



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 21, 2014
To: Interested Person
From: Andrew Gulizia, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-222537 AD

GENERAL INFORMATION

Applicant: Kevin Saxton / KASA Architects
4119 NE Cesar E Chavez Blvd.
Portland, OR 97211

Property Owner: Leslie Crehan / Home Forward
135 SW Ash St.
Portland, OR 97204

Site Address: 4400 NE Broadway

Legal Description: TL 12100 2.05 ACRES, SECTION 30 1N 2E
Tax Account No.: R942300010
State ID No.: 1N2E30CC 12100
Quarter Section: 2835
Neighborhood: Hollywood, contact Jo Schaefer at 503-288-0832
Business District: Hollywood Booshters, contact Angela McKenzie at 503-281-1800
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156
Plan District: Hollywood - Subdistrict B
Zoning: RXd – Central Residential with Design overlay zone
Case Type: AD – Adjustment Review
Procedure: Type II administrative decision with appeal to the Adjustment Committee

Proposal: Hollywood East is a 14-story, 286-unit apartment building for low-income households. The applicant plans improvements to the building that will trigger Zoning Code requirements for long-term (secure) bike parking. Zoning Code Section 33.266.210.A.1 requires at least 317 long-term bike parking spaces on this site. The applicant requests an Adjustment to reduce the number of required long-term bike parking spaces on the grounds that most of the building's residents are elderly or disabled. The applicant proposes to install 36 long-term bike parking spaces.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Section 33.805.040.A-F of the Portland Zoning Code.

ANALYSIS

Site and Vicinity: The site is an 89,298 square-foot lot located on the southwest corner of NE 45th Avenue and NE Broadway. The site is developed with a 14-story, 286-unit apartment building for low-income households. The surrounding neighborhood is characterized by a mix of commercial and residential uses. The center of the Hollywood business district is just a few blocks west of this site. Interstate 84 is about 750 feet to the south.

Zoning: The RX designation is one of the City's multi-dwelling zones, which are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The site is also within the Design ("d") overlay zone, which is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural values. However, the requirements of the "d" overlay do not affect the proposed Adjustment.

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

- LUR 96-00007: Adjustment approved in 1996 to reduce the vehicle parking requirement.
- LUR 96-00508: Conditional Use approval in 1996 for a radio frequency transmission facility.
- LU 11-152963 CU: Conditional Use approval in 2011 for new cellular antennas.

Agency Review: A "Notice of Proposal" was mailed October 28, 2014. The following Bureaus have responded with no concerns about the proposal:

- Bureau of Environmental Services;
- Bureau of Transportation Engineering;
- Water Bureau;
- Fire Bureau;
- Site Development Section of BDS;
- Life Safety Review Section of BDS; and
- Bureau of Parks-Forestry Division.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the mailed "Notice of Proposal."

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings: The applicant is requesting an Adjustment to the minimum number of long-term bike parking spaces. The purpose of the bike parking requirement is stated in Zoning Code Section 33.266.200:

Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle.

The applicant proposes to install 36 new long-term bike parking spaces rather than 317, the number that would be required without the Adjustment. The applicant's proposal equates to approximately one space per eight residential units, which is the requirement in Zoning Code Section 33.229.040.C.2.b for buildings which are restricted by covenant to elderly or disabled residents. Although most of the residents of this site are elderly and/or disabled, the site does not have a restrictive covenant as described in Zoning Code Section 33.229.030.D. Therefore, an Adjustment is required in order for this amount of long-term bike parking to be approved. The Portland Bureau of Transportation reviewed this application and found that the applicant's proposal is appropriate to meet the anticipated demand for long-term bike parking, given the demographics of the building (Exhibit E-2).

The 36 long-term bike parking spaces to be installed on this site will meet the specific security requirements in Zoning Code Section 33.266.220.B.2.d. Compliance with security requirements will be verified during the building permit review and inspection process.

Based on these reasons, the proposal equally meets the intent of the long-term bike parking regulation and this criterion is met.

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

Findings: Because the site is located in a multi-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. The proposal to reduce the number of long-term bike parking spaces required will have no impact on the aesthetics of the neighborhood. The Portland Bureau of Transportation reviewed the proposal and agreed that 36 long-term bike parking spaces will be appropriate to meet the anticipated demand, since most of the building's residents are elderly and/or disabled (Exhibit E-2). Since the demand for long-term bike parking is not anticipated to exceed the proposed supply, the Adjustment will not affect the mode split for the building, and therefore will not affect vehicle traffic or the demand for on-street vehicle parking in the surrounding neighborhood. For these reasons, the proposal will not result in negative impacts to neighborhood livability or appearance. This criterion is met.

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

Findings: As only one Adjustment is being requested, this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

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

Findings: As discussed in the findings for approval criterion B, the proposal has no adverse impacts on the livability or appearance of the surrounding area. As there are no identified adverse impacts for which mitigation would be required, this criterion is not applicable.

- 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: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on the site, 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 proposal to reduce the long-term bike parking requirement equally meets the intent of the regulation and will not have adverse impacts on the livability and appearance of the surrounding neighborhood. The applicant has demonstrated that the applicable approval criteria have been met. Since the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the required number of long-term bike parking spaces from 317 to 36 (Zoning Code Section 33.266.210.A.1).

Staff Planner: Andrew Gulizia



Decision rendered by: _____ **on November 19, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 21, 2014

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

Procedural Information. The application for this land use review was submitted on October 7, 2014, and was determined to be complete on October 23, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 7, 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 extended by the applicant, **the 120 days will expire on: February 20, 2015.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

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

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

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

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **December 8, 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.

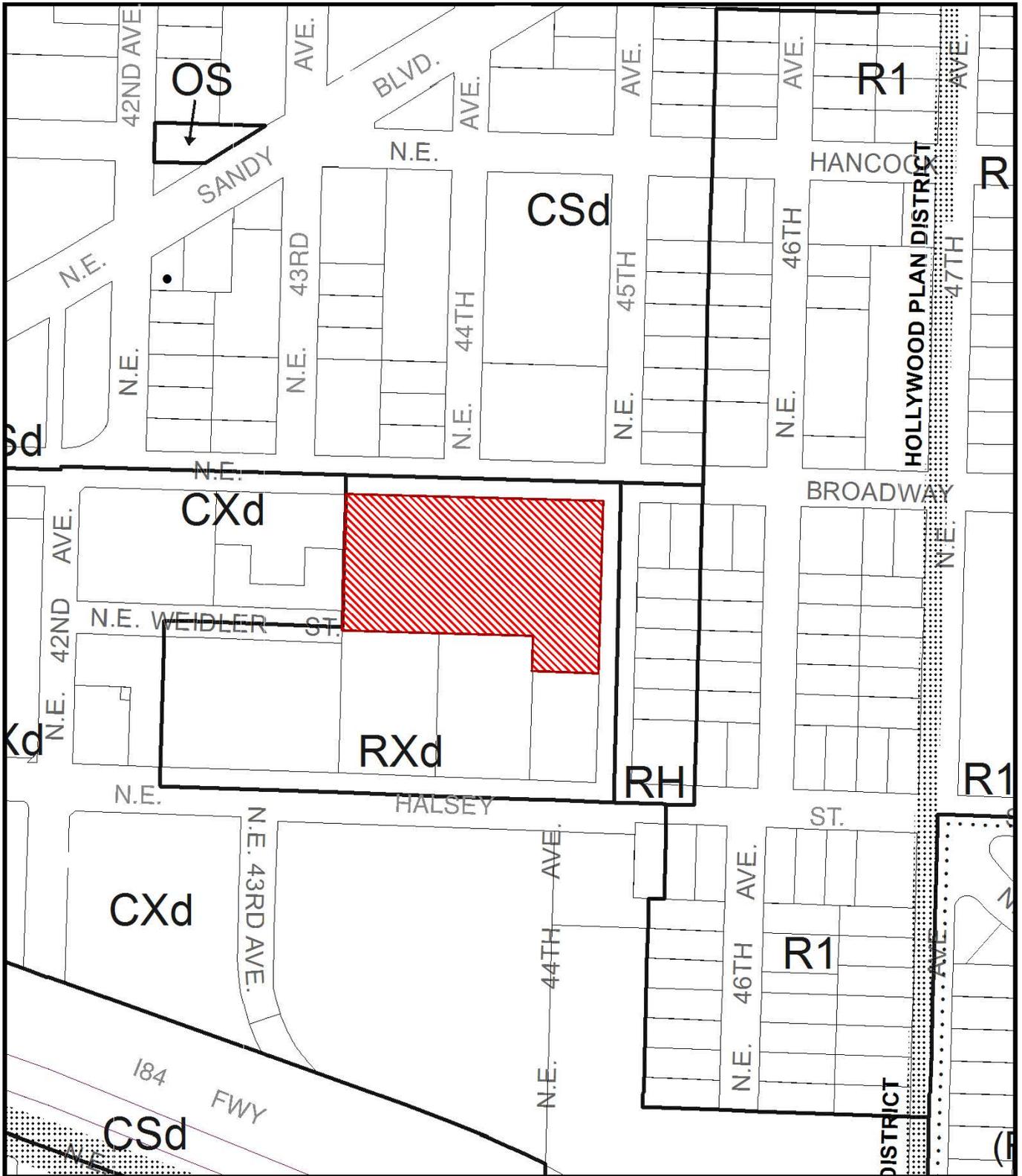
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. North building elevation
 - 3. West building elevation
 - 4. South building elevation
 - 5. East building elevation
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau

5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
 7. Bureau of Parks, Forestry Division
- F. Correspondence – none received
- G. Other:
1. Original LU application form and receipt
 2. Incompleteness determination letter, dated October 20, 2014

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



ZONING



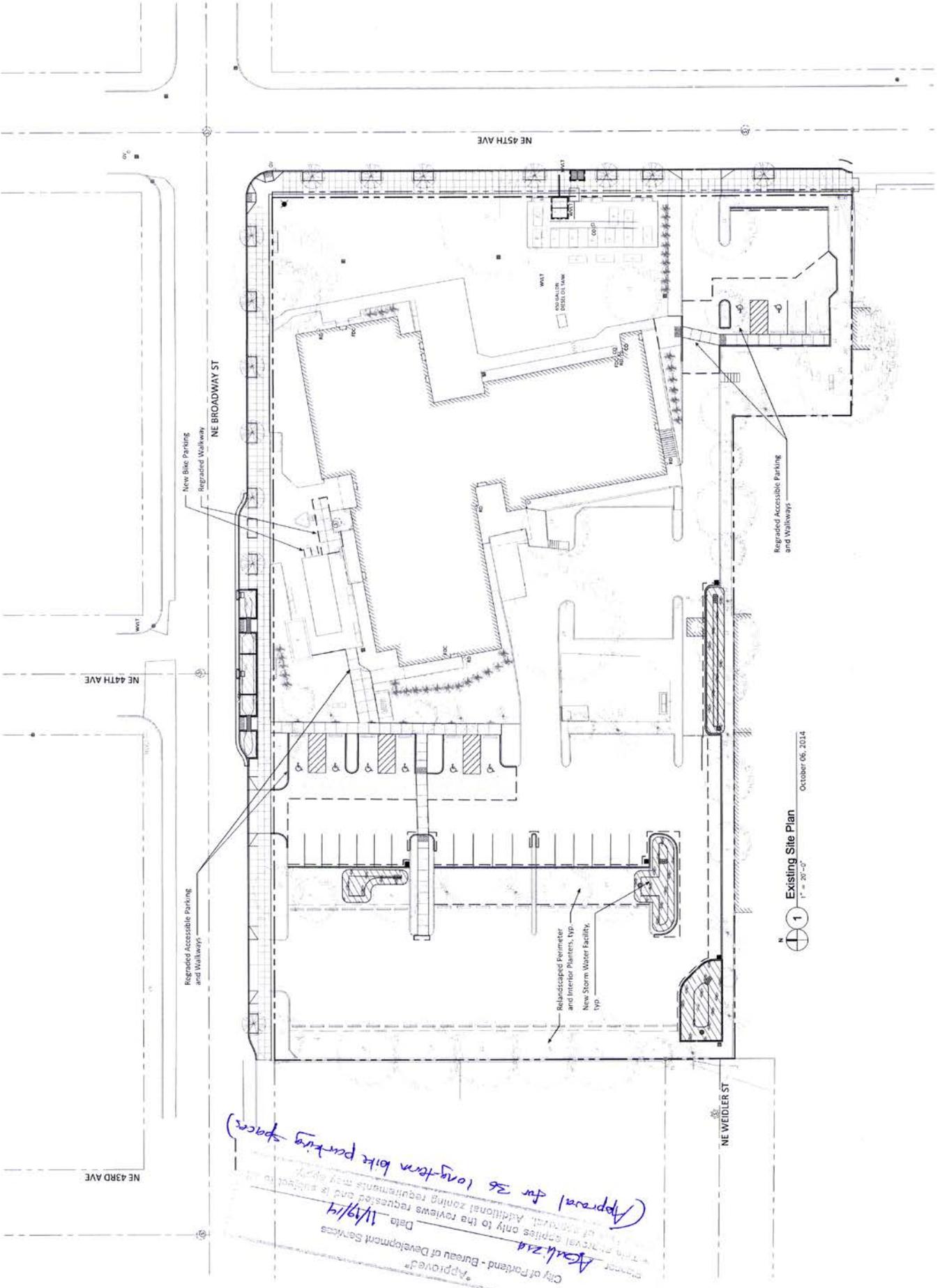
Site



NORTH

This site lies within the:
HOLLYWOOD PLAN DISTRICT

File No. LU 14-222537 AD
 1/4 Section 2835
 Scale 1 inch = 200 feet
 State_Id 1N2E30CC 12100
 Exhibit B (Oct 10, 2014)



1 Existing Site Plan
October 06, 2014
1" = 20'-0"

City of Portland - Bureau of Development Services
 Approved: *Arcylyssa*
 Date: 11/19/14
 (Approval for 36 long-term bike parking spaces)
 This approval applies only to the reviews requested and is subject to the zoning code. Additional zoning requirements may apply.