



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

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



## DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

**File No.:** LU 14-142273 CU  
HO 4140014

**Applicant:** Calista Fitzgerald  
LRS Architects  
720 NW Davis  
Portland, OR 97209

**Owner:** 3440 USV LLC  
(Anyeley Hallova)  
413 SW 13th Avenue, #300  
Portland, OR 97205-2305

State of Oregon  
3181 SW Sam Jackson Park Road  
Portland, OR 97239

**Hearings Officer:** Kenneth D. Helm

**Bureau of Development Services (BDS) Representative:** Kathleen Stokes

**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 8100 0.32 ACRES, SECTION 09 1S 1E; TL 8200 0.31 ACRES,  
SECTION 09 1S 1E

**Tax Account No.:** R991090860, R991090900

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

**Quarter Section:** 3328,3428

**Neighborhood:** Homestead

**Business District:** None

**District Coalition:** Southwest Neighborhoods Inc.

**Plan District:** Marquam Hill

**Zoning:** EXd (Central Employment, with a Design Overlay)

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

**Public Hearing:** The hearing was opened at 9:01 a.m. on July 9, 2014, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, and was closed at 9:17 a.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed at the end of the hearing.

**Testified at the Hearing:**

- Kathleen Stokes
- Calista Fitzgerald

**Proposal:** The applicant is proposing construction of a new mixed-use, seven-story structure on this site, which would include 69 multi-dwelling residential units and 2,260 square feet of retail floor area. The proposal also includes providing 25 additional bicycle parking spaces (beyond the basic Code requirement), preserving on-site trees, providing a transit plaza and utilizing the existing 12 auto parking spaces. One of these auto parking spaces would be dedicated for use as a car-share (flex car) space. This site is located in an area that is served by multiple transit options and falls within the allowance for sites that have frequent peak hour service, so the minimum parking requirement is one space for every three residential units, which comes to 24 spaces. The alternatives that were described above allow the required minimum number of parking spaces to be reduced by 50%, which brings the number down to the existing 12 spaces.

The Marquam Hill Plan District, where this site is located, was largely created to preserve the scenic character of the area, to enhance the development of the educational resources of the facilities located there and to manage issues of traffic and parking in an area of steep terrain and dense development with limited space. Among the regulations of the Plan District is a requirement that proposals for household living in multi-dwelling structures must be approved through a Type III Conditional Use Review. (Details of the building design are also being reviewed, through a separate Design Review, under Case File Number 14-127782 DZ).

**Approval Criteria:** To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The Marquam Hill Plan District states, in Code Section 33.555.130 A, that Household Living in multi-dwelling structures is a Conditional Use.

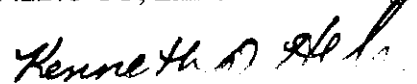
The approval criteria are: **33.815.130 B, C and E.**

**Hearings Officer Decision:** It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated June 27, 2014.

Approval of Conditional Use Review to allow construction of a new mixed-use, seven-story structure on this site, which would include 69 multi-dwelling residential units and 2,260 square feet of retail floor area, in general compliance with the site plan, landscape plan, and parking plan, Exhibits C-1, C-2 and C-3, and also subject to the following condition:

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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-142273 CU."

**Basis for the Decision:** BDS Staff Report in LU 14-142273 CU, Exhibits A.1 through H.4, and the hearing testimony from those listed above.



\_\_\_\_\_  
Kenneth D. Helm, Hearings Officer

7-22-2014

\_\_\_\_\_  
Date

<b>Application Determined Complete:</b>	May 14, 2014	
<b>Report to Hearings Officer:</b>	June 27, 2014	
<b>Decision Mailed:</b>	July 23, 2014	
<b>Last Date to Appeal:</b>	4:30 p.m., August 6, 2014	
<b>Effective Date (if no appeal):</b>	August 7, 2014	Decision may be recorded on this date.

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

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

**Appeal of the decision.** ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4<sup>TH</sup> AVENUE, PORTLAND, OR 97201 (503-823-7526). 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 \$ 5,000 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

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

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

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

**Recording the final decision.**

If this Land Use Review is approved the final decision 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 **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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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. Application
  - 2. Original narrative and plans (separate binder)
  - 3. 120-day waiver
  - 4. Amended Transportation Analysis
  - 5. Revised (interim) memo from Brian Newman, OHSU, dated April 25, 2014
  - 6. Supplemental information, dated and received May 12, 2014 (parking information, revised plans, stormwater report)
  - 7. Final revised memo from Brian Newman, OHSU, received June 26, 2014
- B. Zoning Map (attached):
- C. Plans & Drawings:
  - 1. Site Plan
  - 2. Landscape Plan
  - 3. Parking Plan
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Life Safety Plan Review Section of Bureau of Development Services
  - 6. Summary of City service agency electronic responses (including Site Development Review Section of Bureau of Development Services)
- F. Letters: (none received)
- G. Other:
  - 1. Pre-application Summary Notes
  - 2. Letter from Kathleen Stokes to Calista Fitzgerald, April 30, 2014 (and responses to completeness from City service agencies)
- H. Received in Hearings Office
  - 1. Hearing Notice – Kathleen Stokes
  - 2. Staff Report – Kathleen Stokes (**attached**)
  - 3. PowerPoint presentation – Kathleen Stokes
  - 4. Record Closing Information – Hearings Office



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
 Paul L. Scarlett, Director  
 Phone: (503) 823-7300  
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 TTY: (503) 823-6868  
 www.portlandoregon.gov/bds

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

**CASE FILE:** LU 14-142273 CU (PC # 14-128879)  
**REVIEW BY:** Hearings Officer  
**WHEN:** July 9, 2014  
**WHERE:** 1900 SW Fourth Ave., Suite 3000  
 Portland, OR 97201

**BUREAU OF DEVELOPMENT SERVICES STAFF: KATHLEEN STOKES /**  
**KATHLEEN.STOKES@PORTLANDOREGON.GOV**

**GENERAL INFORMATION**

**Applicant:** Calista Fitzgerald  
 LRS Architects  
 720 NW Davis  
 Portland, OR 97209

**Owner:** 3440 USV LLC (Anyeley Hallova)  
 413 SW 13th Ave #300  
 Portland, OR 97205-2305

Oregon State Of  
 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 8100 0.32 ACRES, SECTION 09 1S 1E; TL 8200 0.31 ACRES, SECTION 09 1S 1E

**Tax Account No.:** R991090860, R991090900  
**State ID No.:** 1S1E09AC 08100, 1S1E09AC 08200  
**Quarter Section:** 3328,3428

**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 a Design Overlay)

**Case Type:** Conditional Use  
**Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

RECEIVED  
 JUN 27 2014

HEARINGS OFFICE

**Proposal:** The applicant is proposing construction of a new mixed-use, seven-story structure on this site, which would include 69 multi-dwelling residential units and 2,260 square feet of retail floor area. The proposal also includes providing 25 additional bicycle parking spaces (beyond the

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**Approval Criteria:** To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The Marquam Hill Plan District states, in Code Section 33.555.130 A, that Household Living in multi-dwelling structures is a Conditional Use.

The approval criteria are: **33.815.130 B, C and E.**

## **ANALYSIS**

**Site and Vicinity:** The site includes two parcels. The primary redevelopment site is a 13,504 square-foot property that is located on the east side of SW US Veterans Hospital Road, immediately across from the intersection with SW Curry Street, on the west side of the right-of-way. This location is adjacent to the western boundary of the Oregon Health Sciences University (OHSU) campus and the Marquam Hill Plan District. The adjacent parcel to the north, which is owned by OHSU, is also part of the site because the accessory vehicle parking which serves the site and some of the mitigation that is proposed to substitute for two of the required parking spaces are located on that property. The redevelopment site, which will be the location of the proposed mixed-use project, is currently developed with a building that was constructed in 1942 as a multi-dwelling development and that was used in recent years as the Ronald McDonald House, which serves the families of children who need treatment at university medical facilities. The property slopes steeply down to north and the east from the street edge. The current building is one level at the front entry from the street and up to at least four stories at the rear. The current structure abuts a surface parking lot that is located on the portion of the site to the north that is owned by OHSU. The applicant has arranged for the use of the parking area that is closest to the building, which is a flat-surfaced paved area, with some perimeter landscaping.

The parking area on the OHSU-owned property is accessed by an existing driveway, which extends to the east, from US Veterans Hospital Road, across the mapped, but undeveloped right-of-way of SW 9<sup>th</sup> Avenue, to parking areas that are located to the north and the south of the driveway. A public staircase provides pedestrian access from the street edge, also crossing the SW 9<sup>th</sup> Avenue right-of-way, along the north side of the existing building, to the parking area.

The area around the site, to the south and southwest and to the north and east, consists of OHSU facilities, including school buildings, parking garages and other campus entities. The area to the northwest of the site is developed with a variety of structures and uses. Abutting the west side of US Veterans Hospital Road, just across from the parking lot portion of the site is the fraternity house for the Beta Nu Chapter of the Phi Beta Pi Fraternity. Other properties in this vicinity include some single-dwelling and low to medium density multi-dwelling residential uses. There is also a cluster of retail uses that are located in the CM and CS-zoned commercial area around SW 10<sup>th</sup> Avenue, between SW Curry Street and SW Grover Street.



**Zoning:** The proposed zoning for the site is EXd, Central Employment with a design overlay. This designation implements the Central Employment map designation of the Comprehensive Plan. The 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 EX development standards are intended to allow new development which is similar in character to existing development.

The “d” or Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value.

The site is also located within Subdistrict B of the Marquam Hill Plan District. The regulations for this plan district implement elements of the Marquam Hill Plan by, “supporting the preservation and enhancement of natural open space areas, existing scenic views, and neighborhood livability, while encouraging an intense level of institutional development including a dynamic mix of medical research, education, and patient care facilities that contribute to Marquam Hill’s distinctive character.” The plan district regulations (Zoning Code Chapter 33.555) enhance the character and features of the district through the implementation of development standards and design guidelines that preserve scenic resources and create a sense of place within the developed portions of the district through a network of plazas, courtyards, and formal open areas connected by a well-designed pedestrian circulation system. The regulations also encourage the development of additional patient care, medical research, and academic facilities and long-term traffic and parking management plans.

**Land Use History:** City records include numerous land use reviews for OHSU, which previously included this property as a part of the overall campus school/hospital site. There are, however, no prior land use reviews that discussed the development or activities on this particular redevelopment site. There is a current design review, LU 14-127782 DZM, which is expected to be concluded after this review, if this request for Conditional Use approval is approved. There is also a record for another Conditional Use request from earlier in 2014 (LU 14-129029 CU). This application was made in error, prior to requesting a pre-application conference and was subsequently withdrawn and replaced by this current Conditional Use Review.

**Agency Review:** A “Request for Response” was mailed **May 16, 2014**. The following Bureaus have responded with no issues or concerns:

- Environmental Services provided information on the existing sanitary infrastructure and discussed stormwater management requirements. The response included conceptual analysis of the preliminary stormwater management proposal and gave information on the requirements for building permit submittal (Exhibit E-1).
- Transportation Engineering provided an analysis of the proposal as it relates to transportation related approval criteria (included in the findings, pages 4-7, below) and also noted requirements of Title 17 that will apply at the time of submittal for building permits (Exhibit E-2).
- Water Bureau provided information on the existing water service for the site and noted requirements for review of any needed expansion of the service (Exhibit E-3).
- Fire Bureau noted that all applicable fire code requirements will apply at the time of permit review and development (Exhibit E-4).
- Life Safety Plan Review Section of BDS stated that a building permit is required and noted some of the Building Code provisions that must be considered (Exhibit E-5).
- Site Development Section of BDS and Parks-Forestry Division each provided a response of “no concerns” (Exhibit E-6).

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on June 16, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.815.040 Review Procedures

The procedure for reviews of conditional uses depends on whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use site. The review procedure may also depend upon the type of use that is being proposed. This proposal is for a mixed-use development, with retail and multi-dwelling residential uses in the Marquam Hill Plan District. Zoning regulations in this plan district, Code Section 33.555.130 A, require proposals that include household living in a multi-dwelling structure to be approved through a Type III Conditional Use Review.

### 33.815.130 Approval Criteria for Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones

These approval criteria (B, C and E) also apply to household living uses in multi-dwelling residential structures in the Marquam Hill Plan District zone which maintain or do not significantly conflict with the appearance and function of residential areas:

- A. The proposed use will not have a significant adverse effect on truck and freight movement.

**Findings:** As noted above, this criterion does not apply in the Marquam Hill Plan District.

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

**Findings:** Portland Bureau of Transportation/Development Review (PBOT) reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services and offered the following analysis:

At this location SW US Veterans Hospital Road is classified as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Truck Access Street, and a Local Service Street for all other modes. The site frontage is improved with a curb and substandard sidewalk corridor. Due to topographic constraints, the applicant was granted approval of a Public Works Appeal to retain the existing sidewalk corridor with a condition of building permit approval to provide signed Waivers of Remonstrance (13-238200 PW). No dedications or frontage improvements are required.

Between US Veterans Hospital Road and the site is an unimproved section of SW 9<sup>th</sup> Avenue. Vehicle access to the site will be from an existing shared driveway through SW 9<sup>th</sup> Avenue. There are also some existing pedestrian stairs that will continue to be used through SW 9<sup>th</sup> Avenue. While the stairs are existing development, the applicant will be required to obtain an encroachment permit as a condition of building permit approval.

PBOT Development Review staff has reviewed the Traffic Impact Analyses memo prepared by Kittelson & Associates, dated February 13, 2014, and concurs with the finding that transportation facilities are adequate to serve the proposal in addition to existing uses in the area.

The site is located on OHSU's Marquam Hill Campus at 3440 SW US Veterans Hospital Road in Portland, and is accessed via an existing driveway that also serves an OHSU employee parking structure. No modifications to this driveway are proposed as part of the Ronald McDonald House site redevelopment.

Project is proposing to construct 69 apartment units and 2,260 square feet of retail on the site. Five vehicular parking spaces will be provided below the building and six surface

parking spaces will be provided adjacent to the building. This represents no change to the parking that served the former use of the site. For this reason, the site redevelopment is not subject to Marquam Hill Parking Review.

Like the other retail locations on campus, the small amount of retail provided within the building will serve existing OHSU staff, students and visitors and can be expected to generate a negligible number of new vehicular trips to the campus. The apartment units will be marketed toward OHSU employees and students but can be expected to generate new vehicular trips. Further information on the proposed trip generation of the site is provided below.

**Transportation Related Conditional Use criteria**

Per Zoning Code 33.815.130, a conditional use permit associated with the provision of housing on the site needs to address the following:

- (B) The transportation system can support the proposed uses;
- Consistency with the City Transportation System Plan (TSP) facility designations;
- Field observations on the multimodal facilities immediately adjacent to the site;
- Transit availability; and,
- Field observations on impacts on pedestrian, bicycle, and transit circulation.

**Trip Generation**

Given the location of the site internal to the OHSU campus, the retail portion is anticipated to operate like other campus-oriented retail and not generate new peak hour vehicular trips. Rather, the retail will serve employees, patients and visitors who are walking or cycling between other uses on the campus.

We expect that the residential trip characteristics will be similar to those observed and documented at other apartment locations in downtown and the Lloyd District that also reflect the rich, multi-modal environment that exists on OHSU’s campus. Trip data for comparable Portland apartments was collected in 2013 and compared the measured rates and the trip generation rate that would be calculated by using Trip Generation (published by the Institute of Transportation Engineers). This information is shown below in Table 1

**Table 1. Surveyed Trip Generation Information**

LOCATIONS	NO. DWELLING UNITS	DAILY RATE	AM PEAK HOUR RATE	PM PEAK HOUR RATE
The Henry	123	1.40	0.15	0.17
The Ardea	356	1.95	0.19	0.21
The Village at Lovejoy Fountain	406	1.82	0.14	0.21
Average Measured Rate		1.72	0.16	0.20
ITE Apartment Rate (Land Use 220)		6.65	0.51	0.62

Application of the observed Portland-area apartment trip rates results in the following estimate of trips generated by the Tree House apartments:

- Daily Trips = 120 trips
- AM Peak Hour = 11 trips (3 inbound, 8 outbound)
- PM Peak Hour = 14 trips (8 inbound, 6 outbound)

This projected level of trip-making will have a minimal impact on the intersections in the site vicinity. Therefore, the remainder of this memorandum provides a qualitative assessment of the Conditional Use Criteria.

**Transportation Facility Designations**

The City of Portland Transportation System Plan (TSP) defines the intended function of the transportation facilities within the vicinity of the site. Table 2 summarizes the applicable designations.

**Table 2. City of Portland Transportation System Plan Roadway Designations**

ROADWAY	TRAFFIC	TRANSIT	BICYCLE	PEDESTRIAN	TRUCK	EMERGENCY DESIGN	
SW US Veteran's Hospital Road	Neighborhood Collector	Transit Access Street	City Bikeway	City Walkway	Truck Access Street	Major Emergency Response	Local Street
SW Sam Jackson Park Road	Neighborhood Collector	Transit Access Street	City Bikeway	City Walkway	Truck Access Street	Major Emergency Response	Local Street

Based on our review, the following observations are offered with respect to TSP compliance:

- The proposed site redevelopment is consistent with the existing roadway designations.
- The level of vehicular trip-making anticipated by the apartments (120 trips per day, less than 15 peak hour trips) is well within the thresholds that are appropriate for the roadway designations.
- Further, the apartments and retail are intended primarily to serve the OHSU employees, visitors and students. This development will rely on active modes of transportation and is consistent with the transit access street, city bikeway and city walkway designations.

**Adequacy of the Transportation System**

The OHSU Marquam Hill Campus is a rich environment for walking, cycling and transit. In fact, the mode split for the campus reflects only a 40 – 45% drive alone rate, a third of employees taking transit and nearly a quarter carpooling, walking or cycling.

The campus includes a comprehensive network of sidewalks and walkways between buildings that facilitate comfortable and convenient access between the uses within the campus as well as to the adjacent neighborhoods. Further, within the campus (including SW US Veteran's Hospital Road and SW Sam Jackson Park Road), bikes typically "share the road" with vehicles, which is appropriate given the speed and volumes of these facilities.

TriMet and OHSU have a long standing partnership to provide comprehensive transit service both to and within the campus. Within a block of the project site, the TriMet bus stop provides access to the following routes:

- 8 - Jackson Park/NE 15<sup>th</sup>: this frequent service route provides access between OHSU and the NE Dekum area between 6 am and 6 pm; and approximately 20 - 30 minute headways until midnight.
- 61-Marquam Hill/Beaverton: this route provides access between OHSU and the Beaverton Transit Center during the am and pm peak hours at approximately 30 minute headways.
- 64-Marquam Hill/Tigard: this route provides access between OHSU and the Tigard Transit Center during the am and pm peak hours at approximately 30 minute headways.
- 65-Marquam Hill/Barbur Blvd: this route provides access between OHSU and Burlingame during the am and pm peak hours at approximately 30 minute headways.
- 66-Marquam Hill/Hollywood: this route provides access between OHSU, SE Portland and Hollywood Transit Center during the am and pm peak hours at approximately 15 - 30 minute headways.
- 68-Marquam Hill/Collins Circle: this route provides access between OHSU and downtown Portland and Portland State University during the am and pm peak hours at approximately 10 - 20 minute headways.

In addition, the overall OHSU campus is served by a wide network of bus lines as well as the OHSU Tram that provides access to South Waterfront and to the City's streetcar network. As described above, the project site and the OHSU campus is served by a robust transit, bicycle and pedestrian network that contribute to the low single occupancy vehicle rate observed amongst the employees. By providing housing and services on site with minimal vehicular parking, the Tree House development will integrate with (and benefit from) the multimodal facilities provided on campus and contribute toward maintaining a low single occupancy vehicular rate for trips coming to/from campus. Further, field observations reveal that these "active transportation" networks have the capacity to serve the Tree House residents. Therefore, in conclusion, the proposed redevelopment meets City Code 33.815.130(B) related to the adequacy of the transportation system. This criterion is met.

- C. City-designated scenic resources are preserved; and

**Findings:** City-designated scenic resources are protected with an "s" or Scenic Resource Overlay Zone. There are no City-designated scenic resources at the site or adjacent to the site. Therefore, this criterion does not apply.

- D. The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses; or

**Findings:** As noted above, this criterion does not apply in the Marquam Hill Plan District.

- E. The proposal is for new development where:

1. The proposal can be designed and developed so that housing is buffered from potential nuisance impacts from uses allowed by right in the zone; and
2. The proposal includes a design, landscape and transportation plan which will limit conflicts between residential, employment, and industrial uses.

**Findings:** This proposal represents a somewhat unique situation, as housing is usually allowed by right, without a Conditional Use Review in the EX zone. This most liberal zoning designation also allows a multitude of other commercial and industrial uses by right. In this location, however, at the edge of the OHSU campus and just inside the boundaries of the Marquam Hill Plan District, the Health Sciences University schools, with their attendant research facilities and medical centers are the predominant uses that place limitations on some other uses and dictate the character of the area.

These approval criteria, were "borrowed," from the review that is required for residential uses that are proposed to be located in industrial or employment areas that are zoned EG1, EG2, and IG1, IG2, and IH. The criteria were crafted to protect any approved household uses from the potentially significant adverse impacts of the employment or industrial uses that are allowed on their neighbors' sites, and, conversely, to protect the industrial or employment uses from limiting intrusions that might occur from close proximity to residential uses.

The uses that occur on the OHSU campus are not generally of a type that requires buffering, either to or from the proposed residential development, nor do these uses need any protection from any potential impacts from the proposed household use. Nevertheless, it should be noted that the redevelopment site is separated from the uses on the main campus by topography and by existing vegetation at much of the edge of the site, which will help to enhance the location for the residents who chose to live in the apartments that would be constructed here. A landscape plan was submitted for this Conditional Use Review, to show buffering of the parking area. The proposal is also currently being reviewed through a separate Design Review. Approval through the Design Review process will ensure that the site design fits comfortably into the area. Far from needing protection for the University from this project, it is being specifically created to target OHSU personnel as potential residents, allowing the future tenants to eliminate their commute to work and to join more fully in the Marquam Hill community. The parking plan was created to fulfill the minimum parking requirements of the Portland Zoning Code, Section 33.266.110 and still be consistent with the parking limits of the Marquam Hill Plan District. Therefore, these criteria are 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 or Modification via a land use review prior to the approval of a building or zoning permit.

The bureau of Transportation, Development Review, noted the following regarding compliance with Title 17:

### **Transportation System Development Charges (Chapter 17.15)**

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-6108.

### **Driveways and Curb Cuts (Section 17.28)**

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

## **CONCLUSIONS**

All of the relevant approval criteria have been met for the requested Conditional Use Review for the proposed mixed-use development for this site. The transportation system is capable of supporting

the proposed use in addition to the existing uses in the area. There are no scenic resources located on the site. The proposed development can be designed and developed so that housing is buffered from any potential nuisance impacts from uses allowed by right in the zone; and the proposal includes a design, landscape and transportation plan which will limit any conflicts between residential, employment, and industrial uses. The proposal can be approved in general compliance with the site plan, landscape plan and parking plan (Exhibits C-1 through C-3).

### **TENTATIVE STAFF RECOMMENDATION**

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

Approval of Conditional Use Review to allow construction of a new mixed-use, seven-story structure on this site, which would include 69 multi-dwelling residential units and 2,260 square feet of retail floor area, in general compliance with the site plan, landscape plan, and parking plan, Exhibits C-1, C-2 and C-3, and also subject to the following condition:

- 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-142273 CU."

**Procedural Information.** The application for this land use review was submitted on April 15, 2014, and was determined to be complete on May 14, 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 April 15, 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 requested that the 120-day review period be waived as stated with Exhibit A.3.

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

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

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

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

***This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case.*** This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**Appeal of the decision:** The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000.00).**

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

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

#### **Recording the final decision.**

If this Land Use Review is approved the final decision 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 **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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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.

Planner's Name: Kathleen Stokes  
Date: June 27, 2014

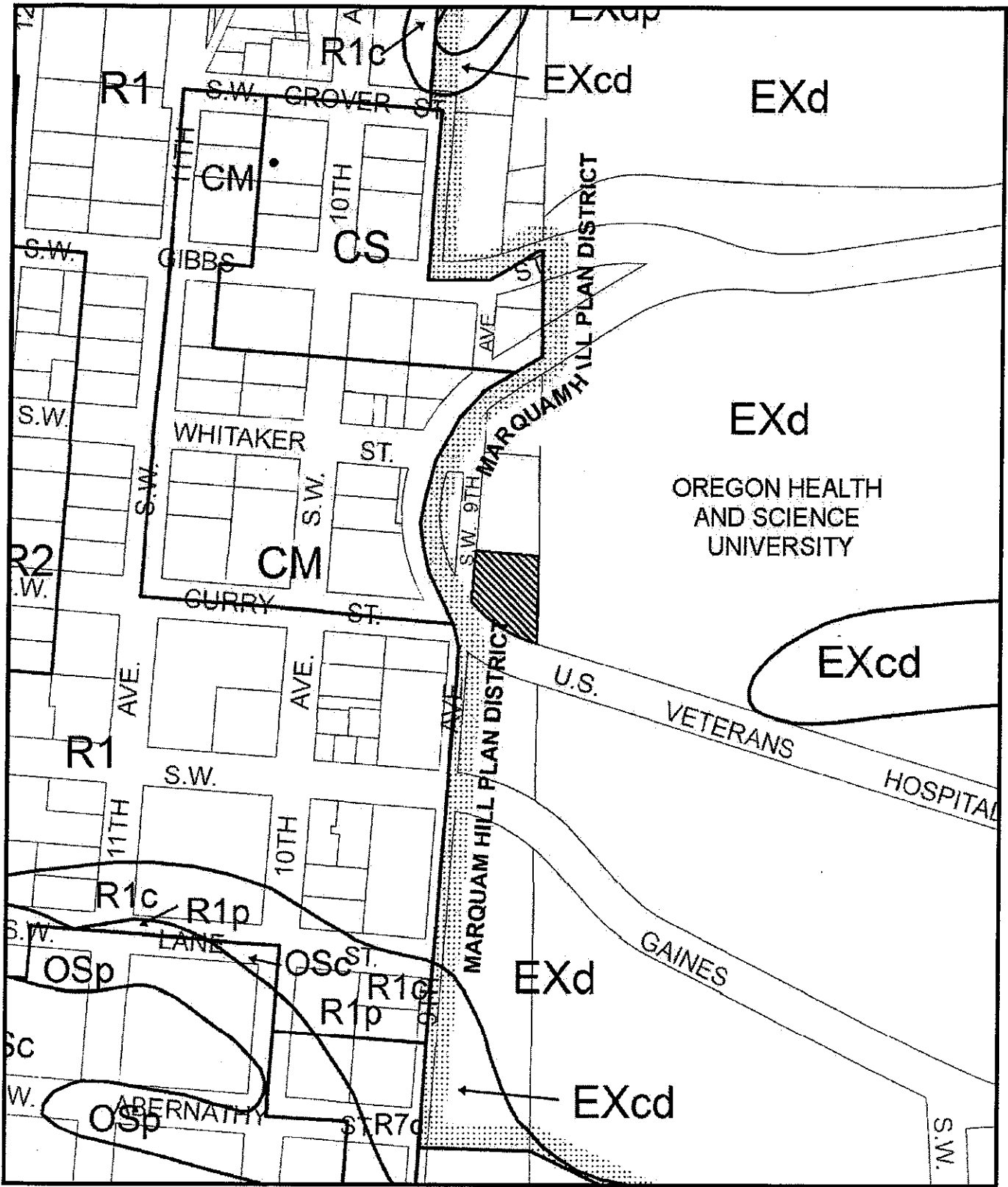
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Application
  - 2. Original narrative and plans (separate binder)
  - 3. 120-day waiver
  - 4. Amended Transportation Analysis
  - 5. Revised (interim) memo from Brian Newman, OHSU, dated April 25, 2014
  - 6. Supplemental information, dated and received May 12, 2014 (parking information, revised plans, stormwater report)
  - 7. Final revised memo from Brian Newman, OHSU, received June 26, 2014
- B. Zoning Map (attached):
- C. Plans & Drawings:
  - 1. Site Plan (partial site, attached)
  - 2. Landscape Plan (partial site, attached)
  - 3. Parking Plan (full site, both properties, attached)
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review

3. Water Bureau
  4. Fire Bureau
  5. Life Safety Plan Review Section of Bureau of Development Services
  6. Summary of City service agency electronic responses (including Site Development Review Section of Bureau of Development Services and Bureau of Parks, Forestry Division)
- F. Letters: (none received)
- G. Other:
1. Pre-application Summary Notes
  2. Letter from Kathleen Stokes to Calista Fitzgerald, April 30, 2014 (and responses to completeness from City service agencies)

**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



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

File No. LU 14-142273 CU  
 1/4 Section 3328,3428  
 Scale 1 inch = 200 feet  
 State Id 1S1E09AC 8200  
 Exhibit B (Apr 15, 2014)





UNIT COUNT: 69 (no bike racks in units)

PARKING REQUIRED: 23 Stalls  
(@ 0.33 stalls/unit)

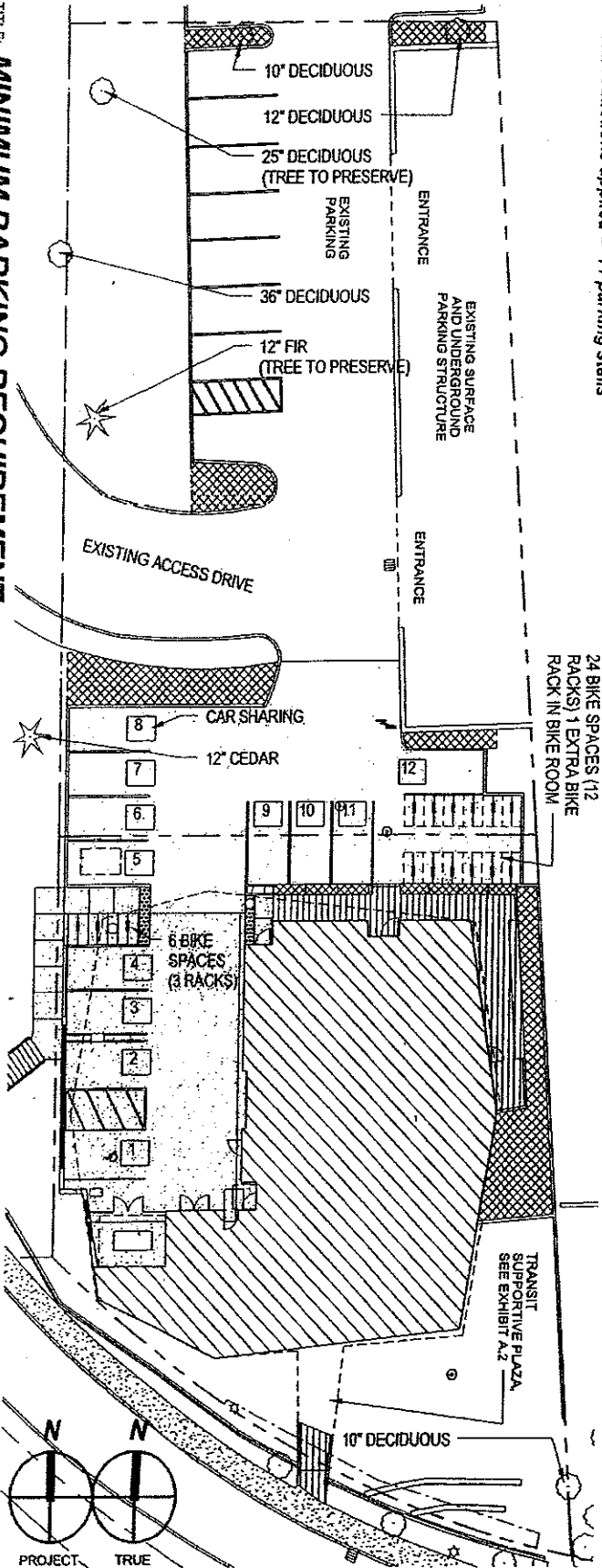
PARKING REQUIRED: 12 stalls  
(after reductions)

PARKING PROVIDED: 12 stalls

**PARKING REDUCTIONS:**

1. Reduction of (2) parking stalls for preserving (2) noted trees greater than 12" diameter
2. Reduction of (5) parking stalls for providing (25) additional bike parking spaces on-site
3. Reduction of (2) parking stalls for providing transit supportive plaza
4. Reduction of (2) parking stalls for providing (1) car share stall on-site

Total reductions applied = 11 parking stalls



**SET TITLE: MINIMUM PARKING REQUIREMENT**

720 NW Davis  
 Suite 300  
 Portland OR 97209  
 503.221.1121  
 503.221.2077  
 www.lrsarchitects.com

PROJECT NAME: The Treehouse  
 PROJECT NUMBER: 213278  
 DRAWN BY: Author  
 DATE ISSUED: 04/28/2014  
 REVISION:

SHEET:  
**A100.A1**  
 LAND USE REVIEW

Exhibit G-3  
 L014-14227300

**EXHIBIT A.1**