



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: February 4, 2013 **To:** Interested Person

From: Chris Caruso, Land Use Services

503-823-5747 / Chris.Caruso@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-211489 OTHER UNASSIGNED TRANSPORTATION DEMAND MANAGEMENT PLAN FOR GRANT PARK VILLAGE

Applicant: Todd Mobley/Lancaster Engineering

321 SW 4th Ave, Ste 400/Portland, OR 97204

Contact/Owner: Lauren Golden-Jones/Capstone Partners LLC

1015 NW 11th Ave, Ste 243/Portland, OR 97209

Owners: Jeff Sackett/Capstone Partners LLC

1015 NW 11th Ave, Ste 243/Portland, OR 97209

KAL LLC

111 N Post, Ste 200/Spokane, WA 99201

Site Address: 3246 NE Broadway Street

Legal Description: BROADWAY ADD, BLOCK 5, LOT 1&2 EXC N 10' TKN FOR E BRDWY;

BROADWAY ADD, BLOCK 5, LOT 3-5 EXC N 10' TKN FOR E BRDWY; BROADWAY ADD, BLOCK 5, LOT 6 EXC N 10' TKN FOR E BRDWY; BROADWAY ADD, BLOCK 5, LOT 7&8 EXC N 10' TKN FOR E BRDWY, W 48' OF LOT 9 EXC N 10' TKN FOR E BRDWY; BROADWAY ADD, BLOCK 5, E 2' OF LOT 9 EXC N 10' TKN FOR BRDWY, LOT 10 EXC N 10' TKN FOR E BRDWY; BROADWAY ADD, BLOCK 5, LOT 11&12 TL 11800, BILLBOARD SEE R121898 (R105500590) FOR LAND & IMPS; BROADWAY ADD, BLOCK 5, LOT 13&14; FERNWOOD, LOT 13&16 TL 11900, BILLBOARD SEE R162222 (R276000700) FOR LAND & IMPS; BROADWAY ADD, BLOCK 4, LOT 3&4; BROADWAY ADD, BLOCK 4, LOT 5&6;

BROADWAY ADD, BLOCK 4, LOT 1&2.

Tax Account No.: R105500480; R105500500; R105500530; R105500540; R105500570;

R105500591; R276000702; R105500610; R105500630; R105500440;

R105500460; R105500420.

State ID No.: 1N1E25CD 11300; 1N1E25CD 11400; 1N1E25CD 11500;

1N1E25CD 11600; 1N1E25CD 11700; 1N1E25CD 11800;

1N1E25CD 11900; 1N1E25CD 12000; 1N1E25CD 12100; 1N1E25CD 12300; 1N1E25CD 12500; 1N1E25CD 12200.

Quarter Section: 2833

Neighborhood: Sullivan's Gulch, contact Carol Gossett at 503-449-1253.

Business District: Northeast Broadway BA, Murray Koodish at info@nebroadway.com. **District Coalition:** NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004. **Zoning:** CS, RXd – Storefront Commercial and Central Residential with design

overlay.

Case Type: Other Unassigned

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal & Relevant Approval Criteria:

Condition of Approval C from the May 2003 approval of the prior Comprehensive Plan Amendment and Zone Change for the subject property (LU 00-00672 CP ZC), known as Grant Park Village, requires preparation and submittal of a Transportation Demand Management (TDM) Plan prior to issuance of a building permit for development on the subject site. The site is also under review LU 12-189581 ZC to change a previous Condition of Approval listed in LU 00-00672 CP ZC to allow installation of a left-turn signal on NE Broadway at NE 32nd Avenue. This will be processed as a separate Type III review before the Hearings Officer.

ANALYSIS

Site and Vicinity: The project area is roughly triangular in shape and is bounded by NE Broadway, NE 33rd Avenue, NE Halsey Street, NE 32nd Avenue, and the I-84 (Banfield) Freeway. Immediately west of the project area, south of NE Weidler Street, is the Hollywood Fred Meyer shopping center. Along the north side of NE Weidler Street between NE 28th and 32nd Avenues are older residential homes on small lots. The Sullivan's Gulch neighborhood is to the west, the Grant Park Neighborhood is to the north, and the Hollywood Neighborhood is to the east. South of the project area is Sullivan's Gulch, the Banfield Freeway and MAX light rail line, with the NE Sandy Boulevard commercial area, Kerns and Laurelhurst Neighborhoods beyond.

The northern portion of the project area abuts NE Broadway, a designated Major City Traffic Street, Major City Transit Street, City Walkway, and Minor Truck Street with a frequent service bus line. NE Broadway is a major east-west arterial street lined with a wide variety of commercial development on relatively small lots, located between the Hollywood and Lloyd Center commercial centers. Northeast 33rd Avenue, along the eastern project area boundary, is a designated Major City Traffic Street, Minor Transit Street (with no bus service south of NE Broadway), City Walkway, and Minor Truck Street. Northeast Weidler and Halsey Streets, and NE 32nd Avenue are Local Service Streets that abut the project area to the west. They connect to NE 28th Avenue, a Neighborhood Collector, City Bikeway, and City Walkway. South and southeast of the project area is the Banfield Freeway (I 84), a Regional Trafficway (entrance to and exit from the west only at NE 33rd Avenue), and the MAX Light Rail (nearest transit station about one-half mile east in the Hollywood District). About one-quarter mile south is NE Sandy Boulevard which is designated a Major City Traffic Street, Major Transit Street, City Bikeway, City Walkway, and Minor Truck Street.

Zoning: The <u>Central Residential</u> (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where

commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The <u>Storefront Commercial</u> (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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

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

- **VZ 070-63** A 1963 review to permit more than one sign in an S Zone at 3204 NE Broadway.
- **VZ 377-65** A 1965 review to permit more than one sign in an S Zone at 3204 NE Broadway.
- **LUR 95-00850 CS** A 1995 review to approve construction of a convenience store in conjunction with a retail gas station.
- **LUR 00-00672 CP ZC** –Approval of a Comprehensive Plan Amendment from Industrial Sanctuary to Urban Commercial and Zone Change from IG1 General Industrial 1 to CS Storefront Commercial for lots abutting NE Broadway Street, and changing Industrial Sanctuary and General Commercial to Central Residential and Zone Change from IG1 General Industrial 1, IH Heavy Industrial, and RX Central Residential for the remainder of the site. Design Overlay Zone applied to the entire site.
- **LU 06-148501 DZM** Approval with Modifications for a mixed-use, multi-dwelling development in two construction phases. This decision was never recorded and is now expired.
- **LU 12-186554 DZM AD** Design Review approval on January 24, 2013, with Modifications and Adjustments, for a mixed-use, multi-dwelling development.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 20**, **2012**. The following Bureaus have responded with no issues or concerns about the proposal:

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

Portland Transportation/Development Review 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. The applicant has submitted a TDM plan that is acceptable to PBOT.

<u>Transportation System Development Charges (Chapter 17.15)</u>

• System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-7080.

Driveways and Curb Cuts (Section 17.28)

 Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Recommendation

No objection to approval.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 20, 2012**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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.

APPROVAL CRITERIA

Condition of Approval C from the approved May 2003 Comprehensive Plan Amendment and Zone Change (LU 00-00672 CP ZC) reads as follows:

C. Prior to issuance of a building permit for any development, the applicant shall submit a Transportation Demand Management Plan for review at a Type I level. If the development is in separate phases of portions of the site, a Transportation Demand Management Plan shall be submitted for each phase or portion of the development.

Findings: A Transportation Demand Management Plan (TDM) has been submitted for the first phase of development on the subject site. The TDM has been reviewed by the Bureau of Transportation's Development Review Section and per their analysis (outlined in Exhibit E-1), is deemed to have no adverse impacts upon the public rights-of-way, area traffic, or transportation services. The proposal will provide significant improvements to transportation modes such as cycling, and walking around the site, as well as increase potential transit use with the influx of new residents and customers. These improvements include rebuilt sidewalks around and through the site; a new pedestrian connection at NE 33rd and Broadway; on-site bicycle storage areas to encourage this optional mode of transport; a connection point to the future Sullivan's Gulch Trail; retention of existing bus stops for TriMet routes 70 and 77; and off-street parking for the majority of development residents and visitors so as to not occupy onstreet parking for existing residents and their visitors.

TDM strategies tailored to the proposed Grant Park Village developments include creating community cohesion within the project by hosting social events for residents. This will encourage socialization within the site and will help reduce automobile trips made for recreation. Both long-term and short-term bicycle storage areas will be provided in easily accessible locations around the site to encourage bicycle use by residents, visitors, and retail customers. The onsite pedestrian circulation system will connect to the newly rebuilt sidewalks, providing access to all areas of the site, encouraging residents to walk to surrounding areas rather than driving. On-site residential parking spaces will be rented, thus encouraging residents to be car-free which in turn serves to reduce demand and shift peak-hour commute trips to active transportation modes. The mix of uses on the site includes apartments, retail spaces, and a full-service grocery store, and the location of the development within blocks of another full-service grocery and department store plus numerous restaurants, and small retailers will produce a large number of internal and nearby trips, reducing congestions and traffic impacts to the surrounding transportation system.

PBOT also found the TDM to be in conformance with adopted policies, street designations, and local codes. Condition of Approval C from LU 12-00-00672 CP ZC is therefore met.

CONCLUSIONS

Grant Park Village proposes a significant list of infrastructure improvements that will encourage non-automobile travel for tenants and customers of the development as well as for existing transportation demands near the site. Together with a number of TDM strategies for both residential and commercial uses, motor vehicle trips and parking demands at the project area are expected to be significantly reduced. The proposal meets the applicable review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a Transportation Demand Management (TDM) Plan for the Grant Park Village development as required by Condition of Approval C from the May 2003 land use review LU 00-00672 CP ZC, per the approved documents, Exhibits C-1 through C-2, signed and dated January 30, 2013, subject to the following conditions:

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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-211489 Other Unassigned."

Staff Planner: Chris Caruso

Decision rendered by:

On January 3

By authority of the Director of the Bureau of Development Services on January 30, 2013

Decision mailed: February 4, 2013

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 4, 2012, and was determined to be complete on **December 17, 2012**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 4, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the** 120 days will expire on: April 16, 2013.

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 decision 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 decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **February 4, 2013.** 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, permitees 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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 - 1. Technical Memorandum
 - 2. Attachment C, US Grocery Shopper Trends 2012 Executive Summary
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Lower Level Floor Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application

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



