



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** August 23, 2017  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-823-7010 / [Andrew.Gulizia@portlandoregon.gov](mailto:Andrew.Gulizia@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 17-161462 AD**

#### **GENERAL INFORMATION**

**Applicant:** Lucy O'Sullivan | Works Partnership Architecture  
811 SE Stark St., Suite 210  
Portland OR 97214

**Property Owner:** 87 Stark Street LLC  
1121 SW Salmon St., 5th floor  
Portland, OR 97205

**Site Address:** 87 SE Stark St.

**Legal Description:** BLOCK 22 TL 4200, EAST PORTLAND; BLOCK 22 LOT 6-8 TL 4100, EAST PORTLAND

**Tax Account No.:** R226501400, R226501450

**State ID No.:** 1N1E34DD 04200, 1N1E34DD 04100

**Quarter Section:** 3030

**Neighborhood:** Buckman, contact Rick Johnson at [rickjohnson77@comcast.net](mailto:rickjohnson77@comcast.net)

**Business District:** Central Eastside Industrial Council, contact [ceic@ceic.cc](mailto:ceic@ceic.cc)

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010

**Plan District:** Central City - Central Eastside

**Zoning:** IG1 – General Industrial 1

**Case Type:** AD – Adjustment Review

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

**Proposal:** The applicant proposes to construct a 10-story building on this site with a mix of Retail Sales and Service, Office, and Industrial Service uses and a 252-space parking garage. Most of the floor area not used for parking would be used as office space. Zoning Code Section 33.266.310.C requires two Standard A loading spaces to be provided on the site. The applicant has requested an Adjustment to Zoning Code Section 33.266.310.C in order to provide one Standard A loading space and one Standard B loading space instead. A Standard A loading space measures 35 feet long by 10 feet wide and has at least 13 feet of vertical clearance, while

a Standard B loading space measures 18 feet long by 9 feet wide and has at least 10 feet of vertical clearance. (Note: The applicant's original proposal was to provide two Standard B loading spaces and no Standard A loading space, but the applicant revised the proposal in response to feedback from the Portland Bureau of Transportation.)

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

## ANALYSIS

**Site and Vicinity:** The site is 26,172 square feet in area and occupies a full city block. SE Stark Street abuts the site to the south, and is classified as a District Collector Street, Freight District Street, and City Bikeway. The right-of-way of SE Oak Street, a local service street, abuts the site to the north, but that portion of the SE Oak Street right-of-way is currently unimproved. The I-5 freeway right-of-way abuts the site to the west, and a railroad right-of-way abuts the site to the east. The Willamette River is on the other side of the I-5 freeway from the site. The site is currently developed with a surface parking lot and a small (2,136-square-foot) industrial building which the applicant intends to demolish. Most neighboring properties are developed with industrial uses, though the neighborhood also includes retail and office uses.

**Zoning:** The IG1 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG1 areas generally have smaller lots and a grid block pattern.

The site is also within the Central City plan district (Central Eastside subdistrict). The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. The district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal" was sent July 13, 2017. The following Bureaus have responded with no concerns about the proposed Adjustment:

- Bureau of Environmental Services (Exhibit E-1);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Section of BDS (Exhibit E-5); and
- Life Safety Review Section of BDS (Exhibit E-6).

The Portland Bureau of Transportation (Exhibit E-2) responded with support for an Adjustment for one Type A loading space and one Type B loading space on the site, based on the revised site plan in Exhibit C-1.

**Neighborhood Review:** No written responses to the mailed "Notice of Proposal" were received from either the Neighborhood Association or notified neighbors.

## 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 purpose of the on-site loading requirement is stated in Zoning Code Section 33.266.310.A:

**Purpose.** *A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*

The three aspects of this purpose statement are discussed separately below:

Number of loading spaces and adequate areas for loading

The applicant is not proposing to reduce the number of required loading spaces, but to reduce the required dimensions of one of the two required loading spaces from Standard A (10 feet by 35 feet) to Standard B (9 feet by 18 feet). The applicant submitted a professional loading demand analysis in support of the proposal (Exhibit A-2). After reviewing this study, the Portland Bureau of Transportation (PBOT) determined that the applicant's proposal for one Standard A loading space and one Standard B loading space would fully accommodate the anticipated loading demand on the site (Exhibit E-2).

Appearance of loading areas consistent with that of parking areas

The proposed Adjustment is only to reduce the required dimensions of one of the two required loading spaces. No Adjustments are requested to standards regulating the appearance of the loading area.

Access to loading facilities will not have a negative effect on the abutting right-of-way

Access to the loading area will be from SE Stark Street, a Freight District Street in the City's Comprehensive Plan, near the southwest corner of the site. In an Early Assistance meeting (EA 16-248980), both PBOT and the Oregon Department of Transportation recommended this access location in order to maximize the distance from the railroad right-of-way which abuts the site to the east. PBOT also requested turning radius diagrams for the proposal, which the applicant provided (Exhibit A-6). After reviewing this information, PBOT responded with no objections to the proposed access plan (Exhibit E-2). Therefore, access to the loading area is not expected to have any negative effect on the abutting right-of-way.

For these reasons, 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 the IG1 zone, the applicant must demonstrate that the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area.

Street Classifications

The site fronts on two street rights-of-way: SE Stark Street and SE Oak Street. The SE Oak Street right-of-way adjacent to this site is unimproved. The I-5 freeway abutting the site to the west and the railroad right-of-way abutting the site to the east are not defined as "streets" in Zoning Code Chapter 33.910.

The classifications of the two adjacent street rights-of-way, as identified in the Transportation Element of the Comprehensive Plan, are as follows:

	Traffic	Transit	Bikeway	Pedestrianway	Freight
SE Stark Street	Traffic Access Street	Local Service	City Bikeway	Local Service	Freight District
SE Oak Street	Local Service	Local Service	Local Service	Local Service	Freight District

Since the proposed Adjustment relates only to the on-site loading requirement, and not to the overall size, scope, or density of the development, the Adjustment will result in no changes to traffic levels or demand for transit, bike, pedestrian, or freight infrastructure. PBOT reviewed the proposal and responded with support for the proposed Adjustment (Exhibit E-2). Therefore, staff finds the proposal is consistent with the adjacent street classifications.

#### Desired Character of Area

The “desired character” of an area is defined in Zoning Code Section 33.910.030 as the preferred or envisioned character based on the purpose statement or character statement of the zone and any adopted area plans. The subject site is located within the IG1 zone and within the boundaries of the Central City Plan and the Buckman Neighborhood Plan.

The character statement for the IG1 zone in Zoning Code Section 33.140.030.C reads:

*The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.*

- 1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.*

The proposed Adjustment will reduce the required dimensions for one of the two required loading spaces, but will not affect the proposed uses on the site. The Adjustment will also not affect the form of the building, but the proposed development plan does have a high building coverage with the building placed close to the abutting street rights-of-way. Staff finds nothing about the proposed Adjustment that is inconsistent with the above character statement for the IG1 zone.

The site is within the boundaries of the adopted Central City Plan, but none of the policies of the Central City Plan were found to be relevant to the Adjustment request.

The site is also within the boundaries of the adopted Buckman Neighborhood Plan. One statement from the Buckman Neighborhood Plan is found to be relevant to the proposed Adjustment:

*Policy 5, Objective 5.10: Discourage trucks from blocking the streets when loading and unloading, except in the designated truck zone.*

The proposed loading area will be on-site rather than in the street right-of-way, and, as discussed in the findings for approval criterion A, the loading area is expected to fully accommodate the loading demand for the development. PBOT reviewed the proposed access to the loading area from SE Stark Street and responded with no objections (Exhibit E-2). Therefore, the Adjustment will not cause trucks to block streets when loading and unloading.

Summary

The proposed Adjustment is consistent with the adjacent street classifications and with the desired character of the IG1 zone and the Buckman Neighborhood Plan. 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 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 A, the proposed loading area is expected to fully accommodate the loading demand on the site. Therefore, there are no identified impacts related to the Adjustment 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 equally meets the purpose of the on-site loading regulation and is consistent with the adjacent street classifications and the desired character of the area. The Adjustment is not expected to result in any negative impacts on the surrounding area. The applicant has demonstrated that the applicable approval criteria are met. Since the approval criteria are met, the proposal must be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.266.310.C to reduce the required dimensions of one of the two required loading spaces on the site from Standard A (35 feet long by 10 feet wide with at least 13 feet of vertical clearance) to Standard B (18 feet long by 9 feet wide with at least 10 feet of vertical clearance), per the approved site plan, Exhibit C-1, signed and dated August 18, 2017, subject to the following condition:

- A. As part of the building permit application submittal, each of the 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 17-161462 AD."

**Staff Planner: Andrew Gulizia**

**Decision rendered by:**  **on August 18, 2017.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 23, 2017**

**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 April 26, 2017, and was determined to be complete on July 10, 2017.

*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 April 26, 2017.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120 days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant extended the 120-day review period by 30 additional days. Unless further extended by the applicant, **the 120 days will expire on: December 7, 2017.**

**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 September 6, 2017**, at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **September 7, 2017**, by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

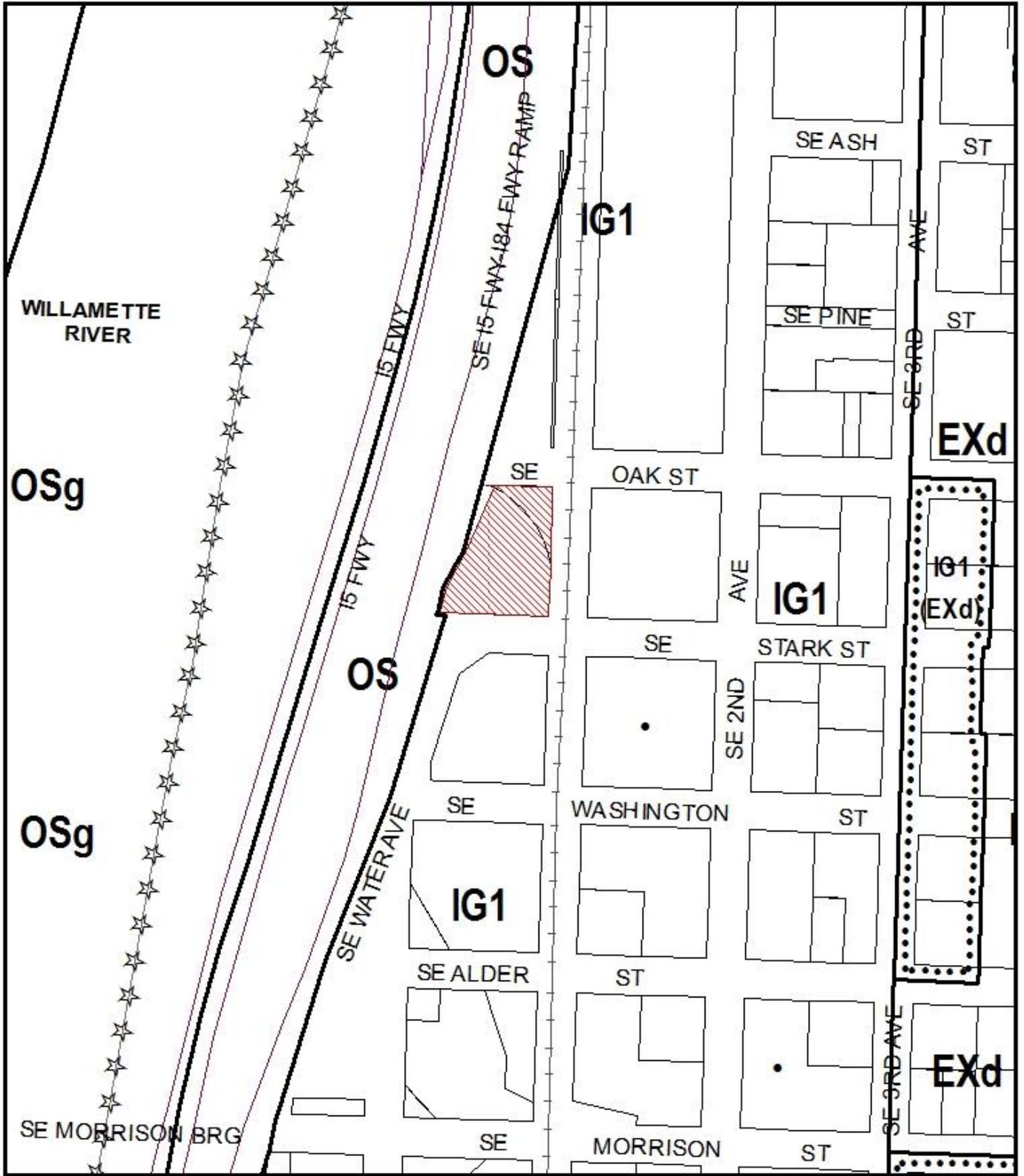
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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:
  - 1. Project narrative and approval criteria responses
  - 2. Loading demand study
  - 3. Request to extend 120-day review period, received August 4, 2017
  - 4. Project summary and misc. plans
  - 5. Original site plan prior to revision, superseded by Exhibit C-1
  - 6. Turning radius drawings for revised site plan
  - 7. Building elevations
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Revised site plan (attached)
- D. Notification Information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Bureau of Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life Safety Review Section of BDS
- F. Correspondence – none received
- G. Other:
  - 1. Land use application form and receipt
  - 2. Incompleteness determination letter, dated May 9, 2017
  - 3. Portland Bureau of Transportation e-mail, dated July 18, 2017

**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

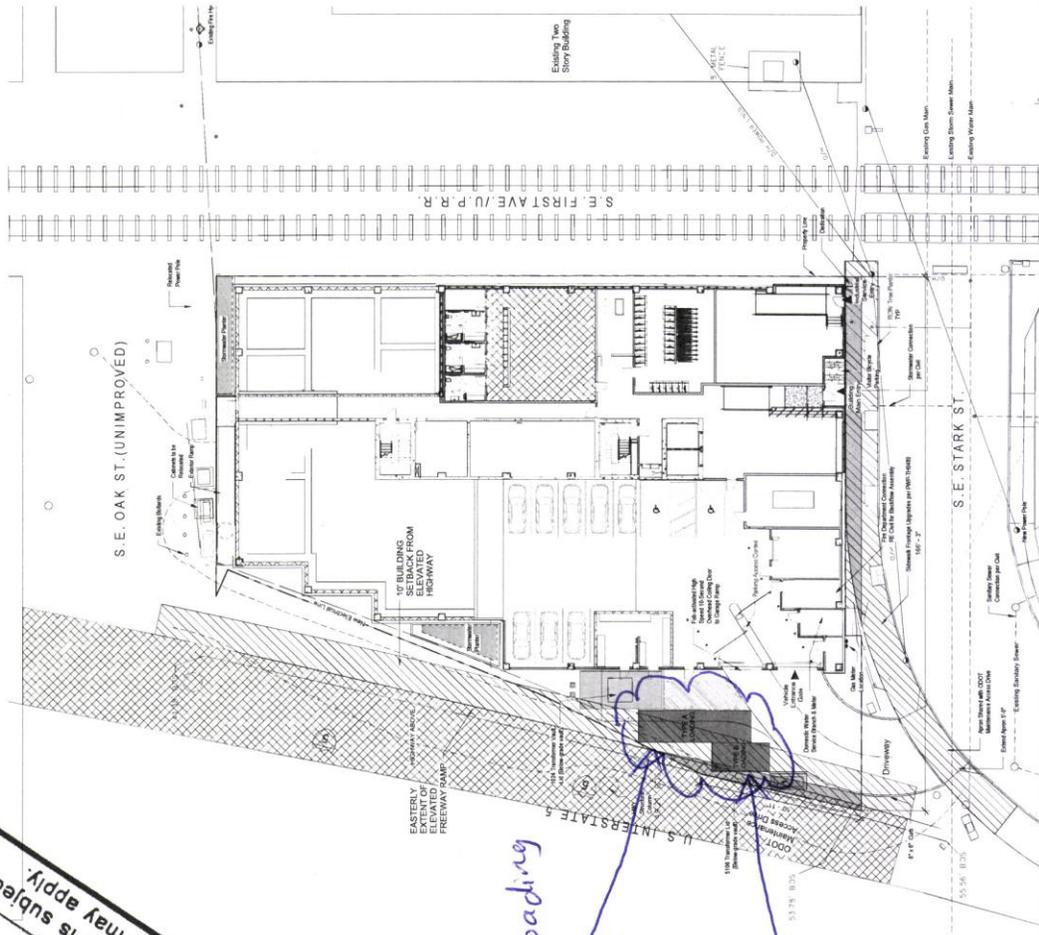


This site lies within the:  
 CENTRAL CITY PLAN DISTRICT  
 CENTRAL EASTSIDE SUBDISTRICT  
 EMPLOYMENT OPPERTUNITY SUBAREA

- Site
- Recreational Trails
- Historic Landmark

File No.	LU 17-161462 AD
1/4 Section	3030
Scale	1 inch = 200 feet
State_Id	1N1E34DD 4200
Exhibit	B (May 01, 2017)

LA 17-161462 AD  
Exhibit C-1



Planner **A Galbraith**  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.  
Date **8/18/17**  
Approved\* **Bureau of Development Services**  
City of Portland

Type A loading  
space  
(35' x 10')

Type B loading  
space  
(18' x 9')