



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** November 10, 2011  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

### **CASE FILE NUMBER: LU 11-167525 DZ** **PORTLAND-MILWAUKIE LIGHT RAIL, SW MOODY/SW PORTER STREET IMPROVEMENTS**

#### **GENERAL INFORMATION**

**Applicant:** Tri-County Metropolitan Tri-Met  
710 NE Holladay St 4012 SE 17th Ave  
Portland, OR 97232 Portland, OR 97202

**Representative:** Karen Karlsson, KLK Consulting LLC  
906 NW 23rd Ave  
Portland OR 97210

**Site Address:** From the south abutment of the PMLR Structure [approximately 300 feet south of SE Sheridan Street] to the east line of SW Moody [at the intersection with SW Porter Street].

**Legal Description:** TL 200 2.35 ACRES, SECTION 10 1S 1E  
**Tax Account No.:** R991100020  
**State ID No.:** 1S1E10BA 00200  
**Quarter Section:** 3229

**Neighborhood:** South Portland NA., contact Jim Davis at 503-248-9820.  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Plan District:** Central City – South Waterfront  
**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:**

The Portland-Milwaukie Light Rail Project [PMLR] proposes to construct a transitway from the south abutment of the Harbor Structure approved under LU 11-124348 DZ to connect with the

transitway in Porter Street approved under LU 10-151765 DZ, GW. The transitway will rise gradually on retained fill from the Moody Avenue-Porter Street intersection until it reaches the bridge abutment 300 feet south of SW Sheridan Street.

There will be a retaining wall to the west of the transitway supporting the Oregon Departments of Transportation [ODOT] Right-of-Way [ROW] to the west [I-5]. The project also includes [from north to south] a standard substation building west of the transitway and in the ROW, a stairway from the substation to transitway, a bike shelter between the transitway and SW Moody Avenue, a signal-communication building, a standard storm water facility south of the transitway and west of SW Moody Avenue, fencing and associated landscaping.

The transitway will be constructed of concrete and will include a separate striped lane for eastbound buses only near the Moody/Porter intersection. A concrete crash barrier will be provided along both sides of the transitway.

The substation and signal-communication building will be a site built building with CMU walls and dark color metal roofing. Stairs will be galvanized roofing. The bike shelter will be metal with glazed roofing and will be painted the SWF district color [silver-grey]. The storm water facility will be a vegetated swale per the City of Portland Stormwater Management manual with associated trees.

Because the proposal includes non-standard elements in the ROW, design review is required.

**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

## ANALYSIS

**Zoning:** The site is zoned CXd - Central Commercial with Design overlay zone. This area lies within the South Waterfront Subdistrict of the Central City Plan District.

The Central Commercial (CX) base zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. The proposed bridge improvements are allowed outright in this base zone and not specifically addressed in this land use review.

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 Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

**Land Use History:** City records indicate one prior land use reviews for this site, LU 01-007918 GW – Construction of combined sewer overflow tunnel, pipelines at or below grade within the greenway overlay zones.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 6, 2011**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 6, 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**

### **DESIGN REVIEW (33.825)**

#### **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.

### **Central City Fundamental Design Guidelines**

#### **South Waterfront Design Guidelines**

#### **A. PORTLAND PERSONALITY**

**A1. Integrate the River.** Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and Greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

**A1-1. Develop River Edge Variety.** Vary the footprint and façade plane of buildings that face the Willamette River to create a diversity of building forms and urban spaces adjacent to the greenway. Program uses on the ground level of buildings adjacent to the greenway and to accessways linking the greenway with the interior of the district that activate and expand the public realm. Design the lower stories of buildings within the greenway interface to include elements that activate uses and add variety and interest to the building facades.

**A1-2. Incorporate Active Uses along the River.** Integrate active uses along the greenway to encourage continuous use and public “ownership” of the greenway. Program active uses to face and connect with the greenway, expand the public realm, and enhance the experience for greenway users. Develop active ground floor uses at the intersections of the greenway with accessways to the interior of the district to create stronger connections to and activity along the greenway

**Findings for A1:** This section of the PMLR project connects the Harbor Structure to the South Waterfront station and thus to the river’s edge. The overhead catenary system marks the route of the light rail line to and across the river, establishing a visual connection.

*Therefore, this guideline is met.*

**Findings for A1-1 and A1-2:** This portion of the project located at the western edge of the South Waterfront District and has no river edge.

*Therefore, these guidelines are not applicable.*

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

**Findings for A2:** Portland prides itself with being a sustainable city that supports alternative modes of transportation. This project will provide new and better transit service to southeast Portland, expanding options to tens of thousands Portlanders.

The stormwater facility associated with this area will have a visual presence on Moody Street offering opportunities for pedestrians and bicyclists to experience this feature, another key sustainability element.

*Therefore, this guideline is met.*

**A3. Respect the Portland Block Structures.** Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

**Findings for A3:** This area of south downtown has long been shaped by its major infrastructure from the Ross Island Bridge to the Marquam Bridge, I-5 to I-405, long ago disrupting the traditional 200 ft block pattern. While this guideline is not strictly applicable as it specifies a dimension for the block pattern, the landscaping design has been developed to visually terminate the east/west streets, Porter and Woods (Future), with significant conifers and enhancement of existing vegetation on the existing I-5 berm. In this manner the landscaping reflects the City of Portland's adopted street plan in this area.

*Therefore this guideline is not applicable.*

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

**A4-1. Integrate Ecological Concepts in Site and Development Design.** Incorporate ecological concepts as integral components of urban site and development designs.

**A4-2. Integrate Stormwater Management Systems in Development.** Integrate innovative storm water management systems with the overall site and development designs

**Findings for A4:** Portland's light rail system is easily recognized by the careful selection of unifying elements, and this new alignment is no different. Light rail standards were developed by TriMet and the Office of Transportation and endorsed by the Design Commission. Many of the elements have already been approved and are memorialized in the Transit Standard Improvements in the ROW document.

**Findings for A4-1 and A4-2:** The storm water from this portion of the PMLR is being handled by a storm water facility, west of Moody Street and south of Porter St that will be shared with the Willamette River Bridge. This facility is being designed according to the Storm Water Management Manual, and is a standard improvement.

*Therefore, these guidelines are met.*

**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.

**A5-1. Consider South Waterfront's History and Special Qualities.** Consider emphasizing and integrating aspects of South Waterfront's diverse history in new development proposals. When included in the development proposal, integrate works of art and/or water features with site and development designs.

**Findings for A5 and A5-1:** The elements being used are consistent with Tri Met's standards and the elements approved for the Porter Street station. The bike shelter will have a crisp and clean look with a glass roof and will be designed to be visually compatible with both LRT and streetcar shelters. The signal communications building will be a simple site built structure with a peaked roof. The combination of "old" and "new" design elements in the project are reflective of the variety found in South Waterfront. In addition, the landscaping will enhance a significant feature in the specific area, the vegetated berm supporting I5.

*Therefore, these guidelines are met.*

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**Findings for A6:** There are no existing buildings on this site.

*Therefore, this guideline is not applicable.*

**A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**Findings for A7:** The retaining wall and landscaping to the west of the Moody ROW will create a clear visual enclosure of the public right of way. The row of trees between Moody and the transitway will also define the Moody ROW and provide a sense of urban enclosure.

*Therefore, this guideline is met.*

**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.

**Findings for A8:** There are no non-service buildings being proposed in this application

*Therefore, this guideline is not applicable.*

**A9. Strengthen Gateways.** Develop and/or strengthen gateway locations.

**Findings for A9:** The proposal is not at a gateway, but is at an elbow and helps to make that directional transition.

*To the extent that this guideline is applicable, it is met.*

## **B. PEDESTRIAN EMPHASIS**

**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.

**B1-1. Facilitate Transit Connections.** Orient the main entrances of buildings at streets served by public transit to conveniently and directly connect pedestrians with transit services.

**B1-2. Enhance Accessway Transitions.** Program uses along accessways and at the intersections of accessways and public streets linking the greenway with the interior of the district that activate and expand the public realm. Incorporate private building elements, such as entries, patios, balconies, and stoops, along accessways to expand the public realm from building face to building face. Integrate landscape elements within accessway setback areas with accessway transportation components to enhance transitions from South Waterfront's interior to the greenway.

**Findings for B1, B1-1 and B1-2:** The Shared Transitway is a dedicated bus and light rail only right of way and therefore will not allow pedestrian access. The area where the transitway crosses Moody St is being carefully designed to avoid pedestrian conflicts. Landscaping and paving will guide pedestrians through the area safely. This section of the PMLR project is not located along an accessway and does not directly connect to the greenway. Coincident to this project, but not subject to this review, significant bicycle and pedestrian connections are being constructed along SW Moody Street.

*To the extent that these guidelines are applicable, they are met.*

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

**B2-1. Incorporate Outdoor Lighting that Responds to Different Uses.** Place and direct exterior lighting to ensure that the ground levels of the building and associated outdoor spaces are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas. When appropriate, integrate specialty lighting within activity nodes at the interfaces of accessways and the greenway.

**Findings for B2:** The purpose of this project is to create a separated route for buses and light rail vehicles that will avoid pedestrian – vehicle conflicts. All systems connected with the project are being carefully located and integrated with the design of the structure.

*Therefore, this guideline is met.*

**Findings for B2-1:** The lighting of the transitway will ensure transit travel surfaces are lit to applicable standards at night. The sidewalks along Moody St, which are not a part of this project, will be lit by PBOT to their normal standard.

*Therefore, this guideline is met.*

**B3. Bridge Pedestrian Obstacles.** Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

**Findings for B3:** Although PBOT standards are being used through the pedestrian zones, special attention is being paid to ensure the safety and comfort of pedestrians in the Moody-Porter intersection. Planters and scored pavement will help guide pedestrians from the transitway and direct them to safe crossing spots.

*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:** Since the transitway is being built for the use of buses and light rail vehicles, with no pedestrian access. Providing plazas or viewing places would be inappropriate. Other more appropriate portions of the light rail project do provide numerous places for pedestrians, and public art and other amenities have been integrated to enhance the pedestrian experience. In addition the greater project provides transportation allowing people to arrive on foot which activates these spaces that already exist, making them successful.

*Therefore, these guidelines are met.*

**B6. Develop Weather Protection.** Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

**Findings for B6:** There are no buildings or sidewalks, other than City sidewalk along Moody St., in this proposal. All users of the system will be inside vehicles and protected from the rain. The bike shelter is being designed with rain cover to protect riders as the lock or unlock their bikes.

*To the extent that this guideline is applicable, it is met.*

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building's overall design concept.

**Findings for B7:** The entire light rail Project is being designed to be fully accessible to all people. However, no public access to the systems building will be allowed.

*Therefore, this guideline is met.*

## **C. PROJECT DESIGN**

**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.

**Findings for C1:** This proposal does not include buildings for public occupancy.

*Therefore, this guideline does not apply.*

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

**Findings for C2:** TriMet requires the use of long lasting high quality materials to ensure low maintenance costs for its facilities. In this case the use of concrete, cmu, and galvanized steel metal will ensure that the project is of a consistent and well maintained quality, both physically and visually for its service life.



*Therefore, this guideline is 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 for C3:** This proposal does not modify an existing building

*Therefore, this guideline does not apply.*

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

**C4-1. Develop Complementary Structured Parking.** Develop, orient and screen structured parking to complement adjacent buildings, reduce automobile/ pedestrian conflicts and support the pedestrian environment

**Findings for C4 & C4-1:** There are no existing buildings within close proximity to the project area, and no parking is being proposed.

*Therefore, these guidelines do not apply.*

**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 C5:** The use of TriMet's standard elements set in front of the transitway retaining wall, ensure that the project is both coherent within itself and coherent when connected with the rest of the PMLR elements.

*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.

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for C6, C7, C8, C9, C10 and C11:** This development is the creation of a Shared Transitway, which is an exclusive transit right-of-way, and does not include buildings open to the public. The buildings being proposed are TriMet standard buildings.

*Therefore, these guidelines do not apply.*

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

**Findings for C12:** No exterior lighting is being proposed except for standard roadway lighting for the shared transitway and intersection and limited lighting for security associated with the systems buildings and their access.

*Therefore, this guideline does not apply*

**C13. Integrate Signs.** Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

**C13-1. Coordinate District Signs.** Consider the development of a master sign program that integrates the sign system with the development's overall design.

**Findings for C13 and C13-1:** The only signs used in the project will be small signs giving guidance to the transit drivers, limited way finding signage for transit users, and signage required by the Manual of Uniform Traffic Control Devices (cannot be modified). Signs will be mounted as appropriate to their purpose and in accordance with their requirements.

*Therefore, these guidelines are met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The design for the area under this review completes the design concept for the area east of Moody approved under another review. As such, it is an integrated design that is of a high quality utilizing appropriate high quality materials. This area is a thoughtfully designed, but quiet transition in the transit users experience from the station "room" in South Waterfront, to a pleasant trip toward the Lincoln station "room". This area will also be contribution to a positive edge for this area anticipating the future development that will occur between the I5

freeway and the Willamette River. Finally, this design will also provide soft, but identifiable, visual termination to the transit project on Porter Street.

## ADMINISTRATIVE DECISION

Approval of the Portland-Milwaukie Light Rail Project to construct a transitway from the south abutment of the Harbor Structure approved under LU 11-124348 DZ to connect with the transitway in Porter Street approved under LU 10-151765 DZ, GW.

Approval includes:

- retaining wall to the west of the transitway supporting the Oregon Departments of Transportation [ODOT] Right-of-Way [ROW] to the west [I-5],
- a standard substation building west of the transitway and in the ROW,
- a stairway from the substation to transitway,
- a bike shelter between the transitway and SW Moody Avenue,
- a signal-communication building, and
- a standard storm water facility south of the transitway and west of SW Moody Avenue, fencing and associated landscaping.

Approval per the approved Exhibits C-1 through C-33, signed and dated November 8, 2011, 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.33. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-167525 DZ . No field changes allowed."

**Staff Planner: Tim Heron**

Decision rendered by:  on November 8, 2011

By authority of the Director of the Bureau of Development Services

**Decision mailed: November 10, 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 August 16, 2011, and was determined to be complete on **September 14, 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 August 16, 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.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has

independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 28, 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](http://www.portlandonline.com).

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

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

**Recording the final decision.**

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

- *Unless appealed*, The final decision may be recorded on or after **November 29, 2011 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

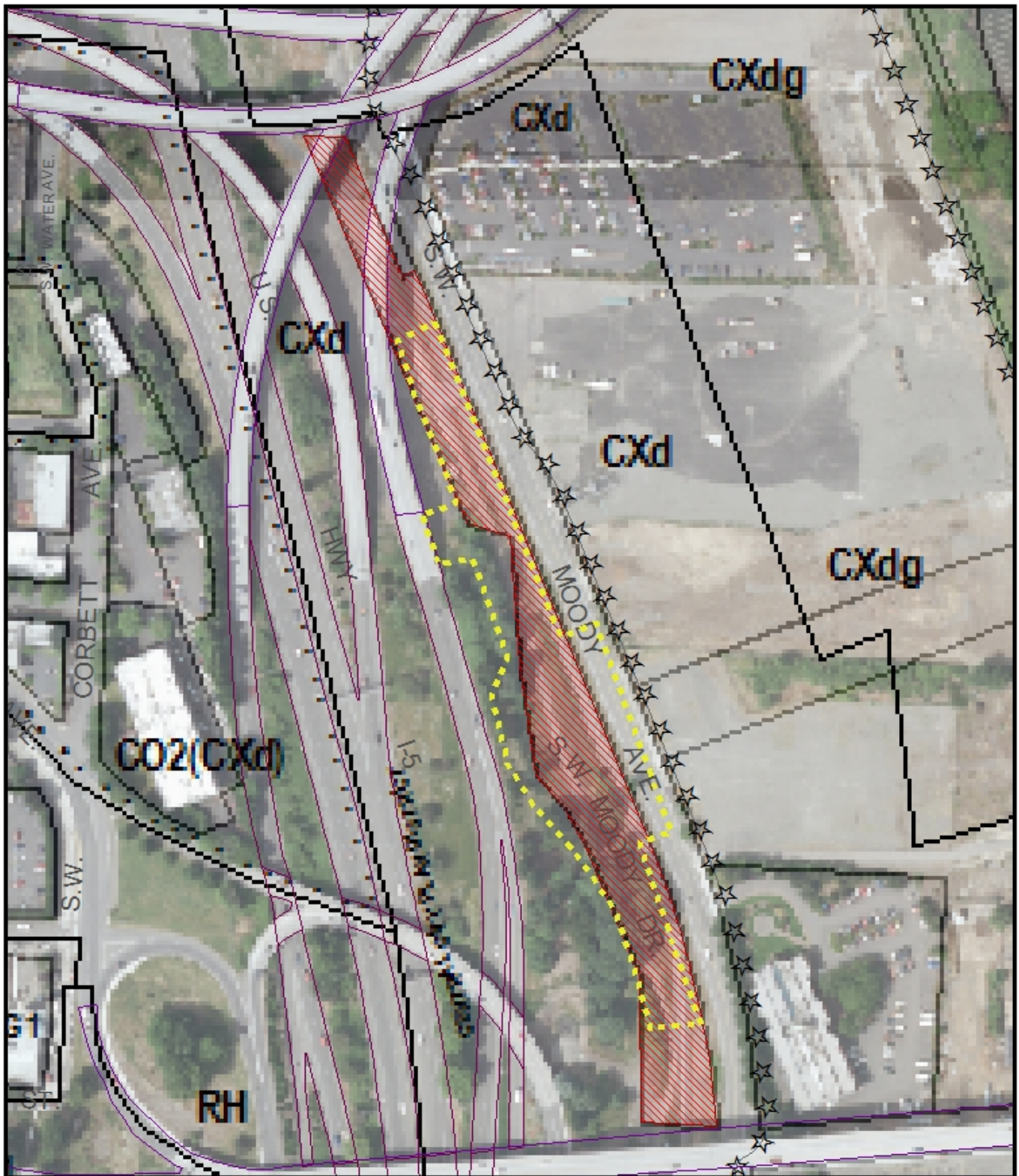
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. - 33. Site Plan, Renderings, Details (some attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Water Bureau
- F. Correspondence: none.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research



# ZONING



Site



Area of Review



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

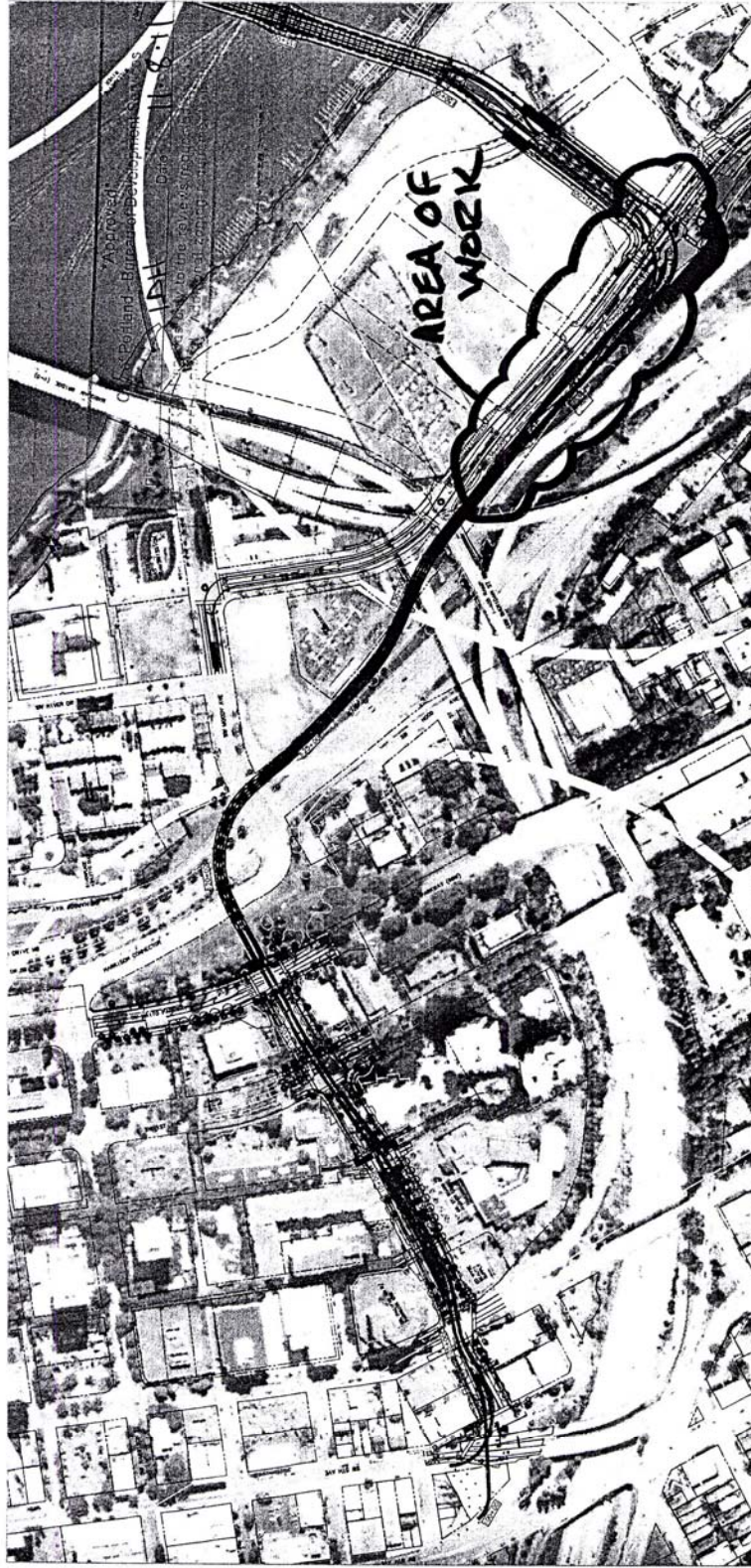
File No.	LU 11-167525 DZ
1/4 Section	3229,3329,3330
Scale	1 inch = 200 feet
State_Id	1S1E10BA 200
Exhibit	B (Aug 22,2011)





**PORTLAND-MILWAUKIE**  
LIGHT RAIL PROJECT

# West Alignment



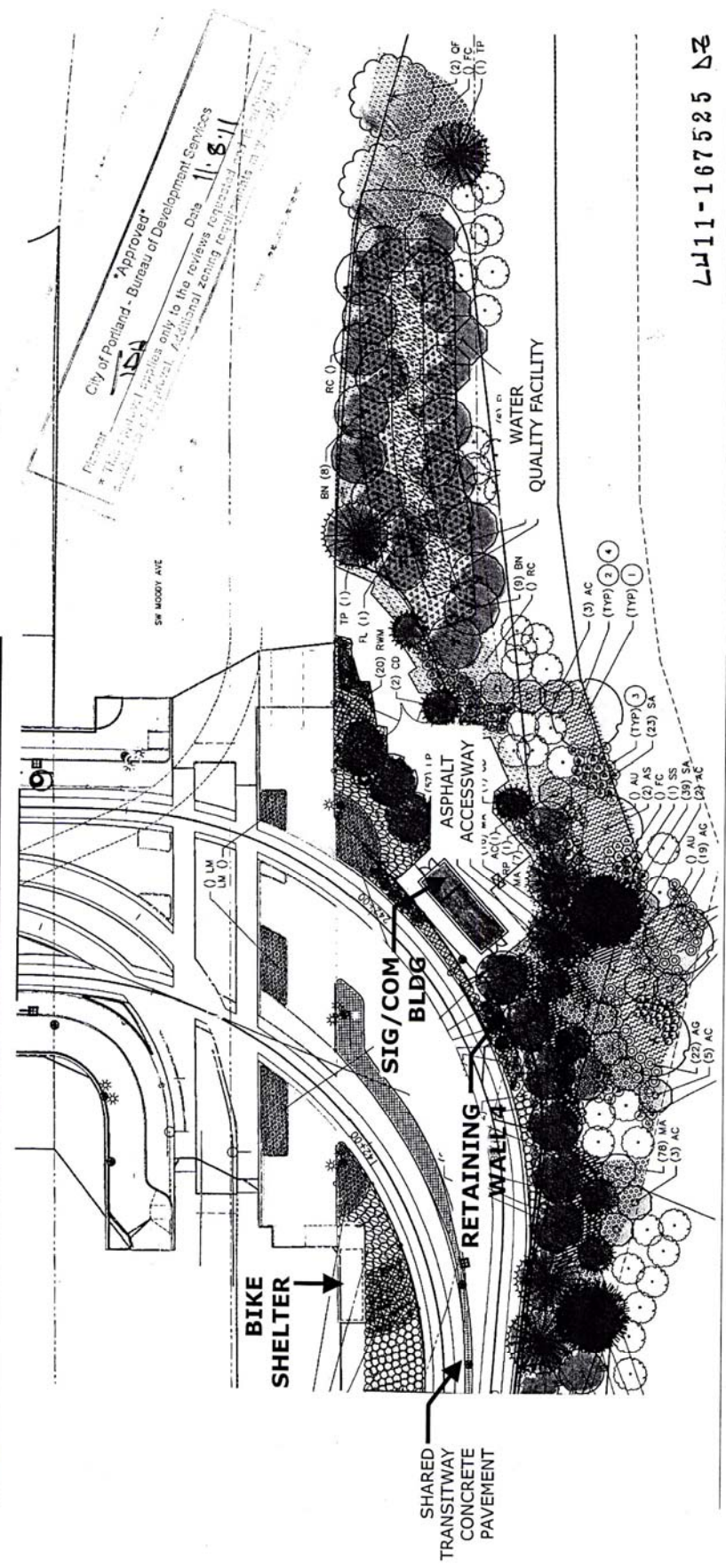
LD11-167525-A2

October 26, 2011

Exhibit 3



# Moody/Porter Intersection



October 26, 2011



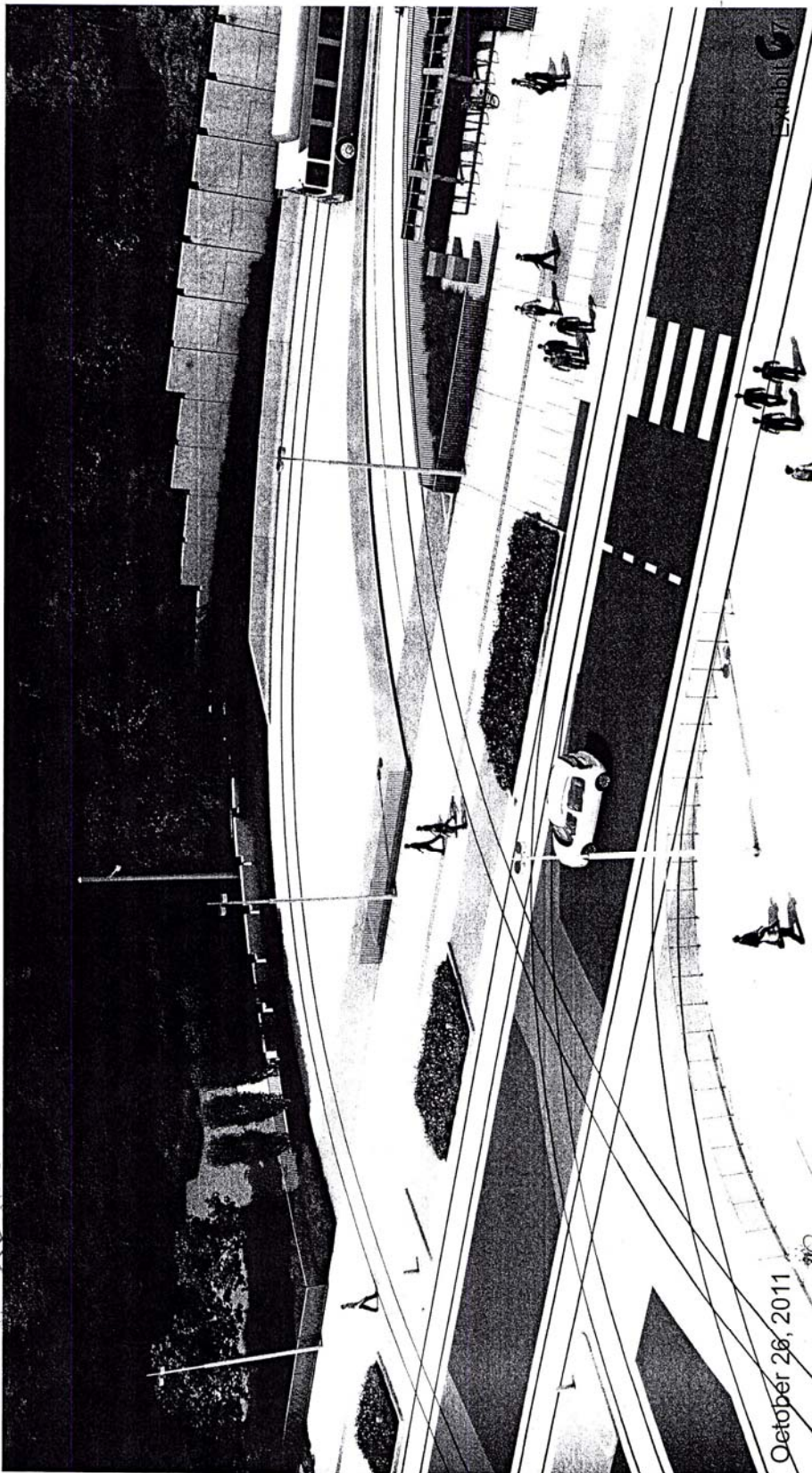


**PORTLAND-MILWAUKIE**  
LIGHT RAIL PROJECT

# Moody / Porter Intersection

111-167525 N2

Approved  
11.8.11  
Date of Decision



October 26, 2011