

**Consider appeal by Leonard Gionet, Yvonne Meekoms, and Mary Henry De Tesson,  
against the Design Commission's decision to approve, with conditions, the Alamo  
Manhattan 4-block development in the South Waterfront Sub-District of the Central City  
Plan District (LU 20-102914 DZM AD GW)**

**Applicant/Owner:** Wade Johns  
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The Landing At Macadam LLC  
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**Applicant's  
Representative:** Dana L. Krawczuk  
Stoel Rives LLP  
760 SW Ninth Avenue, Suite 3000  
Portland, OR 97205

**Site Address:** 3850 S. Bond Ave.\*

**Legal Description:** SECTION 10 1S 1E, TL 300 7.68 ACRES; SECTION 10 1S 1E, TL 400 2.15  
ACRES\*

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

**Case Type:** DZM GW AD – Design Review with Modifications and a South  
Waterfront Greenway Review and an Adjustment

**Procedure:** Type III, with a public hearing before the Design Commission. The  
decision of the Design Commission can be appealed to City Council.

**Proposal**

The applicant requests Design Review approval for a four-block development in the South Waterfront sub district of Central City Plan District. In addition to the buildings, the project

\*technical correction

includes a greenway trail connection, new streets (SW River Parkway, western portion of Lowell and Abernethy) and river accessways (SW Lane, Abernethy and Lowell east of River Parkway). Overall the project provides approximately 1,200 residential units, 22,000 SF retail and 738 parking spaces. The two riverward blocks will contain high-rise buildings with mid-rise buildings on the two western blocks. More specifically:

**Block 41**

- One 250' tall building with a tower atop a podium
- 348 residential units, 3,500 SF of commercial space, 270 parking spaces
- Exterior materials – composite metal panel, brick, wood, concrete

**Block 44**

- One 250' tall building with a tower atop a podium
- 363 residential units, 2,530 SF of commercial space, 278 parking spaces
- Exterior materials – composite metal panel, brick, wood, concrete

**Block 42**

- One 74' tall building
- 226 residential units, 8,495 SF of commercial space, 190 parking spaces
- Exterior materials – brick and stucco

**Block 45**

- One 74' and one 55' tall building
- 263 residential units, 7,758 SF of commercial space, 247 parking spaces
- Exterior materials – metal panel, stucco, brick, fiber cement panel (Nichiha)

In order to achieve an additional 125' of height (for a total of 250') for the portion of buildings within the area 150' west of the top of bank, bonus FAR via the South Waterfront Willamette River Greenway Bonus option is required (April 2017 Zoning Code Sections 33.510.210.B and 33.510.210.G). Blocks 41 and 44 each include 2,500 SF of additional public open space abutting the greenway per Section.33.510.210.C.10, which affords each building 7,500 SF of bonus FAR, thus unlocking the additional 125' of height. Additional bonus FAR is achieved by providing affordable housing.

The applicant also requests a South Waterfront Greenway Review to provide improvements within the 100' Greenway setback east of Blocks 41 and 44. Greenway improvements include Greenway trails and Greenway landscaping, a pedestrian overlook riverward of the trail at the SW Abernethy Street terminus, and riverbank enhancements. Separate Greenway bike and pedestrian trails are proposed along the site's river frontage to connect with existing paths to the north and south of the site. The trail system and overlooks are to be lit with shielded lighting.

Native basalt bench seating areas along the pedestrian trail provides views to the river. Street marker inserts in the bike trail at street crossings provide orientation. Retaining walls are needed along the trails and 42-inch high "guard-rail" fencing is proposed along the tops of the retaining walls. A wide paved plaza at the upland edge of the Greenway provides pedestrian seating and a water feature between SW Abernethy and the Greenway.

The project will also remove the dilapidated wooden pier along the site's river frontage, lay back the steeply sloping riverbank and stabilize banks with large woody debris (LWD) and riprap armor. Armored banks, and areas landward of the banks will be restored with riparian plantings of native trees, shrubs and groundcovers.

The following Modifications are requested:

1. Vehicle Parking – To allow two parking spaces to be stacked (tandem) without having an attendant on-site (Section 33.266.130.F.1.a).
2. Bike Parking – To reduce the width of long-term bike parking spaces from 2' to 18" (Section 33.266.220.C.3.b).

The following Adjustment is requested:

1. Vehicle Access – To allow vehicle and loading access off of River Parkway, which is access restricted (Section 33.510.267.F.6.b).

Design Review is required for new development per Section 33.420.041. A South Waterfront Greenway Review is required for development in the South Waterfront Greenway that does not meet the standards of Section 33.510.253.E.5, and for construction activities below the top of bank.

### **Revised Proposal**

The following revisions to the original proposal were made by the applicant during the City Council proceedings:

#### **Maker Space Public Plaza**

- Added a direct access between the greenway and maker space plaza.
- Modified the grading & removed railing around the maker space.
- Removed the planter on the north edge of the maker space.
- Extended the brick pavers from the Lowell accessway so that it wraps the maker space plaza.
- Replaced the tables and chairs with chaise loungers.

#### **Abernathy Public Plaza**

- Modified the shape of the plaza so that the footprint is more sinuous.
- Modified the landscaping and relocated furniture to facilitate a direct at-grade connection between the lawn areas and plaza.

- Paving was added to the wide L-shaped benches east of the foundation so that benches now function as 2-sided seating.
- Extended the brick paving from the plaza across the bike and pedestrian paths to the overlook.

Ecoroofs - Replaced all of the gravel areas on the Block 41 and 44 podium roofs with ecoroofs.

The development described in this approval is collectively referred to as the "Project" or "Proposal" in these findings.

City Council held a de novo public hearing on 9/10/20. The hearing was in the form of a virtual meeting due to COVID 19, consistent with Executive Order 20-16. The Council left the record open for further written submissions due by 9/17/20 and 9/24/20, the latter to consist of rebuttal only. The applicant waived their final rebuttal.

On 10/6/20, at a closed record virtual public hearing, the City Council conducted its deliberations on the appeal, where they discussed revisions presented by the applicant. The revisions included improving the visual and physical access to the public open space plazas and the addition of ecoroofs atop the podiums of the buildings on Blocks 41 and 44. The Mayor moved, and Commissioner Eudaly seconded the motion, that the appeal be denied and the applications herein be approved as revised. The motion was adopted by a tentative vote of 3-1. The item was continued to 11/18/20 for the final vote and adoption of final findings.

On 11/18/20 Council voted 4-1 to Deny the appeal and uphold the decision of the Design Commission to approve the project as modified and adopt the findings.

### **Decision**

Based on evidence in the record and adoption of the Council's Findings and Decision in Case File LU 20-102914 DZM AD GW and by this reference made a part of this Order, it is the decision of City Council to deny the appeal of the Design Commission decision (LU 20-102914 DZM AD GW) and approve the Design Review for 5 buildings and associated site improvements and a South Waterfront Greenway Review for:

- Proposed fence (guard rail) over 3 feet high, and less than 45 feet from top of bank;
- Segments of the Greenway Trail less than 12 feet wide;
- Removal of existing wooden pier below top of bank; and
- Excavating, regrading, armoring the riverbank, and placing large woody debris below top of bank.

As modified by and subject to the revised design materials submitted by the Applicant on 9/24/20.

Approval of the following **Modification** requests:

1. *Vehicle Parking* – To allow two parking spaces to be stacked (tandem) without having an attendant on-site (Section 33.266.130.F.1.a).
2. *Bike Parking* – To reduce the width of long-term bike parking spaces from 2' to 18" (Section 33.266.220.C.3.b).

Approval of the following **Adjustment** request:

1. *Vehicle Access* – To allow vehicle and loading access off of River Parkway, which is access restricted (Section 33.510.267.F.6.b).

Approvals per Exhibits C.1 - C.272, signed, stamped, and dated 11/18/20, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through K) must be noted on each of the four 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 20-102914 DZM AD GW." 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. The maker spaces on the ground floor of Block 44 at the southeast corner must be occupied by commercial uses only (not residential).
- D. The patio adjacent to the maker spaces at the southeast corner of Block 44 must remain accessible to the public during the commercial use business hours and may not be gated.
- E. The accent metal panel above the ground floor on Block 41 shall be:
  - 6" wide or match the width of a wood plank;
  - At least 14-gauge aluminum or 22-gauge steel; and
  - A solid warm color finish (not a textured wood grain image).
- F. No field changes allowed.
- G. A BDS Site Development Permit is required for this project. The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits

(building, Zoning, grading, Site Development, erosion control, etc.). Plans shall include the following statement, "Any field changes shall be in substantial conformance with approved LU 20-102914 DZM AD GW Exhibits C.259 through C.266."

1. The Site Development Permit must be issued prior to issuance of buildings on the site.
  2. Prior to occupancy of the first building permit on the site, all greenway improvements approved under this review must be installed in conformance with Exhibits C.259 through C.266. Or, if improvements are deferred, a performance guarantee must be provided per 33.510.253.D.4.b and all improvements must be installed within 4 years of occupancy of the first building on the site. Note: LU 17- 160442 LDS, condition C.2 requires the applicant to install, at a minimum, one of the required greenway trails prior to occupancy of buildings on Lots 1 and 4 (Blocks 41 and 44).
  3. A Public Access Easement shall be shown over Tracts A and B (the Greenway Open Space tracts) for the north-south greenway trail and pedestrian connections to the trail easement from the eastern termination of accessways at SW Lane, SW Abernethy and SW Lowell Streets. These easements shall provide for the construction, maintenance and public use of the greenway trail, as approved and shown on 20-102914 DZM AD GW Exhibits C.259 through C.266. The Easements shall be recorded with the County Recorder on the final plat for the site or prior to issuance of building permits on the site.
- H. Prior to any construction activity within the Greenway, turbidity curtains, sediment fences and straw waddles shall be placed, as depicted on Exhibits C.264 through C.266, the applicant's Greenway Construction Management Plans, or as required by BDS Site Development reviewers or inspectors.
- I. The Site Development Permit review shall include inspection of Greenway plantings as shown on Exhibits L.001 through L.005, the applicant's Greenway Planting Plans. Any plant substitutions shall be selected from the South Waterfront Greenway Plant List Tables 510-2 and 510-3 and shall be substantially equivalent in size and character to the original plant.
1. Permit plans shall show:
    - a. The location of the trees, shrubs and ground covers required by this condition and labeled as "new required landscaping". The plans shall be to scale and shall illustrate a naturalistic arrangement of plants and include the location, species, quantity and size of plants to be planted.
    - b. The applicant shall indicate on the plans selection of either tagging

plants for identification or accompanying the BDS inspector for an on-site inspection.

2. Plantings shall be installed between October 1 and March 31 (the planting season).
  3. If plantings are installed prior to completion of construction, a temporary bright orange, 4- foot high construction fence shall be placed to protect plantings from construction activities.
  4. After installing the required plantings and other improvements, the applicant shall request inspection of plantings and final the Site Development Permit.
  5. All required shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the applicant shall arrange to accompany the BDS inspector to the site to locate required plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.
- J. The landowner shall monitor the required plantings for two years to ensure survival and replacement. The landowner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. After the 2- year initial establishment period, the landowner shall:
1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The applicant shall arrange to accompany the BDS inspector to the site to locate plantings for inspection. The permit must be finalized no later than 2 years from the final inspection for the installation of planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
  2. All required landscaping shall be continuously maintained, by the landowner in a healthy manner, with no more than 15% cover by invasive species. Required plants that die shall be replaced in kind.
- K. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and/or enforcement of these conditions in any manner authorized by law.

Note: In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations. This decision applies to only the City's greenway regulations. Activities which the City regulates through PCC 33.510.253 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval.

IT IS SO ORDERED:

11/20/2020

Date

 Digitally signed by Ted  
Wheeler  
Date: 2020.11.20  
16:26:20 -08'00'

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Mayor Ted Wheeler

Presiding Officer at Hearing of

November 18, 2020

9:30 a.m. Session





November 24, 2020

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**RE: LU 20-102914 DZM AD GW**

Consider appeal by Leonard Gionet, Yvonne Meekcoms, and Mary Henry De Tesson, against the Design Commission's decision to approve, with conditions, the Alamo Manhattan 4-block development in the South Waterfront Sub-District of the Central City Plan District (LU 20-102914 DZM AD GW)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 20-102914 DZM AD GW. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$116.00 made payable to the Multnomah County Recorder, indicating the file number on your check and SEND TO: The City of Portland, Office of the City Auditor, 1221 SW 4<sup>th</sup> Ave. Room 130, Portland, OR 97204-1900**

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

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1221 SW 4<sup>th</sup> Avenue, Room 130, Portland, OR 97204

(503) 823-4085

[www.portlandoregon.gov/auditor/councilclerk](http://www.portlandoregon.gov/auditor/councilclerk)





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.

Yours sincerely,  
Mary Hull Caballero  
Auditor of the City of Portland  
By: *Keelan McClymont*

Keelan McClymont, Council Clerk

Encl.





## **NOTICE OF FINAL DECISION**

TO: All Interested Persons

DATE: November 24, 2020

RE: LU 20-102914 DZM AD GW

Consider appeal by Leonard Gionet, Yvonne Meekoms, and Mary Henry De Tesson, against the Design Commission's decision to approve, with conditions, the Alamo Manhattan 4-block development in the South Waterfront Sub-District of the Central City Plan District (LU 20-102914 DZM AD GW))

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 20-102914 DZM AD GW, denying the appeal and upholding the decision of the Design Commission to approve the project as modified and adopt the findings. If you wish to obtain a copy of the City Council's findings and decision, please contact Keelan McClymont, Council Clerk by email at: [keelan.mcclymont@portlandoregon.gov](mailto:keelan.mcclymont@portlandoregon.gov) or at (503) 823-4085.

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.

Yours sincerely,  
Mary Hull Caballero  
Auditor of the City of Portland  
By: *Keelan McClymont*

Keelan McClymont, Council Clerk

Encl.



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**LU 20-102914 DZM AD GW**  
**Order of council mailed: 11/24/20**

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