



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

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

CASE FILE: LU 12-212602 DZM GW AD, Riverscape Apartments
WHEN: Wednesday June 12th, 2013 @ 3:00 p.m.
WHERE: COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

Date: May 22, 2013
To: Interested Person
From: Mark Walhood, City Planner, 503-823-7806

A public hearing will be held to consider an appeal of the Design Commission decision to conditionally approve a four-building apartment project at lots 9-12 of the Riverscape Subdivision, on the east side of NW Front Avenue between NW 16th and 18th Avenues. The Design Commission decision of approval with conditions has been appealed by the Northwest District Association (NWDA). At the hearing City Council will consider the appeal. You are invited to testify at the hearing.

This will be an On-the-Record hearing, one in which new evidence cannot be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

APPELLANT: The Northwest District Association (NWDA)
Attn.: John Bradley, Chair, NWDA Planning Committee
2257 NW Raleigh Street
Portland, OR 97210

Applicant: Robert Leeb / Leeb Architects LLC
71 SW Oak St., Suite 200 / Portland, OR 97204

Developer: Lee Novak / Fore Property Company
1741 Village Center Circle / Las Vegas, NV 89134

Property Owners: Holt Distressed Property
P.O. Box 87970 / Vancouver, WA 98687

Holt Distressed Property
2601 NE 163rd Ct. / Vancouver, WA 98684

Civil Engineer: Jeff Shoemaker / Cardno WRG, Inc.
5415 SW Westgate Drive, Ste 100 / Portland, OR 97221

Landscape Arch.: Shapiro Didway / Landscape Architecture
1204 SE Water Ave, #101 / Portland, OR 97214

Site Address: Four lots between NW Front Avenue and NW Riverscape Street between NW 16th and 18th Avenues

Legal Description: LOT 9, RIVERNORTH; LOT 10, RIVERNORTH; LOT 11, RIVERNORTH; LOT 12, RIVERNORTH
Tax Account No.: R708970550, R708970600, R708970650, R708970700
State ID No.: 1N1E28D 00323, 1N1E28D 00324, 1N1E28D 00325, 1N1E28D 00326
Quarter Section: 2828
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Zoning: **RXdg** (Central Residential base zone with Design and River General Greenway overlay zones), **Central City plan district/River District subdistrict**
Case Type: **DZM GW AD** (Design Review with Modifications, Greenway Review, Adjustment)
Procedure: **Type III**, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

REVISED Proposal: Following the feedback received from Design Commission and neighbors during the March 21st, 2013 hearing, the applicant has made significant revisions to the project. These changes include the following:

- The two buildings flanking NW 17th Avenue (lots 10 & 11) have been completely re-designed. The buildings are simpler in form with a different window rhythm and different materials versus the buildings on lots 9 & 12. Primary building materials are now a warm grey brick and an wood-colored shingle plank siding from Nichiha. Arched window openings at the ground floor and a central barrel-vaulted rooftop element distinguish these two buildings;
- Ground floor commercial space has been lowered at lots 10 & 11 flanking NW 17th Avenue to create more direct pedestrian access from NW Front and taller interior ceilings, with scored concrete walkways and fewer steps to the adjacent sidewalk;
- Both buildings have been provided with raised 'loading docks' along NW Front Avenue, with metal and steel cable railings along the edge of the dock, bike parking, and embedded planters at the streetside edge of the dock for lots 9 & 12;
- The underground garages have been slightly reconfigured, projecting partly under the new raised docks, and some metal ventilation louvers for the garage are integrated into the dock structure along NW Front;
- The materials on the buildings at lots 9 & 12 have been refined and simplified. There are now three materials, with more brick and only one color of the fiber cement panel (Ceraclad);
- All the buildings have been moved closer to the cross streets. The building on lot 9 moved towards NW 18th Avenue, buildings on lots 10 & 11 moved towards 17th, and the building on lot 12 moved towards 16th. This has created a more urban edge along the project perimeter, and two larger pocket parks between the new buildings; and
- The two interior public open spaces at the pedestrian easements have been re-designed to occupy a larger space, each increasing in width from 46'-0" to 100'-0".

The applicant has proposed the construction of a four-building apartment complex with 243 dwelling units, commercial space, a leasing office, resident amenity spaces, and below-grade structured parking for 236 cars. The site consists of four vacant lots on two elongated rectangular blocks on the river side of NW Front Avenue between NW 16th and 18th Avenues. Each lot would be developed with a single five-story building atop a podium of structured parking, with individual buildings containing between 59 and 63 units.

Each of the four lots is approximately 230'-0" long by 86'-0" wide. The north two lots (9 and 10) and the south two lots (11 and 12) are bisected by a 46'-0"-wide pedestrian easement, in

alignment with pedestrian easements across NW Riverscape Street to the east. The north easement between lots 9 and 10 is designed as an open landscaped plaza with seating areas, a linear walkway with stairs, and a ramped, curving walkway. The south easement between lots 11 and 12 is designed as a rectangular plaza with central planting beds, bench seating, and an indirect path through the space. The applicant is seeking a 1:1 Floor-Area bonus by providing public art at the site, which may be placed in these two easement areas. The public art itself, if approved through a pending process with the Regional Arts & Culture Council (RACC), is not subject to design review.

The main building entrances are double-sided at the mid-point of each building, with lobby access to both NW Front Avenue and NW Riverscape Street. Each ground floor unit also has a separate entrance with steps leading to a patio and front door, and paved walkways and stairs to the adjacent sidewalk. Commercial uses are still provided adjacent to the Front Avenue entry at lot 9, but the leasing office and fitness space with related rooftop viewing deck has moved to lot 10. Lot 11 has a single potential commercial space abutting the NW Front & 17th corner. Docks are provided along the entirety of the NW Front Avenue side, and the original concept with stairs, semi-private patios with low wood fencing, and raised landscape beds is retained along NW Riverscape Street.

Garage access is located at the north and south ends of the buildings off of NW 18th, NW 17th and NW 16th Avenues. The south two buildings on lots 11 and 12 are above an interconnected below-grade garage with driveway access from NW 16th Avenue. Each of the four buildings is approximately 172'-0" long by 70'-0" wide, and is divided into two wings separated by an indentation at the lobby entry.

Given the project valuation and location in a design zone of the central city, the project requires a Type III Design Review. The site is also in the River General Greenway overlay zone, where new development requires a Type II Greenway Review. Concurrent with these requests, the applicant has requested the following additional reviews:

1. For parking areas where an attendant is not always present, each parking space must be accessible without having to move another vehicle (33.266.130.F.1.a). In the below-grade garage, there are 15 instances of a two-car deep or tandem parking layout, with these two-car spaces being leased to single units. The applicant has requested a Modification through Design Review to allow 15 tandem parking spaces of two cars each;
2. The 'B' loading spaces required for the project are required to be 18'-0" long, 9'-0" wide, and have a clearance of 10'-0" (33.266.310.D.b). The loading spaces in the below-grade garage will only have 8'-4" of vertical clearance. The applicant has requested a Modification through Design Review to reduce the vertical clearance for all loading spaces from 10'-0" to 8'-4";
3. Individual parking spaces in the garage are required to be 8'-6" wide by 16'-0" deep (33.266.130.F.2/Table 266-4). Structural columns in the basement may encroach by up to 8 inches into 174 of the 236 parking spaces. The applicant has requested a Modification through Design Review to reduce the width of portions of 104 of the parking spaces from 8'-6" to 7'-10"; and
4. Four 'B' loading spaces are required (33.266.310.C), but only three are proposed. The applicant has requested an Adjustment to reduce the required 'B' loading spaces from four to three.

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:

- The *Central City Fundamental Design Guidelines*;
- The *River District Design Guidelines*;
- **33.440.350**, Greenway Review Approval Criteria;

- **33.805.040**, Adjustment Approval Criteria; and
- **33.825.040**, Approval Criteria for Modifications through Design Review.

REVIEW BODY DECISION

It is the decision of the Design Commission to approve **Design Review** for the Riverscape Apartments project on lots 9-12 of the Riverscape Subdivision, in the River District Subdistrict of the Central City plan district, including the following specific elements:

- Four five-story buildings with exterior materials including brick, metal panel, Ceraclad panel, Nichiha lap siding, perforated metal panel railings, slatted wood fencing and garage doors, steel-reinforced painted vinyl windows on the upper floors, and aluminum storefront window systems on portions of the ground floor;
- Raised docks, retaining walls, stairs, paved walkways, landscape planting materials and exterior lighting; and
- Below-grade parking garages with loading spaces, a rooftop deck on the lot 11 building, and two landscaped public courtyards in and adjacent to the 46'-0"-wide public easements running through the center of each block.

The above Design Review approval is granted based on the submitted plans and drawings, Exhibits C.1 through C.66, each exhibit being signed and dated April 18, 2013, and subject to conditions A and B, and D through K, below.

Approval of a Greenway Review for the Riverscape Apartments, including four buildings with 243 dwelling units, below-grade parking and loading, and site work and landscape amenities as shown on Exhibits C.1 through C.66, and with the optional recommendations in condition C, below.

Approval of a Modification through Design Review to allow 15 tandem parking spaces with two cars each, where access to the inside space may sometimes require movement of another vehicle (33.266.130.F.1.a).

Approval of a Modification through Design Review to reduce the vertical clearance for each of the three loading bays from 10'-0" to 8'-4" (33.266.310.D.b).

Approval of a Modification through Design Review to reduce the width of a portion of 174 of the 236 parking spaces from 8'-6" to 7'-10" to accommodate structural columns in the garage (33.266.130.F.2/Table 266-4).

Approval of an Adjustment to reduce the number of 'B' loading spaces required on the site from 4 to 3 spaces (33.266.310.C).

Conditions of Approval:

- A. As part of the building permit application submittal, all drawings must reflect the design, materials, and other elements as indicated on the approved exhibits C.1 through C.66. Each relevant sheet in the permit set must show the design as approved in this application except as modified to meet conditions B through K, below. All sheets showing compliance with this decision shall be labeled Proposal and design as approved in Case File # LU 12-212602 DZM GW AD. No field changes allowed."
- B. To accommodate slight changes that may be negotiated between the public art team at RACC and the applicant, minor changes may be made to the site and landscape plan without further review provided there is no more than a 10% change in the number of trees, shrubs, groundcover plantings, number and type of seating opportunities with

benches or sittable ledges, and size and dimension of pedestrian walkways. Other changes beyond a 10% change in these elements will require a follow-up Type II Design Review.

- C. The applicant is encouraged, but not required, to switch out non-native plants with native species that appear in the Portland Plant List in the landscape at the site, provided the approximate size and type of individual plant remains.
- D. The loading dock must allow continuous pedestrian circulation along the entire length, with stairs or ramps at each end, and no dead-end conditions.
- E. The barrel vault feature shall be removed from the lot 11 building.
- F. The horizontal belly band feature between the third and fourth floors of the lot 10 and lot 11 buildings shall be removed (wood trim piece, brick rowlock to remain).
- G. The louvered grills for garage ventilation must be removed from the loading docks.
- H. The mansard roof elements shall be removed from the lot 9 and lot 12 buildings.
- I. The finished floor level and dock level at the primary first levels of each building shall be lowered from 36'-0" to 35'-6".
- J. A gathering space shall be created to complement the intimate sitting areas in the lot 11/lot 12 plaza, including removal of one of the two central landscape planters.
- K. In place of the Nichiha shingle siding, the buildings on lots 10 and 11 shall use the terra cotta-colored Ceraclad material with horizontal relief as presented in the original drawing package on file.

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By: 
Guenevere Millius, Design Commission Chair

Application Filed: December 6, 2013
Decision Filed: April 19, 2013

Decision Rendered: April 18, 2013
Decision Mailed: May 3, 2013

APPEAL

The Design Commission decision of approval with conditions has been appealed by the Northwest District Association. According to the appellants' statement, the appeal of the Design Commission decision is based on arguments that the proposal fails to satisfy elements of both the Central City Fundamental Design Guidelines and the River District Guidelines. Please see the attached appeal statement for more specifics on the basis of the NWDA appeal.

Review of the case file: The Design Commission decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4th Avenue, # 5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

We are seeking your comments on this proposal. The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file

number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

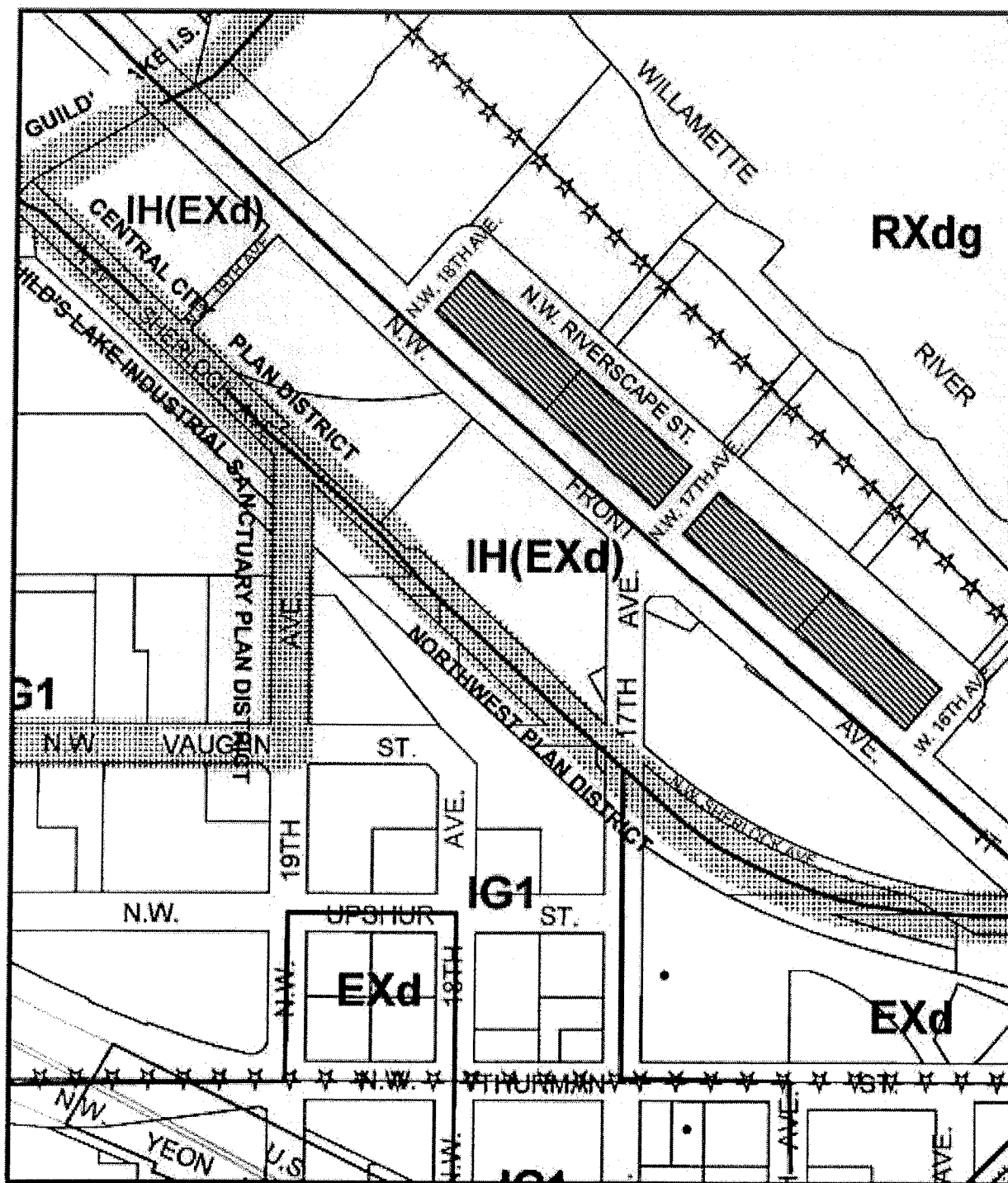
If you choose to provide testimony by electronic mail, please direct it to the Council Clerk (Karla.Moore-Love@portlandoregon.gov]. Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments

1. Zoning Map
2. Ground Floor/Site Plans, Perspective from NW Front Ave., Perspective from NW 17th Ave. (3 pages)
3. Appeal Statement
4. City Council Appeal Process

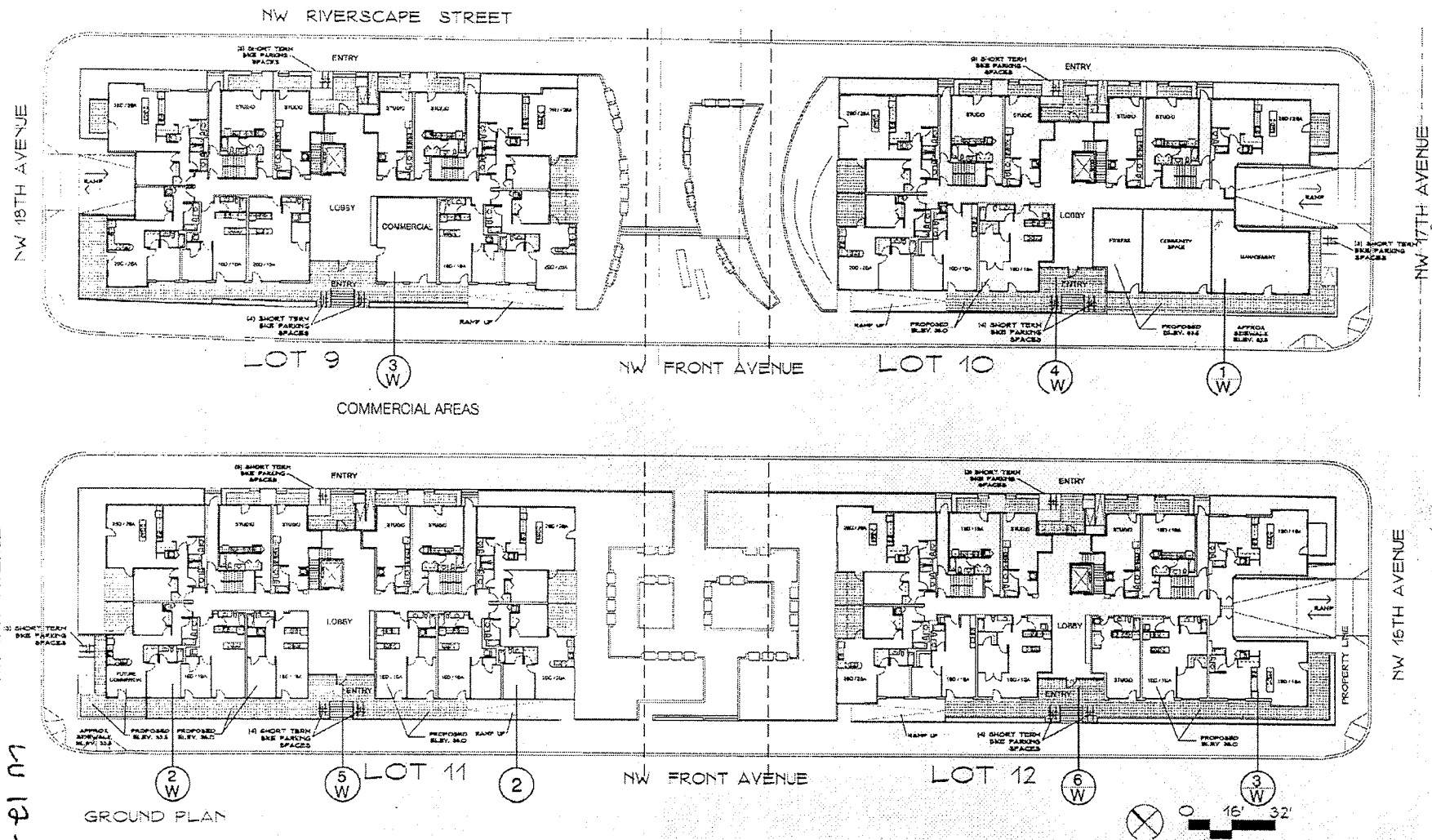


ZONING



This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT

File No. LU 12-212602 DZM, GW
1/4 Section 2828
Scale 1 inch = 200 feet
State Id 1N1E28D 326 324 325 236
Exhibit B (Jan 07 2013)



NW 17TH AVENUE

NW 18TH AVENUE

NW 16TH AVENUE

NW FRONT AVENUE

NW RIVERSCAPE STREET

LOT 9

LOT 10

LOT 11

LOT 12

COMMERCIAL AREAS

GROUND PLAN

2 W

3 W

4 W

5 W

6 W

3 W

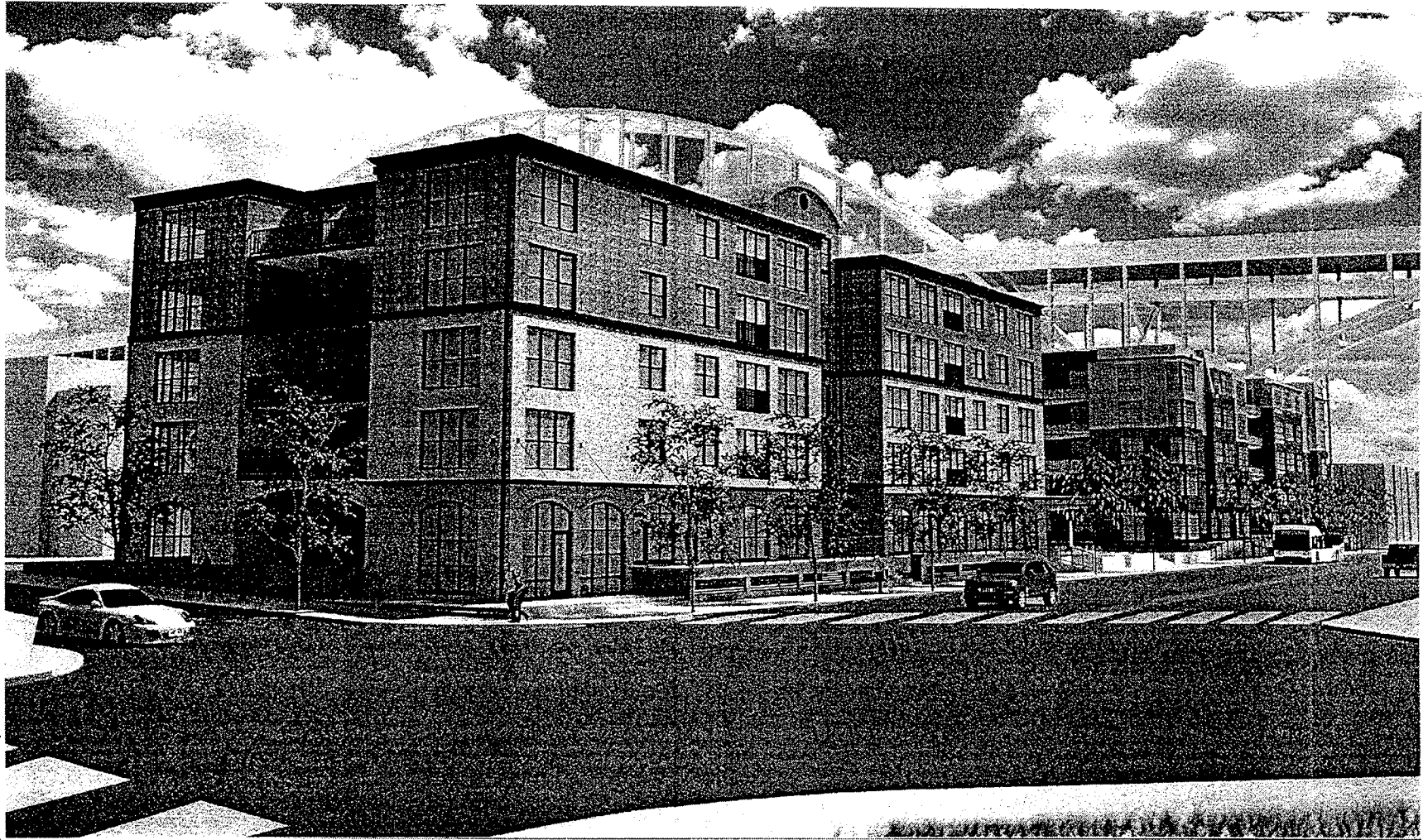
15' 32'



FORE PROPERTY COMPANY

RIVERSCAPE APARTMENTS
 APPLICATION FOR TYPE III DESIGN REVIEW
 (Revised) 05 April 2013

GROUND FLOOR PLANS
 LOTS 09, 10, 11, 12
 09



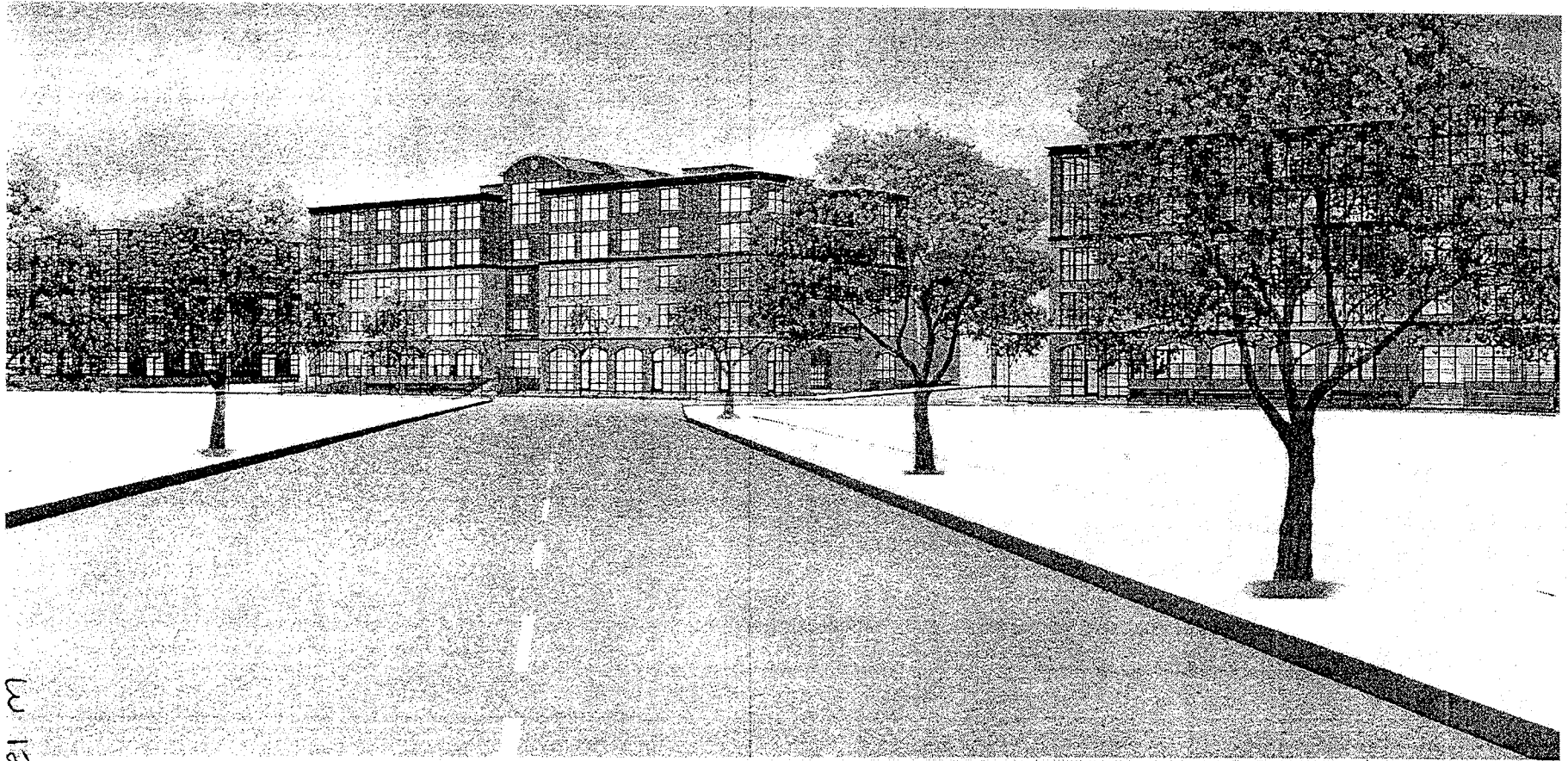
W 17-212607-024 GWA AD



FORE PROPERTY COMPANY

RIVERSCAPE APARTMENTS
APPLICATION FOR TYPE III DESIGN REVIEW
(Revised) 05 April 2013

PERSPECTIVE
NW FRONT AVENUE
16



W 12-212602 D2M GW AD

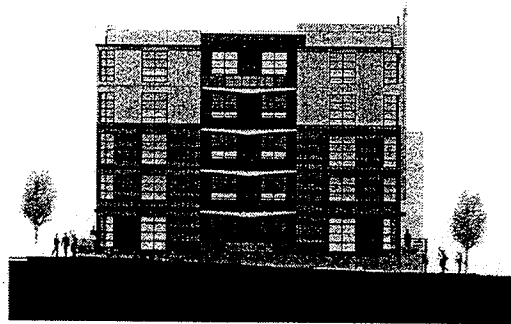


FORE PROPERTY COMPANY

RIVERSCAPE APARTMENTS
APPLICATION FOR TYPE III DESIGN REVIEW
(Revised) 05 April 2013

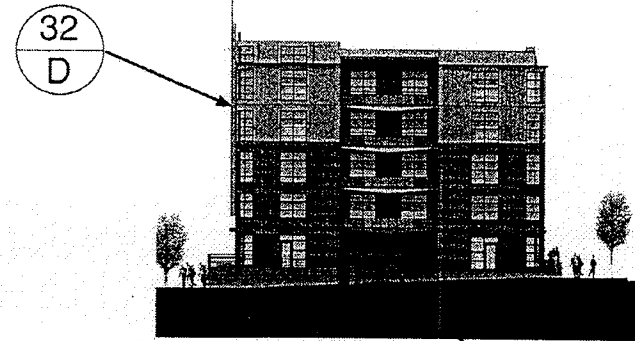
PERSPECTIVE

17



LOT 09 / LOT 12

TYP COURTYARD (END ELEVATION)



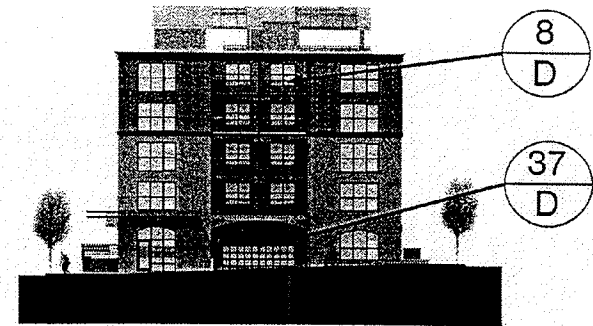
LOT 09 / LOT 12

TYP GARAGE (END ELEVATION)



LOT 10 / LOT 11

TYP COURTYARD (END ELEVATION)



LOT 10 / LOT 11

TYP GARAGE (END ELEVATION)

SCALE 0' 8' 16'

M 12-212602 024 GU NO

leed

FORE PROPERTY COMPANY

RIVERSCAPE APARTMENTS
APPLICATION FOR TYPE III DESIGN REVIEW
(Revised) 05 April 2013

ELEVATIONS - LOT 11

22



City of Portland, Oregon - Bureau of Development Services

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Type III Decision Appeal Form

LU Number: 12-212602 DZMGWAD

FOR INTAKE, STAFF USE ONLY

Riverscape

Date/Time Received 5/17/13 12:04 PM

☒ Action Attached

Received By JMH

Fee Amount 0

Appeal Deadline Date 5/17/13

☒ [Y] [N] Fee Waived

☐ Entered in Appeal Log

Bill #

☐ Notice to Auditor

☐ [Y] [N] Unincorporated MC

☐ Notice to Dev. Review

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS NW Front Ave. and NW/

Riverscape: btw NW16th and 18th Aves.

DEADLINE OF APPEAL

/4:30 pm 5/17/13

Name The Community Association of Northwest Portland, Inc.

AKA The Northwest District Association or NWDA c/o Neighbors West Northwest

Address 2257 NW Raleigh St. City Portland State/Zip Code OR 97212

Day Phone (503) 823-4212 Email Mark@nwnw.org Fax

Interest in proposal (applicant, neighbor, etc.) Neighborhood association

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

Zoning Code Section 33. 825 . 055

Zoning Code Section 33. _____

Zoning Code Section 33. _____

Zoning Code Section 33. _____

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

Please see the attached. The proposal fails to satisfy elements of both the Central City Fundamental Design Guidelines and the River District Guidelines, and the goals set forth therein.

Appellant's Signature

John Bradley, Chair, NWDA Planning Committee

FILE THE APPEAL - Submit the following:

- ☒ This completed appeal form
- ☒ A copy of the Type III Decision being appealed
- ☐ An appeal fee as follows:
 - ☐ Appeal fee as stated in the Decision, payable to City of Portland
 - ☒ Fee waiver for ONI Recognized Organizations approved (see instructions under Appeals Fees A on back)
 - ☐ Fee waiver for low income individual approved (attach letter from Director)
 - ☐ Fee waiver for Unincorporated Multnomah County recognized organizations is signed and attached

The appeal must be filed by the deadline listed in the Decision. To ensure the appeal is received within this deadline, the appeal should be filed in the Development Services Center at 1900 SW 4th Ave, 1st Floor, Suite 1500, Portland, Oregon, between 8:00 a.m. and 3:00 p.m. on Tuesday through Friday. On Mondays, and between 3:00 - 4:30 p.m. on Tuesday through Friday, the form(s) must be submitted at the Reception Desk on the 5th Floor.

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

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

MEMORANDUM

To:	Bureau of Development Services; City of Portland, Oregon; and City Council of Portland, Oregon
From:	The Planning Committee of The Community Association of Northwest Portland, Inc. aka The Northwest District Association or the NWDA ("NWDA")
Date:	May 17, 2013
RE:	Appeal of Decision of the Design Commission Rendered on April 18, 2013, Riverscape Apartments (the "Decision") (LU 12-212602 DZM GW AD)

The purpose of this memorandum is to supplement the Type III Decision Appeal form (the "Form") submitted to the Bureau of Development Services ("BDS") in connection with the above-referenced appeal (the "Appeal"). The Form requires that the appellant specify the Zoning Code Section(s) "at the source of the appeal." Section 33.825.055 provides that in order to grant approval, the review body must find that the applicant has shown that the proposal complies with the design guidelines for the area. In this case, the applicant failed to satisfy elements of both the Central City Fundamental Design Guidelines and the River District Guidelines. Following is a detailed explanation of these deficiencies.

1. Introduction.

The NWDA has appealed the decision of the Design Commission because the applicant failed to satisfy the applicable design guidelines, including the general design goals they contain, and the public engagement and communication surrounding this project fell dramatically short of normal, acceptable standards for community involvement.

Set forth below are excerpts from the Decision, including applicable design guidelines and findings, followed by comments from the Appellant, the NWDA. The NWDA comments are set forth in italicized text. In each case where comments are presented, the Appellant contends that the guidelines have not been met. Please note that these issues were previously raised in formal public testimony before the Design Commission by representatives of the NWDA.

To summarize our position, the NWDA believes that the proposed buildings are fundamentally inappropriate for the site, especially given their proximity to the river, but would be willing to support this project subject to significant design modifications and a more robust public process. Among the modifications we would support, which are described in more detail within this memorandum (see page 17), are a stronger block structure, improved ground floor uses, adjustments to the ground floor levels, improved building facades, and an overall design that is more responsive to the river context.

2. Comments.

EXCERPT:

River District Design Goals and The Central City Fundamental Design Guidelines

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

A1-1. Link the River to the Community. Link the Willamette River to the community reinforcing the river's significance. This guideline may be accomplished by:

- 1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.
- 2) Focusing and articulating roadways and pedestrian ways to emphasize the river.
- 3) Developing projects that celebrate the river and contribute to creating centers of interest and activity that focuses on the Willamette.
- 4) Connecting the internal areas of the District to the Willamette Greenway Trail.

Findings for A1 & A1-1: The site is located one block west of the Willamette River. The large building windows look out onto the adjacent public streets and two courtyards that connect directly across NW Riverscape Street to adjacent open areas that have a direct visual connection east to the river. The subdivision has been platted to ensure direct connections and views to the river on the east-west axis, and the double-sided main building entries allow views through to the other street, further enhancing the visual and functional connection of each building to the river. The revised building placement plan and the enlarged courtyards further strengthen the relationship of the project to the river, framing and enhancing the primary pedestrian connections from NW Front along NW 16th, 17th and 18th Avenues. The larger pocket parks between the buildings are welcoming and gracious, and in turn connect across NW Riverscape Street to primary accessways to the greenway trail beyond. *Therefore, these guidelines are met.*

Appellant's Comments:

Orientation to the River

The proposal does not recognize nor respond to, either in the design of the buildings or the site, its location one block away from the river and the developed public amenities at the river's gateway improvements.

- The building footprint is unresponsive to the Willamette River context and more in keeping with the geometry of the blocks. While both need to guide the architecture, in this case only one is utilized. The building footprint and massing make no attempt to take advantage of their river view location.*
- The location of outdoor balcony spaces are at the ends of the buildings without any orientation to the river amenity.*
- There is no focal point to these buildings that suggests they are within a block of the river. In essence these building could be anywhere in the Pearl District, on North Williams or even in the Gateway District.*
- The uniformity of the massing is not oriented to the river in any way beyond the parallel placement. Breaks in the individual building facades denoting opportunities to experience a river-side lifestyle are not included.*
- The project does nothing to celebrate the river beyond retaining three out of the six current visual openings found in the existing Riverscape Townhomes.*

POSSIBLE SOLUTION: Design the building footprints, frontages and facades to respond to and reinforce the river and the adjacent site context. Build to taller heights to take advantage of views to the river. Vary the building ends to allow for windows and balconies to orient to the river, not to each other.

EXCERPT:

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment. **A3-1. Provide Convenient Pedestrian Linkages.** Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

- 1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.
- 2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
- 3) Reusing or retaining cobblestone within the design of new development.
- 4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
- 5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

Findings for A3 & A3-1: The block structure was created in 2001 as part of the larger Riverscape Subdivision, with individual 'blocks' separated by 46'-0" wide pedestrian easements. The buildable 'block' area on each of the four lots, outside of the pedestrian easement running between them, is approximately 203'-0", closely approximating the downtown Portland block structure. The site has multiple and convenient pedestrian connections to the adjacent streets, surrounding neighborhood, and Willamette River. *Therefore, these guidelines are met.*

Appellant's Comments:

Each face of all of the proposed buildings is set back from either the actual or the "apparent" property lines. The buildings fail to establish the block structure by not having their faces at the property lines, reinforcing the street enclosure, or being minimally set back.

EXCERPT:

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

Findings: The two public courtyards at the site provide pedestrian access through the site to the river, and are densely landscaped in a manner consistent with the rest of the proposal and the adjacent Riverscape Townhomes site. Main entries for the buildings are oriented to secondary access ways through the adjacent Riverscape Townhomes site, visually connecting the interior of the building entries to the river. The earth-toned materials and use of masonry with metal panel siding integrates well architecturally with the design of the adjacent Riverscape Townhomes. *Therefore, this guideline is met.*

Appellant's Comments:

The two pairs of buildings have unrelated and arbitrary material palettes and randomly use nostalgic and contemporary forms and building elements.

EXCERPT:

A5. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

A5-1-5. Reinforce the Identity of the Waterfront Area. Reinforce the identity of the Waterfront Area with design solutions that contribute to the character of the waterfront and acknowledge its heritage. This guideline may be accomplished by:

- 1) Recognizing the area's industrial history by incorporating remnants of maritime and rail infrastructure and/or providing docking facilities for a cruise line.
- 2) Orienting buildings toward the waterfront and adjacent parks and trails.
- 3) Integrating an active mix of uses along the waterfront and making development open and accessible in order to maintain the publicness of the greenway.

Findings for A5, A5-1 and A5-1-5: The adjacent rights-of-way are fully improved with the exception of new public sidewalks and street trees on the property, which will meet city standards for the area. The two pedestrian easements running through the site and requirements for public open space is achieved through the two landscaped pedestrian courtyards between lots 9 & 10 and lots 11 & 12. These open spaces provide directional pedestrian paving to lead people through the space from NW Front Avenue and across NW Riverscape Street to the river one block away. The buildings have main entries and individual unit 'stoops' along the streets that provide multiple, convenient, accessible pedestrian links to the surroundings. The dock-like treatment along NW Front Avenue is directly related to the industrial warehouse architecture of the neighborhood. *Therefore, this guideline is met.*

Appellant's Comments:

The group of buildings and public spaces do not reflect the specific context and essential character of this one-of-a-kind location. There is little response to its frontage on an industrial boulevard and proximity to the river. They could be as easily derived from many other locations. The "loading docks" are raised semi-private sidewalks that confuse the boundary between public and private areas, and are unsuccessful.

NW 17th Avenue Axis

17th Ave south of the site is the only street that runs continuously from Burnside and that crosses the railroad RoW on axis. NW 17th Ave. is indicated as a greenstreet in the Northwest District Plan.

POSSIBLE SOLUTION: *Compose the facades to respond to this termination of the street axis, and reinforce the adjacent site context.*

Orientation to the River

The proposal does not recognize nor respond to, either in the design of the buildings or the site, its location one block away from the river, and the developed public amenities at the river's greenway improvements. The buildings are designed to take advantage of the street geometry, not the presence of the river.

POSSIBLE SOLUTIONS: *Design the building frontages and facades to respond to and reinforce the river and the adjacent site context. Greater height, faceted facades, usable and sizable outdoor balcony spaces on the river facing facade would all indicate that the buildings are oriented toward the waterfront and adjacent parks and trails.*

EXCERPT:

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

Findings: The buildings create a sense of enclosure along both NW Front Avenue and NW Riverscape Street, buffered from the street lot line by landscaping. The site complies with the North Pearl Waterfront Area standards that require 25% of the frontage along NW Front Avenue to be open landscaped space free of buildings. Separated from the street by a raised dock along NW Front Avenue, and with raised landscape beds and stairs on the other streets, the revised proposal creates a sense of urban enclosure along NW 16th, 17th & 18th Avenues, as well. *Therefore, this guideline is met.*

Appellant's Comments:

Building Lines

Each face of all of the proposed buildings is set back from either the actual or the "apparent" property lines. This appears to be done to allow for all site grade transitions to occur external to the buildings, but this is done at the expense of the sidewalk environment next to the buildings. This approach creates a suburban response to the ground plane, and a series of awkward relationships between confused public and private realms.

POSSIBLE SOLUTION: These buildings need to reinforce the pattern of 60' street enclosures on at least 16th, 17th, 18th Avenues and Riverscape Street, and at the easements mid-block, with possibly some variation at Front Avenue to allow for its more public boulevard character. The site north to south grade differential needs to be accommodated through grade transitions on the interior of the ground floors of the buildings. The buildings need to mostly abut to the property lines, so as to reinforce the site context and to diminish the suburban feel of the exterior grade transitions, the raised planting beds, and the raised semi-private sidewalks referred to as "loading docks."

EXCERPT:

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

Findings for B1 & B1-1: The main pedestrian entries to the building pass through to both NW Front Avenue and NW Riverscape Street, and secondary entries for ground-level units are also used on these streets. Ground floor treatment of the commercial spaces along NW Front Avenue flanking NW 17th help distinguish the non-residential uses at this important corner, and better engage the street. The two new public landscaped courtyards provide for a convenient, attractive pedestrian link from NW Front Avenue to the river one block further to the east. Sittable ledges at retaining walls and intentional benches

and other seating are integrated into the project, creating a sense of human scale along key pedestrian routes. *Therefore, these guidelines are met.*

Appellant's Comments:

Sidewalk Environment

The pedestrian experience next to these buildings is characterized by:

- *ambiguous raised planted areas that are inaccessible;*
- *awkward semi-private residential patios at sidewalk level;*
- *ramps and grade transitions to awkward raised semi-public secondary sidewalks directly adjacent to residential units;*
- *louvered air intakes for below grade parking areas directly adjacent to the public sidewalk;*
- *curb cuts and access ramps to subgrade parking.*

POSSIBLE SOLUTIONS: *The sidewalk grade conditions at the building faces need to be clarified:*

- *floor levels at ground floor residential units should be 3'-4' above the public sidewalk grade, but not with common accessways, or "loading docks"; and*
- *floor levels at ground floor commercial lease areas and at live/work units should be at the public sidewalk grade.*

EXCERPT:

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

Findings for B5: The two new pedestrian courtyards are located where the 2001 subdivision placed the 46'-0" wide pedestrian easements. The revised proposal expands these open spaces with a welcoming, densely-planted design that directs people eastwards towards the river, while also creating attractive places to stop, rest, or socialize. Development standards for the North Pearl Area require that these be created as public open space with defined borders, landscaping, and adequate sun exposure year-round. The two courtyards are the likely location for the public art that will be installed in order to achieve an FAR bonus. Amenities

include seating and landscaping in these courtyards, in addition to the eventual public art. *Therefore, this guideline is met.*

Appellant's Comments:

The arrangement of the "courtyards" in the mid-block easements does not respond to adjacent ground floor program uses, nor does it create relationships to the aligned passages across Riverscape Street that lead to the river. The spaces do not have building entries or lobbies oriented to them, and the apartments above do not have balconies or more generous windows that overlook the spaces. The design of the courtyards themselves are based on the extensive use of raised planters, which have the effect of creating spaces that lack important flexibility, tend to emphasize peoples' movement through the spaces, and provide little opportunity for the most typical uses of this sort of public space: sitting, reading and interacting with your neighbors. Therefore, this guideline is not met.

POSSIBLE SOLUTION: Arrange these courtyards to respond to and reinforce the adjacent site context.

EXCERPT:

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings: Canopies are provided for weather protection at each building entry, and along the entire NW Front Avenue frontage at lots 10 & 11. *Therefore, this guideline is met.*

Appellant's Comments:

Façade Strategy

The application, extent and transition of exterior façade materials does not appear to be in response to adjacent site characteristics or to varying sun, wind and rain exposures. The buildings use material changes and nostalgic forms, which are arbitrarily, and at times oddly, composed for "graphic effect." The two palette approach is unsuccessful. The building types have subtle differences in their massing and planar composition that would be better served by a single palette of materials.

POSSIBLE SOLUTION: Compose the facades to respond to and reinforce the adjacent site context, and use materials directly and honestly. Vary the footprint, orientation and massing of the buildings to break up the Naito frontage and take advantage of the river and unique rain, wind, glare,

shadow and reflection at each location in the pedestrian environment (south is different than north).

EXCERPT:

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.

C1-1. Increase River View Opportunities. Increase river view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:

- 1) Designing and locating development projects to visually link their views to the river.
- 2) Providing public stopping and viewing places which take advantage of views of River District activities and features.
- 3) Designing and orienting open space and landscape areas to emphasize views of the river.

Findings for C1 & C1-1: The buildings are situated to respect the existing views and pedestrian corridors on the adjacent Riverscape Townhomes site. The two new public pedestrian courtyards align with two of the five primary east-west accessways that extend from NW Riverscape Street to the river beyond. As required by standards for the North Pearl Waterfront area, 25% of the site frontage along NW Front Avenue has been kept open and free of buildings, providing for landscaped open spaces on the north and south edges of each long block that increases views to the river. Upper floors of the buildings have large windows that will enjoy direct and oblique views of the river, depending on their specific location. The revised proposal further focuses and directs existing views to the river along NW 16th, 17th & 18th Avenue, and enhance and expand the oblique views to the river at the enlarged internal courtyards. *Therefore, this guideline is met.*

Appellant's Comments.

View Opportunities.

The buildings are not situated to take advantage of the views to the river, west hills or adjacent industrial uses. They are simple blocks placed within the geometric street grid.

- *Beyond the required passageways, which vary in width and treatment, the buildings themselves make no attempt to take*

advantage of those amenities by designing building ends that interface with the amenities in a useful and complimentary fashion, either at the ground floor or above.

- *The buildings are not designed nor located to visually link their views to the river. Stepped or faceted building ends would serve to both enhance views for residents and orient pedestrians and others to the surrounding amenities.*

EXCERPT:

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

Findings: The proposed material palette has been used in the district in the past. Brick, metal panel, and composite siding materials have been used on the Riverscape Townhomes project to the east. The steel-reinforced vinyl windows have a substantial profile, with a true exterior muntin bars on the exterior of the glass. Aluminum storefront window systems are used in places at the ground floor, and the perforated metal railing material and slatted wood fencing are all durable materials that will stand the test of time. The earth-toned red, gray and brown colors are similar to those found on the nearby Riverscape Townhomes buildings. The Ceraclad panels have a ceramic coating atop the material and feature a 50-year warranty. *Therefore, this guideline is met.*

Appellant's Comments:

Façade Strategy

The application, extent and transition of exterior façade materials does not appear to be in response to adjacent site characteristics or to varying sun, wind and rain exposures. The buildings use material changes and nostalgic forms, which are arbitrarily, and at times oddly, composed for "graphic effect." The two palette approach is unsuccessful. The building types have subtle differences in their massing and planar composition that would be better served by a single palette of materials.

POSSIBLE SOLUTIONS: *Compose the facades to respond to and reinforce the adjacent site context, and use materials directly and honestly.*

EXCERPT:

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

Findings: The proposal uses exterior materials, a color palette, and a densely-planted landscape design that integrates well with the adjacent Riverscape

Townhomes to the east. The design of the two public open courtyards with pedestrian connections to the river features raised retaining walls, seating, and landscape features that will add novelty and interest to the sequence of walkways and public spaces in Riverscape. *Therefore, this guideline is met.*

Appellant's Comments:

Ground Floor Height

The ground floor to second level height appears to be 10'-14.

POSSIBLE SOLUTION: Provide 14' to 20' of ground floor height to be more in proportion to the industrial character of Front Avenue and to allow for mezzanines and lofts that are characteristic of the surrounding buildings to the south. NWDA has previously supported adjustments to overall building height to allow for increased ground floor height.

Ground Floor Uses

Residential uses on the ground floors of these buildings seem incongruous along Front Avenue. SOLUTION: Provide commercial and live/work lease spaces on this frontage.

NW 17th Avenue Axis

17th Ave south of the site is the only street that runs continuously from Burnside and that crosses the railroad RoW on axis. NW 17th Ave. is indicated as a greenstreet in the Northwest District Plan.

POSSIBLE SOLUTION: Compose the facades to respond to this termination of the street axis, and reinforce the adjacent site context.

EXCERPT:

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: The project includes a mix of brick, metal panel, and Ceraclad paneling as a rainscreen on the building exteriors in a consistent manner. Masonry is provided along the base of the buildings, to reduce the chance of pedestrian damage to the Ceraclad material found higher on the building. The Ceraclad panels are mounted without visible surface fasteners through a clip system, and vertical seams between Ceraclad panels are handled by creating an intentional vertical seam with black painted metal beyond, resulting in a crisp relief and appearance on the buildings. Venting for individual units occurs on walls perpendicular to the street, with vents painted to match the adjacent siding material.

Different colors and material changes are used to enliven and break down the mass of the buildings. Perforated metal panel at balconies and slatted wood materials at the street-level fencing and garage doors are used on the lot 9 & 12 buildings, creating a cohesive, unified look. Entries are clearly defined through an indentation in each building and a covered entry bay with full height glass windows and doors providing views through the building to the other street beyond. Main entry locations are further articulated by the sequence of balconies with perforated metal panel mesh above the doors. Mechanical equipment is minimal in scale, concealed by the building parapet, and mounted near the center of each building adjacent to the elevator over-runs. In the final revisions to the project, the use of Ceraclad was simplified to one color, and applied intentionally to projecting bays on the building to architecturally distinguish these elements.

The revised building design for lots 10 & 11 takes inspiration from industrial warehouse buildings in the district, with arched openings at the ground floor, brick siding, and a shingle-like siding on the upper floors. Central barrel-roofed elements at the main east- and west-facing entries repeat this arch theme, and the buildings have a more traditional appearance with horizontal awnings along Front Avenue, trim bands between siding materials, and a shallow projecting cornice. The raised dock treatment along the Front Avenue frontage at all four buildings helps to unify the architectural character of the project while still allowing for architectural diversity.

Lighting systems are minimal and include recessed downlights at the main building entries, as well as landscape uplighting at the four corners of each block. Pedestrian-scale bollard lighting is provided in the two public courtyards between the buildings, and step lights are provided at the retaining walls and separate walkway straddling each sunken driveway entry to the garages. Individual units with stoop entries on the streets are provided with wall sconce lights near the entry door. Signage has not been identified at this time, but will be minimal and designed to meet the Sign Code. *Therefore, this guideline is met.*

Appellant's Comments:

The application, extent and transition of exterior façade materials does not appear to be in response to adjacent site characteristics or to varying sun, wind and rain exposures. The buildings use material changes and nostalgic forms, which are arbitrarily, and at times oddly, composed for "graphic effect." The two palette approach is unsuccessful. The building types have subtle differences in their massing and planar composition that would be better served by a single palette of materials.

POSSIBLE SOLUTION: *Compose the facades to respond to and reinforce the adjacent site context, and use materials directly and honestly.*

EXCERPT:

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: The site design features two new public courtyards and pedestrian walkway connections between NW Front Avenue and NW Riverscape Street. These spaces are designed with dense landscaping and seating surfaces in addition to playful elements such as wood decking and a raised landscape mound. Individual units facing these open spaces have private outdoor sitting areas to serve as a transition between the buildings and these spaces. Similarly, the entire perimeter of the project includes landscaped beds, docks and retaining walls that separate the buildings from the adjacent sidewalks. This raised relationship of buildings to the street and separation with landscaping is appropriate because the site is on the very northernmost edge of the Central City plan district, there is significant truck traffic along NW Front Avenue, the site directly abuts an industrial district, and the remainder of the Riverscape area has been developed with a lush, resort-like quality. Doors, patios and stairs are oriented to the streets and new public courtyards with landscaped setbacks that create a sense of transition and entry. *Therefore, this guideline is met.*

Appellant's Comments:

Relationship of Courtyards to Adjacent Uses

The arrangement of the "courtyards" in the mid-block passages does not appear to respond to adjacent uses, nor does it have a strong (or any) relationship to the aligned passages across Riverscape Street that lead to the river. The design of the courtyards themselves are based on the extensive use of raised planters, which have the effect of creating spaces that lack important flexibility, tend to emphasize peoples' movement through the spaces, and provide little opportunity for the most typical uses of this sort of public space: sitting, reading and interacting with your neighbors.

POSSIBLE SOLUTION: *Arrange these courtyards to respond to and reinforce the adjacent site context, including incorporating the passageways into the side facades, footprints and massing of the individual buildings, with a special focus on ground floor integration with outdoor spaces, functions and features.*

EXCERPT:

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: The building is surrounded by a low masonry retaining wall along NW Riverscape and the side streets, and a raised dock along NW Front Avenue. This creates seating opportunities and separation from the adjacent streets. Landscape materials further differentiate the sidewalk level of the building on all sides, and larger storefront-style windows with canopies are used at the main building entries to further distinguish the ground floor. Along NW Riverscape, individual ground floor units are provided with separate 'stoop' entries, patios and stairs with low perimeter fencing to give a sense of individual townhouses versus apartments.

The commercial spaces flanking NW 17th Avenue have been lowered to be near sidewalk grade to further distinguish this important gateway to the site. The raised relationship of buildings to the street and separation with landscaping is appropriate because the site is on the very northernmost edge of the Central City plan district, there is significant truck traffic along NW Front Avenue, the site directly abuts an industrial district, and the remainder of the Riverscape area has been developed with a lush, resort-like quality. The dock structure along NW Front Avenue incorporates a design feature found frequently in the nearby industrial area. *Therefore, this guideline is met.*

Appellant's Comments:

Sidewalk Environment

The pedestrian experience next to these buildings is characterized by:

- *ambiguous raised planted areas that are inaccessible;*
- *awkward semi-private residential patios at sidewalk level;*
- *ramps and grade transitions to awkward raised semi-public secondary sidewalks directly adjacent to residential units;*
- *lowered air intakes for below grade parking areas directly adjacent to the public sidewalk;*
- *curb cuts and access ramps to sub-grade parking*

POSSIBLE SOLUTION: *The sidewalk grade conditions at the building faces need to be clarified:*

- *floor levels at ground floor residential units should be 3'-4' above the public sidewalk grade, but not with common accessways, or "loading docks"; and*
- *floor levels at ground floor commercial lease areas and at live/work units should be at the public sidewalk grade.*

EXCERPT:

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

C9-1. Reduce the Impact of Residential Unit Garages on Pedestrians. Reduce the impact on pedestrians from cars entering and exiting residential unit garages by locating garage access on alleys, and active spaces on ground floors that abut streets. This guideline may be accomplished by:

- 1) Locating residential unit garage access on alleys.
- 2) Locating garage access on less trafficked streets.

Findings for C9 & C9-1: The proposed new courtyards are dedicated to pedestrian activity and can also be used for stopping, viewing, and resting by residents and passersby. The courtyards will function as mini-parks with opportunities to meet friends and socialize, and are intended to be the setting for new public art which will be included in the project. The residential garage entries on the project are limited to three locations on the 'side streets', and are sunken below grade with a slatted wood or gridded metal coiling door design that integrates with the site and building design. *Therefore, these guidelines are met.*

Appellant's Comments:

Sidewalk Environment

The pedestrian experience next to these buildings is characterized by:

- *ambiguous raised planted areas that are inaccessible;*
- *awkward semi-private residential patios at sidewalk level;*
- *ramps and grade transitions to awkward raised semi-public secondary sidewalks directly adjacent to residential units;*
- *louvered air intakes for below grade parking areas directly adjacent to the public sidewalk; and*

- *curb cuts and access ramps to sub-grade parking.*

POSSIBLE SOLUTIONS: *The sidewalk grade conditions at the building faces need to be clarified:*

- *the garage entrances are located on the busiest street and should be moved;*
- *floor levels at ground floor residential units should be 3'-4' above the public sidewalk grade, but not with common accessways, or "loading docks"; and*
- *floor levels at ground floor commercial lease areas and at live/work units should be at the public sidewalk grade.*

CONCLUSION:

To summarize Appellant's recommendations, the NWDA would support the proposed project, provided that the following elements of the project are redesigned to comply with the relevant design guidelines:

- Create a stronger block structure. Organize the buildings to create a strong street enclosure by abutting the building faces to the property lines, and reinforcing the building lines that were established in the buildings to the north. Reinforce the adjacent site context. Diminish the suburban feel of the project that is created by the awkward exterior grade transitions, the inaccessible raised planting areas and by the elevated semi-private sidewalks that are referred to as "loading docks";
- Design the buildings to have ground floor uses that make sense with the public nature of their context, and that carefully delineate the public and private realms. Arrange uses next to the public spaces that are sufficiently public in nature, and create these public spaces so that they interact synergistically with the adjacent uses within the buildings.
- Organize the ground floor levels of the proposed buildings so that (a) at proposed commercial and live/work uses, the floor lines match to the public sidewalk level, or (b) at proposed residential uses, the floor lines are elevated 3' to 4' to create stoops and provide reasonable privacy and separation from the adjacent public areas;
- Design building facades that are well-proportioned, direct compositions of basic, appropriate materials and openings. Avoid the unnecessary use of nostalgic and "graphic" elements. Create individual building elevations that respond to the specific variations of orientation, site context and view sheds to the river; and
- Place greater emphasis on integration of the project into the river context.

GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR ON-THE-RECORD APPEALS

1. SUBMISSION OF LEGAL ARGUMENT

- a. On-the record appeals are limited to legal argument only. The only evidence that will be considered by the City Council is the evidence that was submitted to the DESIGN COMMISSION prior to the date the DESIGN COMMISSION closed the evidentiary record. Parties may refer to and criticize or make arguments in support of the validity of evidence received by the DESIGN COMMISSION. However, parties may not submit new evidence to supplement or rebut the evidence received by the DESIGN COMMISSION.
- b. Legal argument may be mailed to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written legal argument must be received by the time of the hearing and should include the case file number.
- c. Legal argument may be submitted orally (see below).

2. COUNCIL REVIEW

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent	15 minutes
Other Opponents	3 minutes each
Appellant Rebuttal	5 minutes
Council	

- b. The applicant has the burden of proof to show that the evidentiary record compiled by the DESIGN COMMISSION demonstrates that each and every element of the approval criteria is satisfied. If the applicant is the appellant, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the applicant must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidentiary record compiled by the DESIGN COMMISSION demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong approval criteria are being applied or additional approval criteria should be applied.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Design Commission decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, #5000, Portland, OR 97201. Call 503-823-7617 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.



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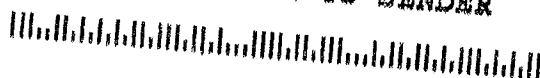
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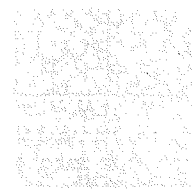




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PORTLAND, OR 97210

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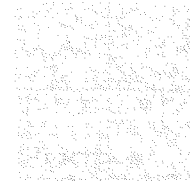




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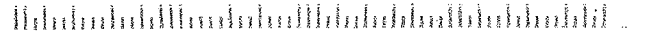
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YVONNE POELWIJK
1900 SW 4TH AVE, STE 5000
PORTLAND, OR 97204

GREG C & TERESA A KURATH
1612 NW RIVERSCAPE ST
PORTLAND, OR 97209-1834

LOIS COLE
1656 NW RIVERSCAPE
PORTLAND, OR 97210

MARI S SCHWARTZ
1660 NW RIVERSCAPE ST
PORTLAND, OR 97209

STEVE ELTINGE
2144 NW 16TH AVE
PORTLAND, OR 97209

LOIKKANEN MATIAS
SUSAN BORCHARDT
1666 NW RIVERSCAPE ST
PORTLAND, OR 97209

BENJAMIN PRIEST
NANCY HELMSWORTH
1740 NW RIVERSCAPE ST
PORTLAND, OR 97209

PETER B BELL
1830 NW RIVERSCAPE ST
#703
PORTLAND, OR 97209-1840

KELSEY L BUNKER
1634 NW RIVERSCAPE ST
PORTLAND, OR 97209

CHERYL MEYERS
1742 NW RIVERSCAPE
PORTLAND, OR 97209

BRIAN D CURRIER
2128 NW 16TH AVE
PORTLAND, OR 97209-2564

MICHAEL J &
CURRY DEL POZZO
1684 NW RIVERSCAPE CT
PORTLAND, OR 97209

DONALD GENASCI
2217 NW JOHNSON ST
PORTLAND, OR 97210

AUGUST S & SUSAN A DUTRA
2172 NW 16TH AVE
PORTLAND, OR 97209

EMILY FOLTZ
2120 NW 16TH AVE
PORTLAND, OR 97209

BROOKS D &
JAMIESON J ENGLISH
1830 NW RIVERSCAPE ST
#311
PORTLAND, OR 97209-1839

ROBERT J GILLESPIE
1710 NW RIVERSCAPE ST
PORTLAND, OR 97209

MATTHEW D &
NATALE A JOLIVETTE
5441 SW MACADAM AVE #208
PORTLAND, OR 97239

ABDUL KHAN
2156 NW 16TH AVE
PORTLAND, OR 97209

ERIN O KILROY
1830 NW RIVERSCAPE ST
#209
PORTLAND, OR 97209

JAMES R
& TERRY L KIRCHHOFF
501 COLUMBIA CIR
HOPE, AR 71801-8046

ROBERT M LARSON
2120 NW 16TH AVE
PORTLAND, OR 97209

LEE MARK S & ODA, AKARI
2180 NW 16TH AVE
PORTLAND, OR 97209

JAMES MCGRANE
1648 NW RIVERSCAPE ST
PORTLAND, OR 97209-1834

BRANDON NASH
2042 NW 16TH AVE
PORTLAND, OR 97209

DAVID C & VEDA L NOMURA
1734 NW RIVERSCAPE ST
PORTLAND, OR 97209

PALOUDA BENTE J TR
2038 NW 16TH AVE
PORTLAND, OR 97209

LANNY PROVO
1830 NW RIVERSCAPE ST
#106
PORTLAND, OR 97209

REGIONAL ARTS & CULTURE CTR
ATTN: KRISTIN CALHOUN
411 NW PARK SUITE 101
PORTLAND, OR 97209

COLIN H SANDERS
1830 NW RIVERSCAPE DR
#305
PORTLAND, OR 97209

STOLZBERG STEPHEN M TR
& ALICE TR
1830 NW RIVERSCAPE DR #203
PORTLAND, OR 97209

GALEN A & WHITNEY P TRUE
1704 NW RIVERSCAPE ST
PORTLAND, OR 97209

DAVID M & JULIE A WALLS
1830 NW RIVERSCAPE ST
#102
PORTLAND, OR 97209

BENJAMIN J &
CHANELLE L WILEY
1830 NW RIVERSCAPE ST
#504
PORTLAND, OR 97209

WILLIAM BRANDT
1656 NW RIVERSCAPE
PORTLAND, OR 97209

CATHERINE J ZAROSINSKI
1830 NW RIVERSCAPE DR
#606
PORTLAND, OR 97209

LEEB ARCHITECTS LLC
ATTN: ROBERT LEEB
71 SW OAK ST
SUITE 200
PORTLAND, OR 97204

FORE PROPERTY COMPANY
ATTN: LEE NOVAK
1741 VILLAGE CENTER CIRCLE
LAS VEGAS, NV 89134

HOLT DISTRESSED PROPERTY
PO BOX 87970
VANCOUVER, WA 98687-7970

CARDNO WRG INC
ATTN: JEFF SHOEMAKER
5415 SW WESTGATE DR
SUITE 100
PORTLAND, OR 97221

SHAPIRO DIDWAY
LANDSCAPE ARCHITECT
ATTN: LANDSCAPE ARCHITECT
1204 SE WATER AVE #101
PORTLAND, OR 97214

SAUNDRA STEVENS
AIA URBAN DESIGN COMMITTEE
403 NW 11TH
PORTLAND, OR 97209

OREGON DIV SUPERINTENDENT
BNSFRR
1313 WEST 11TH ST
VANCOUVER, WA 98660

SUSTAINABILITY CENTER
METRO
600 NE GRAND AVE
PORTLAND, OR 97232

NORTH NEIGHBORHOOD OFFICE
ATTN: MARY JARON KELLEY
2209 N SCHOFIELD ST
PORTLAND, OR 97217

NEIGHBORS WEST/WEST
ATTN: MARK SEIBER
2257 NW RALEIGH ST
PORTLAND, OR 97210

NOB HILL BUSINESS ASSOC
ATTN: MIKE CONKLIN
25 NW 23RD PL
#6-PMB 217
PORTLAND, OR 97210

NORTHWEST DISTRICT ASSOC
ATTN: JOHN BRADLEY
2350 NW JOHNSON
PORTLAND, OR 97210

NW INDUSTRIAL
ATTN: PAMELA AKE
2257 NW RALEIGH
PORTLAND, OR 97210

NW INDUSTRIAL BA
ATTN: DAVE HARVEY
2257 NW RALEIGH
PORTLAND, OR 97210

ODOT REGION 1
DEVELOPMENT REVIEW PROGRAM
123 NW FLANDERS ST
PORTLAND, OR 97209

WILLAMETTE SHORE TROLLEY
OERHS
3995 BROOKLANE RD
BROOKS, OR 97303

OREGON DEPT FISH/WILDLIFE
ATTN: ELIZABETH RUTHER
18330 NW SAUVIE ISL RD
PORTLAND, OR 97231

OR DIVISION OF STATE LANDS
NATURAL RESOURCES MULT CO
775 SUMMER ST NE
SALEM, OR 97310

OREGON WILDLIFE FED
ATTN: MIKE GENTRY
PO BOX 5878
PORTLAND, OR 97228-5878

OVERLOOK NA
ATTN: KEVIN CAMPBELL
3724 N MASSACHUSETTS
PORTLAND, OR 97227

PEARL DIST BA
ATTN: ADELE NOFIELD
PO BOX 6767
PORTLAND, OR 97228-6767

PEARL DIST NA
ATTN: PAT GARDNER
1116 NW JOHNSON ST
PORTLAND, OR 97209

PORT OF PORTLAND
ATTN: TOM BOUILLION
PO BOX 3529
PORTLAND, OR 97208

PORTLAND SCHOOL DIST #1
ATTN: JUSTIN DOLLARD
501 N DIXON
PORTLAND, OR 97227

PORTLAND SCHOOL DIST #1
ATTN: PAUL CATHCART
501 N DIXON
PORTLAND, OR 97227

UNION PACIFIC RR
ATTN: JOHN TRUMBULL
301 NE 2ND AVE
PORTLAND, OR 97232-2764

WILLAMETTE PED COALITION
C/O DOUG KLOTZ
1908 SE 35TH PL
PORTLAND, OR 97214

JEANNE E GALICK
7005 SW VIRGINIA
PORTLAND, OR 97219

PORTLAND TERMINAL RR
3500 NW YEON AVE
PORTLAND, OR 97210

TEAM OREGONIAN
1320 SW BROADWAY
PORTLAND, OR 97201

131/430/JAN BETZ

B106/R1000/MIKE REED

B106/R1000/KIM COX

B106/R1302/TRAILS
ATTN: SARA DRAKE

B129/PDC

B139/HARBOR MASTER
ATTN: RAY PRATT

HOLT DISTRESSED PROPERTY
2601 NE 163RD CT
VANCOUVER, WA 98684

NWDA
ATTN: JOHN BRADLEY
2257 NW RALEIGH ST
PORTLAND, OR 97210

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