



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

RECORDER

Please stamp the County Recorder's copy of the recording sheet and return with the attached decision to City of Portland, BDS 299/5000/BDS LUR

Please bill City of Portland, Account #1113

Multnomah County Official Records	2022-014284
E Murray, Deputy Clerk	02/07/2022 02:28:33 PM
LUA-LUA Pgs=6 Stn=65 ATKH	\$101.00
\$30.00 \$11.00 \$60.00	

FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON December 2, 2021

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

BUREAU OF DEVELOPMENT SERVICES STAFF: Hannah Bryant 503-865-6520 /
Hannah.Bryant@portlandoregon.gov

The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

GENERAL INFORMATION

Owner/Applicant: Kyle Davis | Oregon Public Broadcasting Foundation (OPB)
7140 South Macadam Ave
Portland, OR 97219
kdavis@opb.org

Contact Person: 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 Leah Fisher at
leah.fisher@portlandoregon.gov

Business District: South Portland Business Association, contact
info@southportlanddba.com.

District Coalition: In care of Office of Community and Civic Life, contact Leah Fisher at
leah.fisher@portlandoregon.gov

Plan District: Macadam

Other Designations: None

Zoning: CM2 (MU-C)d g – *Commercial 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.
- Stormwater treatment planters to mitigate on-site stormwater runoff.

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 Type III Design Review approval (DZ 15-87) that required an approximately 3-foot landscape strip along the site’s eastern edge. Per 33.730.140, “*Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria.*”

Modifications are requested to three required development 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 approval criteria of Title 33, Portland’s Zoning Code. The relevant approval criteria are:

- *Macadam Corridor Design Guidelines*
- *Greenway Design Guidelines*
- *33.825.040, Modifications That Will Better Meet Design Review Requirements*

CONCLUSIONS

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. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for:

Approval of Design Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds, and a new landscape planter strip along the site’s southern boundary, per the approved site plans, Exhibits C.1 through C.3 and C.5 through C.7, subject to the following conditions:

Approval of Modifications for the following:

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.

Approval of Greenway Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds to serve as stormwater treatment facilities if deemed feasible by BES at permitting, and a new landscape planter strip along the site’s southern boundary.

Approval to remove a previous Condition of Approval from case file # 15-87: A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.

Approvals with the following Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-012886 DZM GW". 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. Within two years of final approval of this land use review the property owner shall either 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or, 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.

A. No field changes allowed.

Certified Copy of Original,

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By: _____
Julie Livingston, Design Commission Chair

Application Filed: February 9, 2021

Decision Rendered: December 2, 2021

Decision Filed: December 3, 2021

Decision Mailed: December 22 2021

Last date to Appeal: January 5, 2022 by 4:30 pm

Effective Date (if no appeal): January 26, 2022 Decision may be recorded on this date

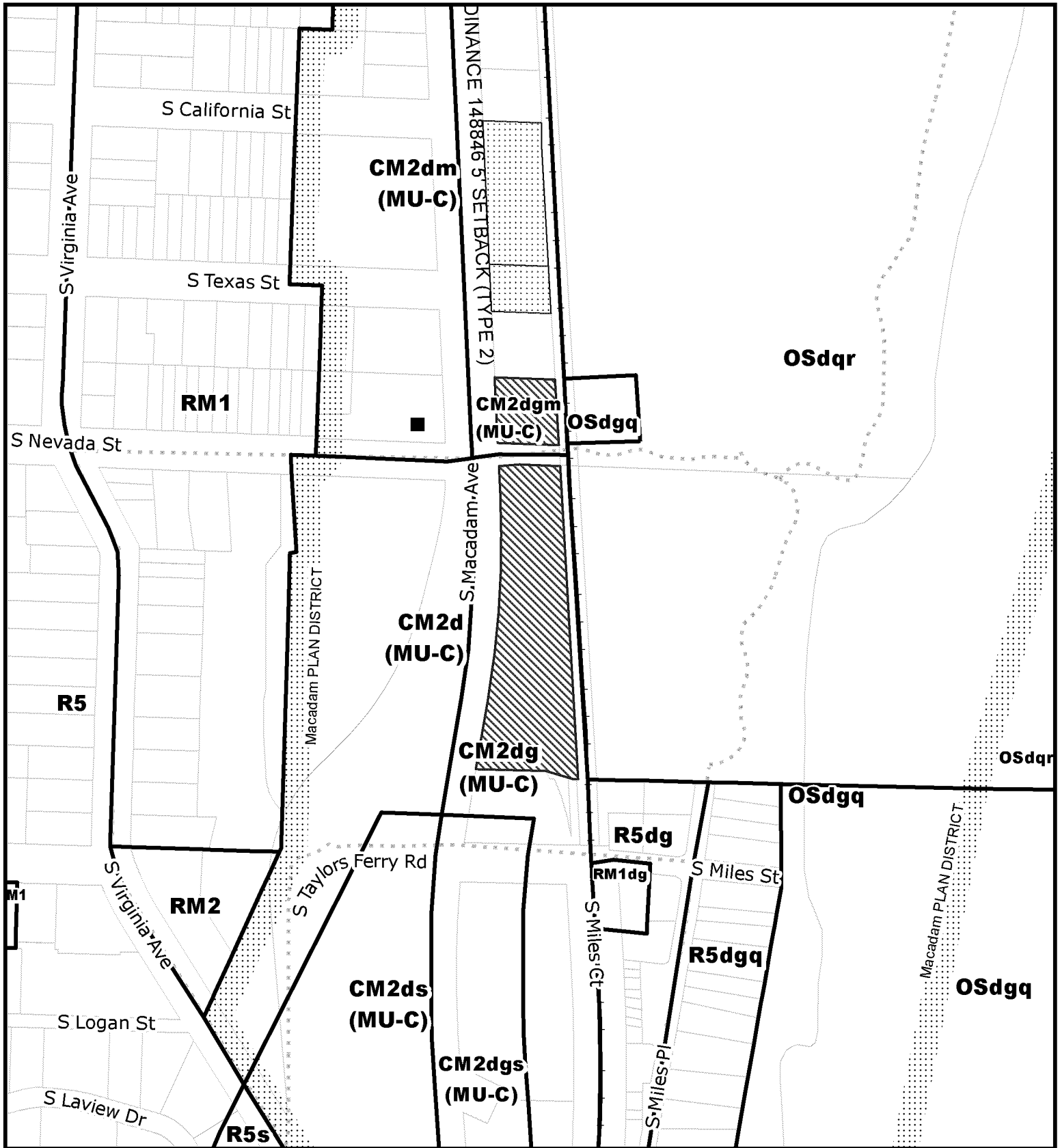
Kimberly Tallant, Principal Planner

City of Portland
Bureau of Development Services
1900 SW Fourth Ave, #5000
Portland, OR 97201

Date: January 6, 2022







Representative



ZONING



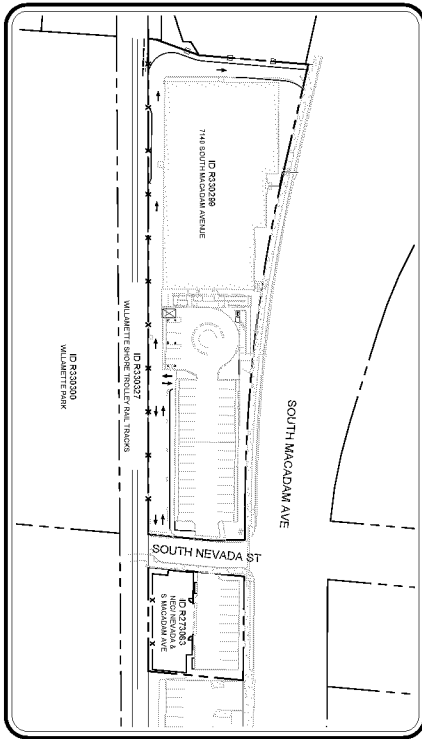
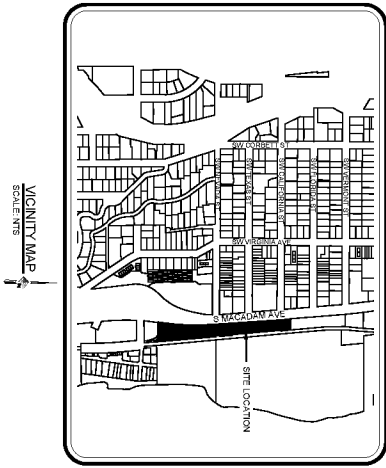
MACADAM PLAN DISTRICT

-  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

OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



- SHEET INDEX**
- L1.0 COVER SHEET
 - L2.0 EXISTING CONDITIONS AND DEMO PLAN
 - L2.5 CONSTRUCTION MANAGEMENT PLAN
 - L3.0 SITE / LANDSCAPE PLAN
 - L3.1 PLANT MATERIALS LEGEND AND DETAILS
 - L3.5 FENCE AND ART MURAL RENDERING

PROJECT TEAM

OWNER
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
PORTLAND, OR 97219
PHONE: (503)353-1888

PLANNER
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
PHONE: (503)280-9641

LANDSCAPE ARCHITECT
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
PHONE: (503)280-9641

LU 21-012866 DZM GW
C.1

<p>DOWL www.dowl.com 720 SW Washington Street, #750 Portland, Oregon 97205 971-280-9641</p>	<p>OPB - MACADAM AVENUE NONCONFORMING UPGRADES PORTLAND, OR COVER SHEET</p> <p>LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON</p>	<p>FOR REVIEW ONLY</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV	DATE	DESCRIPTION	BY																
REV	DATE	DESCRIPTION	BY																				
<p>SHEET L1.0</p>	<p>PROJECT: 14545-01 DATE: 11/09/2021</p>																						



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FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON December 2, 2021

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PC # 20-121512
Site Upgrades

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7140 South Macadam Ave
Portland, OR 97219
kdavis@opb.org

Contact Person: 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 Leah Fisher at leah.fisher@portlandoregon.gov

Business District: South Portland Business Association, contact info@southportlanddba.com.

District Coalition: In care of Office of Community and Civic Life, contact Leah Fisher at leah.fisher@portlandoregon.gov

Plan District: Macadam

Other Designations: None

Zoning: CM2 (MU-C)d g – *Commercial Mixed-Use 2 with a Design Overlay and Greenway Overlay*

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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 approval criteria of Title 33, Portland’s Zoning Code. The relevant approval criteria are:

- *Macadam Corridor Design Guidelines*
- *Greenway Design Guidelines*
- *33.825.040, Modifications That Will Better Meet Design Review*

Requirements

ANALYSIS

Site and Vicinity: The subject property is comprised of two parcels, both bounded by South Macadam Avenue on the west side, and a rail right-of-way on the east side. The two parcels are divided by South Nevada street, which does not continue to the east of these parcels but ends at the rail right of way. To the east of the rail right-of-way is the 26.85-acre Willamette Park, located between the train tracks and the Willamette River.

The southern 1.24-acre parcel has a low-rise office building and attached two-level structured parking facility. At the eastern edge of this parcel, a surface driveway begins at South Nevada street, wraps behind the building, and around the southern edge of the building to exit onto S. Macadam Avenue.

The northern parcel is approximately .21-acres (9,255 square foot) and has a surface parking area on the western half, and a fenced area housing multiple large radio transmitter satellite dishes and associated equipment on the eastern half of the parcel.

The Macadam area has a significant cultural history that serves to inspire current development and the design guidelines. For centuries Native Americans, primarily the Kalapuya peoples, lived and thrived in this area, using the Willamette River as a transportation corridor. The riverfront area that is now Willamette Park was part of a large network of wetlands and a popular camping location during the salmon runs. Modern development, including buildings located close to the river, removal of native vegetation and use of impermeable building materials has degraded the vital resources and adversely affected Tribal customs traditionally practiced in this area.

Beginning in the mid-1800s, this area was developed by river- and rail-dependent industries. Commercial businesses along the west side of South Macadam supported the industrial uses. As a result, the east side of South Macadam Avenue has large, irregular shaped lots, whereas the west side of South Macadam has a traditional, well-connected block pattern. Following World War II, much of the industry in this area relocated, and the large parcels were redeveloped as campus-like office spaces. This further cemented the disconnect between South Macadam Avenue and the river and resulted in large surface parking lots and an unwelcoming pedestrian environment.

The subject parcel is indicative of these historic development patterns. Numerous parcels owned by Oregon Public Broadcasting (OPB) and its affiliates extend for approximately 1000' between South Macadam Avenue and the TriMet rail right-of-way. To the east of the rail right-of-way is Willamette Park, a 26.85-acre public park with a boat dock, paths, picnic areas, sports facilities, and a dog park. To the southeast of the OPB office building, a small residential neighborhood is accessed from S. Miles Street, located between the commercial and industrial businesses along S. Macadam and the rail right-of-way to the west, and the river to the east. Willamette Park provides a lush buffer to the north, and Butterfly Park Naturescape is a 1.07-acre undeveloped area of Willamette shoreline to the south.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 Greenway Overlay Zones, designated as “g”, “i”, “n”, “q” or “r” are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro's Title 3.

- The River General “g” allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

The Macadam Plan District implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

Land Use History: City records indicate that prior land use reviews include:

- LU 17-203778 DZM GW – Design Review and Greenway Review approvals for exterior alterations including three new windows and canopies, new ADA ramp and pedestrian stair, five new rooftop HVAC units, landscaping and new garage loading door. Included three Modifications to Pedestrian Standards and Special Street Setback. Following this review, the associated building permit triggered non-conforming upgrades. The applicant chose to sign a covenant (the Option II NCU Covenant), deferring all required upgrades for two years from the date of permit issuance. The covenant requires the applicant to upgrade all the nonconforming elements from the specific list of Development that must be brought into conformance listed in 33.258.070.D. *Staff note: The covenant requires full compliance or an Adjustment for the standards listed. This 2021 review is prompted by the applicant seeking Modifications for standards related to these non-conforming upgrades.*
- LU 13-189448 DZ – Design Review approval for a new generator on a concrete pad, surrounded by stained cedar lap siding screen and chain link fence, and removal of three parking spaces.
- LU 10-126156 DZ – Design Review approval to increase building footprint by 81 square feet to add an internal stair.
- LU 87-004406/87-004405 – Land Use Review approval for a new three-story building. This City-Council approval included numerous conditions of approval, including one for ‘a landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.’ *Staff note: Because this initial approval was a Type III procedure, and the applicant seeks to remove the landscaping Condition of Approval attached to the original approval, this 2021 review is required to be a Type III review.*

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **September 2, 2021**. The following Bureaus have responded with no issue or concerns:

- Life Safety (exhibit E.1)
- Urban Forestry (exhibit E.2)
- Site Development Section of BDS
- Fire Bureau
- Water Bureau
- Portland Bureau of Transportation
- Bureau of Environmental Services (exhibits E.3 and E.4)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 2, 2021**.

Multiple written responses have been received from a single notified property owner in response to the proposal.

- Mike Dowd – multiple dates beginning February 17, 2021. This neighbor has numerous concerns with existing site conditions including possible zoning violations and non-conforming upgrades. This neighbor is concerned that there may be other existing, non-conforming situations on the site that are not related to non-conforming upgrades, that may need to be investigated and resolved through Code Compliance. Mr. Dowd’s concerns include but are not limited to whether the building footprint complies with the 1988 approval; measurements of existing landscape areas; existing fencing; location of existing paving; trash screening; interior parking lot landscaping; rooftop mechanical, and lighting.

Staff Response: *Staff appreciates the specificity of the neighbor’s communication and has worked with the neighbor to better understand their top priorities related to this site, and to clarify what elements may be reviewed as part of this review and what possible zoning violations will require further investigation through BDS’ Code Compliance Division. Staff has worked with the applicant to address most of the neighbor concerns in the proposal and has noted additional elements that must be resolved at permitting in the Development Standards section. All correspondence is exhibited in the F. Exhibits and in TRIM (<https://efiles.portlandoregon.gov/Record/14617105/>).*

PROCEDURAL HISTORY

An application for this proposal was submitted on February 9, 2021. The application was deemed incomplete on March 11, 2021. The applicant requested the application to be deemed complete on August 5, 2021. The first hearing was originally scheduled for September 30, 2021 (within 56 days of being deemed complete) but was postponed to November 4, 2021 at the applicant’s request. At the first hearing on November 4, 2021, Mike Dowd requested that the record be left open, prompting a mandatory 21-day extension before the Design Commission may vote on the proposal.

- During the first (7) seven days of the extension the applicant submitted an updated narrative and updated drawings. The new drawings included a revision to the originally proposed barbed wire atop the fence around the satellite dishes, as requested by the Design Commission. Mr. Dowd submitted six letters.
- During the second (7) seven-days of the extension, Mr. Dowd submitted an additional letter responding to the applicant’s updated submittal.
- Neither party submitted additional information during the third (7) seven-day period.

The Design Commission reconvened on December 2, 2021 with a closed record. Staff presented the limited changes to the previous submittal, and the Commission voted unanimously to approve the Design Review, Greenway Review and Modification Reviews.

ZONING CODE APPROVAL CRITERIA

1. DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area.
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district.
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

Macadam Corridor Design Goals and Guidelines

The following goals are specific to the Macadam Corridor Design Zone.

- Create and improve connections, both physical and visual, between the river, Greenway Trail, Willamette Park, and the residential community west of Macadam.
- Encourage opportunities for public use and enjoyment of the waterfront.
- Promote a quality of development in this scenic entry corridor to the Downtown that complements Macadam's landscape treatment.
- Require excellence in design for projects within the Corridor, particularly by assuring that new development contributes to the formation of a rich and diverse mixture of uses and styles in scale with each other.
- Add to the scenic qualities of the river and the Greenway Trail.
- Promote compatibility of new development with the river, surrounding uses, and the neighborhood.

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

Macadam Corridor Design Guidelines

1. Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.

- Promote physical and visual contact between the river and the area west of Macadam Avenue.

- Orient buildings, which front Macadam Avenue to preserve views of the river, Willamette Park and the Greenway.
- Integrate the east and west sides of Macadam Avenue by creating views of the river which align with streets on the east side of Macadam.
- Take particular advantage of opportunities to create and protect views, which align with Southwest Texas, Florida, Pendleton, Idaho, Nebraska, Dakota and Hamilton Streets.
- Rooftops of buildings should be carefully designed to enhance views.
- Plant on-site trees, which will grow to a sufficient height to soften new development and screen parking areas while selecting species and planting locations, which enhance view corridors to the river.

2. Physical Connections. Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.

- Orient structures and parking areas to facilitate access for pedestrians between adjacent uses.
- Extend street tree planting west of Macadam.
- Reinforce connections for pedestrians between the Willamette River Greenway and Macadam Avenue.
- Provide safe, comfortable places where people can slow, sit and relax. Locate these places adjacent to sidewalks, walkways and the Greenway Trail.
- Provide sidewalks and pathways, through larger developments with landscaping which screens or separates these from parking and motor vehicle maneuvering areas.
- Provide walkways, which link parking areas to district-wide access systems for pedestrians.

Findings for 1 and 2: The proposal intends to address required non-conforming upgrades (Section 33.258.070 D.) resulting from a 2017 Design Review (LU 17 -203778 DZM GW AD). The proposed elements include a fence along SW Nevada street, abutting the sidewalk entrance into Willamette Park, and new trees on the east side of the existing parking garage. To achieve required parking lot landscaping requirements, the applicant proposes to remove four mature trees on the east side of the structured parking and to replace them with new landscaping planters to include nine deciduous trees.

The proposed trees will eventually grow tall enough to extend above the two-story parking structure and limit the views toward the river from uphill neighborhoods on the west side of Macadam. They will also serve as a visual cue to pedestrians on S. Macadam Boulevard that, on the other side of the approximately 350' long conjoined office building and parking garage, there is natural space – helping to foster a connection between the busy commercial boulevard and the riverfront park and publicly accessible waterfront. From the riverfront park, the new trees will serve to screen the views into the structured parking facility.

The proposed six-foot tall sight-obscuring fence proposed along the entire 480' length of the eastern property line will further screen the back-of-house functions such as parking access, loading and trash and recycling areas from the riverfront park and public right of ways. However, staff notes that the six-foot fence height does not replace the higher screening effects that the trees required by L2 landscaping would achieve. A neighbor has commented and provided photos demonstrating that the bright lights mounted the east façade are highly visible from nearby properties. Therefore, to mitigate the lack of tree canopy resulting from the Modification request and to minimize lighting impacts in this Pacific Flyway corridor, the applicant is proposing to include a minimum of five deciduous trees at the southern end of this property line and to replace all exterior lights on the east façade with dark sky compliant fixtures. The five trees at

the east property line will be located where the one-way drive aisle is widest, and the trees will not interfere with loading dock access or turning radius for service vehicles existing the property via the south driveway.

Therefore, this guideline is met.

3. The Water's Edge. Enhance the scenic qualities of the river and sites that abut the riverbank to contribute to an attractive and enjoyable Greenway Trail.

- Identify natural areas of the Willamette riverbank and preserve the natural qualities of these areas.
- Screen parking, loading and vehicular movement areas from the Greenway with rich landscape plantings.
- Locate buildings to protect access to sunlight on the Greenway Trail.

Findings for 3: The site does not abut the riverbank. However, the fencing will help obscure the existing OPB building and its associated radio broadcast equipment (satellite dishes and generator) from the pedestrian perspective within Willamette Park and along the Greenway Trail, which will contribute to the overall attractiveness and natural feel of the park and trail area.

Therefore, this guideline is met.

4. The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.

- Consider using awnings or other weather protection, street furniture, plazas, sculpture courts or other amenities for pedestrians to reinforce the boulevard design of Macadam.
- Abut pedestrian pathways with buildings or landscaping. Buffer with landscape screens, parking lots and structures, which are not oriented to pedestrians.
- Use landscaping to reinforce the boulevard character of Macadam and to provide visual connections with private property adjacent to Macadam.
- Trees interspersed with low-growing vegetation or grass should visually predominate over impervious surfaces.
- Provide frequent views from Macadam into interior ground level spaces of projects located along the Avenue.

Findings for 4: As shown on sheet L3.0 of the plan set, thoughtful and durable landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue. The layering of shrubs and canopy trees soften the vehicle area and enhance the boulevard's treatment and contribute to the attractiveness of this entrance to the City. The proposed sight-obscuring fencing will also further screen and shield the OPB building and satellite dish and generator area from views from Willamette Park, which serves as an additional pedestrian entrance to the City, and alternative to South Macadam Avenue.

Therefore, this guideline is met.

5. Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.

- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings for 5: The applicant proposes numerous elements to improve the site's compatibility with its surroundings and local character. These include perimeter landscape plantings, multiple six-foot sight-obscuring wood fences, and reconfiguration of the existing east driveway.

Landscape Plantings & Fence - As shown on sheet L3.0 of the plan set, extensive landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue and South Nevada Street. Differing uses to the east (Rail right-of-way, Willamette Park, and single-family residential) are proposed to be buffered from the site by a sight-obscuring six-foot wood fence where landscaping treatments are not possible due to site constraints. The layering of shrubs and canopy trees at the perimeter of the structured parking area, in conjunction with the proposed fence and additional trees at the east and south property lines, will soften the visual impact of the existing vehicle areas and enhance the transition between the existing development and adjacent residential areas and public open space.

To facilitate and enhance the proposed buffering of the site the applicant proposes to increase screening at the southeast corner of the site, which is closest to nearby single-family residential. The existing building and parking structure are located at a slight angle to the east property line, resulting in slightly more space between the building and the east property line at the south end of the site than the north end (see L3.0 – Site and Landscape Plan). This wider area provides space for larger plantings while still functioning as an active driveway and loading area.

At the south/southeastern portion of the site, a row of deciduous trees is proposed along the south property line, and an existing mature cherry tree is located at the corner is proposed to be replaced with an evergreen incense cedar. The applicant's landscape architect notes the cherry tree is approaching the end of its typical lifespan and is in poor condition. A neighbor has suggested that evergreen plant material at this location would better achieve the neighbors' desired year-round visual screening from the lights and activity at this location. Therefore, the applicant proposes to replace the older cherry tree with an evergreen tree that addresses the neighbor's request.

Driveway Reconfiguration - An existing driveway runs the length of the east property line behind the structured parking and office building. The driveway has operated as a one-way southbound, with vehicles accessing it from South Nevada street and, upon leaving the bottom level of the structured parking area and loading docks, turning right to continue around the south side of the building. This has resulted in all traffic driving through the site to the area closest to residential neighbors. The driveway exits onto South Macadam Avenue at a location where vehicles can only turn right.

With this proposal, the applicant intends to remove five existing parallel parking spaces between the northern portion of the driveway and the structured parking. The removed spaces will facilitate the construction of the new planters, to provide perimeter landscape screening and stormwater treatment, if feasible, for the structured parking. The planters are proposed to hold nine trees, as well as evergreen shrubs and groundcover to meet the perimeter landscaping requirements.

The expanded driveway width at the northern portion of the parcel will also facilitate converting the one-way drive to a two-way direction for this portion, which allows all vehicles existing the structured parking to turn left out of the bottom level of parking

and then exit the site via South Nevada. This results in reducing the vehicle traffic passing near the residential neighbors and allows exiting vehicles to leave the site at a location where cars can turn left or right onto South Macadam.

While all personal vehicles will now exit the site via South Nevada, all maintenance and delivery vehicles that utilize the loading area will continue to exit the site near the residential neighbors. To mitigate the ongoing vehicle impacts on the residential neighbors, the applicant proposes that a minimum of 5 trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence, and the trees shall comply with the native plant requirement of the Willamette Greenway Plan. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this guideline is met.

8. Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.

Findings for 8: The proposed fence, located at the eastern property line, will not preclude the potential light rail use of the rail right-of-way. It may benefit the current and future rail users by shielding some unsightly back-of-house functions associated with this property's eastern façade.

Therefore, this guideline is met.

2. GREENWAY REVIEW (33.440)

33.440.300 Purpose

Greenway Review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.350 Greenway Review Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

Willamette Greenway Design Guidelines

The purpose of the Willamette Greenway design guidelines is to help attain the goal and objectives of the Willamette Greenway Plan, particularly objectives 2, 3, and 4. The design

guidelines address the quality of the environment along the river, and require public and private developments to complement and enhance the riverbank area, particularly with regard to riverbank treatment, landscape enhancement, public access, and the relationship of structures to the Greenway Trail, the siting and design of viewpoints, and the design of view corridors.

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

A. Relationship of Structures to the Greenway Setback Area.

1. Structure Design. The Greenway setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to support the pedestrian circulation system, including both the Greenway Trail and access connections.

2. Structure Alignment. Where surrounding development follows an established block pattern, alignment with the block pattern should be considered in structure placement. Structure alignment should also take into account potential view corridors from existing public rights-of-way or acknowledged viewpoints. The pedestrian access system should be designed to take advantage of these alignments.

Findings for A: The OPB site is not within the Greenway Setback area. The applicant's proposed alterations to the site's landscaping and parking areas do not alter or hinder access to the Greenway trail or its access connections. Alterations to the site's existing buildings are not proposed. *Therefore, this guideline does not apply.*

B. Public Access

1. Public Access. New developments should integrate public access opportunities to and along the river into the design of the project. This includes the Greenway Trail, formal viewpoints, access connections to the Greenway Trail, and internal site pedestrian circulation.

2. Separation and Screening. The pedestrian circulation system, including Greenway Trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.

3. Signage. Access connections should be clearly marked.

4. Access to Water's Edge. Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water's edge is encouraged as part of the project.

Findings for B: The applicant's proposed alterations to the site's landscaping and vehicle areas do not alter the public access opportunities to and along the Willamette River, including the Greenway trail, viewpoints, access connections, and internal site pedestrian circulation.

The sole element of the proposal that may impact the public pedestrian circulation system and access to the Greenway trail is the replacement of an existing sight-obscuring fence along S. Nevada with a new sight-obscuring fence in the same location. The existing chain link fence is located at the property line, abutting the South Nevada pedestrian right-of-way, which is also a primary pedestrian entrance into Willamette Park. Detailed descriptions about why the fence is necessary at this location are included below in Section 3, Modifications, of this decision. However, while necessary for public safety, the existing fence at the property line abutting a pedestrian entry into a park does not enhance the pedestrian environment.

The existing chain link fence is topped by a layer of barbed wire. At the first hearing, the applicant's drawings proposed re-installing barbed wire above the new wood fence at this location. The Design Commission had concerns about the hostile appearance of the barbed wire so close to the pedestrian realm. The site manager noted that some form of climb deterrent is necessary to protect the satellite dishes within, which are part of a statewide emergency broadcast network. The Design Commission requested the applicant explore a more discreet form of climb deterrent. The applicant has since replaced the barbed wire with a low-profile spiked metal that sits at the back of the top rail of the fence. Staff has determined that the product will not be visible from the adjacent public realm, as it will sit above eye-level and only extends a few inches above the height of the fence.

To further mitigate the fortress-like effect of a fence located at the property line, the applicant proposes to stagger the fence, pushing it back six feet where internal equipment allows that configuration, and to plant the space between the fence and the sidewalk with a mix of narrow evergreen shrubs and deciduous ornamental grasses. Where the fence cannot be moved further back from the sidewalk, the applicant proposes to work with the Regional Arts and Culture Council (RACC) to mount public art panels onto the fence (see sheet L3.5). Adorning the required fence with items of visual interest will serve to strengthen the pedestrian connection between Macadam Boulevard and the riverfront park and Greenway trail, while also screening the pedestrian circulation system from exterior equipment.

While the applicant has proposed the public art concept, provided renderings of the public art on the fence does not include dimensions or location information, and has not yet determined the medium, timeline or budget for this element. Therefore, staff has included a condition of approval that the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

With the condition of approval that within two years of final approval of this land use review the property owner shall either:

- 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or*
- 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.*

With the condition of approval for interpretation or public art, this guideline is met.

E. Landscape Treatments.

- 1. Landscape Treatments.** The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition between a riparian treatment on the riverbank and a more formal treatment of the upland.

- 2. Grouping of Trees and Shrubs.** In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas of human use, and has the secondary value of increasing the value of the vegetation for wildlife.
- 3. Transition.** The landscape treatment should provide an adequate transition between upland and riparian areas, and with the landscape treatments of adjacent properties.

Findings for E: Consistent with the required non-conforming upgrades covenant signed on August 23, 2018 (PR 18-140945 NCU), upgrades to the site landscaping are included in this proposal. These requirements are primarily to meet the minimal code standards. Additionally, Modifications are proposed that reduce the area of some landscaping required to meet the code standards. To ensure that the purpose of the required landscaping is achieved the applicant has proposed a landscape plan that meets the intent of the landscaping standards on a constrained site. Consistent with the guideline, the proposed landscape treatments facilitate naturalistic groupings of trees in site areas furthest from human activity, while maintaining a more formal landscape treatment in areas with intense human use.

To ensure that the landscaping facilitates a transition between the abundantly treed riverfront park and the more intense uses along the rail right-of-way and this site's abutting driveway, which is lined with vehicle and service functions, the applicant has proposed to add a minimum of 5 trees along the east property line behind the OPB building, interior to the proposed wood fence. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Further, to facilitate a grouping of habitat-providing trees in an area furthest from human activity, the applicant has proposed a large, evergreen tree to be added at the southeast corner of the site. The evergreen tree will replace the existing cherry tree.

Therefore, this guideline is met.

F. View Corridors

- 1. Right-of-Way Protection.** View corridors to the river along public-rights-of-way are to be protected. These rights-of-way should not be vacated.
- 2. View Protection.** Buildings, structures, or other features must be located to avoid blocking view corridors.
- 3. Landscape Enhancement.** Landscape treatments within view corridors should frame and enhance the view of the river.

Findings for F: South Nevada Street is a designated view corridor per the Willamette Greenway Public Access Map. The applicant is not requesting vacation of South Nevada Street or other land use actions that would alter the right-of-way's protection as a view corridor. To mitigate the impacts of a six-foot sight-obscuring wall abutting this view corridor, staff has added the condition of approval that within two years of final approval of this land use review the property owner shall develop an interpretation signage program that tells the history of the history of the Macadam Greenway area or shall work with RACC to develop a public art installation at this location. The signage/public art shall be mounted or painted on at least the top four feet of at least 75% of the length of the proposed South Nevada satellite dish screening element, where that fence is within three feet of, and parallel to, the sidewalk. The art or educational signage at this location will serve to enhance the view corridor and pedestrian entrance to the Willamette Park while mitigating the lack of landscape enhancement along the north side of this street.

With the condition of approval that within two years of final approval of this land use review the property owner shall either:

- 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or*
- 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk,*

With this condition of approval, this guideline is met.

3. MODIFICATION REQUESTS (33.825)

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 #1: Parking Area Setbacks and Perimeter Landscaping, PZC 33.266.130.G.2 – To replace required perimeter landscaping with a six-foot sight-obscuring fence.

Purpose Statement: The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands. The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. 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.

Standard: 33.266.130.G.2.a.(3) / Table 266-5– Setbacks and perimeter landscaping apply to driveways. Five feet of L2 landscaping is required along the east property line where it abuts a C zone.

Additional standard: In the original 1987 design review for this site (DZ 15-87), a condition of approval was added stating “A landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.” *As part of this review, the applicant is requesting to remove this Condition of Approval.*

Modification #2: Loading Area Setbacks and Perimeter Landscaping, PZC 33.266.310.E

Purpose Statement: These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Standard: 33.266.310.E/Table 266-8, Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modifications 1 and 2: The modification to remove the 1987 condition of approval requiring approximately three feet of landscaping (DZ 15-87) and to Modify the current zoning code standard that requires five feet of L2 landscaping as a buffer along the eastern driveway/loading area and the abutting property (the rail right-of-way) with a six-foot sight obscuring fence better meets the design guidelines in this back-of-house, utilitarian environment abutting the train right-of-way. This property line is approximately 480’ feet long, with pedestrian right-of-way on the north side and no public access to the south end of the site. While not blocked from public access, the rail right-of-way is not a public corridor and only serves a private tourist trolley that runs on occasional weekends. It is not a form of public transit or operated by a public entity. Therefore, the visual screening benefit of the required L2 landscaping, which consists of low evergreen shrubs or a masonry wall to form a three-foot screen, with sporadic trees and ground cover, is minimal in this setting. The low landscaping will not effectively screen the back of house functions, including loading, structured parking access or a heavily used vehicle area.

The proposal to replace the low landscape screening with a six-foot tall sight-obscuring fence better meets the design guideline 5, Sub-Area Context by providing a screening that serves to buffer the site’s visual impact on nearby residential areas and the public park on the other side of the rail right-of-way. The taller, solid fence in conjunction with a minimum of five trees at the east property line is compatible with the intense commercial uses and vehicle traffic and loading functions on the subject site, and better screens the associated lights, noise, and views of those uses from the quiet, forested riverfront and nearby residential homes.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modifications 1 and 2: In preparation for addressing the required non-conforming upgrades on this site, the owners had the property surveyed. The survey revealed that the property does not extend as far back on the eastern side as previously understood. The original 1987 proposal and design for the building were based on the assumed larger site size. When the new survey revealed that the property line was a few feet closer to the building than previously understood, it became infeasible to provide either the current five-foot code required perimeter landscaping or the three-foot landscape strip required as a condition of approval in the original 1987 approval, while still retaining an operational on-site driveway and loading area. The driveway is two-way at the northern end, where employees use it to access the entrance to the bottom level of the parking structure. South of the entrance to the parking structure, the driveway is one way and serves the three loading doors, as well as the trash and recycling areas.

In a typical, urban site, there are myriad benefits for perimeter vehicle area landscaping. In this unusual context, on a parcel that is approximately two city blocks in length and abuts a rail right-of-way with no adjacent public sidewalks to the rail right-of-way, some of the listed purposes of perimeter landscaping are less applicable. The primary purpose of perimeter landscaping in this context is to improve and soften the appearance of parking areas, and to reduce the visual impact of parking areas from nearby residential zones. While there are no abutting residential zones (or residential uses on properties zoned non-residential), there is a nearby residential neighborhood on the other side of the train tracks and to the southeast of this property. One neighbor, who lives closest to this site, has provided numerous comments during this review, including photographs of the eastern edge of this site showing views into the parking area, trash/recycling and bright nighttime security lighting.

To this end, the screening benefits intended of the required landscaping may be better achieved by a taller sight-obscuring fence, particularly since the parking structure is both well-screened by nine deciduous trees and furthest from the nearby residential properties. The visual impact of the loading area, located at the south end of the site closest to the residential neighbors, will not be well screened by the L2 landscaping, and is better mitigated by the sight-obscuring fence. To further mitigate the off-site impacts of the security lighting on the eastern façade of this building, the applicant has proposed that all exterior lights on the east façade shall be dark sky compliant. To add additional year-round screening at the southeast corner of the site, closest to the residential neighborhood, a large, evergreen tree shall replace the existing cherry tree. To provide the additional screening height that the trees in L2 landscaping would provide, the applicant proposes a minimum of five (5) trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence. Trees may be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this Modification merits approval.

Modification #3: Fences, PZC 33.130.270.C.1.a

Purpose Statement: The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

Standard: 33.130.270.C.1 - Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

- a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
- b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

A. *Better meets design guidelines.* *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modification 3: The modification to increase the height of the proposed fencing along the South Nevada frontage stems from the existing location of the radio broadcast dishes, and the inability for both of the relevant fence code standards to be met with the existing radio broadcast dish configuration. Were the dishes moved to a location where they could be adequately screened with the code-required six-foot fence, and still have that fence be located more than ten feet from the street lot line, a Modification would not be required. However, since the dishes at this location were part of the original 1987 approval for this development; relocating this broadcast equipment would require disrupting the public emergency communication systems, and an existing six-foot sight-obscuring fence in the same configuration as the applicant intends to maintain has existed here without public complaint or conflict since 1988, staff concludes that a Modification to fence standards is warranted rather than requiring the applicant to move the satellite dishes, provided the Modification clearly meets both the approval criterion: that the resulting development will *better* meet the applicable design guidelines; and that on balance, the proposal will be consistent with the purpose of the standard for which the modification is requested.

The fencing at this location is required by PZC 33.274.040.C.8.a.(2), which requires screening around the base of any radio frequency transmission equipment. Multiple screening options are provided in this code chapter to meet this standard, but the existing locations of the equipment and its operational requirements preclude screening the area with L2 landscaping. The trees required in L2 landscaping would impede the clear area required by the transmission equipment. Of the required screening options listed in this code chapter, a fence is the only feasible option at this constrained location. To ensure safety of equipment and of the public, the Radio Frequency Transmission Facility code requires the fence be at least six feet in height and be totally sight-obscuring.

The second fence standard applicable to this area is in the base zone regulations, which states that fully sight-obscuring fences abutting street lot lines are limited to 3 ½ feet (or may be up to 8 feet high if they are 50 percent or less sight-obscuring) within the first ten feet of a street lot line. In this specific location, the abutting street ends at the east edge of this parcel, and only a pedestrian path continues eastward across the rail tracks to Willamette Park. Therefore, a taller, sight-obscuring fence at this location does not hinder visibility for motorists or endanger public safety.

Staff considered an alternative Modification to the standard in 33.274, which requires the fence to be totally sight-obscuring. The Modification could have allowed a six-foot fence that was 50 percent or less sight-obscuring. However, staff concluded that allowing the fence to be 50 percent or less sight-obscuring, to meet the standards in 33.130.270, and the resultant views of large satellite dishes, generators, and other equipment in this area, would detract more from the Greenway environment than a well-designed fence or other sight-obscuring screen.

Staff concluded that the Modification proposal at this location will, on balance, be consistent with the purpose of the standard to be modified. However, to ensure that the fence or solid screen proposed for this location *better* meets the design guidelines, staff has added a condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with

RACC to develop public art to be mounted or painted on at least 75% entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

South Nevada is both a mapped view corridor and a pedestrian entrance into Willamette Park. Using the required sight-obscuring fence at this frontage to mount art or educational signage, will better meet Macadam Corridor Design Guideline 2 – Physical Connections, by creating a common sense of unity that ties the site to the surrounding context.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modification 3: The purpose of the design standard is to ensure that tall, sight-obscuring fences do not negatively impact the community or block necessary visibility for motorist safety. The proposed six foot completely sight-obscuring fence will not impede visibility into and out of the site for pedestrians or motorists. Vehicle access on South Nevada Street does not continue past the rail right-of-way. Therefore, a completely sight-obscuring fence will not impede vehicle safety when vehicles enter and exit any of the OPB site's three driveways proximate to the proposed fence. Further, the fence screens broadcasting equipment, not an occupiable building that benefits from having visibility into and out of the site.

With the condition of approval that within two years of final approval of this land use review the property owner shall either:

- 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or*
- 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.*

With the condition of approval for interpretation or public art, this guideline is 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.

Trash and Recycling Screening: In the scope of this review, additional information was provided indicating that the trash areas were mistakenly categorized as internal (and therefore, not requiring screening) in the August 23, 2018 Non-Conforming Upgrade Covenant. Limited information at that time indicated that the trash and recycling area is located within an enclosed parking area. However, new information indicates that while the trash and recycling are beneath an overhang, the overhang does not have walls beneath it, and therefore they are not screened on all sides and are visible from the South Nevada public right-of-way. While the existing office building to the south of the trash area, and the new sight-obscuring fence to the east may provide sufficient screening to meet the Title 33 standards, permit approval shall necessitate additional screening on the north side of the trash and recycling area to fully screen it from the South Nevada right-of-way.

Radio Broadcast Dishes: The 2018 Non-Conforming Upgrade Covenant did not address the satellite dishes on the north parcel. However, the applicant addresses them as ground-mounted mechanical equipment in the submitted materials. Staff has determined that the satellite dishes are Radio Frequency Transmission Facilities, and not ground-mounted mechanical equipment. The required screening for these facilities is governed by PZC 33.274 and is not subject to the screening requirements of 33.130.235. This determination is consistent with other instances in Title 33 in which roof-mounted antennas are differentiated from roof-mounted mechanical equipment.

CONCLUSIONS

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. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for:

Approval of Design Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds, and a new landscape planter strip along the site's southern boundary, per the approved site plans, Exhibits C.1 through C.3 and C.5 through C.7, subject to the following conditions:

Approval of Modifications for the following:

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.

Approval of Greenway Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds to serve as stormwater treatment facilities if deemed feasible by BES at permitting, and a new landscape planter strip along the site's southern boundary.

Approval to remove a previous Condition of Approval from case file # 15-87: A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.

Approvals with the following Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-012886 DZM GW". 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. Within two years of final approval of this land use review the property owner shall either 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or, 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.
- C. No field changes allowed.

=====

By:  _____
Julie Livingston, Design Commission Chair

Application Filed: February 9, 2021
Decision Filed: December 3, 2021

Decision Rendered: December 2, 2021
Decision Mailed: December 22 2021

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

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 February 9, 2021.

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 waived the 120-day review period, as stated with Exhibit (Exhibit A.2). **The 120 days expire on: August 5, 2022.**

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on January 5, 2022. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@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.

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 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>.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,513.00 will be charged.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services website: <https://www.portlandoregon.gov/bds/article/411635>. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **January 5, 2022** 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Hannah Bryant
December 15, 2021

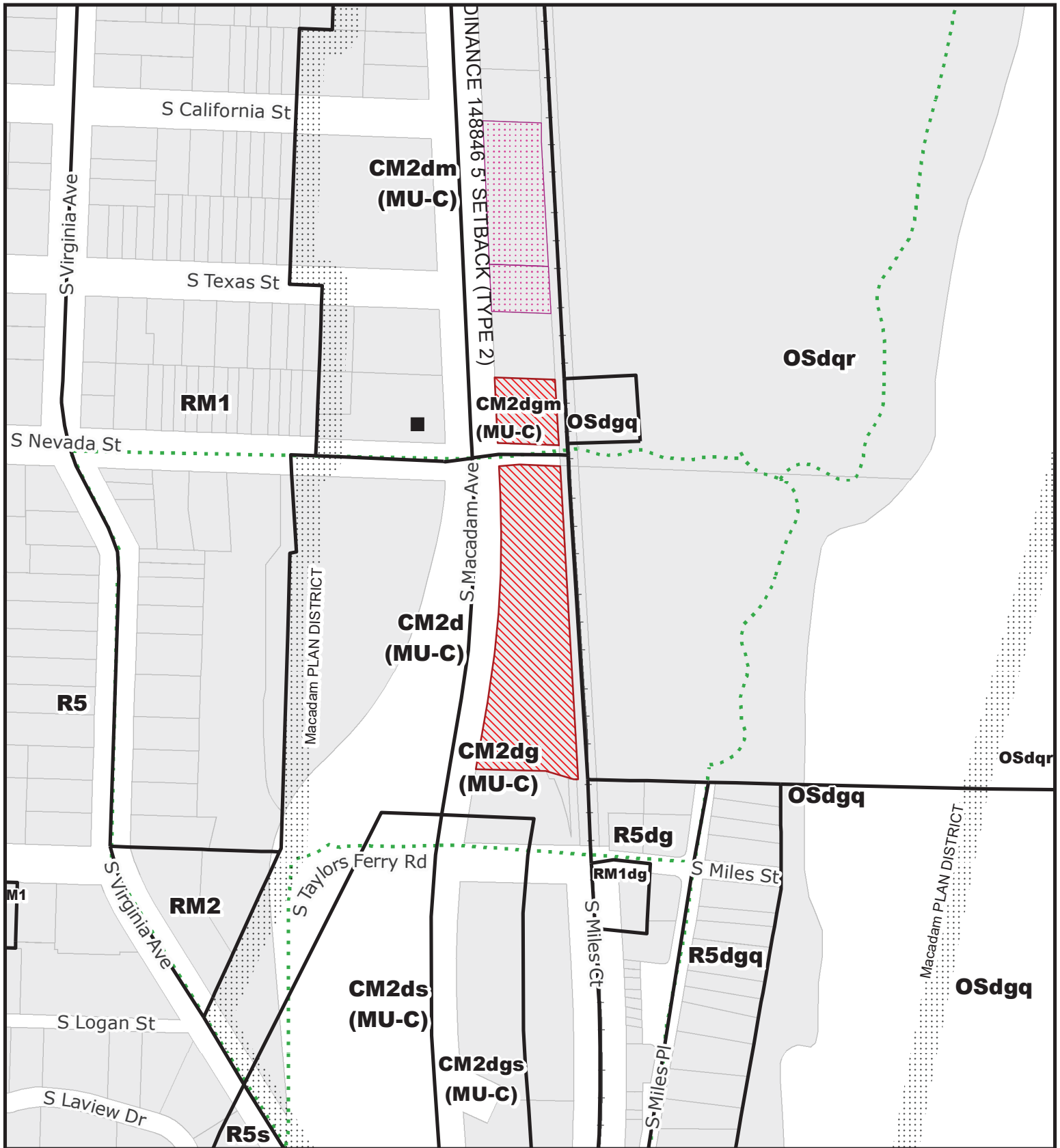
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Non-Conforming Upgrades Narrative
 2. 120-Day Waiver
 3. Completeness Response Letter
 4. Submittal for First Scheduled Hearing
 5. Original Submittal
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Site Plan (attached)
 2. Existing Conditions Plan
 3. Construction Management Plan
 4. ~~Site and Landscape Plan~~ (not approved)
 5. Landscape Details
 6. Art Rendering
 7. Revised Site and Landscape Plan
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Revised Notice to be posted
 5. Applicant's statement certifying posting
 6. Mailed notice
 7. Revised notice

8. Mailing list
- E. Agency Responses:
 1. Life Safety
 2. Urban Forestry
 3. Bureau of Environmental Services
 4. Bureau of Environmental Services - Revised
- F. Letters
 1. Mike Dowd, February 17, 2021
 2. Mike Dowd, March 3, 2021
 3. Mike Dowd, March 12, 2021
 4. Mike Dowd, April 4, 2021
 5. Mike Dowd, April 6, 2021
 6. Mike Dowd, April 6, 2021
 7. Mike Dowd, April 20, 2021
 8. Mike Dowd, May 5, 2021
 9. Mike Dowd, September 7, 2021
 10. Mike Dowd, September 7, 2021
 11. Mike Dowd, September 7, 2021
 12. Mike Dowd, September 7, 2021
 13. Mike Dowd, September 11, 2021
 14. Mike Dowd, September 13, 2021
 15. Mike Dowd, September 14, 2021
 16. Images provided by Mike Dowd
- G. Other
 1. Original LUR Application
 2. Incomplete Letter, dated March 11, 2021
 3. 180-Day Notice Letter, dated July 9, 2021
 4. Original Approval, DZ 15-87
 5. OPB 1988 Landscaping Plan
 6. PC & EA Summaries
 7. NCU Option II Covenant
 8. Draft Staff Report created for 9/30 hearing. Never published and hearing re-scheduled.
- H. First Hearing – November 4, 2021
 1. Staff Report for First Hearing, November 2, 2021
 2. Staff Memo to Commission, October
 3. Staff Presentation
 4. Applicant Presentation
 5. Testimony Sign Up Sheet
 6. Mike Dowd, October 4, 2021
 7. Mike Dowd, October 27, 2021
 8. Mike Dowd, November 2, 2021
 9. Mike Dowd, November 3, 2021
 10. Mike Dowd, November 4, 2021
 11. Mike Dowd, November 4, 2021
 12. Mike Dowd, November 12, 2021
 13. Mike Dowd, November 12, 2021
 14. Mike Dowd, November 12, 2021
 15. Mike Dowd, November 12, 2021
 16. Mike Dowd, November 12, 2021
 17. Mike Dowd, November 12, 2021
 18. Mike Dowd, November 15, 2021
 19. Mike Dowd, November 19, 2021
 20. Mike Dowd, November 19, 2021
 21. Kurt Leipszig, November 3, 2021
 22. Staff email to testifiers about the 7-7-7 dates





- 23. Images provided by Mike Dowd
- I. Submittals during the 21-day extension for an open record
 - 1. Updated narrative from applicant submitted during the first 7-day period, November 11, 2021
 - 2. Updated submittal package from applicant submitted during the first 7-day period, November 11, 2021
 - 3. Mike Dowd, written testimony submitted during the first 7-day period, November 12, 2021 (6 letters)
 - 4. Mike Dowd, written testimony submitted during the second 7-day period, November 19, 2021
- J. Second Hearing – December 2, 2021
 - 1. Staff Presentation
 - 2. Revised Staff Report, Dated December 2, 2021



ZONING



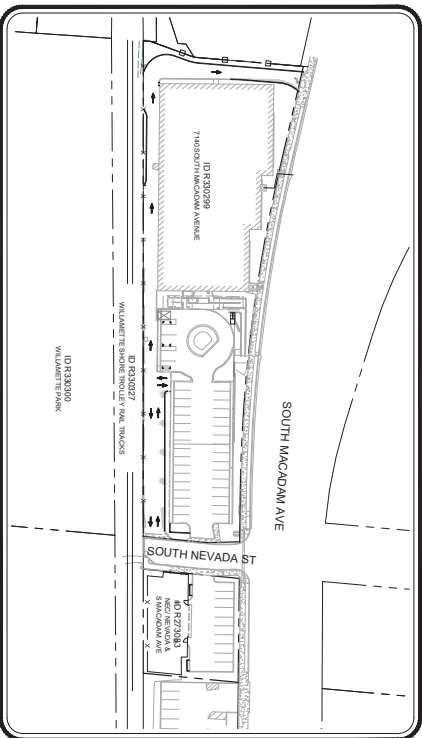
MACADAM PLAN DISTRICT

-  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

OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



- SHEET INDEX**
- L1.0 COVER SHEET
 - L2.0 EXISTING CONDITIONS AND DEMO PLAN
 - L2.5 CONSTRUCTION MANAGEMENT PLAN
 - L3.0 SITE / LANDSCAPE PLAN
 - L3.1 PLANT MATERIALS LEGEND AND DETAILS
 - L3.5 FENCE AND ART MURAL RENDERING

PROJECT TEAM

OWNER
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
PORTLAND, OR 97219
PHONE: (503)931-1999

PLANNER
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
PHONE: (971)280-8641

LANDSCAPE ARCHITECT
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
PHONE: (971)280-8641

LU 21-012866 DZM GW
C.1

<p>DOWL www.dowl.com 720 SW Washington Street, #750 Portland, Oregon 97205 971-280-8641</p>	<p>OPB - MACADAM AVENUE NONCONFORMING UPGRADES PORTLAND, OR COVER SHEET</p> <p>LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON</p>	<p>FOR REVIEW ONLY</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV	DATE	DESCRIPTION	BY																
	REV	DATE	DESCRIPTION	BY																			
<p>PROJECT: 14546-01 DATE: 11/09/2021</p>	<p>CONTRACT: SHEET</p> <p style="font-size: 24pt; font-weight: bold;">L1.0</p>																						

	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITYSTATEZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED	RESPONDENT	1S1E22AC 500	DOWD MICHAEL B	753 S MILES ST	PORTLAND OR 97219-8568
3	RETURN SERVICE REQUESTED	OWNER/APPLICANT	OREGON PUBLIC BROADCASTING FDTN	DAVIS KYLE	7140 S MACADAM AVE	PORTLAND OR 97219-3013
4	RETURN SERVICE REQUESTED	REPRESENTATIVE	DOWL	STAPLETON READ	720 SW WASHINGTON ST STE 750	PORTLAND OR 97205
5	RETURN SERVICE REQUESTED		LAND USE CONTACT	OREGON WILDLIFE FED	PO BOX 5878	PORTLAND OR 97228-5878
6	RETURN SERVICE REQUESTED		LAND USE CONTACT	SOUTH PORTLAND BA	PO BOX 69072	PORTLAND OR 97239
7	RETURN SERVICE REQUESTED		LAND USE CONTACT	SOUTH PORTLAND NA C/O SWNI	7688 SW CAPITOL HWY	PORTLAND OR 97201
8	RETURN SERVICE REQUESTED		OFFICE OF COMMUNITY & CIVIC LIFE	ARIFDJANOV SHUK	1120 SW 5TH AVE STE 114	PORTLAND OR 97219
9	RETURN SERVICE REQUESTED		LAND USE CONTACT	AIA URBAN DESIGN COMMITTEE	422 NW 13TH AVE	PORTLAND OR 97209
10	RETURN SERVICE REQUESTED			DOUG KLOTZ	1908 SE 35TH PLACE	PORTLAND OR 97214
11	RETURN SERVICE REQUESTED			JUDY PETERS	6916 NE 40TH ST	VANCOUVER WA 98661
12	RETURN SERVICE REQUESTED			KARLA MOORE-LOVE (CITY HALL)	1221 SW 4TH AVE #130	PORTLAND OR 97204
13	RETURN SERVICE REQUESTED		RISK & LAND DEPARTMENT	NW NATURAL	250 SW TAYLOR STREET	PORTLAND OR 97204-3038
14	RETURN SERVICE REQUESTED		LAND USE CONTACT	PACIFIC POWER & LIGHT	7544 NE 33RD DR	PORTLAND OR 97211
15	RETURN SERVICE REQUESTED		LAND USE CONTACT	PLAN AMENDMENT SPECIALIST	635 CAPITAL ST NE #150	SALEM OR 97301
16	RETURN SERVICE REQUESTED		LAND USE CONTACT	PORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
17	RETURN SERVICE REQUESTED		LAND USE CONTACT	RESTORE OREGON	1130 SW MORRISON ST STE 318	PORTLAND OR 97205
18	RETURN SERVICE REQUESTED		LAND USE CONTACT	STATE HISTORIC PRESERVATION OFFICE	725 SUMMER NE #C	SALEM OR 97301
19	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE SUITE 300	PORTLAND OR 97201
20	RETURN SERVICE REQUESTED		PORTLAND SCHOOL DISTRICT	LAND USE NOTICE CONTACT	501 N DIXON	PORTLAND OR 97227
21				LAND USE CONTACT	PROSPER PORTLAND	129/PROSPER
22				PORTLAND PARK TRAIL	TATE WHITE	B106/R1302
23					BRANDON SPENCER-HARTLE	B299/R7000
24					HEARINGS CLERK	299/3100
25					DAWN KRANTZ	B299/R5000
26	RETURN SERVICE REQUESTED		21-012886 FFDEC 12-22-21	CASE FILE BRYANT	1900 SW 4TH AVE #5000	PORTLAND OR 97201

OPB NONCONFORMING UPGRADES

Portland, Oregon

A Land Use Application For:
Type III Design Review with Modifications
Greenway Review

Submitted: February 8, 2021

Updated: August 5, 2021

Applicant:

Oregon Public Broadcasting Foundation

7140 South Macadam Avenue

Portland, Oregon 97219

Contact: Kyle Davis, Facilities Manager

Phone: (503) 293-1999

Prepared by:

DOWL

720 SW Washington Street, Suite 750

Portland, Oregon 97205

Contact: Read Stapleton, AICP

Phone: (971) 280-8641



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Exhibits

- A. Application Form
- B. Early Assistance Summary (EA 19-269332)
- C. Early Assistance Summary (EA 20-121512)
- D. Nonconforming Upgrades Option 2 Covenant (Document 2018-052116 in Multnomah County)
- E. Copy of DZ 15-87 Staff Report and Decision (November 7, 1988)
- F. Existing Conditions Survey (*Updated 8-5-2021*)
- G. Plan Set (*Updated 8-5-2021*)
- H. Copy of DZ 15-87 Decision to Eliminate Condition of Approval #5 (*Submitted 8-5-2021*)

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1.0 Introduction

General Information

Applicant and Owner:	Oregon Public Broadcasting Foundation 7140 South Macadam Avenue Portland, OR 97219 Contact: Kyle Davis Phone: (503) 293-1999 kdavis@opb.org	
Prepared By:	DOWL 720 SW Washington Street, Suite 750 Portland, Oregon 97205 Contact: Read Stapleton, AICP Phone: (971) 280-8641 rstapleton@dowl.com	
Project Location:	7140 South Macadam Avenue	
Tax Lot Information:	1S1E22AC-00200, 1S1E22A-00800	
Zoning:	<u>Current</u>	<u>Vested¹</u>
	Commercial Mixed Use 2 (CM2)	Storefront Commercial (CS)
	Design overlay (d)	Design overlay (d)
	Centers Main Street overlay (m)	River General overlay (g)
	River General overlay (g)	Macadam Plan District (M)
	Macadam Plan District (M)	
Comprehensive Plan:	MU-C (Mixed Use – Civic Corridor)	
Project Site Area:	1.44 acres	
Previous LU Approvals:	DZ 15-87 GP 022-88 LU 10-126156 LU 13-189448 LU 17-203778	

¹ This application is vested to the zoning in effect on September 15, 2017, the date of the original building permit submittal (17-241498 CO) that triggered nonconforming upgrades.

2.0 Project Summary

Existing Conditions

Oregon Public Broadcasting (OPB)'s project site (OPB site) consists of two tax lots (1S1E22AC-00200 and 1S1E22A-00800) totaling approximately 1.44 acres located along South Macadam Avenue, with South Nevada Street running east-west between the two tax lots. The main OPB facility is comprised of an approximately 54,000 square-foot office and broadcast studio building, parking (some structured parking and some surface parking) and driveways on tax lot 200 on the south side of South Nevada Street. Surface parking, satellite antennas, and a generator are located on tax lot 800 on the north side of South Nevada Street.

Access to the site is provided via South Nevada Street. A drive aisle of varying width runs along the main OPB building's east and south side to a secondary right turn, exit-only driveway onto South Macadam Avenue. The OPB site currently provides 77 total parking spaces. Of the site's total available parking spaces on both tax lots, 39 spaces are considered surface parking while the remaining 38 spaces are considered structured parking.² Five (5) head-in (90°) structured parking spaces are currently nonconforming per Table 266-4 as they do not allow for a minimum 20-foot wide one-way drive aisle and are proposed to be replaced with two (2) parallel parking spaces. An existing conditions survey is included as Exhibit F and is also shown on sheet L2.0 of the plan set, included as Exhibit G.

Both tax lots are currently zoned Commercial Mixed Use 2 (CMU-2), with Design (d), River General (g) and Centers Main Street (m) overlays.³ Both tax lots have a comprehensive plan designation of Mixed Use-Civic Corridor (MU-C) and are within the South Portland Neighborhood Association. As the project is proposing site alterations to meet the requirements of an "Option 2" Nonconforming Development Assessment Covenant as described below, the site is vested to the zoning in effect at the time of the permit submittal that triggered the required nonconforming upgrades pursuant to Portland City Code (PCC) Chapter 33.258. Therefore, the vested zoning of both tax lots is Storefront Commercial (CS), with Design (d) and River General (g) overlays. The tax lots are also within the Macadam Plan District area. A vicinity map is included with this narrative as Figure 1, and a zoning map is included as Figure 2. Surrounding uses are identified in Table 1 below.

Table 1: Surrounding Uses

	Zoning	Use
North	CM2dgm (CS)	South Nevada Street, Surface Parking, Offices
South	CM2dg (CS)	Commercial retail
East	CM2dg (CS)	TriMet right-of-way, Willamette Park (across TriMet right-of-way), single-family residential (across TriMet right-of-way to the southeast)
West	CM2d (CS)	South Macadam Avenue, Commercial retail (across South Macadam Avenue)

Project Background and History

The OPB site has been subject to the following prior City of Portland (City) land use reviews:

- **DZ 15-87** – Design Review approval of the existing OPB three-story office building and parking structure.

² Surface parking spaces are those that are uncovered and within four feet of adjacent grade per PCC 33.266.130.G.2

³ Centers Main Street overlay only applies to tax lot 800.

- **GP 022-88** – Greenway Review approval of renovation of the existing building and three-story addition.
- **LU 10-126156** – Design Review approval of an 81-square foot addition to accommodate a new internal stairway.
- **LU 13-189448** – Design Review approval of a new generator on a concrete pad, surrounded by a stained wood screen on the north parking lot.
- **LU 17-203778** – Design Review and Greenway Review approval for exterior upgrades, including three new windows and canopies; a new ADA ramp and pedestrian stairs; five new rooftop HVAC units; landscaping a new garage loading door.

OPB began various site improvements and upgrades to their facilities in 2017, with a Design Review and Greenway Review (LU 17-203778) facilitating certain exterior improvements as identified above. In conjunction with a building permit submitted that year (17-241498 CO), the City's nonconforming upgrades requirements pursuant to PCC 33.258.070 were triggered.

To comply with PCC 33.258, OPB elected to enter into an "Option 2" Nonconforming Development Assessment Covenant (covenant). This covenant was signed and recorded on May 16, 2018 as Document 2018-052116 in Multnomah County, and is attached as Exhibit D. This covenant requires the applicant to upgrade certain aspects of their site that were deemed nonconforming per the code in effect at the time of the original building permit submittal. The covenant includes a list of nonconforming site elements that must be brought into conformance, or an adjustment or modification must be sought if conformance is not feasible. Due to COVID-19, the original covenant deadline, June 4, 2020, has been extended to January 1, 2022. See PCC 33.258.070.D.2.d.(2), as amended by Ordinance No. 190076.

Project Summary

The proposed improvements bring the site as close to conformance with the applicable nonconforming upgrade standards as feasible. The project includes revisions to the existing development such as the elimination of existing parallel parking spaces to allow for new landscape planters, new perimeter and interior parking lot landscape plantings, and new completely sight-obscuring fencing, which provide increased screening from adjacent properties and uses while also moving the OPB site closer into conformance with the development standards identified in the covenant. Despite these changes to the site, the applicant is unable to meet, and therefore requests modifications to the following code standards through this Design Review application:

1. **PCC 33.266.130.G.2** – Parking area setbacks and perimeter landscaping, specifically along the OPB site's eastern boundary (Modification #1).
2. **PCC 33.266.310.E** – Loading area setbacks and perimeter landscaping adjacent to the OPB site's existing loading spaces along the site's eastern boundary (Modification #2).
3. **PCC 33.130.270.C.1.a** – Limitations on completely sight-obscuring fence heights along street lot lines, specifically along the South Nevada Street lot line adjacent to the satellite dish and generator area (Modification #3).

The OPB site is constrained by existing development conditions that necessitate modifications to PCC 33.266.130.G.2 and 33.266.310.E. The primary constraint is the limited setback distance between the building and the eastern property line, which constrains the vehicular and loading circulation area along the building's east side where loading access for the active broadcast studio exists. Because of this condition and in lieu of strict adherence to PCC 33.266.130.G.2 and 33.266.310.E, OPB proposes to provide

a six foot completely sight-obscuring wood fence instead of a five foot landscaped buffer meeting the L2 standard as required by PCC 33.266.130.G.2 and instead of a three foot wide landscape buffer imposed for the east property boundary under DZ 15-87 condition of approval #3. This six foot sight-obscuring wood fence is proposed along the entirety of the site's eastern boundary.

In addition, a six foot completely sight-obscuring wood fence is proposed around the satellite dish and generator area (ground-mounted mechanical equipment) on its north, south, and east sides, which meets the F2 standard, in order to adequately screen this equipment. However, as fences that are more than 50 percent sight-obscuring may only be up to 3.5-feet high within ten feet of a street lot line (South Nevada Street) per PCC 33.130.270.C.1.a, a modification is necessary to allow the six foot completely sight obscuring fence to be located within ten feet of this lot line. Due to operational requirements of the equipment and width limitations adjacent to the satellite dish and this lot line, the fence cannot be moved any closer to the satellite dish, and landscaping that meets the L2 standard will interfere with the operation of the adjacent satellite dish upon maturity of any trees planted in this area, as the dish typically faces due-south and southeast.

Further, Design Review is required to remove condition of approval #3 from the OPB site's original design review approval (DZ 15-87) that imposed an approximately three foot wide perimeter landscaping requirement along the eastern boundary of the site, and to review the proposed modifications. Greenway Review is also required because the proposed improvements do not qualify for any of the exemptions listed in PCC 33.440.320.

Project Description

Various improvements identified on Exhibit 1 of the covenant have been completed and/or require no further action as described in the staff responses, including the following items:

- Exterior display, storage, and work activity areas (PCC 33.120.245 and 33.248);
- Minimum landscaped areas (PCC 33.130.225);
- Tree density standards (PCC 11.50.05.B.2.g);
- Pedestrian circulation systems (PCC 33.130.240);
- Paving of surface parking and exterior storage and display areas on site; and
- Bicycle parking (PCC 33.266.220).

The only remaining required upgrades include surface parking area perimeter landscaping requirements, mechanical equipment screening, interior parking lot landscaping requirements, and existing building setback landscaping requirements. Required upgrades that are the subject of this application are identified in Table 2 below.

Table 2. Nonconforming Development Proposals

Identified Nonconformity	PCC Standard(s)	Proposal	Modification Required
Perimeter Parking Lot Landscaping	33.266.130.G.2 and DZ 15-87	<ul style="list-style-type: none"> Modification proposed on the OPB site’s eastern boundary (six foot completely sight-obscuring wood fence). Five feet of L2 landscaping proposed on the OPB site’s southern boundary. 	Yes (for PCC 33.266.130.G.2)
Mechanical Equipment Screening	33.130.235.C	<ul style="list-style-type: none"> Six foot completely sight-obscuring wood fence proposed on the north, south, and east sides of the satellite dish and generator area (F2 standard), including a modification to allow the fence to be within ten feet of the street lot line on the area’s south side (along South Nevada Street). Landscaping proposed on the west side of the satellite dish and generator area (L2 standard). 	Yes (for PCC 33.130.270.C.1.a)
Interior Parking Lot Landscaping	33.266.130.G.3	<ul style="list-style-type: none"> 1,622 SF of landscaping proposed (1,575 SF required). 	No
Loading Area Setbacks Landscaping	33.226.310.E	<ul style="list-style-type: none"> Modification proposed (six foot sight-obscuring wood fence). 	Yes (for PCC 33.266.310.E)
Existing Building Setbacks Landscaping	33.12.215 & 33.288.020.C	<ul style="list-style-type: none"> L1 landscaping along five foot special street setback with South Macadam Avenue proposed. 	No

In order to complete the remaining improvements required for compliance with the referenced covenant, OPB requests approval of a Type III Design Review (including modifications) and Greenway Review.

Perimeter Parking Lot Landscaping

The site is subject to two standards for perimeter parking lot landscaping along the eastern property line: a condition of approval from a prior design review approval (DZ 15-87) and the current applicable code. Neither standard can be met, so this application requests the removal of the condition of approval and a modification to the current code standard (PCC 33.266.130.G.2).

A Type III Design Review is required to remove the following condition of approval (#3) from the OPB site’s original Design Review approval, DZ 15-87:

- 3. A landscaped strip approximately 3’ wide is installed along the eastern edge of the site, except where loading accommodations require paving to the property line.***

The three foot landscape buffer does not currently exist. Recent surveys of the site have revealed that the OPB building was constructed closer to the site’s eastern boundary than indicated in the 1987 Design Review application (DZ 15-87). As a result, the conditions on the east side of the building are constrained and vehicular circulation for general traffic, loading and emergency vehicles cannot be provided while at the same time maintaining a three foot landscape buffer which does not encroach into the TriMet railroad right-of-way. As a consequence, the applicant seeks to eliminate this condition of approval and proposes

to instead provide screening in the form of a six foot sight-obscuring wood fence installed along the site's eastern property line, a length of approximately 440 linear feet. A detail and image of the proposed fence is included on sheet L3.0 and L3.1 of the plan set. A copy of the of DZ 15-87 staff report and decision is included as Exhibit E.

In addition to the three foot buffer requirement from the 1987 Design Review approval, PCC 33.266.130.G.2 and Table 266-5 require a five foot setback landscaped to the L2 standard along the east and south property lines of the site. Site conditions on the east property line described above preclude compliance with this standard, so the applicant requests a modification to this provision as allowed under PCC 33.825.040. In lieu of a five foot landscaped strip at the L2 standard due to referenced space limitations on the site's eastern boundary, the applicant proposes a sight-obscuring six foot wood fence along this boundary.

On the site's southern boundary, a five foot landscape strip at the L2 standard is proposed, consistent with current zoning requirements and the obligations of the covenant.

Mechanical Equipment Screening

In order to comply with PCC 33.130.235.C, which requires L2 or F2 screening of ground-mounted mechanical equipment along a street, the applicant proposes a six foot completely sight-obscuring wood fence on the north, south, and east sides of the satellite dish and generator area within the OPB site, which meets the F2 standard. On the west side of the satellite dish and generator area, the applicant proposes landscaping meeting the L2 standard, in conjunction with the existing stained wooden screen which currently meets the F2 standard, to adequately screen the satellite dishes and generator from South Macadam Avenue.

As PCC 33.130.270.C.1.a limits completely sight-obscuring fences within ten feet of a street lot line to 3.5-foot or less in height, a modification is proposed to allow the six foot completely sight-obscuring fence to be located within ten feet of the lot line along South Nevada Street on the south side of the satellite dish and generator area. Due to the operational needs of the adjacent satellite dish, which routinely faces due-south and southeast, L2 landscaping cannot be installed as it will interfere with the operation of the satellite dish upon maturity of any trees planted. Further, the fence cannot be moved closer to the dish due to existing width limitations and the need for a clear path around the satellite dish for maintenance.

Interior Parking Lot Landscaping

The applicant proposes to alter the site's surface parking lot configuration so that more site area can be used for landscaping, which improves the ratio of landscaping to parking as required per the covenant. The changes include the removal of four (4) parallel parking spaces on the east side of the parking structure and the installation of a five foot landscape planter in their place, also allowing for a minimum 20-foot two-way drive aisle in this area for safer site circulation; egress from the site's covered parking structure will continue to allow right-turn and left-turn movements as a result. As identified on sheet L3.0 of the plan set, a total of 1,622 SF of interior parking lot landscaping is proposed, which exceeds the minimum requirement (1,576 SF) given the OPB site will provide 35 surface parking spaces (a reduction of four spaces).

Loading Area Setbacks Landscaping

PCC 33.266.310.E requires that loading areas comply with the minimum loading area setbacks and permitter landscaping requirements provided by Table 266-7. The OPB site's loading area is currently provided along the site's eastern boundary, which abuts commercially zoned property as identified on Figure 2. Therefore, these loading areas require a five foot landscape strip meeting the L2 standard or a

ten foot landscape strip meeting the L1 standard. As previously described, PCC 33.266.130.G.2 and Table 266-5 also require a five foot landscape strip meeting the L2 standard along the entirety of the site's eastern boundary (which overlaps the loading setback area), which cannot be provided due to existing site conditions and space limitations in this area, for which the applicant is requesting a modification. As with PCC 33.266.130.G.2, the applicant is requesting a modification to PCC 33.266.310.E, and proposes a sight-obscuring six foot wood fence in this area in lieu of the required landscape strip.

Existing Building Setbacks Landscaping

Additional landscape plantings are proposed throughout the site to meet current City requirements and improvements specified in the covenant. Proposed improvements and plantings are identified on sheet L3.0 and L3.1 of the plan set, including landscaping meeting the L1 standard along South Macadam Avenue, as required by PCC 33.288.020.C as South Macadam Avenue is subject to the special street setback designation per the City's official zoning maps.

No further alterations are proposed to the OPB site other than those required to meet the standards in the executed covenant. No changes to the site's uses are proposed. Compliance with conditions of approval of prior land use cases for the site is addressed in Section 3.0 of this narrative.

Figure 1. Vicinity Map

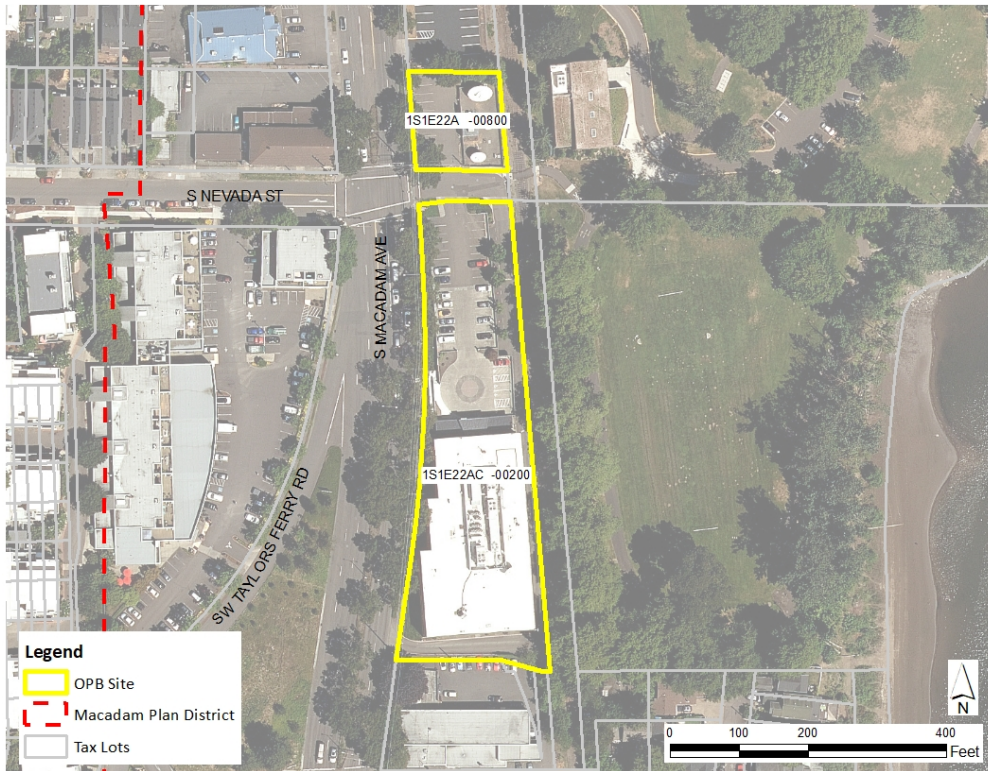


Figure 2. Zoning Map



3.0 Previous Conditions of Approval

Below is a discussion of how the applicant's proposal will ensure compliance with conditions of approval from prior land use decisions on the property relevant to this application.

DZ 15-87

1988 Design Review approval of the existing OPB three-story office building and parking structure (Applicant was Grayco Resources, Inc.)

1. There be no encroachment into the railroad right-of-way;

Response: No encroachments into the railroad right-of-way are proposed. As identified on sheet L2.0 of the plan set, temporary asphalt paving and base rock within the TriMet right-of-way east of the OPB site is to be removed.

2. Northernmost parking spaces south of SW Nevada are set back 15' from right-of-way;

Response: The northernmost parking spaces south of South Nevada Street are setback 15-feet from the right-of-way as shown on sheet L3.0 of the plan set.

3. A landscaped strip approximately 3' wide is installed along the eastern edge of the site, except where loading accommodations require paving to the property line;

Response: Recent surveys have revealed that the existing building is closer to the eastern property line of the site than indicated in the 1987 Design Review approval plan set and, in order to maintain necessary vehicular, loading and emergency access around the east side of the building, compliance with this condition is not possible. As a consequence, the applicant requests a Type III Design Review to remove this condition of approval.

4. The view corridor between the building and parking structure shall be enhanced by widening the steps and minimizing the retaining walls.

Response: LU 17-203778 approved alternations to entry steps, ramps and retaining walls for the OPB site to meet current Americans with Disabilities Act (ADA) requirements.

5. Artwork shall be installed on the blank wall at the southern end of the SW Macadam Avenue elevation.

Response: As identified in Exhibit H, this condition of approval was subsequently eliminated and is no longer applicable to the OPB site.

6. Staff shall review final plans to ensure compliance with these conditions

Response: The above condition is a procedural requirement associated with the original approval and is unaffected by this request.

GP 022-88

1988 Greenway Review approval of an existing building and three-story addition.

Response: No conditions were applied to this approval.

LU 10-126156

2010 Design Review approval of an 81-square foot addition to accommodate a new internal stairway. (Applicant was Oregon Public Broadcasting Foundation)

- 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-106338 DZ GW. No field changes allowed."**

Response: The above condition was specifically required for building permit issuance associated with proposed improvements to the OPB facility as identified above. The applicant's proposal will not interfere with or obstruct continued compliance with this condition.

LU 13-189448

2013 Design Review approval of a new generator on a concrete pad, surrounded by a stained wood screen on the north parking lot. (Applicant was LRS Architects, Inc.)

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must be 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 14-189448 DZ. No field changes allowed."**

Response: The above condition was specifically required for building permit issuance associated with proposed improvements to the OPB facility as identified above. The applicant's proposal will not interfere with or obstruct continued compliance with this condition.

LU 17-203778

2018 Design Review and Greenway Review approval for exterior upgrades, including three new windows and canopies; a new ADA ramp and pedestrian stair; five new rooftop HVAC units; landscaping and a new garage loading door. (Applicant was LRS Architects, Inc.)

- 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 17-203778 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.**

Response: The above conditions were specifically required for building permit issuance associated with proposed improvements to the OPB facility as identified above. The applicant's proposal will not interfere with or obstruct continued compliance with these conditions.

4.0 Applicable Review Criteria

The applicable PCC provisions are set forth below with findings that demonstrate the project's consistency with these provisions.

33.130 Commercial/Mixed Use Zones

Response: This application is vested to the zoning in effect at the time of the original building permit submittal (17-241498 CO) that triggered nonconforming upgrade requirements per PCC 33.258.070. The date of this submittal is September 15, 2017. Therefore, the base zone in effect at the time was Storefront Commercial (CS). The Commercial Zones (2017) chapter is addressed in this narrative.

33.130 Commercial Zones

33.130.010 Purpose

The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. [...]

Response: This application is vested to the zoning in effect at the time of the original building permit submittal (17-241498 CO) that triggered nonconforming upgrade requirements per PCC 33.258.070. The date of this submittal is September 15, 2017. Therefore, the base zone in effect at the time was Storefront Commercial (CS), and the standards and provisions of this chapter are applicable.

33.130.215 Setbacks

B. Minimum building setbacks. The minimum building setback standards apply to all buildings and structures on site except as specific in this section. Setbacks for exterior developments are stated in 33.130.245 below, and for parking areas in Chapter 33.266.

- 1. Generally. There is no required minimum building setback.**
- 2. Exceptions. [...]**

Response: Commercial zones do not have a minimum building setback requirement per PCC 33.130.215.B.1 and Table 130-3, and none of the exceptions listed are applicable to the OPB site. Further, the OPB site does not abut any residentially zoned land as identified in Figure 2, and the minimum building setbacks per Table 130-4 are not applicable. Applicable standards of PCC 33.266 are addressed for compliance in this narrative. Additionally, the OPB site is subject to special street setbacks for its frontage along South Macadam Avenue; compliance with PCC 33.288 is addressed in this narrative.

33.130.225 Landscaped Areas

B. Minimum landscaped area standard. The required amounts of landscaped areas are stated in Table 130-3. Sites developed with a house, attached house or duplex are exempt from this standard. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed

recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

Response: Per Table 130-3, the CS zone does not have minimum landscape area requirements. Therefore, this standard does not apply.

33.130.227 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specific in Title 11. See Chapter 11.50, Trees in Development Situations.

Response: No street trees will be removed or impacted along the site's frontage with South Macadam Avenue. Additionally, the CS zone is exempt from tree preservation standards (11.50.040) and tree density standards (11.50.050) in effect at the time of the original building permit submittal (September 15, 2017).

33.130.235 Screening

- B. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.**

Response: The OPB site's garbage and recycling collection areas are currently provided within the interior of the parking structure, so this standard, which relates to exterior collection areas, does not apply. Nevertheless, the proposed six foot sight-obscuring wood fence along the entirety of the site's eastern boundary meets the F2 standard as identified by Figure 248-2. This fence will further screen any remaining views of the garbage and recycling collection areas from the east and southeast, including from Willamette Park and single-family residential homes across the TriMet right-of-way to the southeast.

- C. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone: [...]**

Response: As identified on sheet L3.0 of the plan set, a six foot completely sight-obscuring wood fence is proposed on the north, south, and east sides of the satellite dish and generator area (ground-mounted mechanical equipment), which meets the F2 standard. On the west side of the satellite dish and generator area, additional landscaping meeting the L2 standard is proposed, which will adequately screen the area from view from South Macadam Avenue in conjunction with the existing stained wooden screen previously approved with LU 13-189448 DZ. To allow for the six foot completely sight-obscuring fence to be located within ten feet from the lot line adjacent to South Nevada Street, a modification is proposed to PCC 33.130.270.C.1.a. As previously described in this narrative, operational requirements of the satellite dish preclude the installation of landscaping meeting the L2 standard due to eventual interference with the operation of the satellite dish upon maturity of the trees. Further, the fence cannot be moved closer to the dish due to existing width limitations and the need for a clear path around the satellite dish for routine maintenance of the equipment.

Roof-mounted mechanical equipment on OPB's main office and broadcast studio facility, including five existing HVAC units, are already adequately screened with an existing mechanical screen that shields these features from views from the east (Willamette Park and single-family residential housing across the TriMet right-of-way), south (commercial uses), and adjacent rights-of-way to the north (South Nevada Street) and west (South Macadam Avenue).

Therefore, all roof-mounted and ground-mounted mechanical equipment within the OPB site is currently or proposed to be screened to the F2 or L2 standard as required by this standard.

D. Other screening requirements. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulation for those types of development.

Response: This narrative includes findings of compliance for the applicable parking lot and vehicle area screening requirements found in PCC 33.266. Exterior display and exterior storage areas do not exist within the OPB site; therefore, no additional screening is required on site.

33.130.270 Fences

- A. Purpose. The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.**
- B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.**
- C. Location and heights.**
 - 1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:**
 - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.**
 - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.**

Response: As identified on sheet L3.0 of the plan set and previously described in this narrative, a six foot completely sight obscuring wood fence is proposed on the south side of the satellite dish and generator area adjacent to a street lot line (South Nevada Street) in order to meet screening requirements for ground-mounted mechanical equipment required by PCC 33.130.235.C. Due to the operational needs of the adjacent satellite dish, which typically faces due-south and southeast, L2 landscaping cannot be installed in-lieu of a sight-obscuring fence as it will interfere with the operation of the satellite dish upon maturity of any trees planted. Further, the fence cannot be moved closer to the dish due to existing width limitations and the need for a clear path around the satellite dish for routine maintenance. Therefore, the applicant is requesting approval of a modification to this standard for the six foot sight obscuring fence proposed along the South Nevada Street lot line adjacent to the satellite dish and generator area. Approval criteria for the proposed modification are addressed in response to PCC 33.825.055 in this narrative.

As previously described, an additional six foot wood fence is also proposed along the entirety of the site's eastern boundary. While this lot line abuts public right-of-way (TriMet), this right-of-way contains railroad tracks and does meet the City's definition for "street" per PCC 33.910, which is intended for motor vehicle, pedestrian or bicycle travel. Therefore, no modification is needed for its installation.

2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.

Response: Because the applicant cannot comply with the three foot buffer requirement associated with condition of approval #3 of DZ 15-87, or the five foot setback landscaped to the L2 standard per Table 266-5 and PCC 33.266.130.G.2 along the site's eastern boundary, the applicant requests approval of a modification to this standard. In lieu of a five foot landscape strip meeting the L2 standard, the applicant proposes a sight-obscuring six foot wood fence along this boundary, a length of approximately 440 linear feet. A detail and image of the proposed fence is included on sheets L3.0 and L3.1 of the plan set, included as Exhibit G.

D. Reference to other regulations. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

Response: An electric fence is not proposed. Therefore, Title 26 is not applicable.

33.130.285 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

Response: Type III Design Review with three (3) Modifications and Greenway Review approvals are requested by the applicant in order to meet nonconforming development requirements triggered by a previous building permit submittal by the applicant in 2017 (17-241498 CO). As identified in the covenant, the applicant is only obligated to fulfill the standards in effect at the time of the original permit application's submittal. Any future nonconformities will be addressed if any subsequent building permit applications trigger compliance with PCC 33.258.

33.130.290 Parking and Loading

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks, and landscaping are stated in Chapter 33.266, Parking and Loading.

Response: Applicable standards of PCC 33.266 are addressed in this narrative.

33.248 Landscaping and Screening

33.248.020 Landscaping and Screening Standards

Subsections A. through H. state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required, and the depth of the landscaping or screening are stated in various places throughout the Code. All landscaping and screening required by this Title must comply with all of the provisions of this chapter, unless specifically superseded. [...]

Response: As required by the executed covenant, upgrades to the site's interior parking lot landscaping, perimeter parking lot landscaping, and special street setback landscaping requirements along the site's front with South Macadam Avenue are required. Street trees along the site's frontage with South Macadam Avenue are not proposed for removal and will not be impacted by the applicant's proposed site alterations.

Plant materials and levels of landscaping and screening are provided in compliance with this chapter unless specifically superseded by the standards of PCC 33.266 as identified on sheets L3.0 and L3.1 of the plan set, included as Exhibit G.

33.248.040 Installation and Maintenance

- A. Installation.** All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

Response: As identified on sheet L3.0 of the plan set, all proposed landscaping is to be in-ground as required and will be installed to the current version of the American Nurseryman's Specification Association standards.

- B. Maintenance.** Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. A fine may be levied if the landscaping has not been maintained, and new plants required to be planted.

Response: The property owner will maintain landscaped areas as required.

- C. Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in option 1, 2, or 3.

1. **Option 1.** A permanent built-in irrigation system with an automatic controller.
2. **Option 2.** An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own once established.
3. **Option 3.** Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established. An inspection fee, paid at the time of permit application, will be required.

Response: A permanent built-in irrigation system with an automatic controller will be designed and installed by the contractor.

33.248.060 Landscape and Tree Plans

- A. Landscape plans.** Landscape plans must be submitted showing all landscaped areas. Plans must be drawn to scale and show type, size, number, and placement of materials. Materials must be identified with both their scientific and common names. Any required irrigation system must also be shown
- B. Tree plans.** A tree plan may be required to comply with Chapter 11.50, Trees in Development Situations.

- C. Tree protection. Where existing trees are used to meet the landscape standards or tree preservation requirements of this Title, tree protection meeting the requirements of Chapter 11.60, Technical Specifications must be shown on the landscape or tree plan.**

Response: Existing trees proposed for retention will be protected consistent with the provisions of PCC 11.60 as shown on sheet L2.5. of the plan set.

33.248.070 Completion of Landscaping

The installation of any required landscaping may be deferred during the summer or winter months to the next planting season, but never for more than 6 months. All required landscaping must be installed prior to final inspection.

Response: All required landscaping will be installed prior to final inspection being requested.

33.248.090 Mitigation and Restoration Plantings

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

Response: Mitigation and restoration plantings are not proposed or required.

33.258 Nonconforming Situations

33.258.070 Nonconforming Development

- A. Purpose. This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.**

Response: Type III Design Review with three (3) Modifications and Greenway Review approvals are requested by the applicant in order to meet nonconforming development requirements triggered by a previous building permit submittal by the applicant in 2017 (17-241498 CO). As identified in the covenant, the applicant is only obligated to fulfill the standards in effect at the time of the original permit application's submittal. Any future nonconformities will be addressed if any subsequent building permit applications trigger compliance with PCC 33.258.

33.266 Parking and Loading

33.266.100 General Regulations

- A. Where the regulations apply. The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.**

Response: Modifications to the site's existing parking areas, interior parking lot landscaping, and perimeter parking lot landscaping are proposed. Therefore, the standards and provisions of this chapter are applicable as they relate to the applicant's required nonconforming upgrades.

33.266.110 Minimum Required Parking Spaces

- B. Minimum number of required parking spaces.**

1. **Minimum for sites located close to transit. For sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service the following minimum parking requirements apply. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds:**
 - a. **Household living uses. The minimum number of required parking spaces for a site with a Household living use is:**
 - b. **All other uses. No parking is required for all other uses.**

Response: Per the PBOT Close to Transit Service map, the site is within the Close to Transit Service buffer, and the 20-minute peak hour service threshold is met. Additionally, no household living uses are present on site. There is no minimum required parking for OPB's use, which is general office use.

33.266.116 Maximum Allowed Parking Spaces

- B. **Maximum number of parking spaces allowed. Regulations in a plan district or overlay zone may supersede the regulations in this subsection.**
 1. **Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:**
 - a. **Generally. The maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2, except as specified in Subparagraph B.1.b.;**

Response: The OPB site currently provides 38 structured parking spaces and 39 surface parking spaces, which brings the combined total parking spaces currently on site to 77. Because more than 25% of the site's parking area is a surface parking lot, based upon OPB's building (54,000 SF) which is characterized as a general office use, the maximum number of allowed parking spaces is 183 per Table 266-2. Therefore, the OPB site continues to remain below the maximum allowed parking spaces per Table 266-2.

Further, as shown on sheet L3.0 of the plan set, the applicant proposes to eliminate four (4) parallel surface parking spaces to allow for additional landscaping. Additionally, five (5) non-conforming head-in (90°) structured parking spaces will be re-stripped as parallel spaces as identified by note 3 and 4 on sheet L3.0 of the plan set. Following this application, the site will provide 35 surface parking spaces (74 total parking spaces), which will continue to remain below the maximum allowed parking spaces per Table 266-2.

33.266.130 Development Standards for All Other Development

- B. **Where these standards apply. The standards of this section apply to all vehicle areas whether required or excess parking, except for residential vehicle areas subject to the standards of 33.266.120.**

Response: Alterations to the site's existing parking areas, interior parking lot landscaping, and perimeter parking lot landscaping are proposed. Therefore, the standards and provisions of this section are applicable as they relate to the applicant's required nonconforming upgrades.

- C. **On-site locations and size of vehicle areas.**

1. **Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. Additionally, on sites in multi-dwelling zones that abut an alley and are 10,000 square feet or less in total site area, vehicle area may only be accessed from the alley.**

Response: The location of existing vehicle areas is not proposed to be altered with the applicant's proposal. As previously identified, four parallel spaces are proposed to be removed to facilitate additional interior parking lot landscaping as required by the covenant.

2. **Building setbacks for structures that contain vehicle areas.**
 - a. **Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.**

Response: Buildings and structures within commercial zones do not have minimum setbacks as identified in response to PCC 33.13.215. Additional special street setback requirements for South Macadam Avenue per PCC 33.288 are addressed for compliance in this narrative.

- b. **Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.**
 - c. **Structured parking that does not allow exiting in a forward motion in C, E, I, CI, or IR zones must be set back 18 feet from the street lot line.**

Response: Existing structured parking allows for exiting in a forward motion. Alterations to ingress and egress for the existing structured parking is not proposed.

3. **Frontage limitation.**
 - a. **The standard of this Subparagraph applies outside the Central City plan district in the R3, R2 and R1 zones. No more than 40 percent of the frontage on a street may be used for vehicle areas. On sites with more than one street frontage, this standard applies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard. Sites where there is less than 100 square feet of net building area are exempt from this standard.**

Response: The OPB site is not within any of the zones identified above. Therefore, this standard does not apply.

- b. **The standard of this Paragraph applies outside the Central City plan district in the RH, RX, IR, CN, CO, CG, CX, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.**

Response: The OPB site is located within the CS zone as identified in Figure 2. Therefore, this standard does not apply.

D. Improvements.

1. **Paving. In order to control dust and mud, all vehicle areas must be paved. However, some portions of individual parking spaces may be landscaped per the standards of Paragraph F.4, below.**

Response: All vehicle areas are currently paved and will continue to be paved following the site alterations.

- 2. Striping. All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of Subsection F. below.**

Response: All parking areas will be striped in conformance with the parking dimension standards identified in Subsection F, as shown on sheet L3.0 of the plan set. Stacked parking is not proposed.

- 3. Protective curbs around landscaping. All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards, or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.**

Response: All perimeter and interior landscaped areas will include protective curbs as shown on sheet L3.0 of the plan set. Proposed tree plantings are spaced adequately to protect from car doors and bumpers.

- E. Stormwater management. Stormwater runoff from parking lots is regulated by the Bureau of Environmental Services. See Chapter 17.38, Drainage and Water Quality, and the City's Stormwater Management Manual, which contain requirements for managing stormwater in parking lot landscaping.**

Response: Modifications to the site's stormwater management facilities are not proposed or required with the applicant's proposal.

F. Parking area layouts.

- 1. Access to parking spaces.**

- a. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.**

Response: All parking areas will continue to allow for entering and exiting without having to move another vehicle. Stacked parking is not proposed.

- b. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion, except: [...]**

Response: All parking areas will continue to allow for vehicles to enter and exit the roadway in a forward motion.

- 2. Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. For stacked parking areas, see Section 33.266.140 below.**

Response: All parking spaces and drive aisles will meet the minimum dimensions identified in Table 266-4, and as shown on sheet L3.0 of the plan set for width and depth. Interior aisles will continue to meet the minimum dimensions for two-way aisles (20-feet) and one-way aisles (12-feet), apart from a brief segment of the existing drive aisle that is currently 11.6-feet, as identified on sheet L3.0 of the plan set, due to the footprint of the existing building. No change to the existing segment of non-conforming driveway width (for this

limited section) is proposed. Widening of the existing drive aisle in this location is not possible due to the adjacent railroad right-of-way and the building's footprint.

3. Parking for disabled persons. The Bureau of Development Services regulates the following disabled person parking standards and access standards through the Oregon Structural Specialty Code.

- **Dimensions of disabled person parking spaces and access aisles;**
- **The minimum number of disabled person parking spaces required;**
- **Location of disabled person parking spaces and circulation routes,**
- **Curb cuts and ramps including slope, width and location;**
- **Signage and pavement markings.**

Response: Parking and access standards for disabled persons are not altered with this proposal. The OPB site will continue to provide adequate ADA compliant parking spaces meeting the requirements identified above.

G. Parking area setbacks and landscaping.

1. All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.

Response: This narrative addresses compliance with PCC 33.248. Additionally, sheets L3.0 and L3.1 of the plan set demonstrate compliance with applicable landscaping and screening standards. Curbs are provided in order to fully protect trees and shrubs from potential damage by vehicles.

2. Setbacks and perimeter landscaping.

c. Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Protective curbs, tire stops, bollards or other protective barriers are not allowed within the minimum required setbacks.

Table 266-5 Minimum Parking Area Setbacks and Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E or I zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS or R, zone lot line	5 ft. of L3	10 ft. of L3

Response: The OPB site abuts C zones all on sides⁴, as shown on Figure 2 in this narrative. Therefore, five feet of screening at the L2 standard is required.

⁴ The centerline of the railroad tracks is the dividing line between OS and CS/CM2 zoning per detailed zoning maps. Therefore, the site does not abut the OS zone. Further, pursuant to the definition of "street" in PCC 33.910, the rail

- d. **Perimeter landscaping. The minimum setbacks and landscaping standards required are provided in Table 266-5.**
- (1) **Surface parking abutting streets, and C, E, I, and CI zones. Where a surface parking area abuts a street lot line, or a C, E, I, or CI zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L2 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line.**

Response: As shown on sheet L3.0 of the plan set, the five foot L2 screen requirement is provided on the site perimeter, including the site's southern boundary, southeast corner, western boundary, and the north and western perimeters of the existing parking areas, with the exception of the site's eastern boundary abutting the TriMet railroad right-of-way. Recent surveys of the site reveal that the building is located closer to the site's eastern boundary than indicated in the design plan set submitted and approved under DZ 15-87. The resulting condition on the east side of the building leaves limited area to allow sufficient vehicular, loading and emergency access, while at the same time providing a three foot landscape buffer required by Condition #3 of DZ 15-87 and the overlapping five foot landscape buffer required by PCC 33.266.130.G.2.

Therefore, the applicant requests approval of a modification to this standard for the site's eastern edge. In lieu of a five foot landscaped buffer, the applicant proposes a sight-obscuring six foot wood fence along this boundary, a distance of approximately 440 linear feet. A detail and image of the proposed fence is included on sheet L3.0 and L3.1 of the plan set. Approval criteria for the proposed modification are addressed in response to PCC 33.825.055 in this narrative.

- (2) **Surface parking abutting OS, R, and IR zones. Where a surface parking area abuts an OS, R, or IR zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L3 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway.**

Response: None of the surface parking areas abut OS, R or IR zones.

3. **Interior landscaping. The regulations of this paragraph apply to all surface parking areas except stacked parking areas. For stacked parking areas, see Section 33.266.140 below.**
- a. **Amount of interior landscaping required. In all zones, interior landscaping must be provided for sites where there are more than 10 parking spaces on the entire site. At least 45 square feet of interior landscaped area must be provided for each parking space.**

Response: Thirty-five (35) surface parking spaces are provided on site after the proposed removal of four parallel parking spaces. Therefore, 1,575 square-feet of interior parking lot landscaping is required. As shown on sheet L3.0 of the plan set, 1,622 square-feet of interior landscaping is provided, which exceeds the minimum required.

- b. **The landscape materials must comply with the P1 standard of Chapter 33.248.**

Response: As shown on sheet L3.0 of the plan set, interior landscaped areas comply with the P1 standard.

- c. **The landscaping must be dispersed throughout the parking area. All of the required landscape area may be in the parking area, or some may be in the loading area.**

Response: As shown on sheet L3.0 of the plan set, proposed landscaping is dispersed throughout the parking areas.

- d. **Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four feet into the parking area from the perimeter landscape line.**

Response: The applicant is not proposing to substitute perimeter landscaping for interior landscaping as shown on sheet L3.0 of the plan set. The extent of perimeter landscaping, and the beginning of interior landscaping, is clearly demarcated on sheet L3.0 of the plan set.

- e. **Exception for existing parking lots. Where compliance with Subparagraph G.3.a, above, would result in the loss of existing required parking spaces, the amount of parking required is reduced by the amount needed to accommodate the minimum landscaping required.**

Response: Four surface parallel parking spaces are proposed to be removed so that additional interior parking lot landscaping can be provided. As identified in response to PCC 33.266.110, the site is not subject to minimum parking space requirements. Therefore, this exception does not apply.

- f. **Layout of interior landscaped areas. The layout of the interior landscaped areas must meet either one or a combination of the standards of this subparagraph:**

(1) Option 1: Landscape strips. See Figure 266-5.

- Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls.
- Where the front portions of parking stalls are landscaped as allowed by Paragraph F.4, the landscaped portion of the parking stall must be adjacent to the four-foot landscape strip.

(2) Option 2: Other landscape patterns. See Figure 266-6.

- Interior landscaping must be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking.
- Interior landscaping may join perimeter landscaping as long as the interior landscape area extends at least 4 feet into the parking area from the perimeter landscape line.
- Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
 - The abutting landscaped area must be in addition to required perimeter landscaping;
 - Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and

- **The landscaped area is not abutting and parallel to required perimeter landscaping.**

Response: Proposed interior landscaping is arranged per Option 2 above. Interior landscaped areas are provided at the ends of rows of parking or immediately adjacent and within ten feet and joins perimeter landscaping no less than four feet from the parking areas as shown on sheet L3.0 of the plan set. 1,622 square-feet of interior landscaping is provided, which exceeds the minimum required for 35 surface parking spaces (1,575 SF).

33.266.150 Vehicles in Residential Zones

- B. Where these regulations apply. These regulations apply to all residential uses in all R zones.**

Response: The OPB site is not within a residential zone. Therefore, these regulations are not applicable.

33.266.310 Loading Standards

- B. Where these regulations apply. The regulations of this section apply to all required and non-required loading areas.**

Response: The site's existing loading area on the eastern side of the building is maintained. No alterations to this existing loading area are proposed. This loading area is identified on sheets L2.0 and L3.0 of the plan set.

- C. Number of loading spaces.**

- 2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this paragraph.**

- c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building area in uses other than Household Living.**

Response: The main OPB facility is an approximately 54,000 square-foot office and broadcast studio building. Therefore, two loading spaces meeting Standard A are required. Two loading spaces that meet the dimensions of Standard A are currently provided on the east side of the main OPB facility.

- D. Size of loading spaces.**

- a. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.**

Response: Two loading spaces that meet the dimensions of Standard A as identified above are currently provided on the east side of the main OPB facility.

- E. Placement, setbacks and landscaping. Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-7 below. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.**

Table 266-7 Minimum Loading Area Setbacks and Permitter Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting a street	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 15 ft. / L1
Lot line abutting a C, E, or I zone lot line	5 ft. / L2 or 10 ft. / L1	5 ft. / L2 or 10 ft. / L1
Lot line abutting an OS zone lot line	5 ft. / L3	10 ft. / L3
Lot line abutting an R zone lot line	5 ft. / L4	10 ft. / L4

Response: The OPB site’s two required loading spaces are currently provided along the site’s eastern boundary, which abuts commercially zoned property as identified on Figure 2. Therefore, these loading areas require a five foot landscape strip meeting the L2 standard, or a ten foot landscape strip meeting the L1 standard per Table 266-7. As previously described, PCC 33.266.130.G.2 and Table 266-5 also require a five foot landscape strip meeting the L2 standard along the entirety of the site’s eastern boundary (which overlaps the loading area setback), which cannot be provided due to existing site conditions and space limitations in this area, for which the applicant is requesting a modification. As with PCC 33.266.130.G.2, the applicant is requesting a modification to this standard, and proposes a sight-obscuring six foot wood fence in this area in lieu of the required landscape strip. Approval criteria for the proposed modification are addressed in response to PCC 33.825.055 in this narrative.

F. Forward motion.

- 1. Outside the Central City plan district. Outside the Central City plan district, loading facilities generally must be designed so that vehicles enter and exit the site in a forward motion. Standard B loading spaces that are accessed from a Local Service Traffic Street are exempt from this requirement.**

Response: Both loading spaces provided within the OPB site allow vehicles to enter and exit in a forward motion.

G. Paving. In order to control dust and mud, all loading areas must be paved.

Response: Both loading spaces provided within the OPB site are currently paved, as identified on sheets L2.0 and L3.0 of the plan set.

33.288 Special Street Setbacks

33.288.020 Requirements

- A. Where the regulations apply. Special street setbacks apply to all buildings, structures, signs, off-street parking areas, and exterior display, storage, and activities fronting a street with special setback designation on the Official Zoning Maps.**

Response: Per the City’s official zoning maps, South Macadam Avenue is subject to special street setback standards. As the OPB site partially fronts on South Macadam Avenue, the standards of this chapter are applicable.

B. Projections into setback. Projections of up to 3 feet are allowed by right into the special street setbacks. Projections include items such as signs faces, eaves, overhangs, and building cornices.

Response: As shown on sheet L2.0 of the plan set, the existing OPB building projects into the special street setback in four (4) locations. None of these projections are greater than three feet in length. No additional projections into the setback are proposed with this application.

C. Landscaping. Where landscaping is allowed or required, special street setbacks must be landscaped to at least the L1 standard, as stated in Chapter 33.248, Landscaping and Screening.

Response: As shown on sheet L3.0 of the plan set, the special street setback is landscaped to at least the L1 standard. Certain areas, as required by PCC 33.266.130.G, are landscaped to the L2 standard to meet perimeter parking lot landscaping requirements.

D. Base zone requirements. The base zone requirements apply in all areas with special street setbacks. In the event that the requirements of this chapter and the base zone differ, the more restrictive applies.

Response: Commercial zones do not have a minimum building setback. Therefore, the special street setback standard is more restrictive. A five foot setback landscaped to the L1 standard is shown on sheet L3.0 of the plan set along the building's frontage with South Macadam Avenue.

33.415 Centers Main Street Overlay Zone

Response: This application is vested to the zoning in effect at the time of the original building permit submittal (17-241498 CO) that triggered nonconforming upgrade requirements per PCC 33.258.070. The date of this submittal is September 15, 2017. The Centers Main Street overlay zone was not established at this time. Therefore, the standards of this chapter is not applicable to this application.

33.420 Design Overlay Zone

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Design review may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision.

Response: The OPB site is within the design overlay zone, as shown on Figure 2 in this narrative. Additionally, a Type III Design Review is requested to remove a condition of approval (#3) from the OPB site's original design review approval, DZ 15-87. Therefore, the standards of this chapter are applicable.

33.420.030 Neighborhood Contact

Neighborhood contact is a set of outreach steps that must be taken before certain developments can be submitted for approval. Neighborhood contact is required as follows:

- A. When the proposed development will add at least 10,000 square feet of net building area to a site, the neighborhood contact step of 33.705.020.C., Neighborhood contact III, are required.**

- B. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.**

Response: An addition of at least 10,000 square feet of net building area is not proposed. Therefore, the standards of this section, and neighborhood contact III, are not applicable.

33.420.041 When Design Review is Required

Unless exempted by Section 33.420.045, Exempt From Design Review, design review is required for the following:

- A. New development;
- B. Exterior alterations to existing development, including changes to exterior color when the existing color was specifically required by a design review approval;
- C. Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive prior approval from the City Engineer prior to applying for design review. Improvements that meet the City Engineer's standards are exempt from design review;
- D. Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;
- E. Removal of trees in the South Auditorium plan district;
- F. Exterior signs larger than 32 square feet, except in the South Auditorium Plan district, where all signs are subject to design review;
- G. Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure;
- H. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080;
- I. Floating structures, except individual houseboats; and
- J. In the Marquam Hill plan district, proposals to develop or improve formal open area required by Chapter 33.555. This includes designating existing open areas as formal open areas.

Response: Exterior alterations to existing development is proposed, including changes to the on-site landscaping and parking areas. Additionally, the applicant is requesting removal of a condition of approval (#3) from the OPB site's original design review approval, DZ 15-87. Therefore, a Type III Design Review is required. The applicant has addressed design review compliance, including the standards of PCC 33.825, in this narrative.

33.420.045 Exempt From Design Review

The following items are exempt from design review: [...]

Response: As identified in response to PCC 33.420.041, a Type III Design Review is required. Therefore, the project is not exempt from design review.

33.420.051 Design Guidelines

Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5 through 420-6 at the end of this chapter. All other areas within the Design Overlay Zone use the Community Design Guidelines.

Response: The OPB site is within the Macadam Plan District per map 420-2. The applicant has addressed compliance with the Macadam Corridor Design Guidelines in Section 6.0 of this narrative. Therefore, the Community Design Guidelines are not applicable.

33.420.055 When Community Design Standards May Be Used

The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and related Regulations. Proposals that do not meet the Community Design Standards — or where the applicant prefers more flexibility — must go through the design review process.

Unless excluded by 33.420.060, When Community Design Standards May Not Be Used, proposals that are within the maximum limits of Table 420-1 may use the Community Design Standards as an alternative to design review.

Response: The OPB site contains no residential uses and is within the Macadam Plan District per map 420-2. Therefore, the Community Design Standards are not applicable.

33.420.060 When Community Design Standards May Not Be Used

The Community Design Standards may not be used as an alternative to design review as follows:

- C. For proposals that do not include any residential uses in the following Design Overlay Zones:
 1. The portion of the South Auditorium plan district outside the Central City plan district. See Map 420-1;
 2. The Macadam design district. See Map 420-2; and
 3. The Terwilliger design district. See Map 420-3; and
 4. The Marquam Hill design district. See Map 420-5;

Response: The OPB site contains no residential uses and is within the Macadam Plan District per map 420-2. Therefore, the Community Design Standards are not applicable. The Macadam Plan District guidelines are addressed for compliance in Section 6.0 of this narrative.

33.440 Greenway Overlay Zones

33.440.030 Greenway Overlay Zones

- B. Where these regulations apply. The regulations of this chapter apply to all land and fills and structures in water within the Willamette Greenway Plan boundary designated on the Official Zoning Maps with River Natural, River Recreational, River General, River Industrial, or River Water Quality overlay zones except that the area within the interior of Ross and Hardtack Islands which is presently subject to the Ross Island Management Plan will not be subject to the regulations of this chapter during such time as the Ross Island Management Plan remains in effect. In addition, the public trail standards of Section 33.440.240 below apply to all lands designated on the Willamette Greenway Plan with the recreational trail symbol but which are outside of the greenway zones. However, the regulations of this chapter do not apply within the South Waterfront subdistrict of the Central City plan district. Sites in the South Waterfront

subdistrict are instead subject to Section 33.510.253, Greenway Overlay Zone in South Waterfront Subdistrict.

Response: The OPB site is within the River General overlay zone per the City's official zoning maps. Therefore, the standards of this chapter are applicable.

33.440.100 Use Related Restrictions

- A. Generally. In most cases, the greenway zones do not restrict primary uses that are allowed in the base zone by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational, River Industrial, and River Water Quality zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. Any changes to the land associated with the uses are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.**

Response: Changes to the OPB site's uses are not proposed with this application. Additionally, the site is not within the River Recreational, River Industrial, or River Water Quality overlay zones.

33.440.200 Application of the Development Standards

Any changes to land or development within the greenway zones, including rights-of-way, are subject to the development standards of this chapter.

Response: Alterations to the OPB site's landscaping and parking areas are proposed. Therefore, the development standards of this chapter are applicable.

33.440.210 Development in the Greenway Setback

C. Development regulations.

- 1. Development landward of the greenway setback. Development, exterior alterations, excavations, and fills landward of the greenway setback are not required to be river-dependent or river-related and are subject to greenway review, unless exempt under Section 33.440.320, Exemptions.**

Response: The OPB Site is landward of the greenway setback. As identified in response to PCC 33.440.320, the applicant's proposal is not exempt from greenway review as exterior alterations to the OPB site are proposed, including modifications to landscaping and parking areas.

- 2. Development within the greenway setback. Development, exterior alterations, excavations, fills, and associated tree removal within the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related required greenway review and a Greenway Goal Exception to locate in the greenway setback.**

Response: The OPB site is not within the greenway setback per Figure 440-1.

- 3. Development riverward of the greenway setback. Development, exterior alterations, excavations, fills, and associated tree removal riverward of the greenway setback that are river-dependent or river related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations,**

excavations, or fills that are not river-dependent or river-related required greenway review and a Greenway Goal Exception to locate riverward of the greenway setback.

Response: The OPB site is not riverward of the greenway setback per Figure 440-1.

33.440.230 Landscaping

- A. Required landscaping. Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.**

Response: The OPB site is not within the greenway setback, or riverward of the greenway setback. Therefore, these standards are not applicable.

33.440.260 View Corridors

- B. Provisions of corridors. All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.**

Response: The Willamette Greenway Plan Design Guidelines, including Issue H (view corridors), are addressed for compliance in Section 5.0 of this narrative.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A. The development may continue.**
- B. The development may be changed to an allowed river-dependent or river-related development by right.**
- C. The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.**
- D. The development may be expanded, but not within or riverward of the greenway.**

Response: PCC 33.258 is addressed in this narrative. The site is not within or riverward of the greenway setback. Therefore, the additional regulations identified above are not applicable.

33.440.310 When Greenway Review Applies

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

- A. New development;**
- B. Exterior alterations to development, including the removal of trees and shrubs and application of herbicides;**
- C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;**

- D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks;
- E. The dedication or extension of rights of way and any new development or improvements in rights of way when within the River Natural zone or riverward of the greenway setback;
- F. Non river-dependent or river-related primary uses in the River Industrial Zone; and
- G. Non river-dependent or river related primary uses in the River Water Quality Zone.

Response: Exterior alterations to the OPB site are proposed, including modifications to the site's landscaping and parking areas. Therefore, Greenway Review is required, and the site is not exempt per PCC 33.440.320 as identified below.

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. When no development is proposed, removal of trees allowed under the exemptions below are subject to the tree permit requirements of Title 11, Trees. Exempt situations are:

- A. As illustrated in Figure 440-3, alterations to development in the River Industrial zone that are outside of the areas listed below:
 - 1. The greenway setback;
 - 2. Riverward of the greenway setback;
 - 3. Within 50 feet landward of the greenway setback; or
 - 4. Within 50 feet of River Natural zoned land;
- B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than \$25,000;
- C. Changes to the interior of a building where there are no exterior alterations;
- D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Public Recreational Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;
- E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;
- F. Excavations and fills under 50 cubic yards;
- G. The normal maintenance and repair necessary for an existing development;
- H. Dredging, channel maintenance, and the removal of gravel from rivers;
- I. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;
- J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;
- K. Signs;

- L. Removal of vegetation on the Nuisance Plants List; and**
- M. Removal of trees not located within or riverward of the greenway setback or within the boundaries of the n and q overlays. However, trees removed using this exemption continue to be subject to other applicable regulations of this title and Title 11, Trees.**

Response: Per the above list, the applicant's proposal is not exempt from Greenway Review as exterior alterations to the OPB site are proposed that will require building permit(s). Therefore, Greenway Review is required.

33.440.330 Procedures

All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See Section 33.440.360, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

Response: A Greenway Goal Exception is not required or requested. Therefore, PCC 33.440.360 and PCC 33.850 are not applicable.

33.440.345 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, Application Requirements, the information below is required for Greenway review applications.

- A. Supplemental Site Plans. One copy of each plan must be at a scale of at least on inch to 100 feet.**
 - 1. An existing conditions site plan, showing the following:**
 - a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;**
 - b. The top of bank and the setback area;**
 - c. Distribution outline of shrubs and ground covers with a list of most abundance species;**
 - d. Trees identified by species, including the location of the drip line;**
 - e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;**
 - f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;**
 - g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and**
 - h. Stormwater management facilities.**

Response: An existing conditions plan is included as sheet L2.0 of the plan set. Additionally, a separate existing conditions survey of the OPB site is included as Exhibit F.

- 2. A development proposal site plan including:**
 - a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;**
 - b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities and**

- c. **Areas where existing topography and vegetation will be left undisturbed.**

Response: Proposed development and site alterations are identified on sheet L3.0 of the plan set.

3. A construction management site plan including:

- a. **Areas that will be disturbed, including equipment maneuvering areas;**
- b. **Location of site access and egress;**
- c. **Equipment and material staging and stockpile areas;**
- d. **Erosion control measures; and**
- e. **Tree protection measures for trees to be preserved that meet the requirements of Title 11, Chapter 11.60, Technical specifications.**

Response: A construction management plan is included as sheet L2.5 of the plan set and includes all of the details identified above.

33.440.350 Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria area met.

- A. **For all greenway reviews. The Willamette Greenway design guidelines must be met for all greenway reviews.**

Response: The Willamette Greenway Design Guidelines are addressed for compliance in Section 5.0 of this narrative. As demonstrated, the applicant's proposal meets the applicable policy goals and objectives of the Willamette Greenway Plan.

- B. **River frontage lots in the River Industrial zone. [...]**

Response: The OPB site is not within the River Industrial zone. Therefore, these standards are not applicable.

- C. **Development within the River Natural zone. [...]**

Response: The OPB site is not within the River Natural zone. Therefore, these standards are not applicable.

- D. **Development on land within 50 feet of the River Natural zone. [...]**

Response: The OPB site is not on land within 50-feet of the River Natural zone. Therefore, these standards are not applicable.

- E. **Development within the greenway setback. [...]**

Response: The OPB site is not within the greenway setback per Figure 440-1. Therefore, these standards are not applicable.

- F. **Development riverward of the greenway setback. [...]**

Response: The OPB site is not riverward of the greenway setback per Figure 440-1. Therefore, these standards are not applicable.

G. Development within the River Water Quality overlay zone setback. [...]

Response: The OPB site is not within the River Water Quality zone. Therefore, these standards are not applicable.

H. Mitigation or remediation plans [...]

Response: A mitigation or remediation plan is not required. Therefore, these standards are not applicable.

33.440.360 Greenway Goal Exception

A. When a greenway goal exception is required. Approval of an exception to Statewide Planning Goal 15 – Willamette Greenway, is required to locate a development of right-of-way that is not river-dependent or river-related within or riverward of the greenway setback. A greenway goal exception is not required to add revetments to a riverbank.

Response: A Greenway Goal Exception is not required or requested. Therefore, the standards of this section are not applicable.

33.550 Macadam Plan District

33.550.250 View Corridors

A. Ground level view corridors must be maintained along the rights-of-way of SW Miles, SW Nevada, SW California, SW Vermont, SW Nebraska, SW Pendleton, and SW Richardson Streets. These view corridors must be preserved by maintaining open space from SW Macadam Ave to the ordinary high water line of the Willamette river and are measured 30 feet from each side of the center line of these streets. Houses within the SW Miles Street view corridor are exempt from these regulations. A 60-foot wide view corridor at ground level must also be maintained at SW Carolina Street. This view corridor is directed northeasterly beginning at the intersection of SW Macadam Ave and SW Carolina Street and extending so that the extension of the northern edge of the view corridor meets the intersection of the mean low water line and the north property line of River Lot 6, Southern Portland Addition.

Response: Changes to the view corridor along the South Nevada Street right-of-way are not proposed. As shown on sheet L3.0 of the plan set, high-quality, durable plantings are proposed along the perimeter of the parking areas, which serves to screen and soften the edges of the vehicle area and preserve view corridor along South Nevada Street.

33.55.260 Exterior Display and Storage

Exterior display and storage, except of boats, is not allowed.

Response: Exterior display and storage is not proposed or required by the applicant's proposal.

33.550.280 Signs

The sign standards are stated in Title 32, Signs and Related Regulations

Response: Alterations to the site's existing monument sign are not proposed by the applicant. Therefore, Title 32 standards are not applicable.

33.550.290 Required Design Review

The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district are within the Design Overlay Zone

Response: The OPB site is within the Design overlay zone. PCC 33.420 is addressed for compliance in this narrative. As a Type III Design Review is requested, PCC 33.825 is also addressed for compliance in this narrative.

33.730 Quasi-Judicial Procedures

33.730.140 Requests for Changes to Conditions of Approval

- A. Generally. Request for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.**

Response: The applicant requests to remove condition of approval #3 from the 1987 design review approval (DZ 15-87). This condition requires an approximately three foot landscape strip along the eastern boundary of the site, as previously described. Therefore, a Type III Design Review Approval is requested.

33.825 Design Review

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. The review body may not consider modifications to standards for which adjustments are prohibited. 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**

Modification #1: PCC 33.266.130.G.2 (parking area setbacks and perimeter landscaping)

Response: As previously identified, existing built conditions on the site preclude the ability to provide a three foot or five foot buffer on the site's eastern edge. The width of the drive aisle cannot be further reduced due to PCC 33.266.130.F.2, which requires a minimum 20-foot width for two-way drive aisles and 12-foot width for one-way drive aisles. Additionally, the drive aisle cannot be eliminated due to the need for vehicular access, including loading and emergency vehicles to safely maneuver around the eastern edge of the building. Therefore, a modification to PCC 33.266.130.G.2 is requested.

The proposed fence will screen immediate views of the drive aisle from the TriMet railroad right-of-way to the east, with additional landscaping plantings proposed on the east side of the parking structure where four parallel parking spaces currently exist. The right-of-way is currently only used for a seasonal trolley line, the Willamette Shore Trolley, which provides two to three departures per day between Lake Oswego and Portland and generally operates between June and October. Immediately east of the right-of-way is

Willamette Park, a 26-acre park owned and managed by the City of Portland. On the eastern edge of the railroad right-of-way and within the park is a row of mature Pin Oak trees with intermittent coniferous trees that provide substantial screening of the OPB building and eastern circulation area. Aerial photos of the park that are available from 1990 show that these trees were in existence at the time, but that the canopies had not matured to overlap and provide a continuous screening. These trees have matured over time and their canopies overlap to substantially screen the OPB structure. The proposed sight-obscuring fence will provide additional screening to supplement the vegetative screening provided from the trees at Willamette Park. In combination, the total screening provided will offer significant visual buffering that will equally or better meet the buffer provisions of Table 266-5 of PCC 33.266.130.G.2.

As identified in response to PCC 33.420.051, the site is within the Macadam Plan District, and subject to the Macadam Corridor Design Guidelines. The Macadam Corridor Design Guidelines are addressed in Section 6.0 of this narrative. In addition, the applicant has provided a summary statement in response to each of the six guidelines to further demonstrate how the proposal better meets these design guidelines.

- ***Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way of Macadam as well as views from the river and the Greenway to the west;***

The proposed fence will screen and shield the railroad tracks from the public's view when utilizing the building's main entrance, which is elevated above street level. This will have the effect of framing and enhancing the pedestrian viewpoint toward Willamette Park and the Willamette River, as well as the existing row of Pin Oaks and other coniferous trees on the east side of the railroad tracks.

- ***Physical Connections. Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River;***

The proposed fence will provide both an aesthetic screen and also a physical barrier for possible foot traffic over the TriMet right-of-way between Willamette Park and the OPB site. This physical barrier will ensure that any persons seeking to travel between South Macadam Avenue and Willamette Park in this location will utilize the public accessway provided at South Nevada Street, rather than trespass across the OPB site and the TriMet right-of-way. Thus, the applicant's proposal is supportive of this guideline as it will further encourage the use of the publicly provided pedestrian access to Willamette Park at SW Nevada Street

- ***The Water's Edge. Enhance the scenic qualities of the river and sites that abut the riverbank to contribute to an attractive and enjoyable Greenway Trail;***

The proposed fence will supplement the landscaping at the west side of Willamette Park to obscure views of the OPB site and will result in a more natural setting within the park. This will, as a consequence, enhance the scenic qualities of the riverbank environment and trails at the park.

- ***The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city;***

The proposed fence is neither adjacent to nor visible from South Macadam Avenue and will not diminish its existing boulevard treatment or the attractiveness of this entrance to the City. As previously identified, the applicant is proposing additional interior and perimeter parking lot landscaping that will screen parking areas from South Macadam Avenue and contribute to its attractiveness. The proposed fence will obscure views of the OPB facility from Willamette Park, which serves as a pedestrian-oriented entrance to the City, enhancing this area's natural feeling from a pedestrian's perspective.

- ***Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house;***

The proposed fence will help soften and shield views of the existing OPB facility from Willamette Park and the Greenway Trail. In conjunction with the existing row of Pin Oaks and other coniferous trees on the east side of the TriMet right-of-way, the view of the site will be further screened, and the natural character of Willamette Park will be enhanced. In addition, the applicant has also proposed to eliminate four existing parallel parking spaces along the parking structure's eastern edge, with landscaping to be installed in its place. As shown on sheets L3.0 and L3.1 of the plan set, this landscaping includes a row of Pyramidal European Hornbeam trees, which will have a mature size of 35-feet in height and 25-feet in width and will provide additional screening of the OPB facilities.

- ***Signs. Keep signage consistent with and supportive of Macadam Avenue's role as a scenic boulevard while using signs to connect activities housed by a project to the boulevard;***

The proposed fence will be opaque and will block the view of temporary and permanent signage used adjacent to the site's existing loading area for shipments and deliveries, as well as general building access, from pedestrians utilizing Willamette Park and the Greenway Trail. No additional signs are proposed by the applicant at this time.

- ***Johns Landing Masterplan. Comply with the provisions of the Johns Landing masterplan;***

The OPB site is not located within the John's Landing Master Plan area. Therefore, this guideline is not applicable.

- ***Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.***

The proposed fence will not preclude the potential light rail use of the TriMet right-of-way and, if anything, will enhance this potential use by providing an aesthetic screen from the OPB site and a physical barrier that would limit individuals from trespassing onto the right-of-way.

Modification #2: PCC 33.266.310.E (loading area setbacks and perimeter landscaping)

Response: As previously identified, existing built conditions on the OPB site preclude the ability to provide a five foot buffer on the site's eastern edge. The width of the drive aisle cannot be further reduced due to PCC 33.266.130.F.2, which requires a minimum 12-foot width for one-way drive aisles, such as the segment of the drive aisle where the OPB site's required loading spaces are provided. As stated previously, the drive aisle cannot be eliminated due to the need for vehicular access, including access for loading and emergency vehicles to safely maneuver around the eastern edge of the building. Therefore, a modification to PCC 33.266.310.E is requested.

The proposed fence will screen immediate views of the drive aisle from the TriMet railroad right-of-way to the east, including of loading activities that are necessary for the operation of the active broadcast studio. As previously described, the right-of-way is currently only used for the Willamette Shore Trolley, which operates on a seasonal basis. Immediately east of the right-of-way is Willamette Park, a 26-acre park owned and managed by the City. A row of mature Pin Oak trees and intermittent coniferous trees provide substantial screening of the OPB building and the eastern circulation area, including the existing loading area. These trees have matured over time and their canopies overlap to substantially screen the OPB building, drive aisle, and loading area. The proposed sight-obscuring fence will provide additional screening and further supplement the vegetative screening provided from the trees at Willamette Park. In combination, the total screening provided will offer a significant visual buffer that will equally or better meet the buffer provisions of Table 266-7.

As previously identified, the site is within the Macadam Plan District, and subject to the Macadam Corridor Design Guidelines. The Macadam Corridor Design Guidelines are addressed in Section 6.0 of this narrative. A summary statement in response to each of the six guidelines is provided below to further demonstrate how the proposal better meets these design guidelines.

- ***Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way of Macadam as well as views from the river and the Greenway to the west;***

As previously described, the proposed fence will screen and shield the railroad tracks from the public's view when utilizing the building's main entrance, which is elevated above street level. This will have the effect of framing and enhancing the pedestrian viewpoint toward Willamette Park and the Willamette River, as well as the existing row of Pin Oaks and other coniferous trees on the east side of the railroad tracks. Due to the nature of the active broadcast facility, and the need for frequent deliveries which use the loading area, a sight-obscuring fence in conjunction with the existing Pin Oaks and other vegetation within Willamette Park, will more adequately screen trucks and other delivery vehicles from views within Willamette Park, enhancing the park's natural feel.

- ***Physical Connections. Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River;***

The proposed fence will provide both an aesthetic screen and also a physical barrier for possible foot traffic over the TriMet right-of-way between Willamette Park and the OPB

site. This physical barrier will ensure that any persons seeking to travel between South Macadam Avenue and Willamette Park in this location will utilize the public accessway provided at South Nevada Street, rather than trespass across the OPB site and the TriMet right-of-way. Thus, the applicant's proposal is supportive of this guideline as it will further encourage the use of the publicly provided pedestrian access to Willamette Park at South Nevada Street.

- ***The Water's Edge. Enhance the scenic qualities of the river and sites that abut the riverbank to contribute to an attractive and enjoyable Greenway Trail;***

The proposed fence will supplement the landscaping at the west side of Willamette Park to obscure views of the OPB site, and frequent loading activities, which will result in a more natural setting within the park. This will, as a consequence, enhance the scenic qualities of the riverbank environment and trails at the park, while limiting pedestrian views of loading vehicles necessary for the active broadcast studio's operation.

- ***The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city;***

The proposed fence is neither adjacent to nor visible from South Macadam Avenue and will not diminish its existing boulevard treatment or the attractiveness of this entrance to the City. As previously identified, the applicant is proposing additional interior and perimeter parking lot landscaping that will further screen parking areas from South Macadam Avenue and contribute to its attractiveness. The proposed fence will also obscure views of the OPB facility from Willamette Park, which serves as a pedestrian-oriented entrance to the City, enhancing the natural aesthetic of this area from a pedestrian's perspective.

- ***Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house;***

The proposed fence will help soften and shield views of the existing OPB facility, and the existing loading area, from Willamette Park and the Greenway Trail. In conjunction with the existing row of Pin Oaks and other coniferous trees on the east side of the TriMet right-of-way, the view of the site will be further screened, and the natural character of Willamette Park will be enhanced. While not immediately adjacent to the loading area, the applicant has also proposed to eliminate four existing parallel parking spaces along the parking structure's eastern edge, with landscaping to be installed in its place. As shown on sheet L3.0 and L3.1 of the plan set, this landscaping includes a row of Pyramidal European Hornbeam trees, which will have a mature height of 35-feet and a canopy width of 25-feet in width. These trees will provide additional screening of the OPB facilities from pedestrian viewpoints within Willamette Park and the Greenway Trail.

- ***Signs. Keep signage consistent with and supportive of Macadam Avenue's role as a scenic boulevard while using signs to connect activities housed by a project to the boulevard;***

The proposed fence will be opaque and will block the view of temporary and permanent signage used adjacent to the site's existing loading area for shipments and deliveries, as

well as general building access, from pedestrians utilizing Willamette Park and the Greenway Trail. No additional signs are proposed by the applicant at this time.

- ***Johns Landing Masterplan. Comply with the provisions of the Johns Landing masterplan;***

The OPB site is not located within the John's Landing Master Plan area. Therefore, this guideline is not applicable.

- ***Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.***

The proposed fence will not preclude the potential light rail use of the TriMet right-of-way and, if anything, will enhance this potential use by providing an aesthetic screen from the OPB site and a physical barrier that would limit individuals or encroaching vegetation from trespassing onto the right-of-way.

Modification #3: PCC 33.130.270.C.1.a (sight-obscuring fences within ten feet of street lot lines)

Response:

As previously identified, PCC 33.130.235.C requires that ground-mounted mechanical equipment, including the existing satellite dishes and generator north of South Nevada Street, be screened from the street to the L2 or F2 standard. Therefore, the applicant is proposing to replace the existing chain-link fence, which is only partially sight-obscuring, with a six foot completely sight-obscuring wood fence on the north, south, and east sides of the satellite dish and generator area, which meets the F2 standard. On the west side of the satellite dish and generator area, the applicant proposes landscaping to the L2 standard, in conjunction with the existing stained wooden screen which currently meets the F2 standard, to adequately screen the satellite dishes and generator from South Macadam Avenue.

Because PCC 33.130.270.C.1.a limits fully opaque sight-obscuring fences within ten feet of a street lot line to 3.5-feet or less in height, a modification is proposed to allow the six foot sight obscuring fence to be located within ten feet of the lot line along South Nevada Street on the south side of the satellite dish and generator area. Due to the operational needs of the adjacent satellite dish, which typically faces due-south and southeast, L2 landscaping cannot be installed as it will interfere with the operation of the satellite dish upon maturity of any trees planted. Further, the fence cannot be moved closer to the dish due to existing width limitations and the need for a clear path around the satellite dish for routine maintenance. This modification is only subject to the portion of the proposed fence that is within ten feet of the South Nevada Street lot line.

As previously identified, the site is within the Macadam Plan District, and is subject to the Macadam Corridor Design Guidelines. The Macadam Corridor Design Guidelines are addressed in Section 6.0 of this narrative. A summary statement in response to each of the six guidelines is provided below to further demonstrate how the proposal better meets these design guidelines.

- ***Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way of Macadam as well as views from the river and the Greenway to the west;***

The satellite dish and generator area is immediately adjacent to one of Willamette Park's main pedestrian-oriented entrances via South Nevada Street. The existing chain-link fence is only partially sight-obscuring, whereas the proposed fence will be completely sight-obscuring, thereby enhancing the view corridor from South Nevada Street toward Willamette Park, the Greenway Trail, and the Willamette River by more completely shielding views of the adjacent satellite dishes and generator from pedestrian views. Proposed landscaping on the west side of the satellite dish and generator area will complement the enhanced sight-obscuring fence over existing conditions to increase this visual connection. Enhanced landscaping on the south side of South Nevada Street will also assist in framing this view corridor in conjunction with the proposed sight-obscuring fence.

- ***Physical Connections. Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River;***

The proposed fence will provide an enhanced aesthetic screen of the adjacent satellite dish and generator area over the existing chain-link fence, which is only partially sight-obscuring. Similar to the proposed fence along the eastern boundary of the OPB site, this fence will also provide a physical barrier between adjacent foot traffic seeking to access Willamette Park via South Nevada Street. More thorough screening of the satellite dish and generator area will enhance the pedestrian connection between South Madam Avenue by improving the view corridor between Willamette Park to the east residential areas located west of Macadam.

- ***The Water's Edge. Enhance the scenic qualities of the river and sites that abut the riverbank to contribute to an attractive and enjoyable Greenway Trail;***

The proposed sight-obscuring fence will complement enhanced landscaping proposed on the south side of South Nevada Street, as well as landscaping proposed on the west side of the satellite dish and generator area. The proposed fence will limit pedestrian views of the satellite dishes and generator, which will enhance the scenic qualities of the riverbank environment and trails within the park.

- ***The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city;***

The proposed sight-obscuring fence will be an aesthetic upgrade over the existing chain-link fence, while also providing enhanced screening of the adjacent satellite dish and generator area from pedestrians accessing Willamette Park via South Nevada Street. Enhanced landscaping proposed on the south side of South Nevada Street, as well as landscaping proposed on the west side of the satellite dish and generator area, will also serve to further screen and shield the OPB facilities from views from South Macadam Street to the west and Willamette Park to the east.

- ***Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house;***

The proposed sight-obscuring fence will help soften and shield views of the existing satellite dishes and generator from Willamette Park and the Greenway Trail. In conjunction with existing and enhanced landscaping proposed within the OPB site on either side of South Nevada Street, the site as a whole (including the satellite dish and generator area) will be further screened, and the natural character of Willamette Park, and the view corridors to and from the park, will be enhanced as a result. The proposed sight-obscuring fence will also be an aesthetic upgrade to the existing chain-link fence, contributing to the attractiveness of the area in the vicinity of the OPB site.

- ***Signs. Keep signage consistent with and supportive of Macadam Avenue's role as a scenic boulevard while using signs to connect activities housed by a project to the boulevard;***

The proposed fence will be opaque and will block the view of permanent signage used within the satellite dish and generator area from pedestrians utilizing the South Nevada Street access to Willamette Park and the Greenway Trail. No additional signs are proposed by the applicant at this time.

- ***Johns Landing Masterplan. Comply with the provisions of the Johns Landing masterplan;***

The OPB site is not located within the John's Landing Master Plan area. Therefore, this guideline is not applicable.

- ***Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.***

The proposed fence will not preclude the potential light rail use of the TriMet right-of-way and, if anything, will enhance this potential use by providing an enhanced aesthetic screen of the existing satellite dishes and generator from the perspective of the right-of-way.

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 #1: PCC 33.266.130.G.2 (parking area setbacks and perimeter landscaping)

Response: Per PCC 33.266.130, the purpose of the standards that include the landscape buffer provision in Table 266-5 of PCC 33.266.130.G.2 are to "promote vehicle areas that are safe and attractive for motorists and pedestrians."

The applicant has considered the purpose of the parking lot development standards and believes that, on balance, the proposed modification remains consistent with these provisions. First, the overarching purpose of the standards is to promote vehicle areas that are both "safe and attractive", meaning that the provisions are intended to ensure that on-site vehicular movements can be safely accomplished while mitigating any potential aesthetic impacts of the paved surfaces and vehicular activity. The applicant's proposal is specifically intended to balance the need for screening on the eastern property line with the need for adequate and safe maneuvering room for vehicular movements. In addition, PCC 33.266.130 includes other purpose statements as identified below. The applicant has provided a summary statement in response to each of these

purpose statements to further demonstrate how the proposal is consistent with the purpose of the standard.

- ***Improve and soften the appearance of parking areas;***

There are only two surface parking spaces proposed on the east side of the OPB parking structure that would be visible from the east and the remainder of the parking spaces are located under the parking deck north of the OPB building. The proposed fence will shield views of the driveway aisle from off-site properties to the east. Additionally, elsewhere on site, OPB has eliminated two parking spaces so that the interior parking lot landscaping exceeds the minimum standard, which improves and softens the appearance of the parking area.

- ***Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;***

The proposed fence will be fully opaque and will block views of the drive aisle and circulating vehicles from residences located to the southeast. Additionally, elsewhere on site, OPB has eliminated two parking spaces so that the interior parking lot landscaping exceeds the minimum standard, which reduces the visual impact of the parking area.

- ***Provide flexibility to reduce the visual impacts of small residential parking lots;***

The proposal is not for a residential parking lot and this purpose provision does not apply.

- ***Direct traffic in parking areas;***

The proposed fence will provide a visual demarcation of the parking area and will provide greater definition of the dividing line between the OPB property and the TriMet right-of-way.

- ***Shade and cool parking areas;***

The proposed landscape buffer is applied to the drive aisle and only two parking spaces are located along the drive aisle. Due to the height of the OPB structure, which is located on the west side of the site and the height of the trees that line the west edge of Willamette Park, the drive aisle area adjacent to the eastern property line is substantially shaded and further landscaping is not necessary to cast shade on the area. Additionally, elsewhere on site, OPB has eliminated two parking spaces so that the interior parking lot landscaping exceeds the minimum standard, which provides additional shade and cooling within the parking area.

- ***Reduce the amount of stormwater runoff from vehicle areas;***

The applicant's proposal includes the conversion of two parking spaces to landscape islands. This conversion of impervious surface to landscape area will reduce the amount of stormwater runoff from the site from current conditions.

- ***Reduce the pollution and temperature of stormwater runoff from vehicle areas; and***

As noted above, the applicant's proposal will reduce the extent of impervious surface on the site and there will be a net reduction of stormwater runoff as a result of the site's nonconforming upgrades.

- ***Decrease airborne and waterborne pollution.***

As noted above, the proposal will increase the extent of landscaping area and plant density throughout the OPB site, which will result in additional tree plantings that serve as a carbon “sink” and will reduce the extent of potential pollutant-generating impervious surface on the site.

For all of the reasons noted above and as further described throughout this narrative, the proposed fence is consistent with the purpose of the L2 landscaping standard as described in PCC 33.266.130.

Modification #2: PCC 33.266.310.E (loading area setbacks and perimeter landscaping)

Response: Per PCC 33.266.310.A, the general purpose of the loading area standards are to provide areas for loading that are necessary for larger uses and developments, such as the OPB site and its active broadcast studio, which requires frequent deliveries. These standards are also intended to create loading areas that appear similar to adjacent parking areas. The applicant has considered the purpose of the loading area standards and believes that, on balance, the proposed modification remains consistent with these provisions. In support of this modification, the various elements of the purpose statement provided by PCC 33.266.310.A are addressed with a summary statement in response to each of these elements to demonstrate how the proposal is consistent with the overall purpose of the loading area standards.

- ***A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments.***

The proposed modification to provide a six foot completely sight obscuring wood fence does not limit the OPB site’s ability to provide a minimum of two loading spaces that meet the dimensional requirements per PCC 33.266.310.D. As identified on sheet L3.0 of the plan set, two loading spaces continue to be provided. Further, by providing a sight-obscuring fence adjacent to the loading area, as opposed to a five foot landscape strip which would further limit the width of the paved area between the OPB building and the TriMet right-of-way, adequate width can continue to be provided for loading purposes.

- ***These regulations ensure that the appearance of loading areas will be consistent with that of parking areas.***

While not immediately adjacent to the OPB site’s existing parking areas, the appearance of the loading area will be consistent with that of the drive aisle along the eastern edge of the OPB site. The completely sight-obscuring fence, together with the existing Pin Oaks and intermittent coniferous trees within Willamette Park, will also enhance the screening of the loading area from views from Willamette Park and the Greenway Trail, which are frequently in-use as a result of the active broadcast studio. Creating a distinct definition between the public right-of-way, as well as Willamette Park, from the private spaces within the OPB site, is also supportive of the overall purpose of landscaping and screening as identified by PCC 33.248.010 to “enhance and define public and private spaces”. Additional landscaping plantings on the east side of the parking structure proposed in lieu of four parallel parking spaces will provide additional screening of the loading area when viewed from South Nevada Street and one of the main pedestrian-oriented access points to Willamette Park and the Greenway Trail.

- ***These regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.***

The proposed modification to provide a six foot completely sight-obscuring wood fence will not have a negative effect on the traffic safety or transportation functions of the abutting right-of-way. Two-way access from the adjacent parking structure will continue to be provided, allowing vehicles that are existing the parking structure to exit the site via South Nevada Street, ensuring that loading operations within the drive aisle to the south will not interfere with passenger vehicles. Further, in support of the Macadam Corridor Design Guidelines, which seeks to preserve the adjacent railroad right-of-way for future light rail transit, the proposed sight-obscuring fence will provide a physical demarcation between the OPB site and this right-of-way, providing a more formal barrier that would prevent activities from encroaching into the adjacent right-of-way.

Modification #3: PCC 33.130.270.C.1.a (sight-obscuring fences within ten feet of street lot lines)

Response: Per PCC 33.130.270.A, the purpose of the fence regulations within commercial zones is to limit any negative effects that fences may have in limiting visibility into and out of a site, while also ensuring visibility for motorists, especially for proposed fences near streets. The applicant has considered the purpose of the fence standards and believes that, on balance, the proposed modification remains consistent with these provisions given the unique locations of the proposed fence subject to this modification request and that the fence screens mechanical equipment, not an occupiable building that benefits from having visibility into and out of the site. In support of this modification, the various elements of the purpose statement provided by PCC 33.130.270.A are addressed with a summary statement in response to each of these elements to demonstrate how the proposal is consistent with the overall purpose of the fence standards.

- ***The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety.***

While the proposed completely sight-obscuring wood fence is proposed within ten feet of a street lot line and will be adjacent to South Nevada Street and the accompanying sidewalk, it will not negatively impact the community or endanger public or vehicle safety. Rather, a completely sight-obscuring fence in this location creates a greater physical barrier between pedestrians seeking to access Willamette Park via South Nevada Street than a partially sight-obscuring fence could and provides a more substantial barrier to prevent trespassing into the satellite dish and generator area. Further, vehicle access on South Nevada Street does not continue past the TriMet right-of-way. Vehicles exiting the surface parking lot north of South Nevada Street will have a clear viewpoint toward the other two driveways south of South Nevada Street. As a consequence, a completely sight-obscuring fence will not impede vehicle safety when vehicles enter and exit any of the OPB site's three driveways adjacent to the proposed fence.

The proposed sight-obscuring fence will also further promote the positive benefits of fences by enhancing the existing screening of the satellite dish and generator area from views over existing site conditions. A completely sight-obscuring fence in this area also enhances the view corridor to and from Willamette Park in support of the Macadam Corridor Design Guidelines and the Macadam Plan District, which seeks to maintain and enhance view corridors along various rights-of-way, including South Nevada Street. A completely sight-obscuring fence within ten feet of the street lot line also meets the standard for adequate screening of ground-mounted mechanical equipment (such as the existing satellite dishes and generator), which requires screening to the F2 or L2 standard. As previously described, due to the operational needs of the adjacent satellite dish, which routinely faces due-south and southeast, L2 landscaping cannot be installed in-lieu of a sight-obscuring fence as it will interfere with the operation of the satellite dish upon

maturity of any trees planted. Further, the fence cannot be moved closer to the dish due to existing width limitations and the need for a clear path around the satellite dish for routine maintenance. Therefore, the proposed modification allows the site to comply with these standards when alternatives are not viable given current site conditions.

- ***Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists***

As previously stated, the proposed six foot completely sight-obscuring fence will not impede visibility into and out of the site for pedestrians or motorists. Vehicle access on South Nevada Street does not continue past the TriMet right-of-way, and vehicles exiting the surface parking lot north of South Nevada Street will have a clear viewpoint toward the other two driveways south of South Nevada Street. As a consequence, a completely sight-obscuring fence will not impede vehicle safety when vehicles enter and exit any of the OPB site's three driveways adjacent to the proposed fence. Further, the fence screens mechanical equipment, not an occupiable building that benefits from having visibility into and out of the site.

- ***Fences in any required side or rear setback are limited in height so as to not conflict with the purpose of the setback.***

The proposed sight-obscuring fence is along a street lot line (South Nevada Street), and the CS zone does not maintain street lot line setbacks. Therefore, the proposed modification does not conflict with the purpose of any setbacks. On the contrary, the proposed sight-obscuring fence instead meets the standard for adequate screening of ground-mounted mechanical equipment (such as the existing satellite dishes and generator), which requires screening to the F2 or L2 standard. As previously described, due to the operational needs of the adjacent satellite dish, which typically faces south and southeast, L2 landscaping cannot be installed in-lieu of a sight-obscuring fence as it will interfere with the operation of the satellite dish upon maturity of any trees planted. Further, the fence cannot be moved closer to the dish due to existing width limitations and the need for a clear path around the satellite dish for routine maintenance of the equipment. Therefore, the proposed modification allows the site to comply with these screening standards, and the completely sight-obscuring fence does not need to be limited in height due to any conflicts with CS zone setbacks.

33.825.055 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.

Response: The Macadam Corridor Design Guidelines are addressed for compliance in Section 6.0 of this narrative, demonstrating the applicant's proposal meets the special characteristics of the Macadam Design District.

33.825.065 Design Guidelines

- A. Purpose: Design Guidelines are the approval criteria used to review new development and modifications to existing development. They ensure the conservation an enhancement of the special characteristics of each design district.**

Response: The Macadam Corridor Design Guidelines are addressed for compliance in Section 6.0 of this narrative, demonstrating the applicant's proposal meets the special characteristics of the Macadam Design District.

- B. Design guidelines.** Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5 through 420-6. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

All other areas within the Design Overlay Zone or proposals subject to design review use the Community Design Guidelines. A district's design guidelines are mandatory approval criteria used in design review procedures. The design guidelines may consist of a common set of design guidelines for the whole district and special design guidelines for subdistricts.

Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control.

Response: The Macadam Corridor Design Guidelines are addressed for compliance in Section 6.0 of this narrative, demonstrating the applicant's proposal meets the special characteristics of the Macadam Design District. As a result, the Community Design Guidelines are not applicable, and are not addressed in this narrative.

5.0 Willamette Greenway Plan Design Guidelines

Issue A. Relationship of structures to the Greenway Setback Area

- 1. Structure Design.** The Greenway Setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to support the pedestrian circulation system, including both the Greenway trail and access connections.
- 2. Structure Alignment.** Where surrounding development follows an established block pattern, alignment with the block pattern should be considered in structure placement. Structure alignment should also take into account potential view corridors from existing public rights-of-way or acknowledged viewpoints. The pedestrian access system should be designed to take advantage of these alignments.

Response: The OPB site is not within the Greenway Setback area. The applicant's proposed alterations to the site's landscaping and parking areas do not alter or hinder access to the Greenway trail or its access connections. Alterations to the site's existing buildings are not proposed. Therefore, this policy does not apply.

Issue B. Public Access

- 1. Public Access.** New developments should integrate public access opportunities to and along the river into the design of the Project. This includes the Greenway trail, formal viewpoints, access connections to the Greenway trail, and internal site pedestrian circulation.

Response: The applicant's proposed alterations to the site's landscaping and parking areas do not alter or hinder public access opportunities to and along the Willamette River, including the Greenway trail, viewpoints, access connections, and internal site pedestrian circulation. Therefore, this policy is met.

- 2. The pedestrian circulation system, including Greenway trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.**

Response: The pedestrian circulation system, including the Greenway trail, viewpoints, and trail access connections, are not altered with the applicant's proposal. Therefore, this policy is met.

3. Signage. Access connections should be clearly marked.

Response: Greenway trail access connections are not altered by the applicant's proposal, and no new signs are proposed. Therefore, this policy does not apply.

4. Access to Water's Edge. Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water's edge is encouraged as part of the Project.

Response: Access to the water's edge is not impacted or hindered by the applicant's proposal. Therefore, this policy is met.

Issue C. Natural Riverbank and Riparian Habitat

- 1. Natural Riverbanks. The natural riverbank along the Willamette River should be conserved and enhanced to the maximum extent practicable. Modification of the riverbank should only be considered when necessary to prevent significant bank erosion and the loss of private property, or when necessary for the functioning of a river-dependent or river-related use.**
- 2. Riparian Habitat. Rank I riparian habitat areas, as identified in the wildlife habitat inventory, should be conserved and enhanced with a riparian landscape treatment. Other riparian habitat should be conserved and enhanced through riparian landscape treatments to the maximum extent practical. Conservation however does not mean absolute preservation. Some discretion as to what vegetation should remain and what can be removed and replaced should be permitted. Riparian habitat treatments should include a variety of species of plants of varying heights that provide different food and shelter opportunities throughout the year.**

Response: The site does not abut the riverbank. Therefore, this policy does not apply.

Issue D. Riverbank Stabilization Treatments

- 1. Riverbank Enhancement. Riverbank stabilization treatments should enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where practical. Areas used for river-dependent and river-related industrial uses are exempted from providing public access.**

Response: The site does not abut the riverbank. Therefore, this policy does not apply.

Issue E. Landscape Treatments

- 1. Landscape Treatments. The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition area between a riparian treatment on the riverbank and a more formal treatment of the upland.**
- 2. Grouping of Trees and Shrubs. In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas for human use, and has the secondary value of increasing the value of the vegetation for wildlife.**
- 3. Transition. The landscape treatment should provide an adequate transition between upland and riparian areas and with the landscape treatments of adjacent properties.**

Response: As identified in response to PCC 33.440.230, the OPB site is not within the greenway setback, or riverward of the greenway setback, and specific landscape standards contained therein are not applicable. Proposed landscape improvements increase the

number of trees, shrubs, and groundcover on the site as identified on sheet L3.0 of the plan set and demonstrated in response to PCC 33.248 in this narrative. Proposed plantings will not negatively impact the Willamette River or Willamette Park. Therefore, this policy is met.

Issue F. Alignment of Greenway Trail

Response: No portion of the Greenway trail is located within the OPB site per the Willamette Greenway Public Access Map. Therefore, this policy does not apply.

Issue G. Viewpoints

Response: No viewpoints are located within the OPB site per the Willamette Greenway Public Access Map. Therefore, this policy does not apply.

Issue H. View Corridors

- 1. Right-of-way Protection. View corridors to the river along public rights-of-way are to be protected. These rights-of-way should not be vacated.**
- 2. View protection. Buildings, structures or other features must be located to avoid blocking view corridors.**
- 3. Landscape Enhancement. Landscape treatments within view corridors should frame and enhance the view of the river.**

Response: South Nevada Street is a designated view corridor per the Willamette Greenway Public Access Map. The applicant is not requesting vacation of South Nevada Street or other land use action(s) that would alter the right-of-way's protection as a view corridor. None of the applicant's proposals will hinder the view corridor's intent or purpose. Proposed landscaping will additionally help frame and enhance the view corridor toward Willamette Park and the Willamette River by screening and softening the edges of the vehicle areas on-site. Therefore, this policy is met.

6.0 Macadam Corridor Design Guidelines

- 1. Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.**

Response: The proposed wood fencing will be located east of the OPB building and south of the satellite dish and generator area and will, therefore, not impede public views to the river, Greenway Trail, or Willamette Park from South Macadam Avenue as intended by this guideline. Therefore, this guideline is met.

- 2. Physical Connections. Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.**

Response: There is an existing sidewalk on the north side of South Nevada Street that connects South Macadam Avenue with Willamette Park. The applicant's proposal is limited to on-site improvements and will not affect any physical public connections. The proposed fencing will provide both an aesthetic screen and also a physical barrier for possible foot traffic over the TriMet right-of-way between Willamette Park and the OPB site. This physical

barrier will ensure that any persons seeking to travel between South Macadam Avenue and Willamette Park in this location will utilize the public accessway provided at South Nevada Street, rather than trespass across the OPB site and the TriMet right-of-way. Thus, the applicant's proposal is supportive of this guideline as it will further encourage the use of the publicly provided pedestrian access to Willamette Park at South Nevada Street. Therefore, this guideline is met.

3. The Water's Edge. Enhance the scenic qualities of the river and sites that abut the riverbank to contribute to an attractive and enjoyable Greenway Trail.

Response: The site does not abut the riverbank. However, the fencing will help obscure the existing OPB building and ground-mounted mechanical equipment (satellite dishes and generator) from the pedestrian perspective within Willamette Park and along the Greenway Trail, which will contribute to the overall attractiveness and natural feel of the park and trail area. Therefore, this guideline is met.

4. The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.

Response: As shown on sheet L3.0 of the plan set, high-quality and durable landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue. The layering of shrubs and canopy trees soften the vehicle area and enhance the boulevard's treatment and contribute to the attractiveness of this entrance to the City. The proposed sight-obscuring fencing will also further screen and shield the OPB building and satellite dish and generator area from views from Willamette Park, which serves as an additional pedestrian entrance to the City, and alternative to South Macadam Avenue. Therefore, this guideline is met.

5. Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

Response: As shown on sheet L3.0 of the plan set, high-quality and durable landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue and South Nevada Street. Differing uses to the east (Willamette Park and single-family residential) are buffered from the site by a proposed sight-obscuring six foot wood fence where landscaping treatments are not possible due to site constraints. The layering of shrubs and canopy trees, in conjunction with the proposed fence, soften the vehicle areas and enhance the site's character. Therefore, this guideline is met.

6. Signs. Keep signage consistent with and supportive of Macadam Avenue's role as a scenic boulevard while using signs to connect the activities housed by a project to the boulevard.

Response: The existing monument sign will remain as approved in the previous sign permit application (2012-120842-000-00-SG). Additionally, the proposed fencing will be opaque and will block the view of temporary and permanent signage used adjacent to the site's existing loading zone for shipments and deliveries, as well as general building access, and the satellite dish and generator area, from pedestrians utilizing Willamette Park and the Greenway Trail. No additional signs are proposed by the applicant at this time. Therefore, this guideline is met.

7. Johns Landing Masterplan. Comply with the provisions of the Johns Landing Masterplan.

Response: The OPB site is not located within the John's Landing Master Plan area. Therefore, this guideline does not apply.

- 8. Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.**

Response: The project is bordered on its east boundary by the TriMet railroad right-of-way. The project does not interfere with the use of the right-of-way, today, or in the future. The proposed fence adjacent to the TriMet right-of-way will further deter encroachments into this right-of-way. Therefore, this guideline is met.

7.0 Conclusion

As evidenced throughout this narrative and associated documents, the applicant's Type III Design Review with Modifications, and Greenway Review requests are consistent with the applicable policies and regulations governing the allowance of the requested actions. Therefore, the applicant respectfully requests City of Portland's approval of these requests.



Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days

State law requires the City to issue a final decision on your land use proposal within 120 days of receiving a complete application. In order to ensure that the decision on your land use review application is rendered within 120 days, any appeal of your proposal to City Council will be held based on evidence submitted as part of your first hearing to the Hearings Officer, Design Commission, or Historic Landmarks Commission.

If you prefer a hearing on appeal to City Council where anyone may bring in new facts and evidence (an "evidentiary hearing"), you must request a full 245-day extension of the 120-day review period by completing this form within 21 days of submitting your land use review application. You may choose to extend the 120-day review period for up to 245 days at any point in the land use review process. However, if the request is received more than 21 days after the application date, any appeal to City Council will be on-the-record and no new evidence can be submitted.

STAFF USE ONLY

Date Land Use Application received by BDS _____ Case File No. _____
Date this form is due to BDS for evidentiary hearing _____

APPLICANT: Complete all sections below. Please Print Legibly.

DATE: 3/2/2021

TO: Bureau of Development Services
Attention: Case Planner
1900 SW Fourth Avenue, Suite 4500
Portland, OR 97201

REGARDING: Type of Land Use Review Type III Design Review with Modifications, Greenway Review (21-012886-000-00-LU)
Site Address/Street 7140 South Macadam Avenue, Portland, OR 97219
Tax Account Number(s) 1S1E22A-00800, 1S1E22AC-00200

I understand the following information:

1. I have the right, under State law, to a final decision on my application no more than 120 days after my application is determined to be complete by BDS staff.
2. I am not required to sign this form. If I do not sign this form, the City of Portland will process my application to meet the 120-day requirement.
3. By signing this form, I am making an irrevocable decision to extend the review period a full 245 days, and may not change my mind later except by withdrawing this application, filing a new application, and paying the associated fee.
4. By signing this form, I am waiving my right under State law to a final decision on my application with the 120-day review period. I am waiving my right to file any legal action to enforce the 120-day review period.

All applicants must print their name and sign this form.

Print Name	<u>Oregon Public Broadcasting Foundation, attn: Kyle Davis</u>	Day Phone	<u>(503) 293-1999</u>
Signature			
Print Name	_____	Day Phone	_____
Signature	_____		



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

LU 21-012866 DZM GW
A.3

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.

Sincerely,



Matthew Robinson
Land Use Planner

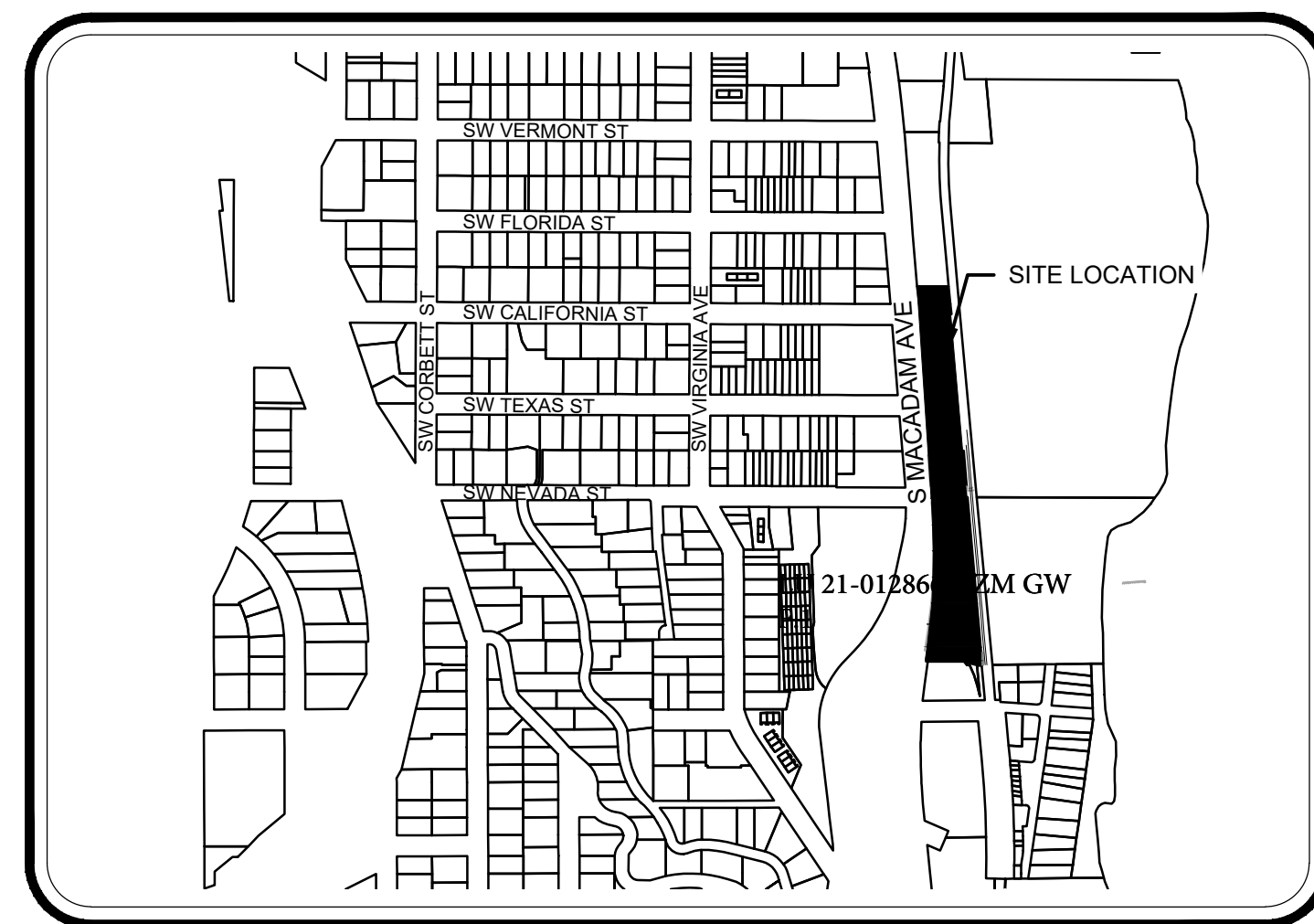
cc: Kyle Davis (*via email*), Dana Krawczuk (*via email*)

Attachment(s):

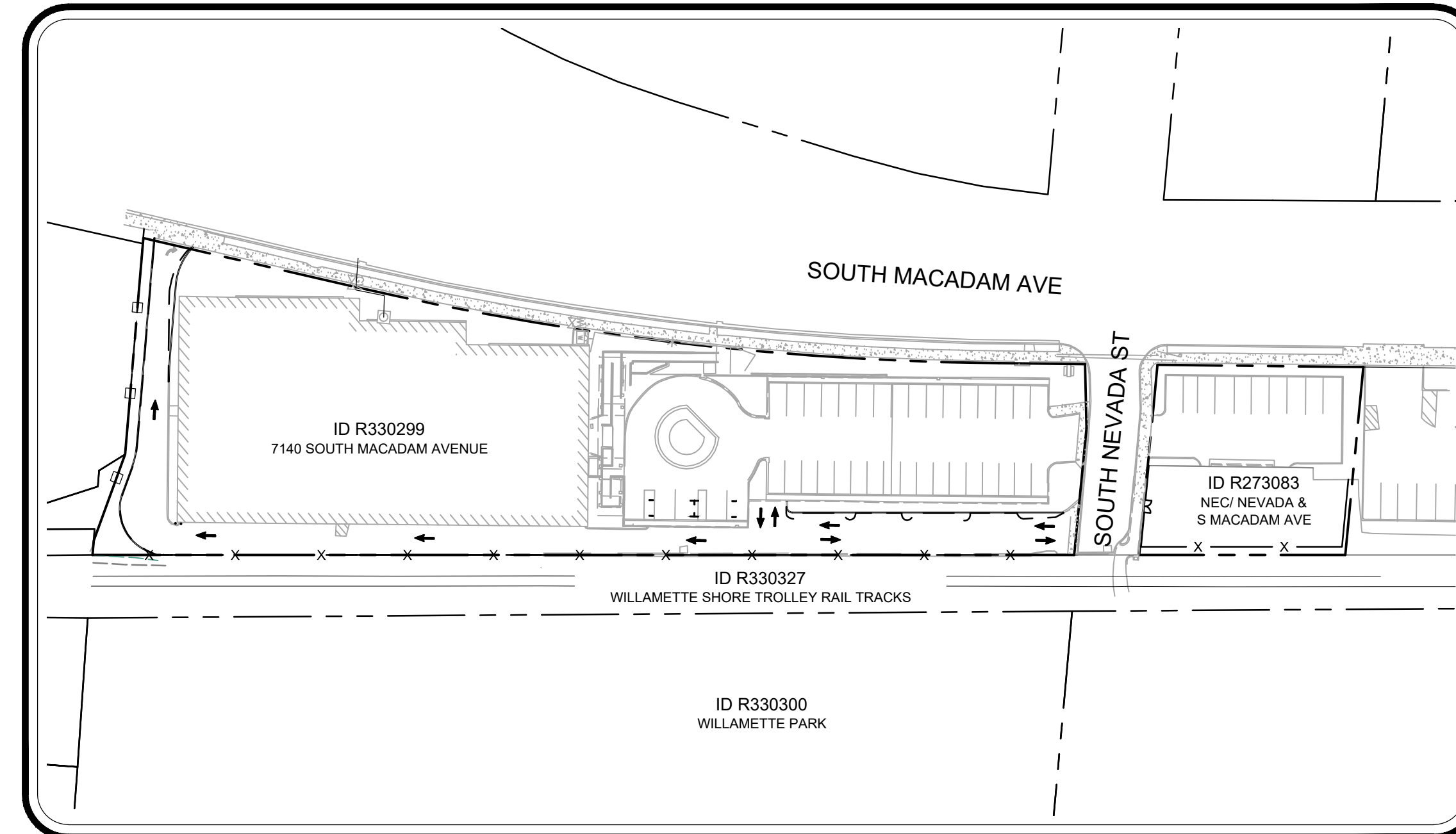
1. OPB Nonconforming Upgrades Narrative (*updated*)
2. Exhibit F – Existing Conditions Survey (*updated*)
3. Exhibit G – Plan Set (*updated*)
4. Exhibit H – Copy of DZ 15-87 Decision to Eliminate Condition of Approval #5 (*new*)

OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



VICINITY MAP
SCALE: NTS



SITE PLAN
SCALE 1" = 60'

SHEET INDEX

- L1.0 COVER SHEET
- L2.0 EXISTING CONDITIONS AND DEMO PLAN
- L2.5 CONSTRUCTION MANAGEMENT PLAN
- L3.0 SITE / LANDSCAPE PLAN
- L3.1 PLANT MATERIALS LEGEND AND DETAILS

REV	DATE	DESCRIPTION	BY

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
COVER SHEET
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT TEAM

OWNER
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
PORTLAND, OR 97219
ATTN: KYLE DAVIS
PHONE: (503)293-1999

PLANNER
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: READ STAPLETON, AICP
PHONE: (971)280-8641

LANDSCAPE ARCHITECT
DOWL LLC
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PHONE: (971)280-8641

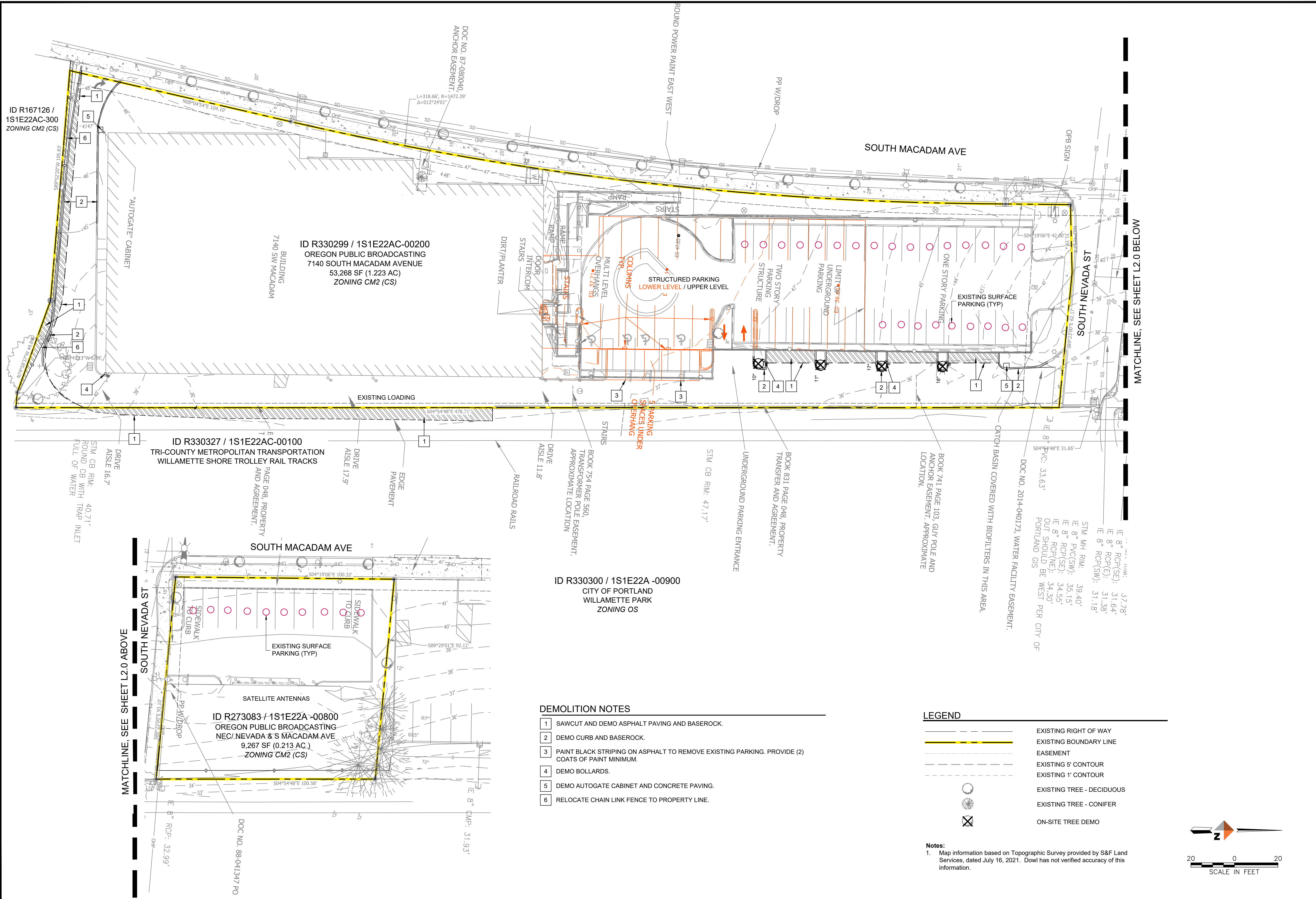
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PROJECT 14545.01
DATE 7/28/2021

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**OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR**

EXISTING CONDITIONS & DEMO PLAN

LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

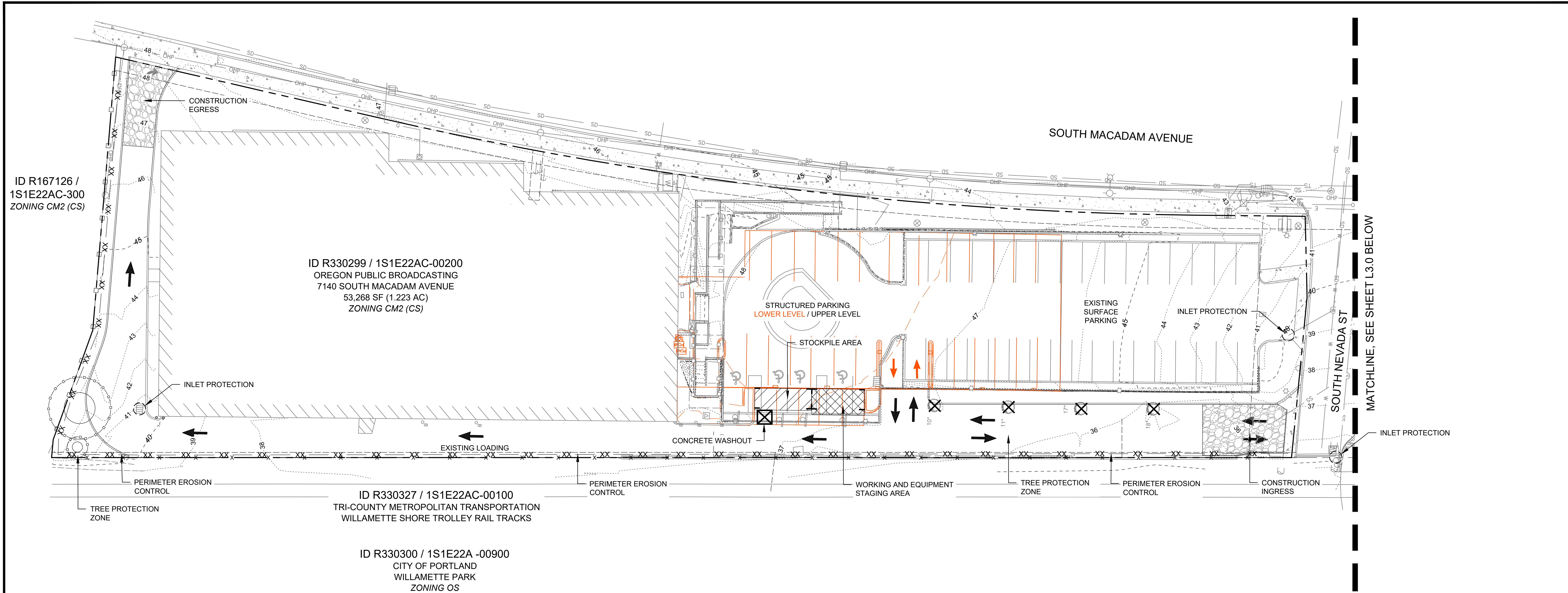
PROJECT	14545.01
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1S1E22AC-300
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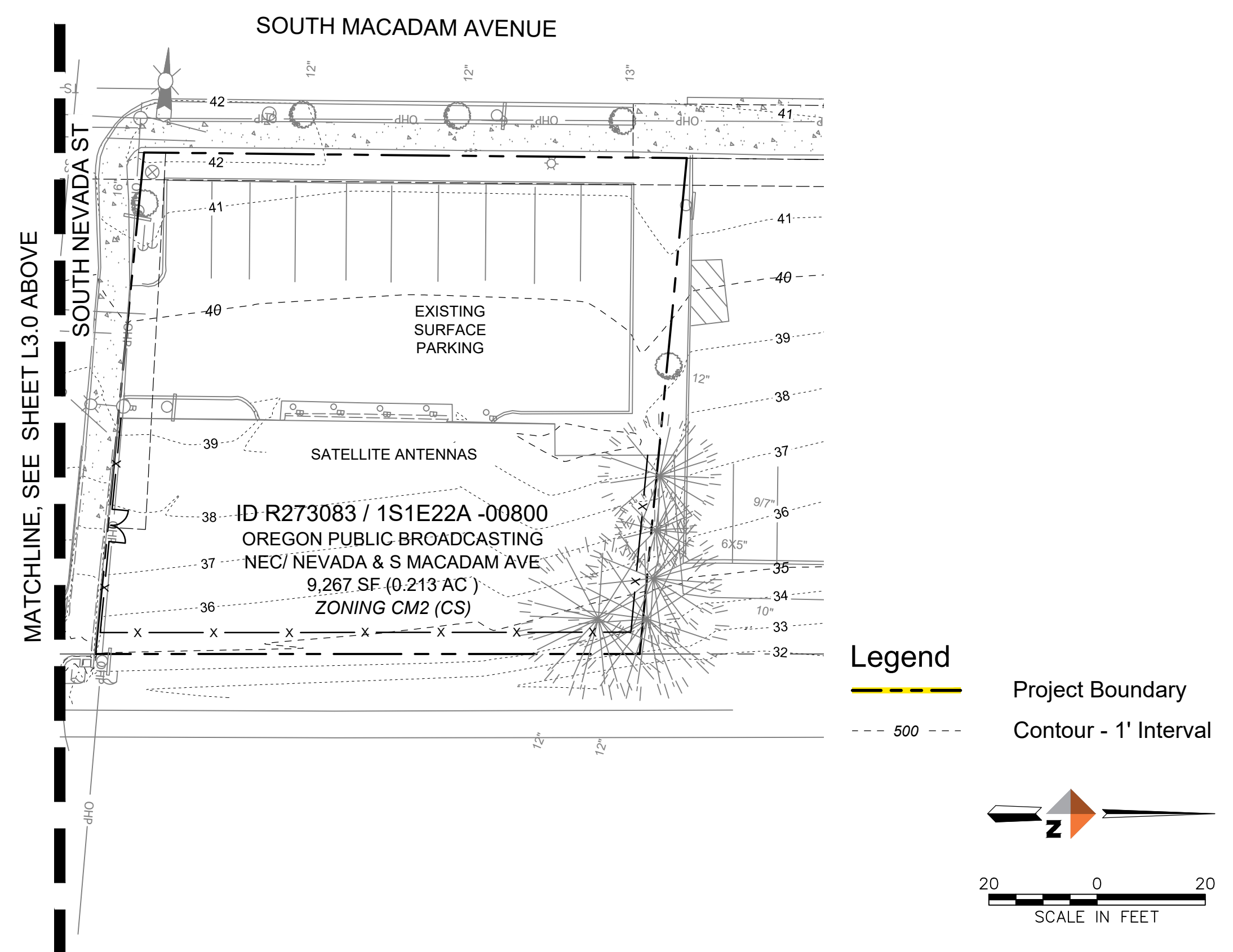
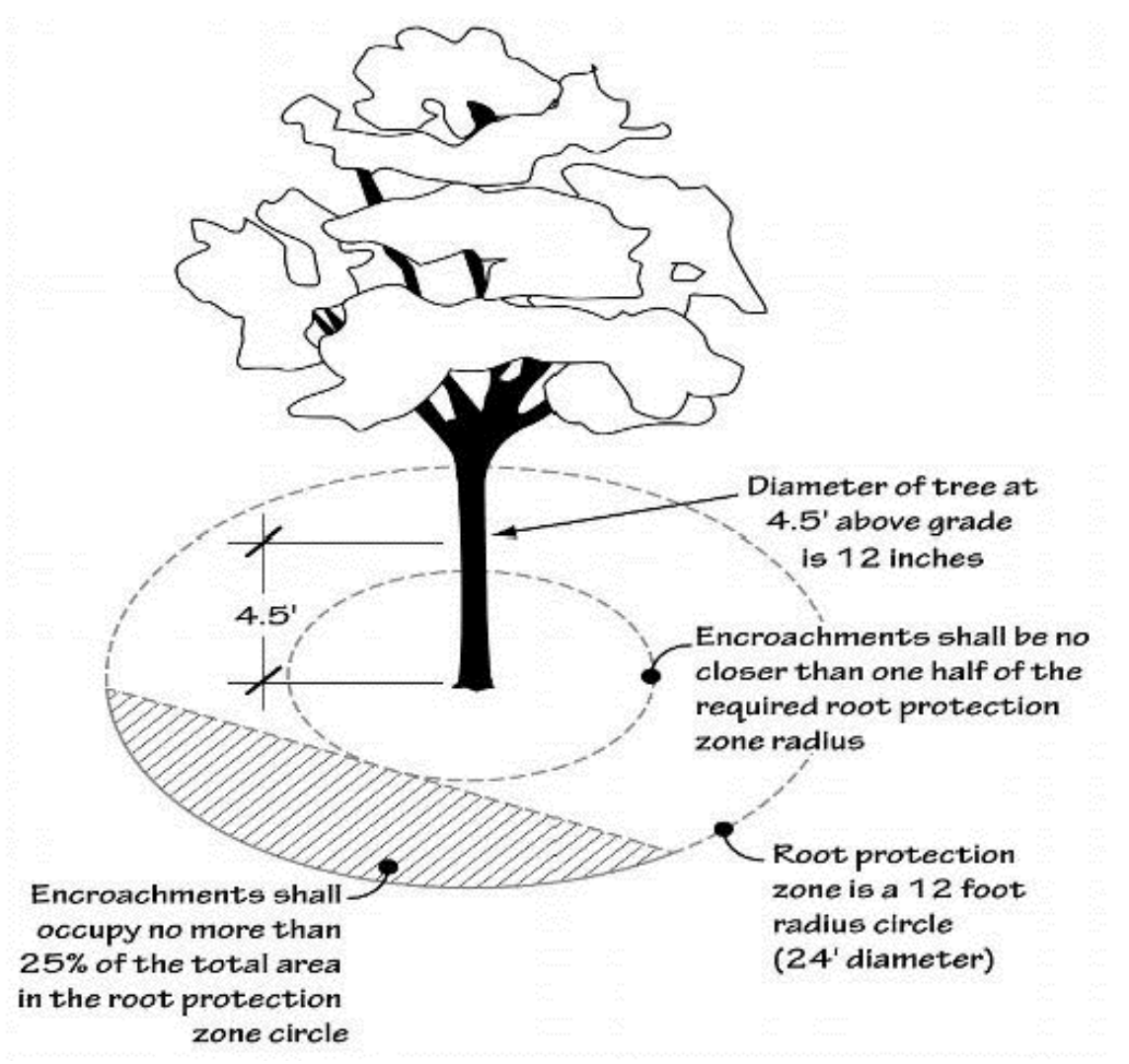
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OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
53,268 SF (1.223 AC)
ZONING CM2 (CS)

ID R330327 / 1S1E22AC-00100
TRI-COUNTY METROPOLITAN TRANSPORTATION
WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900
CITY OF PORTLAND
WILLAMETTE PARK
ZONING OS

LEGEND

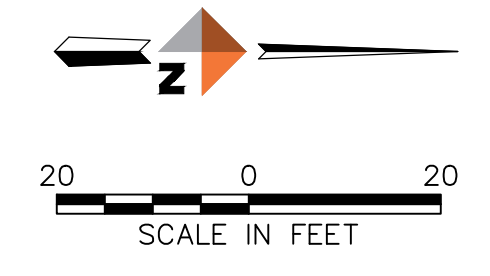
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- EXISTING BOUNDARY LINE
- EASEMENT
- EXISTING 5' CONTOUR
- EXISTING 1' CONTOUR
- PROPOSED 5' CONTOUR
- PROPOSED 1' CONTOUR
- PROPOSED PERIMETER EROSION CONTROL
- PROPOSED INLET PROTECTION
- PROPOSED CONCRETE WASHOUT
- PROPOSED GRAVEL CONSTRUCTION ENTRANCE
- PROPOSED STOCKPILE AREA
- PROPOSED STAGING AREA
- TREE - DECIDUOUS
- TREE - CONIFER
- ON-SITE TREE DEMO
- PROPOSED TREE PROTECTION ZONE, SEE COP TREE PROTECTION SPECIFICATIONS 11.60.030. (6' HIGH ORANGE PLASTIC FENCE SECURED TO GROUND WITH 8' METAL POSTS, SIGNAGE DESIGNATING THE PROTECTION ZONE AND PENALTIES FOR VIOLATIONS SHALL BE SECURED IN A PROMINENT LOCATION ON EACH PROTECTION FENCE)



SOUTH MACADAM AVENUE

MATCHLINE, SEE SHEET L3.0 ABOVE

Legend
 Project Boundary
 Contour - 1' Interval



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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
CONSTRUCTION MANAGEMENT PLAN
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 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
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PROJECT	14545.01
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L2.5	

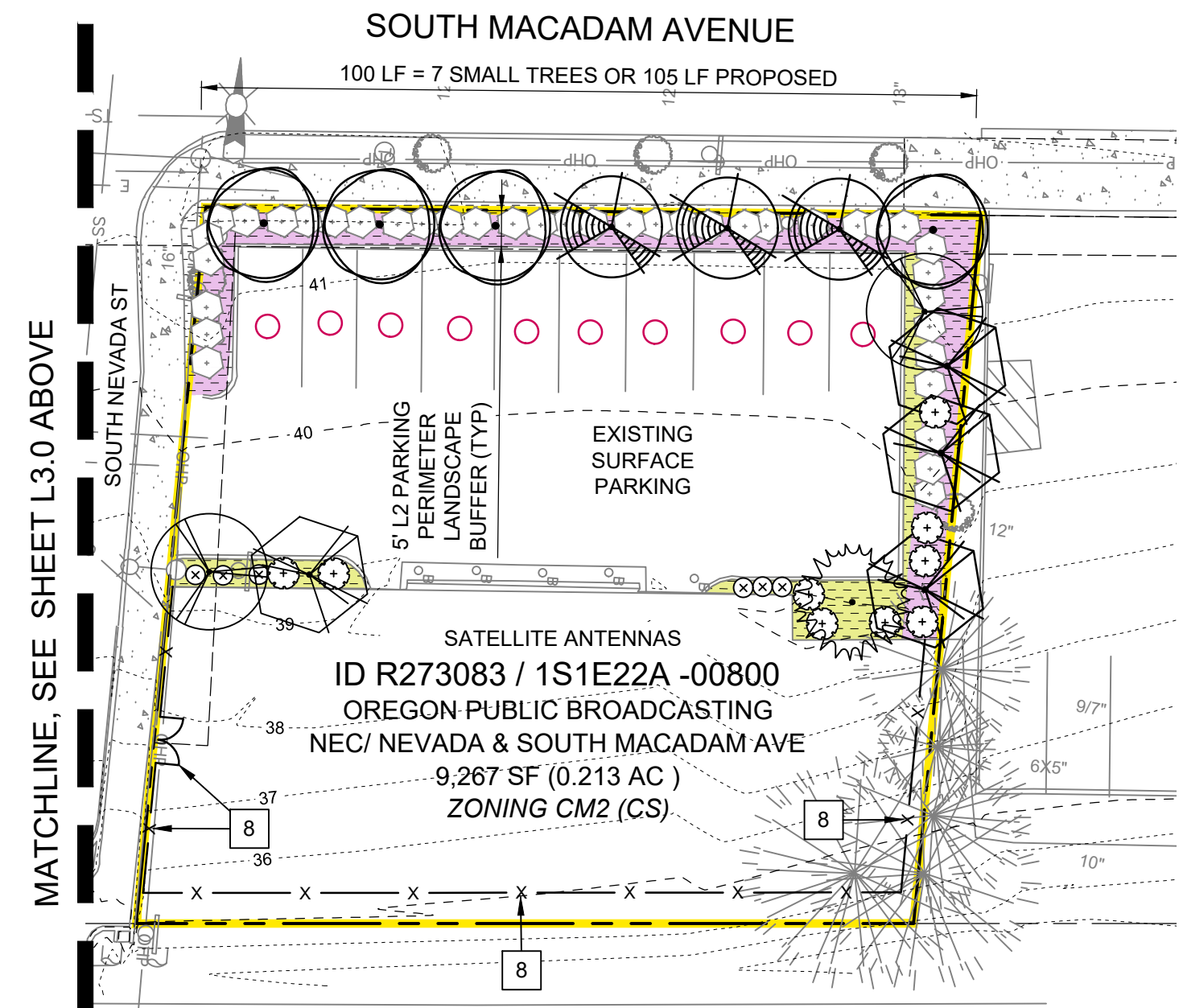
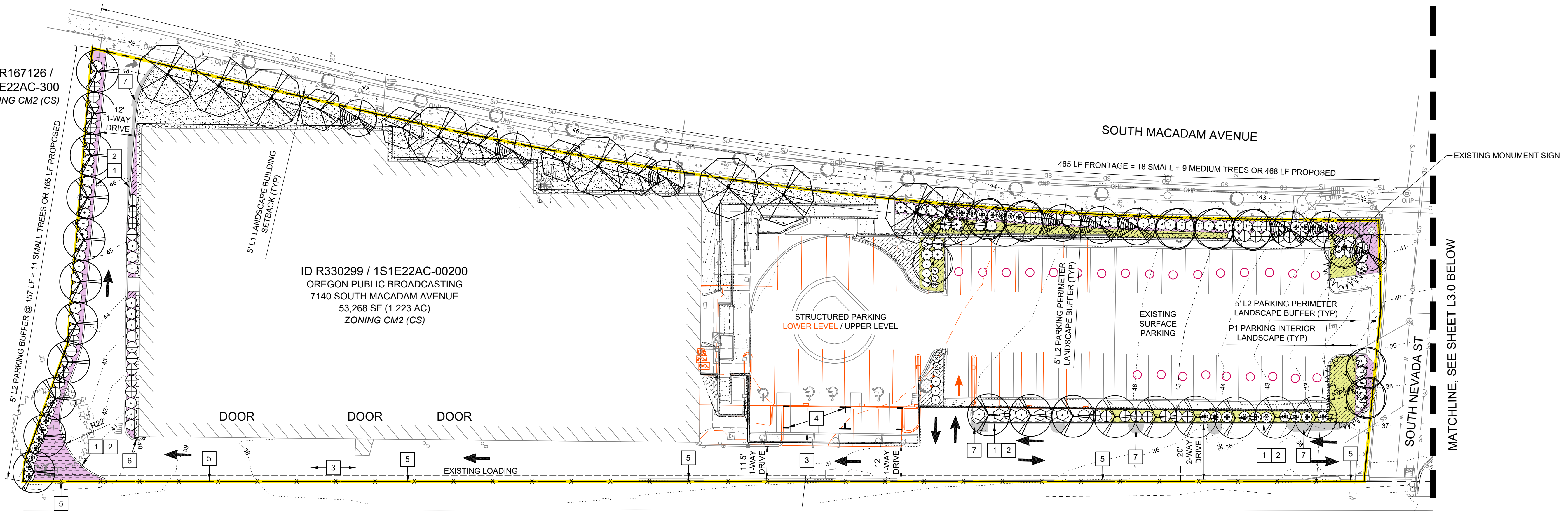
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ID R167126 /
1S1E22AC-300
ZONING CM2 (CS)

ID R330299 / 1S1E22AC-00200
OREGON PUBLIC BROADCASTING
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53,268 SF (1.223 AC)
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WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900
CITY OF PORTLAND
WILLAMETTE PARK
ZONING OS



Development Information

GROSS AREA: R330299, R273083 = 62,535 SF (1.436 AC)

DEVELOPMENT STANDARDS: CITY OF PORTLAND
ZONING BASE: STOREFRONT COMMERCIAL (CS)

LANDSCAPING AND SCREENING: (CHAPTER 33.248)

L2 LOW SCREEN:
TREES = 1 LG / 30 LF, 1 MD / 22 LF, 1 SM / 15 LF
SHRUBS (EVERGREEN) = 3' HT SCREEN W/ 3 YRS
GROUND COVER PLANTS = FULL COVER W/ 3 YRS
P1 PARKING LOT INTERIOR:
TREES (20% EVERGREEN) = LG / 4 SPACES (150 SF MIN)
= MD / 3 SPACES (75 SF MIN)
= SM / 2 SPACES (50 SF MIN)
SHRUBS = 1.5 SHRUBS / SPACE
GROUND COVER PLANTS = FULL COVER W/ 3 YRS

PARKING AND LOADING: (CHAPTER 33.266)

PARKING LANDSCAPE @ STREET = 5' L2

TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)

TREE PRESERVATION STANDARDS = EXEMPT
ON-SITE TREE DENSITY STANDARDS = EXEMPT
TREE RETAINED 1.5" < 6" DIA = SMALL TREE
TREE RETAINED 6" + = MEDIUM TREE + 6" INCREMENTS

TECHNICAL SPECS: (CHAPTER 11.60)

TREE SIZE ON-SITE = 1-1/2" CAL (5' HT CONIFER)

PROPOSED DEVELOPMENT:

- SURFACE PARKING EXISTING = 35 SPACES
- PARKING PERIMETER LANDSCAPE = 5' L2
- PARKING INTERIOR LANDSCAPE = 1,622 SF (1,575 SF REQ)
- PARKING INTERIOR TREES:
 - SMALL: 2 SPACES x 18 TREES = 36 SPACES
 - TOTAL PROPOSED INTERIOR = 36 SPACES (35 REQ)
 - EVERGREEN DIVERSITY (4/18) = 22% (20% REQ)
 - PARKING INTERIOR SHRUBS = 55 SHRUBS (53 SHRUBS REQ)

SITE CONSTRUCTION NOTES

- 1 CONSTRUCT STANDARD 6" CONCRETE CURB. CONTRACTOR TO SAWCUT OUT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE FROM SAWCUT. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AROUND ALL CONSTRUCTED CURB ISLANDS. ENSURE NO PONDING AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY. SEE DETAIL ON SHEET L1.1.
- 2 PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM.
- 3 PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
- 4 REINSTALL 4" WIDE PARKING STRIPE TO ORIGINAL CONDITION (TYP), MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM.
- 5 INSTALL 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE. SEE DETAIL SHEET L3.1.
- 6 INSTALL BOLLARDS, MATCH EXISTING BOLLARDS TO REMAIN (2 REQUIRED).
- 7 INSTALL ASPHALT PAVING, MATCH ADJACENT.
- 8 INSTALL 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE & GATES (F2) WITH BARBED WIRE TOP NO LESS THAN 6" ABOVE TOP RAIL. SEE SIMILAR DETAIL SHEET L3.1.

SITE PLAN GENERAL NOTES:

1. THIS APPLICATION IS VESTED TO THE ZONING IN EFFECT ON SEPTEMBER 15, 2017, THE DATE OF THE ORIGINAL BUILDING PERMIT SUBMITTAL (17-241-498 CO) THAT TRIGGERED NONCONFORMING UPGRADES.

1. PLANT LEGEND & DETAILS: SEE SHEET L1.1.
2. MULCH: ALL PLANTING AREAS SHALL BE MULCHED WITH 3" MIN DEPTH BARK MULCH, FRESH FIR MEDIUM GRIND.
3. IRRIGATION: ALL PROPOSED PLANT MATERIALS SHALL BE WATERED (MAY TO OCTOBER) & MAINTAINED FOR A MINIMUM OF TWO (2) FULL GROWING SEASONS AFTER THE DATE OF PLANTING INSTALLATION. TREES SHALL BE WATERED AT A RATE OF 15 GALLONS PER TREE ONCE PER WEEK, SHRUBS & GROUNDCOVERS AT A RATE OF 1" PER WEEK TO MAINTAIN VIGOROUS HEALTHY GROWTH.

Notes:

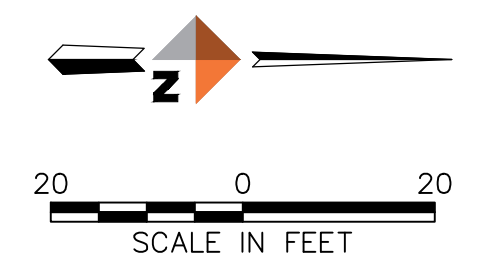
1. Map information based on Topographic Survey provided by S&F Land Services, dated July 6, 2021. Dowl has not verified accuracy of this information.



6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE

Legend

- Project Boundary
- - - 500 - - - Contour - 1' Interval



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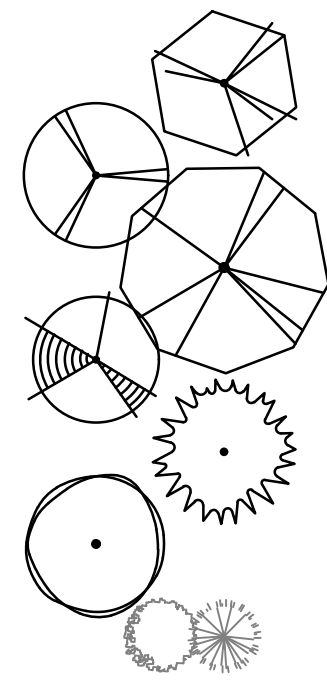
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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
SITE AND LANDSCAPE PLAN
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	7/28/2021

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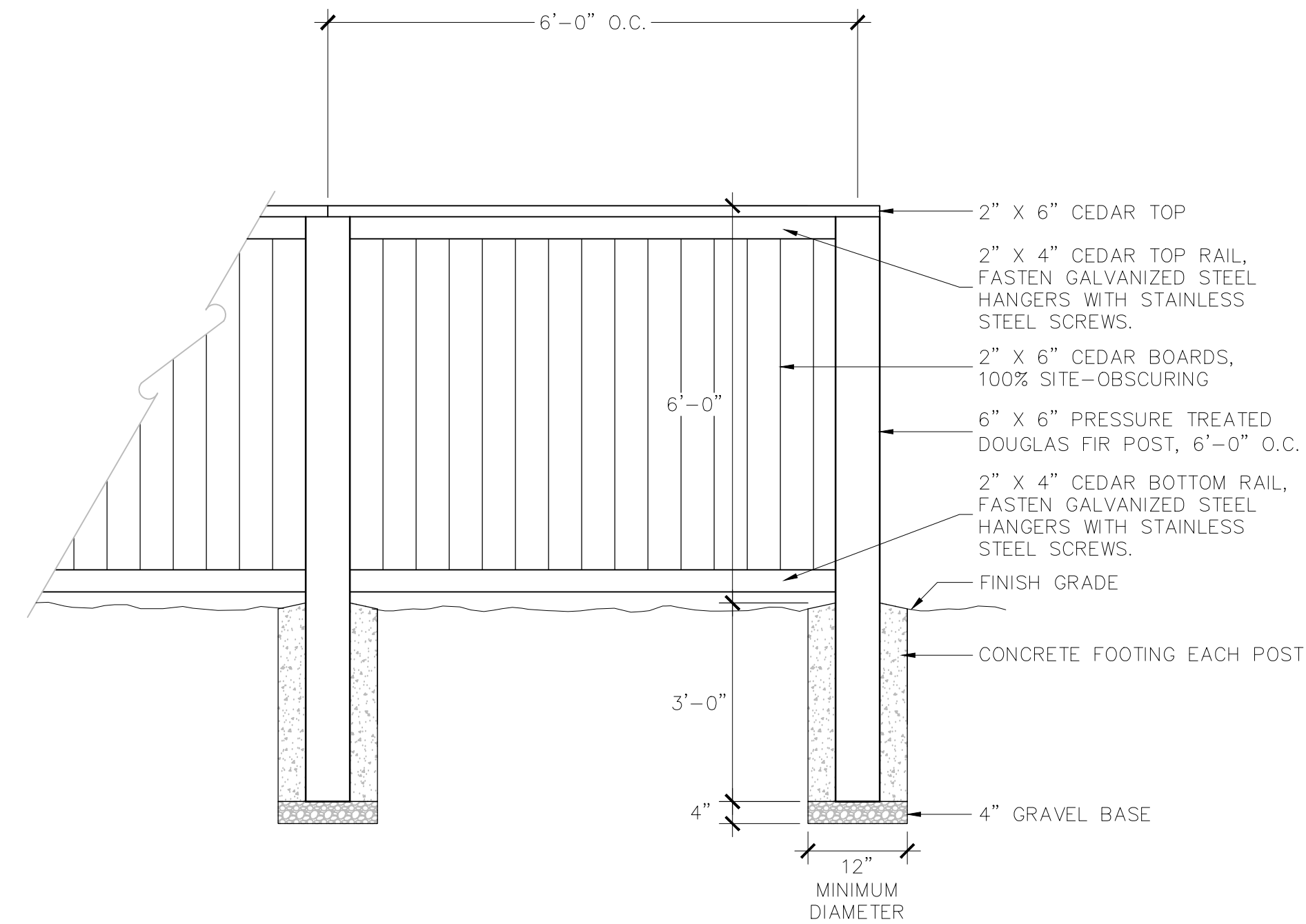
PLANT MATERIALS LEGEND



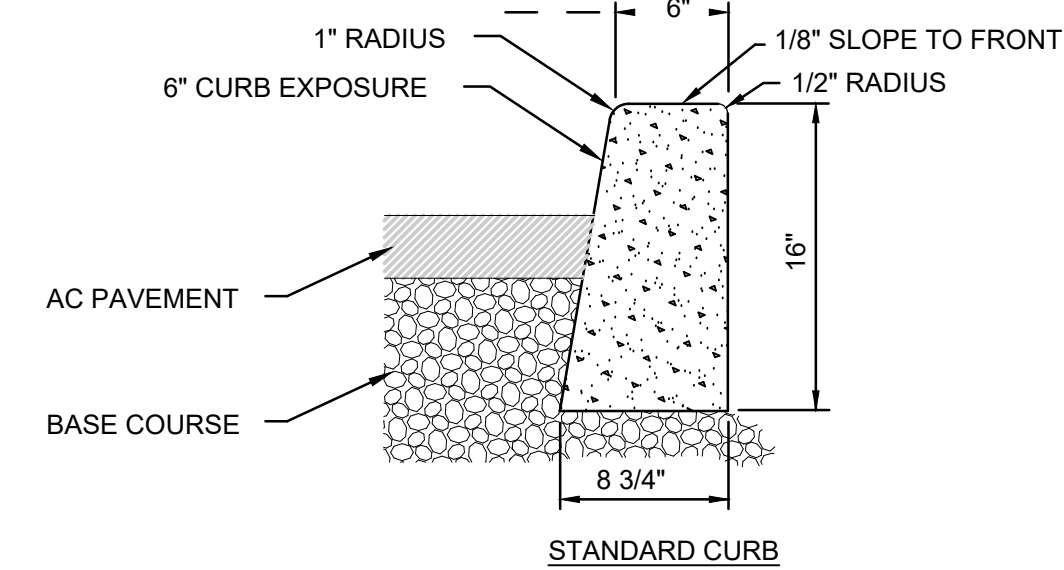
TREES ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
AMELANCHIER X 'AUTUMN BRILLIANCE' AUTUMN BRILLIANCE SERVICEBERRY	1-1/2" CAL / B&B AS SHOWN	9	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL EUROPEAN HORNBEAM	1-1/2" CAL / B&B AS SHOWN	25	35' H X 25' W / SMALL / 4' PLANTER 5' BRANCHING HT / DROUGHT TOLERANT
NYSSA SYLVATICA BLACK TUPELO	1-1/2" CAL / B&B AS SHOWN	9	35' H X 25' W / MEDIUM / 4' PLANTER 4' BRANCHING HT / POWER LINES
STYRAX JAPONICUS 'JFS-D' SNOWCONE JAPANESE SNOWBELL	1-1/2" CAL / B&B AS SHOWN	12	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
THUJA PLICATA 'HOGAN' HOGAN WESTERN RED CEDAR	5' - 6' HT / B&B AS SHOWN	4	50' H X 15' W / SMALL / 6' PLANTER EVERGREEN COLUMNAR
ZELKOVA SERRATA 'JFS-KW1' CITY SPRITE ZELKOVA	1-1/2" CAL / B&B AS SHOWN	13	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
EXISTING TREE TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

SHRUBS & ACCENTS ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
ABELIA 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	5 GAL CONT 4'-0" OC	33	6' H X 6' W / EVERGREEN DROUGHT TOLERANT
ARBUTUS UNEDO 'COMPACTA' COMPACT STRAWBERRY TREE	5 GAL CONT 4'-0" OC	51	6' H X 5' W / EVERGREEN DROUGHT TOLERANT
CISTUS X PULVERULENTUS 'SUNSET' MAGENTA ROCK ROSE	2 GAL CONT 3'-0" OC	6	2' H X 4' W / EVERGREEN FULL SUN / DROUGHT TOLERANT
LIGUSTRUM JAPONICUM 'TEXANUM' WAXLEAF PRIVET	5 GAL CONT 4'-0" OC	54	8' H X 6' W / GLOSSY EVERGREEN PT - FULL SUN / DROUGHT TOLERANT
MYRICA CALIFORNICA PACIFIC WAX MYRTLE	5 GAL CONT 4'-0" OC	32	10' H X 6' W / HIGH SCREEN SHRUB PDX NATIVE / EVERGREEN
PENNISETUM A. 'HAMELN' HAMELN FOUNTAIN GRASS	2 GAL CONT 30" OC	12	30" H X 30" W
EXISTING SHRUB TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

GROUNDCOVERS & MISC ITEM	SIZE	QTY.	MATURE SIZE (H X W)
ARCTOSTAPHYLOS UVA-URSI 'MASS.' MASS KINNIKINICK	1 GAL 2'-0" OC	2,100 SF 607 PLANTS	9" H X 3' W / EVERGREEN NATIVE / DROUGHT TOLERANT
MAHONIA REPENS CREEPING MAHONIA	1 GAL 2'-0" OC	2,150 SF 622 PLANTS	18" H X 3' W / EVERGREEN PNW NATIVE / SUN - PT SHADE
LAWN TURF 'JB SIGNATURE' SOD JB INSTANT LAWN, SILVERTON, OR	FILL AREA	2,815 SF	THREE-WAY PERENNIAL RYEGRASS
DECORATIVE ROCK BAND @ BUILDING VALLEY LANDSCAPE CENTER	18" X 6"	675 SF 13 CY	WASHED RIVER ROCK, SIZE 2" - 3"
SURE-LOC STEEL EDGING 15" STEEL STAKES, COLOR BLACK	3/16" X 4" X 16"	460 LF	TUALATIN, 503-692-0606



6' HIGH 100% FULLY SITE-OBSCURING SOLID WOOD FENCE (F2)
SCALE: NOT TO SCALE



- NOTES:**
- CONCRETE TO HAVE A BREAKING STRENGTH OF 3,500 PSI AFTER 28 DAYS.
 - EXPANSION JOINTS.
 - TO BE PROVIDED:
 - AT EACH POINT OF TANGENCY OF THE CURB.
 - AT EACH COLD JOINT.
 - AT EACH SIDE OF INLET STRUCTURES.
 - AT EACH END OF DRIVEWAYS.
 - AT LOCATIONS NECESSARY TO LIMIT SPACING TO 45 FEET.
 - MATERIAL TO BE PRE-MOLDED, ASPHALT IMPREGNATED, NON EXTRUDING, WITH A THICKNESS OF 1/2 INCH.
 - CONTRACTION JOINTS.
 - SPACING TO BE NOT MORE THAN 15 FEET.
 - THE DEPTH OF THE JOINT SHALL BE AT LEAST 1-1/2 INCHES.
 - BASE ROCK TO BE 2'-0" OR 3/4"-0" COMPACTED TO 95% OF AASHTO T-99 AND SHALL BE TO SUBGRADE, STREET STRUCTURE, OR 4" IN DEPTH, WHICHEVER IS GREATER.

STANDARD CURB DETAIL
NOT TO SCALE

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
PLANT MATERIALS LEGEND AND DETAILS
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	7/28/2021

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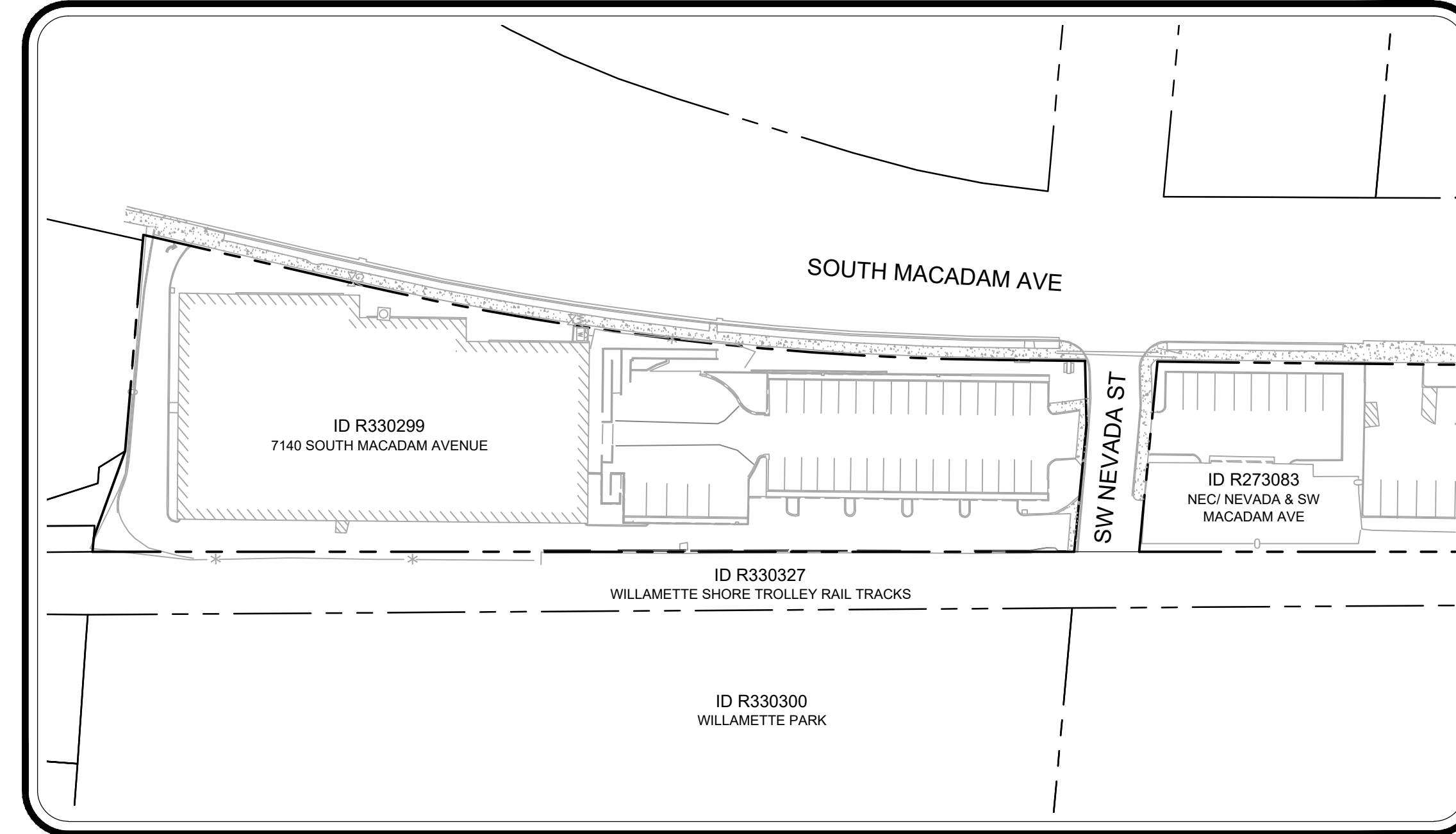
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OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



VICINITY MAP
SCALE: NTS



SITE PLAN
SCALE 1" = 60'

SHEET INDEX

- L1.0 COVER SHEET
- L2.0 EXISTING CONDITIONS PLAN
- L2.5 CONSTRUCTION MANAGEMENT PLAN
- L3.0 SITE / LANDSCAPE PLAN
- L3.1 PLANT MATERIALS LEGEND AND DETAILS

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
COVER SHEET
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
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PROJECT TEAM

OWNER
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ATTN: KYLE DAVIS
PHONE: (503)293-1999

PLANNER
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ATTN: READ STAPLETON, AICP
PHONE: (971)280-8641

LANDSCAPE ARCHITECT
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PORTLAND, OR 97205
ATTN: WAYNE IAZZETTI, RLA
PHONE: (971)280-8641

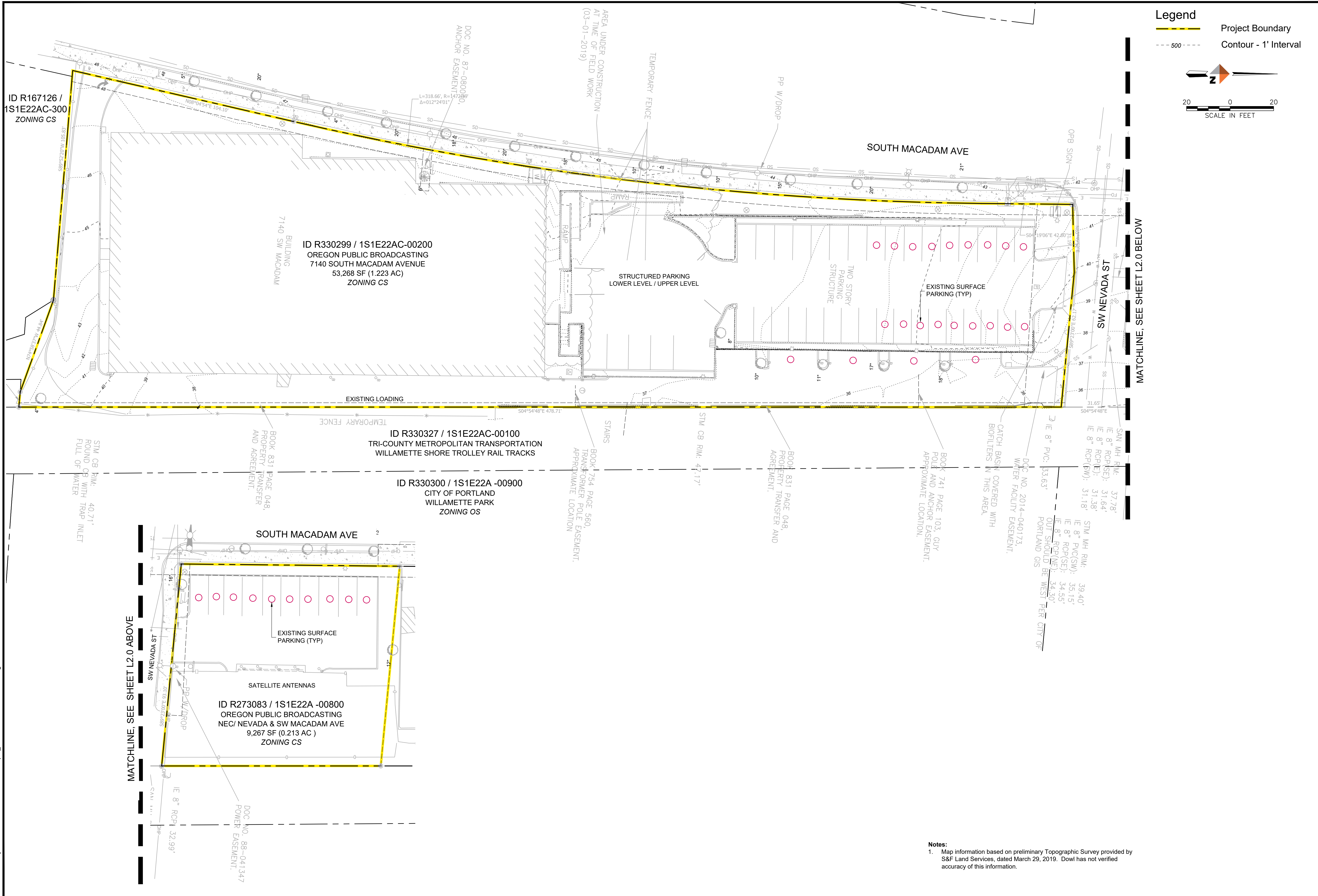
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Legend

- Project Boundary
- Contour - 1' Interval

SCALE IN FEET

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR

EXISTING CONDITIONS PLAN

LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
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PROJECT	14545.01
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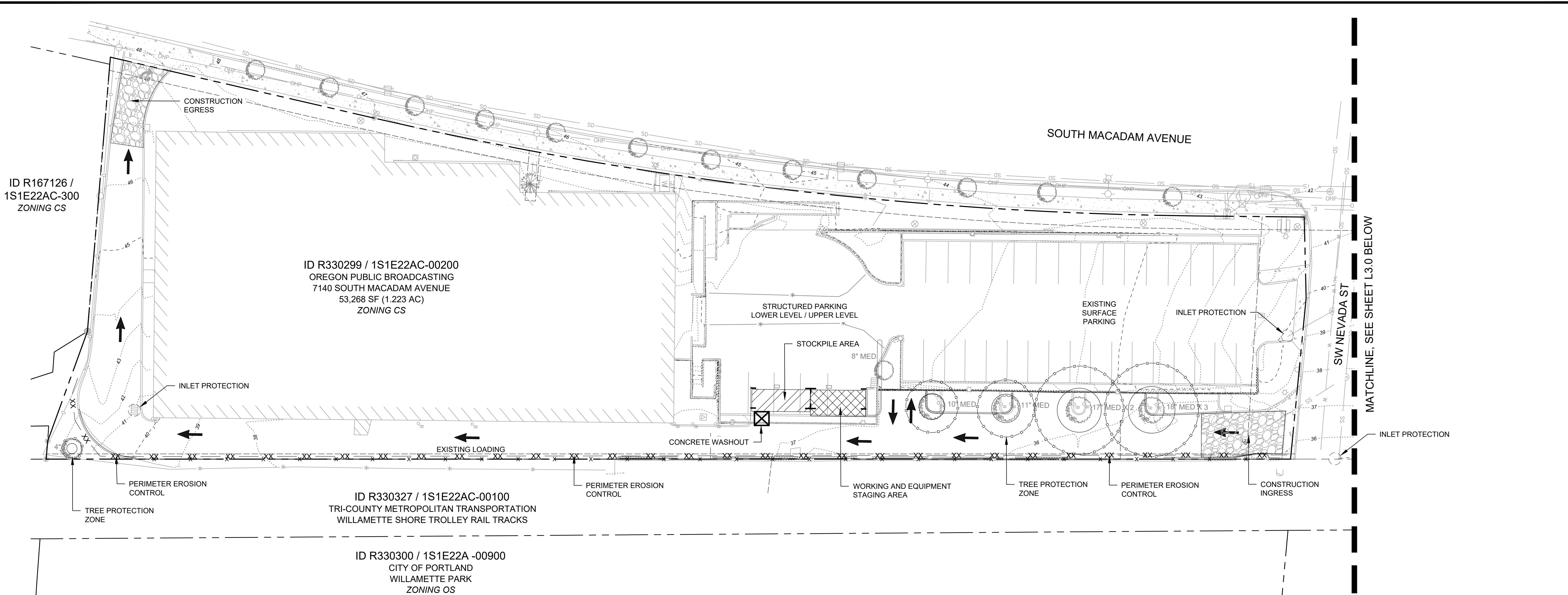
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Notes:

- Map information based on preliminary Topographic Survey provided by S&F Land Services, dated March 29, 2019. Dowl has not verified accuracy of this information.

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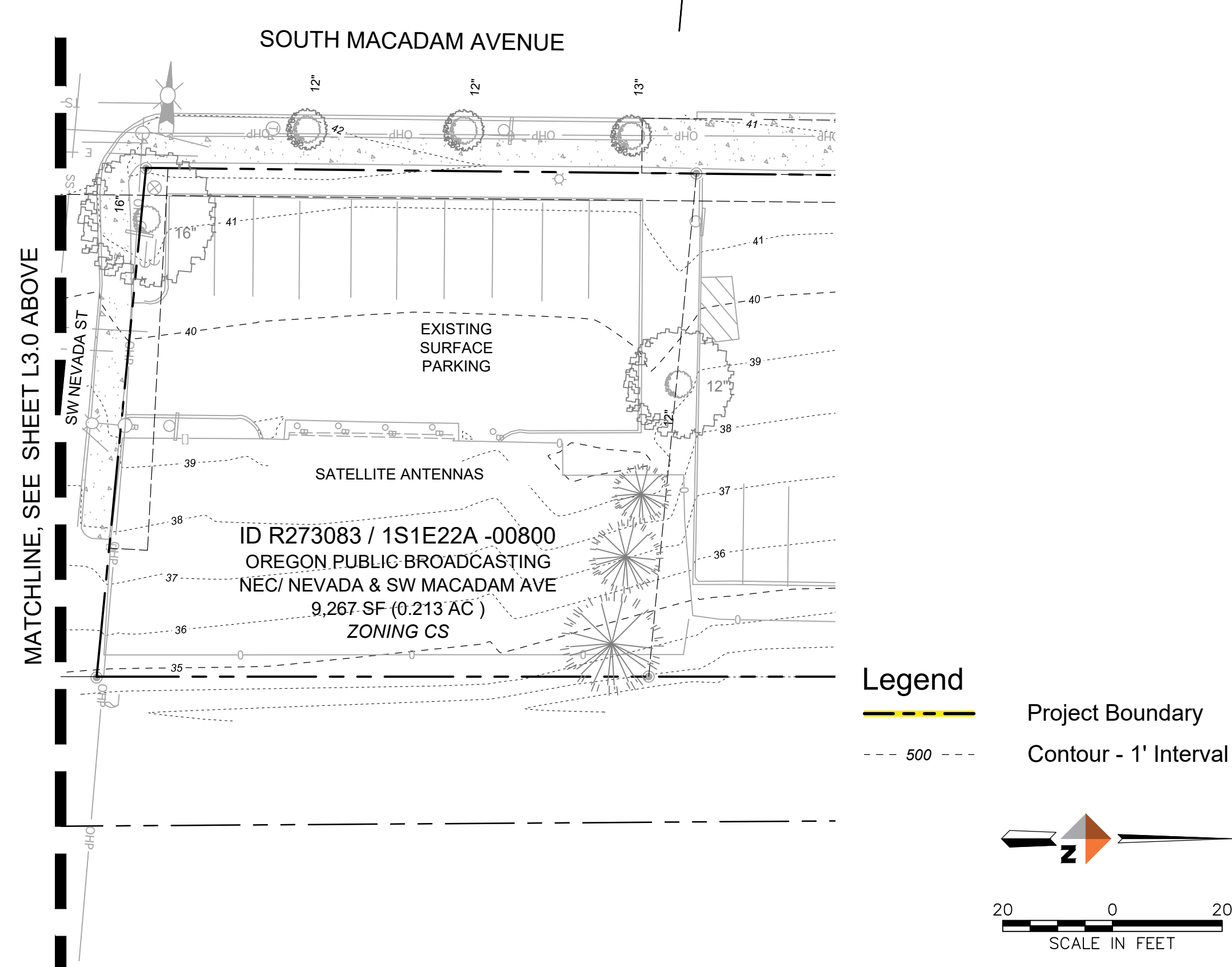
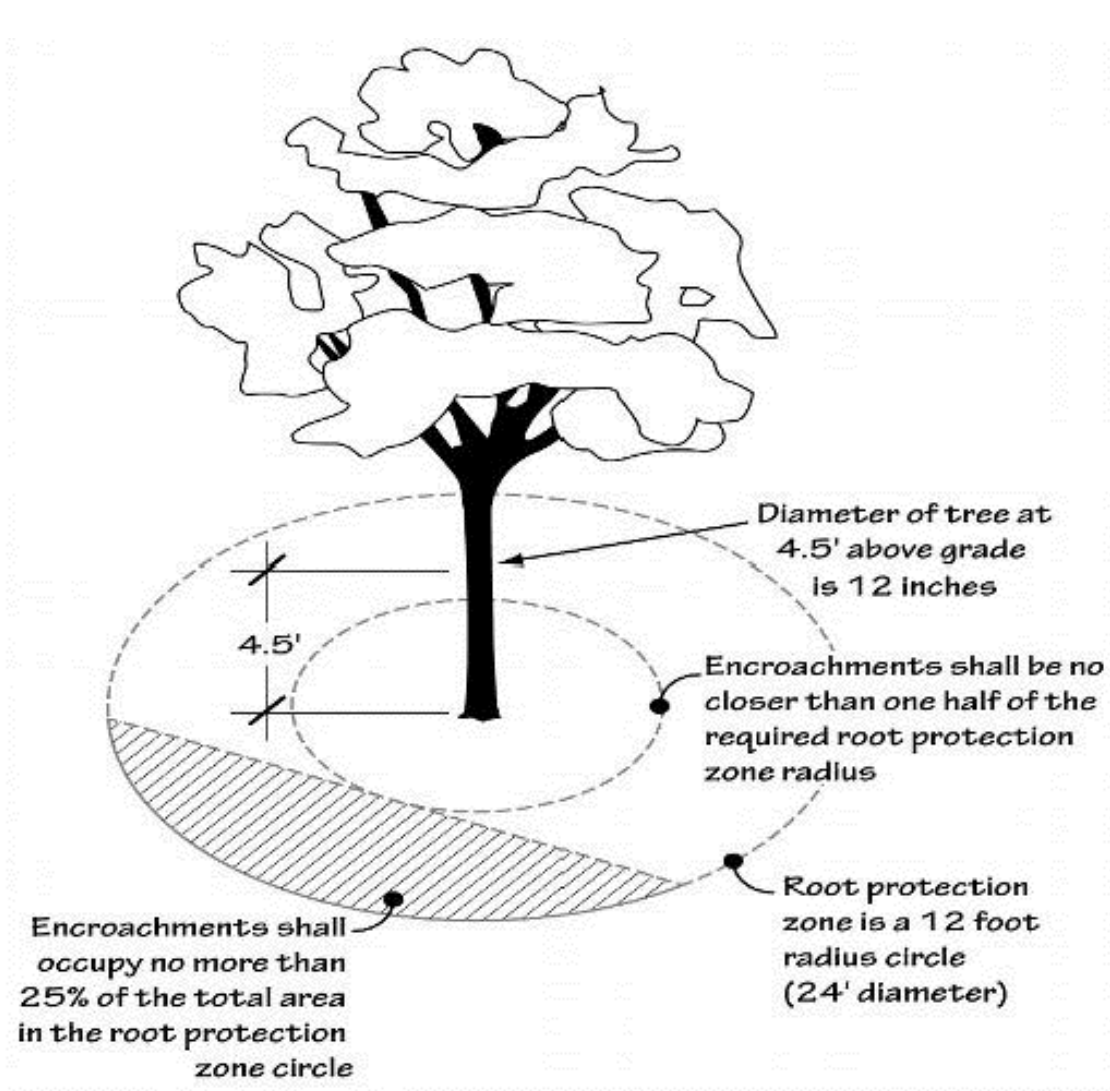
OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
CONSTRUCTION MANAGEMENT PLAN
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	12/15/2020

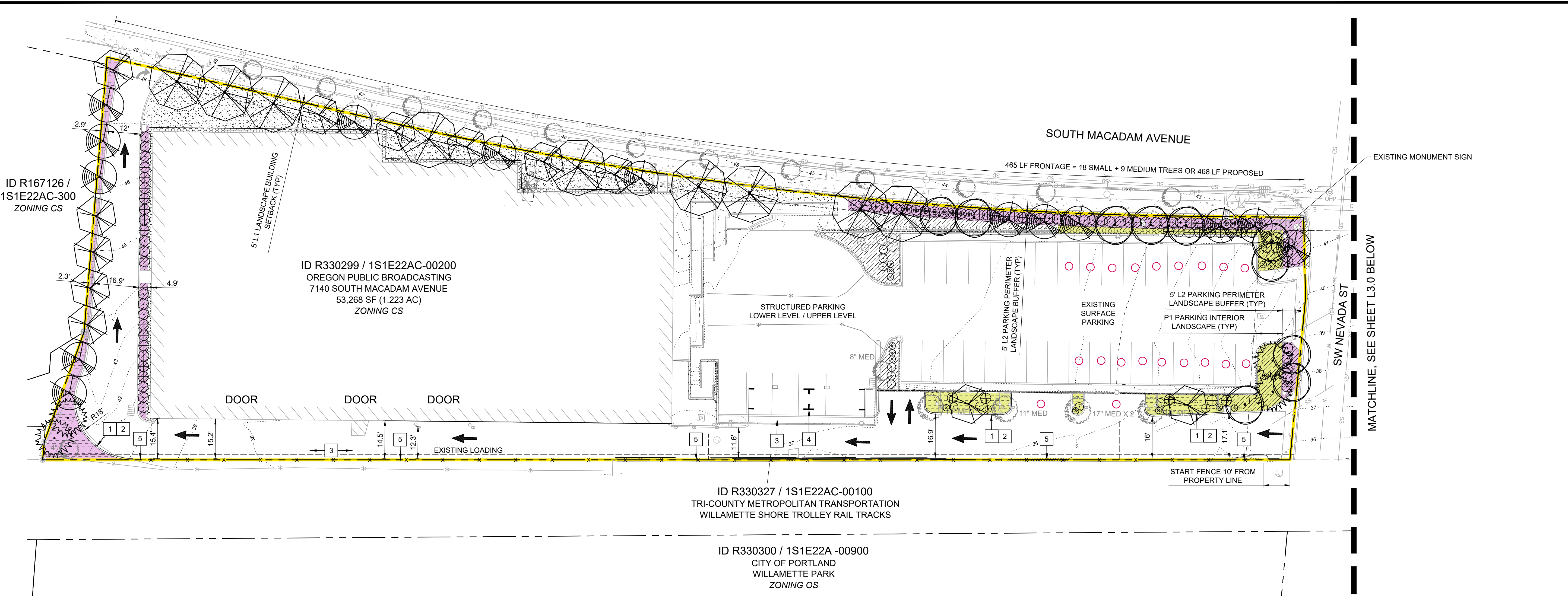
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LEGEND

- EXISTING RIGHT OF WAY
- EXISTING BOUNDARY LINE
- EASEMENT
- EXISTING 5' CONTOUR
- EXISTING 1' CONTOUR
- PROPOSED 5' CONTOUR
- PROPOSED 1' CONTOUR
- PROPOSED PERIMETER EROSION CONTROL
- PROPOSED INLET PROTECTION
- PROPOSED CONCRETE WASHOUT
- PROPOSED GRAVEL CONSTRUCTION ENTRANCE
- PROPOSED STOCKPILE AREA
- PROPOSED STAGING AREA
- TREE - DECIDUOUS
- TREE - CONIFER
- ON-SITE TREE DEMO
- PROPOSED TREE PROTECTION ZONE, SEE COP TREE PROTECTION SPECIFICATIONS 11.60.030. (6' HIGH ORANGE PLASTIC FENCE SECURED TO GROUND WITH 8' METAL POSTS, SIGNAGE DESIGNATING THE PROTECTION ZONE AND PENALTIES FOR VIOLATIONS SHALL BE SECURED IN A PROMINENT LOCATION ON EACH PROTECTION FENCE)



\BIL-FS\BIL-Projects\3214545-0165CAD\Landscaping_CD\SC-LS-PLANTING-OPP NCU.dwg PLOT DATE 2021-2-4 16:11 SAVED DATE 2020-12-15 09:46 USER: wiazzett



Development Information

GROSS AREA: R330299, R273083 = 62,535 SF (1.436 AC)
DEVELOPMENT STANDARDS: CITY OF PORTLAND
ZONING BASE: STOREFRONT COMMERCIAL (CS)

LANDSCAPING AND SCREENING: (CHAPTER 33.248)
L2 LOW SCREEN:
 TREES = 1 LG / 30 LF, 1 MD / 22 LF, 1 SM / 15 LF
 SHRUBS (EVERGREEN) = 3' HT SCREEN W/ 3 YRS
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS
P1 PARKING LOT INTERIOR:
 TREES (20% EVERGREEN) = LG / 4 SPACES (150 SF MIN)
 = MD / 3 SPACES (75 SF MIN)
 = SM / 2 SPACES (50 SF MIN)
 SHRUBS = 1.5 SHRUBS / SPACE
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS

PARKING AND LOADING: (CHAPTER 33.266)
 PARKING LANDSCAPE @ STREET = 5' L2

TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)
 TREE PRESERVATION STANDARDS = EXEMPT
 ON-SITE TREE DENSITY STANDARDS = EXEMPT
 TREE RETAINED 1.5" < 6" DIA = SMALL TREE
 TREE RETAINED 6" + = MEDIUM TREE + 6" INCREMENTS

TECHNICAL SPECS: (CHAPTER 11.60)
 TREE SIZE ON-SITE = 1-1/2" CAL (5' HT CONIFER)

PROPOSED DEVELOPMENT:
 ○ SURFACE PARKING EXISTING = 30 SPACES
 ■ PARKING PERIMETER LANDSCAPE = 5' L2
 ■ PARKING INTERIOR LANDSCAPE = 1,433 SF (1,350 SF REQ)
 ■ PARKING INTERIOR TREES:
 SMALL: 2 SPACES x 9 TREES = 18 SPACES
 MEDIUM: 3 SPACES x 4 TREES = 12 SPACES
 TOTAL PROPOSED INTERIOR = 30 SPACES (30 REQ)
 EVERGREEN DIVERSITY (3/13) = 23% (20% REQ)
 PARKING INTERIOR SHRUBS = 45 SHRUBS (45 SHRUBS REQ)

SITE CONSTRUCTION NOTES

1. CONSTRUCT STANDARD 6" CONCRETE CURB. CONTRACTOR TO SAWCUT OUT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE FROM SAWCUT. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AROUND ALL CONSTRUCTED CURB ISLANDS. ENSURE NO PONDING AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY. SEE DETAIL ON SHEET L1.1.
2. PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM.
3. PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
4. REINSTALL 4" WIDE PARKING STRIPE TO ORIGINAL CONDITION (TYP), MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM.
5. INSTALL 6" HIGH 100% SITE-OBSCURING SOLID WOOD FENCE. SEE DETAIL SHEET L3.1.

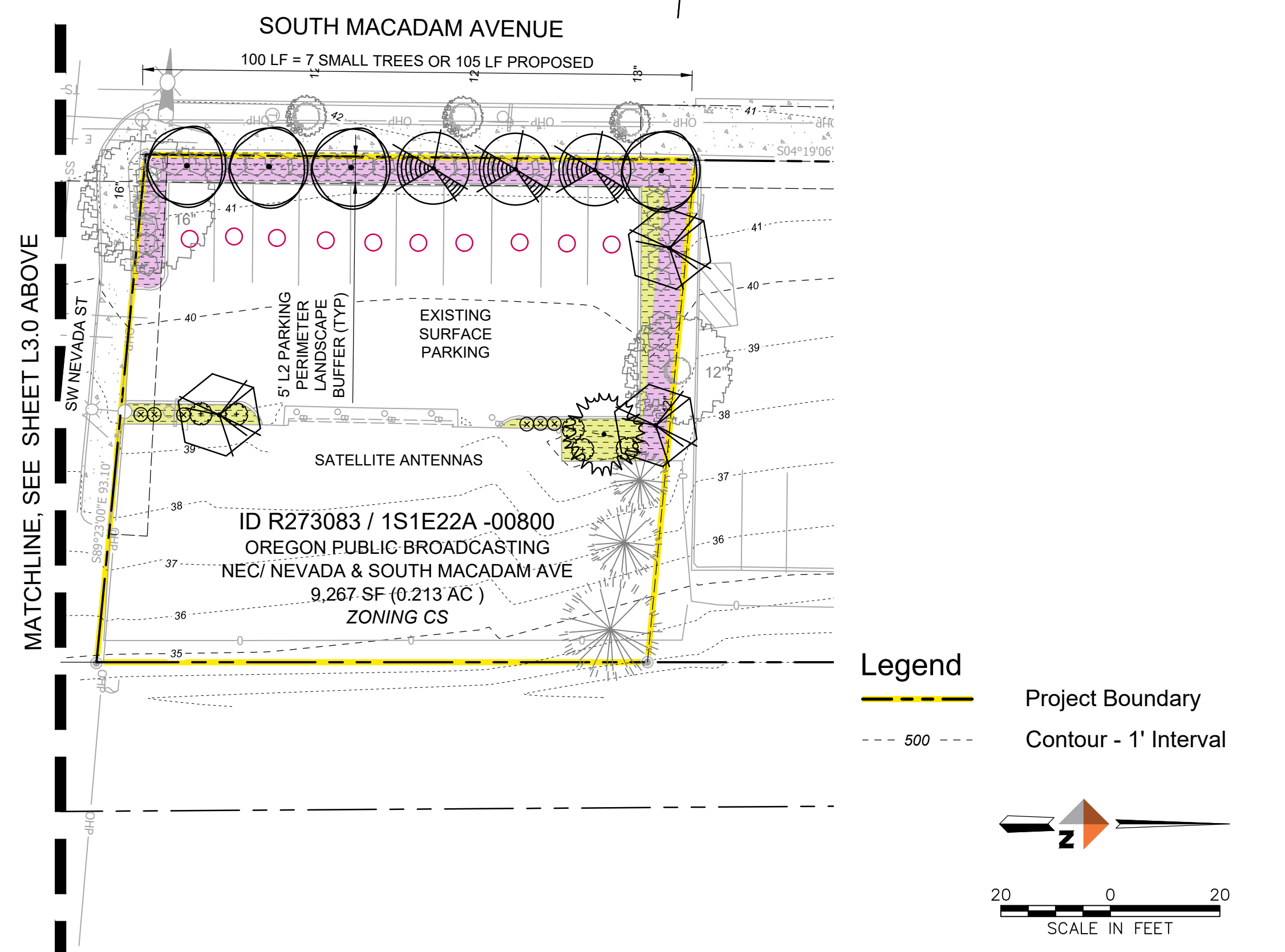
SITE PLAN GENERAL NOTES:

1. **PLANT LEGEND & DETAILS:** SEE SHEET L1.1.
2. **MULCH:** ALL PLANTING AREAS SHALL BE MULCHED WITH 3" MIN DEPTH BARK MULCH, FRESH FIR MEDIUM GRIND.
3. **IRRIGATION:** ALL PROPOSED PLANT MATERIALS SHALL BE WATERED (MAY TO OCTOBER) & MAINTAINED FOR A MINIMUM OF TWO (2) FULL GROWING SEASONS AFTER THE DATE OF PLANTING INSTALLATION. TREES SHALL BE WATERED AT A RATE OF 15 GALLONS PER TREE ONCE PER WEEK, SHRUBS & GROUNDCOVERS AT A RATE OF 1" PER WEEK TO MAINTAIN VIGOROUS HEALTHY GROWTH.

Notes:
 1. Map information based on preliminary Topographic Survey provided by S&F Land Services, dated March 29, 2019. Dowl has not verified accuracy of this information.



6' HIGH SOLID WOOD FENCE



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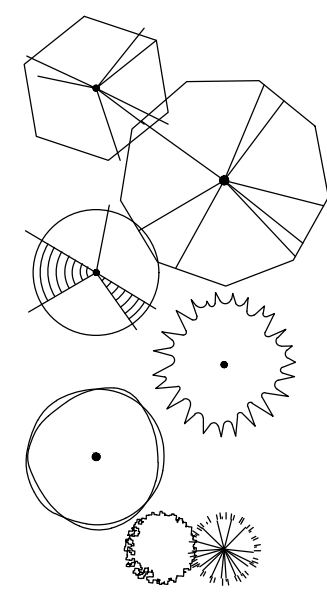
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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
SITE AND LANDSCAPE PLAN
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	12/15/2020
SHEET	L3.0

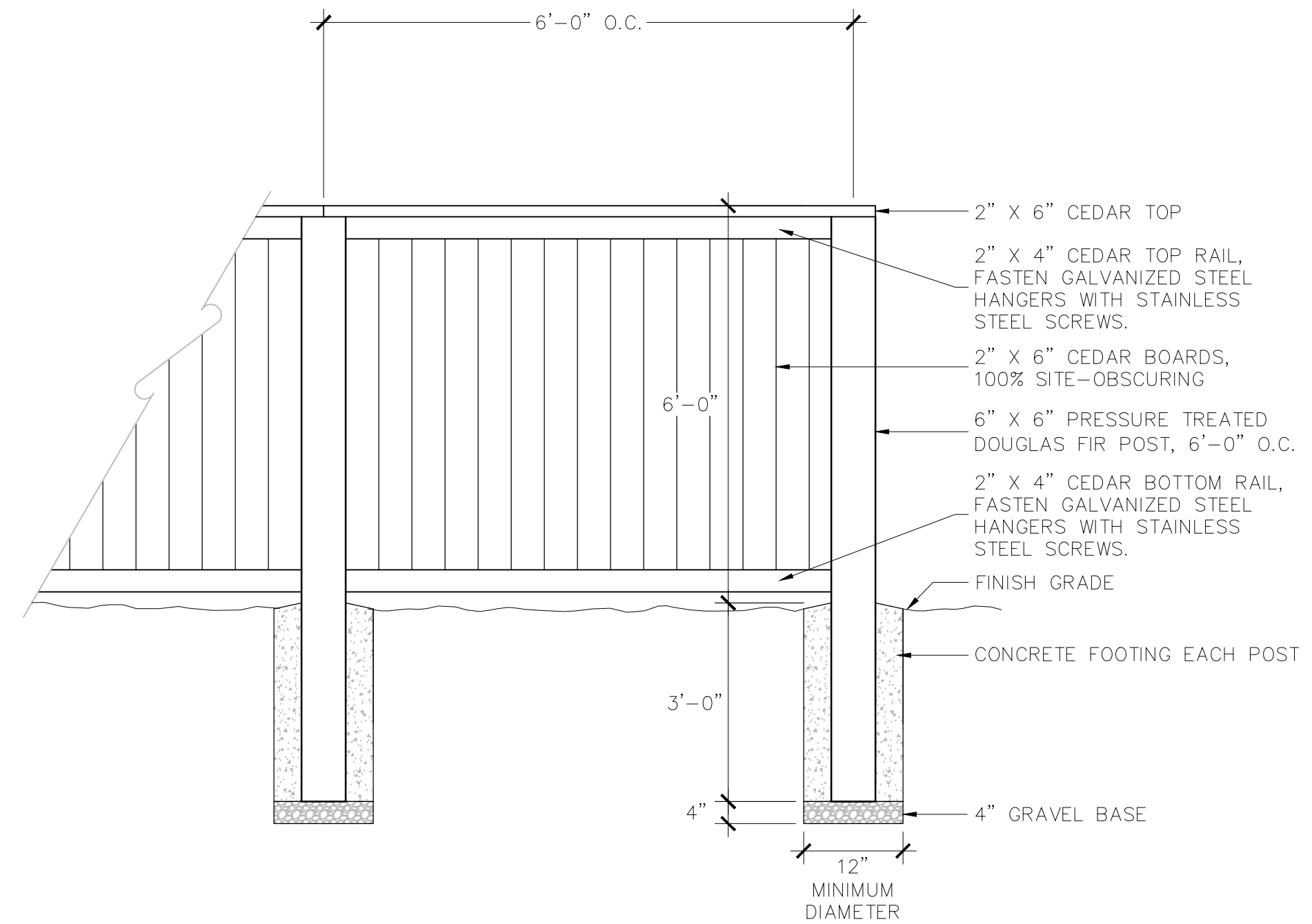
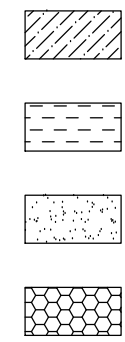
PLANT MATERIALS LEGEND



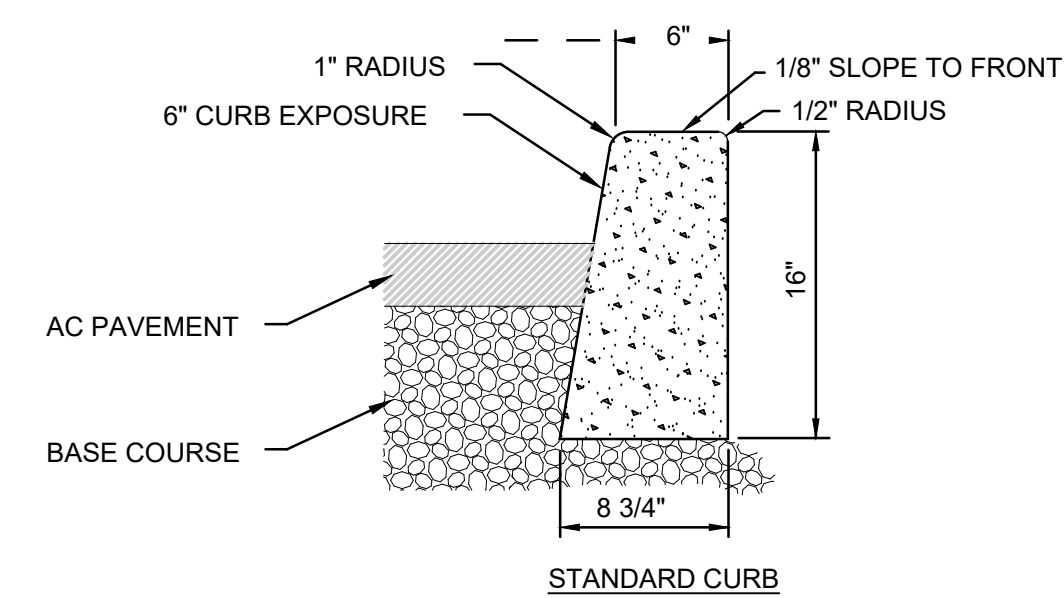
TREES ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
AMELANCHIER X 'AUTUMN BRILLIANCE' AUTUMN BRILLIANCE SERVICEBERRY	1-1/2" CAL / B&B AS SHOWN	15	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
NYSSA SYLVATICA BLACK TUPELO	1-1/2" CAL / B&B AS SHOWN	9	35' H X 25' W / MEDIUM / 4' PLANTER 4' BRANCHING HT / POWER LINES
STYRAX JAPONICUS 'JFS-D' SNOWCONE JAPANESE SNOWBELL	1-1/2" CAL / B&B AS SHOWN	17	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
THUJA PLICATA 'HOGAN' HOGAN WESTERN RED CEDAR	5' - 6' HT / B&B AS SHOWN	5	50' H X 15' W / SMALL / 6' PLANTER EVERGREEN COLUMNAR
ZELKOVA SERRATA 'JFS-KW1' CITY SPRITE ZELKOVA	1-1/2" CAL / B&B AS SHOWN	14	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
EXISTING TREE TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

SHRUBS & ACCENTS ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
ABELIA 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	5 GAL CONT 4'-0" OC	20	6' H X 6' W / EVERGREEN DROUGHT TOLERANT
ARBUTUS UNEDO 'COMPACTA' COMPACT STRAWBERRY TREE	5 GAL CONT 4'-0" OC	30	6' H X 5' W / EVERGREEN DROUGHT TOLERANT
CISTUS X PULVERULENTUS 'SUNSET' MAGENTA ROCK ROSE	2 GAL CONT 3'-0" OC	13	2' H X 4' W / EVERGREEN FULL SUN / DROUGHT TOLERANT
LIGUSTRUM JAPONICUM 'TEXANUM' WAXLEAF PRIVET	5 GAL CONT 4'-0" OC	39	8' H X 6' W / GLOSSY EVERGREEN PT - FULL SUN / DROUGHT TOLERANT
MYRICA CALIFORNICA PACIFIC WAX MYRTLE	5 GAL CONT 4'-0" OC	13	10' H X 6' W / HIGH SCREEN SHRUB PDX NATIVE / EVERGREEN
PENNISETUM A. 'HAMELN' HAMELN FOUNTAIN GRASS	2 GAL CONT 30" OC	21	30" H X 30" W
EXISTING SHRUB TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

GROUNDCOVERS & MISC ITEM	SIZE	QTY.	MATURE SIZE (H X W)
ARCTOSTAPHYLOS UVA-URSI 'MASS.' MASS KINNIKINICK	1 GAL 2'-0" OC	2,205 SF 637 PLANTS	9" H X 3' W / EVERGREEN NATIVE / DROUGHT TOLERANT
MAHONIA REPENS CREEPING MAHONIA	1 GAL 2'-0" OC	1,605 SF 464 PLANTS	18" H X 3' W / EVERGREEN PNW NATIVE / SUN - PT SHADE
LAWN TURF 'JB SIGNATURE' SOD JB INSTANT LAWN, SILVERTON, OR	FILL AREA	3,200 SF	THREE-WAY PERENNIAL RYEGRASS
DECORATIVE ROCK VALLEY LANDSCAPE CENTER	FILL AREA	675 SF 6" DEPTH 13 CY	MEXICAN BEACH PEBBLE, SIZE 2" - 3" SMOOTH GUN GREY DRY / BLACK WET TUALATIN, 503-692-0606



6' HIGH 100% SITE-OBSCURING SOLID WOOD FENCE
SCALE: NOT TO SCALE



- NOTES:**
- CONCRETE TO HAVE A BREAKING STRENGTH OF 3,500 PSI AFTER 28 DAYS.
 - EXPANSION JOINTS.
 - TO BE PROVIDED:
 - AT EACH POINT OF TANGENCY OF THE CURB.
 - AT EACH COLD JOINT.
 - AT EACH SIDE OF INLET STRUCTURES.
 - AT EACH END OF DRIVEWAYS.
 - AT LOCATIONS NECESSARY TO LIMIT SPACING TO 45 FEET.
 - MATERIAL TO BE PRE-MOLDED, ASPHALT IMPREGNATED, NON EXTRUDING, WITH A THICKNESS OF 1/2 INCH.
 - CONTRACTION JOINTS.
 - SPACING TO BE NOT MORE THAN 15 FEET.
 - THE DEPTH OF THE JOINT SHALL BE AT LEAST 1-1/2 INCHES.
 - BASE ROCK TO BE 2'-0" OR 3/4"-0" COMPACTED TO 95% OF AASHTO T-99 AND SHALL BE TO SUBGRADE, STREET STRUCTURE, OR 4" IN DEPTH, WHICHEVER IS GREATER.

STANDARD CURB DETAIL
NOT TO SCALE

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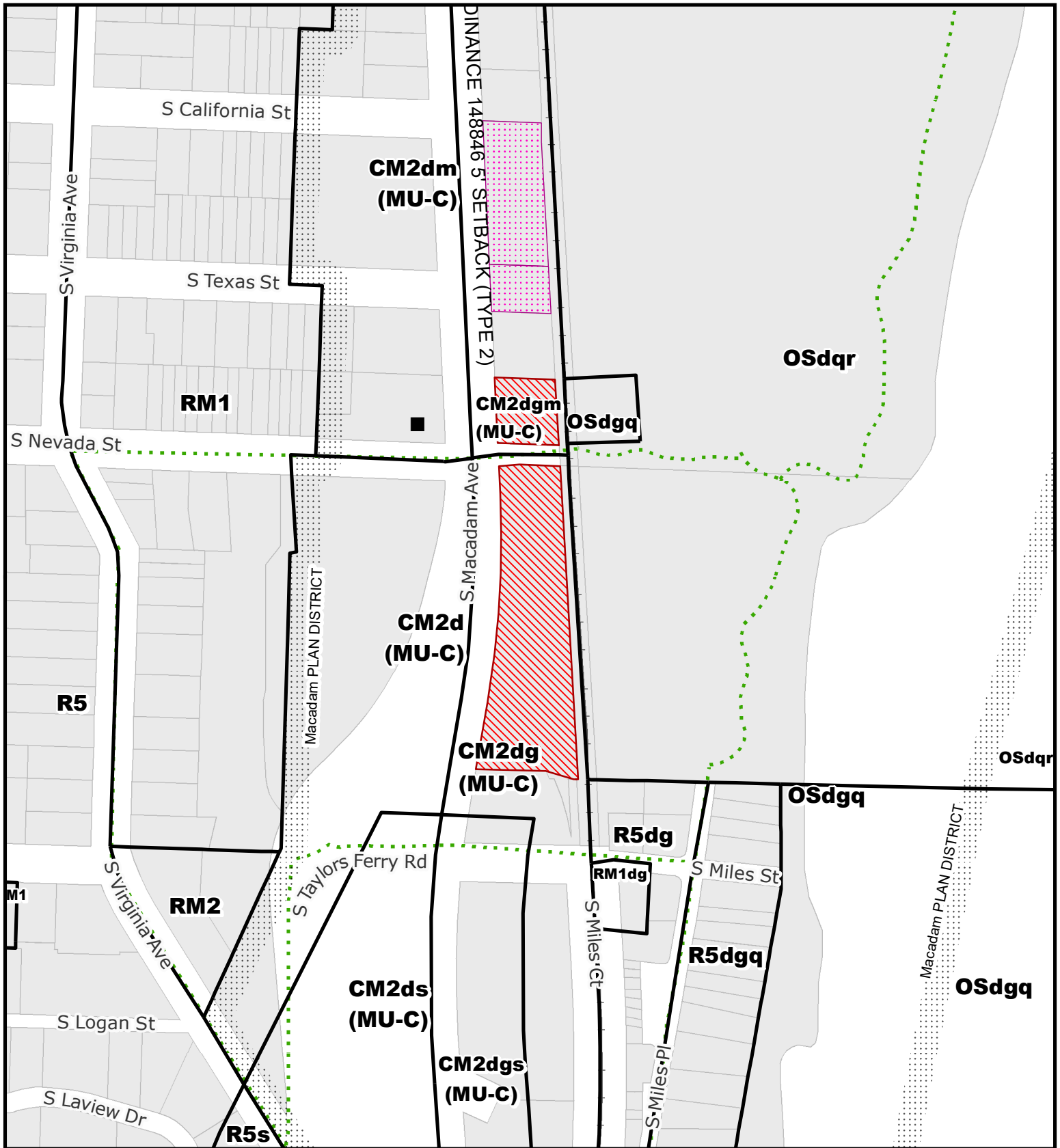
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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
PLANT MATERIALS LEGEND AND DETAILS
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	12/15/2020

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L3.1



ZONING



MACADAM PLAN DISTRICT

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

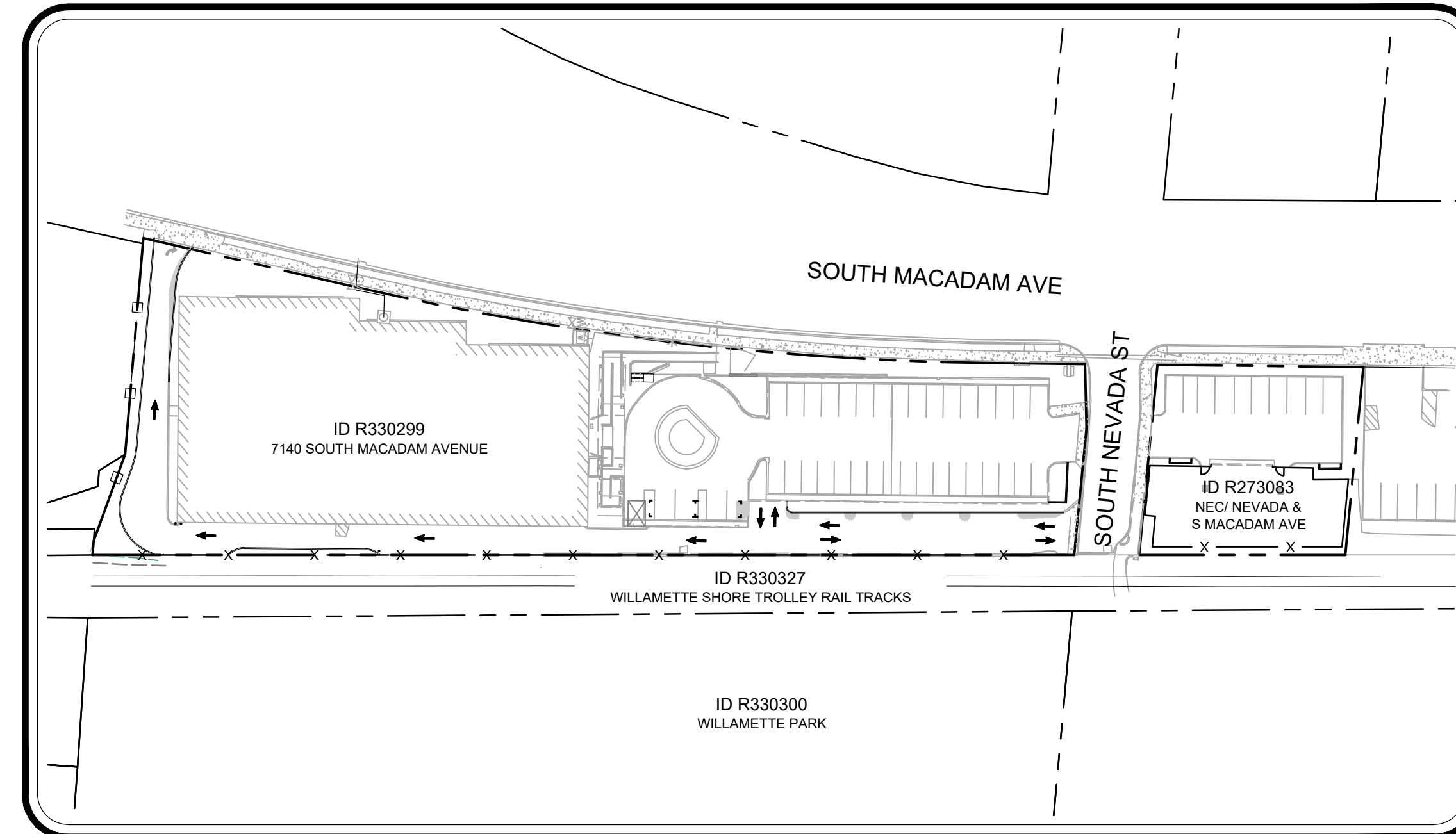
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1/4 Section	3729,3730
Scale	1 inch = 200 feet
State ID	1S1E22AC 200
Exhibit	B Feb 09, 2021

OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



VICINITY MAP
SCALE: NTS



SITE PLAN
SCALE 1" = 60'

SHEET INDEX

- L1.0 COVER SHEET
- L2.0 EXISTING CONDITIONS AND DEMO PLAN
- L2.5 CONSTRUCTION MANAGEMENT PLAN
- L3.0 SITE / LANDSCAPE PLAN
- L3.1 PLANT MATERIALS LEGEND AND DETAILS
- L3.5 FENCE AND ART MURAL RENDERING

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PORTLAND, OR
COVER SHEET
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT TEAM

OWNER
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
PORTLAND, OR 97219
ATTN: KYLE DAVIS
PHONE: (503)293-1999

PLANNER
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: READ STAPLETON, AICP
PHONE: (971)280-8641

LANDSCAPE ARCHITECT
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: WAYNE IAZZETTI, RLA
PHONE: (971)280-8641

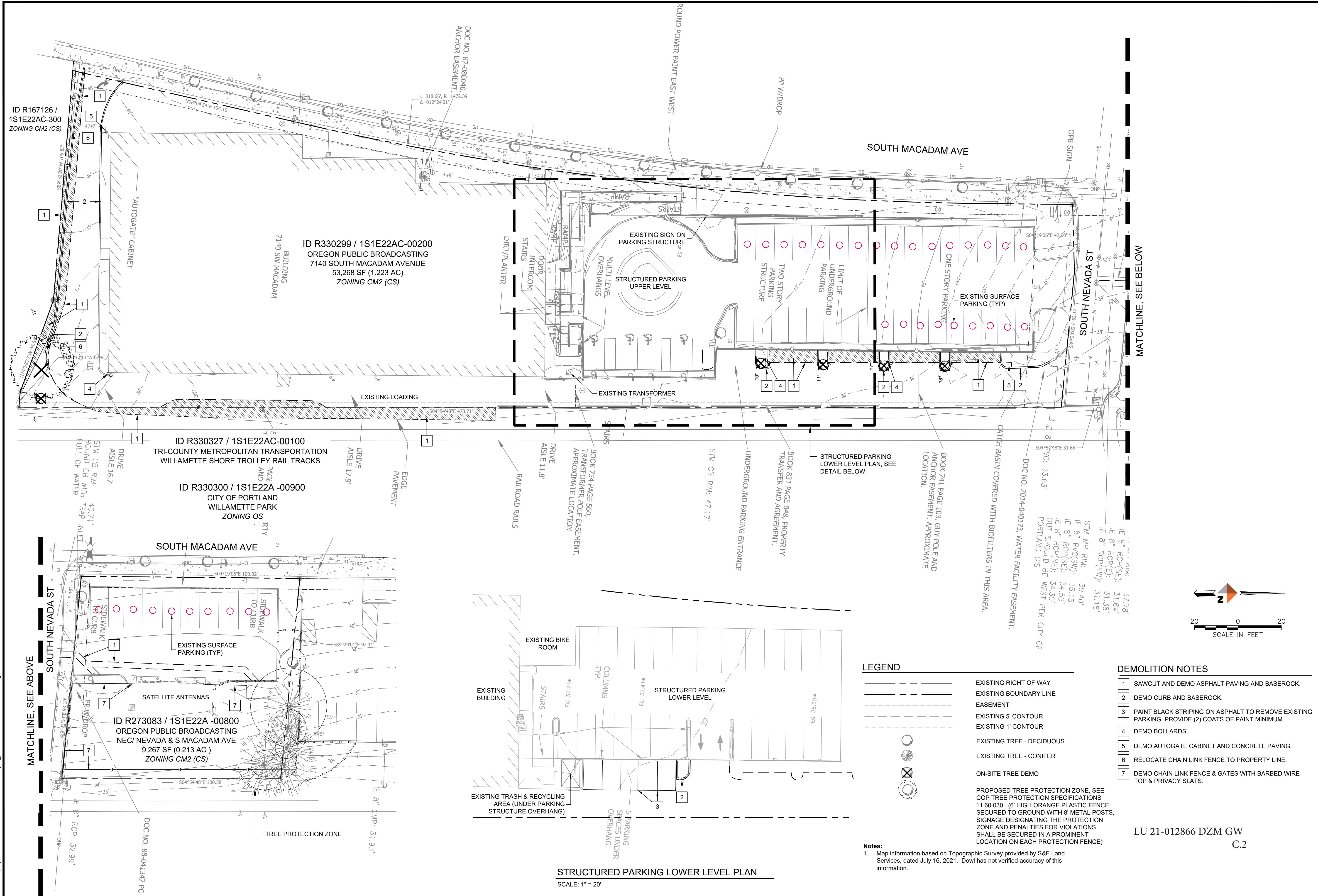
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PROJECT	14545.01
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ID R167126 / 1S1E22AC-300 ZONING CM2 (CS)

ID R330299 / 1S1E22AC-00200 OREGON PUBLIC BROADCASTING 7140 SOUTH MACADAM AVENUE 53,268 SF (1.223 AC) ZONING CM2 (CS)

ID R330327 / 1S1E22AC-00100 TRI-COUNTY METROPOLITAN TRANSPORTATION WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900 CITY OF PORTLAND WILLAMETTE PARK ZONING OS

ID R273083 / 1S1E22A -00800 OREGON PUBLIC BROADCASTING NEC/ NEVADA & S MACADAM AVE 9,267 SF (0.213 AC) ZONING CM2 (CS)

DOC NO. 88-041347 PO

SOUTH MACADAM AVE

SOUTH NEVADA ST

STRUCTURED PARKING LOWER LEVEL PLAN
SCALE: 1" = 20'

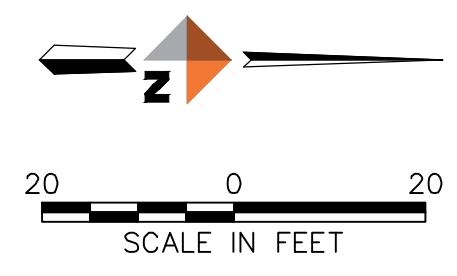
LEGEND

- EXISTING RIGHT OF WAY
- - - EXISTING BOUNDARY LINE
- - - EASEMENT
- - - EXISTING 5' CONTOUR
- - - EXISTING 1' CONTOUR
- EXISTING TREE - DECIDUOUS
- EXISTING TREE - CONIFER
- ⊗ ON-SITE TREE DEMO
- PROPOSED TREE PROTECTION ZONE, SEE COP TREE PROTECTION SPECIFICATIONS 11.60.030. (6' HIGH ORANGE PLASTIC FENCE SECURED TO GROUND WITH 8" METAL POSTS, SIGNAGE DESIGNATING THE PROTECTION ZONE AND PENALTIES FOR VIOLATIONS SHALL BE SECURED IN A PROMINENT LOCATION ON EACH PROTECTION FENCE)

Notes:
1. Map information based on Topographic Survey provided by S&F Land Services, dated July 16, 2021. Dowl has not verified accuracy of this information.

DEMOLITION NOTES

- 1 SAWCUT AND DEMO ASPHALT PAVING AND BASEROCK.
- 2 DEMO CURB AND BASEROCK.
- 3 PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
- 4 DEMO BOLLARDS.
- 5 DEMO AUTOGATE CABINET AND CONCRETE PAVING.
- 6 RELOCATE CHAIN LINK FENCE TO PROPERTY LINE.
- 7 DEMO CHAIN LINK FENCE & GATES WITH BARBED WIRE TOP & PRIVACY SLATS.



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OPB - MACADAM AVENUE NONCONFORMING UPGRADES PORTLAND, OR EXISTING CONDITIONS & DEMO PLAN

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DATE 11/09/2021

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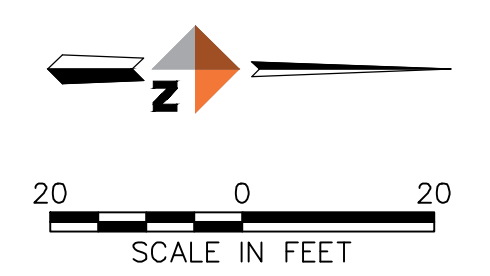
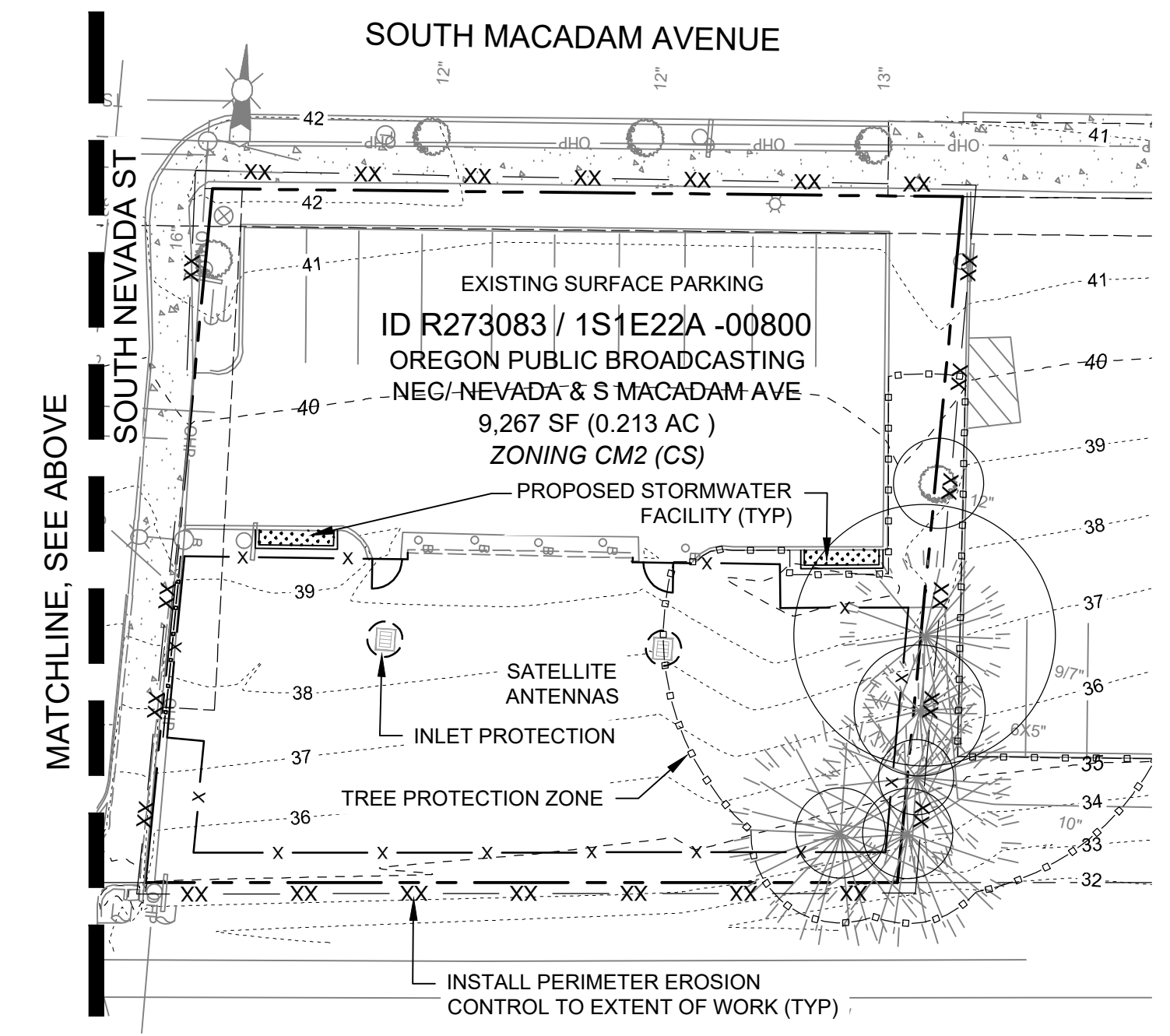
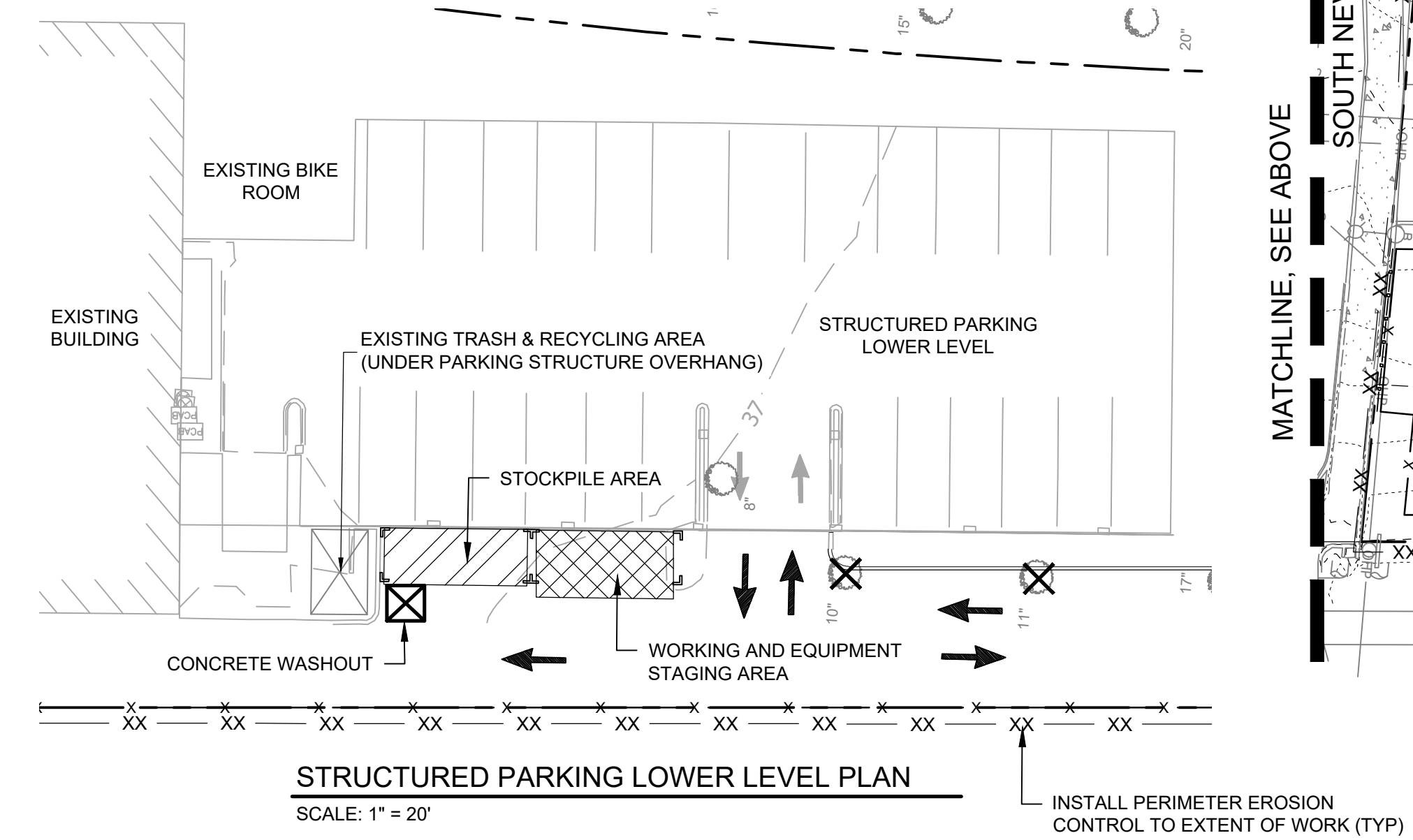
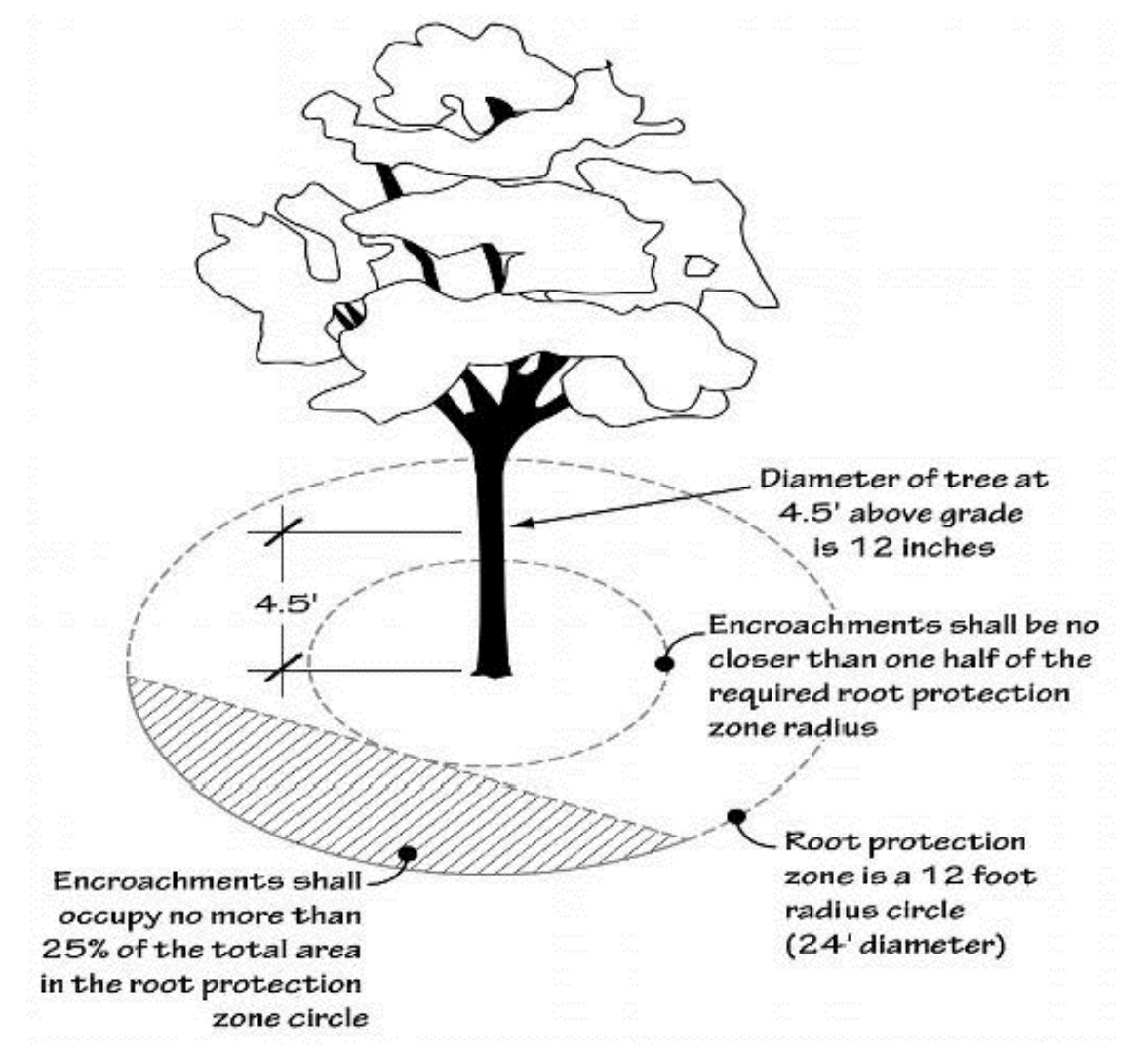
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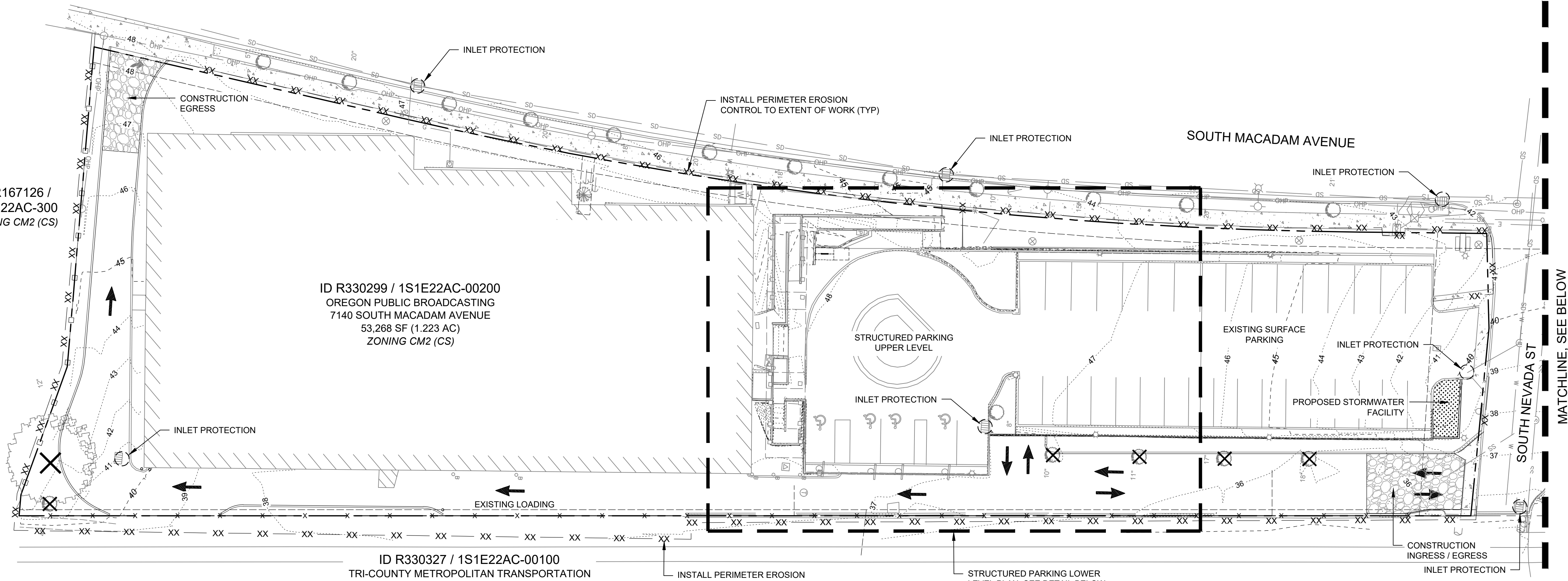
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WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900
CITY OF PORTLAND
WILLAMETTE PARK
ZONING OS

- LEGEND**
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 - ⊗ PROPOSED CONCRETE WASHOUT
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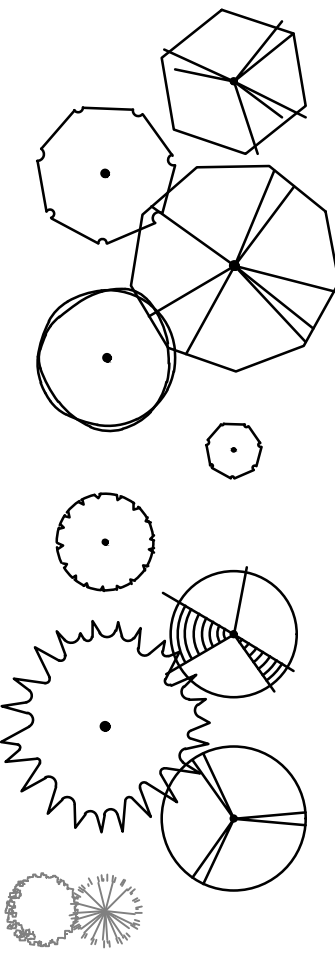
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DATE	11/09/2021

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PLANT MATERIALS LEGEND



TREES ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL EUROPEAN HORNBEAM	1-1/2" CAL / B&B AS SHOWN	17	35" H X 25" W / SMALL / 4' PLANTER 5' BRANCHING HT / DROUGHT TOLERANT
LAGERSTROEMIA X 'TUSCARORA' TUSCARORA CRAPE MYRTLE	1-1/2" CAL / B&B MULTI-STEM	1	15" H X 15" W / SMALL / 3' PLANTER 5' MIN BRANCHING HT / POWER LINES
NYSSA SYLVATICA 'JFS-RED' FIRESTARTER TUPELO	1-1/2" CAL / B&B AS SHOWN	9	35" H X 18" W / MEDIUM / 4' PLANTER 5' BRANCHING HT / CENTRAL LEADER
PARROTIA PERSICA 'VANESSA' VANESSA PERSIAN PARROTIA	1-1/2" CAL / B&B AS SHOWN	12	40" H X 20" W / SMALL / 4' PLANTER 5' BRANCHING HT / POWER LINES
QUERCUS ROBUR X BICO 'NADLER' KINDRED SPIRIT OAK	1-1/2" CAL / B&B AS SHOWN	2	30" H X 6" W / SMALL / TIGHTLY COLUMNAR 5' BRANCHING HT / DROUGHT TOLERANT
RHAMNUS (FRANGULA) PURSHIANA CASCARA	1-1/2" CAL / B&B AS SHOWN	5	30" H X 25" W / SMALL / 4' PLANTER PDX NATIVE / WET TOLERANT / POWER LIN
STYRAX JAPONICUS 'JFS-D' SNOWCONE JAPANESE SNOWBELL	1-1/2" CAL / B&B AS SHOWN	12	25" H X 20" W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
CALOCEDRUS DECURRENS INCENSE CEDAR	6" - 7" HT / B&B 1.75" CAL	5	100" H X 30" W / MEDIUM / 6' PLANTER NATIVE EVERGREEN / ZONE A/B
ZELKOVA SERRATA 'MUSASHINO' MUSASHINO COLUMNAR ZELKOVA	1-1/2" CAL / B&B AS SHOWN	13	45" H X 15" W / SMALL / 4' PLANTER 5' BRANCHING HT / NARROW VASE
EXISTING TREE TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

SHRUBS & ACCENTS ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
ABELIA 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	5 GAL CONT 4'-0" OC	33	6' H X 6' W / EVERGREEN DROUGHT TOLERANT
ARBUTUS UNEDO 'COMPACTA' COMPACT STRAWBERRY TREE	5 GAL CONT 4'-0" OC	53	6' H X 5' W / EVERGREEN DROUGHT TOLERANT
CISTUS X PULVERULENTUS 'SUNSET' MAGENTA ROCK ROSE	2 GAL CONT 3'-0" OC	6	2' H X 4' W / EVERGREEN FULL SUN / DROUGHT TOLERANT
ILEX CRENATA 'SKY PENCIL' SKY PENCIL JAPANESE HOLLY	3' - 4' HT / B&B 2'-0" OC	56	8' H X 3' W / HIGH SCREEN SHRUB EVERGREEN
LIGUSTRUM JAPONICUM 'TEXANUM' WAXLEAF PRIVET	5 GAL CONT 4'-0" OC	60	8' H X 6' W / GLOSSY EVERGREEN PT - FULL SUN / DROUGHT TOLERANT
MISCANTHUS 'PURPURASCENS' AUTUMN FLAME GRASS	2 GAL CONT 2'-6" OC	40	5' H X 3' W / UPRIGHT BRILLIANT RED-ORANGE FALL COLOR
MYRICA CALIFORNICA PACIFIC WAX MYRTLE	5 GAL CONT 4'-0" OC	39	10' H X 6' W / HIGH SCREEN SHRUB PDX NATIVE / EVERGREEN
PENNISETUM A. 'HADELN' HADELN FOUNTAIN GRASS	2 GAL CONT 30" OC	20	30" H X 30" W
EXISTING SHRUB TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

GROUNDCOVERS & MISC ITEM	SIZE	QTY.	MATURE SIZE (H X W)
ARCTOSTAPHYLOS UVA-URSI 'MASS.' MASS KINNIKINICK	1 GAL 2'-0" OC	3,049 SF 882 PLANTS	9" H X 3' W / EVERGREEN NATIVE / DROUGHT TOLERANT
MAHONIA REPENS CREEPING MAHONIA	1 GAL 2'-0" OC	4,876 SF 1,410 PLANTS	18" H X 3' W / EVERGREEN PNW NATIVE / SUN - PT SHADE
DECORATIVE ROCK BAND @ BUILDING VALLEY LANDSCAPE CENTER SURE-LOC STEEL EDGING 15" STEEL STAKES, COLOR BLACK	18" X 6" 3/16" X 4" X 16"	675 SF 13 CY 460 LF	WASHED RIVER ROCK, SIZE 2" - 3" MIRAFI 140 N NON-WOVEN GEO-TEXTILE TUALATIN, 503-692-0606

STORMWATER FACILITY PLANT MATERIALS:

GROUNDCOVERS ITEM	SIZE	QTY.	POTENTIAL HEIGHT / PLANTING ZONE
CAREX OBNUPTA SLOUGH SEDGE	1 GAL CONT 80 / 100 SF	100 SF 80 TOTAL	PNW NATIVE 48" H / ZONE A / SUN - PART SHADE
JUNCUS PATENS SPREADING RUSH	1 GAL CONT 80 / 100 SF	97 SF 78 TOTAL 158 TOTAL	PNW NATIVE 36" H / ZONE A / SUN - PART SHADE

STORMWATER FACILITIES (PDX STORMWATER MANAGEMENT MANUAL):
 MAINTENANCE = 2-YEAR (CHAPTER 3)
 STORMWATER FACILITY = FLAT-BOTTOM RAIN GARDEN
 ZONE A TOTAL = 197 SF
 ZONE A HERBACEOUS (80 / 100 SF) = 158 PLANTS (158 PLANTS REQ)



PYRAMIDAL EUROPEAN HORNBEAM



TUSCARORA CRAPE MYRTLE



FIRESTARTER TUPELO



VANESSA PERSIAN PARROTIA



CASCARA



KINDRED SPIRIT OAK



SNOWCONE JAPANESE SNOWBELL



INCENSE CEDAR



MUSASHINO COLUMNAR ZELKOVA



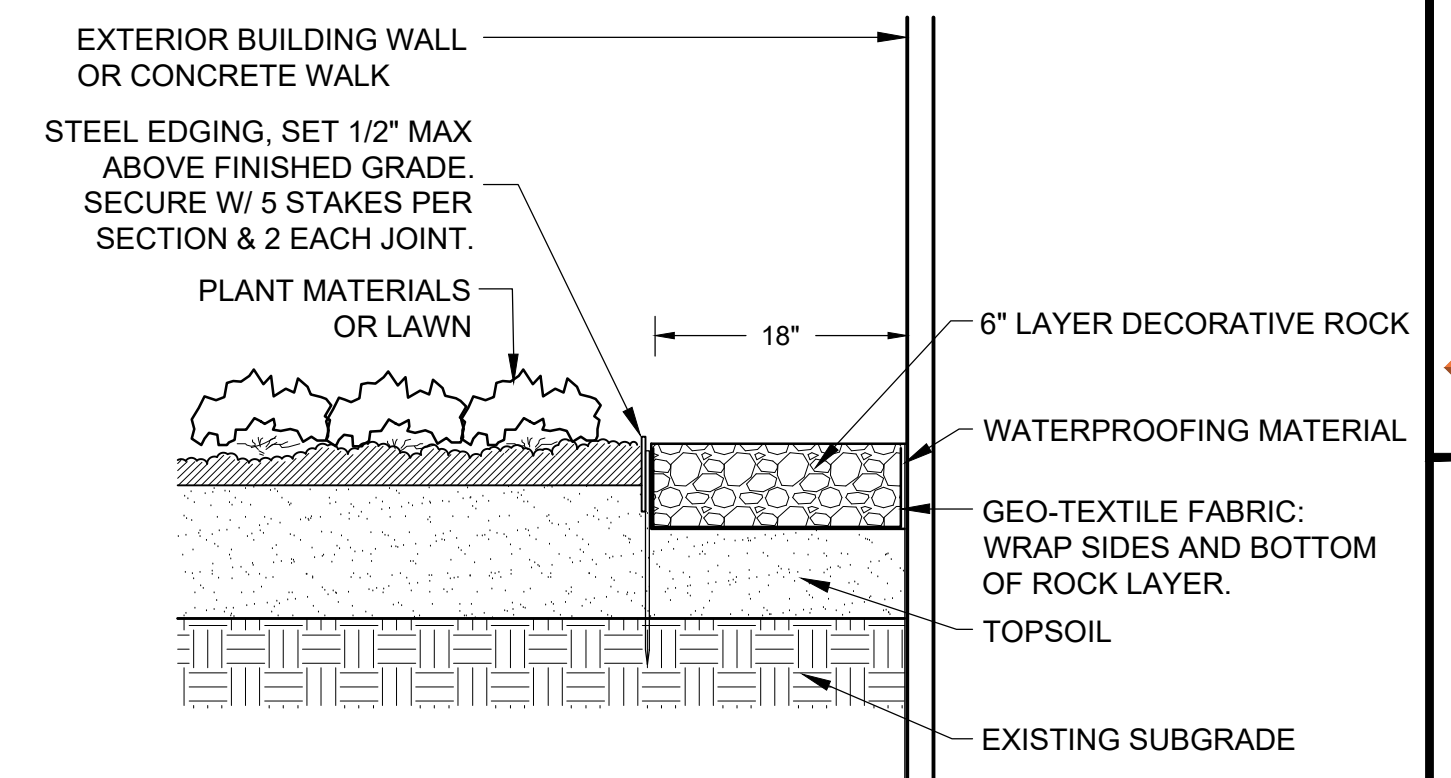
SKY PENCIL JAPANESE HOLLY



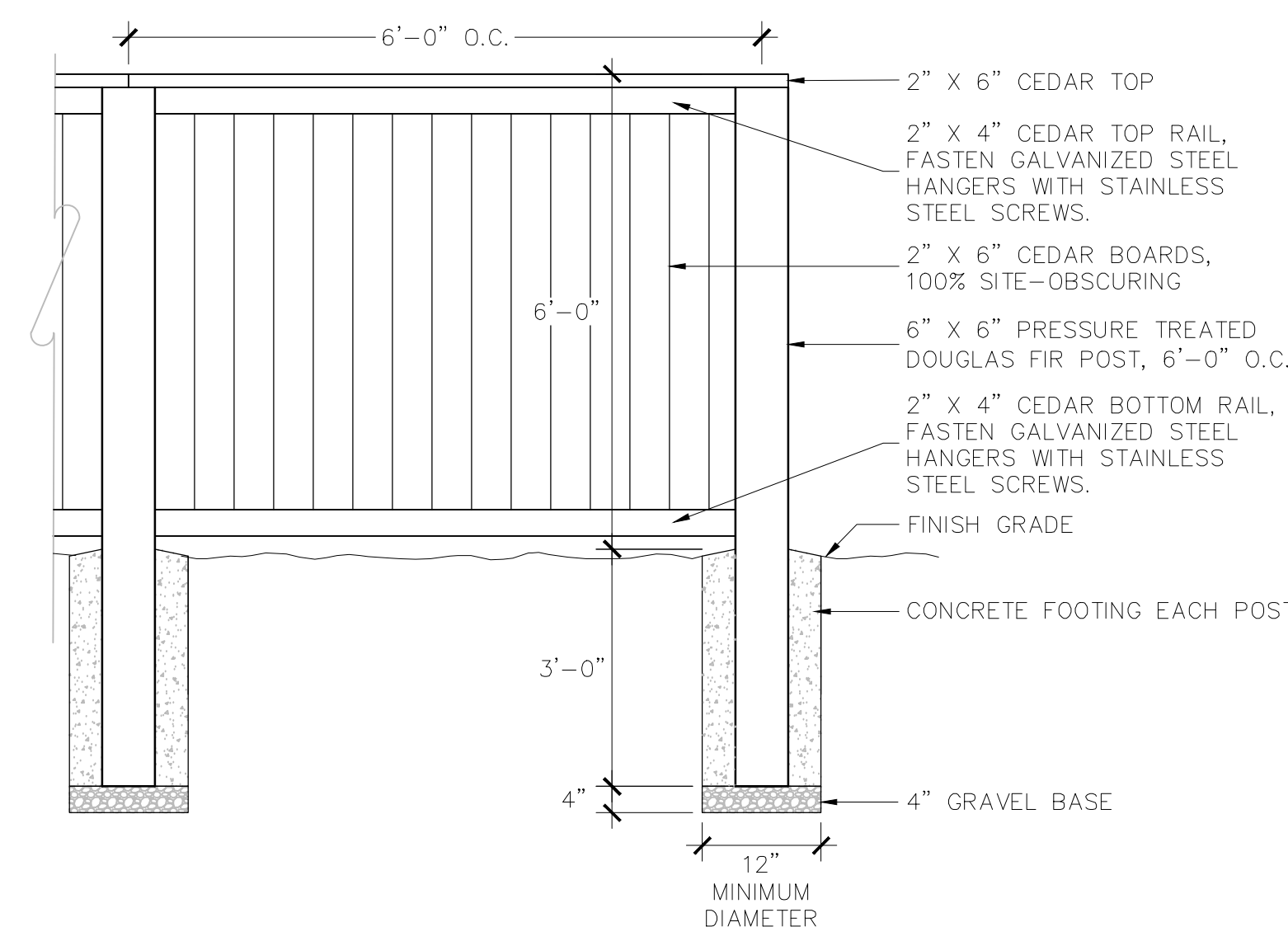
AUTUMN FLAME GRASS



HADELN FOUNTAIN GRASS



DECORATIVE ROCK BORDER DETAIL
SCALE: NOT TO SCALE



6' HIGH 100% FULLY SITE-OBSCURING SOLID WOOD FENCE (F2)
SCALE: NOT TO SCALE

REV	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

DOWL
 WWW.DOWL.COM
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
PLANT MATERIALS LEGEND AND DETAILS
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021

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SHEET

L3.1

\\bill-6\bill-projects\32114545-01\65CAD\landscape\DDISC\IS-PLANTING-OPB NCU.dwg PLOT DATE 2021-11-09 11:04 USER: wiazzeiti

LU 21-012866 DZM GW
C.5

\\bill-projects\32114545-01\65CAD\landscape_DD\SC-L\PLANTING-OPB_NCU.dwg PLOT DATE 2021-11-9 12:01 SAVED DATE 2021-11-09 11:04 USER: wiazetti



SITE RENDERING - ART SHOWN IS FOR EXAMPLE ONLY AND DOES NOT REFLECT PROPOSED ART. ARTIST SELECTION TO BE COORDINATED BY RACC
SCALE: NOT TO SCALE

LU 21-012866 DZM GW
C.6

REV	DATE	DESCRIPTION	BY

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Portland, Oregon 97205
971-280-8641

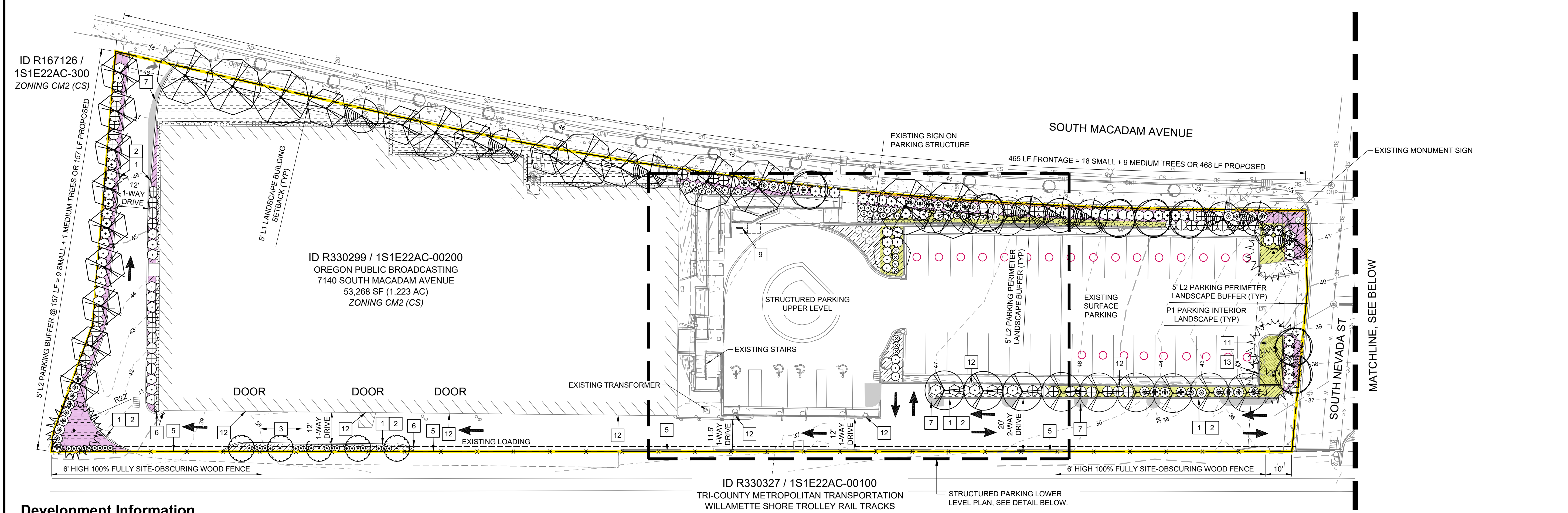
OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
FENCE AND ART MURAL RENDERING
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021

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SHEET

L3.5

\\bill-fs\h\projects\21\14545-01\65CAD\landscape\DD\SC-L-PLANTING-OPB NCU.dwg PLOT DATE 2021-11-9 10:57 SAVED DATE 2021-11-09 10:53 USER: wiazzeiti



Development Information

GROSS AREA: R330299, R273083 = 62,535 SF (1.436 AC)

DEVELOPING STANDARDS: CITY OF PORTLAND
ZONING BASE: STOREFRONT COMMERCIAL (CS)

LANDSCAPING AND SCREENING: (CHAPTER 33.248)
L2 LOW SCREEN:
 TREES = 1 LG / 30 LF, 1 MD / 22 LF, 1 SM / 15 LF
 SHRUBS (EVERGREEN) = 3' HT SCREEN W/ 3 YRS
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS
P1 PARKING LOT INTERIOR:
 TREES (20% EVERGREEN) = LG / 4 SPACES (150 SF MIN) = MD / 3 SPACES (75 SF MIN) = SM / 2 SPACES (50 SF MIN)
 SHRUBS = 1.5 SHRUBS / SPACE
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS

PARKING AND LOADING: (CHAPTER 33.266)
 PARKING LANDSCAPE @ STREET = 5' L2

TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)
 TREE PRESERVATION STANDARDS = EXEMPT
 ON-SITE TREE DENSITY STANDARDS = EXEMPT
 TREE RETAINED 1.5" < 6" DIA = SMALL TREE
 TREE RETAINED 6" + = MEDIUM TREE + 6" INCREMENTS

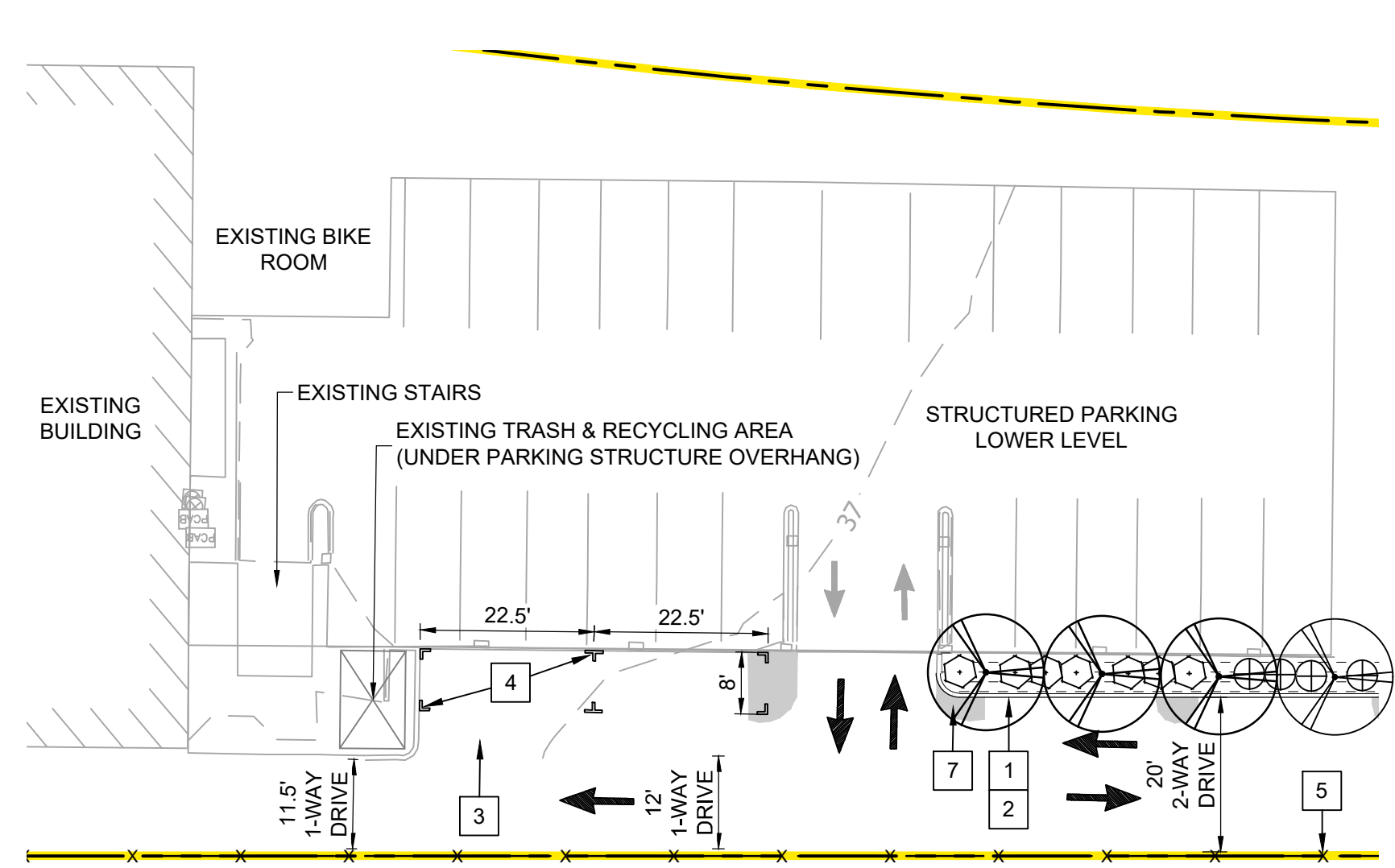
TECHNICAL SPECS: (CHAPTER 11.60)
 TREE SIZE ON-SITE = 1-1/2" CAL (5' HT CONIFER)

PROPOSED DEVELOPMENT:
 SURFACE PARKING EXISTING = 35 SPACES
 PARKING PERIMETER LANDSCAPE = 5' L2
 PARKING INTERIOR LANDSCAPE = 1,622 SF (1,575 SF REQ)
 PARKING INTERIOR TREES:
 MEDIUM: 3 SPACES x 4 TREES = 12 SPACES
 SMALL: 2 SPACES x 14 TREES = 28 SPACES
 TOTAL PROPOSED INTERIOR = 40 SPACES (35 SF REQ)
 EVERGREEN DIVERSITY (4/18) = 22% (20% REQ)
 PARKING INTERIOR SHRUBS = 78 SHRUBS (53 SHRUBS REQ)

SITE CONSTRUCTION NOTES

- 1 PROPOSED STANDARD 6" CONCRETE CURB. CONTRACTOR TO SAWCUT OUT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE FROM SAWCUT. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AROUND ALL CONSTRUCTED CURB ISLANDS. ENSURE NO PONDING AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY.
- 2 PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM.
- 3 PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
- 4 REINSTALL 4" WIDE PARKING STRIPE TO ORIGINAL CONDITION (TYP), MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM.
- 5 PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE. SEE DETAIL SHEET L3.1.
- 6 PROPOSED BOLLARDS, MATCH EXISTING BOLLARDS TO REMAIN.
- 7 PROPOSED ASPHALT PAVING, MATCH ADJACENT.
- 8 PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE (F2) & GATES WITH ANTI-CLIMB SECURITY BARRIER. ANTI-CLIMB SECURITY BARRIER SHALL BE GALVANIZED RAZOR CHANNEL W PROFILE SECURITY SPIKES OR APPROVED EQUAL. INSTALL ON SATELLITE SIDE CORNER OF 2" X 6" CEDAR TOP. SEE SIMILAR DETAIL SHEET L3.1.
- 9 PROPOSED 2 SPACE SHORT-TERM BIKE RACK.
- 10 PROPOSED FENCE AND ART MURAL, SEE SHEET L3.5
- 11 PROPOSED STORMWATER PLANTER PER BES DWG SW-231, SEE SHEET L3.1 FOR LEGEND.
- 12 REMOVE AND REPLACE ALL EXISTING LIGHT FIXTURES ON THE EAST FACADE WITH IDA CERTIFIED DARK SKY COMPLIANT LIGHT FIXTURE, LUXLOGIC LIGHTING MODEL WARRIOR WALL PACK SERIES OR APPROVED EQUAL.
- 13 CONTRACTOR TO INSPECT EXISTING CONCRETE WALL AND REPORT OVERALL CONDITION, WALL DEPTH, AND FOOTING SIZE TO ENGINEER.
- 14 PROPOSED 8" C900 STORM PIPE.

ID R330300 / 1S1E22A -00900
 CITY OF PORTLAND
 WILLAMETTE PARK
 ZONING OS

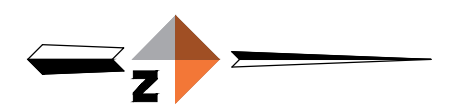


STRUCTURED PARKING LOWER LEVEL PLAN

SCALE: 1" = 20'

Legend

--- 500 ---
 Project Boundary
 Contour - 1' Interval



20 0 20
 SCALE IN FEET



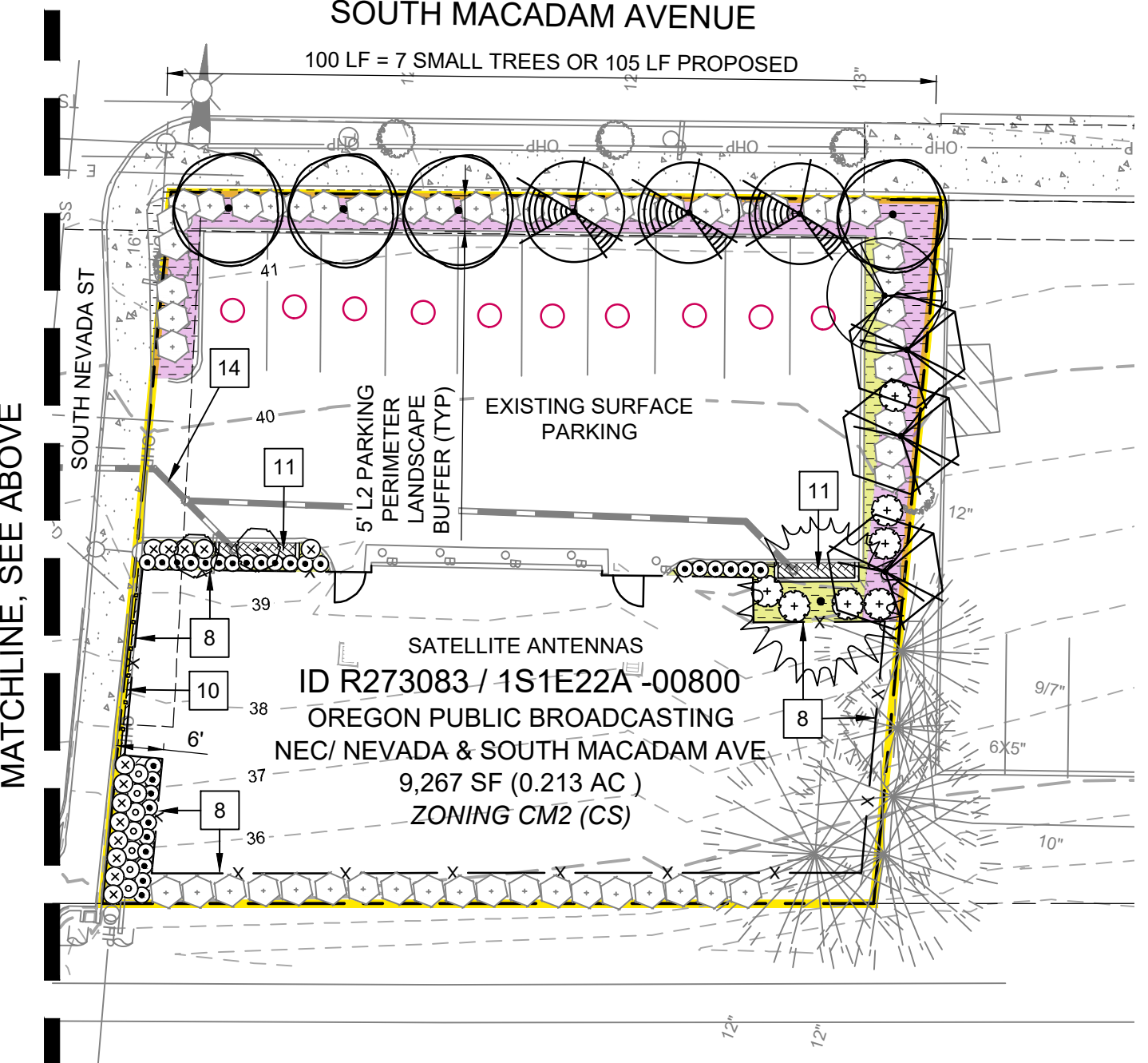
6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE



ANTI-CLIMB SECURITY BARRIER



DARK SKY LIGHT FIXTURE, LUXLIGHTING WARRIOR WALL PACK SERIES



LU 21-012866 DZM GW
 C.7

REV	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

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 WWW.DOWL.COM
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
SITE AND LANDSCAPE PLAN
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021
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SHEET	
L3.0	



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: August 20, 2021

From: Hannah Bryant, Land Use Services
503-865-6520 / Hannah.Bryant@portlandoregon.gov

REQUEST FOR RESPONSE

Case File: LU 21-012886 DZM GW
Pre App: PC # 20-121512

This notice is being sent to all service and technical review agencies for their input on the proposal described below. Neighborhood Associations also receive this advance notice via e-mail. Your timely response, as indicated below, will help the assigned planner determine if applicable approval criteria can be met, or what conditions might be required.

- The approval criteria are listed below. Although we are interested in any comments you may have, please consider your response in terms of these criteria.
- All agencies are encouraged to use this as an opportunity to inform the applicant of any additional requirements that may be imposed by your agency during building permit phase – especially those that would significantly affect the proposal.
- Please note in your response which requirements are specifically associated with the applicable land use review approval criteria, and which requirements you have the independent authority to impose at time of building permits.
- Neighborhood Associations are encouraged to submit comments by the deadline noted below. To comment, you may write to Hannah Bryant at 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. You can also e-mail your comments to me at my e-mail address identified above. After the staff report is published, please submit your comments to the Design Commission at 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201 and fax them to 503-823-5630.

The Bureau of Development Services recommendation will be published ten days before the scheduled hearing date. You will also receive a Notice of Public Hearing for this proposal, with hearing date and time confirmed, mailed twenty days prior to the hearing.

- **Please send your response to BDS no later than: Friday, September 10, 2021 – 21 days after the date of this RFR** (If I receive comments after this date, I may not have enough time to include them in the staff report).
- **We must publish our report by: September 20, 2021**
- **A public hearing before the Design Commission is tentatively scheduled for September 30, 2021; 1:30pm**

LU 21-012886 DZM GW
D.1

Applicant/Owner: Kyle Davis | Oregon Public Broadcasting Foundation
7140 S Macadam Ave
Portland, OR 97219-3013

Architect: 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 at 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 – Commercial Mixed-Use 2, with ‘Design’ and ‘River General’ overlay.

Case Type: DZM GW – Design Review with Modification Review 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.”

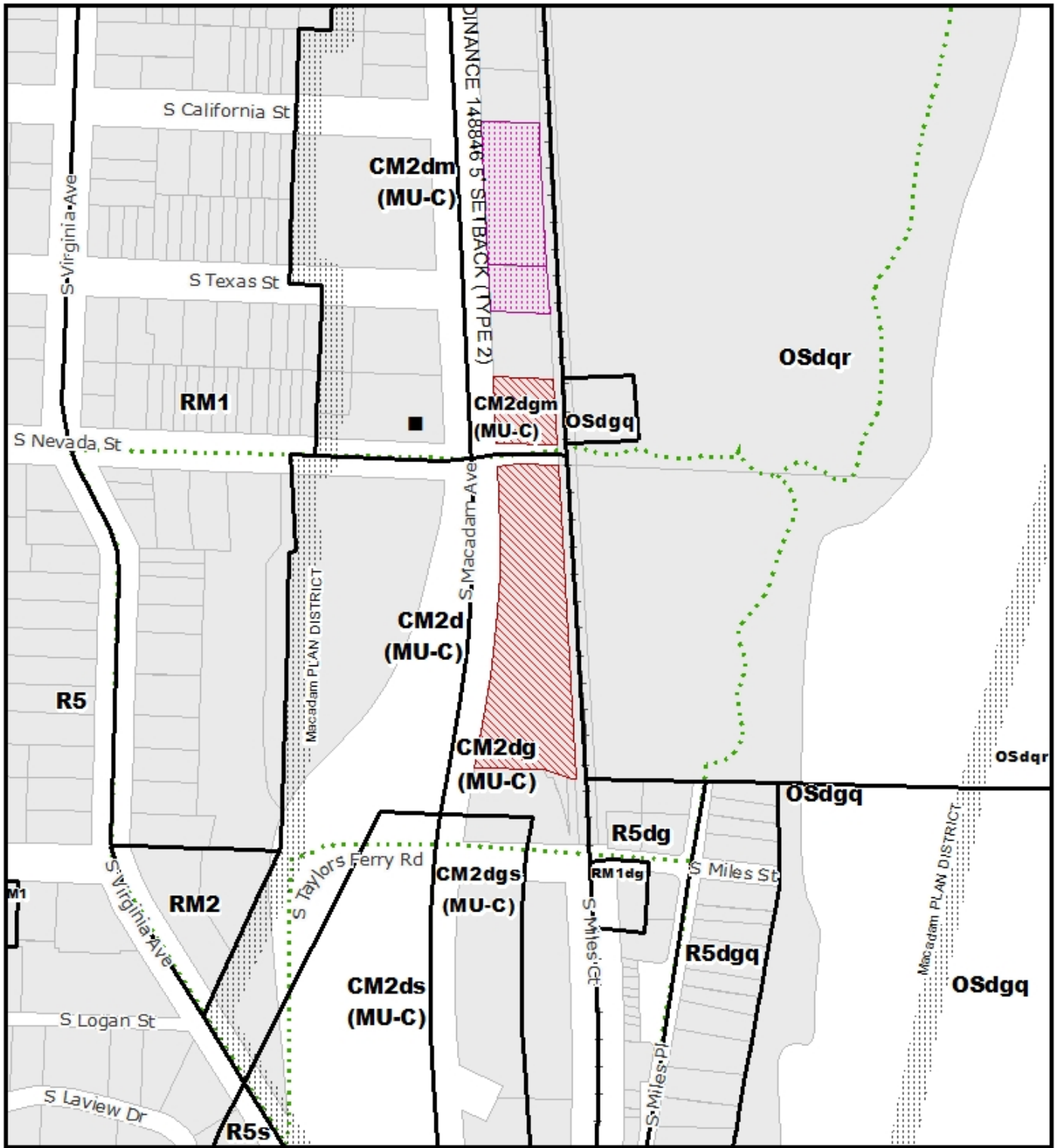
Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval 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 filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on February 9, 2021 and determined to be complete on August 5, 2021.

Enclosures: Zoning Map, Site Plan



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



Development Information

GROSS AREA: R330298, R273883 = 62,535 SF (1,438 AC)

DEVELOPMENT STANDARDS: CITY OF PORTLAND

ZONING BASE: STRUCTURAL COMMERCIAL (CS)

LANDSCAPING AND SCREENING: (CHAPTER 33.248)

L2 TREES = 1 (3' 90' L.F. / 100' / 22' L.F. / 15M / 15' L.F.)

SHRUBS DEVELOPMENT: = 100' 4 SPACES (100 SF MIN)

P1 PARKING LOT INTERIOR: = 20' 2 SPACES (60 SF MIN)

TREES (20% DEVELOPMENT): = 100' 4 SPACES (100 SF MIN)

SHRUBS: = 100' 4 SPACES (100 SF MIN)

GROUND-COVER PLANTS: = 100' 4 SPACES (100 SF MIN)

PARKING AND LOADING: (CHAPTER 33.248)

PARKING LANDSCAPE @ STREET: = 12'

TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)

TREE PRESERVATION STANDARDS: = EXCEPT

TREE REMOVAL: = 1" PER INCH

TREE RETAINED: = 1" PER INCH

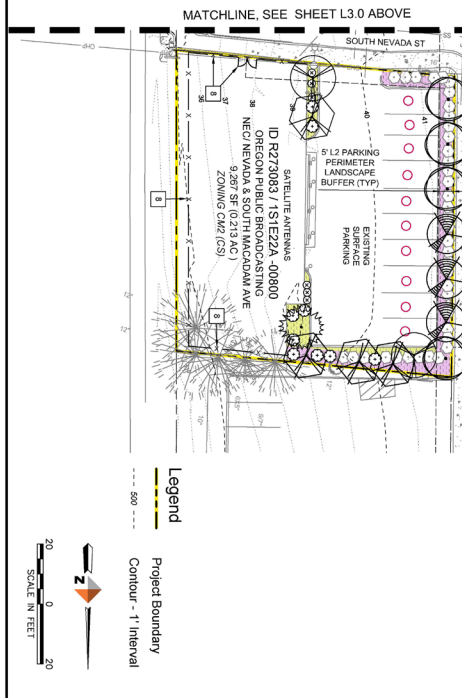
TREE REMOVAL: = 1" PER INCH

TREE SIZE @ SITE: = 1" PER INCH

PROPOSED DEVELOPMENT:

- SURFACE PARKING EXISTING = 33 SPACES
- PARKING PERIMETER LANDSCAPE = 4' L2
- PARKING INTERIOR LANDSCAPE = 1,422 SF (1,375 SF REQ)
- SMALL 2 SPACES X 11 TREES = 38 SPACES (35 REQ)
- TOTAL PROPOSED INTERIOR PARKING = 35 SHRUBS (33 SHRUBS REQ)
- PARKING INTERIOR SHRUBS = 35 SHRUBS (33 SHRUBS REQ)

- SITE CONSTRUCTION NOTES**
- CONSTRUCT STAIRWAYS OF CONCRETE SLAB. CONTRACTOR TO LOCATE CURT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE TO EXISTING ASPHALT. CONSTRUCTED CURB ISLANDS. ENSURE NO POHONG AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY. SEE DETAIL ON SHEET L1.1.
 - PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM 1/2" THICK.
 - PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM 1/2" THICK.
 - PAINT STRIPING TO GENERAL SPECIFICATION (TYP). MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM 1/2" THICK.
 - INSTALL 6" HIGH 100% FULLY SITE-OBSCURING WOOD FENCE. SEE DETAIL SHEET L1.1.
 - INSTALL BOLLARDS MATCH EXISTING BOLLARDS TO REMAIN IF REQUIRED.
 - INSTALL ASPHALT PAVING. MATCH ADJACENT.
 - INSTALL 6" HIGH 100% FULLY SITE-OBSCURING WOOD FENCE & GATES (2) WITH BARBED WIRE TOP NO LESS THAN 6" ABOVE TOP RAIL. SEE SIMILAR DETAIL SHEET L1.1.
- SITE PLAN GENERAL NOTES:**
- THIS APPLICATION IS VESTED TO THE ZONING IN EFFECT ON SEPTEMBER 15, 2017, THE DATE OF THE ORIGINAL BUILDING PERMIT SUBMITTAL (17-241-48 CO) THAT TRIGGERED NONCONFORMING UPDATES.
 - PLANT LEGEND & DETAILS: SEE SHEET L1.1.
 - MULCH: ALL PLANTING AREAS SHALL BE MULCHED WITH 3" MIN DEPTH BARK MULCH. FRESH FR MEDIUM GROUND.
 - IRRIGATION: ALL PROPOSED PLANT MATERIALS SHALL BE WATERED DAILY TO OCTOBER OF PLANTING INSTALLATION. TREES SHALL BE WATERED AT A RATE OF 15 GALLONS PER TREE ONCE PER WEEK. SHRUBS & GROUNDCOVERS AT A RATE OF 1" PER WEEK TO 1.5" PER WEEK. IRRIGATION SHALL BE STOPPED ONCE PLANTS ARE FULLY ESTABLISHED.
- Notes:
1. Map information based on Topographic Survey provided by S&P Land Services, dated July 8, 2021. Draw has not verified accuracy of this information.



REVISIONS			
REV	DATE	DESCRIPTION	BY

<p>OPB - MACADAM AVENUE NONCONFORMING UPGRADES PORTLAND, OR SITE AND LANDSCAPE PLAN</p> <p>LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON</p>	<p>DOWL www.dowl.com</p> <p>720 SW Washington Street, #750 Portland, Oregon 97205 971-260-8641</p>	<p>FOR REVIEW ONLY</p>
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<p>PROJECT: 15443-01</p> <p>DATE: 7/28/2021</p> <p>DESIGNER: ERM/ML</p> <p>SHEET: L3.0</p>
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City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: August 17, 2021

To: Kyle Davis
OREGON PUBLIC BROADCASTING FOUNDATION
7140 South Macadam Ave
Portland, OR 97219
(503) 293-1999

From: Hannah Bryant

RE: LU 21-012886 DZM GW – Non-Conforming Upgrades on S. Macadam Ave.

Dear Kyle:

I have received your application for a Design Review w/ Modifications GW at 7140 S MACADAM AVE. Your application was deemed complete on **August 5, 2021**. Your case number is given above; the hearing is scheduled for **September 30, 2021; 1:30pm**. I am the planner handling your case, and can answer any questions you might have during the process.

The Zoning Code requires you to post notice on the site of your proposal 30 days before the hearing. The information below will help you do this. If you did not pick up poster boards from the Development Services Center when you filed your application, please contact me at least 24 hours in advance so the posting boards can be prepared for you to pick up. My phone number is (503) 865-6520 insert your number. I am enclosing the notice that should be placed on the signs.

- A. Your site has 475 feet of frontage on South Macadam Avenue. You must post 1 signs along this street. There must be at least one sign every 600 feet.

Your site has 100 feet of frontage on South Nevada Street. You must post 1 signs along this street. There must be at least one sign every 600 feet.
- B. These signs must be placed within 10 feet of the street frontage line, and must be visible to pedestrians and motorists. You may not post in the public right-of-way.
- C. Because the hearing for your case is scheduled for **September 30, 2021; 1:30pm**, you must post the notice by August 31, 2021, 30 days before the hearing.
- D. A certification statement is enclosed, which you must sign and return. The statement affirms that you posted the site. It also confirms your understanding that if you do not post the notice by the date above, your hearing will be automatically postponed. In addition, time limits on our processing of your case will be waived. You must return this statement to us by September 16, 2021, 14 days before the hearing.
- E. You should not remove the notice before the hearing, but it must be taken down within two weeks after the final decision is made on your request.

Encl: Posting Notice
Statement Certifying Posting

cc: Application Case File

Oregon Public Broadcasting Foundation *Kyle Davis*
Applicant
OREGON PUBLIC BROADCASTING FOUNDATION
7140 South Macadam Ave
Portland, OR 97219
(503) 293-1999

DATE: _____

TO: Hannah Bryant
Bureau of Development Services
1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201

APPLICANT'S STATEMENT CERTIFYING POSTING

Case File LU 21-012886

This certifies that I have posted notice on my site as required by the Zoning Code. I understand that the hearing is scheduled for September 30, 2021; 1:30pm, and that I was required to post the property at least 30 days before the hearing.

The required number of poster boards, with the notices attached, were set up on _____(date). These were placed within 10 feet of the street frontage line so that they were visible to pedestrians and motorists.

I understand that this form must be returned to the Bureau of Development Services no later than September 16, 2021, 14 days before the scheduled hearing. I also understand that if I do not post the notices by 30 days before the hearing, or return this form by 14 days before the hearing, my hearing will automatically be postponed. I also understand this will result in a waiver of the time limits for processing my case.

In addition, I understand that I may not remove the notices before the hearing, but am required to remove them within two weeks of the final decision on my request.

Signature

Print Name

Address

City/State/Zip Code

Type III Land Use Review

OPB Non-Conforming Upgrades

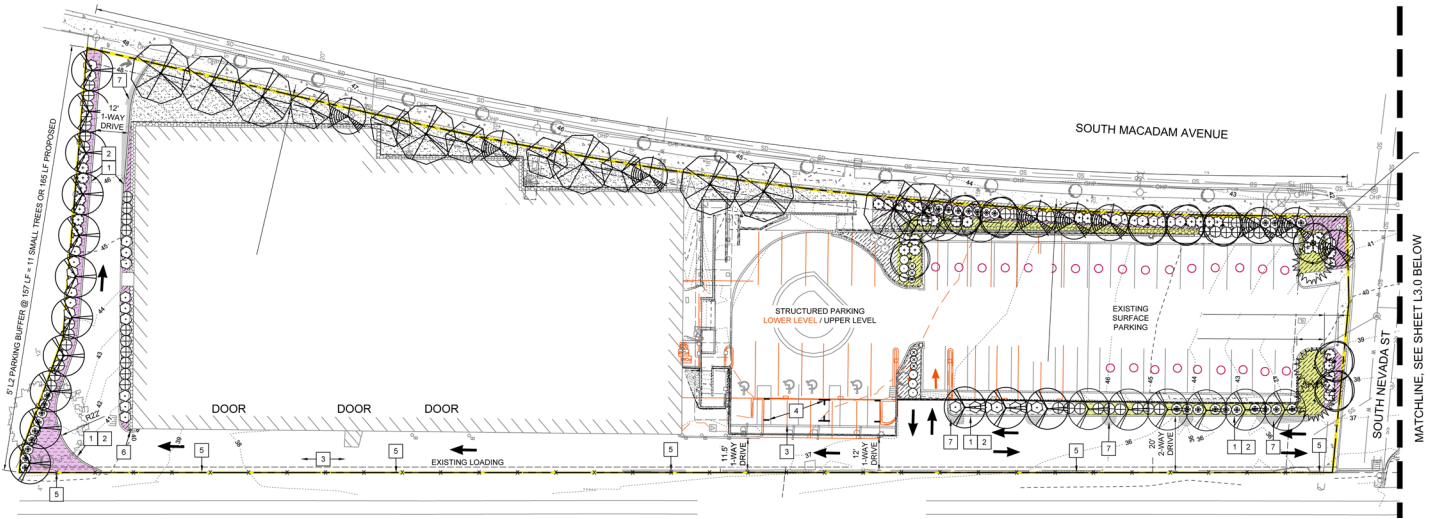
WHEN

THURSDAY, September 30, 2021 @ 1:30 PM

(hearing start time –see Design Commission agenda for estimated project start time)

WHERE

<https://www.portland.gov/bds/design-commission/events/2021/9/30/9-30-21-design-commission-hearing-agenda>



REVIEW BY	DESIGN COMMISSION	CASE FILE LU 21-012886 DZM GW (EA 20-121512 PC)
LAND USE REVIEW TYPE	DESIGN REVIEW WITH MODIFICATIONS and GREENWAY REVIEW	
PROPOSAL	<p>Type III Design Review w/ Modifications and Greenway Review for the Oregon Public Broadcasting (OPB) site. Proposal includes landscape plantings and new fences. Modifications include:</p> <ol style="list-style-type: none"> 1. <u>Parking Area Setbacks and Landscaping</u> - to allow a six-foot sight-obscuring fence in lieu of required landscaping meeting the L2 standard. 2. <u>Loading Standards – Placement, Setbacks and Landscaping</u> - to allow a six-foot sight-obscuring fence in lieu of minimum landscaping requirements at loading area. 3. <u>Fences – Locations and Heights</u> - 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. <p>Greenway Review is required because the site is in the river general overlay.</p>	
PROJECT INFO	www.portlandoregon.gov/bds/dcagenda	
SITE LOCATION	7140 S. Macadam Avenue	
ZONING/ DESIGNATION	CM2d g– Commercial Mixed-Use 2 with Design + River General overlays Macadam Plan District	
QUESTIONS? BDS CONTACT	<p>Hannah Bryant, City Planner (503) 865-6520 / Hannah.Bryant@PortlandOregon.gov Bureau of Development Services, 1900 SW 4th Ave, Suite 5000, Portland, OR 97201</p>	

Type III Land Use Review

OPB Non-Conforming Upgrades

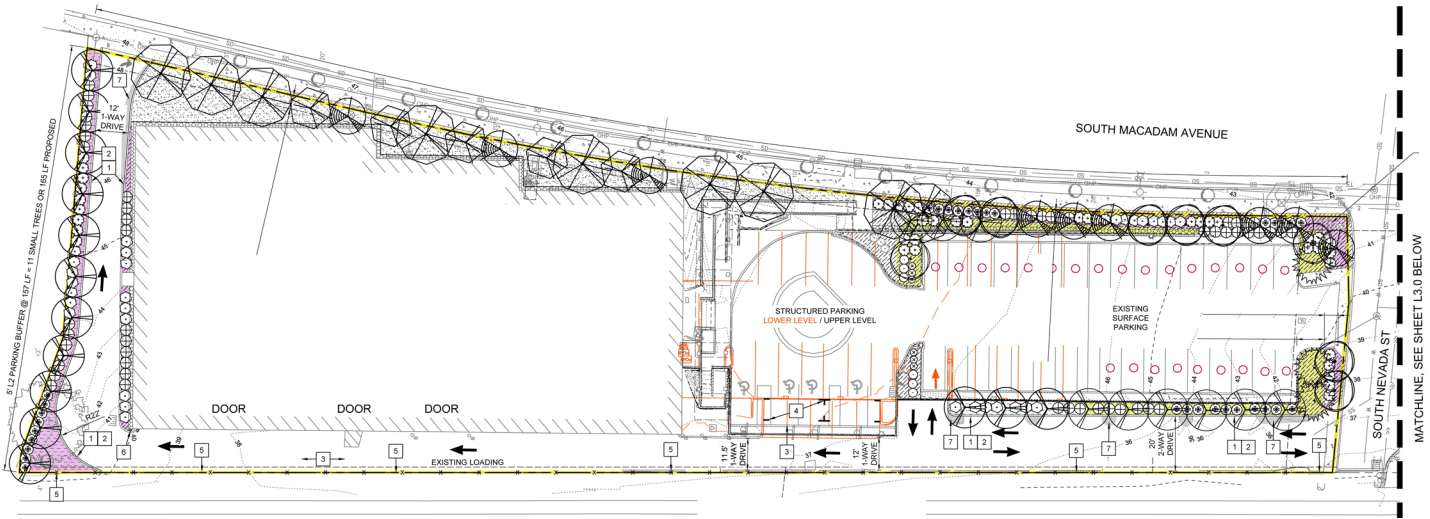
WHEN

THURSDAY, November 4, 2021 @ 1:30 PM

(hearing start time –see Design Commission agenda for estimated project start time)

WHERE

<https://www.portland.gov/bds/design-commission/events/2021/9/30/9-30-21-design-commission-hearing-agenda>



REVIEW BY	DESIGN COMMISSION	CASE FILE	LU 21-012886 DZM GW (EA 20-121512 PC)
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Oregon Public Broadcasting Foundation *Kyle Davis*
Applicant
OREGON PUBLIC BROADCASTING FOUNDATION
7140 South Macadam Ave
Portland, OR 97219
(503) 293-1999

DATE: 9/1/2021

TO: Hannah Bryant
Bureau of Development Services
1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201

APPLICANT'S STATEMENT CERTIFYING POSTING

Case File LU 21-012886

This certifies that I have posted notice on my site as required by the Zoning Code. I understand that the hearing is scheduled for September 30, 2021; 1:30pm, and that I was required to post the property at least 30 days before the hearing.

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I understand that this form must be returned to the Bureau of Development Services no later than September 16, 2021, 14 days before the scheduled hearing. I also understand that if I do not post the notices by 30 days before the hearing, or return this form by 14 days before the hearing, my hearing will automatically be postponed. I also understand this will result in a waiver of the time limits for processing my case.

In addition, I understand that I may not remove the notices before the hearing, but am required to remove them within two weeks of the final decision on my request.

Kyle Davis

Signature

Print Name

OPB, 7140 South Macadam Ave

Address

Portland, OR, 97219
City/State/Zip Code



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: September 2, 2021
To: Interested Person
From: Hannah Bryant, Land Use Services
503-865-6520 / Hannah.Bryant@portlandoregon.gov

**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: September 30, 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.

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.

Applicant/Owner: Kyle Davis | Oregon Public Broadcasting Foundation
7140 South Macadam Ave
Portland, OR 97219-3013

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 & Civic Life, contact Shuk Arifdjanov at shuk.arifdjanov@portlandoregon.gov

Plan District: Macadam

Other Designations: None

Zoning: CM2 (MU-C)d g – Commercial 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:

Instructions for Observing or Testifying at the Portland Design Commission or Historic Landmarks Commission Webinar Hearings
Zoning Map
Site Plan

Observing or Testifying at the Portland Design Commission or Historic Landmarks Commission Webinar Hearings

Thank you for your interest in attending the Design Commission or Landmarks Commission Hearing. Due to the City's Emergency response to Covid-19, for the foreseeable future, we will be virtually adapting these hearings. To that end, Hearings will become ZOOM Webinars. The information below will help you get connected.

Preparing for the Hearing:

1. To access the Zoom Webinar, please go to the Commission Agenda, and click the link under the hearing date you are interested in participating.
 - Public Hearings: <https://www.portlandoregon.gov/bds/42441>
2. In advance of the hearing, please review documents and drawings in the project link within the Online Agenda.
 - Please also provide comments to the planner assigned in advance of the hearing.

Getting into the Hearing [Registering in Zoom to observe or participate in Hearing]:

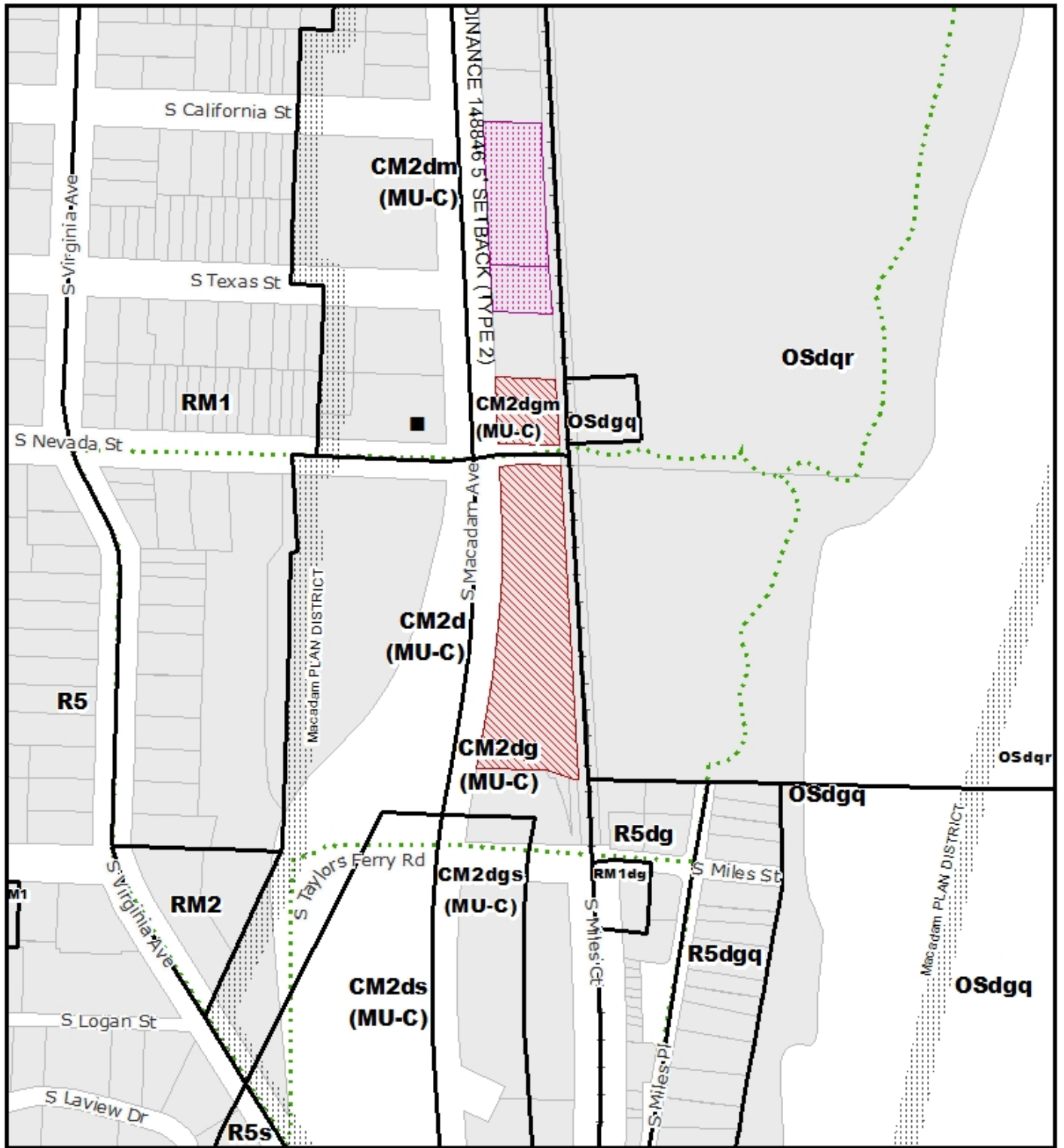
1. In order to observe or testify in the hearing, please be sure to Register for the Webinar as soon as possible.
 - The Webinar Link is posted to the Agenda typically 20-days prior to the hearing date.
2. Once you are registered you will receive an email notification of how to log-in or access the Webinar.
3. You can enter the Webinar no sooner than 1:20 PM on the date of the hearing.
4. You will be held in the ZOOM [waiting room](#) until the Webinar starts at 1:30 PM. (Please note each individual agenda item has an estimated start time.)
5. If using a smartphone or tablet, download the [Zoom app](#) for easy entry into the Webinar.

Public participation in the Hearing:

1. After Staff and Applicant presentations, the Chair will announce public testimony is open, and will ask if anyone else would like to testify.
2. You can provide public comment in this Webinar in several ways:
 - If during registration you indicated you would like to testify, we will put your name in order of request.
 - Members of the public will be automatically muted except for when they are called by the Hearings Clerk for their public comment. During the Webinar, the Hearings Clerk will unmute participants in the order of Webinar Registrations received.
 - If you indicated in your registration that you did not want to testify but later changed your mind, when testimony is open:
 - Click the "raise your hand" function in ZOOM, and the Hearings Clerk will add you to the list of testifiers.
 - If you will be participating by call-in, raise your hand by pressing *9 – the Webinar host will see this notification.
 - When you are unmuted, your name will be announced by the Hearings Clerk. Please be prepared to provide testimony.
 - Each testifier is allotted 2 minutes of testimony.
 - Please manage your time when testifying, the Hearings Clerk will provide a 15 second warning.
3. We will enable video sharing only for Design and Landmarks Commission members, project teams, and staff participating in the Webinar.

Follow-up:

1. The Webinar will be recorded and uploaded to the City of Portland Auditors website, under the Case File Number, here: <https://efiles.portlandoregon.gov/Search>.



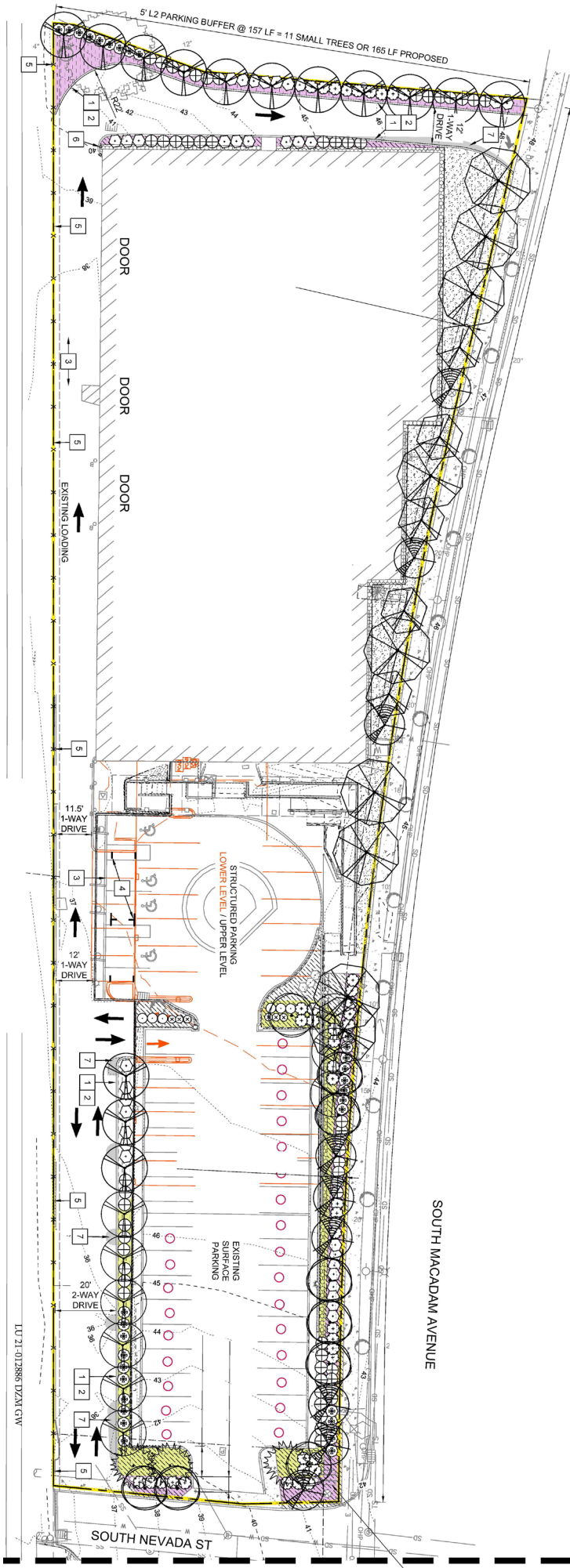
ZONING

NORTH ↑

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



MATCHLINE, SEE SHEET L3.0 BELOW



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

Dan Ryan, Commissioner
 Rebecca Esau, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portland.gov/bds

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.
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Modifications are requested to three standards:

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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:

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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>.

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

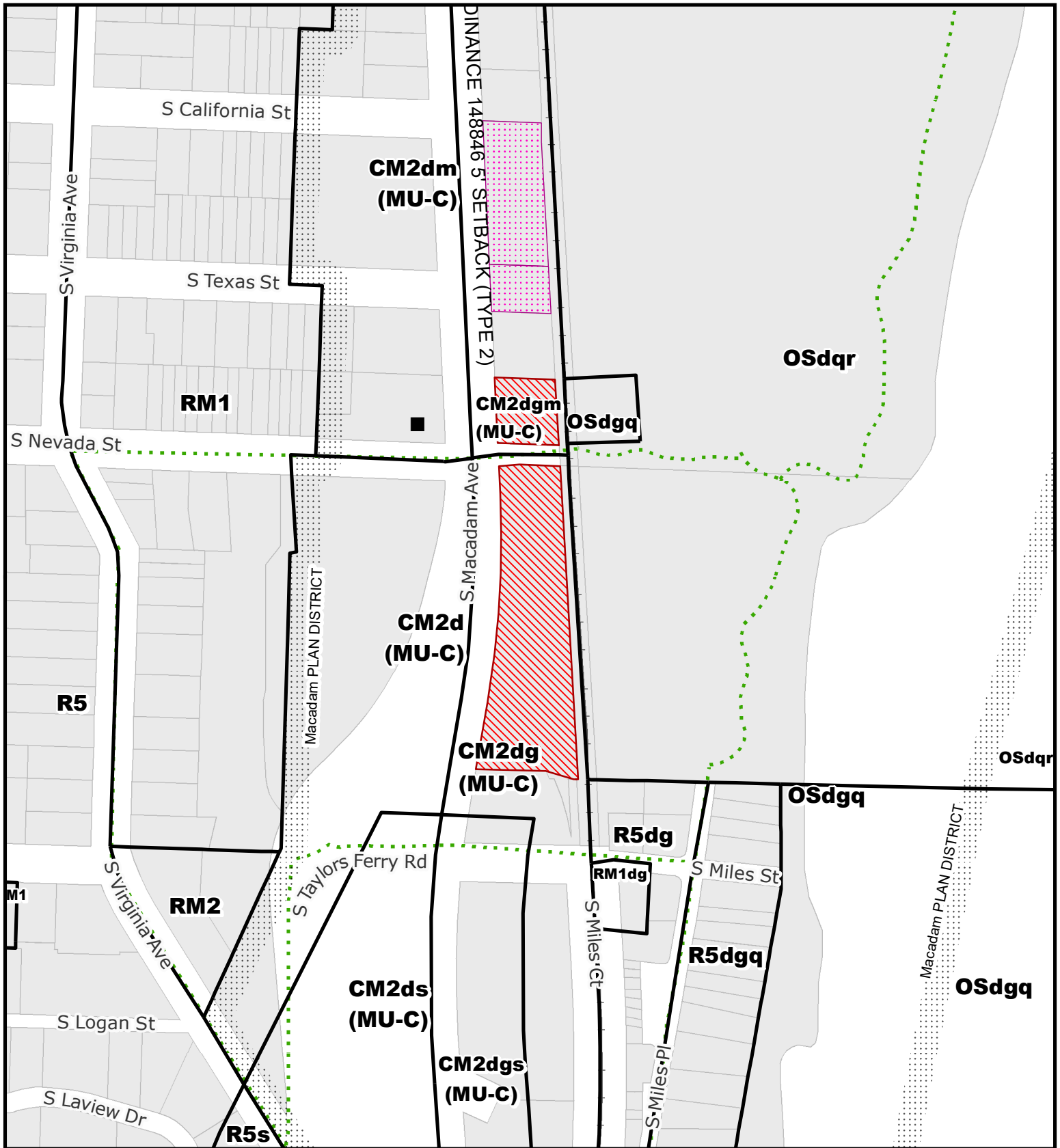
- Design Commission: This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations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

	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITYSTATEZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED	1S1E22A 200	TRI-COUNTY METROPOLITAN	TRANSPORTATION DISTRICT OF OREGON	4012 SE 17TH AVE	PORTLAND OR 97202-3940
3	RETURN SERVICE REQUESTED		1S1E22A 400	BREMEN LLC C/O KIERSEY & MCMILLAN	PO BOX 1696	BEAVERTON OR 97075-1696
4	RETURN SERVICE REQUESTED		1S1E22A 700	PACIFIC OUTDOOR ADVERTISING	715 NE EVERETT ST	PORTLAND OR 97232-2724
5	RETURN SERVICE REQUESTED		1S1E22A 700	R273084 LLC	7140 S MACADAM AVE	PORTLAND OR 97219
6	RETURN SERVICE REQUESTED	1S1E22A 900	PORTLAND CITY OF	BUREAU OF PARKS & RECREATION	1120 SW 5TH AVE #1302	PORTLAND OR 97204
7	RETURN SERVICE REQUESTED		1S1E22AC 1100	EBNER MARISA & EBNER KEVIN F	4640 SW ORMANDY WAY	PORTLAND OR 97221
8	RETURN SERVICE REQUESTED		1S1E22AC 1200	ENGEL PETER M JR	7364 SW MILES PL	PORTLAND OR 97219-3026
9	RETURN SERVICE REQUESTED		1S1E22AC 1300	MILES PLACE LLC	7368 S MILES PL	PORTLAND OR 97219-3026
10	RETURN SERVICE REQUESTED		1S1E22AC 1400	HALL DANIEL W & HALL KAY P	7400 S MILES PL	PORTLAND OR 97219-3028
11	RETURN SERVICE REQUESTED		1S1E22AC 1500	BRUUN ERIK	11415 S AVENTINE AVE	PORTLAND OR 97219-8318
12	RETURN SERVICE REQUESTED		1S1E22AC 1600	SOPPE THOMAS D & BURDICK MICHAEL N	7414 S MILES PL	PORTLAND OR 97219
13	RETURN SERVICE REQUESTED		1S1E22AC 1700	BREITEN TRUST ETAL	PO BOX 82248	PORTLAND OR 97282
14	RETURN SERVICE REQUESTED		1S1E22AC 1800	ITO MENDEZ & ASSOCIATES LLC	3852 WELLINGTON CT	WEST LINN OR 97068
15	RETURN SERVICE REQUESTED		1S1E22AC 1900	RENTAL ON MILES LLC	2256 KNOLL CIR	ANCHORAGE AK 99501
16	RETURN SERVICE REQUESTED	1S1E22AC 200	OREGON PUBLIC BROADCASTING	FOUNDATION INC	PO BOX 69485	PORTLAND OR 97201
17	RETURN SERVICE REQUESTED		1S1E22AC 200	STATE OF OREGON	7140 S MACADAM AVE	PORTLAND OR 97219
18	RETURN SERVICE REQUESTED		1S1E22AC 300	D-LUX HARDWOOD FLOORS CO INC	7330 S MACADAM AVE	PORTLAND OR 97219
19	RETURN SERVICE REQUESTED		1S1E22AC 300	LS COOPER LLC	2006 NE 38TH AVE	PORTLAND OR 97212
20	RETURN SERVICE REQUESTED		1S1E22AC 300	MARQUE MOTORS INC	7310 S MACADAM AVE	PORTLAND OR 97219
21	RETURN SERVICE REQUESTED		1S1E22AC 3200	COCHRAN ROBERT L	7502 S MILES PL	PORTLAND OR 97219-3030
22	RETURN SERVICE REQUESTED		1S1E22AC 3700	DIANA M ITAMI TR	7629 SE 109TH AVE	PORTLAND OR 97266
23	RETURN SERVICE REQUESTED		1S1E22AC 3900	YOUNG STEVEN T & YOUNG ANNE N	1410 NW KEARNEY ST #810	PORTLAND OR 97209-2764
24	RETURN SERVICE REQUESTED		1S1E22AC 400	OREGON STATE DEPT OF TRANSPORTATION	725 SUMMER ST STE C	SALEM OR 97301-1266
25	RETURN SERVICE REQUESTED		1S1E22AC 4000	MYERS BRETT S	7421 S MILES PL	PORTLAND OR 97219-3027
26	RETURN SERVICE REQUESTED		1S1E22AC 4100	WILLIAMS MARK H	7407 S MILES PL	PORTLAND OR 97219-3027
27	RETURN SERVICE REQUESTED		1S1E22AC 4300	GORGE PERFORMANCE INC	7400 S MACADAM AVE	PORTLAND OR 97219
28	RETURN SERVICE REQUESTED		1S1E22AC 4300	HEUKER BERNARD H TR	PO BOX 1	CASCADE LOCKS OR 97014
29	RETURN SERVICE REQUESTED		1S1E22AC 4300	THE KIDS' BACKYARD STORE INC	7400 S MACADAM AVE	PORTLAND OR 97219-3022
30	RETURN SERVICE REQUESTED		1S1E22AC 500	DOWD MICHAEL B	753 S MILES ST	PORTLAND OR 97219-8568
31	RETURN SERVICE REQUESTED		1S1E22AC 600	MILLER CLAYTON & PLUMMER COURTNEY	8722 NW SKYLINE BLVD	PORTLAND OR 97231
32	RETURN SERVICE REQUESTED		1S1E22AC 700	NELSON BETHANY & SANDELL GRAEME	763 S MILES ST	PORTLAND OR 97219-8568
33	RETURN SERVICE REQUESTED		1S1E22AC 800	ANTHONY WILLIAM & KRASNER CAITLIN	7355 S MILES PL	PORTLAND OR 97219-3025
34	RETURN SERVICE REQUESTED		1S1E22AC 900	BRALEY REX & TUELL RAEANNE	1243 SE 50TH AVE	PORTLAND OR 97215
35	RETURN SERVICE REQUESTED	1S1E22AC 90000	BARRETT BEST HOUSE CONDO ASSOC	ATTN BB HOUSE LLC	30350 NW SCOTCH CHURCH RD	HILLSBORO OR 97124-8331
36	RETURN SERVICE REQUESTED		1S1E22BA 4200	GLASCOCK STREET WAXLER LLP	6915 S MACADAM AVE STE 300	PORTLAND OR 97219
37	RETURN SERVICE REQUESTED		1S1E22BA 4200	GREAT NORTHERN STAFF ADMINIS LLC	6915 S MACADAM AVE STE 350	PORTLAND OR 97219
38	RETURN SERVICE REQUESTED		1S1E22BA 4200	MKE & ASSOCIATES INC	6915 S MACADAM AVE STE 200	PORTLAND OR 97219
39	RETURN SERVICE REQUESTED	1S1E22BA 4200	PORTLAND MACADAM PLACE EQUITIES LLC	& PORTLAND MILLIKAN EQUITIES LLC	520 SW 6TH AVE #610	PORTLAND OR 97204
40	RETURN SERVICE REQUESTED		1S1E22BA 4200	TESEDA CORPORATION	6105 S MACADAM AVE STE 100	PORTLAND OR 97239-3640
41	RETURN SERVICE REQUESTED		1S1E22BA 6500	HOFFART HERBERT J	4632 SW VERMONT ST	PORTLAND OR 97219-1054
42	RETURN SERVICE REQUESTED	1S1E22BA 6600	FAYARD ALFRED A TR &	FAYARD GLENDA C TR	14700 EASTVIEW DR	LOS GATOS CA 95032
43	RETURN SERVICE REQUESTED		1S1E22BA 6800	SCANDIA 811 LLC	61383 S HWY 97 STE E	BEND OR 97702
44	RETURN SERVICE REQUESTED		1S1E22BA 6800	SZECHUAN CHEF	7007 S MACADAM AVE	PORTLAND OR 97219
45	RETURN SERVICE REQUESTED	1S1E22BA 7000	BRECUNIER RICHARD S TR &	BRECUNIER LINNEA E TR	5191 READ RD	MOORPARK CA 93021-9762
46	RETURN SERVICE REQUESTED		1S1E22BA 7100	JOKIC ALEKSANDR	614 S TEXAS ST	PORTLAND OR 97219-8575
47	RETURN SERVICE REQUESTED		1S1E22BA 7200	KRUSSEL JOHN W	608 S TEXAS ST	PORTLAND OR 97219-8575
48	RETURN SERVICE REQUESTED		1S1E22BA 7300	SMITH JENNIFER E	602 S TEXAS ST	PORTLAND OR 97219-8575
49	RETURN SERVICE REQUESTED		1S1E22BA 7400	OVIEDO CESAR & LEEN KATHRYN	1820 NW 29TH ST	CORVALLIS OR 97330
50	RETURN SERVICE REQUESTED		1S1E22BA 8401	EZ PEREGRINE FALCON LLC	1380 ANDREWS RD	LAKE OSWEGO OR 97034
51	RETURN SERVICE REQUESTED		1S1E22BA 8500	CADOTTE ASHLEY	607 S NEVADA ST	PORTLAND OR 97219-3392
52	RETURN SERVICE REQUESTED		1S1E22BA 8600	FERYN ALICIA	609 S NEVADA ST	PORTLAND OR 97219-3392
53	RETURN SERVICE REQUESTED		1S1E22BA 8700	DAMRAU STEVEN B	14307 DURYEA LN S	TACOMA WA 98444-2016
54	RETURN SERVICE REQUESTED		1S1E22BA 8800	PRUEKSARITANONT THOMAYANT	3316 NE 87TH PL	PORTLAND OR 97220
55	RETURN SERVICE REQUESTED	1S1E22BA 8900	SAVARIA ANNE TR &	POLLOCK JULIA G EST OF	3226 SW UPPER DR	PORTLAND OR 97201-1771
56	RETURN SERVICE REQUESTED		1S1E22BA 9000	ROSS PROPERTIES LLC	7990 KULA HWY	KULA HI 96790
57	RETURN SERVICE REQUESTED		1S1E22BA 9100	MO & Z II LLC	7119 S MACADAM AVE	PORTLAND OR 97219
58	RETURN SERVICE REQUESTED		1S1E22BD 1000	SPRINKLE STEPHANIE	7334 S VIRGINIA AVE	PORTLAND OR 97219-3039
59	RETURN SERVICE REQUESTED		1S1E22BD 101	DENTAL SERVICE LLC	14201 NE 20TH AVE STE B200	VANCOUVER WA 98686-6413
60	RETURN SERVICE REQUESTED		1S1E22BD 101	MVPS LLC	5611 NE COLUMBIA BLVD	PORTLAND OR 97218-1237
61	RETURN SERVICE REQUESTED		1S1E22BD 101	NJ TANNING & AIR BRUSHING LLC	7117 S MACADAM AVE	PORTLAND OR 97219
62	RETURN SERVICE REQUESTED		1S1E22BD 101	ZUPAN ENTERPRISES OREGON INC	6915 S MACADAM AVE #255	PORTLAND OR 97219
63	RETURN SERVICE REQUESTED	1S1E22BD 80000	ASSOCIATION OF UNIT OWNERS OF	MACADAM VILLAGE CONDOMINIUM	33470 SW CHINOOK PLZ PMB 325	SCAPPOOSE OR 97056
64	RETURN SERVICE REQUESTED		1S1E22BD 80001	RUETER DEREK C	602 S NEVADA ST #A	PORTLAND OR 97219
65	RETURN SERVICE REQUESTED		1S1E22BD 80002	JOHNSON MARK	602 S NEVADA ST APT B	PORTLAND OR 97219-3394
66	RETURN SERVICE REQUESTED		1S1E22BD 80003	JURSNICK AMY	602 S NEVADA ST APT C	PORTLAND OR 97219-3394
67	RETURN SERVICE REQUESTED		1S1E22BD 80004	TALAL JESSICA E	13376 SW BENCHVIEW TER	PORTLAND OR 97223
68	RETURN SERVICE REQUESTED		1S1E22BD 80005	HSU FRANCES C	602 S NEVADA ST APT E	PORTLAND OR 97219-3394
69	RETURN SERVICE REQUESTED		1S1E22BD 80006	SIRIPRUSANAN UKRIT & AZUCENA	12479 KESTREL ST	SAN DIEGO CA 92129
70	RETURN SERVICE REQUESTED		1S1E22BD 80007	HENLEY NEAL D	602 S NEVADA ST APT G	PORTLAND OR 97219-3394
71	RETURN SERVICE REQUESTED		1S1E22BD 80008	VAN BRAMER LINDSAY L	2932 NE 88TH PL	PORTLAND OR 97220-5313
72	RETURN SERVICE REQUESTED		1S1E22BD 80009	GILMAN BRIAN T	17393 NW GOLD CANYON LN	BEAVERTON OR 97006-7307
73	RETURN SERVICE REQUESTED	1S1E22BD 80010	DIAN N O'REILLY REV TR &	LISSNER FAMILY TR	PO BOX 786	SOQUEL CA 95073

	A	B	C	D	E	F
74	RETURN SERVICE REQUESTED		1S1E22BD 80011	CARNEIRO KENNETH & MENAPACE SHARON	2601 SW TROY ST	PORTLAND OR 97219
75	RETURN SERVICE REQUESTED		1S1E22BD 80012	REICHERT HEIDI & WRIGHT BENJAMIN	606 S NEVADA ST APT D	PORTLAND OR 97219-3396
76	RETURN SERVICE REQUESTED		1S1E22BD 80013	POST SARAH P	606 S NEVADA ST APT G	PORTLAND OR 97219-3396
77	RETURN SERVICE REQUESTED	1S1E22BD 80014	VELEVA BILIANA & ROTSE MARC &	VELEV OMOURTAG	606 S NEVADA ST APT F	PORTLAND OR 97219-3396
78	RETURN SERVICE REQUESTED		1S1E22BD 80015	LUNDSTROM MARTIN & LUNDSTROM BLAKE	697 SW 15TH ST	CORVALLIS OR 97333
79	RETURN SERVICE REQUESTED		1S1E22BD 80016	MURRAY LARRY S	56336 CASCADE VIEW DR	WARREN OR 97053
80	RETURN SERVICE REQUESTED		1S1E22BD 80017	MARTIN JOSE	610 S NEVADA ST APT A	PORTLAND OR 97219-3399
81	RETURN SERVICE REQUESTED		1S1E22BD 80018	SARAZIN ANDREA N	610 S NEVADA ST APT B	PORTLAND OR 97219-3399
82	RETURN SERVICE REQUESTED		1S1E22BD 80019	MUSASHE DEREK T & MUSASHE CAITLIN	610 S NEVADA ST APT C	PORTLAND OR 97219-3399
83	RETURN SERVICE REQUESTED		1S1E22BD 80020	FOSTER AMY	610 S NEVADA ST APT D	PORTLAND OR 97219-3399
84	RETURN SERVICE REQUESTED		1S1E22BD 80021	CMJDS PROPERTIES LLC	2300 SW 1ST AVE #200	PORTLAND OR 97201
85	RETURN SERVICE REQUESTED		1S1E22BD 80022	GRAHAM MARTY G & GRAHAM MARY E	3801 N GOLDWATER BLVD #305	SCOTTSDALE AZ 85251
86	RETURN SERVICE REQUESTED		1S1E22BD 80023	BORUP CORY & BORUP LYNETTE	610 S NEVADA ST APT G	PORTLAND OR 97219-3399
87	RETURN SERVICE REQUESTED		1S1E22BD 80024	PASTRANA STEVEN	5014 ROLLINGWOOD DR	AUSTIN TX 78746
88	RETURN SERVICE REQUESTED		1S1E22BD 80025	GREENBRIAR PROPERTIES LLC	3133 SHANNON DR	BROOMFIELD CO 80023
89	RETURN SERVICE REQUESTED		1S1E22BD 80026	THOMPSON MARK W	614 S NEVADA ST APT B	PORTLAND OR 97219-3486
90	RETURN SERVICE REQUESTED		1S1E22BD 80027	CASTRO KEITH W & CASTRO TERESA	614 S NEVADA ST APT C	PORTLAND OR 97219-3486
91	RETURN SERVICE REQUESTED		1S1E22BD 80028	WAGNELL ELI	614 S NEVADA ST APT D	PORTLAND OR 97219-3486
92	RETURN SERVICE REQUESTED		1S1E22BD 80029	WONG ANDREW & WONG EILEEN	614 S NEVADA ST APT E	PORTLAND OR 97219-3486
93	RETURN SERVICE REQUESTED		1S1E22BD 80030	WATERCOTT LAWRENCE	614 S NEVADA ST APT F	PORTLAND OR 97219-3486
94	RETURN SERVICE REQUESTED		1S1E22BD 80031	CHEUNG KARMAN & LAU CHEUK LAM	614 S NEVADA ST	PORTLAND OR 97219-3398
95	RETURN SERVICE REQUESTED		1S1E22BD 80032	MANNING JOEL & MANNING ANNIE	614 S NEVADA ST APT H	PORTLAND OR 97219-3486
96	RETURN SERVICE REQUESTED		1S1E22BD 80033	HALEY MAUREEN L	618 S NEVADA ST APT A	PORTLAND OR 97219-3488
97	RETURN SERVICE REQUESTED		1S1E22BD 80034	CLARK KASHA B	15 SW CUSTER ST	PORTLAND OR 97219
98	RETURN SERVICE REQUESTED		1S1E22BD 80035	ARTHUR STEPHANIE	715 SW VIEWMONT DR	PORTLAND OR 97225-6137
99	RETURN SERVICE REQUESTED		1S1E22BD 80036	STAFFORD JONATHON & ELIZABETH	14674 RAINBOW DR	LAKE OSWEGO OR 97035
100	RETURN SERVICE REQUESTED		1S1E22BD 80037	SHUM CHIU HUNG & JEN-JEN HWANG	3268 STONEY RIDGE RD	EUGENE OR 97405
101	RETURN SERVICE REQUESTED		1S1E22BD 80038	NELSON LAUREN A	618 S NEVADA ST UNIT F	PORTLAND OR 97219-3488
102	RETURN SERVICE REQUESTED		1S1E22BD 80039	DU JONATHAN R	618 S NEVADA ST APT G	PORTLAND OR 97219-3488
103	RETURN SERVICE REQUESTED		1S1E22BD 80040	NEWMAN BRADLEY & NEWMAN CATHERINE	618 S NEVADA ST APT H	PORTLAND OR 97219-3488
104	RETURN SERVICE REQUESTED		1S1E22BD 80041	CABALLERO MARTIN & JULIE	622 S NEVADA ST #A	PORTLAND OR 97219-3490
105	RETURN SERVICE REQUESTED		1S1E22BD 80042	HUYNH YEN	622 S NEVADA ST #B	PORTLAND OR 97219-3490
106	RETURN SERVICE REQUESTED		1S1E22BD 80043	CUSHMAN CHRIS & CUSHMAN CARMA	18160 COTTONWOOD RD PMB 202	SUNRIVER OR 97707-9317
107	RETURN SERVICE REQUESTED		1S1E22BD 80044	FONKEN LORIANA	622 S NEVADA ST #D	PORTLAND OR 97219
108	RETURN SERVICE REQUESTED		1S1E22BD 80045	WAHLSTROM GUS	7442 S VIRGINIA AVE APT A	PORTLAND OR 97219-3065
109	RETURN SERVICE REQUESTED		1S1E22BD 80046	WAHLSTROM MOSE S	19075 SW MADELINE ST	ALOHA OR 97007
110	RETURN SERVICE REQUESTED		1S1E22BD 80047	IGARTA STEPHEN & IGARTA CHRISTINE	2108 SW CALDEW ST	PORTLAND OR 97219
111	RETURN SERVICE REQUESTED		1S1E22BD 80048	LANE M HICKEY LIV TR	7442 S VIRGINIA AVE APT D	PORTLAND OR 97219-3065
112	RETURN SERVICE REQUESTED		1S1E22BD 80049	DECOURCEY FAMILY INVESTMENT LLC	248 NW SEBLAR CT	PORTLAND OR 97210
113	RETURN SERVICE REQUESTED		1S1E22BD 80050	HUTCHINSON ROSEMARY A	2221 SW 1ST AVE #1424	PORTLAND OR 97201-5019
114	RETURN SERVICE REQUESTED		1S1E22BD 80051	CAMPBELL JOEL H	7448 S VIRGINIA AVE #B	PORTLAND OR 97219
115	RETURN SERVICE REQUESTED		1S1E22BD 80052	LAI LENNETTA G TR & LAI BRIAN W	731 ALBEMARLE ST	EL CERRITO CA 94530
116	RETURN SERVICE REQUESTED		1S1E22BD 80053	WELLS FAMILY 2009 TRUST	7448 S VIRGINIA AVE APT D	PORTLAND OR 97219-3067
117	RETURN SERVICE REQUESTED		1S1E22BD 80054	OLSON MICHAEL C	7448 S VIRGINIA AVE APT E	PORTLAND OR 97219-3067
118				CURRENT RESIDENT	542 S TEXAS ST	PORTLAND OR 97219
119				CURRENT RESIDENT	549 S NEVADA ST	PORTLAND OR 97219
120				CURRENT RESIDENT	553 S NEVADA ST	PORTLAND OR 97219
121				CURRENT RESIDENT	557 S NEVADA ST	PORTLAND OR 97219
122				CURRENT RESIDENT	601 S TEXAS ST	PORTLAND OR 97219
123				CURRENT RESIDENT	602 S NEVADA ST #B	PORTLAND OR 97219
124				CURRENT RESIDENT	602 S NEVADA ST #C	PORTLAND OR 97219
125				CURRENT RESIDENT	602 S NEVADA ST #D	PORTLAND OR 97219
126				CURRENT RESIDENT	602 S NEVADA ST #E	PORTLAND OR 97219
127				CURRENT RESIDENT	602 S NEVADA ST #F	PORTLAND OR 97219
128				CURRENT RESIDENT	602 S NEVADA ST #G	PORTLAND OR 97219
129				CURRENT RESIDENT	602 S NEVADA ST #H	PORTLAND OR 97219
130				CURRENT RESIDENT	603 S TEXAS ST	PORTLAND OR 97219
131				CURRENT RESIDENT	606 S NEVADA ST #A	PORTLAND OR 97219
132				CURRENT RESIDENT	606 S NEVADA ST #B	PORTLAND OR 97219
133				CURRENT RESIDENT	606 S NEVADA ST #C	PORTLAND OR 97219
134				CURRENT RESIDENT	606 S NEVADA ST #D	PORTLAND OR 97219
135				CURRENT RESIDENT	606 S NEVADA ST #E	PORTLAND OR 97219
136				CURRENT RESIDENT	606 S NEVADA ST #F	PORTLAND OR 97219
137				CURRENT RESIDENT	606 S NEVADA ST #G	PORTLAND OR 97219
138				CURRENT RESIDENT	606 S NEVADA ST #H	PORTLAND OR 97219
139				CURRENT RESIDENT	610 S NEVADA ST #A	PORTLAND OR 97219
140				CURRENT RESIDENT	610 S NEVADA ST #B	PORTLAND OR 97219
141				CURRENT RESIDENT	610 S NEVADA ST #C	PORTLAND OR 97219
142				CURRENT RESIDENT	610 S NEVADA ST #D	PORTLAND OR 97219
143				CURRENT RESIDENT	610 S NEVADA ST #E	PORTLAND OR 97219
144				CURRENT RESIDENT	610 S NEVADA ST #F	PORTLAND OR 97219
145				CURRENT RESIDENT	610 S NEVADA ST #G	PORTLAND OR 97219
146				CURRENT RESIDENT	610 S NEVADA ST #H	PORTLAND OR 97219

	A	B	C	D	E	F
147				CURRENT RESIDENT	611 S NEVADA ST	PORTLAND OR 97219
148				CURRENT RESIDENT	613 S NEVADA ST	PORTLAND OR 97219
149				CURRENT RESIDENT	614 S NEVADA ST #A	PORTLAND OR 97219
150				CURRENT RESIDENT	614 S NEVADA ST #B	PORTLAND OR 97219
151				CURRENT RESIDENT	614 S NEVADA ST #C	PORTLAND OR 97219
152				CURRENT RESIDENT	614 S NEVADA ST #D	PORTLAND OR 97219
153				CURRENT RESIDENT	614 S NEVADA ST #E	PORTLAND OR 97219
154				CURRENT RESIDENT	614 S NEVADA ST #F	PORTLAND OR 97219
155				CURRENT RESIDENT	614 S NEVADA ST #G	PORTLAND OR 97219
156				CURRENT RESIDENT	614 S NEVADA ST #H	PORTLAND OR 97219
157				CURRENT RESIDENT	615 S NEVADA ST	PORTLAND OR 97219
158				CURRENT RESIDENT	618 S NEVADA ST #A	PORTLAND OR 97219
159				CURRENT RESIDENT	618 S NEVADA ST #B	PORTLAND OR 97219
160				CURRENT RESIDENT	618 S NEVADA ST #C	PORTLAND OR 97219
161				CURRENT RESIDENT	618 S NEVADA ST #D	PORTLAND OR 97219
162				CURRENT RESIDENT	618 S NEVADA ST #E	PORTLAND OR 97219
163				CURRENT RESIDENT	618 S NEVADA ST #F	PORTLAND OR 97219
164				CURRENT RESIDENT	618 S NEVADA ST #G	PORTLAND OR 97219
165				CURRENT RESIDENT	618 S NEVADA ST #H	PORTLAND OR 97219
166				CURRENT RESIDENT	618 S TEXAS ST	PORTLAND OR 97219
167				CURRENT RESIDENT	622 S NEVADA ST #C	PORTLAND OR 97219
168				CURRENT RESIDENT	626 S NEVADA ST #A	PORTLAND OR 97219
169				CURRENT RESIDENT	626 S NEVADA ST #B	PORTLAND OR 97219
170				CURRENT RESIDENT	626 S NEVADA ST #C	PORTLAND OR 97219
171				CURRENT RESIDENT	626 S NEVADA ST #D	PORTLAND OR 97219
172				CURRENT RESIDENT	630 S NEVADA ST #E	PORTLAND OR 97219
173				CURRENT RESIDENT	630 S NEVADA ST #F	PORTLAND OR 97219
174				CURRENT RESIDENT	630 S NEVADA ST #G	PORTLAND OR 97219
175				CURRENT RESIDENT	630 S NEVADA ST #H	PORTLAND OR 97219
176				CURRENT RESIDENT	630 S NEVADA ST #I	PORTLAND OR 97219
177				CURRENT RESIDENT	630 S NEVADA ST #J	PORTLAND OR 97219
178				CURRENT RESIDENT	630 S NEVADA ST #K	PORTLAND OR 97219
179				CURRENT RESIDENT	640 S NEVADA ST #B	PORTLAND OR 97219
180				CURRENT RESIDENT	6840 S MACADAM AVE	PORTLAND OR 97219
181				CURRENT RESIDENT	6915 S MACADAM AVE #100	PORTLAND OR 97219
182				CURRENT RESIDENT	6915 S MACADAM AVE #102	PORTLAND OR 97219
183				CURRENT RESIDENT	6915 S MACADAM AVE #115	PORTLAND OR 97219
184				CURRENT RESIDENT	6915 S MACADAM AVE #130	PORTLAND OR 97219
185				CURRENT RESIDENT	6915 S MACADAM AVE #145	PORTLAND OR 97219
186				CURRENT RESIDENT	6915 S MACADAM AVE #200	PORTLAND OR 97219
187				CURRENT RESIDENT	6915 S MACADAM AVE #245	PORTLAND OR 97219
188				CURRENT RESIDENT	6915 S MACADAM AVE #250	PORTLAND OR 97219
189				CURRENT RESIDENT	6915 S MACADAM AVE #300	PORTLAND OR 97219
190				CURRENT RESIDENT	6915 S MACADAM AVE #340	PORTLAND OR 97219
191				CURRENT RESIDENT	6915 S MACADAM AVE #350	PORTLAND OR 97219
192				CURRENT RESIDENT	6932 S MACADAM AVE #A	PORTLAND OR 97219
193				CURRENT RESIDENT	6932 S MACADAM AVE #B	PORTLAND OR 97219
194				CURRENT RESIDENT	6932 S MACADAM AVE #D	PORTLAND OR 97219
195				CURRENT RESIDENT	7025 S MACADAM AVE	PORTLAND OR 97219
196				CURRENT RESIDENT	7027 S MACADAM AVE	PORTLAND OR 97219
197				CURRENT RESIDENT	7033 S MACADAM AVE #101	PORTLAND OR 97219
198				CURRENT RESIDENT	7033 S MACADAM AVE #102	PORTLAND OR 97219
199				CURRENT RESIDENT	7033 S MACADAM AVE #104	PORTLAND OR 97219
200				CURRENT RESIDENT	7033 S MACADAM AVE #105	PORTLAND OR 97219
201				CURRENT RESIDENT	7033 S MACADAM AVE #106	PORTLAND OR 97219
202				CURRENT RESIDENT	7033 S MACADAM AVE #107	PORTLAND OR 97219
203				CURRENT RESIDENT	7033 S MACADAM AVE #108	PORTLAND OR 97219
204				CURRENT RESIDENT	7035 S MACADAM AVE	PORTLAND OR 97219
205				CURRENT RESIDENT	7037 S MACADAM AVE	PORTLAND OR 97219
206				CURRENT RESIDENT	7107 S MACADAM AVE	PORTLAND OR 97219
207				CURRENT RESIDENT	7113 S MACADAM AVE	PORTLAND OR 97219
208				CURRENT RESIDENT	7115 S MACADAM AVE	PORTLAND OR 97219
209				CURRENT RESIDENT	7221 S MACADAM AVE	PORTLAND OR 97219
210				CURRENT RESIDENT	7223 S MACADAM AVE	PORTLAND OR 97219
211				CURRENT RESIDENT	7352 S MILES PL	PORTLAND OR 97219
212				CURRENT RESIDENT	7356 S MILES PL	PORTLAND OR 97219
213				CURRENT RESIDENT	7400 S MACADAM AVE #G	PORTLAND OR 97219
214				CURRENT RESIDENT	7400 S MACADAM AVE #H	PORTLAND OR 97219
215				CURRENT RESIDENT	7400 S MACADAM AVE #J	PORTLAND OR 97219
216				CURRENT RESIDENT	7400 S MACADAM AVE #P	PORTLAND OR 97219
217				CURRENT RESIDENT	7402 S MACADAM AVE #B	PORTLAND OR 97219
218				CURRENT RESIDENT	7410 S MACADAM AVE	PORTLAND OR 97219
219				CURRENT RESIDENT	7410 S MILES PL	PORTLAND OR 97219

	A	B	C	D	E	F
220				CURRENT RESIDENT	7426 S MILES PL	PORTLAND OR 97219
221				CURRENT RESIDENT	7430 S MILES PL	PORTLAND OR 97219
222				CURRENT RESIDENT	7440 S MILES PL	PORTLAND OR 97219
223				CURRENT RESIDENT	7442 S VIRGINIA AVE #A	PORTLAND OR 97219
224				CURRENT RESIDENT	7442 S VIRGINIA AVE #B	PORTLAND OR 97219
225				CURRENT RESIDENT	7442 S VIRGINIA AVE #C	PORTLAND OR 97219
226				CURRENT RESIDENT	7442 S VIRGINIA AVE #D	PORTLAND OR 97219
227				CURRENT RESIDENT	7442 S VIRGINIA AVE #E	PORTLAND OR 97219
228				CURRENT RESIDENT	7448 S VIRGINIA AVE #A	PORTLAND OR 97219
229				CURRENT RESIDENT	7448 S VIRGINIA AVE #C	PORTLAND OR 97219
230				CURRENT RESIDENT	7448 S VIRGINIA AVE #D	PORTLAND OR 97219
231				CURRENT RESIDENT	7448 S VIRGINIA AVE #E	PORTLAND OR 97219
232				CURRENT RESIDENT	7501 S MILES PL	PORTLAND OR 97219
233				CURRENT RESIDENT	752 S MILES ST	PORTLAND OR 97219
234				CURRENT RESIDENT	755 S MILES ST	PORTLAND OR 97219
235	RETURN SERVICE REQUESTED	OWNER/APPLICANT	OREGON PUBLIC BROADCASTING FDTN	DAVIS KYLE	7140 S MACADAM AVE	PORTLAND OR 97219-3013
236	RETURN SERVICE REQUESTED	REPRESENTATIVE	DOWL	STAPLETON READ	720 SW WASHINGTON ST STE 750	PORTLAND OR 97205
237	RETURN SERVICE REQUESTED		LAND USE CONTACT	OREGON WILDLIFE FED	PO BOX 5878	PORTLAND OR 97228-5878
238	RETURN SERVICE REQUESTED		LAND USE CONTACT	SOUTH PORTLAND BA	PO BOX 69072	PORTLAND OR 97239
239	RETURN SERVICE REQUESTED		LAND USE CONTACT	SOUTH PORTLAND NA C/O SWNI	7688 SW CAPITOL HWY	PORTLAND OR 97201
240	RETURN SERVICE REQUESTED		OFFICE OF COMMUNITY & CIVIC LIFE	ARIFDJANOV SHUK	1120 SW 5TH AVE STE 114	PORTLAND OR 97219
241	RETURN SERVICE REQUESTED		LAND USE CONTACT	AIA URBAN DESIGN COMMITTEE	422 NW 13TH AVE	PORTLAND OR 97209
242	RETURN SERVICE REQUESTED			DOUG KLOTZ	1908 SE 35TH PLACE	PORTLAND OR 97214
243	RETURN SERVICE REQUESTED			JUDY PETERS	6916 NE 40TH ST	VANCOUVER WA 98661
244	RETURN SERVICE REQUESTED			KARLA MOORE-LOVE (CITY HALL)	1221 SW 4TH AVE #130	PORTLAND OR 97204
245	RETURN SERVICE REQUESTED		RISK & LAND DEPARTMENT	NW NATURAL	250 SW TAYLOR STREET	PORTLAND OR 97204-3038
246	RETURN SERVICE REQUESTED		LAND USE CONTACT	PACIFIC POWER & LIGHT	7544 NE 33RD DR	PORTLAND OR 97211
247	RETURN SERVICE REQUESTED		LAND USE CONTACT	PLAN AMENDMENT SPECIALIST	635 CAPITAL ST NE #150	SALEM OR 97301
248	RETURN SERVICE REQUESTED		LAND USE CONTACT	PORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
249	RETURN SERVICE REQUESTED		LAND USE CONTACT	RESTORE OREGON	1130 SW MORRISON ST STE 318	PORTLAND OR 97205
250	RETURN SERVICE REQUESTED		LAND USE CONTACT	STATE HISTORIC PRESERVATION OFFICE	725 SUMMER NE #C	SALEM OR 97301
251	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE SUITE 300	PORTLAND OR 97201
252	RETURN SERVICE REQUESTED		PORTLAND SCHOOL DISTRICT	LAND USE NOTICE CONTACT	501 N DIXON	PORTLAND OR 97227
253				LAND USE CONTACT	PROSPER PORTLAND	129/PROSPER
254				PORTLAND PARK TRAIL	TATE WHITE	B106/R1302
255					BRANDON SPENCER-HARTLE	B299/R7000
256					HEARINGS CLERK	299/3100
257					DAWN KRANTZ	B299/R5000
258	RETURN SERVICE REQUESTED		21-012886 REV HRNG 10-13-2021	CASE FILE BRYANT	1900 SW 4TH AVE #5000	PORTLAND OR 97201



LIFE SAFETY COMMERCIAL PLAN REVIEW RESPONSE

To: Hannah Bryant
From: Tara Carlson, Life Safety Plans Examiner
Date: September 13, 2021
RE: 7140 S MACADAM AVE, 21-012886-LU

The following comments are based on the plans and documents provided to the Life Safety Plan Reviewer. They are intended to provide the applicant with preliminary Building Code information that could affect this Land Use review and/or future Building Permit reviews. The comments may not identify all conflicts between this proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal. The comments are based on the 2019 Oregon Structural Specialty Code (OSSC), or the 2019 Oregon Mechanical Specialty Code (OMSC), henceforward referred to as the Building Code.

RESPONSE SUMMARY

Life Safety Plan Review does not object to the approval of this proposal. Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes.



Urban Forestry Land Use Review Response

exhibit E.2

Date: September 10, 2021
 From: Dan Gleason
 503-823-1691, Daniel.Gleason@portlandoregon.gov
 Case File: 21-012886-000-00-LU
 Location: 7140 S MACADAM AVE
 Proposal: DZ HEARING - 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 to 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 to 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.

Urban Forestry has reviewed the proposal for its impact on existing street trees and heritage trees, street tree planting requirements and related mitigation, in accordance with Title 11, Trees.

PLEASE NOTE THERE MAY BE OTHER APPLICABLE TREE REQUIREMENTS AS PER TITLE 33 PLANNING & ZONING.

A. Response Summary

Urban Forestry does not object to approval of the proposed development subject to the following conditions:

- All the existing healthy, non-nuisance species street trees are must be preserved and protected.



A. Tree Plan (11.50.060)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. A tree plan was submitted with the EA application, but additional tree information may be required. The plan must include the following information for street trees:

- a. The size and location of street trees adjacent to the subject property.
- a. Trees proposed to be preserved including tree protection specifications in accordance with 11.60.030.
- b. Tree(s) proposed for removal.
- c. Tree planting plan (tree species and location(s)).

A. Street Trees

1. Existing Street Conditions

- a. SW Macadam St: The site has approximately 565 feet of street frontage. The right-of-way is improved with pavement, curbs, planting strip, and sidewalks. There are overhead high voltage power lines. There are 15 street trees. All of the street trees are Raywood Ash (*Fraxinus oxycarpa* 'Raywood') in good condition. They range in size from 3" to 25" DBH.

2. Street Tree Preservation (11.50.040)

Based on the proposed development it appears existing street trees may be impacted. Development proposals must be configured to avoid street trees.

All existing street trees must be preserved at all phases of construction as they are healthy, non-nuisance species that are appropriate for their locations. This includes limiting impacts from the development such as scaffolding or heavy equipment access. Any pruning of the street trees must be permitted through Urban Forestry and must follow proper arboricultural practices to reduce harm to the trees.

If the applicant believes the tree must be removed to facilitate development, the applicant must provide detailed adequate technical analysis demonstrating why the tree cannot be preserved while developing the site to City standards for Urban Forestry to evaluate.

3. Street Tree Protection Specifications (11.60.030)

Tree protection is required in accordance with Title 11 Trees, Protection Methods (11.60.030). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site.

Tree protection must be shown on building permits associated with this development.

4. Street Tree Planting (11.50.060.C)

The applicant has provided a conceptual street tree planting plan showing all the existing street trees as retained. This plan meets the requirements of 11.50.060 for street tree planting. Any new street trees must be planted at a minimum 2.5 caliper inches and be a species chosen from the appropriate list. The tree planting must be shown on all plan sets.

- a. SW Macadam St: The site has approximately 565 feet of street frontage at this location; due to the existing infrastructure and tree spacing, the 15 existing trees meet density.

B. Heritage Trees

1. Heritage Trees (11.20.060):



There are no Heritage Trees on or adjacent to this site.

B. Conditions of Approval

Urban Forestry has no objections to the proposal subject to the following conditions of approval:

- The proposed work will not negatively impact the existing street trees required to be preserved. If evidence is provided any trees cannot be retained it must be evaluated by Urban Forestry prior to any permits allowing removal of street trees.





URBAN FORESTRY TREE REQUIREMENTS

Early Assistance and Land Use Review

Portland Parks & Recreation Urban Forestry staff review Early Assistance and Land Use Review materials to identify potential issues and requirements in accordance with Title 11, Trees and Title 33, Zoning Code. The purpose of these reviews is to identify potential issues and/or impacts on existing street trees, heritage trees, and trees on City-owned or managed sites (if applicable), as well as to provide adequate areas for future street tree planting on existing and proposed public streets. Trees on private property are subject to development standards from the Bureau of Development Services. See planning requirements for private property trees or call the Zoning Hotline at 503-823-7526.

Tree Plan Submittal Requirements (11.50.070)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. The tree plan information may be combined with other relevant plan sheets. The tree plan submittal shall include the following information:

- existing improvements;
- proposed alterations;
- existing street trees \geq 3" DBH including size and location;
- existing on-site trees \geq 6" DBH within 15' of the limits of disturbance;
- trees proposed for removal;
- tree planting proposal, including tree size, species and location; and
- trees to be retained and proposed tree protection measures meeting the specification in Chapter 11.60.

Any changes to an approved Tree Plan, including amending tree species must be approved by the City Forester. Please note that the City Forester may not approve revised tree planting plans based on the lack of species availability. To facilitate species availability, it is recommended that tree procurement occur approximately 6 months prior to installation.

Tree Mitigation (11.50.040.C.2)

Healthy street trees \geq 6" DBH that are approved for removal shall be replanted with two trees in addition to trees required to be planted to meet Street Tree Planting Standards, below. When street improvements are to partially or fully unimproved streets, healthy street trees \geq 12" DBH approved for removal shall be replanted with two trees, with trees planted to meet Street Tree Planting Standards credited towards meeting this requirement. Tree replacement for trees removed shall occur in the street planter strip, on site, or in the same watershed either by planting or by paying a fee in lieu of planting in accordance with table 60-1, below.

On City-owned or managed sites, healthy, non-nuisance trees \geq 6" DBH that are approved for removal shall be replanted per the Administrative Rule PRK-2.04 for tree replacement standards, below:



Tree Replacement for Development on City Owned or Managed Sites

Size of tree to be removed (inches in diameter)	Number of trees to be planted
6 and up to 12	Up to 2
More than 12 and up to 20	Up to 3
More than 20 and up to 25	Up to 5
More than 25	Up to 6

Street Tree Planting Standards (11.50.050)

One street tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. Planting is exempt when existing above or below grade utilities prevent planting of street trees, or if the existing design of the street will not accommodate street tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells. Trees planted to meet street tree planting standards are credited toward mitigation requirements when street improvements are to partially or fully unimproved streets. When the required number of trees cannot be planted, a fee in lieu of planting will be required, in accordance with Table 60-1, below.

Table 60-1 Broadleaf Tree Size Requirements

Development Type	Tree Size	
	On Site	Street
One and Two Family Residential	1.5”	1.5”
Multi Dwelling Residential	1.5”	2”
All others	1.5”	2.5”

Tree Planting Specifications

If there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one species. Street tree species shall conform to the appropriate “City of Portland Approved Street Tree Planting List.” The City Forester may approve or require an alternate or unlisted species.

All required street trees shall be planted in-ground following Standard Drawing Number P-581 “Typical Street Tree installation,” except when in raised planters that are used to meet Bureau of Environmental Services storm water management requirements. Please include the Standard Drawing Number P-581 as part of the Public Works permit application. Plant materials shall be installed to current nursery industry standards and proper arboricultural practices [American National Standards Institute, *ANSI A300 Part 6: Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices (Planting and Transplanting)* 2012, Tree Care Industry Association, Inc. Londonderry, NH]. Plant materials shall be properly supported to ensure survival.



All trees required or approved to be planted by Title 11 shall be planted or payment in lieu of planting made prior to the expiration of the permit or City's final acceptance of the project, as applicable. However, it is encouraged that planting occur during the wet months or as per City Forester recommendations. Street tree planting may be deferred between May 1 and September 30 upon filing a performance guarantee as provided in Section 11.10.060 or other assurance deemed acceptable by the City Forester or BDS Director as applicable.

Tree Protection Specifications (11.60.030)

Trees to be retained shall be protected in accordance with Title 11 Trees, Protection Specifications (11.60.030.C). Tree protection shall be shown on the tree plan and include the distance from the trunk of the tree to the fence. A standard root protection zone is established as follows; a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter. Protection fencing shall be a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts established at the edge of the root protection zone and permissible encroachment area.





CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Suite 613, Portland, Oregon 97204 ■ Mingus Mapps, Commissioner ■ Michael Jordan, Director

Land Use Response

Date: September 16, 2021

To: Hannah Bryant, BDS Land Use Services
503-865-6520, Hannah.Bryant@portlandoregon.gov

From: Abigail Cermak, BES Systems Development
503-823-7577, Abigail.Cermak@portlandoregon.gov

Case File: LU 21-012886

Location: 7140 S MACADAM AVE

R#: R273083, R330299

Proposal: DZ HEARING - 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. 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. 2) Loading Standards Placement, Setbacks and Landscaping - 33.266.310.E.3) Fences Locations and Heights - 33.130.270.C. Greenway Review is required because the site is located in the river general overlay and exterior alterations to existing development are proposed.

The following comments are based on the land use review plans and documents provided to the Bureau of Environmental Services (BES). Some references to Portland City Code (PCC) are included below; the applicant may also refer to the Auditor's Office [Online Charter and Code page](#).

A. RESPONSE SUMMARY

The applicant has not provided information addressing stormwater management feasibility and staff has not received a stormwater management plan to review for this project. Although there are no BES-specific approval criteria under the design and greenway review application, the applicant should be aware that utilizing parking lot landscaping areas as stormwater facilities could have an impact on the land use review. Therefore, it may be in the applicant's best interest to submit information addressing stormwater management through this review.

B. SANITARY SERVICE & STORMWATER MANAGEMENT

For BES to recommend approval of the design and greenway review application, the applicant must demonstrate that the proposed project will accommodate sanitary disposal facilities (approvable under PCC 17.32) and stormwater management facilities (approvable under PCC 17.38). The comments below relate to these requirements.

1. *Existing Sanitary Infrastructure:* According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:
 - a. There is a public 8-inch sanitary-only sewer in SW Nevada St (BES as-built # 2377).
 - b. There is a public 12-inch concrete (CSP) combined sewer on the far west side of SW Macadam Ave (BES as-built #22313).

Exhibit E.3

Ph: 503-823-7740 Fax: 503-823-6995 ■ www.portlandoregon.gov/bes ■ Using recycled paper ■ An Equal Opportunity Employer

The City of Portland complies with all non-discrimination laws including Title VI (Civil Rights) and Title II (ADA).
To request a translation, accommodation or additional information, please call 503-823-7740, or use City TTY 503-823-6868, or Oregon Relay Service: 711.

2. *Sanitary Service Availability:* Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer.
 - a. *Proposed Development:* No changes to the sanitary system have been proposed.
3. *Existing Stormwater Infrastructure:* According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
 - a. There is a public 8-inch storm-only sewer in SW Nevada St (BES as-built #2377). City records indicate that there are existing stormwater lateral connections to this sewer from the surface parking lots of the subject property.
 - b. There is a public BES-owned 22-inch vitrified clay (VSP) storm-only sewer on the west side of SW Macadam Ave (BES as-built #20330). City records also indicate there are existing stormwater lateral connections to this sewer from the subject site.
 - c. There is a 12-inch concrete (CSP) ODOT-owned storm-only sewer on the east side of SW Macadam Ave (as-built #15V-101). Connections to this sewer would need to be approved by ODOT. This ODOT sewer connects to a BES-owned 12-inch concrete (CSP) storm-only sewer in SW Macadam Ave (as-built unknown) which connects further downstream to the BES-owned 22-inch storm-only sewer described above.
 - d. There is a private drainage ditch east of the subject site.
 - e. There also appear to be 4-inch ODOT perforated storm-lines in SW Macadam Ave.
 - f. Currently, stormwater from the public right-of-way discharges to existing storm infrastructure in SW Macadam (ODOT-owned) and SW Nevada (City of Portland).
4. *General Stormwater Management Requirements:* Development and redevelopment sites that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland's [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date.
5. *Private Property Stormwater Management:* Stormwater runoff from this project must comply with all applicable standards of the SWMM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.
 - a. *Nonconforming Parking Lot and Landscape Requirements:* As this project is bringing existing parking areas into compliance with current landscaping requirements per PCC 33.258.070, the SWMM requires that new landscaped areas must also be utilized as vegetated stormwater facilities where feasible (refer to Section 1.2.3 of the SWMM). The SWMM includes examples of criteria that will be considered to determine feasibility. Note that if a stormwater facility is determined feasible, the facility must be sized using the appropriate methodology from Section 2.5 of the SWMM and should therefore be included in the required stormwater report.
 - 1) The plans submitted under this land use review indicate that it may be feasible to use some of the parking lot landscaped areas as stormwater management facilities. However, the applicant has neither provided a stormwater management report nor has the applicant demonstrated that using these areas as stormwater management is not feasible. As mentioned previously in the BES Land Use Response (case #17-203779, dated February 23, 2018) and the BES Pre-Application Conference Response (case #20-121512-EA, dated April 7, 2020) it was recommended that the applicant address the feasibility of using the parking lot landscaped areas for stormwater management with the design and greenway review so as not to risk triggering a subsequent design review. For instance,

stormwater management facilities may limit the use of certain plant species in which those landscaped areas may no longer meet the zoning code landscaping and greenway requirements. Please note that if not completed at this stage, the applicant will be required to address stormwater management feasibility at building permit.

6. *Public Right-of-Way Stormwater Management:* Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual.
 - a. There are no public right-of-way improvements that will trigger BES public stormwater drainage improvements.
7. *Modification to Parking Lot Landscaping:* The applicant is proposing a modification to parking lot landscaping requirements identified in the Zoning Code. For the modification to be approved, the applicant must show that granting the adjustment will equally or better meet the purpose of the regulation to be modified. In this case, the purpose statements include specific stormwater-related benefits. Based on the submitted plans and narrative, BES understands there are space constraints limiting the placement of landscaping on the subject site. Although the applicant is requesting a reduction of landscaping in certain areas, the proposal does include the installation of landscaped areas where landscaping previously was not located. The applicant is also proposing to reduce the number of parking lot spaces to increase landscaping. Additionally, it may be feasible for the applicant to use some of the proposed parking lot landscaped areas as stormwater facilities as mentioned above, however the applicant has not addressed this feasibility at this time. Overall, BES finds that the reduction of impervious areas and the increase in landscaped areas will help to reduce the amount and rate of stormwater runoff from the parking lot areas and will reduce pollutants in the runoff. Installation of stormwater facilities (if feasible) will further demonstrate how the proposal will equally or better meet the regulation to be modified. Therefore, with the following condition of approval, BES supports the proposed modification to parking lot landscaping.

BES does not have specific approval criteria related to design and greenway reviews. Staff has provided the above information in order to assist BDS Land Use Services with review of relevant approval criteria and to inform the applicant of sewer and stormwater management requirements that will apply to future development of the site.

C. CONDITIONS OF APPROVAL

If the land use application is approved, BES recommends that the following conditions be included in the decision:

1. At building permit the applicant must address the feasibility of using parking lot landscaping areas for stormwater management. If deemed feasible, a stormwater report for any new stormwater facilities would be required with the building permit application.

D. ADMINISTRATIVE REVIEW

The applicant may request a modification of a decision presented in this response, as applicable, via an administrative review as outlined in PCC sections 17.06.050, 17.32.150, 17.33.100, 17.34.115, 17.36.110, 17.38.060 and 17.39.120 and in those sections' associated administrative rules. Some portions of this response are not decisions, but guidance related to requirements that this proposal may be subject to during City review of other processes, such as a building permit or public works permit review. While these are not decisions that are ripe to be considered through an administrative review, if the outcome of a future administrative review needs to be anticipated at this time in order to inform the land use action, the administrative review process

may be utilized. Some items, such as technical standards, are not reviewable. For guidance on whether a modification can be requested and whether the land use process is the proper time to request it, consult with the BES staff identified above prior to submitting a request.

There is no fee charged for an administrative review, and all BES penalties and late fees will be stayed pending the outcome of the review process, as applicable. To request an administrative review, the applicant must complete the Administrative Review Request Form (located here: www.portlandoregon.gov/bes/68285) and submit it to the Systems Development staff listed above within 20 business days of the mailing date of this response. The applicant should coordinate with the BDS planner to determine whether applying for an administrative review would have an impact on state-mandated land use timelines.



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Suite 613, Portland, Oregon 97204 ■ Mingus Mapps, Commissioner ■ Michael Jordan, Director

Land Use Response Addendum

Date: October 21, 2021

To: Hannah Bryant, BDS Land Use Services
503-865-6520, Hannah.Bryant@portlandoregon.gov

From: Abigail Cermak, BES System Development
503-823-7577, Abigail.Cermak@portlandoregon.gov

Case File: LU 21-012886

Location: 7140 S MACADAM AVE

R#: R780200010, R991220380

Proposal: DZ HEARING - 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. 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. 2) Loading Standards Placement, Setbacks and Landscaping - 33.266.310.E.3) Fences Locations and Heights - 33.130.270.C. Greenway Review is required because the site is located in the river general overlay and exterior alterations to existing development are proposed.

This memo is an addendum to the initial BES Land Use Response issued by Bureau of Environmental Services (BES) staff on September 16, 2021, and is in response to the following new information that was received subsequent to those initial comments:

- OPB Non-Conforming Upgrades – Stormwater Design Memo from DOWL (dated October 13, 2021) - The applicant provided a narrative and stormwater report demonstrating which parking lot landscaping areas are feasible for stormwater management. The applicant is proposing lined vegetated planters to manage stormwater from some areas of the existing parking lots. The stormwater facilities have been designed under the presumptive approach and will meet pollution reduction standards prior to discharging to the public storm-only sewer. The information provided appears to meet the requirements of Section 1.2.3 of the 2020 Stormwater Management Manual (SWMM).

A. COMMENTS

Based on this additional information, BES has determined that sufficient information has been provided to demonstrate a feasible stormwater management plan for this project. BES has no objections to approval of the environmental review application.

B. CONDITIONS OF APPROVAL

BES has no recommended conditions of approval.

C. ADMINISTRATIVE REVIEW

The applicant may request a modification of a decision presented in this response, as applicable, via an administrative review as outlined in PCC sections 17.06.050, 17.32.150, 17.33.100, 17.34.115, 17.36.110, 17.38.060 and 17.39.120 and in those sections' associated

Exhibit E.4

administrative rules. Some portions of this response are not decisions, but guidance related to requirements that this proposal may be subject to during City review of other processes, such as a building permit or public works permit review. While these are not decisions that are ripe to be considered through an administrative review, if the outcome of a future administrative review needs to be anticipated at this time in order to inform the land use action, the administrative review process may be utilized. Some items, such as technical standards, are not reviewable. For guidance on whether a modification can be requested and whether the land use process is the proper time to request it, consult with the BES staff identified above prior to submitting a request.

There is no fee charged for an administrative review, and all BES penalties and late fees will be stayed pending the outcome of the review process, as applicable. To request an administrative review, the applicant must complete the Administrative Review Request Form (located here: www.portlandoregon.gov/bes/68285) and submit it to the Systems Development staff listed above within 20 business days of the mailing date of this response. The applicant should coordinate with the BDS planner to determine whether applying for an administrative review would have an impact on state-mandated land use timelines.

Re: OPB 2021-012886-000-00-LU

mike dowd <dowdarchitecture@gmail.com>

Wed 2/17/2021 3:18 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

In the meantime, you may recall that I discussed OPB with you last year when you did their second Early Assistance review. (I've also met about OPB a couple years ago with Rebecca Esau, Michelle Seward, and Kimberly Tallent, then again with Rebecca and Mike Liefeld, and also discussed it with Rodney Jenkins after his EA review.)

We live next to OPB (at OPB's SE corner, across the tracks) and will be the people most negatively impacted by any reduction in buffering requirements along OPB's south and east property lines. I've tried to communicate with OPB about the buffering requirements and other issues since before their recent construction, with no success. Last week after months of unanswered emails, OPB's Facilities Director declined my latest requests to communicate: **"As for the issues with OPB's nonconforming issue with the City of Portland I am current in engage (sic) with the city and an architecture firm to sort out a plan forward. If any of the changes/work require a public notice you will of course be made aware of that."**

The irony is that you already told OPB (in your EA response) that proposing no buffer with no mitigation will be difficult to approve, and I have ideas (and a site plan sketch) showing a combination of fencing, landscaping and other mitigations that I think would work well for both OPB and us. But OPB refuses to communicate, so I've never been able to discuss them.

Also, I don't know what OPB's current info shows, but its EA site plans didn't show site info completely or accurately enough for BDS to do an accurate review. I mentioned some (not all) of these shortcomings to you last year. Some involve zoning violations (not non-conforming upgrades) beyond the several for which BDS already cited OPB for. Several are directly relevant to OPB's request to alter the buffer requirements (such as the east side of OPB's building being several feet closer to the east property line than OPB showed in earlier site plans). When I met with Rebecca Esau and Mike Liefeld, we all agreed that the best way to handle these was for BDS to catch them during this upcoming review. (I did not want to file zoning violation complaints myself because I and my family have already been threatened by OPB and its contractors, to the point of our having to call 911.) I can give you a more complete list of what I noticed once I see the current proposal.

Mike

Michael Dowd, President
Dowd Architecture Inc.
0753 SW Miles Street
Portland, Oregon 97219
(503) 891-5475
email: dowdarchitecture@gmail.com

LU 21-012866 DZM GW
E.1

On Wed, Feb 17, 2021 at 1:59 PM mike dowd <dowdarchitecture@gmail.com> wrote:

Hannah,

I saw that you're listed as the staff contact for OPB's Type III Design Review for their property at 7140 S Miles St.: https://www.portlandmaps.com/detail/permit/2021-012886-000-00-LU/4650267_did/

Is there any info available yet that you can email me (especially specific written info and drawings from OPB) that describes their proposal?

Mike

Michael Dowd, President
Dowd Architecture Inc.
753 S Miles Street
Portland, Oregon 97219
(503) 891-5475
email: dowdarchitecture@gmail.com

Re: OPB 2021-012886-000-00-LU

mike dowd <dowdarchitecture@gmail.com>

Wed 3/3/2021 11:27 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

No worries, I can't imagine the work needed to keep BDS functioning during a pandemic. I was glad to see you were assigned to this, given your experience in the earlier reviews.

I would like to talk about what's being proposed as soon as that's appropriate. .

In regard to completeness, I just skimmed through and found several things missing. There are several zoning violations that (per my meeting a year ago with Rebecca Esau and Mike Liefeld) would make sense to catch now (by having OPB propose corrections or ask for modifications in this review) rather than derailing everything during or after the review by citing OPB for zoning violations. The east building setback is a violation, so is the fencing and landscaping at the satellite area, etc. Also, the proposal is impossible to review completely because there is no ground level parking plan (the ground level is fully exposed on the east side) and no east building elevation. Thus, you can't see the 5 illegal spaces OPB was cited for, the fact the trash area is unscreened isn't reviewable, etc. I'd be happy to talk about those if that's appropriate.

Mike

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On Wed, Mar 3, 2021 at 3:10 PM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:

Hi Mike,

Thanks for your patience - I've been slammed with other deadlines and haven't even downloaded the documents related to this case yet, let alone reviewed them. I'm glad Bryan was able to help you more quickly.

As you know from past reviews, once it's deemed complete, public comments will be solicited via public notice.

Best,
Hannah

LU 21-012866 DZM GW
E.2

From: mike dowd <dowdarchitecture@gmail.com>
Sent: Monday, March 1, 2021 2:45 PM
To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>
Subject: Re: OPB 2021-012886-000-00-LU

Hannah,

Sorry to bug you, but is there any info available yet that you can email me (or tell me by phone) describing (site plan or written info) what OPB is proposing, especially along its east and south property lines?

I have been asking OPB for months to talk to me (and years before that) and they finally responded by refusing to discuss or show me anything. They told me only, "If any of the changes/work require a public notice you will of course be made aware of that."

I also did a public records request, but apparently those could take 15 days pre-Covid.

Mike

Michael Dowd, President
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0753 SW Miles Street
Portland, Oregon 97219
(503) 891-5475
email: dowdarchitecture@gmail.com

On Wed, Feb 17, 2021 at 3:17 PM mike dowd <dowdarchitecture@gmail.com> wrote:

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The irony is that you already told OPB (in your EA response) that proposing no buffer with no mitigation will be difficult to approve, and I have ideas (and a site plan sketch) showing a combination of fencing, landscaping and other mitigations that I think would work well for both OPB and us. But OPB refuses to communicate, so I've never been able to discuss them.

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Mike

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Mike

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2021-012886-000-00-LU seems very incomplete

mike dowd <dowdarchitecture@gmail.com>

Fri 3/12/2021 4:25 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

I hope you can consider these comments about OPB's application. They're not about the proposed design, they're about the incompleteness of the application.

I'd mentioned that when I met with Rebecca Esau and Mike Llefeld, we all agreed it would make sense to address several not-yet-cited zoning violations (along with nonconforming upgrades that BDS may have missed in its earlier review because OPB didn't submit accurate info previously) during this review, meaning OPB either needs to adjust its design to comply with the code, or ask for modifications.

I listed those items below, along with some other things that I believe make the application incomplete. I'm sure you'd catch several of them, but others may not be evident from the info currently in the application. In past land use reviews, OPB has submitted faulty information (for instance, showing landscaping that never existed, and wrong setback dimensions, because they were just copied off old site plans). OPB is still showing faulty info in its current drawings, so I've noted where.

These are the items I believe require adding modification requests, or changing what is proposed to eliminate the need for modifications:

- 1: East building setback** is several feet short of the 1987 setback requirement of 30' to centerline of tracks--needs a modification since correction is impossible.
- 2: Existing paving beyond the east property line** violates the 1987 prohibition against development into the rail property. OPB doesn't show that paving in its application drawings, and denies it exists in its narrative, and has never shown it on previous land use or permit drawings, but it is there (BDS cited it as a zoning violation over two years ago, and it's visible on portlandmaps aerial photos--eight parallel parking spaces paved several feet into the r.o.w.).
- 3: South driveway perimeter landscaping** should be 5'/L2, but only 2.3' is proposed. The landscaping against the building doesn't count.
- 4: Landscaping at parking area west of satellite dishes and north of Nevada** is not 5' wide measured from property lines. There is a "5'/L2" note at one bed, but that's not what's there now at all the required locations, and no widening is shown.
- 5: The landscaping and fencing on all four sides of the satellite dish area** do not comply with the 1987 approved plan (or narrative) which shows landscaping several feet deep in front of the fences to screen them. Instead, the fence has been moved out to the sidewalk (south side) and onto the adjacent property (north side) and much of the landscaping has been removed or killed, or perhaps was never installed as approved. The large trees on the north of the satellites are not located as shown on the incomplete proposed landscape plan--they are located on the adjacent lot (that OPB sold to another entity to avoid nonconforming upgrades to the north). A later design review legalized the generator and its screen but not those other landscaping and fencing changes, because changes to those weren't requested in that review.
- 6: Trash area** isn't screened. OPB states it's in the parking structure, but doesn't disclose (in narrative or drawings) that the garage is unenclosed at the trash area, so the trash is totally visible from S Miles,

S Nevada and the park

7: (possibly) Interior parking lot landscaping: Several areas identified with yellow as "interior landscaping" seem like they may not qualify, but the code is confusing to me.

--the yellow bed on the west side of the "existing surface parking" seems like it may not count, and it's also on the other side of the concrete wall, so not even visible from the parking area.

--the yellow beds on the east side of the "existing surface parking" are a story below that parking, so can't count as interior landscaping for it. If it is being counted as interior landscaping for the 2 parallel spaces at the driveway level, that would be a high percentage of interior landscaping concentrated at those spaces, meaning it's not well disbursed.

--the yellow landscaping at the north side of the parking just north of Nevada and west of the satellites may not count as interior landscaping. It looks like it's needed just to make the north planter 5' deep.

8: (possibly) There are several tall mechanical units and satellite dishes on the roof that I don't believe have ever had design review, or that are larger than what was shown in reviews (about twice the height of the rooftop screen wall). It could be some of the equipment was exempt from review. The equipment and its status are relevant because the application requests modifications to landscape screening requirements. Those modifications (including one to be added for the building's east setback violation) can't be reviewed without knowing what that landscape might be screening, and the rooftop equipment is so tall it adds substantially to the visual bulk of the building which some landscaping requirements intend to screen or soften.

Additional question regarding landscaping and fencing of the satellite dish area north of

Nevada: Besides the fact that the landscaping and fencing at the satellite area does not match what was approved (per #5 above) I think there may be an issue with the "site" for this project. OPB recently transferred ownership of the lot north of the satellite dish area to another entity, to exempt that lot and OPB's property north of it from nonconforming upgrade requirements.

However, a few months ago, OPB moved the fence that was required in the 1987 approved plan (that screens the satellite dishes on their north side). Instead of being on the satellite dish lot as required, between the dishes and the trees to the north, it was moved to the lot north of the satellite dishes, off of OPB's "site" for this review. Also, those trees are shown on the site/landscaping plan in OPB's current application as being on the satellite dish lot (where the 1987 plan required them to be). In reality, they are on the lot to the north. That can't be verified by OPB's survey it supplied, because that survey included all of OPB's trees except those. However, they are clearly north of the staked, iron-rod-marked property corner at the site.

Doesn't that mean the lot to the north has to be considered part of the site for the project, since OPB chose to put the fence and landscaping required in 1987 on that lot? And if so, wouldn't that mean that lot and the rest of the OPB property to the north should be included in the areas subject to nonconforming upgrades? To me, it would, unless OPB applies for modifications to the 1987 design review decision for the screening requirements for the satellite dish area (which it has to do anyway because the landscaping and fencing don't match what was approved).

Another way of looking at it--how can the City require the owner (another OPB entity) of the fence and trees north of the satellite dishes to keep them to screen the satellite dishes, if that lot isn't considered part of the "site" in this review?

Issue with drawings in the application: OPB submitted only a site plan and survey in the application. But (especially) if the application is modified to address any of the issues listed above,

then additional drawings (building elevations, roof plan, ground floor garage plan, site plan of lot north of the satellite dishes, etc.) are needed to review those. BDS should require OPB to include those in the application.

I hope this is helpful. No need to reply, although I'd be happy to discuss any of it with you.

Mike

Michael Dowd, President
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753 S Miles Street
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OPB 2021-012886-000-00-LU Twelve significant items in OPB's application that are not true

mike dowd <dowdarchitecture@gmail.com>

Sun 4/4/2021 11:53 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

I'm finding many things in OPB's application materials that are not true. Not subjective opinions I disagree with, but basic facts-- wrong dimensions, showing nonexistent things as existing, claiming existing things do not exist, etc.

I'm writing now because they make it impossible to accurately review the proposal. Some may make the notice inaccurate. Also, there is no way to know they are not true from reviewing only the application materials. You can verify they're wrong by seeing the site in person, or comparing the materials with BDS's zoning code violation letter, previous building permit documents, and portlandmaps or google aerial and street views.

In its past several land use reviews and building permit applications, and the two recent Early Assistance reviews, OPB has often submitted false information, most notably showing required landscaping that has never existed, and **never** showing the most extreme violation that BDS cited it for--the bootlegged paving and parking spaces in the rail r.o.w. That is one reason so many problems are showing up in this application--BDS has never had accurate info to identify those issues before, including BDS's earlier nonconforming review.

I'm not saying OPB is intentionally lying. At the same time, the wrong information benefits OPB in every case. And again, OPB has a record of submitting information it knew was wrong. In several cases, I told OPB it was wrong myself, but OPB submitted it anyway.

These are twelve items I don't believe are truthful:

1. OPB still denies that its illegal paving on the rail property exists: The most egregious of the zoning violations OPB was cited for was its bootlegged paving and eight illegal parking spaces in the rail r.o.w. It violates the zoning code and a 1987 condition of approval, intrudes into the safety clearance zone of the rail tracks, and was done without telling the City or the property owner. OPB has never shown that paving in any previous land use and building permit drawings I've ever seen. In its current application, the paving is not shown on the survey or "existing conditions" plan. In the narrative, OPB states, "**Temporary paving into the railroad right-of-way to facilitate construction of recent site improvements (that) has been removed**". The paving has been there illegally for years and is there today. No "temporary paving...to facilitate construction" was ever removed, because there never was any temporary paving. OPB simply will not admit it went onto someone else's property and bootlegged in illegal parking, and isn't proposing to remove it. OPB is also proposing a break in the proposed east fence, without 5' of landscaping, and no trees, which would give OPB continued access to the pavement, which makes it appear that it is intentionally lying about the pavement.

LU 21-012866 DZM GW
F.4

2. OPB is hiding that our home exists: OPB's detailed "Surrounding Uses" table, mentions all the closest surrounding uses EXCEPT our home. It also mentions uses to the west are across a state highway and hundreds of feet away from OPB, but not us at only 26' away. In the zoning code, requirements aimed at protecting/buffering surrounding uses from a development typically require the greatest protection for residential uses, because people living next to another use typically are more impacted than other uses. OPB is asking for modifications to allow it to skip providing buffering landscape along the east property line, and also is proposing to provide less than the required buffer landscaping along its south property line. OPB is also proposing to provide NEITHER the required landscaping NOR it's proposed fence for a large gap very close to our home. OPB's requested modifications will have major detrimental impacts to us, but no impacts to several of the other uses it does mention, which makes it appear that leaving us off the list of surrounding uses was intentional.

While we are mentioned once or twice elsewhere, OPB doesn't mention our home in several other sections where it would be particularly relevant. For instance, OPB mentions the existence of trees in Willamette Park as a reason to allow OPB to not provide 16 to 32 required trees along its east property line, perhaps hoping nobody will notice that those trees are not between us and OPB, so provide no screening for us.

3. OPB hides that its north building and two additional parking lots exist: North of the satellite dish area, OPB owns another large parking lot (nearly 30 spaces) a large building with one very large, and two smaller, off-street loading docks, and another, smaller parking lot. The "Surrounding Uses" information also doesn't mention any of that, nor could I find any of it mentioned anywhere in the narrative. The survey doesn't note any of the three loading docks, and cuts off the north parking lot. The other site plans don't show anything about it either. The fact that OPB has three other loading docks, several dozen additional parking spaces, and several thousand square feet of office space, with constant pedestrian traffic among them all, is VERY relevant to several aspects of the review. Because OPB argues that it is so desperate for loading/paving/parking area along the east driveway that it can't provide ANY perimeter landscaping, and disclosing that it has three more loading docks and several dozen more parking spaces would water that argument down greatly, it looks like OPB's hiding that all that exists is intentional.

4. OPB denies that the only large tree on the south end of OPB's property exists: There is a large (greater than 12" caliper, height about 20') tree at the southeast corner of OPB's site, which is the only thing providing currently providing buffering between our home and OPB. The tree next to it is ineffective, only about 3" or 4" caliper. But the small tree is shown on OPB's survey, its existing conditions plan, its construction management plan, and its proposed landscape plan. The large tree is shown on NONE of these. Obviously, omitting the tree from all the info makes it impossible to review this application accurately. Since the removal of the large tree may trigger issues with the Tree Code, and is a significant negative impact to us, it appears that totally hiding its existence may be intentional.

5. OPB claims incorrectly that the garbage area meets screening requirements because it's "inside the garage": While most of it is under a cantilevered roof section of the structured parking, there are no walls or other screening around it, so it is totally unscreened from the east (park and trolley line), north (Nevada and park entrance) and south (our home and Miles St), in total violation of screening requirements. This is impossible to know it's not accurate, because OPB didn't supply a ground level garage plan, or building elevations or sections that would show this. This is such a basic misunderstanding of the code's, "All exterior garbage cans, garbage collection areas, and recycling

collection areas must be screened from the street and any adjacent properties" that it's hard to believe that it was a simple misreading of the code.

6. OPB is hiding almost all the satellite area info, and hiding that that area violates approved plans: The development (satellites, fencing, generator and landscaping) in the satellite dish area north of Nevada is relevant to the review, but OPB's survey leaves almost all of that info out, and a note hides almost all of it on the site plans. The satellite area is substantially different than what has been approved in prior reviews (expanded satellite dish area, fences moved, required landscaping not provided) so hiding that info benefits OPB.

7. OPB is showing required trees at the satellite dish area that don't exist: The site plans that were approved for the satellite area in the original 1987 review, and for the later generator-addition review, show several large evergreen trees to be located on the lot the dishes are on. That's what is shown as "existing" on the proposed landscaping plan, but they do not exist. Instead, there are three trees on the lot to the north that OPB transferred to another entity to avoid having additional required nonconforming upgrades. On OPB's Existing Conditions plan, no trees are shown at the satellite area because a note was placed there blotting out the whole area. On the Construction Management Plan, the imaginary trees on the satellite lot are shown, but the actual trees on the lot to the north are NOT shown. On the survey, all the trees that exist in the parking areas next to the satellite dishes are shown, but no trees are shown on the north side of the satellite dishes--neither the imaginary ones on the satellite lot, nor the actual ones on the lot to the north. The result of all this is OPB seems to be wanting anyone looking at the site plans to think the required trees are existing, and are on the satellite dish lot per the approved land use site plans, which is false.

8. OPB claims the landscape buffer requirement is met on the south property line when it isn't even close: OPB claims (p.22) "As shown on sheet L3.0 of the plan set, the 5-foot L2 screen requirement is provided on the site perimeter, including the site's southern boundary, southeast corner, western boundary, and the north and western perimeters of the existing parking areas, with the exception of the site's eastern boundary abutting the TriMet railroad right-of-way." But on the Landscaping Site Plan, OPB shows the perimeter planter as only 2.3' wide. The landscape planter on the inner side of the driveway does not count as required screening for the driveway.

9. OPB claims the landscape buffer requirement is met at the parking lot north of Nevada property line when it's not: 5'/L2 is required, but some of the beds are not 5' wide as measured (as required) from the property line, and the proposed plan doesn't show widening them. They are noted in a way that gives the (false) impression they are all 5' wide.

10. OPB claims it is providing a fence along the east property line in lieu of the required 5'/L2 landscape buffer, even though it isn't providing either near our home: The impression the narrative gives is that our home will be buffered from the east driveway by a continuous 6' tall fence along the east property line. The Landscape plan, however, shows the fence stopping in line with the SE corner of the building, about 40' short of the south property corner. It also shows that only about half of that gap will have 5'/L2 landscaping. That leaves a 15'-20' deep gap at the south end of the fence with a planting bed with no trees, less than 5' wide (tapering down to nothing). Since that is the most important location for buffering between OPB's driveway and our home, and we are the closest and most-impacted residents, it looks like OPB is intentionally hiding that its proposed modification won't protect us.

11. OPB claims the fence will prevent trespassing between OPB's property and the railroad and park when it clearly won't: OPB mentions several times in the narrative that the fence will prevent trespassing between OPB and the park and rail property. That has never been a major issue in my 16 years living here (with the exception of OPB's trespassing onto the rail property, using the portion it illegally paved for parking and loading) because OPB's building and parking structure totally block access between Macadam and the park/rail r.o.w. for the entire 480' length of OPB's property--with the exception of OPB's south driveway, which provides the only direct connection between Macadam and the park/rail property. Crazily, that is EXACTLY where OPB proposed to NOT build the fence. That creates a gap about 40' wide located in the most perfect spot possible for trespassers. If anything, the fence with that one gap there will encourage ALL trespassers to come down as close as possible to our home to trespass, then cut into the park directly in front of our home through the underbrush.

12. OPB is showing misleading/false dimensions that exaggerate the narrowness of the east driveway and hide that the building violates the 1987 setback requirement: OPB includes several dimensions between its building and the east property line on its Site and Landscape Plan. These appear to be setbacks, but they are actually (as best as I can tell) clearances between the building and fence. (The Early Assistance plans showed larger numbers--I assume because those were actual setback dimensions.) If so, it's misleading because there should be setback dimensions on the site plan, not clearance dimensions that aren't labeled as clearances. There is also a 12.3' dimension to a bollard, which is irrelevant because the bollards could easily be removed. The false part is that the east face of the bollard appears barely over a foot from the building wall, but it is shown as being more than 2' away, so either the 12.3' or the nearby 14.5' cannot both possibly be true. The most important dimension isn't included at all--the 1987 condition that the building be set back 30' from the rail centerline. Because the rail r.o.w. is 26' wide, with the tracks in the center, there is 13' from the rail centerline to OPB's property line. That means the building wall has to be set back 17' from the property line, which it misses by about 1' (at the south end) to 4' or 5' (north end). Even adding several inches for fence depth, OPB's own dimensions show it violates that requirement. And OPB carefully avoids any dimensions near the NE corner, where the setback is several feet short. OPB's argument that the driveway is so narrow that landscaping won't fit is bolstered by making it appear the clearance dimensions are setbacks, so it could have been intentional to not state clearly that those were clearances. And of course OPB's decision to NOT dimension to the rail centerline hides that it needs an additional modification for the significant building setback violation. The building's east wall location is extremely relevant to OPB's modification requests. It is also crucial it be correctly shown because of OPB's history of showing the wall as being several feet east of where it actually is, on every land use and permit site plan I've seen since 1987--including the site plan for the land use review and building permit for its recent renovation.

I hope this information is helpful. I mentioned some of these earlier, but included them again because I think it's important to have this objectively untrue information collected in one document.

Mike

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(503) 891-5475

email: dowdarchitecture@gmail.com

OPB 2021-012886-000-00-LU OPB--drawing showing what 5'/L2 looks like

mike dowd <dowdarchitecture@gmail.com>

Tue 4/6/2021 3:58 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> 1 attachments (1 MB)

IMG_6156.jpg;

Hannah,

As you know, the biggest issue to me is the screening along the east property line. OPB's proposal is to build a fence, without any perimeter landscaping.

I wanted to make it clear what the difference is between OPB's proposal and what is required. This drawing shows 5'/L2 landscaping along the east property line. Since it's about 480' long (not the 440' that OPB is proposing for the fence) that means 480' divided by 30' = 16 large trees required, which is what I drew.

At 5' wide by 480' long, that is also 2,400 sf of pervious landscaping bed, versus zero for the fence. That has tremendous stormwater, habitat, cooling and aesthetic value the fence doesn't have.

You can see at a glance that the fence, while providing screening at ground level, falls far short of the buffering and other benefits that 2,400 sf of planting with 16 large trees (or 32 small ones) would provide. The difference from our house and the park would be incredible.

I'm not saying that OPB should provide the 5'/L2--it doesn't fit. I'm saying that OPB needs to do a lot better than a fence alone, given that the fence falls so far short of comparing to the required 5'/L2. So the City should require as many trees and other landscaping as will fit, plus other conditions like I've mentioned (light shielding, etc.). I'll make a specific list of those, along with a drawing, later (once OPB furnishes actual setback dimensions).

No need to reply to this.

Mike

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Portland, Oregon 97219
(503) 891-5475
email: dowdarchitecture@gmail.com

LU 21-012866 DZM GW
F.5

Re: OPB 2021-012886-000-00-LU six more incomplete items

mike dowd <dowdarchitecture@gmail.com>

Tue 4/6/2021 12:22 AM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

Thanks. OPB has been so bad over the last few years--after being fine for years before that--that the idea that they'd ask me to provide our own screening is totally in keeping with other things they've said and done. So that's good to hear they said what they did.

Too bad about the site visit, but we can work around that.

I understand what OPB is claiming about the space available for a driveway plus landscaping on the east side of the building. Yes, they are correct that there is not enough room for a 12' wide driveway plus a 3' wide planter for the length of the main building (not the garage). But there IS room for a 3' planter for a substantial part of that length, and if the driveway is reduced to 11', between the loading door and the north end of the building, there is room for a planter 3' wide or close to 3' even there. They already are proposing leaving the driveway only 11'-6" wide at the south end of the parking structure, and the only reason for it being narrow there is that there's a small curb there that could easily be moved. That means they don't think a 12' min. is worth spending a few hundred dollars to move a few feet of curb. .

Also, OPB is claiming the reason the driveway must be 12' wide is that it is a parking area aisle. But it isn't--there's no parking along it. I don't know of any other requirement for a driveway width. It's not a fire lane. Does OPB?

This is all why it was so wrong for OPB to give deceptive dimensions on its latest landscape plan. The dimensions do NOT show the total width available. You can see that they are not taken to the property line if you enlarge the site plan. They are several inches less than the dimensions that were in the Early Assistance drawing that I sent you, and that drawing was done after the latest survey that they furnished to you. So the Early Assistance plan appears to show the true dimensions available, and they show there is plenty of room to add significant landscaping even with a 12' wide driveway, and even more with an 11' or 11'-6" driveway.

The actual dimensions from the east building wall to the property line are about 14.25' at the north end of the building, and 16.25' at the south end. That means a 12' wide driveway leaves about 4.25' at the south to 2.25' at the north for a fence (a few inches wide) plus planting. Or, 5.25' to 3.25' with an 11' wide driveway. In either case, the loading area would be the full width to the fence, with no landscaping, or about 15' wide--a very generous 5' wider than required.

There's also a possibility to add a second loading space in front of the garage, which would allow delivery vehicles to park with enough room for other vehicles to pass easily. I'll show you that in a drawing. It would be very useful for OPB in my opinion. I've been trying for 3 years to get OPB to look at that option, but they've never agreed to talk to me about it.

The other thing to remember--OPB chose to locate the building closer to the property line than what was approved, then chose not to tell the City for the past three decades. Even single-family house

foundations are surveyed in. It is inconceivable that OPB located its building without surveying it. So the lack of width was created by OPB, by conscious choice. So OPB has a responsibility to come as close to meeting the standards as it can.

Mike

PS If OPB would instead furnish a masonry wall 6' high, I think that could count towards some extra reduction in landscaping. And that's not an extreme thought--the masonry wall would be required if the zone change line were at the edge of the rail r.o.w. instead of the center. if OPB were providing trees but not shrubs.

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On Mon, Apr 5, 2021 at 9:43 PM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:

Hi Mike,

I appreciate this and will read it all again in the morning. I do want to clarify one miswording on my part lest you blame OPB for my mistake. In my earlier email I asked if there was anything that OPB could do to mitigate their impacts on your site, and should have been more clear that in that conversation, their team suggested that OPB could provide additional screening for you if that was helpful - not that you should provide it yourself.

Their team says that a recent survey revealed they have less than 3' between the driveway and the property line - less than previously believed and illustrated on earlier site plans. That is the rationale for the Modification request - that there is physically not sufficient space to provide even the 3' of landscaping required in the historic condition of approval.

I am not permitted to conduct site visits at this time, so I am not able to meet you on site.

I appreciate your list of proposals - that does help me better understand.

Best,
Hannah

From: mike dowd <dowdarchitecture@gmail.com>

Sent: Monday, April 5, 2021 3:41 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Subject: Re: OPB 2021-012886-000-00-LU six more incomplete items



The City's email systems have identified this email as potentially suspicious. Please click responsibly and be cautious if asked to provide sensitive information.

Hannah,

Also, when you asked me what else I'd like to see in addition to the proposed 6' fence, and I responded that OPB should add as much landscaping as possible along the east property line where it fits....

This is OPB's own drawing from its first Early Assistance review, showing that even OPB's own consultants felt that a planter about 3' wide could be added for significant stretches of the east property line, while still maintaining a 12' wide driveway. The planter is omitted at the loading door, which is fine with me because it's away from our home, which gives them an ever wider area (about 15') at the loading area. Very large moving trucks are only 8.5 feet wide. Trees north and south of the widened loading area would screen the loading from views from our house and Miles St. to the south, and the Nevada Park entrance to the north.

This drawing is from 5/9/19, more than a month later than the new survey (3-29-19) and shows the true east setback width available. That means there's no reason this isn't still valid.

Also note that 12' is a generous width for a driveway, especially from the loading door southwards, since there is virtually zero pedestrian use there. 12' is wider than PBOT uses for typical street travel lanes, and even wider than the "fast" lanes on Macadam.

I'm sending you this because it's such a simple illustration that OPB certainly has enough width available to add several tall, narrow screening trees on significant sections of its driveway, that would make a tremendous difference in screening for us, and for people in the park.

If OPB claims they can't fit trees in a 3' planter, note that they are proposing wide-spreading trees to be planter in a 2.3' planter along the south property line. There are projects all over Portland with tall, narrow screening trees that would work well at OPB.

So OPB has already shown that a) it has room to do planters on the east property line, and b) the planters would be wide enough to plant trees in.

Thanks again for considering all this!

Mike

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On Mon, Apr 5, 2021 at 2:14 PM mike dowd <dowdarchitecture@gmail.com> wrote:

Hannah,

Also, I talked to my neighbors, Marque Motors, who are immediately south of OPB. They said someone from the project (I assume the Landscape Architect) voluntarily reached out to them to discuss OPB's plans for the south property line. What OPB is proposing does NOT work for Marque Motors. Marque Motors told me that my ideas for what I think should happen there would work perfectly for them, also. It would also work well for OPB, as best as I can determine (since OPB will not talk to me).

Like I said, I'd be happy to talk to you about all of this.

Mike

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On Mon, Apr 5, 2021 at 2:09 PM mike dowd <dowdarchitecture@gmail.com> wrote:

Hannah,

Zoning violations

There are several code compliance issues, and some are major--especially the east setback violation and the satellite dish area ones. The setback violation isn't one that can be changed, but it is very relevant to the mitigation that could be done on the east property line. The satellite dish area violations make the rail crossing much less safe than it could be. If those aren't addressed in this review, then they will be a mess to deal with later.

Fence and screening along east

Your timing is perfect for bringing that up, given what I wrote in yesterday's email. OPB did not tell you accurately what they are proposing with the fence. No, they are not proposing to screen the whole length of their east property line with a fence. They are showing stopping it about 40' short of the SE property corner--exactly where we need it most. They are also showing a gap in the required landscaping there. They are also proposing increasing the traffic there several-fold. They also have plenty of room to provide significant landscaping along the east property line. The south property line is also a significant issue for us, and they could EASILY provide the solid fence and TALL, columnar trees there, and a bed wider than 2.3'.

I find the idea that OPB is wondering if I should add screening offensive. We have had the police come out and stop their middle-of-the-night parking lot sweeping so many times I can't count, and OPB's response was that there was no issue--as just one example of how poorly OPB has behaved. OPB currently has several dozen cones in back set up to direct delivery vehicles to park as close as possible to our house. We've had to call 911 for police protection from OPB's contractors who threatened us for calling in a noise violation. After Parks told them to quit using Willamette Park for construction staging and parking, they violated that more than 1,000

times. I could give you a whole list of people from Parks, PBOT, the Fire Bureau and Noise Control who have all been frustrated by OPB's lack of willingness to even be legal.

When I went to OPB at 4 AM to tell them to stop roto-hammering concrete a few yards from our bedroom, two months before they even had a building permit, instead of stopping the noise (illegal before 7 AM) OPB's contractor screamed at me that he was going to have me "prosecuted for federal railroad violations" for walking across the tracks. And then OPB and the contractor actually DID file a complaint against me to ODOT Rail! (who reassured me not to worry about it).

I know these are not your issues, but they are part of the reason I find OPB's response that we should provide our own screening offensive.

Yes, I DO have lots of ideas of how OPB could achieve the clearances they actually need, while providing screening that would be effective for us. I've been trying for three years to get OPB to discuss them. After giving up after perhaps 50 or 60 calls or emails with no response, I tried again starting last fall with several more emails and calls. Kyle, their new Facilities Manager, responded by telling me **"If any of the changes/work require a public notice you will of course be made aware of that"**--in other words, a refusal to discuss any of it.

I haven't sent you any ideas of the solutions that would work well for me, and achieve reasonable results for OPB, because I was waiting until the notice came out. They involve:

- keeping the driveway 2-way where it is now 2-way,
- extending the solid fence all the way to the south corner and around the south property line,
- doing landscaping with tall columnar trees along the south property line and where it fits along the east,
- possibly adding an ADDITIONAL loading spot near the structured parking,
- shielding and adding timers/dimmers to the exterior lighting on the east, etc.

They are all doable, and it would be easy for the City to justify requiring them. The fence alone only accomplishes a fraction of what the required landscape screening would do.

The ideal thing for me would be to be able to show you these at OPB's site (we don't need to enter their site). I could also show you all the items in my email last night where OPB has submitted false information--those are easy to see in person. If that isn't possible, I'd love to be able to talk to you about all this whenever it would be convenient.

Mike

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On Mon, Apr 5, 2021 at 1:09 PM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:
Hi Mike,

Thank you for your detailed emails.

This application is currently incomplete. I forwarded your earlier email to the applicants and asked them to address it in their incomplete response. Since I know their submittal will be changing quite a bit, I will wait for the revised submittal before reviewing it against your listed concerns.

The OPB site has a lot of existing non-conforming conditions that, while not approvable if they were proposed today, are not necessarily issues that are required non-conforming upgrades. I will work with the code compliance team to make sure that any outstanding code compliance issues are included in this review. However, beyond code compliance issues and require non-conforming upgrades, my sense is there will continue to be outstanding issues that are bothersome to you, their neighbor.

OPB has offered to screen all 440' of its eastern property line with a 6' wood fence. The fence would abut the train tracks but is intended to screen the 'back of house' elements from your property. I'm curious if there's anything else that OPB could do that would help you feel more comfortable with their existing development? In my conversations with the applicants, they've wondered if providing additional screening on your property to help block views would help mitigate some of your concerns. While that work would be outside the purview of Design Review, I'm happy to facilitate that communication if you have some ideas on creative solutions.

Best,
Hannah

From: mike dowd <dowdarchitecture@gmail.com>
Sent: Saturday, April 3, 2021 1:47 PM
To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>
Subject: OPB 2021-012886-000-00-LU six more incomplete items

Hannah,

I've found several more reasons I believe OPB's application is incomplete, beyond the ones I sent you earlier. As with the others, I thought it may be helpful for you to have these now versus after the notice comes out. You probably noticed some of these, but others are not clear given the incomplete info that OPB gave you.

I believe each of these six requires a modification to a standard, or revising the proposed design to comply with the applicable standard.

- 1. Loading spaces:** Two loading spaces are required. OPB states loading will occur in the east driveway, but without the required 5'/L2 buffer. The regulation requiring that buffer is different from the regulation for parking area landscaping that OPB is asking to modify, so an additional modification--or a drawing demonstrating compliance--is needed.
- 2. Bike parking:** No short-term bike parking is shown. It's not enough for OPB to say it's in the parking garage a story below. (There's a bike rack in the garage currently, but it looks too

far from the front entry to comply.) OPB's incomplete info gives no way to judge compliance.

3. Parking space dimensions: OPB proposes converting to two parallel spaces the five (OPB incorrectly says four) spaces that it illegally striped under the cantilevered portion of the parking structure. But two spaces would require more length (22.5' x 2 = 45') than is available (about 40') without construction revisions. This item could be missed because OPB didn't supply a dimensioned plan showing the lower garage level.

4. Parking area perimeter landscaping: The upper deck of the structured parking is quite a bit less than 4' above the grade to the west, but OPB isn't showing the required 5'/L2 landscaping on the west in the ADA ramp vicinity. You can look from the sidewalk directly over the ramp at the unscreened pavement and vehicles there. This item could be missed because OPB didn't submit drawings showing the height of the parking deck over the adjacent grade.

5. Parking space exiting: Currently, vehicles in the lower level of the parking structure and the nearby outdoor parallel spaces can exit to the street without moving other vehicles. That is true even when loading vehicles are in the loading area in the east driveway, because exiting vehicles can exit north to Nevada because the driveway is two-way between the parking garage exit and Nevada. But OPB proposes to make that one-way. That means all vehicles on the ground level must exit THROUGH the loading spaces, so anytime a vehicle is loading (which can last for hours) the loading vehicle will have to be moved in order for cars to exit. That violates the standard. There isn't enough driveway width for vehicles to exit southbound past a required 10' wide loading space, either.

6. Driveway width: OPB claims the zoning code requires the east driveway to be 12' wide, but states it is only 11-6 wide near the cantilevered area of the structured parking. I disagree with OPB's position that that's a parking aisle, but if OPB is correct, then a modification or widening of the driveway is required.

I hope this is helpful. No need to respond, although I'd be happy to answer any questions.

Mike

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OPB 2021-012886-000-00-LU OPB my proposed site plan

mike dowd <dowdarchitecture@gmail.com>

Tue 4/20/2021 5:50 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

 1 attachments (311 KB)

IMG_6415.jpg;

Hannah,

I drew this site plan to show specifically how OPB could provide much better screening and other protections for us and its other neighbors, while maintaining the functionality that OPB desires. It even works much better for OPB in some aspects than what OPB has proposed. I believe it also meets the approval criteria, unlike what OPB has proposed.

I realize OPB's application isn't complete, but I thought it would be helpful for you to see this. Feel free to share it with OPB. OPB still refuses to communicate with me about this review.

OPB has been arguing that because ALL the required landscaping won't fit along the east property line that they shouldn't be required to do ANY. That makes no sense, because as this plan shows, some landscaping will fit, and some is better (and more approvable) than none.

I tried to include as much screening landscaping as can fit along the east property line while still allowing good driveway and loading functionality. Then, since the east property landscaping still falls well short of the 5'/L2 requirement, I've added reasonable mitigation measures--additional plantings at the east wall of the parking structure, denser tree screening along the south driveway, protections against light pollution that the required landscaping would have buffered, etc. Since these measures all address impacts to neighboring people and uses resulting from granting the modification to provide less than the required landscaping, they all seem like valid conditions of approval for that.

I also show keeping the east driveway two-way between the parking structure exit and Nevada, so vehicles can exit the garage onto Nevada. OPB's proposal to eliminate that would make things significantly worse for us (much more driveway traffic near our house) and for OPB (drivers could only turn northbound onto Macadam). Currently, almost all parking garage traffic exits north to Nevada, and a significant number of those drivers turn left (southbound) onto Macadam. OPB's one-way scheme would force them to drive around blocks in the neighborhood to turn around.

There are also some items listed that address the satellite dish area's nonconformance with prior approvals and dangerous blocking of sightlines at the rail crossing, and a few other miscellaneous items (trash not being screened, etc.).

During the comment period, I can add comments about this design that specifically address the approval criteria, and give more specific reasons why I believe this design works.

The numbers on the site plan refer to the items listed:

LU 21-012866 DZM GW
F.7

South driveway:

- 1--6' h. solid fence entire length of south property line, except for approx. 10' at west end for traffic visibility. Prohibit barbed wire
- 2--continuous closely spaced tall. columnar evergreen trees to buffer view of south facade, bed at least 5' wide except for small reduction at turn if needed (but still provide trees).
- 3--3 tall, fast-growing evergreen trees at SE corner

(Note: The wider bed, columnar trees and solid fence provide screening from the south without having trees spread onto Marque Motors' property. The fence also prevents OPB from damaging Marque Motors' customer vehicles by leaf-blowing grit at them.)

East driveway:

- 4--6' h. solid fence entire length of east property line, except for 10'-15' feet at the north end for traffic visibility. Section labeled "optional" isn't necessary if landscaping is provided per Note #7
- 5--two-way driveway retained between structured parking entrance and Nevada; one-way retained for remainder of driveway between structured parking exit and S Macadam. "Left turn only " sign and pavement markings to direct all vehicles exiting parking garage north to Nevada
- 6--all exterior lights on south and east driveways to be 100% shielded--no direct visibility of light source from our property or park. Also use timers/dimmers to reduce light levels during off-hours
- 7--remove all 4 parallel parking spaces and replace with landscaping, OR move structured parking entrance one bay north, and create loading-only space where current garage entrance is, with remaining three parallel spaces converted to planting (This deletes one tree, but adds a loading space that doesn't block driveway, and shortens the length of the two-way driveway section
- 8--Two options (I'm happy with either one):
 - a) provide approx. 3' wide planter with tall columnar evergreen trees, leaving about 11' for driveway. Pros: provides screening, and could eliminate need for Type III review. Cons: narrower driveway
 - b) no planter. Pros: allows wider driveway. Cons: requires Type III review, doesn't provide buffering trees or pervious area for stormwater treatment
- 9--Use pavement markings and signage to define loading area adjacent to the overhead/loading door. Designate driveway south of that as :NO LOADING/NO PARKING" to keep that activity away from our house and neighbors

(Note: There is about 16' width at south end of east wall and just under 14' at north end, between wall and east property line. That's plenty (esp. south of the loading area) to include tall, narrow screening trees, even with a 12' wide driveway. All the east driveway items--lighting, driveway direction, etc.--are reasonable mitigations that should be required to allow waiving the 5'/L2 requirement.)

Satellite area:

- 10--provide 5'/L2 at north, south and west sides of parking area--measured from property lines, not sidewalk
- 11--move fencing at south side of satellite dishes north 5', and plant with 6' min. tall evergreen hedges, except drop to 3' high at SE corner for visibility between RR tracks and pedestrians. Plant 6' min. tall evergreen hedge along east property line in front of east fence. Fence (on all sides) to be 6' tall, solid, without barbed wire.
- 12--plant 6' tall evergreen hedge in front of west satellite fence
- 13--move north fence inward of (south of) existing tall evergreens, and record deed requirement or take other steps to ensure trees those trees are maintained, because they are under a different ownership

(Note; All these are necessary to correct violations of the satellite dish area with prior land use approvals. The current violations are not just technicalities--they create an ugly entrance to Willamette Park that is dangerous because the illegally-moved fence blocks sightlines at the rail crossing.)

Miscellaneous:

14--fully screen trash area as required by code

15--provide code-compliant short-term bike parking near main entrance

16--use timers/dimmers to reduce light pollution into park from main entry canopy and parking area lights (both parking levels) during off-hours

17--use timers/motion sensors to limit light levels through OPB's windows visible from park and neighbors when interior spaces are not occupied

(Note: The lighting items are needed to reduce light pollution into Willamette Park--those lights would be blocked if 5'/L2 landscaping was provided along the east property line.)

I'd be happy to discuss any of this with you.

Mike

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OPB 2021-012886-000-00-LU OPB one-way driveway problems

mike dowd <dowdarchitecture@gmail.com>

Wed 5/5/2021 5:07 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

 2 attachments (1,009 KB)

IMG_6927.jpg; IMG_6928.jpg;

Hannah,

One of the things I thought was worst about OPB's proposal was its plan to change the east driveway to be entirely one-way. (Currently it's only one-way south of the lower level parking garage entrance/exit, and two-way between there and Nevada.)

I asked Kyle Davis of OPB over a week ago if OPB still proposes to make the driveway one-way. He has not responded, and I don't expect him to.

I'm hoping that OPB will drop the one-way idea when it submits its revised info to you, because it would affect us and others negatively. I'm sending this to you now, instead of waiting until then, because if OPB keeps the one-way proposal in its application, it will also create additional non-completeness issues (more modifications needed, etc. per below). Feel free to forward this to OPB if you think that makes sense.

If you want a quick understanding of why the one-way only driveway is bad, the attached site plans show all the main points at a glance. [You don't need to read the rest of this unless OPB continues to pursue the one-way driveway when it submits new info to you.](#)

For more detail, here's a list of reasons why it's bad, with specifics following:

- a. It's not necessary**
- b. It would create more traffic and noise impacts for us and others around OPB**
- c. It would increase traffic in the neighborhood west of OPB**
- d. It would make the Macadam sidewalk more dangerous**
- e. It's unworkable with the proposed loading area, so unapprovable for that reason alone**

a. It's not necessary

OPB claims there is a 12' minimum width requirement for one-way driveways in the zoning code, citing a standard for parking area aisles, which does not apply for the driveway east or south of the building (it is a "driveway", not an "aisle" in the zoning code).

The two-way section behind the parking structure may count as an "aisle" due to the parallel spaces alongside it, but that section was already approved as two-way in the 1987 land use review for the original building, and has been two-way ever since. That means it could be approved again through a modification, if that were needed. Or, OPB could simply remove the two parallel spaces so it would clearly be a "driveway" and not an "aisle" so the aisle dimensions wouldn't apply. (I think those should be converted to landscaping anyway, as a partial mitigation of not providing the required 5'/L2 landscaping along the east property line.)

Also, Portland Bureau of Transportation considers only 20' an acceptable width for two-way city streets with parallel parking on one side. So OPB's view that the current width of about 25' won't work as two-way makes no sense. Of course a width that PBOT considers fine for city streets will work fine for OPB's private driveway! It's only a few yards long, has excellent visibility between entering and exiting vehicles, and has a fraction of the traffic of a public street. The two-way section could also be shortened per my earlier site plan.

Almost all vehicles exiting the parking garage exit northbound to Nevada now. It works well for everyone. It's a shorter distance to Macadam than exiting southbound, and coming out on Nevada allows vehicles to exit onto Macadam in any direction at a signalized intersection, whereas vehicles exiting southbound can only turn northbound onto Macadam. Nevada at that location is also a dead end serving only OPB, so no other vehicle traffic is impacted by OPB exiting onto Nevada. (Park traffic at Nevada is pedestrian and bike only, and is on the north sidewalk on Nevada, so unaffected by exiting OPB vehicles.)

b. It would create more traffic and noise impacts for us and others around OPB

Under OPB's one-way proposal, ALL garage traffic would head south towards our home, a several-fold increase in traffic, noise and activity. The proposed fence would not significantly reduce noise. OPB's tall building reflects noise outward, amplifying it for us and for the park and its wildlife and users. Because delivery vehicles would block vehicles exiting OPB's parking garage, it could encourage honking when that happens, and it could encourage OPB to make large deliveries off-hours to avoid driveway conflicts, which would increase noise for us early and late.

c. It would increase traffic in the neighborhood west of OPB

Currently, all drivers exiting the lower level of the parking structure who want to go southbound on Macadam simply turn left at the Nevada signal. But with the proposed one-way-only driveway, all would have to exit onto Macadam from OPB's south driveway, where they could only turn right (due to the median) and head northbound on Macadam. Drivers wanting to go south would have to quickly cross two lanes to get to the left turn at Nevada and head west into the residential neighborhood to go around the block to get back on Macadam heading south--more traffic, more turns, more conflicts with pedestrians and with other vehicles. Some OPB drivers might try to avoid this by driving the wrong way out of the garage to get to Nevada, which would be dangerous with a one-way driveway.

d. It would make the Macadam sidewalk more dangerous

Instead of exiting onto Nevada and entering Macadam at the Nevada signal, all vehicles leaving OPB's lower parking level would have to exit OPB's mid-block driveway onto Macadam. That increases vehicle/pedestrian conflicts there several-fold. Because most exit at evening rush hour, when traffic on Macadam is heavy, they'd pull forward across the sidewalk to see, blocking it while looking south to turn north--even more dangerous for sidewalk users.

e. It's unworkable with the proposed loading area, so unapprovable for that reason alone

Currently, delivery vehicles stop in the east driveway near the garage door to load/unload. Some trucks stay for hours. That's fine, because vehicles exiting OPB's lower parking level aren't blocked, because they exit northward to Nevada St. on the two-way driveway.

But with the proposed one-way only driveway, vehicles exiting the garage would have to head south, where they'll often be blocked from leaving by delivery vehicles parked in the loading area. Even if

there is no landscaping there, the clear width (about 14'-15') isn't enough for vehicles to get past large trucks, or even smaller delivery vehicles unless they pull as far to one side as possible. It's also unsafe to force vehicles exiting the garage to squeeze past vehicles actively loading/unloading, going in and out of the building, etc. And there certainly isn't enough width to pass a loading vehicle without intruding into the required 10' wide loading area.

Summary

In comparison to the current configuration, the proposed one-way only driveway:

- is worse for us and the park's wildlife and users because it increases traffic, noise and activity close to us
- is worse for OPB because cars exiting OPB's parking garage will have to drive further to exit the property, can't turn south onto Macadam, aren't protected by a signal when leaving, and will often be blocked from leaving by delivery vehicles
- is worse for people walking on the Macadam sidewalk because of additional OPB vehicles driving across the sidewalk at OPB's driveway
- is worse for the neighborhood west of Macadam because OPB vehicles needing to head south will have to use residential neighborhood streets to turn around to go south
- is worse for delivery drivers because they will often be blocking exiting OPB vehicles and/or have them trying to squeeze past them when they are loading/unloading
- is unapprovable because the code doesn't allow a parking configuration in which parked vehicles (delivery vehicles in the loading area) block other vehicles from exiting the parking area

I can't think of any advantage the one-way scheme has for anybody.

Mike

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OPB LU 21-012866 DZM GW additional modifications needed

mike dowd <dowdarchitecture@gmail.com>

Tue 9/7/2021 5:03 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

When I reviewed the first round of submittal info, I saw several things that I believe needed additional zoning modifications unless the design was changed. Most of those still remain:

- 1. East building setback**--it violates the 1987 approvals and needs a modification to be legalized
- 2. Short-term bicycle parking**--none is provided that meets code. The rack shown in the building permit drawings for the recent renovation was never installed.
- 3. Trash area screening**--trash area isn't screened per code. OPB's arguments that it's exempt, and will be screened adequately by the proposed east fence, are both wrong.
- 4. Satellite dish area--landscaping and fencing** locations don't comply with 1987 approved design. Additionally, one I missed--ground-mounted mech. equipment must be screened, with screening "tall enough to screen the equipment" (33.130.235.C. The satellite area fencing has a real safety issue, which is why I've been stressing it.
- 5. Proposed two parallel parking spaces** next to garbage area don't meet minimum length standard (minor issue to me). DOWL claimed all spaces meet the standards, but these do not. They're about 5' short.
- 6. Required 5'/L2 landscape buffer at upper level of structured parking** is missing at the accessible ramp area. The buffer is required because the top deck of the structured parking is within 4' of adjacent grade and there is no roof over it. Only grass and 2 trees are shown (minor issue to me).

It's important to address these in this review. Using the east building setback as an example, OPB is claiming the setback violation is a reason to allow granting the modification to not provide either the 3' 1987-required buffer, or the 5'/L2 buffer. That's a MAJOR modification. But it's unfair and illogical to say that it's such a significant factor that OPB should be exempted from those buffer requirements, but so insignificant that OPB shouldn't have to request a modification to legalize it.

Further, if it's not addressed in this review, it leaves the possibility open that someone (me or otherwise) could file a zoning violation complaint against it, and assuming that complaint was recognized (because a 200-foot-long, three-story wall intruding several feet into a required setback next to a residential neighborhood and natural area of a park is a significant violation) then OPB would have to request a modification AFTER this review, and perhaps after all the work under this review was done. It could be likely that providing mitigation that would allow that setback modification to be granted could mean having to tear out work OPB had just completed--say making the now-built fence taller, or enlarging just-completed landscaping beds to add more trees, etc. This would be a mess for OPB and everyone.

Finally, it's critical for the Design Commission to know that this violation exists. How can it rule on the east landscaping modification without knowing that the whole east side of the building violates the 1987 conditions? It shouldn't be me blindsiding them with that info during the hearing.

That's just using the east setback violation as one example. I could make similar arguments for each of the other violations. The problems created by not addressing them in this review are exactly why

Rebecca Esau agreed with me in our meeting a couple years ago that they should be addressed in this review.

And one more related thing--the nonconforming covenant between OPB and the City clearly states that the items listed in the agreement may not be all the items needing upgrading. OPB agreed that if the City identifies additional items that are nonconforming, OPB must make upgrades before the same deadline. So not including them all within this review would make this review meaningless, since there'd need to be another review immediately.

I'd be happy to talk to you about any of this.

Mike

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Re: OPB LU 21-012886 DZM GW four trees now to be removed

mike dowd <dowdarchitecture@gmail.com>

Tue 9/7/2021 3:21 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

Yes, I'd like two-way between S Nevada and the lower level parking entrance (and one-way from that parking entrance southbound out to Macadam).

I'd also like those four large trees to remain,

If I had to choose only one, I'd definitely choose keeping the driveway 2-way, because switching to one-way would mean ALL the lower level garage traffic (that almost always exits north to Nevada) would now be forced to go south down to our house, then out to Macadam at the driveway, where drivers can only turn right, meaning half the people leaving OPB (the ones who need to go south to go home) would have to circle through the neighborhood to turn around.

But like I said, the wo-way drive with the existing trees has worked fine since 1987 (and since I moved here in 2005). Also, when the fence goes in, it won't reduce the driveway width at all. Unlike further south (behind the main building) where the current paving extends several feet out into the rail r.o.w., the paving at this two-way section only goes to the OPB property line. OPB's curb that you see in the second photo, that separates the paving from the gravelly sloped drainage ditch, is actually not quite all the way out to the property line. So even with the new fence, the driveway will be no narrower than what has worked since 1987.

Mike

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On Tue, Sep 7, 2021 at 2:24 PM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:

Hi Mike,

I haven't had a chance to dive into the code section regarding dimensions for drive aisles. However, I had some questions for you on your preferences.

It sounds like you do want the driveway to be a two-way drive, and not one-way. And you do want the existing trees to remain. If there is a code conflict that precludes meeting code standards for a two-way drive aisle while also retaining the trees, do you have a preference about which element is more important to meeting the approval criteria?

I appreciate your thorough comments.

Best,
Hannah

From: mike dowd <dowdarchitecture@gmail.com>

Sent: Tuesday, September 7, 2021 2:03 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Subject: OPB LU 21-012886 DZM GW four trees now to be removed

Hannah,

I want to make sure you noticed a new change to OPB's landscaping plans that shocked me. The four large trees on the east side of the parking garage are now proposed to be cut down.

These trees are the largest trees on OPB's property south of Nevada. They are prominent from the Nevada park entrance. They provide a huge amount of shade and screening. They even help screen the satellite dishes from our carport area at the front of our house.

These trees have always been shown by OPB to remain until this latest submittal. The four existing trees to be killed are very tall and large (10" to 18" caliper, 56" caliper total) but proposed to be replaced with tiny 1.5" caliper trees that will take decades to reach a similar size. The new ones are also shown so close to the wall (only a couple feet away) that there's no room for their branches to spread. You can see from the photos that the existing trees that are several feet further from the wall than the proposed ones need that space for their branches.

I recall from OPB's earlier submittal comments that DOWL asserted that it had no choice but to make the driveway in front of those four trees one-way because the driveway didn't meet the minimum 20' width for parking area aisles. (The earlier drawings show about 17' between the planter curb at the trees and the east property line.) Now that OPB and DOWL have realized that a one-way driveway was a poor idea, they seem to have decided that they must cut down those trees to make the driveway 20' wide.

That's wrong for these reasons:

--First, the parking area aisle standard may not even apply because that driveway is not in a parking area.

--Second, that area was approved as a two-way driveway in 1987.

--Third, I've lived here since 2005 and NEVER seen a conflict where a vehicle leaving and one arriving couldn't get past one another, or have one simply wait to enter the driveway until the other cleared it.

--Fourth, I showed a scheme in an earlier email to you where OPB could shorten the two-way drive length by moving the entrance to the lower level parking northward, which would make conflicts between entering and exiting vehicles even less likely.

--Fifth, if the two-way driveway really isn't code compliant, all the other reasons above create a perfect argument for approving a modification to allow the narrower driveway, so the trees don't need to be sacrificed.

What I see is OPB and DOWL killing off the four largest, most important trees on its site to make the driveway 3' wider than what already has worked fine for over 30 years. **This shouldn't be approved.**

Mike

PS Again, OPB does not communicate with me, so I'm not able to ask them about this.

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OPB LU 21-012886 DZM GW southeast corner tree confusion

mike dowd <dowdarchitecture@gmail.com>

Tue 9/7/2021 2:21 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

 2 attachments (2 MB)

01c4eac604f87be600a944c0daa2d3cb6a10ec45c3.jpg; 01d6326f327e7b3a72c949c70dd606570c6fca33bd.jpg;

Hannah,

The planting area at the SE corner of OPB's property is critical for me and my family, because it's the closest part of OPB's property to our home, and the location where the most effective landscape buffering can take place. In fact, it's the ONLY portion of OPB's east property line where OPB has agreed to do any landscaping at all.

OPB's information about this corner is confusing. There's a large tree there now. That tree is now shown on the survey and Existing Conditions plan after I complained about it being left off of the initial drawings. It is also now shown to be protected during construction.

But on the proposed landscaping plan, three new trees are proposed to be planted within the canopy of that tree. One of them is proposed to be planted within only a couple feet of the trunk.

That isn't practical. Either the new trees will harm the existing tree, or vice versa. It doesn't look like any thought has gone into this.

I'd prefer that that tree (and the small one east of it) be removed, and two (or three if possible) very large, dense evergreen trees be planted at that corner, to screen views of OPB's building and driveway from the south and southeast (the views we and others living on, working on, or using S Miles Street have).

OPB will not discuss this with me.

Mike

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LU 21-012866 DZM GW
F.11

OPB LU 21-012886 DZM GW erosion control plan flaws

mike dowd <dowdarchitecture@gmail.com>

Tue 9/7/2021 2:06 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

I looked quickly at the erosion control plan. Erosion control is a minor issue for me compared to the permanent changes. At the same time, we will be impacted as much as anyone by the construction. The plan doesn't protect surrounding properties well from mud runoff for a project that will take place in winter. It also encourages unnecessary construction traffic near us and on Macadam by making the Nevada driveway entrance ingress only.

Most of all, it shows sloppy thinking without much thought given to what's being drawn. OPB should be required to correct it.

OPB site south of S Nevada St.

South side:

--Shows tree protection extending several feet several feet into Marque Motors' property. Obviously that can't happen, and the area to be protected on Marque Motors' property is on the other side of a chain link fence anyway.

West and north sides:

--Development plans show tearing out all the grass and installing new landscaping along Macadam and Nevada, but no erosion control shown to protect the S. Macadam public sidewalk or Nevada from runoff

East side:

--Erosion control is shown along the property line, but the bulk of the ground disturbance involves removing OPB's illegal paving and disturbing ground east of the property line, in the drainage ditch, meaning lots of mud potentially being washed south, clogging the drainage ditch and potentially flooding our property (by clogging the drainage ditch and downstream culvert). Erosion control should be at the perimeter of the disturbance area, not the property line.

--Plan labels S. Nevada end of driveway as "ingress". It should be ingress/egress. Otherwise 100% of construction traffic will be forced to exit to the south, bringing 100% of it down as close as possible to our home. Also, some construction traffic will be equipment that cannot drive on S Macadam, and should be able to come and go between OPB's parking lots at Nevada and the east driveway, without having to drive on the State Highway.

Site north of S. Nevada (the satellite area and parking):

--Plans call for 5'/L2 landscaping on three sides of the parking area, which means substantial removal of asphalt since the planting beds aren't all 5' wide in from property line as required, and no modification is requested, but no erosion control is shown. If no work is being done to make the planting beds 5' wide on the property, a modification is required. **There has to be either erosion control or a modification.**

Mike

Michael Dowd, President

LU 21-012866 DZM GW
F.12

9/15/2021

Mail - Bryant, Hannah - Outlook

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OPB LU 21-012886 DZM GW "temporary" paving and garbage area corrections

mike dowd <dowdarchitecture@gmail.com>

LU 21-012866 DZM GW

Sat 9/11/2021 5:43 PM

F.13

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

 3 attachments (3 MB)

01386f9ce77aa6ea3b8edc2fac227681f0a4662acf.jpg; 01d8b5d4d90a5f79549996a0b2b33cfd6199a58983.jpg;
019bbe0d1b7a75e86eb9849582342a8e5413b0be47.jpg;

Hannah,

Lots of OPB's revised information is still deceptive and/or untrue. Two examples involve the east paving within the rail r.o.w., and the garbage area screening. These are both issues I brought up in my earlier emails to you that I understand you offered to OPB and DOWL, and they are important to me, so it's frustrating that they declined to correct them:

Paving in the rail r.o.w. is not "temporary"

DOWL (narrative page 16) claims that the paving that OPB bootlegged several feet into the rail r.o.w. (violating its 1987 approval conditions) years ago to create eight illegal parking spaces is "temporary".

That's the same paving OPB and DOWL claimed didn't even exist in its first application submission. They didn't show that paving in their Existing Conditions survey or site plans. And the narrative claimed, "**Temporary paving into the railroad right-of-way to facilitate construction of recent site improvements has been removed**". The reality was that NO temporary paving was ever placed in the rail r.o.w. for that recent work (or any other time at least since I moved here in 2005) and no paving was removed.

The bootlegged pavement remains there today. It was there when I moved here in 2005. It appears in portlandmaps.com aerial photos dating back long before that. OPB was cited for it being there in 2018:

https://www.portlandmaps.com/detail/permit/2018-156250-000-00-CC/4197392_did/

In response to that violation citation, Stoel Rives, OPB's lawyers, told Michele Seward of BDS'S zoning compliance staff in August 2018 that that paving has been there "for over 25 years" .

Given all that, it's inconceivable that OPB would think that that paving was temporary, or (especially) that it has been removed. And it's inconceivable that DOWL never noticed it there prior to submitting site plans not showing it, and stating falsely that it didn't exist.

The paving IS finally proposed to be removed, so while the false "temporary" description doesn't interfere with that outcome, it does show how inaccurate the application is.

Garbage area IS exterior and DOES need screening

Unlike the "temporary" paving claim, the false garbage area claims will interfere with this review if not corrected.

One of OPB's most unsightly nonconforming items is its unscreened garbage/recycling area at the east edge of the ground floor of its parking structure. The attached photos show it--first from Willamette Park, next (day and night) from S Nevada St., a popular pedestrian/bicycle entrance into Willamette Park and the Willamette Greenway Trail. It has no walls on the south, east or north sides--the same sides from which it's visible from other properties.

Having a garbage area prominently visible from a public park entrance is EXACTLY the type of undesirable situation the zoning code's screening regulations intend to prevent.

It would be simple for OPB to screen this trash area with a fence. Instead, OPB and DOWL are claiming:

"The OPB site's garbage and recycling collection areas are currently provided within the interior of the parking structure, so this standard, which relates to exterior collection areas, does not apply."

That's absurd for several reasons:

--**First**, just because the containers are (mostly) under the upper parking deck doesn't mean they are not "exterior". If you're standing outside OPB's front door under its new entrance canopy, are you "inside the building"? Of course not. The zoning code doesn't define "exterior", probably because it didn't foresee anyone trying to claim that being outdoors under cover isn't "exterior". But it does have several definitions related to spaces that are covered but without walls, such as floor area, and those areas are NOT counted the same as the areas INSIDE the walls. The most relevant definition is probably for "exterior storage", which states, . ***"If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage"***.

--**Second**, the garbage containers aren't even all under cover anyway (see first photo). That in itself throws out DOWL's argument.

--**Third**, the BES Stormwater Management Manual requires that "***exterior solid waste storage areas'...are covered"***. That regulation wouldn't make any sense under OPB's and DOWL's view that being covered precludes being exterior:

<https://www.portlandoregon.gov/bds/49399>

So clearly OPB's garbage area IS exterior, and is NOT exempt from screening requirements.

OPB and DOWL also make another statement that isn't false, but is misleading. They claim correctly that the proposed fence will screen views of the garbage area from the east and southeast. What they DON'T point out is that the main exposed view of the garbage area is from the NORTH, from the public park entrance on S. Nevada. The day and night photos I took from that exact location show the direct view of the garbage won't be screened at all by the proposed fence, which will be at the left (east) side of the driveway.

So BDS and the Design Commission need to know that contrary to what OPB and DOWL claim, OPB's garbage area is not exempt from screening, and it needs to be screened from S. Nevada as well as from the east and southeast.

Mike

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Re: OPB LU 21-012886 DZM GW east setback is sufficiently wide to add landscaping

mike dowd <dowdarchitecture@gmail.com>

Tue 9/14/2021 1:59 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

📎 1 attachments (949 KB)

01bc2990619c2bbc614ed6e37532cfd409ac8fbbbd-2.jpg;

Michael Dowd, President
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On Tue, Sep 14, 2021 at 1:50 PM mike dowd <dowdarchitecture@gmail.com> wrote:

Michael Dowd, President
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On Tue, Sep 14, 2021 at 1:46 PM mike dowd <dowdarchitecture@gmail.com> wrote:

Michael Dowd, President
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On Tue, Sep 14, 2021 at 12:57 PM mike dowd <dowdarchitecture@gmail.com> wrote:

That time works well for me.

I do have some questions and comments about things that definitely are part of this review, so it will be helpful to discuss those.

LU 21-012866 DZM GW
F.14

Michael Dowd, President
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On Tue, Sep 14, 2021 at 12:01 PM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:

Great -

I have a 1pm call and will try to call right afterward. I do have to leave my house by 2:30 to pick my kids up from school, so I have a hard stop at 2:25. We won't have a lot of time to chat, but I do want to make sure you know that I've received and shared your emails, and that I have met with the applicants to discuss the points that are related to this review.

Some of the items you've brought up - such as the building not being constructed in accordance with the 1987 approval - are outside the scope of this review. If you'd like to pursue those, you can work with the BDS code compliance team to do so. If code compliance determines that those are issues that must be resolved, the applicant may choose to pursue an Adjustment or subsequent Design Review for some issues. However, those issues are outside the scope of this review, which the applicant has pursued to address non-conforming upgrades triggered by their 2017 design review.

There's a lot of complicated process aspects to this review, including what elements are vested in 1987 code, what elements are vested in 2017 code, and what the best avenue is for addressing concerns related to existing or future non-conforming elements. If you have any questions, I'll do my best to answer them in our call, or will write them down and circle back if I need to double check answers first.

Best,
Hannah

From: mike dowd <dowdarchitecture@gmail.com>
Sent: Tuesday, September 14, 2021 9:27 AM
To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>
Subject: Re: OPB LU 21-012886 DZM GW east setback is sufficiently wide to add landscaping

Hannah,

Yes, I should be here all afternoon, so anytime from 1 PM to 5 PM would work for sure. Best number is 503 891-5475.

Mike

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On Tue, Sep 14, 2021 at 7:32 AM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:

Hi Mike,

Do you have time to chat today? I appreciate all your time and focus on helping this site come into compliance with current code. I want to make sure you have a heads up about the scope of this review and next steps for existing or future site conditions that are not brought into conformance at this time.

I have already asked OPB to provide additional trees on the south end of the site. They have some legitimate operations concerns regarding protecting root zones, protecting trees and maintaining vehicle turn radius at the SE corner, but are exploring solutions. I am writing the staff report now, so it's possible these proposed solutions will not be shared until the 9/30 hearing. If so, the staff report will suggest conditions of approval.

We can discuss further in a call. Please let me know of any brief windows you have today.

Best,
Hannah

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From: mike dowd <dowdarchitecture@gmail.com>
Sent: Monday, September 13, 2021 11:06:29 PM
To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>
Subject: Re: OPB LU 21-012886 DZM GW east setback is sufficiently wide to add landscaping

Hannah,

I noticed I made some mistakes in directions, etc. that will make parts of this email confusing to follow and will change some numbers slightly, although they don't change any of the points. I'll send you the corrected version tomorrow.

Mike

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On Mon, Sep 13, 2021 at 5:32 PM mike dowd <dowdarchitecture@gmail.com> wrote:
Hannah,

OPB's request to provide no landscaping along its east property line is the most significant deviation from zoning requirements in this review. **OPB has NOT backed up its claim that it can't fit any landscaping along its east property line, behind its main building, or proven that it should be exempted from providing any.**

Why this matters

--OPB's requested modification involves not only waiving a significant required nonconforming upgrade (a 5'/L2 buffer 478' long) but also waiving the the 3' landscape buffer that OPB already agreed to provide in 1987, but then chose to violate by either removing it or never installing it.

--The proposed substitute (a wooden fence) will provide a good low visual screen, but otherwise will have none of the other benefits (shading, screening above 6', wildlife habitat, ability to capture stormwater, a 5' wide physical buffer preventing vehicle activity close to the property line) of the 5'/L2 screen. That screen at 478' long by 5' wide would provide nearly 2,400 sf of landscaped area and SIXTEEN large trees. Even the 3' wide landscape buffer has benefits the fence alone can't provide.

--The east property line is by far the most impactful part of the project for us, and for the park's users and wildlife.

Why OPB has not backed up its claim that no landscaping will fit

I think OPB is correct that there isn't room for landscaping along its east property line from S. Nevada southward to the northeast corner of its main building. But that isn't the case at the east driveway area behind the main building, towards the south end of the site.

OPB's main building is not parallel to the east property line. The setback is narrowest at the north end of the approximately 200' long building's east wall, and widens towards the south. OPB's existing conditions site plan and survey both show a building setback of 13.91' at the north corner of the building's east wall, a "drive aisle" 17.9' wide at the recessed loading door in the middle of that wall, and a "drive aisle" 16.7' wide at the south end.

I'm fine with having the proposed fence with no landscaping at the loading area. I'm also fine with no landscaping north of that (from the loading area to the northeast corner of the building) because that area tapers down to 13.91', which would leave only 1.91' available with a 12' wide driveway, which is a reasonable minimum driveway width.

(NOTE in regard to reasonable minimum driveway width: OPB's driveway width just north of the northeast corner of the building is 11.8' according to OPB. Since every vehicle driving south of that can fit through that width, a 12' width won't be restrictive. Also, the inside lanes on adjacent S Macadam (a State Highway) are about 11' wide, used by thousands of vehicles daily with a speed limit of 35 mph. If only 11' works for the state highway, certainly 12' is enough for OPB's private driveway at non-loading areas.)

SOUTH of the mid-building loading area, the available width at the narrowest (at the southeast corner) is 16.7'. The driveway widens by about a foot northwards to the loading area due to the building being skewed from the property line. That means that with a 12' wide driveway, there is a minimum of 4.7' and up to about 5.7' leftover. Subtracting about 6" for fence width and 6" for a curb, that yields about 3.7' to 4.7' for the actual planting bed, which is a perfectly reasonable bed width. **So there is no reason OPB should not be required to provide at least a 3' wide (excluding fence and curb) bed in that area.**

Why OPB'S claim that it can't provide landscaping in that area because the recent survey shows the building is closer to the east property line than what was approved does NOT hold up

The 1987 approval called for a setback of 30' to the rail centerline, yielding a 17' setback from east wall to east property line. OPB's current measurements show it is short of that by only 4" (16.7' is 16'-8") at the narrowest south end of the driveway, and well OVER 17' at the south end of the loading area.

The 1987 land use approval called for "***a landscaped strip approximately 3' wide installed along the eastern edge of the site, except where loading accommodations require paving to the property line***". OPB agreed to that condition in 1987, when OPB thought it had 17' width available. **So OPB's claim that it can't provide that in 2021 when it's only short by a few inches at the narrow end makes no sense.**

Also, OPB has nobody to blame but itself for building its building closer to the property line than what was approved. OPB shouldn't be let off the hook for providing landscaping that will fit just because it doesn't want to provide it. While I support the screening fence that's proposed, as mentioned above it doesn't provide the same benefits as landscaping. The landscaping will add pervious area, handle stormwater runoff from the driveway paving, add greenery, add screening taller than 6', and assure that the driveway is narrow enough that people won't be able to park along the driveway. It also won't interfere with loading because I'm not proposing to add any landscaping at the loading area.

So a 3' planter IS easily achievable from the southeast property corner eastward to the loading area at the middle of the east facade, and there's no reason OPB shouldn't be required to provide it.

Mike

PS I'll send you a markup of OPB's site plan to show this visually.

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OPB LU 21-012886 DZM GW design commission should be told about out-of-scope items

LU 21-012866 DZM GW
F.15

mike dowd <dowdarchitecture@gmail.com>

Tue 9/14/2021 10:25 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

Thank you for talking with me today. I'm looking forward to finishing our discussion Thursday.

In the meantime, I understand the limited scope of this review. I'd prefer ALL the nonconforming issues be included in this review, along with all the zoning violations. I think not doing that guarantees problems, such as OPB having to tear out work approved in this review as a result of decisions in some future review. I also think it's wrong to have OPB sign an agreement stating it will correct all nonconforming items, then only review the items that were identified by BDS earlier when OPB submitted plans that weren't accurate or complete enough for BDS to do an accurate assessment of the nonconforming issues. I also don't like that this all means OPB's neighbors will be going through years of additional waiting for protections that OPB should have been required to provide in the two-year time frame it agreed to.

Also, when I met with Rebecca Esau and Mike Liefeld in 2018 or 2019, I agreed not to file several code violation complaints against OPB because Rebecca and Mike agreed with me that the best way to handle the violations would be through this review. Now I'm finding out BDS is excluding those from the review, contrary to what I was told. I did my part (following through by not filing the complaints); BDS did not.

But given that that scope decision has been made (for now at least) I think it is important that the Design Commission understands the situation, and is told about what this review ISN'T addressing. The Commission cannot properly evaluate the work that IS within the scope without knowing about the outside-the-scope issues. It shouldn't be left to me to tell these things to the Commission.

Two examples of why it's important to tell the Commission about the potential additional violations and missing nonconforming upgrades:

--The east building setback violates the 1987 agreement. Even OPB has made that clear with its 13.91' setback dimension (vs. the 17' required). OPB is using the reduced setback to plead a hardship that makes it impossible to fit the required landscaping behind the building. Even though it isn't ruling about that violation now, the Commission should be told that that hardship was created by OPB when it chose to violate the 1987 approval conditions. **It's already not fair to OPB's neighbors that BDS is allowing OPB to use plead that hardship without requiring the setback to be legalized through an adjustment--the least BDS can do is tell the Commission that the violation exists.**

--The satellite dish area's main issue is that the fence was approved in 1987 set back several feet from the S Nevada sidewalk. OPB then moved the fence out to the sidewalk without approval, blocking critical sightlines between rail crossing users and the trolley, making the crossing dangerous. The Commission should know, when it considers allowing that fence to be solid, that its location violates the 1987 approved plans. They should also know that that violation means OPB could be

forced to tear out work the Commission may approve or require, or even that the Commission may be requiring work that a Plans Examiner cannot approve because it conflicts with the 1987 approvals. In the worst case, someone crossing the tracks will be killed by the trolley because the Design Commission approved making the fence taller and solid without knowing that the fence location is a zoning violation that is creating a hazard.

So, even though they are outside the scope of this review, I believe it's important for the Design Commission to be told--by BDS--about these items that may need future reviews and/or corrections--and not just in a general statement, but in a list similar to what I gave you.

Mike

Michael Dowd, President
Dowd Architecture Inc.
753 S Miles Street
Portland, Oregon 97219
(503) 282-7704
email: dowdarchitecture@gmail.com

LU 21-012866 DZM GW
F.16









THIS
BLOCK





LOOK

REPORT EMERGENCY
TO 911 OR 503-325-7273.
CLOSING IN 15 SECONDS.
PLEASE STOP HERE.

STOP



← LOOK →

← LOOK

LOOK BOTH WAYS

STOP

STOP

REP TO CROSS WILLAMET

WILLAMET PARK



030-12-15 09:46 USER: wis2011

ID R167126 / 1S1E22AC-300 ZONING CS

ID R330299 / 1S1E22AC-00200 OREGON PUBLIC BROADCASTING 7140 SOUTH MACADAM AVENUE 53,268 SF (1.223 AC) ZONING CS

ID R330327 / 1S1E22AC-00100 TRI-COUNTY METROPOLITAN TRANSPORTATION WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900 CITY OF PORTLAND WILLAMETTE PARK ZONING OS

SOUTH MACADAM AVENUE

SW NEVADA ST

SOUTH MACADAM AVENUE

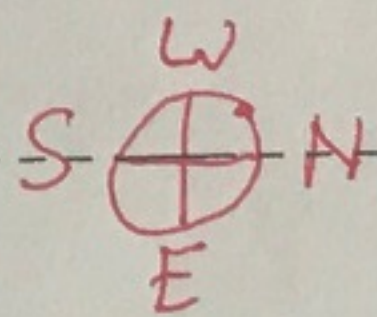
• right-turn only due to median
• much more traffic across sidewalk
• no ability for OPB's southbound traffic (Lake Oswego, Sellwood Br.) to go south

loading vehicles block all exiting vehicles

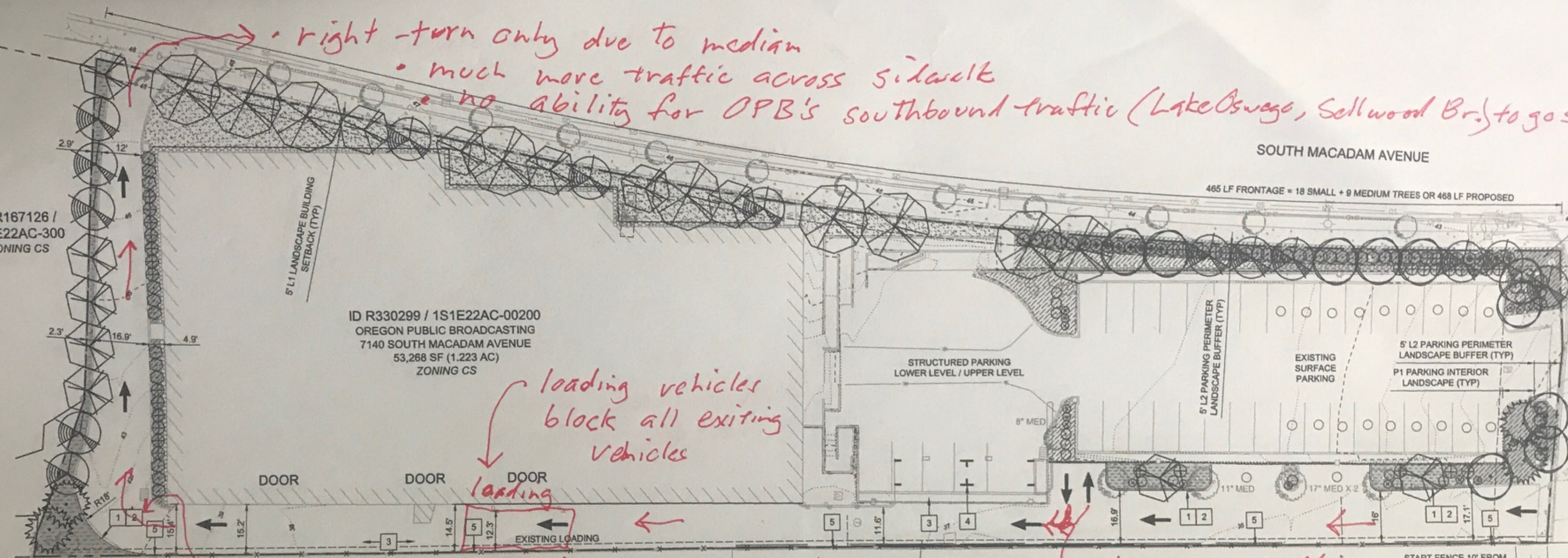
much more traffic next to our home & alongside park

all garage traffic must turn south to exit

(A) OPB's one-way proposal



← our home



MATCHLINE, SEE SHEET L3.0 BELOW

ID R167126 /
1S1E22AC-300
ZONING CS

ID R330299 / 1S1E22AC-00200
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
53,268 SF (1.223 AC)
ZONING CS

ID R330327 / 1S1E22AC-00100
TRI-COUNTY METROPOLITAN TRANSPORTATION
WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A-00900
CITY OF PORTLAND
WILLAMETTE PARK
ZONING OS

SOUTH MACADAM AVENUE

SW NEVADA ST

SOUTH MACADAM AVENUE

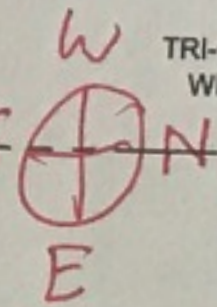
no increase in traffic

*existing vehicles may turn left (south bound)
or right (north bound) at signal*

*loading doesn't conflict
w/ existing vehicles*

no increase in traffic

*Leave driveway 2-way between
garage exit & Nevada*



our home

465 LF FRONTAGE = 18 SMALL + 9 MEDIUM TREES OR 468 LF PROPOSED

STRUCTURED PARKING
LOWER LEVEL / UPPER LEVEL

5' L2 PARKING PERIMETER
LANDSCAPE BUFFER (TYP)

EXISTING
SURFACE
PARKING

5' L2 PARKING PERIMETER
LANDSCAPE BUFFER (TYP)
P1 PARKING INTERIOR
LANDSCAPE (TYP)

MATCHLINE, SEE SHEET L3.0 BELOW

EXISTING MONUMENT SIGN

START FENCE 10' FROM
PROPERTY LINE

WED DATE 2020-12-15 09:46 USER: wazzeff

REVISIONS
DESCRIPTION
DATE
REV



Land Use Review Application

File Number: _____

FOR INTAKE, STAFF USE ONLY

Date Rec _____ by _____

Type I Type Ix Type II Type IIx Type III Type IV

LU Reviews _____

[Y] [N] Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

[Y] [N] 100-year Flood Plain [Y] [N] DOGAMI

Qtr Sec Map(s) _____ Zoning _____

Plan District _____

Historic and/or Design District _____

Neighborhood _____

District Coalition _____

Business Assoc _____

Related File # _____

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly. Email this application and supporting documents to: LandUseIntake@portlandoregon.gov

Development Site

Address or Location _____

Cross Street _____ Sq. ft./Acreage _____

Site tax account number(s)

R _____ R _____ R _____

R _____ R _____ R _____

Adjacent property (in same ownership) tax account number(s)

R _____ R _____ R _____

Describe project (attach additional page if necessary)

Describe proposed stormwater disposal methods

Identify requested land use reviews

• **Design & Historic Reviews** - For **new development**, provide project valuation.

For **renovation**, provide exterior alteration value.

AND provide total project valuation.

\$ _____

\$ _____

\$ _____

• **Land Divisions** - Identify number of lots (include lots for existing development).

New street (public or private)?

yes no

yes no N/A

• **Affordable Housing** - For buildings containing five or more dwelling units, will 50% or more of the units be affordable to households with incomes equal to or less than 60% of the median family income for the county or state, whichever is greater?

continued / over

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified. Information provided, including telephone numbers and e-mail addresses, will be included in public notices.
- For all reviews, the applicant must sign the Responsibility Statement.
- For land divisions, all property owners must sign the application.

PRIMARY CONTACT:

Typed Full Name _____ I acknowledge this typed name as my signature
Company/Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature
Company/Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature
Company/Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature
Company/Organization _____
Mailing Address _____
City _____ State _____ Zip Code _____
Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Responsibility Statement As the applicant submitting this application for a land use review, I am responsible for the accuracy of the information submitted. The information being submitted includes a description of the site conditions. I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. If the proposal is approved, the decision and any conditions of the approval must be recorded in the County Deed Records for the property. The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. In order to process this review, City staff may visit the site, photograph the property, or otherwise document the site as part of the review. I understand that the completeness of this application is determined by the Director. By my signature, I indicate my understanding and agreement to the Responsibility Statement.

Name of person submitting this application agrees to the above Responsibility Statement and acknowledges typed name as signature:

_____ Date: _____

Phone number: _____

Email this application and supporting documents to LandUseIntake@portlandoregon.gov | Submittal of locked or password protected documents will delay intake of your application. **2**



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

March 11, 2021

Kyle Davis
OREGON PUBLIC BROADCASTING FOUNDATION
7140 South Macadam Ave
Portland, OR 97219

Re: Land Use Review LU 21-012886 DZM GW – OPB Landscaping Modification

Dear Kyle Davis:

The Bureau of Development Services received your application for a Design Review w/ Modifications located at 7140 S MACADAM AVE on February 9, 2021. Your case has been assigned to me, Hannah Bryant. In order to continue to review your application, additional information is needed. Once you submit this information, your application will be considered complete, and I will proceed with a full review of your proposal. Up to this point, your application has been reviewed only to determine if all required information has been submitted. The application has not been fully reviewed to determine if it meets the relevant approval criteria, however some issues you may want to consider are identified in Section II below.

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.

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>

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.

III. Time to Complete Application

The Portland Zoning Code allows you up to 180 days to complete your application. Since the 180-day period began on the day we received the application, the deadline to make your application complete is **Monday August 9, 2021**.

IV. Determination of a Complete Application

The application will be determined complete when you have submitted:

1. All of the requested information included in Section I, above. If you cannot provide all of the requested information at one time and intend to submit additional information, please include a written statement with each separate submittal indicating that you still intend to provide the additional missing information by the **Monday August 9, 2021** deadline, **or**
2. Some of the requested information included in Section I, above, and a written statement that no additional information will be provided; **or**
3. A written statement that none of the requested information included in Section I, above, will be provided.

Please be aware that not submitting the requested information may result in your application being denied. The information is needed to demonstrate the approval criteria are met. Once the application is deemed complete, review of your application can proceed using the information you have provided.

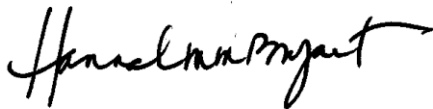
Your application will be approved if it meets the relevant land use review approval criteria. It is your responsibility to document how the approval criteria are met. The items listed above will help provide that documentation.

Voiding of Application

If your application is not complete by **Monday August 9, 2021**, it will be voided, and the application fee will not be refunded. The City's land use review procedures are outlined in Chapter 33.730 of the Portland Zoning Code.

Please contact me if you have any questions about this letter. My telephone number is **503-865-6520**, and my e-mail address is Hannah.Bryant@portlandoregon.gov. Requested information noted above should be emailed to me. Please e-mail me for file dropbox instructions if document or drawing file sizes are greater than 5MB. Please label all correspondence and materials you submit with the case number LU 21-012886.

Sincerely,



Hannah Bryant, Planner
Land Use Services Division

cc: Kyle Davis | kcdavis@opb.org
Application Case File



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

July 9, 2021

Kyle Davis
7140 S. Macadam Ave.
Portland, OR 97219
kdavis@opb.org

Re: Land Use Review LU 21-012886 DZ – *Non-Conforming Upgrades*

City records indicate that you applied for a Land Use Review on **February 9, 2021** for the property at 7140 S. Macadam Ave. It is City case file LU 21-012886 DZ. The last date that there was any activity regarding this application was March 11, 2021 when the enclosed letter was sent to you requesting information that was needed in order to deem the application complete.

State law (ORS 227.178) allows you up to 180 days from the date your application was submitted to provide some or all of the requested missing information, or to provide a written statement indicating that none of the requested missing information will be provided, with the exception of fees. If none of the requested information is provided within 180 days, ORS 227.178 states the application is voided on the 181st day. Without this time limit, it is difficult to process applications because regulations and other circumstances may be considerably different from when the application was first submitted.

In this case, the incomplete application will be voided on Sunday, August 8, 2021. If you wish to pursue this application, by 5pm on Friday, August 6, 2021, please submit the items indicated in the Incomplete Letter from March 11, 2021. If you no longer wish to pursue the application, a written request to withdraw your application should be provided. If we don't receive any response, the application will be voided on Sunday, August 8, 2021.

Due to COVID-19 I am teleworking, and e-mail is the most reliable way to correspond with me. However, if you do not have access to e-mail my telephone number is (503) 865-6520. Please e-mail me for file dropbox locations if document or drawing file sizes are greater than 5MB. Please label all correspondence and materials you submit with the case number LU 21-012886 DZ.

Sincerely,

Hannah Bryant, Planner with Land Use Services Division

cc: Read Stapleton | rstapleton@dowl.com
Case File

Enc: Incomplete Letter dated March 11, 2021



Accepted NOV 25 1988

Recorded NOV 25 1988

CITY OF

PORTLAND, OREGON

Earl Blumenauer, Commissioner
Norman A. Abbott, AICP, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7700

BUREAU OF PLANNING **NOV 30 1988**

Housing

Code Administration

Land Use Permits

Land Use Planning

Urban Design

RECEIVED
CITY OF PORTLAND
BUREAU OF PLANNING

DATE: November 7, 1988
TO: City Auditor, Building Bureau, Applicant, Interested Parties
FROM: John Southgate, Current Planning **JS**
RE: Notification of Design Commission Action on November 3, 1988

File Number DZ15-87

Deedholder John D. Gray
Grayco Resources, Inc.
5331 SW Macadam Avenue, #200
Portland, OR 97201

Applicant Grayco Resources, Inc. (developer)
Edward L. Allis, President
5331 SW Macadam Avenue, #200
Portland, OR 97201

Request Review of a request to fulfill Condition #5 of the Design Commission's April 2, 1987, action calling for artwork to be installed on the blank wall at the southern end of the SW Macadam Avenue elevation of the new Oregon Public Broadcasting facility.

Location SW Macadam Avenue at SW Nevada Street

Design Zone Macadam Corridor - C2D WSD

Legal Description Tax Lot 38, Section 22, T1S, R1E; and Lots 2 & 4, Block 4, Southern Portland Addition

Quarter Section 3730

Action Elimination of the condition calling for artwork.

Waive 14 day appeal period.

Do not waive 14 day appeal period.

Any appeal of this matter to the City Council must be filed with the City Auditor and Permit Center (Zoning Counter) by 4:30 p.m. on (not applicable). An approved decision must be accepted and recorded with the County Deed Records within 60 days after the final action is filed with the City Auditor's Office, or the approval will be null and void. Follow instructions you will receive from the Office of the City Auditor.



CITY OF

Accepted

MAY 5 1987

recorded

PORTLAND, OREGON

BUREAU OF PLANNING

Earl Blumenauer, Commissioner
Norman A. Abbott, AICP, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7700

Annexation Central City Plan Housing Code Administration Land Use Neighborhood Planning Urban Design

DATE: April 7, 1987
TO: Applicant/Bureau of Buildings/City Auditor/Interested Parties
FROM: Leo Williams, Chief Planner, Urban Design Section **LW/LS**
RE: Notification of Design Commission Action on April 2, 1987

File Number DZ 15-87
Deedholder G-K II Investments
 c/o Grayco Resources, Inc.
 John D. Gray
 5331 SW Macadam Avenue
 Portland, OR 97201

Applicant Grayco Resources, Inc. (developer)
 Edward L. Allis, President
 5331 SW Macadam Avenue
 Portland, OR 97201

Request Design review of a new three-story, 54,000 square foot
 office facility for Oregon Public Broadcasting.

Location SW Macadam Avenue at SW Nevada Street

Design Zone Johns Landing -- C2D WSD Quarter Section 3730

Legal Description Tax Lot 38, Section 22, T1S, R1E; and Lots 2 & 4, Block 4,
 Southern Portland Addition

Action Approval of the proposal, including a variance to allow
 the 350 foot length of the combined structure, with the
 following conditions:

1. There shall be no encroachment into the railroad right-of-way to the east of the site.
2. The northernmost parking spaces south of SW Nevada Street shall be set back approximately 15 feet from the right-of-way.
3. A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.
4. The "view corridor" between the building and parking structure shall be enhanced by widening the steps and minimizing retaining walls.
5. Artwork shall be installed on the blank wall at the southern end of the SW Macadam Avenue elevation.
6. Staff shall review final plans to insure compliance with these conditions.

Waive 14 day appeal period.

XX Do not waive 14 day appeal period.

Any appeal of this matter to City Council must be filed with the Permit Center (Zoning Counter), Portland Building, by 4:30 p.m. on April 16, 1987.

RECEIVED

MAY 06 1987

CITY OF PORTLAND
BUREAU OF PLANNING



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Earl Blumenauer, Commissioner
Norman A. Abbott, AICP, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7700

Annexation Central City Plan Housing Code Administration Land Use Neighborhood Planning Urban Design

March 20, 1987

- TO: Traffic Management, Linda Dartsch and Elsa Coleman
 Park Bureau - Planning Division, John Sewell
 Park Bureau - Forestry Division, Alex Wynstra
 Portland Development Commission, Larry Dully
 Sanitary Engineering, Ron Sunnarborg
 Transportation Engineering, Glen Pierce and Ralph Tashima
 Bicycle and Pedestrian Program, Krys Ochia
 Water Bureau, Jim Doane
 Fire Bureau, Lt. Ken Olsen
 Police Bureau, Lt. Williams and Terry Poppino
 Building Bureau, Document Control, Pirjo Dewing
 Transportation Planning and Finance, Steve Dotterrer
 Office of Energy, David Hewitt
 Bureau of Environmental Services, George Helm
 Multnomah County Planning Department
 Planning Bureau, Land Use Planning, Michael Harrison
 Planning Bureau, Code Administration, Doug Warren
 Planning Bureau, Neighborhood Planning, Susan Feldman
 Planning Bureau, Central City, Dean Smith
 Planning Bureau, Housing, Bob Clay
 DEQ, Howard Harris, 522 SW Fifth Avenue, 4th floor (97204)
 Tri-Met, Tom Matoff, 4012 SE 17th Avenue (97202)
 Urban Design Committee of the A.I.A., 215 SW First Avenue (97204)
 League of Women Voters, Jeanne Roy, 2420 SW Boundary Street (97201)
 Oregonian, Gordon Oliver, 1320 SW Broadway (97201)
 Children's Services Division, Don Carlson, 815 NE Davis Street (97232)
 Oregon Roadside Council, Alex Pierce, 650 NW St. Helens Avenue (97229)
 Corbett-Terwilliger-Lair Hill, Ellen Wong, 5630 SW Riverside Lane (97201)
 Southwest Neighborhood Information, Inc., Joy Stricker, 7688 SW Capital (97219)

FM: John Southgate, Urban Design *JS*

You recently received a request for response on a proposal to erect new facilities for Oregon Public Broadcasting, at SW Macadam Avenue and SW Nevada Street (DZ 15-87 and CU 23-87). We failed to give a deadline for responses. Please return responses by Thursday, March 26, 1987. Thank you.



CITY OF

Accepted

MAY 5 1987

PORTLAND, OREGON

BUREAU OF PLANNING

Earl Blumenauer, Commissioner
Norman A. Abbott, AICP, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7700

Annexation Central City Plan Housing Code Administration Land Use Neighborhood Planning Urban Design

DATE: April 7, 1987
TO: Applicant/Bureau of Buildings/City Auditor/Interested Parties
FROM: Leo Williams, Chief Planner, Urban Design Section *LW/IS*
RE: Notification of Design Commission Action on April 2, 1987

RECEIVED

MAY 06 1987

CITY OF PORTLAND
BUREAU OF PLANNING

File Number DZ 15-87

Deedholder G-K II Investments
 c/o Grayco Resources, Inc.
 John D. Gray
 5331 SW Macadam Avenue
 Portland, OR 97201

Applicant Grayco Resources, Inc. (developer)
 Edward L. Allis, President
 5331 SW Macadam Avenue
 Portland, OR 97201

Request Design review of a new three-story, 54,000 square foot
 office facility for Oregon Public Broadcasting.

Location SW Macadam Avenue at SW Nevada Street

Design Zone Johns Landing -- C2D WSD Quarter Section 3730

Legal Description Tax Lot 38, Section 22, T1S, R1E; and Lots 2 & 4, Block 4,
 Southern Portland Addition

Action Approval of the proposal, including a variance to allow
 the 350 foot length of the combined structure, with the
 following conditions:

1. There shall be no encroachment into the railroad right-of-way to the east of the site.
2. The northernmost parking spaces south of SW Nevada Street shall be set back approximately 15 feet from the right-of-way.
3. A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.
4. The "view corridor" between the building and parking structure shall be enhanced by widening the steps and minimizing retaining walls.
5. Artwork shall be installed on the blank wall at the southern end of the SW Macadam Avenue elevation.
6. Staff shall review final plans to insure compliance with these conditions.

Waive 14 day appeal period.

XX Do not waive 14 day appeal period.

Any appeal of this matter to City Council must be filed with the Permit Center (Zoning Counter), Portland Building, by 4:30 p.m. on April 16, 1987.



CITY OF
PORTLAND, OREGON

BUREAU OF PLANNING

Earl Blumenauer, Commissioner
Norman A. Abbott, AICP, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7700

Housing

Code Administration

Land Use Permits

Land Use Planning

Urban Design

DATE: November 7, 1988
TO: City Auditor, Building Bureau, Applicant, Interested Parties
FROM: John Southgate, Current Planning ^{SS}
RE: Notification of Design Commission Action on November 3, 1988

File Number DZ15-87

Deedholder John D. Gray
Grayco Resources, Inc.
5331 SW Macadam Avenue, #200
Portland, OR 97201

Applicant Grayco Resources, Inc. (developer)
Edward L. Allis, President
5331 SW Macadam Avenue, #200
Portland, OR 97201

Request Review of a request to fulfill Condition #5 of the Design Commission's April 2, 1987, action calling for artwork to be installed on the blank wall at the southern end of the SW Macadam Avenue elevation of the new Oregon Public Broadcasting facility.

Location SW Macadam Avenue at SW Nevada Street

Design Zone Macadam Corridor – C2D WSD

Legal Description Tax Lot 38, Section 22, T1S, R1E; and Lots 2 & 4, Block 4, Southern Portland Addition

Quarter Section 3730

Action Elimination of the condition calling for artwork.

Waive 14 day appeal period. Do not waive 14 day appeal period.

Any appeal of this matter to the City Council must be filed with the City Auditor and Permit Center (Zoning Counter) by 4:30 p.m. on (not applicable). An approved decision must be accepted and recorded with the County Deed Records within 60 days after the final action is filed with the City Auditor's Office, or the approval will be null and void. Follow instructions you will receive from the Office of the City Auditor.

Portland Bureau of Planning
1120 SW Fifth Avenue
Portland, Oregon 97204
796-7700

PC File DZ 15-87
Application Date: March 5, 1987
Hrg. Date: April 2, 1987 - 3 p.m.

STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

I. FACTS

A. General Information

<u>Deedholder</u>	G-K II Investments c/o Grayco Resources, Inc. John D. Gray 5331 SW Macadam Avenue Portland, OR 97201
<u>Applicant</u>	Grayco Resources, Inc. (developer) Edward L. Allis, President 5331 SW Macadam Avenue Portland, OR 97201
<u>Proposal</u>	Design review of a new three-story, 54,000 square foot office facility for Oregon Public Broadcasting.
<u>Location</u>	SW Macadam Avenue at SW Nevada Street
<u>Legal Description</u>	Tax Lot 38, Section 22, T1S, R1E; and Lots 2 and 4, Block 4, Southern Portland Addition
<u>Quarter Section</u>	3730
<u>Zone</u>	C2D WSD, General Commercial with Design Review and Willamette River Greenway Overlay Zones
<u>Description of Plan</u>	The applicants seek design approval to allow a new 54,000 square foot office facility for Oregon Public Broadcasting. The structure would be three stories high, clad in textured concrete and tinted glass. Parking for 92 automobiles would be located in a two-level structure adjacent to the office building, and in a separate surface lot across SW Nevada Street, north of the main parcel. The two-level structure would project only slightly above grade (about 6 feet).

The smaller parcel north of SW Nevada Street (Lots 2 & 4, Block 4) would also include three receiving dishes varying in height from 20 feet to 35 feet.

In addition, the Design Commission will rule on a variance request to allow the combined length of the building and adjacent parking structure to be 350 feet, in excess of the maximum allowed building length of 200 feet.

The Hearings Officer will review the greenway permit request at this joint hearing to be conducted with the Design Commission.

B. Site and Vicinity Information

The site is composed of two parcels. The bulk of the site is a 1.13 acre parcel south of Nevada Street, with another 10,000 square foot parcel north of Nevada.

The entire site is currently vacant and covered in grass and natural vegetation. Most of the site has been filled to a level grade, with a drop off of 8 to 10 feet on the eastern edge of the site, adjacent to the railroad right-of-way. There have been no land use actions taken on the bulk of the site.

To the east of the site, past the railroad tracks, lies Willamette Park. To the north there is a surface parking lot. The site to the north, including the northern most lot of the Oregon Public Broadcasting proposal, was the subject of a zone change to allow the G-K II office development. This project is on hold.

Older commercial/light industrial developments are the predominant land uses to the south and to the east along Macadam. Further west past Macadam lies single family residential development.

C. Agencies Contacted

Traffic Management; Planning and Forestry Divisions of the Park Bureau; Portland Development Commission; Sanitary Engineering; Transportation Engineering; Bicycle and Pedestrian Program; Water Bureau; Fire Bureau; Police Bureau; Building Bureau; Transportation Planning and Finance; Office of Energy; Bureau of Environmental Services; Multnomah County Planning Department; Land Use Planning, Code Administration, Neighborhood Planning, Central City Plan, and Housing Sections of the Bureau of Planning; Department of Environmental Quality; Tri-Met; Urban Design Committee of the AIA; League of Women Voters; Oregonian; Children's Services Division; Oregon Roadside Council; Corbett-Terwilliger-Lair Hill Neighborhood Association; Southwest Neighborhood Office

D. Exhibits

1. Vicinity Map
2. Zoning Map
3. Land Use Map
4. Applicant's statement
5. Plans and Elevations
6. Agency Responses
7. Correspondence
8. Other

II. FINDINGS

A. Zoning Considerations

The site is zoned C2, General Commercial, with the "D" Design Zone overlay and the WSD Willamette River Greenway-Scenic Development overlay. The general commercial zone allows a full range of commercial uses, including offices and broadcasting studios.

The site is also located within the Macadam Plan District which imposes specific development regulations above and beyond the C2 regulations.

The "D" Design overlay zone requires the review of all new construction by the Design Commission per Chapter 33.62. The Design Commission also has the authority, pursuant to Section 33.98.020(b)(2), to review a variance request to allow the combined length of the building and adjacent parking structure to be 350 feet, in excess of the maximum allowed building length of 200 feet. (33.701.080)

The WSD overlay zone requires review by the Hearings Officer on major cases of projects located in the Willamette River Greenway.

B. Macadam Plan District Considerations

As noted above, the site falls within the Macadam Plan District, which imposes generally more restrictive regulations than the underlying C2, General Commercial, zone. As stated in the applicant's statement (Exhibit 4), the proposal conforms to almost all of the Plan District regulations, including the Minimum Setbacks, Maximum Height, Maximum Floor Area, Maximum Lot Coverage, and Nevada Street View Corridor.

The only regulation with which the proposal does not comply is the Maximum Building Profile requirement. This regulation allows a maximum building length of 200 feet, while the combined length of the office structure and adjacent parking structure is 350 feet. A variance from the Maximum Building Profile requirement has been requested. This variance request is addressed in Section II D of this report.

C. Design Considerations

In October of 1985, the city adopted the Macadam Corridor Design Guidelines. The following goals constitute the general aim of the Design Review process in the Macadam Corridor:

Create and improve connections, both physical and visual, between the river, greenway Trail, Willamette Park and the residential community west of Macadam.

Encourage opportunities for public use and enjoyment of the waterfront.

Promote a quality of development in this scenic entry corridor to the Downtown that complements Macadam's landscape treatment.

Require excellence in design for projects within the Corridor, particularly by assuring that new development contributes to the formation of a rich and diverse mixture of uses and styles in scale with each other.

Add to the scenic qualities of the river and the Greenway Trail.

Promote compatibility of new development with the river, surrounding uses and the neighborhood.

The following Guidelines are intended to carry out these goals:

1. Visual Connections

Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.

2. Physical Connections

Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.

3. The Water's Edge

Enhance the scenic qualities of the river and sites that abut the riverbank to contribute to an attractive and enjoyable Greenway Trail.

4. The Boulevard

Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.

5. Sub-Area Context

Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

6. Signs

Keep signage consistent with and supportive of SW Macadam Avenue's role as a scenic boulevard while using signs to connect the activities housed by a project to the boulevard.

7. John's Landing Masterplan (not applicable to this request)

Comply with the provisions of the John's Landing Masterplan.

8. Future Light Rail Transit

Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.

The proposal generally meets these goals and guidelines. It is consistent with the tenor of development along Macadam in terms of scale, finish materials and landscaping treatment. The project would enhance physical and visual connections from residential areas west of Macadam to both Willamette Park and to the River. Improvements along Nevada Street would include a new sidewalk, and landscaping/screening buffering adjacent parking areas. Rooftop equipment would be screened by a parapet.

The proposal also generally enhances the boulevard treatment along Macadam. The slightly raised parking structure north of the building would be separated from the sidewalk by a landscaped strip with trees, and cars would be hidden from sidewalk views by a low concrete wall.

To further enhance the relationship between the building and the sidewalk, staff suggests that windows be placed in all west elevation ground floor bays. Currently the southerly four bays of this facade are

without windows. Staff further suggests that windows on this elevation be low enough so as to allow views into the space. In the proposal the windows are about six feet above grade, which is too high for visibility into and out of the interior of the building.

This concern for more windows, at an adequately low height, stems from the need to mitigate the overall combined length of the office and parking structure. While there appear to be grounds for granting a variance for the building length (See Section II-D, below), adequate fenestration can break the monotony of a long concrete blank wall.

Another concern is the issue of the main building entry, on the north facade. The plans feature a relatively large, circular auto drop-off with special paving treatment. Unfortunately the auto drop-off leaves relatively little room for the building entry. At least in plan, the pedestrian space in front of the entry appears inadequately small. There are opportunities - through landscaping, realignment of steps, or through some reduction in the size of the auto drop-off area - to create a more generous entry into the building.

A final design concern pertains to screening of the receiving dishes on the small parcel north of Nevada. The tallest of these dishes is about 35 feet. Even though the dishes will be on a lower portion of the site, and there are constraints as to their proper function, staff encourages the planting of as much landscaping and screening around the dishes as possible. There already exists a thick line of mature oaks interspersed with evergreens along the western edge of Willamette Park. Street trees have also been installed along Macadam. There are on-site opportunities for thicker screening, and as of this writing staff is awaiting further landscape plans which respond to this opportunity.

D. Variance Considerations

The combined length of the proposed building and adjacent parking structure is approximately 350 feet, in excess of the 200 foot maximum building profile regulation of the Macadam Plan District (Section 33.701.080). A variance is therefore necessary.

Section 33.98.010 states the general criteria for the approval of variances, as follows:

1. It will not be contrary to the public interest or to the intent and purpose of this Title and particularly to the zone involved.
2. It shall not permit the establishment within a zone of any use which is not a permitted use within that zone or the establishment of any use for which a conditional use is required within that zone. This prohibition is not applicable to nonconforming uses described in Sections 33.98.015(b)(2) through 33.98.015(b)(5).

3. It will not cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.
4. It will relate only to the property that is owned by the applicant.

In addition to these general criteria, a variance request must satisfy one of the two conditions stated below:

- a. The variance is required in order to modify the impact of exceptional or extraordinary circumstances or conditions that apply to the subject property or its development that do not apply generally to other properties in the vicinity; or
- b. The variance is required in order to allow enjoyment by the appellant of a property right possessed by a substantial portion of the owners of properties in the same vicinity, while resulting in the comparatively trivial detriment to the neighborhood.

The variance meets both the general approval criteria and satisfies Condition a. The proposal already meets the intent - if not the letter, - of the maximum building profile requirement. The actual building length is only 200 feet, and the additional 150 feet is to allow the adjacent parking deck, which is only about 3 feet above grade, with an additional 3 foot concrete screen. In fact the attachment of the two structures occurs at subgrade, or the lower floors of the structure.

Consequently, the development doesn't "read" as a 350 foot long building, but rather as a 200 foot long structure with a nearby low concrete wall.

The nature of the attachment of the two structures, i.e. at subgrade level and therefore minimally visible, and the consequent compliance with the intent of the regulation, constitutes a circumstance which merits approval of the variance. Staff concurs with the applicant's position that the proposal is preferable to the code-complaint alternative of a separate, taller parking structure.

E. Agency Responses

The only substantive agency response received as of this writing is from the Bureau of Transportation Engineering. That office has worked with the applicant to specify the appropriate level of improvements to be made to the Nevada Street right-of-way. These improvements include a 24 foot roadway, a sidewalk on the north side of the roadway, signalization to city standards, and the dedication of some minor slivers of right-of-way. The applicant has indicated a willingness to comply with all of these terms.

III. CONCLUSIONS

The proposed Oregon Public Broadcasting development is in general compliance with the regulations of the Macadam Plan District and with the goals and guidelines of the Macadam Design zone. The maximum building profile variance merits approval especially because of the intent of that regulation - if not the letter - is met.

Staff has several design-related concerns which can probably be resolved at a staff level, especially if the Design Commission offers its direction at the hearing. These concerns include fenestration at the ground floor on the Macadam elevation; treatment of the main building entry; and landscaping/screening for the receiving dishes.

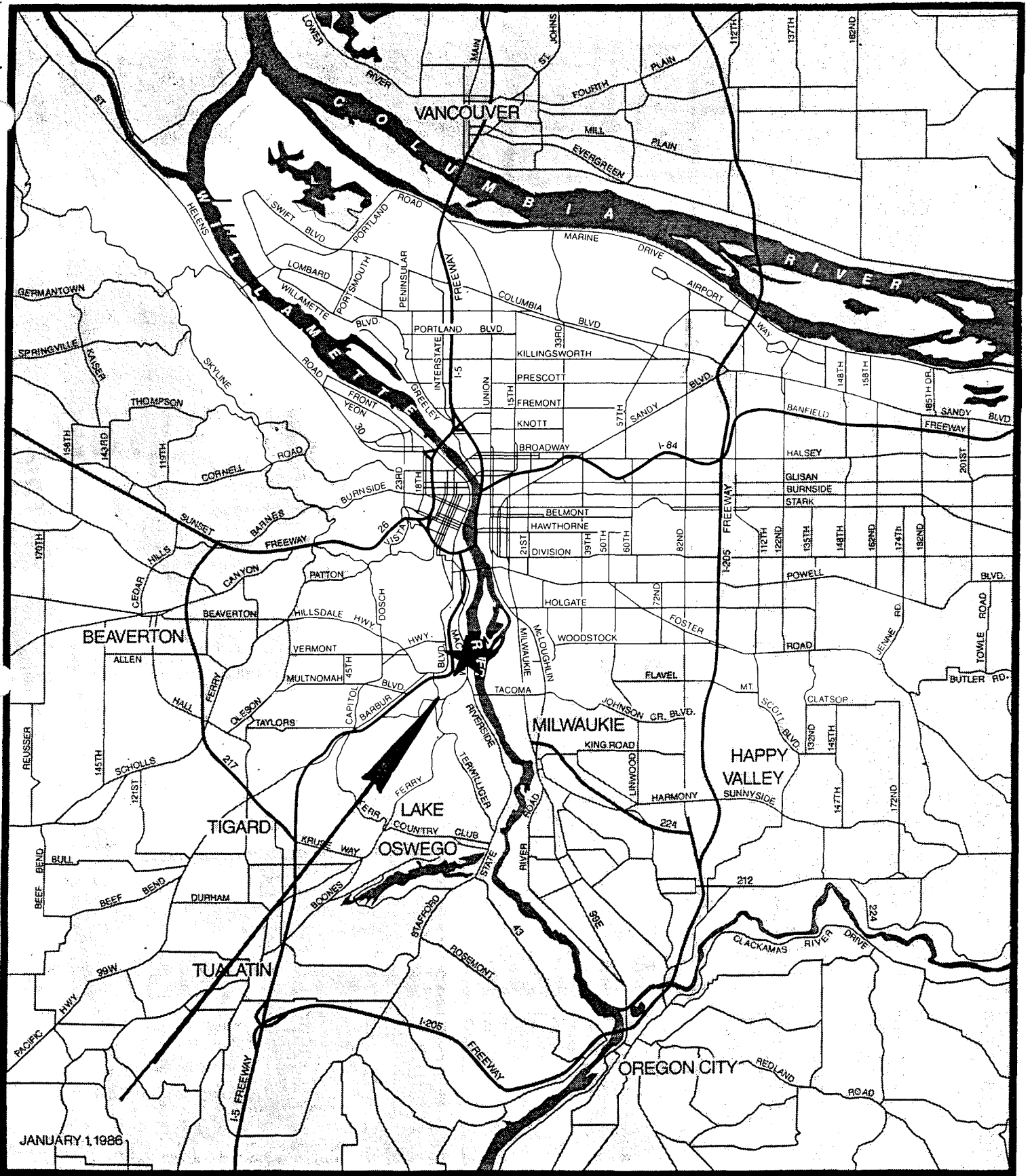
IV. TENTATIVE STAFF RECOMMENDATION*

Approval of the proposed design and variance, with the condition that the Design Commission Chairman and staff shall review final plans which respond to fenestration, landscaping, screening, and entry concerns.

John Southgate/kb
March 26, 1987

*The Bureau of Planning staff may revise this recommendation upon the receipt of new information at any time prior to the Hearings Officer's decision.

Decisions of the Design Commission may be appealed to City Council within 14 days after the decision is made by the Commission. Appeals are to be made in the form of a letter and filed with the City Auditor and Planning Commission. (Section 33.62.060)

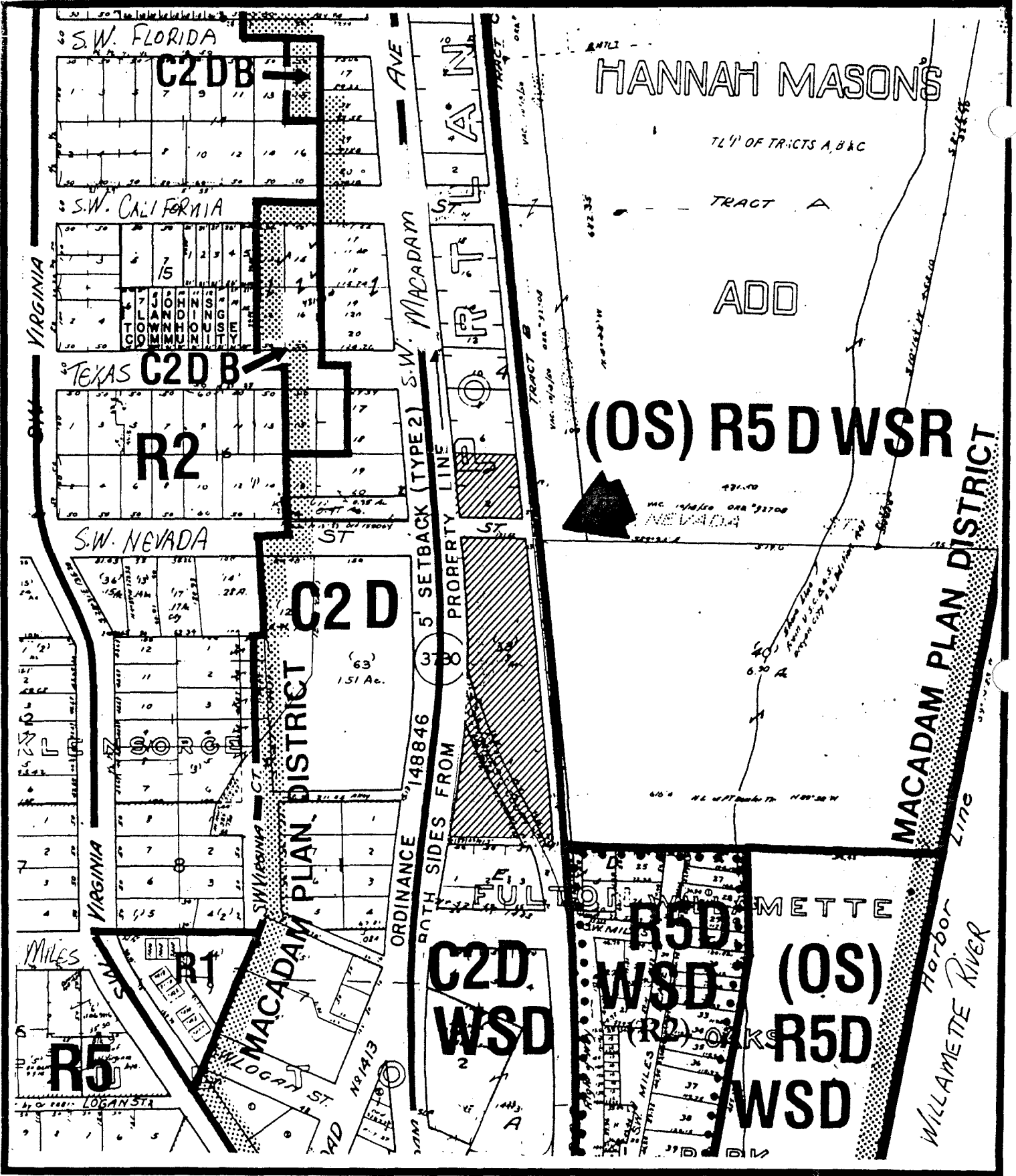


JANUARY 1, 1986

Vicinity



File No.	C1123-87/DZ15-87
1/4 Section	3730
Scale	1" = 14,100'
Request	
Exhibit	



Zoning

File No. CU 23-87/DZ 15-87
 1/4 Section 3730
 Scale 1"=200'
 Request _____
 Exhibit 2

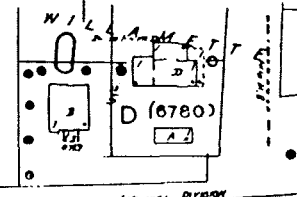
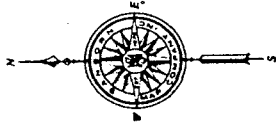


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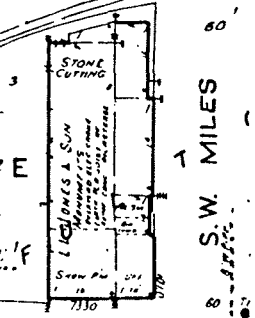
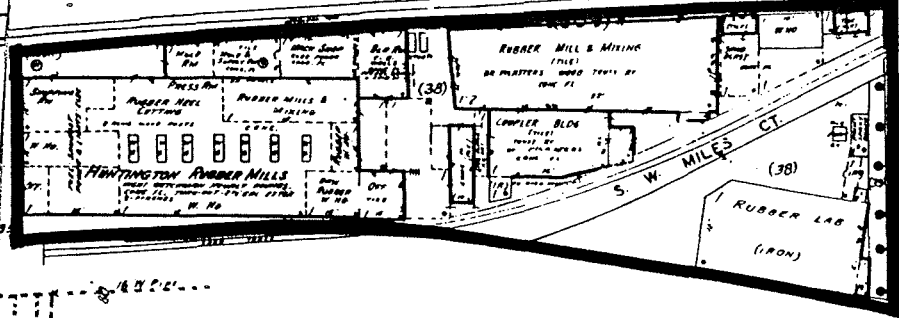
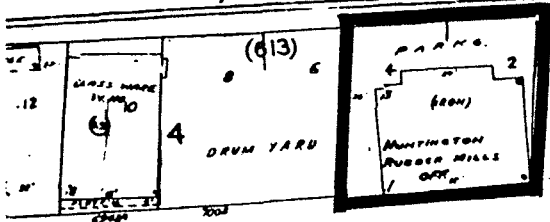
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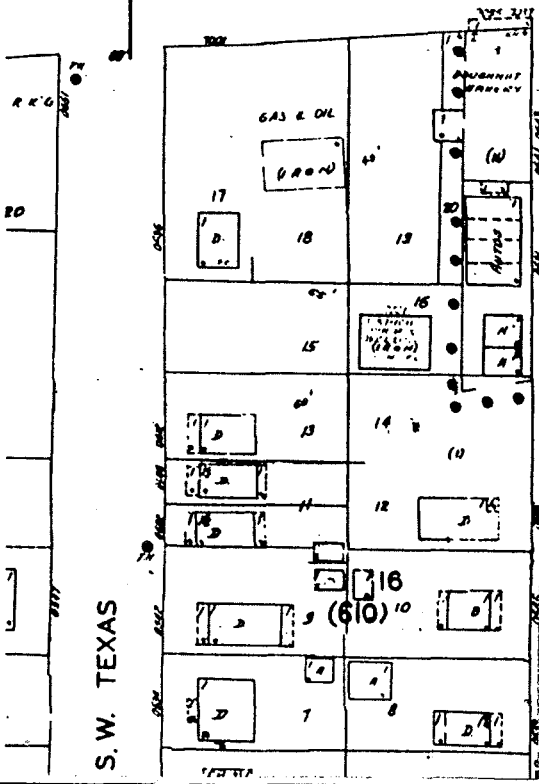


AAA DIVISION

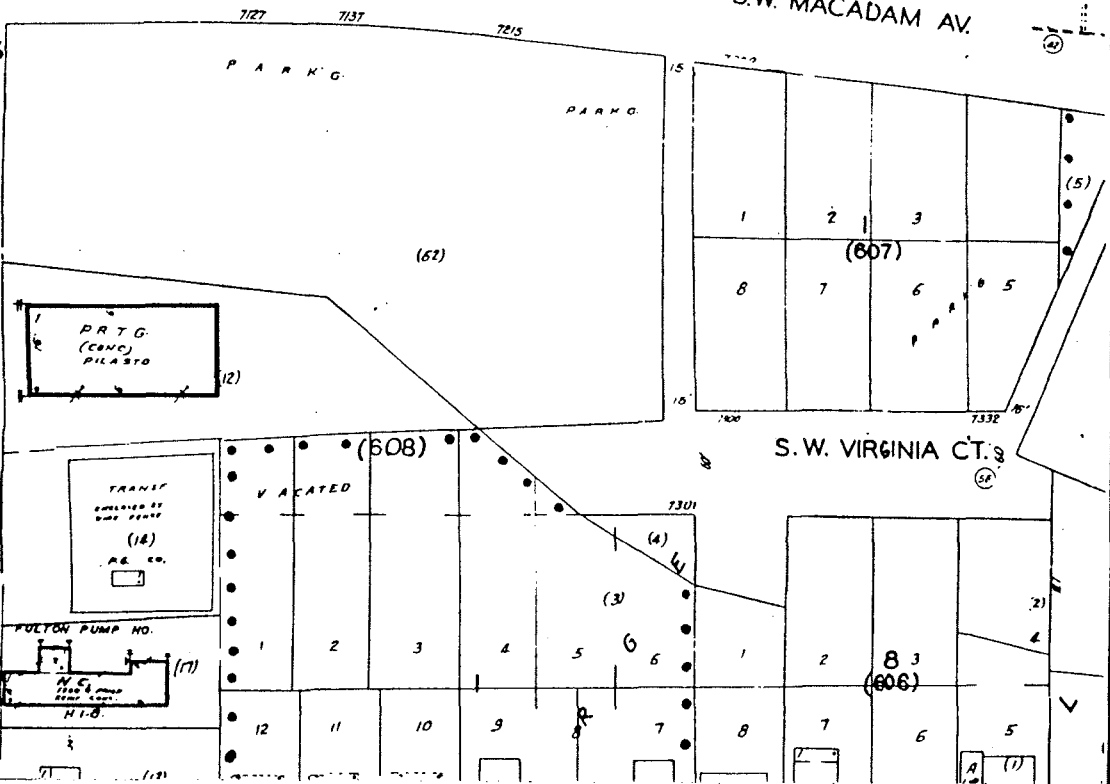
TRACT B



S.W. MILES 60
S.W. MILES 80



S.W. NEVADA
330



File No. CU 23-87/PZ15-87

1/4 Section 3730

Scale 1"=100'

Request

Exhibit

Land Use



Call 503-228-9431
DZ 15-87

GRAYCO RESOURCES, INC.

SUITE 200 THE WATER TOWER BUILDING
5331 S.W. MACADAM AVENUE
PORTLAND, OR 97201
(503) 228-9431

March 5, 1987

Mr. John Southgate, Planner
Bureau of Planning
City of Portland, Oregon
Zoning Desk - Permit Center
First Floor
1120 S. W. Fifth Avenue
Portland, Oregon 97204-1992

Dear John:

Re: Combined Design Review/Greenway Review
Variance Request - Oregon Public Broadcasting

Pursuant to our Pre-Application conference pertaining to the subject project held on February 19, 1987 and our telephone conversation on March 2, 1987, please find enclosed the following:

1. Check #00111 in the amount of \$425.00 for the application fee, paid in full;
2. Two (2) copies, Form 5-19-86 (yellow sheets) along with attachments setting forth specific responses, including written statement pursuant to 33.215.120(B);
3. Three (3) copies of plans including:
 - (a) Aerial photograph of site and surrounding area;
 - (b) Site plan with landscaping plans;
 - (c) Elevations, including proposed lowered parking facility, which is the subject of the variance request. Should the variance request not receive favorable consideration, we will use the alternative plan to build above grade, which requires no special variance.

The traffic study, as set forth in the enclosed material, will be completed no later than mid-March and will be forwarded to your office immediately.

The project meets all requirements of every criteria, guideline, zoning code and regulation with the exception of the one variance request, which, in our opinion, is a positive request. The initiative for the variance has come solely from this office as a means to enhance

EXHIBIT

Mr. John Southgate
Page Two
March 5, 1987

the visual connection. It is not a requirement; we feel it is a positive response on our part to enhance the area over what has existed in the past.

Should you have any questions, please call.

Sincerely,

GRAYCO RESOURCES, INC.

Edward L. Allis

Edward L. Allis
President

ELA/jmg
Enclosures
cc: John D. Gray
Thomas Moisan

366-23-87

Combined Hearing for Greenway Review and Design Review
with One (1) Variance
Oregon Public Broadcasting Headquarters

General Information

1. Proposal: Greenway Review combined with Design Review and one (1) variance allowing for the lowering of the parking facility and development of an approximate 54,000 sq. ft. office facility which will be the headquarters of Oregon Public Broadcasting.

Location: Approximate 7000 block of S. W. Macadam Avenue between the existing Southern Pacific Railroad Right-of-Way on the east, Macadam Avenue on the west, and private commercial property on the north and south.

Legal Descripton: Tax Lot 38, Section 22, 1S, 1E and Lot 2 & 4, Block 4, Southern Portland.

Zone: C2D WSD, General Commercial Zone, Group 2 with Willamette Scenic Development Greenway Zone.

Description of Plan: The plan provides for one office building of three (3) stories with on-site parking, both surface and utilizing a two level structure, which is proposed to be located below grade. The building is being constructed for the exclusive use of Oregon Public Broadcasting. Parking is being provided for 92 vehicles.

The site contains two separate lots separated by the extension of Nevada Street, which at time of application is unimproved.

The site contains approximately 1.44 acres (includes both parcels).

2. Site Information

Description: The 1.44 acre site is located on S. W. Macadam Avenue in the approximate 7000 block. The property is located on the west side of the Southern Pacific Transportation Co. Right-of-Way, which separates the site from the southern end of Willamette Park. The park in this area has a baseball diamond. The site is bounded on the west by Macadam Avenue.

The site configuration is a relative narrow shape, containing two (2) parcels separated by an unimproved extension of Nevada Street. The southern parcel has an approximate straight line length of 480.29' and the northern parcel has an approximate straight line length of 100.46'. The width of the site at the north end is approximately 91.99' wide and the southern end is in excess of 119' wide.

The site is presently vacant. The site is vegetated with grass with existing street trees on the west side immediately adjacent to Macadam Avenue.

The site is physically separated from Willamette Park by the Southern Pacific Transportation Co. Right-of-Way.

The site is not located in the Johns Landing Master Plan Area.

3. Description of Building

The project is a 3 story facility. The lower two floors of the facility contain the engineering and studio spaces. The upper level of the building, which includes administrative and other office related functions, has a mostly glass exterior wall and steel framed roof.

The exterior design of the building is one of understatement and functional elegance. The main building entrance is from the middle level, close to all functions in the building. The glass exterior of the third floor comes down and encloses the entry, expressing the open, public nature of both areas. The overall design goal of the building has been to achieve an aesthetically pleasing facility by combining simple materials in a creative way, clearly expressing the function of the building.

Lower level and entry level exterior walls will be eight inch thick tilt-up concrete panels. The exterior surface of the concrete will be scored and textured, as shown on the building elevations drawings and schematic rendering. The upper level exterior walls are all glass, with a metal fascia at the roof.

The windows will be bronze anodized aluminum frames, with one inch thick solar gray glass, or a blue/green tint. The windows will be set into the concrete frames on the lower two levels and will be continuous "ribbon" type windows on the upper level.

The parking structure is proposed to be recessed, resulting in the Variance Request. The building alone is 200' in length. By recessing the structure, the bottom portion of the structure physically attaches to the office structure, thereby being construed as in excess of 200', as the parking structure is 148 feet in length. Applicable elevations are submitted to show the effect of recessing the parking facility. The portion physically attaching to the building is below grade and is not visible from the exterior.

General Information

4. State how your proposal conforms with all general conditional use criteria

- a. The use at this particular location is desirable to the public convenience and welfare because:

The building is being specifically constructed for the sole use of Oregon Public Broadcasting, which is considered a state agency, although it operates somewhat autonomously. All programming for the public broadcasting system throughout the State of Oregon will come from this facility.

The variance request will be desirable in that it enables the parking facility to be lowered, thereby enhancing views to the park and creating additional perceptions of space.

- b. The use is not detrimental or injurious to the public health, peace or safety because:

Lowering the parking facility will not be detrimental or injurious to the public in any manner since it provides more opportunities for visual connections from Macadam Avenue.

By viewing the comparative elevations, the lower structure, even though it is attached to the main building, does not make any difference in the location as to where it actually attaches to the building. The resultant lowering of the facility, makes a significant positive difference in the overall visual appearance from Macadam Avenue.

- c. The use is not detrimental to the character and value of the surrounding properties because:

Other office facilities are located in the immediate area, as well as parking structures. The building enhances the visual appearance of the site, which was previously occupied by a rubber manufacturing facility with smoke stack. The building is an attractive addition to the area.

5. Are variances required? Yes. If variances are required, use a separate page to address the criteria for granting variances (these items are detailed in this packet).

Variance Request: Allow for the building length of the total structure to be approximately 348' in length in order to allow for the structure to be lowered.

- a. Literal interpretation and enforcement of the zoning code would result in practical difficulties or unnecessary hardships.

While no direct hardships would result by not granting the variance, it is our thought that the project is enhanced from all perspectives if the parking structure is lowered.

The parking structure above grade can be built as originally designed with no variance. Thus, to lower the parking facility, it is necessary to receive the variance.

- b. That the variance is necessary to:

- (1) Modify the impact of exceptional or extraordinary circumstances or conditions, or
- (2) Allow enjoyment by the appellant of a property right possessed by a substantial portion of the owners of properties in the same area.

As stated in paragraph 5(a) above, it is our opinion that most people would prefer to lower the parking facility to enhance visual exposure. Attaching the structure to the building does not interrupt any view that would have been in existence if the regular two level structure would be built; rather, it allows the facility to be lowered.

- c. That the variance will not be contrary to the public interest.

Granting the variance in order to allow the parking facility to be lowered is not contrary to the public interest. Rather, it enhances the public interest.

- d. That the variance will not cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.

By lowering the structure through the granting of the variance, there will be no lowering of values or environmental conditions in the immediate vicinity. It would likely enhance the area by providing additional vistas where it is not required that they be provided today if the original two level design above grade was to be constructed.

6. Macadam Plan District (Chapter 33.701): Zoning Compliance

33.701.050 Minimum Setback Requirements

Minimum setbacks, as determined by the Sky Exposure Plane Regulations are met or exceeded in all cases.

33.701.060 Allowable Building Height

Maximum Height Limitations: 45' with 35' average.

The building has a 33' 6" height to the parapet wall from Macadam Avenue, with a maximum height of 40' 6" at the mechanical wall/equipment shield.

The entire project meets the Allowable Building Height provision in all cases.

33.701.070 Maximum Floor Area Permitted

Maximum F.A.R.: 2.1
Site Area: 1.44 acres or 62,726.4 square feet.
Building Area: 54,000 square feet
Floor Area Ratio: $54,000/62,726.4 = 0.86:1$

33.701.080 Maximum Building Profile

Maximum Building Length is limited to 200 feet.

The purpose of the variance is to request a total building/parking structure length (below grade) of 348' in order to recess the upper level of the parking facility.

33.701.090 Maximum Lot Coverage

Allowable Lot Coverage Under Code: 75% of lot area.

Lot Area is 1.44 acres or 62,726.4 square feet.
Total Building Coverage: 19,680 square feet.
 $19,680 \text{ sq. ft.}/62,726.4 \text{ sq. ft.} = 31.4\%$

33.701.100 View Corridors

All requirements of 33.701.100 are met.

The extension of Nevada Street is being improved, which is the view corridor.

33.701.120 Interim Traffic Impact Review

The Traffic Impact Review is being prepared by:

Mr. Tom R. Lancaster, P.E.
Union Station, Suite 206
800 N. W. 6th Avenue
Portland, Oregon 97209

The report is being submitted under separate cover letter at time of completion, which is anticipated to be in mid-March, 1987.

Employees of Oregon Public Broadcasting utilize carpools, public transportation which greatly serves the project site, and utilizes staggered working hours in many of its employment functions.

Vehicular access is by way of a signalized intersection at Nevada Street. There is a service exit at the extreme south end of the project, which is for right turn only use.

7. Macadam Corridor Design Guidelines

a. Visual Connections

The project creates a view through the property by means of maintenance of the Nevada Street View Corridor.

In addition, a plaza at the entrance provides a visual and pedestrian means with which to view the park (baseball diamond) immediately east of the railroad right-of-way which marks the eastern boundary of the project.

The variance being proposed also enhances the ability to obtain additional exposure by lowering the structure, should the variance be granted.

b. Physical Connections

A public walkway has been created at the extension of Nevada Street which has never existed before. While a connection has been created, there is no public crossing of the railroad right-of-way in this area.

The property is over 340 feet from the edge of the bank overlooking the Willamette River, which itself is further below the edge of the bank by an additional 8 - 10 feet in this area.

c. Water's Edge

The site does not abut the riverbank.

d. The Boulevard

The project definitely enhances the attractiveness of entering the City at the extreme south end of the Macadam Corridor. The use of the property in previous years was a rubber manufacturing facility with smokestack, unpainted and minimally maintained from an aesthetic standpoint.

The boulevard treatment is enhanced through tree plantings previously commenced and in maintaining the design criteria of the building face along Macadam Avenue by creating jogs in order to avoid a continuous surface.

e. Sub-Area Context

Land uses adjacent to the project site include a parking lot, distribution of building materials and products, a restaurant, a spa equipment sales company and a 3-story office building. The uses are separated and there is, as a result, little intrusion of privacy between the different owners.

The use of materials is similar to other office structures in the immediate area and in the Macadam Corridor. The addition of a pedestrian plaza, landscaping materials and view areas, all contribute and enhance the general area, compared to what it was in the past.

f. Signs

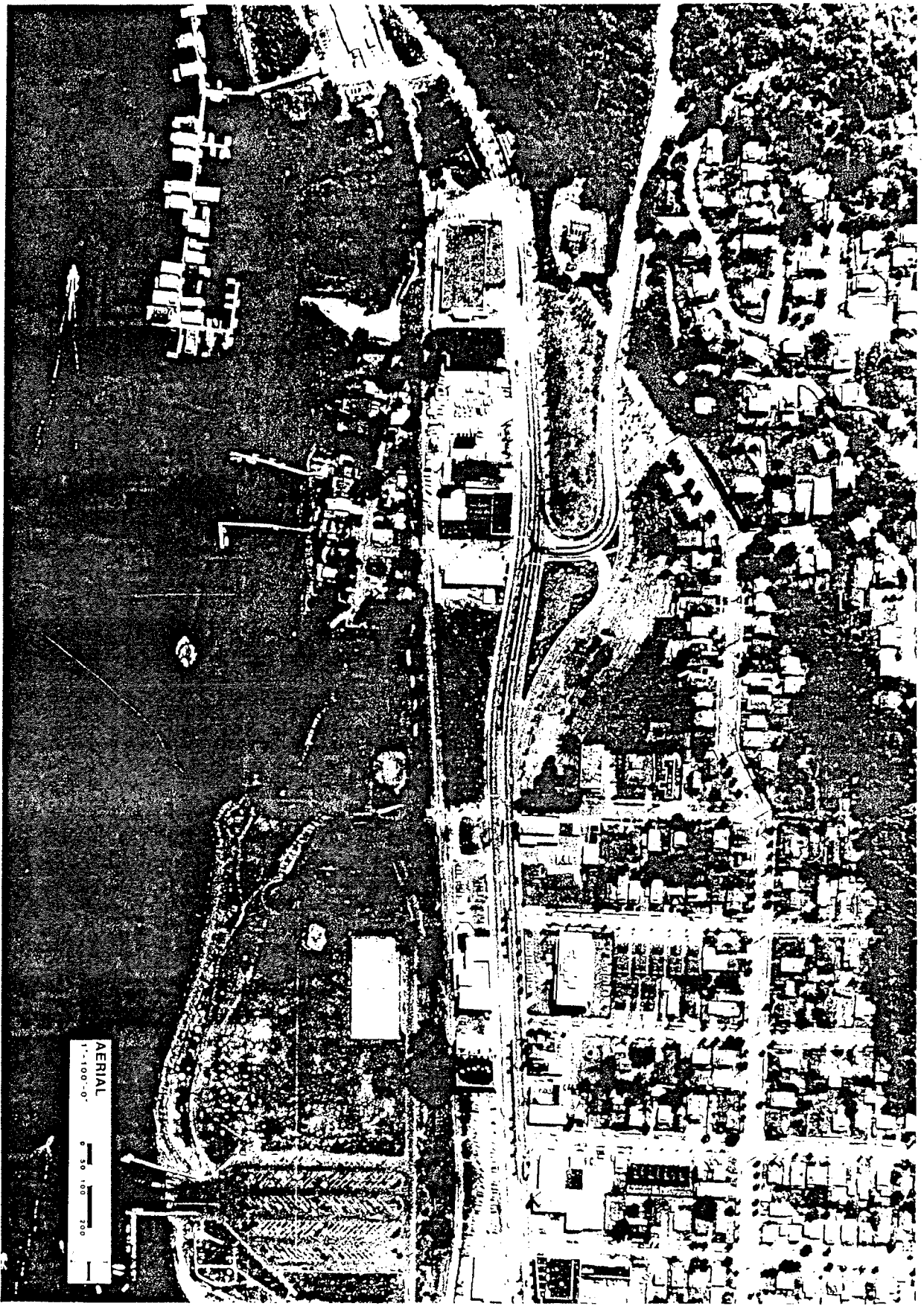
Signage will be low key, with site entry signs at the intersection of Macadam Avenue and Nevada Street (Typical low level monument signage will be utilized). Standards will be similar to those established for the Johns Landing Area to the north of the project site and utilized over the years throughout the area.

g. Johns Landing Master Plan

Not Applicable.

h. Future Light Rail Transit

The project is bordered on its east boundary by the Southern Pacific Transportation Co. right-of-way. The project does not interfere with the use of the right-of-way, today, or in the future.

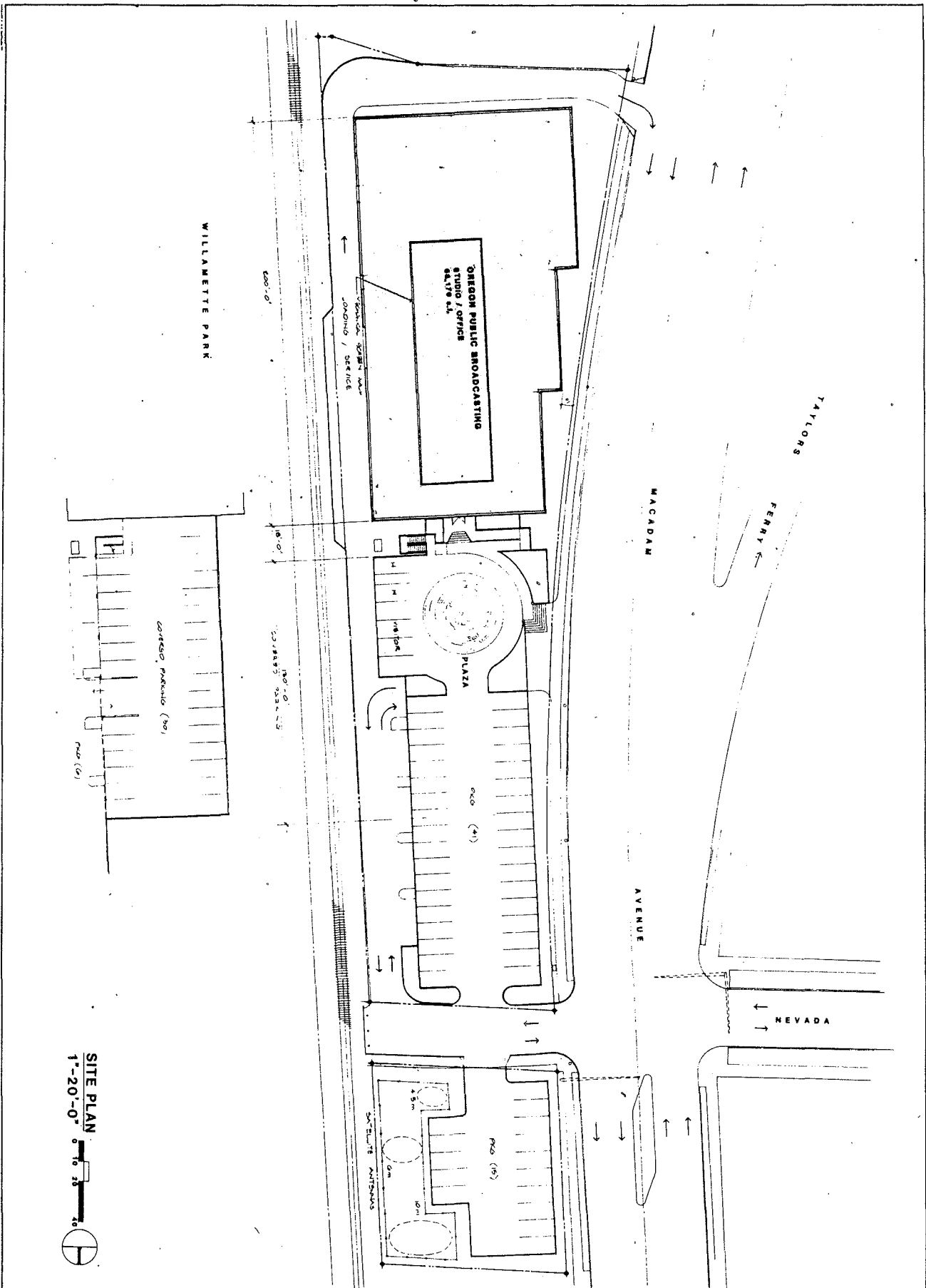


AERIAL
1"=100'-0"
0 50 100 200



ANKROMADISON
ARCHITECTS AND PLANNERS

107 15-87
5-11-87



SITE PLAN
 1"=20'-0" 0 10 20 40

NO.	DATE	DESCRIPTION
1	2.27.07	DATE SUBMITTED
2	3.27.07	DATE APPROVED
3		DATE
4		DATE
5		DATE
6		DATE
7		DATE
8		DATE
9		DATE
10		DATE

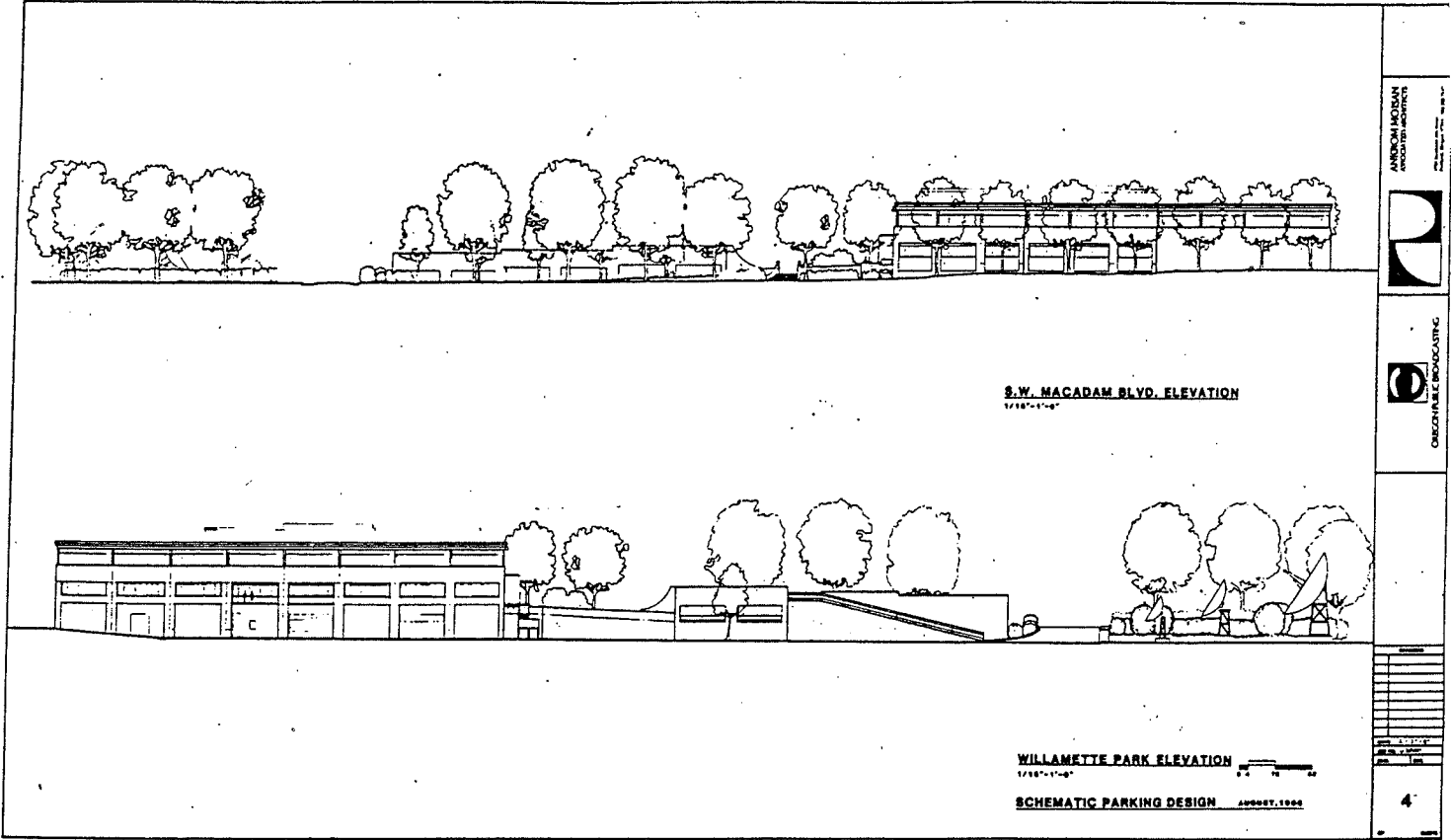
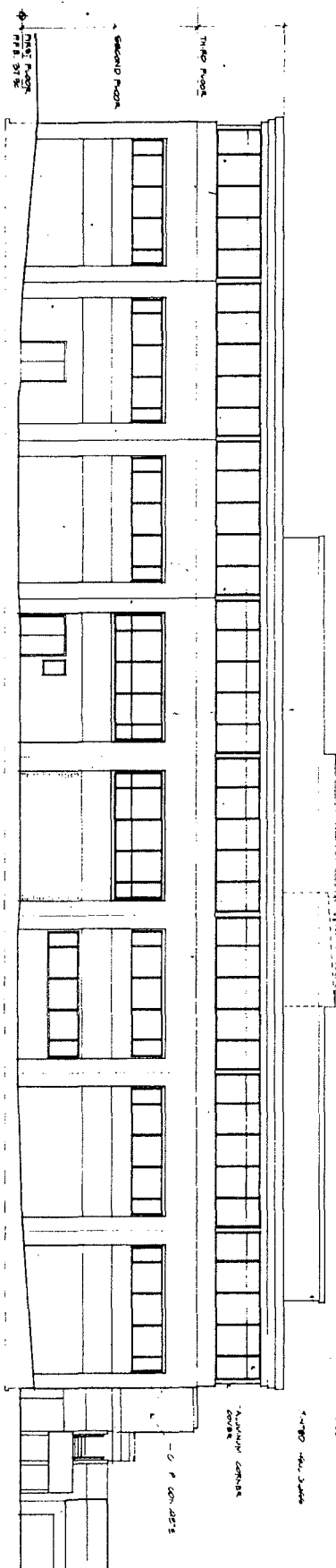
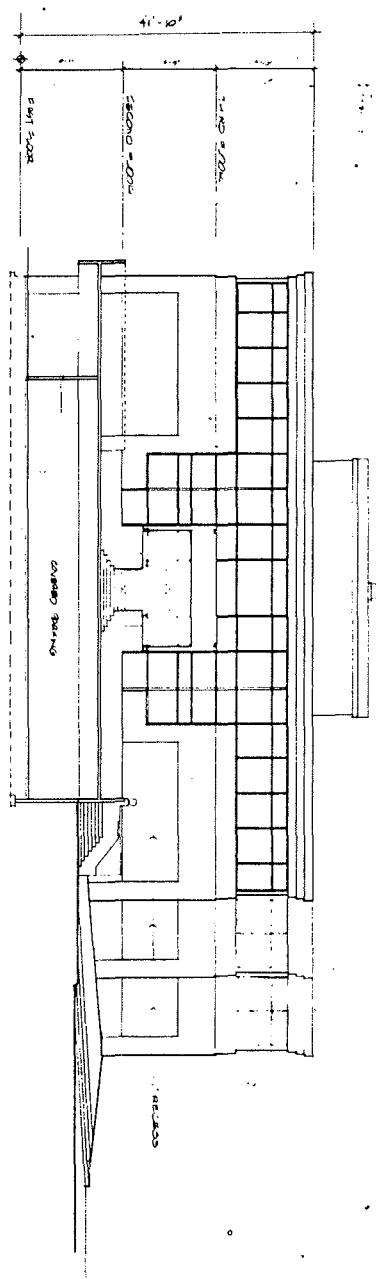


Exhibit: Original Plan as Allowed by Code & Zoning



EAST ELEVATION
1/8" = 1'-0"



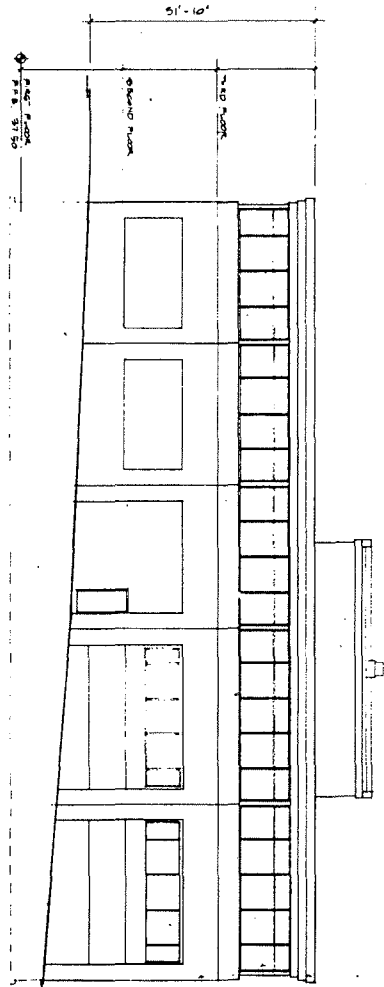
NORTH ELEVATION
1/8" = 1'-0"

NO.	DATE	BY	CHKD.
1	1/17/81		
2	2/10/81		
3	2/10/81		
4	2/10/81		
5	2/10/81		
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8	2/10/81		
9	2/10/81		

9

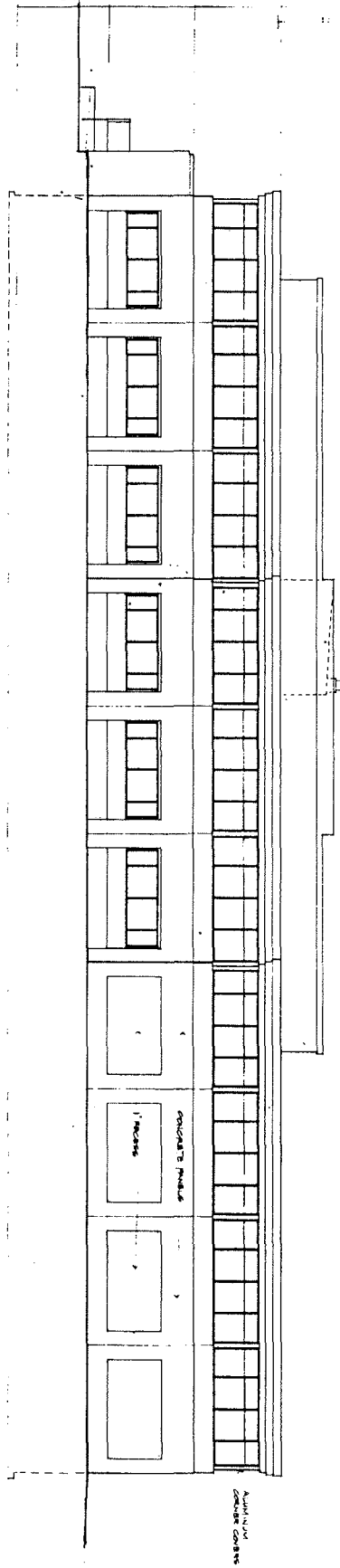

 OREGON PUBLIC BROADCASTING


ANKROM MOISAN
 ASSOCIATED ARCHITECTS
1732 Southwest Ash Street
 Portland, Oregon 97214 503 238 7111



SOUTH ELEVATION
1/8"=1'-0"

1"=10'
 3/4"=10'
 1/2"=10'
 1/4"=10'



WEST ELEVATION
1/8"=1'-0"



NO.	DATE	BY	CHKD.
1	6/17/87		
2	6/21/87		
3			
4			
5			
6			
7			
8			
9			
10			

RECEIVED

MAR 23 1987

RESPONSE TO BUREAU OF PLANNING
from
Street Systems Management
Bureau of Transportation Engineering

CITY OF PORTLAND
BUREAU OF PLANNING

Date: 3-19-87

TO: JOHN SOUTHGATE, B106/R1002

FROM: GLEN PIERCE, B106/R825

SUBJECT: Land Use Case No. DZ 15-87 / CU 23-87

LOCATION: SW MACADAM AT SW NEVADA

I have reviewed the above case for its potential impacts regarding the public R-O-W and have the following comments:

- No objections
- R-O-W improvements required/recommended as noted below
- Other conditions required/recommended as noted below
- More information required
- Street Waiver required

REMARKS: THE APPLICANT WILL BE REQUIRED TO CONSTRUCT A 24' WIDE STANDARD STREET IMPROVEMENT ON NEVADA FROM MACADAM TO HIS EASTERLY PROPERTY LINE, WITH CURBS, DRAINAGE & ^{6'} SIDEWALK ON THE NORTH SIDE. SOME RIGHT-OF-WAY DEDICATION WILL BE REQUIRED TO PROPERLY ALIGN THE INTERSECTION. SIGNALIZATION IMPROVEMENTS WILL BE REQUIRED, PER THE BUREAU OF TRAFFIC MANAGEMENT.

By: _____

EXHIBIT 6a

*Presented at meeting
April 2, 1987*



March 25, 1987

Mr. John Southgate
Portland Bureau of Planning
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Dear John:

Please find enclosed our revised landscaping plan for the Oregon Public Broadcasting Project, dated March 24, 1987. We have met with Oregon Public Broadcasting engineers and are providing the maximum amount of landscape screening for the antennas, and still make it possible for them to work properly. As shown on the plan, the following is being provided:

1. A six foot high fence entirely around the antenna area. This will be planted with ivy, so it will form an attractive and dense screen to cover all the support structures and the lower parts of the dishes.
2. A photina hedge on the east and south sides. This will be grown as high as possible, and will only be pruned when it starts to interfere with the antenna reception.
3. Two flowering trees, probably plums or cherries, which can achieve an approximate height of 25 feet before they would have to be pruned for antenna reception.
4. Columnar Hornbeam trees on the north sides, and wrapping around on the west and east as shown. When planted, these trees will be 12 to 14 feet high, in as large a caliper as we can find, and planted at a very close spacing. They hold their leaves quite well through the winter, similar to some of the oaks, and have a very dense branch and twig structure. When mature they will be well above the tallest antenna and form a visual backdrop for it.

Mr. John Southgate
March 25, 1987
Page 2

Our landscape architect did not recommend putting any additional screening on the corner of Macadam and Nevada, as you suggested. He feels it would be a potential safety problem because it would limit visibility for cars exiting the site.

We feel this landscaping scheme is a good compromise between the needs of Oregon Public Broadcasting and the wishes of the community to completely screen the area. It is important to keep in mind that these antennas are set well back and are 6 to 8 feet below Macadam Avenue. The existing mature landscape both in the park and across the street is also very effective in reducing their visual impact.

Please call if I can provide any further information. We appreciate your help to date and look forward to a successful hearing.

Sincerely,
ANKROM MOISAN ASSOCIATED ARCHITECTS



Tom Moisan

Enclosure

TM/na

cc: Nick Allis

G63800JS.M02

APR 12 1987



CITY OF
PORTLAND, OREGON
OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Planning & Finance
1120 S.W. Fifth Avenue
Room 702
Portland, Oregon 97204-1957
(503) 796-7001

2 April 1987

MEMORANDUM

TO: John Southgate, Bureau of Planning
Hearings officer
Design Review Commission

FROM: Anne McLaughlin, Transportation Planning *Amel*

SUBJECT: Oregon Public Broadcasting Office on SW Macadam at Nevada
(CU 23-87, DZ 15-87)

Transportation Planning staff has reviewed this project with respect to traffic impact and to the relationship of the project to the adjacent rail corridor:

Traffic Impact

We agree with the applicants' Traffic Impact Study, including the conclusion that the impact on Nevada Street will not be significant.

Relationship to Adjacent Rail Corridor

The City has an interest in the long term transit potential of this rail corridor and to that end has purchased an option and lease on the corridor property. This option/lease period extends to December 31, 1987. The City is currently seeking an operator for passenger service on this line to begin this summer, as soon as the rail line is restored to operating condition.

The rail right-of-way lying next to the OPB site is only 26 feet wide. This is not wide enough to accommodate any encroachment from the OPB site. As lessees of the rail property, we would not agree to the placement of any paving or landscaping within the rail right-of-way.

In addition, the portion of the rail right-of-way lying between the tracks and the OPB site forms a ditch. Any addition of drainage from the OPB site may threaten the integrity of the rail bed if water is allowed to stand and soak. We recommend that the following condition be imposed on the approval of this project.

The applicant shall meet the requirements of the Bureau of Sanitary Engineering with respect to disposal of all runoff from this site, in order to avoid damage to the drainage along the rail right-of-way.

2 April 1987

Page 2

RE: Oregon Public Broadcasting Office on SW Macadam at Nevada (CU 23-87,
DZ 15-87)

It appears that in carrying out the construction of this project the applicants may wish to have access to the rail right-of-way. To accommodate that possibility while protecting the city's interest in the rail property, we recommend the following condition:

The applicant shall obtain a construction easement or other permission from the Portland Office of Transportation before performing any work involving the presence of construction-related personnel on the rail property.

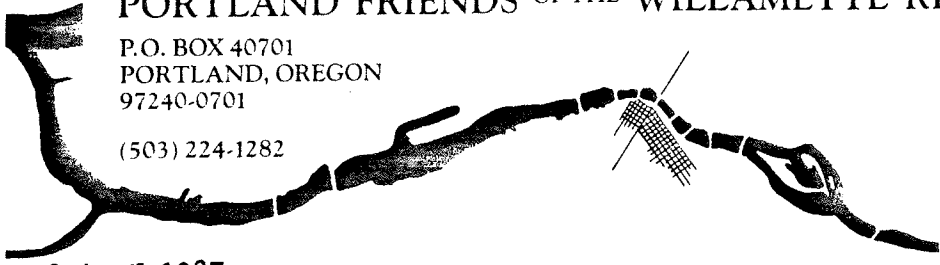
AMcL:db

April 2, 1987

PORTLAND FRIENDS OF THE WILLAMETTE RIVER GREENWAY

P.O. BOX 40701
PORTLAND, OREGON
97240-0701

(503) 224-1282



2 April 1987

Portland Design Commission, and
Hearings Officer
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Subject: Oregon Public Broadcasting--Requests for Greenway Permit, Variance
and Design Review.

To the Design Commission and Hearings Officer:

We have reviewed the project material provided by the applicant and support the
variance and Greenway permit requests, with the following conditions:

1. A partial landscaped buffer shall be provided between the development and
Willamette Park. The buffer shall extend along a minimum of 2/3 of the
east property line between S.W. Nevada Street and the south property line.
The buffer shall be a minimum of four feet wide, contain both shrubs and
trees and be similar to the attachment to this letter. In areas where there
is no buffer, a guardrail shall be installed at the property line.
2. No project improvements, including pavement and landscaping, shall
encroach on the rail right of way. Upon completion of construction, the
existing drainage ditch at the east line of the applicant's property shall be
cleared of debris. Project drainage shall be handled on site. The landscape
plan shall allow for adequate sight distance at the pedestrian crossing of
the railroad.
3. The landscaped median on Macadam Avenue shall not be removed or
reduced. The planted strip between the sidewalk and curb shall be of
consistent width, matching the existing width at the northern end of the
property.
4. In order to comply with Greenway regulations for public access to the river
(33.77.121, A), the public shall be allowed weekend use of the on-site,
above grade parking.

The project is well designed and a welcome addition to Macadam Avenue and the
Willamette Park area.

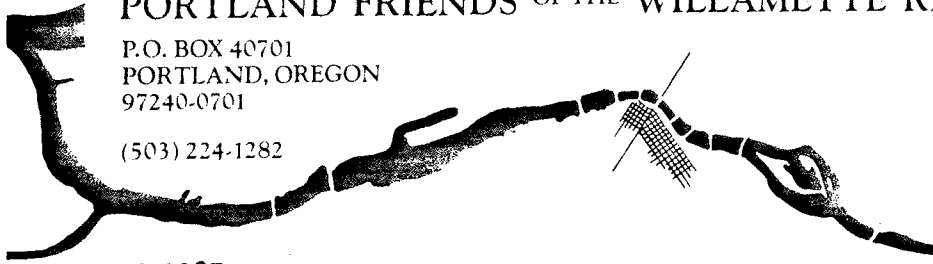
Very truly yours,

Ernie Munch, for
The Friends of the Greenway

PORTLAND FRIENDS OF THE WILLAMETTE RIVER GREENWAY

P.O. BOX 40701
PORTLAND, OREGON
97240-0701

(503) 224-1282



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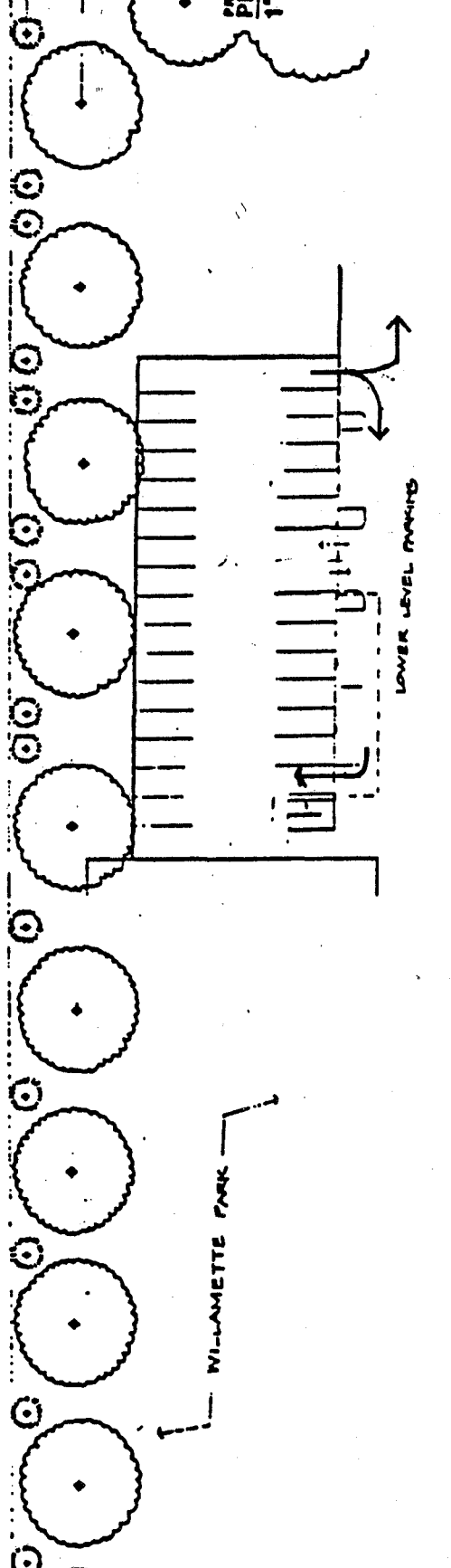
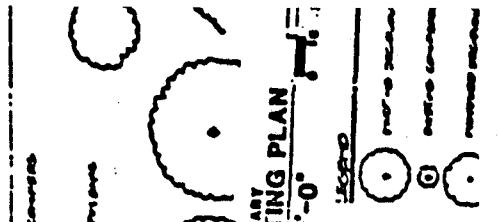
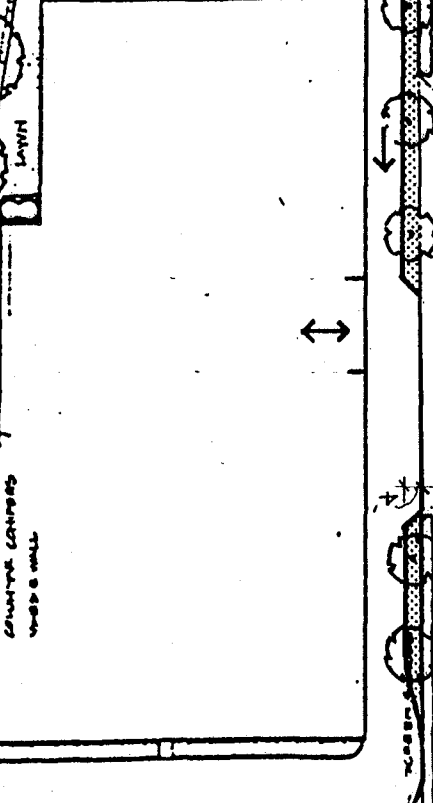
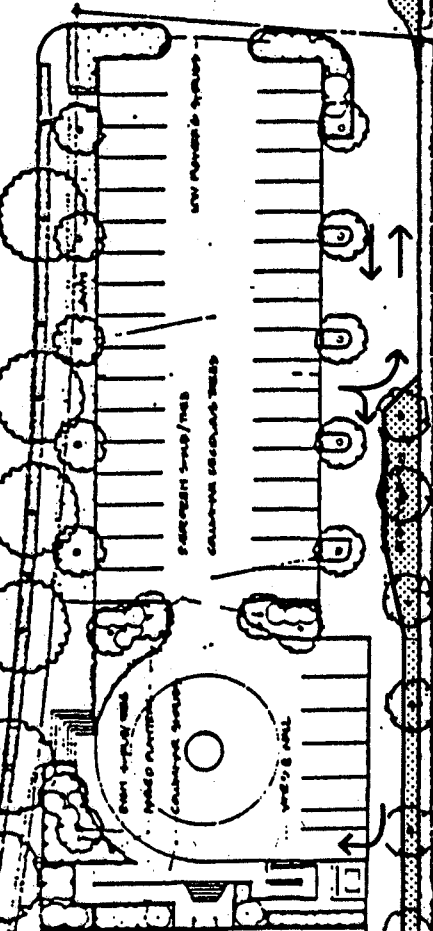
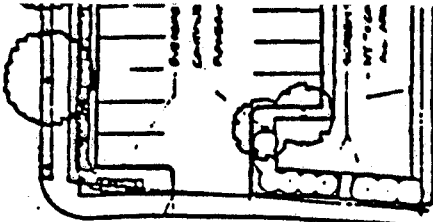
Very truly yours,

Ernie Munch, for
The Friends of the Greenway

AVENUE

MACADAM

COTTAGE STREET TREES



Accepted NOV 20 1988

Recorded NOV 25 1988



CITY OF

PORTLAND, OREGON

Earl Blumenauer, Commissioner
Norman A. Abbott, AICP, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7700

BUREAU OF PLANNING NOV 30 1988

Housing

Code Administration

Land Use Permits

Land Use Planning

Urban Design

CITY OF PORTLAND
BUREAU OF PLANNING

DATE: November 7, 1988
TO: City Auditor, Building Bureau, Applicant, Interested Parties
FROM: John Southgate, Current Planning
RE: Notification of Design Commission Action on November 3, 1988

File Number DZ15-87

Deedholder John D. Gray
Grayco Resources, Inc.
5331 SW Macadam Avenue, #200
Portland, OR 97201

Applicant Grayco Resources, Inc. (developer)
Edward L. Allis, President
5331 SW Macadam Avenue, #200
Portland, OR 97201

Request Review of a request to fulfill Condition #5 of the Design Commission's April 2, 1987, action calling for artwork to be installed on the blank wall at the southern end of the SW Macadam Avenue elevation of the new Oregon Public Broadcasting facility.

Location SW Macadam Avenue at SW Nevada Street

Design Zone Macadam Corridor - C2D WSD

Legal Description Tax Lot 38, Section 22, T1S, R1E; and Lots 2 & 4, Block 4, Southern Portland Addition

Quarter Section 3730

Action Elimination of the condition calling for artwork.

Waive 14 day appeal period.

Do not waive 14 day appeal period.

Any appeal of this matter to the City Council must be filed with the City Auditor and Permit Center (Zoning Counter) by 4:30 p.m. on (not applicable). An approved decision must be accepted and recorded with the County Deed Records within 60 days after the final action is filed with the City Auditor's Office, or the approval will be null and void. Follow instructions you will receive from the Office of the City Auditor.



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

BDS – Early Assistance Summary Memo

Date: July 11, 2019

To: DEBBIE ROTICH, OREGON PUBLIC BROADCASTING
7140 SW MACADAM AVE
PORTLAND OR 97219

From: Elizabeth Duncan, Development Services Technician

Case File: **EA 19-169932**
Early Assistance Application for Project Site Located at 7140 SW MACADAM AVE,
R273083, R330299

Please find attached project specific comments related to your Early Assistance application for the property identified above.

This Early Assistance Summary is neither a land use review nor a final decision regarding the proposed project. The information has not been supplemented or independently verified. Additionally, no site visit was conducted, notice was not provided to neighbors, and a full plan check of applicable development standards was not completed.

If you have questions about comments included in the attached memo, please contact the Planner identified in the memo. Please note that these comments are based on the information submitted at the time of application. If you have questions regarding the proposal beyond those covered in this summary report, or if your proposal changes in scope or configuration and you have additional questions, an additional early assistance application and review must be requested in order to get responses.

Please note that the included comments do not address building code issues per the Oregon Structural Specialty Code. This code may have an impact on your proposed design, especially regarding windows or projections that are close to property lines that are not along a public right of way. For early assistance with building code related items, you may request a separate Life Safety Preliminary Meeting. Additional information is included in the request packet located online at <https://www.portlandoregon.gov/bds/article/94545>.

The Portland Housing Bureau provides financial assistance for various development phases to both nonprofit and for-profit affordable housing developers (typically multi-dwelling rental housing). For more information, go to the following link: <http://www.portlandoregon.gov/bds/article/558746>.

For more information on Urban Forestry Tree Requirements please use the following link: www.portlandoregon.gov/trees/earlyassistance. These requirements refer to any early assistance meetings or land use reviews that will involve street trees, heritage trees, and trees on City-owned or City-managed sites.



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

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Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

BDS – Early Assistance Land Use Planner Response

Date: July 3, 2019

To: DEBBIE ROTICH,
OREGON PUBLIC BROADCASTING
7140 SW MACADAM AVE
PORTLAND OR, 97219

From: Rodney Jennings, City Planner
503-823-5088, Rodney.Jennings@portlandoregon.gov

Case File: EA 19-169932

Location: 7140 SW MACADAM AVE

Property ID: R273083, R330299

Proposal: Oregon Public Broadcasting is proposing landscaping for site improvements to meet a non-conforming Option 2 agreement with the City of Portland.

Limitation

This letter serves as a summary of the information we discussed at the Early Assistance appointment on June 19, 2019, and is intended to highlight preliminary requirements and next steps. This summary is advisory and preliminary in nature, and is neither a complete land use review nor a final decision regarding the project. This summary is based on the preliminary information you provided BDS staff. I have not supplemented or independently verified this information. Additionally, no site visit was conducted, notice was not provided to neighbors, and a full plan check of applicable development standards was not completed. Any future land use review application for your proposed project must include the necessary plans, elevations, detail drawings, a narrative addressing the approval criteria, and fees.

The information provided at your appointment was based on the current Zoning Code. It is possible that the code could change before you apply and those changes could affect your proposal. Your land use review application will be reviewed based on the Zoning Code in effect when you submit your application.

The information provided is based on the current Zoning Code. It is possible that the code could change before you apply and those changes could affect your proposal. Your land use review application will be reviewed based on the Zoning Code in effect when you submit your application.

Summary of Proposal: Oregon Public Broadcasting is proposing landscaping for site improvements to meet a non-conforming Option 2 agreement with the City of Portland.

Zoning: CM2 Commercial/Mixed Use 2 zone; 'd' Design Overlay zone; 'g' River General Overlay zone; 'm' Centers Main Street Overlay zone; Macadam Plan District

Relevant Land Use History:

DZ 15-87 – Design Review approval of a new three-story building with conditions that:

1. There be no encroachment into the railroad right-of-way;
2. Northernmost parking spaces south of SW Nevada are set back 15' from the right-of-way;
3. A landscaped strip approximately 3' wide is installed along the eastern edge of the site, except where loading accommodations require paving to the property line;
4. The view corridor between the building and parking structure shall be enhanced by widening the steps and minimizing the retaining walls.

GP 022-88 – Greenway Review approval of renovation of an existing building and three-story addition.

LU 10-126156 – Design Review approval of an 81-square foot addition to accommodate a new internal stairway.

LU 13-189448 – Design Review approval of a new generator on a concrete pad, surrounded by a stained wood screen on the north parking lot.

LU 17-203778 – Design Review and Greenway Review approval for exterior upgrades, including three new windows and canopies; a new ADA ramp and pedestrian stair; five new rooftop HVAC units; landscaping and a new garage loading door.

A. Key Issues Applicable to this Project/Site:

1. Nonconforming upgrades. This site is subject to a covenant requiring that the site be brought into conformance with the requirements of Zoning Code Section [33.258.070.D.2.b](#) by June 4, 2020. Your application includes a preliminary landscape plan intended to address the requirements of the covenant. As noted above in the Limitation portion, above, of this response, this review is not a full plan check of applicable development standards. However, I have identified issues and concerns regarding this preliminary landscape plan as it relates to nonconforming development requirements of [33.235.070.D.2.b](#):
 - a. Setbacks for surface parking and exterior development areas – nonconforming upgrades are required to meet perimeter setback standards for vehicle areas. These standards are located in Zoning Code Section [33.266.130.G.2](#). The standards require a minimum 5-foot wide setback between vehicle areas and lot lines abutting streets, and between lot lines abutting C zoned properties. Vehicle area includes surface parking, driveways, loading areas, and other areas used for maneuvering vehicles. The setbacks must be landscaped to the L2 standard of [Chapter 33.248](#). Based on the preliminary site plan, it does not appear this standard would be met along the east and south lot lines of the site. Proposals that do not meet standards will require approval through a Modification of the standard approved through Design Review, or through approval of an Adjustment if the Modification cannot be approved (See items 2. and 3. below).
 - b. Interior parking lot landscaping – nonconforming upgrades are required to meet interior parking lot landscaping standards in Zoning Code Section [33.266.130.G](#). 45-square feet of interior parking lot landscaping is required for each surface parking space. Interior parking lot landscaping must meet the P1 standard of [Chapter 33.248](#). The standard does not apply to structured parking where the parking area is more than 4' above the adjacent grade. This standard requires trees, low shrubs, and groundcover. Because the parking area includes surface parking and structured parking and the boundary between surface parking and upper level structured parking is not shown on the preliminary site plan, I am unable to determine how many surface spaces there are the site and, consequently, how much area of interior parking lot landscaping is required. It appears that some of the landscaping proposed as interior is located on the upper level of the structured parking. To qualify as interior parking lot landscaping, landscaping must be located within the area that is surface parking, not structured parking. Proposals that do not meet standards will require approval through a Modification of the standard approved through Design Review, or through approval of an Adjustment if the Modification cannot be approved (See items 2. and 3. below).

- c. Existing building setbacks – The site is within the Macadam Plan District, which requires a 5-foot setback between SW Macadam Avenue and buildings on the site. The setback must be landscaped to the L1 standard in Chapter [33.248](#). Nonconforming upgrades are required to meet this standard. Based on the preliminary site plan, it appears that this standard would be met with the proposed landscaping.
2. Design Review – This site has ‘d’ Design Overlay zoning and is within the Macadam Design District. Exterior alterations within the ‘d’ Design Overlay require approval of a Design Review, unless exempted by Zoning Code Section [33.420.045](#). Parking lot landscaping that does not meet the development standards of [33.266.130.G](#) is not exempt from Design Review. Per Section [33.420.060.C.2](#), proposals that do not include any residential uses may not use the Community Design Standards in Chapter 33.218 as an alternative to Design Review. Proposals that do not meet the perimeter and interior landscaping requirements of Chapter 33.266 may be approved as a Modification to the standards as part of a Design Review if they can be shown to meet the approval criteria for Design Review in Zoning Code Section [33.825.065](#), including the criteria for Modifications that the proposal will better meet design guidelines in [33.825.040](#). Per Zoning Code [Table 825-1](#), the required procedure for this review is a [Type II Design Review](#).

Development on this site is subject to the conditions of approval of DZ 15-87. Of particular concern to this proposal is condition 3, which states:

A landscaped strip approximately 3’ wide is installed along the eastern edge of the site, except where loading accommodations require paving to the property line;

Any proposal for landscaping must comply with this condition unless the condition is amended or removed. Because DZ 15-87 was a decision of the Design Commission, appealed to City Council, the process required to amend this condition is a [Type III Design Review](#).

3. Adjustments – Per [33.825.040](#), Modifications that are denied through Design Review may be requested as Adjustments. If you apply for Modifications to the parking lot landscape standards in 33.266.130.G through Design Review and they are denied, you may then apply for [Adjustments](#) to these standards. Adjustments are reviewed through a [Type II](#) procedure, and must meet the approval criteria for Adjustments in Zoning Code Chapter [33.805.040](#)
4. ‘g’ River General Overlay zone – the site is within this overlay zone. The standards applicable in this zone are located in Zoning Code Chapter [33.440](#).
5. ‘m’ Centers Main Street Overlay zone; – the site is within this overlay zone. The standards applicable in this zone are located in Zoning Code Chapter [33.415](#).
6. Macadam Plan District- the site is within this plan district. The standards applicable in this zone are located in Zoning Code Chapter [33.550](#).
7. Fees – Current fees for Design Review and Adjustments can be found on the BDS website here: <https://www.portlandoregon.gov/bds/article/727186>

B. Responses to Additional Questions You Asked: The letter submitted with your application included these questions:

1. Please confirm whether the 5-foot L2 landscape standard applies along the south and east property lines. If so, please discuss the options for an Adjustments along the south and east property lines where the standard cannot be met due to existing site constraints.

Staff response: As detailed in the notes above, the 5-foot L2 landscape standard applies along the south and east property lines.

2. As noted on the Nonconforming Checksheet (attached), the site is subject to conditions of approval from a 1987 Design Commission decision. Those conditions require a landscape strip approximately 3-feet wide along the eastern edge of the site, except where loading accommodations require paving to the property line. Please clarify how that condition of approval can be reconciled with the 5-foot L2 landscaping standard (if the L2 standard applies per item 1 above).

Staff response: The 1987 Design Commission decision is DZ 15-87. Providing a 5-foot L2 landscape setback along the east property line would satisfy condition 3 of this decision, which requires the approximately 3-foot wide landscape strip along the eastern edge of the site except where loading accommodation require paving to the property line. The planting plan associated with DZ 15-87 shows that this landscape strip extends along the eastern edge of the site, with the exception of the portion of the property line opposite the loading area on the east façade of the OPB building. This includes a 3' landscape strip along the east edge of the part of the site that is north of SW Nevada St. The 5-foot L2 landscape setback supersedes the approximately 3' landscaping strip and is required between all vehicle areas and the east lot line, including along the loading accommodation area where a 3-foot wide landscaping strip is not required by DZ 15-87.

3. Please identify other potential areas of concern regarding the site plan as it relates to meeting the nonconforming upgrade requirements per the signed covenant.

Staff response: See detailed notes above.

4. If an Adjustment is determined to be needed, please discuss the process, timeline and fees for review.

Staff response: See detailed notes above.

At the early assistance meeting, you asked the following:

1. Is there a minimum driveway width required by the Zoning Code.

Staff response: the minimum required width of aisles adjacent to parking spaces are specified in Zoning Code Table 266-4. There is no minimum required width for driveways that are not adjacent to parking spaces. However, you are strongly encouraged to contact the Portland Bureau of Transportation (PBOT) prior to proposing any changes to vehicle circulation patterns on the site that might impact how vehicles enter or exit the site. The phone number for PBOT is (503) 823-5185.

When you are ready to submit an application you may do so in the Development Service Center. Please see the BDS Website at <http://www.portlandoregon.gov/bds/37988> for hours of operation.

Please contact me with questions regarding this letter, or if I can be of further assistance as you move forward with your proposal.

Sincerely,



Rodney Jennings, City Planner
Rodney.Jennings@portlandoregon.gov
503-823-5088

Handouts and Additional Information:

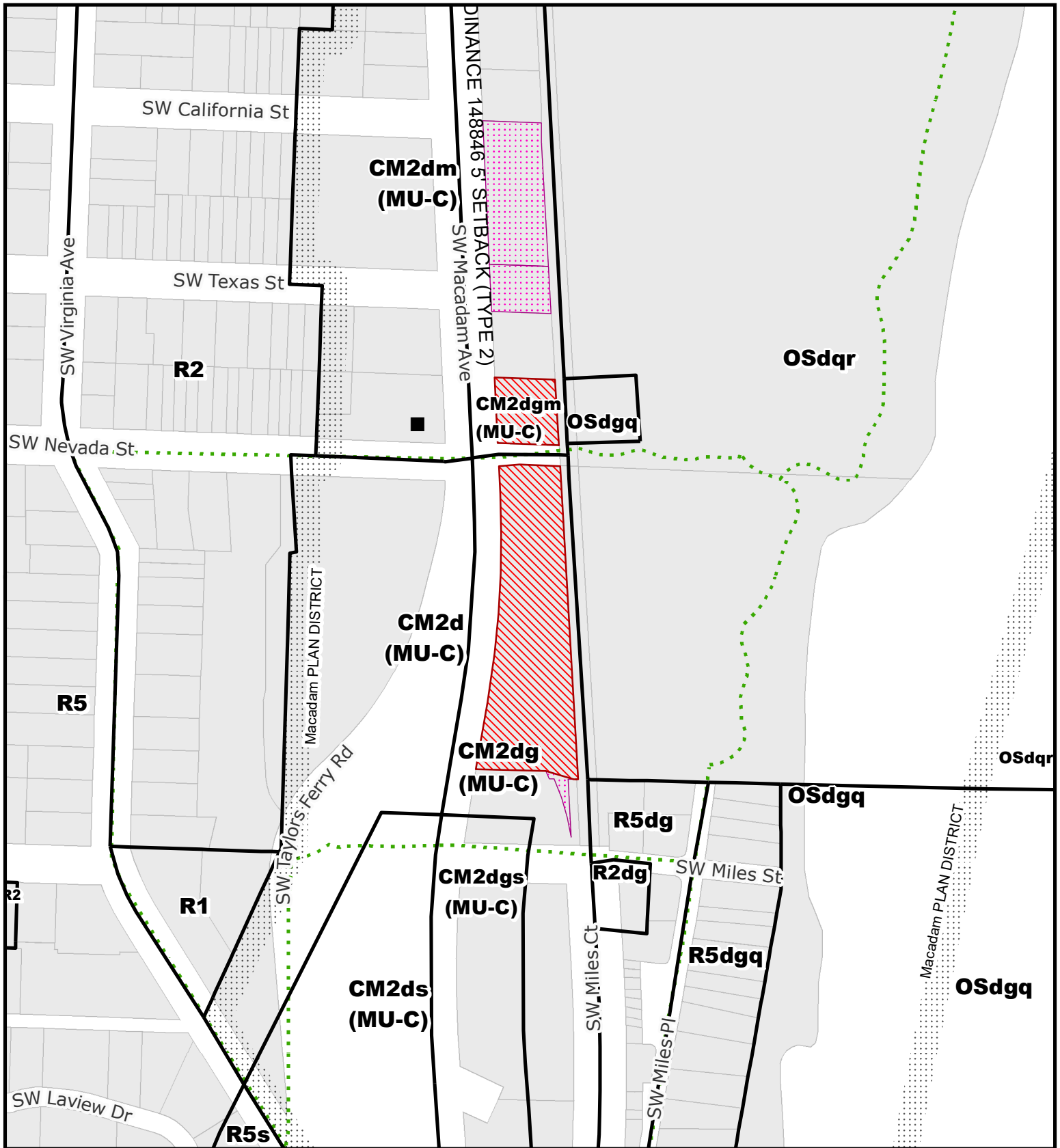
- Zone Map
- Zoning Code (found at <https://www.portlandoregon.gov/bps/31612>)
- Additional information and application forms are also available online at <http://www.portlandoregon.gov/bds/35881>.
- [Land Use Services Fee Schedule](https://www.portlandoregon.gov/bds/article/727186) (found at <https://www.portlandoregon.gov/bds/article/727186>)
- Electric Service Requirements. Information on electric service requirements for properties served by PGE, can be found at the following link: <https://www.portlandgeneral.com/construction/electric-service-requirements>; and information on electric service requirements for properties served by Pacific Power can be found at the following link: <http://www.pacificpower.net/con/esr.html>.

Please note that the service requirements included in these links may not cover all requirements associated with your project. Applicants should contact the PGE Service Coordinator at 503-736-5450 or the Pacific Power Business Center at 888-221-7070 to identify issues that are specific to your project and to coordinate electric service requirements.

PGE requires minimum clearances from electric wires, conductors and cables. Please be aware of these clearances by calling PGE at 503-736-5450.

For more information on [PGE Minimum Clearance Requirements](#) use the following link:

<https://www.portlandoregon.gov/bds/article/321539>



ZONING



THIS SITE LIES WITHIN THE:
MACADAM PLAN DISTRICT

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

File No.	EA 19-169932 APPT
1/4 Section	3729,3730
Scale	1 inch = 200 feet
State ID	1S1E22AC 200
Exhibit	B Jun 05, 2019



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

BDS – Conference Facilitator Summary Memo

Pre-Application Conference

Date: April 20, 2020

To: Debbie Roich, Oregon Public Broadcasting, drotich@opb.org
Oregon Public Broadcasting Foundation,

From: Jean Hester, Conference Facilitator
Jean.Hester@portlandoregon.gov, 503-823-7783

Case File: EA 20-121512

Location: 7140 SW MACADAM AVE

Property ID: R273083, R330299

Proposal: A Pre-Application Conference to discuss site improvements to the site that include perimeter and interior parking lot landscaping. This landscaping will fulfill the Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval for the site regarding the required landscaping..

This conference summary report identifies the participants at the conference, provides an initial response to the issues and requirements for the proposed project with separate response from key bureau representatives. This memo identifies current land use review fee information and provides related information that may be helpful as the project moves from concept to completion.

Pre-Application Conferences are required for all major (Type III and IV procedure) land use reviews. The purpose of the conference is to inform the applicant of the substantive and procedural requirements of the Land Use Review, to identify the submittal requirements and documents this information for the applicant and all interested persons.

The information provided at the conference and included in this summary is based on the information that was submitted prior to and at the meeting and reflects regulations in effect at the time of the conference. The meeting is intended to convey information. It is not a public hearing and no land use decision is rendered at the conference. Interested persons may attend the conference and obtain copies of all the written information that is submitted and prepared for it.

You must submit your Land Use Review application within one-year of the Conference.

Conference date: March 19, 2020

Expiration of Conference: March 19, 2021

A. Comments from Bureau Representatives: The chart below identifies the staff who participated in the conference and/or who submitted written comments:

Response attached	Bureau	Responsibilities	Contact
Yes	BDS Land Use Services	Review of land use review	Hannah Bryant 503-823-5353
Yes	PBOT	Public Streets	Fabio de Freitas 503-823-4227
Yes	BES	Public sewer and stormwater connections to the public right-of-way	Abigail Cermak 503-823-7577
Yes	BDS Site Development	On-site stormwater disposal, septic systems, private rights-of-way, geotechnical requirements, erosion control	Ye Zhuang 503-823-7901
Yes	Water Bureau	Connections to public water	Joel Hill 503-823-7475
Yes	Fire Bureau	Access grades, fire hydrants, turnarounds	Dawn Krantz 503-823-3718
Yes	Urban Forestry	Street trees	Casey Clapp 503-823-4467
No	devTeam Portland, BDS	Further information on devTeam Portland can be accessed at: https://www.portlandoregon.gov/bds/49859	Alice Nielsen 503-823-3448

Please refer to the memo from Hannah Bryant, Land Use Services, for the list of application submittal requirements for the required land use review(s). Also, the attached responses from the City bureaus identify additional requirements that are pertinent to the land use review or a later Building Permit submittal.

If you have questions about comments included in this Pre-Application Summary Report, please contact the representative identified in the respective memo. Please note that staff comments are based on the information submitted at the time of application. If you have questions regarding the proposal beyond those covered in this summary report, or if your proposal changes in scope or configuration, a new Pre-Application Conference may be required or an additional Early Assistance application may be needed to provide responses to your follow-up questions.

B. Fees

Below is an estimate of land use fees that may apply to your proposal. Fees charged will be those in effect when the Land Use Review application is submitted. When more than one Land Use Review is requested, full fees are charged for each additional review. You may view the current [Land Use Review fees](#) at the following link:

<http://www.portlandonline.com/shared/cfm/image.cfm?id=67127>. You may view the current [Unincorporated Multnomah County Land Use Review Fees](#) at this link:
<http://www.portlandonline.com/shared/cfm/image.cfm?id=67129>.

Land Use Review Type	Estimated Fee
Type II Design Review	032 of project valuation (min. fee \$1,260 /max fee \$15,750) +\$ 5,313 (combined service bureau fee) +\$ 1,550 (each Design Modification) + \$3,832 (for each Adjustment)
Type III Design Review	032 of project valuation (min. fee \$5,250 /max fee \$27,000) +\$ 7,614 (combined service bureau fee) +\$ 1,550 (for each Design Modification) + \$3,832 (for each Adjustment Review)

During the building permit process, Permit Fees will be charged for review of your permits and Systems Development Charges (SDCs) may be assessed for new development. An online fee estimator is available on the BDS website at the following link:

<https://www.portlandoregon.gov/bds/59194>.

C. Other Information

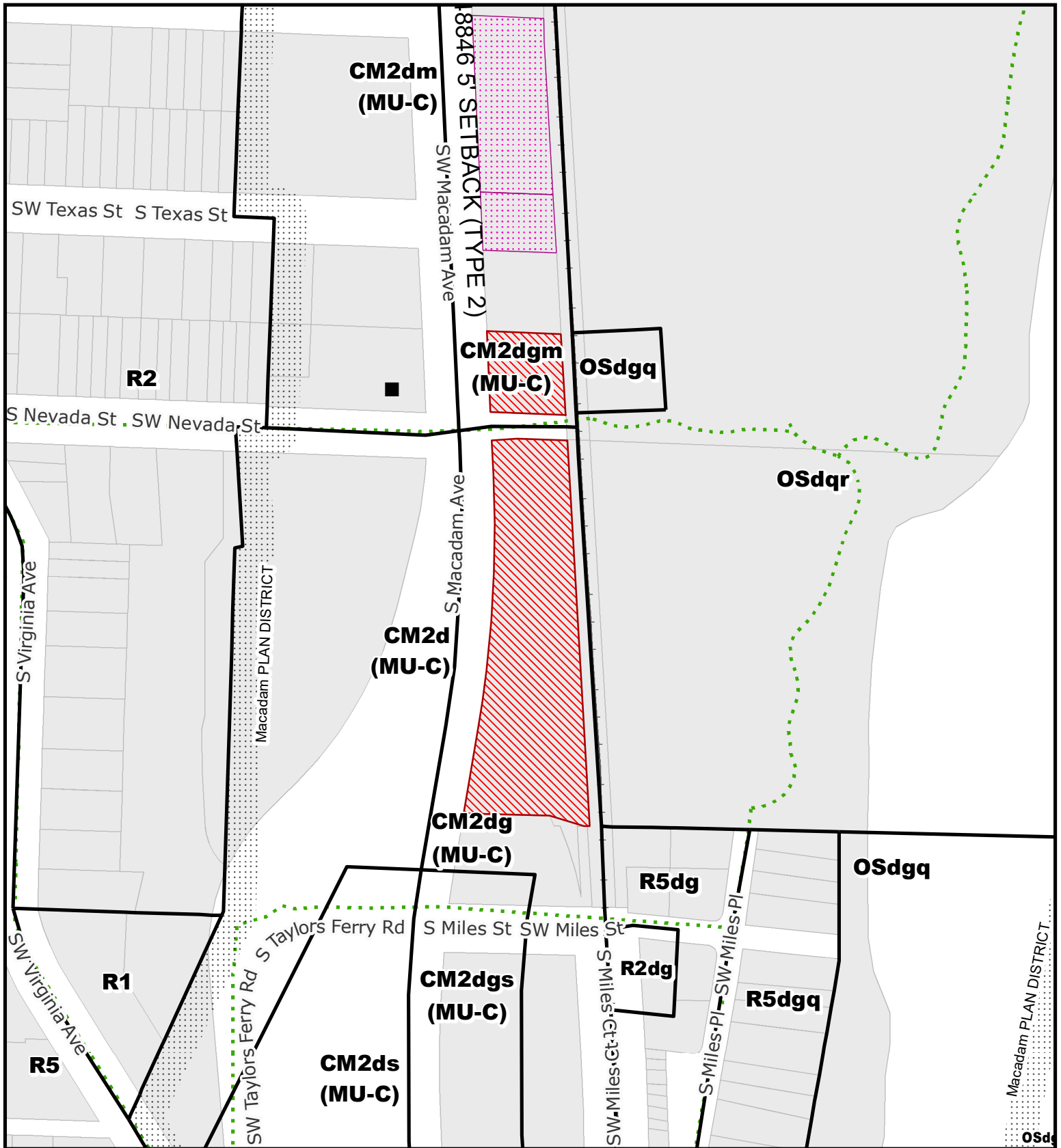
1. Preliminary Life Safety Plan Review Consultation: For Building Code/Life Safety information, you may sign up for a Preliminary Life Safety meeting. Information can be found at the following link: <http://www.portlandoregon.gov/bds/article/94545>.
2. Electric Service Requirements. Information on electric service requirements for properties served by PGE can be found at the following link: <https://www.portlandgeneral.com/construction/electric-service-requirements>; and information on electric service requirements for properties served by Pacific Power can be found at the following links: https://www.pacificpower.net/content/dam/pacific_power/doc/Contractors_Suppliers/PP_Developer_and_New_Service_Checklist.pdf; and <http://www.pacificpower.net/con/esr.html>.

Please note that the service requirements included in these links may not cover all requirements associated with your project. Applicants should contact the PGE Service Coordinator at 503-736-5450 or the Pacific Power Business Center at 888-221-7070 to identify issues that are specific to your project and to coordinate electric service requirements.
3. PGE requires minimum clearances from electric wires, conductors and cables. Before building, please be aware of these clearances by calling PGE at 503-736-5450. For more information on the [PGE Minimum Clearance Requirements](https://www.portlandoregon.gov/bds/article/321539) use the following link: <https://www.portlandoregon.gov/bds/article/321539>.
4. Portland Housing Bureau. The Housing Bureau provides financial assistance for various development phases to both nonprofit and for-profit affordable housing developers (typically multi-dwelling rental housing). For more information, go to the following link: <http://www.portlandoregon.gov/bds/article/558746>
5. Bureau of Planning and Sustainability. The Bureau of Planning and Sustainability delivers policy and programs related to green buildings, energy efficiency, renewable resources, waste reduction, and recycling. For more information on [Sustainability Programs and Services](https://www.portlandoregon.gov/bps/67121) in the Bureau of Planning and Sustainability go to the following link: <https://www.portlandoregon.gov/bps/67121>.

6. Energy Trust of Oregon. The [Energy Trust of Oregon](https://www.energytrust.org/) provides technical assistance and cash incentives for energy efficient design. For more information, go to the following link:
<https://www.energytrust.org/>
7. Oregon Department of Energy. The [Oregon Department of Energy](http://www.oregon.gov/energy/Pages/index.aspx) Conservation Division provides information on a variety of programs to encourage energy conservation, including tax rebates and low-interest energy loans. For more information, go to the following link:
<http://www.oregon.gov/energy/Pages/index.aspx>

Attachments:

Zoning Map
Site Plan
BDS Land Use Services Response
PBOT Response
BES Response
BDS Site Development Response
Water Bureau Response
Fire Bureau Response
Urban Forestry Response



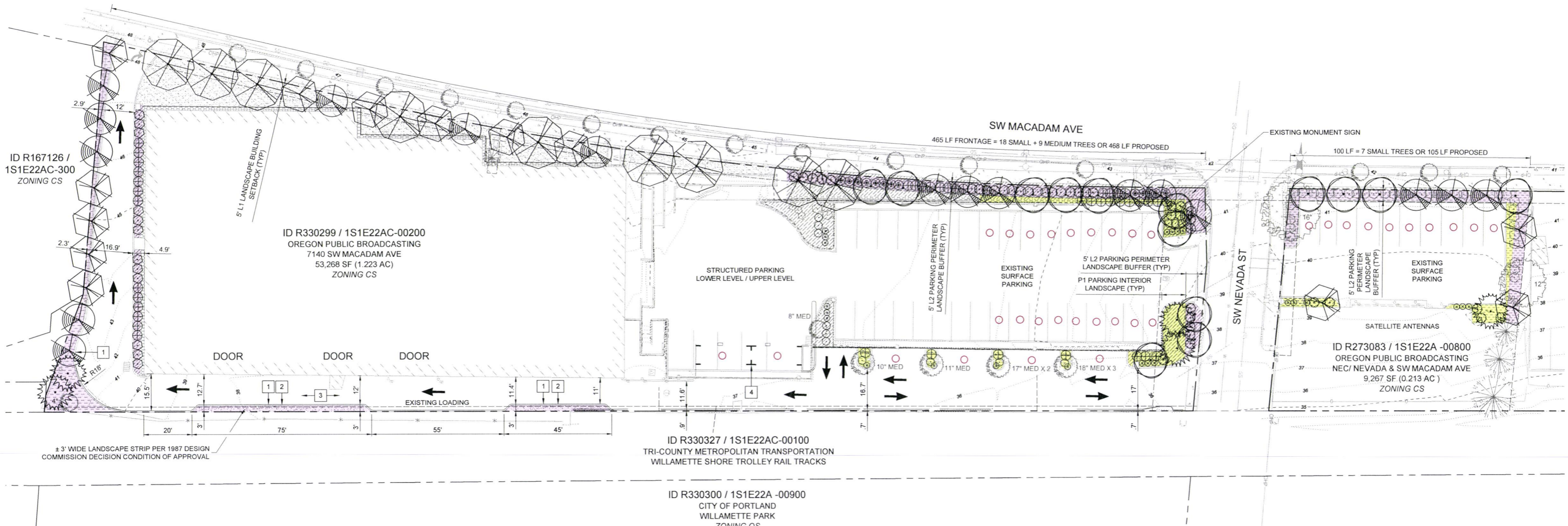
ZONING



MACADAM PLAN DISTRICT

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

File No.	EA 20 - 121512 PC
1/4 Section	3729,3730
Scale	1 inch = 163 feet
State ID	1S1E22AC 200
Exhibit	B Feb 28, 2020



Development Information

GROSS AREA: R330299, R273083 = 62,535 SF (1.436 AC)

DEVELOPMENT STANDARDS: CITY OF PORTLAND
ZONING BASE: STOREFRONT COMMERCIAL (CS)

LANDSCAPING AND SCREENING: (CHAPTER 33.248)
L2 LOW SCREEN:
TREES = 1 LG / 30 LF, 1 MD / 22 LF, 1 SM / 15 LF
SHRUBS (EVERGREEN) = 3' HT SCREEN W/ 3 YRS
GROUND COVER PLANTS = FULL COVER W/ 3 YRS

P1 PARKING LOT INTERIOR:
TREES (20% EVERGREEN) = LG / 4 SPACES (150 SF MIN)
= MD / 3 SPACES (75 SF MIN)
= SM / 2 SPACES (50 SF MIN)
SHRUBS = 1.5 SHRUBS / SPACE
GROUND COVER PLANTS = FULL COVER W/ 3 YRS

PARKING AND LOADING: (CHAPTER 33.266)
PARKING LANDSCAPE @ STREET = 5' L2

TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)
TREE PRESERVATION STANDARDS = EXEMPT
ON-SITE TREE DENSITY STANDARDS = EXEMPT
TREE RETAINED 1.5" < 6" DIA = SMALL TREE
TREE RETAINED 6" + = MEDIUM TREE + 6" INCREMENTS

TECHNICAL SPECS: (CHAPTER 11.60)
TREE SIZE ON-SITE = 1-1/2" CAL (5' HT CONIFER)

PROPOSED DEVELOPMENT:
○ SURFACE PARKING EXISTING = 34 SPACES
■ PARKING PERIMETER LANDSCAPE = 5' L2
■ PARKING INTERIOR LANDSCAPE = 1,075 SF (1,530 SF REQ)
PARKING INTERIOR TREES:
SMALL: 2 SPACES x 7 TREES = 14 SPACES
MEDIUM: 3 SPACES x 7 TREES = 21 SPACES
TOTAL PROPOSED INTERIOR = 35 SPACES (34 REQ)
EVERGREEN DIVERSITY (3/1) = 27% (20% REQ)
PARKING INTERIOR SHRUBS = 51 SHRUBS (51 SHRUBS REQ)

SITE CONSTRUCTION NOTES

1. CONSTRUCT STANDARD 6" CONCRETE CURB. CONTRACTOR TO SAWCUT OUT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE FROM SAWCUT. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AROUND ALL CONSTRUCTED CURB ISLANDS. ENSURE NO PONDING AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY. SEE DETAIL ON SHEET L1.1.
2. PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM.
3. PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
4. REINSTALL 4" WIDE PARKING STRIPE TO ORIGINAL CONDITION (TYP). MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM.

SITE PLAN GENERAL NOTES:

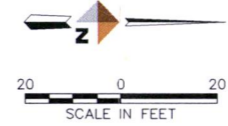
1. **PLANT LEGEND & DETAILS:** SEE SHEET L1.1. PLANT MATERIALS & INSTALLATION SHALL MEET STANDARDS OF PORTLAND PARKS & RECREATION, URBAN FORESTRY STREET TREE PLANTING STANDARDS, PORTLAND CITY CODE TITLE 11 TREES.
2. **TOPSOIL AND PLANTING NOTES:** SEE SHEET L1.2.
3. **MULCH:** ALL PLANTING AREAS SHALL BE MULCHED WITH 3" MIN DEPTH BARK MULCH, FRESH FIR MEDIUM GRIND.
4. **PLANT MATERIAL DELIVERED TO THE SITE SHALL MEET THE CURRENT VERSION OF THE AMERICAN NURSERYMAN'S SPECIFICATION ASSOCIATION STANDARDS FOR ALL SPECIFIED BALLED & BURLAPPED AND CONTAINER SIZES.**
5. **IRRIGATION:** ALL PROPOSED PLANT MATERIALS SHALL BE WATERED (MAY TO OCTOBER) & MAINTAINED FOR A MINIMUM OF TWO (2) FULL GROWING SEASONS AFTER THE DATE OF PLANTING INSTALLATION. TREES SHALL BE WATERED AT A RATE OF 15 GALLONS PER TREE ONCE PER WEEK, SHRUBS & GROUNDCOVERS AT A RATE OF 1" PER WEEK TO MAINTAIN VIGOROUS HEALTHY GROWTH.

Notes:

1. Map information based on preliminary Topographic Survey provided by S&F Land Services, dated March 29, 2019. Dowl has not verified accuracy of this information.

Legend

- Project Boundary
- 500 --- Contour - 1' Interval



DOWL
WWW.DOWL.COM

720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641
Project No. 2332.14545.01
Contact: Wayne Iazzetti, Ira

6/25/2019

OPB - Macadam Avenue Nonconforming Upgrades

L1.0 Preliminary Site Plan

EA20-121512 PC

Portland, Oregon



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

BDS – Land Use Planner Response

Pre-Application Conference

Date: April 12, 2020

To: Jean Hester, Conference Facilitator
503-8263-7783, Jean.Hester@portlandoregon.gov

From: Hannah Bryant
503-823-5353, Hannah.Bryant@portlandoregon.gov

File No.: 20-121512

Location: 7140 SW MACADAM AVE

Tax Account: R273083, R330299

State ID Number: 1S1E22A 00800, 1S1E22AC 00200

Proposal: A Pre-Application Conference to discuss site improvements to the site that include perimeter and interior parking lot landscaping. This landscaping will fulfill the Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval for the site regarding the required landscaping.

The information provided at the conference and included in this response is based on the information you provided prior to and at the conference and reflects regulations in effect at the time of the conference. This response provides information and guidance only. It is preliminary in nature and based on the information the applicant provided to BDS staff. It is neither a land use review nor a final decision regarding this project. References are to the Portland Zoning Code available online at www.portlandonline.com/zoningcode.

A. KEY ISSUES AND REQUIREMENTS

The following issues and requirements have been summarized for the applicant to pay special attention to as they may impact the proposed project.

1. Design Review Process

- a. **Procedure Type.** The project will be subject to either a Type II or a Type III Design Review based on the thresholds per table 825-1 of Section 33.825.025. More information below will help you determine how the scope of the proposal will determine the review type. Submittal requirements can be found in Section C below.
- b. **Approval Criteria.** The applicable approval criteria are the Macadam Corridor Design Guidelines and can be found at portlandoregon.gov/designguidelines. Other

approval criteria may apply if *Modifications* (Section [33.825.040](#)) or *Adjustments* (Section [33.805.040](#)) to development standards are requested.

- c. **Additional Reviews.** *Modification* review may be requested as part of land use review for site-related standards (such as setbacks, size of loading spaces) that are not met. *Adjustment* review may be requested as part of the design review for use-related development standards (such as floor area ratios, number of loading spaces, number of parking) that are not met.

Greenway review may be required if the proposal does not meet the standards of 33.440.

- d. **Guide to Design Review.** You are encouraged to review the Guide to the Design Review Process prepared by the Design Commission, which provides guidance and expectations of the Design Review process. The guide can be found at [the BDS website at https://www.portlandoregon.gov/bds/article/625096](#).
- e. **Certificate of Compliance.** Approval of a Design Review allows for the proposed work to be built. The expectation is that the building permit will reflect the project (including the details) that was approved. To ensure this, a Certificate of Compliance will be required at the time of building permit as indicated in a condition of approval. The Certificate of Compliance form can be found at [https://www.portlandoregon.gov/bds/article/623658](#).

2. Specific Design Review Issues

This preliminary feedback is based on the information in the Pre-Application Conference submittal.

- a. **Context** – The Macadam neighborhood is characterized by its strong relationship with the river and adjacent hills. The community prioritizes extensive landscaping as a means of visually and physically connecting the forested hillside environments with the river. These community values are the backbone of the Macadam Corridor Design Guidelines and have been reinforced in recent community meetings to discuss adopting new design guidelines for this area. (1- Visual Connections; 4 – The Boulevard; 5- Sub-Area Context)

3. Specific Development Standards to Note

- a. **Landscaping Modifications (33.266.130 and 33.288).** Staff has concerns about the approvability of Modifications to reduce the required landscaping, particularly to facilitate the retention of non-required parking and vehicle area. Please carefully review the design guidelines and the Modification approval criteria. Approval of a Modification requires that the proposal meets both the purpose of the code standard being Modified and *better* meets the design guidelines. Every effort should be made to meet the code standards and minimize or avoid any Modification requests.

4. Applicable Development Standards

Development standards that will apply to the project include, but are not necessarily limited to, those from the following chapters in the Zoning Code (Title 33) and other City codes available online at <https://www.portlandoregon.gov/bds/36809>

- [33.825 Design Review](#)
- [33.550- Macadam Plan District](#) - development standards in the plan district may supersede those in the base zone and chapters below.
- [33.420 Design Overlay Zone](#)
- [33.415 Centers Main Street Overlay Zone](#) – *Note: this is current zoning and is not applicable to work triggered as a result of the 2017 building permit, as this zoning overlay did not apply at that time.*
- [33.266 Parking and Loading](#)
- [33.258 Nonconforming Upgrades](#) - *Note: the scope of this proposal is limited to non-conforming upgrades that were triggered by a 2017 building permit. At that time, the applicant opted for Non-Conforming Upgrades Option II, which allowed a two-year deferral of upgrades, but requires that the full-site be brought into compliance at the end of two years.*
- [33.248 Landscaping and Screening](#)
- [33.130 Commercial Mixed Use 2 Zone](#) (CM2 base zone) – *Note: At the time of permit application for 17-241498 CO, this property was zoned Commercial Storefront (CS).*
- [Title 11 Tree Code](#)
- [33.440 Greenway Overlay Zones](#)

5. General Design Items to Note

- a. **Landscape materials.** High quality, durable plants and landscape elements shall be provided to achieve the purpose of the landscape standards and to meet the design guidelines. Layered plantings shall screen and soften vehicle areas and serve to provide sensitive transitions between the OPB site and adjacent residential areas (*Guidelines 1 – Visual Connections; 4 – The Boulevard, and 5- Sub-Area Context*).

6. Coordination with Other Agencies

a. Environmental Services (BES)

- [Stormwater Management](#). Stormwater management information, including infiltration tests, utility plans, stormwater facility designs, and site landscaping, must be submitted with the Design Review application. BES needs to review these elements early to ensure there are no issues that could affect the building size, location or site design.

B. QUESTIONS RAISED AT THE MEETING

1. Please confirm that the attached proposed landscape plan will resolve applicable non-conformances and confirm any associated modifications/adjustments necessary in conjunction with the proposed landscape plan to resolve non-conformances and enforcement actions on the site.

More detailed information is needed to understand the existing conditions versus the proposed conditions and to verify that every linear foot of required landscaping is provided. Only one site plan was provided for this large site. Staff cannot verify the extent of surface parking versus structured parking, and the height of structured parking above adjacent grade. To determine the extent of required perimeter parking lot landscaping, sections may be necessary to demonstrate the height of the structured parking above grade. It is unclear from the site plan why some parking spaces on the east side of the structured parking area are denoted as 'existing surface parking' and others are not.

A comparison of the Nonconforming Development Agreement Checksheet (prepared April 23, 2017) and the provided site plan indicate the following areas are not yet meeting code standards.

Staff notes:

- *Perimeter parking lot landscaping is necessary between the parking area and the east property line.*
- *Landscaped strip of 3' is required along eastern property line, per 1987 Condition of Approval.*
- *Based on 32 parking spaces, 1440 square feet of interior parking lot landscaping is required. The site plan shows 34 surface parking spaces, and 1075 square feet of interior parking lot landscaping.*
- *It appears that L1 landscaping is intended to be provided along SW Macadam, however staff cannot verify what plantings are existing and what are proposed.*

2. Please confirm all required applications, fees, and submittal items to accomplish the project as proposed.

The project as proposed would require Modifications or Adjustments to all unmet Title 33 standards. Due to the nature of the standards not yet met, a Design Review with Modifications is the only available review option. (Per 33.420.045.L, only parking lot landscaping that meets Title 33 can be exempt from Design Review. Since the parking lot landscaping shown on this site plan does not meet Title 33 standards, it is subject to Design Review.)

To reduce the landscaping on the east property line below three feet:

The 15-87 Condition of Approval required, "a landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line." This was a Condition of Approval for a Type III Design Review. Therefore, per 33.730.140.A, the process to change this Condition of Approval is a Type III Design Review with Modification(s).

The fees for a Type III Design Review can be calculated using the following chart. The review would be either a Tier E or a Tier F, depending on whether new stormwater facilities are included in the scope of development proposed. The valuation for your tier is the valuation you used on the building permit that triggered these non-conforming upgrades.

<https://www.portlandoregon.gov/bds/article/727186>

If the landscaping on the east property line is at least 3' deep:

If the 15-87 Condition of Approval is met in full, but the request is to reduce the perimeter landscape from the required 5' to a minimum of 3', then the review is a Type II Design Review with Modification(s). The fees and tiers will be calculated using the same chart as above.

Application submittal requirements are listed at the end of these notes. Additional information is listed in 33.730.060. However, for the purposes of this review, please note that the relevant drawings may vary from the list. The site plans, sections, details need only demonstrate the scope of the work proposed, and how it clearly meets the detailed code standards. Elevations and renderings are not necessary. Clear presentations of existing conditions, proposed work, and how it's meeting all aspects of the code standards is needed.

*If proposed interior parking lot landscaping is less than the required total:
A Type II Design Review with Modification Review (DZM) will be required. The fees and tiers will be calculated using the same chart as above.*

Note: Multiple Modification reviews may be attached to a single Design Review. If a Type III Design Review is required, that will supersede any Type II Design Reviews, and can have multiple Modifications added to it. Each code standard proposed to Modified requires its own Modification fee (currently \$1550). Payment is not refunded if the Modification is not approved.

3. Please specify any code standards or planning documents of concern or note.

Please review the case history for all Previous Land Use Reviews as summarized below. Staff notes that the code standards listed in response to Question 1 may not be met.

4. Please confirm a Type III Design Review is required for the project as opposed to a Type II or Type I Design Review.

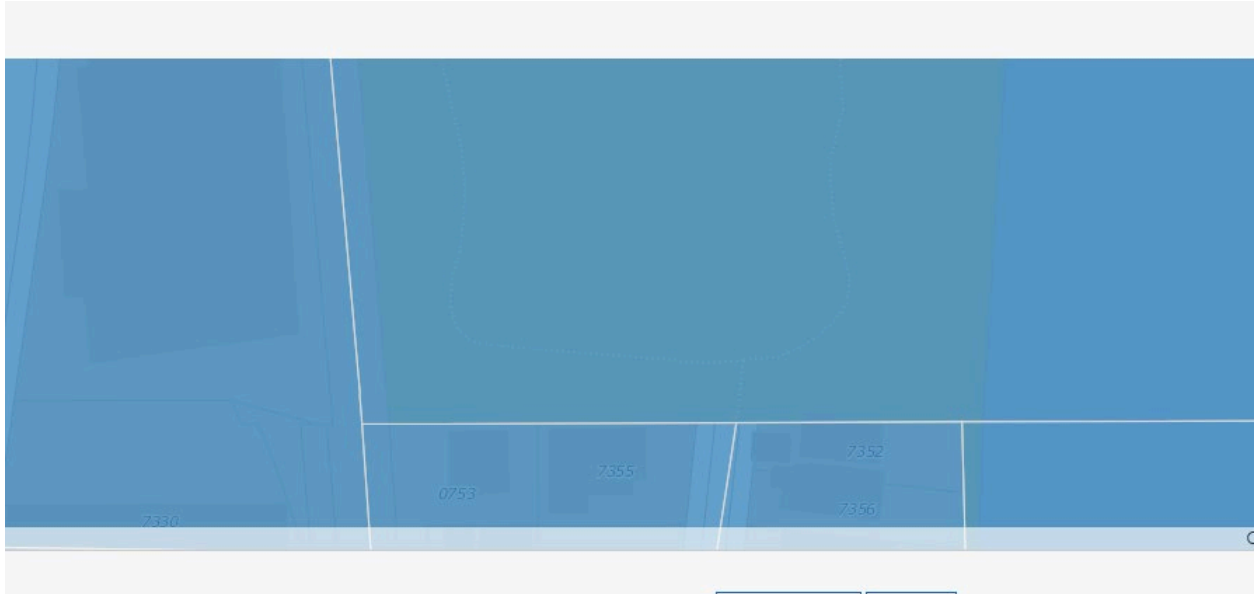
See response to Question 2.

5. Please confirm the City's interpretation regarding the buffer requirement adjacent to the rail right of way.

I presume that this question is in reference to the Staff Response for 'Setbacks for surface parking and exterior development areas' in the 2017 Nonconforming Development Assessment Plan Review.

Per Title 33.910, a rail right-of-way that does not also have motor vehicle access does not meet the definition of a street. This rail right-of-way is named as a street in the TSP, however for the purposes of Title 33, the 33.910 definition of street is the determinant.

While Staff has limited access to detailed zone maps due to COVID-19 teleworking requirements, the following image from Portland Maps indicates that the zone line (between CM2 zone and OS zone) appears to be in the center of the rail line. This is supported by the BDS zone map from your previous EA. Therefore, the eastern property line of the OPB site appears to abut CM2 zone, and not OS zone, which means the landscape standard for this lot line is 5' of L2.



6. Please confirm both proposed Modifications (from the eastern landscape buffer and overall parking lot landscape area) can be approved under a single Design Review application.

Multiple Modifications may be reviewed under a single Design Review application. Each Modification review requested is \$1550 in addition to Design Review fees.

7. Please confirm applicable Design Review approval criteria, as well as Modification approval criteria.

Please see detailed notes above. All Title 33 code standards apply in addition to the Macadam Corridor Design Guidelines. Please note, the Macadam Corridor Design Guidelines are proposed to be repealed and replaced by the DOZA Citywide Design Guidelines later this year. Depending on when you submit for Design Review, the relevant Design Guidelines may be updated. You will be subject to the Design Guidelines in effect at the time of Land Use submittal.

8. Please confirm the City's interpretation regarding qualifying "surface spaces" and the resulting required interior parking lot landscaping. (I.E. Please confirm landscaping on the upper level of the structured parking would not count toward the interior parking lot landscaping.)

Per 33.266.130.G, the parking area landscaping standards apply to all surface parking areas abutting a lot line AND to any portion of structured parking areas where the parking area is within 4 feet of adjacent grade and there is no roof over it.

If the structured parking at this site is within 4' of grade, then perimeter parking lot landscaping is required in the ground around the structured parking. This is only required where the structured parking is not otherwise screened from the property lines by a building or other required landscaping. Structured parking does not trigger interior parking lot landscaping.

C. PREVIOUS LAND USE REVIEWS

As part of your application, address relevant conditions of approval from previous land use reviews on the site and discuss the current status of compliance. Below are the relevant land use case reviews that the City of Portland has on record for the subject site:

- DZ 15-87 – Design Review approval of a new three-story building with conditions that: 1. There be no encroachment into the railroad right-of-way; 2. Northernmost parking spaces south of SW Nevada are set back 15’ from the right-of-way; 3. A landscaped strip approximately 3’ wide is installed along the eastern edge of the site, except where loading accommodations require paving to the property line; 4. The view corridor between the building and parking structure shall be enhanced by widening the steps and minimizing the retaining walls.
- GP 022-88 – Greenway Review approval of renovation of an existing building and three-story addition.
- LU 10-126156 – Design Review approval of an 81-square foot addition to accommodate a new internal stairway.
- LU 13-189448 – Design Review approval of a new generator on a concrete pad, surrounded by a stained wood screen on the north parking lot.
- LU 17-203778 – Design Review and Greenway Review approval for exterior upgrades, including three new windows and canopies; a new ADA ramp and pedestrian stair; five new rooftop HVAC units; landscaping and a new garage loading door.

D. SUBMITTAL REQUIREMENTS FOR LAND USE REVIEWS

This list identifies the materials you must submit for your application to be considered complete. For additional details, see Zoning Code Section [33.730.060](#).

PROJECT INFORMATION & NARRATIVE

2 hard copies + 1 digital

8.5” x 11” FORMAT:

- Land Use Review application form
- Project team and Project cost
- Project narrative
- Zoning summary
- Response to Design Guidelines
- Modifications and Adjustments requests & approval criteria responses
- Response to DAR (narrative)
- Technical Reports – Stormwater Loading Analysis, Queuing Study, etc.
- Sustainable features/green technology / LEED goals, etc.

DIGITAL MODEL

1 digital

Design Review proposals in the Central City plan district that include new development or changes in the bulk of an existing building are required to submit a three-dimensional digital model with the Design Review application. The digital files required include:

- Sketch up Model (.skp File)
- 3-D Model plugged into Google Earth (.kmz File)

DRAWINGS

4 hard copies + 1 digital

11" x 17" FORMAT

"C" Exhibits should represent proposed development/alterations, drawings at architectural or engineering scale, numbered consecutively (C.1, C.2, C.3, etc.) and generally be in the following order:

- Title Page
- Table of Contents
- Site Plan
- Floor and Roof Plans - roof plan should show all rooftop elements, including mechanical
- Elevations - B/W and color, and without shade or shadows, if project is close to or touching its neighbors, include street-facing elevations in their immediate context, including adjacent buildings
- Building Sections - Include some depicting relationships to adjacent buildings
- Building Details – windows/doors, storefronts, canopies, balconies, signage and their attachments, etc., control joints, seismic joints, and other visible construction details
- Materials / Colors - clearly identify each building material by name
- Landscape Plans
- Lighting Plans
- Civil Plans
- Cut Sheets - only pertinent product info like type, finish, color, dimensions

SUPPORTING INFORMATION

1 hard copy + 1 digital

11" x 17" FORMAT:

Appendix should include information that supports the drawings, numbered consecutively (APP.1, APP.2, APP.3, etc):

- Renderings - day and night in context, must be simple and not enhanced marketing-type images, avoid dramatic lighting effects
- Context – plan area, urban (3-block radius), site
- Sightlines - sightline drawings from relevant vantage points
- Material Photos & Examples
- Massing & Design Concept
- Miscellaneous Diagrams - FAR, ground floor windows, clear vs. spandrel panels, height, Modifications, Adjustments, etc.
- Responses to DAR (diagram)

GENERAL FORMATTING

- One staple in upper left corner (not bound)
- Label all sheets at lower right corner with the land use case number, which will be given to you when you submit your land use application, (i.e., **LU 12-345678 DZ**) and number each page/sheet as **Exhibit C.xx**, replacing the "xx" with a page number.
- Provide one electronic copy (flash drive or link via email)
- Review all color quality in submittal to ensure it accurately represent the colors intended.
- When returning for a 2nd hearing, revisions to the prior submittals should be illustrated and clearly marked in a side by side comparison.
- Conduct a thorough review before submitting your drawing packet.

REQUIREMENTS FOR HEARINGS

20 days before the hearing date submit:

- 10 sets of the Drawings (“C” Exhibits)
- 10 sets of the Supporting Information (“APP” Exhibits)
- 1 digital copy

E. NEIGHBORHOOD NOTIFICATION

When you apply for a Type II Land Use Review, all property owners within 150 feet, and all neighborhood associations and recognized organizations within 400 feet of your site will receive notification of your proposal.

When you apply for a Type III Land Use Review, all property owners within 400 feet, and all neighborhood associations and recognized organizations within 1,000 feet of your site will receive notification of your proposal.

The site is located within the neighborhood association of South Portland, contact Jim Gardner at contact@southportlandna.org.

- The site is located within the district neighborhood coalition of Southwest Neighborhoods, contact Sylvia Bogert at sylvia@swni.org.
- The site is located within the business association of South Portland.
- Contact information for neighborhood associations, neighborhood district coalitions, and business associations is available at www.portlandonline.com/oni/search/.

You may submit your application in the Development Services Center, 1900 SW Fourth Avenue, First Floor, from 8:00 am to 3:00 pm, Monday through Wednesday and Friday, and from 8 am to 12 pm on Thursday.



1900 SW Fourth Ave., Suite 5000 Portland, OR 97201 503-823-5185
Fax 503-823-7576 TTY 503-823-6868 www.portlandoregon.gov/transportation
Chloe Eudaly Commissioner Chris Warner Interim Director

PBOT – Development Review

Pre-Application Conference Response

Date: April 20, 2020
To: Jean Hester, Conference Facilitator
(503) 823-7783, jean.hester@portlandoregon.gov
From: Fabio de Freitas, PBOT Development Review
(503) 823-4227, fabio.defreitas@portlandoregon.gov
Case File: EA 20-121512
Location: 7140 SW MACADAM AVE
R#: R273083, R330299
Proposal: A Pre-Application Conference to discuss site improvements to the site that include perimeter and interior parking lot landscaping. This landscaping will fulfill the Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval for the site regarding the required landscaping..

Portland Bureau of Transportation/Development Review (PBOT) staff has reviewed the Pre-application Conference materials to identify potential issues and requirements.

Mayor Ted Wheeler has declared a State of Emergency for the City of Portland. While city offices are closed to the public to maintain social distancing guidelines from Oregon and federal health authorities, PBOT staff who are able to are currently working remotely to help keep the business of PBOT moving. The Bureau of Development Services has temporarily suspended the scheduling of all Early Assistance meetings, including Pre-application Conferences. The following written comments are provided despite the lack of a meeting.

A. SUMMARY OF REQUIREMENTS:

1. The project will apparently trigger a Design Review for non-conforming upgrades to the site related to setbacks and landscaping. The expected Design Review request will have no transportation-related approval criteria. The work involved will not trigger either of PBOT's thresholds for requiring frontage improvements or property dedication.
2. The applicant asked a question relative to what PBOT interprets as the southern driveway along SW Macadam frontage (the application cites the driveway at the "eastern limits of the site"). In relation to the expected Building Permit, the applicant will need to demonstrate to PBOT's satisfaction that this existing driveway satisfies current ADA standards – if it doesn't meet current ADA standards, it'll need to be reconstructed accordingly.

B. PERMIT INFORMATION:

At the time of permit review (following the land use review) you should be aware of the following:

1. System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of Building Permits by contacting PBOT's SDC Section at (503) 823-7002 (option 2).
2. Curb cuts and driveway construction must meet the requirements in Title 17. Title 17 driveway requirements will be enforced during the review of Building Permits (*see item A.2 above*).



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Ted Wheeler, Mayor ■ Michael Jordan, Director

Pre-Application Conference Response

Date: April 7, 2020

To: Jean Hester, Conference Facilitator
503-823-7783, Jean.Hester@portlandoregon.gov

From: Abigail Cermak, BES Systems Development
503-823-7577, Abigail.Cermak@portlandoregon.gov
Jennifer Antak, BES Watershed Services

Case File: EA 20-121512

Location: 7140 SW MACADAM AVE

R#: R273083, R330299

Proposal: OPB is preparing for site improvements to meet a non-conforming Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval. Modifications through Design Review are needed to perimeter and interior parking lot standards where existing conditions preclude full compliance.

The Bureau of Environmental Services (BES) has reviewed the submitted materials to identify potential issues and requirements and provide the following comments. Some references to Portland City Code (PCC) are included below; the applicant may refer to the Auditor's Office [Online Charter and Code](#).

A. KEY ISSUES AND REQUIREMENTS

Following is a brief summary of issues and requirements that may impact your proposed project or are submittal requirements that will require time to prepare prior to submittal of the application.

1. Landscaped areas in parking lots must be utilized as stormwater facilities where feasible if nonconforming parking lot landscaping will be brought into conformance.
2. The applicant must submit a utility plan and stormwater report with the land use application if it has been deemed feasible that landscaped areas can be used as stormwater facilities.

B. FOLLOW UP TO QUESTIONS RAISED AT THE MEETING

1. Due to the COVID-19 State of Emergency, the scheduled meeting for this project was cancelled. Written notes are being provided. If the applicant has any questions about the following information, please feel free to contact me, Abigail Cermak, at your convenience. The best way to contact me is via email at abigail.cermak@portlandoregon.gov.

C. SANITARY SERVICE

1. *Sanitary Infrastructure:* According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:
 - a. There is a public 8-inch sanitary-only sewer in SW Nevada St (BES as-built # 2377).
 - b. There is a public 12-inch concrete (CSP) combined sewer on the far west side of SW Macadam Ave (BES as-built #22313).
2. *Connection Requirements:* If any new sanitary connections are proposed, please note that connections to the City sewer system must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#), [PCC 17.32.090](#), administrative rules [ENB-4.07](#) and [ENB-4.17](#), and all other relevant City codes and rules. Sanitary sewage from private property must be separately conveyed to the property line and connected through

individual laterals for discharge to the City separate sanitary or combined sewer. Per [ENB-4.07](#), sewer connection permits are required to make new connections to City mains and laterals, relocate or upsize existing laterals, and repair sewers in City right-of-way. The permittee is responsible for verifying the location, depth and size of an existing sewer lateral and for ensuring the lateral is clear of obstructions prior to connection.

D. STORMWATER MANAGEMENT

1. *Stormwater Infrastructure:* According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
 - a. There is a public 8-inch storm-only sewer in SW Nevada St (BES as-built #2377). City records indicate that there are existing stormwater lateral connections to this sewer from the surface parking lots of the subject property.
 - b. There is a public BES-owned 22-inch vitrified clay (VSP) storm-only sewer on the west side of SW Macadam Ave (BES as-built #20330). City records also indicate there are existing stormwater lateral connections to this sewer from the subject site.
 - c. There is a 12-inch concrete (CSP) ODOT-owned storm-only sewer on the east side of SW Macadam Ave (as-built #15V-101). Connections to this sewer would need to be approved by ODOT. This ODOT sewer connects to a BES-owned 12-inch concrete (CSP) storm-only sewer in SW Macadam Ave (as-built unknown) which connects further downstream to the BES-owned 22-inch storm-only sewer described above.
 - d. There is a private drainage ditch east of the subject site.
 - e. There also appear to be 4-inch ODOT perforated storm-lines in SW Macadam Ave.
 - f. Currently, stormwater from the public right-of-way discharges to existing storm infrastructure in SW Macadam (ODOT-owned) and SW Nevada (City of Portland).
2. *General Stormwater Management Requirements:* Development and redevelopment sites that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland's [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date. A fundamental evaluation factor in the SWMM is the Stormwater Infiltration and Discharge Hierarchy (Section 1.3.1), which sets the framework that will be used to determine when a project's stormwater runoff must be infiltrated onsite and when offsite discharge will be permitted, and the parameters that must be met for either scenario. If tested infiltration rates on a property are greater than or equal to 2 inches per hour, onsite infiltration will be required unless the site falls under a specific exemption described in Section 1.3.3 of the SWMM. Note that maximum building coverage allowed by the zoning code does not exempt the applicant from stormwater requirements. Pollution reduction and flow control requirements must be met using vegetated facilities to the maximum extent feasible, though roof runoff and some paved impervious surfaces are exempt when discharging directly to a UIC (refer to Section 1.3.3 of the SWMM). The Hierarchy also includes impervious area reduction techniques (ecorooft, pervious paving and trees), which can mimic the passive treatment of pre-development conditions and help reduce the area of new development requiring stormwater management.
3. *Public Right-of-Way Stormwater Management:* Stormwater runoff from the public right-of-way must comply with all applicable standards of the SWMM and Sewer and Drainage Facilities Design Manual and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.

- a. Based on the scope of PBOT requirements, no public stormwater management facilities are required. Note that if changes in the scope of the proposed development alter PBOT requirements for public improvements, then public stormwater management facilities that conform with the SWMM may be required.
4. *Private Property Stormwater Management:* Stormwater runoff from this project must comply with all applicable standards of the SWMM and SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.
- a. *SWMM Triggers:* Stormwater management requirements described in the SWMM are triggered for projects that develop or redevelop greater than 500 square feet of impervious area. Changes to paved or other impervious surfaces that expose 500 square feet or more of gravel, aggregate or soil and repave would trigger the requirements of the SWMM. In addition, expanding the footprint of existing structures or impervious area, or expansion of existing structures within the existing development footprint may trigger the SWMM. The applicant may refer to Section 1.2.1 of the SWMM and coordinate with BES staff for information of what qualifies as development and redevelopment for this project. If stormwater management requirements of the SWMM are triggered, a stormwater report will be required.
5. *Landscaping Benefits:* BES's mission includes the protection of public health, water quality and the environment by providing sewage and stormwater collection and treatment services, and by protecting the quality of surface and ground waters. Landscaping is needed to mitigate some of the negative impacts of streets and parking areas in the Willamette River watershed. New landscaping will have a dual benefit that is aligned with the two prongs of BES's mission:
- a. Landscaping will help by lowering the temperature of runoff, facilitating infiltration of stormwater which recharges groundwater, and increasing and cooling base flows that will eventually flow into the Willamette River.
 - b. Landscaping will help the public conveyance system by intercepting stormwater thereby reducing the peak flow – and reducing the total volume – of runoff that is conveyed to the public sewer system.

Note that if an Adjustment to landscaping requirements identified in Zoning Code is proposed, BES will provide input to BDS regarding whether applicable stormwater related approval criteria can be met with the requested Adjustment. The applicant will need to demonstrate in a narrative and on a site plan how the intent of the approval criteria can be met.

6. *TMDL Requirements:* The project site is located in the Willamette River Watershed, where Oregon DEQ Total Maximum Daily Load (TMDL) water quality requirements apply. The SWMM requires that applicants use pollution reduction facilities that are capable of reducing TMDL pollutants. Vegetated facilities sized according to the Simplified or Presumptive Approaches meet these requirements.
7. *Nonconforming Parking Lot and Landscape Requirements:* If this project will bring existing parking areas into compliance with current landscaping requirements per PCC 33.258.070, then the SWMM requires that new landscaped areas must also be utilized as vegetated stormwater facilities where feasible (refer to page 1-9 of the SWMM). The SWMM includes examples of criteria that will be considered to determine feasibility. Note that if a stormwater facility is determined feasible, the facility must be sized using the appropriate methodology from Section 2.2 of the SWMM and should therefore be included in the required stormwater report.
- a. Plans submitted for land use review must be revised to show all required parking lot landscaping upgrades and address the feasibility of using those areas for stormwater management. It is recommended to do this concurrently with the design review so as not to risk triggering a re-review. If not completed at this stage, it will be a building

permit requirement.

E. GENERAL PUBLIC WORKS PERMIT INFORMATION

For questions related to the public improvements described throughout these notes, please contact Andre Duval at (503) 823-7214 or andre.duval@portlandoregon.gov or the BES Development Engineering hotline at (503) 823-7761, option 3.

1. *General Public Works Permit Information:* Information on the City's public works permit (PWP) process, including submittal requirements and review timelines, is available at www.portlandoregon.gov/publicworks. All submitted public works plans must meet the City's Sewer and Drainage Facilities Design Manual (SDFDM), SWMM, and public works permitting plan submittal requirements and drafting standards. Contact Public Works Permitting at (503) 823-1987 or pwp@portlandoregon.gov with questions related to the general public works permit process.
2. *Hazardous Substances Code:* The City's Hazardous Substances Code (PCC 17.24.067) requires the excavation and removal of disturbed contaminated soils from right-of-way access areas and utility corridors. The soils must be replaced with clean fill at a minimum depth of 5 feet. A demarcation/contaminant barrier is also required when it has been determined the soils are contaminated at depth. Erosion control measures for contaminated soils ([Section 1.12](#) of the SCM) must be met. Soil stockpiles must be covered and contained with a barrier on all four sides, with an impervious layer underneath the stockpile to inhibit contaminants from leaching back into the soil.

F. SITE CONSIDERATIONS

The following information relates to specific site conditions or features that may impact the proposed project.

1. *Mature Trees:* Mature trees are beneficial because they intercept at least 30% of precipitation that falls on the canopy, filter stormwater, help prevent erosion, and provide shade which cools the air and stormwater runoff. Trees also increase property values and help support Portland's adaptation to climate change. It is difficult to mitigate for the removal of mature trees as it can take decades for new trees to provide equivalent benefits. BES recommends that future development at this site include measures to preserve as many of the site's existing trees as possible. Financial incentives for existing trees taller than 15 feet on private property may be available for ratepayers who register with [Clean River Rewards](#), the City's stormwater discount program. Call 503-823-1371 for more information.

G. SUBMITTAL REQUIREMENTS FOR LAND USE

1. Full land use plan set, including preliminary utility plan.
2. If nonconforming upgrades are necessary under this review and the applicant proposes to bring parking lot landscaping into conformance, then BES will request that plans be submitted showing proposed new landscaped areas and the topography of the adjacent parking lots to aid BES staff in determining the feasibility of using new landscaped areas for stormwater management.
3. If it is feasible to use required landscaping areas as stormwater facilities, the applicant must submit a Stormwater Report with the land use application.

H. PERMIT INFORMATION

At the time of permit review the applicant should be aware of the following:

1. *Connection Fees:* Sewage system connection fees and system development charges are assessed at the time of building plan review and change every fiscal year on July 1st. For additional information on these fees, navigate [here](#) or call the BES Development Review Team at 503-823-7761.

2. *Connection Requirements:* Connection to public sewers must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#).
3. *UIC Registration:* The Oregon Department of Environmental Quality (DEQ) regulates underground injection control (UIC) facilities to protect groundwater. Drywells and soakage trenches are examples of UICs. It is the applicant's responsibility to register all onsite UICs with DEQ, as appropriate. To learn more visit [DEQ's website](#) or contact the DEQ UIC Program at 503-229-5945. The SWMM also includes general UIC information.

I. ADDITIONAL STORMWATER MANAGEMENT CONSIDERATIONS

Included below is information regarding programs and technologies that the project team may choose to utilize for this project.

Topic	Comments	Links & Contacts
Clean River Rewards Program	Clean River Rewards, Portland's stormwater discount program, offers discounts up to 100% of the City's onsite stormwater management charge to ratepayers who manage stormwater runoff on their property. The discount is calculated on a sliding scale for how much and how well properties manage stormwater onsite. Ratepayers must register their property and describe how stormwater is being managed to qualify. See the Clean River Rewards website for more information.	BES Clean River Rewards Program : 503-823-1371 (hotline)



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Site Development

Early Assistance Conference Response

Date: April 6, 2020

To: Jean Hester, Conference Facilitator
503-823-7783, Jean.Hester@portlandoregon.gov

From: Ye Zhuang, 503-823-7901
Ye.Zhuang@portlandoregon.gov

Case File: EA 20-121512

Location: 7140 SW MACADAM AVE

R#: R273083, R330299

Proposal: A Pre-Application Conference to discuss site improvements to the site that include perimeter and interior parking lot landscaping. This landscaping will fulfill the Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval for the site regarding the required landscaping..

The Site Development Section of the Bureau of Development Services (BDS) has reviewed the pre-application conference materials. We identified that erosion control as a required item in building permit application submittal.

A. 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 must be submitted at the time of plan review.

Summary of erosion control information that must be submitted to Site Development at the time of land use review: none. Questions regarding this requirement may be directed to Ye Zhuang, 503-823-7901.

Water Bureau

Early Assistance Appointment Response

Date: March 17, 2020

To:

From: Joel Hill, 503-823-7475, Joel.Hill@portlandoregon.gov

Case File: EA 20-121512

Location: 7140 SW MACADAM AVE

Property ID: R273083, R330299

Proposal: A Pre-Application Conference to discuss site improvements to the site that include perimeter and interior parking lot landscaping. This landscaping will fulfill the Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval for the site regarding the required landscaping..

The Portland Water Bureau (PWB) has reviewed the early assistance materials to identify potential issues and requirements.

A. KEY ISSUES

1. To install a new sanitary lateral to the property you will need to cross an existing water main. PWB will require a Utility Protection Plan prior to construction. Refer to the [Portland Guidelines for Utility Protection](#) for more information.

B. WATER AVAILABILITY

1. Water is available to this site from the 16" CI water main in SW MacAdam. The static water pressure is estimated as 63-79 psi at 46 feet in elevation.
2. The site is currently served through a 2" meter on a 2" service. Services will be evaluated at the time of PWB permit review. If the services are found to be inadequate, they will be resized at the expense of the applicant. If an existing service is not used for the new development, it must be removed. All fees to remove services are the responsibility of the applicant.

C. OTHER CATEGORY

1. If a single domestic and/or fire service is to be used to serve two or more buildings, the property owner will be required to sign a "Separate Service Agreement" prior to building permit approval or purchasing new services. The agreement states if the property is divided in the future, separate water domestic and/or fire service must be installed for each resulting parcel prior to approval of the land division.
2. All mixed-use/multi-tenant developments, certain occupancies, and services larger than 1.5" will require the installation of a backflow prevention assembly on private property.

Water Bureau required backflow assembly installations can significantly impact property frontage development. Water Bureau required assemblies are typically required to be installed on private property at the property line, on the centerline of the city water service. Some installations are required to be installed above finished grade in an approved insulated outdoor enclosure. Please reference possible backflow assembly requirements for your project at <https://www.portlandoregon.gov/water/article/326464> or call 503-823-7480 for more information.

3. To obtain fire flow information fill out a “Fire Flow Request Form” found at our website, <http://www.portlandonline.com/water/index.cfm?c=55128&> or by calling 503-823-1408.
4. If there is contamination in or near the ROW at the location of proposed water mains or services, PWB requires:
 - a. Verification of clean soils at the location of the installations; or
 - b. Identification of the extent and degree of contamination such that appropriate remediation plans can be generated prior to any PWB construction. The remediation, disposal fees, and charges are the responsibility of the applicant.
5. A water main relocation may be required where new or reconstructed infrastructure is proposed to encroach on an existing water line.

D. WATER CODE REQUIREMENTS

Topic	Code and Comments	Code Citation & Link
Title 21	City Water Code	Title 21 Water

E. PERMIT INFORMATION

At the time of permit review (following the land use review) you should be aware of the following:

1. All new domestic service taps and upsized meters will be assessed a [System Development Charge](#) (SDC). Fee is based on meter size. Meters will be sized during the building permit process. Sizing is based on total count of all fixtures supplied by the identified service. Applicant will provide an SDC Form, W-3, or W-4 for each service as part of the building permit submittal. There will be no reduction in meter size based on grey water usage or the installation of low-flow fixtures. SDC credit will be given for meters that are permanently removed. SDC credit is applied towards services within the same lot and is not transferrable.
2. Fire lines are excluded from Systems Development Charges.
3. The applicant can consider the use of a combination domestic and fire service for domestic services of 2” or less. In this circumstance PWB will require that the fire flow demand be provided prior to building permit approval.
4. Service/Mains work in SW MacAdam will fall outside of our Rate Ordinance and will require a Site Specific estimate. Ordinance rates for service installations and water main extensions can be found in Exhibit A of the FY 19-20 Water Fee Schedule: <https://www.portlandoregon.gov/water/article/735903>.

Fire Bureau

Pre-Application Conference Response

Date: February 28, 2020

To: Jean Hester, Conference Facilitator

From: Dawn Krantz, 503-823-3718

Dawn.Krantz@portlandoregon.gov

Case File: EA 20-121512

Location: 7140 SW MACADAM AVE

Property ID: R330299

Proposal: OPB is preparing for site improvements to meet a non-conforming Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval. Modifications through Design Review are needed to perimeter and interior parking lot standards where existing conditions preclude full compliance.

The Fire Bureau has reviewed the pre-application conference materials to identify potential issues and requirements.

A. KEY ISSUES AND REQUIREMENTS

Following is a brief summary of issues and requirements that may impact your proposed project or are submittal requirements that will require time to prepare prior to submittal of the application.

1. This proposal does not appear to be related to any Fire Code requirements. Should any development permits be required for development on site, all applicable Fire Code requirements would apply at the time of permit review and development.



Urban Forestry

Early Assistance Response

Date: March 16, 2020
From: Casey Clapp
503-823-4467, Casey.Clapp@portlandoregon.gov
Case File: EA 20-121512
Location: 7140 SW MACADAM AVE
Proposal: A Pre-Application Conference to discuss site improvements to the site that include perimeter and interior parking lot landscaping. This landscaping will fulfill the Option 2 agreement with the City of Portland (PR 18-140945 NCU). A Type III review is required to modify a previous condition of approval for the site regarding the required landscaping..

Portland Parks, Urban Forestry staff has reviewed the Early Assistance materials to identify potential issues and requirements in accordance with Title 11, Trees. This response identifies potential issues and/or impacts on existing street and heritage trees, and trees on city-owned or managed sites, if applicable. Trees on private property are subject to development standards from the Bureau of Development Services. See planner requirements for private property trees.

Please note that there may be other applicable tree requirements in Title 33 Planning & Zoning.

A. Response Summary

The development will be subject to Urban Forestry standards and requirements during the permit review process as detailed below.

The existing street trees must be preserved at all phases of construction. All of the existing street trees are healthy, non-nuisance species that are appropriate for their location. The applicant must preserve tree per 11.60.030 Tree Protection Specifications. If the applicant wants to pursue removal, they must adequately demonstrate why the tree cannot be preserved while developing the site to City standards.

B. Tree Plan (11.50.060)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. A tree plan was submitted with the EA application, but additional tree information may be required. The plan must include the following information for street trees:

- a. The size and location of street trees adjacent to the subject property.
- b. Trees proposed to be preserved including tree protection specifications in accordance with 11.60.030.
- c. Tree(s) proposed for removal.
- d. Tree planting plan (tree species and location(s)).



C. Street Trees

1. Existing Street Conditions

- a. SW Macadam St: The site has approximately 565 feet of street frontage. The right-of-way is improved with pavement, curbs, planting strip, and sidewalks. There are overhead high voltage power lines. There are 15 street trees. All of the street trees are Raywood Ash (*Fraxinus oxycarpa* 'Raywood') in good condition. They range in size from 3" to 25" DBH.

2. Street Tree Preservation (11.50.040)

Based on the proposed development it appears existing street trees may be impacted. Development proposals must be configured to avoid street trees.

All existing street trees must be preserved at all phases of construction as they are healthy, non-nuisance species that are appropriate for their locations. If the applicant believes the tree must be removed to facilitate development, the applicant must provide adequate technical analysis demonstrating why the tree cannot be preserved while developing the site to City standards.

3. Street Tree Protection Specifications (11.60.030)

Tree protection is required in accordance with Title 11 Trees, Protection Methods (11.60.030). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site

4. Street Tree Planting (11.50.060.C)

The applicant has provided a conceptual street tree planting plan showing all the existing street trees as retained. This plan meets the requirements of 11.50.060 for street tree planting. Any new street trees must be planted at a minimum 2.5 caliper inches and be a species chosen from the appropriate list. The tree planting must be shown on all plan sets.

- a. SW Macadam St: The site has approximately 565 feet of street frontage at this location; due to the existing infrastructure and tree spacing, the required number of trees is reduced by eight requiring a minimum of 15 trees to be planted or preserved.

Street tree planting may be exempt under 11.50.060.B when existing above or below grade utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide.

Due to the existing condition of the right-of-way, street trees may not be required unless PBOT requires frontage improvements.

D. Heritage Trees

1. Heritage Trees (11.20.060):

There are no Heritage Trees on or adjacent to this site.





URBAN FORESTRY TREE REQUIREMENTS

Early Assistance and Land Use Review

Portland Parks & Recreation Urban Forestry staff review Early Assistance and Land Use Review materials to identify potential issues and requirements in accordance with Title 11, Trees and Title 33, Zoning Code. The purpose of these reviews is to identify potential issues and/or impacts on existing street trees, heritage trees, and trees on City-owned or managed sites (if applicable), as well as to provide adequate areas for future street tree planting on existing and proposed public streets. Trees on private property are subject to development standards from the Bureau of Development Services. See planning requirements for private property trees or call the Zoning Hotline at 503-823-7526.

Tree Plan Submittal Requirements (11.50.070)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. The tree plan information may be combined with other relevant plan sheets. The tree plan submittal shall include the following information:

- existing improvements;
- proposed alterations;
- existing street trees ≥ 3 " DBH including size and location;
- existing on-site trees ≥ 6 " DBH within 15' of the limits of disturbance;
- trees proposed for removal;
- tree planting proposal, including tree size, species and location; and
- trees to be retained and proposed tree protection measures meeting the specification in Chapter 11.60.

Any changes to an approved Tree Plan, including amending tree species must be approved by the City Forester. Please note that the City Forester may not approve revised tree planting plans based on the lack of species availability. To facilitate species availability, it is recommended that tree procurement occur approximately 6 months prior to installation.

Tree Mitigation (11.50.040.C.2)

Healthy street trees ≥ 6 " DBH that are approved for removal shall be replanted with two trees in addition to trees required to be planted to meet Street Tree Planting Standards, below. When street improvements are to partially or fully unimproved streets, healthy street trees ≥ 12 " DBH approved for removal shall be replanted with two trees, with trees planted to meet Street Tree Planting Standards credited towards meeting this requirement. Tree replacement for trees removed shall occur in the street planter strip, on site, or in the same watershed either by planting or by paying a fee in lieu of planting in accordance with table 60-1, below.

On City-owned or managed sites, healthy, non-nuisance trees ≥ 6 " DBH that are approved for removal shall be replanted per the Administrative Rule for tree replacement standards, below:



Tree Replacement for Development on City Owned or Managed Sites

Size of tree to be removed (inches in diameter)	Number of trees to be planted
6 and up to 12	Up to 2
More than 12 and up to 20	Up to 3
More than 20 and up to 25	Up to 5
More than 25	Up to 6

Street Tree Planting Standards (11.50.050)

One street tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. Planting is exempt when existing above or below grade utilities prevent planting of street trees, or if the existing design of the street will not accommodate street tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells. Trees planted to meet street tree planting standards are credited toward mitigation requirements when street improvements are to partially or fully unimproved streets. When the required number of trees cannot be planted, a fee in lieu of planting will be required, in accordance with Table 60-1, below.

Table 60-1 Broadleaf Tree Size Requirements

Development Type	Tree Size	
	On Site	Street
One and Two Family Residential	1.5”	1.5”
Multi Dwelling Residential	1.5”	2”
All others	1.5”	2.5”

Tree Planting Specifications

If there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one species. Street tree species shall conform to the appropriate “City of Portland Approved Street Tree Planting List.” The City Forester may approve or require an alternate or unlisted species.

All required street trees shall be planted in-ground following Standard Drawing Number P-581 “Typical Street Tree installation,” except when in raised planters that are used to meet Bureau of Environmental Services storm water management requirements. Please include the Standard Drawing Number P-581 as part of the Public Works permit application. Plant materials shall be installed to current nursery industry standards and proper arboricultural practices [American National



Standards Institute, *ANSI A300 Part 6: Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices (Planting and Transplanting)* 2012, Tree Care Industry Association, Inc. Londonderry, NH]. Plant materials shall be properly supported to ensure survival.

All trees required or approved to be planted by Title 11 shall be planted or payment in lieu of planting made prior to the expiration of the permit or City's final acceptance of the project, as applicable. However, it is encouraged that planting occur during the wet months or as per City Forester recommendations. Street tree planting may be deferred between May 1 and September 30 upon filing a performance guarantee as provided in Section 11.10.060 or other assurance deemed acceptable by the City Forester or BDS Director as applicable.

Tree Protection Specifications (11.60.030)

Trees to be retained shall be protected in accordance with Title 11 Trees, Protection Specifications (11.60.030.C). Tree protection shall be shown on the tree plan and include the distance from the trunk of the tree to the fence. A standard root protection zone is established as follows; a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter. Protection fencing shall be a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts established at the edge of the root protection zone and permissible encroachment area.





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

8/23/18

Oregon Public Broadcasting Foundation (OPB)
 c/o Dana Krawczuk, Stoel Rives, LLP
 760 SW Ninth Ave, Suite 3000
 Portland, OR 97205

Re: **PR 18-140945 NCU**

Confirmation of Nonconforming Upgrades Option 2 Request for property at 7140 SW Macadam Ave. Legally described in attached Exhibit A, State Identification # 1S1E22AC 200 & 1S1E22A 800, Tax Account #'s R330299 & R273083.

Dear Dana Krawczuk,

On March 26, 2018 you submitted an application to the Bureau of Development Services (BDS), Land Use Services Division, Planning and Zoning to use Option 2 (Section 33.258.070.D.2.d(2) of the Portland Zoning Code) allowing you to defer required upgrades to nonconforming development at the above-referenced property for several years. The purpose of this letter is to confirm that the application has met all of the submittal requirements necessary to use Option 2, confirm the date by which the site must be brought into compliance, and outline the steps necessary to show that the site has been brought into conformance by the end of the compliance period.

On September 15, 2017 a building permit (17-241498 CO) was submitted for interior tenant improvements and exterior alterations for the existing building where OPB operates. These alterations triggered required upgrades to the existing nonconforming development, per Section 33.258.070 of the Zoning Code. You or your representative has chosen Option 2 to address the required upgrades. Per 33.258.070.D.2.d(2), Option 2 requires the property owner to execute a covenant that identifies development on the site that does not meet the standards listed in 33.258.070.D.2.b and specifies the date by which the owner will bring all nonconforming development into full compliance. The required covenant was recorded with Multnomah County on May 16, 2018; thus the nonconforming upgrade requirements associated with permit #17-241498 CO have been satisfied. The building permit (17-241498 CO) was issued on June 4, 2018.

Per the Option 2 Selection Form, the recorded Nonconforming Development Assessment has been reviewed regarding the content of the assessment and the extent of required upgrades. This review, identified as the Nonconforming Development Assessment Exhibit I Checksheet, is based on the site plan recorded with your covenant and is attached with this letter. No site visit was conducted as part of this analysis.

The required upgrades, as specified in the recorded covenant, included in the Nonconforming Development Assessment Exhibit I Checksheet, must be brought into conformance by June 4, 2020 (2 years from the date of issuance of permit #17-241498 CO). Until that time, permit applications that trigger Zoning Nonconforming Upgrades per 33.258.070.D.2.a may be issued without addressing nonconforming development that may exist on the site as allowed by 33.228.070.D.2.d(2).

By the end of the 2-year compliance period listed above, the property owner or their representative must request that the above-referenced site be certified by the Bureau of

RECEIVED

Nonconforming Upgrade Option 2 Confirmation Letter
7140 SW MACADAM AVE

Development Services (BDS) to be in conformance with the development standards of Section 33.258.070.D.2.b. **To certify the site, a permit documenting full conformance with the development standards of Section 33.258.070.D.2.b is required to be approved and receive final inspection status prior to the end of the compliance period.** All required or voluntary land use review applications (i.e., Adjustment Review, Design Review, etc.) affecting the above-referenced site must be recorded at the county in which the site is located prior to certification. **If the site is not certified to be in full conformance with the development standards of Section 33.258.070.D.2.b by the end of the compliance period, no additional building permits will be issued until the site is certified. This does not include mechanical, plumbing, or electrical permits.**

It should be noted that zoning code regulations do change over time. It is possible that the standards represented in the covenant and attachments, provided with this letter, may change over the 2-year compliance period. Per 33.258.070.D.2.d, Option 2 only requires you to make upgrades to your site based on the regulations in effect at the time of permit application #17-241498 CO. However, in the event regulations have been amended during the compliance period, and those amendments result in additional nonconforming development, the property owner must address the new nonconforming development for subsequent permits that exceed the threshold that triggers Zoning Nonconforming Upgrades (currently \$163,650). In other words, if the site is certified to be in compliance with the standards in effect at permit application, instead of the standards in effect after the 2-year compliance period, it is possible that the site may still not be in conformance with the standards in effect at the time of certification. Thus, the next subsequent permit that is applied for that is in excess of the value threshold (currently \$163,650), will trigger a new review for Zoning Nonconforming Upgrades. The owner will then need to pursue Option 1 or Option 2 to address the additional nonconforming development. Option 1 requires that 10% of the value of the alterations be spent toward upgrades in association with the building permit that triggers the upgrades; Option 2 allows deferral for a 2-year period and all upgrades must be made regardless of valuation.

Therefore, at the end of the compliance period you may choose to have the site reviewed under both the code in effect at the time of initial permit application, and the code in effect at the end of the compliance period. You can then decide which standards to comply with. Again, the property owner is obligated by the covenant only to fulfill the standards in effect at the time of permit application, but may be at risk of needing another full review for Zoning Nonconforming Upgrades at the time of the next permit application in excess of the cost threshold (currently \$163,650).

If you have any questions regarding this information, please contact me at 503-823-7348.

Sincerely,



Parish Burns
City Planner
Bureau of Development Services

Enclosures:

Zoning Map

Option 2 Covenant and Nonconforming Development Assessment Exhibit I Checksheet

Cc: Steven M. Bass, President & CEO, Oregon Public Broadcasting

Exhibit A

Legal Description

PARCEL 1

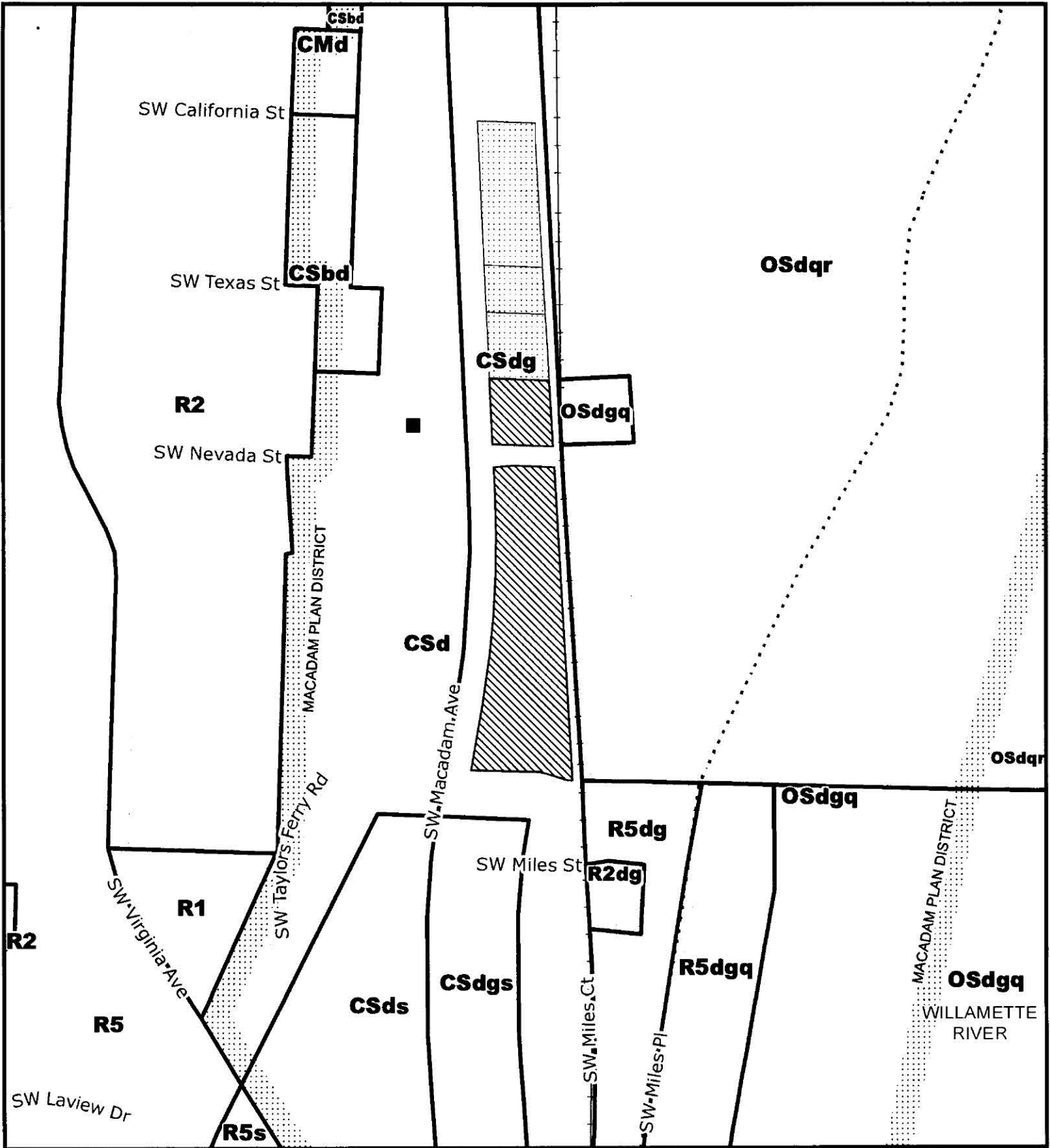
A tract of land situated in the Northeast 1/4 of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being Lots 2 and 4, Block 4, "Southern Portland", lying West of the Westerly right of way line of the Southern Pacific Railroad and East of the Easterly right of way line of S.W. Macadam Avenue.

PARCEL 2

A tract of land situated in the Northeast 1/4 of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Beginning at a point on the easterly right of way line of S.W. Macadam Avenue that is intersected by a line 12.00 feet Northerly when measured at right angles and parallel with the north line of Block "E" Fulton Park; thence along said right of way line, North 09°42'35" East 104.13 feet to a 5/8" iron rod and point of curve; thence northerly along a curve to the left having a radius of 1472.39 feet through a central angle of 12°24'01" a distance of 318.66 feet (long chord bears North 03°30'35" East 318.04 feet) to a 5/8" iron rod; thence North 02°41'26" West 42.01 feet to a 5/8" iron rod at the southwest corner of a tract of land conveyed to the City of Portland, recorded in Book 2132, Page 1619, Multnomah County Deed Records; thence along said southerly line of said Book 2132, Page 1619, North 85°18'07" East 31.19 feet to a brass screw; thence continuing along said southerly line, South 87°50'25" East 62.14 feet to a brass screw at the intersection of said southerly line with the westerly right of way line of the Southern Pacific Railroad; thence South 03°19'54" East along said westerly right of way line, 478.79 feet to a 5/8" iron rod; thence North 88°32'46" West 7.00 feet to a 5/8" iron rod; thence along that line described in deed to New Idria, Inc. in Book 1318, Page 1456, Multnomah County Deed Records, North 73°18'50" West 44.72 feet (Deed North 73°05'19" West 44.81 feet) to a point; thence North 88°32'46" West 106.27 feet (Deed North 88°37'17" West 106.14 feet) to the place of beginning.

Parcels 1 and 2 combined containing 1.437 Acres, more or less.



ZONING

↑ NORTH

THIS SITE LIES WITHIN THE:
MACADAM PLAN DISTRICT

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

File No.	PR 18-140945 NCU
1/4 Section	3730
Scale	1 inch = 200 feet
State ID	1S1E22AC 200
Exhibit	B Apr 02, 2018

Multnomah County Official Records
E Murray, Deputy Clerk

2018-052116

05/16/2018 11:20:10 AM

1R-COVNT Pgs=10 Stn=26 HOWELLA
\$50.00 \$11.00 \$6.00 \$20.00

\$87.00

AFTER RECORDING, RETURN TO:

Dana Krawczuk
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

**RECORDING COVER SHEET
(COVENANT - NONCONFORMING DEVELOPMENT ASSESSMENT)**

NAME OF GRANTOR: Oregon Public Broadcasting, fka Oregon Public
Broadcasting Foundation

NAME OF GRANTEE: City of Portland

ABBREVIATED LEGAL
DESCRIPTION: (Complete legal description in Exhibit A attached to
document)

ASSESSOR'S PROPERTY TAX
PARCEL ACCOUNT NUMBERS: R330299 and R273083

RECORDING NO. REFERENCE: _____

COVENANT – NONCONFORMING DEVELOPMENT ASSESSMENT

REFERENCE: Nonconforming Development Assessment Covenant for site located at: 7140 SW Macadam Ave. Legal Description: Attached as Exhibit A. Identification #s: 1S1E22AC 200 and 1S1E22A 800, a combined total of approximately 63,397 square feet. Quarter Section Map: 3730. Tax Account #s: R330299 and R273083.

AGREEMENT: Oregon Public Broadcasting, fka Oregon Public Broadcasting Foundation has entered into an agreement with the City of Portland (City), in accordance with Portland Zoning Code Section 33.258.070.D.2.d (2), to bring all development on the above-referenced site that does not comply with the development standards listed in Section 33.258.070.D.2.b into full conformance with the requirements of Section 33.258.070.D.2.b, or an approved Adjustment to those requirements, within a 2-year compliance period.

REQUIRED UPGRADES: A Nonconforming Development Assessment is attached as Exhibit I. Exhibit I identifies in writing and on a site plan development that does not comply with the development standards of Section 33.258.070.D.2.b .

The Owner and the City acknowledge Exhibit I may be an incomplete listing of nonconforming development on the site. In the event the City determines there is other nonconforming development on the site that is not listed in Exhibit I, the Owner agrees to make additional upgrades to bring newly identified nonconforming development into conformance with 33.258.070.D.2.b by the end of the compliance period.

COMPLIANCE PERIOD: By the end of the 2-year compliance period, the Owner must request that the above-referenced site be certified by the Bureau of Development Services (BDS) as in conformance with the development standards of Section 33.258.070.D.2.b. A permit documenting full conformance with the development standards of Section 33.258.070.D.2.b must be obtained and final inspections approved prior to BDS certification. All required or voluntary Land Use Review applications affecting the above-referenced site must be recorded at the county in which the site is located prior to certification. If the site is not certified as fully in conformance with the development standards of Section 33.258.070.D.2.b, as described by the requirements of 33.258.070.D.2.d.(2), by the end of the compliance period, no additional building permits will be issued. A permit documenting full conformance with these standards is required and must receive final inspections prior to BDS certification. Owner may elect to have the site certified either under the standards in effect at the time of application of Permit # 17-241498 CO (September 15, 2017), or the standards in effect at the end of the compliance period. The compliance period will end 2 years from the issuance date of **Permit #17-241498 CO**.

RECORDING: The covenant must be attached to the deed and be recorded in the appropriate records of the county in which the site is located. Proof of the recording must be made prior to the issuance of any building permits.

This Covenant is for the benefit of the City of Portland and is to run with the land. This covenant shall be binding on owners and all parties claiming through or under them, and may at any time be specifically enforced by the City unless an instrument executed by the City and owners has been recorded agreeing to amend this Covenant in whole or in part.

In Witness Whereof, this agreement has been duly executed on 5/15, 2018

City

Owner

Done this 15th day of May, 2018 by

Done this 4th day of May, 2018 by

Signature: Kimberly Tallant

Signature: Steven M. Bass

Kimberly Tallant
Rebecca Esau, Director ^{Acting}
Bureau of Development Services,
City of Portland

Print Name: Steven M. Bass
Title: President & CEO
Company: Oregon Public Broadcasting

State of Oregon)
County of Multnomah)

State of Oregon)
County of Multnomah)

Kimberly Tallant
On this 15th day of May, 2018,
personally appeared the above named
Rebecca Esau, Director, Bureau of
Development Services, City of Portland
and acknowledge the foregoing instrument
to be a voluntary act and deed.

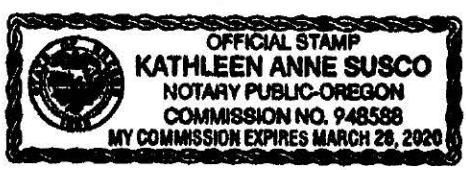
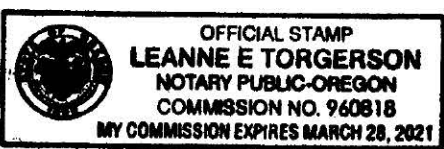
On this 4th day of May, 2018,
personally appeared the above named
Steven M. Bass, President & CEO of
Oregon Public Broadcasting
and acknowledge the foregoing instrument
to be a voluntary act and deed.

Before me:
Leanne E Torgerson

Before me:
Kathleen Anne Susco

Notary Public for the State of Oregon
My commission expires: 3/28/21

Kathleen Anne Susco
Notary Public for the State of Oregon
My commission expires: March 28, 2020



Attachment(s):
Exhibit A - Legal Description
Exhibit I - Nonconforming Development Assessment Checksheet and Site Plan

Exhibit A

Legal Description

PARCEL 1

A tract of land situated in the Northeast 1/4 of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being Lots 2 and 4, Block 4, "Southern Portland", lying West of the Westerly right of way line of the Southern Pacific Railroad and East of the Easterly right of way line of S.W. Macadam Avenue.

PARCEL 2

A tract of land situated in the Northeast 1/4 of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Beginning at a point on the easterly right of way line of S.W. Macadam Avenue that is intersected by a line 12.00 feet Northerly when measured at right angles and parallel with the north line of Block "E" Fulton Park; thence along said right of way line, North 09°42'35" East 104.13 feet to a 5/8" iron rod and point of curve; thence northerly along a curve to the left having a radius of 1472.39 feet through a central angle of 12°24'01" a distance of 318.66 feet (long chord bears North 03°30'35" East 318.04 feet) to a 5/8" iron rod; thence North 02°41'26" West 42.01 feet to a 5/8" iron rod at the southwest corner of a tract of land conveyed to the City of Portland, recorded in Book 2132, Page 1619, Multnomah County Deed Records; thence along said southerly line of said Book 2132, Page 1619, North 85°18'07" East 31.19 feet to a brass screw; thence continuing along said southerly line, South 87°50'25" East 62.14 feet to a brass screw at the intersection of said southerly line with the westerly right of way line of the Southern Pacific Railroad; thence South 03°19'54" East along said westerly right of way line, 478.79 feet to a 5/8" iron rod; thence North 88°32'46" West 7.00 feet to a 5/8" iron rod; thence along that line described in deed to New Idria, Inc. in Book 1318, Page 1456, Multnomah County Deed Records, North 73°18'50" West 44.72 feet (Deed North 73°05'19" West 44.81 feet) to a point; thence North 88°32'46" West 106.27 feet (Deed North 88°37'17" West 106.14 feet) to the place of beginning.

Parcels 1 and 2 combined containing 1.437 Acres, more or less.



CITY OF
PORTLAND, OREGON
 BUREAU OF DEVELOPMENT SERVICES
 1900 SW 4th Avenue, Ste. 5000
 Portland, OR 97201

**Nonconforming Development Assessment
 Exhibit I Checksheet**

Application # **18-140945 PR**
 Review Date April 23, 2017

To:	APPLICANT	DANA KRAWCZUK STOEL RIVES LLP 760 SW 9 TH AVE #3000 PORTLAND, OR 97205	Phone	503-294-9218
			E-mail:	dana.krawczuk@stoel.com
From:	PLANNING & ZONING	PARISH BURNS	Phone	503-823-7348
			Fax Email	503 823-7915 Parish.Burns@portlandoregon.gov

PROJECT INFORMATION

Street Address:	7140 SW MACADAM AVE			
Base Zone:	CS	Overlay Zone:	dg	Plan District: MACADAM
Description of Work:	Tenant Improvement and Exterior Alterations with Nonconforming Upgrade Option 2			

NONCONFORMING DEVELOPMENT ASSESSMENT PLAN REVIEW

Per 33.258.070.d.2.b – Standards which must be met, development not complying with the development standards listed below must be brought into conformance or receive an Adjustment Land Use Review. The following comments are based on staff's review of Exhibit I and zoning regulations in effect at the time of application for the following permit: 17-264798-CO.

(1)	<p>Landscaping and trees required for the following areas: A detailed planting plan must be included in your future zoning permit to certify that the site is compliant with the following landscaping requirements.</p>
	<p>Exterior display, storage, and work activity areas;</p> <ul style="list-style-type: none"> • <i>Code Section:</i> 33.130.245 and 33.248 • Requirement: In the CS zone, the setback and landscaping standards of Chapter 33.248 apply for exterior display, storage or work activity areas on site that abut a street or abut an R or OS zone lot. <ul style="list-style-type: none"> ○ Exterior display areas that abut a street are required to have a 5-foot setback that is landscaped to the L1 standard. Exterior display areas abutting an R or OS zone are required to have a 10-foot setback that is landscaped to the L3 standard. ○ Exterior storage and work activity areas that abut a street are required to have either a 5-foot setback that is landscaped to the L3 standard, or a 5 foot setback with an F2 fence and landscaping to the L2 standard. Exterior storage and work activity areas that abut an R or OS zone are required to have either a 10-foot setback that is landscaped to the L4 standard or a 25 foot setback that is landscaped to the L3 standard. • Staff Response: Exterior work areas are prohibited in commercial zones. Exterior storage and display

	<p>is not allowed in the CN1, CN2, CO1, CO2, CM, CS, and CX zones. Since this site has a zoning designation of CS, and does not allow these activities, these areas should not exist to require screening.</p>
	<p>Setbacks for surface parking and exterior development areas;</p> <ul style="list-style-type: none"> ○ <i>Code Section:</i> 33.266.130.G.2 & Land Use Review DZ 15-87 Condition of Approval ○ Requirement: This standard applies to setbacks for surface parking, <u>portions of structured parking areas where the parking areas are uncovered and within 4 feet of adjacent grade</u>, exterior development areas, and vehicle areas, including driveways. All of these vehicle areas must be set back 5 feet from the street and abutting property lines and installed with perimeter landscaping meeting the L2 Landscaping & Screening standard of 33.248.020. <p>L2 landscape screening requires all of the following materials:</p> <ul style="list-style-type: none"> ○ Enough evergreen shrubs to form a continuous 3-foot high screen. ○ One large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. ○ Ground cover plants must fully cover the remainder of the landscaped area. ○ A 3-foot-high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or non-required screen, wall, or fence is to be placed along the interior side of the landscaped area. <p>In addition, this site is also subject to landscaping requirements along the east property line, established by the following Condition of Approval under the 1987 Design Commission decision that approved construction of the building:</p> <p style="padding-left: 40px;">“A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.”</p> <ul style="list-style-type: none"> ○ Staff Response: The project site must demonstrate full compliance with all landscaping standards required by Chapter 33.266.130.G and previous conditions of approvals from Land Use Reviews or apply for, and receive approval of, and Adjustment to the standard or a Land Use Review approving an amendment to the condition. Staff notes that the City is evaluating whether the property east of the site is properly characterized as a lot or a right-of-way. That determination will determine how the standards in Chapter 33.266.130.G (in effect on the date the application for 17-241498 CO was filed).
	<p>Interior parking lot landscaping;</p> <ul style="list-style-type: none"> • <i>Code Section:</i> 33.266.130.G.3 • Requirement: This section requires at least 45 square feet of landscaped area for each parking space on sites where there are more than 10 parking spaces provided. The landscaping must meet the P1 standard of 33.248.020.I. This standard requires the following: <ul style="list-style-type: none"> ○ Trees at the following rates: (1) large tree per 4 parking spaces; or (1) medium tree per 3 parking spaces; or (1) small tree per 2 parking spaces. Portland’s Tree and Landscaping Manual has lists of trees organized by small, medium, and large sizes. If you choose trees that do not appear on the list, you must submit nursery specifications that state the size of the tree at maturity. Portland’s Tree and Landscaping Manual and the Portland Plant List can be found on line at: https://www.portlandoregon.gov/bds/45483; and ○ One shrub per 1.5 parking spaces; and ○ Groundcover at spacing consistent with the recommendations of the Tree and Landscaping Manual. <p>• Staff Response: This standard is not met, and full compliance or an approved Adjustment is required.</p>

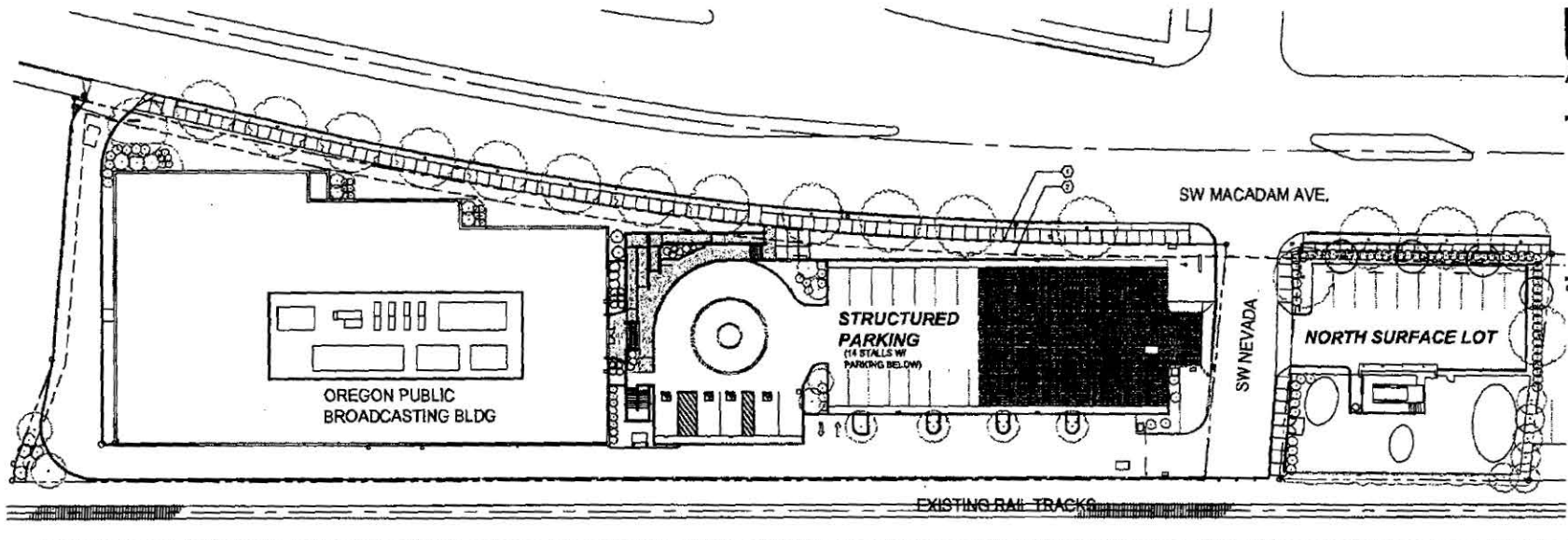
	<p>The site plan depicts 32 surface parking stalls between tax lot R330299 (containing the OPB office building) and tax lot R330299 (containing the north surface lot). Based on 32 parking spaces, 1,440 square feet of interior parking area landscaping is required. However, aerial views of the site indicate that striping for at least seven additional parking spaces is established along the east property line abutting the rail road right-of-way may exist. If these were legally established under the benefit of a permit, they will be subject to the interior parking lot landscaping standards. If these spaces were not established with the benefit of a permit, they must be removed or legalized through a permit review process. Landscaping standards will be applied during the permit review process for new parking spaces. Please note: Condition of Approval #1 from the approved 1987 Design Review for this building stated that "there shall be no encroachment into the railroad right-of-way to the east of the site." Any improvements proposed in this area must demonstrate compliance with this condition, or a Land Use Review must approve an amendment to this condition.</p>
	<p>Existing building setbacks;</p> <ul style="list-style-type: none"> • <i>Code Section:</i> 33.130.215 & 33.288.020.C • Requirement: This standard requires that the area within the 5-foot special street setback along SW Macadam Avenue be landscaped to at least the L1 standard, as stated in Chapter 33.248.020, Landscaping and Screening. <p>L1 landscape screening requires the following materials:</p> <p>Because the minimum building setback on this site is less than 30 feet deep, the L1 standard requires one large tree per 30 linear feet, one medium tree per 22 linear feet, or one small tree per 15 linear feet. Trees of different sizes may be combined to meet the standard. Trees may be grouped. Ground cover plants must fully cover the remainder of the landscaped area. If protected during construction, existing, non-nuisance vegetation within the setback will be applied toward meeting this standard, per the allowances of <u>33.248.030.D</u>.</p> <ul style="list-style-type: none"> • Staff Response: This standard is not met along SW Macadam Avenue. Please either add setback landscaping to meet the standard or you may pursue an Adjustment (land use review) to this standard.
	<p>Minimum landscaped areas other than described above; and</p> <ul style="list-style-type: none"> • <i>Code Section:</i> 33.130.225 • Requirement: There are currently no minimum landscape area requirements in the CS zone. • Staff Response: This standard is not applicable because on the date the application for 17-264798-CO was filed there was no minimum landscape area requirements.
	<p>Tree density standards of Chapter 11.50 for the site.</p> <ul style="list-style-type: none"> • <i>Code Section:</i> 11.50.050.B.2.g • Requirement: For office development, Title 11 requires trees to be planted to provide a canopy equivalent to 15% of the site area. • Staff Response: The site is located in the CS zone, which is exempt from tree density requirements under the Title 11.50.050 tree code language in effect at the time the building permit application was filed. Please note: Per the use classification description of 33.920.540 for Radio Frequency Transmission Facilities, radio and television studios are classified in the office category. As a result, this site is not able to utilize the tree density exemption for Radio Frequency Transmission Facilities under 11.50.050.B.2.g.
(2)	<p>Pedestrian circulation systems, as set out in the base zone pedestrian standards.</p> <ul style="list-style-type: none"> • <i>Code Section:</i> 33.130.240 • Requirement: Pedestrian standards ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site.

	<p><u>MAIN ENTRANCE CONNECTIONS</u> On sites, such as this project, with more than one street frontage, there must be a connection between the main entrance of each building on the site and the adjacent street. The connection may not be more than 20 feet longer or 120% of the straight-line distance, whichever is less. The circulation system must be hard-surfaced and at least 6 feet wide.</p> <p>Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.</p> <p>Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.</p> <p><u>INTERNAL CONNECTIONS & MATERIALS</u> On sites larger than 10,000 square feet, an internal pedestrian connection system must be provided which connects all main entrances on the site that are more than 20 feet from the street and provide connections to other areas of the site, such as parking areas, bicycle parking, and any pedestrian amenities. The circulation system must be hard-surfaced, lighted for pedestrians, and be at least 6 feet wide.</p> <p><u>ADDITIONAL CONNECTIONS</u> An additional connection, which does not have to be a straight-line connection, is required between each of the other streets and a pedestrian entrance. As an example, an onsite connection is required from the main entrance to SW Nevada.</p> <ul style="list-style-type: none"> • Staff Response: The pedestrian connection standards for this site have been met by approved Land Use Decision 17-203778 DZM GW AD. A modification was approved to allow for the lengthening of the existing main entrance connection to SW Macadam exceeding the straight-line distance maximum of the Zoning Code. In addition, the modification to pedestrian standards also allowed the right-of-way sidewalk to provide the required pedestrian connection from the primary entrance to SW Nevada. Accordingly, no upgrades in addition to those approved by 17-203778 DZM GW AD are required.
(3)	<p>Bicycle parking by upgrading existing racks and providing additional spaces.</p> <ul style="list-style-type: none"> • Code Section: 33.266.220 • Requirement: This section requires both long-term and short-term bicycle parking, calculated per the net square footage of the primary use on the site, or per an alternative number required by a conditional use review. Short-term spaces must meet the standards of <u>33.266.220.A and C</u>. Long-term spaces must meet the standards of <u>33.266.220.B and C</u>. • Staff Response: A minimum of 6 long-term and 2 short-term spaces are required for this site. The information provided in the building permit plans for permit #17-241498 CO demonstrates that long-term and short-term bike parking required for primary office uses in this building are met, so no additional upgrades are required.
(4)	<p>Screening.</p> <ul style="list-style-type: none"> • Code Section: 33.130.235 • Requirement: <u>Mechanical equipment</u> located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:

	<ol style="list-style-type: none"> 1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment; 2. A screen around the equipment that is as tall as the tallest part of the equipment; or 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment. <ul style="list-style-type: none"> • <u>Garbage and recycling collection areas.</u> All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. <p>F2 landscape standards require: A 6-foot high, fully sight obscuring fence made of wood, metal, bricks, masonry or other permanent material.</p> <ul style="list-style-type: none"> • Staff Response: The screening of roof-mounted mechanical equipment was approved under 17-203778 DZM GW AD. Any existing ground mounted mechanical equipment, such as the ground mounted generator approved in the north surface parking lot under Design Review LU 13-189448 DZ, is subject to the screening standards described above and the design details of the exhibits approved in the Land Use Review case file. The plans currently indicate that the trash collection area is located inside the parking structure and is not subject to additional screening requirements, but do not identify additional equipment. Accordingly, no additional upgrades are required.
(5)	<p>Paving of surface parking and exterior storage and display areas on site.</p> <ul style="list-style-type: none"> • <i>Code Section:</i> 33.266.130.D and 33.130.245 • Requirement: All vehicle areas must be paved. There is no requirement for exterior development areas to be paved in the IH zone. • Staff Response: <i>Based on materials submitted with the commercial building permit application and aerial site imagery, all current parking areas appear to be paved at this time. Exterior storage and display is not allowed in the CS zone. Since this site has a zoning designation of CS, and does not allow exterior storage or display (except for the display of plants and produce), these areas should not exist to require paving.</i>

Note that this review is based on the submitted written and graphic Nonconforming Development Assessments (Exhibit I) and the zoning regulations in effect at the time of the permit application for 17-241498 CO. However, zoning regulations do change over time; these changes may affect the required upgrades to nonconforming development. Only the standards in effect at time of the permit application for 17-241498 CO are required to be brought into conformance. If regulations do change within the 2-year compliance period, it may be advisable to voluntarily come into conformance with the standards in effect at the end of the 2-year compliance period. This may avoid another review for non-conforming upgrades if a future application for building permit exceeds the dollar threshold that triggers the review for non-conforming upgrades.

LRS
ARCHITECTS
 128 NW 2nd, SUITE 1100
 PORTLAND, OR 97208



1. SITE PLAN
 SCALE: 1" = 50'-0"



- KEYNOTES**
- ① PROPERTY LINE
 - ② 6'-0" EXISTING OPTICAL NETWORK

PROJECT NUMBER: 114002
Oregon Public Broadcasting-Studio Renovation Project
 1140 SW Macadam Ave
 Portland, OR 97219



3. VICINITY MAP
 SCALE: 1" = 1/4" MI



SHEET TITLE:
SITE PLAN

DATE: 09.13.17

PROJECT NUMBER: **A001**
 PERMIT SET 09.13.17



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

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

Site Upgrades

REVIEW BY: Design Commission

WHEN: September 30, 2021; 1:30pm

REMOTE ACCESS: Design Commission Agenda:

<https://www.portlandoregon.gov/bds/42441>

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.

Bureau of Development Services Staff: Hannah Bryant 503-865-6520 / Hannah.Bryant@portlandoregon.gov

GENERAL INFORMATION

- Applicant:** Kyle Davis | Oregon Public Broadcasting Foundation (OPB)
7140 South Macadam Ave
Portland, OR 97219
kdavis@opb.org
- 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 Jim Gardner at contact@southportlandna.org
- Business District:** South Portland Business Association, contact info@southportlanddba.com.
- District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.
- Plan District:** Macadam

Other Designations: None

Zoning: CM2 (MU-C)d g – *Commercial 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.
- Stormwater treatment planters to mitigate on-site stormwater runoff.

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 Type III Design Review approval (DZ 15-87) that required an approximately 3-foot landscape strip along the site’s eastern edge. Per 33.730.140, *“Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria.”*

Modifications are requested to three required development 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 approval criteria of Title 33, Portland’s Zoning Code. The relevant approval criteria are:

- *Macadam Corridor Design Guidelines*
- *Greenway Design Guidelines*
- *33.825.040, Modifications That Will Better Meet Design Review Requirements*

ANALYSIS

Site and Vicinity: The subject property is comprised of two parcels, both bounded by South Macadam Avenue on the west side, and a rail right-of-way on the east side. The two parcels are divided by South Nevada street, which does not continue to the east of these parcels but ends at the rail right of way. To the east of the rail right-of-way is the 26.85-acre Willamette Park, located between the train tracks and the Willamette River.

The southern 1.24-acre parcel has a low-rise office building and attached two-level structured parking facility. At the eastern edge of this parcel, a surface driveway begins at South Nevada street, wraps behind the building, and around the southern edge of the building to exit onto S. Macadam Avenue.

The northern parcel is approximately .21-acres (9,255 square foot) and has a surface parking area on the western half, and a fenced area housing multiple large radio transmitter satellite dishes and associated equipment on the eastern half of the parcel.

The Macadam area has a significant cultural history that serves to inspire current development and the design guidelines. For centuries Native Americans, primarily the Kalapuya peoples, lived and thrived in this area, using the Willamette River as a transportation corridor. The riverfront area that is now Willamette Park was part of a large network of wetlands and a popular camping location during the salmon runs. Modern development, including buildings located close to the river, removal of native vegetation and use of impermeable building materials has degraded the vital resources and adversely affected Tribal customs traditionally practiced in this area.

Beginning in the mid-1800s, this area was developed by river- and rail-dependent industries. Commercial businesses along the west side of South Macadam supported the industrial uses. As a result, the east side of South Macadam Avenue has large, irregular shaped lots, whereas the west side of South Macadam has a traditional, well-connected block pattern. Following World War II, much of the industry in this area relocated, and the large parcels were redeveloped as campus-like office spaces. This further cemented the disconnect between South Macadam Avenue and the river and resulted in large surface parking lots and an unwelcoming pedestrian environment.

The subject parcel is indicative of these historic development patterns. Numerous parcels owned by Oregon Public Broadcasting (OPB) and its affiliates extend for approximately 1000’ between South Macadam Avenue and the TriMet rail right-of-way. To the east of the rail right-of-way is Willamette Park, a 26.85-acre public park with a boat dock, paths, picnic areas, sports facilities, and a dog park. To the southeast of the OPB office building, a small residential neighborhood is accessed from S. Miles Street, located between the commercial and industrial businesses along S. Macadam and the rail right-of-way to the west, and the river to the east. Willamette Park provides a lush buffer to the north, and Butterfly Park Naturescape is a 1.07-acre undeveloped area of Willamette shoreline to the south.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 Greenway Overlay Zones, designated as “g”, “i”, “n”, “q” or “r” are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland’s rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City’s Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro’s Title 3.

- The River General “g” allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river’s natural and scenic qualities.

The Macadam Plan District implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

Land Use History: City records indicate that prior land use reviews include:

- LU 17-203778 DZM GW – Design Review and Greenway Review approvals for exterior alterations including three new windows and canopies, new ADA ramp and pedestrian stair, five new rooftop HVAC units, landscaping and new garage loading door. Included three Modifications to Pedestrian Standards and Special Street Setback. Following this review, the associated building permit triggered non-conforming upgrades. The applicant chose to sign a covenant (the Option II NCU Covenant), deferring all required upgrades for two years from the date of permit issuance. The covenant requires the applicant to upgrade all the nonconforming elements from the specific list of Development that must be brought into conformance listed in 33.258.070.D. *Staff note: The covenant requires full compliance or an Adjustment for the standards listed. This 2021 review is prompted by the applicant seeking Modifications for standards related to these non-conforming upgrades.*
- LU 13-189448 DZ – Design Review approval for a new generator on a concrete pad, surrounded by stained cedar lap siding screen and chain link fence, and removal of three parking spaces.

- LU 10-126156 DZ – Design Review approval to increase building footprint by 81 square feet to add an internal stair.
- LU 87-004406/87-004405 – Land Use Review approval for a new three-story building. This City-Council approval included numerous conditions of approval, including one for ‘a landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.’ *Staff note: Because this initial approval was a Type III procedure, and the applicant seeks to remove the landscaping Condition of Approval attached to the original approval, this 2021 review is required to be a Type III review.*

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **September 2, 2021**. The following Bureaus have responded with no issue or concerns:

- Life Safety (exhibit E.1)
- Urban Forestry (exhibit E.2)
- Site Development Section of BDS
- Fire Bureau
- Water Bureau
- Portland Bureau of Transportation
- Bureau of Environmental Services (exhibits E.3 and E.4)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 2, 2021**.

Multiple written responses have been received from a single notified property owner in response to the proposal.

- Mike Dowd – multiple dates beginning February 17, 2021. This neighbor has numerous concerns with existing site conditions including possible zoning violations and non-conforming upgrades. This neighbor is concerned that there may be other existing, non-conforming situations on the site that are not related to non-conforming upgrades, that may need to be investigated and resolved through Code Compliance. Mr. Dowd’s concerns include but are not limited to whether the building footprint complies with the 1988 approval; measurements of existing landscape areas; existing fencing; location of existing paving; trash screening; interior parking lot landscaping; rooftop mechanical, and lighting.

Staff Response: *Staff appreciates the specificity of the neighbor’s communication and has worked with the neighbor to better understand their top priorities related to this site, and to clarify what elements may be reviewed as part of this review and what possible zoning violations will require further investigation through BDS’ Code Compliance Division. Staff has worked with the applicant to address most of the neighbor concerns in the proposal and has noted additional elements that must be resolved at permitting in the Development Standards section. All correspondence is exhibited in the F. Exhibits and in TRIM (<https://efiles.portlandoregon.gov/Record/14617105/>).*

ZONING CODE APPROVAL CRITERIA

1. DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area.

- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district.
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

Macadam Corridor Design Goals and Guidelines

The following goals are specific to the Macadam Corridor Design Zone.

- Create and improve connections, both physical and visual, between the river, Greenway Trail, Willamette Park, and the residential community west of Macadam.
- Encourage opportunities for public use and enjoyment of the waterfront.
- Promote a quality of development in this scenic entry corridor to the Downtown that complements Macadam's landscape treatment.
- Require excellence in design for projects within the Corridor, particularly by assuring that new development contributes to the formation of a rich and diverse mixture of uses and styles in scale with each other.
- Add to the scenic qualities of the river and the Greenway Trail.
- Promote compatibility of new development with the river, surrounding uses, and the neighborhood.

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

Macadam Corridor Design Guidelines

1. Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.

- Promote physical and visual contact between the river and the area west of Macadam Avenue.
- Orient buildings, which front Macadam Avenue to preserve views of the river, Willamette Park and the Greenway.
- Integrate the east and west sides of Macadam Avenue by creating views of the river which align with streets on the east side of Macadam.
- Take particular advantage of opportunities to create and protect views, which align with Southwest Texas, Florida, Pendleton, Idaho, Nebraska, Dakota and Hamilton Streets.
- Rooftops of buildings should be carefully designed to enhance views.

- Plant on-site trees, which will grow to a sufficient height to soften new development and screen parking areas while selecting species and planting locations, which enhance view corridors to the river.
- 2. Physical Connections.** Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.
- Orient structures and parking areas to facilitate access for pedestrians between adjacent uses.
 - Extend street tree planting west of Macadam.
 - Reinforce connections for pedestrians between the Willamette River Greenway and Macadam Avenue.
 - Provide safe, comfortable places where people can slow, sit and relax. Locate these places adjacent to sidewalks, walkways and the Greenway Trail.
 - Provide sidewalks and pathways, through larger developments with landscaping which screens or separates these from parking and motor vehicle maneuvering areas.
 - Provide walkways, which link parking areas to district-wide access systems for pedestrians.

Findings for 1 and 2: The proposal intends to address required non-conforming upgrades (Section 33.258.070 D.) resulting from a 2017 Design Review (LU 17 - 203778 DZM GW AD). The proposed elements include a fence along SW Nevada street, abutting the sidewalk entrance into Willamette Park, and new trees on the east side of the existing parking garage. To achieve required parking lot landscaping requirements, the applicant proposes to remove four mature trees on the east side of the structured parking and to replace them with new landscaping planters to include nine deciduous trees.

The proposed trees will eventually grow tall enough to extend above the two-story parking structure and limit the views toward the river from uphill neighborhoods on the west side of Macadam. They will also serve as a visual cue to pedestrians on S. Macadam Boulevard that, on the other side of the approximately 350' long conjoined office building and parking garage, there is natural space – helping to foster a connection between the busy commercial boulevard and the riverfront park and publicly accessible waterfront. From the riverfront park, the new trees will serve to screen the views into the structured parking facility.

The proposed six-foot tall sight-obscuring fence proposed along the entire 480' length of the eastern property line will further screen the back-of-house functions such as parking access, loading and trash and recycling areas from the riverfront park and public right of ways. However, staff notes that the six-foot fence height does not replace the higher screening effects that the trees required by L2 landscaping would achieve. A neighbor has commented and provided photos demonstrating that the bright lights mounted the east façade are highly visible from nearby properties. Therefore, to mitigate the lack of tree canopy resulting from the Modification request and to minimize lighting impacts in this Pacific Flyway corridor, the applicant is proposing to include a minimum of five deciduous trees at the southern end of this property line and to replace all exterior lights on the east façade with dark sky compliant fixtures. The five trees at the east property line will be located where the one-way drive aisle is widest, and the trees will not interfere with loading dock access or turning radius for service vehicles existing the property via the south driveway.

Therefore, this guideline is met.

3. The Water's Edge. Enhance the scenic qualities of the river and sites that about the riverbank to contribute to an attractive and enjoyable Greenway Trail.

- Identify natural areas of the Willamette riverbank and preserve the natural qualities of these areas.
- Screen parking, loading and vehicular movement areas from the Greenway with rich landscape plantings.
- Locate buildings to protect access to sunlight on the Greenway Trail.

Findings for 3: The site does not abut the riverbank. However, the fencing will help obscure the existing OPB building and its associated radio broadcast equipment (satellite dishes and generator) from the pedestrian perspective within Willamette Park and along the Greenway Trail, which will contribute to the overall attractiveness and natural feel of the park and trail area.

Therefore, this guideline is met.

4. The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.

- Consider using awnings or other weather protection, street furniture, plazas, sculpture courts or other amenities for pedestrians to reinforce the boulevard design of Macadam.
- Abut pedestrian pathways with buildings or landscaping. Buffer with landscape screens, parking lots and structures, which are not oriented to pedestrians.
- Use landscaping to reinforce the boulevard character of Macadam and to provide visual connections with private property adjacent to Macadam.
- Trees interspersed with low-growing vegetation or grass should visually predominate over impervious surfaces.
- Provide frequent views from Macadam into interior ground level spaces of projects located along the Avenue.

Findings for 4: As shown on sheet L3.0 of the plan set, thoughtful and durable landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue. The layering of shrubs and canopy trees soften the vehicle area and enhance the boulevard's treatment and contribute to the attractiveness of this entrance to the City. The proposed sight-obscuring fencing will also further screen and shield the OPB building and satellite dish and generator area from views from Willamette Park, which serves as an additional pedestrian entrance to the City, and alternative to South Macadam Avenue.

Therefore, this guideline is met.

5. Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.

- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings for 5: The applicant proposes numerous elements to improve the site's compatibility with its surroundings and local character. These include perimeter landscape plantings, multiple six-foot sight-obscuring wood fences, and reconfiguration of the existing east driveway.

Landscape Plantings & Fence - As shown on sheet L3.0 of the plan set, extensive landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue and South Nevada Street. Differing uses to the east (Rail right-of-way, Willamette Park, and single-family residential) are proposed to be buffered from the site by a sight-obscuring six-foot wood fence where landscaping treatments are not possible due to site constraints. The layering of shrubs and canopy trees at the perimeter of the structured parking area, in conjunction with the proposed fence and additional trees at the east and south property lines, will soften the visual impact of the existing vehicle areas and enhance the transition between the existing development and adjacent residential areas and public open space.

To facilitate and enhance the proposed buffering of the site the applicant proposes to increase screening at the southeast corner of the site, which is closest to nearby single-family residential. The existing building and parking structure are located at a slight angle to the east property line, resulting in slightly more space between the building and the east property line at the south end of the site than the north end (see L3.0 – Site and Landscape Plan). This wider area provides space for larger plantings while still functioning as an active driveway and loading area.

At the south/southeastern portion of the site, a row of deciduous trees is proposed along the south property line, and an existing mature cherry tree is located at the corner is proposed to be replaced with an evergreen incense cedar. The applicant's landscape architect notes the cherry tree is approaching the end of its typical lifespan and is in poor condition. A neighbor has suggested that evergreen plant material at this location would better achieve the neighbors' desired year-round visual screening from the lights and activity at this location. Therefore, the applicant proposes to replace the older cherry tree with an evergreen tree that addresses the neighbor's request.

Driveway Reconfiguration - An existing driveway runs the length of the east property line behind the structured parking and office building. The driveway has operated as a one-way southbound, with vehicles accessing it from South Nevada street and, upon leaving the bottom level of the structured parking area and loading docks, turning right to continue around the south side of the building. This has resulted in all traffic driving through the site to the area closest to residential neighbors. The driveway exits onto South Macadam Avenue at a location where vehicles can only turn right.

With this proposal, the applicant intends to remove five existing parallel parking spaces between the northern portion of the driveway and the structured parking. The removed spaces will facilitate the construction of the new planters, to provide perimeter landscape screening and stormwater treatment, if feasible,

for the structured parking. The planters are proposed to hold nine trees, as well as evergreen shrubs and groundcover to meet the perimeter landscaping requirements.

The expanded driveway width at the northern portion of the parcel will also facilitate converting the one-way drive to a two-way direction for this portion, which allows all vehicles exiting the structured parking to turn left out of the bottom level of parking and then exit the site via South Nevada. This results in reducing the vehicle traffic passing near the residential neighbors and allows exiting vehicles to leave the site at a location where cars can turn left or right onto South Macadam.

While all personal vehicles will now exit the site via South Nevada, all maintenance and delivery vehicles that utilize the loading area will continue to exit the site near the residential neighbors. To mitigate the ongoing vehicle impacts on the residential neighbors, the applicant proposes that a minimum of 5 trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence, and the trees shall comply with the native plant requirement of the Willamette Greenway Plan. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this guideline is met.

8. Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.

Findings for 8: The proposed fence, located at the eastern property line, will not preclude the potential light rail use of the rail right-of-way. It may benefit the current and future rail users by shielding some unsightly back-of-house functions associated with this property's eastern façade.

Therefore, this guideline is met.

2. GREENWAY REVIEW (33.440)

33.440.300 Purpose

Greenway Review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.350 Greenway Review Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

Willamette Greenway Design Guidelines

The purpose of the Willamette Greenway design guidelines is to help attain the goal and objectives of the Willamette Greenway Plan, particularly objectives 2, 3, and 4. The design guidelines address the quality of the environment along the river, and require public and private developments to complement and enhance the riverbank area, particularly with regard to riverbank treatment, landscape enhancement, public access, and the relationship of structures to the Greenway Trail, the siting and design of viewpoints, and the design of view corridors.

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

A. Relationship of Structures to the Greenway Setback Area.

- 1. Structure Design.** The Greenway setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to support the pedestrian circulation system, including both the Greenway Trail and access connections.
- 2. Structure Alignment.** Where surrounding development follows an established block pattern, alignment with the block pattern should be considered in structure placement. Structure alignment should also take into account potential view corridors from existing public rights-of-way or acknowledged viewpoints. The pedestrian access system should be designed to take advantage of these alignments.

Findings for A: The OPB site is not within the Greenway Setback area. The applicant's proposed alterations to the site's landscaping and parking areas do not alter or hinder access to the Greenway trail or its access connections. Alterations to the site's existing buildings are not proposed. *Therefore, this guideline does not apply.*

B. Public Access

- 1. Public Access.** New developments should integrate public access opportunities to and along the river into the design of the project. This includes the Greenway Trail, formal viewpoints, access connections to the Greenway Trail, and internal site pedestrian circulation.
- 2. Separation and Screening.** The pedestrian circulation system, including Greenway Trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.
- 3. Signage.** Access connections should be clearly marked.
- 4. Access to Water's Edge.** Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water's edge is encouraged as part of the project.

Findings for B: The applicant's proposed alterations to the site's landscaping and vehicle areas do not alter the public access opportunities to and along the

Willamette River, including the Greenway trail, viewpoints, access connections, and internal site pedestrian circulation.

The sole element of the proposal that may impact the public pedestrian circulation system and access to the Greenway trail is the replacement of an existing sight-obscuring fence along S. Nevada with a new sight-obscuring fence in the same location. The existing fence is located at the property line, abutting the South Nevada pedestrian right-of-way, which is also a primary pedestrian entrance into Willamette Park. Detailed descriptions about why the fence is necessary at this location are included below in Section 3, Modifications, of this decision. However, while necessary for public safety, the existing fence at the property line abutting a pedestrian entry into a park does not enhance the pedestrian environment.

To mitigate the fortress-like effect of a fence located at the property line, the applicant proposes to stagger the fence, pushing it back six feet where internal equipment allows that configuration, and to plant the space between the fence and the sidewalk with a mix of narrow evergreen shrubs and deciduous ornamental grasses. Where the fence cannot be moved further back from the sidewalk, the applicant proposes to work with the Regional Arts and Culture Council (RACC) to mount public art panels onto the fence (see sheet L3.5). Adorning the required fence with items of visual interest will serve to strengthen the pedestrian connection between Macadam Boulevard and the riverfront park and Greenway trail, while also screening the pedestrian circulation system from exterior equipment.

While the applicant has proposed the public art concept, provided renderings of the public art on the fence does not include dimensions or location information, and has not yet determined the medium, timeline or budget for this element. Therefore, staff has included a condition of approval that the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

With the condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence. With the condition of approval for interpretation or public art, this guideline is met.

E. Landscape Treatments.

- 1. Landscape Treatments.** The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition between a riparian treatment on the riverbank and a more formal treatment of the upland.
- 2. Grouping of Trees and Shrubs.** In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open

areas of human use, and has the secondary value of increasing the value of the vegetation for wildlife.

3. **Transition.** The landscape treatment should provide an adequate transition between upland and riparian areas, and with the landscape treatments of adjacent properties.

Findings for E: Consistent with the required non-conforming upgrades covenant signed on August 23, 2018 (PR 18-140945 NCU), upgrades to the site landscaping are included in this proposal. These requirements are primarily to meet the minimal code standards. Additionally, Modifications are proposed that reduce the area of some landscaping required to meet the code standards. To ensure that the purpose of the required landscaping is achieved the applicant has proposed a landscape plan that meets the intent of the landscaping standards on a constrained site. Consistent with the guideline, the proposed landscape treatments facilitate naturalistic groupings of trees in site areas furthest from human activity, while maintaining a more formal landscape treatment in areas with intense human use.

To ensure that the landscaping facilitates a transition between the abundantly treed riverfront park and the more intense uses along the rail right-of-way and this site's abutting driveway, which is lined with vehicle and service functions, the applicant has proposed to add a minimum of 5 trees along the east property line behind the OPB building, interior to the proposed wood fence. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Further, to facilitate a grouping of habitat-providing trees in an area furthest from human activity, the applicant has proposed a large, evergreen tree to be added at the southeast corner of the site. The evergreen tree will replace the existing cherry tree.

Therefore, this guideline is met.

F. View Corridors

1. **Right-of-Way Protection.** View corridors to the river along public-rights-of-way are to be protected. These rights-of-way should not be vacated.
2. **View Protection.** Buildings, structures, or other features must be located to avoid blocking view corridors.
3. **Landscape Enhancement.** Landscape treatments within view corridors should frame and enhance the view of the river.

Findings for F: South Nevada Street is a designated view corridor per the Willamette Greenway Public Access Map. The applicant is not requesting vacation of South Nevada Street or other land use actions that would alter the right-of-way's protection as a view corridor. To mitigate the impacts of a six-foot sight-obscuring wall abutting this view corridor, staff has added the condition of approval that within two years of final approval of this land use review the property owner shall develop an interpretation signage program that tells the history of the history of the Macadam Greenway area or shall work with RACC to develop a public art installation at this location. The signage/public art shall be mounted or painted on at least the top four feet of at least 75% of the length of the proposed South Nevada satellite dish screening element, where that fence is within three feet of, and parallel to, the sidewalk. The art or educational signage

at this location will serve to enhance the view corridor and pedestrian entrance to the Willamette Park while mitigating the lack of landscape enhancement along the north side of this street.

With the condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk, this guideline is met.

3. MODIFICATION REQUESTS (33.825)

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 #1: Parking Area Setbacks and Perimeter Landscaping, PZC 33.266.130.G.2 – To replace required perimeter landscaping with a six-foot sight-obscuring fence.

Purpose Statement: The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands. The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. 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.

Standard: 33.266.130.G.2.a.(3) / Table 266-5– Setbacks and perimeter landscaping apply to driveways. Five feet of L2 landscaping is required along the east property line where it abuts a C zone.

Additional standard: In the original 1987 design review for this site (DZ 15-87), a condition of approval was added stating “A landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.” *As part of this review, the applicant is requesting to remove this Condition of Approval.*

Modification #2: Loading Area Setbacks and Perimeter Landscaping, PZC 33.266.310.E

Purpose Statement: These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Standard: 33.266.310.E/Table 266-8, Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modifications 1 and 2: The modification to remove the 1987 condition of approval requiring approximately three feet of landscaping (DZ 15-87) and to Modify the current zoning code standard that requires five feet of L2 landscaping as a buffer along the eastern driveway/loading area and the abutting property (the rail right-of-way) with a six-foot sight obscuring fence better meets the design guidelines in this back-of-house, utilitarian environment abutting the train right-of-way. This property line is approximately 480’ feet long, with pedestrian right-of-way on the north side and no public access to the south end of the site. While not blocked from public access, the rail right-of-way is not a public corridor and only serves a private tourist trolley that runs on occasional weekends. It is not a form of public transit or operated by a public entity. Therefore, the visual screening benefit of the required L2 landscaping, which consists of low evergreen shrubs or a masonry wall to form a three-foot screen, with sporadic trees and ground cover, is minimal in this setting. The low landscaping will not effectively screen the back of house functions, including loading, structured parking access or a heavily used vehicle area.

The proposal to replace the low landscape screening with a six-foot tall sight-obscuring fence better meets the design guideline 5, Sub-Area Context by providing a screening that serves to buffer the site’s visual impact on nearby residential areas and the public park on the other side of the rail right-of-way. The taller, solid fence in conjunction with a minimum of five trees at the east property line is compatible with the intense commercial uses and vehicle traffic and loading functions on the subject site, and better screens the associated lights, noise, and views of those uses from the quiet, forested riverfront and nearby residential homes.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modifications 1 and 2: In preparation for addressing the required non-conforming upgrades on this site, the owners had the property surveyed. The survey revealed that the property does not extend as far back on the eastern side as previously understood. The original 1987 proposal and design for the building were based on the assumed larger site size. When the new survey revealed that the property line was a few feet closer to the building than previously understood, it became infeasible to provide either the current five-foot code required perimeter landscaping or the three-foot landscape strip required as a condition of approval in the original 1987 approval, while still retaining an operational on-site driveway and loading area. The driveway is two-way at the northern end, where employees use it to access the entrance to the bottom level of the parking structure. South of the entrance to the parking structure, the driveway is one way and serves the three loading doors, as well as the trash and recycling areas.

In a typical, urban site, there are myriad benefits for perimeter vehicle area landscaping. In this unusual context, on a parcel that is approximately two city blocks in length and abuts a rail right-of-way with no adjacent public sidewalks to the rail right-of-way, some of the listed purposes of perimeter landscaping are less applicable. The primary purpose of perimeter landscaping in this context is to improve and soften the appearance of parking areas, and to reduce the visual impact of parking areas from nearby residential zones. While there are no abutting residential zones (or residential uses on properties zoned non-residential), there is a nearby residential neighborhood on the other side of the train tracks and to the southeast of this property. One neighbor, who lives closest to this site, has provided numerous comments during this review, including photographs of the eastern edge of this site showing views into the parking area, trash/recycling and bright nighttime security lighting.

To this end, the screening benefits intended of the required landscaping may be better achieved by a taller sight-obscuring fence, particularly since the parking structure is both well-screened by nine deciduous trees and furthest from the nearby residential properties. The visual impact of the loading area, located at the south end of the site closest to the residential neighbors, will not be well screened by the L2 landscaping, and is better mitigated by the sight-obscuring fence. To further mitigate the off-site impacts of the security lighting on the eastern façade of this building, the applicant has proposed that all exterior lights on the east façade shall be dark sky compliant. To add additional year-round screening at the southeast corner of the site, closest to the residential neighborhood, a large, evergreen tree shall replace the existing cherry tree. To provide the additional screening height that the trees in L2 landscaping would provide, the applicant proposes a minimum of five (5) trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence. Trees may be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this Modification merits approval.

Modification #3: Fences, PZC 33.130.270.C.1.a

Purpose Statement: The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences

near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

Standard: 33.130.270.C.1 - Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

- a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
- b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modification 3: The modification to increase the height of the proposed fencing along the South Nevada frontage stems from the existing location of the radio broadcast dishes, and the inability for both of the relevant fence code standards to be met with the existing radio broadcast dish configuration. Were the dishes moved to a location where they could be adequately screened with the code-required six-foot fence, and still have that fence be located more than ten feet from the street lot line, a Modification would not be required. However, since the dishes at this location were part of the original 1987 approval for this development; relocating this broadcast equipment would require disrupting the public emergency communication systems, and an existing six-foot sight-obscuring fence in the same configuration as the applicant intends to maintain has existed here without public complaint or conflict since 1988, staff concludes that a Modification to fence standards is warranted rather than requiring the applicant to move the satellite dishes, provided the Modification clearly meets both the approval criterion: that the resulting development will *better* meet the applicable design guidelines; and that on balance, the proposal will be consistent with the purpose of the standard for which the modification is requested.

The fencing at this location is required by PZC 33.274.040.C.8.a.(2), which requires screening around the base of any radio frequency transmission equipment. Multiple screening options are provided in this code chapter to meet this standard, but the existing locations of the equipment and its operational requirements preclude screening the area with L2 landscaping. The trees required in L2 landscaping would impede the clear area required by the transmission equipment. Of the required screening options listed in this code chapter, a fence is the only feasible option at this constrained location. To ensure safety of equipment and of the public, the Radio Frequency Transmission Facility code requires the fence be at least six feet in height and be totally sight-obscuring.

The second fence standard applicable to this area is in the base zone regulations, which states that fully sight-obscuring fences abutting street lot lines are limited to 3 ½ feet (or may be up to 8 feet high if they are 50 percent or less sight-obscuring) within the first ten feet of a street lot line. In this specific location, the abutting street ends at the east edge of this parcel, and only a pedestrian path continues eastward across the rail tracks to Willamette Park. Therefore, a taller, sight-obscuring fence at this location does not hinder visibility for motorists or endanger public safety.

Staff considered an alternative Modification to the standard in 33.274, which requires the fence to be totally sight-obscuring. The Modification could have allowed a six-foot fence that was 50 percent or less sight-obscuring. However, staff concluded that allowing the fence to be 50 percent or less sight-obscuring, to meet the standards in 33.130.270, and the resultant views of large satellite dishes, generators, and other

equipment in this area, would detract more from the Greenway environment than a well-designed fence or other sight-obscuring screen.

Staff concluded that the Modification proposal at this location will, on balance, be consistent with the purpose of the standard to be modified. However, to ensure that the fence or solid screen proposed for this location *better* meets the design guidelines, staff has added a condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

South Nevada is both a mapped view corridor and a pedestrian entrance into Willamette Park. Using the required sight-obscuring fence at this frontage to mount art or educational signage, will better meet Macadam Corridor Design Guideline 2 – Physical Connections, by creating a common sense of unity that ties the site to the surrounding context.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modification 3: The purpose of the design standard is to ensure that tall, sight-obscuring fences do not negatively impact the community or block necessary visibility for motorist safety. The proposed six foot completely sight-obscuring fence will not impede visibility into and out of the site for pedestrians or motorists. Vehicle access on South Nevada Street does not continue past the rail right-of-way. Therefore, a completely sight-obscuring fence will not impede vehicle safety when vehicles enter and exit any of the OPB site’s three driveways proximate to the proposed fence. Further, the fence screens broadcasting equipment, not an occupiable building that benefits from having visibility into and out of the site.

Therefore, with the condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk, this Modification merits approval.

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.

Trash and Recycling Screening: In the scope of this review, additional information was provided indicating that the trash areas were mistakenly categorized as internal (and therefore, not requiring screening) in the August 23, 2018 Non-Conforming Upgrade Covenant. Limited information at that time indicated that the trash and recycling area is located within an enclosed parking area. However, new information indicates that while the trash and recycling are beneath an overhang, the overhang does not have walls beneath it, and therefore they are not screened on all sides and are visible from the South Nevada public right-of-way. While the existing office building to the south of

the trash area, and the new sight-obscuring fence to the east may provide sufficient screening to meet the Title 33 standards, permit approval shall necessitate additional screening on the north side of the trash and recycling area to fully screen it from the South Nevada right-of-way.

Radio Broadcast Dishes: The 2018 Non-Conforming Upgrade Covenant did not address the satellite dishes on the north parcel. However, the applicant addresses them as ground-mounted mechanical equipment in the submitted materials. Staff has determined that the satellite dishes are Radio Frequency Transmission Facilities, and not ground-mounted mechanical equipment. The required screening for these facilities is governed by PZC 33.274 and is not subject to the screening requirements of 33.130.235. This determination is consistent with other instances in Title 33 in which roof-mounted antennas are differentiated from roof-mounted mechanical equipment.

CONCLUSIONS

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. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Staff recommends:

Approval of Design Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds, and a new landscape planter strip along the site's southern boundary.

Approval of Modifications for the following:

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.

Approval of Greenway Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds to serve as stormwater treatment facilities if deemed feasible by BES at permitting, and a new landscape planter strip along the site's southern boundary.

Approval to remove a previous Condition of Approval from case file # 15-87: A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.

Approvals with the following Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-012886 DZM GW". 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. Within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk.
- D. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on February 9, 2021 and was determined to be complete on August 5, 2021.

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 February 9, 2021.

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 waived the 120-day review period, as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: August 5, 2022.**

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 recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Any new written testimony should be emailed to **Hannah**

Bryant at Hannah.Bryant@PortlandOregon.gov. If you cannot email comments and must mail comments via USPS mail, your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

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.

If you are interested in viewing information in the file, please contact the planner listed on this decision. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,513.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services website: <https://www.portlandoregon.gov/bds/article/411635>. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 **October 15, 2021** 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.

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

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

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).

Hannah Bryant
October 25, 2021

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Non-Conforming Upgrades Narrative
 2. 120-Day Waiver
 3. Completeness Response Letter
 4. Submittal for First Scheduled Hearing
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Site Plan (attached)
 2. Existing Conditions Plan
 3. Construction Management Plan
 4. Site and Landscape Plan
 5. Landscape Details
 6. Art Rendering
- D. Notification information:

1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Life Safety
 2. Urban Forestry
 3. Bureau of Environmental Services
 4. Bureau of Environmental Services - Revised
- F. Letters
1. Mike Dowd, February 17, 2021
 2. Mike Dowd, March 3, 2021
 3. Mike Dowd, March 12, 2021
 4. Mike Dowd, April 4, 2021
 5. Mike Dowd, April 6, 2021 (two letters)
 6. Mike Dowd, April 20, 2021
 7. Mike Dowd, May 5, 2021
 8. Mike Dowd, September 7, 2021 (four letters)
 9. Mike Dowd, September 11, 2021
 10. Mike Dowd, September 13, 2021
 11. Mike Dowd, September 14, 2021
- G. Other
1. Original LUR Application
 2. Incomplete Letter, dated March 11, 2021
 3. 180-Day Notice Letter, dated July 9, 2021
 4. Original Approval, DZ 15-87
 5. OPB 1988 Landscaping Plan
 6. PC & EA Summaries
 7. NCU Option II Covenant

STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 21-012886 DZM GW

PC # 20-121512

Site Upgrades

REVIEW BY: Design Commission

WHEN: September 30, 2021; 1:30pm

REMOTE ACCESS: Design Commission Agenda:

<https://www.portlandoregon.gov/bds/42441>

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.

Bureau of Development Services Staff: Hannah Bryant 503-865-6520 /
Hannah.Bryant@portlandoregon.gov

GENERAL INFORMATION

Applicant: Kyle Davis | Oregon Public Broadcasting Foundation (OPB)
7140 South Macadam Ave
Portland, OR 97219
kdavis@opb.org

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 Jim Gardner at
contact@southportlandna.org

Business District: South Portland Business Association, contact
info@southportlanddba.com.

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-
4592.

Plan District: Macadam

Other Designations: None

Zoning: CM2 (MU-C)d g – *Commercial 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.
- Stormwater treatment planters to mitigate on-site stormwater runoff.

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 Type III Design Review approval (DZ 15-87) that required an approximately 3-foot landscape strip along the site’s eastern edge. Per 33.730.140, *“Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria.”*

Modifications are requested to three required development 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 approval criteria of Title 33, Portland’s Zoning Code. The relevant approval criteria are:

- *Macadam Corridor Design Guidelines*
- *Greenway Design Guidelines*
- *33.825.040, Modifications That Will Better Meet Design Review Requirements*

ANALYSIS

Site and Vicinity: The subject property is comprised of two parcels, both bounded by South Macadam Avenue on the west side, and a rail right-of-way on the east side. The two parcels are divided by South Nevada street, which does not continue to the east of these parcels but ends at the rail right of way. To the east of the rail right-of-way is the 26.85-acre Willamette Park, located between the train tracks and the Willamette River.

The southern 1.24-acre parcel has a low-rise office building and attached two-level structured parking facility. At the eastern edge of this parcel, a surface driveway begins at South Nevada street, wraps behind the building, and around the southern edge of the building to exit onto S. Macadam Avenue.

The northern parcel is approximately .21-acres (9,255 square foot) and has a surface parking area on the western half, and a fenced area housing multiple large radio transmitter satellite dishes and associated equipment on the eastern half of the parcel.

The Macadam area has a significant cultural history that serves to inspire current development and the design guidelines. For centuries Native Americans, primarily the Kalapuya peoples, lived and thrived in this area, using the Willamette River as a transportation corridor. The riverfront area that is now Willamette Park was part of a large network of wetlands and a popular camping location during the salmon runs. Modern development, including buildings located close to the river, removal of native vegetation and use of impermeable building materials has degraded the vital resources and adversely affected Tribal customs traditionally practiced in this area.

Beginning in the mid-1800s, this area was developed by river- and rail-dependent industries. Commercial businesses along the west side of South Macadam supported the industrial uses. As a result, the east side of South Macadam Avenue has large, irregular shaped lots, whereas the west side of South Macadam has a traditional, well-connected block pattern. Following World War II, much of the industry in this area relocated, and the large parcels were redeveloped as campus-like office spaces. This further cemented the disconnect between South Macadam Avenue and the river and resulted in large surface parking lots and an unwelcoming pedestrian environment.

The subject parcel is indicative of these historic development patterns. Numerous parcels owned by Oregon Public Broadcasting (OPB) and its affiliates extend for approximately 1000’ between South Macadam Avenue and the TriMet rail right-of-way. To the east of the rail right-of-way is Willamette Park, a 26.85-acre public park with a boat dock, paths, picnic areas, sports facilities, and a dog park. To the southeast of the OPB office building, a small residential neighborhood is accessed from S. Miles Street, located between the commercial and industrial businesses along S. Macadam and the rail right-of-way to the west, and the river to the east. Willamette Park provides a lush buffer to the north, and Butterfly Park Naturescape is a 1.07-acre undeveloped area of Willamette shoreline to the south.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 Greenway Overlay Zones, designated as “g”, “i”, “n”, “q” or “r” are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland’s rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City’s Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro’s Title 3.

- The River General “g” allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river’s natural and scenic qualities.

The Macadam Plan District implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

Land Use History: City records indicate that prior land use reviews include:

- LU 17-203778 DZM GW – Design Review and Greenway Review approvals for exterior alterations including three new windows and canopies, new ADA ramp and pedestrian stair, five new rooftop HVAC units, landscaping and new garage loading door. Included three Modifications to Pedestrian Standards and Special Street Setback. Following this review, the associated building permit triggered non-conforming upgrades. The applicant chose to sign a covenant (the Option II NCU Covenant), deferring all required upgrades for two years from the date of permit issuance. The covenant requires the applicant to upgrade all the nonconforming elements from the specific list of Development that must be brought into conformance listed in 33.258.070.D. *Staff note: The covenant requires full compliance or an Adjustment for the standards listed. This 2021 review is prompted by the applicant seeking Modifications for standards related to these non-conforming upgrades.*
- LU 13-189448 DZ – Design Review approval for a new generator on a concrete pad, surrounded by stained cedar lap siding screen and chain link fence, and removal of three parking spaces.

- LU 10-126156 DZ – Design Review approval to increase building footprint by 81 square feet to add an internal stair.
- LU 87-004406/87-004405 – Land Use Review approval for a new three-story building. This City-Council approval included numerous conditions of approval, including one for ‘a landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.’ *Staff note: Because this initial approval was a Type III procedure, and the applicant seeks to remove the landscaping Condition of Approval attached to the original approval, this 2021 review is required to be a Type III review.*

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **September 2, 2021**. The following Bureaus have responded with no issue or concerns:

- Life Safety (exhibit E.1)
- Urban Forestry (exhibit E.2)
- Site Development Section of BDS
- Fire Bureau
- Water Bureau
- Portland Bureau of Transportation
- Bureau of Environmental Services (exhibits E.3 and E.4)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 2, 2021**.

Multiple written responses have been received from a single notified property owner in response to the proposal.

- Mike Dowd – multiple dates beginning February 17, 2021. This neighbor has numerous concerns with existing site conditions including possible zoning violations and non-conforming upgrades. This neighbor is concerned that there may be other existing, non-conforming situations on the site that are not related to non-conforming upgrades, that may need to be investigated and resolved through Code Compliance. Mr. Dowd’s concerns include but are not limited to whether the building footprint complies with the 1988 approval; measurements of existing landscape areas; existing fencing; location of existing paving; trash screening; interior parking lot landscaping; rooftop mechanical, and lighting.

Staff Response: *Staff appreciates the specificity of the neighbor’s communication and has worked with the neighbor to better understand their top priorities related to this site, and to clarify what elements may be reviewed as part of this review and what possible zoning violations will require further investigation through BDS’ Code Compliance Division. Staff has worked with the applicant to address most of the neighbor concerns in the proposal and has noted additional elements that must be resolved at permitting in the Development Standards section. All correspondence is exhibited in the F. Exhibits and in TRIM (<https://efiles.portlandoregon.gov/Record/14617105/>).*

ZONING CODE APPROVAL CRITERIA

1. DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area.

- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district.
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

Macadam Corridor Design Goals and Guidelines

The following goals are specific to the Macadam Corridor Design Zone.

- Create and improve connections, both physical and visual, between the river, Greenway Trail, Willamette Park, and the residential community west of Macadam.
- Encourage opportunities for public use and enjoyment of the waterfront.
- Promote a quality of development in this scenic entry corridor to the Downtown that complements Macadam's landscape treatment.
- Require excellence in design for projects within the Corridor, particularly by assuring that new development contributes to the formation of a rich and diverse mixture of uses and styles in scale with each other.
- Add to the scenic qualities of the river and the Greenway Trail.
- Promote compatibility of new development with the river, surrounding uses, and the neighborhood.

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

Macadam Corridor Design Guidelines

1. Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.

- Promote physical and visual contact between the river and the area west of Macadam Avenue.
- Orient buildings, which front Macadam Avenue to preserve views of the river, Willamette Park and the Greenway.
- Integrate the east and west sides of Macadam Avenue by creating views of the river which align with streets on the east side of Macadam.
- Take particular advantage of opportunities to create and protect views, which align with Southwest Texas, Florida, Pendleton, Idaho, Nebraska, Dakota and Hamilton Streets.
- Rooftops of buildings should be carefully designed to enhance views.

- Plant on-site trees, which will grow to a sufficient height to soften new development and screen parking areas while selecting species and planting locations, which enhance view corridors to the river.
- 2. Physical Connections.** Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.
- Orient structures and parking areas to facilitate access for pedestrians between adjacent uses.
 - Extend street tree planting west of Macadam.
 - Reinforce connections for pedestrians between the Willamette River Greenway and Macadam Avenue.
 - Provide safe, comfortable places where people can slow, sit and relax. Locate these places adjacent to sidewalks, walkways and the Greenway Trail.
 - Provide sidewalks and pathways, through larger developments with landscaping which screens or separates these from parking and motor vehicle maneuvering areas.
 - Provide walkways, which link parking areas to district-wide access systems for pedestrians.

Findings for 1 and 2: The proposal intends to address required non-conforming upgrades (Section 33.258.070 D.) resulting from a 2017 Design Review (LU 17 - 203778 DZM GW AD). The proposed elements include a fence along SW Nevada street, abutting the sidewalk entrance into Willamette Park, and new trees on the east side of the existing parking garage. To achieve required parking lot landscaping requirements, the applicant proposes to remove four mature trees on the east side of the structured parking and to replace them with new landscaping planters to include nine deciduous trees.

The proposed trees will eventually grow tall enough to extend above the two-story parking structure and limit the views toward the river from uphill neighborhoods on the west side of Macadam. They will also serve as a visual cue to pedestrians on S. Macadam Boulevard that, on the other side of the approximately 350' long conjoined office building and parking garage, there is natural space – helping to foster a connection between the busy commercial boulevard and the riverfront park and publicly accessible waterfront. From the riverfront park, the new trees will serve to screen the views into the structured parking facility.

The proposed six-foot tall sight-obscuring fence proposed along the entire 480' length of the eastern property line will further screen the back-of-house functions such as parking access, loading and trash and recycling areas from the riverfront park and public right of ways. However, staff notes that the six-foot fence height does not replace the higher screening effects that the trees required by L2 landscaping would achieve. A neighbor has commented and provided photos demonstrating that the bright lights mounted the east façade are highly visible from nearby properties. Therefore, to mitigate the lack of tree canopy resulting from the Modification request and to minimize lighting impacts in this Pacific Flyway corridor, the applicant is proposing to include a minimum of five deciduous trees at the southern end of this property line and to replace all exterior lights on the east façade with dark sky compliant fixtures. The five trees at the east property line will be located where the one-way drive aisle is widest, and the trees will not interfere with loading dock access or turning radius for service vehicles existing the property via the south driveway.

Therefore, this guideline is met.

3. The Water's Edge. Enhance the scenic qualities of the river and sites that about the riverbank to contribute to an attractive and enjoyable Greenway Trail.

- Identify natural areas of the Willamette riverbank and preserve the natural qualities of these areas.
- Screen parking, loading and vehicular movement areas from the Greenway with rich landscape plantings.
- Locate buildings to protect access to sunlight on the Greenway Trail.

Findings for 3: The site does not abut the riverbank. However, the fencing will help obscure the existing OPB building and its associated radio broadcast equipment (satellite dishes and generator) from the pedestrian perspective within Willamette Park and along the Greenway Trail, which will contribute to the overall attractiveness and natural feel of the park and trail area.

Therefore, this guideline is met.

4. The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.

- Consider using awnings or other weather protection, street furniture, plazas, sculpture courts or other amenities for pedestrians to reinforce the boulevard design of Macadam.
- Abut pedestrian pathways with buildings or landscaping. Buffer with landscape screens, parking lots and structures, which are not oriented to pedestrians.
- Use landscaping to reinforce the boulevard character of Macadam and to provide visual connections with private property adjacent to Macadam.
- Trees interspersed with low-growing vegetation or grass should visually predominate over impervious surfaces.
- Provide frequent views from Macadam into interior ground level spaces of projects located along the Avenue.

Findings for 4: As shown on sheet L3.0 of the plan set, thoughtful and durable landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue. The layering of shrubs and canopy trees soften the vehicle area and enhance the boulevard's treatment and contribute to the attractiveness of this entrance to the City. The proposed sight-obscuring fencing will also further screen and shield the OPB building and satellite dish and generator area from views from Willamette Park, which serves as an additional pedestrian entrance to the City, and alternative to South Macadam Avenue.

Therefore, this guideline is met.

5. Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.

- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings for 5: The applicant proposes numerous elements to improve the site's compatibility with its surroundings and local character. These include perimeter landscape plantings, multiple six-foot sight-obscuring wood fences, and reconfiguration of the existing east driveway.

Landscape Plantings & Fence - As shown on sheet L3.0 of the plan set, extensive landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue and South Nevada Street. Differing uses to the east (Rail right-of-way, Willamette Park, and single-family residential) are proposed to be buffered from the site by a sight-obscuring six-foot wood fence where landscaping treatments are not possible due to site constraints. The layering of shrubs and canopy trees at the perimeter of the structured parking area, in conjunction with the proposed fence and additional trees at the east and south property lines, will soften the visual impact of the existing vehicle areas and enhance the transition between the existing development and adjacent residential areas and public open space.

To facilitate and enhance the proposed buffering of the site the applicant proposes to increase screening at the southeast corner of the site, which is closest to nearby single-family residential. The existing building and parking structure are located at a slight angle to the east property line, resulting in slightly more space between the building and the east property line at the south end of the site than the north end (see L3.0 – Site and Landscape Plan). This wider area provides space for larger plantings while still functioning as an active driveway and loading area.

At the south/southeastern portion of the site, a row of deciduous trees is proposed along the south property line, and an existing mature cherry tree is located at the corner is proposed to be replaced with an evergreen incense cedar. The applicant's landscape architect notes the cherry tree is approaching the end of its typical lifespan and is in poor condition. A neighbor has suggested that evergreen plant material at this location would better achieve the neighbors' desired year-round visual screening from the lights and activity at this location. Therefore, the applicant proposes to replace the older cherry tree with an evergreen tree that addresses the neighbor's request.

Driveway Reconfiguration - An existing driveway runs the length of the east property line behind the structured parking and office building. The driveway has operated as a one-way southbound, with vehicles accessing it from South Nevada street and, upon leaving the bottom level of the structured parking area and loading docks, turning right to continue around the south side of the building. This has resulted in all traffic driving through the site to the area closest to residential neighbors. The driveway exits onto South Macadam Avenue at a location where vehicles can only turn right.

With this proposal, the applicant intends to remove five existing parallel parking spaces between the northern portion of the driveway and the structured parking. The removed spaces will facilitate the construction of the new planters, to provide perimeter landscape screening and stormwater treatment, if feasible,

for the structured parking. The planters are proposed to hold nine trees, as well as evergreen shrubs and groundcover to meet the perimeter landscaping requirements.

The expanded driveway width at the northern portion of the parcel will also facilitate converting the one-way drive to a two-way direction for this portion, which allows all vehicles exiting the structured parking to turn left out of the bottom level of parking and then exit the site via South Nevada. This results in reducing the vehicle traffic passing near the residential neighbors and allows exiting vehicles to leave the site at a location where cars can turn left or right onto South Macadam.

While all personal vehicles will now exit the site via South Nevada, all maintenance and delivery vehicles that utilize the loading area will continue to exit the site near the residential neighbors. To mitigate the ongoing vehicle impacts on the residential neighbors, the applicant proposes that a minimum of 5 trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence, and the trees shall comply with the native plant requirement of the Willamette Greenway Plan. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this guideline is met.

8. Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.

Findings for 8: The proposed fence, located at the eastern property line, will not preclude the potential light rail use of the rail right-of-way. It may benefit the current and future rail users by shielding some unsightly back-of-house functions associated with this property's eastern façade.

Therefore, this guideline is met.

2. GREENWAY REVIEW (33.440)

33.440.300 Purpose

Greenway Review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.350 Greenway Review Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

Willamette Greenway Design Guidelines

The purpose of the Willamette Greenway design guidelines is to help attain the goal and objectives of the Willamette Greenway Plan, particularly objectives 2, 3, and 4. The design guidelines address the quality of the environment along the river, and require public and private developments to complement and enhance the riverbank area, particularly with regard to riverbank treatment, landscape enhancement, public access, and the relationship of structures to the Greenway Trail, the siting and design of viewpoints, and the design of view corridors.

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

A. Relationship of Structures to the Greenway Setback Area.

- 1. Structure Design.** The Greenway setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to support the pedestrian circulation system, including both the Greenway Trail and access connections.
- 2. Structure Alignment.** Where surrounding development follows an established block pattern, alignment with the block pattern should be considered in structure placement. Structure alignment should also take into account potential view corridors from existing public rights-of-way or acknowledged viewpoints. The pedestrian access system should be designed to take advantage of these alignments.

Findings for A: The OPB site is not within the Greenway Setback area. The applicant's proposed alterations to the site's landscaping and parking areas do not alter or hinder access to the Greenway trail or its access connections. Alterations to the site's existing buildings are not proposed. *Therefore, this guideline does not apply.*

B. Public Access

- 1. Public Access.** New developments should integrate public access opportunities to and along the river into the design of the project. This includes the Greenway Trail, formal viewpoints, access connections to the Greenway Trail, and internal site pedestrian circulation.
- 2. Separation and Screening.** The pedestrian circulation system, including Greenway Trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.
- 3. Signage.** Access connections should be clearly marked.
- 4. Access to Water's Edge.** Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water's edge is encouraged as part of the project.

Findings for B: The applicant's proposed alterations to the site's landscaping and vehicle areas do not alter the public access opportunities to and along the

Willamette River, including the Greenway trail, viewpoints, access connections, and internal site pedestrian circulation.

The sole element of the proposal that may impact the public pedestrian circulation system and access to the Greenway trail is the replacement of an existing sight-obscuring fence along S. Nevada with a new sight-obscuring fence in the same location. The existing fence is located at the property line, abutting the South Nevada pedestrian right-of-way, which is also a primary pedestrian entrance into Willamette Park. Detailed descriptions about why the fence is necessary at this location are included below in Section 3, Modifications, of this decision. However, while necessary for public safety, the existing fence at the property line abutting a pedestrian entry into a park does not enhance the pedestrian environment.

To mitigate the fortress-like effect of a fence located at the property line, the applicant proposes to stagger the fence, pushing it back six feet where internal equipment allows that configuration, and to plant the space between the fence and the sidewalk with a mix of narrow evergreen shrubs and deciduous ornamental grasses. Where the fence cannot be moved further back from the sidewalk, the applicant proposes to work with the Regional Arts and Culture Council (RACC) to mount public art panels onto the fence (see sheet L3.5). Adorning the required fence with items of visual interest will serve to strengthen the pedestrian connection between Macadam Boulevard and the riverfront park and Greenway trail, while also screening the pedestrian circulation system from exterior equipment.

While the applicant has proposed the public art concept, provided renderings of the public art on the fence does not include dimensions or location information, and has not yet determined the medium, timeline or budget for this element. Therefore, staff has included a condition of approval that the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

With the condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence. With the condition of approval for interpretation or public art, this guideline is met.

E. Landscape Treatments.

- 1. Landscape Treatments.** The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition between a riparian treatment on the riverbank and a more formal treatment of the upland.
- 2. Grouping of Trees and Shrubs.** In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open

areas of human use, and has the secondary value of increasing the value of the vegetation for wildlife.

3. **Transition.** The landscape treatment should provide an adequate transition between upland and riparian areas, and with the landscape treatments of adjacent properties.

Findings for E: Consistent with the required non-conforming upgrades covenant signed on August 23, 2018 (PR 18-140945 NCU), upgrades to the site landscaping are included in this proposal. These requirements are primarily to meet the minimal code standards. Additionally, Modifications are proposed that reduce the area of some landscaping required to meet the code standards. To ensure that the purpose of the required landscaping is achieved the applicant has proposed a landscape plan that meets the intent of the landscaping standards on a constrained site. Consistent with the guideline, the proposed landscape treatments facilitate naturalistic groupings of trees in site areas furthest from human activity, while maintaining a more formal landscape treatment in areas with intense human use.

To ensure that the landscaping facilitates a transition between the abundantly treed riverfront park and the more intense uses along the rail right-of-way and this site's abutting driveway, which is lined with vehicle and service functions, the applicant has proposed to add a minimum of 5 trees along the east property line behind the OPB building, interior to the proposed wood fence. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Further, to facilitate a grouping of habitat-providing trees in an area furthest from human activity, the applicant has proposed a large, evergreen tree to be added at the southeast corner of the site. The evergreen tree will replace the existing cherry tree.

Therefore, this guideline is met.

F. View Corridors

1. **Right-of-Way Protection.** View corridors to the river along public-rights-of-way are to be protected. These rights-of-way should not be vacated.
2. **View Protection.** Buildings, structures, or other features must be located to avoid blocking view corridors.
3. **Landscape Enhancement.** Landscape treatments within view corridors should frame and enhance the view of the river.

Findings for F: South Nevada Street is a designated view corridor per the Willamette Greenway Public Access Map. The applicant is not requesting vacation of South Nevada Street or other land use actions that would alter the right-of-way's protection as a view corridor. To mitigate the impacts of a six-foot sight-obscuring wall abutting this view corridor, staff has added the condition of approval that within two years of final approval of this land use review the property owner shall develop an interpretation signage program that tells the history of the history of the Macadam Greenway area or shall work with RACC to develop a public art installation at this location. The signage/public art shall be mounted or painted on at least the top four feet of at least 75% of the length of the proposed South Nevada satellite dish screening element, where that fence is within three feet of, and parallel to, the sidewalk. The art or educational signage

at this location will serve to enhance the view corridor and pedestrian entrance to the Willamette Park while mitigating the lack of landscape enhancement along the north side of this street.

With the condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk, this guideline is met.

3. MODIFICATION REQUESTS (33.825)

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 #1: Parking Area Setbacks and Perimeter Landscaping, PZC 33.266.130.G.2 – To replace required perimeter landscaping with a six-foot sight-obscuring fence.

Purpose Statement: The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands. The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. 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.

Standard: 33.266.130.G.2.a.(3) / Table 266-5– Setbacks and perimeter landscaping apply to driveways. Five feet of L2 landscaping is required along the east property line where it abuts a C zone.

Additional standard: In the original 1987 design review for this site (DZ 15-87), a condition of approval was added stating “A landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.” *As part of this review, the applicant is requesting to remove this Condition of Approval.*

Modification #2: Loading Area Setbacks and Perimeter Landscaping, PZC 33.266.310.E

Purpose Statement: These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Standard: 33.266.310.E/Table 266-8, Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modifications 1 and 2: The modification to remove the 1987 condition of approval requiring approximately three feet of landscaping (DZ 15-87) and to Modify the current zoning code standard that requires five feet of L2 landscaping as a buffer along the eastern driveway/loading area and the abutting property (the rail right-of-way) with a six-foot sight obscuring fence better meets the design guidelines in this back-of-house, utilitarian environment abutting the train right-of-way. This property line is approximately 480’ feet long, with pedestrian right-of-way on the north side and no public access to the south end of the site. While not blocked from public access, the rail right-of-way is not a public corridor and only serves a private tourist trolley that runs on occasional weekends. It is not a form of public transit or operated by a public entity. Therefore, the visual screening benefit of the required L2 landscaping, which consists of low evergreen shrubs or a masonry wall to form a three-foot screen, with sporadic trees and ground cover, is minimal in this setting. The low landscaping will not effectively screen the back of house functions, including loading, structured parking access or a heavily used vehicle area.

The proposal to replace the low landscape screening with a six-foot tall sight-obscuring fence better meets the design guideline 5, Sub-Area Context by providing a screening that serves to buffer the site’s visual impact on nearby residential areas and the public park on the other side of the rail right-of-way. The taller, solid fence in conjunction with a minimum of five trees at the east property line is compatible with the intense commercial uses and vehicle traffic and loading functions on the subject site, and better screens the associated lights, noise, and views of those uses from the quiet, forested riverfront and nearby residential homes.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modifications 1 and 2: In preparation for addressing the required non-conforming upgrades on this site, the owners had the property surveyed. The survey revealed that the property does not extend as far back on the eastern side as previously understood. The original 1987 proposal and design for the building were based on the assumed larger site size. When the new survey revealed that the property line was a few feet closer to the building than previously understood, it became infeasible to provide either the current five-foot code required perimeter landscaping or the three-foot landscape strip required as a condition of approval in the original 1987 approval, while still retaining an operational on-site driveway and loading area. The driveway is two-way at the northern end, where employees use it to access the entrance to the bottom level of the parking structure. South of the entrance to the parking structure, the driveway is one way and serves the three loading doors, as well as the trash and recycling areas.

In a typical, urban site, there are myriad benefits for perimeter vehicle area landscaping. In this unusual context, on a parcel that is approximately two city blocks in length and abuts a rail right-of-way with no adjacent public sidewalks to the rail right-of-way, some of the listed purposes of perimeter landscaping are less applicable. The primary purpose of perimeter landscaping in this context is to improve and soften the appearance of parking areas, and to reduce the visual impact of parking areas from nearby residential zones. While there are no abutting residential zones (or residential uses on properties zoned non-residential), there is a nearby residential neighborhood on the other side of the train tracks and to the southeast of this property. One neighbor, who lives closest to this site, has provided numerous comments during this review, including photographs of the eastern edge of this site showing views into the parking area, trash/recycling and bright nighttime security lighting.

To this end, the screening benefits intended of the required landscaping may be better achieved by a taller sight-obscuring fence, particularly since the parking structure is both well-screened by nine deciduous trees and furthest from the nearby residential properties. The visual impact of the loading area, located at the south end of the site closest to the residential neighbors, will not be well screened by the L2 landscaping, and is better mitigated by the sight-obscuring fence. To further mitigate the off-site impacts of the security lighting on the eastern façade of this building, the applicant has proposed that all exterior lights on the east façade shall be dark sky compliant. To add additional year-round screening at the southeast corner of the site, closest to the residential neighborhood, a large, evergreen tree shall replace the existing cherry tree. To provide the additional screening height that the trees in L2 landscaping would provide, the applicant proposes a minimum of five (5) trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence. Trees may be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this Modification merits approval.

Modification #3: Fences, PZC 33.130.270.C.1.a

Purpose Statement: The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences

near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

Standard: 33.130.270.C.1 - Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

- a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
- b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modification 3: The modification to increase the height of the proposed fencing along the South Nevada frontage stems from the existing location of the radio broadcast dishes, and the inability for both of the relevant fence code standards to be met with the existing radio broadcast dish configuration. Were the dishes moved to a location where they could be adequately screened with the code-required six-foot fence, and still have that fence be located more than ten feet from the street lot line, a Modification would not be required. However, since the dishes at this location were part of the original 1987 approval for this development; relocating this broadcast equipment would require disrupting the public emergency communication systems, and an existing six-foot sight-obscuring fence in the same configuration as the applicant intends to maintain has existed here without public complaint or conflict since 1988, staff concludes that a Modification to fence standards is warranted rather than requiring the applicant to move the satellite dishes, provided the Modification clearly meets both the approval criterion: that the resulting development will *better* meet the applicable design guidelines; and that on balance, the proposal will be consistent with the purpose of the standard for which the modification is requested.

The fencing at this location is required by PZC 33.274.040.C.8.a.(2), which requires screening around the base of any radio frequency transmission equipment. Multiple screening options are provided in this code chapter to meet this standard, but the existing locations of the equipment and its operational requirements preclude screening the area with L2 landscaping. The trees required in L2 landscaping would impede the clear area required by the transmission equipment. Of the required screening options listed in this code chapter, a fence is the only feasible option at this constrained location. To ensure safety of equipment and of the public, the Radio Frequency Transmission Facility code requires the fence be at least six feet in height and be totally sight-obscuring.

The second fence standard applicable to this area is in the base zone regulations, which states that fully sight-obscuring fences abutting street lot lines are limited to 3 ½ feet (or may be up to 8 feet high if they are 50 percent or less sight-obscuring) within the first ten feet of a street lot line. In this specific location, the abutting street ends at the east edge of this parcel, and only a pedestrian path continues eastward across the rail tracks to Willamette Park. Therefore, a taller, sight-obscuring fence at this location does not hinder visibility for motorists or endanger public safety.

Staff considered an alternative Modification to the standard in 33.274, which requires the fence to be totally sight-obscuring. The Modification could have allowed a six-foot fence that was 50 percent or less sight-obscuring. However, staff concluded that allowing the fence to be 50 percent or less sight-obscuring, to meet the standards in 33.130.270, and the resultant views of large satellite dishes, generators, and other

equipment in this area, would detract more from the Greenway environment than a well-designed fence or other sight-obscuring screen.

Staff concluded that the Modification proposal at this location will, on balance, be consistent with the purpose of the standard to be modified. However, to ensure that the fence or solid screen proposed for this location *better* meets the design guidelines, staff has added a condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

South Nevada is both a mapped view corridor and a pedestrian entrance into Willamette Park. Using the required sight-obscuring fence at this frontage to mount art or educational signage, will better meet Macadam Corridor Design Guideline 2 – Physical Connections, by creating a common sense of unity that ties the site to the surrounding context.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modification 3: The purpose of the design standard is to ensure that tall, sight-obscuring fences do not negatively impact the community or block necessary visibility for motorist safety. The proposed six foot completely sight-obscuring fence will not impede visibility into and out of the site for pedestrians or motorists. Vehicle access on South Nevada Street does not continue past the rail right-of-way. Therefore, a completely sight-obscuring fence will not impede vehicle safety when vehicles enter and exit any of the OPB site’s three driveways proximate to the proposed fence. Further, the fence screens broadcasting equipment, not an occupiable building that benefits from having visibility into and out of the site.

Therefore, with the condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk, this Modification merits approval.

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.

Trash and Recycling Screening: In the scope of this review, additional information was provided indicating that the trash areas were mistakenly categorized as internal (and therefore, not requiring screening) in the August 23, 2018 Non-Conforming Upgrade Covenant. Limited information at that time indicated that the trash and recycling area is located within an enclosed parking area. However, new information indicates that while the trash and recycling are beneath an overhang, the overhang does not have walls beneath it, and therefore they are not screened on all sides and are visible from the South Nevada public right-of-way. While the existing office building to the south of

the trash area, and the new sight-obscuring fence to the east may provide sufficient screening to meet the Title 33 standards, permit approval shall necessitate additional screening on the north side of the trash and recycling area to fully screen it from the South Nevada right-of-way.

Radio Broadcast Dishes: The 2018 Non-Conforming Upgrade Covenant did not address the satellite dishes on the north parcel. However, the applicant addresses them as ground-mounted mechanical equipment in the submitted materials. Staff has determined that the satellite dishes are Radio Frequency Transmission Facilities, and not ground-mounted mechanical equipment. The required screening for these facilities is governed by PZC 33.274 and is not subject to the screening requirements of 33.130.235. This determination is consistent with other instances in Title 33 in which roof-mounted antennas are differentiated from roof-mounted mechanical equipment.

CONCLUSIONS

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. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Staff recommends:

Approval of Design Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds, and a new landscape planter strip along the site's southern boundary.

Approval of Modifications for the following:

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.

Approval of Greenway Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds to serve as stormwater treatment facilities if deemed feasible by BES at permitting, and a new landscape planter strip along the site's southern boundary.

Approval to remove a previous Condition of Approval from case file # 15-87: A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.

Approvals with the following Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-012886 DZM GW". 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. Within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk.
- D. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on February 9, 2021 and was determined to be complete on August 5, 2021.

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 February 9, 2021.

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 waived the 120-day review period, as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: August 5, 2022.**

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 recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Any new written testimony should be emailed to **Hannah**

Bryant at Hannah.Bryant@PortlandOregon.gov. If you cannot email comments and must mail comments via USPS mail, your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

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.

If you are interested in viewing information in the file, please contact the planner listed on this decision. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,513.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services website: <https://www.portlandoregon.gov/bds/article/411635>. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 **October 15, 2021** 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.

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

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

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).

Hannah Bryant
October 25, 2021

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Submittals
 1. Non-Conforming Upgrades Narrative
 2. 120-Day Waiver
 3. Completeness Response Letter
 4. Submittal for First Scheduled Hearing
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Site Plan (attached)
 2. Existing Conditions Plan
 3. Construction Management Plan
 4. Site and Landscape Plan
 5. Landscape Details
 6. Art Rendering
- D. Notification information:

1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Life Safety
 2. Urban Forestry
 3. Bureau of Environmental Services
 4. Bureau of Environmental Services - Revised
- F. Letters
1. Mike Dowd, February 17, 2021
 2. Mike Dowd, March 3, 2021
 3. Mike Dowd, March 12, 2021
 4. Mike Dowd, April 4, 2021
 5. Mike Dowd, April 6, 2021 (two letters)
 6. Mike Dowd, April 20, 2021
 7. Mike Dowd, May 5, 2021
 8. Mike Dowd, September 7, 2021 (four letters)
 9. Mike Dowd, September 11, 2021
 10. Mike Dowd, September 13, 2021
 11. Mike Dowd, September 14, 2021
- G. Other
1. Original LUR Application
 2. Incomplete Letter, dated March 11, 2021
 3. 180-Day Notice Letter, dated July 9, 2021
 4. Original Approval, DZ 15-87
 5. OPB 1988 Landscaping Plan
 6. PC & EA Summaries
 7. NCU Option II Covenant



City of Portland Design Commission

Type III Land Use Review

MEMORANDUM

Date: October 27, 2021
To: Design Commission
From: Hannah Bryant, Design / Historic Review Team
 503.865.6520
Re: LU 21-012866 DZM GW – *Site Upgrades at OPB*
 Type III Design Review– November 4, 2021

Attached is a drawing set for the Type III Design Review scheduled on November 4, 2021. Please contact me with any questions or concerns.

I. PROGRAM OVERVIEW

Type III Design Review with Modifications and Greenway Review to address a 1987 Condition of Approval for perimeter landscaping for which the applicant requests a Modification. Exterior site improvements are limited to those required by a non-conforming upgrade covenant. While the scope of the work would typically be reviewed through a staff-level review, the requested Modification to a city council condition of approval necessitates a Type III review.

II. DEVELOPMENT TEAM BIO

Architect	Read Stapleton DOWL
Owner	Kyle Davis, Facilities Manager Oregon Public Broadcasting
Project Valuation	\$ 72,000

III. DESIGN REVIEW APPROVAL CRITERIA – *Macadam Corridor Design Guidelines; Greenway Design Guidelines, Modification Review (33.825.040)*

III. MODIFICATIONS

Subject to the following approval criteria:

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

Modifications requested:

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.

IV. STAFF RECOMMENDATION

Staff found that the proposal with modifications meets the applicable Design Review criteria, Greenway Review criteria, and modification criteria, therefore, the Staff Report recommends approval.

V. CONDITIONS OF APPROVAL

The standard three conditions of approval have been added. One non-standard condition of approval is recommended (text below). The intent of this condition of approval is to allow the applicant flexibility to install signage if it proves infeasible to install their proposed public art.

Within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk.

VI. PROCEDURAL NOTES

- The application was deemed complete on August 5, 2021
- The applicant requested the hearing be rescheduled from September 30, 2021 to November 4, 2021.

Attachments:

Drawing Set November 4, 2021



City of Portland
Design Commission

Type III Land Use Review

LU 21-012886 DZM GW

7140 S. Macadam

November 4, 2021

Staff Presentation

LU 21-012866 DZM GW
H.3

Context

Location

Zoning

Approval Criteria

Context | Surroundings

Proposal Overview

Project History

Modifications

Applicant Presentation

Approvability Items

Public Realm Consideration

Modifications

Staff Recommendation

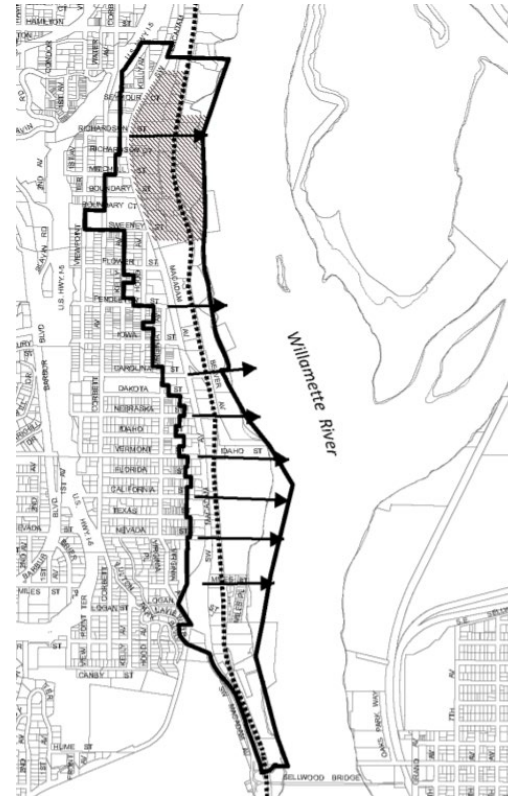
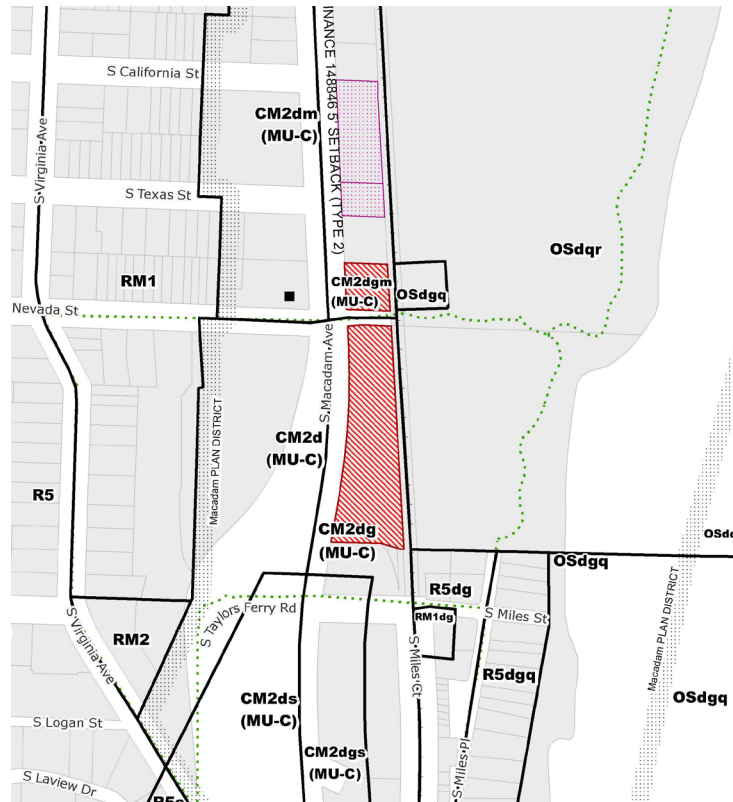
Conditions of Approval

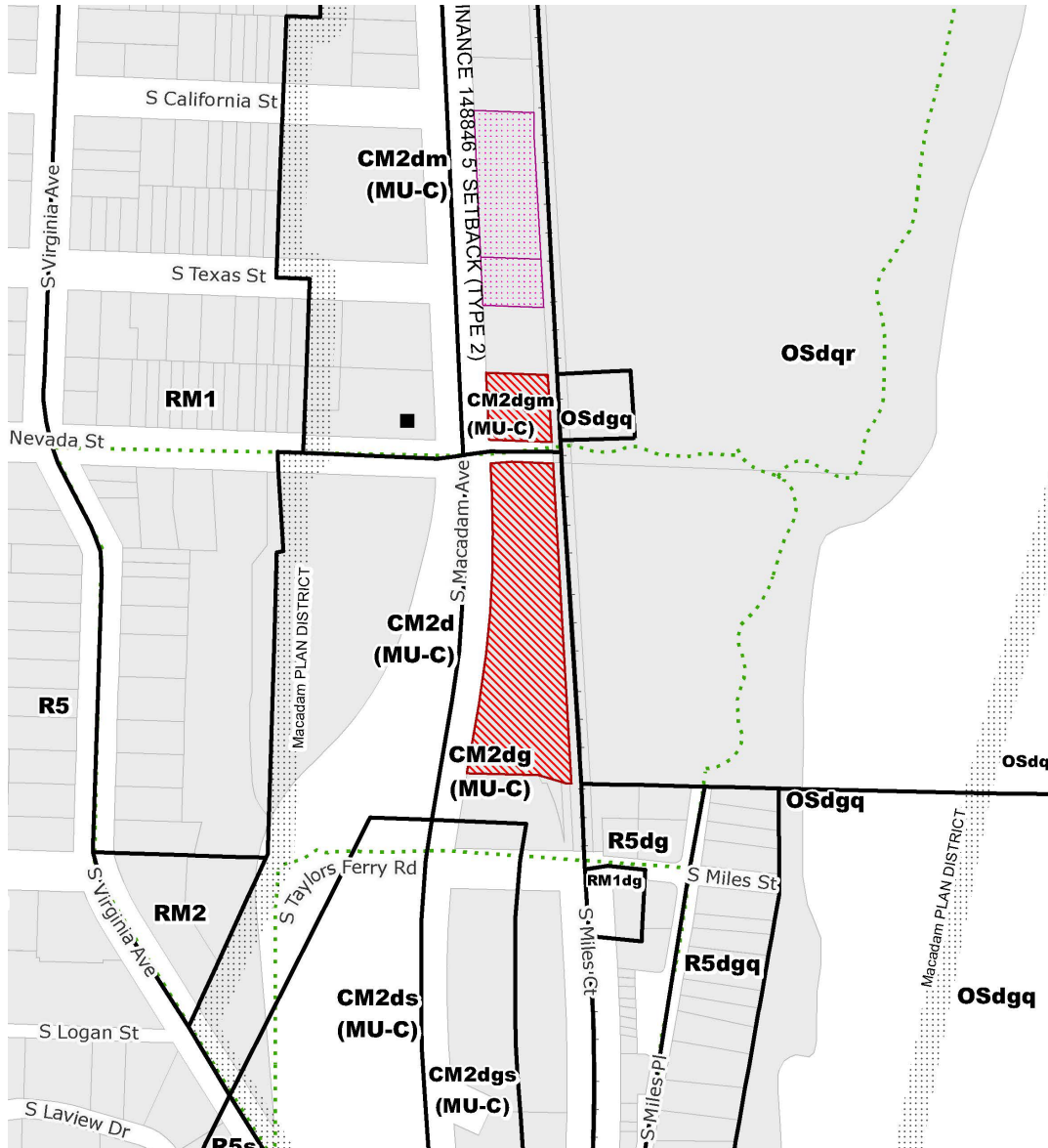
Context

Location

Macadam Plan District

Willamette Greenway





Zoning

Base Zone:

CS, Storefront Commercial
 *vested in 2017, due to previous land use/building permit that triggered NCUs.
 Today the site is zoned CM2*

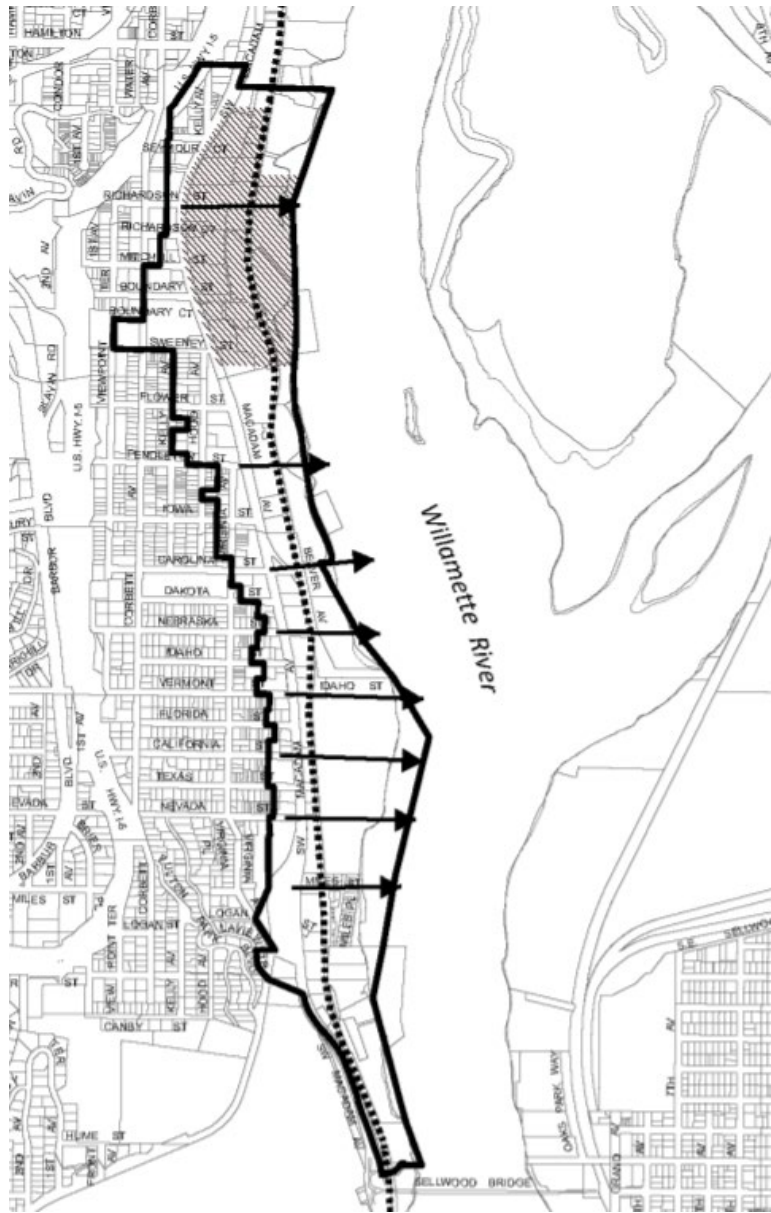
Overlay:

Design Overlay (d)
 River General Overlay (g)

Today, the site also has a Centers Main Street (m) overlay, but that does not apply to this review as it was not in place in 2017.

Site Size:

1.4 acres



Approval Criteria

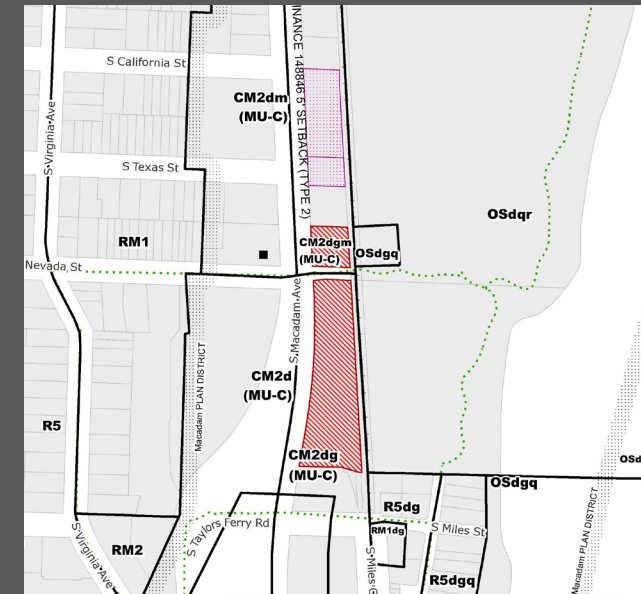
Macadam Corridor Design
Guidelines

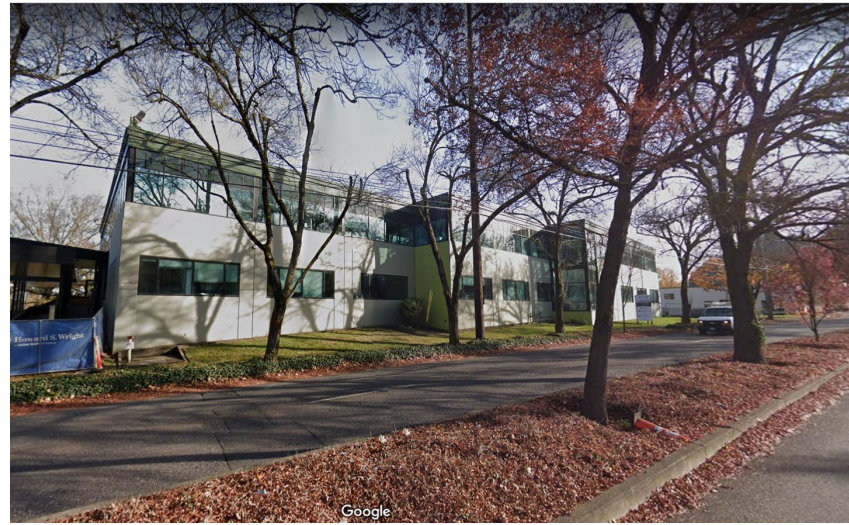
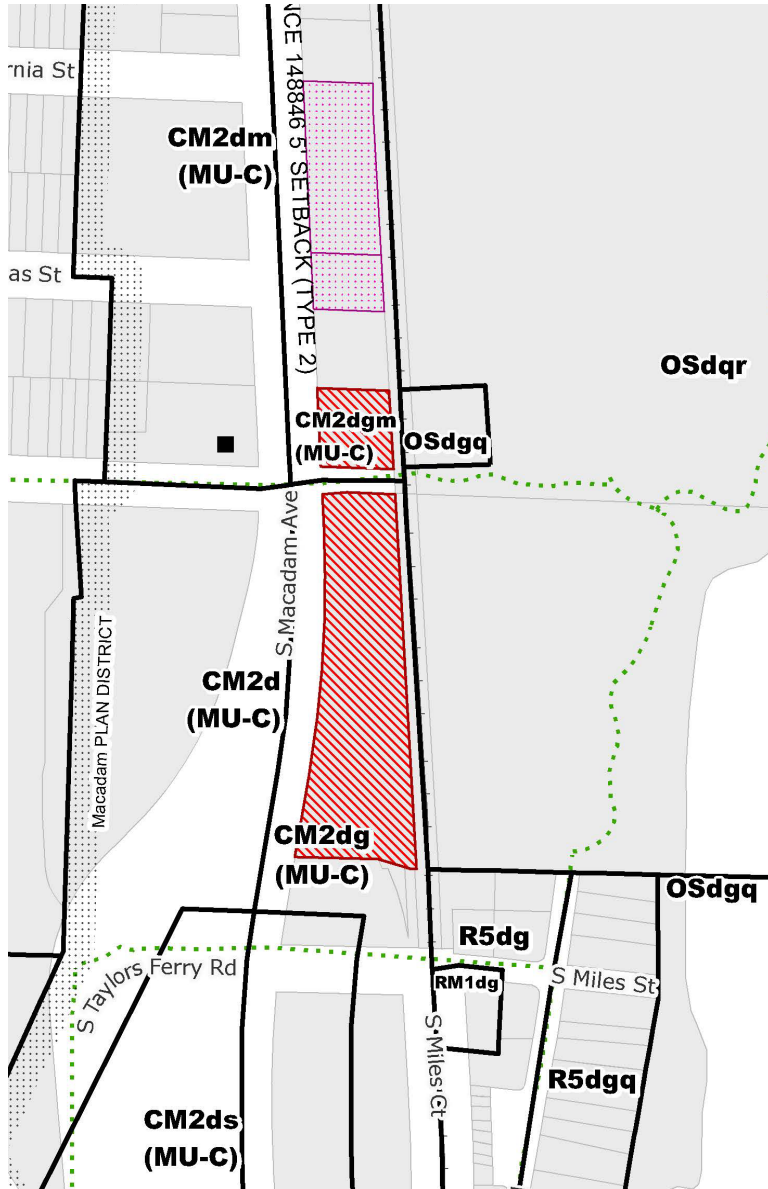
Greenway Design Guidelines

Modifications that will better
meet Design Review
Requirements

Context

- S. Macadam Ave to west
- TriMet Rail ROW to east
- Willamette Park to east





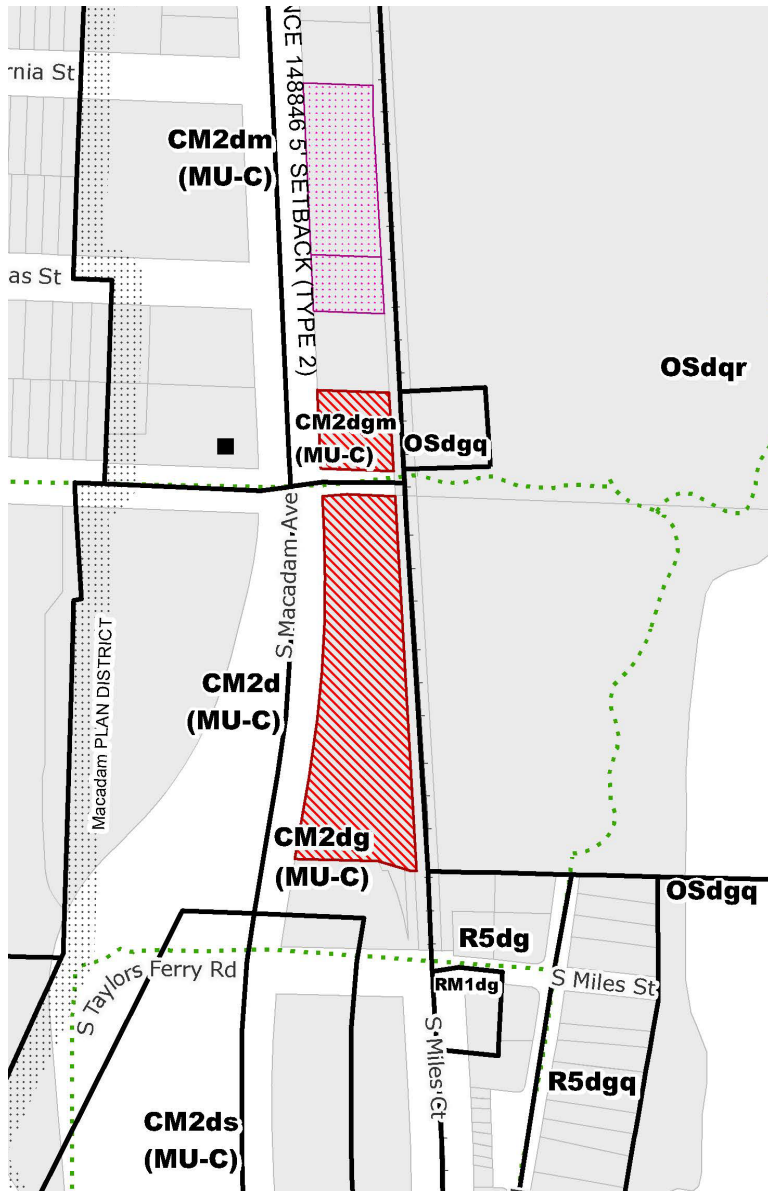
WEST: S. MACADAM AVE



SOUTH: MARQUE MOTORS BUSINESS

Surroundings

- WEST – S. Macadam
- SOUTH – Marque Motors
- SOUTHEAST – S. Miles Place residential neighborhood
- EAST – Tourist Trolley on TriMet rail ROW
- NORTH – S. Nevada – closed to vehicle traffic beyond this site; ped. crossing over train tracks into Willamette Park



EAST: RAIL ROW + WILLAMETTE PARK



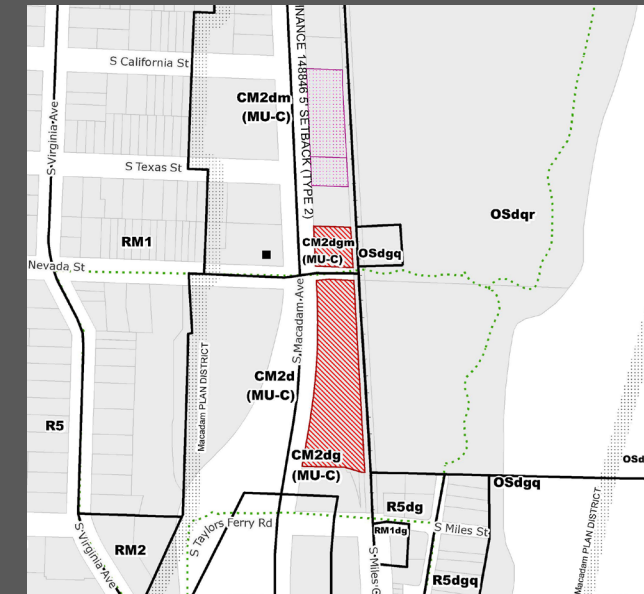
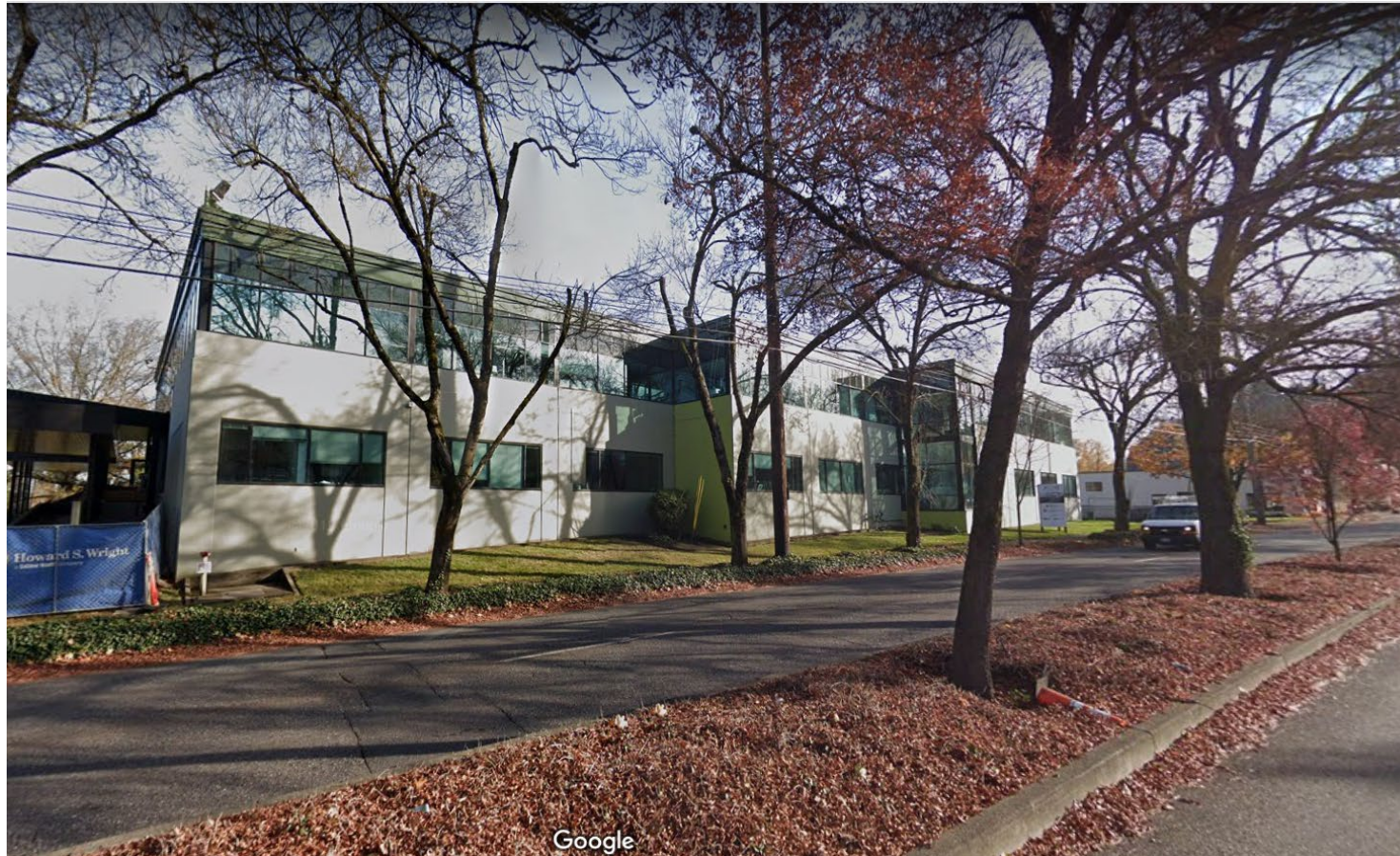
NORTH: SOUTH NEVADA DEAD END

Surroundings

- WEST – S. Macadam
- SOUTH – Marque Motors
- SOUTHEAST – S. Miles Place residential neighborhood
- EAST – Tourist Trolley on TriMet rail ROW
- NORTH – S. Nevada – closed to vehicle traffic beyond this site; ped. crossing over train tracks into Willamette Park

Context

- Office building + two-level parking structure built in 1987
- Radio broadcast dishes north of S. Nevada, part of original 1987 review



Proposal Overview



Looking north, at eastern rail ROW



Looking east, at S. Nevada pedestrian entry to Willamette Park

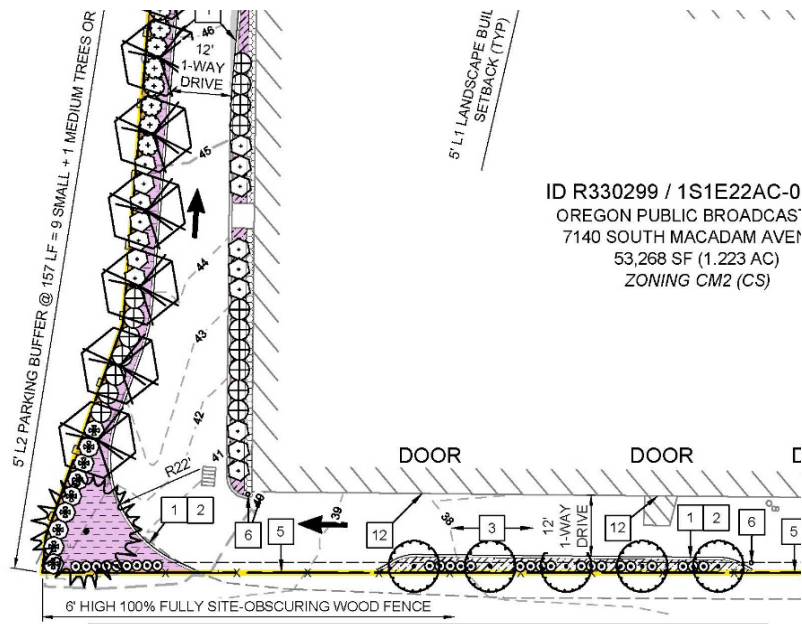
- NCUs triggered by 2017 building permit – provided they are compliant with the 2017 code, they are not subject to review
- Delete 1987 COA for 3' landscape strip on east side (triggers Type III)
- Modifications:
 - Replace 5' of L2 on east side w/ a 6-foot fence + 5 trees
 - Allow a 6-foot fence within 10-feet of the street lot line on S. Nevada (required to screen broadcast facilities).



2017: New entrance canopies, new ADA ramp to connect to S. Macadam, new windows facing S. Macadam, new rooftop mechanical. This project triggered the NCU requirements that prompted the 2021 review.

Project History

- EA: 19-169932
- Pre-App: 20-121512



Modifications

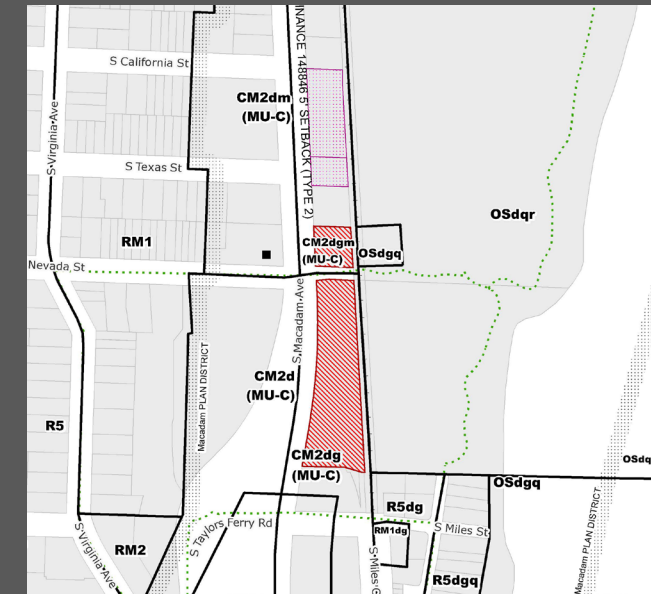
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2. Loading Area Landscaping
3. Fences

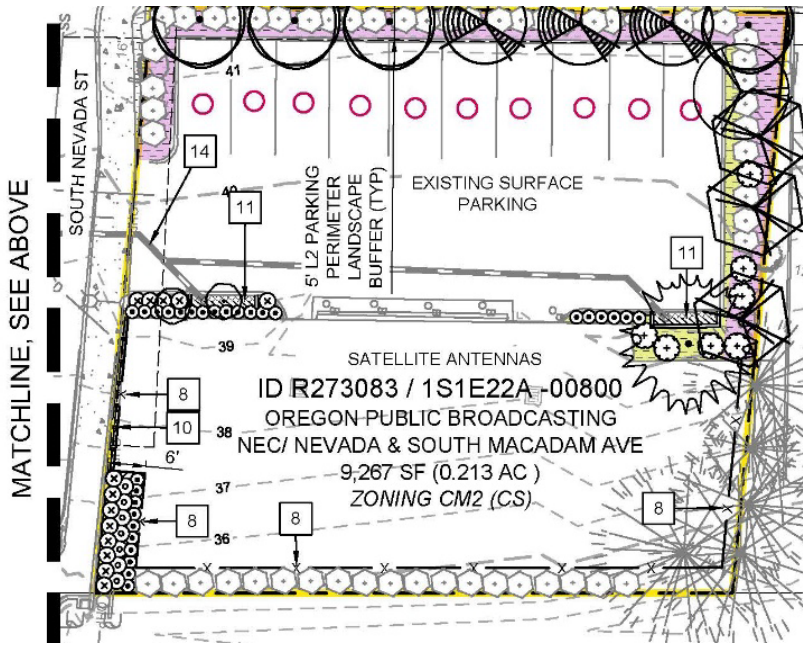
Modification 2

The Standard: 33.266.310.E / Table 266-8 – Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

The Purpose: To ensure the appearance of loading areas are consistent with those of parking areas.

The Proposal: to allow a six foot completely sight-obscuring fence in lieu of minimum landscaping requirements on the perimeter of the loading area.





Modifications

1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences

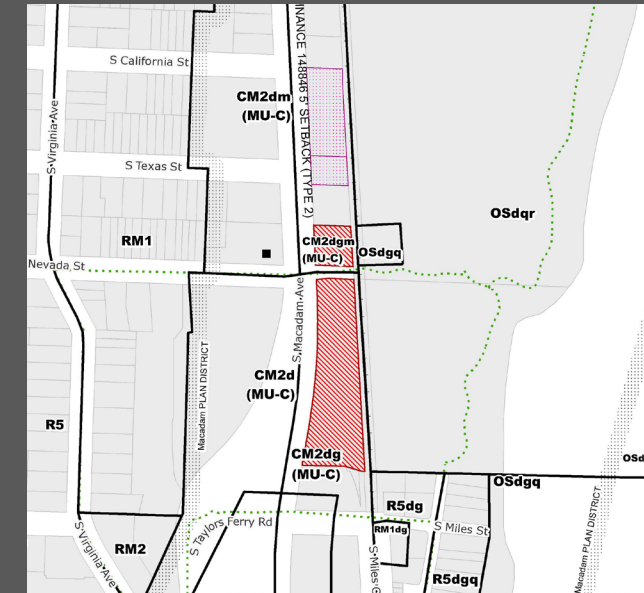
Modification 3

The Standard: 33.130.270.C.1.a – Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

- a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
- b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

The Purpose: To promote the positive benefits of fences without negatively impacting public or vehicle safety. Fences near streets are kept low to ensure visibility for motorists.

The Proposal: 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.



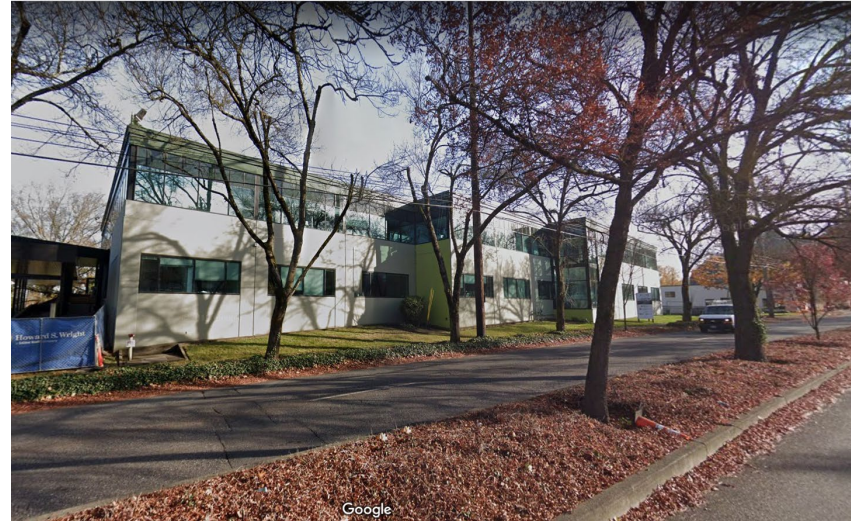
Applicant Presentation

Discussion Topics

Public Realm



EAST: RAIL ROW + WILLAMETTE PARK



WEST: S. MACADAM AVE



NORTH: SOUTH NEVADA DEAD END

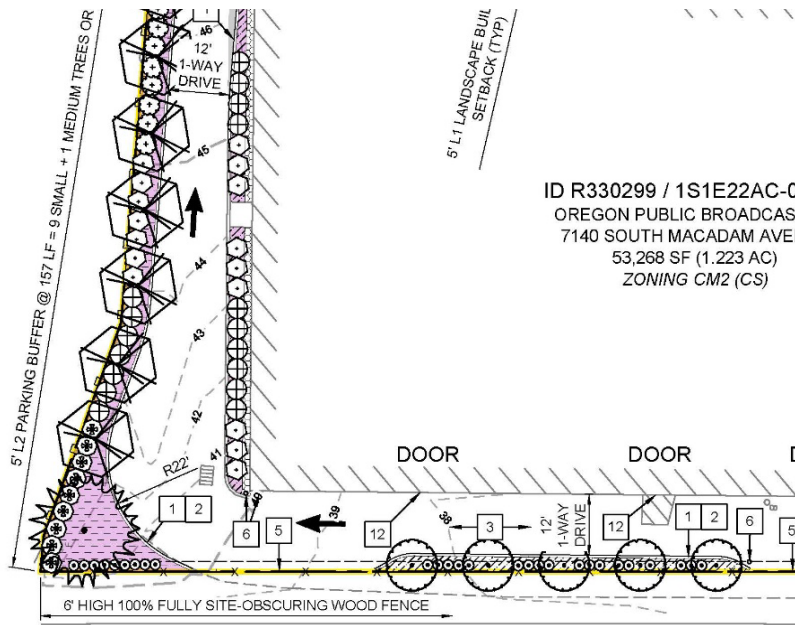


SOUTH: MARQUE MOTORS BUSINESS

- WEST – S. Macadam
- SOUTH – Marque Motors
- SOUTHEAST – S. Miles Place residential neighborhood
- EAST – Tourist Trolley on TriMet rail ROW
- NORTH – S. Nevada – closed to vehicle traffic beyond this site; ped. crossing over train tracks into Willamette Park

Modifications

1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences



ID R330299 / 1S1E22AC-0
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
53,268 SF (1.223 AC)
ZONING CM2 (CS)

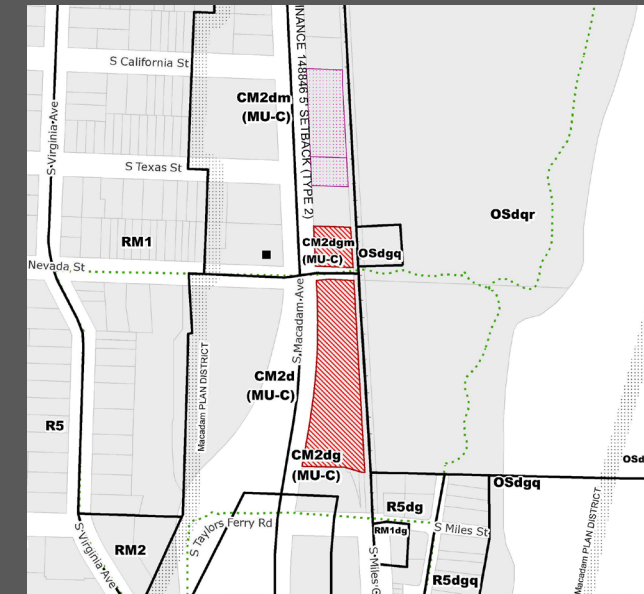


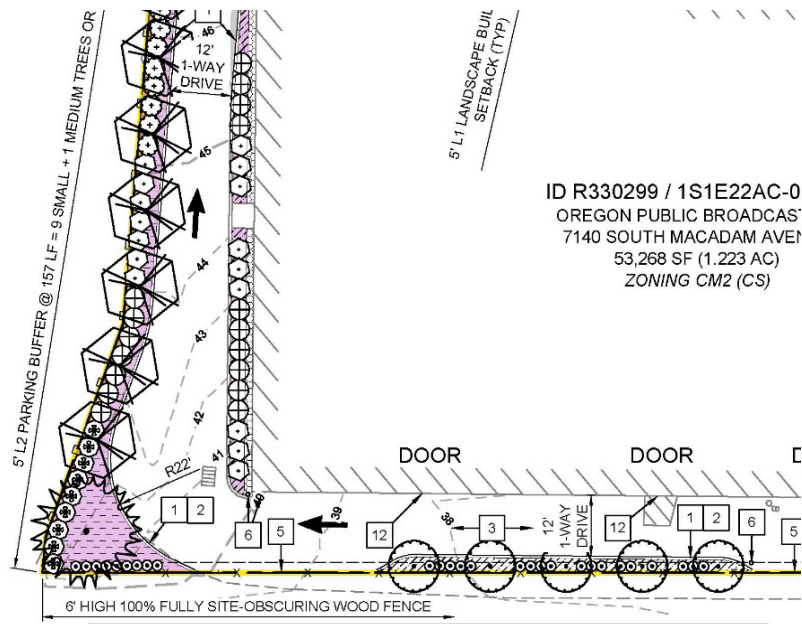
Modification 1

The Standard: 33.266.130.G.2/Table 266-5 – Five feet of L2 landscaping is required along the east property line where it abuts a C zone.

The Purpose: To promote vehicle areas that are safe and attractive for motorists and pedestrians. Goals include managing urban heat island effect, managing stormwater, reducing the visual impact of vehicle areas from sidewalks, streets and adjacent residential zones, improving the appearance of parking areas.

The Proposal: To allow a six-foot sight-obscuring fence plus a minimum of five trees on the eastern property boundary in lieu of required landscaping meeting the L2 standard.





Modifications

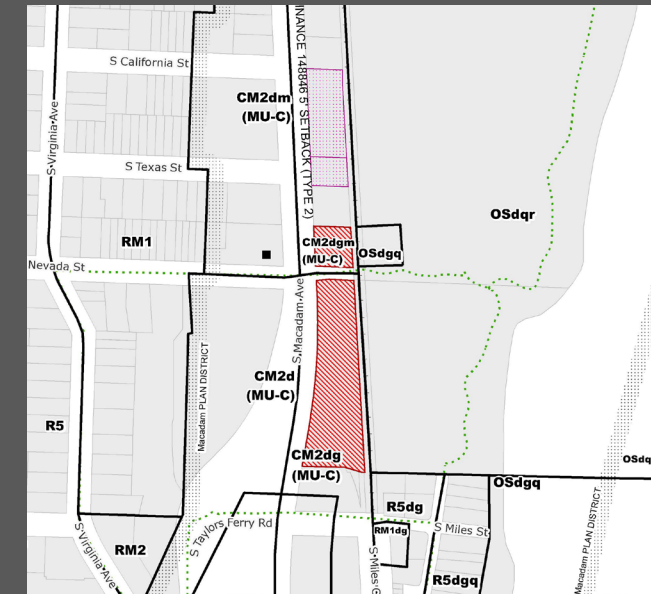
1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences

Modification 2

The Standard: 33.266.310.E / Table 266-8 – Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

The Purpose: To ensure the appearance of loading areas are consistent with those of parking areas.

The Proposal: to allow a six foot completely sight-obscuring fence in lieu of minimum landscaping requirements on the perimeter of the loading area.



Staff Recommendations

Conditions of Approval

1. Public Art or Signage

Staff recommends approval of the Design Review, Modifications, Greenway Review, removal of the Condition of Approval from #15-87, with one recommended Condition of Approval.

PUBLIC ART OR CONTEXTUAL SIGNAGE

Within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk.

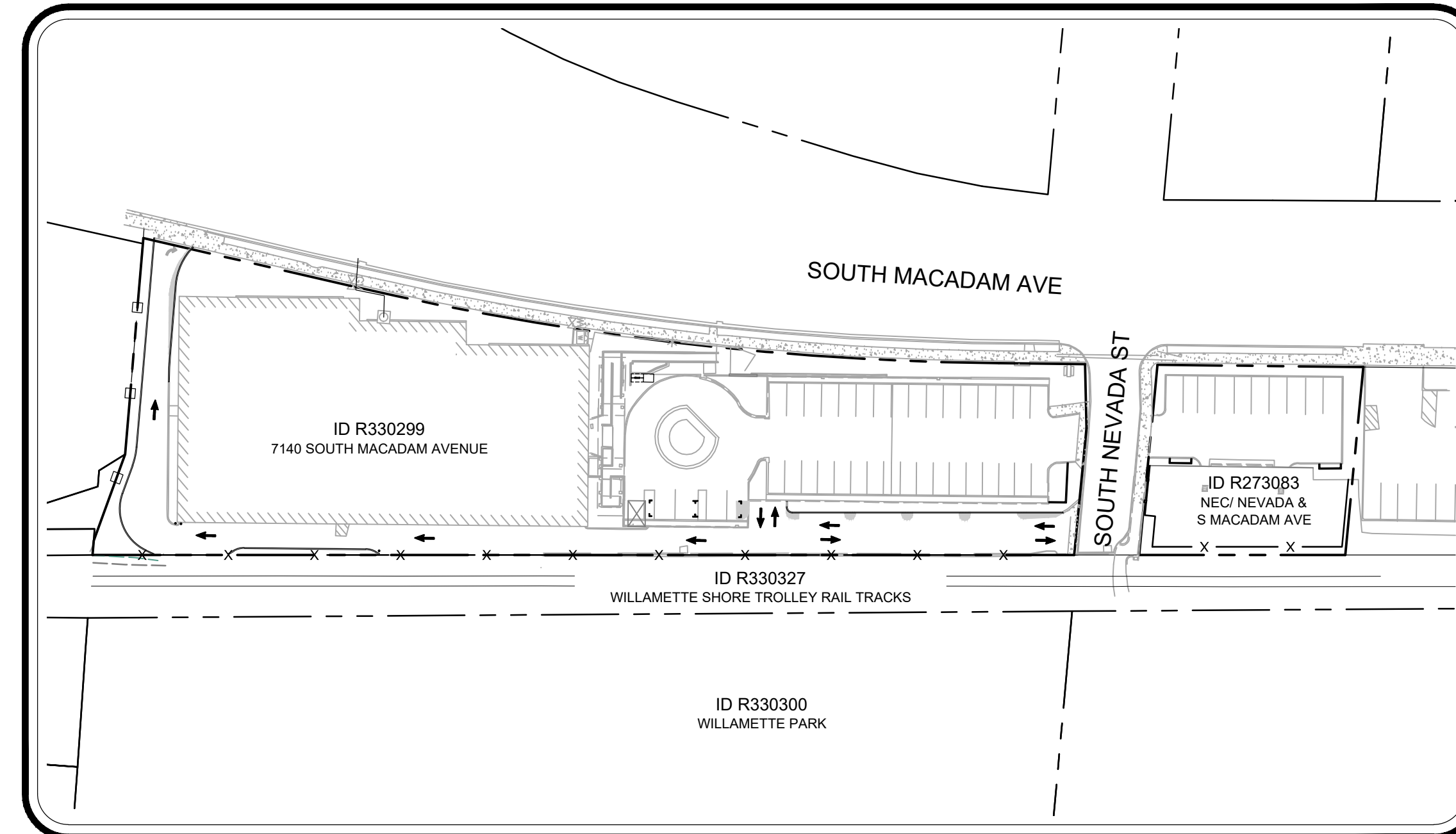
Questions

OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



VICINITY MAP
SCALE: NTS



SITE PLAN
SCALE 1" = 60'

SHEET INDEX

- L1.0 COVER SHEET
- L2.0 EXISTING CONDITIONS AND DEMO PLAN
- L2.5 CONSTRUCTION MANAGEMENT PLAN
- L3.0 SITE / LANDSCAPE PLAN
- L3.1 PLANT MATERIALS LEGEND AND DETAILS
- L3.5 FENCE AND ART MURAL RENDERING

REV	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

DOWL
WWW.DOWL.COM
720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
COVER SHEET
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT TEAM

OWNER
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
PORTLAND, OR 97219
ATTN: KYLE DAVIS
PHONE: (503)293-1999

PLANNER
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: READ STAPLETON, AICP
PHONE: (971)280-8641

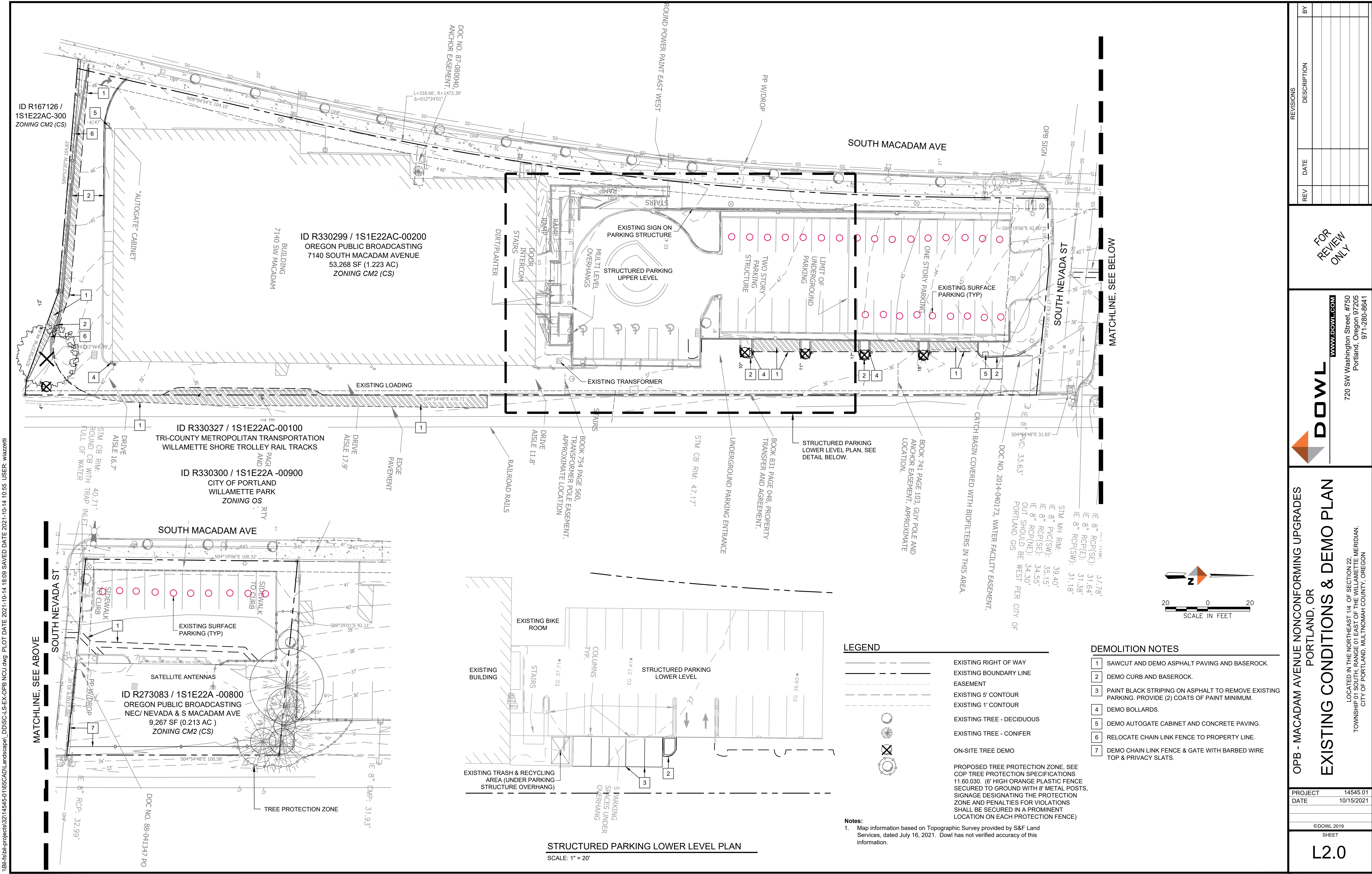
LANDSCAPE ARCHITECT
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: WAYNE IAZZETTI, RLA
PHONE: (971)280-8641

LU 21-012886 DZM GW
H.4

PROJECT	14545.01
DATE	10/15/2021

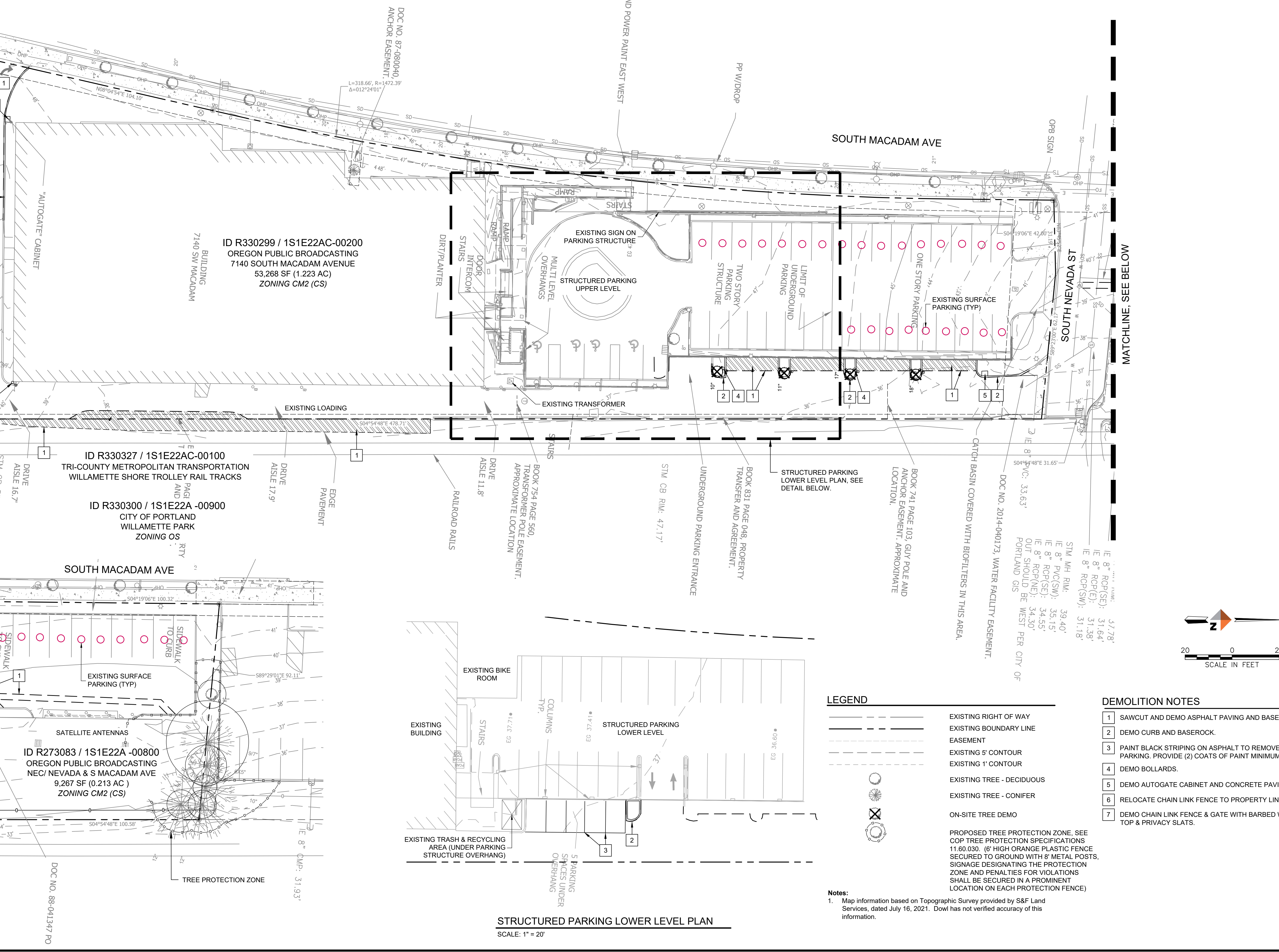
©DOWL 2019
SHEET

L1.0



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ID R167126 / 1S1E22AC-300 ZONING CM2 (CS)
 ID R330299 / 1S1E22AC-00200 OREGON PUBLIC BROADCASTING 7140 SOUTH MACADAM AVENUE 53,268 SF (1.223 AC) ZONING CM2 (CS)
 ID R330327 / 1S1E22A-00100 TRI-COUNTY METROPOLITAN TRANSPORTATION WILLAMETTE SHORE TROLLEY RAIL TRACKS
 ID R330300 / 1S1E22A-00900 CITY OF PORTLAND WILLAMETTE PARK ZONING OS
 ID R273083 / 1S1E22A-00800 OREGON PUBLIC BROADCASTING NEC/ NEVADA & S MACADAM AVE 9,267 SF (0.213 AC) ZONING CM2 (CS)



DOWL
 WWW.DOWL.COM
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
EXISTING CONDITIONS & DEMO PLAN
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT 14545.01
 DATE 10/15/2021

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 SHEET
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REV	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

LEGEND

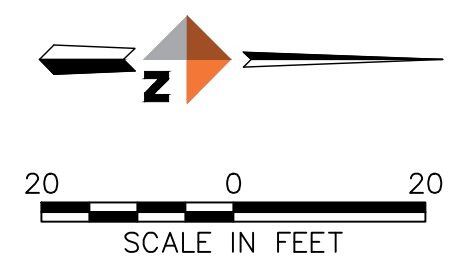
- EXISTING RIGHT OF WAY
- EXISTING BOUNDARY LINE
- EASEMENT
- EXISTING 5' CONTOUR
- EXISTING 1' CONTOUR
- EXISTING TREE - DECIDUOUS
- EXISTING TREE - CONIFER
- ON-SITE TREE DEMO
- PROPOSED TREE PROTECTION ZONE, SEE COP TREE PROTECTION SPECIFICATIONS 11.60.030. (6' HIGH ORANGE PLASTIC FENCE SECURED TO GROUND WITH 8' METAL POSTS, SIGNAGE DESIGNATING THE PROTECTION ZONE AND PENALTIES FOR VIOLATIONS SHALL BE SECURED IN A PROMINENT LOCATION ON EACH PROTECTION FENCE)

DEMOLITION NOTES

- 1 SAWCUT AND DEMO ASPHALT PAVING AND BASEROCK.
- 2 DEMO CURB AND BASEROCK.
- 3 PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
- 4 DEMO BOLLARDS.
- 5 DEMO AUTOGATE CABINET AND CONCRETE PAVING.
- 6 RELOCATE CHAIN LINK FENCE TO PROPERTY LINE.
- 7 DEMO CHAIN LINK FENCE & GATE WITH BARBED WIRE TOP & PRIVACY SLATS.

Notes:
 1. Map information based on Topographic Survey provided by S&F Land Services, dated July 16, 2021. Dowl has not verified accuracy of this information.

STRUCTURED PARKING LOWER LEVEL PLAN
 SCALE: 1" = 20'



\\bill-18\proj\projects\321\4545-01\65CAD\landscape_DD\SC-L5-CMP-OPB\NCU.dwg PLOT DATE 2021-10-14 18:07 SAVED DATE 2021-10-14 10:57 USER: wiazzett

ID R167126 /
1S1E22AC-300
ZONING CM2 (CS)

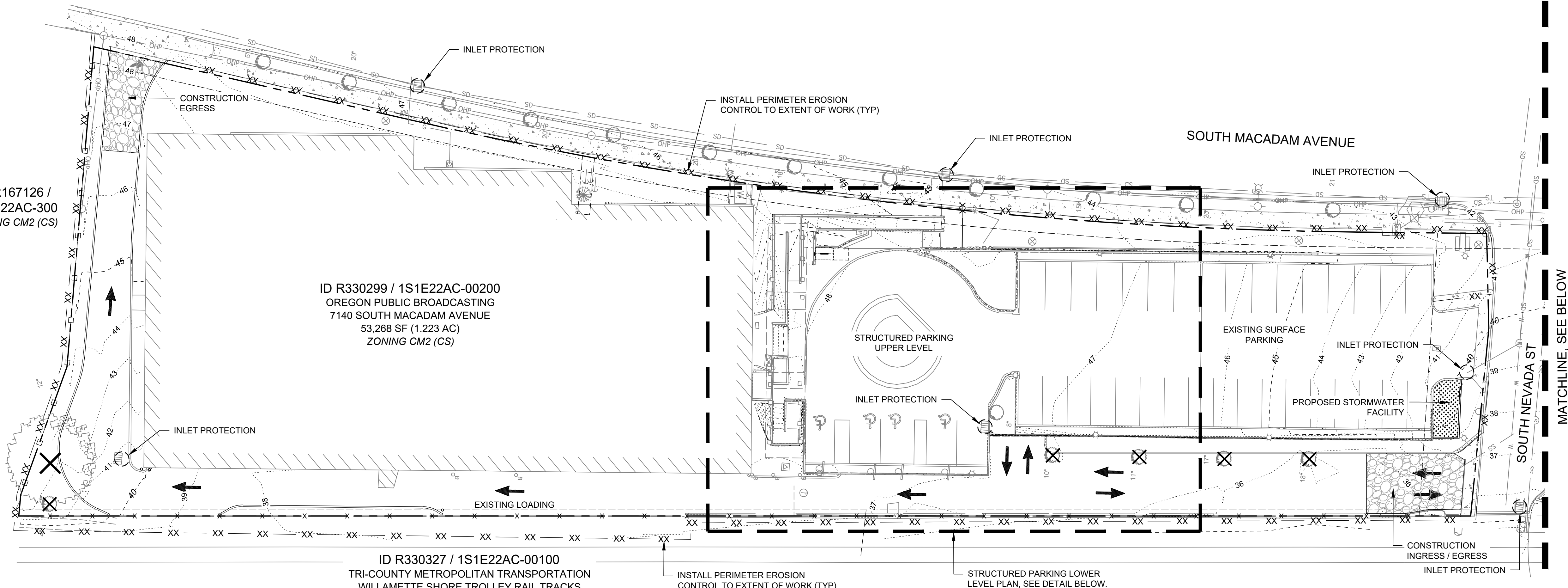
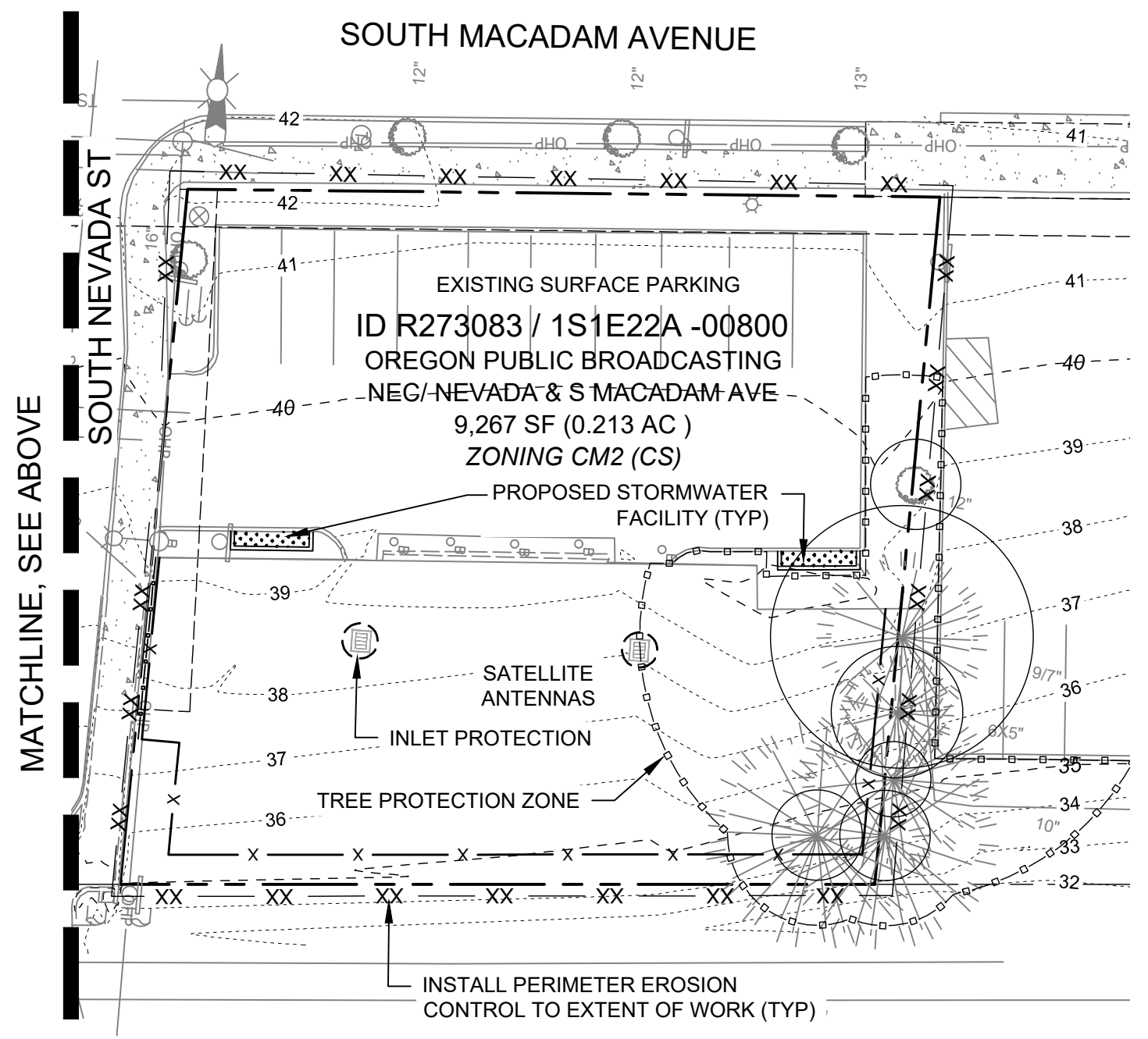
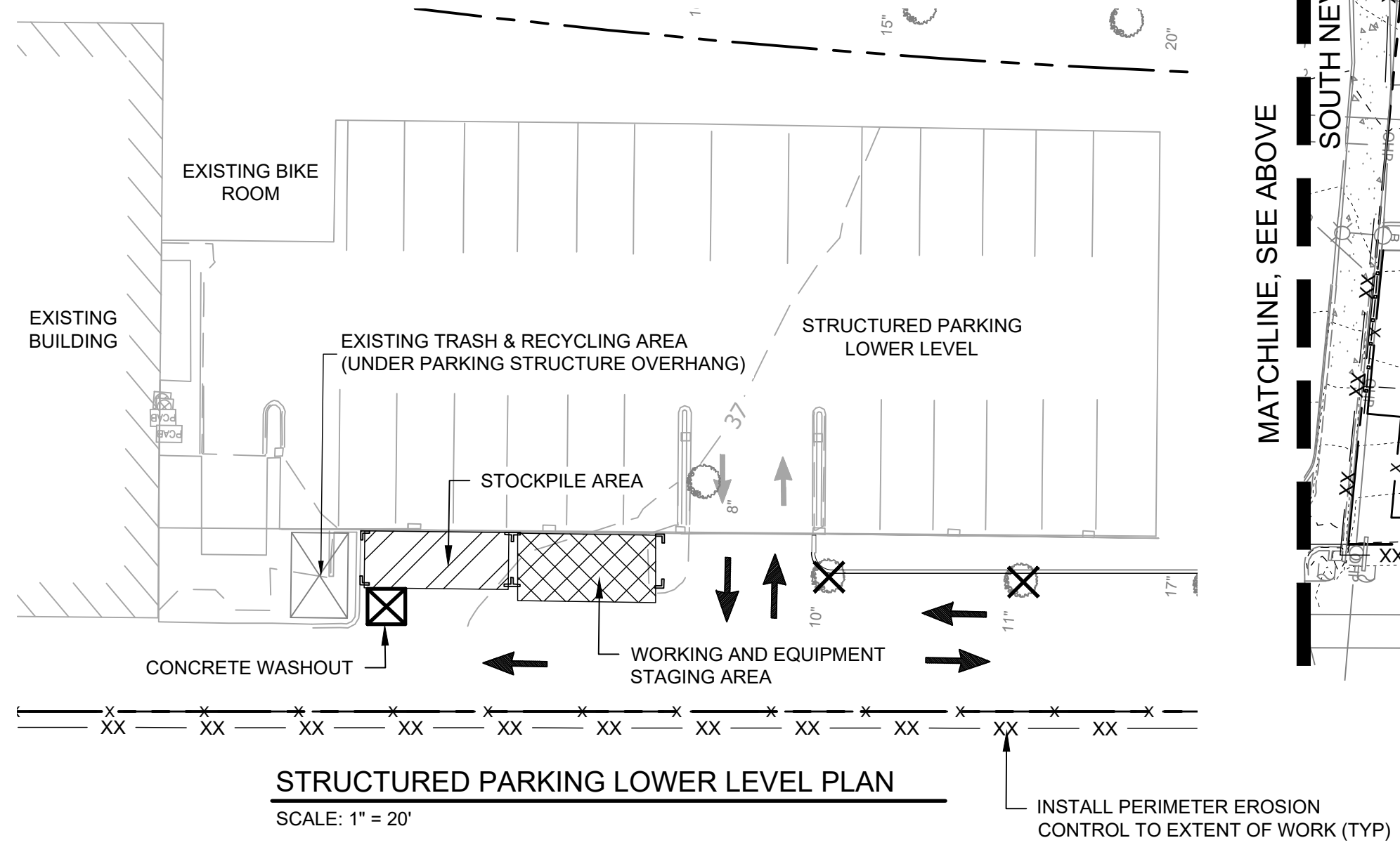
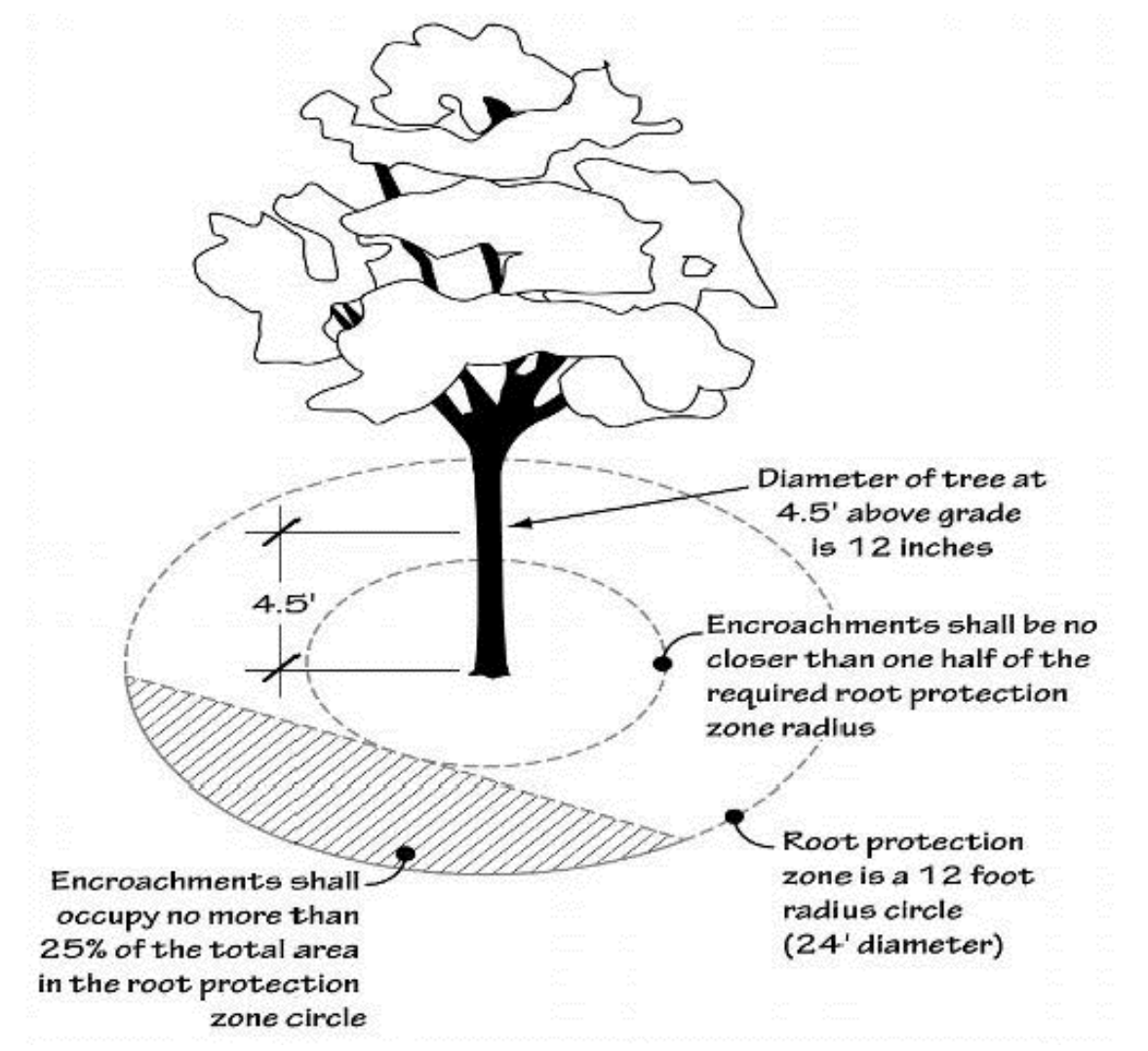
ID R330299 / 1S1E22AC-00200
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
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ID R330327 / 1S1E22AC-00100
TRI-COUNTY METROPOLITAN TRANSPORTATION
WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900
CITY OF PORTLAND
WILLAMETTE PARK
ZONING OS

ID R273083 / 1S1E22A -00800
OREGON PUBLIC BROADCASTING
NEC/NEVADA & S MACADAM AVE
9,267 SF (0.213 AC)
ZONING CM2 (CS)

- LEGEND**
- EXISTING RIGHT OF WAY
 - EXISTING BOUNDARY LINE
 - EASEMENT
 - EXISTING 5' CONTOUR
 - EXISTING 1' CONTOUR
 - PROPOSED 5' CONTOUR
 - PROPOSED 1' CONTOUR
 - PROPOSED PERIMETER EROSION CONTROL
 - PROPOSED INLET PROTECTION
 - PROPOSED CONCRETE WASHOUT
 - PROPOSED GRAVEL CONSTRUCTION ENTRANCE
 - PROPOSED STOCKPILE AREA
 - PROPOSED STAGING AREA
 - TREE - DECIDUOUS
 - TREE - CONIFER
 - ON-SITE TREE DEMO
 - PROPOSED TREE PROTECTION ZONE, SEE COP TREE PROTECTION SPECIFICATIONS 11.60.030. (6' HIGH ORANGE PLASTIC FENCE SECURED TO GROUND WITH 8" METAL POSTS, SIGNAGE DESIGNATING THE PROTECTION ZONE AND PENALTIES FOR VIOLATIONS SHALL BE SECURED IN A PROMINENT LOCATION ON EACH PROTECTION FENCE)



REV	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

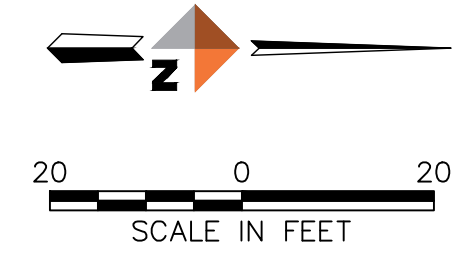
DOWL
WWW.DOWL.COM
720 SW Washington Street, #750
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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
CONSTRUCTION MANAGEMENT PLAN
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
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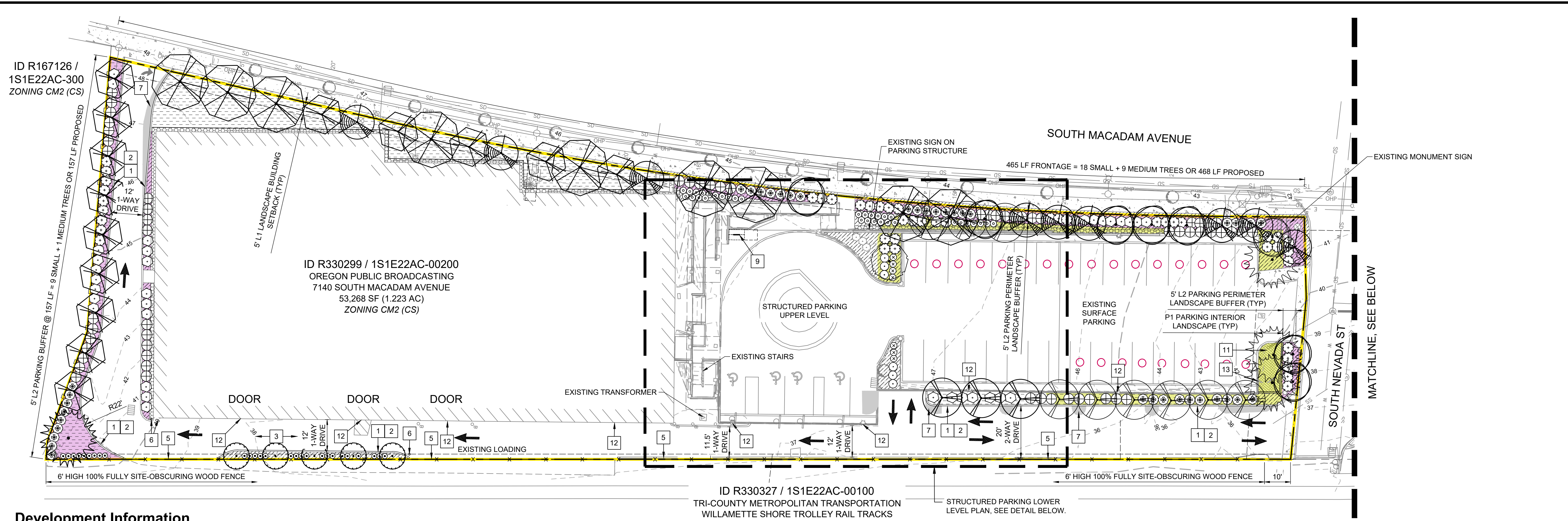
PROJECT	14545.01
DATE	10/15/2021

©DOWL 2019
SHEET

L2.5



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Development Information

GROSS AREA: R330299, R273083 = 62,535 SF (1.436 AC)
DEVELOPMENT STANDARDS: CITY OF PORTLAND
ZONING BASE: STOREFRONT COMMERCIAL (CS)
LANDSCAPING AND SCREENING: (CHAPTER 33.248)
L2 LOW SCREEN:
 TREES = 1 LG / 30 LF, 1 MD / 22 LF, 1 SM / 15 LF
 SHRUBS (EVERGREEN) = 3' HT SCREEN W/ 3 YRS
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS
P1 PARKING LOT INTERIOR:
 TREES (20% EVERGREEN) = LG / 4 SPACES (150 SF MIN) = MD / 3 SPACES (75 SF MIN) = SM / 2 SPACES (50 SF MIN)
 SHRUBS = 1.5 SHRUBS / SPACE = FULL COVER W/ 3 YRS
PARKING AND LOADING: (CHAPTER 33.266)
 PARKING LANDSCAPE @ STREET = 5' L2
TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)
 TREE PRESERVATION STANDARDS = EXEMPT
 ON-SITE TREE DENSITY STANDARDS = EXEMPT
 TREE RETAINED 1.5" < 6" DIA = SMALL TREE
 TREE RETAINED 6" + = MEDIUM TREE + 6" INCREMENTS
TECHNICAL SPECS: (CHAPTER 11.60)
 TREE SIZE ON-SITE = 1-1/2" CAL (5' HT CONIFER)
PROPOSED DEVELOPMENT:
 SURFACE PARKING EXISTING = 35 SPACES
 PARKING PERIMETER LANDSCAPE = 5' L2
 PARKING INTERIOR LANDSCAPE = 1,622 SF (1,575 SF REQ)
 PARKING INTERIOR TREES:
 MEDIUM: 3 SPACES x 4 TREES = 12 SPACES
 SMALL: 2 SPACES x 14 TREES = 28 SPACES
 TOTAL PROPOSED INTERIOR = 40 SPACES (35 REQ)
 EVERGREEN DIVERSITY (4/18) = 22% (20% REQ)
 PARKING INTERIOR SHRUBS = 78 SHRUBS (53 SHRUBS REQ)

SITE CONSTRUCTION NOTES

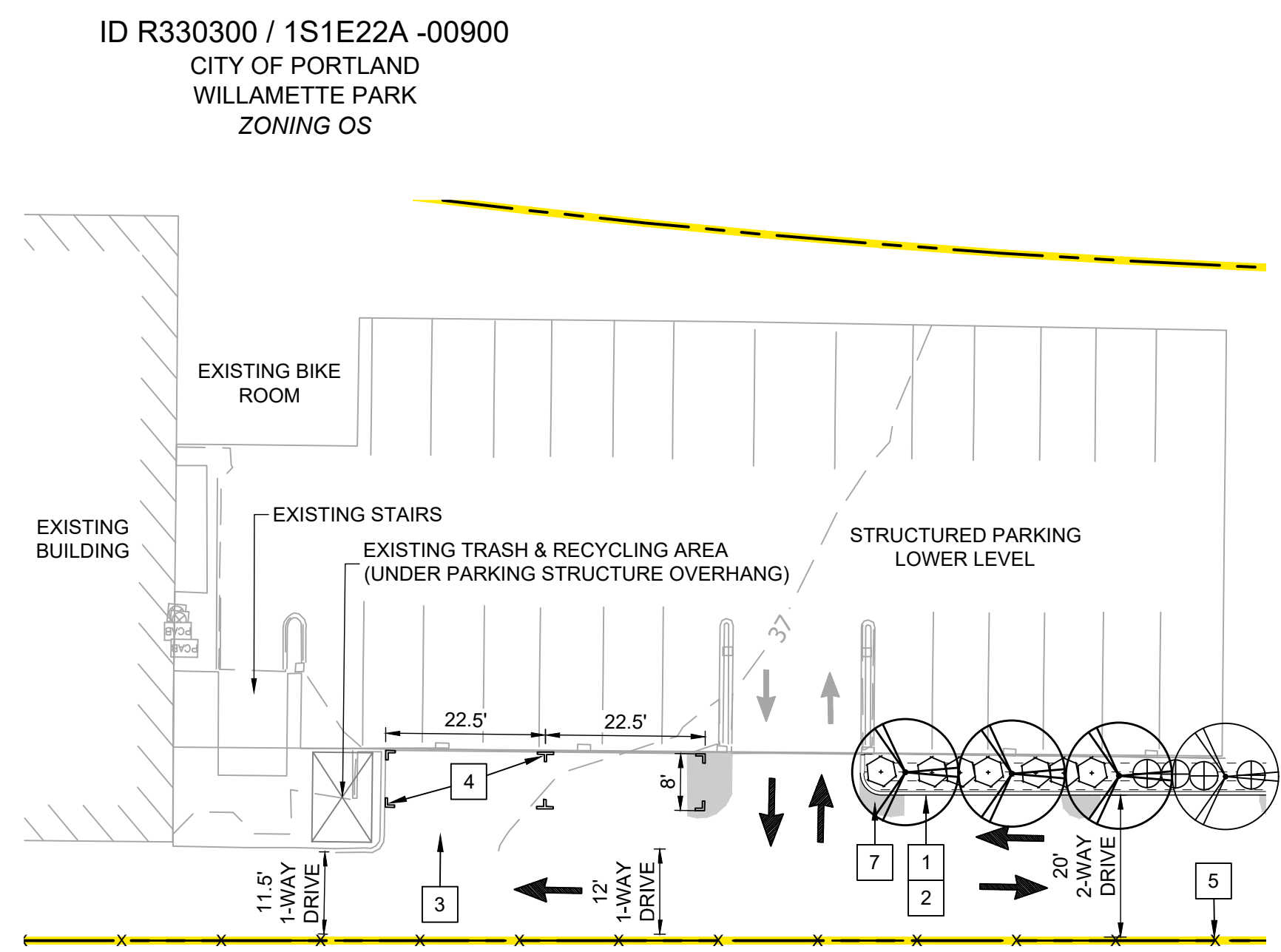
- PROPOSED STANDARD 6" CONCRETE CURB. CONTRACTOR TO SAWCUT OUT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE FROM SAWCUT. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AROUND ALL CONSTRUCTED CURB ISLANDS. ENSURE NO PONDING AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY.
- PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM.
- PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
- REINSTALL 4" WIDE PARKING STRIPE TO ORIGINAL CONDITION (TYP), MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM.
- PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE. SEE DETAIL SHEET L3.1.
- PROPOSED BOLLARDS, MATCH EXISTING BOLLARDS TO REMAIN.
- PROPOSED ASPHALT PAVING, MATCH ADJACENT.
- PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE (F2) WITH BARBED WIRE TOP NO LESS THAN 6" ABOVE TOP RAIL. SEE SIMILAR DETAIL SHEET L3.1.
- PROPOSED 2 SPACE SHORT-TERM BIKE RACK.
- PROPOSED FENCE AND ART MURAL, SEE SHEET L3.5
- PROPOSED STORMWATER PLANTER PER BES DWG SW-231, SEE SHEET L3.1 FOR LEGEND.
- REMOVE AND REPLACE ALL EXISTING LIGHT FIXTURES ON THE EAST FACADE WITH IDA CERTIFIED DARK SKY COMPLIANT LIGHT FIXTURE, LUXLOGIC LIGHTING MODEL WARRIOR WALL PACK SERIES.
- CONTRACTOR TO INSPECT EXISTING CONCRETE WALL AND REPORT OVERALL CONDITION, WALL DEPTH, AND FOOTING SIZE TO ENGINEER.
- PROPOSED 8" C900 STORM PIPE.

SITE PLAN GENERAL NOTES:

- THIS APPLICATION IS VESTED TO THE ZONING IN EFFECT ON SEPTEMBER 15, 2017, THE DATE OF THE ORIGINAL BUILDING PERMIT SUBMITTAL (17-241-498 CO) THAT TRIGGERED NONCONFORMING UPGRADES.
- PLANT LEGEND & DETAILS:** SEE SHEET L3.1.
- MULCH:** ALL PLANTING AREAS SHALL BE MULCHED WITH 3" MIN DEPTH BARK MULCH, FRESH FIR MEDIUM GRIND.
- IRRIGATION:** ALL PROPOSED PLANT MATERIALS SHALL BE WATERED (MAY TO OCTOBER) & MAINTAINED FOR A MINIMUM OF TWO (2) FULL GROWING SEASONS AFTER THE DATE OF PLANTING INSTALLATION. TREES SHALL BE WATERED AT A RATE OF 15 GALLONS PER TREE ONCE PER WEEK, SHRUBS & GROUNDCOVERS AT A RATE OF 1" PER WEEK TO MAINTAIN VIGOROUS HEALTHY GROWTH.



6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE



STRUCTURED PARKING LOWER LEVEL PLAN
SCALE: 1" = 20'

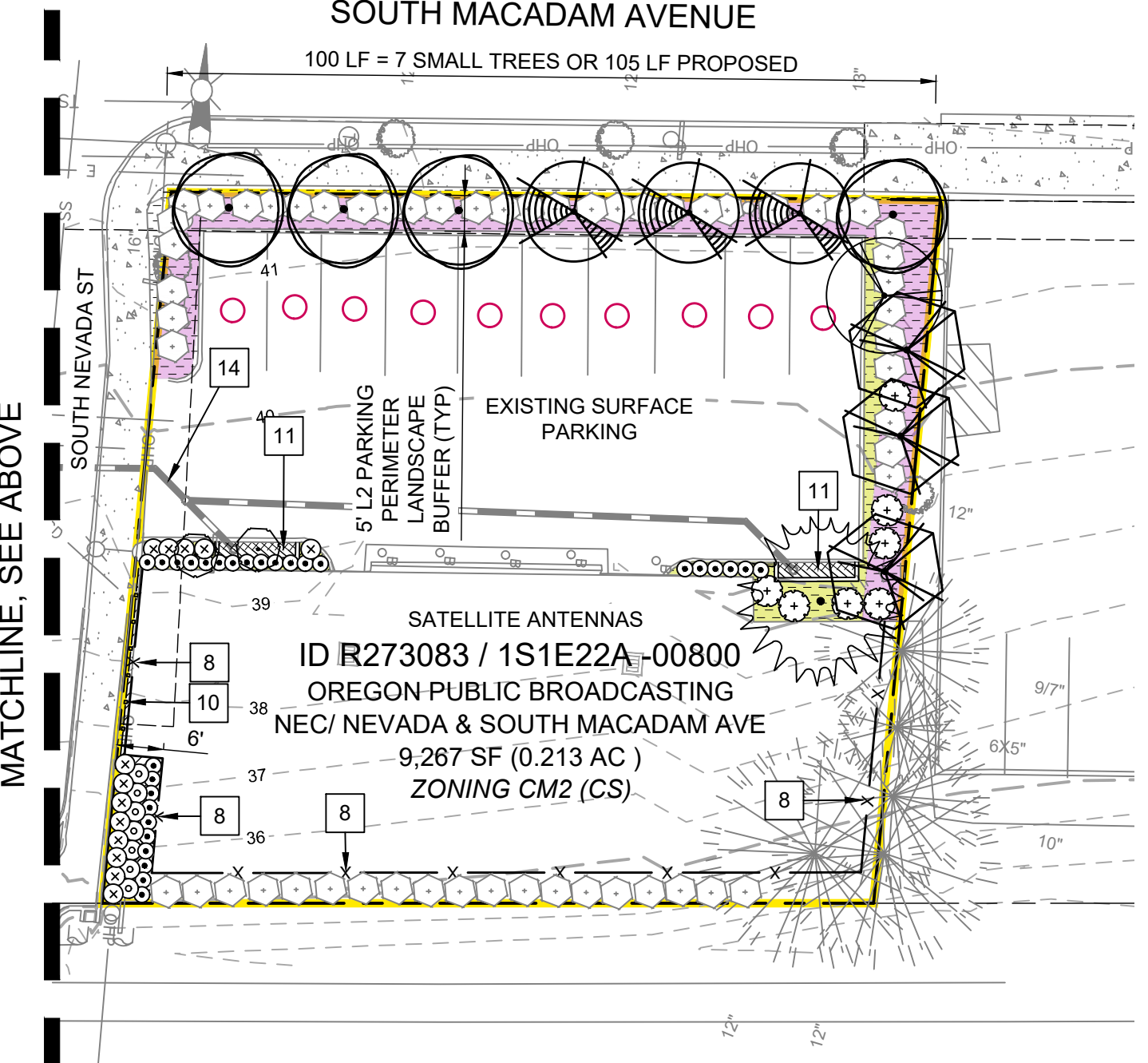


DARK SKY LIGHT FIXTURE, LUXLIGHTING WARRIOR WALL PACK SERIES

Legend

- Project Boundary
- Contour - 1' Interval

20 0 20
SCALE IN FEET



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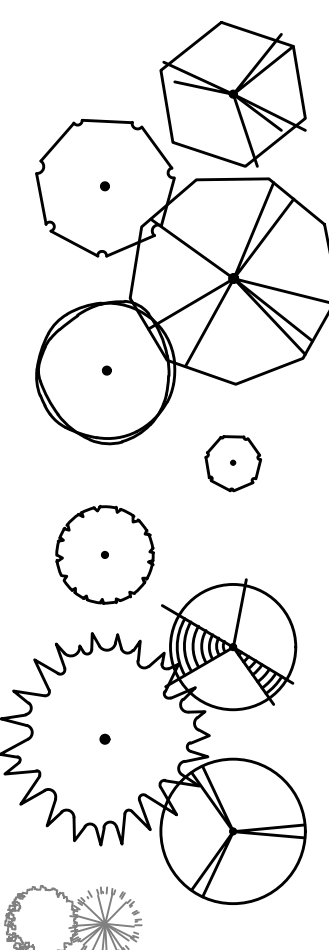
OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
SITE AND LANDSCAPE PLAN
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	10/15/2021

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SHEET

L3.0

PLANT MATERIALS LEGEND



TREES ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL EUROPEAN HORNBEAM	1-1/2" CAL / B&B AS SHOWN	17	35' H X 25' W / SMALL / 4' PLANTER 5' BRANCHING HT / DROUGHT TOLERANT
LAGERSTROEMIA X 'TUSCARORA' TUSCARORA CRAPE MYRTLE	1-1/2" CAL / B&B MULTI-STEM	1	15' H X 15' W / SMALL / 3' PLANTER 5' MIN BRANCHING HT / POWER LINES
NYSSA SYLVATICA 'JFS-RED' FIRESTARTER TUPELO	1-1/2" CAL / B&B AS SHOWN	9	35' H X 18' W / MEDIUM / 4' PLANTER 5' BRANCHING HT / CENTRAL LEADER
PARROTIA PERSICA 'VANESSA' VANESSA PERSIAN PARROTIA	1-1/2" CAL / B&B AS SHOWN	12	40' H X 20' W / SMALL / 4' PLANTER 5' BRANCHING HT / POWER LINES
QUERCUS ROBUR X BICO 'NADLER' KINDRED SPIRIT OAK	1-1/2" CAL / B&B AS SHOWN	2	30' H X 6' W / SMALL / TIGHTLY COLUMNAR 5' BRANCHING HT / DROUGHT TOLERANT
RHAMNUS (FRANGULA) PURSHIANA CASCARA	1-1/2" CAL / B&B AS SHOWN	5	30' H X 25' W / SMALL / 4' PLANTER PDX NATIVE / WET TOLERANT / POWER LIN
STYRAX JAPONICUS 'JFS-D' SNOWCONE JAPANESE SNOWBELL	1-1/2" CAL / B&B AS SHOWN	12	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
CALOCEDRUS DECURRENS INCENSE CEDAR	6' - 7' HT / B&B 1.75" CAL	5	100' H X 30' W / MEDIUM / 6' PLANTER NATIVE EVERGREEN / ZONE A/B
ZELKOVA SERRATA 'MUSASHINO' MUSASHINO COLUMNAR ZELKOVA	1-1/2" CAL / B&B AS SHOWN	13	45' H X 15' W / SMALL / 4' PLANTER 5' BRANCHING HT / NARROW VASE
EXISTING TREE TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

SHRUBS & ACCENTS ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
ABELIA 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	5 GAL CONT 4'-0" OC	33	6' H X 6' W / EVERGREEN DROUGHT TOLERANT
ARBUTUS UNEDO 'COMPACTA' COMPACT STRAWBERRY TREE	5 GAL CONT 4'-0" OC	53	6' H X 5' W / EVERGREEN DROUGHT TOLERANT
CISTUS X PULVERULENTUS 'SUNSET' MAGENTA ROCK ROSE	2 GAL CONT 3'-0" OC	6	2' H X 4' W / EVERGREEN FULL SUN / DROUGHT TOLERANT
ILEX CRENATA 'SKY PENCIL' SKY PENCIL JAPANESE HOLLY	3' - 4' HT / B&B 2'-0" OC	56	8' H X 3' W / HIGH SCREEN SHRUB EVERGREEN
LIGUSTRUM JAPONICUM 'TEXANUM' WAXLEAF PRIVET	5 GAL CONT 4'-0" OC	60	8' H X 6' W / GLOSSY EVERGREEN PT - FULL SUN / DROUGHT TOLERANT
MISCANTHUS 'PURPURASCENS' AUTUMN FLAME GRASS	2 GAL CONT 2'-6" OC	40	5' H X 3' W / UPRIGHT BRILLIANT RED-ORANGE FALL COLOR
MYRICA CALIFORNICA PACIFIC WAX MYRTLE	5 GAL CONT 4'-0" OC	39	10' H X 6' W / HIGH SCREEN SHRUB PDX NATIVE / EVERGREEN
PENNISETUM A. 'HADELN' HADELN FOUNTAIN GRASS	2 GAL CONT 30" OC	20	30" H X 30" W
EXISTING SHRUB TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

GROUNDCOVERS & MISC ITEM	SIZE	QTY.	MATURE SIZE (H X W)
ARCTOSTAPHYLOS UVA-URSI 'MASS.' MASS KINNIKINICK	1 GAL 2'-0" OC	3,049 SF 882 PLANTS	9" H X 3' W / EVERGREEN NATIVE / DROUGHT TOLERANT
MAHONIA REPENS CREEPING MAHONIA	1 GAL 2'-0" OC	4,876 SF 1,410 PLANTS	18" H X 3' W / EVERGREEN PNW NATIVE / SUN - PT SHADE
DECORATIVE ROCK BAND @ BUILDING VALLEY LANDSCAPE CENTER SURE-LOC STEEL EDGING 15" STEEL STAKES, COLOR BLACK	18" X 6" 3/16" X 4" X 16"	675 SF 13 CY 460 LF	WASHED RIVER ROCK, SIZE 2" - 3" TUALATIN, 503-692-0606

STORMWATER FACILITY PLANT MATERIALS:

GROUNDCOVERS ITEM	SIZE	QTY.	POTENTIAL HEIGHT / PLANTING ZONE
CAREX OBNUPTA SLOUGH SEDGE	1 GAL CONT 80 / 100 SF	100 SF 80 TOTAL	PNW NATIVE 48" H / ZONE A / SUN - PART SHADE
JUNCUS PATENS SPREADING RUSH	1 GAL CONT 80 / 100 SF	97 SF 78 TOTAL 158 TOTAL	PNW NATIVE 36" H / ZONE A / SUN - PART SHADE

STORMWATER FACILITIES (PDX STORMWATER MANAGEMENT MANUAL):
 MAINTENANCE = 2-YEAR (CHAPTER 3)
 STORMWATER FACILITY = FLAT-BOTTOM RAIN GARDEN
 ZONE A TOTAL = 197 SF
 ZONE A HERBACEOUS (80 / 100 SF) = 158 PLANTS (158 PLANTS REQ)



PYRAMIDAL EUROPEAN HORNBEAM



TUSCARORA CRAPE MYRTLE



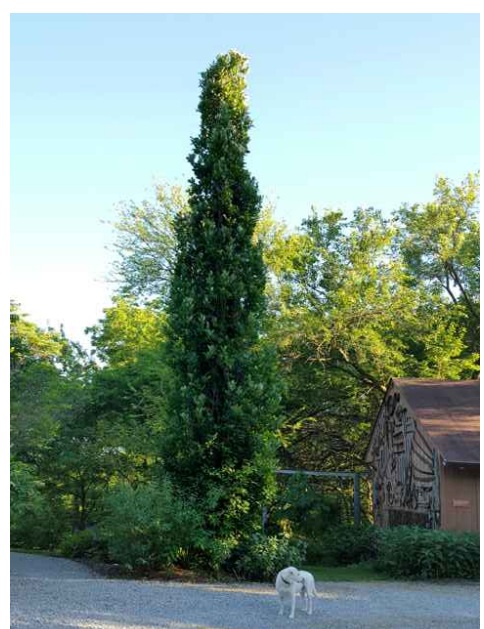
FIRESTARTER TUPELO



VANESSA PERSIAN PARROTIA



CASCARA



KINDRED SPIRIT OAK



SNOWCONE JAPANESE SNOWBELL



INCENSE CEDAR



MUSASHINO COLUMNAR ZELKOVA



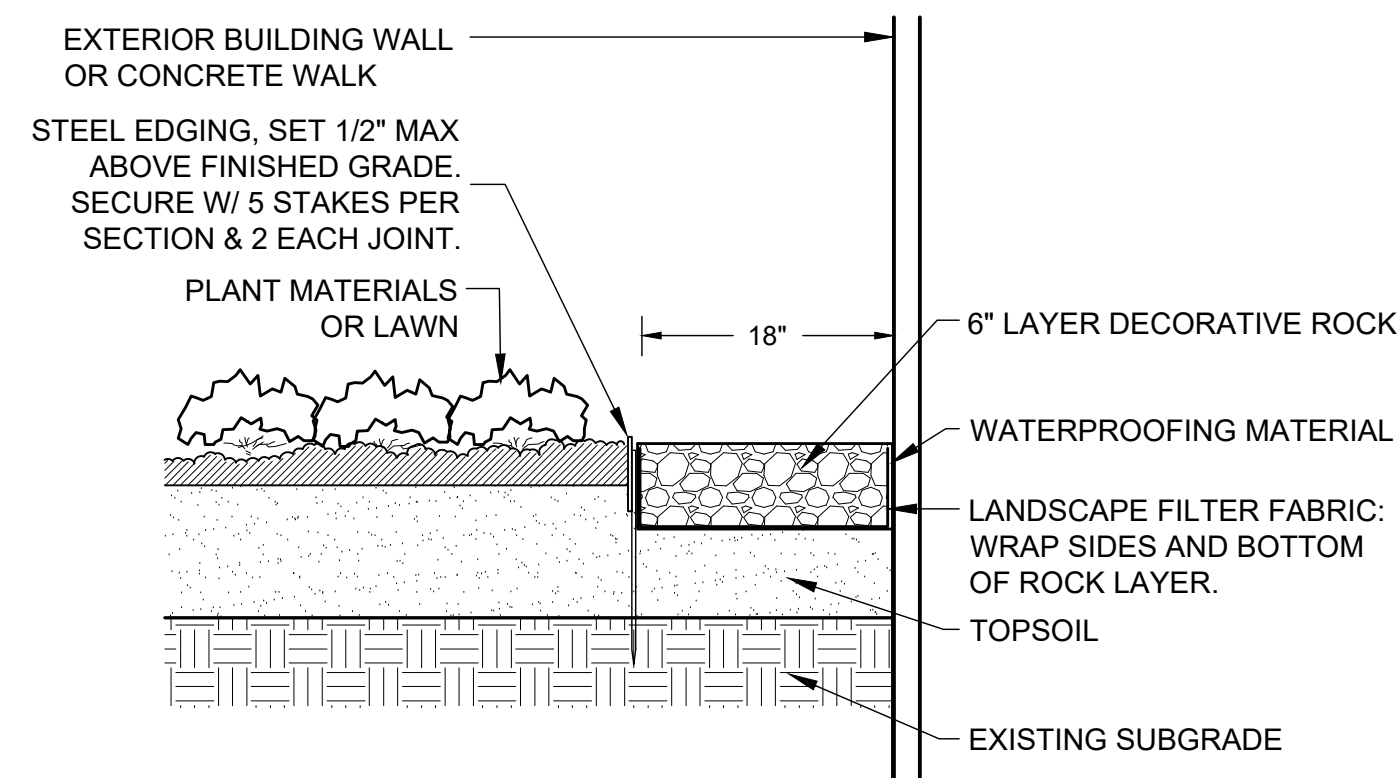
SKY PENCIL JAPANESE HOLLY



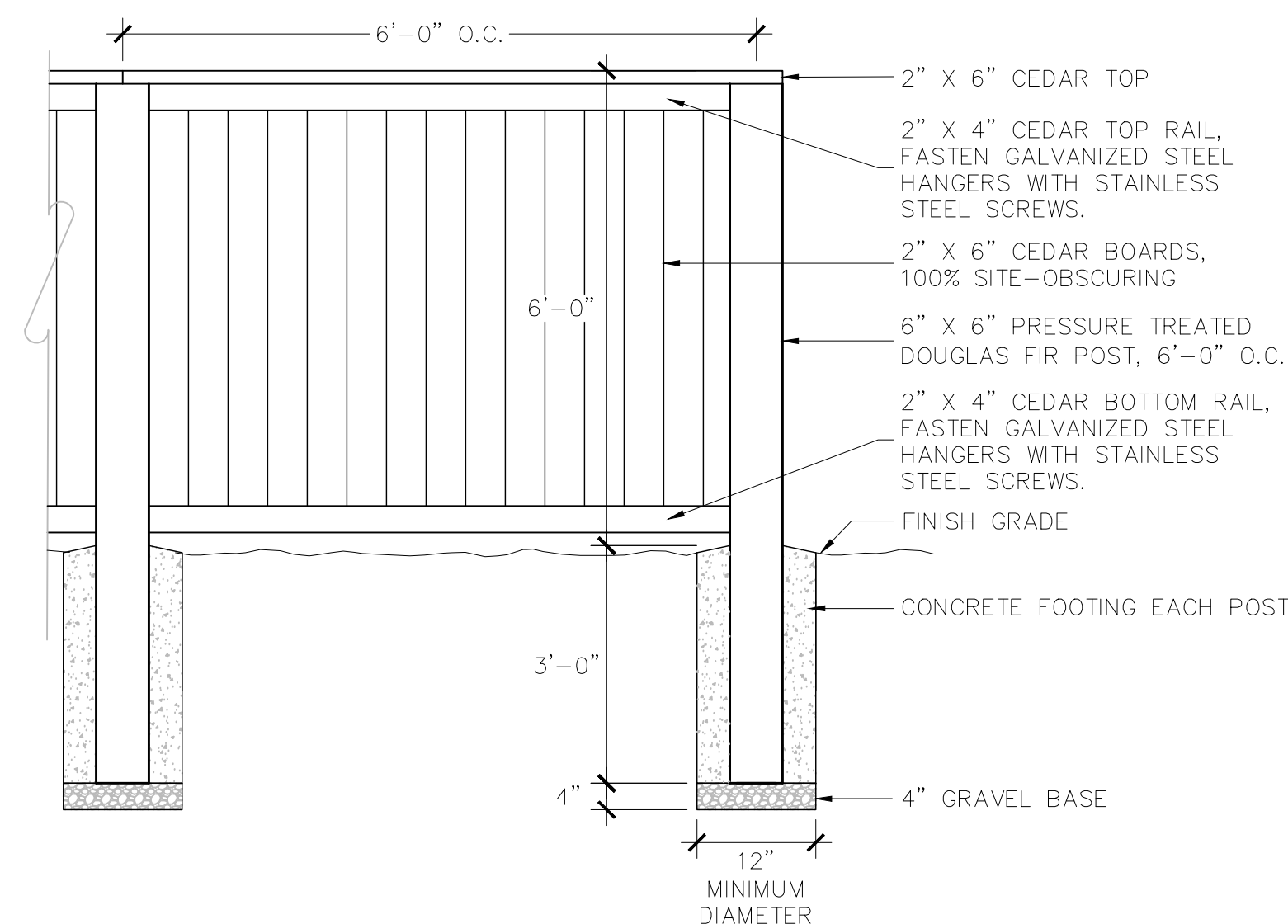
AUTUMN FLAME GRASS



HADELN FOUNTAIN GRASS



DECORATIVE ROCK BORDER DETAIL
SCALE: NOT TO SCALE



6' HIGH 100% FULLY SITE-OBSCURING SOLID WOOD FENCE (F2)
SCALE: NOT TO SCALE

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
PLANT MATERIALS LEGEND AND DETAILS
 LOCATED IN THE NORTH-EAST 1/4 OF SECTION 22,
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	10/15/2021

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L3.1

\\BIL-FSIBL-Projects\3214545-0165CAD\landscape\DDISC-LS-PLANTING-OPB.dwg PLOT DATE 2021-10-14 18:04 SAVED DATE 2021-10-14 17:53 USER: wbezzetti

\\BL-FSIBL-Projects\3214545-0165CAD\landscape\DDISC-US-PLANTING-OPP NCU.dwg PLOT DATE 2021-10-14 18:03 SAVED DATE 2021-10-14 17:53 USER: wibazzetti



SITE RENDERING - ART SHOWN IS FOR EXAMPLE ONLY AND DOES NOT REFLECT PROPOSED ART. ARTIST SELECTION TO BE COORDINATED BY RACC
SCALE: NOT TO SCALE

REVISIONS		BY
REV	DATE	DESCRIPTION

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
FENCE AND ART MURAL RENDERING
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	10/15/2021

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L3.5

LU 21-012886 DZM GW – Oregon Public Broadcasting Non-Conforming Upgrades

ATTENDEES - TESTIFIERS IN RED (subject to change)

FIRST NAME	LAST NAME	EMAIL	ADDRESS	CITY	ZIP	ARE YOU ATTENDING FOR:	WOULD YOU LIKE TO TESTIFY	FOR OR AGAINST	TESTIFIED	DID NOT TESTIFY
mike	dowd	dowdarchitecture@gmail.com	753 s miles st	portland	97219	YES	YES	AGAINST		
Jacob	Loeb	info@montavilla.net	19 SE 78th Ave	Portland	97215	YES	NO	N/A		

OPB LU 21-012886 DZM GW opb's apparent lowballing of construction value has hampered these reviews

LU 21-012866 DZM GW
H.6

mike dowd <dowdarchitecture@gmail.com>

Thu 11/4/2021 2:28 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

 1 attachments (1 MB)

IMG_5780.jpg;

Design Commission,

I've given Hannah Bryant many examples of OPB submitting incorrect information in this review, and in the earlier land use review for the renovation that triggered it. One graphic example is the attached site plan for the earlier review, on which marked things that were not correct.

The relevance of that is that the incorrect information has made it difficult to impossible for BDS staff to do accurate reviews. Much of my testimony to Hannah Bryant has involved pointing out incorrect information from OPB, instead of being able to focus on the proposal's merits.

I also believe OPB has hampered the review process by lowballing the construction value for the recent renovation work that triggered this current review, and hampered the previous land use reviews in which BDS staff tried to identify what nonconforming upgrades were required.

There are two reasons lowballing the construction value would hamper those reviews.

First, fees that pay for the reviews are based on construction value. Lowballing the value means staff must do a review for a project for fees that only cover the review of a smaller project.

Second, in this case, the construction value (I believe) was lowballed so much that it resulted in the land use review for the renovation being done as a Type II instead of a Type III review. I believe that if the previous land use review had been a Type III review, many issues that are complicating this current review would have been uncovered then.

Here is why I believe OPB lowballed its construction value:

In its **9/15/17 building permit application**, OPB stated the construction value was **\$2.5 million**: <http://docs.portlandoregon.gov/download.aspx?r=BDS%2DPS%2F216173&h=5807DCDBCC30269897E29C30C8581230>

(This link is a portlandmaps document requiring log-in.)

Two months earlier, in its **7/18/17 design review application**, OPB also reported its construction value again as **\$2.5 million**, minus some deductions that seem legitimate (BDS allows expenses such as ADA upgrades to be excluded from construction valuations for land use reviews).

At the time, I recall the valuation threshold kicking projects from Type II into Type III was about \$2.3 million--just a few percent over OPB's stated value after exclusions.

However, several months *prior to* either of those, in April 2017, in a letter to OPB, the Oregon Bureau of Labor and Industries stated a construction value (which it obtained from OPB) of **"approximately \$5.5 million"**--more than double the the values OPB later claimed (see attached document).

While applicants are allowed to exclude certain project costs from construction values for building permits and land use reviews, **this \$3 million difference between the value OPB gave to the State and what it gave to BDS is extreme**. So it's logical to wonder if OPB lowballed the the costs for its building permit and land use review, especially when (again if I'm recalling correctly) its reported cost was just barely under the threshold that would have kicked OPB into a much more involved Type III review.

The only way I can see that the cost was NOT lowballed would be if the project had extremely high non-construction costs. But according to OPB itself, it did not. OPB told the State that

"For purposes of this grant, the term "Project" does not include (and Grant funds will not be used to fund) the acquisition or installation of any software, equipment, or technical infrastructure".

Shortchanging BDS on fees and avoiding a Type III review weren't the only impacts of OPB's apparent lowballing of its project construction value that are relevant to this review. Perhaps the main one is that **it misleads people into thinking that the work it's currently proposing is costing OPB a much higher percentage of its renovation costs than is true**.

So when the Commission is considering requests by me or others to require OPB to make changes that will increase the costs of its upgrade work, I'm requesting that the Commission **remember that (based on the evidence I see) these are upgrades to a \$5.5 million project, not a \$2.5 million one**. And if the Commission is concerned about the impacts on OPB of adding to the scope of the work that BDS previously identified in its reviews of upgrade work, please consider that **these issues likely would have been uncovered four years ago if OPB had underwent the Type III review that its true construction costs would have triggered**.

Michael Dowd, President
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753 S Miles Street
Portland, Oregon 97219
(503) 282-7704
email: dowdarchitecture@gmail.com

OPB LU 21-012886 DZM GW mistake in staff report about driveway

mike dowd <dowdarchitecture@gmail.com>

LU 21-012866 DZM GW

Wed 10/27/2021 2:23 PM

H.7

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

I saw your staff report has appeared online. I've just begun reading it.

One thing immediately jumped out at me as totally wrong. On page 9:

The driveway has operated as a one-way southbound, with vehicles accessing it from South Nevada street and, upon leaving the bottom level of the structured parking area and loading docks, turning right to continue around the south side of the building. This has resulted in all traffic driving through the site to the area closest to residential neighbors.

None of that is true, and has never been true since at least 2005 when I moved here. While the driveway south of the parking structure's lower level exit has been one-way southbound, the section from that exit north to Nevada has always (again, at least since 2005) been two-way.

Furthermore, even though drivers leaving the garage have a choice of turning right and heading south (as you wrote that all do) almost 100% do exactly the opposite--they turn left and head north to exit onto Nevada. This is based on my seeing literally thousands of cars exiting the garage over the past 16 years.

They go north because going south makes no sense. Going north to Nevada is a much shorter route to Macadam. It puts you at a signalized intersection where you can turn left to go south, or right to go north. Drivers wanting to go south on Macadam would never go south on the driveway because there is no southbound (left) turn possible onto Macadam due to the median. Drivers wanting to go north on Macadam would never exit south on the driveway because they'd have to drive about 300' all the way around the south end of the building, then turn right onto Macadam and drive the entire length of the building northbound (about 450') just to end up at the same Nevada/Macadam intersection that they could have gotten to far more quickly by exiting north on the driveway.

Plus, by exiting north on the driveway, all drivers avoid having their way blocked by vehicles in the loading area that they may encounter if driving south.

On top of all this, OPB agrees that it is currently a two-way driveway from the parking structure exit north to Nevada. The February 8th Narrative states, under Project Description (p. 9):

The changes include (i) removing two (2) parallel parking spaces; and (ii) converting the rear drive aisle of the site from two-way to a southbound one-way only driveway, which allows for a narrower drive aisle.

The report's description will mislead the Design Commission into thinking that OPB has made an improvement that benefits us by changing the driveway from one-way to two-way, and reducing

driveway traffic past our home. The reality is that OPB has made no improvement at all, because the driveway has always been two-way from the garage exit to Nevada.

Furthermore, OPB's original proposal (the above quote) was ***the opposite***--to convert the existing two-way section to one-way, even though it was obvious that would have increased driveway traffic near our home dramatically. They only dropped that horrible idea after I objected, and pointed out all the problems, foremost for OPB being that vehicles leaving OPB could not head southbound on Macadam without driving blocks through the neighborhood to turn around.

Plus, it's disappointing to see that description given that I sent you a detailed description of how the drivers exiting the garage have always been able to exit north to Nevada, and why they prefer that route ("OPB One-way driveway problems", p. 25-27 in my responses in the public record file).

I included diagrams showing it also (same file, p. 54-55).

OPB should not be given credit for changing a bad situation (a one-way driveway) into a good one (one that allows exiting the garage north to Nevada) when the reality is they took the GOOD situation and tried to turn it into a BAD one, and only abandoned that after I pointed out all the problems it would cause for OPB.

I hope that you can correct this for the Commission. I also assume this email will go into the file for the Commissioners.

Mike

Michael Dowd, President
Dowd Architecture Inc.
753 S Miles Street
Portland, Oregon 97219
(503) 282-7704
email: dowdarchitecture@gmail.com

OPB LU 21-012886 DZM GW list of specific conditions requested

mike dowd <dowdarchitecture@gmail.com>

Tue 11/2/2021 3:33 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

LU 21-012866 DZM GW

H.8

THIS IS MY SINGLE MOST IMPORTANT EMAIL FOR THIS REVIEW

Design Commission,

Please consider requiring these changes to OPB's proposed design.

BDS reviewer Hannah Bryant got OPB to make major improvements to its proposal, but there are several changes that would make it work much better in regard to impacts on neighbors, and compliance with the approval criteria.

Some of these also correct or at least help mitigate existing zoning violations, some also upgrade nonconforming development that OPB's proposal does not upgrade as required, and several help mitigate the impacts of approving OPB's request to not provide 5'/L2 landscaping along OPB's east property line.

South driveway:

1--Change fence to solid, fully sight-obscuring

--Match new east fence full length of south property line except last 10' closest to Macadam to preserve sightlines for driveway exiting. Solid fence protects Marque Motors and Miles St. users from headlights' glare aimed directly at them from every vehicle using OPB's 500' long driveway. It also protects Marque Motors from the ongoing problem of OPB leaf-blowing grit and leaves into Marque Motors' customers' expensive cars--a situation that the new trees (a good idea) will exacerbate.

2. Change trees (except SE corner cedar) to more columnar, closely spaced

--The proposed European Hornbeam trees are a poor choice because (per the legend) they have a 25' diameter spread. They will block OPB's south driveway and spread 10' into Marque Motors property, dropping leaves and sap onto customers' cars. The trees here are important for screening, so tall, columnar trees should be planted, closely enough to provide a strong visual screen. Consider evergreen trees. Also consider widening the 5' planter to allow trees to be further from the south property line to reduce spread onto Marque Motors' property (could delete existing planter at base of south building wall and put that width into the new property line planter).

3. Change wall light fixture to the same fixture type to be used on east wall

--Same reason as changing east wall fixtures--to avoid glare and light pollution into our property and park. Note the fixture OPB proposes will not solve light pollution issues.

East driveway

4. Change trees in east perimeter bed to more columnar, closely spaced

--The five proposed Cascara trees are a poor choice because (per the legend) they have a 25' diameter spread. Without heavy pruning, they will obstruct almost the entire width of the east driveway, and also obstruct the train tracks. The trees here are important for screening, so tall, columnar trees should be planted, closely enough to provide a strong visual screen. Write condition to prevent OPB from watering down the effectiveness of the proposed planter and trees by moving or shrinking it.

5. Change proposed exterior lights to shielded lights with dimmers and sensors

--OPB just changed out all its exterior lights a year ago to fixtures almost identical to the proposed ones. The proposed ones will not solve the two remaining problems--a) they are high enough that you look directly at the blindingly bright light source from our house, Miles St., Nevada, and the park, and well above the proposed fence, and b) they are on at full intensity from dusk to dawn 365 day/year. The source itself must be shielded from view from adjacent properties, and controlled so they are much dimmer after hours. This is not asking for any more than the required 5'/L2 landscaping would provide. I have tried for years to get OPB to reduce its lighting, even with assistance from Portland Audubon, without even a response from OPB, so this condition is needed. The lighting is horrible for the park's wildlife across the tracks, and the glare is blinding from the park and even inside our home.

6. Add left turn only arrow pavement marking and signage out of parking structure

--The design's intent is that cars parking in the parking structure exit northwards to Nevada to reduce driveway traffic towards our home, and reduce conflicts with loading vehicles. This simple condition would support that intent.

7. Screen garbage area

--Since there are no walls and a roof only over a portion of where OPB keeps its garbage dumpsters and bins, and it's readily visible from the north, east and south, it IS an exterior garbage area, and should be screened from Nevada. There should also be a screen on the south to keep the dumpsters and bins under the roof, and on the north to screen views from Nevada, and to prevent the garbage bins from spreading into the adjacent parking space. There should also be a screen on the east AT the garbage area, because the 6' fence proposed along the rail r.o.w. is lower than the eye-level of trolley-riding tourists, who will look directly at the garbage area over that fence during their otherwise scenic ride.

8. Collect stormwater from driveways to prevent flow into rail r.o.w.

--The south and east driveways are thousands of feet of vehicle-area paving whose stormwater will run unfiltered directly into the rail r.o.w. ditch and into the river. Flooding of the ditch has happened in recent years with extensive property damage to our and our neighbors' properties.. The 1987 review included a STRONG caution from the City against allowing that runoff from (the 1987 equivalent of) BES. The 5'/L2 buffer required would have stopped that runoff from leaving the site, so this is a reasonable condition to require.

Satellite dish lot

9. Move southmost south satellite fence back at least 2' from sidewalk and plant in front

--The 1987 approved site plan had the fence about 5' back with substantial planting in front, and that was BEFORE Nevada became an official park entrance. OPB located the fence in violation of that. This condition would create a much more open, safer park entrance.

10. Move SE fence corner further north to improve sightlines at rail crossing

--The 1987 approved site plan that OPB is violating had the entire south fence set back about 5', with dense landscaping in front. The south satellite dish precludes that, but there's room (more than the 6' proposed) to mitigate that at the SE corner, which would also improve safety sightlines, which IS a purpose of the fence height standard.

11. Prohibit barbed wire at south fence within AT LEAST 2' of sidewalk users

--Barbed wire at hat/umbrella level is dangerous alongside the constricted sidewalk into park, especially when the narrow sidewalk is also the bicycle route. It's also ugly for a park entrance. This is a lenient condition given the 1987 approved site plan required a setback of about 5' or more, and didn't show barbed wire.

12. Limit planting at SE corner to 3' tall

--The whole point of moving the fence back from the SE corner of the satellite area next to the rail crossing is to open sightlines between the trolley drivers and people crossing. Tall plantings defeat

that, and make the crossing more dangerous.

13. Extend planting full length of east fence and require it be 6' tall

--OPB extended the east fence several feet north without approval a year or so ago. The screening hedge was not extended, and OPB also killed several shrubs along the east fence, and hacked the rest. Those shrubs should be continuous and 6' tall to conform to the 1987 approval.

14. Provide code-compliant 5'/L2 planting at south, west and north sides of parking area

--The proposed plan notes that that will happen, but the demo plan shows no changes to the curb locations, which are much less than 5' in from the property lines (the code requirement) in some places. This condition corrects that code violation.

15. Reconsider the murals

--The sidewalk is EXTREMELY narrow and congested, with a fence on the north and guardrails on the south. Every person walking, biking, rolling, running, or walking with a dog or stroller squeezes through the 60' long chute to enter and exit the park across the tracks. People already stand in the street to wait for the chute to clear. Adding a mural there will add to the congestion if people pause to look at it. Otherwise they will have to stand in the street to look at it. It's a nice idea in the wrong location. Moving the fence back and adding some planting would be much better.

16. Replace street tree that OPB shows but does not exist

--The plans show a street tree that was removed recently due to damage (the northmost tree on Macadam east of the satellite area). It should be replaced if that is OPB's responsibility

Respectfully submitted,

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OPB LU 21-012886 DZM GW additional garbage screening comments

mike dowd <dowdarchitecture@gmail.com>

Wed 11/3/2021 4:13 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

📎 2 attachments (2 MB)

01e404189db801a8416274340adb9816456e3a14d0.jpg; 01f0042d96297c3e8e967a913a1238fb10339fe09e.jpg;

Design Commission,

I just saw in the staff report that BDS now agrees with me that OPB's garbage area being partially under the garage overhang does NOT make it an interior area, so it IS subject to screening regulations. I appreciate Hannah Bryant's considering my earlier comments and making that conclusion.

I have two additional comments regarding the garbage area in addition to my earlier ones requesting screening:

1) The trolley deserves screening from the garbage area, and the 6' tall fence at the property line won't screen it: The staff report (p. 15) downplays the presence of the trolley as a neighbor to OPB, stating that it's a private trolley, it runs only occasionally, and the rail r.o.w. is not a "public corridor". In reality, it is a publicly-owned corridor, the trolley is kept running by the public consortium that owns the r.o.w. (in order to preserve rail use rights along the corridor) and it runs hundreds of times per year, carrying thousands of tourists who pay to experience a scenic ride. In contrast to most people who travel to get to a destination, these people are there to look at the surrounding properties. The presence of these people adjacent to OPB's property is EXACTLY why the screening standards exist. But the trolley sits high enough above the rails that trolley passengers will look directly over the 6' fence, directly into the garbage area. **Therefore, screening should be provided AT the garbage area's east side to block views into the garbage. to meet the intent/purpose of the screening standards**



LU 21-012866 DZM GW
H.9

2) The garbage area is much larger than OPB shows: See attached photos from today--the bins extend well into the parking space next to the area OPB notes is the garbage area. If OPB screens only that area, the bins won't fit and won't be screened. **The screened area should be required to be large enough to screen ALL the bins and dumpsters, to avoid wasting Code Compliance staff's time in the future.**

Thank you for considering these comments.

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OPB LU 21-012886 DZM GW satellite area photos for reference

mike dowd <dowdarchitecture@gmail.com>

Wed 11/3/2021 9:44 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

 16 attachments (8 MB)

01ab4960e069cd1d06565cc19f367a07e893ced371.jpg; 01cdd92333cec9384a620a670b0f479d0333c7297e.jpg;
012dc1d2ac1063e32cc46527a15a974cc30a2dd7e0.jpg; 019c14a1e1642e0e69218ca2932ecaec59453c956_00001.jpg;
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0120537e19b9f256c3640155ec48ba5fbe7881fdbba.jpg; 016924947c064ec53352f95e98f3db8d1203f64336_00001.jpg;

Design Commission,

These photos show OPB's satellite area. I'm sending them for reference in regard to my comments in other emails about the fence and adjacent rail crossing to/from Willamette Park.

Key things to notice:

- people entering and exiting the park are forced into a narrow chute tight against the fence and adjacent barbed wire, making the entrance much less pleasant than the 1987-approved design, that called for the fence to be set back about 5'
- the fence badly blocks sightlines between the trolley operators and people crossing into the park
- the fence badly blocks sightlines between drivers exiting OPB's parking lot and people leaving the park
- there is room to angle the fence alongside the Nevada sidewalk back at the west corner (to open views between OPB drivers leaving the parking area and sidewalk users, and at the SE corner to improve sightlines at the rail crossing (it can be moved back more than the proposed 6' without interfering with the satellite dish)
- OPB's claim that moving the satellite dish in order to move the whole south fence back can't be done without disrupting emergency situation satellite use is questionable, given that the dish next to the fence has had a tarp on it for several months and doesn't appear functional anyway.
- the landscaping at the east and west fences doesn't extend the length of those fences but should-- the reason is several shrubs have died, plus OPB moved the north fence several feet north in violation of the approved fence and landscaping designs

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LU 21-012866 DZM GW
H.10



LOOK

RAILROAD
CROSSING

STOP

REPORT EMERGENCY
TO 911-547-5242.
CLOSING & PLACING.
PLEASE USE YELLOW.

LOOK

WILLAMETTE
PARK

LOOK



SHIPPING
STORAGE

RAILROAD
CROSSING

RAILROAD
CROSSING

STOP

RAILROAD
CROSSING

STOP

RAILROAD
CROSSING

RAILROAD
CROSSING

STOP









NO PARKING
THIS BLOCK

RAILROAD CROSSING
CROSSROAD
STOP

STOP

WELAPETT ROAD

LOOK

WELAPETT ROAD



RAILROAD CROSSING

STOP

RAILROAD CROSSING

LOOK



RAILROAD CROSSING

STOP

REPORT EMERGENCY TO 503-697-7435 CROSSING # 734200 WILLAMETTE TRAM TROLLEY LINE

LOOK BOTH WAYS

WILLAMETTE PARK

LOOK





RAILROAD
CROSSING

STOP

REPORT EMERGENCY
TO 503-907-7666
CROSSING AT PLEASANT
BELMONT SAGE VALLEY WA

PARKING FOR
EMPLOYEES &
VISITORS OF
PPS ONLY
BUSINESS
VEHICLES
ONLY IN
THIS AREA
NO VISITORS

SHIPPING
RECEIVING

NO PARKING



AND
RECEIVING



ELIZABETHE
PASS





LOOK

NO STOPPING
ON TRACKS
EXCEPT AT SIGNALS
AND CROSSINGS

CAUTION



LOOK

THIS BLOCK

STOP HERE

LOOK



SHIPPING
AND
RECEIVING
→





THIS
BLOCK



OPB LU 21-012886 DZM GW opb's apparent lowballing of construction value has hampered these reviews

mike dowd <dowdarchitecture@gmail.com>

Thu 11/4/2021 2:28 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

LU 21-012866 DZM GW

H.11

 1 attachments (1 MB)

IMG_5780.jpg;

Design Commission,

I've given Hannah Bryant many examples of OPB submitting incorrect information in this review, and in the earlier land use review for the renovation that triggered it. One graphic example is the attached site plan for the earlier review, on which marked things that were not correct.

The relevance of that is that the incorrect information has made it difficult to impossible for BDS staff to do accurate reviews. Much of my testimony to Hannah Bryant has involved pointing out incorrect information from OPB, instead of being able to focus on the proposal's merits.

I also believe OPB has hampered the review process by lowballing the construction value for the recent renovation work that triggered this current review, and hampered the previous land use reviews in which BDS staff tried to identify what nonconforming upgrades were required.

There are two reasons lowballing the construction value would hamper those reviews.

First, fees that pay for the reviews are based on construction value. Lowballing the value means staff must do a review for a project for fees that only cover the review of a smaller project.

Second, in this case, the construction value (I believe) was lowballed so much that it resulted in the land use review for the renovation being done as a Type II instead of a Type III review. I believe that if the previous land use review had been a Type III review, many issues that are complicating this current review would have been uncovered then.

Here is why I believe OPB lowballed its construction value:

In its **9/15/17 building permit application**, OPB stated the construction value was **\$2.5 million**: <http://docs.portlandoregon.gov/download.aspx?r=BDS%2DPS%2F216173&h=5807DCDBCC30269897E29C30C8581230>

(This link is a portlandmaps document requiring log-in.)

Two months earlier, in its **7/18/17 design review application**, OPB also reported its construction value again as **\$2.5 million**, minus some deductions that seem legitimate (BDS allows expenses such as ADA upgrades to be excluded from construction valuations for land use reviews).

At the time, I recall the valuation threshold kicking projects from Type II into Type III was about \$2.3 million--just a few percent over OPB's stated value after exclusions.

However, several months *prior to* either of those, in April 2017, in a letter to OPB, the Oregon Bureau of Labor and Industries stated a construction value (which it obtained from OPB) of **"approximately \$5.5 million"**--more than double the the values OPB later claimed (see attached document).

While applicants are allowed to exclude certain project costs from construction values for building permits and land use reviews, **this \$3 million difference between the value OPB gave to the State and what it gave to BDS is extreme**. So it's logical to wonder if OPB lowballed the the costs for its building permit and land use review, especially when (again if I'm recalling correctly) its reported cost was just barely under the threshold that would have kicked OPB into a much more involved Type III review.

The only way I can see that the cost was NOT lowballed would be if the project had extremely high non-construction costs. But according to OPB itself, it did not. OPB told the State that

"For purposes of this grant, the term "Project" does not include (and Grant funds will not be used to fund) the acquisition or installation of any software, equipment, or technical infrastructure".

Shortchanging BDS on fees and avoiding a Type III review weren't the only impacts of OPB's apparent lowballing of its project construction value that are relevant to this review. Perhaps the main one is that **it misleads people into thinking that the work it's currently proposing is costing OPB a much higher percentage of its renovation costs than is true**.

So when the Commission is considering requests by me or others to require OPB to make changes that will increase the costs of its upgrade work, I'm requesting that the Commission **remember that (based on the evidence I see) these are upgrades to a \$5.5 million project, not a \$2.5 million one**. And if the Commission is concerned about the impacts on OPB of adding to the scope of the work that BDS previously identified in its reviews of upgrade work, please consider that **these issues likely would have been uncovered four years ago if OPB had underwent the Type III review that its true construction costs would have triggered**.

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almost none of this exists

on wrong lot and not as many

don't exist

doesn't exist

NOT structured

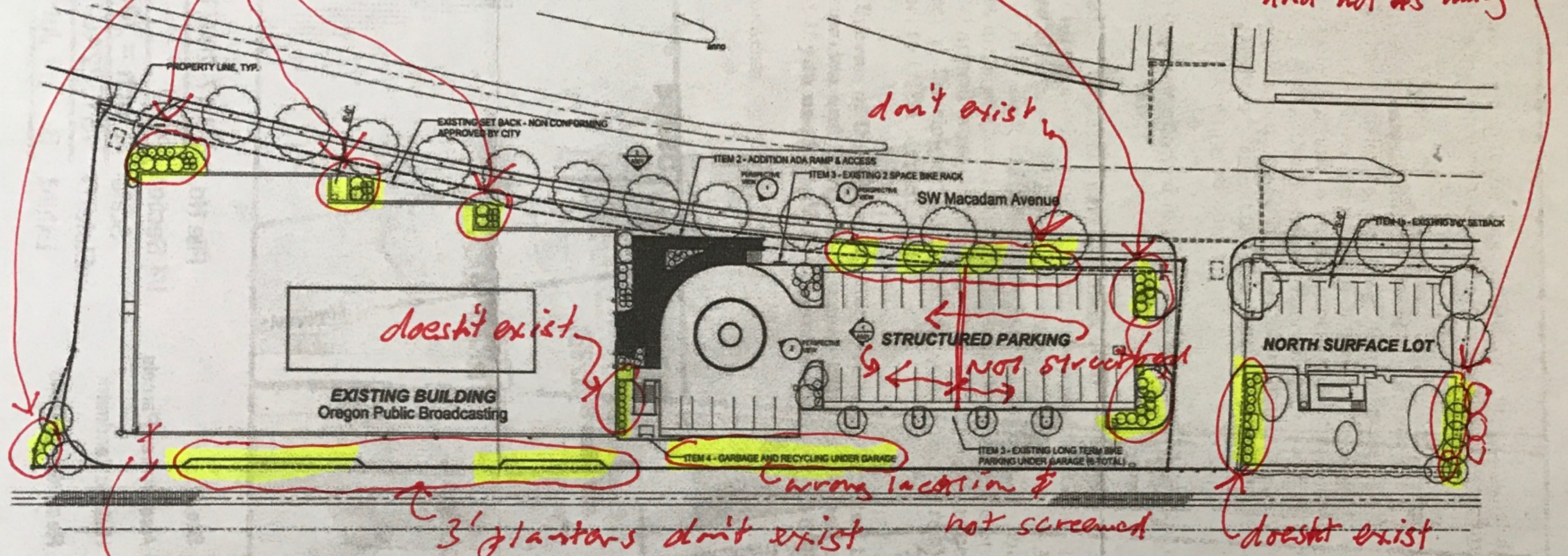
wrong location &

3' planters don't exist

not screened

doesn't exist

setback is less than shown, not parallel to tracks



1 SITE SUMMARY PLAN

SCALE: 1"=40'-0"

GENERAL NOTES

- 1. DRAWINGS BASED ON OWNER PROVIDED DOCUMENTS AND HAVE NOT BEEN FIELD VERIFIED.
- 4. REFER TO LIST FOR COMPLETE LANDSCAPE PLANNING AND DESIGN INFORMATION ON NEW LANDSCAPE ADDITIONS.

SITE SUMMARY

NONCONFORMING DEVELOPMENT RESPONSE:

ITEM 11 - PARKING & ZONING COMPLIANCE

ITEM 6 - LANDSCAPING AND TREES REQUIRED FOR FOLLOWING AREAS:

1A. EXTERIOR DISPLAY, STORAGE, AND WORK ACTIVITY AREAS

RESPONSE: WORKER STORAGE - EXTERIOR DISPLAY, STORAGE AND WORK ACTIVITY AREAS ARE NOT ALLOWED IN ZONING. PROJECT COMPLETES WITH REGULATORY.

1B. SETBACKS FOR SURFACE PARKING AND EXTERIOR DEVELOPMENT AREAS

RESPONSE: THE EXISTING PARKING ADJACENT TO THE BUILDING IS STRUCTURED PARKING NOT SURFACE. NORTH SURFACE LOT IS COMPLIANT.

1C. EXTERIOR PARKING LOT LANDSCAPING

RESPONSE: DOES NOT APPLY AS THE PARKING IS STRUCTURED. NORTH SURFACE LOT IS COMPLIANT.

EXISTING BUILDING SETBACKS

RESPONSE: THE BUILDING IS EXISTING. THEREFORE THE SETBACK STANDARDS ARE NOT APPLICABLE. THE PROVISION IS MET.

1A. MINIMAL LANDSCAPED AREA (MINIMAL AREA IS NOT USED FOR STRUCTURES, PARKING, OR EXTERIOR IMPROVEMENTS)

RESPONSE: THE SITE DOES NOT HAVE MINIMAL LANDSCAPE AREA REQUIREMENTS. THE PROVISION IS MET.

1B. ON-SITE TREE DENSITY'S IN ACCORDANCE WITH SUBSECTION 11.04.01.02

RESPONSE: THE ON-SITE TREE DENSITY IS COMPLY PER SUBSECTION 11.04.01.02 - THE PRIMARY FUNCTION OF THE EXISTING BUILDING IS A RADIO BROADCASTING FACILITY.

ITEM 8 - PEDESTRIAN ORIENTATION SYSTEMS, AS SET OUT IN THE PEDESTRIAN STANDARDS THAT APPLY TO THE SITE.

RESPONSE: INCLUDED IN THE SCOPE. WE ARE ASSESSING THE EXISTING STREET APPROACH TO ADD A NEW ADA COMPLIANT RAMP ACCESS FROM STREET LEVEL.

ITEM 3 - BIKE RACKS

RESPONSE: WE CURRENTLY MEET THE STANDARD FOR LONG TERM AND SHORT TERM BIKE RACKS. 6 LONG TERM SPACES AND 2 SHORT TERM SPACES ARE REQUIRED. LOCATED IN THE LOWER LEVEL OF THE PARKING STRUCTURE IS BIKE PARKING FOR 8 BICYCLES. LOCATED NEAR THE FRONT ENTRANCE OF MACADAM AVENUE THERE IS A RACK FOR 2 BICYCLES.

ITEM 4 - SCREENING

RESPONSE: PER SETBACKS THE PROVISION IS MET - THE GARBAGE AND RECYCLING AREAS ARE LOCATED ON THE EAST SIDE OF THE BUILDING AWAY FROM THE PUBLIC STREET. THE AREA IS LOCATED ADJACENT TO THE LOWER LEVEL PARKING STRUCTURE ON THE BACK SIDE OF THE BUILDING.

ITEM 5 - FORMS OF SURFACE PARKING AND EXTERIOR STORAGE AND DISPLAY AREAS ON SITE.

RESPONSE: CURRENTLY ALL SURFACE PARKING AND STORAGE AREAS ARE PAVED. THE PROVISION IS MET.

ITEM 10 - EXISTING 3' SETBACK

EXCEPTION: WHERE LANDSCAPING IN THE FOLLOWING AREAS WAS COMPLETED AFTER MARCH 15, 2017, AND BEFORE JULY 1, 2017, IT IS EXEMPT FROM THE REQUIREMENTS OF SUBSECTION 11.04.01.02 FOR THE FOLLOWING:

RESPONSE: NA.

2017 Design Review
submittal plan
3/17/21

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**SITE SUMMARY - NONCONFORMING
DEVELOPMENT PLAN
LU-17-203778**

PROJECT NAME:	OPB BUILDING
PROJECT NUMBER:	214082
DATE ISSUED:	08.07.2017
REVISION:	A001

LU 17-203778 DZ

OPB LU 21-012886 DZM GW response regarding the record being kept open

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 12:48 PM

LU 21-012866 DZM GW

H.12

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

In the hearing, OPB's attorney, Ms. Krawszuk, expressed her unhappiness/disappointment that I had asked for the record to be held open, because it would delay the decision by several days.

I'd like to put her comments into perspective.

First, it's such a standard request that OPB should have expected it. I made it for the standard reason of giving me an opportunity to comment on whatever transpired after I testified, not as any sort of delaying tactic.

More importantly, OPB has had **SEVERAL YEARS** to apply for this review, given that it was triggered by OPB's 2017 remodeling project. My request added a trivial several days.

Second, once OPB finally did apply for this review, in February, it submitted an incomplete application. OPB then took **SIX MONTHS** to complete it.

Third, OPB had a hearing scheduled in September, then withdrew days before the hearing. That added an additional **TWO MONTHS** to the **SIX MONTHS** it took OPB to complete its application, after it waited **FOUR YEARS** to apply.

Fourth, **it was OPB's choice to not provide the 3' planter required in 1987, which is what bumped this from a simple Type II review into a much lengthier Type III..** There was definitely room for it--OPB's own Early Assistance drawings showed it. The planter OPB finally proposed comes very close to meeting the 1987 requirement.

Fifth, **OPB has had several opportunities during previous land use review to address the missing planter.** But in every case, OPB hid from the City that the planter was missing, because it always showed it as existing on the site plans OPB submitted for those reviews. That is true right up to the 2017 Design Review for the recent renovation. (OPB removed it from its site plan only after I informed BDS it did not exist, after OPB denied to me that it did not exist.)

Sixth, **I've made literally dozens of requests to OPB to discuss the issues** in this review since 2018, including many times once OPB submitted its incomplete application in February--all with no success. Nobody from OPB has ever once called me, or offered to meet. Kyle Davis's only reply about this was to refuse to discuss it. Communicating with me could have saved OPB at least several months in this process.

Finally, OPB has had **THIRTY-FOUR YEARS** to provide the planter that was the main issue in this review. OPB **CHOSE** decades ago to violate the 1987 Design Commission planter requirement (along with several other requirements) that created the need for a Type III review in 2021. Also, I've told OPB many times--beginning in 2018--that the planter was missing.

Thank you for this opportunity to put OPB's disappointment about the several-day delay I caused into perspective.

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OPB LU 21-012886 DZM GW OPB's track record of dismissing Design Commission requirements

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 12:53 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

In constructing your decision, please keep in mind that OPB's track record of complying with the Design Commission is poor. I request that your decision holds OPB to conformance with site plan, plus fencing and planting details, in specific language as recommended in the Staff Report.

Some examples of OPB's ignoring prior Design Commission requirements:

- 1.--**OPB promised to the Design Commission in 1987 to not extend development into the rail right of way.** OPB broke that promise decades ago, filling the drainage ditch, and paving several feet into the r.o.w. for about 160', creating 8 illegal parking spaces. OPB denied this paving existed when it applied for this current review. (OPB to date has never complied with BDS's 2018 Zoning Compliance order to block that area from vehicle use until the paving was removed or legalized.)
2. **OPB promised to the Design Commission in 1987 to build a 3' planter along its east property line adjacent to the rail r.o.w., except where loading clearance was required.** OPB either never built that planter, or removed it decades ago, and replaced it with paving for illegal parking.
3. **OPB promised to the Design Commission in 1987 to set its building back at least 30' from the centerline of the rail r.o.w.** OPB instead built the building several feet into that setback, and therefore several feet closer to the park and neighborhood east of OPB. OPB is currently claiming that its own decision to violate that setback requirement has created a hardship for OPB to justify not providing the required 3' planter.
4. **OPB promised to the Design Commission in 1987, in the site plan and written materials it submitted, to build a 6' tall fence around its satellite dishes, to keep the fence set back several feet away from the S Nevada sidewalk, and to screen it with substantial landscaping.** OPB violated those promises by building a lower fence tight against the sidewalk, with no landscape buffer, and barbed wire on top at face level.
5. **OPB promised to the Design Commission in 1987, in the site plan it submitted, to provide substantial landscaping throughout its site as specifically detailed in that site plan.** OPB violated that promise, to the extent that by 2017, about half or more of the landscaping had been removed or allowed to die.

Thank you for the opportunity to present this information.

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LU 21-012866 DZM GW
H.13

11/12/21, 2:59 PM

Mail - Bryant, Hannah - Outlook

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email: dowdarchitecture@gmail.com

OPB LU 21-012886 DZM GW trees along OPB's south and east property lines

mike dowd <dowdarchitecture@gmail.com>

LU 21-012866 DZM GW

Fri 11/12/2021 2:08 PM

H.14

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

In my list of 16 changes to OPB's proposal I asked the Design Commission to consider, two were requests to change the tree species on OPB's south and east property lines:

- 2. Change trees (except SE corner cedar) to more columnar, closely spaced**
- 4. Change trees in east perimeter bed to more columnar, closely spaced**

My neighbor, Marque Motors, also requested the same change (along with a solid fence) on the property line it shares with OPB (OPB's south property line).

I strongly support the trees being required. In fact, I was the one who pushed Hannah Bryant to require trees on the east, and a full 5' wide planting bed and large evergreen at the southeast corner--all of which OPB originally opposed providing. My concerns were the widths of the trees spreading across Marque Motor's property line, and spreading across and impeding OPB's driveways.

I strongly agree with Commissioner Santner about the importance of shade--again, OPB's current proposal has several more trees than OPB originally proposed (although less than I would like to see) due to Hannah Bryant agreeing with me that OPB should provide them.

I am thrilled that OPB now believes their driveways are sufficiently wide that the tree widths impeding them will not be an issue. so I no longer have that concern.

In regard to Marque Motors, I believe **the Commission should take Marque Motors concerns more seriously**. Even if Marque Motors did not have the very real concern about leaves on customers' cars, or OPB leaf blowing leaves and grit through the proposed open fence, Marque Motors is under no obligation to allow OPB's branches to extend over the property line. The Design Commission has no right to insist that Marque Motors accept that. Even if it does, Marque Motors could simply chainsaw the branches off at the property line, which would damage the trees' buffering function.

Further, I believe OPB's Kyle Davis' testimony that he "reassured" Marque Motors after Marque Motors emailed its concerns was misleading. I got the clear impression that Mr. Davis meant that Marque Motors no longer had any concerns about the trees after he talked to Marque Motors' owner. I assume at least several Commissioners got that same impression.

I told Kurt Leipzig, Marque Motors' owner, what Mr. Davis said to you. He replied that Mr. Davis DID talk to him, and that he told Mr. Davis that he still had the same concerns about the wide deciduous trees, and would still prefer columnar evergreens. He said Mr. Davis expressed agreement, and led him to believe that the tree species decision was not final.

To summarize:

- 1. I strongly support the trees on the east and south property lines**
- 2. I am happy that OPB has no concerns about the trees interfering with their driveway use**

3. Marque Motors has valid concerns, and the Design Commission should keep the tree requirement on OPB's south property line, due to the importance of the visual buffer for us and everyone who sees OPB's property from the south, but should work to reduce the trees' spreading onto OPB's property, by changing the species and by widening the 5' planter where possible to allow them to be placed further from the property line.

4. The solid fence Marque Motors requested would reduce the impacts of OPB blowing leaves against Marque Motors' customers' cars, and could be provided to mitigate the impacts of the trees to Marque Motors, regardless of what species is chosen.

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OPB LU 21-012886 DZM GW lighting controls needed to approve landscape modification

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 2:57 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

LU 21-012866 DZM GW
H.15

 1 attachments (1 MB)

01988ac5ffeb1665ec52713dc5de9688ee84561f70.jpg;

Design Commission,

In my list of 16 changes to OPB's proposal I asked the Design Commission to consider, two that impacts our home and the park (and its natural habitat and wildlife the most relate to OPB's exterior lighting:

- 3. Change wall light fixture to the same fixture type to be used on east wall**
- 5. Change proposed exterior lights to shielded lights with dimmers and sensors**

There was no discussion of these, other than when one Commissioner asked OPB's attorney if my issues had been addressed, and she incorrectly said they had been.

OPB has proposed changing its east wall exterior fixtures to "dark sky" fixtures. This is a positive step, but not enough. OPB leaves its fixtures on all night, every night, even though there is no activity at the driveway then. The light level is far higher than needed for security. The controls I'm requesting (which dim and turn off lights when they're not needed) would reduce light pollution far better than only switching to dark sky fixtures.

The attached photo shows nighttime lighting at OPB. The main issues are 1) that the light source is visible from our home and the park because people look up into the fixtures from below, and 2) the lights are on brightly when they could be dimmed or off. Again, the dark sky fixtures won't help either of those. The fixtures are also well above the top of the proposed fence.

The parking lot and entry canopy fixtures also contribute to the light pollution, and should be included in being changed.

The lighting is clearly relevant to OPB's request to eliminate the 5'/L2 east buffer. If it were provided, there would be at least 16 large trees along the east property line that would substantially block the lighting from spilling into our property and the park.

The lighting is clearly covered in the "purposes" of the zoning standards that require the landscape buffer:

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...

The lighting is an integral component of the parking, loading and driveway areas--it wouldn't be there if they were not--so the "purposes" clearly intend to include lighting as something the landscaping standards intend to buffer adjacent residents and the park from.

To summarize:

--the lighting controls I request are needed to mitigate the absence of the 5'/L2 buffer along the east property line

--the relevant "purposes" of the standard being modified clearly cover lighting

--the dark sky fixtures being proposed will not be effective in reducing light pollution/impacts to us and the park enough to justify replacing the required buffer with a fence and only five trees

--the controls are simple and inexpensive, and would be VERY effective

--the Commission should require them as a mitigation for granting the modification for the landscape buffer

Note: photo is taken from standing next to the gate into our garden--this is what we see every night. The fence won't obstruct any light fixture, and the dark sky fixtures won't hide the light sources, or reduce light amounts going downward or reflecting off the wall or ground.

Michael Dowd, President
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OPB LU 21-012886 DZM GW stormwater reduction is a reasonable condition to require

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 3:44 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

LU 21-012866 DZM GW

H.16

Design Commission,

On my list of 16 changes to OPB's proposal I asked the Design Commission to consider was:

8. Collect stormwater from driveways to prevent flow into rail r.o.w.

There was no discussion of this, other than when one Commissioner asked OPB's attorney if my issues had been addressed, and she incorrectly said they had been.

OPB is asking for a modification to provide a fence and small planter along its east property line, instead of the required 5'/L2 the entire 480' length.

The purpose of the standard to be modified (providing over 2,000 sf of planter area) includes:

Reduce stormwater runoff pollution, temperature, and rate and volume of flow...

The fence and small planter proposed in lieu of the required planter will do almost nothing to reduce the amount of stormwater flowing from OPB's east and south driveways into the adjacent properties to the east, which include the railroad, our home and the park. The required planter would have stopped (and provided treatment area for) 100% of that runoff. This area has an ongoing history of flooding, which is exacerbated by OPB's dumping of several thousand gallons of stormwater into neighboring properties every time it rains heavily.

To summarize:**--stormwater reduction is a stated purpose of the standard to be modified****--OPB's proposal does not reduce stormwater****--the required planter would have handled 100% of the stormwater****--therefore requiring OPB to address stormwater reduction into the properties east of it is a reasonable and necessary requirement for approving the modification**

Attached is a sketch showing just how much greater the required planter area is than what is being approved. I support the modification with the fence and the smaller proposed planter with five trees IF conditions are also included for stormwater and light pollution reduction.

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OPB LU 21-012886 DZM GW

mike dowd <dowdarchitecture@gmail.com>

LU 21-012866 DZM GW

H.17

Fri 11/12/2021 4:34 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

On my list of 16 changes to OPB's proposal I asked the Design Commission to consider were several relating to the satellite dish area, the most important to me relating to the fence and planting at the southeast corner closest to the railroad crossing into Willamette Park:

10. Move SE fence corner further north to improve sightlines at rail crossing**12. Limit planting at SE corner to 3' tall**

OPB is asking for a modification to allow the fence to be 6' tall within 10' of the sidewalk.

There seemed to be a lot of confusion at the hearing in regard to what I am asking for. OPB testified at length about how the satellite dishes cannot be moved, and how the fence cannot be lower than 6'. I'm not proposing requiring either of those. My proposal gives OPB exactly what it has testified is important to it.

One Commissioner asked OPB's attorney for her opinion of what I was asking for. She gave a dismissive response unrelated to anything I wrote.

One Commissioner misinterpreted my request to limit planting at the southeast corner to 3' high as a request to limit the fence height.

One Commissioner asked Hannah Bryant if the crossing had been done as an official project that would have been required to meet applicable safety codes, and she replied correctly that it had (It was a joint Water Bureau/PBOT/Parks project reviewed by ODOT Rail). I believe that was in response to my saying the crossing was "unsafe". A more objective wording on my part might have been to say "it is safe, but could be much safer."

I strongly support moving the fence back 6' from the sidewalk as OPB proposes along the east several feet of the south fence. BUT it would be SAFER if the angle were changed so that the southeast corner were set back about 8' instead of 6'. That would greatly improve sightlines between rail vehicle operators and bikers and walkers emerging from behind the fence to cross. Moving the corner back 2' would mean rail operators and crossers would see each other when the rail vehicle was dozens of feet further away, due to the angle of the sightlines.

The fence was approved in 1987 to be set back several feet the entire length of the south fence along the sidewalk. OPB built it up against the sidewalk in violation of that approved site plan. **I've attached that plan along with photos previously submitted showing how the current fence totally blocks sightlines between rail operators and rail crossers. You can also see how moving the southeast corner an additional 2' north from the 6' proposed would improve sightlines while still keeping the fence well away from any satellite.**

The purpose of the fence standard (33.130.270.C.1.a) that is being modified includes:

The fence regulations promote the positive benefits of fences *without negatively impacting the community or endangering public or vehicle safety.*

Railroad vehicles are vehicles, and walking or biking in front of moving railroad vehicles into the park certainly involves safety, so the purpose is relevant.

Also, OPB's proposed 6' setback at the southeast corner is still 4' into the required low-fence zone.

In regard to the fact that the railroad crossing was built to applicable safety standards---yes. So what? Every street and every official rail crossing in Portland where this fence standard applies was built to applicable safety standards. The rail crossing designers did their part by building the crossing as best as they could in the rail right of way over which they had control. They could not mandate moving OPB's fence back to improve sightlines because they cannot. That doesn't mean they wouldn't have if they could have, or that they believe the crossing would not be much safer if that fence were moved back 2' more at the southeast corner that impacts sightlines the most.

I've talked to several people involved in the design of that crossing. They would have liked to have moved the fence back if they could have. The many railings, signs, etc. attest to their attempts to try to slow down people entering the crossing because the sightlines are so poor.

To summarize:

The rail crossing designers did their job. Now it is time for the people who have control over OPB's fence location and height to act. That is you. Setting the southeast corner of the fence back another 2' would have no negative impact on OPB, but would significantly increase sightlines, which would increase the public safety that is a central purpose of the standard.

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LOOK

NO STOPPING
ON TRACKS
BEYOND THIS SIGN

CAUTION



THIS
BLOCK

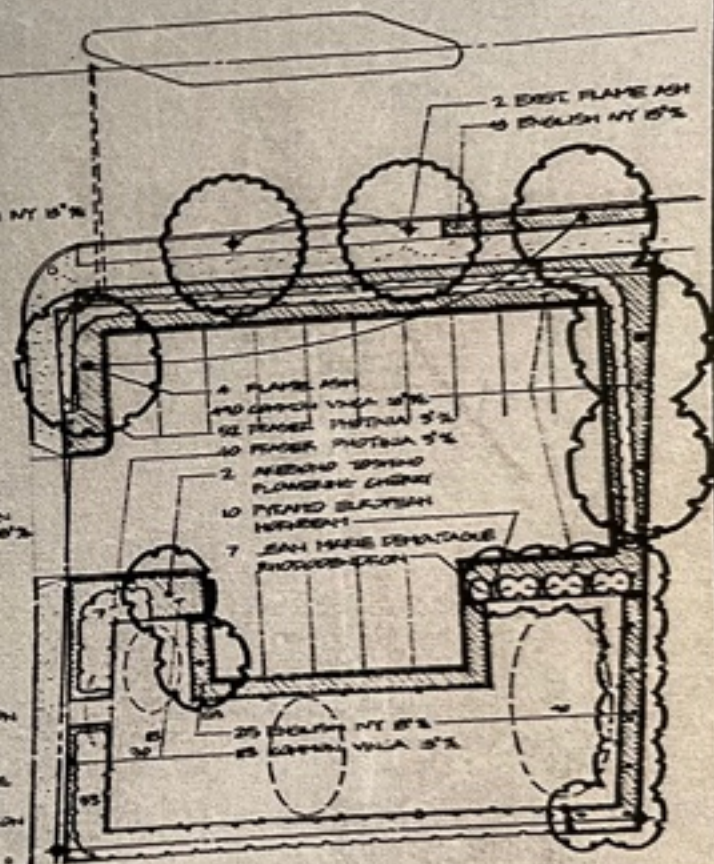
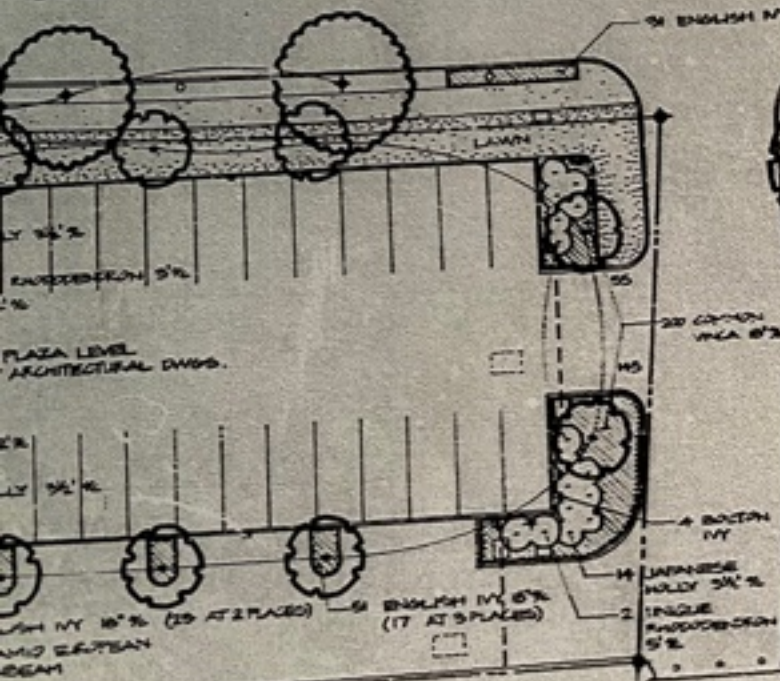


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OREGON PUBLIC BROADCASTING

PLANTING PLAN

Re: Marque Motors concerns re: OPB trees

mike dowd <dowdarchitecture@gmail.com>

Mon 11/15/2021 2:40 PM

LU 21-012866 DZM GW

H.18

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>**Cc:** Kurt Leipzig <marquemotors@gmail.com>

Hannah,

Thanks for reaching out to us.

I just saw this email, and haven't talked to my neighbor Marque Motors, so these are just my own thoughts. Marque Motors may agree or disagree.

In regard to Marque Motors triggering a landscaping requirement in the future, yes I was aware of that. However, they currently have no requirement for one there, they have a need to park there, and they've testified that OPB's wide trees will be an issue. Marque Motors may **never** trigger a need for installing their own landscaping on the north side.

However, if they do, they'd have **much better success** meeting the code standard if OPB plants a narrower species of trees as Kurt and I both requested. Meeting the tree requirement when OPB's trees are spreading several feet over the property line and taking up all the air space within 5' (and more) of Marque Motors' property would make it difficult for Marque Motors to install any trees that would survive because they won't fit.

Further, since we're talking hypothetically, there's just as much chance Marque Motors' property could be redeveloped and a building built all the way to that shared property line. In that case, again, it would be much better if OPB installs narrower trees that don't spread far over the property line. With the current, wide species, building a building up to the property line would kill OPB's wide trees, given that almost half their branches would be sheared off.

So I can't see any version of the future where OPB's wide trees are better than ones that spread less over the property line.

In regard to the fence, my view is the same as I've written already--that OPB's request to not provide the required 5'/L2 landscaping along its east property line is a significant one (despite OPB's attorney trying to downplay the whole hearing as "We're here because of some landscaping and a fence", to paraphrase her). People on adjacent properties (us, Marque Motors, and people using Miles St.) experience the OPB property in three dimensions--we don't just see the east side, we see the east and south sides together. There is very little room on the east side to mitigate OPB's request to do less than the required east landscape buffer--just room for a fence, a small planter and five trees, instead of the required 480' long planter five feet wide, and 16 large trees. Since many people see the east and south sides together, what OPB does on the south side can serve as mitigation for what it's NOT providing on the east. So I think the Design Commission has the ability to require OPB to provide a solid fence on the south as a condition of granting lessened landscaping on the east. The solid fence will block views from Miles St. directly down OPB's 480' long driveway, and block headlights from shining into Marque Motors' property.

Also, with the recent renovation, OPB moved a large portion of its loading activity from the old loading door in the middle of OPB's east facade to the door near the south end of the east facade--much closer to Marque Motors, us, and Miles St. A solid fence on OPB's south would work with the east solid fence to mitigate that--again, a reason why the south fence is relevant to the approval of OPB's landscaping modification requests.

(Of course I'm disappointed with OPB in all this as well. They are showing moving their existing fence a foot or two south, so it's up to the property line. "Moving" it really means tearing out the old one and building a new one. Since they're building a new one, why not make it a solid one? It will cost more, but it will also solve the issue of OPB's leaf blowing grit and leaves into Marque Motors' property--something that will be much worse with the added trees. The main reason Marque Motors would build a solid fence (again, these are my thoughts--I think Marque Motors would agree, but can't claim that) would be to protect its customers' cars from being damaged by OPB's leaf blowing--in a fair world, OPB should be the one paying for the fence since OPB is the one creating the need for it.)

You gave some good advice--***"I caution people to ensure that all aspects of the fence - including footings below grade - are located on their property - and that the fence can be built and maintained from their property since neighboring property owners are not obligated to grant access."***

But look at the irony in that. Marque Motors and I have both asked that OPB choose a tree species that doesn't spread several feet over Marque Motors' property line and drop leaves on Marque Motors' customers' cars. But several Commission members commented dismissively about our request. In other words, they were telling Marque Motors "We're approving OPB's decision to plant trees whose branches will spread over your property for the next 40 or 60 years, and we dismiss your concern and rule that you should accept that." But you're telling Marque Motors "Don't count on OPB allowing you to come onto their property once every couple years to add a coat of stain your fence". But you are absolutely right--OPB should (and does) have the option of whether they allow an adjacent property owner to use OPB's property, even if it's only for a few hours every couple years. So why does the Design Commission believe they can tell Marque Motors to accept OPB's trees spreading several feet into Marque Motors' property, all day every day for the next 40 years?

Again, I appreciate your writing, and my comments above aren't aimed at you, they're aimed at the Design Commission. I think narrower trees, done in conjunction with a solid fence, would work better for everyone, under any hypothetical future situation.

Mike

Michael Dowd, President
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On Mon, Nov 15, 2021 at 12:09 PM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:
Hi Mike and Kurt,

First, I want to thank you for both submitting comments related to this review. In re-reading and considering your concerns related to OPB's tree choice at the south property line and leaves falling across the property line, I wanted to relay a few considerations to you, prior to noting them the Commission in the 12/2 hearing.

- Marque Motors is also subject to the same code requirement for 5' of L2 landscaping around the perimeter of its parking areas, including on the north side of its surface parking area, that OPB is addressing on its site. If/when Marque Motors applies for a building permit that triggers non-conforming upgrades or stormwater management, it may be required to add a 5' buffer of L2 landscaping, which includes trees, to mirror that which OPB is required to install now.
- Fencing is not required at the property line separating OPB from Marque Motors. Fences up to 7' tall may be installed without a permit. To that end, the Design Commission may not be able to comment on or require the installation or maintenance of a fence at the location. However, if a solid fence is desired, Marque Motors may install one. Since fences are not required at this location, they are the property of the party that originally installs them. To that end, I caution people to ensure that all aspects of the fence - including footings below grade - are located on their property - and that the fence can be built and maintained from their property since neighboring property owners are not obligated to grant access.

Best,
Hannah

Hannah Bryant (she/her)

City Planner II | Design + Historic Resource Review

Bureau of Development Services

City of Portland | 1900 SW 4th Ave., Suite 5000 | Portland, OR 97201

Mobile: 503-865-6520

Hannah.Bryant@portlandoregon.gov

OPB LU 21-012886 DZM GW barbed-wire substitute and mural

mike dowd <dowdarchitecture@gmail.com>

Fri 11/19/2021 3:30 PM

LU 21-012866 DZM GW

H.19

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

OPB submitted new information after the hearing in regard to a substitute for barbed wire at the satellite dish area fence, and the proposed mural on that fence.

Barbed wire substitute: I support the barbed wire substitute on top of the wood fence (which I support as detailed, although my concerns about the SE corner of it blocking rail crossing sightlines remain). I've been trying for several years, including during this review, to get OPB to do something about its barbed wire at eye level next to the sidewalk entrance to Willamette Park, and OPB has never responded. So I appreciate the Commission pushing OPB to take some responsibility and do something more community-friendly and safer there.

Mural: The sidewalk/park entrance is very constricted, only 5' wide, and used by people walking, biking, rolling, walking dogs, using strollers, etc. The guardrails exacerbate that, as does the fact that the crossing creates a constricted chute about 60' long, flanked by guardrails except at the tracks. I walk there daily. It's common for people with bikes, strollers or dogs to wait at one end of the chute for people approaching or within it to clear it before entering. That means people are already having to stand waiting at the sidewalk in front of OPB's fence, or in the street. The crossing is designed with fencing and barriers that intentionally force people into the chute and sidewalk to cross, so it can't be bypassed.

Any artwork or signage that encourages people to stop on the sidewalk (for instance, text or signage that people would encourage people to stop to read) will clog the entrance even further. Ideally any language relative to the artwork/signage will encourage artwork that can be appreciated from a distance or while moving through the area, vs. standing on the sidewalk.

The rendering: OPB revised its 3D rendering to illustrate the barbed wire substitute in context with the fence, mural, etc. Some aspects of the rendering are inaccurate.

The new wood fence is shown only about 5' tall (the small metal disc under the "no parking" sign on the telephone pole is at my eye level (about 5'-9" above grade, and the top of the fence is shown several inches below that). The fact that the actual fence will be taller and more visually prominent than what is shown is an additional argument in favor of the proposed barbed wire substitute, which will add only an imperceptible amount to the fence height, in comparison to barbed wire.

Also, the rendering shows low landscaping at the base of the fence, but the site plan shows the fence tight against the sidewalk's concrete side wall, leaving no room for the landscaping that the rendering shows (and none is shown on the site plan). I'm guessing the renderer added that landscaping to soften and improve the fence's appearance, and to give the impression it's set back further from the sidewalk. **When evaluating the mural and barbed wire substitute, I hope the Commission keeps in mind that OPB's rendering is presenting a context for those two items that OPB is not**

intending to provide, according to its site plan (and it's the site plan that will become the record for the decision, as I understand).

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Re: Marque Motors concerns re: OPB trees

mike dowd <dowdarchitecture@gmail.com>

Fri 11/19/2021 4:13 PM

LU 21-012866 DZM GW

H.20

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Hannah,

Two more things that I think could help explain my position on the trees on OPB's south side...

Imagine if Marque Motors (or another tenant, or the building owner) DID trigger a requirement to provide 5'/L2 landscaping along the property line it shares with OPB. Imagine them taking the same position OPB has taken, and the the Commission seems to support, and choosing a wide tree species (even exactly the same species as OPB has chosen) knowing that it would spread several feet into OPB's south driveway, to the point that the branches would interfere with OPB's use of its own driveway. If OPB complained, and the Design Commission were involved, would the Commission scold OPB for not appreciating shade, or for complaining about a few leaves falling (as the Commission did to me and Marque Motors)? My view is that OPB would be completely justified in complaining about a neighbor planting a wide tree species so close to the property line that the branches would interfere with OPB's use of its own property. Yet the Commission seemed dismissive when it was OPB doing it to Marque Motors.

Also--this is again to explain my position--I felt in the hearing that some of the Commissioner's comments were borderline condescending to me and Marque Motors--again, saying shade's important, saying that a few leaves falling isn't going to be a problem, etc. I wish I could have been able to respond in the hearing that I'm the one (along with you) who's been pushing OPB to provide MORE trees. It's been OPB that, for instance, tried to argue not just that they didn't want trees on the east driveway, but that they couldn't possibly even fit.

Also, I think there's a general tendency for people to think of OPB as being an environmentally-sensitive organization, due to its environmental reporting, and conversely to assume that an auto repair shop would be less environmentally aware. My experience over 16 years has been the opposite. OPB is the neighbor who blasts light and noise into the park, who paves illegally, who leaf-blows in the middle of the night, who blows its own garbage into the park, who has the Noise Control office and the Audubon Society trying to get them to change their behaviors, who throws out dumpsters full of recyclables, who blows their yard debris into the sewer grates on Macadam, who's removed or killed almost all of its required landscaping, etc.

In contrast, Marque Motors waters and carefully tends the trees along its east property line (which screen our own home from OPB's glaring night lights), picks up garbage along the tracks that blows down from OPB, rakes leaves instead of leaf blowing them into the drainage ditch as OPB does, turns off all their lights at night, diligently recycles, etc. Last spring, I couldn't figure out why Marque Motors had put cardboard and buckets on the rear view mirrors of the cars in its lot. I asked--they'd noticed the year before that nesting birds from their trees would flap at their own images in the mirrors, viewing themselves as threats to their nests, so they blocked the mirrors out of concern for the birds.

I know this isn't central to the review, but I felt that the Commission was overly deferential to OPB, especially in comparison to how quickly it seemed to dismiss Marque Motors' concerns.

Thanks again for all your work on this. You've made the project substantially better for us.

Mike

Michael Dowd, President
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(503) 282-7704
email: dowdarchitecture@gmail.com

On Mon, Nov 15, 2021 at 2:39 PM mike dowd <dowdarchitecture@gmail.com> wrote:

Hannah,

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In regard to Marque Motors triggering a landscaping requirement in the future, yes I was aware of that. However, they currently have no requirement for one there, they have a need to park there, and they've testified that OPB's wide trees will be an issue. Marque Motors may **never** trigger a need for installing their own landscaping on the north side.

However, if they do, they'd have **much better success** meeting the code standard if OPB plants a narrower species of trees as Kurt and I both requested. Meeting the tree requirement when OPB's trees are spreading several feet over the property line and taking up all the air space within 5' (and more) of Marque Motors' property would make it difficult for Marque Motors to install any trees that would survive because they won't fit.

Further, since we're talking hypothetically, there's just as much chance Marque Motors' property could be redeveloped and a building built all the way to that shared property line. In that case, again, it would be much better if OPB installs narrower trees that don't spread far over the property line. With the current, wide species, building a building up to the property line would kill OPB's wide trees, given that almost half their branches would be sheared off.

So I can't see any version of the future where OPB's wide trees are better than ones that spread less over the property line.

In regard to the fence, my view is the same as I've written already--that OPB's request to not provide the required 5'/L2 landscaping along its east property line is a significant one (despite OPB's attorney trying to downplay the whole hearing as "We're here because of some landscaping and a fence", to paraphrase her). People on adjacent properties (us, Marque Motors, and people using Miles St.) experience the OPB property in three dimensions--we don't just see the east side, we see the east and south sides together. There is very little room on the east side to mitigate OPB's request

to do less than the required east landscape buffer--just room for a fence, a small planter and five trees, instead of the required 480' long planter five feet wide, and 16 large trees, Since many people see the east and south sides together, what OPB does on the south side can serve as mitigation for what it's NOT providing on the east. So I think the Design Commission has the ability to require OPB to provide a solid fence on the south as a condition of granting lessened landscaping on the east. The solid fence will block views from Miles St. directly down OPB's 480' long driveway, and block headlights from shining into Marque Motors' property.

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(Of course I'm disappointed with OPB in all this as well. They are showing moving their existing fence a foot or two south, so it's up to the property line. "Moving" it really means tearing out the old one and building a new one. Since they're building a new one, why not make it a solid one? It will cost more, but it will also solve the issue of OPB's leaf blowing grit and leaves into Marque Motors' property--something that will be much worse with the added trees. The main reason Marque Motors would build a solid fence (again, these are my thoughts--I think Marque Motors would agree, but can't claim that) would be to protect its customers' cars from being damaged by OPB's leaf blowing--in a fair world, OPB should be the one paying for the fence since OPB is the one creating the need for it.)

You gave some good advice--***"I caution people to ensure that all aspects of the fence - including footings below grade - are located on their property - and that the fence can be built and maintained from their property since neighboring property owners are not obligated to grant access."***

But look at the irony in that. Marque Motors and I have both asked that OPB choose a tree species that doesn't spread several feet over Marque Motors' property line and drop leaves on Marque Motors' customers' cars. But several Commission members commented dismissively about our request. In other words, they were telling Marque Motors "We're approving OPB's decision to plant trees whose branches will spread over your property for the next 40 or 60 years, and we dismiss your concern and rule that you should accept that." But you're telling Marque Motors "Don't count on OPB allowing you to come onto their property once every couple years to add a coat of stain your fence". But you are absolutely right--OPB should (and does) have the option of whether they allow an adjacent property owner to use OPB's property, even if it's only for a few hours every couple years. So why does the Design Commission believe they can tell Marque Motors to accept OPB's trees spreading several feet into Marque Motors' property, all day every day for the next 40 years?

Again, I appreciate your writing, and my comments above aren't aimed at you, they're aimed at the Design Commission. I think narrower trees, done in conjunction with a solid fence, would work better for everyone, under any hypothetical future situation.

Mike

Michael Dowd, President
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On Mon, Nov 15, 2021 at 12:09 PM Bryant, Hannah <Hannah.Bryant@portlandoregon.gov> wrote:
Hi Mike and Kurt,

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- Fencing is not required at the property line separating OPB from Marque Motors. Fences up to 7' tall may be installed without a permit. To that end, the Design Commission may not be able to comment on or require the installation or maintenance of a fence at the location. However, if a solid fence is desired, Marque Motors may install one. Since fences are not required at this location, they are the property of the party that originally installs them. To that end, I caution people to ensure that all aspects of the fence - including footings below grade - are located on their property - and that the fence can be built and maintained from their property since neighboring property owners are not obligated to grant access.

Best,
Hannah

Hannah Bryant (she/her)
City Planner II | Design + Historic Resource Review

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OPB LU 21-012886 DZM GW

Kurt Leipzig <marquemotors@gmail.com>

Wed 11/3/2021 12:36 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Re: OPB LU 21-012886 DZM GW

To the Design Commission,

Marque Motors is a full-service repair facility specializing in Porsche, Audi, BMW, Volkswagen and MINI automobiles. We are located at 7310 S Macadam. Our parking area abuts OPB's south fence.

We understand OPB plans to move their existing south fence out to the property line, and add a landscaping bed along it with shrubs and trees. Those changes will directly affect us.

We request changes to the proposed trees and fence.

The proposed trees are deciduous with a 25' spread, planted only a couple feet from our property. That means their branches will intrude about 10' into the area where we store customers' vehicles during the day. There are typically about a dozen cars along the fence, with no other places to put them due to limited area. The cars include very expensive, often rare Porsches, often worth up to several hundred thousand dollars each. **Trees extending several feet into our property dropping leaves and sap onto our customers' valuable cars is unacceptable.**

We request that OPB change to a much narrower tree species to minimize spreading over the property line. Evergreen trees that don't drop leaves would be best. We also request that OPB increase the width of the planter so they can be planted further from our property. There'd be lots of space for that by eliminating the planter along the base of the building wall.

Additionally, we have had ongoing issues over the years with OPB leaf-blowing grit and dirt from their driveway through the chain link fence into our property and our customers' cars. Keeping the same open chain link fence but adding trees--especially deciduous ones--will make that much worse. To protect our customers' cars from damage from leaf-blowing leaves and grit, **we request that OPB replace the current fence with the same solid fence design that it is proposing along the rail tracks.**

We understand that OPB has the right to move their fence up to the property line, although we hope they will consider keeping it in its current location.

We have maintained a good relationship with OPB over the years. These changes would help that continue. Thank you for considering these requests.

Marque Motors

Kurt Leipzig, Owner

LU 21-012866 DZM GW
H.21

--

Marque Motors
7310 S Macadam Ave
Portland, OR 97219
503-293-5386
marquemotors.com

**E-mails sent after 4:30pm Monday - Friday, on weekends and/or holidays will be checked the next following business day. **

Change to OPB Land Use Hearing 7-7-7 dates

Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Thu 11/4/2021 5:25 PM

To: marquemotors@gmail.com <marquemotors@gmail.com>; mike dowd <dowdarchitecture@gmail.com>

Hi Mike and Kurt,

When we initially set dates in the hearing today, we didn't recognize that Thursday, November 11th is a federal holiday. Therefore, to ensure that you have adequate time to submit new testimony, we have modified the dates to the following:

11/12, by 5pm - new evidence may be submitted

11/19, by 5pm - responses to new evidence may be submitted

12/2, 1:35pm - continued Design Commission hearing for final deliberations and voting. All new testimony should be submitted prior to that hearing.

The applicant agreed to reducing their final 7-day response time, and we announced the corrected in the recorded public hearing when Commission resumed the hearing after its break. However, since you both were already logged out, I wanted to reach out personally to give you the updated dates.

Thank you,

Hannah Bryant (she/her)

City Planner II | Design + Historic Resource Review

Bureau of Development Services

City of Portland | 1900 SW 4th Ave., Suite 5000 | Portland, OR 97201

Mobile: 503-865-6520

Hannah.Bryant@portlandoregon.gov

LU 21-012866 DZM GW
H.22

LU 21-012866 DZM GW

H.23





THIS BLOCK

LOOK

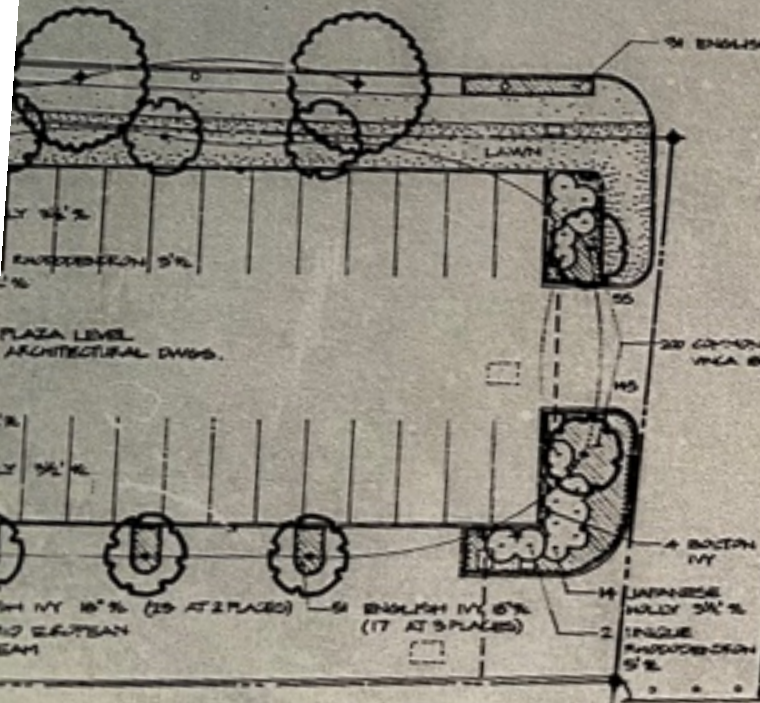
LOOK

LOOK BOTH WAYS

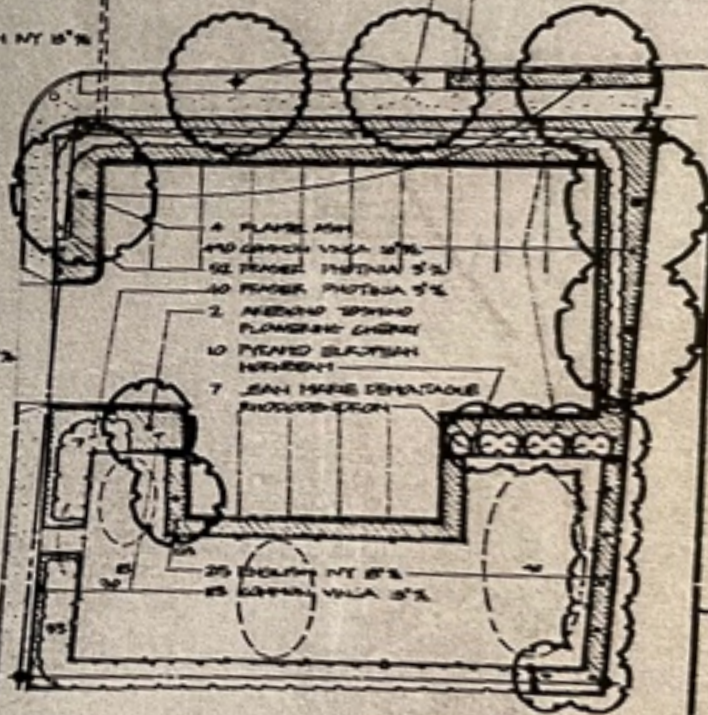
91LA PA

AVENUE

4 EXISTING FLAME ASH
EXISTING IVY



2 EXIST. FLAME ASH
15 ENGLISH IVY 15' 6"



LEGEND

IG PLAN

OREGON PUBLIC BROADCASTING



LOOK

RAILROAD
CROSSING

STOP

REPORT EMERGENCY
TO 800-867-0828,
COUNCIL # 174202,
PLUMBE AND RAILROAD

LOOK

WILLAMETTE
PARK

RAILROAD



SHIPPING
STORAGE

RAILROAD
CROSSING

STOP

STOP

STOP









THIS
BLOCK

RAILROAD
CROSSING

STOP

CROSSROAD

WILAPETT
ROAD

STOP

STOP

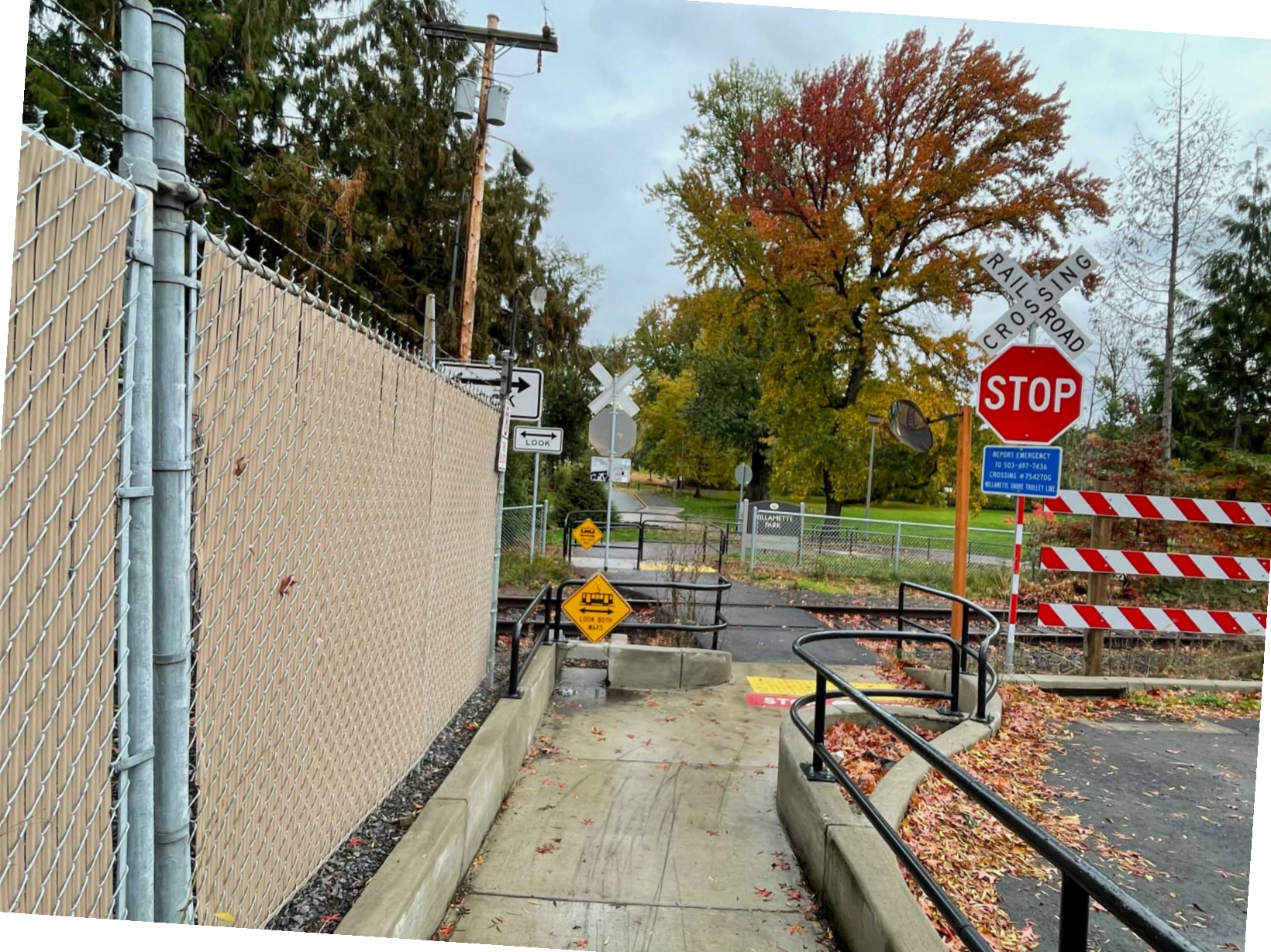


RAILROAD CROSSING

STOP

RAILROAD CROSSING

LOOK



RAILROAD CROSSING

STOP

REPORT EMERGENCY TO 303-497-7436. CROSING # 14-0210 WILLAMETTE TRAIL RAILROAD

LOOK BOTH WAYS

WILLAMETTE PARK

LOOK





RAILROAD CROSSING

STOP

REPORT EMERGENCY TO 911-971-7424
CROSSING AT PLYMOUTH
BELMONT ST. TOLLEY INN

RAILROAD CROSSING

PARKING FOR EMPLOYEES & VISITORS OF UPS ONLY BUSINESS HOURS ONLY. NO TRUCKS OR TRAILERS

SHIPPING RECEIVING



AND
RECEIVING



ELIZABETHTOWN
PASS





←
LOOK
→

STOP
BEFORE CROSSING
ON RED LIGHT OR
FLYING RED FLAG

STOP



STOP
HERE

LOOK

THIS
BLOCK



SHIPPING
AND
RECEIVING
→





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BLOCK

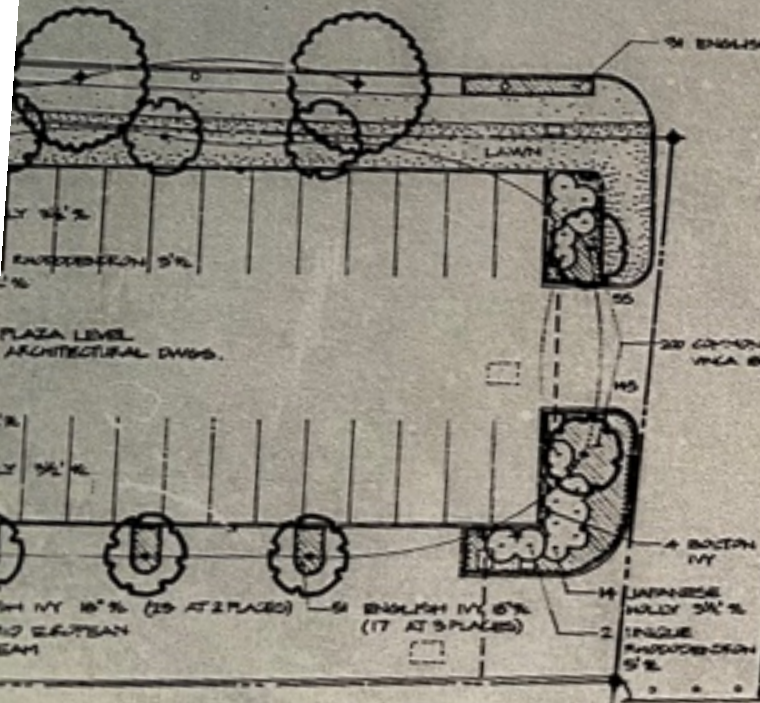


HILLAR
PAR

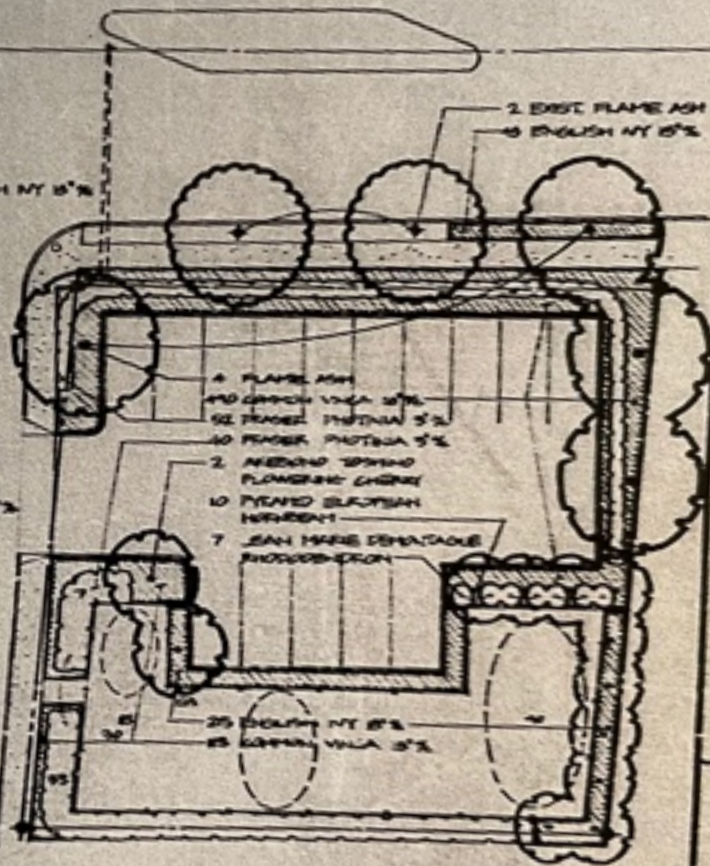


AVENUE

4 EXISTING FLAME ASH
EXISTING IVY



2 EXIST. FLAME ASH
15 ENGLISH IVY 15' x 8"



LEGEND

IG PLAN

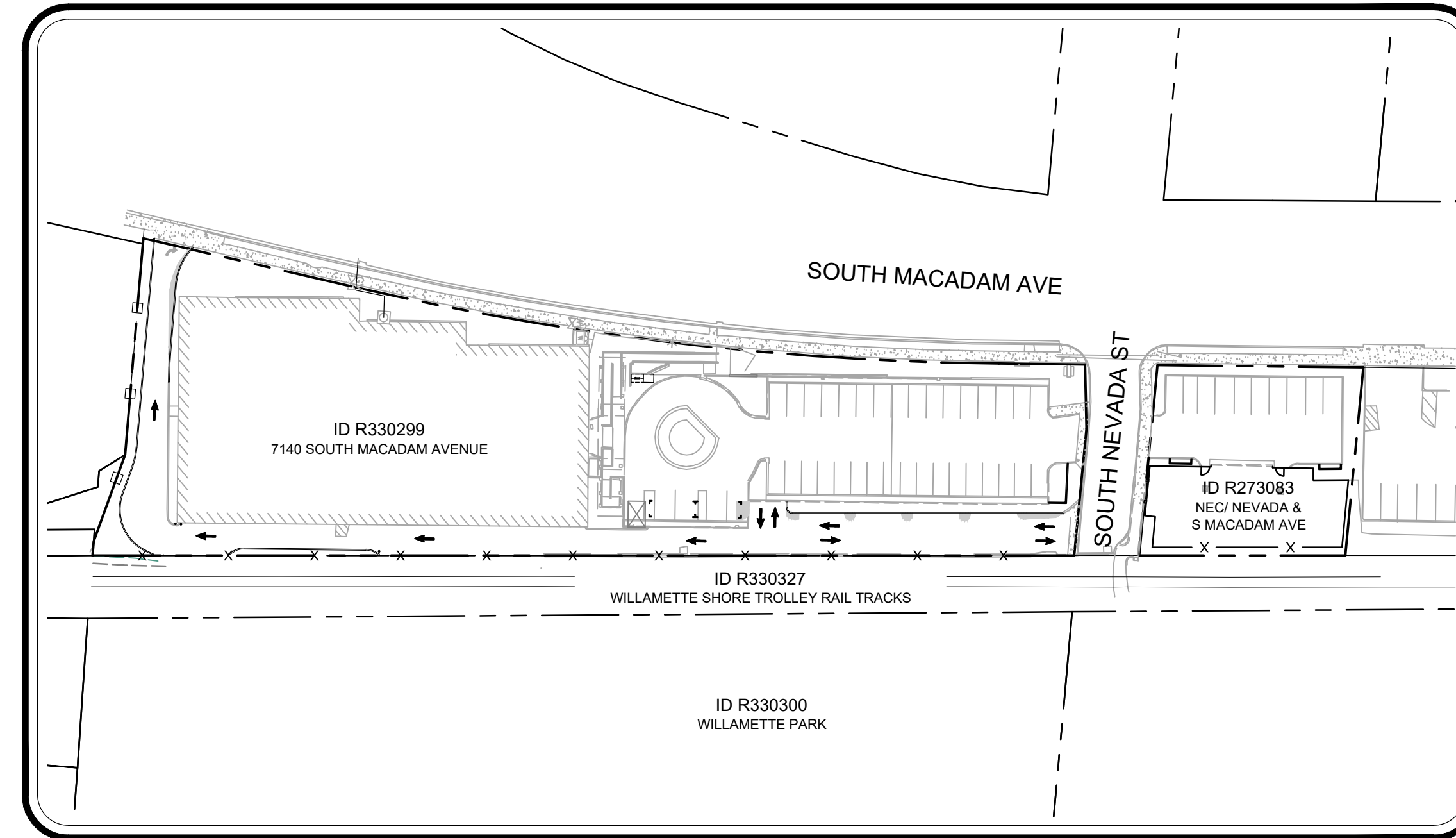
OREGON PUBLIC BROADCASTING

OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



VICINITY MAP
SCALE: NTS



SITE PLAN
SCALE 1" = 60'

SHEET INDEX

- L1.0 COVER SHEET
- L2.0 EXISTING CONDITIONS AND DEMO PLAN
- L2.5 CONSTRUCTION MANAGEMENT PLAN
- L3.0 SITE / LANDSCAPE PLAN
- L3.1 PLANT MATERIALS LEGEND AND DETAILS
- L3.5 FENCE AND ART MURAL RENDERING

REV	DATE	DESCRIPTION	BY

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Portland, Oregon 97205
971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
COVER SHEET
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT TEAM

OWNER
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
PORTLAND, OR 97219
ATTN: KYLE DAVIS
PHONE: (503)293-1999

PLANNER
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: READ STAPLETON, AICP
PHONE: (971)280-8641

LANDSCAPE ARCHITECT
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: WAYNE IAZZETTI, RLA
PHONE: (971)280-8641

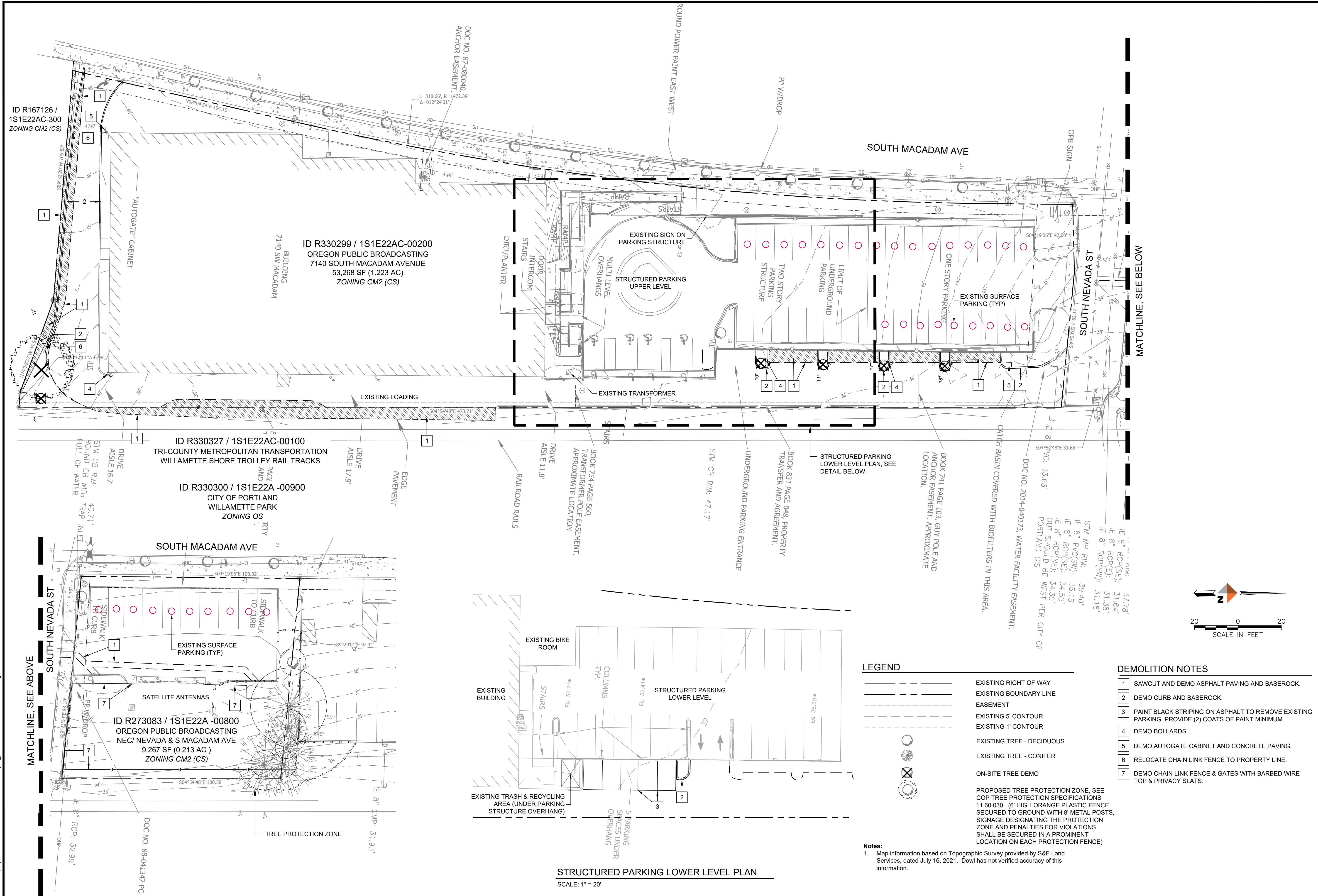
LU 21-012866 DZM GW
I.1

PROJECT	14545.01
DATE	11/09/2021

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SHEET

L1.0

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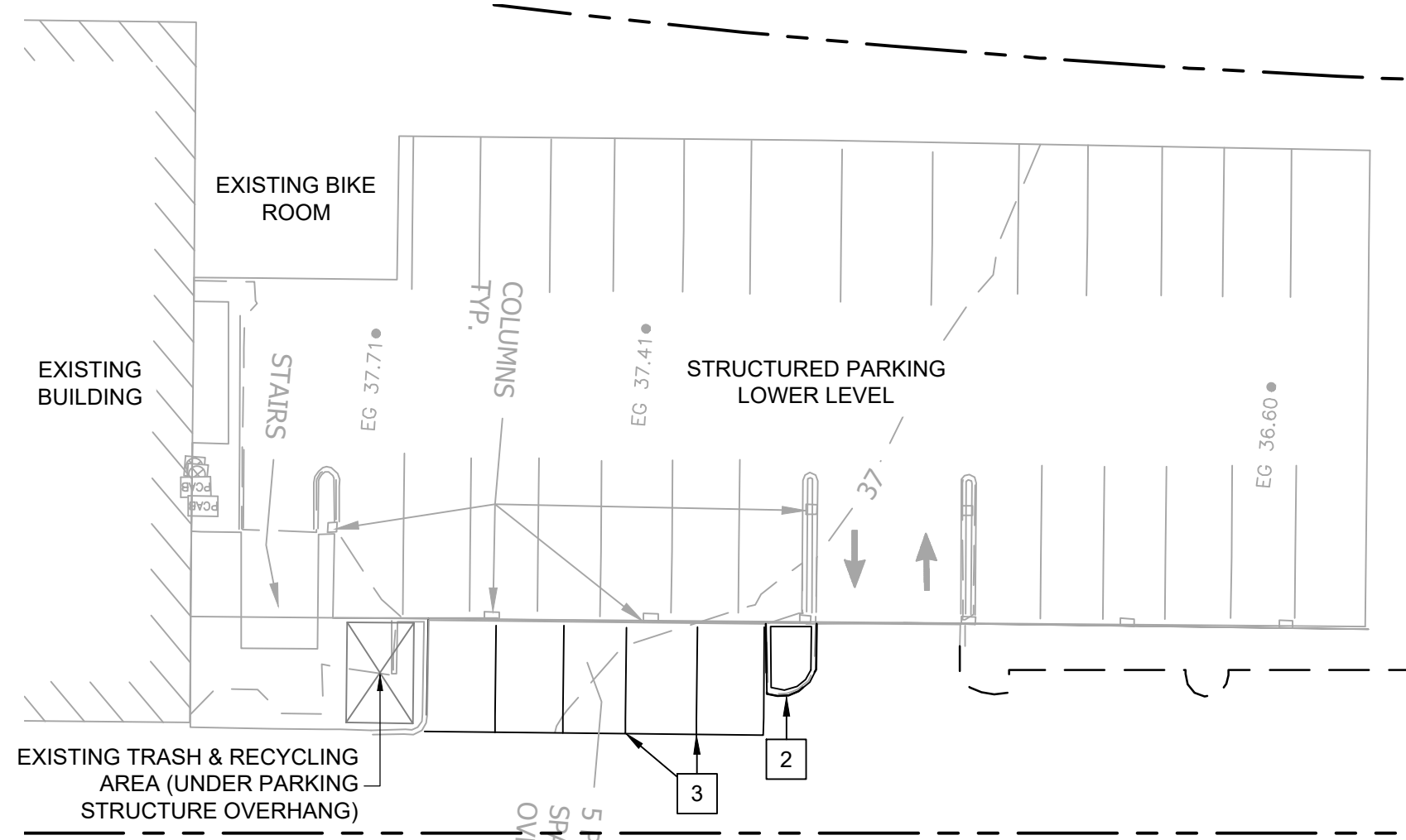
ID R167126 / 1S1E22AC-300 ZONING CM2 (CS)

ID R330299 / 1S1E22AC-00200 OREGON PUBLIC BROADCASTING 7140 SOUTH MACADAM AVENUE 53,268 SF (1.223 AC) ZONING CM2 (CS)

ID R330327 / 1S1E22AC-00100 TRI-COUNTY METROPOLITAN TRANSPORTATION WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900 CITY OF PORTLAND WILLAMETTE PARK ZONING OS

ID R273083 / 1S1E22A -00800 OREGON PUBLIC BROADCASTING NEC/ NEVADA & S MACADAM AVE 9,267 SF (0.213 AC) ZONING CM2 (CS)



STRUCTURED PARKING LOWER LEVEL PLAN
SCALE: 1" = 20'

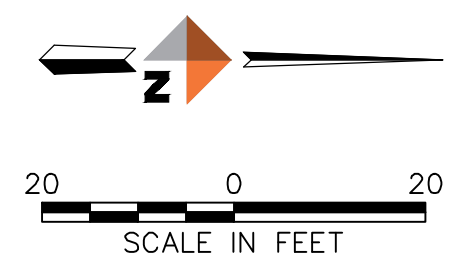
LEGEND

- EXISTING RIGHT OF WAY
- - - EXISTING BOUNDARY LINE
- - - EASEMENT
- - - EXISTING 5' CONTOUR
- - - EXISTING 1' CONTOUR
- EXISTING TREE - DECIDUOUS
- EXISTING TREE - CONIFER
- ON-SITE TREE DEMO
- PROPOSED TREE PROTECTION ZONE, SEE COP TREE PROTECTION SPECIFICATIONS 11.60.030. (6' HIGH ORANGE PLASTIC FENCE SECURED TO GROUND WITH 8" METAL POSTS, SIGNAGE DESIGNATING THE PROTECTION ZONE AND PENALTIES FOR VIOLATIONS SHALL BE SECURED IN A PROMINENT LOCATION ON EACH PROTECTION FENCE)

Notes:
1. Map information based on Topographic Survey provided by S&F Land Services, dated July 16, 2021. Dowl has not verified accuracy of this information.

DEMOLITION NOTES

- 1 SAWCUT AND DEMO ASPHALT PAVING AND BASEROCK.
- 2 DEMO CURB AND BASEROCK.
- 3 PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
- 4 DEMO BOLLARDS.
- 5 DEMO AUTOGATE CABINET AND CONCRETE PAVING.
- 6 RELOCATE CHAIN LINK FENCE TO PROPERTY LINE.
- 7 DEMO CHAIN LINK FENCE & GATES WITH BARBED WIRE TOP & PRIVACY SLATS.



REV	DATE	DESCRIPTION	BY

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES PORTLAND, OR EXISTING CONDITIONS & DEMO PLAN

PROJECT 14545.01
DATE 11/09/2021

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L2.0

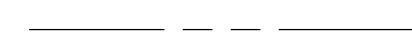
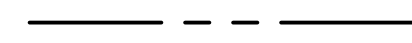






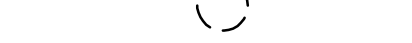



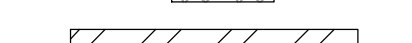

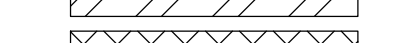

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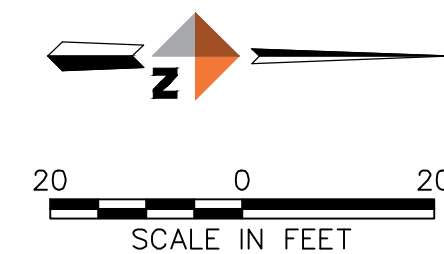
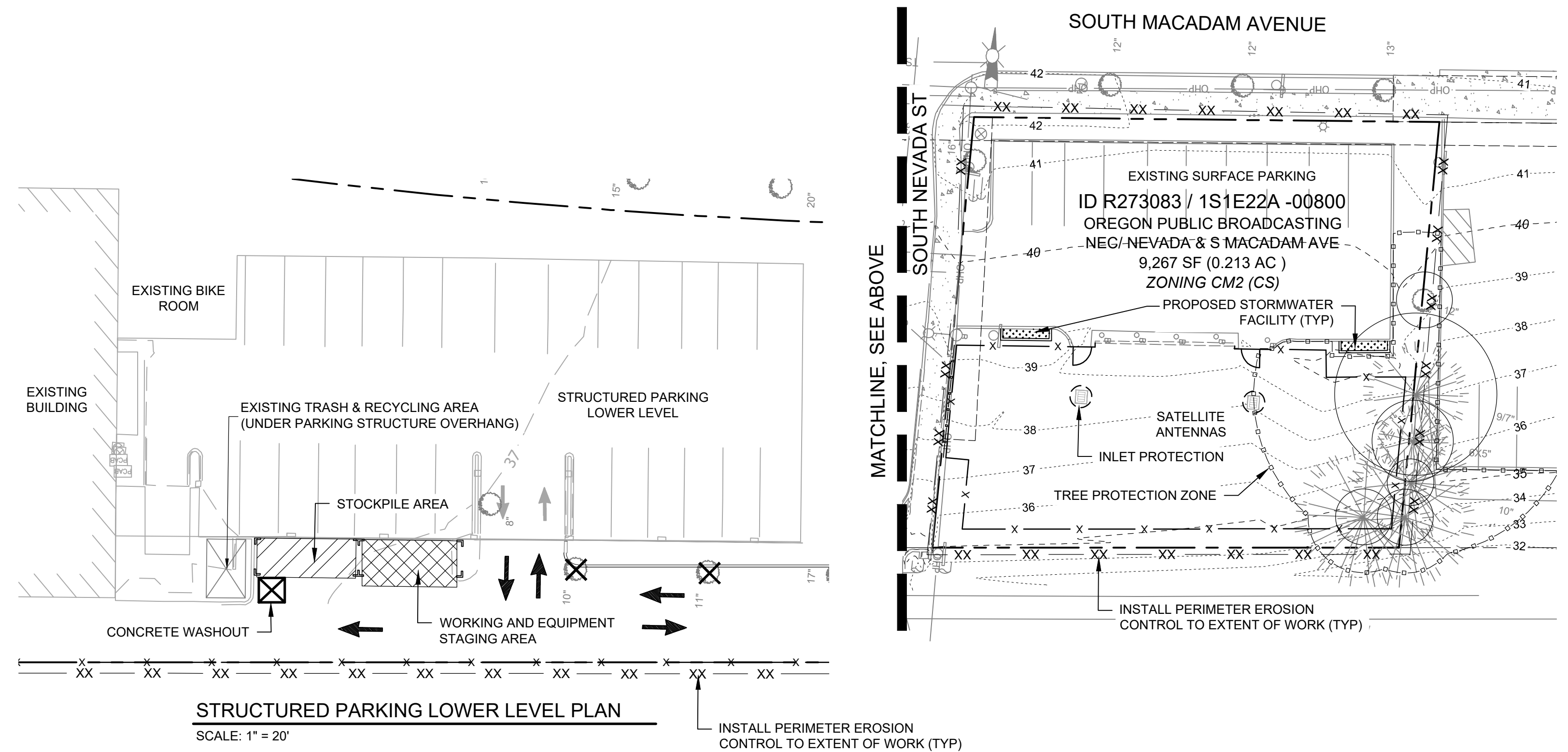
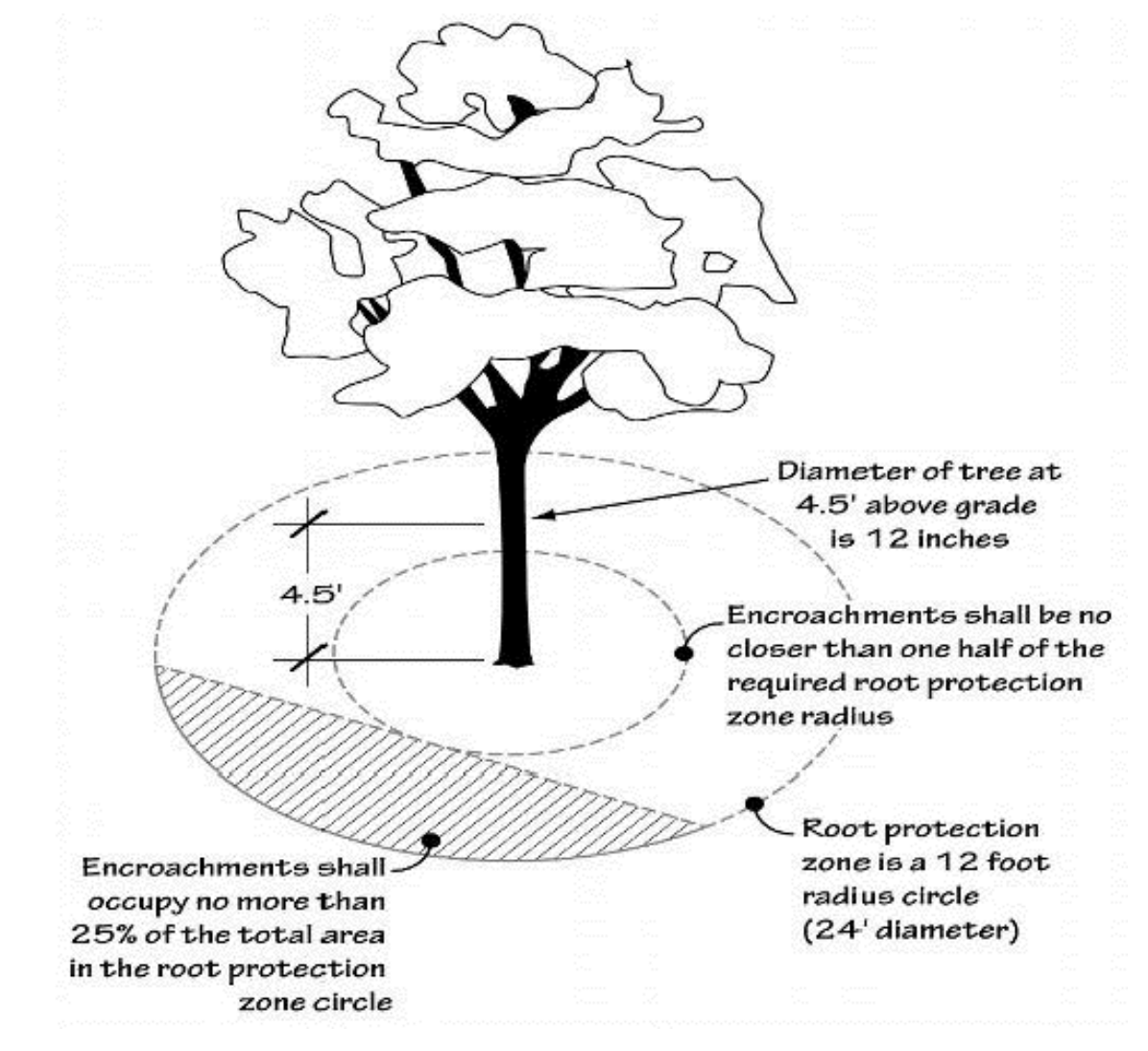
ID R167126 /
1S1E22AC-300
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ID R330299 / 1S1E22AC-00200
OREGON PUBLIC BROADCASTING
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WILLAMETTE SHORE TROLLEY RAIL TRACKS

ID R330300 / 1S1E22A -00900
CITY OF PORTLAND
WILLAMETTE PARK
ZONING OS

- LEGEND**
-  EXISTING RIGHT OF WAY
 -  EXISTING BOUNDARY LINE
 -  EASEMENT
 -  EXISTING 5' CONTOUR
 -  EXISTING 1' CONTOUR
 -  PROPOSED 5' CONTOUR
 -  PROPOSED 1' CONTOUR
 -  PROPOSED PERIMETER EROSION CONTROL
 -  PROPOSED INLET PROTECTION
 -  PROPOSED CONCRETE WASHOUT
 -  PROPOSED GRAVEL CONSTRUCTION ENTRANCE
 -  PROPOSED STOCKPILE AREA
 -  PROPOSED STAGING AREA
 -  TREE - DECIDUOUS
 -  TREE - CONIFER
 -  ON-SITE TREE DEMO
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REV	DATE	DESCRIPTION	BY

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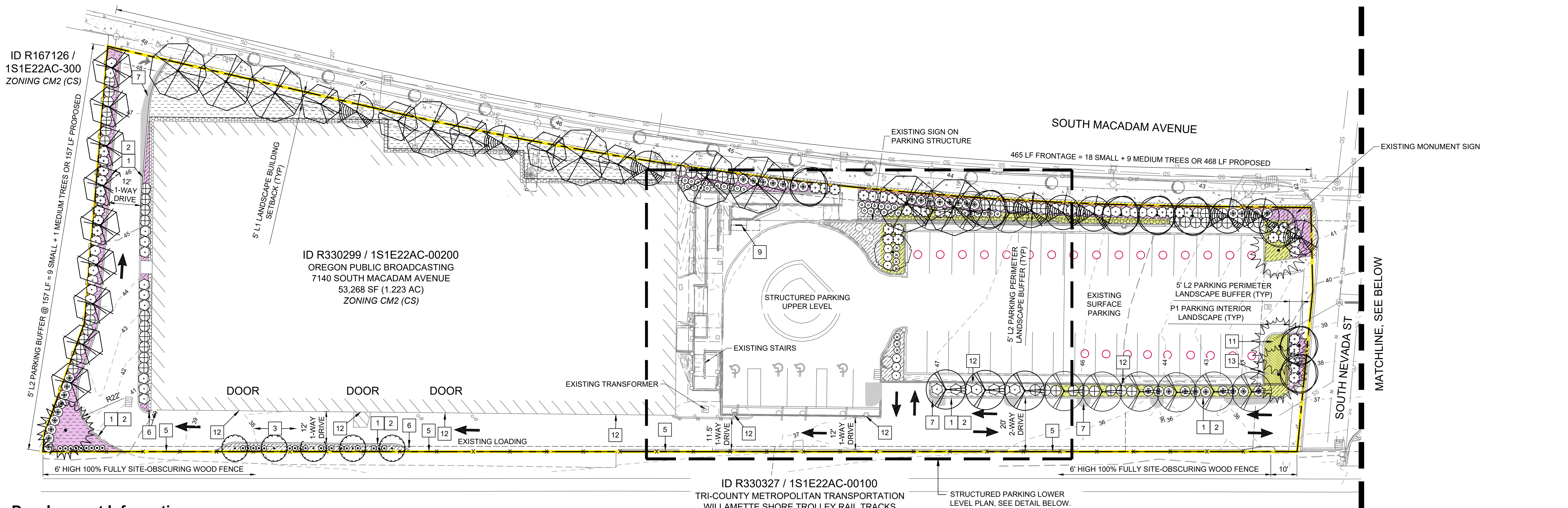
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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
CONSTRUCTION MANAGEMENT PLAN
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021

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SHEET

L2.5



Development Information

GROSS AREA: R330299, R273083 = 62,535 SF (1.436 AC)

DEVELOPMENT STANDARDS: CITY OF PORTLAND
ZONING BASE: STOREFRONT COMMERCIAL (CS)

LANDSCAPING AND SCREENING: (CHAPTER 33.248)
L2 LOW SCREEN:
 TREES = 1 LG / 30 LF, 1 MD / 22 LF, 1 SM / 15 LF
 SHRUBS (EVERGREEN) = 3' HT SCREEN W/ 3 YRS
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS
P1 PARKING LOT INTERIOR:
 TREES (20% EVERGREEN) = LG / 4 SPACES (150 SF MIN) = MD / 3 SPACES (75 SF MIN) = SM / 2 SPACES (50 SF MIN)
 SHRUBS = 1.5 SHRUBS / SPACE
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS

PARKING AND LOADING: (CHAPTER 33.266)
 PARKING LANDSCAPE @ STREET = 5' L2

TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)
 TREE PRESERVATION STANDARDS = EXEMPT
 ON-SITE TREE DENSITY STANDARDS = EXEMPT
 TREE RETAINED 1.5" < 6" DIA = SMALL TREE
 TREE RETAINED 6" + = MEDIUM TREE + 6" INCREMENTS

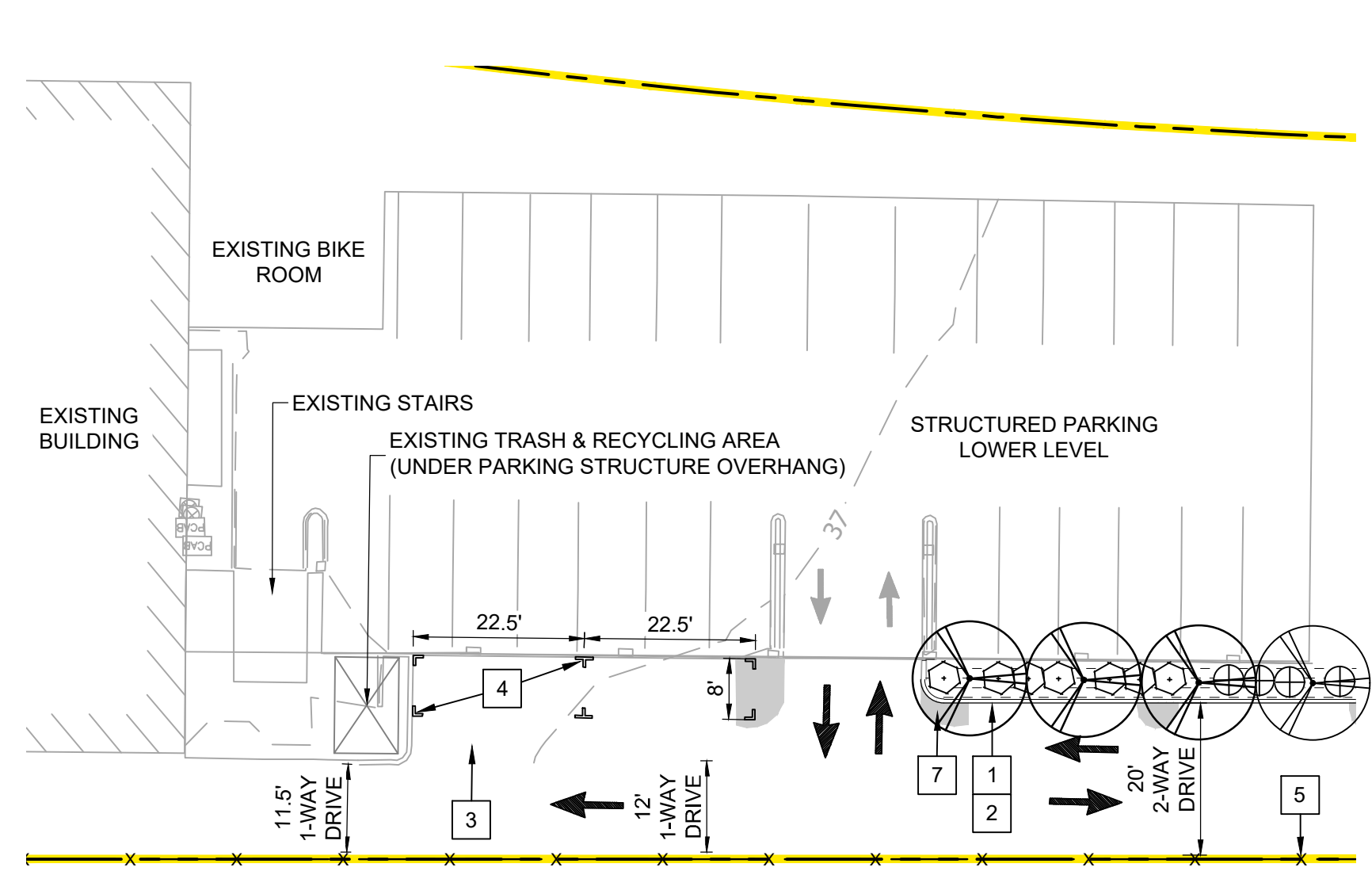
TECHNICAL SPECS: (CHAPTER 11.60)
 TREE SIZE ON-SITE = 1-1/2" CAL (5' HT CONIFER)

PROPOSED DEVELOPMENT:
 SURFACE PARKING EXISTING = 35 SPACES
 PARKING PERIMETER LANDSCAPE = 5' L2
 PARKING INTERIOR LANDSCAPE = 1,622 SF (1,575 SF REQ)
 PARKING INTERIOR TREES:
 MEDIUM: 3 SPACES x 4 TREES = 12 SPACES
 SMALL: 2 SPACES x 14 TREES = 28 SPACES
 TOTAL PROPOSED INTERIOR = 40 SPACES (35 REQ)
 EVERGREEN DIVERSITY (4/18) = 22% (20% REQ)
 PARKING INTERIOR SHRUBS = 78 SHRUBS (53 SHRUBS REQ)

SITE CONSTRUCTION NOTES

- PROPOSED STANDARD 6" CONCRETE CURB. CONTRACTOR TO SAWCUT OUT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE FROM SAWCUT. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AROUND ALL CONSTRUCTED CURB ISLANDS. ENSURE NO PONDING AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY.
- PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM.
- PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
- REINSTALL 4" WIDE PARKING STRIPE TO ORIGINAL CONDITION (TYP), MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM.
- PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE. SEE DETAIL SHEET L3.1.
- PROPOSED BOLLARDS, MATCH EXISTING BOLLARDS TO REMAIN.
- PROPOSED ASPHALT PAVING, MATCH ADJACENT.
- PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE (F2) & GATES WITH ANTI-CLIMB SECURITY BARRIER. ANTI-CLIMB SECURITY BARRIER SHALL BE GALVANIZED RAZOR CHANNEL W PROFILE SECURITY SPIKES OR APPROVED EQUAL. INSTALL ON SATELLITE SIDE CORNER OF 2" X 6" CEDAR TOP. SEE SIMILAR DETAIL SHEET L3.1.
- PROPOSED 2 SPACE SHORT-TERM BIKE RACK.
- PROPOSED FENCE AND ART MURAL, SEE SHEET L3.5
- PROPOSED STORMWATER PLANTER PER BES DWG SW-231, SEE SHEET L3.1 FOR LEGEND.
- REMOVE AND REPLACE ALL EXISTING LIGHT FIXTURES ON THE EAST FACADE WITH IDA CERTIFIED DARK SKY COMPLIANT LIGHT FIXTURE, LUXLOGIC LIGHTING MODEL WARRIOR WALL PACK SERIES OR APPROVED EQUAL.
- CONTRACTOR TO INSPECT EXISTING CONCRETE WALL AND REPORT OVERALL CONDITION, WALL DEPTH, AND FOOTING SIZE TO ENGINEER.
- PROPOSED 8" C900 STORM PIPE.

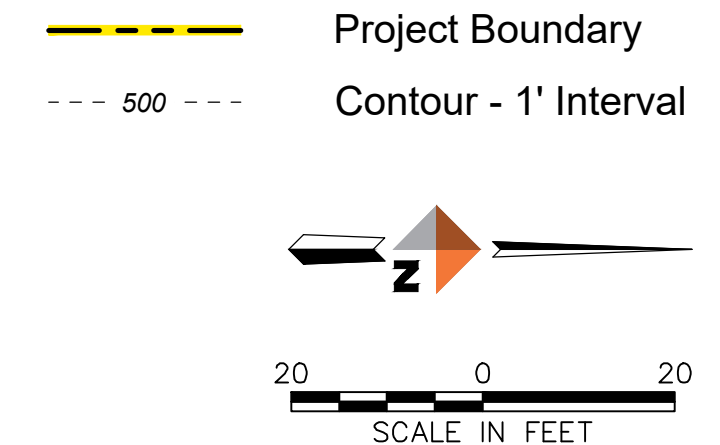
ID R330300 / 1S1E22A -00900
 CITY OF PORTLAND
 WILLAMETTE PARK
 ZONING OS



STRUCTURED PARKING LOWER LEVEL PLAN

SCALE: 1" = 20'

Legend



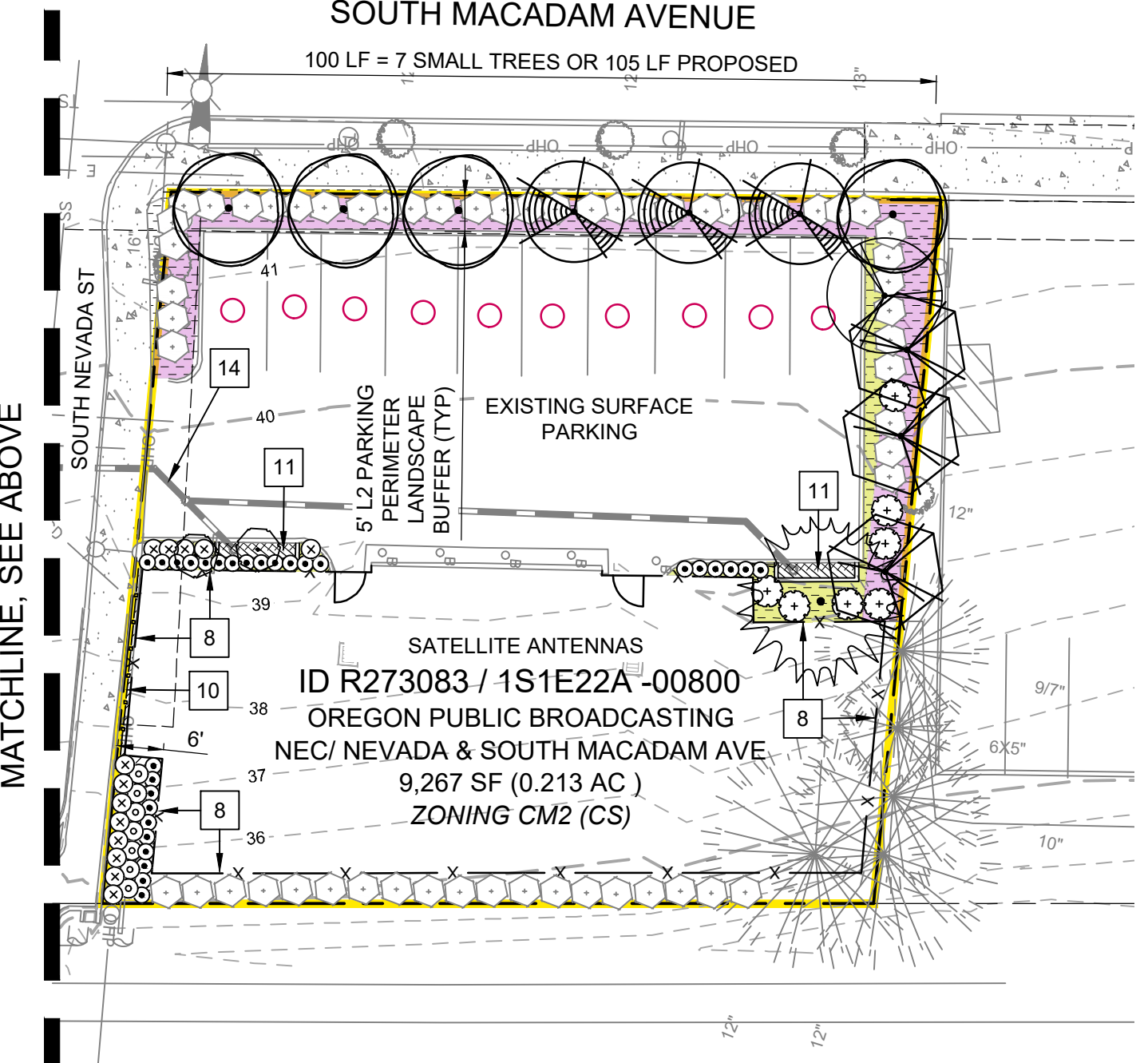
6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE



ANTI-CLIMB SECURITY BARRIER



DARK SKY LIGHT FIXTURE, LUXLIGHTING WARRIOR WALL PACK SERIES



REV	DATE	DESCRIPTION	BY

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 Portland, Oregon 97205
 971-280-8641

**OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
 SITE AND LANDSCAPE PLAN**

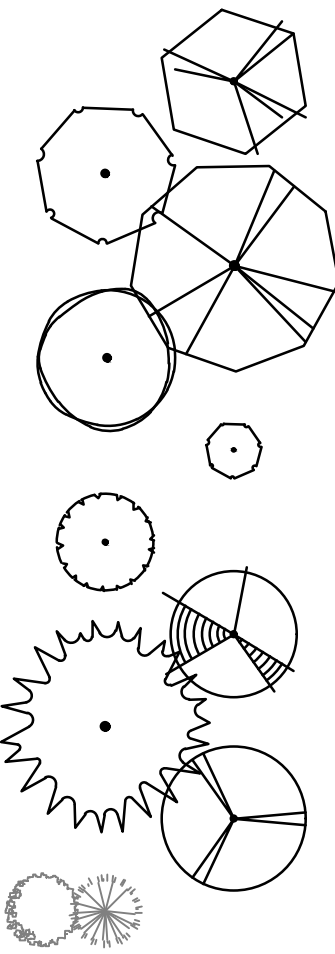
PROJECT 14545.01
 DATE 11/09/2021

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 SHEET

L3.0

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PLANT MATERIALS LEGEND



TREES ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL EUROPEAN HORNBEAM	1-1/2" CAL / B&B AS SHOWN	17	35" H X 25" W / SMALL / 4' PLANTER 5' BRANCHING HT / DROUGHT TOLERANT
LAGERSTROEMIA X 'TUSCARORA' TUSCARORA CRAPE MYRTLE	1-1/2" CAL / B&B MULTI-STEM	1	15" H X 15" W / SMALL / 3' PLANTER 5' MIN BRANCHING HT / POWER LINES
NYSSA SYLVATICA 'JFS-RED' FIRESTARTER TUPELO	1-1/2" CAL / B&B AS SHOWN	9	35" H X 18" W / MEDIUM / 4' PLANTER 5' BRANCHING HT / CENTRAL LEADER
PARROTIA PERSICA 'VANESSA' VANESSA PERSIAN PARROTIA	1-1/2" CAL / B&B AS SHOWN	12	40" H X 20" W / SMALL / 4' PLANTER 5' BRANCHING HT / POWER LINES
QUERCUS ROBUR X BICO 'NADLER' KINDRED SPIRIT OAK	1-1/2" CAL / B&B AS SHOWN	2	30" H X 6" W / SMALL / TIGHTLY COLUMNAR 5' BRANCHING HT / DROUGHT TOLERANT
RHAMNUS (FRANGULA) PURSHIANA CASCARA	1-1/2" CAL / B&B AS SHOWN	5	30" H X 25" W / SMALL / 4' PLANTER PDX NATIVE / WET TOLERANT / POWER LIN
STYRAX JAPONICUS 'JFS-D' SNOWCONE JAPANESE SNOWBELL	1-1/2" CAL / B&B AS SHOWN	12	25" H X 20" W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
CALOCEDRUS DECURRENS INCENSE CEDAR	6" - 7" HT / B&B 1.75" CAL	5	100" H X 30" W / MEDIUM / 6' PLANTER NATIVE EVERGREEN / ZONE A/B
ZELKOVA SERRATA 'MUSASHINO' MUSASHINO COLUMNAR ZELKOVA	1-1/2" CAL / B&B AS SHOWN	13	45" H X 15" W / SMALL / 4' PLANTER 5' BRANCHING HT / NARROW VASE
EXISTING TREE TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

SHRUBS & ACCENTS ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
ABELIA 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	5 GAL CONT 4'-0" OC	33	6' H X 6' W / EVERGREEN DROUGHT TOLERANT
ARBUTUS UNEDO 'COMPACTA' COMPACT STRAWBERRY TREE	5 GAL CONT 4'-0" OC	53	6' H X 5' W / EVERGREEN DROUGHT TOLERANT
CISTUS X PULVERULENTUS 'SUNSET' MAGENTA ROCK ROSE	2 GAL CONT 3'-0" OC	6	2' H X 4' W / EVERGREEN FULL SUN / DROUGHT TOLERANT
ILEX CRENATA 'SKY PENCIL' SKY PENCIL JAPANESE HOLLY	3' - 4' HT / B&B 2'-0" OC	56	8' H X 3' W / HIGH SCREEN SHRUB EVERGREEN
LIGUSTRUM JAPONICUM 'TEXANUM' WAXLEAF PRIVET	5 GAL CONT 4'-0" OC	60	8' H X 6' W / GLOSSY EVERGREEN PT - FULL SUN / DROUGHT TOLERANT
MISCANTHUS 'PURPURASCENS' AUTUMN FLAME GRASS	2 GAL CONT 2'-6" OC	40	5' H X 3' W / UPRIGHT BRILLIANT RED-ORANGE FALL COLOR
MYRICA CALIFORNICA PACIFIC WAX MYRTLE	5 GAL CONT 4'-0" OC	39	10' H X 6' W / HIGH SCREEN SHRUB PDX NATIVE / EVERGREEN
PENNISETUM A. 'HADELN' HADELN FOUNTAIN GRASS	2 GAL CONT 30" OC	20	30" H X 30" W
EXISTING SHRUB TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

GROUNDCOVERS & MISC ITEM	SIZE	QTY.	MATURE SIZE (H X W)
ARCTOSTAPHYLOS UVA-URSI 'MASS.' MASS KINNIKINICK	1 GAL 2'-0" OC	3,049 SF 882 PLANTS	9" H X 3" W / EVERGREEN NATIVE / DROUGHT TOLERANT
MAHONIA REPENS CREEPING MAHONIA	1 GAL 2'-0" OC	4,876 SF 1,410 PLANTS	18" H X 3" W / EVERGREEN PNW NATIVE / SUN - PT SHADE
DECORATIVE ROCK BAND @ BUILDING VALLEY LANDSCAPE CENTER SURE-LOC STEEL EDGING 15" STEEL STAKES, COLOR BLACK	18" X 6" 3/16" X 4" X 16"	675 SF 13 CY 460 LF	WASHED RIVER ROCK, SIZE 2" - 3" MIRAFI 140 N NON-WOVEN GEO-TEXTILE TUALATIN, 503-692-0606

STORMWATER FACILITY PLANT MATERIALS:

GROUNDCOVERS ITEM	SIZE	QTY.	POTENTIAL HEIGHT / PLANTING ZONE
CAREX OBNUPTA SLOUGH SEDGE	1 GAL CONT 80 / 100 SF	100 SF 80 TOTAL	PNW NATIVE 48" H / ZONE A / SUN - PART SHADE
JUNCUS PATENS SPREADING RUSH	1 GAL CONT 80 / 100 SF	97 SF 78 TOTAL 158 TOTAL	PNW NATIVE 36" H / ZONE A / SUN - PART SHADE

STORMWATER FACILITIES (PDX STORMWATER MANAGEMENT MANUAL):
 MAINTENANCE = 2-YEAR (CHAPTER 3)
 STORMWATER FACILITY = FLAT-BOTTOM RAIN GARDEN
 ZONE A TOTAL = 197 SF
 ZONE A HERBACEOUS (80 / 100 SF) = 158 PLANTS (158 PLANTS REQ)



PYRAMIDAL EUROPEAN HORNBEAM



TUSCARORA CRAPE MYRTLE



FIRESTARTER TUPELO



VANESSA PERSIAN PARROTIA



CASCARA



KINDRED SPIRIT OAK



SNOWCONE JAPANESE SNOWBELL



INCENSE CEDAR



MUSASHINO COLUMNAR ZELKOVA



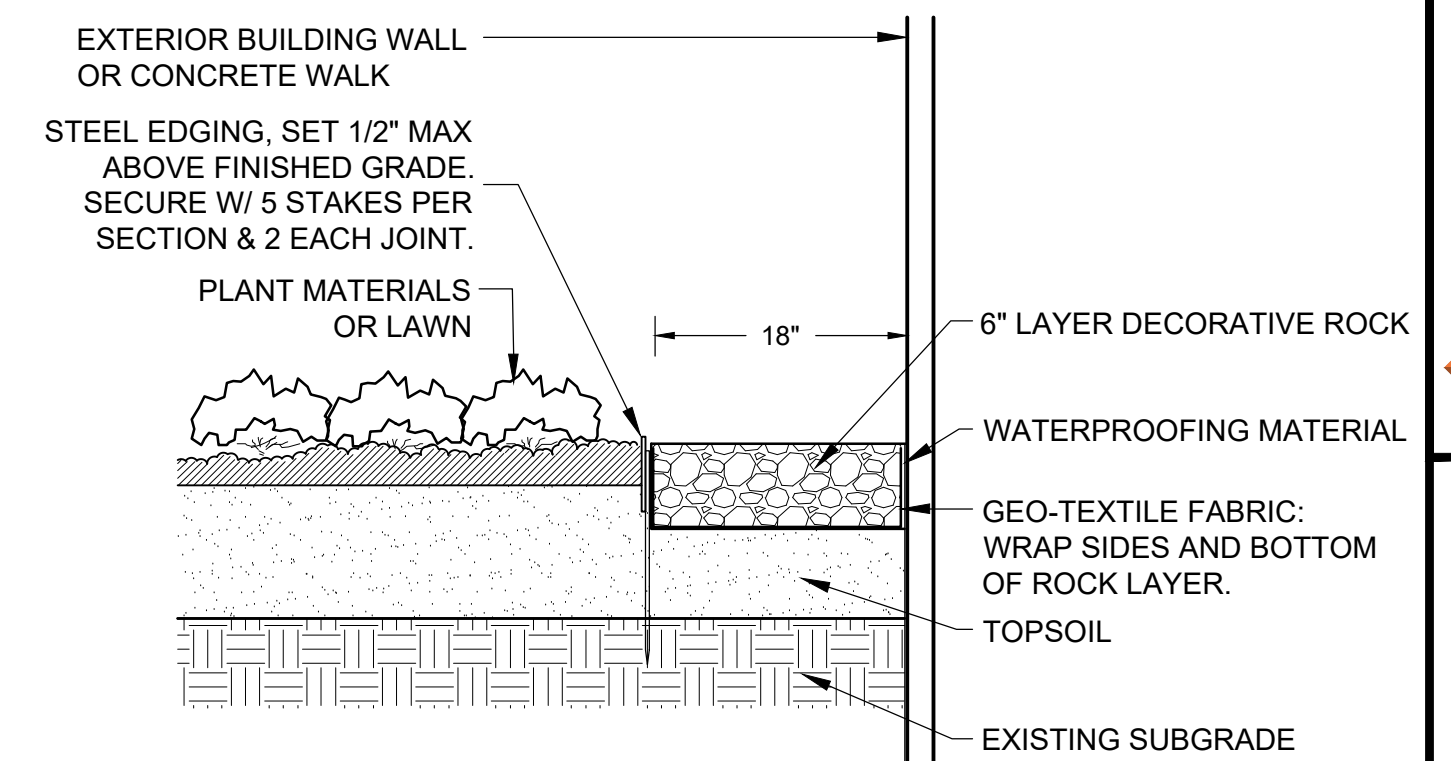
SKY PENCIL JAPANESE HOLLY



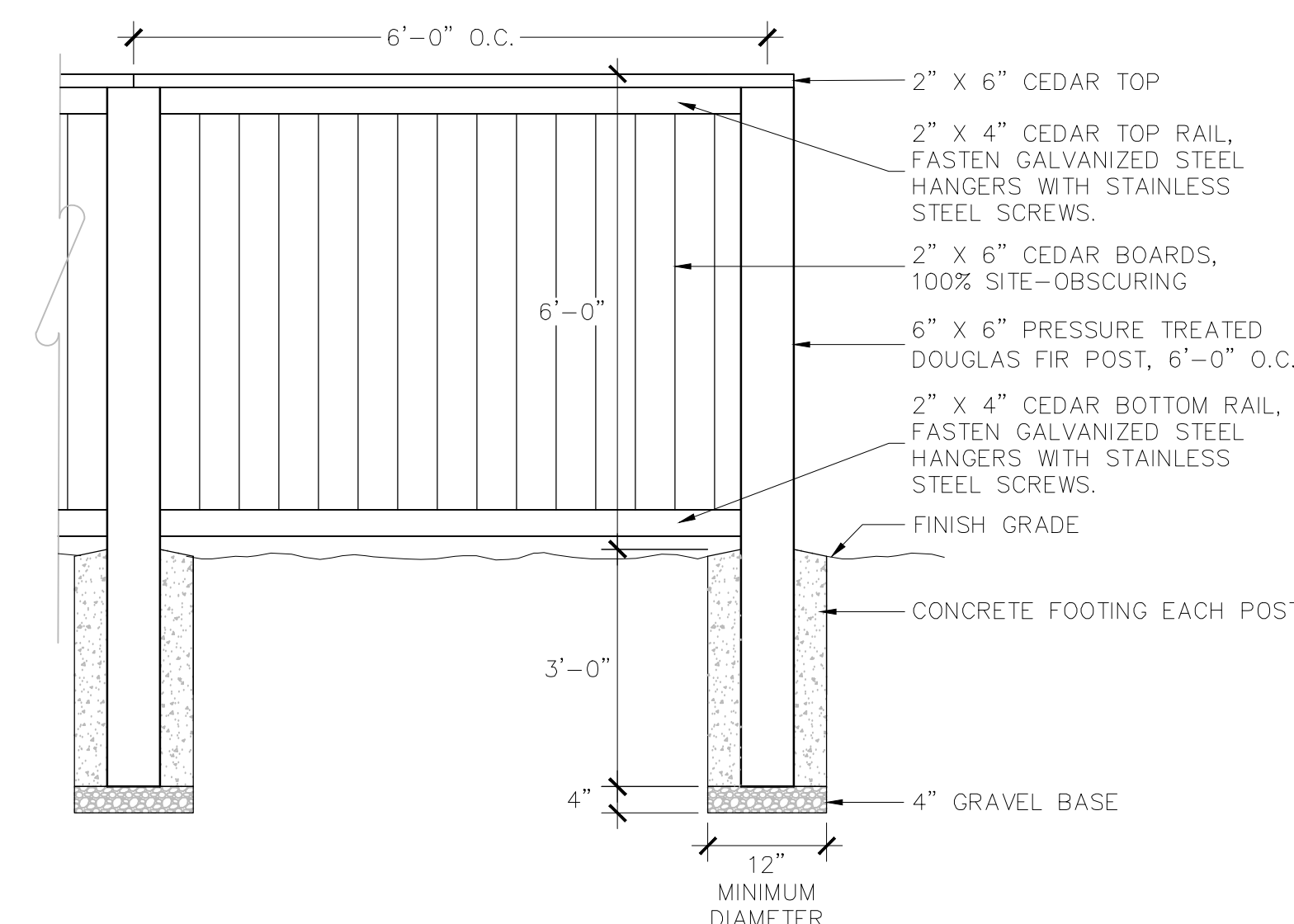
AUTUMN FLAME GRASS



HADELN FOUNTAIN GRASS



DECORATIVE ROCK BORDER DETAIL
SCALE: NOT TO SCALE



6' HIGH 100% FULLY SITE-OBSCURING SOLID WOOD FENCE (F2)
SCALE: NOT TO SCALE

REV	DATE	DESCRIPTION	BY

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
PLANT MATERIALS LEGEND AND DETAILS
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021

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SHEET

L3.1

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SITE RENDERING - ART SHOWN IS FOR EXAMPLE ONLY AND DOES NOT REFLECT PROPOSED ART. ARTIST SELECTION TO BE COORDINATED BY RACC
SCALE: NOT TO SCALE

REV	DATE	DESCRIPTION	BY

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 Portland, Oregon 97205
 971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
FENCE AND ART MURAL RENDERING
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021

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SHEET

L3.5



November 11, 2021

Julie Livingston, Chair
Portland Design Commission
1900 SW Fourth Avenue
Portland, OR 97201

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

Dear Ms. Livingston,

This letter is provided on behalf of OPB (applicant) to address comments from the City of Portland (City) Design Commission made during the first evidentiary hearing on November 4, 2021 regarding the OPB Nonconforming Upgrades project (LU 21-012886 DZM GW). The provided comments were specific to two aspects of the applicant's proposal:

- Barbed wire proposed above a new six foot wood fence located along the frontage of South Nevada Street; and
- Revisions to condition of approval "C" as proposed by City staff to allow for greater flexibility in the implementation of public artwork or permanent signage relevant to the Macadam Greenway context.

In response to concerns about the proposed barbed wire and its aesthetic impact to an identified view corridor (South Nevada Street) and the pedestrian entrance to Willamette Park, the applicant has revised the proposed six foot wood fence in this location to instead include lower profile anti-climb security spikes. The proposed security spikes will be approximately two inches high and will be mounted on the inside (satellite dish side) of the top rail of the fence, with the spikes pointing upward. These security spikes will serve as a necessary security measure that will prevent unauthorized entrance to the satellite dish area. As noted during the hearing, these satellite dishes and associated equipment not only support OPB's radio broadcasting services, but also support the emergency notification system for the State of Oregon. A sample of the proposed security spikes are shown on Sheet L3.0 of the revised plan set (attached), and a rendering of this portion of the OPB site, including the proposed spikes, is shown on Sheet L3.5. As noted in the construction notes on Sheet L3.0, the applicant may install an approved equal product depending on product availability at the time of construction, which allows for the security spikes to be custom fabricated or obtained from an alternate manufacturer if necessary.

In addition, the applicant has provided proposed revised language for condition of approval "C" as originally proposed in the staff report and recommendation to the Design Commission, dated October 25, 2021. As noted during the hearing, additional flexibility should be provided with this condition of approval to avoid restricting or limiting possible public art or sign installations. The applicant's proposed revised language is included below, which provides the applicant with additional flexibility in design and implementation of possible public art or historical context signage:

C. Within two years of final approval of this land use review, the property owner shall either:

- (1) Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or**
- (2) Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.**

If you have any questions regarding the proposed alterations to the site plan and condition of approval language, please do not hesitate to contact me at (971) 229-8318 or at mrobinson@dowl.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Robinson', followed by a long horizontal line extending to the right.

Matthew Robinson
Associate Planner

cc: Hannah Bryant, BDS (via email)
Read Stapleton, DOWL (via email)
Kyle Davis, OPB (via email)
Dana Krawczuk, Stoel Rives (via email)

Attachment(s):

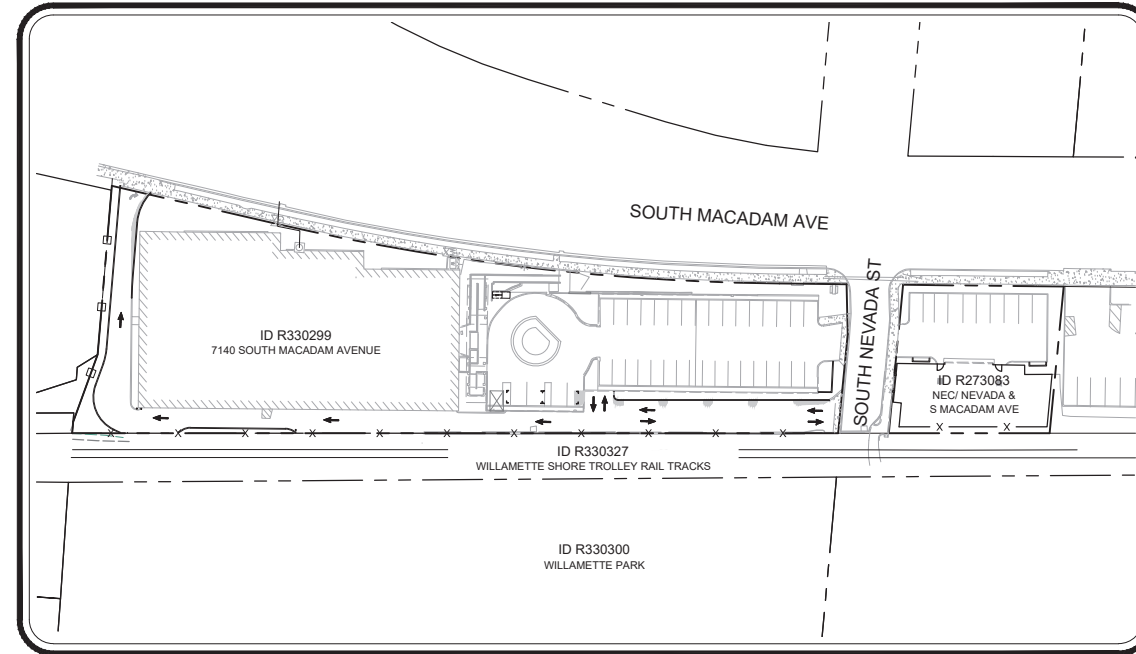
1. OPB Nonconforming Upgrades Plan Set (Updated, 11-11-2021)

OPB - MACADAM AVE NONCONFORMING UPGRADES

PREPARED FOR OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
PORTLAND, OR 97219



VICINITY MAP
SCALE: NTS



SITE PLAN
SCALE 1" = 60'

SHEET INDEX

- L1.0 COVER SHEET
- L2.0 EXISTING CONDITIONS AND DEMO PLAN
- L2.5 CONSTRUCTION MANAGEMENT PLAN
- L3.0 SITE / LANDSCAPE PLAN
- L3.1 PLANT MATERIALS LEGEND AND DETAILS
- L3.5 FENCE AND ART MURAL RENDERING

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
COVER SHEET
LOCATED IN THE NORTHEAST 1/4 OF SECTION 22,
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT TEAM

OWNER
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
PORTLAND, OR 97219
ATTN: KYLE DAVIS
PHONE: (503)293-1999

PLANNER
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: READ STAPLETON, AICP
PHONE: (971)280-8641

LANDSCAPE ARCHITECT
DOWL LLC
720 SW WASHINGTON STREET, SUITE 750
PORTLAND, OR 97205
ATTN: WAYNE IAZZETTI, RLA
PHONE: (971)280-8641

PROJECT 14545.01
DATE 11/09/2021

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L1.0

\\bill-hill-projects\22114545-01\65CAD\landscape_DD\SC-LS-CMP-OPB_NCU.dwg PLOT DATE 2021-11-9 09:55 SAVED DATE 2021-10-14 18:07 USER: wbazzett

ID R167126 /
1S1E22AC-300
ZONING CM2 (CS)

ID R330299 / 1S1E22AC-00200
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVENUE
53,268 SF (1.223 AC)
ZONING CM2 (CS)

ID R330327 / 1S1E22AC-00100
TRI-COUNTY METROPOLITAN TRANSPORTATION
WILLAMETTE SHORE TROLLEY RAIL TRACKS

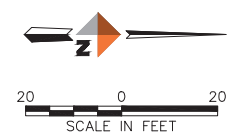
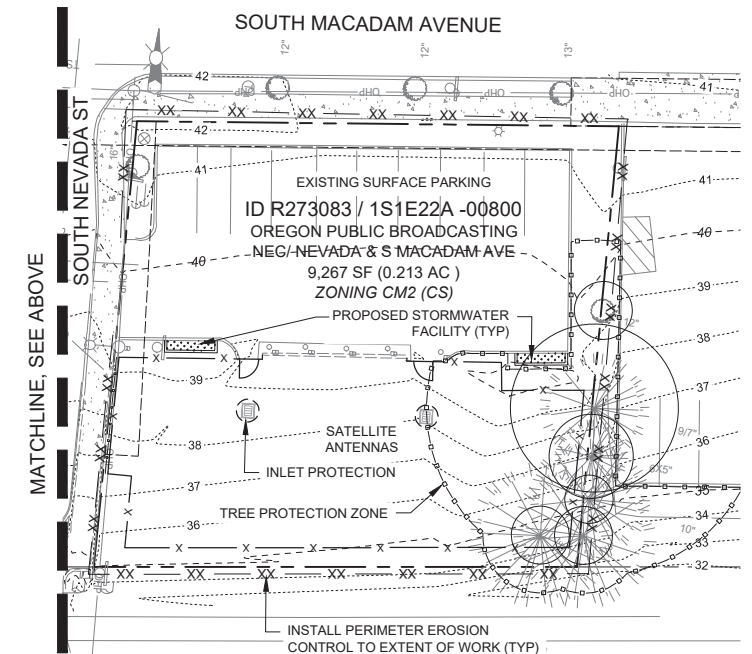
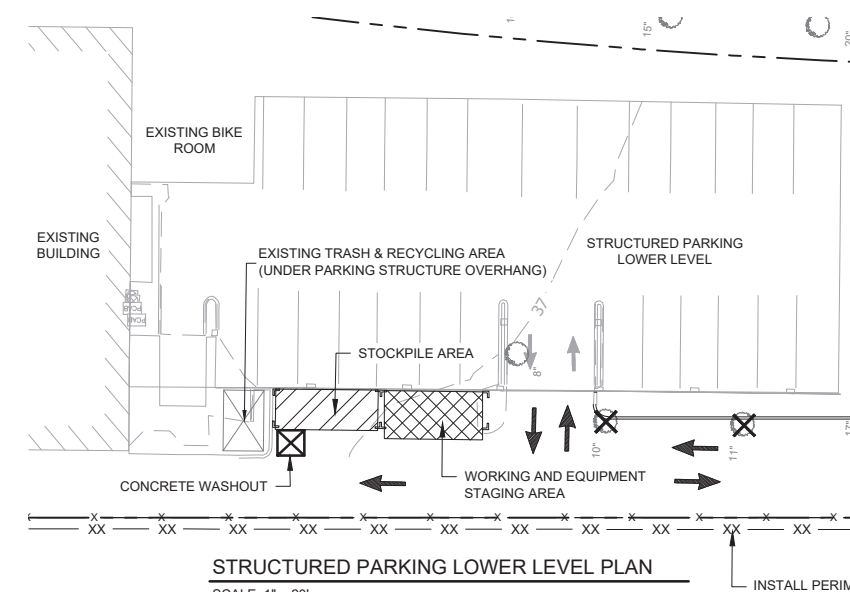
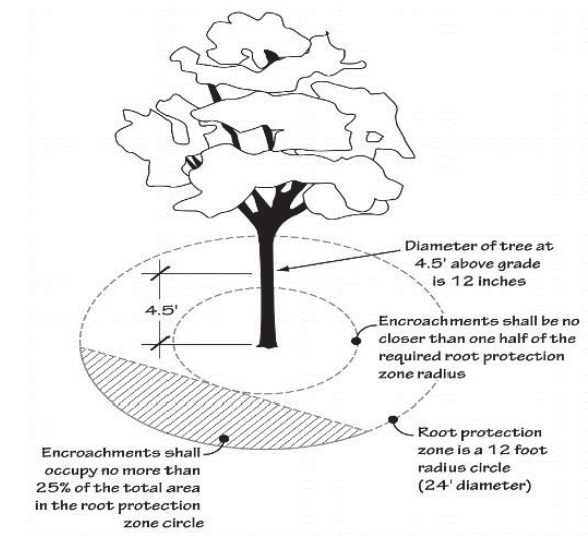
ID R330300 / 1S1E22A -00900
CITY OF PORTLAND
WILLAMETTE PARK
ZONING OS

SOUTH MACADAM AVENUE

SOUTH MACADAM AVENUE

MATCHLINE, SEE BELOW

- LEGEND**
- — — — — EXISTING RIGHT OF WAY
 - — — — — EXISTING BOUNDARY LINE
 - - - - - EASEMENT
 - - - - - EXISTING 5' CONTOUR
 - - - - - EXISTING 1' CONTOUR
 - - - - - PROPOSED 5' CONTOUR
 - - - - - PROPOSED 1' CONTOUR
 - XX — XX — PROPOSED PERIMETER EROSION CONTROL
 - ○ ○ ○ ○ PROPOSED INLET PROTECTION
 - ⊗ ⊗ ⊗ ⊗ ⊗ PROPOSED CONCRETE WASHOUT
 - ▨ ▨ ▨ ▨ ▨ PROPOSED GRAVEL CONSTRUCTION ENTRANCE
 - ▩ ▩ ▩ ▩ ▩ PROPOSED STOCKPILE AREA
 - ▧ ▧ ▧ ▧ ▧ PROPOSED STAGING AREA
 - ○ ○ ○ ○ TREE - DECIDUOUS
 - ○ ○ ○ ○ TREE - CONIFER
 - ⊗ ⊗ ⊗ ⊗ ⊗ ON-SITE TREE DEMO
 - PROPOSED TREE PROTECTION ZONE, SEE COP TREE PROTECTION SPECIFICATIONS 11.60.030. (6' HIGH ORANGE PLASTIC FENCE SECURED TO GROUND WITH 8" METAL POSTS, SIGNAGE DESIGNATING THE PROTECTION ZONE AND PENALTIES FOR VIOLATIONS SHALL BE SECURED IN A PROMINENT LOCATION ON EACH PROTECTION FENCE)



REV	DATE	DESCRIPTION	BY

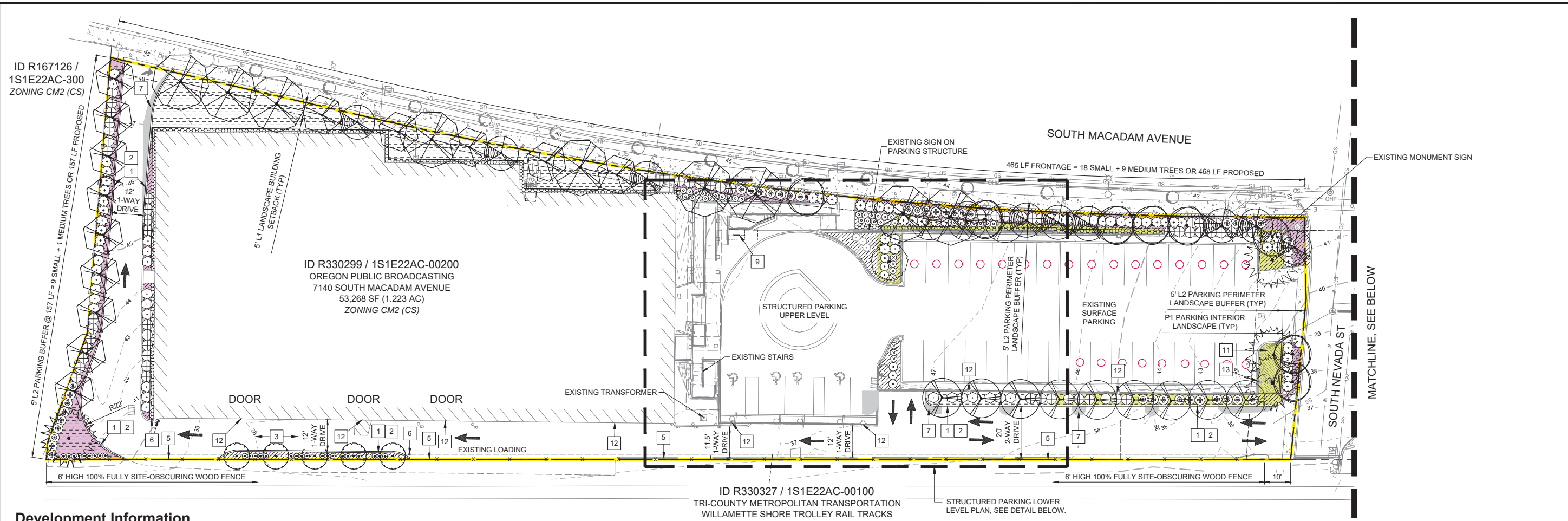
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**OPB - MACADAM AVENUE NONCONFORMING UPGRADES
PORTLAND, OR
CONSTRUCTION MANAGEMENT PLAN**

LOCATED IN THE NORTHEAST 1/4 OF SECTION 22
TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021
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SHEET	
L2.5	



Development Information

GROSS AREA: R330299, R273083 = 62,535 SF (1.436 AC)

DEVELOPMENT STANDARDS: CITY OF PORTLAND
ZONING BASE: STOREFRONT COMMERCIAL (CS)

LANDSCAPING AND SCREENING: (CHAPTER 33.248)
L2 LOW SCREEN:
 TREES = 1 LG / 30 LF, 1 MD / 22 LF, 1 SM / 15 LF
 SHRUBS (EVERGREEN) = 3' HT SCREEN W/ 3 YRS
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS

P1 PARKING LOT INTERIOR:
 TREES (20% EVERGREEN) = LG / 4 SPACES (150 SF MIN) = MD / 3 SPACES (75 SF MIN) = SM / 2 SPACES (50 SF MIN)
 SHRUBS = 1.5 SHRUBS / SPACE
 GROUND COVER PLANTS = FULL COVER W/ 3 YRS

PARKING AND LOADING: (CHAPTER 33.266)
 PARKING LANDSCAPE @ STREET = 5' L2

TREES IN DEVELOPMENT SITUATIONS: (CHAPTER 11.50)
 TREE PRESERVATION STANDARDS = EXEMPT
 ON-SITE TREE DENSITY STANDARDS = EXEMPT
 TREE RETAINED 1.5" - 6" DIA = SMALL TREE
 TREE RETAINED 6" + = MEDIUM TREE + 6" INCREMENTS

TECHNICAL SPECS: (CHAPTER 11.60)
 TREE SIZE ON-SITE = 1-1/2" CAL (5' HT CONIFER)

PROPOSED DEVELOPMENT:

- SURFACE PARKING EXISTING = 35 SPACES
- PARKING PERIMETER LANDSCAPE = 5' L2
- PARKING INTERIOR LANDSCAPE = 1,622 SF (1,575 SF REQ)
- PARKING INTERIOR TREES:
 - MEDIUM: 3 SPACES x 4 TREES = 12 SPACES
 - SMALL: 2 SPACES x 14 TREES = 28 SPACES
 - TOTAL PROPOSED INTERIOR = 40 SPACES (35 REQ)
 - EVERGREEN DIVERSITY (4/18) = 22% (20% REQ)
 - PARKING INTERIOR SHRUBS = 78 SHRUBS (53 SHRUBS REQ)

SITE PLAN GENERAL NOTES:

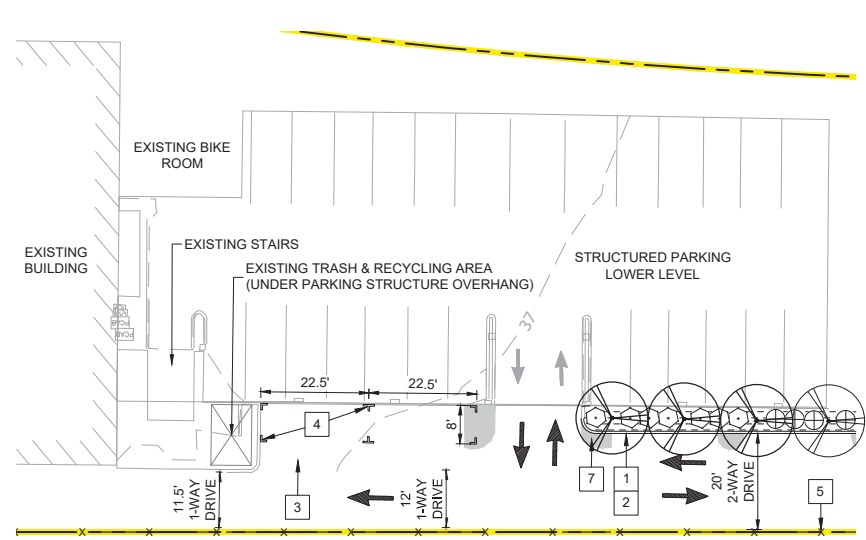
1. THIS APPLICATION IS VESTED TO THE ZONING IN EFFECT ON SEPTEMBER 15, 2017, THE DATE OF THE ORIGINAL BUILDING PERMIT SUBMITTAL (17-241-498 CO) THAT TRIGGERED NONCONFORMING UPGRADES.
1. **PLANT LEGEND & DETAILS:** SEE SHEET L3.1.
2. **MULCH:** ALL PLANTING AREAS SHALL BE MULCHED WITH 3" MIN DEPTH BARK MULCH, FRESH FIR MEDIUM GRIND.
3. **IRRIGATION:** ALL PROPOSED PLANT MATERIALS SHALL BE WATERED (MAY TO OCTOBER) & MAINTAINED FOR A MINIMUM OF TWO (2) FULL GROWING SEASONS AFTER THE DATE OF PLANTING INSTALLATION. TREES SHALL BE WATERED AT A RATE OF 15 GALLONS PER TREE ONCE PER WEEK, SHRUBS & GROUNDCOVERS AT A RATE OF 1" PER WEEK TO MAINTAIN VIGOROUS HEALTHY GROWTH.

Notes:
 1. Map information based on Topographic Survey provided by S&F Land Services, dated July 6, 2021. Dowl has not verified accuracy of this information.

SITE CONSTRUCTION NOTES

1. PROPOSED STANDARD 6" CONCRETE CURB. CONTRACTOR TO SAWCUT OUT EXISTING ASPHALT TO INSTALL NEW CURB LINE AND LANDSCAPE ISLAND. REMOVE ASPHALT IN ISLAND SECTION AND DISPOSE OF OFF-SITE. INSTALL ASPHALT TO NEW CURB LINE FROM SAWCUT. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AROUND ALL CONSTRUCTED CURB ISLANDS. ENSURE NO PONDING AT NEW CURB LINE AND INSTALL 2" WIDE FLUSH CURB SECTIONS WHERE NECESSARY.
2. PAINT RED NO PARKING ON CURB. PROVIDE (2) COATS OF PAINT MINIMUM.
3. PAINT BLACK STRIPING ON ASPHALT TO REMOVE EXISTING PARKING. PROVIDE (2) COATS OF PAINT MINIMUM.
4. REINSTALL 4" WIDE PARKING STRIPE TO ORIGINAL CONDITION (TYP), MATCH EXISTING ADJACENT COLOR. PROVIDE (2) COATS OF PAINT MINIMUM.
5. PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE. SEE DETAIL SHEET L3.1.
6. PROPOSED BOLLARDS, MATCH EXISTING BOLLARDS TO REMAIN.
7. PROPOSED ASPHALT PAVING, MATCH ADJACENT.
8. PROPOSED 6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE (F2) & GATES WITH ANTI-CLIMB SECURITY BARRIER. ANTI-CLIMB SECURITY BARRIER SHALL BE GALVANIZED RAZOR CHANNEL W PROFILE SECURITY SPIKES OR APPROVED EQUAL. INSTALL ON SATELLITE SIDE CORNER OF 2" X 6" CEDAR TOP. SEE SIMILAR DETAIL SHEET L3.1.
9. PROPOSED 2 SPACE SHORT-TERM BIKE RACK.
10. PROPOSED FENCE AND ART MURAL, SEE SHEET L3.5
11. PROPOSED STORMWATER PLANTER PER BES DWG SW-231, SEE SHEET L3.1 FOR LEGEND.
12. REMOVE AND REPLACE ALL EXISTING LIGHT FIXTURES ON THE EAST FACADE WITH IDA CERTIFIED DARK SKY COMPLIANT LIGHT FIXTURE, LUXLOGIC LIGHTING MODEL WARRIOR WALL PACK SERIES OR APPROVED EQUAL.
13. CONTRACTOR TO INSPECT EXISTING CONCRETE WALL AND REPORT OVERALL CONDITION, WALL DEPTH, AND FOOTING SIZE TO ENGINEER.
14. PROPOSED 8" C900 STORM PIPE.

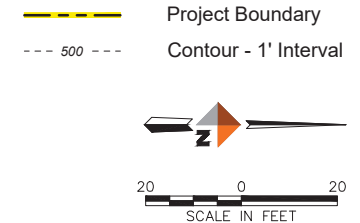
ID R330300 / 1S1E22A -00900
 CITY OF PORTLAND
 WILLAMETTE PARK
 ZONING OS



STRUCTURED PARKING LOWER LEVEL PLAN

SCALE: 1" = 20'

Legend



6' HIGH 100% FULLY SITE-OBSCURING WOOD FENCE



ANTI-CLIMB SECURITY BARRIER



DARK SKY LIGHT FIXTURE, LUXLIGHTING WARRIOR WALL PACK SERIES

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OPB - MACADAM AVENUE NONCONFORMING UPGRADES PORTLAND, OR

SITE AND LANDSCAPE PLAN

LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

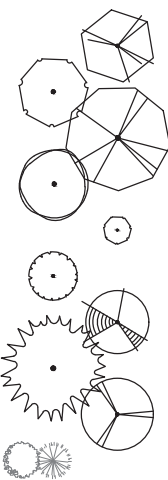
PROJECT	14545.01
DATE	11/09/2021

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 SHEET

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PLANT MATERIALS LEGEND



TREES ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL EUROPEAN HORNBEAM	1-1/2" CAL / B&B AS SHOWN	17	35' H X 25' W / SMALL / 4' PLANTER 5' BRANCHING HT / DROUGHT TOLERANT
LAGERSTROEMIA X 'TUSCARORA' TUSCARORA CRAPE MYRTLE	1-1/2" CAL / B&B MULTI-STEM	1	15' H X 15' W / SMALL / 3' PLANTER 5' MIN BRANCHING HT / POWER LINES
NYSSA SYLVATICA 'JFS-RED' FIRESTARTER TUPELO	1-1/2" CAL / B&B AS SHOWN	9	35' H X 18' W / MEDIUM / 4' PLANTER 5' BRANCHING HT / CENTRAL LEADER
PARROTIA PERSICA 'VANESSA' VANESSA PERSIAN PARROTIA	1-1/2" CAL / B&B AS SHOWN	12	40' H X 20' W / SMALL / 4' PLANTER 5' BRANCHING HT / POWER LINES
QUERCUS ROBUR X BICO 'NADLER' KINDRED SPIRIT OAK	1-1/2" CAL / B&B AS SHOWN	2	30' H X 6' W / SMALL / TIGHTLY COLUMNAR 5' BRANCHING HT / DROUGHT TOLERANT
RHAMNUS (FRANGULA) PURSHIANA CASCARA	1-1/2" CAL / B&B AS SHOWN	5	30' H X 25' W / SMALL / 4' PLANTER PDX NATIVE / WET TOLERANT / POWER LIN
STYRAX JAPONICUS 'JFS-D' SNOWCONE JAPANESE SNOWBELL	1-1/2" CAL / B&B AS SHOWN	12	25' H X 20' W / SMALL / 3' PLANTER 6' BRANCHING HT / POWER LINES
CALOCEDRUS DECURRENS INCENSE CEDAR	6' - 7' HT / B&B 1.75" CAL	5	100' H X 30' W / MEDIUM / 6' PLANTER NATIVE EVERGREEN / ZONE A/B
ZELKOVA SERRATA 'MUSASHINO' MUSASHINO COLUMNAR ZELKOVA	1-1/2" CAL / B&B AS SHOWN	13	45' H X 15' W / SMALL / 4' PLANTER 5' BRANCHING HT / NARROW VASE
EXISTING TREE TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

SHRUBS & ACCENTS ITEM	SIZE	QTY.	MATURE SIZE (H X W) / COMMENTS
ABELIA 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	5 GAL CONT 4'-0" OC	33	6' H X 6' W / EVERGREEN DROUGHT TOLERANT
ARBUTUS UNEDO 'COMPACTA' COMPACT STRAWBERRY TREE	5 GAL CONT 4'-0" OC	53	6' H X 5' W / EVERGREEN DROUGHT TOLERANT
CISTUS X PULVERULENTUS 'SUNSET' MAGENTA ROCK ROSE	2 GAL CONT 3'-0" OC	6	2' H X 4' W / EVERGREEN FULL SUN / DROUGHT TOLERANT
ILEX CRENATA 'SKY PENCIL' SKY PENCIL JAPANESE HOLLY	3' - 4' HT / B&B 2'-0" OC	56	8' H X 3' W / HIGH SCREEN SHRUB EVERGREEN
LIGUSTRUM JAPONICUM 'TEXANUM' WAXLEAF PRIVET	5 GAL CONT 4'-0" OC	60	8' H X 6' W / GLOSSY EVERGREEN PT - FULL SUN / DROUGHT TOLERANT
MISCANTHUS 'PURPURASCENS' AUTUMN FLAME GRASS	2 GAL CONT 2'-6" OC	40	5' H X 3' W / UPRIGHT BRILLIANT RED-ORANGE FALL COLOR
MYRICA CALIFORNICA PACIFIC WAX MYRTLE	5 GAL CONT 4'-0" OC	39	10' H X 6' W / HIGH SCREEN SHRUB PDX NATIVE / EVERGREEN
PENNISETUM A. 'HADELN' HADELN FOUNTAIN GRASS	2 GAL CONT 30" OC	20	30" H X 30" W
EXISTING SHRUB TO REMAIN			CONTRACTOR TO PROTECT IN PLACE

GROUNDCOVERS & MISC ITEM	SIZE	QTY.	MATURE SIZE (H X W)
ARCTOSTAPHYLOS UVA-URSI 'MASS.' MASS KINNIKINICK	1 GAL 2'-0" OC	3,049 SF 882 PLANTS	9" H X 3' W / EVERGREEN NATIVE / DROUGHT TOLERANT
MAHONIA REPENS CREEPING MAHONIA	1 GAL 2'-0" OC	4,876 SF 1,410 PLANTS	18" H X 3' W / EVERGREEN PNW NATIVE / SUN - PT SHADE
DECORATIVE ROCK BAND @ BUILDING VALLEY LANDSCAPE CENTER SURE-LOC STEEL EDGING 15" STEEL STAKES, COLOR BLACK	18" X 6" 3/16" X 4" X 16"	675 SF 13 CY 460 LF	WASHED RIVER ROCK, SIZE 2" - 3" MIRAFI 140 N NON-WOVEN GEO-TEXTILE TUALATIN, 503-692-0606

STORMWATER FACILITY PLANT MATERIALS:



GROUNDCOVERS ITEM	SIZE	QTY.	POTENTIAL HEIGHT / PLANTING ZONE
CAREX OBNUPTA SLOUGH SEDGE	1 GAL CONT 80 / 100 SF	100 SF 80 TOTAL	PNW NATIVE 48" H / ZONE A / SUN - PART SHADE
JUNCUS PATENS SPREADING RUSH	1 GAL CONT 80 / 100 SF	97 SF 78 TOTAL 158 TOTAL	PNW NATIVE 36" H / ZONE A / SUN - PART SHADE

STORMWATER FACILITIES (PDX STORMWATER MANAGEMENT MANUAL):
 MAINTENANCE = 2-YEAR (CHAPTER 3)
 STORMWATER FACILITY = FLAT-BOTTOM RAIN GARDEN
 ZONE A TOTAL = 197 SF
 ZONE A HERBACEOUS (80 / 100 SF) = 158 PLANTS (158 PLANTS REQ)



PYRAMIDAL EUROPEAN HORNBEAM



TUSCARORA CRAPE MYRTLE



FIRESTARTER TUPELO



VANESSA PERSIAN PARROTIA



CASCARA



KINDRED SPIRIT OAK



SNOWCONE JAPANESE SNOWBELL



INCENSE CEDAR



MUSASHINO COLUMNAR ZELKOVA



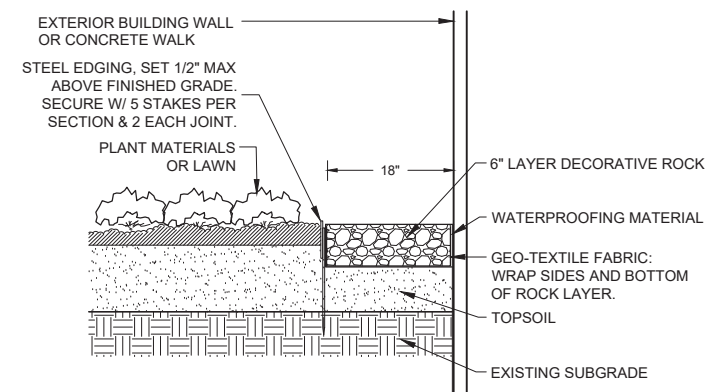
SKY PENCIL JAPANESE HOLLY



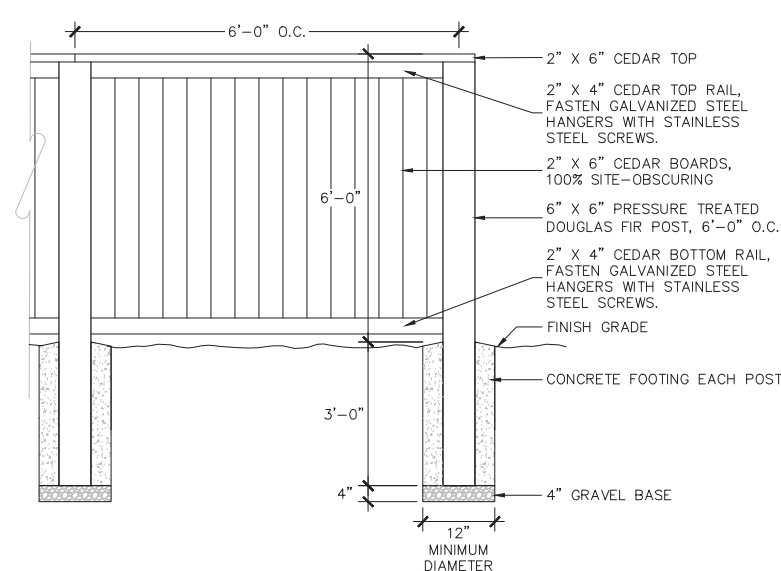
AUTUMN FLAME GRASS



HADELN FOUNTAIN GRASS



DECORATIVE ROCK BORDER DETAIL
SCALE: NOT TO SCALE



6' HIGH 100% FULLY SITE-OBSCURING SOLID WOOD FENCE (F2)
SCALE: NOT TO SCALE

REV	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

DOWL
 WWW.DOWL.COM
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
PLANT MATERIALS LEGEND AND DETAILS
 LOCATED IN THE NORTH-EAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021

©DOWL 2019
SHEET

L3.1

\\bill-6\bill-projects\3214545-0165CAD\landscape_DD\disc-ls-planting-opb.ncu.dwg PLOT DATE 2021-11-09 12:01 SAVED DATE 2021-11-09 11:04 USER: wiazetel



SITE RENDERING - ART SHOWN IS FOR EXAMPLE ONLY AND DOES NOT REFLECT PROPOSED ART. ARTIST SELECTION TO BE COORDINATED BY RACC
SCALE: NOT TO SCALE

REV	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

DOWL
www.dowl.com
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8641

OPB - MACADAM AVENUE NONCONFORMING UPGRADES
 PORTLAND, OR
FENCE AND ART MURAL RENDERING
 LOCATED IN THE NORTH-EAST 1/4 OF SECTION 22
 TOWNSHIP 01 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROJECT	14545.01
DATE	11/09/2021

©DOWL 2019
SHEET

L3.5

OPB LU 21-012886 DZM GW response regarding the record being kept open

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 12:48 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

In the hearing, OPB's attorney, Ms. Krawszuk, expressed her unhappiness/disappointment that I had asked for the record to be held open, because it would delay the decision by several days.

I'd like to put her comments into perspective.

First, it's such a standard request that OPB should have expected it. I made it for the standard reason of giving me an opportunity to comment on whatever transpired after I testified, not as any sort of delaying tactic.

More importantly, OPB has had **SEVERAL YEARS** to apply for this review, given that it was triggered by OPB's 2017 remodeling project. My request added a trivial several days.

Second, once OPB finally did apply for this review, in February, it submitted an incomplete application. OPB then took **SIX MONTHS** to complete it.

Third, OPB had a hearing scheduled in September, then withdrew days before the hearing. That added an additional **TWO MONTHS** to the **SIX MONTHS** it took OPB to complete its application, after it waited **FOUR YEARS** to apply.

Fourth, **it was OPB's choice to not provide the 3' planter required in 1987, which is what bumped this from a simple Type II review into a much lengthier Type III..** There was definitely room for it--OPB's own Early Assistance drawings showed it. The planter OPB finally proposed comes very close to meeting the 1987 requirement.

Fifth, **OPB has had several opportunities during previous land use review to address the missing planter.** But in every case, OPB hid from the City that the planter was missing, because it always showed it as existing on the site plans OPB submitted for those reviews. That is true right up to the 2017 Design Review for the recent renovation. (OPB removed it from its site plan only after I informed BDS it did not exist, after OPB denied to me that it did not exist.)

Sixth, **I've made literally dozens of requests to OPB to discuss the issues** in this review since 2018, including many times once OPB submitted its incomplete application in February--all with no success. Nobody from OPB has ever once called me, or offered to meet. Kyle Davis's only reply about this was to refuse to discuss it. Communicating with me could have saved OPB at least several months in this process.

Finally, OPB has had **THIRTY-FOUR YEARS** to provide the planter that was the main issue in this review. OPB **CHOSE** decades ago to violate the 1987 Design Commission planter requirement (along with several other requirements) that created the need for a Type III review in 2021. Also, I've told OPB many times--beginning in 2018--that the planter was missing.

Thank you for this opportunity to put OPB's disappointment about the several-day delay I caused into perspective.

Michael Dowd, President
Dowd Architecture Inc.
753 S Miles Street
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(503) 282-7704
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OPB LU 21-012886 DZM GW OPB's track record of dismissing Design Commission requirements

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 12:53 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

In constructing your decision, please keep in mind that OPB's track record of complying with the Design Commission is poor. I request that your decision holds OPB to conformance with site plan, plus fencing and planting details, in specific language as recommended in the Staff Report.

Some examples of OPB's ignoring prior Design Commission requirements:

- 1.--**OPB promised to the Design Commission in 1987 to not extend development into the rail right of way.** OPB broke that promise decades ago, filling the drainage ditch, and paving several feet into the r.o.w. for about 160', creating 8 illegal parking spaces. OPB denied this paving existed when it applied for this current review. (OPB to date has never complied with BDS's 2018 Zoning Compliance order to block that area from vehicle use until the paving was removed or legalized.)
2. **OPB promised to the Design Commission in 1987 to build a 3' planter along its east property line adjacent to the rail r.o.w., except where loading clearance was required.** OPB either never built that planter, or removed it decades ago, and replaced it with paving for illegal parking.
3. **OPB promised to the Design Commission in 1987 to set its building back at least 30' from the centerline of the rail r.o.w.** OPB instead built the building several feet into that setback, and therefore several feet closer to the park and neighborhood east of OPB. OPB is currently claiming that its own decision to violate that setback requirement has created a hardship for OPB to justify not providing the required 3' planter.
4. **OPB promised to the Design Commission in 1987, in the site plan and written materials it submitted, to build a 6' tall fence around its satellite dishes, to keep the fence set back several feet away from the S Nevada sidewalk, and to screen it with substantial landscaping.** OPB violated those promises by building a lower fence tight against the sidewalk, with no landscape buffer, and barbed wire on top at face level.
5. **OPB promised to the Design Commission in 1987, in the site plan it submitted, to provide substantial landscaping throughout its site as specifically detailed in that site plan.** OPB violated that promise, to the extent that by 2017, about half or more of the landscaping had been removed or allowed to die.

Thank you for the opportunity to present this information.

Michael Dowd, President
Dowd Architecture Inc.
753 S Miles Street
Portland, Oregon 97219

I.3

11/12/21, 2:59 PM

Mail - Bryant, Hannah - Outlook

(503) 282-7704

email: dowdarchitecture@gmail.com

OPB LU 21-012886 DZM GW trees along OPB's south and east property lines

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 2:08 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

In my list of 16 changes to OPB's proposal I asked the Design Commission to consider, two were requests to change the tree species on OPB's south and east property lines:

2. Change trees (except SE corner cedar) to more columnar, closely spaced
4. Change trees in east perimeter bed to more columnar, closely spaced

My neighbor, Marque Motors, also requested the same change (along with a solid fence) on the property line it shares with OPB (OPB's south property line).

I strongly support the trees being required. In fact, I was the one who pushed Hannah Bryant to require trees on the east, and a full 5' wide planting bed and large evergreen at the southeast corner--all of which OPB originally opposed providing. My concerns were the widths of the trees spreading across Marque Motor's property line, and spreading across and impeding OPB's driveways.

I strongly agree with Commissioner Santner about the importance of shade--again, OPB's current proposal has several more trees than OPB originally proposed (although less than I would like to see) due to Hannah Bryant agreeing with me that OPB should provide them.

I am thrilled that OPB now believes their driveways are sufficiently wide that the tree widths impeding them will not be an issue. so I no longer have that concern.

In regard to Marque Motors, I believe **the Commission should take Marque Motors concerns more seriously**. Even if Marque Motors did not have the very real concern about leaves on customers' cars, or OPB leaf blowing leaves and grit through the proposed open fence, Marque Motors is under no obligation to allow OPB's branches to extend over the property line. The Design Commission has no right to insist that Marque Motors accept that. Even if it does, Marque Motors could simply chainsaw the branches off at the property line, which would damage the trees' buffering function.

Further, I believe OPB's Kyle Davis' testimony that he "reassured" Marque Motors after Marque Motors emailed its concerns was misleading. I got the clear impression that Mr. Davis meant that Marque Motors no longer had any concerns about the trees after he talked to Marque Motors' owner. I assume at least several Commissioners got that same impression.

I told Kurt Leipzig, Marque Motors' owner, what Mr. Davis said to you. He replied that Mr. Davis DID talk to him, and that he told Mr. Davis that he still had the same concerns about the wide deciduous trees, and would still prefer columnar evergreens. He said Mr. Davis expressed agreement, and led him to believe that the tree species decision was not final.

To summarize:

- 1. I strongly support the trees on the east and south property lines**
- 2. I am happy that OPB has no concerns about the trees interfering with their driveway use**

I.3

3. Marque Motors has valid concerns, and the Design Commission should keep the tree requirement on OPB's south property line, due to the importance of the visual buffer for us and everyone who sees OPB's property from the south, but should work to reduce the trees' spreading onto OPB's property, by changing the species and by widening the 5' planter where possible to allow them to be placed further from the property line.

4. The solid fence Marque Motors requested would reduce the impacts of OPB blowing leaves against Marque Motors' customers' cars, and could be provided to mitigate the impacts of the trees to Marque Motors, regardless of what species is chosen.

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OPB LU 21-012886 DZM GW lighting controls needed to approve landscape modification

mike dowd <dowdarchitecture@gmail.com>

Fri 11/12/2021 2:57 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

 1 attachments (1 MB)

01988ac5ffeb1665ec52713dc5de9688ee84561f70.jpg;

Design Commission,

In my list of 16 changes to OPB's proposal I asked the Design Commission to consider, two that impacts our home and the park (and its natural habitat and wildlife the most relate to OPB's exterior lighting:

- 3. Change wall light fixture to the same fixture type to be used on east wall**
- 5. Change proposed exterior lights to shielded lights with dimmers and sensors**

There was no discussion of these, other than when one Commissioner asked OPB's attorney if my issues had been addressed, and she incorrectly said they had been.

OPB has proposed changing its east wall exterior fixtures to "dark sky" fixtures. This is a positive step, but not enough. OPB leaves its fixtures on all night, every night, even though there is no activity at the driveway then. The light level is far higher than needed for security. The controls I'm requesting (which dim and turn off lights when they're not needed) would reduce light pollution far better than only switching to dark sky fixtures.

The attached photo shows nighttime lighting at OPB. The main issues are 1) that the light source is visible from our home and the park because people look up into the fixtures from below, and 2) the lights are on brightly when they could be dimmed or off. Again, the dark sky fixtures won't help either of those. The fixtures are also well above the top of the proposed fence.

The parking lot and entry canopy fixtures also contribute to the light pollution, and should be included in being changed.

The lighting is clearly relevant to OPB's request to eliminate the 5'/L2 east buffer. If it were provided, there would be at least 16 large trees along the east property line that would substantially block the lighting from spilling into our property and the park.

The lighting is clearly covered in the "purposes" of the zoning standards that require the landscape buffer:

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...

The lighting is an integral component of the parking, loading and driveway areas--it wouldn't be there if they were not--so the "purposes" clearly intend to include lighting as something the landscaping standards intend to buffer adjacent residents and the park from.

To summarize:

--the lighting controls I request are needed to mitigate the absence of the 5'/L2 buffer along the east property line

--the relevant "purposes" of the standard being modified clearly cover lighting

--the dark sky fixtures being proposed will not be effective in reducing light pollution/impacts to us and the park enough to justify replacing the required buffer with a fence and only five trees

--the controls are simple and inexpensive, and would be VERY effective

--the Commission should require them as a mitigation for granting the modification for the landscape buffer

Note: photo is taken from standing next to the gate into our garden--this is what we see every night. The fence won't obstruct any light fixture, and the dark sky fixtures won't hide the light sources, or reduce light amounts going downward or reflecting off the wall or ground.

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OPB LU 21-012886 DZM GW barbed-wire substitute and mural

mike dowd <dowdarchitecture@gmail.com>

Fri 11/19/2021 3:30 PM

To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

OPB submitted new information after the hearing in regard to a substitute for barbed wire at the satellite dish area fence, and the proposed mural on that fence.

Barbed wire substitute: I support the barbed wire substitute on top of the wood fence (which I support as detailed, although my concerns about the SE corner of it blocking rail crossing sightlines remain). I've been trying for several years, including during this review, to get OPB to do something about its barbed wire at eye level next to the sidewalk entrance to Willamette Park, and OPB has never responded. So I appreciate the Commission pushing OPB to take some responsibility and do something more community-friendly and safer there.

Mural: The sidewalk/park entrance is very constricted, only 5' wide, and used by people walking, biking, rolling, walking dogs, using strollers, etc. The guardrails exacerbate that, as does the fact that the crossing creates a constricted chute about 60' long, flanked by guardrails except at the tracks. I walk there daily. It's common for people with bikes, strollers or dogs to wait at one end of the chute for people approaching or within it to clear it before entering. That means people are already having to stand waiting at the sidewalk in front of OPB's fence, or in the street. The crossing is designed with fencing and barriers that intentionally force people into the chute and sidewalk to cross, so it can't be bypassed.

Any artwork or signage that encourages people to stop on the sidewalk (for instance, text or signage that people would encourage people to stop to read) will clog the entrance even further. Ideally any language relative to the artwork/signage will encourage artwork that can be appreciated from a distance or while moving through the area, vs. standing on the sidewalk.

The rendering: OPB revised its 3D rendering to illustrate the barbed wire substitute in context with the fence, mural, etc. Some aspects of the rendering are inaccurate.

The new wood fence is shown only about 5' tall (the small metal disc under the "no parking" sign on the telephone pole is at my eye level (about 5'-9" above grade, and the top of the fence is shown several inches below that). The fact that the actual fence will be taller and more visually prominent than what is shown is an additional argument in favor of the proposed barbed wire substitute, which will add only an imperceptible amount to the fence height, in comparison to barbed wire.

Also, the rendering shows low landscaping at the base of the fence, but the site plan shows the fence tight against the sidewalk's concrete side wall, leaving no room for the landscaping that the rendering shows (and none is shown on the site plan). I'm guessing the renderer added that landscaping to soften and improve the fence's appearance, and to give the impression it's set back further from the sidewalk. **When evaluating the mural and barbed wire substitute, I hope the Commission keeps in mind that OPB's rendering is presenting a context for those two items that OPB is not**

intending to provide, according to its site plan (and it's the site plan that will become the record for the decision, as I understand).

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City of Portland
Design Commission

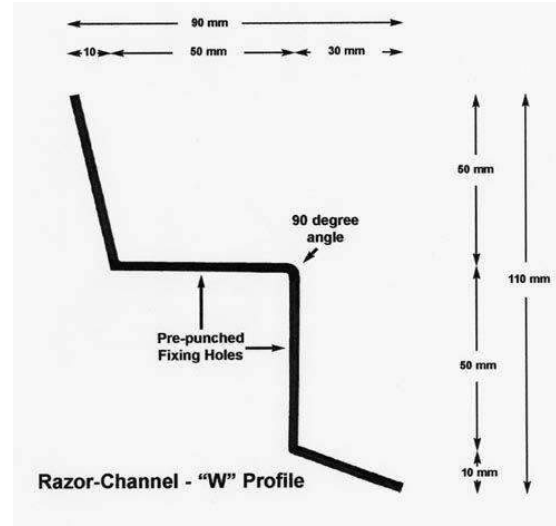
Type III Land Use Review

LU 21-012886 DZM GW

7140 S. Macadam

December 2, 2021

Staff Presentation



Climb Prevention – mounted above 6'

Context

Location

Zoning

Approval Criteria

Context | Surroundings

Proposal Overview

Project History

Modifications

Applicant Presentation

Approvability Items

Public Realm Consideration

Modifications

Staff Recommendation

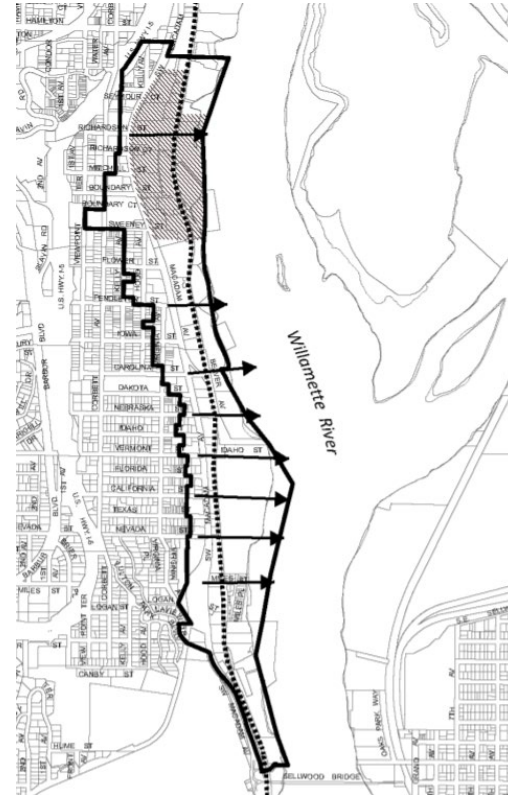
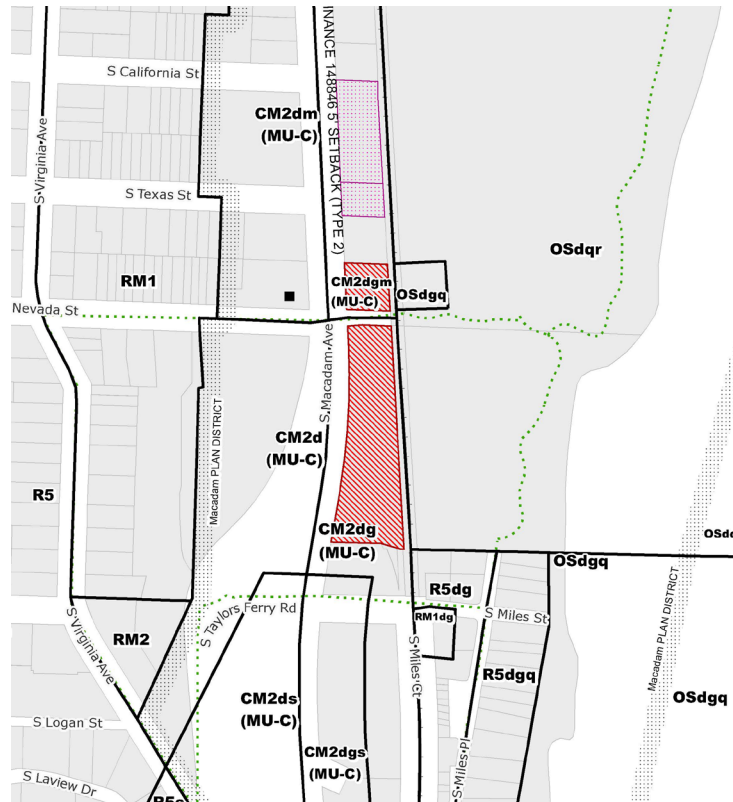
Conditions of Approval

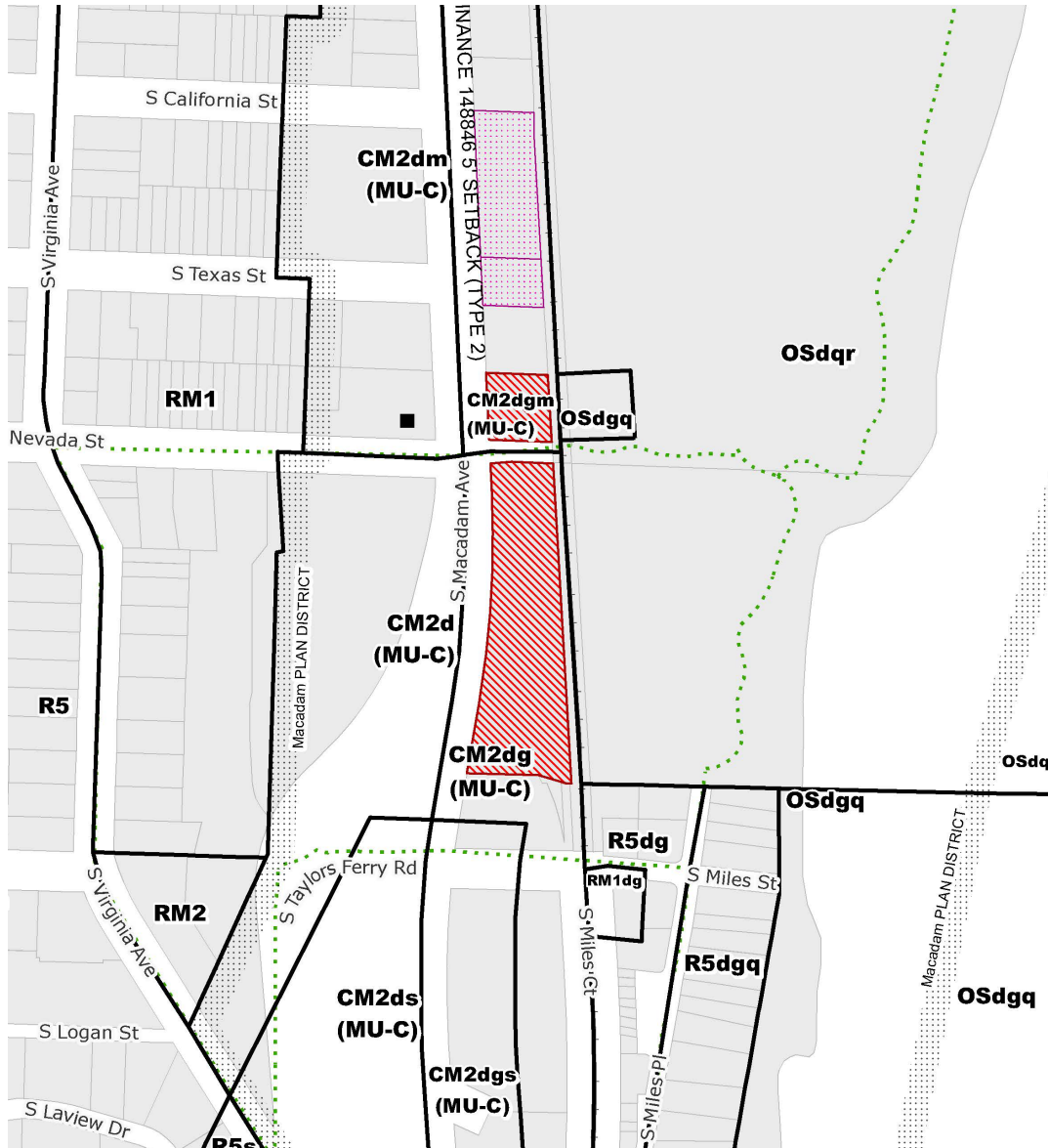
Context

Location

Macadam Plan District

Willamette Greenway





Zoning

Base Zone:

CS, Storefront Commercial
 *vested in 2017, due to previous land use/building permit that triggered NCUs.
 Today the site is zoned CM2*

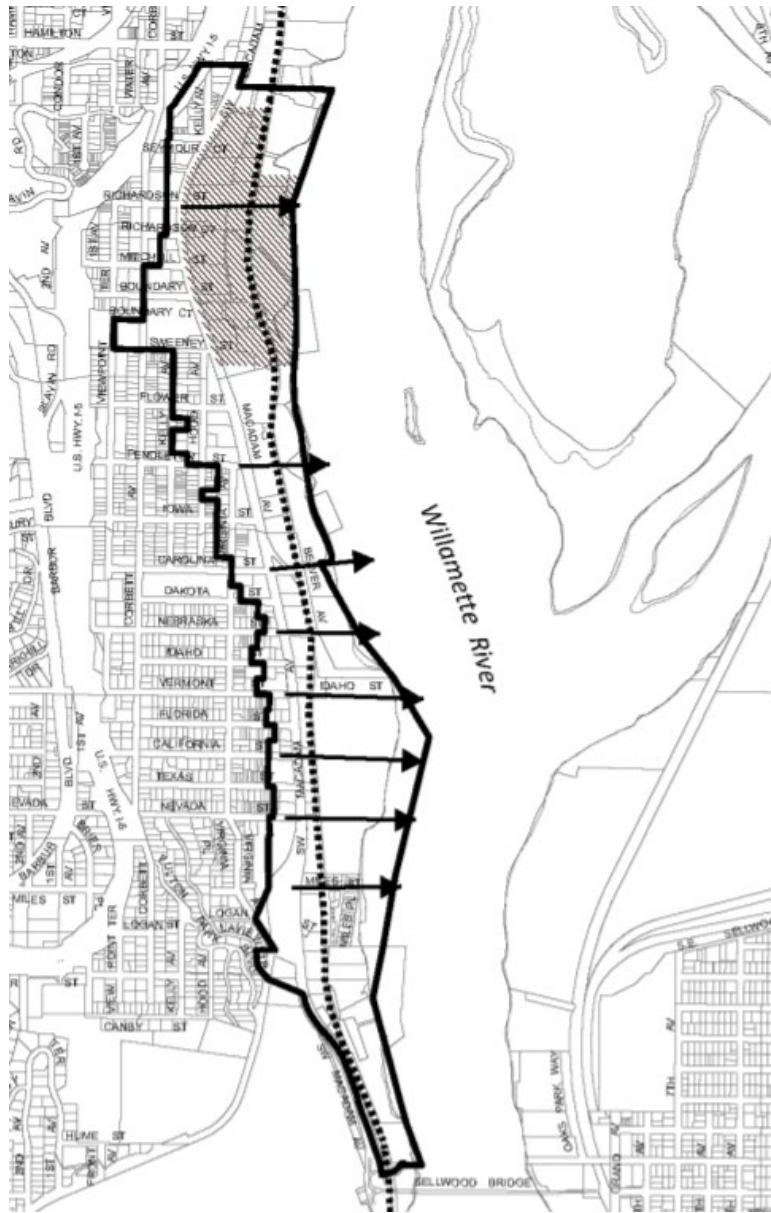
Overlay:

Design Overlay (d)
 River General Overlay (g)

Today, the site also has a Centers Main Street (m) overlay, but that does not apply to this review as it was not in place in 2017.

Site Size:

1.4 acres



Approval Criteria

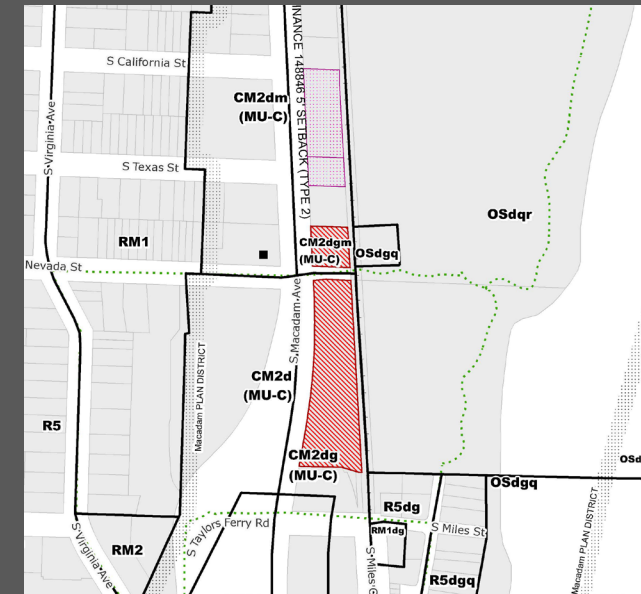
Macadam Corridor Design
Guidelines

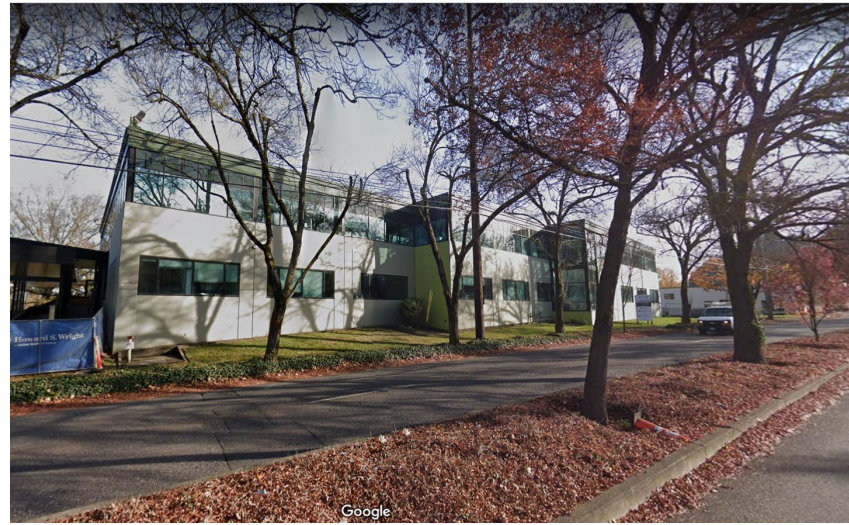
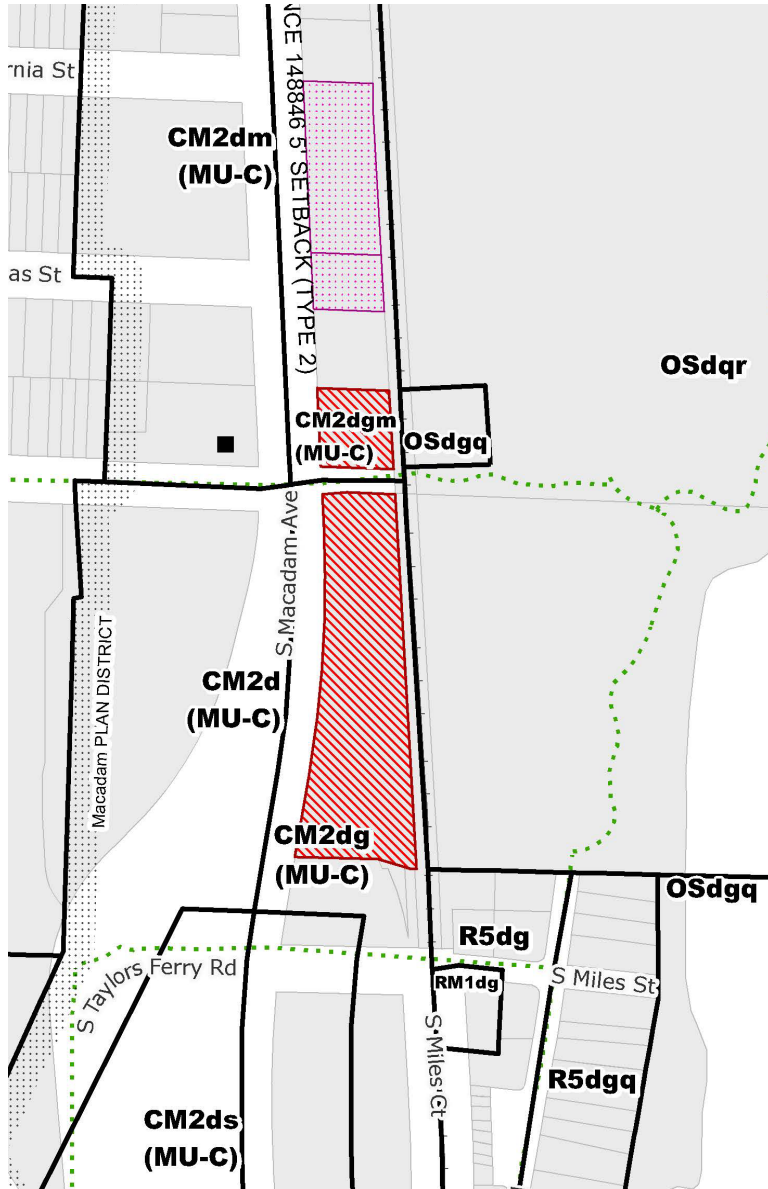
Greenway Design Guidelines

Modifications that will better
meet Design Review
Requirements

Context

- S. Macadam Ave to west
- TriMet Rail ROW to east
- Willamette Park to east





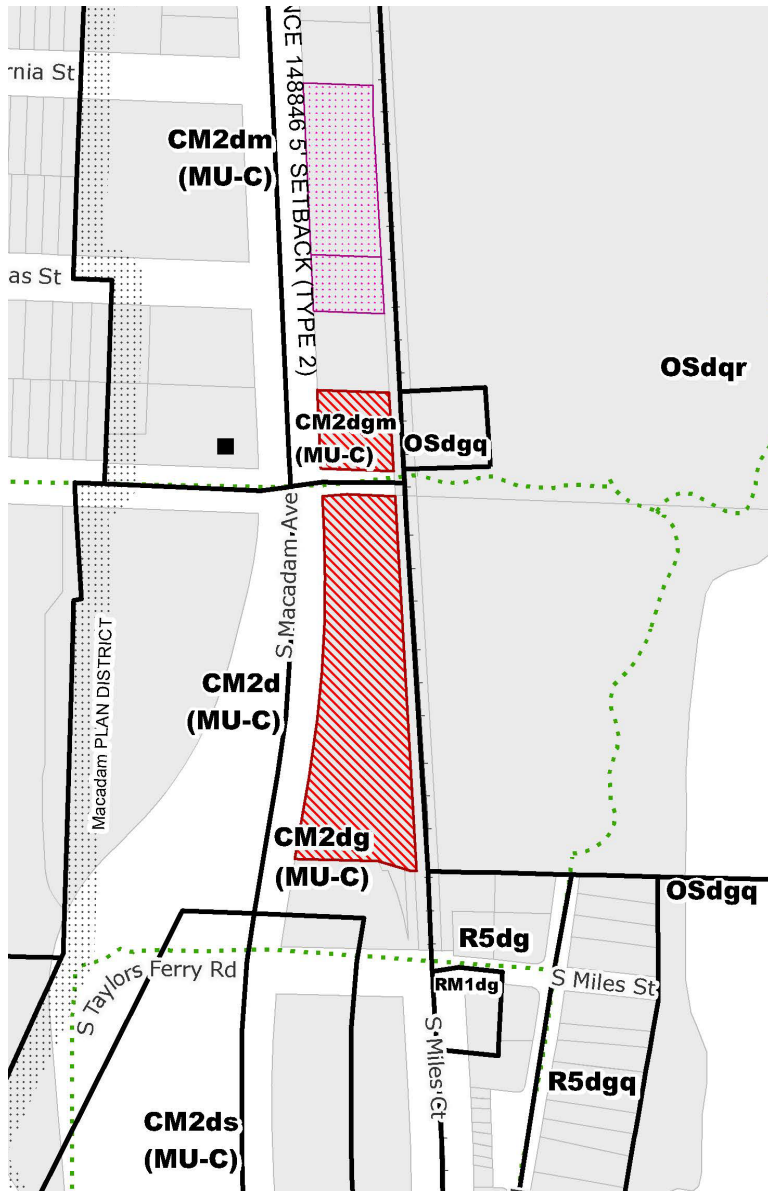
WEST: S. MACADAM AVE



SOUTH: MARQUE MOTORS BUSINESS

Surroundings

- WEST – S. Macadam
- SOUTH – Marque Motors
- SOUTHEAST – S. Miles Place residential neighborhood
- EAST – Tourist Trolley on TriMet rail ROW
- NORTH – S. Nevada – closed to vehicle traffic beyond this site; ped. crossing over train tracks into Willamette Park



EAST: RAIL ROW + WILLAMETTE PARK



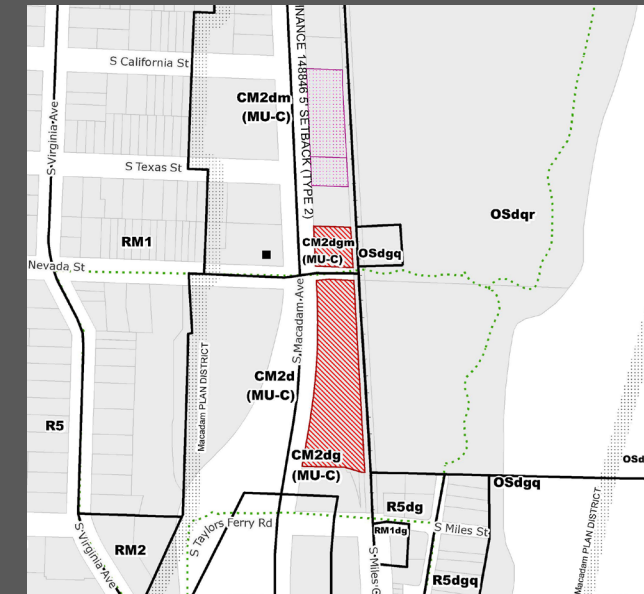
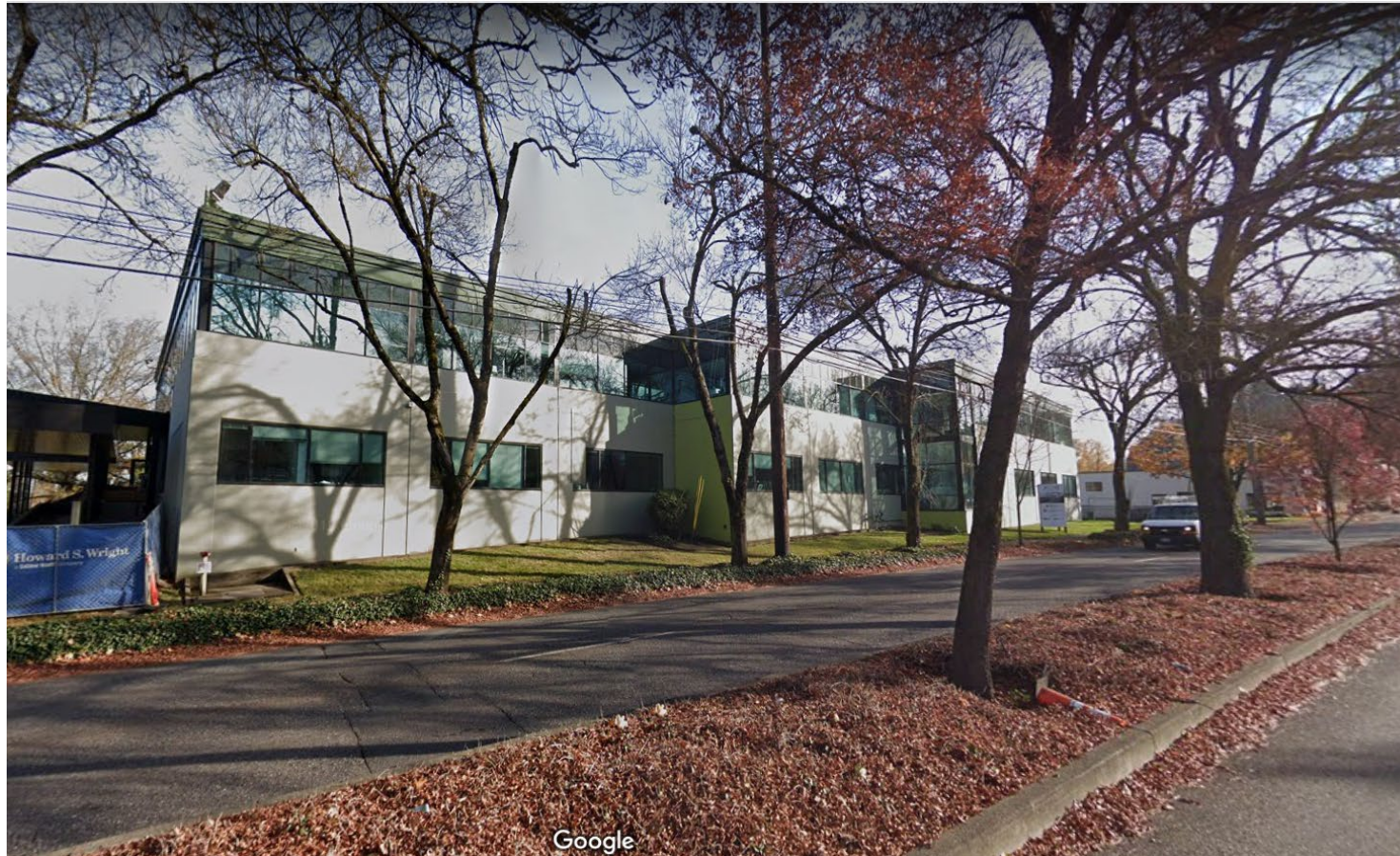
NORTH: SOUTH NEVADA DEAD END

Surroundings

- WEST – S. Macadam
- SOUTH – Marque Motors
- SOUTHEAST – S. Miles Place residential neighborhood
- EAST – Tourist Trolley on TriMet rail ROW
- NORTH – S. Nevada – closed to vehicle traffic beyond this site; ped. crossing over train tracks into Willamette Park

Context

- Office building + two-level parking structure built in 1987
- Radio broadcast dishes north of S. Nevada, part of original 1987 review



Proposal Overview



Looking north, at eastern rail ROW



Looking east, at S. Nevada pedestrian entry to Willamette Park

- NCUs triggered by 2017 building permit – provided they are compliant with the 2017 code, they are not subject to review
- Delete 1987 COA for 3' landscape strip on east side (triggers Type III)
- Modifications:
 - Replace 5' of L2 on east side w/ a 6-foot fence + 5 trees
 - Allow a 6-foot fence within 10-feet of the street lot line on S. Nevada (required to screen broadcast facilities).



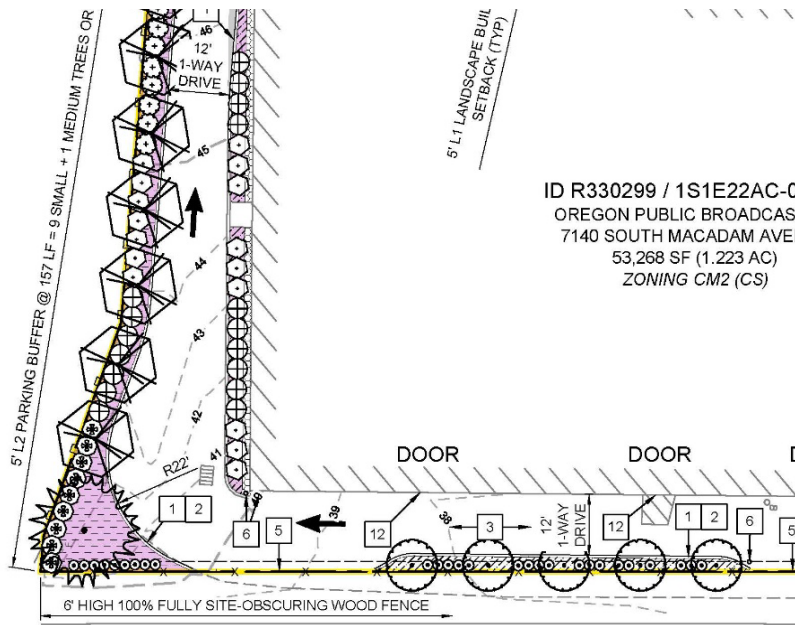
2017: New entrance canopies, new ADA ramp to connect to S. Macadam, new windows facing S. Macadam, new rooftop mechanical. This project triggered the NCU requirements that prompted the 2021 review.

Project History

- EA: 19-169932
- Pre-App: 20-121512

Modifications

1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences



ID R330299 / 1S1E22AC-0
OREGON PUBLIC BROADCASTING
7140 SOUTH MACADAM AVE
53,268 SF (1.223 AC)
ZONING CM2 (CS)

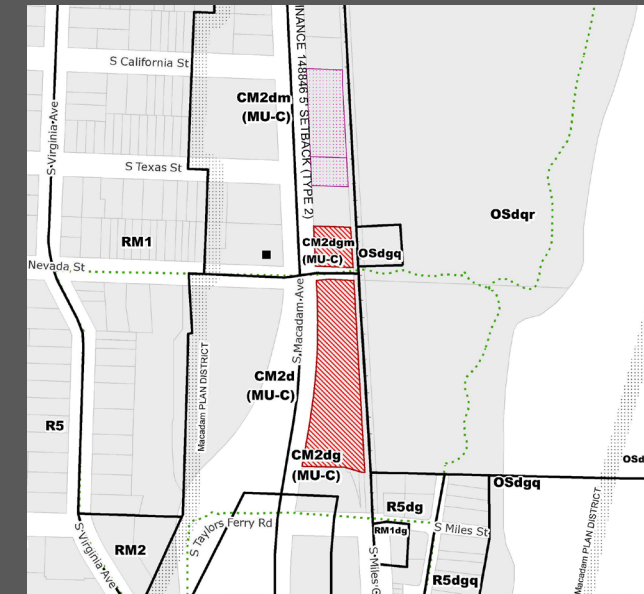


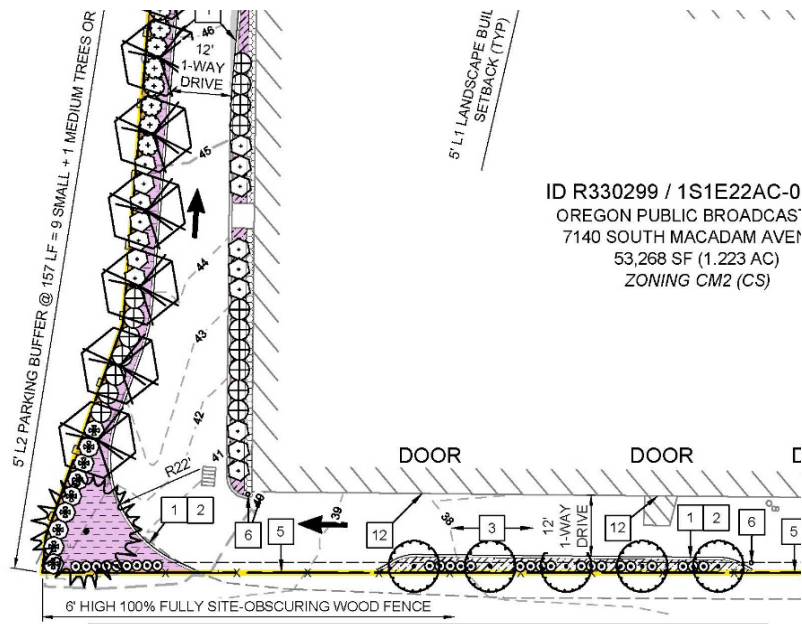
Modification 1

The Standard: 33.266.130.G.2/Table 266-5 – Five feet of L2 landscaping is required along the east property line where it abuts a C zone.

The Purpose: To promote vehicle areas that are safe and attractive for motorists and pedestrians. Goals include managing urban heat island effect, managing stormwater, reducing the visual impact of vehicle areas from sidewalks, streets and adjacent residential zones, improving the appearance of parking areas.

The Proposal: To allow a six-foot sight-obscuring fence plus a minimum of five trees on the eastern property boundary in lieu of required landscaping meeting the L2 standard.





Modifications

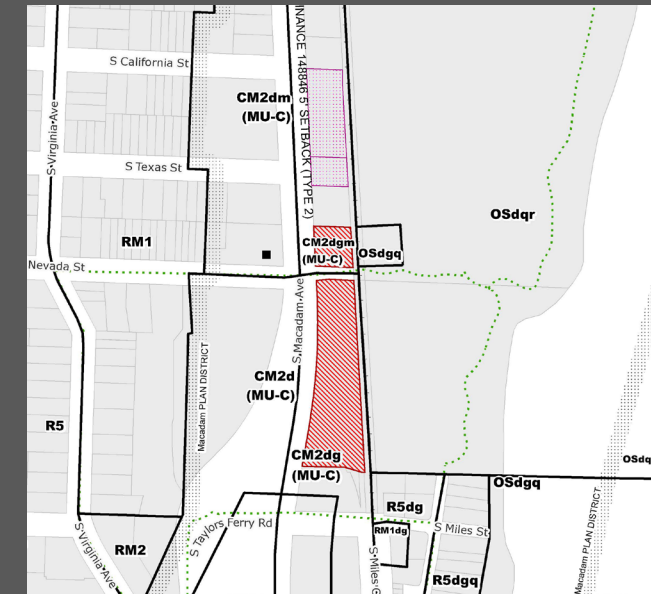
1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences

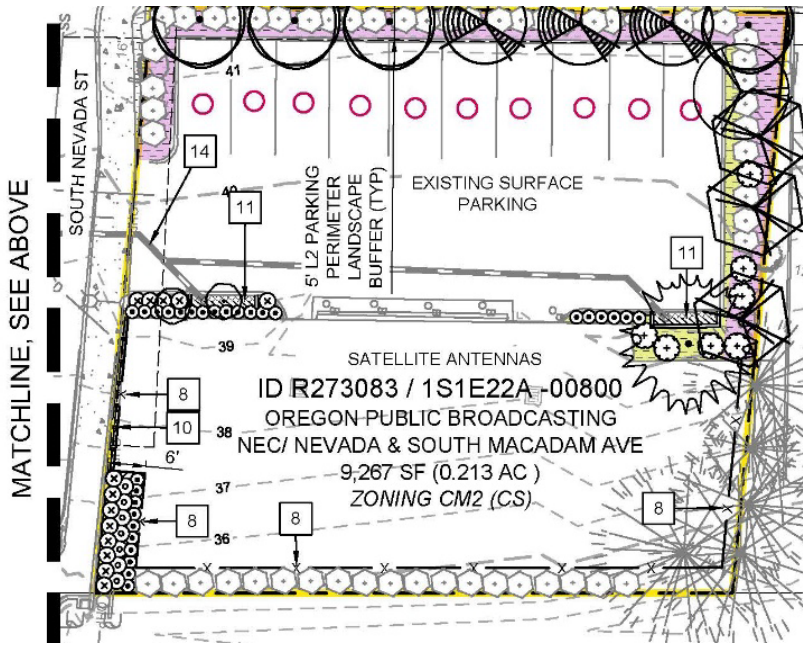
Modification 2

The Standard: 33.266.310.E / Table 266-8 – Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

The Purpose: To ensure the appearance of loading areas are consistent with those of parking areas.

The Proposal: to allow a six foot completely sight-obscuring fence in lieu of minimum landscaping requirements on the perimeter of the loading area.





Modifications

1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences

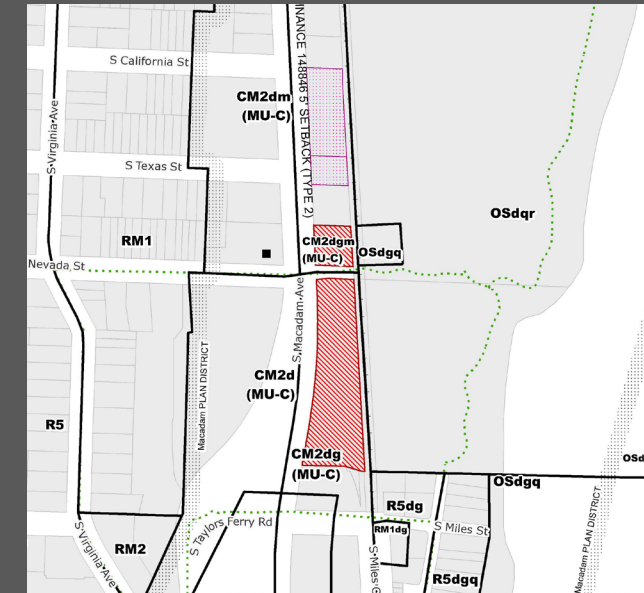
Modification 3

The Standard: 33.130.270.C.1.a – Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

- a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
- b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

The Purpose: To promote the positive benefits of fences without negatively impacting public or vehicle safety. Fences near streets are kept low to ensure visibility for motorists.

The Proposal: 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.



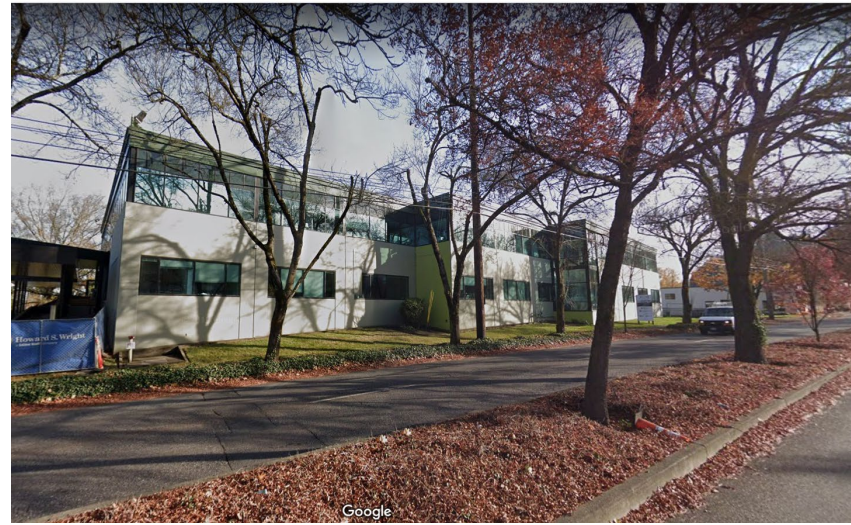
Applicant Presentation

Discussion Topics

Public Realm



EAST: RAIL ROW + WILLAMETTE PARK



WEST: S. MACADAM AVE



NORTH: SOUTH NEVADA DEAD END

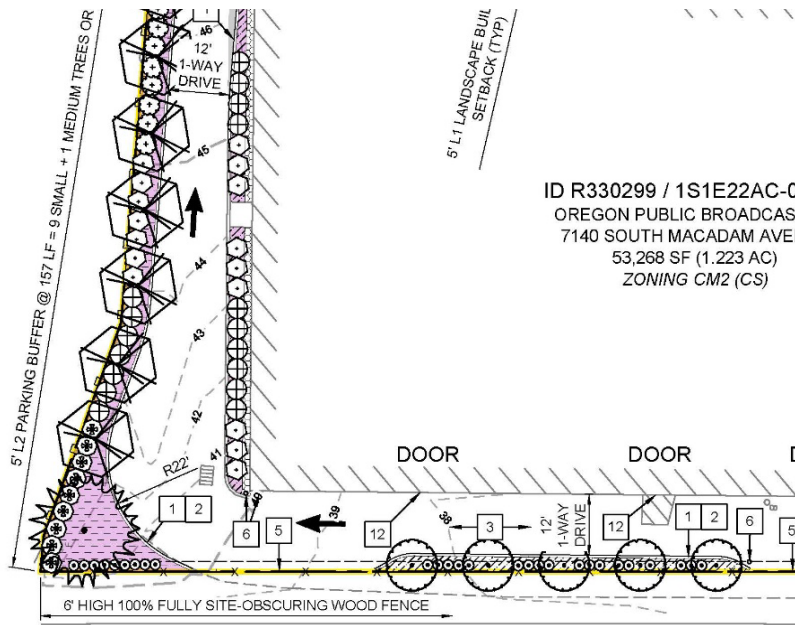


SOUTH: MARQUE MOTORS BUSINESS

- WEST – S. Macadam
- SOUTH – Marque Motors
- SOUTHEAST – S. Miles Place residential neighborhood
- EAST – Tourist Trolley on TriMet rail ROW
- NORTH – S. Nevada – closed to vehicle traffic beyond this site; ped. crossing over train tracks into Willamette Park

Modifications

1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences

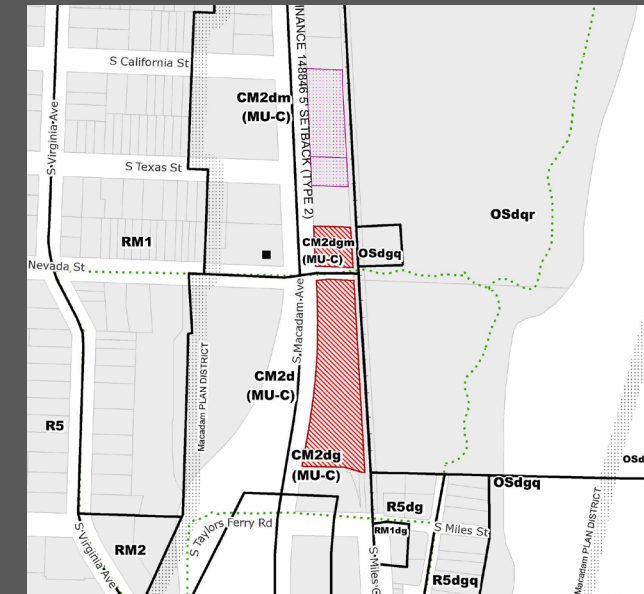


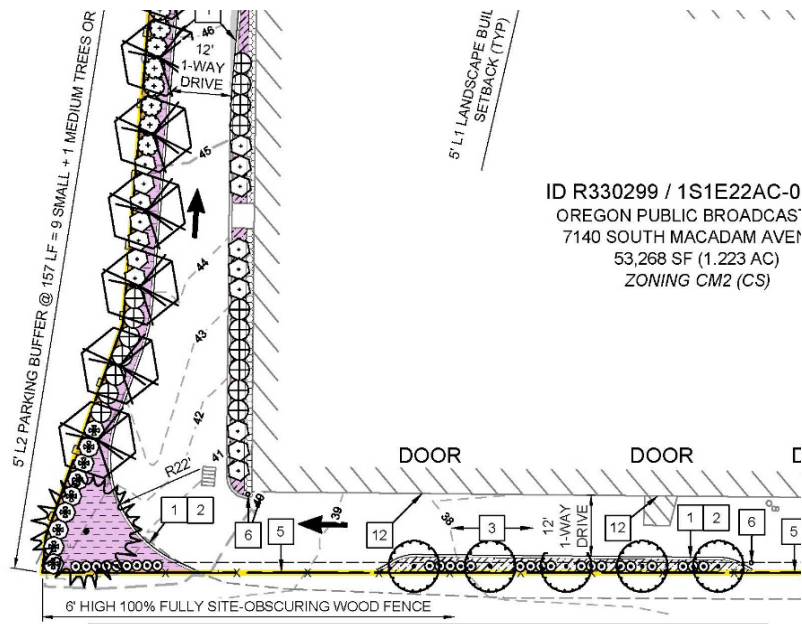
Modification 1

The Standard: 33.266.130.G.2/Table 266-5 – Five feet of L2 landscaping is required along the east property line where it abuts a C zone.

The Purpose: To promote vehicle areas that are safe and attractive for motorists and pedestrians. Goals include managing urban heat island effect, managing stormwater, reducing the visual impact of vehicle areas from sidewalks, streets and adjacent residential zones, improving the appearance of parking areas.

The Proposal: To allow a six-foot sight-obscuring fence plus a minimum of five trees on the eastern property boundary in lieu of required landscaping meeting the L2 standard.





Modifications

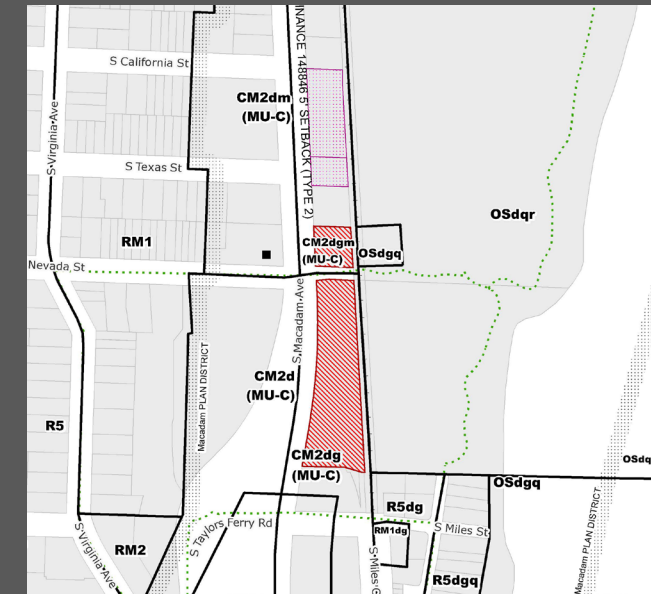
1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences

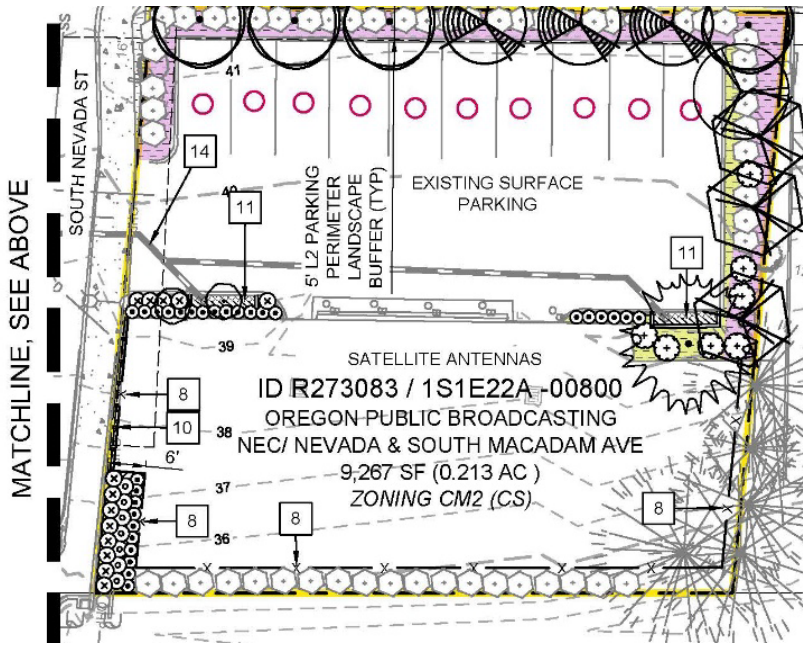
Modification 2

The Standard: 33.266.310.E / Table 266-8 – Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

The Purpose: To ensure the appearance of loading areas are consistent with those of parking areas.

The Proposal: to allow a six foot completely sight-obscuring fence in lieu of minimum landscaping requirements on the perimeter of the loading area.





Modifications

1. Perimeter Landscaping
2. Loading Area Landscaping
3. Fences

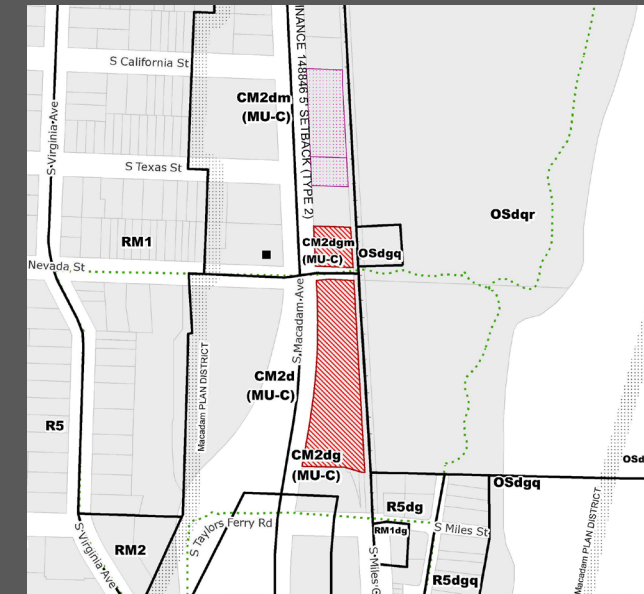
Modification 3

The Standard: 33.130.270.C.1.a – Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

- a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
- b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

The Purpose: To promote the positive benefits of fences without negatively impacting public or vehicle safety. Fences near streets are kept low to ensure visibility for motorists.

The Proposal: 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.



Staff Recommendations

Conditions of Approval

1. Public Art or Signage

Staff recommends approval of the Design Review, Modifications, Greenway Review, removal of the Condition of Approval from #15-87, with one recommended Condition of Approval.

PUBLIC ART OR CONTEXTUAL SIGNAGE

Within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence and covering at least the top four feet of the fence where it is parallel to S. Nevada street and within three feet of the sidewalk.

Questions



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-6983
TTY: (503) 823-6868
www.portland.gov/bds

REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

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

Site Upgrades

REVIEW BY: Design Commission

WHEN: December 2, 2021; 1:30pm

REMOTE ACCESS: Design Commission Agenda:

<https://www.portlandoregon.gov/bds/42441>

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.

Bureau of Development Services Staff: Hannah Bryant 503-865-6520 /
Hannah.Bryant@portlandoregon.gov

Minor changes to this Revised Staff Report are *boxed* for clarity.

GENERAL INFORMATION

Applicant: Kyle Davis | Oregon Public Broadcasting Foundation (OPB)
7140 South Macadam Ave
Portland, OR 97219
kdavis@opb.org

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 Jim Gardner at
contact@southportlandna.org

Business District: South Portland Business Association, contact
info@southportlanddba.com.

District Coalition:	Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.
Plan District:	Macadam
Other Designations:	None
Zoning:	CM2 (MU-C)d g – <i>Commercial Mixed-Use 2 with a Design Overlay and Greenway Overlay</i>
Case Type:	DZM GW – <i>Design Review with Modifications and Greenway Review</i>
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.
- Stormwater treatment planters to mitigate on-site stormwater runoff.

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 Type III Design Review approval (DZ 15-87) that required an approximately 3-foot landscape strip along the site’s eastern edge. Per 33.730.140, “*Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria.*”

Modifications are requested to three required development 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 approval criteria of Title 33, Portland’s Zoning Code. The relevant approval criteria are:

- *Macadam Corridor Design Guidelines*
- *Greenway Design Guidelines*
- *33.825.040, Modifications That Will Better Meet Design Review Requirements*

ANALYSIS

Site and Vicinity: The subject property is comprised of two parcels, both bounded by South Macadam Avenue on the west side, and a rail right-of-way on the east side. The two parcels are divided by South Nevada street, which does not continue to the east of these parcels but ends at the rail right of way. To the east of the rail right-of-way is the 26.85-acre Willamette Park, located between the train tracks and the Willamette River.

The southern 1.24-acre parcel has a low-rise office building and attached two-level structured parking facility. At the eastern edge of this parcel, a surface driveway begins at South Nevada street, wraps behind the building, and around the southern edge of the building to exit onto S. Macadam Avenue.

The northern parcel is approximately .21-acres (9,255 square foot) and has a surface parking area on the western half, and a fenced area housing multiple large radio transmitter satellite dishes and associated equipment on the eastern half of the parcel.

The Macadam area has a significant cultural history that serves to inspire current development and the design guidelines. For centuries Native Americans, primarily the Kalapuya peoples, lived and thrived in this area, using the Willamette River as a transportation corridor. The riverfront area that is now Willamette Park was part of a large network of wetlands and a popular camping location during the salmon runs. Modern development, including buildings located close to the river, removal of native vegetation and use of impermeable building materials has degraded the vital resources and adversely affected Tribal customs traditionally practiced in this area.

Beginning in the mid-1800s, this area was developed by river- and rail-dependent industries. Commercial businesses along the west side of South Macadam supported the industrial uses. As a result, the east side of South Macadam Avenue has large, irregular shaped lots, whereas the west side of South Macadam has a traditional, well-connected block pattern. Following World War II, much of the industry in this area relocated, and the large parcels were redeveloped as campus-like office spaces. This further cemented the disconnect between South Macadam Avenue and the river and resulted in large surface parking lots and an unwelcoming pedestrian environment.

The subject parcel is indicative of these historic development patterns. Numerous parcels owned by Oregon Public Broadcasting (OPB) and its affiliates extend for approximately 1000’ between South Macadam Avenue and the TriMet rail right-of-way. To the east of the rail right-of-way is Willamette Park, a 26.85-acre public park with a boat dock, paths, picnic areas, sports facilities, and a dog park. To the southeast of the OPB office building, a small residential neighborhood is accessed from S. Miles Street, located between the commercial and industrial businesses along S. Macadam and the rail right-of-way to the west, and the river to the east. Willamette Park provides a lush

buffer to the north, and Butterfly Park Naturescape is a 1.07-acre undeveloped area of Willamette shoreline to the south.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 Greenway Overlay Zones, designated as “g”, “i”, “n”, “q” or “r” are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland’s rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City’s Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro’s Title 3.

- The River General “g” allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river’s natural and scenic qualities.

The Macadam Plan District implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

Land Use History: City records indicate that prior land use reviews include:

- LU 17-203778 DZM GW – Design Review and Greenway Review approvals for exterior alterations including three new windows and canopies, new ADA ramp and pedestrian stair, five new rooftop HVAC units, landscaping and new garage loading door. Included three Modifications to Pedestrian Standards and Special Street Setback. Following this review, the associated building permit triggered non-conforming upgrades. The applicant chose to sign a covenant (the Option II NCU Covenant), deferring all required upgrades for two years from the date of permit issuance. The covenant requires the applicant to upgrade all the nonconforming elements from the specific list of Development that must be brought into conformance listed in 33.258.070.D. *Staff note: The covenant requires full compliance or an Adjustment for the standards listed. This 2021 review is prompted by the applicant seeking Modifications for standards related to these non-conforming upgrades.*

- LU 13-189448 DZ – Design Review approval for a new generator on a concrete pad, surrounded by stained cedar lap siding screen and chain link fence, and removal of three parking spaces.
- LU 10-126156 DZ – Design Review approval to increase building footprint by 81 square feet to add an internal stair.
- LU 87-004406/87-004405 – Land Use Review approval for a new three-story building. This City-Council approval included numerous conditions of approval, including one for ‘a landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.’ *Staff note: Because this initial approval was a Type III procedure, and the applicant seeks to remove the landscaping Condition of Approval attached to the original approval, this 2021 review is required to be a Type III review.*

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **September 2, 2021**. The following Bureaus have responded with no issue or concerns:

- Life Safety (exhibit E.1)
- Urban Forestry (exhibit E.2)
- Site Development Section of BDS
- Fire Bureau
- Water Bureau
- Portland Bureau of Transportation
- Bureau of Environmental Services (exhibits E.3 and E.4)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 2, 2021**.

Multiple written responses have been received from a single notified property owner in response to the proposal.

- Mike Dowd – multiple dates beginning February 17, 2021. This neighbor has numerous concerns with existing site conditions including possible zoning violations and non-conforming upgrades. This neighbor is concerned that there may be other existing, non-conforming situations on the site that are not related to non-conforming upgrades, that may need to be investigated and resolved through Code Compliance. Mr. Dowd’s concerns include but are not limited to whether the building footprint complies with the 1988 approval; measurements of existing landscape areas; existing fencing; location of existing paving; trash screening; interior parking lot landscaping; rooftop mechanical, and lighting.

Staff Response: *Staff appreciates the specificity of the neighbor’s communication and has worked with the neighbor to better understand their top priorities related to this site, and to clarify what elements may be reviewed as part of this review and what possible zoning violations will require further investigation through BDS’ Code Compliance Division. Staff has worked with the applicant to address most of the neighbor concerns in the proposal and has noted additional elements that must be resolved at permitting in the Development Standards section. All correspondence is exhibited in the F. Exhibits and in TRIM (<https://efiles.portlandoregon.gov/Record/14617105/>).*

PROCEDURAL HISTORY

An application for this proposal was submitted on February 9, 2021. The application was deemed incomplete on March 11, 2021. The applicant requested the application to be deemed complete on August 5, 2021. The first hearing was originally scheduled for September 30, 2021 (within 56 days of being deemed complete) but was

postponed to November 4, 2021 at the applicant's request. At the first hearing on November 4, 2021, Mike Dowd requested that the record be left open, prompting a mandatory 21-day extension before the Design Commission may vote on the proposal.

- During the first (7) seven days of the extension the applicant submitted an updated narrative and updated drawings. The new drawings included a revision to the originally proposed barbed wire atop the fence around the satellite dishes, as requested by the Design Commission. Mr. Dowd submitted six letters.
- During the second (7) seven-days of the extension, Mr. Dowd submitted an additional letter responding to the applicant's updated submittal.
- Neither party submitted additional information during the third (7) seven-day period.

The Design Commission will reconvene on December 2, 2021 with a closed record.

ZONING CODE APPROVAL CRITERIA

1. DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area.
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district.
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

Macadam Corridor Design Goals and Guidelines

The following goals are specific to the Macadam Corridor Design Zone.

- Create and improve connections, both physical and visual, between the river, Greenway Trail, Willamette Park, and the residential community west of Macadam.
- Encourage opportunities for public use and enjoyment of the waterfront.
- Promote a quality of development in this scenic entry corridor to the Downtown that

complements Macadam’s landscape treatment.

- Require excellence in design for projects within the Corridor, particularly by assuring that new development contributes to the formation of a rich and diverse mixture of uses and styles in scale with each other.
- Add to the scenic qualities of the river and the Greenway Trail.
- Promote compatibility of new development with the river, surrounding uses, and the neighborhood.

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

Macadam Corridor Design Guidelines

1. Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.

- Promote physical and visual contact between the river and the area west of Macadam Avenue.
- Orient buildings, which front Macadam Avenue to preserve views of the river, Willamette Park and the Greenway.
- Integrate the east and west sides of Macadam Avenue by creating views of the river which align with streets on the east side of Macadam.
- Take particular advantage of opportunities to create and protect views, which align with Southwest Texas, Florida, Pendleton, Idaho, Nebraska, Dakota and Hamilton Streets.
- Rooftops of buildings should be carefully designed to enhance views.
- Plant on-site trees, which will grow to a sufficient height to soften new development and screen parking areas while selecting species and planting locations, which enhance view corridors to the river.

2. Physical Connections. Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.

- Orient structures and parking areas to facilitate access for pedestrians between adjacent uses.
- Extend street tree planting west of Macadam.
- Reinforce connections for pedestrians between the Willamette River Greenway and Macadam Avenue.
- Provide safe, comfortable places where people can slow, sit and relax. Locate these places adjacent to sidewalks, walkways and the Greenway Trail.
- Provide sidewalks and pathways, through larger developments with landscaping which screens or separates these from parking and motor vehicle maneuvering areas.
- Provide walkways, which link parking areas to district-wide access systems for pedestrians.

Findings for 1 and 2: The proposal intends to address required non-conforming upgrades (Section 33.258.070 D.) resulting from a 2017 Design Review (LU 17 - 203778 DZM GW AD). The proposed elements include a fence along SW Nevada street, abutting the sidewalk entrance into Willamette Park, and new trees on the east side of the existing parking garage. To achieve required parking lot landscaping requirements, the applicant proposes to remove four mature trees

on the east side of the structured parking and to replace them with new landscaping planters to include nine deciduous trees.

The proposed trees will eventually grow tall enough to extend above the two-story parking structure and limit the views toward the river from uphill neighborhoods on the west side of Macadam. They will also serve as a visual cue to pedestrians on S. Macadam Boulevard that, on the other side of the approximately 350' long conjoined office building and parking garage, there is natural space – helping to foster a connection between the busy commercial boulevard and the riverfront park and publicly accessible waterfront. From the riverfront park, the new trees will serve to screen the views into the structured parking facility.

The proposed six-foot tall sight-obscuring fence proposed along the entire 480' length of the eastern property line will further screen the back-of-house functions such as parking access, loading and trash and recycling areas from the riverfront park and public right of ways. However, staff notes that the six-foot fence height does not replace the higher screening effects that the trees required by L2 landscaping would achieve. A neighbor has commented and provided photos demonstrating that the bright lights mounted the east façade are highly visible from nearby properties. Therefore, to mitigate the lack of tree canopy resulting from the Modification request and to minimize lighting impacts in this Pacific Flyway corridor, the applicant is proposing to include a minimum of five deciduous trees at the southern end of this property line and to replace all exterior lights on the east façade with dark sky compliant fixtures. The five trees at the east property line will be located where the one-way drive aisle is widest, and the trees will not interfere with loading dock access or turning radius for service vehicles existing the property via the south driveway.

Therefore, this guideline is met.

3. The Water's Edge. Enhance the scenic qualities of the river and sites that about the riverbank to contribute to an attractive and enjoyable Greenway Trail.

- Identify natural areas of the Willamette riverbank and preserve the natural qualities of these areas.
- Screen parking, loading and vehicular movement areas from the Greenway with rich landscape plantings.
- Locate buildings to protect access to sunlight on the Greenway Trail.

Findings for 3: The site does not abut the riverbank. However, the fencing will help obscure the existing OPB building and its associated radio broadcast equipment (satellite dishes and generator) from the pedestrian perspective within Willamette Park and along the Greenway Trail, which will contribute to the overall attractiveness and natural feel of the park and trail area.

Therefore, this guideline is met.

4. The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.

- Consider using awnings or other weather protection, street furniture, plazas, sculpture courts or other amenities for pedestrians to reinforce the boulevard design of Macadam.
- Abut pedestrian pathways with buildings or landscaping. Buffer with landscape screens, parking lots and structures, which are not oriented to pedestrians.

- Use landscaping to reinforce the boulevard character of Macadam and to provide visual connections with private property adjacent to Macadam.
- Trees interspersed with low-growing vegetation or grass should visually predominate over impervious surfaces.
- Provide frequent views from Macadam into interior ground level spaces of projects located along the Avenue.

Findings for 4: As shown on sheet L3.0 of the plan set, thoughtful and durable landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue. The layering of shrubs and canopy trees soften the vehicle area and enhance the boulevard's treatment and contribute to the attractiveness of this entrance to the City. The proposed sight-obscuring fencing will also further screen and shield the OPB building and satellite dish and generator area from views from Willamette Park, which serves as an additional pedestrian entrance to the City, and alternative to South Macadam Avenue.

Therefore, this guideline is met.

5. Sub-Area Context. Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.
- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings for 5: The applicant proposes numerous elements to improve the site's compatibility with its surroundings and local character. These include perimeter landscape plantings, multiple six-foot sight-obscuring wood fences, and reconfiguration of the existing east driveway.

Landscape Plantings & Fence - As shown on sheet L3.0 of the plan set, extensive landscape plantings are proposed along the perimeter of the parking areas abutting South Macadam Avenue and South Nevada Street. Differing uses to the east (Rail right-of-way, Willamette Park, and single-family residential) are proposed to be buffered from the site by a sight-obscuring six-foot wood fence where landscaping treatments are not possible due to site constraints. The layering of shrubs and canopy trees at the perimeter of the structured parking area, in conjunction with the proposed fence and additional trees at the east and south property lines, will soften the visual impact of the existing vehicle areas and enhance the transition between the existing development and adjacent residential areas and public open space.

To facilitate and enhance the proposed buffering of the site the applicant proposes to increase screening at the southeast corner of the site, which is closest to nearby single-family residential. The existing building and parking structure are located at a slight angle to the east property line, resulting in

slightly more space between the building and the east property line at the south end of the site than the north end (see L3.0 – Site and Landscape Plan). This wider area provides space for larger plantings while still functioning as an active driveway and loading area.

At the south/southeastern portion of the site, a row of deciduous trees is proposed along the south property line, and an existing mature cherry tree is located at the corner is proposed to be replaced with an evergreen incense cedar. The applicant's landscape architect notes the cherry tree is approaching the end of its typical lifespan and is in poor condition. A neighbor has suggested that evergreen plant material at this location would better achieve the neighbors' desired year-round visual screening from the lights and activity at this location. Therefore, the applicant proposes to replace the older cherry tree with an evergreen tree that addresses the neighbor's request.

Driveway Reconfiguration - An existing driveway runs the length of the east property line behind the structured parking and office building. The driveway has operated as a one-way southbound, with vehicles accessing it from South Nevada street and, upon leaving the bottom level of the structured parking area and loading docks, turning right to continue around the south side of the building. This has resulted in all traffic driving through the site to the area closest to residential neighbors. The driveway exits onto South Macadam Avenue at a location where vehicles can only turn right.

With this proposal, the applicant intends to remove five existing parallel parking spaces between the northern portion of the driveway and the structured parking. The removed spaces will facilitate the construction of the new planters, to provide perimeter landscape screening and stormwater treatment, if feasible, for the structured parking. The planters are proposed to hold nine trees, as well as evergreen shrubs and groundcover to meet the perimeter landscaping requirements.

The expanded driveway width at the northern portion of the parcel will also facilitate converting the one-way drive to a two-way direction for this portion, which allows all vehicles existing the structured parking to turn left out of the bottom level of parking and then exit the site via South Nevada. This results in reducing the vehicle traffic passing near the residential neighbors and allows exiting vehicles to leave the site at a location where cars can turn left or right onto South Macadam.

While all personal vehicles will now exit the site via South Nevada, all maintenance and delivery vehicles that utilize the loading area will continue to exit the site near the residential neighbors. To mitigate the ongoing vehicle impacts on the residential neighbors, the applicant proposes that a minimum of 5 trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence, and the trees shall comply with the native plant requirement of the Willamette Greenway Plan. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this guideline is met.

8. Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.

Findings for 8: The proposed fence, located at the eastern property line, will not preclude the potential light rail use of the rail right-of-way. It may benefit the current and future rail users by shielding some unsightly back-of-house functions associated with this property's eastern façade.

Therefore, this guideline is met.

2. GREENWAY REVIEW (33.440)

33.440.300 Purpose

Greenway Review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.350 Greenway Review Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

Willamette Greenway Design Guidelines

The purpose of the Willamette Greenway design guidelines is to help attain the goal and objectives of the Willamette Greenway Plan, particularly objectives 2, 3, and 4. The design guidelines address the quality of the environment along the river, and require public and private developments to complement and enhance the riverbank area, particularly with regard to riverbank treatment, landscape enhancement, public access, and the relationship of structures to the Greenway Trail, the siting and design of viewpoints, and the design of view corridors.

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

A. Relationship of Structures to the Greenway Setback Area.

1. Structure Design. The Greenway setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to support the pedestrian circulation system, including both the Greenway Trail and access connections.

2. Structure Alignment. Where surrounding development follows an established block pattern, alignment with the block pattern should be considered in structure placement. Structure alignment should also take into account potential view corridors from existing public rights-of-way or acknowledged viewpoints. The pedestrian access system should be designed to take advantage of these alignments.

Findings for A: The OPB site is not within the Greenway Setback area. The applicant’s proposed alterations to the site’s landscaping and parking areas do not alter or hinder access to the Greenway trail or its access connections. Alterations to the site’s existing buildings are not proposed. *Therefore, this guideline does not apply.*

B. Public Access

1. Public Access. New developments should integrate public access opportunities to and along the river into the design of the project. This includes the Greenway Trail, formal viewpoints, access connections to the Greenway Trail, and internal site pedestrian circulation.

2. Separation and Screening. The pedestrian circulation system, including Greenway Trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.

3. Signage. Access connections should be clearly marked.

4. Access to Water’s Edge. Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water’s edge is encouraged as part of the project.

Findings for B: The applicant’s proposed alterations to the site’s landscaping and vehicle areas do not alter the public access opportunities to and along the Willamette River, including the Greenway trail, viewpoints, access connections, and internal site pedestrian circulation.

The sole element of the proposal that may impact the public pedestrian circulation system and access to the Greenway trail is the replacement of an existing sight-obscuring fence along S. Nevada with a new sight-obscuring fence in the same location. The existing chain link fence is located at the property line, abutting the South Nevada pedestrian right-of-way, which is also a primary pedestrian entrance into Willamette Park. Detailed descriptions about why the fence is necessary at this location are included below in Section 3, Modifications, of this decision. However, while necessary for public safety, the existing fence at the property line abutting a pedestrian entry into a park does not enhance the pedestrian environment.

The existing chain link fence is topped by a layer of barbed wire. At the first hearing, the applicant’s drawings proposed re-installing barbed wire above the new wood fence at this location. The Design Commission had concerns about the hostile appearance of the barbed wire so close to the pedestrian realm. The site manager noted that some form of climb deterrent is necessary to protect the satellite dishes within, which are part of a statewide emergency broadcast network. The Design Commission requested the applicant explore a more discreet form of climb deterrent. The applicant has since replaced the barbed wire with a low-profile spiked metal that sits at the back of the top rail of the fence. Staff has determined that the product will not be visible from the

adjacent public realm, as it will sit above eye-level and only extends a few inches above the height of the fence.

To further mitigate the fortress-like effect of a fence located at the property line, the applicant proposes to stagger the fence, pushing it back six feet where internal equipment allows that configuration, and to plant the space between the fence and the sidewalk with a mix of narrow evergreen shrubs and deciduous ornamental grasses. Where the fence cannot be moved further back from the sidewalk, the applicant proposes to work with the Regional Arts and Culture Council (RACC) to mount public art panels onto the fence (see sheet L3.5). Adorning the required fence with items of visual interest will serve to strengthen the pedestrian connection between Macadam Boulevard and the riverfront park and Greenway trail, while also screening the pedestrian circulation system from exterior equipment.

While the applicant has proposed the public art concept, provided renderings of the public art on the fence does not include dimensions or location information, and has not yet determined the medium, timeline or budget for this element. Therefore, staff has included a condition of approval that the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% of the entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

With the condition of approval that within two years of final approval of this land use review the property owner shall either:

- 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or*
- 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.*

With the condition of approval for interpretation or public art, this guideline is met.

E. Landscape Treatments.

- 1. Landscape Treatments.** The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition between a riparian treatment on the riverbank and a more formal treatment of the upland.
- 2. Grouping of Trees and Shrubs.** In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas of human use, and has the secondary value of increasing the value of the vegetation for wildlife.

- 3. Transition.** The landscape treatment should provide an adequate transition between upland and riparian areas, and with the landscape treatments of adjacent properties.

Findings for E: Consistent with the required non-conforming upgrades covenant signed on August 23, 2018 (PR 18-140945 NCU), upgrades to the site landscaping are included in this proposal. These requirements are primarily to meet the minimal code standards. Additionally, Modifications are proposed that reduce the area of some landscaping required to meet the code standards. To ensure that the purpose of the required landscaping is achieved the applicant has proposed a landscape plan that meets the intent of the landscaping standards on a constrained site. Consistent with the guideline, the proposed landscape treatments facilitate naturalistic groupings of trees in site areas furthest from human activity, while maintaining a more formal landscape treatment in areas with intense human use.

To ensure that the landscaping facilitates a transition between the abundantly treed riverfront park and the more intense uses along the rail right-of-way and this site's abutting driveway, which is lined with vehicle and service functions, the applicant has proposed to add a minimum of 5 trees along the east property line behind the OPB building, interior to the proposed wood fence. Trees will be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner. Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Further, to facilitate a grouping of habitat-providing trees in an area furthest from human activity, the applicant has proposed a large, evergreen tree to be added at the southeast corner of the site. The evergreen tree will replace the existing cherry tree.

Therefore, this guideline is met.

F. View Corridors

- 1. Right-of-Way Protection.** View corridors to the river along public-rights-of-way are to be protected. These rights-of-way should not be vacated.
- 2. View Protection.** Buildings, structures, or other features must be located to avoid blocking view corridors.
- 3. Landscape Enhancement.** Landscape treatments within view corridors should frame and enhance the view of the river.

Findings for F: South Nevada Street is a designated view corridor per the Willamette Greenway Public Access Map. The applicant is not requesting vacation of South Nevada Street or other land use actions that would alter the right-of-way's protection as a view corridor. To mitigate the impacts of a six-foot sight-obscuring wall abutting this view corridor, staff has added the condition of approval that within two years of final approval of this land use review the property owner shall develop an interpretation signage program that tells the history of the history of the Macadam Greenway area or shall work with RACC to develop a public art installation at this location. The signage/public art shall be mounted or painted on at least the top four feet of at least 75% of the length of the proposed South Nevada satellite dish screening element, where that fence is within three feet of, and parallel to, the sidewalk. The art or educational signage at this location will serve to enhance the view corridor and pedestrian entrance

to the Willamette Park while mitigating the lack of landscape enhancement along the north side of this street.

With the condition of approval that within two years of final approval of this land use review the property owner shall either:

1. *Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or*
2. *Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk,*

With this condition of approval, this guideline is met.

3. MODIFICATION REQUESTS (33.825)

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 #1: Parking Area Setbacks and Perimeter Landscaping, PZC

33.266.130.G.2 – To replace required perimeter landscaping with a six-foot sight-obscuring fence.

Purpose Statement: The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and

- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands. The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. 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.

Standard: 33.266.130.G.2.a.(3) / Table 266-5– Setbacks and perimeter landscaping apply to driveways. Five feet of L2 landscaping is required along the east property line where it abuts a C zone.

Additional standard: In the original 1987 design review for this site (DZ 15-87), a condition of approval was added stating “A landscaped strip approximately three feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.” *As part of this review, the applicant is requesting to remove this Condition of Approval.*

Modification #2: Loading Area Setbacks and Perimeter Landscaping, PZC 33.266.310.E

Purpose Statement: These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Standard: 33.266.310.E/Table 266-8, Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8. Table 266-8 states that five feet of L2 landscaping is required at the lot line abutting a C zone (the rail right-of-way).

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modifications 1 and 2: The modification to remove the 1987 condition of approval requiring approximately three feet of landscaping (DZ 15-87) and to Modify the current zoning code standard that requires five feet of L2 landscaping as a buffer along the eastern driveway/loading area and the abutting property (the rail right-of-way) with a six-foot sight obscuring fence better meets the design guidelines in this back-of-house, utilitarian environment abutting the train right-of-way. This property line is approximately 480’ feet long, with pedestrian right-of-way on the north side and no public access to the south end of the site. While not blocked from public access, the rail right-of-way is not a public corridor and only serves a private tourist trolley that runs on occasional weekends. It is not a form of public transit or operated by a public entity. Therefore, the visual screening benefit of the required L2 landscaping, which consists of low evergreen shrubs or a masonry wall to form a three-foot screen, with sporadic trees and ground cover, is minimal in this setting. The low landscaping will not effectively screen the back of house functions, including loading, structured parking access or a heavily used vehicle area.

The proposal to replace the low landscape screening with a six-foot tall sight-obscuring fence better meets the design guideline 5, Sub-Area Context by providing a screening that serves to buffer the site's visual impact on nearby residential areas and the public park on the other side of the rail right-of-way. The taller, solid fence in conjunction with a minimum of five trees at the east property line is compatible with the intense commercial uses and vehicle traffic and loading functions on the subject site, and better screens the associated lights, noise, and views of those uses from the quiet, forested riverfront and nearby residential homes.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modifications 1 and 2: In preparation for addressing the required non-conforming upgrades on this site, the owners had the property surveyed. The survey revealed that the property does not extend as far back on the eastern side as previously understood. The original 1987 proposal and design for the building were based on the assumed larger site size. When the new survey revealed that the property line was a few feet closer to the building than previously understood, it became infeasible to provide either the current five-foot code required perimeter landscaping or the three-foot landscape strip required as a condition of approval in the original 1987 approval, while still retaining an operational on-site driveway and loading area. The driveway is two-way at the northern end, where employees use it to access the entrance to the bottom level of the parking structure. South of the entrance to the parking structure, the driveway is one way and serves the three loading doors, as well as the trash and recycling areas.

In a typical, urban site, there are myriad benefits for perimeter vehicle area landscaping. In this unusual context, on a parcel that is approximately two city blocks in length and abuts a rail right-of-way with no adjacent public sidewalks to the rail right-of-way, some of the listed purposes of perimeter landscaping are less applicable. The primary purpose of perimeter landscaping in this context is to improve and soften the appearance of parking areas, and to reduce the visual impact of parking areas from nearby residential zones. While there are no abutting residential zones (or residential uses on properties zoned non-residential), there is a nearby residential neighborhood on the other side of the train tracks and to the southeast of this property. One neighbor, who lives closest to this site, has provided numerous comments during this review, including photographs of the eastern edge of this site showing views into the parking area, trash/recycling and bright nighttime security lighting.

To this end, the screening benefits intended of the required landscaping may be better achieved by a taller sight-obscuring fence, particularly since the parking structure is both well-screened by nine deciduous trees and furthest from the nearby residential properties. The visual impact of the loading area, located at the south end of the site closest to the residential neighbors, will not be well screened by the L2 landscaping, and is better mitigated by the sight-obscuring fence. To further mitigate the off-site impacts of the security lighting on the eastern façade of this building, the applicant has proposed that all exterior lights on the east façade shall be dark sky compliant. To add additional year-round screening at the southeast corner of the site, closest to the residential neighborhood, a large, evergreen tree shall replace the existing cherry tree. To provide the additional screening height that the trees in L2 landscaping would provide, the applicant proposes a minimum of five (5) trees shall be planted along the east property line behind the OPB building, interior to the proposed wood fence. Trees may be located as appropriate to ensure no conflicts with loading operations and to allow for adequate clearance for vehicles turning around the SE building corner.

Bollards or other protective elements may be installed to ensure separation between trees and vehicles.

Therefore, this Modification merits approval.

Modification #3: Fences, PZC 33.130.270.C.1.a

Purpose Statement: The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

Standard: 33.130.270.C.1 - Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

- a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
- b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings for Criterion A for Modification 3: The modification to increase the height of the proposed fencing along the South Nevada frontage stems from the existing location of the radio broadcast dishes, and the inability for both of the relevant fence code standards to be met with the existing radio broadcast dish configuration. Were the dishes moved to a location where they could be adequately screened with the code-required six-foot fence, and still have that fence be located more than ten feet from the street lot line, a Modification would not be required. However, since the dishes at this location were part of the original 1987 approval for this development; relocating this broadcast equipment would require disrupting the public emergency communication systems, and an existing six-foot sight-obscuring fence in the same configuration as the applicant intends to maintain has existed here without public complaint or conflict since 1988, staff concludes that a Modification to fence standards is warranted rather than requiring the applicant to move the satellite dishes, provided the Modification clearly meets both the approval criterion: that the resulting development will *better* meet the applicable design guidelines; and that on balance, the proposal will be consistent with the purpose of the standard for which the modification is requested.

The fencing at this location is required by PZC 33.274.040.C.8.a.(2), which requires screening around the base of any radio frequency transmission equipment. Multiple screening options are provided in this code chapter to meet this standard, but the existing locations of the equipment and its operational requirements preclude screening the area with L2 landscaping. The trees required in L2 landscaping would impede the clear area required by the transmission equipment. Of the required screening options listed in this code chapter, a fence is the only feasible option at this constrained location. To ensure safety of equipment and of the public, the Radio Frequency Transmission Facility code requires the fence be at least six feet in height and be totally sight-obscuring.

The second fence standard applicable to this area is in the base zone regulations, which states that fully sight-obscuring fences abutting street lot lines are limited to 3 ½ feet (or may be up to 8 feet high if they are 50 percent or less sight-obscuring) within the first ten feet of a street lot line. In this specific location, the abutting street ends at the east edge of this parcel, and only a pedestrian path continues eastward across the rail

tracks to Willamette Park. Therefore, a taller, sight-obscuring fence at this location does not hinder visibility for motorists or endanger public safety.

Staff considered an alternative Modification to the standard in 33.274, which requires the fence to be totally sight-obscuring. The Modification could have allowed a six-foot fence that was 50 percent or less sight-obscuring. However, staff concluded that allowing the fence to be 50 percent or less sight-obscuring, to meet the standards in 33.130.270, and the resultant views of large satellite dishes, generators, and other equipment in this area, would detract more from the Greenway environment than a well-designed fence or other sight-obscuring screen.

Staff concluded that the Modification proposal at this location will, on balance, be consistent with the purpose of the standard to be modified. However, to ensure that the fence or solid screen proposed for this location *better* meets the design guidelines, staff has added a condition of approval that within two years of final approval of this land use review the property owner shall install permanent signage relevant to the Macadam Greenway context, or work with RACC to develop public art to be mounted or painted on at least 75% entire length of the proposed fence where it is parallel to S. Nevada street and within three feet of the sidewalk, and the signage or public art shall cover at least the top four feet of the fence.

South Nevada is both a mapped view corridor and a pedestrian entrance into Willamette Park. Using the required sight-obscuring fence at this frontage to mount art or educational signage, will better meet Macadam Corridor Design Guideline 2 – Physical Connections, by creating a common sense of unity that ties the site to the surrounding context.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings for Criterion B for Modification 3: The purpose of the design standard is to ensure that tall, sight-obscuring fences do not negatively impact the community or block necessary visibility for motorist safety. The proposed six foot completely sight-obscuring fence will not impede visibility into and out of the site for pedestrians or motorists. Vehicle access on South Nevada Street does not continue past the rail right-of-way. Therefore, a completely sight-obscuring fence will not impede vehicle safety when vehicles enter and exit any of the OPB site’s three driveways proximate to the proposed fence. Further, the fence screens broadcasting equipment, not an occupiable building that benefits from having visibility into and out of the site.

With the condition of approval that within two years of final approval of this land use review the property owner shall either:

- 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or*
- 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.*

With the condition of approval for interpretation or public art, this guideline is 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.

Trash and Recycling Screening: In the scope of this review, additional information was provided indicating that the trash areas were mistakenly categorized as internal (and therefore, not requiring screening) in the August 23, 2018 Non-Conforming Upgrade Covenant. Limited information at that time indicated that the trash and recycling area is located within an enclosed parking area. However, new information indicates that while the trash and recycling are beneath an overhang, the overhang does not have walls beneath it, and therefore they are not screened on all sides and are visible from the South Nevada public right-of-way. While the existing office building to the south of the trash area, and the new sight-obscuring fence to the east may provide sufficient screening to meet the Title 33 standards, permit approval shall necessitate additional screening on the north side of the trash and recycling area to fully screen it from the South Nevada right-of-way.

Radio Broadcast Dishes: The 2018 Non-Conforming Upgrade Covenant did not address the satellite dishes on the north parcel. However, the applicant addresses them as ground-mounted mechanical equipment in the submitted materials. Staff has determined that the satellite dishes are Radio Frequency Transmission Facilities, and not ground-mounted mechanical equipment. The required screening for these facilities is governed by PZC 33.274 and is not subject to the screening requirements of 33.130.235. This determination is consistent with other instances in Title 33 in which roof-mounted antennas are differentiated from roof-mounted mechanical equipment.

CONCLUSIONS

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. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Staff recommends:

Approval of Design Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds, and a new landscape planter strip along the site's southern boundary.

Approval of Modifications for the following:

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.

Approval of Greenway Review for the following: new landscape plantings, new sight-obscuring wood 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 parking spaces and replacement with landscape planter beds to serve as stormwater treatment facilities if deemed feasible by BES at permitting, and a new landscape planter strip along the site’s southern boundary.

Approval to remove a previous Condition of Approval from case file # 15-87: A landscaped strip approximately 3 feet wide shall be installed along the eastern edge of the site, except where loading accommodations require paving to the property line.

Approvals with the following Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-012886 DZM GW". 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. Within two years of final approval of this land use review the property owner shall either 1. Install permanent signage relevant to the Macadam Greenway context in proximity to or on the proposed fence where it is parallel to South Nevada street; or, 2. Work with the Regional Arts and Culture Council (RACC) to develop public art to be mounted or painted on the portion of the proposed fence where it is parallel to South Nevada Street and within three feet of the adjacent Sidewalk. Flexibility in design and configuration of the public art is encouraged, but the public art should be at least 50 percent of the area of the fence where it is parallel to South Nevada Street and within three feet of the adjacent sidewalk.
- C. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on February 9, 2021 and was determined to be complete on August 5, 2021.

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 February 9, 2021.

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 waived the 120-day review period, as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: August 5, 2022.**

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 recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Any new written testimony should be emailed to **Hannah Bryant** at Hannah.Bryant@PortlandOregon.gov. If you cannot email comments and must mail comments via USPS mail, your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

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.

If you are interested in viewing information in the file, please contact the planner listed on this decision. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,513.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services website: <https://www.portlandoregon.gov/bds/article/411635>. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 **December 23, 2021** 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.

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

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

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).

Hannah Bryant
December 2, 2021

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Non-Conforming Upgrades Narrative
 - 2. 120-Day Waiver
 - 3. Completeness Response Letter
 - 4. Submittal for First Scheduled Hearing
 - 5. Original Submittal
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Existing Conditions Plan
 - 3. Construction Management Plan
 - 4. Site and Landscape Plan
 - 5. Landscape Details
 - 6. Art Rendering
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Revised Notice to be posted
 - 5. Applicant's statement certifying posting
 - 6. Mailed notice
 - 7. Revised notice
 - 8. Mailing list
- E. Agency Responses:
 - 1. Life Safety
 - 2. Urban Forestry
 - 3. Bureau of Environmental Services
 - 4. Bureau of Environmental Services - Revised
- F. Letters
 - 1. Mike Dowd, February 17, 2021
 - 2. Mike Dowd, March 3, 2021
 - 3. Mike Dowd, March 12, 2021
 - 4. Mike Dowd, April 4, 2021
 - 5. Mike Dowd, April 6, 2021
 - 6. Mike Dowd, April 6, 2021
 - 7. Mike Dowd, April 20, 2021
 - 8. Mike Dowd, May 5, 2021
 - 9. Mike Dowd, September 7, 2021
 - 10. Mike Dowd, September 7, 2021
 - 11. Mike Dowd, September 7, 2021
 - 12. Mike Dowd, September 7, 2021
 - 13. Mike Dowd, September 11, 2021
 - 14. Mike Dowd, September 13, 2021
 - 15. Mike Dowd, September 14, 2021

16. Images provided by Mike Dowd

G. Other

1. Original LUR Application
2. Incomplete Letter, dated March 11, 2021
3. 180-Day Notice Letter, dated July 9, 2021
4. Original Approval, DZ 15-87
5. OPB 1988 Landscaping Plan
6. PC & EA Summaries
7. NCU Option II Covenant

H. First Hearing

1. Staff Report, November 2, 2021
2. Staff Memo to Commission, October
3. Staff Presentation
4. Applicant Presentation
5. Testimony Sign Up Sheet
6. Mike Dowd, October 4, 2021
7. Mike Dowd, October 27, 2021
8. Mike Dowd, November 2, 2021
9. Mike Dowd, November 3, 2021
10. Mike Dowd, November 4, 2021
11. Mike Dowd, November 4, 2021
12. Mike Dowd, November 12, 2021
13. Mike Dowd, November 12, 2021
14. Mike Dowd, November 12, 2021
15. Mike Dowd, November 12, 2021
16. Mike Dowd, November 12, 2021
17. Mike Dowd, November 12, 2021
18. Mike Dowd, November 15, 2021
19. Mike Dowd, November 19, 2021
20. Mike Dowd, November 19, 2021
21. Kurt Leipszig, November 3, 2021
22. Staff email to testifiers about the 7-7-7 dates
23. Images provided by Mike Dowd

I. Submittals during the 21-day extension for an open record

1. Updated narrative from applicant submitted during the first 7-day period, November 11, 2021
2. Updated submittal package from applicant submitted during the first 7-day period, November 11, 2021
3. Mike Dowd, written testimony submitted during the first 7-day period, November 12, 2021 (6 letters)
4. Mike Dowd, written testimony submitted during second 7-day period, November 19, 2021