



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
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www.portlandonline.com/bds

Date: June 19, 2008
To: Interested Person
From: Noelle Elliott, Land Use Services
503-823-7812 / Noelle.Elliott@ci.portland.or.us

**FINAL DECISION BY THE DESIGN COMMISSION
RENDERED ON June 5, 2008**

**CASE FILE NUMBER: LU 08-116106 DZM
PC # 07-151174
South Waterfront Block 42**

GENERAL INFORMATION

Applicant: The Landing At Macadam LLC & Portland Waterfront, Owner
1900 S Norfolk St #150
San Mateo, CA 94403

Ellen Brown, Prometheus Real Estate, Owner Representative
5216 N Williams Ave
Portland, OR 97217

Representative: Katherine Schultz, GBD Architects, 503-224-9656
1120 NW Couch St Ste 300
Portland OR 97209

Site Address: South Waterfront Block 42 (Bound by SW Lane to the north, SW Bond Street to the west, SW Abernathy to the south, and SW River Parkway to the east)

Legal Description: TL 300 7.68 ACRES, SECTION 10 1 S 1 E
Tax Account No.: R991100600
State ID No.: 1S1E10DB 00300
Quarter Section: 3430
Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: Central City - South Waterfront
Zoning: CXd: Central Commercial zone with a design overlay
Case Type: DZM: Design Review with Modifications
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:
The applicant seeks design review approval for the construction of a new 27-story, 303 residential unit, mixed-use tower in the South Waterfront sub-District of the Central City. SW

Lane (a Green Accessway), SW Bond, SW Abernathy, and SW River Parkway form the outer edges of the site. The tower measures 76-feet wide by 168-feet long and is oriented east-west, with two podium bars oriented north-south defining the eastern and western edges of the site. Courtyards carve the podium on the north and south frontages, with loading and parking garage entrances off of SW Abernathy. Three levels of below-grade residential parking are proposed, totaling 335 parking spaces. The ground floor of the western edge of the podium incorporates retail, sales office and lobby space, while the ground floor of the eastern edge houses live-work units. The skin of the tower is a glass and metal window wall system, and the podium is clad in metal panel.

The building constitutes 353,285 SF or 7:1 FAR, with additional bonus and transferred FAR over the 6:1 allowed by the base zone. The additional FAR is obtained through a transfer from Block 41, and through the Water Feature and Eco Roof bonus options. Modifications are requested for the height of the mechanical enclosure, ground floor windows, required building lines, ground floor active uses, the size of one of the required loading bays, and to pedestrian standards. The applicant also seeks approval for a non-standard improvement in SW Lane.

The following six Modifications are requested:

1. Height, 33.130.210.B.2: The standard requires all rooftop mechanical equipment and mechanical enclosures that are parallel to street lot lines be set back a minimum of 15'-0" from all roof edges. Stairwell enclosures and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10'-0" above the height limit.
 - The applicant proposes a rooftop mechanical equipment enclosure that is flush with the building wall and will extend 18'-6" above the 250'-0" height limit. The equipment enclosure will cover approximately 21 percent of the roof area.
2. Required Building Lines, 33.510.215.D.1: The standard requires that in new development the building must extend to the street lot line along at least 75 percent of the building frontage; or the building must extend to within 12'-0" of the street lot line for 75 percent of the building frontage and meet specific standards within this extension of the sidewalk.
 - The applicant proposes a set back of 48'-0" for approximately 70'-0" along SW Abernathy (59'-0" linear mid-block and 8'-0" adjacent to SW Bond). The setbacks comprise 31 percent of the frontage along SW Abernathy.
3. Ground Floor Windows, 33.510.220.A: The standard requires all exterior ground floor windows that face a street lot line, sidewalk, plaza, or other public open space, to incorporate windows in at least 50 percent of the length and 25 percent of the ground level wall area.
 - The applicant proposes that the ground floor of the east façade of the south courtyard be completely opaque.
4. Ground Floor Active Uses, 33.510.225 Ground floor square footage must be designed and constructed to accommodate lobbies, retail, residential, commercial and/or office uses. The standard applies to a minimum of 50 percent of the ground floor of walls that front public open space, plaza, or right-of-way, and requires that the floor to ceiling dimension be a minimum of 12'-0", the interior space measure at least 25'-0" deep, have ADA access, and include windows and doors, or be constructed to allow for the addition of windows and doors at a later date.

- Along the SW Abernathy frontage and its accompanying south-facing courtyard, the applicant proposes that approximately 76'-0" linear feet will be constructed to support the active use requirements, while approximately 224'-0" linear feet will not meet the requirements. In addition, the entire building length fronting SW River Parkway, approximately 200'-0", will not meet the requirements.
5. Loading Standards, 33.266.310: The standard requires loading spaces to measure 35'-0" long, 10'-0" wide and have a clearance of 13'-0".
- The applicant proposes one loading space that meets the requirements, and one space that measures 33'-0" long, 10'-0" wide, with a clearance of 20'-0".
6. Pedestrian Standards, 33.130.240 The internal circulation system on the site must provide connections to recreational areas, common outdoor areas, and any pedestrian amenities. The system must be hard-surfaced, measure at least 6'-0" wide, and be lit for use at night.
- The internal pedestrian system, linking the common outdoor area and pedestrian amenities of the north courtyard with SW Lane exhibits two 4'-0" wide hard-surfaced pathways that are adequately lit for night use.

The following non-standard improvement in SW Lane (A Green Accessway) is requested:

Non-Standard Improvements in SW Lane: The standard requires that the Green Accessway incorporate a total of 50 percent landscaping.

- The applicant proposes a total of 43 percent landscaping within SW Lane between SW Bond and SW River Parkway.

Relevant Approval Criteria:

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

- Chapter 33.825 Design Review
- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines

CONCLUSIONS

The proposed development reinforces South Waterfront as an active mixed-use neighborhood with a strong sense of place and identity linked to the Willamette River. The character of the building's ground floor strengthens the urban qualities of SW Bond and SW River Parkway, with an expansive use of transparent glass, ground floor retail space, and the potential for future retail along River Parkway. The site design is exemplary, with the incorporation of generous courtyards on its north and south frontages that encourage public interaction, and contemplation of the natural world. The slender massing of the tower supports east-west views to the River and forms a cohesive and dynamic addition to the sub-District. Time will tell if the reflective glazing of the tower will provide the ideal balance between a light appearance and transparency that has been envisioned for South Waterfront. As a whole, the proposal is supported by the Design Guidelines, and represents a positive addition to the South Waterfront sub-District of the Central City.

DESIGN COMMISSION DECISION

Approval of:

- A new 27-story residential tower, with two levels of mechanical enclosures on the roof, and a podium of varying heights;
- Three floors of below-grade parking to serve 335 parking spaces;
- Two outdoor courtyards, located on the south and north sides of the building;

Approval of the following modifications:

1. Height, setback and percentage coverage of the mechanical enclosure [33.130.210.B.2];
2. Required building lines on the SW Abernathy frontage [33.510.215.D.1];
3. Ground floor windows for the eastern wall of the south-facing courtyard [33.510.220.A];
4. Ground floor active uses on the SW Abernathy and SW River Parkway frontages [33.510.225];
5. Loading bay size for one loading bay [33.266.310.D]; and
6. Pedestrian standards for the north-facing courtyard [33.130.240].

Approval of the following non-standard improvement in SW Lane (Green Accessway):

- Approval for a total of 43 percent planted area, rather than the required 50 percent, within SW Lane.

Approvals per Exhibits C.1-C-118, signed, stamped, and dated June 5, 2008 subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (A – B) must be noted on each of the 4 required drawings or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled “ZONING COMPLIANCE PAGE- Case File LU 08-116106 DZM . All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”

B. No field changes allowed.

By: 
Lloyd Lindley, Design Commission Chair

Application Filed: March 17, 2008

Decision Rendered: June 5, 2008

Decision Mailed: June 19, 2008

Decision Filed: June 6, 2008

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 17, 2008, and was determined to be complete on **April 9, 2008.**

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 17, 2008.

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

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

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

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on July 3, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$12,756.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

If this Land Use Review is approved the final decision 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 7, 2008 – (the first workday 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.

All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Noelle Elliott
June 5, 2008

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

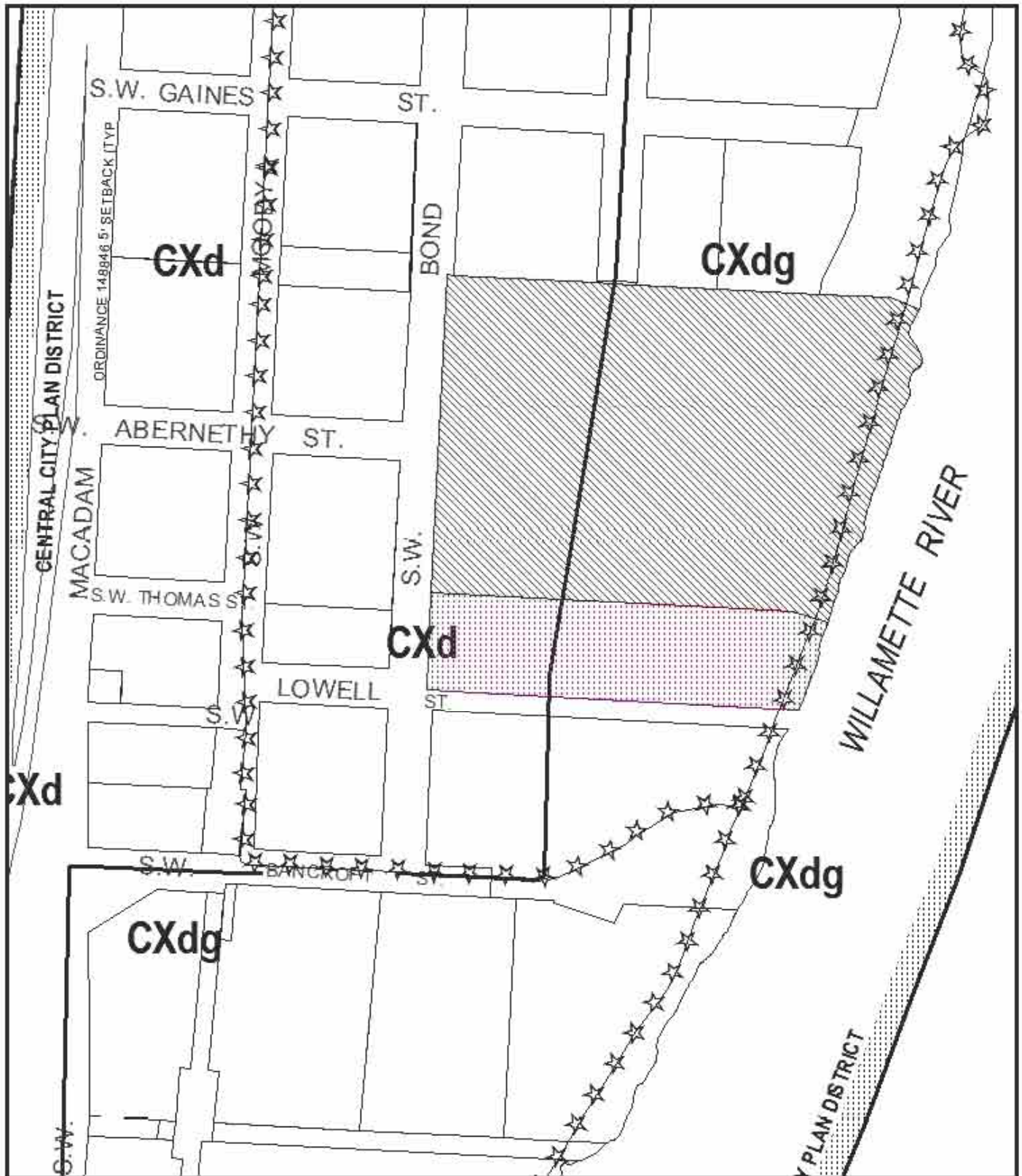
EXHIBITS – NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement

1. Statement & Drawings
2. Additional Information
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Perspective Rendering
 2. Vicinity Map & Context Photos
 3. Context Photo
 4. Context Photo
 5. Context Photo/Graphic Simulation
 6. Context Photo/Graphic Simulation
 7. Context Photo/Graphic Simulation
 8. Vicinity Map
 9. Site Plan (attached)
 10. Utility Plan
 11. Ground Level Landscape Plan
 12. Courtyard Sections
 13. Landscape Material Photos
 14. North Courtyard Planting Plan
 15. South Courtyard Planting Plan
 16. Planting Plan Legend
 17. Planting Species Photos
 18. Level 3 Eco-roof & Stone Roof Plans
 19. Level 6 Stone Roof & Level 7 Eco-roof Plans
 20. Level 8 Stone Roof & Amenity Deck
 21. Level 9 Eco-roof Plan
 22. Parking Level 3
 23. Parking Level 2
 24. Parking Level 1
 25. First Floor Plan
 26. Second Floor Plan
 27. Third Floor Plan
 28. Fourth – Fifth Floor Plan
 29. Sixth Floor Plan
 30. Seventh Floor Plan
 31. Eighth Floor Plan
 32. Ninth Floor Plan
 33. Tenth – Twenty-Fifth Floor Plan
 34. Twenty-Sixth Floor Plan
 35. Upper Level Roof Plan
 36. Composite Roof Plan
 37. Enlarged Elevation/Plan & Section for the First Floor, East Elevation
 38. Enlarged Elevation/Plan & Section for the First Floor, South Elevation
 39. Enlarged Elevation/Plan & Section for the First Floor, West Elevation
 40. Enlarged Elevation/Plan & Section for the First Floor, West Elevation
 41. Enlarged Elevation/Plan & Section for the First Floor, West Elevation
 42. Enlarged Elevation/Plan & Section for the First Floor, South Elevation
 43. Enlarged Elevation/Plan & Section for the Mechanical Penthouse, North Elev.
 44. Balcony Detail
 45. Balcony Detail
 46. Townhouse Details
 47. Wall Sections
 48. Wall Sections
 49. Wall Sections
 50. Wall Sections
 51. Wall Sections

52. Wall Sections
53. Wall Sections
54. Canopy Plans
55. Canopy Plans
56. Canopy Plans
57. Canopy Sections
58. Canopy Sections
59. Details
60. Details
61. Details
62. Details
63. Details
64. Details
65. Details
66. Details
67. Details
68. Details
69. Details
70. Details
71. Canopy Details
72. Canopy Detail
73. West Elevation (Facing SW Bond Street) (attached)
74. South Elevation (Facing SW Abernathy Street) (attached)
75. East Elevation (Facing SW River Parkway) (attached)
76. North Elevation (Facing SW Lane Street – A Green Accessway) (attached)
77. Enlarged Ground Level Elevation (Facing SW Bond)
78. Enlarged Ground Level Elevation (Facing SW Bond)
79. Enlarged Ground Level Elevation (Facing SW Bond)
80. Enlarged Ground Level Elevation (Facing SW Abernathy)
81. Enlarged Ground Level Elevation (Facing SW Abernathy)
82. Enlarged Ground Level Elevation (Facing SW Abernathy)
83. Enlarged Ground Level Elevation (Facing SW Abernathy)
84. Enlarged Ground Level Elevation (Facing SW River Parkway)
85. Enlarged Ground Level Elevation (Facing SW River Parkway)
86. Enlarged Ground Level Elevation (Facing SW River Parkway)
87. Enlarged Ground Level Elevation (Facing SW Lane)
88. Enlarged Ground Level Elevation (Facing SW Lane)
89. Enlarged Ground Level Elevation (Facing SW Lane)
90. Enlarged Ground Level Elevation (South Courtyard, West Elevation)
91. Enlarged Ground Level Elevation (South Courtyard, North Elevation)
92. Enlarged Ground Level Elevation (South Courtyard, East Elevation)
93. Enlarged Ground Level Elevation (North Courtyard, East Elevation)
94. Enlarged Ground Level Elevation (North Courtyard, South Elevation)
95. Enlarged Ground Level Elevation (North Courtyard, West Elevation)
96. Building Section, East-West
97. Building Section, North-South
98. Perspective Rendering, Southeast
99. Perspective Rendering, Northeast
100. Perspective Rendering, Northwest
101. Perspective Rendering, Southwest
102. Perspective Rendering, Southeast
103. Perspective Rendering, Northeast at Night
104. Vision Glass, Manufacturer's Cutsheet
105. Louver, Retail, Manufacturer's Cutsheet
106. Louver, Residential, Photo

107. Cooling Towers, Manufacturer's Cutsheet
 108. Photovoltaic Panels, Manufacturer's Cutsheet
 109. Vertical Lift Doors, Elevation
 110. Vertical Lift Doors, Metal Panel, Photo
 111. Exterior Lighting Plan, Ground Floor
 112. Ext. Light Fixtures, Type SA & SA-1, Manufacturer's Cutsheets
 113. Ext. Light Fixtures, Type SA-1 & SB, Manufacturer's Cutsheets
 114. Ext. Light Fixtures, Type SB-1, Manufacturer's Cutsheets
 115. Ext. Light Fixtures, Type SC & G-1, Manufacturer's Cutsheets
 116. Ext. Light Fixtures, TypeG-1, Manufacturer's Cutsheets
 117. Ext. Light Fixtures, TypeG-1, Manufacturer's Cutsheet
 118. Diagram of SW Lane (Green Accessway) with Landscaped Areas
- D. Notification information:
1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Fire Bureau
 2. Bureau of Environmental Services, E-2a & E-2b
 3. Bureau of Transportation Engineering and Development Review
 4. Police Bureau
 5. Site Development Review Section of BDS, E-5a, E-5b & E-5c
 6. Bureau of Parks, Forestry Division
 7. Life-Safety Plans Examiner of BDS
- F. Letters
1. Jim Davis, June 3, 2008, Full support by the South Portland Neighborhood Association for the proposal.
- G. Other
1. Original LUR Application
 2. Site History Research
 3. Final Findings and Decision by the Design Commission Rendered on June 5, 2008
- cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
City Auditor's Office
Development Services Center
BDS Staff for Bureau of Buildings
BDS Staff for Commission Book



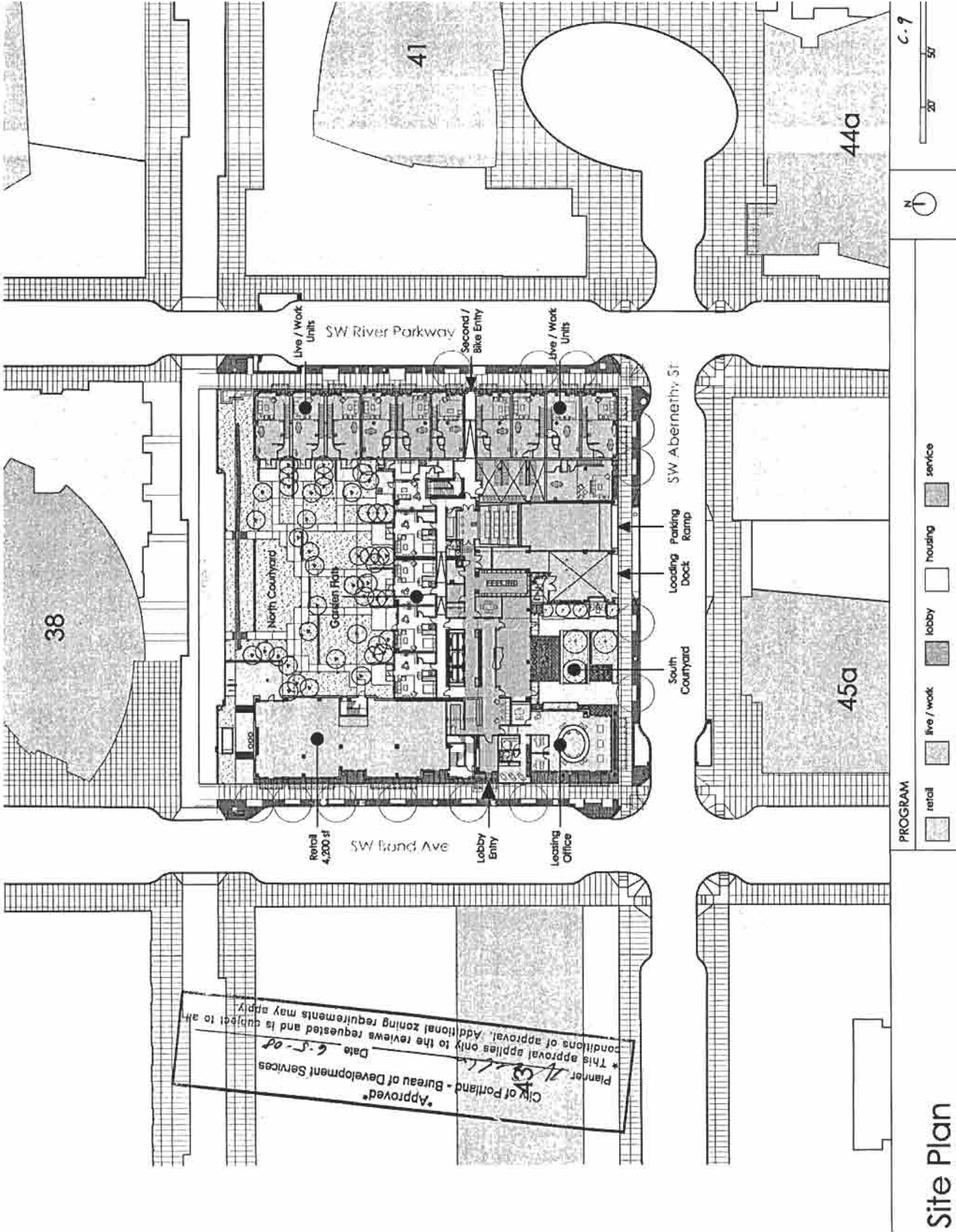
ZONING

-  Site
-  Also Owned



This site lies within the:
CENTRAL CITY PLAN DISTRICT

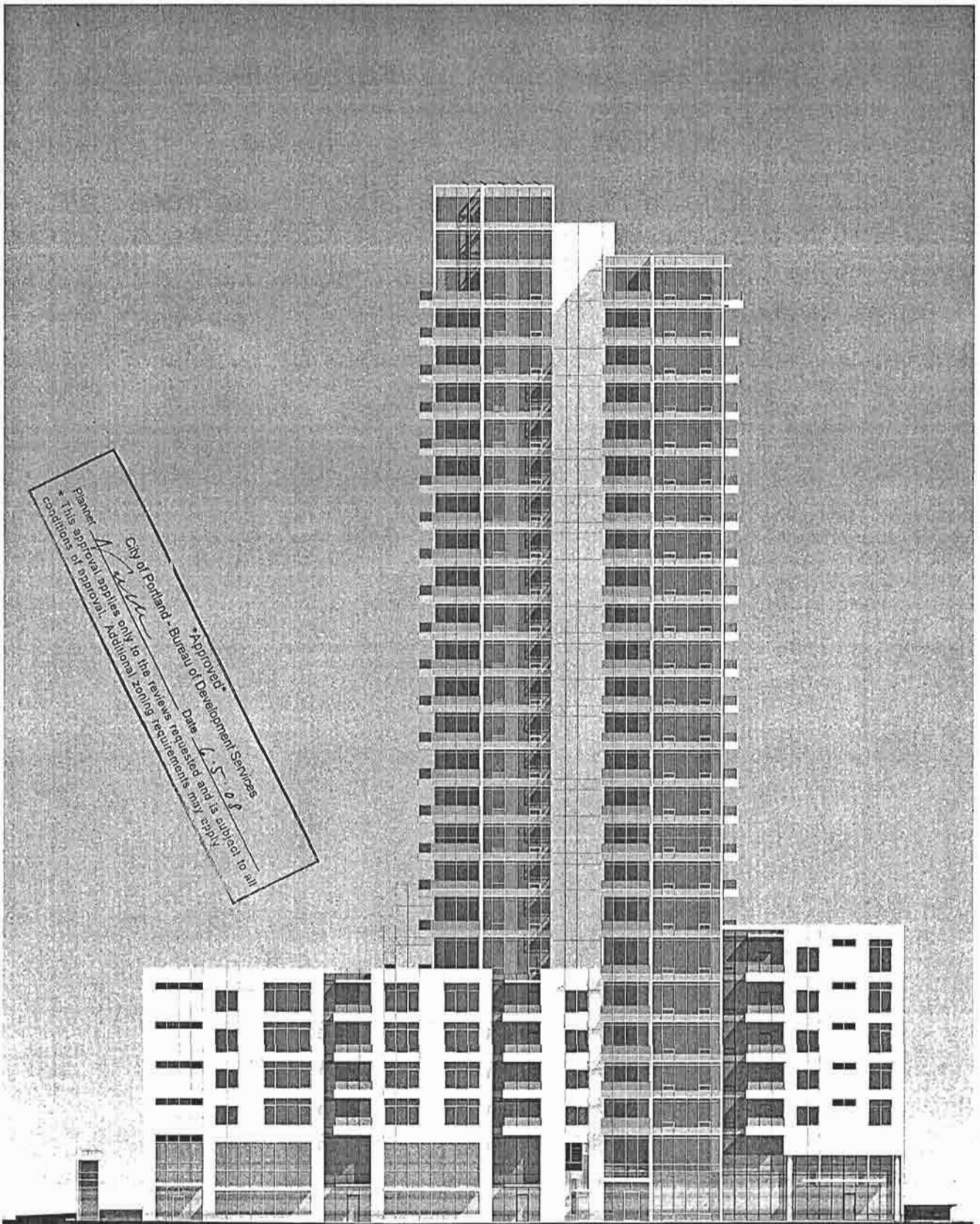
File No.	LU 08-116106 DZM
1/4 Section	3430
Scale	1 inch = 200 feet
State_Id	1S1E10DB 300
Exhibit	B (Mar 19, 2008)



Approved
 City of Portland - Bureau of Development Services
 Planner: *[Signature]*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Date: 6-5-08

Site Plan

LU 08-116106 D2M
 Exhibit C.9

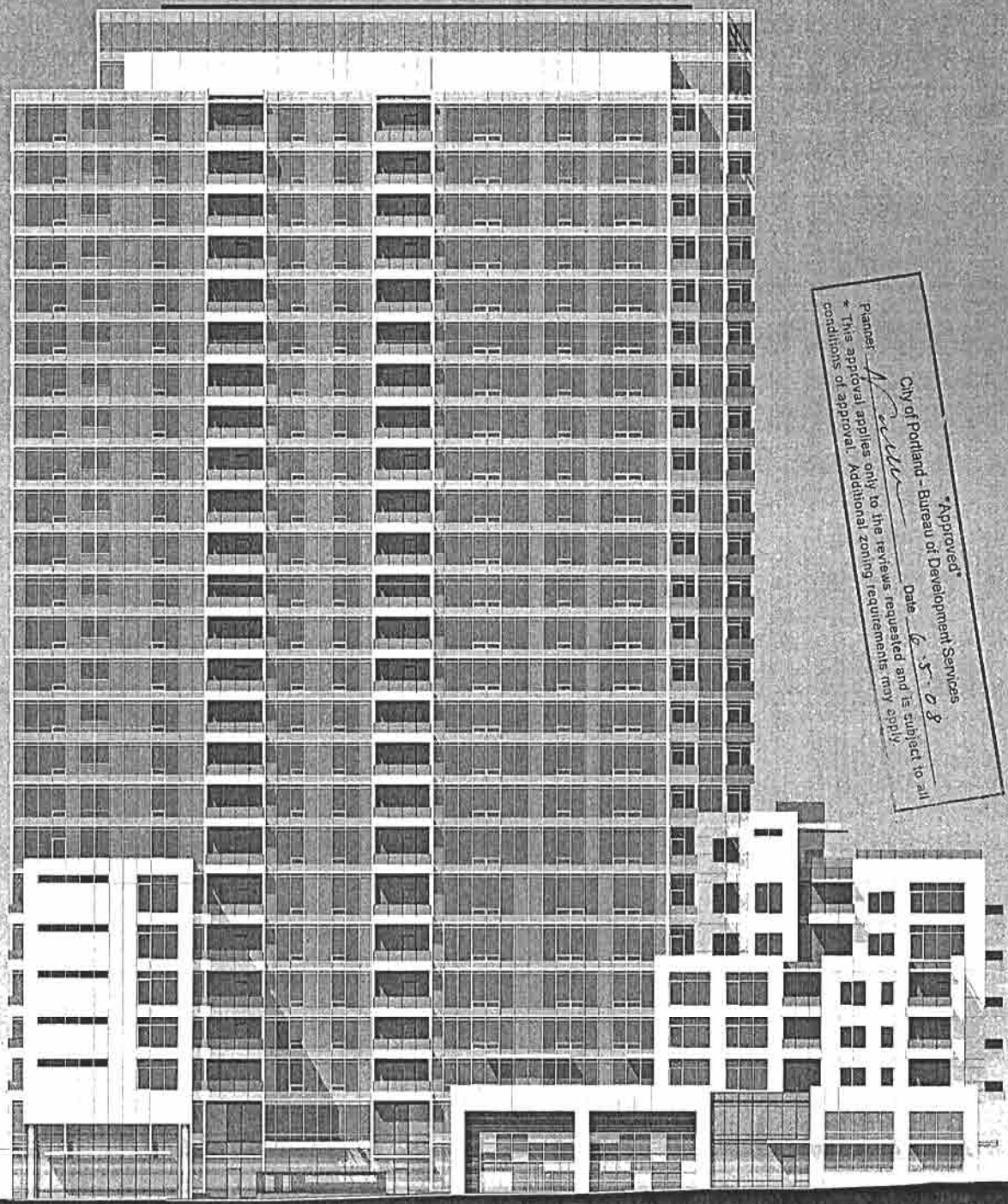


City of Portland - Bureau of Development Services
 Approved
 Date: 6-5-08
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Planner: [Signature]

LU 08-116106 DZM
 Exhibit C. 73

ELEVATION	W	from SW Bond Ave	
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773	42 SOMVA block	May 14, 2008 LU 08-116106 DZM	PROULETTIUS 	GBD ARCHITECTS
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Approved*
 City of Portland - Bureau of Development Services
 Planner: *[Signature]*
 Date: 6.5.08
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-116106 DZM
 Exhibit C.74

ELEVATION **S** from SW Abernethy St

8' 16' 24' 48'

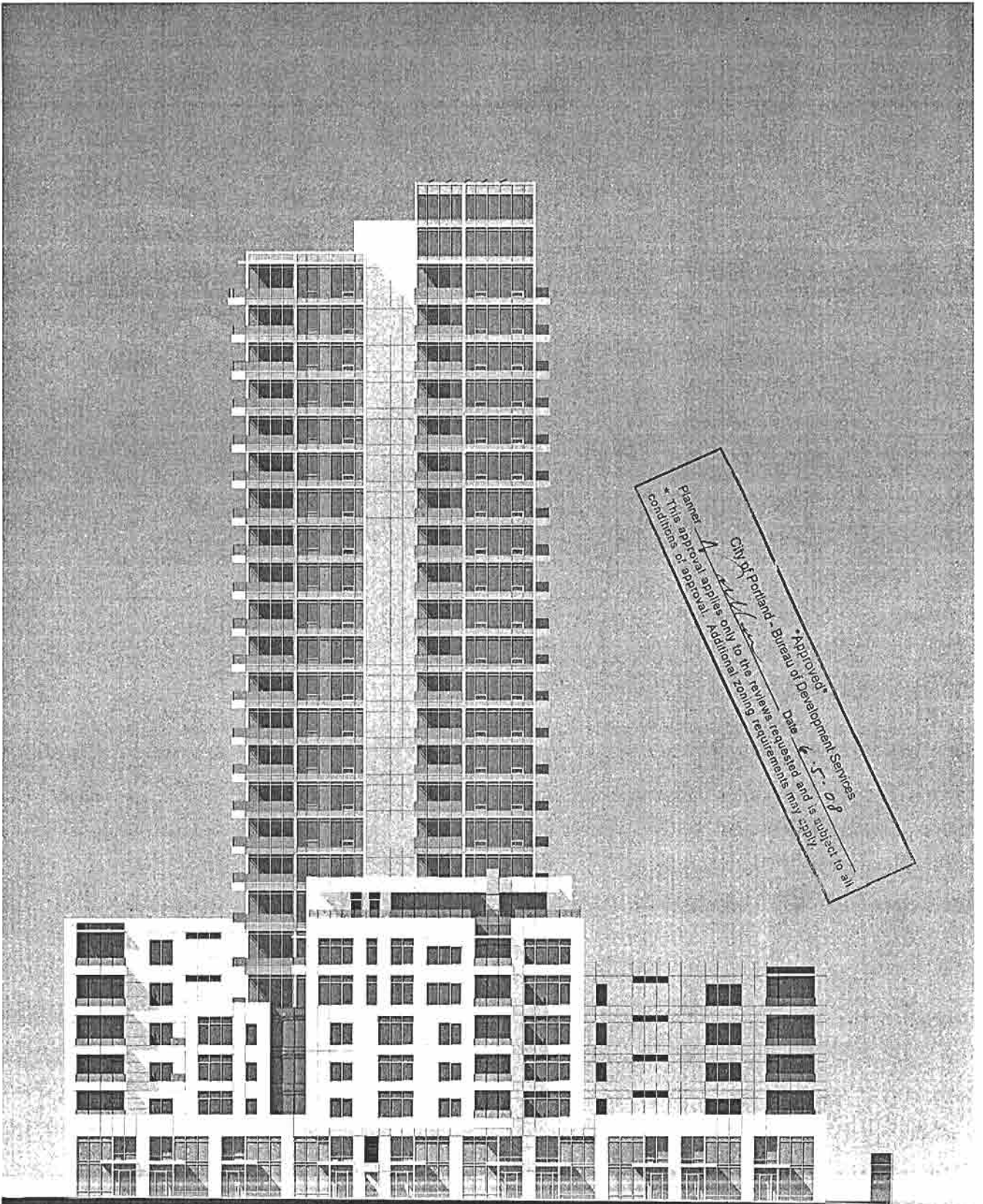
C.74

42 SOWA block

774

May 14, 2008
 LU 08-116106 DZM

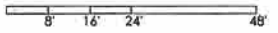
PROMETHEUS ARCHITECTS
GBD ARCHITECTS



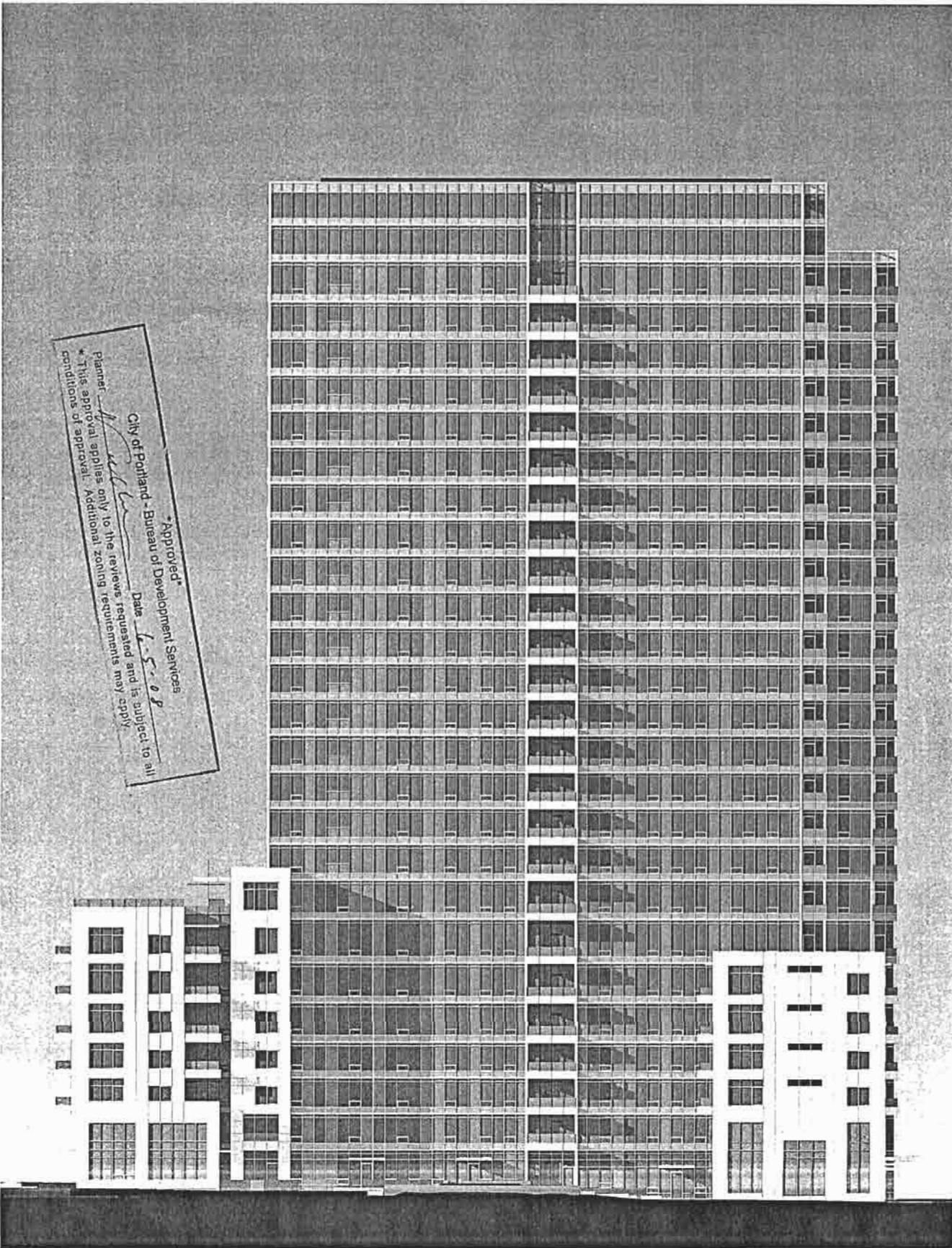
City of Portland - Bureau of Development Services
 Approved
 Date: 6-5-08
 Planner: [Signature]
 * This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

LU 08-116106 DZM
 Exhibit C.75

ELEVATION **E** from SW River Parkway



C-75
42 SOWA block
 775
 May 14, 2008
 LU 08-116106 DZM
 PROMETHEUS ARCHITECTS
 GBD ARCHITECTS



Approved*
 City of Portland - Bureau of Development Services
 Planner: *[Signature]*
 Date: 6-5-08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C.76
 LU 08-116106 DZM

ELEVATION **N** from SW Lane St

0 16 24 48

C.76
776

42
 SOWA BLOCK

May 14, 2008
 LU 08-116106 DZM

PROLETIENS
 ARCHITECTS
GBD