

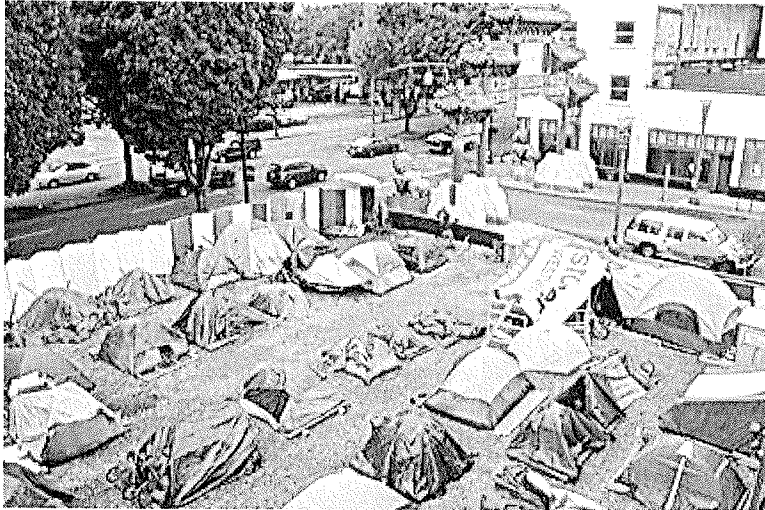
**OregonLive.com**

Everything Oregon

Homeless camp in downtown Portland brings organizer back into conflict with city

Molly Hottle, The Oregonian By **Molly Hottle, The Oregonian**

on October 14, 2011 at 3:06 PM, updated January 18, 2012 at 4:40 PM

[View full size](#)

Benjamin Brink, The Oregonian

The Right2Dream Too homeless camp has sprouted at West Burnside Street and Northwest Fourth Avenue. The city says the gathering, just east of the Chinatown gate, violates several laws.

Ibrahim Mubarak is familiar with both homelessness and run-ins with the law.

The 55-year-old is known for helping the homeless population in Portland, after being homeless himself off and on for years. He also has a criminal past, including drug and disorderly conduct convictions.

His latest conflict with the authorities, however, involves a homeless camp he opened Monday in downtown Portland, next to the **Chinatown** gate. Through his newly organized nonprofit **Right2Dream Too**, Mubarak started a new service: creating a camp on private property where

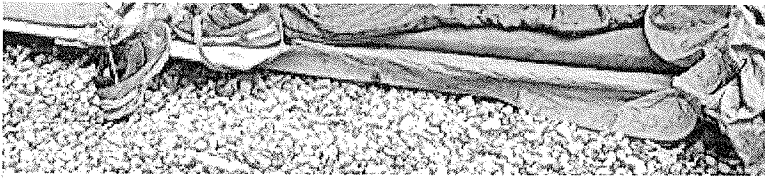
homeless people can come to rest under shelter.

But the gathering, on a vacant gravel lot at West Burnside Street and Northwest Fourth Avenue, has pitted organizers against city officials who say it is an illegal campground.

Mubarak and Michael Wright, the owner of the lot, say they're only getting the homeless out from the doorways and under some shelter. And besides, another campsite recently popped up across downtown -- occupying two city parks right next to City Hall -- that authorities seems to be fine with.



"We're going to stay there and continue to do what we need to do, what we're compelled to do," said Mubarak, who opened the camp on World Homeless Action Day. "They're going to have a fight on their hands if they try to kick us out."



View full size

Benjamin Brink, The Oregonian

Karen Creed, 49, and Billi Creed, 36, debate how to dry out their mattress, which got soaked during rain this week. The two were among the first campers to move in and used two shopping carts to create shelter for themselves and their dogs, Berry and Good Girl (left). The Creeds are hoping for a warm, sunny day and for one of the tents recently donated to the camp.

Mubarak has aided in several homelessness projects, including helping to establish the **Dignity Village** tent city on Portland's east side and co-founding the nonprofits **Right2Survive** and **Right2Dream Too**. His legal problems include convictions for possessing and dealing drugs. He has had several run-ins with police for disorderly conduct and possessing drugs in a drug exclusion zone,

among other charges.

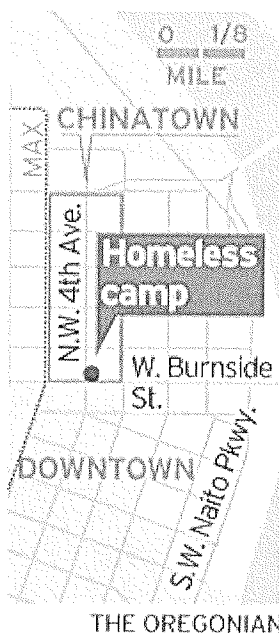
He says he is a different person now and doesn't worry about his past tarnishing his leadership at the camp.

"We all do things," he said. "I changed my ways. I don't do that anymore. Anyone can become a leader if you change your ways."

Wright has had his own conflicts with city officials. He has encountered numerous issues with developing the lot, which has been empty since 2007 when the city forced him to tear down two buildings there.

In 2010, Wright set up the space for a food cart pod, but the city told him the carts could not operate on gravel. They also said the land couldn't be paved because of a downtown moratorium on new parking lots.

So when Mubarak approached him recently about renting the unused space for the homeless camp, he said yes. Wright said he'd rather fill the space with a business or other investment, but he's had too much trouble with the spot to pass up the opportunity.



"It's my property, and I'm willing to let them be out of the rain and out of the doorways," Wright said. "They're not even trespassing on my property, and they have a lease."

Mubarak said he plans to keep the camp there until the land is sold.

"We got permission from the landowner to set this up so we can have houseless people come and get a decent rest," Mubarak said. "As I was walking (around town), I kept seeing the houseless people, and I know people get moved and don't get to sleep."

Ross Caron, the city's **Bureau of Development Services** spokesman, said the camp violates several laws. The organization does not have a building permit for the wall of old doors that separates the camp from Burnside, and overnight camping is not allowed anywhere in Portland, even on private property.



View full size

"We said we would look at this further," Caron said. "Can you operate a homeless shelter in another fashion? That remains to be seen."

Caron said the bureau was not contacted about construction of the camp, nor were organizers "very open to sharing information with us" when inspectors talked to them on the property.


A complaint about the camp and media inquiries tipped the bureau off, Caron said.

Mubarak pointed to the **Occupy Portland** protesters across town, saying the city is not quickly pushing them out of their illegal encampment.

"They're allowing other people to have tents," he said. "They're allowing (homeless people) to sleep on the street, to sleep outside and be attacked by the cold."

Late this week, 42 tents had been set up on the property. Mubarak said people are welcome to the site anytime but added that it's only temporary. Right2Dream Too staff will monitor the camp, and a code of conduct is asked of visitors, including abstaining from fighting, stealing and using drugs and alcohol.

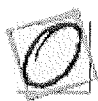
Staff at the camp will provide information to homeless people about services available to them.



"It's more than a place to sleep," Mubarak said. "A lot of people who are on the street don't know where to go to get help."

-- **Molly Hottle**

© 2013 OregonLive.com. All rights reserved.



OregonLive.com

Everything Oregon

Right 2 Dream Too homeless camp residents seek to change Portland policy

Rebecca Koffman, Special to The Oregonian By Rebecca Koffman, Special to The Oregonian

on December 14, 2012 at 7:00 AM, updated August 27, 2013 at 6:29 PM

Loading Photo Gallery

An ongoing conflict over the location of Right 2 Dream Too, a makeshift homeless tent city in the middle of **Old Town Portland**, heated up this week.

Business owners near the homeless camp, established in October 2011 at Northwest Fourth Avenue and Burnside Street, acknowledge the campers are good neighbors, but feel that the camp itself harms livability and business.

David Gold, whose project to redevelop the Grove Hotel is partly financed by the city, argues the camp's location threatens the success of his project. Against this backdrop, the property owners and tenants of **Right 2 Dream Too sued** the city Monday, arguing the camp is not recreational and should not be subject to monthly city fines.

The campers run a tight ship. No one gets past the roped reception area without scrutiny. Visitors must sign in, and people looking for a bed for the night are escorted by a camp member to the men's tent, the couples' tent or the women's tent.

There's a separate area, just behind the 24-hour reception desk - they don't like to use the word security - where battered women, some of them escaping from dangerous situations, sleep.

And there are rules: no alcohol, drugs, violence, threats of violence or discrimination of any sort.

Long-term residents, or members, sleep in their own individual tents set up behind the communal tents for visitors. Between 60 and 80 people sleep at the camp every night. There's a garbage bin, two portable toilets, a clothes closet with donations, a covered smoking area, and a well-furnished kitchen with fully stocked pantry, knife block, and pots and pans hanging from one tent wall. At this time of year, big puddles are everywhere. Keeping clothing and bedding dry requires constant vigilance. An orange warning cone marks a large, deep puddle.

Members have jobs - taking a shift at reception, cleaning up the camp or the streets surrounding it.

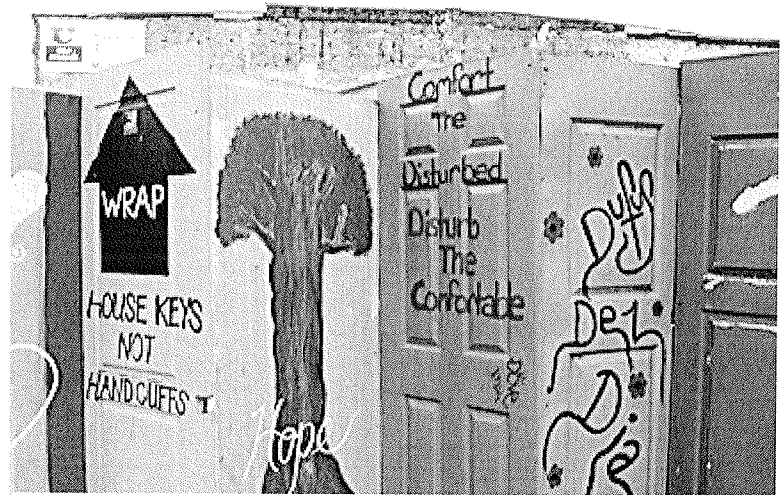
"We clean outside the restaurants on our block," Dale Hardway says. "That explains our love/hate relationship with our neighbors," he says. "They like what we do, but they don't like our location."

\$1 lease

Right 2 Dream Too leases the land for \$1 a year from Michael Wright and his partners, Linda, Daniel and Donna Cossette.

The city deems the site a recreational campground and, acting on complaints from the public, has been fining the property owners \$1,346 a month for code violations. Fines are nearing \$10,000.

Gold last week sent a letter urging the city to come up with a long-term solution to the campsite. And acting on advice, he says, from the offices of Mayor Sam Adams and Commissioner Dan Saltzman that more complaints will spur further city action, he attended an **Old Town Chinatown Neighborhood Association** meeting to urge members to step up complaints about the campsite.



The Right 2 Dream Too camp at Northwest Fourth and Burnside is well-organized with a roped reception area, and rules against alcohol, drugs and violence. The doors that block off the traffic side of the camp have mostly been decorated with themes that speak to homelessness and poverty.

Benjamin Brink/The Oregonian

Gold plans to turn the Grove Hotel, opposite the campsite, into a youth hostel. He says he will not be able to pay his mortgage without rental income from leasing ground-floor space to a restaurant.

But a restaurant there would overlook the campsite. So as long as the campsite is there, he says, he will not get a tenant.

The city also has a stake in the success of the youth hostel project. The **Portland Development Commission** has approved a proposal to loan Gold and his partners almost \$2.65 million for the project.

The city acquired the building from **Home Forward**, the Portland housing authority, in 2010 for \$3.71 million. A 2012 appraisal puts the building's value at \$660,000. But officials approved selling it to developers for \$555,000, citing a deduction to replace the roof.

Gold argues that the city should enforce its own land-use regulations.

Land-use debate

Land-use definitions are at the heart of the lawsuit filed Monday by Right 2 Dream Too property owners and tenants against the city, Saltzman and Paul Scarlett, director of the **Bureau of Development Services**. The suit asks a judge to declare that the city's designation of the site as a recreational park is invalid and to waive all fines. It also argues the site should be designated as transitional housing accommodation under Oregon law, which allows for two such sites within a city; the first is Dignity Village.

Howard Weiner, owner of Cal Skate Skateboards in Old Town and chairman of the Old Town Chinatown Public Safety and Livability Committee, hopes the lawsuit will spur substantive public policy discussions about ways to deal with homelessness.

He says that he admires and is supportive of the good work done by campers, but he has never supported their location. The developer has "every right to develop the property across the street from camp," he said.

What is lacking, he feels, is city leadership. We really need to have discussions about alternative solutions, to deal with homelessness. "We need a champion in the city."

– **Rebecca Koffman**

© 2013 OregonLive.com. All rights reserved.



Right 2 Dream Too homeless campers sue city of Portland to end fines

Rebecca Koffman, Special to The Oregonian By Rebecca Koffman, Special to The Oregonian

on December 10, 2012 at 4:09 PM, updated December 10, 2012 at 5:43 PM



[Enlarge](#)

The Associated Press

The Grove Hotel (rear left) rises near the entrance to Old Town Chinatown and across the street from the Right 2 Dream Too homeless camp. The Old Town neighborhood association is urging the city to come up with a long-term solution for the homeless camp (front left). Benjamin Brink/The Oregonian

[Right 2 Dream supporters march on city hall](#) gallery (13 photos)

Homeless people and supporters marched on **Portland City Hall** on Monday morning after filing a lawsuit that argues their downtown camp is not recreational and should not be subject to a monthly city fine.

About 100 people, many of them campers at the **Right 2 Dream Too** homeless camp at Northwest Fourth Avenue and Burnside Street, gathered to hear lawyer Mark Kramer explain that he had filed a lawsuit Monday "on behalf of unified tenants and landlords against an unsympathetic city."

Right 2 Dream Too leases the land for \$1 per year from landlords Michael Wright

and his partners, Linda, Daniel and Donna Cossette.

The suit states that Right 2 Dream too is not a recreational campsite, as the city deems it.

"Right 2 Dream Too is not a Boy Scout Camp or a KOA, it's a temporary shelter, there because the city cannot meet people's housing needs," Kramer said to cheers from the crowd, some of whom carried signs. "Camping for survival is not recreation," said one sign, and "Housekeys not Handcuffs," said another.

Property owners of the campsite, established in October 2011, are being fined \$1,346 per month by the **city's Bureau of Development Services** for violating recreational campground codes. Fines, which campers are expected to pay from donations they receive, are currently nearing \$10,000.

The suit asks the judge to declare that the campsite is not a recreational park and waive all fines. It also argues the site should be designated as transitional housing accommodation under Oregon law, which allows for two such sites within a city – the first is Dignity Village.

Recently the campsite has come under increased scrutiny since developer David Gold, along with the Old Town Chinatown Neighborhood Association, sent a letter last week urging the city to come up with a longterm solution to the campground.

Gold plans to turn the **Grove Hotel**, opposite the campsite, into a youth hostel. The Portland Development Commission has approved a proposal to loan Gold and his partners almost \$2.65 million for the project.

Gold says that the success of his project depends on leasing ground floor space to a restaurant. But a restaurant there would overlook the campsite. So as long as the campsite is there, he says, he will not get a tenant. Speaking several days before the rally, he said that city officials had told him that more complaints would spur the city to action.

Camp landlord Michael Wright, interviewed at the rally, said that "the city listens to people with power and money; they need to listen to people like this who have come together to do something good at that site."

After the speeches the Dreamers, as they call themselves, surged into city hall aiming to present their lawsuit to city commissioners. Security guards, unable to stop them getting inside, blocked them in the lobby. The police were called and briefly shut down the street outside.

In all the confusion, camp founder Ibrahim Mubarak managed to get up to the mayor's office to present the suit.

The mayor's reaction?

"He told us that he would be passing it along to the next mayor," Mubarak said.

– **Rebecca Koffman**

© 2013 OregonLive.com. All rights reserved.

PortlandMaps

[New Search](#) | [Mapping](#) | [Advanced](#) | [Google Earth](#) | [Help](#) | [PortlandOnline](#)
700-899 NW LOVEJOY ST - PEARL - PORTLAND
[Explorer](#) | **[Property](#)** | [Maps](#) | [Projects](#) | [Crime](#) | [Census](#) | [Environmental](#) | [Transportation](#)
[Summary](#) | [Assessor](#) | **[Permits/Cases](#)** | [Block](#) | [Schools](#) | [Parks](#) | [Development](#) | [Garbage/Recycling](#) | [Noise](#) | [Historic Permits](#) | [Water](#) | [Documents](#)
Permit/Case Report[Understand this Report](#)

Permit/Case Number	2013-205198-000-00-DR
IVR Number	3365425
Permit/Case Type	Development Review Parking Lot (no structure) Alteration
Work/Case Description	DEVELOPMENT REVIEW FOR A RECREATIONAL PARK
Issue Date	
Final Date	
Latest Activity	9/16/2013
Status	Application

Activities	Must Check	Activity Status	Last Activity	Completed	Staff Contact
Application					
DR Application Intake	Y	Open	09/16/2013		Staff Contact
P & Z - Property Check	Y	Open	09/16/2013		Staff Contact
Issuance/Intake					
Intake - DSC	Y	Open	09/16/2013		Staff Contact
Addressing					
Assign Address	Y	Open	09/16/2013		ADDRESSING 503-823-7379
Multnomah County					
County Right of Way Review	Y	Open	09/16/2013		DOCUMENT SERVICES 503-823-7357
County Zoning Review	Y	Open	09/16/2013		DOCUMENT SERVICES 503-823-7357
Hillside Development Review	Y	Open	09/16/2013		DOCUMENT SERVICES 503-823-7357
County Floodplain Review	Y	Open	09/16/2013		DOCUMENT SERVICES 503-823-7357
Planning and Zoning					
Planning and Zoning Review	Y	Open	09/16/2013		DSC PLANNING 503-823-7526
Erosion Control					
Erosion Control Plan Review	Y	Open	09/16/2013		DSC PLANNING 503-823-7526
Site Development					
Site Development Review	Y	Open	09/16/2013		SITE DEVELOPMENT 503-823-6892
Fire Bureau					
Fire Plan Review	Y	Open	09/16/2013		FIRE
Environmental Services					
BES Environmental Review	Y	Open	09/16/2013		BES 503-823-7761
BES Source Control Review	Y	Open	09/16/2013		BES SOURCE CONTROL 503-823-7122
Multnomah Drainage Districts					
Multnomah Drainage Districts	Y	Open	09/16/2013		Multnomah Drainage Districts 503-281-5675
Transportation					
Trans - Street Systems Review	Y	Open	09/16/2013		PDOT 503-823-7002
Transportation SDC Review	Y	Open	09/16/2013		PDOT 503-823-7002
Water Bureau Review					
Water Available	Y	Open	09/16/2013		WATER 503-823-7368
Outside Water District	Y	Open	09/16/2013		WATER 503-823-7368
Water Quality Backflow	Y	Open	09/16/2013		WATER 503-823-7368

Water Columbia Southshore	Y	Open	09/16/2013	FIRE
Parks Bureau				
Urban Forestry Review	Y	Open	09/16/2013	<u>Davis, Charley 503-823-4523</u>

Please note: Permits/Cases created since January 1, 2000. Data updated twice daily. [View disclaimer.](#)

[About Bureau of Development Services](#)

[Search Tips](#)

[New Permit/Case Search](#)

City of Portland, Corporate GIS

10/1/2013

THE GIS APPLICATIONS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY OF DATA FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. THE CITY OF PORTLAND MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. THE USER OF THESE APPLICATIONS SHOULD NOT RELY ON THE DATA PROVIDED HEREIN FOR ANY REASON. THE CITY OF PORTLAND EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THE APPLICATIONS IN RELIANCE UPON ANY INFORMATION OR DATA FURNISHED HEREUNDER. FOR UPDATED INFORMATION ABOUT THE MAP DATA ON PORTLANDMAPS PLEASE REFER TO [CITY'S METADATA](#). FOR QUESTIONS ABOUT ASSESSMENT INFORMATION PLEASE CONTACT THE COUNTY ASSESSORS OFFICE IN YOUR COUNTY.

[Address](#) | [Mapping](#) | [Advanced](#) | [Google Earth](#) | [Help](#) | [About](#)

PortlandMaps © 2013 [City of Portland, Oregon](#)



MEMORANDUM

City of Eugene
99 E. Broadway, Suite 400
Eugene, Oregon 97401
(541) 682-5291
(541) 682-5032 FAX

Date: November 15, 2012
To: Mayor Piercy and City Council
From: Peggy Keppler, PWE
Subject: Potential Sites for Temporary Transitional Housing Shelters

I. Council Motion

The following information is being provided in response to the two motions made by Councilor Brown at the October 17, 2012 meeting.

Motion 1 to direct the City Manager to return on Oct. 31 with a list of potential sites that could be leased to a non-profit to establish a pilot project for temporary transitional housing shelters for approximately 30 adults and their accompanying children. With exception of Park properties, the list should include City- controlled properties that are 1 acre or larger.

The list should:

- Indicate if there are buildings onsite that could be utilized.
- Indicate access to public transportation and bike paths.
- Indicate whether the site has utilities or not.
- Include properties that are underutilized and not routinely used for community events.

Motion 2 to direct the City Manager to return on Oct. 31 with an explanation of the legal requirements for establishing a pilot program for unhoused families with children as referenced in Motion 1. The information should address state and local ordinances, codes, zoning laws and all other legal requirements.

Council also directed staff to provide additional information on the following five potential sites for temporary transitional housing shelters.

Location and Background

Site No.	Map/Lot	Background	Environmental Risks
1	1703284001000 Commons Drive & S. Garden Way	While identified as right of way (proposed roadway), the site is EWEB property. There are no structures or utility services on site.	This site is also located in FEMA Flood Hazard Zone X5

2	1703284000400 Near Commons Drive & S. Garden Way	While identified as right of way (proposed roadway), the site is EWEB property. There are no structures or utility services on site.	This site is partially located in FEMA Flood Hazard Zone X5
3	1703283001600	This site is listed under joint ownership is EWEB & City and identified for Water Pipeline Use. No structures exist on the site, but it is heavily covered with overhead electric lines.	This site is located in FEMA Flood Hazard Zone X5 and AE ² . And, some areas have 20' and 40' protected water quality setbacks requirements.
4	1704253000200 111 N. Garfield	This site was purchased for \$1,221,925 in 2002. The master plan for PW Maintenance identifies this area for future Fleet Facilities. The site was previously improved as a Mobile Home Park with 33 spaces. Following acquisition, the city spent \$75,000 clearing and preparing the site for the future maintenance expansion. The on-site utility services were also removed. It is currently fenced and being used as storage, overflow parking, and training purposes.	This site is not identified as a DEQ Clean-up Site, but there are several properties around it are.
5	1704364210400 13 th Ave. & Chambers St.	This site was purchased in 1946 for \$25,000.	This site is identified as a DEQ Clean-up site and requires additional investigation

¹ Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

² Areas of 100-year flood, base flood elevations determined.

II. Potential Risks & Liability

A question was asked about the City's potential liability for temporary transitional housing shelters operated on City property. While specifics regarding potential City liability will depend on the particulars of a site and the nature of the shelter operations, the question of potential liability can be broken down into three different categories; before shelter establishment, during shelter operations, and after shelter disbandment.

Before the shelter is established, if land use actions are taken to establish the shelter, the City's actions could be appealed to the Land Use Board of Appeals; the liability to the City would be the cost to defend its actions. Even if land use actions are unnecessary for shelter establishment, someone could challenge the City's action of establishing the shelter through a circuit court action, creating a similar liability to the City of defense costs.

During shelter operations, the City is potentially liable for code violations (such as building code or fire code violations), behaviors at the shelter that result in personal injuries or property damage, and damages or costs related to violations of state statutes such as state environmental laws (for example, if someone undertakes car repair and spills or dumps car oil into the environment). While the extent of the City's potential liability will depend on the nature of the claim, in order to protect the City against this legal risk, the City could require the operator of the shelter to obtain an insurance policy in an amount sufficient to protect the City against anything occurring at the site.

Lastly, if/when the shelter is disbanded, the City could be liable for cleaning up the site. Depending

on how the shelter operated, site cleanup could be a small or a substantial liability. To protect the City against this possibility, the City could require the shelter operator to provide the City with a type of performance-bond/security to insure that site is properly cleaned up after shelter disbandment.

III. Land Use Approval and Public Process

The broad purpose of zoning regulations is to protect and promote the public health, safety and welfare, and to provide the economic, social and environmental advantages which result from an orderly, planned use of land resources. Zoning's origins result from a need to prevent unsafe uses next to each other, such as a heavy industrial use abutting a residential use. Land in Eugene is zoned to provide areas suitable for certain types of development. Each zone provides a set of regulations governing the uses, lot size, building setbacks, height and other development regulations in order to ensure the use is suitable for the site. Zoning regulations are provided in Chapter 9 (Land Use Code) of the city's Municipal Code.

Transitional housing for the homeless as stated in the Council motion could take different forms. The options generally range from housing within existing or new buildings and including other supportive activities to a simply a group camping site (tents or vehicles). Options for both ends of the spectrum are analyzed regarding which broad zoning categories allow the proposed use.

A. Allowance of Transitional Housing within the Land Use Code

Existing Land Use Requirements

Transitional housing for the homeless, within existing or new buildings, may be accommodated in certain zones in accordance with the Chapter 9 definition of a "Homeless Shelter":

"Homeless Shelter": A non-profit or public agency providing food, temporary housing, clothing and other support services primarily for adult, transitory individuals.

Zoning and Zoning Requirements

Site No.	Base Zone	Overlay Zone	Zone Requirements for Siting Homeless Shelter
1	S-CN/PL Chase Node Special Area Zone, Public Land Subarea	-	Conditional Use Permit
2	S-CN/PL Chase Node Special Area Zone, Public Land Subarea	WQ, Water Quality	Conditional Use Permit Use of the site is restricted within water quality buffer area
3	S-CN/PL Chase Node Special Area Zone, Public Land Subarea Use	WQ, WR Water Quality, Water Resources	Conditional Use Permit Use of the site is restricted within water quality and water resource buffer areas
4	I-3, Heavy Industrial	-	Conditional Use Permit
5	PL, Public Land	-	Conditional Use Permit could be required; a portion of the site is within 300' of residentially zoned land.

Public Process for Conditional Use Permits

For all five sites, a conditional use permit is required for a homeless shelter; the application process for a conditional use permit trigger several opportunities for public input and review of applicable development requirements.

- Prior to the submittal of conditional use permits, a pre-application conference between the applicant and neighborhood is required. Notification of the meeting must be sent to all properties within 300' of the subject property. The applicant shall provide a site plan of their proposal for the meeting.
- Excluding the time for which the application materials are prepared, a conditional use permit typically takes 4-6 months to process, including any appeal. The process includes:
 - A public hearing with a Hearings Official
 - Notification of the hearing to those within 300' of the subject property
 - The decision is appealable to the Planning Commission
 - A public hearing with the Planning Commission if appealed
 - Deliberation and action by the Planning Commission (final decision)
 - An enforceable performance agreement, signed by the applicant and the city, assurance construction and performance in accordance with the approved final plans.

This estimate is for the land use application process timeframe only; a building permit may still be needed and add additional time.

- Conditional use permits include several approval criteria that address special considerations such as the effect a use might have on adjoining land and the operating characteristics of the use. The approval criteria cover such areas as:
 - Compatible location, size, design, and operating characteristics
 - Convenient and functional living, working, shopping or civic environment
 - Adequate and safe circulation
 - Impacts to natural resources
 - Adequate public facilities and services (such as utilities and streets)
 - Risk to public health and safety
 - Other applicable development standards

Amend Land Use Requirements for Transitional Housing Shelters

Alternatively, the Council may choose to amend the land use code to address this specific use through a set of specialized provisions that better reflect the unique elements of a transitional housing proposal. This could include the specific development standards, allowed uses/activities and required public process for review of the project. For example, the conditional use permit process identified above does not afford the city council any input on the application. This option would allow the council to determine the appropriate decision authority. This option would require amending the land use code to establish these new provisions. A land use code amendment would take a minimum of 4 months. This would include a public hearing before the Planning Commission as well as a action/recommendation to the City Council. City Council would then hold its own public hearing followed by action on the proposed ordinance. Additional review time needed would be dependent on the type of new process that is established by the Council.

B. Allowance of Group Camping for Transitional Housing in the Permitted Overnight Sleeping Ordinance

Existing Overnight Sleeping Requirements

Another option may be relevant if the use was limited to group camping rather than a more comprehensive transitional housing use. Currently no large, group overnight sleeping is permitted at this time in the zoning code⁴ or in the Permitted Overnight Sleeping section of Chapter 6 (see table below). However, the Permitted Overnight Sleeping Ordinance could be amended to allow group camping for this purpose. Following are the existing requirements for overnight sleeping (camping).

Existing Code Requirements for Overnight Sleeping

Zoning	Siting requirements	Limit on number of sleeping
Any	Parking lot of a: <ul style="list-style-type: none">• religious institution,• place of worship,• business or public entity that owns or leases property	3 vehicles ⁵ at one time
Any	Paved or graveled surface located on a vacant or unoccupied parcel	3 vehicles ⁵ at one time
Residential	Back yard or driveway of a single family residence	1 family in a vehicle, camper or trailer. 1 tent or camping shelter in the backyard only

⁴ Camping is permitted as lodging in the Park, Recreation & Open Space zone but only when directly related to a special event.

⁵ In these instances, overnight sleeping is permitted in a vehicle, camper or trailer. Overnight sleeping is also permitted in a tent until April 15, 2012.

Amend Overnight Sleeping Requirements

Allowing larger groups of vehicle or tent camping would require an amendment by ordinance to the Permitted Overnight Sleeping Ordinance in Chapter 4. Per the Eugene Charter, the ordinance adoption process includes a public hearing and notification to the public through posting a notification on the City website and in the newspaper.

IV. Buildings/Structures Approval

The State of Oregon adopts building codes to safeguard the health, safety and general welfare of occupants and users of buildings and other structures. The codes establish minimum standards of construction to ensure safety to life and property from fire and other hazards associated with the built environment, and to provide for adequate structural strength, healthy interior environment, sanitation, energy conservation and accessibility. No particular class or group of persons benefits any more or less from the provisions of the codes, all are provided equal protections. The Oregon building codes are adopted for uniform application across the state, and the City administers the codes within the city limits and UGB.

Existing buildings on the sites

With one exception, there are no existing buildings located on the identified sites.

The N Garfield site has an existing building that was previously approved to be used for storage. It could be used as a storage building for the residents of a transitional housing facility with no need

for additional approvals. There may be some potential for the building to be altered to include shared toilet, shower, laundry or cooking facilities, offices, or a small meeting space. Any such alteration would have to comply with applicable building code requirements and be done with permits. Use of the building for housing/sleeping would require significant alterations and expense, most notably for the installation of a fire sprinkler system, construction of physical fire-resistive separations between sleeping areas to prevent the spread of fire, and installation of thermal insulation.

Building code requirements for new construction

New buildings could potentially be constructed on any of the sites to be used for transitional housing accommodations. However, conditions on sites #2 (1703284000400) and #4 (1703283001600) may make construction more challenging and costly. Both sites 2 and 4 have inadequate water available (hydrants) for firefighting, and limited or no access currently for fire and EMS vehicles. *See* Emergency Services comments below. Site 4 is located within the 100-year flood area, and buildings constructed there would be required to be elevated above flood levels or otherwise designed to resist damage from flooding.

The Oregon state specialty codes and the fire code (i.e., “Building Codes”) regulate construction of structures on public or private property. All structures built to provide housing and all associated/shared structures, whether the structures are temporary or permanent, must comply with the Building Codes. The Building Official has some local administrative authority to allow alternate methods of construction that may be appropriate for transitional housing accommodations but are not specifically prescribed in the codes, provided that safety is maintained and the intent of the codes are met. As an example, the building code prescriptively requires that buildings be secured to a foundation or otherwise anchored to prevent movement. However, it may be possible to administratively allow portable or moveable transitional housing structures if they have no connections to utilities, are structurally sound, and could experience some lateral movement without causing any damage or hazard.

The Building Codes that would typically apply to the construction of residential structures and associated shared facilities may not provide the flexibility that is needed to construct the desired temporary transitional housing shelters. There is a state statute specifically governing the construction of transitional housing accommodations that offers some flexibility regarding application of the Building Codes.

Pursuant to ORS 446.265, a municipality can allow someone to establish (subject to certain limitations and requirements) transitional housing accommodations for persons “who lack permanent shelter and cannot be placed in other low income housing.” In accordance with this state statute, the transitional housing accommodations may consist of separate facilities for use as living units by one or more individuals or by families and may provide access to water, toilet, shower, laundry, cooking telephone or other services through separate or shared facilities. State statute requires that the accommodations provide parking facilities and walkways. If transitional housing accommodations and associated facilities are provided pursuant to ORS 446.265, some of the residential building code requirements are relaxed for individual living units. For example,

instead of constructing traditional living units, if proceeding under ORS 446.265 for the provision of transitional housing, the individual living units could be yurts or similar structures.

V. Emergency Services Access and Water Supply

General Eugene Fire Code (EFC) Requirements

EFC 503.1.1 requires that an approved fire apparatus access road be provided to within 150' of all portions of a building or facility. This would require an access road to within 150' of all portions of the shelter.

Facility is defined as: "A building or use in a fixed location... This term includes recreational vehicles, mobile home and manufactured housing parks, sales and storage lots."

An approved fire apparatus access road is:

- Min. 20' wide, 13'6" clear height, with 30'/50' turning radii
- An all-weather driving surface capable of supporting an 80,000 lb vehicle; compacted gravel can meet this requirement.
- Dead ends more than 150' in length need to be provided with an approved turnaround.

EFC D107.1 requires 2 separate access roads when there are more than 30 dwelling units. For a camp each sleep site would be considered a dwelling unit. Although not required for a shelter of 30 or less spaces, a second means of fire access is recommended. The second means of access could be provided through a normally locked gate.

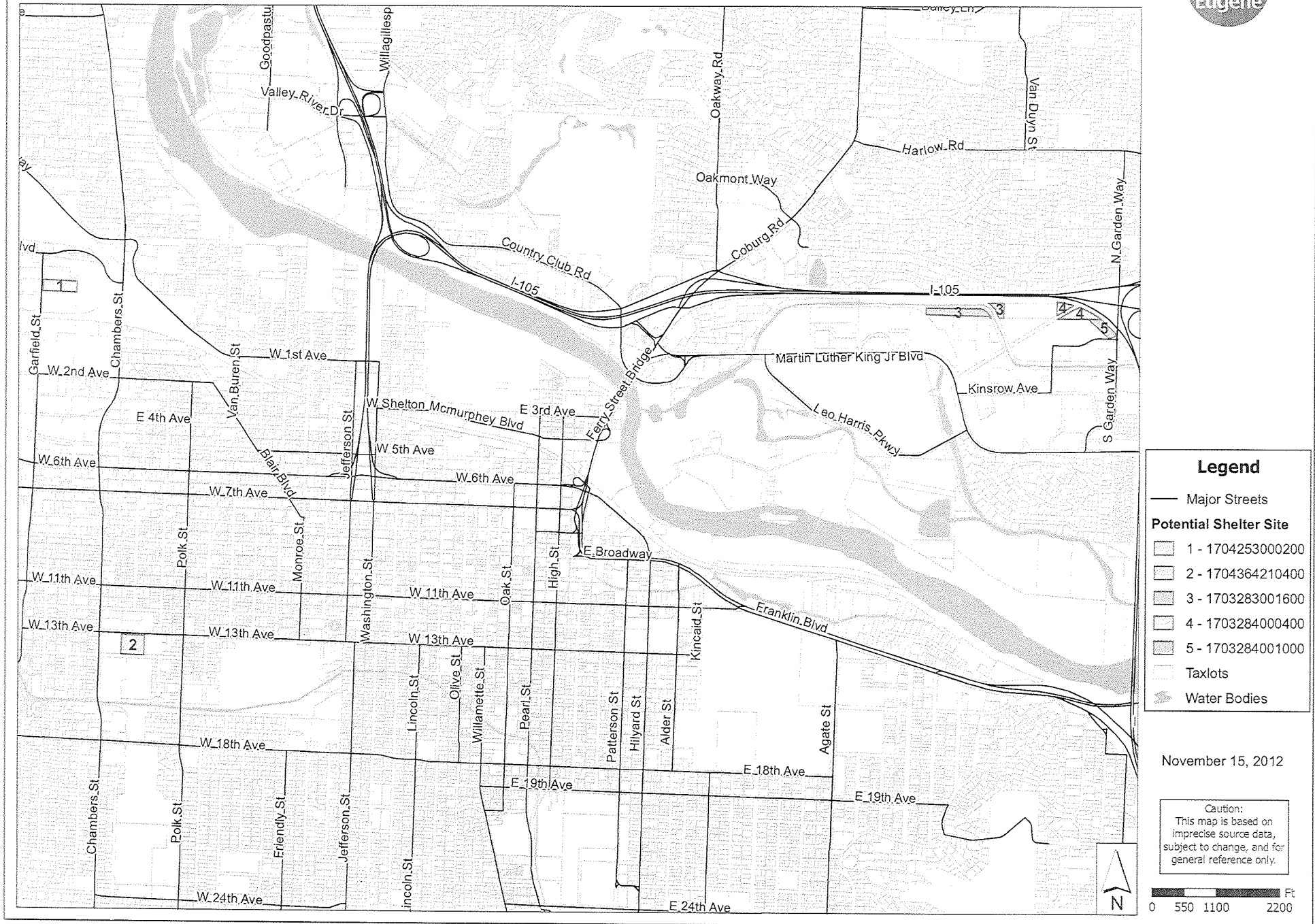
EFC 507 requires hydrants be provided within 400' of all portions of the facility. Hydrants should be capable of providing a minimum 1000 gpm @ 20 psi fire flow, and may need to provide 1500 gpm @ 20 psi fire flow if larger buildings (community center, common kitchen, restrooms, etc.) are provided on the site. Fire flows should be obtained from EWEB for the fire hydrants.

Access and Water Supply

Site No.	Access	Water Supply (Available Hydrants)
1	There is only 1 access road into the site. A gravel road less than 20' wide runs along the south edge of the site. Because the site is less than 150' wide, this road is within 150' of all portions of the site. A turnaround would need to be provided. There is not a good means of secondary access.	Hydrant #98102 is located near the southwest corner of the site. The majority of the site is within 400' of this hydrant.
2	There is only 1 access road into the site. A gravel road less 20' wide arcs through the site. Because of the shape of the site, this access road is within 150' of all portions of the site. A turnaround would need to be provided. There is not a good means of secondary access.	Hydrant #98102 is located on Commons Dr. where the access road starts. This hydrant is approx. 470' from the south edge of the site, and is more than 1000' from the west edge of the site.
3	There is no fire apparatus access to this site. There is a possible access from the apartment complex to the	No hydrants are accessible to this site. If access is provided through the

	<p>south near the southeast corner of the site. There is not a good means of secondary access.</p>	<p>adjoining apartment complex, there are existing fire hydrants in the complex. The nearest hydrant is approx. 350' from the site boundary, and more 1,300' from the west edge of the site.</p>
4	<p>There is a paved access road into the site from N. Garfield St. that runs the entire east-west length of the site. All portions of the site are within 150' of this access road. There is also a narrow (approx. 14' wide) road that loops through the site. There is a secondary access on the north edge of the site from Eugene Public Works Yard. Either a 20' through drive would need to be created, or a fire apparatus turnaround provided on the site because the main access road exceeds 150' in dead end length.</p>	<p>Hydrant #1770 is located on the west side of N. Garfield St. near the main access point. The western half (approx.) of the site is within 400' of this hydrant. There is a hydrant located north of the site in the Eugene Public Works Yard that is within 400' of most of the eastern half of the site.</p>
5	<p>The site is bounded by 13th Ave. on the north and 14th Ave. on the south, providing excellent fire apparatus access up to the site boundary. An access road would need to be provided through the site.</p>	<p>Hydrant #1137 is located on the north side of 13th Ave. near the center of the site. Hydrant #559 is located on the south side of 14th Ave. approx. 250' east of the site.</p>

Potential Sites for Temporary Transitional Housing Shelters



PortlandMaps

[New Search](#) | [Mapping](#) | [Advanced](#) | [Google Earth](#) | [Help](#) | [PortlandOnline](#)
**319 W BURNSIDE ST - OLD
TOWN/CHINATOWN - PORTLAND**
[Explorer](#) | **[Property](#)** | [Maps](#) | [Projects](#) | [Crime](#) | [Census](#) | [Environmental](#) | [Transportation](#)
[Summary](#) | [Assessor](#) | **[Permits/Cases](#)** | [Block](#) | [Schools](#) | [Parks](#) | [Development](#) | [Garbage/Recycling](#) | [Noise](#) | [Historic](#) | [Permits](#) | [Water](#) | [Documents](#)
Permit/Case Report[Understand this Report](#)**337 W BURNSIDE ST**

Permit/Case Number	2011-184318-000-00-CC
IVR Number	3116950
Permit/Case Type	Code Compliance Zoning Business in Wrong Zone
Work/Case Description	Complaint Received: Construction and operation of homeless camp facility.
Issue Date	
Final Date	
Latest Activity	6/19/2013
Status	Enforcement

Activities	Must Check	Activity Status	Last Activity	Completed	Staff Contact
Request					
Close - CC	Y	Open	10/11/2011		Staff Contact
Under Inspection					
Mailed Notices- CC	Y	Completed	06/26/2012		Staff Contact
Mailed Notices- CC	Y	Completed	06/21/2013		Staff Contact
Mailed Notices- CC	Y	Send Fee Doubling Letter	01/24/2012		Liefeld, Michael 503-823-7332
CC - Admin Review	N	In Progress	01/06/2012		Cowen,Crystle 503-823-7324
Enforcement					
Code Enforcement Fee	N	Completed	06/19/2013 06/19/2013		Cowen,Crystle 503-823-7324

Please note: Permits/Cases created since January 1, 2000. Data updated twice daily. [View disclaimer.](#)[About Bureau of Development Services](#)[Search Tips](#)[New Permit/Case Search](#)

City of Portland, Corporate GIS

10/1/2013

THE GIS APPLICATIONS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY OF DATA FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. THE CITY OF PORTLAND MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. THE USER OF THESE APPLICATIONS SHOULD NOT RELY ON THE DATA PROVIDED HEREIN FOR ANY REASON. THE CITY OF PORTLAND EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THE APPLICATIONS IN RELIANCE UPON ANY INFORMATION OR DATA FURNISHED HEREUNDER. FOR UPDATED INFORMATION ABOUT THE MAP DATA ON PORTLANDMAPS PLEASE REFER TO [CITY'S METADATA](#). FOR QUESTIONS ABOUT ASSESSMENT INFORMATION PLEASE CONTACT THE COUNTY ASSESSORS OFFICE IN YOUR COUNTY.

[Address](#) | [Mapping](#) | [Advanced](#) | [Google Earth](#) | [Help](#) | [About](#)
PortlandMaps © 2013 [City of Portland, Oregon](#)

Debbie Baker

From: Christe White
Sent: Tuesday, September 17, 2013 2:26 PM
To: Eric Iverson (iversone@pdc.us); Patrick Quinton (quintonp@pdc.us)
Subject: Previous City Land Use Decision Prevents Relocation of Right to Dream without a Type III CCPR
Attachments: Station Place CCPR Decision.pdf

Eric and Patrick, I am copying you on an email that was sent to the City last Friday highlighting a significant legal impediment to the relocation of Right to Dream without a Type III CCPR approval. PDC may be uniquely interested in this analysis given what is required of other property owners when we elect to change the use of our allocated parking stalls or change the use on a site that is part of a PDC-approved DA or DDA. Regardless of whether the City thinks a campsite is a legal use on PDC owned property in the EXd zone and regardless of whether the parking on Lot 7 is fully utilized today, there is a well-established, code required process for amending the use of parking on Lot 7. Your own staff recognized that very publicly when it filed a CCPR amendment to change the parking use in the garage from residential to hotel parking to accommodate the Marriot. PDC cannot now support the idea that no review is required for use of its own parking lot when the use changes from parking to a homeless campsite. That position is simply not credible under the code.

As you know, there have been significant economic development investments in this area consistent the Urban Renewal Plan and existing DAs and DDAs. Those developments rely on the certainty the zoning code provides and the representations made by the PDC in entering DAs or DDAs. PDC should be very concerned about the chilling effect this homeless camp relocation will have on future economic investments and should expect parties negotiating with PDC to now ask for express commitments as to the allowed uses on adjacent and nearby parcels.

Everyone I represent supports a dignified response to homelessness. Everyone I represent also expects the City to legally implement the zoning code. They do not expect PDC to be a partner in the dismantling of that code. If you have a voice in this discussion we request that you use it and make the City aware of the negative consequences of this short-sighted relocation plan.

Christe White on behalf of Hoyt Street Properties, Williams Dame and Associates and Ziba Design

RADLER WHITE PARKS  **ALEXANDER LLP**
ATTORNEYS AT LAW

Christe C. White
111 SW Columbia Street, Suite 1100
Portland, OR 97201
T 971.634.0200 F 971.634.0222 Direct 971-634-0204

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.

From: Christe White
Sent: Friday, September 13, 2013 5:25 PM
To: charlie.hales@portlandoregon.gov; amanda.fritz@portlandoregon.gov; 'nick@portlandoregon.gov';

novick@portlandoregon.gov; Dan Saltzman (dan@portlandoregon.gov); kathryn.beaumont@portlandoregon.gov; 'Van Dyke, Jim'; Rees, Linly (Linly.Rees@portlandoregon.gov); Iparraguirre, Roland (Roland.Iparraguirre@portlandoregon.gov)
Subject: Previous City Land Use Decision Prevents Relocation of Right to Dream without a Type III CCPR

Dear Mayor Hales, Commissioners and City Attorneys,

Please find attached the City's 2012 decision to approve a Central City Parking Review for the Station Place Garage and Lot 7, the latter of which is the contested site for the possible relocation of Right to Dream. This land use decision is recorded against Lot 7 and runs with the land. The land use decision allocates all 65 parking spaces on Lot 7 to the following users: (1) 40 spaces to Lot 1 Station Place; and (2) 25 spaces to Lot 5 for growth parking,

The applicant in this CCPR was required by the City to amend the previous CCPR approval because the applicant wanted to use 100 spaces in the garage for a use different from the use that was initially allocated. Specifically, page 2 of the decision states that the applicant desired to "re-allocate the existing parking spaces in the garage to a different mix of parking types and lots to be served..." The City then approved the CCPR and found that 40 spaces in Lot 7 were to be used for Station Place and 25 spaces for Lot 5's use. The City has continually acknowledged and enforced the position that changes in an approved land use decision require the applicant to amend the decision before commencing a new activity not approved in the prior decision. A homeless camp was not approved on Lot 7 under the City-approved CCPR.

The attached decision concludes that any change in the use of these spaces for a different parking mix or, as contemplated by Commissioner Fritz, a different use altogether requires an amendment to the final and effective CCPR.

There is no legal ambiguity in this position. The City's decision at page 3 states:

"The changes in the types of parking and which lots they serve creates the need to amend the prior land use approval under LUR 01-00406 PR. Changes to the conditions of approval use the current procedure type and approval criteria for the original review type (33.730.140.A), triggering a Type III Central City Parking Review for the above proposed changes." (LU 12-179799 PR (HO 4120028)) (Emphasis added).

The code section cited in this final City decision repeats this same text. A Type III CCPR amendment is required before any of the approved parking can be converted to a different use.

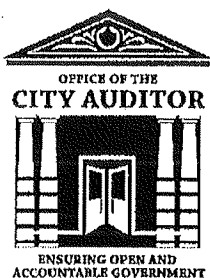
The Type III approval criteria for a CCPR are found at 33.808.100. You can review how those approval criteria were applied to another applicant at pages 4-11 of the Staff Report and Recommendation. A Type III review does not take 30 days. Such a review can take up to 120 days or more. Regardless of whether the City believes a homeless camp is a permitted, conditional or limited use in the EXd zone, a conclusion we do not share, the City cannot avoid a Type III amendment to the controlling CCPR that is recorded against Lot 7 and cannot legally avoid the application of the relevant approval criteria.

Thank you for your timely attention to this matter.

Best regards, Christe White

RADLER WHITE PARKS & ALEXANDER LLP
ATTORNEYS AT LAW

Christe C. White
111 SW Columbia Street, Suite 1100
Portland, OR 97201



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 12-179799 PR (HO 4120028)

Applicant: Steven Shain
Portland Development Commission
222 NW Fifth Avenue
Portland, OR 97209

Applicant's Representative: Matthew Brown
Loci, Inc.
3443 NE Couch Street
Portland, OR 97232

Property Owner: City of Portland (PDC)
222 NW 5th Avenue
Portland, OR 97209-3812

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Mark Walhood

Site Address: 1020 W/ NW 9th Avenue

Legal Description: LOT 3, STATION PLACE, LOT 7, STATION PLACE

Tax Account No.: R793100150, R793100350

State ID No.: 1N1E34BB 01303, 1N1E34BB 1307

Quarter Section: 2929

Neighborhood: Pearl District

Business District: Pearl District Business Association

District Neighborhood Coalition: Neighbors West/Northwest

Zoning: EXd (Central Employment base zone with Design overlay zone), Central City Plan District/River District Subdistrict

Land Use Review: Type III, PR (Central City Parking Review)

BDS Staff Recommendation to Hearings Officer: Approval

Public Hearing: The hearing was opened at 1:30 p.m. on November 14, 2012, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 1:50 p.m. The record was closed at that time. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record.

Testified at the Hearing:

Mark Walhood, 1900 SW 4th Avenue, Suite 5000, Portland, OR 97201

Matt Brown, 3443 NE Couch Street, Portland, OR 97232

Proposal: Station Place Garage is an existing 411 space parking garage located immediately north of the Lovejoy ramp to the Broadway Bridge. The garage, which opened in 2004, is owned by the Portland Development Commission (PDC), and operated by City Center Parking via a contract with PDC. The garage was envisioned to serve a multi-block development to include senior housing, a grocery store, and other future phases of development, all east of NW 9th Avenue, underneath and north of NW Lovejoy, and west of the Union Station rail yard. This area was subdivided and reviewed through a Major Subdivision and Central City Master Plan in 2001, and is referred to as Station Place.

In order to construct the garage and an adjacent parking lot under the Lovejoy ramp just south of the garage, a Central City Parking Review (PR) was required. In November 2001, the PR application was approved by the Hearings Officer subject to conditions of approval under case file # LUR 01-00406 PR. The 2001 PR approval was for 435 spaces, however only 411 spaces were ultimately constructed. Also, the PR approval assigned specific parking types to specific lots within Station Place, but the anticipated build-out on individual lots has changed since that time. Senior housing (Station Place Tower) was built on Lot 1 as anticipated, but Lot 2 developed as an office building (ZIBA Headquarters) instead of a grocery store, and Lot 4 will be developed as a hotel instead of housing. Given these changes, the applicant would like to re-allocate the existing parking spaces in the garage to a different mix of parking types and lots to be served, and to adjust the total number of parking spaces as built versus approved.

The proposed changes to the approval can be summarized in the following table:

	Garage (Lot 3)		Surface Lot (Lot 7)		Reason for change
	Approved	Proposed	Approved	Proposed	
TOTAL SPACES	435	411	65	65	Garage built with 24 fewer spaces than anticipated.
Lot 1: Residential Parking*	130	25	0	40	Station Place Tower using less parking than anticipated.
Lot 2: Growth Parking	75	70	65 shared with Lot 5	0	ZIBA office using less parking than allotted for grocery store.
Lot 4: Residential/Hotel Parking	0	100	0	0	Marriott Residence Inn to be allocated 100 parking spaces.
Lot 5: Growth Parking	97	83	65 shared with Lot 2	25	Reduction in total spaces for future use on Lot 5.
Union Station Preservation Parking	60	60	0	0	No change
Visitor Parking	73	73	0	0	No change
*Note: Lot 1 Residential parking is proposed to be re-classified as Residential/Hotel Parking.					

The site is subject to parking-related regulations in the Central City, specifically to the parking regulations for the River District 2 Parking Sector (33.510.265). Although the total number of parking spaces is being reduced, the changes in the types of parking and which lots they serve creates the need to amend the prior land use approval under LUR 01-00406 PR. Changes to conditions of approval use the current procedure type and approval criteria for the original review type (33.730.140.A), triggering a Type III Central City Parking Review for the above proposed changes.

Relevant 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 found at 33.808.100.A-O, 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 BDS in their Staff Report and Recommendation to the Hearings Officer dated November 2, 2012, and to issue the following approval:

Approval of Central City Parking Review to make changes to the total number of parking spaces and parking types at the Station Place Garage and adjacent surface parking lot as indicated in the following table:

	Garage (Lot 3)		Surface Lot (Lot 7)		Reason for change
	Approved	Proposed	Approved	Proposed	
TOTAL SPACES	435	411	65	65	Garage built with 24 fewer spaces than anticipated.
Lot 1: Residential Parking*	130	25	0	40	Station Place Tower using less parking than anticipated.
Lot 2: Growth Parking	75	70	65 shared with Lot 5	0	ZIBA office using less parking than allotted for grocery store.
Lot 4: Residential/Hotel Parking	0	100	0	0	Marriott Residence Inn to be allocated 100 parking spaces.
Lot 5: Growth Parking	97	83	65 shared with Lot 2	25	Reduction in total spaces for future use on Lot 5.
Union Station Preservation Parking	60	60	0	0	No change
Visitor Parking	73	73	0	0	No change
*Note: Lot 1 Residential parking is proposed to be re-classified as Residential/Hotel Parking.					

No conditions of approval or building/zoning permits are necessary in this case, as the parking exists today. Operational changes at Station Place Garage on Lot 3 and the adjacent Surface Lot on Lot 7 can be made effective once the final decision in this case is recorded with Multnomah County.

Basis for the Decision: BDS Staff Report in case number LU 12-179799 PR (HO 4120028), Exhibits A.1 through H.4, and the hearing testimony from those listed above.


 Gregory J. Frank, Hearings Officer
11/27/12
 Date

Application Determined Complete:	September 27, 2012
Report to Hearings Officer:	November 2, 2012
Decision Mailed:	November 28, 2012
Last Date to Appeal:	4:30 p.m., December 12, 2012
Effective Date (if no appeal):	December 13, 2012 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). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$1,725.50 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 Chairperson 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. Original application narrative
 - 2. Traffic engineer memo
- B. Zoning Map
- C. Plans and Drawings
 - 1. Station Place Lot Map and Parking Change Summary Table
- D. Notification information
 - 1. Request for response
 - 2. Posting information and notice as sent to applicant
 - 3. Applicant's statement certifying posting
 - 4. Public hearing notice with mailing list
 - 5. Mailed public notice
- E. Agency Responses
 - 1. Development Review Section of Portland Bureau of Transportation
 - 2. Site Development Section of BDS
 - 3. Bureau of Environmental Services
- F. Letters
 - 1. *(none received at time of staff report publication)*
- G. Other
 - 1. Original LUR Application Form and Receipt
- H. Received in the Hearings Office
 - 1. Notice of Public Hearing - Walhood, Mark
 - 2. Staff Report - Walhood, Mark (**attached**)
 - 3. PowerPoint Presentation - Walhood, Mark
 - 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 12-179799 PR – Station Place Garage
Pre-App.: EA 11-185167 PC
REVIEW BY: Hearings Officer
WHEN: Wednesday November 14, 2012 @ 1:30 P.M.
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

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: MARK WALHOOD / MARK.WALHOOD@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Steven Shain
Portland Development Commission
222 NW Fifth Ave
Portland, OR 97209

Representative/Contact: Matthew Brown
Loci, Inc
3443 NE Couch St.
Portland, OR 97232

Property Owner: City of Portland (PDC)
222 NW 5th Ave
Portland, OR 97209-3812

Site Address: 1020 WI/ NW 9th Avenue

Legal Description: LOT 3, STATION PLACE, LOT 7, STATION PLACE
Tax Account No.: R793100150, R793100350
State ID No.: 1N1E34BB 01303, 1N1E34BB 1307
Quarter Section: 2929

Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: EXd (Central Employment base zone with Design overlay zone), **Central City Plan District/River District Subdistrict**

Case Type: PR (Central City Parking Review)

RECEIVED

NOV 02 2012

HEARINGS OFFICE

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #2
Case # 4120028
Bureau Case # LU 12-179799 PR

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

Proposal: Station Place Garage is an existing 411 space parking garage located immediately north of the Lovejoy ramp to the Broadway Bridge. The garage, which opened in 2004, is owned by the Portland Development Commission (PDC), and operated by City Center Parking via a contract with PDC. The garage was envisioned to serve a multi-block development to include senior housing, a grocery store, and other future phases of development, all east of NW 9th Avenue, underneath and north of NW Lovejoy, and west of the Union Station rail yard. This area was subdivided and reviewed through a Major Subdivision and Central City Master Plan in 2001, and is referred to as Station Place.

In order to construct the garage and an adjacent parking lot under the Lovejoy ramp just south of the garage, a Central City Parking Review (PR) was required. In November, 2001, the PR application was approved by the Hearings Officer subject to conditions of approval under case file # LUR 01-00406 PR. The 2001 PR approval was for 435 spaces, however only 411 spaces were ultimately constructed. Also, the PR approval assigned specific parking types to specific lots within Station Place, but the anticipated build-out on individual lots has changed since that time. Senior housing (Station Place Tower) was built on Lot 1 as anticipated, but Lot 2 developed as an office building (ZIBA Headquarters) instead of a grocery store, and Lot 4 will be developed as a hotel instead of housing. Given these changes, the applicant would like to re-allocate the existing parking spaces in the garage to a different mix of parking types and lots to be served, and to adjust the total number of parking spaces as built versus approved.

The proposed changes to the approval can be summarized in the following table:

	Garage (Lot 3)		Surface Lot (Lot 7)		Reason for change
	Approved	Proposed	Approved	Proposed	
TOTAL SPACES	435	411	65	65	Garage built with 24 fewer spaces than anticipated.
Lot 1: Residential Parking*	130	25	0	40	Station Place Tower using less parking than anticipated.
Lot 2: Growth Parking	75	70	65 shared with Lot 5	0	ZIBA office using less parking than allotted for grocery store.
Lot 4: Residential/Hotel Parking	0	100	0	0	Marriott Residence Inn to be allocated 100 parking spaces.
Lot 5: Growth Parking	97	83	65 shared with Lot 2	25	Reduction in total spaces for future use on Lot 5.
Union Station Preservation Parking	60	60	0	0	No change
Visitor Parking	73	73	0	0	No change

*Note: Lot 1 Residential parking is proposed to be re-classified as Residential/Hotel Parking.

The site is subject to parking-related regulations in the Central City, specifically to the parking regulations for the River District 2 Parking Sector (33.510.265). Although the total number of parking spaces is being reduced, the changes in the types of parking and which lots they serve creates the need to amend the prior land use approval under LUR 01-00406 PR. Changes to conditions of approval use the current procedure type and approval criteria for the original review type (33.730.140.A), triggering a Type III Central City Parking Review for the above proposed changes.

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 found at **33.808.100.A-O, Central City Parking Review Approval Criteria.**

ANALYSIS

Site and Vicinity: The site includes two adjacent parcels adjacent to the western access ramps for the Broadway Bridge, in Portland's Pearl District. The larger parcel is developed with an existing five-story garage, bound on the north by NW Marshall Street, on the east by NW Station Way, and on the south by NW Lovejoy Court. The smaller parcel to the south is located under the Lovejoy ramp to the Broadway Bridge, and is improved as a landscaped surface parking lot. On the same block as the garage and directly to the west is located a residential high-rise for senior citizens and an office building.

The surrounding area includes a broad range of uses and developments. Immediately east of the site is the Union Station rail yards, separated from NW Station Way by a metal fence and landscaping strip. Directly to the south, across the Lovejoy Ramp, are the yards and buildings of the Main U.S. Post Office. The remainder of the surrounding area is developed with mixed-use apartment and condominium buildings, office buildings, and the Union Station.

The adjacent frontages are all improved with paved roadways, on-street parking, and paved public sidewalks with street trees. The only exception to this arrangement is on the north side of NW Lovejoy Court west of Station Way, where a landscaped strip replaces the sidewalk: sidewalks are only located on the south frontage of NW Lovejoy Court adjacent to the site.

Zoning: The Central Employment (EX) base zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. Parking garages are also allowed, subject to the Central City Parking regulations, which in this case require approval of the garage through a Central City Parking Review. The Design overlay zone is always applied in conjunction with the EX base zone, and seeks to preserve, enhance, and protect the special scenic, architectural, and cultural values of various areas throughout the City, including the entire River or Pearl District.

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 that address special circumstances existing in the Central City area.

Land Use History: City records indicate several prior land use reviews at the site. These include the following:

- *LUR 01-00281 SU MS* – Original Subdivision and Central City Master Plan for all of Station Place, including the land east of NW 9th Avenue, in and north of NW Lovejoy Street, and east to the mid-point of the north portion of the Union Station rail yards. Approved with conditions;
- *LUR 01-00406 PR* – Original Central City Parking Review for the Station Place Garage and the adjacent surface parking lot, with approval for specific parking types and lots to be served by the parking, including conditions of approval;
- *LUR 01-00776 DZM* – Approved Design Review approval for the Station Place Garage, the adjacent senior housing high-rise tower, and the surface parking lot under the Lovejoy Ramps to the Broadway Bridge, including approval of six Modifications through Design Review; and
- *LU 07-116749 DZ* – Approved Design Review for exterior changes to the design of the parking garage as approved under *LUR 01-00776 DZM*.

Agency Review: A "Request for Response" was mailed **October 12, 2012**. The following Bureaus have responded:

- The *Development Review Section of Portland Transportation* has reviewed the proposal and provided detailed responses to the relevant approval criteria, included later in this report.

The *Development Review Section of Portland Transportation* has no objection to approval of the requested Central City Parking Review. Exhibit E.1 contains staff contact and additional information;

- The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and responded without objections, comments, or concerns (Exhibit E.2); and
- The *Bureau of Environmental Services* has reviewed the proposal and responded without objections, comments, or concerns (Exhibit E.3).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 22, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.808.100 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 following approval criteria are met:

- 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: This criterion directs that the desired character of the area be discerned from 'City adopted area, neighborhood, or development plans; by Comprehensive Plan designations and zoning; and by allowed densities'. Policy 14 of the Central City Plan provides a general overview of the desired character of the Central City area:

"Strengthen the Downtown as the heart of the region, maintain its role as the preeminent business location in the region, expand its role in retailing, housing and tourism and reinforce its cultural, educational, entertainment, governmental, and ceremonial activities".

In addition to the above, Policy 17 of the Central City Plan provides a more refined description for the desired character of the River District, where the Station Place Garage is located. Policy 17 states:

"Extend downtown development throughout the River District that is highly urban in character and which creates a unique community because of its diversity; its existing and emerging neighborhoods housing a substantial resident population, providing jobs, services and recreation, and most important, its embrace of the Willamette River".

Desired character can also be defined utilizing the Comprehensive Plan and Zoning designations for the property. The Station Place Garage parcel is designated EX on both the Comprehensive Plan and Zoning Maps. The EX zone is intended to foster the development of mixed-use development at a high intensity, reflecting the zone's application to traditional urban employment zones within or adjacent to the city center. The purpose statement for the EX zone, which defines the desired character of the zone, reads as follows (33.140.030.B):

"The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the Central City that have predominantly industrial type development. The intent of the

zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development”.

The previous CCPR approval reviewed the proposed parking facility within the context of a roughly 2-block area around the Station Place Garage. This area lies entirely within the River District of the Central City Plan area. Today this area includes a broad mix of housing types, office uses, neighborhood-serving retail establishments, entertainment uses, and transportation facilities such as Union Station, the Transit Mall, and the Greyhound Bus Depot. Aside from accessory residential and commercial parking garages attached to a specific building, and several surface parking lots sprinkled throughout the Old Town/Chinatown area, there are no other large multi-purpose parking garages in the River District.

In reviewing the above policy and Zoning and Comprehensive Plan Map designations, the proposed changes to the types of parking and lots served as proposed in this application will not significantly change the overall desired character of the area. This amendment to the original CCPR approval remains consistent with the goal of providing an urban level of development in the River District, supporting a mix of residential and commercial uses, and allowing a variety of retail, office, hotel, and other uses to develop at urban densities.

The fundamental changes in the request include reducing the overall number of spaces approved, and re-allocating existing parking spaces to various lots in the Station Place Subdivision. No physical changes are proposed to the garage itself, nor will traffic increase beyond what was originally anticipated when the garage was approved.

The proposal will support the desired character of the area by supporting the proposed hotel use on Lot 4, by more efficiently using existing parking spaces in a previously approved garage, and by memorializing the slight reduction in number of parking spaces at the site in the garage as built versus approved. *Therefore, 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: Portland Transportation staff has found that the above issues were addressed in the applicant's traffic impact assessment (Exhibit A.2). Preliminary findings indicate that the transportation system will safely and operationally accommodate the proposed facility in addition to the existing uses in the area. The project will not impact transit operations. Access to the parking facility is proposed via NW 6th Avenue and NW Station Way. No impacts are anticipated with regards to pedestrian or bicycle safety. *Therefore, this criterion 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: The site will be accessed by a driveway along an extension of NW 6th Avenue (NW Station Way), which was not designated in the Central City Transportation Management Plan. Streets not specifically identified in the Central City Plan or the Transportation Element of the Comprehensive Plan are automatically designated as Local Service Streets. Access to parking facilities is a functional purpose of Local Service Streets. The parking facility is in conformance with the street classifications of the

Central City plan district and the Central City Transportation Management Plan. Therefore, this criterion is met.

- D. If the proposal will generate more than 100 vehicle trips during the peak hour commute; and is Growth Parking or is Preservation Parking where the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building: The Transportation Management Plan includes measures to increase the number of trips taken by alternatives to the single-occupant vehicle during the peak hour commute.

Findings: In that this current proposal will result in fewer parking spaces than have previously been approved at the site, and no building conversion, addition, or excavation is proposed, *this criterion does not apply.*

- E. If the site is in the RX zone, the parking will not by itself or in combination with other nearby parking, decrease the desirability of the area for the retention of existing housing or the development of new housing.

Findings: The site is in the EX zone, not the RX zone. *This criterion does not apply.*

- F. If the site is within the areas shown on the "CCTMP Hot Spot Area Map," the carbon monoxide hot spot analysis meets Federal air quality standards, as determined by the Portland Department of Transportation and Oregon Department of Environmental Quality. The map is maintained by the Parking Manager.

Findings: The site is not within the area shown on the CCTMP Hot Spot Area Map. *This criterion does not apply.*

- G. If the proposal is for Preservation Parking, and the parking is not under the same ownership as the buildings for which the parking is provided, criteria G.1 and G.2, below, apply. If the proposal is to convert Visitor Parking to Preservation Parking, criteria G.1 through G.3, below, apply.
1. The agreements between the garage operator and the owners of the buildings for which the parking is provided are for at least 10 years; and
 2. For initial approval, the agreements cover 100 percent of the Preservation Parking.
 3. The parking demand analysis shows there is not a need for Visitor Parking at this location.

Findings: No changes are proposed to the 60 Union Station Preservation Parking spaces as previously approved. *This criterion does not apply.*

- H. If the proposal is for Visitor Parking, the parking demand analysis shows a need for this parking at this location. The analysis must show the following criteria are met:
1. At least 65 percent of the short term parking demand is from uses within 750 feet of the parking structure or lot; and
 2. At least one of the following is met:
 - a. There is a cumulative increase in short-term parking demand due to an overall increase in activity associated with existing or new retail or other visitor-related uses; or
 - b. The parking will serve major new attractions or retail development, or
 - c. There has been a significant loss of on-street parking due to recent public works projects, or
 - d. There has been a significant loss of short-term parking spaces.

3. If the site is in an I zone, all of the following are met:

- a. The parking will primarily serve industrial firms;
- b. The parking facility will not have significant adverse effects on nearby industrial firms; and
- c. The parking facility will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

Findings: No changes are proposed to the 73 Visitor Parking spaces as previously approved. *This criterion does not apply.*

I. If the site is in the Core Area:

1. If the proposal is for Growth, Visitor, or Residential/Hotel 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. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking.
2. If the proposal is for Preservation Parking:
 - a. There are adequate spaces in the Replacement Reserve or Pool, which are administered by the Parking Manager; and
 - b. The Parking Management Plan includes measures to ensure that:
 - (1) The parking is used primarily for commitments of at least 10 years to buildings that have less than 0.7 parking spaces per 1,000 square feet of net building area, and
 - (2) Other uses of the parking will occur only when the spaces are not used by the contracted parkers.
3. If the proposal is for Growth or Visitor Parking on a surface parking lot:
 - a. It will be an interim use only, as documented by the phased development plan;
 - b. The phased development plan ensures that the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and
 - c. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking.
4. If the proposal is for Residential/Hotel Parking on a surface parking lot, and the parking will serve a residential use, either I.4.a or I.4.b, below, apply.
 - a. If the total surface parking area on the site is 40,000 square feet or less and the parking is an interim use, the criteria of Paragraph I.3, above, are met; or
 - b. If the total surface parking area on the site is more than 40,000 square feet or the parking is not an interim use, the Parking Management Plan includes measures to ensure that the surface parking is serving only the residential uses.
5. If the proposal is for new access for motor vehicles within 75 feet of a Light Rail Alignment, but not on the alignment itself, criteria I.5.a through I.5.c, below, apply. If the proposal is for new access for motor vehicles on a Light Rail Alignment, criteria I.5.a through I.5.c, below, apply.
 - 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;
 - 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. On blocks where stations are located, the pedestrian environment on both sides of the streets will be considered and protected;
- d. Motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail alignment;
 - e. The development includes at least 0.8 FAR of retail, office, hotel or residential development in the same structure and on the same block as the parking. The retail, office, hotel or residential development must be on multiple levels. For purposes of this paragraph, net building area will be counted towards this requirement if any portion of the floor to be counted is at or above any adjacent grade.
6. If the proposal is for a parking structure—a building where parking occupies more than 50 percent of the gross building area—within 100 feet of Fifth and Sixth Avenues between NW Glisan and SW Mill Streets:
- a. There will not be a significant adverse impact on the overall pedestrian environment and safety;
 - b. There will not be a significant adverse impact on vehicle operation and safety, and
 - c. The development includes at least 0.8 FAR of retail, office, hotel or residential development in the same structure and on the same block as the parking. The retail, office, hotel or residential development must be on multiple levels. For purposes of this paragraph, net building area will be counted towards this requirement if any portion of the floor to be counted is at or above any adjacent grade.

Findings: The site is not in the Core area, but is in the River District north of Burnside. *This criterion does not apply.*

J. If the site is outside the Core Area:

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. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking.

Findings: The Parking Management Plan identifies five percent, or five parking spaces, that will be reserved for carpoolers as part of the Growth Parking requirements on a district-wide basis. These spaces will be signed at a preferential location, such as near an elevator or on the first parking level. The applicant will also support other alternatives to single-occupant commuting by including three additional carpool-designated spaces at Union Station and approximately 204 parking spaces for various short-term uses. *Therefore, this criterion is met.*

2. If the proposal is for new access for motor vehicles within 75 feet of a Light Rail Alignment, but not on the alignment itself, criteria J.2.a through J.2.c, below, apply. If the proposal is for new access for motor vehicles on a Light Rail Alignment, criteria J.2.a through J.2.d, below, apply.
 - 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;
 - 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. On blocks where stations are located, the pedestrian environment on both sides of the streets will be considered and protected; and
- d. Motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail alignment.

Findings: The site is not within 75 feet of a Light Rail Alignment. *This criterion does not apply.*

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.

Findings: The Parking Management Plan identifies five percent, of five parking spaces, that will be reserved for carpoolers as part of the Growth Parking requirements on a district-wide basis. These spaces will be signed at a preferential location. The Visitor Parking spaces shown in the Parking Management Plan will be physically separated from the monthly parking and will be primarily used for short-term parking. *Therefore, these criteria are met.*

2. If the proposal is for Preservation Parking, the parking management plan includes measures to ensure that:
 - a. If the parking will serve office uses, the parking is used primarily for buildings that have less than the maximum ratio allowed for the parking sector, and
 - b. If the parking will serve both office and non-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; and
 - c. Other uses of the parking will occur only when the building contracting for the parking does not need the spaces.

Findings: No changes are proposed to the 60 previously-approved Preservation Parking spaces. *This criterion does not apply.*

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: There is a net decrease in Growth Parking proposed, and no changes to Preservation Parking for non-office uses. *This criterion does not apply.*

4. If:
 - a. The site is in a C, E, OS, or R zone;
 - b. The proposal is for Growth, Preservation, Visitor, or Residential/Hotel Parking; and
 - c. The site is in the Lloyd District Subdistrict, Goose Hollow Subdistrict, or Central Eastside Sectors 2 or 3, and the proposal is for a surface parking lot where the total surface parking area on the site is larger than 40,000 square feet in area; or
 - d. The site is in the Lower Albina Subdistrict; Central Eastside Sectors 1, 4, 5, or 6; or River District Sectors 1 or 2; and the total surface parking area on the site is larger than 40,000 square feet in area, or the parking area covers more than 30 percent of the site, whichever is larger;

The following must be met:

 - e. The amount of parking area larger than 40,000 square feet will be an interim use only, as documented by the phased development plan;
 - f. The phased development plan ensures that the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and
 - g. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking.

Findings: The site is in an E zone, and in the River District Parking Sector 2, but the surface parking area is only 25,619 square feet, and less than 30 percent of the total site area. *Therefore, this criterion does not apply.*

- L. If the site is in the Lloyd District, and the proposal is for Preservation Parking: There are adequate spaces in the Replacement Reserve, which is administered by the Parking Manager.

Findings: The site is not in the Lloyd District. *This criterion does not apply.*

- M. If the site is in the Goose Hollow Subdistrict, and the proposal is for Undedicated General Parking:
 1. The facility will provide parking primarily to those whose destination or residence is within the boundaries of the Goose Hollow Neighborhood, as shown on the most recent Neighborhood Boundaries Map published by the Office of Neighborhood Involvement. Long-term parking by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A parking management plan will be submitted to document how this criterion will be met;
 2. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;
 3. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, access requirements, and neighborhood impacts;
 4. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;
 5. If the proposal is for a surface parking lot, the proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas;

6. Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and surface parking areas to reduce the impact on adjacent public and private spaces; and
7. If the proposed access to the facility is within 75 of a light rail alignment, the access should be as far as possible from the light rail alignment. Access will be onto the right-of-way proposed for or containing the light rail alignment only if no other access is feasible.

Findings: The site is not in the Goose Hollow Subdistrict. *This criterion does not apply.*

N. If the site is in the South Waterfront subdistrict and the proposal is for surface parking:

1. If the proposal is for parking on a surface lot where the total surface parking area on the site exceeds the threshold of Paragraph N.3., below, criteria N.4.a. through N.4.c., below, apply. If the site is in an R, C, E, or OS zone; and is for Growth, Preservation, Visitor, or Residential/Hotel Parking; and is not created in conjunction with a regional attractor, criteria N.4.d. through N.4.f., below, also apply.
2. If the proposal is for Growth or Preservation parking on a surface lot, and if the proposal includes supplemental parking as specified in Subparagraph 33.510.267.A.3.b., criteria N.4.a. through N.4.f., below, apply.
3. Threshold: The amount of surface parking area on the site is larger than 40,000 square feet, or the parking area covers more than 30 percent of the site, whichever is larger.
4. Approval criteria:
 - 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;
 - 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;
 - d. Interim use.
 - (1) If the amount of parking area exceeds the threshold in Paragraph N.3, above, the amount of parking area that exceeds the threshold will be an interim use only, as documented by the phased development plan; and
 - (2) If the proposal includes supplemental parking as specified in Subparagraph 33.510.267.A.3.b., the supplemental parking will be an interim use only, as documented by the phased development plan;
 - e. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking; and
 - f. The phased development plan ensures:
 - (1) That the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and
 - (2) After the final phase is built, the threshold in Paragraph N.3, above, will not be exceeded.

Findings: The site is not in the South Waterfront Subdistrict. *This criterion does not apply.*

- O.** If the site is in the South Waterfront subdistrict and the proposal is for residential parking that will be operated as commercial parking, the proposal must meet the approval criteria for Visitor Parking in the South Waterfront subdistrict.

Findings: The site is not in the South Waterfront Subdistrict. *This criterion does not apply.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposal is essentially a 'clean-up' request to modify the prior Central City Parking Review approved for the Station Place Garage. Slightly fewer spaces were constructed in the garage than approved, and parking spaces are being re-allocated within the Station Place Subdivision to reflect actual parking space usage at the senior housing tower on Lot 1, and to provide parking spaces for a pending new hotel on Lot 4. Based on the information and traffic engineer memo provided by the applicant, 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 Central City Parking Review to make changes to the total number of parking spaces and parking types at the Station Place Garage and adjacent surface parking lot as indicated in the following table:

	Garage (Lot 3)		Surface Lot (Lot 7)		Reason for change
	Approved	Proposed	Approved	Proposed	
TOTAL SPACES	435	411	65	65	
Lot 1: Residential Parking*	130	25	0	40	Garage built with 24 fewer spaces than anticipated.
Lot 2: Growth Parking	75	70	65 shared with Lot 5	0	Station Place Tower using less parking than anticipated.
Lot 4: Residential/Hotel Parking	0	100	0	0	ZIBA office using less parking than allotted for grocery store.
Lot 5: Growth Parking	97	83	65 shared with Lot 2	25	Marriott Residence Inn to be allocated 100 parking spaces.
Union Station Preservation Parking	60	60	0	0	Reduction in total spaces for future use on Lot 5.
Visitor Parking	73	73	0	0	No change
*Note: Lot 1 Residential parking is proposed to be re-classified as Residential/Hotel Parking.					

No conditions of approval or building/zoning permits are necessary in this case, as the parking exists today. Operational changes at Station Place Garage on Lot 3 and the adjacent Surface Lot on Lot 7 can be made effective once the final decision in this case is recorded with Multnomah County.

Procedural Information. The application for this land use review was submitted on September 6, 2012, and was determined to be complete on Sep 27, 2012.

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 September 6, 2012.

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 January 25, 2012.**

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 \$1,725.50 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.

- 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.

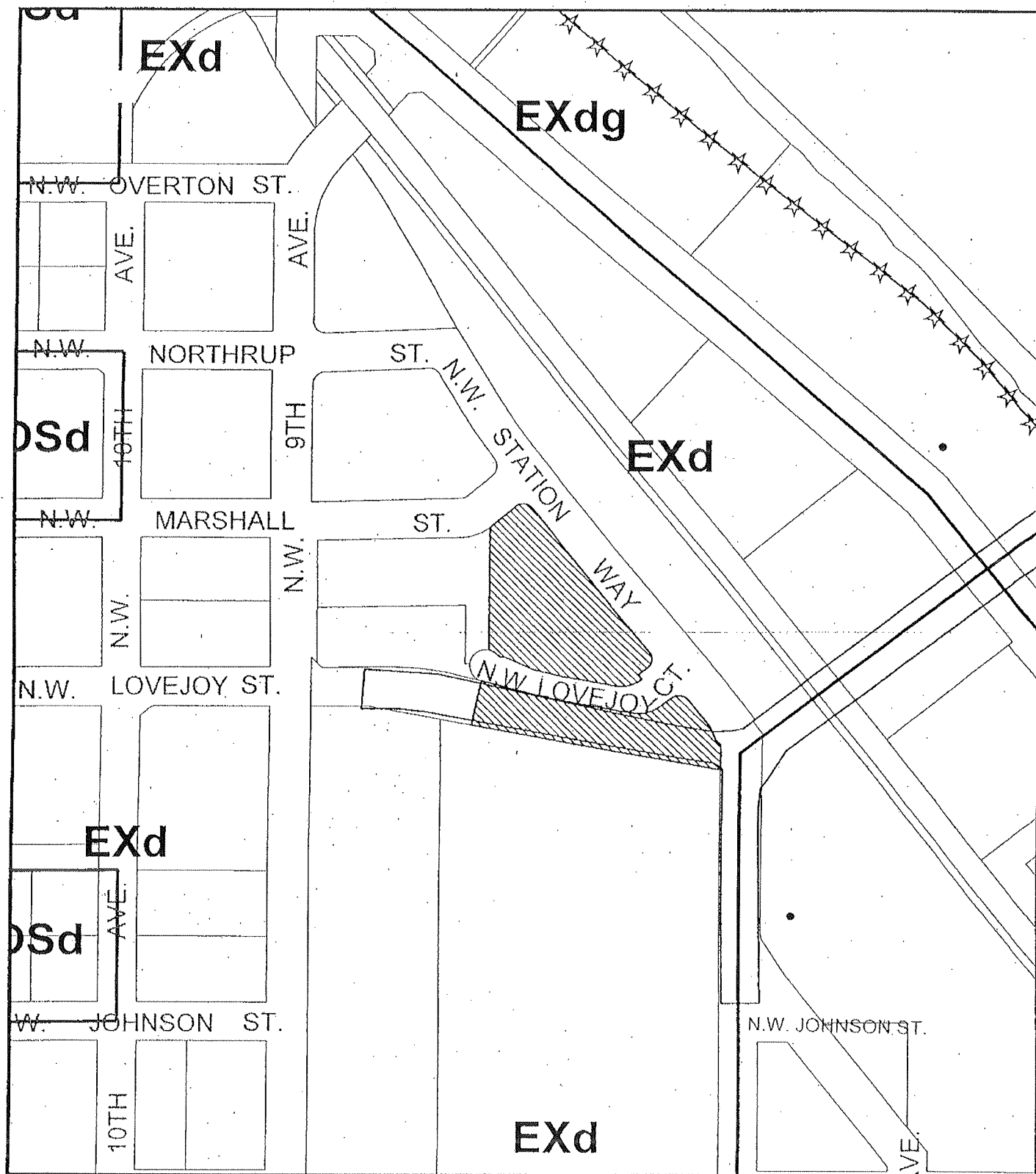
Planner's Name: Mark Walhood

Date: November 2, 2012


EXHIBITS
NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement:
 - 1. Original application narrative
 - 2. Traffic engineer memo
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Station Place Lot Map and Parking Change Summary Table (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting information and notice as sent to applicant
 - 3. Applicant's statement certifying posting
 - 4. Public hearing notice with mailing list
 - 5. Mailed public notice
 - 1. Mailed notice
- E. Agency Responses:
 - 1. Development Review Section of Portland Transportation
 - 2. Site Development Section of Bureau of Development Services
 - 3. Bureau of Environmental Services
- F. Letters:
 - 1. *(none received at time of staff report publication)*
- G. Other:
 - 1. Original LUR Application Form and Receipt

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



ZONING

 Site

 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 12-179799 PR
 1/4 Section 2929
 Scale 1 inch = 200 feet
 State_Id 1N1E34BB 1303
 Exhibit B (Sep 28, 2012)

Figure 1 – Station Place Lots and Current/Proposed Parking Allocations

