CITY OF

PORTLAND, OREGON

HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868
www.portlandonline.com/auditor/hearings

DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 08-156321 CU (HO 4080047)

Applicant: Rev. Charles Lienert
St Andrew Catholic Church, Portland, Oregon
806 NE Alberta Street
Portland, OR 97211

Applicant's Representative: Stephanie Meininger, Architect
di loreto Architecture, LLC
200 NE 20th Ave., Suite 200
Portland, OR 97232

Hearings Officer: Gregory J. Frank

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

Site Address: 4925 NE 9TH AVE

Legal Description: LOT 1-4 BLOCK 2, LYONS ADD; LOT 16 BLOCK 2, LYONS ADD, LOTS 2-11, LOTS 1&12 EXC PT IN ST, BLOCK 5, LESHS ADD. ***Also owns:*** LOT 13 BLOCK 2, LYONS ADD; LOT 14 BLOCK 2, LYONS ADD; LOT 15 BLOCK 2, LYONS ADD

Tax Account No.: R520000210, R520000360, R491801050, ***Also owns:*** R520000330, R520000340, R520000350

State ID No.: 1N1E23BC 00200, 1N1E23BC 01200, 1N1E23BC 00100, ***Also owns:*** 1N1E23BC 00900, 1N1E23BC 01000, 1N1E23BC 01100

Quarter Section: 2531

Neighborhood: King

Business District: North-Northeast

District Neighborhood Coalition: Northeast Coalition of Neighborhoods

Plan District: None

Zoning: CG, General Commercial zone and R2.5ah, Attached Single-Dwelling Residential zone with the a, Alternative Design Density and the h, Aircraft Landing overlay zones. The site contains a designated Historic Landmark—the St. Andrew Church.

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

BDS Staff Recommendation to Hearings Officer: Denial (modified at the hearing to approval with condition)

Public Hearing: The hearing was opened at 1:31 PM on February 18, 2009, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland OR, and was closed at 2:01 PM. The applicant's representative (Chris DiLoreto) waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions on February 18, 2009.

Testified at the Hearing:
Sheila Frugoli, BDS Staff Representative
Chris DiLoreto, 200 NE 20th St., Suite 200, Portland, OR 97232
Charles Lienert, Pastor, St. Andrew Parish, 806 NE Alberta St., Portland, OR 97211

Proposal: St. Andrew Parish is proposing to expand the existing Nativity School building with a 3,000 square-foot, 2-story addition. The addition will include new classrooms so that the middle school can add a 5th grade to the school. The additional grade will serve approximately 24 additional students. Also, the building expansion will include additional administrative offices and support spaces. Currently the middle school, for at-risk youth, serves grades 6-8. The parish also proposes to construct a 5,000 square-foot, 2-story addition to the existing community center. The ground floor will connect to the existing office building and will house a new staff office and storage facilities. The second floor will provide new meeting rooms and an outdoor courtyard, covered with pavers and an eco-roof. To minimize paving, provide stormwater controls, and provide accessible (ADA) parking to the many levels of the church, community center and office, new outdoor plazas and a reduction in on-site parking from 63 to 54 spaces is proposed.

Because the church is a designated Historic Landmark, this proposed development is currently under a separate Type II, Historic Design and Modifications Review—LU 08-156309 HDZM.

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the criteria of Title 33. The relevant criteria are **33.815.105.A-E,** Conditional Use—Institutional and Other Uses in R Zones.

II. ANALYSIS

Site and Vicinity: The St. Andrew site includes a large historic church building, a two-story office building, formerly used as the rectory, a multi-purpose building with a church hall and community service use, a grade school, on-site parking for 63 vehicles, and a large playground area. The site is split zoned with CG, General Commercial applied on the northern 100 feet and the remainder of the site is within the R2.5 Single Dwelling Residential zone.

The church and rectory building front NE Alberta Street which, except for a few nodes of multi-dwelling development, is commercially-zoned from NE Martin Luther King Boulevard to NE 31st Avenue. The immediate area, south of the Alberta Street commercial corridor, is developed with primarily single-dwelling residences, with both attached and detached houses.

Zoning: The CG, General Commercial zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer areas. Community Service (Religious Institution and School) uses are allowed in this zone. The R2.5, Attached Single-Dwelling Residential zone provides housing opportunties for individual households. This zone allows both detached and attached single-dwelling residences. Community Service (Religious Institution and School) uses must be reviewed and approved as a Conditional Use.

The a, Alternative Design Density, is applied on the R2.5 zoned area. The "a" overlay allows certain development options for residential development in the R2.5 zone. The applicant is not proposing any residential development. The h, Aircraft Landing overlay zone, provides safer operating conditions for aircraft in the vincinity of the Portland International Airport by limiting the height of structures and vegetation. The height limit in the CG and R2.5 zones is more restrictive than the height limit of 350 feet, applied through the "h" overlay zone. Lastly, because the site contains a designated historic landmark—the church, improvements on the site require a Historic Design Review. This project is currently under review—LU 08-156309 HDZM.

Land Use History: City records indicate that prior land use reviews include the following two reviews:

- **CU 51-61** A Conditional Use Review was approved for the construction of an auditorium/gymnasium and lunchroom building for a parochial school. Conditions required landscape screening around the playground areas.
- **HL 50-89** The church was designated as a Historic Landmark.

Agency Review: A "Request for Response" was mailed December 11, 2008. The following Bureaus have responded with no concerns regarding the Conditional Use Review. Information regarding building permit requirements is included in their responses:
- Water Bureau (Exhibit E.1)
- Bureau of Parks-Forestry Division (Exhibit E.2)
- Fire Bureau (Exhibit E.3)
- BDS Life Safety Plan Review (Exhibit E.4)

The following Bureau responses address applicable approval criteria.

The **Site Development Section of BDS** responded with the following information: "Site Development previously indicated that there was insufficient stormwater information to verify whether the proposal met the requirements of the BES Stormwater Management Manual for treatment and disposal. The previous plan relied on surface infiltration rates that were too low and allowed stormwater from paved surfaces to connect to a drywell without required treatment. A new site plan has recently been submitted which provides deeper drywells for roofs and planters and pervious pavement that provides an escape route without resorting to diverting untreated water to an Underground Injection Control facility (drywell). The information provided adequately demonstrates that the public services criterion for stormwater can be met using on-site infiltration of stormwater. Final design of these facilities will take place with the building permit application, but no change to the stormwater treatment areas shown on the revised plans is anticipated. Site Development now has no objection to approval of the proposed Conditional Use." (Exhibit H.5a).

The **Bureau of Environmental Services (BES)** responded as follows: "BES has received the following additional information, which was requested in the initial response to this land use review by BES and BDS Site Development:
- Revised site plans: Storm Water Management and Erosion Control and Details prepared by Di Loreto and Associates (dated 2/5/09)
- Simplified Approach (Form 1) from the City of Portland's Stormwater Management Manual.

For proposed development projects, BDS Site Development approves any on-site disposal of stormwater runoff on private property and BES approves any discharges of stormwater runoff-site. For this particular project, BDS Site Development has indicated that the additional information provided adequately demonstrates that the public services criterion for stormwater management can be met by means of on-site infiltration of stormwater. Therefore, BES is satisfied that the adequacy of public service criterion for stormwater management (as specified n Section 33.815.105.D3 of the Conditional Use Approval Criteria for Institutional and Other Uses in R Zones) can be met and the conceptual stormwater management plan is acceptable. Based on this new information, BES has no objections to the requested Conditional Use Review." (Exhibit H.5b).
.
The **Portland Bureau of Transportation (PBOT) Engineering** responded that it has no concerns or objections regarding this proposal. No transportation-related conditions are recommended. The detailed PBOT response is provided as findings under approval criterion 33.815.105.D.1 and D.2

(Exhibit E.7).

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on January 23, 2009. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal prior to the issuance of the BDS recommendation (exhibit H.4). No person testified or submitted any information into the record after the publication of the BDS recommendation with concerns or in opposition to this proposal.

ZONING CODE APPROVAL CRITERIA

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, which includes residentially-zoned properties that are nearby and could be impacted by the proposal, is bounded by NE 7th Avenue on the west, NE 10th Avenue on the east, and NE Going Street on the south. The north boundary is NE Alberta Street, which functions as a commercial corridor. Commercial zoning extends 100 feet onto the site and the properties to the west.

The applicant informed BDS staff that there are home businesses in the vicinity of the site that include law offices, consulting services and art-related uses. BDS staff noted, in Exhibit H.4, that there were no observed business signs or non-residential activities that might identify home occupations located in the residences. There is one other large institutional site in the immediate area—the King Neighborhood Facility and Martin Luther King Jr. Elementary School. However, the neighborhood facility and school are partially within the General Commercial zone and are located on the west side of NE 7th Avenue which is outside the defined boundary.
The proposed expansion of the school and community service use at this site will not reduce the proportion of household uses in the area. The St. Andrew site, which includes a church,

school and other buildings, has a long history at this location. The church was established at this location in the early 1900s. The applicant submitted historic photos of the site that show the school at various periods—1908, 1920s and 1930s (Exhibit A.2). According to historic land use records, a school was operating on the site prior to 1961. The building expansions will occur within the existing developed portion of the site. The intensity of the use on the site will increase minimally, with a 3,000 square foot addition to the existing school to accommodate 24 more students and a 5,000 square foot addition to the community center for office and space for community services—food and clothing distribution to the needy. The Hearings Officer finds that the two-story additions are in keeping with the scale of the existing rectory building and school. The buildings are obviously subordinate, in scale and design to the magnificent historic church. The scale of the development on the site steps down from the commercially-zoned NE Alberta Street, south to the residential area. The large play field and parking area on the site provide transition between the adjacent homes and the institutional buildings.

For the reasons stated above, the Hearings Officer finds that the overall residential appearance and function of the area will not be significantly lessened. The Hearings Officer finds that this criterion is 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: This approval criterion requires that either number 2 or 3 (set forth above) 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. There are a variety of building types on the St. Andrew site. The tall, ornate historic (landmark) church is substantially different from traditional architecture found in single-dwelling residential areas. In contrast, the existing parish office (rectory) building, located directly west of the church, has residential characteristics, with its brick façade, pitched roof and covered entries. The school and community center buildings, although more utilitarian in character, are 2-story wood structures with horizontal siding which are features typically found in residential development. The additions will include wood siding, wood windows, and will follow the same window pattern and windowsill height. The additions include windows and entrances

on the street facing elevations that respond to the surrounding residential area, rather than focusing to the interior of the site and turning its back to the neighborhood. The exterior changes are currently being reviewed through a Historic Design Review. The historic review is intended to protect the resource and to guide new development so that it is architecturally compatible with the designated landmark resource. The proposed two-story additions provide attractive street facing facades, with ample windows and differentiation between the ground-level and upper level floors.

Lastly, the new connection between the rectory and hall buildings will be improved with a green roof. Existing and proposed raised landscape planters will separate the building additions from the fronting streets. The landscaped areas provide adequate separation as well as some screening to minimize visual impacts from institutional development upon the surrounding residential neighborhood. For the reasons stated above, the Hearings Officer finds that this proposal will be compatible with adjacent residential uses. No mitigation is needed to address differences in appearance and scale. This criteria 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 school enrollment will increase by approximately 24 students; however, the applicants have identified no changes that would adversely impact the livability of nearby residents. The hours of operation at the school, community center and scheduled religious events such as mass will not change.

The applicant is proposing to remove most of the existing parking spaces located between the buildings, behind the church and rectory. The parking spaces between the buildings will be reduced from 15 spaces to 7. The larger parking area located south of the buildings will be reconfigured to include additional landscaping. The applicant is proposing additional interior and perimeter landscaping (Exhibit C.1). The reconfigured parking will result in a reduction from two to one curb cut entering the site from NE 8th Avenue. The southern most parking entrances off of NE 9th Avenue will be moved approximately 15 feet from the school building, closer to the school's play field. The proposed changes to the parking and vehicle entrances will not significantly impact the neighbors who are located to the north or the west of the site.

The building additions will be separated from nearby residences by the 40-foot wide public streets. The residence at 4846 NE 8th Avenue, which is also owned by the applicant, currently abuts the existing parking area. Proposed perimeter parking lot landscaping will provide a new buffer between this residence and the activities on this institutional site. Therefore, impacts such as increased noise and glare will be minimal. The Hearings Officer finds that

this proposal meets this criterion.

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 Bureau of Transportation Development Review 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. The PBOT analysis is summarized below:

Street Classification and Designations
NE Alberta Street - At this location NE Alberta Street is classified as a Neighborhood Collector, Community Transit Street, City Walkway, Truck Access Street, and Community Main Street in the City's Transportation System Plan.
NE 8th Avenue - At this location NE 8th Avenue is classified as a Local Service Street for all transportation modes in the City's Transportation System Plan.
NE 9th Avenue - At this location NE 9th Avenue is classified as a Local Service Street for all transportation modes in the City's Transportation System Plan.

The existing and proposed uses for the Saint Andrew Catholic Church site are in conformance with the Neighborhood Collector designation of NE Alberta, and the Local Service street designations of NE 8th Avenue and NE 9th Avenue in the Transportation Element of the Comprehensive Plan (TSP). The TSP states that, "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The TSP states that, "the design of Neighborhood Collectors may vary over their length as the land use character changes from primarily commercial to primarily residential. Some Neighborhood Collectors may have a regional function, either alone or in concert with other nearby parallel collectors." The existing and proposed uses for the Saint Andrew Catholic Church site are in conformance with the Community Transit Street and City Walkway designations of NE Alberta. NE Alberta, as well as both NE 8th and NE 9th, is improved with curbs and sidewalks which support pedestrian activity and access to the frequent service transit line on NE Alberta.

Access to Arterials
The site is located within a well connected grid pattern of streets. The site has direct driveway access to NE 8th Avenue and NE 9th Avenue. NE 8th and NE 9th Avenues both connect north to NE Alberta (a Collector Street), and south to NE Prescott (a Collector Street). In addition, just south of the site, NE 8th and 9th connect to NE Going Street which provides direct access west to NE MLK (a Major City Traffic Street), and east to NE 15th Avenue (a Collector Street).

Connectivity
The existing street grid pattern in the area meets City connectivity spacing guidelines. The site frontages along NE 8th, NE 9th, and NE Alberta are improved to City standards with curbs and sidewalks. The streets in the surrounding neighborhood are also improved with sidewalks. This currently allows neighborhood children attending the school to walk and/or take transit to reach the site.

Transit Availability
The site is currently served by TriMet bus line 72 on NE Alberta, with shelter bus stops located adjacent to the site at the intersection of Alberta and NE 9th Avenue. The site is also approximately 1000 feet from bus stops on NE MLK for bus line 6. Bus line 72 is a "frequent service" line through north Portland providing service from Swan Island east to 82nd Avenue, and then south to the 82nd Avenue Max light rail station, and continuing to Clackamas Town Center. Bus line 6 is also a "frequent service" line providing service between downtown Portland and Jantzen Beach.

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.

The existing school operation includes 27 students being dropped off by car in the morning, and 19 students being picked up by car in the afternoon. The remaining students access the site by walking or taking public transportation. A survey was done by the applicant to determine the mode split of students traveling to and from the school. The survey found that 50% of students walk or take public transportation to school in the

morning, and approximately 65% of students walk or take public transportation from the school in the afternoon. With the proposed school expansion, there is projected to be an additional 10 students that will be dropped off by car in the morning, and an additional 7 students picked up by car in the afternoon. No uses other than the school are expected to generate significant new traffic during the AM or PM peak hours. A traffic impact study was not required by PDOT for the proposed school expansion and community center building addition. Because of the well connected grid pattern of streets in the vicinity of the site, the few additional vehicle trips expected during the peak hours will take a variety of routes to and from the site to access the area local and arterial streets. Because of the variety of routes available to access the site, the impacts to any one area intersection from the additional vehicle trips are expected to be insignificant. In addition, the traffic associated with the site will be reduced with continued use of transportation demand management strategies, as described in more detail below.

On-Street Parking/Neighborhood Impacts

The applicant provided a narrative describing all existing and 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 parking spaces available on the site for each use, and the existing/proposed drop off and pick-up operation for the school. There is an existing on-street drop-off/pick-up area along the NE 9th Avenue frontage. Parents will be allowed to continue to use this area to drop-off/pick up students as well as continue to use the on-site parking lot to drop-off/pick-up students. PBOT has reviewed the parking information and does not anticipate any new overflow of parking onto the area public street network resulting from the expansion of the school and community center that would significantly impact the adjacent neighborhood. The applicant's narrative indicates that one of the Sunday services currently requires the use of approximately 10 on-street parking spaces, and that the annual auction and annual luncheon result in a larger parking demand on the adjacent public streets. These are all existing uses and there is no proposal to increase the size of the church itself. PBOT does not anticipate that overflow parking for existing events significantly impacts the adjacent neighborhood because the site has more than 300 feet of frontage on each of NE 8th and NE 9th streets that is available for on-street parking, as well as on-street parking available along Alberta.

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 includes a variety of outreach to parishioners, parents of school children, and employees of the school to encourage ride-share, walking, or to use public transportation to reach the site. The applicant's narrative states that they already have a number of people accessing the site by these alternate modes of transportation, and that they will work to further the use of alternate modes with the TDM plan. With the TDM plan that has been submitted by Saint Andrew's, the demand for parking and traffic associated with the site will be further reduced with continued use of the transportation demand management strategies.

Access Restrictions
The site will utilize existing driveway connections to NE 8th and NE 9th. 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 in the adjacent neighborhood.

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

NE Alberta Street
According to City database sources, NE Alberta is improved with 40 feet of paving in a 60 foot right-of-way. The site's frontage is improved with a 10-foot wide sidewalk with intermittent tree planters in the furnishing zone and a curb extension with a bus shelter at the NE 9th Avenue intersection. For a street designated as a City Walkway, the Pedestrian Design Guide recommends a 12 foot pedestrian corridor (0.5 foot curb, 4 foot planter or tree wells, 6 foot sidewalk, and 1.5 foot setback to the property line). To accommodate the recommended 12 foot sidewalk corridor, a 2 foot minimum dedication of property for right-of-way purposes will be required. The dedication will be a condition of building permit approval; the dedication will not be required prior to the conditional use review approval. No sidewalk improvements will be required along NE Alberta Street at this time.

NE 8th Avenue
According to City database sources, NE 8th Avenue is improved with 30 feet of paving in a 50 foot right-of-way. The site's frontage is improved with a 10-foot wide sidewalk corridor (0.5 foot curb, 2.5 foot planter, 6 foot sidewalk, and 1 foot setback to the property line). No right-of-way dedications or sidewalk improvements will be required along NE 8th Avenue at this time. Any unused curb cuts along the NE 8th Avenue frontage will be required to be closed with curb, planting strip, and sidewalk as a condition of building permit approval.

NE 9th Avenue
According to City database sources, NE 9th Avenue is improved with 30 feet of paving in a 50 foot right-of-way. The site's frontage is improved with a 10-foot wide sidewalk corridor (0.5 foot curb, 2.5 foot planter, 6 foot sidewalk, and 1 foot setback to the property line). No right-of-way dedications or sidewalk improvements will be required along NE 9th Avenue at this time. Any unused curb cuts along the NE 9th Avenue

frontage will be required to be closed with curb, planting strip, and sidewalk as a condition of building permit approval.

In conclusion, PBOT conveyed to BDS staff that they had no objection to the approval of the proposal. Based upon the PBOT comments, the Hearings Officer finds this criterion is met.

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

Findings: The City's other service bureaus evaluated this proposal and have submitted responses indicating that public services are adequate to serve the proposed use. The Bureau of Environmental Services and BDS Site Development reviewed the applicant's stormwater management plan and found, by using on-site infiltration methods, the City's stormwater requirements are met.

The Water, Police and Fire bureaus indicated that public services are adequate to serve the proposed use.

The Hearings Officer finds this approval criterion 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 King Neighborhood Plan and the Albina Community Plan. The following policies and objectives of the King Neighborhood Plan and Albina Community Plan appear, to the Hearings Officer, to be applicable to this proposal:

<u>King Neighborhood Plan</u>

Policy 1: Urban Design: Create a safe, attractive, livable neighborhood that has distinct and enriching character.

- *Objective 1: Promote building designs that ensure crime prevention through environmental design and protect streets, open spaces, and architectural integrity of the neighborhood.*
- *Objective 3. Protect historic resources located in the King Neighborhood.*

Policy 6: Establish job training programs that meet the educational and employment needs of youth and adults residing within the King Neighborhood.

<u>Albina Community Plan</u>

Policy 1B: Livable Neighborhoods. Protect and improve the livability of the residential

neighborhoods within the Albina Community. Direct new development activity to those areas that have experienced or are experiencing a loss of housing. Ensure the compatibility of new development with nearby housing. Foster the development of complete neighborhoods that have service and retail businesses located within or conveniently near to them. Promote increases in residential density without creating economic pressure for the clearance of sound housing.

- *Objective 1: Buffer residential areas from the negative impacts of nearby large scale commercial, employment, industrial and institutional developments.*

Policy 8 Family Services. Empower all families and individuals in Albina to live successful and productive lives by improving access to the sources they need to manage their own lives and by removing barriers and creating equitable access to quality health care, social services, employment opportunities, a variety of housing choices, transportation and education. Ensure that the delivery of family services is well-coordinated, comprehensive and prevention-oriented. Encourage cooperation among citizens, governmental bodies, schools, and private and nonprofit organizations to provide planning, funding and support for family services.

Policy 9C. Historic Preservation. Protect the rich historic, cultural and architectural heritage of the Albina Community for its residents, workers and visitors.

- *Objective 2. Identify and protect the Albina Community's significant historic districts, ensembles, sites and structure and other features.*
- *Objective 3. Encourage adaptive reuses of historic properties as long as the historic character of the structures are maintained.*

In addition, **Comprehensive Plan Policy 3.8, Albina Community Plan Neighborhoods**, Objective H states: *Ensure the King Neighborhood's improvement and growth as a vital neighborhood in the heart of Portland's Albina Community. As the King Neighborhood physically improves also improve economic condition for King's residents. Use the King Neighborhood Plan to guide decisions on land use, capital improvement projects, urban renewal and community development activities within King.*

The Hearings Officer finds that this proposal is consistent with the relevant policies and objectives, identified above. The additions and site improvements will be compatible with the church, a designated historic landmark. The St. Andrew facility offers numerous social services to the northeast community. The proposed additions will augment their delivery of educational and social services. Lastly, the proposed landscape improvements will provide adequate buffer to the surrounding residential development. Therefore this criterion is met.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title

33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

III. CONCLUSIONS

The proposed building additions to accommodate approximately 24 students and provide space for church-related and community service functions are consistent with most of the Conditional Use approval criteria. The Hearings Officer finds this land use application should be approved.

IV. DECISION

Approval of a Conditional Use Review to: (1) expand the existing Nativity School building with a 3,000 square-foot, 2-story addition to accommodate approximately 24 fifth-grade students, (2) construct a 5,000 square-foot, 2-story addition to the existing community service center; and (3) reduction in on-site parking from 63 to 54 spaces, subject to the following condition:

A. As part of the building permit application submittal, each of the required site plans must reflect the information approved by this land use review as indicated in Exhibit C1. The sheets on which this information appears must be labeled, "This proposal is approved through land use review LU 08-156321 CU."

_____
Gregory J. Frank, Hearings Officer

_____
Date

Application Deemed Complete: December 8, 2008
Report to the Hearings Officer: February 6, 2009
Decision Mailed: February 24, 2009
Last Date to Appeal: 4:30 p.m., March 10, 2009
Effective Date (if no appeal): March 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 $3, 318.00 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. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

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

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

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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

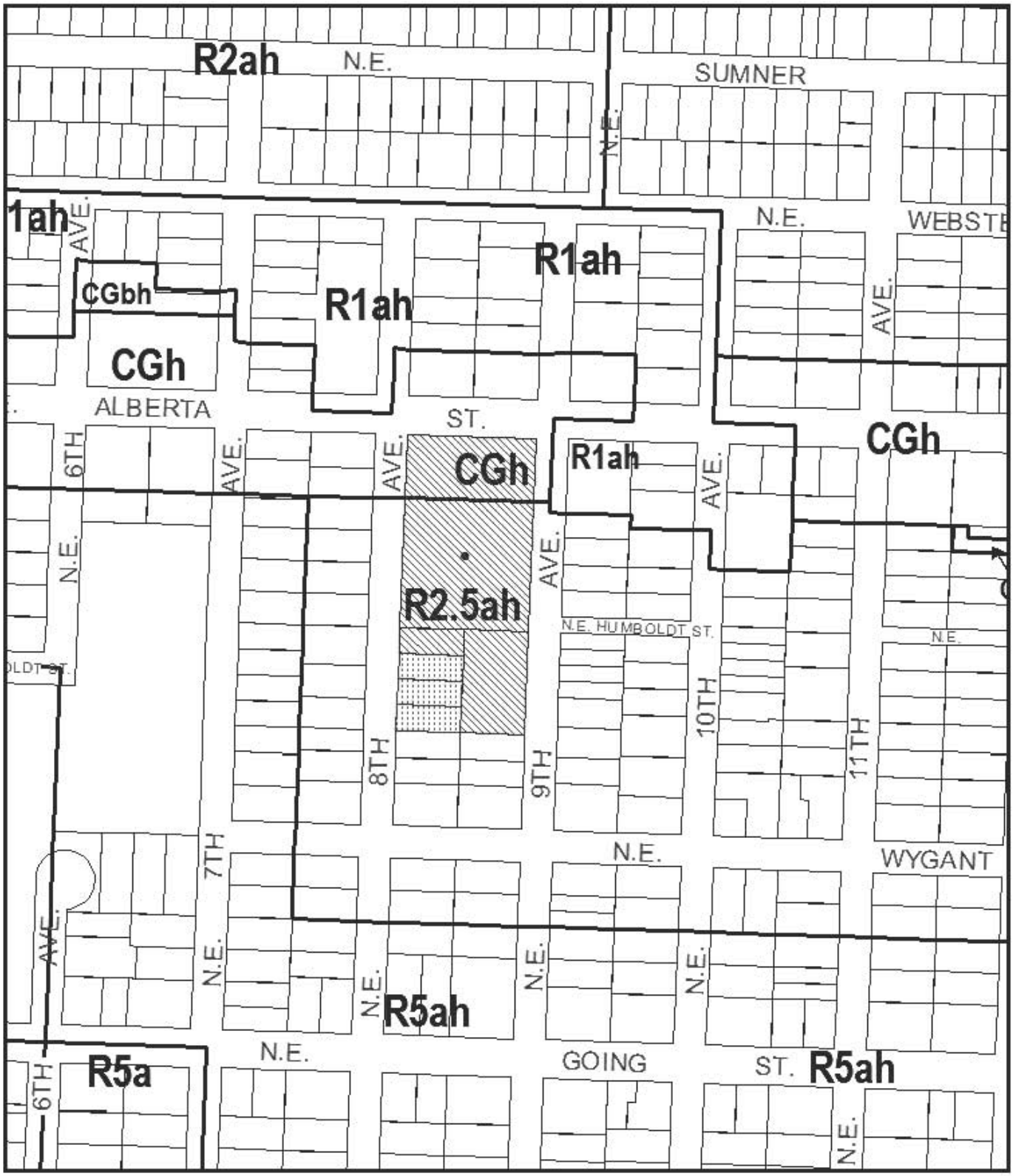
A. Applicant's Statement
   1. Written Narrative
   2. Photos and Site Renderings
   3. Supplemental Stormwater Information, received December 4, 2008
   4. 120-day waiver
B. Zoning Map **(attached)**
C. Plans & Drawings
   1. Site Plan, received Jan. 15, 2009 **(8 ½" x 11" attached)**
   2. Proposed Landscaping Plan, received December 4, 2008 **(8 ½" x 11" attached)**
   3. Proposed Community Center Elevation, received January 15, 2009 **(8 ½" x 11" attached)**
   4. Proposed School and Community Center Elevations, received January 15, 2009 **(8 ½" x 11" attached)**
   5. Existing Site Plan, received December 4, 2008
   6. New Site Plan/Landscaping, received December 4, 2008
   7. Existing Site Utility and Stormwater Management Plan with thumbnail photos, received December 4, 2008
   8. New Site Utility and Stormwater Management Plan, received December 4, 2008
   9. New Landscape Plan, received December 4, 2008
   10. Parking Information- Site plan, received December 4, 2008
   11. Stormwater Management Details, received December 4, 2008
   12. Existing Parking, submitted August 20, 2009
   13. New Parking, submitted August 20, 2009
   14. Proposed Lower Floor Plan, submitted August 20, 2009
   15. Proposed Site Plan with Upper Floors, submitted August 20, 2009
   16. Proposed Building Elevations, submitted August 20, 2009
D. Notification information
   1. Request for response
   2. Posting letter sent to applicant for Rescheduled Hearing
   3. Notice to be posted for Rescheduled Hearing
   4. Applicant's statement certifying posting
   5. Original Posting Letter
   6. Original Notice to be Posted
   7. Mailing list for Rescheduled Hearing
   8. Mailed notice for Rescheduled Hearing
   9. Original Hearing Notice
   10. Original Mailing List for Hearing
E. Agency Responses
   1. Water Bureau
   2. Bureau of Parks, Forestry
   3. Fire Bureau

4. BDS Life Safety Plans Review
5. BDS Site Development
6. Bureau of Environmental Services
7. Bureau of Transportation, Engineering and Development Review

F. Letters: NONE

G. Other
1. Original LUR Application
2. Site History Research
3. Request to Reschedule Hearing
4. Letter to Applicant Regarding Incomplete Application
5. Pre-Application Conference Report

H. Received in the Hearings Office
1. Request to reschedule with copy of signed waiver - Frugoli, Sheila
2. Hearing Notice - Frugoli, Sheila
3. Hearing Notice - Frugoli, Sheila
4. Staff report - Frugoli, Sheila
5. 2/17/09 Memo with attachments - Frugoli, Sheila
   a. 2/10/09 Memo, Mary King to Frugoli - Frugoli, Sheila
   b. 2/13/09 Memo, Jocelyn Tunnard to Frugoli - Frugoli, Sheila
   c. Simplified Approach Form with attached plans - Frugoli, Sheila
6. PowerPoint presentation printout - Frugoli, Sheila



ZONING

Site

Also Owned

Historic Landmark

NORTH

File No.	LU 08-156321 CU
1/4 Section	2531
Scale	1 inch = 200 feet
State_Id	1N1E23BC 100
Exhibit	B (Dec 19,2008)

LANDSCAPE REQUIREMENTS:

CO ZONE:

REQUIREMENT =15% OF SITE
PROVIDED= 37%

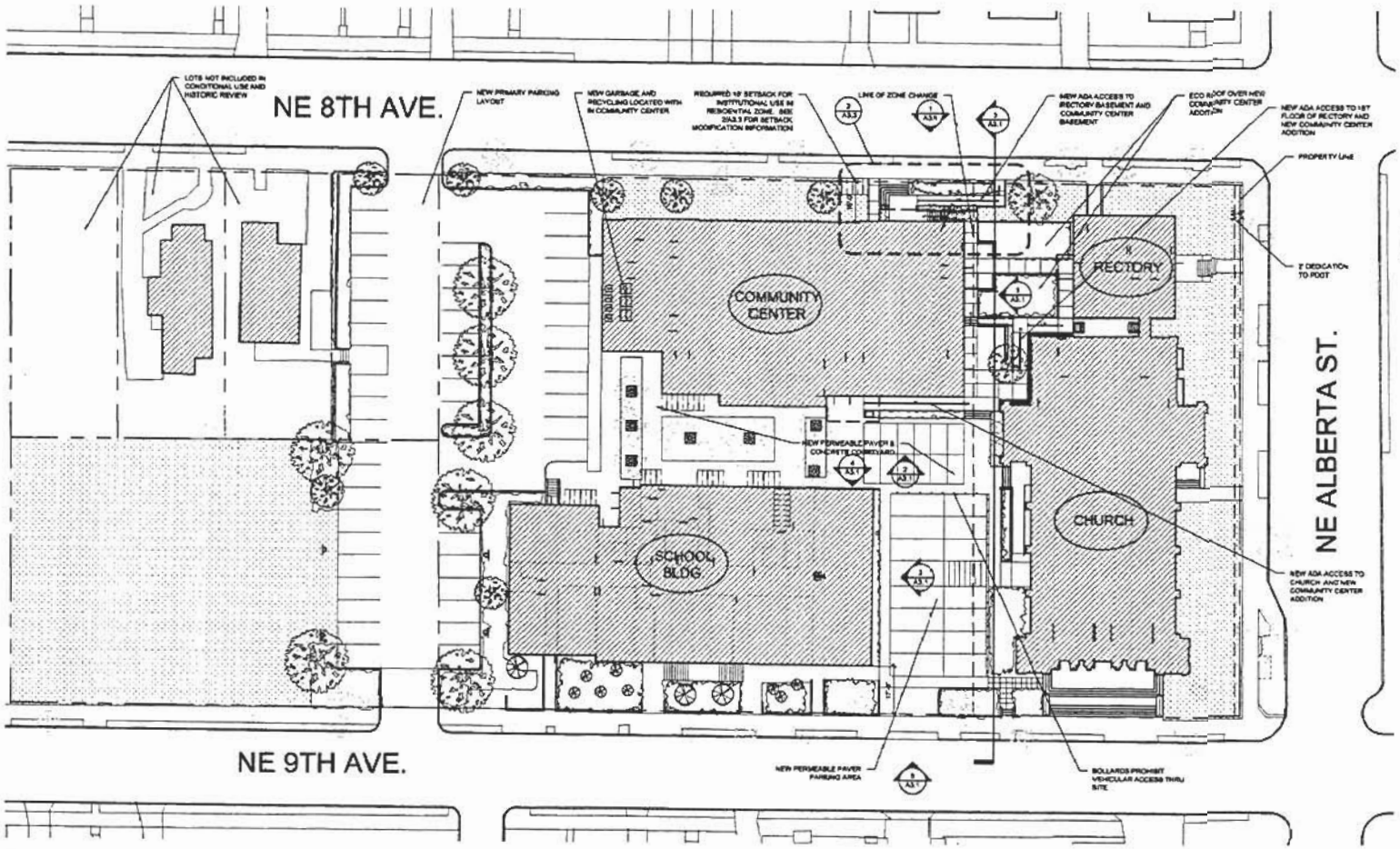
RS:

REQUIREMENT = 35% OF SITE
PROVIDED = 50%

SITE PLAN LEGEND:

BUILDING FOOTPRINT

AREA OF PERMEABLE PAVERS



1 A1.2 NEW SITE PLAN

RECEIVED
JAN 15 2009

PRELIMINARY NOT FOR CONSTRUCTION

dl loretoARCHITECTURE, llc

DESIGN DEVELOPMENT
ST. ANDREW CATHOLIC CHURCH
806 NE ALBERTA ST
PORTLAND, OR.

REVISIONS:

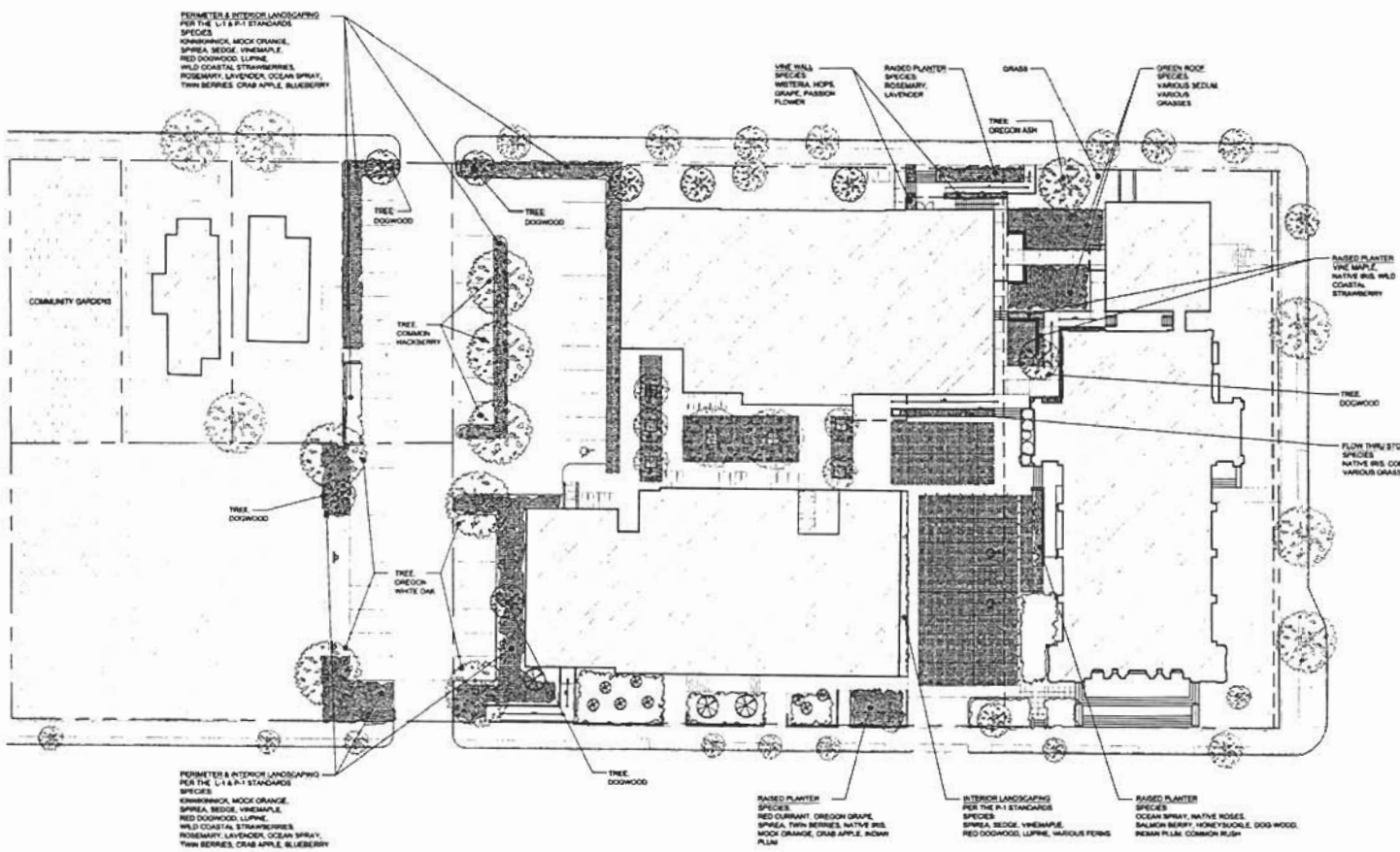
NEW SITE PLAN

A1.2

08008 12.12.08

Exhibit C.1

LU 08-156321 CU



1 L1.1 NEW LANDSCAPE PLAN
SCALE: 1"=30'-0"

Exhibit C.2

LU 08-156321 CU

LANDSCAPE PLAN LEGEND

- EXISTING GRASS
- NEW LANDSCAPING
- NEW TREE
- EXISTING TREE

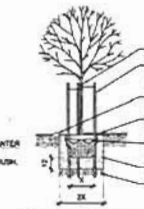
LANDSCAPE REQUIREMENTS:

CG ZONE:

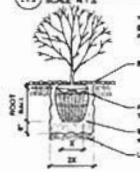
REQUIREMENT =15% OF SITE
PROVIDED= 37%

R2.5:

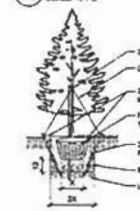
REQUIREMENT = 25% OF SITE
PROVIDED = 30%



2 L1.2 TREE PLANTING DETAIL
SCALE: N.T.S.



3 L1.2 SHRUB PLANTING DETAIL
SCALE: N.T.S.



5 L1.2 EVERGREEN PLANTING DETAIL
SCALE: N.T.S.

4 L1.2 TACTILE WARNING STRIP
SCALE: N.T.S.

PRELIMINARY NOT FOR CONSTRUCTION

di loreto ARCHITECTURE, llc

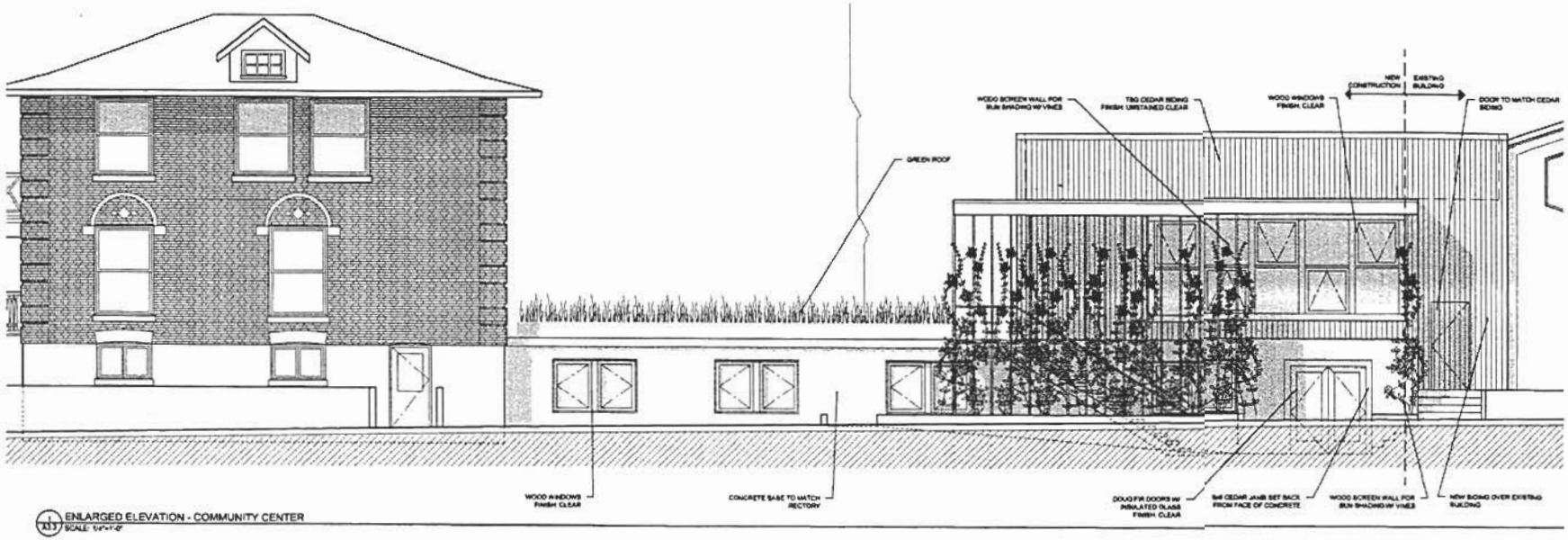
LAND USE REVIEW
ST. ANDREW CATHOLIC CHURCH
806 NE ALBERTA ST
PORTLAND, OR.

REVISIONS:

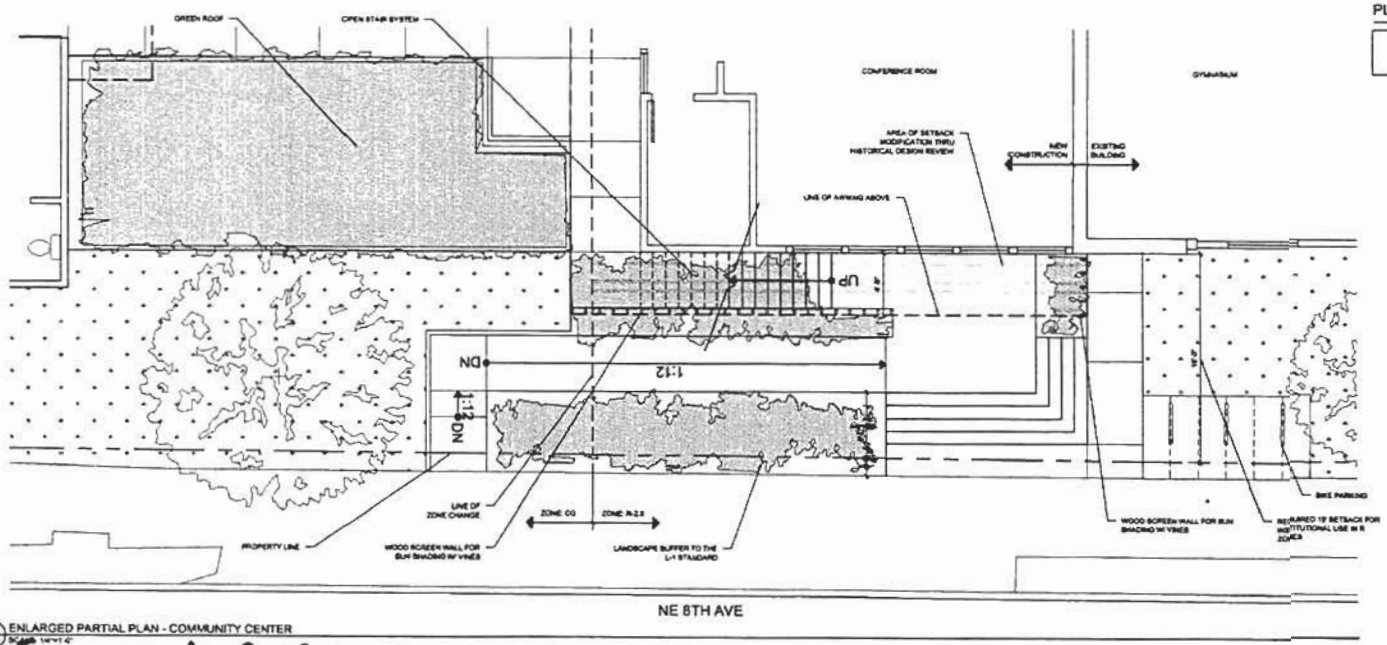
NEW LANDSCAPE PLAN

L1.1

08006 11.19.08



A3.3 ENLARGED ELEVATION - COMMUNITY CENTER
SCALE: 1/4"=1'-0"



PLAN LEGEND

AREA OF SETBACK MODIFICATION THRU HISTORICAL DESIGN REVIEW INCLUDES awning, OPEN STAIR SYSTEM, & WOOD SHADE SCREEN

A3.3 ENLARGED PARTIAL PLAN - COMMUNITY CENTER
SCALE: 1/4"=1'-0"

RECEIVED
JAN 15 2009

Exhibit C.3

LU 08-156321 CU

PRELIMINARY NOT FOR CONSTRUCTION

dl loretoARCHITECTURE, llc

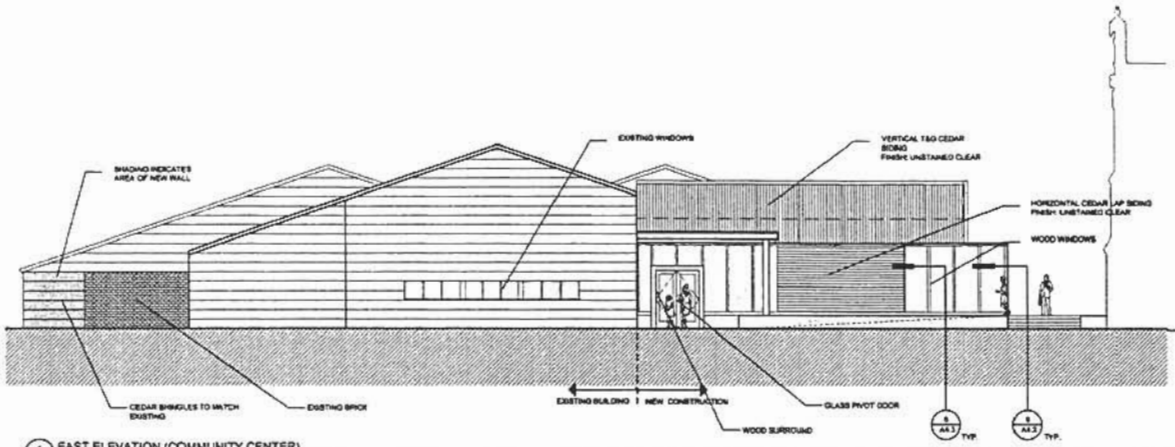
DESIGN DEVELOPMENT
ST. ANDREW CATHOLIC CHURCH
806 NE ALBERTA ST
PORTLAND, OR.

REVISIONS:

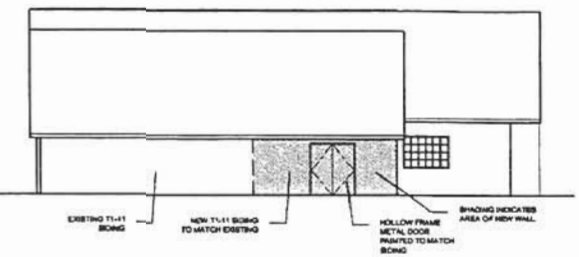
COMMUNITY CENTER ENLARGED ELEVATION & PLAN

A3.3

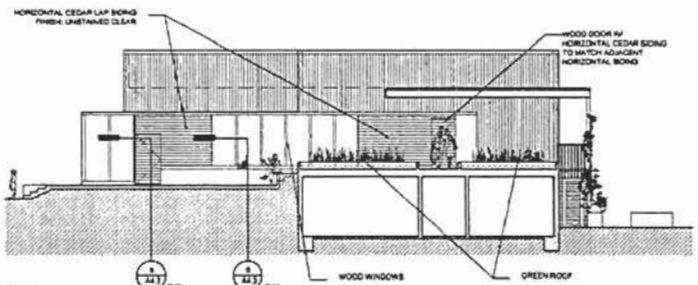
08006 12.12.08



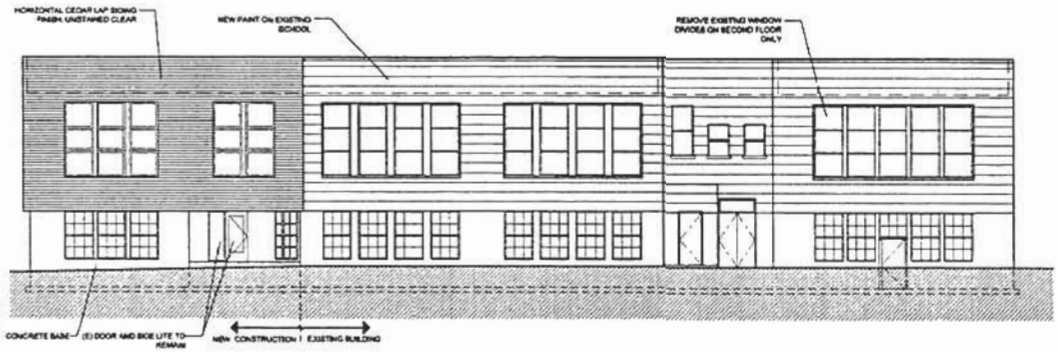
1 A3.6 EAST ELEVATION (COMMUNITY CENTER)
SCALE: 1/8"=1'-0"



2 A3.6 SOUTH ELEVATION (COMMUNITY CENTER)
SCALE: 1/8"=1'-0"



3 A3.6 NORTH ELEVATION (COMMUNITY CENTER)
SCALE: 1/8"=1'-0"



4 A3.6 WEST ELEVATION (SCHOOL)
SCALE: 1/8"=1'-0"

5 A3.6 EAST ELEVATION (SCHOOL)
SCALE: 1/8"=1'-0"

Exhibit C.4

RECEIVED
JAN 15 2009

Lu 08-156321 CU

PRELIMINARY NOT FOR CONSTRUCTION

di loreto ARCHITECTURE, llc

DESIGN DEVELOPMENT
ST. ANDREW CATHOLIC CHURCH
806 NE ALBERTA ST
PORTLAND, OR.

REVISIONS:

ENLARGED ELEVATIONS
A3.6

08006 12.12.08