



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

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Date: May 16, 2013
To: Interested Person
From: Mark Walhood, City Planner
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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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 13-120270 DZ – MOODY MIXED-USE SIDING & PLANTERS

GENERAL INFORMATION

Applicant: Gary Blackwell / ZGF Architects LLP
1223 SW Washington St., Suite 200 / Portland, OR 97205

Owner: Bridge District Holdings LLC / Attn.: Matt French
3121 SW Moody Ave. / Portland, OR 97239

Developer: Jonathan Ledesma / Project Ecological Development
413 SW 13th Ave., #300 / Portland, OR 97205

Site Address: 3155 SW MOODY AVE

Legal Description: BLOCK 101 LOT 1-4 TL 100, CARUTHERS ADD; BLOCK 119 LOT 1&2 EXC PT IN ST, CARUTHERS ADD; BLOCK 119 LOT 3&4 EXC PT IN ST, CARUTHERS ADD; BLOCK 101 LOT 1-3&5&6 TL 11400, CARUTHERS ADD; BLOCK 101 TL 11500, CANCEL ACCOUNT / CARUTHERS ADD, BLOCK 101 TL 11500; BLOCK 119 LOT 5-8 TL 11600, CARUTHERS ADD

Tax Account No.: R140910080, R140911250, R140911270, R140911250, R140910100, R140910110, R140911290

State ID No.: 1S1E10BD 00100, 1S1E10BD 00200, 1S1E10BD 00300, 1S1E10BD 00200, 1S1E10BD 11400, 1S1E10BD 11500, 1S1E10BD 11600

Quarter Section: 3329

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.

Business District: South Portland Business Assoc, Kevin Countryman at 503-750-2984.

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Zoning: **CXd** (Central Commercial base zone with Design overlay zone), **Central City Plan District/South Waterfront Subdistrict**

Case Type: **DZ** (Design Review)

Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

PROPOSAL: The applicant is in the process of constructing a new seven-story apartment building with ground-floor retail in the South Waterfront district. The project is identified by

the applicant as the Moody Avenue Mixed-Use project, and is located at the corner of SW Moody and SW Grover, directly abutting the Ross Island Bridge to the north.

The project was originally approved in 2012 through case file LU 12-118988 DZM. The applicant is proposing two changes to the building design as approved in this earlier case:

- Changing the vertical non-combustible board siding (Resysta) on the exterior of the building to dark, standing seam metal paneling of variable widths (4", 6", 8" and 12" nominal widths); and
- Changing the exposed structural walls for three stormwater planters at ground level along the SW Moody Avenue lot line from weathering steel plate (Corten) to exposed cast-in-place concrete.

The siding change occurs on the north, west, and portions of the south and east elevations, with the primary siding remaining corten steel on the bowed east façade and wrapping the southeast corner. The metal panel siding will still be applied to the same furred rain screen wall assembly that provides for a sloping, shingled effect at the parapet and each floor. New concrete planter walls along Moody, unlike the earlier metal design, will provide for a sittable ledge because of their thickness. The building massing, window types and placement, and ground floor conditions remain as previously reviewed and approved.

Due to the scope of the proposed changes and location in the central city, the proposal triggers a Type II Design Review.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- The *Central City Fundamental Design Guidelines*; and
- The *South Waterfront Design Guidelines*.

ANALYSIS

Site and Vicinity: The site is a full block parcel of irregular shape, located on the west frontage of SW Moody Avenue, bound by SW Grover Street to the south, and by the Ross Island Bridge on the north. The site is currently under construction for a new seven-story mixed-use building with apartments above ground-floor retail. The site is in a transitional area just north of the grouping of newer medical and residential towers in the South Waterfront District, which begins approximately two blocks to the south. The Zidell Marine ship yard is directly across SW Moody Avenue to the east of the site. Immediately to the north is an unimproved gravel and weedy area framed by the support piers for the Ross Island Bridge, whose main deck rises approximately 70 to 80 feet above the the grade at SW Moody Avenue.

The abutting right-of-way in SW Moody has recently been upgraded with full right-of-way improvements, including a paved two-way roadway, curbing, and sidewalks. On the west frontage of SW Moody adjacent to the site, there is a weaving and separated bike path and pedestrian walkway zone, creating an extra-deep paved area between the site and the streetcar tracks and roadway. New street lights, street signs, vegetated stormwater planters, decorative brick paving within the concrete, and painted identification symbols for the walkway versus bikeway complete the adjacent right-of-way improvements in SW Moody.

Zoning: The Central Commercial (CX) base zone 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 Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation

Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

Land Use History: City records indicate four prior land use reviews at the site:

- *PC 7550* was a large legislative zone change by the Planning Commission in 1985, changing the zoning for a large area as a result of the Macadam Corridor Study;
- *LU 11-178242 LDS* is a 17-parcel subdivision application that was withdrawn in September, 2012, and which is now void;
- *LU 12-118988 DZM* is the recently-approved Design Review with Modifications to approve the mixed-use apartment building on the site, including Modifications to setbacks and required building lines along SW Moody and an Oriel Window Exception; and
- *LU 12-160459 DZ* is another recently-approved Design Review, required by the prior 2012 case noted above, for the non-standard improvements in the SW Grover right-of-way.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 21, 2013**.

The following Bureaus have responded with no issues or concerns:

- The *Life Safety Section of the Bureau of Development Services* responded with the comment that a revision permit is required for the proposed work to an issued permit 12-149959 CO. Please refer to correspondence from the Life Safety plans examiner who reviewed and approved this permit for building code-related issues. Exhibit E.1 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 21, 2013. 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 the South Waterfront 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.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase “g”. These design guidelines focus on the area roughly between the facades of buildings facing the river and the water’s edge.

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.

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

Findings for A4, A4-1 & A4-2: For the material change in the at-grade planters on the ‘porch’ abutting SW Moody, the revised planter design with concrete will still provide for a visual showcase of on-site stormwater management, with the planters filling up during heavy rain events. The planter size, height, and location remain unchanged and still maintain a strong visual connection with tenants, restaurant and retail patrons, and passersby alike. The planters remain well-integrated with the design and geometry of the ‘porch’ breaking up the low-slung stairs from SW Moody, and creating a raised boundary for the angled ramp that connects the ‘porch’ to the southeast corner of the site. The stormwater planters continue to be an attractive feature for the project, similar to other raised stormwater planters found throughout the South Waterfront district. *Therefore, these guidelines are met.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

Findings: The top of the new planter walls, because of the concrete thickness, will serve as an additional space for people to stop and sit. This helps to further enrich the ‘front porch’ experience in the project along SW Moody, creating additional opportunities for people to gather, interact, and enrich the public realm. *Therefore, this guideline is 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.

Findings for C2 and C5: The replacement of the board siding with a standing seam metal siding as the building skin material is a significant skin change, as it covers the majority of the south, west, and north building facades above the first floor. The dark-colored metal will still be placed on the same furred rain screen assembly that allows the siding material to slope across the floor-to-floor height of 10'-1", creating a shingling effect. The material will be applied with a custom 0'-3/4"-wide batten that projects 0'-1 1/2" from the back plane of the metal panel, creating shadow and texture in the façade. For the majority of the façade where the metal siding will be applied, the metal panel will be in varying widths with battens 0'-4", 0'-6", 0'-8" and 1'-0" from each other. In one area in the south façade, within the enframed projecting steel element near the corner, the battens will be evenly spaced 0'-4" from each other, in keeping with a comparable wood panel appearance on the original building, with consistent versus staggered vertical patterns in the material.

Standing seam metal is a durable, quality material, and is being applied on regularly-spaced rain screen furring strips, eliminating the potential for warping or oil-canning in the material itself. Standing seam metal is also found elsewhere in the South Waterfront district on newer buildings and older industrial structures. The dark, eggshell gloss of the material will provide an attractive contrast to the rust-colored matte weathering steel material found on the primary (SW Moody) street façade. The overall building design will remain integrated and coherent, with well-considered and durable materials, and provide a welcome addition to the district. *Therefore, these guidelines are 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 ensure the enhancement and continued vitality of areas of the city with special scenic, architectural, or cultural value. The changes proposed to the Moody Avenue Mixed-Use project are consistent with the original design concept for the building, while providing additional seating opportunities on the 'front porch' abutting SW Moody, and a significant upgrade for one of the two primary siding materials. The relevant design guidelines have been satisfied, and therefore the request should be approved.

ADMINISTRATIVE DECISION

Approval of Design Review, in the South Waterfront subdistrict of the Central City plan district, for exterior changes to the previously-approved design for the Moody Avenue Mixed-Use project, including the following specific changes:

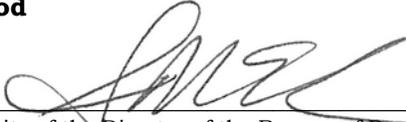
- Changing the vertical non-combustible board siding (Resysta) on the exterior of the building to dark, standing seam metal paneling of variable widths (4", 6", 8" and 12" nominal widths), with one section on the south façade of consistent 4" widths, including a custom 3/4"-wide batten that projects 1-1/2" from the back plane of the metal panel; and

- Changing the exposed structural walls for three stormwater planters at ground level along the SW Moody Avenue lot line from weathering steel plate (Corten) to exposed cast-in-place concrete.

The above approval is granted based on the approved plans and drawings, Exhibits C.1 through C.9, all signed and dated May 10, 2013, and subject to the following condition:

- 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 13-120270 DZ. No field changes allowed."

Staff Planner: Mark Walhood

Decision rendered by:  **on May 10, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 16, 2013

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 26, 2013, and was determined to be complete on **March 19, 2013.**

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 26, 2013.

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 July 18, 2013.**

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 May 30, 2013** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 **May 31, 2013**.
- 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.

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 Statements
 1. Original application narrative, including photo material comparisons and material samples
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site plan (attached)
 2. East-facing stormwater planters (attached)
 3. East and west building elevations (attached)
 4. North and south building elevations (attached)
 5. Enlarged elevations and wall sections
 6. Enlarged elevations and wall sections
 7. Exterior details
 8. Exterior details
 9. Large, scalable plan set matching C.1-C.8
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Section of BDS
- F. Correspondence:
 1. *(none received at time of decision mailing)*
- G. Other:
 1. Original LU Application

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).

