

Date: June 30, 2011

To: Interested Person

From: Kara Fioravanti, Land Use Services 503-823-5892 / Kara.Fioravanti@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.

AND

NOTICE OF A POTENTIAL PUBLIC APPEAL HEARING

IF AN APPEAL IS FILED, AN APPEAL HEARING WITH THE PORTLAND DESIGN COMMISSION WILL BE HELD: Thursday,

July 21, 2011, 1:30PM at 1900 SW 4th Avenue Building, Room 2500a, Second Floor, Portland, Oregon 97201.

CASE FILE NUMBER: LU 11-117753 DZ GIBBS ST PEDESTRIAN BRIDGE EAST LANDING ELEVATOR, STAIR & PLAZA

GENERAL INFORMATION

Applicant:	City of Portland, Owner Bureau of Transportation attn: Jody Yates 1120 SW 5 th Avenue, #800 / Portland, OR 97204
	Alfred Voegels, Architect CH2M Hill 202 SW 4 th Avenue / Portland, OR 97201
Site Address:	SW Gibbs Street between Moody and Macadam Avenue
Neighborhood: District Coalition:	South Portland NA., contact Jim Davis at 503-248-9820. Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District:	Central City - South Waterfront
Zoning: Case Type:	CXd, Central Commercial with design overlay zones DZ, Design Review

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

Proposal: The SW Gibbs Street Pedestrian Bridge project proposes to construct a pedestrian and bicycle bridge spanning approximately 700 feet over I-5, landing at its east end in the vicinity of the OHSU tram tower within the SW Gibbs Street right-of-way.

Note that this land use review addresses only the elements within the east landing situated within the South Waterfront Subdistrict of the Central City Plan District. The South Waterfront District Street Plan, Criteria and Standards requires Design Review for "Special Design Areas". SW Gibbs Street from SW Macadam Avenue to the River is a designated "Special Design Area". The area of the project subject to Design Review is fully within the right-of-way.

Those elements proposed within SW Gibbs Street, and therefore subject to this Design Review include:

- A 60' tall elevator tower, with viewing platform, near the intersection of SW Gibbs and Moody
- Planting of the land that slopes down from SW Macadam Avenue (this "vertical garden" includes a series of bioswales, that provide for stormwater management)
- A stairway east of SW Macadam Avenue (at the east end of the bridge a staircase scissors down [first to the west, and then back east] to SW Gibbs and Moody
- A plaza area, including some landscaping, at the base of the elevator tower

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines
- 2009 South Waterfront District Street Plan, Criteria and Standards page 50 -"Special Design Areas" objectives.

ANALYSIS

Site and Vicinity: The SW Gibbs Street Pedestrian Bridge project proposes to construct a pedestrian and bicycle bridge spanning approximately 700 feet over I-5, landing at its east end in the vicinity of the OHSU tram tower within the SW Gibbs Street right-of-way.

Note that this land use review addresses only the elements within the east landing situated within the South Waterfront Subdistrict of the Central City Plan District. The South Waterfront District Street Plan, Criteria and Standards requires Design Review for "Special Design Areas". SW Gibbs Street from SW Macadam Avenue to the River is a designated "Special Design Area". The area of the project subject to Design Review is fully within the right-of-way.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 5, 2011**. The following Bureaus have responded with no issues or concerns: BDS Site Development, Portland Transportation, Urban Forestry.

The **<u>Bureau of Development Services, Life Safety</u>** responded with the following comment: Exhibit E-1.

A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: http://www.portlandonline.com/bds/, or by calling (503) 823-1456. Coordination required with Local public agencies including but not limited to PBOT and City of Portland Bureau of Parks and Recreation

(Note: The applicant and staff from Bureau of Development Services, Life Safety, have been in discussion about appropriate process since Exhibit E-1 was issued.)

The **<u>Bureau of Environmental Services</u>** responded with the following comment: Exhibit E-2.

The following recommended conditions of approval and informational comments are based on the land use review documents and plans provided to the Bureau of Environmental Services (BES). The applicant may contact above listed staff with questions about the information presented in this memo.

A. RESPONSE SUMMARY

BES has no objection to the requested design review. The following comments have been included as a courtesy to the applicant.

B. STORMWATER MANAGEMENT

- 1. General Stormwater Management Requirements: All development and redevelopment proposals are subject to the requirements of the City of Portland Stormwater Management Manual (SWMM). The SWMM is periodically updated; projects must comply with the version that is adopted when permit applications are submitted. The 2008 SWMM may be obtained at the City of Portland Development Services Center (1900 SW 4th Ave) and from the BES website (www.portlandonline.com/bes/2008SWMM). Development projects are evaluated using the criteria described in <u>Section 1.3</u> of the SWMM. The Stormwater Hierarchy guides the applicant in determining where stormwater runoff should be conveyed (i.e. infiltrated on-site or discharge point, vegetated surface facilities are required to the maximum extent feasible to meet SWMM pollution reduction and flow control requirements.
- 2. Project Stormwater Management Comments:
 - a. The proposed stormwater management facilities have previously been reviewed by BES through interagency cooperation with ODOT and PBOT. BES requires no further information regarding the sizing of proposed stormwater facilities.
 - b. BES Pollution Prevention has identified through records research that this area could contain contaminated soils/media. Usually, analytical data is required, but construction has already started; therefore, the most conservative approach must be employed which is to construct as flow-through, not infiltration, stormwater facilities.
- 3. The project site is located in the Willamette River Watershed, in the Marquam-Woods subwatershed. Total Maximum Daily Load (TMDL) water quality requirements apply in the Willamette River Watershed, as required by Oregon DEQ. The Stormwater Management Manual (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.

C. SITE CONSIDERATIONS

The following information relates to specific site conditions or features that may impact the proposed project.

- Portland's Zoning Code (33.248) includes specific requirements for mitigation and restoration plantings, including that the plant materials must be native and selected from the <u>Portland Plant List</u>. Where mitigation and/or restoration plantings are not required, BES still recommends the use of native plants to help stabilize soils and minimize erosion. Native vegetation not only filters stormwater, it is suited to our climate and therefore needs less watering and does not require pesticides and fertilizers.
- 2. Generally, Cascade silt loam soils predominate in this area. Cascade soils have a surface layer and subsoil of silt loam and a substratum of silt loam fragipan that can restrict water

flow. The depth of the fragipan layer varies from 2-4 feet, or more. This type of soil is moderately- to poorly-drained and can become saturated during the rainy season, resulting in surface runoff, erosion, and landslides. Therefore, to minimize these effects and to protect slope stability, BES recommends that native plants be planted on disturbed areas.

D. CONDITIONS OF APPROVAL

If the land use application is approved, BES recommends that the following conditions be included with the decision:

1. None

E. PERMIT INFORMATION

At the time of permit review the applicant should be aware of the following:

- SWMM Chapter 4 Requirements: Design requirements from <u>Chapter 4</u> of the SWMM (Source Controls) that may pertain to this project are briefly described below with the corresponding Chapter 4 section noted. BES recommends the applicant review Chapter 4 to help recognize other requirements that may apply to this project at the building permit review stage. BES recommends that requirements related to site contamination be addressed prior to submitting for building permit review to help avoid potentially long delays.
 - a. Temporary Dewatering (<u>Section 4.4</u> and <u>Title 17 Chapters 34, 36, 39</u>): During construction, groundwater or precipitation water that is removed from the construction area and discharged to a City sewer requires pre-authorization/approval through the BES Batch Discharge Program. Fees are assessed for temporary construction discharges to the public sewer system see the <u>BES website</u> for current rates and information about dewatering as it relates to <u>construction projects</u>.
 - b. Contaminated Soils (<u>Section 4.11</u>): Additional erosion control measures are required. Stockpiles of soil must have a barrier on all four sides, and covered to protect from stormwater contact. Contaminated soil piles must also have an impervious layer underneath the stockpile to inhibit contaminates from leaching back into the soil.

The **<u>Water Bureau</u>** responded with the following comment: Exhibit E-3.

The Water Bureau has no objections, but does have the following comments, regarding the "Gibbs St Pedestrian Bridge East Landing Elevator, Stair & Plaza" as depicted in the above mentioned LU. There is an existing 6" DI and HDPE water main in SW Gibbs St, with a 1.5" domestic service and a 6" fire service located just WWL of SW Moody Ave for 3325 SW Moody Ave, and a hydrant to be installed at approximately at the same location. When working adjacent to or over the existing water system, a water system protection plan will need to be in place and active, to avoid damage to the existing water main and appurtenances. During construction over or within 2 feet of the water system, Water Bureau inspection will need to be notified thru the Water Bureau Public Works Inspection Supervisor, Roy Martinez at (503) 823-8311. Conditions of Approval: None. Please call me if you have any questions or comments. My phone number is 503-823-7171

The **Fire Bureau** responded with the following comment: Exhibit E-4.

This proposal cannot be reviewed at this time without more detail about this project. A full set of plans identifying all aspects of this proposal has not been submitted to the Fire Marshal for review. A separate permit is required for this proposal and it must meet all the requirements of the Fire Code. The applicant may contact the Fire Marshals Office, Plan Review section at 503-823-3801 to arrange a full review of this project

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 5, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

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 a design (d) overlay zone, therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and the South Waterfront Design Guidelines.

Central City Plan Design Goals

- 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 which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

South Waterfront Design Goals

The South Waterfront Design Guidelines and the Greenway Design Guidelines for the South Waterfront supplement the Central City Fundamental Design Guidelines. These two sets of guidelines add layers of specificity to the fundamentals, addressing design issues unique to South Waterfront and its greenway.

The South Waterfront Design Guidelines apply to all development proposals in South Waterfront within the design overlay zone, identified on zoning maps with the lowercase letter "d". These guidelines primarily focus on the design characteristics of buildings in the area, including those along Macadam Avenue, at the western edge, to those facing the greenway and river.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase "g". These design guidelines focus on the area roughly between the facades of buildings facing the river and the water's edge.

South Waterfront Design Guidelines and Central City Fundamental Design Guidelines

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront 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.

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

A1. Integrate the River.

- B1. Reinforce and Enhance the Pedestrian System.
- **B1-1. Facilitate Transit Connections.**
- **B7.** Integrate Barrier-Free Design.
- C1. Enhance View Opportunities.

Findings: The larger project of the Gibbs Street Pedestrian Bridge offers a direct connection between the Lair Hill and the South Waterfront neighborhoods and, in particular, the first phase of a direct connection to the River from the Lair Hill neighborhood. Though the actual Gibbs Street connection between SW Moody and the River will be designed and constructed at a later date (date TBD), this project is the first step in providing an accessible route to the River from the bridge via a ramp or elevator at the east landing. The overlook at the end of the pedestrian bridge, the glassy elevator tower and the bridge itself present sweeping views of the River from a vantage point high above street level. Additionally, the project provides a pedestrian and bike link between two transit-rich neighborhoods, which together have ample bus, streetcar, Tram and future MAX service. These guidelines are met.

A4. Use Unifying Elements.

A4-1 Integrate Ecological Concepts in Site And Development Design.

A4-2 Integrate Stormwater Management Systems in Development.

Findings: The materials, colors and detailing of the east landing are unified with the larger project of the Gibbs Street Pedestrian Bridge. The vertical garden is a series of bioswales that collect and purify rainwater from the bridge in successive terraces. The pedestrian path meanders through the terraces for people to understand and experience stormwater management. These guidelines are met.

B2. Protect the Pedestrian.

- B2-1. Incorporate Outdoor Lighting That Responds to Different Uses.
- C12. Integrate Exterior Lighting.

Findings: Lighting will offer safety and interest at night and is integrated into the project design. Mechanical equipment and vents are out of view, as encouraged in the previous Design Commission briefing (Exhibit G.3). These guidelines are met.

- A8. Contribute to a Vibrant Streetscape.
- B3. Bridge Pedestrian Obstacles. B4. Provide Stopping and Viewing Places.
- B5. Make Plazas, Parks and Open Space Successful.
- **B6.** Develop Weather Protection.
- C6. Develop Transitions between Buildings and Public Spaces.

Findings: The east end of the bridge reaches out for views of Mt. Hood with a 60'-high cantilevered observation platform. The elevator's dynamic curtainwall allows for transparency critical to public safety. The generous scissor stairway in the vertical garden provides space for bridge users to rest, enjoy the sound of the water, wait for the Tram or streetcar, and access a future green promenade that will continue to the River. Overhead canopies are at elevator access points for weather protection. These guidelines are met.

C2. Promote Quality and Permanence in Development.

C4. Complement the Context of Existing Buildings.

- C5. Design for Coherency.
- C10. Integrate Encroachments.
- C11. Integrate Roofs and Use Rooftops.

Findings: The material palette, including color and detailing, matches that of the larger Gibbs Street Pedestrian Bridge for a seamless project. Materials are permanent to withstand the high usage of a public facility. The verticality and transparency of the elevator tower is reminiscent of the South Waterfront building aesthetic. Rooftops are green to appear an extension of the extensive series of gardens. These guidelines are met.

CONCLUSIONS

The approval criteria are met.

ADMINISTRATIVE DECISION

Approval of Design Review for the Gibbs Street Pedestrian Bridge elements within the east landing area. Those elements proposed within SW Gibbs Street, and approved by this Design Review include:

- A 60' tall elevator tower, with viewing platform, near the intersection of SW Gibbs and Moody
- Planting of the land that slopes down from SW Macadam Avenue (this "vertical garden" includes a series of bioswales, that provide for stormwater management)
- A stairway east of SW Macadam Avenue (at the east end of the bridge a staircase scissors down [first to the west, and then back east] to SW Gibbs and Moody
- A plaza area, including some landscaping, at the base of the elevator tower

Approval per the approved plans, Exhibits C-1 through C-18, signed and dated June 28, 2011, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.18. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-117753 DZ. No field changes allowed."

Staff Planner: Kara Fioravanti

Decision rendered by:

on June 28, 2011

By authority of the Director of the Bureau of Development Services

Decision mailed: June 30, 2011

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 3, 2011, and was determined to be complete on **April 1, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 3, 2011. *ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 31, 2011.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. If an appeal is filed, an appeal hearing is already set for July 21, 2011 at 1:30 PM. For this appeal hearing to happen, appeals must be filed **by 4:30 PM on July 14, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing is already scheduled for July 21, 2011 at 1:30 PM... 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 July 15, 2011 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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. Planting Plan
 - 3. South and East elevations of elevator tower
 - 4. West and North elevations of elevator tower
 - 5. Planting legend
 - 6. Stair Plan and Elevation
 - 7. Ornamental Fence Type 4
 - 8. Ornamental Fence Type 4 Details
 - 9. Ornamental Fence Type 5
 - 10. Sections
 - 11. Arch Details 1

- 12. Arch Details 2
- 13. Arch Details 3
- 14. Arch Details 4
- 15. Arch Details 5
- 16. Colored Rendering at ground looking SW
- 17. Bird's Eye view looking SW (attached)
- 18. Materials and colors
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
- F. Correspondence:
 - none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Notes from Design Commission briefing, 4-29-10

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).





