



August 5, 2021

Hannah Bryant, Planner  
City of Portland  
Land Use Services Division  
1900 SW Fourth Avenue  
Portland, OR 97201

**Subject: OPB Nonconforming Upgrades  
LU 21-012886 DZM GW**

Dear Ms. Bryant,

This letter serves as Oregon Public Broadcasting's (applicant) written response to the completeness items identified in your incomplete letter, dated March 11, 2021 for the OPB Nonconforming Upgrades project located at 7140 South Macadam Avenue. The applicant requests that this application, LU 21-012886 DZM GW, be deemed complete as of today, August 5, 2021.

**I. Information Necessary to Complete Application**

**The following information must be submitted before your proposal can be evaluated:**

- 1. Clarification on Previous Conditions of Approval – Page 11 of the submitted narrative notes that a Condition of Approval for the 1988 review included (#5) Artwork shall be installed on the blank wall at the southern end of the SW Macadam Avenue elevation. Please clarify whether this is an unmet condition of approval that you request to have removed through this Type III review, or if the site is compliant with this previous condition of approval.**

**Response:** This condition of approval was previously eliminated and is no longer applicable to the OPB site, as identified in Exhibit H included with this resubmittal.

**Due to the complexity of this case history on this project, and the nuance of this procedurally-required proposal, it will be important to ensure the proposal description in the public notice includes exactly what is proposed to be reviewed under this review, and only these elements. To ensure that this language is precise and comprehensive, please provide a brief (no more than 1 paragraph) description of scope. Examples of these documents may be found here: <https://www.portlandoregon.gov/bds/35625>**

**Response:** Draft language for the public notice's proposal description is included below as requested:

*"The applicant requests approval of Design Review with modifications and Greenway Review applications 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. 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 throughout to meet interior and perimeter parking lot landscaping requirements, as well as along the site's frontage with South Macadam Avenue;*
- *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 exterior alterations to existing development are proposed that are not exempt per 33.420.045. Design Review is also necessary to remove a condition of approval from the site's original 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. *33.266.130.G.2 – to allow a six foot sight-obscuring fence on the eastern property boundary in-lieu of landscaping meeting the City's L2 standard.*
2. *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. *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."*

## **II. Issues to Consider**

**While not necessary to determine the application complete, additional information may be needed to show that your proposal meets the applicable approval criteria. You are encouraged to address the following issues regarding the approvability of your proposal:**

- **Neighbor Concerns – Staff has received comments from a neighbor with concerns about the proposal. This neighbor states there may be other conditions on site that are subject to non-conforming upgrades. Staff is happy to provide the emails we have received on this topic and encourage you to work with the neighbors to address concerns and collaborate to find a mutually acceptable solution.**

**Response:** Since the time of the original application submittal, the applicant has modified the proposed site plan to better meet its obligations under the Covenant and to address identified neighbor concerns. These alterations include:

- Extension of the proposed six foot sight obscuring fence along the site's eastern edge to the far southeast corner;
- Removal of four existing parallel parking spaces along the east side of the existing parking structure and replacement with landscape planter beds for additional screening of the parking structure;
- Maintaining two-way access between the parking structure and South Nevada Street;
- New five foot landscape planter meeting the L2 standard along the entirety of the site's southern boundary adjacent to tax lot 1S1E22AC-00300; and
- New sight-obscuring fence on the north, south, and east side of the satellite dish and generator area.

Proposed site alterations and identified modifications are further described in the applicant's revised narrative, which is included with this resubmittal. Further, the applicant elected to update the site's topographic survey in order to better inform what upgrades are possible and how to best meet their obligations identified in the covenant. The updated survey is included with this resubmittal as Exhibit F. The updated plan set identifying proposed site alterations is included as Exhibit G. Application materials that have not been revised since the original submittal are not included with this resubmittal.

If you have any questions regarding the revised application materials, please do not hesitate to contact me at (971) 229-8318, or at [mrobinson@dowl.com](mailto:mrobinson@dowl.com).

Sincerely,



Matthew Robinson  
Land Use Planner

cc: Kyle Davis (*via email*), Dana Krawczuk (*via email*)

Attachment(s):

1. OPB Nonconforming Upgrades Narrative (*updated*)
2. Exhibit F – Existing Conditions Survey (*updated*)
3. Exhibit G – Plan Set (*updated*)
4. Exhibit H – Copy of DZ 15-87 Decision to Eliminate Condition of Approval #5 (*new*)