



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 12-177447 CU
PC # 12-159993
REVIEW BY: Hearings Officer
WHEN: November 5, 2012, at 9:00 am
WHERE: 1900 SW Fourth Avenue, Suite 3000
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: DOUGLAS HARDY / DOUGLAS.HARDY@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Seema Kathuria
L'Etoile French Immersion School
5839 SW Hood Avenue
Portland OR 97239

Owner: City of Portland
Portland Parks & Recreation
c/o Todd Lofgren
1120 SW Fifth Avenue, #1302
Portland, OR 97204

Site Address: 68 SW Miles Street

Legal Description: Block 50, Inc Pt Vac Sts Exc Pt in St, Fulton Pk; Block 51 Inc Pt Vac Sts
Inc Pt Vac Sts - Exc S 80' Block 105, Fulton Pk

Tax Account No.: R300402110, R300402230

State ID No.: 1S1E22BC 08900, 1S1E22BC 08800

Quarter Section: 3729

Neighborhood: South Burlingame, contact Betsy Shand at 503-545-8331

Business District: South Portland Business Association, contact Kevin Countryman at
503-750-2984

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

Plan District: None

Zoning: OS – Open Space

Case Type: Conditional Use (CU)

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 applicant, L'Etoile French Immersion School, is requesting approval of a Type III Conditional Use Review to establish a Pre-School through Fifth Grade school within the existing Fulton Park Community Center building. No changes to the building or site are proposed as part of this request. The school will occupy three of the four existing classrooms in the building, with a 48-student enrollment expected by the 2015-2016 school year. (The fourth classroom will continue to be used by a German immersion pre-school class for approximately 16 children.) The school will operate between the hours of 8:30 am to 3:00 pm, with an after-school program operating until 6:00 pm. The school will also operate a summer program for up to 20 children during summer months. Expected special events that will occur after school are limited to one dramatic performance and one back-to-school-night. Portland Parks and Recreation, which owns the facility, will continue to provide a variety of classes and events during evenings and weekends.

Parking for up to 18 vehicles is available for the proposed school in the adjacent unpaved parking lot located to the west of the Fulton Park Community Center. Additional on-street parking is available along the site's SW Miles Street and SW Brier Place frontages. Pick-off and drop-off of students is proposed to occur both within the parking lot and along the site's SW Miles Street frontage.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are found in Zoning Code Section 33.815.100 (Uses in the Open Space Zone).

ANALYSIS

Site and Vicinity: The Fulton Park Community Center is located within the boundaries of Fulton Park. The park, approximately 8.5 acres in size, is situated on the south side of SW Miles Street and SW Barbur Boulevard, and is bordered by SW Miles Place to the east, SW 4th Avenue to the west, and the Interstate 5 freeway to the south. The Fulton Park Community Center, built as the Fulton Park School in 1914, is located in the northeast corner of the park. The building is approximately 9,850 square feet in area (based on Multnomah County data), and one-story in height. It last housed an elementary school in the 1950s, but has since been used in part for a preschool and kindergarten. An open playing field is located south of the building, with a playground and gravel parking lot (accommodating approximately 18 spaces) located immediately west of the building. The larger park is heavily treed, and slopes steeply down toward the freeway. The western portion of the park is devoted to community garden space.

The site is largely separated from the surrounding neighborhood to the south and east by the freeway. Southwest Barbur Boulevard separates the site from the neighborhood to the northwest. There is a small single-dwelling residential neighborhood (approximately two blocks in area) located north of the site across SW Miles Street, along SW 1st Avenue and SW Brier Place. A religious institution with accessory surface parking is also located north of the site at the intersection of SW Miles Street and SW Barbur Boulevard.

Southwest Miles Street is paved, with sidewalks fronting the Fulton Park Community Center and nearby religious institution sites. On-street parking is largely limited to a maximum of two-hours along the frontage of these two streets, with no parking along on the north side of SW Miles Street across from the Community Center. There are no limits on on-street parking along the south side of SW Miles Street just west of the Community Center. Southwest Brier

Place is paved with sidewalks along both sides. There are no limits on on-street parking along either side of the street in the vicinity of the Community Center.

Zoning: The site is located in an Open Space (OS) zone, with the northwest portion of the project site also located in an Environmental Conservation (“c”) overlay.

The Open Space 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;
- enhancing and protecting the values and functions of trees and the urban forest;
- preserving the capacity and water quality of the stormwater drainage system; and
- providing pedestrian and bicycle transportation connections.

Schools and Community Service/Community Center uses are allowed in the OS zone only if approved as a Conditional Use.

Environmental overlay zones are intended to protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. These regulations also help meet other City goals, along with other regional, state, and federal goals and regulations. The Environmental Conservation zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development. The applicant proposes no development or new activities within the portion of the site located in the Environmental Conservation overlay zone.

Land Use History: City records indicate there are no prior land use reviews on this site. A Zoning Confirmation Letter (12-141925 PR) from the Bureau of Development Services to Portland Parks & Recreation, dated June 4, 2012, identifies that a community center was operating at the site at least since 1958 when the underlying zoning allowed such a use, and is now considered an automatic Conditional Use.

Agency Review: A Request for Response was mailed September 20, 2012. The following bureaus have responded with no issues or concerns regarding the requested land use review:

- Bureau of Development Services/Site Development Section;
- Bureau of Environmental Services;
- Portland Fire Bureau; and
- Water Bureau.

The Bureau of Transportation Engineering responded with comments that addressed the transportation-related approval criteria. These are detailed later in this recommendation in response to the Public Services criterion.

As of the publication date of this report, the Police Bureau had not submitted written comments on this proposal. However, in discussions with BDS staff, the Police Bureau indicated they are capable of serving the proposed use, with a recommended condition of approval. The condition of approval is identified later in this report in response to the Public Services criterion.

Portland Parks & Recreation/Urban Forestry Division responded that street trees along the site's frontage will be required if improvements in excess of \$25,000 occur on the site.

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

ZONING CODE APPROVAL CRITERIA

33.815.100 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 below. The approval criteria allow for a range of uses and development that 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 zoned, as stated in Zoning Code Section 33.100.010 is as follows:

The Open Space 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;*
- *enhancing and protecting the values and functions of trees and the urban forest;*
- *preserving the capacity and water quality of the stormwater drainage system; and*
- *providing pedestrian and bicycle transportation connections.*

Given the limited nature of the proposal, there will be no impact on the ability to achieve the purpose of the OS zone on this site. The proposed school will be located within an existing building that was historically constructed and used as a school. There are no physical changes proposed to the building or site. The public will continue to be allowed to use the outdoor open areas on the site, including the playground, with the community center available during after-school hours for continued Portland Parks & Recreation programs. As such, this public open space facility will remain little unchanged from the current condition.

As for consistency of the proposal with the intended character of this specific OS zoned area, this may best be determined by considering the "Parks, Recreation and Open Space" policy statement included in the *Southwest Community Plan*, adopted by City Council in July 2000. The *Southwest Community Plan* identified a vision, policies and objectives for a 19.5 square mile community in Southwest Portland, within which Fulton Park is located.

The "Parks, Recreation and Open Space" policy statement of this Plan (page 25) reads as follows:

Enrich neighborhoods and the Southwest community as a whole with ample, accessible, and well-maintained parks and open space. Preserve and enhance the

natural habitat features of Southwest Portland's parks and open spaces. Ensure a wide range of recreational opportunities for Southwest citizens.

Objectives identified in the Plan that are intended to help achieve this policy, and which are relevant to the school proposal include:

Objective 2. Preserve natural areas for wildlife habitat, environmental and scenic values. Comment: The natural areas on the Fulton Park site have been mapped with the Environmental Conservation overlay zone. The proposed school, including outdoor activities, will be located outside the environmental overlay, and therefore has no impact on these resources.

Objective 4. Maintain and enhance existing parks, recreational programs, and community centers in Southwest Portland to serve current and future residents. Comment: The school proposal will be maintaining the park and its resources in their current state. No physical changes to the building or site are proposed. The school will locate within the existing community center building on the site, with the community center available for Portland Parks & Recreation programs after school hours. The outdoor areas within the park that surround the community center will continue to be accessible to the general public throughout the day

Objective 15. Promote a continued partnership with schools and other stakeholders in the use of parks, recreational areas and open spaces in Southwest Portland.

Comment: The Fulton Park Community center is owned by Portland Parks & Recreation and will be leased to L'Etoile French Immersion School for a portion of the day. The proposal represents a partnership between these two parties to use the community center during the daytime hours (up to 6:00 pm), with Portland Parks & Recreation using the facility during evening hours for programs that are available to the general public. The grounds will be open to the general public throughout the day.

Based on these findings, it is determined the proposed school is consistent with the purpose of the OS zone and with the intended character of the specific OS zoned area, 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: The proposal does not reduce the amount of open space on the site. Instead, the proposal is limited to establishing a preschool through fifth grade school within the existing community center. The school will occupy three of the four classrooms in the building, and replace a Montessori pre-school and kindergarten program that was recently operating in these same classrooms. As no physical changes are proposed to either the building or the surrounding grounds, there will be no change in the amount of open space that is being maintained for Parks and Open Area. Furthermore, the outdoor grounds will continue to be available for use by the public throughout the day.

As proposed, this criterion is met

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

Findings: The only City-designated resource on the site is the portion of the site that is mapped with the Environmental Conservation overlay zone. This overlay is mapped on

the portion of the site southwest of where the community center is located. No portion of the facility to be used by the school, including the building, the play field, the playground or the parking lot, is located within the Environmental Conservation overlay zone, and there are no plans to extend any development or school activities within this overlay zone. The environmental resources within the Environmental overlay zone will therefore not be impacted by the proposal, and will continue to be protected through the environmental regulations in Chapter 33.430 of the Zoning Code.

This criterion is met.

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; 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 has reviewed the applicant's transportation analysis in response to these two criteria, and provides the following response:

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.

Transportation staff has reviewed the following information provided by the applicant and concurs with Lancaster Engineering that adequate transportation facilities exist to serve the proposed school in addition to existing uses in the area. Documentation has been provided that sufficiently address each of the transportation evaluation factors.

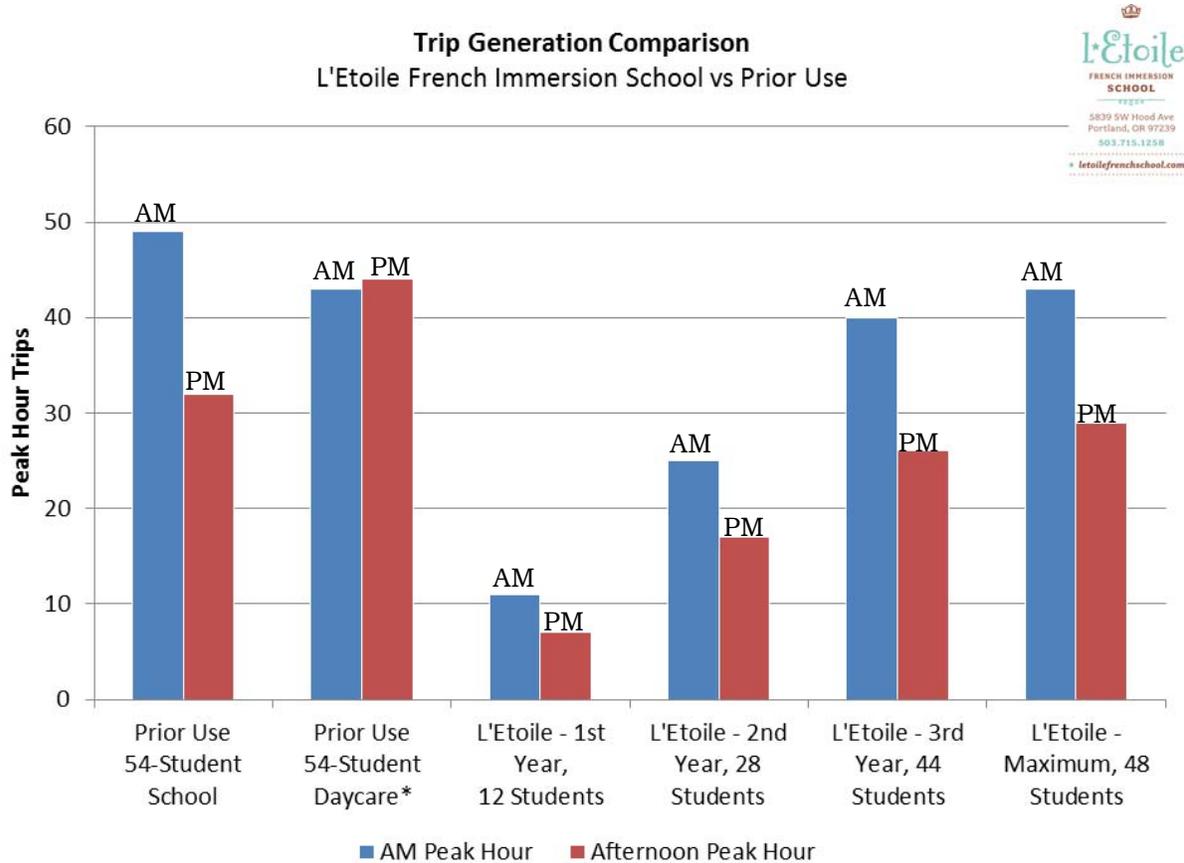
PROPOSED DEVELOPMENT DESCRIPTION

Fulton Park Community Center was built as a school in 1914 and has served a variety of uses since that time. The property is now owned by Portland Parks and Recreation. The building hosts a variety of uses as a Community Center. One of these uses is Cedar Montessori, which is proposed to be replaced by L'Etoile. Cedar Montessori had as many as 54 students, so the use of the site by L'Etoile represents a reduction in intensity. The reason for the conditional use review with the City of Portland, and therefore this traffic analysis, is the age of the children. L'Etoile will have children aged 6-12 during the school year and 3-12 in the summer.

A comparison was made between the trip generation of the proposed school and that of the prior use of the site. To determine the trip generation of each use, data was used from the manual TRIP GENERATION, Eighth Edition, published by the Institute of Transportation Engineers (ITE). Trip rates were used from land-use codes 534, Private School (K-8), and 565, Day Care Center.

A Montessori is commonly considered to be a school, but also accepts younger students, who are generally of preschool age. The "Day Care Center" land use category is similar to a preschool and was used in the analysis simply for comparison. Because L'Etoile will be

smaller in size than the prior use, trip generation will be lower. The graph below compares the prior use of the site with the proposed school, showing the annual incremental increase in enrollment. Detailed trip generation calculations are included in the attached Technical Appendix.



ROADWAY & INTERSECTION DESCRIPTIONS

The subject property takes access to SW Miles Street, which intersects SW Brier Place in the northeast corner of the site. SW Brier Place then crosses over Interstate 5 immediately south of the site. To the west, SW Miles Street provides convenient access to SW Barbur Boulevard. In this manner, the site offers excellent access to arterial routes without undue traffic impacts to surrounding residential streets and neighborhoods.

As shown in the table below, both SW Miles Street and SW Brier Place are designated by the City of Portland as local service streets for all uses except bicycles. SW Miles Street and SW Brier Place (south of SW Miles Street) are designated as City Bikeways.

Street Designation Summary					
Street	Traffic	Transit	Bikes	Pedestrian	Trucks
SW Miles St	Local Service	Local Service	City Bikeway	Local Service	Local Service
SW Brier Pl	Local Service	Local Service	City Bikeway	Local Service	Local Service

Fulton Park Community Center is served by these two local streets and is strategically located to be near arterial routes while still being conveniently located for the surrounding community. The proposed school is consistent with long-standing historical uses on the site and the surrounding transportation system serving the site. The use conforms to the street designations shown above and code section 33.815.100.B.1 is satisfied.

STREET CAPACITY AND LEVEL OF SERVICE

In urban settings, street capacity is typically limited by constraints at intersections. This is because street segments have few conflicts and flow relatively freely. Although there are occasional conflicts at private driveways, interruptions to the flow of through traffic are brief and relatively rare in comparison to those at public street intersections. In contrast, intersections often have multiple conflict points where vehicles approaching from various directions must stop or yield in order to safely travel through the intersection.

Observation of the area streets and intersections reveals that they operate well within capacity and with favorable levels of service. Since SW Miles Street and SW Brier Place are both local service streets, traffic volumes are quite low, as are delays associated with intersections and driveways. City of Portland operational standards require level of service E or better at unsignalized intersections, or an average delay per vehicle of 50 seconds or less. Based on field observations, this standard is clearly satisfied.

Based on the observations and analysis, the area streets and intersections are currently operating acceptably and will not be significantly impacted by the proposed school. The surrounding transportation facilities are expected to operate acceptably per City of Portland standards. Accordingly, no mitigation is proposed.

ACCESS TO ARTERIALS AND CONNECTIVITY

The proposed development takes access to SW Miles Street, a local street which connects to SW Barbur Boulevard. SW Barbur Boulevard provides access downtown Portland to the north and the Interstate 5 interchange at Terwilliger Boulevard a short distance to the north.

The proposed development has excellent and convenient connectivity and access to arterials. No mitigation is recommended.

TRANSIT AVAILABILITY

There are three TriMet routes that travel along SW Barbur Boulevard with stops near the intersection with SW Miles Street. These bus lines provide frequent, convenient service to and from the Fulton Park Community Center.

TriMet route 1, Vermont provides service from about 6:30 AM to 10:00 AM and from 3:30 PM to 6:00 PM on weekdays, with service every 30 minutes.

TriMet route 12, Barbur/Sandy Boulevard provides service from about 5:30 AM to midnight weekdays, with service at least every hour, and as often as every 15 minutes during morning and afternoon rush hours.

TriMet route 38, Boones Ferry Road provides service from about 6:00 AM to 9:00 AM and 4:00 to 6:00 PM weekdays, with service about every 30.

The available transit service is adequate to serve the needs of the subject property in addition to the existing uses in the site vicinity.

ON-STREET PARKING IMPACTS

Since the proposed development will use on-street parking, the applicant's traffic engineer conducted an analysis of existing parking supply and demand in the site vicinity. Since activities at the school will occur during the daytime on weekdays, observations of existing conditions were conducted during the same time period.

Parking Supply

On-site parking is available in the existing gravel parking lot. While parking spaces are not striped due to the gravel surface, there is signing in place that reserves all parking in the lot for the Community Center. It is estimated that the lot will accommodate approximately 18 vehicles.

In addition, both SW Miles Street and SW Brier Place have on-street parking available. Along SW Miles Street, the south side of the street adjacent to the school has time-restricted parking. There is a single space with a 15-minute time restriction and the remainder of the school frontage is limited to two hours. Parking on the north side of the street is prohibited. Parking is permitted on both sides of SW Brier Place south of SW Miles Street. Considering only the school frontages, the following parking supply is available:

On-site parking:	18 spaces
Two-hour parking:	9 spaces
15-minute parking:	1 space
<u>Unrestricted:</u>	<u>24 spaces</u>
Total Supply:	52 spaces

It should be noted that the above inventory includes only on-site parking and on-street parking adjacent to the site. Additional parking is available nearby, but as demonstrated below, it is not needed to meet demand.

Parking Demand

During on-site observations, there was only one vehicle parked along SW Brier Place near the site. No vehicles were parking along the school frontage on SW Miles Street and four vehicles were parked in the on-site lot.

Data for private schools in the manual PARKING GENERATION, 4th Edition, published by ITE, is rather limited. However, there is a small amount of data for land-use code 536, Private School (K-12). The data shows an average parking demand ratio of 0.39 vehicles per student. Based on the anticipated maximum enrollment at L'Etoile of 48 students, this equates to a total demand of 19 spaces. Because L'Etoile will only occupy three classrooms and therefore have limited staff, this amount of parking demand appears to be an over-estimation. Still, as shown in the Parking Supply section above, there is more than enough parking to accommodate the school.

Pick-Up & Drop-Off Operation

With the small size of the school, it is not anticipated that there will be significant congestion associated with pick up and drop off which is commonly experienced at larger public and private schools. Significant parking supply is available in the on-site parking lot and in the time-restricted parking on SW Miles Street adjacent to the school. Both

locations offer safe and convenient access to the school. No additional facilities or mitigations are recommended for student pick up and drop off.

Based on the parking analysis, it is projected that parking facilities will be more than adequate to accommodate the proposed school in addition to existing uses in the site vicinity. No parking mitigations are needed, and none are proposed.

ACCESS RESTRICTIONS

The proposed development will take access to a local street, which in turn takes access to higher-classification streets at existing intersections. The Community Center's access is adequate and appropriate. No restrictions or mitigations are recommended.

NEIGHBORHOOD IMPACTS

The Fulton Park Community Center is well located, with nearby and convenient access to freeway access and arterials such as SW Barbur Boulevard and SW Terwilliger Boulevard, yet the site is also very accessible to surrounding residential neighborhoods. The site has been used for various schools and school functions for many years and the proposed use by L'Etoile is consistent with the historical use of the site. Neighborhood impacts are not anticipated.

Student drop-off and pick-up activities will take place in the on-site parking area and also along the street frontages of SW Miles Street and SW Brier Place. The drop-off and pick-up activities will not change the flow of traffic on the adjacent and surrounding streets or result in cut-through traffic or over-burden any residential streets.

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

IMPACTS ON PEDESTRIAN, BICYCLE AND TRANSIT CIRCULATION

Pedestrian, bicycle and transit circulation is excellent in the site vicinity, and the proposed school will not negatively impact any of the existing facilities. No mitigation is recommended.

SAFETY FOR ALL MODES

Traffic speeds are low in the site vicinity, with both SW Miles Street and SW Brier Place limited to 25 mph. Continuous sidewalks are in place on both street frontages and there are safe and efficient routes between on-site or adjacent on-street parking and the Community Center building and facilities.

Both SW Miles Street and SW Brier Place are designated as City Bikeways and bicycle signing is in place. Bicycles can safely share the road with motorized vehicular traffic on both streets, since traffic speeds and volumes are low.

Based on the analysis, the existing roadways, bicycle routes and sidewalks are sufficient to provide safe, continuous travel paths for all travel modes.

TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

To reduce congestion and parking demand, it is recommended that transportation demand management (TDM) strategies be considered for implementation. Due to the very small size of the school, traffic and parking impacts are minimal and TDM implementation is less

critical. Still, it is recommended that TDM strategies be considered, particularly as enrollment increases.

The following is a list of potential strategies that could be employed. Not all of the items on this list should be implemented. Rather, the list is provided as a menu of strategies for consideration.

Information Dissemination

- 1. Provide a transit/carpool information center (bulletin board or kiosk). The information provided typically includes such items as transit schedules, transit/pedestrian/bicycle route maps, promotional information, types of alternative modes, facilities and services available, and phone numbers (whom to call for various services or information).*
- 2. Provide information on alternative modes in employee/student/participant brochures or information packets.*
- 3. Provide information on alternative modes in notices of events or activity schedules.*
- 4. Hold special events to promote and educate about alternative modes, such as an annual transportation fair, active transportation day, etc.*

Financial Incentives

- 5. Provide activity fee discounts, retail discounts, or meal vouchers for commuting via active modes of transportation.*
- 6. Provide a monthly subsidy to employees for transit passes.*

Parking Management

- 7. Control off-site parking: raise awareness of impacts to neighbors, establish limits or prohibit off-site parking, patrol off-site parking areas, impose fines or other penalties for violations.*

Transit

- 8. Make transit passes, bus tickets readily available; sell passes/tickets on site.*
- 9. Coordinate on-site activities (i.e. hours, shifts, classes, events) with transit schedules.*
- 10. Work with local transit provider for improved, coordinated, or new transit service.*
- 11. Provide a disabled-accessible van for the movement of disabled citizens to and from events and activities.*

Ridesharing

- 12. Provide preferential parking for carpools and vanpools in designated employee or student parking areas.*
- 13. Encourage employees, students or patrons to register with Tri-Met's carpool matching system.*
- 14. Enroll employees, students or patrons automatically with Tri-Met's carpool matching system.*
- 15. Provide carpool and vanpool matching services for both students and staff.*

Bicycling and Walking

- 16. Provide shower and changing facilities.*
- 17. Provide bicycle storage lockers or an indoor bicycle parking area.*

Scheduling

18. *Stagger events or place limitations on concurrent events or activities.*
19. *Events that are not a part of the operations should be scheduled to avoid conflict with peak hours of travel whenever possible.*

Public Involvement

20. *Meet regularly with affected neighborhood associations.*
21. *Participate in neighborhood long-range planning efforts.*

CONCLUSIONS

Based on our detailed observations and analysis, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. City of Portland code section 33.815.100.B is satisfied and no mitigations are recommended.

Summary

Based on the transportation analysis provided by the applicant's transportation engineer, Portland Transportation finds that the proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan, and that adequate transportation facilities exist to serve the proposed school in addition to existing uses in the area. Documentation has been provided that sufficiently address each of the transportation evaluation factors, and these criteria are 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: Based on the following comments received from the service providers, 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.

Water Supply

The Water Bureau notes that there is an existing two inch metered service which provides water to this location from the existing eight inch water main in SW Miles Street, with an estimated static water pressure range for this location at 40 psi to 50 psi.

The Water Bureau has no concerns regarding the requested Conditional Use review for establishing a pre-school thru fifth grade school within the existing Fulton Park Community Center.

Police

The Police Bureau has no issues with serving the proposed facility, but did raise issues with the security of children playing in the outdoor areas given there will be multiple users of these areas throughout the school day. To address this issue, the Police Bureau recommends that play areas within 10 feet of a street or parking area be separated by either a fence or low-growing shrubs that will physically delineate and separate the play areas from more public areas. For the subject site, the play field to the rear of the building is already separated from the street (SW Brier Place) by a six foot high cyclone fence. However, there is no physical delineation between the play area to the west of the building and the adjacent street (SW Miles Street) and parking area. To address this issue, a recommended condition of approval will require either shrubs meeting the L2 landscape standard (Zoning Code Section 33.248.020.B), or a fence at

least three feet in height be placed between the play area to the west of the building and SW Miles Street, and between this play area and the adjacent on-site parking lot.

Fire Protection

The Fire Bureau has no issues related to the Conditional Use request.

Sanitary Waste Disposal and Stormwater Disposal Systems

BES notes that there is a public eight inch concrete combined sewer in SW Miles Street, and a public eight inch concrete sanitary sewer in SW Brier Place. Historic City plumbing records indicate that the existing structure has a sanitary connection to the sewer in SW Brier Place (branch permit #52472 dated 2/28/1947 and plumbing permit #185735 dated 2/25/1947). The applicant provided a site utility plan dated July 12, 2012, which shows the same connection point. The applicant proposes no changes to the structure or the existing sanitary connection, therefore BES requires no further information to determine that the sanitary service is acceptable for the purpose of land use approval.

As for stormwater disposal, BES notes there is no public storm-only sewer available to this property. Data from the City's Geographic Information System (GIS) data, as well as historic plumbing records, indicate that drainage from the site is conveyed to an outfall on the southwestern portion of the site. The water then joins with a stream channel that flows through a culvert under the Interstate 5 freeway, and soon after drains into Stephens Creek. The applicant shows on the submitted utility plan (July 12, 2012) a stormwater utility configuration similar to that shown in BES' GIS system. The applicant proposes no changes to the structure or the existing stormwater system, therefore BES requires no further information to determine that the stormwater system is acceptable for the purpose of land use approval.

Summary

Based on the findings from the identified City service bureaus and with the condition of approval related to the safety of children in the outdoor areas, 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.

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

Findings:

Noise

The proposal is limited to establishing a preschool through fifth grade school at the site.

The building historically has been used for a number of similar student-related uses, including an elementary school that operated for approximately 40 years until the 1950s, followed by a variety of preschool and kindergarten programs, as well as classes offered by Portland Parks and Recreation. The proposed L'Etoile School will generate no greater noise levels than these previous uses. The largest noise generator will be students playing in the outdoor space during recess periods, which is not a level of noise that would have significant adverse impacts on any residential uses.

Glare from Lights

Exterior lighting of the site and building is limited to one or two fixtures on the building itself, and there is nothing in the record to indicate this existing lighting has any adverse impact on nearby residential properties. No changes to the exterior lighting are being proposed.

Late-Night Operations

The proposed school will only be a tenant in the community center, and allowed to operate on a regular basis up to 6:00 pm. The school will have only two after-school events during the year, a drama performance and back-to-school night, which start at 6:00 pm and last only two to three hours. As such, there are no late-night operations associated with the proposed school.

Odors

As a school, there are no expected odors with the proposed use.

Litter

The proposed school will locate in three classrooms that were previously used by a Montessori school, and have a student enrollment that is less than the previous Montessori school. Given the limited change in uses, and with no evidence in the record that litter has been an issue with the current operation of the community center facility, it is not expected the proposed school will result in litter problems for the area. Additionally, the applicant notes that students and staff at the school will use garbage receptacles at the site that are regularly maintained by Portland Parks & Recreation custodial staff.

Summary

Based on the findings above, the proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to noise, glare, late-night operations, odors, or litter, and this criterion is met.

2. Privacy and safety issues.

Findings: Regarding privacy, the project site is surrounded on two sides by streets and by a freeway on the third side, with the closest residentially zoned property being 60 feet across SW Miles Street. Mature street trees provide substantial screening between the subject site and the closest residential properties. Furthermore, a school at this location, located within the existing community center, will be little different from previous class-related uses that have occurred on the site historically. Based on these factors, there will be no adverse impacts on privacy associated with the proposed school.

As for safety, potential vehicle-pedestrian conflicts will be minimized by locating the pick-up and drop-off of students either in the on-site parking lot, or along the street frontages of the community center. The applicant notes that the proposed pick-up and drop-off routine result in children not having to cross any streets to get to the building. Additionally, paved sidewalks located along both street frontages of the project site allow safe, convenient access for students from the street to the main entrance.

The small size of the proposed school, occupying only three of the four classrooms within the community center, with a maximum school enrollment of 48 students, limits the number of vehicles that will be coming to and from the site, thereby not significantly contributing to any safety hazards associated with increased number of vehicles circulating in the neighborhood.

Based on these findings, the proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to privacy or safety, and 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: In July 2000, City Council adopted the *Southwest Community Plan*, which laid out a vision, policies and objectives for a 19.5 square mile area. Fulton Park is located within the area that is addressed by this plan.

The vision statement included in the plans calls for parks that serve a variety of community needs including passive and active recreation, and environmental protection of natural resources (page 7). The proposal is consistent with this vision statement, by opening the community center up during daytime hours for educational use, while maintaining its use during evening hours for an array of Portland Parks & Recreation programs. The outdoor grounds will remain available to the public for both passive and recreational activities, while the environmentally sensitive areas of the park will be maintained in their entirety and protected.

Policies and/or objectives included in the Plan that are relevant to the proposed school include the following:

Land Use and Urban Form (pages 9 and 10)

Objective 8. Support efficient utilization of public lands for achieving compatible multiple objectives, where appropriate. Comment: The proposal is consistent with this objective in that it will utilize a community center on public land for a school use during limited hours, with broader community programs available to the public during after-school hours. This multi-use of the community center helps sustain its long term viability and upkeep, while allowing only those uses that are compatible with the residential character of the surrounding neighborhood.

Public Facilities (page 17)

Objective 5. Develop land use patterns and public facilities that protect natural water courses, and consider the impacts of landslides and earthquakes. Comment: The portion of the site mapped with an Environmental Conservation overlay zone is steeply sloping and located in an identified Landslide Hazard Area. Additionally, an open channel water course runs through this portion of the site. The proposal to use the publicly-owned Fulton Park Community Center by the L'Etoile School will occur outside the Environmental Conservation overlay zone, thereby maintaining these environmentally-sensitive areas.

Parks, Recreation and Open Space (pages 25-26)

Objective 2. Preserve natural areas for wildlife habitat, environmental and scenic values. Comment: No portion of the proposal will encroach into the Environmental Conservation overlay zone on the site, and environmental resources will therefore be protected.

Objective 4. Maintain and enhance existing parks, recreational programs, and community centers in Southwest Portland to serve current and future residents. Comment: The Fulton Park Community Center will remain under the control of Portland Parks & Recreation, who will continue to operate programs at the facility that are open to the public during after-school hours.

Objective 15. Promote a continued partnership with school and other stakeholders in the use of parks, recreational areas and open spaces in Southwest Portland. Comment: Portland Parks & Recreation has partnered with L'Etoile School by leasing a portion of the Fulton Park Community Center for use by this educational institution. The lease still allows the building and surrounding open space to be used by the general public for Parks and Open Area uses.

Transportation (pages 29 and 30)

Objective 18. Take into consideration the existing condition of streets in the vicinity of a site, as well as their planned function, when considering quasi-judicial land use changes that rely on adequacy of services as an approval criterion. Comment: As discussed above in response to Approval Criterion 33.815.100.B (Public Services), the applicant has submitted a Traffic Impact Study, prepared by a registered engineer, which assesses the proposal's impact on the surrounding transportation system. This study has been reviewed by PBOT, and PBOT finds the proposal will have no adverse impacts on the transportation system.

Based on these findings, the proposal is consistent with relevant objectives of the *Southwest Community Plan*, and this criterion is met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The applicant has demonstrated that the Conditional Use approval criteria have been met to allow the establishment of a School use at this site. The proposal is found to be consistent with the intended character for Fulton Park and with the purpose of the OS zone. The proposal has no impact on the amount of open space within the park, or on the environmentally-protected areas within the park. The school is in conformance with the adjacent street designations as identified in the Transportation Element of the *Comprehensive Plan*, and public services are capable of supporting the proposed use. One condition, recommended by the Police Bureau, is intended to better secure the on-site safety of school children. The school will have no identified adverse impacts on livability for the surrounding residentially-zoned property, and will be consistent with the adopted *Southwest Community Plan*.

TENTATIVE STAFF RECOMMENDATION

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

Approval of a Conditional Use to allow the establishment of a school (pre-school through fifth grade) at the existing Fulton Park Community Center, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the four 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 12-177447 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Shrubs, meeting the L2 landscape standard, or a fence, at least three feet in height, must be placed between the play area located directly west of the Community Center building and SW Miles Street, and between this play area and the adjacent on-site parking lot. A zoning permit will be required to demonstrate compliance with this requirement.

Procedural Information. The application for this land use review was submitted on August 29, 2012, and was determined to be complete on September 19, 2012.

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 August 29, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on January 16, 2013.**

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

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

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 record. 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, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

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

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

Recording the final decision.

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

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

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

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

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

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

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.

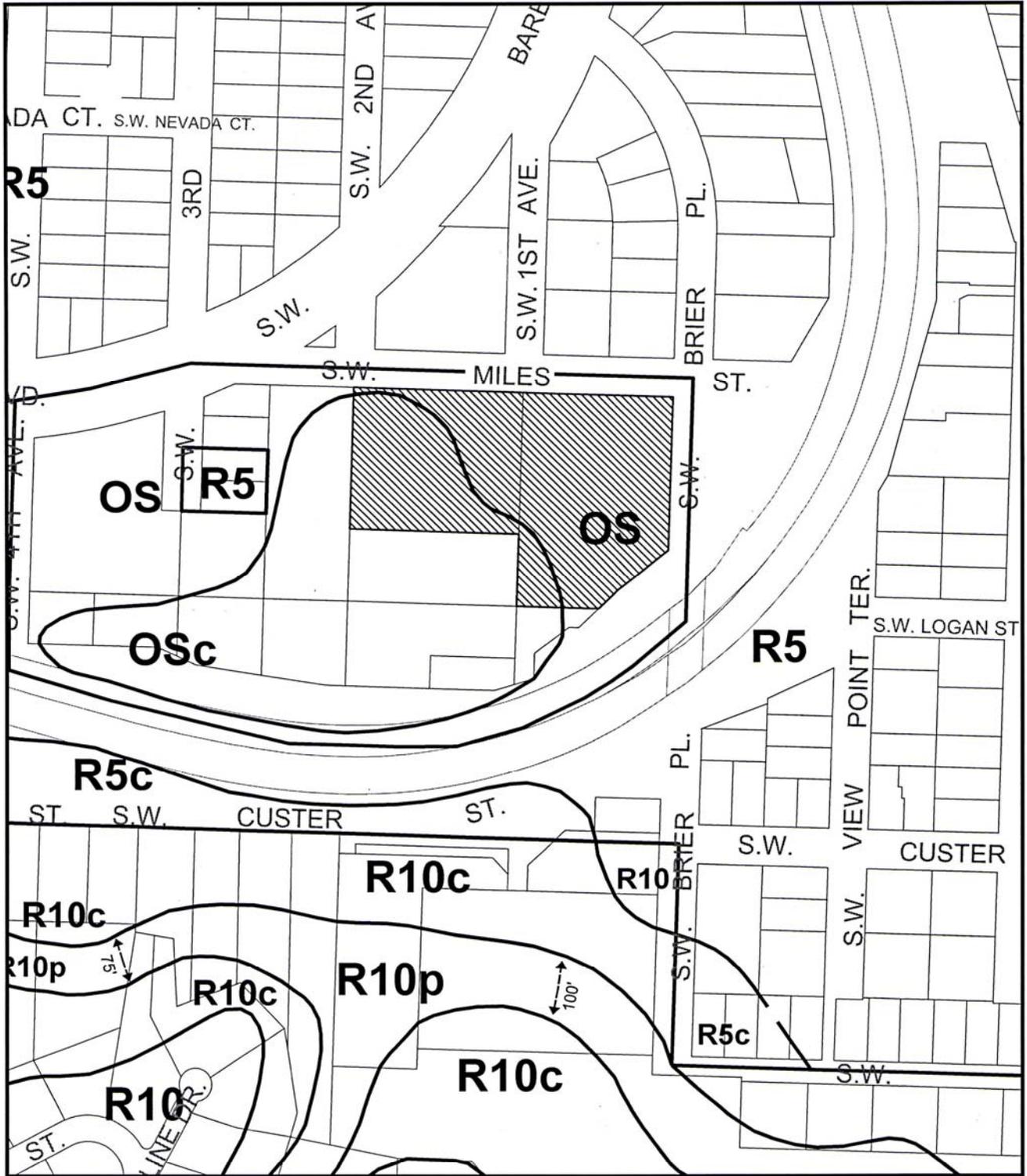
Planner's Name: Douglas Hardy

Date: October 25, 2012

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Project Summary
 - 2. Response to Approval Criteria and Traffic Impact Study
 - 3. Additional Information received September 18, 2012
 - 4. Historic Building Permit Records
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Utility Plan
 - 3. Floor Plan
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Bureau of Development Services/Site Development Review
 - 6. Portland Parks & Recreation/Urban Forestry Division
 - 7. Bureau of Development Services/Life Safety Plans Examiner
- F. Letters (none)
- G. Other:
 - 1. Original LUR Application
 - 2. Incomplete Letter
 - 3. Zoning Confirmation Letter, dated June 4, 2012

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

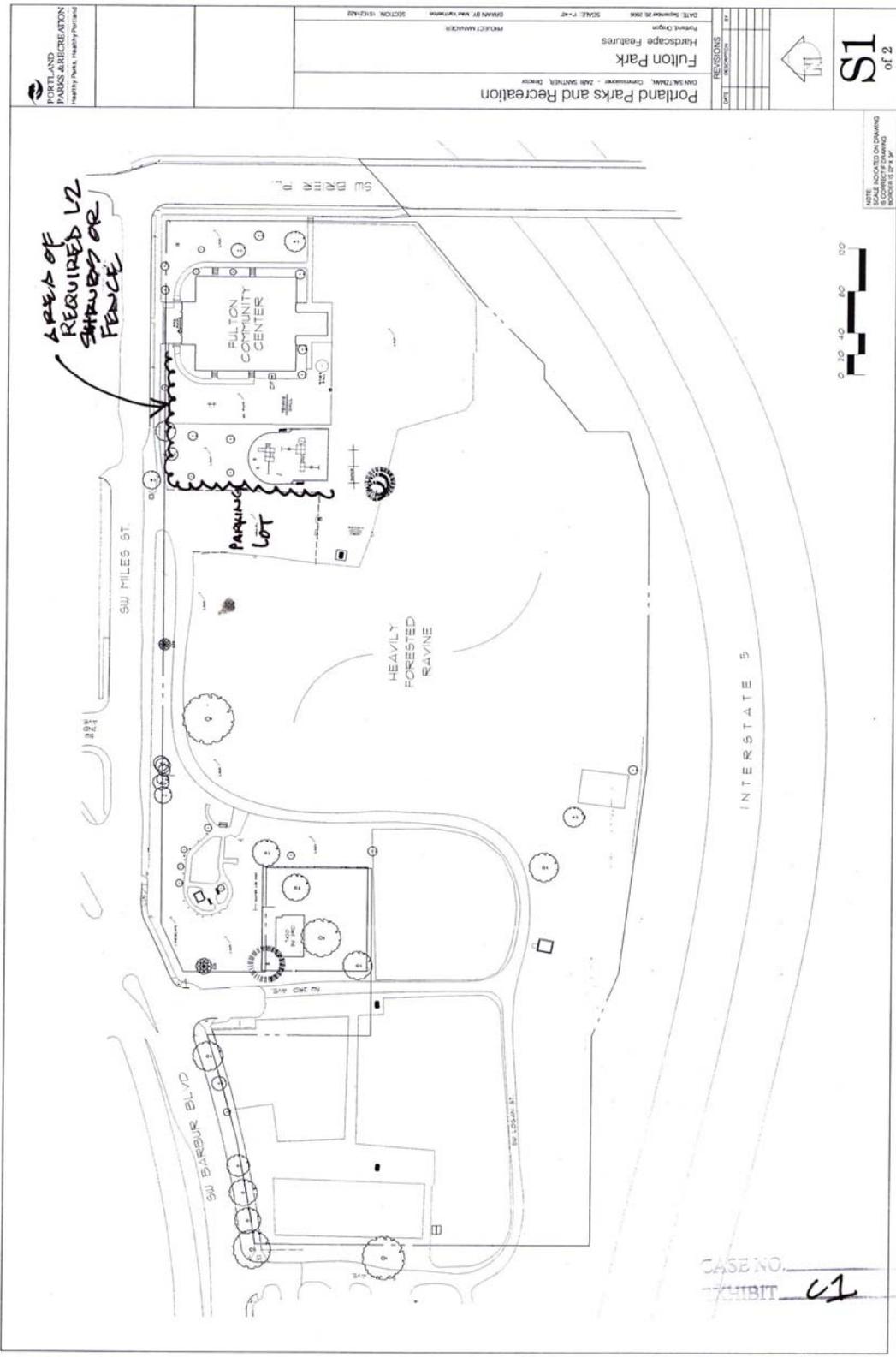


ZONING

 Site



File No. LU 12-177447 CU
 1/4 Section 3713,3729
 Scale 1 inch = 200 feet
 State_Id 1S120BD00300
 Exhibit B (Sep 12,2012)



CASE NO. _____
 EXHIBIT **01**

LV12-177447CU

		PROJECT NAME: Fulton Park DRAWN BY: M. WATSON SECTION: SITE PLAN
PORTLAND PARKS AND RECREATION Healthy Parks. Healthy People.		DATE: September 2006 SCALE: 1"=40' PROJECT NUMBER:
REVISIONS		DATE:
NO.		DESCRIPTION:

SI
 of 2

NOTE: SCALE INDICATED ON DRAWING
 UNLESS OTHERWISE NOTED
 DIMENSIONS IN FEET