

BDS
ATTN: YVONNE POELWIJK
1900 SW 4TH AVE, STE 5000
PORTLAND, OR 97201

JOHN TATE
S WATERFRONT COMMUNITY ASSOC
0841 SW GAINES ST
PORTLAND, OR 97239

MARISSA DAVIS
0650 SW GAINES ST #917
PORTLAND, OR 97239

SOUTH PORTLAND NA
JIM GARDNER
2930 SW 2ND AVE
PORTLAND, OR 97201

WILLIAM SAVERY
0841 SW GAINES ST #1606
PORTLAND, OR 97239

CRAIG MENDENHALL
3570 SW RIVER PKWY #1205
PORTLAND, OR 97239

ROBERT AND KANDIS NUNN
0841 SW GAINES ST #606
PORTLAND, OR 97239

RAYMOND T & DENISE F PRESNICK
0841 SW GAINES ST #1410
PORTLAND, OR 97239

KATHERINE SCHULTZ &
RUSSELL HALE
GBD ARCHITECTS
1120 NW COUCH ST, STE #300
PORTLAND, OR 97209

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

ELLEN BROWN
PROMETHEUS
1900 S NORFOLK ST
STE 150
SAN MATEO, CA 94403

BLOCK 37 DESIGN REVIEW GROUP
MELANIE DIAMOND &
GEORGE CRANDALL
0841 SW GAINES ST #323
PORTLAND, OR 97239

RYAN COTTON
CTC CONSULTING
4380 SW MACADAM #400
PORTLAND, OR 97239

PETER FONNER
3550 SW BOND AVE #2807
PORTLAND, OR 97239

ROGER GERTENRICH
3570 SW RIVER PKWY #501
PORTLAND, OR 97239

ANASTASIYA APORCHUK
3570 SW RIVER PKWY
PORTLAND, OR 97239

BRIAN KIOLBASA
3601 SW RIVER PKWY #706
PORTLAND, OR 97239

PHILIP R & CAROL B JUCKELAND
0841 SW GAINES ST #2008
PORTLAND, OR 97239-3106

DAYNA DEALY
MACK URBAN DEVELOPMENT
1411 FOURTH AVE
SUITE 500
SEATTLE, WA 98101

METRO
SUSTAINABILITY CENTER
600 NE GRAND AVE
PORTLAND, OR 97232

DENNIS ALLEN
THE ZIDELL COMPANIES
3121 SW MOODY AVE
PORTLAND, OR 97239

CARTER BEYL
NORRIS, BEGGS & SIMPSON
121 SW MORRISON #200
PORTLAND, OR 97204

SOUTH PORTLAND BA
KEVIN COUNTRYMAN
3580 SW RIVER PKWY
PORTLAND, OR 97239

LLOYD E KENDRICK
0841 SW GAINES #335
PORTLAND, OR 97239

LELAND STAPLETON
3550 SW BOND AVE
PORTLAND, OR 97239

PAUL SOPER
0841 SW GAINES ST #433
PORTLAND, OR 97239

JIM LUKE
BLOCK 37 CITIZENS COMMITTEE
0841 SW GAINES ST
PORTLAND, OR 97239

NEALE E AND MARIAN CREAMER
0841 SW GAINES ST #1808
PORTLAND, OR 97239

MUI 37 HOLDINGS LLC
ATTN: JAMES ATKINS
1411 4TH AVE
STE 500
SEATTLE, WA 98101

ODOT REGION 1
DEVELOPMENT REVIEW PROGRAM
123 NW FLANDERS ST
PORTLAND, OR 97209

OREGON WALKS
C/O DOUG KLOTZ
1908 SE 35TH PL
PORTLAND, OR 97214

PORTLAND SCHOOL DIST #1
JUSTIN DOLLARD/PAUL CATHCART
501 N DIXON
PORTLAND, OR 97227

SOUTHWEST NEIGHBORS
LEONARD GARD
7688 SW CAPITOL HWY
PORTLAND, OR 97219

TRI-MET
GRANT O'CONNELL
1800 SW FIRST AVE
SUITE 300
PORTLAND, OR 97201

STEVEN LEFLER
3404 SW 1ST AVE
PORTLAND, OR 97239

TEAM OREGONIAN
1320 SW BROADWAY
PORTLAND, OR 97201

B106/1302/TRAILS
S WATERFRONT CENTRAL DIST GW
ELIZABETH CARUTHERS PARK
SARA DRAKE

B129/PDC

LU 14-117884 DZM
DATE MAILED: 9/22/2014
38 LABELS



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

**NOTICE OF A PUBLIC HEARING BEFORE
THE CITY COUNCIL ON AN APPEAL OF THE
PORTLAND DESIGN COMMISSION**

CASE FILE: LU 14-117884 DZM (Block 37 – South Waterfront)
WHEN: Wednesday, October 22, 2014, 2:00 PM
WHERE: COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

Date: September 22, 2014
To: Interested Person
From: Staci Monroe, Land User Services, 503-823-0624

A public hearing will be held to consider an appeal of the Design Commission's decision to approve a 6-story, mixed-use building with 270 residential units, 8,359 SF of retail area and 225 parking spaces at 3700 SW River Parkway. The Design Commission decision of approval with conditions has been appealed by Jim Gardner. At the hearing City Council will consider the appeal. You are invited to testify at the hearing.

This will be an Evidentiary hearing, one in which new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

GENERAL INFORMATION

Appellant: Jim Gardner | 2930 SW 2nd Avenue | Portland, OR 97201

Applicant: Katherine Schultz | GBD Architects | 1120 NW Couch Street, Suite 300
Portland, OR 97209

Owner: MUI 37 Holdings LLC | 1411 4th Avenue, Suite 500 | Seattle, WA 98101

Developer: Dayna Dealy | Mack Urban Development | 1411 Fourth Ave Suite 500 |
Seattle, WA 98101

Site Address: 3700 SW RIVER PARKWAY

Legal Description: LOT 12, WATERFRONT SOUTH NO 2; LOT 13, WATERFRONT SOUTH
NO 2

Tax Account No.: R882450650, R882450700, R882450650, R882450650, R882450700

State ID No.: 1S1E10DB 00206, 1S1E10DB 00207, 1S1E10DB 00206, 1S1E10DB
00206, 1S1E10DB 00207

Quarter Section: 3430

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, g – Central Commercial zone with Design and Greenway overlays
Case Type: DZM – Design Review with Modifications
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant seeks Design Review approval for a 6-story, mixed-use building on Block 37 in the South Waterfront Sub District of the Central City Plan District. The building would contain 270 residential units on the upper floors and walk-up units on the north and south ground levels. Approximately 8,359 SF of retail is proposed along the western portion and northeast corner of the building. Parking for 225 vehicles would be located in two levels, one underground, with access off of SW Gaines. Two loading spaces will be provided in the parking garage and in a bay on the south façade along SW Lane accessed from SW River Parkway. A total of 415 long-term bike parking spaces would be located within common rooms on each floor and some within the individual units. A total of 16 short-term spaces would be provided within the building's ground level setback along SW Gaines and SW River Parkway. Outdoor amenity areas are proposed within recessed balconies on all facades, 2nd level central courtyard and in terraced decks along the building's eastern edge. The project includes improvements to approximately half of SW Lane, which is designated as a greenway access connection and extends 30' onto the southern portion of the property. Landscaping is also proposed in the greenway between the building and the western edge of the future greenway trail. Ground level building materials consist of black aluminum storefronts, board form concrete, dark gray brick and metal panel. Upper levels are primarily white stucco, areas of dark gray brick, metal panels in three colors and black vinyl windows.

The following Modifications are requested:

1. For the upper floors of the building to project 3'-6" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).
2. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

Since the original hearing on May 15th, changes in the design have occurred that no longer require the height modification along Gaines that was originally proposed. Additional changes to the design have been addressed within the findings.

New development in Design overlay zones are required to be approved through Design Review per Portland Zoning Code Section 33.420.041.A.

Relevant Approval Criteria:

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

- | | |
|--|--|
| ▪ Central City Fundamental Design Guidelines | ▪ South Waterfront Greenway Design Guidelines |
| ▪ South Waterfront Design Guidelines | ▪ Modification Considered Through Design Review – Section 33.825.040 |

REVIEW BODY DECISION

It is the decision of the Design Commission to approve Design Review for a 6-story, mixed-use building with 270 residential units, 8,359 SF of retail area and 225 parking spaces on Block 37 in the South Waterfront Sub District of the Central City Plan District.

Approval of the following Modification requests:

1. For the upper floors of the building to project 3'-6" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).
1. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

Approvals per Exhibits C.1-C-50, signed, stamped, and dated August 21, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (D-H) 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 14-117884 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A column of 5' deep inset balconies that extends from the 2nd to the 6th floor shall be added to the west facade that matches the proportions and design of the balconies on the north and south facades.
- C. The lid covers to the underground vault in SW Lane shall match the surrounding paving treatment, as specified in the South Waterfront street plan or, at minimum, be painted to match the colors of the surrounding pavers.
- D. The applicant shall work with Staff on an alternate design solution for the non-removable bollards proposed to protect the underground vaults in the Lane accessway from vehicle traffic. If the solution requires a Type 2 Design Review, the Design Review approval must be final prior to issuance of main building permit.
- E. Cedar wood shall be used in place of Resysta for the balcony and canopy soffits.
- F. Where the horizontal metal accent panel (red) occurs at a corner, a continuous piece of metal shall be used at the return to the window, rather than individual horizontal panels.
- G. The stucco joints shall be minimized along the top and bottom horizontals of the facades.
- H. Within SW Lane, a furnishing zone shall be delineated along the north side of the walkway, out of the through pedestrian zone, that includes 4 more benches, 4 bike stalls, and lights. The furnishing zone shall be at the same grade as the walkway and include pavers that match those in SW Lane.

Decision Rendered: August 21, 2014

APPEAL

The Design Commission decision of approval with conditions has been appealed by Jim Gardner. According to the appellants' statement, the appeal of the Design Commission decision is based on arguments that:

The decision erroneously grants a Modification to PZC Section 33.510.252.B. The criteria for the Modification are not met because the resulting development does not better meet the applicable design guideline or purpose of the standard. The code standard requires buildings to be set back 30' from the centerline of Lane Street, a designated public accessway. The proposed building meets the standard on the 1st floor, but the 2nd through 6th floors intrude 3'-6" into the required setback. Findings written by Design Commission staff omit two of the stated purposes of the setback requirement: to provide a visual connection to the Greenway and to provide a transition from the natural Greenway to the urban development. All of the other, admittedly positive, features of the design could still be accomplished if the building were required to meet the setback required by the code.

Review of the case file: The Design Commission decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4th Avenue, # 5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

We are seeking your comments on this proposal. The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

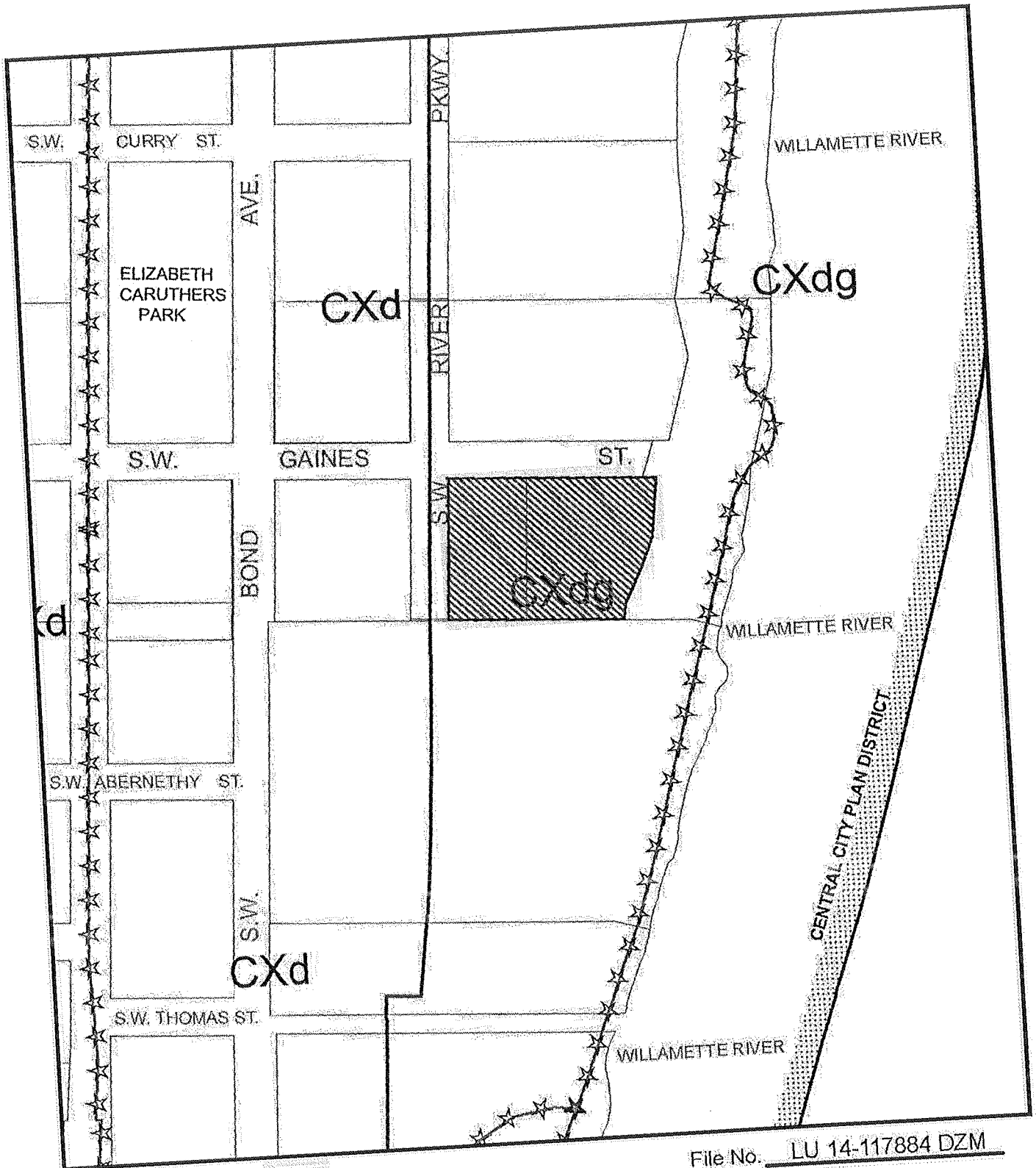
If you choose to provide testimony by electronic mail, please direct it to the Council Clerk [karla.Moore-Love@portlandoregon.gov]. Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments

1. Zoning Map
2. Site plan
3. Elevations
4. Appeal Statement
5. City Council Appeal Process



ZONING



Site



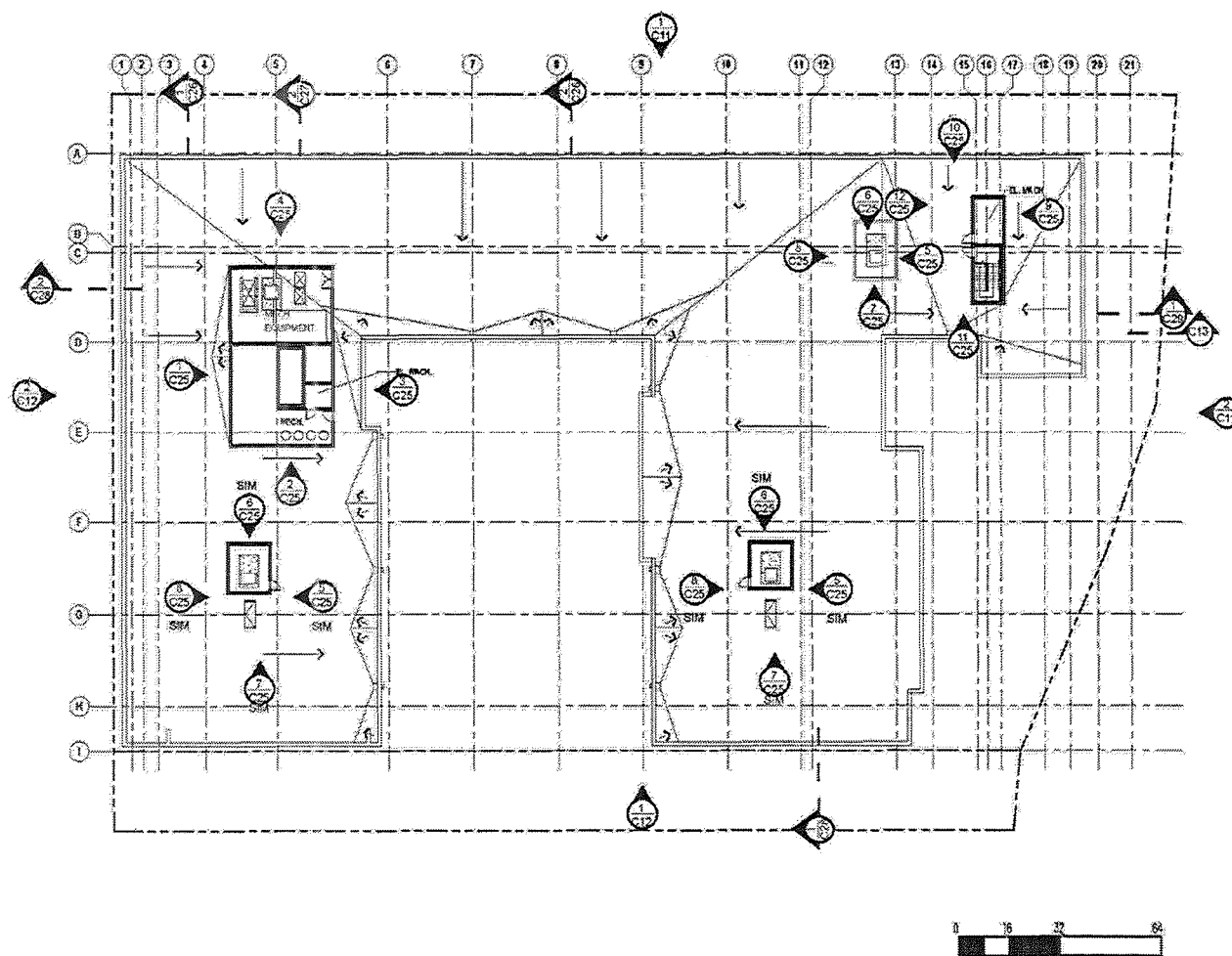
Recreational Trail

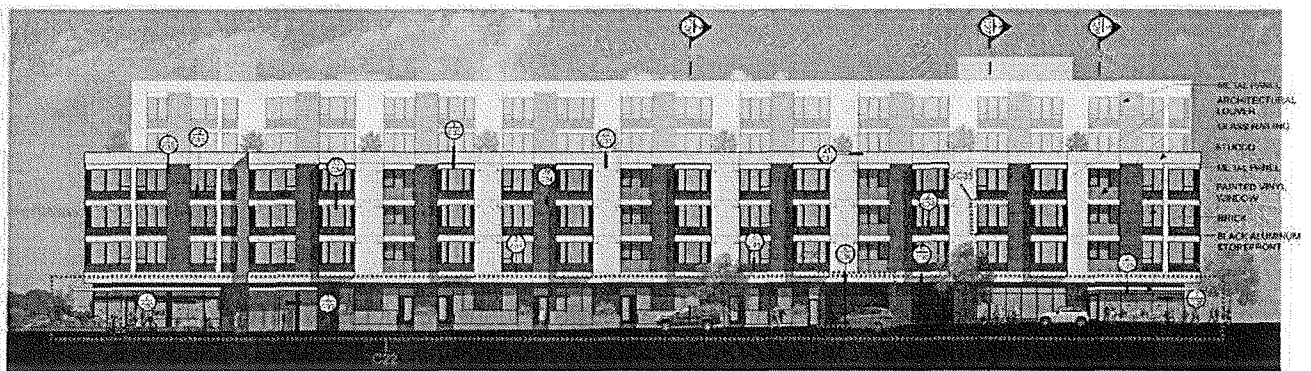


NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
SOUTH WATERFRONT SUB DISTRICT

File No. LU 14-117884 DZM
1/4 Section 3430
Scale 1 inch = 200 feet
State_Id 1S1E10DB 207
Exhibit B (Feb 20, 2014)

**ROOF PLAN**



1 NORTH ELEVATION



2 EAST ELEVATION



BUILDING ELEVATIONS

CASE NO. 14-117884 D2M EXHIBIT C.11

1000 Architects Inc.



1 SOUTH ELEVATION

- STUCCO
- METAL PANEL
- METAL PANEL
- METAL PANEL
- ARCHITECTURAL LOUVER
- PAINTED VINYL WINDOW
- BRICK
- BLACK ALUMINUM STOREFRONT



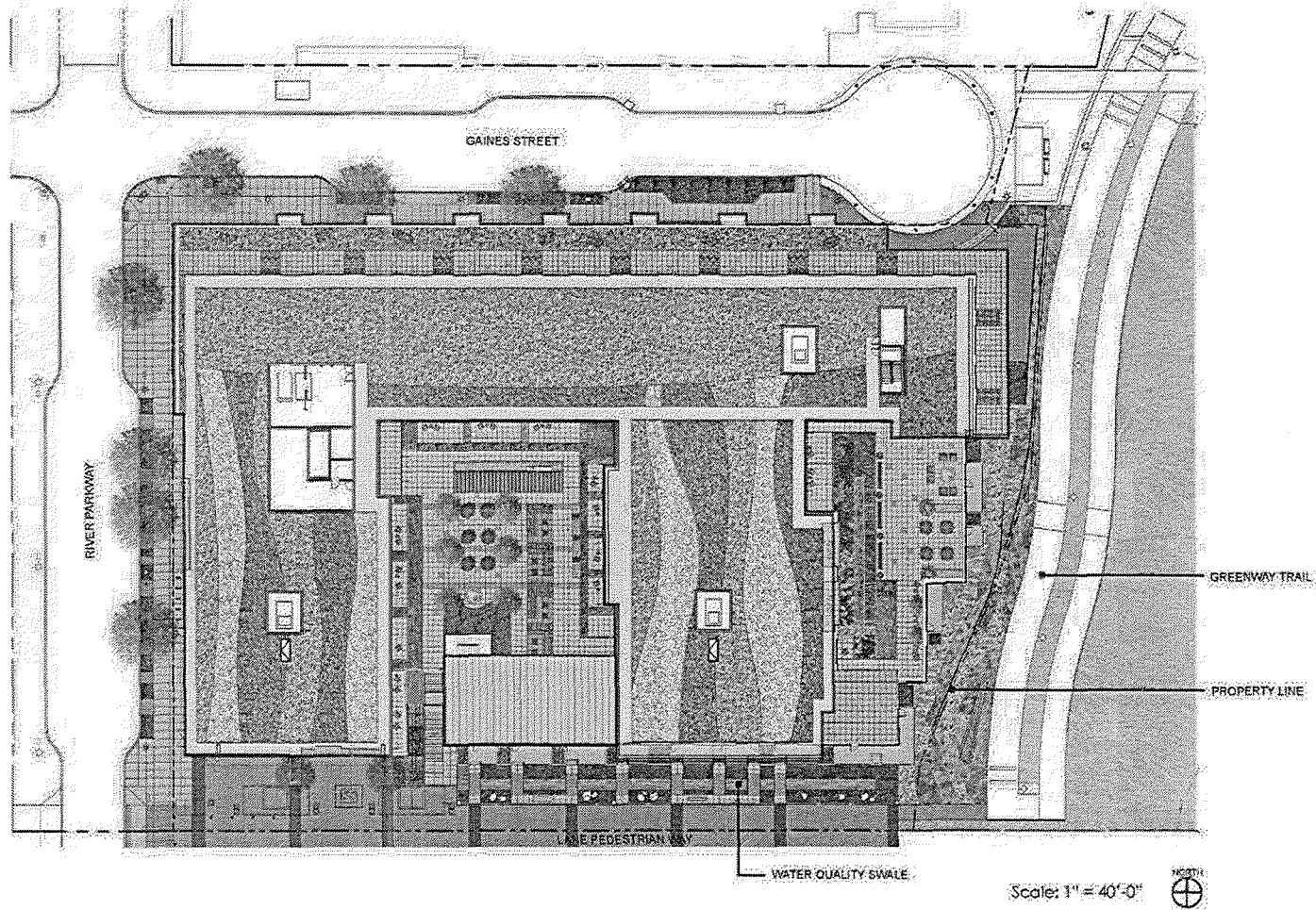
2 WEST ELEVATION



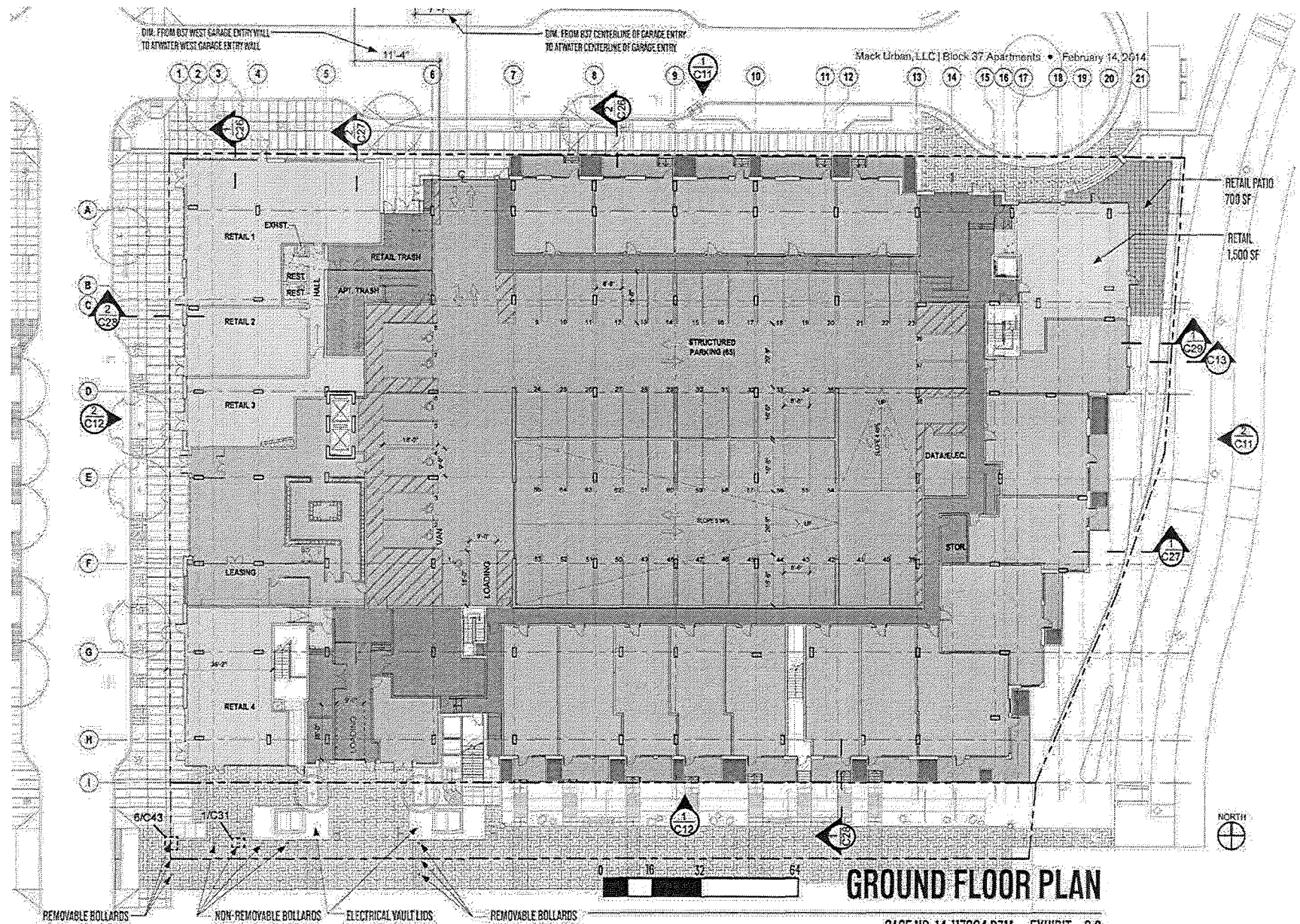
BUILDING ELEVATIONS

CASE NO. 14-117884 D2M EXHIBIT C.12

1000 Architects Inc.



OVERALL SITE PLAN





City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 • 503-823-7526 • www.portlandonline.com/bds



Type III Decision Appeal Form

LU Number: 14-117884 DZM

FOR INTAKE, STAFF USE ONLY

Date/Time Received 9.15.14 7:56 pm

☒ Action Attached

Received By ROBERT

Fee Amount \$ 5,000

Appeal Deadline Date 9.16.14 4:30pm

☒ [N] Fee Waived

☒ Entered in Appeal Log

Bill # 3667015

☒ Notice to Auditor

☒ [N] Unincorporated MC

☒ Notice to Dev. Review

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

The appeal must be filed by the deadline listed in the Decision

Development Site

Address or Location 3700 SW River Parkway, Portland, OR

Date 9/15/14

Land Use Number 14-117884 DZM

Appellant's Name Jim Gardner

Street Address 2930 SW 2nd Ave

City Portland

State OR

Zip Code 97201

Day Phone 503-227-2096 FAX none

email jimdennachamois@msn.com

Appellant's Interest in the case (applicant, neighbor, etc.) NA Land Use Chair

Appellant's Statement Please describe how the proposal meets or does not meet approval criteria, or how the City erred procedurally. The statement must address specific approval criteria or procedures and include the appropriate code citation(s). The decision erroneously grants a modification to PZC 33.510.252.B. The criteria for modification (PZC 33.825.040) are not met, because the resulting development does not better meet the applicable design guideline or purpose of the standard. The code standard requires buildings be set back 30 feet from the centerline of Lane St, a designated public accessway. The proposed building meets the standard on the 1st floor, but the 2nd through 6th floors intrude 3-1/2 feet into the required setback. Findings written by Design Commission staff omit two of the stated purposes of the setback requirement: to provide a visual connection to the Greenway, and to provide a transition from the natural Greenway to the urban development. All of the other, admittedly positive, features of the design could still be accomplished if the building were required to meet the setback required by the code standard.

Appellant's Signature Jim Gardner

To file this appeal, take the following to the Development Services Center

☒ This completed appeal form

☒ A copy of the Type III Decision being appealed

☒ An appeal fee as follows:

☐ Appeal fee as stated in the Decision, payable to City of Portland

☒ Fee waiver for ONI Recognized Organizations approved

☐ Fee waiver for low income individual approved (attach letter from Director)

☐ Fee waiver for Unincorporated Multnomah County recognized organizations is signed and attached

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

The appeal must be filed by the deadline listed in the Decision. To ensure the appeal is received within this deadline, the appeal should be filed in the Development Services Center at 1900 SW 4th Ave, 1st Floor, Suite 1500, Portland, Oregon, between 8:00 a.m. and 3:00 p.m. on Tuesday through Friday. On Mondays, and between 3:00 - 4:30 p.m. on Tuesday through Friday, the form(s) must be submitted at the Reception Desk on the 5th Floor.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

CASE NO.

EXHIBIT

14-117884 DZM

Type III Appeal Hearing Procedure

A Type III Decision may be appealed only by the applicant, the owner, or those who have testified in writing or orally at the hearing, provided that the testimony was directed to a specific approval criterion, or procedural error made. It must be filed with the accompanying fee by the deadline listed in the decision. The appeal request must be submitted on the Type III Appeal Form provided by the City and it must include a statement indicating which of the applicable approval criteria the decision violated (33.730.030) or what procedural errors were made. If the decision was to deny the proposal, the appeal must use the same form and address how the proposal meets all the approval criteria. There is no local Type III Appeal for cases in unincorporated Multnomah County.

Appeal Hearings for Type III Decisions are scheduled by the City Auditor at least 21 days after the appeal is filed and the public notice of the appeal has been mailed.

Appellants should be prepared to make a presentation to the City Council at the hearing. In addition, all interested persons will be able to testify orally, or in writing. The City Council may choose to limit the length of the testimony. Prior to the appeal hearing, the City Council will receive the written case record, including the appeal statement. The City Council may adopt, modify, or overturn the decision of the review body based on the information presented at the hearing or in the case record.

Appeal Fees

In order for an appeal to be valid, it must be submitted prior to the appeal deadline as stated in the decision and it must be accompanied by the required appeal fee or an approved fee waiver. The fee to appeal a decision is one-half of the original application fee. The fee amount is listed in the decision. The fee may be waived as follows:

Fee Waivers (33.750.050)

The director may waive required fees for Office of Neighborhood Involvement (ONI) Recognized Organizations and for low-income applicants when certain requirements are met. The decision of the director is final.

A. ONI Recognized Organizations Fee Waiver

Neighborhood or business organizations recognized by the City of Portland Office of Neighborhood Involvement (ONI) or Multnomah County are eligible to apply for an appeal fee waiver if they meet certain meeting and voting requirements.

These requirements are listed in the Type III Appeal Fee Waiver Request for Organizations form and instruction sheet available from the Bureau of Development Services Development Services Center, 1st floor, 1900 SW 4th, Portland, OR 97201. Recognized organizations must complete the Type III Appeal Fee Waiver Request for Organizations form and submit it prior to the appeal deadline to be considered for a fee waiver.

B. Low Income Fee Waiver

The appeal fee may be waived for an individual who is an applicant in a land use review for their personal residence, in which they have an ownership interest, and the individual is appealing the decision of their land use review application. In addition, the appeal fee may be waived for an individual residing in a dwelling unit, for at least 60 days, that is located within the required notification area. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

An information sheet on how to apply for a fee waiver for a low income individual is available at the Development Services Center, 1900 SW 4th Avenue, 1st floor, 503-823-7526

Information is subject to change

**GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR
EVIDENTIARY/DE NOVO APPEALS**

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, Oregon 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments is generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent of the Appeal	15 minutes
Other Opponents of the Appeal	3 minutes each
Appellant Rebuttal	5 minutes
Council Discussion	

- b. The applicant has the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Review Body decision are available for review by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, Portland, OR 97201. Call 503-823-7617 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Vicinity Plan



South Waterfront – Street Plan



South Façade Projection 3'-6" into Lane Accessway

