



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

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Date: May 20, 2013
To: Interested Person
From: Kate Marcello, 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 reasons for the decision are included in the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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 13-135019 DZ

New Emergency Generator at PSU West Heating Plant

GENERAL INFORMATION

Applicant: Charles Carlton, Portland State University | (503) 725-4391
617 SW Montgomery St | Portland, OR 97207

Owner: Oregon State Board of Higher Education
P.O. Box 3175 | Eugene, OR 97403-0175

Site Address: 930 WI/SW Hall Street

Legal Description: INC PT VAC STS BLOCK 231, PORTLAND; BLOCK 232 INC PT VAC ST W 50' OF LOT 6&7 INC PT VAC STS W 50' OF LOT 8, PORTLAND; BLOCK 237&238 TL 200, PORTLAND; BLOCK 270 INC PT VAC STS LOT 1&4 INC PT VAC ST LOT 2&3 LOT 5-7 EXC PT IN HWY; INC PT VAC ST LOT 8 EXC PT IN HWY, PORTLAND

Tax Account No.: R667724840, R667725150, R667726210, R667730250, R667725150
State ID No.: 1S1E04DA 07100, 1S1E04DA 07200, 1S1E04DB 00200, 1S1E04DB 00100, 1S1E04DA 07200

Quarter Section: 3228

Neighborhood: Portland Downtown; contact Jennifer Geske at 503-750-9843

Business District: None

District Coalition: Neighbors West/Northwest; contact Mark Sieber at 503-823-4212

Plan District: Central City Plan District; University Subdistrict

Zoning: Central Commercial (CX) base zone; Design (d) overlay zone

Case Type: Design Review (DZ)

Procedure: Type II (an administrative decision, with appeal to the Design Commission)

Proposal: The applicant requests Design Review approval to install a new emergency generator at the West Heating Plant at Portland State University. The generator is about 7'-4" tall. It will be installed atop a concrete pad about 0'-4" tall.

The West Heating Plant is located to the west of the Peter Stott Center and just south of the Community Recreation Field. The new generator will be installed in an exterior area enclosed by an existing chain-link fence.

Because the proposal is for non-exempt exterior alterations to a site with design overlay zoning in the Central City Plan District, Design Review is required prior to the issuance of building permits.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 (Portland Zoning Code). The relevant criteria are the *Central City Fundamental Design Guidelines*.

ANALYSIS

- I. Site and Vicinity:** The subject site is the West Heating Plant on SW Hall Street, on the campus of Portland State University. This portion of Hall Street has restricted motor vehicle access. The site is located between the Community Recreation Field to the north, a grove of trees bordering Interstate 405 to the south and west, and a PSU recycling collection yard to the east.

The West Heating Plant building is a concrete structure partially clad in brick. A corrugated metal shed is attached to the rear of the building. The site also contains surface paving, a large metal cargo-type container, trees, and a chain-link fence with vinyl slats.

Portland State University is located in the University District, which is in the southern part of downtown. The South Park Blocks are partially located on campus. Notable campus buildings nearby include Millar Library about 300 feet to the northeast, the Science Research and Teaching Center about 600 feet to the north, Smith Memorial Union about 750 feet to the northeast, and the School of Architecture about 700 feet to the southeast.

- II. Zoning:** The Design (d) overlay zone 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.

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

- III. Land Use History:** City records indicate dozens of land use reviews for various sites located on the campus of Portland State University. Within the past 10 years, there is one prior land use review associated specifically with the subject site, 930 WI/SW Hall Street. Case number LU 06-152659 DZM granted Design Review approval for a two-phase greenhouse project. Phase I included four modular greenhouse structures attached to a "head house" and covered patio area. Phase II consisted of six additional greenhouses. This case included approval for four Modifications.

- IV. Public Notice:** A *Notice of Proposal in Your Neighborhood* was mailed on April 18, 2013.

Neighborhood Review: No written comments in response to the proposal have been received from the neighborhood association (Portland Downtown Neighborhood Association) or notified property owners.

Agency Review:

- Four bureaus had no comments or concerns:
 1. Bureau of Environmental Services;
 2. Urban Forestry Division of Portland Parks & Recreation;
 3. Site Development Review Section of Bureau of Development Services;
 4. Development Review Section of the Portland Bureau of Transportation.
- Three bureaus responded with comments and with no objections to the proposal:
 1. Life Safety/Building Code Section of Bureau of Development Services (Exhibit E-1);
 2. Portland Water Bureau(Exhibit E-2);
 3. Portland Fire & Rescue (Exhibit E-3).

ZONING CODE APPROVAL CRITERIA**Chapter 33.825 Design Review****Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d); therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality** addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis** addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas** provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;

8. Assist in creating a 24-hour Central City that is safe, humane and prosperous; and
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

B2. Protect the Pedestrian.

Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings for B2: The emergency generator will be obscured from view by existing mature trees and an existing chain-link fence with vinyl slats. The generator will be located at the rear of the West Heating Plant site, about 65 feet from SW Hall Street. This portion of Hall Street has a sidewalk but it is not heavily traversed by students or visitors because it provides access only to infrastructural sites such as the heating plant and the neighboring recycling collection yard. Furthermore, the street dead-ends a few feet away from the West Heating Plant. Thus the generator will not impact the pedestrian environment of the PSU campus. *Therefore this guideline is met.*

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

Findings for C2: The emergency generator will be placed inside a weather-protective enclosure. The enclosure is made of steel, a durable material. The generator will be located at the rear of the West Heating Plant site, near the existing shed located at the southeast corner of the heating plant building. Abutting the West Heating Plant site to the east is a recycling collection yard. Locating the generator in a portion of the campus occupied by infrastructural sites, far from gathering areas and focal points of student activity, helps to maintain PSU campus as a high-quality environment. *Therefore this guideline is met.*

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 proposed emergency generator will be placed in an appropriate location where it will not impact the pedestrian environment of the Portland State University campus. 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. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new emergency generator about 7'-4" tall, atop a concrete pad about 0'-4" tall, located at the West Heating Plant site on PSU campus, in the Downtown Subdistrict of the Central City Plan District.

Approval per the approved plans and drawings, Exhibits C-1 through C-4, signed and dated May 16, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the four required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-135019 DZ. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  **on May 16, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 20, 2013

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 2, 2013, and was determined to be complete on April 15, 2013.

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 2, 2013.

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 August 13, 2013.**

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 June 3, 2013** at 1900 SW Fourth

Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **June 4, 2013.**
- 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:

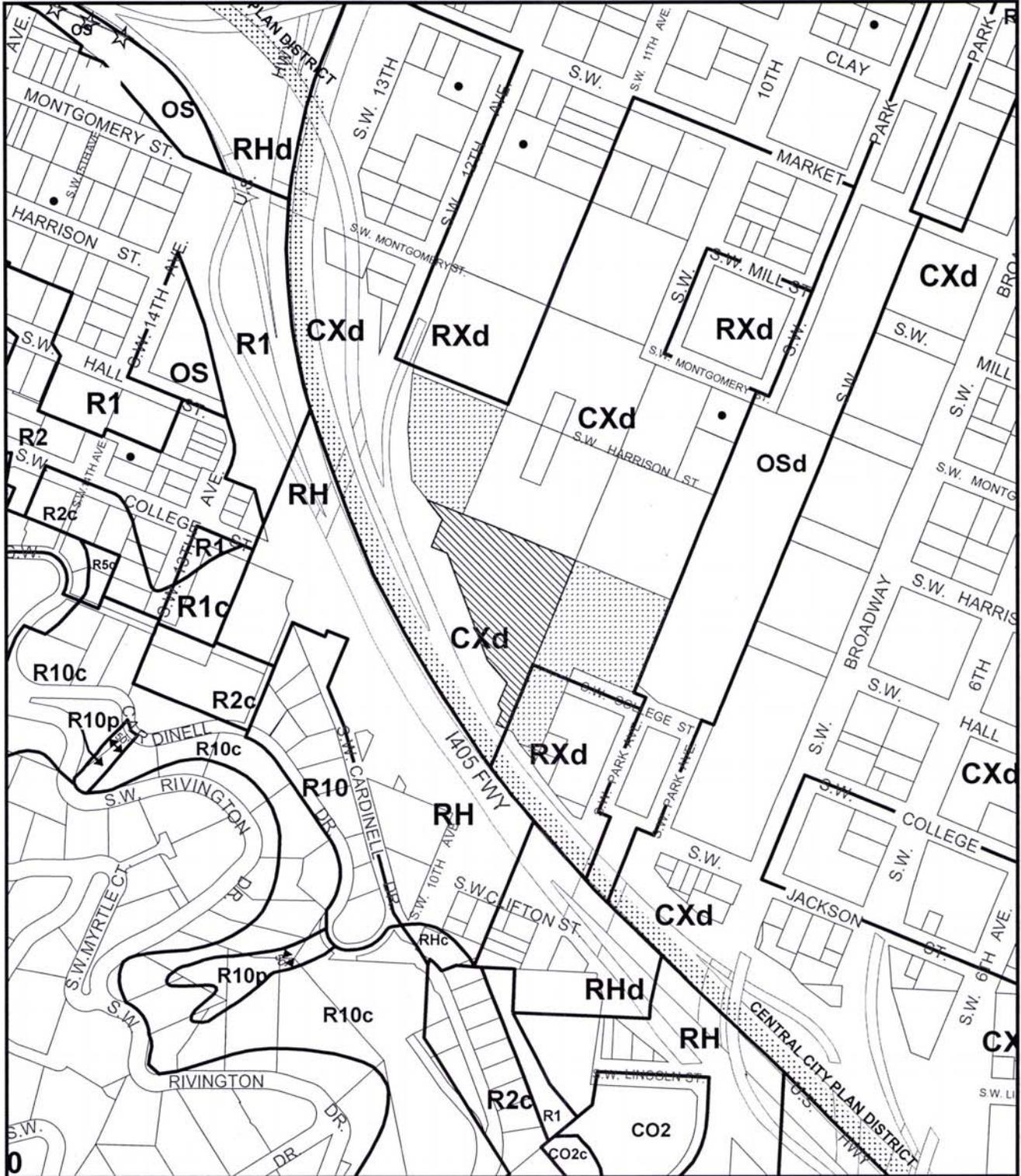
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Site Plan
 - 3. North Elevation Drawing (attached)
 - 4. Manufacturer's Cutsheets for Generator, Enclosure, Fuel Tank, and Circuit Breaker
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Response:
 - 1. Life Safety/Building Code Section of BDS
 - 2. Portland Water Bureau
 - 3. Portland Fire & Rescue
- F. Correspondence: None received.
- G. Other
 - 1. Original Land Use Review 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).



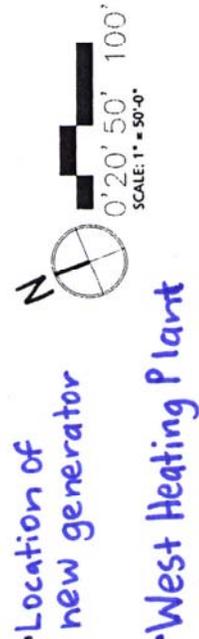
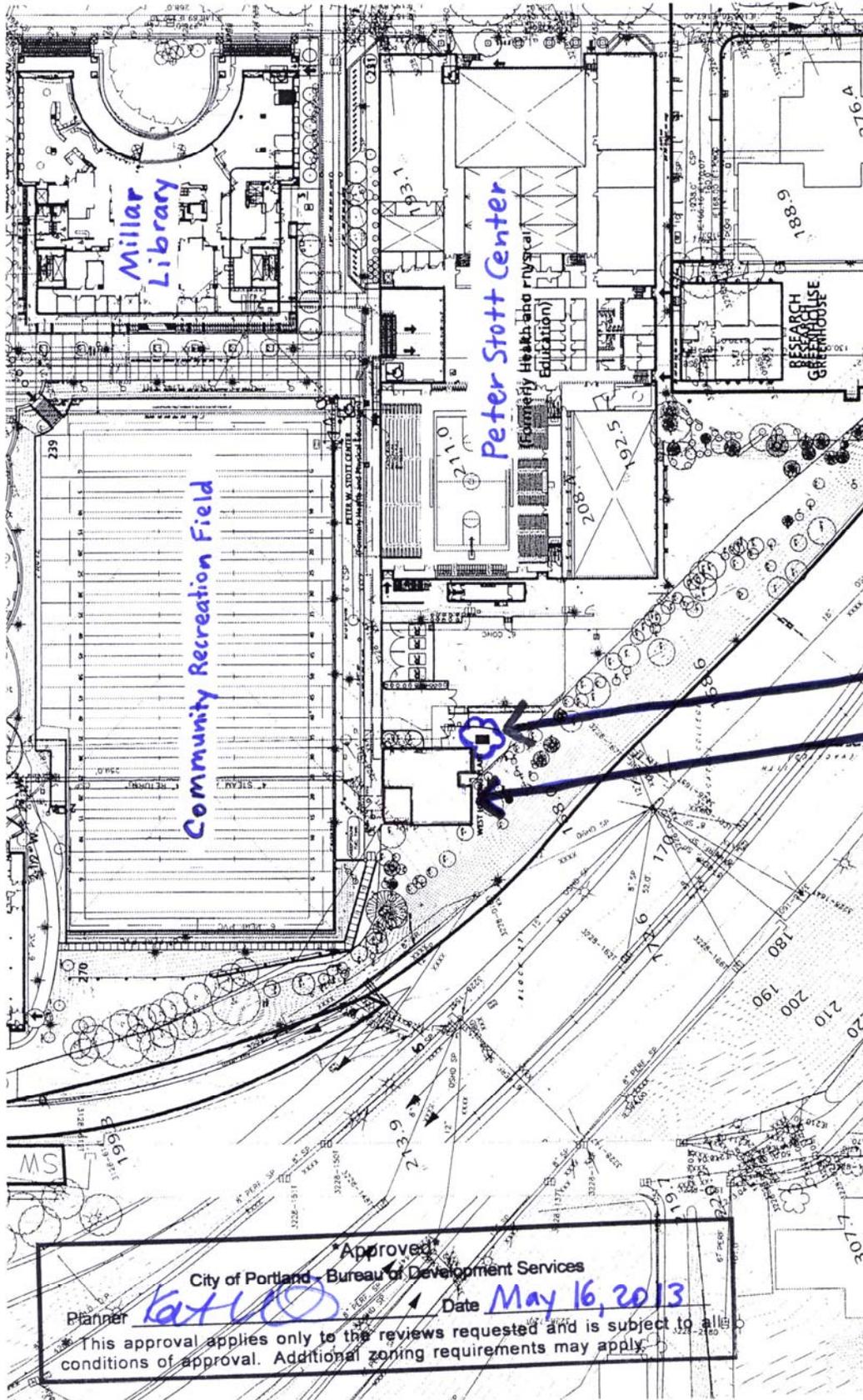
ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT
UNIVERSITY DISTRICT

File No. LU 13-135019 DZ
 1/4 Section 3228
 Scale 1 inch = 300 feet
 State_Id 1S1E04DB 200
 Exhibit B (Apr 09,2013)



New Emergency Generator at PSU

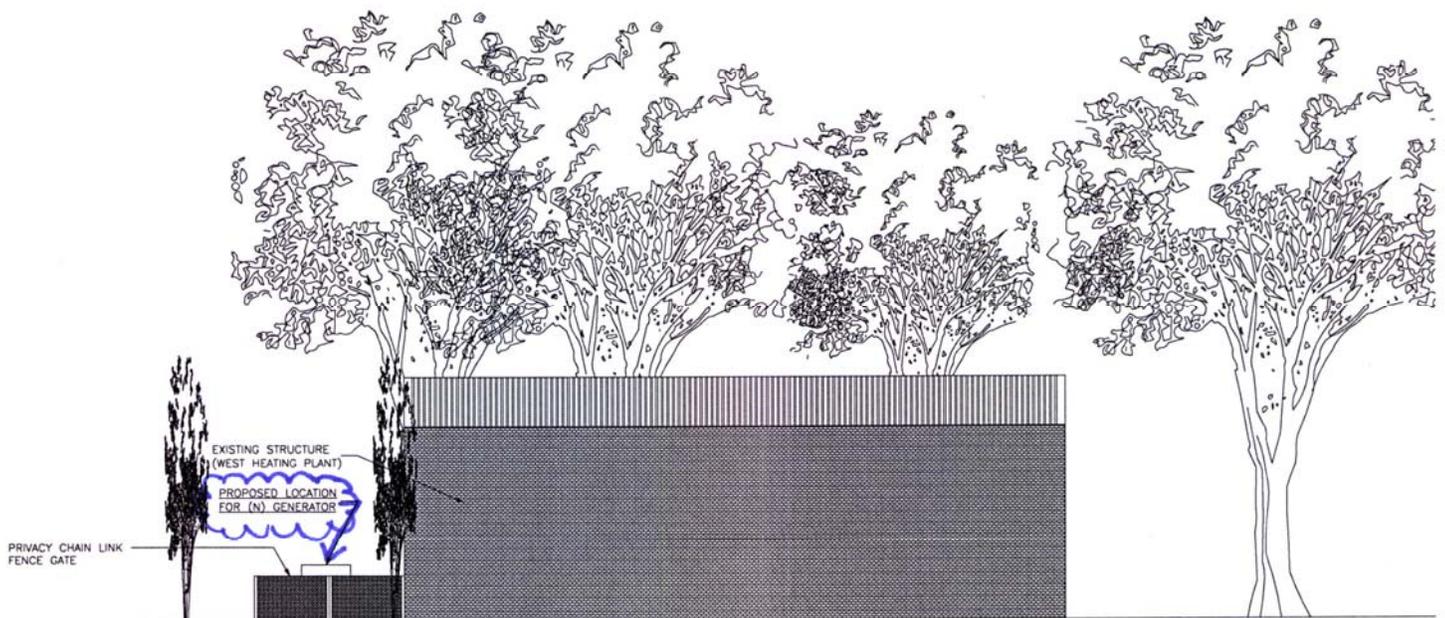
Site Plan

1

SCALE: Sheet size has been altered.

Approved
 City of Portland - Bureau of Development Services
 Planner *Kat* Date *May 16, 2013*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

New Emergency Generator at PSU Campus



1 North Elevation

SCALE: 1/16"=1'-0"

Sheet size has been altered.

Approved	
City of Portland - Bureau of Development Services	
Planner <u>Kate L</u>	Date <u>May 16, 2013</u>
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.	

Case number: LU 13-135019 DZ

Exhibit C-3

FACILITIES 617 S.W. MONTGOMERY ST. PORTLAND, OREGON 97201 503-725-3738 FAX 503-725-4329	PORTLAND STATE UNIVERSITY	West Heating Plant – Generator Addition 930 W/SW Hall Street Portland, OR 97201	Elevation
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