



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: March 8, 2011
To: Interested Person
From: Susan McKinney, Land Use Services
503-823-7809 / Susan.McKinney@portlandoregon.gov

**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 11-105565 DZ (PSU – PROTECTIVE NET)

GENERAL INFORMATION

Applicant: John May, John May Construction Inc.
33398 Blaha Road
Warren OR 97053

Owner: Kate Vance, Portland State University
202 University Services Building
Portland, OR 97201

Owner: Oregon State Of (Bd Of Higher Education)
PO Box 3175
Eugene, OR 97403-0175

Site Address: 1075 SW HARRISON ST

Legal Description: BLOCK 239 LOT 1-8 TL 6600, PORTLAND; BLOCK 270 INC PT VAC ST LOT 2&3 LOT 5-7 EXC PT IN HWY INC PT VAC ST LOT 8 EXC PT IN HWY; INC PT VAC STS LOT 144, PORTLAND

Tax Account No.: R667726290, R667730250
State ID No.: 1S1E04DA 06600, 1S1E04DB 00100
Quarter Section: 3128

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - University Sub-District
Zoning: CXd (Central Commercial with Design Overlay zone)

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

Proposal:

The applicant requests design review approval for a proposal to add a 183-foot long by 20-foot tall protective net at the east end of the Peter Stott Community Field. The field is located between (vacated) Harrison and Hall Streets and (vacated) 10th and 12th Avenues. The net will be located directly behind (to the east) of the existing three-foot tall black iron fence that runs the length of that end of the field.

The net will be supported by approximately 21, 4-inch round and 20-foot tall galvanized steel posts which are powder coated black. The posts and net will resemble the existing larger posts and protective net at the west end of the field. There will be balls at the top of each post that mimic the balls that are on the caps of the existing three-foot tall black iron fence. The netting material is black polyester filament in a 1 ¾" square pattern.

The purpose of the net fence is for safety of pedestrians and protection of the Millard Library windows from athletic projectiles (mainly lacrosse balls).

Alterations to existing development in Central City require design review approval.

Relevant Approval Criteria:

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

- Central City Fundamental Guidelines

ANALYSIS

Site and Vicinity: Portland State University is generally located at the south edge of the downtown core, bounded by I-405 on the south and west as the freeway curves around the Central City area. The PSU ownership extends east to SW Broadway and north approximately to SW Market. The specific development area is adjacent to the east end of the Peter Stott Community Field which is to the north of the Peter Stott Center building and to the west of Millard Library. Directly to the north of the field is the partially completed Walk of the Heroines, an outdoor, inspirational gathering place to honor women which when completed will contain concrete paving and pavers, artwork, a fountain, planting beds, lighting, benches, a swale and an information kiosk.

The field is mostly surrounded by a three-foot tall black iron fence atop a retaining wall of varying heights, depending on the grade. As mentioned in the Proposal section above, there is a similar, though taller, protective fence that runs west of the field, approximately the entire distance of that north/south field edge.

At the east edge of the field, the iron fence and retaining wall are adjacent to a slightly down-sloped planting area that terminates at a curb delineating a pedestrian walkway between the library and field area. Currently there are 6 trees and several shrubs and four decorative light standards in that planting area.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

Land Use History: There have been many land use reviews for projects on the PSU campus. A 1998 review, LUR 98-00428 DZ, was the case that approved the Stott Field development. Other

recent PSU cases include:

- LU 01-000805 DZM, AD, LU 03-125645 DZ, LU 03-110817 DZ and LU 02-106839 CU approval for a new student housing project along SW 12th Avenue (at Montgomery), Birmingham Housing.
- LU 02-108325 HDZ, AD and LU 02-156536 HDZ approval for the Helen Gordon Child Development Center expansion.
- LU 02-00012 DZM (alternate TRACS #LU 02-008224 DZM) and LU 03-152617 approved a new Native American Student & Community Center on SW Jackson.
- LU 02-148154 DZ approved a cover over a portion of an existing bicycle parking area, near the Stott Center athletic facility.
- LU 02-143292 DZ approved a garden/plaza/path project honoring women titled “Walk of the Heroines” near the SW Harrison vacated right-of-way between SW 11th and SW 10th Avenues.
- LU 03-125645 DZ, LU 03-156768 DZM and LU 03-143335 CU a new mixed-use project with student housing at SW Broadway and Jackson, SW Broadway Housing.
- LU 03-101009 DZ and LU 02-121346 approved a new Engineering Department building along SW 4th Avenue near SW College Street.
- LU 06-152659 DZ CU, which approved a greenhouse facility south of Stott Athletic Center in two phases.
- LU 06-168568 DZ, which approved a total of four 70’ light poles at Stott Athletic Field.
- LU 07-143997 DZ, which approved the Walk of the Heroines (directly north of the Stott Athletic Field) in two phases.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 4, 2011**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development and Life Safety Sections of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 4, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 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. 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 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.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

Findings: The proposed protective netting will resemble the existing protective net on the opposite end of the field, along the west edge even though that protective net is much taller with posts larger in diameter and height. Also, the caps and balls on top of the new posts will resemble the caps and balls on top of the existing three-foot tall iron fence that will be directly adjacent to the new net. *This guideline is met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: Installation of the protective netting will not interrupt or diminish the existing access routes around the field. The existing sidewalk, building frontage zone, street furniture, movement zone and curbing will not be changed in any way. The purpose for the net is to protect pedestrians walking between the field and the library and the library itself from athletic projectiles, mainly lacrosse balls. *These guidelines are met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

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.

Findings: The polyester filament, 1 ¾ inch square black protective net will be tied to the 4-inch round galvanized, powder-coated black steel posts every 1 ½ feet. While the netting will be unobtrusive and difficult to detect from certain distances, the materials used should withstand the effects of time and weather and continue to meet its intended purpose. The typical treatment for the net is with a black latex coating for added UV protection, extended net life and abrasion resistance. The applicant's technical specification sheet indicates a 5+ year lifespan for the net. On the other hand, while the current intention is for the netting to be a permanent fixture, it could be easily removed for future building development. The proposed net and posts mimic the existing protective net and posts at the west end of the field and blends well with the 3-foot tall iron fence that mostly surrounds the field. *These guidelines 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

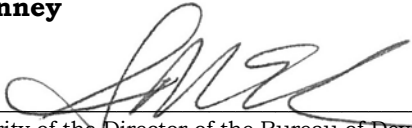
The proposal to install a protective net at the east edge of the Peter Stott Community Field will increase safety for pedestrians walking between the field and the library and protect the library's west-facing windows as well. The net itself will be visible only at close distances and the posts with top cap and balls will mimic the existing protective netting at the west edge of the field and the 3-foot tall black iron fence that surrounds most of the field. The proposal has met the applicable design review guidelines.

ADMINISTRATIVE DECISION

Approval of the proposal to add a 183-foot long by 20-foot tall protective net at the east end of the Peter Stott Community Field located on the Portland State University campus contained within the Central City Plan District, University Sub-District, per the approved site plan and drawings, Exhibits C.1 - C.4, signed and dated March 4, 2011 and 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-105565 DZ. No field changes allowed."

Staff Planner: Susan McKinney

Decision rendered by:  **on March 4, 2011**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 8, 2011

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, 2011, and was determined to be complete on February 4, 2011.

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, 2011.

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: June 4, 2011.**

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 March 22, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all

information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 **March 23, 2011 – (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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;

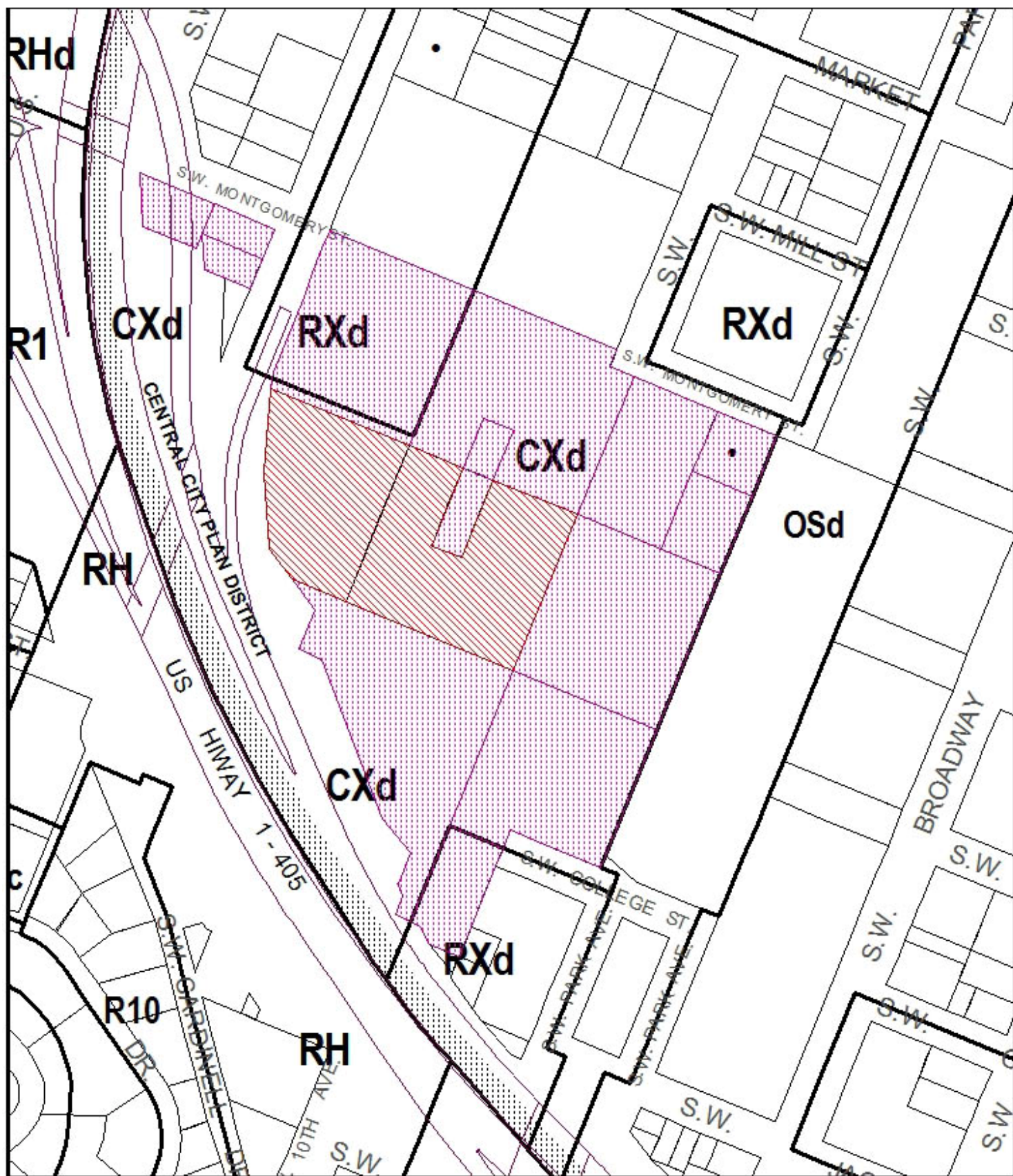
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. photos of field area and existing net and fence
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan of Field area and surrounding buildings (attached)
 - 2. Site Plan of area of development (attached)
 - 3. Elevation drawing of fence and posts (attached)
 - 4. West Coast Netting Technical Specification Sheet (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
- F. Correspondence: - None submitted
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).



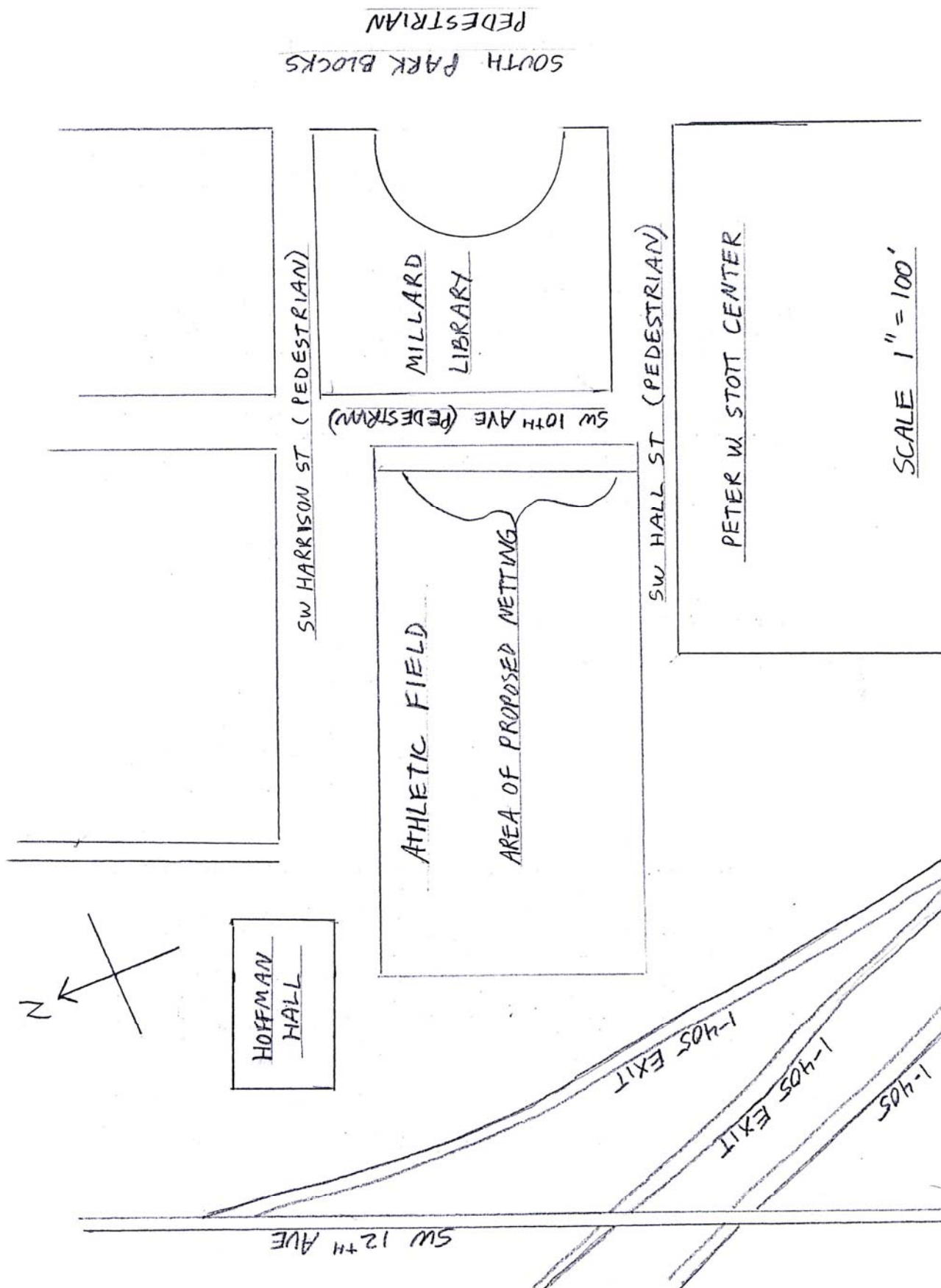
ZONING

- Site
- Also Owned



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 11-105565 DZ
1/4 Section	3128,3228
Scale	1 inch = 200 feet
State_Id	1S1E04DA 6600
Exhibit	B (Jan 26,2011)



SOUTH PARK BLOCKS
PEDESTRIAN

SCALE 1" = 100'

205565DZ-111

Exhibit C.1

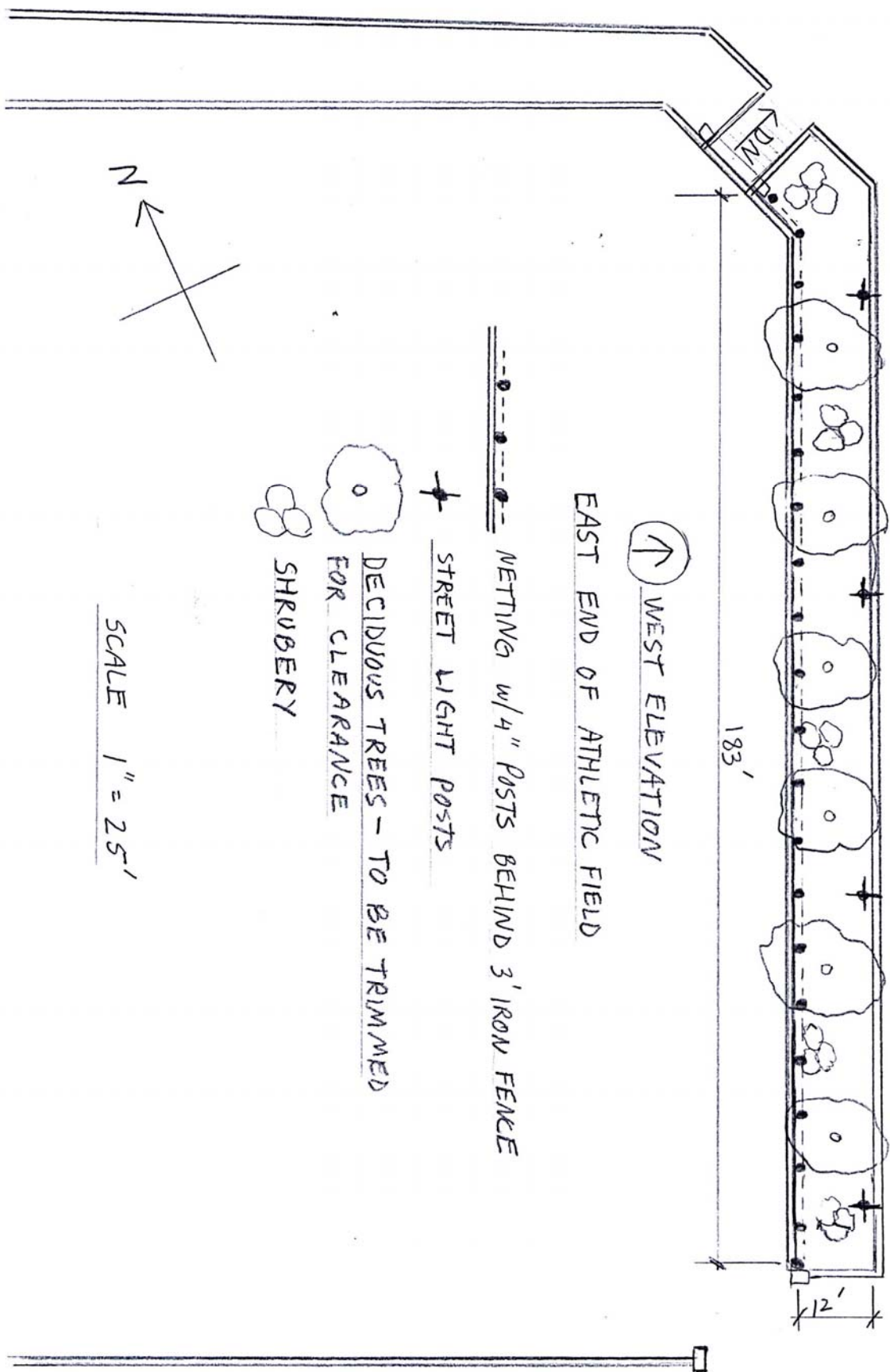
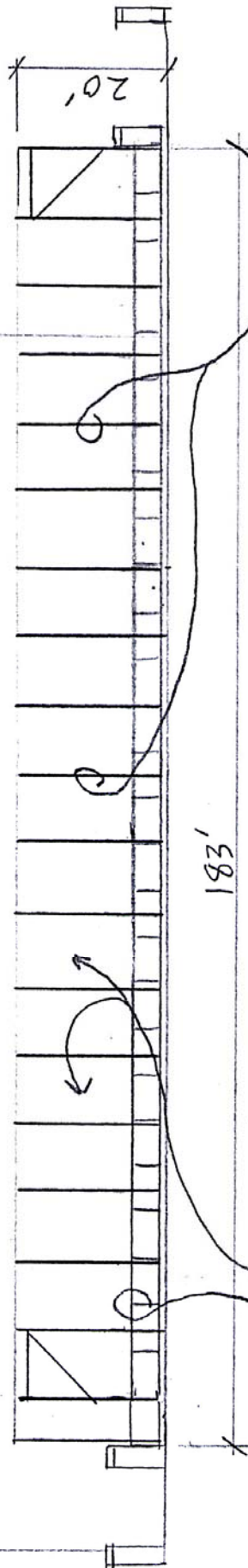


Exhibit C.2

MILLARD LIBRARY BEYOND



POLYESTER FILAMENT, 1 3/4" SQUARE NETTING, BLACK, TYP.

4" GALVANIZED POSTS, POWDER COATED, BLACK, TYP.

EXISTING 3' HIGH IRON FENCE, BLACK, ON CONCRETE CURB

WEST ELEVATION

SCALE 1" = 25'

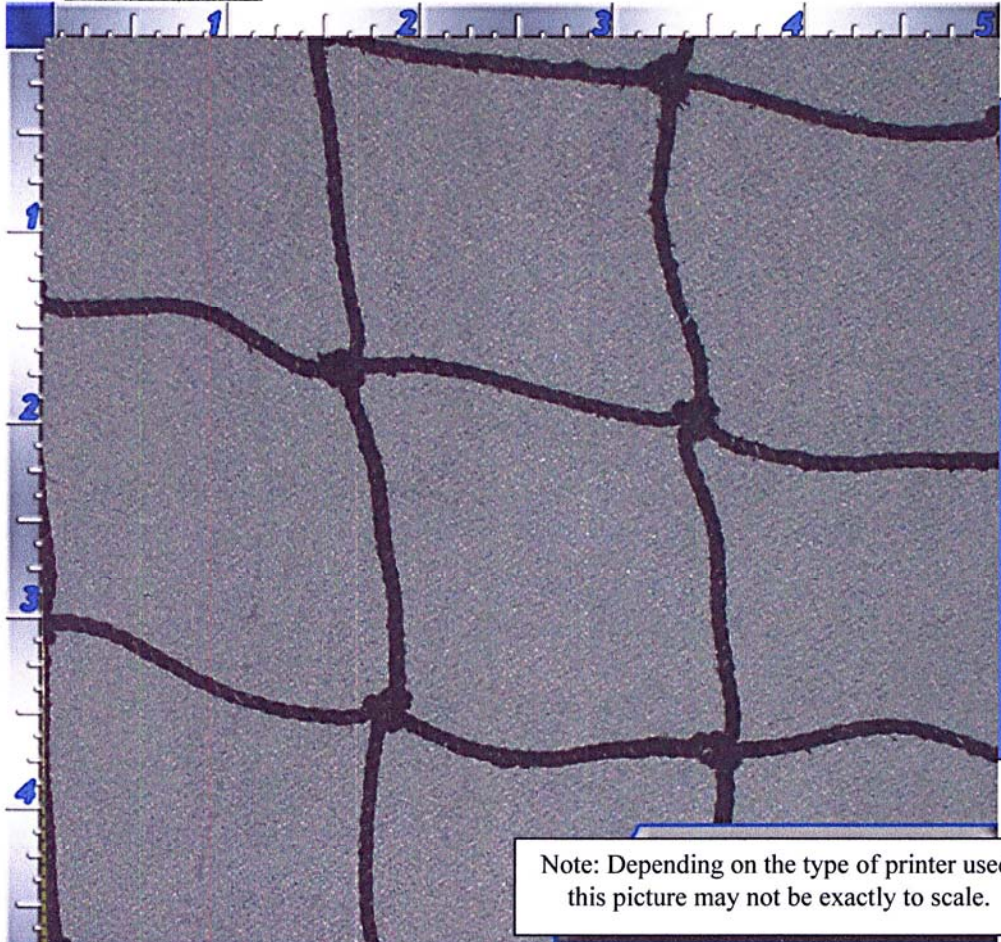
Exhibit C.3



West Coast Netting Technical Specification Sheet

5075 Flightline Drive, Kingman, AZ 86401
(800) 854-5741 • info@westcoastnetting.com

Model No: #K21T-1 3/4"



Fiber Content: 100% Polyester Filament

Construction: Three-strand twisted twine in a knotted composition.

Mesh Style: Manufactured on the bias (or diamond) but cut on the square for custom sizes.

Yield: 40 square feet per pound.

Mesh Size: 1 3/4" square mesh or 3 3/4" Stretched Mesh

Twine Diameter: Approx. 1/16" or 0.063"

Approx. Wind Load: 8% of solid

Mesh Breaking Strength: 165 pounds
(Per ISO method 1806).

Life Span: 5+ years

Treatment Options: Typical treatment is with a black latex coating for added UV protection, extended net life and abrasion resistance. We also offer this same treatment in a variety of colors including a clear and we can add a Flame Guard product (complete with certificate).

Borders: Typical border is a black 3/8" polypropylene hollow-braid rope border. This netting is doubled over and then the rope is laced in and out of every mesh to form a complete border for attachment. Other methods available are 1.5" & 2" vinyl and webbing borders that are sewn along the perimeter with grommets for attaching points.

LU11-105565DZ

WCN being the manufacturer of the above described product does hereby provide this information as to the best of our knowledge to be true and accurate. This information is being offered as a possible helpful suggestion in experimentation you may care to undertake along these lines. It is therefore subject to revision as additional knowledge and experience are gained. Except when agreed to in writing for specific conditions of use, no warranty or guarantee, expressed or implied, is made regarding the performance of any product, since the manner of use and handling are beyond our control.

Exhibit C.4