



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COUNTY ASSETS  
FACILITIES AND PROPERTY MANAGEMENT DIVISION  
401 N DIXON STREET  
PORTLAND, OREGON 97227  
(503) 988-4149  
Michael Sublett, Strategic Projects Lead

BOARD OF COUNTY COMMISSIONERS  
JEFF COGEN • CHAIR OF THE BOARD  
DEBORAH KAFOURY • DISTRICT 1 COMMISSIONER  
LORETTA SMITH • DISTRICT 2 COMMISSIONER  
JUDY SHIPRACK • DISTRICT 3 COMMISSIONER  
DIANE McKEEL • DISTRICT 4 COMMISSIONER

## **Conditional Use Permit for the Women's Transition Center Properties (722, 732, and 736 N.E. Couch Street, Portland, Oregon)**

A Conditional Use Permit (CUP) was issued October 16, 1996, to the Department of Community Corrections for operation of the Couch Street Transitional Housing at 722, 732 & 736 NE Couch Street. These properties are located in the EX, Central Employment zone and are subject to a "d" overlay, Design zone. Key conditions of the CUP approval are:

(1) The facility is classified as a post incarceration, group living facility. Occupancy is described as up to 10 women and 20 children. The EX zone does not impose a maximum residential density for group living facilities, so the number of residents is a factor of the combined floor area and the building code. The CUP is required for post-incarceration programs. Group living facilities for other types of community service programs would be allowed by right in the EX zone.

(2) Loss of CUP status – Portland P&Z Code § 33.815.050 provides that: "If a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued." The three year timeline commenced September 3, 2012, when the last residents moved out.

(3) Minimum spacing between CUP group living facilities. A group living facility that is a conditional use must be at least 600 feet away from a site with any other group living facility that is also a conditional use.

(4) Expansion of facility - Portland P&Z Code § 33.815.040 provides that the building floor area or the improved site area may be expanded up to 1,500 SF by right, up to 10% through a Type II (Director's approval) procedure and over 10%, up to a maximum of 25,000 SF through a Type III (public hearing before a Hearings Officer) procedure.

***This memo is a summary. It does not represent nor warrant any proposed use. Applicants are directed to independently satisfy with applicable authorities that their proposed use(s) are allowed.***

City of Portland  
Archives &  
Records Center

503.865.4100  
parc@portlandoregon.gov

Folder Title:

LVR 96-00654 CU

Box and folder numbers:

Accession Number or Record Series:

18 pgs





CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017  
Portland, Oregon 97204-1960  
Land Use Hearings (503) 823-7719  
Code/Towing Hearings (503) 823-7307  
FAX (503) 823-4347  
TDD (503) 823-6868

Hearing Date: September 24, 1996  
Decision Mailed: October 1, 1996  
Last Date to Appeal: October 15, 1996  
Effective Date (if no appeal): October 16, 1996

REPORT OF HEARINGS OFFICER DECISION IN UNCONTESTED CASE

File No.: 96-00654 CU

Applicants: Multnomah County Department of Community Corrections (Kathleen Treb, Program Administrator), 4610 S.E. Belmont Street, 97214; and Cascade Investments (John Hamilton), 525 N.E. Davis Street, 97232, deedholder.

Location: 722, 732 and 736 N.E. Couch Street.

Neighborhood: Kerns.

Neighborhood Within 1,000 Feet of the Site: Buckman.

District Business Coalition: Central Eastside Industrial Council.

District Neighborhood Coalition: Southeast Uplift.

Legal Description: West 35 feet of Lot 7, west 40 feet of Lot 8, west 30 feet of east 60 feet of Lot 8, and east 30 feet of Lot 8, Block 156, East Portland Addition.

Tax Account #s: R-22651-0520, -0530, -0540.

Quarter Section: 3031.

Zoning/Designations: EX, Central Employment zone; "d" overlay, Design Zone; Central City Plan District.

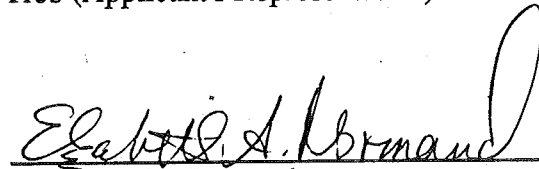
Land Use Review: Conditional Use for group living facility.

Decision: It is the decision of the Hearings Officer to adopt and incorporate into this report the facts, findings, and conclusions of the Bureau of Planning in Sections I, II, and III of their Staff Report and Recommendation to the Hearings Officer dated September 12, 1996, and to issue the following approval:

Approval of a Conditional Use for a post-incarceration group living facility, subject to the applicant's statement (Exhibit A) and the following conditions:

- A. The existing driveway adjacent to the western-most dwelling shall be paved to City standards.
- B. The program must offer free bus passes or tickets to all of the program's residents.
- C. A minimum of two bicycle parking spaces shall be provided on-site. Residents shall be notified that secure bicycle parking is available for their use in a basement storage room.

Basis for Decision: Staff Report in 96-00654 CU, Exhibits A-1 to H-4, and the hearing testimony of Nan Stark (Bureau of Planning) and Kathleen Treb (Applicant's Representative).

  
Elizabeth A. Normand  
Hearings Officer

**NOTE:** Bureau of Buildings recommends that a building permit is required for site or building improvements and to show compliance with conditions of approval.

The application for this land use review was determined to be complete on August 16, 1996.

Decisions of the Hearings Officer may be appealed to City Council. Unless appealed, this Decision of the Hearings Officer is effective on OCTOBER 16, 1996, the day after the last day to appeal.

**ANY APPEAL OF THIS ACTION BY THE HEARINGS OFFICER MUST BE FILED AT THE PERMIT CENTER ON THE FIRST FLOOR OF THE PORTLAND BUILDING, 1120 S.W. 5TH AVENUE, 97204 (823-7526) NO LATER THAN 4:30 P.M. ON OCTOBER 15, 1996. An appeal fee of \$1,222.50 will be charged (one-half of the application fee for this case). Information and assistance in filing an appeal can be obtained from the Bureau of Planning at the Permit Center.**

**Appeal of the decision.** The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Who can appeal.** You may appeal the decision only if you wrote a letter which was 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.

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Planning in the Permit Center in the Portland Building at 1120 S.W. 5th Avenue, first floor. Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**Recording the final decision.** The applicant, builder or a representative must submit this decision to the City Auditor's Office at 1400 S.W. 5th Avenue, Room 401, Portland, Oregon. The Auditor will charge a fee, and will record this decision with the County Recorder. A building or development permit will be issued only after this decision is recorded.

**Expiration of this approval.** This decision expires three years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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

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





CITY OF  
**PORTLAND, OREGON**

BUREAU OF PLANNING

**Charlie Hales, Commissioner**  
David C. Knowles, Director  
1120 S.W. 5th, Room 1002  
Portland, Oregon 97204-1966  
Telephone: (503) 823-7700  
FAX (503) 823-7800

**STAFF REPORT  
and  
RECOMMENDATION TO THE HEARINGS OFFICER**

**FILE NUMBER: LUR 96-00654 CU (MULTNOMAH COUNTY  
WOMEN'S TRANSITION SERVICES)**

**HEARING TO BE HELD SEPTEMBER 24, 1996 AT 11:00 AM  
IN HEARINGS ROOM A, 2ND FLOOR, 1120 SW 5TH AVENUE**

**BUREAU OF PLANNING REPRESENTATIVE: NAN STARK**

**I. GENERAL INFORMATION**

**Applicants:** Multnomah County Dept. of Community Corrections  
Kathleen Treb, Program administrator  
4610 SE Belmont Street, Portland, OR 97214

Cascade Investments, deedholder  
John Hamilton, representative  
525 NE Davis Street, Portland, OR 97232

**Location:** 722, 732 and 736 NE Couch Street

**Legal Description:** West 35' of Lot 7, west 40' of Lot 8, west 30' of east 60' of Lot 8, and  
east 30' of Lot 8, Block 156, East Portland Addition

**Tax Account #s:** R-22651-0520, -0530, -0540

**Quarter Section:** 3031

**Neighborhood:** Kerns; contact Bill Lennertz at 228-9240.

**Neighborhood within 1,000 feet of the site:** Buckman; contact  
Cynthia Milbradt at 234-5977.

**District Business Coalition:** Central Eastside Industrial Council;  
contact Clark Schenkenberger at 232-1012.

**District Neighborhood Coalition:** Southeast Uplift; contact Timothy  
Wilder at 232-0010.

**Zoning/Designations:** EX, Central Employment zone  
'd' overlay, Design Zone  
Central City Plan District

**Land-Use Review:** Conditional Use for group living facility

An Equal Opportunity Employer  
City Government Information TDD (for Hearing & Speech Impaired): (503) 823-6868



**Proposal:** Multnomah County requests a Conditional Use to legalize a group living facility in the three houses that make up this site. The facility operates as a post-incarceration program which provides transitional housing and support services for up to ten women and twenty children. There are a total of ten bedrooms in the three houses, and the number of people in each house varies according to family composition. The facility is not an alternative to incarceration; all residents live there voluntarily. Residents receive a transportation allowance to use public transportation. Most residents do not own vehicles.

Two staff have regular office hours at the site. One works weekdays, 32 hours per week, and the other works 20 hours a week in three weekdays. Three child care workers are at the site approximately ten hours each per week. Staff from various social service agencies also regularly visit the site. Visitors are allowed, and are screened and required to follow visitation policies.

**Description of Site and Vicinity:** Three Victorian houses are located on the three lots comprising this 6,750 square-foot site adjacent to NE Couch Street and 8th Avenue. The houses are 2-1/2 story long and narrow structures. The western-most lot is substantially deeper than the other two, and includes a back yard area of nearly 1,500 square-feet (30 by 50) with a play structure.

The immediate neighborhood is developed with a mix of multi-dwelling housing, industrial and commercial uses. On the east side of 8th Avenue is an older 3-floor multi-dwelling structure, and another multi-dwelling structure is on the abutting south side, facing Burnside Street. The first floor of this building is vacant commercial space. A parking lot for less than ten vehicles separates the building to the south from the two eastern-most houses, and the back yard behind the third house abuts the building. Industrial and commercial buildings comprise the remaining development on the surrounding streets. Two large old houses are two blocks to the west on Couch Street, and a large apartment building is on the adjacent block west of the houses. They are the only other buildings in the area that have a residential appearance.

The applicant provided a map showing the nearest Conditional Use for group living, which is 670 feet south of the site, on SE 7th Avenue and Ash Street. The Conditional Use is for the Volunteers of America, approved in 1991 through LUR 91-00677.

**Land Use History:** No quasi-judicial actions have occurred on this site.

**Correspondence:** In response to the notice for this proposal, staff received one letter of support. The letter was from the owner of the business and building on the southeast corner of 8th and Burnside, who commented that prior to the current use, the houses were drug-infested slums. The current owner has renovated them, and the facility has been in place for over three years without adverse incidents.

## II. ANALYSIS

The site is currently zoned and designated EX, Central Employment. This zone is intended to provide for mixed-use areas in an overall industrial-type setting in developed parts of the city which have the highest levels of public services. Residential uses are allowed but should be compatible with the surrounding nonresidential development.

The 'd', Design overlay zone is applied in conjunction with the EX zone. Design review is required on proposals for new development and modifications to existing development. The design guidelines are used to ensure the conservation and enhancement of the special characteristic of each design district. This design district that this site is in is the Central City Plan District. The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area.

This post-incarceration program uses the three houses on the site as group living facilities for up to ten women and twenty children. Office area for program staff is on site, but no staff reside there. No new development is proposed; therefore, Design Review is not required.

A Conditional Use review is required for group living facilities in the EX zone which include post-incarceration programs. Group living facilities for programs other than post-incarceration are allowed by right in this zone.

In order to be approved, this proposal must comply with the approval criteria of 33.815.140 A.-D., Specified Group Living Uses in the C and EX Zones. This review will also address the Kerns Neighborhood Plan and Goal 6 and the following policies of the Transportation Element of the Comprehensive Plan: 6.4 (Land Use/transportation), 6.6 (Urban Form), 6.7 (Public Transit), 6.11 (Pedestrian Transportation), 6.12 (Bicycle Transportation), 6.13 (Transportation Demand Management), 6.14 (Parking Management), 6.15 (On-street Parking Management), 6.16 (Off-street Parking), 6.18 (Clean Air and Energy Efficiency) and 6.26 (Adequacy of Transportation Facilities). In addition, the State Transportation Rule, OAR 660-12-045, and its applicability to this proposal will be addressed.

#### **A. ZONING CODE APPROVAL CRITERIA**

##### **33.815.140 Specified Group Living Uses in the C and EX Zones**

###### **33.815.040 Review Procedures**

The procedure for reviews of conditional uses depends upon whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use. Because this is a new conditional use, it is processed using a Type III process.

##### **33.815.140 Approval Criteria for Specified Group Living Uses in the C and EX Zones**

These criteria apply to Group Living uses which consist of alternative or post incarceration facilities in the C or EX zones.

#### **A. Physical compatibility.**

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

**Findings:** There are no City-designated scenic resources on or adjacent to the site; thus, this criterion is not applicable.

2. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

**Findings:** Residential group living uses are allowed by right in the EX zone. Conditional uses are only required for post-incarceration facilities. The EX zone is intended for mixed-use areas, allowing for both industrial and commercial uses. Residential uses should be compatible with the surrounding non-residential development.

This area is consistent with the intent of the EX zone, characterized by a mix of housing, commercial and industrial uses, which are all found in

close proximity to the subject site. Residential uses are directly east and south of the site, industrial uses are west and north, and commercial activity is adjacent along Burnside Street. The three houses making up this site create a small pocket of dwellings which have a single-family appearance, and consequently constitute a residential area with the larger multi-dwelling structures to the east and south. The industrial uses nearby are of a small scale and do not overwhelm the area by either physical bulk or activity levels. Commercial uses are primarily contained along Burnside Street, one block south, which is a major city street for traffic and transit, and is a Central City Walkway. Couch Street and 8th Avenue are local service streets for all modes. The area is within the central Eastside Truck District.

While the site does not have an industrial or commercial appearance, it is compatible with the area because it is small in scale, near other residential buildings, and is well established. The houses have a distinctly Victorian appearance and were clearly built for residential use, but could be used for commercial purposes, which would also be consistent with the zoning. This criterion is met.

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

1. Noise, glare from lights, late-night operations, odors, and litter; and

**Findings:** The three houses are occupied by up to ten women and twenty children. There will be no noise, glare from lights, late-night operations, odors, and litter generated on the site that is different from that typically generated by a small multi-dwelling development. This criterion is met.

2. Privacy and safety issues.

**Findings:** The proposed use is for a group living facility in the EX zone. There are no residentially-zoned lands in close proximity to this site. Industrial and commercial uses as well as multi-dwelling housing are adjacent to the site. The group living facility is fairly small in scale, and includes offices for program service providers who are on site during weekdays. Due to the substantial distance to the nearest residential zone, this criterion is met.

**C. Public services.**

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

**Findings:** The Transportation Planning Division of the Office of Transportation evaluated this proposal against the Transportation Element of the Comprehensive Plan. The findings indicate that with conditions, all of the relevant policies can be met. The recommended conditions are as follows:

- The existing driveway adjacent to the western-most dwelling shall be paved to city standards.

- The program must offer free bus passes or tickets to all of the program's residents to ensure that on-street parking impacts do not increase.
- A minimum of two bicycle parking spaces shall be installed on-site visible from the front door of at least one of the dwellings.
- Residents shall be notified that secure bicycle parking is available for their use in a basement storage room.

Planning staff recommends the installation of two bicycle parking spaces on-site, but they may be more easily and safely situated along the side of one of the dwellings, where they would not be visible from the front door, or designated inside the buildings. Consequently, the location of the spaces will not be specified. With these conditions, this criterion is met.

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

**Findings:** The Bureau of Transportation Engineering indicates that streets abutting this property are improved with curbs and sidewalks, and other improvements in the public right-of-way will not be required.

The capacity of the adjacent local service streets will adequately support this residential use. Most of the residents do not have cars, and use transit. Transit is available within one block from the site, on Burnside Street, with three bus lines.

On-street parking is available in front of the site and on the adjacent streets. Most of the commercial and industrial sites in the area have adequate off-street parking, and the nearby industrial uses are closed in the evenings when residential parking demand tends to be higher.

Because of close proximity to Burnside Street, access to arterials is easily attained. This area is typically used for general vehicular traffic as well as truck traffic, with access for both types. This criterion is met.

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

**Findings: Services:** Urban services have been installed in this area.

**Supply:** The Water Bureau indicates that this site has existing water services.

**Sanitary Sewage and Stormwater Disposal:** The Bureau of Environmental Services responded that the proposal should have no impact on BES facilities. Development Assistance may review the project through building plan application process to ensure compliance with BES code and policy.

Police and Fire Protection: Both the Police Bureau and the Fire Bureau indicate that services are adequate to serve the proposal.

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

**Findings:** The *Kerns Neighborhood Action Plan* includes policies which are relevant to this proposal.

Policy 1, Neighborhood Quality and Livability, includes Objective 1.2, Strengthen community identity within Kerns by taking advantage of all opportunities to upgrade appearance of both residential and commercial properties. This policy is directly applicable as well as Policy 11, Central Eastside Industrial District and Objective 11.4, which states, "Retain the viability and maintenance of the existing housing stock and commercial structures until such time as they are converted to other uses allowed by the underlying zone." The three houses built at the turn of the century continue to be used for residential purposes. The current owner and leasee have upgraded them for the existing use.

Policy 3, Housing, states, "Maintain and enhance the quality of the existing diverse housing types while providing a range of purchase and rental prices." The upgrades to the exterior and structure also support this policy, maintaining existing housing in the neighborhood.

Policy 7, Institutional expansion, includes objective 7.1, which states, "Discourage new institutional uses, or expansion of existing uses in residential zones which would increase traffic or cause a loss of housing." This use is in existing residential structures which are not in a residential zone. Traffic is primarily generated by service providers who come to the site during weekdays. Residents generally do not have cars, and use public transit as their primary mode of transportation.

In summary, the proposal maintains use of existing residential stock in the Kerns neighborhood without causing traffic impacts to residential areas. The upgrades that have been made to the house over the past three years contribute to the appearance of the area, and support the neighborhood plan. This criterion is met.

### **33.239 Group Living**

#### **33.239.030 Development Standards**

(Amended by Ord. No. 166786, 167054, effective 10/25/93.) The development standards of the base zone, overlay zone or plan district apply unless superseded by the standards below.

##### **A. Resident Density.**

1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.
2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.

3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:

<u>Zone</u>	<u>Number of Residents</u>
• RF through R5 zones	– 1.5 residents per 1,000 square feet
• R3 and R2.5 zones	– 2 residents per 1,000 square feet
• R2 zone	– 2.5 residents per 1,000 square feet
• R1 zone	– 3 residents per 1,000 square feet
• RH, RX, IR, C, and EX zones	– Not limited (must comply with the building or housing code, and the FAR of the base zone)

**Findings:** Density is not limited in the EX zones; this standard is therefore met.

#### **B. Minimum Spacing**

1. Purpose. The minimum spacing standards assure that large Group Living uses do not unduly affect the character of residential and commercial areas.
2. Spacing standards. Group living facilities that are conditional uses must be at least 600 feet from a site with any other group living facility that is also a conditional use.

**Findings:** A search of the City's land use history maps show that the nearest conditional use group living facility is 670 feet from the site, at SE 8th Avenue and Ash Street. This standard is met.

- C. Required outdoor area.** The requirement for outdoor areas applies in all residential zones except RH and RX. Larger areas may be required as part of a conditional use review. The outdoor area requirement is 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 6 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and the minimum dimension is 15 by 15 feet.

**Findings:** Required outdoor area is provided in the rear yard of each house and meets the minimum dimensions. In addition, combined outdoor area is provided in the larger rear yard of the western-most house, which has an area of nearly 2,000 square-feet. This standard is met.

- D. Parking and loading.** Parking requirements are stated in Chapter 33.266, Parking and Loading.

**Findings:** Per 33.510.265(E)(2), there is no minimum required parking for this use. Therefore, this standard is met.

#### **B. 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 process. The development standards will have to be met before a building permit is issued. These standards are discussed below.

### **C. PLANS AND POLICIES**

#### **Transportation Planning Rule**

Portions of the State Transportation Planning Rule became directly applicable to land use decisions and limited land use decisions May 6, 1994. Applicable provisions address pedestrian and bicycle facilities, transit improvements, and reduced dependence on the automobile. These provisions will apply directly to land use decisions until such time that the City amends its Planning and Zoning, and Subdivision regulations to comport with state standards.

#### **Required Pedestrian and Bicycle Facilities [OAR 660-12-045(3)]**

- A. Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park and ride lots.

**Findings:** Bicycle parking is provided in a basement storage room. It should be made available for visitors and staff as well as residents.

- B. On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.
1. Neighborhood activity centers includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers.
  2. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways.

**Findings:** Sidewalks are present along both frontages of the site.

- D. Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools.

**Findings:** The program's van utilizes the existing driveway, which is the only on-site parking space. The driveway is not improved to city standards.

### **III. CONCLUSIONS**

The site has been used for several years as a post-incarceration facility run by Multnomah County. Physical upgrades have enhanced the appearance and preserved the Victorian quality of the three houses. This is a mixed use neighborhood, and the adjacent residential development is of a higher density than on this site. Due to the distance from the nearest residential zones, there are no impacts to those areas. Residents of this site are primarily transit users, and the site is appropriately located near excellent transit services. The proposal is compatible with this mixed use area and does not impact the activities of commercial and industrial uses intended for the EX zone.

**IV. TENTATIVE STAFF RECOMMENDATION** (may be revised upon receipt of new information at any time prior to the Hearings Officer's decision)

Approval of a conditional use for a post incarceration group living facility, subject to the applicant's statement (Exhibit A) and the following conditions:

- A. The existing driveway adjacent to the western-most dwelling shall be paved to city standards.
- B. The program must offer free bus passes or tickets to all of the program's residents.
- C. A minimum of two bicycle parking spaces shall be provided on-site. Residents shall be notified that secure bicycle parking is available for their use in a basement storage room.

**NOTE:** Bureau of Buildings recommends that a building permit is required for site or building improvements and to show compliance with conditions of approval.

=====

**The application for this land use review was determined to be complete on August 16, 1996.**

**This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case.** This report is a recommendation to the Hearings Officer by the Bureau of Planning. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision within 17 days of the close of the record.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case at our office on the 10th floor of the Portland Building, 1120 SW Fifth Avenue; Portland, Oregon.

**Appeal of the decision.** The decision of the review body may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$1,222.50 will be charged (one-half of the application fee for this case).**

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Planning in the Permit Center in the Portland Building at 1120 SW 5th, 1st floor. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow 3 working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**Recording the final decision.** If this proposal is approved, it must be recorded at the City Auditor's office. The applicant, builder, or their representative can record the decision by going, in person, to the City Auditor's office at the Interim City Hall, 1400 SW Fifth Avenue, Room 401; Portland, Oregon. The Auditor will charge a fee, and will record this decision with the County Recorder. All land use reviews, except those for **only** a Subdivision and/or Planned Unit



Development (PUD), must be recorded in this manner. Building or development permits will be issued only after this decision is recorded.

**Expiration of the approval.** The recorded decision expires three years from the recording date unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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

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

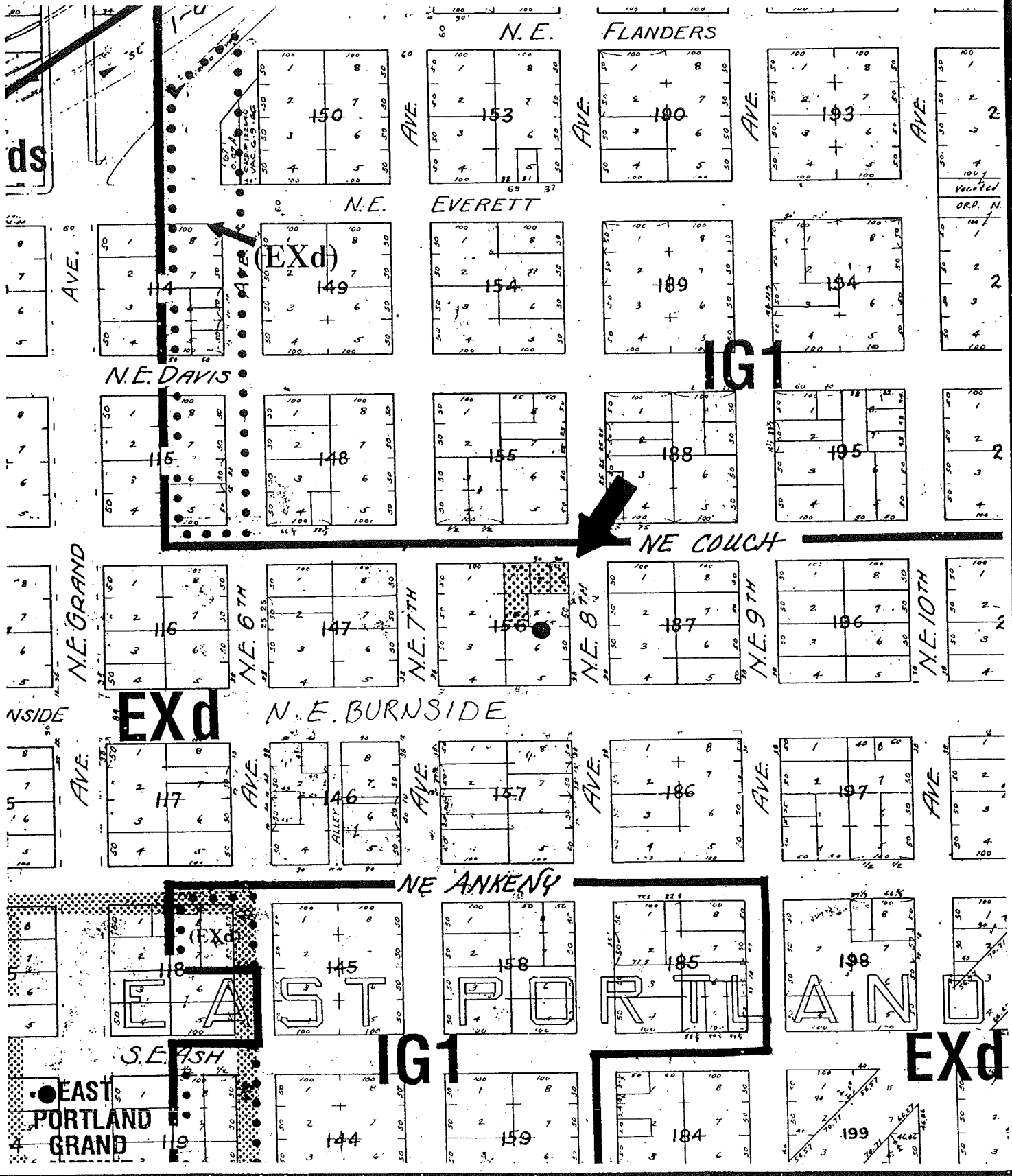
If you have a disability and need accommodations, please call 823-7700 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Nan Stark:ns  
September 12, 1996

## EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. 1. Applicant's Statement
- 2. Transitional Housing Visitation Agreement
- 3. Criteria for admittance to Transitional Housing
- 4. Program rules
- 5. Map of nearest group living conditional use
- B. Zoning Map (attached)
- C. Site Plan (attached)
- D. Notification information:
  - 1. Posting letter sent to applicant
  - 2. Notice to be posted
  - 3. Applicant's statement certifying posting
  - 4. Mailed notice
  - 5. Mailing list
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering
  - 3. Transportation Planning Section of the Office of Transportation
  - 4. Water Bureau
  - 5. Bureau of Buildings
- F. Letters
  - 1. D. Inness, Protemp Associates Inc.
- G. Other
  - 1. Conditional uses for group living history in area
  - 2. Preapplication conference summary



# Zoning

This site lies within the  
CENTRAL CITY PLAN DISTRICT



Site

File No. LVR 96-00654  
1/4 Section 3031  
Scale 1" = 200'  
Request B  
Exhibit

E BURNSIDE

LUR96-0065404

APARTMENT  
COMPLEX

1" = 25'

S ↓ N

PLAY STRUCTURE

PINE TREE

PARKING  
LOT

DRIVE WAY

CYCLONE  
GATE

722

732

736

CYCLONE  
GATE

WILLOWS

EVERGREEN  
BUSHES

TREES

EDGE LUNDARY

LUR96-0065404  
EX. C

for the BOP  
file -  
96-654

nan

RECEIVED  
PLANNING BUREAU

1996 SEP 30 P 12:19

9/17/96

RECEIVED

OCT 1 1996

HEARINGS OFFICE

Received After The  
Record Closed.

Land use hearing officer  
1150 S.W. 5<sup>th</sup> Ave.  
Room 1017  
Portland, OR 97204.

Case File LUR 96-00654 CV

It can be argued to a group living facility  
in these three homes for Convents.

"Jeans Place" that is being built at 11<sup>th</sup> + Cook -  
A women's shelter certainly would not  
be served by having Convents just a Block  
away.

Also  
It would be in keeping with the goal  
of geographically dispersing Social Services  
not to grant this request.

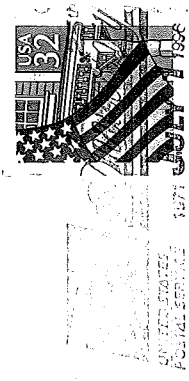
I would like to see this units go  
into low cost housing.

Sincerely,

(R250510350)

Robert H. Stettin

RECEIVED  
JUL 1 1986  
HEARINGS OFFICE  
Received After Trial  
Record Closed



Richard H. Shettler  
2931 SW Sunset Blvd.  
Portland, Oregon 97201

City of Portland,  
Bureau of Planning  
Room 1002 S.W. 5<sup>th</sup> Ave.  
Portland, OR. - 97201

L.V.R. Case # 96-654

