



CITY OF PORTLAND

Office of City Auditor Mary Hull Caballero

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 15-132320 PR
(HO 4150008)

Applicant: Nathan Hamilton
Allied Works Architecture
1532 SW Morrison Street, 3rd Floor
Portland, OR 97205

Owner's Representative: Urban Renaissance Group
ATTN: Krista Bailey
720 SW Washington Street, Suite 360
Portland, OR 97205

Contractor: Ashely Buchanan
Fortis Construction, Inc.
1705 SW Taylor Street, Suite 200
Portland, OR 97205

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Matt Wickstrom

Site Address: 1320 SW Broadway

Legal Description: BLOCK 185, PORTLAND

Tax Account No.: R667718940

State ID No.: 1S1E03BC 02000

Quarter Section: 3129

Neighborhood: Portland Downtown

District Coalition: Neighbors West/Northwest

Plan District: Central City Plan District, Downtown subdistrict

Zoning: CXd (Central Commercial with a Design Overlay zone)

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

BDS Staff Recommendation to Hearings Officer: Approval with Conditions

Public Hearing: The hearing was opened at 1:30 p.m. on May 20, 2015, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 1:39 p.m. 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. The record was closed to all testimony and/or written submissions at the end of the hearing.

Testified at the Hearing:

- Matt Wickstrom
- Nathan Hamilton

Proposal: This project involves a full building renovation for office uses, possibly adding retail uses on the ground floor and converting office and storage space in the basement to parking. Existing entries will be used to access the parking which will total approximately 68 automobile spaces and 200 bicycle spaces. Twelve of the 68 parking spaces already exist in the basement. Adding "growth parking" in the Central City requires approval through a Central City Parking Review. The intent of this review is to ensure that the demand for parking is managed and the negative effects of parking minimized.

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-N, *Central City Parking Review Approval Criteria*.

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated May 8, 2015, and to issue the following approval:

Approval of a Central City Parking Review to increase the number of vehicle parking spaces in the basement of an existing building from 12 spaces to 68 spaces subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING

COMPLIANCE PAGE - Case File LU 15-132320 PR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. The gate access to the parking garage shall be located a minimum of 20-feet behind the back of the sidewalk.

Basis for the Decision: BDS Staff Report in LU 15-132320 PR, Exhibits A.1 through H.4, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

5/22/15

Date

Application Determined Complete: March 25, 2015
Report to Hearings Officer: May 11, 2015
Decision Mailed: May 26, 2015
Last Date to Appeal: 4:30 p.m. June 9, 2015
Effective Date (if no appeal): June 10, 2015

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 a.m. to 3:00 p.m. and on Thursdays between 8:00 a.m. to 12:00 p.m. After 3:00 p.m. Monday through Wednesday and Fridays, and after 12:00 p.m. on Thursdays, appeals must be submitted at

the reception desk on the 5th floor. **An appeal fee of \$3,832.50 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

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

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

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- 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 Statement and Original LU Application
 - 1. 120-day waiver
- B. Zoning Map
- C. Plans and Drawings
 - 1. Site Plan
 - 2. Building Section Drawing
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
- F. Letters: None received
- G. N/A
- H. Received in the Hearings Office
 - 1. Hearing Notice -- Wickstrom, Matt
 - 2. Staff Report -- Wickstrom, Matt (**attached**)
 - 3. PowerPoint Presentation -- Wickstrom, Matt
 - 4. Record Closing Information -- Hearings Office



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, 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 15-132320 PR
PC # 15-111095

REVIEW BY: Hearings Officer

WHEN: Wednesday, May 20, 2015 at 1:30 PM

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: MATT WICKSTROM /
MATT.WICKSTROM@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Nathan Hamilton / Allied Works Architecture
1532 SW Morrison St 3rd Floor / Portland OR 97205

Owner Representative: Urban Renaissance Group / ATTN: Krista Bailey
720 SW Washington St Ste 360 / Portland OR 97205

Contractor: Ashely Buchanan / Fortis Construction Inc
1705 SW Taylor St, Ste 200 / Portland, OR 97205

Site Address: 1320 SW BROADWAY

Legal Description: BLOCK 185, PORTLAND
Tax Account No.: R667718940
State ID No.: 1S1E03BC 02000
Quarter Section: 3129

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212

Plan District: Central City Plan District, Downtown subdistrict
Other Designations:

Zoning: CXd (Central Commercial with a Design Overlay zone)

Case Type: PR (Central City Parking Review)
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the review body can be appealed to City Council.

RECEIVED
MAY 11 2015
HEARINGS OFFICE



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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Proposal:

This project involves a full building renovation for office uses, possibly adding retail uses on the ground floor and converting office and storage space in the basement to parking. Existing entries will be used to access the parking which will total approximately 68 automobile spaces and 200 bicycle spaces. Twelve of the 68 parking spaces already exist in the basement. Adding "growth parking" in the Central City requires approval through a Central City Parking Review. The intent of this review is to ensure that the demand for parking is managed and the negative effects of parking minimized.

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-N, Central City Parking Review Approval Criteria.**

ANALYSIS

Site and Vicinity: The 40,000 square foot site occupies a full block in downtown Portland. The block fronts on SW Columbia Street to the south and SW Jefferson Street to the north. It fronts on SW Broadway to the west and SW 6th Avenue to the east. It is developed with a 6-story building with a basement. The building has a 1-story grade change from SW Broadway to SW 6th Avenue. The building, referred to as the Oregonian Building, was constructed in 1948 to house the entire operations of the Oregonian. The basement has vehicle access points from SW Columbia Street and SW Jefferson Street.

Zoning: The site is zoned CXd (Central Commercial with a Design Overlay Zone). It is located in the Central City Plan District, Downtown Subdistrict.

The CX zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to discretionary design review.

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. The district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

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

- DZ 115-89 - Design Review approval for interior parking request.
- LUR 96-00372 DZ - Design Review approval for new spandrel glass.
- LUR 96-01060 DZ - Design Review approval to install new cooling tower and a new power generator.
- LUR 97-00962 DZ - Design Review approval to replace 20 failed window units.
- LU 15-132324 DZ - Design Review in process for exterior renovation of building.

Agency Review: A "Request for Response" was mailed **April 13, 2015**. The following Bureaus have responded:

The Bureau of Transportation Engineering responded with information pertaining to the transportation-related approval criteria (Exhibit E-1).

The Water Bureau responded with information on water service (Exhibit E-2).

The Life Safety section of the Bureau of Development Services (BDS) responded with Building Code information (Exhibit E-3).

The Fire Bureau responded that all applicable Fire Code (Exhibit E-4).

The Bureau of Environmental Services, Site Development section of BDS and Urban Forestry section of the Parks and Recreation Bureau responded with no concerns (Exhibit E-5).

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

ZONING CODE APPROVAL CRITERIA

[33.808.010 Purpose of Central City Parking Reviews

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.

Findings: Desired character is defined in the Zoning Code Section 33.910 as "the preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on an adopted area plans or design guidelines for an area".

The relevant aspects of "desired character" per the above criterion include the following elements:

- The purpose and character statements for the CX zone;
- The purpose statement for the Central City plan district;
- The *Central City Plan* (1988);
- The purpose of the Design Overlay Zone;
- The *Central City Fundamental Design Guidelines* (2001).

The CX zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. The addition of 56 new vehicle parking spaces within the basement of an existing building does not conflict with this character statement.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior

modifications to existing development are subject to design review. The applicant has applied for a Type III Design Review for exterior alterations to the building. Because the parking is interior to the building and is utilizing the existing access points, no exterior alterations or new development requiring evaluation of policies in *The Central City Fundamental Design Guidelines* are proposed as part of this land use review.

The Central City Plan District (CCPD) implements the *Central City Plan* and other plans applicable to the downtown area through a suite of use regulations and development standards. Conformance with the plan district regulations will be determined as part of the Design Review and any necessary modifications will be evaluated. The proposal will be in conformance with all use regulations and development standards of the CCPD.

The *Central City Plan* (1988) was a broad, comprehensive effort that sought to establish the Central City as the center of commerce and cultural activities in the community, recognize the unique environmental setting and historic precedence of the area, incorporate new residential and business activity, preserve the integrity of adjacent neighborhoods, and improve the overall livability of the area. The proposal is consistent with these objectives by redeveloping the office building on the site in keeping with the underlying zoning use regulations and development standards. Functional policies of the plan that are relevant to this proposal include: Economic Development (1), Transportation (4), and Downtown (14). The Economic Development policy discusses enhancing the Central City's dominance in finance, professional services and as a business headquarters location. The overall project supports this policy as does the addition of parking to support new uses in the building. An objective in the Transportation section discusses the need to recognize that parking is an important element of the transportation system which supports growth. The proposal is consistent with this objective. The Downtown policy discusses the need to continue to actively foster the growth and attractiveness of the Downtown. The proposal to add basement-level parking that utilizes existing vehicle access points helps foster this goal.

Based on the above considerations, the proposed parking will not by itself, or in concert with other parking facilities in the area, significantly lessen the overall desired character of the area. 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: To address this approval criterion, the applicant submitted a formal Traffic Impact Study (TIS). In this case, the applicant is requesting to create 56 new growth parking spaces in addition to 12 existing parking spaces. The proposed parking will be located in the basement of the building. Existing vehicle entry and exit points are located on SW Columbia Street and SW Jefferson Street. PBOT provided the following response:

Street Capacity and Level-of-Service

The renovation of the existing building on this site will result in a reduction of office and accessory uses from approximately 198,000 square feet to approximately 181,500 square feet. While the proposed project would increase parking on-site, the changes to the building will result in a *net trip generation reduction* and increase bicycle commuting opportunities through the provision of approximately 200 new bicycle parking spaces and associated commuter amenities to include showers, lockers, etc. The *net trip generation reduction* is a result of office and accessory floor area being devoted to parking.

As indicated by the applicant's analysis, the proposed parking will result in a slight reassignment of trips through adjacent intersections as vehicles that previously parked in nearby parking garages/lots are shifted to the parking garage via the SW Columbia access. The minimum number of trips that will be reassigned due to the provision of an additional 56 parking spaces at this site will not result in any noticeable increase in delay at any area intersection.

On-street Parking Impacts

No changes are proposed to the location of the existing driveways that serve the site and no changes to on-street parking availability adjacent to the project site are anticipated as a result of the proposed below grade parking. Accordingly, this proposal is not expected to have significant impacts to on-street parking in the vicinity.

Access Requirements

The existing access locations on SW Columbia and SW Jefferson will remain the same and no additional access is requested as part of this proposal. The SW Jefferson access will be used only for vehicle loading needs. The existing access points are at least 100 feet from the light rail tracks on SW 6th and neither SW Columbia or NW Jefferson are designated as access restricted streets.

The applicant also submitted a queuing analysis for the garage entrance gate to ensure that sufficient space will be provided to prevent entering vehicles from queuing in the street or across the sidewalk. Based upon the analysis, the 68 parking spaces will generate significantly lower volumes than the expected capacity of the gate, indicating that PBOT's standard 20-ft setback from the back of the sidewalk to the gate access will be adequate.

BDS has added a condition of approval to ensure the gate is set back 20 feet from the back of the sidewalk.

Impacts on Transit Operations and Movement

There are no significant impacts expected on transit operations or movement associated with this proposal. Access points are sufficiently far from the light rail tracks on SW 6th Avenue.

Impacts on the Immediate and Adjacent Neighborhoods

There are no transportation-related impacts expected to the immediate or adjacent neighborhoods. The existing use of the building on-site is not anticipated to change.

Pedestrian and Bicycle Safety

The project will include space to accommodate approximately 200 bicycle parking spaces. These spaces are proposed to be accessed via SW Jefferson Street which will reduce any potential conflicts with the additional motor vehicle traffic using the SW Columbia Street access. SW Jefferson has existing bike lanes which will further facilitate safe bicycle movements. Additionally, the SW Columbia garage entry will include an audible warning system that will serve to alert pedestrians of exiting vehicles. Accordingly, no significant impacts are expected to pedestrian or bicycle safety as a result of the additional parking at this location.

As reviewed above, the transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area with a condition of approval regarding the location of gate access for the parking garage. 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: PBOT provided the following responses:

The subject site is bound by public streets on all sides and is located within a Pedestrian District. The City's Transportation System Plan (TSP) classifies these streets as follows:

SW Broadway: Traffic Access Street, City Bikeway, City Walkway, Major Emergency Response Route, a Community Main Street, and Local Service Street all other transportation modes.

SW Jefferson: Traffic Access Street, Transit Access Street, City Bikeway, and a Local Service Street all other transportation modes.

SW 6th: Regional Transit way/Major Transit Priority, Central City Transit/Pedestrian Street, a Community Main Street, and Local Service Street all other transportation modes.

SW Columbia: Transit Access Street, City Walkway, and a Local Service Street all other transportation modes.

The proposed parking facility that triggered this CCPR is in conformance with the above referenced street classification goals, policies and objectives of the TSP.

Based on the information above, 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: According to the TIS, the proposal will not generate more than 100 vehicles during the peak hour commute, therefore this criterion is not applicable.

- 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 CX 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 Office 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 (Exhibit E-1). Therefore, 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: The proposal includes Growth Parking, but no Preservation Parking. Therefore, 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: The proposal includes Growth Parking, but no Visitor Parking. Therefore, 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.e, 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: Only I.1 applies to this proposal. It focuses on whether a parking management plan supports alternatives for single-occupant commuting. The site is in the Core Area (Map 510-8). The applicant points out that the “proposed project supports alternatives to the single-occupant commuting vehicle by providing a locked storage room for approximately 200 bicycles. In addition, amenities supportive of bicycle commuting are provided, including showers, restrooms and locker facilities. Additionally, the close proximity to light rail transit and bus service makes these attractive options for tenants of the building”. PBOT stated no objections to this parking management approach.

Based on this information, this criterion is met.

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.
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 proposal is not outside the Core Area, therefore, 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.
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.
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.
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 not located in any of these subdistricts, 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 in the Downtown subdistrict. 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 in the Downtown 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 in the Downtown 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 in the Downtown 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 applicant has proposed a Central City Parking Review to add 56 parking spaces to an area in the basement of an existing building where 12 parking spaces and accessory uses are currently located. An analysis of Portland Zoning Code purpose statements and relevant plans shows the proposal will not lessen the desired character of the area. PBOT reviewed the proposal and accompanying TIS and determined the transportation system is capable of safely supporting the proposed parking expansion and it is consistent with the classifications of adjacent streets. PBOT also found the parking management plan approach submitted by the applicant to be acceptable. Based on this information, the proposal meets the relevant approval criteria and should be approved.

TENTATIVE STAFF RECOMMENDATION

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

Approval of a Central City Parking Review to increase the number of vehicle parking spaces in the basement of an existing building from 12 spaces to 68 spaces subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-132320 PR ." All requirements must be

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

- B. The gate access to the parking garage shall be located a minimum of 20-feet behind the back of the sidewalk.

Procedural Information. The application for this land use review was submitted on March 11, 2015, and was determined to be complete on Mar 25, 2015.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 11, 2015.

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: July 23, 2015.**

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 \$3,832.50 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.

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: Matt Wickstrom

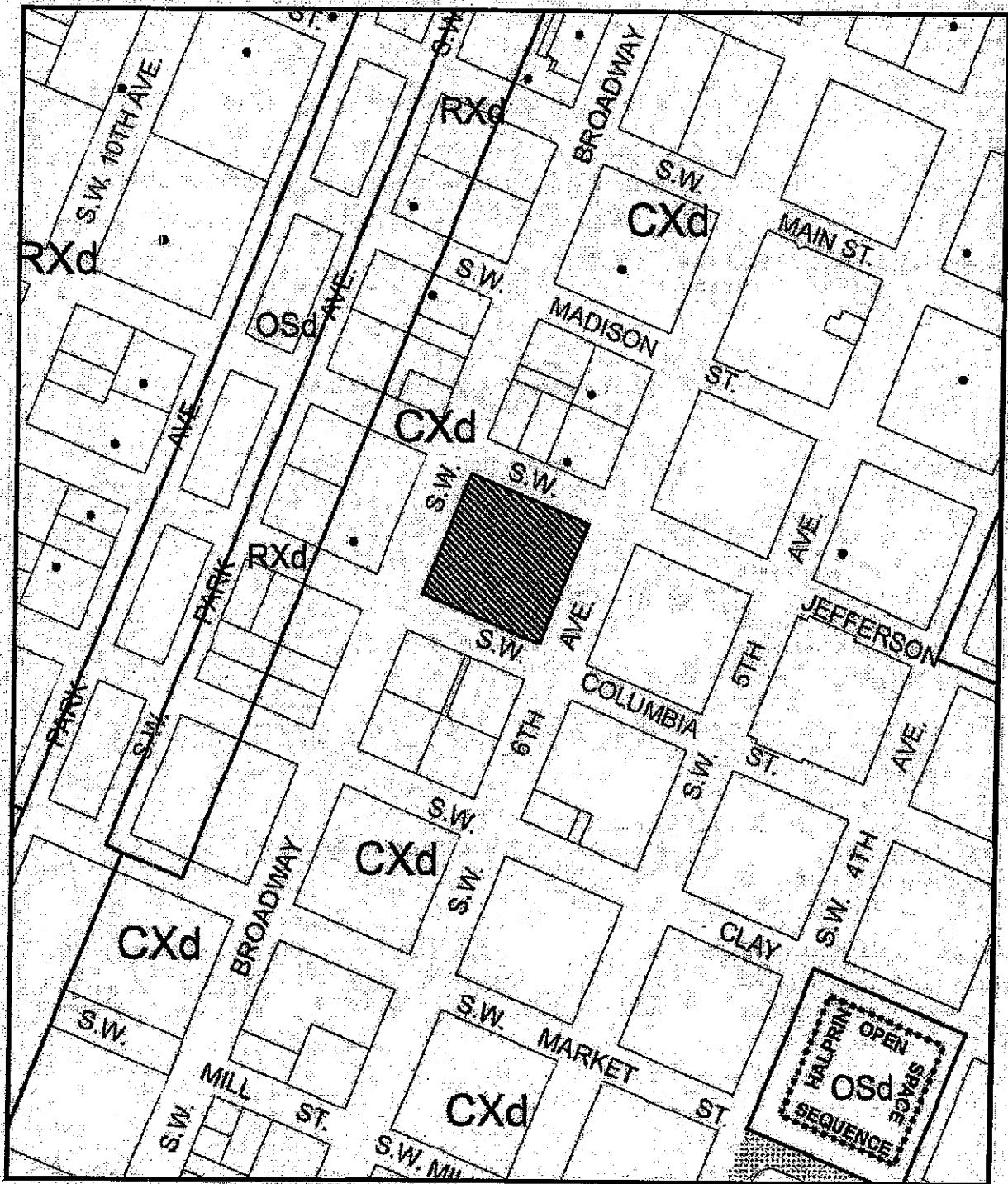
Date: May 8, 2015

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
 - 1. 120-day waiver
- B. Zoning Map (attached)
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Building Section Drawing (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
- F. Letters: None received

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

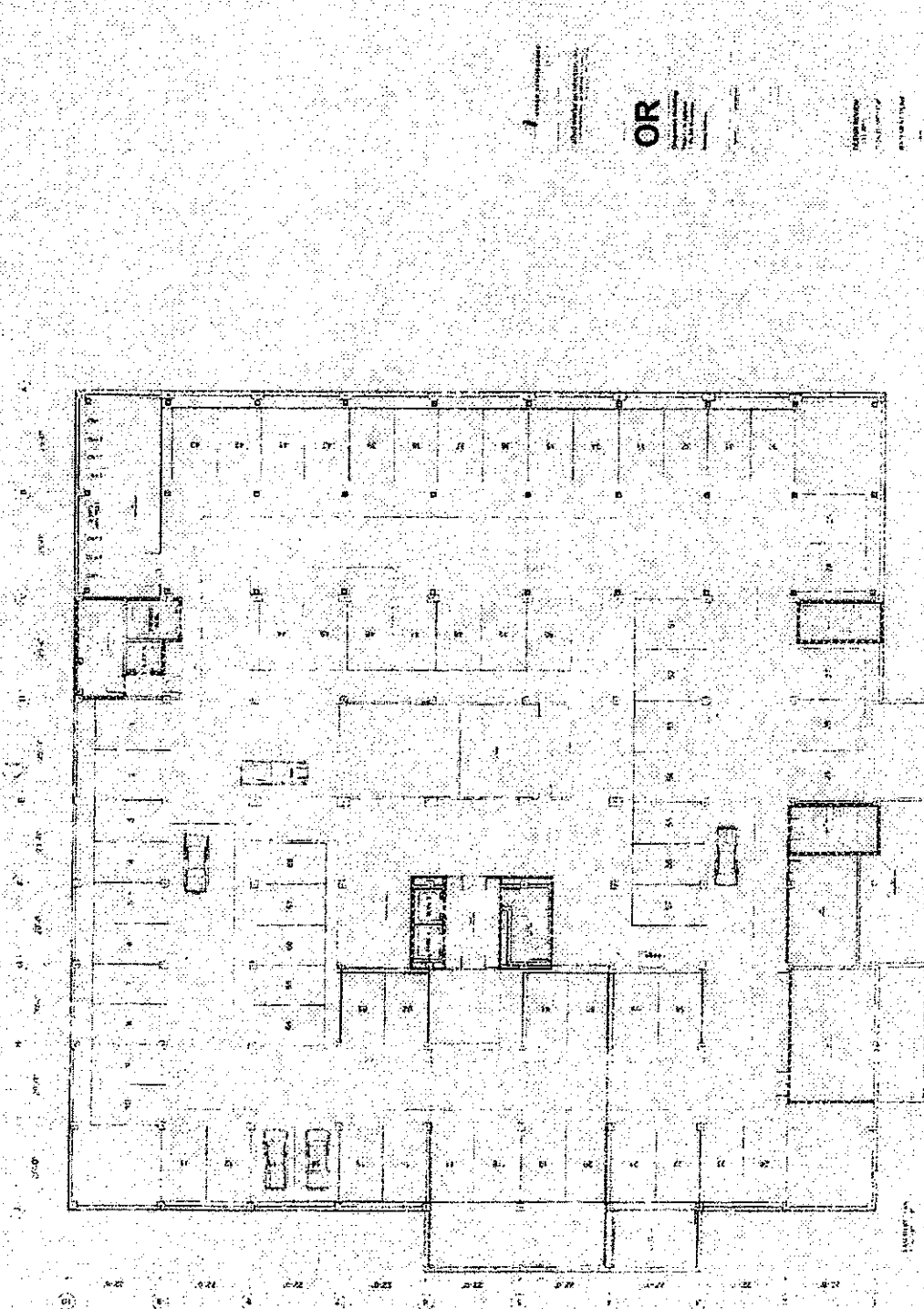


NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN

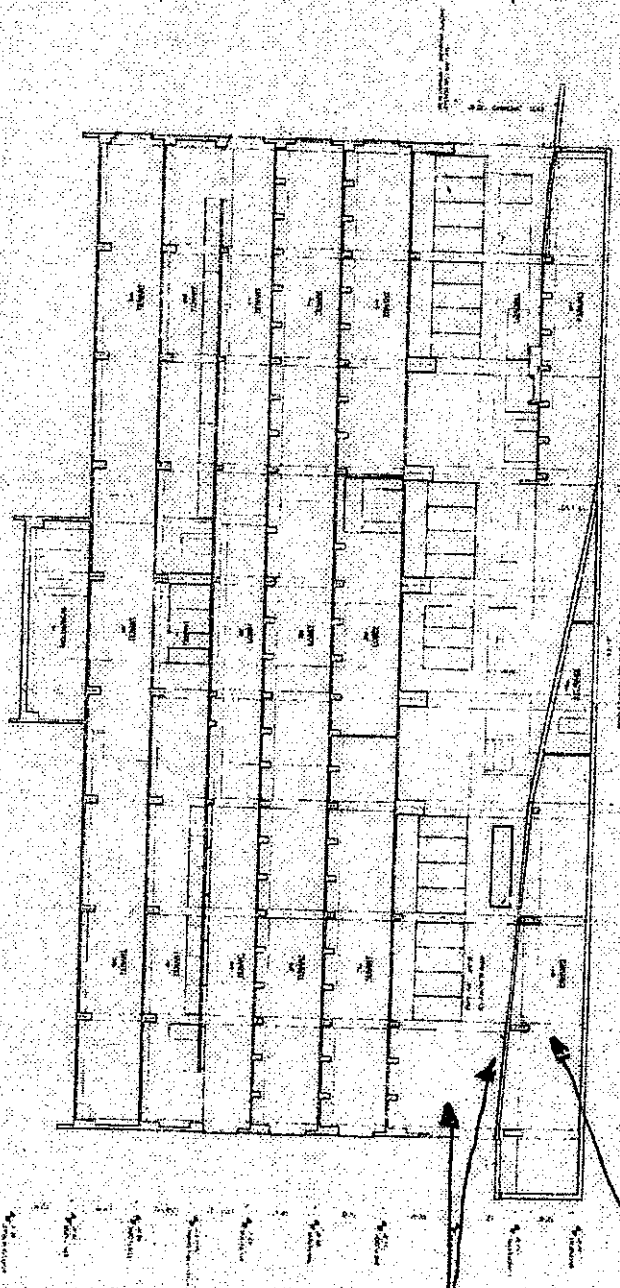
File No. LU 15-132320 PR
1/4 Section 3129
Scale 1 inch = 200 feet
State Id 1S1E03BC 2000

(Mar. 13, 2015)



Central City Parking Review to add 56 automobile vehicle spaces in the basement of an existing building. Existing entrances will access parking. 12 parking spaces currently exist in the basement.

Exhibit C.1



Entrance
and
ramp

Location of
proposed parking

Exhibit C.2

OR

A2.04