



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 10-130282 CU (HO 4100016)

Applicants: Larry Abell, Architect LA
PO Box 90309
Portland, OR 97290

Tom Dejardin, Mt. Scott Learning Centers
6148 SE Holgate Blvd.
Portland, OR 97206

Hearings Officer: Gregory J. Frank

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

Site Address: 6148 SE Holgate Blvd.

Legal Description: BLOCK 1 LOT 1, LAURELWOOD 2; BLOCK 1 TL 8300,
LAURELWOOD ANX

Tax Account No.: R480200010, R480500010

State ID No.: 1S2E18AA 00100, 1S2E17BB 08300

Quarter Section: 3536

Neighborhood: Mt. Scott-Arleta

Business District: Woodstock Community Business Association

District Coalition: Southeast Uplift

Zoning: CG (General Commercial), R2.5a (R2,500, Attached Single-dwelling
Residential with an Alternative Design Density Overlay)

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

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:01 a.m. on October 6, 2010, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 9:27 a.m. The record was closed at that time.

Testified at the Hearing:

Kathleen Stokes, BDS Staff Representative
Larry Abell, PO Box 90309, Portland, OR 97290

Proposal: The Applicants have requested approval of a Conditional Use Review to increase the enrollment at an existing high school (Mt. Scott Learning Center) from 70 students (Hearings Officer Note: previous approved enrollment was 64 students) to 115 students. (Hearings Officer Note: throughout the BDS Staff Report and Recommendation to the Hearings Officer dated September 24, 2010, reference is made to a requested enrollment limit of 100 - BDS staff acknowledged that its review was conducted using 115 students, and that reference to 100 was a scrivener's error). The school is located in a portion of the Laurelwood United Methodist Church building. The increase in student enrollment will be accommodated by creating three new class rooms that will occupy 4,156 square feet within the existing space that previously served as the worship/assembly room for the church. No new floor area will be added to the building and no changes to site conditions are proposed.

A Type III Review is required because enrollment is increasing by more than 10% and the floor area devoted to this use is also increasing by more than 10% (floor area devoted to the school use is increasing from 13,844 to 18,000 square feet).

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 Institutional and Other Uses in R Zones, 33.815.105 A-E.

Hearings Officer's Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated September 24, 2010, and to issue the following approval with the following changes:

- Correction of a scrivener's error: All references to student enrollment of 100 shall be replaced by 115 (Page 1 under 'Proposal'; Page 4 under 'Findings'; Page 7 under 'Tentative Staff Recommendation').

Approval of the requested Conditional Use Review to allow an increase in the enrollment for the existing high school (Mt. Scott Learning Center) from the previously approved 64 students to 115 students and to allow an increase in the floor area devoted to the school use, from 13,844 to 18,000 square feet, subject to the following conditions:

- A. As part of the building permit application submittal, the following condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-130282 CU ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. The updated 2010 Transportation Demand Management Plan, which was approved by the Portland Bureau of Transportation, must be implemented, on an ongoing basis, by the school.

Basis for the Decision: BDS Staff Report in LU 10-130282 CU (HO 4100016), Exhibits A.1 through H.5, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

October 7, 2010

Date

Application Determined Complete:	July 30, 2010
Report to Hearings Officer:	September 24, 2010
Decision Mailed:	October 8, 2010
Last Date to Appeal:	4:30 p.m., October 22, 2010
Effective Date (if no appeal):	October 25, 2010

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., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$3,862.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on 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 Chairperson 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. Application, 120-day waiver, narrative, TDM plan, site plan
 - 2. Supplemental information in email, May 4, 2010
 - 3. Supplemental information in document, July 12, 2010
 - 4. Request to reschedule hearing
- B. Zoning Map
- C. Plans & Drawings:
 - 1. Site Plan
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Second posting letter
 - 4. Notice to be posted
 - 5. Applicant's statement certifying posting
 - 6. Mailing list
 - 7. 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. Police Bureau
 - 6. Life Safety Plan Review Section of BDS
 - 7. Summary of electronic responses from City agencies
- F. Letters: (none received)
- G. Other:
 - 1. Site History Research
 - 2. Pre-application Conference Summary Notes
 - 3. Letter from Kathleen Stokes to Larry Abell, May 17, 2010
- H. Received in the Hearings Office:
 - 1. Request to reschedule - Stokes, Kathleen
 - 2. 4/16/10 Letter, Larry Abell to BDS - Poelwijk, Yvonne
 - 3. Hearing Notice - Stokes, Kathleen
 - 4. Staff Report - Stokes, Kathleen (**attached**)
 - 5. PowerPoint presentation printout – Stokes, Kathleen



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

1900 SW 4th Avenue, Suite 5000
 Portland, Oregon 97201
 503-823-7300
 Fax 503-823-5630
 TTY 503-823-6868
 www.portlandonline.com/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 10-130282 CU (PC # 09-143854)
REVIEW BY: Hearings Officer
WHEN: October 6, 2010 at 9 AM
WHERE: 1900 SW Fourth Ave., Suite 3000
 Portland, OR 97201

RECEIVED
CB
 SEP 24 2010

HEARINGS OFFICE

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

GENERAL INFORMATION

Applicant: Larry Abell, Architect LA
 PO Box 90309
 Portland, OR 97290

Tom Dejardin, Mt. Scott Learning Centers
 6148 SE Holgate Blvd.
 Portland, OR 97206

Site Address: 6148 SE Holgate Blvd.

Legal Description: BLOCK 1 LOT 1, LAURELWOOD 2; BLOCK 1 TL 8300, LAURELWOOD ANX
Tax Account No.: R480200010, R480500010
State ID No.: 1S2E18AA 00100, 1S2E17BB 08300
Quarter Section: 3536

Neighborhood: Mt. Scott-Arleta, Marla Tunner at 503-887-9075.
Business District: Woodstock Community Business Assn, Lori Boisen at 503-760-7968.
District Coalition: Southeast Uplift, Leah Hyman at 503-232-0010.

Zoning: CG (General Commercial), R2.5a (R2,500, Attached Single-dwelling Residential with an Alternative Design Density Overlay)

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

Proposal: The applicants have requested approval of a Conditional Use Review to increase the enrollment at an existing high school (Mt. Scott Learning Center) from 70 students to 100 students. (Note that the previous approved enrollment was 64 students). The school is located in a portion of the Laurelwood United Methodist Church building. The increase in student enrollment will be accommodated by creating three new class rooms that will occupy 4,156 square feet within the existing space that previously served as the worship/assembly room for the church. No new floor area will be added to the building and no changes to site conditions are proposed.

A Type III Review is required because enrollment is increasing by more than 10% and the floor area devoted to this use is also increasing by more than 10% (Floor area devoted to the school use is increasing from 13,844 to 18,000 square feet).

FROM CONCEPT TO CONSTRUCTION

CITY OF PORTLAND
 HEARINGS OFFICE
 Exhibit #H-4
 Case # 4100016
 Bureau Case # 10-130282 CU

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 Institutional and Other Uses in R Zones, 33.815.105 A-E.

ANALYSIS

Site and Vicinity: The applicant's site consists of two parcels, with a combined area of 40,512 square feet. The property is located on the south side of SE Holgate Boulevard and extends through the block, from SE 61st to SE 62nd Avenue. The site is developed with a large primary structure, Laurelwood Methodist Church, that was constructed in 1929 and occupies about two-thirds or more of the eastern portion of the property. The Mt. Scott Learning Center now uses the majority of this building as an alternative high school. A house that is owned and used by the church is located in the northwest corner of the site. A garden area is located immediately to the south of the house, and a small garage, with access from SE 61st is located to the south of the garden. A parking area, which is mostly surfaced with gravel, is located directly to the south of the church building. One-way access to the parking area exists, with ingress from SE 62nd Avenue and egress to SE 61st Avenue.

The area around the site, to the south and west, is mainly devoted to single-dwelling residences. On the north side of SE Holgate and east of the site, along SE Foster Road, there is a variety of small commercial uses, which include mostly small, independent storefront shops and a few small retailers that are part of national chains.

Zoning: The site is zoned CG (General Commercial) and R2.5a (Attached Single-Dwelling Residential, with an Alternative Design Density Overlay). The CG zone, which is applied to the northern portion of the site, is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size, to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Schools and religious institutions are allowed by right in this zone. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

The southern portion of the site is zoned R2.5 or R2,500, Attached Residential Single-Dwelling. This zone is intended for areas with complete public services and without development constraints. The zone allows a mixture of housing types of a single-dwelling character, including attached houses. The maximum density is generally 17.4 units per acre or one unit per 2,500 square feet. To allow the fulfillment of these densities, the allowed scale of development is greater than for other single-dwelling housing structure types. Institutional uses, such as schools and religious institutions are allowed in this zone when approved as Conditional Uses. When sites have more than one zone and the use is an allowed use in one zone, but requires conditional use approval in the other zone(s), conditional use approval is required.

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

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

04-032507 CU - 2004 approval of a Conditional Use Review to allow a new high school for 64 students and 10 staff, subject to conditions that required the August 18, 2004 Transportation Demand Management Plan to be implemented and further stated that any changes that might

lessen the commitment of the school to encouraging use of alternative forms of transportation would not be allowed, unless approval was made through a Type II Conditional Use Review.

Agency Review: A "Request for Response" was mailed **August 3, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services provided information on existing public services for sanitary sewers and storm water and indicated that since there are no proposed changes to the development, other than an interior remodel, there would be no expected impacts on these services (Exhibit E-1).
- Transportation Engineering provided an analysis of the proposal as it is related to the City's transportation system and noted that there would be no expected impacts (Exhibit E-2).
- Water Bureau noted that a review for fixture count would be a part of the review for any building permit submittal (Exhibit E-3).
- Fire Bureau reminded the applicant that Fire Code requirements apply and will be reviewed through the building permit process (Exhibit E-4).
- Police Bureau stated that the bureau is capable of serving the proposed use at this time (Exhibit E-5).
- Site Development Section of BDS sent an electronic response that stated that they have no objection to the proposed Conditional Use, or to the use of existing stormwater facilities to meet the approval criterion for stormwater services, with the understanding that no new floor area or changes to site conditions are proposed.
- Life Safety Plan Review Section of BDS cited the requirements for the required change of occupancy from a church to a school use (Exhibit E-6).
- Parks-Forestry Division sent an electronic response that stated there are no concerns.

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

ZONING CODE APPROVAL CRITERIA

33.815.105: Institutional And Other Uses In R Zones

33.815.040 Review Procedures Review procedures for conditional uses depend on whether the proposal is for a new conditional use, change to another type of conditional use, or changing development at an existing conditional use. The procedure may also depend upon the type of use being proposed. This proposal is for an addition of more than 10% to the school enrollment and an addition to the floor area devoted to the use that is more than 10% of the overall existing school floor area, and so requires approval through a Type III Review.

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

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: The residential area includes residentially-zoned properties within about 200 to 400 feet of the site, beginning at SE Boise Street, to the north, and extending to SE Schiller Street to the south, west to SE 60th Avenue and east to SE 64th Avenue. This area includes properties that are zoned for a mixture of higher density single-dwelling residential uses.

The portion of the residential area that is located to the north of SE Foster Road is separated from any impacts from the school by the block of commercial zoning that abuts the Foster Road frontage. There were not other institutional uses that were noted in the residential area, either to the north of Foster or in the area to the south of the commercial area, which is more likely to be impacted by this use. This site has been used as a church since at least 1929, when the primary structure was erected. The conversion of building space from a religious institution to an expanded school use will not have any effect on the proportion of household versus nonhousehold uses in the residential area.

The proposed increase in the enrollment, from the previously approved 64 students to the projected 100 students will increase the intensity of the use. However, the site is only used on weekdays and will likely have fewer impacts on the surrounding area than the more active use by the church that previously occupied the entire site.

The number, land area size and location of nonhousehold uses will not change. The hours and types of activities at the school will not detract from the residential character of the area. Therefore, these criteria are met.

B. Physical compatibility.

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

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

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

Findings: Either approval criteria 2 or 3 must be met. There are no proposed changes to the exterior of the buildings on the site or to the landscaping or parking areas. These buildings have been a part of the neighborhood fabric at this location for more than 80 years and the church building is a recognizable architectural landmark in this area. As the structures are compatible with the adjacent residential development and because there are no physical changes that are being proposed as a part of this proposal, this criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

Findings: There will be no change from existing school hours and activities as a result of this proposal.

No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected to result from this proposal, as the school will continue to maintain policies related to these potential disturbances. Use of the increased building area will not

create any additional noise as it only serves to expand facilities for the school's programs and accommodate a small relatively small increase in enrollment. According to the school administrators, they have made improvements to the site that have included increased repair and maintenance and improvements to landscaping and regular litter control. The program does not include any regular outdoor activities, so there should be no impacts on privacy or safety. Therefore, there are not expected to be any negative impacts on the livability of the surrounding residential area. These criteria are met.

D. Public services.

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

Findings: Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. Transportation's analysis is contained below:

Street Classifications

	Traffic	Transit	Bicycle	Pedestrian	Emergency Response	Street Design	Freight
SE Holgate Blvd.	Neighborhood Collector	Transit Access Street	City Bikeway	City Walkway	Major Emergency Response	Community Corridor	Minor Truck
SE 61 st Avenue	Local Service	Local Service	Local Service	Local Service	Minor Emergency Response	Local Service	Local Service
SE 62 nd Avenue	Local Service	Local Service	Local Service	Local Service	Minor Emergency Response	Local Service	Local Service

Street designations, Capacity, Levels of Service

The school use is an acceptable use on streets that have these designations. Portland Transportation/ Development Review is not aware of any capacity or level of service constraints at street intersections near the church/school site that would be more greatly impacted by additional traffic generated by the expanded school.

Access to Arterials

The site fronts on SE Holgate Boulevard, an arterial street.

Connectivity

The site is located within a highly connected street grid. There is no need for connections through the site.

Transit Availability

Transit service is provided to the area of the school on SE Holgate Boulevard and SE Foster Road.

On-street parking impacts

There are currently 10-11 on-site parking spaces. The applicant states that 8 out of 15 staff drive to work and approximately 3 to 5 students drive. The site also has approximately 600 feet of frontage on public streets. Adequate on-site parking is available. Although occasionally supplemented by some parking along the site's frontage on public streets, this will not result in any significant on-street parking impacts.

Access Restrictions

There are no access restrictions that are regulated by Portland Transportation/Development Review that impact this proposal.

Impacts on Pedestrian, Bicycle, and Transit Circulation

With the exception of SE Holgate, streets surrounding the school are improved to City standards and currently provide adequate circulation for pedestrians, bicycles and planned transit routes. The sidewalk along SE Holgate will be widened to current City standards as a condition of building permit approval.

Safety for all Modes

Portland Transportation/Development Review anticipates no significant transportation related safety impacts from operating the school at the existing site.

Adequate Transportation Demand Management (TDM) Strategies

The applicant had provided an updated TDM (April 2010) plan that contains adequate Transportation Demand Strategies.

OTHER: Title 17 Requirements:Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-7080.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Improvements (Section 17.88)

All public street frontages are currently improved. The existing sidewalk along SE Holgate was required to be widened to 12-ft as a condition of building permit approvals related to the 2004 Conditional Use review to establish the original high school. City Code requires upgrade to sidewalks under certain conditions during building permit review. Required improvements will include a 12-foot wide sidewalk corridor in conformance with the Portland Pedestrian Design Guide. A dedication of 5 feet of right-of-way is necessary to make the improvements to the sidewalk. Since the dedication and sidewalk improvements were not done in 2004, they will be a condition of building permit approvals for this current expansion.

In conclusion, and as analyzed above, considering each of the noted evaluation factors, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Therefore, with a condition that requires the ongoing implementation of the approved Transportation Demand Management (TDM) plan, there will be no impacts and these criteria can be met.

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

Findings: The City's other service agencies evaluated this proposal and found that public services are adequate to serve the proposed use. Therefore, this criterion is 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 Mt. Scott-Arleta Neighborhood Plan and the Outer Southeast Community Plan. Staff did not find that any of the policies or objectives of these plans were directly related to this use or to this site. However, improving the facilities at this school and preserving the historic structure appear to be consistent with the focus of these adopted plans, which is to improve the neighborhood environment and identity. Therefore, the proposal is consistent with these plans and this is 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

All of the relevant approval criteria for the requested Conditional Use Review have been met. The proposed conversion of existing floor area for the use of the school and the proposed increase in the student enrollment will not create any changes that will detract from the function or the character of the residentially-zoned area. With the ongoing implementation of the approved Transportation Demand Management (TDM) plan, there will be no impacts on public services. No significant adverse impacts will be created for the livability of nearby residential-zoned lands. The proposal is not directly addressed, but is generally consistent with the adopted area plans. Therefore, the proposal can be approved, subject to the proposed plans and a condition of approval that requires implementation of the school's TDM plan.

TENTATIVE STAFF RECOMMENDATION

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

Approval of the requested Conditional Use Review to allow an increase in the enrollment for the existing high school (Mt. Scott Learning Center) from the previously approved 64 students to 100 students and to allow an increase in the floor area devoted to the school use, from 13,844 to 18,000 square feet, subject to the following conditions:

- A. As part of the building permit application submittal, the following condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-130282 CU ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The updated 2010 Transportation Demand Management Plan, which was approved by the Portland Bureau of Transportation, must be implemented, on an ongoing basis, by the school.

Procedural Information. The application for this land use review was submitted on April 22, 2010, and was determined to be complete on July 30, 2010.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on April 22, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be fully extended ("waived"), as noted in Exhibit A-1. **A final decision is therefore due by 365 days from the date that the application was determined to be complete, which will be on July 30, 2011.**

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, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$3,862.50 will be charged (one-half of the application fee for this case).**

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

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

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

Recording the final decision.

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

- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034

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

Expiration of this approval. 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.

Planner's Name: Kathleen Stokes

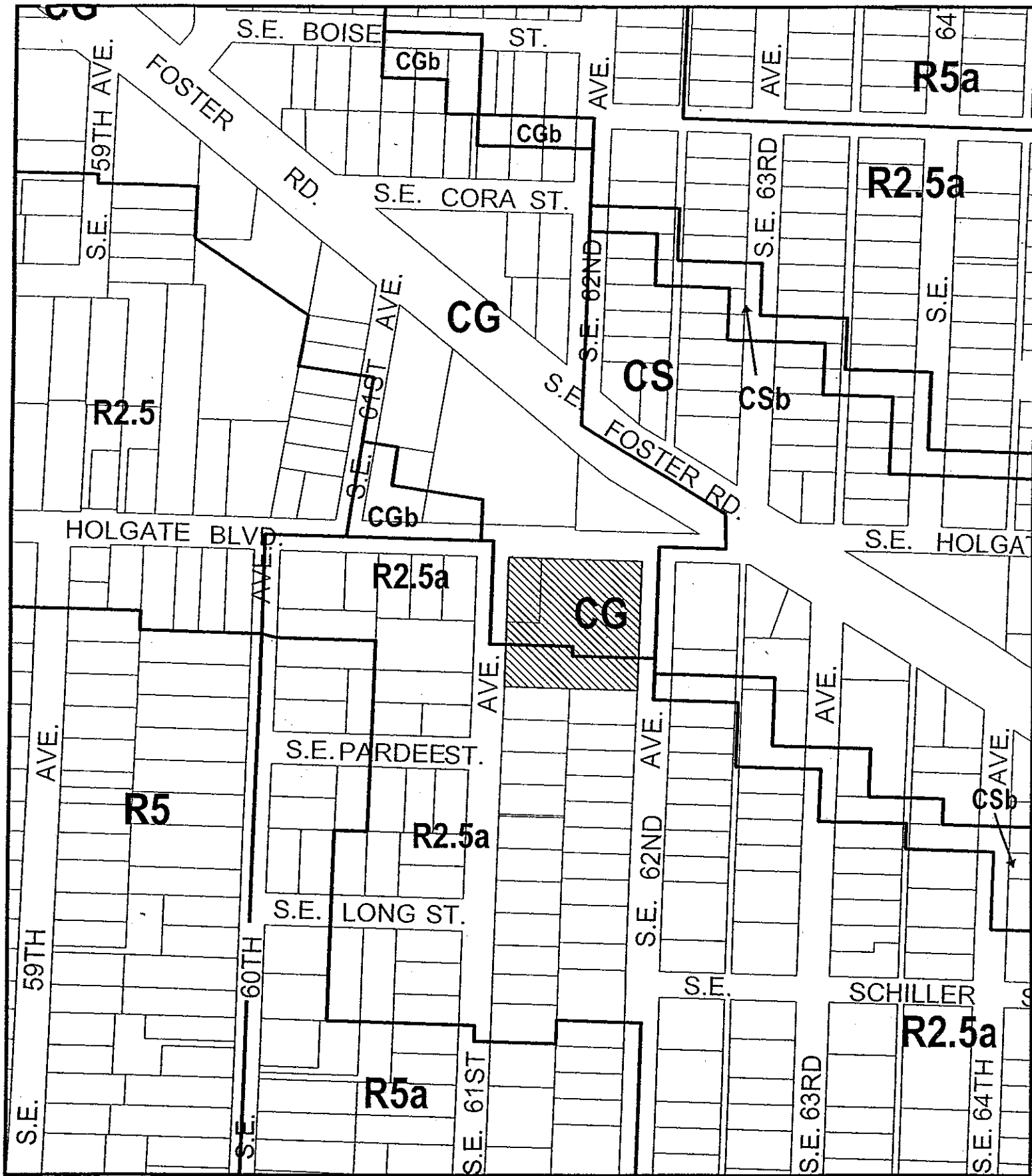
Date: September 24, 2010

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Application, 120-day waiver, narrative, TDM plan, site plan
 - 2. Supplemental information in email, May 4, 2010
 - 3. Supplemental information in document, July 12, 2010
 - 4. Request to reschedule hearing
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Second posting letter
 - 4. Notice to be posted
 - 5. Applicant's statement certifying posting
 - 6. Mailing list
 - 7. 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. Police Bureau
 - 6. Life Safety Plan Review Section of BDS
 - 7. Summary of electronic responses from City agencies
- F. Letters: (none received)
- G. Other:
 - 1. Site History Research
 - 2. Pre-application Conference Summary Notes
 - 3. Letter from Kathleen Stokes to Larry Abell, May 17, 2010

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



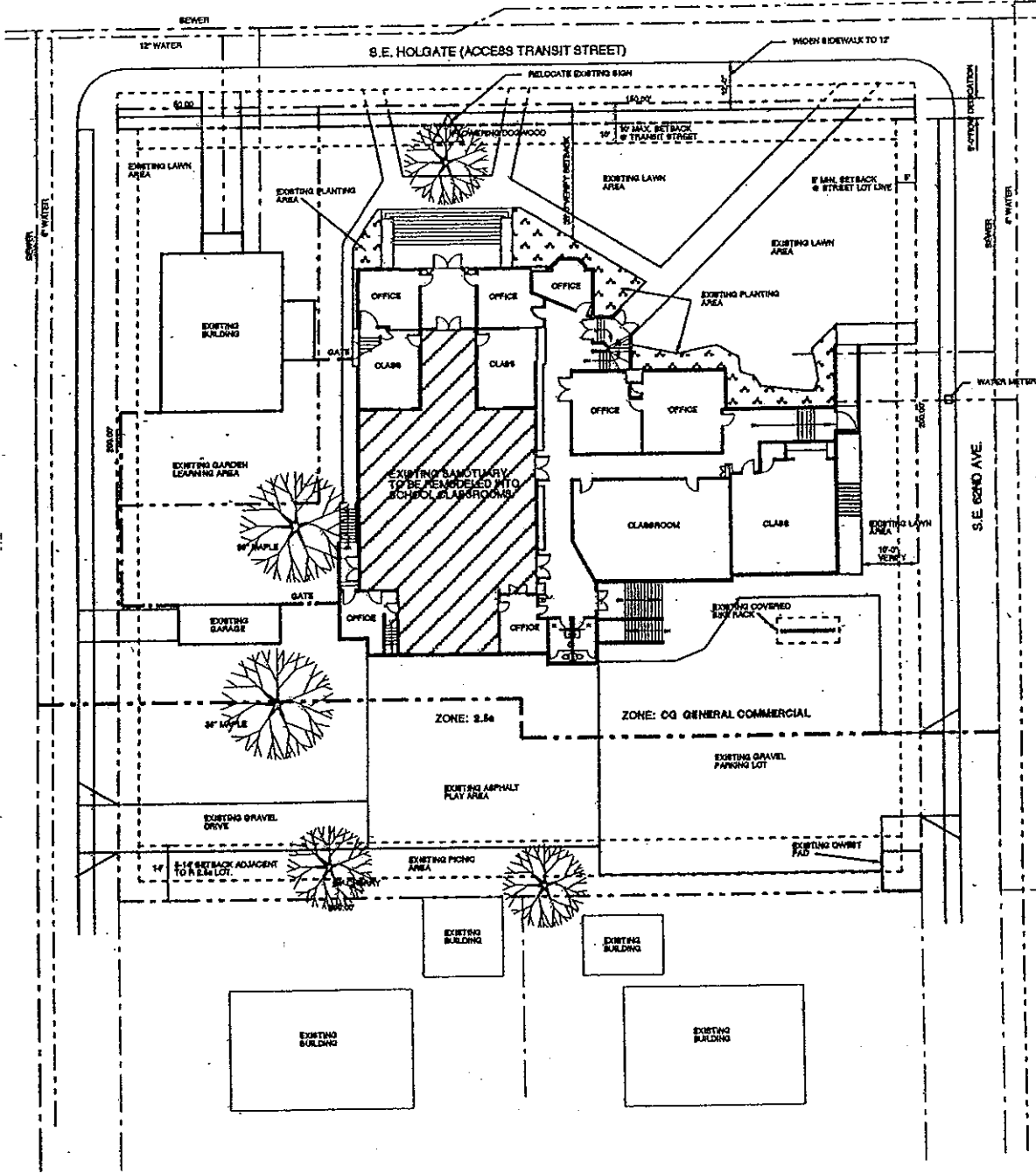
Site



NORTH

File No. LU 10-130282 CU
 1/4 Section 3536,3537
 Scale 1 inch = 200 feet
 State Id 1S2E17BB 8300
 Exhibit B (Apr 23,2010)

ZONE: CQ



ZONE: CQ

AREA OF WORK - ALL INTERIOR

EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

NOTE: THIS SITE PLAN DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY. ALL PROPERTY LINES ARE ASSUMED. DRAWING IS DIAGNOSTIC.

SITE DESCRIPTION:

ZONE:	GENERAL COMM
SITE AREA:	36,812 SF
MAX. BUILDING COVERAGE OF SITE:	8500' x 5,512 SF
ACTUAL BUILDING COVERAGE:	10,200 SF

<p>THIS DRAWING IS THE PROPERTY OF ARCHITECT • L.A. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ARCHITECT • L.A.</p>	<p>A1</p>	<p>REVISIONS:</p>	<p>DATE: 04/18/2010</p>	<p>DRAWN BY: DM/LA</p>	<p>PROJECT: 20012</p>	<p>CONTENTS: SITE PLAN</p>	<p>LAURELWOOD UNITED METHODIST CHURCH SANCTUARY REMODEL TO CLASSROOMS</p> <p>6148 SE Holgate Portland, Oregon</p>	<p>ARCHITECT • L.A. 6148 SE Holgate Portland, OR 97206 503 / 815-9907 FAX 503 / 825-2215</p>	
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LU 10-130282 CU - Exhibit C-1