



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 29, 2016
To: Interested Person
From: Mark Moffett, City Planner
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-192406 CU - UNITY CENTER FOR BEHAVIORAL HEALTH/LEGACY LAB

GENERAL INFORMATION

Applicant: Keith Jones
Haper Houf Peterson Righellis Inc.
205 SE Spokane St., Ste. 200
Portland, OR 97202

Owner Agent: Ali Sadri
Legacy Health
2801 N Gantenbein Ave., # 1007
Portland, OR 97210

Owner: Legacy Emanuel Hospital & Health Center
1919 NW Lovejoy St
Portland, OR 97209-1503

Architect: Warren Tyler
PKA Architects P.C.
6969 SW Hampton St.
Tigard, OR 97223

Site Address: 1225 NE 2ND AVE

Legal Description: BLOCK 57-60&63&64 TL 1700, HOLLADAYS ADD
Tax Account No.: R396201640
State ID No.: 1N1E34AA 01700
Quarter Section: 2930

Neighborhood: Lloyd District Community, contact Cassidy Bolger at bolger.cassidy@gmail.com

Business District: Lloyd District Community Association, contact Brian Griffis at admin@lloyddistrict.org.

District Coalition: None

Zoning: **CXd** (Central Commercial base zone with Design overlay) **and RXd** (Central Residential base zone with Design overlay), **Central City plan district/Lloyd District subdistrict**

Case Type: **CU** (Conditional Use Review)

Procedure: **Type II**, an administrative decision with appeal to the Hearings Officer.

PROPOSAL: The Unity Center for Behavioral Health (Unity) will be located at the Legacy Holladay Park medical center campus, the former location of the state hospital in the Lloyd District of NE Portland. The Unity project is a collaborative effort with local health providers, the state, and the City of Portland to provide services for adults and adolescents who are experiencing a mental or behavioral health crisis.

Medical Centers are an institutional use that is allowed only conditionally on sites that include residential (RX) zoning. In 2013 the central laboratory and research building addition received Design Review and Central City Parking Review approval at the site (LU 13-139304 DZM, LU 13-167699 PR). Unfortunately, the required Conditional Use Review was not completed at that time for the expansion of institutional floor area accessory to a Medical Center use.

The Unity project involves renovation on several floors of the old state hospital, and interior work is already underway. Exterior site work associated with the Unity project under this application includes the following:

- Installation of a new emergency drop-off area;
- Installation of a new emergency vehicle exit and driveway onto NE 3rd Avenue;
- Installation of a private sidewalk along the east end of the building and main entrance;
- Modifications to landscaping and layout for the parking area immediately east of the old state hospital/Unity project building;
- Removal of a private walkway to NE Multnomah Street and construction of a new private walkway to NE 3rd Avenue;
- Construction of a 3,163 square-foot lobby addition;
- Removal of hedges and chain-link fencing at the corner of NE 3rd and Multnomah on the easternmost tip of the property, and development of a small scored concrete pedestrian plaza; and
- 11 additional windows to be cut into the existing South, West and North walls of the building for additional lighting into patient rooms and administrative areas, with window types and sizes to match existing windows.

Expansions of Medical Center uses as proposed on a split-zoned site with residential zoning require a Conditional Use Review. As the expansions exceed 1,500 square feet in this case for an existing use, the proposal is processed through the Type II procedure.

Please note that there is a separate Design Review application for this same proposal (LU 16-190065 DZ). Generally speaking, the Conditional Use Review in this application will focus on the service demand issues from city agencies (transportation, stormwater, water service, street trees, etc.), as well as impacts to the adjacent residentially-zoned area. The separate Design Review case will focus on the site planning, architectural materials and design, landscaping, and conformance with Zoning Code development standards.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found at **33.815.105.A-E, Conditional Use Approval Criteria for Institutional and Other Uses in R Zones**.

ANALYSIS

Site and Vicinity: The 337,767 SF site is located in the NE quadrant of the City and bounded by the I-5 freeway to the west, Multnomah Street to the south, 2nd and 3rd Avenues to the east and Wasco to the north. It lies within the Lloyd sub district of the Central City Plan District, as well as, the Lloyd Pedestrian District. Multnomah Street is classified as a Transit Access Street and MLK and Grand Avenues to the east are both Major Transit Priority Streets. This area is well served by public transportation with frequent bus service on most of the major streets, Streetcar on Grand (2 blocks east) and light rail on Holladay (1 block south).

The site is a Superblock with vacated rights-of-way traversing it including Clackamas, Wasco, Multnomah, 1st, 2nd, Ross and Halsey that occurred when the I-5 freeway came through this area. The site is zoned Central Commercial (CX) and Central Residential (RX). The surrounding area in all directions is also zoned CX with the exception of the properties to the immediate north and east. The RX zoned portion of the subject site, as well as these adjacent properties, are anticipated to be rezoned CX in the next several years under the N/NE Quadrant Plan

The site is developed with a 6-story, 154,913 SF hospital facility that is used partially for research, a laboratory, and the remainder is leased to the State of Oregon. Parking lots that serve the existing building are located at the north and east ends of the site. A secured outdoor area for patients exists along the east wall of the building. A former open grassy area east of the secured and fenced outdoor area at the far southeast corner of the site was approved in 2013 as a temporary construction-related gravel parking area, but this parking area must be returned to grass and landscaping after the current construction projects on the site are complete.

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

The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. The site is within the Lloyd Subdistrict of this plan district.

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

- CU 105-61: Approval of a 1961 Conditional Use for off-street parking for hospital.
- CU 008-63 - Approval of a 1963 Conditional Use for hospital parking lot.
- CU 073-68: Approval of a 1968 Conditional Use for reconsideration of a previous CU for the expansion of a hospital.
- CU 045-69: Approval of a 1969 Conditional Use for signage for the emergency entrance.
- CU 020-72: Approval of a 1972 Conditional Use Master Plan for the hospital expansion.
- CU 106-72: Approval of a 1972 Conditional Use for a hospital expansion for phase 1 of the CU master plan.
- CU 102-73 – Approval of a 1973 Conditional Use for a small addition to the Holladay Park Hospital.
- CU 094-75: Approval of a 1975 Conditional Use for a medical office accessory to the hospital.
- CU 031-76: Approval of a 1976 Conditional Use for new identification and directional signs for the new and existing hospital.
- CU 006-79: Approval of a 1979 Conditional Use review for a hospital expansion and amended by supplemental report.
- ADJ 025-90: Approval of a 1990 Adjustment for three new 58 SF signs.
- DZ 083-90: Approval of a 1990 Design Review for new signage.
- LUR 96-00384 DZ: Approval of a 1996 Design Review for a rooftop cellular facility.
- LUR 96-01059 DZ: Approval of a 1996 Design Review for new mechanical equipment on the ground (cooling tower) and on the rooftop (chiller).
- LUR 97-00780 DZ: Approval of a 1997 Design Review for new rooftop equipment.
- LU 13-139304 DZM: Conditionally-approved Design Review for the Legacy Laboratory.
- LU 13-167699 PR: Approval of a Central City Parking Review for surface parking changes associated with the Legacy Laboratory project.
- LU 16-190065 CU: In process Design Review for the same project being considered in this Conditional Use application. Final site planning, pedestrian connection and tree/landscaping issues are still to be addressed and resolved in this case at the time this decision was mailed.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 14, 2016**. The following Bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and responded with comments regarding stormwater management and sanitary sewer services, as well as one recommended condition of approval. BES does not object to approval of this Conditional Use review, as the project will be subject to BES standards and requirements during the permit review process. A condition of approval has been requested to ensure that the applicant completes sewer improvements within the project area under a Public Works Permit, and that the owner must enter into an encroachment agreement with the City allowing the structure in the easement area, to the satisfaction of BES. With imposition of the condition language as requested, BES supports approval of the Conditional Use review. Exhibit E.1 contains staff contact and additional information.

The *Development Review Section of Portland Transportation* has reviewed the proposal and responded with an analysis of the applicant’s transportation study and proposal, and has no objections or concerns. A summary of their response is included in the findings on the approval criteria within the long version of this decision. Exhibit E.2 contains staff contact and additional information.

The *Water Bureau* has reviewed the proposal and responded with comments regarding available water service, but no objections or concerns regarding the requested Conditional Use Review. Exhibit E.3 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and provided a standard comment that the Fire Code applies and will be imposed during the building permit process. No concerns or objections are raised with regard to the requested Conditional Use Review. Exhibit E.4 contains staff contact and additional information.

The *Police Bureau* has reviewed the proposal and initially responded with several specific questions about the operation, to which the applicant responded in detail (Exhibit G.6). Although it determined that there are adequate public resources to serve the proposed use, a recommendation to work with the Police on an ongoing basis on any site security issues as requested will be included in this decision as a condition of approval. Additional details will be included in the findings for the approval criteria, later in this report. Exhibit E.5 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and provided standard comments, with no specific objections or concerns regarding the current proposal. A separate building permit is required for the work, and a comprehensive Life Safety review for any applicable Building Code issues will occur during the permit review. Exhibit E.6 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and notes that a Public Works Permit has already addressed the Title 11 (Tree Code) issues on the site. If the permit changes or re-opens for additional review, Urban Forestry will also review any additional changes at that time. No objections or concerns with regards to the requested Conditional Use Review were raised in the letter. Exhibit E.7 contains staff contact and additional information.

The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and responded without objection or concern (Exhibit E.8).

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the Notice of Proposal.

ZONING CODE APPROVAL CRITERIA

33.815.010 Purpose of Conditional Use Reviews

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Approval Criteria for Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: The existing Holladay Park facility has been in place at the site since 1981, and has continuously occupied the same superblock site ever since. The original hospital building and the newer Legacy Laboratory Addition are surrounded by surface parking lots to the north and east, and a grassy area along the southeast corner of the site abutting NE Multnomah Street and 3rd Avenue. A portion of this grassy area, immediately abutting the hospital building, is fenced and enclosed as a patient outdoor area. The southeast corner of the site is currently developed with a gravel construction-related parking lot, but this area will be returned to grass once construction of the current project is complete.

The surrounding residential area is limited in size, consisting of approximately 5.5 typical downtown 200'-0" by 200'-0" blocks, as well as the streets in between. This residential area is currently developed with the six-story, full-block Emerick Apartments immediately east of the site, as well as a quarter-block apartment building currently under construction immediately northeast of the site. The other smaller parcels outside Legacy ownership in this residential area include a half-block developed with a former warehouse turned commercial event center, an older single-family home, a 1920's four plex, and two small surface parking areas.

Given the longstanding presence of the Holladay Park institutional building in the area, the highly urban nature of the neighborhood, and the modest change to the size and scope of non-residential uses on the site, there are no significant reductions to the appearance and function of the surrounding residential area. The institutional medical services provided at the site have been in place for decades, and the additional size proposed is appropriate for the large superblock site on which the use is located. The intensity and scale of the proposed use is consistent with other recently-approved developments in the residential area nearby.

Although not directly relevant to this finding, it can be noted that the entire site is proposed to be re-zoned to a commercial designation with the new Comprehensive Plan in the next year or two. At that time, the requirement for a Conditional Use Review will no longer be in effect for the Legacy property, and the use would be allowed by-right.

Based on the character of the proposed changes, there are no significant changes to the residential appearance and function of the RX-zoned area, which is and will continue to be an area characterized predominantly by a mix of high-density residential projects, with some commercial and longstanding institutional uses. Therefore, this criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: There are no City-designated scenic resources on the site. This criterion does not apply.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or

Findings: The adjacent residential developments are five- and six-story mixed-use apartment buildings built right to the street lot line, with masonry facades and storefront-like conditions instead of landscaped setbacks along the street. The Legacy superblock site will continue to be much larger than the nearby parcels developed with housing. The proposed changes to the Legacy site for the Unity Center and Legacy Laboratory building are modest in scale, and are consistent and compatible in terms of size and style, with the adjacent high-density residential developments.

However, the separate Design Review application for the same project in this application is still underway. Site planning issues with regards to the parking area, pedestrian pathways, and landscaping are still being resolved with this separate case (LU 16-190065 DZ). Given the highly urban nature of the adjacent residential developments, as opposed to the average single-family or multi-family residentially-zoned site, there are no potential impacts to compatibility, regardless of the fine-scale changes that will be made to the site plan during the pending Design Review. In order to clarify that the project specifics, including both site and landscape plans, may be modified in order to comply with the pending mandatory Design Review decision, a condition of approval will note that changes per the final drawings approved in this separate case will control during the building permit process. With this noted condition of approval, this criterion can be met.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: The appearance and scale of the proposed changes to the site are in keeping with the urban character of the old Holladay Park facility which is being altered, as well as the multi-story mixed-use apartment buildings across the street from the site. The landscaped surface parking lot and pedestrian walkways will continue to provide physical and visual separation between the medical buildings and the adjacent housing, although this buffering is not typical of other residential developments in the neighborhood, which typically include multi-story buildings right against the street lot lines. Given this urban character already exists at and around the site and will be maintained in the proposal, there is no need for mitigation addressing differences in appearance or scale. This criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: The proposed uses for the site are essentially identical to those that have occurred at the former Holladay Park Hospital since the 1960's. The uses all occur inside the building, with the exception of exterior surface parking and pedestrian access walkways. The existing and proposed trash enclosure area is on the lower west side of the building, as distant and separated from the adjacent residentially-zoned lands as possible. Typical pedestrian and parking lot lighting will be installed, consistent with the existing developments in the area, and will not result in adverse impacts on adjacent residentially-zoned lots. Legacy janitorial staff will continue to patrol the property for trash, empty exterior trash cans, and otherwise address any potential litter problems, which are not typically an issue for medical center of office-like uses as found at the site. Noise and late-night operations are not expected to be a significant factor in the proposed use of the site. Therefore, this criterion is met.

2. Privacy and safety issues.

Findings: There are no anticipated privacy issues, as the existing relationship with the adjacent urban housing developments nearby is not substantially changing. The adjacent housing developments are multi-story buildings with windows all along the exterior lot lines, which creates a different environment and expectations with regards to achieving privacy within a dwelling unit. Additionally, these buildings are separated from the subject site by the width of the intervening rights-of-way.

The Police Bureau has reviewed the proposal and responded that they are capable of serving the proposed use. However, they have made recommendations regarding making and keeping the street address visible, as well as suggestions for perimeter shrub and landscape plantings. The specific recommendations regarding planting are to provide 6'-0" of clearance under trees, and keep shrubs pruned under 3'-0" tall. In this situation, where the surface parking lots only require an L2 or low shrub perimeter screen, this recommendation does not conflict with Zoning Code development standards for parking lot landscaping. Although not necessary to meet this criterion given the fact that the Police Bureau has indicated they are capable of serving the proposed use, the specific recommendations and concerns of the Police will be incorporated into this decision as an advisory note for the applicant. This criterion is met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings for D.1 and D.2: The Development Review Section of Portland Transportation (PBOT) has reviewed the proposal and responded with comments, but no objection to approval of the project as proposed (Exhibit E.2). Sidewalks along the site are currently being reconstructed under a public works permit to current City of Portland standards as a requirement of the previous review of the Central Laboratory (via LU 13-139304 DZM). Bike and transit services are available at and near the site, and the adjacent street system is adequate. After a detailed analysis of potential traffic-related impacts under the proposed use at the site versus what would be allowed by-right under the same zoning, PBOT has determined that there are fewer impacts with the proposal than what could be built by-right. Based on the submitted survey, there appear to be 23 and 43 spaces of excess on-street parking capacity adjacent to the site. During the course of the same parking study, there were between 37 and 57 excess on-site parking spaces in the current parking lots. Even with the current proposal to remove 19 of the existing parking stalls, this will still result in adequate on-site parking for the use. Legacy already participates in and will continue to engage with Transportation Demand Management strategies for employees and customers. Therefore, with the recommendation of approval from PBOT, this criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Water Bureau and Fire Bureau have reviewed the proposal and responded without objections or concerns with regards to water supply or fire protection. Sanitary waste disposal and stormwater disposal systems have been

reviewed by the Bureau of Environmental Services, who find that the services can be made adequate with a condition of approval regarding public works permitting. The condition of approval relates to underground work in vacated NE 2nd Avenue, where a sewer line will remain under the new entry addition, near a complicated electrical subsurface facility in the same area. The requested condition of approval (Exhibit E.1) reads as follows: “Prior to building permit issuance, the applicant must complete sewer improvements within the project area under a Public Works Permit, and the owner must enter into an encroachment agreement with the City allowing the structure in the easement area, to the satisfaction of BES”. With this condition of approval, this criterion can be met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The site is within the boundaries of the *Central City Plan*, which is the only adopted area plan for the site (the Lloyd District does not have a neighborhood plan). The proposal is consistent with both Policy 1 (Economic Development) and Policy 5 (Human Services) of the Central City plan, as it expands employment and human services in the area. This criterion 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 applicant has proposed an expansion of the Holladay Park medical center campus, and has received prior Design Review approval for the Central Laboratory aspect of the proposal. This Conditional Use Review is required because of the RX zoning on the site, but the adjacent residentially-zoned lands are developed with high-density urban buildings, and the physical changes to the site are in keeping with the scale and placement of nearby development. Given this unique context and the limited residential zoning in the area, and considering that transportation, safety and other aspects have been satisfactorily addressed, this proposal is easily able to meet the approval criteria and can be conditionally approved. Conditions of approval will allow changes to the plans to conform with the future Design Review decision, ensure that necessary sewer work is completed, and encourage ongoing coordination with the Police on any security concerns or issues.

ADMINISTRATIVE DECISION

Approval of a Conditional Use Review for the following exterior site changes at the Unity Center/Legacy Laboratory site at 1225 NE 2nd Avenue, including approval for project as previously granted for the Legacy Laboratory under LU 13-139304 DZM & LU 13-167699 PR, as well as the following exterior site alterations associated with the Unity Center project:

- Installation of a new emergency drop-off area;
- Installation of a new emergency vehicle exit and driveway onto NE 3rd Avenue;
- Installation of a private sidewalk along the east end of the building and main entrance;
- Modifications to landscaping and layout for the parking area immediately east of the old state hospital/Unity project building;
- Removal of a private walkway to NE Multnomah Street and construction of a new private walkway to NE 3rd Avenue;
- Construction of a 3,163 square-foot lobby addition;

- Removal of hedges and chain-link fencing at the corner of NE 3rd and Multnomah on the easternmost tip of the property, and development of a small scored concrete pedestrian plaza; and
- 11 additional windows to be cut into the existing South, West and North walls of the building for additional lighting into patient rooms and administrative areas, with window types and sizes to match existing windows.

This approval is granted based on substantial conformance with the approved building elevations and site plans, excepting any changes necessary to conform with the future Design Review approval and Condition B, below. The approved drawings in this case, Exhibits C.1 through C.8 are all signed and dated November 22, 2016, and subject to the following conditions:

- A. As part of the building permit application submittal, the applicant shall submit four full sets of drawings reflecting the approval in this decision, including the graphic note "ZONING COMPLIANCE PAGE - Case File LU 16-192406 CU."
- B. Final site plans, landscape plans and other drawings for this project may be modified to comply with the pending Design Review (DZ) decision in Case File # LU 16-190065 DZ, without returning for an amended Conditional Use approval. If any conflict exists between the plans approved in this application versus those in the DZ case noted in this condition, the DZ-approved drawings shall control.
- C. The applicant is encouraged to work directly with the Police Bureau on their ongoing site security and visibility concerns, including keeping the street address clearly visible, and maintaining perimeter landscaping to maintain good visibility into the site from surrounding streets.
- D. Prior to building permit issuance, the applicant must complete sewer improvements within the project area under a Public Works Permit, and the owner must enter into an encroachment agreement with the City allowing the structure in the easement area, to the satisfaction of BES.

Staff Planner: Mark Moffett

Decision rendered by: M. MOFFETT **on November 22, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 29, 2016.

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 June 23, 2016, and was determined to be complete on July 12, 2016.

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 June 23, 2016.

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 extend the

120-day review period for 30 days, in order to provide additional time for revised material submittal and a formal response from the Bureau of Environmental Services (Exhibit G.9). Unless further extended by the applicant, **the 120 days will expire on December 8, 2016.**

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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 13th, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 Hearings Officer 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 **December 14th, 2016 – (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 Statements
 1. Original application narrative
 2. Original arborist report
 3. Photo renderings of Unity Center addition as originally proposed
 4. Cover memo provided with additional information, rec'd. 7/13/16
 5. Additional memo from Kittleson & Associates regarding Traffic Study Scope, dated 6/9/16 and rec'd. 7/13/16
 6. Stormwater Report, rec'd. 7/13/16
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. North and West Elevations
 2. East and Entry Detail Elevations (**attached**)
 3. South Elevation (**attached**)
 4. Paving, Dimensioning and Striping Plan for Parking Area
 5. Planting Plan Detail and Plant List – SW Corner Parking Area near Entry (**attached**)

6. Tree Protection Plan
 7. Plaza Layout Plan @ SE Corner of Site/NE 35d & Multnomah (**attached**)
 8. Large, scalable plan set matching C.1 through C.8, above – seven pages total
- D. Notification information:
1. Mailing list and master copy of mailed notice
 2. Postmarked copy of mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Development Review Section of Portland Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Police Bureau
 6. Life Safety Section of the Bureau of Development Services
 7. Urban Forestry Division of Portland Parks and Recreation
 8. Site Development Section of the Bureau of Development Services
- F. Correspondence (*none received at time of decision mailing*)
- G. Other:
1. Original LU Application Form
 2. Early Assistance Appointment Summary Notes – EA 16-136457
 3. Original internal staff routing slip, sent 7/12/16
 4. Second internal staff routing slip, sent 7/21/16
 5. 2013 and 2014 Aerial photographs of site as printed from Mapworks by staff, showing prior grassy, open condition at current gravel parking lot near southeast corner of site
 6. E-mail correspondence from staff to applicant regarding Police Bureau questions, including applicant responses to all questions and attached Unity Center letter of support, 7/22/16 – 7/26/16
 7. E-mail from Stephen Himes to BDS staff regarding status of Bureau of Environmental Services response to this application, sent 8/4/16
 8. E-mail dialogue between BDS staff and project team regarding status of both Conditional Use and Design Reviews, including project team responses to staff questions, 8/23/16
 9. 120-day extension, rec'd. 10/24/16

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

ZONING

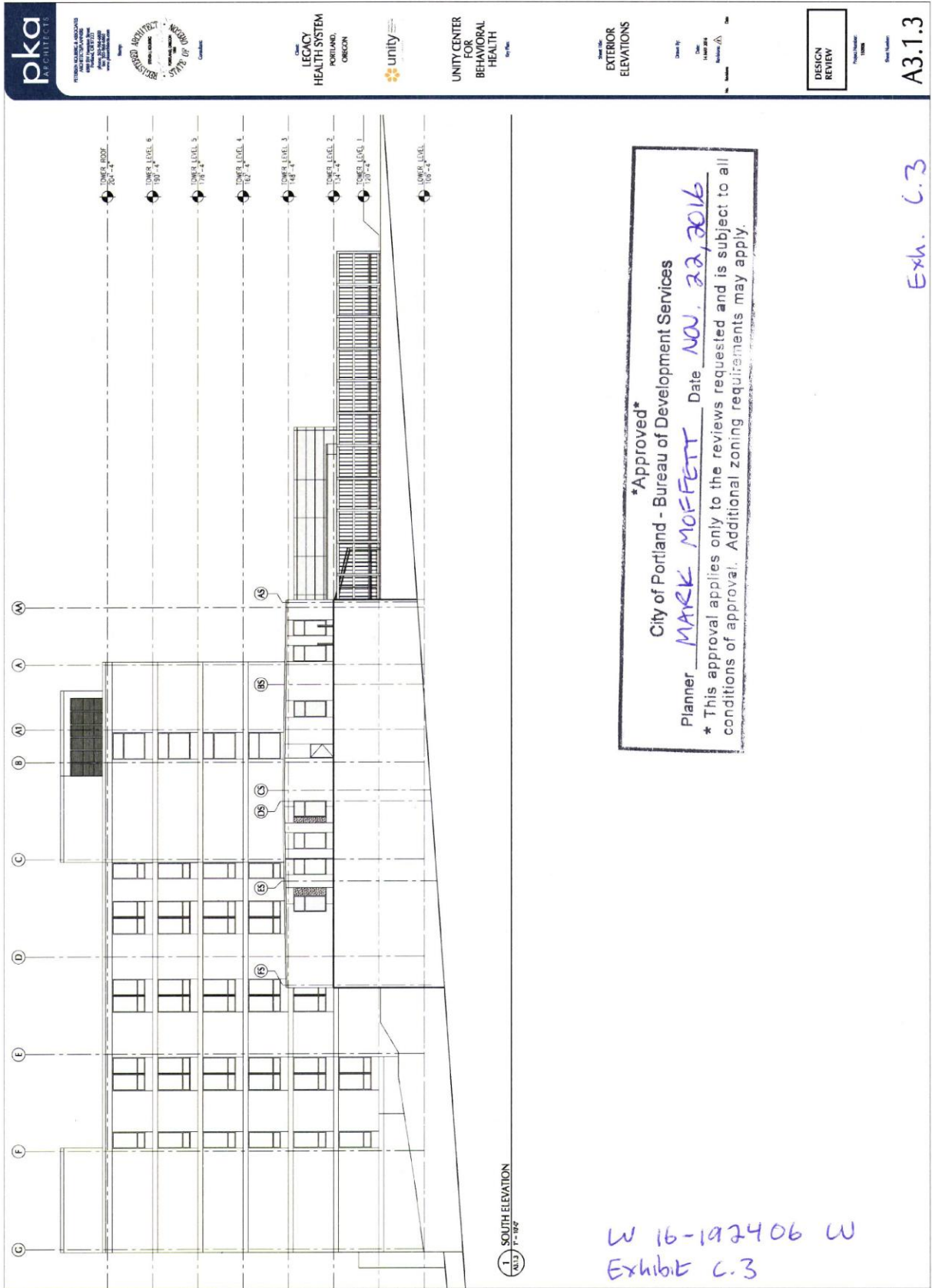
 **Site**

This site lies within the:
CENTRAL CITY PLAN DISTRICT
LLOYD DISTRICT SUBDISTRICT

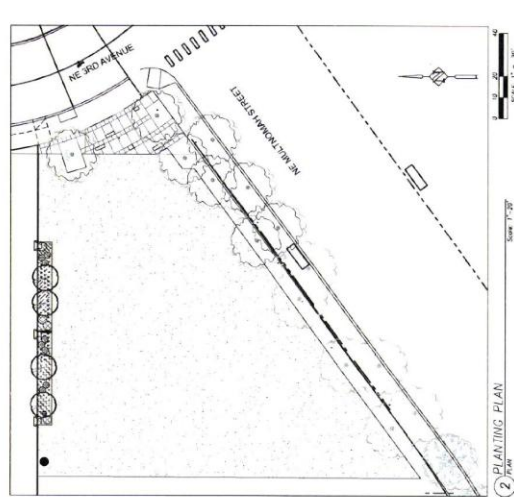


NORTH

File No.	LU 16-192406 CU
1/4 Section	2930
Scale	1 inch = 200 feet
State_Id	1N1E34AA 1700
Exhibit	B (Jun 22, 2016)



W16-192406CU



2 PLANTING PLAN Scale 1"=20'

Exh. C.S.

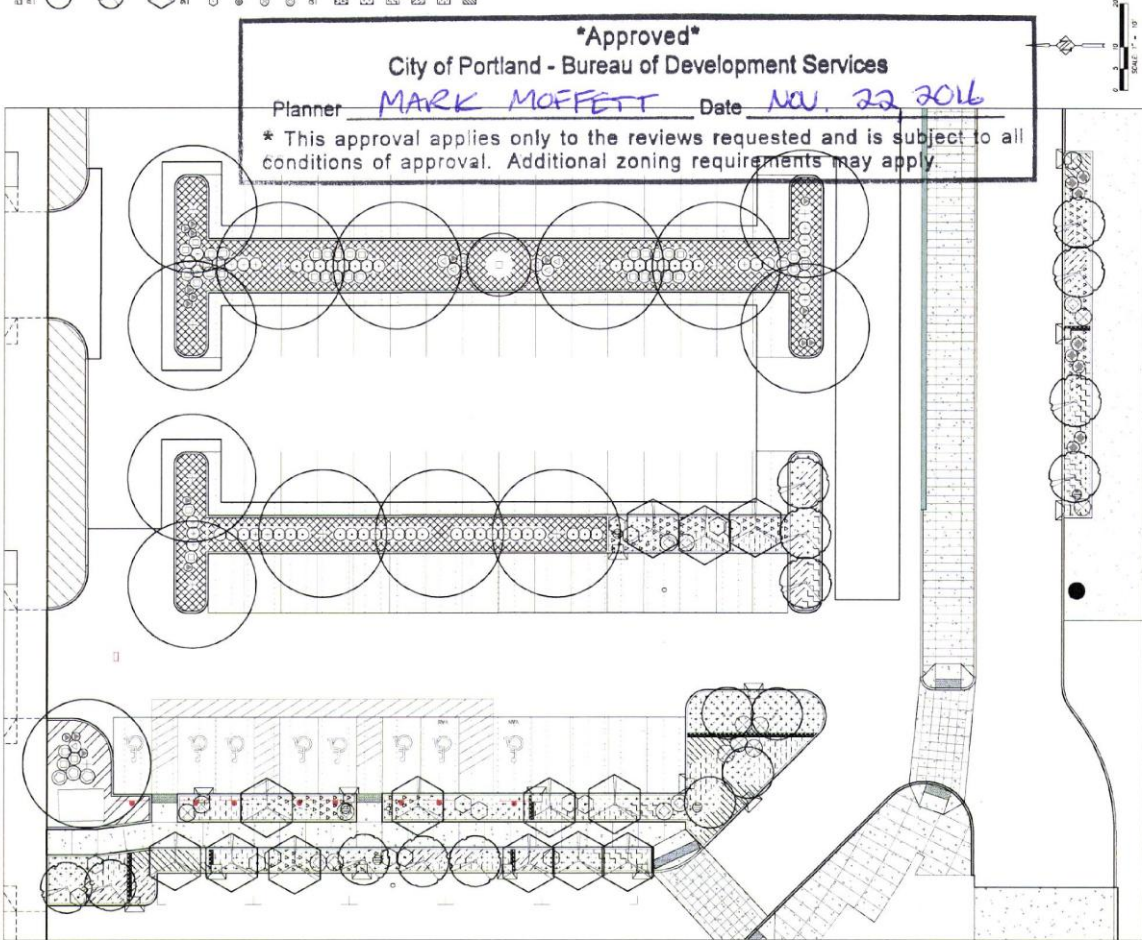
LU16-192406CU

Approved

City of Portland - Bureau of Development Services

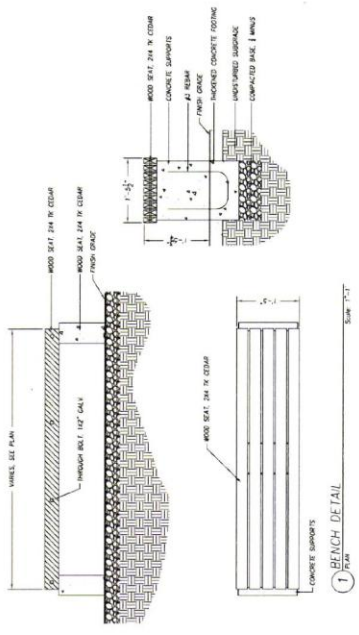
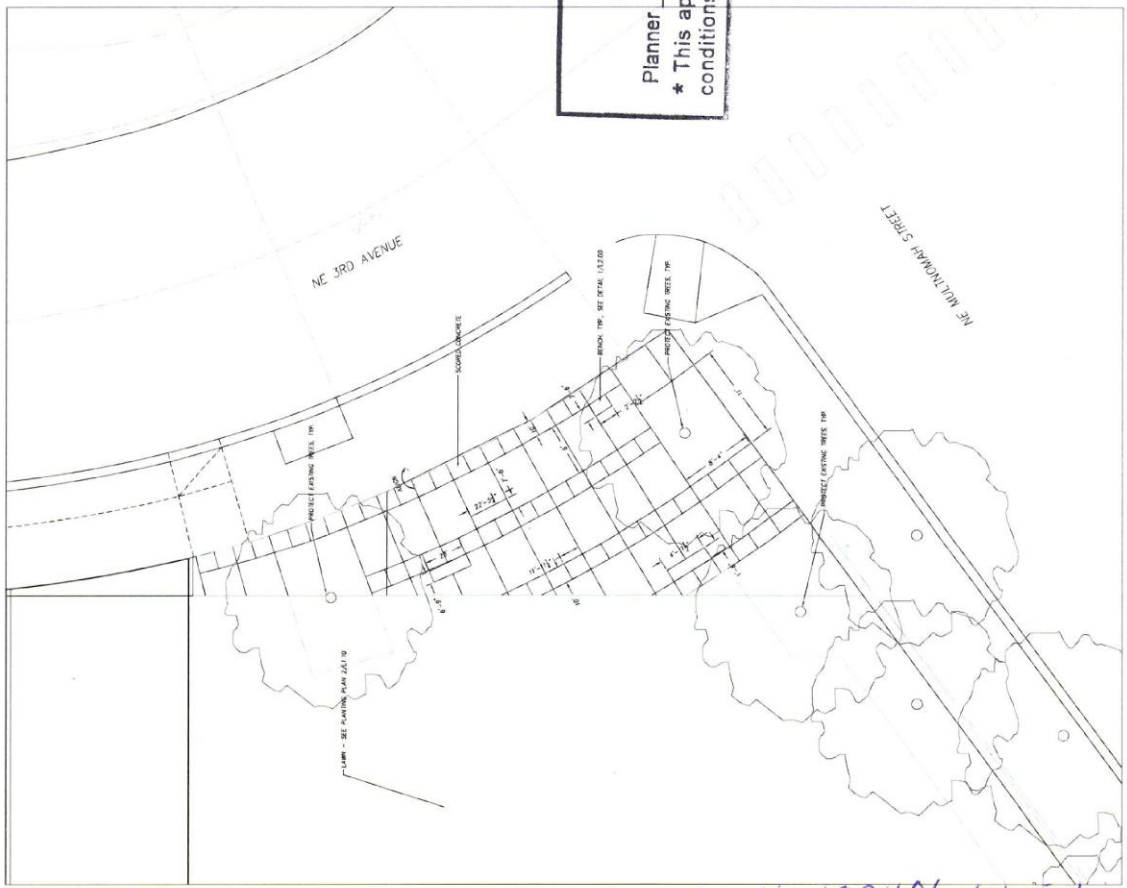
Planner MARK MOFFETT Date NOV. 22 2016

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 PLANTING PLAN

LU 16-192406 W Exh. C.S



Approved
City of Portland - Bureau of Development Services
Planner MARK MOFFETT Date NOV. 22, 2016
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1 LAYOUT PLAN
Scale 1"=20'

Exh. C.7

W16-192406CU

W16-192406 W Exh. C.7