



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: August 18, 2016
To: Interested Person
From: Jeff Mitchem, Land Use Services
503-823-7011 / Jeffrey.Mitchem@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 mailed copy of this document is only a summary of the decision. 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 16-213107 DZM
FOLLOW-UP REVIEW FOR CHANGE TO PREVIOUS TYPE III APPROVAL
(PARKING STALL DIMENSION)

GENERAL INFORMATION

Applicant: Jeff Sackett & Lauren Golden Jones | Capstone Partners, LLC
1015 NW 11th Ave, Ste 243
Portland OR 97209

Rob Humphrey | Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

Representative: Julio Rocha | LRS Architects
720 NW Davis St Suite 300
Portland OR 97209

Site Address: 1590 NE 32ND AVE

Legal Description: BLOCK 4 LOT 1&2, BROADWAY ADD; BLOCK 4 LOT 3&4, BROADWAY ADD; BLOCK 4 LOT 5&6, BROADWAY ADD; LOT 16 TL 12400, FERNWOOD; BLOCK 1 LOT 3 LAND & IMPS SEE R162223 (R276000701) FOR BILLBOARD, HOLLYWOOD WEST FRED MEYER R105500420, R105500440, R105500460, R276000670, R398400050

Tax Account No.:

State ID No.: 1N1E25CD 12200, 1N1E25CD 12300, 1N1E25CD 12500, 1N1E25CD 12400, 1N1E36BA 06300

Quarter Section: 2833

Neighborhood: Sullivan Gulch, contact Kathy Hansen at 503-221-4845.

Business District: None

District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: None

Zoning:	RXd, Central Residential with a Design Overlay
Case Type:	DZM, Design Review with a Modification
Procedure:	Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The proposal is to allow structural column encroachment into some of the below-grade parking stalls. Design Review is required because the proposal is for alterations to a previously approved Land Use Review within a Design Overlay zone.

Relevant Approval Criteria:

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

- 33.825.040 Modifications that will better meet Design Review requirements
- Community Design Guidelines

ANALYSIS

Site and Vicinity: Roughly triangular in shape, the project site abuts the southern face of Grant Park Village Phase I which is located at the southwest corner of the intersection of NE 33rd Avenue and NE Broadway. The site's only public frontage is approximately 150' on NE 32nd Avenue. The southeast boundary of the project area abuts the I-84 (Banfield) Freeway. The project's eastern frontage abuts open space associated with Grant Park Village I featuring a small plaza and park, stormwater facilities and three unscreened pad-mounted transformers. The general project area lies on the north bank of Sullivan Gulch, slopping downward about 20 feet in a southerly direction. An access easement exists connecting the NE 32nd Ave right-of-way and the future Sullivan Gulch Trail.

At the neighborhood scale, the site 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 the site, south of NE Weidler Street, is the Hollywood Fred Meyer shopping center which was recently expanded and remodeled. Along the north side of NE Weidler Street between NE 28th and 32nd Avenues are older residential homes on small lots. The Sullivan Gulch neighborhood is to the west, the Grant Park Neighborhood is to the north, and the Hollywood Neighborhood is to the east. South of the site is Sullivan Gulch and the Banfield Freeway and light rail line, with the NE Sandy Boulevard commercial area, Kerns and Laurelhurst Neighborhoods beyond.

The north project area boundary abuts NE Broadway, a designated Major City Traffic Street, Major City Transit Street, City Walkway, and Minor Truck Street with a frequent service bus line. Northeast 33rd Avenue, along the east project area boundary, is a designated Major City Traffic Street, Minor Transit Street (with no bus service south of NE Broadway), City Walkway, and Minor Truck Street. Northeast Weidler and Halsey Streets, and NE 32nd Avenue are Local Service Streets that abut the project area to the west. They connect to NE 28th Avenue, a Neighborhood Collector, City Bikeway, and City Walkway. South and southeast of the project area is the Banfield Freeway (I 84), a Regional Trafficway (entrance to and exit from the west only at NE 33rd Avenue), and the East Side Light Rail (nearest transit station about one-half mile east in the Hollywood District). About one-quarter mile south is NE Sandy Boulevard which is designated a Major City Traffic Street, Major Transit Street, City Bikeway, City Walkway, and Minor Truck Street.

Zoning: The Central Residential (RX) zone 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.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 the following: LU00-00672 CU ZC, Condition of Approval for a zone change; LU15-186900 ZC, Amendments to previous case; LU15-251943 DZ, New 5-story market rate housing development.

Summary of Applicant's Statement: use at your discretion to further explain proposal and/or how they propose to mitigate for impacts or meet approval criteria.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **August 8, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering (Exhibit E.1)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **August 8, 2016**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. *Better meets design guidelines. The resulting development will better meet the applicable design guidelines; and*
- B. *Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

The following Modification is requested:

Modification of 33.266.130 F 2, Parking Space Dimension. For some parking spaces

narrowed by building columns. Purpose: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and

- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

Findings: The modification to reduce the width some of the below-grade garage parking spaces from 8'-6" to 7'-10" due to required structural column layout is in keeping with other parking garages of this type. The remaining parking spaces will be a minimum of 8'-6" wide. The drive aisles and other maneuvering spaces as well as bike parking, stairways, ADA parking spaces, and pedestrian walkways will comply with code requirements so that vehicles can enter and exit as well as pass each other within the parking garage in a safe manner.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.* The proposed range of parking space sizes is a increasingly common feature of parking garages around the city and allows for more spaces to be provided within the development. This in turn incrementally relieves parking burden that would have to be accommodated by on-street parking which can in-turn meet project parking demand below-grade and not within the public ROW. In addition, because all spaces will be assigned, larger vehicles will be assigned larger spaces to fit safely in the garage. Therefore, this modification better meets design guidelines: *D4 Parking Areas and Garages* in that it provides well-integrated parking in the development while allowing more of the ground level active uses along abutting frontages that enhance the relationship with pedestrians. *Therefore this criterion is met.*
- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles. Structural concrete columns that are 16" wide x 24" long would be located between some parking stalls that would protrude up to approximately 8" into the 8'-6" clear width of the stall on each side. The columns are generally located near the back end or front end of the space so as not conflict with car door operations. This reduced width will accommodate a regular sized vehicle, however, may require additional maneuvering. Building management could also limit these spaces to compact vehicles, if desired. *Therefore this criterion is met.*

Therefore this Modification merits approval.

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

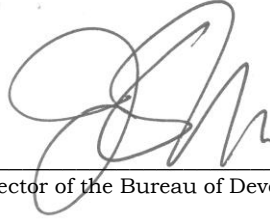
The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As proposed, the proposal meets all of the applicable approval criteria therefore approval is warranted.

ADMINISTRATIVE DECISION

Approval of the reduction of parking stall width by approximately 6" for below-grade parking stalls due to structural column encroachment, per the approved Parking Level One plan, Exhibit C.1, signed and dated August 15, 2016, 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 Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-213107 DZM. No field changes allowed."

Staff Planner: Jeffrey Mitchem



Decision rendered by: _____ **on August 18, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 18, 2016

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 July 28, 2016, and was determined to be complete on August 3, 2016.

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 July 28, 2016.

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: December 1, 2016.**

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 1, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 Design Commission 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 Design Commission 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 **September 2, 2016**.
- 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:

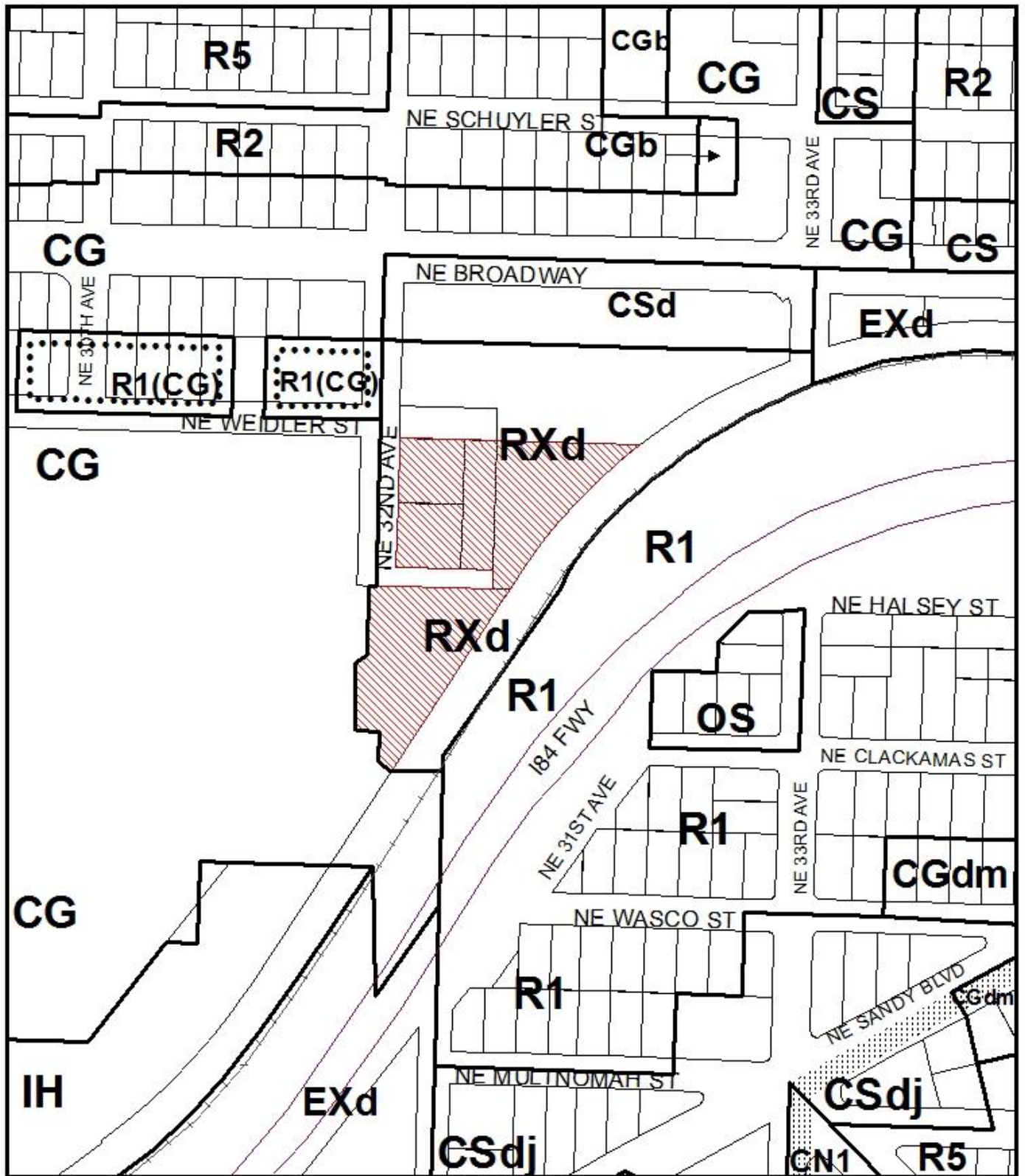
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Parking Level One Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
- 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).

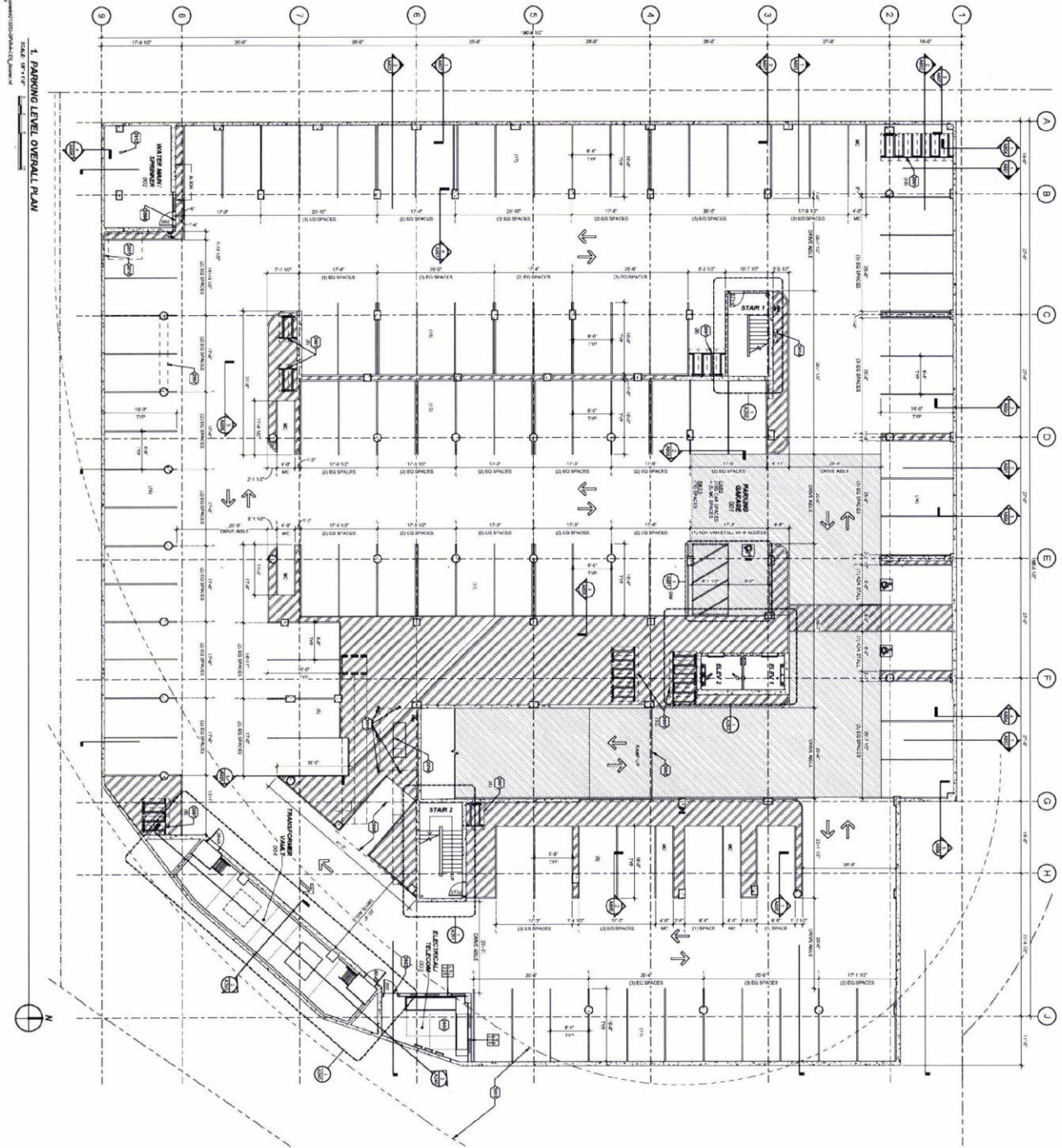


ZONING ↑
NORTH

▨ Site

File No. LU 16-213107 DZM
 1/4 Section 2833
 Scale 1 inch = 200 feet
 State_Id 1N1E25CD 12400
 Exhibit B (Aug 01, 2016)

1. PARKING LEVEL OVERALL PLAN
SCALE: 1/8" = 1'-0"



GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL FINISHES ARE TO BE AS SHOWN ON THE FINISH SCHEDULE.
3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS SHOWN ON THE SPECIFICATIONS.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
5. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITIES.

KEYNOTES

1. FLOOR FINISH TO BE AS SHOWN ON THE FINISH SCHEDULE.
2. WALL FINISH TO BE AS SHOWN ON THE FINISH SCHEDULE.
3. CEILING FINISH TO BE AS SHOWN ON THE FINISH SCHEDULE.
4. MECHANICAL EQUIPMENT TO BE AS SHOWN ON THE MECHANICAL SCHEDULE.
5. ELECTRICAL EQUIPMENT TO BE AS SHOWN ON THE ELECTRICAL SCHEDULE.
6. TELECOM EQUIPMENT TO BE AS SHOWN ON THE TELECOM SCHEDULE.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
8. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITIES.

LEGEND

- 1. FINISH SCHEDULE
- 2. MECHANICAL SCHEDULE
- 3. ELECTRICAL SCHEDULE
- 4. TELECOM SCHEDULE
- 5. FINISH SCHEDULE
- 6. MECHANICAL SCHEDULE
- 7. ELECTRICAL SCHEDULE
- 8. TELECOM SCHEDULE
- 9. FINISH SCHEDULE
- 10. MECHANICAL SCHEDULE
- 11. ELECTRICAL SCHEDULE
- 12. TELECOM SCHEDULE
- 13. FINISH SCHEDULE
- 14. MECHANICAL SCHEDULE
- 15. ELECTRICAL SCHEDULE
- 16. TELECOM SCHEDULE

3200 NE
Weidner St
Portland, OR
97232

PARKING LEVEL
OVERALL PLAN

A200

BLH
C.1



DATE: 11/11/11

SCALE: 1/8" = 1'-0"

PROJECT: 3200 NE WEIDNER ST

ARCHITECT: LRS ARCHITECTS

1111 11TH AVENUE, SUITE 100, PORTLAND, OR 97232

PHONE: (503) 228-1111

FAX: (503) 228-1112

WWW.LRSARCHITECTS.COM

PROJECT NUMBER: 2180

DATE: 11/11/11

PROJECT: 3200 NE WEIDNER ST

ARCHITECT: LRS ARCHITECTS

1111 11TH AVENUE, SUITE 100, PORTLAND, OR 97232

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