



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

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Date: March 4, 2011
To: Interested Person
From: Kara Fioravanti, 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 10-197015 DZ AD FIELDS PARK ADJUSTMENT & DESIGN REVIEW

GENERAL INFORMATION

Applicant: Portland Parks & Recreation, attn: George Lozovoy
1120 SW 5th Avenue, #1302
Portland, OR 97204

Site Address: Triangular site at NW 11th Avenue, NW Overton and NW Naito Parkway

Legal Description: LOT D, HOYT STREET YARDS NO 2; LOT 33&C, HOYT STREET YARDS NO 2; LOT C, HOYT STREET YARDS NO 2; LOT G, HOYT STREET YARDS NO 3; LOT 1, PARTITION PLAT 2010-41

Tax Account No.: R405840770, R405841700, R405840764, R405840810, R649611610
State ID No.: 1N1E34BB 02629, 1N1E34BB 02640, 1N1E34BB 02641, 1N1E34BB 02643, 1N1E34BB 02644

Quarter Section: 2929

Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Zoning: OS, EXd
Case Type: DZ, Design Review and AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant requests land use approval for 2 reviews in association with the development of Fields Park:

1. Design Review (DZ): Revised Condition of Approval G.3. from LU 08-175456 MS requires Design Review approval prior to the issuance of permits for the property adjacent to the Tract E pedestrian easement. This Design Review is considering the realignment of the Tract E pedestrian easement and the design of the Tract E pedestrian easement. The Tract

E pedestrian easement is proposed to shift from its current location (in alignment with NW 10th Avenue from NW Overton to the railroad) to a curved path that starts at the southeast corner of the park property and follows the concrete and paver walkway curving to the west and north to NW Pettygrove, where it will connect with a future public bridge. The minimum clear width will be 10' with the majority of the easement 11' or greater.

Based on the value of the construction of the at-grade pedestrian tract, this design review request will be processed through a Type II procedure.

2. **Adjustment Review (AD):** Request for approval of an Adjustment to the property line setback of the proposed bathroom building. 33.100.200 A.1. requires a building setback of 1' for each foot of building height. The height of the building at this location is 11'-4 ¼", which would require a setback of 11'-4 ¼". However, at its closest point the restroom building is located 5'-3 1/8" from the property line along NW 11th Avenue, with the roof/canopy extending to 1'-4 1/2" from the property line along NW 11th Avenue.

Adjustments are processed through a Type II procedure.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- Central City Fundamental Design Guidelines and River District Design Guidelines
- 33.815.805.040 Adjustment Approval Criteria

ANALYSIS

Zoning: The site is zoned EX (Central Employment) and is within a Design "d" Overlay Zone.

The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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.

Land Use History: City records indicate that prior land use reviews include the following:

- DZ 91-89/7948: Glacier Park proposal for a Central City Master Plan approved in November 1989, which included a Zone Change in compliance with the Comprehensive Plan. At the time, an applicant was required to execute an acceptance of the decision and to record it, but the applicant did not do so within the allotted time period, therefore a Late Acceptance review was required.
- LUR 92-00798 MS LA: Approval of Late Acceptance and Central City Master Plan for Hoyt Street Yards.
- LUR 95-00241 SU MS: Amendment to Hoyt Street Yards Master Plan (condition "G") and Subdivision for 20 lots south of Lovejoy.
- LUR 99-00541 MS: withdrawn on 7/8/99 & combined with LUR 99-00542 SU.
- LUR 99-00542 SU MS: Approval with conditions of 43-lot subdivision and amendments to Hoyt Street Yards Master Plan. Tract E, which is the subject of this review, was created under this approval. See additional discussion below.

- LUR 00-00021 DZM MS: Design Review approval of Street Car Lofts and Master Plan Amendment to change pedestrian tracts A-C to public street (Marshall Street).
- LU 05-181234 DZM AD: The Encore - approval of 16-story mixed-use development that includes 177 residential units, 10,945 square feet of retail and 3 levels of residential parking, providing 210 parking spaces.
- LU 06-103275 DA: design advice for a master plan of the development of Hoyt Street Properties' 8.5 acres in the northern portion of the River District. The plan includes initial concepts for building programming, massing, height, parking and access, pedestrian spaces and community.
- 08-110777 DZ: Review of fire lane serving the Encore to be constructed within the southern portion of Tract E.
- 08-139993 LDP: Approval of a Preliminary Plan for a partition that will result in two contiguous pedestrian connection tracts.
- 08-175456 MS: Approval of a Central City Master Plan Amendment to change the Condition of Approval G.3 from LUR 99-00542 SU MS, regarding pedestrian Tract E. The revised language for Condition of G.3 from LUR 99-00542 SU MS is as follows in *italics*:
 - G. *For the private pedestrian and vehicle tracts aligning with the NW Irving, Kearney, Marshall and Pettygrove Street rights-of-way, and for any other pedestrian/bicycle tracts or easements approved through subdivision and platting, the following requirements must be met in the implementation of these features:*
 3. *For the pedestrian tracts, A, B, C, E and H, as well as pedestrian easements included in Phase V, the developer will obtain design review approval at the time of development of the first adjacent property. However, in the case of Tract E, it may be divided into two tracts (Parcel 1 and Parcel 2) and the northern portion (Parcel 2) may remain as an undeveloped pedestrian tract. If divided, the northern portion of Tract E (Parcel 2) must receive design review approval prior to the issuance of permits for the first adjacent property. The tracts must be developed according to the approved design, and be completed prior to final occupancy of the first adjacent development. However, the developer may seek design review approval for an interim plan that provided for, at least, pedestrian access and fire/life safety requirements. An interim plan may only be approved if it is secured with a bond or other compliance measure meeting the approval of the City Attorney.*

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 6, 2011**. The following Bureaus have responded with no issues or concerns: Site Development, BDS Life Safety, and Parks Bureau.

The Bureau of Environmental Services responded with the following comment: Exhibit E-1.

Design Review and Adjustment Comments

1. *BES does not object to the request to modify the alignment of Tract E or to the setback adjustment for the restroom building.*
2. *It should be noted that in regard to the design of the pedestrian tract itself, no information has been submitted for staff review of proposed stormwater management features. Although 50% construction docs dated 10/29/10 from the Portland Parks & Recreation website show several stormwater features (including rain gardens, pervious concrete, a “dry creek” with runnels, and a sand runoff filter), BES review staff have not seen any civil drawings or stormwater calculations. Typically, BES will request that Design Review applications show a method of stormwater management that satisfies City requirements so that later modifications to the stormwater plan (which could trigger another Design Review) are not necessary. In this case, the Design Review is for the pedestrian tract only, and not for the entire park. Further, staff understands that the remainder of the park will not be subject to Design Review, allowing for flexibility in the configuration of stormwater facilities outside of the pedestrian tract. Therefore, provided that the applicant is not planning on including stormwater facilities within the pedestrian tract itself – that is, surface treatment will occur elsewhere in the park – BES does not have concerns about the Design Review application.*

Permit Review Comments

1. *The City of Portland has implemented a Green Building Policy that applies to City-owned facilities. Included in the policy is a requirement for an ecoroof that covers at least 70% of roof area for new buildings (pages 5-6 of the Green Building Implementation Guide 2010 details that “free standing restrooms” must meet the ecoroof requirement). It is the responsibility of the applying Bureau to appropriately comply with the Green Building Policy. Therefore, although it is not clear whether an ecoroof is being proposed for the restroom structure at this time, BES requires no further information regarding compliance with the policy.*
2. *At the time of permit review for the Fields Park development a detailed utility plan and stormwater report will be required in order to show how the City of Portland’s Stormwater Management Manual (SWMM) will be met. The version of the SWMM current at the time of permit submittal must be met.*
3. *Note that several large BES storm sewer pipes cross this site within public easements. Some park features may require an agreement with BES to allow the improvements to encroach in the easement areas; this will be evaluated further at the time of permit review.*

The Bureau of Transportation Engineering responded with the following comment: Exhibit E-2.

Portland Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

STREET CLASSIFICATION AND CONFIGURATION

1. *The site is located within the River District sub-district of the Central City Plan District. This is mentioned, because the sub-district has requirements for sidewalk corridor designs that will be applicable in this case, which include special sidewalk scoring, furnishing zone requirements and special lighting requirements. The site is also within the Northwest Triangle Pedestrian District.*
2. *NW Overton Street is designated as a Traffic Access street, City Bikeway and a Local Service street for all other modes in the City's Transportation System Plan. The River District Right-of-Way Standards document identifies NW Overton as a New Typical Street for the purposes of determining specific frontage improvements in relation to the River District Right-of-Way Standards. It is also identified as a Uniform Plantings/Upright Street Trees street and a Street with Twin Ornamental Lights. According to City GIS database resources, the site frontage along this street is currently improved with 36-feet of paving within a 60-foot right-of-way. There is an existing curb, but no sidewalk (there is 12-ft of right-of-way behind the curb).*
3. *NW 11th Avenue is designated as a Local Service Street for modes in the City's Transportation System Plan. The River District Right-of-Way Standards document identifies NW 11th as a New Special Function Street for the purposes of determining specific frontage improvements. The street is also identified as a Uniform Plantings/Broad Headed Street Trees street as well as a Street with Single Ornamental Lights. According to City GIS database resources, the site frontage along this street is currently improved with 36-feet of paving (but also has minor segments that are constructed with 22-ft wide paving where curb extensions have been constructed). There is an existing curb, but no sidewalk (there is 12-ft of right-of-way behind the curb).*

DESIGN REVIEW APPROVAL CRITERIA

There are no applicable transportation related approval criteria associated with the Design Review or Adjustment components of the proposed project. PBOT has no objections to the relocation of Tract E (the at-grade portion of the pedestrian path).

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Configuration and Public Improvement/Dedication Requirements:

NW Overton

It is typical PBOT procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff may receive different information from the applicant's engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

As noted previously in this response, the subject site is located within the River District sub-district of the Central City Plan District. Accordingly, there are prescribed frontage improvements that must be adhered to in relation to development of sites within this district. Said right-of-way design standards include those for sidewalk corridor dimensions and elements, landscaping and street lighting. For NW Overton, identified in the River District Right-of-Way Standards document as a "New Typical Street", the expected sidewalk corridor should be 12-ft wide. The sidewalk corridor is to be comprised of a 0.5-ft wide curb, a 4-ft wide furnishing zone, a 6-ft wide through pedestrian zone (sidewalk) and a 1.5-ft wide building frontage zone. Regarding trees, the Overton frontage of the site is identified as a Uniform Plantings/Upright Street Trees street. Included plantings should provide continuity of form, texture, and color where space is constrained. Trees are to be planted within minimum 4-ft x 4-ft tree wells (minimum), 4-ft x 9ft preferred. NW Overton is also identified as a Street with Twin Ornamental Lights street. The historic Portland fixtures have noted configuration, separation and application standards. As mentioned previously, it appears that there is sufficient right-of-way to accommodate the above referenced and required sidewalk corridor improvements, without the need for property dedication.

For NW 11th Ave, identified in the River District Right-of-Way Standards document as a "New Special Function Street", the expected sidewalk corridor should be 12-ft wide. The sidewalk corridor is to be comprised of a 0.5-ft wide curb, a 4-ft wide furnishing zone, a 6-ft wide through pedestrian zone (sidewalk) and a 1.5-ft wide building frontage zone. Regarding trees, the 11th Ave frontage of the site is identified as a Uniform Plantings/Broad Headed Street Trees street. Included plantings should be of substantial scale which provide a physical and visual link between neighborhoods and parks. Trees are to be planted within minimum 4-ft x 4-ft tree wells (minimum), 4-ft x 9ft preferred. NW 11th Ave is also identified as a Street with Single Ornamental Lights street. The historic Portland fixtures have noted configuration, separation and application standards. As mentioned previously, it appears that there is sufficient right-of-way to accommodate the above referenced and required sidewalk corridor improvements, without the need for property dedication.

The applicant is encouraged to refer to the following link for direct access to the River District Right-of-Way Standards document:

<http://www.portlandonline.com/transportation/index.cfm?c=36900&a=195434>

The above referenced and required sidewalk corridor improvements will trigger a Limited Public Works Permit reviewed and issued through the City's Public Works Permitting Process. This is a separate process in relation to the land use review process with separate fees and timelines. The applicant is encouraged to refer to the following link for direct access to information on the City's Public Works Permitting Process: <http://www.portlandonline.com/index.cfm?c=53147>

RECOMMENDATION

PBOT has no objections to the proposed Design Review and Adjustment:

- *The applicant is advised that frontage improvements will be required as a condition of the Building Permit necessary to construct the new Fields Park. Said improvements must be constructed to the satisfaction of the City Engineer and must be constructed in adherence with the City's River District Right-of-Way Standards Document.*
- *Said frontage improvements will trigger the need to obtain a Public Works Permit through the City's Public Works Permitting Process. The applicant should contact at (503) 823-1987 or publicworkspermit@portlandoregon.gov*
- *For the City Engineer to approve the right-of-way plans, fees, a contract (called the application for permit) and a performance guarantee for the estimated value of the improvement must be submitted prior to Building Permit issuance. Applicant should contact Mark Fischer at (503) 823-7072 for appropriate forms and additional information.*

The Water Bureau responded with the following comment: Exhibit E-3.

The Water Bureau has no objections to the proposed Design Review and requested adjustments for the proposed development of Fields Park, for the property location described as the Triangular site at NW 11th Ave, NW Overton St and NW Naito Parkway, in the above mentioned LU 10-197015.

There is an existing 1" metered Irrigation service (Serial #20520476, Account #2987928400) which provides water to this location from the existing 8" DI main in NW 11th Ave, as well as an unused 8" and a 4" branch service (BS) for this location. There is also water available to this location from the existing 8" DI main in NW Overton St and a 20" CI main in NW Naito Parkway.

The estimated static water pressure range for this location is 67 psi to 84 psi at the existing service elevation of 34 ft.

City code 21.12.010 will require that any new building construction or construction that will need water to have a water service and meter installed within the public right-of-way and within the property boundary/frontage for which it will serve. A Water Bureau review for fixture count will need to be completed at the time of submittal of the building permit to determine the appropriate service and meter size for this property. All applicable costs will be the responsibility of the applicant.

Conditions of Approval: None

The Fire Bureau responded with the following comment: Exhibit E-4.

The Fire Bureau has no concerns with this proposal, as it appears that no changes to the fire access lane are being proposed. Should the fire access lane be modified, the Fire Bureau would need to approve any changes.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 6, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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 and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District 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.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

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 which is safe, humane and prosperous;
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.

A1. Integrate the River.

A1-1. Link the River to the Community.

A3. Respect the Portland Block Structures.

A3-1. Provide Convenient Pedestrian Linkages.

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.

B1. Reinforce and Enhance the Pedestrian System.

- B3. Bridge Pedestrian Obstacles.**
- B5. Make Plazas, Parks and Open Space Successful.**
- B7. Integrate Barrier-Free Design.**

Findings: The property includes a pedestrian easement aligned with the boardwalk corridor/bridge connection shown in the 2001 River District Park system Urban Design Framework Study. This 2001 plan proposed a ramp and bridge connection along the east side of the park, aligned with NW 10th Avenue to the south – the bridge was to cross over the Union Pacific railroad tracks and Naito Parkway. That alignment was decided prior to the current park property configuration.

The current park property configuration includes additional land east and north of the original pedestrian easement. According to Portland Parks and Recreation the highest priority request from the public for this park was “unobstructed open space”. The public’s priority of unobstructed open space coupled with the additional land resulted in Portland Parks and Recreation to realign the pedestrian easement. The new pedestrian easement starts at the southeast corner of the park property and follows the concrete and paver walkway curving to the west and north to NW Pettygrove, where it will connect with a future public bridge. The minimum clear width will be 10’ with the majority of the easement 11’ or greater.

The original pedestrian easement maintained a physical connection of a corridor aligned with NW 10th and also maintained a visual open corridor of NW 10th. The park design, which is not subject to design review but has been evaluated an extensive public process coordinated by Portland Parks and Recreation, maintains an open corridor in that NW 10th corridor. Though the new park design does not maintain an intentional path aligned with NW 10th, it does provide adequate pedestrian connections that are convenient and accessible. The new pedestrian easement location is integrated with the park design and follows the central open field. Until a bridge is funded and constructed a path leading from this site to the River is not possible, however this proposal maintains the possibility of that connection to happen.

For these reasons, the guidelines are met.

Chapter 33.805 Adjustment Review

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

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 have been met:

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- 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
- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments result in a project which is still consistent with the overall purpose of the zone; and

- D. City-designated scenic resources and historic resources are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has few significant detrimental environmental impacts on the resource or resource values as is practicable.

The following adjustment is requested:

An Adjustment to the property line setback of the proposed bathroom building. 33.100.200 A.1. requires a building setback of 1’ for each foot of building height. The height of the building at this location is 11’-4 ¼”, which would require a setback of 11’-4 ¼”. However, at its closest point the restroom building is located 5’-3 1/8” from the property line along NW 11th Avenue, with the roof/canopy extending to 1’-4 1/2” from the property line along NW 11th Avenue. The following three criteria are relevant to the request:

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified.
- 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 desired character of the area.
- E. Any impacts resulting from the adjustment are mitigated to the extent practical.

Findings for A, B, E: The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

The proposal is for a small one-story building in a 3.32 acre park; it is the only building in the park. Only a portion of the building is within the setback, as it angles away from the street. The district within which this park is located is a vibrant mixed-use dense area. This park is a much needed respite from the urban built environment (existing and expected for the vacant and underdeveloped blocks) and will provide the open/unprogrammed space lacking in the district. When considering the entire development of the park, the building will not interfere with the purpose of preserving and enhancing ample open space. The generous amount of street frontage without building wall certainly will provide a contrast with the built environment. And, finally, the location of the building closer to the street serves dual purpose – it maximizes unobstructed space for outdoor recreation within the park and it provides an accessible amenity for both park users and passers-by. There were no identified impacts resulting from this adjustment request. *For these reasons, the approval criteria are 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 approval criteria are met.

ADMINISTRATIVE DECISION

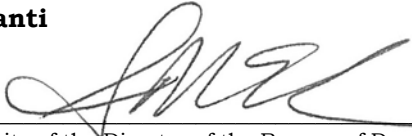
Approval of Design Review (DZ): Revised Condition of Approval G.3. from LU 08-175456 MS requires Design Review approval prior to the issuance of permits for the property adjacent to the Tract E pedestrian easement. This Design Review approves the realignment of the Tract E pedestrian easement and the design of the Tract E pedestrian easement. The Tract E pedestrian easement is proposed to shift from its current location (in alignment with NW 10th Avenue from NW Overton to the railroad) to a curved path that starts at the southeast corner of the park property and follows the concrete and paver walkway curving to the west and north to NW Pettygrove, where it will connect with a future public bridge. The minimum clear width will be 10' with the majority of the easement 11' or greater.

Approval of Adjustment Review (AD): Approval of an Adjustment to the property line setback of the proposed bathroom building. 33.100.200 A.1. requires a building setback of 1' for each foot of building height. The height of the building at this location is 11'-4 1/4", which would require a setback of 11'-4 1/4". However, at its closest point the restroom building is located 5'-3 1/8" from the property line along NW 11th Avenue, with the roof/canopy extending to 1'-4 1/2" from the property line along NW 11th Avenue.

Approvals per the approved site plans, Exhibits C-1 through C-7, signed and dated March 2, 1011, subject to the following condition:

- 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-C.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-197015 DZ AD. No field changes allowed."

Staff Planner: Kara Fioravanti

Decision rendered by:  **on March 2, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 4, 2011

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 December 1, 2010, and was determined to be complete on December 15, 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 December 1, 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. Unless further extended by the applicant, **the 120 days will expire on: April 14, 2011.**

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 March 18, 2011** 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 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 **March 21, 2011.**
- 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.

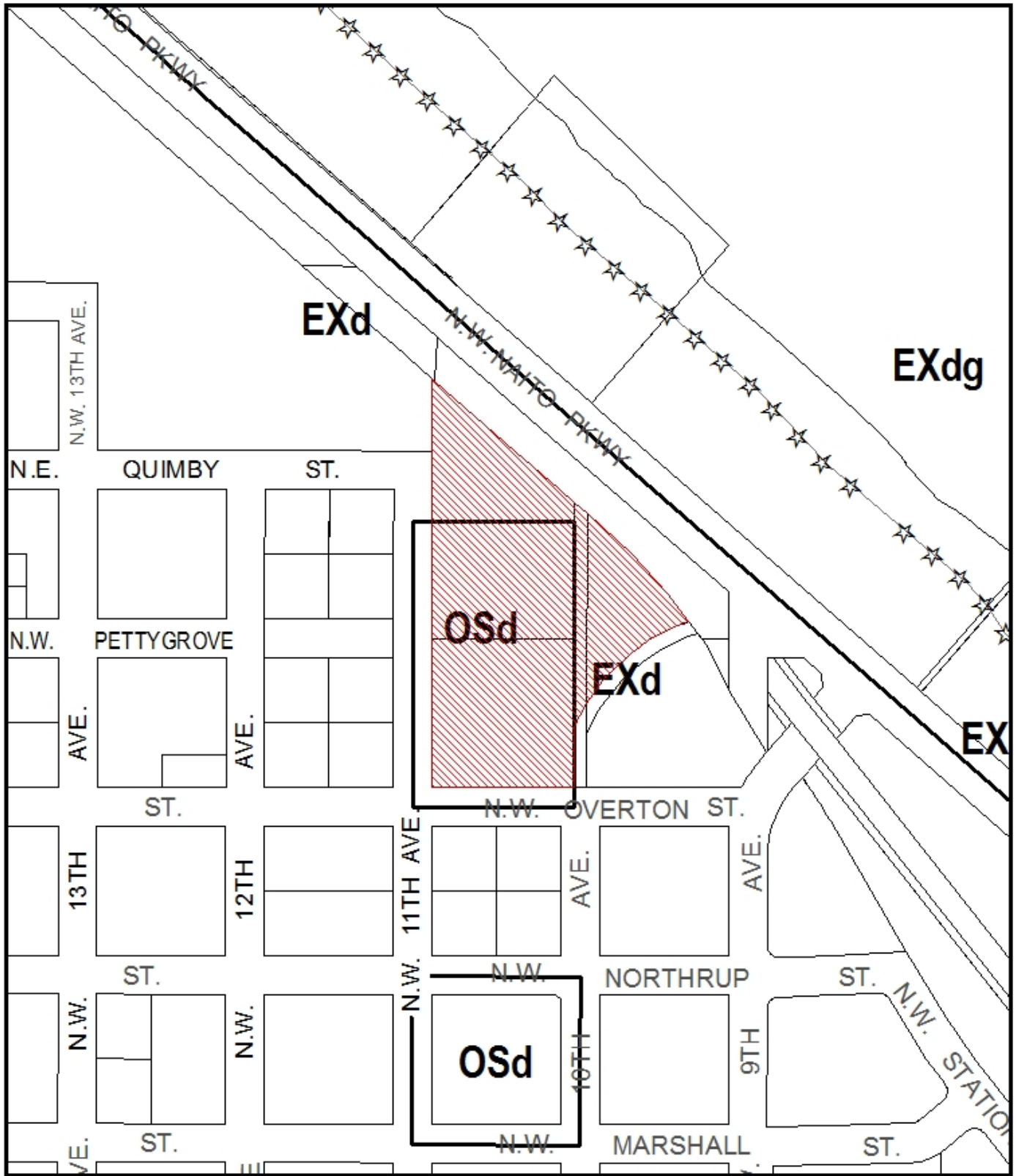
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Restroom building location, partial site plan (attached)
 - 3. Site plan/Floor plan Restroom building
 - 4. Restroom building elevations
 - 5. Storm and Utility Plan
 - 6. Aerial labeling Tracts and Lots owned by Portland Parks and Recreations
 - 7. Pedestrian Circulation planned for future park
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
- 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. 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



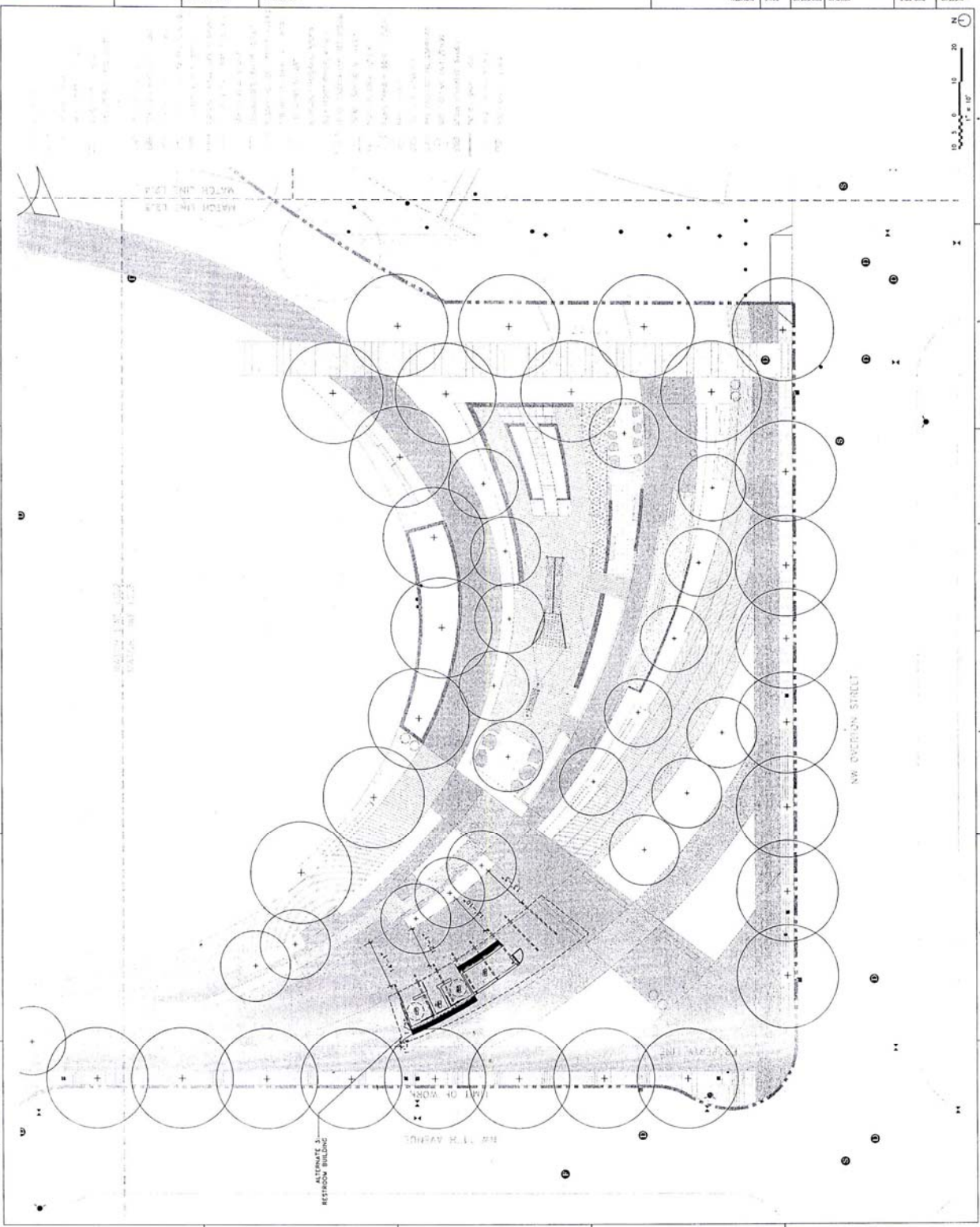
This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 10-197015 DZ,AD
 1/4 Section 2828,2829,2928,2929
 Scale 1 inch = 200 feet
 State_Id 1N1E34BB 2629
 Exhibit B (Dec 03,2010)

DESIGN NO.	0703
PROJECT NO.	0703
SCALE	1/8" = 1'-0"
SUBMITTAL	1. SITE PLAN 2. PLANTING PLAN 3. IRRIGATION PLAN 4. LIGHTING PLAN 5. SIGNAGE PLAN 6. FURNITURE PLAN 7. MATERIALS PLAN 8. CONSTRUCTION DETAILS

Handwritten initials and notes: *Ch*, *C12*

BUILDING LOCATION
ALT3-L9.1



Approved

City of Portland - Bureau of Development Services

Planner *[Signature]* Date 3-2-11

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