



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

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

I. GENERAL INFORMATION

File No.: LU 12-189581 unassigned review (HO 4130018)

Applicant: Todd Mobley
Lancaster Engineering
321 SW 4th Avenue, Suite 400
Portland, OR 97204

**Owners/
Parties of Interest:** Jeff Sackett
Capstone Partners LLC
1015 NW 11th Avenue, Suite 243
Portland, OR 97209

Lauren Golden-Jones
Capstone Partners LLC
1015 NW 11th Avenue, Suite 243
Portland, OR 97209

Owner: KAL LLC
111 N Post, Suite 200
Spokane, WA 99201

Grant Park Village LLC
c/o Capstone Partners LLC
1015 NW 11th Avenue, Suite 243
Portland, OR 97209

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Chris Caruso

Site Address: 3246 NE Broadway

Legal Description: 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 LAND & IMPS SEE R121899 (R105500591) FOR BILLBOARD, BROADWAY ADD; BLOCK 5 LOT 13&14, BROADWAY ADD; BLOCK 5 LOT 15, BROADWAY ADD; LOT 13&16 TL 11900 LAND & IMPS SEE R162223 (R276000701) FOR BILLBOARD & R162224 (R276000702) FOR BILLBOARD, FERNWOOD

Tax Account No.: R105500480, R105500500, R105500530, R105500540, R105500570, R105500590, R105500610, R105500630, R276000700

State ID No.: 1N1E25CD 11300, 1N1E25CD 11400, 1N1E25CD 11500, 1N1E25CD 11600, 1N1E25CD 11700, 1N1E25CD 11800, 1N1E25CD 12000, 1N1E25CD 12100, 1N1E25CD 11900

Quarter Section: 2833

Neighborhood: Sullivans Gulch

Business District: Northeast Broadway Business Association

District Coalition: Northeast Coalition of Neighborhoods

Plan District: None

Zoning: CSd - Commercial Storefront with design overlay to centers of Rights-of-Way at the intersection of NE Broadway and NE 32nd Avenue.
RXd & CSd - Central Residential and Commercial Storefront with design overlays for the non right-of-way property associated with this proposal.

Land Use Review: Type III, Unassigned Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 8:58 a.m. on July 15, 2013, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 9:49 a.m. The record was closed at that time.

Testified at the Hearing:

Chris Caruso
Jeff Sackett
Todd Mobley
Carol Gossett
Kenneth Peterson

Proposal:

The applicant seeks approval for a new traffic signal and lane modifications in place of Condition of Approval "A. Construct mitigation as required by the City Engineer to prohibit left-hand turns from NE 32nd Avenue to NE Broadway" as required in LUR 00-00672 CP ZC, an earlier Comprehensive Plan Map Amendment and Zone Change for the former Albina Fuels site located southeast of the intersection of NE Broadway and NE 32nd Avenue. All four of the original Conditions of Approval were "subject to the condition that, prior to approval of the first building permit on the site for any development under the new designation, the applicant shall agree to construct prior to any occupancy (full, partial, or temporary) of the first building." Condition of Approval A was applied to any future development of the site because of potential traffic impacts from such development along NE Weidler. At that time, the applicant suggested left-turn prohibitions at the intersection of NE 32nd Avenue and NE Broadway Street and this was accepted by the Portland Bureau of Transportation (PBOT) Engineering and Development Department and adopted in LUR 00-00672 CP ZC as Condition of Approval A. After the Comprehensive Map amendment and Zone Change was completed, the property sat undeveloped until this year.

Recently a Design Review approval LU 12-186554 DZM AD was issued for a mixed-use commercial and residential project on a portion of the site reviewed in LUR 00-00672 CP ZC. The applicant for this case, LU 12-189581, is proposing to install a new traffic signal and do traffic lane adjustments at the intersection of NE Broadway Street and NE 32nd Avenue that would allow signalized left turns. The proposal was reviewed by PBOT prior to the application being submitted and received support from PBOT as a method of traffic mitigation that could be used in place of constructing prohibitions against left turns as outlined in the earlier Condition of Approval A from LUR 00-00672 CP ZC. All of the work will be traffic signal and lane adjustment improvements within the public rights-of-way. None of the development under construction southeast of this intersection, approved through Design Review case LU 12-186554 DZM AD, will be affected by the proposed new traffic signal or roadway lane adjustments.

In order to modify previous conditions of approval, the request must be reviewed through the original Zoning Map Amendment Review process.

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: **33.855.050.B and D, Approval Criteria for Base Zone Changes.**

Per Section 33.730.140, requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review. Therefore, the request to remove conditions for decision LUR 00-00672 CP ZC must comply with the applicable approval criteria in **33.855.050.A-D**.

II. ANALYSIS

Site and Vicinity: The traffic signal project area is the intersection and traffic lanes at NE Broadway Street and NE 32nd Avenue in the Sullivan's Gulch neighborhood. The project area is located between the Hollywood and Lloyd Center commercial centers on NE Broadway, a major east-west arterial street lined with a wide variety of commercial development on relatively small lots. Immediately west of this intersection, south of NE Weidler Street, is the Hollywood Fred Meyer shopping center. Along the north side of NE Weidler Street, between NE 28th and NE 32nd Avenues, are older residential homes on small lots. The Grant Park Neighborhood is to the north, and the Hollywood Neighborhood is to the east. The Banfield Freeway (I-84) and MAX light rail line, and the Kerns and Laurelhurst Neighborhoods, are to the south of the project intersection.

Northeast Broadway Street is designated in the City of Portland Transportation System Plan as a Regional Main Street, Major City Traffic Street, Major Transit Priority Street, City Walkway, and Local Service Bikeway. There are also two frequent service bus lines that run along NE Broadway. Northeast 32nd Avenue is designated as a Local Service Street, Local Service Walkway, and Local Service Bikeway. A new mixed-use development called Grant Park Village and bounded by NE Broadway, NE Weidler, NE 32nd, and NE 33rd Avenues, is currently under construction and will abut the south edge of NE Broadway Street and the east edge of NE 32nd Avenue. Cars will access this new development from both NE Broadway and NE 32nd Avenue via new and improved curb cuts. Trucks and service vehicles will access the new development from NE 32nd Avenue.

Zoning: The site that was approved for development in LU 12-186554 DZM AD, and the street intersection, has CS zoning applied over a portion of the land and this zoning extends to the center of each right-of-way. The Storefront Commercial (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 remainder of the original site to the southeast of the subject intersection is currently under construction. The site has Storefront Commercial (CS) zoning as well as Central Residential (RX) zoning which 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.

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

- **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 Map 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 from 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. The applicant is requesting removal of Condition A:
Condition A. Construct mitigation as required by the City Engineer to prohibit left-hand turns from NE 32nd Avenue to NE Broadway.
- **LU 06-148501 DZM** – Approval with Modifications for a mixed-use, multi-dwelling development in two construction phases. This decision was never recorded and has now expired.
- **LU 12-211489 other unassigned** – Approval of a Transportation Demand Management (TDM) Plan for the Grant Park Village development as required by Condition of Approval C from land use review LUR 00-00672 CP ZC.
- **LU 12-186554 DZM AD** – Approval with Modifications and an Adjustment for a mixed-use, multi-dwelling development known as Grant Park Village. The site is currently being graded in preparation of building construction.

Agency Review: A “Request for Response” was mailed May 30, 2013. The following bureaus have responded with no issues or concerns:

- Fire Bureau
- Site Development Section of BDS
- Life Safety Review Section of BDS
- Bureau of Parks-Forestry Division
- Police Bureau

The **Water Bureau** responded with comments that are listed in the Findings section. Please see Exhibit E.1 for additional details.

The **Bureau of Environmental Services (BES)** responded with comments that are listed in the Findings section. Please see Exhibit E.2 for additional details.

PBOT responded with comments that are listed in the relevant sections of the findings below. (See Exhibit E.3 for all of PBOT's comments).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 24, 2013. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Carol L. Gossett, Land Use and Transportation Chair, Sullivan's Gulch Neighborhood Association, May 15, 2013 letter of support for a traffic signal at the intersection of NE Broadway and NE 32nd Avenue. This is a solution that the neighborhood has been insisting on since the site to the south was proposed for redevelopment. The neighborhood would like to see the traffic signal installed as soon as possible so as to not delay the start up of Grant Park Village construction and rental. Ms. Gossett testified at the July 15, 2013 public hearing.
2. Kenneth B. Peterson, Land Use and Transportation Committee Chair, Grant Park Neighborhood Association, June 19, 2013 letter of support, by unanimous vote at the Grant Park Neighborhood Association June 4, 2013 General Meeting, for a traffic signal at the intersection of NE Broadway and NE 32nd Avenue. Previous concerns about a new traffic signal have been adequately addressed by the applicant's plan. Mr. Peterson testified at the July 15, 2013 public hearing.

ZONING CODE APPROVAL CRITERIA

Chapter 33.855 Zoning Map Amendments

33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Compliance with the Comprehensive Plan Map.** The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.
2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.
3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: The Comprehensive Plan Map was amended in LUR 00-00672 CP ZC to change the site to its current zones of Central Residential (RX) and Commercial Storefront (CS). No additional zone changes are proposed at this time. Therefore, this criterion is not applicable.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
 - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
 - c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitation on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

Findings: The notified service bureaus have responded to this request, as follows:

Water (Exhibit E.1): The **Water Bureau** has no objections to the requested Unassigned Review for the signalization of the intersection of NE 32nd Ave and NE Broadway as described in this land use proposal, for the property located at 3246 NE Broadway.

This development consists of 9 separate tax lots, with three having addressed active water services and they are listed below:

1. 3204 NE Broadway – 5/8” metered service – Serial #11113543, Account #2983437700
2. 3246 NE Broadway –
 - a. 1” metered service – Serial #20420809, Account #2980929500
 - b. 1” metered service – Serial #96048100, Account #2980929400
3. 3260 NE Broadway – Serial #30497068, Account #2980929300

The above listed services are provided water from the existing 8-inch CI water main in NE Broadway. There is also water available to this development from the existing 8-inch CI water main in NE Weidler Street. Also, the above listed services may potentially be used for this development, but will need to undergo a Water Bureau review for use and sizing. All associated service kill costs and or upsizing of existing services cost, if required, will be the responsibility of the applicant. The estimated static water pressure range for this location is 52 psi to 65 psi at the existing service elevation of 152 feet.

Due to the proposed site development covering numerous individual Tax lots, Title 21.12.070 will apply, which states....”the service connection to a parcel of land shall not be used to supply an adjoining parcel of a different owner, or to supply a separate parcel of the same owner for which proper application for service has not been made. A tax lot consolidation will be required for this development property, and any adjoining property that is supplied with water from a single water service, prior to the Water Bureau signing off on any Building Permits.”

Also under Title 21.12.070, if this is found to apply to this development, “A separate service shall be required for each house or building, even if under one ownership, and on the same lot or parcel of land. If a single service will be used to provide for multiple units under single ownership, a separate service agreement will need to be signed with the Water Bureau for this development property where multiple buildings are supplied with water from a single water service,” prior to the Water Bureau signing off on any Building Permits.

All applicable Title 21.12.070 requirements must be met prior to the Water Bureau selling any water services to this development.

City code 21.12.010 will require any new building construction, remodeling of an existing building, or any construction that will need water, to have a water service and meter of appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count along with any fire flow needs will need to be submitted by the applicant at the time of submittal of the building permit to appropriately size the fire service and the domestic water service and meter for this location. All applicable costs will be the responsibility of the applicant.

BES (Exhibit E.2): BES has no objection to the requested amendment to address the subject condition of approval from LUR 00-00672 CP ZC. The applicant has provided sufficient information to BES to demonstrate the feasibility of the public improvements that incorporate the signal at NE 32nd and Broadway.

Public improvement of the NE 32nd right-of-way is required as part of the development of 3246 NE Broadway. Since public improvements are required that will result in more than 500 square feet of impervious area, the applicant is required to provide stormwater management for that new impervious development.

Initial proposals of public improvements in the NE 32nd right-of-way between Broadway and Weidler included public stormwater management facilities on the east side of 32nd. Due to the slope of NE 32nd, the applicant has proposed providing pollution reduction and flow control, for an equal area, on NE Broadway.

BES has approved the concept design (30 percent) of Public Works project EP9349 for the public storm improvements in NE 32nd and NE Broadway. The proposed street sections that incorporate the new signal and lane changes will not preclude stormwater management improvements.

BES concludes that there is adequate space and design for the required public stormwater services that are a requirement of street improvements.

PBOT (Exhibit E.3): PBOT/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.

Grant Park Village is a planned mixed-use development to be located on the south side of NE Broadway between NE 32nd and NE 33rd Avenues. The first phase of construction on the site will begin soon and will include a specialty grocery store as an anchor tenant in the northwest corner of the site, miscellaneous retail along the NE Broadway frontage, and residential apartments above and south of the retail uses.

As part of the prior Comprehensive Plan Map Amendment and Zone Change approval in LUR 00-00672 CP ZC, Condition of Approval A was included prohibiting northbound left turns from NE 32nd Avenue onto NE Broadway. This was a result of a traffic analysis done to demonstrate that transportation performance standards could be met by restricting this movement that is prone to long delays during the peak hour.

With the completion of the proposed Grant Park Village development, traffic signal warrants at the intersection of NE 32nd Avenue and NE Broadway will be satisfied. Installation of a traffic signal would result in favorable level of service at the intersection, negating the need for the previous northbound left-turn restriction.

In order to retain existing on-street parking on the north side of NE Broadway, the street will be widened by two feet along a portion of the site frontage.

The proposed traffic signal and reconfiguration of NE Broadway will offer a significant improvement in the operation of the transportation system. Eastbound left-turn queues from the traffic signal at NE 33rd Avenue presently extend beyond the available storage, impeding eastbound through traffic. The reconfiguration will eliminate this queue spillback.

Installation of a traffic signal at the intersection of NE 32nd Avenue and NE Broadway would also provide important access to the site for pedestrian and bicycle traffic. None of the streets adjacent to the site are bikeways, although there is an established bicycle route two blocks north of the site in the Grant Park neighborhood. The traffic signal would also serve a potential future north/south connection to the Sullivan's Gulch trail that is planned to be constructed immediately south of Grant Park Village.

The previous LUR 00-00672 CP ZC approval had three transportation related conditions. The original Condition A will be modified to require a signal at the intersection of NE Broadway and NE 32nd Avenue instead of prohibiting left turns from NE 32nd Avenue to NE Broadway. Condition B remains unchanged. Condition C requiring a TDM Plan through a Type I review has been satisfied under LU 12-211489.

The Transportation Impact Study ("TIS") that was submitted with this application includes detailed traffic analyses that demonstrate that with a traffic signal constructed at the intersection of NE 32nd Avenue and Broadway, the intersection will operate favorably (level of service B) with the Grant Park Village development in place and well within City of Portland operational standards (level of service D or better).

The intersection will continue to operate favorably through the planning period, as over a decade of traffic count data has shown that evening peak hour traffic volumes on this segment of NE Broadway have been static. For example, the TIS that was done for the original zone change application documented that there was no growth in traffic on NE

Broadway from 1997 to 2000 and that Metro's travel demand model also reflected zero growth through the planning horizon. That TIS was reviewed in detail and approved by PBOT in 2003.

A comparison of the 2003 traffic counts from the prior TIS and the 2012 traffic counts conducted for the current TIS shows that the evening peak hour traffic volumes have changed over this nine-year period by less than 35 vehicles. This is approximately 1.5 percent of the total hourly volume on NE Broadway.

With a traffic signal in place, the intersection will operate well within the City of Portland's operational standard through the planning period. No additional mitigation or limitations on development are necessary or recommended.

Fire Bureau: No written concerns.

BDS Site Development: No written concerns.

Life Safety Review Section of BDS: No written concerns.

Parks Bureau – Urban Forestry: No written concerns.

Police Bureau: No written concerns.

Based on the above responses by the affected service providers, adequate levels of public services are available, and therefore, this criterion is met.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

Findings: This land use review does not involve a request to rezone the site to IR, Institutional Residential. Therefore, this criterion is not applicable.

- C. When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: Because this does not involve a request to rezone the site to IR, Institutional Residential, this criterion is not applicable.

D. Location. The site must be within the City's boundary of incorporation. See Section 33.855.080.

Findings: The site is within the City's boundary of incorporation. This criterion is therefore met.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

III. CONCLUSIONS

A public hearing was held for this case on July 15, 2013. The BDS staff planner, applicant and applicant's representatives recommended approval of the application. The Chair of the Sullivan Gulch Neighborhood Association and the Land Use and Traffic Chair of the Grant Park Neighborhood Association testified that their associations were in support of the approval of the application. The Chair of the Sullivan Gulch Neighborhood Association raised only one concern about the application and that related to the possibility of removing vehicular traffic restricting "barriers" on NE 32nd Avenue (north of NE Broadway Street). The BDS staff planner and applicant stated that the application, in this case, did not anticipate the removal of the barriers on NE 32nd Avenue.

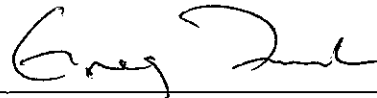
The Hearings Officer found no person, entity or government bureau expressed any opposition to approval of this application. The Hearings Officer found the application should be approved (as modified by Exhibits H.3 and H.3a).

IV. DECISION

Approval to amend past Zone Map Amendment decision LUR 00-00672 CP ZC, by altering Condition A at the intersection of NE Broadway Street and NE 32nd Avenue to allow the installation of a traffic signal, changes to travel lanes, and signalized left turns at this location, subject to the following conditions:

- A. Construct mitigation as required by the City Engineer to install a traffic signal at NE 32nd Avenue and NE Broadway.
- B. Construct street pavement and related improvements to NE 32nd Avenue west of the street centerline as required by the City Engineer, with consideration for truck movements required by adjoining property owners (e.g. Fred Meyer).

- C. Prior to issuing 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 or portions of the site, a Transportation Demand Management Plan shall be submitted for each phase or portion of development.
- D. Design Review, pursuant to the provisions of 33.825, shall be processed through the Type III procedure.
- E. As part of the building permit application submittal, the development-related conditions (A through D) 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 12-189581." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."



Gregory J. Frank, Hearings Officer

Date July 22, 2013

Application Determined Complete:	May 28, 2013
Report to Hearings Officer:	July 3, 2013
Decision Mailed:	July 23, 2013
Last Date to Appeal:	4:30 p.m., August 6, 2013
Effective Date (if no appeal):	August 7, 2013 Decision may be recorded on this date.

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

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

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$2,675 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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 Information
 - 1. Memorandum and Narrative, April 29, 2013
 - 2. 120-day waiver
 - 3. LUR 00-00672 CP ZC Recommendations of the Hearings Officer
 - 4. Order of Council on Hearings Officer's Decision LUR 00-00672 CP ZC, Albina Fuel Company
 - 5. Final Findings and Decision by the Design Commission Rendered on January 24, 2013 for LU 12-186554 DZM AD
- B. Zoning Map attached to BDS staff report
- C. Plans and Drawings
 - 1. General Site Plan (**attached**)
 - 2. Conceptual Design – NE Broadway Roadway & Intersection Configuration
 - 3. Grant Park Village Traffic Impact Study, May 17, 2013
- 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. Water Bureau
 - 2. Bureau of Environmental Services
 - 3. Bureau of Transportation Engineering and Development Review
- F. Letters
 - 1. Carol L. Gossett, Land Use and Transportation Chair, Sullivan's Gulch Neighborhood Association, May 15, 2013, in support of the proposal
 - 2. Kenneth B. Peterson, Land Use and Transportation Committee Chair, Grant Park Neighborhood Association, June 19, 2013, in support of the proposal
- G. Other
 - 1. Original LU Application
 - 2. Request for Completeness Review
 - 3. Bureau of Environmental Services Completeness Review Response
 - 4. Bureau of Transportation Engineering & Development Review Completeness Response
 - 5. BDS Incomplete Letter
 - 6. Early Assistance Application EA 12-139528
 - 7. EA 12-139528 Mailed Notice
 - 8. BDS Conference Facilitator Summary Memo for EA 12-139528
 - 9. BDS email August 2, 2012

10. Sullivan's Gulch August 16, 2012 letter in reference to LU 12-186554 DZM AD
- H. Received in the Hearings Office
1. Hearing Notice
 2. Staff Report
 3. 7/10/13 Memo
 - a. Zoning Map (**attached**)
 - b. Order of Council
 4. Address Info
 5. PowerPoint Presentation
 6. Record Closing Information



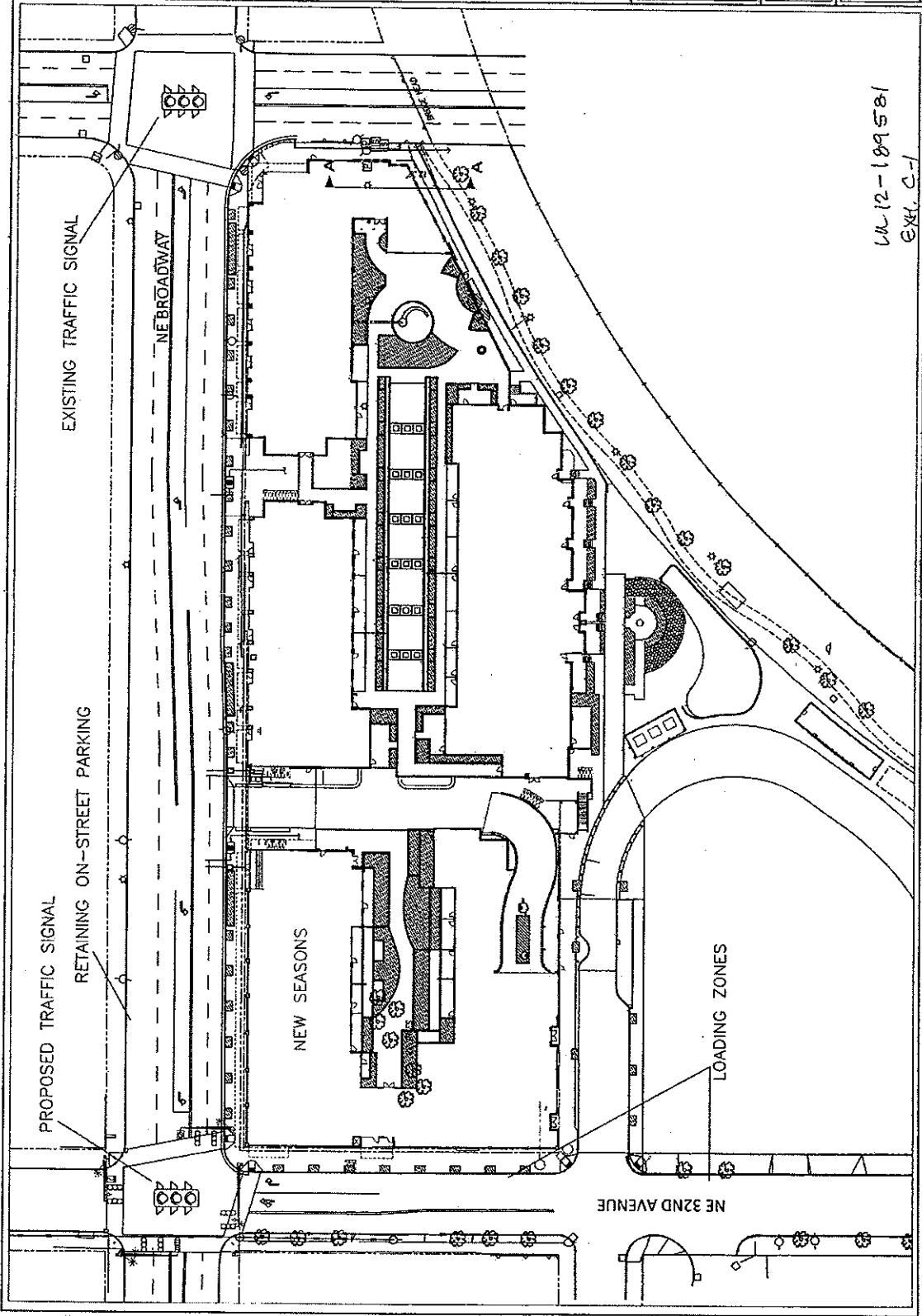
NO.	DATE	DESCRIPTION

GRANT PARK VILLAGE
 NE BROADWAY - NE 32ND AVE TO NE 33RD AVE
 GENERAL SITE PLAN

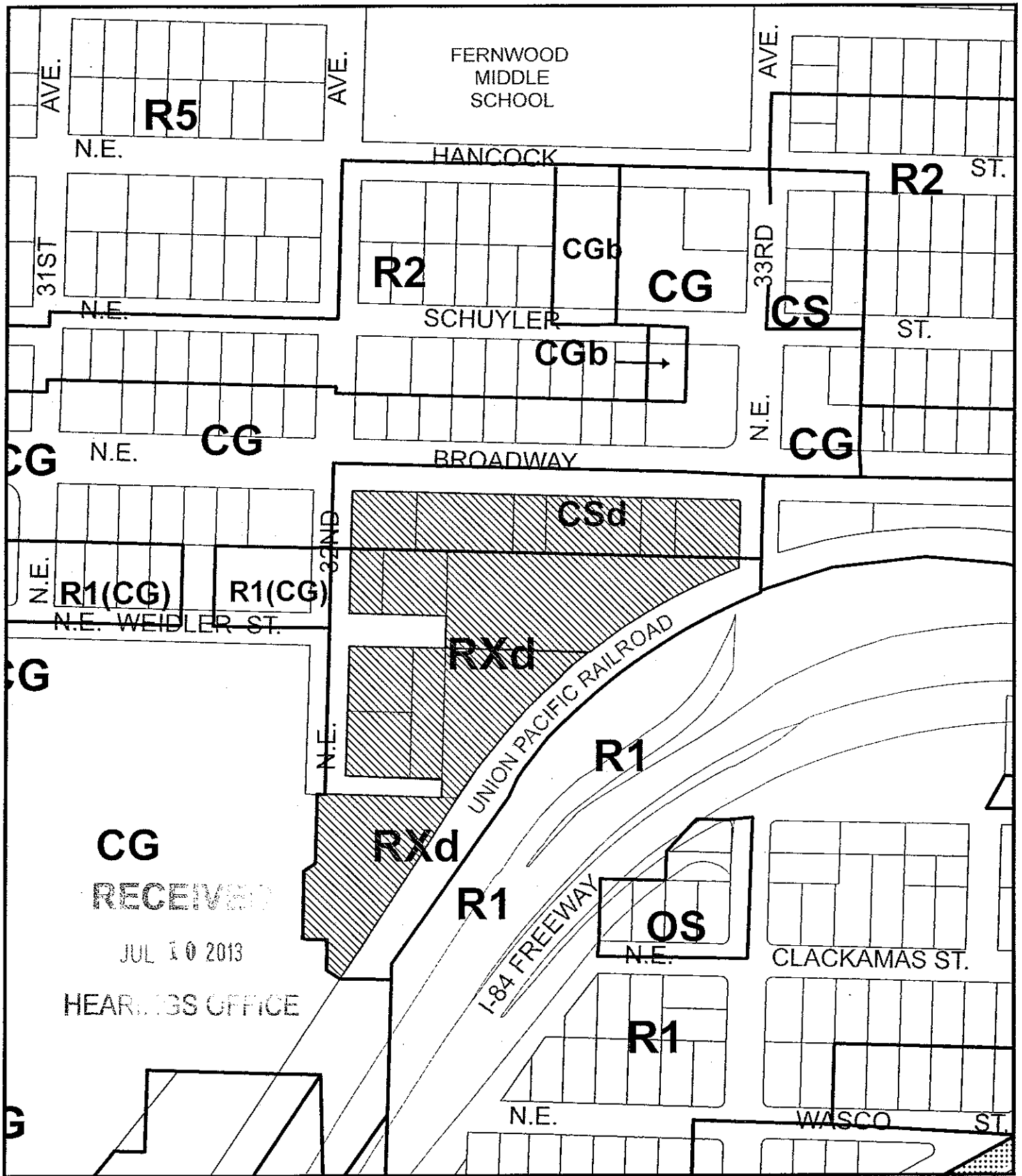
LANCASTER ENGINEERING
 2225 W. 10TH AVE
 SUITE 100
 ST. LOUIS, MO 63104
 PHONE: (314) 241-1100
 FAX: (314) 241-1101
 WWW: WWW.LANCASTER-ENG.COM

DATE: 11/11/08	SCALE: AS SHOWN
PROJECT: GRANT PARK VILLAGE	CLIENT: [REDACTED]
DESIGNER: [REDACTED]	CHECKER: [REDACTED]
APPROVER: [REDACTED]	DATE: 11/11/08

1
 1



11-12-109501
 EXH. C-1



ZONING

 Site

File No. LU 12-189581
 1/4 Section 2833
 Scale 1 inch = 200 feet
 State Id 1N1E25CD 12100
 Exhibit B (Jul 09, 2013)



CITY OF PORTLAND
 HEARINGS OFFICE
 Exhibit #H-3a
 Case # 4130018
 Bureau Case # 12-189581