



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 21, 2014  
**To:** Interested Person  
**From:** Hillary Adam, Land Use Services  
503-823-3581 / [Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@portlandoregon.gov)

## **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 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 14-126828 AD – LONG-TERM BICYCLE PARKING DIMENSIONS**

#### **GENERAL INFORMATION**

**Applicant:** Leslie Cliffe, Applicant  
Boora Architects  
720 SW Washington St., Suite 800  
Portland, OR 97205

Hoyt Street Properties LLC, Owner  
1022 NW Marshall St #270  
Portland, OR 97209-2989

**Site Address:** Full block bound by NW 10<sup>th</sup> avenue, NW Overton Street, NW 11<sup>th</sup> Avenue, and NW Northrup Street

**Legal Description:** LOT 17, HOYT STREET YARDS NO 2; LOT 18, HOYT STREET YARDS NO 2; LOT 19, HOYT STREET YARDS NO 2; LOT 20, HOYT STREET YARDS NO 2

**Tax Account No.:** R405840900, R405840950, R405841000, R405841050  
**State ID No.:** 1N1E34BB 02620, 1N1E34BB 02621, 1N1E34BB 02622, 1N1E34BB 02623

**Quarter Section:** 2929

**Neighborhood:** Pearl District, contact Patricia Gardner at 503-243-2628.

**Business District:** Pearl District Business Association, Adele Nofield at 503-223-0070.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - River District

**Zoning:** EXd – Central Employment with Design overlay

**Case Type:** AD – Adjustment Review

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

#### **Proposal:**

The applicant requests an Adjustment to 33.266.220.C *Standards for all bicycle parking* to reduce the width of 199 of the 227 wall-mounted required long-term bicycle parking spaces from 24 inches to 18 inches with a 6-inch vertical stagger. The remaining 28 required long-

term spaces will be provided in individual storage units. In total, 349 long-term bicycle parking spaces could potentially be provided, 150 of which would be located in the individual storage units. This Adjustment request is a follow-up review to the previously approved Design Review (LU 13-139762 DZM AD) for a 150-unit mixed-use tower.

Adjustment Review is required because the proposal seeks to reduce the standard dimensions for bicycle parking as required by the Portland Zoning Code.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.805.040 *Approval Criteria*

## ANALYSIS

**Site and Vicinity:** The subject property is a paved asphalt surface parking lot, located in the River District, bound by NW 10<sup>th</sup> and NW 11<sup>th</sup> Avenues and by NW Northrup and NW Overton Streets. The property was formerly owned by the Spokane, Portland and Seattle Railway Company and housed freight yards, a train shed and office. Over the past several years, the character of the neighborhood has significantly changed, providing opportunities for viable residential, commercial, and open space development.

Starting at the north and rotating clockwise, immediately adjacent developments include the recently-opened Fields Park, the 16-story Encore, the 14-story Pinnacle, the 6-story Lexis on the Park, Tanner Springs Park, the 7-story Bridgeport, the 6-story Sitka building. All named buildings are mixed-use buildings with dwelling units over ground floor retail. The area is designated as the Northwest Triangle Pedestrian District in the Transportation System Plan with NW Northrup also designated a City Walkway, a Transit Access Street, and a Community Main Street. NW Overton is designated a City Bikeway and a Traffic Access Street.

The River District was established as an Urban Renewal Area in 1998, selected as such for its proximity to the core of downtown and to correct blighted conditions that had overtaken the area. It was envisioned that transit and open space improvements, as well as the introduction of dense housing and commercial opportunities would bring new life into this area while meeting the state land use planning goals. Since 2001, the River District, and in particular the Pearl District at the heart of the URA, has transformed significantly into one of Portland's densest and fastest-growing neighborhoods.

**Zoning:** The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- ZC 7948 – Approval of a 1979 Zone Change & Master Plan with Conditions;
- DZ 91-89 – Approval of a 1989 Railroad Area Master Plan Review with Conditions;
- LUR 92-00798 MS, LA – Approval of a 1992 Master Plan Amendment and late Acceptance Review of ZC 7948 & DZ 91-89 with Conditions;

- LUR 93-00819 DZ – Approval with conditions of open space improvements within the vacated portion of NW Irving street between NW 10<sup>th</sup> and 11<sup>th</sup> Avenues;
- LUR 99-00542 SU, MS – Approval of a 1999 Subdivision Review to create 43 lots with new streets; Amendment to Glacier Park Company/Hoyt Street Yards Master Plan (approved 11/7/89) Development Agreement between City of Portland & Hoyt Street Properties, LLC (approved 9/8/97 & 3/12/99). Approval with Conditions;
- LUR 99-00897 – Approval with conditions of a 5-story apartment building with ground floor retail and parking;
- LUR 99-00939 DZ – Approval with conditions of non-standard improvements in the right-of-way; boardwalk, straight-in parking, and art to cover three streetcar catenary poles;
- LUR 00-00021 DZM, MS – Approval with conditions of a full block mixed-use development at NW Lovejoy between NW 11<sup>th</sup> and 12<sup>th</sup> Avenues, and approval of modifications to size of loading space, parking aisle width, forward motion loading, and ground floor windows. In addition, the review included approval of the Central City Master Plan Amendment to change the planned 50' wide NW Marshall Street pedestrian tracts between NW 9<sup>th</sup> and 12<sup>th</sup> Avenues to a 60' wide public street.
- LUR 00-00217 DZ – Approval with conditions of alterations to the NW Marshall frontage façade of the Block 10 development and modification to ground floor windows;
- PC 02-150732 – Pre-Application Conference for a 15-story mixed-use development with 179 dwelling units, ground floor retail and underground parking;
- LU 03-100642 DZM – Approval with conditions of a 14-story mixed-use development (The Pinnacle) with 179 dwelling units and 7,000 square feet of retail space;
- PC 03-119843 – Pre-Application Conference for a 6- and 11-story two-building mixed-use development with 225 dwelling units, ground floor retail and underground parking;
- LU 03-158491 DZ – Approval of revisions to the previously approved 14-story development;
- LU 05-181234 DZM AD – Design Review and Modification Approval for a 16-story mixed-use development (The Encore) with 177 dwelling units, 10,945 square feet of retail and 3 levels of parking;
- LU 06-103275 DA – Design Advice Request for the site area's Master Plan;
- EA 12-208906 PC – Pre-Application Conference for the current proposal, featuring a different design;
- EA 13-106266 DAR –Design Advice Request for a 28-story mixed-use tower; and
- LU 13-139762 DZM AD – Design Review approval for a 28-story with Modifications to height, ground floor windows, and transit street main entrance requirements and an Adjustment to reduce the number of required loading spaces.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 21, 2014**. No responses were received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 21, 2014. 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

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, 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 have been met:

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

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

- B.** If more than one adjustment is being requested, the cumulative effect of the adjustments result in a project which is still consistent with the overall purpose of the zone; and  
**C.** City-designated scenic resources and historic resources are preserved; and  
**D.** Any impacts resulting from the adjustment are mitigated to the extent practical; and  
**E.** If in an environmental zone, the proposal has few significant detrimental environmental impacts on the resource or resource values as is practicable.

**The following adjustment(s) is/are requested:**

- **Bicycle Parking Standards (PZC 33.266.220):** Requires that a space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The applicant proposes that the width of required bicycle parking spaces be reduced from 24 inches to 18 inches.

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

**Findings:** The purpose statement for 33.266.200 is: to “ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.”

Since the revised parking standards were adopted in 2013, which included the requirement that all bicycle parking spaces be 2'-0" (w) x 6'-0" (l), eight applications have been submitted to modify these standards. Three of these applications (LU 13-178392 DZM, LU 13-199812 DZM, and LU 13-211645 DZM) have been approved as Modifications allowed through Design Review, four are pending as Modifications through Design Review, and the requested Adjustment in question is the eighth. After much discussion between the Design Commission, the Bureau of Transportation's Bicycle Program Specialists, and local bicycle advocates, it was generally agreed that the width of bicycle parking spaces could be reduced provided there was some mitigation provided. This mitigation has been provided most often in the form of a 6" vertical stagger so that handlebars and pedals of adjacent bicycles are not in conflict. Two of the approved cases have also provided more than the minimum required number of long-term bike parking spaces. Bicycle parking advocates have, in the previous cases, stated that they could not support spaces at less than 18 inches. While no comments were provided for this particular case, staff believes that testimony from previous cases is applicable. The applicant is proposing reduced width wall-mounted spaces at 18 inches on center, with a 6-inch vertical stagger to adequately safeguard adjacent bicycles from damage. Additional spaces are also provided in individual storage units and all bicycles may be securely locked without undue convenience. *For these stated reasons, the approval 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 desired character of the area.

**Findings:** The proposal is in an Employment zone. By reducing the width of a significant number of bicycle parking spaces, the applicant is able to provide more square footage

dedicated to commercial space along the street-edge ground floor which is more consistent with the desired character of the area. The proposed long-term bike parking system will allow for convenient storage at the ground level for 199 bicycles which may help to foster frequent use of bicycles for tenant's' transportation, which will add to the desired character of the area. *For these stated reasons, the approval 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.

**Findings:** Only one adjustment is requested. *This criterion does not apply.*

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

**Findings:** The proposal is entirely located within the envelope of a soon to be constructed building. *This criterion does not apply.*

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

**Findings:** Impacts resulting from the adjustment are minimal and are internal to the building. Individual storage units are provided on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the building which have the potential to provide additional bicycle parking. *For these stated reasons, the approval criterion is met.*

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

**Findings:** The proposal is not in an environmental zone. *This criterion does not apply.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The proposal to reduce the width of 199 of the required 227 long-term bicycle parking spaces reduces the square footage devoted to bicycle parking, allowing additional square footage to be dedicated to street-level commercial space, which still maintaining convenient and unencumbered storage for bicycles. The proposal meets the approval criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

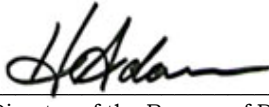
Approval of and Adjustment in the River subdistrict of the Central City Plan District to reduce the width of 199 of the 227 wall-mounted required long-term bicycle parking spaces from 24 inches to 18 inches with a 6-inch vertical stagger. The remaining 28 required long-term spaces will be provided in individual storage units.

This approval is per the approved site plans, Exhibits C-1 through C-3, signed and dated April 17, 2014, subject to the following conditions:

- A.** As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-3. The sheets on which this information

appears must be labeled, "Proposal and design as approved in Case File # LU 14-126828 AD. No field changes allowed."

**Staff Planner: Hillary Adam**

**Decision rendered by:**  **on April 17, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 22, 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 March 13, 2014, and was determined to be complete on March 19, 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 March 13, 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: July 18, 2014.**

**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 May 6, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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](http://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 **May 7, 2014**.
- 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.

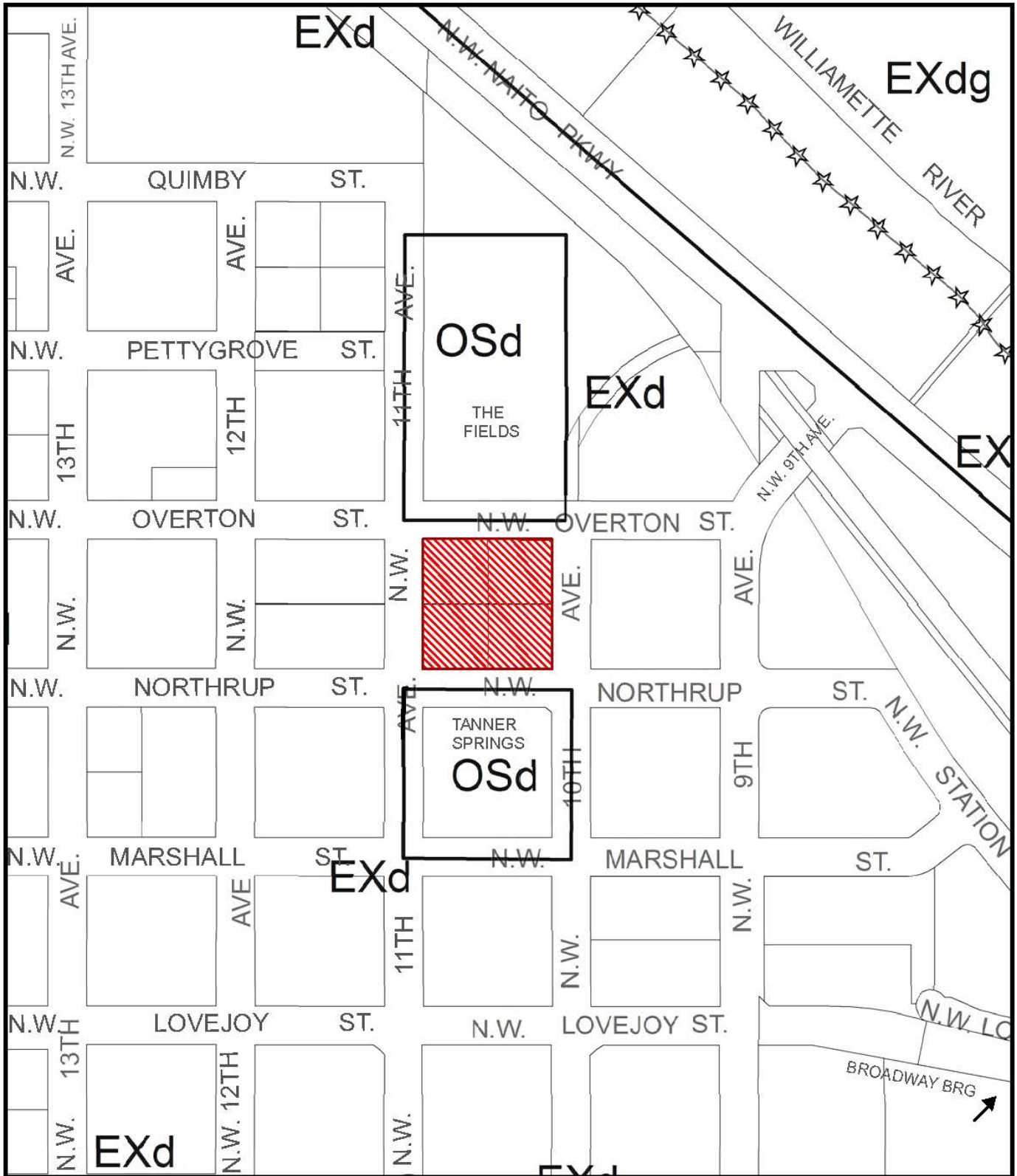
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Original Level 1 Plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan – Level 1 (attached)
  - 2. Bike Storage – Level 2
  - 3. Bike Storage – Level 3
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application

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





# ZONING



This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**RIVER DISTRICT - NORTH PEARL**

File No. LU 14-126828 AD  
 1/4 Section 2928,2929  
 Scale 1 inch = 200 feet  
 State\_Id NONE  
 Exhibit B (Mar 17,2014)

HOYT, BLOCK 15  
boora

ADJUSTMENTS:

33,266,220.C Standards for Bicycle Parking:  
An area 2'-0" by 6'-0" must be provided for each required bicycle parking space.

150 units x 1.5 spaces per unit 225  
2,185 sf retail x 1.35 2  
Total Required Long Term Bicycle Parking Spaces: 227

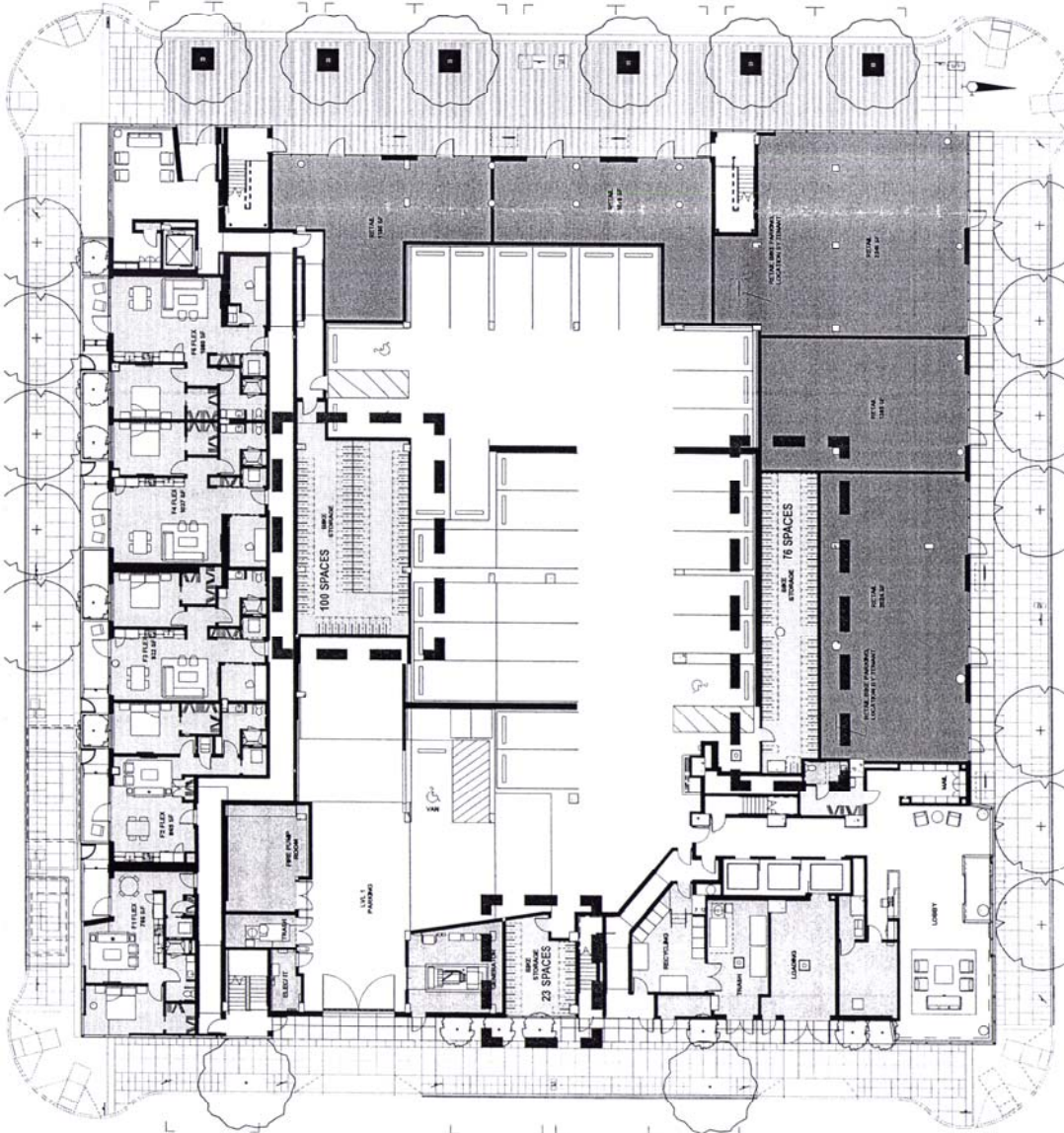
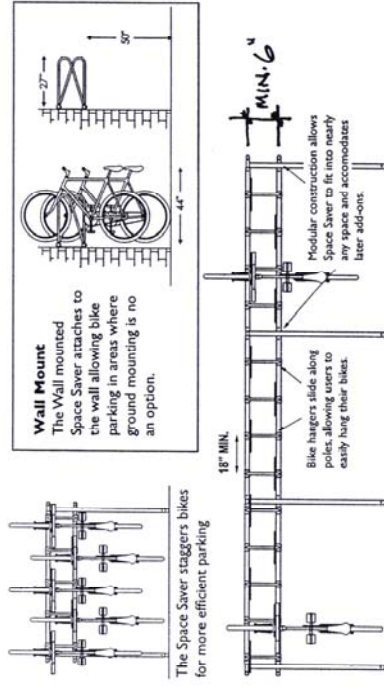
Spaces Provided in Garage Bike Parking Rooms: 199  
Spaces Provided in Storage Lockers: 30  
Spaces Provided in Retail Tenant Space: 2

Total Bicycle Parking Spaces Provided: 231

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date *4/17/14*

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

Dero Bike Rack system will be installed which allows residents to vertically hang and lock their bicycles, with staggered clearances to adjacent bikes. The specified bike rack system is spaced 18" on center min. and staggered vertically 6" min. A 5'-0" minimum aisle is provided behind each bicycle rack for ease of storage and removal.



C-1