



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: September 6, 2012
To: Interested Person
From: Mark Walhood, Land Use Services
503-823-7806 / Mark.Walhood@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 12-156372 AD – STEPHEN’S CREEK CROSSING ADJUSTMENTS

GENERAL INFORMATION

Applicant: Julie Livingston / Home Forward
135 SW Ash St., 5th Flr. / Portland, OR 97204

Owner: Housing Authority of Portland (now Home Forward)
135 SW Ash St. / Portland, OR 97204-3540

Land Use Consultant: Beverly Bookin / The Bookin Group
1020 SW Taylor, Ste. 760 / Portland, OR 97205

Site Address: 6715 SW 26TH AVE

Legal Description: SECTION 20 1S 1E, TL 2100 6.23 ACRES
Tax Account No.: R991202830
State ID No.: 1S1E20AA 02100
Quarter Section: 3726
Neighborhood: Multnomah, contact Susan Rudloff at 503-358-2316..
Business District: Multnomah Village, contact Joan Steinbach at 503-245-3936.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Zoning: **R2** (Multi-Dwelling Residential 2,000)
Case Type: **AD** (Adjustment Review)
Procedure: **Type II**, an administrative decision with appeal to the Adjustment Committee.

PROPOSAL: Home Forward, formerly the Housing Authority of Portland, has received a major Hope VI grant from the U.S. Department of Housing and Urban Development to undertake a complete renovation of the 60-unit Hillsdale Terrace apartment complex in SW Portland. Redevelopment of the 6.1 acre site, just south of SW Vermont/Capitol Highway and west of SW 26th Avenue, will contain 122 one-, two-, three- and four-bedroom units of affordable housing and related accessory support spaces including management offices, community room, and tenant support spaces, all for the exclusive use of residents and Home Forward staff. The use and density as proposed are allowed by right under the Zoning Code, although the applicant is seeking five Adjustments to various development standards. A separate Children’s Center

accommodating a Head Start facility will be located on an adjacent parcel at SW Vermont/Hillsdale and SW 26th Avenue, and the mandatory Conditional Use and Design Review application for this proposal will be submitted later this summer.

The site is presently under construction with grading and site utility preparation work, but approval of five Adjustments is necessary before building permits for the project can be released. The proposed site plan includes a variety of building types and sizes in a landscaped setting, with a circular driveway and parking areas looping through the site. The grading occurring at the site will result in retaining walls along both the north and south edges of the site, with two- and three-story buildings along the north and south lot lines. Four of the requested Adjustments relate to conditions along the north and south lot lines, where excavation and retaining walls will result in building foundations well below the grade of adjacent properties (to the north) and right-of-way (SW California to the south). The fifth Adjustment relates to the U-shaped vehicle area that loops through the site from SW 26th Avenue.

Specifically, the five requested Adjustments are as follows:

1. **Side Setbacks:** Reduce the north side setback for Buildings 1-3 along the north property line, and the south side setback for Buildings 18-20 along the south property line from the required 14'-0", based on the calculation of the adjacent building walls, to 10'-0" (33.120.220.B.1/Table 120-4);
2. **Side Setback Landscaping:** Waive the required L1 landscaping (groundcover and trees) in the setback areas between Buildings 1-3 and the north property line, and between Buildings 18-20 and the south property line (33.120.235.C.1);
3. **Maximum Building Length:** Increase the maximum length of building walls within 30'-0" of the south/SW California street lot line from 100'-0" to 203'-0" for Buildings 18 and 19, and from 100'-0" to 122'-3" for Building 20 (33.120.230.B);
4. **Street-Facing Windows:** Reduce the minimum amount of window area facing the south/SW California street lot line from 15% to 6% for Buildings 18 and 19, and from 15% to 4% for Building 20 (33.120.232.B.1); and
5. **Interior Parking Lot Landscaping:** With 45 square feet of landscaping required for each of 124 proposed parking spaces, a total of 5,580 square feet of interior parking lot landscaping is required. The applicant has requested to reduce the amount of interior parking lot landscaping from 5,580 to 2,955 square feet (33.266.130.G.3.a). **Note:** staff has identified two small areas of landscaping near the SW and SE corners of the site that do not qualify as interior parking lot landscaping, but which are shown as such on the landscape plan. Totalling 110 square feet, these areas don't project into the parking area and therefore are counted towards perimeter or general site landscaping instead. Although the site landscaping proposal is identical to that contained in the notice, the amount qualifying as interior parking lot landscaping is accurately 2,955 versus 3,065 square feet.

In summary, the applicant has requested the above five Adjustments as part of the redevelopment of the Hillsdale Terrace Apartments into a new project to be known as Stephen's Creek Crossing. These requests can be approved if it is found that the relevant approval criteria have been satisfied.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found at **33.805.040.A-F, Adjustment Approval Criteria**.

ANALYSIS

Site and Vicinity: The site is located south of SW Capitol Highway/Vermont Street and immediately adjacent to SW 26th Avenue, with frontage on SW California Street. Home for many years to the Hillsdale Terrace apartment complex, a post-war 8-building housing complex, the site is currently vacant and having grading and underground utility work done.

The site forms something of a valley or bowl topographically, being considerably below the grades of adjacent properties immediately to the north and south. The low topography of the site generally continues to the east, with adjacent properties to the east containing the headwaters of Stephen’s Creek. Because of recent grading work, the topography of the site is more level in the center than in the past, and eventually retaining walls will be constructed on the north and south edges of the property as part of this project.

The only direct access to the site for vehicles is from SW 26th Avenue, via SW Capitol/Vermont one block to the north. Southwest California street directly south of the site is only partially improved with a roadway not built to City standards. A right-of-way connection is made at the southeast corner of the site between SW 26th Avenue and SW California Street, but this is a steep vegetated hillside with no improved pedestrian access path or roadway. Southwest 26th Avenue does have a paved roadway with a curb-tight sidewalk and on-street parking adjacent to the site.

The surrounding area is a mix of single-family homes and neighborhoods, generally south of the site across SW California Street. Nearby to the east, across SW 26th Avenue are several other multi-family housing complexes and some single-family homes. Directly to the north the site abuts the rear of commercial properties and plex housing structures. Directly west of the site is a similar grouping as found to the north, including commercial buildings, apartments, and plex structures. Further away but also nearby is the commercial and institutional node along SW Vermont and Capitol Highway, including the Mittleman Jewish Community Center.

Zoning: The Residential 2,000 zone is a low density multi-dwelling zone. Allowed housing is characterized by one to three story buildings, with most new development consisting of plexes, townhouses, rowhouses and apartments. Development standards of the R2 zone are intended to ensure compatibility with adjacent houses.

Land Use History: City records indicate three past land use reviews on the site for various zone changes and other reviews which either have no bearing on the current proposal or relate exclusively to the now-demolished Hillsdale Terrace Apartments. There is no land use history with relevance to the current redevelopment proposal as Stephen’s Creek Crossing.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 7, 2012**. The following Bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and responded with informational comments, but no objections or concerns specific to the requested Adjustments. Note that this commentary does not alter BES requirements as identified under various building permit and public works applications which are pending. There is sanitary sewer service available to the site, and a public sanitary sewer on the property is being re-located through an active public works permit. All connections to public sanitary sewers must meet the City’s *Sewer and Drainage Facilities Design Manual*, including the Rules of Connection in Appendix H. There is a public storm-only sewer adjacent to the site in SW 26th Avenue, but portions of the public storm sewer on the project site are being relocated through an active public works permit. The development must meet the requirements of the City’s *Stormwater Management Manual* during the building permit review process. The BES staff did evaluate a stormwater report provided by the applicant, and finds the preliminary information acceptable such that BES offers no concerns or objections related to the interior parking lot landscaping Adjustment. The BES encourages the applicant to use native plants in their landscaping scheme as much as possible. Native vegetation not only filters stormwater, it is suited to our climate and therefore needs less watering and does not require pesticides and fertilizers. Exhibit E.1 contains staff contact and additional information.

The *Water Bureau* has reviewed the proposal and offered informational comments, but no objections or concerns regarding the requested Adjustments. There is water service available at the site. Exhibit E.2 contains staff contact and water pressure information.

The *Life Safety Section of the Bureau of Development Services* (BDS Life Safety) has reviewed the proposal and responded with comments related to the Oregon Structural Specialty Code. No specific concerns or objections related to the five requested zoning code Adjustments have been identified in the response. The project will be required to meet all applicable Building, Structural, and Life Safety Codes during the permit review process, and BDS Life Safety has recommended that the applicant arrange for a preliminary Fire and Life Safety Meeting to discuss the project. Exhibit E.3 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and responded with a general comment, but no concerns or objections related to the requested Adjustments. The applicant is required to meet all applicable Fire Code requirements through the building permit process for the entire development. Exhibit E.4 is a paper copy of the Fire Bureau’s electronic response.

The *Development Review Section of Portland Transportation* (PBOT) has reviewed the requested Adjustments for potential impacts on the public right-of-way, traffic impacts and conformance with adopted policies, street designations, relevant Title 33 and Title 17 regulations, and for potential impacts upon transportation services. The proposed landscaping in the SW California right-of-way is acceptable. Any landscaping installed in the public right-of-way will be reviewed under a separate public works permit. Maintenance of the landscaping in the right-of-way shall be the responsibility of the applicant. The PBOT has no objections to the requested Adjustments. Exhibit E.7 contains staff contact and additional information.

The following two agencies have reviewed the proposal and responded without objections or concerns:

- The *Site Development Section of the Bureau of Development Services* (Exhibit E.5); and
- The *Urban Forestry Division of Portland Parks and Recreation* (Exhibit E.6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 7, 2012. A total of five written responses have been received from two Neighborhood Associations, two couples along SW California Street, and from both residents in a duplex building on SW Capitol Highway that abuts the site’s west property line.

The Multnomah Neighborhood Association (MNA) has provided specific comments related to each of the five requested Adjustments. For the setback reductions at the north and south edges of the site, the MNA requests that the request be approved with conditions that guardrails be provided at the top of the retaining walls, that visually permeable gates with ‘vertical iron rails’ be provided around the setback areas, that gate hardware allow exit but not entrance to the setback areas, that the entire south setback area be fenced between buildings as proposed, that security cameras be provided to monitor the setback areas, that the Fire Department approve the proposal, and that there be a CEPTED (Crime Prevention through Environmental Design) review by ONI (Office of Neighborhood Involvement). With regards to the landscaping standard in the reduced setback areas, the MNA is concerned the areas would collect trash/weeds and Home Forward would be disinclined to provide maintenance on a regular basis on the assumption that gravel does not need maintenance, and that the depressed setback areas isolate the development from the adjacent neighborhood psychologically, and that the use of gravel instead of plant material reinforces the sense of isolation. The MNA is supportive of approval of the maximum building length and minimum window area standards, with comments that the rooflines are varied and that it is unfortunate that the buildings along SW California ‘turn their backs to the street’. Finally, the MNA supports the parking lot landscaping Adjustment with a condition that landscape mitigation in the same amount be devoted to maintain the amount of landscape on the north side of the California right-of-way improvements as shown on the proposed plans.

The Hillsdale Neighborhood Association (HNA) has also written a letter with specific feedback tailored to each of the five requested Adjustments. With regards to the side setback Adjustments, the HNA does not object to the request but is concerned about property and

resident security issues (lighting, security cameras, and secured gating in the setback area). No objections are raised with regards to the side setback landscaping. No objections are raised to the maximum building length Adjustments because the multiple roof lines and lower grade of these buildings in relation to properties along SW California will provide visual relief to the overall mass of the buildings. No objections are raised with regards to the minimum window standard Adjustment. Finally, the HNA raises significant concerns about the parking lot landscaping Adjustment, citing concern about missing several other ‘green’ requirements within the City’s Climate Action Plan, the Citywide Tree Policy Review and Regulatory Improvement Project, and because of City financial contributions to the project. The HNA feels that the standard should be met, or mitigated by off-site landscaping or financial contributions elsewhere in the neighborhood for public street work or traffic light installation projects.

Two couples residing on SW California Street just south of the site both wrote letters. One letter expresses support for the suggestions made by the MNA in their letter, with one additional suggestion in regards to the parking lot landscape Adjustment. This suggests that the right-of-way landscape plan along SW California Street and the pathway along SW 26th Avenue should include the removal of invasive species and re-vegetation with native landscaping to compliment work being done by the City of Portland on the east side of SW 26th Avenue. A second couple also expresses support for the concerns raised by the MNA in their letter, with emphasis on the suggestion that landscaping in the same amount as proposed along the north side of the SW California right-of-way be installed and maintained over time through a condition of approval.

Finally, both residents of an adjacent duplex just west of the site had letters submitted by the landlord expressing various concerns about construction-related noise and alleged damage to the duplex structure as a result of preliminary site grading, demolition, and underground utility work. These issues are not directly related to the Adjustments, and the Zoning Code specifically exempts vibration from temporary construction and vehicles which leave the site in the Off-Site Impacts chapter (33.262.060.B).

Staff Response: Regarding the MNA comments, the applicant has provided supplemental plans showing gates atop the retaining walls, in either a black or green vinyl-covered chain link fence, which has a high degree of transparency. Gates will be provided around the entire setback area, but the gates themselves must allow for both entry and exit in order for Home Forward to provide maintenance. The applicant has also provided supplemental information regarding security, including specifically that three security cameras and lighting will be provided in both the north and south setback areas. The Fire Department has reviewed the request and offered no objections, and building permits for the project will not be released until the Fire Department has released their mandatory hold on the building permits. A separate CEPTED Analysis by ONI is an option for the applicant, but because there are no explicitly crime-related elements to the purpose statement for setbacks, and because requiring an analysis that could recommend site changes that may create conflict with the plans approved in this application, this final suggestion will not be reflected in the decision. With regards to the setback landscaping comments, Home Forward has stated to staff that they fully intend to monitor and maintain the graveled areas, which also include sunken wells with a climbing hydrangea plant that will scale the wall over time. In the context of mitigation for the setback and landscaping reductions on the south side of the site, a condition of approval will be imposed that the plantings on the north side of SW California be installed and maintained in substantial conformance with the landscaping plan as shown.

Regarding the HNA comments, the applicant provided a security plan to City staff for this application that shows three security cameras, lighting, and secured perimeter fencing at each of the two setback areas. With regards to the parking lot landscaping Adjustment concerns, any potential impacts regarding landscaping at the parking area are typically required to be addressed on the subject site, or in rare cases in an abutting right-of-way (as with a condition of approval that the SW California Street plantings be installed and maintained in the context of the setback and setback landscaping Adjustments). The approvability of a parking lot

landscaping Adjustment has to do with the screening, shading, and stormwater management/pollution issues in the parking area itself, and if those issues are not adequately addressed on the site then the Adjustment cannot typically be approved.

The first couple’s letter suggests specific landscaping treatments along the future walkway connection in SW 26th Avenue, which is to the east of the area where landscaping and setback Adjustments are requested and in the public right-of-way. There is no reasonable connection between the proposed Adjustments and the landscaping treatment along the future path in SW 26th Avenue. The second couple’s letter specifically encourages a condition that requires the landscaping on the north side of the SW California Street right-of-way to be installed and maintained in the same amount as proposed. A condition of approval will require that this occur.

Finally, the vibration- and construction damage-related concerns raised by the tenants of an adjacent duplex are not directly relevant to the requested Adjustments. Nevertheless, the landlord who forwarded the letters to staff was contacted and advised to contact the applicant to address this civil/private matter.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustment Reviews

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city’s diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code’s regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

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

Findings: Findings for the five requested adjustments will be considered individually per the numbered order below:

- 1. Side Setbacks:** Reduce the north side setback for Buildings 1-3 along the north property line, and the south side setback for Buildings 18-20 along the south property line from the required 14’-0”, based on the calculation of the adjacent building walls, to 10’-0” (33.120.220.B.1/Table 120-4);
- 2. Side Setback Landscaping:** Waive the required L1 landscaping (groundcover and trees) in the setback areas between Buildings 1-3 and the north property line, and between Buildings 18-20 and the south property line (33.120.235.C.1);
- 3. Maximum Building Length:** Increase the maximum length of building walls within 30’-0” of the south/SW California street lot line from 100’-0” to 203’-0” for Buildings 18 and 19, and from 100’-0” to 122’-3” for Building 20 (33.120.230.B);
- 4. Street-Facing Windows:** Reduce the minimum amount of window area facing the south/SW California street lot line from 15% to 6% for Buildings 18 and 19, and from 15% to 4% for Building 20 (33.120.232.B.1); and
- 5. Interior Parking Lot Landscaping:** With 45 square feet of landscaping required for each of 124 proposed parking spaces, a total of 5,580 square feet of interior parking lot landscaping is required. The applicant has requested to reduce the amount of interior parking lot landscaping from 5,580 to 2,955 square feet

(33.266.130.G.3.a). **Note:** staff has identified two small areas of landscaping near the SW and SE corners of the site that do not qualify as interior parking lot landscaping, but which are shown as such on the landscape plan. Totalling 110 square feet, these areas don’t project into the parking area and therefore are counted towards perimeter or general site landscaping instead. Although the site landscaping proposal is identical to that contained in the notice, the amount qualifying as interior parking lot landscaping is accurately 2,955 versus 3,065 square feet.

With regards to **Adjustment #1 for the side setbacks**, the purpose of the setback standard is to maintain light, air, and fire protection access around buildings, to reflect the general scale and placement of multi-dwelling development in Portland’s neighborhoods, to promote a reasonable physical relationship between residences, to promote options for privacy for neighboring properties, and to provide adequate flexibility to site buildings that are compatible with the neighborhood and responsive to site topography. The base of the buildings along the north lot line adjacent to the reduced setback are placed approximately 6’-0” below the northern property line. Although Buildings 1-3 are 2.5 stories tall, less than 16’-0” of this height is seen from the properties to the north due to the change in grade. The base of buildings 18-19 along the south lot line is approximately 10’-0” below the southern property line in SW California Street. The change in grade along the south property line is even more pronounced than along the north property line. The applicant notes that this reduced setbacks will be further ameliorated by the installation of a significant landscaped buffer on the north side of the right-of-way as part of the street improvements associated with this project. The project site sits in a topographical bowl, significantly reducing the visual impact of the two- and three-story buildings from abutting residences. With a 10’-0” deep setback, the reduced dimension will have no significant impacts with regards to light, air, and fire protection around the buildings.

In order to ensure that the reduced setbacks along the south lot line are consistent with the well-landscaped, wooded character of the neighborhood, and to preserve some options for privacy for abutting homes along SW California, a condition of approval will require that the proposed landscaping along the north side of the SW California roadway as shown be installed and maintained over time in substantial conformance¹ with the approved landscape plans. *With a condition of approval requiring the installation and maintenance of the landscaping substantially as proposed, this approval criterion can be met for Adjustment #1.*

With regards to **Adjustment #2 for side setback landscaping**, the purpose of the regulation is to enhance the overall appearance of residential developments, to break up large expanses of paved areas and structures, to provide privacy to residents, and to provide separation from streets. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. The requested adjustment would eliminate landscaping in the fenced north setback area, but these side yard areas are significantly depressed below the adjacent sites, and therefore are not visible from adjacent sites unless viewed directly from the lot line, looking down into the fenced setback area. Given the site topography, the fenced setback areas are also at the rear of the housing units, which orient to the interior of the site. In the south fenced setback area, twelve separate planting wells will be provided with a climbing hydrangea plant which is an evergreen and flowering species that will provide some green relief to the area, and which will ascend the retaining wall over time. Also, the applicant has proposed significant landscaping on the north side of a reconstructed SW California Street roadway that will provide visual

¹ Some changes to the size, materials, or landscape materials may be required for the stormwater elements of the landscaping, but otherwise this term requires a comparable number, spacing, and placement of trees, shrubs, and groundcover plants with no less than a 5% reduction in the total number of trees, shrubs, or groundcover plants.

screening, relief, and additional privacy to the nearby residents along SW California Street. The overall site has approximately 36% of the area in plantings, as opposed to the 30% landscaping requirement of the base zone. The stormwater management methods and overall site landscaping have been reviewed and approved by the Bureau of Environmental Services, ensuring that there is adequate stormwater management on the site and the associated air cooling and rainfall interception qualities. The fenced setback areas will be provided with gravel surfacing, which is a permeable material.

In order to ensure that the overall appearance of the development as it faces the SW California Street lot line is enhanced, and to provide privacy to on- and off-site neighborhood residents and some separation from adjacent streets, a condition of approval will require the applicant to install and maintain the landscaping on the north side of the reconstructed SW California Street right-of-way in substantial conformance with the submitted plans. *With this condition of approval, this criterion can be met for Adjustment #2 to landscaping in the building setbacks.*

With regards to **Adjustment #3 to maximum building wall length**, the purpose of the regulation is to limit the amount of bulk that can be placed close to a street, and to assure that long building walls placed close to streets will be broken up, ensuring a feeling of transition from lower density development. The base of Buildings 18 and 19 will be 10'-0" below, and the base of Building 20 will be 6' below, the adjacent grade of SW California Street, and therefore invisible to the adjacent single-family residences. The rooflines of Buildings 18-19 are modulated in a way that creates three smaller wall lengths of 36'-6", 54'-6" and 54'-6", respectively, well below the 100'-0" maximum length. The grade change between the adjacent roadway and nearby properties along SW California Street also reduces the perception of the building height, as only the upper 9'-0" of Buildings 18-19 and upper 4' of Building 20 are visible from the right-of-way. This perceived reduction in building height, along with the varied roof lines, is further mitigated for by the dense landscape plantings proposed for the north side of the reconstructed roadway in SW California Street. The landscaping in particular helps to mitigate the impact of these long buildings and obscure them from direct view, and supports the idea of providing a feeling of transition between single-family zoning and multi-dwelling developments. *With a condition of approval that the landscaping as proposed along the north side of the reconstructed SW California Street roadway be installed and maintained in substantial conformance with the landscape plan as shown, this criterion can be met for Adjustment #3 to maximum building wall length.*

With regards to **Adjustment #4 for minimum street-facing windows** on the south edge of the project, the purpose of the regulation is to ensure direct visual connections between the living area of a residence and the street, to enhance public safety by allowing people to survey their neighborhood from inside their home, and to provide a more pleasant pedestrian environment by preventing large expanses of blank facades along a street. Because of the unique site topography that sits well below adjacent properties to the south, the southern facades of Buildings 18-20 are the rear, with the front doors and primary window openings on the north or interior facades. Only the upper 9'-0" of Buildings 18 and 19, and the upper 4'-0" of Building 20, can be seen from the adjacent residences to the south. These buildings are further reduced in apparent bulk and scale by a varied roofline which breaks up the mass of the building. Also, significant landscaping is proposed along the north side of the reconstructed roadway in SW California Street that will improve the pedestrian environment and obscure the buildings. There are some small windows in each unit on the south side of Buildings 18-20, however, providing for opportunities for resident surveillance of the 'rear yards' of individual units, and further towards the landscaped area and SW California Street roadway. *With a condition of approval that the landscaping as proposed along the north side of the reconstructed SW California Street roadway be installed and*

maintained as proposed, this criterion can be met for Adjustment #4 to street-facing windows.

With regards to **Adjustment #5 for interior parking lot landscaping**, the purpose of the regulation is to improve and soften the appearance of vehicle areas, to reduce the visual impact of vehicle areas from adjacent residential sites, streets and sidewalks, to shade and cool parking areas, and to reduce the rate and amount of stormwater runoff and associated airborne and waterborne pollution that is related to vehicle areas. The parking layout for the project consists of a large U-shaped driveway that circles through the interior of the site, with parallel and perpendicular parking along most of the driveway. The two main east-west sections of the driveway and parking area are obscured from view from adjacent properties by the buildings on the north and south edges of the site. Along the north-south section of the driveway and parking area on the west edge of the site the interior parking lot landscaping is more densely planted with an intervening tree/landscaping island for every 5-6 parking spaces, nearly in conformance with the landscaping standard. This area is more visible from adjacent properties to the west, and the treed landscaping islands will help to reduce the visual impact of the parking areas where they can be seen from off-site. The Bureau of Environmental Services has reviewed the proposal and requested Adjustment in the context of whether or not the proposal will adequately manage stormwater from vehicle areas, and the attendant benefits in terms of airborne and waterborne pollution reduction. The overall project site has approximately 36% of the area in landscaping, whereas only 30% of the site is required to be landscaped. Overall site landscaping on the private property includes 148 trees, including the 31 trees proposed in the parking lot landscape islands. *With approval granted based on the approved landscape plan as shown in this application, this criterion can be met for Adjustment #5 to interior parking lot landscaping.*

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

Findings: The site is in a residential zone. As discussed above in findings for Adjustment #1 to side setbacks and #2 to setback landscaping, potential impacts with regards to the livability or appearance of the residential area can be addressed through a condition of approval requiring the landscaping along the north side of the SW California roadway to be installed and maintained substantially as proposed. Similarly, Adjustments #3 and #4 for building length and windows along the south edge of the property are mitigated for partially by the varied rooflines of the buildings, the change in topography, an internal site orientation to the buildings, and by the SW California Street right-of-way plantings, whose installation and maintenance over time will be ensured through a condition of approval. The generous overall site landscaping, visually obscured location of much of the parking area as viewed from adjacent sites, and a successful proposal for managing vehicle area stormwater runoff and pollution will prevent any significant livability or appearance impacts to the neighborhood resulting from Adjustment #5 to interior parking lot landscaping. *Therefore, with a condition of approval for the installation and maintenance of the landscaping along the north edge of the reconstructed SW California Street right-of-way, the proposal will not significantly detract from the livability or appearance of the nearby residential area, and this criterion can be met.*

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

Findings: The overall purpose of the R2 zone is to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The cumulative effect of the adjustments is to somewhat compress and simplify the edge treatments at the north and south edges of the site, slightly reduce the interior parking lot landscaping, and provide for an architectural design along the south edge that orients the main entries and living spaces of those units inwards to the site, in response to a difficult site topography. These effects will result in a project which still provides significant new housing opportunities at the site, consistent with the overall purpose of the zone. *Therefore, this criterion is met.*

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

Findings: City designated resources are shown on the zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. *Therefore, this criterion is not applicable.*

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The only significant impacts resulting from the requested Adjustments are the potential visual, livability, and appearance impacts the project presents to the properties on the south side of SW California Street. Aside from the inherent topographical and site/building design aspects of the project, the applicant proposes to mitigate these impacts through a generous, densely-planted landscaped area on the north side of the reconstructed roadway in SW California Street. *With a condition of approval that this landscaping be installed and maintained in substantial conformance with the submitted plans, any impacts from the adjustments can be mitigated to the extent practical, and this criterion can be met.*

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

Findings: The site is not within an environmental zone. *This criterion is not applicable.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The applicant has proposed a significant redevelopment of the former Hillsdale Terrace Apartments into a new 122-unit project to be known as Stephen’s Creek Crossing. The topography of the site, a desire to have the units be accessible for disabled persons, and an interior-orientation to the units around landscaped open spaces and parking areas creates unusual conditions along the north and south side edges. The impacts of the setback, landscaping, building length and window area Adjustments are mitigated partially by changes in grade and building design, and significantly by the proposed landscaping along the north edge of a reconstructed roadway in SW California Street. A condition of approval that requires this landscaping to be installed and maintained substantially as proposed allows the approval criteria for these four adjustments to be met. For the parking lot landscaping Adjustment, the interior location of the two main east-west driveways, generous landscaping along the exposed western edge of the parking lot and on the site overall, and an acceptable proposal for stormwater management and capture of pollution from the vehicle areas allows this

Adjustment to be granted without conditions of approval other than conformance with the submitted landscape plan.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the north side setback for Buildings 1-3 along the north property line, and the south side setback for Buildings 18-20 along the south property line from the required 14'-0", based on the calculation of the adjacent building walls, to 10'-0" (33.120.220.B.1/Table 120-4);

Approval of an Adjustment to waive the required L1 landscaping (groundcover and trees) in the setback areas between Buildings 1-3 and the north property line, and between Buildings 18-20 and the south property line (33.120.235.C.1);

Approval of an Adjustment to increase the maximum length of building walls within 30'-0" of the south/SW California street lot line from 100'-0" to 203'-0" for Buildings 18 and 19, and from 100'-0" to 122'-3" for Building 20 (33.120.230.B);

Approval of an Adjustment to reduce the minimum amount of window area facing the south/SW California street lot line from 15% to 6% for Buildings 18 and 19, and from 15% to 4% for Building 20 (33.120.232.B.1); and

Approval of an Adjustment to reduce the amount of interior parking lot landscaping from 5,580 to 2,955 square feet (33.266.130.G.3.a).

The above approvals are granted based on the approved plans and drawings, Exhibits C.1 through C.8, all signed and dated August 30, 2012, and subject to condition of approval A, below. The first four Adjustments noted above are also subject to condition of approval B, below:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "Proposal and design as approved in Case File LU 12-156372 AD."
- B. The landscaping shown on the approved landscape plan that abuts the site on the north side of the reconstructed SW California Street right-of-way must be installed and maintained over time in substantial conformance with the approved landscape plan (Exhibit C.2). Substantial conformance shall be interpreted to mean that while minor changes may be necessary to the stormwater planters or planting locations as determined through a future Public Works Permitting process, the landscaping shall be planted and maintained with no less than a 5% reduction in the total number of trees, shrubs, or groundcover plants as shown. If greater than a 5% reduction in the density and variety of plantings as proposed is necessary, a subsequent Adjustment to evaluate setback landscaping on the south edge of the site will be required.

Staff Planner: Mark Walhood

Decision rendered by:  **on August 29, 2012.**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 6, 2012

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

Procedural Information. The application for this land use review was submitted on June 29, 2012, and was determined to be complete on **July 27, 2012**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 29, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on November 24, 2012**.

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

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

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

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

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on Thursday September 20, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within

21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **September 21, 2012**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

EXHIBITS

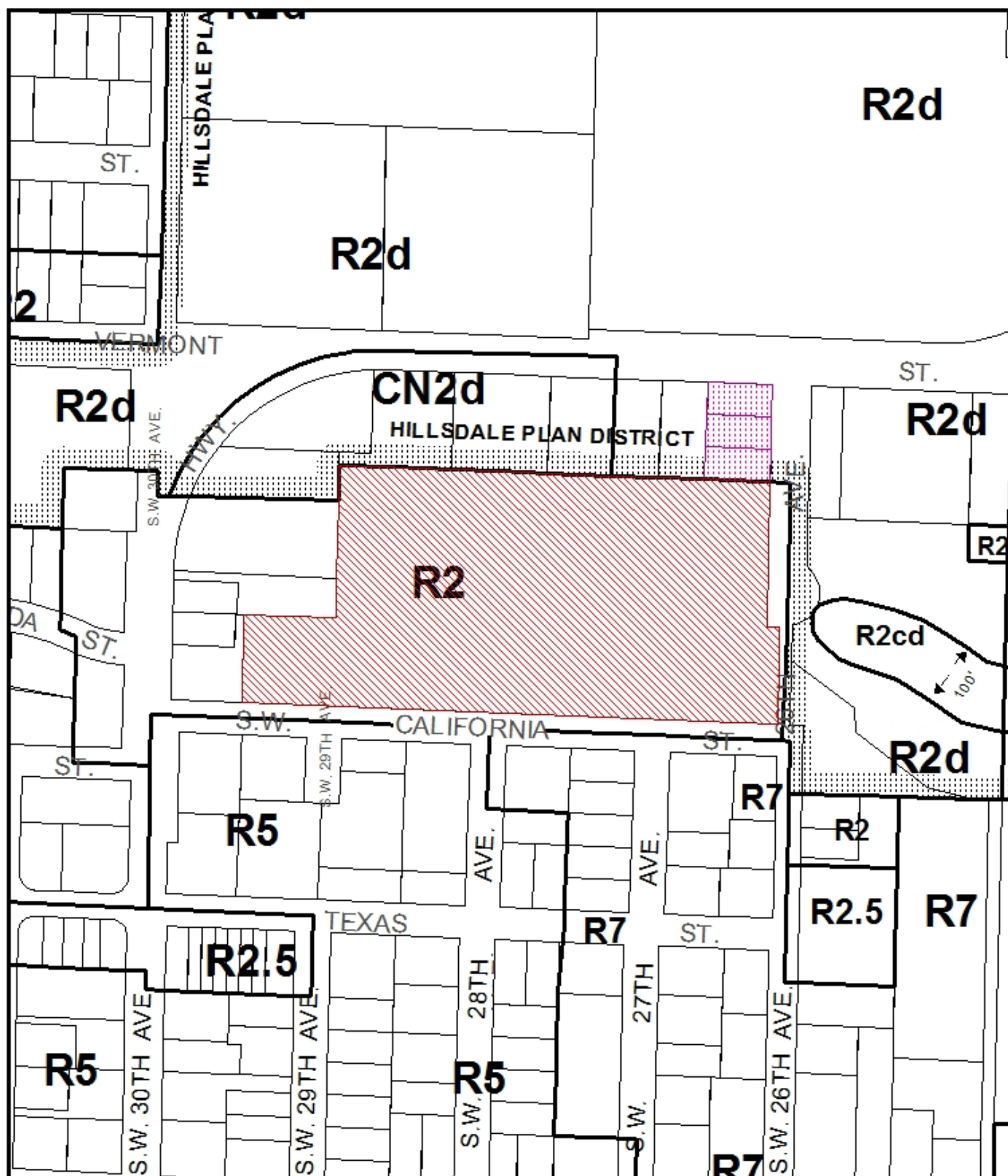
NOT ATTACHED UNLESS INDICATED

A. Applicant’s Statements

1. Original application narrative
2. Completeness memo, received July 27, 2012
3. Final supplemental memo, received August 29, 2012
4. Stormwater Drainage Report

- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Overall/Adjustments Site Plan (attached)
 - 2. Landscape Plan (attached)
 - 3. Security Site Plan
 - 4. Revised building sections showing fencing and landscaping (attached)
 - 5. Revised south elevations of buildings 18-20, showing superimposed SW California Street landscaping (attached)
 - 6. North elevations buildings 1-3
 - 7. Chain link fence detail sheet
 - 8. Large, scalable plan set (matching C.1-C.6)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety Section of the Bureau of Development Services
 - 4. Fire Bureau
 - 5. Site Development Section of the Bureau of Development Services
 - 6. Urban Forestry Division of Portland Parks and Recreation
 - 7. Development Review Section of Portland Transportation
- F. Correspondence:
 - 1. Letter from Mr. Donn Brookens with attached letters of concern from tenants at 6814 SW Capitol Highway, received August 23, 2012
 - 2. Letter with comments, concerns and recommendations from the Hillsdale Neighborhood Association, received August 28, 2012
 - 3. Letter with comments, concerns and recommendations from the Multnomah Neighborhood Association, received August 27, 2012
 - 4. Letter with comments and concerns from Rachel and John Dvorsky (SW California Street residents), received August 28, 2012
 - 5. Letter with comments and concerns from Herb and Ann Fyfield (SW California Street residents), received August 28, 2012
- G. Other:
 - 1. Original LU Application Form and receipt
 - 2. Incomplete Letter from staff to applicant, sent July 20, 2012

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



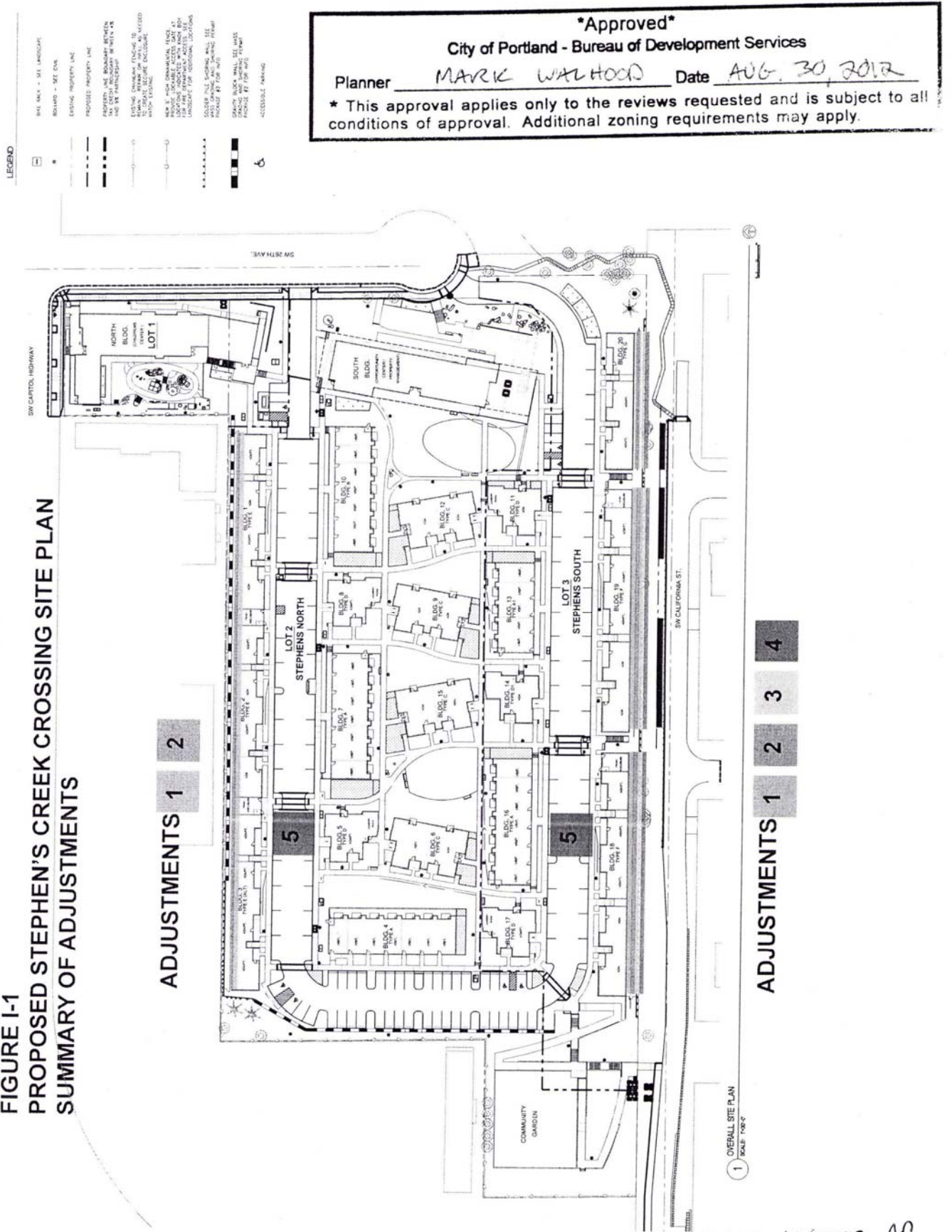
ZONING

-  Site
-  Also Owned



File No. LU 12-156372 AD
 1/4 Section 3726
 Scale 1 inch = 200 feet
 State_Id 1S1E20AA 2100
 Exhibit B (Jul 02,2012)

**FIGURE I-1
PROPOSED STEPHEN'S CREEK CROSSING SITE PLAN
SUMMARY OF ADJUSTMENTS**



W 12-156372 AD
Exhibit C.1

Condition of Approval B: The landscaping shown on the approved landscape plan that abuts the site on the north side of the reconstructed SW California Street right-of-way must be installed and maintained over time in substantial conformance with the approved landscape plan (Exhibit C.2). Substantial conformance shall be interpreted to mean that while minor changes may be necessary to the stormwater planters or planting locations as determined through a future Public Works Permitting process, the landscaping shall be planted and maintained with no less than a 5% reduction in the total number of trees, shrubs, or groundcover plants as shown. If greater than a 5% reduction in the density and variety of plantings in the necessary, a subsequent Adjustment to evaluate setback landscaping on the south edge of the site will be required.

STEPHEN'S CREEK CROSSING PARKING LANDSCAPING

II-4

06/25/2012

Approved

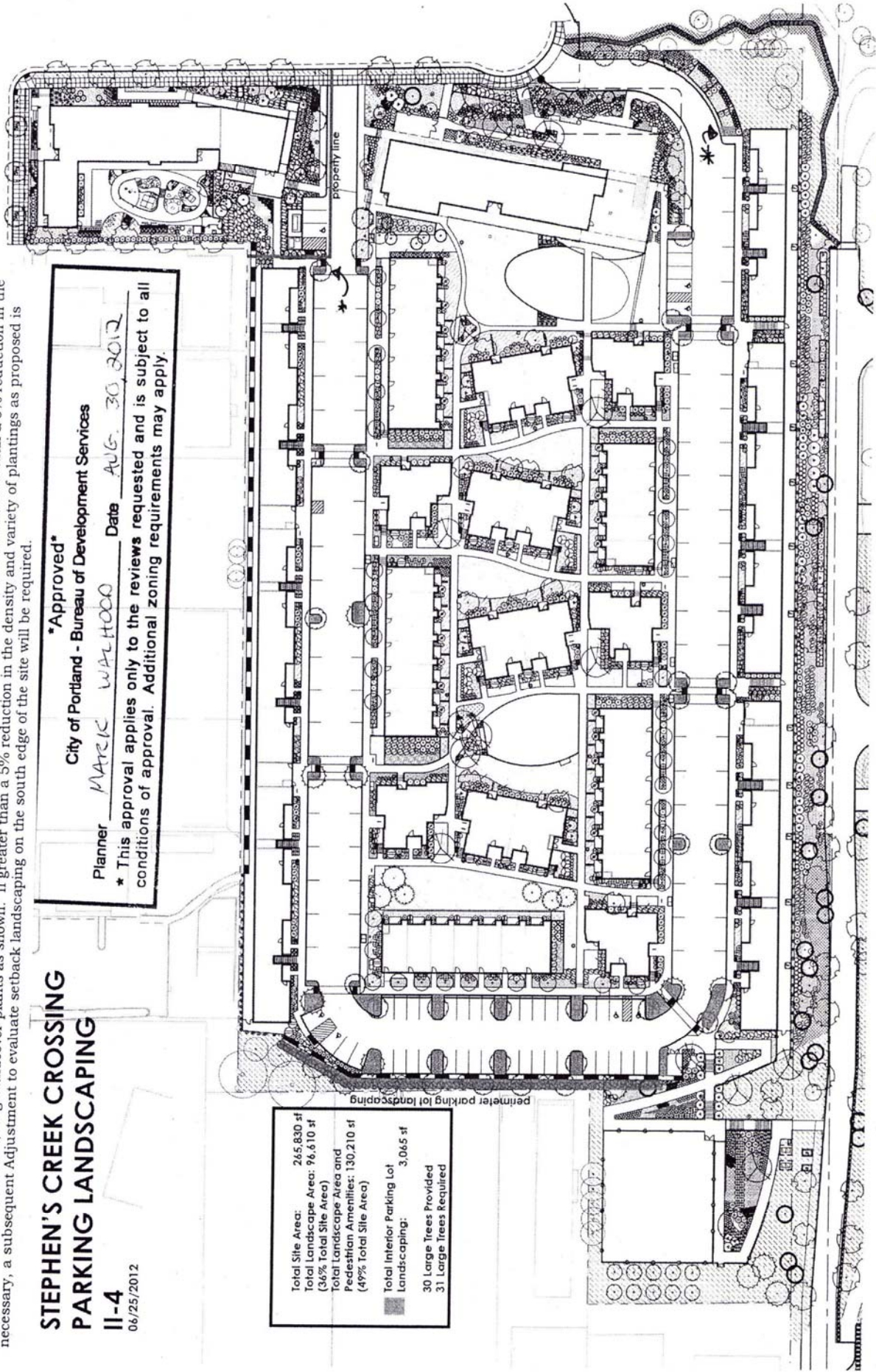
City of Portland - Bureau of Development Services

Planner MARC WATSON

Date AUG. 30, 2012

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

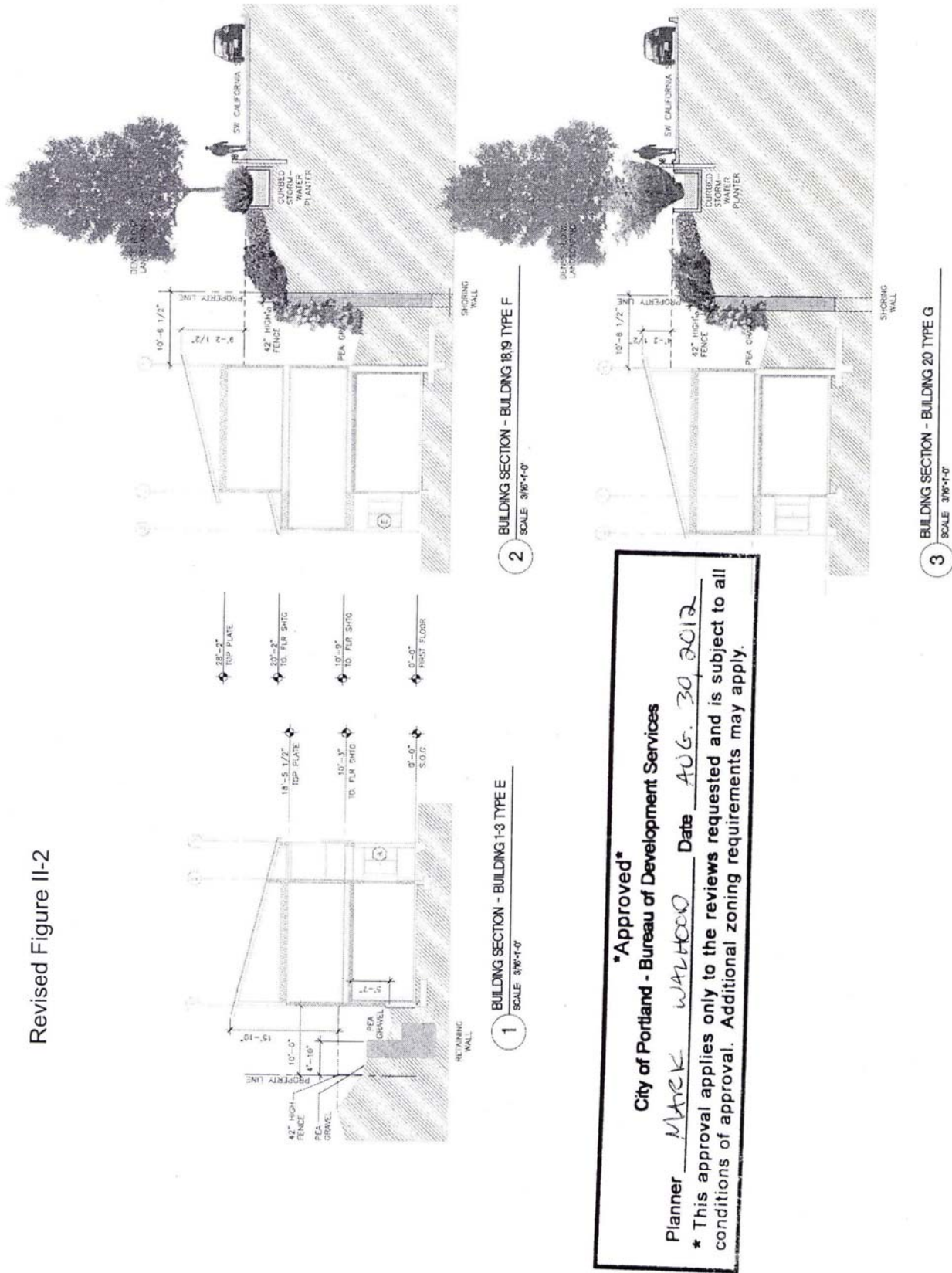
Total Site Area: 245,830 sf
Total Landscape Area: 96,610 sf
(39% Total Site Area)
Total Landscape Area and
Pedestrian Amenities: 130,210 sf
(49% Total Site Area)
Total Interior Parking Lot
Landscaping: 3,065 sf
30 Large Trees Provided
31 Large Trees Required



* AREAS THAT DON'T COME TOWARDS
INTERIOR Pkg. LOT LANDSCAPING

W 12-156372 A0
Exhibit C.2

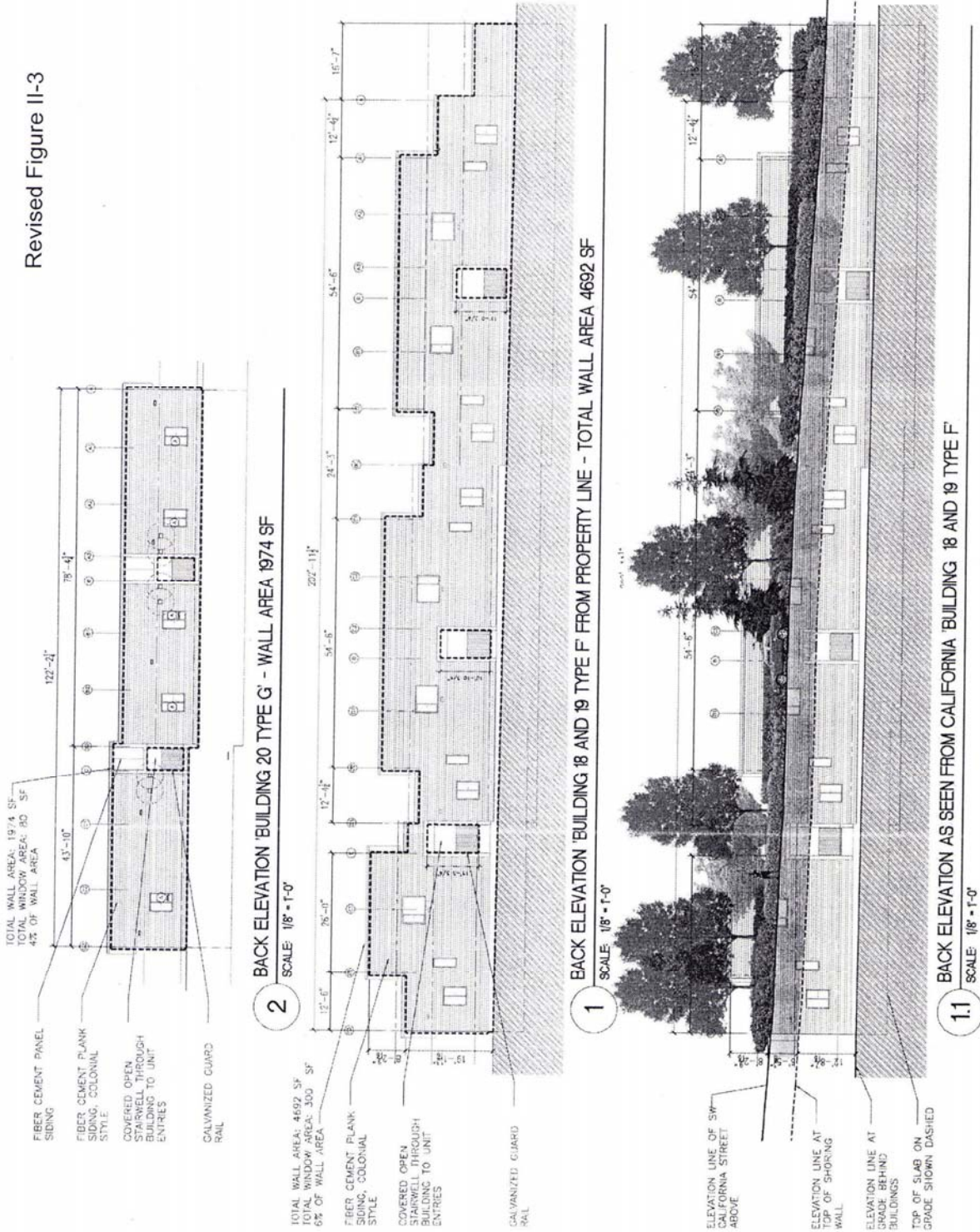
Revised Figure II-2



W 12-156372 AD
Exhibit C.4

Revised Figure II-3

Approved
City of Portland - Bureau of Development Services
 Planner MARK WALHOD Date AUG 30, 2012
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



11 17-156372 AD
 Exhibit C.S