



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: May 20, 2008
To: Interested Person
From: Nan Stark, Land Use Services
503-823-7828

**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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-142539 AD

GENERAL INFORMATION

Applicant/Owner: Rich's/Angel LLC
Joseph Angel
1001 SE Water Ave #450
Portland, OR 97214-2132

Representative: Peter Fry, consultant
2153 SW Main St #105
Portland OR 97205

Site Address: 430 NE GLISAN ST

Legal Description: TL 500 BLOCK 111 LAND & IMPS ALSO SEE -7481, EAST PORTLAND;
EXC PT IN STS N 94.67' OF E 1/2 OF BLOCK 111, EAST PORTLAND

Tax Account No.: R226507480, R226507500

State ID No.: 1N1E35CB 00500, 1N1E35CB 00400

Quarter Section: 3031

Neighborhood: Lloyd District Community, contact William Ruff at 503-221-1121.
Business District: Lloyd District Community Association, contact Nancy Chapin at 503-774-2832.

Plan District: Central City - Lloyd District
Zoning: CXds: Central Commercial with 'd' Design and 's' Scenic Resource Protection overlay zones

Case Type: AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The owners wish to reconfigure access to this site, eliminating an existing driveway and creating a new access from MLK Blvd. The site is bounded by Grand Avenue to the east, MLK

Bldv to the west, Glisan/Lloyd Blvd to the north, and the I-84 freeway right-of-way to the south. An existing vacant building is on the eastside of the site, adjacent to the Grand and Glisan/Lloyd frontages.

The creation of a new driveway on the west, MLK Blvd side of the site requires an Adjustment to the Parking standards of the Central City Plan District, specifically code section 33.510.264 F.6, Parking Access. This section states that new motor vehicle access to any parking area is not allowed on specific streets, which includes MLK Blvd. The applicant requests an Adjustment to this standard in order to create more efficient and safe use of the parking lot. The application includes a traffic analysis.

The applicant requested to delay this decision while working with Portland Transportation following the mailing of the public notice on September 12, 2007. Consequently, this notice of decision is being made several months following the initial public notification.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments.

ANALYSIS

Site and Vicinity: The subject site comprises a city block that is 30,700 square-feet in area. It is smaller than the typical block because a portion of the original platted area became railroad right-of-way; the southern property line abuts this right-of-way, which is adjacent to the I-84 freeway. The other three frontages are on Grand Avenue, MLK Blvd and Glisan/Lloyd Blvd. Two lots make up this site. The smaller lot is at the corner of NE Grand and Glisan/Lloyd, where an existing one-story 2,400 square-foot commercial building is situated. The building is currently vacant. A partially paved parking area is to the side and rear (west) of the building. Most of the site is unimproved. As the site plan indicates, only a portion of the site is proposed to be improved with a new parking area and the proposed curb cut changes and additions. At this time, the majority of the site will remain unimproved.

The vicinity includes the Oregon Convention Center across MLK Blvd to the northwest, and the Metro Regional Government office building to the northeast, across Grand Avenue. Other small commercial developments are to the north and south. The major north/south arterials of MLK Blvd and Grand Avenue bound the site on its east and west sides, both of which become overpasses over the I-84 freeway below, just to the south of the site. Glisan Street is also called Lloyd Blvd at the site and as the street continues east and west adjacent to I-84.

Zoning: The site is zoned CX, Central Commercial. This zone is intended to provide for commercial development within Portland's most urban and intense areas. The zoning on the site also includes two overlays: the 'd', Design overlay, and the 's', Scenic Resource Protection overlay zone over the majority of the site except for the northwest third of it, including the northwest half of the smaller lot. The 'd' overlay requires Design Review for new development and exterior alterations. Design Review is not required for parking lots that comply with zoning code parking lot standards. The 's' overlay includes standards for protection of the specific scenic resource that is being protected. In this case, a view corridor runs northeast to southwest to protect views of downtown. Consequently, building height is limited to protect the view.

The site is also located in the Lloyd subdistrict of the Central City Plan District. The Central City Transportation Management Plan sets out standards that regulate the amount and type of parking allowed in the district. Access is also regulated, and this review will address the proposed access.

Land Use History: City records indicate that there is no prior land use history for this site.

Summary of Applicant's Statement: The Adjustment is requested to provide efficient and safe movement to and from the site, with access to and from Grand and MLK restricted to left turns. The two driveways from the Glisan/Lloyd frontage would be consolidated to one.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **September 12, 2007**. The following Bureaus have responded with no issues or concerns:

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

Portland Transportation Development Review (PDOT) commented with the following summarized response, revised on May 2, 2008 from the original response. In summary, PDOT responded that the existing two-way access to Grand Avenue can be maintained. The proposal will reduce some existing pedestrian and vehicular conflicts, particularly on the Lloyd/Glisan side of the site, and will improve access. A "No left turn" sign at the Glisan/Lloyd driveway is also recommended as a condition of this approval. Additionally, PDOT strongly encourages the applicant to set back the parking lot landscaping 3.5 feet to allow for a 12-foot pedestrian corridor, called for by the Transportation System Plan (TSP). Future development of this property will require this dedication and sidewalk improvements. The details from this response are incorporated in the findings of fact in the following section of this report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 12, 2007. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.010 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 to provide 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 parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.

The proposal does not increase the number of existing parking spaces, but uses the same area of the site for parking and brings it up to current zoning code standards for stall sizes, aisle widths and landscaping. The reconfiguration of the lot with the additional driveway to and from MLK Blvd, and consolidation of the two existing driveways on the Glisan/Lloyd frontage to one driveway, will result in slightly fewer parking spaces due to the addition of the required landscaped setbacks.

The applicant has requested this Adjustment in order to create this reconfiguration, which will, from his perspective, enhance access into and out of the site. Portland Transportation (PDOT) agrees with this assessment, commenting that it will somewhat reduce vehicular and pedestrian conflicts along the Glisan/Lloyd frontage. Closing one of the two driveways on this frontage facilitates this reduction in conflicts. PDOT concludes that to further improve this access point, a “No Left Turn” sign should be erected on the site from this driveway. In addition, a right arrow should be marked on this driveway to direct motorists leaving the site from this point.

PDOT notes that the three streets abutting the site are all Major City Traffic streets and they are within a pedestrian district. The City’s Pedestrian Design Guide requires a 15-foot pedestrian corridor, which includes an 8-foot sidewalk. The existing sidewalk corridor does not satisfy this requirement. This project does not effectively add trips to the system, and consequently PDOT cannot require dedication at this time, but notes that if the site is further developed or improved in the future, or if the use change increases trips to the site, a property dedication of 3 to 5 feet will be required on all frontages. Consequently, landscaping improvements should be installed to reflect these future dedications. The site plan shows a general concept for layout and landscaping, but for the purposes of this review is intended to portray the new overall layout which includes the consolidated driveway on the Lloyd/Glisan frontage, the new two-way driveway on the MLK frontage, and the existing two-way driveway on the Grand frontage.

With these changes, the proposed new access on the MLK frontage will support the purpose of the parking and access regulations. Thus, the requirements recommended by PDOT will be required as conditions to support the purpose of the Central City Transportation Management Plan regulations. With these conditions, this criterion will be 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 site is in the CX, Central Commercial zone, in the Lloyd subdistrict of the Central City Plan District. The three streets adjacent to the site are NE Grand Avenue, Martin Luther King Jr (MLK) Blvd, and Glisan St/Lloyd Blvd. All of the streets are classified as Major City Traffic Streets, City Bikeways, and City Walkways. NE Grand and MLK are classified as Major Transit Priority Streets and Regional Main Streets. NE Glisan/Lloyd is a Transit Access Street and Community Corridor Street. The site is in the Lloyd District Pedestrian District.

Policy 19 of the *Central City Plan District Plan*, adopted by City Council in 1988, states, “Recognize the Lloyd-Coliseum district as a major entrance to the Central City” and “Improve the environment for pedestrians throughout the district” and further “Promote the development of uses supporting the Convention Center and Coliseum”. These policies identify the desired character of this area as a significant part of the City’s eastside, which should provide multi-modal access and uses supporting the predominant civic institutions, the Convention Center and Coliseum, which has since expanded with the Rose Garden arena. By improving the functionality of this site, which is currently occupied by a single-story vacant retail building, the proposal is supporting the desired character of the area. With the fairly recent expansion of the Convention Center, and the siting of Metro on Grand Avenue, this is an opportunity site for uses that can serve the activities and workers that occupy these adjacent blocks. Both Metro and the Convention Center are opposite the site, to the northeast and northwest, respectively.

By creating a more efficient pattern for vehicle travel into and out of this site, as proposed with the reconfiguration presented with this review, the application supports the street classifications and desired character of the area as outlined above. The elimination of one of two driveways on the Glisan/Lloyd frontage makes a safer experience for pedestrians and bicyclists as well as drivers. Additionally, upgrading the site with striping and landscaping delineates the site so that the differentiation between pedestrian and vehicle paths becomes more distinct than it is now,

with no striping and minimal landscaping. For these reasons, the proposal is consistent with the street classifications and desired character of the area, satisfying this criterion.

- 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 requested. This criterion is not applicable.

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

Findings: The site is in the 's' Scenic Resource overlay zone. It is in a view corridor, VC 24-18 in the City's *Scenic Resource Inventory*. The view of downtown originates from the NE 12th Avenue overpass at I-84, from which there is a 45-degree view corridor to the southwest. The view corridor restricts height of buildings and landscaping. The proposal does not change the existing one-story building on the site. New landscaping will be within the allowed limitation; therefore, this criterion is met.

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

Findings: The proposed new driveway provides access to the site from MLK Blvd, which is a one-way southbound arterial street. The conditions recommended by PDOT limit vehicle turning and access in order to reduce conflicts from the Lloyd/Glisan frontage. The proposal overall enhances the efficiency and safe movement in and around the site, which is the applicant's goal. With the conditions outlined by PDOT for signage indicating no left turn allowed when exiting the site onto Lloyd/Glisan Street, potential conflicts are further reduced, mitigating the situation and thus meeting this criterion.

- 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, which is designated on the zoning map by either a "c" or "p" overlay. Therefore, 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 has presented a new configuration to this currently vacant site that includes access on the MLK Blvd side of the site. The proposal requires this review because of the limitation on new access points within the Central City Plan District. The site is adjacent to three streets in this Central City Plan District location, two of which are major arterials. By reconfiguring the driveways and internal access, the proposal supports the multi-modal quality of the area. The needs of pedestrians, transit riders and bicyclists must be acknowledged and supported, in addition to safe travel by motor vehicles. Analysis of the proposal shows that it does this, and conditions of approval as recommended by PDOT will further help to minimize vehicle and other conflicts. Those conditions will be a requirement of this approval.

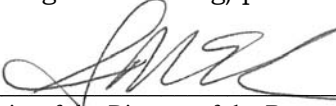
ADMINISTRATIVE DECISION

Approval of an Adjustment to zoning code section 33.510.264 F.6, Parking Access, to allow a new driveway from the MLK frontage. This adjustment is subject to the approved site plan,

Exhibit C-1, which portrays the location of the new driveway on MLK and the reconfigured driveway on the Lloyd/Glisan Street frontage, and to the following TWO conditions and note:

- A. As part of the building permit application submittal, the following development-related condition 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 07-142539 AD." All requirements must be graphically represented on the site plan and landscape plan, and must be labeled "REQUIRED."
- B. A permanent "No Left Turn" sign (MUTCD sign no R3-2) must be installed at the Glisan/Lloyd driveway to direct motorists leaving the site from this driveway. A permanent right turn arrow must also be marked on this driveway.

NOTE: PDOT recommends that perimeter landscaping is set back 3 to 5 feet from all frontages to allow for future dedication. The site plan is not approved for the conceptual landscaping and stall layout as shown. The parking lot improvements must comply with all relevant standards of 33.266 (Parking and Loading) prior to issuance of zoning or building permits.

Decision rendered by:  **on May 15, 2008.**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 20, 2008

Staff Planner: Nan Stark

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 June 28, 2007, and was determined to be complete on September 7, 2007.

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 June 28, 2007.

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 extended the 120-day review period with a letter requesting to place the file on hold until making another request to restart it.

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 June 3, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fourth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **June 4, 2008 – (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.

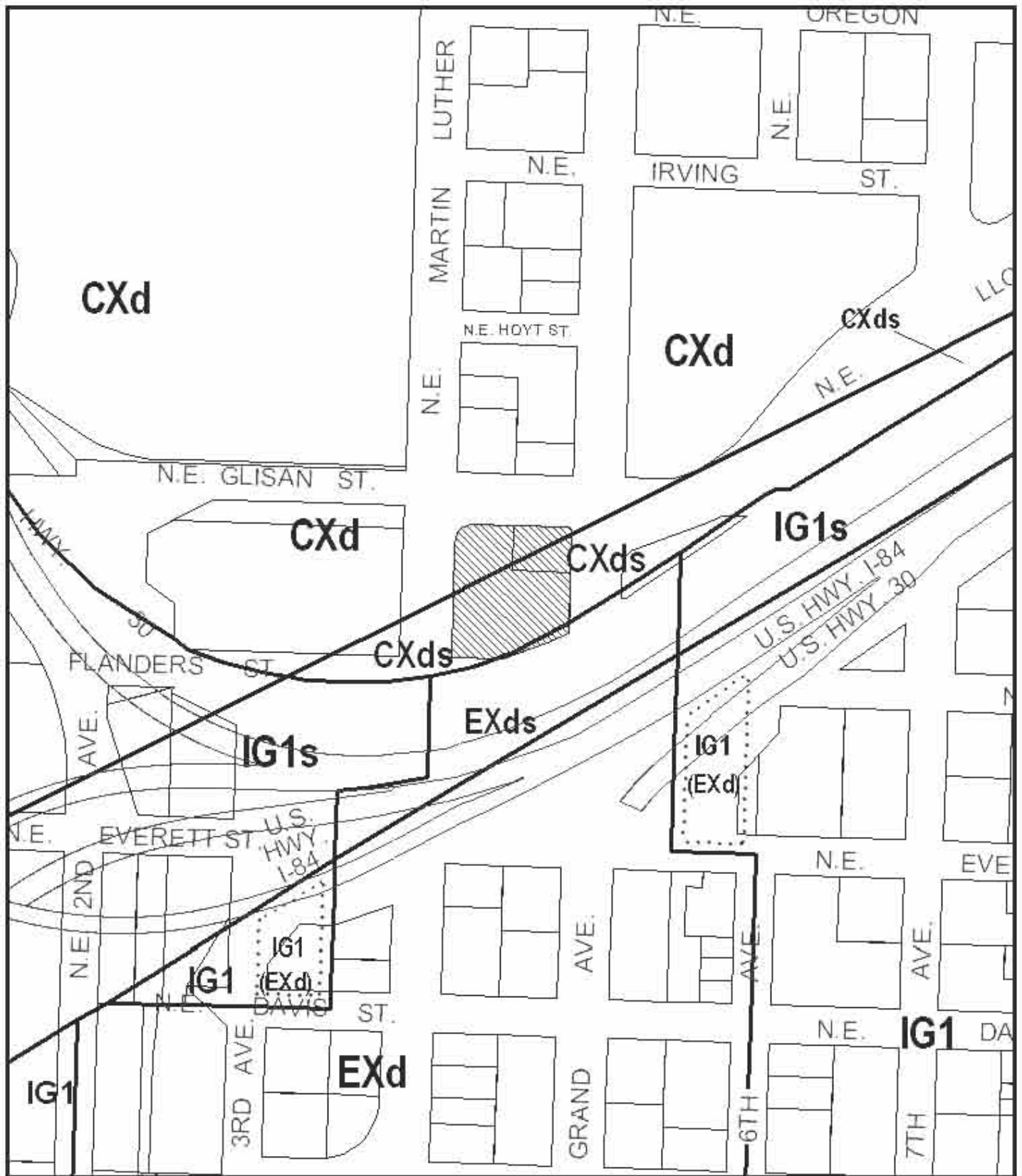
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Application:
 - 1. Applicant's Statement
 - 2. Addendum, August 30, 2007
 - 3. Site access evaluation prepared by Kittelson & Associates
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan, proposed (attached)
 - 2. Site Plan, existing
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. a. Bureau of Transportation Engineering and Development Review, revised response (May 2, 2008)
 - b. Bureau of Transportation Engineering and Development Review, original response (October 5, 2007)
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. N. Stark to P. Fry, Additional information requested, July 24, 2007
 - 3. P. Fry to N. Stark, request to stop 120-day process, October 30, 2007



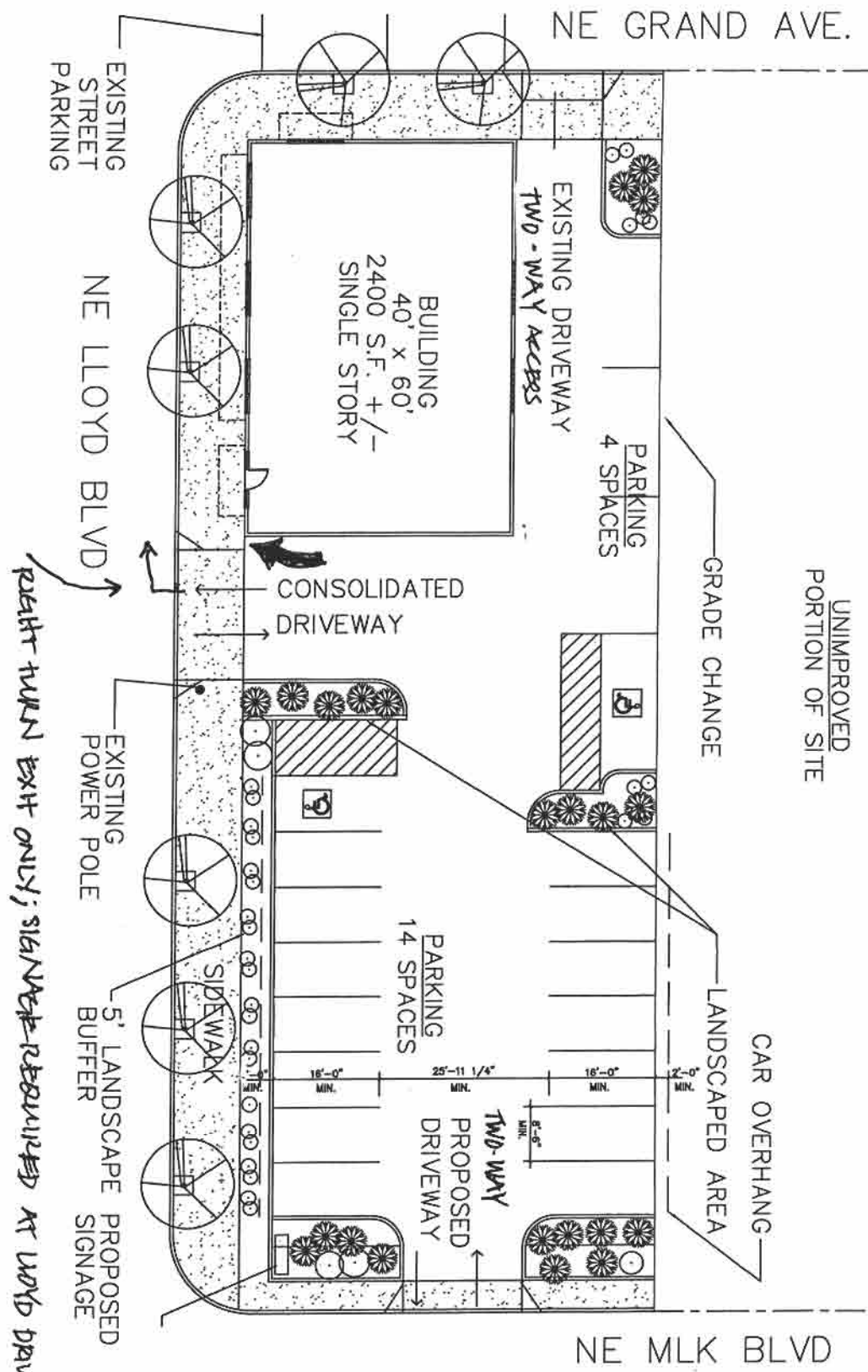
ZONING

 Site



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 07-142539 AD
1/4 Section	3031
Scale	1 inch = 200 feet
State_Id	1N1E35CB 500
Exhibit	B (Jul 02, 2007)



rather than exit only; signage required at north driveway

Approved

City of Portland - Bureau of Development Services

Planner NR/PLW Date May 16, 2018

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SEE NOTE IN DECISION RE: LANDSCAPING & FUTURE DEPLICATION.

LU 07. 142539 AD
Exhibit C-1