



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

Ted Wheeler, Mayor
 Rebecca Esau, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: September 9, 2020
To: Interested Person
From: Andrew Gulizia, Land Use Services
 503-823-7010 / Andrew.Gulizia@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-257812 CU AD

GENERAL INFORMATION

Applicant: Catherine Corliss
 Angelo Planning Group
 921 SW Washington St., Ste. 468
 Portland, OR 97205

Property Owner: School District No 1
 PO Box 3107
 Portland, OR 97208

Owners Agent: Jen Sohm, Portland Public Schools
 501 N Dixon St
 Portland, OR 97227

Site Address: 3905 SE 91st Ave.

Legal Description: TL 200 23.86 ACRES, SECTION 09 1S 2E; TL 5600 0.32 ACRES, SECTION 09 1S 2E

Tax Account No.: R992090260, R992091750

State ID No.: 1S2E09 00200, 1S2E09CA 05600

Quarter Section: 3439

Neighborhood: Lents, contact at lentsneighborhood@gmail.com

Business District: Lents Business Association, contact lentsgrown@gmail.com, Eighty-Second Ave of Roses Business Association, contact at info@82ndave.org

District Coalition: East Portland Community Office, contact at 503-823-4550

Zoning: IRd – Institutional Residential base zone with Design (“d”) overlay zone

Case Type: CU AD – Conditional Use Review and Adjustment Review

Procedure: Type II, an administrative decision with appeal to the Hearings Officer

Proposal: The applicant proposes a new 21,550-square-foot building in the northeast part of the Marshall High School campus. The new building will house career technical education

(CTE) programs for building construction and auto repair. The proposal increases the total building floor area on the site from 264,560 square feet to 286,110 square feet (an 8% increase) and reduces the total number of parking spaces on the site from 444 to 408 (an 8% decrease). The proposal requires Type II Conditional Use Review approval per Zoning Code Section 33.281.050.B.

Within the Conditional Use Review, the applicant is requesting the following modifications:

- Since athletic fields cover a large portion of the site, the applicant requests to reduce the amount of tree canopy equivalent area required by the tree density standard (Tree Code Section 11.50.050.D) from 263,320 square feet (25% of the site area) to 161,571 square feet (15% of the site area). The tree density standard will be fully met within the development impact area for the new building, so this modification will only affect nonconforming upgrades for the site as a whole that may be required by Zoning Code Section 33.258.070.D.2.
- Zoning Code Section 33.266.210.A.1, Table 266-6 requires high school buildings to have at least 4 long-term (secure) bike parking spaces per classroom. Table 266-6 also allows an alternative standard to be set through Conditional Use Review. The new building will have 5 classrooms: 2 traditional classrooms and 3 moveable classrooms in shop spaces. The applicant states the traditional classrooms will be used in conjunction with the shop spaces for the same students, and that the classrooms and shop spaces will not generally be occupied simultaneously. The applicant requests the long-term bike parking requirement for the new building to be 10 bike parking spaces rather than 20 (4 per classroom). The applicant states 10 bike parking spaces will be sufficient for the demand generated by the new building.

The applicant also requests Adjustment Review to modify the following Zoning Code requirements:

- To increase the maximum building setback requirement from 10 feet to 82 feet from the SE 91st Avenue lot line and from 10 feet to 810 feet from the SE 86th Avenue lot line (Zoning Code Section 33.150.215, Table 150-2);
- To waive the requirement that at least 50% of the setback area between the new building and the street lot lines be hard surfaced (Zoning Code Section 33.150.215.D); and
- To waive the requirement for L4 screening buffers with landscaping and masonry walls on the north and east sides of a truck loading area adjacent to the new building (Zoning Code Section 33.266.310.E).

Note: After the “Notice of Proposal” was sent May 7, 2020, the applicant revised the proposal to reduce the size of the proposed building by 2,730 square feet and to set the new building 22 farther from the SE 91st Avenue lot line.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- Zoning Code Section 33.815.105.A-E (Conditional Use Review); and
- Zoning Code Section 33.805.040.A-F (Adjustment Review).

The City’s 2035 Comprehensive Plan has been appealed. Because Zoning Code Section 33.815.105.A-E is considered an “unacknowledged land use regulation” while the appeal is pending, this proposal must also comply with applicable Statewide Planning Goals.

ANALYSIS

Site and Vicinity: The subject site is the campus for Portland Public Schools' Marshall High School. The site is about 23.9 acres in area and is located just east of SE 82nd Avenue, between SE Powell and SE Holgate Boulevards. The site is developed with a 264,560-square-foot high school building, surface parking, and athletic fields. The existing school building was constructed in 1960 and is listed on the City's Historic Resources Inventory. The Eastport Plaza shopping center and a Walmart store are immediately west and southwest of the site. A residential neighborhood dominated by single-dwelling houses abuts the remainder of the site. The new building is proposed for the northeast portion of the site, which abuts SE 91st Avenue, a local residential street. The I-205 freeway is approximately 1,000 feet east of the site.

Zoning: The IR ("Institutional Residential") zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted.

The Design ("d") overlay zone is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural values. Design Review is not required for this IR-zoned site because the site does not have an Impact Mitigation Plan (Zoning Code Section 33.420.045.K).

Land Use Review History: The subject site has had the following prior land use reviews:

- LU 03-145038 CU. 2003 Conditional Use Review approval for new athletic field lighting. Conditions of approval continue to apply which limit the number of sporting events and require the sound system and field lights to be shut off by 10pm.
- LUR 00-00006 DZ. 2000 Design Review approval to upgrade a loading dock on the existing school building.
- CU 053-70. 1970 Conditional Use Review for a building addition. The final decision on this application was not found.
- MCF 15-59 CS. 1959 Multnomah County approval to re-zone the parking area on the site from R-7 to R-7 CS.
- MCF 38-57 CS. 1957 Multnomah County approval for a new high school and to re-zone the site from R-7 to R-7 CS.

Agency Review: A "Notice of Proposal" was sent May 7, 2020. The following Bureaus have responded:

- The Bureau of Environmental Services (BES) responded with support for the proposal and provided information on BES' permit requirements (Exhibit E-1).
- The Portland Bureau of Transportation (PBOT) responded with findings for the transportation-related approval criterion. This response is detailed below under "Zoning Code Approval Criteria" (Exhibit E-2).
- The Water Bureau responded with no concerns (Exhibit E-3).

- The Fire Bureau responded with no objections to the proposal and provided information on future permit requirements (Exhibit E-4).
- The Police Bureau responded that police can adequately serve the proposal (Exhibit E-5).
- The Site Development Review Section of the Bureau of Development Services (BDS) responded with information on permit requirements and no concerns about the land use review proposal (Exhibit E-6).
- The Life Safety Review Section of BDS responded with no objections to the proposal and provided information on future permit requirements (Exhibit E-7).
- The Urban Forestry Section of Portland Parks and Recreation responded with information on tree requirements but no concerns about the proposal (Exhibit E-8). Later, the Urban Forestry Section submitted a revised response which recommended the tree density requirement for the site not be reduced (Exhibit E-9). The tree density issue is discussed below under “Zoning Code Approval Criteria.”

Neighborhood Review: In response to the mailed “Notice of Proposal,” staff received two e-mails from the same neighbor (Exhibits F-1 and F-2). The neighbor expressed support for the proposal overall but hoped that large trees in the northeast corner of the site could be preserved and that several recently planted trees could be preserved or moved. The owner of another neighboring property expressed concern about water run-off from the school site onto their property (Exhibit F-3).

Staff response: The large trees in the northeast corner of the site will be preserved in the applicant’s proposal (Exhibit C-4). The newly planted trees are within or near the footprint of the proposed building. At about 1 inch in trunk diameter, these trees are exempt from the tree preservation and tree density standards in the City’s Tree Code (Title 11). However, the applicant has indicated to staff that most of these trees will be relocated elsewhere on the site. The applicant plans to infiltrate stormwater from the new building on-site. BES reviewed the applicant’s stormwater management proposal and found it acceptable (Exhibit E-1). BES will also review the building permit plans for compliance with stormwater management regulations.

ZONING CODE APPROVAL CRITERIA

33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones

These approval criteria apply to all conditional uses in R and campus institutional zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in residential and campus institutional zones that maintain or do not significantly conflict with the appearance and function of residential or campus areas. Criteria A through E apply to institutions and other non-Household Living uses in residential zones. Criteria B through E apply to all other conditional uses in campus institutional zones. 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 IR zone is one of the campus institutional zones listed in Zoning Code Section 33.150.020. The IR zone is not listed as a residential zone in Zoning Code Sections 33.110.020 or 33.120.020. The text at the beginning of Zoning Code Section 33.815.105, above, states:

Criteria A through E apply to institutions and other non-Household Living uses in residential zones. Criteria B through E apply to all other conditional uses in campus institutional zones.

Since the IR zone is classified by the Zoning Code as a campus institutional zone rather than a residential zone, this approval criterion does not apply.

B. Physical compatibility.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s.” There are no City-designated scenic resources on the site or in the surrounding area. Therefore, criterion B.1 is not applicable.

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

Findings: The subject property is significantly larger in site area than neighboring residential lots and the proposed school building will be significantly larger than neighboring homes. However, the property has been developed as a school campus for 60 years, and no expansion of the existing site area is proposed. The new building in the northeast part of the site will increase the building floor area on the school campus by only about 8%.

Differences in appearance and scale between the new building and neighboring residential development will be mitigated by generous building setbacks and trees that provide screening and buffering. The new building will be set back 82 feet from the east lot line, which abuts SE 91st Avenue, and 70 feet from the nearest residential lot (to the south of the new building). Continuous rows of existing, mature trees will be retained along the portions of the north, east, and south lot lines nearest to the new building (Exhibit C-4).

Although the scale of the new building will not appear unusual for a school campus (Exhibits C-2 and C-3), the industrial building style and metal siding will contrast with the residential building style of nearby homes. Therefore, staff finds the proposed building setbacks and the buffering provided by trees are especially important to mitigate differences in appearance between the new building and nearby homes. Approval of the proposed site plan (Exhibit C-1) will require the school building to maintain the building setbacks shown. Staff will also impose conditions of approval to specifically require the existing trees along the lot lines nearest to the new building to be preserved, and to require at least 8 new trees to be planted along the north, east, and south sides of the new building. The proposal is also being approved in conformance with the applicant’s Tree Removal and Tree Protection Plan (Exhibit C-4). The new and existing trees will soften the view of the new building and help the building to blend into the adjacent residential neighborhood.

The 8 new trees around the new building will also bring the school campus closer to conformance with the tree density requirement in Tree Code Section 11.50.050.D. With the building permit review, the nonconforming upgrades requirement in Zoning Code Section 33.258.070.D.2 will require the applicant to spend 10% of the project value bringing the

site closer to conformance with requirements such as tree density. Anticipating the nonconforming upgrades, the applicant has requested for this Conditional Use Review to reduce the tree density requirement for the site from 263,320 square feet (25% of the site area, as required by Tree Code Table 50-2) to 161,571 square feet (15% of the site area) (Exhibit A). The Urban Forestry Division of Portland Parks and Recreation recommended the tree density requirement not be reduced because the surrounding area already has less tree canopy than many neighborhoods (Exhibit E-9). Since a large portion of the site is improved with athletic fields that cannot accommodate new trees (Exhibit C-1), BDS staff finds a reduction in the tree density requirement for the site is reasonable. However, staff finds the reduction should be proportional to the athletic field area. Since the total site area minus the athletic field area equals 763,308 square feet, staff finds the tree density requirement should be 25% of this area, or 190,827 square feet. Setting the tree density requirement at 190,827 square feet will require the applicant to more than double the existing tree density on the site to fully conform with the revised requirement. Staff finds these new trees will further enhance the appearance of the site and its compatibility with the neighborhood.

For these reasons, and with the conditions of approval mentioned above, BDS staff finds the proposal will effectively mitigate differences in appearance and scale with neighboring residential development. Therefore, staff finds approval criterion B.3 is met. (Since B.3 is found to be met, B.2 does not have to be addressed.)

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: The components of approval criterion C are discussed separately below:

Noise

The new building will house instructional programs in building construction and auto repair. Some of the associated activity will generate noise, and outdoor work areas will be on the west and north sides of the building. However, the loudest equipment will be used only indoors (Exhibit A-2), and as mentioned above, the new building will be set back 70 feet from the nearest residential lot. The applicant submitted a letter from an architect certifying that the noise limit in Zoning Code Chapter 33.262 (Off-Site Impacts) will be met (Exhibit A-2). For noise, Zoning Code Chapter 33.262 refers to Title 18, the City's Noise Control Code. Title 18 limits noise impacts at residential property lines to 55 decibels, and to 50 decibels after 10pm (Title 18.10.010, Figure 1). For comparison, normal conversation is about 60 decibels. Therefore, with a condition of approval requiring compliance with Zoning Code Chapter 33.262, staff finds that noise associated with the proposal will not create a significant adverse impact on neighborhood livability.

Glare from lights

The applicant states that new exterior lighting associated with the project will be designed to prevent glare impacts (Exhibit A-1), and again, the new building will be set back 70 feet from the nearest residential property. The applicant submitted a letter from an architect certifying that the glare impact regulation in Zoning Code Chapter 33.262 will be met (Exhibit A-2). Any glare exceeding half a foot candle on neighboring property is prohibited (Zoning Code Section 33.262.080.A). (A "foot candle" is the illumination provided by one candle at one-foot distance.)

Late-night operations

The applicant states the new building may be used for some evening events but will usually be locked outside of daytime school hours (Exhibit A-1). No late-night (after 10:00 PM) operations are proposed.

Odors

Although the instructional programs will require the use of paint, including outdoors at times, the new building will be set back 70 feet from the nearest neighboring lot. The applicant submitted a letter from an architect certifying that the odor impact limit in Zoning Code Chapter 33.262 will be met (Exhibit A-2). Any odor impacts that can be perceived on neighboring property for more than 15 minutes a day are prohibited (Zoning Code Section 33.262.070).

Litter

The applicant states that Portland Public Schools maintenance staff will pick up litter daily (Exhibit A-1).

Privacy

Again, the new building will be 70 feet from the nearest residential lot line, and trees will buffer the new building from the surrounding residential neighborhood. No privacy impacts on neighboring homes are anticipated.

Safety

The Police and Fire Bureaus reviewed the proposal and raised no concerns about the adequacy of police and fire services or potential safety impacts (Exhibits E-5 and E-4, respectively). The applicant also states that security cameras will monitor the site (Exhibit A-1).

Summary

For the reasons discussed above, and with a condition of approval requiring continuous compliance with the off-site impacts standards in Zoning Code Chapter 33.262, staff finds the proposal will not have significant, adverse livability impacts on nearby residences in terms of noise, glare, late-night operations, odors, litter, privacy, or safety. With the condition of approval, criterion C is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the

development is complete or, if the development is phased, will be available as each phase of the development is completed;

Findings: PBOT reviewed the proposal and submitted the following response to approval criteria D.1 and D.2 (Exhibit E-2):

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.

PBOT staff has reviewed the limited traffic and parking impact study (TIS) prepared by DKS Associates and concur with their findings that the transportation system is capable of serving the proposal in addition to existing uses in the area. Details addressing transportation related approval criteria can be found in the TIS (attached as an exhibit to the BDS staff decision). Below are summaries of relevant transportation approval criteria. {BDS Staff Comment: The TIS is included in the applicant's written narrative, referenced herein as Exhibit A-1.}

Type II Conditional use Approval Criteria

The following sections provide discussion on the approval criteria for Benson High School to occupy the Marshall High School campus and for the site expansion. The installation of a new 24,280 square foot building to the existing campus triggers a Type II Conditional Use Review. The approval criteria are provided in the City of Portland's Zoning Code, Title 33, Section 33.281.050.D (Public Services).

Safety

The current bus and parent loading areas on-site provide adequate facilities and do not present any safety concerns. The safety of the pedestrians and bicyclists was evaluated based on the proposed site plan provides safe and connected facilities to and from the school.

Street Capacity and Level of Service

As stated earlier in the TIS, the proposed building addition will not add any additional vehicle trips to the site beyond Benson High School's 1,000 students and 115 staff. It is not anticipated that a net increase in vehicle trips will be generated nor that the nearby intersections will degrade further than current conditions. Furthermore, the overall trip generation is estimated to be significantly lower than the peak historical Marshall High School student population of 2,248 students in 1964.

Connectivity

The Marshall High School campus is located within a well-connected transportation network. The current street network quickly leads to higher level street classifications to the north, west and south. It is not PBOT's practice to require connectivity within institutional sites.

Transit Availability

TriMet bus stops and MAX stations are provided within reasonable walking distance (less than 0.3 miles) to the school's three access points. Two bus stops near the site provide access to Line 9 and Line 17 bus routes with service every 15 minutes during the weekdays. The nearby MAX station also provides access to the Green Line with headways every 15 minutes or better during the weekdays.

With the frequent Tri-Met Max and bus service within the vicinity of the Marshall Campus, the Benson High School transit modal splits can be expected to be similar to current conditions.

Pedestrian and Bicycle Networks

Off-site pedestrian and bicycle networks were found to be sufficient for site access and connectivity.

On-site, new sidewalks are provided on the north and west sides of the new building, providing access from the existing parking lot to the new building. Two new marked crosswalks, providing connection to the new building, are shown to provide pedestrians with a safer, more visible crossing. A raised crosswalk at the entrance to the existing building in the existing drop-off loop is shown on the site plans.

At the south end of the existing school building, a new raised pedestrian crossing and connecting sidewalk are proposed to provide complete pedestrian connection to and from the neighborhoods to the south (via 88th Avenue). It is recommended to construct all sidewalks to meet ADA requirements.

On-Street Parking and Neighborhood Impacts

A parking survey of the neighborhood streets was performed and found that there are minimal impacts to off-site parking in the adjacent neighborhood streets.

SummaryProposed Development:

- *The expected maximum number of Benson High School students and staff that would relocate to occupy the Marshall Campus in Fall of 2021 is 1,000 students and 115 staff.*
- *The expected Benson High School enrollment is significantly lower than the peak historical Marshall High School student population of 2,248 students in 1964.*
- *The relocation also includes the construction of a new 24,000+ square-foot building, located to the west of 91st Avenue between the site driveways*

Trip Generation:

- *Based on the anticipated enrollment of Benson High School students in Fall of 2021, it can be expected that there will be a net decrease in trip generation for the site when compared to recent high school relocations and historical Marshall High School student populations.*

Site Evaluation:

- *School bus and parent loading is expected to continue to operate the same as it does today, with vehicles entering the northern site driveway, circulating through the one-way loop in front of the existing school building and drop-off students at the front entrance.*
- *There are multiple TriMet frequent service transit options within a short distance of the site access points with headways of 15 minutes during the weekdays.*
- *Based on modal survey data, it is estimated that all student and staff parking can be accommodated on-site.*
- *A parking survey of the estimated Benson High School on-site parking and existing on-site parking, and neighborhood on-street parking was performed and found that there no expected impacts to parking on the adjacent neighborhood streets due to the high school relocation.*
- *Sufficient bicycle parking is shown on the site plan to meet the City code requirements as well as the estimated demand of Benson High School students and staff.*

[BDS staff note: For schools, Zoning Code Table 266-6 allows the bike parking requirement to be set in the Conditional Use Review. The applicant requested that the Conditional Use Review set the long-term bike parking requirement for the new building at 10 spaces, since the 5 classrooms in the building will not generally be occupied simultaneously. PBOT finds above the proposed long-term bike parking spaces will be sufficient to meet demand.

Therefore, BDS staff agrees that the long-term bike parking requirement for the new building should be set at 10 spaces.]

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 503-823-6108.

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.

RECOMMENDATION

No objection to approval.

NOTE: As a condition of building permit approval, the applicant shall reconstruct the driveway approach on SE 91st Ave to current ADA standards under a minor improvement permit (MIP) from PBOT.

[BDS staff note: Staff confirmed that PBOT does not intend for the reconstruction of the driveway approach to be a condition of approval for this land use review.]

Based on the above findings from PBOT, staff finds approval criteria D.1 and D.2 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 applicant proposes for the new building to connect to the existing water line in SE 91st Avenue, and the Water Bureau reviewed this proposal and responded with no concerns (Exhibit E-3). The Police Bureau reviewed the proposal and stated that police can adequately serve the site (Exhibit E-5). The Fire Bureau reviewed the proposal and responded with no objections (Exhibit E-4), indicating that adequate fire protection can be provided. BES found the applicant's proposal for sanitary waste disposal into City sewers and stormwater disposal through on-site infiltration to be acceptable (Exhibit E-1).

For these reasons, staff finds approval criterion D.3 is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The site is within the boundaries of two area plans adopted by the City Council: the Lents Neighborhood Plan and the Outer Southeast Community Plan.

Staff finds the following statements from the Lents Neighborhood Plan to be relevant:

- *Policy 4 (Historic Preservation), Objective 2: Document and preserve the historic elements of Lents.*
- *Policy 5 (Urban Design), Objective 2: Strengthen neighborhood identity.*
- *Policy 7 (Neighborhood Livability), Objective 1: Maintain existing community resources and establish others such as community center, library, historical mini museum, mini parks, community garden, mini precinct and senior center.*

Staff finds the following statement from the Outer Southeast Community Plan to be relevant:

- *Open Space and Environment Policy, Objective 9: Improve the appearance and livability of outer southeast neighborhoods.*

The main Marshall High School building was constructed in 1960 and is listed on the City's Historic Resources Inventory. The applicant's proposal will maintain existing community facilities on the site, including the historic building, while strengthening the school's contribution to neighborhood identity by adding new programs and building area. As discussed in the findings for approval criterion B, new and existing trees surrounding the new building will promote an attractive appearance for the school site and the neighborhood.

For these reasons, and with the tree planting and tree preservation conditions of approval mentioned in the findings for approval criterion B, staff finds the proposal is consistent with the Lents Neighborhood Plan and the Outer Southeast Community Plan. With the conditions of approval, approval criterion E is met.

Adjustment Review

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings: The applicant is requesting the following Adjustments:

- To increase the maximum building setback requirement from 10 feet to 82 feet from the SE 91st Avenue lot line and from 10 feet to 810 feet from the SE 86th Avenue lot line (Zoning Code Section 33.150.215, Table 150-2);
- To waive the requirement that at least 50% of the setback area between the new building and the street lot lines be hard surfaced (Zoning Code Section 33.150.215.D); and
- To waive the requirement for L4 screening buffers with landscaping and masonry walls on the north and east sides of a truck loading area adjacent to the new building (Zoning Code Section 33.266.310.E).

The purposes of these requirements are discussed below.

Maximum building setback and hard surfacing requirements

The purpose of the requirements for buildings to be within 10 feet of street lot lines and for the setback area between buildings and street lot lines to be at least 50% hard surfaced is stated in Zoning Code Section 33.150.215.A:

In instances where a campus institutional zone abuts a mixed-use zone, pedestrian district and/or transit street, the setback requirements promote buildings and activity that are inviting to pedestrians, and contribute to an active pedestrian environment.

In the IR zone, the maximum building setback and hard surfacing requirements apply to all street frontages. Staff finds the two Adjustments requested for these standards equally meet the purpose stated above for the following reasons:

- The northeast portion of the site where the new building is proposed abuts residential zones rather than mixed-use zones (Exhibit B). Given the scale and design of the proposed building is one that is not residential in appearance, in addition to it being in nonresidential use, it is appropriate to set this building back a greater distance from

adjacent residential uses with buffering landscaped areas between the building and the street.

- The site is not in a pedestrian district and does not have frontage on any transit street.
- The new building will operate as part of the larger school campus, with the main building entrance facing west toward the main school building. The new building will not usually be open to the general public and therefore it is appropriate for it not to be oriented to the street and not to foster a pedestrian connection to adjacent streets.
- The row of trees to be preserved along SE 91st Avenue contributes to an inviting pedestrian environment along the street (Exhibit C-4).

Screening requirement for loading area

The purpose of the requirements for loading areas, including the requirement for L4 screening buffers with landscaping and masonry walls, is stated in Zoning Code Section 33.266.310.A:

A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

The new loading area will be on the north side of the new building and will be accessed from existing vehicle area. Staff finds the request to waive the L4 screening requirement on the east and north sides of the new loading area equally meets the purpose stated above for the following reasons:

- Viewed from the east and north lot lines, the loading area will be behind 17-foot-tall metal screens and therefore not visible (Exhibits C-1 through C-3). The new and existing school buildings will screen views of the loading area from the west and south.
- The loading area will be approximately 126 feet from the east (SE 91st Avenue) lot line and approximately 132 feet from the nearest residential lot to the north. Staff finds these distances, along with the existing trees along the lot lines (Exhibit C-4), will provide adequate screening from the east and north.

Summary

For the reasons discussed above, and with the condition of approval to preserve existing trees near the lot lines, staff finds each of the proposed Adjustments will equally meet the purpose of the regulation to be modified. Approval criterion A is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Since the site is zoned IR, the Adjustment Review proposal must not significantly detract from the livability or appearance of the residential area.

The Adjustments to increase the maximum building setback and to allow the setback to be landscaped instead of hard surfaced will enhance the appearance and livability of the area. The increased space for greenery and trees will be more attractive and compatible with the low-density residential area than a building set closer to the street behind pavement.

The Adjustment to waive the requirement for L4 screening buffers with landscaping and masonry walls on the north and east sides of the loading area will have no effect on the livability or appearance of the residential area. As stated above in the findings for approval criterion A, the loading area will be fully screened by buildings from the west and south and will be approximately 132 feet from the nearest residential lot (to the north). Given this distance from homes that might view the loading area, and the existing trees providing screening between the loading area and residential lots (Exhibit C-4), additional L4 screening next to the loading area would have little aesthetic benefit to the adjacent residential area.

For these reasons, and with the condition of approval to preserve existing trees near the lot lines, staff finds the Adjustments will not significantly detract from the livability or appearance of the residential area. Approval criterion B is met.

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

Findings: The purpose of campus institutional zones such as IR is stated in Zoning Code Section 33.150.010:

The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers and colleges that have been developed as campuses, and for other uses that are compatible with surrounding neighborhoods. The differences between the zones reflect the diversity and location of campus institutions. Allowed uses and development standards promote the desired character of each zone, and reflect the character and development intensity of surrounding neighborhoods. The CI1 and IR zones encourage development that is at a low to medium density residential scale, while the CI2 zone encourages development that is at a more intense, urban scale. The development standards allow flexibility for development and provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

The specific character statement for the IR zone is in Zoning Code Section 33.150.030.C:

The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. The IR zone will be applied only when it is accompanied by the "d" Design Review overlay zone.

The Adjustments to increase the maximum building setback and to allow the setback to be landscaped instead of hard surfaced will allow the school to grow in a way that better protects compatibility with the neighborhood. As mentioned previously, the increased space for greenery and trees will be more attractive and compatible with the low-density residential area than if the school building were set closer to the street behind pavement.

The Adjustment to waive the requirement for L4 screening buffers on the north and east sides of the loading area will have no relevance to the purpose of the IR zone, and will not add to the proposal's effects on the surrounding area. The loading area will be fully screened by buildings from the west and south and will be approximately 132 feet from the nearest residential lot (to the north). Given this distance from homes that might view the loading area, and the existing trees providing screening between the loading area and residential lots (Exhibit C-4), additional L4 screening next to the loading area would not noticeably improve compatibility with the neighborhood.

For these reasons, and with the condition of approval to preserve existing trees near the lot lines, staff finds the cumulative effect of the Adjustments will be consistent with the purpose of the IR zone. Approval criterion C is met.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. There are no scenic resources or historic resources mapped on the subject site, so this criterion is not applicable. (The school is listed on the City’s Historic Resources Inventory, but this listing is not included in the definition of “historic resource” in Zoning Code Chapter 33.910.)

E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: With the implementation of the condition of approval regarding the preservation of trees near the lot lines, there will be no negative impacts specifically resulting from the Adjustments. Therefore, with the condition of approval, this criterion is met.

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

Findings: Environmental overlay zones are designated on the official zoning maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on the site, this criterion is not applicable.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications. For this application, a written notice seeking comments on the proposal was mailed to property owners and tenants within 400 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site. In addition, the public has the opportunity to testify at the public hearing for the application. The public notice requirements for this application have been met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable

“implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”, that local plans and ordinances be coordinated with those of other jurisdictions and agencies, and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. The proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid, and Goals 3 and 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Conservation (“c”), Environmental Protection (“p”), and Scenic (“s”) overlay zones on the Zoning Map. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. The Zoning Code imposes special restrictions on development activities within these overlay zones and in designated historic resources. The site is not designated with any of the overlay zones mentioned above and is not part of any designated historic resource. Therefore, staff finds the proposal is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The proposal complies with stormwater management requirements, as explained earlier in this report. Therefore, the proposal is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods,

landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreation facilities. The current proposal does not affect any City-owned parks or recreation facilities and the proposal does not undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated land for an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. The subject site has been developed with a school since 1960, and the proposal does not expand the boundaries of the existing school campus. Since the proposal does not reduce or otherwise affect the City's housing supply, staff finds the proposal is consistent with Goal 10.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. Existing public services are adequate for this proposal, as explained earlier in this report. Therefore, the proposal is consistent with Goal 11.

Goal 12: Transportation

Goal 12 seeks to encourage "safe, convenient and economic transportation systems." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." As discussed earlier in this report, PBOT finds the Conditional Use proposal will not negatively impact the City's transportation system and the goals of the TSP. Therefore, the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will enforce energy efficiency requirements for the new building, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River.

The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The applicant proposes a new building in the northeast portion of the Marshall High School campus. Neighborhood compatibility will be protected by generous building setbacks and the screening and buffering provided by new and existing trees, and the proposal will not cause significant, adverse impacts on the livability of the neighborhood. The transportation system and other public services are adequate to support the proposal, and the proposal is consistent with the Lents Neighborhood Plan and the Outer Southeast Community Plan.

The proposed Adjustments will be consistent with the purposes of the standards to be modified and will not significantly detract from the livability or appearance of the neighborhood or from the purpose of the IR zone.

Staff finds that each of the applicable approval criteria are met or can be met with the conditions of approval listed below.

ADMINISTRATIVE DECISION

Approval of Conditional Use Review for the following:

- A new 21,550-square-foot building in the northeast part of the Marshall High School campus;
- A tree density requirement of 190,827 square feet of tree canopy area (applicable through the nonconforming upgrades requirement in Zoning Code Section 33.258.070.D.2); and
- A long-term bike parking requirement for the new school building of 10 long-term bike parking spaces.

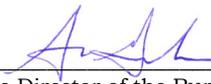
Approval of Adjustment Review for the following:

- To increase the maximum building setback requirement from 10 feet to 82 feet from the SE 91st Avenue lot line and from 10 feet to 810 feet from the SE 86th Avenue lot line (Zoning Code Section 33.150.215, Table 150-2);
- To waive the requirement that at least 50% of the setback area between the new building and the street lot lines be hard surfaced (Zoning Code Section 33.150.215.D); and
- To waive the requirement for L4 screening buffers with landscaping and masonry walls on the north and east sides of the truck loading area adjacent to the building (Zoning Code Section 33.266.310.E).

all per the approved plans, Exhibits C-1 – C-4, and subject to the following conditions of approval:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 – C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 19-257812 CU AD."
- B. The existing trees that are shown to be preserved in Exhibit C-4 and that are within 60 feet of the exterior lot lines of the site must be preserved and protected during construction unless shown by a certified arborist to be dead, dying, or hazardous. Any of these trees that are found to be dead, dying, or hazardous may be removed, but must be replaced in the same general area by a new tree which meets the tree planting requirements in Tree Code Section 11.60.020.
- C. A total of at least 8 new trees must be planted and distributed along the north, east, and south facades of the new building. The new trees must meet the tree planting requirements in Tree Code Section 11.60.020.
- D. The use of the new building may not create off-site impacts (noise, vibration, odor, and glare) exceeding the limits specified in Zoning Code Chapter 33.262.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on September 3, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 9, 2020

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on November 26, 2019 and was determined to be complete on May 5, 2020.

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 November 26, 2019.

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 to extend the 120-day review period by a total of 72 days (Exhibit A-3 through A-5). Unless further extended by the applicant, **the 120 days will expire on November 13, 2020.**

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 decision 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.

Appealing this decision. This decision may be appealed, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. **Appeals must be received by 4:30 PM on September 23, 2020. Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision. If this land use review is approved the final decision will be recorded with the Multnomah County Recorder. *Unless appealed*, the final decision will be recorded after September 23, 2020 by the Bureau of Development Services. The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder. For further information on 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.

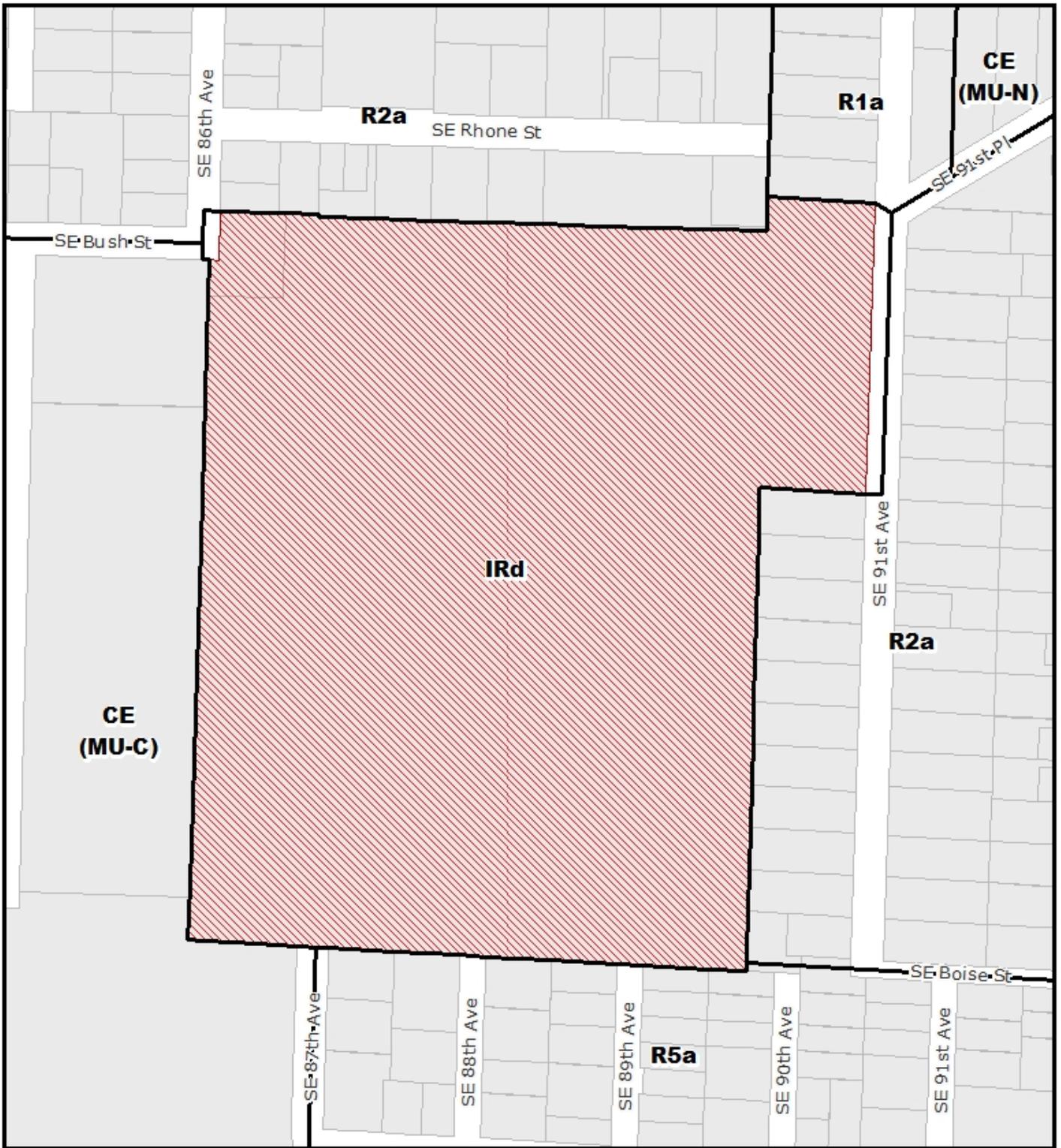
Applying for permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Applicant's narrative and supporting materials
 - 2. Revised off-site impacts letter, dated May 15, 2020
 - 3. Request to extend 120-day review period, received June 22, 2020
 - 4. Request to extend 120-day review period, received July 21, 2020
 - 5. Request to extend 120-day review period, received August 12, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. West and north building elevations (attached)
 - 3. East and south building elevations (attached)
 - 4. Tree removal and tree protection plan (attached)
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of BDS
 - 7. Life Safety Review Section of BDS
 - 8. Bureau of Parks, Urban Forestry Division
 - 9. Bureau of Parks, Urban Forestry Division (revised)
- F. Correspondence:
 - 1. E-mail from Joell Bradshaw, dated May 9, 2020
 - 2. E-mail from Joell Bradshaw, dated May 11, 2020
 - 3. E-mail from Treven Whitney, dated May 15, 2020
- G. Other:
 - 1. Land use application form
 - 2. Incompleteness determination letter, dated December 17, 2019

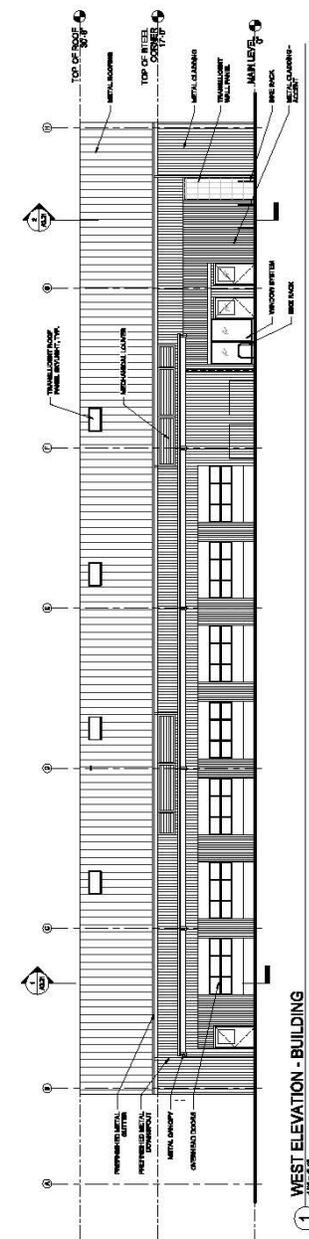
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



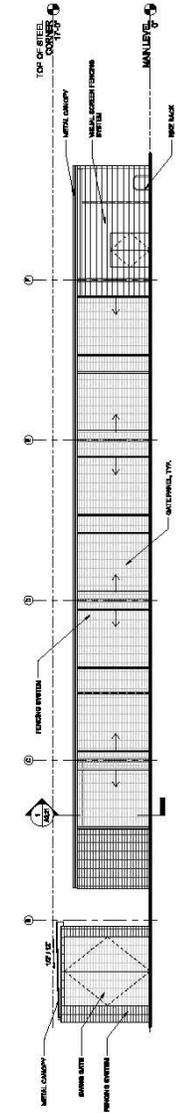
ZONING 
NORTH

 Site

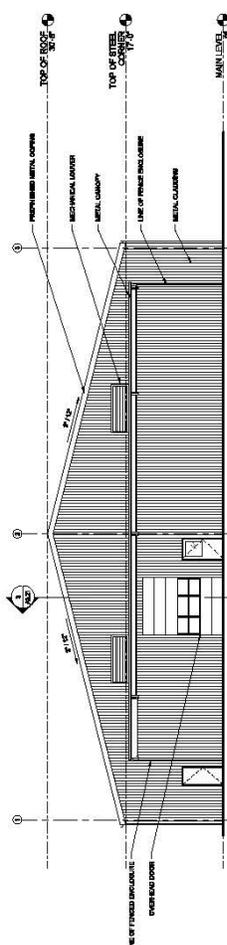
File No.	LU 19 - 257812 CU AD
1/4 Section	3439
Scale	1 inch = 200 feet
State ID	1S2E09 200
Exhibit	B Dec 02, 2019



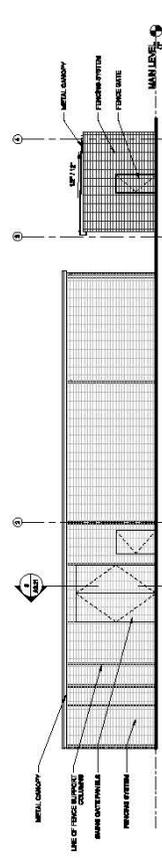
1 WEST ELEVATION - BUILDING
1/8" = 1'-0"



2 WEST ELEVATION - FENCED ENCLOSURE
1/8" = 1'-0"



3 NORTH ELEVATION - BUILDING
1/8" = 1'-0"



4 NORTH ELEVATION - FENCED ENCLOSURE
1/8" = 1'-0"

ELEVATION MATERIALS LEGEND

[Pattern]	METAL GLASSING	[Pattern]	METAL GLASSING - ADJACENT
[Pattern]	METAL GLASSING - ADJACENT	[Pattern]	TRANSPARENT METAL PANELS
[Pattern]	METAL GLASSING - ADJACENT	[Pattern]	METAL GLASSING - ADJACENT
[Pattern]	METAL GLASSING - ADJACENT	[Pattern]	METAL GLASSING - ADJACENT

LU 19-257812 CU AD
Exhibit C-2

