



# CITY OF PORTLAND

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## NOTICE OF FINAL DECISION

TO: All Interested Persons

DATE: November 7, 2014

RE: LU 14-117884 DZM

Appeal of South Portland Neighborhood Association against the Design Commission's decision to approve with conditions the 6-story, mixed-use building with 270 residential units, 8,359 square feet of retail area and 225 parking spaces at 3700 SW River Parkway (Hearing; LU 14-117884 DZM)

Enclosed is a copy of the Order of Council on LU 14-117884 DZM denying the appeal of the South Portland Neighborhood Association and upholding the Design Commission's decision, and approving the application of Katherine Schultz, GBD Architects for a 6-story, mixed-use building with 270 residential units, 8,359 square feet of retail area and 225 parking spaces at 3700 SW River Parkway. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov) or at (503) 823-4086.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website ([www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)) for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF SOUTH PORTLAND NEIGHBORHOOD ASSOCIATION AGAINST THE DESIGN COMMISSION'S DECISION TO APPROVE WITH CONDITIONS THE 6-STORY, MIXED-USE BUILDING WITH 270 RESIDENTIAL UNITS, 8,359 SQUARE FEET OF RETAIL AREA AND 225 PARKING SPACES AT 3700 SW RIVER PARKWAY (HEARING; LU 14-117884 DZM)**

**Applicant:** Katherine Schultz  
GBD Architects  
1120 NW Couch Street Suite 300  
Portland, OR 97209

**Owners:** MUI 37 Holdings LLC  
1411 4<sup>th</sup> Avenue Suite 500  
Seattle, WA 98101

**Site Address:** 3700 SW River Parkway

**Legal Description:** LOT 12, WATERFRONT SOUTH NO 2; LOT 13, WATERFRONT SOUTH NO 2

**Zoning:** CXd, g – Central Commercial zone with Design and Greenway overlays

**Procedure:** Type III, DZM (Design Review with Modifications)

**Original Proposal:**

The applicant seeks Design Review approval for a 6-story, mixed-use building on Block 37 in the South Waterfront Sub District of the Central City Plan District. The building would contain 270 residential units on the upper floors and walk-up units on the north and south ground levels. Approximately 8,359 SF of retail is proposed along the western portion and northeast corner of the building. Parking for 225 vehicles would be located in two levels, one underground, with access off of SW Gaines. Two loading spaces will be provided in the parking garage and in a bay on the south façade along SW Lane accessed from SW River Parkway. A total of 415 long-term bike parking spaces would be located within common rooms on each floor and some within the individual units. A total of 16 short-term spaces would be provided within the building's ground level setback along SW Gaines and SW River Parkway. Outdoor amenity areas are proposed within recessed balconies on all facades, 2<sup>nd</sup> level central courtyard and in terraced decks along the building's eastern edge. The project includes improvements to approximately half of SW Lane, which is designated as a greenway access connection and extends 30' onto the southern portion of the property. Landscaping is also proposed in the greenway between the building and the western edge of the future greenway trail. Ground level building materials consist of black aluminum storefronts, board form concrete, dark gray brick and metal panel. Upper levels are primarily white stucco, areas of dark gray brick, metal panels in three colors and black vinyl windows.

The following Modifications are requested:

1. For the upper floors of the building to project 3'-6" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).
2. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

*Since the first Design Commission hearing on May 15<sup>th</sup>, the applicant made changes in the design and no longer requires the height modification along Gaines that was originally proposed.*

New development in Design overlay zones are required to be approved through Design Review per Portland Zoning Code Section 33.420.041.A.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4<sup>th</sup> Avenue on October 22, 2014 at approximately 2:00 p.m. After hearing public testimony, Council voted 5-0 to tentatively deny the appeal of the South Portland Neighborhood Association, uphold the conditional approval of the project as granted by the Design Commission's decision, and approve the applicant's proposal, and ordered revised findings be prepared for November 5, 2014 at 10:30 a.m. On November 5, 2014 at 10:30 a.m. Council voted 5-0 to deny the appeal, uphold Design Commission's decision and adopt findings.

## DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 14-117884 DZM** and by this reference made a part of this Order, **it is the decision of Council** to deny the appeal by the South Portland Neighborhood Association and uphold the Design Commission's Decision to **approve application** for the 6-story, mixed-use building with 270 residential units, 8,359 square feet of retail area and 225 parking at 3700 SW River Parkway. The effect of the Council's decision is:

Approval of a Design Review for a 6-story, mixed-use building with 270 residential units, 8,359 SF of retail area and 225 parking spaces on Block 37 in the South Waterfront Sub District of the Central City Plan District.

Approval of the following Modifications:

1. For the upper floors of the building to project 3'-6" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).
1. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (D-H) must be noted on each of the 4 required site plans 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 14-117884 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A column of 5' deep inset balconies that extends from the 2nd to the 6th floor shall be added to the west facade that matches the proportions and design of the balconies on the north and south facades.
- C. The lid covers to the underground vault in SW Lane shall match the surrounding paving treatment, as specified in the South Waterfront street plan or, at minimum, be painted to match the colors of the surrounding pavers.
- D. The applicant shall work with Staff on an alternate design solution for the non-removable bollards proposed to protect the underground vaults in the Lane accessway from vehicle traffic. If the solution requires a Type 2 Design Review, the Design Review approval must be final prior to issuance of main building permit.
- E. Cedar wood shall be used in place of Resysta for the balcony and canopy soffits.
- F. Where the horizontal metal accent panel (red) occurs at a corner, a continuous piece of metal shall be used at the return to the window, rather than individual horizontal panels.
- G. The stucco joints shall be minimized along the top and bottom horizontals of the facades.

H. Within SW Lane, a furnishing zone shall be delineated along the north side of the walkway, out of the through pedestrian zone, that includes 4 more benches, 4 bike stalls, and lights. The furnishing zone shall be at the same grade as the walkway and include pavers that match those in SW Lane.

**IT IS SO ORDERED:**

NOV 07 2014

Date



Mayor Charlie Hales  
Presiding Officer at Hearing of  
November 5, 2014  
9:30 a.m. Session