

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868

FAX: 503-823-5630 www.portlandonline.com/bds

Date: July 22, 2008

To: Interested Person

From: Kathleen Stokes, Land Use Services

503-823-7843 / kstokes@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-122135 CU

GENERAL INFORMATION

Applicant: Justin Devers, School District No 1

P O Box 3107

Portland, OR 97208-3107

Representative: Sean Mc Ginnis, Milstead & Associates

10121 SE Sunnyside Rd, Suite 335

Clackamas, OR 97015

Site Address: 5601 N Yale Street

Legal Description: INC PT VAC ALLEY LOT 1-10 BLOCK 17 INC PT VAC ALLEY & ST LOT

11-20 BLOCK 17 INC PT VAC ALLEY & ST LOT 1-10 BLOCK 20 INC

PT VAC ALLEY LOT 11-20 BLOCK 20, PORTSMOUTH

Tax Account No.: R669903360

State ID No.: 1N1E07DC 01000

Quarter Section: 2224

Neighborhood: University Park, contact Phil Tavernier at 805-729-0936.

Business District: North Portland Business Assoc, contact Steve Weir at 503-283-3883. **District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at

503-823-4099.

Zoning: OS (Open Space)

Case Type: Conditional Use Review

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: Astor Elementary School is completing their transition to a full, Kindergarten through 8th Grade elementary school, as defined under state law. The 8th grade class is being added for the 2008-2009 school year. This will bring the total projected enrollment at the school to 412 students, a 10% increase over the 375 students that were enrolled last year. To accommodate the additional students, two full-time-equivalency (FTE) staff positions will be added, bringing the total FTE staff from 25 to 27. A 1,792 square-foot modular building is proposed that will provide two additional classrooms. The additional classroom space is needed so that there are enough classrooms to separate grade levels at the school.

The modular building will be located on an asphalt-surfaced area and will be a minimum of 15 feet from the west property line, on the north side of the existing school building. The proposal includes landscaping in planters around the proposed structure, as well as additional upgrades to onsite landscaping, as required by the Portland Zoning Code. The applicant states that most of the students will continue to be transported by School District buses. The proposal does not include any increase in school activities.

Approval Criteria: This proposal includes an increase in floor area that is greater than 1,500 square feet, but represents an increase of less than ten percent of the total floor area for the facility. This type of proposal must be approved through a Type II Conditional Use Review. To be approved, the proposal must meet the Conditional Use Approval Criteria for Uses in the Open Space Zone, Section 33.815.100 A-D.

ANALYSIS

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

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

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

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Preserving the capacity and water quality of the storm water drainage system; and
- Providing pedestrian and bicycle transportation connections.

Land Use History: City records include one prior land use review for this site:

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 17, 2008**. The following Bureaus have responded to indicate that there are no issues or concerns related to approval of the Conditional Use Review. Agencies that provided comments regarding requirements for building permits or that offered analysis related to the approval criteria are noted with exhibit numbers. (Comments that are related to the approval criteria are included in the findings below):

- Fire Bureau
- Parks-Forestry Division
- Environmental Services provided information on sanitary sewers and storm water management. On-site storm water disposal is required and is appropriate for this site, as infiltration can be accommodated (Exhibit E-1).
- Transportation Engineering provided an analysis that is included in the findings for this decision (Exhibit E-2).

- Police Bureau noted that services are adequate for this proposal (Exhibit E-3).
- Site Development Section of BDS noted that infiltration is appropriate for this site and that the storm water disposal plan is acceptable (Exhibit E-4).
- Life Safety Plan Review Section of BDS provided comments on applicable building code requirements (Exhibit E-5).

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

ZONING CODE APPROVAL CRITERIA

33.815.100: Uses in the Open Space Zone

33.815.040 Review Procedures

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

33.815.100 Approval Criteria for Uses in the Open Space Zone

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

A. Character and impacts.

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

Findings: The purpose of the OS zone is:

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

The Open Space zoning on this site was applied in 1980 through the implementation of the City's Comprehensive Plan Map. Prior to 1980 the site was zoned the same as the surrounding development--R5, Single Dwelling Residential. The OS zone was applied on a site that, since 1949, was developed with a neighborhood school. The site is mostly paved so it does not provide a contrast to the built environment and there are no existing scenic qualities and no sensitive or fragile environmental areas. Outdoor recreation facilities that exist on the site will remain. Storm water management will be addressed through the addition of flow through planters that will be required to meet the standards of the City's Storm Water Management Manual. There will be no change to existing pedestrian and bicycle transportation connections that exist on the site. Therefore, the proposed addition of the modular classroom building will not have any impact on the intended character of this OS zoned site or on its ability to meet the purpose of the OS zone and this criterion is met.

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

Findings: There are no open or natural areas on the site, with the exception of the landscaped areas adjacent to the school building. As a part of the building permit

review process, additional landscaping will be added on the site and the proposal includes planter boxes that will also address storm water management, adjacent to the proposed modular classroom building. The remainder of the site will continue to provide school play area to serve the children of the community. Therefore, this criterion is met.

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

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

B. Public services.

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

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

Street Classification

N Yale Street is designated as Local Service streets for all modes in the Transportation System Plan. The street is improved with 36-ft of paving in a 60-ft public right-of-way and a 5-6-1 sidewalk configuration. The existing 12-ft pedestrian corridor/6-ft sidewalk satisfies the City's Pedestrian Design Guide standard.

N Princeton Street is designated as Local Service streets for all modes in the Transportation System Plan. The street is improved with 36-ft of paving in a 60-ft public right-of-way and a 5-6-1 sidewalk configuration. The existing 12-ft pedestrian corridor/6-ft sidewalk satisfies the City's Pedestrian Design Guide standard.

N Montieth Ave is designated as Local Service streets for all modes in the Transportation System Plan. The street is improved with 36-ft of paving in a 60-ft public right-of-way and a 5-6-1 sidewalk configuration. The existing 12-ft pedestrian corridor/6-ft sidewalk satisfies the City's Pedestrian Design Guide standard.

N Van Houton Ave is designated as Local Service streets for all modes in the Transportation System Plan. The street is improved with 24-ft of paving in a 60-ft public right-of-way and a 10-5-1 sidewalk configuration. The existing 16-ft pedestrian corridor/6-ft sidewalk satisfies the City's Pedestrian Design Guide standard.

Street capacity

The subject site has frontage along four streets, all of which are fully improved to City standards. The applicant has indicated that the addition will provide for an increase in capacity of 37 students (an increase from 375 to 412 students). The increase in school staff would be two FTE (an increase from 25 to 27). The applicant also stated that the majority of the students would be transported to and from school by way of district buses and that the impact on the transportation system will be minimal. A transportation impact study has not been provided for this proposal.

Provided that the maximum number of students that are dropped off or picked up by private vehicles is 50% or less of the total 37 student increase, this should cause an increase of no more than 19 morning peak hour drop-off trips, and no more than the same in afternoon trips.

N Van Houton Avenue provides a 24-foot wide curb-to-curb pavement (which is narrower than the 36-foot wide paving on the other three streets). Adjacent to the southern half of the site, where the school building is located, this street is posted as "no parking". The other streets provide an adequate street-width for parking in both directions, with a drop-off zone located at the front of the school on N Yale Street.

Level of service

It is expected that the new trips (if any) to and from the subject site will exhibit the same travel patterns of those already visiting the school. Based on the information provided by the applicant in this proposal, there is no reason to believe that the trip distribution to and from the site will alter greatly, or significantly increase. The addition of another 37 students, as outlined in this proposal, will not result in a significant impact to street or intersection capacity in the area.

Connectivity

The existing street grid and pattern satisfies connectivity spacing requirements.

Transit availability

The site is served by Tri-Met bus line #35, Greeley. A transit stop is located at N Portsmouth and Amherst, approximately 620-feet from the subject site.

On-street parking/neighborhood impacts

On-street parking and impacts to the overall neighborhood are anticipated to be minimal, based on the information provided by the applicant and the descriptions provided above.

Access restrictions

Access to the site is along the school's four street frontages where parents are utilizing the public right-of-way to drop off and pick up their children, or to park and walk their children to the school. To minimize any impacts to residents in the area, the school should encourage parents to park along the school's side of the respective streets or to utilize the drop-off zone. This action is encouraged, but not required as a condition of approval.

Impact on pedestrian, bicycle, and transit circulation

According to City records, all of the site's public street frontages (including sidewalk corridors) are improved to City standards. The minimal expansion of the number of students will not create any impacts to pedestrian circulation in the area, given the improved conditions of the site's frontages.

Safety for all modes

Based on the analysis above, no significant negative safety impacts are expected with this proposal on any mode of the transportation system..

As noted above, the Portland Transportation/Development Review has no objections or concerns and is not recommending any transportation-related conditions of approval. This criterion is met.

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

Findings: The service agencies responded to indicate that public services are adequate to serve the proposed development and that the proposal is acceptable. This criterion is met.

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

Findings: No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected to result from this proposal. Outdoor lighting is on the site is designed so that it will not spill onto adjacent residential properties. Use of the new addition will not create any additional noise. There will be no change from existing school hours and activities as a result of this proposal.

Maintenance of the school site to prevent any impacts from odors or litter will also continue. School staff will continue to safeguard against impacts related to privacy and safety. The existing school building will create a visual buffer from the south. The playground shelter screens the location of the building on the east. The classroom addition will be screened by the planters that are proposed to surround it. The applicant has agreed to install a 6-foot-high security fences (rather than 8-foot high) on each end of the building. A condition will limit the fence be no taller than 6 feet. This will enhance the appearance of the fence. The proposed additions and the small increase in the number of students that are served will improve the facilities for education for the students in the area, with no resulting impacts to the surrounding residential area. Through compliance with the condition that limits the height of the proposed fence, this criterion is met.

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

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

DEVELOPMENT STANDARDS

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

CONCLUSIONS

All of the relevant criteria for the requested Conditional Use Review have been met. There will be no impacts on the character or appearance of the open space area, due to the classroom addition. The building design is compatible with the school and adequate landscaping buffers will be provided. A condition will limit the height of the proposed fencing along the ends of the building. There will be no change in the impacts on neighborhood livability, due to the improved classroom space that the addition will provide. No impacts were noted that would create an additional burden on City services. There are adopted area plans. Therefore, the proposal can be approved.

ADMINISTRATIVE DECISION

Approval of Conditional Use Review to allow the proposed addition of a 1,700-square-foot modular classroom building to Astor Elementary School and an increase of 2 FTE staff and 42

students, in general compliance with the approved site plans and elevation drawings, Exhibits C-1 through C-3, signed and dated July 18, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. All requirements must be graphically represented on the site and landscape plans. And include the following note: "Proposal and design as approved in Case File # LU 08-122135 CU."
- B. Security fencing at the perimeter of the north and south sides of the modular classroom building must not exceed 6 feet in height.

Decision rendered by:

___ on July 18, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: July 22, 2008

Staff Planner: Kathleen Stokes

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

Procedural Information. The application for this land use review was submitted on April 15, 2008, and was determined to be complete on June 13, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on April 15, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed by 4:30 PM on August 5, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI-recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available net at www.portlandonline.com.

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

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

Recording the final decision.

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

- Unless appealed, the final decision may be recorded on or after August 6, 2008 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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:

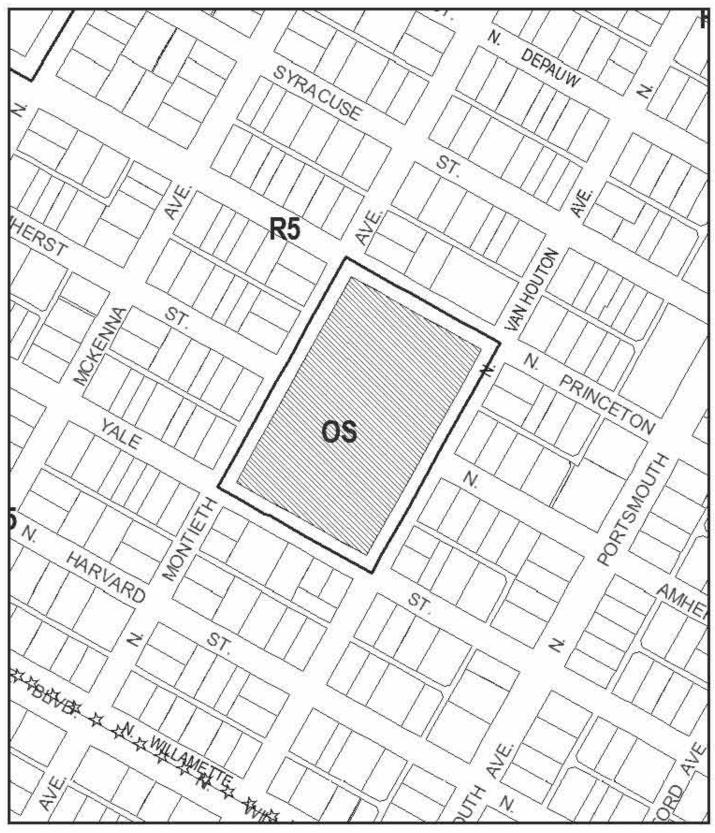
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. General Site Plan (attached)
 - 2. Detailed Site Plan and Planting Plan (attached)
 - 3. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Police Bureau
 - 4. Site Development Review Section of BDS
 - 5. Life Safety Plan Review Section of BDS
- F. Correspondence: (none received)
- G. Other:
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Sean Mc Ginnis, April 24, 2008

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



File No. LU 08-122135 CU

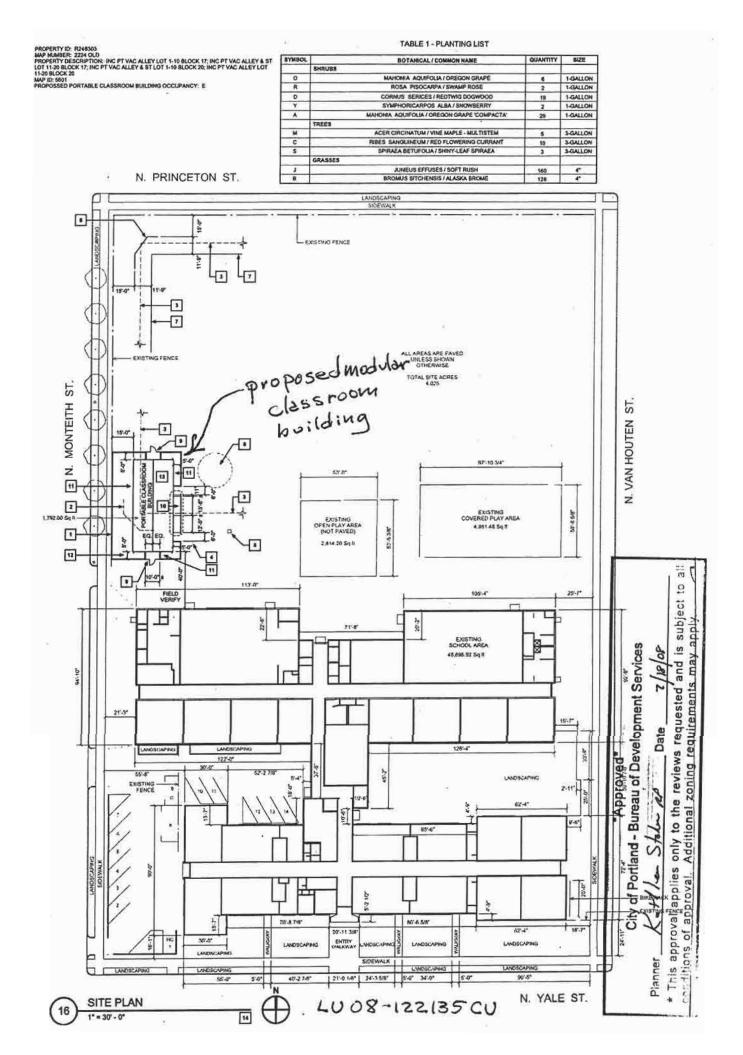
1/4 Section 2224

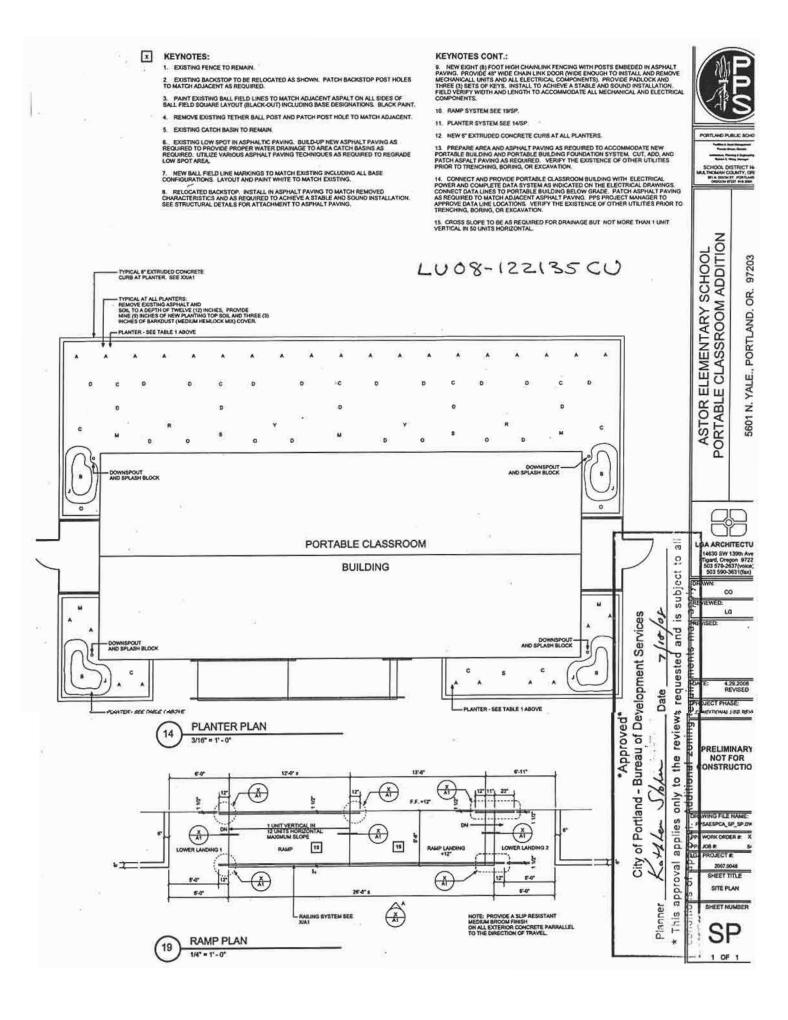
Scale 1 inch = 200 feet

State_Id 1N1E07DC 1000

Exhibit B (Apr 18,2008)







2008-85-29 01 THE RESIDENCE SS CONTRACTOR OF EXPERS 12/31/11 LU08-122139 CU @ END 0 28' x 64' MODULAR CLASSROOM PORTLAND SD VII PORTLAND, OREGON EXTERIOR ELEVATIONS 0 ELEVATIONS MOD BATT W/ (2) ROWS OF 6d AT 6" 0.C. TYP. INSIGNIA LOCATION FRONT REAR 0 0 CORNER BATT EXTERIOR SHEETS 0 PER: 4/04/08 DATE: END 0 BY: 3 0 REV. # 3 MODERN BUILDING SYSTEMS, INC *Approved* City of Portland - Bureau of Development Services d is subject to a * This approval applies only to the reviewe requested and is subjected and