

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.17.20 and V.18.20**

DATE: November 30, 2020
To: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Ian Flood on behalf of the NW Oregon Housing Authority
OWNER: Northwest Oregon Housing Authority

ZONING: General Commercial, GC

LOCATION: 4N1W-8AA-200 and 301

PROPOSAL: Two Variances. One to allow a reduction of minimum required bicycle parking and another to allow a building height greater than the normal maximum. These requests will alter a Conditional Use Permit (CUP.3.19) approval for a 238-unit multidwelling (apartment) complex.

The 120-day rule (ORS 227.178) for final action for this land use decision is March 10, 2020.

SITE INFORMATION / BACKGROUND

Some background is provided in the report for Conditional Use Permit CUP.3.19. CUP.3.19 for a 238 unit multidwelling (apartment) complex that was conditionally approved by the Planning Commission in September 2019. The Variances requested are based on the plans conditionally approved via CUP.3.19.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: December 8, 2020 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject property(ies) on November 17, 2020 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on November 25, 2020.

AGENCY REFERRALS & COMMENTS

None received as of the date of this report that are pertinent to this decision.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Note that CUP.3.19 included four principle building types in its application: 1) townhouse, 2) family housing, 3) senior housing, and 4) commons/community building. These Variance requests pertain to two of the types.

VARIANCE—V.17.20—reduction of bicycle parking for the **senior housing building.**

← ON NOV. 30 2020 CRR
FIRE INSPECTOR ASKED
IF THIS COMPLEX
WILL HAVE
AUTOMATIC
FIRE
SPRINKLERS?

VARIANCE—V.18.20—reduction to allow a building height greater than the normal maximum for the **family housing** buildings.

DISCUSSION:

V.17.20 – 1 lockable space is required per dwelling unit. Bicycle spaces are required to be within 50' of primary entrances, under cover when possible, and not located in parking aisles, landscape areas, or pedestrian ways.

Except for the dwelling units in the Senior Housing building, each dwelling unit will have a bike accommodation.

Per the staff report for CUP.3.19:

The Senior Housing building is shown to have a bike room in its basement and smaller bike rooms on the other floors. Though the plans show 40 bikes in the basement and 10 per floor (total of 70), the applicant noted (via phone) that more bikes can fit. In any case, the final plans will need to show accommodation of at least one bike space amenity per dwelling unit in that building.

Condition 2.a.J of CUP.3.19 addresses this as follows:

A bike space amenity shall be shown on the plans with 1 per unit within the unit as proposed for the dwelling units. The exception is for the Senior Housing building units, which shall show 1 bike space amenity per unit in common areas within the building as proposed.

Now the applicant proposed to reduce the amount bike parking by about 50% (from 81 to 41 per the applicant).

V.18.20 – The site is zoned General Commercial, GC. When multidwelling units are proposed in the GC zone, the standards of the Apartment Residential, AR zone apply. Maximum building height of the AR zone is 35 feet. In CUP.3.19, the family housing buildings were as high as 39 feet. As a result condition 2.a.U of CUP.3.19 reads:

New building elevations are required with an overall reduced height to 35 feet for the Family Housing buildings. Attic space counts toward the maximum building height; top of roof peak shall not exceed 35 feet.

Now the applicant proposes a formal request for higher buildings at 38 feet.

CRITERIA:

SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the

comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;

- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variance

FINDINGS:

(a) This criterion requires a finding that the variance will not be detrimental.

- See applicant's narratives.
- Staff comment(s): Re **V.18.20** for reduced building height, the increase is small and given the size of the subject property and spacing of buildings, one could argue it will not be very perceptible.

(b) The criterion requires a finding that there are special and unique circumstances.

- See applicant's narratives.
- Staff comment(s): This property has been idle for years. After much effort, including the extensive wetlands on the property, the buyer ended up being the Northwest Oregon Housing Authority. This project is anticipated to serve people of low income for decades to come since it is funded largely by LIFT funds from the State of Oregon. This forgivable loan from the State mandates 20 years of low-income housing restrictions. In addition, the State forgives the loan after the first 20 years in trade for an additional 30 years of low-income restriction.

(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.

- See applicant's narratives.
- Staff comment(s): No use variance is included. Re **V.17.20** for reduced bicycle parking, the option of installing an in-unit bike rack has some merit, though that is not practical for the city to track. Re **V.18.20** for reduced building height, the increase is small.

(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.

- See applicant's narratives.
- Staff comment(s): Transportation systems include various modes of travel, including bicycles. The affordable housing argument is sound given LIFT funds but guarantee of senior housing is less certain (re **V.17.20** for reduced bicycle parking). However, the owner is less likely to pull a bait and switch maneuver compared to a market rate developer.

(e) This criterion requires a finding that the variance issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.

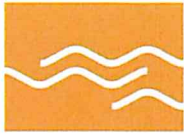
- See applicant's narratives.
- Staff comment(s): Re **V.18.20** for reduced building height, the cost argument based on the affordable housing mission of the project seems sound.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of these Variances with the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. These Variances are valid for the project approved by CUP.3.19 (or any modification thereof) only.
3. These Variances are valid for the project as substantially funded by Local Innovation and Fast Track (LIFT) funds from the State of Oregon only.
4. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.

Attachment(s): Applicant's narrative and plans for V.17.20
 Applicant's narrative and plans for V.18.20
 Sample closing forms



mwa architects

SAN FRANCISCO OAKLAND PORTLAND

Application for Variance

Project: St. Helens Housing
Project No: 201913.00
Reference: CUP 3.19, Bike Parking
Distribution: Nina Reed (NOHA)
Wendy Klein (CDP)
Megan Myers (URI)
Bill Lanning, Diana Moosman, Ian Flood (MWA)
Attention: Jacob Graichen

Based upon the use of the Senior Building as being used by seniors and restricted to those 55+, we seek a variance on the total amount of bike parking. We propose a ratio of 0.5 bike parking to 1 unit, reducing the bike parking from 81 to 41 spaces. (See page 9 of 32 in CUP 3.19).

Primarily, we have conducted a survey of +10 properties in the region with aging populations of 55 and over. The ratio of bike parking in use at Senior Buildings is well below 1 to 1 and at no property is the ratio above 0.5 bike parking spaces per unit. (See attached exhibit A1.00_BIKES, A1.75A and Senior Properties Analysis_2020-10-28.pdf)

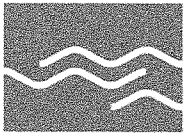
In addition, the bike parking program currently being provided in the day-lit basement facing the courtyard comes at a costly premium for space that will not be fully utilized. The below grade foundations which include the blasting of basalt are limiting our basement square footage. We hope that a reduction in bike parking would allow for both better placement of bike parking and a lower cost premium given our mission to serve low income households.

An alternative path which we have used on previous projects would be to install blocking for bike racks in units. If a resident requests an in-unit bike rack, our maintenance team will install upon request. In this case, we would reduce the bike parking to 41 spaces in the basement and install in unit blocking for future bike racks upon request by residents.

Per 17.108.050 / 1 / A-E we address these as follows;

(a) The proposed variance will not be significantly detrimental..... vicinity;

RE: A reduction in bike parking at a Senior Building will not be significantly detrimental in its consequence to the overall purposes of this code.



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SAN FRANCISCO OAKLAND PORTLAND

(b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstancesother properties in the same zoning district;

RE: Due to the Senior Building demographic, the building will have end users who are less likely to use bikes.

(c) The use proposed use of the land;

RE: Confirmed

(d) Existing physical and natural systems..... will not be adversely affected any more than would occur if the development were located as specified in the code; and

RE: Confirmed

(e) The hardship is not self-imposed.....alleviate the hardship.

RE: Confirmed

Sincerely,

MWA Architects,

By: Ian Flood, AIA, LEED AP Associate



mwa architects

70 NW COUCH STREET
SUITE 401
PORTLAND, OR 97209
P 503 973 5151
F 503 973 5060
MWAARCHITECTS.COM

PRELIMINARY

REVISION NO.	DATE

ST. HELENS HOUSING

GABLE RD/US HWY 30
ST. HELENS OR 97051

ISSUANCE
SD COST ESTIMATE
DATE
10/09/20
SCALE
1" = 80'-0"
PROJECT NUMBER
201913.00
DRAWN BY
IAN FLOOD
DRAWING TITLE

SITEPLAN

SHEET NUMBER
A1.00

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PRELIMINARY

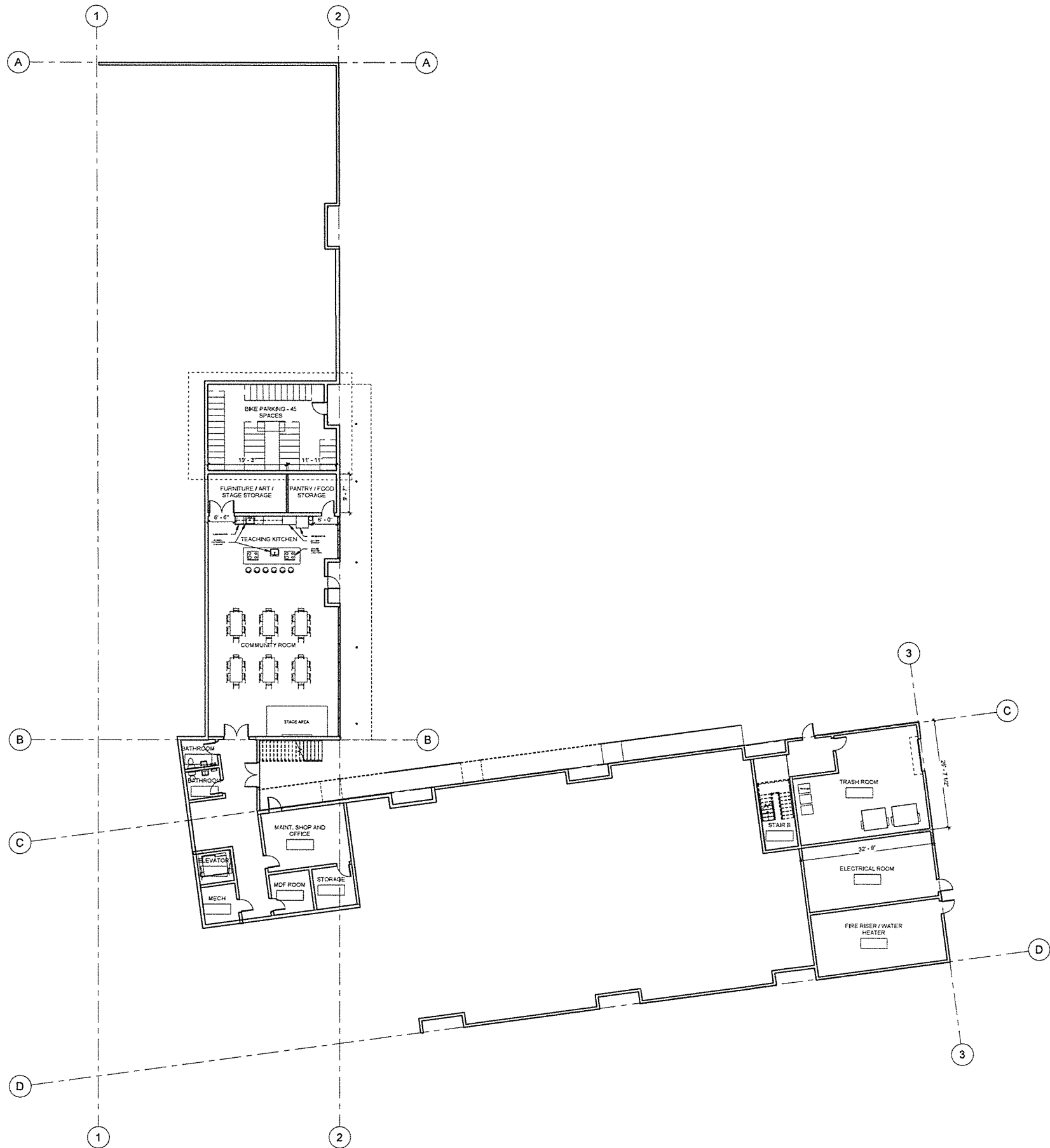


REVISION NO. DATE

ST. HELEN'S
HOUSING
GABLE ROAD
ST. HELEN'S, OR 97051

ISSUANCE
Project Status
DATE
Issue Date
SCALE
3/32" = 1'-0"
PROJECT NUMBER
201913.00
DRAWN BY
Author
DRAWING TITLE
BASEMENT
PLAN
SHEET NUMBER

A.175A



1 A1 BASEMENT PLAN
SCALE: 3/32" = 1'-0"

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Senior Property Comparisons

Property Name	Property Address	Units	Program Type	Location	Year Built	No of bike parking	No of bikes parked	Ratio of bike parking to units	Ratio of bike parking to units IN USE	No of Studios	No of Waitlist for Studios	No of 1 BRs	No of Waitlist for 1 BRs	No of 2 BRs	No of Waitlist for 2 BRs
Admiral	910 SW Park Avenue - Admiral	37	62+ / Disabled	Downtown	1909				0.00	14	61	23	86	N/A	N/A
Allen Fremont	221 NE Fremont - Allen Fremont	64	55+, Workforce	NE	1997	None	(2 on patio or in unit)	0	0.03	0	Unknown	63	Unknown	1	Unknown
Beacon Manor	3205 SE 8th Avenue - Beacon Manor	20	62+ / Disabled	SE	1971	None	(2 on patio or in unit)	0	0.10	11	58	8	41	0	N/A
Bronaugh	Bronaugh	48	62+ / Disabled	Downtown	1905	no bike storage - allowed to use railings		0	0.00	11	5	39	52	0	N/A
Fir Grove	4820 SE 122nd Avenue - Fir Grove	31	62+	SE Outer	2005				0.00	0	0	30	1	0	N/A
Gilman Court	610 NE 99th Ave	60	55+	NE	2015	70	25% of spaces used	1.17	0.29	0	0	60	43	0	N/A
Isabella Court	Isabella Court	49	62+	Vancouver	2016	4 (none required)		0.08	0.08	0	0	46	2	3	0
Maples 1	1136 SE Maple St, Hillsboro - Maples 1	30	62+	Hillsboro	1996	None -park in units	n/a	0	0	7	9	22	19		
Maples 2	1138 SE Maple St, Hillsboro - Maples 2	21	62+	Hillsboro	1999	None -park in units	n/a	0	0	0	N/A	21	22	0	N/A
Station Place Tower	1020 NW 9th Avenue - Station Place	176	55+ (75% = 62+)	Downtown	2005	62+ (two bike rooms)	Full (63 bikes)	0.36	0.36	36	18	125	29	15	0
Walnut Park	5272 NE 6th Avenue - Walnut Park	38	62+ / Disabled	NE	1981	8 spaces (bike racks)	Full (adding 4 spaces soon)	0.32	0.32	0	N/A	38	12	0	N/A
St Helens	Gable Rd	81	55+	St Helens	2021-23			0.00				64		17	



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FILE V. 18. 20

SAN FRANCISCO OAKLAND PORTLAND

Application for Variance

Project: St. Helens Housing
Project No: 201913.00
Reference: CUP 3.19, Zoning Code Height in AR Zone
Distribution: Nina Reed (NOHA)
Wendy Klein (CDP)
Megan Myers (URI)
Bill Lanning, Diana Moosman, Ian Flood (MWA)
Attention: Jacob Graichen

Based upon the height of our 3-story building and the approximate cross slope of 5 percent across the campus, achieving a 35' height limitation is difficult to attain at the Family Housing walk-up buildings. (see page 4 of 32 in CUP 3.19). We seek a height variance for 38' (See attached exhibits A1.00_ELEVATIONS.PDF, A4.02C).

We have hip roofs at these buildings that are 38' at the peak and 26'-8.25" at the low eave. Their perceived height will be the height of the eave. The roofs have a 4:12 pitch which is the minimum allowed for standard installation of an asphalt shingle roof. If we lowered the hip roofs to a 3:12 pitch to achieve 35' at the peak, we would have to add extra underlayment under the shingles to meet the manufacturer warranty. The cost to do this is estimated at \$70,000. Because this is a 100%affordable housing project this cost premium would be a hardship on the project.

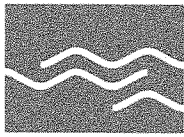
Per 17.108.050 / 1 / A-E we address these as follows;

(a) The proposed variance will not be significantly detrimental..... vicinity;

RE: Because surrounding uses are commercial, industrial and forest, our project will not be detrimental to surroundings if this variance is granted.

(b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstancesother properties in the same zoning district;

RE: The total slope at finish grade is going to contain a elevational change of near 30' (61' at SE to 91' at NW) across the complete width of the campus. We are the site that slopes down to the wetland and because the wetland is immediately adjacent, the cross slope is more severe than elsewhere.



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SAN FRANCISCO OAKLAND PORTLAND

(c) The use proposed use of the land;

RE: Confirmed

(d) Existing physical and natural systems..... will not be adversely affected any more than would occur if the development were located as specified in the code; and

RE: Confirmed

(e) The hardship is not self-imposed.....alleviate the hardship.

RE: Confirmed

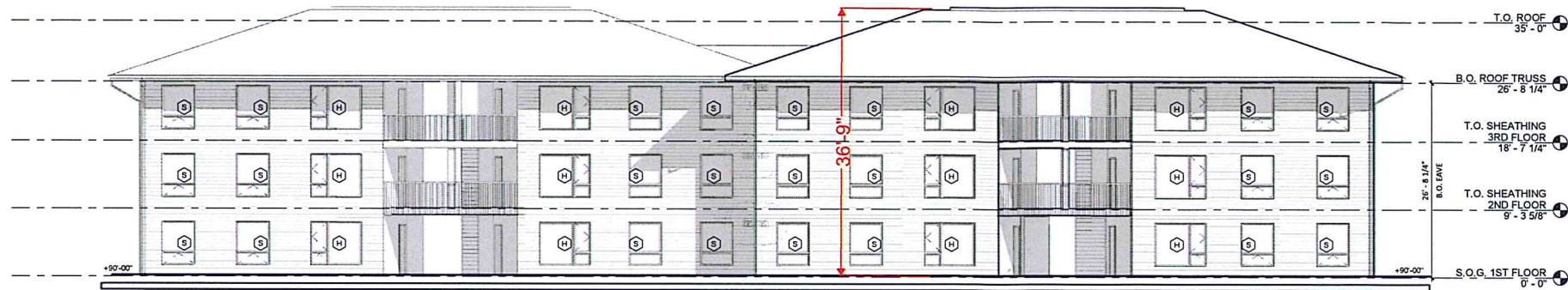
Sincerely,

Ian Flood, MWA Architects

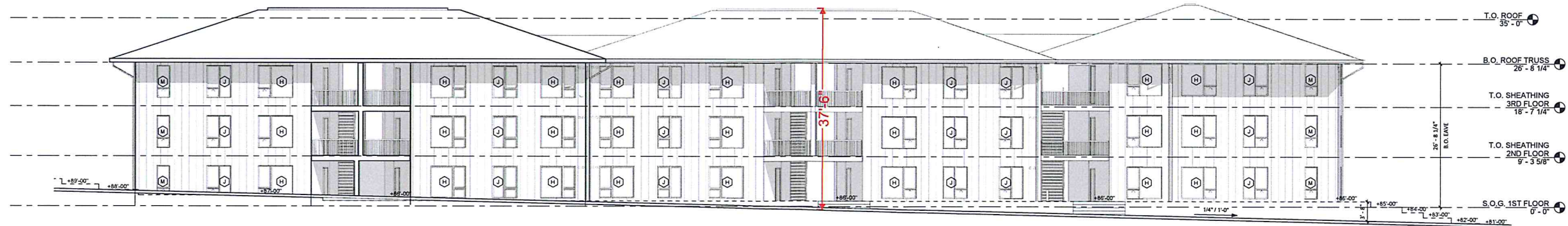
PRELIMINARY



REVISION NO	DATE



1 C2 & C3 NORTH ELEVATION (CODE ELEV)
SCALE: 1/8" = 1'-0"



2 C1 WEST ELEVATION (CODE ELEV)
SCALE: 1/8" = 1'-0"

ST. HELENS
HOUSING
GABLE RD/US HWY 30
ST. HELENS OR 97051

ISSUANCE
SD COST ESTIMATE
DATE
10/202020
SCALE
1/8" = 1'-0"
PROJECT NUMBER
201913.00
DRAWN BY
Author
DRAWING TITLE
C1 - CODE
ELEVATION
SHEET NUMBER

A4.02D



mwa architects

70 NW COUCH STREET
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MWAARCHITECTS.COM

PRELIMINARY

REVISION NO.	DATE

ST. HELENS HOUSING

GABLE RD/US HWY 30
ST. HELENS OR 97051

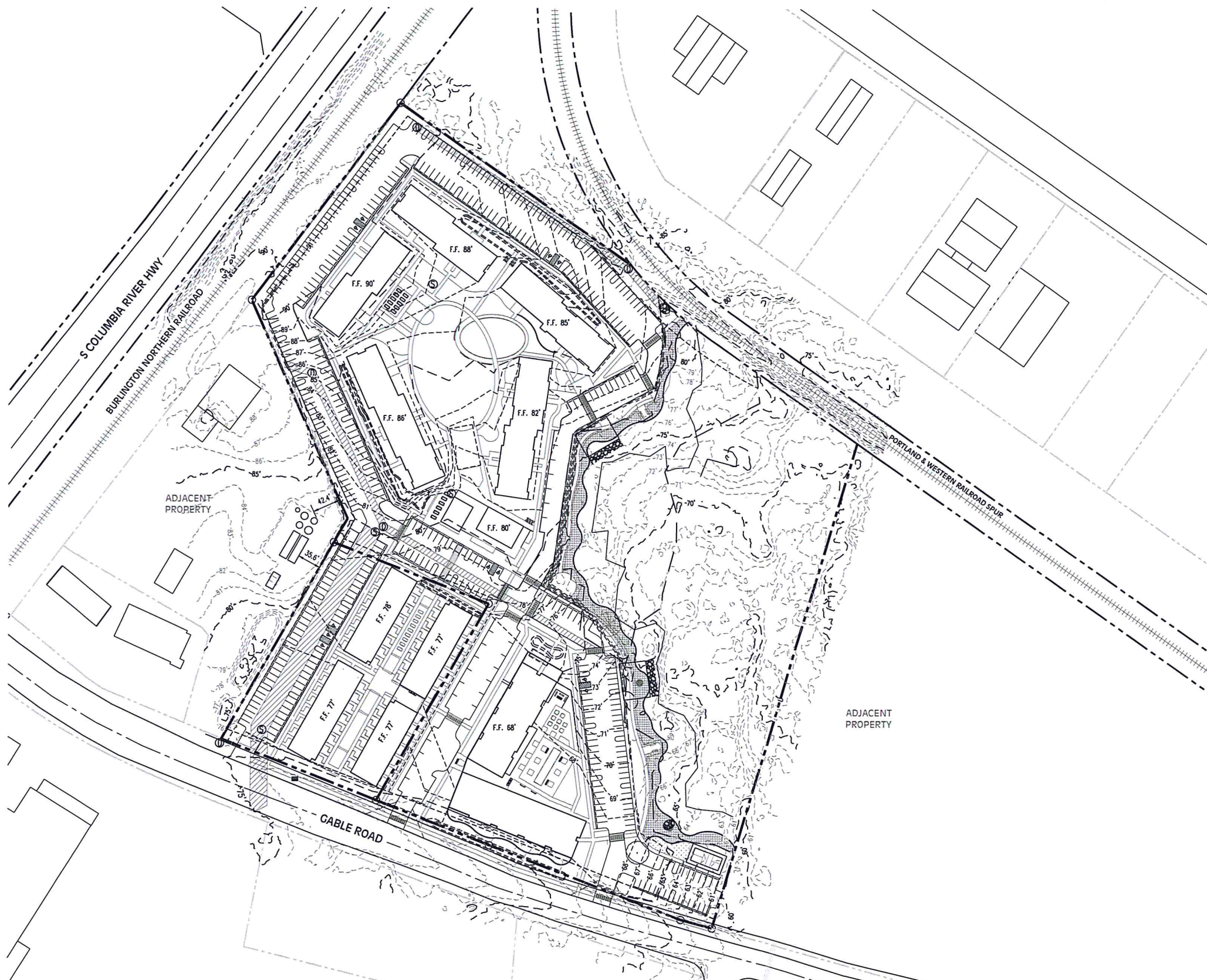
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DATE
10/09/20
SCALE
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PROJECT NUMBER
201913.00
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IAN FLOOD
DRAWING TITLE
SITEPLAN

SHEET NUMBER
A1.00

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1 SITE VARIANCE PLAN
SCALE: 1" = 80'-0"

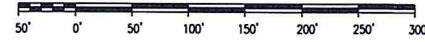


LEGEND

EOG	EDGE OF GRAVEL
EOP	EDGE OF PAVEMENT
EOC	EDGE OF CONCRETE
TOP	TOP OF PAVEMENT
TOC	TOP OF CONCRETE
TO/CURB	TOP OF CURB
(E)	EXISTING
(N)	NEW
CO	CLEAN OUT
⊙	STORM SEWER MANHOLE
⊙	SANITARY SEWER MANHOLE
⊙	NEW CATCH BASIN
⊙	FIRE HYDRANT
⊙	WATER VALVE
⊙	UTILITY POLE
⊙	WATER METER
---	SUBJECT PROPERTY LINE
---	ADJACENT PROPERTY LINE
---	WETLAND SETBACK
---	(E) MAJOR CONTOUR
---	(E) MINOR CONTOUR
---	(N) MAJOR CONTOUR
---	(N) MINOR CONTOUR
---	WETLAND
---	WATERWAY

- NOTES:**
1. ALL STORM WATER PIPES SHALL HAVE .5% MINIMUM SLOPE AND 18" OF COVER MINIMUM.
 2. ALL HARD SURFACES SHALL HAVE A MINIMUM OF 1.0% SLOPE TOWARDS COLLECTION SYSTEM.
 3. ALL WALKWAYS SHALL HAVE A MAXIMUM SLOPE OF 5.0% IN THE DIRECTION OF TRAVEL AND 2.0% CROSS SLOPE.
 4. PLAN CAN BE PROVIDED IN CAD FORMAT TO ACCOMMODATE CONSTRUCTION STAKING. (NOT ALL DIMENSIONS ARE SHOWN)
 5. LANDSCAPE AREAS SHALL BE SLOPED TOWARDS CATCH BASINS AS REQUIRED TO PREVENT PUDDLES. PROVIDE 2"-6" DRAIN ROCK SURFACE WITHIN 3' OF LANDSCAPE CATCH BASINS TO REDUCE THE POTENTIAL OF BLOCKAGE.
 6. PRIVATE SEWER CONSTRUCTION: ON-SITE BUILDING SEWERS OUTSIDE OF PUBLIC SEWER EASEMENTS ARE PRIVATE AND SHALL BE CONSTRUCTED ACCORDING TO THE 2017 OREGON PLUMBING SPECIALTY CODE.
 7. SEWER SERVICE LATERAL CONNECTION AND PIPING WITHIN THE RIGHT-OF-WAY SHALL BE CONSTRUCTED TO PUBLIC STANDARDS AND ARE SUBJECT TO CONSTRUCTION SERVICES TESTING AND INSPECTION REQUIREMENTS.

GRADING PLAN
SCALE: 1" = 60'-0"



REV.	REVISION RECORD	DATE
A	UPDATED W/ NEW LANDSCAPE/ARCHITECTURAL PLANS	10/05/20
B	UPDATED TO 30412 TITLE BLOCK	10/09/20

Lower Columbia Engineering
St. Helens, Oregon
(503) 366-1259

PROJ. NO.	3023	GRADING PLAN
DWG. BY	MLA	CABLE ROAD APARTMENTS
APPR. BY	COMMUNITY DEVELOPMENT PARTNERS	SHEET
FILE	D-3023-C-4-B	DATE 08/27/20
DATE	08/27/20	PRELIMINARY NOT FOR CONSTRUCTION

C-4



**OREGON HOUSING *and*
COMMUNITY SERVICES**

725 SUMMER STREET NE, SUITE B | SALEM, OR 97301
503-986-2000 | www.oregon.gov/OHCS

July 22, 2020

Community Development Partners
Attn: Jessica Woodruff
126 NE Alberta St. Suite 202
Portland, OR 97211-2665

RE: Local Innovation Fast Track (LIFT) Funding Reservation
St Helens Apartments, #2614

Dear Jessica:

Oregon Housing and Community Services (OHCS) has reserved the following funding to Community Development Partners for the development of the St. Helens Apartments project.

Not to exceed **\$13,400,000** in LIFT Funding.

This reservation was made subject to conditions as follows.

A. General Conditions

1. You must complete one of the following within **15 days of the date of this letter**:
 - a) **Initial each page, sign this letter and return the original** indicating your acceptance of the reservation(s) and all the terms and conditions of the reservation(s);
or,
 - b) If you have concerns about any of the conditions or timelines contained in this letter, contact me.
2. A Monthly Progress Report must be submitted beginning **September 2020** and thereafter on a monthly basis by the 1st of each month until project completion. The report should indicate all activities undertaken during the previous month.
3. All 4% LIHTC timing and application requirements must be met to retain this reservation.

B. Participatory Requirements

As a recipient of Housing and Community Services funds, OHCS requires compliance with the following. Meeting these requirements will be a measure of determining sponsor capacity in future Department applications.

**SAMPLE
EVIDENCE OF
AFFORDABLE
HOUSING. FORMS
WILL COME AT
CLOSING. FORMS
WILL ALSO COME AT
CLOSING FOR +55
SENIOR LIVING. 8609
FORM WILL COME AT
CLOSING**

JW

1. Review the timelines you indicated in the Project Schedule enclosed with the Application and revise from time to time as applicable. Submit a revised Project Schedule when changes are necessary. Your ability to meet these timelines will be a measurement for retaining the funding reservation(s).
2. As changes occur to the project's development and operating costs, a revised Sources of Funding, Uses of Funding, and/or Operating Budget reflecting the current project status must be submitted.
3. Adherence to all federal, state and program regulations applicable to your organization and your proposed project is a basic requirement.
4. Display of the Fair Housing name and/or logo when project units are marketed/promoted is required.
5. Oregon Housing and Community Services shall be listed by name on all materials where the project contributors are listed by name.
6. Original OHCS post-construction certification executed by contractor and architect.
7. Submission of electronic photos of completed project.

OHCS congratulates you on your funding reservation and looks forward to a successful completion of your project. Please contact me at (503) 986-5184, if you have any questions concerning your grant reservation or if you would like any of the required forms in electronic version.

Sincerely,

Brad Lawrence

Brad Lawrence, Production Analyst
Development Resources and Production Section

AGREED TO AND ACCEPTED ON THE TERMS AND CONDITIONS SET FORTH ABOVE FOR THE FOLLOWING GRANT RESERVATION(S):

\$13,400,000 in LIFT Funding

By: Community Development Partners

Jessica Woodruff
Jessica Woodruff, Director of Development

Date: August 10, 2020

**SAMPLE
EVIDENCE OF
AFFORDABLE
HOUSING. FORMS
WILL COME AT
CLOSING. FORMS
WILL ALSO COME AT
CLOSING FOR +55
SENIOR LIVING. 8609
FORM WILL COME AT
CLOSING**