



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

FILE No.: LU 14-116096 ZC (HO 4140007)

Owner: Salvation Army
6855 NE 82nd Avenue
Portland, OR 97220-1306

Applicant: Francis Dardis
Stack Architecture
32 NE 7th Avenue
Portland, OR 97213

Developer: Nicole Peterson
Bridge Housing Corporation
925 NW 19th Avenue, Studio B
Portland, OR 97209

Hearings Officer: Gregory J. Frank

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

Site Address: 139 SE M L King Boulevard

Legal Description: BLOCK 78 LOT 1-4 LOT 5&6 EXC PT IN ST, EAST PORTLAND

Tax Account No.: R226505190

State ID No.: 1N1E34DD 01800

Quarter Section: 3030

Neighborhood: Buckman

Business District: Central Eastside Industrial Council

District Neighborhood Coalition: Southeast Uplift

Plan District: Central City - Central Eastside

Zoning: IG1, EXd

Land Use Review: Type III, Zoning Map Amendment (ZC)

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:00 a.m. on May 19, 2014, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 10:08 a.m. The record was held open until 4:30 p.m. on May 30, 2014, and until 4:30 p.m. on June 6, 2014.

Testified at the Hearing:

Kathleen Stokes
Francis Dardis
Brian Dunn
Bob Wentworth
Peter Stark

Proposal: The applicant (“Applicant”) is proposing to amend the zoning designation for the western portion of this site, from General Industrial 1 (IG1) to Central Employment (EX), with a Design (d) Overlay for the real property commonly referred to as 129 SE M L King Boulevard, Portland, Oregon (the “Subject Property”). This proposed zoning map amendment is in compliance with the existing Comprehensive Plan Map designation for this Subject Property. A conceptual proposal for development of the Subject Property, following approval of the requested Zoning Map Amendment includes a mixed-use project, that would have a twelve story building, with live/work spaces and parking on the ground floor and also retail along the frontage on SE Martin Luther King Jr. Boulevard. The upper stories are proposed to include would studio and one and two-bedroom residential apartment units. Stormwater management would include an eco roof and flow through planters. Final plans will need to be submitted for Design Review, if the requested map amendment is approved.

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

- 33.855.050
- 33.855.060

II. ANALYSIS

Site and Vicinity: The Subject Property is a 20,000 square-foot property that comprises approximately three-quarters of the block that lies between SE Martin Luther King Boulevard and

SE 3rd Avenue, from SE Ankeny Street to SE Ash Street. The portion of the block, at the northeast corner, which constitutes slightly less than a full block quadrant, is not included within the boundary of the Subject Property. The Subject Property is developed with a commercial structure, built in 1910, that is described by the County assessor as a multi-story warehouse storage building. This building covers nearly 100% of the site area, as do many of the other similar buildings in the surrounding area. The eastern edge of the Subject Property abuts the frontage of SE Martin Luther King Jr. Boulevard, which is also referred to as State Highway 99E. The western edge of the Subject Property abuts SE 3rd Avenue, a narrow street, which along with SE 1st and SE 2nd Avenues, west of the Subject Property to the I-5 Freeway, are largely used by freight delivery vehicles, including semi-trucks and trailers. This area, which was traditionally devoted to warehouse uses, including many that specializing in fresh produce, has been transitioning to a variety of other uses in recent decades.

East of MLK Boulevard, there is greater variety in the type of development and uses. Many retail uses are interspersed with the traditional industrial uses in this area and a new generation of craft retailers, serving the development community, and other incubator businesses, such as new technology innovators have arisen in this area and to the immediate south. The area is fairly densely built up and many sites have little or no on-site parking. Most older buildings appear to be two to five stories, although the zoning would allow structures of a much greater height.

Current Zoning: This Subject Property is “split zoned.” The eastern portion of the Subject Property is zoned EXd, Central Employment, with a Design Overlay. The EX designation implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The EX development standards are intended to allow new development which is similar in character to existing development.

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

The western portion of the Subject Property has a Comprehensive Plan Map designation of EXd but the existing Zoning Map designation for this portion of the Subject Property is IG1 or General Industrial 1. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. Development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City’s older industrial areas.

The Subject Property is also located within the Central City Plan District, in the Central Eastside

Sub-district. This plan district implements the Central City Plan and other plans applicable to the Central City area.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Request for Response" was mailed April 1, 2014. The following Bureaus responded with no issues or concerns regarding the requested Zoning Map Amendment. (Summaries of responses in Exhibits E-1 through E-5 are included in the findings for Approval Criterion 33.855.050 B. 2, below):

- Environmental Services (Exhibit E-1).
- Transportation Engineering (Exhibit E-2).
- Water Bureau (Exhibit E-3).
- Fire Bureau (Exhibit E-4).
- Police Bureau (Exhibit E-5).
- Site Development Section of BDS provided information on review requirements for demolition and commercial building permits, including a geo-technical study, pending approval of the proposed Zoning Map Amendment (Exhibit E-6).
- Life Safety Plan Review Development Section of BDS discussed some of the building permit review requirements for the proposed redevelopment of the site (Exhibit E-7).
- Parks-Forestry Division provided a response of "no concerns" (Exhibit E-8).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 28, 2014. A letter in opposition was received, from Sylvia and Lewis McFarland, by the Hearings Office on May 9, 2014 (Exhibit H.3). Two individuals testified at the Hearing (Wentworth and Stark) in opposition; each submitted documents to support their testimony (Exhibits H.7, H.7a and H.8). One opposition letter was submitted into the record (Exhibit H.11) during the open record period. The primary focus of written and oral opposition relates to whether or not the Applicant satisfied approval criteria related to on-street parking impacts upon the neighborhood. The Hearings Officer shall address, in the findings below, issues relating to on-street parking required by the relevant approval criteria.

ZONING CODE APPROVAL CRITERIA

ZONING MAP AMENDMENT

33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Findings: The Comprehensive Plan designation is Central Employment. This designation has only one corresponding zone, EX. Therefore, this criterion does not apply.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Findings: This site does not have an R zone or a buffer overlay designation, so this criterion does not apply.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: The requested zone change is not from a higher density residential zone to a lower density residential zone or from the CM zone to the CS zone. Therefore, this criterion does not apply.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.

- b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
- c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

Findings: A 0.18-acre portion of property is located adjacent to the Subject Property; the 0.18-acre portion is already zoned EXd and not part of the analysis in this case. The remaining 0.46-acres, the Subject Property, is the focus of the findings in this section. Together, the Subject Property and the 0.18-acre portion are referred to as the Overall Site. The requested EX zone designation would allow a maximum build-out of 60,000 square feet (3 to 1 FAR), with a maximum height of 65 feet and a maximum building coverage of 100% of the Overall Site area. Residential uses are allowed, as well as a variety of commercial and industrial uses. The conceptual plans for the redevelopment of the Overall Site, at this time, calls for a 12 story building that would accommodate ground floor retail and about 343 residential units.

An analysis (part of Exhibit A-1) that was provided by the Applicant's traffic engineers and analysts indicate that 255 residential units are proposed for the Subject Property and that a comparison of the number of vehicle trips projected to be generated by that number of residential units with the number of trips projected to be generated by the alleged worst case scenario for uses allowed under the current zoning designation indicates a net decrease of 58 average trips per day. The analysis recommends a cap of 255 units for the portion of the overall development site that would be subject to the Zoning Map Amendment; the Subject Property. Opponents (Wentworth, Stark and McFarland) expressed concern with Applicant's analysis and conclusions related to the adequacy of transportation services.

As indicated in the summaries of bureau responses, below, the Bureaus of Environmental Services ("BES"), Water, Fire and Police have each responded with information about services at this location. These bureaus noted that adequate existing services are available for the anticipated level of use(s) that would be allowed to occur, with approval of the requested Zoning Map Amendment.

The Office of Transportation, Transportation Engineering and Development Review ("PBOT") provided an analysis of the potential transportation impacts from approval of the proposed zoning designation, which is also contained below. Opponents, through submission of their own traffic engineer, dispute the analysis and conclusions expressed by PBOT. PBOT submitted, during the

open record period, a supplemental memo, explaining in greater detail its rationale for supporting its conclusion that transportation services are adequate, with proposed conditions, in this case.

SUMMARY OF AGENCY RESPONSES:

BES

BES noted that the sanitary sewer needs for the Subject Property can be serviced by the existing infrastructure. There are 16-inch vitrified clay public combined gravity sewers located in SE Ankeny and SE Ash Streets (BES project # 0039). There is also a 264-inch RCP public combined gravity sewer (Eastside CSOP Tunnel, "the Big Pipe"), located in approximately the center of SE 3rd Avenue (BES project # E05516) and a 34-inch brick public combined gravity sewer located in the west side of SE 3rd Avenue (BES project # 0039). BES noted that connections to the sewers on SE Ankeny and SE Ash Streets are the preferred options for the redevelopment of the Subject Property. BES also accepted the stormwater management information submitted for this land use review and has determined sufficient information had been provided to meet BES approval criteria (Exhibit E1).

PBOT

PBOT reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. Portland Transportation indicated that it had no objection to the proposed Zoning Map Amendment, with a condition of a trip cap limiting development to 255 residential units on the western portion of the Subject Property (Exhibit E2).

Street Classifications:

At this location, SE Martin Luther King Junior Boulevard is classified as a Major City Traffic Street, Major Transit Priority Street, City Bikeway, City Walkway, Major Emergency Response Route and a Regional Main Street in the City's Transportation System Plan (TSP). This right-of-way is also State Highway 99E.

SE 3rd Avenue, SE Ankeny Street and SE Ash Street are all designated as Local Service Streets and Minor Emergency Response Streets. Southeast Ankeny is also a City Bikeway and City Walkway. The entire area around the site is designated as a Freight District.

PBOT, in its initial written response (Exhibit #.2), provided the following comments:

"Adequate Public Services (Subsection 33.855.050.B.2) - Transportation

The applicant submitted a professionally prepared abbreviated site trip generation analysis prepared by a professional traffic consultant to address the transportation-related approval criteria associated with this Zone Change request. The analysis

compares the potential worst-case development scenarios under the current IG1 zoning with the worst-case potential development scenarios for the proposed EX zoning.

In conjunction with the processing of a Zone Change request, PBOT staff would typically require that the applicant submit a Traffic Impact Study (TIS) to adequately address this approval criterion. The TIS would generally include area intersection capacity analysis utilizing industry standard trip generation methodology as well as a projected trip distribution consideration given observations made at and near the site. However, in this case, in order to address expected increase in trip generation associated with the proposed Zone Change, the applicant has proposed a vehicle trip cap associated with the current zoning of the site. Because the applicant's proposed mitigation would also address capacity deficiencies with any local (City) intersections, the applicant was advised from PBOT staff that no further analyses would be necessary to adequately address this approval criterion.

To estimate the number of trips that would be generated by a worst-case development scenario under the existing IG1 zoning, data from the manual *TRIP GENERATION, Ninth Edition*, published by the Institute of Transportation Engineers (ITE) was referenced. It is important to note that the analysis that was provided was done so in relation to the western portion of the site, only. The eastern portion of the site is already zoned EXd, therefore, the proposed Zone Change request does not include this portion of the site.

The TIS considered a reasonable worst-case development scenario under the site's existing IG1 zoning. With this scenario, development on the site included a quick lube vehicle stop, a manufacturing use and a warehousing use. Under this potential scenario, which PBOT concurs could generate a significant number of vehicle trips to/from the site, the average number of daily trips is 500. The corresponding peak hour number of trips are 33 AM peak hour trips and 51 PM peak hour trips.

A reasonable worst-case development scenario considered in the TIS for the site's proposed EXd zoning included a mix of specialty retail, office and apartments. Given this development potential, there would be an average daily trip total of 2,898 vehicle trips, with 198 trips occurring during the AM peak hour and 269 PM peak hour trips.

The increase in reasonable worst-case development trips noted above for the proposed zoning have the potential to degrade the future performance of surrounding transportation system, if not mitigated. Specifically, the increased site trips have the potential to significantly affect the SE MLK Jr Blvd/SE Ankeny St intersection as well as other major intersections in the SE MLK Jr Blvd and SE Grand Ave corridors, which may not meet the level-

of-service performance standards identified in the City's Transportation System Plan. This potential increase in trips related to the proposed zone change has the potential to *'significantly affect a transportation facility.'*

To mitigate the potential for a significant affect, OAR 660-012-0060(1)(c) states that *'if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management, this reduction may diminish or completely eliminate the significant affect of the amendment.'* This traffic generation limitation is commonly referred to as a 'trip cap' and is allowed under both state and city statutes.

The applicant is proposing a specific development on the subject site to ensure that the project will not result in adversely impacting the transportation system. The proposal includes a mixed-use development with approximately 343 apartment units and 4,300 square feet of retail space. The development would span the 0.46 acre proposed zoning amendment area (western half of the site) and a 0.18 acre area of the eastern half of Block 78 which fronts SE MLK Jr. Boulevard (which is already zoned EXd). The proposed specialty retail area and a portion of the housing would be exclusively located in the 0.18 acre eastern portion of the Block 78 which is currently allowed in the EXd zone. Development on the 0.46 acre zone amendment area would be limited to 255 apartment units, along with supporting off-street parking, office, and bicycle storage facilities needed to operate and maintain the residential use.

The applicant's traffic consultant hereby refers to customized vehicle trip generation rates that were developed for the proposed apartment units based on data collected over several days at apartments located in comparably transit-rich environments of the Pearl area of the city, the continuously developing South Waterfront area and a well established high-rise apartment tower in the downtown core area. The vehicle trip generation rates for the apartment units of this subject site-specific development could be significantly lower than the trip rates documented in the ITE Trip Generation Manual, 9th Edition, given the robust multimodal infrastructure surrounding the site.

The ITE manual rates are based primarily on surveys of apartment buildings in suburban locations with limited non-auto infrastructure and more consistent land uses. In contrast, the proposed development is in a mixed-use neighborhood located in a highly urban, transit-rich environment. The site is immediately adjacent to the Portland Streetcar line, which runs south along SE MLK Jr Blvd and north along SE Grand Ave. Also, the site is located within three blocks of bus stops for multiple Tri-Met bus lines (Routes #3, 12, 19, and 20), and there is a complete and continuous bicycle and pedestrian network throughout the Central

Eastside Industrial District with convenient connections to the downtown area on the west side of the Willamette River. Additionally, the proposed development is envisioned to have a low parking ratio of only 0.24 parking spaces per residential unit (83 spaces for 343 apartment units), which will have some effect on the lower trip generation. PBOT has expressed support for this approach in trip generation documentation for this proposed Zone Change request, concurring with the TIS suggestion that the standard methodology of reviewing the established trip generation rates from the ITE Manual may not accurately portray the realistic resulting amount of traffic from the proposed development given its environment.

Because the proposed development site is located in a transit rich environment similar to the other (trip generation study) referenced sites and will have a parking ratio significantly lower than the trip generation study sites, the average trip generation rates determined from the three study sites provide a realistic and conservative means of estimating trips for the proposed apartment units.

Using these average trip rates, trips associated with the 255 apartment units proposed within the Zone Change area were calculated for the average weekday and weekday a.m. and p.m. peak hours. The resulting total number of average daily trips is 442 vehicle trips. The resulting AM and PM peak hour trip numbers are 41 and 51, respectively.

Reflecting on the previously identified trip generation information for the reasonable worst- case development proposal on the site under the existing IG1 zoning, there will be a net difference of 58 fewer average daily trips, 8 more AM peak hour trips and no difference in PM peak hour trips resulting from the proposed trip cap project of 255 apartment units.

Based on previous studies and on field observations, the weekday pm peak hour is the critical period during which the operational capacity of the surrounding system should be assessed related to the City's level of service standards. As noted above, no increases in weekday PM peak hour trip generation will be realized in relation to the proposed development on the site as compared with the worst-case development potential under the site's current zoning. Further, the potential for an increase of 8 AM peak hour trips from the proposed development is minimal enough to have no significant effect on the surrounding transportation facilities and does not occur during the critical time period. For these reasons, the implementation of a trip cap on the property limiting future development to 255 or fewer apartment units (or their equivalency in trip generation [41 weekday AM peak hour/51 weekday PM peak hour trips]) enables the Zone Change proposal to comply with the applicable transportation-related approval criteria.

With the provision of a trip cap, development on the subject site will not be allowed to exceed these referenced number of trips during the weekday AM and weekday PM peak hours with the approval of the proposed Zone Change. A condition of approval related to implementing the trip cap is warranted and recommended.

The amended Transportation Planning Rule (TPR) generally requires a local government to determine whether certain regulatory amendments will "significantly affect an existing or planned transportation facility." The land use actions that trigger compliance with this requirement are amendments to a functional plan, comprehensive plan, or a land use regulation (including a zoning map amendment). (OAR 660-012-0060(1)) If the local government finds an amendment has a significant effect, it must take one or more specifically identified steps to address and remedy this conflict (OAR 660-012-0060(2)).

The amended TPR includes an exception to this general requirement for a zoning map amendment where the proposed new zoning is consistent with: (1) the comprehensive plan map designation for the site; and (2) the local Transportation System Plan. If both conditions are satisfied, the local government may find that the amendment "does not affect an existing or planned transportation facility." (OAR 660-012-0060(9)). In this case, the proposed EX(d) zoning is consistent with Comprehensive Plan Map designation for the site and the local Transportation System Plan. Accordingly, the above referenced approval criterion is satisfied.

PBOT Recommendation:

PBOT has no objections to the proposed Zoning Map Amendment, subject to the following condition of approval:

1. Development on the western portion of the subject site (0.46 acre) shall be limited to 255 multi-family residential units or a use that will be limited to 41 weekday AM peak hour vehicle trips and 51 weekday PM peak hour vehicle trips."

PBOT, in its open record written response (Exhibit H.12), provided the following comments:

"On Monday, May 19, 2014, a public hearing was held by the City's Hearings Office to consider the above reference land use proposal. During the course of the public hearing, testimony was provided in relation to the subject zone Change approval criteria. There was reference to the 'adequacy of services' language from Zoning Code Section 33.855.0505 .B.2. The Hearings Officer specifically asked for clarification from City staff on whether or not 'on-street parking impacts' is considered as part of the applicable Zone change approval criteria.

Prior to addressing the specific question above, the Hearing Officer expressed some uncertainty about the nature of the nature

of transportation-related supporting evidence submitted into the record. Upon listening to the audio recording of the above referenced public hearing, for clarification, PBOT staff offers the following explanation.

It is typical that a full and comprehensive professionally prepared Traffic Impact Study (TIS) is submitted by an applicant to adequately address the transportation-related approval criteria associated with a Zone Change request. The level of information typically provided in a TIS prepared in relation to a Zone Change request includes, but is not limited to, intersection capacity analyses (supported by observations and/or actual vehicle counts) for existing and future conditions, trip generation calculations based on industry-standard references (ITE Manual) and/or otherwise acceptable methodologies, and trip distribution assumptions. Each of these elements of the typical TIS is utilized in the determination of adequacy of (transportation) services.

In this case, and importantly, as utilized in other land use requests considered by the City (administratively reviewed or as considered by one or more of the City's decision making bodies, including the Hearings Office), the applicant submitted a trip generation analysis (only) to address the transportation-related approval criteria for the requested Zone Change. As evidenced by the approvals of past Zone Change requests and other land use reviews, the utilization of a trip generation analysis (only) has been determined to be adequate (in the course of addressing the transportation-related approval criteria) specifically when there is an accompanying voluntary or otherwise required 'trip cap' condition of approval related to either a site specific project or a narrowed potential use/combination of uses on a site. The concept of 'trip cap' typically relates to limiting potential vehicle trip generation (*which relates to the impacts on the transportation system [adequacy of services]*) for the site, to the levels expected in relation to potential development on a site under the current underlying zoning of the site in question.

A 'trip cap' has been proffered by the applicant, which in turn, has been recommended as a condition of approval of the subject Zone Change request by City staff.

Trip generation analysis (only) have been fundamentally accepted by the City (staff and decision makers alike) to adequately address the transportation-related approval criteria of Zone Change applications in cases where 'trip caps' are incorporated into the decisions. This is because said trip generation analyses identify the expected number of vehicle trips associated with potential development (including worse-case) on a site under current and proposed zoning designations. By limiting potential development on a site to a trip generation that would be allowed under existing conditions (zoning), impacts to the transportation system (adequacy of services) are mitigated such that further impacts or degradation of intersection capacity is avoided.

Aside for the approach being utilized by the City in the course of prior land use matters, PBOT Administrative Rule TRN-10.27 also specifically acknowledges the acceptable use of 'trip caps' associated with addressing intersection capacity analyses. TRN-10.27.I.3 states as follows:

'an amendment or other land use application that requires analysis of traffic capacity and allows development that either (1) may cause a transportation facility to perform below the standards established in sections 1 and 2 may be approved if:

a. *Development resulting from the amendment or other land use application will mitigate the impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of development through one or more of the following:*

(i) *the development is limited to result in no net increase in vehicle trips over what is allowed by the existing zoning; OR*

(ii) *one or more combination of transportation improvements or measures are imposed to mitigate the transportation impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of any development.'*

In summary, a typical TIS was not submitted by the applicant in relation to the subject Zone Change request. PBOT staff determined that a trip generation analysis would be adequate to address the Zone Change transportation-related approval criteria as a result of the proposed voluntary 'trip cap". This approach has been acceptable in past land use reviews as evidenced by approvals (of said land use reviews) by City staff and other decision making bodies, and consistent with PBOT Administrative Rule TRN-10.27.

The Hearings Officer inquired as to whether or not the transportation-related Zone Change approval criteria include 'on-street parking impacts' as a matter to be considered for review. PBOT staff offers the following comments in response. First, in neither the 'adequacy of services' references in Zoning Code Section 33.855.050.B.2 or Sub-Section 33.855.050.B.2.c, those that PBOT previously address in our formal response to this land use proposal, does said Code language include any reference to 'on-street parking impacts' as a specific factor to be considered when evaluating this approval criterion. Referring to the language in Zoning Code Section 33.855.050.B.2, it is stated that 'factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and in the characteristics of the site and development proposal, if any'.

More specifically, Sub-Section 33.855.050.B.2.c states that 'public services for *transportation system facilities* are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. *Transportation capacity* must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate'.

A literal read of the above referenced Code-specific language reveals no reference to 'on-street parking impacts' as a matter to consider while evaluating the subject Zone Change request. PBOT staff suggests this is an important detail for the Hearings Officer to consider in his contemplation of this issue. And more poignantly, the reference to 'transportation capacity' is referenced in the aforementioned criterion. 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 level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland 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. Accordingly, 'transportation capacity' is a measure of performance of area intersections, only, and does not include any consideration of 'on-street parking impacts'.

PBOT staff now references the City's Transportation System Plan (TSP) in an attempt to locate a clear definition of 'adequacy of services' and to help determine whether or not 'on-street parking impacts' is a specific matter to be considered in relation to the subject Zone Change request. Upon considerable research of Chapter 2 of the Transportation System Plan (Transportation Element of the Comprehensive Plan) and the associated transportation goals and policies therein, PBOT staff found no clear definition of 'adequacy of services'.

Policy 11.13 (Performance Measures) of Goal 11 (Public Rights-of-Way) of the TSP provides objectives and explanations on evaluating the 'performance of the transportation system'. The prescribed performance measure for evaluating the transportation system and the 'adequacy of transportation facilities' is the use of level of service identified specifically for the

operations/capacity of intersections. There is no reference to 'on-street parking impacts' as a matter for consideration in evaluating the 'performance of the transportation system' or 'adequacy of transportation facilities'.

Looking more purposely towards the site area in question and the TSP's Central Transportation Management Plan Goal, and more specifically the goal's Parking Policy (Policy 4), there is no reference in this material for the consideration of 'on-street parking impacts' in the 'adequacy of services' approval criterion for proposed Zone Changes.

Finally, without additional resources to consider whether or not the 'adequacy of services' Zone Change approval criteria include 'on-street parking impacts' as a matter to be considered for review in association with the subject Zone Change request, PBOT staff refers to the 'American Heritage Dictionary' for assistance in defining 'adequacy of services'. The American Heritage Dictionary defines 'adequate' as follows: 'able to satisfy a requirement; suitable'. The definition of services includes 'facility providing the public with the use of something, such as water or transportation'. A suitable public transportation use, by definition, does not include or imply on-street parking as an element or component thereof.

PBOT offers final reference to the 'American Heritage Dictionary' in deference to Chapter 33.910 (Definitions) of the Zoning Code. Code Section 33.910.010 states that: 'words used in the Zoning Code have their normal dictionary meaning unless the context clearly indicates another meaning'.

Zoning Code Section 33.910.030 defines 'services' as 'for the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way (NOTE the specific reference to the 600s series of Zoning Code chapters; the subject Zone Change request stems from the 800s chapters of the Zoning Code. 'Rights-of-way' is defined in part as 'an area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets'.

In conclusion, and as researched by PBOT staff, there is no connection between 'on-street parking impacts' and the Zone Change specific approval criteria associated with 'adequacy of services'. To this point, it is typical PBOT practice and protocol to require the submittal of supporting documentation relative to intersection capacity only, when reviewing Zone change requests. It is PBOT's position that 'on-street parking impacts' should not be considered in the evaluation of applicable Zone Change approval criteria." (Exhibit H.12)

Bureau of Water Works (Exhibit E-3)

Portland Water Bureau indicated that there is an existing two-inch metered service (Serial #20052145, Account #2952720700) and a six-inch Fire service (Serial #3500402, Account #2952597000) which provide water to this location from the existing six-inch CI water main at SE Martin Luther King Jr. Boulevard.

Fire Bureau/Fire Prevention Division (Exhibit E-4)

The Fire Bureau responded by indicating that there were no concerns with the zoning proposal, but noted that building permits are required for modifications to the buildings on the Subject Property and that all fire codes must be met at the stage of building permit review.

Police Bureau (Exhibit E-5)

The Police Bureau responded to state that the bureau is capable of serving the proposed use but requested that the developer and future building on-site personnel establish community policing connections with the Central Precinct.

Opposition Testimony/Comments

McFarland, in Exhibit H.3, expressed concern about the adequacy of on-site parking for the proposed project. The Hearings Officer quotes a portion of McFarland's comments from Exhibit H.3:

"While information regarding the proposed project are not detailed, it appears that approximately 343 apartment units plus some retail are proposed. The information provided does not indicate how many parking spaces are proposed. Zoning requires on 0.33 spaces per unit, which would be 113 spaces. If each tenant had one car, potentially, there could be as many as 230 cars from this project alone, attempting to park on the streets of S.E. Portland. If the average 200-foot block could park ten cars, cars from this project could consume 23 blocks of parking in the neighborhood, or almost six square blocks. This is moving the cost of parking from the developer to the city of Portland, and would also have a significant financial impact on businesses in the area as parking for customers would be negatively impacted. Approval criteria 33.855.50 B.2) says that the service demands of the site must be considered in approving the project. We feel that the project must have enough parking on site to serve the needs of the project. Determining the projected parking needs of the project must be done by surveying apartment of comparable unit mixes and rent levels outside of the downtown core area, to determine the average number of cars per unit of their tenants. There are a large number of subsidized and low-cost apartments in the nearby area. Given the income of their tenants, these would not be appropriate projects to survey for this study."

Mackenzie, on behalf of the Central Eastside Industrial Council, provided two written submissions (Exhibits H.4a and H.11). Mackenzie, in Exhibit H.4a, raised three specific concerns related to Applicant's traffic analysis (February 12, 2014 Transportation Planning Rule Compliance prepared

by Kittelson & Associates – part of Exhibit A.1). Mackenzie's first concern is that Applicant traffic analysis (Exhibit 4a) related to the "reasonable worst case development scenario" contains conflicting information; at various locations (Exhibit 4a, Table 1, page 3 and Exhibit 4a, Attachment A, page 1) Applicant utilizes 203 apartment units but concludes, in some way, that 255 apartment units represent a worst case scenario (Exhibit 4a, page 4 and Exhibit 4a, Attachment B). Mackenzie's second concern is that the Applicant trip generation analysis does not include office uses. Mackenzie's third concern relates to the legal interpretation by Applicant and PBOT staff of PCC 33.855.050.B.2 and 33.855.050.B.2(c).

Hearings Officer's findings related to the adequacy of transportation system facilities.

The Hearings Officer reviewed the Applicant's original traffic analysis (Exhibit A.1 – attachment prepared by Kittelson & Associates – hereafter the "Kittelson Report"), Applicant's traffic response submission (Exhibit H.13), Mackenzie's original (Exhibit H.4a) and responsive submission (Exhibit H.11) and PBOT's original submission (Exhibit E.2) and responsive submission (Exhibit H.12). The Hearings Officer found that Mackenzie's concern about inconsistencies in Applicant's worst case scenario calculations do in fact exist. The Hearings Officer found Applicant, in Table 1 of the original Kittelson report (attachment to Exhibit A.1) utilizes a worst case scenario to include 203 apartment units (See also Attachment A to the Kittelson Report) and trip generation estimate for the proposed development of 255 apartment units (Kittelson Report, page 6 and Attachment B).

The Hearings Officer finds that while Mackenzie is correct that there are references to 203 and 255 apartment units in the Kittelson Report there is no resulting mistake or error. The Hearings Officer finds that the reference to 203 apartment units is made in the context of an estimate by the Applicant of a worst case traffic impact scenario that could occur if the rezoning were approved to EXd. The Kittelson Report, on pages 3 and 4, made an estimate of a mix of uses at full development of Subject Property that would lead to the highest generation of traffic from the Subject Property. The Hearings Officer neither agrees nor disagrees with Applicant's proposed mix of uses as set forth on Table 1 of the Kittelson Report. However, the Hearings Officer takes note that PBOT found the proposed mix of uses to be reasonable for the purposes of analysis of traffic impacts in this case. The Hearings Officer also takes note that Mackenzie did not express any disagreement as to the Applicant's proposed mix of uses in its calculation of a worst case traffic scenario under the EXd zoning.

The Hearings Officer finds that in a separate analysis Applicant assessed the impacts created by 255 apartment units proposed to be constructed on the Subject Property. This analysis is independent and separate from the worst case scenario analysis described above. The Hearings Officer finds that the traffic impacts of constructing 255 apartment units is set forth on pages 6 and 7 of the Kittelson Report. The Hearings Officer finds that if 255 apartment units are constructed at the Subject Property there will be 442 average daily trips, 41 AM peak hour trips and 51 PM peak trips (Table 7 of the Kittelson Report).

Mackenzie also argues that Applicant failed to include office uses in its trip estimate and in arriving at the proposed trip cap. The Hearings Officer agrees, to some extent, with this assertion by Mackenzie. The Hearings Officer must, however, refer to the proposed condition of approval

related to the trip cap (proposed condition B – Exhibit H.2). The proposed condition is drafted such that development of the Subject Property is limited, irrespective of land uses selected, to the additional trips created by the 255 apartment units. If, for example, 255 apartment uses are constructed on the Subject Property then no additional uses will be permitted; no specialty retail or office uses. In the alternative, under the trip cap condition of approval, if the Applicant proposes some square footage of retail commercial or office use then some number of apartments will need to be reduced below the 255 unit traffic generation limit threshold; the eventual development will be limited to creating no more than 41 AM weekday peak hour vehicle trips and 51 weekday PM peak hour trips. The Hearings Officer finds the omission of any office use square footage in the Kittelson report site trip generation estimate was appropriate.

McKenzie (and also McFarland in Exhibit H.3) questioned the Applicant's selection of trip generation rates (Exhibit H.11). The Hearings Officer finds the trip generation discussion by Applicant in the Kittelson Report (pages 5 and 6) to be plausible in this case. The Hearings Officer found no persuasive evidence in the record that the trip generation rate used by Applicant to be incorrect or inappropriate.

The final issue raised by Mackenzie, in Exhibits 4a (and, once again in Exhibit H.11) relates to the failure of the Applicant to provide an analysis of on-street parking impacts caused by the proposed rezoning effort. This issue was also raised by McFarland (Exhibit H.3), the Central Eastside Industrial Council (Exhibit 4) and in the testimony of Wentworth and Starks. In its simplest terms opponents argue that PCC 33.855.050 B.1 and B.2.c require an analysis of on-street parking impacts in the context of adequacy of services.

The relevancy of on-street parking impacts, in a request for a zoning designation change that is in conformance with the Comprehensive Plan, has not been formally addressed by this Hearings Officer in past cases. The Hearings Officer finds that as a matter of common sense on-street parking impacts could certainly be considered as part of the "transportation system facilities." However, as in any land use case, common sense only is relevant to a decision if the relevant approval criterion say it is to be considered. In this case PBOT expended great effort in attempting to convince the Hearings Officer that on-street parking impacts are not required to be considered under PCC 855.050.B.1 and B.2.c (Exhibit H.12).

The Hearings Officer, upon review of all opposition testimony and written submissions and the PBOT analysis (Exhibit H.12), finds that the PBOT analysis is reasonable and legally supportable. Additional support for the PBOT position is set forth in the Applicant's rebuttal submission (Exhibit H.13). The Hearings Officer incorporates the PBOT comments (quoted above from Exhibit H.12) as the findings for this approval criterion. The Hearings Officer finds that on-street parking impacts are not required to be addressed under PCC 855.050 B.1 and B.2.c.

SUMMARY: The Hearings Officer finds that the approval criteria set forth in PCC 33.855.050 A (where relevant) and B have been or can be met. Therefore, with a condition of approval (condition B) this criterion can be met.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

Findings: The requested rezoning is not to IR, Institutional Residential. The Hearings Officer finds this approval criterion does not apply.

C. When the requested zone is IR, Institutional Residential

Findings: The requested zone is EX, Central Employment. The Hearings Officer finds this approval criterion does not apply.

D. Location The site must be within the City's boundary of incorporation. See Section 33.855.080.

Findings: The referenced section in this criterion discusses automatic zoning map amendments for newly annexed properties. The Hearings Officer finds this situation does not apply because the Subject Property is not newly annexed, but has been within the City's boundaries for many years. The Hearings Officer finds this approval criterion is met.

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. Historic resources are reviewed as stated in Chapter 33.846, Historic Reviews. The creation of a new plan district is subject to the approval criteria stated in 33.500.050. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:

- A. Where a designation is proposed to be added, the designation must be shown to be needed to address a specific situation. When a designation is proposed to be removed, it must be shown that the reason for applying the designation no longer exists or has been addressed through other means;
- B. The addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the Comprehensive Plan and any area plans; and

Findings: Application of the Design Overlay designation is required for all sites that have the Central Employment zoning designation, per Goal 10.4 (20) of the Portland Comprehensive Plan. Therefore, if the Central Employment base zone designation can be found to meet the approval criteria, these criteria will be met.

DEVELOPMENT STANDARDS

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

TITLE 17 REQUIREMENTS Transportation System Development Charges (Chapter 17.15)
System Development Charges ("SDCs") may be assessed for this development. Applicant can receive an estimate of the SDC amount, prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-7080.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of any future building permits. *This information is advisory only, and should not be included as proposed conditions of approval in relation to the subject Zone Change request.*

Street Improvements (Section 17.88)

The following information was provided to Applicant at the pre-application conference that was required prior to the submittal of this subject Zone Change. It is re-iterated here for the applicant's benefit.

At this location, the Subject Property has frontage along SE Martin Luther King ("MLK") Jr. Boulevard, SE 3rd Avenue, SE Ash, and SE Ankeny. SE MLK Jr. Boulevard is classified as a Major City Traffic street, Major Transit Priority street, City Bikeway, City Walkway and a Regional Main street. SE 3rd Avenue, SE Ash and SE Ankeny are classified as Local Service streets for all transportation modes in the City's Transportation System Plan, except that SE Ankeny is also a City Bikeway and City Walkway. The Subject Property is within a freight district.

According to City database sources, at this location, SE MLK Jr. Boulevard is improved with 56 feet of paving width and a 0-12-0 sidewalk corridor within an 80-foot wide right-of-way. Southeast Ash is improved with 36 feet of paving width and a 0-12-0 sidewalk corridor within a 60-foot right-of-row. Southeast 3rd Avenue is improved with 36 feet of paving width and a 0-12-0 sidewalk corridor within a 60-foot right-of-way. Southeast Ankeny is improved with 36 feet of paving and a 4-6-2 sidewalk corridor within a 60-foot wide right-of-way.

For City Walkway classified streets (SE MLK Jr. Boulevard and SE Ankeny) abutting a site zoned IG1 (or EX), the City's Pedestrian Design Guide recommends a 12-foot wide sidewalk corridor (0.5-foot curb/4-foot wide furnishing zone/6-foot wide sidewalk/1.5-foot wide frontage zone). The Subject Property's current 12-foot wide sidewalk corridors satisfy the overall width standard, but, according to Google street-view, there are no street trees along the site's SE Ankeny frontage.

For Local Service streets (SE 3rd Avenue and SE Ash) abutting a site zoned IG1 (or EX), the City's Pedestrian Design Guide recommends an 11-foot wide sidewalk corridor (0.5-foot curb/4-foot wide furnishing zone/6-foot wide sidewalk/0.5-foot wide frontage zone). The Subject Property's 12-foot wide sidewalk frontages along these streets satisfy the standard but, according to Google street-view, there are no street trees along these site frontages.

Applicant is advised that if the Subject Property is re-developed in the future, the existing sidewalk corridors are likely to be compromised and will need to be reconstructed to satisfy the above referenced standards.

III. CONCLUSIONS

The only contentious issue, in this case, relates to whether or not Applicant satisfied the approval criteria related to the adequacy of transportation services. Opponents took the position that the Applicant (1) used conflicting data in its traffic generation study, (2) failed to include traffic estimates for office uses, (3) were required to provide an on-street parking analysis to show the project would not negatively impact the surrounding neighborhood and, (4) Applicant's trip generation estimates were not correct.

The Hearings Officer reviewed all of the relevant approval criteria, including the adequacy of transportation services requirements set forth in PCC 33.855.050 B.1 and B.2.c. The Hearings Officer found that the data used by Applicant in its transportation planning rule compliance report (the Kittelson Report) was not conflicting or inconsistent. The Hearings Officer found opponents' claim that the Applicant did not consider office uses to be misplaced. The Hearings Officer agreed, for the purposes of this case, with the PBOT analysis and conclusion regarding the need to address on-street parking impacts; the Hearings Officer finds PCC 33.855.050 B.1 and B.2.c do not require an analysis of on-street parking impacts when determining if transportation services are adequate. Finally, the Hearings Officer found the Applicant's trip generation estimates were based upon reasonable assumptions.

The Hearings Officer found all of the relevant approval criteria were, or could, be met if a condition of approval is included that limits the additional number of trips that can be generated by new development at the Subject Property. The intent of the condition of approval is to place an absolute limit, without the Applicant undertaking an additional Type III review, upon the development on the Subject Property to 41 additional weekday AM peak hour vehicle trips and 51 weekday PM peak hour vehicle trips; irrespective of whether the development on the Subject Property is apartment units, commercial space or office space (or any combination thereof).

The Design or "d" Overlay is being applied in accordance with the requirements of the City's adopted Comprehensive Plan.

IV. DECISION

Approval of a Zoning Map Amendment, in compliance with the existing Comprehensive Plan Map Designation, from General Industrial 1 (IGI) to Central Employment (EX), with a Design (d) Overlay, subject to the following conditions:

- A. As part of any future 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 "ZONING COMPLIANCE PAGE - Case File LU 14-116096 ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Development on the Subject Property (0.46 acre) shall be limited to 255 multi-family residential units or other legal use(s) that will be limited to 41 weekday AM peak hour vehicle trips and 51 weekday PM peak hour vehicle trips.



Gregory J. Frank, Hearings Officer

6/19/14

Date

Application Determined Complete:	March 28, 2014
Report to Hearings Officer:	May 9, 2014
Decision Mailed:	June 23, 2014
Last Date to Appeal:	4:30 p.m., July 7, 2014
Effective Date (if no appeal):	July 8, 2014 Decision may be recorded on this date.

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

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

development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$2,940 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

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

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

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

Recording the final decision.

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

- *Unless appealed*, the final decision may be recorded on or after **the day following the last day to appeal**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

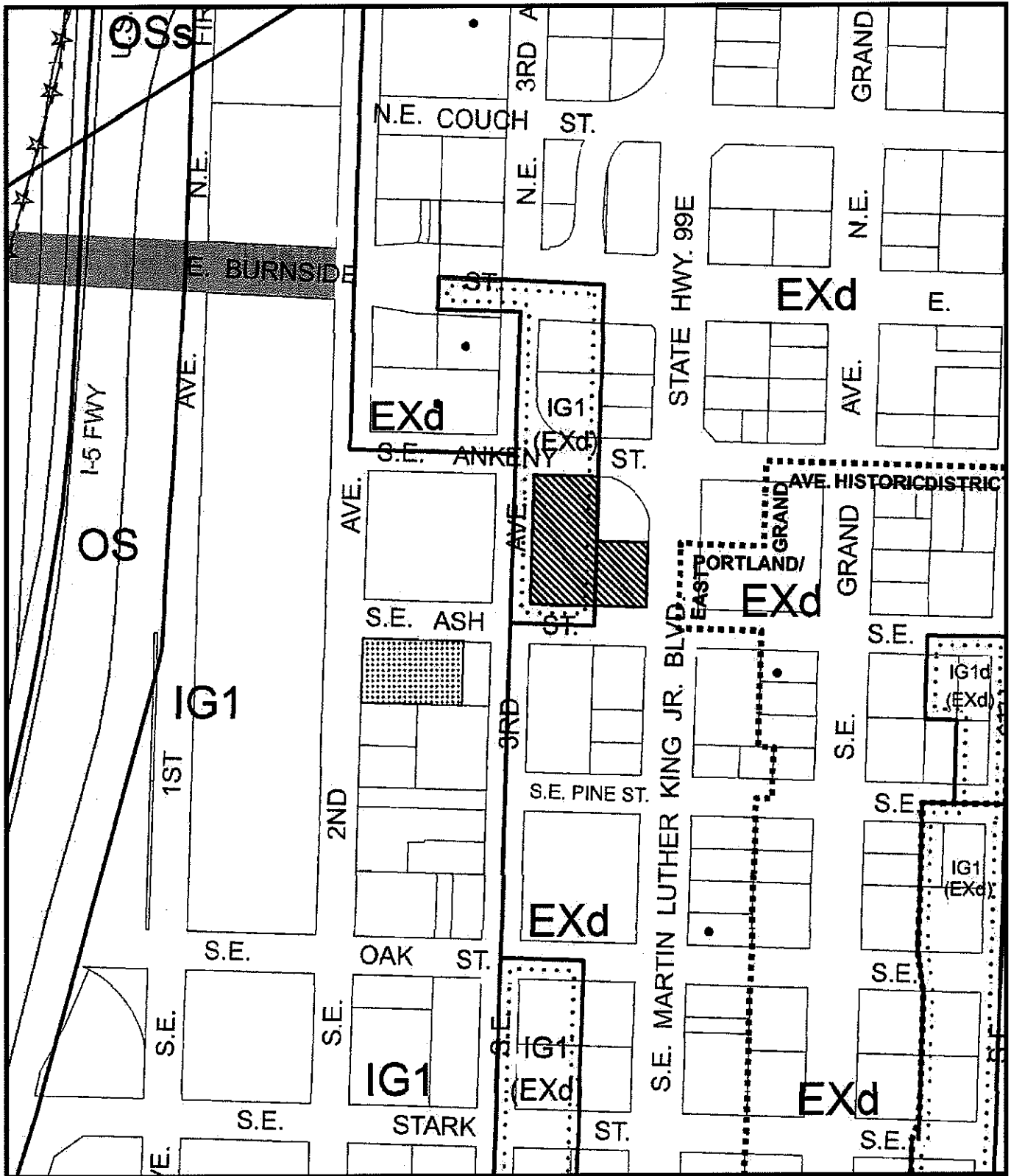
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application and original plans, narrative, trio and transportation study
 - 2. Supplemental information, received March 17, 2014
- B. Zoning Map (**attached**)
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Conceptual Site Plan (**attached**)
 - 2. Ground Floor Plan - Retail and Live-work Loft (**attached**)
 - 3. Floor Plans, Level 2-4 - Residential/Retail (**attached**)
 - 4. Floor Plan, Level 12 - Residential/Retail (**attached**)
 - 5. Elevation Drawing - North (**attached**)
 - 6. Elevation Drawing - West (**attached**)
 - 7. Elevation Drawing - South (**attached**)
 - 8. Elevation Drawing - East (**attached**)
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Life Safety Plan Review Section of Bureau of Development Services
 - 8. Summary of agency Responses, including Bureau of Parks, Forestry Division
- F. Letters: (none received)
- G. Other
 - 1. Letter from Kathleen Stokes to Francis Dardis, March 4, 2014
- H. Received in the Hearings Office
 - 1. Hearing Notice - Stokes, Kathleen
 - 2. Staff Report - Stokes, Kathleen
 - 3. 5/8/14 letter - McFarland, Sylvia and Lewis
 - 4. 5/9/14 letter with attachments - Fry, Peter
 - a. 5/7/14 letter, Christopher M. Clemow to Fabio de Freitas - Fry, Peter
 - b. 9/27/12 letter, Clemow to de Freitas - Fry, Peter

- c. Group Mackenzie Transportation Impact Analysis - Fry, Peter
- 5. Testimony - Dardis, Francis
- 6. 2/12/14 Packet (3 copies) - Dunn, Brian
- 7. Article - Wentworth, Bob
 - a. Packet regarding lack of parking - Wentworth, Bob
- 8. 5/19/14 Letter from Debbie Kitchin - Stark, Peter
- 9. Addresses - Hearings Office
 - a. PowerPoint presentation - Stokes, Kathleen
- 10. Record Closing Information - Hearings Office
- 11. 5/29/14 letter - Clemow, Christopher M.
- 12. 5/30/14 Memo - de Freitas, Fabio
- 13. 6/5/14 letter - Dunn, Brian



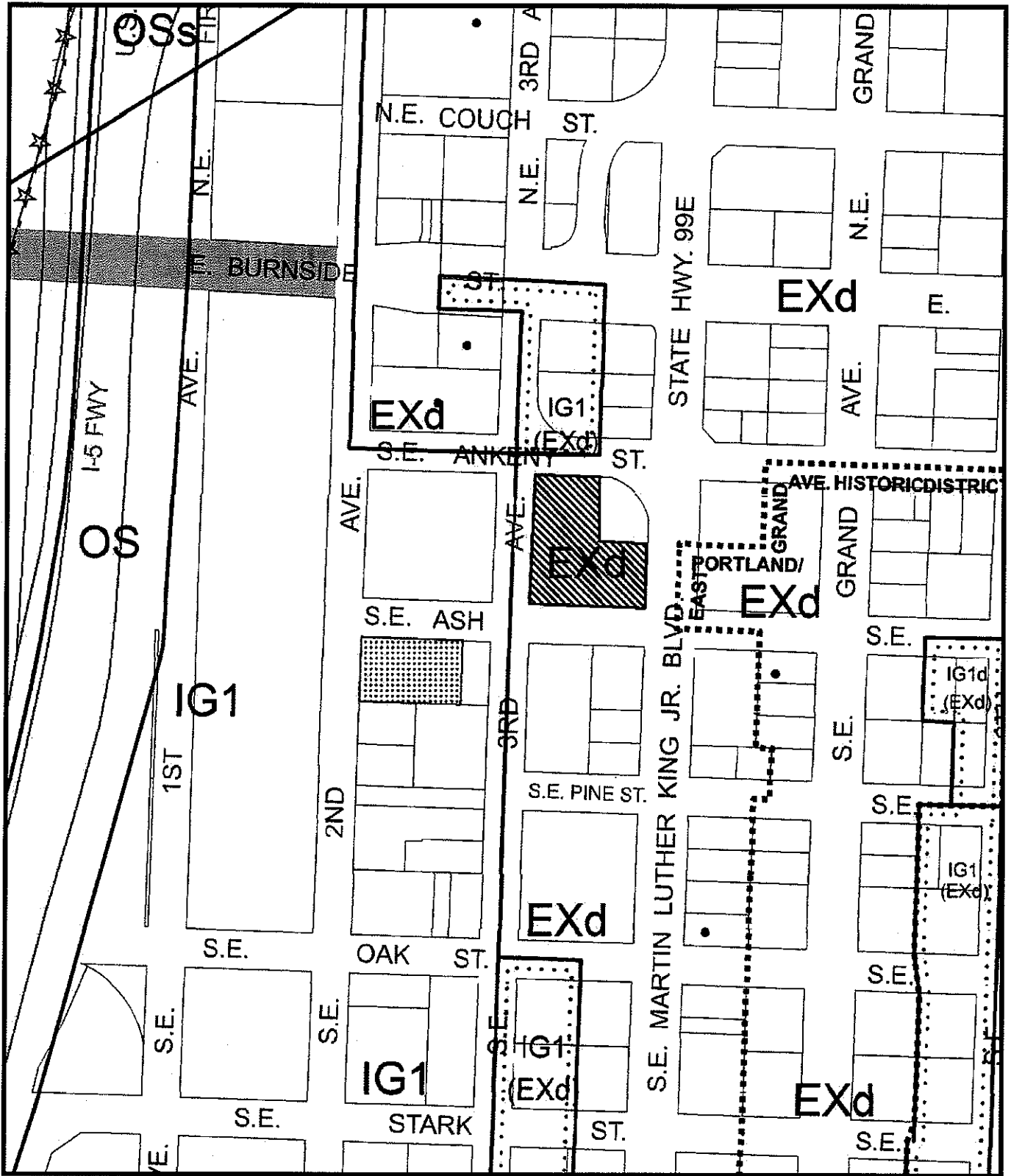
ZONING EXISTING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT
CENTRAL EASTSIDE

File No.	LU 14-116096 ZC
1/4 Section	3030
Scale	1 inch = 200 feet
State Id	1N1E34DD 1800
Exhibit	B.1 (Feb 14, 2014)



ZONING PROPOSED

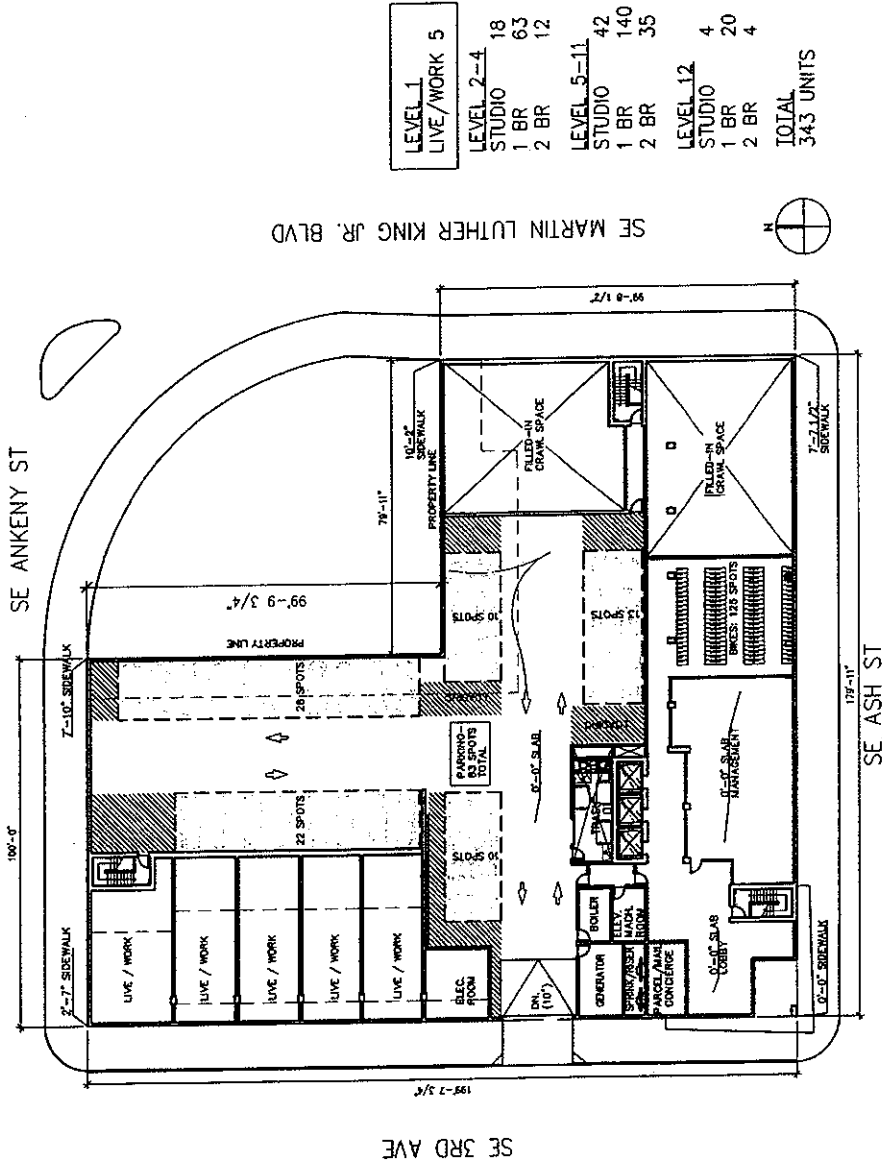


This site lies within the:
CENTRAL CITY PLAN DISTRICT
CENTRAL EASTSIDE

-  Site
-  Also Owned
-  Historic Landmark

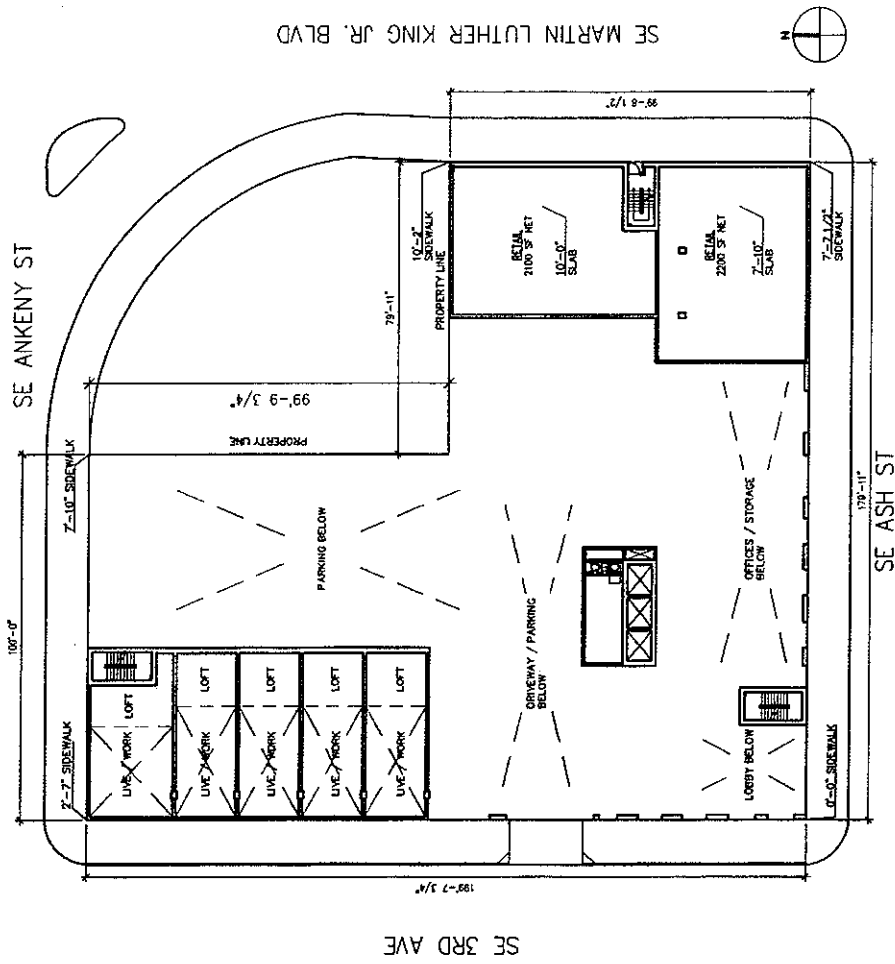
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 Exhibit B.2 (Feb 14, 2014)

LO19-116096 ZC
 Exhibit C-1

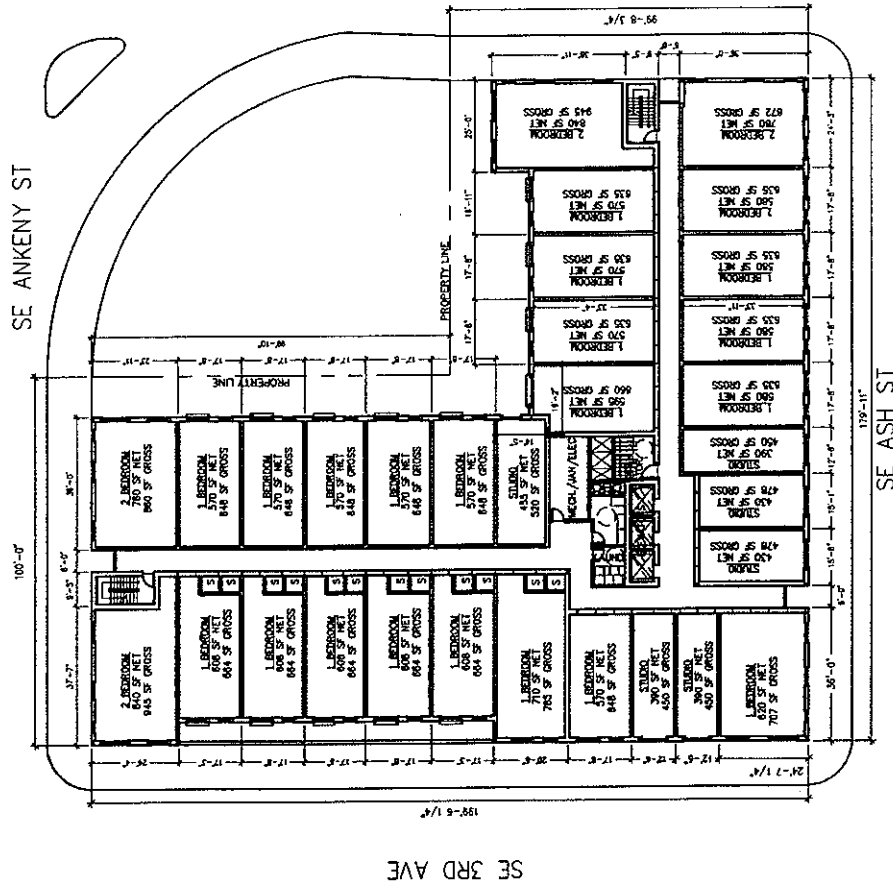


LEVEL 1	LIVE/WORK	5
LEVEL 2-4	STUDIO	18
	1 BR	63
	2 BR	12
LEVEL 5-11	STUDIO	42
	1 BR	140
	2 BR	35
LEVEL 12	STUDIO	4
	1 BR	20
	2 BR	4
TOTAL		343 UNITS

Conceptual site plan



L01A-116096ZC
Exhibit C-2



SE MARTIN LUTHER KING JR. BLVD



LEVEL 1
LIVE/WORK 5

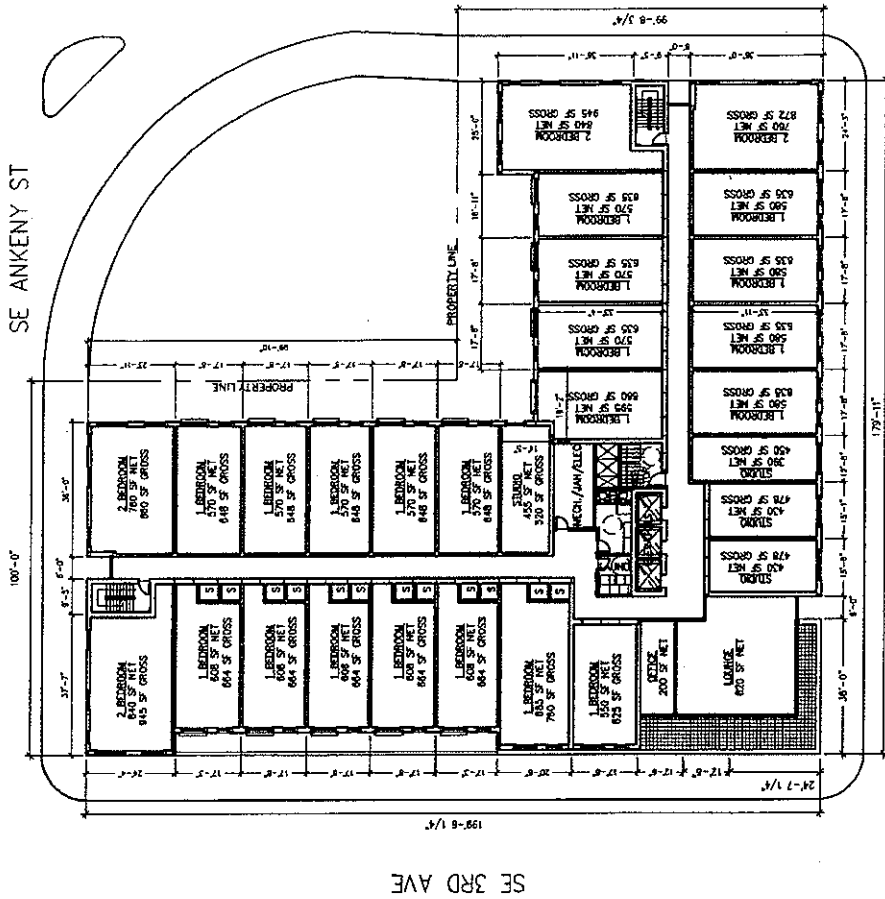
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1 BR 63
2 BR 12

LEVEL 5-11
STUDIO 42
1 BR 140
2 BR 35

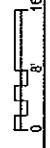
LEVEL 12
STUDIO 4
1 BR 20
2 BR 4

TOTAL
343 UNITS

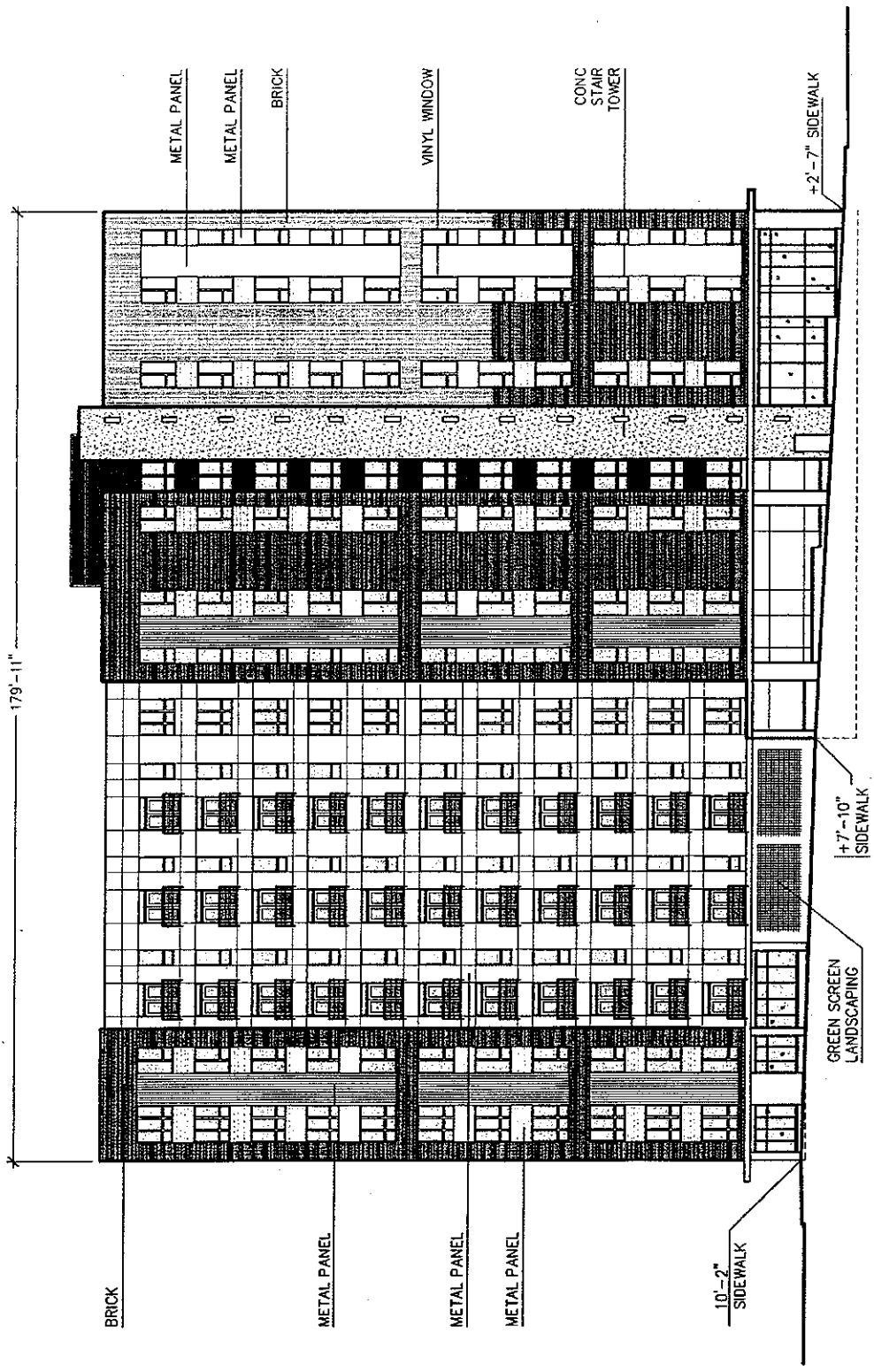
LU14-116096ZC
Exhibit C-3



LEVEL 1	LIVE/WORK	5
LEVEL 2-4	STUDIO	18
	1 BR	63
	2 BR	12
LEVEL 5-11	STUDIO	42
	1 BR	140
	2 BR	35
LEVEL 12	STUDIO	4
	1 BR	20
	2 BR	4
TOTAL		343 UNITS



LU 14-116096 ZC
Exhibit C-4



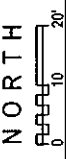
179'-11"

LU14-116096 2C
Exhibit C-5

STACK and **AN**
architecture Ankrum Moisan

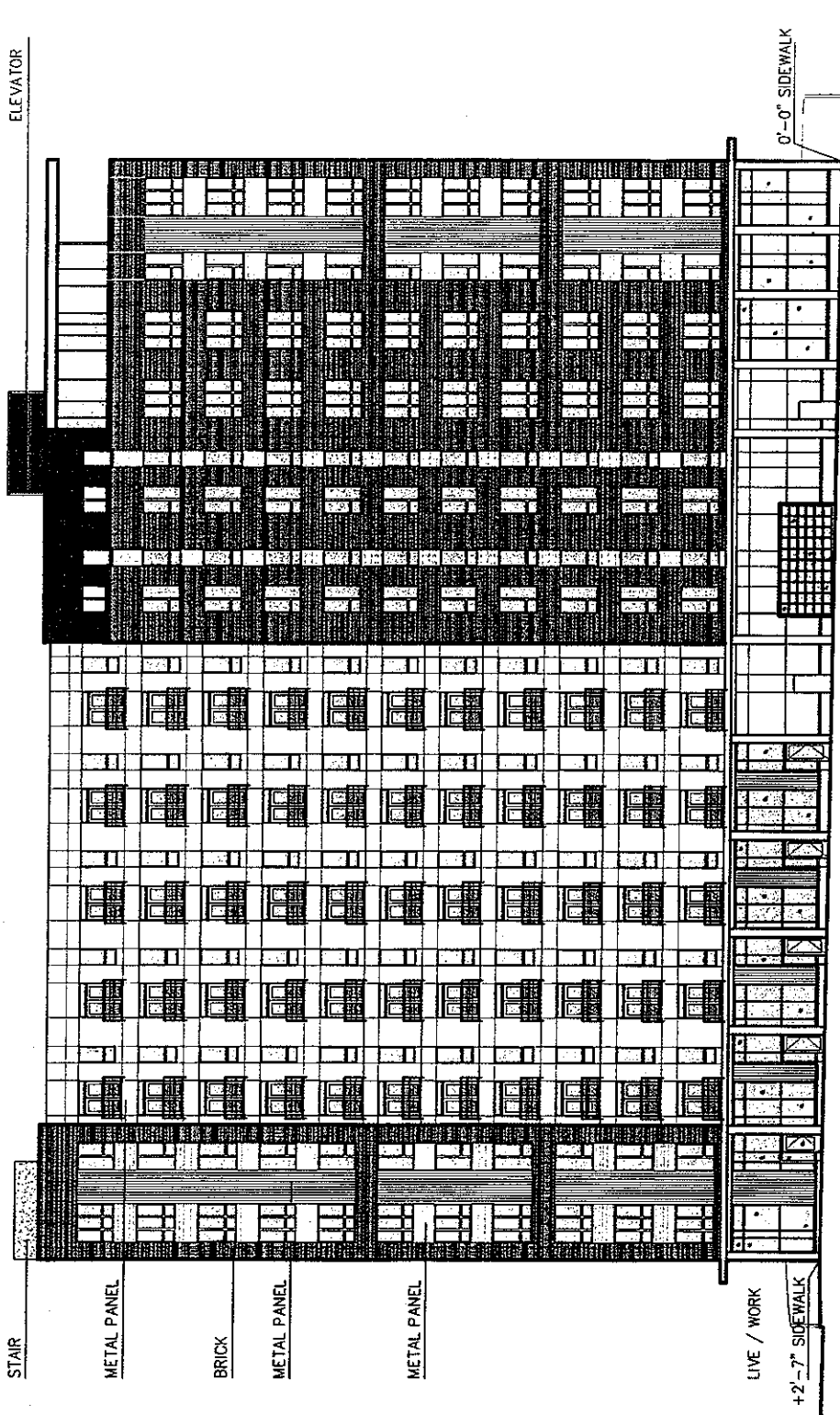
ELEMENT 78
139 SE MIK. Blvd.

NORTH ELEVATION



A8


02112714



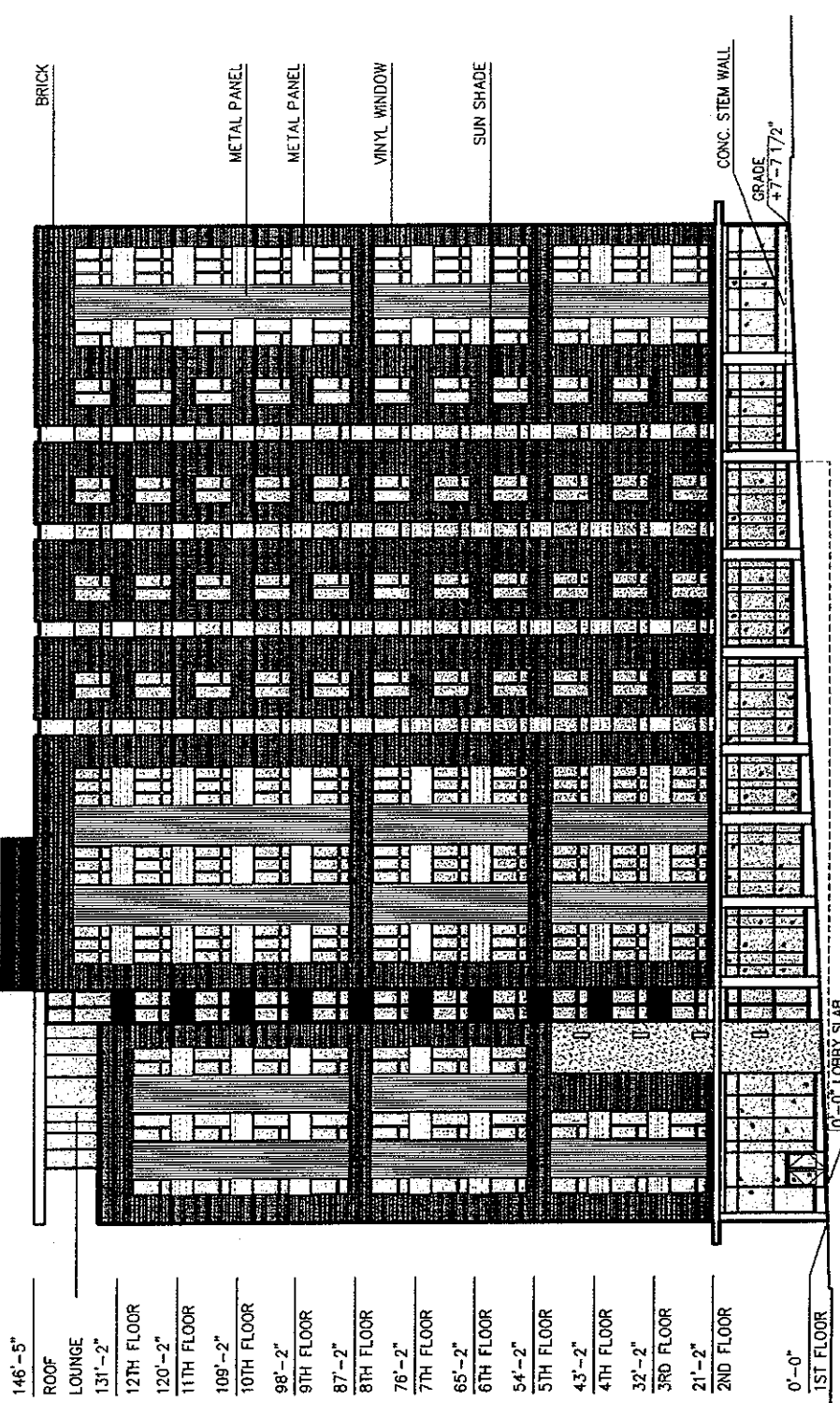
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02/12/14

WEST ELEVATION
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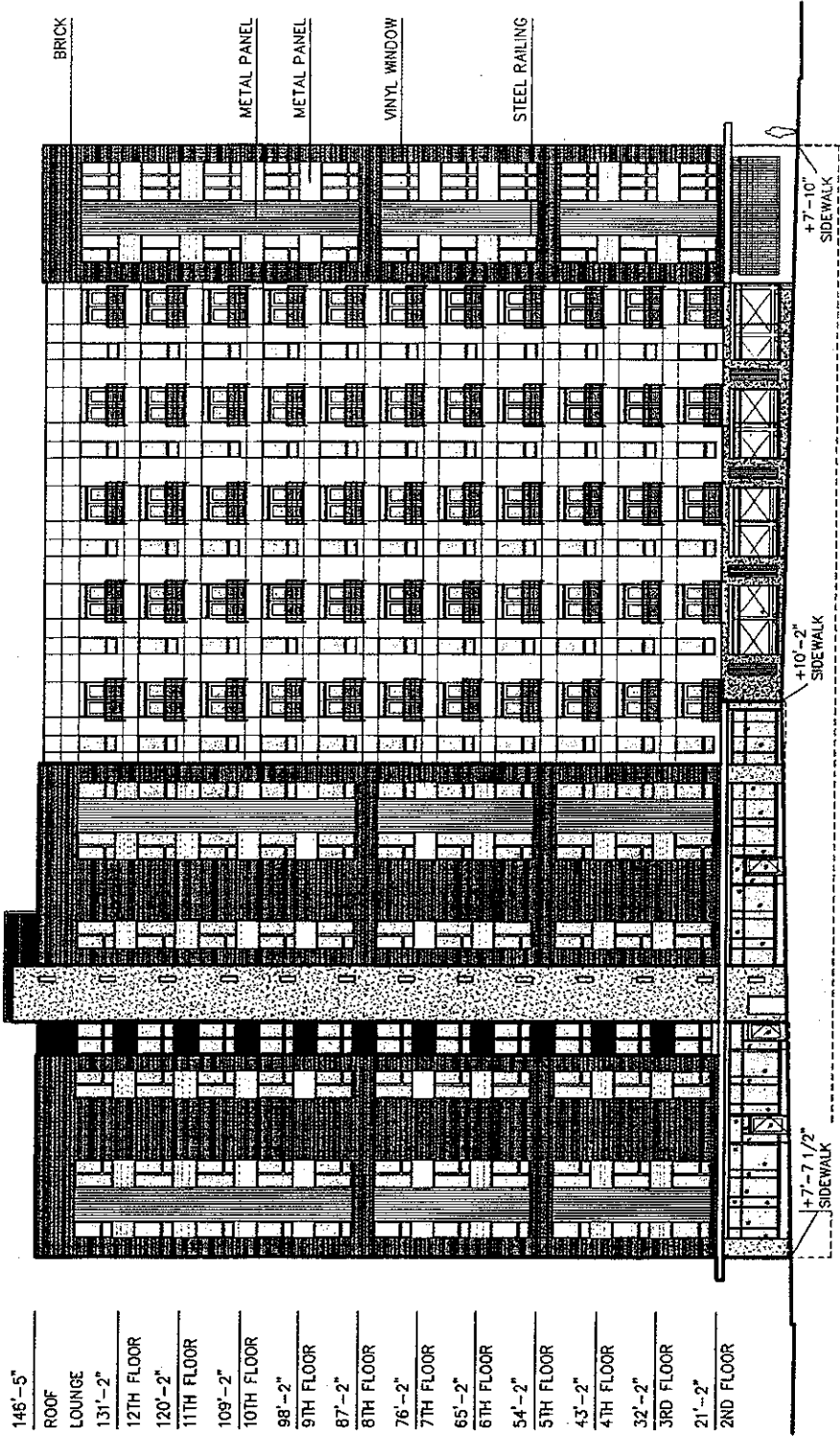
ELEMENT 78
139 SE MIK. Blvd.

STACK and  architecture
Ankrom Moisan

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Exhibit C-6



L01A-1160962C
Exhibit C-7



EAST ELEVATION

ELEMENT 78
139 SEMIK. Blvd.



STACK and architecture
Ankrum Moisan

L014-1160962C
Exhibit C-8