



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: June 22, 2012
To: Interested Person
From: Mark Walhood, City Planner
503-823-7806

FINAL DECISION BY THE DESIGN COMMISSION
RENDERED ON June 7, 2012

CASE FILE NUMBER: LU 12-118988 DZM
MOODY AVENUE MIXED-USE

GENERAL INFORMATION

Applicant: Jonathan Ledesma / Project Ecological Development
413 SW 13th Ave, Ste 300 / Portland, OR 97205

Architect: Nat Slayton / ZGF Architects LLP
1223 SW Washington St., Suite 200 / Portland, OR 97205

Property Owner: Z R Z Realty Company / Attn.: Matt French
3121 SW Moody Ave / Portland, OR 97239-4500

Site Address: NW corner at intersection of SW Moody Ave and SW Grover St

Legal Description: BLOCK 101 LOT 1-4 TL 100, CARUTHERS ADD; BLOCK 101 LOT 1-3&5&6 TL 11400, CARUTHERS ADD; BLOCK 101 TL 11500, CARUTHERS ADD

Tax Account No.: R140910080, R140910100, R140910110

State ID No.: 1S1E10BD 00100, 1S1E10BD 11400, 1S1E10BD 11500

Quarter Section: 3329

Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.

Business District: South Portland Business Assn, 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**

Case Type: **DZM** (Design Review with Modifications and an Exception)

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

Proposal: The Moody Avenue Mixed-Use project is a proposed seven level mid-rise apartment building to be located at SW Grover Street and SW Moody Avenue in the South Waterfront. The ground floor will include a residential lobby, retail spaces, building support spaces, and parking for bicycles. Two retail spaces on the ground floor will be designed to accommodate restaurants: one on the south end of the building, and one on the north. The upper six levels will include apartments with a common residential lounge on the second floor. The second floor lounge and the adjacent east-facing apartments will have access to a roof terrace built

over the retail podium.

All stormwater will be treated on site per BES regulations through a combination of flow-through planters and swales. The stormwater elements will be designed as intentional landscape features, especially on the east and west edges of the building at grade.

In the future, the applicant will seek to engage the adjacent space under the Ross Island Bridge by creating an outdoor terrace area for the restaurant and retail programs. The adjacent right-of-way in SW Grover will also be designed as a privately-maintained public street. The applicant will seek preliminary feedback on design concepts at the hearing in this case, but return for formal consideration of the right-of-way improvements in SW Grover and under the bridge through a future Type II Design Review. The SW Moody Avenue frontage abutting the site was recently improved with a new roadway, streetcar tracks, and combination bike and pedestrian corridor on the west side of the roadway, directly adjacent to the site.

The exterior of the building features metal panel and rainscreen systems with vinyl frame windows and metal window surrounds on the upper floors. The second floor terrace includes a painted metal bar guardrail. At the ground floor the building exterior is almost all clear glazing with metal storefront window systems and doors, with tongue-in-groove wood paneling and exposed concrete columns. A loading bay with a metal coiling access door is provided on the south elevation, facing SW Grover Street, and metal panel louvering is proposed at various locations on the building. A painted steel canopy with a wood decking soffit extends out from the street-facing ground floor walls, providing some sun and rain protection. Screened mechanical enclosures rise above the rooftop behind a perimeter parapet, and the majority of the roof is developed as an eco-roof.

The applicant has requested two modifications to development standards, and an exception to allowed extensions into the right-of-way for buildings. At the ground level facing Moody, the ground floor spaces are somewhat angled to and pulled back from the street, with a broad terrace area and steps between the building and the SW Moody sidewalk improvements. Also, the northeast and southeast corners of the building include angular, 'prow-like' extensions into the right-of-way at the upper floors that exceed maximum length allowances for such extensions. As proposed, the applicant has requested the following additional reviews:

- A **Modification through Design Review** to the **Maximum Transit Street Setback** standard of the CX base zone, which requires 100% of the ground floor façade to be within 10' of the street along SW Moody (33.130.215.C.2.e). As proposed, only about 8% of the building along Moody is within 10'-0" of the street lot line;
- A **Modification through Design Review** to the **Special Required Building Lines for South Waterfront**, which requires that at least 75% of the building walls be within 12'-0" of the street lot line along SW Moody (33.510.215.D.2). As proposed, only about 23% of the building along Moody is within 12'-0" of the street lot line; and
- An **exception to 3202.3.2, Window Projections into the Public Right-of-Way**, which limits the length of projections into the right-of-way to a maximum dimension of 12'-0" wide. As proposed, the building includes one projecting wall at 29'-1" wide, and another at 16'-0" wide. **NOTE:** In response to concerns raised by Portland Transportation, the applicant has revised the façade treatment of the projecting elements to comply with the minimum window requirements, whereby each main façade includes between 30% and 40% of the façade area in windows, and at least 10% of the side wall area in windows. With these revisions, the only exception requested is to the length of the projecting bays.

Because of the project valuation and location, a Type III Design Review is required.

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

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 March 22, 2012.

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 August 29, 2012.**

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on July 6, 2012** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center Tuesday through Friday until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case at our office, 1900 SW Fourth Avenue, Suite 5000, Portland Oregon, 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor.

Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **July 9, 2012**.
- 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Mark Walhood
June 20, 2012

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).

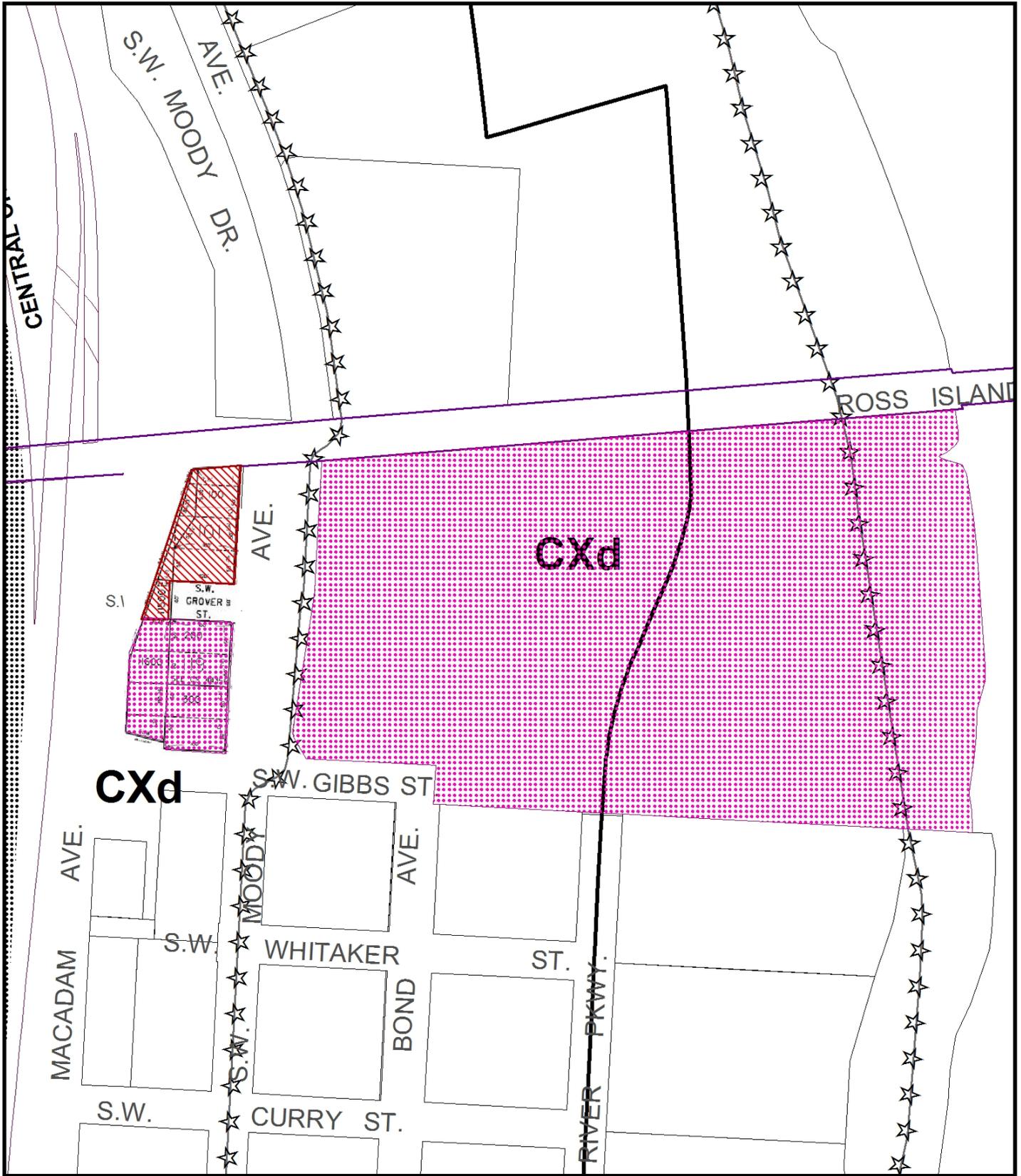
EXHIBITS – NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:

1. Final written narrative with project overview and design guideline narrative, received May

- 24, 2012
2. Final Section 5/appendix, including ROW projections diagram, SW Grover St. Concept Drawings, and project schedule
3. Final, revised stormwater report, forwarded from BES staff on May 24, 2012
4. Second round stormwater report and cover letter, received May 1, 2012
5. April 27, 2012 plan set – NOT APPROVED – reference only
6. April 27, 2012 cover letter to staff and property acquisition deeds for R646476 and R646475
7. First round stormwater report, received May 27, 2012
8. Original cover letter and plan set – PLANS NOT APPROVED – reference only
- B. Zoning Map (**attached**):
- C. Plans & Drawings:
 1. Utility Plan
 2. Planting Plan (**attached**)
 3. Site Plan
 4. Site Lighting Plan, including notation that three (3) S4 floodlights are not approved
 5. Floor Plan – Level 1
 6. Floor Plan – Level 2 (**attached**)
 7. Floor Plan – Level 3
 8. Floor Plan – Level 7
 9. Roof Plan
 10. East and West Elevations (**attached**)
 11. North and South Elevations (**attached**)
 12. Enlarged Elevations and Wall Sections
 13. Enlarged Elevations and Wall Sections
 14. Enlarged Elevations and Wall Sections
 15. Enlarged Elevations and Wall Sections
 16. Enlarged Elevations and Wall Sections
 17. Rooftop Enclosure Sections and Elevations
 18. Exterior Details
 19. Exterior Details
 20. Exterior Details
 21. Exterior Details
 22. Mechanical Equipment Cut Sheet Package – 12 pages total
 23. Color Utility Plan
 24. Color Site Plan
 25. Color Ground Level Plan
 26. Color Level 2 Plan
 27. Color Levels 3-6 Typical Plan
 28. Color Level 7 Plan
 29. Color Roof Plan
 30. Color Section Looking North
 31. Color Section Looking West
 32. Color East Elevation
 33. Color West Elevation
 34. Color South Elevation
 35. Color North Elevation
 36. Color Rendering – View Looking Northwest
 37. Color Rendering – View Looking Southwest
 38. Color Rendering – View Looking South
 39. Large, Scalable Plan Set Matching C.1 through C.21
- D. Notification information:
 1. Request for response
 2. Posting information and notice as sent to applicant
 3. Applicant's statement certifying posting
 4. Mailing list and public hearing notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Development Review Section of Portland Transportation
 3. Water Bureau

4. Urban Forestry Division of Portland Parks and Recreation
 5. Life Safety Section of the Bureau of Development Services
 6. Portland General Electric
- F. Letters:
1. *(none received at time of staff report mailing)*
- G. Other:
1. Original LUR Application Form and Receipt
 2. Site History Research
 3. Incomplete Letter from staff to applicant, sent April 12, 2012
 4. Request for Completeness documents
 5. Pre-Application Conference Summary Notes – EA 12-107785 PC
- H. Hearing Exhibits
1. Staff Report and Recommendation
 2. Staff Powerpoint Presentation
 3. Discussion Sheet for Commissioners
 4. Letter from PGE, received May 21, 2012
 5. Applicant Powerpoint Presentation from Hearing
- cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
Development Services Center



ZONING

-  Site
-  Also Owned



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 12-118988 DZM
 1/4 Section 3329
 Scale 1 inch = 200 feet
 State_Id 1S1E10BD 100
 Exhibit B (Apr 19,2012)

