



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

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Date: October 27, 2009
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 09-146218 DZM **OHSU PARKING LOT 83: LANDSCAPING, PARKING LOT STRIPING**

GENERAL INFORMATION

Applicant: State Of Oregon, Listed Owner
3181 SW Sam Jackson Park Road
Portland, OR 97239

Representative: Chelsea Mccann, Landscape Architect
Walker Macy
111 SW Oak Street, Suite 200/ Portland, OR 97204

Steve Ray, Landscape Architect
Walker Macy
111 SW Oak Street, Suite 200/ Portland, OR 97204

Site Address: [SW 9th Avenue between SW Grover and SW Gibbs]
3171 WI/SW Sam Jackson Park Road, 3181-3251 SW Sam Jackson
Park Road

Legal Description: EXC W 40'-INC PT VAC STS LOT 1 BLOCK 82 EXC W 40'-INC PT VAC
ST LOT 2&3 BLOCK 82 EXC W 40'-INC PT VAC STS LOT 4 BLOCK 82,
PORTLAND CITY HMSTD; TL 3800 0.09 ACRES, SECTION 09 1S 1E;
TL 3700 0.07 ACRES, SECTION 09 1S 1E; TL 3500 0.12 ACRES,
SECTION 09 1S 1E

Tax Account No.: R668004910, R991090410, R991090420, R991090430
State ID No.: 1S1E09AC 03600, 1S1E09AC 03800, 1S1E09AC 03700, 1S1E09AC
03500

Quarter Section: 3228
Neighborhood: Homestead, contact Anton Vetterlein at 503-790-0719.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: Marquam Hill

Zoning: EXd, Central Employment with design overlay
Case Type: DZM, Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

At present, the site is an asphalt paved parking lot, approximately 26,350 SF in size and accommodates 110 vehicles. The proposed project is to bring the parking lot into compliance with current Zoning Code standards, and request Modifications to those standards not being met. To accomplish this, the striping and stall layout will be redone and parking spaces will be reduced to 86 vehicles spaces. Approximately 3,900 SF of pavement will be removed and replaced with landscaped islands in the lot interior. All landscaped areas will be irrigated with an automatic system. The retrofit changes will maintain the grading, surface slopes, and drainage systems of the existing parking lot.

Modification Request:

Section 33.266.130 G. and Table 266-5 require 5' of L2 perimeter parking lot landscaping for this existing parking lot. The proposal does not provide perimeter parking lot landscaping along SW 9th Avenue and substandard landscaping along SW Sam Jackson Park Road.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: the Marquam Hill Design Guidelines and 33.825.040 Modifications.

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 July 24, 2009 and determined to be complete on August 21, 2009.

ANALYSIS

Zoning: The 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 “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.

Land Use History: 04-023864 PR required these parking lot upgrades through nonconforming upgrades option 2. The permit for the Biomedical Research Building triggered these nonconforming upgrades, 03-109101 CO.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed on August 28, 2009. The following Bureaus have responded with no issues or concerns: Life Safety, Fire, Transportation, Water, and Forestry.

The Bureau of Development Services Site Development Section responded with the following comment: Please see Exhibit E-1 for additional details.

Stormwater treatment and discharge: Site Development reviewed the Final Report, Geotechnical Investigation, Proposed Addition to Basic Science Building for Oregon Health Sciences University dated April 13, 1988 prepared by Geotechnical Resources, Inc. On-site infiltration of stormwater is not recommended for this project due to geotechnical and landslide hazard concerns. Infiltration testing requirements will be waived. The applicant is advised to work with the Bureau of Environmental Services (BES) to determine

requirements that will pertain to stormwater system retrofit and upgrades. Please refer to the response from BES for additional comments and information.

Erosion control: Erosion prevention and sediment control requirements found in Title 10 apply to both site preparation work and development. Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer, and the builders. An erosion control plan will be required at the time of building permit review. Please refer to the City of Portland *Erosion and Sediment Control Manual* for additional information regarding erosion and sediment control requirements.

The Bureau of Environmental Services responded with the following comment: Please see Exhibits E-2 and E-3 for additional details.

In the BES Land Use Response dated October 2, 2009, staff could not recommend approval of the proposal because the possibility of including more comprehensive stormwater management had not been addressed as part of the retrofit of the parking lot. Revised plans received by BES on 10/16/09 modify the landscaped islands in the eastern portion of the lot to treat runoff, and a vegetated stormwater facility at the southeast corner of the site at the existing catch basin was added. This configuration is *conceptually* acceptable to BES, as it more closely adheres to the spirit of the Memorandum of Understanding between OHSU and the City – in particular, Section V Stormwater Management. Additional details may be required at the time of permit review to ensure the proper functioning of the stormwater facilities.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 28, 2009. 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 Marquam Hill Design Guidelines.

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

Marquam Hill Design Guidelines

- 7. Enhance Relationships with Adjacent Forested Areas and Terwilliger Parkway.**
- 8. Strengthen Connections to the Village Center.**
- 9. Further the Implementation of the Site Development Concepts.**

Findings: Improving an existing asphalt parking lot by adding ground cover, shrubs, trees and stormwater facilities, the project “enhances the relationship with adjacent forested areas” and “eases the transition from building to open space”. The landscaping will improve the view of the parking lot from the nearby Village Center. Similarly, the landscaping will soften the negative impacts of an asphalt parking area on pedestrian traffic throughout the campus and nearby neighborhood. These guidelines are met.

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification Request: Section 33.266.130 G. and Table 266-5 require 5’ of L2 perimeter parking lot landscaping. The proposal does not provide perimeter parking lot landscaping along SW 9th Avenue and substandard perimeter landscaping along SW Sam Jackson Park Road.

Purpose Statement: The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Findings: The south and west lot edges where perimeter landscaping requirements would apply are property line retaining walls, and the tops of their footings are exposed at grade level and extend into the parking lot. These footings cannot be disturbed or altered, according to the applicant’s representative. Because the adjacent grade changes already provide successful separation between pedestrians and the parking area (streets rise to 9’ above lot level and fall to 7’ below lot level), the required perimeter landscaping would not significantly improve that physical buffer. Further, for structural reasons, the required perimeter landscaping would have to be placed in such a manner that it would significantly impact the number of vehicle stalls. Overall, the resulting development fulfills the purpose statement in its entirety by adding landscaping and stormwater facilities and reconfiguring the parking area. And, applicable design guidelines are better met with the parking lot perimeter being physically separated from adjacent sidewalks through grade changes. The 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 applicable criteria are met.

ADMINISTRATIVE DECISION

Approval of design review for parking lot upgrades, including landscaping.

Approval of a modification to design review to perimeter parking lot landscaping along SW 9th Avenue. The proposal does not provide the required 5' of perimeter parking lot landscaping along SW 9th Avenue [Section 33.266.130 G. and Table 266-5].

Approval per the approved plans, Exhibits C-1 through C-19, signed and dated October 22, 2009, 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.19. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-146218 DZM. No field changes allowed."

Staff Planner: Kara Fioravanti

Decision rendered by:  **on October 22, 2009**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 27, 2009

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 July 24, 2009, and was determined to be complete on August 21, 2009.

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 July 24, 2009.

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 requested that this land use process allow for additional time to satisfy the Bureau of Environmental Services requirements stated in their October 2, 2009 response, Exhibit E.2. On October 21, 2009 BES submitted an addendum, Exhibit E.3, which conceptually complies with BES requirements for the land use review portion of this project.

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 10, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 Design 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 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 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 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 **November 12, 2009 – (the day following the last day to appeal)**.
- 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.

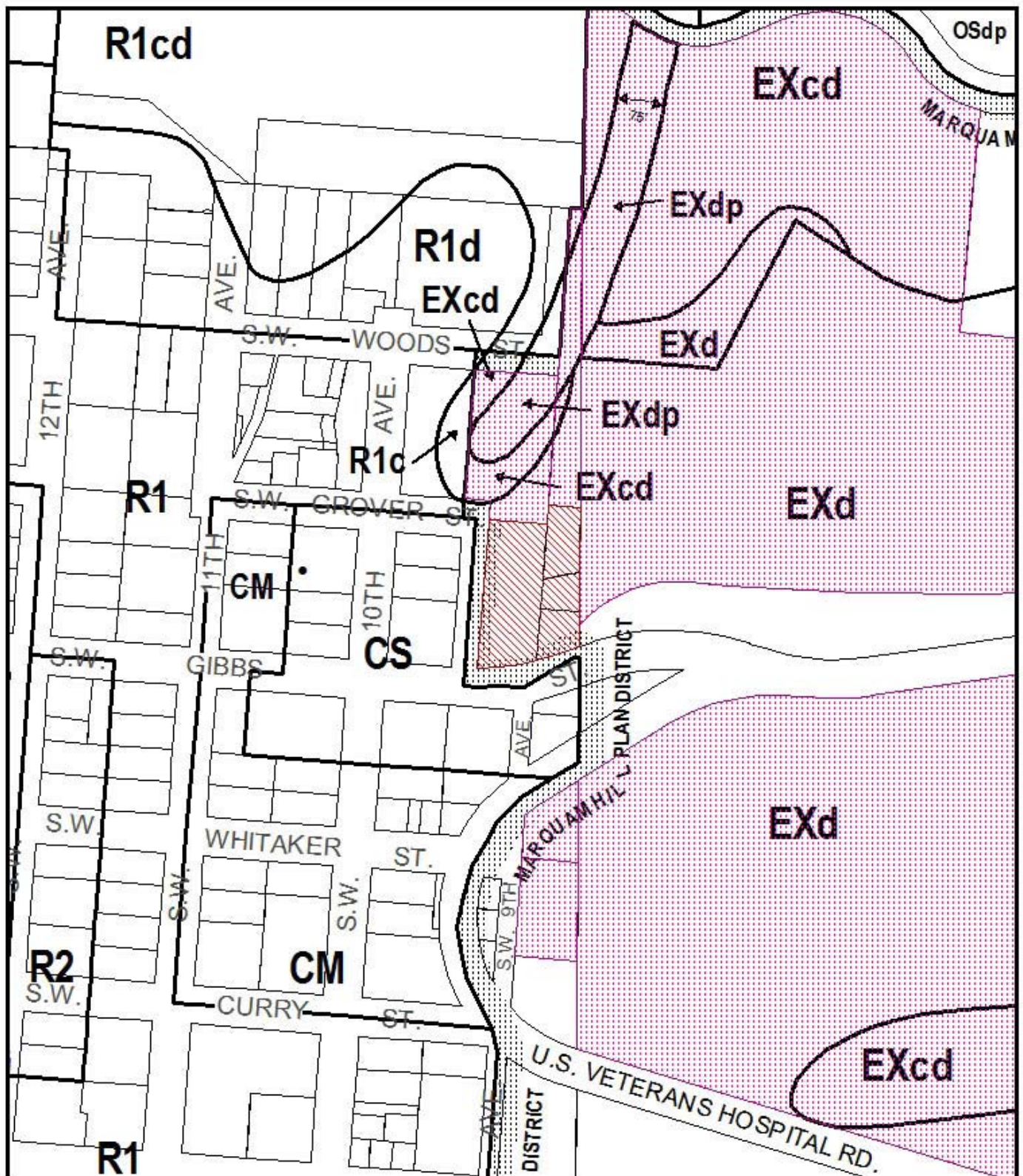
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Adjustment Approval Criteria
 2. Narrative
 3. Geotech Report, 4-13-88
 4. Existing Site Photos
 5. Stormwater Disposal Narrative
 6. Original drawings – not approved
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Vicinity map and Site Plan
 2. Existing parking (for reference only)
 3. Existing electrical (for reference only)
 4. Existing metering (for reference only)
 5. Existing fire (for reference only)

6. Existing stream (for reference only)
 7. Existing water (for reference only)
 8. Demo plan
 9. Erosion control
 10. Erosion control
 11. Materials plan
 12. Layout plan [attached]
 13. Planting plan
 14. Planting
 15. Irrigation plan
 16. Site details
 17. Site details
 18. Irrigation details
 19. Irrigation details
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Development Services, Site Development
 2. Bureau of Environmental Services
 3. Bureau of Environmental Services, addendum
- F. Correspondence:
- none received*
- G. Other:
1. Original LU Application
 2. Site History Research
 3. 04-023864 PR Reminder of nonconforming upgrades, 5-20-09
 4. Incomplete application, 8-6-09
 5. Transmittal, 8-21-09
 6. OHSU Letter of Intent, 10-14-09

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

- Site
- Also Owned
- Historic Landmark



This site lies within the:
MARQUAM HILL PLAN DISTRICT

File No.	LU 09-146218 DZM
1/4 Section	3328
Scale	1 inch = 200 feet
State Id	1S1E09AC 3500
Exhibit	B (Aug 14, 2009)



*note: island will be 3' shorter in this location to provide adequate separation from existing manhole

fh 012
09-146218