



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

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Portland, Oregon 97201  
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Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** March 25, 2009  
**To:** Interested Person  
**From:** Abigail Fowle, Land Use Services  
503-823-0624 / [FowleA@ci.portland.or.us](mailto:FowleA@ci.portland.or.us)

**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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 09-107538 DZ**  
**MINOR ROOFTOP ALTERATIONS TO THE ALEXAN APARTMENTS AT SOUTH  
WATERFRONT, PREVIOUSLY APPROVED THROUGH LU 05-164915 DZM**

**GENERAL INFORMATION**

**Applicant:** Sam Rodriguez, Trammell Crow Residential  
630 NW 10<sup>th</sup> Avenue  
Portland, OR 97209

Limited Partnership, Listed Owner  
630 NW 10<sup>th</sup> Avenue  
Portland, OR 97209

**Representative:** Michael Cline, Contact 503-245-7100  
Ankrom Moisan Associated Architects  
6720 SW Macadam Avenue, Suite 100  
Portland, OR 97219

**Site Address:** 0650 SW GAINES ST

**Legal Description:** TL 900 BLOCK 158 POTENTIAL ADDITIONAL TAX, CARUTHERS ADD  
**Tax Account No.:** R140914860  
**State ID No.:** 1S1E10DB 00900  
**Quarter Section:** 3430  
**Neighborhood:** South Portland NA., contact Jim Davis at 503-248-9820.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.  
**Plan District:** Central City - South Waterfront  
**Zoning:** Central Commercial (CXd)  
**Case Type:** Design Review (DZ)  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant seeks Design Review approval for minor rooftop alterations to a previously approved 22-story, mixed-use building in the South Waterfront District (LU 05-164915 DZM). The project includes retail, housing, and parking. The alterations proposed include the following:

- New rooftop mechanical units that include a stair pressurization fan on the mechanical penthouse and a trash chute exhaust fan.
- Relocation of the rooftop unit from inside the mechanical penthouse to the main tower rooftop. As a result, the open roof area of the mechanical penthouse has been reconfigured and is now located over the northern portion of the penthouse roof.
- Corrugated metal enclosure screening the elevator pressurization fan.

Exterior alterations to a property within a Design Overlay Zone require Design Review.

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

- 33.825 Design Review
- *South Waterfront Design Guidelines*
- *Central City Fundamental Design Guidelines*

## ANALYSIS

**Site and Vicinity:** The South Waterfront Block 39 Mixed-Use Development Project [rental apartments and retail] is located in the South Waterfront subdistrict of Portland's Central City. The full-block site is bound by SW Gaines Street to the north, SW Moody Avenue to the West, SW Bond Avenue to the East and SW Lane to the south. SW Gaines Street, is designated as an Enhanced Pedestrian Street. SW Lane is a designated Enhanced Green Accessway. SW Bond and Moody Avenues both classified as Major Transit Priority Streets and serve as Portland Streetcar alignments.

The South Waterfront District is the last major underdeveloped area within Portland's Central City. The area, which is the subject of the South Waterfront Plan [adopted 11-13-02], is a low-lying narrow stretch of land bounded on the east by the Willamette River and by the I-5 freeway on the west. Consisting of about 130 acres of land and 6,500 linear feet of riverfront, the plan area is largely occupied by vacant or underutilized industrial uses. This area is within the larger 409-acre north Macadam Urban Renewal Area. The South Waterfront Plan includes a vision, policies, objectives and action items that will, over the next 20 years, transform this area into a vibrant urban community integrated with the river environment. The strength of the plan's vision lies in large part in its aspirations to create a great new neighborhood that celebrates and embraces the riverfront. The Willamette River is the focal point for the plan, both physically and philosophically. This is evident throughout the plan's approach to its key components – the river front greenway; open spaces, including riverfront habitat areas and parks; the desired mix of uses; a pedestrian friendly urban form; landmark architecture; a multi-modal transportation network; and environmentally sensitive development that incorporates cutting edge green building and innovative stormwater management techniques. As the heart of Portland's Science and Technology quarter, South Waterfront is expected to be home to thousands of jobs and residences. A new street system and transit service will link the district to the downtown core [via bus and Streetcar], the OHSU on Marquam Hill [via Tram], and destinations beyond.

The Central District is anticipated to be the area that receives the initial redevelopment of South Waterfront. It is a 31-acre district. The area stretches from SW Gibbs to SW Lane, and SW Macadam to the greenway. Recent projects that have been presented to the Design Commission include: Block 25- OHSU building 1 [under construction], Block 30- The Meriwether Condos [under construction], Block 35- The John Ross Condominiums [under

construction], the Tram design, and the Greenway Concept Plan. A South Waterfront Urban Design Framework Plan, as requested by City Council, will begin in early Fall 2005.

**Zoning:** The Central Commercial Zone (CX) is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate that prior land use reviews include,

- PC 7550 approved adopted zoning changes recommended by the Macadam Corridor Study.
- LUR 01-00521 GW approved with conditions the construction of the West Side Combined Sewer Outfall Tunnel and Pipeline Project.
- DA 05-109260 involved design advice request for potential development of Block 39 with a 23-story apartment tower located on a five-story podium occupying the full block site.
- LU 05-164915 DZ approved a 22-story residential apartment tower and four modifications to development standards.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed on February 26, 2009. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services, *see Exhibit E.1 for additional information.*
- Bureau of Transportation Engineering
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 27, 2009**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

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

#### **Section 33.825.055 Design Review Approval Criteria**

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

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

### Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

### South Waterfront Design Goals

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

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

### South Waterfront Design Guidelines and Central City Fundamental Design Guidelines

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

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

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A4-1 Integrate Ecological Concepts in Site And Development Design.** Incorporate ecological concepts as integral components of urban site and development designs.

1. Juxtaposing ecologically-sensitive site designs with intensely urban buildings and site elements.
2. Integrating ecological landscape elements in site designs.
3. Developing special landscape environments.
4. Creating interior spaces within buildings that celebrate and take advantage of exterior environments.
5. Incorporating sustainable building practices or techniques into development designs.

**A4-2 Integrate Stormwater Management Systems in Development.** Integrate innovative stormwater management systems with the overall site and development designs.

1. Developing multifunctional stormwater management systems.
2. Celebrating the stormwater functions of typical building elements.
3. Considering the potential aesthetic functions of stormwater management systems.
4. Integrating recreational rooftop facilities.
5. Creating comprehensive systems that advertise and celebrate the building's stormwater.
6. Incorporating eco-roofs.

**C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings for A4, A4-1, A4-2, C4:** Unifying elements among the new development projects in South Waterfront include podium and tower development with eco-roofs and integrated rooftop mechanical enclosure elements. Eco-roofs on the building's podium and tower were approved through the previous design review (LU 05-164915 DZM). The new rooftop mechanical units, relocation of some previously approved rooftop units and the new mechanical enclosure around the stair pressurization fan will not impact the previously approved eco-roof area. Additionally, the new mechanical enclosure will consist of metal panels that match in color other metal elements on the building, as well as relate in material to other rooftop mechanical enclosures on the District.

*These guidelines are met.*

**C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

**Findings:** The previously approved building offers direct and framed views, to the River, City, West Hills, South Waterfront District, and the Macadam district and beyond. Large windows and decks are incorporated on all sides of the building. The building massing conforms to the regulations to maintain a view corridor along SW Gaines Street and will maintain select views from locations in the Lair Hill Neighborhood. The new rooftop enclosure for the elevator pressurization fan will not impede on views through the area.

*This guideline is therefore met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for C2, C5 and C11:** The only new architectural element being proposed is the rooftop enclosure for the stair pressurization fan. This screen will consist of corrugated metal, a quality and durable material that promotes a sense of permanence. Additionally, the metal color will match the color of other metal elements on the building, integrating the enclosure with the building architecture and reinforcing a coherent design. While the new enclosure is slightly taller the primary vertical brick mass of the tower, the enclosure's mass is much smaller and setback from the building edge. Therefore, this new element does not negatively impact the overall building design. The new rooftop mechanical equipment will be small in scale compared to the building mass, setback from the roof edges, and only visible from a distance. Thus, the proposed changes to the tower rooftop are integrated with the building architecture and will not negatively impact the surrounding area. *These guidelines are therefore met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans

submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The new rooftop mechanical enclosure and equipment and relocation of mechanical equipment respect the character of the previously approved building and blend into the surrounding district. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a new metal rooftop mechanical enclosure, new rooftop mechanical equipment and relocation of previously approved mechanical equipment on the Alexan Apartments in the South Waterfront Subdistrict of the Central City Plan District, per the approved plans, Exhibits C.1 through C.6, signed and dated March 23, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-107538 DZ. No field changes allowed."

Decision rendered by:  on March 23, 2009.

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 25, 2009**

**Staff Planner: Abigail Fowle**

**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 February 10, 2009, and was determined to be complete on **February 24, 2009**.

*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 February 10, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 8, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor.

**An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **April 9, 2009 – (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Roof Plan (attached)
  - 3. North Elevation (attached)
  - 4. East Elevation (attached)
  - 5. Mechanical Screen Details (attached)
  - 6. Mechanical Screen Cutsheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:



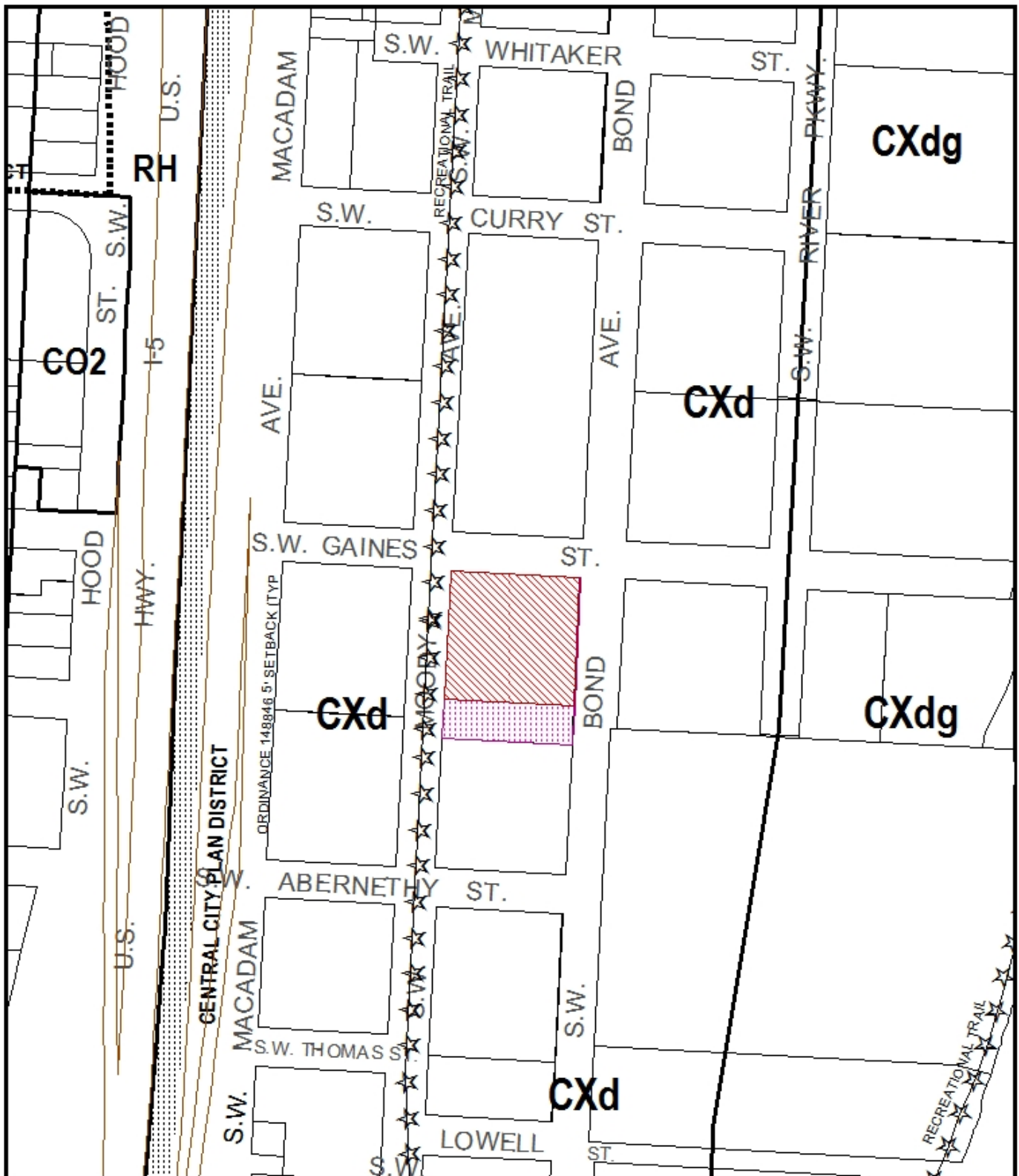
1. Bureau of Environmental Services

Correspondence: none

G. Other:

1. Original LU Application
2. Site History Research
3. Final Findings & Decision from LU 05-164915 DZM
4. Ecoroof Letter of Certification from LU 05-164915 DZM

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

-  Site
-  Also Owned



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 09-107538 DZ
1/4 Section	3430
Scale	1 inch = 200 feet
State_Id	1S1E10DB 900
Exhibit	B (Feb 11,2009)

# BLOCK 39

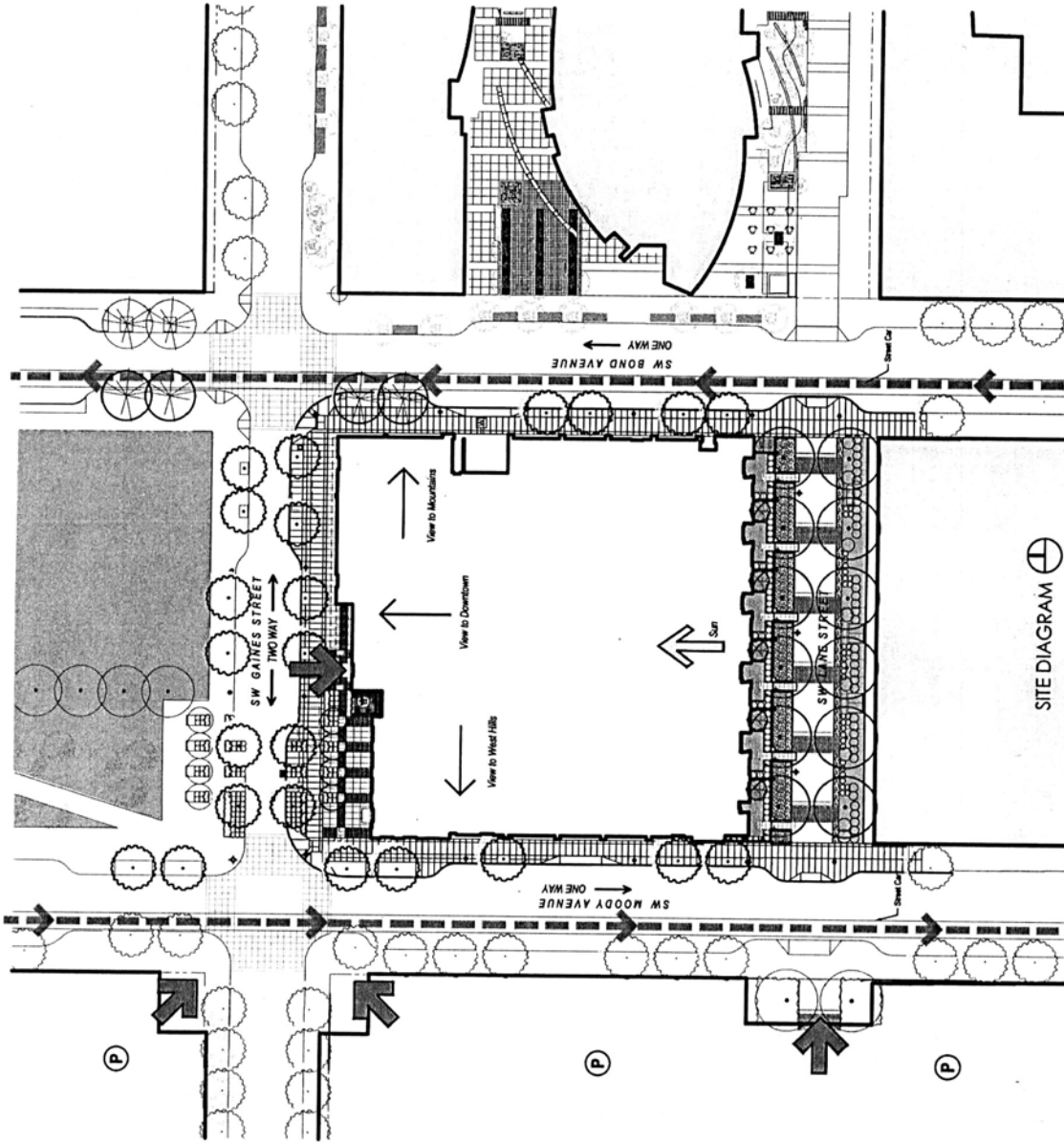
ALEXAN SOUTH WATERFRONT APARTMENTS

DESIGN REVIEW SUBMISSION

TRAMMELLCROW RESIDENTIAL  
ANKROM MOISAN ARCHITECTS

Ln 09-107538 DZ

Exh. C.1



SITE DIAGRAM

\*Approved\*

City of Portland - Bureau of Development Services

Planner *Angela R.* Date 3/23/09

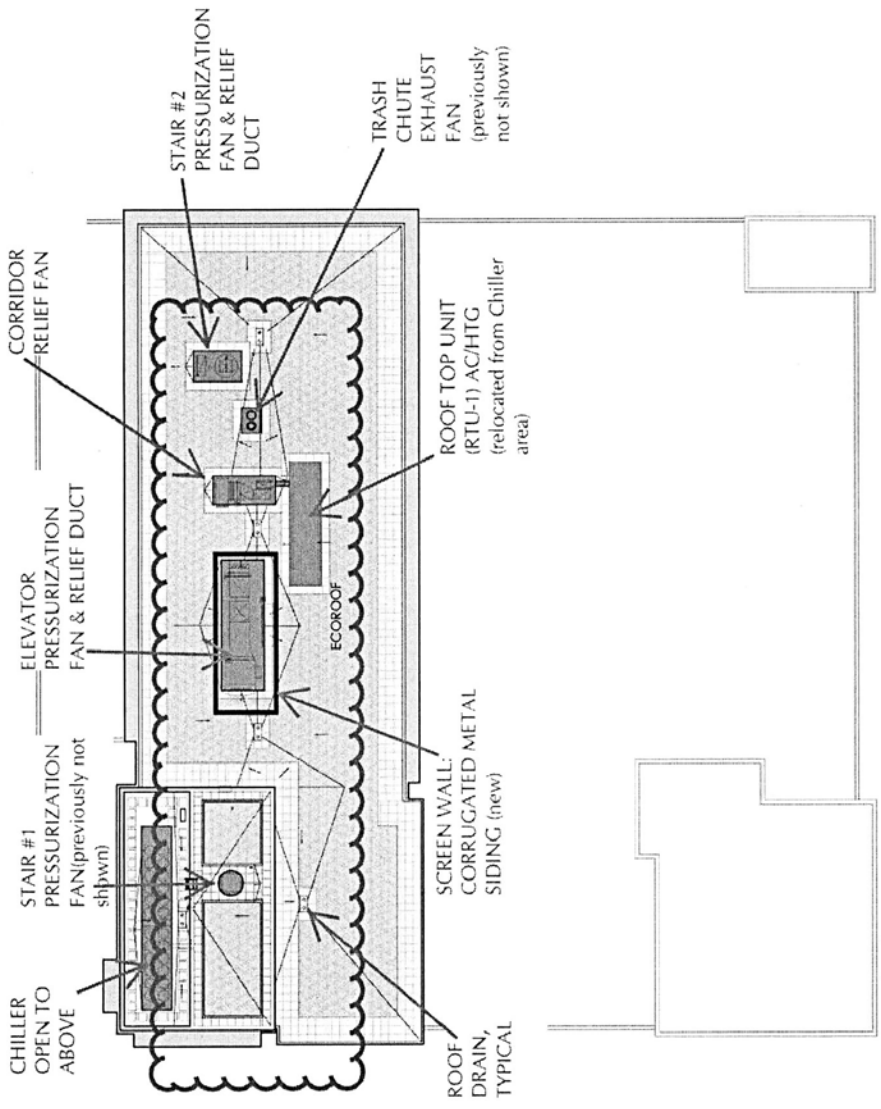
\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



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

Planner *Angie R* Date 3/23/05

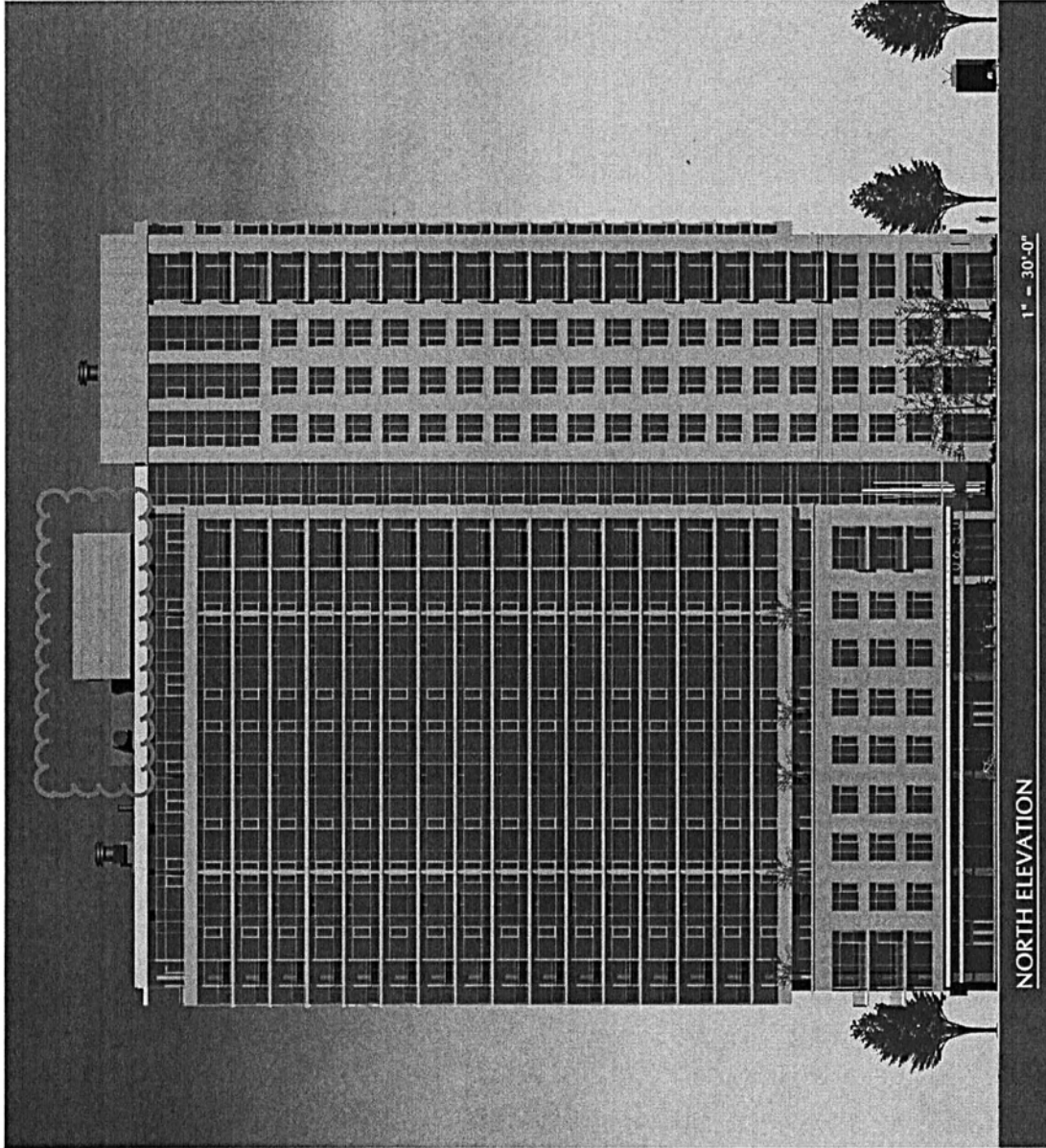
\* This approval applies only to the reviews requested on the conditions of approval. Additional zoning requirements may apply.



ROOF FLOOR PLAN

SCALE = 1" = 30'-0"

*Lu 09-107538 DZ*  
*Eyn. C.2*



NORTH ELEVATION

1" = 30'-0"

TRAMMELLCROW RESIDENTIAL  
ANKROM MOISAN ARCHITECTS

DESIGN REVIEW SUBMISSION

ALEXAN SOUTH WATERFRONT APARTMENTS

BLOCK 39

LU 05 164915 DZ  
EXHIBIT  
C-27 REVISED  
02-23-09

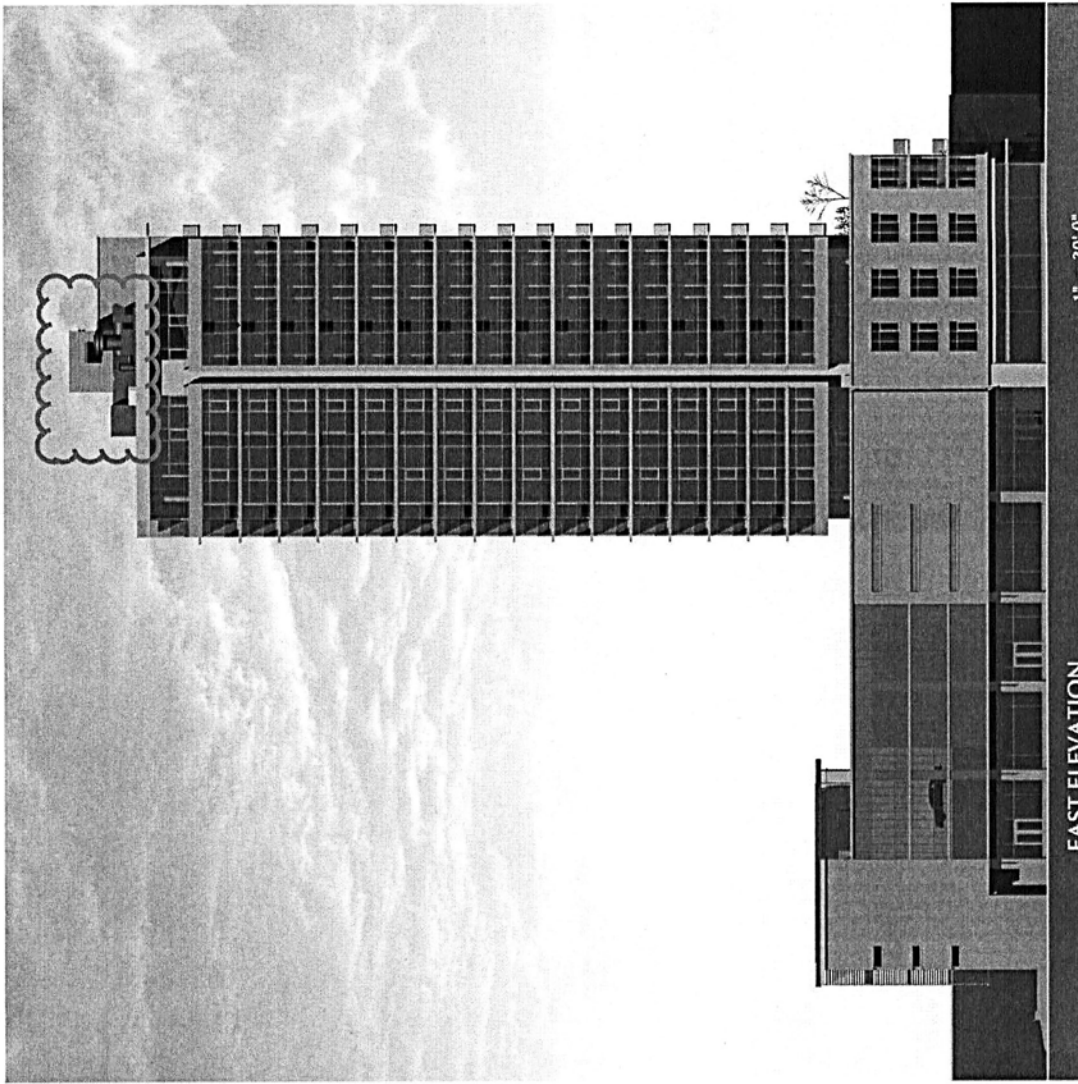
\*Approved\*

City of Portland - Bureau of Development Services

Planner [Signature] Date 3/23/09

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

Lu 09-167538 DZ  
Exh. C.3



LU 05-164915 DZ  
EXHIBIT  
C-36 REVISED  
02-23-09

**BLOCK 39**  
ALEXAN SOUTH WATERFRONT APARTMENTS

DESIGN REVIEW SUBMISSION

**TRAMMELLCROW RESIDENTIAL**  
ANKROM MOISAN ARCHITECTS

EAST ELEVATION

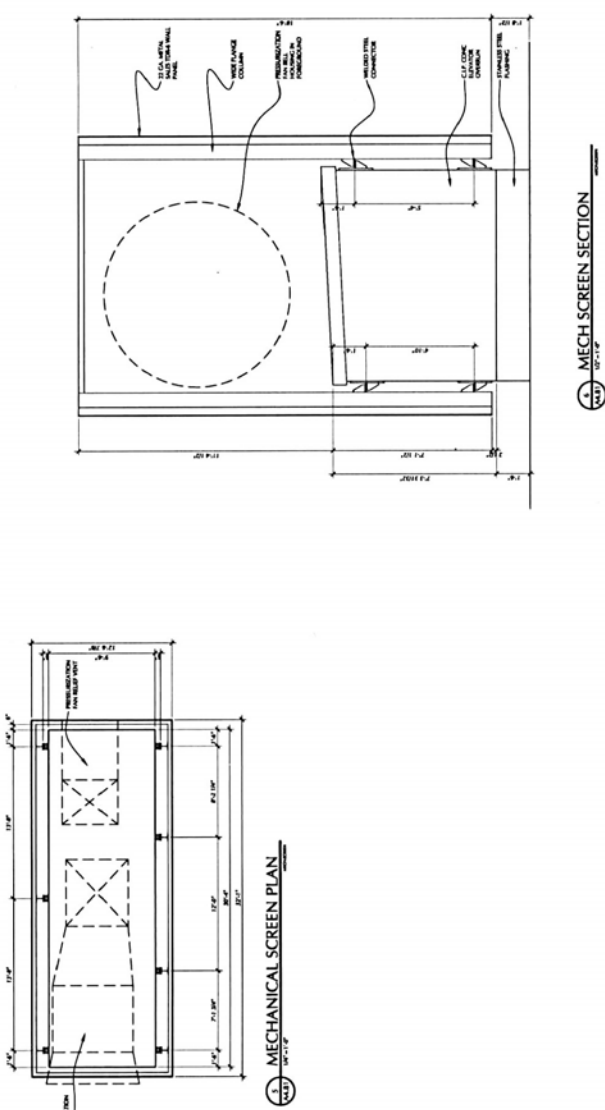
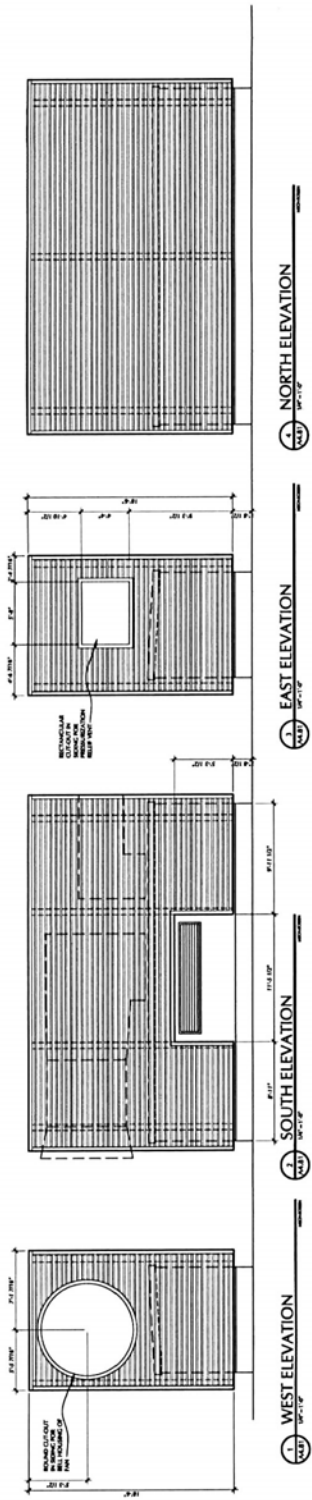
1" = 30'-0"

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

Planner *[Signature]* Date 3/23/09

\* This approval applies only to the reviews requested on this application. Additional zoning requirements may apply.

Lu 09-107538 DZ  
EGH-C.4



**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner *[Signature]* Date 3/23/09  
\* This approval applies only to the reviews requested on this application.  
conditions of approval. Additional zoning requirements may apply.

LU 09-107538 DZ  
EXH-C.5