



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 09-104313 PD CU (HO 4090013)

Applicant/Lessee: Derenda Schubert
Executive Director, Bridge Meadows
PO Box 4582
Portland, OR 97208

Ross Cornelius, Guardian Management
710 NW 14th Avenue
Portland, OR 97209

Owner: City of Portland
1120 SW 5th Ave #1204
Portland, OR 97204-1906

**Applicant's
Representatives:** Elaine Albrich, Stoel Rives LLP
900 SW 5th Avenue, Suite 2600
Portland, OR 97204

Brian Carleton, Carleton Hart Architecture PC
322 NW 8th Ave
Portland, OR 97209

Hearings Officer: Ian Simpson

Bureau of Development Services (BDS) Staff Representatives: Nan Stark and Rachael Hoy

Site Address: 4221 N. WILLIS BLVD.

Legal Description: BLOCK 136 INC PT OF VAC ALLEY ACCR LOT 1-30, UNIVERSITY
PK

Tax Account No.: R851320840

State ID No.: 1N1E08AC 07000

Quarter Section: 2126

Neighborhood: Portsmouth

Business District: North Portland Business Association

District Neighborhood Coalition: North Portland Neighborhood Services

Zoning: R5, High Density Single-Dwelling 5,000

Land Use Review: Type III, PD – Planned Development; and CU – Conditional Use

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:31 p.m. on May 11, 2009, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 3:04 p.m. The record was held open until 4:30 p.m. on May 18, 2009 for new written evidence, and until 4:30 pm. on May 26, 2009 for the applicant's final rebuttal. The applicant submitted a final rebuttal on May 22, 2009 and requested that the record be closed on that date (Exhibit H-24). The record was closed at that time.

Testified at the Hearing:

Nan Stark, BDS Staff Representative

Rachael Hoy, BDS Staff Representative

Elaine Albrich, Stoel Rives, 900 SW 5th Ste. 2600, Portland, OR 97204

Derenda Schubert, Executive Director, Bridge Meadows, PO Box 4582, Portland, OR 97208

Brian Carleton, Carleton Hart Architecture, 322 NW 8th, Portland, OR 97209

Teri Carbone, 16335 SW Wright St., Beaverton, OR 97007

Joanne Long, Regence Blue Cross/Blue Shield, 200 SW Market St., Mail Station B6A, Portland, OR 97201

Rhonda Meadows, 3575 SW Hillside Dr., Portland, OR 97221

Ross Cornelius, Guardian Management, 710 NW 14th, 2nd floor, Portland, OR 97209

Ed Sloop, Walsh Construction, 7204 SE 31st, Portland, OR 97202

Will Fuller, 3824 SW Canby St., Portland, OR 97219

Richard Ellmyer, 9124 N McKenna, Portland, OR 97203, representing Portsmouth Residents

Action Committee and North Portland Business Association

Rhoni Seguin, 1408 SW Medmun Terrace, Portland, OR 97219

Proposal: Bridge Meadows, a nonprofit organization, proposes to develop and operate the subject site (formerly the John Ball School site) as an inter-generational community, with multiple housing units on a single lot. It will be developed with a mix of household living and group living uses. Structures include one detached dwelling and four duplexes for the household living uses, three triplexes for group living, and a larger eighteen-unit group living structure, for a total of 36 units.

Group Living uses are Conditional Uses in the Single-Dwelling zones. The applicant proposes 27 group living units that can accommodate up to 52 residents. Consequently, a Conditional Use review is required.

A Type III Planned Development review is also required because the applicant proposes multi-dwelling development on one 86,000 square-foot lot in this Single-Dwelling zone. As part of the Planned Development review, the applicant requested modifying the front and side setbacks, reducing the required ten-foot front setback on North Willis Boulevard and North Hunt Street and the five foot side setback on North Foss Avenue. This change would allow trellises in front of Buildings C, G and J at four feet 6.5 inches from the property line.

The applicant also requested that building coverage be allowed to increase by up to, but not to exceed, 500 square feet for a covered attached or detached porch/overhang for Building A in the interior courtyard. The applicant envisions adding such items as trellises, a potential overhang, benches, and potted plants in the plaza area. This added level of flexibility is requested to accommodate the future minor addition that would be internal to the site, but would not necessitate a land use review.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the relevant approval criteria of Title 33, the Portland Zoning Code. The applicable approval criteria are contained in:

- 33.815.105 A.-E. Institutional and Other Uses in R Zones
- 33.665.300 Approval Criteria in General
- 33.665.310 Approval Criteria for Planned Development in All Zones
- 33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards
- 33.665.340 Proposals Without a Land Division

II. ANALYSIS

Site and Vicinity: The site covers a full city block bordered by North Willis Boulevard on the south, North Hunt Street on the north, North Wayland Boulevard on the west and North Foss Avenue on the east. It is relatively flat and currently vacant. It was formerly occupied by John Ball School. The site reflects the block pattern of the area, with the north-south dimension at 400 feet and the east-west dimension at 215 feet, with a total area of 86,000 square feet. The elementary school was demolished in 2006 under permit 06-164242 CO. Rosa Parks School, located one block north in the New Columbia development, is the new elementary school that replaced John Ball School.

The surrounding neighborhood pattern is a mix of early 20th century cottages, smaller post war bungalows and newer detached and attached, two story single family houses. University Park and Community Center is one block north of the site and Columbia Pool and Park is two blocks south. New Columbia begins one block north on North Houghton Street. North Lombard Street, the

nearest major arterial, is about four blocks south, and North Columbia Boulevard is about six blocks north.

The Portland *Transportation System Plan* classifies North Willis Boulevard as a Transit Access Street, served by TriMet bus line 35; it is also classified as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, and Major Emergency Street. North Wayland Avenue, North Hunt Street and North Foss Avenue are local service streets for all modes. All street frontages are fully improved with public sidewalk corridors.

Zoning: The R5 designation is one of the City's single-dwelling zones intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for high-density single-dwelling housing.

Group Living is a Conditional Use in the single-dwelling zones. Allowed density is set by zone: in the R5 zone, the allowed density is 1.5 residents per 1,000 square-feet, which would allow 129 residents on the 86,000 square-foot site. The proposal anticipates a maximum of 52 residents in the Group Living use. The proposed mixed Group Living and Household Living uses are reviewed through the Planned Development Review. This review is required because multiple dwellings are proposed on a single lot. A total of nine Household Living units are proposed in addition to 27 Group Living units.

Land Use History: City records indicate that prior Conditional Use reviews in 1967, 1977, 1979, 1986 and 2002 approved additions of mobile classrooms and a shed for John Ball School.

Summary of Applicant's Statement: The site was acquired by the City of Portland from Portland Public Schools in 2007. The City authorized Bridge Meadows to use the site for the future operation of the Bridge Meadows intergenerational community for adoptive families of foster children and seniors acting as grandparents. Bridge Meadows signed a 99-year lease with the City of Portland in January 2009.

Bridge Meadows formed a Design Advisory Team (DAT) in the fall of 2008. This team was composed of six "at large members" and the applicant's executive director, a representative from the applicant's board, and members of the design team. Of the at-large members, two were experts in project programs (Elders in Action and the Oregon Department of Humans Services). The other four members were from the neighborhood living in the immediate area and two were representatives from the Portsmouth Neighborhood Association. The input from this group significantly impacted the project's site layout and building designs. The DAT meeting summaries submitted to staff indicated that at least eight different site layouts and varying building designs were proposed and reviewed in detail by the DAT. Feedback from the neighborhood helped shape the design and layout that the applicant has proposed. Below is a list of some of the main comments from the DAT that helped develop the project.

The project should:

- Be better than its surroundings and serve as a model for good development;
- Not provide public facilities and playgrounds, as there are plenty of such amenities in the neighborhood;
- Have environmental/sustainable features;
- Fit into the neighborhood and yet distinguish itself as a landmark;
- Be pedestrian and transit-oriented;
- Address neighborhood concerns about on-street and off-street parking;
- Have inviting, friendly facades, with no prominent garage doors;
- Reflect neighborhood values;
- Have individual buildings that reflect the level of detail and craft that would put them in the \$300,000 home market;
- Avoid commercial or industrial looking buildings and have minimal or discrete signage;
- Provide opportunities for interaction with neighbors, such as gardens with benches; and
- Orient front porches toward the neighborhood and back porches toward the interior community.

Public Comments and Neighborhood Review: Richard Ellmyer, leader of the Portsmouth Residents Action Committee, submitted written comments (Exhibits H-4, H-13, a-k, H-15, and H-23) and made a statement during the May 11, 2009 public hearing in this case. Mr. Ellmyer raised a concern that the Portsmouth neighborhood is saturated with social services, with the second highest number of public and nonprofit housing units in the city, which have created public safety problems. Mr. Ellmyer was concerned with the possible impact of public and nonprofit housing on the commercial viability of the area. Mr. Ellmyer was also concerned with what he believed was a lack of inclusion of the neighborhood in the City Council's decision to grant a 99-year lease to Bridge Meadows for this proposal. Mr. Ellmyer also had several criticisms of the City's political system, public funds for the proposal, and how the Office of Neighborhood Involvement (ONI) functions. Elaine Albrich, the applicant's representative, responded (Exhibit H-24) that Mr. Ellmyer's allegations concerning due process and public funding are not relevant to the approval criteria. The Hearings Officer agrees with Ms. Albrich, and so these issues are not addressed here.

Mr. Ellmyer also raised a concern (Exhibit H-5) about a sign being removed from the site announcing a community meeting to discuss concerns with the proposal. Ms. Albrich responded in the May 11, 2009 hearing to Mr. Ellmyer's concern about the sign. Ms. Albrich stated that the sign was improperly posted on the site, and so was removed. She stated that it is not the applicant's responsibility to provide land for people to post signs promoting a community meeting,

Letters were received from Madeleine Rose (Exhibit H-3), Jay C. Bloom (Exhibit H-6), Rhoni Seguin (Exhibit H-7), Kevin Lambert (Exhibit H-8), Nick and Mandy Mucci (Exhibit H-9) and Jo Anne C. Long (Exhibit H-10). Ms. Long and Ms. Seguin also spoke during the hearing. All expressed strong support for the proposal and highlighted positive elements of the proposal as made by the applicant.

Caren Cox, who lives in the nearby New Columbia project, submitted a letter raising concerns with the proposal. Ms. Cox stated that New Columbia has components of the modal for what is proposed for Bridge Meadows. She said that living in New Columbia is very challenging due to high levels of crime. She said that although the proposal is well-intentioned, there must be significant and ongoing resources to service Bridge Meadows, or the project will probably fail and the community will be left with one more problem, built with high but unrealized hopes.

Jim Schaller submitted a letter (Exhibit H-20). Mr. Schaller stated that the North Portland Business Association opposes the proposal because a foster home will have low income people who will not have the income to support local businesses. Mr. Schaller stated that the association is also concerned with the project leading to increased crime.

Charlie M. Westley submitted a letter opposing the proposal (Exhibit H-20). Ms. Westley stated that New Columbia is gang, drug and criminal infested. She is a drug and alcohol counselor and her experience shows that placing a foster home with foster children near a site like New Columbia is putting the foster children at increased risk of developing anti-social behavior.

Nola Rathburn submitted a letter opposing the proposal (Exhibit H-22). Ms. Rathburn stated that there was not enough public process for the neighbors to have their say. She also stated that there is already a lot of crime in the area, especially associated with New Columbia near the subject site.

Will Fuller, representing Elders in Action, submitted a letter supporting the proposal (Exhibit H-14). Mr. Fuller also spoke during the hearing. He stated that he was reassured and inspired by the inclusive, respectful process of the Design Advisory Team, and that the team made major changes in response to concerns raised by its members and others.

Ms. Albrich stated in the hearing that the Bridge Meadows residents would have off site support from Rosa Parks Elementary School and the YWCA. She also stated that the property would be managed by a professional property management company.

Brian Carleton, project architect, stated during the hearing that attention was focused on making the project fit into the neighborhood. Mr. Carleton stated that this included having a memorial garden that would connect with the neighborhood.

Cornelius Ross, representing Guardian Management, the property management company for the property, stated during the hearing that he had possibly never seen so much community support and involvement for a project, with more than one hundred stakeholders, including individuals, corporations, and others involved.

Ms. Albrich submitted a letter (Exhibit H-21) containing a statement from Greg Wilhelm (Exhibit H-21a). Mr. Wilhelm stated that the Portland Neighborhood Association held a community meeting (not a board meeting) with 40-50 people present. A motion to appeal the proposal to the City Council was made and was overwhelmingly defeated.

Teri Carbone, a participant in the DAT, spoke in the hearing. Ms. Carbone stated that the team was responsive in changing the style and location of the buildings, especially with regard to addressing concerns about the elderly and disabled.

Rhonda Meadows, founder of Bridge Meadows, spoke in the hearing. Ms. Meadows met with over one hundred members of the community.

Ed Sloop, representing Walsh Construction, spoke at the hearing. Mr. Sloop stated that his company built New Columbia and other housing projects in the city. He stated that he had a strong commitment to sustainable development.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

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

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

Findings: Staff determined that for the purposes of this review, the residential area is defined as the area in residential zones within 400 feet of the site. There are no uses within this radius that are not in the Household Living category. Nearby non-residential uses include University Park, which

has a southern border about 400 feet north of the site, and Rosa Parks School about 800 feet to the north. A church is in the CN2 zone one block east of the site, and north of it is an Army Reserve center in the R7 Single-dwelling zone, about 800 feet from the site. Staff determined that the addition of an 18-unit group living structure and three group living triplex structures does not significantly lessen the overall residential appearance and function of the area. The Hearings Officer concurs and this criterion is met.

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

Findings: Staff detailed that the group living component of the project comprises three triplex units (Buildings C, G and J) and one larger building (Building A, adjacent to Willis and Wayland). The remaining buildings are designed for Household Living uses, and include one detached dwelling and four duplexes. The total number of group living units is 27, which can accommodate up to 52 residents.

The applicant stated that it is not anticipated that there will be 52 residents in the group living component, but would like approval for this potential scenario. It is expected that many of the residents will be single, and the majority will be seniors who will live at the site as foster grandparents and thus as extended family members of the children living in the family units. Some of the units are larger than others to accommodate couples or residents with their own extended family who may occasionally visit overnight.

The allowed density in the R5 zone is one unit per 5,000 square-feet or 8.7 units per acre, which would allow 17 single dwellings on the two-acre site. The proposed mix of nine household living uses and the remainder in group living use results in a situation that is not unlike the intensity level created on a city block of single dwellings. The group living residents will be involved with the families in the single dwellings, and vice-versa. Consequently, much of the activity will occur within the site, as residents walk to the various units and to some of the support functions provided in the larger group living building, where staff will provide services.

There will be four offices for Bridge Meadows staff in Building A (the larger group living structure), to be used by the executive director, therapist, case manager and administrative and fundraising coordinators. Generally, staff will work typical weekday, daytime hours, with some early evening appointments by the therapist and case manager. In addition, the property management company will also occupy an office for a full-time site manager and part-time maintenance staff. None of these staff will reside at the facility, but the applicant indicated that there may be a resident manager who would live at the site and consequently be part of the Bridge Meadows community.

While the proposed group living use will be mostly contained in Building A, with eighteen units, there are also three triplex buildings containing the remaining nine group living units. The thirteen parking spaces are intended for staff and group living residents, with parking for families separate at their individual dwellings, mirroring the surrounding single-dwelling neighborhood. Building A

is situated on the southwest side of the site, oriented to North Willis Boulevard with the higher street classifications than the other streets, and North Wayland Avenue on the west side. The group living program residents, as in the case with many such programs and facilities, are not all expected to have their own vehicles, and will rely on public transportation for their comings and goings. All of these factors will create an intensity of use on the site that fairly reflects that found in the single-dwelling neighborhood around it, with the usual vehicle trips generated by residents throughout the day. The regular seven staff will drive to arrive and leave the site in a predictable way, bringing trips to the site that add to what would be generated by a typical household living use. Those are likely balanced by fewer trips by the senior residents of the facility, who will likely make up most of the group living population. The applicant indicated that it is likely that some of the staff will use alternate modes of travel for at least some of their trips to the site.

In looking at the number of residents for the Group Living use, up to 52 people living on about half of this two-acre site in group living units is a density of about 6 people per 5,000 square-feet, not unlike households with parents and children or extended family members. This is probably slightly above the average population for the R5 zone on a City-wide basis, where 8.7 houses are allowed per acre. But the mix of residential types over this two-acre site in large part maintains the household living character of the neighborhood, with the larger building and concentration of people in one corner of the site.

Historically, this neighborhood has been accustomed to a school at this site, with a playground on the north side of it. The proposed group living use on a portion of it will result in a less intense use and scale than the school. Staff determined that the intensity and scale of the proposed use and of existing Household Living uses and other uses does not significantly lessen the overall residential appearance and function of the area. The Hearings Officer concurs with staff and this criterion is met.

B. Physical compatibility.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or

Findings: Staff explained that the overall site is 86,000 square-feet; just under two acres. The Bridge Meadows program will occupy the entire site, with nine single-dwelling units in the form of detached and attached units in five buildings. The group living component will be located in four buildings, including one larger building (Building A) and three triplex buildings. Two of the three triplexes (C and J) are proposed on opposite corners, at North Willis Boulevard and North Foss Avenue, and North Wayland Avenue and North Hunt Street. The third (G) is between two duplexes.

In examining the single-dwelling residential pattern on the streets opposite the site, there are six lots oriented to North Wayland Avenue, eight lots across the street along North Foss Street (in the R2.5 zone), four across North Willis Boulevard and two across North Hunt Street. Two of the four group

living structures, Buildings A and J, are on the site's south side, oriented partially to North Willis Boulevard. The former John Ball School was oriented to North Willis Boulevard, and the building came fairly close to that street frontage. With this layout, the architects, in working with the Design Advisory Team, chose to preserve the historical site design to minimize the effect on the relationship between the site and its closest neighbors.

Aerial photos show that the former school building had about 95 feet along the North Wayland Avenue frontage, while proposed Building A would have about 160 feet along that frontage. However, at the point about 80 feet back, the building wall pushes back from a ten-foot to a 25-foot setback, and then comes again closer to the street. This articulation breaks up into almost separate elements what otherwise would be a long façade.

Further along North Wayland Avenue, the parking lot is adjacent to Building A. The parking lot is set back over nine feet from the street property line by a landscape buffer in front of and alongside it. By pushing the parking lot back a few feet more than the required five feet, its hard edge lines up fairly closely with the adjacent buildings, reflecting the smaller but open front yard pattern in the surrounding residential area.

The triplex structures are each about 76 feet long and 35 feet deep. Building C is oriented with its longer side across from the side yard of the house on North Hunt Street, and Building J is oriented approximately in the former school's southeast corner, but is much shorter in length than the school. The elevation drawings illustrate that the triplex buildings are about two-thirds single-story, with the remaining third a two-story section, reducing the bulk of the structures as seen from the adjacent residences.

Building A is the large group living structure, with the tallest, 2 ½-story façade at the North Willis Boulevard and North Wayland Avenue corner, where it is 28 feet at the ridge. The building's height drops to about half that as it moves west away from North Willis Boulevard. Again, the articulation of the third segment creates an expansive yard area in front of the building and significantly breaks up the building mass on that side.

Staff determined that using a site design reflecting the previous school building's placement, and having varying setbacks and heights, results in compatibility with the adjacent residential area, and so does not significantly lessen the overall residential appearance and function of the area. The Hearings Officer concurs and this criterion is met.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: Staff explained that the design incorporates various features which mitigate the larger scale of the group living structures. Perhaps the strongest element is locating Building A, adjacent to North Willis Boulevard, with one of the three triplexes next to it, also along North Willis, reflecting the historical placement of the school on the site. By maintaining this site design, there is a continuation of the site's relationship to the adjacent neighbors across the street. Further, North

Willis Boulevard is a 100-foot right-of-way, with 30 feet of right-of-way on each side of it between the roadway edge and the adjacent property lines. Consequently, Building A's ten-foot setback along North Willis results in 40 feet of separation between the building and roadway. The public sidewalk is relatively close to the property line, and the 23-foot deep landscaping strip containing four mature street trees provides a strong buffer from the four single dwellings across the street. Mature street trees also line the other streets, which also have generous planting strips.

In addition to the strong buffering provided by street trees and right-of-way depth, the site design maintains ten-foot setbacks all around Building A, and along the longer sides of the triplexes. Articulation through recessed wall portions on all of the buildings and porches projecting closer to the property line also mitigate the building's length. In front of each triplex, an entry trellis is proposed that adds visual interest, denotes a strong entrance, and further breaks up the facades.

The parking area is an element that does not indicate household living uses. The proposed layout places it at 9'5" back from the North Wayland Avenue property line, allowing a greater density of plantings to separate the parking area from the street. The 60-foot right-of-way on North Wayland Avenue, including the 28-foot roadway, provides mitigation by creating some distance between the adjacent properties on the west side of the street and the site. The wide nine-foot landscape strip adjacent to the public sidewalk also contains mature street trees. Two of the trees will have to be removed to develop the parking area. But new landscaping, including trees, will ensure a strong landscape screen in addition to the distance to the nearest properties.

Using varying roof pitches and heights, and incorporating one and two-story elements in the group living structures, ensures that the project's scale is not inappropriate for the surrounding neighborhood. The neighborhood is largely characterized by single-story postwar housing, interspersed with older early 20th century dwellings and newer two-story infill development. Using articulation, varying pitches and other design elements that give a strong street orientation provides strong mitigation for the difference in scale that the group living structures, particularly Building A, poses.

Staff determined that the proposal will mitigate differences in appearance or scale via setbacks, screening, landscaping, and other design features. The Hearings Officer concurs and this criterion is met.

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

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

Findings: Staff elaborated that the planned intergenerational community proposed on this two-acre site is intended to support foster children and their families, including extended "family" who will live in the group living units. It is anticipated that the majority of the residents of the group living facility will be seniors (defined by the applicant as persons over age 55), though it will not be

exclusive to them. Support services will be provided by seven staff who will work full or part-time at the site.

As proposed, the community is intended to function similarly to a typical residential neighborhood. But it will have the support programs to serve the specific population: foster children and families. Consequently, noise, glare, late night activities, odors and litter will be comparable to that found in the typical neighborhood, where there is outdoor recreation for children, vehicle trips associated with any household, and occasional evening activities. The difference in this case is that it is a program monitored and supported by the Bridge Meadows organization, which will provide a high level of attention to ensure that there are no such impacts affecting the surrounding residential area.

The applicant indicated that rules and policies will be incorporated into the terms of the residents' leases, similar to those found in a typical lease, prohibiting disruptive behavior and late-night noise. Regarding glare, lights on structures will be residential in nature. There may be post-mounted and bollard lighting, which will be shaded to ensure that glare does not affect the adjacent neighbors. The separation of all buildings on the site from the adjacent neighbors by the street and rights-of-way is fairly substantial, further ensuring that there will not be an issue with glare.

Odors and litter will be typical of any residential use. The group living facilities will be attended to by the residents as well as property management staff. The applicant indicated that seniors and children may be paired to collect their respective recycling and trash. Likewise, a "litter patrol" may be established if necessary, should litter become an issue. Generally, the site will function as a neighborhood or community like the surrounding neighborhood, and as a result, no significant impacts resulting from these livability factors are likely to occur.

Staff determined that the proposal will not significantly impact the neighborhood's livability from noise, glare from lights, late-night operations, odors, or litter. The Hearings Officer concurs and this criterion is met.

2. Privacy and safety issues.

Findings: Staff explained that privacy and safety issues were key community concerns that were addressed throughout the several weeks in which Bridge Meadows and community worked with the DAT. The result is that all of the buildings, including the group living structures, offer opportunity for "eyes on the street". Adequate window coverage on all facades, open front porches and front yards, and landscaping that allows views and screening without creating areas that could pose safety or security issues, all facilitate such surveillance. Bridge Meadows also worked with ONI using CPTED (Crime Prevention through Environmental Design) design guidelines. These standards ensure adequate openness and visibility into and throughout the site for surveillance by neighbors as well as public safety personnel. The zoning code requires landscaping in the form of trees, shrubs and living groundcover in all building setbacks. Additionally, L2 landscaping is required around the parking area, which results in a low (three-foot high) screen of shrubs along the street property line, and trees, to create a buffer between parking areas and the public pedestrian path and street.

Bridge Meadows staff will also provide another level of surveillance and monitoring, as well as support, that is not found in the general neighborhood, but that will further act to minimize safety concerns. Program residents are selected through a screening program, with the intent of providing a safe environment for children and families, who will reside in the detached house or duplex units, and the extended family members who will be the group living residents.

The Portland Police Bureau (PPB) responded with recommendations to incorporate Crime Prevention Through Environmental Design (CPTED) aspects into the site design, with attention to these elements:

- Types of lighting or lack of it can create visual gaps where activities can be hidden.
- The use of bushes and/or ground lighting can direct foot traffic in certain directions and away from areas not intended for use.
- Standard for tree and shrub/vegetation maintenance is from the ground level, lower tree limbs should be trimmed up 6 feet; shrubs/vegetation should be no higher than 3 feet and cleared up from the base 18 inches where applicable.
- Additionally, PPB suggested residential unit security measures and an on-site map identifying all buildings.
- PPB also requested to be included in future meetings with a property development committee.
- Before developing the site, the PPB recommends that on-site persons and the developer work with the North Precinct Commander on any public safety issues or concerns identified.

The recommendations of the PPB regarding lighting, landscaping, and communication with PPB and the North Precinct will enhance safety for the development, and consequently are incorporated here as conditions of approval.

Staff determined that the applicant has adequately addressed potential privacy and safety issues. The Hearings Officer concurs and this criterion is met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;

Findings: Staff detailed that at this location, North Willis Boulevard is classified as a Neighborhood Collector and Transit Access Street, City Bikeway, City Walkway, and Major Emergency street in the City's Transportation System Plan. North Foss Avenue, North Wayland Avenue and North Hunt Street are classified as Local Service streets for all transportation modes in the City's Transportation System Plan (TSP).

The Portland Bureau of Transportation (Transportation Bureau) responded to the proposal by indicating that the TSP states that "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The TSP further states "[t]he

design of Neighborhood Collectors may vary over their length as the land use character changes from primarily commercial to primarily residential. Some Neighborhood Collectors may have a regional function, either alone or in concert with other nearby parallel collectors.” The Transportation Bureau indicated that the proposed household living and group living uses for the site conform to the Transit Access street, and City Walkway designations of North Willis Boulevard. All of the site’s frontages are improved with curbs and sidewalks which support pedestrian activity and access to the frequent service transit line on North Willis Boulevard. The Hearings Officer concurs and this criterion is met.

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

Findings: The Transportation Bureau provided the following analysis:

Access to arterials

The site is located within a well connected grid pattern of streets. The site will have direct driveway access to North Wayland Avenue which connects to North Willis Boulevard (a Neighborhood Collector street). In addition, North Willis connects to North Chautauqua (another Neighborhood Collector street) two blocks east of the site, which provides direct access north to North Columbia Boulevard (Regional Traffic-way and a Major City Traffic Street), and south to North Lombard (a District Collector street).

Connectivity

The existing street grid pattern in the area generally meets City connectivity spacing guidelines for public streets and pedestrian connections. The public streets are within the recommended maximum 530 feet spacing goals. However, given that the blocks in the area are approximately 400-ft long, the goal of having pedestrian connections no further than 330-ft apart is not technically satisfied. The Transportation Bureau recognized this minor shortfall, but did not recommend that a public pedestrian connection through the site be provided. Due to the lot and area’s block pattern, as well as the existing development found throughout the neighboring block areas, a pedestrian connection through the site would/could not connect to any other such pedestrian system in the area.

Transit availability

The site is currently served by TriMet Bus line 35 (Greeley) on North Willis Boulevard, with bus stops located adjacent to the site at the intersection of North Wayland and North Willis. The site is also approximately 570-ft from bus stops at the intersection of North Chautauqua and North Willis for bus line 4 (Fessenden), which is a “frequent service” line through North Portland, providing service between downtown Portland and North Portland.

Street Capacity/Level of service/other performance measures

The Transportation Bureau indicated that Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases explains when traffic impact studies are required in the course of land use review or development. The document states that the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and the level-of-service (LOS) only at intersections during critical time periods, such as a.m. or p.m. peak hours. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Transportation Bureau staff evaluated the applicant's Traffic Impact Study (TIS) (Exhibit A.1). The TIS included providing trip generation and trip distribution information for the proposed project, as well as comparative information from the site's previous school use. The school use ceased several years earlier and no relevant data was available. Assumptions were made based on estimated school enrollment, which were based on the facility's size. Bureau staff found this acceptable. The TIS also includes data on area intersections reviewed by staff.

With regard to trip generation, the applicant conservatively determined that the proposed household living and group living uses will generate significantly fewer peak hour trips as compared with the previous school use. The site's redevelopment will generate a total of 21 a.m. peak hour trips as compared with the previous school's 135 a.m. peak hour trips. The site will generate 26 p.m. peak hour trips as compared with the school's 46 p.m. peak trips. The substantial trip reduction suggests a decreased impact to the area's transportation system.

With regard to trip distribution, since the study area is composed of primarily residential uses, and the proposed uses on the subject site are also residential uses, it is expected that traffic generated by the proposal will continue the same vehicular patterns given the street grid and classifications of the surrounding streets within the area's transportation system.

The TIS indicates that the capacity/level of service of nearby studied stop controlled intersections, including the major (signalized) intersection of North Willis and North Chautauqua, currently operate very favorably and well within acceptable standards. The studied intersections will continue to operate at levels of service "A" or "B", and will continue to operate acceptably.

On-street parking/neighborhood impacts

The proposed site plan shows that there will be 13 off-street parking spaces provided in a centrally located surface parking lot. The site plan also shows that each of the nine single-family residences will have a driveway and a garage. The project will provide 22 off-street parking spaces, meeting

code requirements for the minimum number of parking spaces necessary to serve the proposed uses (one per household living unit and one per four group living residents).

The proposed redevelopment of the site will be an intergenerational community made up of foster children and their adoptive families as well as seniors and mentors. It is likely that auto ownership will be less than that found in a typical household, due to the nature of the residents in the community.

Each of the surrounding streets allows on-street parking on both sides of the streets. The applicant determined that along the site's side of the surrounding streets only, the total linear frontage that would be available for on-street parking is approximately 1,000 feet. This amount of frontage would generally accommodate up to 40 vehicles. Given the amount of proposed off-street parking spaces, it is expected that the site will use only a minimal amount of the available on-street parking on the site's side of the surrounding streets.

Transportation Bureau staff concurs with the traffic consultant's conclusion that there is ample off-street parking to serve the needs of the proposed uses, and if necessary, there is sufficient parking along the site's side of the surrounding streets to accommodate any spill-over parking. To reduce the need for parking, the applicant included short and long term bicycle spaces on the site. To further assist in limiting impacts to on-street parking, the applicant will encourage and assist in coordinating carpooling and consider providing on-site car-sharing (i.e. Zipcar).

Access restrictions

The proposed site plan shows that there will be no driveways along the site's North Willis Boulevard frontage. The Transportation Bureau prefers this situation, given the higher street classification as a collector street. There will be two driveways along North Foss and North Hunt Streets for the duplexes, and a driveway and the on-site parking lot access along the North Wayland frontage. No access restrictions are necessary.

Impact on pedestrian, bicycle, and transit circulation

The Transportation Bureau indicated that the proposed Conditional Use will have no negative impacts to pedestrian, bicycle or transit circulation in the adjacent neighborhood.

Safety for all modes

The Transportation Bureau expects no negative safety impacts with the proposal on any mode of the transportation system. The site's surrounding sidewalk corridors will be maintained. Considering the limited number of curb cuts needed for the six driveways serving this large site, there will be minimal impacts to bicyclists traveling in the area. Transit service will be unaffected by the proposed household living and group living uses.

Adequate Transportation Demand Management (TDM) Strategies

The applicant did not include a Traffic Demand Management (TDM) Plan with the proposal. Transportation Bureau staff concurred that no TDM plan is necessary, considering the following:

- As identified previously, the site's proposed household living and group living uses are not expected to result in significant impacts to the area's transportation system, on-street parking or surrounding neighborhood.
- There are sufficient opportunities for the proposed project's residents and visitors to arrive and leave the site by alternative means other than single-occupancy vehicles, which is a primary reason why TDM Plans are typically developed. There is an adequate pedestrian corridor throughout the area's street grid system. There will be opportunities to use bicycles for transportation given the bicycle parking spaces being provided. Access to two nearby bus lines provides opportunities for residents and staff to use public transit, including a frequent service line just over 500 feet away.
- It is the applicant's stated intention to encourage and assist in coordinating carpooling and explore the opportunity for an on-site car-sharing (i.e. Zipcar) arrangement.

Transportation Bureau staff accepted and concurred with the methods, analysis and conclusions reached by the applicant's traffic consultant, and finds that the transportation system is capable of supporting the proposed uses in addition to the existing uses in the area. The Hearings Officer concurs and this criterion is met.

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

Findings: The Water Bureau indicated that there is an eight-inch water main in North Wayland Avenue and a 6-inch main in North Foss Avenue, which may be used to provide water to the proposed development. The Fire Bureau responded with no concerns.

The Bureau of Environmental Services (BES) responded that there is an existing public eight-inch sanitary-only gravity main located in North Wayland Avenue and in North Foss Avenue which are available to serve the development's sanitary disposal needs. There is also an existing public 26-inch concrete combination gravity main located in North Willis Boulevard.

The Bureau of Environmental Services and Bureau of Development Services, Site Development Section reviewed the applicant's stormwater management plans and concluded that they meet the project's stormwater management requirements. On-site infiltration is acceptable, and stormwater will not be allowed to be directed off-site. The proposed stormwater facilities would be in the site's interior, and using pervious pavers is acceptable. Additional information and testing will be required during building permit review. Any future changes to the on-site stormwater facilities may only be made if requested by Site Development or BES in order to meet requirements.

The Portland Police Bureau made several suggestions and recommendations to address public safety concerns, which were outlined above. The applicant indicated that they have worked with ONI to meet CPTED standards for the site. The landscaping plan has not been finalized (further discussion of this is below). The applicant must have a representative of ONI or the Police Bureau review the plan.

Staff determined that with conditions related to light, landscaping and communication with ONI or the Police Bureau, the public services adequacy criterion is met. The Hearings Officer concurs and this criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: Staff indicated that the following policies in the *Portsmouth Neighborhood Plan* apply to, and are supported by, the proposal:

Policy 1, Portsmouth Identity, states: Build a strong neighborhood identity that fosters a sense of pride and community among Portsmouth residents. Celebrate and strive to maintain the cultural and ethnic diversity of the neighborhood. Strengthen the sense of neighborhood history in the Portsmouth neighborhood.

The proposal supports this policy is supported because inherent in the program is an intergenerational community, resulting in a mix of elders, families and children on this full City block. Such a mix reflects the spirit of this policy, further supported by the focus of the community on foster children and their care and support. The applicant noted that the Portsmouth theme of “walking together” reflects the neighborhood’s values which the program further reflects and supports.

Policy 3, Public Safety, states: Create a secure and comfortable neighborhood where people feel safe in their homes, on the neighborhood’s streets and in its parks and schools. Develop and proactive partnership between Portsmouth residents, the Police Bureau and other agencies to help maintain a safe neighborhood.

The applicant worked fairly extensively with the Portsmouth neighborhood through meetings and creating the Design Advisory Team, which included neighborhood representatives and residents. The proposed design is the result of this partnership. In addition, the programmatic design includes attention to safety for the residents and the surrounding community, monitored by staff which will be on site every day, and including either a live-in property manager or designated residents who will be available during non-staff hours to attend to safety matters. Further, inherent in the program is the creation of a supportive and safe environment for foster children and their families and extended family members.

Policy 4, Neighborhood Livability, Policy B, Neighborhood Appearance, states: Improve Portsmouth neighborhood’s appearance by maintaining property, keeping the neighborhood clean, and planting more green and landscaped areas. Encourage new development to be compatible with the existing character of the neighborhood.

Creating new housing on the two-acre site, with substantial open area in its interior and typical street setbacks, will allow for a significant amount of green and landscaped areas. Property managers will be on site to ensure the site’s maintenance, and programmatic policies will also

ensure site maintenance and cleanliness by the residents. Regarding compatibility with the neighborhood, the applicant worked with a team of neighborhood residents and representatives through the DAT to create the proposed site and conceptual building design, to ensure compatibility.

Policy 5, Human Development, states: Support the efforts of public and private organizations to provide human services that help all residents meet their basic physical, social and spiritual needs, with special emphasis on programs and resources that help youth, seniors and parents with their specific issues and needs.

The proposal directly supports this policy by focusing on supporting foster children with direct services for the foster families. In addition, seniors will act as foster grandparents and other residents will be mentors. The mix of generations, with a focus on children and youth, specifically address this policy.

Policy 7, Transportation, states: Create a safe environment in which to walk, cycle, ride public transit, and drive. Protect neighborhood livability and the viability of commercial areas when making transportation improvements. Strive to ensure accessibility throughout the neighborhood and encourage people to use nonmotorized modes of transportation.

The site is a full city block improved with public sidewalks and connecting to the grid system with improved streets in the surrounding neighborhood. There will be no curb cuts on North Willis Boulevard, the only non-local street of the four streets adjacent to the site. This will allow uninterrupted pedestrian access along North Willis, which is a designated City Walkway and City Bikeway. Further, combined driveways serving the duplex units, and no driveways for the triplex, minimizes the number of curb cuts along all the adjacent streets. The site's proximity to frequent mass transit service, pedestrian facilities and bicycle paths encourages alternate modes of travel.

Policy 8, Housing, states: Strengthen the residential base of the Portsmouth neighborhood by preserving viable existing housing and constructing new housing which is responsible to the needs of present and future generations of households. As property values rise, ensure that there continues to be affordable housing in the neighborhood.

The proposal is for a residential development on a full City block that will add new housing for a program that includes group living. The program will serve children and families, bringing in extended foster family members who will reside in the group living units. As a new residential development, the proposal supports this policy.

Staff determined that the proposal supports, directly and indirectly, all of the *Portsmouth Neighborhood Plan's* policies that are relevant to the proposal. The Hearings Officer concurs with staff and this criterion is met.

APPROVAL CRITERIA FOR A PLANNED DEVELOPMENT REVIEW

33.665.300 Approval Criteria in General

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.665.310. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.665.320.**
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.665.330.**
- C. Proposals that do not include a land division must meet the criteria in Section 33.665.340.**

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

Findings: Staff detailed that the proposed 36 unit Planned Development is on a site zoned R5, and therefore the approval criteria of Section 33.665.310 (Approval Criteria for Planned Developments in all Zones) apply. Structures include one detached dwelling and four duplexes for the household living uses, three triplexes for group living, and a larger eighteen-unit group living structure.

As part of the Planned Development review the applicant is requesting a modification to front and side setback development standards. The front setback modification request is to reduce the required ten foot front setback on North Willis Boulevard and North Hunt Street and the five foot side setback on North Foss Avenue. This would allow for trellises in front of Buildings C and J at four feet, 6 ½ inches from the property line and for Building G at four feet, 6 ½ inches from the property line. The criteria of Section 33.665.320 is addressed below. No commercial uses are proposed and therefore the criteria of 33.665.330 do not apply.

The applicant proposes multi-dwelling development on one lot in this Single-Dwelling zone without a land division; therefore, the approval criteria of Section 33.665.340 (Approval Criteria for Proposals without a Land Division) apply.

33.665.310 Approval Criteria for Planned Developments in All Zones

Configure the site and design development to:

- A. Visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:**
 - 1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;**

Findings: Staff described that the planned development proposal consists of 27 units to accommodate up to 52 residents for group living. Structures include three triplexes and a larger eighteen-unit group living structure. In addition, there is one detached dwelling and four duplexes for the household living uses for a total of 36 units on the site.

The proposal covers a full city block, formerly the Ball Elementary School site. The streets surrounding the block include North Willis Boulevard, which is a Neighborhood Collector, City Walkway and Bikeway and Transit Access Street with bus service by bus #35. The other streets include North Wayland Avenue, North Hunt Street and North Foss Avenue, which are all local service streets. The proposed 18-unit group living structure is two stories located along North Willis Boulevard and North Wayland Avenue with a 13 space parking lot and a loading space directly north of the building. The detached single family home and four duplexes are two story buildings with attached garages. Each duplex will share a driveway to reduce the curb cuts on the surrounding public streets and preserve sidewalk connectivity as much as possible. The three triplexes are one to two story buildings with no vehicle access to the public right-of-way. Pedestrian paths provide circulation between the units internally, as well as out to the public right-of-way improving connectivity. There are two through connections between North Foss and North Wayland Avenues.

The existing neighborhood pattern is a mixture of small, post-war bungalows and new detached homes and attached rowhouses. The diversity of housing types in the area is complemented by a well-developed system of sidewalks, narrow streets and street trees in many areas. Many of the older homes and newer developments have maintained a traditional front porch and front yard. The applicant maintains this pattern of orienting the site and development to the public realm and maintaining the typical R5 residential height standards and setback standards, except for a few front and one side setback modifications to accommodate trellises.

Since the public notice for the May 11, 2009 hearing, the applicant requested an additional item for consideration as part of this proposal. The applicant envisions adding such items as trellises, a potential overhang, benches, and potted plants in the plaza area just east of building A, internal to the site. These items have not currently been designed, but the applicant would like the flexibility to add them in the future. Staff proposes that up to 500 square feet in additional building coverage, for an attached or detached covered area within the plaza area behind Building A, could be allowed without an amendment to the planned development portion of this land use review. An increase in building coverage beyond this amount may impact other service bureau requirements and a reviewed would be required. Currently, the building coverage for the site is 33,096 square feet or approximately 38 percent. Fifty percent is the maximum allowed building coverage for the site which would equal 43,000 square feet. Adding 500 square feet for a covered area internal to the site would bring the building coverage to 39 percent, which is still within the allowed amount.

The Design Advisory Team (DAT) considered placing the larger 18-unit building and the individual units in different places on the site to accommodate neighborhood feedback as well as try to follow the lot pattern of the adjacent blocks as much as possible. Staff indicated that, given the proposed group living use, the applicant could have proposed a larger intergenerational community building

with more units than the 18 proposed. In an effort to weave the group living units into the site as a whole and blend them into the neighborhood pattern of single family homes, they were able to limit the size of the larger building to 18 units and design the three group living triplexes (Buildings C, G and J) that are located among the duplexes and single family home.

The larger 18-unit structure was shown in several different locations on the site plan throughout the site design process (Exhibit A.3, DAT meeting summaries). The proposed site layout shows the building in an L-shaped configuration along North Willis and North Wayland. This configuration allows the building to remain close to the bus stop on North Willis, breaks up the massing of the building between two streets, while providing a strong corner with a second main entrance with a porch to connect to the public realm. This is consistent with the pattern used with the site's individual homes as well as in the surrounding area. In addition, the building façade offers different types of siding, and decks on each unit and a variety of different window sizes and shapes. The diversity in roof pitches that are used also helps to break up the massing of the building.

Although the approval criteria discusses limiting active uses such as parking along the public realm, the applicant explored various locations for the parking lot along some of the other adjacent streets, as well as internalizing the parking behind building A. While internalizing the parking lot would remove it from the public realm, the applicant has indicated that it would add additional driving surface and additional safety issues for the residences of the community especially for seniors and small children. The ONI Crime Prevention Program also commented on the proposed site design and indicated that the current location of the parking lot is ideal for surveillance. "Car prowling" is currently a very common type of crime, and it is deterred when there is clear visibility to parked cars (Exhibit A.3). The applicant increased the parking lot setback to the street from five feet to 9 ½ feet to provide additional landscaping to soften the parking lot's appearance along North Wayland.

In an effort to meet neighborhood requests to preserve on-street parking and maintain the public pedestrian corridors around the site, the applicant proposes garages for the duplexes and single family home. The garages are set back 33 feet from the public right-of-way, which far exceeds the minimum code requirement of 18 feet, to minimize their appearance along the public realm. In addition, the garage wall is less than 50 percent of the full front façade wall and has living space above. The applicant also reduced the number of curb cuts substantially from an original design that showed approximately 13 curb cuts for driveways around the site to six curb cuts. This was accomplished by pairing driveways for the duplexes and eliminating driveways for the triplexes.

Staff determined that the applicant has oriented the site and development to the public realm, while limiting parking areas along the public realm. The Hearings Officer concurs and this criterion is met.

3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;

Findings: Staff indicated that throughout the surrounding neighborhood there is a mixture of small, post-war bungalows and newer detached homes and attached rowhouses. The diversity of housing types is complemented by a well-developed system of sidewalks, narrow streets and street trees in many areas. Many of the older homes and newer developments have maintained a traditional front porch, front yards and side yards with trees and shrubs. Most of the homes have lap siding with wood trim and generous windows with wood trim on front facades.

The applicant's proposal shows that residential forms and scale are used throughout the development. For example, each proposed home has a front porch with railings, roofs are pitched and overhang the walls, and there are numerous windows of varying shapes and sizes along the front facades. Building massing is broken down into portions with various planes and slopes so that the size reflects some of the older smaller bungalows surrounding the site. The applicant is meeting all residential building setbacks typical in the R5 zone and has requested front and side setback modifications to accommodate trellises (discussed below). Lapped siding with accents of cedar siding and wood trim on windows and doors are used to complement characteristics of the surrounding neighborhood. The proposed trellises in front of the group living triplexes (buildings C, G and J) will be built with cedar.

The landscaping plan shows extensive tree, shrub and ground cover plantings throughout the site. Under "4." below there is some additional discussion of tree planting requirements and tree location to complement the positive characteristics of the surrounding area.

The 18-unit group living structure along North Willis and North Wayland is L shaped to help break up the massing of the building so as not to take away the single family home feel on the adjacent City blocks. This is also the approximate location of the former John Ball Elementary School building. It is important to note that the shape and location of the larger building went through at least eight different iterations. The location of the building adjacent to North Willis also provides close proximity to the bus stop at the corner of North Willis and North Wayland. The massing of the building is also broken up by varying the building setback and roof forms within the façade.

In terms of building scale, the applicant has designed the single family home and duplexes to be approximately 32 feet wide. This is similar to the width of homes in the surrounding neighborhood. The triplexes are longer at 76 feet wide; however, the mass of the buildings is broken up by the trellises at the front of each building. As mentioned above, all units, including the larger 18-unit group living structure, will meet the R5 setback standards with ten foot front setbacks for all buildings, except for three trellises that project into the setback. There will be at least ten feet between structures. In looking at the single-dwelling residential pattern on the streets opposite the site, there are six lots oriented to North Wayland, eight lots across the street along North Foss (in the R2.5 zone), four across North Willis and two across North Hunt. The applicant has attempted to align the individual buildings with existing lot patterns in the neighborhood (Exhibit C.2).

The duplexes and detached single dwelling home have garages that are recessed much more than the required garage setback of 18 feet for the R5 zone. The applicant felt this accomplished two things: 1) the garage is not a dominant feature along the frontage of the house, and 2) having on site

parking will maintain on street parking for neighbors and visitors. Also, the on site parking lot adjacent to building A will exceed minimum setback requirements in order to provide additional perimeter landscaping to screen and buffer it from adjacent residences.

Staff determined that building scale, materials, setbacks, and landscaping complement the positive characteristics of the surrounding neighborhood. The Hearings Officer concurs and finds that this criterion is met.

4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;

Findings: Staff detailed that the overall site design incorporates features which provide strong mitigation for the development. The applicant proposes nine separate buildings to better reflect the single family nature of the surrounding area. The location of Building A adjacent to North Willis Boulevard, with one of the three triplexes next to it, reflects the historical placement of the school on the site. By maintaining this site design, there is a continuation of the site's relationship to the adjacent neighbors across the street. North Willis Boulevard is a 100-foot right-of-way, with 30 feet of right-of-way on each side between the roadway edge and the adjacent property lines. This distance, along with the mature street trees that line North Willis, helps provide substantial separation between the buildings on either side of the street.

Landscaping

The applicant provided a detailed landscaping plan, which shows extensive tree, shrub and ground cover plantings throughout the site. The applicant will be required to meet T1 tree planting (33.248.020.H) requirements on site during development. The site is 86,000 square feet, which will require planting 86 2" trees. Currently the plans are only showing 72 trees (C.8-C.12), which is not adequate to meet T1 requirements.

Staff recommended approving the species and size of trees, shrubs and ground cover as shown on the planting schedules on the plans; however, planting locations may vary during development to ensure adequate spacing and compliance with CPTED landscaping requirements for shrub and vegetation maintenance and location. The quantity of shrubs and ground cover shown in Exhibits C.8-C12 is appropriate. Before building permits are issued, a finalized landscaping plan for the entire site must be submitted showing that T1 requirements have been met, using the approved plant list and schedules in Exhibit C.8-C.12. All shrubs and ground cover must be shown on the finalized landscaping plan and conform to the approved Exhibits.

There are trees and shrubs shown in the three stormwater basins. This landscaping must meet the requirements of the BES *Stormwater Management Manual* (See Appendix F.4 for recommended plantings). The trees planted in these facilities may count toward meeting T1 requirements.

Some specific tree locations are being required in an effort to ensure that the landscaping around the individual units is similar to that of the typical landscaping pattern found in the surrounding neighborhood. All other required T1 tree locations may vary from what is shown on the plans, but

must be detailed on the final landscaping plan submitted with the building permit. The following tree locations will be required:

- Buildings B, D, E, F and H must have at least one front yard tree for each unit.
- Buildings C, G and J must have two front yard trees each.
- Building A must have six trees along the frontage (three along North Willis and three along North Wayland). Because of the limited space these trees must be a columnar variety.
- The parking lot must meet perimeter and interior landscaping requirements, as per 33.266.130.G. These plantings may count towards meeting T1 requirements.

The City Forester evaluates the existing trees in the public right-of-way and the proposed development plan to determine what can be preserved or additional right of way tree plantings that will be required. The City Forester indicated that the Transportation Bureau is not requesting any street frontage improvements. This is in an effort to preserve some of the mature trees in the public right-of-way. The City Forester will work with the applicant when building permits are applied for to determine which street trees can be preserved as well as requiring additional street plantings.

Architectural Features

The applicant also proposed quality design features, including generous windows on facades, front porches on each of the duplexes, single family home and triplexes. Recessed walls, different roof pitches and the L-shape of the large 18-unit building are to help mitigate for the building's length. In front of each triplex, an entry trellis will add visual interest, help to enclose the front porch for the unit and further break up the facade and overall massing of the building.

Setbacks

The setbacks that the site design has implemented complement the surrounding neighborhood and follow the typical R5 setback standards. Visually, the proposed individual buildings align with development on the surrounding blocks. Because the applicant is developing the whole City block, North Willis Boulevard and North Hunt Street are considered front lot lines and North Wayland and North Foss are considered side lot lines. The applicant proposed meeting ten foot front setbacks for buildings on all frontages except for the trellises on buildings C, G and J. Side setbacks between buildings are at least ten feet.

Parking

As mentioned above, the applicant explored various locations for the parking lot along some of the other adjacent streets, as well as internalizing the parking behind Building A. While internalizing the parking lot would remove it from the public realm, the applicant indicated that it would add additional driving surface and additional safety issues for community residences. The Office of Neighborhood Involvement Crime Prevention Program also commented on the proposed site design and indicated that having the parking lot in its current location is preferred because it is better for surveillance purposes. The applicant increased the parking lot setback to the street from five feet to 9 ½ feet to provide additional landscaping to soften the parking lot's appearance along North Wayland.

Staff determined that differences in appearance through means such as setbacks, screening, landscaping, and other design features had been adequately mitigated. The Hearings Officer concurs and this criterion is met.

5. Minimizing potential negative effects on surrounding residential uses; and

Findings: Staff detailed that the proposal is for multi-dwelling development in an area that is predominately single family residential development. The applicant proposed 36 units, including one detached dwelling and four duplexes for the household living uses, three triplexes for group living, and a larger eighteen-unit group living structure. The separation of the buildings and the use of features such as front porches, generous windows on the facades, landscaping and typical R 5 setbacks around the units help the proposal minimize potential negative effects.

Staff determined that placing the larger 18-unit group living structure on North Willis and North Wayland is the best location to provide ample separation from the abutting single family parcels with North Willis providing the larger right-of-way of 100 feet. The applicant is also meeting and exceeding for some buildings, side setbacks of the R5 zone. In addition, the applicant has integrated design features of the surrounding area into their building design in order to integrate the new development into the surrounding area.

The Transportation Bureau responded that no additional street frontage improvements will be required. This is in an effort to preserve as many mature trees in the sidewalk corridor as possible. They have also indicated that the existing transportation system can safely serve the proposed units. Providing on site parking lot and parking for individual homes should limit the impact on on-street parking. Having duplexes share driveways has reduced the number of curb cuts around the site, preserving the pedestrian connections around the City block.

Staff determined that the proposal minimizes potential negative effects on surrounding residential uses. The Hearings Officer concurs and this criterion is met.

B. Provision of adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multidwelling structures. Open area does not include vehicle areas.

Findings: Staff detailed that the applicant incorporated extensive open areas into the proposed development. The homes all have back patios that connect to a continuous network of gardens, play areas and orchards that make up approximately 23,190 square feet of the site. The Group Living Section under 33.239.030.C indicates that the outdoor area requirement is 48 square feet for every 3 residents with a minimum dimension of 6 ft. by 6 ft. The applicant is proposing a maximum of 52 Group Living residents which would require 832 square feet of outdoor area. The 18-unit group living structure may combine their individual outdoor area with a minimum size of 500 square feet or at a minimum dimension of 15 ft by 15 ft. Calculating the outdoor area for the duplexes and single family home using the R5 requirement of 250 square feet per unit with a minimum dimension of 12 ft. by 12 ft., the requirement is 2,250 square feet. All units meet the requirement adjacent to

individual units or exceed the combined area as allowed through the Group Living Chapter 33.239.

In addition, to enhance connections to the external neighborhood, all the homes have front porches with sidewalks that lead to the public sidewalks and a memorial garden is proposed along North Foss Street to invite neighbors into the site. Staff determined that the proposal provides adequate open area. The Hearings Officer concurs and this criterion is met.

33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. The modification will be approved if the following approval criteria are met:

- A. Better meets approval criteria. The resulting development will better meet the approval criteria of Section 33.665.310, above; and**

Findings: As discussed above, the proposal can meet the approval criteria for a Planned Development. The applicant requested a modification to front and side setback development standards, to reduce the required ten-foot front setback on North Willis Boulevard and North Hunt Street and the five foot side setback on North Foss Avenue to allow for trellises in front of Buildings C, G and J at four feet 6 ½ inches from the property line. Because the applicant is developing the whole city block, North Willis and North Hunt are considered front lot lines and North Wayland and North Foss are considered side lot lines. The applicant proposes meeting ten foot front setback for buildings on all frontages except for the trellises on buildings C, G and J.

The trellises are nine feet high, aligning with the height of the porch overhang on each building, 23 feet 3 inches long, but there are three vertical elements that are the only parts that are site obscuring (Exhibit C.22). Vertical structures such as trellises are allowed in building setbacks as long as they do not exceed eight feet in height, three feet in width, depth or diameter. The proposed trellises exceed these measurements, which in turn require the modification. The requested modification better meets the approval criteria because the trellises help to break up the massing of the triplexes and enhance the front porch of each unit and improving privacy.

Staff determined that the proposal will better meet the approval criteria for planned developments. The Hearings Officer concurs and this criterion is met.

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

33.110.220 Setbacks

- A. Purpose. The setback regulations for buildings and garage entrances serve several purposes:**

- **They maintain light, air, separation for fire protection, and access for fire fighting;**
- **They reflect the general building scale and placement of houses in the city's neighborhoods;**
- **They promote a reasonable physical relationship between residences;**
- **They promote options for privacy for neighboring properties;**
- **They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;**
- **They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and**
- **They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.**

Findings: Staff detailed that the trellises are placed at the front of each triplex parallel to the front porch, and continue to maintain light, air and separation along the frontages of the triplexes for fire protection and access for fire fighting. The scale of the trellises blends in with the façade of the triplexes offering more privacy to the front porches and providing some architectural diversity. In addition, the height of the trellises is the same height as the overhang of the front porches. Also, the trellises help to break up the mass of the triplexes. These buildings are approximately 76 feet long. The trellises are centered along the frontage of each building adding texture to the facade and visually making the frontage look like two smaller buildings.

The trellises are not obstructing required outdoor area as the development as a whole offers extensive open space with gardens, orchards and play areas for all the units.

The trellises will not overhang into the adjacent right-of-way or sidewalk area and there are no driveways for the triplexes so visibility will not be hindered. The Office of Neighborhood Involvement, Crime Prevention Program reviewed the plans and elevations for the proposal and commented that they would prefer to see that the trellises not be obscured with dense vines so as not obscure visibility between the triplexes and the street.

Staff determined that on balance, the proposed modification is consistent with the purposes of the setback regulations. The Hearings Officer concurs and this criterion is met.

33.665.340 Proposals Without a Land Division

A. Services.

- 1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;**

Findings: Staff detailed that the proposal conforms to the Neighborhood Collector designation of North Willis Boulevard, and the Local Service street designations of North Foss and North Wayland Avenues and North Hunt Street in the Transportation Element of the Comprehensive Plan (TSP). The TSP states that “Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses.” The TSP states that “The design of Neighborhood Collectors may vary over their length as the land use character changes from primarily commercial to primarily residential. Some Neighborhood Collectors may have a regional function, either alone or in concert with other nearby parallel collectors.” The site’s proposed household living and group living uses conform to the Transit Access street, and City Walkway designations of North Willis. All of the site’s frontages are improved with curbs and sidewalks which support pedestrian activity and access to the frequent service transit line on North Willis. Staff determined that the proposal conforms to the relevant portions of the Transportation Element of the Comprehensive Plan. The Hearings Officer concurs and this criterion is met.

2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;

33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

- a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
- b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- c. Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**

- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

Findings: Staff detailed that the site covers a full city block. The distance between North Willis and North Hunt is 400 feet and between North Wayland and North Foss is 215 feet. The public streets are spaced within the recommended 200 to 530 feet spacing. However, the recommendation of having pedestrian connections not more than 330 ft. apart is not satisfied. The Transportation Bureau did not recommend that the applicant provide a public pedestrian connection through the subject site. The bureau determined that due to the area's lot and block patterns, as well as the existing development found throughout the neighboring blocks, a pedestrian connection through the site would not connect to any other such pedestrian system in the area.

The City's Master Street Plan does not show any through connections at this location, so criterion d. does not apply. Therefore, the proposal is consistent with the master street plan.

The site frontages along North Foss, North Wayland, North Hunt and North Willis are improved with curbs and sidewalks. As the development covers the full city block, the applicant is proposing extensive sidewalk connections throughout the development between units and out to the public right-of-way. The applicant is proposing two private pedestrian connections from North Foss to North Wayland through the site. One of the pedestrian connections is approximately 70 feet south of North Hunt and offers a straight line connection between North Wayland and North Foss. The other pedestrian connection between North Wayland and North Foss meanders through the site to accommodate stormwater facilities and community gardens that are an integral part of the development. Overall the pedestrian connections throughout the site are very extensive and connect all proposed units, as well as providing connections to the public pedestrian corridors from all units. The extensive network of sidewalks through the site and the two through connections between North Wayland and North Foss adequately meet this criterion.

Staff determined that the proposal satisfied the approval criterion for through streets and pedestrian connections. The Hearings Officer concurs and this criterion is met.

3. The standards of Section 33.651.020, Water Service Standards, must be met;

Findings: Staff detailed that the site is served by a 1 ½ -inch metered service from the existing eight inch water main in N. Wayland Ave. and by a two-inch metered service from the six-inch water main in N. Foss Ave (Exhibit E-3). The Hearings Officer finds that this criterion is met.

4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met; and,

Findings: Staff detailed that there is an existing eight inch PVC sanitary only gravity main located in North Wayland Avenue. There is also an existing public eight-inch PVC sanitary only gravity main located in North Foss Avenue. These sanitary only sewers are available to serve the

proposal's sanitary disposal needs (Exhibit E-1). The Hearings Officer finds that this criterion is met.

- 5. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

33.653.020 Stormwater Management Approval Criteria

- A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and**
- B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

Findings: Staff explained that the City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's *Stormwater Management Manual*. No stormwater tract is proposed or required, and so Criterion A does not apply. The applicant proposed the following stormwater management methods (Exhibit C.5 and A.4), and agencies responded as follows (Exhibits E-1 and E-5):

The applicant proposes infiltrating all stormwater on-site by using three surface vegetated facilities, labeled as Storm Basins 1, 2, and 3 and drywells as shown on Exhibit C.5. In addition, pervious pavers for the driveway courts will be used, as recommended by the applicant's geotechnical engineer (Exhibit A.4). Roof runoff from buildings B, C, D, E, F, and G drain directly to the drywell system and roof runoff from buildings A, H, and J will be collected in below ground tanks and used for irrigation by the various gardens, orchards and landscaping on site. Overflow from the tanks will be routed to storm basin 1, which overflows to storm basin 2 prior to disposal in to the private drywell system. The concrete pathways drain to landscaping for surface infiltration or are collected in area drains, which connect to the private drywell system. The parking lot stormwater run off will drain to Storm Basin 3. Site Development and BES reviewed the stormwater calculations and associated plan sets and had no objections to the proposed plans for stormwater treatment and disposal on site. Any future changes to the on-site stormwater facilities may only be made if requested by Site Development or BES in order to meet requirements.

The Hearings Officer finds that the stormwater management criteria are met.

E. Clearing, grading and land suitability.

- 1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;**

- 2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;**
- 3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;**
- 4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;**
- 5. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading, if practicable; and**
- 6. Where geologic conditions or historic uses of the site indicate a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the lots suitable for the intended uses and the provision of services and utilities.**

Findings: Staff detailed that the site is primarily flat and no significant clearing or grading will be required for development. There are no trees required to be preserved in the areas where new site development is anticipated (Exhibits C.3).

The site is vacant and was previously the site of John Ball Elementary School. As indicated above, the site is relatively flat and contains no known geological hazards. However, demolition permit 06-164242-CO for the former elementary school is still under inspection and has not been finalized. Final approval of the demolition permit is required before a building permit is issued. A Sewer cap permit 06-164936-PT was finalized on 11/14/06, and a septic system decommissioning permit 06-181686-SE was finalized on 12/13/06. Therefore, there are no anticipated land suitability issues and the site can be considered suitable for new development with finalizing the demolition permit.

The Hearings Officer finds that the clearing, grading and land suitability criteria are met.

G. Transportation impacts. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and performance standards; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. A Traffic Impact Study may be required by the City Engineer in order to determine if the criterion is met. In addition, mitigation measures approved by the City Engineer may be included in the proposal as a way to meet this criterion.

Findings: The Transportation Bureau's Development Review reviewed the application for its potential impacts on the public right-of-way, traffic impacts, conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

North Willis Boulevard, North Wayland Avenue, North Hunt Street and North Foss Avenue are all fully improved with a paved roadway, curbs, planting strips, and sidewalks. The site's sidewalk widths are 1 ft. shorter than recommended, and each of the site's frontages include many mature

trees within the existing planter areas. As such, if the applicant was required to reconstruct the existing sidewalk corridors to accommodate a 6 ft. sidewalk, damage would likely occur to the existing trees. To save as many trees as possible, the Transportation Bureau will not require reconstructing the existing sidewalks. The bureau noted that if any of the sidewalks become damaged during construction, they must be repaired.

The Transportation Bureau determined that the existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. The bureau also determined that the proposal will not cause any significant impact on the level of service provided.

The Transportation Bureau's Evaluation Factors include:

Street Capacity/Level of service/other performance standards

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and the level-of-service (LOS) only at intersections during critical time periods, such as a.m. or p.m. peak hours. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Transportation Bureau staff evaluated the applicant's Traffic Impact Study (TIS) (Exhibit A.1). The TIS included providing trip generation and trip distribution information for the proposed project, as well as comparative information from the site's previous school use. The school use ceased several years earlier and no relevant data was available. Assumptions were made based on estimated school enrollment, which were based on the facility's size. Bureau staff found this acceptable. The TIS also includes data on area intersections reviewed by staff.

With regard to trip generation, the applicant conservatively determined that the proposed household living and group living uses will generate significantly fewer peak hour trips as compared with the previous school use. The site's redevelopment will generate a total of 21 a.m. peak hour trips as compared with the previous school's 135 a.m. peak hour trips. The site will generate 26 p.m. peak hour trips as compared with the school's 46 p.m. peak trips. The substantial trip reduction suggests a decreased impact to the area's transportation system.

With regard to trip distribution, since the study area is composed of primarily residential uses, and the proposed uses on the subject site are also residential uses, it is expected that traffic generated by the proposal will continue the same vehicular patterns given the street grid and classifications of the surrounding streets within the area's transportation system.

The TIS indicates that the capacity/level of service of nearby studied stop controlled intersections, including the major (signalized) intersection of North Willis and North Chautauqua, currently operate very favorably and well within acceptable standards. The studied intersections will continue to operate at levels of service "A" or "B", and will continue to operate acceptably.

Vehicle Access and Loading

The site plan shows an on-site surface parking lot that will have access via North Wayland Avenue. The parking lot will contain a loading space. The Transportation Bureau determined that it is not expected that the loading space will serve an active, daily function.

Given the loading space's location within a small parking lot and the ample on-street parking opportunities around the entire site, the likely users of the loading space (Fed-Ex, UPS, etc.) will have alternative locations to quickly access the site.

On-street parking/neighborhood impacts

The proposed site plan shows that there will be 13 off-street parking spaces provided in a centrally located surface parking lot. The site plan also shows that each of the nine single-family residences will have a driveway and a garage. The project will provide 22 off-street parking spaces, meeting code requirements for the minimum number of parking spaces necessary to serve the proposed uses (one per household living unit and one per four group living residents).

The site's proposed redevelopment will be an intergenerational community composed of foster children and their adoptive families, as well as seniors and mentors. It is likely that auto ownership will be less than that found in a typical household, due to the nature of the community's residents.

Each of the surrounding streets allows on-street parking on both sides of the streets. The applicant determined that along the site's side of the surrounding streets only, there is approximately 1,000 feet of total linear frontage that would be available for on-street parking. This amount of frontage would generally accommodate up to 40 vehicles. Given the amount of proposed off-street parking spaces, it is expected that the site will use only a minimal amount of the available on-street parking on the site's side of the surrounding streets.

Transportation Bureau staff concurs with the traffic consultant's conclusion that there is ample off-street parking to serve the needs of the proposed uses, and if necessary, there is sufficient parking along the site's side of the surrounding streets to accommodate any spill-over parking. To reduce the need for parking, the applicant included short and long term bicycle spaces on the site. To further assist in limiting impacts to on-street parking, the applicant will encourage and assist in coordinating carpooling and consider providing on-site car-sharing (i.e. Zipcar).

Availability of transit service and facilities and connections to transit

The site is currently served by TriMet Bus line 35 (Greeley) on North Willis, with bus stops located adjacent to the site at the intersection of North Wayland and North Willis. The site is also approximately 570 ft. from bus stops at the intersection of North Chautauqua and North Willis for bus line 4 (Fessenden), which is a “frequent service” line through North Portland, providing service between downtown Portland and North Portland.

Safety for all modes

The Transportation Bureau expects no negative safety impacts with the proposal on any mode of the transportation system. The site’s surrounding sidewalk corridors will be maintained. Considering the limited number of curb cuts needed for the six driveways serving this large site, there will be minimal impacts to bicyclists traveling in the area. Transit service will be unaffected by the proposed household living and group living uses.

Summary

Transportation Bureau staff determined that the proposed Conditional Use and Planned Development will have no negative impacts to pedestrian, bicycle or transit circulation in the adjacent neighborhood. With this analysis, the transportation system will continue to be capable of safely supporting the proposed development in addition to the area’s existing uses. The Hearings Officer concurs with Transportation Bureau staff and finds that 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 before a building or zoning permit is approved.

III. CONCLUSIONS

The proposal is to develop an intergenerational residential community on the site. Concerning the Conditional Use for group living, the group living component will be in one larger building and three triplexes. Group living residents will be integral to the program, acting as foster grandparents and mentors. The Planned Development allows multi-dwelling development on a single lot in this R5 single dwelling zone. The mix of household living units and the group living ensures that the site will function similarly to a residential neighborhood, with interaction among neighbors both internal to the site and with the larger surrounding community.

The applicant involved the neighborhood in designing both the site and the buildings. As proposed, the buildings facilitate substantial opportunities for interaction with the street and neighborhood through porches, strong entries and adequate glazing. The applicant uses similar building materials, and proposes building setbacks and landscaping that will complement what exists in the

surrounding community. The scale of the project generally reflects that found in this R5 zone and of newer infill development in the area.

The modification requested under the Planned Development is for three trellises in the front and side setbacks along the frontage of the triplexes. The modification better meets the approval criteria because the trellises help to break up the buildings' massing. The trellises also enhance the front porches and improve privacy.

Comments from a resident of the Portsmouth neighborhood focused largely on public safety concerns, as well as the existing amount of public and nonprofit housing in the neighborhood that is greater than most other neighborhoods in the city. The response from the Police Bureau regarding public safety, and measures to address potential issues, includes recommendations that have been added as conditions of this approval. The other City service bureaus responded that no additional requirements are necessary to ensure adequacy of public services to support the proposal.

Analysis of the proposal against the relevant policies of the *Portsmouth Neighborhood Plan* show that some of those policies directly relate to the development and program that the proposal brings to the neighborhood, and fully supports those policies. The proposed Conditional Use for Group Living and Planned Development, and the modification to setbacks for three trellises, all satisfy the relevant approval criteria, and consequently staff recommended approval.

IV. DECISION

Approval of a Conditional Use for Group Living for up to 52 residents.

Approval of the Planned Development for 36 units comprised of one detached dwelling and four duplexes for the household living uses, three triplexes for group living, and a larger eighteen-unit group living structure substantially conforming to: Exhibits C.1, C.3-C.6, C.8-C.12 and C.19-C.24

Approval of a Modification to:

- reduce the front setback (33.110.220) from ten feet to 4 feet, 6 ½ inches for the trellises in front of buildings C and J
 - reduce the side setback (33.110.220) from five feet to 4 feet, 6 ½ inches for the trellis in front of building G
- A. As part of the building permit application submittal, the following development-related conditions (B through J) must be noted on each of the four required site plans or be included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-104313 PD CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Building locations, elevations and materials must substantially conform to Exhibits C.1, C.19-C.24.
- C. Before building permit approval, the applicant must receive final approval of the demolition permit for the school, 06-164242 CO.
- D. Before or during building permit review, the landscaping plan must be reviewed by a representative of ONI or the Portland Police Bureau. The plans must include vegetation to be used with the trellises. The applicant must submit verification from either agency that the review has been completed.
- E. Landscaping plans C.8 – C.12 must substantially conform to the approved exhibit, except as follows:
- Applicant must meet T1 requirements for trees.
 - All trees, shrub and ground cover locations may vary from plans in order to incorporate CPTED landscaping standards.
 - Buildings B, D, E, F and H must have at least one tree between the street and the front of each building.
 - Buildings C, G and J must have at least two trees between the street and the front of each building.
 - Building A must have six trees along the frontage (three along North Willis and three along North Wayland). Because of the limited space along these frontages, columnar species may be chosen.
 - The parking lot must meet perimeter and interior landscaping requirements as per 33.266.130.G. These plantings may count towards meeting T1 requirements.
- F. Landscaping maintenance on the site should incorporate these CPTED guidelines as appropriate:
- Standard for tree and shrub/vegetation maintenance is from the ground level: lower tree limbs should be trimmed up six feet; shrubs/vegetation should be no higher than three feet and cleared up from the base 18 inches where applicable.
- G. Lighting on the site should incorporate these CPTED guidelines as appropriate:
- Types of lighting or lack of it can create visual gaps where activities can be hidden.
 - Use landscaping and/or ground lighting to direct foot traffic away from areas not intended for use.
- H. Building coverage may be increased up to, but not to exceed, 500 square feet for a covered attached or detached porch/overhang for Building A in the interior courtyard. Any additional square footage over this amount would require an amendment to the planned development review.

- I. Any future changes to the on-site stormwater facilities may only be made if requested by Site Development or BES in order to meet requirements.
- J. Any sidewalks along the site's frontages that become damaged during construction must be repaired.
- K. The Portland Police Bureau must be notified of, and invited to participate in, future meetings of the property development committee.
- L. Before development begins, staff and the developer must contact and work with the North Precinct Commander on any public safety issues or concerns identified.

Ian Simpson, Hearings Officer

Date

| | |
|---|---|
| Application Determined Complete: | March 19, 2009 |
| Report to Hearings Officer: | May 1, 2009 |
| Decision Mailed: | June 4, 2009 |
| Last Date to Appeal: | 4:30 p.m., June 18, 2009 |
| Effective Date (if no appeal): | June 19, 2009 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 4TH AVENUE, PORTLAND, OR 97201 (823-7526. Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor.

Between 3:00 p.m. and 4:30 p.m., file the appeal at the Reception Desk on the 4th Floor. An appeal fee of \$9,032.00 will be charged (one-half of the application fee for this case). Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: A person may appeal the decision only if he or she wrote a letter which is received before the close of the record on hearing or if he or she testified at the hearing, or if he or she is the property owner or applicant. If a person 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 wanting 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.

The Bureau of Development Services may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing an appeal; please allow three working days for fee waiver approval.

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.

- 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 recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this planned development approval. This 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. If the approved project includes more than one component, such as multiple buildings, or multiple phases that will be broken into separate building permit applications, at least one permit must be obtained within three years of the date of this decision, and all permits must be obtained within ten years of the date of this decision. After that ten-year period, a new land use review will be required before permits will be issued for any remaining project components that have not yet been permitted, subject to the Zoning Code in effect at that time.

Expiration of concurrent approvals. The planned development approval also includes concurrent approval of a Conditional Use and a modification to setback standards. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the planned development to be approved; and 2) other approvals that were voluntarily included with the land division application.

- The planned development expires, as described above, or
- None of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site within three years of the date the planned development approval was rendered.

All other concurrent approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

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. January 23, 2009- Applicant's Narrative including Arborist Report, Traffic Impact Study, Stormwater Report, and Site plans and Building Elevations
2. February 19, 2009 – Addendum containing updated drawings and memo from MGH Engineer on stormwater
3. March 17, 2009 – Addendum containing supplemental narrative, updated drawings, street tree location plan, Design Advisory Team meeting summaries, Memo to Office of Neighborhood Involvement, Crime Prevention Program
4. April 22, 2009 – Addendum containing updated drawings, updated Stormwater report
5. April 27, 2009 - Addendum containing updated drawings, short narrative of changes, E-mail from Office of Neighborhood Involvement, Crime Prevention Program
6. March 23, 2009-E-mail extending 120-day review by one week
7. Letter from Applicant for Organization's name change

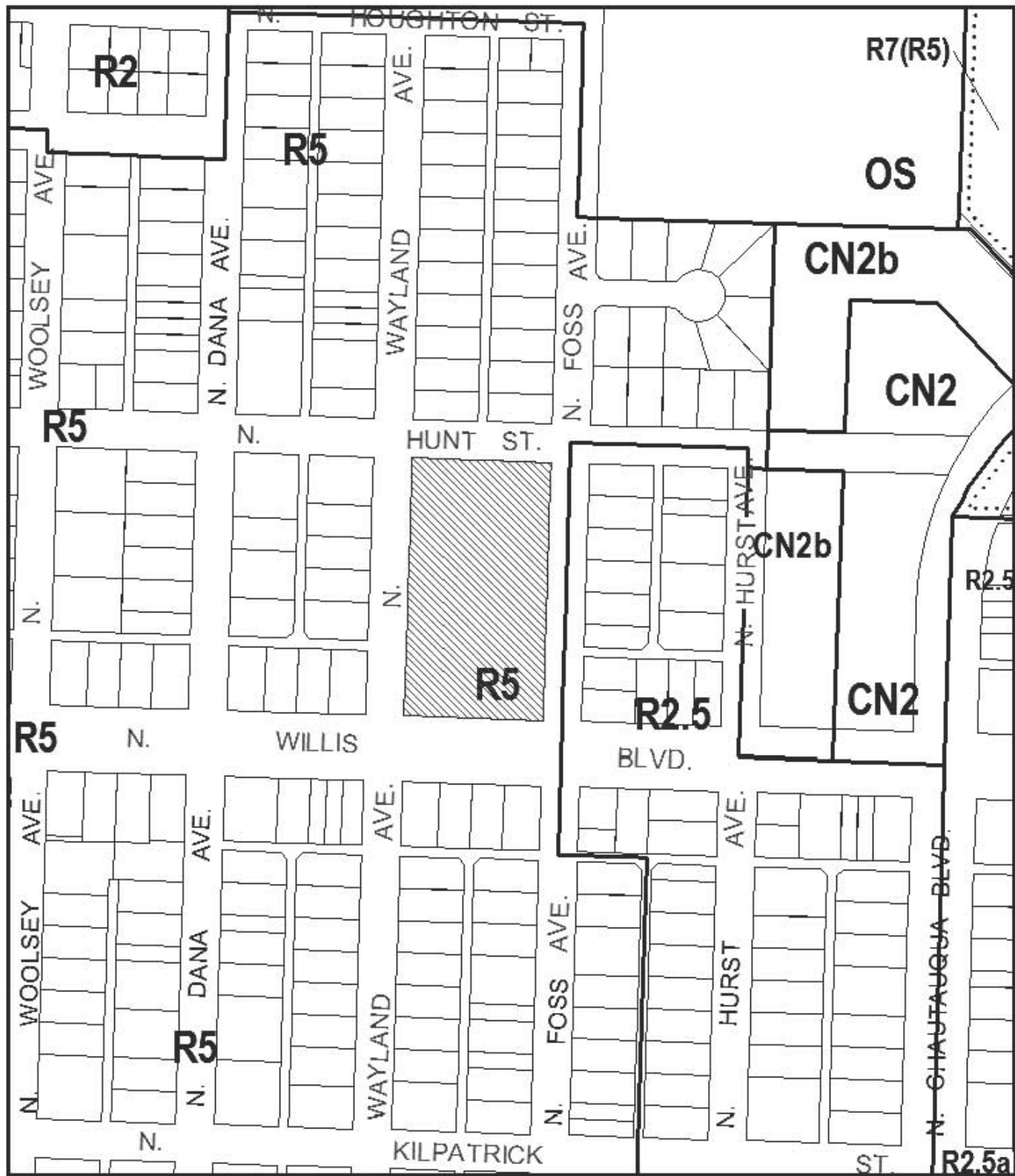
B. Zoning Map (attached)

C. Plans & Drawings

1. Site Plan (**attached**)
2. Site Vicinity Plan
3. Grading Plan
4. Sanitary and Water Plan
5. Stormwater Plan
6. Erosion Control Plan
7. Tree Site Plan
8. Full Site Planting (**attached**)
9. Planting Plan, Quadrant 1
10. Planting Plan, Quadrant 2
11. Planting Plan, Quadrant 3
12. Planting Plan, Quadrant 4
13. Building A Plan, First Floor
14. Building A Plan, Second Floor
15. Building B, C, D, E, F, G, H and J Floor Plans
16. Unit Plan Types 1A, 1B and 1C
17. Unit Plan Types 2A and 2B
18. Unit Plan Type 3A
19. Exterior Elevations Building A (**attached**)
20. Exterior Elevations Building A (**attached**)
21. Exterior Elevations Building A (**attached**)
22. Exterior Elevations Buildings C, G, and J (**attached**)
23. Exterior Elevations Buildings B, D, F, and H (**attached**)
24. Exterior Elevations Building E (**attached**)
25. Plan Set Cover Sheet

- 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, April 22 and Addendum April 24
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services , April 16 and Addendum April 23
 - 6. Police Bureau
 - 7. Life Safety
 - 8. Urban Forestry
 - 9. Bureau of Planning and Sustainability
- F. Letters (email correspondence)
 - 1. R. Ellmyer, April 27, 2009, opposed; includes 11 attachments of letters written to HAP Watchers List Serve between Oct 24, 2006 and April 11, 2009
 - 2. R. Ellmyer, copy of letter to Portland Planning Commission opposing proposal
 - 3. R. Ellmyer, copy of April 22, 2009 letter to Portland Police Chief R. Sizer
 - 4. R. Ellmyer, April 29, 2009 HAP Watchers letter about removal of meeting sign on subject property
 - 5. R. Ellmyer, copy of notice of May 1 Community Meeting regarding proposal
 - 6. R. Ellmyer, April 29, 2009 copy of Portland Sentinel article
 - 7. R. Ellmyer, April 29, 2009 copy of e-mail to Chief Sizer
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Pre-Application Conference Summary
 - 4. Incomplete letter, February 12, 2009
 - 5. Email communication between applicant and N. Stark and R. Hoy (February through April 2009)
 - 6. Neighborhood Contact
- H. Received in the Hearings Office
 - 1. Hearing notice - Hoy, Rachael
 - 2. Staff report - Hoy, Rachael
 - 3. Letter - Rose, Madeleine
 - 4. Copy of email from Stark to Drake & Hoy - Stark, Nan
 - 5. Copy of email from Stark to Drake & Hoy - Stark, Nan
 - 6. Letter - Bloom, Jay
 - 7. Letter - Seguin, Rhoni

8. 5/4/09 letter - Lambert, Kevin C.
9. Letter - Mucci, Nick and Mandy
10. Letter (Bridge Meadows Board of Director's Chair) - Long, Jo Anne C.
11. Copy of email from Ellmyer to Schera - Stark, Nan
12. Memo to HO (Ian Simpson) - Stark, Nan
13. Copy of email from Ellmyer to Hoy & Stark (with 11 attachments) - Hoy, Rachael
 - a. Copy of email from Ellmyer to HAP Watchers dated 10/24/06 - Hoy, Rachael
 - b. Copy of email from Ellmyer to HAP Watchers dated 10/30/06 - Hoy, Rachael
 - c. Copy of email from Ellmyer to HAP Watchers dated 12/19/06 - Hoy, Rachael
 - d. Copy of email from Ellmyer to HAP Watchers dated 2/26/07 - Hoy, Rachael
 - e. Copy of email from Ellmyer to HAP Watchers dated 3/19/07 - Hoy, Rachael
 - f. Copy of email from Ellmyer to HAP Watchers dated 5/7/07 - Hoy, Rachael
 - g. Copy of email from Ellmyer to HAP Watchers dated 1/22/08 - Hoy, Rachael
 - h. Copy of email from Ellmyer to HAP Watchers dated 10/3/08 - Hoy, Rachael
 - i. Copy of email from Ellmyer to HAP Watchers dated 12/3/08 - Hoy, Rachael
 - j. Copy of email from Ellmyer to HAP Watchers dated 3/17/09 - Hoy, Rachael
 - k. Copy of email from Ellmyer to HAP Watchers dated 4/11/09 - Hoy, Rachael
14. 5/11/09 letter - Fuller, Will
15. 5/11/09 Testimony - Ellmyer, Richard
16. PowerPoint presentation printout - Carleton, Brian
17. PowerPoint presentation printout - Hoy, Rachael
18. 5/11/09 Memo - Hoy, Rachael
19. Email to Hoy from Caren Cox - Hoy, Rachael
20. Emails from Ellmyer and/or Schaller to Hoy and Stark - Hoy, Rachael
21. Fax cover sheet with email attached - Albrich, Elaine
 - a. Email from Schubert to Albrich dated 5/7/09 - Albrich, Elaine
22. Copies of narratives from 2 citizens: Rathburn and Westley - Ellmyer, Richard
23. Narrative with list of names and street addresses (no signatures/no City or State) - Ellmyer, Richard
24. 5/22/09 letter - Albrich, Elaine

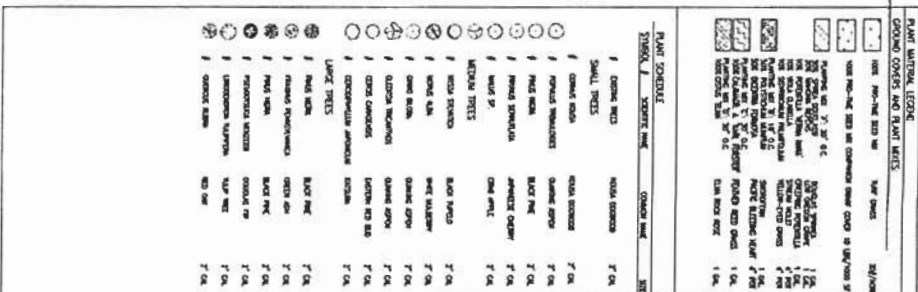


ZONING



File No. LU 09-104313 PD,CU
 1/4 Section 2126,2226
 Scale 1 inch = 200 feet
 State_Id 1N1E08AC 7000
 Exhibit B (Jan 26,2009)

09-104313 PD CU
C.1

$$\overline{\text{SCALE } 1' = 20' \text{ } \sigma}$$


04-24-09 REV. #73
REGISTERED
361
PATRICK J. LAMON
ONCEK
1988
CALIFORNIA ARCHITECTS
L2.0

LAND USE REVIEW SET



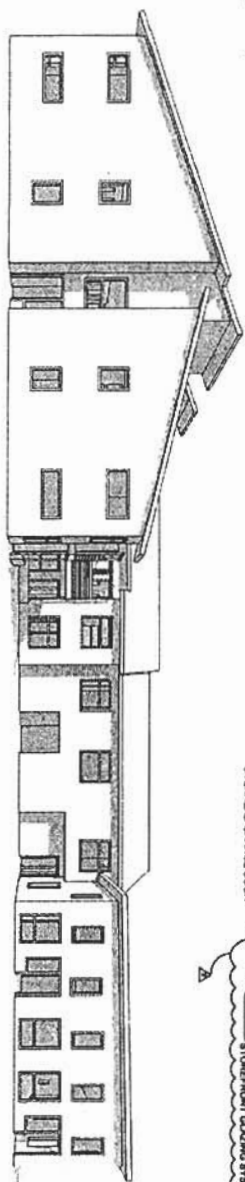
**PRELIMINARY
NOT FOR
CONSTRUCTION**

L2.0

PROJ NO
20560
01.15.06

FULL SITE PLANNING

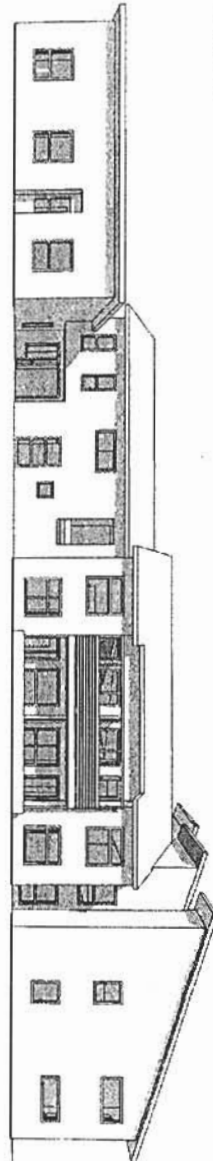
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SCALE: 1/8" = 1'-0"



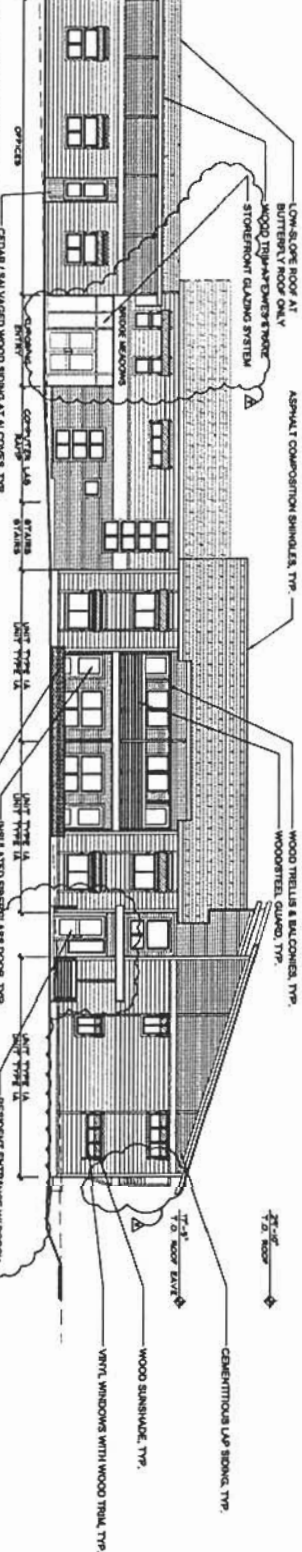
③ EAST ELEVATION - TOWARD FOSS AVE.
SCALE: 1/8" = 1'-0"



② WEST ELEVATION - TOWARD WAYLAND AVE.
SCALE: 1/8" = 1'-0"



① WEST ELEVATION - TOWARD WAYLAND AVE.
SCALE: 1/8" = 1'-0"



NOTE: ELEVATION HEIGHTS MEASURED FROM ADJACENT GRADE PER 33.830.000.A.1

09-104313 PDCU
C.20

A3.2

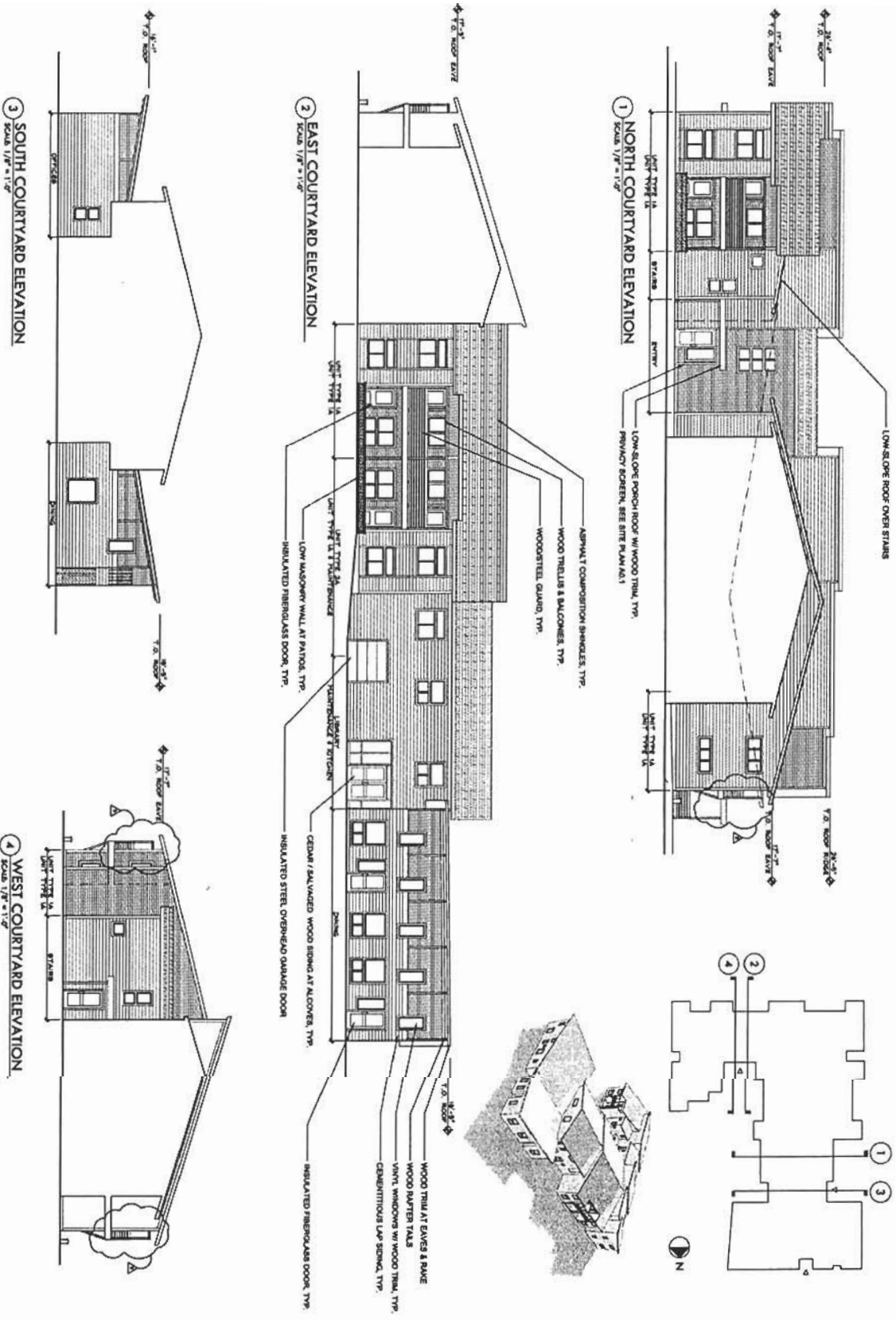
EXTENSION ELEVATIONS
BUILDING A
PROJ. NO.
20580
01.13.07
02.18.09 REV. B1
03.03.09 REV. B2
04.04.09 REV. B3

PORTLAND HOPE MEADOWS
4221 N. WILLIS BLVD., PORTLAND, OREGON

LAND USE REVIEW SET

CARLETON HART ARCHITECTURE
622 NW SIX AVENUE SUITE 200, PORTLAND, OREGON 97209
1 800 843 2281 | 1 800 843 9261 | carletonhart.com

PRELIMINARY
NOT FOR
CONSTRUCTION



04-104313P014
C.21

A3.3

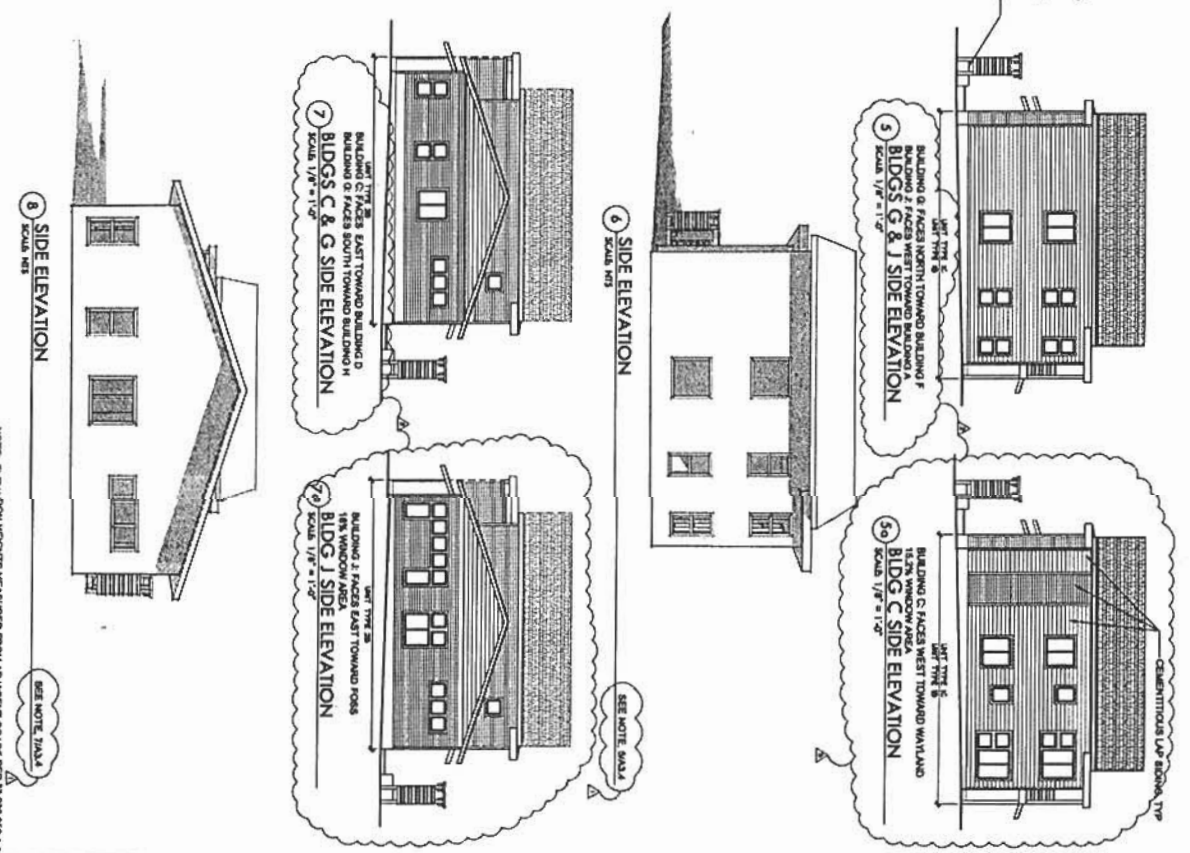
EXTENSION REVISIONS
REVISION A
PROJECT NO.
20280
01.12.09
02.18.09 REV. A1
03.02.09 REV. B2
04.24.09 REV. B3

PORTLAND HOPE MEADOWS
4221 N. WILLIS BLVD., PORTLAND, OREGON

LAND USE REVIEW SET

CABLETON KARY ARCHITECTURE
525 NW 6TH AVENUE PORTLAND, OREGON 97204
503.243.2555 • 503.243.2551 • cark@ckah.com

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CONSTRUCTION



NOTE: ELEVATION HEIGHTS MEASURED FROM ADJACENT GRADE PER 33,800,000 A.1

A3.4

09-104313PD UC
C.22

PRELIMINARY
NOT FOR
CONSTRUCTION



CARLETON HART ARCHITECTURE
822 NW 9th Avenue Portland, Oregon 97209
t 603 243 3282 | f 603 248 9263 | carletonhart.com

PORTLAND HOPE MEADOWS
4221 N. WILLIS BLVD., PORTLAND, OREGON

LAND USE REVIEW SET

EXTENSION ELEVATIONS
BUNDINGS C, O & J

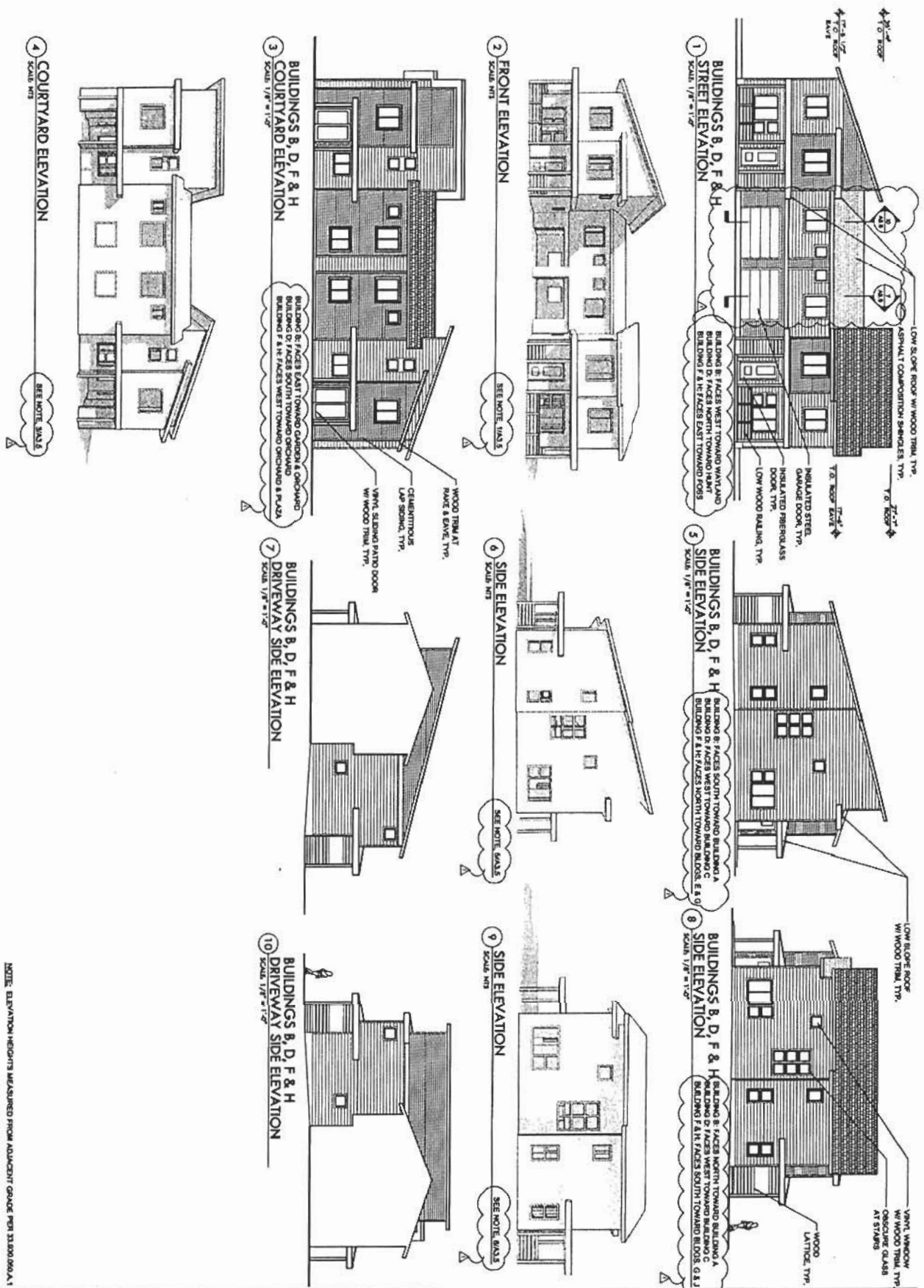
PROJ NO
20560

01.15.09

02.16.09 REV. 01

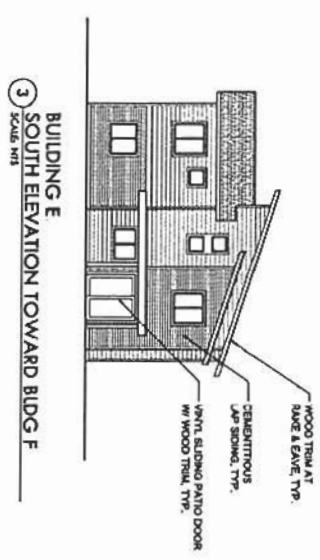
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WORLDWIDE ELECTRONICS, INC.

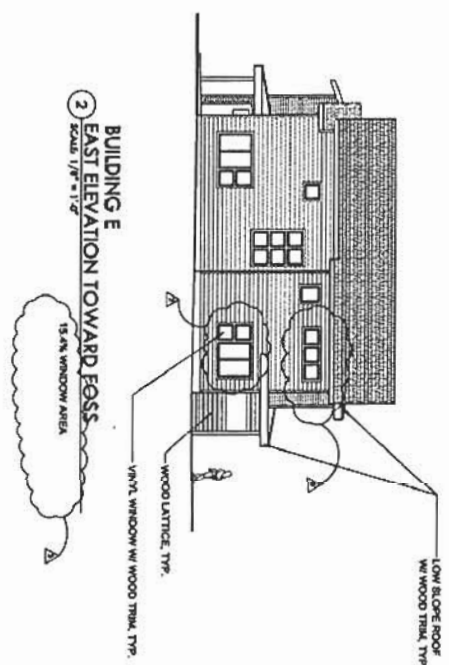




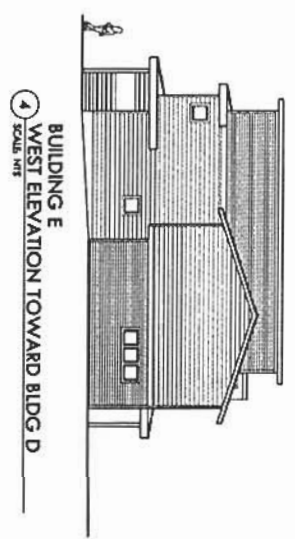
BUILDING E
1 NORTH ELEVATION TOWARD HUNT
 SCALE: 1/8" = 1'-0"



BUILDING E
3 SOUTH ELEVATION TOWARD BLDG F
 SCALE: NTS



BUILDING E
2 EAST ELEVATION TOWARD FOSS
 SCALE: 1/8" = 1'-0"



BUILDING E
4 WEST ELEVATION TOWARD BLDG D
 SCALE: NTS

NOTE: ELEVATION HEIGHTS MEASURED FROM ADJACENT GRADE PER 23.800.000.A1

A3.6

04-104313 PDC
 C.24

PORTLAND HOPE MEADOWS
 4221 N. WILLIS BLVD., PORTLAND, OREGON

LAND USE REVIEW SET

EXTENSION ELEVATIONS
 BUILDING E
 PROJ. NO.
 20380
 01.13.09
 02.18.09 REV. #1
 03.02.09 REV. #2
 04.04.09 REV. #3

CARLETON HART ARCHITECTURE
 1505 1/2 N. W. 10TH AVE., SUITE 200
 PORTLAND, OREGON 97227
 P 503.243.2282 F 503.243.2281 carletonhart.com



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