



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

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**Date:** July 14, 2014  
**To:** Interested Person  
**From:** Hillary Adam, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 14-127782 DZM – NEW MULTI-DWELLING BUILDING – “TREEHOUSE”**

#### **GENERAL INFORMATION**

**Applicant:** Calista Fitzgerald, Architect / LRS Architects  
720 NW Davis Ste 300 / Portland, OR 97209  
  
Thomas Robinso & Jonathan Heppner Lever Architecture  
239 NW 13th Avenue Ste 303 / Portland, OR 97209

**Owner:** Anyeley Hallova / 3440 USV LLC  
413 SW 13th Ave #300 / Portland, OR 97205-2305  
  
Brian Newman / OHSU  
3181 SW Sam Jackson Park Rd / Portland, OR 97239

**Site Address:** 3440 SW US VETERANS HOSPITAL RD (primary development site)  
3181 WI SW SAM JACKSON PARK RD (site with portions of accessory parking area)

**Legal Description:** TL 8200 0.31 ACRES, SECTION 09 1S 1E; TL 8100 0.32 ACRES, SECTION 091S1E

**Tax Account No.:** R991090900

**State ID No.:** 1S1E09AC 08200; 1S1E09AC 08100

**Quarter Section:** 3428; 3328

**Neighborhood:** Homestead, contact Anton Vetterlein at 503-866-1667.

**Business District:** None

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

**Plan District:** Marquam Hill

**Zoning:** EXd – Central Employment with Design overlay

**Case Type:** DZM – Design Review with Modification requests

**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant proposes a new 7-story apartment building with 69 residential units, a ground floor retail space, and rooftop deck. Twelve existing parking spaces are proposed to be reconfigured to serve the new building. Bicycle parking will be provided with 80 long-term spaces and 30 short-term spaces. Proposed exterior materials include metal panel, painted concrete, aluminum storefront systems, black vinyl window systems, steel, and Ipé decking.

Modifications are requested to the following standards:

- 33.555.260 *Formal Open Areas in Subdistricts A through D* to reduce the amount of formal open area required to zero square feet; and
- 33.266.220.C *Standards for all bicycle parking* to reduce the required 2'-0" width to 1'-6" for 24 of the 78 required long-term bicycle parking spaces; and
- 33.266.130.G *Parking area setbacks and landscaping* to reduce the required landscaped setback along the unimproved SW 9<sup>th</sup> Avenue from 5' of L2 to 0'.

Chapter 33.266.110 *Minimum Required Parking Spaces* indicate that 23 parking spaces are required. The applicant has elected to utilize the provisions of 33.266.110.E *Exceptions to the minimum number of parking spaces* to reduce the number required to 12. As such the applicant proposes the following:

- Preservation of 2 trees of caliper greater than 12" diameter to reduce by 2 spaces;
- Provision of 25 additional bike parking spaces to reduce by 5 spaces;
- Provision of a transit-supportive plaza to reduce by 2 spaces; and
- Provision of 1 car share stall to reduce by 2 spaces.

Design Review is required because the proposal is for a development proposal in the Marquam Hill Plan District.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- Marquam Hill Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The subject property is comprised of two parcels, at the western edge of the Oregon Health Sciences University (OHSU) campus and the Marquam Hill Plan District boundary. The primary redevelopment parcel is privately owned and its southern property line fronts on SW US Veterans Hospital Road as it loops around the campus connecting SW Gaines to SW Sam Jackson Park Road. The secondary parcel, owned by OHSU, is located directly north of the primary parcel and provides vehicular access to the subject property and also hosts some of the proposed parking for the proposal, similar to the existing configuration. The OHSU campus lies to the east of both properties with an undeveloped paper street, SW 9<sup>th</sup> Avenue, on the west. An existing driveway traverses SW 9<sup>th</sup> Avenue to connect the parking areas, including an OHSU parking garage immediately to the east of the site, to SW US Veterans Hospital Road. An existing public staircase also provides pedestrian access from the subject property to SW US Veterans Hospital Road which is at an elevated grade as the site slopes steeply downward from the southwest to the northeast.

Across SW US Veterans Hospital Road are various OHSU facilities of varying age, scale, and style. To the west across SW US Veterans Hospital Road are 1- and 2-story multi-dwelling structures. Additional 1- and 2-story single and multi-dwelling structures are located further up the hill to the south and west. SW US Veterans Hospital Road is designated a City Bikeway, a City Walkway, a Neighborhood Collector Street, and a Transit Access Street in the City's Transportation Plan.

The subject property is currently developed with a building originally constructed in 1942 as a multi-dwelling structure that had been used as the Ronald McDonald House for the past few

decades. The existing building which appears to be 1-story from the road and at least 3 stories from the rear, is to be demolished.

**Zoning:** The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- EA 13-200262 APPT – Early Assistance Appointment for the current proposal;
- EA 14-128879 PC – Pre-Application Conference for the current proposal;
- LU 14-142273 CU – Conditional Use Approval to allow Household Living in Subdistrict B of the Marquam Hill Plan District for the current proposal.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 14, 2014**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The **Bureau of Environmental Services** responded, noting the existence of an abandoned sewer and associated easement across the property, and noting that a quit-claim had been initiated by the applicant. No conditions of approval were requested. Please see Exhibit E-1 for additional details.

The **Site Development Section of BDS** responded, noting that the site was in a Potential Landslide Hazard Area, stating that additional information may be required at the time of permit. Please see Exhibit E-2 for additional details.

The **Bureau of Transportation Engineering** responded, noting that the applicant had received approval to maintain the existing sidewalk configuration due to the steep slopes on the site. Please see Exhibit E-3 for additional details.

The **Life Safety Division of BDS** responded, noting several Building Code sections that may need to be further addressed. Please see Exhibit E-4 for additional details.

*Staff Response:* The applicant has since held a Preliminary Life Safety Meeting and has addressed many of the Life Safety concerns.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 14, 2014. One written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

- Anton Vetterlein, Representative for the Homestead Neighborhood Association Land Use Committee, on June 4, 2014, wrote indicating that the group took no official position on the project as they were waiting to see the transportation study, which was submitted for the Conditional Use proposal. He noted that the group’s concerns were mostly related to parking and hoped that the project will result in a net reduction of vehicle trips due to its proximity to OHSU and transit service.

*Staff Response:* Staff provided the transportation study to the Mr. Vetterlein. No additional comments were provided regarding the proposal. The public hearing for the Conditional Use proposal, to allow household living in the Marquam Hill Plan District, was held with the Hearings Officer on July 9, 2014 and was approved.

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW (33.825)

#### 33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

#### Section 33.825.055, Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d) and requires Type II Design Review approval. Because the site is located within the Marquam Hill Plan District, the applicable design guidelines are the Marquam Hill Design Guidelines.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

#### Marquam Hill Design Guidelines

**1. Enhance Views of Marquam Hill.** Enhance views of Marquam Hill in visually prominent new development by emphasizing verticality, de-emphasizing a building's overall mass, and/or articulating building facades.

**Findings:** Heights in the Marquam Hill Plan District are measured from sea level, rather than from adjacent grade, as is more common in the Portland Zoning Code. While the proposed building is taller than most of the nearby residential buildings outside of the district, it will be shorter than most of the prominent buildings on the hill and is unlikely to be seen from great distances, as this particular area is limited to 610' above sea level, with surrounding areas able to achieve heights anywhere from 615' to 710' above sea level. Nevertheless, verticality is emphasized in the building's design, as it is a seven-story building designed to abstractly reference the surrounding forest-like quality of Marquam Hill. The vertically-oriented metal panels have a chevron form that varies across each panel to add texture and break up the mass of the planes. In addition, the building is designed with a skewed octagonal footprint which further breaks up the planes of the façade. *This guideline is met.*

**2. Develop Integrated Building Rooftops.** Size and place rooftop penthouses, mechanical equipment and related screening elements to mitigate their impacts on views of the buildings. Consider the incorporation of rooftop gardens and/or roof-level stormwater management systems to enhance views of and views onto the rooftops of buildings and parking structures.

**Findings:** The rooftop penthouse is located in the center of the building and is proposed to provide access to a rooftop deck with benches, fire pit and planters at the eastern side of the roof where it would have the best views and be most visible to taller surrounding buildings. The building's façade extends above the roof to create a parapet which will also

serve as a safety guardrail and screen for the rooftop mechanical units. *This guideline is met.*

**3. Maintain and Enhance Views from Marquam Hill.** Maintain and enhance views from existing designated viewpoints.

**Findings:** Each of the designated viewpoints on Marquam Hill are located to the east of the subject property and are directed eastward, therefore the proposed building will not impact these views. *This guideline is not applicable.*

**4. Develop Successful Formal Open Areas.** Orient formal open areas to take advantage of available sunlight, existing and potential visual connections, pedestrian movement, building entries, and adjacent active uses. Ensure that formal open areas provide visual, spatial, and tactile relief from the density of Marquam Hill's institutional development. Depending on their desired functions, consider the incorporation of public amenities in formal open areas.

**Findings:** The applicant is requesting a Modification to the requirement to provide a Formal Open Area on the site, which is further addressed below under (2) Modifications. However, staff notes that proposed design does include amenity spaces in the design of the building's two primary entrances. The lower commercial entrance area includes decking, planters, flow-through stormwater planters, and seating which add interest as well as a space for passive recreation and enjoyment of the outdoors. Staff notes that the site is steeply sloped with a number of existing trees on the subject property as well as adjacent properties limiting access to sunshine, particularly on the low side of the site.

At the primary residential entrance on the south side of the building, the applicant is proposing a wide accessible catwalk with seating, which serves as a transit-supportive plaza for the nearby bus stop as well as a place to catch sunlight at this level. *This guideline is met.*

**5. Strengthen the Pedestrian Network.** Strengthen and enhance the pedestrian network and trail system by developing new segments that are safe, well-connected (both physically and visually), and rich in their amenities and material qualities.

**6. Support the Pedestrian Network with New Development.** Support the pedestrian network by developing building facades that create strong physical and visual connections to the system. Incorporate building equipment and/or service areas in a manner that does not detract from the pedestrian environment, including trails.

**Findings:** No changes are proposed to the existing pedestrian network; this is mostly due to the fact that the subject property only has approximately 125 feet of frontage on the existing network. The current sidewalk will remain, as well as the existing stair just west of the property. In addition to providing a necessary access point to the residential lobby, the applicant is proposing the front entry catwalk with seating as a public amenity; this catwalk will enhance the network at this location. In addition, the proposed building will increase visual connections to the pedestrian network as the entrance, as well as the fenestration across the building, is much more open and inviting than the existing building's narrow entrance catwalk and small windows. Support equipment and service areas are located and screened on the roof, and also at the basement level which is further removed from the pedestrian network by the building's basic footprint which is significantly pulled away from the sidewalk. *These guidelines are met.*

**7. Enhance Relationships with Adjacent Forested Areas and Terwilliger Parkway.**

Strengthen the relationships between new institutional development and adjacent forested areas or Terwilliger Parkway by working to reduce site impacts and enhance the integration of the built and natural environments. Incorporate building equipment and/or service areas to strengthen the natural qualities of adjacent forested areas or Terwilliger Parkway.

**Findings:** Although this guideline specifically references institutional development, staff notes that the applicant's design concept is an abstraction of the forest, intended to enhance the proposed building's relationship with the surrounding trees. The metal panels will be bronze in color which will contrast with the surrounding trees, their angled vertical ribs adding texture to the façade. The proposed building is set back from the street to preserve much of the hillside between SW US Veterans Hospital Road and the building. Additional plantings, including trees, are proposed to enhance the forest-like feel of Marquam Hill. As noted above, mechanical equipment is located at the basement and roof levels and will not detract from the surrounding forest. *This guideline is met.*

**8. Strengthen Connections to the Village Center.** Create an active, urban interface with the Village Center by incorporating pedestrian-level spaces that can accommodate a variety of active uses.

**Findings:** Staff notes that the guidelines indicate that the Village Center is envisioned to be redeveloped with 3- and 4-story mixed-use buildings, though this has not yet occurred. As such, the Village Center is still primarily developed with 2- and 3-story residential structures and feels slightly removed from the subject property. Given that the subject property steeply slopes away from the sidewalk which does not connect to any other retail services, locating retail directly at the street level is challenging. As such, the applicant opted to preserve the existing slopes as much as possible by locating the building away from the sidewalk and propose a catwalk to provide access to the residential lobby. A commercial retail space is located at the lowest level which is accessed from the street via an existing stairway, the sidewalk adjacent to the driveway, or potentially via the building elevator in the residential lobby. Visual connections are provided to both the lobby and the retail space through large windows which will increase the vibrancy at this location. *This guideline is met.*

**9. Further the Implementation of the Site Development Concepts.** Further the implementation of the functional areas, pedestrian, and vehicular circulation site development concepts.

**Findings:** The site development concepts suggest that the institutional core functions should interact with each other efficiently, that lower intensities should be at the edges of the campus, that the campus should provide opportunities to interact with the neighborhood, that pedestrian connections should be provided throughout the campus and connect to open spaces and other pedestrian networks in the surrounding neighborhood, and that vehicle trips should be minimized. Staff notes that the proposed development is located at the western edge of the campus, serving as a distinct marker of the boundary between the residential uses and the institutional uses in both its design and its use. While a multi-dwelling structure of this scale is more intense a use than the residences across SW US Veterans Hospital Road, it is a less intense use than the hospital functions at the core of the district. Existing pedestrian connections will be maintained and enhanced with seating options provided at the south entry catwalk and at the basement retail space. Vehicle trips will be limited, as the proposed development does not include an increase in vehicle parking spaces, as the required number of spaces has been reduced through a series of exceptions to maintain the existing number of spaces. *This guideline is met.*

## **(2) Modifications**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body

will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

**Modification #1:** 33.555.260 *Formal Open Areas in Subdistricts A through D* to reduce the amount of formal open area required to zero square feet;

*Purpose Statement:* The requirements of this section ensure that the institutionally-developed portions of the plan district contain an adequate amount of formal open area, such as plazas, courtyards, and similar features, that enhance the character of the area; provide opportunities for passive recreation and both formal and informal gatherings; and result in a network of attractive and integrated exterior spaces and pedestrian corridors that link buildings and various activities within the plan district. These formal open areas are medium to large spaces that are open to the public and are typically located along primary pedestrian routes. Small gardens and courtyards that are not generally accessible to the public and are developed primarily to serve as retreats for patients and their visitors, such as healing gardens or play areas for young patients or their visitors, are not formal open space areas.

*Standard:* 33.555.260 Formal Open Areas in Subdistricts A through D states that when more than 10,000 square feet of gross floor area is proposed, formal open areas must be developed until the maximum required in that subdistrict is reached. The standard states that each formal open area must be at least 2,000 square feet and must be able to fit a square 40' on a side entirely within it.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** Staff notes that the purpose of the standard specifically states that this standard was created to “ensure that *institutionally*-developed portions of the plan district contain an adequate amount of formal open area”; however, the actual standard does not exclude residentially-developed portions from this standard. Because the purpose of the standard specifies institutional development as the impetus for the standard, staff believes that the purpose of the standard is met by this residential development not providing a formal open area. Regardless, as noted above under Guideline #4 *Develop Successful Formal Open Areas*, the applicant is providing a transit supportive plaza at the front entry catwalk as well as outdoor seating area at the basement level retail space, both of which are for use by the public. While a 40' square area of formal open space is not provided, staff believes that the open areas proposed, including the landscaping, serve as an appropriate amount of open area for the scale of the proposed building. In addition, the scale and informality of the proposed open areas is more appropriate for the residential use proposed, as a larger, more formal, open area at this location would potentially increase the level of intensity at this edge site. As such, staff believes that Guideline #7 *Enhance Relationships with Adjacent Forested Areas and Terwilliger Parkway* is better met as the development will essentially shoehorn into the existing natural landscape on the west side, giving it a more natural integration with the adjacent forested area.

*Therefore this Modification merits approval.*

**Modification #2:** 33.266.220.C *Standards for all bicycle parking* to reduce the required 2'-0" width to 1'-6" for 24 of the 78 required long-term bicycle parking spaces.

*Purpose Statement:* These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

*Standard:* 33.266.220.C *Standards for all bicycle parking* states that a space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The applicant is required to provide 76 long-term bike parking spaces for the residential units and 2 long-term spaces for the retail unit, as well as 4 short-term residential spaces and 2 short-term retail spaces, for a total of 78 long-term and 6 short-term spaces. Thirty standard short-term spaces, including 24 provided as part of the minimum parking exceptions, 56 standard long-term spaces, including 2 which will accommodate irregular bicycles, and 24 long-term spaces at a reduced width are provided for a total of 110 spaces. The proposed racks will enable secure mounting for all bicycles. The reduced width of the 24 spaces allows for all required bicycle parking being concentrated in one central location at the ground floor, thus reducing wear and tear on the building and bicycle traffic throughout the building. Concentrating the bike parking at the ground level better meets Guideline #9 *Further the Implementation of the Site Development Concepts* as it reinforces the pedestrian network by reducing bicycle/pedestrian conflicts and helps to encourage reduced vehicle trips by making bicycles easily accessible.

*Therefore this Modification merits approval.*

**Modification #3:** 33.266.130.G *Parking area setbacks and landscaping* to reduce the required landscaped setback along the unimproved SW 9<sup>th</sup> Avenue from 5' of L2 to 0'.

*Purpose Statement:* The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.
- The setback and landscaping standards:
  - Improve and soften the appearance of parking areas;
  - Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
  - Provide flexibility to reduce the visual impacts of small residential parking lots;
  - Direct traffic in parking areas;
  - Shade and cool parking areas;
  - Reduce the amount and rate of stormwater runoff from vehicle areas;
  - Reduce pollution and temperature of stormwater runoff from vehicle areas; and
  - Decrease airborne and waterborne pollution.

*Standard: 33.266.130.G Parking area setbacks and landscaping states that where an E-zoned surface parking lot abuts a street, 5 feet of L2 landscaping must be provided at the perimeter.*

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and*
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** Due to the configuration of the existing development, the steep slopes of the site and other constraints, the applicant is proposing parking at the edge of the western property line. Staff notes that only two of the parking spaces are considered surface parking spaces, as the others are partially covered by the building above. Staff also notes that the western property line abuts an unimproved street, SW 9<sup>th</sup> Avenue, which features a significant number of trees and shrubs, and will most likely never be improved as it is immediately adjacent to SW US Veterans Hospital Road. Staff considers the existing plantings in SW 9<sup>th</sup> Avenue to be sufficient to meet the purpose of the standard, particularly since the two parking spaces subject to this standard have approximately 50 feet of landscaping between them and the sidewalk along SW US Veterans Hospital Road. In addition, requiring 5 feet of L2 landscaping at this location would result in the vehicles being pushed further back on the site, arguably making them more visible from the sidewalk than they currently are; staff does not believe that 5 feet of L2 landscaping would provide a significant screen that is not already provided by the existing 50 feet of landscaping.

*Therefore this Modification merits approval.*

## **DEVELOPMENT STANDARDS**

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

## **CONCLUSIONS**

The proposed building will provide additional housing opportunities close to the hospital and is designed, partly through its limited vehicular parking, to rely heavily on alternate modes of transportation. The applicant has indicated they intend to market the residential toward hospital workers and students in order to additionally limit tenants requiring a parking space. The building's abstract design concept inspired by the surrounding forest character is dynamic and will serve as a boundary marker between the adjacent lower-scaled residences and the larger hospital complex. Staff has found all relevant approval criteria to be met. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed design meets the approval criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of a new 7-story apartment building in the Marquam Hill Plan District to include 69 residential units, a ground floor retail space, and rooftop deck. Twelve existing parking spaces are proposed to be reconfigured to serve the new building. Bicycle parking will be provided with 80 long-term spaces and 30 short-term spaces. Proposed exterior materials include metal

panel, painted concrete, aluminum storefront systems, black vinyl window systems, steel, and Ipé decking.

Modifications are requested to the following standards:

- 33.555.260 *Formal Open Areas in Subdistricts A through D* to reduce the amount of formal open area required to zero square feet; and
- 33.266.220.C *Standards for all bicycle parking* to reduce the required 2'-0" width to 1'-6" for 24 of the 78 required long-term bicycle parking spaces; and
- 33.266.130.G *Parking area setbacks and landscaping* to reduce the required landscaped setback along the unimproved SW 9<sup>th</sup> Avenue from 5' of L2 to 0'.

This approval is per the approved site plans, Exhibits C-1 through C-36, signed and dated July 9, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 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-36. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-127782 DZM. No field changes allowed."

**Staff Planner: Hillary Adam**

**Decision rendered by:**  **on July 9, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 14, 2014**

**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 March 18, 2014, and was determined to be complete on **May 1, 2014**.

*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 March 18, 2014.

*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 waived the 120-day review period, as stated with Exhibit A-8. Unless further extended by the applicant, **the 120 days will expire on: April 30, 2015.**

**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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 28, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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 Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission 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 **July 29, 2014 – (the day following the last day to appeal).**

- 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

1. Narrative
2. Original Drawings
3. Additional Development Information
4. Preliminary Storm Water Report, dated March 14, 2014
5. Traffic Study, dated February 13, 2014
6. Early Assistance Appointment Summary, dated October 10, 2013
7. Partial Response to Completeness Letter, dated April 3, 2014
8. Request for Extension of 120-Day Review Period, dated April 15, 2014
9. Letter of Intent from Brian Newman (OHSU), dated April 25, 2014
10. Response to Completeness Letter from Christe White, dated April 30, 2014
11. Response to Completeness Letter from Calista Fitzgerald, dated May 1, 2014
12. Letter from Randall Dietel (Dero), received May 1, 2014
13. Color Samples, dated May 8, 2014
14. Revised Traffic Study, received June 5, 2014
15. Revised Letter of Intent from Brian Newman (OHSU), dated June 24, 2014
16. Site Photos

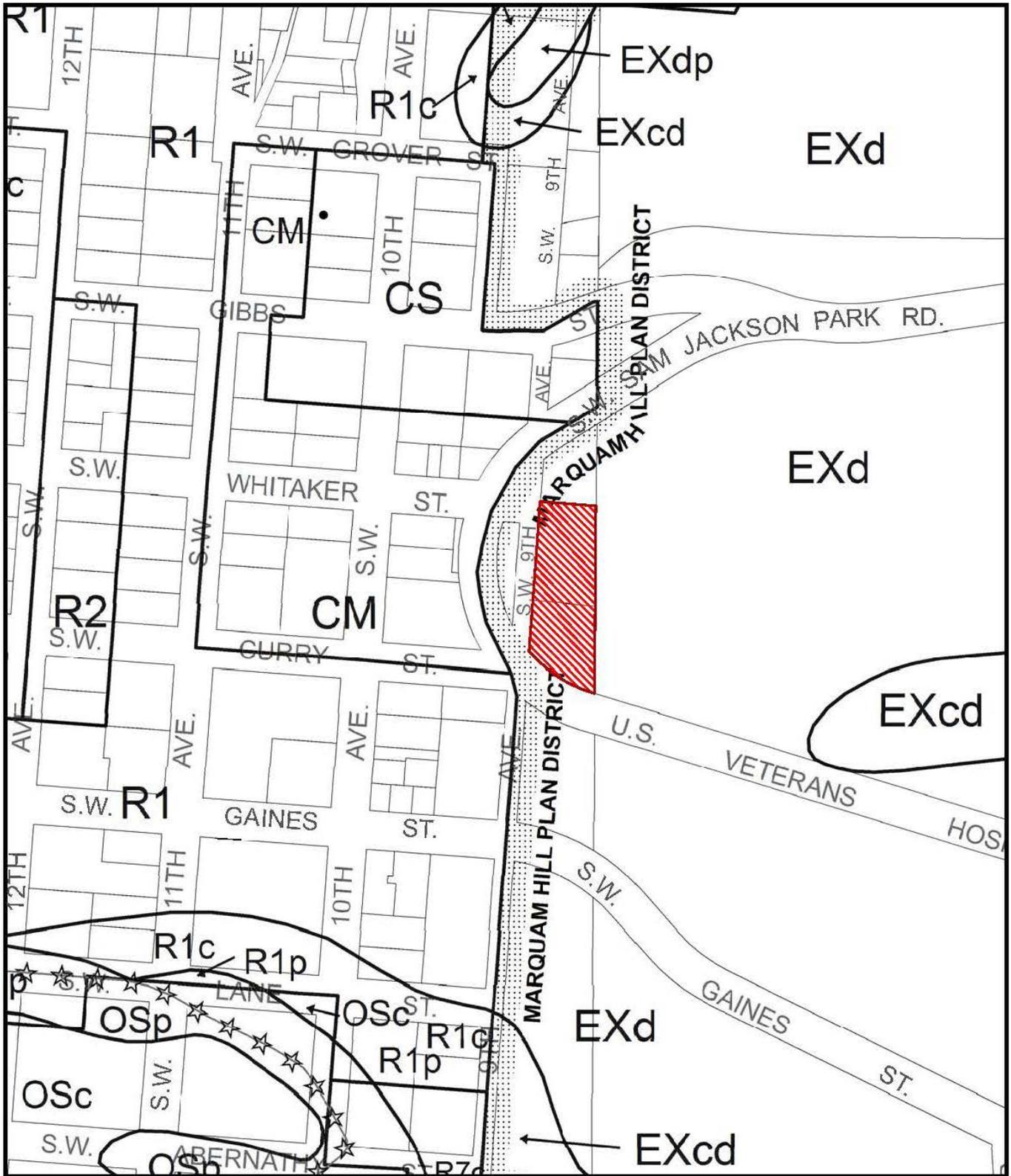
B. Zoning Map (attached)

C. Plans/Drawings:

1. Cover Sheet
2. Existing Conditions Survey
3. Existing conditions Plan
4. Site Demolition Plan
5. Site Grading Plan
6. Composite utility Plan
7. Architectural Site Plan (attached)
8. Minimum Parking Requirement
9. Northern Property Analysis
10. Site Details
11. Transit Plaza Details
12. First Floor Plan

13. Second Floor Plan
  14. Typical Floor Plan – 3<sup>rd</sup> Through 6<sup>th</sup>
  15. Seventh Floor Plan
  16. Roof Plan
  17. Roof Deck Details
  18. Elevations (attached)
  19. Elevations (attached)
  20. Building Sections
  21. Wall Sections
  22. Penthouse Details
  23. Details
  24. Details
  25. Daytime Rendering
  26. Nighttime Rendering
  27. Tree Protection and Removal Plan
  28. Landscape Plan
  29. Landscape Illustrative Plan
  30. Landscape Details
  31. Huntco Angle Bike Rack Cutsheet
  32. Rope Light Specifications
  33. Heat Pump Specifications
  34. Dero Dulpex™ Specifications
  35. Multiplicity Bike Rack Specifications
  36. Morin Penthouse Metal Panel Detail
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Site Development Review Section of BDS
  3. Bureau of Transportation Engineering and Development Review
  4. Life Safety Division of BDS
  5. Water Bureau
- F. Correspondence:
1. Anton Vetterlein, Representative for the Homestead Neighborhood Association Land Use Committee, on June 4, 2014, wrote indicating that the group took no official position on the project as they were waiting to see the transportation study. No follow up comments were submitted.
- G. Other:
1. Original LU Application
  2. Incomplete Letter, dated April 1, 2014

**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



Recreational Trails



This site lies within the:  
**MARQUAM HILL PLAN DISTRICT**  
**SUBDISTRICT B**

File No. LU 14-127782 DZM  
 1/4 Section 3328,3428  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E09AC 8200  
 Exhibit B (July 10, 2014)

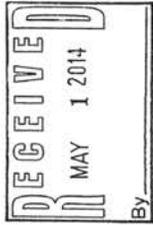
# EXHIBIT B.2



Portland, OR 97208 www.lcsarchitects.com

PRELIMINARY  
NOT FOR  
CONSTRUCTION

**LEVERARCHITECTURE**  
230 NW 12TH AVE, PO BOX 97209  
T 503 528 5840  
www.leverarchitecture.com



PROJECT NUMBER: 21278

TREEHOUSE

3440 SW US  
VETERAN'S  
HOSPITAL ROAD  
PORTLAND, OR  
97239

- GENERAL NOTES**
1. ALL DIMENSIONS UNLESS OTHERWISE SHOWN ARE IN FEET AND INCHES.
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**LEGEND**

- PROPERTY LINE
- EXISTING LINE
- RETAINING WALL
- RIGHT OF WAY LINE
- OVERHEAD UTILITY - SEE NOTES
- EXISTING PATH TO RIGHT OF WAY
- PROPOSED PATH
- BUILDING
- EXISTING BUILDING
- LANDSCAPED AREA
- CONCRETE
- ASPHALT

**LEGAL DESCRIPTION**

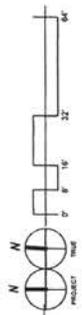
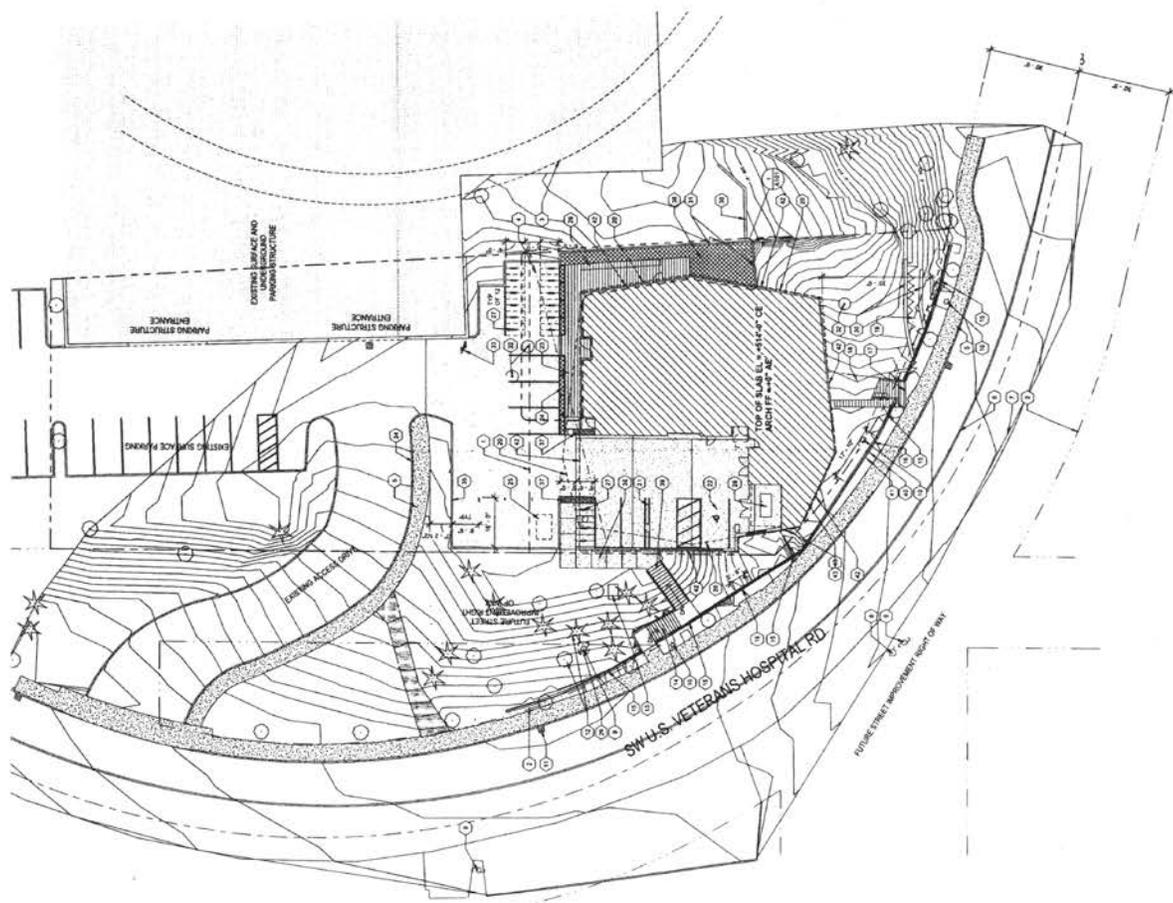
LOT 10, BLOCK 10, DISTRICT 10, PORTLAND, OR

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date 7/9/14

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU14-127782

A100  
SHEET LAND USE REVIEW



LU 14-127782 DZM  
C-7

1. SITE PLAN  
SCALE 1/8" = 1'-0"

EXHIBIT F.2

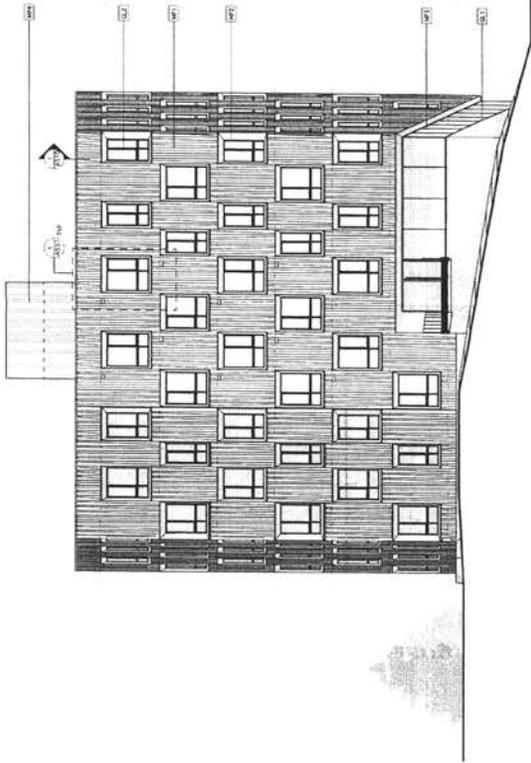
**LCS ARCHITECTS**  
 228 NW 13TH AVE, POX 981708  
 PORTLAND, OR 97208

PRELIMINARY  
 CONSTRUCTION

**LEVERARCHITECTURE**  
 228 NW 13TH AVE, POX 981708  
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**TREEHOUSE**  
 3440 SW US  
 VETERAN'S  
 HOSPITAL ROAD  
 PORTLAND, OR  
 97239

RECEIVED  
 MAY 1 2014



- 3071 VARIABLE CONSTRUCTION METAL PANELS
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- 3100 METAL PANELS

SOUTH ELEVATION



**ELEVATIONS**  
 Approved\*  
 City of Portland  
 Bureau of Development Services  
 to Planner  
 Date 7/9/14

\*This approval applies only to the revisions requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 14-127782  
**A400**  
 LAND USE PERMIT

LU 14-127782 DZM  
 C-18

