



## Hearings Office

### City of Portland

1900 SW 4<sup>th</sup> Avenue, Room 3100, Portland, OR 97201

[www.portlandoregon.gov/hearings](http://www.portlandoregon.gov/hearings)

email: [HearingsOfficeClerks@portlandoregon.gov](mailto:HearingsOfficeClerks@portlandoregon.gov)

phone: 503.823.7307

fax: 503.823.4347



## DECISION OF THE HEARINGS OFFICER

### I. GENERAL INFORMATION

**File Number:** LU 20-214838 CU AD (Hearings Office 4210004)

**Applicant:** Kate Feiertag, BORA Architects  
720 SW Washington St., Suite 800  
Portland, OR 97205

**Applicant's Representative:** Catherine Corliss, Angelo Planning Group  
921 SW Washington St., #468  
Portland, OR 97205

**Property Owner (School):** School District No. 1  
P.O. Box 3107  
Portland, OR 97208

**School Contact:** Jamie Hurd, Portland Public Schools  
501 N. Dixon St.  
Portland, OR 97205

**Parks Owner/Contact:** Brett Horner, Portland Parks & Recreation  
1120 SW 5th Avenue, First Floor  
Portland OR 97204

**Site Address:** 2245 NE 36<sup>th</sup> Ave.

**Legal Description:** TL 2200 10.20 ACRES, SECTION 25 1N 1E; TL 2300 19.90 ACRES, SECTION 25 1N 1E

**Tax Account No.:** R941250360, R941250370

**State ID No.:** 1N1E25DB 02200, 1N1E25DB 02300

**Quarter Section:** 2734 & 2834

**Neighborhood:** Grant Park, contact Ken Peterson at [gpnalanduse@gmail.com](mailto:gpnalanduse@gmail.com).

**Business District:** Hollywood Boosters, contact [hollywoodboosters@gmail.com](mailto:hollywoodboosters@gmail.com).

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-2778.

**Zoning:** OS & R5 (IC) – Open Space and Single-Dwelling Residential 5,000 base zones, with the R5-zoned portion including the parenthetical Institutional Campus/IC Comprehensive Plan Map designation.

**Land Use Review:** Type III, CU AD (Conditional Use and Adjustment Review)

**BDS Staff Recommendation to Hearings Officer:** Approval with conditions.

**Public Hearing:** The hearing was opened at 1:00 pm on May 10, 2021 in the third floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 3:01 pm. After hearing testimony from all persons who wished to testify, the record was held open until 4:00 p.m. on May 17, 2021 for the submission of new evidence, to 4:00 p.m. on May 24, 2021 for responses to new evidence, and to 4:00 p.m. on June 1, 2021 for the Applicant's final written argument.

The Hearings Office received a total of 22 responses during the open record period, including the Applicant's Final Written Argument. (Exhibits H-45 - H-65) The record was closed at 4:00 p.m. on June 1, 2021.

**Testified at the Hearing:**

Andrew Gulizia, Bureau of Development Services  
Tammy Boren-King, Bureau of Transportation  
Jamie Hurd, Portland Public Schools  
Brett Horner, Portland Bureau of Parks and Recreation  
Jason Gilles  
Debbie Engelstad  
Olivia Dunn  
Chad Jacobs  
Kristen James  
James McGee  
Kim Knox  
Trish Vawter  
Savannah DuPont  
Linda Burch  
Zoe de Blasis  
Pavell Yaskevich  
Dan Kearns  
Erik Kola

## II. ANALYSIS

**A. Proposal.** In this land use review, the Applicant seeks approval of a Type III conditional use and an adjustment for improvements to the Upper Field at Grant High School. A portion of the field is located on the high school campus owned by Portland Public Schools (PPS) and a portion is owned by the Portland Bureau of Parks and Recreation (PPR). The site is adjacent to a Grant Park, a public park owned by PPR. Grant High School is zoned R5 (Single-dwelling Residential) and Grant Park is zoned OS (Open Space)

As described in greater detail in the Bureau of Development Services Report and Recommendation to the Hearings Officer (BDS Report), the Upper Field improvement project expands the existing field, and adds dugouts and fencing, field lighting, pathway improvements, expanded bleacher seating, and a portable public address (PA) system with speakers attached to the backstop fencing.

Conditional use review is required for the expanded bleacher seating, PA system, and new lighting. An adjustment review is required to allow the poles for the new field lighting to exceed the 50' height limit for structures in the OS zone.

The BDS Report at pages 1 - 7 describes in detail the site and vicinity, zoning, land use review history, agency reviews, neighborhood review and preliminary issues raised. It also describes the relevant conditional use and adjustment approval criteria: PCC 33.815.100 (Uses in the Open Space Zone); PCC 33.815.105 (Institutional and Other Uses in Residential and Campus Institutional Zones); and 33.804.040 (Adjustments). As discussed below, because the Hearings Officer adopts and incorporates the BDS Report in its entirety, that detailed information is not repeated here.

In the Report, BDS makes thorough and affirmative findings that the Applicant's proposal complies with all of the relevant approval criteria and recommends conditions of approval. At the public hearing, the Applicant accepted those findings and expressed complete agreement with the BDS Report, including the recommended conditions of approval. In testimony submitted at the public hearing and during the post-hearing open record period, however, neighbors raised numerous concerns about the impacts of this project on the surrounding neighborhood.

Based on substantial evidence in the record as a whole, the Hearings Officer concurs with BDS's analysis, and adopts and incorporates as her own the affirmative findings in pages 1-37 of the BDS Report, dated April 29, 2021 and attached to this decision, as supplemented below. For purposes of clarity and completeness, the Hearings Officer supplements the BDS Report's discussion of concerns neighbors raised in the findings below. The Hearings Officer also addresses several additional issues that were raised in correspondence received during the open record period after the hearing.

## B. Supplemental Findings

### Conditional Use Criteria

#### 1. Public Services - Transportation (PCC. 33.815.100.B.2 and 33.815.105.D.2)

The findings below supplement the findings addressing the conditional use criteria in PCC 33.815.100.B.2 and 33.815.105.D.2 at pages 8 - 16 and 21 - 29 of the BDS Report.

These conditional use criteria focus on transportation system adequacy, potential mitigation, and the timing of any necessary traffic improvements. As relevant here, the transportation system is adequate if it is capable of supporting the expanded and improved Upper Field use as well as existing uses in the area, based on the evaluation of a set of listed factors. These listed factors may be balanced and failure to meet one or more of these factors is acceptable if it is not the result of the proposed project and any additional impacts can be mitigated. (PCC 33.815.100.B.2.a - c, 33.815.105.D.2.d - f)

Neighbors raised several primary objections to the evidence the Applicant and BDS relied on to conclude the Upper Field project satisfies these approval criteria. This evidence consists of (1) a 2017 Transportation Impact Study (TIS) the Applicant submitted for a previous conditional use review for the Grant High School modernization and expansion project (LU 16-269579); (2) a Transportation Evaluation (TE) submitted for this Upper Field project; and (3) PBOT's evaluation of the TIS and TE. (Exhibits A-12, E-2) The neighbors assert the TIS is outdated because it predates the COVID pandemic and the later addition of up to 170 students to Grant High School. They argue the Applicant should be required to provide an updated traffic analysis reflecting the transportation impacts generated by the increased student population. (Exhibits H-17 (Pietka), H-31 (Lee))

Additionally, they argue that NE US Grant Place is congested and there are dangerous conflicts between motorists, pedestrians crossing the street, bicyclists, and visiting team buses. (Exhibits H-24 (Pietka), H-41 and H-58 (Kearns), H-42 (GPNA)); Yaskevich testimony) One neighbor described witnessing near collisions between pedestrians running across NE US Grant Place, where some drop-off and pick-up of students occurs. (Exhibit H-31 (Lee) Parking congestion along NE US Grant Place, among other streets, exacerbates these conflicts. Neighbors contend there is a need for at least two crosswalks on NE US Grant Place between NE 33rd and NE 36th to help reduce some of these conflicts. (Exhibits H-17 (Pietka); H-31 (Lee); H-42 (Grant Park Neighborhood Association (GPNA); Burch and Yaskevich testimony) While some acknowledge the traffic problems along US Grant Place predate this application, they argue the proposed Upper Field improvements will only exacerbate them by extending field use hours and attracting additional spectators and traffic. To help mitigate these impacts, they propose two additional conditions of approval: (1) a condition requiring the Applicant, as a matter of adopted policy, to direct visiting team buses to park along NE 36th Avenue and not on NE US Grant Place; and (2) a condition committing the Applicant to work

with PBOT and the GPNA to address traffic congestion, passenger loading safety, and pedestrian crossing safety improvements on NE US Grant Place. (Exhibits H-40, H-41, H-58)

In both written analysis and testimony, PBOT staff agreed the Applicant's reliance on the 2017 TIS in the TE submitted to support the Upper Field project was appropriate. PBOT noted that because the 2017 TIS predated Grant High School's closure during the pandemic, it was more representative of traffic conditions post-pandemic when the school reopens. That study also factored in the traffic impacts attributable to the additional 170 students Grant is now able to accommodate after completion of the modernization project. Additionally, PBOT staff observed that it was not practically possible to conduct any meaningful traffic study while the school was closed so the 2017 study remains the best source of traffic impact data. (Exhibit E-2; Boren-King testimony) As described at length in the BDS Report, PBOT concluded that PPS activities (after-school practices and evening games) and permitted PPR activities (scheduled youth and adult evening games) will generate only a small amount of traffic, for which there is adequate transportation system and on-street parking capacity.

PPR also submitted a sample schedule of Upper Field use that shows weekday use of the field by PPR-permitted teams will be in the evening and outside the evening peak hour traffic. (Exhibit A-16) On weekdays when PPS is using the field for practices and evening games, PBOT concurred with the Applicant that the additional traffic generated will have minimal impact on the transportation system and parking availability. (Exhibit E-2) Some neighbors concurred that the parking and traffic impacts will be minimal and no greater than the impacts from other school activities. (Exhibits H-15 (Drescher), H-20 (Wright), H-34 (Martin), H-54 (Tell))

Considering the evidence in the whole record, the Hearings Officer is persuaded that the Applicant's, PBOT's and BDS's reliance on the 2017 TIS is reasonable. That expert study--coupled with the Applicant's TE--offers credible, substantial evidence that the transportation system is capable of safely absorbing the transportation impacts attributable to the proposed Upper Field project. There is no contrary expert analysis in the record to suggest otherwise.

What to do about NE US Grant Place and the Applicant's role in resolving some of the transportation issues there attracted significant attention. According to PBOT, NE US Grant Place and surrounding streets can absorb the small amount of additional traffic and parking demand, given the evening timing for school and PPR permitted youth and adult games. No mitigation for these impacts is required. However, all parties acknowledge that current automobile, team bus, bicycle, and pedestrian use of NE US Grant Place creates congestion---particularly during morning and afternoon pickup and drop-off times-- and conflicts between these various users. These are existing problems and predate the proposed Upper Field project. PBOT and some neighbors acknowledged these are not problems the Applicant can resolve in this land use approval.

Nevertheless, some neighbors and PPS have suggested steps that are relevant to the expanded use of the Upper Field this project would allow and could facilitate solutions to some of the traffic problems on NE US Grant Place. For example, PPS principal McGee testified that it is his practice to direct visiting team buses to park on NE 36th Avenue, rather than NE US Grant Place. Neighbors have proposed a condition of approval requiring that PPS make this practice a matter of policy and prohibit parking on NE US Grant Place (Exhibits H-40, H-41) PPS does not support the neighbors' phrasing of this condition. However, PPS suggested a slight modification to the neighbors' proposed language to reflect the limits on PPS's traffic and parking enforcement authority. Under PPS's revised language, the condition would state that team bus parking on NE 36th is "discouraged" rather than "not allowed." (Exhibit H-64) The Hearings Officer finds this proposed condition as modified is reasonable and could help address transportation conflicts on NE US Grant Place as home games are played on the improved Upper Field. The modification PPS suggests is reasonable and recognizes the limits of PPS's parking enforcement capabilities, and the modified condition will be added as Condition J.

Neighbors also proposed a condition of approval that would commit PPS to work with PBOT and GPNA on passenger loading safety, traffic congestion, and pedestrian crossing of NE US Grant Place. (Exhibits H-40, H-41) PPS expressed its willingness to work with both parties on these issues, but does not support this condition of approval unless it is modified to clarify PPS's role and remove editorial language. Again, the Hearings Officer finds this proposed condition of approval with as modified can facilitate exploring solutions to transportation conflicts on NE US Grant Place to the benefit of all parties here. This condition is being added as Condition K.

Finally, PBOT and the BDS Report describe an ongoing, partially completed project to create a route along NE Hancock Street between NE 32nd and NE 42nd that will provide safer access to NE US Grant Place for both bicyclists and pedestrians. This project is independent of and unrelated to this land use review, but is anticipated to help mitigate some of the conflicts between bicyclists, pedestrians, and cars that neighbors described (Exhibit E-2; Boren-King testimony).

## 2. Livability - Lights, Glare, Litter, Noise, and Late-Night Operations (PCC. 33.815.100.C.1 and 33.815.105.C.1)

Much of the written and oral testimony in this case focuses on this conditional use approval criterion, which requires a finding that the Upper Field improvement project "will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:\*\*\*noise, glare from lights, late-night operations, odors, and litter\*\*\*." Issues raised concerned the additional field usage the proposed new lighting will allow and, specifically, who could and should use the field, during what hours, and how long lights should remain on. Related concerns expressed included the potential for garbage, litter, noise, and vandalism that increased use of this lighted field may create. The BDS Report at pages 16-18 and 20-21 finds

the proposed Upper Field improvement project satisfies or can satisfy this approval criterion and recommends several conditions of approval to address the concerns raised. The Hearings Officer agrees with and supplements BDS's findings to address evidence submitted at and after the hearing and suggestions for modified conditions of approval.

A. Hours of Field Lighting

BDS staff testified these approval criteria use the word "significant" to qualify the adverse impacts that must be considered. In his view, what needs to be considered under this criterion are the typical or expected impacts of the improved Upper Field by Grant High School, and by users under permit by PPR. It is expected and undisputed that high school teams will use the field for practice after school and in the evening for games. Youth and adult recreation teams with PPR permits will be scheduled to use the field when it is not occupied by school use. (Gulizia testimony) In its written submittals and testimony, PPS noted that athletic games, concerts, and other school activities typically occur on campus in the evening and end by 10:00 p.m. Similarly, PPR noted that Grant Park is open until midnight and the park's tennis courts are used and lighted until 10:00 p.m. Additionally, other sports fields in City parks are typically lighted and used for organized games until 10:00 p.m. (correcting an erroneous statement to the contrary at page 17 of the BDS Report). (Exhibits H-22 (PPR), H-64 (PPS); Horner testimony)

Neighbors and other interested parties offered many different ideas about when games should end and the proposed new lights in the Upper Field should be turned off. These suggestions often distinguished between school and PPR-permitted use of the athletic fields. Most agreed that PPS's proposal to end school games at 9:30 p.m. and turn the lights off by 10:00 p.m. is appropriate and consistent with the pattern of other community and evening activities on the Grant High School campus. That is, ending games at 9:30 with lights off by 10:00 p.m. will not generate significant impacts on the livability of the surrounding residential neighborhoods. BDS agreed and added a condition of approval to memorialize that timing. The Hearings Officer concurs with BDS and PPS that this game-end/lights-off timing for school athletic games is consistent with this approval criterion. Although neighbors suggested that lights be turned off either 15 or 30 minutes after a game or practice ends, the Hearings Officer accepts the practical concerns with this suggestion that PPS expressed. It is difficult to schedule custodial staff for post-game litter clean-up with a variable game-end time. Requiring a 10 p.m. lights off times, as BDS staff and PPS proposed, resolves this issue. (Exhibits H-41 (Kearns), H-42 (GPNA), H-64 (PPS))

Use of the lighted Upper Field by PPR-permitted youth and adult recreation teams generated the most controversy and ideas. Citing increases in noise, litter, and vandalism when games are played later in the evening, many neighbors argued that games should end at 8:00 p.m. and lights should be turned off at 8:30 p.m. to reduce these neighborhood impacts. (Exhibit H-42 (Kearns)) Other neighbors proposed both a game-end and lights-off time of 8:00 p.m. as a better alternative. (Exhibit H-30 (Kola)) Still others offered suggestions for seasonal

variations in game-end/lights-off times or for limiting the days PPR-permitted recreational teams could use the lighted field to two or three days per week and Saturdays, and that no use take place on Sundays. (Exhibits H-50 (Pietka), H-59 (Hansen)) Many differentiated between recreational youth games and adult games, arguing field use should be limited to non-school PPR-permitted youth teams, or should give youth teams preference over PPR-permitted adult teams.

In response to these concerns, PPR offered to reduce its typical game-end/lights-off times for park sports fields from 9:30 p.m./10:00 p.m. for the Upper Field to 9:00 p.m./9:30 p.m. (Exhibit H-64; Horner testimony) Citing its obligation under city code to encourage maximum public use of public parks in an equitable manner, PPR staff testified that ending field use and lighting at 8:00 p.m. and/or discriminating between youth and adult use of the lighted Upper Field is not consistent with this obligation. PPR estimates that "well over 80%" of the Upper Field's use will be by Grant high school and youth recreation teams, with only 20% for adult recreation teams and other users. PPR observed that "the vast majority" of PPR-permitted recreation uses are by youth teams and they are given priority. PPR also responded to some neighbors' fears that PPR-permitted recreational teams will use the field 365 days per year. Based on its experience, PPR stated that field use varies seasonally with little activity during the winter (December through February) and mid-summer. PPR expects this use pattern to hold true for the Upper Field as well. (Exhibit H-64)

There is no dispute that use of an athletic field in a park adjacent to a residential neighborhood will have some impacts on the neighborhood. That is particularly true where the field is located partially on the grounds of a high school that currently generates impacts, as is the case here. As one neighbor stated succinctly:

"The code does not prohibit or require that any and all impacts of a project be addressed by a condition of approval. Instead, what the code requires is that such issues be addressed when they have a *significant* impact on the surrounding area. Here, the impacts of this project simply do not rise to that level." (Exhibit H-43 (Jacobs))

The question is whether improving and lighting the Upper Field will generate significant adverse impacts over and above any existing impacts. Based on the evidence in the record, the Hearings Officer concurs with the findings at pages 16-17 of the BDS Report that requiring PPR-permitted use of the Upper field to end at 9:00 p.m. with lights out at 9:30 p.m. will have minimal impacts and satisfies this approval criterion. The Hearings Officer finds persuasive and credible PPR's testimony and evidence citing its experience with lighted field usage, and its willingness to require earlier-game end/lights-out times for the Upper Field than at other city parks in an effort to address the neighbors' concern. This is a reasonable compromise that balances PPR's responsibility to provide sufficient hours of field use time meet the demand of PPR-permittees and minimize the potential for negative impacts on surrounding neighbors. The expectation that the vast majority of PPR-permitted field users will be supervised youth

athletic teams and use of the fields will not be year round helps to lessen the potential for impacts the neighbors fear.

## B. Glare

The issue of glare from the new field lights is directly related to the height of the poles, which is discussed below under the adjustment criteria. While virtually no one objected to including lighting in the proposed improvements to the Upper Field, several neighbors and interested parties expressed concerns about the impacts of these lights. Some argued PPS failed to explain why lights on shorter poles couldn't effectively reduce glare or light spillage to surrounding neighbors better than lights on taller poles. (Exhibits H-44, H-47, H-48, H-58) One neighbor, a retired engineer, argued the lighting improvements should be redesigned to vary the light levels depending on how the field is being used, to target specific areas like batting cages with supplemental lights, to minimize Sky Glow, and to include a combination of automated and manual controls for shutting down the lights. (Exhibit H-61 (Hansen) The idea of telescoping light poles, which could raise or lower the lights depending on field use, to reduce glare was suggested by others. (Exhibits H-42 (GPNA), H-30 (Kola))

PPS presented credible and substantial evidence that glare from the new lights will be minimized and will not have a significant adverse effect on the neighborhood. A PPS representative testified at the hearing that the taller poles proposed enable the lights to be focused downward and pinpoint light where it is needed--the Upper Field--and not where it is unwanted--the surrounding park and residences. He explained that placing lights on shorter poles requires the lights to be tilted upward, which means light is thrown a greater distance and glare extends beyond the field. (Gillies Testimony) Exhibit A-15 (Pole Height and Light Spill Diagram) illustrates this point.

Additionally, PPS responded to the neighbors' concerns during the open record period after the hearing. PPS states that a professional lighting firm evaluated a variety of lighting options and designs. On the advice of that firm, the lighting design proposed as part of the Upper Field improvements minimizes impacts (glare) to the surrounding area (park and residences) by aiming the lights downward from tall poles and meets the City code's standards for glare. (Exhibit H-64) PPS also responded to Mr. Hansen's concerns, explaining that the lights will have controls allowing only approved field users to turn the lights on and off and there are no other secondary zones for which specific lighting is required, as Mr. Hansen suggested. (Exhibit H-65) In PPS's view, all of these features of the lighting improvements will minimize the potential that glare from the lights will extend to surrounding areas. The Hearings Officer finds PPS has responded persuasively to neighbors' concerns and Mr. Hansen's suggestions

The BDS Report at page 17 explains why the proposed field lights will not create glare that results in significant adverse impacts on neighborhood livability. The Hearings Officer agrees with BDS's findings and, based on the substantial evidence in the record, concludes that PPS

has carried its burden of proof to demonstrate lighting the Upper Field will not create glare that will result in substantial adverse impacts to the park or surrounding neighborhood.

C. Garbage and Litter

An issue raised repeatedly in oral and written testimony concerned litter, garbage, and restroom facilities. Most of these complaints were directed to PPR-permitted recreational use of the Upper Field and Grant Park, and not to PPS-related practice and game activities. Many neighbors agreed that PPS does a good job of providing trash receptacles and making sure the field is cleaned up after school use. (Burch, Tell testimony) Both the Grant women's softball coach and principal testified they have been and will continue to be responsible for cleaning up the field after evening school games, and that custodial staff are used to assist in that effort. (Engelstad, McGee testimony) BDS agreed and the BDS Report adds a Condition I to formalize this commitment. PPS accepts this condition and suggests a modification to it that recognizes the potential role of others in assisting with litter removal after school games as follows: "PPS Custodial staff (or other responsible parties) must remove litter from the Upper Field area after every scheduled PPS game." (New language is underlined.) Neither BDS nor any other party objects to this language change and the Hearings Officer accepts the modified Condition I as appropriate to ensure compliance with the conditional use livability criterion.

Much of the neighbors' testimony on garbage and litter related to PPR-permitted recreational use of the Upper Field and park. The GPNA presented a report showing litter concerns about the proposed Upper Field improvements rank high among the neighbors surveyed. According to the GPNA, there is only one trash can at the field. (Exhibit H-42) Neighbors complained that they pick up garbage left behind by non-school recreational teams in Grant Park on a regular basis. (Exhibits H-45 (Pietka), H-58 (Kearns)) They assert that PPR has not provided enough or any garbage receptacles for recreational field and park users, and has been slow to deploy park rangers or other personnel to pick up trash. (H-41 (Kearns), H-52 (Mones), H-58 (Kearns)). With the potential for more use of the Upper Field, neighbors expressed concerns that recreational users will increase the amount of trash and litter. They proposed a condition of approval requiring PPR to provide and service three garbage cans at the Upper Field, and to provide daily litter pick-up whenever PPR permittees are using this field. (Burch testimony, Exhibits H-41 and H-58 (Kearns))

In rebuttal testimony, BDS staff acknowledged the Upper Field improvements will allow a slightly more intense level of field use, but opined this slight increase won't exacerbate the existing litter issue. He characterized school games as creating the greatest potential for spectators to leave litter behind, an issue that PPS has addressed and is reflected in Condition I. He testified that he walked the Upper Field site and park and, in his opinion, both were in "pretty good shape" with little litter evident. (Gulizia testimony)

In both rebuttal testimony and its post-hearing submittal, PPR stated that issues concerning litter are addressed through the permitting process for recreational use of fields in city parks. This includes the Upper Field. PPR offers its assurance that it has effective tools to address trash and litter problems attributable to its permittees through permit enforcement and, if necessary, revocation. Permittees are required to provide trash bags or receptacles for litter control. PPR stated that it requires--and will continue to require--"adequate trash receptacles and portable restrooms as needed to meet demand." Moreover, new funding will enable PPR to hire additional seasonal maintenance workers to remove trash, litter and debris in city parks, including Grant Park. (Horner testimony, Exhibit H-64) PPR and several neighbors contend that the vast majority of PPR permittees who use the field are youth recreation teams who are supervised by adult coaches and can be expected to engage their teams in picking up litter after games.

The question is whether the proposed project will result in a significant adverse impact on the neighborhood due to litter. The Hearings Officer understands that litter and garbage left behind by PPR-permitted Upper Field users is a problem that predates the Upper Field improvement project. The neighbors' complaints target past and ongoing use of the field and reflect their skepticism that PPR will adequately address any further increase, based on what they perceive as PPR's failure to provide better litter control to date.

This is a close call. Viewing the evidence in the record as a whole, the Hearings Officer finds that neighbors have presented credible and persuasive evidence that the additional field use the proposed project will facilitate could add to the existing litter problem and have a significant adverse effect on the neighborhood. The BDS Report at pages 17 and 21 addresses only litter resulting from PPS-related use of the field. It does not respond to neighbors' concerns about litter and garbage left behind by PPR-permitted recreational teams. PPR has indicated it will address this issue if it occurs by after-the fact permit enforcement and suggests the potential deployment of additional seasonal maintenance workers could include the Upper Field and Grant Park, among other city parks. However, PPR hasn't directly addressed neighbors' concerns about the lack of garbage receptacles or more effective litter control. The Hearings Officer finds a condition of approval is necessary and appropriate to ensure the anticipated additional field use does not generate a significant adverse impact on the neighborhood. Accordingly, the Hearings Officer adds a condition of approval L that requires PPR to provide and regularly service at least one additional trash receptacle at the Upper Field. Although neighbors advocated for a condition requiring PPR to service trash receptacles on a daily basis, the Hearings Officer declines to impose this requirement in the absence of any evidence about the cost or feasibility of doing so. The Hearings Officer accepts PPR's assurances that the increased park maintenance and litter control additional funding allows will include Grant Field and its facilities, including the Upper Field.

#### D. Noise

Several neighbors raised concerns about noise they attributed to park and adult recreational Upper Field users. Their complaints included adult team members lingering by their cars after games and talking or yelling loudly, car doors slamming, car radios playing loudly, and sometimes noisy arguing. They assert that these behaviors seem to increase the later in the evening that games are played. (Exhibits H-31 (Lee), H-41 (Kearns), H-52 (Mones); Kearns testimony) It is unclear how frequently noise problems occur--that is, whether it is after every game or an occasional basis. In contrast, several other neighbors attributed noise and behavioral issues to members of the public who are in the park late at night. (Exhibit H-45 (Pietka))

The BDS Report at pages 16 and 20 acknowledges existing athletic use of the fields generates some noise impacts and these are likely to increase with the proposed Upper Field improvements. To reduce potential noise impacts, PPS and PPR offered and BDS approved a condition requiring non-PPS games (PPR-permitted recreational games) to end by 9:00 p.m. with lights off at 9:30 p.m. (Exhibit H-64) BDS agreed that this condition will reduce the potential for noise and, because no late-night activities proposed, will satisfy the livability criterion. PPR also stated that its permitting process for recreational use of sports fields provides adequate controls to curb problematic behavior and that "permits can and have been revoked if misuse by permittees occurs, or if neighborhood disruption is significant." (Exhibit H-64) As several neighbors noted, some increased noise and activity is an expected part of living close to a school and park.

The Hearings Officer concurs with BDS's conclusion that the 9:00/9:30 game-end/lights-off PPR proposes for PPR-permitted teams using the field is a reasonable compromise. It will help ensure noise resulting from increased Upper Field use will end earlier and will not have a significant adverse impact on residential neighborhood livability due to noise. Neighbors have failed to provide persuasive or substantial evidence to the contrary. This compromise is included as Condition of Approval E and can be enforced through by BDS in response to complaints if it is violated.

#### 3. Physical Compatibility - Height of Light Poles (PCC 33.815.105.B.2 and B.3) and Adjustment Criteria (PCC 33.805.040.A and B)

To satisfy the conditional use criteria, the proposed light poles must be "compatible with adjacent residential developments" and must "mitigate differences in appearance and scale through\*\*\*landscaping, tree preservation, and other design features." (PCC 33.815.105.B.2 and B.3) The adjustment criteria require a demonstration that the proposed 70 - 80' light poles will better meet the purposes of the 50' height limit in the Institutional Development Standards, will not significantly detract from the livability or appearance of the residential area (R5 zoned portion, and will be consistent with the desired character of the area (OS zoned portion). (PCC 33.805.040.A. and B)

Several neighbors argued PPS has failed to explain why shorter 50 - 60' light poles wouldn't be satisfactory or show what kind of light spill (glare) would be created by mounting the field lights on these shorter poles. (Exhibits H-30 (Kola); H-44, H-47 and H-48 (Pietka); H-58 (Kearns)) At least one neighbor noted that some of the trees that PPS claims will shield the light poles are deciduous and will not soften the visual impact of the poles when they are barren of leaves 5 months of the year. (Exhibit H-48 (Pietka))

The BDS Report acknowledges that the proposed 70' - 80' poles housing the field lights are significantly taller than neighboring structures. However, the Report describes at pages 19-20 and 30-31 the features that enable the poles to satisfy both sets of criteria, including: a narrow 14-inch diameter, the distance between them, and the height of the nearby new and mature trees that will provide scale and help shield or soften their appearance.

Letters submitted by several surrounding neighbors concur with this analysis, noting the tall, slender poles will be unobtrusive, help to concentrate light onto the Upper Field, and minimize visual impacts to the surrounding neighborhood. (Exhibits H-23 (Buckenmeyer), H-34 (Martin), H-43 and H-53 (Jacobs)) PPS echoed these comments in a post-hearing submittal and in a document visually comparing the height of the poles with the height of surrounding mature trees, the projected heights of newly planted trees, and structures on the Grant High School campus. (Exhibits A-17, H-64) Exhibit A-15 submitted in support of PPS's application also illustrates the ramifications of mounting lights on shorter poles: more off-site light spillage and the need to install the poles closer the Upper Field.

The Hearings Officer agrees with BDS that PPS has presented persuasive and substantial evidence to demonstrate that the proposed 70-80' pole heights satisfy the conditional use and variance approval criteria in PCC 33.815.105.B.2 and B.3 and PCC 33.805.040.A and B, and that mounting the lights on shorter poles would not.

#### 4. Proportion of Household Living Uses - Commercial Signage (PCC 33.815.105.A)

Neighbors expressed concern about the visual impact of commercial signage along the fencing of the improved Upper Field. The BDS Report agrees that "commercial signage facing homes would unreasonably impact the residential appearance and character of the area" (BDS Report, pages 6 and 19) and recommends a condition of approval, which appears as Condition H in the Report. The recommended Condition H states:

"H. Within and adjacent to the Upper Field, signs advertising a business may not face south towards NE US Grant Place. Signs which face inward toward the field are not subject to this requirement." (BDS Report, page 33)

The GPNA proposed a modified Condition H to read as follows:

"Advertiser/sponsor signage is prohibited on the south side of the fence facing US Grant Place [not intended to prohibit signs facing into the field, not visible

from the street]." (Exhibit H-40)

PPS objects to this modified language, arguing it is more ambiguous and will be more difficult to implement consistently than BDS's recommended Condition H. (Exhibit H-64) The Hearings Officer agrees. The wording of BDS's recommended condition is more precise and clear. It also prohibits south-facing signage within a bigger area ("within and adjacent to the Upper Field") than the GPNA's proposed condition.

The Hearings Officer finds BDS's recommended Condition H better preserves the overall residential appearance of the surrounding neighborhood, as this approval criterion requires.

## 5. Restrooms

Neighbors raised concerns about the perceived lack of restroom facilities at the Upper Field and instances of public urination. Their concerns focused primarily on the current impacts from PPR-permitted adult recreational teams and late-night activity in Grant Park. While there are restroom facilities within the park, neighbors argued these facilities are either closed during the winter and shoulder season (at north end of Grant Park) or are often vandalized or nonfunctional (port-a-potties between upper and lower fields). PPS and visiting teams that use the Upper Field for practices and games are able to use restrooms on the Grant High School campus, and were not identified as a source of this problem. Fearing the Upper Field improvements will increase the need for restrooms, neighbors proposed conditions of approval requiring PPR to provide and regularly service restroom facilities for Upper Field users. (Exhibits H-41 and H-58 (Kearns))

PPR responded that it has and will require portable restrooms "as necessary to meet demand" and implements this requirement through its PPR permittee rules. (Exhibit H-64) A PPR representative testified at the hearing that PPR permittees pay fees that help fund the deployment of portable restrooms and the issue of adequate restrooms is adequately addressed through this permitting process, rather than the land use process. (Horner testimony)

The Hearings Officer understands the neighbors' concern based on their experience living next to the field and park. That said, the existing and speculative concerns about lack of restrooms expressed here are not directly encompassed by the conditional use approval criteria, which focus on impacts from the proposed project (and not the park in general) such as "noise, glare from lights, late-night operations, odors, and litter" and "privacy and safety issues." No late night activities are proposed here. PPS games will end by 9:30 p.m. and PPR games will end by 9:00 p.m. The other listed impacts are addressed in the BDS Report and in the findings above. As PPR has noted, use of its sports fields is seasonal, with little use taking place during the winter months (December through February) and mid-summer.

PPR has a mechanism for evaluating where and how many portable restrooms are needed, based on its permit system and permittees' use of its sports fields. This issue is one that is best addressed through that mechanism and does not warrant imposing conditions of approval as neighbors have proposed. Neighbors have made their concerns about the need for restroom facilities clear to PPR in this hearing and the Hearings Officer expects PPR representatives have heard them.

### III. CONCLUSIONS

The Hearings Officer concludes that the affirmative findings in pages 1 -37 of the BDS Report, as supplemented with the findings above, show the Applicant's application for a conditional use to extend bleacher seating, add a portable PA system, and new field lighting, and an adjustment to allow new field lighting poles to exceed the applicable 50' height limit both satisfy all relevant approval criteria. The Hearings Officer adopts and incorporates as her own the affirmative findings in pages 1-37 of the BDS Report, dated December 6, 2019 and attached to this decision, as supplemented with the findings above. Based on the evidence the Applicant submitted in support of its application, the BDS Report attached as Exhibit H-4, and the supplemental findings above, the Hearings Officer finds the Applicant's proposal satisfies the approval criteria in PCC 33.815.100, 33.815.105, and 33.805.040.

To ensure the Applicant's proposal complies with the relevant approval criteria, the Hearings Officer approves modified conditions of approval, including Condition I as requested by BDS and PPS, and new Conditions J - L. The conditions of approval stated below replace and supersede the conditions of approval contained in the BDS Report.

### IV. DECISION

#### Approval of the following:

Conditional Use Review for the proposed improvements to the Upper Field illustrated in Exhibits C-1 and C-2.

Adjustment to increase the maximum structure height for the 7 new field lighting poles illustrated in Exhibits C-2 and A-14 from 50 feet to 70 feet for 4 poles and from 50 feet to 80 feet for 3 poles (Zoning Code Sections 33.100.200.B.1 and 33.110.245.C.1, Zoning Code Table 110-5); and

The addition of the underlined sentence below to condition of approval C from LU 16-269579 CU AD:

*The hours of operation of the soccer and softball fields and the dog off-leash area may not have overlapping hours of use so long*

*as they occupy the same or overlapping space. This condition refers only to the athletic field areas in Grant Park on the north edge of the site, and not the sunken bowl area or Upper Field area on the southern edge of the site.*

The approval is subject to the following conditions:

- 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 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 20-214838 CU AD."
- B. The 10 trees shown in Exhibit C-3 to be protected with tree protection fencing must be preserved unless determined by a certified arborist to be dead, dying, or hazardous. If any of these trees is removed for one of these allowable reasons in the future, it must be replaced with a new tree meeting the minimum planting requirements in Zoning Code Section 33.248.030.C.1 in the same general area of the site along NE US Grant Place.
- C. The conditions of approval from LU 16-269579 CU AD continue to apply to the site, with the addition of the clarifying sentence above for LU 16-269579 CU AD condition of approval C.
- D. High school sporting events in the Upper Field must end no later than 9:30 p.m., with field lights around the Upper Field turned off no later than 10:00 p.m.
- E. Non-school-related use of the Upper Field through Portland Parks and Recreation must end no later than 9:00 p.m., with field lights around the Upper Field turned off no later than 9:30 p.m.
- F. The Upper Field's PA system must not be used after 9:30 p.m. and the volume must continuously comply with the limitations in the Portland Noise Control Code (Title 18).
- G. The Upper Field's PA system may be used only by Portland Public Schools for school events. Field users who reserve the field through Portland Parks and Recreation may not use the PA system.
- H. Within and adjacent to the Upper Field, signs advertising a business may not face south toward NE US Grant Place. Signs which face inward toward the field are not subject to this requirement.

- I. PPS Custodial staff (or other responsible parties) must remove litter from the Upper Field area after every scheduled PPS game.
- J. PPS shall have a policy to inform all visiting schools that visiting team bus parking shall occur along NE 36th Avenue and on-site in the school parking lot, when feasible, and that team bus parking on NE US Grant Place is discouraged.
- K. PPS will work with the Portland Bureau of Transportation (PBOT) and the Grant Park Neighborhood Association on PBOT-initiated projects related to the following issues:
  - a. Passenger loading safety along NE US Grant Place;
  - b. Traffic congestion issues along NE US Grant Place and all intersections adjacent to the school property adjacent to the Grant Upper Field site; and
  - c. Improvements to provide better protections for pedestrians crossing NE US Grant Place, including at the NE 35th Avenue round-about.
- L. With PPS's cooperation as to location, PPR must place and regularly service at least one additional trash receptacle at the Upper Field.

*Kathryn Beaumont*

\_\_\_\_\_  
Kathryn Beaumont, Hearings Officer

June 17, 2021

Date

<b>Application Determined Complete:</b>	March 24, 2021
<b>Report to Hearings Officer:</b>	April 30, 2021
<b>Decision Mailed:</b>	June 17, 2021
<b>Last Date to Appeal:</b>	July 1, 2021 4:30 p.m.,
<b>Effective Date (if no appeal):</b>	July 2, 2021

**Conditions of Approval.** This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appeal of the decision.** ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE E-MAILED TO [LANDUSEINTAKE@PORTLANDOREGON.GOV](mailto:LANDUSEINTAKE@PORTLANDOREGON.GOV). The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. If you do not have access to e-mail, please telephone (503) 823-7617 for assistance on how to submit the appeal; please allow one business day for staff to respond. **An appeal fee of \$3,850.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000.00).**

**Who can appeal:** You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

## EXHIBITS

Exhibits A - G.3 are listed in the BDS Staff Report and Recommendation, are part of the record of this land use application, and are not listed again here. Only those exhibits submitted to the Hearings Office are listed below.

- H. Documents Received in the Hearings Office
  - 1. Hearings Office COVID-19 Order Hearings Office
  - 2. Notice of Public Hearing on a Proposal in Your Neighborhood BDS Hearings Clerk
  - 3. Grant field and lights comments Tony Yazzolino
  - 4. Staff Report 5-10-21 LU 20-214838 BDS Hearings Clerk (attached)
  - 5. Grant HS Upper Field Mark Pomeroy
  - 6. Grant Upper Field Comments Tom Fawell
  - 7. GUFJ Project comments Nico Larco
  - 8. Letter in SUPPORT of Lighted fields at Grant HS Kurt Meredith
  - 9. Grant fields project Doug Elliott
  - 10. Grant Upper Fields Project Community Meeting on May 5 at 7:00 pm Casper Yu
  - 11. Yes the Grant High Lights Christina Post
  - 12. Grant Fields project-Yes Kristen Herron
  - 13. Grant Softball field and Lighting project A. Hetherington
  - 14. Grant high School upper field comment D. Pietka
  - 15. Public comments Sarah Drescher
  - 16. Lights at Grant High School Eric Roesinger
  - 17. Grant Park upper field project Dave Pietka
  - 17a. Grant Park upper field Dave Pietka
  - 18. Revised Hearings Office COVID-19 Order Hearings Office
  - 19. LU 20-214838 CU AD Brad Goldthwaite
  - 20. Support for Grant field improvement David Wright
  - 21. LU 20-214838 CU AD Planner Presentation Andrew Gulizia
  - 22. PPR memo Grant Upper Field Lights Brett Horner
  - 23. M. Buckenmeyer comments.
  - 24. Grant park upper field project citizen comments Dave Pietka
  - 25. Grant HS comments Libby Holah
  - 26. Comment in support of Grant Athletics Upper Field Project Emily Rake
  - 27. Comments. In Support of the Grant High School field proposal Kristen Zilke
  - 28. Comments. Grant Park Upper Field Use Jane Knechtel
  - 29. Comments. Case #LU 20-214838 CU AD Debbie Engelstad
  - 30. Comments. Grant High School Upper Field Proposal Erik and Debbie Kola
  - 31. Comments. 2021-05-10 GUFJ Jill Lee
  - 32. Comments. Grant Park softball field and lights Laura Sisulak
  - 33. Comments. In support of Grant Park Bowl lighting Sam Shiffman

34. Comments. LU 20-214838 CU AD Susan Martin
35. Comments. Grant Upper Field Improvement Trish Vawter
36. John Cathcart Rake Comment in Support of Grant Athletics Upper Field Project
37. Request for Continuance David Doughman
38. Glenn Hansen - please allow more time to comment
39. Community Engagement Summary Jaime Hurd
40. GPNA response Ron Laster
41. Grant Field Daniel Kearns
42. GPNA Upper Fields Project subcommittee report Daniel Kearns
43. Comments. Chad Jacobs
44. Comments on oral testimony Dave Pietka
45. New Evidence Dave Pietka
46. New Evidence Walter Hurst
47. New Evidence Dave Pietka
48. New Evidence Dave Pietka
49. New Evidence Ann and Mike Kollrack
50. New Evidence Dave Pietka
51. New Evidence Alison Apotheker and David Rush
52. New Evidence Andrew Mones
53. New Evidence Chad A. Jacobs
54. New Evidence Kathie Tell
55. New Evidence Kimmy Scarpine
56. New Evidence Julie Jetton
57. New Evidence Mary Coolidge
58. New Evidence Daniel Kearns
59. New Evidence GUFH Hearings Officer Testimony Final Glenn Hansen
60. New Evidence GUFH Hearings Officer School Zoning Final Glenn Hansen
61. New Evidence GUFH Hearings Officer – Lighting Design Final Glenn Hansen
62. New Evidence School Zoning Pics 1 Glenn Hansen
63. New Evidence School Zoning Pics 2 Glenn Hansen
64. New Evidence Applicant's Final Statement PP&R Memo Jaime Hurd
65. New Evidence Applicant's Supplemental Final Statement Jaime Hurd



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
www.portland.gov/bds

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

**CASE FILE:** LU 20-214838 CU AD (PC # 20-191170)  
**REVIEW BY:** Hearings Officer  
**WHEN:** May 10, 2021, at 1:00pm

**Due to COVID-19, the land use hearing will be limited to remote participation via Zoom.** The instructions to observe and participate can be accessed on-line at <https://www.portlandoregon.gov/hearings/article/782538>.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

**BUREAU OF DEVELOPMENT SERVICES STAFF: ANDREW GULIZIA / ANDREW.GULIZIA@PORTLANDOREGON.GOV**

**GENERAL INFORMATION**

**Applicant:** Kate Feiertag, BORA Architects  
720 SW Washington St., Suite 800  
Portland, OR 97205

**Applicant's Representative:** Catherine Corliss, Angelo Planning Group  
921 SW Washington St., #468  
Portland, OR 97205

**Property Owner (School):** School District No. 1  
P.O. Box 3107  
Portland, OR 97208

**School Contact:** Jamie Hurd, Portland Public Schools  
501 N. Dixon St.  
Portland, OR 97205

**Parks Owner/Contact:** Brett Horner, Portland Parks & Recreation  
1120 SW 5th Avenue, First Floor  
Portland OR 97204

**Site Address:** 2245 NE 36<sup>th</sup> Ave.

**Legal Description:** TL 2200 10.20 ACRES, SECTION 25 1N 1E; TL 2300 19.90 ACRES, SECTION 25 1N 1E

**Tax Account No.:** R941250360, R941250370

**State ID No.:** 1N1E25DB 02200, 1N1E25DB 02300

**Quarter Section:** 2734 & 2834

**Neighborhood:** Grant Park, contact Ken Peterson at [gpnalanduse@gmail.com](mailto:gpnalanduse@gmail.com).

**Business District:** Hollywood Boosters, contact [hollywoodboosters@gmail.com](mailto:hollywoodboosters@gmail.com).

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-2778.

**Zoning:** OS & R5 (IC) – Open Space and Single-Dwelling Residential 5,000 base zones, with the R5-zoned portion including the parenthetical Institutional Campus/IC Comprehensive Plan Map designation.

**Case Type:** CU AD (Conditional Use and Adjustment Review)  
**Procedure:** Type III, with a public hearing before the City of Portland Land Use Hearings Officer. The decision of the Hearings Officer can be appealed to the Portland City Council.

**Proposal:** The subject site includes the Grant High School campus, owned by Portland Public Schools, and Grant Park, owned by the Portland Bureau of Parks and Recreation. The applicant proposes improvements to the Upper Field, a combined soccer, lacrosse, and baseball field west of the school building which straddles the property line between the school and park parcels (Exhibits B and C-1).

The proposal would expand the existing, artificial turf field approximately 20 feet to the south to accommodate a new softball field diamond and outfield. Also proposed are two new covered dugouts for the softball field, 30-foot-tall backstop fencing, new field lighting, changes to pathways around the edges of the field, and approximately 195 lineal feet of new bleacher seating for the softball field (similar to the existing bleacher seating for the baseball field). The applicant also requests approval of a portable, voice-amplifying public address (PA) system with speakers attached to the field backstop fencing for both the baseball field (speakers facing south and east) and softball field (speakers facing north and west).

The expansion of bleacher seating, the voice amplification equipment, and the new lighting require a Type III Conditional Use Review (Zoning Code Sections 33.281.040.B.2, 33.279.035.A.1, 33.279.035.A.7, 33.279.035.B.2).

Options for locating a new softball scoreboard are shown on the plans, although the specific design of the scoreboard is not being considered in this application, as the scoreboard is expected to require a future Sign Code Adjustment.

A two-page annual schedule of events proposed for the Upper Field, which does not include the tennis courts, sunken bowl field, swimming pool or other activities on the site, has been included with this application.

Seven new field lighting poles ranging in height from 70 feet (4 poles) to 80 feet (3 poles) are proposed. The maximum height for structures associated with the proposed use in both the OS and R5 zones is 50 feet (Zoning Code Sections 33.100.200.B.1 and 33.110.245.C.1, Zoning Code Table 110-5). Therefore, concurrent with the Conditional Use Review, the applicant is seeking an Adjustment to increase the maximum height of the 7 field lighting poles from 50 feet to between 70 feet and 80 feet.

As part of the Conditional Use Review, staff is proposing a modification to condition of approval C from LU 16-269579 CU AD, the previous Conditional Use Review for this site. Condition of approval C reads: *“The hours of operation of the soccer and softball fields and the dog off-leash area may not have overlapping hours of use so long as they occupy the same or overlapping space.”* This condition of approval was imposed by the Hearings Officer to address neighbor concerns about an off-leash dog area near homes on the north side of Grant Park. This language creates potential confusion as it does not specify the location of the soccer and softball fields in question, while the findings behind this condition are specific to proposed athletic field areas north of the school, not the fields in the southern part of the park. To address this issue, staff is proposing to add the underlined sentence here: *“The hours of operation of the soccer and softball fields and the dog off-leash area may not have overlapping hours of use so long as they occupy the same or overlapping*

*space. This condition refers only to the athletic field areas in Grant Park on the north edge of the site, and not the sunken bowl area or Upper Field area on the southern edge of the site.*

**Approval Criteria:** To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Zoning Code Section 33.815.100, Uses in the Open Space Zone;
- Zoning Code Section 33.815.105, Institutional and Other Uses in Residential and Campus Institutional Zones; and
- Zoning Code Section 33.805.040, Adjustments.

## ANALYSIS

**Site and Vicinity:** The subject site for this review includes two contiguous parcels: the 10.2-acre campus of Grant High School, owned by Portland Public Schools, and the 19.9-acre Grant Park, owned by the Portland Bureau of Parks and Recreation.

The high school campus is in the southeastern portion of the site, on the northwest corner of NE 36<sup>th</sup> Avenue and NE US Grant Place (Exhibit B). The school is a 2-story brick building originally constructed in 1923. A surface parking lot abuts the north side of the school building.

Grant Park abuts the school campus on the west and north and extends west to NE 33<sup>rd</sup> Avenue (Exhibit B). The park contains grassy areas, a swimming pool, tennis courts, playground areas, and sports fields.

The athletic field subject to this review is in the southern part of the site and straddles the lot line between the school campus and the park (Exhibits B and C-1).

The surrounding neighborhood is dominated by detached, single-dwelling houses. The main campus of Beverly Cleary School, a K-8 public school, is one block south of the site at NE 33<sup>rd</sup> Avenue and NE Hancock Street. A smaller Beverly Cleary School campus (the Hollyrood campus) abuts the north side of Grant Park along NE 36<sup>th</sup> Avenue.

**Zoning:** The school campus is designated with the R5 single-dwelling residential zone (Exhibit B). Single-dwelling residential zones are intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. Schools may be permitted in the R5 zone through Conditional Use Review.

The park is designated with the OS (Open Space) zone (Exhibit B). The OS zone is intended to preserve open areas for outdoor recreation and scenic quality, to preserve the capacity and water quality of the stormwater drainage system, to protect sensitive or fragile environmental areas, to provide pedestrian and bicycle transportation connections, and to protect trees and the urban forest.

**Land Use Review History:** City records include the following prior land use reviews for the subject site:

- CU 016-62: 1962 Conditional Use Review approval for portable classrooms at Grant High School.
- CU 063-65: 1965 Conditional Use Review approval for an expansion of the high school.

- CU 056-67: 1967 Conditional Use Review approval for a swimming pool building at Grant Park.
- CU 018-70: 1970 Conditional Use Review for a vocational facility at the high school. (The final decision is not available.)
- CU 027-74: 1974 Conditional Use Review approval for a scoreboard for the high school and a Variance to reduce the front setback requirement for the structure from 30 feet to 20 feet.
- CU 044-86: 1986 Conditional Use Review approval for play equipment at Grant Park.
- LU 05-175762 CU: 2005 Conditional Use Review approval for a wireless radio frequency transmission facility on an exhaust stack on the school campus.
- LU 07-183524 CU: 2007 Conditional Use Review approval to mount a wireless radio frequency transmission facility on the rooftop of the school auditorium.
- LU 11-194196 CU: 2011 Conditional Use Review approval for a wireless telecommunications facility on the school's chimney.
- LU 16-269579 CU AD: 2017 Conditional Use Review approval for an expansion and modernization of the high school. Adjustments were approved to the building height limit for the auditorium and chimney and for perimeter landscaping requirements.

Condition of approval C from LU 16-269579 CU AD (Exhibit G-3, page 47) states:

*The hours of operation of the soccer and softball fields and the dog off-leash area may not have overlapping hours of use so long as they occupy the same or overlapping space.*

This condition of approval was imposed by the Hearings Officer after hearing testimony from neighbors concerned about a parking lot, sports field, and dog off-leash area in the northern part of the park, near the Hollywood school campus (Exhibit G-3, pages 10-11 and 17-18).

To clarify this condition of approval does not apply to the athletic field subject to the current review, which is in the southern part of the site, staff suggests condition of approval C from LU 16-269579 CU AD be modified to add the underlined sentence below:

*The hours of operation of the soccer and softball fields and the dog off-leash area may not have overlapping hours of use so long as they occupy the same or overlapping space. This condition refers only to the athletic field areas in Grant Park on the north edge of the site, and not the sunken bowl area or Upper Field area on the southern edge of the site.*

Conditions of approval from prior Conditional Use Review decisions can be modified in the current Conditional Use Review decision, per Zoning Code Section 33.730.140.A.

**Agency Review:** A "Request for Response" was sent to City agencies April 2, 2021 (Exhibit D-1). The following Bureaus responded:

- The Bureau of Environmental Services (BES) evaluated the approval criteria related to sanitary waste and stormwater disposal. The response is referenced in the findings for Zoning Code Sections 33.815.100.B.3 and 33.815.105.D.3, below. (Exhibit E-1)

- The Portland Bureau of Transportation (PBOT) evaluated the approval criteria related to the transportation system. The response is referenced in the findings for Zoning Code Sections 33.815.100.B.1-2 and 33.815.105.D.1-2, below. (Exhibit E-2)
- The Water Bureau responded with no concerns. (Exhibit E-3)
- The Fire Bureau responded with no concerns. (Exhibit E-4)
- The Police Bureau stated that police services would remain adequate for the site with the proposed changes. (Exhibit E-5)
- The Site Development Review Section of the Bureau of Development Services (BDS) responded with information on building permit requirements but no objections to the proposal. (Exhibit E-6)
- The Life Safety Review Section of BDS responded with information on building permit requirements but no objections to the proposal. (Exhibit E-7)

**Neighborhood Review:** Signs notifying the public of the public hearing were posted on April 6, 2021 (Exhibit D-2) and a “Notice of Public Hearing” was mailed to neighbors on April 20, 2021 (Exhibit D-3).

As of the date of this report, staff has received 22 e-mails from neighbors and interested parties requesting more information about the proposal or raising concerns or objections (Exhibits F-1 through F-17, F-38, F-40 and F-41, and F-48 and F-49). Staff also met briefly with neighbors objecting to the proposal on April 19, 2021. The following points were made:

- The field expansion for the Grant High School softball team is supported by neighbors, but public use of the field through Portland Parks and Recreation was not advertised in the public outreach for the field expansion in the past and should be prohibited or limited. Otherwise, the field could be used late in the evening every day of the year, creating unreasonable impacts on neighbors.

Staff response: The public notice requirements in Zoning Code Section 33.730.030 for a Type III land use review have been met (Exhibits D-2 and D-3), and any prior public outreach was not required by the Zoning Code and is not relevant to the approval criteria for this review. Portland Parks and Recreation is one of the sponsors of the project and intends to make the field accessible to the public through reservations when the field is not in use by the school. Although the field is not likely to be used every evening of the year, staff analyzed the approval criteria assuming the field *could* be used every evening. As discussed in the approval criteria findings below, staff finds the use of the field on any given day or evening can meet the approval criteria with conditions to limit potential impacts. As discussed below, staff recommends conditions of approval limiting Portland Parks and Recreation’s use of the field to a greater extent than Grant High School’s use of the field. With the recommended conditions of approval, non-school-related field use would not have access to the PA system and would have to end by 9pm. However, staff does not find it necessary to prohibit or further limit public use of the field through Portland Parks and Recreation for the approval criteria to be met.

- NE US Grant Place is congested and dangerous at times, and mitigation measures are needed for safety.

Staff response: PBOT addressed this concern in Exhibit E-2, and PBOT’s findings are referenced in the approval criteria findings below. PBOT did not find that conditions of approval for mitigation measures were necessary for the transportation-related approval

criteria for this proposal to be met. Separately from this land use review, neighbors can report transportation safety concerns in the future by calling (503) 823-SAFE.

- Programming in Grant Park should reflect its status as a neighborhood park rather than a regional park.

*Staff response:* The approval criteria for this review do not require the park programming to be oriented to the surrounding neighborhood only. However, potential livability impacts on the surrounding neighborhood from the proposal are relevant to the approval criteria and are discussed in the findings below.

- Impacts from the new lights on neighbors and ecosystems should be minimized.

*Staff response:* The proposed light fixtures would be aimed downward toward the field, with minimal light spill outside the field area (Exhibit A-14, page 3). Impacts from the field lights are discussed further in the approval criteria findings below.

- The proposed heights of the light poles would be incompatible with the neighborhood.

*Staff response:* This concern is discussed in the findings for the Adjustment Review approval criteria below. With a condition of approval for the preservation of existing trees, staff finds the Adjustment Review approval criteria can be met.

- The facility should be maintained in an attractive condition, with adequate garbage receptacles, litter control, graffiti removal, and no commercial signage facing the neighborhood.

*Staff response:* The applicant states that additional garbage receptacles are not desired because of the potential for misuse, but the applicant also states that school custodial staff would sweep the field for litter after evening games (Exhibit A-18, page 1). As discussed in the approval criteria findings below, staff finds that with a condition of approval for litter to be picked up after every evening school game, the approval criteria related to litter impacts are adequately met. The applicant states that complaints about graffiti are addressed through a triage system (Exhibit A-18, page 2), and staff does not find anything about the proposal or the approval criteria to warrant conditions of approval related to graffiti. Staff notes that Portland Public Schools facilities are usually kept relatively free of graffiti. Staff does find a condition of approval is warranted to prohibit commercial signage facing the neighborhood, as discussed in the approval criteria findings below.

As of the date of this report, staff has also received 42 comments in support of the proposal (Exhibits F-18 through F-37, F-39, F-42 through F-47, and F-50 through F-64). These comments raised the following points:

- The proposal is necessary to provide equity between Grant High School's boys' and girls' sports programs. Currently the boys' baseball team has access to an on-campus field, but the girls' softball team must travel elsewhere for practices and games.
- The proposal is necessary for equity between Grant High school and other Portland high schools, most of which have lighted fields on campus or nearby.
- Adding activity to the site would help deter crime and vandalism in Grant Park.
- Negative impacts on the neighborhood would be minimal.

- The proposal should be approved without delay so that students can benefit from the project as soon as possible.

## ZONING CODE APPROVAL CRITERIA

### Conditional Use Review for OS-Zoned Portion of Site (Grant Park)

#### **33.815.100 Uses in the Open Space Zone**

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

#### **A. Character and impacts.**

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;

**Findings:** The purpose of the OS zone, which applies to the Grant Park portion of the site, is stated in Zoning Code Section 33.100.010:

*The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:*

- *Providing opportunities for outdoor recreation;*
- *Providing contrasts to the built environment;*
- *Preserving scenic qualities;*
- *Protecting sensitive or fragile environmental areas;*
- *Enhancing and protecting the values and functions of trees and the urban forest;*
- *Preserving the capacity and water quality of the stormwater drainage system; and*
- *Providing pedestrian and bicycle transportation connections.*

The proposal is to improve an existing, artificial turf sports field that is currently used for baseball, soccer, and lacrosse so the field can accommodate softball games as well. The Portland Bureau of Parks and Recreation is one of the sponsors of the project and intends to make the field available to the public in addition to Grant High School students. Therefore, the proposal expands opportunities for outdoor recreation, as intended for the OS zone. The field and the area around the field would remain mostly open rather than built-up, providing a contrast to the built environment in the surrounding neighborhood. No tree removal is proposed, and existing trees along the south lot line would soften views of the field from NE US Grant Place and maintain the scenic quality of the site. No sensitive or fragile environmental areas are identified on this site, and BES found the applicant's proposal for an underground stormwater detention facility to be acceptable (Exhibit E-1). The proposal realigns some existing pathways at the perimeter of the field, but existing pedestrian and bicycle connections through Grant Park would be maintained (Exhibit C-1). For these reasons, staff finds approval criterion A.1 is met.

2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and

**Findings:** The sports field and the area around the field would remain mostly open rather than built-up, and the outdoor recreation opportunities provided by the field would support the purpose of the OS zone. The proposal expands the existing, artificial turf about 20 feet

further south, but most of the area of Grant Park would retain a natural character with grass and trees. For these reasons, staff finds approval criterion A.2 is met.

3. Impacts on mature trees and tree groves are minimized and City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

**Findings:** No tree removal is proposed for this project, and nearby trees would be protected during construction with 6-foot-tall, chain link tree protection fencing meeting City Tree Code (Title 11) requirements (Exhibit C-3). The subject site and surrounding area have no City-designated environmental resources. For these reasons, and with a recommended condition of approval for the trees shown in Exhibit C-3 to be preserved, staff finds approval criterion A.3 is met.

## **B. Public services.**

1. The proposed use is in conformance with 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 B.1 and B.2 (Exhibit E-2):

*The transportation related approval criteria related to the proposed Conditional Use that must be addressed are found in PZC Sections 33.815.100.B.1 & B.2 as well as in 33.815.105.D.1 and D.2. Although there are two distinct Zoning Code Sections, these approval criteria from both sections are identical and are thus addressed in common below.*

**B.1/D.1)** *The proposed use is supportive of the street designations of the Transportation Element of the Comprehensive Plan;*

*Findings: The Grant High School campus is surrounded by three streets; NE 33rd Ave, NE US Grant Pl and NE 36th Ave. These streets [and others nearby] are classified in the City’s Transportation System Plan (TSP) as follows:*

<b>Street Name</b>	<b>Traffic</b>	<b>Transit</b>	<b>Bicycle</b>	<b>Pedestrian</b>	<b>Freight</b>	<b>Emergency Response</b>	<b>Street Design</b>
NE 33 <sup>rd</sup> Ave	District Collector	Transit Access	Local Service	City Walkway	Truck Access	Major	Community Corridor
NE US Grant Pl	Local Service	Local Service	City Bikeway	Neighborhood Walkway	Local Service	Secondary	Local Service
NE 36 <sup>th</sup> Ave	Local Service	Local Service	Local Service	Neighborhood Walkway	Local Service	Minor	Local Service
NE 34 <sup>th</sup> Ave	Local Service	Local Service	Local Service	Local Service	Local Service	Minor	Local Service
NE 35 <sup>th</sup> Ave	Local Service	Local Service	Local Service	Local Service	Local Service	Minor	Local Service
NE 35 <sup>th</sup> Place	Local Service	Local Service	Local Service	Neighborhood Walkway	Local Service	Minor	Local Service

*Pursuant to the TSP, the above referenced street classifications include, but are not limited to, the following functions:*

*District Collector streets are “intended to serve as distributors of traffic from Major City Traffic Streets to streets of the same or lower classification. District Collectors serve trips that both start and end within a district”.*

*Transit Access streets are “intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas”.*

*City Bikeway streets are “intended to serve the Central City, regional and town centers, station communities, and other employment, commercial, institutional, and recreational destinations”.*

*City Walkway streets are “intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit”.*

*Neighborhood Walkway streets are “intended to provide safe and convenient connections from residential neighborhoods to Major City Walkways, City Walkways, and nearby destinations such as schools, parks, transit stops, and commercial areas, primarily using routes that have low levels of motor vehicle traffic or do not allow motor vehicle traffic.*

*Local Service Walkway streets are, “intended to serve local circulation needs for pedestrians and provide safe and convenient access to local destinations.*

*Truck Access streets are “intended to serve as access and circulation routes for delivery of goods and services to neighborhood-serving commercial and employment uses”.*

*Major Emergency Response streets are “intended to serve primarily the longer, most direct legs of emergency response trips”.*

*Secondary Emergency Response streets are “intended to provide alternatives to Major Emergency Response Streets in cases when traffic congestion, construction, or other events occur that may cause undue delays in response times.”*

*Minor Emergency Response streets are “intended to serve primarily the shorter legs of emergency response trips”.*

*Community Corridors are “designed to include special amenities to balance motor vehicle traffic with public transportation, bicycle travel, and pedestrian travel”.*

*Local Service streets are “intended to distribute local traffic and provide access to local residences or commercial uses”*

*All of the surrounding streets will continue to function as intended above; the continuation of the site as an institutional use will not impact the classifications or functions of said streets. PBOT finds that the proposed use is supportive of the street designations of the Transportation Element of the Comprehensive Plan.*

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

*Street Capacity/Level of service/other performance measures*

*Findings: The applicant submitted a transportation evaluation prepared by a registered professional traffic engineer. This evaluation was reviewed and accepted by PBOT employee Amanda Owings, PE, a registered professional traffic engineer.*

*The transportation evaluation addressed both Portland Public Schools (PPS) use of the field and Portland Parks and Recreation (PPR) use of the field. The evaluation also addressed school use for practice days and game days. On page 2, the evaluation states, “For practices on school days, it is assumed that most student athletes and coaches are already onsite and simply walk to the field, therefore very few vehicle trips are generated in total for practices. On weekdays when there are games, up to 90 people are on site for the game. It is assumed that the Grant High School athletes and coaches are already on site and that the opposing team would arrive in a school bus and therefore, the majority of trips generated during a game is by the spectators, which is an estimated 50 people (from the activities field use schedule). Although no specific data on trip generation rates for spectators at high school sports games is available, a conservative 40 trips can be assumed considering some spectators choose to carpool. The field use schedule shows that the number of participants and spectators for softball events is estimated to be the same for baseball events. Therefore, the addition of a softball field will not be generating any additional vehicle trips beyond what baseball events currently generate.”*

*An assessment of Portland Parks and Recreation use is also provided. On page 3, the transportation evaluation states, “As stated in Table 1, that trip generation is estimated to be minimal at approximately 23 trips during the p.m. peak hour for a sports practice. Based on the field use schedule, there will be 2-hour PPS practices each weekday on the turf field during the winter season from 4:00 pm –6:00 pm. PPR will use the field from 6:00 pm – 9:00 pm for Youth Soccer per the activities field use schedule. However, the PPR events would occur outside the typical p.m. peak hour (5:00 pm) and would not be expected to have a significant impact on weekday traffic.”*

*PBOT staff concurs with the submitted analysis. Game days are estimated to result in larger trip rates than practice days. It is estimated that game days will result in approximately 40-trips to the site. That level of trip generation will have a minimal impact on street capacity and the level of service of surrounding intersections.*

*It is worth noting the school recently underwent a modernization and expansion effort. This effort was evaluated through conditional use review 16-269579-LU. A robust traffic analysis was conducted as part of that effort. A copy of the Transportation Impact Study (TIS) was submitted to the record for this case. The following intersections were required to be evaluated with regard to their respective operations:*

- *NE 33<sup>rd</sup> Ave/Fremont St (signalized)*
- *NE 33<sup>rd</sup> Ave/NE Knott St (signalized)*
- *NE 33<sup>rd</sup> Ave/NE US Grant Pl (signalized)*
- *NE 33<sup>rd</sup> Ave/NE Broadway St (signalized)*
- *NE 36<sup>th</sup> Ave/NE US Grant Pl (stop controlled)*
- *NE 37<sup>th</sup> Ave/NE US Grant Pl (stop controlled)*
- *NE 36<sup>th</sup> Ave/ Site Access (stop controlled)*
- *NE Tillamook St/NE Cesar Chavez Blvd (stop controlled)*

*The data, analysis, and findings provided in the submitted TIS indicate that all of the above referenced intersections were operating under capacity and within the City's performance measures during both the AM peak period and PM peak period of operation. Project traffic impacts were evaluated at the study intersections for the weekday AM and PM peak hours during the 2019 project build year. Additional traffic was added to the existing roadway network based on trip generation estimates and trip distribution assumptions associated with the additional 170 students that can be accommodated by the school modernization and expansion. As reported in the TIS, the operations of the study intersections during both the morning and afternoon peak periods were expected to continue to exceed City of Portland performance measures.*

*The small impact to the transportation system from the remodel of the Upper Field is not anticipated to result in changes that would alter this previous finding.*

*This evaluation factor is satisfied.*

#### *Access to arterials*

*Findings: The school site is located within an established and robust grid pattern of paved streets with sidewalks. This interconnected grid provides a local transportation system allowing for a variety of travel patterns for students, faculty, staff and visitors to access the campus. This robust local transportation system includes nearby and direct access to the two closest arterial roadways. NE 33<sup>rd</sup> Ave and NE Broadway (four blocks south of the high school), are the nearest arterial streets that lead out to the broader transportation system, including to additional arterial streets and the nearby I-84 freeway. The proposed project will have no impacts to arterial access. This evaluation factor is satisfied.*

#### *Connectivity*

*Findings: The City's spacing goals for public through streets and public pedestrian connections, typically applied to land division requests, is a maximum of 530-ft and 330-ft, respectively. The surrounding and primarily residentially developed neighborhood includes an established grid pattern of blocks and streets that satisfy the above referenced connectivity goals. It is not typical, nor is it generally required, that public*

*connectivity goals are furthered through institutional uses such as the subject high school. Nonetheless, the Grant High School campus abuts Grant Park, within which, there are a series of pedestrian paths that offer continued connectivity opportunities in proximity to the campus and through the abutting residential neighborhood. The proposed renovation of the Upper Field will not impact the existing well connected neighborhood surrounding the school. This evaluation factor is satisfied.*

*Transit availability*

*Findings: Transit service is provided in the vicinity of the study area by Tri-Met via Route 12 – Barbur/Sandy Blvd, Route 24 – Fremont, Route 70 – 12th/NE 33rd Ave, Route 75 – Cesar Chavez/Lombard, and Route 77 – Broadway/Halsey.*

*Transit availability (including along campus' frontage), will not be impacted by the proposed project. This evaluation factor is satisfied.*

*On-street parking impacts*

*Findings: On street parking impacts were thoroughly analyzed when the school modernization project was reviewed through conditional use review 16-269579-LU. The data and analysis submitted to that case was also submitted as part of the record for this case. Additional data collection was not done. Firstly, the current Covid-19 pandemic has resulted in the closure of the public schools and strong limits on public gatherings such as sports events. It is not possible to generate new parking data that is meaningful. Secondly, staff concurs with the applicant's analysis that the previous parking study included sufficient data to address the proposal.*

*The highest on-street parking demand for the subject proposal would be an evening on-site softball game. Weekday evenings are also a time when the residential demand for on-street parking would be at a high point. In the 2017 parking study, the parking survey was conducted by the applicant's traffic consultant on a typical school day and on an event day, where there was a junior varsity basketball game after school, followed by a varsity game at 7:30 p.m.*

*As noted by the applicant, basketball is the sport which draws the largest number of spectators to the site currently. Basketball is a winter sport and softball is a spring sport, so the two events will not overlap. Using the existing data for the basketball event is a conservative approach which does estimate the highest anticipated demand for on-street parking during a sports event. As such, using the counts that were previously taken during an evening basketball game is the best approximation for on-the-ground conditions during a future softball game.*

*As noted on pages 4-5 of the submitted transportation evaluation, "The highest parking demand scenario for the softball field would be an evening on-site game. In the 2017 TIS, a parking evaluation was conducted during an evening high school basketball game to assess the impacts on the surrounding neighborhood streets. During the event (6:45 pm – 8 pm), the on-site parking was fully utilized while off-site parking was only 41% occupied. Generally, basketball games have a significantly larger attendance than baseball or softball games (more spectators and played indoor). Because of this, it is reasonable to assume that softball games will not generate more vehicle parking than a basketball game that was included in the original parking analysis."*

*The 2017 study found that high parking occupancy happens during the school day, but on-street parking occupancy rates drop substantially after the school day, even on event days. There are 359 on-street parking spaces in the study area. During the basketball games, 148 were occupied which translates to 41% occupancy. There were 201 on-street parking spaces available in the study area during the evening basketball game. The*

*addition of field lighting to the Upper Field is anticipated to generate less demand than the previously studied basketball game, since more spectators come to basketball games. Even if the softball games do generate the same level of demand for on-street parking as basketball games, there will still remain approximately 200 available on-street parking spaces based on the parking counts taken in 2017.*

*There is an adequate supply of on-street parking to serve the needs of the existing uses in the area and the proposed remodel of the Upper Field. This evaluation factor is satisfied.*

#### Access restrictions

*Findings: The existing high school has one staff and visitor parking lot that is accessed via a driveway along NE 36th Ave, between NE Brazee and NE Thompson. There is an on-site turn around which allows forward motion ingress and egress to the site. No new driveways are proposed. No access restrictions are warranted. This evaluation factor is satisfied.*

#### Neighborhood impacts

*Findings: As discussed above, the proposed remodel of the Upper Field is likely to have a minimal impact on the transportation system as very few additional trips will be generated. On game days, it is estimated there will be 40 trips. There is ample on-street parking available to absorb the demand from on-site evening games as discussed above. The majority of the transportation related neighborhood impacts are from the existing use of the site as a high school with student enrollment being the main generator of transportation impacts, not use of the sports fields for extra-curricular or community use.*

*Public comments have been received regarding congestion and passenger loading activities on U S Grant Place. There are not passenger loading/unloading zones signed on U S Grant Place. All of the signed loading zones for the high school are on NE 36th Ave, which was the recommendation from the TIS submitted for the 2016 conditional use. Based on public comments, there are driver behaviors where people stop in the travel way on U S Grant Place, temporarily blocking traffic, in order to allow for passenger loading and or unloading.*

*A substantial analysis of the neighborhood impacts from the recent modernization and expansion of the high school was undertaken through conditional use review 16-269579-LU. As previously noted, the transportation impact study submitted as part of that project was included in the record for this case. That analysis included a thorough analysis of crash rates, intersection operations, pick up and drop off activities, and on-street parking. Based on the data from the 2016 conditional use review, traffic conditions around Grant High School are similar to those of many schools (of all age-group enrollments) where there are two distinct periods of the day when there is an increase in vehicle congestion. These temporary higher vehicle volumes along area streets are typically associated with a school's pick-up/drop-off activities. However, once the pick-up/drop-off activity is completed in the morning and then in the afternoon, roadway/parking volumes revert to normal conditions. Eight area intersections were studied for level of service concerns. All of them were found to perform within the City's accepted Level of Service, even anticipating the additional enrollment allowed by the 2016 conditional use review. Given the small impact of the proposed remodel of the Upper Field, PBOT's traffic engineer concurred with the applicant's assessment that "it is reasonable to conclude that it will not further impact traffic or safety on NE US Grant Place" (p.5 of Transportation Evaluation). That document did go on to state, "However, the School District is willing to coordinate with Portland Bureau of Transportation (PBOT) and the neighborhood to identify transportation management changes (parking*

*management, restrictions, etc.) along US Grant Place to improve bicycle safety that support both the needs of the School District and the neighborhood.”*

*Since the proposed remodel of the Upper Field will not generate a significant impact, it is not appropriate to condition the approval of the project on future coordination efforts. PBOT staff does recommend that staff of Grant High School continue to provide direction to the student body to use the designated pick up and drop off location on NE 36h Place, not US Grant Place. Continued communication between the school and Portland Parks and Recreation with users of the field regarding appropriate parking and loading locations is also recommended.*

*This evaluation factor is satisfied.*

*Impacts on pedestrian, bicycle, and transit circulation/ safety for all modes*

*Findings: A stated throughout this response, the proposed remodel of the Upper Field is not anticipated to result in significant impacts to the transportation system. Many of the daily users will already be on site and will simply walk to the field from the school.*

*Existing sidewalk corridors around the entire school site meet or exceed current City standard. These sidewalks, along with the pedestrian trails throughout the abutting Grant Park, provide pedestrian connections to adjacent streets and throughout the surrounding residential neighborhood. The surrounding neighborhood is developed with sidewalks, facilitating pedestrian movement throughout the broader area. Curb ramps at the corners on the Grant High School frontages were recently updated to meet ADA requirements. The robust system of sidewalks around the school site and beyond provide a safe environment for pedestrians to walk in the area.*

*It should be noted that there are two traffic islands in proximity of the Grant High School campus along NE US Grant Pl at the intersections with NE 35th and NE 36th Aves. These are mentioned because they have been a topic of discussion with concerned members of the community. Specifically, it has been mentioned that marked crosswalks should be installed on NE US Grant Place where there are existing traffic circles at the NE 35th Ave and NE 36th Ave intersections. PBOT is hesitant to support such a request for a variety of reasons. The traffic islands were very likely installed at the request of the area neighborhood for traffic calming purposes. PBOT does not improve intersections with a combination of traffic islands and marked crosswalks, as the two features are potentially conflicting traffic control measures. The standard location for a marked crosswalk would place pedestrians in the vehicular circulation path around the traffic island. The traffic island would need to be removed in order to install mark crosswalks. Curb extensions would be a typical enhanced treatment, however, in this case, the inclusion of corner curb extensions could create conflicts for school bus turning movements at NE 36th Ave. The removal of the traffic islands (to accommodate any potential marked crosswalks), would result in the loss of the inherent traffic calming functions, which is contrary to the rationale and request for installing them in the first place for the benefit of the broader neighborhood. While PBOT is respectful the concerns that arise as part of the public process, the data included in the TIS for the recent school modernization and expansion used the acceptable industry standard for measuring safety at area intersections. None of the study intersections (including at NE US Grant Pl/NE 36th Ave) warranted any safety improvements for mitigation purposes. The proposed remodel of the Upper Field is not anticipated to have a significantly different impact than what was previously studied for the school modernization and expansion effort.*

*There are nearby identified bicycle facilities (City’s Bike/Walk Map) that benefit bicyclists throughout the neighborhood, as well as students, faculty and staff who chose*

*to commute by bicycle. NE US Grant Pl is designated as a Neighborhood Greenway/ Signed & Marked Route. Shared Roadways along NE Brazee and NE 38th Ave exist east and west of the site and beyond. The nearby multi-use path found through the abutting Grant Park offers another opportunity for additional bicycling alternatives in the area. The existing bicycle facilities in the site vicinity provide safe paths to the surrounding transportation system.*

*The proposed remodel of the Upper field is not expected to result in impacts on pedestrian, bicycle, and transit circulation/ safety for all modes. This evaluation factor is satisfied.*

*While not directly related to the field lighting project, staff does want to recognize the comments from concerned citizens regarding existing congestion on U S Grant Place, and the resulting conflicts between autos and cyclists. PBOT staff would also like to point out that the public is currently funding improvements to provide an alternative lower stress route to U S Grant Place/Tillamook for use by cyclists and pedestrians. Phase 1 of improvements to the Tillamook Greenway from N. Flint to NE 28th Ave. was completed in 2019. Phase 2 is currently under construction. The following quote is from the PBOT website about this project ([https://www.portland.gov/transportation/pbot-projects/construction/tillamook-neighborhood-greenway-enhancement-project-phase\\_](https://www.portland.gov/transportation/pbot-projects/construction/tillamook-neighborhood-greenway-enhancement-project-phase_))*

*“We're building a neighborhood greenway on NE Hancock from NE 32nd to NE 42nd to provide a low-stress alternative to US Grant Place. The route will include a smoother NE Hancock, traffic calming features like speed bumps, a bike-accessible crossing of NE 33rd and connections to the NE Tillamook neighborhood greenway to the west and Kelly Plaza and bike lanes at NE 42nd Ave to the east. The NE Hancock neighborhood greenway provides direct access to Beverly Cleary school as well as the NE 38th Avenue neighborhood greenway to the north.*

*US Grant Place from NE 33rd to NE 38th avenues has several challenges that make traffic calming or diversion untenable without a holistic look at the neighborhood street grid. As an intermediate step, PBOT is building an alternative route on NE Hancock. In the future, a neighborhood-wide traffic operations plan could examine the role US Grant Place and other streets in the neighborhood operate and how changes would impact the overall system.”*

#### Adequate transportation demand management strategies

*Findings: The goal of a transportation demand management plan (TDMP) is to reduce the number of single occupancy vehicle trips to a site in favor of modes less taxing to the transportation system. TDMP's are also typically required to minimize impacts to adjacent neighborhoods. As previously reviewed above, the remodel of the Upper Field is not anticipated to result in any significant impacts or any significant change in trip generation. As such, transportation demand management is not needed. This evaluation factor is satisfied.*

*As evidenced by the findings referenced above, PBOT supports the accompanying Transportation Evaluation's methodologies, analyses, conclusions and recommendations and finds that the submitted materials are acceptable to adequately address the subject approval criterion. The applicant has clearly demonstrated that “the transportation system is capable of supporting the proposed use in addition to the existing uses in the area”.*

#### RECOMMENDATION

*PBOT has no objections to the requested Conditional Use request.*

Based on these findings from PBOT, staff finds approval criteria B.1 and B.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:** No new water service is necessary for the project (Exhibit A-8, page 20), and the Water Bureau reviewed the proposal and responded with no concerns (Exhibit E-3). The Police Bureau found that police services are adequate for the proposed expansion (Exhibit E-5). The Fire Bureau reviewed the proposal and responded with no concerns, indicating that fire protection services are adequate (Exhibit E-4). The Bureau of Environmental Services reviewed the proposal and found that requirements for sanitary waste and stormwater disposal would be met (Exhibit E-1). For these reasons, staff finds approval criterion B.3 is met.

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

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

**Findings:** The components of approval criterion C are discussed individually below:

Noise

The existing use of the soccer, lacrosse, and baseball field generates some noise, and the proposed field lights and the expansion of the field to accommodate softball are likely to increase use of the field and the associated noise. However, no late-night use of the field is proposed, limiting noise impacts to daytime and evening hours, and the expanded field would still accommodate only one game at a time, limiting the increase in impacts over the existing condition. The field would also be approximately 135 feet from the nearest residential lot, with NE US Grant Place and a landscaped area separating the field from the nearest homes.

The most significant change in noise impacts from the previously approved condition is likely to result from the amplified PA system with speakers mounted on the backstop fencing. The applicant submitted an analysis from a professional acoustician showing that noise levels from the speakers would be below 55 decibels at the nearest residential lot lines (Exhibit A-11). This complies with the limitations of the Portland Noise Control Code for residential zones (Title 18, Section 18.10.010) and is comparable to the sound level of a typical dishwasher. To ensure noise impacts are limited as proposed by the applicant, staff recommends a condition of approval requiring continuous compliance with the Noise Control Code. Staff also recommends a condition of approval limiting the PA system to school use only. This reflects the applicant's proposal (Exhibit A-8, pages 12 and 17), and staff finds that amplified noise (limited by the Noise Control Code) is typical for high school fields but not typical for the general public's use of sports fields in parks.

The applicant proposes field lights to be on as late as 10pm (Exhibit A-8, page 14), and some neighbors expressed concerns about noise from people leaving the field area at that time. Although there could be some impacts, staff finds it typical and expected for a high school campus to have sporting events and cultural events that end later in the evening. Staff finds it less typical for a public park to have frequent, organized events that end as late as 10pm. Therefore, to minimize noise and other livability impacts on neighbors, staff recommends a condition of approval for public use of the field through Portland Parks and Recreation to end by 9pm. This also reflects the applicant's proposal on page 2 of Exhibit A-16.

#### Glare from lights

New field lighting is proposed, but the 7 new light poles would be tall enough to have light fixtures that focus light directly downward onto the field, minimizing light spill into surrounding areas (Exhibit A-15). (The proposed heights of the light poles are discussed in the findings for the Adjustment Review later in this report.) The applicant submitted a photometric analysis (Exhibit A-14, page 3) showing that glare perceptible at the nearest residential lot lines would not exceed 0.5 foot candles of light, as required by Zoning Code Section 33.262.080.A. A foot candle is the approximate brightness of one candle at a one-foot distance.

#### Late-night operations

No late-night operations are proposed. The applicant's proposal is for school practices and games to end by 9:30pm and for Portland Parks and Recreation use of the field to end by 9pm (Exhibit A-16). To ensure potential adverse impacts from late-night operations do not occur, and as discussed above in relation to noise, staff recommends conditions of approval for Grant High School use of the field to end by 9:30pm, with field lights turned off by 10pm, and for Portland Parks and Recreation use of the field to end by 9pm, with field lights turned off by 9:30pm.

#### Odors

Use of the field for sporting events is not expected to generate unusual or offensive odors perceptible to neighbors.

#### Litter

The applicant states that garbage collection and litter pick-up around the field would be managed by a collaboration between Portland Parks and Recreation and Portland Public Schools (Exhibit A-8, page 18), and that school custodians would pick up litter after evening games (Exhibit A-18, page 1). Since the proposed lights would enable more intense evening use of the field, and since evening school games are likely to draw a larger number of participants and spectators than practices and less formal uses of the field, staff recommends a condition of approval for Grant High School custodial staff to pick up litter from the Upper Field area after every scheduled game.

#### Privacy

The expansion of the field would not adversely impact the privacy of neighboring homes. The expanded field would be approximately 135 feet from the nearest residential lot, and existing trees along NE US Grant Place would interrupt views between the sports field and the nearest homes on the opposite side of the street.

#### Safety

No significant safety impacts are anticipated. The Fire Bureau and Police Bureau both reviewed the proposal and responded with no concerns (Exhibits E-4 and E-5, respectively). PBOT also reviewed the proposal and found the field expansion is unlikely to cause significant safety impacts on the transportation system (Exhibit E-2, page 7).

#### Summary

With the conditions of approval mentioned above, staff finds the proposal would not have significant adverse impacts on nearby homes due to the factors listed above. With the conditions of approval, staff finds approval criterion C is met.

- D. 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 not within the boundaries of any area plans adopted by the City Council as part of the Comprehensive Plan. Therefore, this approval criterion is not applicable.

**Conditional Use Review for R5-Zoned Portion of Site (Grant High School campus)**

**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:** Except for the two campuses of Beverly Cleary School at 1915 NE 33<sup>rd</sup> Avenue and 3560 NE Hollyrood Court, the Grant Park Baptist Church at 2728 NE 34<sup>th</sup> Avenue, and a nonconforming commercial use at 2647 NE 33<sup>rd</sup> Avenue, all residentially zoned properties within two blocks of the subject site appear to be in Household Living (residential) use.

This proposal improves an existing sports field within an existing Conditional Use institutional site, and the applicant states the sports field has been used since the 1950s (Exhibit A-8, page 13). The boundaries of the existing Conditional Use site would not expand, and the existing proportion of non-residential uses in the residential area would not change. Also, the field would still accommodate only one game at a time, limiting the increase in impacts from the existing condition.

The new field lights are likely to increase the intensity of the use by allowing use of the field later in the evening throughout the year. However, as mentioned previously, it is typical for a high school campus to have evening activities, and some neighborhood impacts related to these events are also typical. Therefore, staff finds the applicant's proposal for high school use of the field until 9:30pm, with lights on until 10pm, would not unreasonably impact the residential character of the neighborhood, of which Grant High School has been a part for many years.

Use of the field by the public through Portland Parks and Recreation increases potential impacts to neighborhood character, since the field could be in use for many more days of the year. However, lighted activity areas are not uncommon in public parks, and Grant Park already has lighted tennis courts. The Upper Field is closer to neighboring homes than the Grant Park tennis courts, but the lights would not create glare on neighboring residential property (Exhibit A-14, page 3), and noise impacts would be limited by conditions of approval

mentioned previously to prohibit use of the PA system by Portland Parks and Recreation users and for Portland Parks and Recreation use of the field to end by 9pm.

Staff also recommends a condition of approval prohibiting commercial signage on the Upper Field from facing NE US Grant Place and the adjacent residential neighborhood. Staff finds that commercial signage facing homes would unreasonably impact the residential appearance and character of the area.

With the conditions of approval recommended above, staff finds the proposal would not significantly lessen the overall residential appearance and function of the area. With the conditions of approval, staff finds approval criterion A is met.

## **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 combined high school and park site is approximately 30 acres in area, which is much larger than residential lots nearby, and the expanded sports field with dugouts, bleachers, backstop fencing, and light poles would not appear similar to neighboring residential development. However, differences in appearance and scale would be mitigated in several ways:

- The minimum setback requirements for sports fields and related structures would be exceeded. The Zoning Code allows recreational fields to be as close as 50 feet to neighboring residential lots and accessory structures such as bleachers to be as close as 15 feet to street lot lines (Zoning Code Section 33.279.040.B). In this proposal, the sports field would be approximately 135 feet from the nearest residential lot and the closest bleachers would be approximately 42 feet from the street lot line along NE US Grant Place (Exhibits C-1 and C-2).
- No tree removal is proposed, and mature trees to be preserved along the south lot line would soften views of the sports field, the backstop fencing, and the bleachers from the adjacent residential area (Exhibit C-3). Newer trees that were planted along NE US Grant Place with the Grant High School modernization project approved in LU 16-269579 CU AD would further screen views of the field area as they grow (Exhibit A-17).
- The 7 new light poles would be between 70 feet and 80 feet in height, which is significantly taller than neighboring structures. This height requires approval of an Adjustment to the maximum structure height limit, which is discussed later in this report. However, at only about 14 inches in diameter, the visual impact of the light poles would be limited. The light poles would also be comparable in height to mature trees in the park, including some of the larger trees on the south side of the field area (Exhibit A-17).

For these reasons, and with a recommended condition of approval for the trees illustrated in Exhibit C-3 to be preserved, 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 individually below:

#### Noise

The existing use of the soccer, lacrosse, and baseball field generates some noise, and the proposed field lights and the expansion of the field to accommodate softball are likely to increase use of the field and the associated noise. However, no late-night use of the field is proposed, limiting noise impacts to daytime and evening hours, and the expanded field would still accommodate only one game at a time, limiting the increase in impacts over the existing condition. The field would also remain approximately 135 feet from the nearest residential lot, with NE US Grant Place and a landscaped area separating the field from the nearest homes.

The most significant change in noise impacts from the previously approved condition is likely to result from the amplified PA system with speakers mounted on the backstop fencing. The applicant submitted an analysis from a professional acoustician showing that noise levels from the speakers would be below 55 decibels at the nearest residential lot lines (Exhibit A-11). This complies with the limitations of the Portland Noise Control Code for residential zones (Title 18, Section 18.10.010) and is comparable to the sound level of a typical dishwasher. To ensure noise impacts are limited as proposed by the applicant, staff recommends a condition of approval requiring continuous compliance with the Noise Control Code. Staff also recommends a condition of approval limiting the PA system to school use only. This reflects the applicant's proposal (Exhibit A-8, pages 12 and 17), and staff finds that amplified noise (limited by the Noise Control Code) is typical for high school fields but not typical for the general public's use of sports fields in parks.

The applicant proposes field lights to be on as late as 10pm (Exhibit A-8, page 14), and some neighbors expressed concerns about noise from people leaving the field area at that time. Although there could be some impacts, staff finds it typical and expected for a high school campus to have sporting events and cultural events that end around that time. Staff finds it less typical for a public park to have frequent, organized events that end as late as 10pm. Therefore, to minimize noise and other livability impacts on neighbors, staff recommends a condition of approval for use of the field through Portland Parks and Recreation to end by 9pm. This also reflects the applicant's proposal on page 2 of Exhibit A-16.

#### Glare from lights

New field lighting is proposed, but the 7 new light poles would be tall enough to have light fixtures that focus light directly downward onto the field, minimizing light spill into surrounding areas (Exhibit A-15). (The proposed heights of the light poles are discussed in the findings for the Adjustment Review later in this report.) The applicant submitted a photometric analysis (Exhibit A-14, page 3) showing that glare perceptible at the nearest residential lot lines would not exceed 0.5 foot candles of light, as required by Zoning Code Section 33.262.080.A. A foot candle is the approximate brightness of one candle at a one-foot distance.

### Late-night operations

No late-night operations are proposed. The applicant's proposal is for school practices and games to end by 9:30pm and for Portland Parks and Recreation use of the field to end by 9pm (Exhibit A-16). To ensure potential adverse impacts from late-night operations do not occur, and as discussed above in relation to noise, staff recommends conditions of approval for Grant High School use of the field to end by 9:30pm, with field lights turned off by 10pm, and for Portland Parks and Recreation use of the field to end by 9pm, with field lights turned off by 9:30pm.

### Odors

Use of the field for sporting events is not expected to generate unusual or offensive odors perceptible to neighbors.

### Litter

The applicant states that garbage collection and litter pick-up around the field would be managed by a collaboration between Portland Parks and Recreation and Portland Public Schools (Exhibit A-8, page 18), and that school custodians would pick up litter after evening games (Exhibit A-18, page 1). Since the proposed lights would enable more intense evening use of the field, and since evening school games are likely to draw a larger number of participants and spectators than practices and less formal uses of the field, staff recommends a condition of approval for Grant High School custodial staff to pick up litter from the Upper Field area after every scheduled game.

### Privacy

The expansion of the field would not adversely impact the privacy of neighboring homes. The expanded field would be approximately 135 feet from the nearest residential lot, and existing trees along NE US Grant Place would interrupt views between the sports field and the nearest homes on the opposite side of the street.

### Safety

No significant safety impacts are anticipated. The Fire Bureau and Police Bureau both reviewed the proposal and responded with no concerns (Exhibits E-4 and E-5, respectively). PBOT also reviewed the proposal and found the field expansion is unlikely to cause significant safety impacts on the transportation system (Exhibit E-2, page 7).

### Summary

With the conditions of approval mentioned above, staff finds the proposal would not have significant adverse impacts on nearby homes due to the factors listed above. With the conditions of approval, staff finds 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:
  - d. 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;

- e. 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;
- f. 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):

*The transportation related approval criteria related to the proposed Conditional Use that must be addressed are found in PZC Sections 33.815.100.B.1 & B.2 as well as in 33.815.105.D.1 and D.2. Although there are two distinct Zoning Code Sections, these approval criteria from both sections are identical and are thus addressed in common below.*

**B.1/D.1)** *The proposed use is supportive of the street designations of the Transportation Element of the Comprehensive Plan;*

*Findings: The Grant High School campus is surrounded by three streets; NE 33rd Ave, NE US Grant Pl and NE 36th Ave. These streets [and others nearby] are classified in the City’s Transportation System Plan (TSP) as follows:*

<b>Street Name</b>	<b>Traffic</b>	<b>Transit</b>	<b>Bicycle</b>	<b>Pedestrian</b>	<b>Freight</b>	<b>Emergency Response</b>	<b>Street Design</b>
NE 33 <sup>rd</sup> Ave	District Collector	Transit Access	Local Service	City Walkway	Truck Access	Major	Community Corridor
NE US Grant Pl	Local Service	Local Service	City Bikeway	Neighborhood Walkway	Local Service	Secondary	Local Service
NE 36 <sup>th</sup> Ave	Local Service	Local Service	Local Service	Neighborhood Walkway	Local Service	Minor	Local Service
NE 34 <sup>th</sup> Ave	Local Service	Local Service	Local Service	Local Service	Local Service	Minor	Local Service
NE 35 <sup>th</sup> Ave	Local Service	Local Service	Local Service	Local Service	Local Service	Minor	Local Service
NE 35 <sup>th</sup> Place	Local Service	Local Service	Local Service	Neighborhood Walkway	Local Service	Minor	Local Service

*Pursuant to the TSP, the above referenced street classifications include, but are not limited to, the following functions:*

*District Collector streets are “intended to serve as distributors of traffic from Major City Traffic Streets to streets of the same or lower classification. District Collectors serve trips that both start and end within a district”.*

*Transit Access streets are “intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas”.*

*City Bikeway streets are “intended to serve the Central City, regional and town centers, station communities, and other employment, commercial, institutional, and recreational destinations”.*

*City Walkway streets are “intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit”.*

*Neighborhood Walkway streets are “intended to provide safe and convenient connections from residential neighborhoods to Major City Walkways, City Walkways, and nearby destinations such as schools, parks, transit stops, and commercial areas, primarily using routes that have low levels of motor vehicle traffic or do not allow motor vehicle traffic.*

*Local Service Walkway streets are, “intended to serve local circulation needs for pedestrians and provide safe and convenient access to local destinations.*

*Truck Access streets are “intended to serve as access and circulation routes for delivery of goods and services to neighborhood-serving commercial and employment uses”.*

*Major Emergency Response streets are “intended to serve primarily the longer, most direct legs of emergency response trips”.*

*Secondary Emergency Response streets are “intended to provide alternatives to Major Emergency Response Streets in cases when traffic congestion, construction, or other events occur that may cause undue delays in response times.”*

*Minor Emergency Response streets are “intended to serve primarily the shorter legs of emergency response trips”.*

*Community Corridors are “designed to include special amenities to balance motor vehicle traffic with public transportation, bicycle travel, and pedestrian travel”.*

*Local Service streets are “intended to distribute local traffic and provide access to local residences or commercial uses”*

*All of the surrounding streets will continue to function as intended above; the continuation of the site as an institutional use will not impact the classifications or functions of said streets. PBOT finds that the proposed use is supportive of the street designations of the Transportation Element of the Comprehensive Plan.*

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

*Street Capacity/Level of service/other performance measures*

*Findings: The applicant submitted a transportation evaluation prepared by a registered professional traffic engineer. This evaluation was reviewed and accepted by PBOT employee Amanda Owings, PE, a registered professional traffic engineer.*

*The transportation evaluation addressed both Portland Public Schools (PPS) use of the field and Portland Parks and Recreation (PPR) use of the field. The evaluation also*

*addressed school use for practice days and game days. On page 2, the evaluation states, “For practices on school days, it is assumed that most student athletes and coaches are already onsite and simply walk to the field, therefore very few vehicle trips are generated in total for practices. On weekdays when there are games, up to 90 people are on site for the game. It is assumed that the Grant High School athletes and coaches are already on site and that the opposing team would arrive in a school bus and therefore, the majority of trips generated during a game is by the spectators, which is an estimated 50 people (from the activities field use schedule). Although no specific data on trip generation rates for spectators at high school sports games is available, a conservative 40 trips can be assumed considering some spectators choose to carpool. The field use schedule shows that the number of participants and spectators for softball events is estimated to be the same for baseball events. Therefore, the addition of a softball field will not be generating any additional vehicle trips beyond what baseball events currently generate.”*

*An assessment of Portland Parks and Recreation use is also provided. On page 3, the transportation evaluation states, “As stated in Table 1, that trip generation is estimated to be minimal at approximately 23 trips during the p.m. peak hour for a sports practice. Based on the field use schedule, there will be 2-hour PPS practices each weekday on the turf field during the winter season from 4:00 pm –6:00 pm. PPR will use the field from 6:00 pm – 9:00 pm for Youth Soccer per the activities field use schedule. However, the PPR events would occur outside the typical p.m. peak hour (5:00 pm) and would not be expected to have a significant impact on weekday traffic.”*

*PBOT staff concurs with the submitted analysis. Game days are estimated to result in larger trip rates than practice days. It is estimated that game days will result in approximately 40-trips to the site. That level of trip generation will have a minimal impact on street capacity and the level of service of surrounding intersections.*

*It is worth noting the school recently underwent a modernization and expansion effort. This effort was evaluated through conditional use review 16-269579-LU. A robust traffic analysis was conducted as part of that effort. A copy of the Transportation Impact Study (TIS) was submitted to the record for this case. The following intersections were required to be evaluated with regard to their respective operations:*

- *NE 33<sup>rd</sup> Ave/Fremont St (signalized)*
- *NE 33<sup>rd</sup> Ave/NE Knott St (signalized)*
- *NE 33<sup>rd</sup> Ave/NE US Grant Pl (signalized)*
- *NE 33<sup>rd</sup> Ave/NE Broadway St (signalized)*
- *NE 36<sup>th</sup> Ave/NE US Grant Pl (stop controlled)*
- *NE 37<sup>th</sup> Ave/NE US Grant Pl (stop controlled)*
- *NE 36<sup>th</sup> Ave/ Site Access (stop controlled)*
- *NE Tillamook St/NE Cesar Chavez Blvd (stop controlled)*

*The data, analysis, and findings provided in the submitted TIS indicate that all of the above referenced intersections were operating under capacity and within the City’s performance measures during both the AM peak period and PM peak period of operation. Project traffic impacts were evaluated at the study intersections for the weekday AM and PM peak hours during the 2019 project build year. Additional traffic was added to the existing roadway network based on trip generation estimates and trip distribution assumptions associated with the additional 170 students that can be accommodated by the school modernization and expansion. As reported in the TIS, the operations of the study intersections during both the morning and afternoon peak periods were expected to continue to exceed City of Portland performance measures.*

*The small impact to the transportation system from the remodel of the Upper Field is not anticipated to result in changes that would alter this previous finding.*

*This evaluation factor is satisfied.*

#### Access to arterials

*Findings: The school site is located within an established and robust grid pattern of paved streets with sidewalks. This interconnected grid provides a local transportation system allowing for a variety of travel patterns for students, faculty, staff and visitors to access the campus. This robust local transportation system includes nearby and direct access to the two closest arterial roadways. NE 33rd Ave and NE Broadway (four blocks south of the high school), are the nearest arterial streets that lead out to the broader transportation system, including to additional arterial streets and the nearby I-84 freeway. The proposed project will have no impacts to arterial access. This evaluation factor is satisfied.*

#### Connectivity

*Findings: The City's spacing goals for public through streets and public pedestrian connections, typically applied to land division requests, is a maximum of 530-ft and 330-ft, respectively. The surrounding and primarily residentially developed neighborhood includes an established grid pattern of blocks and streets that satisfy the above referenced connectivity goals. It is not typical, nor is it generally required, that public connectivity goals are furthered through institutional uses such as the subject high school. Nonetheless, the Grant High School campus abuts Grant Park, within which, there are a series of pedestrian paths that offer continued connectivity opportunities in proximity to the campus and through the abutting residential neighborhood. The proposed renovation of the Upper Field will not impact the existing well connected neighborhood surrounding the school. This evaluation factor is satisfied.*

#### Transit availability

*Findings: Transit service is provided in the vicinity of the study area by Tri-Met via Route 12 – Barbur/Sandy Blvd, Route 24 – Fremont, Route 70 – 12th/NE 33rd Ave, Route 75 – Cesar Chavez/Lombard, and Route 77 – Broadway/Halsey.*

*Transit availability (including along campus' frontage), will not be impacted by the proposed project. This evaluation factor is satisfied.*

#### On-street parking impacts

*Findings: On street parking impacts were thoroughly analyzed when the school modernization project was reviewed through conditional use review 16-269579-LU. The data and analysis submitted to that case was also submitted as part of the record for this case. Additional data collection was not done. Firstly, the current Covid-19 pandemic has resulted in the closure of the public schools and strong limits on public gatherings such as sports events. It is not possible to generate new parking data that is meaningful. Secondly, staff concurs with the applicant's analysis that the previous parking study included sufficient data to address the proposal.*

*The highest on-street parking demand for the subject proposal would be an evening on-site softball game. Weekday evenings are also a time when the residential demand for on-street parking would be at a high point. In the 2017 parking study, the parking survey was conducted by the applicant's traffic consultant on a typical school day and on an event day, where there was a junior varsity basketball game after school, followed by a varsity game at 7:30 p.m.*

*As noted by the applicant, basketball is the sport which draws the largest number of spectators to the site currently. Basketball is a winter sport and softball is a spring sport, so the two events will not overlap. Using the existing data for the basketball event is a conservative approach which does estimate the highest anticipated demand for on-street parking during a sports event. As such, using the counts that were previously taken during an evening basketball game is the best approximation for on-the-ground conditions during a future softball game.*

*As noted on pages 4-5 of the submitted transportation evaluation, "The highest parking demand scenario for the softball field would be an evening on-site game. In the 2017 TIS, a parking evaluation was conducted during an evening high school basketball game to assess the impacts on the surrounding neighborhood streets. During the event (6:45 pm – 8 pm), the on-site parking was fully utilized while off-site parking was only 41% occupied. Generally, basketball games have a significantly larger attendance than baseball or softball games (more spectators and played indoor). Because of this, it is reasonable to assume that softball games will not generate more vehicle parking than a basketball game that was included in the original parking analysis."*

*The 2017 study found that high parking occupancy happens during the school day, but on-street parking occupancy rates drop substantially after the school day, even on event days. There are 359 on-street parking spaces in the study area. During the basketball games, 148 were occupied which translates to 41% occupancy. There were 201 on-street parking spaces available in the study area during the evening basketball game. The addition of field lighting to the Upper Field is anticipated to generate less demand than the previously studied basketball game, since more spectators come to basketball games. Even if the softball games do generate the same level of demand for on-street parking as basketball games, there will still remain approximately 200 available on-street parking spaces based on the parking counts taken in 2017.*

*There is an adequate supply of on-street parking to serve the needs of the existing uses in the area and the proposed remodel of the Upper Field. This evaluation factor is satisfied.*

#### Access restrictions

*Findings: The existing high school has one staff and visitor parking lot that is accessed via a driveway along NE 36th Ave, between NE Brazee and NE Thompson. There is an on-site turn around which allows forward motion ingress and egress to the site. No new driveways are proposed. No access restrictions are warranted. This evaluation factor is satisfied.*

#### Neighborhood impacts

*Findings: As discussed above, the proposed remodel of the Upper Field is likely to have a minimal impact on the transportation system as very few additional trips will be generated. On game days, it is estimated there will be 40 trips. There is ample on-street parking available to absorb the demand from on-site evening games as discussed above. The majority of the transportation related neighborhood impacts are from the existing use of the site as a high school with student enrollment being the main generator of transportation impacts, not use of the sports fields for extra-curricular or community use.*

*Public comments have been received regarding congestion and passenger loading activities on U S Grant Place. There are not passenger loading/unloading zones signed on U S Grant Place. All of the signed loading zones for the high school are on NE 36th Ave, which was the recommendation from the TIS submitted for the 2016 conditional use. Based on public comments, there are driver behaviors where people stop in the travel*

*way on U S Grant Place, temporarily blocking traffic, in order to allow for passenger loading and or unloading.*

*A substantial analysis of the neighborhood impacts from the recent modernization and expansion of the high school was undertaken through conditional use review 16-269579-LU. As previously noted, the transportation impact study submitted as part of that project was included in the record for this case. That analysis included a thorough analysis of crash rates, intersection operations, pick up and drop off activities, and on-street parking. Based on the data from the 2016 conditional use review, traffic conditions around Grant High School are similar to those of many schools (of all age-group enrollments) where there are two distinct periods of the day when there is an increase in vehicle congestion. These temporary higher vehicle volumes along area streets are typically associated with a school's pick-up/drop-off activities. However, once the pick-up/drop-off activity is completed in the morning and then in the afternoon, roadway/parking volumes revert to normal conditions. Eight area intersections were studied for level of service concerns. All of them were found to perform within the City's accepted Level of Service, even anticipating the additional enrollment allowed by the 2016 conditional use review. Given the small impact of the proposed remodel of the Upper Field, PBOT's traffic engineer concurred with the applicant's assessment that "it is reasonable to conclude that it will not further impact traffic or safety on NE US Grant Place" (p.5 of Transportation Evaluation). That document did go on to state, "However, the School District is willing to coordinate with Portland Bureau of Transportation (PBOT) and the neighborhood to identify transportation management changes (parking management, restrictions, etc.) along US Grant Place to improve bicycle safety that support both the needs of the School District and the neighborhood."*

*Since the proposed remodel of the Upper Field will not generate a significant impact, it is not appropriate to condition the approval of the project on future coordination efforts. PBOT staff does recommend that staff of Grant High School continue to provide direction to the student body to use the designated pick up and drop off location on NE 36h Place, not US Grant Place. Continued communication between the school and Portland Parks and Recreation with users of the field regarding appropriate parking and loading locations is also recommended.*

*This evaluation factor is satisfied.*

*Impacts on pedestrian, bicycle, and transit circulation/ safety for all modes*

*Findings: A stated throughout this response, the proposed remodel of the Upper Field is not anticipated to result in significant impacts to the transportation system. Many of the daily users will already be on site and will simply walk to the field from the school.*

*Existing sidewalk corridors around the entire school site meet or exceed current City standard. These sidewalks, along with the pedestrian trails throughout the abutting Grant Park, provide pedestrian connections to adjacent streets and throughout the surrounding residential neighborhood. The surrounding neighborhood is developed with sidewalks, facilitating pedestrian movement throughout the broader area. Curb ramps at the corners on the Grant High School frontages were recently updated to meet ADA requirements. The robust system of sidewalks around the school site and beyond provide a safe environment for pedestrians to walk in the area.*

*It should be noted that there are two traffic islands in proximity of the Grant High School campus along NE US Grant Pl at the intersections with NE 35th and NE 36th Aves. These are mentioned because they have been a topic of discussion with concerned members of the community. Specifically, it has been mentioned that marked crosswalks should be installed on NE US Grant Place where there are existing traffic circles at the NE*

*35th Ave and NE 36th Ave intersections. PBOT is hesitant to support such a request for a variety of reasons. The traffic islands were very likely installed at the request of the area neighborhood for traffic calming purposes. PBOT does not improve intersections with a combination of traffic islands and marked crosswalks, as the two features are potentially conflicting traffic control measures. The standard location for a marked crosswalk would place pedestrians in the vehicular circulation path around the traffic island. The traffic island would need to be removed in order to install mark crosswalks. Curb extensions would be a typical enhanced treatment, however, in this case, the inclusion of corner curb extensions could create conflicts for school bus turning movements at NE 36th Ave. The removal of the traffic islands (to accommodate any potential marked crosswalks), would result in the loss of the inherent traffic calming functions, which is contrary to the rationale and request for installing them in the first place for the benefit of the broader neighborhood. While PBOT is respectful the concerns that arise as part of the public process, the data included in the TIS for the recent school modernization and expansion used the acceptable industry standard for measuring safety at area intersections. None of the study intersections (including at NE US Grant Pl/NE 36th Ave) warranted any safety improvements for mitigation purposes. The proposed remodel of the Upper Field is not anticipated to have a significantly different impact than what was previously studied for the school modernization and expansion effort.*

*There are nearby identified bicycle facilities (City's Bike/Walk Map) that benefit bicyclists throughout the neighborhood, as well as students, faculty and staff who chose to commute by bicycle. NE US Grant Pl is designated as a Neighborhood Greenway/ Signed & Marked Route. Shared Roadways along NE Brazee and NE 38th Ave exist east and west of the site and beyond. The nearby multi-use path found through the abutting Grant Park offers another opportunity for additional bicycling alternatives in the area. The existing bicycle facilities in the site vicinity provide safe paths to the surrounding transportation system.*

*The proposed remodel of the Upper field is not expected to result in impacts on pedestrian, bicycle, and transit circulation/ safety for all modes. This evaluation factor is satisfied.*

*While not directly related to the field lighting project, staff does want to recognize the comments from concerned citizens regarding existing congestion on U S Grant Place, and the resulting conflicts between autos and cyclists. PBOT staff would also like to point out that the public is currently funding improvements to provide an alternative lower stress route to U S Grant Place/Tillamook for use by cyclists and pedestrians. Phase 1 of improvements to the Tillamook Greenway from N. Flint to NE 28th Ave. was completed in 2019. Phase 2 is currently under construction. The following quote is from the PBOT website about this project ([https://www.portland.gov/transportation/pbot-projects/construction/tillamook-neighborhood-greenway-enhancement-project-phase\\_](https://www.portland.gov/transportation/pbot-projects/construction/tillamook-neighborhood-greenway-enhancement-project-phase_))*

*"We're building a neighborhood greenway on NE Hancock from NE 32nd to NE 42nd to provide a low-stress alternative to US Grant Place. The route will include a smoother NE Hancock, traffic calming features like speed bumps, a bike-accessible crossing of NE 33rd and connections to the NE Tillamook neighborhood greenway to the west and Kelly Plaza and bike lanes at NE 42nd Ave to the east. The NE Hancock neighborhood greenway provides direct access to Beverly Cleary school as well as the NE 38th Avenue neighborhood greenway to the north.*

*US Grant Place from NE 33rd to NE 38th avenues has several challenges that make traffic calming or diversion untenable without a holistic look at the neighborhood street grid. As an intermediate step, PBOT is building an alternative route on NE*

*Hancock. In the future, a neighborhood-wide traffic operations plan could examine the role US Grant Place and other streets in the neighborhood operate and how changes would impact the overall system.”*

Adequate transportation demand management strategies

*Findings: The goal of a transportation demand management plan (TDMP) is to reduce the number of single occupancy vehicle trips to a site in favor of modes less taxing to the transportation system. TDMP's are also typically required to minimize impacts to adjacent neighborhoods. As previously reviewed above, the remodel of the Upper Field is not anticipated to result in any significant impacts or any significant change in trip generation. As such, transportation demand management is not needed. This evaluation factor is satisfied.*

*As evidenced by the findings referenced above, PBOT supports the accompanying Transportation Evaluation's methodologies, analyses, conclusions and recommendations and finds that the submitted materials are acceptable to adequately address the subject approval criterion. The applicant has clearly demonstrated that “the transportation system is capable of supporting the proposed use in addition to the existing uses in the area”.*

RECOMMENDATION

*PBOT has no objections to the requested Conditional Use request.*

Based on these 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:** No new water service is necessary for the project (Exhibit A-8, page 20), and the Water Bureau reviewed the proposal and responded with no concerns (Exhibit E-3). The Police Bureau found that police services are adequate for the proposed expansion (Exhibit E-5). The Fire Bureau reviewed the proposal and responded with no concerns, indicating that fire protection services are adequate (Exhibit E-4). The Bureau of Environmental Services reviewed the proposal and found that requirements for sanitary waste and stormwater disposal would be met (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 not within the boundaries of any area plans adopted by the City Council as part of the Comprehensive Plan. Therefore, this approval criterion is not applicable.

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:** Structure height in both the OS and R5 zones is regulated by the Institutional Development Standards in Zoning Code Table 110-5, which limits structure height to 50 feet

(Zoning Code Sections 33.100.200.B.1 and 33.110.245.C.1, Table 110-5). The applicant requests an Adjustment to increase the maximum structure height for 7 new field light poles in both the OS and R5 zones to 70 feet for 4 light poles and to 80 feet for 3 light poles.

The purpose of the Institutional Development Standards is stated in Zoning Code Section 33.110.245.A:

*The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.*

Some neighbors found the proposed field lights to be incompatible with the neighborhood and suggested lower poles closer to NE US Grant Place or telescoping light poles that could be lower in height when not in use. The applicant indicated to staff that telescoping light poles are not desirable due to maintenance requirements. In any case, staff does not find the proposed 70-foot-tall and 80-foot-tall light poles would create significant negative impacts on the adjacent residential area. Though the poles would be tall, their impact on the aesthetics of the area would be limited. The poles would be only about 14 inches in diameter, and the poles would be at minimum about 75 feet apart (Exhibit C-2). The average distance between the proposed light poles would be about 150 feet. Furthermore, mature trees near the field would have comparable heights but would be much more prominent features in the landscape (Exhibits A-17 and C-3). Newer trees that were planted along NE US Grant Place with the Grant High School modernization project approved in LU 16-269579 CU AD would further diminish the visual impact of the light poles as these trees mature (Exhibit A-17).

Finally, the increased pole height would allow the light fixtures to be aimed more directly downward onto the field, minimizing light spill into surrounding areas (Exhibit A-15). The applicant submitted a photometric analysis (Exhibit A-14, page 3) showing that glare perceptible at the nearest residential lot lines would not exceed 0.5 foot candles of light, as required by Zoning Code Section 33.262.080.A.

For these reasons, and with a recommended condition of approval for the trees illustrated in Exhibit C-3 to be preserved, staff finds the proposed Adjustment is consistent with the intent of the standard to maintain compatibility and limit negative impacts. With the recommended condition of approval, staff finds 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:** For the Grant High School portion of the site, which is zoned residential (R5), the proposal must not significantly detract from the livability or appearance of the residential area. As stated in the findings for approval criterion A, the new light poles would be tall, but would not dominate the aesthetics of the area. The poles would be only about 14 inches in diameter, and the poles would be about 150 feet apart on average. Mature trees that are comparable in height would be more prominent features of the site (Exhibit A-17). Also, the increased pole height would allow the light fixtures to be aimed more directly downward onto the field, minimizing light spill into surrounding areas (Exhibit A-15).

For the Grant Park portion of the site, which is zoned OS, the proposal must be consistent with the classifications of the adjacent street and the desired character of the area. "Desired character" is defined in Zoning Code Chapter 33.910, and for this site the desired character is determined by the purpose statement for the OS zone in Zoning Code Section 33.100.010:

*The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:*

- *Providing opportunities for outdoor recreation;*
- *Providing contrasts to the built environment;*
- *Preserving scenic qualities;*
- *Protecting sensitive or fragile environmental areas;*
- *Enhancing and protecting the values and functions of trees and the urban forest;*
- *Preserving the capacity and water quality of the stormwater drainage system; and*
- *Providing pedestrian and bicycle transportation connections.*

The additional height requested for the field lights has no impact on the classifications of the adjacent street (NE US Grant Place), but the Adjustment is consistent with the purpose statement for the OS zone. The new lights would increase recreational opportunities without significantly detracting from the scenic quality of the site, since the poles would be narrow in diameter and spaced far apart, while tall, mature trees near the field would be preserved, mitigating the visual impact of the tall light poles (Exhibits A-17 and C-3). Also, the increased height allows for more precise downward aiming of the light fixtures, minimizing impacts from light spill into nearby ecosystems. The Adjustment would have no impact on the capacity of the stormwater drainage system or pedestrian and bicycle connections through the site.

#### Summary

For the reasons discussed above, and with a recommended condition of approval for the trees illustrated in Exhibit C-3 to be preserved, staff finds the proposed Adjustment would not significantly detract from the livability or appearance of the residential neighborhood and would be consistent with the desired character of the area. With the recommended condition of approval, staff finds 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:** As only one Adjustment is requested, this criterion is not applicable.

- 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. As there are no scenic resources or historic resources mapped on the subject site, this criterion is not applicable.

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

**Findings:** The mature trees to be preserved on the south side of the field would mitigate the perception of structure height from NE US Grant Place and the residential area to the south. Some of these trees would be comparable in height to the light poles but would be more visually prominent from the street and neighborhood (Exhibits A-17 and C-3). Also, the tree canopy would obscure views of parts of the light poles, reducing their visual impact. Staff recommends a condition of approval requiring the existing trees shown in Exhibit C-3 to be preserved. With this condition of approval, staff finds that impacts from the Adjustment would be mitigated to the extent practical, and that approval criterion E 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.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met and 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 proposed expansion of the Upper Field would allow the field to accommodate softball in addition to the existing baseball, soccer, and lacrosse sports activities. The field would expand slightly to the south, but the field would still only accommodate one game at a time. The new bleachers, PA system, and field lights require Conditional Use Review, and staff finds the Conditional Use Review approval criteria can be met with conditions of approval to limit impacts on the adjacent residential area. With conditions of approval, staff finds the proposed field expansion would support the intended use and character of the school campus, park, and residential area without imposing significant impacts on neighborhood livability. The transportation system and other public services are found to be adequate to support the proposal.

The proposed field lights would be taller than 50 feet and therefore require approval of an Adjustment to the maximum height limit for new structures. The new light poles would be narrow in diameter, spaced about 150 feet apart on average, and comparable in height to mature trees. The increased height allows the light fixtures to be aimed directly downward toward the field to prevent significant glare impacts on neighboring property. For these reasons, staff finds the approval criteria for the Adjustment are met.

## TENTATIVE STAFF RECOMMENDATION

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

**Approval** of the following:

- Conditional Use Review for the proposed improvements to the Upper Field illustrated in Exhibits C-1 and C-2;
- Adjustment to increase the maximum structure height for the 7 new field lighting poles illustrated in Exhibits C-2 and A-14 from 50 feet to 70 feet for 4 poles and from 50 feet to 80 feet for 3 poles (Zoning Code Sections 33.100.200.B.1 and 33.110.245.C.1, Zoning Code Table 110-5); and
- The addition of the underlined sentence below to condition of approval C from LU 16-269579 CU AD:

*The hours of operation of the soccer and softball fields and the dog off-leash area may not have overlapping hours of use so long as they occupy the same or overlapping space. This*

condition refers only to the athletic field areas in Grant Park on the north edge of the site, and not the sunken bowl area or Upper Field area on the southern edge of the site.

The approval is subject to the following conditions:

- 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 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 20-214838 CU AD."
- B. The 10 trees shown in Exhibit C-3 to be protected with tree protection fencing must be preserved unless determined by a certified arborist to be dead, dying, or hazardous. If any of these trees is removed for one of these allowable reasons in the future, it must be replaced with a new tree meeting the minimum planting requirements in Zoning Code Section 33.248.030.C.1 in the same general area of the site along NE US Grant Place.
- C. The conditions of approval from LU 16-269579 CU AD continue to apply to the site, with the addition of the clarifying sentence above for LU 16-269579 CU AD condition of approval C.
- D. High school sporting events in the Upper Field must end no later than 9:30pm, with field lights around the Upper Field turned off no later than 10:00pm.
- E. Non-school-related use of the Upper Field through Portland Parks and Recreation must end no later than 9:00pm, with field lights around the Upper Field turned off no later than 9:30pm.
- F. The Upper Field's PA system must not be used after 9:30pm and the volume must continuously comply with the limitations in the Portland Noise Control Code (Title 18).
- G. The Upper Field's PA system may be used only by Portland Public Schools for school events. Field users who reserve the field through Portland Parks and Recreation may not use the PA system.
- H. Within and adjacent to the Upper Field, signs advertising a business may not face south toward NE US Grant Place. Signs which face inward toward the field are not subject to this requirement.
- I. Custodial staff must remove litter from the Upper Field area after every scheduled game.

**Procedural Information.** The application for this land use review was submitted on November 13, 2020 and was determined to be complete on March 24, 2021.

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 13, 2020.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on July 22, 2021.**

**Some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to

show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case.** This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or e-mailed to [HearingsOfficeClerks@portlandoregon.gov](mailto:HearingsOfficeClerks@portlandoregon.gov).

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This staff report will be posted on the Bureau of Development Services website at <http://www.portlandoregon.gov/bds/35625>. Land use review notices are listed on the website by the District Coalition in which the site is located; the District Coalition for this site is identified at the beginning of this staff report.

If you are interested in viewing information in the file, please contact the planner listed on the front of this staff report. The planner can provide information over the phone or via e-mail. Please note that only digital copies of material in the file are available. A digital copy of the Portland Zoning Code is available on the internet at <https://www.portland.gov/code/33>.

**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 write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$3,850.00 will be charged (one-half of the BDS LUS application fee).**

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Community and Civic Life may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the chairperson or other person authorized by the association confirming the vote to appeal was done in accordance with the organization’s bylaws.

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

**Recording the final decision.**

If this land use review is approved the final decision will be recorded with the Multnomah County Recorder 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.

**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.

Planner's Name: Andrew Gulizia

Date: April 29, 2021

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
1. Original narrative and submittal
  2. Plan set
  3. Stormwater report
  4. Geotechnical report
  5. Sewer easement
  6. Original transportation study
  7. Resubmittal cover letter, rec'd 3/24/21
  8. Revised narrative
  9. Off-site impacts letter
  10. Applicant's public engagement summary
  11. Noise analysis
  12. Revised transportation study
  13. Public address system plans
  14. Field light plans and photometric analysis
  15. Pole height and spill light diagram

- 16. Upper Field activity schedule
- 17. Tree height information
- 18. Litter control information
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Overall site plan (attached)
  - 2. Upper Field plan (attached)
  - 3. Tree protection plan (attached)
- D. Notification Information:
  - 1. Request for Response, dated 4/2/21
  - 2. Posting letter and applicant's statement certifying posting, rec'd 4/8/21
  - 3. Notice of Public Hearing, dated 4/20/21
  - 4. Mailing list for Notice of Public Hearing
- 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
- F. Correspondence:
  - Comments received prior to completeness
    - 1. E-mail from Dave Pietka requesting information, rec'd. 11/18/20
    - 2. E-mail from Mary Coolidge with comments and concerns, including prior e-mail thread with staff, rec'd. 11/24/20
    - 3. Follow-up e-mail from Mary Coolidge, rec'd. 11/24/20
    - 4. Follow-up e-mail from Dave Pietka, rec'd. 11/24/20
    - 5. E-mail from Ken Peterson, rec'd. 11/24/20
    - 6. E-mail from Deborah Engelstad, rec'd. 12/1/20
    - 7. E-mail from Glenn Hansen with comments and concerns, rec'd. 12/2/20
    - 8. E-mail from Dave Pietka with comments and concerns, rec'd. 12/3/20
    - 9. E-mail from Ken Peterson with comments, rec'd. 12/8/20
    - 10. E-mail with comments from Dave Pietka, rec'd. 12/9/20
    - 11. E-mail with comments from Brett Horner, rec'd. 12/10/20
    - 12. E-mail from Kim Knox, rec'd. 1/7/21
  - Comments received after hearing was scheduled, prior to staff report publication
    - 13. E-mail from Glenn Hansen, rec'd 4/7/21
    - 14. E-mail from Dave Pietka, rec'd 4/7/21
    - 15. E-mail from Dave Pietka, rec'd 4/19/21
    - 16. E-mail from Dave Pietka, rec'd 4/19/21
    - 17. E-mail from Dave Pietka, rec'd 4/20/21
    - 18. E-mail from Kathie Eastman Tell, rec'd 4/20/21
    - 19. E-mail from Gretchen Cole, rec'd 4/20/21
    - 20. E-mail from Eric Farrara, rec'd 4/20/21
    - 21. E-mail from Pam Neild, rec'd 4/20/21
    - 22. E-mail from Scott Schwab, rec'd 4/20/21
    - 23. E-mail from Jed Rosenzweig, rec'd 4/20/21
    - 24. E-mail from Heather Sweeney, rec'd 4/21/21
    - 25. E-mail from Sarah Drescher, rec'd 4/21/21
    - 26. E-mail from Anita Stacey, rec'd 4/21/21
    - 27. Letter from Rodney Woodley, rec'd 4/21/21
    - 28. E-mail from Sara Anderson, rec'd 4/21/21
    - 29. E-mail from Debbie Engelstad, rec'd 4/21/21
    - 30. E-mail from Marcella Marsh, rec'd 4/21/21

31. Letter from Mia Dominic, rec'd 4/21/21
  32. Letter from Laura Dominic, rec'd 4/21/21
  33. E-mail from Lisa Harman, rec'd 4/21/21
  34. E-mail from Abby Kindrick, rec'd 4/21/21
  35. E-mail from Christina Perron, rec'd 4/21/21
  36. E-mail from Christine and Walter Hurst, rec'd 4/21/21
  37. E-mail from Marc Poris, rec'd 4/21/21
  38. E-mail from Dave Pietka, rec'd 4/22/21
  39. E-mail from Kim McGair, rec'd 4/22/21
  40. E-mail from Dave Pietka, rec'd 4/22/21
  41. E-mail from Jill Lee, rec'd 4/22/21
  42. E-mail from Geoffrey Abraham, rec'd 4/22/21
  43. E-mail from Susie Martin, rec'd 4/22/21
  44. E-mail from Steven Bock, rec'd 4/22/21
  45. E-mail from Karmen Von Arx, rec'd 4/22/21
  46. E-mail from Kimmy Scarpine, rec'd 4/22/21
  47. E-mail from Kimberly Nixon, rec'd 4/22/21
  48. E-mail from Erik Kola, rec'd 4/22/21
  49. E-mail from Andy Mones, rec'd 4/23/21
  50. E-mail from Ann and Mike Kollrack, rec'd 4/23/21
  51. E-mail from Jonathan Levine, rec'd 4/23/21
  52. E-mail from Angie Tomlinson, rec'd 4/23/21
  53. E-mail from Brian Perron, rec'd 4/23/21
  54. E-mail from Christina Robertson, rec'd 4/23/21
  55. E-mail from Sarah and Jerome Craig, rec'd 4/24/21
  56. E-mail from Robin Hawley Crumrine, rec'd 4/24/21
  57. E-mail from Hannah Curtis, rec'd 4/25/21
  58. E-mail from Amy Zlot, rec'd 4/25/21
  59. E-mail from Gail Cornelius, rec'd 4/25/21
  60. Letter from Carol Campbell, rec'd 4/27/21
  61. E-mail from Tony Yazzolino, rec'd 4/27/21
  62. E-mail from Margi Bradway, rec'd 4/28/21
  63. E-mail from Cara Haskey, rec'd 4/28/21
  64. E-mail from Sean Marable, rec'd 4/29/21
- G. Other:
1. Land use review application
  2. Incompleteness determination letter, dated 12/10/20
  3. LU 16-269579 CU AD decision
- H. Hearing Exhibits:

**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



File No.	<u>LU 20 - 214838 CU AD</u>
1/4 Section	<u>2834,2734</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E25DB 2200</u>
Exhibit	<u>B</u> <u>Nov 13, 2020</u>

**BORA**  
 Bora Architects, Inc.  
 230 SW Washington, Suite 800  
 Portland, Oregon 97205  
 503.226.1275  
 www.bora.com

ISSUED FOR  
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 CONSTRUCTION

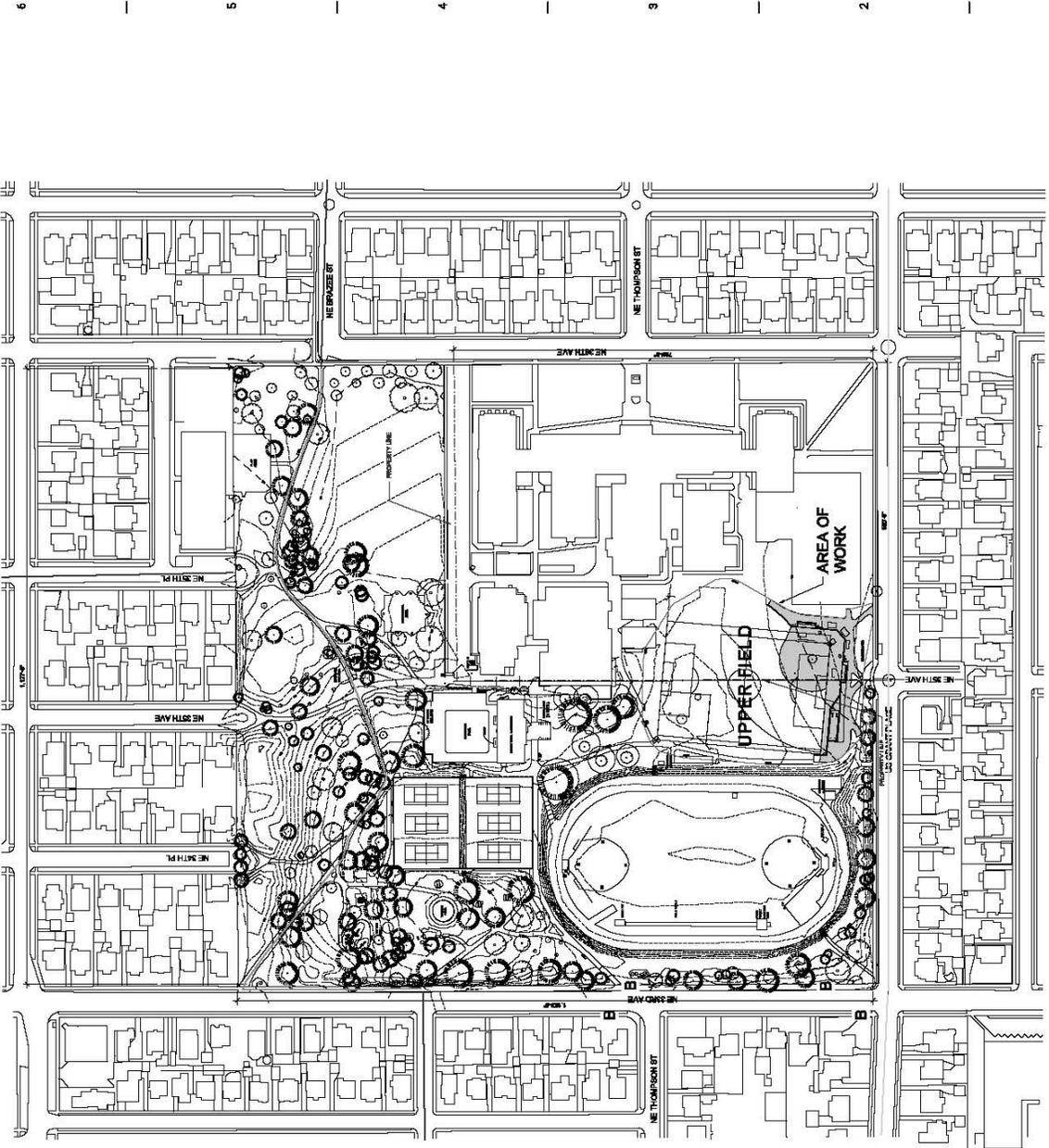
**GRANT UPPER FIELD  
 IMPROVEMENTS**  
 2245 NE 36th Ave.  
 Portland, OR 97212

MARK DATE DESCRIPTION  
 11/19/2020  
 1" = 40' 0"

Project No. 20008  
 Conditional Use and  
 Adjustment Application  
 SITE CONDITIONS

**GN-001**

LU 20-214838 CU AD



PIELOT AREA, 44,300 SF  
 PRE-LOT AREA, 88,600 SF  
 TOTAL SITE AREA, 132,900 SF  
 B - SUB-STOP  
 C - CONCRETIZED GREENWAY  
 D - BIKEWAY  
 E - BIKEWAY  
 F - BIKEWAY

SITE CONDITIONS

LU 20-214838 CU AD Exhibit C-1



