



## Legislation Text

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** July 6, 2021

ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT ALONG NE 3RD STREET, NE 2ND AVE, AND NE 2ND STREET, AN ACCESS EASEMENT IN THE ALLEYWAY, A LANDSCAPE MAINTENANCE AGREEMENT (ALONG NE 3RD STREET) AND A BIKE RACK MAINTENANCE AGREEMENT FOR THE PROPERTY LOCATED AT 233-279 NE 2ND AVENUE.

**Recommended Action:**

Review and consider acceptance of a Pedestrian Clear Zone along NE 3rd Street, NE 2nd Avenue and NE 2nd Street, an Access Easement, Landscape Maintenance Agreement, and a Bike Rack Maintenance Agreement for 233-279 NE 2nd Avenue.

**Background:**

At its meeting of April 28, 2021, the Site Plan Review and Appearance Board (SPRAB) approved a Class II Site Plan Modification for the Ray Hotel and the Shops at the Ray located at 233-279 NE 2nd Avenue. The site approval included changes to the previously approved Class IV Site Plan Modification which included changes to the landscape plan and site plan to the north where the Shops at the Ray are located. Some of the changes include outdoor dining to the northern most bay which required the applicant to provide a streetscape.

Pursuant to LDR 4.4.13(E)(2) a minimum 15-foot streetscape is required for any new development. At a minimum, this includes a Curb Zone of at least four feet and a Pedestrian Clear Zone of six feet, with any remaining area used within the front setback. The minimum widths of four feet and six feet have been provided, however one-foot and nine and a half inches or 138 SF require the use of the setback area of the private property along NE 3rd Street to provide the six-foot wide pedestrian clear zone. Therefore, a Pedestrian Clear Zone Agreement is required.

The approved landscape plan indicates that trees and landscaping will be installed within the right-of-way along NE 3rd Street, which requires a Landscape Maintenance Agreement. The agreement establishes the owner's responsibility for the installation and maintenance of the landscaping in the ROW and alleviates the City of any liability.

At its meeting of August 26, 2020, the Site Plan Review and Appearance Board approved a Class IV Site Plan Modification for the Ray Hotel. As part of that approval a revised pedestrian clear zone easement agreement, access easement agreement for the portion of the alleyway within private property and a bicycle agreement for the racks within the public ROW are required prior to Certificate of Occupancy for the portion on the Ray Hotel. The Pedestrian Clear Zone Easement includes NE 2nd Avenue and NE 2nd Street, the Access Easement is in the alley way on the south end and the

bicycle racks are in the front of the Hotel entrance on NE 2nd Avenue.

**City Attorney Review:**

Approved as to form and legal sufficiency

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The Certificate of Occupancy and completion for the project requires the execution of the agreements.