



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

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Date: March 9, 2010
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@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 10-106338 DZ GW **WILLAMETTE WHARF BREEZEWAY**

GENERAL INFORMATION

Applicant: Mark Nye
Nye Architecture, LLC
2965 NW Cornell Road
Portland, OR 97210

Owner: Lucas Oregon Properties, LLC
PO Box 713
Point Reyes, Ca 94956-0713

Site Address: 4640 SW MACADAM AVE

Legal Description: TL 300 3.39 ACRES, SECTION 15 1S 1E
Tax Account No.: R991150710
State ID No.: 1S1E15BA 00300
Quarter Section: 3529
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: Macadam
Zoning: CSdg – Storefront Commercial with Design and Greenway overlays
Case Type: DZ GW – Design and Greenway Reviews
Procedure: Type II - administrative decision with appeal to the Design Commission.

Proposal:

Applicant seeks Design and Greenway Review approval to create a new entry to the Willamette Wharf Building by enclosing an existing opening in the center of the building at the ground level. The new entry area will include the following:

- New frameless glazed entry doors and side lites to match those in the current entry;
- New recessed soffit can lights; and
- Relocation of the existing bicycle rack to within 50 feet of the new entry doors.

Because this proposal is for exterior alterations to existing development in a design overlay zone, design review is required.

Relevant Approval Criteria:

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
- 33.440.350, Greenway Review Approval Criteria
- Macadam Corridor Design Guidelines
- Willamette Greenway Design Guidelines

ANALYSIS

Site and Vicinity:

The site is located in the Macadam Plan District. This is a more recently developed area south of the South Waterfront District, extending south to the Sellwood Bridge. The District is comprised of areas to the east and west of SW Macadam Avenue. The vicinity of the site contains a mix of uses, including commercial and residential structures. The buildings are of newer construction and typically are set back from the street with a campus-like character, often with surface parking between the building and road. The existing Willamette Wharf Building was constructed in 1979 as a two-story office complex made up of two buildings connected by a breezeway. The building is oriented to provide maximum views onto the greenway and Willamette River with greenway access located between the parking lot and the southwestern corner of the building.

According to the City of Portland Transportation System Plan, SW Macadam Avenue is designated a major city traffic street and a regional main street. SW Hamilton Court is classified as a local service bikeway. The Willamette River Greenway, located on the eastern perimeter of the site between the building and the river, is designated an off-street bike and pedestrian path.

Zoning: The Commercial Storefront (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The design (d) overlay zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

The Greenway overlay zone, designated as “g”, “i”, “n”, “q” or “r” is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro’s Title 3. The River General (g) overlay zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river’s natural and scenic qualities.

The site is designated as Metro Title 13 High Value Land.

Land Use History: City records indicate that prior land use reviews include the following:

- CU 026-79: Conditional Use to construct a two-story 42,000 SQ FT office building and private tennis court within the Willamette River Greenway

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 11, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Life Safety Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 11, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

Findings: The site is designated with design overlay zoning (d); therefore, all exterior alterations require design review. Because the site is located within the Macadam Corridor, the applicable criteria are the Macadam Corridor Design Guidelines.

Macadam Corridor Design Goals and Guidelines

The following goals are specific to the Macadam Corridor Design Zone:

- Create and improve connections, both physical and visual, between the river, Greenway Trail, Willamette Park and the residential community west of Macadam.
- Encourage opportunities for public use and enjoyment of the waterfront.
- Promote a quality of development in this scenic entry corridor to the Downtown that complements Macadam’s landscape treatment.
- Require excellence in design for projects within the Corridor, particularly by assuring that new development contributes to the formation of a rich and diverse mixture of uses and

styles in scale with each other.

- Add to the scenic qualities of the river and the Greenway Trail.
- Promote compatibility of new development with the river, surrounding uses, and the neighborhood.

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

Macadam Corridor Design Guidelines

1. Visual Connections: Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.

- Promote physical and visual contact between the river and the area west of Macadam Avenue.
- Orient buildings, which front Macadam Avenue to preserve views of the river, Willamette Park and the Greenway.
- Integrate the east and west sides of Macadam Avenue by creating views of the river which align with streets on the east side of Macadam.
- Take particular advantage of opportunities to create and protect views, which align with Southwest Texas, Florida, Pendleton, Idaho, Nebraska, Dakota and Hamilton Streets.
- Rooftops of buildings should be carefully designed to enhance views.
- Plant on-site trees, which will grow to a sufficient height to soften new development and screen parking areas while selecting species and planting locations, which enhance view corridors to the river.

Findings: The breezeway enclosure proposed for the Willamette Wharf Building will not alter the height or overall mass of the existing building, and thus views from SW Macadam Avenue to the river will not be altered. No existing view corridors cross the site, and therefore the proposal will not affect any view corridors. However, according to the City of Portland Scenic Resources Protection Plan, a designated scenic viewpoint on SW Seymour Street and Corbett Avenue, to the west of Interstate 5 does exist. No special height restrictions apply for scenic viewpoints; even so, the proposal will not affect the visual experience of the river from the viewpoint. Existing landscaping along the east façade adjacent to the main entrance will remain and includes large shade trees and other foundation plantings which soften the site's appearance and enhance views of the area. *This guideline is therefore met.*

2. Physical Connections: Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.

- Orient structures and parking areas to facilitate access for pedestrians between adjacent uses.
- Extend street tree planting west of Macadam.
- Reinforce connections for pedestrians between the Willamette River Greenway and Macadam Avenue.
- Provide safe, comfortable places where people can slow, sit and relax. Locate these places adjacent to sidewalks, walkways and the Greenway Trail.
- Provide sidewalks and pathways, through larger developments with landscaping which screens or separates these from parking and motor vehicle maneuvering areas.
- Provide walkways, which link parking areas to district-wide access systems for pedestrians.

Findings: The site does not abut SW Macadam Avenue, thus precluding the opportunity to create a direct physical connection between SW Macadam Avenue and the greenway. However, the proposal will maintain its existing physical connection to the Greenway Trail in this area. Existing landscaping between the building and parking lot will remain as will

the large shade trees between the building and the Greenway Trail. The new enclosed breezeway will also maintain the paved area and steps between the Greenway Trail and the building which serves as a place for people to enter the building as well as stop and rest. *This guideline is therefore met.*

3. The Water's Edge: Enhance the scenic qualities of the river and sites that abut the riverbank to contribute to an attractive and enjoyable Greenway Trail.

- Identify natural areas of the Willamette riverbank and preserve the natural qualities of these areas.
- Screen parking, loading and vehicular movement areas from the Greenway with rich landscape plantings.
- Locate buildings to protect access to sunlight on the Greenway Trail.

Findings: The proposed work has no impact on any adjacent natural areas. The existing building massing will not be altered and will not affect access to sunlight along this stretch of the Greenway Trail. The existing parking lot is located west of the building and is screened physically and visually from the Greenway Trail by the mass of the existing building and perimeter parking lot landscaping. *This guideline is therefore met.*

5. Sub-Area Context: Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.
- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings: In addition to the river frontage, the surrounding area includes the Avalon Hotel and Aquavit Restaurant directly to the north and a mix of low to mid-rise office buildings and surface parking lots located to the west. The improvements at Willamette Wharf Building breezeway, which include new frameless clear glass doors and sidelites, new interior ceiling and recessed can light fixtures, do not alter the massing and architectural qualities of the building and retain its complimentary relationship with neighboring developments by using similar materials as those already present in the building. The new breezeway enclosure is comprised of quality, long-lasting materials, including metal and glass, providing a sense of permanence to this new addition and blending into the existing color and materials palette already established at this location. No additional shadowing will occur on the Greenway Trail from this enclosure. *This guideline is therefore met.*

(2) GREENWAY REVIEW (33.440)

33.440.010 Purpose

The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance, and maintain the scenic qualities and natural habitat of lands along the river; and
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback.

33.440.350 Greenway Review Approval Criteria

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

Staff has considered all approval criteria and has addressed only those approval criteria considered applicable to this project.

- A. For all greenway reviews.** The Willamette Greenway Design Guidelines must be met for all greenway reviews.

Findings: *See Willamette Greenway Design Guidelines below.*

- E. Development within the greenway setback.** The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I or II wildlife habitat areas on the riverbank. Habitat rankings are found in the *Lower Willamette River Wildlife Habitat Inventory*.

Findings for Standard E: The eastern edge of the property extends partly into the greenway setback but no work is being done in this portion of the site so there is no impact on Rank I or II wildlife habitat areas. According to the *Lower Willamette River Wildlife Habitat Inventory*, the portion of the site containing the building and parking lot is in Zone 23.2b, a Rank IV/V wildlife habitat area. This is the lowest classification, and therefore the portion of the site containing the building and the proposed work does not provide significant wildlife habitat for wildlife, relative to other portions of the lower Willamette riverfront. *This criterion is therefore met.*

- F. Development riverward of the greenway setback.** The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;
2. The riverbank will be protected from wave and wake damage;
3. The proposal will not:
 - a. Restrict boat access to adjacent properties;
 - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - c. Interfere with fishing use of the river; or
 - d. Significantly add to recreational boat congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

Findings for Standard F: The property does not extend riverward of the greenway setback. *Therefore, this criterion does not apply.*

Willamette Greenway Design Guidelines

The purpose of the Willamette Greenway Design Guidelines is to help attain the goal and objectives of the Willamette Greenway Plan, particularly objectives 2, 3, and 4. The design guidelines address the quality of the environment along the river, and require public and private developments to complement and enhance the riverbank area, particularly with regard to riverbank treatment, landscape enhancement, public access, and the relationship of structures to the Greenway Trail, the siting and design of viewpoints, and the design of view corridors.

- A. Relationship of Structures to the Greenway Setback Area.**

- 1. Structure Design.** The Greenway setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to

support the pedestrian circulation system, including both the Greenway Trail and access connections.

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

Findings: The existing Willamette Wharf Building is sited to follow the natural curve of the Willamette River in this area. The breezeway enclosure will not alter the overall footprint or siting of the building which follows the established block pattern and maintains potential view corridors from existing public rights-of-way. The existing on-site pedestrian system allows access to the Greenway Trail at the southwest corner of the building. The proposed enclosure materials compliment the Greenway setback area by being clear and visually unobtrusive, allowing views through this portion of the building to and from the Greenway Trail. *This guideline is therefore met.*

B. Public Access

- 1. Public Access.** New developments should integrate public access opportunities to and along the river into the design of the project. This includes the Greenway Trail, formal viewpoints, access connections to the Greenway Trail, and internal site pedestrian circulation.
- 2. Separation and Screening.** The pedestrian circulation system, including Greenway Trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.
- 3. Signage.** Access connections should be clearly marked.
- 4. Access to Water's Edge.** Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water's edge is encouraged as part of the project.

Findings: Existing site connections to the Greenway Trail will remain in place as will landscape screening of the parking lot and on-site pedestrian circulation systems. No safe pedestrian access to the water's edge is available from this site. *This guideline is therefore met.*

C. Natural Riverbank and Riparian Habitat

- 1. Natural Riverbanks.** The natural riverbank along the Willamette River should be conserved and enhanced to the maximum extent practicable. Modification of the riverbank should only be considered when necessary to prevent significant bank erosion and the loss of private property, or when necessary for the functioning of a river-dependent or river-related use.
- 2. Riparian Habitat.** Rank I riparian habitat areas, as identified in the wildlife habitat inventory, should be conserved and enhanced with a riparian landscape treatment. Other riparian habitat should be conserved and enhanced through riparian landscape treatments to the maximum extent practical. Conservation however does not mean absolute preservation. Some discretion as to what vegetation should remain and what can be removed and replaced should be permitted. Riparian habitat treatments should include a variety of species of plants of varying heights which provide different food and shelter opportunities throughout the year.

Findings: No work is proposed along the riverbank or in riparian habitat. *Therefore, this guideline does not apply.*

D. Riverbank Stabilization Treatments

1. **Riverbank Enhancement.** Riverbank stabilization treatments should enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where practical. Areas used for river-dependent and river-related industrial uses are exempted from providing public access.

Findings: No work is proposed at the riverbank. *Therefore, this guideline does not apply.*

E. Landscape Treatments.

1. **Landscape Treatments.** The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition between a riparian treatment on the riverbank and a more formal treatment of the upland.
2. **Grouping of Trees and Shrubs.** In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas of human use, and has the secondary value of increasing the value of the vegetation for wildlife.
3. **Transition.** The landscape treatment should provide an adequate transition between upland and riparian areas, and with the landscape treatments of adjacent properties.

Findings: No new landscaping is proposed and all existing landscaping will remain. *Therefore, this guideline does not apply.*

F. Alignment of Greenway Trail

1. **Year-Round Use.** The Greenway Trail should be located so as to be open for public use year round. The trail may be constructed along the top of bank, on a floating platform, or in a series of tiers adjacent to the river, provided that at least one of these levels will remain unsubmerged.
2. **Habitat Protection.** The Greenway Trail should be routed around smaller natural habitat areas to reduce the impact on the habitat area.
3. **Alignment.** The Greenway Trail alignment should be sensitive to and take advantage of topographical and environmental features of the site, views of the river, existing and proposed vegetation, and sunlight.

Findings: No changes are proposed for the existing Greenway Trail. *Therefore, this guideline does not apply.*

G. Viewpoints

1. **Design.** Viewpoints should be designed as safe, comfortable resting places to view the river, a scenic area, or an activity. Each viewpoint should be relatively small in size and have a hard surface. It is preferable to design the space using an identifiable configuration, such as a square or semi-circle. In addition, vegetation can be used to shape and define the viewpoint, provide a sense of enclosure, and to frame a view. Well-defined edges help to identify these places and make them more attractive.
2. **Facilities.** Each viewpoint should be provided with seating. Consideration should also be given to providing other equipment to facilitate short duration stops, such as ornamental and drinking fountains, garbage containers, interpretative signs, kiosks, and the provision of public art.
3. **Access to Water's Edge.** Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, viewpoints located adjacent to the river should provide for pedestrian access to the river.
4. **Relationship to Trail.** Viewpoints developed in conjunction with the trail should be adjacent to the trail but designed to create a separate identity. It is preferable to locate viewpoints between the trail and the river.

Findings: No viewpoints occur on this site. *Therefore, this guideline does not apply.*

H. View Corridors

- 1. Right-of-Way Protection.** View corridors to the river along public-rights-of-way are to be protected. These rights-of-way should not be vacated.
- 2. View Protection.** Buildings, structures, or other features must be located to avoid blocking view corridors.
- 3. Landscape Enhancement.** Landscape treatments within view corridors should frame and enhance the view of the river.

Findings: No existing view corridors occur on this site. *Therefore, this guideline does not apply.*

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 purpose of design review is to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The purpose of greenway review is to promote the conservation, enhancement, and maintenance of the scenic and natural habitat of lands along the Willamette River. The proposed exterior alterations to the Willamette Wharf Building are compatible with the existing building, sensitive to the surrounding natural environment, and do not adversely affect the experience of the Greenway Trail. The proposal meets the design and greenway review approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

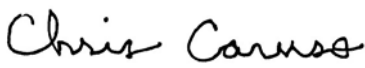
Design Review and Greenway Review approval for a new entry to the Willamette Wharf Building in the Macadam Plan District that will be created by enclosing an existing opening in the center of the building at the ground level. The new entry area will include the following:

- New frameless glazed entry doors and sidelites to match those in the current entry;
- New recessed soffit can lights; and
- Relocation of the existing bicycle rack to within 50 feet of a main entry.

Approved per the approved site plans, Exhibits C-1 through C-9 signed and dated March 5, 2010, 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.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-106338 DZ GW. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on March 5, 2010.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 9, 2010

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 26, 2010, and was determined to be complete on **February 9, 2010**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 26, 2010.

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. Unless further extended by the applicant, **the 120 days will expire on: June 10, 2010**.

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 March 23, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the 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 **March 24, 2010 – (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;

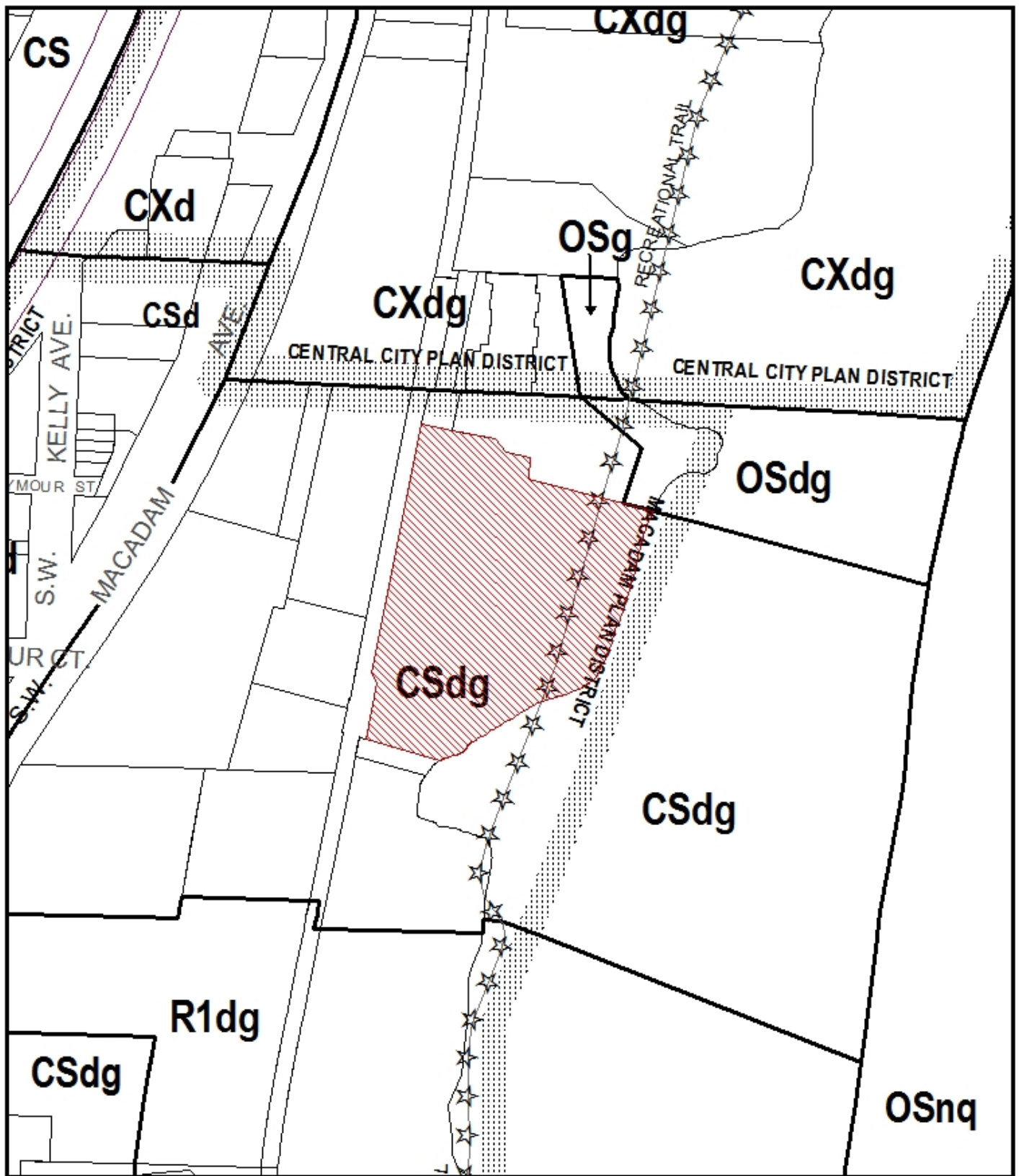
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Conditions
 - 3. Floor Plans
 - 4. Demo Plan
 - 5. Reflected Ceiling Plan
 - 6. Floor Plan (attached)
 - 7. Elevations (attached)
 - 8. Details
 - 9. Code Summary
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: no concerns
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. CU 26-79
 - 4. CU 26-79 excerpt
 - 5. Site photos

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



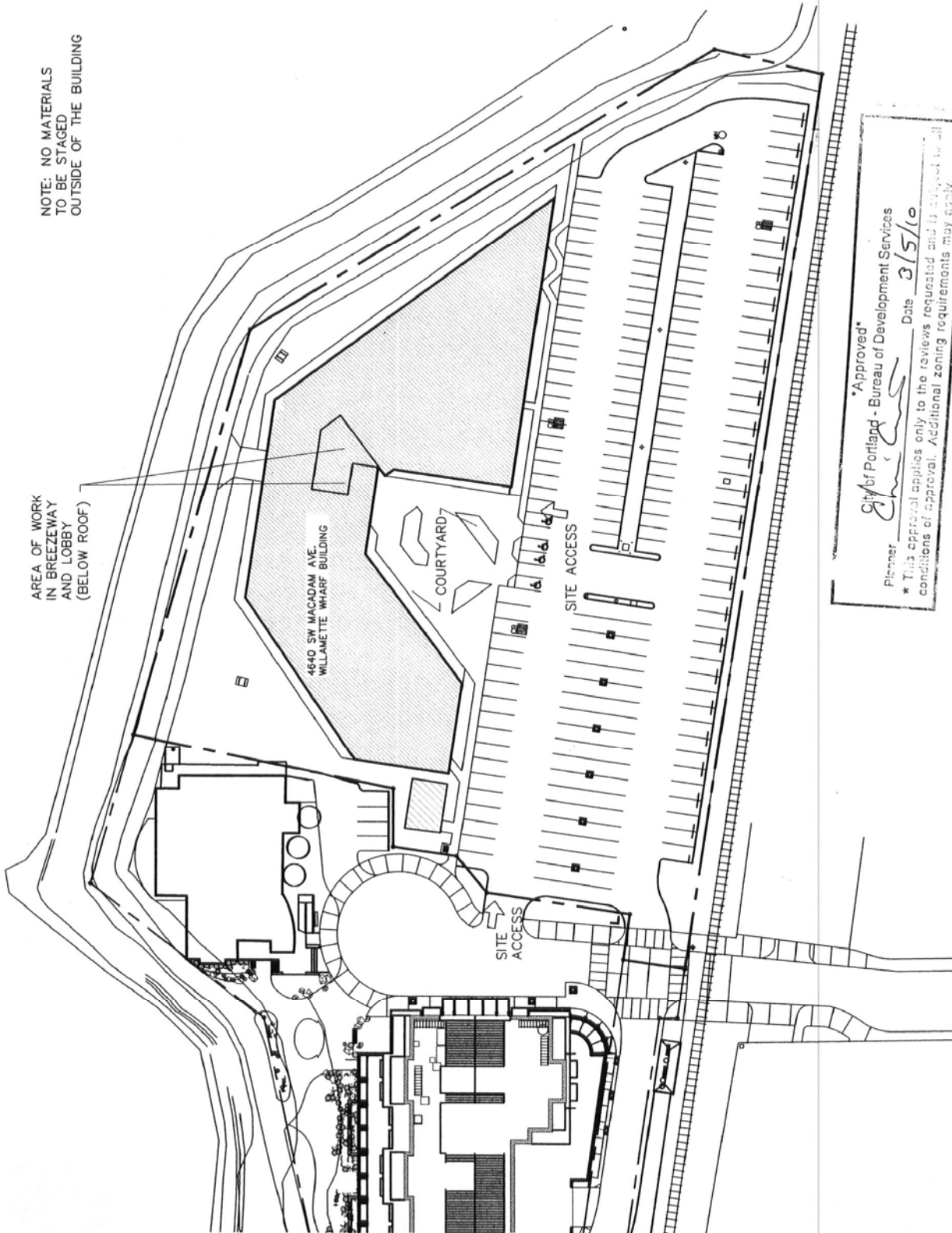
NORTH

This site lies within the:
MACADAM PLAN DISTRICT

File No. LU 10-106338 DZ,GW
1/4 Section 3529,3530
Scale 1 inch = 200 feet
State_Id 1S1E15BA 300
Exhibit B (Jan 27,2010)

NOTE: NO MATERIALS
 TO BE STAGED
 OUTSIDE OF THE BUILDING

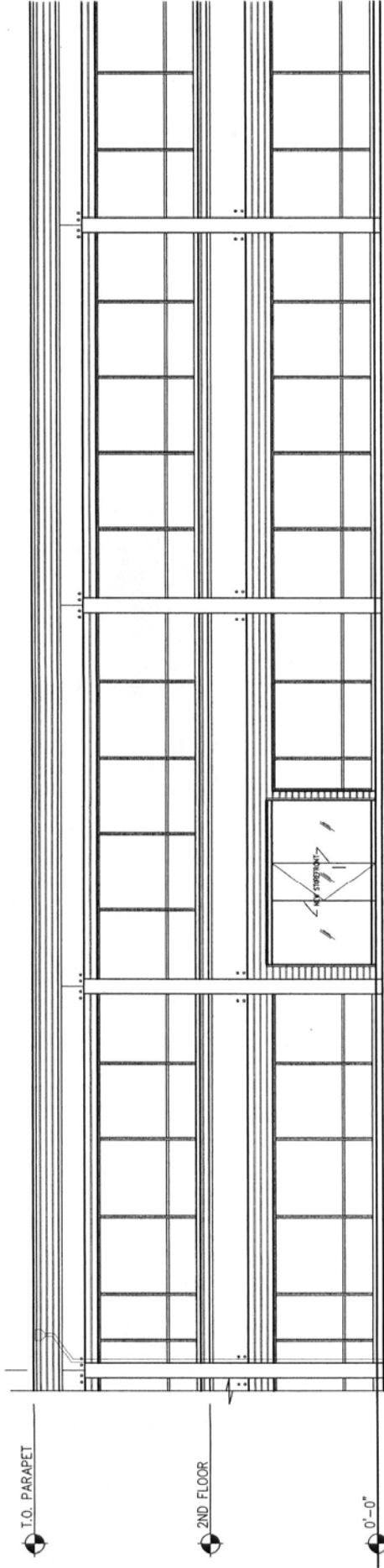
AREA OF WORK
 IN BREEZEWAY
 AND LOBBY
 (BELOW ROOF)



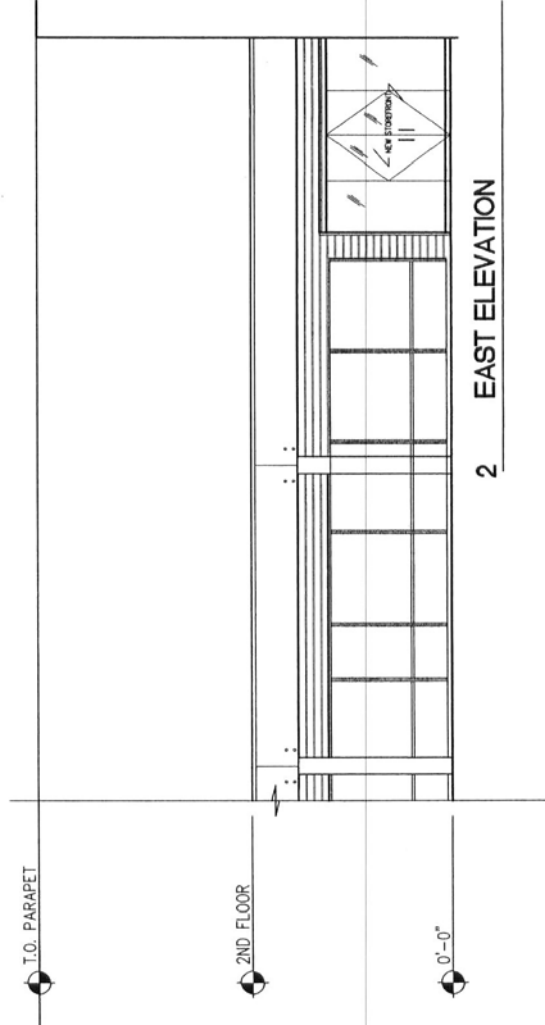
PROJECT: **Willamette Wharf**
 DATE: 01.20.10 SCALE: 1" = 40'-0"
 SKETCH TITLE:
 SITE - PROPOSED DEVELOPMENT
 SKETCH NUMBER

SK-A01
 LMO-106338 DZ GW EXH C-1
 © Nye Architecture LLC

Approved
 City of Portland - Bureau of Development Services
 Planner: *[Signature]* Date: 3/5/10
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 WEST ELEVATION



2 EAST ELEVATION



PROJECT:
Willamette Wharf
 DATE: 01.20.10 SCALE: W - 1/4"
 SKETCH TITLE:
ELEVATIONS
 SKETCH NUMBER:

SK-A02
 LU10-106338 DZ Gw EXH. C-7
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