



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

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

Date: March 31, 2010

To: Interested Person

From: Tim Heron, Land Use Services

503-823-7726 / tim.heron@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-109825 DZ – PHASED IMPROVEMENTS [MINOR REVISION TO LU 08-103190 DZ – SOUTH TERMINUS]

GENERAL INFORMATION

Applicant: Tri-County Metropolitan

710 NE Holladay St Portland, OR 97232

Transportation District Of OR

710 NE Holladay St Portland, OR 97232

Neil Mcfarlane, Tri-County Metropolitan Transit Authority

710 NE Holladay Street Portland, OR 97232

Representative: Jeff Joslin, KLK Consulting

906 NW 23rd Ave Portland, OR 97210

Site Address: 2097 SW 5TH AVE

Legal Description: BLOCK 30 TL 600, CARUTHERS ADD; BLOCK 157 LOT 1&2,

PORTLAND; BLOCK 157 LOT 7&8 TL 2700, PORTLAND; BLOCK 157

E 30' OF LOT 8, PORTLAND

Tax Account No.: R140902950, R667715830, R667715850, R667715870

State ID No.: 1S1E04DD 00600, 1S1E04DA 02500, 1S1E04DA 02700, 1S1E04DA

02600

Quarter Section: 3228

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.

Business District: Downtown Retail Council, contact Lisa Frisch at 503-552-6740.

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - University District

Zoning: CXd, Central Commercial with design overlay

Case Type: DZ, Design Review

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal:

TriMet's South Terminus, located between SW 5th and 6th Avenues and SW Jackson Street and I-405, was approved in 2008 as the turnaround point for the new MAX line running on 5th and 6th Avenue through downtown Portland. The site consists of three tracks: a through track for MAX as well as two service tracks. Also located on the site are a prefabricated substation and a prefabricated signals and communication building.

Taking into account the site's urban design significance as a gateway into and out of downtown, the design proposes to wrap the two prefabricated Signal/Communications & Substation buildings (SCS) in a metal screen mesh supported on a structural system of steel bents. The screening is intended to obscure the prefabricated buildings from view while adding interest to the urban environment through the play of light and shadow.

Also approved as part of the screening assemble was an array of photo-voltaic panels Further encompassing the effort to employ the site as an opportunity to express Portland's leadership in environmentally responsive design, 22 vertical axis wind turbines were approved be added to the tops of the catenary poles (OCS) used to support MAX's overhead lines.

At this time, the project is nearing completion, the line is successfully operational. However, two elements of the project – the photovoltaic array and the wind turbines, have not been successful in finding the necessary funding.

It is the intent to complete the installation of these elements in time, once funding has been achieved. As the timing of this funding is uncertain, the applicant at this is requested that these elements be approved as respective future phases.

The applicant has request that the installation of these elements be deferred two years from the original approval date of October 2011, to October 2013.

Because this proposal is to allow for phasing of a previously approved Land Use Design Review, Design Review is required.

Relevant Approval Criteria:

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

Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site occupies the entire triangular-shaped block bounded by SW 5th Avenue, Jackson Street, and 6th Avenue. Interstate 405 abuts the site to the south. Until recently, the site contained three houses and a surface parking lot. The house at 520 SW Jackson Street was a Queen Anne-style duplex built in 1902. The house at 518 SW Jackson Street was built in the Rural Vernacular style and constructed circa 1900. The house at 2005 SW 5th Avenue was the oldest of the three, built in 1876. It too was in the Rural Vernacular style. On December 26, 2006, all three buildings were removed from Portland's Historic Resources Inventory so they could be demolished.

The site was once part of a thriving mixed-use, multi-ethnic neighborhood. The residents and small business owners of the neighborhood were primarily Italian, Greek, Irish, Jewish, and Chinese. Until the area was cleared for Portland's first federally funded urban renewal project in the early 1960s, there was a multitude of Victorian homes, churches, ethnic delicatessens, barber shops, taverns, and drugstores. The only remaining fragment of this ethnic enclave is the Lair Hill neighborhood, located south of Interstate 405. Additionally, there are a few remaining structures scattered in the southern part of downtown, including the home located directly across SW Jackson Street from the subject site. Known as the Figo House, it was constructed in 1894 in the Queen Anne Vernacular style.

The site will now be occupied by the southern terminus for the MAX Yellow line and the new Green line, which will provide light rail service on the newly refurbished transit mall. (The Green line will start at Clackamas Town Center, follow Interstate 205 to Gateway Transit Center, and then travel to downtown Portland via a pre-existing MAX alignment.) In the future, it is anticipated that light rail service will be extended from the southern terminus to the City of Milwaukie.

The vicinity is dominated by the Portland State University campus. The Broadway Building, constructed in 2004, is located northwest of the site. It contains student housing, classrooms, and ground-floor retail. Directly east of the site is the PSU Art Building. PSU's Native American Student and Community Center is located two blocks to the west. Other uses in the immediate area include multi-family housing in apartment buildings and subdivided houses, offices, a gas station, parking, and a few retail establishments.

According to Portland's Transportation System Plan, SW 5th and 6th Avenues are classified as Regional Transitway/Major Transit Priority Streets, Central City Transit/Pedestrian Streets, and City Bikeways. SW Jackson Street is classified as a Local Service Bikeway. Interstate 405 is classified as a Regional Trafficway. The site is located in the southern end of the Downtown Pedestrian District.

Zoning: The <u>Central Commercial (CX) zone</u> is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The <u>design (d) overlay zone</u> 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.

Land Use History: City records indicate one prior land use review for this site:

• <u>LU 08-103190 DZ</u>: Design Review approval for southern terminus of new MAX light-rail alignment on the downtown Transit Mall.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed February 25, 2010.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 25, 2010**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d); therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines focus on four general categories. (A) Portland Personality addresses design issues and elements that reinforce and enhance Portland's character. (B) Pedestrian Emphasis addresses design issues and elements that contribute to a successful pedestrian environment. (C) Project Design addresses specific building characteristics and their relationships to the public environment. (D) Special Areas provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts are as follows:

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- **7.** Provide for the humanization of the Central City through promotion of the arts;
- 8. Assist in creating a 24-hour Central City that is safe, humane and prosperous; and
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

Findings: Mass transit itself, the purpose of the South Terminus, is a major Portland-related theme. South Terminus' use of environmentally and urbanistically responsible design elements, such as the stormwater area, and creative and quality screening of accessory structures, expresses Portland's leadership in these areas.

The intention of introducing the photovoltaic panels is certainly another predominant Portland theme at this time: these technologies are intended to

contribute to celebrating Portland's commitment to a sustainable future in this threshold location.

The later phasing of the photovoltaic panels and wind turbines will not detract in any way from these thematic qualities. The quality of the elements introduced to support these features were extremely high, partially in anticipation of the interest the renewable elements would draw. This quality is intended to be retained, along with the infrastructure necessary to allow the turbines and panels to be readily installed when funding allows.

Therefore, this quideline is met.

- **A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **A5.** Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.
- **C4.** Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4, A5, and C4: The overall quality of the Terminus treatments is high. The quality screening element and pylons are of galvanized steel and aluminum, consistent with other nearby rail elements and features found on nearby buildings such as the Broadway Housing building across the street to the northwest, and the nearby PSU Plaza. These features, applied in a sculptural and coherent way, identify the terminus as both a special transitional area, but also part of the larger infrastructure in the area that contributes to defining much of the streetscape in the surrounding district.

The screening and pylons succeed in contributing to these qualities with or without the solar panels and wind turbines. Either of these elements, once funded will be readily implemented and will further unify and enhance the site and the area.

Therefore, this guideline is met.

- **A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.
- **B1.** Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.
- **A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.
- **A9.** Strengthen Gateways. Develop and/or strengthen gateway locations.

Findings for A7, B1, A8, & A9: The material and sculptural quality - and thematic consistency - of the screening structure and pylons contribute to a sense of urban

enclosure, a vibrant streetscape, and enhance the site's gateway qualities. The future phasing of the panels and/or turbines will contribute similarly.

Therefore, this guideline is met.

- **B4.** Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.
- **B5.** Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

Findings for B4 & B5: The frame, pylons panels, and turbines were all intended to contribute to the enhancement of the terminus open space. The integrated and sculptural qualities of the screening frame and galvanized pylons will continue to do so. The later phasing of the turbines and/or panels will also so contribute.

Therefore, these guidelines are met.

- **C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C1 & C5: The new construction will provide views for not only the users but also the adjacent residents. The exterior of the building, while not a repeat of adjacent buildings, reflects many of the district's emerging and evolving architectural themes

Therefore, these guidelines are met.

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

Findings for C2: The already established structures are constructed of durable exterior materials of consistent color and texture. The project design for the all elements considered the quality and durability of all finish materials, with serviceability and permanence being the overriding focus of the design. The structure as erected, as well as the future panels and turbines, are all designed towards permanence, quality, and compositional consistency.

These guidelines are therefore met.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

Findings: The components of the screening frame and pylons are well integrated. The phasing of the turbines and panels will not diminish their integrity.

Therefore, this guideline is met.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: The transitional space between the surrounding buildings and the new mall south terminus open space is supported by the sculptural qualities of the various elements within the space. The phasing of the panels and turbines will not diminish the quality of these transitions, but will afford them an opportunity to change somewhat over time as panels and/or turbines are able to be emplaced.

Therefore, 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.

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 for this review simply delays the installation of previously approved renewable energy feature of the project. The overall project remains intact as originally approved, using a variety of high-quality materials to create a unified design exemplifying Portland's commitment to sustainable design, pedestrian orientation, and mass transit. The MAX Southern Terminus is an exciting addition to the University District and downtown Portland. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of changes to the previously approved Design Review for the MAX Southern Terminus site in the University sub-District of the Central City Plan District; specifically for phased installation of two project elements, the photovoltaic array and the wind turbines;

Approval to extend the installation of these elements for two years from the original approval date of October 1, 2011, to October 1, 2013; and

Approval per the approved Exhibits C-1 through C-2, signed and dated March 26, 2010, subject to the following conditions:

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 10-109825 DZ . No field changes allowed."

Staff Planner: Tim Heron



Decision rendered b	y:	on :	March 2	26,	2010
	By authority of the Director of the Bureau of Development	Service	es		

Decision mailed: March 31, 2010

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 5, 2010, and was determined to be complete on **February 19, 2010**.

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 5, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on April 14, 2010 at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee

waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after April 15, 2010 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

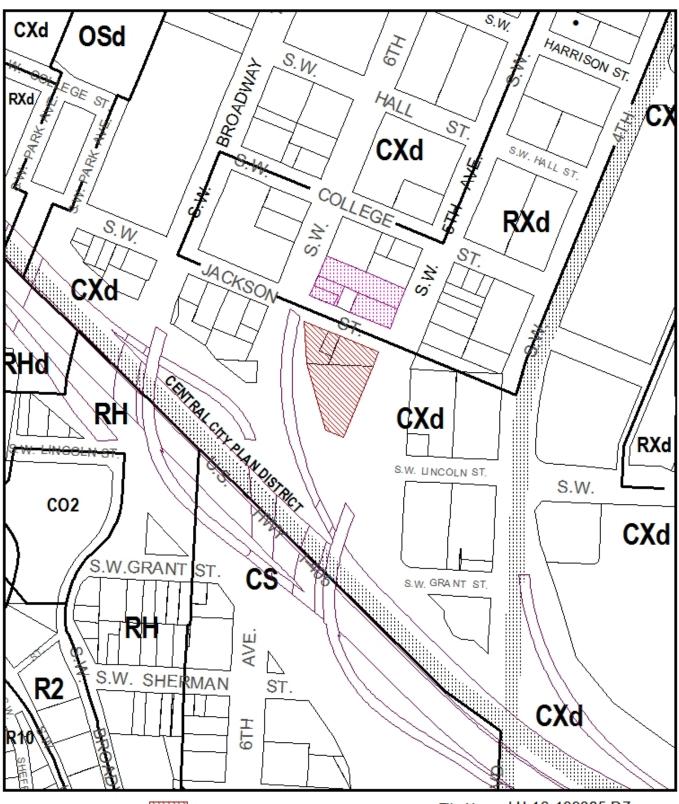
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation [attached]
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING



File No. LU 10-109825 DZ

1/4 Section 3228

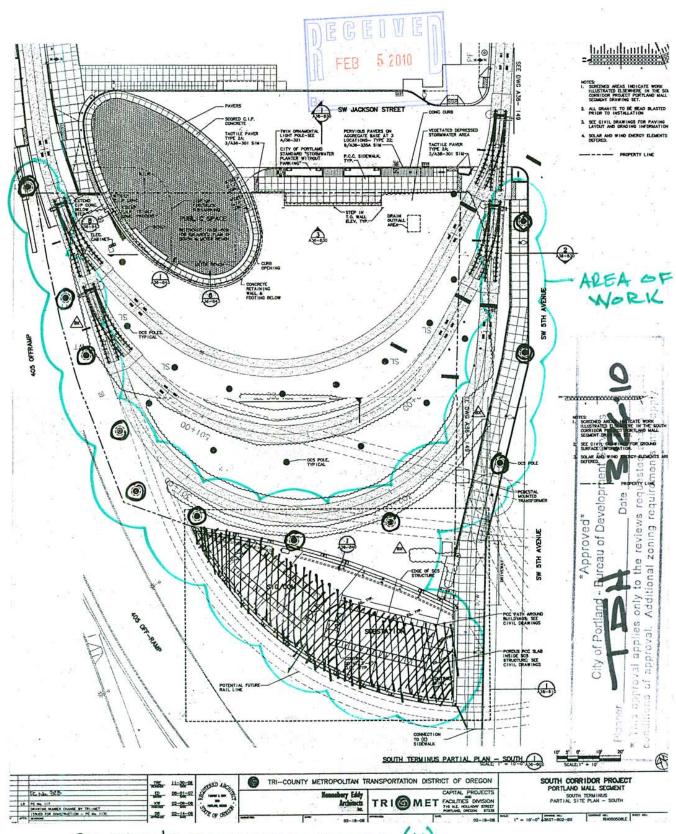
Scale 1 inch = 200 feet

State_Id 1S1E04DD 600

Exhibit B (Feb 09,2010)



This site lies within the: CENTRAL CITY PLAN DISTRICT



@ LOCATIONS OF TEGERPED TORBINES (11)

AND GENERAL LOCATION OF DEFERRED PHOTOVOLTAK PANELS

EXHIBIT C.1 Lu 10-109825 DZ

