



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 08-171380 CU AD (HO 4080045)

Applicant: German American Society (Ronald I. Hartmann, contact)
7901 SE Division St
Portland, OR 97206-1075

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Kathleen Stokes

Site Address: 7901 SE DIVISION ST

Legal Description: TL 3400 3.54 ACRES, SECTION 05 1 S 2 E

Tax Account No.: R992050470

State ID No.: 1S2E05DD 03400

Quarter Section: 3238

Neighborhood: Montavilla

Business District: Eighty-Second Avenue

District Coalition: Southeast Uplift

Zoning: R1a (Medium Density Multi-Dwelling Residential with an Alternative Design Density Overlay)

Land Use Review: Type III, Conditional Use, Adjustment Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:30 p.m. on January 21, 2009 in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 2:30 p.m. The record was closed at that time.

Testified at the Hearing:

Kathleen Stokes, BDS Staff Representative
Doris Oldenburg, German American Society President, 7060 N. Albina, Portland, OR 97217
Ron Hartmann, 7901 SE Division, Portland, OR 97206
Charles Mielsen, 7708 SE Harrison St., Portland, OR 97215

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated January 9, 2009, and to issue the following approval:

Approval of Conditional Use Review for the proposed uses and conceptual development plans for the German American Society, as described in the proposal (page 2 of attached Staff Report), and approval of Adjustments:

- to increase the maximum allowed setback from the south property line abutting SE Division, a designated Transit Street, from 20 feet to about 80 to 90 feet (Code Section 33.120.220 B. 2), and
- to waive the requirement for 5 feet of on-site perimeter landscaping at the edge of the parking area along SE Division Street (Code Section 33.266.130 G).

in general compliance with the approved site plan and elevation drawings and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-171380 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A professionally prepared landscape plan that includes upgrades required by Code Section 33.258.070 D.2 and that provides adequate stormwater management techniques, according to the requirements of the City's Stormwater Management Manual, must be submitted with the application for building permits.
- C. The applicant must meet with representatives of BDS Life Safety Plans Examiners and the Fire and Police Bureaus to ensure that adequate safety and security measures will be included in the proposed operational and development plans. Documentation of this meeting and the resulting measures to comply with the requirements of the City's agencies must be provided with the submittal for building permits.
- D. The applicant must maintain an ongoing agreement with the adjacent Kaiser Permanente, Northwest clinic, located at 7705 SE Division, for use of the Kaiser parking lot for overflow

parking during the hours that the clinic is closed. A Transportation Demand Management program must also be implemented, according to the plan outlined in the applicant's proposal.

- E. In order to allow adequate time to raise funding for the proposed projects for this site, the deadline for expiration of these approvals shall be 5 years, or more, if the City subsequently passes an ordinance which allows a more lenient timeframe. If this extended deadline for expiration is reached before all of the projects have been submitted for building permit review, the applicant may ask for a further extension through a Type II Conditional Use Review, but an amended Traffic Study must be submitted to the Portland Office of Transportation and BDS at least 30 days in advance of the submittal for the land use review. This condition does not apply to amendments of changes to the approval that would normally require a Type III Land Use Review procedure, under the requirements of Code Section 33.815.040 B.2.b.

Basis for the Decision: BDS Staff Report in LU 08-171380 CU AD, Exhibits A-1 through H-4, and the hearing testimony from those listed above.

Gregory J. Frank, Hearings Officer

Date

Application Deemed Complete:	December 1, 2008
Report to the Hearings officer:	January 9, 2009
Decision Mailed:	January 27, 2009
Last Date to Appeal: 4:30 p.m.,	February 10, 2009
Effective Date (if no appeal)	February 11, 2009

Decision may be recorded on this date.

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

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

Appeal of the decision. Any Appeal Of The Hearings Officer's Decision Must Be Filed At 1900 SW 4th Avenue, Portland, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., file the appeal at the Reception Desk on the 5th Floor. **An appeal fee of \$7,032.50 will be charged (one-half of the application fee for this case).** 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 the 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, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

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.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. 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. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

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. Generally, 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. **As a part of this approval, the applicant requested that this deadline be extended to five years.**

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within the required number of 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. Original application, narrative and plans
 - 2. 120-day waiver, November 5, 2008
 - 3. Supplemental information/revised narrative, dated November 18, 2008
 - 4. Request for Adjustment to maximum Transit Street Setback, November 20, 2008
 - 5. email from Ron Hartmann re parking issue, November 26
 - 6. email from Ron Hartmann re landscape plan, November 26
 - 7. Request for Adjustment to perimeter landscaping and final revised site plans, December 10, 2008
- B. Zoning Map
 - 1. Existing Zoning
- C. Plans & Drawings
 - 1. Site Plan
 - 2. Elevation Drawing (perspective of proposed east wing)
 - 3. Elevation Drawing (south and east views of proposed east wing)
- 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. Fire Bureau
 - 4. Police Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Life Safety Plan Review Section of Bureau of Development Services
- F. Letters: (none received)
- G. Other
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Ron Hartmann
 - 3. Pre-application Conference Summary
- H. Received in the Hearings Office
 - 1. Hearing notice - Stokes, Kathleen
 - 2. Staff Report - Stokes, Kathleen (**attached**)
 - 3. Letter dated 1/16/09 - Paisner, Jonah
 - 4. PowerPoint presentation - Stokes, Kathleen



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

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STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 08-171380 CU AD
PC # 08-150744
REVIEW BY: Hearings Officer
WHEN: January 21, 2009 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES STAFF: KATHLEEN STOKES / KSTOKES@CI.PORTLAND.OR.US

GENERAL INFORMATION

Applicant: German American Society (Ronald I. Hartmann, contact)
7901 SE Division St
Portland, OR 97206-1075

Site Address: 7901 SE DIVISION ST

Legal Description: TL 3400 3.54 ACRES, SECTION 05 1 S 2 E
Tax Account No.: R992050470
State ID No.: 1S2E05DD 03400
Quarter Section: 3238

Neighborhood: Montavilla, contact Sandra McDaniel at 503-257-3346.
Business District: Eighty-Second Avenue, contact Ken Turner at 503-484-6225.
District Coalition: Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.

Zoning: R1a (Medium Density Multi-Dwelling Residential with an Alternative Design Density Overlay)

Case Type: Conditional Use, Adjustment Review
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: The German American Society is proposing to substantially remodel and partially redevelop the site and to change the programs that are sponsored or hosted by the society. The 3.54-acre site is part of a 1911 gift to the society from Louise Weinhard. The property was developed with buildings that include 43,000 square feet of floor area, that were historically used as the Altenheim, a retirement/nursing home for members of the German American Society.

When the society closed the retirement home in 2003, they relocated their offices and activities, from downtown Portland to the Division Street property. When plans began to be developed for a potential increase in the amount and range of activities and also for making improvements to the facility, the society became aware of the fact that approval of a Conditional Use Review would be required.

The proposed potential uses for the site include:

Community Service Uses: Society activities and offices for the German American Society and sister organizations, including

- Liedertafel Harmonie, singing group;
- German Ladies Relief Society;
- Deutscher Unterhaltungsverien, skat and pinochle club;
- Germans from Russia of Oregon and Washington (GROW), genealogical group;
- Austrian American Society of Oregon

The German American Society has 4 evening meetings per month, with an average of 10 to 20 attendees at each meeting. The affiliated groups generally each meet once a month, during the day, and about 5 times per month, in the evening or on weekends, with average attendance that varies from 30 to 60. Larger annual activities that are held include a festival, open house, picnic and musical events. The society also sponsors a German language class, "The Saturday School," which meets on Saturdays, during the school year, from 10 am to 1 pm. The language school enrolls approximately 100 to 150 students, with 8 to 10 staff members.

The German American Society also is proposing future redevelopment of the southeastern wing of the building, to create a German American Cultural Center which would provide space for exhibits and lectures. The plans for the center also include a small gift shop and German bakery. The northeast portion of the building would be remodeled to provide a better residence for the onsite property manager and also 2 to 3 rooms that would serve as accommodations for visiting lecturers.

Several potential alternatives are being considered for additional uses on the site:

School Use: A second potential use on the site would be to provide a location for a small elementary school, grades K through 5, for approximately 100 to 150 students. There would be 8 to 10 staff members and the hours of operation would be from 7 am to 6 pm. This use, if instituted, would be located in the western portion of the ground floor of the existing building.

Daycare Use: An alternative use, in this same location, would be to have a daycare program, of the same size as the elementary school that would operate for the same hours. However, if this use is instituted, the society has discussed the possibility that it could extend into the evening hours, to serve up to 30 children whose parents are Portland Community College students. If this configuration is proposed, the smaller evening daycare use would extend up to 10 pm.

College Use: An additional alternative use, for the evening hours only, would be to allow the Warner Pacific College Adult Education program classes to locate onsite. This program has about 100 to 150 students and 10 to 15 staff, drawing about 80 to 100 vehicles to the site. Overflow parking is available on the Kaiser medical clinic property to the west, which is also owned by the German American Society. A shuttle bus can also be provided from the Warner Pacific campus, which is located about 10 blocks to the west. Classes for the program would be from 6:00 to 10:00 pm, or start at 6:30 pm, if a daytime daycare use that ended at 6:00 was located on the site. If an evening daycare program is located on the site, then the adult evening program would not be located at the facility.

To accommodate the proposed activities on the site, an on-site loading space will be added and required upgrades will be made to parking lot landscaping. The southeast wing of the existing building will also be redeveloped to provide a better space for the proposed cultural center.

Due to the redevelopment of the southeast portion of the building, an Adjustment is being requested, to increase the maximum allowed setback from SE Division, a designated Transit Street. Code Section 33.120.220 B. 2 requires 50% of the ground level, street-facing façade of the buildings that face SE Division Street to be within 20 feet of the lot line abutting the transit street. Currently, none of the buildings on the site meet this standard. Because the proposed

redevelopment would include demolition of a portion of the nonconforming structure and rebuilding on the same footprint, about 80 to 90 feet from the south property line and more than 100 feet from the sidewalk along SE Division Street, the proposed development requires approval of an Adjustment Review for an exception to this standard.

The site has mature landscaping along the street edge, which screens the parking area from SE Division Street. Due to previous widening of the street, much of this landscaping and a portion of the parking area are now located within the right-of-way. Portland Transportation has determined that this development may remain. However, nonconforming upgrade requirements of Title 33 require 5 feet of on-site perimeter landscaping along the edge of the parking area. Therefore, a second Adjustment, to Code Section 33.266.130 G, is requested in this review, to waive the requirement for on-site perimeter landscaping along SE Division Street.

The applicant has requested that approval of the requested land use reviews be allowed for up to 5 years, rather than the usual 3 year period, in order to allow sufficient time for fund raising for the planned improvements to the facility.

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

ANALYSIS

Site and Vicinity: The applicant's site consists of a 3.54-acre parcel that is located on the north side of SE Division Street, extending through to SE Sherman Street, between SE 78th and SE 80th Avenues. The site is developed with a 43,000-square-foot building, which includes the original, early 1900s Weinhardt Building that consists of three stories with a basement, and two one-story wings that flank the original structure on the west and the east. These newer additions also continue behind the original building, to the north, forming internal courtyard spaces between the newer and the older parts of the building. The facilities within the building include a large gathering hall with a vaulted ceiling, a commercial kitchen, a library, a mini-theater and a small museum exhibit space. A number of office spaces and classrooms are located in what were previously rooms for residents. Living quarters for the resident care taker are located on the top floor of the building. Approximately one-third of the building is currently unused.

Abutting the site on the west is another 1.63-acre property, under the same ownership, that is developed with the Kaiser Permanente Division Street Medical Clinic. Farther to the west, there is a mixture of commercial and multi-dwelling development along Division Street. Warner Pacific College is located about 10 blocks to the west of the German American Society properties. To the east, the site abuts the Legin Chinese Restaurant and the Portland Community College Southeast Campus. Southeast 82nd Avenue, State Highway 213, is located two blocks to the east and includes a major commercial strip that extends for some distance to the north and south, Single-dwelling residential uses are located to the north of the site. To the south of the site, on the opposite side of Division Street, development consists predominantly of residential properties, with a mixture of single and multi-dwelling uses. This area also has some small, isolated commercial sites.

Zoning: The site is zoned R1, Medium Density Multi-dwelling Residential. This zone allows up to one unit per 1,000 square feet of site area and requires a minimum of one unit per 1,450 square feet of site area, or 1 unit per 2,000 square feet of site area for sites that are smaller than 10,000 square feet. Allowed housing is characterized by one-to-four-story buildings and a higher percentage of building coverage than in the lower density multi-dwelling zones. The major type of new housing will be condominiums and apartments, duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas, or major streets.

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

Land Use History: City records include the following prior land use reviews for this site:

CU 018-61 1962 Conditional Use Review approved an addition to the existing care facility, with 32 parking spaces to be provided and no automotive access from SE Sherman Street allowed.

CU 032-72 1972 Conditional Use Review approved plans for expansion of the retirement facility, and also approved a variance to reduce the north front yard, from the required 30 feet to 28 feet, in order to preserve the internal open court yards. A four-foot-wide locked gate was also approved in the fence on SE Sherman Street, for the use of the gardener for the facility only.

PC 4299 1963 approval of a Zoning Map Amendment, from A2.5 and R5 to C5, Type B, for the parcel owned by the Society and located to the west of the German American Society main site (7705 SE Division), in order to allow development of a medical clinic, by lessee, Kaiser Permanente, Northwest. The zone change was approved under Ordinance 117165, with a condition that required a large front yard area (about 28 feet) and screening of the parking area.

Agency Review: A “Request for Response” was mailed **December 3, 2008**. The following Bureaus have responded to indicate that there are no issues or concerns regarding approval of the requested land use reviews. Agencies that provided analyses, recommended conditions or gave comments regarding requirements for building permits are noted with exhibit numbers:

- Environmental Services indicated that storm water management requirements must be met at the time of building permits (Exhibit E-1).
- Transportation Engineering found that no significant impacts on the street system were expected to occur as a result of this proposal. Transportation's comments and analysis, as stated in Exhibit E-2, are including in the findings for Criterion 33.815.105 D, below.
- Water Bureau stated that there were no concerns.
- Fire Bureau stated that Fire Code requirements must be met through the commercial building permit review process (Exhibit E-3).
- Police Bureau indicated that the increased activity that is proposed for the site could place more demands on their services and requests that the applicant discuss the proposal with them prior to submitting for building permits, so that plans for school operations and for alterations and redevelopment include adequate provisions for security and safety (Exhibit E-4).
- Site Development Section of BDS provided information on sanitary sewer connections and storm water management requirements (Exhibit E-5).
- Life Safety Plan Review Section of BDS noted that, due to the complexity of the mixture of uses proposed for the building, the applicant should request that a process manager be assigned to assist in coordinating City reviews for the project and that a Preliminary Fire and Life Safety Meeting should be arranged with Fire and Building Plans Examiners for a review of substantially detailed plans (Exhibit E-6).
- Parks-Forestry Division stated that there were no concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 31, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.105: Institutional And Other Uses In R Zones

33.815.040 Review Procedures This proposal introduces a new conditional use and so it requires approval as a Type III Conditional Use Review.

33.815.105 Approval Criteria for Non Household Living 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 includes residentially-zoned properties that could be impacted by the proposed uses, within several blocks of the site, as determined by through streets. This area is bounded by SE Clinton Street, on the south, SE Lincoln Street, on the north, and SE 75th Avenue on the west. East of the site, the area is almost entirely zoned commercial for approximately 900 to 1,000 feet and so, with one exception, it is not included in the residential area.

The applicant reports that there are seven properties within this area that contain nonresidential uses, all located on SE Division Street. At 7500 and 7600 SE Division Street, there are two commercial buildings, one of which is vacant and one that has a dental office. Farther to the east, at 7824 and 7834 SE Division, there are two residential buildings that also contain small commercial uses (a tailor and alteration shop and a beauty salon). At 7916 SE Division, there is a building that contains a market and office space. A technology services business is located at 8026 SE Division. The seventh property is an internal portion of a commercial site at 8001 SE Division. This R1-zoned land abuts the east property line of the applicant's site and is developed with a Chinese restaurant. The remainder of this split-zoned parcel is designated as CS, Storefront Commercial.

The proposed uses at this site will not reduce the proportion of household uses in the area because the site was historically considered a Conditional Use site, with group living, rather than household uses. The proposed intensity of the use on the site will change from recent conditions. The site has been relatively unused or had minimal activities in recent years. However, if the group living use had been maximized on the property, the impacts would have been fairly similar to the projected impacts of the uses that are now being considered. Furthermore, the extensive open area around three sides of the building buffer nearby residential uses from the activities on the site, while providing a park-like environment in the neighborhood. Commercial zones and uses abut most of the western and eastern property lines, adding further separation of the site from the residential area. The proposed physical changes to the structure are mainly interior alterations, with the exception of the replacement of the east wing. This portion of the building, which will be demolished and rebuilt, will retain essentially the same footprint and, if there is any increase in building area, it will be less than 10 percent. Therefore, the overall residential appearance and function of the area will not be significantly lessened and 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 architecture of institutional uses is often substantially different from residential architecture, based on characteristics such as site size, building scale and style. The building on this site predates most of the surrounding development and so it helped to set the character of this portion of the street. The proposal to redevelop the east wing is compatible with the scale and architectural features of the existing development. The existing and proposed landscaping and setbacks on the site provide screening that buffers the adjacent homes and minimizes visual impacts from institutional development upon the surrounding residential neighborhood. The park-like character of the grounds serves as an asset to the neighborhood and provides a transition to the commercial district that is located on SE 82nd Avenue. Therefore, 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. The vast majority of the activities occur indoors and generally, with the exception of a few special events, would not last later than 10 pm. Parking is located on-site or at the adjacent Kaiser Division Street Clinic. Vehicular access for the site is entirely to and from SE Division Street, so there will be no impacts on the neighbors who are located to the north or the west of the site. Any impacts to residents that live to the south would not be noticeably differentiated from the existing level of the impacts occurring from the commercial activities that exist on SE 82nd Avenue.

Privacy will not be impacted because the majority of the activity will occur within the building. The outdoor areas, when used, are still separated from the closest residential properties by at least the width of the adjacent public streets. A condition of approval will require preliminary meetings with BDS Life and Safety Plans Examiners and the Fire and Police Bureaus to review the plans for operation of the day care or school and the proposed renovations, alterations and redevelopment, in order to ensure that they include adequate provisions for security and safety. Therefore, with this condition, these criteria can be met.

D. Public services.

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

pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: Portland Transportation/Development Review 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. Their analysis follows:

Street Classification

At this location SE Division Street is classified in the City's Transportation System Plan as a Neighborhood Collector, Major Transit Priority Street, City Bikeway, City Walkway, Major Emergency Response street, and a Community Main Street.

Street Designations

At this location SE Division Street is classified in the City's Transportation System Plan as a Neighborhood Collector, Major Transit Priority Street, City Walkway, City Bikeway Major Emergency Response street, and a Community Main Street.

The uses proposed for the German American Society site are in conformance with the Neighborhood Collector and Community Main Street designations of SE Division Street in the Transportation Element of the Comprehensive Plan (TSP). The TSP states that "Community Main Streets are located within the Central City, Gateway regional center, station communities, and town centers, and along most main streets. Development consists of a mix of uses oriented to the street." The proposed use is in conformance with the Major Transit Priority Street and City Walkway designations of SE Division. SE Division is improved with curbs and sidewalks which support pedestrian activity and access to the transit line on SE Division.

Street Capacity/Level of service/other performance measures

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

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

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

A Transportation Impact Analysis (TIA) was prepared by Lancaster Engineering dated October 8, 2008. The study was prepared to determine the existing LOS of area intersections during the AM and PM peak hours, and the LOS with the projected traffic associated with the subject conditional use. The TIA included the two signalized intersections in the vicinity of the subject site: SE Division/SE 76th Avenue, and SE Division/SE 82nd Avenue. **The TIA found that both intersections are expected to operate at acceptable Levels-of-Service with the proposed development in place.**

Access to arterials

The site has direct access to SE Division (a Collector Street), and is located less than 1000 feet from the intersection of SE Division and SE 82nd Avenue (a Major City Traffic Street).

Connectivity

The City's connectivity guidelines state that through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. The existing street network in the neighborhood surrounding the subject site is generally developed with a grid street network. However, the PCC campus to the west of the site was developed without any east-west through public streets connecting SE 82nd to the neighborhood north of the subject German American site. It would be desirable to have a through street connection along the eastern property line of the German American site; however, the PCC site did not dedicate any right-of-way to accommodate this street connection, and the structure on the property directly to the east of the German American site is built on the property line and precludes a through street connection at this location.

PDOT also evaluated a pedestrian only connection along the eastern property line of the German American site. The distance between SE Sherman and SE Division (approximately 400 feet) would make a pedestrian connection in this location undesirable. PDOT's Pedestrian Design Guidelines states that "Stair and path placement, landscaping, and lighting all contribute to making walkers feel safe as they traverse the connection, and visibility to and from the connector is maintained to ensure 'eyes on the path'." A 400-foot long pedestrian only connection at this location, with the adjacent large building and a fence located on the property line, and several large utility poles along the property line, would not feel like an inviting public path for a pedestrian.

Transit availability

The site is currently served by Tri-Met bus line 4 on SE Division, with bus stops directly in front of the site. And the site is served by bus line 72 on SE 82nd Avenue, with bus stops within 1000 feet of the subject site. Bus line 4 is a "frequent service" line with access between downtown Portland and the Gresham Transit Center. Bus line 72 is also a "frequent service" line providing service from Clackamas Town Center, up 82nd Avenue to the 82nd Avenue Max light rail station, and continuing through north Portland to Swan Island.

On-street parking/neighborhood impacts

The applicant provided a narrative describing all proposed uses on the site, the times that those uses will occur, and the vehicles/parking demand that will be associated with each use. The applicant's narrative also describes the number of spaces available on the site for each use and the shared parking agreement that the German American Society has with the adjacent Kaiser facility for evening and weekend use. Portland Transportation has reviewed the parking information and agrees that all of the uses proposed will have adequate on-site parking (including the overflow parking at the Kaiser site). Portland Transportation does not anticipate any overflow of parking onto the area public street network that would impact the adjacent neighborhood.

Adequate Transportation Demand Management (TDM) strategies

The applicant has included a Traffic Demand Management Plan (TDM) in the narrative submitted for the conditional use. The TDM plan proposes the appointment of a Transportation Coordinator from the child care facility management staff to oversee the TDM plan. The TDM plan requires the child care facility to pay 50% of the cost of monthly bus passes for staff of the facility. The TDM coordinator will also coordinate carpooling for staff and will work with the adjacent Kaiser and PCC sites to coordinate carpooling efforts. In addition, the German American Society proposes to install more bike storage units than are required by City Code. With the TDM plan that has been submitted by the German American Society the demand for parking and traffic associated with the site will be reduced with continued use of the transportation demand management strategies.

Access restrictions

The site will utilize existing driveway connections to SE Division. No access restrictions are necessary.

Impact on pedestrian, bicycle, and transit circulation

There is no reason to believe that the proposed conditional uses will have negative impacts to pedestrian, bicycle or transit circulation.

Safety for all modes

No negative safety impacts are expected with this proposal on any mode of the transportation system.

Street Configuration and Public Improvement/Dedication Requirements

According to City database sources SE Division is improved with 4 travel lanes in a variable width right-of-way. The site's frontage is improved with a 6-foot sidewalk adjacent to the curb. For a site located along a street classified as a City Walkway the Pedestrian Design Guide recommends a 12-foot wide pedestrian corridor (0.5-foot curb, 4-foot planting strip, 6-foot sidewalk, and 1.5-foot setback to the property line). PDOT will not require that the site's SE Division Street frontage be reconstructed at this time to meet the 12-foot sidewalk corridor standard due to the location of the existing trees along Division. Widening the sidewalk corridor would result in removal of all the street trees along the site's SE Division Street frontage due to the elevation difference between the trees and the street/sidewalk. The existing 6-foot wide curb-tight sidewalk meets ADA clearance requirements.

CONCLUSIONS AND RECOMMENDATIONS

Portland Transportation has no objection to approval of the proposed conditional use.

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

Findings: The City's other service agencies evaluated this proposal and responded to indicate that public services are adequate to serve the proposed use, with certain conditions. Environmental Services stated that plans for upgrades to nonconforming parking lot landscaping must include storm water management treatment that meets the requirements of the City's Stormwater Management Manual, at the time of submittal for building permits. The Police Bureau requires that the applicant meet with the Southeast Precinct Commander to discuss public safety issues and that any daycare or school operations and building plans include appropriate security protocols, with information on these measures being provided to the Bureau's Strategic Services Division. Therefore, with these conditions, this criterion can be 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 Montavilla Neighborhood Plan and the Outer Southeast Community Plan. No specific policies or objectives of the Outer Southeast Community Plan apply to this proposal. The following policies and objectives of the Montavilla Neighborhood Plan appear to be applicable to this proposal:

Policy 2: Historic Preservation and Urban Design, Objective 4. Encourage developers to construct new buildings that are compatible with nearby buildings in the neighborhood.

Policy 4: Economic development, Objective 5. Enhance commercial nodes at major intersections throughout the neighborhood (This includes especially, along with other areas, the section west of 82nd on Division).

Policy 6: Parks, Open Space and Environment, Objective 2. Encourage churches and schools to provide recreational opportunities at their facilities for residents and others to utilize and enjoy.

In addition, Comprehensive Plan Policy 3.9, Outer Southeast Community Plan Neighborhoods and Business Plan, Objective F states: *Strengthen Montavilla as a historic, commercially viable neighborhood with a wide variety of historic structures and accessible open space.*

The conceptual plans for the redevelopment of the east wing of the facility are compatible with the historic character of the existing structure. The enhanced appearance and more active use of the site will contribute to the attractiveness of the adjacent commercial node at SE 82nd Avenue and Division Street. The proposed uses and development at the German American Society site will provide additional social and recreational opportunities and accessible open space for residents in the area. The proposal is consistent with these policies and objectives. Therefore this criterion is met.

SUMMARY: All of the relevant approval criteria of the Conditional Use Review can be met for the proposed uses and the proposed redevelopment on the site, with the conditions previously noted in the findings above.

33.805.010 Purpose of Adjustments

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

33.805.040 Adjustment Approval Criteria

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

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

Findings:

Adjustment 1 Increase the maximum allowed setback from the Transit Street, from 20 feet to about 80 to 90 feet from the south property line and more than 100 feet from the sidewalk along SE Division Street (Code Section 33.120.220 B. 2).

The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users. Currently, none of the buildings on the site meet this standard. Because the proposed redevelopment would include demolition of a portion of the nonconforming structure and rebuilding on the same footprint, there will be no change in the impacts on streetscape. The landscaped areas along the edge of the right-of-way provide a pleasant environment for pedestrians and transit users. Moving the building closer would disrupt the historic rhythm and balance of the building and would not make any significant contribution to the environment of the street in this location. Therefore, for this adjustment, this criterion is met.

Adjustment 2. Waive the requirement for 5 feet of on-site perimeter landscaping along the edge of the parking area along SE Division Street (Code Section 33.266.130 G).

The landscaping requirements are intended to

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

Some of the purposes for landscaping requirements are directly related to the screening and softening capabilities of perimeter landscaping, as well as keeping storm water contained on-site. In this case, between the time of first development in 1911 and the present day, the right-of-way was expanded, causing the perimeter of the property to move to the north. The established landscaping along the street-edge of the parking lot is now in the right-of-way, but still visually screens and buffers the pedestrians along SE Division Street from the vehicle areas on the site. Sufficient interior landscaping will also be provided in the parking lot areas to meet the other purposes of these requirements. The existing landscaping meets the dimensional requirements of the Code and the applicant has stated that plans for landscaping and storm water management that meet the requirements of the City's Storm Water Management regulations will be submitted to the Bureau of Environmental Services and BDS Site Development when building permit applications are made. The Bureau of Transportation has stated that the landscaping along the edge of the property may remain, so it will continue to meet the purpose of the perimeter landscaping requirement. Therefore for this Adjustment, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in 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 plan to redevelop the east wing of the facility will enhance the appearance of the structure. The conceptual design includes elements that echo the historic central portion of the building and the materials that would be employed will be compatible with the other portions of the building. The street edge is already inviting to the public, with mature landscaping that will remain and be supplemented with additional plantings. Therefore, the proposal will not detract from the appearance and livability of the residential area and for both of the requested Adjustments, this criterion is met.

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

Findings: The purpose of the R1 zone is to preserve land for urban housing and to provide opportunities for multi-dwelling housing. Institutional uses are allowed and may expand the use or the development, when approved through Conditional Use Review. The requested Adjustments will allow modifications to the existing development that will improve this Conditional Use site in a way that is compatible with the surrounding residential area. The proposal was found to meet all of the approval criteria for the requested Conditional Use, so the project is consistent with the overall purpose of the zone. This criterion is met.

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

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

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

Findings: City-designated scenic resources are indicated by application of the “s” or Scenic Resource Overlay. Historic Resources are designated by adoption of Landmark Status. There are no City-designated scenic or historic resources on this site. No impacts are expected to result from approval of the requested Adjustments. This site is not located within the boundaries of any environmental zones. Therefore, these criteria do not apply.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

All of the relevant criteria for the requested Conditional Use Review have been met. There will be no impacts on the function or appearance of the residential area, due to the proposed changes and development. The building design is compatible with the existing development and adequate landscaping and natural area buffers for setbacks are provided. The facility is separated from adjacent residential properties so that no impacts on livability are expected to occur. An agreement to allow overflow parking on the adjacent Kaiser medical clinic facility site, to the west, and an ongoing Transportation Demand Management program for the German American Society site will ensure that any impacts on traffic and parking within the area are contained. With conditions that require landscaping upgrades to include storm water management and plans to include adequate security provisions, there will be no significant impacts on the demands placed on other City services. The proposal is consistent with the adopted area plans.

The requested Adjustments also meet the relevant approval criteria. The proposed redevelopment of the east wing of the building will be in the same location as the existing structure. The landscaping will serve the intended purpose of the regulation, providing buffering, traffic direction and shading and cooling for the parking area on the site and will continue to preserve a pleasant and inviting environment for pedestrians and transit users. Airborne and waterborne pollution will be reduced through the addition of plants in the landscaped areas to meet code requirements. Landscaping upgrades will also work with overall stormwater management concepts for the site to achieve the results that are required by the City’s Stormwater Manual. Therefore, the Conditional Use and Adjustment Reviews can be approved, according to the proposed plans.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of Conditional Use Review for the proposed uses and conceptual development plans for the German American Society, as described in the proposal (page 2), and approval of Adjustments:

- to increase the maximum allowed setback from the south property line abutting SE Division, a designated Transit Street, from 20 feet to about 80 to 90 feet (Code Section 33.120.220 B. 2), and
- to waive the requirement for 5 feet of on-site perimeter landscaping at the edge of the parking area along SE Division Street (Code Section 33.266.130 G).

in general compliance with the approved site plan and elevation drawings and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-171380 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A professionally prepared landscape plan that includes upgrades required by Code Section 33.258.070 D.2 and that provides adequate stormwater management techniques, according to the requirements of the City's Stormwater Management Manual, must be submitted with the application for building permits.
- C. The applicant must meet with representatives of BDS Life Safety Plans Examiners and the Fire and Police Bureaus to ensure that adequate safety and security measures will be included in the proposed operational and development plans. Documentation of this meeting and the resulting measures to comply with the requirements of the City's agencies must be provided with the submittal for building permits.
- D. The applicant must maintain an ongoing agreement with the adjacent Kaiser Permanente, Northwest clinic, located at 7705 SE Division, for use of the Kaiser parking lot for overflow parking during the hours that the clinic is closed. A Transportation Demand Management program must also be implemented, according to the plan outlined in the applicant's proposal.
- E. In order to allow adequate time to raise funding for the proposed projects for this site, the deadline for expiration of these approvals shall be 5 years, or more, if the City subsequently passes an ordinance which allows a more lenient timeframe. If this extended deadline for expiration is reached before all of the projects have been submitted for building permit review, the applicant may ask for a further extension through a Type II Conditional Use Review, but an amended Traffic Study must be submitted to the Portland Office of Transportation and BDS at least 30 days in advance of the submittal for the land use review. This condition does not apply to amendments of changes to the approval that would normally require a Type III Land Use Review procedure, under the requirements of Code Section 33.815.040 B.2.b.

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 recommendation 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.

Procedural Information. The application for this land use review was submitted on October 17, 2008, and was determined to be complete on December 1, 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 October 17, 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 requested that the 120-day review period be extended to allow the opportunity for a de novo hearing, if the decision of the Hearings Officer is appealed (Exhibit A-2).

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the hearing. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision: The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$7,032.50 will be charged (one-half of the application fee for this case).**

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.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. 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. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

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. Generally, 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.

As a part of this approval, the applicant requested that this deadline be extended to five years.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within the required number of 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.

Planner's Name: Kathleen Stokes

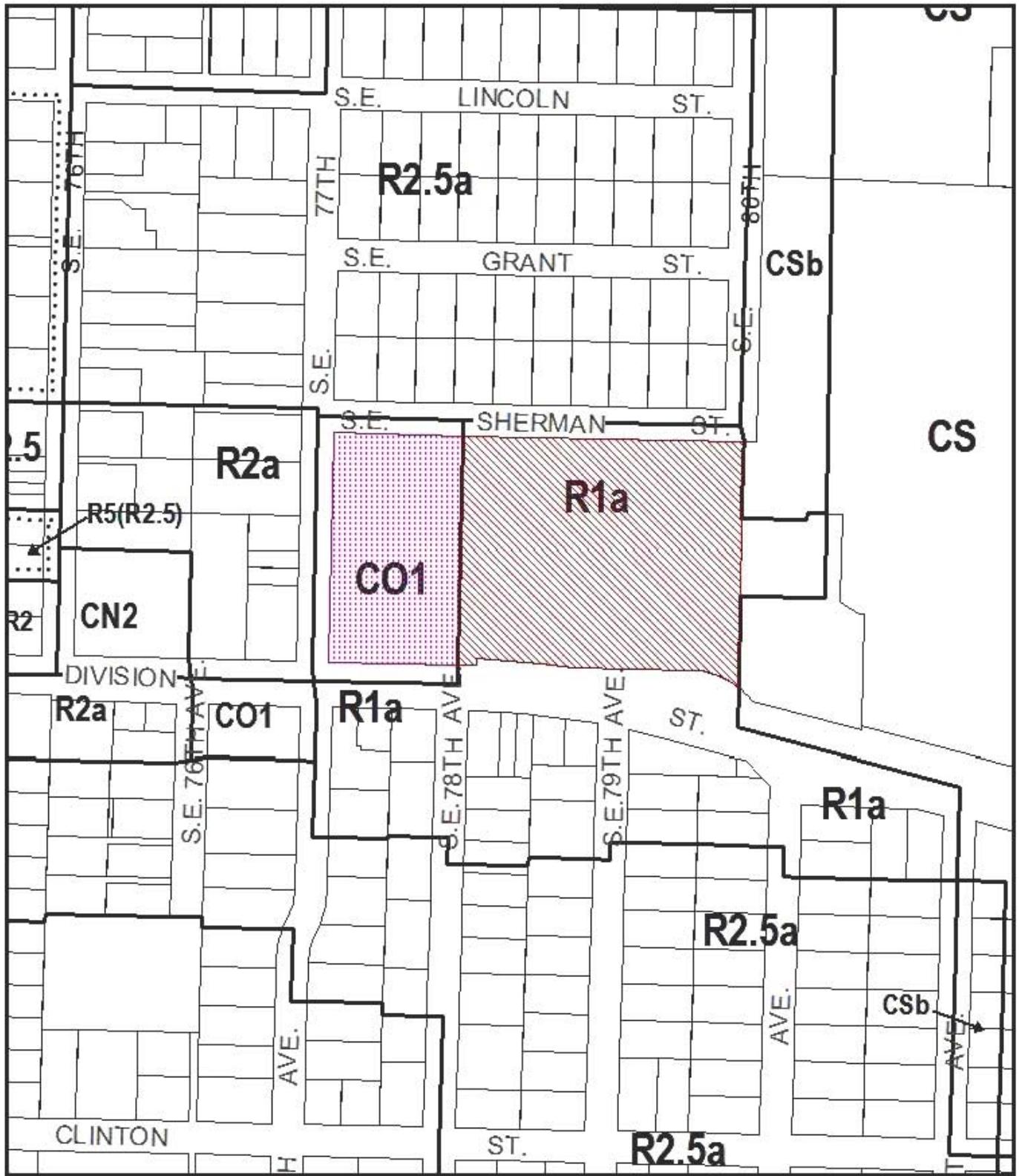
Date: January 9, 2009

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original application, narrative and plans
 - 2. 120-day waiver, November 5, 2008
 - 3. Supplemental information/revised narrative, dated November 18, 2008
 - 4. Request for Adjustment to maximum Transit Street Setback, November 20, 2008
 - 5. email from Ron Hartmann re parking issue, November 26
 - 6. email from Ron Hartmann re landscape plan, November 26
 - 7. Request for Adjustment to perimeter landscaping and final revised site plans, December 10, 2008
- B. Zoning Maps:
 - 1. Existing Zoning (attached)
 - 2. Proposed Zoning
- C. Plans & Drawings (attached):
 - 1. Site Plan
 - 2. Elevation Drawing (perspective of proposed east wing)
 - 3. Elevation Drawing (south and east views of proposed east wing)
- 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. Fire Bureau
 - 4. Police Bureau
 - 5. Site Development Review Section of Bureau of Development Services

- 6. Life Safety Plan Review Section of Bureau of Development Services
- F. Letters: (none received)
- G. Other:
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Ron Hartmann
 - 3. Pre-application Conference Summary

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).

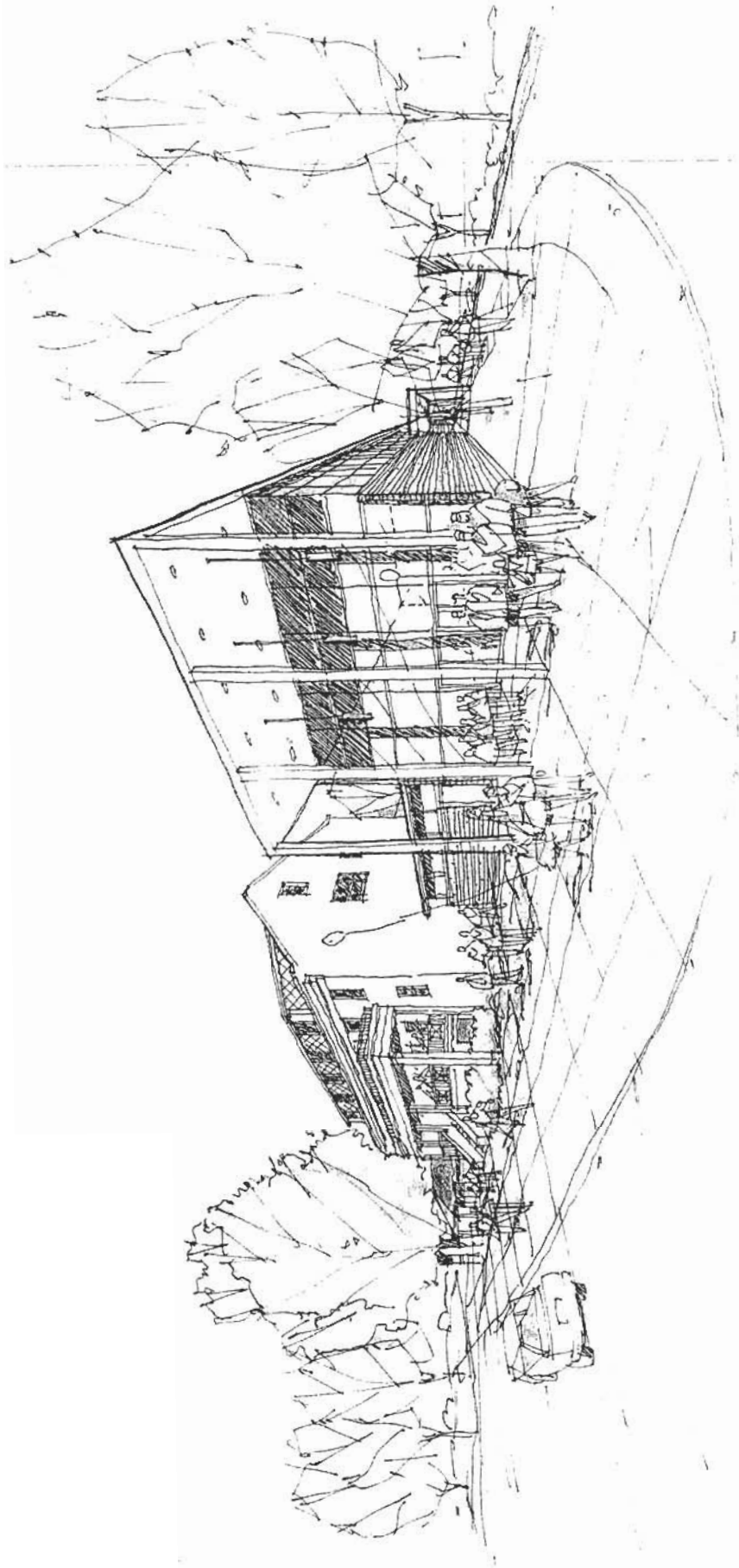


ZONING

-  Site
-  Also Owned



File No. LU 08-171380 CU AD
 1/4 Section 3238
 Scale 1 inch = 200 feet
 State Id 1S2E05DD 3400
 Exhibit B (Dec 2, 2008)



08-171380 CU AD

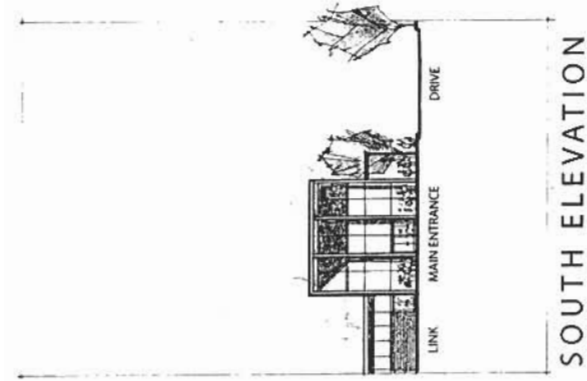
Exhibit C-2

Cultural Center Concept Perspective

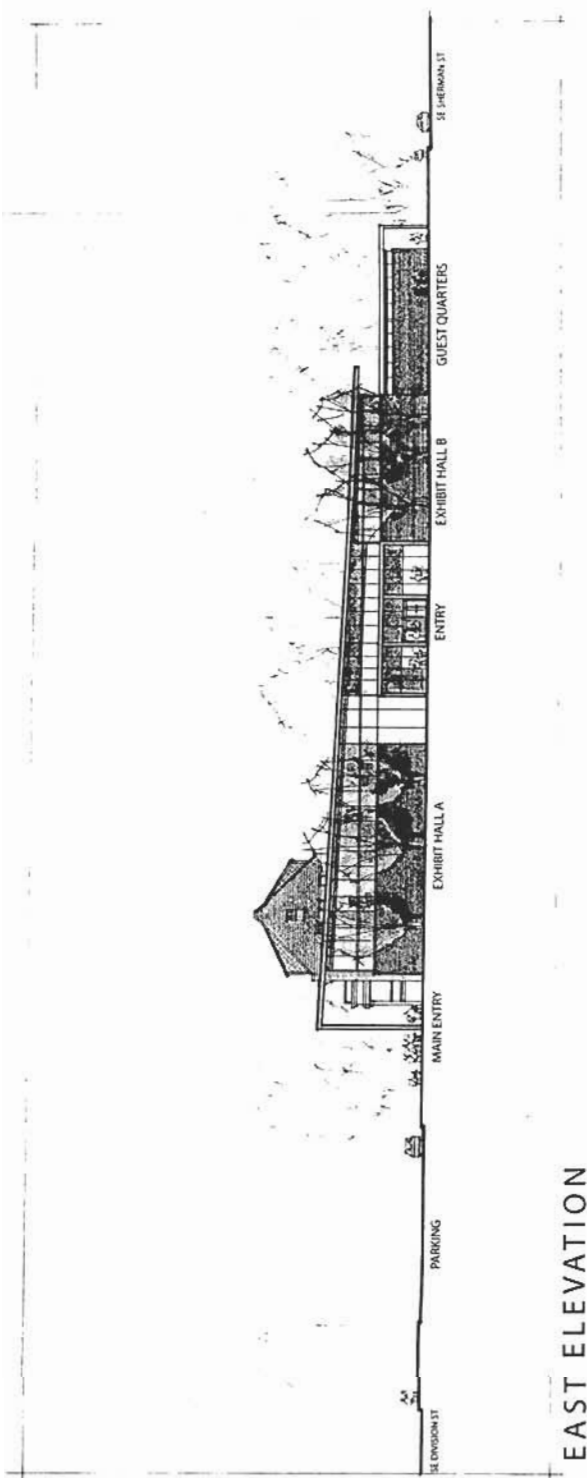


GIULIETTI / SCHOUTEN
AIA ARCHITECTS PC
2300 NW Thurman Street - Portland, OR 97210
website - www.giaaarchitect.net





SOUTH ELEVATION



EAST ELEVATION



Cultural Center Concept Elevations

08-171380 CUAD
Exhibit C-3

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