



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

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Date: August 03, 2020
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 20-107749 HR DZ: LANDSCAPE ALTERATIONS

GENERAL INFORMATION

Applicant: Lee Durdahl | Crystal Greens Landscape | 503.504.4757
PO Box 568 | Clackamas OR 97015

Owner: Kirkwood Village Associates Ltd
1777 Botelho Dr #300 | Walnut Creek, CA 94596-5065

Owner: Davis Pacific Limited Partnership
1777 Botelho Dr #300 | Walnut Creek, CA 94596-5065

Site Address: 222 SW Harrison Street

Legal Description: BLOCK B LOT 2 TL 1100, SOUTH AUDITORIUM ADD
Tax Account No.: R777500620
State ID No.: 1S1E03CB 01100
Quarter Section: 3229

Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown & South Auditorium
Other Designations: The OS area of the site is within the Halprin Historic District
Zoning: OS, RXd: Open Space (OS) and Central Residential (RX) Base Zones, Design (d) Overlay Zone, Historic Resource Overlay

Case Type: HR DZ: Historic Resource Review (HR) and Design Review (DZ)
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Historic Resource Review and Design Review for site alterations to sites located in the Halprin Historic District, the Downtown Sub-District of the Central City Plan District and the South Auditorium Plan District. The proposal includes:

- Historic Resource Review: Installation of replacement trees within the Halprin Historic District (and South Auditorium Plan District). The trees that were removed prior to this review were damaged due to activity on the site and in the Halprin Historic District, Portland Zoning Code 33.580.130.
- Design Review: Installation of required minimum 6-foot-deep LI landscaping on site adjacent to the Halprin Historic District pedestrian walkway per Portland Zoning Code 33.580.110.

Note: This case is associated with Code Compliance case #19-218456.

Historic Resource Review is required for non-exempt alterations to areas within the Halprin Historic District. Design Review is required for non-exempt alterations to areas outside of the Halprin Historic District but within the “d” Overlay.

Please note: The decision adopting the July 9, 2018 code (CC2035 Plan) was appealed to the Land Use Board of Appeals (LUBA). LUBA’s decision was appealed to the Oregon Court of Appeals by multiple parties. While the particular code provisions this project relies on are not at issue in the appeal, the Oregon Court of Appeals remanded CC2035 on 3-16-2020 and on that date the City reverted back to the version of PCC 33.510 that was in existence before July 9, 2018 until Council is able to readopt CC2035.

July 8, City Council re-adopted the CC2035 Plan. The plan will go back into effect on August 10, 2020.

Relevant Approval Criteria:

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

- The Central City Fundamental Design Guidelines;
- Criteria in Section: 33.846.060.G of the Portland Zoning Code;
- 33.580.130 Preservation of Existing Trees in the South Auditorium Plan District.
- Oregon Statewide Planning Goals

ANALYSIS**Site and Vicinity:**

The specific site of the submittal is the east portion of the Harrison Tower building, a 24-story residential tower built in the early 1960’s by Skidmore Owings Merrill. The building is defined by SW Harrison St. to the north, Lovejoy Park to the south and pedestrian paths closed to vehicle traffic to the east and west. The tower is also one of three matching towers in the area with the other two being across SW Harrison St to the northeast and northwest.

Specifically, the site of the proposed alterations is the landscape area immediately east of the Harrison Tower building, a portion of which is on private property but in the Design (“d”) Overlay (and so subject to Design Review), and a portion of which is adjacent to a pedestrian path that is a component of the greater Halprin Open Space Sequence, which is a historic district and is subject to Historic Resource Review.

The site is also located in the South Auditorium Plan District, an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and

fountains, and elaborate pedestrian walkway system. Maintenance of this character is partially achieved by requiring the preservation of existing trees.

Regarding transportation amenities around the site: The site is within the Central City Pedestrian District. SW Harrison Street is a Major Transit Priority Street (per the TSP) and includes the Portland Streetcar. SW Harrison St is also a City Bikeway, and bus service is provided with the following lines: #35, #36, #54, #56 and #99.

Zoning:

The Open Space (OS) zone is intended to preserve public and private open, natural, and improved park and recreation 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 Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The Design “d” 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. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland’s Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region’s citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

The South Auditorium Plan District protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional regulations which limit the type, number, and size of signs.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a

vibrant public realm and a healthy urban river. The site is within the University District Subdistrict of this plan district.

Land Use History: City records indicate the following prior land use reviews for this site.

- LU 85-004560 DZ (reference file # DZ 24-85): Design Review Approval to remove canopies and trellis.
- LUR 93-010284 DZ (reference file # 93-00285 DZ): Design Review approval for new free-standing planters and urns, new monument sign, and alterations to courtyard area adjacent to 222 SW Harrison St. Approval for Modification to increase allowable sign area at 111 SW Harrison St from 10 square feet to 77 square feet.
- LUR 94-011275 DZ (reference file # 94-00373 DZ): Design Review approval to replace existing concrete canopies with steel canopies.
- LUR 95-012484 DZ (reference file # 95-00591 DZ): Design Review approval for signage improvements, security fencing, garage door, and awning.
- LUR 98-015873 DZ (reference file # 98-00567 DZ): Design Review approval for above-ground emergency generator tank.
- LU 07-135758 DZ: Design Review approval for alterations to porte-cochere and main entrance of Harrison South residential tower.
- LU 08-109557 DZ: Design review approval for a new glass vestibule at the entrance to one of the townhouse units, to accommodate wheelchair turning radius area; required as an accessibility improvement because the unit is being used as the leasing office for Harrison South.
- LU 08-120237 DZ: Design review approval for exterior alterations to existing townhouses of Harrison South.
- LU 08-175968 DZM: Design review approval with a modification for two (2) wall signs.
- LU 19-207501 DZ: Design review approval for installation of an ADA ramp at the front elevation (north) of the existing tower.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 5, 2020**. The following Bureaus responded:

1. Fire Bureau: Dawn Krantz, June 09, 2020. With no concerns. (Exhibit E-1).
2. Bureau of Development Services Site Development: Jason Butler-Brown, June 17, 2020. With no concerns. (Exhibit E-2).
3. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, June 22, 2020. With no objections to the proposal. (Exhibit E-3).
4. Parks and Recreation Bureau: Sandra Burtzos Fathizadeh, June 22, 2020. With comments regarding proposed planting design. (Exhibit E-4).
5. Parks and Recreation Bureau – Urban Forestry: Casey Clapp, July 14, 2020. With comments regarding tree species. (Exhibit E-5).
6. Parks and Recreation Bureau – Urban Forestry: Joel Smith, July 15, 2020. With comments regarding tree species. (Exhibit E-6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 5, 2020. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. They are as follows:

1. Walter Weyler and Wendy Rahm: Chairs of the Downtown Neighborhood Association: June 23, 2020. (Exhibit F-1). Comments included: A request that the submittal be reviewed by the Historic Landmarks Commission; comments on the design outside of the historic district; comments on process and engagement.

Staff Response: The submittal met the Type II criteria (per Portland Zoning Code: 33.825, Table 825-1; and 33.846, Table 846-3) and so will not be reviewed by either the Design Commission or the Historic Landmarks Commission unless appealed. Staff worked with the applicant on the design, specifically alterations to the river-rock faux stream, for a design that did not compete with the historic district. Notices for Type II reviews are mailed to public agencies, to property owners within 150 ft. of the site (or 500 ft. if outside the Urban Growth Boundary), and to recognized organizations within 400 ft.

2. Bob Naito: Chair of the Halprin Landscape Conservancy: July 01, 2020. (Exhibit F-2). Comments included: Concern with the L1 landscape requirement – specifically the trees component of this requirement; concern with the spacing and size of the shrubs and groundcover proposed.

Staff Response: Per Portland Zoning Code (PZC): 33.580.110.C, “A 6 foot deep area landscaped to at least the L1 standard is required along lot lines abutting a pedestrian mall or open space...”. To not meet this requirement the applicant would need to request a “Modification” to the code standard. In requesting a Modification, the applicant would need to address the criteria in PZC 33.825.040 and pay the required \$1,550 fee. In this case the applicant chose to meet the standard and not request a Modification. While staff agrees with the concerns raised, this is a unique situation in that staff cannot force an applicant to apply for a Modification if the code standard can be met. Regarding planting spacing: Spacing is addressed in PZC: 33.248. The applicant proposes plant material above what is required: For groundcover, 4”-pots are required as the minimum – the applicant proposes 1-gallon plants; for shrubs, 1-gallon material is the minimum – the applicant proposes 5-gallon shrubs.

ZONING CODE APPROVAL CRITERIA

South Auditorium Plan District

33.580.010 Purpose of the South Auditorium Plan District

The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

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

33.580.130 Preservation of Existing Trees

A. Unless exempt under Section 33.580.130.B, removal of existing trees 6 or more inches in diameter is allowed only when approved through a design review, using the following approval criteria:

1. The location of the tree to be removed is needed for development of a new building or an arborist finds that the tree will be affected by proposed development in a manner that is likely to cause significant damage or death to the tree.

2. The proposal is consistent with the purpose of the plan district.
3. Each tree removed will be replaced with a new tree elsewhere in the plan district in accordance with the adopted landscaping plan for the plan district or as determined by the design review.

Findings for 1, 2 and 3:

The South Auditorium Plan District consists of a unique character of high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkways systems. The three trees (Lindens) in the Halprin Historic District that were impacted and ultimately removed due to trenching by the applicant (see Code Compliance case #19-218456) will be replaced with new trees in the same locations. After conversations with both the Parks Bureau and the Halprin Landscape Conservancy it was determined that the replacement species be *Celtis magnifica* (Magnifica Hackberry), which provide a similar form and canopy to the lindens they are replacing while providing increased species diversity to the historic district and plan districts.

Therefore, these criteria have been met.

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is within the Halprin Historic District and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

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

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 1, 2, 4, 8, 9 and 10:

The three trees that were damaged and ultimately removed within the Halprin Historic District (see Code Compliance case #19-218456) are to be replaced with *Celtis magnifica* (Magnifica Hackberry) in the same locations. The use of the proposed Hackberrys was discussed and vetted with both the Parks Bureau and the Halprin Landscape Conservancy referencing a draft of the yet to be completed Vegetation Management Plan for the historic district. The species provides similar form and tree canopy to the lindens that were removed to maintain the tree coverage and historic character consistent throughout the historic district.

Therefore, these criteria have been met.

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: The installation of the three proposed Hackberrys will not impact hardscape or vegetation within the Halprin Historic District. No chemical or physical treatments, such as sandblasting, will be used.

Therefore, this criteria has been met.

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 are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City 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 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.

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.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

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.

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.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for A5, A7, B5, C5 and C6:

Due to the proposed replacement trees having similar form and canopy to those previously removed the established character, continuity and enclosure of the right-of-way (pedestrian paths of the Halprin Historic District) will be maintained in the impacted areas adjacent to the Harrison Tower building. In addition, proposed landscaping outside of the historic district that is meeting the South Auditorium Plan District requirements (per Portland Zoning Code 33.580.110 and 33.580.130) provides sufficient landscape buffering and transition between the public and private property while not visually competing with the overall landscape aesthetic of the historic district.

Therefore, these criteria have been met.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use

decisions if appealed. *For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.*

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. *As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

Goal 3: Agricultural Lands

Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection ("p"), Environmental Conservation ("c"), and Scenic ("s") overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. *This site is not within any environmental or scenic overlay zones but is within the Halprin Historic District. Compliance with all requirements related to this designation have been verified as part of this land use review. Therefore, the*

proposal is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City's Stormwater Management Manual at the time of building permit review, and through the City's continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *Staff finds the proposal is consistent with Goal 6. In this case, the scope of the project does not warrant review by the Bureau of Environmental Services; Goal 6 is not applicable.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.*

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report, the proposal is consistent with Goal 11.*

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary"

(UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. *This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings: *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposed alterations to replace landscaping that was damaged and removed within the Halprin Historic District and the adjacent area outside of the historic district maintains the historic character and integrity of the historic district through the installation of trees and non-invasive plant material similar to the character of the original design and intent.

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

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. As indicated in detail in the findings above, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Historic Resource Review and Design Review approval of landscape alterations within and adjacent to the Halprin Historic District.

Approval, per the approved site plans, Exhibits C-1, signed and dated July 29, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 20-107749 HR DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. NO FIELD CHANGES ALLOWED.

Staff Planner: Arthur Graves



Decision rendered by: _____ **on July 29, 2020.**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 03, 2020.

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 January 21, 2020, and was determined to be complete on June 3, 2020.

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 January 21, 2020.

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: October 01, 2020.**

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, and if appealed a hearing will be held with the applicable Commission: Historic Landmarks Commission for areas within the Halprin Historic District; and Design Commission for areas outside of the historic district but within the Design Overlay. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by **4:30 PM on August 17, 2020. Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 and/or Historic Landmarks 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **August 18, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

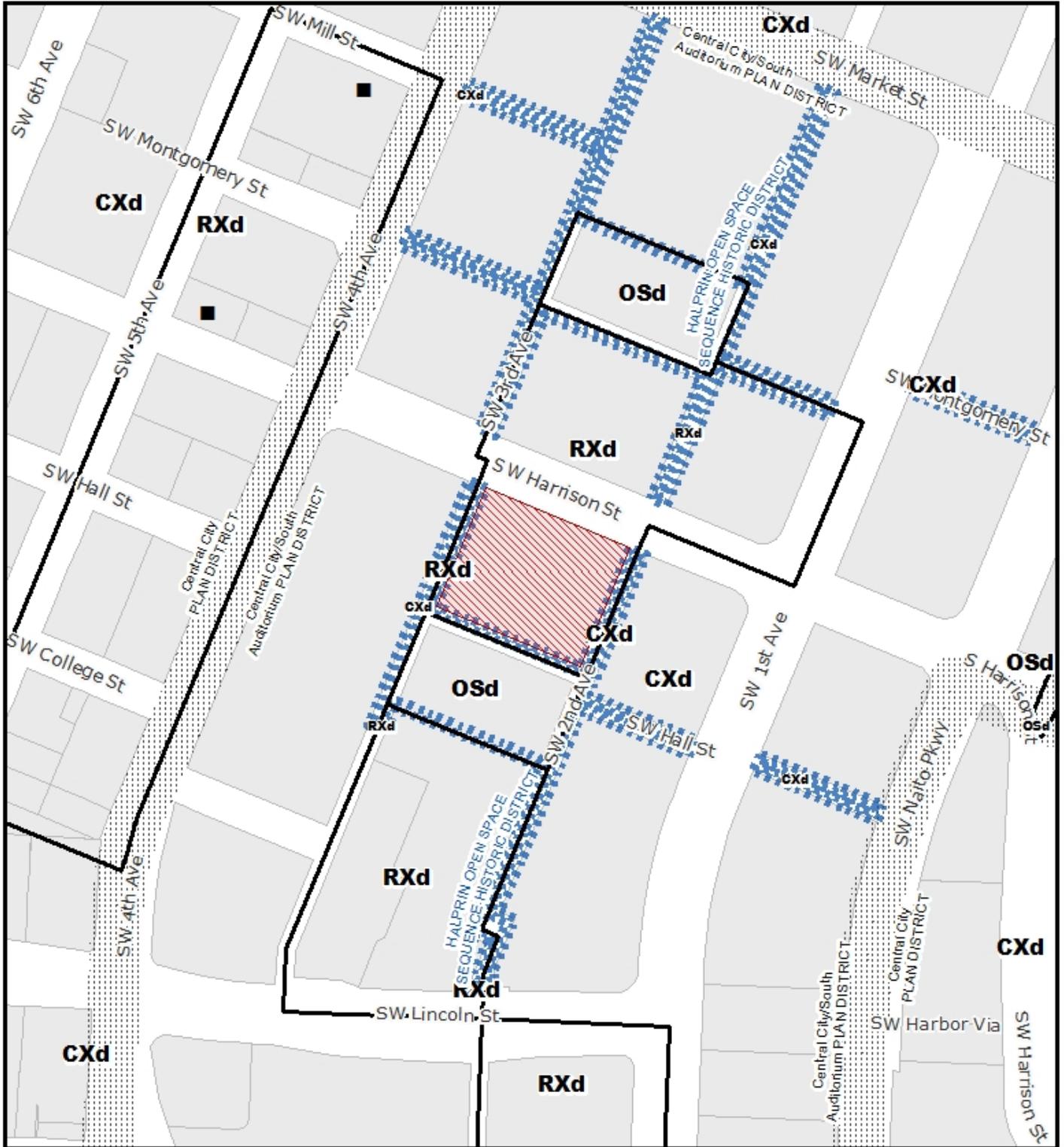
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Initial Submittal: January 21, 2020 - superseded
 2. Initial Narrative: June 03, 2020
 3. Revised Submittal: June 29, 2020- superseded
 4. Revised Submittal: July 14, 2020- superseded
 5. Revised Submittal: July 23, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan / Landscape Plan (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Fire Bureau: Dawn Krantz, June 09, 2020.

2. Bureau of Development Services, Site Development: Jason Butler-Brown, June 17, 2020.
 3. Bureau of Development Services, Life Safety/Building Code Section: Chanel Horn, June 22, 2020.
 4. Parks and Recreation Bureau: Sandra Burtzos Fathizadeh, June 22, 2020.
 5. Parks and Recreation Bureau – Urban Forestry: Casey Clapp, July 14, 2020.
 6. Parks and Recreation Bureau – Urban Forestry: Joel Smith, July 15, 2020.
- F. Correspondence:
1. Walter Weyler and Wendy Rahm: Chairs of the Downtown Neighborhood Association: June 23, 2020.
 2. Bob Naito: Chair of the Halprin Landscape Conservancy: July 01, 2020
- G. Other:
1. Original LU Application
 2. Incomplete Letter: February 04, 2020
 3. Site Visit Photos

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



CENTRAL CITY/SOUTH
AUDITORIUM PLAN DISTRICTS
DOWNTOWN SUB DISTRICT



Site



Historic Landmark

File No.	LU 20 - 107749 HR, DZ
1/4 Section	3229
Scale	1 inch = 200 feet
State ID	1S1E03CB 1100
Exhibit	B Jun 03, 2020

