

To:

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868 FAX: 503-823-5630

www.portlandonline.com/bds

September 29, 2008 Date: Interested Person

From: Kate Marcello, Land Use Services

503-823-9162 / kate.marcello@ci.portland.or.us

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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-155601 DZ - REVISIONS TO PREVIOUSLY APPROVED DESIGN REVIEW FOR MAX SOUTHERN TERMINUS

GENERAL INFORMATION

Applicant/ Karen Karlsson, KLK Consulting

Representative: 1130 SW Morrison, Ste 245 / Portland, OR 97205

(503) 227-5000

Neil McFarlane, Tri-County Metropolitan Transit Authority Owner:

710 NE Holladay Street / Portland, OR 97232

(503) 962-2134

Site Address: 518 SW JACKSON ST

Legal Description: TL 600 BLOCK 30, CARUTHERS ADD; LOT 1&2 BLOCK 157,

PORTLAND; TL 2700 LOT 7&8 BLOCK 157, PORTLAND; E 30' OF LOT

8 BLOCK 157, PORTLAND

Tax Account No.: R140902950, R667715830, R667715850, R667715870

State ID No.: 1S1E04DD 00600, 1S1E04DA 02500, 1S1E04DA 02700, 1S1E04DA

02600

Quarter Section: 3228

Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843. **Business District:** Downtown Retail Council, contact Portland Business Alliance at 503-

224-8684.

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

Central City - University District Plan District:

Zoning: Central Commercial with design overlay (CXd)

Case Type: Design Review (DZ)

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

Commission.

Proposal: The applicant requests Design Review approval for revisions to a previous Design Review, LU 08-103190 DZ, which approved the construction of the southern terminus of the new MAX light-rail alignment through downtown Portland. The proposed revisions include the following:

- The previous Design Review approved gabion landscape walls within the stormwater infiltration swale, and at edges of the swale. The gabion walls are now proposed to be removed from the design.
- The previous Design Review approved a depressed stormwater infiltration swale. The stormwater infiltration swale is now proposed to have a terraced pattern, sloping up at the edges of the swale where gabion walls had previously been planned.
- The previous Design Review approved a retaining wall composed of re-claimed granite around the fire truck turn-around/public plaza. The retaining wall is now proposed to be made of re-claimed concrete "K-rails" (also known as "jersey barriers").
- The previous Design Review approved at-grade up-lights at the perimeter of the fire truck turn-around, where it meets the stormwater infiltration swale. These light fixtures are now proposed to be removed from the design.
- The previous Design Review approved overhead catenary system (OCS) poles each with two metal halide down-lights, bordering the light-rail tracks. These OCS poles are now proposed to each have one metal halide downlight.

Because the proposal is for development on a site in the Central City Plan District, Design Review is required.

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:

■ 33.825 Design Review

Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site occupies the entire triangular-shaped block bounded by SW 5th Avenue, Jackson Street, and 6th Avenue. Interstate 405 abuts the site to the south. Until recently, the site contained three houses and a surface parking lot. The house at 520 SW Jackson Street was a Queen Anne-style duplex built in 1902. The house at 518 SW Jackson Street was built in the Rural Vernacular style and constructed circa 1900. The house at 2005 SW 5th Avenue was the oldest of the three, built in 1876. It too was in the Rural Vernacular style. On December 26, 2006, all three buildings were removed from Portland's Historic Resources Inventory so they could be demolished.

The site was once part of a thriving mixed-use, multi-ethnic neighborhood. The residents and small business owners of the neighborhood were primarily Italian, Greek, Irish, Jewish, and Chinese. Until the area was cleared for Portland's first federally funded urban renewal project in the early 1960s, there was a multitude of Victorian homes, churches, ethnic delicatessens, barber shops, taverns, and drugstores. The only remaining fragment of this ethnic enclave is the Lair Hill neighborhood, located south of Interstate 405. Additionally, there are a few remaining structures scattered in the southern part of downtown, including the home located directly across SW Jackson Street from the subject site. Known as the Figo House, it was constructed in 1894 in the Queen Anne Vernacular style.

The site will now be occupied by the southern terminus for the MAX Yellow line and the new Green line, which will provide light rail service on the newly refurbished transit mall. (The Green line will start at Clackamas Town Center, follow Interstate 205 to Gateway Transit Center, and then travel to downtown Portland via a pre-existing MAX alignment.) In the future, it is anticipated that light rail service will be extended from the southern terminus to the City of Milwaukie.

The vicinity is dominated by the Portland State University campus. The Broadway Building, constructed in 2004, is located northwest of the site. It contains student housing, classrooms, and ground-floor retail. Directly east of the site is the PSU Art Building. PSU's Native American Student and Community Center is located two blocks to the west. Other uses in the immediate area include multi-family housing in apartment buildings and subdivided houses, offices, a gas station, parking, and a few retail establishments.

According to Portland's Transportation System Plan, SW 5th and 6th Avenues are classified as Regional Transitway/Major Transit Priority Streets, Central City Transit/Pedestrian Streets, and City Bikeways. SW Jackson Street is classified as a Local Service Bikeway. Interstate 405 is classified as a Regional Trafficway. The site is located in the southern end of the Downtown Pedestrian District.

Zoning: The <u>Central Commercial (CX) zone</u> 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.

The <u>design (d) overlay zone</u> 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 one prior land use review for this site:

• <u>LU 08-103190 DZ</u>: Design Review approval for southern terminus of new MAX light-rail alignment on the downtown Transit Mall.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on August 29, 2008. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review; and
- Life Safety (Building Code) Section of the Bureau of Development Services.

The <u>Site Development Section of the Bureau of Development Services</u> responded with the following comment. Please see Exhibit E-1 for additional details.

As noted in Site Development's response to 08-103190-DZ, the project spans both private property and public right-of-way, and so Site Development understands that PDOT will be inspecting/reviewing the project in its entirety. Therefore, although Site Development notes that although the 1:1 slope proposed in place of the gabion walls in the terraced stormwater swale does not conform to the Stormwater Management Manual, if this change is acceptable to PDOT/BES, then Site Development has no objection.

The <u>Bureau of Environmental Services</u> responded with the following comment. Please see Exhibit E-2 for additional details.

The following conditions of approval and informational comments are based on the land use review information provided to the Bureau of Environmental Services (BES). The applicant may contact me with any questions or concerns.

Proposal Summary: Design Review of Tri-met's South Terminus, including three tracks (one Max and two service tracks), a prefabricated substation, prefabricated signals, a communication building and a storm water garden.

Sanitary Services

There is an existing 8" public sanitary sewer located north of this site in SW 5th Avenue.

Stormwater Management & Water Resources

The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed. The current 2004 Stormwater Management Manual has been revised and a new (2008) version of the Stormwater Management Manual will be adopted August 1, 2008. Use of the new 2008 Stormwater Management Manual will be optional between August 1, 2008 and September 30, 2008. As of October 1, 2008 the new manual will be required to be used for all permits submitted on or after October 1, 2008. This project will be required to comply with the manual that is current at the time of building permit application. The applicant may contact BES with any questions or for additional information. The current Stormwater Management Manual can be found at: http://www.portlandonline.com/bes/under Publications and then go to Manuals.

- 1. There is an existing 12" public storm-only sewer located south of this site in SW Lincoln Street at SW 5th Avenue.
- 2. There is an existing 10" public storm-only sewer that transitions to a 15" public storm-only sewer located north of this site in SW 5th Avenue.
- 3. Please be aware, this project is currently being reviewed under the building permit process. The proposed revisions must be submitted and approved through the building permit review process and revised Operations and Maintenance (O & M) documents must be recorded as determined necessary by City staff.
- 4. The Stormwater Management Manual requires that stormwater runoff from new or redeveloped impervious area be managed on-site through surface infiltration facilities to the maximum extent practicable. Roof runoff may be managed in drywells or soakage trenches (if on-site infiltration is approved by BDS Site Development). Pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on site. Stormwater runoff from parking lot, driveway and other ground-level impervious surface must be treated my means of vegetated surface facilities with overflow directed to an appropriate disposal location. A disposal location for stormwater must be identified for any size development. PLEASE NOTE: This project is part of the Portland Transit Mall, which BES is coordinating internally with necessary City staff. The proposed revisions must also be approved by BES engineering staff through the permit review process.
- 5. For proposed development projects, BDS Site Development approves any on-site disposal of stormwater runoff on private property and BES approves any discharges of stormwater runoff off-site. Be aware, Stormwater management facilities have setback considerations from structures and property lines.
- 6. Stormwater runoff from any additional transportation improvements must meet the requirements of the Stormwater Management Manual and Sewer Design Manual, as approved by BES and BDS. Storm sewer waivers will be required with all street waivers.

Conditions of Approval

BES has no recommended conditions of approval.

Additional Information

Please also refer to BES Land Use Response #LU 08-103190 DZ and Pre-application Conference response #PC 07-140493 for informational comments from BES System Development and BES Source Control regarding this project. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during the building plan review process.

Building Permit Information

- 1. Building plans for this project must include a detailed site utility plan, which shows proposed and existing sanitary connections and stormwater management that meets the requirements of the Stormwater Management Manual in effect at the time of permit submittal.
- 2. The pertinent design requirements of the Stormwater Management Manuel (SWMM) Chapter 4 are briefly described as follows (please read chapter 4 of the SWMM to help recognize any requirements we may have overlooked). The Stormwater Management Manual is available on the Internet at:
 - http://www.portlandonline.com/bes/index.cfm?c=35117.
 - Solid waste (including, grease bins/drums/boxes) and recycling (cardboard, plastic, paper, glass, etc) areas require pavement underneath the receptacles, protection from stormwater/rainwater through berming or grading (hydraulic isolation), a structural cover that is relative in size to the perimeter of the trash/recycling area, and a sanitary (waste line) drain inside the bermed/graded area. Depending on where the area is located, a planning/design review may be required. If the covered area is large, a structural engineering review may be required for the structural cover.
- 3. The groundwater is very deep at this location, and so the following is provided for information only. At the time of building plan review a dewatering plan must be shown on the building plans and must show the dewatering system, proposed discharge location, volume, and duration of the discharge. The City sewer requires preauthorization through our batch discharge program. All batch discharge applications will go through an evaluation process and approval before a discharge to the City sewer system can be approved. Fees are assessed for temporary construction discharges to the City's sewer system, please access the website at http://www.portlandonline.com/shared/cfm/image.cfm?id=161719 for current rates. Please note that combined sewer discharges will incur the sanitary sewer rates.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on August 29, 2008. No written comments in response to the proposal have been received from the neighborhood association (Downtown Community Association) or notified property owners.

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.

A2. Emphasize Portland Themes.

When provided, integrate Portland-related themes with the development's overall design concept.

Findings: Sustainable design has emerged as a core theme of development in Portland. The city is world-renown for its commitment to environmentally friendly urbanism, which includes the use of innovative stormwater management and re-use of salvaged construction materials. The proposal exhibits these qualities and carries on Portland's commitment to sustainability. The proposal includes an infiltration swale with appropriate plantings to aid in the management of stormwater. The proposal also includes K-rails that have been used during construction of the new light-rail line and Transit Mall renovation downtown. They will be re-used as the retaining wall at the perimeter of the fire truck turn-around/public plaza. *Therefore this quideline is met.*

A4. Use Unifying Elements.

Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas.

Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

C4. Complement the Context of Existing Buildings.

Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4, A5, C4: The context of the immediately surrounding area is a mixture of old and new, past and present. Older historic buildings such as the brick apartment building and Queen Anne house on the block directly north are mixed with structures from mid-century such as PSU's art building directly east, as well as recently constructed buildings that utilize contemporary sustainable design features and strategies, such as PSU's Broadway Building and the Native American Student & Community Center. This

area of downtown will be undergoing considerable change in the coming years, as PSU redevelops much of the land for student housing and classrooms. As such, the future context of this area will become more cohesive and likely be focused on sustainably designed, mixed-use university buildings that contribute vibrancy to the University District.

The proposal places the site in this future context and contributes to the emerging cohesion of the area. The proposed environmentally friendly features – terraced stormwater swale and salvaged K-rails – unify the site with the Broadway Building and Native American Student & Community Center, which also boast a variety of sustainable features. Additionally, the site's design emphasizes another unifying element of the University District's character – public transportation. PSU is the largest generator of transit trips in downtown Portland. Forty percent of PSU staff and students take TriMet to campus. Given these facts, the location and proposed design of Portland's newest light-rail terminus in the southern end of the district are quite appropriate. *Therefore, these quidelines are met.*

A7. Establish and Maintain a Sense of Urban Enclosure.

Define public rights-of-way by creating and maintaining a sense of urban enclosure.

B1. Reinforce and Enhance the Pedestrian System.

Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

Findings for A7, B1: The site creates a sense of urban enclosure and adds definition to the sidewalk zone along SW 5th Avenue and Jackson Street. The OCS pole-mounted light fixtures will follow the curved path of the light-rail tracks on the site. In concert with the previously approved wind turbines, they will create a colonnade-like condition that encloses the stormwater swale and fire truck turn-around/plaza. This contributes articulation and human scale to the site, Additionally, the turn-around/plaza, with its retaining wall composed of K-rails, brings enclosure to the site by providing an urban edge at the new dead-end of SW Jackson Street. *Therefore these guidelines are met.*

A9. Strengthen Gateways.

Develop and/or strengthen gateway locations.

Findings for A9: The area surrounding the Interstate 405 off-ramp to SW 6th Avenue is an officially designated Central City Gateway. Development in this area should provide motorists exiting the freeway with a distinct sense that they are entering the mixed-use, pedestrian-friendly, multi-modal, diverse urban center of Portland. The proposed design for the MAX southern terminus achieves this in a number of ways. First, the presence of light-rail tracks and MAX trains will provide an immediate visual cue that downtown Portland is oriented to transit users. Secondly, the site is humanly scaled and contains a variety of pedestrian-oriented features, including the plaza and landscaped stormwater swale, which indicate the heavy presence of people on foot in downtown Portland. Third, the site's environmentally friendly features, including the stormwater infiltration swale, communicate to people entering the city that sustainability is a core value of Portland. In concert with PSU's Broadway Building, the proposal strengthens the character of this important Central City gateway. *Therefore this guideline is met*.

B4. Provide Stopping and Viewing Places.

Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B5. Make Plazas, Parks and Open Space Successful.

Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or

public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

C1. Enhance View Opportunities. Orient windows, entrances, balconies, and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings for B4, B5, C1: The fire truck turn-around/public plaza will provide a stopping and viewing place. The K-rail retaining wall will give a sense of enclosure to the turn-around/plaza, making it a comfortable, inviting public space from which people can view light-rail trains pulling into the site. The stormwater infiltration swale, which will contain a variety of plantings in a terraced pattern, will also be viewable from the plaza. *Therefore this guideline is met.*

B6. Develop Weather Protection.

Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings for B6: The proposal includes a terraced stormwater infiltration swale with trees, shrubs, and grasses. The swale will prevent stormwater from adversely affecting the pedestrian environment. *Therefore this guideline is met.*

B7. Integrate Barrier-Free Design.

Integrate access systems for all people with the building's overall design concept.

Findings for B7: The fire truck turn-around/public plaza will be accessible to people with physical disabilities. *Therefore this guideline is met.*

C2. Promote Quality and Permanence in Development.

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

C5. Design for Coherency.

Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2, C5: The proposal employs high-quality materials that promote the site as a permanent, intrinsic part of downtown Portland's transportation infrastructure and pedestrian streetscape. The retaining walls of the fire truck turn-around/plaza incorporate concrete K-rails. The stormwater infiltration swale uses a variety of high-quality trees, shrubs, grasses, and groundcover, many of which are native species. The pole-mounted light fixtures utilize metal housing and are resistant to inclement weather conditions. In concert with the materials approved as part of the original Design Review for the subject site, the K-rail retaining walls, terraced stormwater swale, and light fixtures are unified to render a cohesive composition of pedestrian space, sustainable design, and mass transit infrastructure. *Therefore these guidelines are met*.

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.

B3. Bridge Pedestrian Obstacles.

Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

C12. Integrate Exterior Lighting.

Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings for B2, B3, C12: The overhead catenary system (OCS) poles used to suspend span wire for the new light-rail alignment will each have one down-light. Each lamp will have an internal glare shield. The fixtures employ durable metal housing and weatherproof construction. They will highlight the curvature of the light-rail tracks, thus adding visual interest to the site. They will not obstruct views of the Portland skyline or create light pollution in the surrounding area.

Additionally, the OCS pole-mounted lights will act as a safety measure on the site, thereby mitigating the potential pedestrian obstacle presented by the light-rail tracks. These OCS pole-mounted lights will be a different type and style from the lights located in pedestrian areas of the site. This difference will indicate to people that the light-rail tracks are a distinct area not to be entered by people on foot. *Therefore this quideline 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 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 uses a variety of high-quality materials to create a unified design exemplifying Portland's commitment to sustainable design, pedestrian orientation, and mass transit. The MAX Southern Terminus is an exciting addition to the University District and downtown Portland. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of changes to the previously approved Design Review for the MAX Southern Terminus site, which include the following:

- Terraced stormwater swale instead of a depressed stormwater swale,
- No gabion walls in the stormwater swale,
- No at-grade up-lights at the perimeter of the fire truck turn-around/public plaza,
- K-rails instead of granite for the retaining wall around the fire truck turn-around/public plaza, and
- One light fixture instead of two on each OCS pole bordering the light-rail tracks.

Approval per the approved site plans, Exhibits C-1 through C-10, signed and dated September 25, 2008, 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 Exhibits C-1 through C-10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-155601 DZ. No field changes allowed."

Decision rendered by:	on September 25, 2008

Decision mailed: Monday, September 29, 2008

Staff Planner: Kate Marcello

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 August 15, 2008, and was determined to be complete on August 27, 2008.

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 August 15, 2008.

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.

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 Monday, October 13, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 **Tuesday**, **October 14**, **2008** (the day following the last day to appeal).
- 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:

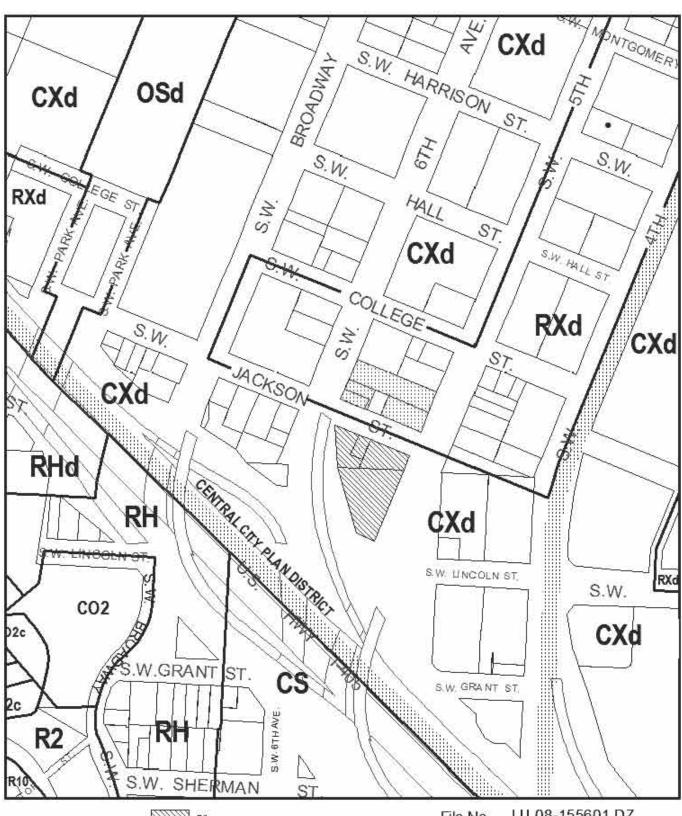
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Previously Approved Site Plan (attached)
 - 2. New Updated Site Plan (attached)
 - 3. Previously Approved Site Section Drawing (attached)
 - 4. New Updated Site Section Drawing (attached)
 - 5. Detail Drawings for Proposed Changes (attached)
 - 6. Planting Plan (attached)
 - 7. Partial Site Plan Showing Pre-Fabricated Buildings and OCS Poles
 - 8. Partial Site Plan Showing Pre-Fabricated Buildings and Photovoltaic Panel Structure
 - 9. Planting Legend/List
 - 10. Tree Layout Plan & Planting Bedline Layout Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Section of the Bureau of Development Services
 - 2. Bureau of Environmental Services
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).







File No. LU 08-155601 DZ

1/4 Section 3228

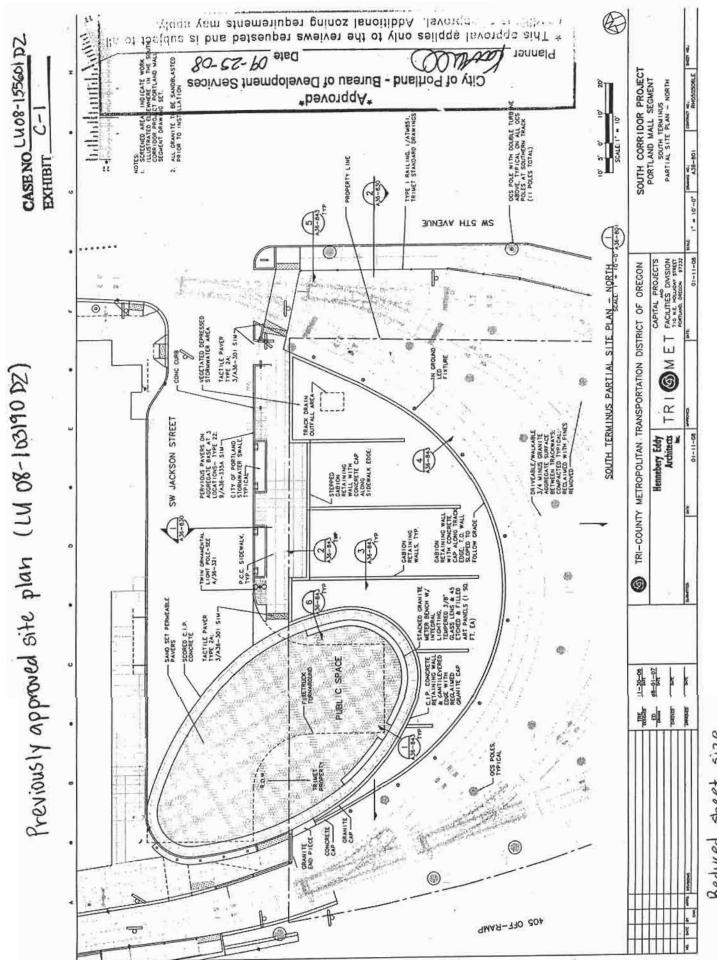
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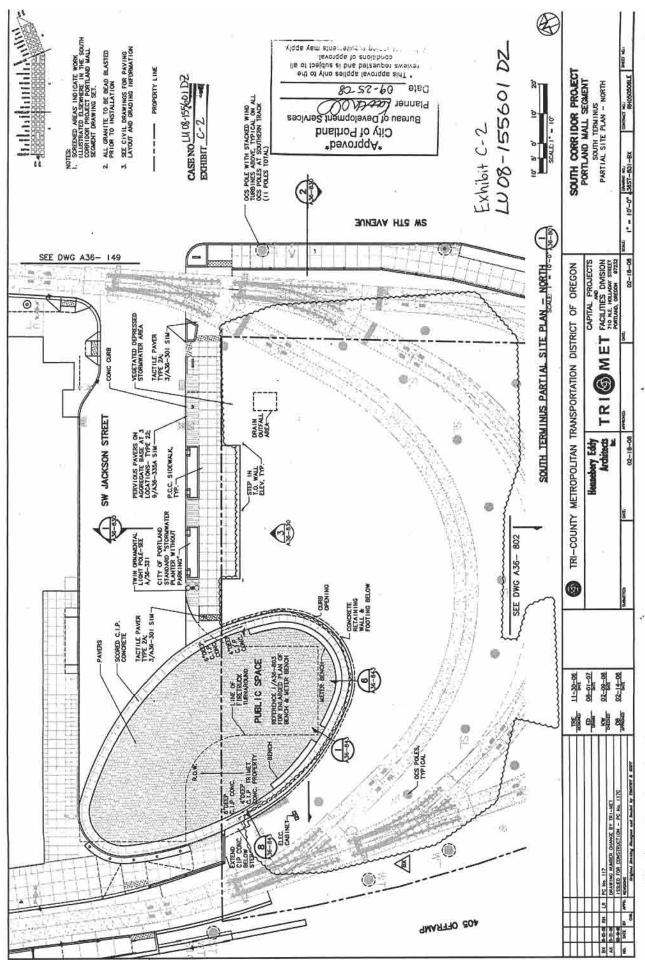
Exhibit B (Aug 18,2008)



This site lies within the: CENTRAL CITY PLAN DISTRICT

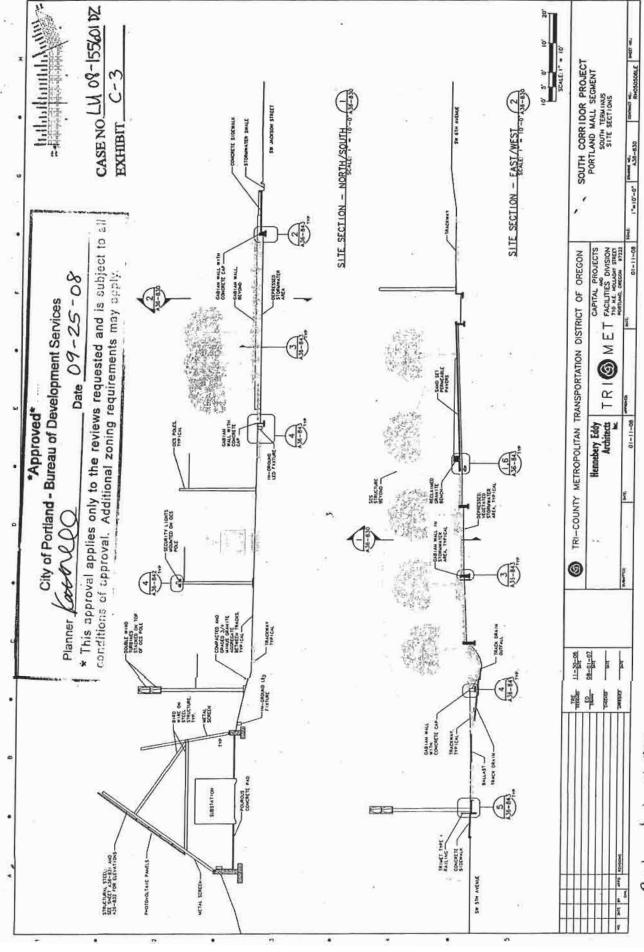


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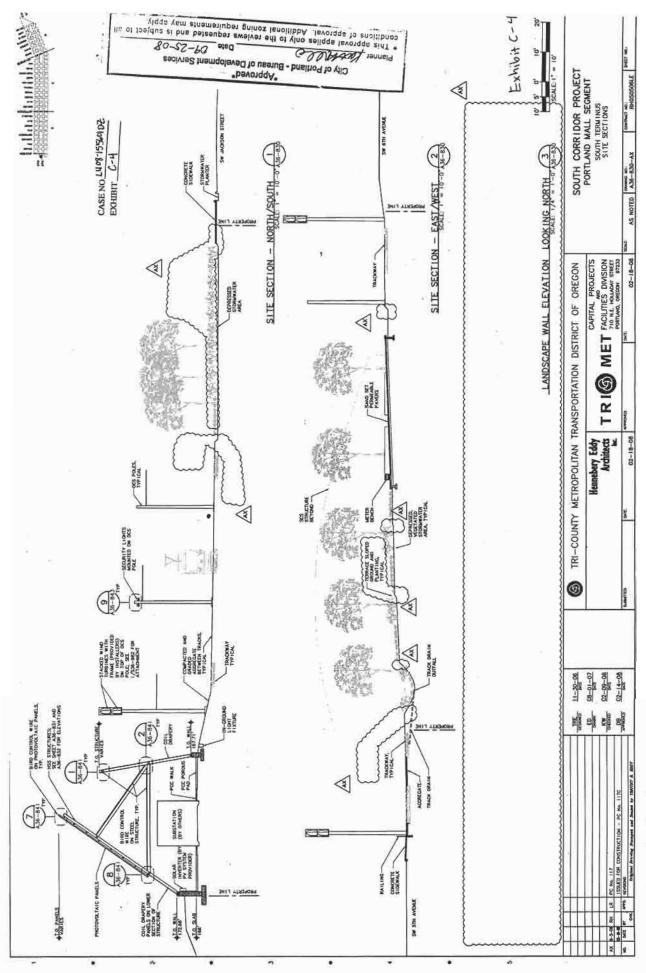


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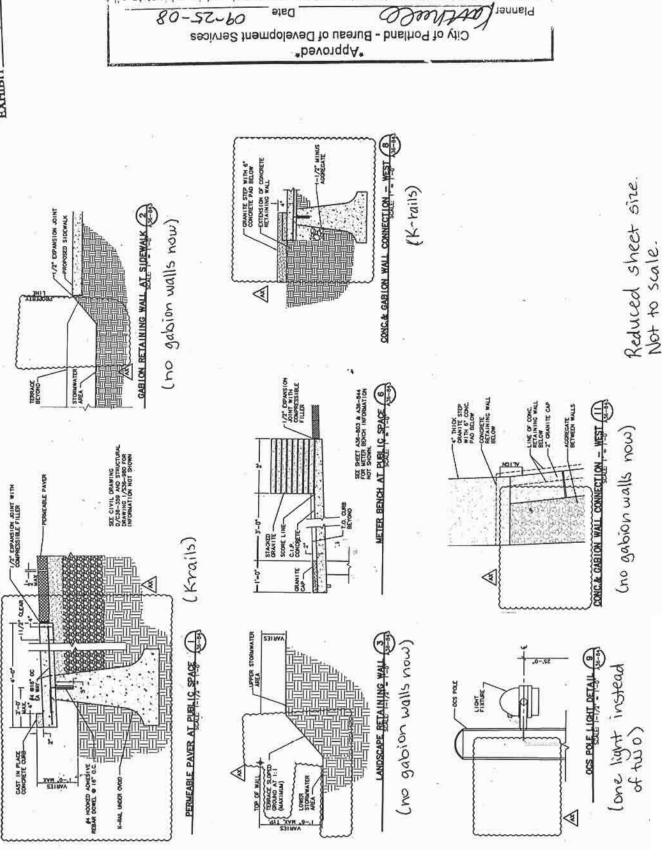
Previously approved section drawing (LU 08-103190 DZ)



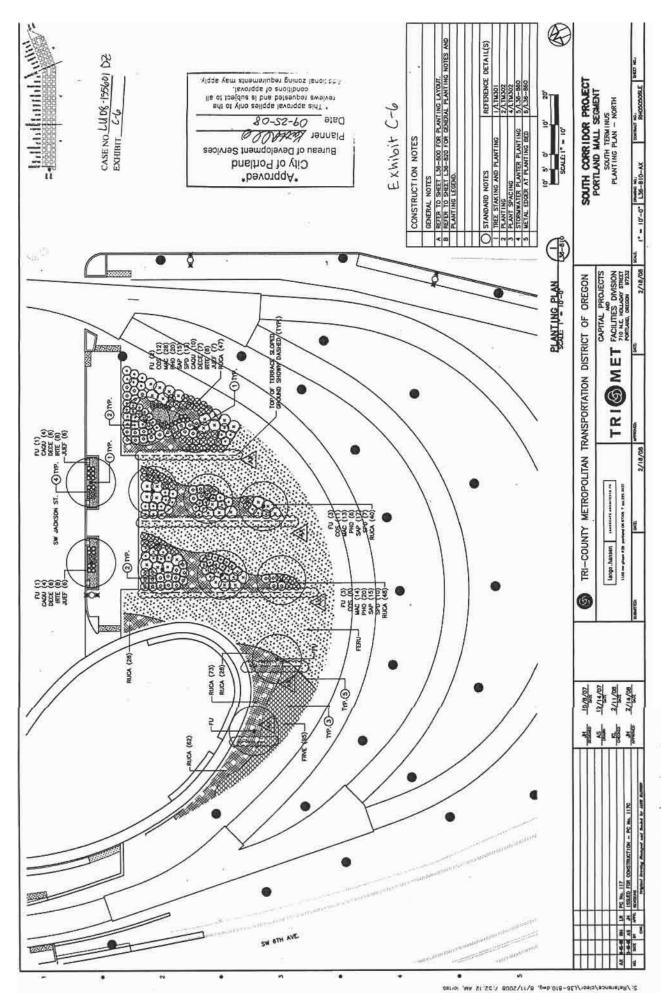
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* This approval applies only to the reviews requested and is subject to the Triangle of Tr



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