



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: June 21, 2018
To: Interested Person
From: Jeffrey Mitchem, 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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 18-163208 DZ – BLOCK 50 SOWA
FOLLOW-UP REVIEW LANE ST ACCESSWAY IMPROVEMENTS**

GENERAL INFORMATION

Applicant: Jeancarlo Saenz
Hensley Lamkin Rachel Architects
14881 Quorum Drive, Suite 550
Dallas, TX 752554

Applicant: Wade Johns
Alamo Manhattan Properties, LLC
3012 Fairmont Street Ste 100
Dallas, TX 75201

Owner: FAVA LLC
1650 NW Naito Pkwy #302
Portland, OR 97209

Site Address: **3714 SW Macadam Avenue**

Legal Description: INC PT VAC ST BLOCK 159 LAND & IMPS SEE R129244 (R140914961) FOR BILLBOARD, CARUTHERS ADD; INC PT VAC ST BLOCK 159 BILLBOARD SEE R129243 (R140914960) FOR LAND & IMPS, CARUTHERS ADD; INC PT VAC ST N OF & ACCR BLOCK 172, CARUTHERS ADD

Tax Account No.: R140914960, R140914961, R140916080
State ID No.: 1S1E10CA 00300, 1S1E10CA 00300A1, 1S1E10CA 00400
Quarter Section: 3429

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Association, contact info@southportlanddba.com.
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: Central City - South Waterfront
Zoning: **CXd**, Central Employment with a Design Overlay
Case Type: **DZ**, Design Review
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

PROPOSAL:

The proposal is for the design of the Lane Street Accessway on private property between two previously approved buildings pursuant to Land Use Review LU7-110666 DZM and conditions of approval therein. Primary improvements include storm water planters, street trees, bench seating, retail spill-out areas, landscaped berm and a dog park. Specifically, the Condition of Approval reads:

A follow up Type II Land Use Review shall be required for the design of the SW Lane St Accessway to ensure that all improvements meet all Water Bureau requirements. The design shall include at least the following: concept based on the natural blending into the urban, terracing, informal seating and lighting. That review shall be approved prior to the issuance of any construction related permit for this subject review.

Design Review is necessary because the proposal is for new construction in a Design Overlay zone.

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:

- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines

ANALYSIS

Site and Vicinity: The Block 40 site is bifurcated by a private Greenway accessway (SW Lane Street), and abutted on the east and west by Major Transit Priority Streets (SW Moody Ave – Portland Streetcar and SW Macadam Ave – high-frequency bus) and on the north and south by two Local Service Streets (SW Gaines St and SW Abernethy St). Immediate context includes Elizabeth Caruthers Park (immediately northeast), the Riva on the Park (high-rise) and Ella (mid-rise) apartments abutting to the east, and I-5 abuts SW Macadam Ave to the west.

The South Waterfront is a neighborhood in rapid transition. Historically, the location of industrial activities, the district was rezoned in 1990 to Central Commercial, to allow a greater variety in uses, including residential, commercial and institutional, and to take advantage of the area's unique connection to the Willamette River. In the first decade of the century, several new developments were approved and constructed, establishing the area as a destination neighborhood. Many development opportunities still remain, particularly at the district's perimeter and it is imagined that in the near future, South Waterfront will be a dense vibrant part of the city.

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

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition,

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

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the South Waterfront Subdistrict of this plan district.

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

- LU17-110666 DZM Block 40 SOWA. Design Review approval of new construction of two mixed-use buildings.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **May 8, 2018**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Service
- Portland Bureau of Transportation
- Fire Bureau
- Life Safety
- Water Bureau

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **May 8, 2018**. One written response has 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 the South Waterfront Design Guidelines, and the South Waterfront Greenway Design Guidelines for sites with a greenway [g] overlay zone.

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.

- 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 superblocks 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.
- A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- A4-1 Integrate Ecological Concepts in Site And Development Design.** Incorporate ecological concepts as integral components of urban site and development designs.
- A4-2 Integrate Stormwater Management Systems in Development.** Integrate innovative stormwater management systems with the overall site and development designs.
- 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.
- 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.
- 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.
- C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

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 A3, A4, A4-1, A4-2, B1, B4, B5, C6, D2: The accessway serves to reinforce vicinity block structure by physically dividing the north and south parcels between SW Moody Ave and SW Macadam Ave. The proposed improvements – paving, lighting, landscaping, stormwater features, seating and passive gathering space – will provide ample opportunity for localized spill-out activity while unifying the pedestrian realm by extending the pervasive South Waterfront accessway system.

Unique district lighting, street furniture and materials will be used to unify the project and the entire district. The streetcar, aerial tram and greenway trails all serve to connect the district with not only the central downtown district, but now also the eastside Central City as well with Tillicum Crossing. An active stormwater filtration system expresses the movement of water towards the river from courtyards to bio-swailes within the accessway, which eventually serve to help replenish the river.

The proposed work includes extensions of the planned streets and pedestrian system as well as a strong pedestrian orientation to all adjacent streets. Specific measures reinforcing the intent of the previous condition of approval (LU7-110666 DZM) – *concept based on the natural blending into the urban, terracing, informal seating and lighting* – will induce safe, convenient and diverse pedestrian activity in the abutting public realm and include the following:

- Elements within the accessway are designed per SOWA standards.
- The sidewalk pedestrian, furnishing and planting zones will be continued from adjacent development for seamless circulation. Curb extensions are featured at the accessway intersection with SW Moody Ave to shorten pedestrian crossings.
- Spill-out transitional space exterior of abutting active floor area to induce pedestrian activity.
- Mid-block courtyard access to induce activity from deeper within the site.
- The east-west streets and accessway extend the street grid toward the greenway, which enhances access to the greenway from transit, and vice versa.

These guidelines have been 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 requirements of Title 11 can be met, and 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 South Waterfront neighborhood has seen significant change in recent years. The additional density provided by the continued build-out of the district will meet many state- and city-wide livability goals for increased density and transit-oriented development. Objectives related to design and materials quality, active ground floors and successful public amenities are critical to the full and complete realization of truly humane waterfront neighborhood. As such, staff desires to ensure the highest quality development so that the neighborhood can view Block 40 with a sense of pride and welcoming.

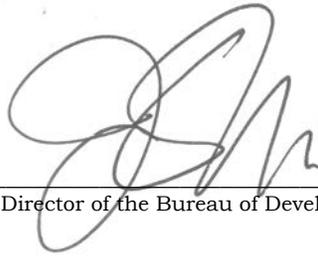
The proposed building would occupy a gateway parcel and represent a central component to the ultimate realization the waterfront vision and thus demands thorough pedestrian orientation and the highest quality materials to ensure its longevity and success. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As conditioned herein, the proposal meets all of the applicable approval criteria and therefore approval is warranted.

ADMINISTRATIVE DECISION

Approval of the proposed SW Lane St Accessway improvements per the approved site plan, Exhibit C-1, signed and dated June 18, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions 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 18-163208 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Jeffrey Mitchem



Decision rendered by: _____ **on June 18, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 18, 2018

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 May 1, 2018, and was **determined to be complete on May 3, 2018.**

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 May 1, 2018.

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. Unless extended by the applicant, **the 120 days will expire on August 31, 2018.**

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 July 5, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **July 6, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

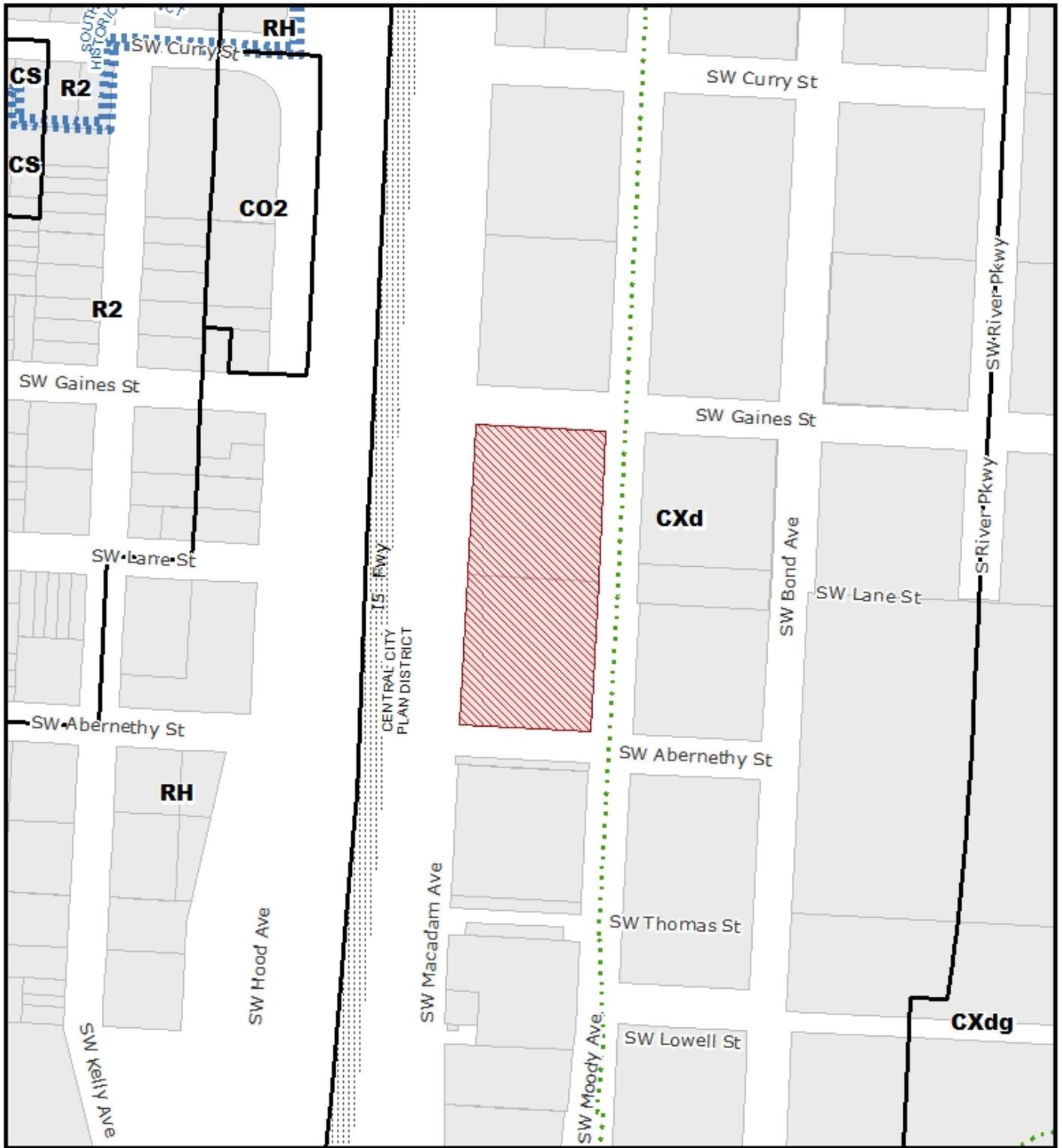
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement: NONE
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Fire Bureau
 - 3. Life-Safety
 - 4. Water Bureau
 - 5. Bureau of Environmental Services
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application

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

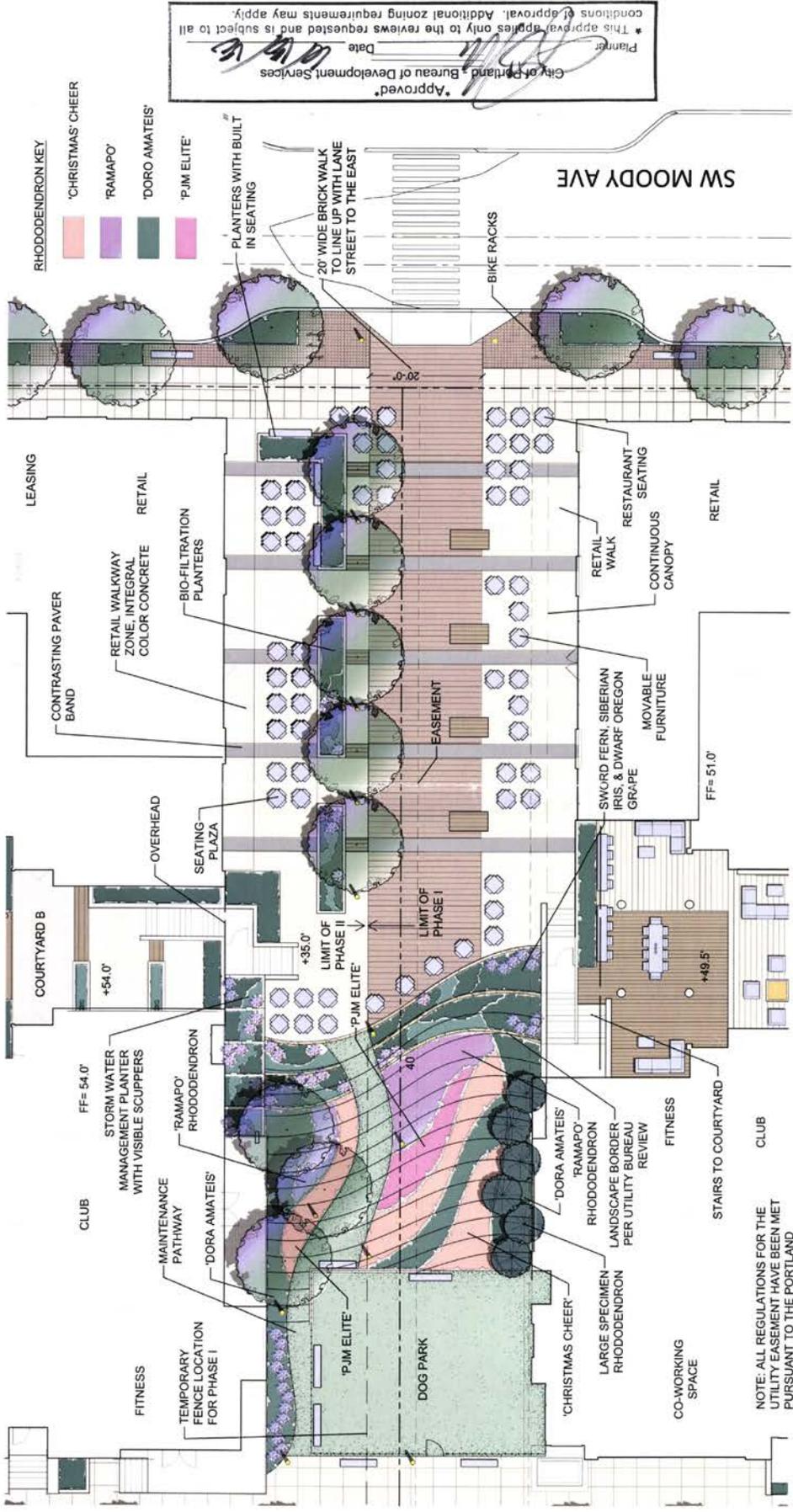


ZONING 
 NORTH

THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 SOUTH WATERFRONT SUBDISTRICT

-  Site
-  Recreational Trails

File No.	LU 18-163208 DZ
1/4 Section	3429
Scale	1 inch = 200 feet
State ID	1S1E10CA 300
Exhibit	B May 03, 2018



- RHODODENDRON KEY**
- 'CHRISTMAS CHEER'
 - 'RAMAPO'
 - 'DORA AMATEIS'
 - 'PJM ELITE'

City of Portland, Bureau of Development Services
 Approved: _____ Date: _____
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

ALAMO MANHATTAN — E2/LANE STREET PLAZA PLAN —

E2/LANE STREET PLAZA PLAN
 DATE: 03-26-18
 SCALE: 1/8"=1'-0"

C.14
 04-11-18

DMC
 LW 18-163208 DZ

NOTE: ALL REGULATIONS FOR THE UTILITY EASEMENT HAVE BEEN MET PURSUANT TO THE PORTLAND WATER BUREAU REQUIREMENTS

