



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 23, 2014
To: Interested Person
From: Rachel Whiteside, 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 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 14-106684 GW AD

GENERAL INFORMATION

Applicant: Dustrud Architecture
1699 Pearl St/ Eugene OR 97401

Owner: Johns Landing Sustainable Housing LLC/ Attn: Dan Neal
1361 Pearl St/ Eugene OR 97401

Site Address: 444 SW Boundary St

Legal Description: TL 600 1.17 ACRES, SECTION 15 1S 1E
Tax Account No.: R991150990
State ID No.: 1S1E15BD 00600
Quarter Section: 3529
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: Macadam
Zoning: CSdg – Storefront Commercial with Design (d) and River General (g) Overlay Zones

Case Type: GW AD, Greenway and Adjustment Reviews
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The proposed development consists of two buildings on the same site that, combined, will have 133 apartment units with 124 units in the West building and 9 units in the East building. At each building, there will be 5 stories of wood-framed apartments over a post-tensioned concrete slab. (This is a modification to the building design from the original proposal, due to building length limits in the Macadam Plan District, but does not change the overall developed area.) At the West building ground level, there will be 1-story of at-grade and partially below-grade parking as well as the main lobby and leasing office. The East building ground level will be 1-story of tenant amenities that include a bike room, boat house/shop, and bike repair and pet wash area in addition to utility rooms that service the entire development site. The applicant

has proposed to meet the Community Design Standards at the time of building permit review rather than a separate Design Review process.

The project site is a 1.17-acre lot without river frontage that sits along an existing connection to the Greenway Trail. Proposed site enhancements include removing an existing driveway and curb cut along the private section of Boundary Street and replacing it with a new concrete walkway that will meander between new planting islands at the curb's edge and flow-through stormwater planters adjacent to the building. New pole lighting is proposed at the property edge along the path.

Greenway Review is required for all new development within the Greenway overlay zones. There are no special use restrictions within the River General overlay zone and the site is well back from the 25-foot greenway setback.

Because the site is adjacent to the R1 zone along the east property line and 113 feet of the north property line, high screen (L3) landscape standards apply. The east property line is the direction of the river views and is adjacent to an unused rail right-of-way. At the northeast corner of the site there are several existing utility vaults and L2 landscaping standards already apply in front of the parking garage openings. For these reasons, the applicant has requested an Adjustment to reduce the L3 landscape requirements to low screen (L2) landscaping in both locations. The new transformers have been moved west on the site, but will continue to be screened with a decorative metal screen.

Relevant Approval Criteria:

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

- **33.440.350, Greenway Approval Criteria**
- ***Willamette Greenway Design Guidelines***
- **33.805.040, Adjustment Approval Criteria**

Facts

Description of the Site: The 1.17-acre site is located upland of the Willamette River and across from the John's Landing Condominiums at SW Boundary Street and SW Landing Drive. The site is currently vacant, devoid of any structures, and primarily used as a parking lot for neighboring office buildings with both gravel and paved parking areas. Formerly, the site was home to various businesses including a saw mill, furniture making facility, and restaurant.

The entire site is within the greenway overlay, however the site has no river frontage. A Greenway Access Path is designated along the north property line at Boundary Street. Currently, there is a concrete sidewalk at the street's curb that is divided by an existing curb cut for a driveway coming into the site. An unused railroad spur and trestle is sandwiched between the West edge of the site and the Willamette Greenway Trail (offsite). The trestle ends before reaching the access path.

Infrastructure:

- **Roads** – The site has no frontage on public streets. SW Boundary Street is a private street at this location.
- **Sanitary Sewer** – A public 8-10" concrete sanitary sewer is located across the rail property to the east within a public sewer easement (BES project #3437). Based on that project's as-built drawings and City sewer branch permit 99551 from 1978, there is a 6" branch extending from manhole ACH703 onto the subject site. If the branch is in good working condition it may be feasible to use it for the building's sanitary waste. There is also a 60" public intercepting sewer (Southwest Parallel Interceptor) in a public easement adjacent to the site's western boundary (BES project #7070); this sewer is not available for new connections.
- **Storm Sewer** – There is no public storm-only sewer available to this property.
- **Water** – This area is served by the Johns Landing Water Company which is served by a master meter from the Portland Water Bureau. For properties served by a master meter

arrangement, Portland Water Bureau's responsibility for water pressure and fire flows ends at the master meter connection. For questions regarding water pressure and fire flows on private property, please contact the private property's service provider.

Zoning: The zoning designation on the site includes the CS base zone, with the River General Greenway (g), and Design (d) overlay zones. The site is also within the Macadam Plan District.

The CS zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. The provisions of this zone allow the proposed use; these provisions are not specifically addressed through this Greenway Review.

The Design overlay zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development must meet the Community Design Standards (Chapter 33.218) or be approved through design review. [Note: The applicant intends to meet the Community Design Standards].

The Greenway overlay zone is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the Greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3.

The Macadam Plan district implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

Land Use History: A search of Land Use Review history was conducted for this site. The following cases were found relating to this property:

- **LUR 01-00207 GW:** Approval of a 2001 greenway review for a CSO sewer project.
- **LUR 06-114223 DA:** Design Advice Request for a 52-unit condo proposal (proposal never moved beyond early assistance); and
- **LUR 12-192502 GW:** Greenway Review for a 72-unit multi-family housing project, withdrawn by the applicant in April 2013 before the application was made complete.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on March 20, 2014.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Exhibits E contain the complete responses. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: Four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. The South Portland Neighborhood Association initially raised concerns over the requested landscape adjustment, while the letters from notified property owners contained concerns about the height/size of the project and parking impacts. Concerns related to the building size, height, parking, or other develop standards, are outside the scope of this review, except as they relate to the Greenway Trail. Findings for the Willamette Greenway Design Guidelines are found later in this report. However, please note that a complete development standard and Community Design Standards check was completed concurrent with this review as part of the building permit submittal.

ZONING CODE APPROVAL CRITERIA

Greenway Review

33.440.350 Greenway Review Approval Criteria

The approval criteria for a Greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria that apply to the site. A Greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

A. For all Greenway reviews. The Willamette Greenway design guidelines must be met for all Greenway reviews.

Findings: The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. The Design Guidelines are grouped in a series of eight Issues. The findings have been grouped where the City response is substantially similar:

Issue A. Relationship of Structures to the Greenway Setback Area: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for complementary design and orientation of structures so that the Greenway setback area is enhanced;

Guidelines:

1. Structure Design. The Greenway Setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to support the pedestrian circulation system, including both the Greenway Trail and access connections.

2. Structure Alignment. Where surrounding development follows an established block pattern, alignment with the block pattern should be considered in structure placement. Structure alignment should also take into account potential view corridors from existing public rights-of-way or acknowledged viewpoints. The pedestrian access system should be designed to take advantage of these alignments.

Issue B. Public Access: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for integration of the Greenway trail into new development, as well as the provision of features such as view points, plazas, or view corridors;

Guidelines:

1. Public Access. New developments should integrate public access opportunities to and along the river into the design of the Project. This includes the Greenway trail, formal viewpoints, access connections to the Greenway trail, and internal site pedestrian circulation.

2. Separation and Screening. The pedestrian circulation system, including Greenway trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.

3. Signage. Access connections should be clearly marked.

4. Access to Water’s Edge. Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water’s edge is encouraged as part of the Project.

Issue F. Alignment of Greenway Trail: This issue “applies to all applications for Greenway Approval with the Greenway trail shown on the property in the *Willamette Greenway Plan*.” These guidelines provide direction for the proper alignment of the Greenway trail to ensure year-round use, as well as special consideration for existing habitat protection and physical features in the area of the proposed alignment;

Findings: Although the development site is not located in the greenway setback, it is located at one of the designated access paths to the Greenway Trail in alignment with SW Boundary Street. Both building entrances are oriented towards this access path with the West building’s entry located at the NW corner of the site and the East building’s entry access located near the NE corner of the site.

The proposed development was designed to take into account the amenity of the Greenway Trail nearby. This is reflected in the massing and siting of the buildings with the bulk of the buildings' perimeters at the north, west, and some of the south edges thereby creating two outdoor courtyards that face east. At the east edge of the East building lies one of the courtyards with a community terrace overlooking the Greenway Trail and Willamette River. Between the West and East buildings are stairways from the courtyards that allow direct access to the Greenway Access Path. By keeping this east end of the building low, the anticipated effect is that there will be less impact to the greenway and minimize the effect of a looming five-story building.

The proposal includes removing the existing curb cut along SW Boundary and driveway that crosses the access path. A new 6-foot wide concrete walkway and planters are proposed to replace the existing 4-foot wide curb tight walkway. The walkway is designed to meander between new plantings at the curb's edge and flow through stormwater planters adjacent to the building. There will also be new pole lighting at the property's edge to help create safety and enhance the user experience along the path.

Except at the NW corner of the site, the bulk of the proposed building is set back from the property line 14 feet or more (Exhibits C.9 and C.28). The first floor of the proposed West building consists largely of a parking garage, however a landscape buffer is proposed between the path and the buildings that will serve as screening to the ground floor parking (see Exhibit C.1). Additionally, artistic elements are proposed along the metal screens at the parking garage wall openings that will add interest and make a visual connection between the new structure and the river (Exhibit C.8). To further enhance the trail access connection, the buildings have been designed such that all loading, circulation routes, and access to parking and to trash dumpsters lie on the west side of the building coming in off of SW Landing Drive. There are utility rooms at the north edge of the East building, but they are located the furthest away from the Access Path and solid walls encase them (Exhibits C.7 and C.26.)

There is existing signage already designating the connection to the Greenway Trail. Any signage removed during the course of the construction will be replaced in kind.

A development pattern was established by the John's Landing Master Plan and continued with the Macadam Plan District standards and Macadam Corridor Design Guidelines. Specifically, building setbacks established by the Macadam Plan District mandate a minimum of a 5 foot setback up to 14 feet setback, depending on the area of the building plane. The building complies with these setbacks as well as the future light rail alignment setback. The design and siting of the proposed structures take into account the potential view corridor along SW Boundary Street, even though this street is not formally called out as a view corridor, and the natural views from the site. Reflecting the intent of the guidelines, the design of the proposed buildings have varied roof forms so that from the hills above to the west, there remains visual interest as well as visibility along this potential view corridor.

The plans and elevation drawings provided by the applicant demonstrate that the proposed development has been designed and sited to complement the adjacent access path to the Greenway Trail for the reasons described above. With a condition that development occurs in substantial conformance with Exhibits C.1, C.7, C.8, and C.26, these Issues are satisfied.

Issue C. Natural Riverbank and Riparian Habitat

Issue D. Riverbank Stabilization Treatments

Findings: The site does not contain river frontage. These Issues do not apply.

Issue E. Landscape Treatments: This Issue "applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code." This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or riverward of the Greenway Setback.

Findings: The project site is not subject to the planting standards for the greenway setback found in PCC 33.440.230 because the site is completely outside of the greenway setback. Base zone landscaping requirements are addressed in the adjustment findings later in this report. This Issue does not apply.

Issue G. Viewpoints

Issue H. View Corridors

Findings: While the proposal includes ground level amenities for residents and visitors to the site to take advantage of the river views at the site, there are no public viewpoints or view corridors identified in the *Willamette Greenway Plan* on this site or abutting properties that could be impacted by the proposal. These Issues do not apply.

Summary of Findings: Issues C, D, E, G, and H are not applicable to the proposal. The applicant has provided plans and elevation drawings that demonstrate Issues A, B, and F are satisfied. With a condition that development occurs in substantial conformance with Exhibits C.1, C.7, C.8, and C.26, this criterion is met.

B. River frontage lots in the River Industrial zone.

C. Development within the River Natural zone.

D. Development on land within 50 feet of the River Natural zone.

E. Development within the Greenway setback

F. Development riverward of the Greenway setback.

G. Development within the River Water Quality overlay zone setback.

H. Mitigation or remediation plans for development within the River Water Quality overlay zone setback.

Findings: The site does not have a River Industrial, River Natural, or River Water Quality designation. The site is not within 50 feet of a River Natural designation and does not contain river frontage. These criteria do not apply.

Adjustment Review

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Table 130-3 in Chapter 33.130, Commercial Zones, requires a 5-foot deep landscaped area, planted to the L3, high screen, standard where a CS zoned site abuts an R-zoned site. The applicant has requested an adjustment to modify this requirement to L2, low screen, planting along the east and north property lines. PCC 33.130.225.A contains the purpose statement for landscaped areas:

Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing nonpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all commercial-zoned lands abutting R zoned lands to provide buffering and promote the livability of the residential lands.

In this case, the purpose of the regulation is equally met because:

- The proposal includes an attractive landscape plan that meets or exceeds the minimum area of landscaping required on the site (Exhibit C.1).
- There will continue to be a landscape screen with trees and shrubs between the proposed building and adjacent residential buildings to the north and east.
- The existing rail right-of-way to the east and private street to the north provide additional separation and buffering between the proposed development and existing development. There will be a minimum of 66 feet between structures to the east and 78 feet to the north.
- Vegetated stormwater planters are provided to treat all impervious surface areas before water is discharged offsite (onsite disposal was deemed infeasible by the applicant's geotechnical engineer); and
- Native plant species have been incorporated into the landscape design to the maximum extent that is practicable.

For the reasons stated, this criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The project site is within the CS zone and abuts the R1 zone on the north and west sides. As noted on Page 2, the site does not abut any public streets. However, the Transportation Systems Plan (TSP) identifies a Regional Transitway in the general vicinity of the site, aligned with the unused rail corridor. Regional Transitways are intended to provide for interregional and interdistrict transit trips with frequent, high-speed, high-capacity, express, or limited service, and to connect the Central City with all regional centers. The Macadam Plan District anticipates a future light rail line fulfilling the Regional Transitway designation. The applicant's proposed development complies with the future light rail line setbacks in PCC 33.550.220.B. The requested L2 landscaping will not have any impact on the designated Regional Transitway.

In addition to the Regional Transitway, the site is on a connection to the Greenway Trail, which has an Off-Street Path designation in the TSP. Off-Street Paths are intended to serve as transportation corridors and recreational routes for bicycling, walking, and other non-motorized modes. They serve as convenient shortcuts to link urban destinations and origins along continuous greenbelts, such as rivers. This segment of the Greenway Trail (which is part of a larger regional trail system) experiences heavy daily use by bicycle and pedestrian commuters. The request to reduce the height of the shrubs planted within the landscape strip along the eastern property line will enhance the pedestrian experience both on site and on the Greenway Trail by maintaining views – to the river from the site and of the active ground floor spaces from the trail.

PCC 33.130.030.F states that the desired character of the CS zone includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. The proposed use on the site is 100 percent residential, which is an allowed use in the CS zone. The proposed landscaping has been designed to fit within the residential use of the site and the adjacent existing residential use. A mixture of evergreen, deciduous, and flowering plants have been selected to provide four seasons of plant interest and to attract wildlife. The plantings are intended to create an inviting pedestrian experience that a six-foot evergreen hedge would not achieve.

For the reasons described above, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area. This criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is being requested, therefore this criterion does not apply.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City designated scenic resources are shown on the official zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. As previously noted, the Willamette Greenway Plan does not identify any scenic viewpoints or corridors on the site or abutting properties that could be impacted by the proposal. Therefore, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The proposed development is meeting all applicable setbacks and is providing landscaped planters to satisfy the base zone and Community Design Standards. The request to reduce the height of the shrubs planted within the landscape strip along the eastern property line will enhance the pedestrian experience both on site and on the Greenway Trail by maintaining views – to the river from the site and of the active ground floor spaces from the trail.

A review of the plant list provided on the Planting Plan (Exhibit C.1) shows that the applicant has not proposed evergreen shrubs for some of the required L2 landscaping outside of the area subject to this adjustment request. Those species corrections can be made at the time of building permit review without affecting the overall landscape design.

Therefore, no discernible impacts are anticipated from granting the requested adjustment and this criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Findings: The site is not within a mapped environmental zone, shown on the official zoning maps with a ‘c’ or ‘p’ designation. The site is within a greenway overlay zone, as addressed in the findings above. This criterion is not applicable.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the greenway or adjustment reviews, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed. Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Community Design Standards – The Community Design Standards provide an alternative process to design review by offering developers the opportunity to comply with specific objective standards. Adjustments to the Community Design Standards are prohibited.
- Macadam Plan District Standards – The Macadam Plan District contains special setbacks and height limits specific to the plan district.

CONCLUSIONS

The project site is a 1.17-acre lot without river frontage that sits along an existing connection to the Greenway Trail. The applicant proposes to construct two new 5-story residential apartment buildings. Proposed site enhancements include removing an existing driveway and curb cut along the private section of Boundary Street and replacing it with a new concrete walkway that will meander between new planting islands at the curb’s edge and flow-through stormwater planters adjacent to the building. New pole lighting is proposed at the property edge along the path.

The applicant has also requested an adjustment to modify the L3 planting requirement to L2 planting along the east property line, maintaining opportunities for river views from publicly accessible walkways onsite. The applicant has provided findings for the applicable approval criteria for both reviews and, with conditions, the criteria are met.

ADMINISTRATIVE DECISION

Approval of Greenway Review for construction of the following:

- Two 5-story multi-dwelling residential buildings on a shared foundation;
- Reconstruction of the SW Boundary access path to the Greenway Trail; and
- Associated site improvements (walkways, landscaping, overlook, etc.); and

Approval of an Adjustment to reduce L3 landscaping to L2 landscaping along the east property line and east 113 feet of the north property line;

all within the Greenway overlay zone, and in substantial conformance with Exhibits C.1 through C.33, as, signed, and dated by the City of Portland Bureau of Development Services on **June 18, 2014**. Approval is subject to the following conditions:

A. All permits: As part of the (building, grading, site development, etc.) permit application submittals, 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-C.33. The sheets on which this information appears must be labeled, "**Proposal and design as approved in Case File # LU 14-106684 GW AD. Any field changes shall be in substantial conformance with approved Exhibits C.1 through C.33.**"

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 environmental regulations. Activities which the City regulates through PCC 33.430 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 does not imply approval by other agencies.

Staff Planner: Rachel Whiteside

Decision rendered by: *R Whiteside* **on June 19, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 23, 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 17, 2014, and was determined to be complete on **March 18, 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 17, 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 requested that the 120-day review period be extended to address code issues that impacted the building design (Exhibit A.6). Unless further extended by the applicant, **the 120 days will expire on: August 25, 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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 7, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 Hearings Officer 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 Hearings Officer 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 **July 7, 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.

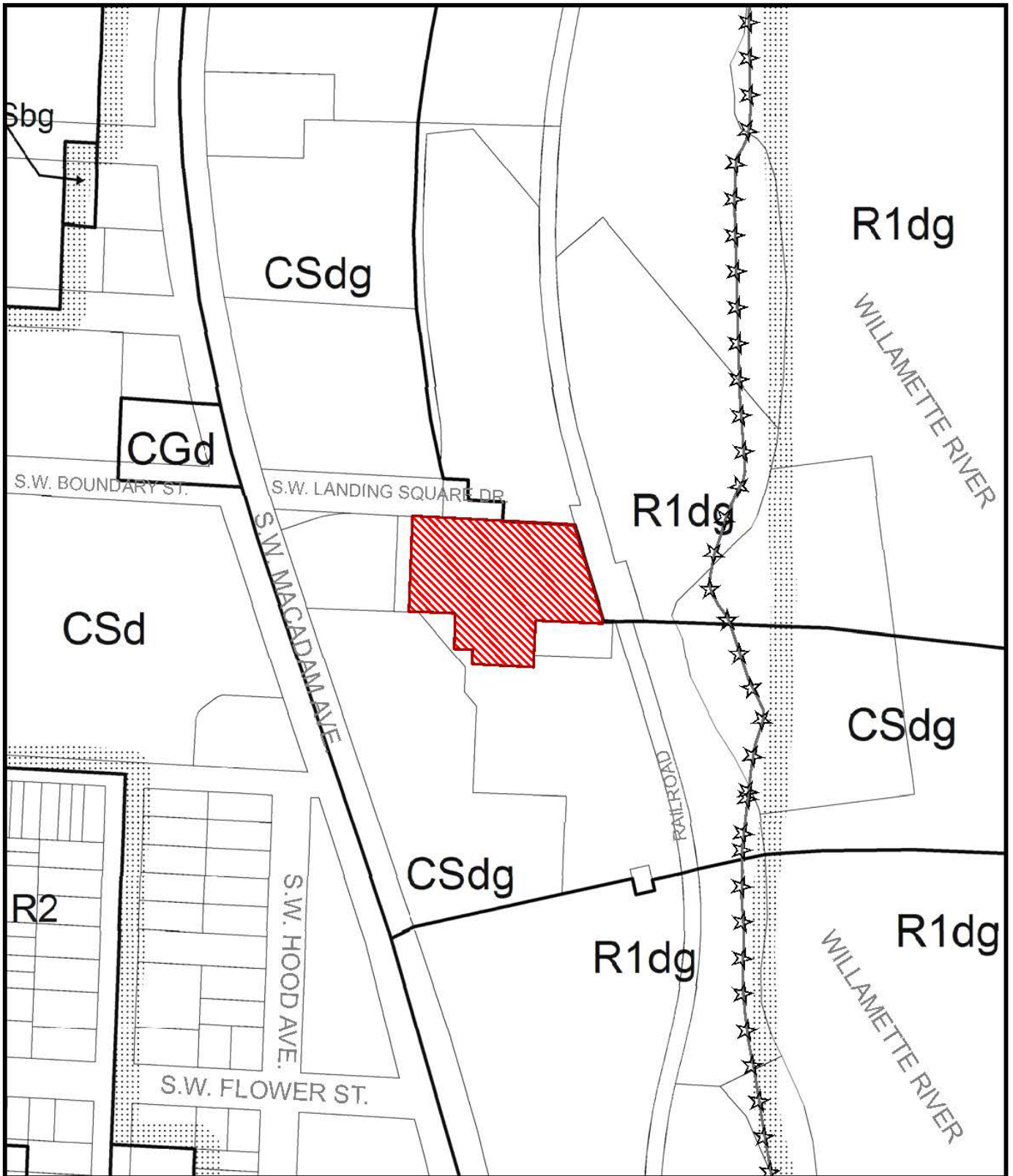
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 1. Original Narrative
 2. Response to Incomplete Letter
 3. Stormwater Drainage Report
 4. Adjustment Narrative
 5. Summary of Project Changes and Updated Greenway Narrative
 6. 120-Day Timeline Extensions
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Ground Level Planting Plan (attached)
 2. Terrace Landscape Plan
 3. Vicinity Map and Cover Sheet – West Building
 4. Life Safety and Garage Openings Plan – West Building
 5. Area Plans – West Building
 6. Building Coverage Plan – West Building
 7. Illustrated Views – West Building (attached)

8. Site Plan – West Building (attached)
 9. Setbacks at Grade – West Building
 10. Setbacks at Main Level – West Building
 11. Setback Elevations – West Building
 12. Ground Floor/Parking Plan – West Building
 13. First Floor Plan – West Building
 14. First Floor Terrace Plan – West Building
 15. Second Floor Plan – West Building
 16. Third Floor Plan – West Building
 17. Fourth Floor Plan – West Building
 18. Fifth Floor Plan – West Building
 19. Roof Plan – West Building
 20. Roof Heights – West Building
 21. Exterior Elevations – West Building
 22. Exterior Courtyard Elevations – West Building
 23. Vicinity Map and Cover Sheet – East Building
 24. Area Plans – East Building
 25. Building Coverage Plan – East Building
 26. Illustrated Views – East Building (attached)
 27. Site Plan – East Building
 28. Setbacks at Main Level and Greenway – East Building
 29. Ground Floor and First Floor Plans – East Building
 30. Second and Third Floor Plans – East Building
 31. Fourth and Fifth Floor Plans – East Building
 32. Roof Plan and Roof Heights – East Building
 33. Exterior Elevations – East Building
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
- F. Correspondence:
1. South Portland Neighborhood Association, letter dated 4/10/14, in opposition of adjustments
 2. Marilyn Fleischer, letter dated 4/8/14, objecting to size of proposal and apartment use
 3. Len York, email dated 4/13/14, concerns about parking, building height, and noise from mechanical equipment
 4. Jim Gardner, email dated 4/13/14, withdrawing earlier opposition to requested landscaping adjustment
- G. Other:
1. Original LU Application
 2. Incomplete Letter, sent February 3, 2014
 3. Zoning Checksheet and Approvability Letter, sent April 16, 2014

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



Site



Recreational Trail



This site lies within the:
MACADAM PLAN DISTRICT

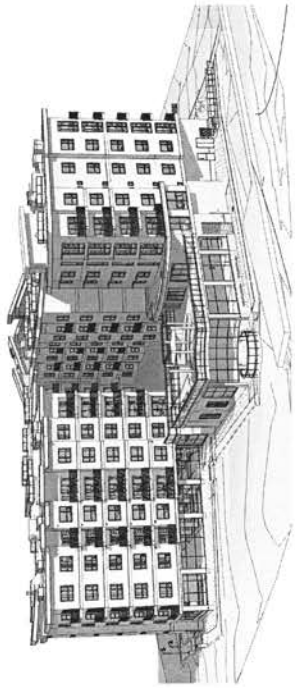
File No. LU 14-106684 GW AD

1/4 Section 3529

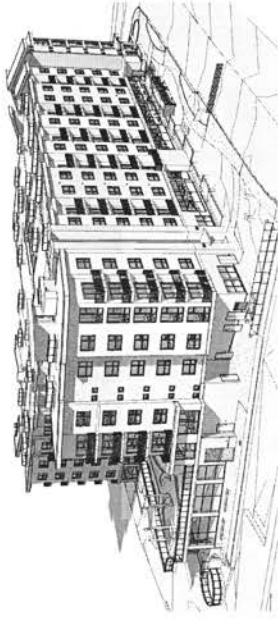
Scale 1 inch = 200 feet

State_Id 1S1E15BD 600

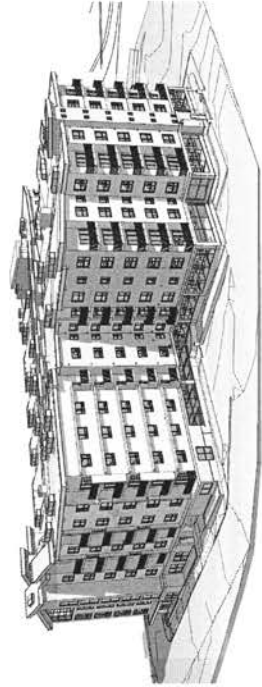
Exhibit B (Jun 20, 2014)



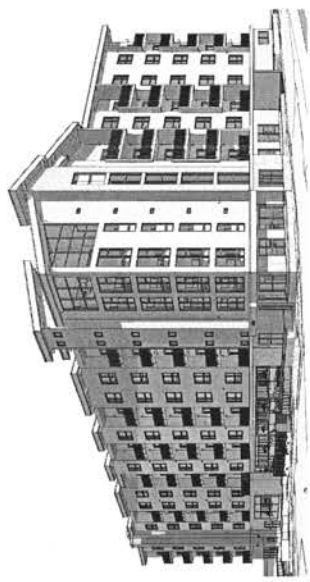
2 View of SE



4 View of NE



1 View of SW



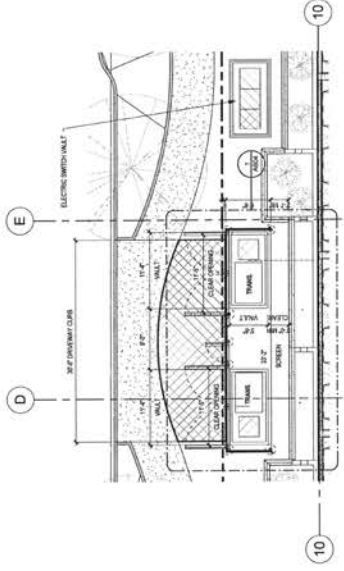
3 View of NW

Approved
City of Portland
Bureau of Development Services
Planner R Whiteside
Date 6/19/14

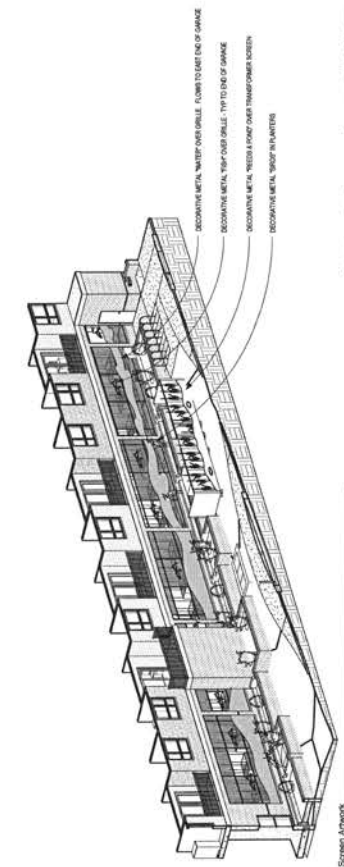
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Approved
City of Portland
Bureau of Development Services
Planner R. Whiteside
Date 6/19/14

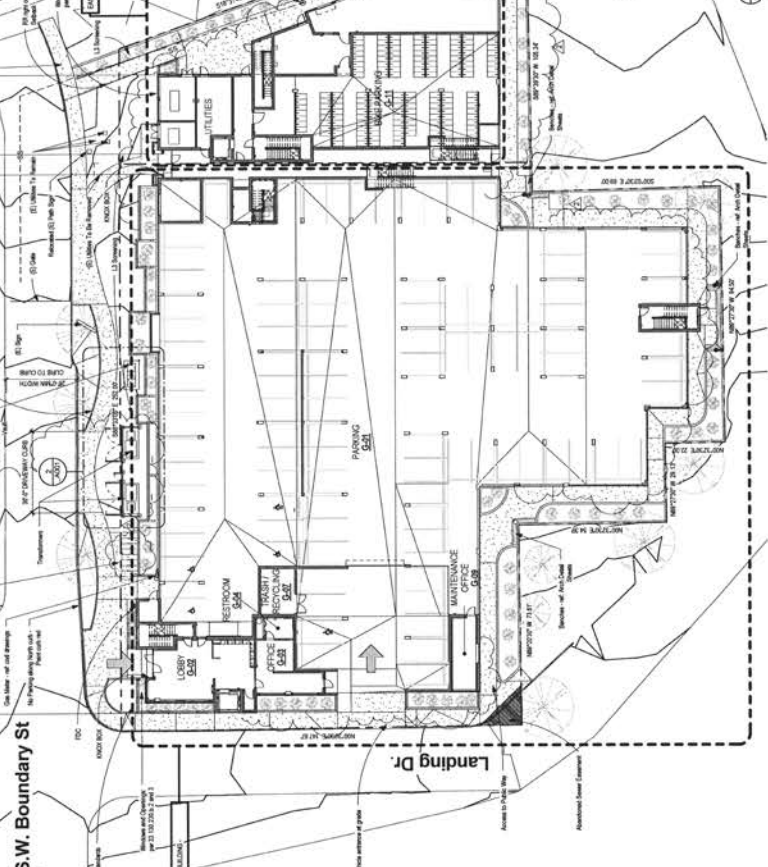
* This approval applies only to the
changes requested and is subject to all
conditions of approval.
Additional zoning requirements may apply.



2 - **Site Elevation - Transformers**
TOP 10'-0"



3 - **Change Screen - Framework**



JOHN HANCOCK ARCHITECTS
Portland, OR



Revision Schedule
2 - in Progress 5-26-14

PRINT ISSUE DATE
01/20/14 12:45:07 PM

ISSUE DATES
Print Schedule 01/21/14
Construction Set

DUSTRUD
architecture
1689 Pearl Street
Eugene, OR 97401
541.338.8544
duststudarchitecture.com

The Client and the Owner
have entered the construction
documents for the construction
of the building and the
contractor has accepted the
responsibility of the work.
The Designer makes no
warranty or representation
regarding the accuracy or
completeness of the information
provided and is not to be
held liable for any errors or
omissions that may occur
hereafter from the architect.

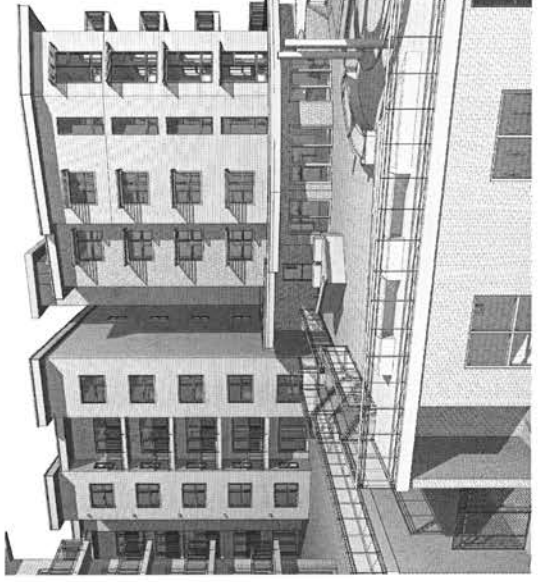
DRAWN BY: PJM/ACT
CHECKED BY: PJM
PD

The Bathhouse - East
464 SW Boundary St.
Portland, OR

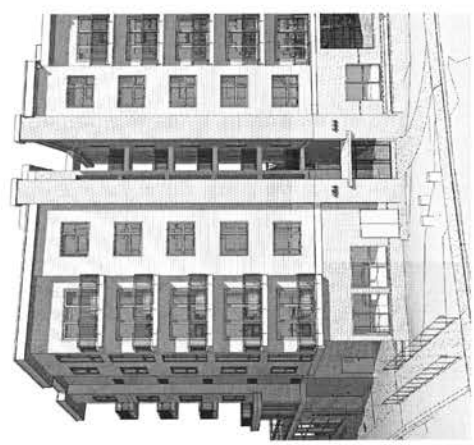
SHEET TITLE
Views

SHEET NO.

A000



② Building East - SW



① Building East - SE

Approved
City of Portland
Bureau of Development Services
Planner R Whiteside
Date 6/19/14
* This approval applies only to the
revisions requested and is subject to all
conditions of approval.
Subsequent zoning requirements may apply.

LU 14 - 106684 GW AD
Ex. C.26