



Portland City Auditor

Hearings Office

1900 SW 4th Avenue, Room 3100, Portland, OR 97201

www.portlandoregon.gov/auditor/hearings

phone: (503) 823-7307

fax: (503) 823-4347



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File Number: LU 16-106533 CU AD (Hearings Office 4160006)

Applicant: Dale Johnson, Architect and Main Contact
JRA Architecture & Planning
2200 W Rosebud Lane
Coeur D Alene, ID 83814

Property Owner: Bhgah Airport LLC
PO Box 1670
Wilsonville, OR 97070

Jatin Patel
BHG Hotels
PO Box 1670
Wilsonville, OR 97070

Hearings Officer: Gregory J. Frank

Bureau of Development Services Staff Representative: Sylvia Cate

Site Address: 7101 NE 82nd Avenue

Legal Description: TL 1400 4.48 ACRES, SECTION 17 1N 2E

Tax Account Number: R942171600

State ID Number: 1N2E17AA 01400

Quarter Section: 2338

Business District: Columbia Corridor Association

Plan District: Portland International Airport - Airport Subdistrict

Zoning: EG2hx: General Employment 2 with an Aircraft Landing and Airport Noise overlay zones

Land Use Review: Type III, CU AD: Conditional Use and Adjustment

Bureau of Development Services Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:03 a.m. on June 8, 2016, in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 9:17 a.m. The record was closed at that time.

Testified at the Hearing:
Sylvia Cate

Proposal: The applicant requests Conditional Use approval to demolish an existing restaurant on the site and redevelop with a new, 99-guest 4-story hotel with 100 parking spaces. Nonconforming upgrades to the entire site include installing landscape buffering around the perimeter of the existing parking lot[s]. Due to spatial constraints in some areas, the applicant is also requesting an Adjustment to reduce the required depth of the 5-foot landscape buffer to 3 feet 8 inches along the west boundary of the site.

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:

- 33.815.128 Retail Sales and Service Uses in the EG zones
- 33.805.040. A. – F., Adjustments

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated May 27, 2016, and to issue the following approval:


Approval of:

- Conditional Use for 99-guest 4-story hotel with 100 parking spaces; and,
 - Adjustment to reduce the required 5-foot-wide landscaping buffer for perimeter parking lot landscaping to 3 feet 8 inches along the west property line, subject to the following conditions:
- A. As part of the building permit application submittal, the following development-related conditions (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 16-106533 CU AD." All requirements must be graphically

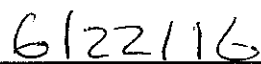
represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. All landscaping must meet all applicable standards for the density, species, and spacing requirements of 33.565.220.

Basis for the Decision: Bureau of Development Services Staff Report in LU 16-106533 CU AD, Exhibits A.1 through H.4, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer



Date

Application Determined Complete: April 27, 2016
Report to Hearings Officer: May 27, 2016
Decision Mailed: June 23, 2016
Last Date to Appeal: 4:30 p.m., July 7, 2016
Effective Date (if no appeal): July 8, 2016 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 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 \$ 2939.50 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*. *The Hearings Officer's Decision will note this date.*
- 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.

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. Project narrative addressing criteria, and transportation impacts
- B. Zoning Map
- C. Plans and Drawings
 - 1. Site Plan
 - 2. Landscaping Plan
 - 3. Tree Plan
 - 4. Elevations
- 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. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
- F. Letters: *None received by date of publication of this report*
- G. Other
 - 1. Original LUR Application
 - 2. Incomplete Letter to Applicant, February 3, 2016; Need additional information
- H. Received in the Hearings Office
 - 1. Hearing Notice - Cate, Sylvia
 - 2. Staff Report - Cate, Sylvia (**attached**)
 - 3. PowerPoint presentation printout - Cate, Sylvia
 - 4. Record Closing Information - Hearings Office



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

FROM CONCEPT TO CONSTRUCTION

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

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 16-106533 CU AD
PC # 15-217786

REVIEW BY: Hearings Officer

WHEN: June 8, 2016 at 9:00 AM

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

RECEIVED

HEARINGS OFFICE

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: SYLVIA CATE / SYLVIA.CATE@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Dale Johnson, Architect and Main Contact
JRA Architecture & Planning
2200 W Rosebud Ln
Coeur D Alene, ID 83814

Property Owner: Bhgah Airport LLC
PO Box 1670
Wilsonville, OR 97070

Jatin Patel
BHG Hotels
PO Box 1670
Wilsonville, OR 97070

Site Address: 7101 NE 82ND AVE

Legal Description: TL 1400 4.48 ACRES, SECTION 17 1N 2E
Tax Account No.: R942171600
State ID No.: 1N2E17AA 01400
Quarter Section: 2338

Business District: Columbia Corridor Association, contact Debbie Deetz-Silva at 503-978-6044.

Plan District: Portland International Airport - Airport Subdistrict
Zoning: EG2hx: General Employment 2 with an Aircraft Landing and Airport Noise overlay zones

Case Type: CU AD: Conditional Use and Adjustment
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: The applicant requests Conditional Use approval to demolish an existing restaurant on the site and redevelop with a new, 99-guest 4-story hotel with 100 parking spaces. Nonconforming upgrades to the entire site include installing landscape buffering around the perimeter of the existing parking lot[s]. Due to spatial constraints in some areas, the applicant is also requesting an Adjustment to reduce the required depth of the 5-foot landscape buffer to 3 feet 8 inches along the west boundary of the site.

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:

- 33.815.128 Retail Sales and Service Uses in the EG zones
- 33.805.040. A. – F., Adjustments

ANALYSIS

Site and Vicinity: The relatively flat site is 4.48 acres in area and is currently developed with a hotel and full service restaurant, accessory parking and swimming pool. The site is located between NE Alderwood Road and a service road from NE 82nd Avenue. The immediately surrounding area is located within the Portland International Airport Plan District. This site is one of eight parcels developed with a hotel in proximity to the Portland Airport.

Other uses immediately surrounding the site comprise an eclectic mixture of Industrial, Employment and specific Aviation uses. Within 400 feet of the site, in all directions, are uses that include Sky Chefs catering, an accessory use supporting carrier clients at Portland International Airport northwest of the site and across NE Alderwood Road from the site. A major hotel is directly west, also across NE Alderwood Road in the EG2 zone. Additional uses going counterclockwise around the site within the EG2 zone include the Portland District offices for Navy recruiting, a Salvation Army adult rehabilitation facility, shipping facilities, a food condiment manufacturer, and a small college. Directly north of the site is a large triangular lot zoned IG2chx, owned by the Port of Portland, and developed with a maintenance shed associated with the Portland International Airport.

The general development pattern in this area consists of larger buildings developed on significantly sized parcels. As such, most uses are set back away from other uses, with accessory parking and vegetation separating the development. Fingers of Environmental 'c' overlay zoning interrupt some of the development as it follows segments of a Columbia River Slough that is directly south of the site.

Zoning: The site is zoned EG2hx: The General Employment 2 zone with an Aircraft Landing and Airport Noise overlay zones. The site also lies within the Portland International Airport Plan District (PIAPD).

General Employment 2 (EG2)

EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The 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/commercial areas.

Aircraft Landing Zone (h)

The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The proposed development will comply with the height limits of this overlay zone.

Portland International Airport Noise Impact (x)

The Portland International Airport Noise Impact overlay zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements for residential development. None of the regulations are applicable to the proposed Conditional Use or Adjustment.

Portland International Airport Plan District

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context. The regulations of this plan district protect significant identified environmental resources consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district. Additionally, the regulations protect significant archaeological features of the area.

Staff comment: The proposal has no impact on the 'h' or 'x' overlay zone. There is no Environmental zoning on the site. The proposal has no impact on the regulations of the Portland International Airport Plan District.

Land Use History: City records indicate there are prior land use reviews for this site; none are relevant to the current proposal:

Case File MCF 58-64 ZC: Multnomah County approved a zone change for an industrial building from F-2 to M-2.

MCF 6-68: Approved; no information in file.

MCF 14-68 ZC approved a zoning ordinance interpretation which allowed two free-standing signs on the same property fronting on NE 82nd Avenue.

MCF 85-08-07 approved a motor inn on the site. No further information in file.

A "Request for Response" was mailed April 28, 2016.

Agency Review: The following Bureaus have responded with no issues or concerns:

The *Bureau of Environmental Services* responded that they have no objections to the conditional Use proposal or to the requested Adjustment. The remainder of the response includes technical information informing the applicant of requirements that must be met at time of building permit review. The BES response also informs the applicant to be aware of changing regulations regarding stormwater management and source control which are anticipated to go into effect on July 1, 2016. Please see Exhibit E-1 for the full response.

The *Bureau of Transportation Engineering* responded with no objections to the proposal and provided a full analysis of the transportation related approval criteria, which can be found below, in this report. The response also includes technical information regarding requirements that must

be met at time of building permit review. Exhibit E-2 contains the full response.

The *Water Bureau* responded with no concerns regarding the proposal and notes that there are two existing metered service to the site: a 1.5 inch and a 4 inch service from the 8 inch main located in NE 82nd Avenue. Additional comments included technical information for the applicant to be aware of at time of building permit review. Exhibit E-3 contains the full response.

The *Fire Bureau* responded with comments noting that the development will be subject to all applicable Fire Code requirements. The Fire Bureau notes no concerns regarding the proposal. Exhibit E-4 contains the full response.

The *Site Development* Section of BDS responded with no objections to the proposal and included significant, detailed information about requirements that must be met at time of building permit submittal. Exhibit E-5 contains the full response.

The *Bureau of Parks-Forestry Division* responded with no objections to the proposal and notes that street trees will be required. Exhibit E-6 contains the full response.

A Notice of Proposal in Your Neighborhood was mailed on May 18, 2016.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.128 Retail Sales And Service Uses in the EG Zone

These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

- A. The proposed use will not have significant adverse effects on neighboring employment uses;

Findings: The proposal is to demolish an existing restaurant and meeting rooms to redevelop a portion of the site with a new, 99 unit hotel. The hotel on the site will continue to operate during construction. The proposed use of the site (Retail Sales and Service) will remain the same. This hotel site is one of eight located in proximity to the Portland International Airport and as such will primarily serve the immediate area by providing hotel services for visitors and travelers.

The configuration of development on the site will not change substantially; the hotel operations and associated parking are such that there are no impacts on other surrounding properties and uses because the hotel site is contains sufficient parking, as noted below, under the criterion addressing transportation impacts. With the required relocation of the access driveway in order to provide better sight lines, safety is enhanced for both pedestrians and vehicles entering and exiting the site. The site is developed similarly to other surrounding lands, with development well spaced and 'self contained' within the site.

This criterion is met.

- B. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking

impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: Portland Transportation/Development Review (PBOT) has 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. To address the transportation related approval criteria the applicant provided a professionally prepared Transportation Impact Study (TIS) prepared by Jake Traffic Engineering, Inc. PBOT's response regarding this criterion states:

Street Designations and Capacity, Level of Service or other Performance Measures

At this location, the TSP classifies NE 82nd Frontage Road as a Local Service Street for all transportation modes.

The TSP states that *Local Service Streets*, "provide local circulation for traffic, pedestrians, and bicyclists and (except in special circumstances) should provide on-street parking." The proposed use will not impact the classification of NE 82nd Frontage Road and is supportive of the street designation of the Transportation Element of the Comprehensive Plan.

As demonstrated by the applicant's TIS, the proposed conditional use scenario will generate fewer trips than the existing uses which are allowed by right in the zone. Specifically, trip rates for the existing restaurant to be demolished were compared with the proposed hotel utilizing information obtained from the *Institute of Traffic Engineers (ITE) Trip Generation Manual, 9th Edition*. The ITE Manual provides trip rates for various types of restaurants and overnight accommodations. The uses below most closely align with the existing and proposed development.

Existing: High Turnover Restaurant (932) @ 8,328 square feet = 1059 trips
Proposed: All Suites Hotel (311) @ 99 rooms = 485 trips

Existing: Quality Restaurant (931) @ 8,328 square feet = 749 trips
Proposed: Motel Rate (320) @ 99 rooms = 557 trips

As demonstrated above, the proposed development will represent a decrease in vehicle trips from the current restaurant use on-site and therefore meets the intent of TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases and will not further degrade the performance of area intersections. Thus, no mitigation is required or warranted.

Access to Arterials

The site has access to arterial streets to the south (NE Columbia Blvd), west, (NE Alderwood), and to the north (NE 82nd Ave). The proposed use will not change access to these arterials.

Connectivity

The site is located approximately 600-ft from the intersection of NE 82nd & NE Alderwood. Given the existing lot and development pattern in the area as well as the location of the Columbia Slough, PBOT identified no opportunities for additional public street connections in relation to the proposed development.

Transit Availability

The proposed use will not negatively impact transit availability in this area. While transit service is somewhat limited at this location, the applicant has indicated that the proposed hotel will provide 24-hour shuttle service between the subject site and Portland International Airport as well to the MAX Red Line. The Mt Hood Ave Light Rail Station is located approximately 2,798 feet from the site.

On-Street Parking Impacts

The applicant is proposing an adequate on-site parking supply that will serve the needs of the site and the surrounding properties are also developed with ample on-site parking opportunities. Additionally, on-street parking is prohibited on NE 82nd Frontage Road as well as NE Alderwood. Given the development pattern in the immediate area and the existing lack of on-street parking along the site's frontages, there is no potential that the proposed hotel development will have a negative impact upon on-street parking or the immediate neighborhood.

Access Restrictions

PBOT initially had concerns regarding the proposed access on NE 82nd Frontage Road in relation to the off-ramp on NE 82nd Avenue. The applicant was required to submit a professionally prepared Sight Distance Analysis to demonstrate that the proposed site access along NE 82nd Frontage Road provided adequate stopping sight distance between the driveway and the NE 82nd off-ramp. The proposed location, at the southern property boundary, will meet minimum sight distance requirements. There are no operational or safety issues suggesting access restrictions are necessary at this location.

Neighborhood Impacts

Project-related impacts resulting from increased trip generation and increased demand for on street parking translate directly to transportation-related neighborhood impacts. As discussed herein, the proposed use will result in fewer vehicle trips than the existing restaurant on-site and adequate on-site parking has been proposed to meet the anticipated needs of the project. Accordingly, no adverse transportation-related neighborhood impacts are expected.

Impacts on Pedestrian, Bicycle, and Transit Circulation / Safety for all Modes

In relation to the proposed development, the applicant will be required to improve the frontage with curb and sidewalk to the satisfaction of the City Engineer. These improvements will contribute to safer circulation in the area. Additionally, the low traffic volumes and the lane widths on NE 82nd Frontage Road provide adequate space for vehicles and bicycles to safely share the roadway. Lastly, the applicant's traffic engineer analyzed the most recent five years of collision records (2010-2014) from the Oregon Department of Transportation (ODOT) database. A review of crash history at the access point to the site found zero incidents in 10 years.

Adequate Transportation Demand Management Strategies

The goal of transportation demand management (TDM) is to reduce the number of single occupancy vehicle trips to a site in favor of modes less taxing to the transportation system. TDM Plans are also typically required to minimize impacts to adjacent neighborhoods.

As discussed above, PBOT has not identified any mitigation measures necessary to address impacts related to the proposed development. However, the applicant has indicated that the proposed hotel will provide on-demand shuttle service on a 24-hour basis between the site and Portland International Airport. This voluntary measure should help reduce single occupancy vehicle trips to the site.

For these reasons, this criterion is met.

- C. The proposed use will not significantly alter the overall desired character of the area, based on the existing mixture of uses and the effects of incremental change; and

Findings: The proposed use (Retail Sales and Service) will provide a new hotel serving the immediate area of the Portland International Airport. This hotel site is one of eight located in proximity to the airport and as such will primarily serve the immediate area by providing hotel services for travelers.

The Zoning Code defines 'desired character' as:

Desired Character. 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.

The desired character of the General Employment base zone is described as:

The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The intent is to promote viable and attractive industrial/commercial areas.

As noted earlier, the proposal has no impact on the 'h' or 'x' overlay zones as the development will comply with the height limits of the 'h' overlay, and the regulations of the 'x' overlay is specific to residential development. Although the General Employment zones promotes industrial and industrially-related uses, the zone also allows commercial uses that can support a wide range of the uses and employment opportunities expected with an EG zoned area.

The site is also located within the Portland International Airport Plan District, which is described as:

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The Portland International Airport Plan District is intended to provide regulations supportive of the special impacts and associated services supporting PDX. In fact, the PIAPD allows hotels by right in the IG2 zones within the district boundaries, but requires a Conditional Use review for Retail Sales and Service uses when floor area exceeds 60,000 square feet on the site.

The proposal will demolish an existing restaurant on the site and redevelop with a 4-story, 99 guest hotel. The site will be subject to nonconforming upgrades, so required landscaping will be installed and the access drive will be relocated to provide additional sight lines and safety for visitors and guests. The proposal will result in an enhanced appearance of the site as well as provide new hotel services to visitors and travelers in close proximity of the Airport, consistent with the intent of the PIAPD.

The proposal is also within the Portland International Airport Plan District. The proposal is consistent with the desired character of the area because the Plan District is intended to provide flexibility in order to allow the wide variety of uses that are typically 'accessory' to an airport use. The landscaping will be consistent with the required special landscaping

standards [33.565.220, *Landscaping*] which requires specific native plants and less density of plants in order to help reduce the threat of bird strikes at the airport.

For these reasons, this criterion is met.

D. City-designated scenic resources are preserved.

Findings: The City designated resources are shown on the zoning map by the 's' overlay; there are no such resources present on the site. Therefore, this criterion is not applicable.

33.805.010 Purpose (Adjustments)

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

33.805.040 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 requests an Adjustment to reduce the required 5 foot width of the parking lot perimeter landscaping to 3 feet 8 inches along segments of the west property line. The purpose of the regulation to be adjusted is found at Portland Zoning Code Section 33.266.130.A., *Purpose*, which states:

The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:
- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;

- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

The applicant notes that required landscaping will be upgraded and installed as part of the overall redevelopment project. Currently, portions of the existing parking lot[s] have perimeter landscaping, but some gaps in plantings exist and some areas have very little greenery at all. However, with the additional landscaping, the overall appearance of the hotel site will improve and the additional greenery will soften the visual impact of large expanses of asphalt. New sidewalks will be installed along the frontage of the site and the additional landscaping will further improve the pedestrian experience. There are no adjacent residential zones in immediate area, as the PIAPD is primarily industrially and employment oriented in uses and development.

Traffic circulation on-site will remain similar to the current configuration, although the access driveway will be relocated to the south, to improve sight lines and safety for vehicles entering and exiting the site. The additional landscaping above current levels will increase the amount of stormwater runoff that is captured by the landscaping areas, provide additional shade and cooling and further reduce pollution and temperature of stormwater runoff. The additional landscaping will also contribute to decreased levels of air- and water-borne pollution.

The proposal is also consistent with the intent of the special landscaping standards required by the Portland International Airport Plan District. Because of the configuration of the airport runways and copious amounts of environmental zoning nearby, the PIAPD requires specific plant species and specific spacing [planting density] requirements in order to discourage birds from nesting and seeking food within the landscaping, which raises the risk of aviation bird strikes. Therefore, where there are dimensional constraints along the west property line that prevent a 5-foot deep landscaping buffer, the requested 3-foot 8-inch wide planting area will serve a similar purpose to the special landscaping regulations, i.e., inherently create less dense plantings.

Because the reduction of bird strikes is an overarching safety consideration underlying the PIAPD landscaping requirements, a condition of approval is warranted: All of the landscaping materials to be used must be from the Portland Airport Plant List. No substitutions will be allowed as these specific species were identified to be particularly helpful in reducing attractive bird habitat for nesting and foraging. With this condition, this criterion can be 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: The site is located in the EG2 zone. The Portland Bureau of Transportation notes that the classification of the adjacent street is:

At this location, the TSP classifies NE 82nd Frontage Road as a Local Service Street for all transportation modes. The TSP states that Local Service Streets, "provide local circulation for traffic, pedestrians, and bicyclists and (except in special circumstances) should provide on-street parking." The proposed use will not impact the classification of NE 82nd Frontage Road and is supportive of the street designation of the Transportation Element of the Comprehensive Plan.

Therefore, proposal is consistent with the classifications of adjacent streets.

The Zoning Code defines 'desired character' as:

Desired Character. 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.

The desired character of the General Employment base zone is described as:

The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The intent is to promote viable and attractive industrial/commercial areas.

As noted earlier, the proposal has no impact on the 'h' or 'x' overlay zones.

The site is also located within the Portland International Airport Plan District, which is described as:

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The proposal will demolish an existing restaurant on the site and redevelop with a 4-story, 99 guest hotel. The site will be subject to nonconforming upgrades, so required landscaping will be installed and the access drive will be relocated to provide additional sight lines and safety for visitors and guests. The proposal will result in an enhanced appearance of the site as well as provide hotel services to visitors and travelers in close proximity of the Airport.

The proposal is consistent with the desired character of the area because the Portland International Airport Plan District is intended to provide flexibility in order to allow the wide variety of uses that are typically 'accessory' to an airport use. The landscaping will be consistent with the required special landscaping standards [33.565.220, *Landscaping*] which requires specific native plants and less density of plants in order to help reduce the threat of bird strikes at the airport.

For all of these reasons, 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 requested. This criterion is not applicable.

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

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

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

Findings: There are no discernible impacts that would result from granting the requested adjustment. 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 Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

Development Standards

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

CONCLUSIONS

The applicant requests Conditional Use approval to demolish an existing restaurant on the site and redevelop with a new, 99-guest 4-story hotel with 100 parking spaces. Nonconforming upgrades to the entire site include installing landscape buffering around the perimeter of the existing parking lot[s]. Due to spatial constraints in some areas, the applicant is also requesting an Adjustment to reduce the required depth of the 5-foot landscape buffer to 3 feet 8 inches along segments of the west boundary of the site. With conditions, the proposal meets all of the applicable approval criteria and therefore should be approved.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of:

- Conditional Use for 99-guest 4-story hotel with 100 parking spaces; and,
 - Adjustment to reduce the required 5 foot wide landscaping buffer for perimeter parking lot landscaping to 3 feet 8 inches along the west property line, subject to the following conditions:
- A. As part of the building permit application submittal, the following development-related conditions (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 16-106533 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All landscaping must meet all applicable standards for the density, species, and spacing requirements of 33.565.220.

Procedural Information. The application for this land use review was submitted on January 15, 2016, and was determined to be complete on April 27, 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: August 25, 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 recommendation 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. 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.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$2,939.50 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

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. The Hearings Officer's Decision will note this date.*
- 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.

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.

Planner's Name: Sylvia Cate

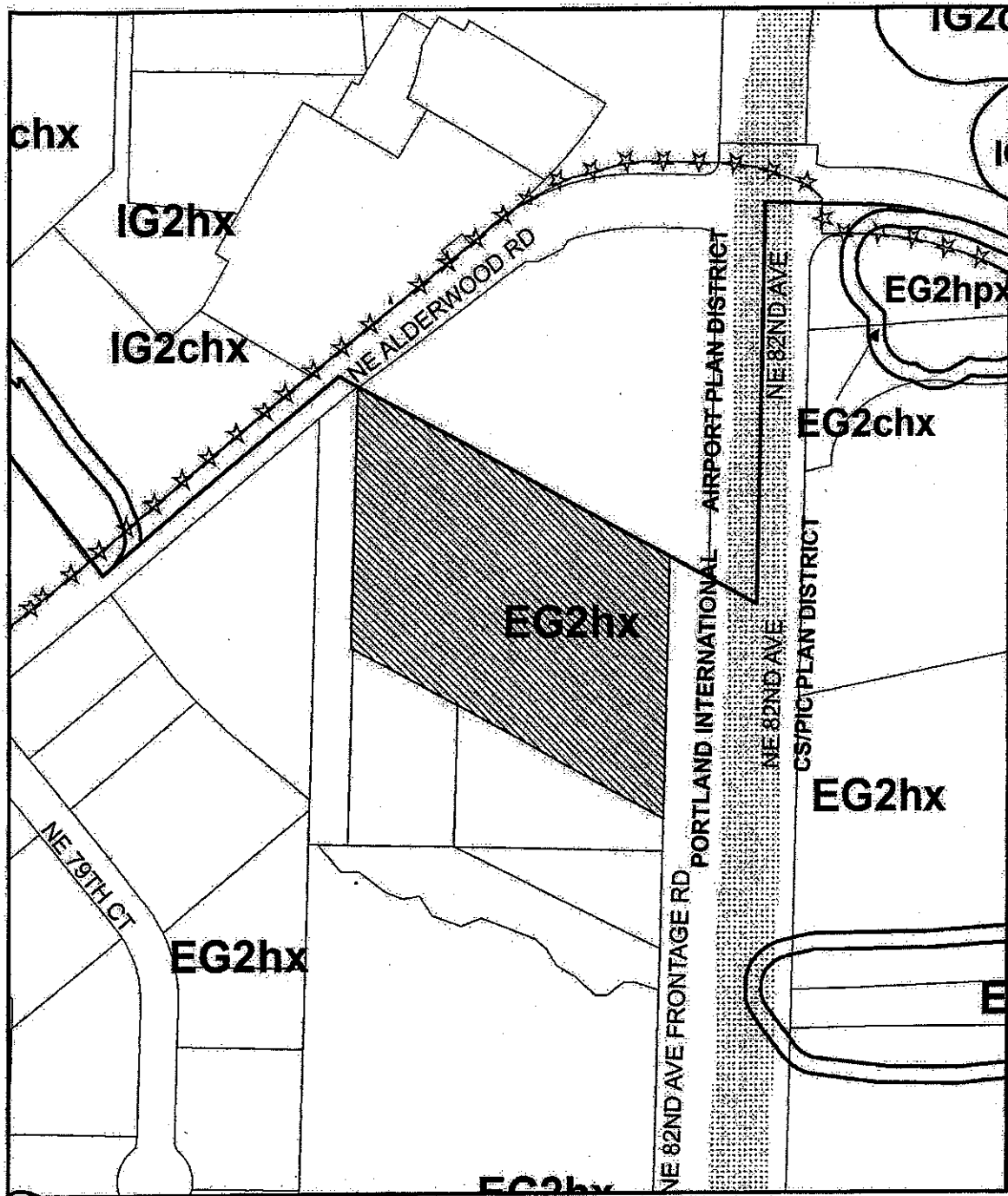
Date: May 27, 2016

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Project narrative addressing criteria, and transportation impacts
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Landscaping Plan (attached)
 - 3. Tree Plan (attached)
 - 4. Elevations (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. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
- F. Letters: *None received by date of publication of this report*
- G. Other:
 - 1. Original LUR Application
 - 2. Incomplete Letter to Applicant, February 3, 2016; Need additional information
- H.

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



This site lies within the:
PORTLAND INTERNATIONAL AIRPORT PLAN DISTRICT
AIRPORT SUBDISTRICT

-  Site
-  Recreational Trails

File No.	<u>LU 16-106533 CU, AD</u>
1/4 Section	<u>2338 2339</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N2E17AA 1400</u>
Exhibit	<u>B (Jan 20, 2016)</u>

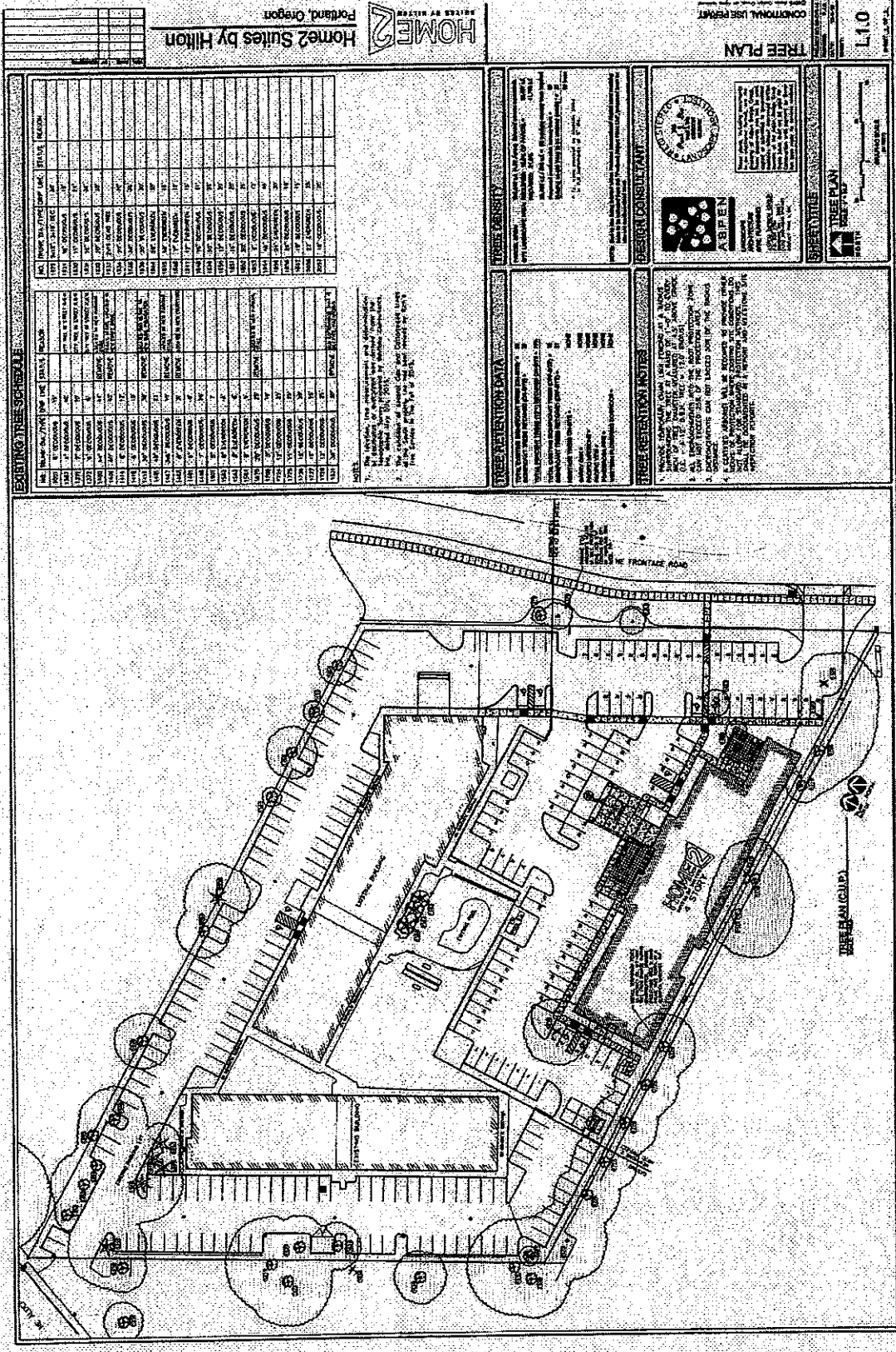
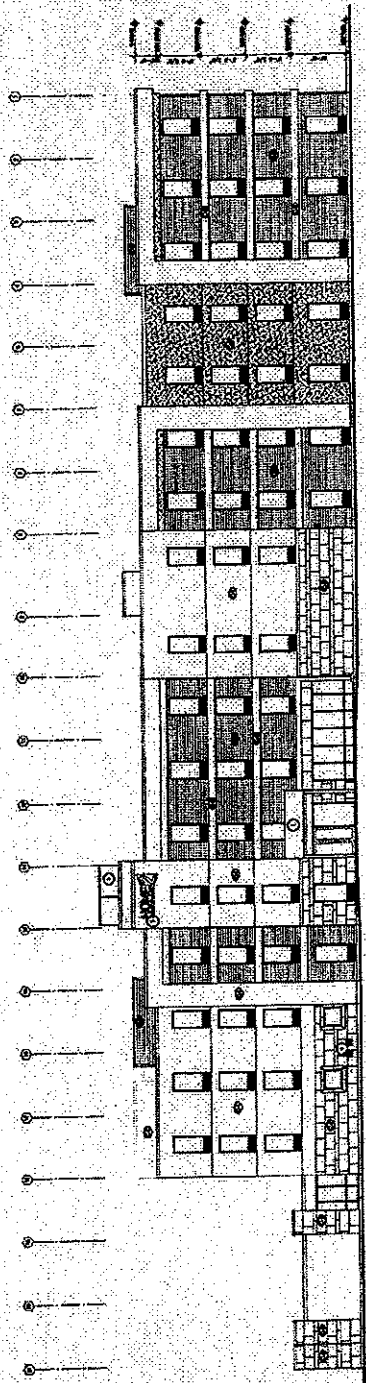
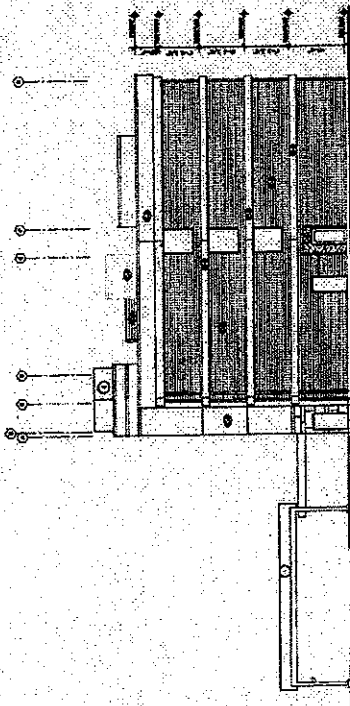


EXHIBIT C-5
TREE PLAN

EXHIBIT C-4
 ELEVATIONS



EAST ELEVATION



WEST ELEVATION

GENERAL NOTES
 1. SEE EXHIBIT C-1 FOR SITE PLAN
 2. SEE EXHIBIT C-2 FOR FLOOR PLANS
 3. SEE EXHIBIT C-3 FOR SECTION ELEVATIONS
 4. SEE EXHIBIT C-4 FOR ELEVATIONS
 5. SEE EXHIBIT C-5 FOR DETAILS

NOTES
 1. SEE EXHIBIT C-1 FOR SITE PLAN
 2. SEE EXHIBIT C-2 FOR FLOOR PLANS
 3. SEE EXHIBIT C-3 FOR SECTION ELEVATIONS
 4. SEE EXHIBIT C-4 FOR ELEVATIONS
 5. SEE EXHIBIT C-5 FOR DETAILS

LEGEND
 1. SEE EXHIBIT C-1 FOR SITE PLAN
 2. SEE EXHIBIT C-2 FOR FLOOR PLANS
 3. SEE EXHIBIT C-3 FOR SECTION ELEVATIONS
 4. SEE EXHIBIT C-4 FOR ELEVATIONS
 5. SEE EXHIBIT C-5 FOR DETAILS