

ODOT REGION 1
DEVELOPMENT REVIEW
PLANNING
123 NW FLANDERS ST
PORTLAND OR 97209-4037

PORTLAND SCHOOL DIST #1
DOUGLAS CAPPS
501 N DIXON
PORTLAND OR 97227

PORTLAND SCHOOL DIST #1
MR KERRY HAMPTON
501 N DIXON
PORTLAND OR 97227

SOUTHWEST NEIGHBORS
LEONARD GARD
7688 SW CAPITOL HWY
PORTLAND OR 97219

STEVE ZALENSKI
ATT BROADBAND
9605 SW NIMBUS
BEAVERTON OR 97008

PORTLAND TERMINAL RR
3500 NW YEON AVE
PORTLAND OR 97210

STEVEN LEFLER
3404 SW 1ST AVE
PORTLAND OR 97239

TEAM OREGONIAN
1320 SW BROADWAY
PORTLAND OR 97201

B106/R1302/TRAILS
WILLAMETTE GREENWAY
SARA COATES HUGGINS

B299/R5000
BES
DEVELOPMENT SERVICES

B129
PDC

HOWARD CARSMAN
9932 NW ABBEY RD
PORTLAND OR 97229

B299/1500
PLANNING & ZONING

KARA FIORAVANTI *email*
B299/R5000

YVONNE POELWIJK *email*
BDS
1900 SW 4th AVE, STE 5000
PORTLAND OR 97201

131/340
MAYOR/AMY RUIZ *email*

ALBERT BULLIER JR
3550 SW BOND AVE #707
PORTLAND OR 97239

WONMI WOO
0841 SW GAINES ST #502
PORTLAND OR 97239

MARY ELLEN MARMADUKE
3601 SW RIVER PKWY #808
PORTLAND OR

HELEN KELLY
15404 SE 35TH
VANCOUVER WA 98683-3771

MATTHEW CONTI CFP(r)
PORTLAND DOWNTOWN INVESTOR
CENTER
825 SW 5TH AVE
PORTLAND OR 97204

LINDSAY SNOW
U.S. GENERAL SERVICES
ADMINISTRATION
400 15TH STREET SW
AUBURN WA 98001-6599

STEVEN RUPERT
GBD ARCHITECTS
1120 NW COUCH SUITE 300
PORTLAND OR 97209

GORDON A. CARON MD
0836 SW CURRY ST #1502
PORTLAND OR 97239

JD WATUMULL
WATUMULL PROPERTIES CORP
307 LEWERS STREET
6TH FLOOR
HONOLULU HI 96815

JIM FARZAN
0836 SW CURRY STREET #1008
PORTLAND OR 97239

SUSAN M. IGGULDEN
COLLIERS INTERNATIONAL
601 SW 2ND AVE SUITE 1950
PORTLAND OR 97204

NANCY FENNER
1550 SW BOND #2807
PORTLAND OR 97239

MARY M. BOSCH
3550 SW BOND AVE
PORTLAND OR 97239

KEN LOVE
SOUTH PORTLAND NA
7688 SW CAPITOL HWY
PORTLAND OR 97219

LEX ASSOCIATES INC
16170 SW COOPER LN
TIGARD OR 97224

STATE OF OREGON
355 CAPITOL ST NE ROOM 411
SALEM OR 97301

ORE STATE DEPT OF TRANS
123 NW FLANDERS ST
PORTLAND OR 97209

ORE STATE DEPT OF TRANS
9200 SE LAWNFIELD RD
CLACKAMAS OR 97015

OSF INTERNATIONAL INC
PROPERTY TAX DEPT
0715 SW BANCROFT ST
PORTLAND OR 97239-4273

PASCUZZI INVESTMENT LLC
10250 SW NORTH DAKOTA ST
TIGARD OR 97223

PKM PROPERTIES LLC
MCGILL, PETE & CONKLIN
27929 SE HALEY RD
BORING OR 97009

BES FACILITIES/ADMIN SVCS
1120 SW 5TH AVE #1000
PORTLAND OR 97204-1912

RIGHT OF WAY ACQUISITION
1120 SW 5TH AVE 8TH FLR
PORTLAND OR 97204

LEASED R&H CONSTRUCTION
222 NW 5TH AVE
PORTLAND OR 97209-3812

RIVER FORUM LLC
SHORENSTEIN PROP LLC
235 MONTGOMERY ST FL 16
SAN FRANCISCO CA 94104

SHLP BLOCK 46 LLC
720 THIRD AVE #2210
SEATTLE WA 98104

SOUTH RIVERBLOCKS INVS LL
PAC RE MNGT
E ANDERSON
1308 NW EVERETT ST
PORTLAND OR 97209

T & E INVESTMENTS
11234 SW SOUTHRIDGE DR
PORTLAND OR 97219

TRI-COUNTY METROPOLITAN
TRANSPORTATION DIST OF OR
710 NE HOLLADAY ST
PORTLAND OR 97232

4310 BUILDING LLC
B OF A
#NC1-001-03-81
101 N TRYON ST
CHARLOTTE NC 28246-0100

KEITH SKILLE
GBD ARCHITECTS
1120 NW COUCH SUITE 300
PORTLAND OR 97209

RODNEY GRINBERG
LINDQUIST DEV COMPANY
PO BOX 42135
PORTLAND OR 97242

BRIAN ALFANO
UMPQUA BANK
3606 SW BOND AVE
PORTLAND OR 97239

AIA URBAN DESIGN COMMITTEE
SAUNDRA STEVENS
403 NW 11TH
PORTLAND OR 97209

SOUTH PORTLAND NA
JIM DAVIS
2337 SW 6TH AVE
PORTLAND OR 97201

WILLAMETTE PED COALITION
C/O DOUG KLOTZ
2630 SE 43RD
PORTLAND OR 97206

WILLIAM DANNEMAN
623 SW CARUTHERS ST
PORTLAND OR 97201

TOM NOGUCHI
MERIWETHER CONDOS
3570 SW RIVERSIDE PKY 1013
PORTLAND OR 97239

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0836 SW CURRY ST #500
PORTLAND OR 97239

LEROY BARKER
0841 SW GAINES ST
PORTLAND OR 97239

FRED GANS
0841 SW GAINES ST
PORTLAND OR 97239

G L MICHON JR
0841 SW GAINES ST #1906
PORTLAND OR 97239

METRO
MARLON WARREN
600 NE GRAND AVE
PORTLAND OR 97232

METRO
ROBERT SPURLOCK
600 NE GRAND AVE
PORTLAND OR 97232

SHIRLEY PAPE
3550 SW BOND
PORTLAND OR 97239

SCOTT MATSON
5817 S 144TH ST
TUKWILA WA 98168

PAT PRENDERGAST
3720 SW BOND AVE #3080
PORTLAND OR 97239

WENDY AND ROB RUBIN
0841 SW GAINES ST #508
PORTLAND OR 97239

AGUSTIN ENRIQUEZ V
1120 NW COUCH #300
PORTLAND OR 97209

BOB FRIEDHOFF
3550 SW BOND AVE APT 501
PORTLAND OR 97239

JIM LUKE
3570 SW RIVER PKWY #2401
PORTLAND OR 97239

KRISTA RODRIGUEZ
15273 SW GREENFIELD DR
TIGARD OR 97224

HADLEY CORWIN
3616 SW 55TH DRIVE
PORTLAND OR 97221

MADELEINE ABRAMS
2724 SW STANLEY CT
PORTLAND OR 97219

KARMEL UNGERLEIDER-ABRAMS
2724 SW STANLEY CT
PORTLAND OR 97219

LEONARD MICHON
0841 SW GAINES ST
PORTLAND OR 97239

PETER FENNER
3550 SW BOND AVE #2807
PORTLAND OR 97239

LEE DALY SMOLEN
0835 SW PENNOYER ST
PORTLAND OR 97239

PERRY WALKER
3550 SW BOND AVE #1503
PORTLAND OR 97239

SABRINA STEIN
3601 SW RIVER PKWY #2801
PORTLAND OR 97239

SUSAN WALENZA
3570 SW RIVER PKWY #1705
PORTLAND OR 97239

OREN GLICK
GLICK ASSOCIATES
3570 SW RIVER PKWY #307
PORTLAND OR 97239

CLIFFORD GRAY
3550 SW BOND AVE #1107
PORTLAND OR 97239

ANNA AND NOE GARNICA
2525 SW BVTN HILLSDALE HWY
PORTLAND OR 97239

LINDA M. WOOD
3550 SW BOND AVE APT 1208
PORTLAND OR 97239

MICHAEL AND BARBARA GAINES
3550 SW BOND AVE #307
PORTLAND OR 97239

TODD L. BECK
SOUTH WATERFRONT DENTAL
3671 SW RIVER PARKWAY
PORTLAND OR 97239

BARRY HIRSCH
3601 SW RIVER PARKWAY
PORTLAND OR 97239

CARRIE RICHTER
GARVEY SCHUBERT BARER
121 SW MORRISON ST, 11TH FL
PORTLAND OR 97204

JOHN M. JUNKIN
GARVEY SCHUBERT BARER
121 SW MORRISON ST, 11TH FL
PORTLAND OR 97204

EDWARD J. SULLIVAN
GARVEY SCHUBERT BARER
121 SW MORRISON ST, 11TH FL
PORTLAND OR 97204

LU 10-145100
Order of Council
DATE MAILED: 2/28/2011
OF labels:87

Parsons, Susan

From: Parsons, Susan
Sent: Thursday, March 10, 2011 10:12 AM
To: 'kerry.steinmetz@fnf.com'
Cc: Carrie Richter; Fioravanti, Kara
Subject: Recorded Order of Council 10-145100 DZM

Attachments: Recorded Order 10-145100 DZM.pdf

Kerry,

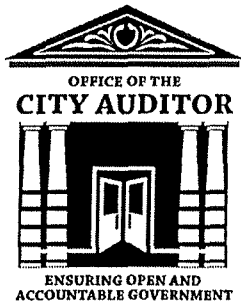
As requested, attached is the recorded Order of Council from Multnomah County for the 4310 SW Macadam Ave land use case 10-145100 DZM.



Recorded
10-145100 DZ

Sue Parsons

Assistant Council Clerk
City of Portland
503.823.4085
Susan.Parsons@portlandoregon.gov



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204
web: www.portlandonline.com/auditor/
Email: Susan.Parsons@portlandoregon.gov
Phone: (503) 823-4085 Fax: (503) 823-4571



February 28, 2011

4310 Building LLC
101 N Tryon Street
Charlotte, NC 28246-0100

Carrie Richter; Representative
Garvey Schubert Barer
121 SW Morrison St, 11th FL
Portland OR 97204

RE: LU 10-145100 DZM

Appeal of South Portland Neighborhood Association against Design Commission's decision to approve a building addition at 4310 SW Macadam Ave (Hearing; LU 10-145100 DZM)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 10-145100 DZM. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$51.00 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 SE 4th Ave. Room 140, 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 the Board 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. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Yours sincerely,

LaVonne Griffin-Valade
Auditor of the City of Portland
By:

Susan Parsons, Assistant Council Clerk

Encl.

cc: John M. Junkin, Garvey Schubert Barer
Edward J. Sullivan, Garvey Schubert Barer
Keith Skille, GBD Architects
Rodney Grinberg, Lindquist Development Company



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204
web: www.portlandonline.com/auditor/
Email: Karla.Moore-Love@portlandoregon.gov
Phone: (503) 823-4086 Fax: (503) 823-4571



NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: February 17, 2011
RE: LU 10-145100 DZM

Appeal of South Portland Neighborhood Association against Design Commission's decision to approve a building addition at 4310 SW Macadam Ave (Hearing; LU 10-145100 DZM)

Enclosed is a copy of the Order of Council on LU 10-145100 DZM granting in part and denying in part the appeal of the South Portland Neighborhood Association and upholds the Design Commission's decision with modifications. If you wish to obtain a copy of the City Council's findings and conclusions, please contact Karla Moore-Love, Council Clerk at (503) 823-4086 or by email at: Karla.Moore-Love@portlandoregon.gov

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 the Board 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. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF
SOUTH PORTLAND NEIGHBORHOOD ASSOCIATION AGAINST DESIGN COMMISSION'S
DECISION TO APPROVE A BUILDING ADDITION AT 4310 SW MACADAM AVE
(HEARING; LU 10-145100 DZM)**

Appellant: Jim Davis, South Portland Neighborhood Assoc. – 503-248-9820
2337 SW 6th Avenue
Portland, OR 97201

Applicant: 4310 Building LLC (Listed Owner)
101 N Tryon Street
Charlotte, NC 28246-0100

**Applicant's
Representative:** Keith Skille, GBD Architects - 503-224-9656
1120 NW Couch, Suite 300
Portland, OR 97209

Rodney Grinberg, Lindquist Development Company - 503-227-8275
PO Box 42135
Portland, OR 97242

Carrie Richter, Garvey Schubert Barer – 503-228-3939
121 SW Morrison Street, 11th Floor
Portland, OR 97204

Site Address: 4310 SW MACADAM AVENUE

Legal Description: TL 500 1.24 ACRES, SECTION 10 1S 1E

Plan District: Central City - South Waterfront

Zoning: CXd, Central Commercial with Design Overlay

Land Use Review: Type III, Design Commission Review with Modifications (DZM)

Proposal: The applicant seeks design review approval on a proposal for an addition to an existing building. The addition will be a three-story building connected to the existing four-story office building. The addition will consist of a single, 18,300 SF office floor over two 23,000 SF parking levels and include a partial 8,000 SF level of below-grade parking. The parking structure will accommodate 101 cars. The existing building and the addition will be the same height. The main entrance will be located at the northeast corner of the existing building, fronting SW Bancroft. The area between the building and future SW Moody will be mostly vehicle area and will be fenced.

The initial land use application indicated the project would include two primary uses - Office and Retail Sales and Service. In the appeal proceedings City Council concluded the project would be for three primary

uses – Office, Retail Sales and Service and a Detention Facility (as discussed below in Section III “Analysis”, “Zoning” sub-section).

The proposal for review indicates a Phase 1 (or Initial Development) and a Phase 2 (or Future Development). The reason for two Phases is due to the fact that a portion of SW Moody will be extended through this site; future SW Moody will include Streetcar. The timing of the street extension is not known, but construction is anticipated to begin within 5-8 years. This site will therefore front SW Moody along its entire east property line in the near future. Section 33.510.030 of the Zoning Code requires Central City Plan District regulations to be applied based on the future location of the street as shown in the adopted Street Plan.

Modification requests:

1. **Ground Floor Windows.** 33.510.220 and 33.130.230. This project is considered a “Major Remodel”. The building (existing and proposed) must therefore comply with the Ground Floor Window regulations at all four elevations. Regulation: 50% of the wall length and 25% of the ground floor wall area must be qualifying window features. The north, south and east elevations do not meet this standard.
2. **Transit Street Main Entrance.** 33.130.242. Regulation: The main entrance must be within 25’ of a transit street. The main entrance to the building, which faces SW Bancroft, is further than 25’ from this transit street.
3. **Location of Vehicle Areas.** Table 266-3. Regulation: Vehicle area is only allowed between the building and one local service transit street. Vehicle area is proposed between the building and future SW Moody, a designated major transit priority street (which is not considered a local service transit street).
4. **Required Building Line.** 33.510.215. This project is considered a “Major Remodel”. The building (existing and proposed) must therefore comply with this regulation at future SW Moody. Regulation: The building must extend to the street lot line or be within 12’ of the street lot line for 75% of the lot line. The SW Moody elevation does not meet this standard.

Ground Floor Active Use. 33.510.225. This project is considered a “Major Remodel”. The building (existing and proposed) must therefore comply with this regulation at future SW Moody. Regulation: Buildings must be designed and constructed to accommodate active uses for 50% of the street-facing ground floor wall. Furthermore, in South Waterfront specifically, vehicle areas are not allowed in the portions of a building that are required to meet this standard. In Phase 1, vehicle area is proposed for a majority of the ground floor facing SW Moody. In Phase 2, the 50% requirement is met, but the commercial retail space to be constructed in Phase 2 does not meet the 25’ depth requirement.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4th Avenue on January 19, 2011 at approximately 2:00 p.m. At that hearing the applicant requested the City open the record, “for the limited purpose of considering information and evidence related to the proposed use issue.” City Council agreed and allowed new evidence on the use issue to be submitted until 5:00 p.m. on January 26, 2011. All parties were able to respond to the new evidence submitted during the previous 7 day period until 5:00 p.m. on February 2, 2011. The applicant’s final argument was due on or before February 7, 2011. At the conclusion of the public hearing and after hearing public testimony, the January 19th meeting was continued to February 16, 2011. City Council reconvened on February 16, 2011 to deliberate and voted 4-0 to tentatively grant the appeal in part and deny the appeal in part and uphold the Design Commission’s decision with modifications: (1) Council determined the holding cells, processing area, and associated offices is a detention facility that requires conditional use review; (2) the Council agreed to include BDS staff’s revised conditions B and C, as well as a new condition requiring conditional use review of the holding cells, processing area, and associated offices as a detention facility. The Council directed staff to prepare findings and conclusions for February 23, 2011 at 10:30 a.m. On February 23, 2011 at approximately 10:30 a.m., Council voted 5-0 to grant the appeal in part and uphold the appeal in part of the South Portland

Neighborhood Association; uphold the Design Commission's decision with modifications and adopt findings and conclusions.

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 10-145100 DZM** and by this reference made a part of this Order, City Council hereby grants in part and denies in part the appeal of the South Portland Neighborhood Association and upholds the Design Commission's decision with modifications to approve a building addition at 4310 SW Macadam Ave. Council determined the holding cells, processing area, and associated offices is a detention facility that requires conditional use review; (2) the Council agreed to include BDS staff's revised conditions B and C, as well as a new condition requiring conditional use review of the holding cells, processing area, and associated offices as a detention facility (second condition on page 2 of BDS staff 2/10/2011 memo)

DECISION

It is the decision of City Council to:

Approval for the proposal, which includes an addition to the existing building, in the South Waterfront sub-district of the Central City Plan District. The addition will be a three-story building connected to the existing four-story office building. The main entrance will be located at the northeast corner of the existing building, fronting SW Bancroft. The area between the building and future SW Moody will be mostly vehicle area and will be fenced.

Approval for a Phase 1 (or Initial Development) and a Phase 2 (or Future Development). The reason for two Phases is due to the fact that SW Moody, with streetcar, will be extended through this site and SW Bancroft will be reconfigured with the construction of the South Portal project.

Approval for the following five Modifications:

1. **Ground Floor Windows.** 33.510.220 and 33.130.230. Approval is granted for the north, south and east elevations to not comply with the length and/or area requirements of this standard.
2. **Transit Street Main Entrance.** 33.130.242. Approval is granted for the main entrance to be further than 25' from SW Bancroft.
3. **Location of Vehicle Areas.** Table 266-3. Approval is granted to allow vehicle area between the building and future SW Moody.
4. **Required Building Line.** 33.510.215. Approval is granted to allow the east building wall to be further than 12' for 75% of the lot line from future SW Moody.
5. **Ground Floor Active Use.** 33.510.225. Approval is granted to allow parking at the east elevation ground floor in Phase 1, resulting in less than 50% of the east elevation ground floor in active use. Approval is granted to allow a ground floor active use area to be less than 25' deep at the east elevation in Phase 2.

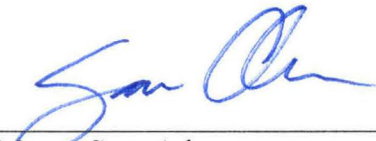
Approval with the following Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (A – E) 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 10-145100 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. The applicant shall enter into a development agreement that will require property owner or designee to complete the proposed on-site SW Moody Avenue frontage improvements (noted in the approved plans as "Future Development" and including the proposed conversion of parking to ground level retail at the East Elevation and the kinetic water feature at the intersection of SW Moody and Bancroft) within 120 days of substantial completion of the adjacent half-street public right-of-way improvements. The development agreement must be executed and recorded prior to issuance of Phase I building permit.
- C. At such time as the City Council approves the street vacation of the SW Bancroft Street frontage adjacent to the subject site, the applicant will accept the vacated area and construct the proposed on-site SW Bancroft Street frontage improvements (noted in the approved plans as "Future Development") within 6 months of Council approval of the street vacation.
- D. If the building approved by this land use approval (LU 10-145100 DZM) includes a primary use subject to a Type III Conditional Use review per Table 130-1 (Detention Facility), the applicant may obtain and BDS may issue building permits only for the portion of the building addition, building renovation, and sitework that includes the primary uses allowed by right (Office and Retail Uses) once this land use decision is final. The applicant may not obtain and BDS will not issue building permits for a Detention Facility with supporting office use and associated parking until a final City decision is made on the required Type III Conditional Use and Central City Parking Reviews.
- E. No field changes allowed.

IT IS SO ORDERED:

2/28/11
Date



Mayor Sam Adams
Presiding Officer at Hearing of
February 23, 2011
9:30 a.m. Session