



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: June 23, 2016
To: Interested Person
From: David Besley, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 16-106345 AD

GENERAL INFORMATION

Applicant: Aaron Wigod
Mississippi Avenue Apartments, LLC
30050 SW Town Center Loop West #200
Wilsonville, OR 97070

Owner: Mississippi Avenue
30050 SW Town Ctr Loop W #200
Wilsonville, OR 97070-7596

Site Address: 810 N FREMONT ST

Legal Description: BLOCK 1 LOT 1-4 TL 3700, COOKS ADD
Tax Account No.: R176600010
State ID No.: 1N1E27BA 03700
Quarter Section: 2729

Neighborhood: Boise, contact boiselanduse@gmail.com
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070

Plan District: Albina Community

Zoning: EXd (Central Employment with a Design Overlay Zone)

Case Type: AD (Adjustment Review)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee

Proposal:

The applicant is proposing to construct a new 4-story mixed use apartment building with ground floor commercial and office spaces, and 45 apartments above. The Portland Zoning Code requires that a space 2 feet by 6 feet be provided for each required bicycle parking space (Section 33.266.220.C.3.b). Of the required 54 long-term parking spaces, 20 spaces will meet bicycle parking standards of the Code, as will all 7 required short-term bicycle parking spaces (total for all uses, per Table 266-6). The remaining 34 spaces, however, will not. These spaces, distributed between 17 vertical bike racks and 40 horizontal “double-decker” bike racks*, are proposed to have a width of 1 foot – 6 inches and will be vertically staggered to allow adequate space between bikes. An Adjustment is therefore required to reduce the minimum bicycle parking width from 2 feet to 1 foot – 6 inches for 34 long-term parking spaces.

*Note: The applicant is proposing an additional 23 long-term bicycle parking spaces above the required minimum. These additional spaces are not required to meet the bicycle parking space standards.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The 17,383 square foot site is located on N Fremont Street between N. Mississippi Avenue and N. Albina Avenue in the Boise Neighborhood. The site is currently vacant and slopes upward from the south to the north. The surrounding vicinity is developed with a mix of single-dwelling residences, multi-dwelling residences, industrial uses, and commercial buildings. This is reflective of the mixture of zoning in this vicinity.

Zoning: The Central Employment zone is intended to allow 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 development standards are intended to allow new development which is similar in character to existing development. The “d” zone overlay (Design Overlay Zone) is not impacted by the Adjustment proposal.

Regulations of the Albina Community Plan District are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling housing projects.

Land Use History: City records indicate one prior land use review for this site:

LU 06-118204 CP ZC: Approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designation for this site from Industrial Sanctuary to Central Employment and to amend the Zoning Map Designation, from General Industrial 1 (IG1) to Central Employment, with a design overlay (EXd). The request was made to allow, "a likely scenario of a mixed-use development of ground floor commercial, and upper levels of office and residential space."

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 20, 2016**. The following Bureaus have responded with the following information:

- The Water Bureau responded with no concerns and provided information on water service (Exhibit E-1);

- The Life Safety section of the Bureau of Development Services (BDS) responded with no concerns and provided Building Code information (Exhibit E-2); and
- The Bureau of Environmental Services responded with no concerns and provided information on stormwater management (Exhibit E-3).

The following Bureaus have responded with no concerns:

- The Portland Fire Prevention Division;
- The Site Development Section of BDS; and
- The Portland Bureau of Transportation.

Neighborhood Review: One response was received from the Boise Neighborhood Association, which expressed support of the Adjustments requested (Exhibit F-1).

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

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

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

Findings: The applicant has requested to construct a new 4-story mixed use apartment building which requires an Adjustment to reduce the minimum bicycle parking space width requirement from 2 feet to 1.5 feet for 34 of the 54 required long-term parking spaces. The purpose for the bicycle parking standards is as follows:

33.266.220.C – Standards for all bicycle parking

These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

The 34 long-term bicycle parking spaces will be located inside a secure room in a “double-decker” configuration. The proposed “Dero Decker” model includes trays for the upper level that safely and conveniently slide down, allowing bikers to secure and lock their bikes without needing to lift their bikes several feet in the air and balance them (Exhibit C-5).

While a reduction in bike parking space width is proposed for these 34 racks, the applicant proposes to mitigate for the reduced width by vertically staggering the racks by 5.3 inches on the lower level and 11 inches on the upper level; this vertical staggering will provide adequate space between bikes to accommodate the reduction in bike parking width and safeguard from damage. The Portland Bureau of Transportation expressed no concerns about the proposed bike racks.

This criterion is met.

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

Findings: PBOT has indicated no concerns regarding the proposal’s consistency with the classification of adjacent streets.

The Portland Zoning Code defines “desired character” as “the preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and

envisioned character based on any adopted area plans or design guidelines for an area.” In this instance, *Desired Character* is defined by the character statement of the EX zone, the Albina Community Plan District, The Boise Neighborhood Plan, and the Design overlay zone.

The Central Employment zone is intended to allow 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 proposed mixed-use building includes ground floor commercial and office spaces, and 45 apartments above. It will therefore be consistent with the Central Employment zone’s intention of allowing mixed-uses. The reduction in bicycle parking width will not have a negative impact on the desired character of the area; as noted above, vertical staggering will provide adequate space between bikes to accommodate the reduction in bike parking width and safeguard from damage.

The Albina Community plan district implements the Albina Community Plan. The plan district’s provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling housing projects. The plan district’s provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to Martin Luther King Jr. Boulevard.

The Boise Neighborhood Plan is designed to deal with current neighborhood problems and guide development over the next 20 years. The policies contained in it are binding on new development and will help determine what public improvements are made in the neighborhood. It also contains strategies to improve the neighborhood’s appearance, safety and housing stock. It includes objectives to increase the supply of good quality housing in Boise available to both renters and home buyers (Policy II, Objective 1, page 14) and to attract new retail businesses including restaurants (Policy VII, Objective 1, page 26). The Plan does not include measures specifically relating to bicycle transportation and parking, but the mixed-use building itself will provide good quality housing and attract new retail businesses.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The “d” zone overlay (Design Overlay Zone) is not impacted by the Adjustment proposal.

This proposal is therefore consistent with the desired character of the area.

This criterion is met.

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

Findings: Only one Adjustment is proposed; therefore, this criterion is not applicable.

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

Findings: City designated scenic resources are identified on the Official Zoning Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

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

Findings: As noted above, while a reduction in bike parking space width is proposed for these 34 racks, the applicant proposes to mitigate for the reduced width by vertically staggering the racks by 5.3 inches of on the lower level and 11 inches on the upper level; this vertical staggering will provide adequate space between bikes to accommodate the reduction in bike parking width and safeguard from damage. The applicant further mitigates impacts by proposing an additional 23 long-term bicycle parking spaces above the required minimum.

This criterion is met.

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

Findings: Environmental overlay zones are designated on the Official Zoning Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the site; therefore, this criterion is not applicable.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The applicant has requested to construct a new 4-story mixed use apartment building which requires an Adjustment to reduce the minimum bicycle parking space width from 2 feet to 1.5 feet requirement for 34 of the 54 required long-term parking spaces. The 34 long-term bicycle parking spaces will be located inside a secure room in a “double-decker” configuration. While a reduction in bike parking space width is proposed for these 34 racks, the applicant proposes to mitigate for the reduced width by vertically staggering the racks by 5.3 inches of on the lower level and 11 inches on the upper level; this vertical staggering will provide adequate space between bikes to accommodate the reduction in bike parking width and safeguard from damage. The proposal meets the applicable approval criteria and should therefore be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the minimum bicycle parking space width requirement from 2 feet to 1.5 feet (Section 33.266.220.C.3.b) for 34 of the 54 required long-term parking spaces, per the approved site plans, Exhibits C.1 through C.5, signed and dated June 17, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-106345 AD. No field changes allowed."

Staff Planner: David Besley



Decision rendered by: _____ **on June 17, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 23, 2016

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

Procedural Information. The application for this land use review was submitted on January 15, 2016, and was determined to be complete on May 13, 2016.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 15, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 10, 2016.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 7, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s

bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **July 8, 2016– (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

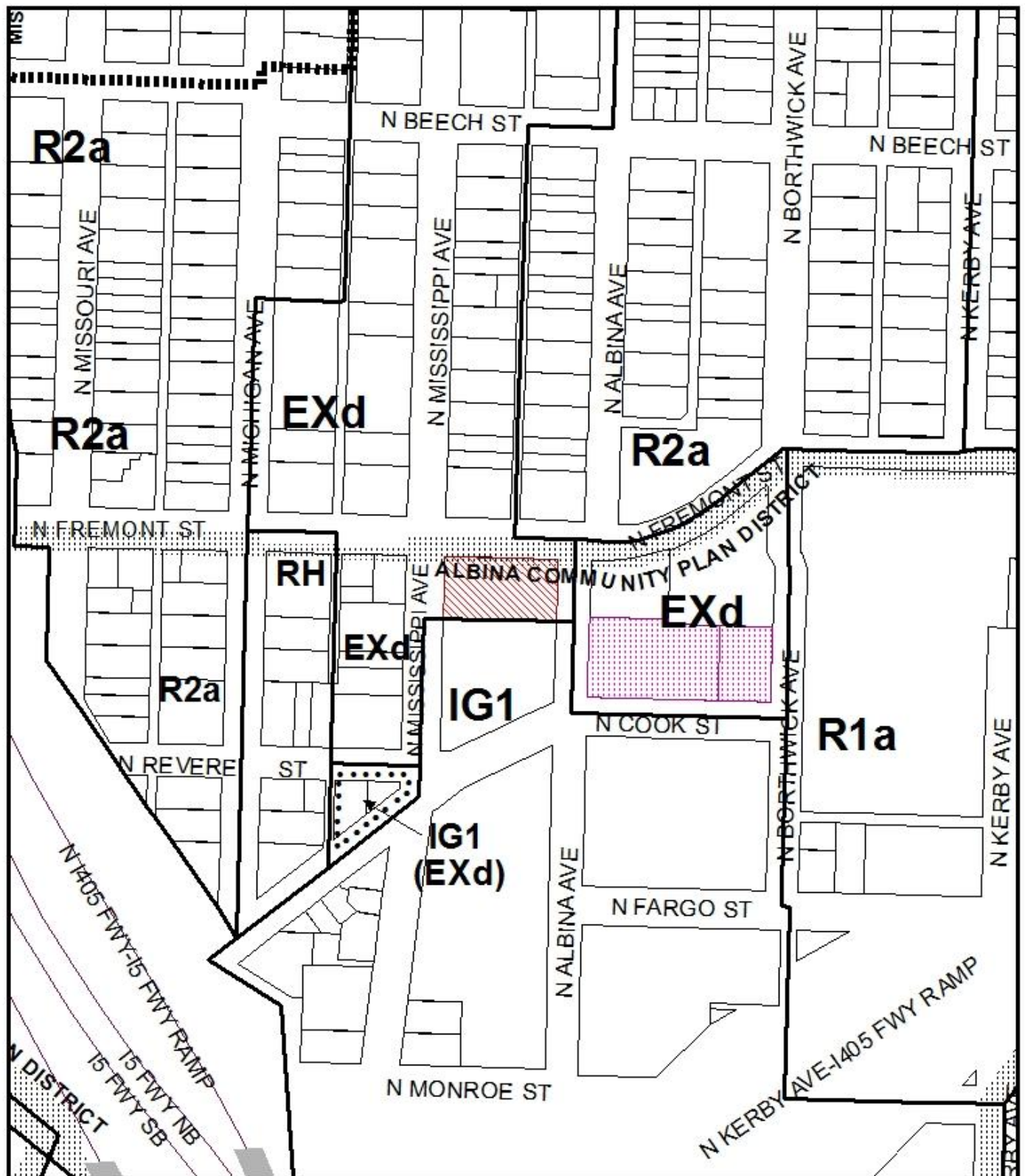
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Close-up Site Plan showing bicycle parking area (attached)
 - 3. Details for vertical "Dero Ultra Space Saver" bicycle parking (attached)
 - 4. Details for double-decker "Dero Decker" bicycle parking showing vertical staggering (attached)
 - 5. Specs and photograph of double-decker "Dero Decker" bicycle parking (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life Safety Section of BDS
 - 3. Bureau of Environmental Services
- F. Correspondence:
 - 1. Boise Neighborhood Association, letter expressing support of the requested Adjustment
- G. Other:
 - 1. Original LU Application Form and Receipt
 - 2. Incomplete letter from staff to applicant, sent February 4, 2016

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



ZONING

- Site
- Also Owned Parcels

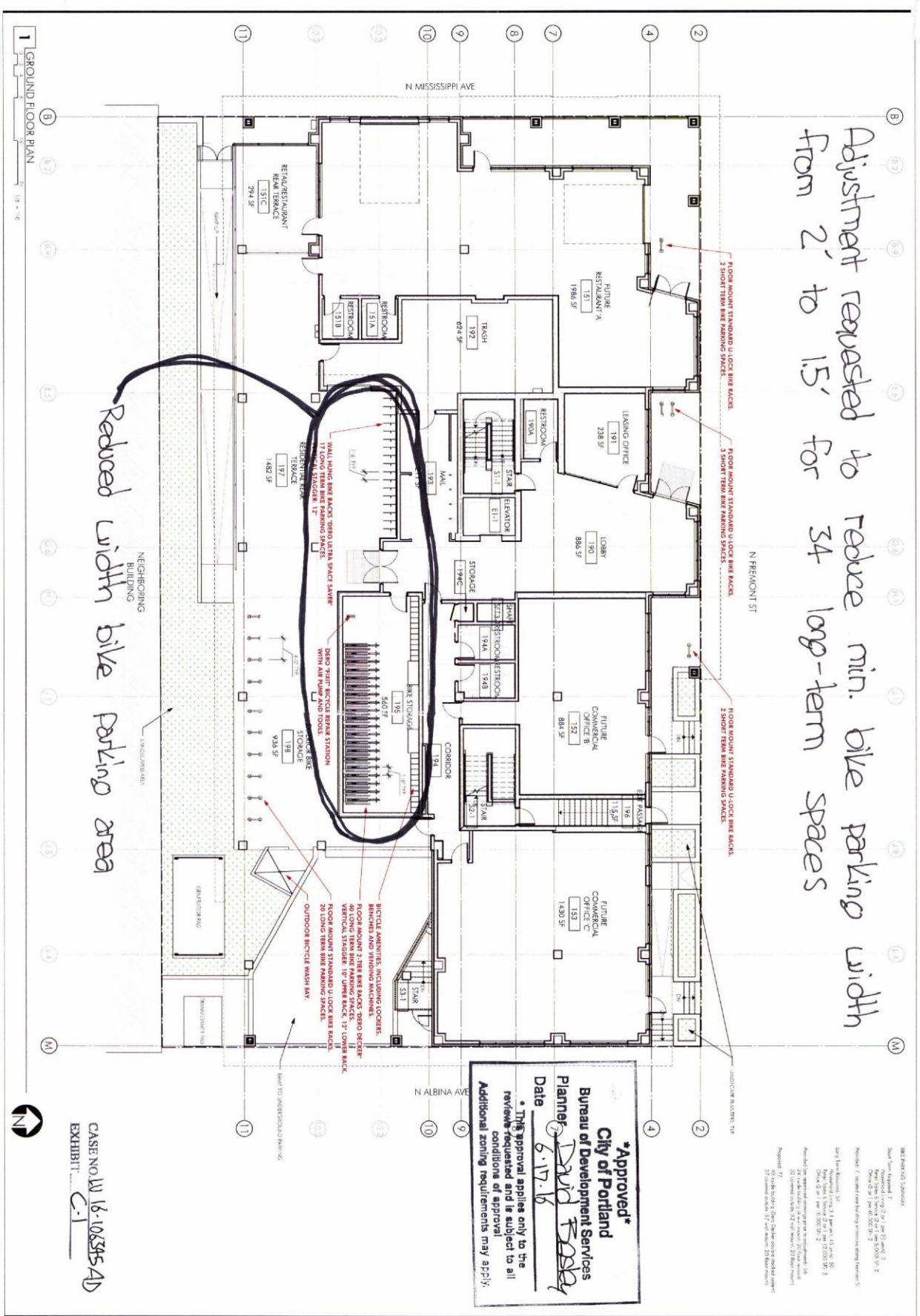
This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT



NORTH

File No.	LU 16-106345 AD
1/4 Section	2729
Scale	1 inch = 200 feet
State_Id	1N1E27BA 3700
Exhibit	B (Jan 21, 2016)

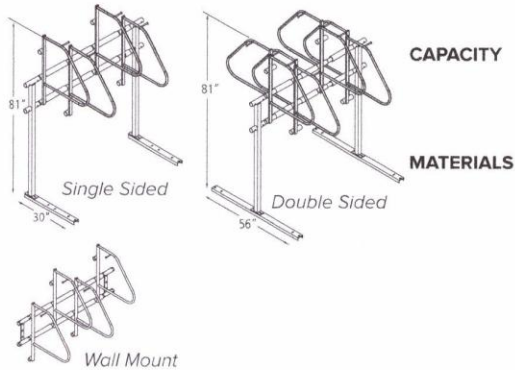
SHEET
B.EX1



[illegible]

CASE NO. LM 16-10634-5 AD
EXHIBIT C-2

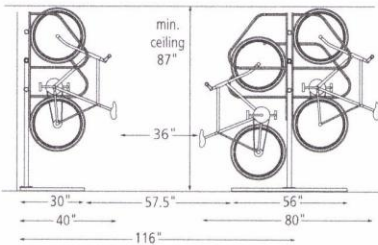
ULTRA SPACE SAVER Submittal Sheet



CAPACITY

MATERIALS

Optional tire catches
for rear wheels



FINISHES

Modular construction
1 Bike per arm

Hanger is 1" diameter tube with 1/2" hole and end containing disk at each end.
Upright is 2" square tube.
Feet are AISI C3 x 4.1 galvanized steel channel.
Crossbeams are 1.25" sched. 40 galvanized pipe (1.660" OD)
Spacers are 2.375" OD plastic tubes with .218" wall thickness.

Black powder coat
Cross bars: hot dipped galvanized
Hanger rods: rubber coated
Spacers: plastic



Powder Coat

Our powder coat finish assures a high level of adhesion and durability by following these steps:

1. Sandblast
2. Epoxy primer electrostatically applied (exterior only)
3. Final thick TGIC polyester powder coat



Floor Mount

Ultra Space Savers have steel channel feet (30" for single sided and 56" for double sided units) which must be anchored to the floor. A wall mounted unit which contains special brackets is also available.

MOUNT OPTIONS

Estimating Your Bike Capacity

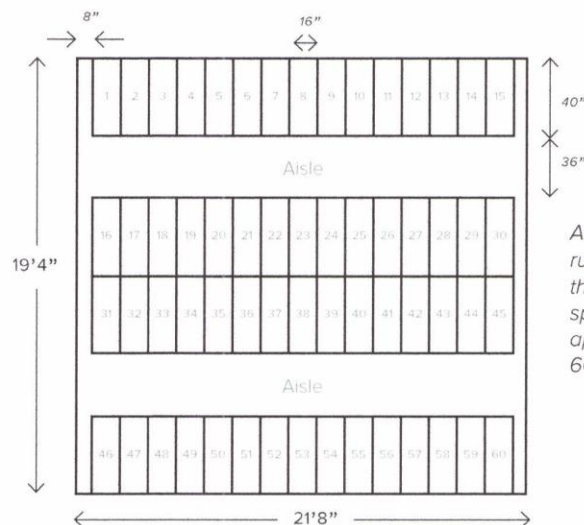
Estimating the maximum number of bikes you can park using an Ultra Space Saver in a typical rectangular space is usually fairly straight forward.

The Ultra Space Saver parks one bike every 16" with a typical bike extending out 40" from the wall. Leave a 36" aisle between rows. Add an 8" buffer on each end of a run to allow enough space for handlebars.

If you have a large space, you may be able to fit in double rows of Ultra Space Savers.

Let us Help! As a free service, Dero will provide a complete CAD layout of your space. Just send us the dimensions of your room, being sure to note the location of doors, columns, etc. and let us maximize your bike storage capacity.

SETBACKS



As a general rule of thumb, this space can fit approximately 60 bicycles.

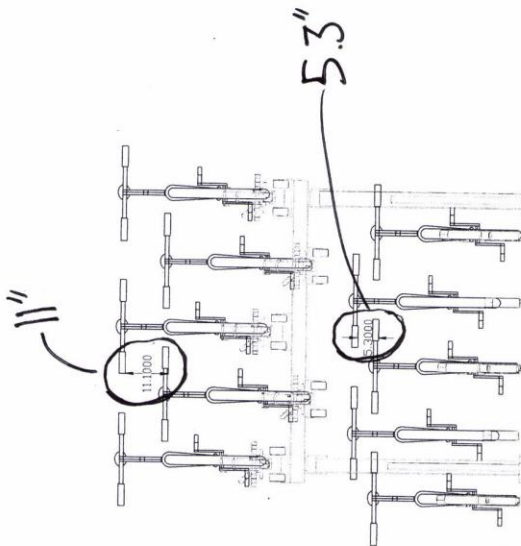
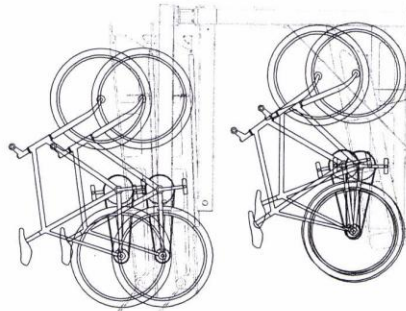
CASE NO.
EXHIBIT

16-106345 AD
C-3



DERO
A PLAYCORE Company

Dero Decker Vertical Stagger



Approved
City of Portland
Bureau of Development Services
Planner David Basky
Date 6.17.16
* This approval applies only to the
reviews requested and is subject to all
conditions of approval
Additional zoning requirements may apply.

CASE NO. 16-106345 AD
EXHIBIT C-4

DERO DECKER™



- Sturdy red handle grips
- Lift-assist trays
- Dampers for gentle lowering of trays
- Hinged levers hold bikes firmly in place
- U-lock compatible
- Smallest footprint

Approved
City of Portland
Bureau of Development Services
Planner David Basky
Date 6.17.18
* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

FINISH OPTIONS

Galvanized

Stainless



Powder Coat



CASE NO. 16-106345 AD
EXHIBIT C-5

