



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

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

**CASE FILE:** LU 20-102914 DZM AD GW – Alamo Manhattan Blocks  
**HEARING DATE:** THURSDAY, September 10, 2020 at 2:00pm  
**REMOTE ACCESS:** CITY COUNCIL AGENDA  
<https://www.portlandoregon.gov/auditor/26997>

**Date:** August 12, 2020  
**To:** Interested Person  
**From:** Staci Monroe | Land Use Services  
[staci.monroe@portlandoregon.gov](mailto:staci.monroe@portlandoregon.gov) | 503.823.0624

A virtual public hearing will be held to consider an appeal of the Design Commission's decision to approve a 4 block development consisting of 5 buildings and a greenway trail for the property bounded by SW Bond, SW Lane, SW Lowell and the Willamette River, which is in the South Waterfront Sub-District of the Central City Plan District. The Design Commission decision of approval with conditions has been appealed by **Carrie Richter, 1000 SW Broadway #1910, Portland, OR 97205, representing Leonard Gionet, Yvonne Meekoms, and Mary Henry De Tessan.** During the hearing, City Council will consider the appeal. You are invited to testify at the hearing. SEE INFORMATION BELOW ON HOW TO TESTIFY.

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.

Due to the City's Emergency Response to COVID19, this land use hearing will be remote participation via Zoom.

Please refer to **<https://www.portlandoregon.gov/auditor/26997>** for information on how to observe and participate remotely. You can also visit this website a few days before the hearing to find out if City Hall Chambers are open for in-person attendance in addition to remote participation.

**GENERAL INFORMATION**

**Applicants:** Wade Johns | Alamo Manhattan  
3012 Fairmount St., Ste 100 | Dallas, TX 75201  
[Wade.Johns@alamomanhattan.com](mailto:Wade.Johns@alamomanhattan.com)  
  
Jeancarlo Saenz | Hensley Lamkin Rachel Architects  
14881 Quorum Drive, Suite 550 | Dallas, TX 75254  
[jeancarlo@hlrinc.net](mailto:jeancarlo@hlrinc.net)  
  
**Owner:** The Landing At Macadam LLC  
1900 S Norfolk St #150 | San Mateo, CA 94403-1161

**Site Address:** Property bounded by SW Bond, SW Lane, SW Lowell & Willamette River

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

**Tax Account No.:** R991100600, R991100610

**State ID No.:** 1S1E10DB 00300, 1S1E10DB 00400

**Quarter Section:** 3430

**Neighborhood:** South Portland NA., contact Jim Gardner at [contact@southportlandna.org](mailto:contact@southportlandna.org).

**Business District:** South Portland Business Association, contact [info@southportlanddba.com](mailto:info@southportlanddba.com).

**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Plan District:** Central City - South Waterfront

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

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

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

### **Proposal:**

The applicant requests Design Review approval for a four-block development in the South Waterfront sub district of Central City Plan District. In addition to the buildings, the project includes a greenway trail connection, new streets (SW River Parkway, western portion of Lowell and Abernethy) and river accessways (SW Lane, Abernethy and Lowell east of River Parkway). Overall the project provides approximately 1,200 residential units, 22,000 SF retail and 738 parking spaces. The two riverward blocks will contain high-rise buildings with mid-rise buildings on the two western blocks. More specifically:

### **Block 41**

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

### **Block 44**

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

### **Block 42**

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

### **Block 45**

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

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

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

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

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

The following Modifications are requested:

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

The following Adjustment is requested:

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

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

### **Approval Criteria:**

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

- |  |  |
|--|--|
| ▪ Central City Fundamental and South Waterfront Design Guidelines        | ▪ Zoning Code Section 33.851.300 – South Waterfront Greenway Reviews |
| ▪ Zoning Code Section 33.825.040 for Modifications Through Design Review | ▪ South Waterfront Greenway Design Guidelines                        |
| ▪ Zoning Code Section 33.805.040 Adjustment Approval Criteria            | ▪ Oregon Statewide Planning Goals                                    |

### **REVIEW BODY DECISION**

The following decision was initially issued on July 17, 2020. It was revised and reissued on July 24, 2020 due an error in the appeal fee and mail recipients.

### **DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve a Design Review for 5 buildings and associated site improvements and a South Waterfront Greenway Review for:

- Proposed fence (guard rail) over 3 feet high, and less than 45 feet from top of bank;

- Segments of the Greenway Trail less than 12 feet wide;
- Removal of existing wooden pier below top of bank; and
- Excavating, regrading, armoring the riverbank, and placing large woody debris below top of bank.

Approval of the following Modification requests:

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

Approval of the following Adjustment request:

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

The full decision is available on the BDS website:

<https://www.portlandoregon.gov/bds/article/764116>

## APPEAL SUMMARY

The Design Commission decision of approval with conditions has been appealed by **Carrie Richter representing Leonard Gionet, Yvonne Meekcoms, and Mary Henry De Tessan**. According to the appellants' statement, the appeal of the Design Commission decision is based on arguments that include:

- Graduated buildings heights towards the river;
- Setbacks of Blocks 41 and 45 along the Greenway;
- Tower massing on Blocks 41 and 45;
- Vehicle demand generated by the proposed development; and
- Quality of the Greenway improvements.

These arguments are related to the following approval criteria:

33.825.055 Design Review Approval Criteria:

- South Waterfront Design Guidelines
- Central City Fundamental Design Guidelines
  - A2 - Emphasize Portland Themes
  - A4 - Use Unifying Elements
  - A5 - Enhance, Embellish and Identify Areas
  - A5-1- Consider South Waterfront's History and Special Qualities
  - D2 - South Waterfront Area
  - A1- Integrate the River
  - A1-2 Incorporate Active Uses Along the River
  - C6 - Develop Transitions between Buildings and Public Spaces
  - C4-1- Develop Complementary Structured Parking
  - C1 - Enhance View Opportunities
  - A1-1- Develop River Edge Variety
  - C4 - Complement the Context of Existing Buildings
  - C5 - Design for Coherency
- Oregon Statewide Planning Goals and Implementing Rules
  - Goal 12 - Transportation - OAR Chapter 660, Section 12
- 33.851.300 South Waterfront Greenway Review

The full appeal statement can be viewed in the notice located on the BDS website at <https://www.portlandoregon.gov/bds/35625>. Click on the District Coalition then scroll to the relevant Neighborhood and case number.



**Review of the case file:** If you are interested in viewing information in the file, please contact the planner listed on the front of this notice or call the Request Line at 503-823-7617 to request specific materials. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Zoning Code that applies to this specific proposal (Zoning Code in effect in April 2017) is available on the internet at <https://efiles.portlandoregon.gov/Record/13232336/>.

**We are seeking your comments on this proposal.** The hearing will be held before the City Council. To comment, you may write in advance, or testify during the hearing. If you would like to testify during the hearing you may need to sign up a few days in advance of the hearing; visit <https://www.portlandoregon.gov/auditor/26997> for more information on how to testify during 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 that are mailed via USPS **must be received by the close of the record** and should include the case file number and the name and address of the submitter. It can be mailed to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204.

If you choose to provide testimony by e-mail, please direct it to the Council Clerk at [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov). Due to legal and practical reasons, City Council members cannot accept e-mail on cases under consideration by the Council. Any e-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.

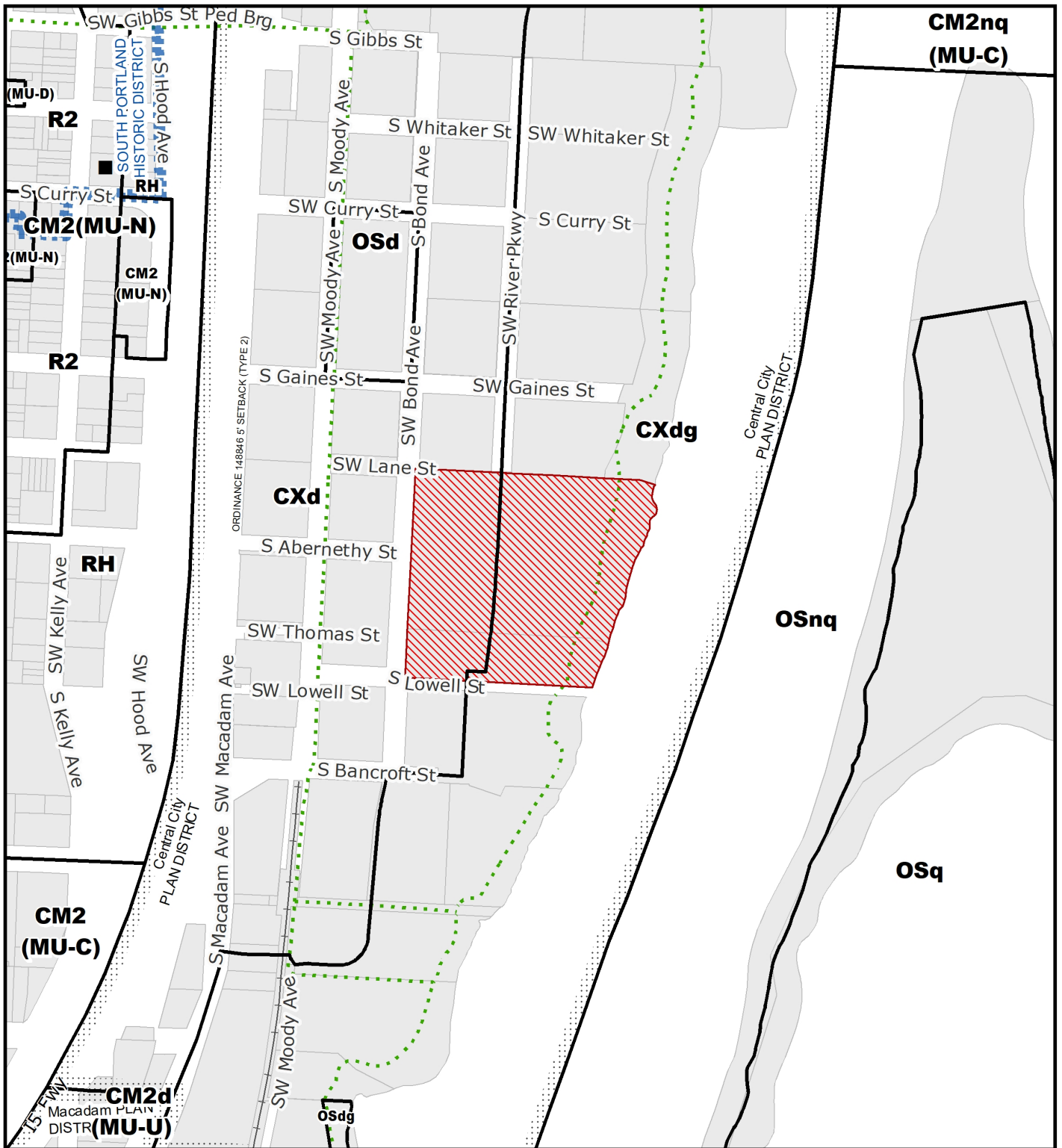
A description of the City Council Hearing process is attached.

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:

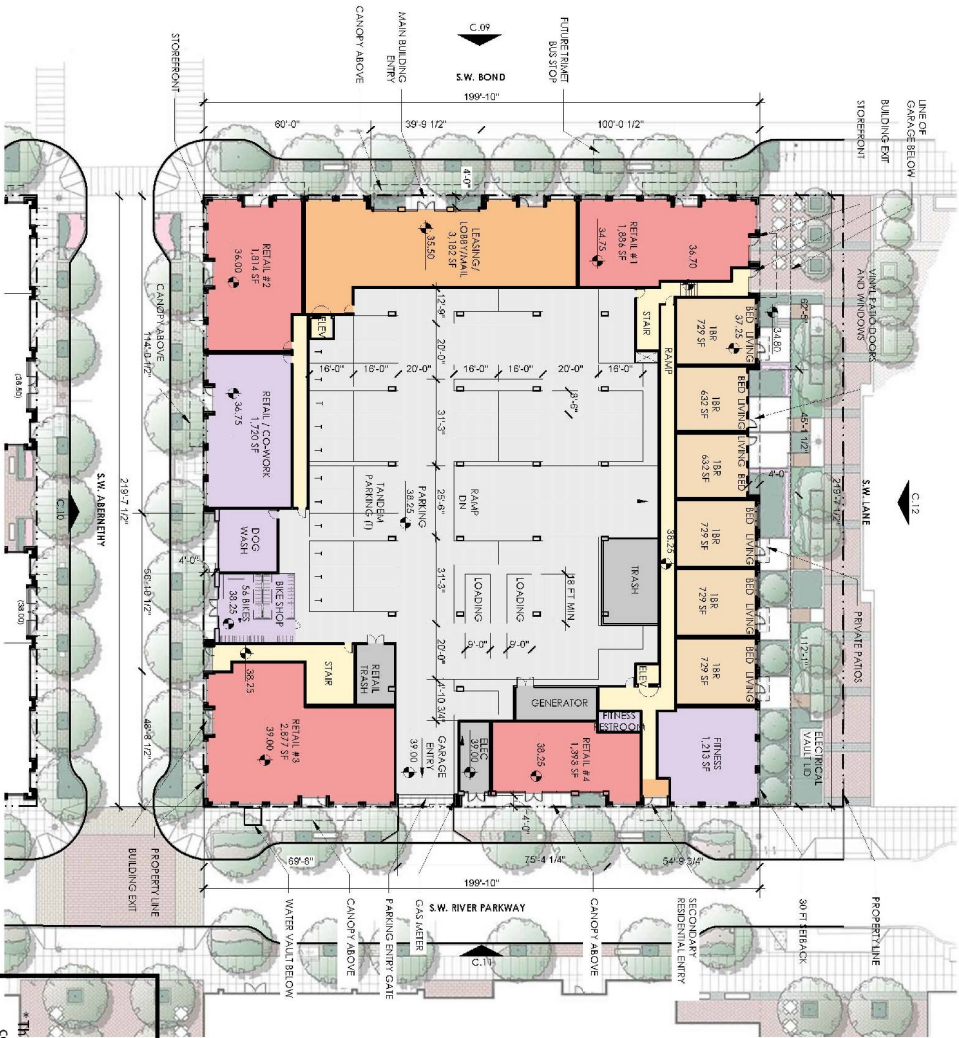
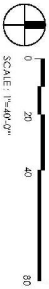
1. Zoning Map
2. Site plans: Sheets C.01, C.50, C.126, C.170, C.215
3. Elevations: Sheets C.09-C.12, C.59-C.65, C.137-C.140, C.182-185
4. City Council Appeal Process
5. Appeal Statement (online version only)



**ZONING**   
CENTRAL CITY PLAN DISTRICT  
SOUTH WATERFRONT SUB DISTRICT

-  Site
-  Historic Landmark
-  Recreational Trails

File No. LU 20-102914 DZM GW AD  
1/4 Section 3430  
Scale 1 inch = 400 feet  
State ID 1S1E10DB 300  
Exhibit B Feb 04, 2020



LEVEL SUMMARY

TOTAL UNITS ON FLOOR	6
PARKING STALLS	39
COMMERCIAL SF	7,970 SF
LOBBY + LEASING SF	3,102 SF
AMENITY	4,247 SF

BUILDING SUMMARY

TOTAL UNITS	231
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BLOCK 42 - GARAGE PARKING	
REQUIRED PARKING	
MINIMUM REQUIRED: (NO MIN. PARKING REQUIREMENT)	0 SPACES
MAXIMUM REQUIRED: (1.7 SPACES PER UNIT X 231 UNITS)	393 SPACES
PROVIDED PARKING	
TOTAL PROVIDED	188 SPACES



\*Approved\*

City of Portland  
Bureau of Development Services

Planner \_\_\_\_\_

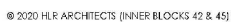
Date \_\_\_\_\_

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

[L01] FLOOR PLAN - BLOCK 42

LAND USE REVIEW # LU-20-102914 DZM GW

EXHIBIT C.01

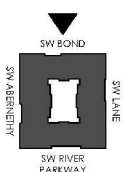


\* Approved\*  
City of Portland  
Bureau of Development Services

Planner W. Baker

Date 7/12/20

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



ALONG SW BOND AVENUE  
BLOCK 42 - WEST ELEVATION  
LAND USE REVIEW # LU 20-102914 DZM GW  
EXHIBIT C.09





\*Approver\* \_\_\_\_\_  
City of Portland  
Bureau of Development Services  
Planner \_\_\_\_\_  
Date 7/12/20  
House

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

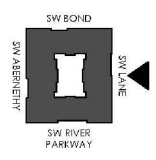


SCALE: 1"=20'-0"

ALONG SW RIVER PKWY  
BLOCK 42 - EAST ELEVATION  
LAND USE REVIEW # LU-20-102714 DZM GW  
EXHIBIT C.11

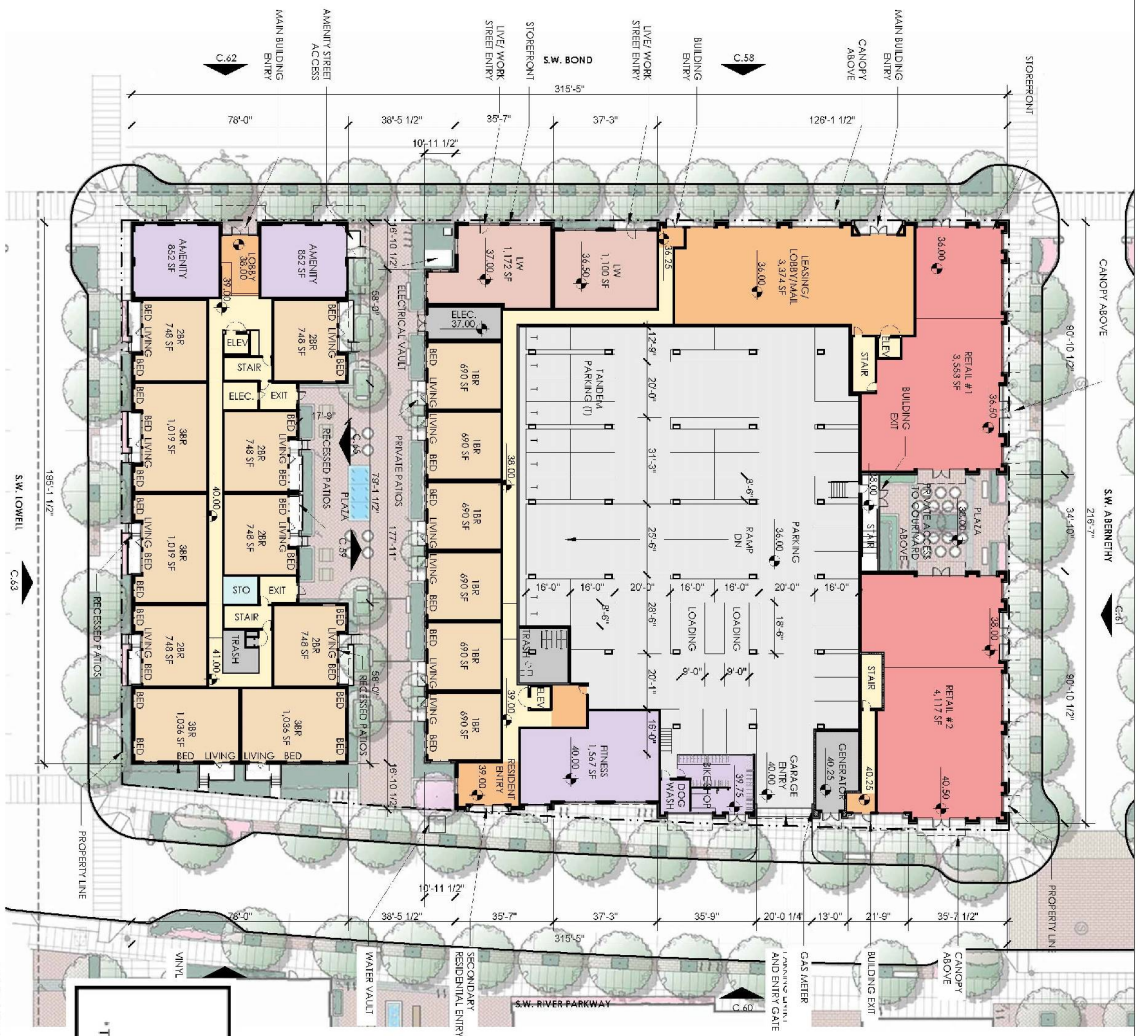


\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner: [Signature]  
Date: 7/2/20  
\*This approval applies only to the review requested and is subject to all conditions of approval. Additional zoning requirements may apply.



ALONG SW LANE STREET  
BLOCK 42 - NORTH ELEVATION  
LAND USE REVIEW # LU-20-102914 DZM GW  
EXHIBIT C.1.2





## LEVEL SUMMARY

TOTAL UNITS ON FLOOR	18
PARKING STALLS	44
COMMERCIAL SF	7,670 SF
LOBBY + LEASING SF	3,374 SF
AMENITY	3,271 SF

## BUILDING SUMMARY

TOTAL UNITS	266
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**BLOCK 45 - GARAGE PARKING  
REQUIRED PARKING**

(NO MIN. PARKING REQUIREMENT)	0 SPACES
MAXIMUM REQUIRED: (1.7 SPACES PER UNIT X 265 UNITS)	451 SPACES
PROVIDED PARKING	
TOTAL PROVIDED	246 SPACES

\*Approved\*  
City of Portland  
Bureau of Development Services

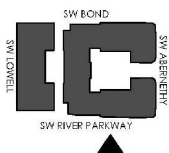
Planner J. Hines  
Date 7/21/20

LAND USE REVIEW # LU 20-102914 DZM GW EXHIBIT C.50

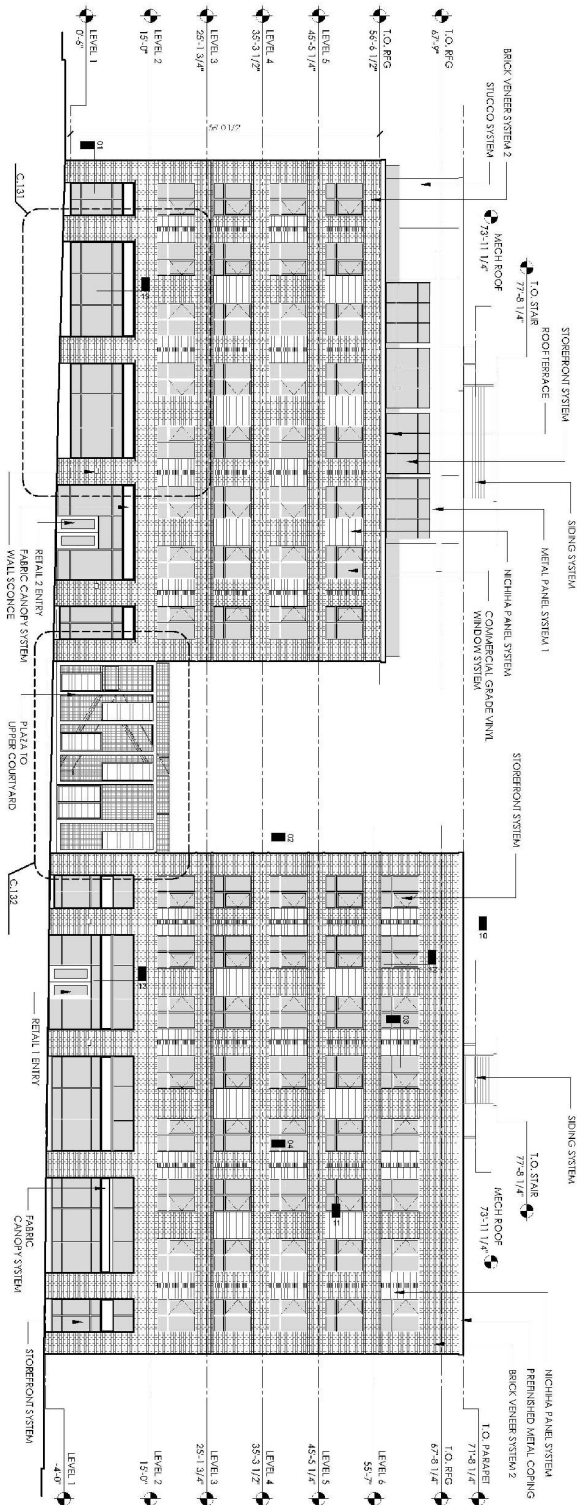




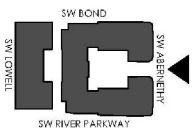
\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner W. Howe  
Date 7/12/20

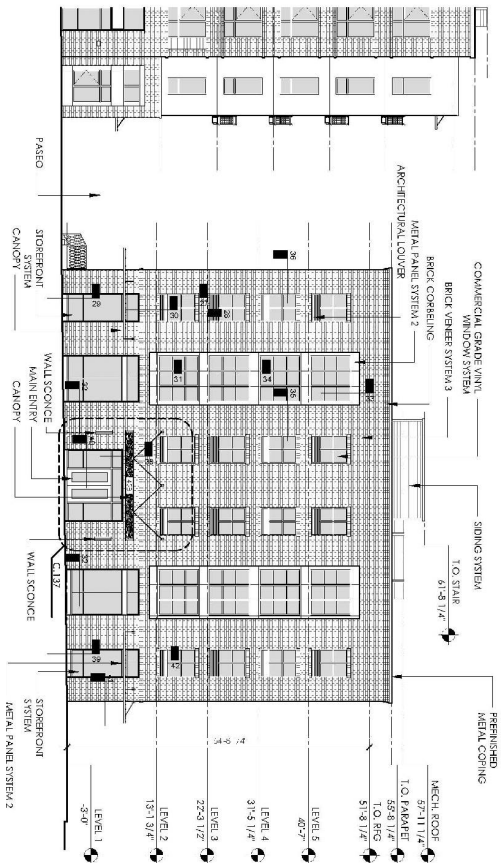


ALONG SW RIVER PARKWAY STREET  
BLOCK 45A - EAST ELEVATION  
LAND USE REVIEW # LU 20-102914 DZM GW EXHIBIT C:60



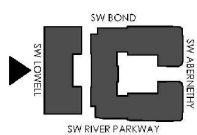
\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner \_\_\_\_\_  
Date 7/2/20  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

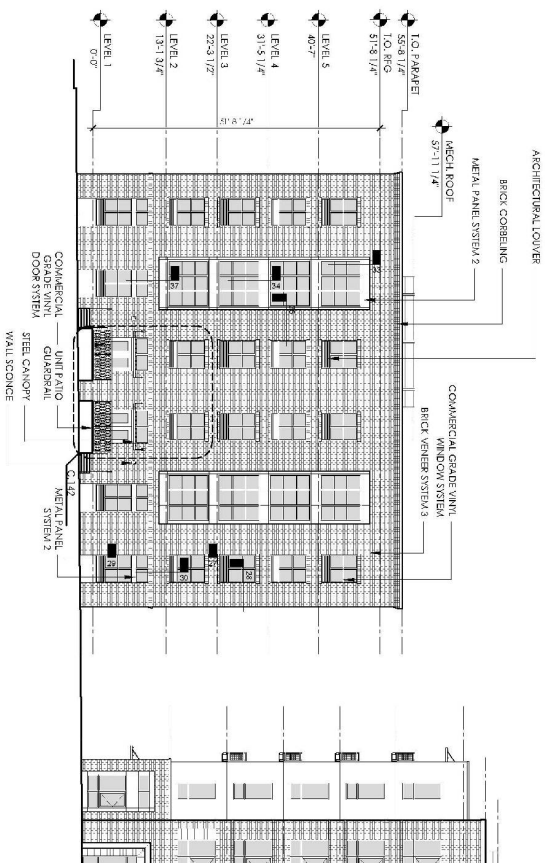




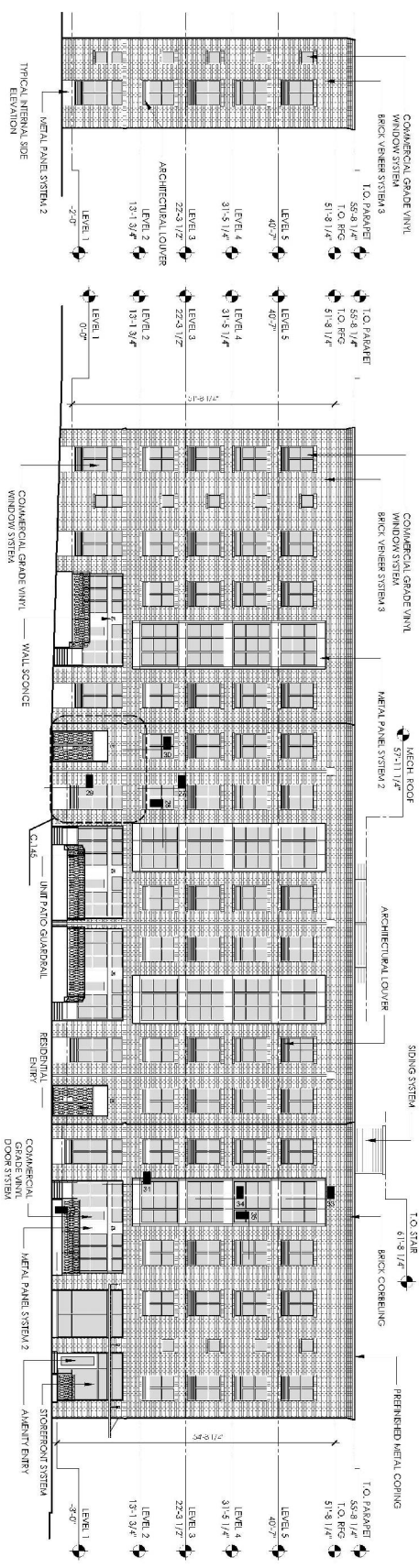
ALONG SW BOND STREET  
BLOCK 45B - WEST ELEVATION  
LAND USE REVIEW # LU 20-102914 DZM GW  
EXHIBIT C.62







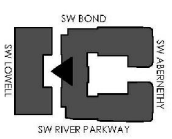
ALONG SW RIVER PARKWAY STREET  
BLOCK 45B - EAST ELEVATION  
LAND USE REVIEW # LU 20-102914 DZM GW  
EXHIBIT C-644



© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)

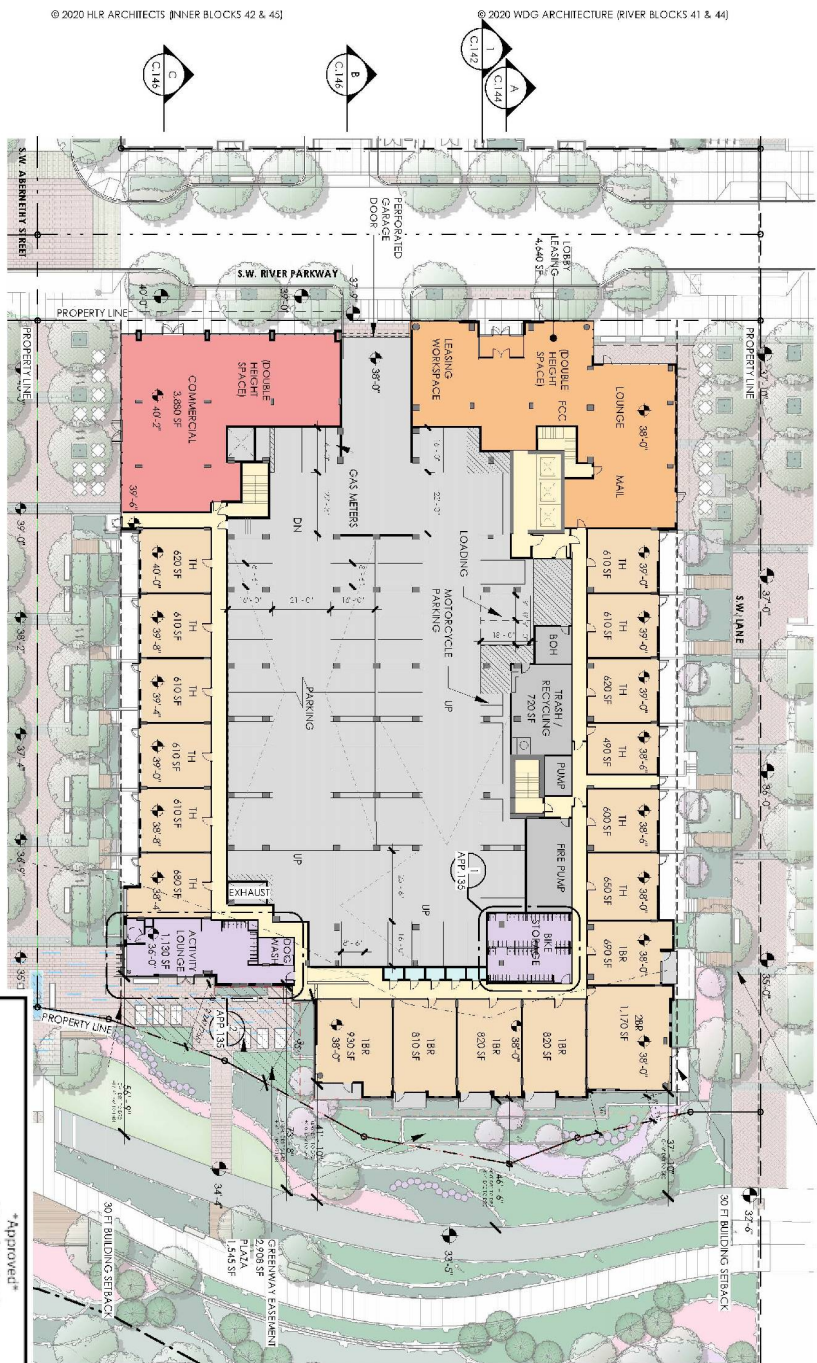


**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date **7/2/20**  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



ALONG PASO  
**BLOCK 45B - NORTH ELEVATION**  
LAND USE REVIEW # LU-20-102914 DZM GW  
EXHIBIT C.65





125 FT MAX HEIGHT SETBACK FROM RIVER BANK

LEVEL SUMMARY

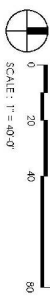
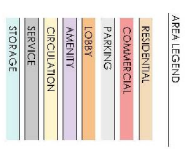
TOTAL UNITS ON FLOOR	18
COMMERCIAL SF	3,880 SF
LOBBY + LEASING SF	4,440 SF
748 SF	47,500 SF

BUILDING SUMMARY

TOTAL UNITS	343
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PARKING STATS - LEVEL 1

STANDARD - RESIDENTIAL	47
PARALLEL - RESIDENTIAL	2
TOTAL	49
MOTORCYCLE	4
TOTAL	4



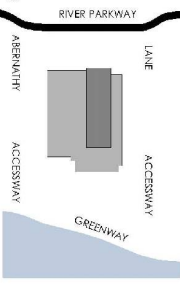
\*Approved\*  
City of Portland  
Bureau of Development Services

Planner: Mike

Date: 7/2/20

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

L01 FLOOR PLAN - BLOCK 41  
LAND USE REVIEW # (LU-20-102914 DZM GW) EXHIBIT C.126





Architectural drawing of the west elevation of Block 41. The drawing shows a multi-story building with a mix of materials including brick, wood, metal panels, and glass. It features a central glass-enclosed stair tower and a perforated garage door. The building is situated on a corner lot with S.W. Lane Street and S.W. Abernethy Street. A scale bar indicates 0, 20, 40, and 80 feet. Callouts identify materials like EFS (White), Glass Railing, Window Wall, Metal/Glass Railing, Glass Railing, Metal Panel (White), Window Wall, Metal Panel (White), Glass Railing, Metal Panel (Dark Bronze), Perforated Garage Door (Dark Bronze), Brick, Metal Railing, Wood, Metal Canopy, and Curtain Wall. A table at the bottom lists window and door sizes and heights. A north arrow and site context diagram are also included.

Window/Door	Size	Height
B41 - PROOF	279' - 10"	10' - 0"
B41 - 122	267' - 0"	11' - 0"
B41 - 122	253' - 6"	11' - 0"
B41 - 121	244' - 0"	11' - 0"
B41 - 120	234' - 6"	10' - 0"
B41 - 119	224' - 6"	10' - 0"
B41 - 118	214' - 6"	10' - 0"
B41 - 117	204' - 6"	10' - 0"
B41 - 116	194' - 6"	10' - 0"
B41 - 115	184' - 6"	10' - 0"
B41 - 114	174' - 6"	11' - 0"
B41 - 113	163' - 6"	10' - 0"
B41 - 112	152' - 6"	10' - 0"
B41 - 111	142' - 6"	10' - 0"
B41 - 110	132' - 6"	10' - 0"
B41 - 109	122' - 6"	10' - 0"
B41 - 108	112' - 6"	10' - 0"
B41 - 107	102' - 6"	10' - 0"
B41 - 106	92' - 6"	11' - 0"
B41 - 105	81' - 6"	11' - 0"
B41 - 104	69' - 8"	10' - 0"
B41 - 103	59' - 8"	10' - 0"
B41 - 102	49' - 8"	10' - 0"
B41 - 101	38' - 0"	11' - 0"

Materials and Features:

- EFS (WHITE)
- GLASS RAILING
- WINDOW WALL
- METAL/GLASS RAILING
- GLASS RAILING
- METAL PANEL (WHITE)
- WINDOW WALL
- METAL PANEL (WHITE)
- GLASS RAILING
- METAL PANEL (DARK BRONZE)
- PERFORATED GARAGE DOOR (DARK BRONZE)
- BRICK
- METAL RAILING
- WOOD
- METAL CANOPY
- CURTAIN WALL

Site Context:

- SW LANE STREET
- SW ABERNETHY STREET
- RIVER PARKWAY
- LANE
- ACCESSWAY
- GREENWAY

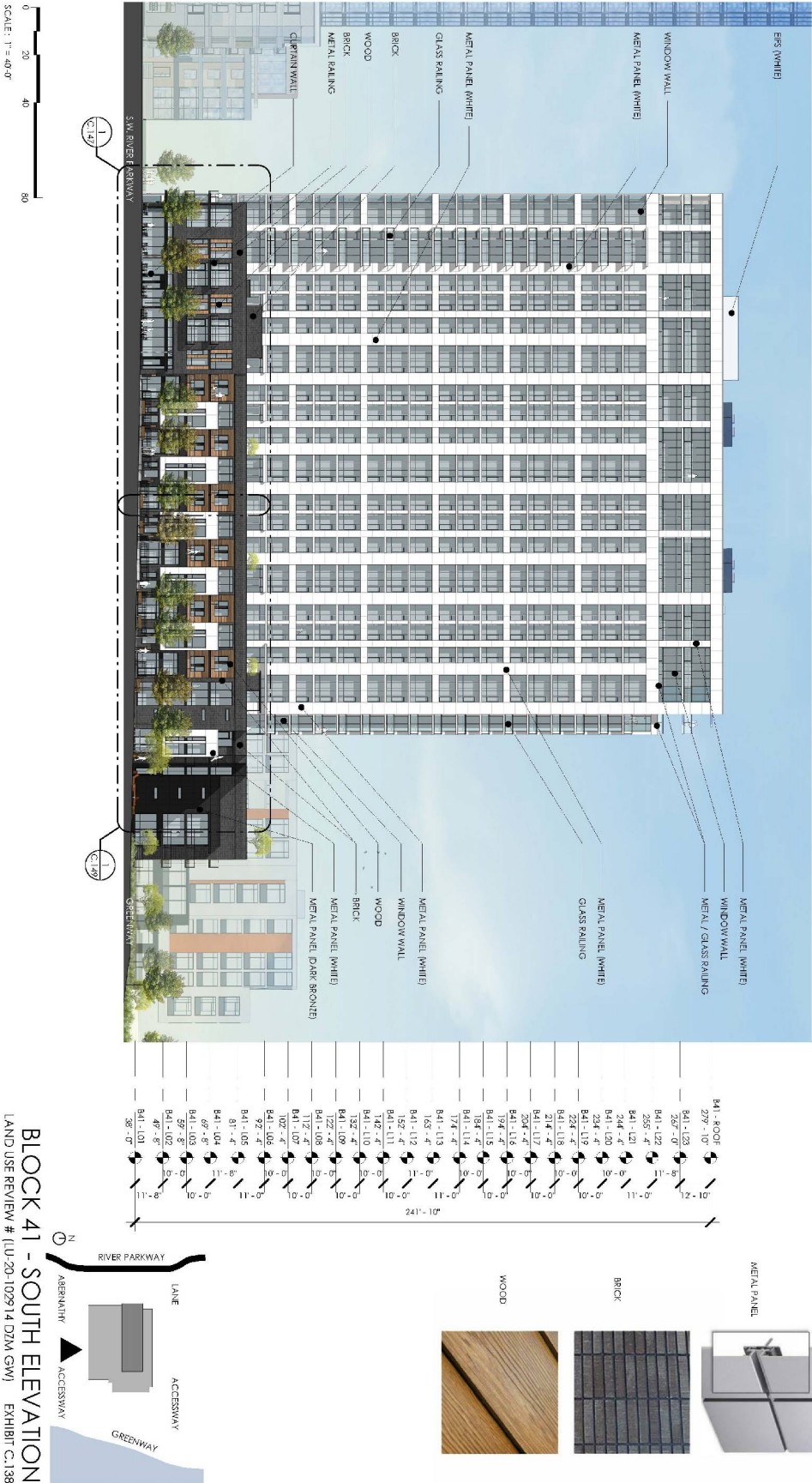
Scale: 1" = 40'-0"

North Arrow: N

Block 41 - WEST ELEVATION

LAND USE REVIEW # [U-20-1029] 14 DZM (GW) EXHIBIT C.137

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner Alison  
Date 7/12/20  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Date 11/2/20





Approved\*

City of Portland

Bureau of Development Services

Planner



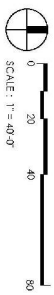
Date

7/12/20

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

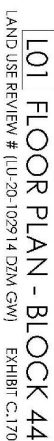


**BLOCK 41 - NORTH ELEVATION**  
LAND USE REVIEW # [LU-20-102914 D2M GW] EXHIBIT C.1.40



#### AREA LEGEND

RESIDENTIAL
COMMERCIAL
PARKING
LOBBY
AMENITY
CIRCULATION
SERVICE
STORAGE
MAKER SPACE





© 2020 WDG ARCHITECTURE (RIVER BLOCKS 41 & 44)



\*Approval\*

City of Portland  
Bureau of Development Services

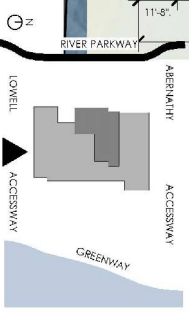
Planner Alison

Date 7/12/20

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



**BLOCK 44 - SOUTH ELEVATION**  
LAND USE REVIEW # (LU-20-102914 DZM GW) EXHIBIT C.183



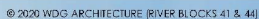
© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 43)

© 2020 WDG ARCHITECTURE (RIVER BLOCKS 41 & 44)



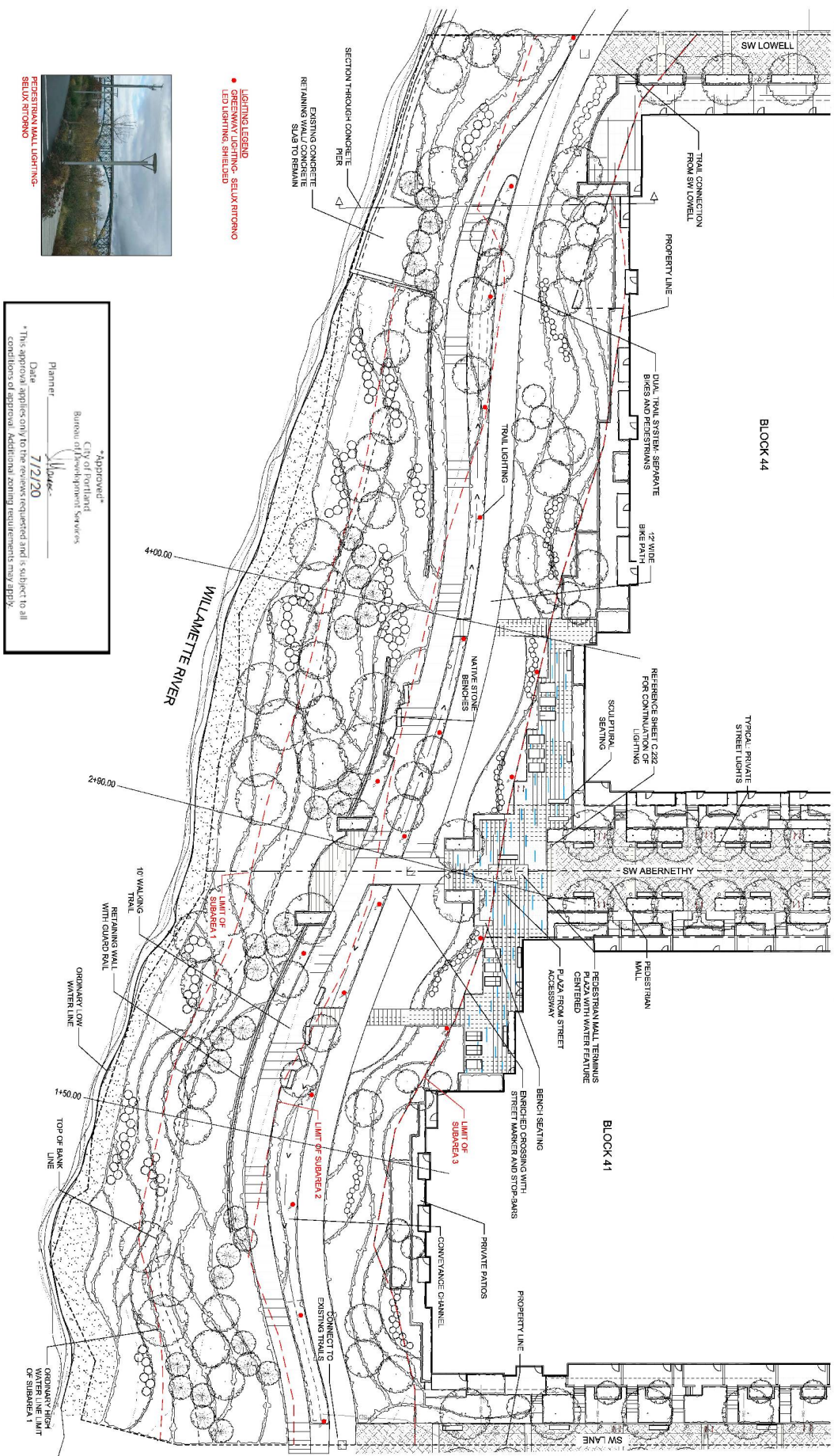
Date 7/2/20

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









LANDSCAPE - GREENWAY LIGHTING / DEVELOPMENT PLAN- OVERALL



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

### 1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted via email to [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov) or in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 130, 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 Design Commission'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. If you are interested in viewing information in the file, please contact the planner listed on the front of this proposal. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**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.**



# City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



## Type III Decision Appeal Form

LU Number: LU 20-102914 DZM GW AD ~~XXXXXX~~

### FOR INTAKE, STAFF USE ONLY

Date/Time Received 8/7/20 at 10:55am

☒ Action Attached Narrative

Received By Mary Butenschoen

Fee Amount \$5,000

Appeal Deadline Date 8/7/20 at 4:30pm

[Y] ☒ Fee Waived

☐ Entered in Appeal Log

Bill # 4717613 & 4717615 (\$2,500 each)

☐ Notice to Auditor

[Y] ☒ Unincorporated MC

☐ Notice to Dev. Review

### APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS property bounded by SW Bond, SW Lane, SW Lowell & Willamette River DEADLINE OF APPEAL August 7, 2020

Name Carrie Richter, Bateman Seidel, on behalf of Leonard Gionet, Yvonne Meekcoms & Mary Henry de Tesson

Address 1000 SW Broadway, Suite 1910 City Portland State/Zip Code OR, 97205

Day Phone 503.972.9903 Email crichter@batemanseidel.com Fax 503.972.9043

Legal representative for neighbors Leonard Gionet, Yvonne Meekcoms and Mary Henry de Tesson

### Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. See attached

Zoning Code Section 33. \_\_\_\_\_

Zoning Code Section 33. \_\_\_\_\_

Zoning Code Section 33. \_\_\_\_\_

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

See attached.

Appellant's Signature Carrie Richter

### FILE THE APPEAL - Submit the following:

- ☐ 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 (see instructions under Appeals Fees A on back)
  - ☐ Fee waiver request letter for low income individual is signed and attached
  - ☐ Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

The City must receive the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee (or fee waiver request as applicable) at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

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.

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



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## 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 Bureau of Development Services Land Use Services 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, 1<sup>st</sup> floor, 1900 SW 4<sup>th</sup>, 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.

*Information is subject to change*

**Alamo Manhattan Blocks**  
**LU 20-102915 DZM GW AD; PC # 19-225732**

Appellants: Leonard Gionet and Yvonne Meekoms  
Mary Henry de Tesson

Representative: Carrie Richter  
Bateman Seidel  
1000 SW Broadway #1910  
Portland, OR 97205

The Appellants submitted testimony in writing during the proceedings before the Design Commission by and through their attorney Carrie Richter.

Portland City Code Criteria and other standards that form the basis for this Appeal include:

- 33.825.010 Purpose of Design Review
- 33.825.035 Factors Reviewed During Design Review
- 33.825.055 Approval Criteria
- 33.825.055 Design Review Approval Criteria
  - South Waterfront Design Guidelines
  - Central City Fundamental Design Guidelines
    - A2 – Emphasize Portland Themes
    - A4 – Use Unifying Elements
    - A5 – Enhance, Embellish and Identify Areas
    - A 5-1 – Consider South Waterfront’s History and Special Qualities
    - D2 – South Waterfront Area
    - A1- Integrate the River
    - A1-2 Incorporate Active Uses Along the River
    - C6 – Develop Transitions between Buildings and Public Spaces
    - C4-1 – Develop Complementary Structured Parking
    - C1 – Enhance View Opportunities
    - A1-1 – Develop River Edge Variety
    - C4 – Complement the Context of Existing Buildings
    - C5 – Design for Coherency
- Oregon Statewide Planning Goals and Implementing Rules
  - Goal 12 – Transportation – OAR Chapter 660, Section 12
- 33.851.300 South Waterfront Greenway Review

Issues to be raised on appeal will involve the arguments presented to the Design Commission. These arguments may include, but shall not be limited to, the following:

- The obligation to graduate building heights from the western boundary toward the river, as set forth in Guideline D2, and reinforced elsewhere, is not achieved through simple compliance with the base, plus bonus, building heights prescribed through the Zoning

Code. Such an approach makes Guideline D2 a nullity. Further, this approach eliminates any discretion given to the Design Commission to “recognize special design values of an area” as set forth in the purpose statements of ZC 33.825.010 and complementing the “context” of the existing buildings. Contrary to the stated conclusion set forth in the findings, there is no evidence that this context appropriate evaluation as required by Guideline D2 was accomplished either at the time that the code was adopted setting the various maximum building heights or that that context was considered by the Design Commission as a means for determining what height graduation would be appropriate to satisfy these guidelines.

- Guideline A5 calls for enhancing and embellishing the character of the area. The natural river shoreline - a character defining feature of the area – recedes in a westerly direction as it moves further to the south. As a result, applying uniform riverfront setbacks, the Blocks 41 and 45 development must similarly erode such that it steps back from the river to the same degree allowing the Atwater and the Meriweather buildings to extend further to the east. The same degree of setback was not applied in this case.
- In addition to Guideline A5, Guideline C4 also requires complementing the context of existing buildings. High-rise development within South Waterfront is not characterized by towers that extend the full length of the property in any direction but rather are sculpted and narrow. This refined elegance is not just a character-defining design aesthetic for South Waterfront, it offers access to light and air to towers that will be completely blocked by the proposed massive and looming towers. The Block 41 and 45 towers create high-rise walls extending the full width from SW River Pkwy to the river blocking views of the river for everyone to the north and northwest. This approach is inconsistent with the light, airy and engaging design aesthetic that characterizes towers within the South Waterfront.
- The vehicle demand generated by the proposed development, along with the commercial ground-floor base, is severely undersized and inadequate to serve these new buildings. Vehicle congestion created by the number of new residents, commercial tenants and their customers far exceeds the parking and loading to be provided. The Design Commission erred by refusing to take these impacts into account when they are the direct result of the applicant’s design choices including building height, access and orientation. Any claim that traffic circulation and safety issues cannot be considered is belied by the fact that PBOT is asked to comment and does steer design review as a result of traffic safety concerns for other development throughout the Central City.
- South Waterfront Greenway Review, ZC 33.851.300, requires development that will “better enhance the natural, scenic, historical, economic and recreational qualities of the greenway.” The provision of a pedestrian and multi-modal trail and restoration of the riverbank are the very minimum that the design guidelines require and entirely fail to exceed the standard requirements to better enhance the Greenway environment. This proposal fails to demonstrate how the proposed design will “better” provide the Greenway qualities identified.