



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

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**Date:** January 28, 2009  
**To:** Interested Person  
**From:** Kate Marcello, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

### **CASE FILE NUMBER: LU 08-177636 DZ** **SPECIAL DESIGN AREA IN NEW NEIGHBORHOOD PARK IN SOUTH WATERFRONT**

#### **GENERAL INFORMATION**

**Applicant:** Portland Parks & Recreation (Contact: Sandra Burtzos)  
1120 SW 5th Ave #1302 | Portland OR 97204-1933  
(503) 823-5594

**Owner:** City of Portland  
1900 SW 4th Ave #7000 | Portland, OR 97201-5350

Portland Development Commission (Contact: James Mast)  
222 NW 5th Ave | Portland OR 97209  
(503) 823-3200

**Site Address:** 3508 SW Moody Avenue

**Legal Description:** BLOCK 140&157 TL 1000, CARUTHERS ADD  
**Tax Account No.:** R140914720  
**State ID No.:** 1S1E10DB 01000  
**Quarter Section:** 3330  
**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 Plan District, South Waterfront Sub-district  
**Other Designations:** Special Design Area (per *South Waterfront District Street Plan, Criteria, and Standards*)

**Zoning:** Central Commercial base zone, Design overlay zone (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 work proposed in one of the Special Design Areas designated by the *South Waterfront District Street Plan, Criteria, and*

*Standards.* The Special Design Area is located between SW Moody Avenue and SW Bond Avenue, where SW Pennoyer Street would be located had it not been vacated. The vacation of SW Pennoyer Street allows for the resulting double-block, bounded by SW Moody Avenue, SW Curry Street, SW Bond Avenue, and SW Gaines Street, to be transformed into a public park. Thus the Special Design Area runs east-west through the middle of the future park. ***This is the only part of the park subject to Design Review.***

The Special Design Area is about 60 feet wide (the width of SW Pennoyer Street had it not been vacated). The following park elements will be located within the Special Design Area:

- Two pedestrian paths will run through the park, and be partially located within the Special Design Area:
  - One path will be made of concrete. This path will be located in the western portion of the Special Design Area.
  - The other path will be made of decomposed granite. This path will be located in the eastern portion of the Special Design Area.
- There will be 14-foot-tall pole-lights along paths in the new park. Two of the lights will be located within the Special Design Area.
- A “multi-use lawn” will occupy most of the Special Design Area. The lawn will consist of seeded lawn and kinnikinnick, a type of groundcover often referred to as “bearberry.” In the Special Design Area, a portion of the lawn will have an eight-foot-tall sloped landform intended to provide elevated viewing opportunities of the nearby Willamette River area.
- At the western edge of the Special Design Area, plantings will include birch leaf spirea, “peewee” oakleaf hydrangea, creeping Oregon grape, and a small amount of snowberry. There will also be two Western red cedar trees and one Shadblow serviceberry tree.

Because the proposal is for alterations within an area designated as a Special Design Area by the *South Waterfront District Street Plan, Criteria, and Standards*, 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 criteria are:

- 33.825 Design Review
- *Central City Fundamental Design Guidelines*
- *South Waterfront Design Guidelines*
- *South Waterfront District Street Plan, Criteria, and Standards (Design Standards chapter)*

## **ANALYSIS**

- I. Site and Vicinity:** The Special Design Area (SDA) is located between SW Moody Avenue and SW Bond Avenue, where SW Pennoyer Street would be located had it not been vacated. The vacation of SW Pennoyer Street allows for the resulting double-block, bounded by SW Moody Avenue, SW Curry Street, SW Bond Avenue, and SW Gaines Street, to be transformed into a public park. Thus the SDA, which is about 60 feet wide, runs east-west through the middle of the future park. The park has been designed by the San Francisco office of the landscape architecture, planning, and urban design firm Hargreaves Associates.

The surrounding South Waterfront neighborhood is a newly developed area containing primarily Oregon Health Science University facilities and residential towers with ground-floor retail. There are small quasi-public plazas associated with the residential towers. Primary cladding materials for buildings in South Waterfront are metal, glass, and to a lesser extent, brick. Many parcels in the neighborhood remain undeveloped.

- II. 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.

**III. Land Use History:** City records indicate prior land-use reviews for this site:

- LU 98-00709 DZ AD (reference number LU 98-016015 DZ AD): Approval for new telecommunications equipment.
- LU 01-00521 GW (reference number LU 01-007918 GW): Approval for construction of the West Side Combined Sewer Overflow (CSO) Tunnel and Pipeline project.

**IV. Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed on November 28, 2008. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Urban Forestry Division of Portland Parks & Recreation;
- Development Review Section of the Bureau of Transportation;
- Site Development Section of the Bureau of Development Services;
- Life Safety/Building Code Section of the Bureau of Development Services;
- Bureau of Environmental Services (see Exhibit E-1); and
- Portland Water Bureau (see Exhibit E-2).

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on Friday, November 28, 2008. Three written responses have been received in response to the proposal. Please see Exhibits A-2 and A-3, and F-1 through F-3 for additional details.

- Douglas Klotz submitted a letter via electronic mail, which Staff received on December 15<sup>th</sup>, 2008. The letter states that the proposed park design does not meet one of the primary objectives of Special Design Areas as laid out in the *South Waterfront District Street Plan, Criteria, and Standards (Design Standards chapter)*: “Create an exemplary open space network that exceeds minimal requirements while meeting community objectives in a creative, functional, and ecological fashion.” By not providing an easily traversable and identifiable east-west connection, “minimal requirements” are not exceeded and community objectives are not met in a “functional” manner. The letter states that the decomposed granite path is not direct enough, and that the path may not even be traversable by people with physical disabilities. Additionally, the sloped landform obscures east-west sightlines.
- Staff Response: In response to concerns raised by Mr. Klotz, Staff had the applicant, Sandra Burtzos of Portland Parks & Recreation, provide written comments to shed light on the park design and clarify details of the sloped landform and decomposed granite path. The comments were received by Staff on December 16<sup>th</sup>, 2008 and forwarded to Mr. Klotz on December 17<sup>th</sup>, 2008. Please see Exhibit A-2 for additional details.
- Douglas Klotz submitted a second letter via electronic mail, which Staff received on December 17<sup>th</sup>, 2008, commenting on the applicant’s response. The letter states that Central City Fundamental Design Guideline B1 is not met. The letter contends that, due to their meandering form, the concrete path and decomposed granite path do not provide the sort of “convenient access route for pedestrian travel” that the guideline calls for “where a public right-of-way exists or has existed” (quoted from the guideline). The letter also states that, if the decomposed granite path is meant to fulfill the guideline, “it must be as accessible as a ROW [right-of-way] sidewalk, and paved with a smooth, hard-surface material.”
- Jeanne Harrison, member of the Board of the Willamette Pedestrian Coalition, submitted a letter received on December 19, 2008. The letter states that the design of elements within the Special Design Area (SDA) is inconsistent with the “desired qualities” of the new South Waterfront neighborhood, which include a grid of well-defined streets and the preservation of

views along rights-of-way to the Willamette River. Specifically, the sloped landform obscures views of the river by being located partially within the path of SW Pennoyer Street. The letter posits that the intent of the sloped landform may be to afford enhanced views of the river, but people with physical disabilities cannot traverse the hill and thus are denied the enhanced view. The letter also states that the decomposed granite pathway does not offer a direct enough path of travel through the park. The letter urges that “the proposed pathway be realigned to make a more direct connection through the proposed park site and be paved with a material that creates a more accessible and permanent walking surface than the specified decomposed granite.”

- **Staff Response:** In response to concerns raised by Mr. Klotz and Ms. Harrison, Staff requested additional information from the applicant. Please see Exhibit A-3 for additional details.
  - This Design Review is for the Special Design Area only. It is not for the park in its entirety, nor is it for portions of design elements that are located outside the SDA, even though other portions of those same design elements may be located within the SDA.
  - During the park planning process, the Portland Parks & Recreation Subcommittee of the Disability Advisory Committee (PP&R DAC) raised no objections regarding the use of decomposed granite as a surfacing material. The same material is used for paths in Jamison Square park, as well as many recently constructed public parks across the United States, and is considered accessible for people in wheelchairs.
  - The Bureau of Transportation, Portland Parks & Recreation, and the park’s designers do not consider the decomposed granite path to be the main pedestrian circulation route through the park. The wider, concrete path, which is easily traversable, is considered the main pedestrian route.
  - An early conceptual plan for the new park included a sidewalk bisecting the park at the vacated SW Pennoyer Street right-of-way. This idea was rejected by the Project Advisory Committee, Technical Advisory Committee, and members of the public. The granite path and concrete path provide circulation options that, while slightly meandering in form, still allow for east-west travel in a reasonably direct way. The meandering paths were accepted by the aforementioned groups.
  - The intent of the raised landform is not to provide enhanced views of the Willamette River; rather the landform will afford general views of trees along the Greenway and Ross Island in the distance. For people unable to traverse the landform, these views are possible from nearby sidewalks. According to the applicant, the foremost intent of the raised landform is that it function as “a visual green terminus” to indicate to people located on the Greenway or on SW Pennoyer Street that there is a park nearby. Other functions of the landform include providing a hill for children to roll down, a place for parents to sit and monitor their children in the nearby play area, a place for sunbathers, and obscuring views of the future parking garage entrance west of the park.
  - The landform is not required by federal law to be ADA-compliant. The entire slope would have to be paved with switchbacks for the landform to be accessible.

For additional information, please see the findings for Central City Fundamental Design Guidelines A3, B1, B1-2, B3, C2, and D2, and South Waterfront Design Guideline B1-2.

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

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

These guidelines provide the constitutional framework for all design review areas in the Central City.

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

### **Central City Plan Design Goals**

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts are as follows:

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

### **South Waterfront Design Goals**

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

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

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

### **South Waterfront Design Guidelines and Central City Fundamental Design Guidelines**

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance

Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

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

**A1. Integrate the River.**

Orient architectural and landscape elements including, but not limited to, lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop accessways for pedestrians that provide connections to the Willamette River and greenway.

**Findings for A1:** The Special Design Area (SDA) is about 850 feet west of the shores of the Willamette River. Paths located within the SDA help to provide access to the Willamette River. The secondary granite path crosses SW Bond Avenue via a crosswalk, and connects with the SW Pennoyer Street pedestrian and bicycle path that runs between residential towers and provides access to the Greenway path along the river. The concrete path, which is partially located in the SDA and is considered the main circulation route through the park, provides access as well to the SW Pennoyer Street right-of-way and the river beyond. The concrete path terminates at the public sidewalk on SW Bond Avenue, where pedestrians can then head toward the crosswalk that connects with the SW Pennoyer Street path to the east.

Secondly, the sloped landform partially located within the SDA is oriented to the Willamette River. The river is not viewable from the landform, but its slope in the westerly direction provides a visual gesture toward the river that hints at the river's role as a prominent element in the local landscape of the South Waterfront neighborhood. *Therefore, this guideline is met.*

**A2. Emphasize Portland Themes.**

When provided, integrate Portland-related themes with the development's overall design concept.

**Findings for A2:** The Special Design Area (SDA) integrates the Portland-related theme of providing open space within the urbanized Central City Plan District. The "multi-use lawn" with a variety of plantings and a sloped landform is partially located in the SDA. The landform provides opportunities for park users to sit and visit, have picnics, and view surrounding activity in the park and the neighborhood, as well as opportunities for children to engage in playful activities. The secondary granite path and primary concrete path offer two different travel corridors for pedestrians and cyclists that connect to the abutting SW Bond Avenue and SW Moody Avenue, thus helping to keep the park integrated with its surrounding urban context. *Therefore, this guideline is met.*

**A3. Respect the Portland Block Structures.**

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

**Findings for A3:** The Special Design Area (SDA) is a 60-foot-wide area that would be occupied by SW Pennoyer Street had it not been vacated. Portland block structures are respected in the SDA and larger park through the provision of a concrete path that, while not straight-line east-west connection, provides a route for pedestrians to travel across the park, between SW Moody Avenue and SW Bond Avenue. A secondary path made of decomposed granite is also partially located within the SDA. It begins at the

concrete path, north of the SDA, and arcs eastward, terminating at the public sidewalk on SW Bond Avenue, where SW Pennoyer Street would otherwise cross SW Bond. The SDA respects the Portland block structures to the extent practicable, given that the SDA is located within a public park, tasked with fulfilling multiple functions and design objectives. *Therefore, this guideline is met.*

**A4. Use Unifying Elements.**

Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A5. Enhance, Embellish, and Identify Areas.**

Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**Findings for A4, A5:** As part of the overall park, the Special Design Area (SDA) enhances South Waterfront by providing a respite from the urban environment. The SDA provides respite by providing portions of scenic pathways for pedestrian circulation as well as areas for stopping, resting, socializing, engaging in active and passive play, and surveying surrounding activity. The SDA and the larger park also contribute to the neighborhood's character by protecting part of its natural, impervious environment from development, thus preserving it as open space that is so vital to a neighborhood's well-rounded success. *Therefore, these guidelines are met.*

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

1. Juxtaposing ecologically-sensitive site designs with intensely urban buildings and site elements.
2. Integrating ecological landscape elements in site designs.
3. Developing special landscape environments.
4. Creating interior spaces within buildings that celebrate and take advantage of exterior environments.
5. Incorporating sustainable building practices or techniques into development designs.

**Findings for A4-1:** The sloped landform, partially located within the Special Design Area, is a "special landscape environment" unique to the park and the neighborhood. Its elevation above the surrounding area makes it a visually distinct element that is juxtaposed with the intensely hardscaped urban environment around it. *Therefore, this guideline is met.*

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

1. Developing multifunctional stormwater management systems.
2. Celebrating the stormwater functions of typical building elements.
3. Considering the potential aesthetic functions of stormwater management systems.
4. Integrating recreational rooftop facilities.
5. Creating comprehensive systems that advertise and celebrate the building's stormwater.
6. Incorporating eco-roofs.

**Findings for A4-2:** The Special Design Area (SDA) is composed primarily of pervious surface in the form of the multi-use lawn and the sloped landform. Stormwater can easily infiltrate the ground in the SDA. *Therefore, this guideline is met.*

**B1. Reinforce and Enhance the Pedestrian System.**

Maintain a convenient access route for pedestrian travel where a public right-of-way

exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**Findings for B1:** The Special Design Area (SDA) contains portions of access routes for pedestrians that are convenient to the extent practicable, given that the SDA is located in a public park tasked with fulfilling multiple functions and design objectives. A concrete path, partially located in the SDA, provides the primary route for pedestrians traveling east-west across the park, between SW Moody Avenue and SW Bond Avenue. There is also a secondary path made of decomposed granite, also partially located in the SDA. It begins at the concrete path within the park (north of the SDA), arcs eastward, and terminates at the public sidewalk on SW Bond, where SW Pennoyer Street would otherwise cross SW Bond.

The concrete path, including the portion located within the SDA, enhances the pedestrian system in South Waterfront. Pedestrians traveling east-west can passively experience the park as they traverse it. Pedestrians walking eastward, entering the park at the western edge of the SDA, and traveling along the concrete path pass by a sloped landform, tulip trees, a children’s play area containing interactive stone sculptures and a water feature, “urban gardens,” a lawn area, and a variety of plantings. The path facilitates movement through the park while also providing a unique experience that deviates somewhat from the usual orthogonal street grid. *Therefore, this guideline is met.*

**B1-2. Enhance Accessway Transitions.** Integrate landscape elements within accessway setback areas with accessway transportation components to enhance transitions from South Waterfront’s interior to the greenway.

1. Developing transitional landscaping within accessway setback areas.
2. Developing accessways that serve as extensions of the greenway.
3. Developing stormwater management facilities within the accessways and/or building setback areas.
4. Enhancing connections to the greenway trail.
5. Developing shelter opportunities along accessways.
6. Incorporating a mixture of plantings to create extensions of the greenway into the district.

**Findings for B1-2:** Landscape elements of the park, partially located within the Special Design Area (SDA), help to enhance the transition from the neighborhood’s interior to the Greenway along the Willamette River. The multi-use lawn, including the sloped landform, is partially located within the SDA. It consists of seeded lawn and “bearberry” groundcover. The western edge of the SDA near the concrete path contains a variety of plantings including birch leaf spirea, “peewee” oakleaf hydrangea, creeping Oregon grape, and a small amount of snowberry. These plantings make the concrete path pleasant to traverse by helping to bring the natural environment of the Greenway into the neighborhood. Additionally, the sloped landform, partially located within the SDA, provides visual indication to people walking along the Greenway that there is a park nearby, helping to unify the SDA and larger park with the Greenway. *Therefore, this guideline is met.*

**B3. Bridge Pedestrian Obstacles.**

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

**Findings for B3:** Paths partially located in the Special Design Area provide east-west routes that mitigate for the presence of the sloped landform. A concrete path begins at



the public sidewalk on SW Moody Avenue and brings people into the park, arcing to the northeast and then eventually back in a southeasterly direction, terminating at the public sidewalk on SW Bond Avenue. A decomposed granite path begins at the public sidewalk on SW Bond and brings people into the park, arcing to the northwest, and connecting with the aforementioned concrete pathway. The concrete path, by virtue of its concrete surfacing, provides consistency in design with the public sidewalks on SW Moody and SW Bond. These paths enable the pedestrian system in this area of South Waterfront to remain connected and cohesive to the extent practicable, given that a sloped landform is also part of the park design. *Therefore, this guideline is met.*

**B2. Protect the Pedestrian.**

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

**B2-1. Incorporate Outdoor Lighting That Responds to Different Uses.** Place and direct exterior lighting to ensure that the ground-level of the building and associated outdoor spaces are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas.

1. Providing attached directional lighting along building facades.
2. Developing light fixtures that offer direct and indirect light.

**C12. Integrate Exterior Lighting.**

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

**Findings for B2, B2-1, C12:** An integrated element of the park design is pole-lights, which are located along its paths and adjacent to activity areas. Two of the pole-lights are located within the Special Design Area. The light fixtures illuminate the paths and impart a sense of security to park users. Because they are sufficiently modest in their illumination, they do not result in light pollution that would create a visual obstruction for surrounding properties. *Therefore, these guidelines are met.*

**B4. Provide Stopping and Viewing Places.**

Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

**Findings for B4:** The Special Design Area (SDA) contains stopping and viewing places. The multi-use lawn, including the sloped landform, is partially located within the SDA. It offers opportunities for park users to congregate and socialize. By virtue of its elevation above the surrounding area, the sloped landform is especially advantageous, as it provides park users a vantage point from which to survey the park and abutting urban streetscape. *Therefore, this guideline is met.*

**B5. Make Plazas, Parks and Open Space Successful.**

Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

**Findings for B5:** The Special Design Area (SDA) is located within South Waterfront's new public park. As part of the park, the SDA provides respite from the hardscaped urban environment for South Waterfront residents, workers, and visitors. The SDA contributes to the overall park's success by containing portions of a multi-use lawn with a sloped landform, a primary path made of concrete, a secondary path made of decomposed granite, and a variety of plantings, including three trees. *Therefore, this*

*guideline is met.*

**C2. Promote Quality and Permanence in Development.**

Use design principles and building materials that promote quality and permanence.

**Findings for C2:** The Special Design Area (SDA) incorporates high-quality materials that promote the new park as a permanent, vital part of South Waterfront neighborhood. The multi-use lawn, including the sloped landform, consists of seeded lawn and “bearberry” groundcover. The western edge of the SDA contains a variety of plantings including birch leaf spirea, “peewee” oakleaf hydrangea, creeping Oregon grape, and a small amount of snowberry. Three Western red cedar trees and one Shadblow serviceberry tree are also located in the western portion of the SDA. Secondly, the SDA contains portions of two paths: a primary path made of concrete, and a secondary path made of decomposed granite. The design principle of providing such visual and tactile variety, in plantings and paving, contributes to the park’s success, thus promoting it as a high-quality open space in the neighborhood. *Therefore, this guideline is met.*

- D2. South Waterfront Area.** Develop a pedestrian circulation system that includes good connections to adjacent parts of the city and facilitates movement within and through the area. Size and place development to create a diverse mixture of active areas. Graduate building heights from the western boundary down to the waterfront. Strengthen connections to North Macadam by utilizing a related system of right-of-way elements, materials, and patterns.

**Findings for D2:** The concrete path helps to facilitate movement within South Waterfront, making a positive contribution to the area’s pedestrian circulation system. The concrete path is a main circulation route through the park. Partially located within the Special Design Area (SDA), the path begins at the public sidewalk on SW Moody Avenue and arcs to the northeast and then back in a southeasterly direction, terminating at the public sidewalk on SW Bond Avenue. The path facilitates movement through the park while also providing a unique experience that deviates somewhat from the usual orthogonal street grid. *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 Special Design Area (SDA) incorporates high-quality materials that promote the new park as a permanent, vital part of South Waterfront neighborhood. The SDA contains portions of access routes for pedestrians that are direct to the extent practicable, given that the SDA is located in a public park tasked with fulfilling multiple functions and design objectives. As part of the overall park, the SDA enhances South Waterfront by providing a respite from the urban environment. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of the Special Design Area, specifically the portions of park design elements located within the SDA, including:

- concrete path,
- decomposed granite path,
- multi-use lawn, including sloped landform,
- two 14-foot-tall pole-lights, and
- plantings at the western edge.



Approval per the approved site plans, Exhibits C-1 through C-9, signed and dated January, 26, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-177636 DZ. No field changes allowed."

**Decision rendered by:** \_\_\_\_\_ **on January 26, 2009**

By authority of the Director of the Bureau of Development Services

**Decision mailed: January 28, 2009**

**Staff Planner: Kate Marcello**

**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 November 13, 2008, and was determined to be complete on November 25, 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 November 13, 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 Wednesday, February 11, 2009** 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](http://www.portlandonline.com).

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

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

**Recording the final decision.**

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

- *Unless appealed,* The final decision may be recorded on or after **Thursday, February 12, 2009 (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

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

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

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

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

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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

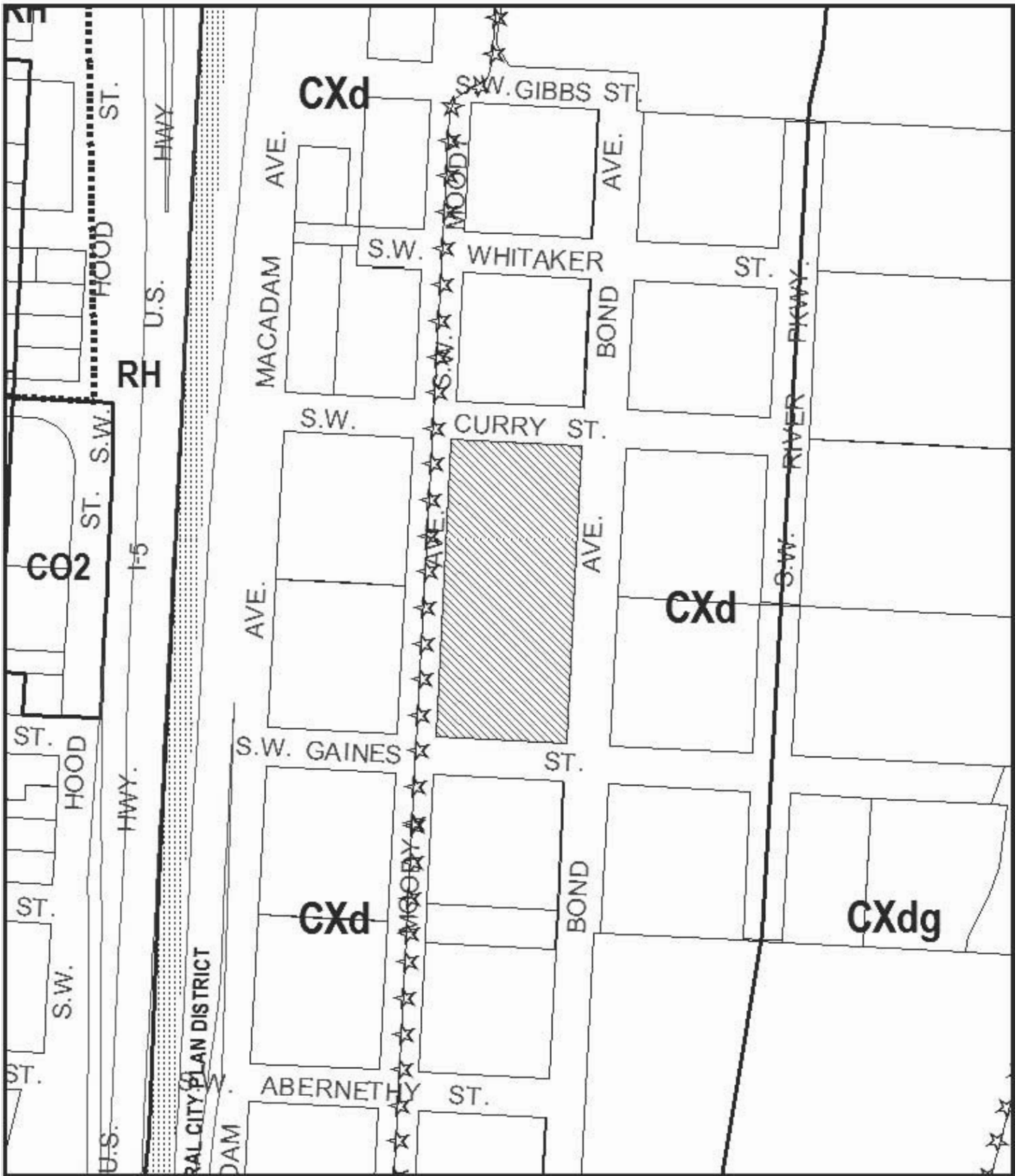
- A. Applicant's Statements
  1. Design Review Narrative
  2. Applicant Response #1
  3. Applicant Response #2
- B. Zoning Map (attached)
- C. Plans and Drawings:
  1. Site Plan (attached)
  2. Paving Plan (attached)
  3. Planting Plan (attached)
  4. Storm Drainage and Utility Plan
  5. Material Plan
  6. Lighting and Furnishing Plan
  7. Tree Planting Plan
  8. Ground Plane Planting Plan
  9. Light Fixture Cutsheet
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Portland Water Bureau
- F. Correspondence:
  1. Doug Klotz, December 15, 2008, in opposition

2. Doug Klotz, December 17, 2008, in opposition
3. Jeanne Harrison, December 19, 2008, in opposition

G. Other:

1. Original Land Use Review Application
2. Site History Research
3. Excerpt from *Design Standards* chapter of the *South Waterfront District Street Plan, Criteria, and Standards*

**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

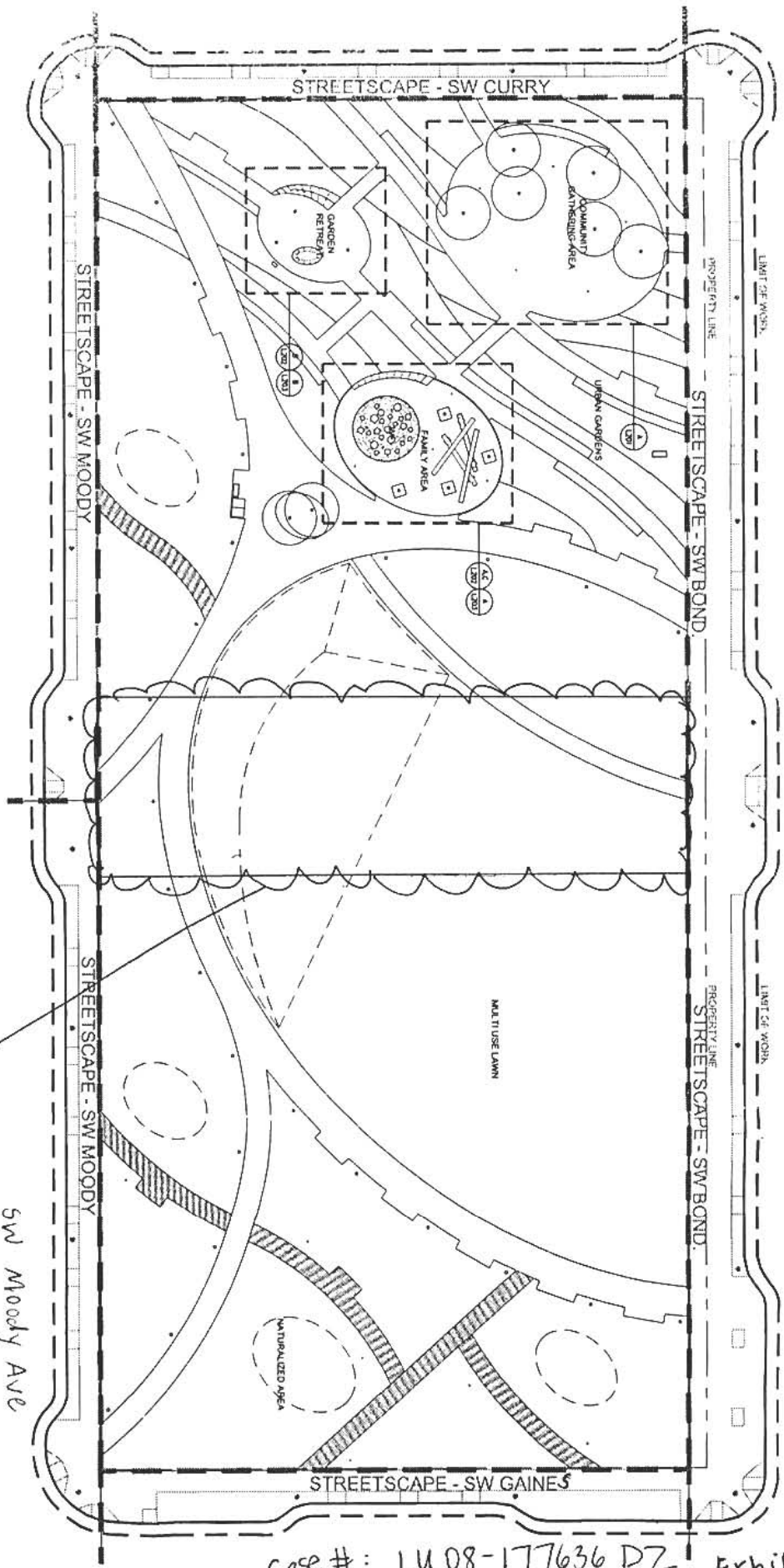


This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 08-177636 DZ</u>
1/4 Section	<u>3330,3430</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E10DB 1000</u>
Exhibit	<u>B</u> (Nov 20,2008)

# SITE PLAN

SW Bond Ave



**Approved\***  
City of Portland - Bureau of Development Services  
Planner Kate Miller Date Jan 26, 2009  
\* This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

Special Design Area  
(AREA OF WORK)

1/32" = 1'-0"

Scale is from 11x17-size sheet.

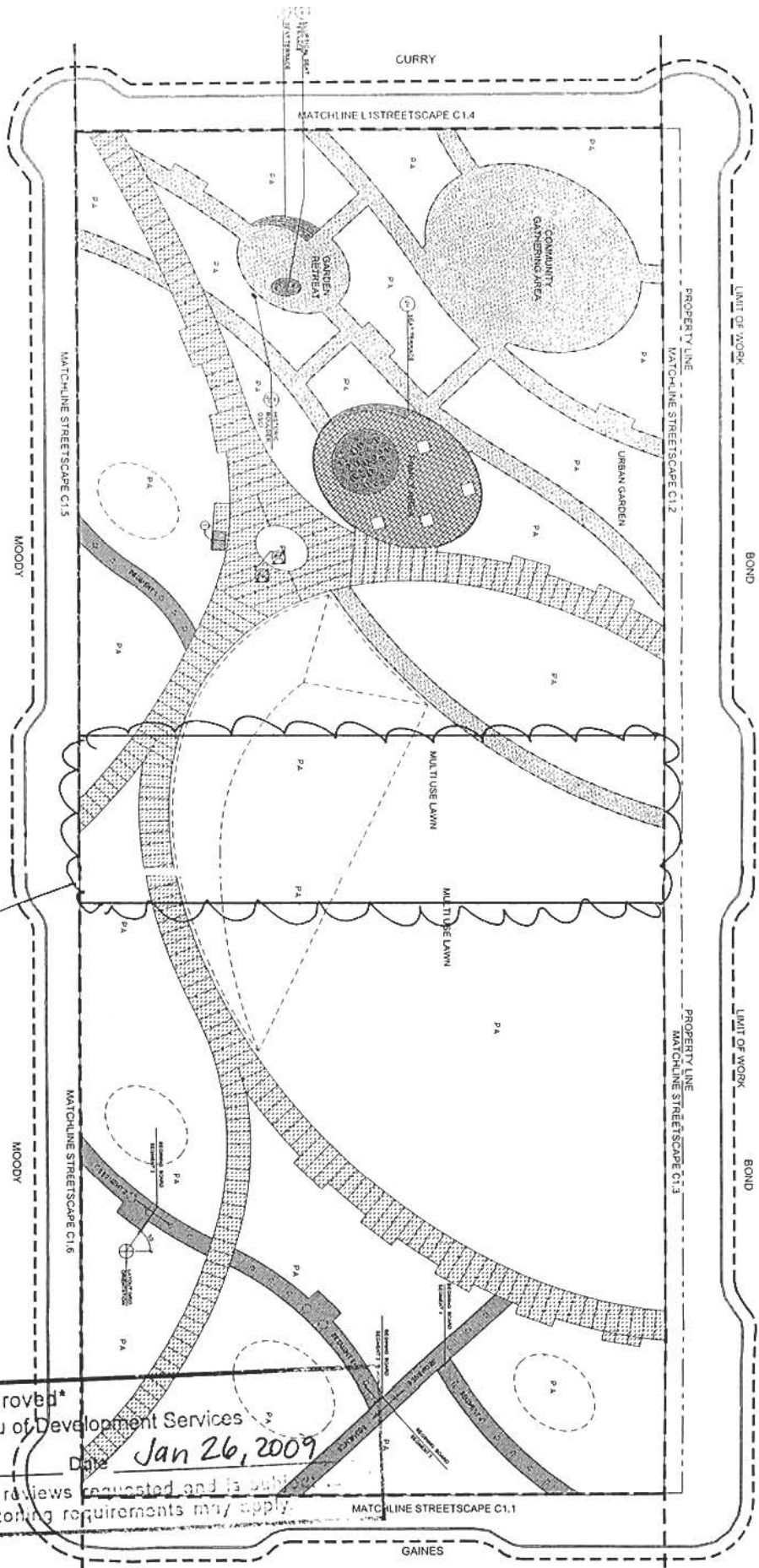
Case #: LU 08-177636 DZ Exhibit C-1



# PAVING PLAN

## LEGEND

PA	PLANTING AREA
WF	WATER FEATURE
---	LIMIT OF WORK
---	PROPERTY LINE
---	STEEL EDGING SEE FOR LAYOUT L111, 112, 113, AND 114
---	EXPANSION JOINT
---	CONTROL JOINT
	CONCRETE
	DECOMPOSED GRANITE
	RUBBER SURFACING
	GRANITE, TYPE 1
	GRANITE, TYPE 2
	BOARDWALK



Special Design Area  
(AREA OF WORK)

Sheet size has been reduced.

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Kate M...* Date *Jan 26, 2009*  
 \* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Case #: LU 08-177636 DZ Exhibit C-2

**GENERAL NOTES**

1. LOW IS BACK OF CURB, SHOWN OF SET 2' FOR CLARITY.
2. SEE SHEET L100 FOR LANDSCAPE GENERAL NOTES AND 0003 FOR SYMBOLS, ABBREVIATIONS AND LEGEND.
3. SEE DETAIL CL351 FOR PLANT SPACING. SEE DETAIL HL351 FOR PLANTING AT EDGE OF VIB.

**KEY NOTES**

- ① TEMPORARY FENCE U.351
- ② JUNCUS EXTENDS TO TOE OF SLOPE. IRIS EXTENDS FROM TOE TO TOP OF SLOPE. SEE GRADING PLAN.

**PLANTING SCHEDULE**

SYMBOL	COMMON NAME BOTANICAL NAME	SIZE	SPACING
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**URBAN GARDEN**

	Rock Rose Cistus x 'Brillancy'	1 GAL.	24" O.C.
	Ivory Halo Dogwood Cornus alba 'Baibaho'	1 GAL.	24" O.C.
	Hidcote Blue English Lavender Lavandula angustifolia 'Tudcoti'	1 GAL.	24" O.C.
	Lilyturf Lilippe muscari	1 GAL.	24" O.C.
	Daffodil Perennial Mix (Yellow) Tulip Darwin Hybrid 'Red Impression' Allium 'Purple Sensation' Crocus x 'Lurfer'		BULBS 8" O.C.
	Dwarf Fountain Grass Pennisetum alopecuroides 'Hameln'	1 GAL.	24" O.C.
	Bush Cinquefoil Potentilla fruticosa	1 GAL.	24" O.C.
	Goldflame Spirea Spirea x 'Goldflame'	1 GAL.	24" O.C.

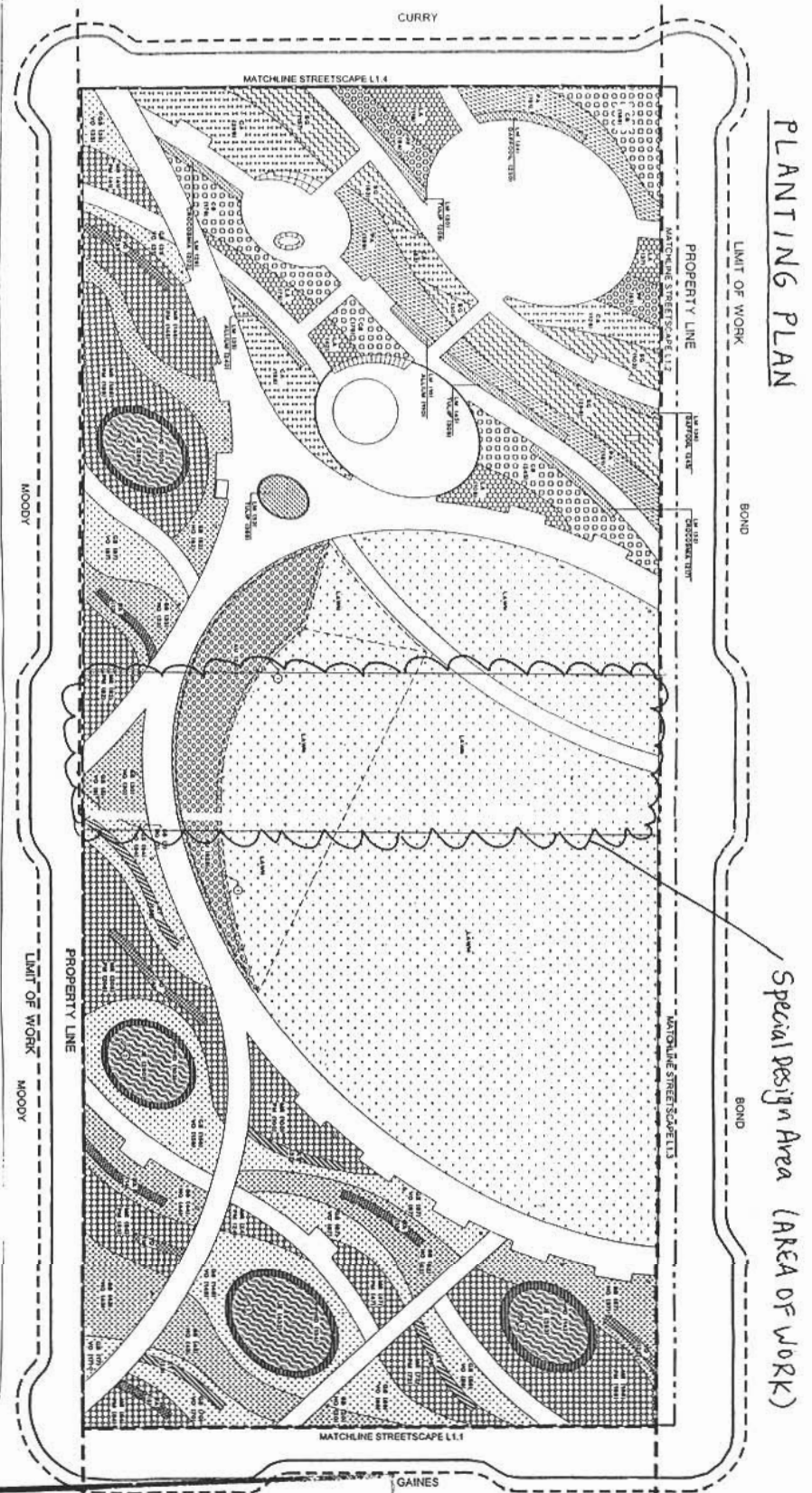
**NATURALIZED AREA**

	Douglas Iris Iris douglasiana	1 GAL.	18" O.C.
	Common Rush Juncus effusus	1 GAL.	18" O.C.
	Salal Gaultheria shallon	1 GAL.	24" O.C.
	Evergreen Huckleberry Vaccinium ovatum	1 GAL.	24" O.C.
	Alternate Plants per F/L 153		
	Bear Grass Xerophyllum tenax	1 GAL.	24" O.C.
	Creeping Oregon Grape Mahonia repens	1 GAL.	24" O.C.
	Sword Fern Polystichum munitum	1 GAL.	24" O.C.
	Alternate Plants per F/L 153		
	Snowberry Symphoricarpos albus	1 GAL.	36" O.C.
	Birch Leaf Spirea Spirea betulifolia	1 GAL.	36" O.C.
	Pee Wee Hydrangea quercifolia	1 GAL.	36" O.C.
	Alternate Plants per F/L 153		
	David Viburnum Viburnum davidii	1 GAL.	24" O.C.
	(100) Aquilegia formosa (100) Dicentra formosa (100) Camassia quamash	1 GAL.	TO BE PLACED IN FIELD BY LANDSCAPE ARCHITECT

**TURF AND GROUND COVER**

	Seeded Lawn		SEE NOTES
	Kivaikivik Arctostaphylos uva-ursi	1 GAL.	12" O.C.

Sheet size has been reduced.



\*Approved\*

City of Portland - Bureau of Development Services

Planner Kathleen Date Jan 26, 2009

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

case #: LU 08-177636 DZ Exhibit C-3