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CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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1900 S.W. 4<sup>th</sup> Avenue, Room 3100  
Portland, Oregon 97201  
Telephone: (503) 823-7307  
FAX: (503) 823-4347  
TDD (503) 823-6868

**DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE**

**File No.:** LU 08-109173 PR (HO 4080013)

**Applicant:** Keith Skille, GBD Architects  
1120 NW Couch Street, #300  
Portland, OR 97209

**Owner:** 14th & Everett Investors, LLC  
1120 NW Couch Street, #600  
Portland, OR 97209

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff Representative:** Kara Fioravanti

**Site Address:** 1417 NW EVERETT STREET

**Legal Description:** BLOCK 97 LOT 1-8 HISTORIC PROPERTY 15 YR BEGIN 2001 POT  
ADD TAX, COUCHS ADD

**Tax Account No.:** R180208950

**State ID No.:** 1N1E33DA 01900

**Quarter Section:** 3028

**Neighborhood:** Pearl District

**Business District:** Pearl District Business Association

**District Coalition:** Neighbors West/Northwest

**Plan District:** Central City - River District

**Other Designations:** Listed on the National Register of Historic Places

**Zoning:** EXd, Central Employment with design overlay

**Land Use Review:** Type III, Parking Review (PR)

**BDS Staff Recommendation to Hearings Officer:** Approval with conditions.

**Public Hearing:** The hearing was opened at 1:33 p.m. on April 22, 2008, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, OR, and was closed at 1:50 p.m. The record was held open until 3 p.m. on April 22, 2008 for new evidence. The record was closed at that time.

**Testified at Hearing:**

Kara Fioravanti, BDS Representative  
Kurt Krueger, PDOT, Bldg. 106/Rm. 800

**Hearings Officer Decision:** It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated April 11, 2008, and to issue the following approval. It was agreed by the parties in the hearing to include minor typographical corrections as follows:

- Page 5, 1<sup>st</sup> paragraph, 5<sup>th</sup> line. "NE" Everett is used. The correct directional reference is "NW" Everett.
- Page 5, 1<sup>st</sup> paragraph, last sentence. "NE" Everett is used. The correct directional reference is "NW" Everett.
- Page 6, 5<sup>th</sup> paragraph, second sentence. "NE" Everett is used. The correct directional reference is "NW" Everett.

These typographical corrections (from "NE" to "NW") are incorporated and made a part of this decision and the staff report is so modified.

Approval of a Central City Parking Review to include parking in the existing warehouse building. The proposal is to convert a portion of the ground level and the entire 2<sup>nd</sup> level of the existing warehouse building to parking. The proposed parking layout includes approximately 240 parking spaces. Parking entry and exit will be from a new garage door at NW 15<sup>th</sup> Avenue.

Approval subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-109173 PR. No field changes allowed.

**Basis for the Decision:** BDS Staff Report in LU 08-109173 PR, Exhibits A-1 through H-4, and the hearing testimony from those listed above.

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Gregory J. Frank, Hearings Officer

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Date

**Application Deemed Complete:** March 4, 2008  
**Report to Hearings Officer:** April 11, 2008  
**Decision Mailed:** April 25, 2008  
**Last Date to Appeal:** 4:30 p.m., May 9, 2008  
**Effective Date (if no appeal):** May 12, 2008 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 4<sup>TH</sup> AVENUE, PORTLAND, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., file the appeal at the Reception Desk on the 5th Floor. **An appeal fee of \$4,148.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

**Who can appeal:** You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

**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.

**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 Submittals:
  - 1. Original narrative, 2-14-08
  - 2. Revised narrative, 2-28-08
  - 3. Email and attached CCPR pages, 2-28-08
  - 4. Email and attached CCPR pages, 3-6-08
  - 5. Final submittal
- B. Zoning Map
- C. Plans & Drawings:
  - 1. Site Plan
  - 2. Ground Floor Plan
  - 3. Level 2 Floor Plan
  - 4. Levels 3-4 Floor Plans
  - 5. Penthouse Floor Plan
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Transportation Engineering and Development Review
  - 2. Bureau of Environmental Services
- F. Letters: None
- G. Other:
  - 1. Original LUR Application
  - 2. Site History Research
- H. Received in the Hearings Office:
  - 1. Hearing notice, Fioravanti, Kara
  - 2. Staff report, Fioravanti, Kara (**attached**)
  - 3. PowerPoint presentation, Fioravanti, Kara
  - 4. Memo to HO re: staff report typo corrections, Fioravanti, Kara



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave. Suite 5000  
Portland, Oregon 97201  
Telephone: 503-823-7300  
TDD: 503-823-6868  
FAX: 503-823-5630  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER**

CASE FILE: LU 08-109173 PR  
PC # 07-179645  
Meier and Frank Delivery Depot Parking Review  
REVIEW BY: Hearings Officer  
WHEN: April 22, 2008 at 1:30PM  
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: KARA FIORAVANTI / [KFIORAVANTI@CI.PORTLAND.OR.US](mailto:KFIORAVANTI@CI.PORTLAND.OR.US)**

**GENERAL INFORMATION**

**Applicant:** Keith Skille, GBD Architects  
1120 NW Couch Street, #300  
Portland, OR 97209

**Owner:** 14th & Everett Investors, LLC  
1120 NW Couch Street, #600  
Portland, OR 97209

**Site Address:** 1417 NW EVERETT STREET

**Legal Description:** BLOCK 97 LOT 1-8 HISTORIC PROPERTY 15 YR BEGIN 2001 POT ADD TAX, COUCHS ADD

**Tax Account No.:** R180208950

**State ID No.:** 1N1E33DA 01900

**Quarter Section:** 3028

**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.

**Plan District:** Central City - River District

**Other Designations:** Listed on the National Register of Historic Places

**Zoning:** EXd, Central Employment with design overlay

**Case Type:** PR

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

**Proposal:**

A Central City Parking Review is required because the applicant proposes to include parking in the existing warehouse building. The proposal is to convert a portion of the ground level and the entire 2<sup>nd</sup> level of the existing warehouse building to parking. The proposed parking layout

includes approximately 240 parking spaces. The proposed parking stalls will primarily utilize semi-automated stackers to maximize the parking count for future tenants of this building. Parking entry and exit will be from a new garage door at NW 15<sup>th</sup> Avenue.

The site is located in the “Central City Core Area” and is designated RD4 per Map 510-8. By definition, the proposed parking is considered “Preservation Parking” per 33.510.261 B.2. However, 33.510.263 B.3. states, “If 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 parking is regulated the same as Growth Parking, except that it is subject to CCPR.”

Because the proposed parking area will be created through internal conversion of a building, the parking will be regulated as Growth Parking. The maximum number of parking spaces per 1,000 square feet of net building area for Growth Parking is 2. The proposed parking count of approximately 240 cars is below the cap of 266, based on the proposed net building area of 133,694 for only the retail and office uses.

*Note: A separate land use review, LU 08-108590 HDZM, AD [a historic design review with modifications and an adjustment] is pending. This land use review is evaluating the proposed building renovation that includes a new rooftop penthouse and exterior alterations associated with converting the building to some ground level retail and office use at floors 3-5.*

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are: **33.808.100 General Approval Criteria for Central City Parking Review**

## ANALYSIS

**Site and Vicinity:** The 40,000-foot site is located in the River District of the Central City Plan District on the block bounded by NW Flanders Street, NW 14<sup>th</sup> Avenue, NW Everett Street, and NW 15<sup>th</sup> Avenue. The site is developed with a four-story, reinforced concrete and steel structure, the Meier & Frank Delivery Depot building. The building was constructed in 1927 as the central hub of an off-site delivery system for the Meier & Frank Company’s downtown department store.

The building was listed on the National Register of Historic Places in 2001 under criterion “A” for its association with the retail firm Meier & Frank, and under criterion “C” as an outstanding example of modernist industrial design as interpreted by the noted Portland firm of Sutton and Whitney. The building is classically composed, and its rusticated one-story base and stylized three-story pilasters typify the Industrial Modern style. The building’s concrete one-story base was formed to simulate stone, and a water table, decorated with dentils, separates the first floor from the upper floors. Unadorned pilasters separate each window bay and each pilaster is topped with an undecorated capital. An unadorned frieze band finishes the top of the building.

The building has remained largely unaltered, but it is in a poor state of repair. The concrete is pocked and damaged, revealing the reinforcing steel bar in many locations. The original steel, multi-light windows with pivot sash all appear to be intact, but have warped and rusted over time. Almost every window appears to have sustained damage from weather, vandalism and use, and many panes have been broken or are missing. A metal canopy extends across the west half of the first floor at the south elevation, but it has been altered and is in disrepair. Another canopy, which was originally located at the southeast corner, is missing. The original entry door is gone and has been replaced with a steel door and metal panel.

Portland’s Transportation System Plan classifies NW Everett Street as a Traffic Access Street, Transit Access Street, City Bikeway, and City Walkway. NW 14<sup>th</sup> Avenue is designated as a Major

City Traffic Street, City Bikeway, and Community Corridor. Both NW Flanders and 15<sup>th</sup> are Local Service Bikeways. The site is within the Northwest Triangle Pedestrian District.

**Zoning:** The Central Employment (EX) 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.

The Design Overlay [d] zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- **LUR 93-010491 CU AD** (reference file # 93-00492): Conditional use approval of 36 structured parking spaces and 8 surface short-term surface parking spaces.
- **LUR 00-007322 DZM** (reference file # 00-00767): Design review approval of building renovations with modifications to Ground Floor Window and Loading standards. The work proposed and approved was never started, this review has expired.
- **LU 08-108590 HDZM, AD:** Pending land use review, LU 08-108590 HDZM, AD [a historic design review with modifications and an adjustment]. This land use review is evaluating the proposed building renovation that includes a new rooftop penthouse and exterior alterations associated with converting the building to some ground level retail and office use at floors 3-5.

**Agency Review:** A “Request for Response” was mailed **March 25, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Plan Review Development Section of BDS

The Bureau of Transportation Engineering responded with the following comment: Please see Exhibit E-1 for additional details.

Portland Transportation/Development Review (Portland Transportation) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

### **RECOMMENDATION**

Portland Transportation has no objections to the proposed Central City Parking Review.

The Bureau of Environmental Services responded with the following comment: Please see Exhibit E-2 for additional details.

BES has no objections to the requested Central City Parking Review. Further development of the property would be subject to the Bureau of Environmental Services’ standards and requirements during the building plan review process. Refer to the following information:

*Sanitary Services*

1. The proposed setback adjustment appears to have no impact on the BES sanitary sewer system.

*Stormwater Management & Water Resources*

Be aware, stormwater runoff generated from proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed (pages 1-18 and 1-19 of the Stormwater Management Manual). Free CD-ROM discs of the 2004 Stormwater Management Manual are available at the City of Portland Development Services Center, 1900 SW 4th Avenue or on the internet at [www.portlandonline.com/bes/](http://www.portlandonline.com/bes/). The applicant may also contact BES with any questions or for additional information.

1. There is no City-owned storm-only sewer available to this property.

*Conditions of Approval*

BES has no recommended conditions of approval.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 2, 2008**. 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 Central City Parking Reviews

#### 33.808.010 Purpose

The purpose of Central City Parking Review is to allow for parking that supports Central City development, and is consistent with the goals and policies of the Central City Plan and Central City Transportation Management Plan. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District.

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

**Findings for A and B:** To address this approval criterion the applicant submitted a Transportation Impact Study (TIS) prepared by Kittelson & Assoc., Inc., a recognized local transportation engineering and planning firm. Portland Transportation staff determined that the scope of the study prepared in association with the aforementioned land use case was sufficient to address the applicable approval criteria related to the subject CCPR.

*Street Capacity and Level of Service*

Portland Transportation staff reviewed the TIS' analysis regarding traffic impacts (measure of delay and congestion of vehicles), and agrees with the summaries contained therein. The report indicates that one of the studied intersections (NW 15th/NW Everett, the critical shared southbound through/left-turn movement, specifically) is currently operating at LOS "F" during the weekday morning peak period. The excessive amount of delay for this approach can be attributed to the heavy eastbound through and left-turn movements along NE Everett. Although the movement experiences high amounts of delay, it operates well below capacity and the queuing on the approach is minimal. The forecasted operation of this intersection with the proposed project's build-out will also be at LOS "F". The total traffic conditions analysis will include the traffic estimated to be generated by the proposed 241 office parking spaces. Again, the same LOS "F" at the NW 15th/Everett intersection is forecast for the morning peak period. (It should be noted that all other studied intersections currently operate, and will continue to operate in the future at acceptable levels of service). Given the trip distribution analysis for the proposed parking garage, no trips to the (critical) shared southbound through/left-turn movement will be added. The volumes on the approach are relatively minor and the approach is forecast to have sufficient capacity. Therefore, no specific mitigation measures are recommended by the applicant's traffic consultant. It is anticipated that motorists experiencing the long delays such as the southbound through movement will simply re-route their travel patterns to avoid having to cross NE Everett during the peak time periods.

Portland Transportation concurs with these conclusions as well as the lack of need for any mitigation measures for the identified troubled intersection.

#### *On-street Parking Impacts*

Currently, there are available on-street parking spaces along the site's NW 15th Avenue and NW Flanders Street frontages. As part of the proposed project to convert the existing building for office uses, the applicant is also proposing a 241 space parking garage. The entrance to the garage will be approximately mid-block along the site's NW 15th Avenue frontage. The curb cut necessary for the new driveway will result in the loss of approximately 2-3 on-street parking spaces. Given that the project will add 241 parking spaces that don't currently exist in the area, for the exclusive use of proposed office (conversion) tenants, impacts on the existing on-street parking supply in the area will be negligible.

#### *Access Requirements*

To determine the adequacy of the location of the access to the new parking garage, Portland Transportation suggests that the queuing of vehicles arriving to the site is an appropriate method to consider. The use that will generate the most number of vehicular trips to and from the site will be the office use of the proposed building. It was accurately calculated by the applicant's traffic consultant that approximately 97 vehicular trips will be arriving in the morning peak hour and 83 vehicular trips will be departing the site during the evening peak hour. Combining all of the numbers generated in the TIS clearly demonstrates that the morning arrival period will be the peak time for the parking garage. This information is used to determine whether or not there are going to be any queuing issues related to the parking garage into the public right-of-way and to determine the adequate queuing length for vehicles to be staged within the parking garage. The TIS indicates that the garage door will remain open throughout business hours; the operation of the garage door will not involve office employees using any sort of remote control upon arrival to the building.

In that the garage door will remain open during business hours, it is not anticipated that there will be any lengthy queuing along NW 15th Avenue, in either a north or south direction. The TIS demonstrated even if there was a more conventional garage operation

with a door that opened and closed to allow vehicle ingress and egress, that the 95th percentile queue is estimated to be approximately (only) one vehicle for both the northbound and southbound directions.

Other considerations for the adequacy of the access to the site are correctly noted in the applicant's narrative. Portland Transportation recognizes that two of the four streets that the building fronts along (NW Everett and NW 14th) are higher classified streets with higher volumes of vehicles, thus the applicant's proposed entrance along NW 15th Avenue is more appropriate.

*Impacts of Transit Operations and Movement*

There are no transit routes operating on NW 15th Avenue adjacent to the subject site. Routes running along NW Everett will not be affected by the proposed development.

*Impacts on the Immediate and Adjacent Neighborhoods*

The site is within the River District area of the Central City Plan District. The policies of the Central City Plan (adopted in 1988) describe the goals and desired character for the general Plan area. The area is zoned Central Employment with the design overlay (EXd) which allows for very intense, pedestrian-oriented development, with a strong emphasis on safe and attractive streetscapes.

The proposed parking garage will provide approximately 241 parking spaces, which will support the renovated building's office use. By placing the parking within the existing building's shell, the proposal will not lessen the desired character of the area or have impacts on the immediate and adjacent neighborhoods.

*Pedestrian and Bicycle Safety*

By consolidating the parking garage (and loading facility) to only one curb cut on NW 15th Avenue, the functionality of the other three street frontages will be preserved for pedestrians and bicyclists. Although not relevant to this Central City Parking Review, the applicant will be enhancing the sidewalk corridor along the site's NE Everett frontage by significantly widening it and will be upgrading the other sidewalk corridors to River District Standards. In addition, an audible and visual system will warn bicyclists and pedestrians of vehicles exiting the garage.

These criteria are 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 has frontages along four streets, NW Everett and NW Flanders Streets, as well as NW 14th and NW 15th Avenues. At this location, the City's Transportation System Plan classifies NW 15th and NW Flanders as Local Service streets for all modes. NW 14th is classified as a Major City Traffic street, City Bikeway, Community Corridor and Local Service street for all other modes. NW Everett is classified as a Traffic Access street, Transit Access street, City Bikeway, City Walkway and Local Service street for all other modes.

The proposed private parking garage will have access at a single mid-block location off of NW 15th Avenue. Given that NW 15th Avenue is classified as a Local Service street, which are primarily intended to provide access to properties, the proposed garage access is appropriate along this street and consistent with the City's TSP. This criterion is met.

- 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.

**Findings:** The development proposal includes Growth Parking, only. The proposed building supports bicycle commuting through the inclusion of a bicycle locker room facility and the required long-term bicycle parking. The Zoning Code's requirement (33.510.263.A.4.B) for five carpool spaces will also be met. The development's close proximity to the streetcar and bus lines provide for a number of transportation options for those traveling to the site to work or shop. The applicant has indicated that employees will be offered passes for use on the City's mass transit network. In addition, the employees will have opportunities to walk, bike, or use transit to surrounding activities in the downtown core area. This criterion is met.

## **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 Central City Parking Review approval criteria for the proposal are adequately met as described in the findings above.

## **TENTATIVE STAFF RECOMMENDATION**

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

Approval of a Central City Parking Review to include parking in the existing warehouse building. The proposal is to convert a portion of the ground level and the entire 2<sup>nd</sup> level of the existing warehouse building to parking. The proposed parking layout includes approximately 240 parking spaces. Parking entry and exit will be from a new garage door at NW 15<sup>th</sup> Avenue.

Approval subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-109173 PR. No field changes allowed.

### **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.

**Procedural Information.** The application for this land use review was submitted on February 14, 2008, and was determined to be complete on March 4, 2008.

*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 February 14, 2008.

*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.

**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 hearing. 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](http://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 \$4,148.50 will be charged (one-half of the application fee for this case).**

**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.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

**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.

**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: Kara Fioravanti

Date: April 11, 2008

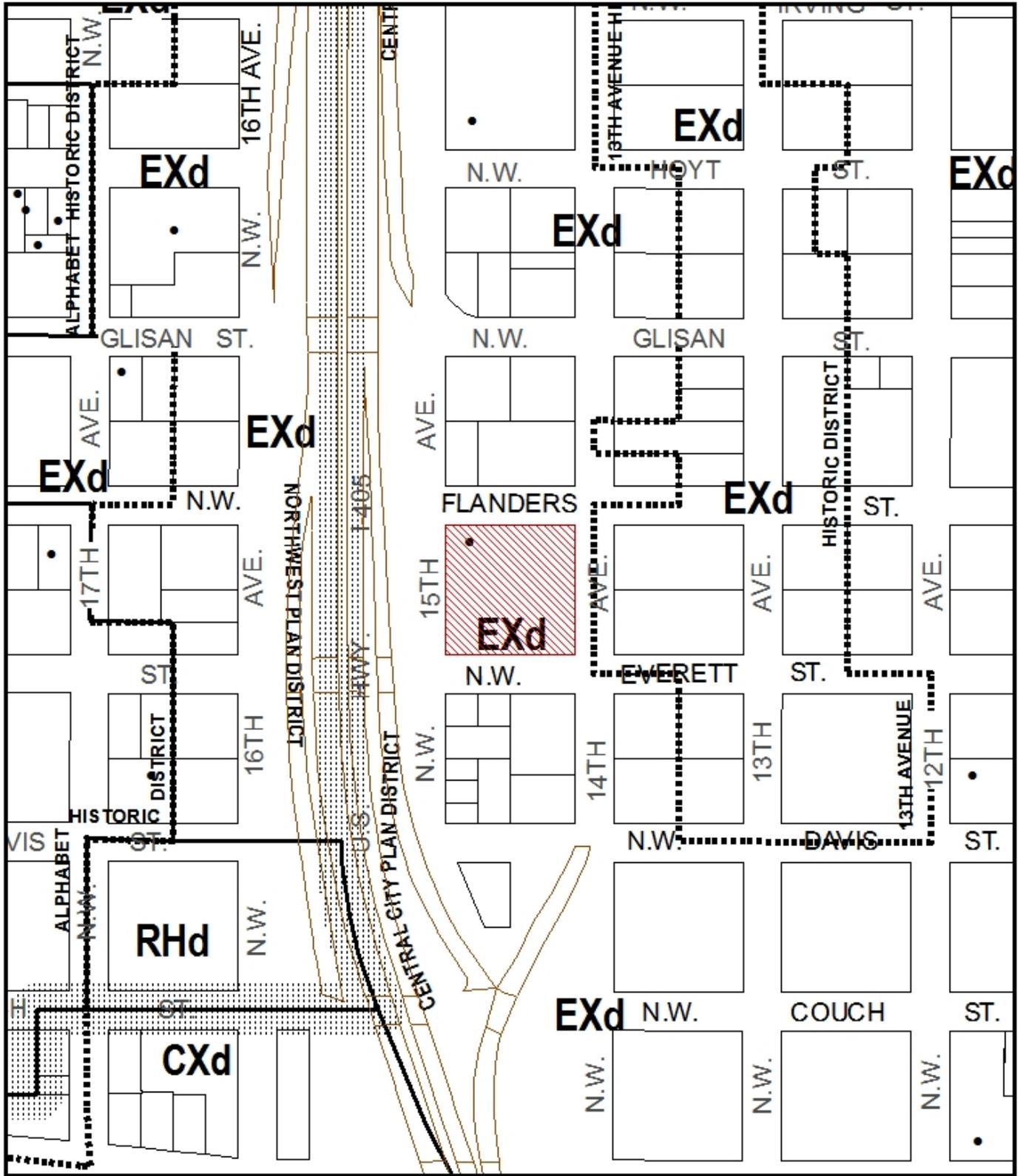
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- B. Applicant's Submittals
  - 6. Original narrative, 2-14-08
  - 7. Revised narrative, 2-28-08
  - 8. Email and attached CCPR pages, 2-28-08
  - 9. Email and attached CCPR pages, 3-6-08
  - 10. Final submittal
- B. Zoning Map (attached):
- C. Plans & Drawings:
  - 1. Site Plan (attached)
  - 6. Ground Floor Plan [attached]
  - 7. Level 2 Floor Plan [attached]
  - 8. Levels 3-4 Floor Plans
  - 9. Penthouse Floor Plan
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Transportation Engineering and Development Review
  - 2. Bureau of Environmental Services
- F. Letters:

*none received as of the date this report was published*
- G. Other:
  - 1. Original LUR Application
  - 2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-109173 PR
1/4 Section	3028
Scale	1 inch = 200 feet
State_Id	1N1E33DA 1900
Exhibit	B (Feb 15, 2008)

**PROPOSED PLANT PALETTE**

**Trees**

- Acer rubrum 'Bowhall'
- Carpinus betulus 'Fastigata'
- Fraxinus oxycarpa 'Raywood'
- Fraxinus pennsylvanica 'Marshall'
- Tilia cordata 'Greenspire'

**Shrubs**

- Berberis thunbergii 'Atropurpurea'
- Cistus corbariensis
- Cornus sericea 'Kelsey'
- Lavandula stoechas 'Otto Quast'
- Mahonia aquifolium
- Potentilla fruticosa
- Skimmia japonica

**Groundcover and Grasses**

- Arctostaphylos uva-ursi
- Calamagrostis x acutiflora
- Erica carnea
- Festuca glauca
- Liriope muscari

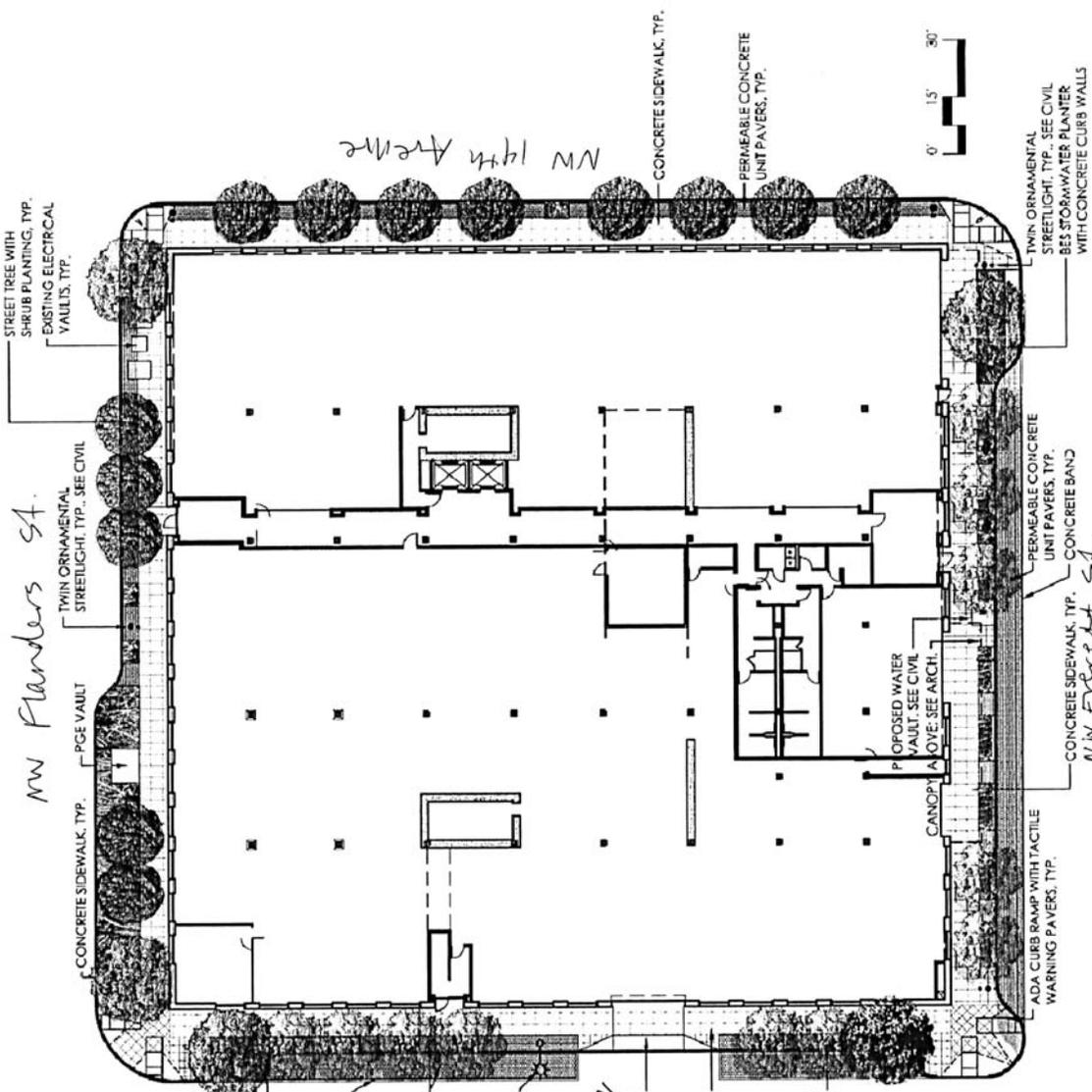
**Stormwater Planter Grasses**

- Bromus carinatus
- Bromus vulgaris
- Deschampsia caespitosa
- Elymus glaucus
- Festuca occidentalis
- Sisyrinchium idahoense

**Stormwater Herbaceous**

- Camassia quamash
- Iris tenax

- Bowhall Red Maple
- Hornbeam
- Raywood Ash
- Marshall Ash
- Greenspire Littleleaf Linden
- Barberry
- White Rockrose
- Dwarf Redtwig Dogwood
- Otto Quast Spanish Lavender
- Oregon Grape
- Cinquefoil
- Japanese skimmia
- Kinnikinnick
- Karl Foerster Feather Reed Grass
- Heather
- Blue Fescue
- Lilyturf
- California Biome Grass
- Columbia Biome Grass
- Tufted Hairgrass
- Blue Willow
- Western Fescue
- Blue-Eyed Grass
- Camas
- Oregon Iris



08-109173 PR  
 NW Everett St  
 ERM C-1

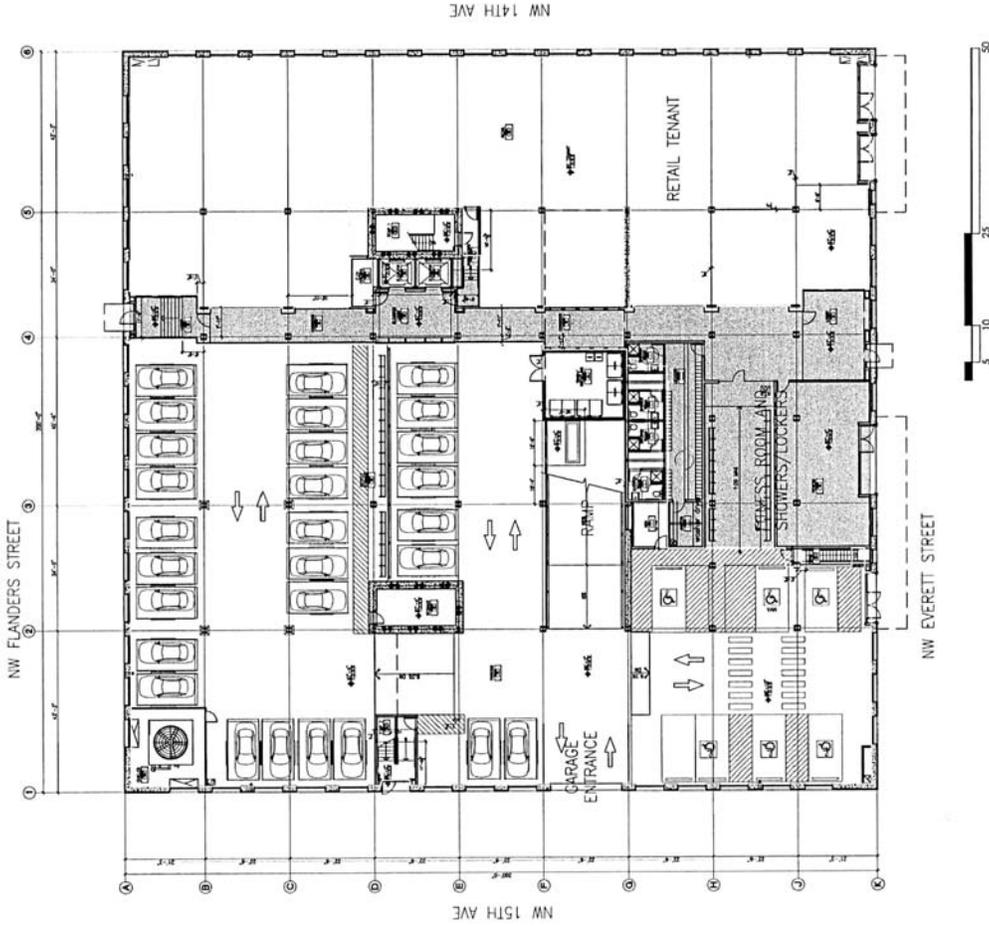
**STREETSCAPE PLAN**

**MEIER & FRANK DELIVERY DEPOT: An adaptive reuse project**



GERDING EDLEN Development / GBD ARCHITECTS INC. / Skanska USA Building Inc.

ARCHITECTS



**RETAIL**

Roughly 13,000 sf of retail located along NW 14th Avenue with entry along the Southeast corner of Everett Street. Utilizes two existing garage bay doors which will be infilled with a retail "storefront" glazing system. A regularly sized door will be created adjacent to the windows, in an existing skinny bay window opening.

**PARKING**

One-third of the building's parking capacity will be located on the West side of the ground floor utilizing semi-automated parking "stackers." Entry to the parking area will be located centrally on the 15th Avenue facade, facing I-405 freeway.

Bicycle parking, loading/unloading areas and garbage/recycling areas are also located in the parking area.

**OTHER AMENITIES**

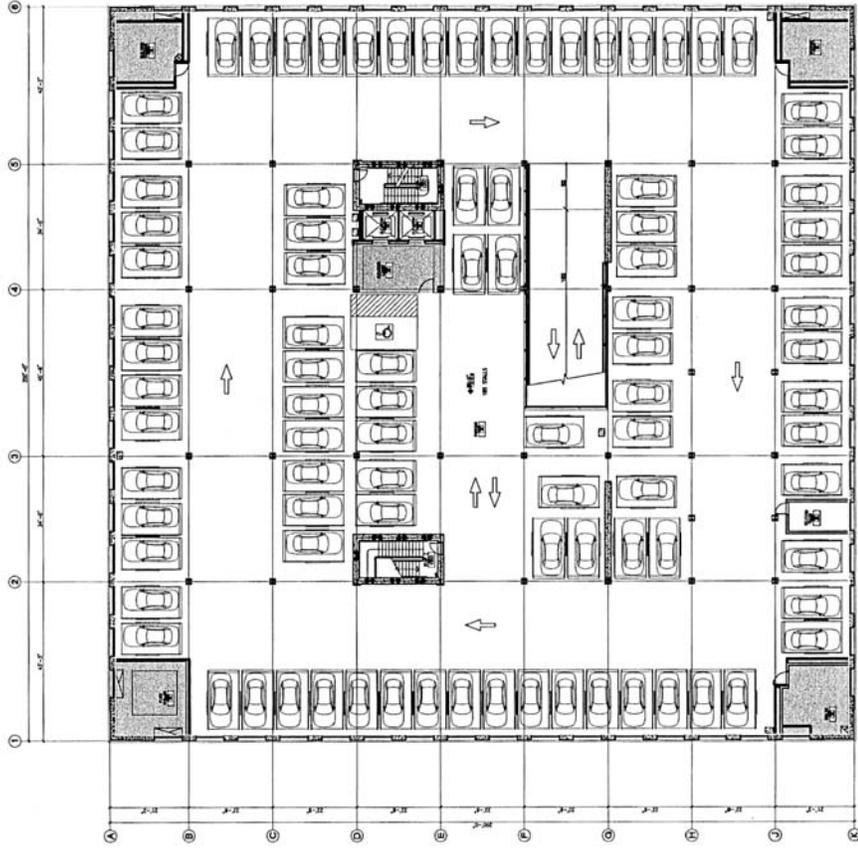
Also located on the ground floor is the primary entry on Everett, adjacent to a fitness room and the showers/lockers which will be available to building tenants.

DB 109173 PR ERAC2

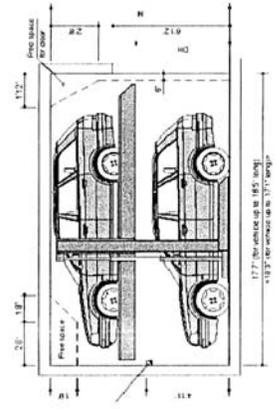
MEIER & FRANK DELIVERY DEPOT: An adaptive reuse project  
GERUNG EDLEN Development / GSD ARCHITECTS INC. / SACMAG USA Building INC.

GROUND FLOOR PLAN





**PARKING**  
 The entire second floor is given over to parking utilizing semi-automated parking "stackers." Total parking count stands at roughly 240 cars. Parking will be reserved for tenant use only and tenants will have a "parking buddy" with whom to share a space.



08-109173 PR ERM C.3

LEVEL 2 FLOOR PLAN  
 N

MEIER & FRANK DELIVERY DEPOT: An adaptive reuse project  
 GROUND EDELM Development / GSD ARCHITECTS INC. / Skanska USA Building Inc.

