



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** November 12, 2013  
**To:** Interested Person  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

### **CASE FILE NUMBER: LU 13-210522 CU**

#### **GENERAL INFORMATION**

**Applicant:** Joe Schiewe / Mustard Seed Enterprises  
1213 SE 13th Place / Canby, OR 97013

**Property-Owner:** St. Barnabas Parish / c/o Kenneth Ross  
2201 SW Vermont Street / Portland, OR 97219

**Site Address:** 2201 SW Vermont Street

**Legal Description:** Block1, Lot 6 & 7, Bertha; Block 1 inc 1/2 vac SW 21<sup>st</sup> Avenue w of & adj Lot 8 & 9, Lot 10 & 11, Bertha; Block 2 inc pt vac st Lot 1, Lot 2-5, Lot 12-15; inc pt vac st Lot 16, Bertha

**Tax Account No.:** R074300060, R074300080, R074300170

**State ID No.:** 1S1E16CC 10800, 1S1E16CC 09400, 1S1E16CC 09500

**Quarter Section:** 3627

**Neighborhood:** Hillsdale, contact Duane Hunting at 503-245-7998

**Business District:** Hillsdale Bus. & Professional, contact Mike Roach at 503-246-8311

**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

**Plan District:** Hillsdale

**Zoning:** R2d Multi-Dwelling Residential, with a Design overlay zone

**Case Type:** Conditional Use (CU)

**Procedure:** Type II, Administrative decision with appeal to Hearings Officer

#### **PROPOSAL**

The applicant is requesting to reduce the site boundary of an existing Conditional Use that is currently developed with a church. The portion of the site that will be removed from the boundary (identified as Tax Lots 6, 7, 10 and 11, Block 1, Bertha) is located at the east end of the site, and is 20,000 square feet in size. The remaining church site will be 70,000 square feet. A portion of the site to be removed from the boundary of the Conditional Use is currently developed with a 3,330 square foot, one-story building (the "annex") that was previously used as accessory space for the church. No required development associated with the church is located on this portion of the site. The existing church building will be set back 20.42 feet from the west side lot line of the lots to be removed from the Conditional Use boundary. The accessory building on the portion of the site to be removed from the boundary will be set back

6.3 feet from the east lot line of the remaining Conditional Use site. An existing parking lot in the southeast corner of the Conditional Use site will be reconfigured slightly to accommodate a five foot wide landscaped setback along the revised eastern boundary of the Conditional Use site.

The Zoning Code states that a change to an existing Conditional Use that results in a loss of site area is subject to a Type II Conditional Use review if such a change does not take the Conditional Use site out of conformance, or further out of conformance, with any development standards (such as minimum lot area, minimum building setbacks, minimum required parking, etc.). Therefore, the applicant is requesting a Type II Conditional Use review to reduce the site area of the existing Conditional Use.

If the Conditional Use Review is approved, the applicant will be requesting under a separate review (13-210530 PR) a Lot Confirmation for Lots 10 and 11, located on the northern one-half of the portion of the site to be removed from the Conditional Use boundary. The Lot Confirmation process verifies lots as having legal status and being eligible for development.

#### **RELEVANT APPROVAL CRITERIA**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Zoning Code Section 33.815.105 (Institutional and Other Uses in R Zones.)

#### **ANALYSIS**

**Site and Vicinity:** The existing Conditional Use site, approximately two acres in size, is located in the Hillsdale neighborhood on the north side of SW Vermont Street, generally between SW 19<sup>th</sup> Avenue and SW 23<sup>rd</sup> Place. The property is developed with a main church and school building located toward the center of the site, as well as an annex located on the east side of the lot (on the portion of the site to be removed from the Conditional Use boundary). Surface parking lots are located on the west side of the site and on the eastern portion of the site. Both parking lots will remain within the Conditional Use boundaries for use by the church and school.

The surrounding area within a one block radius is developed predominantly with lower to middle-density multi-dwelling residences, interspersed with some single-dwelling residences. An institutional use (Greater Portland Bible Church) is located directly south of the subject site, across SW Vermont Street.

**Zoning:** The site is located in a Multi-Dwelling Residential 2,000 (R2) zone, with a Design (“d”) overlay. It is also located in the Hillsdale Plan District.

The use regulations of the Multi-Dwelling zones are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for nonresidential uses but not to such an extent as to sacrifice the overall residential neighborhood image and character. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City’s character. The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone.

The Design overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or

compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The regulations of the Hillsdale plan district promote compatibility between existing and new residential and commercial development, and support the Hillsdale Town Center.

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

- LUR 99-00404 CU: Approval in 1999 of a Conditional Use to allow the establishment of the proposed Portland Friends School, including the extended care program.
- LUR 01-00119 CU DZ: Approval in 2001 of a Design Review and Conditional Use for a proposal to install up to 9 panel antennas on the existing chimney of the church, and to construct an addition on the north face of the building.
- LU 02-126172 DZM: Approval of a Design Review in 2002 to allow the installation of two additional antennas on the roof of the existing church building.
- LU 04-165574 CU: Approval of a Conditional Use in 2004 for the installation of four flush-mounted replacement antennas on the existing church chimney.

**Agency Review:** A Notice of Proposal was mailed October 14, 2013. The following City bureaus have responded with no issues or concerns regarding the requested land use review:

- Bureau of Environmental Services (Exhibit E.1);
- Portland Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Police Bureau (Exhibit E.5);
- Bureau of Development Services Site Development Section (Exhibit E.6); and
- Portland Parks & Recreation – Urban Forestry Division (Exhibit E.7).

The Bureau of Development Services Life Safety Plans Examiner responded that when site boundary lines change, existing structures must be evaluated for adequate fire protection of exterior walls (Exhibit E.8). When exterior walls are less than 30 feet from a property line, the interior wall must be one-hour fire rated construction. Exterior walls 10 feet or closer to a property line must be one-hour fire rated for exposure to fire from both the interior and exterior. For the subject site, the main church building will be 20.42 feet from the new site boundary, and the accessory structure on the eastern portion of the site will be 6.3 feet from the new boundary of the Conditional Use. To ensure that the remaining buildings meet this requirement following the change in the Conditional Use boundary, a condition of approval will require that prior to approval of the Lot Confirmation for Lots 10 and 11 that the applicant will apply for, and receive final inspection of, a building permit that demonstrates the exterior wall fire protection requirements are met for existing buildings located within 30 feet of the new Conditional Use boundary. The two buildings subject to this requirement are identified as Buildings A and B on the site plan (Exhibit C.1).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 14, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### Conditional Uses

#### 33.815.040 Review Procedures

#### B. Proposals that alter the development of an existing conditional use.

**Findings:** Paragraph 2.a(2) of this Zoning Code section states that when there will be a net loss in Conditional Use site area that will not take the site out of conformance, or further out of conformance, with a development standard, a *Type II* Conditional Use review is triggered. Paragraph 2.b of this Zoning Code section states that all other alterations to the site are reviewed as a *Type III* Conditional Use review.

The development standards for churches (considered an institutional use) in Multi-Dwelling zones are identified in Zoning Code Section 33.120.277. The principal development standards are listed in Table 120-5, and are as follows:

- Minimum Site Area: 10,000 square feet.

The Conditional Use site, following the removal of Tax Lots 6, 7, 10 and 11, Block 1, Bertha, will be 70,000 square feet. This standard will continue to be met.

- Maximum Floor Area Ratio: 2 to 1.

The floor area ratio following the reduction in the Conditional Use boundary will be approximately 0.25 to 1. This standard will continue to be met.

- Maximum Height: 75 feet.

Reducing the size of the Conditional Use boundary is unrelated to building height.

- Minimum Building Setback: One foot back for every two feet of building height, but in no case less than 10 feet.

The main church building (identified as Building A on the attached site plan), is approximately 35 to 40 feet in height, which requires a minimum setback of 17.5 to 20 from the new Conditional Use boundary. As this building will be set back 20.42 feet from the new boundary of the Conditional Use site, this standard will continue to be met.

A second building (Building B on the attached site plan) will also be proximate to the new eastern boundary of the Conditional Use site. However, this building will now be located outside the Conditional Use boundary site. As such, the minimum building setback standard for non-institutional uses in the R2 zone will apply. The R2 zone requires a minimum building setback from side lots ranging from five feet to 14 feet, depending on the area of the building wall facing the lot line. As the building wall area of this building facing the side lot line will be less than 1,000 square feet, a five foot setback would be required. Because this wall will be set back 6.3 feet from this side lot line, the standard will continue to be met.

- Maximum Building Coverage: 70 percent of the Conditional Use site.

The building coverage on the remaining Conditional Use site will be approximately 21 percent. This standard will continue to be met.

- Minimum Landscaped Area: 20 percent of the Conditional Use site.

The landscaped area on the remaining Conditional Use site will be approximately 38 percent. This standard will continue to be met.

- Buffering from an Abutting Residential Zone: 10 foot wide area landscaped to the L3 standard.

The L3 standard, as identified in Zoning Code Section 33.248.020.C, consists of trees planted 15-30 feet on center (depending on the size of trees), and shrubs that will form

a six foot high screen. The landscaping between the existing church site and the adjacent residentially zoned lots does not currently meet the L3 standard. Therefore, the request will not take the site further out of conformance with this standard. However, as noted later in this decision, additional landscaping will be required along the new eastern boundary of the Conditional Use site to meet the “Physical Compatibility” approval criterion.

- Buffering Across the Street from a Residential Zone: 10 foot wide area landscaped to the L1 standard.

The L1 standard, as identified in Zoning Code Section 33.248.020.A, consists of trees planted 15-30 feet on center (depending on the size of the trees). The requested Conditional Use has no impact on this standard.

- Minimum Setback for Detached Accessory Structures: 10 feet.

There are no identified accessory structures on the site that would be affected by the request to reduce the boundary of the Conditional Use site. This standard will continue to be met.

- Parking and Loading: Minimum of one on-site parking space per 100 square feet of main assembly area, or per Conditional Use. Loading requirements are also determined through the Conditional Use review.

The most recent Conditional Use review for this site was completed in 1999 (LUR 99-00404 CU). That review identified only the main parking lot, located on the western portion of the site, for use by the church and accessory uses associated with the church. A small parking area located on the eastern portion of the site was identified in the prior land use review solely for use by the annex. Under the Conditional Use review being considered herein, the annex parking will remain on the Conditional Use site, and the annex building will be located outside the Conditional Use boundary. As such, no change to the number of existing parking spaces on the remaining Conditional Use site is proposed. (As discussed later in this decision, the annex will be limited to residential use following approval of this Conditional Use.)

The applicant has proposed minor modifications to the existing annex parking lot, which will shift the parking lot five feet to the west, with landscaping to the L2 standard installed along its eastern edge (see Exhibit C.1). This is required so that the annex parking lot in its entirety is located on the remaining Conditional Use site. To ensure that the reconfigured lot continues to meet the parking lot standards (including minimum stall and aisle dimensions, and perimeter landscaping), a condition will require that the applicant apply for and receive final inspection of a building permit for these changes. The final inspection must be completed prior to approval of the Lot Confirmation for Lots 10 and 11.

The garage for the annex building is currently accessed via the adjacent parking lot. Access to this garage will remain via the adjacent parking lot following the reduction in the Conditional Use boundary. To ensure that the building continues to have access to its required parking space in the garage, a condition of approval will require that prior to approval of the Lot Confirmation for Lots 10 and 11, an access easement must be recorded with Multnomah County that allows access to the garage through the remaining Conditional Use site.

The only other development standard of the Multi-Dwelling zones that is not included in Table 120-5 and that is relevant to this site is the requirement for a paved pedestrian connection between a building’s main entrance and the street. This standard will be unaffected by the requested to remove Tax Lots 6, 7, 10 and 11 from the boundary of the existing Conditional Use. The church building will continue to have a paved pedestrian connection that leads directly from the main entrance to the adjacent SW Vermont Street.

### Summary

As the request to remove Tax Lots 6, 7, 10 and 11 from the boundary of the existing Conditional Use site will not take the site out of conformance, or further out of conformance, with any of development standards that apply to institutions in this zone, the request can be processed as a Type II Conditional Use.

### **Conditional Uses**

#### **33.815.105 Institutional and Other Uses in R Zones**

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

**A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and

**Findings:** The residential appearance and function of the area will be increased by the request as there will be a decreased proportion of the site in institutional use. The existing 90,000 square foot site that is entirely in institutional use (a church and school) will be reduced in area, returning 20,000 square feet of land area to residential use. Promoting opportunities for residential use is consistent with the purpose and function of the underlying R2 zone. Removing Tax Lots 6, 7, 10 and 11 from the Conditional Use boundary will be consistent with the desired appearance of the residential zone as now only those uses allowed outright by the R2 zone would be permitted on these lots. Any future changes to development on the lots removed from the boundary would be required to meet the same R2 zone standards that apply to surrounding residential properties along the adjacent SW Vermont Street and SW Idaho Street frontages.

While the existing annex (Building B) is currently used in association with the church and therefore has current status as a Conditional Use, this status will be lost once it is removed from the boundary of the Conditional Use. Any future use of the annex building would be limited to uses allowed outright in the R2 zone, unless a future review allows a new Conditional Use. To clarify the use status of the annex, a condition will be included that states only those uses allowed by the base zone are permitted on the properties removed from the Conditional Use boundary. The establishment of a Conditional Use on these properties would require Conditional Use review.

With the condition of approval, this criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** Removing the property from the boundary of an existing Conditional Use precludes the opportunity for it to be developed for a non-Household Living use (unless approved by a future Conditional Use review). Removing the property from the boundaries of the existing church precludes the property from being used for the expansion of the church, or any other institutional use, which would potentially increase the intensity and scale of a non-Household Living use in this residential

neighborhood. Being located outside the Conditional Use boundary, the property can only be used for development that meets the standards of the underlying R2 Multi-Dwelling zone.

This criterion is met.

**B. Physical compatibility.**

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

**Findings:** City-designated scenic resources are identified in the *Scenic Views, Sites and Drives Inventory*, published in March 1989. This document does not identify any scenic resources on the subject site. As such, this criterion 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, and landscaping; **or**
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

**Findings:** As stated above, development on the lots to be removed from the Conditional Use boundary will be required to conform to the standards of the underlying R2 Multi-Dwelling zone. These standards regulate such things as maximum building height, minimum building setbacks, and maximum building coverage. These are the same standards that regulate development in the surrounding residential neighborhood that is mapped with the R2 zone. As such, the appearance of development on the lots to be removed from the Conditional Use boundary will be more compatible with the intended style of residential development in the neighborhood than development allowed under the more permissive institutional standards.

Typically, sites in multi-dwelling zones that are developed with institutional uses are required to be screened from adjacent residential uses with a 10 foot wide landscape buffer that meets the L3 standard. While the existing Conditional Use site does not have landscaping along its eastern boundary that meets the L3 standard, there are mature deciduous trees along a portion of this boundary, and mature shrubs along other portions of the boundary. This landscaping currently helps screen the institutional use from residential uses to the east. By removing Lots 6, 7, 10 and 11 from the Conditional Use boundary, the beneficial impacts of this screening will be lost. To address this loss of screening and meet the intent of this criterion to mitigate differences in appearance or scale through such means as landscaping, a condition of approval will require the installation of a 10 foot wide landscape buffer meeting the L3 standard along the new eastern boundary of the Conditional Use site, north of the parking area (see Exhibit C.1).

As proposed and with the condition of approval, this criterion is met.

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

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

**2. Privacy and safety issues.**

**Findings:** The proposal will increase livability for the surrounding residential neighborhood by removing the lots from the boundary of a Conditional Use. Being

within the boundary of a Conditional Use, the lots could be developed and used for an institutional use that has the potential to have impacts related to noise, glare, late night operations, odors, litter, privacy and safety that are different than those associated with an allowed residential use. The proposal will remove the potential for the lots to be developed with an institutional use and allow them to be used and/or redeveloped for residential purposes.

This criterion is met.

#### **D. Public services.**

##### **1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;**

**Findings:** The streets adjacent to the portion of the site to be removed from the Conditional Use boundary, SW Vermont Street and SW Idaho Street, are designated in the Transportation Element of the *Comprehensive Plan* as follows:

<b>Street</b>	<b>Traffic</b>	<b>Transit</b>	<b>Bicycle</b>	<b>Pedestrian</b>	<b>Freight</b>
SW Vermont	Neighborhood Collector	Community Transit	City Bikeway	Pedestrian District	n/a
SW Idaho	Local	Local	Local	Pedestrian District	n/a

##### Traffic

Policy 6.5.E of the *Comprehensive Plan* states that intended land uses and development located along Neighborhood Collectors should not attract a significant volume of traffic from outside the neighborhood. Policy 6.5.F of the *Comprehensive Plan* states that intended land uses and development along Local Service Traffic Streets should discourage auto-oriented uses from using such streets as their primary access. The request to reduce the Conditional Use boundary is consistent with the intended use and development along both traffic street classifications. The request returns the property to be removed from the boundary to residential use, which will not attract significant traffic from outside the neighborhood, nor allow auto-oriented uses.

##### Transit

Policy 6.6.C of the *Comprehensive Plan* which addresses Transit Access Streets contains no specific intents for desired land uses and development on such transit streets when located in a multi-dwelling residential zone. Policy 6.6.E of the *Comprehensive Plan* which addresses Local Service Transit Street states land uses along such streets should give preference to access for individual properties and to specific needs of property-owners and residents along such street. The request to remove the four lots from the Conditional Use boundary in no way impacts the ability of SW Idaho Street to access individual properties along the streets. As such, the Conditional Use request is supportive of the identified transit designations.

##### Bicycle

Auto-oriented uses are discouraged from locating on designated City Bikeways (Policy 6.7.A). As the land use review request will remove property from the boundary of an institutional Conditional Use and return it to multi-dwelling residential use (a non auto-oriented use), the request is supportive of this Policy 6.7.A. There are no preferred land use or development patterns identified in Policy 6.7.C for Local Service Bikeways

##### Pedestrian

Land uses within Pedestrian Districts are intended to allow a transit-supportive density of residential and commercial uses that support pedestrian activity (Policy 6.8.A). Auto-oriented uses are discouraged. As the land use request will allow multi-dwelling



residential development on the lots to be removed from the boundary, with this development having the potential to support pedestrian activity, the request is supportive of the Pedestrian District designation. Additionally, auto-oriented development will not be allowed on the lots to be removed from the boundary, thereby also supporting the Pedestrian District designation.

#### Summary

As the request is supportive of the street designations mapped along the adjacent SW Vermont Street and SW Idaho Street, this criterion is met.

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

**Findings:** PBOT reviewed the Conditional Use request for conformance with this approval criterion (Exhibit E.2). PBOT found that as the number of on-site parking spaces for the remaining Conditional Use will be unchanged, with no change in use on the Conditional Use site, there will be no impact on the transportation system. As proposed, PBOT has no objections to the request, and finds this criterion is met.

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

**Findings:** The affected service bureaus have responded with the following comments:

#### Portland Water Bureau

The Portland Water Bureau notes that there is an existing two inch metered service which provides water to this location from an existing 12 inch water main in SW Vermont Street (Exhibit E.3). The Water Bureau has reviewed the requested land use review for its potential impact on water supply, and has no objections.

#### Portland Fire and Rescue

Portland Fire and Rescue has no issues with the ability of their bureau to serve the subject site (Exhibit E.4).

#### Police Bureau

The Police Bureau reviewed the proposed land use request and determined the bureau is capable of serving the proposed change at this time (Exhibit E.5).

#### Bureau of Development Services Site Development Section

The Bureau of Development Services Site Development Section noted that structures on the site at 2201 and 2025 SW Vermont were connected to sewer at the time they were constructed (Exhibit E.6). Site Development has no issues with the request to remove the lots from the boundary of the Conditional Use.

#### Bureau of Environmental Services

The Bureau of Environmental Services (BES) reviewed the Conditional Use request for conformance with this approval criterion (Exhibit E.1), and provided the following comments:

Existing Sanitary Infrastructure:

- There is an 8-inch concrete public sanitary gravity sewer located in SW Vermont Street that can serve the sanitary disposal needs of this project (BES project # 1834).
- There is an 8-inch concrete public sanitary gravity sewer located in a portion of SW Idaho Street that can serve the sanitary disposal needs of this project (BES project # 1834).
- There is an 8-inch concrete public sanitary gravity sewer located in a portion of SW Idaho Street that can serve the sanitary disposal needs of this project (BES project # 1834).
- No development and, therefore, no additional discharges of sanitary waste disposal are currently being proposed. The public sanitary sewer system available to this site is capable of serving the sanitary waste disposal needs of this site.
- BES' adequacy of public services approval criteria for sanitary service has been met.

Existing Stormwater Infrastructure:

- There is a 12-inch concrete public storm-only sewer that transitions to a 10-inch concrete public storm-only sewer located in SW Vermont Street (BES project # 2970).
- No new or redeveloped impervious area and, therefore, no additional discharges of stormwater disposal is currently being proposed. The public storm sewer system available to this site is capable of serving the stormwater disposal needs of this site. *(Note: The applicant has proposed minor modifications to the east parking lot; if these changes result in new impervious surface of 500 square feet or more, BES' Stormwater Management Manual requirements will be triggered. Conformance with the Manual will be determined at the time of building permit review.)*
- BES' adequacy of public services approval criteria for stormwater management has been met.

Based on these findings, BES finds that the adequacy of services approval criterion for sanitary waste disposal and stormwater disposal has been met, and does not object to approval of the Conditional Use application.

Summary

Based on the comments from the relevant service bureaus, public services are capable of serving the property to be removed from the Conditional Use boundary, and this criterion 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 located within the boundaries of the *Hillsdale Town Center Plan* and the *Southwest Community Plan*, adopted by City Council in November 1997 and July 2000, respectively. On balance, the requested Conditional Use is consistent with the relevant policies and objectives of these plans, as identified below:

*Hillsdale Town Center Plan*

- Policy 1. Land Use:  
Reinforce Hillsdale's identity as a vibrant town center that contains a diverse and vital mix of housing types, neighborhood commercial establishments, community services, open spaces, and places for community gatherings.

Policy 7. Housing

Create a diversity of well designed housing within and close to Hillsdale's commercial center.

*Comment:* The Conditional Use request proposes removing 20,000 square feet of property from the boundary of a Conditional Use site, which will allow for the development of up to 10 dwelling units given the maximum density allowance of the underlying R2 zone. This development potential will increase the mix of housing types within the Town Center Plan boundaries, and close to the neighborhood's commercial center along SW Capitol Highway.

**Policy 4. Urban Design:**

Enhance Hillsdale's character and livability as an attractive urban village by fostering design excellence.

*Comment:* One of the objectives under this policy is to ensure that developers work interactively on project design so that new projects are compatible with existing commercial and residential neighborhoods and reflect the community. If the residential site to be removed from the Conditional Use boundary is to be developed with a multi-dwelling of five or more residential units, the developer will be required to satisfy the Neighborhood Contact requirement. This requires that prior to submitting a building permit application to the City, the developer must first contact the Hillsdale Neighborhood Association and request a meeting to discuss the proposal and solicit comments. The intent of the Neighborhood Contact requirement is to promote early communication between the developer and neighborhood residents, to identify ways to improve the proposal, and to resolve any conflicts before submitting a building permit application.

Southwest Community Plan

- Land Use and Urban Form Policy

Enhance Southwest Portland's sense of place as a community and a collection of distinct neighborhoods. Accommodate Southwest Portland's share of regional growth while protecting the environment in all areas. Encourage the realization of compact, transit and pedestrian-friendly, mixed-use centers while responding to the need for a range of housing types and prices. Outside of the mixed-use areas, allow infill housing opportunities which increase neighborhood diversity, stability and home ownership while limiting redevelopment.

*Comment:* Relevant objectives included under the Land Use and Urban Form policy include:

- ensure compatibility of new development with Southwest Portland's positive qualities;
- focus and encourage new housing in town centers; and
- encourage development within town centers that enhance commercial vitality.

The request to remove property from the boundary of the Conditional Use and allow its future development for housing in conformance with the underlying multi-dwelling zoning is supportive of this general policy and specific objectives. The Conditional Use request will allow up to 20,000 square feet of land area to be developed for multi-dwelling housing on a site located within the Hillsdale Town Center. This housing will be required to meet all the development standards of the R2 base zone, unless Adjustments are requested. Any future Adjustments would be reviewed through a separate public land use review process. Additionally, as noted above, development including five or more dwelling units would be subject to the Neighborhood Contact requirement, which allows neighborhood residents to meet with the developer and identify issues or make suggestions on the proposal.

- Housing Policy

Provide a variety of affordable housing choices adequate to meet the needs of current and future Southwest residents. Regard the existing housing stock as one resource to meet this need. Encourage development of housing types that will increase home ownership opportunities for Southwest residents.

*Comment:* Removing the 20,000 square foot portion of the site from the Conditional Use boundary allows by-right development of housing which will contribute to a diverse housing stock for the neighborhood.

#### Summary

As proposed, the request will be supportive of the relevant policies and objectives of the *Hillsdale Town Center Plan* and the *Southwest Community Plan*, and this criterion is met.

## **DEVELOPMENT STANDARDS**

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

## **CONCLUSIONS**

With conditions, the applicant has demonstrated the applicable approval criteria for the Conditional Use request have been met. The request will reduce the amount of land in the neighborhood that is in institutional use, thereby reducing the potential for increased intensity associated with institutional development. The type of uses and scale of development on the property to be removed from the boundary of the Conditional Use will be in keeping with that intended for residential development in the surrounding R2 zone. Issues of livability sometimes associated with an institutional use such as glare, noise, late night operations and litter are less a factor with residential development that will now be allowed outright on the property. Additionally, City service bureaus have determined public services are adequate to serve development allowed by this land use review.

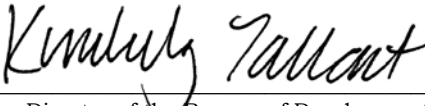
## **ADMINISTRATIVE DECISION**

**Approval** of a Conditional Use (Zoning Code Section 33.815.105) to allow the property identified as Tax Lots 6, 7, 10 and 11, Block 1, Bertha, and as illustrated in Exhibit C1, to be removed from the boundaries of an existing Conditional Use site, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 13-210522 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Prior to approval of the Lot Confirmation for Lots 10 and 11, the applicant will apply for, and receive final inspection of, a building permit that demonstrates the exterior wall fire protection requirements are met for existing buildings located within 30 feet of the new Conditional Use boundary. The two buildings subject to this requirement are identified as Buildings A and B on the site plan (Exhibit C.1).

- C. Prior to approval of the Lot Confirmation for Lots 10 and 11, the applicant will apply for and receive final inspection of modifications to the east parking lot (as illustrated on Exhibit C.1).
- D. Prior to approval of the Lot Confirmation for Lots 10 and 11, an access easement must be recorded with Multnomah County that allows access to the garage for Building B through the remaining Conditional Use site.
- E. Only uses allowed by the base zone are permitted on the properties removed from the Conditional Use boundary. The establishment of a Conditional Use on these properties requires Conditional Use review.
- F. Prior to approval of the Lot Confirmation for Lots 10 and 11, the applicant will apply for and receive final inspection for the installation of a 10 foot wide landscape buffer meeting the L3 standard along the new eastern boundary of the Conditional Use site, north of the parking area (see Exhibit C.1 for location).

**Staff Planner: Douglas Hardy**

**Decision rendered by:**  **on November 8, 2013.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: November 12, 2013**

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

**Procedural Information.** The application for this land use review was submitted on September 27, 2013, and was determined to be complete on October 14, 2013.

*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 September 27, 2013.

*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 February 11, 2014.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 26, 2013**, at 1900 SW Fourth Avenue. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

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

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

**Recording the final decision.**

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

- *Unless appealed*, the final decision may be recorded on or after **November 27, 2013**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

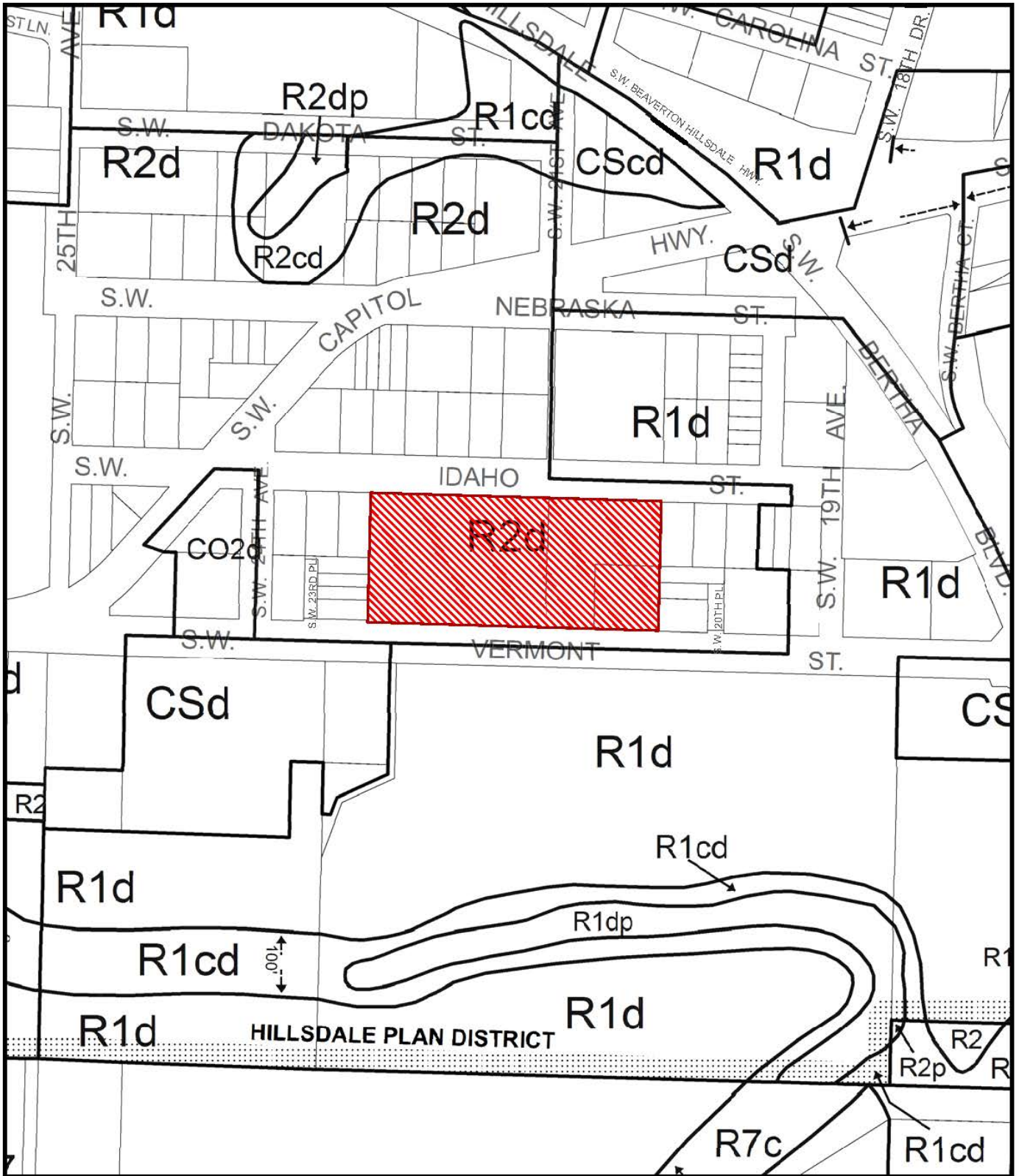
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Proposed Lot Confirmation for Lots 10 and 11 (for reference only)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Bureau of Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Police Bureau
  - 6. Bureau of Development Services Site Development Review Section
  - 7. Portland Parks & Recreation Urban Forestry Division
  - 8. Bureau of Development Services Life Safety Plans Examiner
- F. Correspondence (none)
- G. Other:
  - 1. Original LU Application
  - 2. Letter of Incompleteness, dated October 7, 2013

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



# ZONING



Site



NORTH

This site lies within the:  
HILLSDALE PLAN DISTRICT

File No.	LU 13-210522 CU
1/4 Section	3627
Scale	1 inch = 200 feet
State_Id	1S1E16CC 9500
Exhibit	B (Oct 01, 2013)



PROPERTY TO BE REMOVED FROM CONDITIONAL USE BOUNDARY

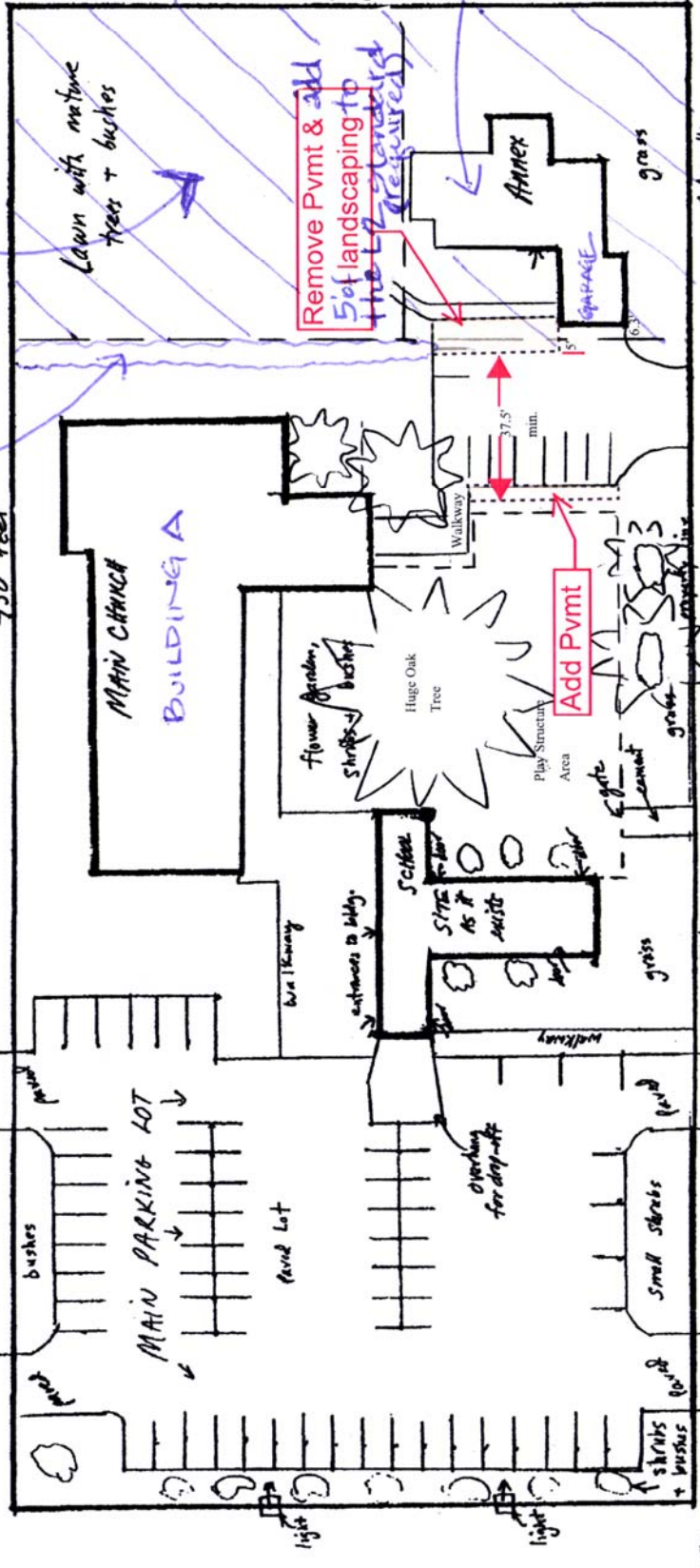
10' L.D. LANDSCAPING REQUIRED

North

S. W. Idaho

450 feet

190 feet



Scale:

(no development, use only)

SITE PLAN - 2201 S.W. VERMONT

190' x 450' = 85,500 sq. ft. total lot area

Approx. 58 parking spaces in upper (west) lot