



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 9, 2014
To: Interested Person
From: Matt Wickstrom, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-230156 AD

GENERAL INFORMATION

Applicant: Karen Karlsson / KLK Consulting LLC
906 NW 23rd Avenue / Portland, OR 97225

Property Owner & Representative: Jonathon Tillman / TriMet
1800 SW 1st Ave, Suite 300 / Portland, OR 97201

Site Address: Rose Quarter Transit Center (51 NE Holladay Street)

Legal Description: BLOCK 50, HOLLADAYS ADD
Tax Account No.: R396200970
State ID No.: 1N1E34AA 03900
Quarter Section: 2930
Neighborhood: Lloyd District Community, contact Michael Jones at 503-265-1568
Business District: Lloyd District Community Association, contact Gary Warren at 503-234-8271

Plan District: Central City - Lloyd District
Zoning: CXd (Central Commercial with a Design Overlay zone)
Case Type: AD (Adjustment Review)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

TriMet proposes to remodel the existing trolley barn located under Interstate 5 at the Rose Quarter Transit Center. The remodel will consist of adding showers, storage and reporting areas for TriMet maintenance workers. Upon researching the proposed remodel, it was determined that exterior storage is not allowed in the CX (Central Commercial) zone and the proposal would require approval through an Adjustment Review. As mitigation for the proposed storage use, the applicant proposes additional site landscaping.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The site is a full block. It is located between NE Wheeler and NE 1st Avenues and NE Multnomah and NE Holladay Streets. Interstate 5 is located above a majority of the site. The site is developed with a brick building with oversized garage doors. The site is fenced and other areas are used for the storage of barricades and items used for crowd control. Some of the site is landscaped with trees and a few shrubs. A small brick building where sundries are sold is also located at the site. The site fronts on NE Holladay Street and a MAX station. The surrounding vicinity is primarily developed with transportation infrastructure and the Rose Quarter including the Moda Center sports arena.

Zoning: The site is zoned CXd (Central Commercial with a Design Overlay Zone). It is located in the Central City Plan District, Lloyd District 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 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 there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 6, 2014**. The following Bureaus have responded:

- The Bureau of Environmental Services responded with information on sanitary service and stormwater management (Exhibit E-1).
- The Portland Water Bureau responded with information on water service (Exhibit E-2).
- The Life Safety Section of the Bureau of Development Services (BDS) responded with information on obtaining a building permit (Exhibit E-3).
- The Site Development Section of BDS, the Fire Bureau and the Portland Bureau of Transportation responded with no concerns (Exhibit E-4).
- The Urban Forestry Section of Portland Parks & Recreation responded that existing street trees must be protected and preserved and any on-site trees over 12 inches in diameter and not on the nuisance plant list may not be removed unless permitted (Exhibit E-5).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 6, 2014. No written responses were received from either the Neighborhood Association or notified property owners by the December 1, 2014 end of the public comment period.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant requests one Adjustment to allow exterior storage at this site in the CX (Central Commercial) zone. The purpose of the Exterior Display, Storage and Work Activities regulations is found in Portland Zoning Code section 33.130.245.A and reads:

The standards of this section are intended to assure that exterior display, storage, and work activities:

- *Will be consistent with the desired character of the zone;*
- *Will not be a detriment to the overall appearance of a commercial area;*
- *Will not have adverse impacts on adjacent properties, especially those zoned residential; and*
- *Will not have an adverse impact on the environment.*

The location of the proposed exterior storage area is consistent with the purpose of the regulations. Although the CX zone is intended for commercial development within Portland's most urban and intense areas, development on this site is extremely limited because it is located under the Interstate 5 freeway. It is also important to note that locations under freeways and roadways are typically used for the storage of transportation equipment, other equipment or municipal vehicles and the public is accustomed to the appearance of these types of storage sites in intensely developed commercial areas. Furthermore, the applicant is proposing to greatly increase the amount of landscaping around the storage area. This includes the addition of over 300 shrubs and approximately 1,000 ground cover plants. The additional landscaping as well as the preservation of the existing four mature trees will help screen the exterior storage area while also softening its appearance. In order to ensure the landscaping occurs, a condition of approval is included with this land use review. The condition requires the applicant to obtain a zoning permit in order to document and verify that landscaping has occurred. Documentation and verification can also occur through any associated building permit for improvements to the trolley barn. As the site occupies a full block, the use for exterior storage, among other uses, will not pose adverse impacts on adjacent properties.

The function of the storage area is also important to this analysis. Materials stored at the site include barricades that are needed for crowd control at the light rail station during events at the Rose Quarter and Convention Center. Storage of these materials in a zone that allows exterior storage would require their transport to this area for every event; therefore this reduces impact on the environment.

Based on this information, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The Portland Bureau of Transportation reviewed the proposal for consistency with the classification of adjacent streets and responded with no concerns.

The Portland Zoning Code defines “desired character” 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 any adopted area plans or design guidelines for an area.

In this situation desired character is based on the CX (Central Commercial) zone, the “d” (Design Overlay Zone) and the Central City Plan District.

The Central Commercial (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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The proposal is consistent with the characteristics of the Central Commercial zone because of the unusual nature of the site and its location under the Interstate 5 freeway. The landscaping improvements will also make the site more pedestrian-oriented and attractive.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The proposal is consistent with the description of the Design Overlay Zone because no new development is proposed and landscaping improvements will enhance the appearance of the site.

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

The proposal does not conflict with this description of the Central City plan district.

Based on the information above, this criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one Adjustment is being requested, therefore this criterion does not apply.

- D. City-designated scenic resources and historic resources are preserved; and

Findings: The site does not contain any City-designated scenic or historic resources, therefore this criterion does not apply.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The proposal mitigates for impacts by locating the exterior storage use on the site that has limited development potential otherwise and through the addition of shrubs and ground cover in landscaped areas. This criterion is met.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within an environmental zone. This criterion is not applicable.

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

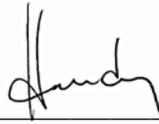
The applicant proposes one Adjustment to allow exterior storage at a full-block site in the CX zone. Considering the location of the site under the Interstate 5 freeway and the proposed landscaping improvement (and related condition of approval), the proposal meets the applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of exterior storage as an allowed use on a CX zoned site (33.130.245.C.1), per the approved site plans, Exhibits C-1, signed and dated December 4, 2014, in substantial conformance with 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 14-230156 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant must obtain a zoning permit in order to document and verify that proposed landscaping has been completed. Documentation and verification can also occur through any building permit associated with improvements to the trolley barn.

Staff Planner: Matt Wickstrom



Decision rendered by: _____ **on December 5, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 9, 2014

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 October 24, 2014, and was determined to be complete on **November 3, 2014**.

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 October 24, 2014.

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: March 3, 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 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.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 23, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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.

- *Unless appealed*, The final decision may be recorded on or after **December 24, 2014 – (the day following the last day to appeal)**.
- 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;

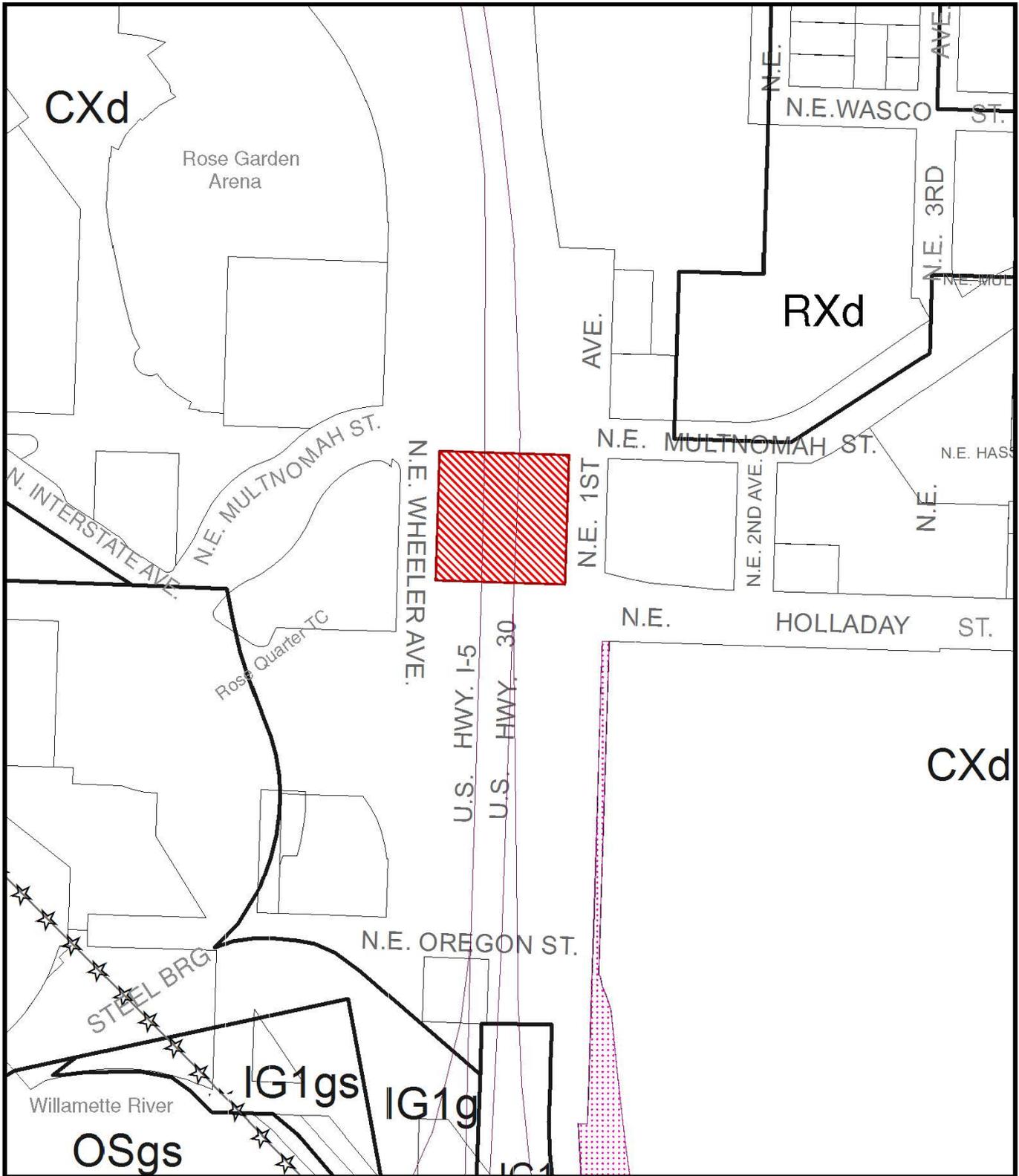
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan/Landscape Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety Section of the Bureau of Development Services
 - 4. Summary of Agency Responses
 - 5. Urban Forestry Section of Portland Parks and Recreation
- F. Correspondence: None received within public comment period

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

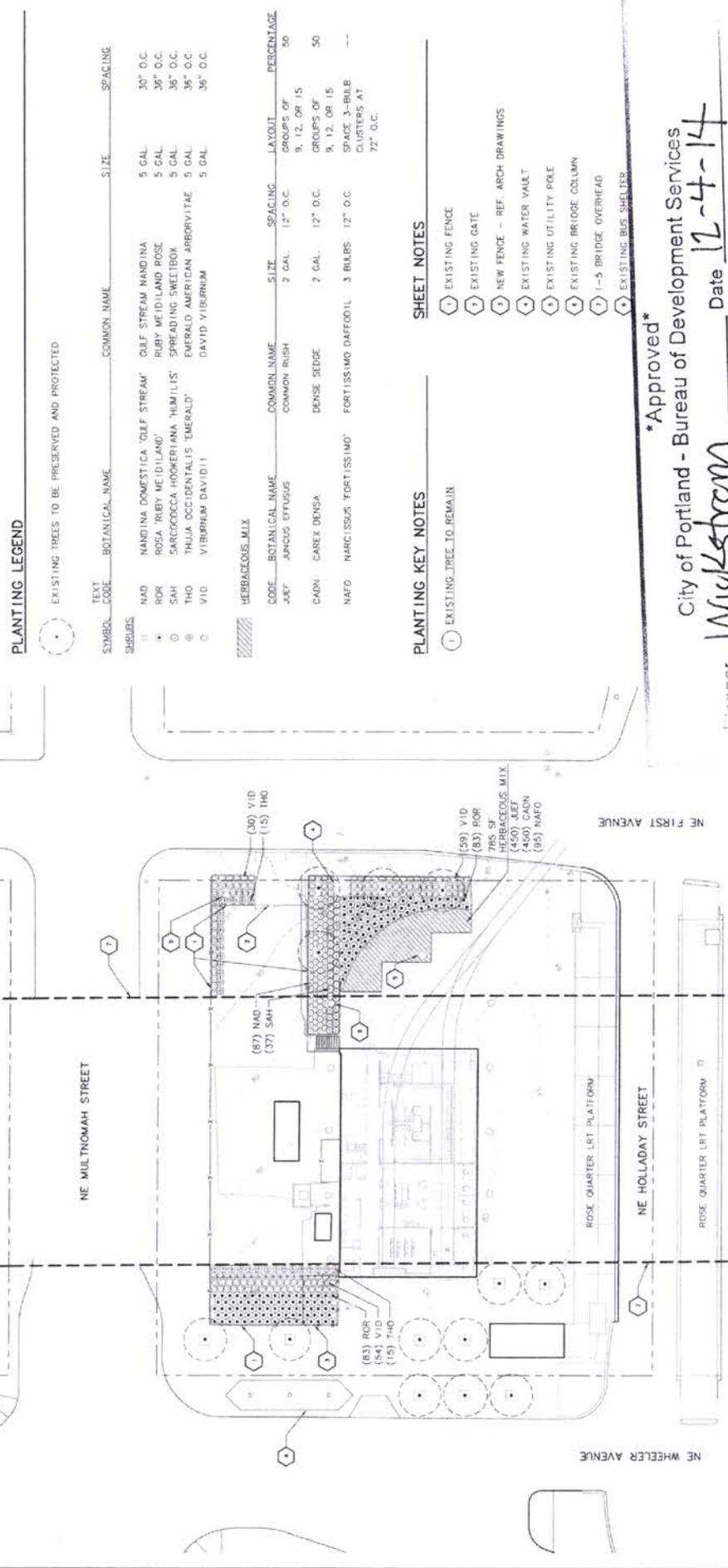
-  Site
-  Also Owned
-  Recreational Trail



This site lies within the:
CENTRAL CITY PLAN DISTRICT
LLOYD DISTRICT SUBDISTRICT

File No. LU 14-230156 AD
 1/4 Section 2930
 Scale 1 inch = 200 feet
 State_Id 1N1E34AA 3900
 Exhibit B (Oct 28, 2014)

Approved Proposal to remodel existing trolley barn for maintenance workers and allow exterior storage.



PLANTING LEGEND

EXISTING TREES TO BE PRESERVED AND PROTECTED

TEXT SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	LAYOUT	PERCENTAGE
(Symbol)							
SHRUBS							
(Symbol)	NAD	NANDINA DOMESTICA 'GULF STREAM'	GULF STREAM NANDINA	5 GAL	30" O.C.		
(Symbol)	ROR	ROSA 'RUBY MEIDLAND'	RUBY MEIDLAND ROSE	5 GAL	36" O.C.		
(Symbol)	SAH	SARCOCOCCA HOOKERIANA 'HIMILIS'	SPREADING SWEETBOX	5 GAL	36" O.C.		
(Symbol)	THO	THUNIA OCCIDENTALIS 'EMERALD'	EMERALD AMERICAN ARBOVITAE	5 GAL	36" O.C.		
(Symbol)	VID	VIBURNUM DAVIDII	DAVID VIBURNUM	5 GAL	36" O.C.		
HERBACEOUS MIX							
(Symbol)	JUEF	JUNCUS EFUSSUS	COMMON RUSH	2 GAL	12" O.C.	GROUPS OF 9, 12, OR 15	90
(Symbol)	CADN	CAREX DENSA	DENSE SEDGE	2 GAL	12" O.C.	GROUPS OF 9, 12, OR 15	90
(Symbol)	NAFD	NARCISSUS 'FORTISSIMO'	FORTISSIMO DAFFODIL	3 BULBS	12" O.C.	SPACE 3-BULB CLUSTERS AT 72" O.C.	

- PLANTING KEY NOTES**
- 1 EXISTING TREE TO REMAIN
- SHEET NOTES**
- 1 EXISTING FENCE
 - 2 EXISTING GATE
 - 3 NEW FENCE - REF. ARCH DRAWINGS
 - 4 EXISTING WATER VAULT
 - 5 EXISTING UTILITY POLE
 - 6 EXISTING BRIDGE COLUMN
 - 7 1-5 BRIDGE OVERHEAD
 - 8 EXISTING BUS SHELTER

PLANNING KEY NOTES

City of Portland - Bureau of Development Services

Planner: *Wicksstrom* Date: *12-4-14*

City of Portland - Bureau of Development Services

TRIMET

TRIMET BARN RENOVATION

LANDSCAPE PLANTING PLAN

APPROVED: *[Signature]* DATE: 08-29-14

SCALE: 1" = 20'

CONTRACT NO.: TBD

REVISIONS:

NO.	DATE	BY	DESCRIPTION

REGISTERED LANDSCAPE ARCHITECT

PIVOT

Mayer/Reed

TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON

CAPITAL PROJECTS DIVISION

1800 SW FIRST AVE., SUITE 300
PORTLAND, OREGON 97201

DATE: 08-29-14

SCALE: 1" = 20'

CONTRACT NO.: TBD