



CITY OF PORTLAND

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 11-135330 CU (HO 4110016)

Applicants: Bill Stinett, CFO
Cedar Sinai Park
6125 SW Boundary Street
Portland, OR 97221-1019

Justin Anderson
Mulvanny G2 Architecture
601 SW 2nd Avenue, Suite 1200
Portland, OR 97204

Hearings Officer: Gregory J. Frank

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

Site Address: 6125 - 6140 SW Boundary Street

Legal Description: LOT 7 TL 500, CANCEL INTO R111024 / B P CARDWELL TR, LOT 7 TL 500; LOT 7 TL 400, CANCEL INTO R111024 / B P CARDWELL TR, LOT 7 TL 400; LOT 7 TL 600, CANCEL INTO R111024 / B P CARDWELL TR, LOT 7 TL 600; LOT 7&8 TL 300, B P CARDWELL TR; LOT 8 TL 200, B P CARDWELL TR; LOT 8 TL 100, B P CARDWELL TR; TL 6200 9.63 ACRES, SECTION 18 1S 1E; TL 6000 4.04 ACRES, SECTION 18 1S 1E; TL 6100 0.53 ACRES, SECTION 18 1S 1E; TL 6001 3.70 ACRES, SECTION 18 1S 1E

Tax Account No.: R049500870, R049500900, R049500930, R049500950, R049501010, R049501110, R991180180, R991181200, R991183050, R991183550

State ID No.: 1S1E18BC 00500, 1S1E18BC 00400, 1S1E18BC 00600, 1S1E18BC 00300, 1S1E18BC 00200, 1S1E18BC 00100, 1S1E18BC 06200, 1S1E18BC 06000, 1S1E18BC 06100, 1S1E18BC 06001

Quarter Section: 3523

Neighborhood: Hayhurst

District Neighborhood Coalition: Southwest Neighborhoods Inc.

Zoning: R1 (R1,000, Medium Density Multi-Dwelling Residential), R5 (R5,000, High Density Single-Dwelling Residential), R7 (R7,000, Medium Density Single-Dwelling Residential), R10 (R10,000, Low Density Single-Dwelling Residential), c, p (Environmental Conservation and Environmental Preservation Overlays)

Land Use Review: Type III, Conditional Use Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 8:59 a.m. on July 20, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 10:12 a.m. The Applicants waived Applicants' 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 at the end of the hearing.

Testified at the Hearing:

Kathleen Stokes, BDS Planner, 1900 SW 4th Avenue, Suite 5000, Portland, OR 97201

Justin Anderson, 601 SW 2nd Avenue, Suite 1200, Portland, OR 97204

Daniel Rasmussen, 5417 SW 63rd, Portland, OR 97221

Carri Cunningham, 5407 SW 63rd, Portland, OR 97221

Fabio de Freitas, Portland Bureau of Transportation, 1900 SW 4th Avenue, Suite 1000, Portland, OR 97201

Proposal: Applicants propose to construct a 42-space parking lot ("Proposed Parking Lot") in a R10-zoned portion of the real property owned by Applicants that is adjacent to the south side of SW Boundary Street; see Exhibits B and C.1. The overall property ownership of Applicants shall hereafter be referred to as the "Overall Site" and the specific parcel upon which the Proposed Parking Lot will be located shall be referred to as the "Parking Lot Site." Generally, the operations on the Overall Site are referred to as the Cedar Sinai Campus. The Robison Jewish Health Center, Rose Schnitzer Manor, and May Terrace Apartment uses are located on the Cedar Sinai Campus.

The Proposed Parking Lot would serve the existing facilities on the Cedar Sinai Campus. Improvements to an existing parking lot, located to the west of the Parking Lot Site are also proposed, to bring landscaping into compliance with current Code standards. (Note: originally two existing parking areas were proposed to have landscaping upgrades, but the final cost estimates resulted in one of the parking area upgrades being deferred to a later date and so it was removed from the current proposal). Addition of the Proposed Parking Lot would bring the total number of parking spaces on the Overall Site to 166 stalls, after removal of six stalls to allow the additional required landscaping. An increase of more than 10% in the number of parking spaces on the

Overall Site (because of its Conditional Use status) requires approval through a Type III Conditional Use Review.

Relevant Approval Criteria: 33.815.105 A-E, Institutional and Other Uses in R Zones.

II. ANALYSIS

Site and Vicinity: The Overall Site consists of 10 parcels that currently comprise a total area of 23.59 acres. (About 5,565 to 5,700 square feet will be removed from the Parking Lot Site, with the requirement, from a 2009 review, to dedicate a 15-foot-wide strip on the east side for a potential future pedestrian connection). Six of the parcels are located on the south side of SW Beaverton Hillsdale Highway, east of SW 62nd Avenue, extending south to SW Boundary Street. The remaining four parcels are located on the south side of SW Boundary Street, east of SW 63rd Avenue, extending to the cul-de-sacs at the terminations of SW 60th and SW 61st Avenues, on the south, and to SW Gibbs Street, on the east. An additional 21,780 square-foot, undeveloped property that is located on the northwest corner of SW 60th Avenue and SW Flower Street is also owned by the Applicants but because it is vacant, this lot has not been identified as a part of the Overall Site.

The Overall Site is developed with a large facility for seniors, including both independent and assisted living, as well as adult day care (Robison Jewish Home/Rose Schnitzer Manor). A large portion of the Overall Site is also undeveloped, allowing the potential for future expansion, on portions of the property that are outside of environmental resource areas.

Zoning: The Overall Site has multiple zoning designations. Various portions of the Overall Site are zoned with R1, R5, R7 and R10 base zone designations, and also with c and p (Environmental Conservation and Environmental Protection) zoning overlay designations.

The Parking Lot Site is zoned R10, Low Density Single-Dwelling Residential. This zone is intended for areas that have public services, but that are subject to significant development constraints. Single-dwelling residential is the primary use, with an average maximum density of about 4.4 units per acre, or one unit per 10,000 square-foot lot.

Land Use History: There have been a number of previous Land Use reviews for the Overall Site:

CU 49-63: 1963 Conditional Use review approved a convalescent facility in a retirement home.

PC 4405: 1964 adoption of City zoning following annexation of the Maplewood area.

Additional reviews in the 1960s and 1970s approved additions to the facility and new parking areas. These included CU 085-66, CU 002-67, CU 110-72, CU 082-74, CU 063-75, CU 026-76 and CU 092-78.

CU-056-80: 1980 Conditional Use review approved a convalescent facility, with conditions that required street improvements along SW Beaverton Hillsdale Highway and SW Boundary Street. An

interior auto and pedestrian circulation system that met the approval of the City Engineer was also required. Conditions also required certain elements in the construction, including provision of kitchens that were available for the use of residents, sprinkler systems for the building, a Fire Bureau service road and a storm drainage system that was to be approved by the Oregon Department of Transportation (ODOT). A parking area that was proposed was not approved at that time, requiring that a parking management plan and "transit incentive plan," first be submitted and approved by the City. The review also approved variances to the building height that was allowed for the project and reduced the required number of parking spaces for the project.

CU 79-81/ PC 7119: 1981 reviews approved a Zone Change, from R10 to R7, and a master plan for the entire site, including several phases. The first phase was built and approval of subsequent phases expired after six years (in accordance with a condition of the original approval).

LUR 94-00518 CU EN: Conditional Use and Environmental review approved development of a 110-unit assisted living facility. Conditions required a limit of disturbance along the south side of SW 62nd Avenue, a five-year plan to remove invasive weeds south and southwest of the disturbance limits, and a 30-foot drainage reserve easement over Pendleton Creek.

LUR 95-00352 CU: 1995 Conditional Use review approved expansion of the facility by about 1,700 square feet, subject to conditions that required L3 landscaping to be added to the eastern portion of the site; with at least two trees included and hedges located at the property line. Conditions also required that any exterior lighting be directed within the site and not into adjacent residentially developed lands.

LUR 96-00789 EN: Environmental review approved development of a fire lane through the environmental zone. To accommodate the fire lane, the Applicant had to remove trees and other vegetation from a portion of the previously-approved mitigation area. To compensate, the Applicant proposed to increase the number of plantings within the proposed mitigation site. In addition, the Applicant proposed to preserve 14 mature trees that were originally approved for removal. The approved plan also indicated native landscape plantings throughout undeveloped spaces between buildings and parking areas in the environmental zone.

LUR 01-00149 CU EN: Conditional Use and Environmental review approved a 33-unit wing to Rose Schnitzer Manor, adult daycare for up to 15 people, and a new 38-space parking lot and walkway, partially in the environmental conservation zone. Condition A of that review prohibited use of the facility for events that are advertised to, and open to, the general public.

LU 05-136517 EN: 2005 Environmental review approved construction of a 1,500-foot long, 5-foot wide paved pedestrian trail, including:

- Several rest stops/viewpoints with benches, interpretive signs and hand rails;
- A 60-70 foot long, by six-foot wide, raised wooden deck ,
- Two-foot high stone walls adjacent to the trail,
- A 165-square foot, five-sided covered pavilion at the northern end of the trail;

all within the Environmental Conservation overlay zone. Approval was subject to conditions that required construction management and erosion control measures, including an arborist's plan for tree protection. Specifications were also included in the conditions of approval for the planting and maintenance of native species for mitigation.

LU 06-141675 CU: 2006 Conditional Use review allowed the Lunch and Learn program at Rose Schnitzer Manor for a maximum of 50 non-resident participants, to be held twice weekly. *(Note: This approval reversed the condition noted in the 2001 Conditional Use review, LUR 01-00149 CU EN).*

LU 09-171159 CU AD: 2009 Conditional Use review approved construction of a 14 to 15-unit apartment building and accessory 15-space parking lot and the reduction of the size of the Overall Site by up to 5,700 square feet. Approval of Adjustments was also granted for:

- 33.120.255 B, Pedestrian Standards, to waive the required pedestrian connection between the proposed building and the frontage on SW Boundary Street, and
- 33.120.220.C, Maximum Setbacks, to reduce the amount of the new building façade that is required to be within the maximum 20-foot setback, from 100% to about 46% (as shown on the approved plans).

Approvals were also subject to conditions that specified details for building permit submittal (A) and also required:

- B. The Applicant is required to dedicate 15-feet of property along the site's eastern property line, for future right-of-way purposes, prior to the issuance of a Building Permit for the proposed project.
- C. The Applicant must initiate the Portland Bureau of Transportation's (PBOT's) Design Exception process to allow the existing 6-foot curb-tight sidewalk along SW Beaverton-Hillsdale Highway. The Applicant must also ask PBOT approval for the encroachments into the right-of-way that are shown on the development plans. If the Applicant is not successful in the Design Exception process, sidewalk corridor improvements will be required at the time of Building Permit review for the proposed apartment building. If the Applicant is not successful in gaining approval of the encroachments into the right-of-way, the plans must be amended to remove that proposed development. Alterations to the approved plans, including a further reduction in site size that may result from PBOT's denial of these requests, may be made without a requirement for a further land use review (either Conditional Use or Adjustment review).
- D. At the time of building plan review, individual and separate sanitary sewer laterals must be provided for each lot (to the satisfaction of the Bureau of Environmental Services (BES)), or the lots must be consolidated.

- E. At the time of building plan review, the stormwater system must be modified so that each lot's runoff and corresponding treatment/conveyance/discharge facilities remain on the lot which they serve (to the satisfaction of BES), or the lots must be consolidated.

Agency Review: A "Request for Response" was mailed on June 3, 2011. The following bureaus responded with no issues or concerns about this application:

- **BES** provided information on existing sanitary sewers for the Overall Site and also gave an analysis of how the Proposed Parking Lot would be able to meet the requirements for stormwater management. A condition of approval was recommended to ensure that the relocation of the public field inlet at the western entrance to the parking lot receives the proper permits (Exhibit E.1).
- **PBOT Engineering** provided an analysis of the proposal in relation to the transportation-related approval criteria and the requirements of Title 17 (Exhibit E.2 and findings for Criteria D.1 and 2, below).
- The **Water Bureau** stated that there were no concerns and provided information existing water service for the Overall Site (Exhibit E.3).
- The **Fire Bureau** provided an electronic response of "no concerns."
- The **Police Bureau** stated that the bureau is capable of serving the Proposed Parking Lot at this time and provided information on community policing contacts and recommended crime prevention practices for posting contact information and providing lighting and maintenance of landscaping for the parking lot (Exhibit E.4).
- The **Site Development Section of BDS** noted requirements for building permits, including stormwater management, grading plans and erosion control measures (Exhibit E.5).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 24, 2011. No written responses were received by BDS Staff prior to the issuance of the BDS Staff Report and Recommendation (Exhibit H.2) from either the Neighborhood Association or notified property owners in response to the proposal. One nearby owner provided BDS staff (after issuance of Exhibit H.2) a letter of support (Exhibit H.3). Two neighbors of the Overall Site appeared at the public hearing and expressed concerns primarily related to traffic safety and parking. The Hearings Officer will address the neighbors' traffic/parking concerns in the relevant approval criteria below.

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 xx parking spaces to an existing conditional use site, 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: For the purposes of this approval criterion the residential area is described to include residentially-zoned properties that are within a radius of approximately 200 to 400 feet, as determined by access on through streets. The area extends west, to SW 65th Avenue, south to SW Pendleton Court and SW Fairvale Court, north to SW Seymour Court and east to SW Shattuck Road. A religious institution is located immediately to the east of the Overall Site. Some nonconforming commercial uses appear to be located along SW 56th Avenue, on the north side of the Beaverton-Hillsdale Highway. In general, the remainder of the residentially-zoned area consists of a mixture of single and multi-dwelling residential uses.

The Proposed Parking Lot will serve the Group Living Use located on the Cedar Sinai Campus, which is not a new use, but continues a use that has existed on the Overall Site for several decades. There will be no decrease in the number of household living uses. The proposal will not increase the size of the Overall Site or increase the size or the intensity of the Group Living Use. Therefore, approval of the expansion of the development, by adding a 42-space parking lot on the Overall Site, will not significantly lessen the residential character of the area and will not alter the proportion of uses not in the Household Living category. The Hearings Officer finds these approval 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 Overall Site or adjacent to

the Overall 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. The proposed changes to the development on the Overall Site include the construction of a new parking lot and upgrading the landscaping of an existing parking lot. The proposed projects are located on an area of the Overall Site that is adjacent to the SW Boundary right-of-way, but that is not close to residentially developed properties. Further, the proposed landscaping for the Proposed Parking Lot and the upgrades to landscaping for the existing lot will provide screening and buffering that is designed to adequately mitigate differences in appearance. Therefore, the Hearings Officer finds that this approval 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 hours of operation or activities as a result of construction of the Proposed Parking Lot.

No significant adverse impacts related to noise, glare from lights, late-night operations, odors, litter or privacy or safety issues are expected to result from construction and/or operation of the Proposed Parking Lot; the Proposed Parking Lot will not be close enough to any adjacent residential properties to create these sorts of impacts. Proposed landscaping will also help to screen the headlights and control odors and other pollutant factors. Therefore, the Hearings Officer finds that there will not be any negative impacts on the livability of the surrounding residential area. The Hearings Officer finds these approval 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: PBOT 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. PBOT's analysis is contained below:

"Street Classification

At this location, SW Beaverton-Hillsdale Highway is classified as a Major City Traffic street, Major Transit Priority street, City Bikeway, City Walkway and a Regional Corridor in the City's Transportation System Plan (TSP). SW Boundary is classified as a Local Service street for all transportation modes in the TSP.

The street classifications are noted above (**note:** the proposed new development on the site will have access onto SW Boundary, only). The proposed 42-stall surface parking lot is supportive of the higher street classifications of SW Beaverton-Hillsdale Highway. The TSP states that, Major City Traffic streets should serve as primary connections to Regional Traffic ways and serve major activity centers in each district. Major Transit Priority streets provide safe and convenient access for pedestrians and bicyclists, to, across and along such streets. Auto-oriented land uses should be discouraged from locating along City Bikeways that are not also classified as Major City Traffic streets (the proposed development is not auto oriented and SW Beaverton-Hillsdale Hwy is a Major City Traffic street and the proposed development provides parking for vehicles but is not auto-oriented in the sense that it would draw additional vehicles to the area. City Walkways should serve areas with dense zoning, commercial areas and major destinations. Regional Corridors usually include four vehicle lanes, and occasionally have additional lanes to allow turning movements (as does SW Beaverton-Hillsdale Hwy).

Local Service Traffic streets (SW Boundary) are intended to distribute local traffic and provide access to local residences or commercial uses. Local Service Traffic streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas and main streets. Local Service Traffic streets provide local circulation for traffic, pedestrians, and bicyclists and (except in special circumstances) should provide on-street parking. The proposed development on the site supports or enhances the above referenced street designations.

Street capacity/level of service

A transportation impact study (TIS) was not prepared in conjunction with the proposed Conditional Use application. The Trip Generation Manual from the Institute of Transportation Engineers provides no land use category associated with the proposed surface parking lot. The goal of the project is to provide safer and easier access to the existing facilities on the Cedar Sinai Park campus for residents, staff and visitors and to reduce the amount of on-street parking occurring along SW Boundary. The proposed parking lot will be supplemental for all of the facilities. The numerous buildings on the campus are served by various parking lots adjacent to their entries. The proposed parking lot will be accessible to all of the campus facilities.

In that the current project on the Cedar Sinai Park campus does not include any programming changes, increase in additional facility areas or any other elements that would result in an increase in vehicular trips to the campus the proposed parking lot will have no impact on the area's intersection level of service/capacity.

Access to arterials

The subject site is located along an arterial street and will have direct access to SW Beaverton-Hillsdale Hwy.

Connectivity

The existing street grid and pattern in the area does not meet City connectivity spacing requirements. In theory, a new public street and pedestrian connection should be located through the subject site (between SW Beaverton-Hillsdale Hwy and SW Boundary). No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document and it would be infeasible to consider a standard width public street through the site since the right-of-way necessary for a street would eliminate the development, as proposed. Further, any new public street or pedestrian connection on this portion of the campus site would infringe on environmental zoning located south and east of the proposed parking lot area.

In the most recent development project associated with the campus, the addition of some residential apartment units, PBOT had intended on requiring sufficient property dedication and the construction of a pedestrian connection across a portion of the overall campus between SW Boundary and SW Beaverton-Hillsdale Hwy. Accordingly, the applicant was asked to provide a site plan showing how such a connection could be provided. In doing so, the applicant demonstrated that because of the significant difference in elevation across the site between SW Boundary and SW

Beaverton-Hillsdale Hwy, that a significantly wider property dedication would be necessary to accommodate a pedestrian path that would also meet Americans with Disabilities Act (ADA) grade requirements for such improvements. Said pedestrian path would need to be designed, engineered and constructed to include a number of switch-backs in the path because providing a straight connection through the site would not satisfy ADA requirements. Such a design would involve significant grading and the construction of multiple retaining walls to achieve the necessary grades.

Providing such an improvement would meet the City's goals for providing pedestrian connections. However, considering the physical challenges of constructing the pedestrian connection, as a result of the considerable grade difference across the site, PBOT did not require the applicant to construct said connection. The applicant has been made aware that future redevelopment on the Cedar Sinai Park campus will eventually trigger frontage improvements along SW Boundary. Said improvements will include the construction of sidewalk corridors along both sides of the street, which will improve the pedestrian environment in the area. In association with the proposed parking lot, the plans include a linear stormwater management facility along the northern edge of the proposed parking lot, adjacent to the SW Boundary right-of-way. PBOT and BES expressed concerns at the pre-application for this proposal (held in August of last year). The concerns stemmed from the potential conflict that would result in improperly locating the private stormwater management facility in relation to the anticipated public right-of-way improvements, including additional stormwater management facilities. The applicant has worked with City staff to ensure that the proposed location of the private stormwater management facility designed for the new parking lot will not be in conflict with the future right-of-way improvements. Accordingly, PBOT has no concerns relative to connectivity requirements.

Transit availability

The site is currently directly served by Tri-Met bus line #54 (Beaverton/Hillsdale Highway).

On-street parking/neighborhood impacts

Use of the proposed 42 stall surface parking lot will be limited to few Cedar Sinai residents who are expected to own cars, their guests and facility staff. There are no new programs associated with this Conditional Use request that would increase the use and traffic throughout the neighborhood. There are no new access driveways proposed along SW Boundary; the new parking lot will be served by an existing driveway. The proposed parking lot will result in

a decrease in the amount of on-street parking currently occurring along this segment of SW Boundary associated with Cedar Sinai patrons, along the south side of the street, adjacent to the proposed parking lot.

Impact on pedestrian, bicycle, and transit circulation

The site's street frontage along SW Beaverton-Hillsdale Hwy is improved with a 6-ft wide (minimum) curb-tight sidewalk.

SW Beaverton-Hillsdale Hwy is also improved with a striped bicycle lane. Sidewalks along SW Boundary are limited to the one facility adjacent to the May Terrace Apartments, west of the proposed parking lot. As indicated previously, at some point in the future, additional sidewalk corridor construction/ connectivity will occur along SW Boundary as the campus expands. There is no reason to believe that the proposed parking lot will have impacts to pedestrian, bicycle or transit circulation. In fact, circulation should be enhanced with the reduction of on-street parking noted above.

Safety for all modes

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

Adequate Transportation Demand Management (TDM) strategies

The applicant has not included a Traffic Demand Management (TDM) Plan in relation to the proposed Conditional Use request. PBOT staff can concur that no TDM plan is necessary because as identified previously, the proposed parking lot is not expected to result in significant impacts to the area's transportation system, on-street parking or surrounding neighborhood.

In summary, and as evaluated above, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area."

The Hearings Officer finds that the Proposed Parking Lot use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan. The Hearings Officer finds that the evaluation factors dealing with street capacity, level of service, access to arterials, connectivity, transit availability, on-street parking impacts, and access restrictions are all met in this proposal.

Mr. Rasmussen, owner of property nearby the Overall Site, expressed concerns related to Cedar Sinai Campus-generated traffic using SW Boundary Street to travel to/from the Overall Site. As indicated elsewhere in this decision, there are no new or additional uses or increased intensity of uses associated with this application. In essence, there will be no more traffic traveling to/from the Cedar Sinai Campus if this application is approved compared to the existing situation. Therefore, the Hearings Officer views Mr. Rasmussen's SW Boundary

Street comments as suggesting the current use of SW Boundary by Cedar Sinai Campus employees and visitors to be excessive.

The Hearings Officer finds that no additional use(s) is/are being proposed in this application. The Hearings Officer finds no increase in intensity of uses at the Overall Site. Therefore, no increase in traffic using SW Boundary is expected if this application is approved. The Hearings Officer finds that access from the Proposed Parking Lot to SW Beaverton Hillsdale Highway is relatively close and convenient and a majority of the Cedar Sinai Campus employees and visitors will access the Proposed Parking Lot via SW Beaverton Hillsdale Highway. The Hearings Officer finds that some Cedar Sinai Campus employees and visitors will use SW Boundary to access SW Shattuck Road. The Hearings Officer finds insufficient evidence in the record that use of SW Boundary by employees and/or visitors to connect with SW Shattuck Road creates significant negative impacts on the neighborhood (including impacts upon pedestrian and bicycle use). The Hearings Officer finds that the likely removal of employee and visitor vehicles parked on SW Boundary will actually result in a safer roadway for pedestrians and bicyclists.

The Hearings Officer notes that testimony at the public hearing by PBOT employee De Freitas indicated that the design of the Proposed Parking Lot anticipates and plans for construction of sidewalks on a portion of SW Boundary. The Hearings Officer finds when construction of the sidewalks is completed, pedestrian and bicycle safety will be further enhanced.

Ms. Cunningham, an owner of property in close proximity to the Overall Site, testified at the public hearing. Ms. Cunningham indicated that she regularly observes vehicles "running" the stop sign at the corner of SW 62nd and SW Boundary. In Ms. Cunningham's opinion, nine out of ten vehicles "running" the 62nd/Boundary stop sign are "people visiting Cedar Sinai." Ms. Cunningham expressed fear that children using the bus stop at 62nd/Boundary are exposed to an unreasonable safety risk by the visitors "running" the stop sign.

The Hearings Officer notes that "running" stop signs is a matter that should be addressed by PBOT and the Police Bureau. Further, the Hearings Officer finds that no additional uses are proposed and no increase of intensity of uses is proposed under this application.

In conclusion, and as indicated in the findings above, the Hearings Officer finds that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area, and therefore, these criteria are met.

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

Findings: The City's other service agencies evaluated this proposal and found that, with conditions of approval, public services can be adequate to serve the proposed use. The **Police Bureau** advised that the following conditions be required to assure that the Proposed Parking

Lot maintained adequate levels of safety:

- Keep in compliance with the City Code standards by maintaining the landscaping near and around the parking areas.
- Post signs listing the phone numbers for emergencies and contact numbers for parking issues or concerns.
- Keep the area well lit for increased visibility during nighttime events and for the users from the existing facilities (Cedar Sinai Campus, the Robison Jewish Health Center, Rose Schnitzer Manor and the May Terrace Apartments).

BES found that the proposed stormwater management is acceptable and required final design plans be submitted at the time of building permit review. Prior to final permit approval of Proposed Parking Lot, BES also requires that the Applicants move the public field inlet an adequate distance to accommodate the proposed site improvements and provide a public easement over the modified inlet system, to the satisfaction of BES. Moving the inlet will require a public works permit or other permit as determined by BES.

Therefore, with the conditions referenced above, the Hearings Officer finds this approval criterion can be met.

- E. **Area plans.** The proposal is consistent with any area plans adopted by the City Council such as neighborhood or community plans.

Findings: This Overall Site is within the boundaries of the Southwest Community Plan area.

There are no policies or objectives of the Southwest Community Plan that are specifically relevant to the proposal for this development of a parking lot that is accessory to the existing uses on the Overall Site. However, the proposal is generally consistent with the policies that encourage use of developed areas along major transportation routes and support providing adequate onsite parking. Therefore, the Hearings Officer finds this approval criterion is met.

SUMMARY: Based on the information provided by the Applicants in their narrative and plans, the Hearings Officer finds that all of the Conditional Use Approval Criteria can be met with the conditions noted in the findings, above.

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 application in this case proposes to construct a 42-space parking lot adjacent to SW Boundary Street and east of SW 62nd Avenue. The application includes no increase in the number of, or intensity of, uses on the Cedar Sinai Campus.

Testimony, at the public hearing, expressed concerns related to traffic and parking on SW Boundary Street. The Hearings Officer found that the Applicants and PBOT adequately addressed all of the traffic and parking issues raised at the public hearing. The Hearings Officer found that all of the relevant approval criteria were met or could be met if conditions of approval were included.

IV. DECISION

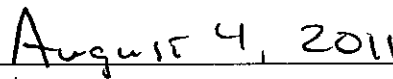
Approval of Conditional Use review to allow the construction of a new 42-space parking lot in a R10-zoned portion of the Overall Site, adjacent to the south side of SW Boundary Street, bringing the total number of parking spaces on the Overall Site to 166 stalls, after removal of six stalls to allow the additional required landscaping upgrades for an existing parking area. Approval is subject to general compliance with the site plans (Exhibits C.1 through C.3) and the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-135330 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. To assure that the parking lot retains adequate levels of safety, the following requirements must be met:
 - Keep in compliance with the City Code standards by maintaining the landscaping near and around the parking areas.
 - Post signs listing the phone numbers for emergencies and contact numbers for parking issues or concerns.
 - Keep the area well lit for increased visibility during nighttime events and for the users from the existing facilities (Cedar Sinai Campus, the Robison Jewish Health Center, Rose Schnitzer Manor and the May Terrace Apartments).

- C. Prior to final permit approval of the parking lot, the Applicants must move the public field inlet an adequate distance to accommodate the proposed site improvements, and provide a public easement over the modified inlet system, to the satisfaction of BES. Moving the inlet will require a public works permit or other permit as determined by BES.



Gregory J. Frank, Hearings Officer



Date

Application Determined Complete:	May 31, 2011
Report to Hearings Officer:	July 8, 2011
Decision Mailed:	August 5, 2011
Last Date to Appeal:	4:30 p.m., August 19, 2011
Effective Date (if no appeal):	August 22, 2011 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 (503-823-7526). 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 \$1,850.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).** 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, only evidence previously presented to the Hearings Officer will be considered by the City Council.

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

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

Recording the final decision.

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

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

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

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

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

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

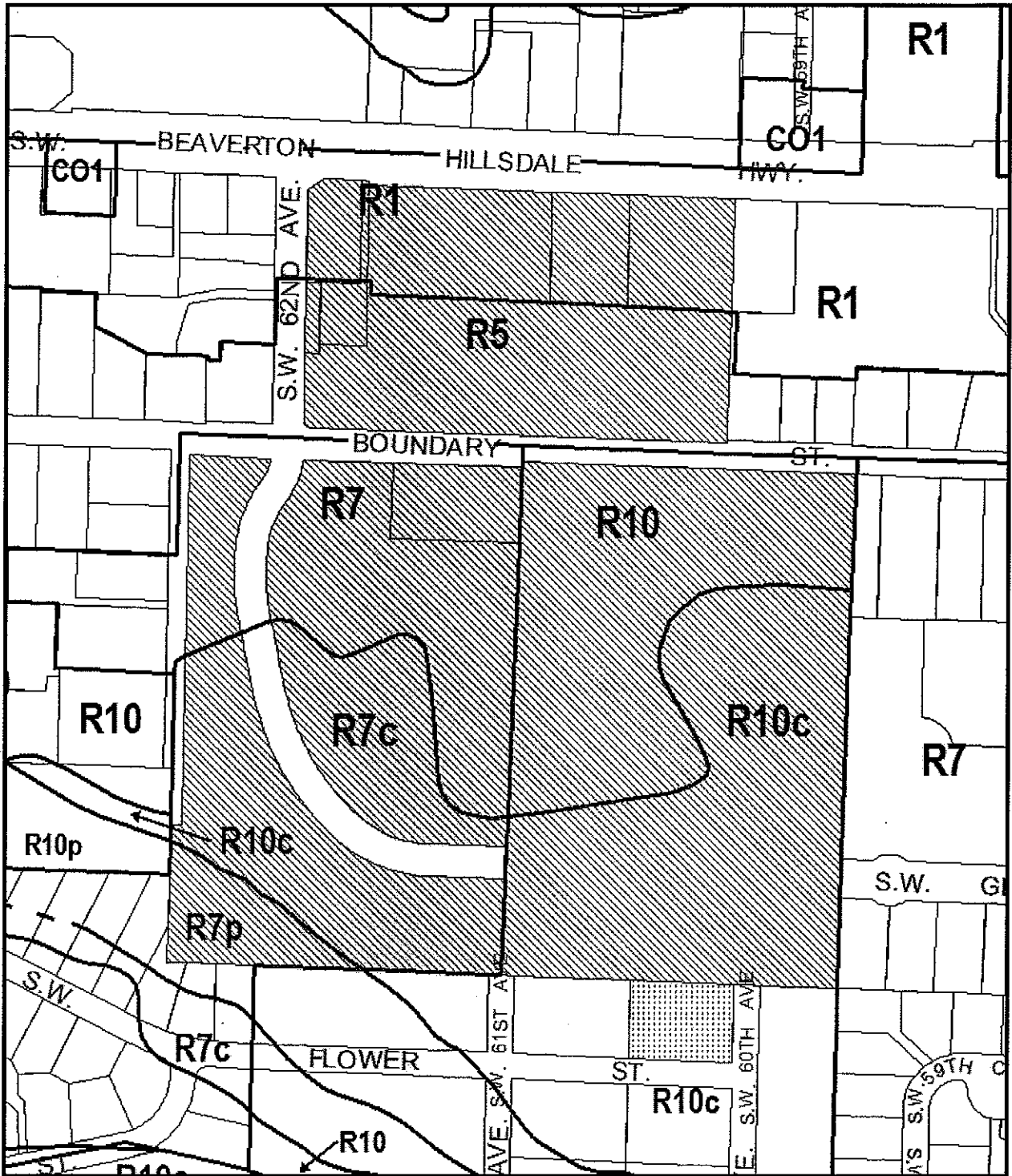
Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the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

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


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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicants' Statement
 - 1. Application and original submittal
 - 2. Supplemental information, dated May 4, 2011
 - 3. Memo and revised plan, dated June 23, 2011
- B. Zoning Map (**attached**)
- C. Plans and Drawings (**attached**)
 - 1. Campus Site Plan
 - 2. Site Plan of proposed parking lot and landscaping upgrades to existing parking area
 - 3. Plan of proposed parking lot and future street build-out
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to Applicants
 - 3. Notice to be posted
 - 4. Applicants' statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. BES
 - 2. PBOT Engineering and Development Review
 - 3. Water Bureau
 - 4. Police Bureau
 - 5. Site Development Review Section of BDS
 - 6. Summary of electronic responses from City agencies
- F. Letters: (none received)
- G. Other
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Justin Anderson, May 25, 2011
 - 3. Pre-application Conference Summary Notes
- H. Received in the Hearings Office
 - 1. Hearing Notice - Stokes, Kathleen
 - 2. Staff Report and Recommendation to the Hearings Officer - Stokes, Kathleen
 - 3. 6/29/11 Letter - Amato, Ted and Gloria
 - 4. PowerPoint presentation printout - Stokes, Kathleen



ZONING

-  Site
-  Also Owned



File No.	LU 11-135330 CU
1/4 Section	3523
Scale	1 inch = 200 feet
State_Id	1S1E18BC 6200
Exhibit	B (May 04, 2011)

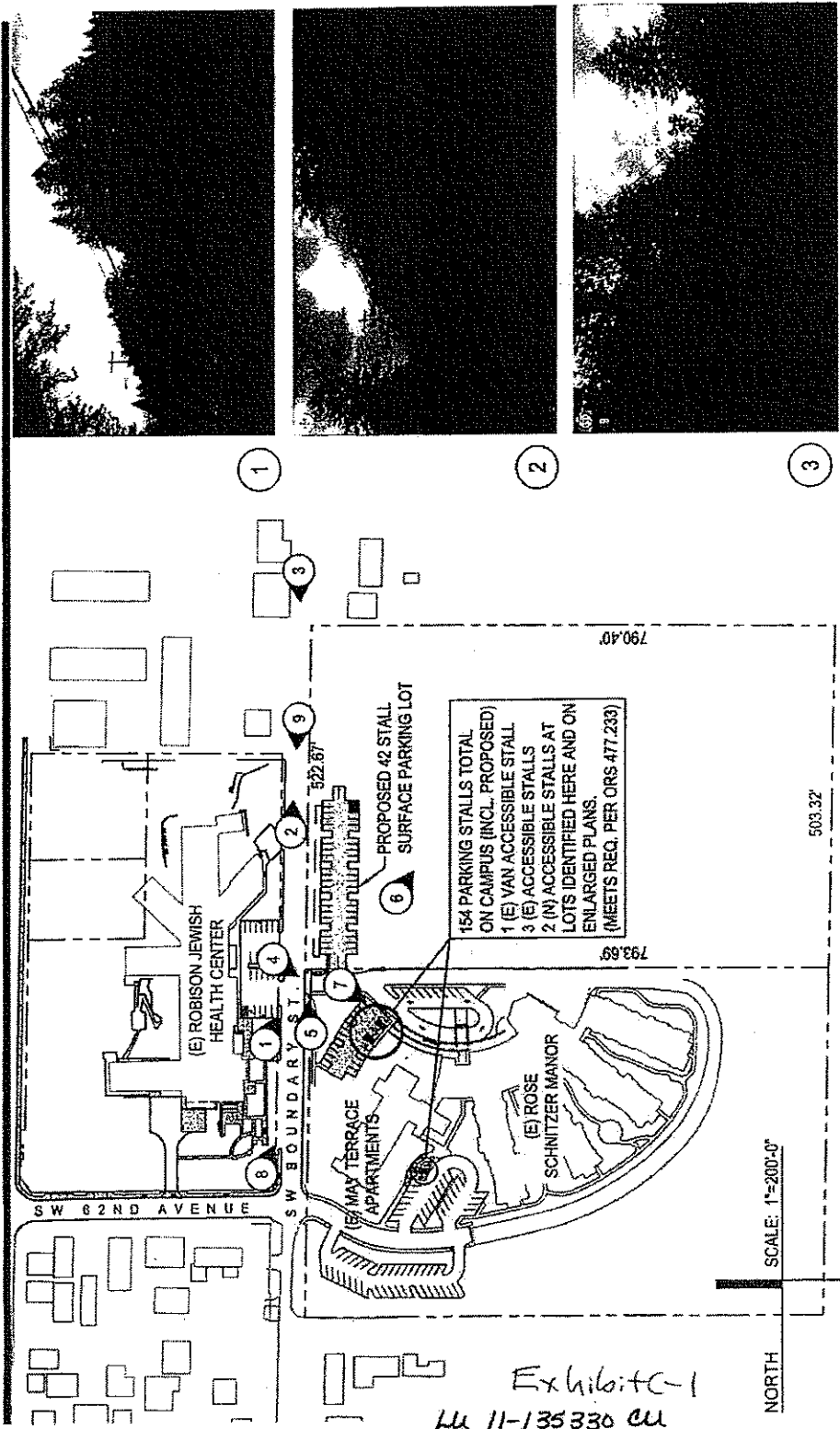


Exhibit C-1
 LU 11-135330 CU

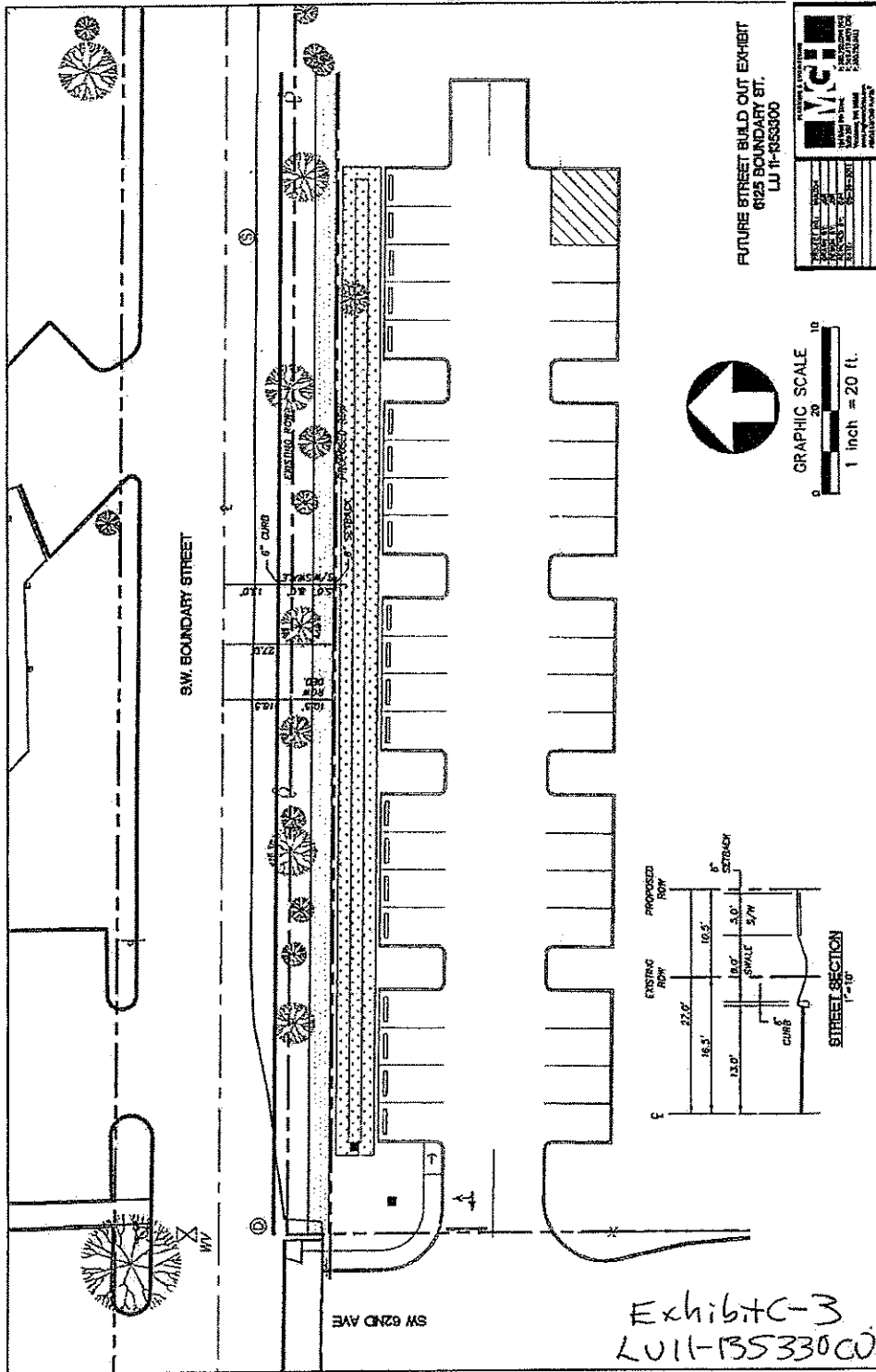
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06-0147-01
 PM: J. ANDERSON
 04.19.10

CEDAR SINAI PARK
 6125 SW BOUNDARY ST., PORTLAND, OREGON 97221
 EXISTING CONDITIONS IMAGES AND
 PROPOSED SITE PLAN

MULVANNY G2
 ARCHITECTS

601 SW SECOND AVE | SUITE 1200
 PORTLAND, OR | 97204
 1.503.223.8530 | 1.503.223.8381



FUTURE STREET BUILD OUT EXHIBIT
 825 BOUNDARY ST.
 LU 11-1353300

MCH
 MICHIGAN CONSULTING ENGINEERS
 1000 WESTLAND AVENUE
 WESTLAND, MI 48186
 (313) 486-1000
 WWW.MICHCONSULTING.COM

Exhibit C-3
 LU 11-1353300
 Received 5/31/11

