Alder Street, Suite 320  
Portland, OR 97205

**Owner:** Melody Drangstveit  
St. Luke Lutheran Church  
4595 SW California Street  
Portland, OR 97219-1690

**Hearings Officer:** Joe Turner

**Bureau of Development Services (BDS) Representatives:** Kathleen Stokes and Stacey Castleberry

**Site Address:** 4595 SW California Street

**Legal Description:** BLOCK 1 LOT 4 INC PT VAC ST LOT 5 EXC PT IN ST, BELLA VISTA;  
PARTITION PLAT 2014-80, INC PT VAC STS LOT 1; TL 2600 0.41 ACRES,  
SECTION 19 1S 1E; TL 2500 2.82 ACRES, SECTION 19 1S 1E; PARTITION  
PLAT 2014-79, INC PT VA CSTS LOT 1 EXC PT IN ST

**Tax Account No.:** R064300040, R649653170, R991193190, R991193190, R991193260,  
R991193190, R649653130

**State ID No.:** 1S1E19AA 00200, 1S1E19AA 202, 1S1E19AA 02600, 1S1E19AA 02500,  
1S1E19AA 501

**Quarter Section:** 3724

**Neighborhood:** Maplewood

**District Coalition:** Southwest Neighborhoods Inc.

**Zoning:** R7, R7p (Residential 7,000, Medium Density Single-Dwelling with an Environmental Protection Overlay) CN2, CN2p (Neighborhood Commercial 2, with an Environmental Protection Overlay)

**Land Use Review:** Type III, Conditional Use Review, Environmental Review, Adjustment Review (CU EN AD)

**BDS Staff Recommendation to the Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 1:30 p.m. on January 13, 2016. No testimony was offered at that time and the hearing was continued to 9:00 a.m. on February 17, 2016 in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 9:49 a.m. The record was closed at that time.

**Testified at the Hearing:**

Kathleen Stokes  
Stacey Castleberry  
Andrew Aebi  
David Knapp  
Chris Hagerman

**Proposal:** St. Luke Lutheran Church is proposing the following:

- Redefining their campus boundary, to remove a 17,859 square-foot commercial property, to add an additional .36-acres of property that was acquired through recently approved vacations of SW 46<sup>th</sup> Avenue and a portion of the SW Florida Street right-of-way, and to allow for the addition of an additional 50 square feet of property that may be acquired through a pending of the remainder of SW Florida Street between the east boundary of the site and SW 45<sup>th</sup> Avenue;
- Constructing additions that total up to 3,630 square-foot of additional floor area, creating a new multi-purpose area, expanding the narthex (vestibule) and adding a stair tower;
- Making site improvements that include new pedestrian access, an outdoor plaza and landscaping ;
- Paving gravel portions of the driveway in the vacated portion of SW 46<sup>th</sup> Avenue, including an area within the Environmental Protection zone, and
- Construction of two conveyance facilities and outfalls for stormwater disposal, also within the Environmental Protection zone.

The change in the size of the campus and the additions to the church require approval through a Conditional Use Review.

The applicant is also requesting approval of an Adjustment Review, in order to waive the requirement for providing an onsite loading space (Zoning Code Section 33.266.310 C.2.a). The paving of the church driveway and installation of a pedestrian connection from SW Vermont Street will pass through the Environmental Protection ("p") zone. In addition, two new outfalls, capturing stormwater from the driveway, SW Vermont Street and redeveloped impervious areas on the site, will connect new stormwater management facilities to the Vermont tributary of Fanno Creek, which crosses the site north of the church parking lot. New stormwater facilities will treat the water, by allowing vegetation to reduce pollutants, and will detain stormwater, with only the overflow directed into the stream corridor.

A portion of the site is located within the City's Environmental Protection overlay zone. The proposed improvements within the "p" overlay zone consist of a driveway, pedestrian pathway, and stormwater facilities. Certain environmental standards must be met to allow new development, or alterations to existing development, to occur by right. If the standards are not met, an Environmental Review is required. In this case, the driveway and pedestrian pathway are proposed within the Environmental Protection overlay zone; new development is proposed within 50 feet of the top of bank of the creek; and stormwater outfall pipes are proposed that exceed 4 inches. Environmental development standards 33.430.140 E, F, and 33.430.180 H are not met by the proposal and, therefore, Environmental Review is required.

**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:

- **Conditional Use Review, 33.815.105**
- **Adjustment Review, 33.805.040 A-E.**
- **Environmental Review, 33.430.250 A**, for Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments.

## **II. ANALYSIS**

**Site and Vicinity:** The site consists of four parcels that are part of the church and one commercial property that is being removed from the institutional boundary. The four church-related parcels are located on either side of the recently vacated right-of-way for SW 46<sup>th</sup> Avenue, between SW Vermont Street and SW California Street. The parcel that contains the church building and a large parking lot is a 122,964 square-foot property that is located on the west side of the former right-of-way. A smaller parcel that is located on the east side of the former street, between SW California Street and the as yet, unvacated stub of SW Florida, has an area of 27,939 square feet. This property contains a structure, called the Shalom Center, that is used for church activities and classes.

The newest properties, which were approved as a part of the church site in 2007, consist of two parcels that provide frontage along SW Vermont Street. These properties have a combined area of 27,654 square-feet. The northern parcel, which has the address of 4534 SW Vermont, is currently developed with a single-dwelling residence, built in about 1930. This structure, known as, "The Vermont House," provides a center for the church's youth activities. The southern parcel contains the Vermont tributary to Fanno Creek, which crosses through this property and continues through a culvert, under SW 46<sup>th</sup> Avenue and onto the church's property on the west side of the street. Commercial development flanks these properties, to the east and west, along SW Vermont Street.

The commercial property, at 4604-4616 SW Vermont that is to be removed from the campus boundary, is situated on the west side of the former SW 46<sup>th</sup> Avenue right-of-way. This 17,859 square-foot property was acquired by the church but is not to be considered a part of the newly redefined institutional campus. The property is, however, part of the current Environmental Review because some of the vehicle area that is to be paved is located on this parcel.

Single dwelling residences are located along the frontages on SW 45<sup>th</sup> Avenue and SW California Street, adjacent to the southeast quadrant of the new property and the eastern and southern boundaries of the Shalom Center property.

Directly to the south and the west, abutting the property where the St. Luke's main church building is located, is the 11.1-acre property of the parish of St. John Fisher, a Roman Catholic religious institution. Access from St. Luke's main parking area to SW Vermont Street is provided by a shared access on a long driveway on the St. John's property. A mix of single and multi-dwelling uses border the north side of the property where the church building is located, up to the northeast corner where the property abuts the previously described commercial use on vacated SW 46<sup>th</sup> Avenue.

In the larger area, a multi-dwelling development is located on the north side of SW Vermont Street, with commercial, community service and open space uses located farther to the east, across SW 45<sup>th</sup> Avenue. To the west/northwest, on either side of SW Vermont Street, is a mix of residential uses, with predominantly single-dwelling development.

Southwest Vermont Street is classified as a Neighborhood Collector, Community Transit Street, City Bikeway, City Walkway, Local Service Truck Route and a Major Emergency Response Street. Southwest Florida and SW California Streets are classified as Local Service Streets for all transportation modes. The streets are not improved to current City Standards for pedestrian access.

**Zoning:** This site has split-zoning, with CN2, Neighborhood Commercial 2, on the northern portion of the site, adjacent to SW Vermont Street, and R7, Medium Density Single-dwelling Residential, on the larger southern portion of the site, extending to SW California Street. An

Environmental Protection or "p" zone is also located on the site, extending almost all of the way across, from east to west, just to the north of the middle point between SW Vermont and SW California Streets.

The CN2 zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Religious Institutions are an allowed use in this zone. Uses in the CN2 zone are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is adjacent to a transit street. The development standards reflect that the site will generally be surrounded by more spread out residential development.

The R7 zone designation is intended for areas with adequate public services but minor development constraints. Single-dwelling residential is the primary use. Religious Institutions are allowed as Conditional Uses in this zone. Buildings in the institutional use categories are required to be set back one foot for every two feet of building height, but in no case less than 15 feet from property lines at the edge of the site. The maximum height allowed for institutional structures is 50 feet, except for towers and spires which are allowed additional height. Up to 50 percent building coverage is allowed.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The "p" Overlay provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

The environmentally-zoned portions of the site are mapped within the *Fanno Creek and Tributaries Conservation Plan* as Site #127. This plan states that the following functional values are found in site #127: upper perennial streams, public safety (stabilizing slopes and banks, and flood control); deciduous forest, pollution control (cleansing of air and water by vegetation); fish habitat; wildlife habitat; scenery; education; recreation; water supply (groundwater recharge). Resources and functional values of concern on the project site include upper perennial stream, remnant deciduous forest, and pollution control.

**Land Use History:** City records include PC 4405 ZC, which initiated adoption of City zoning for the Maplewood Annexation Area, in 1963-64. City records also include the following land use reviews for the three individual property areas.

**"Vermont House," 4534 SW Vermont** LU 04-092727 CU MS EN AD - Approval of a Conditional

Use Master Plan, with Adjustments to development standards and environmental review to locate a new religious institution (synagogue) and develop the site in two phases. This plan was abandoned and the property was subsequently sold to St. Luke Lutheran Church.

**"Shalom Center," 6812 SW 46<sup>th</sup> Avenue** CU 061-76 - Approval of Conditional Use Review for church offices and classrooms subject to conditions that required that Building Code requirements be observed for change of occupancy and that previously required screening for church parking be installed, in accordance with City Code requirements.

**Church Site, 6835 SW 46<sup>th</sup> Avenue** CU 048-87 - Approval of a Conditional Use Review to allow an addition to the church. (No details available).

LUR 00-00415 CU EN AD - Approval of a Conditional Use Review to reconfigure the existing parking area west of the church to allow a total of 116 parking spaces in substantial conformance with Exhibits H.8 and H.9, and C.2 through C.6 and approval of an Adjustment Review to waive the 5 foot-landscaped buffer required adjacent to the proposed parking area to the north, south and west. Approval was also given for an Environmental Review, as described below:

The Conditional Use and Adjustment Review approvals were subject to the following conditions:

- A. Prior to the issuance of building permits for the parking lot expansion, the applicant shall obtain an easement from the adjacent property to the west allowing access from the subject site across the adjacent property and to SW Vermont. The easement shall be recorded.
- B. Prior to the issuance of building permits for the parking lot expansion, St. Luke Lutheran Church will provide waivers of remonstrance for future street and storm sewer improvements to SW 46<sup>th</sup> Avenue.
- C. In lieu of removing the identification sign located on the corner of SW 46<sup>th</sup> and SW Vermont, the applicant will:
  1. St. Luke Church, or any successor organization, will communicate regularly with attending members or attendees encouraging them to use an alternative access (SW California or the St. John Fisher easement driveway). Communication will be via verbal announcements at the end of worship services, written announcements in worship bulletins, statements in the monthly newsletter, and statements posted on the bulletin located in the gathering area or other common message area(s) within the church building; and

2. St. Luke Lutheran Church, or any successor organization, will post signs in the parking lot that indicate that the entrances and exits to the parking lot are located at California Street and the St. John Fisher easement driveway and not SW 46<sup>th</sup>; and
3. St. Luke Lutheran Church, or any successor organization, will prepare a map, reprintable at 8 ½" by 11" showing entrances to the parking lot at SW California and the St. John Fisher easement driveway and which indicates that no access should be taken from SW 46<sup>th</sup>. This map will be made available for distribution by St. Luke's or any successor, for weddings and other special events which draw visitors to the facility who are not regularly attending members; and
4. If, in the judgment of the City Engineer, the measures instituted in C.1, C.2, and C.3 are ineffective in discouraging traffic from entering and leaving the church on SW 46<sup>th</sup> then St. Luke Lutheran Church, or any successor organization, will institute other City Engineer approved measures related to the existing sign on SW 46<sup>th</sup> and SW Vermont. These measures could include placing a portable sign on SW 46<sup>th</sup> and SW Vermont during peak usage times to discourage traffic or modifying the existing sign to include language discouraging use of SW 46<sup>th</sup>.

**2015 Staff Note: Although SW 46<sup>th</sup> Avenue is now vacated. A shared driveway remains in this location, but is not the main access and so these conditions (C.1 through C.4) are no longer applicable.**

- D. As part of the permit for the parking lot expansion, trees shall be installed along the west perimeter of the proposed parking area at a density of one tree per 30 lineal feet. Trees shall be a minimum of 1.5 inches in diameter. Trees may be evergreen or deciduous. Evergreen trees at the time of planting must be fully branched and a minimum of 6 feet in height.
- E. As part of the permit for the parking lot expansion, trees shall be installed along the north perimeter of the proposed parking area at a density of one tree per 20 lineal feet. Trees shall be a minimum of 1.5 inches in diameter and shall be evergreen. Evergreen trees at the time of planting must be fully branched and a minimum of 6 feet in height.
- F. If at any time the existing arborvitae hedge to the west or the existing cedar hedge to the south are removed, the applicant shall revegetate to the relevant parking area perimeter landscaping in effect at the time.

**2015 Staff Note: A landscape plan for upgrades to the parking lot was submitted as part of this current review and is attached and recommended for approval. This plan supersedes Conditions D, E, and F.**

Approval of an Environmental Review for a stormwater outfall in the Environmental Protection Overlay zone in conformance with Exhibits C.1 through C.5, as modified, signed, and dated by the City of Portland Office of Planning and Development Review on July 20, 2001. Approval was subject to the following conditions:

*As part of any permit application submittal, the following development-related conditions must be included within each set of permit drawings. The sheet on which this information appears must be titled "ZONING COMPLIANCE PAGE- Case File #LUR 00-00415 CU AD EN." All requirements must be graphically represented on a site plan, construction management plan, or landscape plan and must be labeled "REQUIRED."*

- G. The riprap proposed within the environmental zone shall not exceed the minimum required by the Stormwater Management Manual. The riprap shall be hand placed within the environmental zone.
- H. The construction management plan submitted for permit shall graphically represent the discussion in the applicant's submittal (Exhibit A.6); in order for the inspector to ensure compliance.
- I. Prior to any ground disturbing activities in the environmental zone, the applicant shall obtain a Site Development Permit for the installation of Erosion Control and Mitigation Plantings in the environmental zone. The Site Development permit shall contain the following elements:
  - 1. Silt fencing shall be installed prior to any ground disturbing activities and the location shall conform with the Erosion Control Manual. Protective construction fencing shall be installed on the perimeter of the allowed disturbance area shown on Exhibit C.1.
  - 2. Non-native plant species must be removed within 10 feet of the centerline of the proposed outfall channel.
  - 3. A total of 3 trees, 50 shrubs, and groundcover shall be planted, as shown on Exhibits C.4 and C.5.
  - 4. Mitigation plantings located in the area of the outfall will be installed immediately following the installation of outfall. All mitigation plantings shall be installed within six months after issuance of the Site Development Permit. If this six month period falls outside of the planting season, the applicant may have until September 30<sup>th</sup> of that same year to plant.
  - 5. A 100 percent survival rate as per Section 33.248.090.E (Monitoring and Reporting) at the time of each annual report required in Condition J below is required to achieve compliance with the planting plan.
  - 6. The Site Development permit shall not be finalized until mitigation plantings are completed and inspected.



7. No field changes without additional review and approval by the Office of Planning and Development Review, Planning and Zoning Staff.
  8. The Erosion Control plan submitted for permit shall graphically represented the stockpiling area located at the west side of the property (outside of the environmental zone) as discussed in the applicant's submittal (Exhibit A.6).
  9. Native grass seed shall be planted in all areas disturbed within the environmental zone. The seed mix shall consist of at least three native species.
  10. All sheets within the Site Development Permit plan set shall include the above written conditions.
  11. Copies of the stamped Exhibits C.2-C.5 from LUR 00-00415 CU AD EN, approved through this review, shall be included as part of all plans submitted for permits (building, grading, development, erosion, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "No field changes without additional review and approval by OPDR, Planning and Zoning Staff."
- J. A written annual monitoring report prepared by a professional biologist or a certified landscape architect (for three years) in conformance with this condition shall be submitted to the Land Use Review Division of the Office of Planning and Development Review (1900 SW Fourth Avenue, Suite 4500, Portland, OR, 97201, Attention: Environmental Planner: LUR 00-00415 CU AD EN). These reports shall be submitted for a period of three years after the mitigation plantings are installed and shall be submitted no later than September 30<sup>th</sup> of each consecutive year. The Monitoring Plan shall include the following elements of the Monitoring and Maintenance Plan:
1. During planting of the required vegetation, plant identification tags will be left on each plant to facilitate the final Site Development inspection.
  2. After planting of the required vegetation, a routine watering schedule will be set up. Inspection and watering will occur 1-2 times per week during the summer months or as needed to ensure plant survival.
  3. After planting of the required vegetation, photographs showing the area will be taken and held for future reference. A site plan will be prepared with photo locations and view directions. An annual inspection will occur each year by a professional biologist or a certified landscape architect for a three-year monitoring and maintenance period. Photographs will be taken of the site and compared to the original planting plan. Any required vegetation that has died will be replaced to maintain 100% of the original plantings. A site map will be prepared with photo locations and view directions.
  4. All species must be watered as needed to guarantee their survival during the dry months.
  5. Nuisance plant control shall be conducted annually during the three years of monitoring. Any herbicides used must be identified as being the NMFS list of

approved herbicides to use near waterways. Spraying must be localized through the use of spot spraying.

6. Monitoring reports shall be submitted, prepared by a professional biologist or certified landscape architect for a period of three years.

**2015 Staff Note:** Zoning Code Section 33.248.040 B stipulates that maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. Section 33.248.090 requires that the ongoing monitoring of required mitigation plantings is the responsibility of the property owner.

The applicant states in the application narrative that it is presumed that all of these mitigation requirements were met for LUR 00-00415 CU EN AD. However, upon site inspection (December 16, 2015) BDS LUS staff noted a lack of native plants within the Environmental Protection overlay zone north of the parking and drive areas on the north side of the church, in concert with heavy infestation of this resource area by Himalayan blackberry, English holly, and English ivy—all listed nuisance species in the *Portland Plant List*. The applicant will be required to demonstrate that the required mitigation plantings have been installed and maintained according to the conditions of approval listed above and as depicted on approved LUR 00-00415 CU EN AD Exhibits C.4 and C.5.

**Overall Site** LU 07-168953 CU - Approval of Conditional Use Review to allow the St. Luke Lutheran Church to increase the size of the site area up to a maximum of 187,972 square feet, from:

- 1) Addition of new property, 1S1E19AA 200 (4534 SW Vermont Street) with 19,602 square-feet of land and an existing structure with 2,306 square feet of floor area,
- 2) Addition of up to 5,200 square feet from potential vacation of SW Florida Street, adjacent to the church's property,
- 3) Addition of up to 13,062 square feet from potential vacation of SW 46<sup>th</sup> Avenue, adjacent to the east side of the main church site property, 1S1E19AA 2500 (6835 SW 46<sup>th</sup> Avenue),
- 4) Addition of up to 4,950 square feet from potential vacation of SW 46<sup>th</sup> Avenue, adjacent to the west side of new property, 1S1E19AA 200 (4534 SW Vermont Street),

as generally reflected in the approved site plans, Exhibits C-1 and C-2, and subject to the following conditions:

- A. As part of any permit or street vacation application submittal, the following development-related conditions (B through D) must be noted on the 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 07-

168953 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Conditions of LU 00-00415 CU EN AD still apply, except for those that were specifically directed to the review of permits and construction project management (H, I.1, I.8, I.10, I.11)
- C. An improved public pedestrian connection shall be provided if the SW 46<sup>th</sup> Avenue right-of-way is vacated. If the SW 46<sup>th</sup> Avenue right-of-way is approved for street vacation, a subsequent land use review may be required that addresses specific design elements of the site plan, including parking layout and drive aisles, pedestrian connections and potential trail connections. If a land use review is required, it can be processed as a Type II Conditional Use Review. If no land use review is required, the applicant must still provide these plans for review by the City's Office of Transportation, Development Review section at least 30 days prior to submittal for permits.
- D. If the portion of the SW 46<sup>th</sup> Avenue right-of-way adjacent to the 4534 SW Vermont portion of the site is not approved for vacation, then a defined pedestrian connection shall be provided through the SW 46<sup>th</sup> Avenue right-of-way within 3 years from the date of this conditional use decision. A right-of-way permit for this work must be obtained from the Office of Transportation at 1900 SW 4<sup>th</sup> Avenue, Portland, OR 97204.
- E. The conditional use approval for the additional land resulting from any future street vacation(s) of SW 46<sup>th</sup> and/or SW Florida shall expire five years from the date of the Hearings Officer signature below and not in the usual three year time limit if the street vacation is not yet completed within the five year time frame.

**2015 Staff Note:** The street vacations for SW 46<sup>th</sup> Avenue and SW Florida resulted in a requirement by City Council for an alternative that provides a safer pedestrian crossing. The street vacations included conditions for pedestrian infrastructure improvements to provide a street dedication and sidewalk on SW 45<sup>th</sup> Avenue. These requirements fulfilled the purposes of the conditions related to several of the conditions of the 2001 review and also to the pedestrian connections in the 2007 review. These alternatives to the conditions of approval of the previous land use reviews are further explained in the transportation-related findings for this current land use proposal.

**Agency Review:** A "Request for Response" was mailed November 23, 2015. The following bureaus have responded with no issues or concerns:

- The Bureau of Environmental Services (BES) originally responded with significant concerns about the proposal to dispose of stormwater on the banks of Vermont Creek, the sizes of proposed riprap energy dissipation pads, and the need for geotechnical assessment of the

sizes and locations of the outfalls to ensure long term slope stability (Exhibit E.1). Revised reports and plans were submitted (H.5 and Exhibits H.10 through H.19), but these were received too late to consider in the initial staff report (Exhibit H.2). Due to these revisions, BES was able to revise their response to recommend approval (Exhibit H.3). This revised response and subsequent approval of the storm water disposal system is addressed under the Conditional Use Approval Criterion 33.815.105 D.3. These comments are also discussed below in findings for Approval Criterion 33.430.250 A.1.b for the Environmental Review.

- The Bureau of Transportation Engineering provided a detailed analysis of the potential impacts on the transportation system and an explanation of the way that the purposes of the conditions of approval of the 2007 Conditional Use review were addressed through the decision on the vacations of SW 46<sup>th</sup> Avenue and SW Florida Street. The response provided findings addressing the transportation-related approval criteria for this review (Exhibit E.2). These comments are included, below, under the findings for 33.815.105 D.1 and D.2.
- Water Bureau provided information on the existing water services to the site and noted requirements for any extensions to the service (Exhibit E.3).
- Fire Bureau noted that all applicable Fire Code requirements shall apply at the time of building permit review and development (Exhibit E.4).
- The Bureau of Development Services Site Development staff originally responded with concerns about the need for geotechnical recommendations for stormwater management facilities located on steep slopes near the Vermont Creek stream channel. (Exhibit E.5). These concerns were subsequently addressed by the applicant and a new response was submitted that states that there are no longer any objections (Exhibit H.4). These comments are discussed below in findings for Approval Criterion 33.430.250 A.1.b for the Environmental Review.
- The Bureau of Development Services Life Safety Plan Review noted requirements and recommendations for building permit application and review (Exhibit E.6).
- The Police Bureau provided advice regarding visibility of the site address and perimeters of the property for police responders and crime prevention (Exhibit E.7).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 21, 2015. The Maplewood Neighborhood Association submitted a letter on February 17, 2016 (Exhibit H-22). No other written responses have been received from notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **33.815.040 Review Procedures**

The procedure for reviews of conditional uses depends on whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use. Because the proposal involves confirmation of the expansion of the site area and also includes expansion of the floor area for an existing conditional use site by more than 10%, a Type III review process is required, according to Code Section 33.815.040 B.2.b.

### **33.815.105: Institutional And Other Uses In R Zones**

These approval criteria apply to most conditional uses in R zones. The approval criteria allow institutions and other non household living uses in a residential zone which maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

**A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** The residential area, in this case, includes residentially-zoned properties that are located to the north and south, between SW Illinois and Nevada Streets and to the east and west, between SW 37<sup>th</sup> and 49<sup>th</sup> Avenues. The southeast quadrant of this area is occupied by a public park and community center and is zoned OS, Open Space. At the intersection of SW 45<sup>th</sup> Avenue and SW Vermont Street, there are commercially-zoned properties on the northeast and southwest corners. The commercially-zoned area on the west side of SW 45<sup>th</sup> Avenue extends across a portion of the applicant's property, across what was previously SW 46<sup>th</sup> Avenue, and includes an additional two lots to the west of the now-vacated 46<sup>th</sup> Avenue. The remainder of the area defined above is zoned residential, with some multi-dwelling zoning along Vermont, west of SW 45<sup>th</sup> Avenue and the remainder zoned R7, Medium Density Single-Dwelling. The southwest quadrant of the area is developed with residential uses along Vermont, to the west of the commercial node and also along SW 45<sup>th</sup> Avenue, to the south. The remainder of this quadrant contains two religious institutions, the subject site, which is St. Luke's Lutheran Church, and St. John Fisher Roman Catholic Church, which are conditional uses

in the R7 zone.

The St. Luke Lutheran Church has existed in this location for many years and because the only new property that is being incorporated into the site comes from the street vacations that were previously, or may in the future be, approved by City Council, there will be no change in the proportion of household living, versus non-household living uses in the residential area.

The request to expand the development for an existing institutional use on this property will not have an impact on the residential character of the area because the development consists of additions to the existing church building, which is located in the southwestern portion of the site, further away from the abutting residentially developed properties than other portions of the site. Also, the site is generally in an active node at the edge of the residential area but the additions are proposed only to serve the congregation that already attends the functions that exist on the site. Therefore, the additions to the church building will have little, if any impact on the function of the residential area.

The inclusion of the now-vacated rights-of-way for SW 46<sup>th</sup> Avenue and SW Florida, and the pending vacation for the remainder of SW Florida, will not increase the intensity of the use or otherwise create any significant impacts on the residential area. The rights-of-way are largely internal to the developed area of the church campus. The initial street vacation proposal raised concerns regarding connectivity, especially for pedestrians. However, over a long process, the representatives of St. Luke's worked with the City of Portland Office of Transportation and the adjacent residential neighbors to create a Local Improvement District and a plan to bear the costs of making right-of-way improvements on SW 45<sup>th</sup> Avenue that will provide safe pedestrian connections to Gabriel Park and the Southwest Community Center. With this resolution through the street vacation process, these concerns have been addressed. Ordinance 186847, creating a Local Improvement District ("LID") for improvements to SW 45<sup>th</sup> Avenue and California Street required PBOT staff to recommend the applicant improve a trail or sidewalk along the south boundary of the site, between the western terminus of SW California Street and the west boundary of the site, "[w]hen the combined building square footage of the properties owned by St. Luke...are increased by 5,000 or more square feet; or more than 50% of the existing parking lot surface area is repaved, whichever comes first." Page 7 of Ordinance 186847. The development proposed in this application will not create 5,000 or more square feet of new building. Therefore the applicant is not required to construct the trail or sidewalk as a condition of this approval. The commercially zoned property that is requested to be removed from the campus boundary contains a retail outlet and surface parking area. This use is not currently scheduled to change. Removal of the parcel will not cause the institutional site to have more impacts on the residential area or to become noncompliant with

institutional development standards.

There will be no change in the proportion of household living uses in the residential area and there will be no increase in the intensity of the use that would impact the character or the function of the residential area. Therefore, these criteria are met.

**B. Physical compatibility.**

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

**Findings:** City-designated scenic resources are protected with an "s" or Scenic Resource Overlay Zone. There are no City-designated scenic resources at the site or adjacent to the site, therefore, this criterion does not apply.

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

**Findings:** The approval criteria require that either 2 or 3 must be met. The development and the architecture of buildings for institutional uses often vary from residential developments base on characteristics such as site size, building scale and style. The proposed additions to the church structure are minor projections that are in keeping with the architecture of the existing church building. These additions will still maintain extensive setbacks. The existing church building is located at a distance of about 100 to 200 feet from the nearest residentially developed properties and existing vegetation that screens the perimeter of the site is proposed to be further enhanced in accordance with the proposed landscaping upgrades.

The proposed addition of land from the adjacent rights-of-way on SW Florida Street and SW 46<sup>th</sup> Avenue will not affect the appearance of the residential area. SW Florida was an unimproved right-of-way and the vacated SW 46<sup>th</sup> Avenue right-of-way, which has a gravel roadway, and a culvert that carries Vermont Creek under the roadway, is proposed to be paved, if approved through the concurrent Environmental Review. These improvements would alter the appearance of the site, but not in any way that is different in scale or appearance from the surrounding residential development. The removal of the commercially zoned property that is located on SW Vermont Street from the church campus will not have any impact on the appearance of the church site or its relationship to the residential area. The proposal will therefore remain compatible with the development in the adjacent residential area and this criterion is met for all parts of this

proposal.

**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:** The activities that are currently conducted by the church in the Vermont House, the Shalom Center and the main church structure will continue to be mostly conducted indoors, ensuring no impacts from noise or incursions on privacy. There are no new activities proposed. Most activities do not extend beyond 10 PM. All exterior lights are designed to eliminate any spill-over of light onto neighboring properties, but will still provide adequate illumination to preserve safety. It is expected that the church would continue to monitor activities, preventing impacts from odors and litter on the overall site, including the additional land from the vacation of adjacent rights-of-way.

Therefore, no adverse impacts on the livability of the residential area are expected to occur from the additions to the church structure or from the reconfiguration of the institutional site, based on the addition of the property from the vacated SW 46<sup>th</sup> Avenue and SW Florida Street rights-of-way or from the removal of the commercial property to the west of the Vermont House, this criterion is met.

**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, connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

**Findings:** Portland Transportation/Development Review reviewed this proposal for its conformance with adopted policies, street designations, Title 33 Approval Criteria, Title 17, and for potential impacts upon transportation services and provided the following analysis:



"The church located at 4595 SW California Street, immediately south of the southern terminus of the recently vacated SW 46th Avenue for the segment south of SW Vermont Street and immediately west of the western terminus of SW California Street for the segment west of SW 45th Avenue in Portland, Oregon is proposed for expansion. The proposal would expand the existing narthex, construct a three-story stairwell, and construct a two-story multipurpose addition, all of which are attached to the main congregation facility. On-site improvements will consist of an expanded plaza surrounding the narthex expansion, connected walkways, realigned parking stalls, and landscaped traffic islands to improve site circulation and better define parking areas. Off-site improvements will consist of constructing a sidewalk along a portion of SW 45th Avenue, dedicating portions of property to construct sidewalks along portions of SW Vermont Street and SW California Street, and dedicating 15 feet of property for a future recreational path.

The trip generation calculations show that the proposed expansion is projected to result in a total of 44 additional trips during the Sunday peak hour.

The results of the capacity observations indicate that the study intersection operates at Level Of Service (LOS) B during the Sunday morning peak period for the existing conditions. Following the full build-out of the project, the study intersection is expected to continue performing well within acceptable standards. No mitigation is necessary or recommended for the proposed development.

The crash rate at the study intersection of SW Vermont Street at SW 45th Avenue was calculated to be approximately 0.36 crashes per million entering vehicles (CMEV). Crash rates in excess of one to two crashes per million entering vehicles may be indicative of specific safety hazards and require detailed examination of the crash history to determine whether safety mitigations are appropriate. Since the crash rate is well below this threshold, crash severity was relatively low, and no significant crash patterns are evident, the crash data does not appear to be indicative of a significant safety hazard. Accordingly, no mitigations are recommended.

Based on a detailed review of the City of Portland's conditional use approval criteria, each of the relevant evaluation factors can be satisfied. The existing transportation system is capable of safely supporting the proposed expansion in addition to the existing uses in the site vicinity.

### **Vicinity Streets**

SW Vermont Street operates under the jurisdiction of the City of Portland and is classified as a Neighborhood Collector, Community Transit Street, City Bikeway, City Walkway, Local Service Truck Street, and Major Emergency Response Route. It is a striped, paved road allowing for two-way traffic and has a posted speed of 35 mph. There is generally one lane in each direction. Bike lanes are provided east of SW 45th Avenue. There are discontinuous curbs and sidewalks on both sides of the roadway. The longest segment of continuous curb and sidewalk along one side of the roadway in the site vicinity is along the southern portion of SW Vermont Street and extends from approximately 150 feet west of SW 45th Avenue to approximately 100 feet east of SW 30th Avenue. On-street parking is generally not available, but there are some areas where it is allowed such as nearby Gabriel Park.

SW 45th Avenue operates under the jurisdiction of the City of Portland and is classified as a Neighborhood Collector, Community Transit Street, City Bikeway, City Walkway, Local Service Truck Street, Major Emergency Response Route south of SW Vermont Street, and a Minor Emergency Response Route north of SW Vermont Street. It is a striped, paved road allowing for two-way traffic and has a posted speed of 30 mph. There is generally one lane in each direction. There are no bike lanes along the roadway. There are discontinuous curbs and sidewalks on both sides of the roadway. The longest segment of continuous curb and sidewalk along one side of the roadway in the site vicinity is along the eastern portion of SW 45th Avenue and extends from SW Nevada Street to SW Iowa Street. On-street parking is generally allowed in the residential areas north of SW Vermont Street, allowed in certain places south of SW Vermont Street in the vicinity of the project site and Gabriel Park, and generally not allowed south of Gabriel Park.

### **Study Intersection**

The intersection of SW Vermont Street at SW 45th Avenue is a signalized four-legged intersection. All approaches allow through and right-turn movements to occur from a shared lane, situated to the right of a dedicated left-turn pocket. Striped bike lanes are along SW Vermont Street east of the intersection leading up to and away from the study intersection for both the east- and westbound directions of traffic. The crosswalks located on all legs of the intersection are marked.

### **Trip Generation**

To estimate the number of additional trips that will be generated by the proposed expansion, trip rates from the *TRIP GENERATION MANUAL 1* were

used. The data utilized are for land-use code 560, *Church*. The trip generation was calculated for the increase of 3,630 gross square feet of space associated with the proposed expansion. The trip generation calculations show that the proposed expansion is projected to result in a total of 44 additional trips during the Sunday peak hour of the generator.

#### **Trip Distribution & Assignment**

Based on observations in the field and expertise of land uses in the greater area, it is expected that the majority of the additional site trips will utilize SW Vermont Street with approximately 40 and 30 percent of the additional site trips traveling west and east of SW 45th Avenue, respectively. The remaining trips are expected to utilize SW 45th Avenue with approximately 25 and 5 percent of the additional site trips traveling south and north of SW Vermont Street, respectively.

#### **Operational Analysis**

Observations of the Sunday morning peak period traffic conditions were made to ensure that the existing study intersection can adequately accommodate future trips from the proposed expansion. To determine existing traffic operations at the study intersection, traffic observations were conducted during the morning peak period of Sunday, October 19, 2014 from 9:30 to 10:00 AM. The City of Portland LOS standards are LOS E or better for unsignalized intersections and LOS D or better for signalized intersections

The intersection of SW Vermont Street at SW 45th Avenue was observed to experience relatively low volumes of traffic traveling through the intersection during the Sunday morning peak period. The southbound approach generated the longest queues during the observation period, with as many as five vehicles queued for the signal at one point. The southbound queues were likely due to many people departing the residential neighborhoods from the north and utilizing the study intersection to travel toward higher traffic roadways. The signalized intersection operated with a cycle length of less than one minute and was not observed to experience any cycle failures. The approximate average delay at the intersection was less than 20 seconds. The intersection was estimated to currently operate at LOS B for the Sunday morning peak period of the generator.

The results of the capacity observations indicate that the study intersection operates at LOS B during the Sunday morning peak period of the generator for the existing conditions. Following the full build out of the project, the study intersection is expected to continue performing well within acceptable

standards. No mitigation is necessary or recommended for the proposed development.

#### **Safety Analysis - Crash History**

Using data obtained from ODOT's Crash Analysis and Reporting Unit, a review of the most recent available five years of crash history (2009-2013) at the study intersection was performed. ADT and PM peak hour data was obtained at intersections near the study intersection from the City of Portland's online traffic count database.

In order to determine an approximate total entering volume of traffic through the study intersection of SW Vermont Street at SW 45th Avenue, traffic counts from three nearby locations were utilized. The three locations consist of: eastbound ADT volumes along SW Vermont Street east of SW Idaho Drive, westbound ADT volumes along SW Vermont Street west of SW 42nd Avenue, and PM peak hour turning movement counts at the intersection of SW 45th Avenue at SW Illinois Street. The eastbound westbound volumes along SW Vermont Street were combined with the southbound trips along SW 45th Avenue to provide an approximate total entering volume through the study intersection.

The approximate total entering volume assumes that no trips are added to or subtracted from the system between the count location and the study intersection, and is known to not include any northbound trips approaching the study intersection along SW 45th Avenue. As the northbound approach volumes are not included in the approximate total entering volume, the calculations used for this analysis are conservative in nature and it can be assumed that actual crash rates are lower than what is reported.

The intersection of SW Vermont Street at SW 45th Avenue had seven reported crashes during the analysis period. Four of the collisions were turning related crashes, two were rear-end crashes, and one was a sideswipe-meeting crash. One of the turning related crashes involved a person driving a car, colliding with a person on a bicycle. Two of the crashes resulted in non-incapacitating injuries (*Injury-B*) – one of which was the person riding a bicycle. One of the crashes resulted in a possible injury/complaint of pain (*Injury-C*). The remaining four crashes resulted in property damage only.

Utilizing historical traffic counts as described above, the crash rate at the study intersection of SW Vermont Street at SW 45th Avenue was calculated to be approximately 0.36 crashes per million entering vehicles (CMEV). Crash

rates in excess of one to two crashes per million entering vehicles may be indicative of specific safety hazards and require detailed examination of the crash history to determine whether safety mitigations are appropriate. Since the crash rate is well below this threshold, crash severity was relatively low, and no significant crash patterns are evident, the crash data does not appear to be indicative of a significant safety hazard.

#### **Street Capacity and Level-of-Service**

As detailed in the operational analysis section of the TIA, the surrounding transportation system is projected to meet the City of Portland's operational standards with the addition of site trips from the proposed church expansion.

The area streets and intersections have sufficient capacity to safely serve the proposed use in addition to the existing uses in the site vicinity while maintaining acceptable levels of service. No mitigations are needed or recommended.

#### **Access to Arterials and Connectivity**

SW Vermont Street provides east/west connectivity to the site and is classified as a Neighborhood Collector at this location. This roadway connects the church to SW Oleson Road which provides a northern connection to SW Beaverton-Hillsdale Highway and a southwestern connection to Oregon Highway 217, approximately 6,000 feet to the west, and to SW Capitol Highway, classified as a District Collector, about 4,500 feet to the east.

SW 45th Avenue provides connectivity south of the site and is classified as Neighborhood Collector at this location. This roadway connects the church to SW Multnomah Boulevard, classified as a District Collector, about 3,200 feet to the south.

A 15-ft wide dedication for a future pedestrian connection to SW 45<sup>th</sup> was provided as one of the conditions of approval of the recent street vacations. This connection will be constructed once the adjacent property further develops. The church has provided signed waivers of remonstrance which guarantees its participation in an LID to construct the improvements.

Connectivity will be further provided as required by the street vacation conditions of approval including a pedestrian connection along the southern boundary of the site and the formation of the LID.

### **Transit Availability**

There is one transit line within the general vicinity of the project site:

TriMet bus line #1, *Vermont*, has an eastbound stop along SW Vermont Street within a walking distance of 850 feet from the subject property. The route operates with headways of approximately 30 minutes during the weekday morning and evening rush hours. The route does not operate outside of the weekday rush hours. Popular destinations along the route consist of Gabriel Park, Hillsdale, Woodrow Wilson High School, destinations along SW Barbur Boulevard, and downtown Portland.

The available transit service currently does not operate on Sundays when it would be able to be utilized the most by users of the subject site. While the St. Luke Lutheran Church cannot require transit service be provided by TriMet on weekends, it becomes more likely that transit service will eventually be provided based on the increased demand associated with the church expansion combined with density increases over time and the resulting increased demand for transit service on weekends from residents within the general site vicinity.

As part of TriMet's *Southwest Service Enhancement Plan Draft Vision for Future Service*, TriMet is currently exploring the option to expand service along the #1 *Vermont* line to include midday, evening, and weekend service. Additionally, TriMet is also considering revising the #1 *Vermont* line to no longer terminate in the general vicinity of the project site and instead be extended toward the west serving SW Vermont Street, SW Oleson Road, and terminating at the Washington Square Transit Center. It is expected that revising the service times and alignment of the route in such a way would provide better connections to nearby transit lines over the entire week resulting in significantly higher demand and greater utility of the route as compared to existing conditions. The proposed draft revisions to the #1 *Vermont* line would benefit users of the St. Luke Lutheran Church and assist the church with fully implementing the Transportation Demand Management Plan that was submitted along with this study.

### **On-Street Parking Impacts**

A site visit was conducted at 10 AM on a Sunday morning while church was in session to observe existing parking demands and availability in the site vicinity during the sermon that typically experiences peak church parking demand.

It was observed that there were 137 motor vehicles parked on-site within 146 marked parking spaces which include 124 code-compliant parking spaces. It was also observed that the segment of SW California Street west of SW 45th Avenue and east of the subject property had 17 motor vehicles parked along the public roadway where it was estimated there is a supply of 19 public parking spaces for motor vehicles. Arrivals to and departures from the church were not observed to significantly impact any other public streets in the vicinity of the project site. The maximum number of allowed parking spaces associated with a religious institution according to the City of Portland's Planning and Zoning Code (*Title 33, Planning and Zoning* section 33.266.115) is one space per 67 gross square feet of the main assembly; or per Conditional Use review. The size of the main assembly is approximately 3,570 gross square feet. The ratio of one parking space per 67 gross square feet of the main assembly would result in a maximum of 53 on-site parking spaces based on both the existing and proposed expansion conditions as there are no plans to expand the size of the main assembly. Therefore, the Applicant has opted for a Conditional Use review related to the requirements for maximum number of on-site parking spaces based on existing utilization.

For the purpose of comparison, based on data from the manual *PARKING GENERATION, Fourth Edition*, published by the Institute of Transportation Engineers, an increase of 3,630 gross square feet of area is projected to result in demand for 30 additional parking spaces during the Sunday peak parking period. The analysis is conservative in nature as the main assembly area is not proposed to be expanded as part of the project and could therefore be argued that there would be no expected increase in parking demand if going by the City of Portland's *Planning and Zoning* code or the ITE *PARKING GENERATION* manual using the number of seats as the independent variable. Using previous engineering knowledge from site expansions similar to this one, we would expect there to be a slight increase in parking demand as the multipurpose addition has potential to attract more people to the site, but is not likely to be an increase of 30 vehicles. A more reasonable estimate would be to expect an increase in parking demand of approximately five vehicles. Detailed parking generation calculations are included in the technical appendix of the TIA.

The proposed expansion and parking lot reconfiguration would result in a permanent total of 142 code-compliant vehicle parking spaces for a net gain of 18 code-compliant vehicle parking spaces on-site. The 142 parking spaces will consist of 116 designated for motor vehicles, 17 intended to be used as short-term bicycle parking, and 9 intended to be used as long-term bicycle

parking. The space currently set aside in the northeastern portion of the parking lot for 14 of the non-code compliant parking spaces will remain available for use as an overflow parking area for motorized vehicles. Furthermore, the proposed development would initially contain 10 additional code compliant parking spaces for motorized vehicles along the southern property line in an area to be dedicated as public right-of-way to allow for the future possibility of a recreational trail to be constructed directly adjacent to the subject site. The space taken up by the 10 additional code compliant parking spaces would no longer be able to be utilized for parking at the time that the recreational trail is constructed.

Overall, the reconfigured parking lot will initially provide 152 code-compliant parking spaces for vehicles, 126 of which would be designated for motor vehicles, as well as 14 non-code-compliant parking spaces for motorized vehicles. If approved, it would allow the site to initially provide 73 more code-compliant parking spaces for motorized vehicles than what is normally considered the maximum allowable amount for religious institutions of this size. Ultimately, upon future construction of the recreational trail along the southern portion of the subject property, the reconfigured parking lot will provide 142 code-compliant parking spaces for vehicles, 116 of which would be designated for motor vehicles, as well as 14 non-code-compliant parking spaces for motorized vehicles. The proposed design would ultimately provide 63 more code-compliant parking spaces for motorized vehicles than what is normally considered the maximum allowable amount for religious institutions of this size.

Based on an observed on-site demand of 137 vehicles, off-site demand along SW California Street of 17 vehicles, and an expected increase in parking demand as a result of the proposed expansion of approximately 5 vehicles, we would expect the total future parking demand based on the study areas to be approximately 159 vehicles. Following the possible construction of the recreational trail, the future parking supply would consist of 116 on-site code-compliant parking spaces, 14 on-site non-code-compliant parking spaces, and 21 off-site parking spaces along SW California Street, for a total future parking supply of 151 parking spaces all of which would be designated for motor vehicles. The expected demand is calculated to be greater than the future supply by 8 spaces. However, this expectation does not take into account implementation of the TDM plan, such as utilization of any of the proposed 26 bicycle parking spaces, or expansion of bus service to provide weekend service to the general site vicinity. It is expected that few, if any, vehicles will be unable to park on-site if the TDM plan is implemented, but



even so, the impacts to the surrounding neighborhood would be minimal even if the TDM plan was not implemented.

If there are any vehicles that will be unable to park on-site or along SW California Street, it is expected that the overflow parking demand could easily be accommodated along the roadway immediately north of and parallel to SW Vermont Street between SW 50th Avenue and SW Idaho Drive. The three-block segment of road contains no destinations along its southern side and provides an ample supply of approximately 34 on-street parking spaces if needed. People walking to/from their parked cars at this location would be able to safely cross SW Vermont Street by utilizing the marked crosswalk immediately west of the northwestern driveway access point that leads to the subject site. On-street parking along this segment of roadway would result in minimal, if any, impacts on the surrounding neighborhood.

It should also be noted that a current supply of approximately 13 on-street parking spaces along the west side of SW 45<sup>th</sup> Avenue between SW California Street and the southern property line of the Plaid Pantry located at the southwestern corner of the intersection of SW Vermont Street at SW 45<sup>th</sup> Avenue will be displaced as a result of the proposed frontage improvements along SW 45<sup>th</sup> Avenue consisting of a sidewalk and bike lane. Each existing residential unit that fronts this segment of roadway where improvements are proposed currently has off-street parking available for their use which will be maintained as part of this project and will not be impacted by the proposed improvements. Parking observations were not completed for this segment of roadway, but even if it was assumed that there was 100 percent demand for the approximately 13 on-street parking spaces that will be displaced as part of this project, the demand could easily be absorbed by the same location mentioned in the previous paragraph, the roadway immediately north of and parallel to SW Vermont Street between SW 50<sup>th</sup> Avenue and SW Idaho Drive.

The reconfigured parking lot would also greatly enhance pedestrian connectivity within the project site itself and improve site circulation through the construction of on-site traffic islands to better delineate the intended travel paths and provide clearer expectations of where users of the parking lot will be expected to travel.

Weekday parking impacts were similarly analyzed for the variety of uses that typically occur on-site during the week. These uses consist of church staff, librarians, pre-school, assorted weekday church activities, bible study, and a

quilting group. Not all of the aforementioned uses occur at the same time or on the same day, but even if they did it was estimated that the total parking demand would be significantly lower than the 116 code-compliant parking spaces designated for motorized vehicles proposed to be supplied within the site.

The proposed improvements associated with the on-site parking lot combined with proposed improvements to the pedestrian and bike network immediately adjacent to the project site as well as full implementation of the TDM plan developed and submitted in conjunction with the TIA will allow the proposed development to safely support the increased parking demand in addition to the existing uses in the site vicinity with minimal impacts to the surrounding neighborhood. No parking mitigations are necessary or recommended beyond what is proposed.

#### **Access Restrictions**

There are presently no access restrictions in the immediate vicinity of the church, nor are any new restrictions called for as part of the planned addition. This proposal will have no effect on access restrictions in the church's vicinity.

#### **Neighborhood Impacts**

The planned on-site parking is sufficient to accommodate the expected peak demands associated with church activities in addition to the existing uses in the site vicinity.

As described above, the surrounding transportation system is projected to meet the City of Portland's operational standards with the addition of site trips from the proposed church expansion, even under peak traffic conditions. It is expected that there will be some level of congestion in the immediate site vicinity at the start and end of the church service, which is similar to existing conditions and common at many churches throughout Portland. This congestion reduces vehicle speeds and improves safety for people arriving and departing from the church and does not induce significant delays to through traffic.

Based on the analysis, projected impacts to the surrounding neighborhood are minimal and acceptable. No mitigations are recommended.

#### **Impacts on Pedestrian, Bicycle and Transit Circulation**

The proposed church expansion will significantly improve the connectivity of the pedestrian network within the subject site as well as within the

immediate vicinity of the subject site. Proposed on-site walking paths will be marked across the on-site parking lot to connect the main church facility with proposed off-site sidewalks. The proposed off-site sidewalk improvements that will be constructed concurrently with the proposed project consist of new segments of sidewalk along: the southern side of SW Vermont Street west of SW 45<sup>th</sup> Avenue and east of SW Idaho Drive, the western side of SW 45<sup>th</sup> Avenue south of SW Vermont Street and north of SW California Street, and the northern side of SW California Street west of SW 45<sup>th</sup> Avenue and east of the subject site. The proposed site plan displaying detailed locations of proposed sidewalk construction has been provided.

The proposed church expansion will not negatively impact bicycle circulation in the site vicinity as the closest current on-street bike facilities are bike lanes along SW Vermont Street east of SW 45<sup>th</sup> Avenue. The additional car traffic associated with the proposed church expansion will be able to safely and efficiently travel alongside bike traffic in the aforementioned bike lanes along SW Vermont Street. Additionally, a southbound bike lane along SW 45<sup>th</sup> Avenue between SW Vermont Street and SW California Street is proposed as part of the frontage improvements associated with the expansion. This proposed bike lane will facilitate trips made by bike to the church from areas north and east of the subject site, as well as benefitting bicycle trips passing through the area.

The proposed church expansion will not negatively impact transit circulation in the site vicinity as transit service is currently unavailable on weekends and there will be an extremely minimal increase in traffic associated with the proposed expansion during weekdays when transit service is available. In some cases, the proposed church expansion will positively impact access to transit in the site vicinity as people walking along either the southern side of SW Vermont Street west of SW 45<sup>th</sup> Avenue or the western side of SW 45<sup>th</sup> Avenue south of SW Vermont Street will be able to utilize sidewalks proposed as part of this project. It also becomes more likely that transit service will eventually be provided on weekends based on the increased potential demand associated with the church expansion and TDM plan implementation.

Following the full build-out of the project, existing bicycle, pedestrian, and transit facilities in the site vicinity will not be negatively impacted by the proposed development and in some cases will be positively impacted by the proposed development.

### **Safety for All Modes**

Bike routes for travel in all directions are provided in the general vicinity of the project site. The primary east/west options consist of SW Vermont Street, SW Multnomah Boulevard, and SW Beaverton Hillsdale Highway. The primary north/south options consist of SW 45<sup>th</sup> Avenue, SW Oleson Road, and SW 35<sup>th</sup> Avenue. The lowest-stress route connecting directly to/from the project site consists of utilizing the proposed sidewalks along either SW 45<sup>th</sup> Avenue or SW Vermont Street to connect with the bike lanes along SW Vermont Street. This route provides a connection with the shared roadway neighborhood route along SW 35<sup>th</sup> Avenue. SW 35<sup>th</sup> Avenue connects to nearby major roads which contain continuous bike lanes for relatively long distances. Bicyclist safety and connectivity in the immediate vicinity will be maintained and improved.

Sidewalks in the general vicinity of the project site are sometimes disconnected or not yet constructed along certain roadway segments. The proposed church expansion will significantly improve the connectivity of the pedestrian network within the subject site as well as within the immediate vicinity of the subject site. Proposed on-site walking paths will be marked across the on-site parking lot to connect the main church facility with proposed off-site sidewalks. The proposed off-site sidewalk improvements that will be constructed concurrently with the proposed project consist of new segments of sidewalk along the following frontages: the southern side of SW Vermont Street west of SW 45<sup>th</sup> Avenue and east of SW Idaho Drive, the western side of SW 45<sup>th</sup> Avenue south of SW Vermont Street and north of SW California Street, and the northern side of SW California Street west of SW 45<sup>th</sup> Avenue and east of the subject site. Pedestrian safety and connectivity in the immediate vicinity will be maintained and improved.

The proposed church expansion will positively impact access to transit in the site vicinity as people walking along either the southern side of SW Vermont Street west of SW 45<sup>th</sup> Avenue or the western side of SW 45<sup>th</sup> Avenue south of SW Vermont Street will be able to utilize sidewalks proposed as part of this project. For people utilizing transit service to/from the church on weekdays, the closest bus stops will be accessible via a safe walking route consisting of sidewalks, as well as marked crosswalks at the signalized intersection of SW Vermont Street at SW 45<sup>th</sup> Avenue. Transit safety and connectivity in the immediate vicinity will be maintained and improved.

Based on the analysis, the transportation system is capable of safely supporting the proposed expansion in addition to the existing uses in the area for all travel modes.

### **Transportation Demand Management Strategies**

A Transportation Demand Management Plan for St. Luke Lutheran Church has been prepared and presented as a separate report.

St. Luke Lutheran Church currently has an organic type of carpool program where families carpool together and may combine trips with others that live near them, but the program should be made more official and robust, encouraging more families and staff members to take part. In addition, the plan outlines methods for increasing the number of parishioners and staff members that utilize active transportation to travel to and from the church.

Several measures are identified in the TDM plan to further decrease the number of private vehicles needed for parishioners arriving and departing from the church. It is recommended that church staff and community members periodically revisit the TDM strategies employed by the church to ensure that they address the current needs of families and the church's neighbors. Reducing the number of people travelling to the church in motorized vehicles will minimize impacts to the neighborhood and increase safety in the vicinity of the church. With a condition of approval that the church implement the measures in the submitted TDM plan, this criterion will be satisfied.

### **Conclusions**

The results of the capacity observations indicate that the study intersection operates at LOS B during the Sunday morning peak period of the generator for the existing conditions. Following the full build-out of the project, the study intersection is expected to continue performing well within acceptable standards. No mitigation is necessary or recommended for the proposed development.

The crash rate at the study intersection of SW Vermont Street at SW 45<sup>th</sup> Avenue was calculated to be approximately 0.36 crashes per million entering vehicles (CMEV). Crash rates in excess of one to two crashes per million entering vehicles may be indicative of specific safety hazards and require detailed examination of the crash history to determine whether safety mitigations are appropriate. Since the crash rate is well below this threshold, crash severity was relatively low, and no significant crash patterns are evident, the crash data does not appear to be indicative of a significant safety hazard. Accordingly, no mitigations are recommended.

Based on a detailed review of the City of Portland's conditional use approval criteria, each of the relevant evaluation factors can be satisfied. The existing

transportation system is capable of safely supporting the proposed expansion in addition to the existing uses in the site vicinity.

**Summary:** Therefore the City's Transportation Office found that, with the recommended condition to implement the proposed TDM plan, there are no objections to the proposal and these criteria can be met."

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

**Findings:** The City's service agencies found that public services for water, police and fire protection are adequate to meet the needs of this proposal.

The Bureau of Environmental Services (BES) and the Site Development Section of the Bureau of Development Services originally expressed concerns regarding the proposed storm water outfalls to the creek and the potential impacts on the stability of the sloped walls of the Vermont Creek bed. In response to these concerns, the applicant's geotechnical engineering firm provided a technical memo that discussed methods that would be utilized to ensure slope stability (Exhibits H-5 through H-10). Based on this additional information, BES and BDS Site Development provided amended responses that found that there were no further concerns and indicated that the proposed stormwater disposal system is acceptable (Exhibits H-3 and H-4, respectively). Therefore, this criterion has been met.

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

**Findings:** This site is within the boundaries of the Southwest Community Plan. The following policies and objectives are relevant to this proposal:

*Land Use and Urban Form Enhance Southwest Portland's sense of place as a community and a collection of distinct neighborhoods. Accommodate Southwest Portland's share of regional growth while protecting the environment in all areas. Encourage the realization of compact, transit and pedestrian-friendly, mixed-use centers while responding to the need for a range of housing types and prices. Outside of the mixed-use areas, allow infill housing opportunities which increase neighborhood diversity, stability and home ownership while limiting redevelopment.*

*Community Wide Objective 4. Through the shared efforts of residents, institutions, businesses, and public agencies, enhance the level of community responsibility for, and involvement in, a secure, safe and diverse environment.*

**Comment:** St. Luke Lutheran Church contributes to community well-being in many ways, including the provision of social services (meals for the food insecure, sponsorship of immigrant families) and community recycling; joint programming/support of community agencies and other religious institutions; and commitment to improving both on- and off-site pedestrian/transit accessibility.

*Public Facilities* *Ensure adequate public facilities for both existing and new development through equitable funding mechanisms.*

*Objective 3. Ensure that the provision of new public facilities maintains or enhances the functions of existing public facilities.*

**Comment:** The combined Stage 1 improvements for significant off-site sidewalk and fire access/suppression triggered by the SW 46<sup>th</sup> Avenue/SW Florida Street vacation and application of Title 17 requirements will greatly enhance public infrastructure on SW Vermont and California Streets and SW 45<sup>th</sup> Avenue.

*Parks, Recreation and Open Space* *Enrich neighborhoods and the Southwest community as a whole with ample, accessible, and well-maintained parks and open space. Preserve and enhance the natural habitat features of Southwest Portland's parks and open spaces. Ensure a wide range of recreational opportunities for Southwest citizens.*

*Objective 11. Encourage the development of well-designated, well-maintained trails and bicycle paths in Southwest Portland as recreational opportunities.*

**Comment:** As part of the approved revised street vacation of SW 46<sup>th</sup> Avenue/SW Florida Street, St. Luke Lutheran Church dedicated a 15-foot corridor along the 400-foot long southern boundary of TL 2500 roughly as an extension of the SW California Street ROW to the east. The corridor will provide the option for a future trail, bike path, and/or sidewalk. As discussed above, the applicant is not required to build a trail or sidewalk within this right-of-way as a condition of this approval, because the development proposed in this application will not create 5,000 or more square feet of new building.

*Public Safety* *Enhance the level of community responsibility for a secure and safe living environment through shared efforts of residents, public agencies, institutions, and businesses.*

*Objective 6. Encourage the development of street patterns and standards that provide adequate emergency vehicle access and quick response times. Ensure adequate ingress and egress especially to public safety facilities, which should have*

*alternate routes in the event that disaster blocks primary access routes.*

*Objective 7. Encourage site layouts and building designs that encourage proprietary attitudes and natural surveillance over shared and public spaces.*

*Objective 8. Promote development patterns that promote pedestrian safety in commercial areas.*

**Comment:** As part of the recently-approved street vacation, St. Luke Lutheran Church has agreed to make fire access/suppression improvements on the west end of SW California Street at its intersection with the vacated portion of SW 46<sup>th</sup> Avenue, including the up-sizing of the water line, installation of a fire hydrant and construction of a cul-de-sac. These improvements have been included in the work scope of the SW 45<sup>th</sup> Avenue/SW California Street LID.

The proposed additions to the main church building will promote the sense of proprietary responsibility for overseeing this site, while the proposed site improvements will ensure greater pedestrian safety.

*Transportation* *Provide a balanced, multimodal transportation system in Southwest Portland that encourages increases in transit use and pedestrian accessibility and connectivity, discourages non-local traffic in residential areas, manages congestion, and focuses on improving and maintaining arterial and local streets.*

*Objective 1. Support the development of pedestrian facilities, including safe crosswalks, identified in the Pedestrian Master Plan and the SW Trails maps on arterials and local streets, at major intersections and bus stops, on unimproved rights-of-way, and across public and private lands where appropriate to provide connections between residential areas and activity centers.*

*Objective 2. Enhance access for bicyclists by developing and completing bicycle facilities on designated bikeways within and to activity centers and by adding public bicycle parking where needed.*

*Objective 18. Take into consideration the existing condition of streets in the vicinity of a site, as well as their planned function, when considering quasi-judicial land use changes that rely on adequacy of services as an approval criterion.*

**Comment:** As noted throughout this application, the applicant has agreed to a number of on- and off-site pedestrian improvements including completion of public sidewalk improvements on SW Vermont Street, SW 45<sup>th</sup> Avenue and SW California Street, respectively, and has dedicated a 15-foot wide corridor on the southern boundary of TL



2500 as an extension of the SW California Street ROW for a future pedestrian path. Both short term and long term bicycle parking is being provided on the church site. The extensive traffic analysis that was conducted for this review takes into consideration, not only the existing condition of streets in the vicinity but the plans that have been derived for improvements to better serve all modes of transportation.

*Watershed Protect and enhance Southwest Portland's environment and natural resources on a watershed by watershed basis. Integrate stormwater management into land use planning and development in a way that prevents net degradation of water quality, aquatic, streamside and riparian habitats and ecosystems, and plant and animal habitats throughout the stream corridor.*

**Comment:** This site has an Environmental Protection overlay which is intended to protect Vermont Creek. The proposal to incorporate land from the rights-of-way creates a potential for impacts on the designated environmental resource, especially in the northern portion of vacated SW 46<sup>th</sup> Avenue. The proposed storm water outfalls must be designed in such a way that the additional storm water that will be fed into the creek will not destabilized the side walls of the creek bed. Originally, concerns were expressed that the design was inadequate. The applicant provided a technical memo from their geotechnical engineers that further details the plans and ensures that there will be no detrimental impacts to this resource (Exhibit H-8). Therefore, the proposal can now be determined to be consistent with this policy.

**Findings Summary:** The proposal is generally consistent with the goals and objectives of the adopted Southwest Community Plan. Therefore, this criterion is met.

**33.805.010 Purpose of Adjustments** The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

**33.805.040 Adjustment Approval Criteria**

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

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

**Findings:** Approval of an Adjustment Review is being requested, in order to waive the requirement for providing an onsite loading space (Zoning Code Section 33.266.310 C.2.a).

*A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments.*

This church facility has very few occasions where large vehicles come to load or unload at the site. The church has an expansive paved parking area that is largely vacant on weekdays, when the few deliveries that are made can come directly to the church's office/administrative entrance that is located to the east of the sanctuary entrance. Therefore, as there is no need for a designated loading space and there is adequate space existing for any deliveries that may occur, the purpose of this regulation is met without providing an onsite loading space. This criterion is met.

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

**Findings:** The purpose is met for providing loading for the facility on this site and so the lack of a designated space will not create any detrimental impacts that would detract from either the appearance or the livability of the residential area. Therefore, this criterion is met.

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

**Findings:** Only one adjustment is being requested. Therefore, this criterion does not apply.

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

**Findings:** City-designated scenic resources are shown on the City's zoning maps by an "s" or Scenic Overlay Zone. City-designated historic resources are shown on the City's zoning maps, either as an adopted landmark, or as a site that is located within the boundaries of a Conservation or Historic District. There are no City-designated scenic or historic resources on the site. Therefore, this criterion does not apply.

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

**Findings:** No potential impacts from approval of the requested Adjustment have been identified by staff. Therefore, no mitigation is needed and this criterion is met.

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

**Findings:** Environmental zones are designated with either a lower case "c," for the Environmental Conservation overlay, or "p," for the Environmental Protection overlay. There is an Environmental Protection overlay zone that traverses the middle of the site and development that is proposed to occur within this overlay is the subject of the concurrent Environmental Review described in this report. The request to waive the requirement for an onsite loading space is unrelated to any of the issues that are related to the "p" zone on this site, and since the request is to waive a requirement for additional development; approval of the requested Adjustment will not have any impact on the resource or the resource values. Therefore, this criterion is met.

### **33.430.250 Approval Criteria for Environmental Review**

**An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.**

The following project elements do not meet the environmental development standards and must be approved through Environmental Review:

- Driveway/walkway: Construction activities to pave the existing gravel driveway along vacated SW 46<sup>th</sup> Avenue, to provide a driveway and walkway that passes within the resource areas of the "p" zone, and within 50 feet of top of bank of the creek (Standards 33.430.140 E and F).
- Shared stormwater outfall (Outfall "ST-7" on north side of Vermont Creek): Installation of a new riprap outfall in the "p" zone for conveyance of overflow from a new stormwater facility located outside the "p" zone (Standards 33.430.180 H).
- Private stormwater conveyance and outfall (Outfall "ST-4" on south side of Vermont Creek): Construction of new stormwater conveyance pipe and a new outfall in the "p" zone. The two new outfalls proposed for this site each exceed 6 inches in diameter (Standards 33.430.180 H).

The driveway and pedestrian pathway are proposed within the Environmental Protection overlay zone; new development is proposed within 50 feet of the top of bank of the creek; and stormwater outfall pipes are proposed that exceed 4 inches. Environmental development standards 33.430.140 E, F, and 33.430.180 H are not met by the proposal.

The approval criteria which apply to the proposed driveway, walkway, and stormwater outfalls are found in Section 33.430.250 A. The applicant has provided findings for these approval criteria and BDS Land Use Services staff has summarized these findings and added conditions, where necessary to meet the approval criteria.

- A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments.**  
**Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:**

Note that since this activity is neither a Public Safety Facility nor a Land Division or Planned Development, the criteria in Sections 33.430.250 A.2 and A.4 do not apply and are not included.

**A.1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;**

**A1.a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;**

**Findings:** This criterion requires the applicant to demonstrate that alternatives were considered during the design process, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values. The elements of the project subject to this criterion are the paving of the gravel driveway that passes through the resource area of the "p"-zone, and the construction of two new outfalls within the "p"-zone. The alternatives included: 1) do nothing in the "p"-zone, with all existing stormwater continuing to flow unmanaged into the channel; 2) pave the gravel driveway/walkway but collect stormwater within the "p"-zone and direct it to existing outfalls; or 3) pave the gravel driveway/walkway and collect stormwater outside the "p"-zone and direct it to two new outfalls.

**Alternative 1** ("do-nothing in the "p"-zone) does not meet project objectives of increasing pedestrian, emergency and ADA access to the church from SW Vermont Street. Further, the existing stormwater regime for the project area directs all on-site stormwater into the creek via surface flow and an eroded swale and pipe system adjacent to the driveway. Failure to manage stormwater flows and repair the eroded channel will result in increased detrimental impact to identified resources and functional values.

Alternative 2 meets the project goals for access, but would capture stormwater at new catch basins within the transition area and direct flows via conveyance pipes to a new stormwater facility and then on to existing disposal points. This would require extensive excavation adjacent to the resource area for the placement of catch basins and conveyance facilities.

Alternative 3 (Preferred Alternative) meets the project goals for access and directs the majority of the stormwater to new stormwater facilities outside of the "p"-zone and disturbs only the transition area for the placement of overflow pipes and two new outfalls; a shared facility on the north side of the channel and a private facility on the south side. Moreover, the third alternative meets the project objectives of increasing access to the site while improving stormwater management. Information submitted into the record since December 31, 2015, (Exhibits H.3 and H.4) demonstrates that, according to BES staff, "The applicant has addressed BES concerns regarding outfalls ST-4, ST-7, and ST-20. The provided rip-rap sizing and the locations of those outfalls appears to be appropriate for the provided flows in order to establish long-term stability. The repair west of ST-20 appears to be appropriate for the additional flow to the system and would allow for conveyance to Vermont Creek without increasing impact in the environmental zones."

Further, according to BDS Site Development staff, "PBS Engineering + Environmental provided more detailed recommendations for the location and type of stormwater outfalls and concluded that the outfalls will not negatively impact slope stability."

Therefore the applicant has demonstrated that Alternative 3 is a technically approvable and therefore practicable alternative.

Alternative 3 has the least detrimental impact on the values and functions identified for the resource area, of other practicable alternatives, and will have a positive impact by improving the quantity, quality, and timing of stormwater flows into the stream within the resource area. *This criterion is met.*

**A.1.b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

**Findings:** This approval criterion requires the protection of resources that are outside the proposed disturbance area from impacts related to the proposal, such as damage to vegetation beyond the approved limits of disturbance, erosion of soils off the site, or downstream impacts to water quality and fish habitat from increased stormwater run-off and erosion.

One of the purposes of the applicant's proposal is to increase stormwater management (to improve water quality and to manage disposal rates) prior to its release into the creek in the "p"-zone. Additionally, a description of the proposed construction management plan has been included in the applicant's narrative (EN discussion in Chapter III of Exhibit A.8). In addition, the

applicant's Erosion Control Plan (Exhibit H.18) depicts tree protection fencing, silt fencing and construction fencing to protect resources outside the designated disturbance area. Notes on the plan and in the applicant's arborist report (included in Exhibit A.8) indicate the project arborist will be on site when construction is occurring in the root zones of trees to be protected. The arborist's report also specifies that sidewalk construction within the root protection zone shall include no root excavation, but rather a built-up grade. The arborist recommends using orange plastic mesh fencing on steep slopes near proposed outfalls, as well as hand-digging whenever tree roots are encountered. The arborist included detailed tree protection specifications to be followed during construction.

Best management practices (BMPs) are proposed by the applicant to be employed during construction to manage potential soil erosion and protect areas that are not included in the proposed disturbance area. Erosion control BMPs will include construction fencing, silt fencing, soil stabilization, and construction entrance and stockpile protections. Construction staging and storage will occur in the southwest corner of the existing church parking lot, well removed from the "p" zone. Trees in the vicinity of new stormwater facilities will be protected through fencing and operating procedures provided and overseen by the project arborist as described in the Arborist's Report included in the applicant's narrative (see Arborist Report, excerpt of Exhibit A.8--attached).

Additionally, information submitted into the record since December 31, 2015, (Exhibits H.3 and H.4) demonstrates that, according to BES staff, "The applicant has addressed BES concerns regarding outfalls ST-4, ST-7, and ST-20. The provided rip-rap sizing and the locations of those outfalls appears to be appropriate for the provided flows in order to establish long-term stability. The repair west of ST-20 appears to be appropriate for the additional flow to the system and would allow for conveyance to Vermont Creek without increasing impact in the environmental zones."

Further, according to BDS Site Development staff, "PBS Engineering + Environmental provided more detailed recommendations for the location and type of stormwater outfalls and concluded that the outfalls will not negatively impact slope stability."

Therefore, with conditions that construction occurs as described in the Arborist Report, findings can be made that no significant detrimental impact on resources and functional values will occur outside of the designated disturbance area, and *this criterion will be met.*

**A.1.c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**

**Findings:** This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values.

The paving of the existing gravel driveway through the resource area will be completed within the area of existing disturbance and therefore does not, in and of itself, contribute directly to significant detrimental impacts on "p"-zone resources. Construction of new stormwater pipes and outfalls, similarly, do not create significant detrimental impacts on "p"-zone resources, as these areas are either within an existing eroded swale or planted in ornamental lawn. Replanting as shown on the applicant's Mitigation Plan (Exhibit H.17) will compensate for detrimental impacts on resources and functional values, if they are planted as described by the applicant and maintained by the property owner.

As shown the site plans, the paving of the gravel driveway/walkway creates 560 square feet of permanent disturbance within the resource area. The applicant proposes to plant 4 trees, 8 shrubs, and 28 ground cover plants immediately east of the driveway area, and to remove ornamental vegetation, replacing it with native species.

The applicant describes 1,050 square feet of temporary disturbance on the edge of the stream channel proposed to be replanted with a native-seed mix (after the existing lawn and invasive vegetation are removed). Much of this area is under existing tree canopy.

The applicant proposes to plant each of the riprap outfall pads with live willow stakes at a density of 3 stakes per 9 square feet.

Site plans provided by the applicant do show some plantings within the environmental zone utilizing half-toned graphics that are difficult to read. This plan should be updated, enlarged, and clarified to specifically show the trees, shrubs and groundcovers, the 1,050 square feet to be replanted with a native-seed mix, and the live willow stakes in the outfall pads, as described by the applicant. A planting plan at a scale of one inch to ten feet, utilizing standard landscape graphics should be provided. Therefore, with conditions for a Final Planting Plan for the environmental areas, reflecting these numbers, and confirming that plantings required by previous land use reviews are still surviving, this criterion can be met.

The proposed Mitigation Plan will be installed and maintained under the regulations outlined in Zoning Code Chapter 33.248. A two-year monitoring effort will ensure survival of all proposed mitigation plantings. To confirm maintenance of the required plantings for the initial establishment period, the applicant will be required to have the plantings inspected two years after plantings are installed. Further, as required by 33.248.040, maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind.

With conditions for a Final Planting Plan for environmental zoned areas, and to ensure that plantings required for this Environmental Review are installed, maintained and inspected, *this criterion can be met.*

**A.1.d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**

**A.1.e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

**Findings:** Mitigation for significant detrimental impacts will be conducted on the same site as the proposed use or development, and the applicant owns the proposed on-site mitigation area.

*These criteria are met.*

**A.3. Rights-of-way, driveways, walkways, outfalls, and utilities;**

**A.3.a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;**

**Findings:** This criterion requires the applicant to review alternative locations, designs and construction methods for the proposal, as required in approval criterion 33.430.250.A.1.a, above. The primary distinction is that the focus of Approval Criterion A.3.a is on the environmental protection zone. Nonetheless, the findings provided in the response to A.1.a. do not exclude the protection zone, and are included here by reference.

The proposed shared outfall (north of Vermont Creek) and the private outfall (south of Vermont Creek) have both been designed to limit disturbance within the "p"-zone and both outfalls, including the riprap pads, will be located outside of the resource area. These will have the least significant detrimental impact upon the identified resources and functional values compared to the other alternatives that would require greater amounts of disturbance within the resource area for collecting and conveying stormwater, or would divert stormwater to an existing stormwater outfall on-site that would require considerable conveyance piping and would need to be upsized, requiring new disturbance.

The selected alternative has the least significant detrimental impact to identified resources and functional values. Therefore, *this criterion is met.*

**A.3.b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and**



**Findings:** The shared outfall (north of Vermont Creek) and the private outfall (south of Vermont Creek) will together divert a significant amount of the stormwater that currently enters the stream via surface flow or through a degraded ditch and pipe system into detention and treatment facilities that will reduce the amount of water that ends up in the stream, increase the quality of the water, and delay the arrival of the water during storm events. This reduction in captured sediment, the transport of pollutants, and the erosive capacity of stormwater flows will not have a detrimental impact on the water bodies in terms of the migration, rearing, feeding or spawning of fish and in combination with the proposed resource enhancement and replanting activities will increase the stream habitat.

Paving of the gravel roadway for a driveway/walkway will eliminate a source for sediment that is currently carried by surface flow into the creek. Diversion of the stormwater to stormwater facilities and planters will reduce the amount and impact of stormwater flows that originate from the existing conditions. *This criterion is also met.*

**A.3.c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.**

**Findings:** In paving the gravel roadway, a water body will be crossed in a location where a crossing is already located and the stream is impounded within a culvert below the surface. Paving the existing crossing will have the fewest significant detrimental impacts of other practicable alternatives to provide increased pedestrian, emergency, and ADA access between SW Vermont and the church. *Therefore, this criterion is met.*

**DEVELOPMENT STANDARDS**

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

**OTHER TECHNICAL REQUIREMENTS**

Technical decisions have been made as part of this review process, based on other City Titles, as administered by other City service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical requirements applicable to this proposal. This list is not final, and is subject to change when final permit plans are provided for City review.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>
Environmental Services	Title 17; 2014 Stormwater Manual	503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>
Transportation	Title 17 - Transportation System Plan	503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>
Development Services	Title 24 - Building Code, Flood Plain, Site Development; Title 10 - Erosion and Sediment Control	503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>
Urban Forestry	Title 11 – Trees	503-823-8733 <a href="http://www.portlandoregon.gov/trees/">http://www.portlandoregon.gov/trees/</a>

### III. CONCLUSIONS

With regards to the Conditional Use Review, the proposal will not have any effect on the proportion of household versus nonhousehold living uses in the residential area. The intensity of the use is not expected to have any appreciable change. The proposed additions to the church building and the redefinition of the institutional boundary to include the area from the vacated rights-of-way and eliminate the commercially developed property on SW Vermont will still be compatible with the appearance of the adjacent residential area. No impacts on livability are expected to occur from this proposal. The transportation system is adequate to serve the proposed use, and any potential impacts may be mitigated through a requirement for implementation of the proposed TDM plan. City service agencies have determined that services are adequate to serve the proposed changes for the site. The proposal also has been found to be entirely consistent with the adopted Southwest Community Plan. Therefore the proposed Conditional Use should be approved, in accordance with the site plan, building elevations and conceptual utility and landscaping plans (Exhibits C-1 through C-7) and also subject to a condition of approval that requires implementation of the TDM plan.

The Adjustment to Zoning Code Section 33.266.310 C.2 meets all of the relevant approval criteria. The purpose of the regulation is met because there are few large deliveries made to the site and all of the deliveries can be served with the existing parking area that is largely vacant during business delivery hours and provides direct access to the church office. There are no impacts to the appearance or the livability of the residential area that would occur from not providing a designated loading space on the church campus. The Adjustment request can be approved.

With regards to the Environmental Review, the paving of the church driveway and installation of a pedestrian connection from SW Vermont Street will cross the Environmental Protection ("p") overlay zone. In addition, two new outfalls, capturing stormwater from the driveway, SW Vermont Street and redeveloped impervious areas on the St. Luke's campus, will connect new stormwater management facilities to the stream in the "p" zone. The proposed disturbance area within the resource area of the "p" zone is already partially disturbed. Increased management of the site's stormwater will improve the amount, timing, and quality of stormwater flowing into the stream. Paving the gravel area will reduce sediment pick-up up by stormwater, while stormwater facilities will treat the water by allowing vegetation to reduce pollutants and detaining stormwater until facilities fill, with only the overflow directed into the stream corridor.

Environmental Review findings provided above, along with updated stormwater reporting and geotechnical analysis provided in January 2016, demonstrate that the applicable approval criteria will be met, with some conditions for more specific information about mitigation plantings. Therefore, this Environmental Review should be approved, in compliance with Exhibits A-8 and H-13 through H-19.

#### **IV. DECISION**

##### **Approval of a Conditional Use Review for:**

- Redefining the campus boundary, to remove a 17,859 square-foot commercial property, to add an additional 0.36-acres of property that was acquired through recent vacations of SW 46th Avenue and SW Florida Street and to add allow the future addition of 50 square feet of property that will be added to the site if the City Council approves vacation of the remainder of SW Florida Street;
- Constructing additions that total up to 3,630 square feet of additional floor area, creating a new multi-purpose area, expanding the narthex (vestibule), and adding a stair tower; and
- Making site improvements that include new pedestrian access, an outdoor plaza and landscaping.

Approval of the Conditional Use is subject to general compliance with the site plan, building elevations and conceptual utility and landscaping plans (Exhibits C-1 through C-7) and also subject to the following conditions of approval:

- A. The Transportation Demand Management Plan, as proposed in the submittal (Exhibit A-3), must be implemented by authorized representatives of St. Luke Lutheran Church.
- B. The campus size under this Conditional Use approval is allowed to increase by fifty (50) square feet if City Council approves the vacation of SW Florida Street as shown in Exhibit H-27b.

**Approval of an Adjustment to Zoning Code Section 33.255.310 C.2.a to waive the requirement for providing an onsite loading space.**

**Approval of an Environmental Review for:**

- Construction of a paved driveway and pedestrian walkway from SW Vermont Street to St. Luke Lutheran Church; and
  - Construction of two stormwater outfalls on the east side of the driveway, one to the north and one to the south of the creek; within the Environmental Protection overlay zone and in substantial conformance with the Arborist Report excerpt from Exhibit A-8 and graphic Exhibits H.13, H.14, H.15, H.16, H.17, H.18, and H.19. Approval is subject to the following conditions:
- C. BDS building permit is required.** Copies of the approved Arborist Report excerpt from Exhibit A-8 and graphic Exhibits H.13 through H.19 from LU 14-234299 CU EN AD, and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc. See "Other Technical Requirements" listed above). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit. The sheets on which this information appears must be labeled, ***"Proposal and design as approved in Case File # LU 14-234299 CU EN AD. Any field changes shall be in substantial conformance with approved LU 14-234299 CU EN AD Arborist Report excerpt from Exhibit A-8 and graphic Exhibits H.13 through H.19."***

**Building Permits shall not be issued until a BDS Zoning Permit is obtained, and Building Permits shall not be finalized until the BDS Zoning Permit for inspection of mitigation plantings required in Condition D below is finalized.**

- D.** Temporary construction fencing shall be installed according to tree protection measures in Title 11 Tree Code, chapter 11.60, except as specified below. Temporary, 4-foot high, construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit H.18, and as described in the Tree Protection Specifications in the attached Arborist Report excerpt from Exhibit A-8, or as required by inspection staff during the plan review and/or inspection stages.
1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
  2. As noted in the Arborist Report excerpt from Exhibit A-8, the applicant shall submit a copy of the contract for Arborist services demonstrating the arborist will be on site during construction activity, prior to permit issuance.

E. The applicant shall obtain a **BDS Zoning Permit** for approval and inspection of required mitigation plantings to be shown on a **Final Mitigation Planting Plan**, provided as part of the Zoning Permit to BDS staff, for review and approval. The **Final Mitigation Planting Plan** shall be provided at a scale of one inch equals ten feet, utilizing standard landscape graphics and symbols, that depict the location, species, sizes and quantities of mitigation plantings required in the Environmental overlay zone as part of:

- **LU 14-234299 CU EN AD** as follows: 4 trees, 8 shrubs, and 28 ground cover plants immediately east of the driveway area, and for 1,050 square feet of replanting along the edge of the stream channel with a native-seed mix, and for planting each of the riprap outfall pads with live willow stakes at a density of 3 stakes per 9 square feet, in substantial conformance with Exhibit H.17; and
- **LUR 00-00415 CU EN AD Exhibits C.4 and C.5** and conditions of approval. The applicant shall include copies of approved LUR 00-00415 CU EN AD Exhibits C.4 and C.5, in addition to as-built drawings or photographs that demonstrate that required plantings have been installed and maintained for the Environmental Review in LUR 00-00415 CU EN AD.
  1. All proposed plantings and any plant substitutions shall be selected from the *Portland Plant List*, and shall be substantially equivalent in size to the original plant.
  2. Permit plans shall show the approximate location of the trees, shrubs and ground covers required by this condition to be planted in the mitigation area and labeled as "new required landscaping." The plans should illustrate a naturalistic arrangement of plants and should include the location, species, quantity and size of plants to be planted.
  3. Plantings shall be installed between October 1 and March 31 (the planting season).
  4. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
  5. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector. All tape shall be a contrasting color that is easily seen and identified.
  6. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.

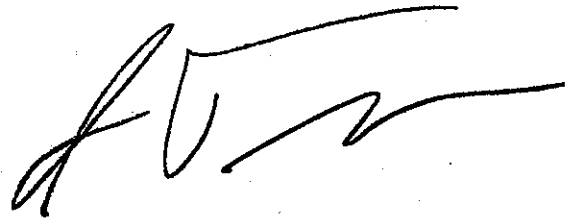
F. **The land owner shall maintain the required plantings** to ensure ongoing survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. After the 2-year initial establishment period, the landowner shall:

1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that

the required plantings remain. Any required plantings that have not survived must be replaced.

2. Continuously maintain all required landscaping in a healthy manner, with no more than 15% cover by invasive species. Plants that die shall be replaced in kind.

G. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.



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Joe Turner, Hearings Officer

2-29-2016

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Date

<b>Application Determined Complete:</b>	May 4, 2015
<b>Report to Hearings Officer:</b>	December 31, 2015
<b>Revised Report to Hearings Officer:</b>	February 10, 2016
<b>Decision Mailed:</b>	February 29, 2016
<b>Last Date to Appeal:</b>	4:30 p.m., March 14, 2016
<b>Effective Date (if no appeal):</b>	March 15, 2016

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 4<sup>TH</sup> 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$4,837.50 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. Application and original plans, received November 4, 2014
  - 2. Supplemental information (revised application), received May 11, 2015
  - 3. Transportation Impact Analysis and TDMP, received May 11, 2015
  - 4. Stormwater Plan and Geotechnical Report, received May 11, 2015
  - 5. 120-day extension, received May 13, 2015
  - 6. 120-day extension, received June 19, 2015
  - 7. 120-day extension, received August 14, 2015
  - 8. Supplemental information, received November 17, 2015 (excerpt from Arborist Report, **attached**)
- B. Zoning Map (**attached**)
- C. Plans & Drawings (Exhibits C.1 through C.7 **attached**)
  - 1. Figure III-2 Proposed Stage 1 Development Plan
  - 2. Figure III-6 East Building Elevation – Proposed
  - 3. Figure III-7 West Building Elevation – Proposed
  - 4. Figure III-10 Proposed Drainage/Utility Plan
  - 5. Figure III-11A Proposed Landscaping – Partial Planting Plan
  - 6. Figure III-11B Proposed Landscaping – Partial Planting Plan, Legend & Notes
  - 7. Figure III-11C Proposed Landscaping – Stormwater Catchment Planting Plans & Tables
  - Environmental Review
  - 8. Figure III-14A Existing Conditions (superseded)
  - 9. Figure III-14B Existing Disturbed Area (superseded)
  - 10. Figure III-15C Alternative Analysis 3 – Preferred Alternative (superseded)
  - 11. Figure III-16 Proposed Disturbance (superseded)
  - 12. Figure III-17 Proposed Temporary and Permanent Disturbance (superseded)
  - 13. Figure III-18 Preliminary Grading and Construction Management Plan (superseded)
  - 14. Figure III-19 Mitigation and Planting Plan (superseded)
- D. Notification information
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau

5. Site Development Review Section of Bureau of Development Services
6. Life Safety Plan Review Section of Bureau of Development Services
7. Police Bureau
- F. Letters: (none received)
- G. Other
  1. Pre-application Conference Summary Notes
  2. Email discussing extension of completeness review, pending supplemental information
  3. Incomplete Letter, November 24, 2014
  4. 180-day Warning Letter, April 15, 2015
  5. Letter requesting additional information, June 9, 2015
- H. Received in the Hearings Office
  1. Hearing Notice - Stokes, Kathleen
  2. Staff Report - Stokes, Kathleen
  3. 1/11/16 Memo, Land Use Response Addendum, Benjamin Kersens/BES to Castleberry/BDS - Bookin, Beverly
  4. Land Use Review Response Memo, Beth Copeland/Site Development to Stokes - Bookin, Beverly
  5. 1/6/16 Memo, Ryan White/PBS to BES - Bookin, Beverly
  6. E-mails - Bookin, Beverly
  7. 1/6/16 Memo, White/PBS to BES - Bookin, Beverly
  8. 12/28/15 Memo, White/PBS to BES - Bookin, Beverly
  9. E-mails - Bookin, Beverly
  10. 12/23/15 Memo, PBS Engineering & Environmental Inc. to BES -- Bookin, Beverly
    - a. Site Plan - Bookin, Beverly
    - b. Riprap Sizing - Bookin, Beverly
  11. Plans - Figure III-14A: Existing Conditions - Bookin, Beverly
  12. Plans - Figure III-14B: Existing Disturbance - Bookin, Beverly
  13. Plans - III-15C Proposed Stage 1 Concept Drainage Plan - Bookin, Beverly **(attached)**
  14. Plans - Figure III-16: Proposed Disturbance - Bookin, Beverly **(attached)**
  15. Plans - Figure III-17: Proposed Temporary and Permanent Disturbance - Bookin, Beverly **(attached)**
  16. Plans - Figure III-18 Preliminary Grading & Construction Management - Bookin, Beverly
  17. Plans - Figure III-19: Restoration Planting Plans - Bookin, Beverly
  18. Plans - Erosion Control Plan - Bookin, Beverly **(attached)**
  19. Plans - Figures III-F, Proposed Stage 1 Concept Drainage Plan - Bookin, Beverly
  20. Record Closing Information sheet - Hearings Office
  21. Revised Staff Report - Stokes, Kathleen
  22. Undated Letter - Carder, Claire
  23. PowerPoint Presentation - Castleberry, Stacey
  24. Case List - Castleberry, Stacey
  25. Ordinance No. 186847 - Aebi, Andrew
  26. 2/17/16 Memo - Hagerman, Chris
    - a. Notice of Type 1X LU 14-187194LC - Hagerman, Chris

27. 2/17/16 Memo - Hagerman, Chris
  - a. Attachment A - Hagerman, Chris
  - b. Map - Hagerman, Chris (**attached**)
  - c. Map - Hagerman, Chris
28. Record Closing Information - Hearings Office

### **Tree Protection Specifications**

#### **Before Construction:**

1. **Tree Root Protection Zone.** The Root Protection Zone (RPZ) shall be established at the dripline of the tree, or as otherwise directed by the project arborist on-the-ground during construction. The location of the RPZ shall be illustrated on construction drawings.
2. **Protection Fencing.** All trees to be preserved shall be protected by chain link fencing consisting of a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts established at the edge of the RPZ. Fencing should be inspected and verified prior to construction and be maintained and remain in place until construction is complete. Orange plastic mesh fencing is a reasonable alternative for trees 5330-5332.
3. **Signage.** Signage designating the protection zone and penalties for violations shall be secured in a prominent location on each protection fence. The signage shall also include contact information for the project arborist contracted to provide on-call services during construction.
4. **Designation of Cut Trees.** Trees to be removed shall be clearly marked with construction flagging, tree-marking paint, or other methods approved in advance by the project arborist.
5. **Pruning.** Minor pruning may be needed to remove dead and defective branches for safety. Prune the minimum amount needed; pruning shall be performed by a Qualified Tree Service.
6. **Preconstruction Conference.** The project arborist contracted to provide on-call services during construction should be on site to discuss tree protection measures prior to any construction.

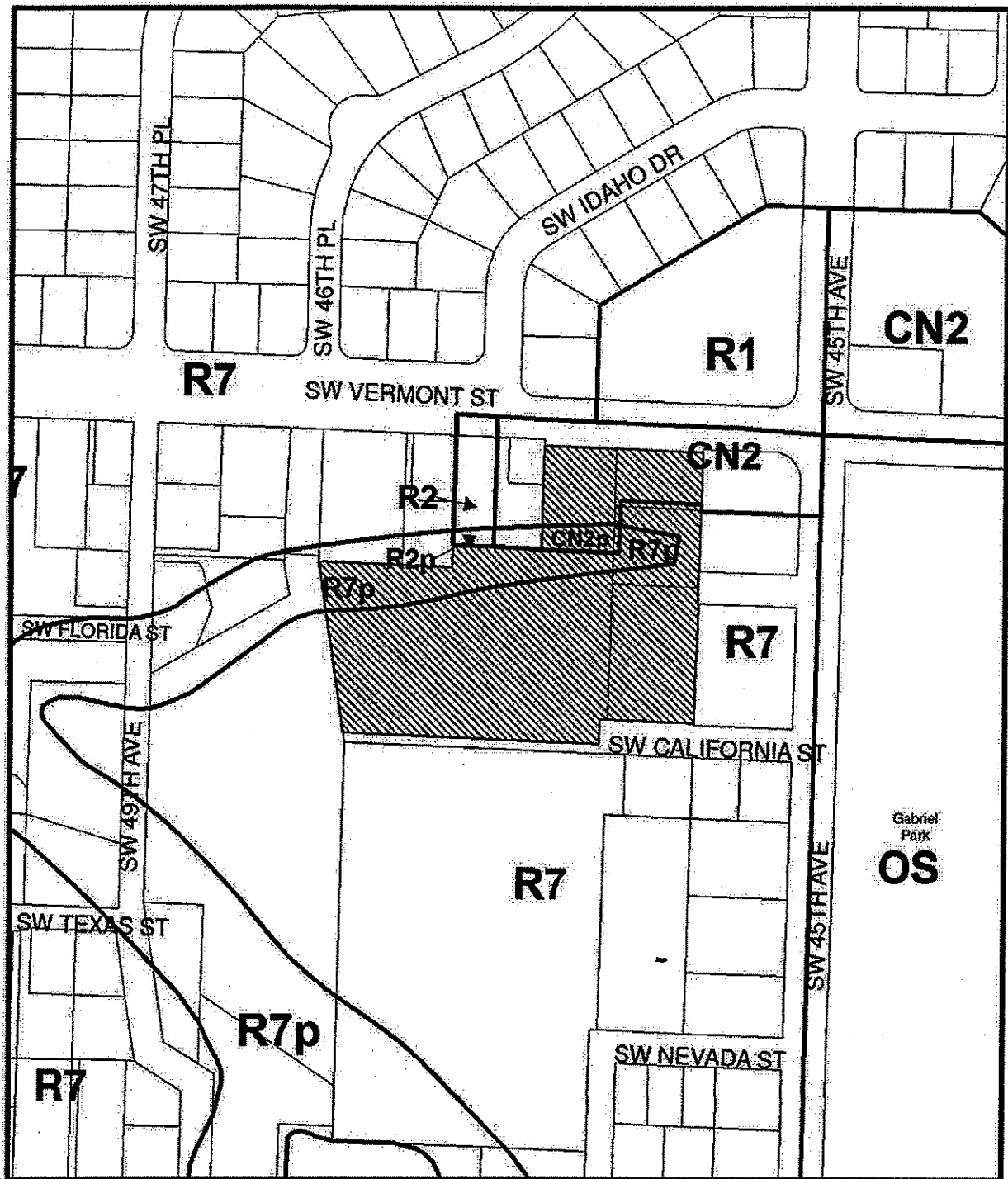
#### **During Construction:**

7. **Root Protection Zone Maintenance.** The protection fencing shall not be moved, removed, or entered by equipment except under direction of the project arborist contracted to provide on call services during construction.
8. **Arborist Coordination.** The developer shall be responsible for coordinating with the project arborist whenever work may be necessary beneath the dripline of protected trees. The project arborist should be available during construction to provide on-the-ground recommendations as needed and to document construction activity adjacent to protected trees and alternative tree protection methods.
9. **Development Limitations.** Within the RPZ, the following is not allowed without the on-site technical supervision of the project arborist:
  - Ground disturbance or construction activity including vehicle and equipment access or maneuvering;


- Staging or storage of materials and equipment, including soil and temporary or permanent stockpiling;
  - New buildings;
  - Grade change of cut and fill during or after construction;
  - New impervious surfaces;
  - Utility or drainage field placement; or
  - Trenching.
10. Excavation Beneath the Dripline of Protected Trees. Excavation shall be avoided beneath the dripline of protected trees if alternatives are available. If alternative construction techniques are implemented, the arborist shall provide the City with a written explanation of the techniques and materials used. If excavation beneath the dripline of protected trees is unavoidable, the project arborist should evaluate the proposed excavation to determine methods to minimize impacts to trees; this can include tunneling, hand digging, or other approaches. All construction beneath the dripline of protected trees shall be under the on-site technical supervision of the project arborist. Coordinate with the project arborist before moving, removing, or entering the RPZ.
11. Tree Protection Inspections. The project arborist should monitor construction activities and progress, and provide written reports to the developer and the City at regular intervals.

After Construction:

12. Final Report. After the project has been completed, the project arborist shall provide a final report that describes the measures needed to maintain and protect the remaining trees.



# ZONING

 Site



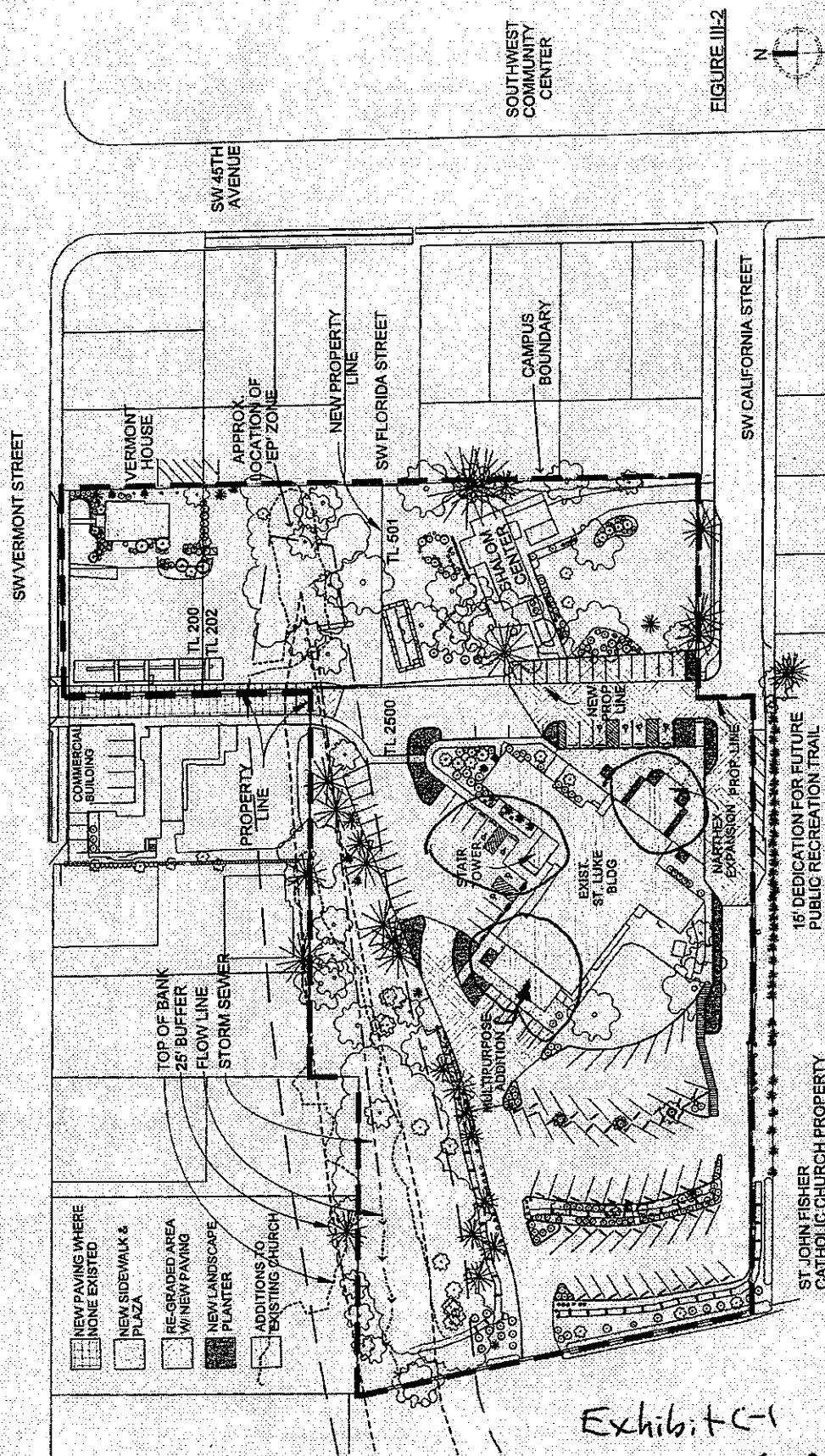
File No. LU 14-234299 CU EN AD

1/4 Section 3724

Scale 1 inch = 200 feet

State Id 1S1E19AA 2500

Exhibit B (Nov. 19, 2015)



**FIGURE 11-2**



**SOUTHWEST  
COMMUNITY  
CENTER**

A

Williamson et al.

Year	Number of cases	Rate per 100,000
1992	11	0.0
1993	11	0.0
1994	11	0.0
1995	11	0.0
1996	11	0.0
1997	11	0.0
1998	11	0.0
1999	11	0.0
2000	11	0.0
2001	11	0.0
2002	11	0.0
2003	11	0.0
2004	11	0.0
2005	11	0.0
2006	11	0.0
2007	11	0.0
2008	11	0.0
2009	11	0.0
2010	11	0.0
2011	11	0.0
2012	11	0.0
2013	11	0.0
2014	11	0.0
2015	11	0.0
2016	11	0.0
2017	11	0.0
2018	11	0.0
2019	11	0.0
2020	11	0.0
2021	11	0.0
2022	11	0.0
2023	11	0.0
2024	11	0.0
2025	11	0.0
2026	11	0.0
2027	11	0.0
2028	11	0.0
2029	11	0.0
2030	11	0.0

## Stage 1 - Development Plan

1000

ST. JOHN FISHER  
CATHOLIC CHURCH PROPERTY

ST. LUKE LUTHERAN CHURCH  
STAGE 1 EXPANSION

**ST JOHN FISHER  
CATHOLIC CHURCH PROPERTY**

15' DEDICATION FOR FUTURE  
PUBLIC RECREATION TRAIL

SW CALIFORNIA STREET

SW FLORIDA STREET

SW 45TH  
AVENUE

SW VERMONT STREET

NEW PAVING WHERE NONE EXISTED

NEW SIDEWALK & PLAZA

RE-GRADED AREA W/ NEW PAVING

NEW LANDSCAPE PLANTER

ADDITIONS TO EXISTING CHURCH

TOP OF BANK  
25' BUFFER  
FLOW LINE  
STORM SEWER

COMMERCIAL BUILDING

VERMONT  
POLICE

APPROX.  
LOCATION OF  
HER ZONE

NEW PROPERTY LINE

## CAMPUS BOUNDARY

TL-501



**L 2500**

7



EXIST.  
ST. LUKE

**EXIT**

**ANSI X3.110 FROM**

DATE	NAME	EXP
11-11-11	11-11-11	11-11-11

2004年12月15日

**THE JOURNAL OF**

WOLFE



10

23

100

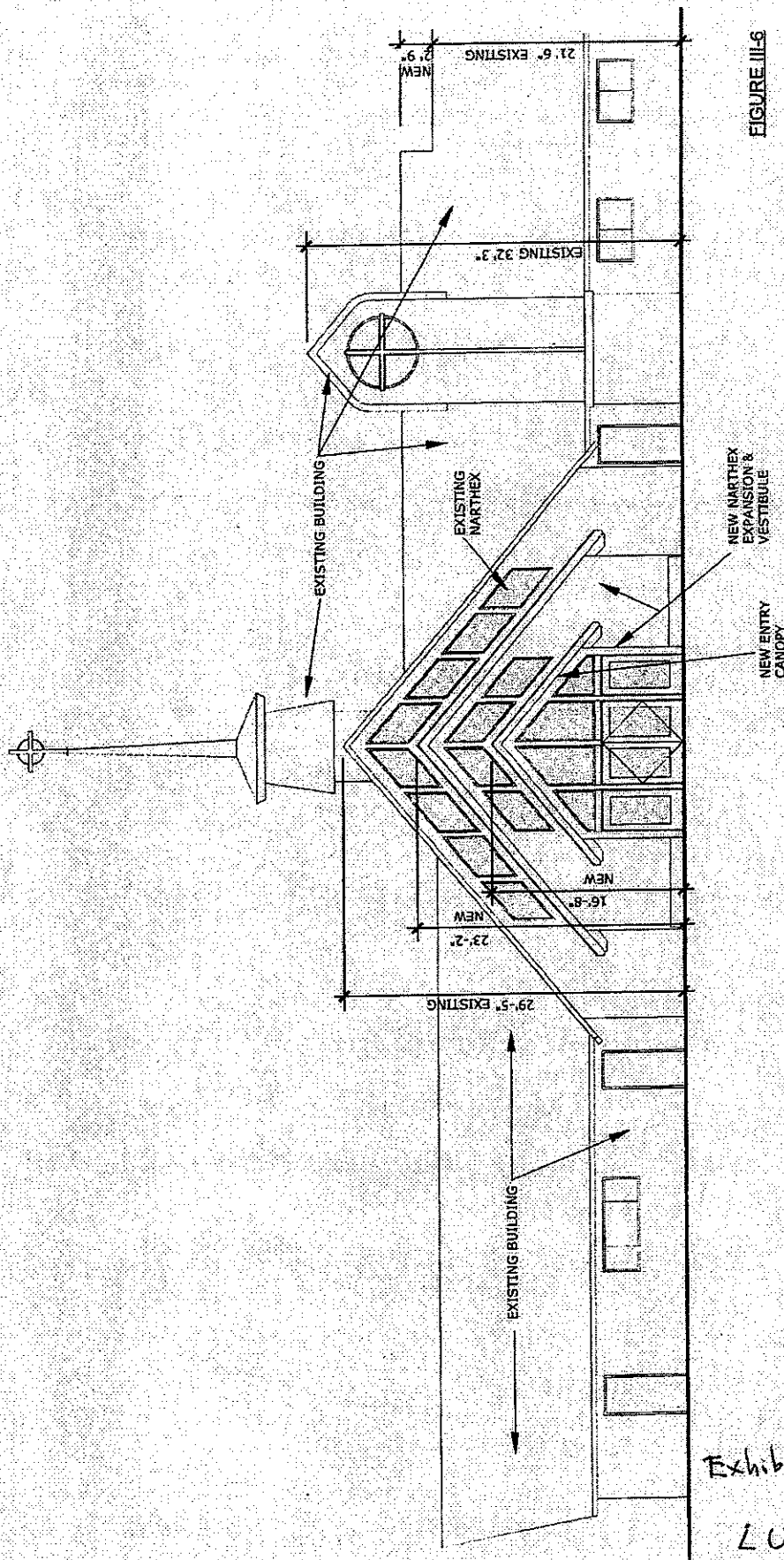


FIGURE III-6

Exhibit G-2

LU14-234299  
CU ENAP

ST. LUKE LUTHERAN CHURCH STAGE 1 EXPANSION	Scale: 0' 1" = 10' 0"	Date: NOVEMBER 11, 2015	William Wilson ARCHITECTS	W A
---	-----------------------	-------------------------	------------------------------	-----



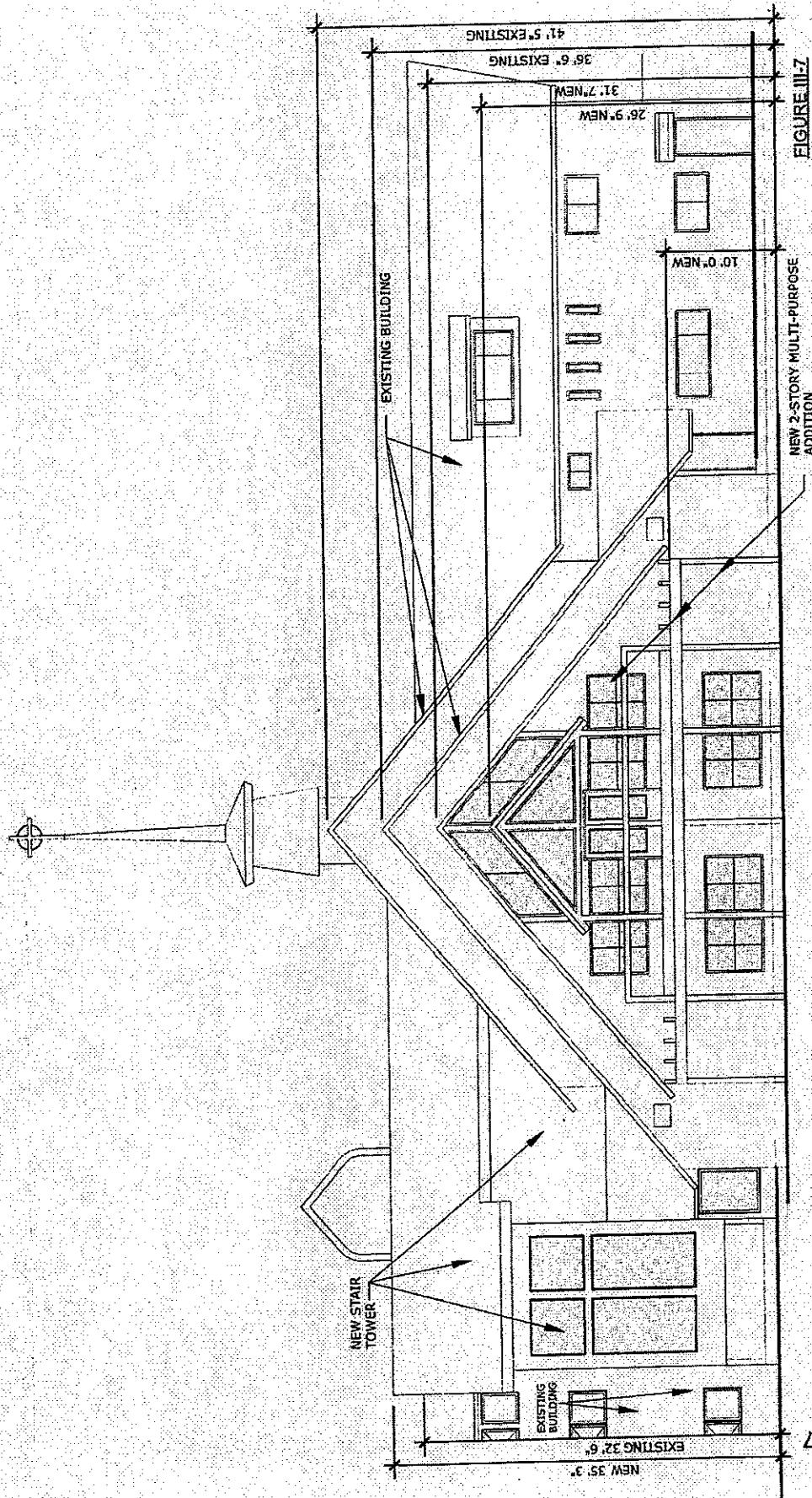


FIGURE III-7

ST. LUKE LUTHERAN CHURCH  
STAGE 1 EXPANSION

West Elevation - Proposed

W A W

William Wilson  
ARCHITECTS

Scale: 0' 1" = 8' 0"  
Date: 11/11/2013

Exhibit  
C-3

LU14-234299  
CUENAD



**PBS**

Engineering +  
Environmental  
1000 O Street  
Vancouver, BC  
360.490.4331  
www.pbsenv.com

ST. LUKE LUTHERAN CHURCH  
6835 SW 46TH AVENUE  
PORTLAND, OREGON 97219

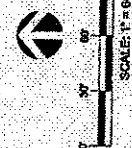
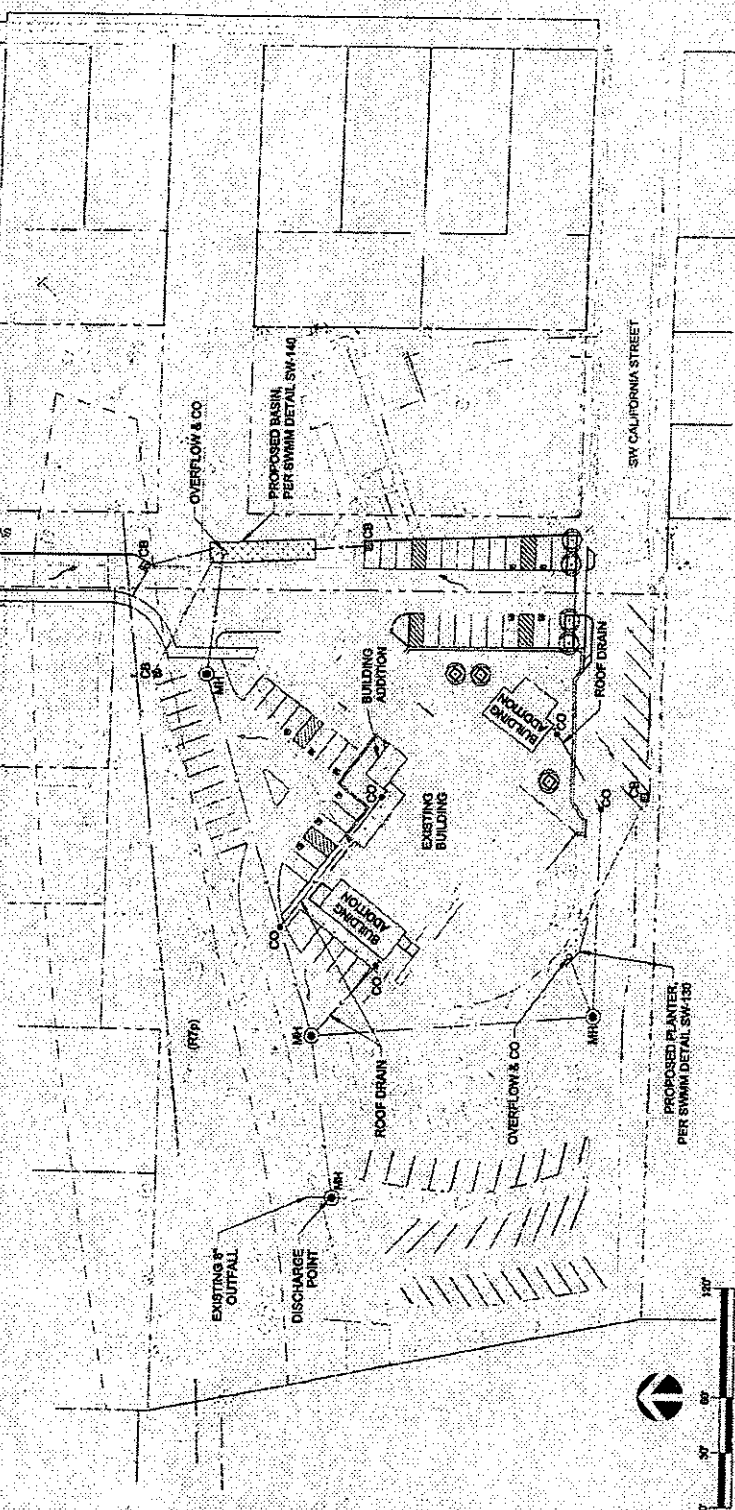
PROPOSED STAGE 1  
CONCEPT DRAINAGE PLAN  
PROJECT: 70844.002  
DATE: OCTOBER 2015  
FIGURE:

**III-10**

PREPARED FOR: ST. LUKE LUTHERAN CHURCH

**LEGEND**

- |                              |       |                          |
|------------------------------|-------|--------------------------|
| EXISTING WATER METER         | CB 10 | PROPOSED CATCH BASIN     |
| EXISTING WATER VALVE         | MB 10 | PROPOSED MANHOLE         |
| EXISTING CLEANOUT            | CO 10 | PROPOSED CLEANOUT        |
| EXISTING CATCH BASIN         |       | DRAINAGE DIRECTION ARROW |
| EXISTING GAS METER           |       | PROPOSED STORM DRAIN     |
| EXISTING GAS VALVE           |       | PROPERTY LINE            |
| EXISTING SANITARY SEWER LINE |       | ENVIRONMENTAL PROTECTION |
| EXISTING WATER LINE          |       | ZONE BOUNDARY (RTM)      |
| EXISTING GAS LINE            |       |                          |
| EXISTING STORM LINE          |       |                          |



LU14-234299  
CU ENAD  
Exhibit C-4

LU/4-234 299  
CO EN AD

# LANDSCAPE NOTES

1. ALL LANDSCAPING SHALL BE INSTALLED ACCORDING TO ACCEPTED BEST INDUSTRY STANDARDS FOR PLANTING PROCEDURES.
2. PLANT MATERIALS SHALL BE OF HIGH GRADE AND SHALL MEET THE QUALITY AND SIZE STANDARDS FOR NURSERY STOCK.
3. SITE PLANTINGS SHALL BE INSTALLED BETWEEN FEBRUARY 15 AND MAY 15 OR BETWEEN OCTOBER 15 AND NOVEMBER 15th.
4. SITE PLANTINGS SHALL BE MARKED TO A MINIMUM DEPTH OF 2 INCHES AND 18 INCHES IN DIAMETER.
5. PLANT QUANTITIES SHOWN IN PLANT TAKE SHEETS ARE OTHER QUANTITIES LISTED IN LEGEND.
6. IRRIGATION SHALL BE DESIGNED BY AN IRRIGATION ENGINEER AND SHALL BE INSTALLED AND TESTED PRIOR TO THE START OF CONSTRUCTION.
7. LANDSCAPE SHALL COMPLY WITH CITY OF PORTLAND CODE TITLE 11 AND CHAPTER 20.40.33.150, 33.145 AND 33.250 AT TIME OF BUILDING PERMIT.
8. SEE SHEET L32 FOR IRRIGATION PLAN FOR ADDITIONAL PLANTS REQUIRED FOR THIS WORK.
9. SEE SHEET L33 FOR IRRIGATION AND RESTORATION PLANTING PLANS, LEGENDS AND NOTES FOR ADDITIONAL PLANTS REQUIRED FOR THIS WORK.
10. IRRIGATION SHALL BE DESIGNED BY AN IRRIGATION ENGINEER AND SHALL BE INSTALLED AND TESTED PRIOR TO THE START OF CONSTRUCTION. CONNECT NEW SYSTEM TO EXISTING COORDINATE WITH OWNERS REPRESENTATIVE.
11. VERIFY IRRIGATION SERVICE IN EXISTING PLANS AND FIELD. VERIFY IRRIGATION SERVICE FOR ESTABLISHMENT PERIOD AS NEEDED.

## EXISTING TREES TO REMAIN: SEE ARBORIST'S REPORT FOR PROTECTION REQUIREMENTS

1. 2" DBH	100
2. 3" DBH	100
3. 4" DBH	100
4. 5" DBH	100
5. 6" DBH	100
6. 7" DBH	100
7. 8" DBH	100
8. 9" DBH	100
9. 10" DBH	100
10. 11" DBH	100
11. 12" DBH	100
12. 13" DBH	100
13. 14" DBH	100
14. 15" DBH	100
15. 16" DBH	100
16. 17" DBH	100
17. 18" DBH	100
18. 19" DBH	100
19. 20" DBH	100
20. 21" DBH	100
21. 22" DBH	100
22. 23" DBH	100
23. 24" DBH	100
24. 25" DBH	100
25. 26" DBH	100
26. 27" DBH	100
27. 28" DBH	100
28. 29" DBH	100
29. 30" DBH	100
30. 31" DBH	100
31. 32" DBH	100
32. 33" DBH	100
33. 34" DBH	100
34. 35" DBH	100
35. 36" DBH	100
36. 37" DBH	100
37. 38" DBH	100
38. 39" DBH	100
39. 40" DBH	100
40. 41" DBH	100
41. 42" DBH	100
42. 43" DBH	100
43. 44" DBH	100
44. 45" DBH	100
45. 46" DBH	100
46. 47" DBH	100
47. 48" DBH	100
48. 49" DBH	100
49. 50" DBH	100
50. 51" DBH	100
51. 52" DBH	100
52. 53" DBH	100
53. 54" DBH	100
54. 55" DBH	100
55. 56" DBH	100
56. 57" DBH	100
57. 58" DBH	100
58. 59" DBH	100
59. 60" DBH	100
60. 61" DBH	100
61. 62" DBH	100
62. 63" DBH	100
63. 64" DBH	100
64. 65" DBH	100
65. 66" DBH	100
66. 67" DBH	100
67. 68" DBH	100
68. 69" DBH	100
69. 70" DBH	100
70. 71" DBH	100
71. 72" DBH	100
72. 73" DBH	100
73. 74" DBH	100
74. 75" DBH	100
75. 76" DBH	100
76. 77" DBH	100
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## EXISTING TREES TO REMAIN: SEE ARBORIST'S REPORT FOR PROTECTION REQUIREMENTS

EXISTING ENDOROUS SIMULUS		EXISTING BROAD-LEAF EVERGREEN CONIFEROUS SIMULUS	
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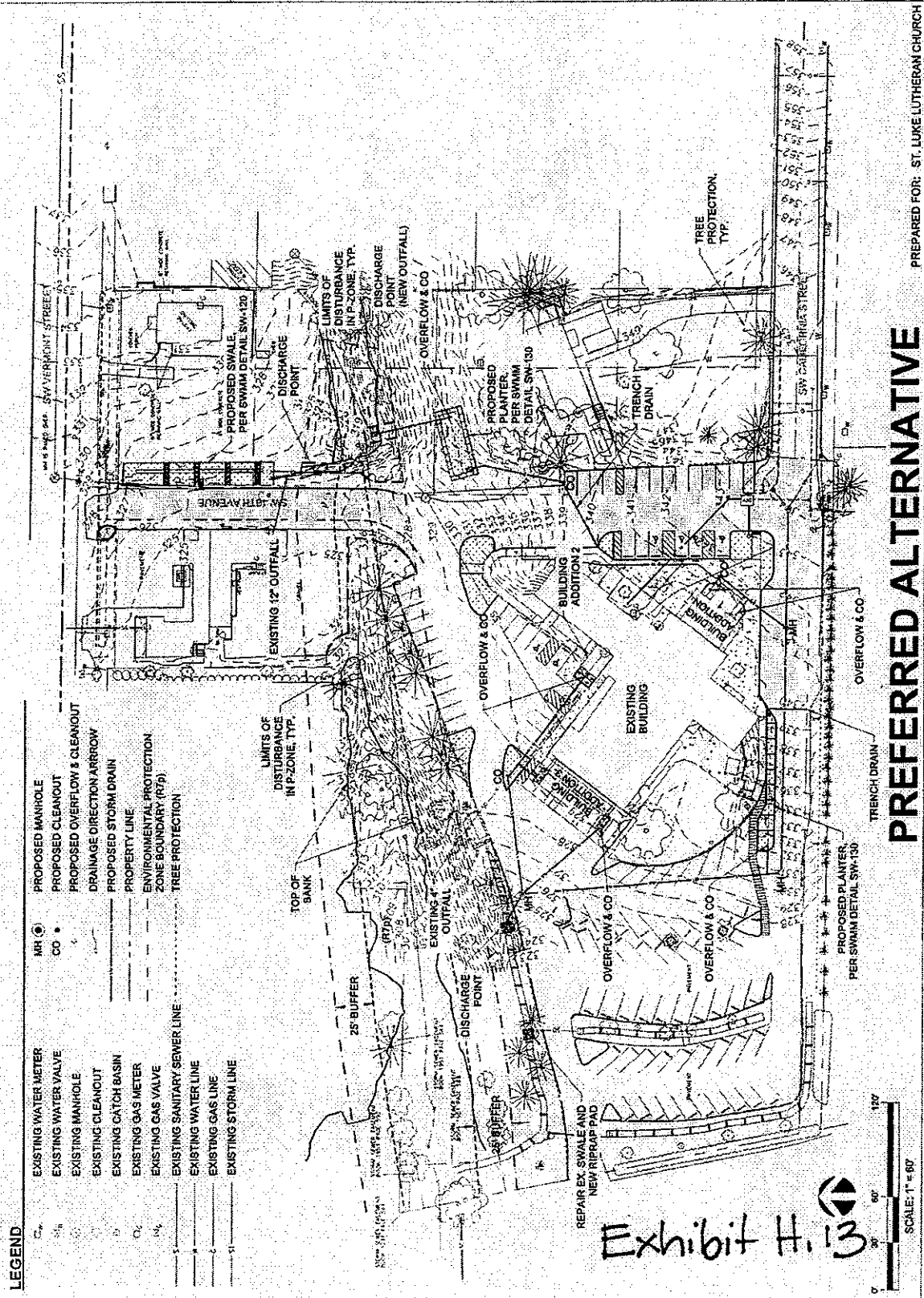


Exhibit H.14

PROPOSED DISTURBED LIMITS

	PERMANENT TRANSITION AREA: 11,471 S.F.
	PERMANENT RESOURCE AREA: 3,399 S.F.
	TEMPORARY TRANSITION AREA: 731 S.F.
	TEMPORARY RESOURCE AREA: 181 S.F.

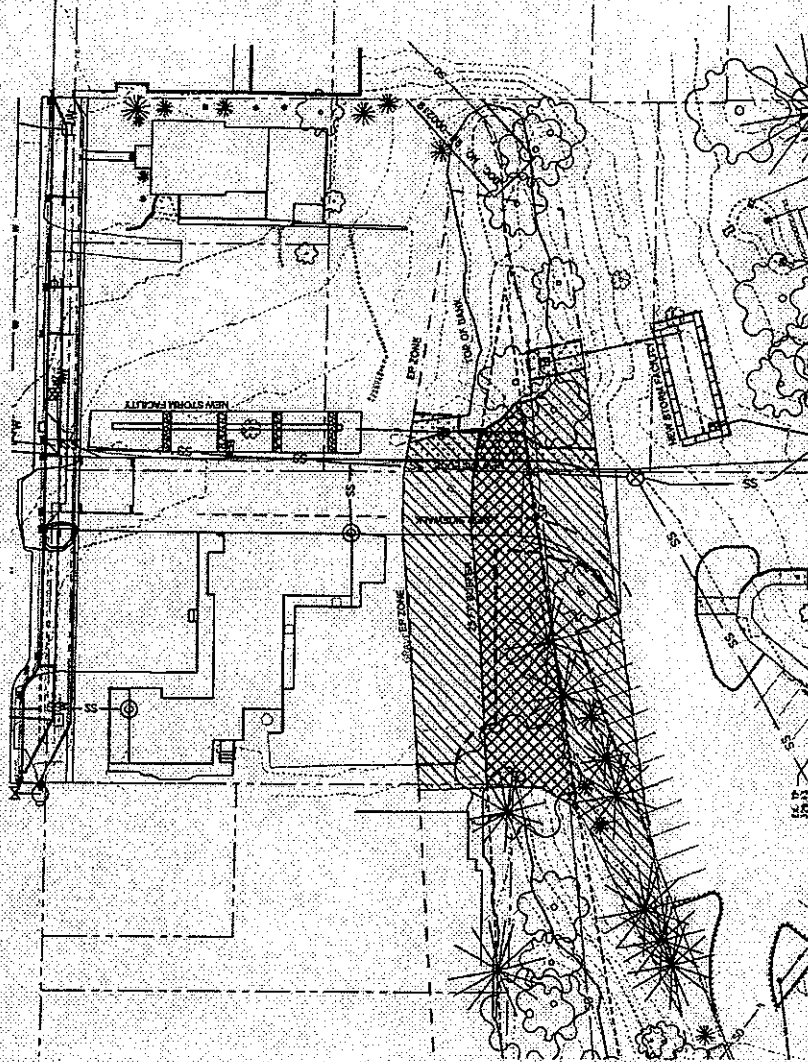


Exhibit H.15



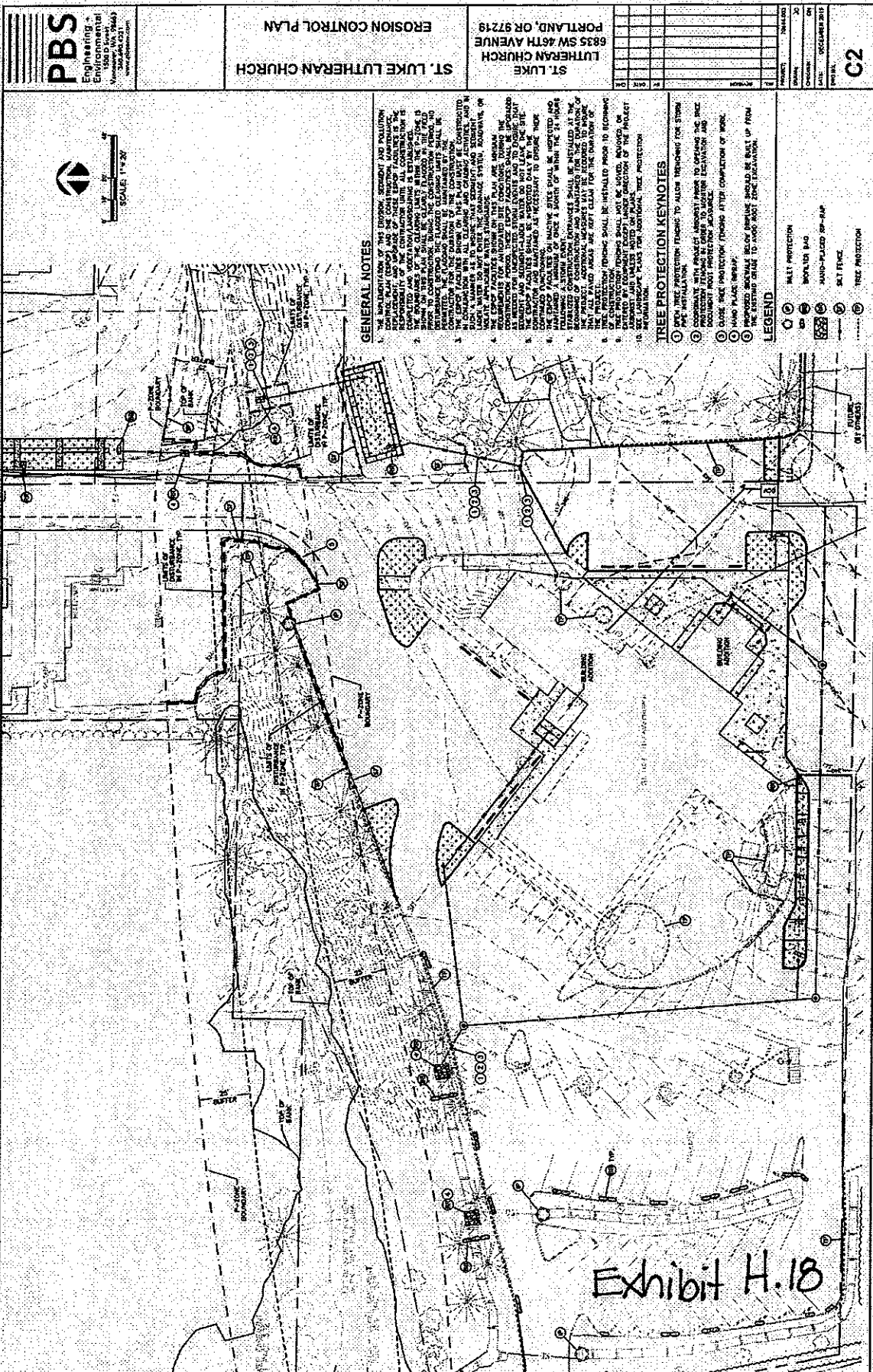
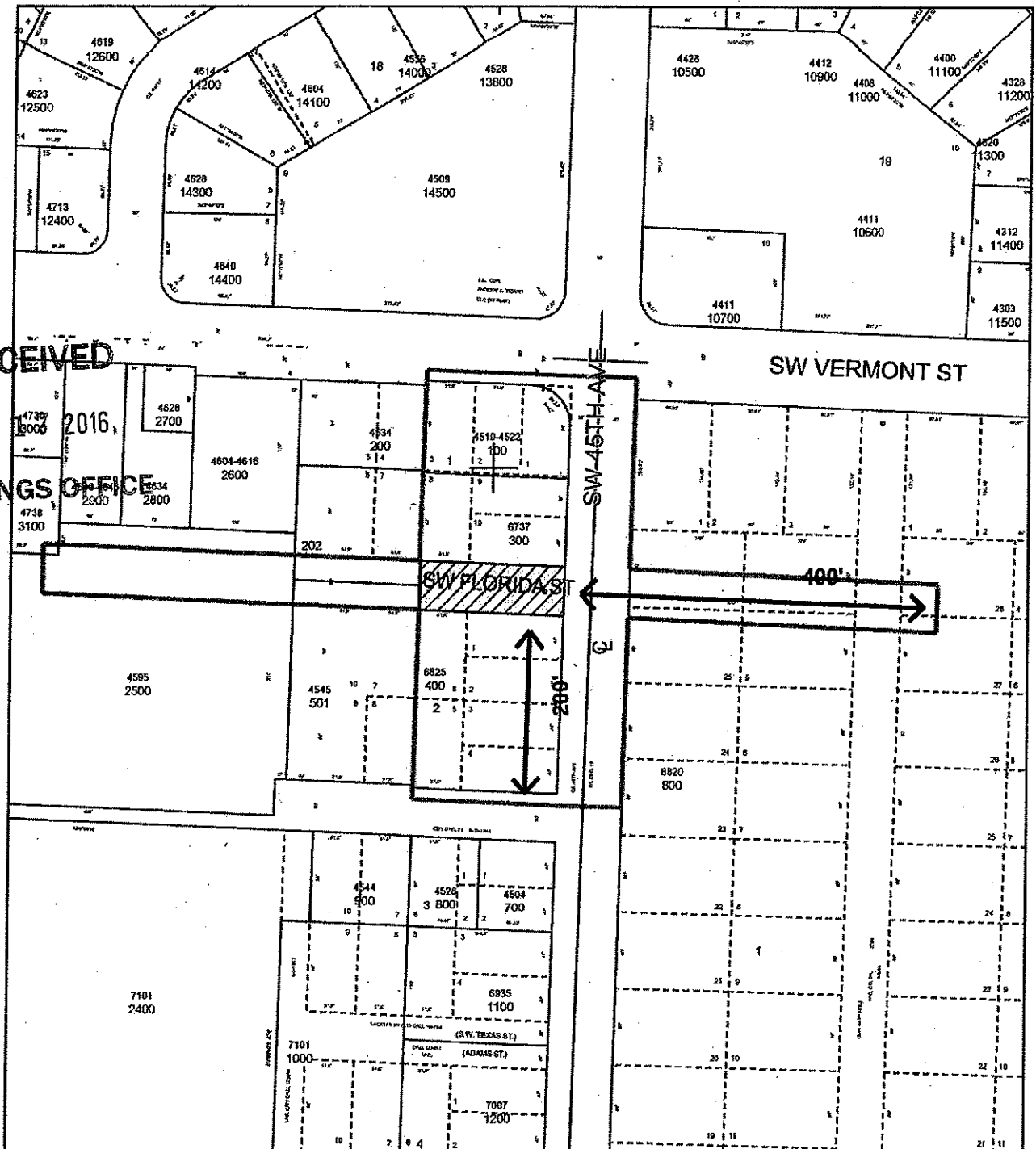


Exhibit H.18

# Exhibit A

RECEIVED  
FEB 18 2016  
HEARINGS OFFICE



SW Florida St west of SW 45th Ave

Petitioner: Jordan Winkler



Area proposed for vacation



Affected Area

Section: 1S1E19AA 1/4 Section: 3724



1 in = 152 ft

CITY OF PORTLAND  
HEARINGS OFFICE  
Exhibit #H-27b  
Case # 4150037  
Bureau Case # 14-234299 CU EN