



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: February 6, 2014 To: Interested Person

From: Hillary Adam, Land Use Services

503-823-3581 / Hillary.Adam@portlandoregon.gov

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 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 14-102674 DZ - SIDING REVISION

GENERAL INFORMATION

Applicant: Jeancarlo Saenz, Applicant

> Robert Lamkin, Architect Hensley Lamkin Rachel Inc 14881 Quorum Drive, Suite 550

Dallas, TX 75254

Wade Johns, Owner

Alamo Manhattan Properties Alamo Manhattan Block 43 LLC 2808 Fairmont St Ste 200

Dallas TX, 75201

Site Address: 3850 SW MOODY AVE

BLOCK 173 TL 700, CARUTHERS ADD Legal Description:

Tax Account No.: R140916160, R140916160, R140916160, R140916160, R140916160,

R140916160

1S1E10DB 00700, 1S1E10DB 00700, 1S1E10DB 00700, 1S1E10DB State ID No.:

00700, 1S1E10DB 00700, 1S1E10DB 00700

Quarter Section:

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.

Business District: South Portland Business Association, contact Kevin Countryman at

503-750-2984.

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: Central City - South Waterfront

Zoning: CXd - Central Commercial with Design overlay

Case Type: DZ - Design Review

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal:

The applicant proposes to revise the exterior siding at the balconies and at the entrance stoops along SW Moody. In all locations where Accoya wood siding was approved under the previous design review case LU 13-107395 DZM, Vintagewood™ Nichiha fiber cement boards are now proposed in their place. This proposal is in response to comments made by the Life Safety Division of BDS to not allow combustible exterior siding material on this construction type. No other changes are proposed as part of this application.

Design Review is required because the proposal is for exterior alterations in the "d" overlay in the South Waterfront subdistrict of the Central City Plan District.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a 200' x 200' parcel bound by SW Moody Avenue on the west, SW Abernethy Street on the south, SW Bond Avenue on the east, and the SW Lane Accessway on the north. Currently, there is an existing half-block one-story 1957 concrete building at the south end of the site, which sits below grade due to the adjacent roads being built up. The property received design review approval in June 2013 for a new 6-story apartment building.

To the north of SW Lane is the 22-story Riva on the Park apartment building. SW Lane is a private accessway with a public easement under the same ownership as Riva on the Park. The accessway is developed with landscaping and walkways to townhouses in the Riva building, a 30' wide pedestrian path in the center, and landscaping with underground vaults in the southern portion. To the south of the subject property is the 6-story Matisse apartment building, developed by the applicant of this 0601 SW Abernethy project. To the west of the property, across SW Moody, is a one-story warehouse building, which serves as the location for a few food carts along its eastern elevated loading dock. Across SW Bond is currently a vacant lot. The shore of the Willamette River is more than 700 linear feet away, with the closest public access located at the end of Gaines Street, one block to the north.

The property lies within the South Waterfront Pedestrian District. The City's Transportation System Plan identifies SW Moody and SW Bond as City Bikeways, Central City Transit/Pedestrian Streets, Community Main Streets, Major Transit Priority Streets, and Traffic Access Streets.

South Waterfront is a neighborhood in 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, and it is imagined that by 2020, South Waterfront will be a dense vibrant part of the city.

Zoning: The <u>Central Commercial</u> (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.

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

- EA 07-146222 Design Advice Request for proposed 22-story mixed-use building (Riva on the Park), prior to separation of the parcels;
- EA 11-125306 Pre-application Conference to discuss a proposed 18-story mixed-use building on the north portion of the subject property with a 4-story self-service storage building with ground floor retail to the south;
- EA 12-193194 Pre-Application Conference for the proposed 6-story building; and
- EA 12-193183 Design Advice Request for the proposed 6-story building;
- LU 13-107395 DZM Design Review approval for a new 6-story apartment building.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 13, 2014**. The following Bureaus have responded with no issues or concerns:

The **Life Safety Division of BDS** responded with the following comment: Please see Exhibit E-1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 13, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Central City Plan Design Goals

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- 4. Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;

- **7.** Provide for the humanization of the Central City through promotion of the arts;
- **8.** Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

South Waterfront Design Goals

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

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

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

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

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

- **C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- **C4.** Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2, C4, and C5: The previously-approved 6-story apartment building went through a few design iterations before it received final approval from the Design Commission. In the early designs of the building, cementitious panel was a proposed as a primary material. Eventually, the cementitious panel was relegated to the recessed balconies only and was ultimately replaced with the approved Accoya wood siding. The Accoya wood siding was noted for adding warmth to the balconies and strengthening the connection between the proposed building and Riva on the Park to the north. However, since the approval, the Lie Safety Division has noted that wood siding is not allowed on a building of this construction type, thus the current Type II land use review to consider an alternate material.

The proposal for Vintagewood™ Nichiha fiber cement boards mimics the previously-approved wood siding; however it has a fire-rating that meets Building Code requirements. Like the Accoya siding, the Nichiha siding is still limited to the recessed balconies, thus limiting the use of this material and maintaining coherency in the overall

design aesthetic. As such, the proposal complements the context of existing buildings which use fiber cement products, while demonstrating how these products can and should be used on similarly scaled buildings. Staff notes that the proposed material's relatively long warranty and its high fire rating promote quality and permanence in the design. *These guidelines are 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

While staff was very supportive of the use of wood at the balconies in the previously-approved design, Building Code requirements have since dictated that the revision was necessary. The applicant has selected a quality product that meets the Building Code requirements and sufficiently maintains the intent of the approved design. 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 proposed design meets the approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of revisions to a previously-approved design review in the South Waterfront sub-District of the Central City Plan District, to include the following:

• In all locations, specifically at all recessed balconies and at the entrance stoops along SW Moody, where Accoya wood siding was approved under the previous design review case LU 13-107395 DZM, Vintagewood™ Nichiha fiber cement boards are now proposed in their place. No other changes are proposed as part of this application.

This approval is per the approved site plans, Exhibits C-1 through C-13, signed and dated February 4, 2014, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-13. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-102674 DZ. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by: ______ on February 4, 2014

By authority of the Director of the Bureau of Development Services

Decision mailed: February 6, 2014

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 January 8, 2014, and was determined to be complete on January 8, 2014.

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 January 8, 2014.

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 further extended by the applicant, **the 120 days will expire on: May 9, 2014.**

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 February 20, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. 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 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 February 21, 2014 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

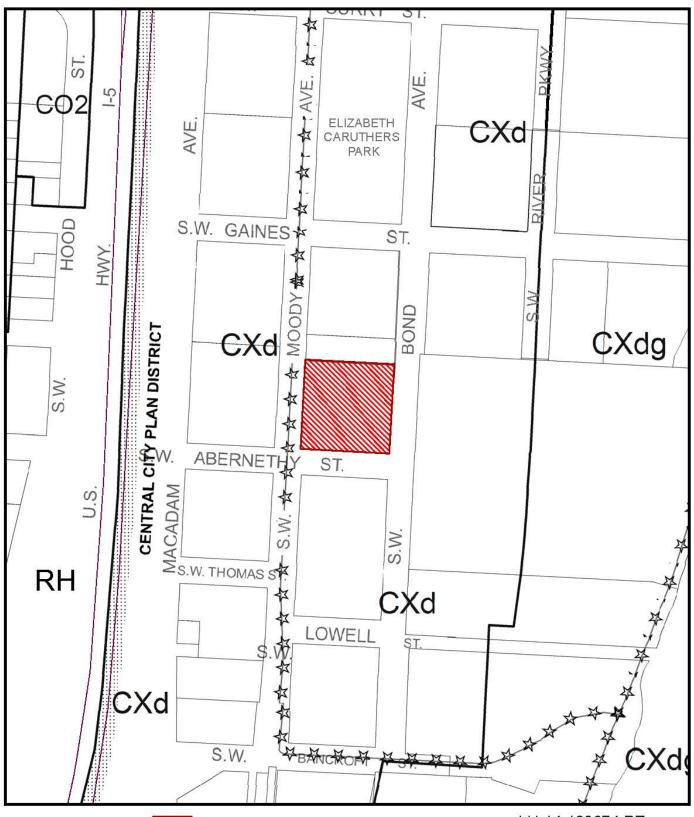
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement Original Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet
 - 2. Site Plan (attached)
 - 3. SW Bond & SW Lane Elevations (attached)

- 4. SW Moody & SW Abernethy Elevations (attached)
- 5. Interior Courtyard Elevations
- 6. Enlarged Section/Elevation
- 7. Perspective View from NE on Bond
- 8. Perspective View from NW on Lane
- 9. Perspective View from SW on Moody
- 10. Perspective View from Abernethy
- 11. Details
- 12. Nichiha Manufacturer specifications
- 13. Nichiha Architectural Wall Panels Installation Guidelines
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
- 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 SUB DISTRICT File No. LU 14-102674 DZ

1/4 Section 3429,3430

Scale 1 inch = 200 feet

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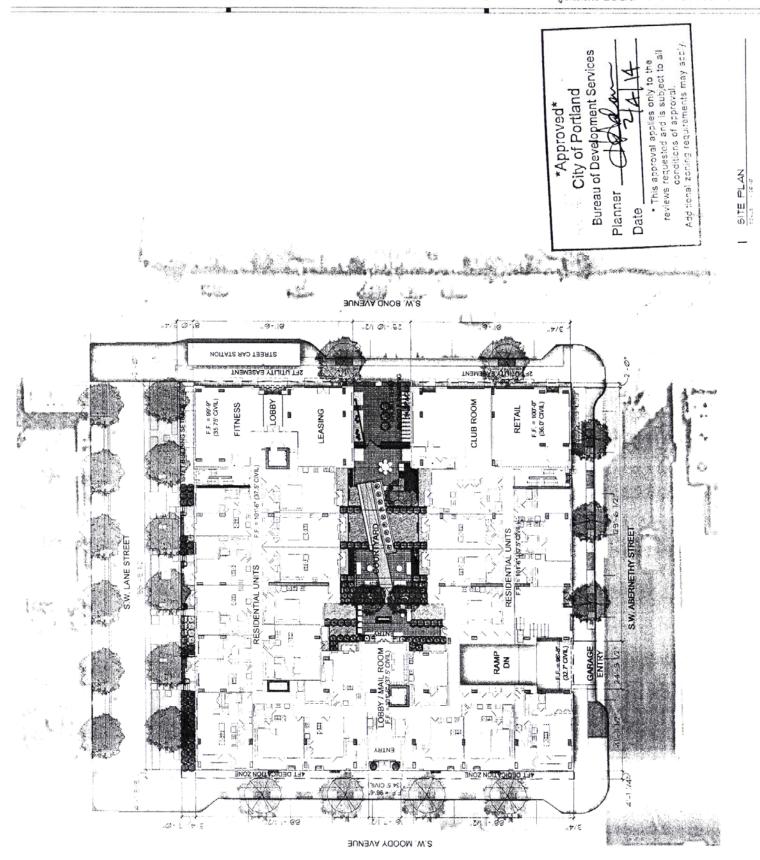
Exhibit B (Jan 08,2014)

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Bureau of Development Services Planner

City of Portland *Approved*

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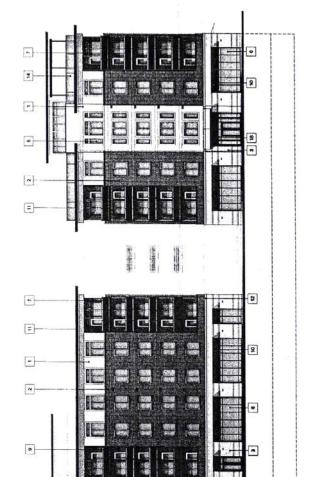
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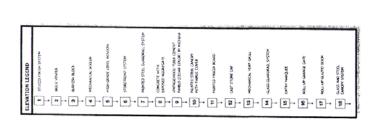
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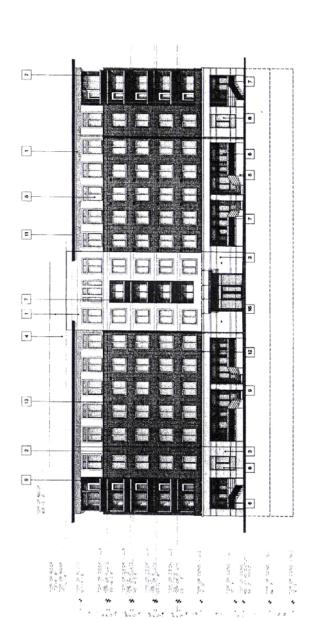
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