



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

FROM CONCEPT TO CONSTRUCTION

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Date: February 28, 2013
To: Interested Person
From: Sheila Frugoli, Land Use Services
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NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on March 21, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-116554 AD, in your letter. It also is helpful to address your letter to me, Sheila Frugoli, Sr. Planner.

CASE FILE NUMBER: LU 13-116554 AD

Applicant: Kristin Calhoun
Regional Arts And Culture Council
411 NW Park Avenue, Suite 101
Portland, OR 97209

Owner: City of Portland
1120 SW 5th Ave #600
Portland, OR 97204-1926

Site Address: 3732 SE 99TH AVE

Legal Description: LOT 1, PARTITION PLAT 2012-13
Tax Account No.: R649630490
State ID No.: 1S2E09DA 06603
Quarter Section: 3440

Neighborhood: Lents, contact Cora Potter at 503-823-4550. Powellhurst-Gilbert, contact Mark White at 503-761-0222.

Business District: Midway, contact Bill Dayton at 503-252-2017.

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin
Zoning: R2a, Multi-Dwelling Residential 2,000 zone and the "a", Alternative Design Density 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 a required setback to install a large art piece, a Percent for Art project, at the new Emergency Coordination Center (ECC). The Adjustment request is to reduce the required setback for the accessory structure from 10 feet to zero. The location of the structure is intended to help connect the ECC to the adjacent Ed Benedict Park. The structure will be located at the southwest entrance to the park, near the new ECC parking lot.

The proposed art, called the “Heart Beacon” will be an interactive sculpture. The sculpture will consist of stainless steel columns, acrylic panels, LED lighting and heart beat sensor. When visitors enter the 18-foot tall structure, it will display, with lights and color, the heartbeats of those who lay their hands on the piece. The applicant explains that the proposed sculpture takes inspiration from the life saving mission of the ECC.

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.

The relevant approval criteria are as follows:

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

33.120.275.A. Purpose. *The general base zone development standards in the R3 through RX zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.*

33.120.280.A. Purpose. *This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front yard areas.*

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 a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

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

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. This application was submitted on February 15, 2013 and determined to be complete on February 22, 2013.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

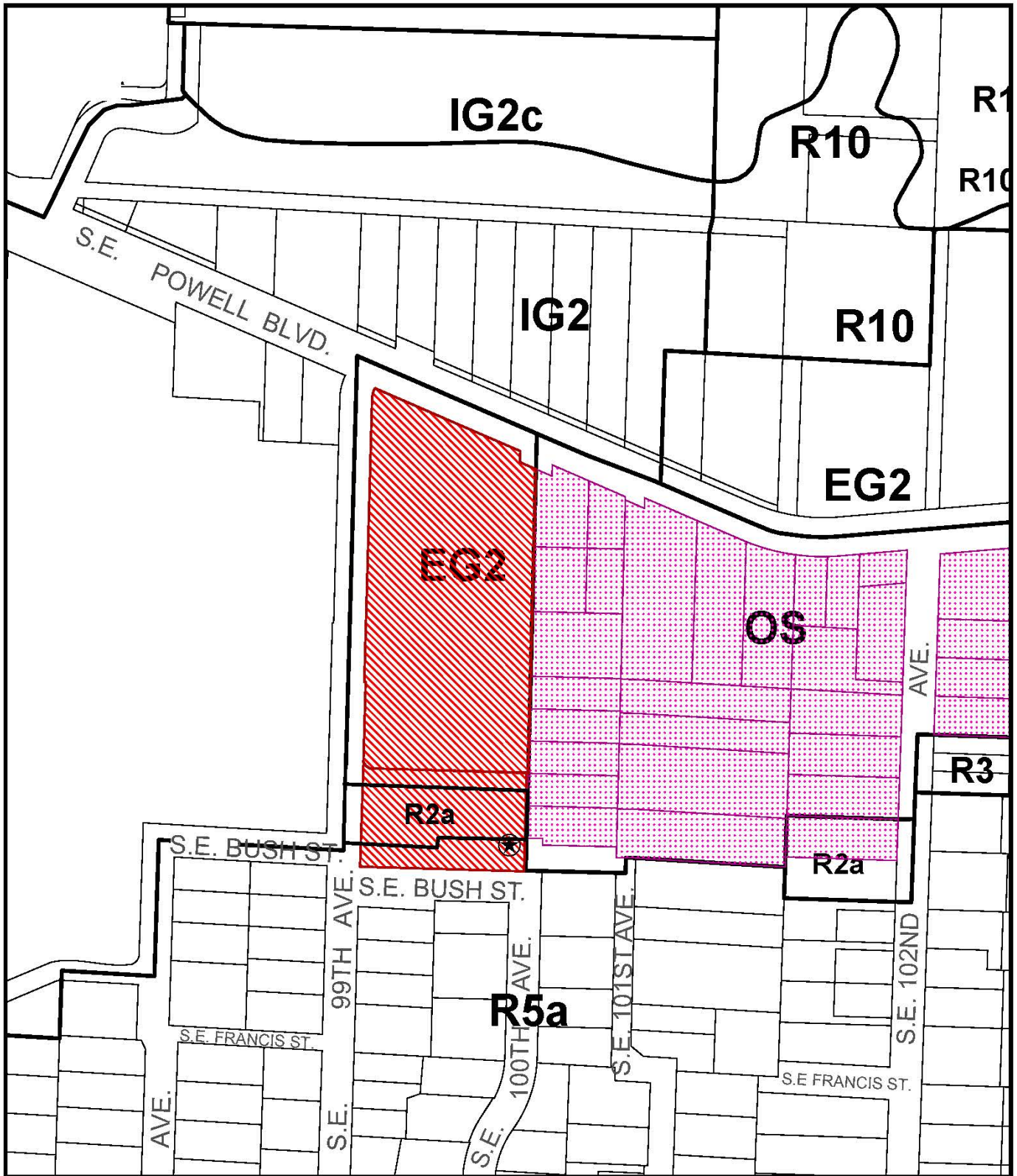
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map
Site Plan
Exterior Elevations



ZONING



Site



Also Owned



Location of Proposed Artwork



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 13-116554 AD

1/4 Section 2830

Scale 1 inch = 200 feet

State_Id 1N1E27DD 12200

Exhibit B Feb 25, 2013

