



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 16-140108 PR (Hearings Office 4160009)

Applicant: Dave Otte | Holst Architecture | 110 SE 8th Avenue | Portland, OR 97214

Owner: Capref Lloyd Center LLC | 2201 Lloyd Center | Portland, OR 97232

Representative: Cassidy Bolger | Portland Lloyd Center Community, LLC | 650 NE Holladay Street, Suite 1600 | Portland OR 97232

Hearings Officer: Gregory J. Frank

Bureau of Development Services Staff Representative: Staci Monroe

Site Address: 1501 (1400) NE Multnomah Street

Legal Description: BLOCK 152&153&160&161 TL 500, HOLLADAYS ADD

Tax Account Number: R396210170

State ID Number: 1N1E35BA 00500

Quarter Section: 2932

Neighborhoods: Lloyd District Community and Sullivan Gulch

Business District: Lloyd District Community Association

District Neighborhood Coalition: Northeast Coalition of Neighbors

Plan District: Central City - Lloyd District

Zoning: CXd – Central Commercial zone with a Design overlay

Land Use Review: Type III, PR – Central City Parking Review

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

Public Hearing: The hearing was opened at 1:31 p.m. on July 27, 2016, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:00 p.m. The record was held open until 4:00 p.m. on July 28, 2016, for new written evidence and until 4:00 pm. on July 28, 2016, for applicant's rebuttal. The record was closed at that time.

Testified at the Hearing:

Staci Monroe
Ben Ott
Brian Dunn

Proposal: A Central City Parking Review is requested for the proposed Lloyd Development, which includes two new mixed-use buildings with 677 apartments, 12 live-work units, and approximately 37,780 square feet of retail organized around a diagonal pedestrian linkage extending from the southwest to the northeast corners of the site. The project provides a total of 542 spaces on the site both in structures (536) and surface spaces (six) with two access points off NE 13th and NE Multnomah. Within Building 2, 98 spaces are provided for the retail uses on the site and 219 spaces are provided for the residential units in this building. All 219 parking spaces within Building 1 will serve the residential units in the building. The six surface parking spaces within the north-south driveway will also serve the retail uses on the site for a total of 104.

The original project description and staff report erroneously identified the number of parking spaces dedicated to the retail users on the site as 98. This revised report accurately reflects the 104 retail parking spaces proposed on the site.

When more than 60 spaces are proposed for retail uses, a Central City Parking Review is required to analyze potential impacts on the transportation systems and surrounding area. Per Zoning Code Section 33.510.264.A.3.b.A, a Type III Central City Parking Review is required for the proposal.

The buildings and site improvements are currently being reviewed through a Type III Design Review (case file 16-137500 DZM). The case went before the Design Commission on June 30, 2016, and is scheduled to return for a second hearing on August 4, 2016.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the criteria of Title 33, Portland Zoning Code. The relevant criteria can be found in Section 33.808.100 (Central City Parking Review Approval Criteria).

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 Revised Staff Report and Recommendation to the Hearings Officer dated July 27, 2016, and to issue the following approval:

Approval of a Central City Parking Review for 104 parking spaces dedicated to retail uses (Growth Parking) within the 1400 NE Multnomah Lloyd Development in the Lloyd sub district of the Central City plan district.

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 16-140108 PR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant shall implement the submitted Transportation Demand Management Plan (and Parking Plan) that was submitted in relation to this land use proposal with the recommended amendments suggested by PBOT's Active Transportation and Safety Division upon building occupancy.

Basis for the Decision: The Bureau of Development Services Revised Staff Report in LU 16-140108 PR, Exhibits A.1 through H.7, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

8/2/16

Date

Application Determined Complete: May 12, 2016
Report to Hearings Officer: July 15, 2016
Revised Report to Hearings Officer: July 28, 2016
Revised Report to Hearings Officer: July 28, 2016
Decision Mailed: August 4, 2016
Last Date to Appeal: 4:30 p.m., August 18, 2016
Effective Date (if no appeal): August 19, 2016 Decision may be recorded on this date.

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.

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, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged.**

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.

- 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. 120-day waiver signed
 - 2. CCPR Study prepared by Kittelson & Associates dated 3/18/16
 - 3. CCPR Study prepared by Kittelson & Associates dated 5/3/16
 - 4. Updated CCPR Study prepared by Kittelson & Associates dated 6/22/16
 - 5. Trip Generation Rates Study prepared by Kittelson & Associates dated 6/22/16
 - 6. Truck Turn Movement Diagrams received 6/24/16
 - 7. Signed form by applicant to reschedule hearing
- B. Zoning Map
- C. Plans and Drawings
 - 1. Site Plan
 - 2. Mezzanine Plan
 - 3. Basement Plan
- 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 Transportation Engineering and Development Review
- F. Letters: none
- G. Other
 - 1. Original LUR Application
- H. Received in the Hearings Office
 - 1. Request to reschedule - Monroe, Staci
 - 2. Notice of Hearing - Monroe, Staci
 - 3. Staff Report - Monroe, Staci
 - 4. Revised Staff Report - Monroe, Staci
 - 5. PowerPoint presentation - Monroe, Staci
 - 6. Acknowledgement of revised staff report - Ott, Ben
 - 7. Revised Staff Report - Monroe, Staci **(attached)**



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

REVISED STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

07-28-16 P01:00 IN

CASE FILE: LU 16-140108 PR

Lloyd Development Central City Parking Review

PC # 16-137500

RECEIVED

REVIEW BY: Hearings Officer

JUL 29 2016

WHEN: July 27, 2016 at 1:30 PM

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

HEARINGS OFFICE

BUREAU OF DEVELOPMENT SERVICES STAFF: STACI MONROE / STACI.MONROE@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Dave Otte | Holst Architecture | 110 SE 8th Ave | Portland, OR 97214

Owner: Capref Lloyd Center LLC | 2201 Lloyd Center | Portland, OR 97232

Representative: Cassidy Bolger | Portland Lloyd Center Community, LLC | 650 NE Holladay St., Suite 1600 | Portland OR 97232

Site Address: **1501 (1400) NE Multnomah Street**

Legal Description: BLOCK 152&153&160&161 TL 500, HOLLADAYS ADD

Tax Account No.: R396210170

State ID No.: 1N1E35BA 00500

Quarter Section: 2932

Neighborhood: Lloyd District Community, contact Michael Jones at 503-265-1568 & Sullivan Gulch, contact Carol Gossett at 503-449-1253.

Business District: Lloyd District Community Association, contact Brian Griffis at admin@lloyddistrict.org.

District Coalition: Northeast Coalition of Neighbors, contact Zena Rockowitz at 503-388-5070.

Plan District: Central City - Lloyd District

Zoning: CXd - Central Commercial zone with a Design overlay

Case Type: PR - Central City Parking Review

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:

A Central City Parking Review is requested for the proposed Lloyd Development, which includes two new mixed-use buildings with 677 apartments, 12 live-work units, and approximately 37,780 SF of retail organized around a diagonal pedestrian linkage extending from the southwest to the northeast corners of the site. The project provides a total of 542 spaces on the site both in structures (536) and surface spaces (6) with two access points off NE 13th and NE Multnomah. Within Building 2, 98 spaces are provided for the retail uses on the site and 219 spaces are provided for the residential units in this building. All 219 parking spaces within Building 1 will

serve the residential units in the building. The 6 surface parking spaces within the north-south driveway will also serve the retail uses on the site for a total of 104.

The original project description and staff report erroneously identified the number of parking spaces dedicated to the retail users on the site as 98. This revised report accurately reflects the 104 retail parking spaces proposed on the site.

When more than 60 spaces are proposed for retail uses, a Central City Parking Review is required to analyze potential impacts on the transportation systems and surrounding area. Per Zoning Code Section 33.510.264.A.3.b.A, a Type III Central City Parking Review is required for the proposal.

The buildings and site improvements are currently being reviewed through a Type III Design Review (case file 16-137500 DZM). The case went before the Design Commission on June 30, 2016 and scheduled to return for a 2nd hearing on August 4, 2016.

Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33, Portland Zoning Code. The relevant criteria can be found in Section 33.808.100 (Central City Parking Review Approval Criteria).

ANALYSIS

Site and Vicinity: The multi-acre Lloyd Center site contains one large, and several other medium sized retail buildings, connected structured parking and several surface parking lot areas. The subject Superblock site, which is currently developed with a large surface parking lot that serves the mall and the adjacent cinemas, will be separated from the mall ownership to accommodate the proposed development. The parking lot underwent landscape and pedestrian walkways improvements within the recent past as part of nonconforming development upgrades associated with the mall.

The subject site is a Superblock site as it contains previously dedicated rights-of-way that have been vacated (NE Hassalo and NE 14th). NE 15th, also vacated in 1984, runs along the eastern side of the site adjacent to the cinema development. The proposal includes the area of the vacated NE 15th for a site area of 217,344 SF (4.99 acres).

The surrounding Lloyd District contains a mixture of retail, single family to multi-family residential development, and the Convention Center and Rose Garden area further west. The site resides within the Lloyd Pedestrian District.

The site is bounded by the following frontages:

- NE Multnomah Street - designated as a Traffic Access Street, City Bikeway and City Walkway.
- NE 13th - designated as a Traffic Access Street, Local Service Bikeway and Local Service Walkway.
- NE Holladay – designated as Regional Transitway with LRT rail line.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the

creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Lloyd Sub District of this plan district.

Land Use History: City records indicate that prior land use reviews include:

- LU 06-114746 DZ: A 2006 Design Review approval to revise LU 02-132455 DZM Conditions of Approval E & F specifically the landscaping and pedestrian upgrades to the Lloyd Cinemas Parking Lot and to modify interior parking lot landscaping (33.266.130.G.3) to reduce the required 10% internal landscaping requirement to 8.4%.
- LU 02-132455 DZM: A 2002 Design Review with Modifications approval for non-conforming upgrade requirements for the parking areas of the Lloyd Center Mall.

Agency Review: A “Request for Response” was mailed on **May 18, 2016**. The following Bureau has responded with no issues or concerns:

- Bureau of Transportation Engineering (Exhibit E.1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 5, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Section 33.808.100 General Approval Criteria for Central City Parking Review

The request will be approved if the review body finds that the applicant has shown that all of the relevant approval criteria are met.

Only the approval criteria applicable to the proposal (Growth Parking in the Lloyd District) have been addressed below.

- A.** The proposal will not by itself, or in combination with other parking facilities in the area, significantly lessen the overall desired character of the area. The desired character of the area is determined by City-adopted area, neighborhood, or development plans; by Comprehensive Plan designations and zoning, and by allowed densities.

Findings for A: The Lloyd District is a unique, multi-dimensional neighborhood of the Central City that results in a complex urban environment. It contains a mixture of older small scale residential and commercial structures and more contemporary mid and high rise buildings. The area contains several “centers” of activity including the Lloyd Center, Convention Center, Rose Quarter, Broadway/Weidler Corridor and more recently Hassalo on Eighth Superblock development. These subareas are not well connected, either physically or visually. The area seeks to become a district with distinctive assets that are compatible with all its areas. It’s zoning, almost entirely Central Commercial (CX), is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. The area seeks to maximize transit services, which currently includes light rail on Holladay Street along the site’s southern

frontage, the Streetcar line several blocks to the west on NE 7th Ave, and several bus lines in the very near vicinity.

The proposed development with on-site parking is consistent with the dense urban development intended for this area and zoning in a number of ways. The proposal replaces a very large surface parking lot with below-grade and structured parking resulting in a more attractive and active streetscape. The design limits the number of vehicle access points, one on NE 13th and one on NE Multnomah, which consolidates the vehicular activity on the site providing a safer condition for pedestrians.

The extensive walkways and series of plazas facilitate pedestrian movement through the site, the district and to the adjacent transit facilities (Light Rail on Holladay, Streetcar on 7th, and bus lines on surrounding streets). The project includes bike parking throughout the site for residents, employees and visitors which exceeds the zoning code requirement. Together, these improvements will promote more pedestrian and bicycle modes of transport. As such, the proposed and future changes will not lessen the desired character of the Lloyd District. *This criterion is met.*

- B.** The transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on the transportation impact analysis and includes factors such as street capacity and level of service, on-street parking impacts, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety.

Findings for B: To address this approval criterion, the applicant submitted a formal Traffic Impact Study (TIS) associated with the related land use review application. In this case, the applicant is requesting to create 104 growth parking spaces and 438 residential parking spaces to serve the yet to be approved multi-use (residential and retail) development on the site. This development includes two new mixed-use buildings with 677 apartments, 12 live-work units and approximately 37,780 SF of retail uses. While all of the land uses associated with the proposed development (residential units and retail space) are allowed outright under Title 33, the Portland Zoning Code, it is the 104 retail parking spaces (below Building #2 and within the north-south driveway) that trigger the subject Central City Parking Review (CCPR) – the proposed 104 retail spaces exceed the 60 spaces allowed pursuant to PZC Section 33.510.264.A.3.b.

Street Capacity and Level of Service

With regard to the street capacity and level of service evaluation factor, the applicant's traffic consultant conducted a significant amount of analysis, which included conducting manual turning-movement counts related to five area intersections identified by (Portland Bureau of Transportation (PBOT) staff (micro-simulation analysis was also conducted). All level-of-service (LOS) analyses were performed in accordance with industry-wide accepted procedures stated in the 2000 *Highway Capacity Manual* (HCM - Reference 2).

The City of Portland (COP) defines the applicable intersection standards in Administrative Rule TRN 10.27 – Traffic Capacity Analysis for Land Use Review Cases as follows:

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. Level of service for two-way stop-controlled intersections is based on individual vehicle movement, and all-way stop controlled intersections is based on a weighted average of vehicle delay for the intersection.*

3. *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, or (2) adds vehicle trips to a facility that is already performing 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.”*

Oregon Department of Transportation (ODOT), the agency with authority over the nearby I-84 off-ramp at the intersection with Lloyd Boulevard, uses volume-to-capacity (v/c) mobility standard. Pursuant to the Oregon Highway Plan, ODOT supports a peak hour v/c ratio of 0.85 or less for freeway interchanges/ramp terminals.

Under *existing conditions*, the results of the analysis for the current operations of the five nearby (signalized and stop controlled) intersections indicate that all of the studied intersections currently operate acceptably under COP LOS standards and ODOT's v/c standard during the am and pm peak hours.

For the purpose of trip generation, the 12 live/work units were assumed to be residential units. Trip generation estimates for the residential element of this project were based on custom rates developed by the applicant's traffic consultant (Kittelson & Assoc, Inc [KAI]) for centrally located apartment developments in the city. The empirical data and assumptions used to develop these custom rates have been published by KAI and submitted to PBOT for adoption by administrative review. Also, a technical memorandum, prepared under separate cover, has been submitted to PBOT requesting support of these custom residential rates given the close similarities between the proposed project metrics and the apartments that were surveyed. PBOT has agreed that the project and the surrounding transportation conditions are consistent with the alternative rate study that the PBOT has also endorsed.

Trip estimates for the retail portion of this project are based on rates published in the Institute of Transportation Engineers, *Trip Generation Manual, 9th Edition* (ITE), which is a standard reference for the City of Portland. Trip rates for ITE land use code 820 (Shopping Center) were utilized to represent the retail nature of the development. A mode split reduction factor of 25% was applied to the site-generated trips to account for non-auto trips (i.e. transit, bike, or walk). This factor was applied because ITE's trip rates for Shopping Center uses reflect suburban conditions where auto trips are the primary travel mode, whereas the Lloyd District is a much more urban and transit-rich location. Use of the 25% reduction factor was seen as a conservative assumption when compared with transportation demand model output received for a sub-area of the Lloyd District, a review of the most recent 2013 Census data which shows a 45% non-auto trip pattern for Lloyd District residents during commute periods, and considering that an even higher mode split

goal will likely be established for this project within the TDM plan, which must also be approved by PBOT.

As identified in the submitted TIS, all apartments and the retail use associated with the 60 (non-residential) parking spaces permitted under Code are expected to generate a total of 2,270 daily net new trips, 163 of which are expected to occur during the weekday a.m. peak hour and 217 of which are expected to occur during the weekday p.m. peak hour. Because these trips are not subject to CCPR review, these trips were included as part of the TIS' background traffic analysis.

Development associated with the 44 additional retail parking spaces is expected to generate a total of 507 net new average weekday trips, 11 net new weekday a.m. peak hour trips and 30 net new weekday p.m. peak hour trips. These net new trips are subject to CCPR review, and therefore, are included as part of the total traffic conditions analysis. Additionally, there are residual pass-by trips that will occur during the weekday p.m. peak hour at the site access locations only.

Based on selected trip distribution patterns and site traffic assignments, which PBOT supports, future background traffic volumes and conditions were developed for the study intersections by applying a conservative 1% annual growth rate to the existing traffic volumes (COP traffic model indicates a lower annual traffic growth rate of 0.5% per year), by accounting for the in-process trips associated with three large-scale approved developments nearby and by accounting for only the allowed outright residential and retail trip components of this development project (i.e. those site trips not associated with 44 extra retail parking spaces and not subject to the CCPR). All study intersections and proposed site accesses are projected to operate acceptably under *background conditions* and meet both the COP's LOS standard as well as ODOT's v/c ratio mobility standard.

The total traffic conditions analysis forecasts how the study intersections and site accesses will operate with the inclusion of traffic from retail trips associated with the 44 additional parking spaces that trigger this CCPR. Year 2018 total traffic volumes were derived by adding all residual site-generated trips associated with the 44 additional retail parking spaces to the 2018 background traffic volumes. As with the previous two scenarios, in relation to *total traffic conditions*, all of the study intersections and proposed site accesses are projected to operate acceptably and meet both the COP's LOS standard as well as ODOT's v/c ratio mobility standard.

The applicant has clearly demonstrated to PBOT's satisfaction that this evaluation factor is met

On-Street Parking Impacts

Based on field observations, current on-street parking demand in the site vicinity consists of daily short-term parking associated with the Lloyd Shopping Center north of the site, the businesses along NE Holladay to the southwest and Holladay Park west of the site. On-street parking is currently provided only at intermittent locations along the NE Multnomah frontage due to the presence of cycle tracks and a bus pull-out, with 4 parking spaces on the south side of the street. These spaces have a 2-hour time restriction. Along the site frontage of NE 13th Ave there are approximately 19-21 parking spaces on both sides of the street, with spaces signed for a 5-hour time restriction. No on-street parking is provided along NE 15th Ave, NE 16th Dr, or NE Lloyd Ave. Some parking is provided on the south side of NE Holladay southwest of the project.

Based on the conceptual layout of the project, 10-14 additional parking spaces may be realized along the site frontage of NE Multnomah St, with a redesign of the existing bus

stop and removal of two site access driveway curb cuts. No changes to the parking supply are envisioned for NE 13th Ave, even with the closure of the existing site driveway and construction of the new private street access. The proposed project will also provide additional but not excessive parking in two separate sub-grade structures to serve the residential and retail uses. The additional on-site parking will add no additional demand to the on-street parking system and is designed to serve the allowed retail parking generated. In addition, the north-south driveway within the project will incorporate six parallel surface parking spaces, resulting in a net increase in overall on-street parking capacity in this area.

The applicant has clearly demonstrated to PBOT's satisfaction that this evaluation factor is met.

Access Requirements

In relation to the intersection capacity analysis provided in the TIS and as identified previously in this response, all study intersections, including the proposed site accesses to NE Multnomah St and NE 13th Ave, are expected to operate acceptably with traffic signal control maintained at the former and stop control established for the egress movements out of the site at the latter. Furthermore, field observations suggest that adequate intersection sight distance can be provided at both site access locations, assuming any new landscaping, signage or above-ground utilities along the site frontages are installed and maintained to provide clear vision.

Also included in the TIS is a signal warrant analysis for a signal upgrade at the intersection of NE Multnomah with the site access driveway at the eastern end of the site as well as an upgrade to the signal at the intersection of NE Multnomah/NE 15th Ave. The upgrades to these intersections must be approved by multiple sections/managers within PBOT, which will not be initiated until a Public Works Permit is submitted by the applicant. Preliminary review of the analyses by the first responsible agency reviewer suggests that the signal upgrades will meet the nationally accepted warrants – however, additional review and support will be necessary. This will occur once the applicant initiates the Public Works process. Part of the Public Works process will involve the applicant to submit plans and supporting documentation for the necessary ROW improvements associated with the project – including the signal upgrades and associated infrastructure.

There are no other access requirements or restrictions necessary, this evaluation factor is met.

Impacts on Transit Operations and Movement

The subject site is sandwiched between transit services along the site's northern and southern boundaries. Tri-Met bus route #70 (12th/NE 33rd Ave) has service along NE Multnomah with a stop at the north-west corner of the site. Tri-Met offers regional MAX light-rail service along the site's southern boundary abutting NE Holladay with a nearby stop just west of Holladay Park.

The existing bus stop at the northwest corner of the site is somewhat problematic because apparently, a portion of the stop is located on the subject site and within proximity of the proposed development. The applicant has worked with PBOT and Tri-Met to relocate this stop further east along the site's frontage and entirely within the public ROW – both agencies are supportive of the relocation.

Accordingly, there will be no impacts on transit operations or movement associated with this project – this evaluation factor is met.

Impacts on Immediate and Adjacent Neighborhoods

Adverse impacts related to intersection operations and on-street parking are directly attributable to impacts on neighborhoods. As previously documented in these findings and as evidenced by the professionally prepared TIS, the proposed development on the subject site will not result in impacts to intersection operations or to on-street parking. Further, with the anticipated intersection upgrades and sidewalk corridor reconstruction to current City standards, PBOT expects that these improvements will only benefit the surrounding area.

PBOT therefore does not anticipate any impacts to the immediate or adjacent neighborhoods; this evaluation factor is met.

Pedestrian and Bicycle Safety

Though a robust system of existing sidewalks exist around the subject site and beyond, as mentioned previously, the site's frontages will be enhanced by standard sidewalk corridors that will also be constructed consistent with the Lloyd District Design Standards. The project is also expected to maintain the existing protected pedestrian crosswalks at the three external signalized intersections around the site. These crossing locations are strategic in that they will connect the project with other adjacent destinations and attractions, such as the businesses and light rail station along NE Holladay St to the southwest, Holladay Park to the west, and the Lloyd Shopping Center to the north.

In combination with these crossings and the improved sidewalks along the external street frontages, the proposed pedestrian plaza through the subject site and the addition of sidewalks provided along the two internal private streets will create a series of alternative routes that will offer a safe, more direct, and pleasant walking experience away from heavy traffic flows and freight vehicles as well as commuter traffic.

The existing bicycle facilities surrounding this project site are sufficient to accommodate the proposed retail uses and associated parking needs. NE Multnomah St, NE Lloyd Blvd, NE 16th Drive and NE 15th Avenue are all classified as *City Bikeways* and have established bicycle lanes or higher functioning facilities (e.g. cycle track and buffered bike lanes) that form major east-west and north-south bike corridors in the Lloyd District. In addition, the City of Portland is in the early stages of planning a new walking-biking path across I-84 southwest of the site, with a potential crossing point at NE 7th Ave or NE 9th Ave. Once established, this path will provide a very important link with the Central Eastside Industrial District (CEID) to the south.

This project will provide more bicycle parking than is required by the Zoning Code. Although a minimum of 1,038 long-term bicycle parking spaces (1034 residential plus 4 retail) are required by code, the proposed plan will provide 1,075 long-term spaces. The long-term bicycle parking spaces will include 720 spaces in secure bike rooms on the ground floors of Buildings #1 and #2 and 355 spaces located throughout the two garages. In addition, the Zoning Code requires 43 short-term spaces (35 residential and 8 retail), while the proposed plan will provide 50 spaces located throughout the plaza area. 30 additional bicycle parking stalls will be provided within the public right-of-way along NE Multnomah St and/or NE 15th Ave. The effect of providing a more ample supply of on-site bike parking for retail uses will be attractive not just to project residents but other residents in the area (such as those living in established neighborhoods to the east) and employees from surrounding businesses. Based on the findings above, the provision of additional retail parking within the proposed parking structures will not affect the existing adequacy of the pedestrian or bicycle system.

This evaluation factor is met.

- C. The parking facility is in conformance with the street classifications of the Central City Plan District and the Central City Transportation Management Plan.

Findings for C: At this location, the streets surrounding the subject site are classified as follows in the City's Transportation System Plan:

- NE Multnomah: Traffic Access street, Transit Access street, City Bikeway, City Walkway and a Local Service street (Street Design mode).
- NE 13th Ave: Transit Access street and a Local Service street for all other modes.
- NE 16th Dr: Major City Traffic street, Transit Access street, City Bikeway, City Walkway and a Community Corridor.

Major City Traffic streets are "intended to serve as the principal routes for traffic that has at least one trip end within a transportation district. Major City Traffic Streets should serve as primary connections to Regional Traffic-ways and serve major activity centers in each district".

Traffic Access street are "intended to provide access to Central City destinations, distribute traffic within a Central City district, provide connections between Central City districts, and distribute traffic from Regional Traffic-ways and Major City Traffic Streets for access within the district. Traffic Access Streets are not intended for through-traffic with no trip ends in the district".

Transit Access street are "intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas. Provide safe and convenient pedestrian and bicycle access to transfer points and stops and along Transit Access Streets".

City Bikeways are "intended to serve the Central City, regional and town centers, station communities, and other employment, commercial, institutional, and recreational destinations. Auto-oriented land uses should be discouraged from locating on City Bikeways that are not also classified as Major City Traffic Streets. Destinations along City Bikeways should have long-term and/or short-term bicycle parking to meet the needs of bicyclists".

City Walkways are "intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit.

City Walkways should serve areas with dense zoning, commercial areas, and major destinations. Where auto-oriented land uses are allowed on City Walkways, site development standards should address the needs of pedestrians for access".

Community Corridor streets "are designed to include special amenities to balance motor vehicle traffic with public transportation, bicycle travel, and pedestrian travel. Community Corridors are located along transit corridors and between segments of Community Main Streets. Commercial and multifamily development should be oriented to the street where the street also has a transit designation".

Local Service streets are "intended to distribute local traffic and provide access to local residences or commercial uses. Auto-oriented land uses are discouraged from using Local

Service Traffic Streets as their primary access. Local Service Traffic Streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas and main streets”.

The proposed parking facility is in conformance with the street classifications of the Central City Plan District and the Central City Transportation Management Plan – the above referenced goals and objectives will not be compromised.

This approval criterion is satisfied.

K. If the site is in the Lloyd District Subdistrict, Goose Hollow Subdistrict, Central Eastside Subdistrict, Lower Albina Subdistrict or River District Sectors 1 or 2:

1. If the proposal is for Growth or Visitor Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. In addition:
 - a. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking; and
 - b. If the proposal is for Growth Parking to serve office uses, and there are more than 60 spaces included that will serve non-office uses: The parking management plan ensures that there is operational or physical separation of the office and non-office parking, so that the office users do not have access to the non-office parking.
3. If the proposal is for Growth or Preservation Parking for non-office uses, and there will be more than 60 spaces on the site:
 - a. There will not be a significant adverse impact on transit operations;
 - b. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation; and
 - c. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact.

Findings for K.1 and K.3: The applicant submitted a comprehensive Transportation Demand Management Plan and Parking Plan in relation to this land use review request. Staff from PBOT’s Active Transportation and Safety Division have reviewed the Plan(s) and are highly supportive of the applicant’s efforts. With the addition of additional incentives, the proposed Plan(s) will be effective in addressing the goals providing alternatives to reducing single-occupancy vehicle trip generation associated with the proposed project. PBOT will recommend a condition of approval that the applicant implement the Plan(s) upon occupancy of the new building(s).

Compliance with Section 33.808.100 K.3 was previously addressed in the following adequacy sections (pedestrian, bicycle, transit, and street systems) in Findings for B, above. These sections demonstrate that the 104 retail parking spaces, including the 44 spaces in excess of allowed 60 spaces, will *“not be a significant adverse impact on transit operations, not be a significant adverse impact on the operation and safety of vehicular and bicycle circulation, and not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment.”*

The above referenced approval criteria are satisfied.

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

Based on the information and TIA provided by the applicant, and as conditioned to implement the Transportation Demand Management Plan approved by PBOT, the request is able to meet the applicable criteria and 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 a Central City Parking Review for 104 parking spaces dedicated to retail uses (Growth Parking) within the 1400 NE Multnomah Lloyd Development in the Lloyd sub district of the Central City plan district.

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 16-140108 PR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant shall implement the submitted Transportation Demand Management Plan (and Parking Plan) that was submitted in relation to this land use proposal with the recommended amendments suggested by PBOT's Active Transportation and Safety Division upon building occupancy.

Procedural Information. The application for this land use review was submitted on March 24, 2016, and was determined to be complete on May 12, 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 March 24, 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 waived the 120-day review period, as stated with Exhibit A.1).

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, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged.**

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.

- 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.

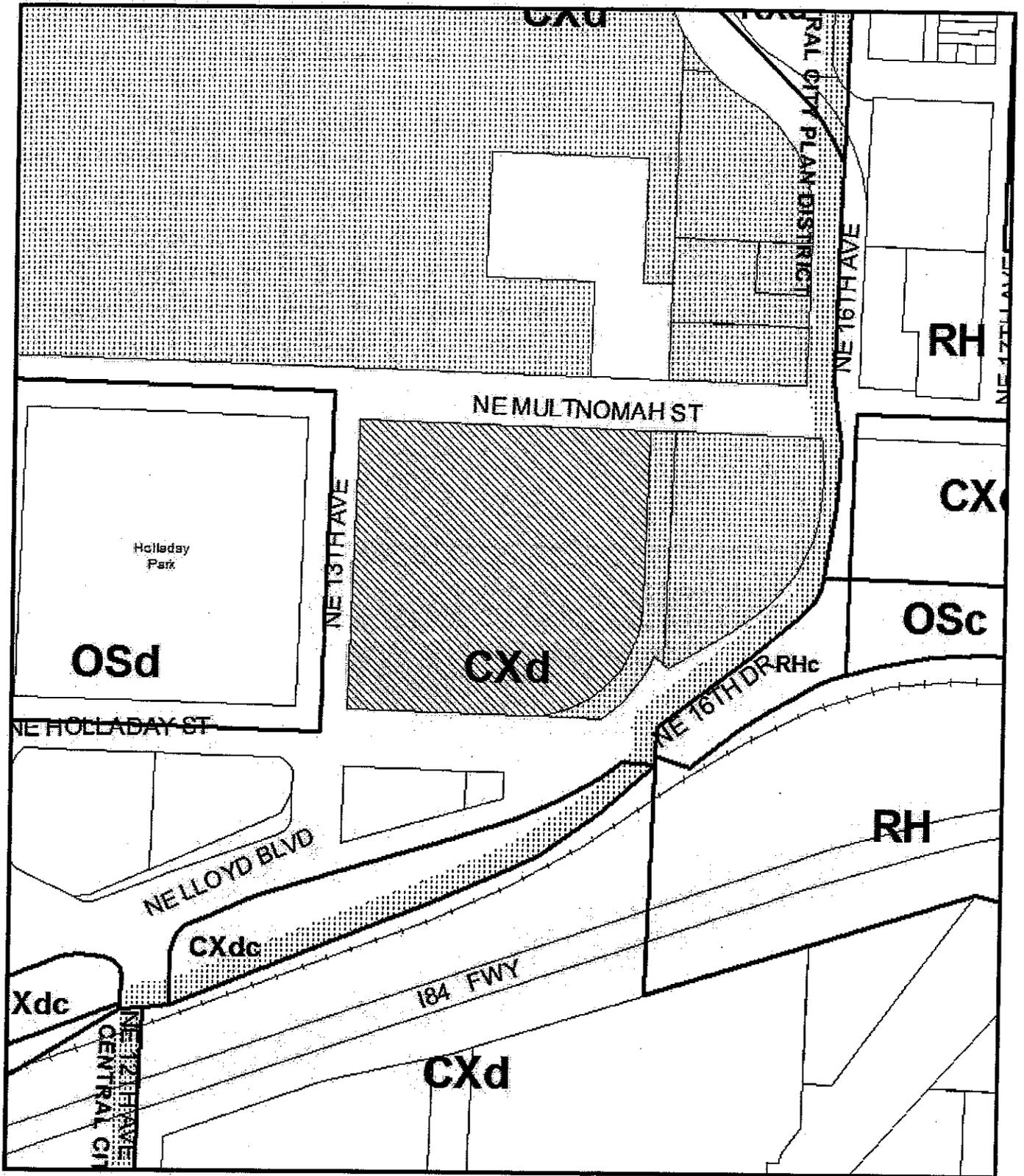
Planner's Name: Staci Monroe

Date of Revised Report: July 27, 2016

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. 120-day waiver signed
 - 2. CCPR Study prepared by Kittelson & Associates dated 3/18/16
 - 3. CCPR Study prepared by Kittelson & Associates dated 5/3/16
 - 4. Updated CCPR Study prepared by Kittelson & Associates dated 6/22/16
 - 5. Trip Generation Rates Study prepared by Kittelson & Associates dated 6/22/16
 - 6. Truck Turn Movement Diagrams received 6/24/16
 - 7. Signed form by applicant to reschedule hearing
- B. Zoning Map (attached)
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Mezzanine Plan (attached)
 - 3. Basement Plan (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 Transportation Engineering and Development Review
- F. Letters: none
- G. Other:
 - 1. Original LUR Application

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



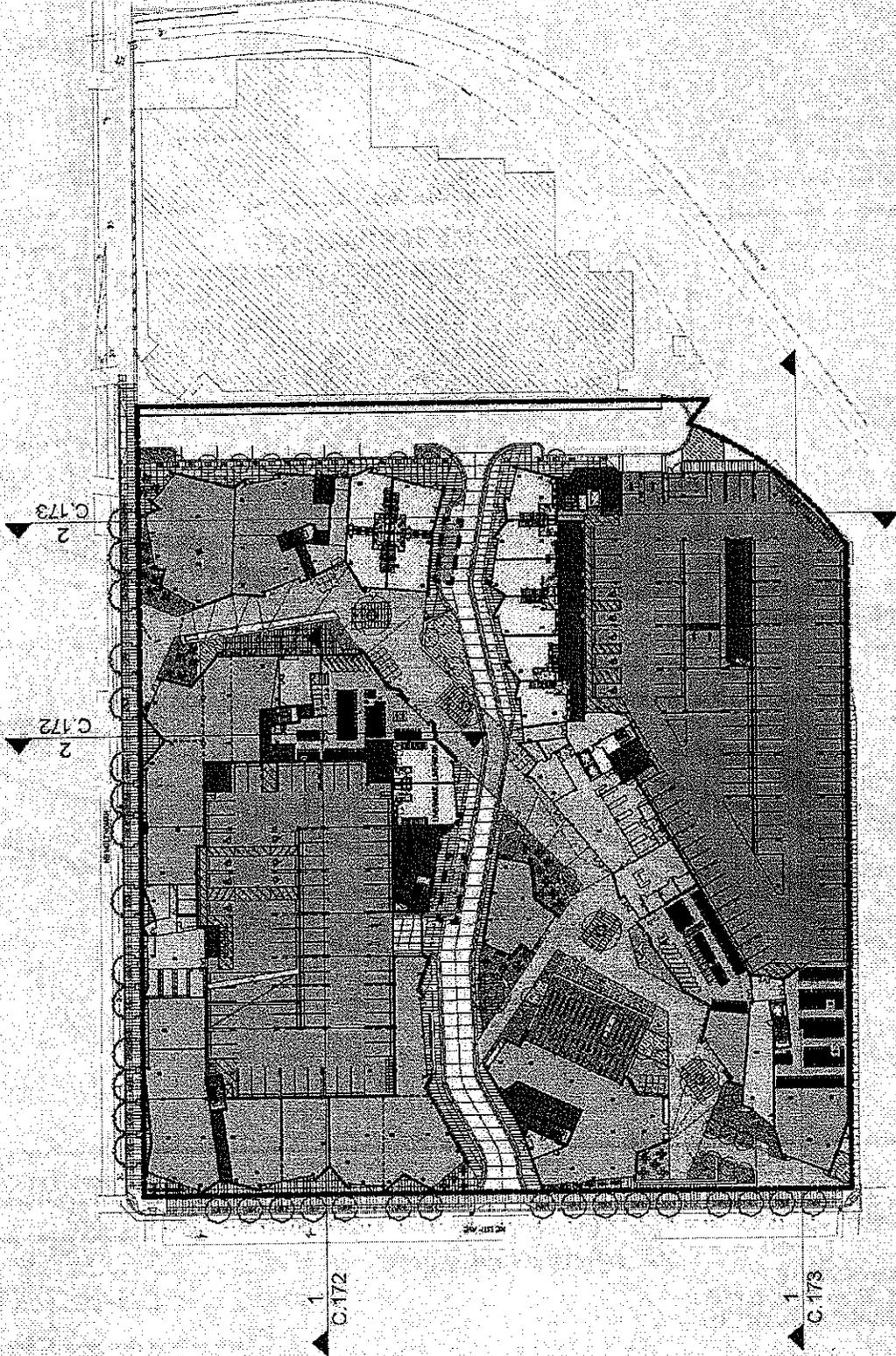
This site lies within the:
CENTRAL CITY PLAN DISTRICT
LLOYD DISTRICT SUBDISTRICT

-  Site
-  Also Owned Parcels

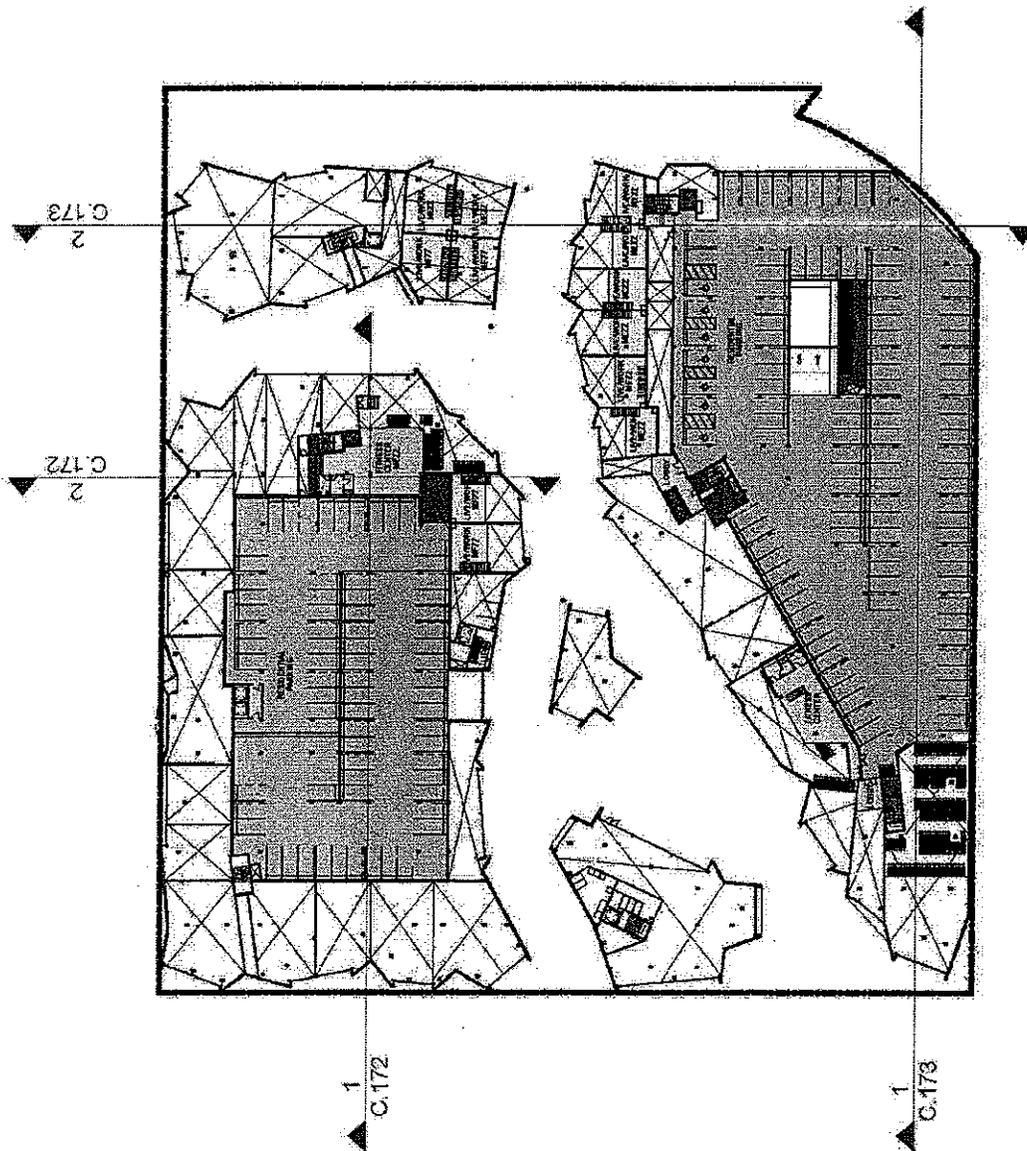
File No. LU 16-140108 PR
 1/4 Section 2931 2932
 Scale 1 inch = 200 feet
 State Id 1N1E35BA 00500
 Exhibit B (Mar 24, 2016)

LEGEND

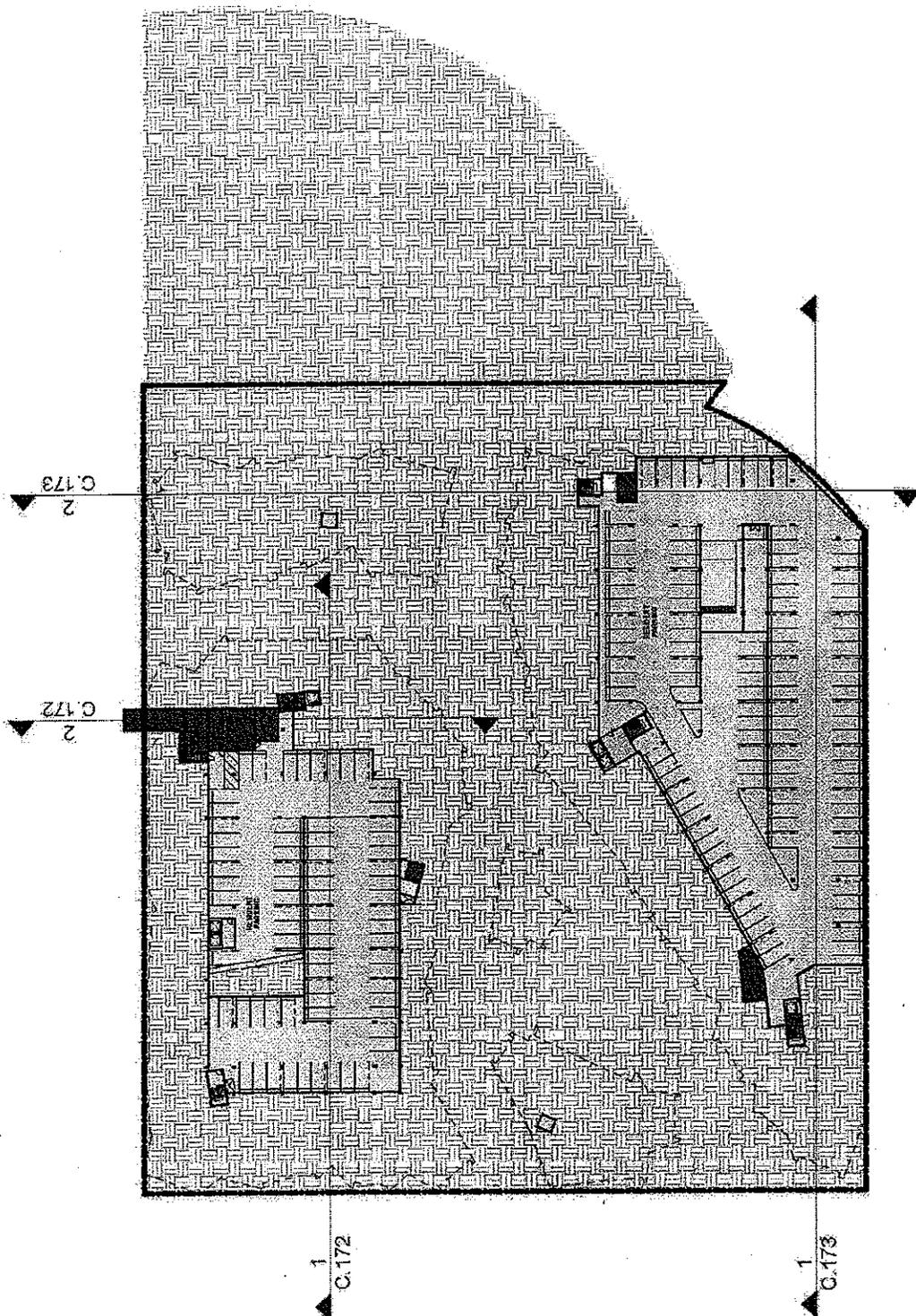
[Symbol]	ACTIVELINE
[Symbol]	LANDMARK
[Symbol]	CHRYSLER BUILDING ADAPTATION
[Symbol]	BIKE PARKING
[Symbol]	BACK OF HOUSE (BOH)
[Symbol]	PPR (R&B)
[Symbol]	LOADING



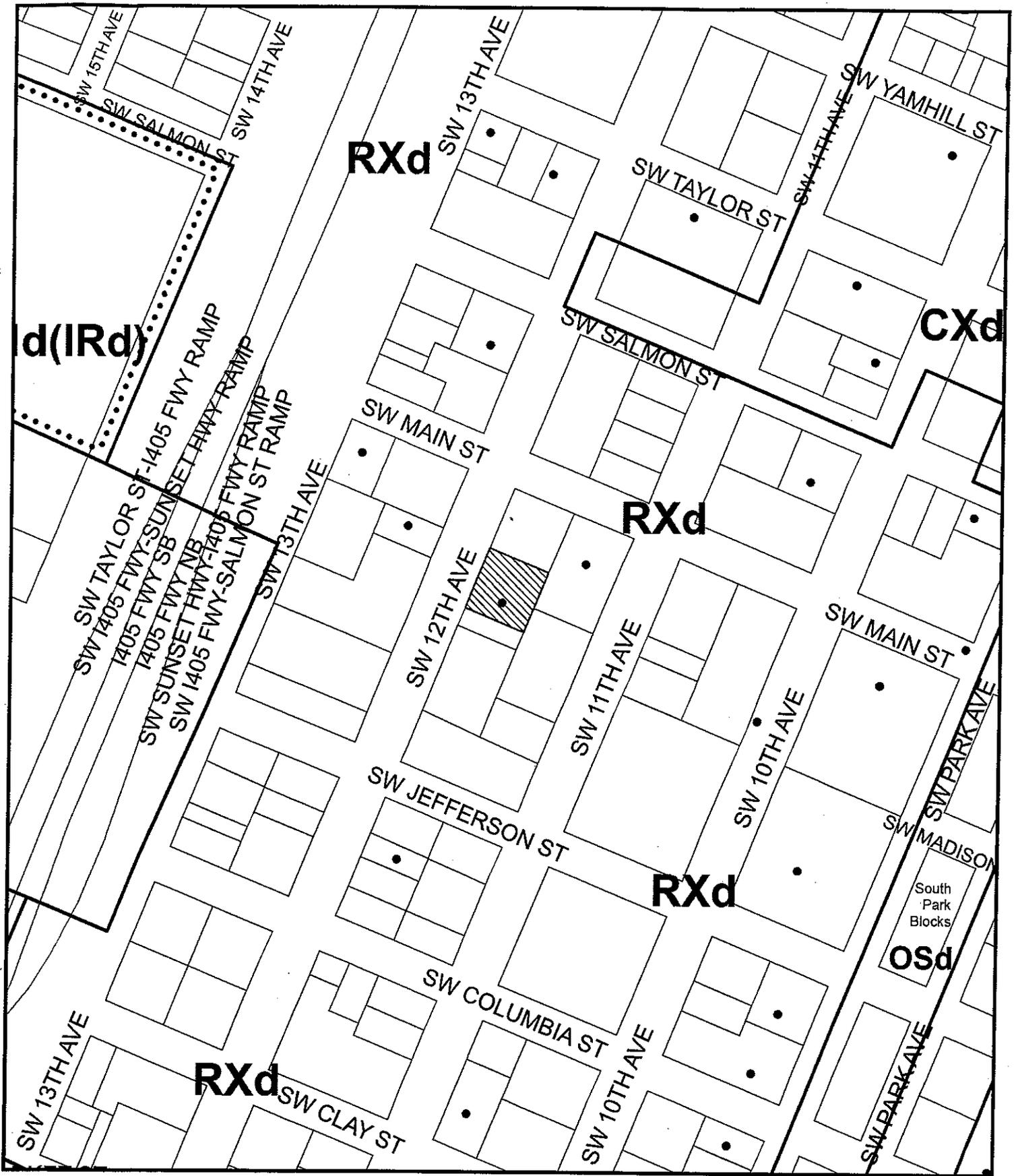
Site Plan (1/64"=1')



Mezzanine Plan (1/84"=1')



Basement Plan (1/64"=1')



ZONING

-  Site
-  Historic Landmark

This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 WEST END SUBAREA



NORTH

File No.	<u>PR 16-211252 DM</u>
1/4 Section	<u>3128</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E04AA 5000</u>
Exhibit	<u>B</u> (Jul 28, 2016)