

ORDINANCE No. 187626

*Authorize the Portland Bureau of Transportation to waive TRN 8.01 Major Encroachments for developments on East Burnside for arcaded structures found to be redundant and outlined in the 1991 Special Design Guidelines for the district (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. East Burnside from NE Martin Luther King Boulevard to NE 12th Avenue is located within the Central City Plan District and is a design overlay zone.
2. The design overlay zone (d) promotes the conservation, enhancement, and continued vitality of areas of the City with special historical, architectural, or cultural value. This is achieved through the creation of design districts, the development of design guidelines for each district, and by requiring design review.
3. In 1991 Council adopted Special Design Guidelines for the Central Eastside. Guideline A5-1 states the City's desire to reinforce the effect of arcaded buildings fronting on East Burnside with the guideline of "Maintain, continue, and reinforce the effect of sidewalk arcaded buildings fronting East Burnside Street."
4. Consistently, during design review by City staff and the Portland Design Commission in this area, building frontages along East Burnside typically are advised to continue to use the arcaded façade in keeping with the character of the street as a requirement for approval.
5. Under TRN 8.01 Major Encroachments in the Right-Of-Way, arcaded structures are considered Major Encroachments and require a major encroachment review and additional expenses to the applicant in order to determine whether the City will allow an arcaded structure.
6. The dual and redundant review creates a burden on the applicant and is contradictory to the Design Guide requirements. The City has consistently voiced its desire for arcaded structures on this section of East Burnside but also must redundantly review to determine if it will allow arcaded structures.
7. The Portland Bureau of Transportation (PBOT) has had several recent projects go through this redundant review, including Council action on major encroachments, which has brought this inherent contradiction into focus.
8. PBOT, in consultation with the Bureau of Development Services (BDS), has deemed that the design guidelines and Design Review make a major encroachment review redundant.
9. In order to remove these inconsistencies, PBOT proposes to waive TRN 8.01 on the properties outlined in the attached map (Exhibit A) under certain conditions.

NOW, THEREFORE, the Council directs:

- a. That the City Council hereby authorizes PBOT to waive TRN 8.01 Major Encroachments in the Right-Of-Way for properties on the corridor in Exhibit A provided: the property conforms with the Special Design Guidelines adopted in 1991 for arcaded structures fronting East Burnside; the arcaded structure elements are consistent with the technical specifications for structures, such as height and clearance, outlined in TRN 8.01; the project is approved through the design review process for the arcaded structure, and; the development adding the arcaded structure agrees to the conditions of approval including an air-space Right-Of-Way lease developed through the methodology for major encroachments in TRN 8.11.

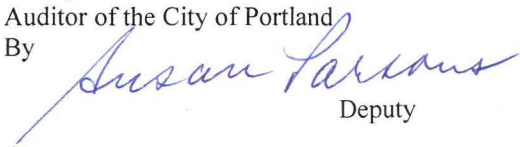
Section 2. The Council declares that an emergency exists because development continues and new development could begin at any time; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

MAR 16 2016

Commissioner Steve Novick
Prepared by: Kurt Krueger:sld
Date Prepared: February 11, 2016

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

Agenda No. **187626**
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 Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>MAR 08 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety – Novick <i>W</i>	Mary Hull Caballero Auditor of the City of Portland By: <u><i>Mary Hull</i></u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Transportation Development, Permitting & Transit Group Division Mgr: Christine Leon <i>CL</i> Assistant Director: Maurice Henderson <i>MH</i> Prepared by: Kurt Krueger:sld Date Prepared: February 11, 2016 Supervisor: <i>[Signature]</i>	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date March 16, 2016	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman _____	
4. Novick	4. Novick ✓	
Hales	Hales ✓	