



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: October 31, 2008
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@ci.portland.or.us

**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 08-159050 DZ
DESIGN REVISIONS TO THE MIRABELLA**

GENERAL INFORMATION

Applicant: Pacific Mirabella Portland LLC, Listed Owner
1200 Mira Mar Avenue/ Medford, OR 97504

Representative: Ankrom Moisan Associated Architects
ATTN: Jeff Los
6720 SW Macadam, Ste 100/ Portland, OR 97219

Ankrom Moisan Associated Architects
ATTN: Jason Fifield
6720 SW Macadam, Ste 100/ Portland, OR 97219

Site Address: 3550 SW BOND AVENUE
Legal Description: LOT 6, WATERFRONT SOUTH
Tax Account No.: R882450300
State ID No.: 1S1E10AC 00306 **Quarter Section:** 3330
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: Central Commercial with a design overlay (CXd)
Case Type: Design Review (DZ)
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant requests Design Review approval for revisions to the previously approved design of the Mirabella (LU 07-127030 DZM), a 30-story Continuing Care Retirement Community. The current application includes the following revisions:

North Elevation: Three new flagpoles mounted at the second level above the garage gates; a new decorative pattern at the garage gates; and the enlargement of two center windows at the 24th floor.

South Elevation: New horizontally- and vertically-oriented windows at a section of ground-level wall area; change from a curtain wall system at the center of the 25th and 26th floors to individual windows at this area; and a new section of horizontal mechanical louvers near the center of the mechanical level.

East Elevation: Replacement of the upper section of the glazing at the second ground-floor window bay from the south with a cementitious panels; a new louver system at the 7th floor rooftop mechanical penthouse; and relocation of a doorway within the second bay from the north.

West Elevation: A new louver system at the 7th floor rooftop mechanical penthouse; and new louvers inserted within a ground-level window bay.

A 5th floor terrace canopy is proposed behind the rooftop stair and mechanical enclosure. In addition, the applicant is also requesting approval of a specific sculpture in the entry plaza at the west elevation. The proposed sculpture would consist of a bronze, glass, and stainless steel piece mounted to a concrete base. The sculpture would measure 4'-1" deep, 2'-6" wide, and 6'-7" tall.

Because the proposal is for revisions to a previously approved Design Review application, Design Review is required.

Relevant Approval Criteria:

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

- 33.825, Design Review
- *Central City Fundamental Design Guidelines*
- *South Waterfront Design Guidelines*

ANALYSIS

Site and Vicinity: The site is located in the South Waterfront Sub-District of the Central City Plan District and is currently being developed with the Mirabella, a 30-story Continuing Care Retirement Community, which was approved by the Design Commission on August 16, 2007. The South Waterfront District is the last major underdeveloped area within Portland's Central City. The area is a low-lying narrow stretch of land bounded on the east by the Willamette River and by the I-5 freeway on the west. This specific full-block site is bounded by SW Bond to the west, SW Curry to the north, SW River Parkway to the east, and SW Pennoyer to the south. SW Pennoyer is a Green Accessway that leads the planned two-block neighborhood park [directly west of this site] to the waterfront. Portland's *Transportation System Plan* further classifies the surrounding streets. SW Bond is classified as a Traffic Access Street, Major Transit Priority Street, City Bikeway, Central City Transit/Pedestrian Street, and Community Main Street. SW Curry is a Local Service Bikeway and City Walkway. SW River Parkway and Pennoyer are both Local Service Walkways and Bikeways. The site is within the North of Macadam Pedestrian District.

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. The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by

requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- 02-124581 AD/GW: Approval of an Adjustment to 33.440.240 & 33.272 – Public Recreation Trails and 33.440.240 - Greenway Landscaping to defer improvements to the Greenway Trail and Greenway setback landscaping on the site and approval of a Greenway Review for site grading.
- 02-128184 SU/GW: Approval of an 8-lot subdivision with public streets and an open space tract and approval of a concurrent Greenway Review.
- 03-117500 GW: Approval of Greenway Review.
- 03-154778 DA: Design Advice Request for Blocks 25 & 30 of South Waterfront.
- 03-171715 DZ/GW: Approval of Design Review and Greenway Review for proposed excavation and construction activities within the “South Waterfront Greenway Area.”
- 04-004551 DZM: Design Review approval for the Meriwether.
- 07-127030 DZM: Design Review approval for the Mirabella.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on September 30, 2008. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review;
- Site Development Section of the Bureau of Development Services.

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment: *A Building Permit has been applied for and is currently under review or has been issued or, a Life Safety plans examiner has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments. Please contact David Jones at 503-823-7028 for questions concerning this project.*

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on September 30, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

Findings: The site is designated with a design (d) overlay zone, therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines and South Waterfront District Guidelines.

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;

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

South Waterfront Design Goals

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

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

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

South Waterfront Design Guidelines and Central City Fundamental Design Guidelines

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

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

A2. Emphasize Portland Themes.

A4. Use Unifying Elements.

A5. Enhance, Embellish, and Identify Areas.

A5-1 Consider South Waterfront's History And Special Qualities.

D2. South Waterfront Area.

Findings A2, A4, A5, A5-1 and D2: The proposed design revisions will support the Mirabella's overall design concept and the design goals of South Waterfront. For example, the sculpture proposed at the SW Bond entry plaza will strengthen the site's sense of place, build on the area's urban character, and will align with the city's emphasis on public artwork. As approved, the building and site design are well integrated with adjacent projects, facilitate pedestrian connections throughout the district, and promote the importance of the Willamette River. Additional revisions included in this application include three new flagpoles mounted at the building's north elevation; a redesign of the garage gates; changes to mechanical louvers at the mechanical level and 7th floor mechanical penthouse; new mechanical louvers at the ground level at the west elevation; slight changes to the ground floor window bays at the east elevation; new ground floor windows at the south elevation; and finally, changes to the upper floor window systems at the north and

south elevations. These design revisions will not affect the ability of the building or site to conform to the original design intent of the approved project. Moreover, some elements of this redesign, such as the proposed sculpture and redesigned garage gates, will strengthen the project's identity within South Waterfront and improve its ability to connect with the design character of the wider district. *Therefore, these guidelines are met.*

A8. Contribute to a Vibrant Streetscape.

B1. Reinforce and Enhance the Pedestrian System.

B2. Protect the Pedestrian.

Findings for A8, B1 and B2: As previously approved, the ground level design of the Mirabella includes a generous amount of landscaping and a water feature at the entry court, both of which will contribute to a comfortable and interesting pedestrian environment at the site. The revisions proposed in this application support the site's vibrant and pedestrian-oriented streetscape. The introduction of a sculpture at the entry courtyard will add another layer of diversity to the pedestrian environment and will create a focal point within this courtyard area. In addition, the garage gates at the building's north elevation have been refined since the initial design review. The gate design presented in this application offers a more organic design that relates better to the context of South Waterfront, and will improve the pedestrian experience along this elevation.

The building's mechanical equipment is screened and located away from the pedestrian environment. The current application contains some minor changes to the louver systems at the approved mechanical enclosures: at the mechanical level at the south elevation a new row of horizontal louvers is proposed, and at the west building elevation a new louver system is proposed at the 7th floor mechanical penthouse. In this application, new louvers are also proposed at a ground-floor window bay at the west elevation. The proposed louvers have been designed and detailed to blend with the building's architecture, and those revisions proposed at the building's ground level will not diminish the comfort and safety of the pedestrian environment. *Therefore, these guidelines are met.*

B5. Make Plazas, Parks and Open Space Successful.

Findings: The proposed revisions will contribute to the success of the entry courtyard along SW Bond. Specifically, the addition of a sculpture to the courtyard will add another layer of interest and diversity to this space. The proposed sculpture will consist of bronze, glass, and stainless steel, mounted to a concrete base, and will measure 4'-1" deep, 2'-6" wide, and 6'-7" tall. *Therefore, this guideline is met.*

C2. Promote Quality and Permanence in Development.

C3. Respect Architectural Integrity.

C5. Design for Coherency.

Findings for C2, C3 and C5: The proposed design revisions are consistent with the quality and character of the approved project. Even with the proposed revisions at the ground level—changes to the materials and doorway location within the bays at the east elevation, new windows at the south elevation, new mechanical louvers at the west elevation, and the redesign of the garage gates at the north elevation—the project continues to provide an flexible and pedestrian-oriented sidewalk level. The revisions at the building's upper levels, and specifically the changes to the window systems at the north (24th floor) and south (25th and 26th floors) elevations, are compatible with the building's original design. In addition, the revised louvers at the mechanical penthouses are well integrated, in terms of design, alignment and materiality, with other building elements, allowing the mechanical screening to remain a coherent composition. *Therefore, these guidelines are met.*

C11. Integrate Roofs and Use Rooftops.

Findings: There are minor changes to the louver systems at both the building's mechanical level and the 7th floor penthouse. However, the revised louvers remain thoughtfully incorporated into the design, appearing as integral components of the building form. *Therefore, this guideline is met.*

DEVELOPMENT STANDARDS

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


CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review for revisions to the previously approved design of the Mirabella (LU 07-127030 DZM), a 30-story Continuing Care Retirement Community. Approval per the approved plans, Exhibits C-1 through C-25, signed and dated October 28, 2008, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.25. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-159050 DZ. No field changes allowed."

Decision rendered by:  **on October 28, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 31, 2008

Staff Planner: Kara Fioravanti

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 29, 2008, and was determined to be complete on September 12, 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 August 29, 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. 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 14, 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. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **November 17, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

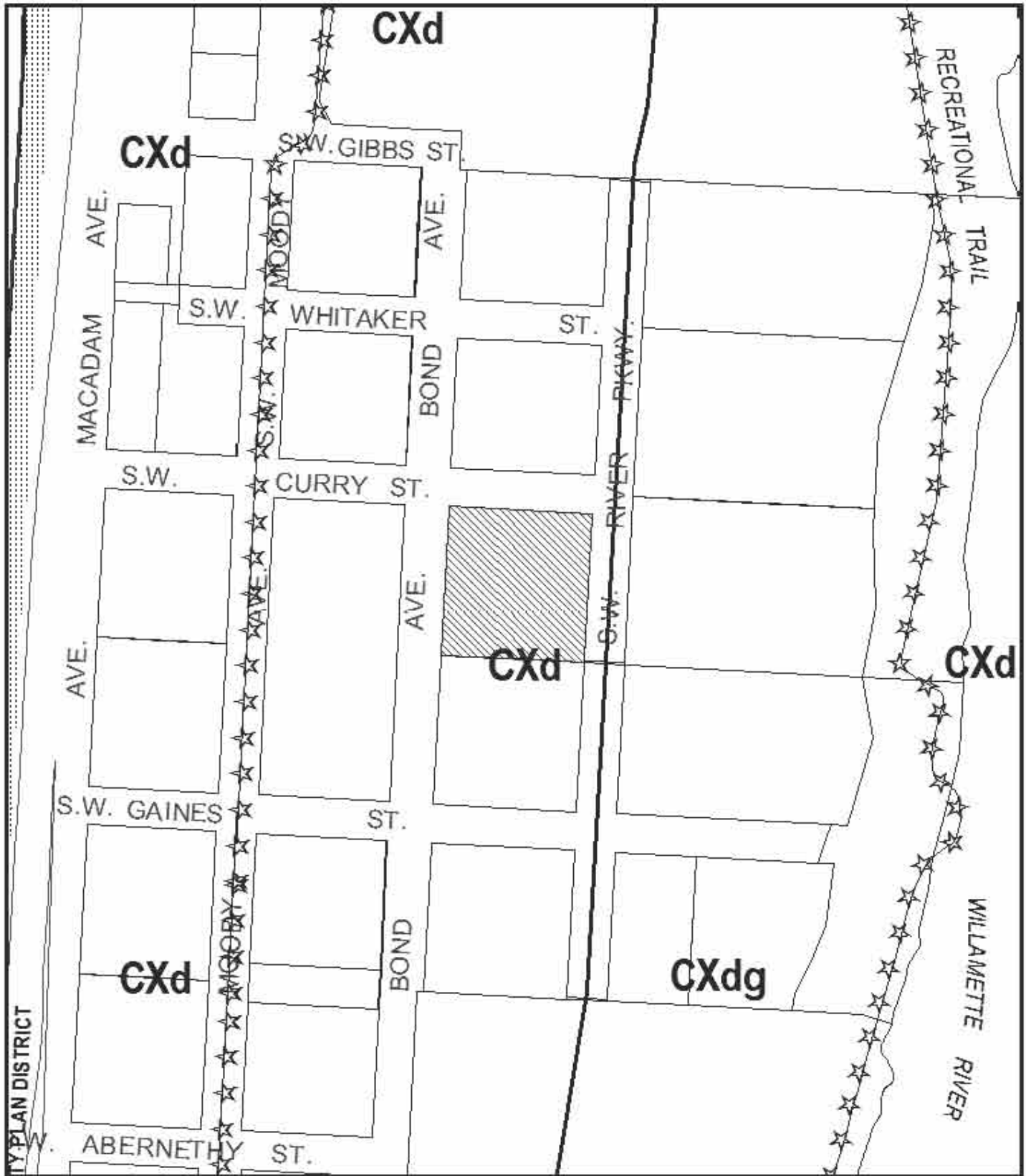
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings [*“Previously Approved”, from Type III DZ approval and included for reference; “Proposed”, design changes proposed and approved in this Type II DZ*]:
 1. Previously Approved – Site plan (attached)
 2. Previously Approved – Loading dock and parking entry
 3. Previously Approved – N elevation tower
 4. Previously Approved – N elevation and plan
 5. Previously Approved – N elevation close-up views
 - 6. Proposed – N elevation proposed**
 7. Previously Approved – N elevation tower
 8. Previously Approved – N elevation tower detail
 - 9. Proposed – N elevation**
 10. Previously Approved – S elevation tower
 - 11. Proposed – S elevation**
 12. Previously Approved – S elevation tower
 - 13. Proposed – S elevation**

14. Previously Approved – E elevation tower
 15. Previously Approved – E elevation close-up views
 - 16. Proposed – E elevation**
 17. Previously Approved – W elevation tower
 18. Previously Approved – W elevation close-up views
 - 19. Proposed – W elevation**
 20. Previously Approved – Entry Plaza, Level 1
 - 21. Proposed – Entry Plaza, Level 1**
 - 22. Proposed – Sculpture images**
 - 23. Proposed – Sculpture elevation**
 - 24. Proposed – Sculpture materials**
 - 25. Proposed – 5th floor terrace canopy plan, elevation, details**
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
all contained within report analysis above
- F. Correspondence:
none received
- G. Other:
1. Original LU Application
 2. Site History Research

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



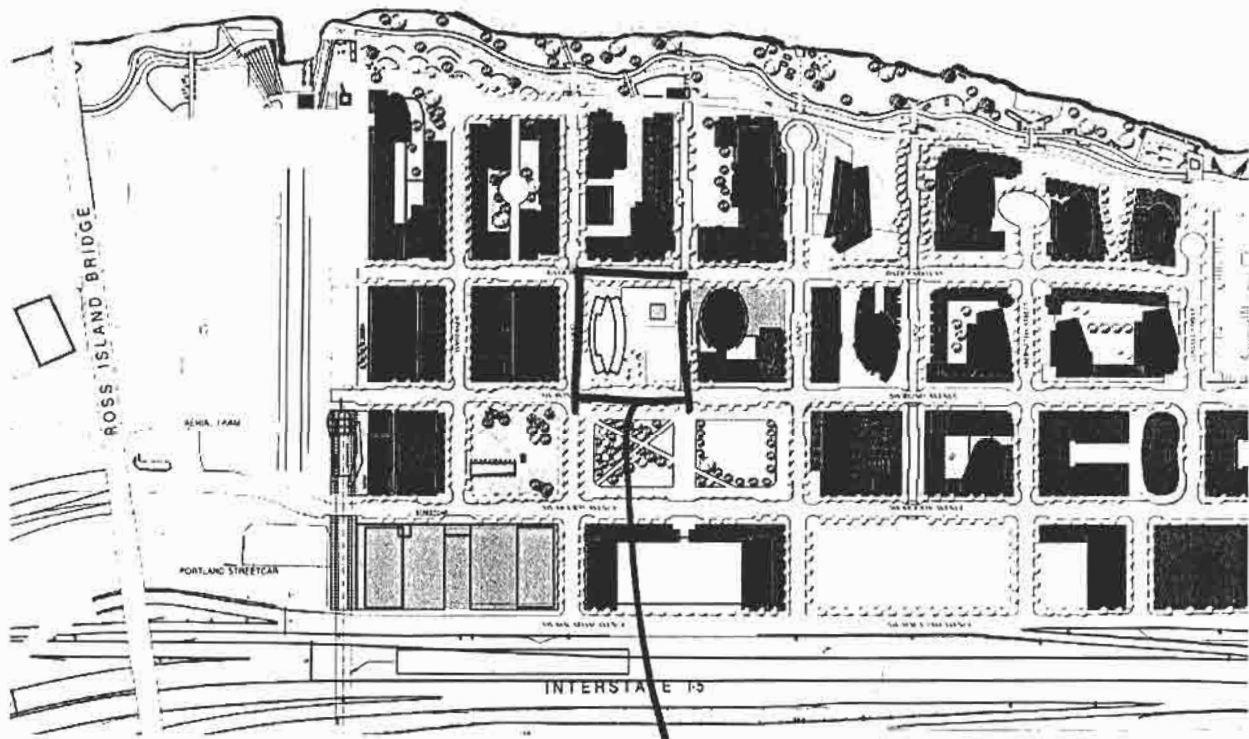
ZONING

 Site



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-159050 DZ
1/4 Section	3330,3430
Scale	1 inch = 200 feet
State_Id	1S1E10AC 306
Exhibit	B (Sep 03,2008)



site

C-1

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date **10.28.08**

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



08-15905072

SOUTH WATERFRONT DISTRICT MASTERPLAN

APPROVED AT DESIGN REVIEW: AUGUST 2007

Mirabella