



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

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**Date:** December 30, 2019  
**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 19-184596 AD**

**GENERAL INFORMATION**

**Applicant:** Mike Coyle  
 Faster Permits  
 14334 NW Eagleridge Lane  
 Portland, OR 97229

**Property Owner:** Holladay Park Plaza, Inc.  
 1300 NE 16th Ave.  
 Portland, OR 97232

**Site Address:** 1300 NE 16<sup>th</sup> Ave.

**Legal Description:** BLOCK 178&179 TL 5600 SPLIT LEVY R182280 (R396212040), HOLLADAYS ADD; BLOCK 178 TL 6700 SPLIT LEVY R182279 (R396212030), HOLLADAYS ADD; BLOCK 179 LOT 1-4 TL 5500, CANCEL INTO R182279 / HOLLADAYS ADD

**Tax Account No.:** R396212030, R396212040, R396212110  
**State ID No.:** 1N1E35AB 05600, 1N1E35AB 06700, 1N1E35AB 05500  
**Quarter Section:** 2932  
**Neighborhood:** Sullivan’s Gulch, contact DJ Heffernan at [djheff1@gmail.com](mailto:djheff1@gmail.com)  
**Business District:** None  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088

**Zoning:** RH – High Density Residential  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee

**Proposal:** The subject site is developed with a high-rise residential building for retirees (Holladay Park Plaza). The applicant submitted a building permit application for a new, covered garbage and recycling enclosure near the northeast corner of the site (building permit 18-

253036 CO). In order for this building permit to be approved, the applicant must address the nonconforming upgrades requirement in Zoning Code Section 33.258.070.D.2 for long-term (secure) bike parking. The applicant proposes to apply the 40 existing bike parking spaces in the basement parking garage toward this requirement. Since Zoning Code Section 33.266.210.A.1 requires at least 170 long-term bike parking spaces for this site, the applicant requests an Adjustment to reduce the minimum number of long-term bike parking spaces from 170 to 40.

**Relevant Approval Criteria:** 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:** Holladay Park Plaza is a high-rise residential building for retirees. The property is approximately 2 acres in area and is located on the northeast corner of NE 16<sup>th</sup> Avenue and NE Multnomah Street. The Lloyd Center mall is on the opposite side of NE 16<sup>th</sup> Avenue to the west, and an extended-stay hotel is on the opposite side of NE Multnomah Street to the south. The neighborhood to the east is a mix of single-dwelling and multi-dwelling residential development. The I-84 freeway is one block south of the site.

**Zoning:** The RH high-density, multi-dwelling residential zone is 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.

**Land Use Review History:** Prior land use reviews for this site include:

- LU 11-152774 CU: Conditional Use approval for a Radio Frequency Transmission Facility
- LU 06-127530 CU: Conditional Use approval of a Radio Frequency Transmission Facility
- LUR 02-109300 CU: Conditional Use approval of a Radio Frequency Transmission Facility
- LUR 00-00271 CU: Conditional Use approval of a Radio Frequency Transmission Facility
- LUR 98-00374 CU: Conditional Use approval of a Radio Frequency Transmission Facility
- LUR 95-00084 AD: Adjustment Review approval for a new sign
- LUR 92-00617 AD: Adjustment Review approval for a new sign
- LUR 91-00410 CU: Conditional Use approval for a building addition
- CU 20-66: Conditional Use approval for a temporary office use
- ZC 3877: Zone Change approval

**Agency Review:** A “Notice of Proposal” was sent November 26, 2019. The following Bureaus responded with no objections to the proposed Adjustment:

- Bureau of Environmental Services (Exhibit E-1);
- Portland Bureau of Transportation (Exhibit E-2);
- Fire Bureau (Exhibit E-3);
- Site Development Section of BDS (Exhibit E-4);
- Life Safety Review Section of BDS (Exhibit E-5); and
- Bureau of Parks-Urban Forestry Division (Exhibit E-6).

**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 bicycle parking requirements 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.*

Holladay Park Plaza has 151 independent living apartments and 51 memory care units. Without the Adjustment, Zoning Code Section 33.266.210.A.1 would require at least 170 long-term bike parking spaces on this site. The applicant states that Holladay Park Plaza houses only residents who are 55 years old or older, and that some of the residents have disabilities which require specialized care. Staff agrees with the applicant that this population would typically have a lower than average demand for bike parking.

The applicant proposes to meet the long-term bike parking requirement with 20 existing, floor-mounted bike racks in the basement parking garage (providing 40 bike parking spaces). This number of long-term bike parking spaces exceeds the requirement in Zoning Code Section 33.229.040.C.2.b for new, covenant-restricted housing developments for elderly people and people with disabilities. (This Adjustment Review is necessary because as an existing, non-covenant-restricted facility, Holladay Park Plaza does not qualify for the bike parking requirement in Zoning Code Section 33.229.040.C.2.b.)

Additionally, the existing bike racks in the basement meet the dimensional and security requirements in Zoning Code Section 33.266.220.C, and compliance with these requirements will be further verified during the building permit review and inspection process.

The Portland Bureau of Transportation (PBOT) reviewed the proposal and responded with no objections, noting that bike parking demand on this site is likely to be lower than for residential buildings not reserved for seniors (Exhibit E-2).

The applicant did not request to reduce the short-term (visitor) bike parking requirement for the site. The short-term bike parking requirement will be met with existing bike racks in front of the building near the main entrance.

A condition of approval will make this Adjustment valid only as long as the site is used to house elderly and/or disabled persons. For the reasons discussed above, and with this condition of approval, staff finds that adequate safe and convenient bike parking will be provided to meet the anticipated demand, therefore equally meeting the purpose of the standard. Therefore, staff finds approval criterion A is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** Since the site is in a residential zone, the proposed Adjustment must not significantly detract from the livability or appearance of the surrounding residential area.

The Adjustment to reduce the long-term bike parking requirement will have no effect on the livability or appearance of the site or neighborhood, since the long-term bike parking is inside the existing building. As discussed above, with a condition of approval that the

Adjustment is valid only as long as the site is used to house elderly and/or disabled persons, the proposed bike parking is found to be adequate for the anticipated demand.

For these reasons, and with the condition of approval, staff finds the Adjustment will not detract from the livability or appearance of the area. 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:** Since 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, a condition of approval will make this Adjustment valid only as long as the site is used to house elderly and/or disabled people. With this condition, the existing long-term bike parking in the basement parking garage is found to be sufficient for the anticipated demand, and the Adjustment will not cause negative impacts that require mitigation. With the condition of approval, staff finds approval criterion E is met.

- 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 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 requirements of Title 11 can be met, and 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 intent of the bike parking requirement and will not detract from the livability or appearance of the surrounding area. With a condition of approval that the Adjustment is only valid as long as the site is used to house elderly and/or disabled people, the approval criteria are found to be met. Since the approval criteria are met, the Adjustment must be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the minimum number of long-term bike parking spaces on the site from 170 to 40 (Zoning Code Section 33.266.210.A.1) per the approved plan, Exhibit C-1, signed and dated December 23, 2019, subject to the following conditions:

- 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 19-184596 AD."
- B. This Adjustment is valid only as long as all of the site's residents are 55 years old or older or have a disability.

**Staff Planner: Andrew Gulizia**

**Decision rendered by:**  **on December 23, 2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed: December 30, 2019**

**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 June 26, 2019 and was determined to be complete on November 21, 2019.

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 June 26, 2019.

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 March 20, 2020.**

**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 January 13, 2020** 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 (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 **January 13, 2020** 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 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 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:

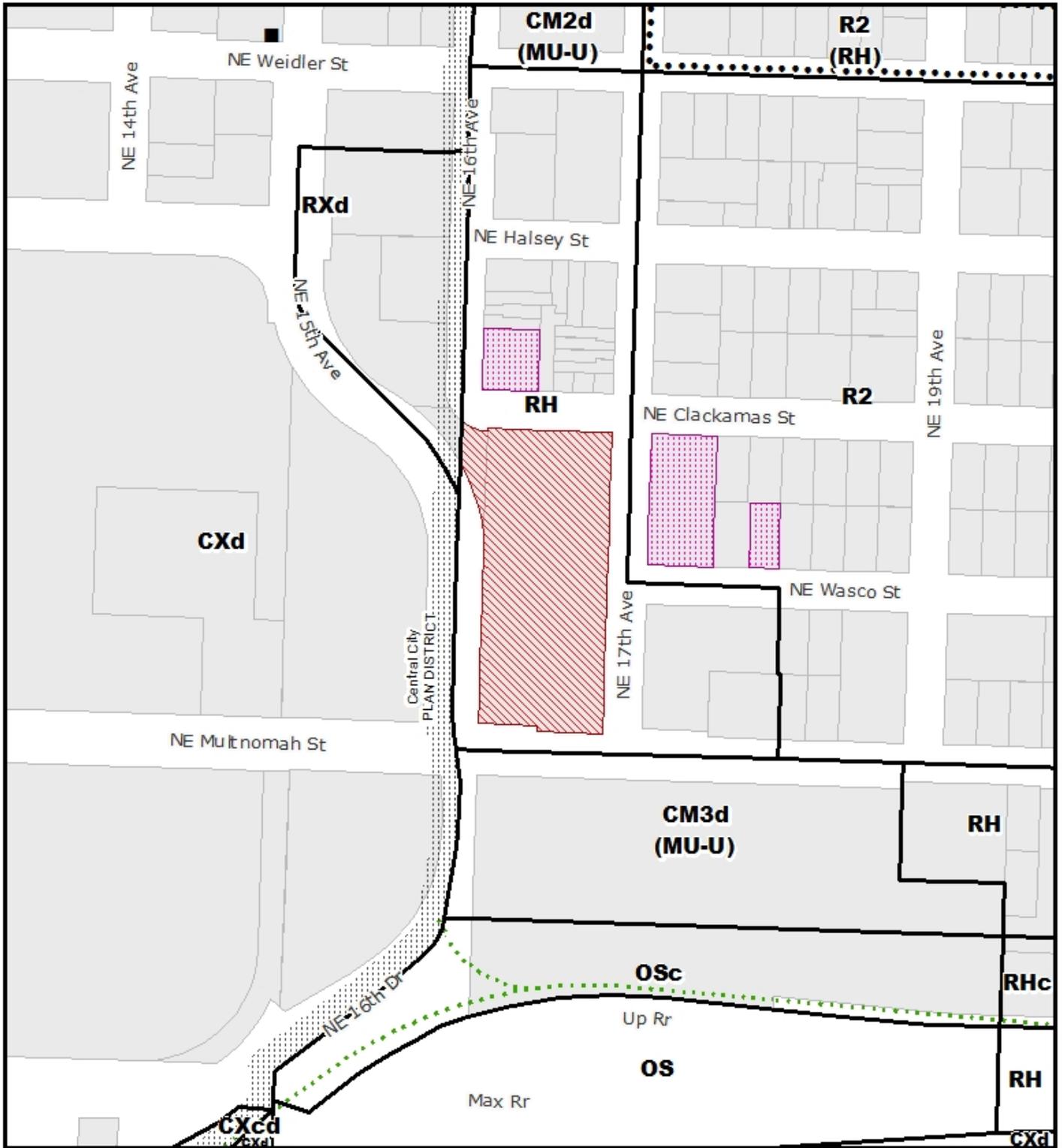
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Original narrative
  - 2. Revised narrative received July 9, 2019
  - 3. Existing conditions plan/landscaping plan
  - 4. E-mail from applicant received November 20, 2019
  - 5. Site plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Sub-basement floor 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. Fire Bureau
  - 4. Site Development Review Section of BDS
  - 5. Life Safety Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- F. Correspondence – none received
- G. Other:
  - 1. Land use application form and receipt
  - 2. Incompleteness determination letter dated July 5, 2019

**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
-  Also Owned Parcels
-  Historic Landmark
-  Recreational Trails

File No.	LU 19-184596 AD
1/4 Section	2932
Scale	1 inch = 200 feet
State ID	1N1E35AB 5600
Exhibit	B Jul 01, 2019

RECEIVED

JUL 9 2019

\*Approved\*

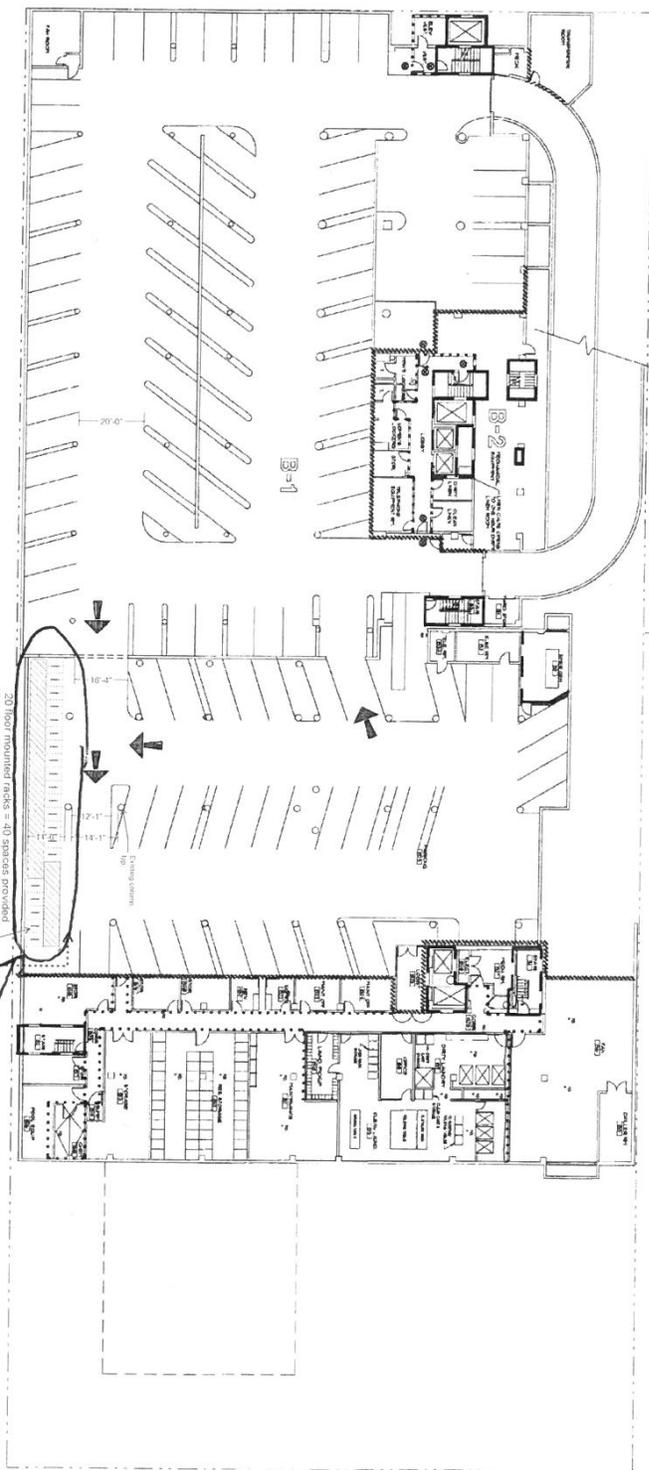
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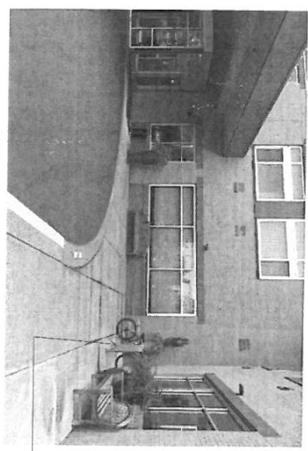
Planner *A Guhria*

Date *12/23/19*

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



LEVEL B-1 - SUB-BASEMENT PLAN (LONG TERM BICYCLE PARKING)



36 NW PARK STREET, SUITE 300 PORTLAND, OREGON 97209 503.525.7100 503.525.7101 1000 NE LAMAR AVENUE SUITE 200 PORTLAND, OREGON 97232 503.253.2000 WWW.ANIKROMMOISAN.COM	
<b>HOLLADAY PARK PLAZA</b> <b>EAST ENTRY REMODEL</b> 1300 NE 16TH AVE PORTLAND, OR 97232 PACIFIC RETIREMENT SERVICES	
PROJECT NUMBER SCHEME SCALE AS INDICATED	<b>EX 2.0</b>
<b>BICYCLE PARKING</b>	

LU 19-184596 AD Exhibit C-1