



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

Amanda Fritz, Commissioner
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Date: January 23, 2015
To: Interested Person
From: Jason Richling, Land Use Services
503-823-7509 / Jason.Richling@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-238982 AD

GENERAL INFORMATION

Applicant: Mark Schmidt / Holst Architects
110 SE 8th Avenue / Portland, OR 97214 503-233-9856

Property Owner: Home Forward
135 SW Ash St 5th Floor / Portland, OR 97204-3540

Site Address: 1724 SE Tenino Street

Legal Description: BLOCK 88 N 1/2 OF LOT 9, LOTS 11-16, SELLWOOD
Tax Account No.: R752714950
State ID No.: 1S1E23DC 01600
Quarter Section: 3832
Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-754-3868.
Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: RHd – High Density Multi-Dwelling Residential zone with Design overlay zone

Case Type: AD – Adjustment Review
Procedure: Type II administrative decision with appeal to the Adjustment Committee

Proposal:

Sellwood Center is an 8-story, 110-unit, apartment building, operated by Home Forward. The applicant plans improvements to the building and site that will trigger Zoning Code requirements for long-term (secure) bike parking. Zoning Code Section 33.266.210.A requires at least 121 long-term bike parking spaces on this site. The applicant requests an Adjustment to reduce the number of required long-term bike parking spaces on the site because most of the building's residents are elderly or disabled. The applicant proposes to install 14 long-term bike parking spaces consistent with the long-term bike parking provisions applicable to new elderly and disabled high-density housing under Zoning Code Chapter 33.229.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Section 33.805.040.A-F of the Portland Zoning Code.

ANALYSIS

Site and Vicinity: The subject site is a 32,500 square-foot parcel located on the southeast corner of SE 17th Avenue and SE Tenino Street. The site is developed with an 8-story, 110-unit apartment building for low-income elderly and disabled residents. The surrounding neighborhood is characterized by a mix of commercial and residential uses. The properties to the north (across SE Tenino St) are zoned CS (Storefront Commercial) and R2 (Multi-Dwelling Residential 2,000); the properties to the south are zoned CS, R2 and R2.5 (Single-Dwelling Residential 2,500); the properties to the east are zoned R2.5 and the properties to the west (across SE 17th Ave) are zones CS.

Zoning: The RH zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 2:1 on this site, and the minimum density is one unit per 1,000 square feet of site area. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot size for new lots created for development with houses, attached houses, or duplexes. Minimum lot width, lot depth, and front lot line standards may apply.

The site is also within the Design (“d”) overlay zone, which is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural values. However, the requirements of the “d” overlay do not affect the proposed Adjustment.

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

- **Ordinance #130516:** Enactment of a 1970 zone change from C2 and A2.5 to AO limiting the building to 8 stories and 110 units, and approving a reduced parking requirement of 1 space per 4 dwelling units.
- **Ordinance #130740:** Enactment of a 1970 amendment to Ordinance #130516 to limit the development to 112 units for public elderly housing.
- **Ordinance #137672:** Enactment of a 1974 amendment to Ordinance #130516 subject to conditions that on-site parking be posted for use by residents and guests only.
- **LUR 94-00359 CU AD:** Approval of a 1994 Conditional Use for a rooftop cellular facility, with adjustments to reduce the minimum required lot size and waive the required two off-street parking spaces.
- **LUR 94-00858 CU AD:** Approval of a 1994 Conditional Use to for a rooftop cellular facility, with adjustments to reduce the minimum required lot size and waive the required two off-street parking spaces.
- **LU 03-166964 CU:** Approval of a 2003 Conditional Use to reconfigure an existing rooftop Radio Frequency Transmission Facility.
- **LU 09-102102 CU:** Approval of a 2009 Conditional Use to add 6 panel antennas and 6 microwave dishes as well as related accessory equipment on the roof of the existing building, subject to conditions.
- **LU 10-114814 DZ:** Approval of 2010 Design Review for replacement radio frequency equipment.

- **LU 13-225828 CU:** Approval of a 2013 Conditional Use to modify an existing rooftop Radio Frequency Transmission Facility, subject to conditions.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed December 23, 2014. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services;
- Bureau of Transportation Engineering;
- Water Bureau;
- Fire Bureau;
- Site Development Section of BDS;
- Life Safety Review Section of BDS; and
- Bureau of Parks-Forestry Division.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 23, 2014. One written response has been received from a notified property owner in response to the proposal. The neighbor cites no objection to the requested Adjustment provided that the use of the site remains limited to Section 8 Housing. The letter notes additional concerns regarding the impacts of any potential reduction in on-site parking on the surrounding neighborhood and construction management during the proposed site renovation (Exhibit F-1).

Staff note: According to the applicant’s narrative, the requested Adjustment is a component of a larger site renovation project related to conversion of the property to public Section 8 housing for elderly or disabled residents. The Adjustment approval is limited to elderly and disabled housing only, and the reduction in long-term bicycle parking would not be transferrable to market-rate housing. The additional concerns raised are outside the scope of this Adjustment Review, but have been forwarded on to appropriate staff involved in review of permits for the broader site improvements.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

- A.** Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting an Adjustment to the minimum number of long-term bike parking spaces. The purpose of the bike parking requirement is stated in Zoning Code Section 33.266.200:

Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle.

The applicant proposes to install 14 long-term bicycle parking spaces on the site. Zoning Code Section 33.266.210.A requires at least 121 long-term bicycle parking spaces on this site. The applicant’s proposal equates to approximately 1 space per 8 residential units, which is consistent with the requirement in Zoning Code Section 33.229.040.C.2.b for buildings that are restricted by covenant to elderly or disabled residents. The site is not subject to a restrictive covenant as described in Zoning Code Section 33.229.030.D, which would allow the requested reduction in long-term bicycle parking without an Adjustment.

As documented in the applicant’s narrative (Exhibit A), most of the residents of Sellwood Center are elderly and disabled, and the majority of the building’s occupants (82 percent)

utilize public transportation as a primary means of travel. The applicant states that the requested reduction in required long-term bicycle parking is more appropriate to and reflective of the demographics of Sellwood Center residents than the long-term bicycle parking requirement applied to multi-dwelling development more generally under Zoning Code Section 33.266.210.A. In addition, a stop (ID #6897) for Trimet bus line No. 70 is located immediately adjacent to the property at the southeast corner of SE 17th Avenue and SE Tenino Street, which facilitates and encourages pedestrian travel to and from the site by building residents. A minimum of 8 short-term bicycle parking spaces will also be provided on-site as part of the overall site renovation as required by 33.266.210.A, which will more readily enable bicycle trips to and from the site by both visitors and Sellwood Center employees.

The Portland Bureau of Transportation has reviewed this application and found that the applicant's proposal is appropriate to meet the anticipated demand for long-term bike parking, given the demographics of the building (Exhibit E-2). The 14 long-term bike parking spaces to be installed on this site will meet the specific security requirements in Zoning Code Section 33.266.220.B.2.d. Compliance with security requirements will be verified during the building permit review and inspection process.

Based on the information provided, the proposal equally meets the intent of the long-term bike parking regulation relative to the specific use of the site for elderly and disabled housing. This criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Because the site is located in a multi-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. The applicant notes that long-term bicycle parking will be provided within the residential units themselves and is not visible from the building exterior. Therefore the proposal to reduce the number of required long-term bike parking spaces will have no impact on the aesthetics of the neighborhood. The Portland Bureau of Transportation has reviewed the proposal and agrees that 14 long-term bike parking spaces will be appropriate to meet the anticipated demand, since most of the building's residents are elderly and/or disabled (Exhibit E-2). Since the demand for long-term bike parking is not anticipated to exceed the proposed supply and most of the site residents utilize public transportation as a primary means of travel, approval of the Adjustment will not affect the mode split for the building, and therefore will not affect vehicle traffic or the demand for on-street vehicle parking in the surrounding neighborhood.

For these reasons, the proposal will not result in negative impacts to neighborhood livability or appearance. This criterion is met.

- C.** If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: As only one Adjustment is being requested, this criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

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

Findings: As discussed in the findings for approval criterion B, the proposal has no adverse impacts on the livability or appearance of the surrounding area. As there are no identified adverse impacts for which mitigation would be required, this criterion is not applicable.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on the site, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards 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.

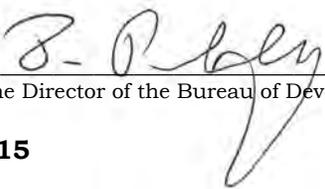
CONCLUSIONS

The proposal to reduce the long-term bike parking requirement equally meets the intent of the regulation and will not have adverse impacts on the livability and appearance of the surrounding neighborhood. The applicant has demonstrated that the applicable approval criteria have been met. Since the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.266.210.A to reduce the minimum required long-term bicycle parking spaces for dwelling units occupied by an elderly person (55 years of age or older) or a disabled person (as that term is defined in Portland Zoning Code Section 33.910.030) from 1.1 spaces per dwelling unit to 1 space per 8 dwelling units.

Staff Planner: Jason Richling

Decision rendered by:  **on January 21, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 23, 2015

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 November 18, 2014, and was determined to be complete on December 18, 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 November 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: April 17, 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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 6, 2015** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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.

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 Adjustment Committee 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 Adjustment Committee 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 **February 9, 2015 - (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.

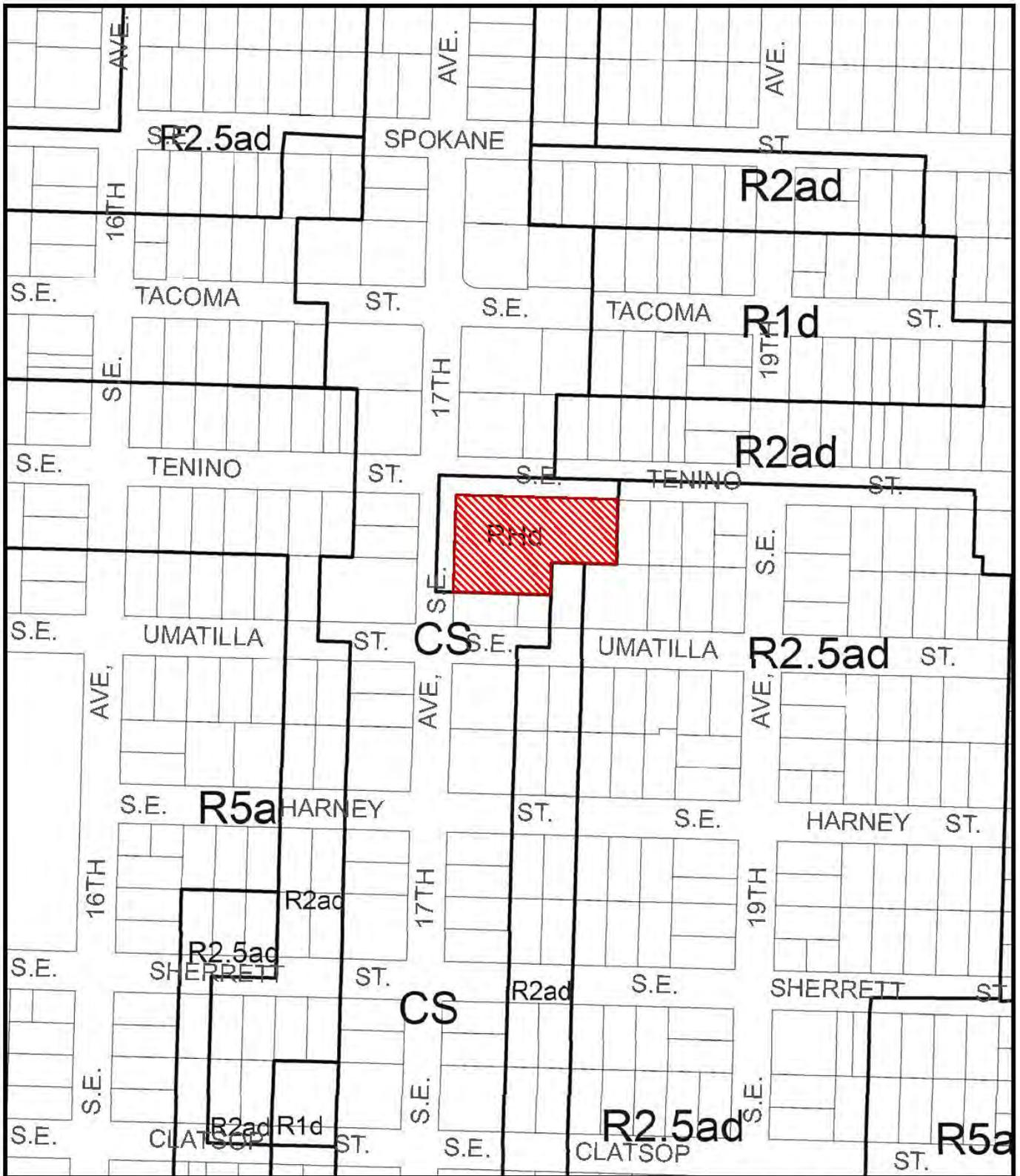
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North building elevation – reference only/not approved
 - 3. South building elevation – reference only/not approved
 - 4. Typical unit plan – reference only/not approved
- D. Notification information:
 - 1. Mailing list
 - 2. 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. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
 - 7. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Larry and Roberta Hart, January 10, 2015, expressing concerns regarding proposed site renovation
- G. Other:
 - 1. Original LU Application

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



ZONING



Site



NORTH

File No. LU 14-238982 AD
 1/4 Section 3832
 Scale 1 inch = 200 feet
 State_Id 1S1E23DC 1600
 Exhibit B (Nov 19, 2014)

S.E. TENINO ST.

Holst Architecture
 11510 SW 242nd Ave.
 Portland, OR 97225
 503.253.8188

SELLWOOD CENTE
 1714 SE TENINO
 PORTLAND, OR 97202

JOB NO. 14-06

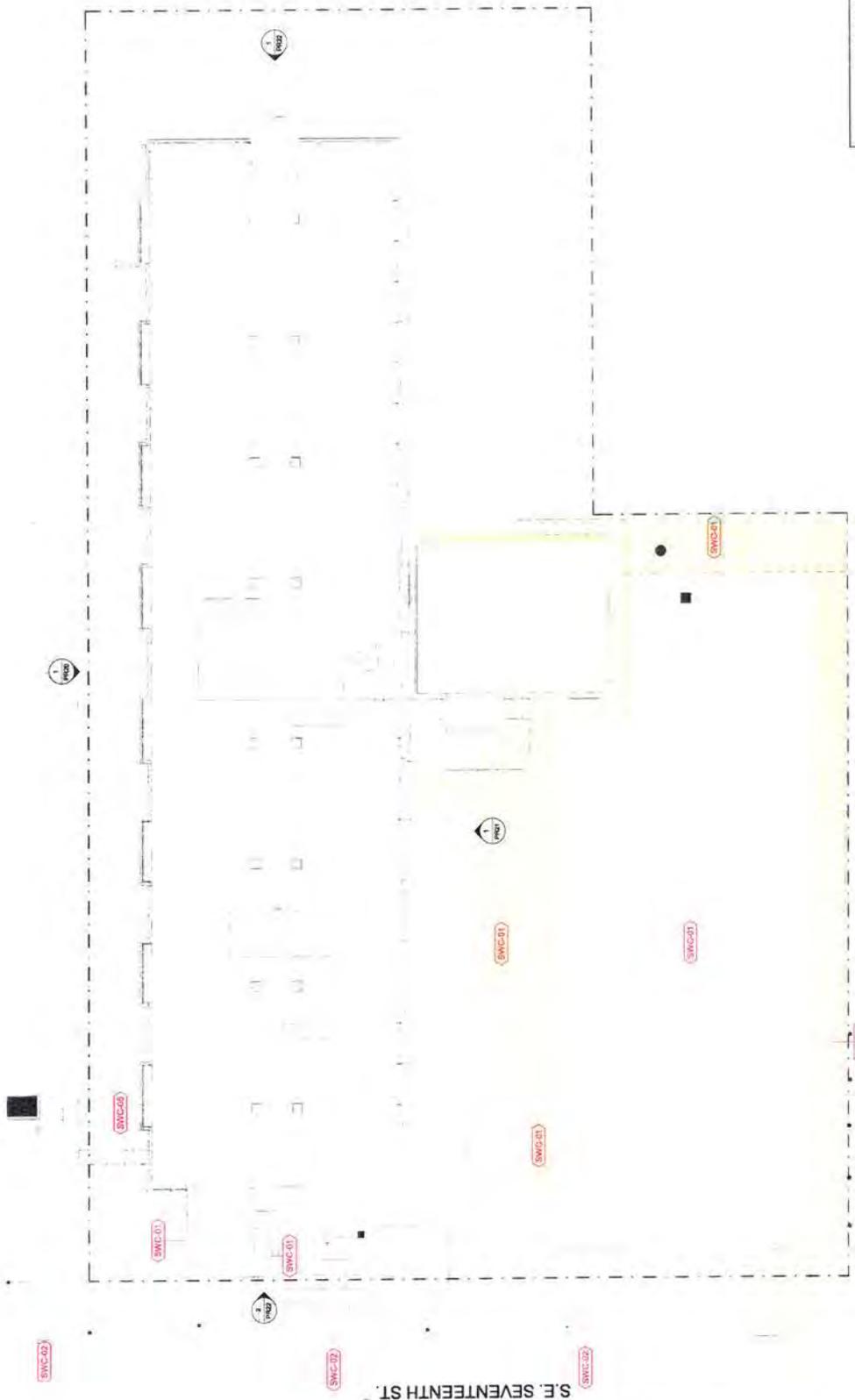


SCOPE DRAWINGS
 ADJUSTMENT FROM
 10/17/20

Scale: 1" = 20'

SCOPE OF WORK
 - SITE PLAN

PRSF
 620 HOLST ARCHITECTURE



KEYNOTE #	KEYNOTE DESCRIPTION	SCOPE CATEGORY
SWC-01	MANDATORY STORMWATER MANAGEMENT IMPROVEMENTS, REQUIRED BY CCP	CODE-REQU RED
SWC-02	MANDATORY CURB/PAGE IMPROVEMENTS, REQUIRED BY CCP	CODE-REQU RED
SWC-05	UPGRADE DOMESTIC WATER SERVICE	CODE-REQU RED

1 SITE SCOPE PLAN
 (PART 1) 1" = 20'

LV 14-238982 AD
 S.E. SEVENTEENTH ST.

EXHIBIT

C.1