



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

Dan Ryan, Commissioner
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Date: October 13, 2021
To: Interested Person
From: Hannah Bryant, Land Use Services
503-865-6520 / Hannah.Bryant@portlandoregon.gov

REVISED NOTICE OF A PUBLIC HEARING ON A PROPOSAL IN YOUR NEIGHBORHOOD

CASE FILE: LU 21-012886 DZM GW
PC # 20-121512

REVIEW BY: *Design Commission*

WHEN: November 4, 2021; 1:30pm

REMOTE ACCESS: Design Commission Agenda

<https://www.portlandoregon.gov/bds/dcagenda>

Due to the City's Emergency Response to COVID19, this land use hearing will be limited to remote participation via Zoom. Please refer to the instructions included with this notice to observe and participate remotely.

Note: This hearing was originally scheduled for September 30, 2021. It was postponed at the applicant's request.

Development has been proposed in your neighborhood requiring 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 are 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.

Owner/Applicant: Kyle Davis | Oregon Public Broadcasting Foundation
7140 South Macadam Ave
Portland, OR 97219

Representative: Read Stapleton | Dowl
720 SW Washington Street, Suite 750
Portland, OR 97205

Site Address: 7140 S MACADAM AVE

Legal Description: BLOCK 4 LOT 2&4, SOUTHERN PORTLAND; TL 200 1.24 ACRES,
SECTION 22 1S 1E

Tax Account No.: R780200010, R991220380

State ID No.: 1S1E22A 00800, 1S1E22AC 00200
Quarter Section: 3729 & 3730
Neighborhood: South Portland NA., contact at board@southportlandna.org
Business District: South Portland Business Association, contact info@southportlanddba.com.
District Coalition: In care of Office of Community and Civic Life, contact Shuk Arifdjanov at shuk.arifdjanov@portlandoregon.gov.
Plan District: Macadam
Other Designations: None

Zoning: CM2 (MU-C)d g – Commerical Mixed-Use 2 with a Design Overlay and Greenway Overlay
Case Type: DZM GW – Design Review with Modifications and Greenway Review
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant requests approval for a Design Review with Modifications and Greenway Review for upgrades to the Oregon Public Broadcasting (OPB) site located at 7140 South Macadam Avenue within tax lots 1S1E22AC-00200 and 1S1E22A-00800. These exterior site upgrades are proposed to comply with an 'Option 2' Nonconforming Development Assessment Covenant signed by both OPB and the City of Portland in 2017. Exterior upgrades proposed to the site are limited to those necessary to meet the applicant's obligations identified in the Covenant, and include the following:

- New landscape plantings across the site to meet interior and perimeter parking lot landscaping requirements, as well as along the site's South Macadam Avenue frontage.
- New sight-obscuring fencing along the site's eastern boundary as well as on the north, south, and east side of the existing satellite dish and generator area.
- Removal of four existing parallel parking spaces along the east side of the existing parking structure and replacement with landscape planter beds; and
- New landscape planter strip along the site's southern boundary adjacent to tax lot 1S1E22AC-00300.

Design Review is required because the site is located in the design overlay and non-exempt exterior alterations are proposed. A Type III Design Review process is required to consider removal of a condition of approval from the site's original 1987 Design Review approval (DZ 15-87) that required an approximately 3-foot landscape strip along the site's eastern edge.

Modifications are requested to three standards:

1. Parking Area Setbacks and Landscaping - 33.266.130.G.2 – to allow a six-foot sight-obscuring fence on the eastern property boundary in lieu of required landscaping meeting the L2 standard.
2. Loading Standards – Placement, Setbacks and Landscaping - 33.266.310.E – to allow a six foot completely sight-obscuring fence in lieu of minimum landscaping requirements on the perimeter of the loading area.
3. Fences – Locations and Heights - 33.130.270.C.1.a – to allow a six foot completely sight-obscuring fence within ten feet of a street lot line in the location of the satellite dish enclosure.

Greenway Review is required because the site is located in the river general overlay and exterior alterations to existing development are proposed.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33, Portland's Zoning Code. The relevant criteria are:

- *Macadam Corridor Design Guidelines*

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 9, 2021 and determined to be complete on August 5, 2021.

DECISION MAKING PROCESS

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website at <http://www.portlandoregon.gov/bds/35625>. Land use review notices are listed on the website by the District Coalition in which the site is located; the District Coalition for this site is identified at the beginning of this notice. 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 City's website at <http://www.portlandoregon.gov>.

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled 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.

We are seeking your comments on this proposal. To comment, you may write or testify at the remote hearing. Please refer to the file number when seeking information or submitting testimony. In your comments, you must address the approval criteria as stated in the administrative report and decision which you previously received. Please note that all correspondence and testimony received will become part of the public record.

Written comments must be received by the close of the record and should include the case file number. Any new written testimony should be emailed to Hannah Bryant at Hannah.Bryant@portlandoregon.gov.

Please note regarding USPS mail: If you choose to mail written testimony via USPS, due to the Covid-19 Emergency, USPS mail is only received a couple times a week, and testimony must be received before the close of the record. Therefore, please mail testimony well in advance of the hearing date.

Thank you for any information you can provide regarding this case. Note: If you have already written, it is not necessary to write again; your correspondence will be given to the Design Commission.

If you plan to testify at the hearing, please refer to instructions included with this notice.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Design Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Design Commission how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Design Commission, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the

record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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.

APPEAL PROCESS

You can appeal the decision of the Design Commission to the City Council. If appealed, City Council will hold an evidentiary hearing. New evidence can be submitted to the City Council in the event of an appeal of an evidentiary hearing.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Design Commission, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

HEARING CANCELLATION

This public hearing will be cancelled due the inclement weather or other similar emergency.

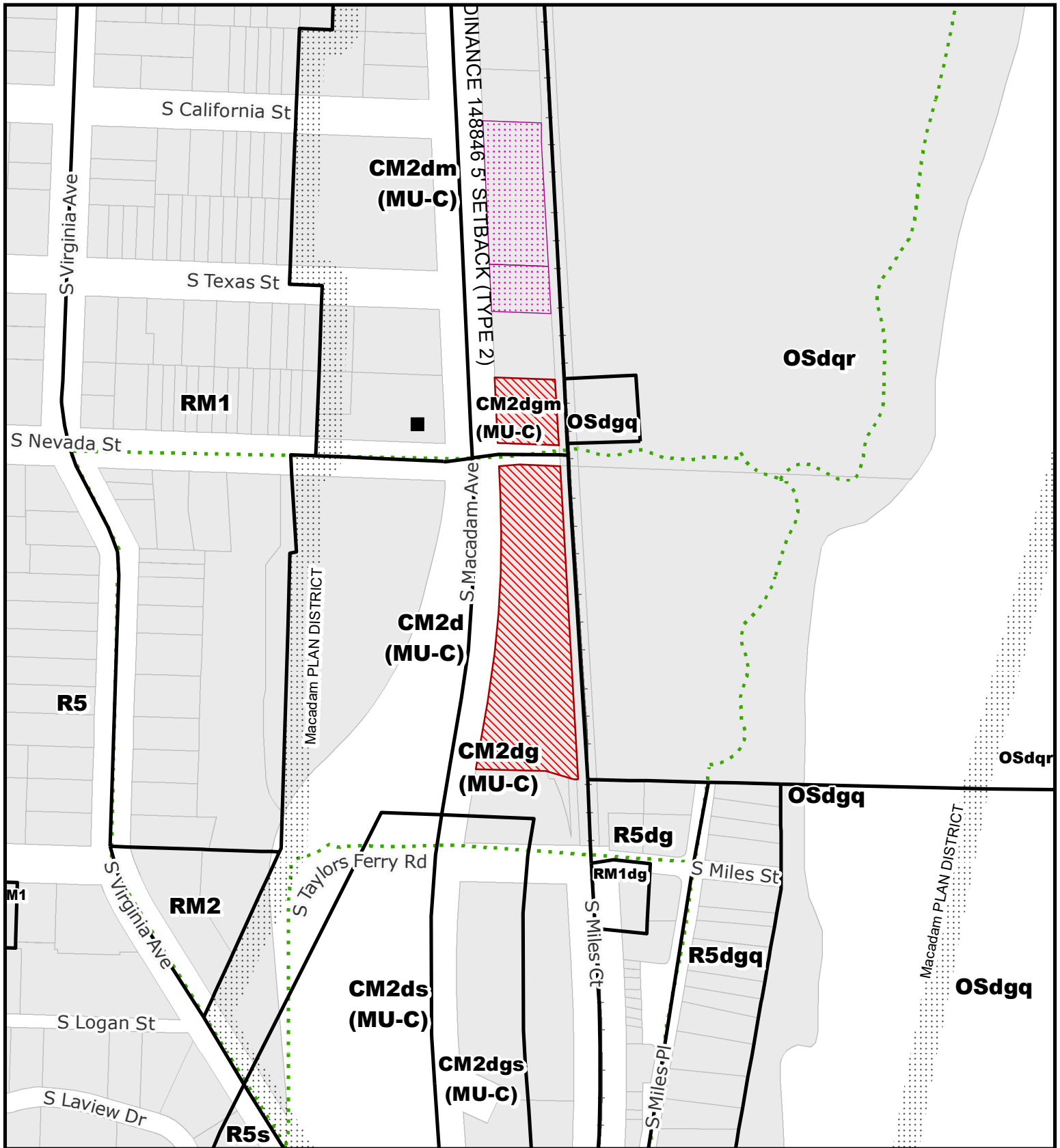
- Design Commission: This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please refer to the agenda link at the beginning of this document for updated information on this hearing.

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



ZONING



MACADAM PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Recreational Trails

File No.	LU 21 - 012886 DZM GW
1/4 Section	3729,3730
Scale	1 inch = 200 feet
State ID	1S1E22AC 200
Exhibit	B Feb 09, 2021