



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: November 8, 2010
To: Interested Person
From: Sheila Frugoli, 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 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 10-182233 AD

GENERAL INFORMATION

Applicant: Jennifer Lyman
TriMet
710 NE Holladay Street
Portland, OR 97232

Owner: GHS LLC
300 Oswego Pointe Dr #208
Lake Oswego, OR 97034-3230

Site Address: 3030 SW MOODY AVE

Legal Description: TL 400 2.77 ACRES, SECTION 10 1S 1E
Tax Account No.: R991100640
State ID No.: 1S1E10 00400
Quarter Section: 3330

Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: Central City - South Waterfront
Zoning: CXd, Central Commercial zone and the Design overlay zone

Case Type: AD, Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant is requesting an Adjustment to reduce the width of the on-site pedestrian connection, required between the adjacent street and main entrance, from 6 feet to 4 feet, 7 inches for a segment of the existing pedestrian connection. The reduced width affects approximately a 30 foot length of walkway where a proposed new property line will be placed. Access on the existing walkway will be provided via an easement. The applicant has requested

a Property Line Adjustment (PR 10-158465) in order to set a framework for future street dedications, in coordination with the South Waterfront District Street Plan. The PLA will move the property line to match the future street centerline abutting the site.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria have been met.

ANALYSIS

Site and Vicinity: The site is developed with an office building with accessory parking and a helicopter landing pad. Immediately adjacent to the site is industrial, river-related development. The Ross Island Bridge spans above, along the southern edge of the site. SW Moody Avenue provides vehicle access to the site.

Zoning: The 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. The "d" Design overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

Land Use History: City records indicate that prior land use reviews were approved for the office development and accessory helicopter landing facility on the site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 14, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 14, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown 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 development standard requested for Adjustment is in Section 33.130.240.A, as follows:

The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting

streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

Section 33.130.240.B. requires a circulation system that leads from the street to the main entrance. The circulation system must be hard-surfaced and at least 6 feet wide.

The applicant is requesting an Adjustment to this standard to reduce the width of the required pedestrian connection from 6 to approximately 4.5 feet wide for approximately a 30-foot length of walkway. The existing walkway will be retained; however, through a proposed property line adjustment, part of the walkway will be legally separated from the site.

The applicant states that the request will equally meet the purpose of the regulation because the existing pedestrian walkway will continue to provide access from the street to the main entrance. The applicant intends to secure an agreement or easement for continued use of the full walkway, even though it will cross through the western abutting lot. Staff concurs with the applicant. The proposed pedestrian connection will equally meet the purpose of the standard. 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: The site is within the CX, Central Commercial zone and the Central City Plan District. The CX zone is intended to provide for commercial development within Portland's most urban and intense areas. The Central City Plan describes the desired character of the South Waterfront Area under Policy 21, as follows:

Create a vibrant urban neighborhood connected with and enriched by a clean and healthy river.

The adjacent street, SW Moody Avenue, is classified as a Transit Access Street, Traffic Access Street, Pedestrian District, and City Bikeway. The Portland Bureau of Transportation reviewed the proposal and has no objections. The Adjustment will be consistent with the classification of the adjacent street and the desired character 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: Only one Adjustment is requested. This approval criterion does not apply.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: The site is not within a City-designated scenic or historic resource, and therefore this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no impacts that require mitigation. Therefore, this criterion 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: The site is not within an environmental zone; therefore 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 applicant has demonstrated that the applicable Adjustment approval criteria have been met. The request to reduce the width of the pedestrian connection will still meet the intent of the regulation.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the width of the on-site pedestrian connection, required between the adjacent street and main entrance, from 6 feet to 4.5 feet for an approximate 30 foot segment [Section 33.130.240.B.2], per the approved site plan, Exhibits C.1, signed and dated November 5, 2010.

Staff Planner: Sheila Frugoli

Decision rendered by:  **on November 5, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 8, 2010

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 October 6, 2010, and was determined to be complete on October 12, 2010.

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 October 6, 2010.

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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 22, 2010** 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. 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 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 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 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 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 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 **November 23, 2010** –
- 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.

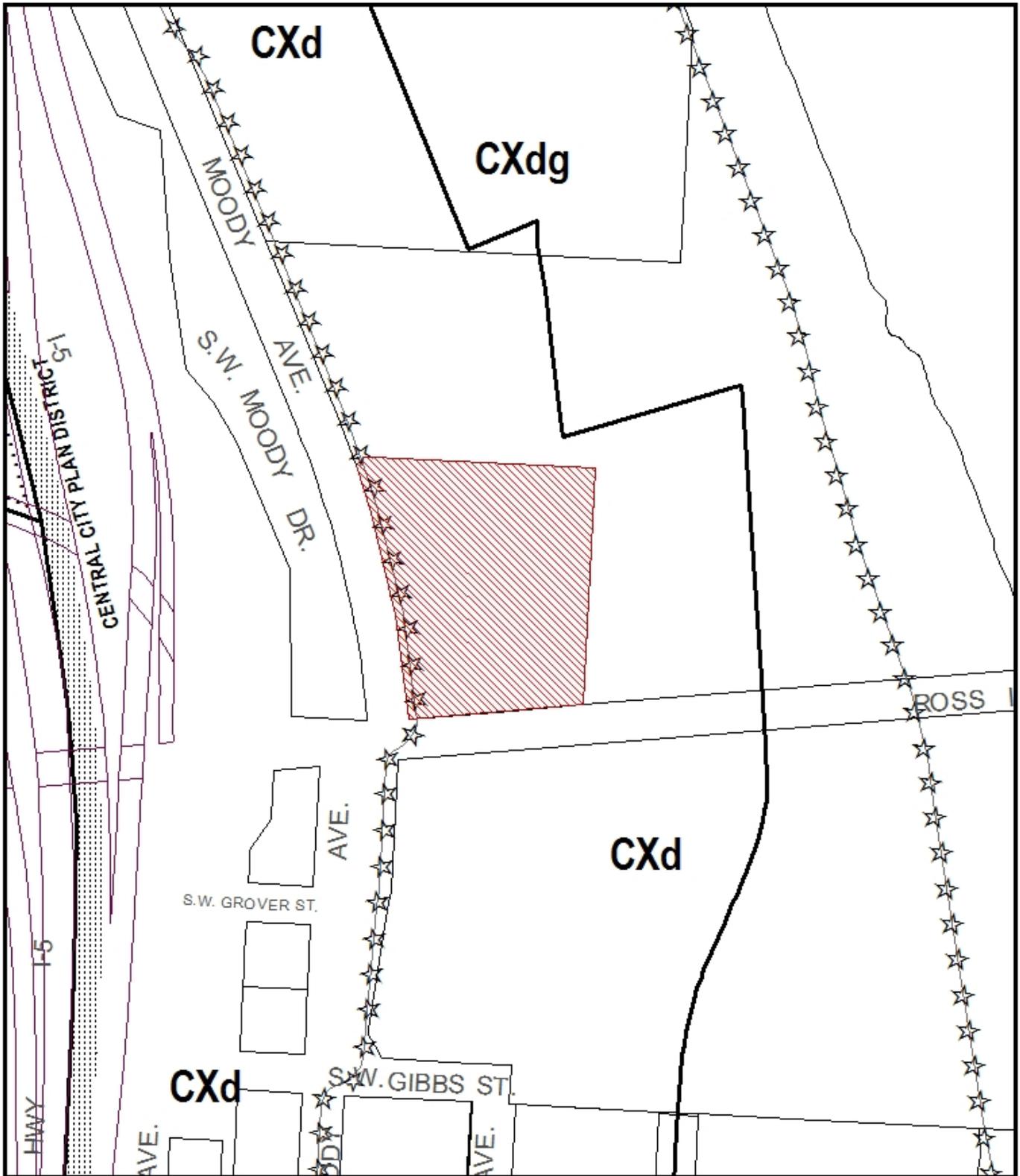
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Water Bureau
 - 3. TRACS printout showing "no concerns" from Other City Reviewers
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research



ZONING

 Site



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 10-182233 AD</u>
1/4 Section	<u>3330</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E10 400</u>
Exhibit	<u>B (Oct 11, 2010)</u>

EXISTING PROPERTY LINE

FUTURE PROPERTY LINE (AFTER PLA)

PAVED PARKING

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

Planner *Shirley Fugate* City of Portland - Bureau of Development Services

Date

Nov. 5, 2010

* Approved *

PAVED PARKING

PAVED PAD

TRACT No. 1

WESTWOOD

SW MOODY AVE

6' TOTAL SIDEWALK WIDTH

4'-7" SIDEWALK WIDTH SOUTH OF FUTURE PROPERTY LINE

LU 10-182233 AD

Exhibit C.1



TRI-COUNTY METROPOLITAN TRANSPORTA