

**IN THE CITY COUNCIL OF THE  
CITY OF  
PORTLAND, OREGON**

**LU 14-230014 DZM**

**IN THE MATTER OF AN APPLICATION BY  
SECURITY PROPERTIES / SP PEARL LLC FOR  
DESIGN REVIEW FOR BLOCK 136 IN THE PEARL DISTRICT  
SITE LOCATION: 1241 NW JOHNSON STREET**

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**FINDINGS AND CONCLUSIONS**

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**ADOPTED BY THE CITY COUNCIL ON  
MAY 20, 2015**

**(APPROVAL OF DESIGN REVIEW)**

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**FINDINGS AND CONCLUSIONS**

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The findings and conclusions of the City Council in this matter are set forth below.

**I. GENERAL INFORMATION**

**Applicant/Owner:** Michael Nanney, Security Properties  
701 Fifth Ave, Suite 5700  
Seattle, WA 98101  
SP Pearl LLC  
1201 Third Ave #5400  
Seattle, Wa 98101

**Representatives:** Heidi Oien, Mithun  
1201 Alaskan Way, Suite 200  
Seattle, WA 98101  
Karen Karlsson, KLK Consulting, LLC  
906 NW 23rd Ave  
Portland, OR 97210  
Stark Ackerman, Black Helterline LLP  
805 SW Broadway, Suite 1900  
Portland, OR 97205

**Appellant:** Preserve the Pearl LLC  
3430 SE Belmont St., Ste 209  
Portland, OR 97214

**Representatives:** Burton Francis  
422 NW 13th Ave Ste 187  
Portland OR 97209

**Site Address:** 1241 NW JOHNSON STREET  
**Legal Description:** BLOCK 136 LOT 1-8, COUCHS ADD  
**Tax Account No.:** R180211770  
**State ID No.:** 1N1E33AD 01600  
**Quarter Section:** 2928

<b>Neighborhood:</b>	Pearl District, contact Patricia Gardner at 503-243-2628.
<b>Business District:</b>	Pearl District Business Assoc., Adele Nofield: 503-223-0070.
<b>District Coalition:</b>	Neighbors West/Northwest, Mark Sieber: 503-823-4212.
<b>Plan District:</b>	Central City - River District
<b>Zoning:</b>	EXd, Central Employment with Design Overlay
<b>Case Type:</b>	DZM, Design Review with Modifications (3)
<b>Procedure:</b>	Appeal before the City Council of the Design Commission Decision dated February 2, 2015.
<b>Exhibits:</b>	The record before and considered by the City Council in rendering its decision on this application consists of those materials listed in Exhibit A hereto.

## II. INTRODUCTION AND PROCEDURAL HISTORY

**Proposal:** A new full-block mixed-use project in the Central City Plan District's River sub-District. The project includes 2 north-south oriented bar buildings with a courtyard between.

### **BLD #1: NW 13<sup>th</sup> Avenue Brick Building**

- 5 stories
- Maximum Allowed Height of 120', the proposed building reaches 76'-1"
  - 75' base height
  - 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR – 45'.
- Approximately 15,000 square feet of retail at ground level.
- Approximately 60,000 square feet of office at levels 2-5.
- Rooftop program includes roof terrace, elevator/stair overrun, mechanical enclosure and eco roof.
- An at-grade loading space will be located within the public right-of-way on the east side of NW 13<sup>th</sup> Ave immediately north of the intersection with NW Johnson St.
- 13<sup>th</sup> Ave dock within the right-of-way, as allowed by the River District ROW standards – approximate dimensions: 124' long, 12'-16' deep, 3' – 4'-9" high. Single ADA ramp oriented north to NW Johnson St.
- Courtyard dock – approximate dimensions: 124' long, 8'-14' deep, 3' – 4'-9" high

### **BLD #2: NW 12<sup>th</sup> Avenue Tower Building**

- 15 stories
- Maximum Allowed Height of 150', the proposed building reaches 148'-4"
  - 75' base height
  - 75' height bonuses
    - 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR – 45'.

- 30' Bonus Height Option for Housing (33.510.210.E.). Maximum available for housing – 75'.
- If both bonus options are used, combined bonus height may not exceed 75'.
- Approximately 208 residential flats and 8 street-level live-work townhomes
- Total number of parking spaces proposed is 199 automobile spaces in two levels of underground parking and 332 indoor bike parking spaces.
- Parking and loading will be accessed from NW 12<sup>th</sup> Avenue. Three loading spaces are proposed: *Space A*. A space within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave) is 35 feet long x 11 feet 5 inches wide. *Space B*. Standard B size (18' long x 9' wide x 10' clear) located within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave). The space will be scheduled for food deliveries in the morning and generally available for office deliveries and service vehicles. *Space C*. A cargo van loading space (18' long x 10' wide x 8'-11" clear) located within the footprint of the NW 13<sup>th</sup> Ave building. The space will be scheduled for food deliveries in the morning and generally available for office deliveries and service vehicles.

#### Site FAR

- Maximum FAR allowed for the site is 7:1, the proposed buildings combined reach approximately 7:1.
  - 4:1 base FAR (Map 510-2)
  - 3:1 FAR Residential Bonus (33.510.210.C.1.a(1)). For each square foot of housing, a bonus of 1 square foot of floor area is earned (max 3:1).

#### Three (3) Modifications are required for

1. **Roof Access & Mechanical (33.140.210.B.2.)** All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit. **12<sup>th</sup> Ave Building** – The rooftop mechanical enclosure is set back 13'-2" from the roof edge abutting 12<sup>th</sup> Ave and 8'-0" from the roof edge facing the courtyard. One piece of mechanical equipment is in excess of 10 feet tall (a make-up air unit at 13 feet tall.) And, the cumulative area of roof enclosures 10' above the height limit – exceeds the 10% of roof area limit. Total coverage for this building is 18.8%.
2. **Size of Loading Spaces (33.266.310.D.a.)** Two (2) Standard A loading spaces are required. A Standard A loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The project proposes three loading spaces:
  - **Space A**. A space within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave) is 35 feet long x 11 feet 5 inches wide (except at doorway which is 10 feet wide). The height of the space, however, varies. A majority of the space (28 feet of it) is 19 feet 6 inches high with the remaining portion varying from 11 feet (at doorway) to 12 feet (outside the

doorway). The space will be scheduled for food deliveries in the morning, resident move-in/out during the day and generally available for office deliveries.

- **Space B.** Standard B size (18' long x 9' wide x 10' clear) located within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave). The space will be scheduled for food deliveries in the morning and generally available for office deliveries and service vehicles.
  - **Space C.** A cargo van loading space (18' long x 10' wide x 8'-11" clear) located within the footprint of the NW 13<sup>th</sup> Ave building. The space will be scheduled for food deliveries in the morning and generally available for office deliveries and service vehicles.
- 3. Bike Parking Space Dimension (33.266.220.C.3.b.)** A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported. The project proposes staggered vertical storage, dimensioned at 18" x 6' with a 5' walk aisle.

### **Approval Criteria:**

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

- Chapter 33.420 Design Overlay Zone, including
  - Central City Fundamental Design Guidelines (CCFDG)
  - River District Design Guidelines (RDDG)
- Chapter 33.510 Central City Plan District, including
  - 33.510.210 E. Bonus Height Option for Housing
- Chapter 33.825 Design Review, including
  - Modification Criteria (33.825.040)

**Procedural History:** The project was presented to the Design Commission for three Design Advice Requests – on May 15, June 5, and July 24, 2014. The feedback provided by the Design Commission is contained in the record before the City Council. The project was considered in a duly advertised public hearing of the Design Commission on December 15, 2014. That hearing was continued on January 22, 2015. On February 2, 2015 the Design Commission issued its written decision approving the project with three modifications. That decision was appealed by Preserve the Pearl LLC on February 17, 2015. The City Council heard the appeal in a duly advertised public hearing on April 8, 2015. The City Council took public testimony on April 8, 2015 and continued the hearing to a date and time certain of April 23, 2015 at 2:00 p.m., leaving the written record open until 5:00 p.m. on April 15, 2015. On April 23, 2015 the City Council tentatively voted to deny the appeal and approve the project and continued the hearing to a date and time certain of May 20, 2015 at 10:30 a.m. for adoption of findings and a final decision.

### **III. ANALYSIS**

**Site and Vicinity:** The subject property is a full 40,000 square-foot block, located in the River District, bound by NW 13<sup>th</sup> and NW 12<sup>th</sup> Avenues and by NW Johnson and NW

Kearney Streets. Presently under the ownership of SP Pearl LLC, the property supports one single-story 38,000 square-foot structure formerly occupied by the Pacific Northwest College of Art. The building will be demolished to make way for the proposed project.

Over the past several years the character of the neighborhood has significantly changed, providing increased opportunities for a variety of residential, diversified commercial, retail, and open space development. Starting at the north and rotating clockwise, immediately adjacent developments include the two-story Rivertech Building (office/retail), the 5-story Kearney Plaza, the 6-story Riverstone, the Johnson Street Townhomes, the Armco Building (Downtown Self Storage), 24 Hour Fitness, the Stagecraft Building (Nossa Familia Coffee, PNCA Studios), and Lovejoy Square (retail/office).

The site lies within the Northwest Triangle Pedestrian District per the Transportation System Plan. Street designations are:

- NW 13<sup>th</sup> Ave is designated a City Walkway;
- NW 12<sup>th</sup> Ave, Johnson St & Kearney St are designated Local Service Walkways;
- NW Johnson St is also designated as a City Bikeway.

The River District was established as an Urban Renewal Area in 1998, selected as such for its proximity to the core of downtown and to correct blighted conditions that had overtaken the area. It was envisioned that transit and open space improvements, as well as the introduction of dense housing and commercial opportunities, would bring new life into this area while meeting the state land use planning goals. Since 2001, the River District, and in particular the Pearl District at the heart of the URA, has transformed significantly into one of Portland's densest and fastest-growing neighborhoods.

**Zoning:** The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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

**Project Description:** Block 136 provides a unique opportunity to integrate a new mixed use development into the already rich urban fabric of the Pearl District. The project consists of two related but distinct buildings designed to contribute to the diversity of the Pearl- a 76 foot tall office + retail building along the historic NW 13<sup>th</sup> Avenue, and a 150 foot tall residential high rise on NW 12<sup>th</sup> Avenue. Both structures are located over a below-grade, shared bicycle and automobile parking garage, with a new public landscaped courtyard above the garage between the buildings. The garage will

accommodate approximately 199 cars, and will be accessed from NW 12<sup>th</sup> Avenue. A mezzanine level will include 332 bike parking spaces and related amenities.

Conceptually, the two buildings will form a contrasting but mutual relationship with one another. A “Heartwood and Seedling” metaphor harkens back to Portland’s history as a forest and lumber town. The theme sets the tone for the expression of the buildings and open spaces. The ground floor of each building is designed to form a vibrant, active culture along the adjacent four streets and in the new at-grade courtyard between them. Pedestrian-level detailing of concrete, painted steel canopies, and colorful accent colors near doors relate the buildings to each other.

The site is organized into two north-south oriented bar buildings with a public courtyard connecting NW Johnson and NW Kearney Streets between them. This orientation is consistent with other development in the neighborhood, and allows optimal solar access to warm the courtyard and to provide daylight access to both buildings. The height and massing of the 13<sup>th</sup> Avenue Building is kept low, approximately 76 feet tall, to be consistent with the NW 13<sup>th</sup> Avenue Historic District south of the site. The 12<sup>th</sup> Avenue Building uses the rest of the allowable development capacity and reaches 150 feet tall.

The site design with two parallel buildings and the center block-long courtyard allows the project to embrace the NW 13<sup>th</sup> Avenue corridor. The project’s 13<sup>th</sup> Avenue Building steps down to NW 13<sup>th</sup> Avenue (the spine of the NW 13<sup>th</sup> Avenue Historic District to the south) to make it compatible with many of the other buildings in the project area. The placement of the 12<sup>th</sup> Avenue building on the east side of the block allows the project to step down to NW 13<sup>th</sup> Avenue, reflecting context, scale, and massing of the adjacent historic district. The project is compatible with desired/allowed building heights and massing. It adds to a positive and varied skyline in this district.

### **Streetscape**

The livability of the Pearl District is expressed through its streetscapes, allowing a rich street life with dining opportunities, retail frontage, and connections to parks and transit. The project preserves existing street trees where possible on NW Kearney Street and NW 12<sup>th</sup> Avenue, and continues a mixed layer canopy on NW Kearney Street, NW Johnson Street, and NW 12<sup>th</sup> Avenue. High quality benches, bike racks, and pervious pavers are provided in the furnishing zone. The 13<sup>th</sup> Avenue Building includes a dock along NW 13<sup>th</sup> Avenue in keeping with the character of the street.

### **Courtyard**

The angular design of the public courtyard draws inspiration from the practice of moving timber using log rafts. Reclaimed timber benches (timber from the former Pacific Northwest College of Art (PNCA) building), paving accents, and wall caps divide planting areas, allow for seating, and reference the history of Portland. Publicly accessible, movable seating and a bocce court provide areas for pause and recreation. Planting areas treat stormwater from the building roofs and pedestrian surfaces prior to discharge into the Willamette River. The planting palette softens the space and provides year-round interest. A dock extending into the courtyard from the NW 13<sup>th</sup> Avenue office building, similar to that building’s dock-high sidewalk and seating area along NW 13<sup>th</sup>

Avenue, allows for seating overlooking the courtyard, providing vitality on multiple planes. The courtyard includes a public bike workstation and short term bike parking.

### **13<sup>th</sup> Avenue Office + Retail**

In response to the NW 13<sup>th</sup> Avenue Historic District to the south of the site, this “Heartwood” building is envisioned as a modern interpretation of a universal, dock-celebrated, industrial building. The 75,000 square foot structure will be concrete, steel + wood-framed and clad in brick, with large punched windows on a 5 foot office module. Approximately 15,000 square feet of retail space will occur on dock and sidewalk levels. Four levels of office space above will total approximately 60,000 square feet. Retail and office areas will be designed to shell and core level of completion. Retail or restaurant spaces on NW Kearney and NW Johnson Streets will be at sidewalk level on those streets. The building includes a green roof and a roof terrace designed with a wood grain concept, in keeping with the building’s theme.

The mass of the building will meet the lot lines on all three streets it borders, but will include one inset terrace (or ‘kerf’) per office level, as well as retail entry recesses on NW Johnson and NW Kearney Streets. One projecting balcony per floor occurs on the courtyard side of the building, relating to the projecting bays on the 12<sup>th</sup> Avenue Building. A raised “loading” dock with a canopy on NW 13<sup>th</sup> Avenue will provide access to a majority of the retail spaces and will spill into the courtyard and provide outdoor, covered restaurant seating on both sides. The dock on NW 13<sup>th</sup> Avenue will require an encroachment permit for its 11 foot projection into the right-of-way.

In addition to brick, other primary materials include concrete base walls and “loading” docks, painted steel canopies, and galvanized railings. Openings include aluminum storefront on the ground level and color-matched high-quality European vinyl windows on the upper floors. Colorful painted French doors at the upper levels and at the folding doors on the dock will brighten the palette, along with wood siding details at the dock level storefront. Painted steel frame structure and wood ceilings will be exposed on the exterior at the ‘kerfs’, and wood ceilings of the interior upper levels will be visible from within and without. The retail level will have exposed concrete structure on the interior.

### **12<sup>th</sup> Avenue Residential Building**

The residential building is envisioned as a slender, vertical tower relating to the newer, contemporary residential high rises in the Pearl. This “Seedling” building will be a concrete structure primarily clad in window wall and vertically oriented metal panel siding. With approximately 205,000 square feet, it will include approximately 208 residential flats of varying sizes and 8 street-level townhomes. The residential use is intended for market-rate apartment housing and includes shared amenity spaces at the lower levels, as well as a rooftop view terrace with small trees, social spaces and community gardens.

The primary massing of the building is a thin rectilinear form made of charcoal-colored window wall with spandrel panels. This form meets the lot lines on NW Kearney Street, and sits back 4 feet and 2.5 feet from NW Johnson Street and NW 12<sup>th</sup> Avenue lot lines, respectively. Vertical bays extend up the middle of the form (from the 3<sup>rd</sup> level to the 14<sup>th</sup> level), and project on the courtyard side and to meet the NW Johnson Street and NW 12<sup>th</sup>

Avenue lot lines. The bays are made of clear, vertically oriented, anodized aluminum panels and matching aluminum window wall. Balconies with glass railings rise in vertical ribbons next to the bays. Perforated medium-grey panels complete the sides of the bays and hide exhaust louvers for each unit.

The window wall form meets the ground (and provides views into semi-public uses) at the north end of the building where the leasing lobby and residential lobby occupy double height spaces on two corners, and at the double height residential amenities along the courtyard. This window wall form also forms the top of the building at the penthouse units, where it is fitted with a lightweight aluminum trellis that frames the sky. On the ground level, board-formed concrete walls and trellis/canopies demise individual townhomes and garage/loading entries at the base of the building. A smooth concrete base relates to the smooth concrete dock on the 13<sup>th</sup> Avenue Building.

Overall, the project is entirely consistent with the character of the neighborhood and provides a variety of new residential units, a diversified commercial/retail building on NW 13<sup>th</sup> Avenue that steps down to and embraces the NW 13<sup>th</sup> Avenue Historic District, and develops new, interesting, and engaging public open space. The project embraces each of its four fronting streets and will add significantly to the vitality of the area.

**Land Use History:** City records indicate the following prior land use reviews for this site:

- EA 14-134106 – Pre-application conference for the proposed project;
- EA 14-134111 – Design Advice Request for the proposed project;
- LU 14-217898 – Withdrawn;
- LUR 01-00379 DZ – Addition of three entry awnings;
- LUR 95-00301 DZ – Removal of overhead door, infill a 20’x60’ wall and door void;
- LUR 97-01095 DZ– Interior tenant improvements;

**Agency Review:** A “Request for Response” was mailed October 16, 2014. The following Bureaus have responded with no issue or concerns:

The **Life Safety Plans Examiner** responded with preliminary Building Codes information that could affect the Land Use Review and/or future Building Permit reviews.

The **Site Development Section of BDS** responded with general comments related to permitting requirements.

The **Fire Bureau** responded with the following comment: A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development. Please contact the Fire Marshal’s Office with any specific questions.

The **Bureau of Environmental Services** responded with the following comment: BES takes no exception to approval of this Design Review application. The proposed development will be subject to BES standards and requirements during the permit review process.

The **Bureau of Parks-Forestry Division** responded with general comments related to street trees.

The **Portland Bureau of Transportation** responded with general comments related to encroachment permitting for the loading dock on NW 13<sup>th</sup> Ave. All materials required for PBOT support were submitted, reviewed and approved prior to the January 22, 2015 Design Commission hearing.

The **Portland Water Bureau** responded with general comments related to water service availability and facilities.

**Neighborhood Review:** For the Design Advice Requests held on the project (May 15, June 5, and July 24, 2014) the project site was posted 21 days prior to each hearing. For the Type III Land Use Review Hearings (December 15, 2014, continued to January 22, 2015), the noticing process complied with all Portland Zoning Code requirements as follows – public notice was mailed to recognized neighborhood and business associations within 1,000 feet of the site (for this site, the Pearl District Neighborhood Association, Nob Hill Business Association and Neighbors West/Northwest, Northwest District Association); and, all property owners within the 400 feet of the site were mailed a Notice of Proposal 20 days prior to each hearing. The Design Commission Decision includes references to the comments received in response to the public notification. City Bureaus, Tri-Met, AIA Urban Design Committee, Metro and BNSFRR, Oregon Walks and Portland School District #1 were also mailed notice. The project site was posted with notice boards 30 days prior to each Land Use Hearing. Notice of the hearings was posted on the BDS website. All Design Commission hearings on this matter were open to public testimony and public testimony was taken prior to the Design Commission rendering its final decision. As to the hearings and decision, all legal notice was given and procedural due process was satisfied.

#### **IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS**

##### **CHAPTER 33.420 DESIGN OVERLAY ZONE**

***Section 33.420.025. Where These Regulations Apply.** The regulations of this chapter apply to all design overlay zones. Design review may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision.*

***Section 33.420.041. When Design Review is Required.** Design review is required for new development.*

**Findings:** The City Council finds that the project site is designated with design overlay zoning (designated by a “d” on Zoning Map 2928) and that the project is a new development. The City Council therefore concludes that the project requires Design Review approval, the requirements for which are addressed below.

##### **CHAPTER 33.825 DESIGN REVIEW**

###### ***33.825.010 Purpose***

*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.*

***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 City Council finds that the project site is within the Central City Plan District and the River District subdistrict, as is shown on Map 420-1. As a consequence, pursuant to 33.825.065.B, the application must comply with the Central City Fundamental Design Guidelines and the River District Design Guidelines. *CCFDG*, page 8. The City Council further finds that compliance with the Central City Fundamental Design Guidelines and the River District Design Guidelines are demonstrated in the Findings that immediately follow this Finding.

**Based upon the Findings that immediately follow this finding, the City Council concludes that the application meets the design guidelines for the applicable area and that the requirements of 33.825.055 are therefore met.**

**RIVER DISTRICT DESIGN GUIDELINES AND CENTRAL CITY FUNDAMENTAL DESIGN GUIDELINES**

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. *RDDG*, page 4. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development. *CCFDG*, page 3; *RDDG*, pages 3-4.

The Central City Fundamental Design Guidelines (*CCFDG*) make up the fundamental set of design guidelines for all development in the Downtown Design District, and are augmented with additional guidelines specific to subdistricts. For this project, the River District Design Guidelines (*RDDG*) supplement the *CCFDG*. Where a conflict arises between design district guidelines, the more local or area-specific set of design guidelines take precedence. *CCFDG*, page 4. Design Guidelines are mandatory approval criteria that must be met as part of design review. *CCFDG*, page 5. However, the design review process is flexible and is intended to encourage designs that are innovative and

appropriate for their locations. *CCFDG*, page 10. Only each explicitly stated “Guideline” in each plan is mandatory; the other language in the Guidelines is intended to help interpret and apply the Guidelines.

The RDDG adds specificity to the CCFDG. Compliance with the RDDG can take many different forms. *RDDG*, page 5. The RDDGs are intended to state broad design objectives and to provide guidance; they are not prescriptive standards. *RDDG*, page 5.

The Central City Fundamental Design Guidelines and the River District Design Guidelines 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.

The following River District and Central City Plan Goals are not approval criteria. They are the legislative policy framework describing a vision for Portland’s Central City. The River District and Central City Plan Goals are implemented by the River District Design Guidelines and the Central City Fundamental Design Guidelines accordingly, which are the only approval criteria for projects within the boundaries of the River District and the Central City Plan.

#### **River District Design Goals (*RDDG*, page 4)**

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region’s residential growth.
3. Enhance the District’s character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

#### **Central City Plan Design Goals (*CCFDG*, page 3.)**

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.

The City Council considered all of the design guidelines in the CCFDG and the RDDG and finds that only certain of the guidelines are applicable to this project, and concludes that the other guidelines need not be specifically addressed.

**Findings:** The City Council concludes that the following design guidelines in the CCFDG and the RDDG are not applicable to the project for the reasons set forth:

1. **CCFDG A9** (Develop and/or strengthen gateway locations) does not apply because Block 136 is not a gateway location to the Central City as designated in the Central City Plan.
2. **CCFDG C3** (Respect architectural integrity) does not apply because C3 only applies where a project proposes to alter or add onto an existing building. The Block 136 project proposes to demolish the existing structure and therefore this guideline is inapplicable.
3. **RDDG A5-1-2** (Reinforce the identity of the North Park Blocks) does not apply because Block 136 is not part of or near the North Park Blocks, located between Burnside and NW Glisan between NW 8<sup>th</sup> Avenue and NW Park Avenue as shown on Page 7 of the RDDG..
4. **RDDG A5-1-3 (Reinforce the identity of Chinatown)** does not apply because Block 136 is not in or near Chinatown, as shown on Page 7 of the RDDG.
5. **RDDG A5-1-4 (Reinforce the identity of the Union Station Area)** does not apply because Block 136 is not in or near the Union Station Area, as shown on Page 7 of the RDDG.
6. **RDDG A5-1-5 (Reinforce the identity of the Waterfront Area)** does not apply because Block 136 is not in or near the Waterfront Area, as shown on Page 7 of the RDDG.
7. **RDDG A5-2 (Emphasize N.W. Broadway's Bright Lights)** does not apply because Block 136 is not within 100 feet of Broadway because the project is located 7 blocks west of Broadway.
8. **RDDG B5-2 (Strengthen the significance of the Classical Chinese Garden)** does not apply because the project is not in the vicinity of the Classical Chinese Garden, which is located in Chinatown as shown on the map on Page 7 of the RDDG.
9. **RDDG C9-1 (Reduce the Impact of Residential Unit Garages on Pedestrians)** does not apply because the project does not include individual unit garages that affect the public right-of-way.

The City Council addresses the remaining guidelines in the CCFDG and the RDDG below, and in both General Findings covering groups of similar guidelines and in Specific Findings for each Guideline finds that the guidelines are met.

***CCFDG 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.*

**RDDG A1-1. Link the River to the Community.** *Link the Willamette River to the Community reinforcing the river's significance. As provided in the RDDG, this guideline may be accomplished by :*

- a. Organizing land areas, and groupings of buildings to visually define the river's linkage to the community;
- b. Focusing and articulating roadways and pedestrian ways to emphasize the river.
- c. Developing projects that celebrate the river, and contribute to creating centers of interest and activity that focuses on the Willamette; or
- d. Connecting the internal areas of the District to the Willamette Greenway Trail.

**CCFDG A2. Emphasize Portland Themes.** *When provided, integrate Portland-related themes with the development's overall design concept.*

**RDDG 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.*

**CCFDG 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.*

**CCFDG 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.*

**RDDG C1-1. Increase River Opportunities.** *Increase river and waterway view opportunities to emphasize the River District ambiance. As provided in the RDDG, this guideline may be accomplished by:*

- a. Designing and locating development projects to visually link their views to the river and /or waterways.
- b. Providing public stopping and viewing places which take advantage of views River District activities and features; or
- c. Designing and orienting open space and landscape areas to emphasize views of the river and waterways.

#### **GENERAL FINDINGS FOR A1, A1-1, A2, A3-1, B1, C1, AND C1-1:**

The City Council finds that these guidelines are met as follows:

Conceptually, the project (Heartwood + Seedling) relates to Portland themes in two ways: "Heartwood" for lumber industry and "Seedling" for Portland's natural setting and forested past. The courtyard's log-jam concept relates to Portland's history in the timber industry, and the NW 13<sup>th</sup> Ave Building's roof terrace uses a wood grain theme. Stormwater planters incorporated into the courtyard highlight the rain and natural environment unique to Portland and the Northwest.

The proposed two-Building development will support and enhance pedestrian activity within the public right-of-way. The ground floors of both buildings include a variety of public space-activating uses including storefront retail, office and residential lobbies and amenity space. These active, sidewalk-proximate spaces will enhance pedestrian connectivity throughout the district and reinforce connections to the Willamette River (about eight blocks north and also eight blocks west of the site.) The project adds a layer to the circulation hierarchy in the neighborhood by providing an on-grade, accessible public courtyard running north-south between the buildings fronting NW 12<sup>th</sup> and 13<sup>th</sup> Aves. The NW 13<sup>th</sup> Ave Brick Building contributes to the predominant loft warehouse typology in the area with a raised retail/restaurant loading dock and flexible retail/restaurant spaces that can help to activate the active, mixed-use pedestrian corridor on NW 13<sup>th</sup> Ave and can help to reinforce the sense of place of the street. The project is retaining cobblestones on NW Kearney St to maintain a pedestrian scale to the street.

The apartment building roof terrace and unit balconies will have river and territorial views. Many visual cues signifying river and greenway connections are evident from the abutting right-of-way including the arched span of the Fremont Bridge and the Union Station clock tower. These features and others like them serve as visual landmarks for the entire neighborhood. Neither building interferes with views down Johnson Street to the Union Station clock tower.

NW 13<sup>th</sup> Ave Brick Building: The roof terrace will offer views northward to the river and the Fremont Bridge, and southward to downtown and the west hills. Projecting box bays intermittently located on floors 2-5 will offer views over the courtyard below and obliquely on NW 13<sup>th</sup> Ave.

NW 12<sup>th</sup> Ave Tower Building: The roof terrace will offer views eastward (SE Portland, Mt Hood, etc.), westward (NW Portland, West Hills, etc.) and southward (central city, West Hills, etc.). The orientation of the tower puts the long walls along a north-south axis. Since river views are north and east, most of the units on three sides will all be able to enjoy at least some river view. Balconies for over one third of the units are oriented for views of the river. This orientation also maximizes sun exposure to the courtyard.

**Based upon the above findings, the City Council concludes that the project meets A1, A1-1, A2, A3-1, B1, C1, and C1-1.**

### **SPECIFIC FINDINGS FOR CCFDG A1: INTEGRATE THE RIVER:**

*CCFDG 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.*

**Findings:** The City Council finds that the project integrates the Willamette River into its design, orients architectural and landscape elements to the River, and successfully develops pedestrian ways that provide connections to the Willamette River as follows:

1. The site is located equidistant to the river in both the north and east directions (approximately 2600-2700 feet), and is just two blocks (just over 600 feet) from the west edge of the District and I-405. The project's two buildings are oriented at a +/-45 degree angle from the river in both directions. Balconies for a third of the residents are oriented for a river view, and the 12<sup>th</sup> Avenue Building roof terrace is oriented for views of the river. Many visual cues signifying river and greenway connections are evident from the abutting right-of-way including the arched span of the Fremont Bridge and the Union Station clock tower. These features and others like them serve as visual landmarks for the entire neighborhood.
2. The ground floors of both buildings include a variety of public space-activating uses including storefront retail, office and residential lobbies, and amenity space. These active, sidewalk-proximate spaces will enhance pedestrian connectivity throughout the district and reinforce connections to the Willamette River about eight blocks north and eight block east of the project site.
3. The project's orientation, with buildings running in the north-south direction, has the following design effects: the apartment building roof terrace and unit balconies will have river and territorial views.
  - a) The roof terrace on the 12<sup>th</sup> Avenue Building will offer views eastward (SE Portland, Mt. Hood, etc.), westward (NW Portland, West Hills, etc.) and southward (central city, West Hills, etc.). The orientation of the tower puts the long walls along a north-south axis. Since river views are north and east, most of the residential units on three sides will all be able to enjoy at least some river view. Balconies for over one third of the units are oriented for views of the river.
  - b) The roof terrace on the 13<sup>th</sup> Avenue Building will offer views northward to the river and the Fremont Bridge, and southward to downtown and the west hills. Projecting steel balconies intermittently located on floors 2-5 will offer views over the courtyard below and obliquely on NW 13<sup>th</sup> Avenue.
4. The design of the public courtyard draws inspiration from the practice of moving timber along the River using log rafts. Planting areas in the public courtyard treat stormwater from the building roofs and pedestrian surfaces prior to discharge into the Willamette River.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A1.**

**SPECIFIC FINDINGS FOR RDDG A1-1: Link the River to the Community:**

***RDDG A1-1. Integrate the River. Link the Willamette River to the Community reinforcing the river's significance.***

**Findings:** The City Council finds that the project links the Willamette River to the community as set forth above in the specific findings for CCFDG A1.

**Based upon the above findings, the City Council concludes that the project meets RDDG A1-1.**

**SPECIFIC FINDINGS FOR CCFDG A2: EMPHASIZE PORTLAND THEMES:**

***CCFDG A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.***

**Findings:** The City Council finds that this design guideline focuses on emphasizing themes unique to Portland's culture and geography that promote the city's identity and image. Examples of elements that identify Portland include the rose (the city flower), the great blue heron (the city bird), water features, bridges, trees, mountain views, rain, and the natural environment. The City Council finds that the project integrates Portland-related themes throughout its design as follows:

1. The concept for the project, Heartwood + Seedling, relates to Portland themes in two ways: "Heartwood" for the timber industry and "Seedling" for Portland's natural setting and forested past. The courtyard's log-jam concept relates to Portland's history in the timber industry, and the 13<sup>th</sup> Avenue Building's roof terrace uses a wood grain theme. Stormwater planters incorporated into the courtyard highlight the rain and natural environment unique to Portland and the Northwest.
2. The 13<sup>th</sup> Avenue Building contributes to the predominant loft warehouse typology in the project vicinity (NW 13<sup>th</sup> Avenue Historic District vicinity) with a raised retail/restaurant loading dock and flexible retail/restaurant spaces that can help to activate the active, mixed-use pedestrian corridor on NW 13<sup>th</sup> Avenue to help to reinforce the sense of place of the street.
3. The project is designed to follow the precedent of loading docks on NW 13<sup>th</sup> Avenue by providing a north-south oriented dock along the 13<sup>th</sup> Avenue Building frontage. An east-west orientation would not allow for a dock and would contribute less to the NW 13<sup>th</sup> Avenue Historic District precedent.
4. The 12<sup>th</sup> Avenue Building will provide views of the Willamette River and surrounding mountains.

5. The project is designed to follow the precedent for open space within the neighborhood. In the Pearl, all but one of the open spaces on private land are oriented north-south. In the Pearl District, it is public open space within public rights-of-way that are predominantly oriented east-west (for example the path between NW 12<sup>th</sup> Avenue and NW 11<sup>th</sup> Avenue along NW Kearney Street). This courtyard orientation also maximizes sun exposure to the courtyard.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A2.**

**SPECIFIC FINDINGS FOR RDDG A3-1: PROVIDE CONVENIENT PEDESTRIAN LINKAGES:**

***RDDG 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.*

**Findings:** The City Council finds that the focus of RDDG A3-1 is to make connections throughout the City's small block structure, and additional connections through individual developments, meaningful. The City Council finds that the project creates a convenient pedestrian linkage through the river-themed public courtyard and enhances and enlivens the surrounding streetscape which will facilitate the movement of pedestrians to and from the river and surrounding neighborhoods as follows:

1. The Project design supports a fine grain pedestrian network in the neighborhood by providing an on-grade, accessible public courtyard running north-south between the buildings fronting on NW 13<sup>th</sup> and NW 12<sup>th</sup> Avenues. In this area of the Pearl District, most existing courtyards on private property are oriented north-south, while public ROW mews are oriented east-west. The project's courtyard provides convenient, pleasant access to both buildings. The project is retaining cobblestones on NW Kearney Street to maintain a pedestrian scale to the street.
2. The ground floors of both buildings include a variety of public space-activating uses including storefront retail, office, and residential lobbies and amenity space. These active, sidewalk-proximate spaces will enhance pedestrian connectivity throughout the district and reinforce connections to the Willamette River to north and to the east of the site. The project adds a layer to the circulation hierarchy in the neighborhood by providing an on-grade, accessible public courtyard running north-south between the buildings fronting NW 12<sup>th</sup> and NW 13<sup>th</sup> Avenues.
3. Per the RDDG, page 13, "Kearney and Irving provide dense pedestrian networks throughout the district. Development along these streets should strengthen this network through the orientation of windows, entries,

stoops, and other building elements which emphasize these linkages.” The project design locates an entry to the on-grade courtyard along NW Kearney Street, as well as other active uses such as the residential lobby entry, leasing office, and a retail space in the 13<sup>th</sup> Avenue Building in order to strengthen NW Kearney Street as a neighborhood connector.

4. The project has a design that respects, embraces and continues the predominant design themes found along NW 13<sup>th</sup> Avenue, and will enhance and extend the NW 13<sup>th</sup> Avenue Historic District and thereby enhance the corridor’s attractiveness and utility for pedestrian mobility throughout the District, including to/from the Willamette River and surrounding neighborhoods.

**Based upon the above findings, the City Council concludes that the project meets RDDG A3-1.**

**SPECIFIC FINDINGS FOR CCFDG B1: REINFORCE AND ENHANCE THE PEDESTRIAN SYSTEM:**

*CCFDG 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.*

**Findings:** The City Council finds that the project maintains convenient access to all existing rights-of-way, develops distinct sidewalk zones, and adds a pedestrian access through the central public courtyard as follows:

The project will enhance adjacent sidewalk zones by defining different sidewalk zones with appropriate joint pattern and a variety of surface materials while keeping the sidewalk as wide as possible for ease of travel. The project creates a variety of streetscape experiences by altering the furnishing zone to correspond with building uses (for example, benches and pavers at residential uses, and ample bike parking at retail uses). The curb edge and paving pattern along NW 12<sup>th</sup> Avenue is reestablished between the two curb cuts for parking and loading. In addition, building edges are articulated at the sidewalk using large windows, canopies at retail entries and along the dock, and partially glass-covered trellises at the townhomes. The pedestrian realm is provided with sheltered spaces that do not obstruct the movement zone.

**Based upon the above findings, the City Council concludes that the project meets CCFDG B1.**

**SPECIFIC FINDINGS FOR CCFDG C1: ENHANCE VIEW OPPORTUNITIES:**

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

**Findings:** As an initial matter, the City Council finds that it is not clear on its face how the second design guideline under CCFDG C1, *Size and place new buildings to protect existing views and view corridors*, applies to this project. The City Council finds that in order to assess whether this project is consistent with this guideline, it must interpret what “existing views” are to be protected in the design and development of new buildings.

The guideline calls for protection of “existing views and view corridors.” The City Council finds that significant views and view corridors are set forth in the City’s Scenic Resources Plan, and that consequently the requirement in this guideline for protection of view corridors requires a project to protect existing public view corridors as set forth in the City’s Scenic Resources Plan.

The City Council also finds that “existing views,” as a separate resource, are not regulated in the City’s Scenic Resources Plan, and are not specifically defined in the CCFDG. The City Council finds that “existing views” are discussed in the CCFDG on page 92, and examples of strategies to ensure consistency with this design guideline are offered on pages 93 through 95 of the CCFDG. The City Council finds that the discussion in the CCFDG makes clear that the intent of this Guideline is to protect existing public views and public resources, particularly those to and from the public rights of way and public open spaces and parks, and that such protection does not extend to existing private views.

The City Council concludes, based on the above findings, that the protection of existing views and view corridors referred to in CCFDG C1 refers to the protection and creation of public views.

The CCFDG further recognizes that “as the Central City evolves, views can be positively altered and additional views can be created” and that “new buildings alter existing views only to the extent allowed by the City’s development standards.” CCFDG, page 92. The City Council finds, therefore, that the “protection of views” referred to in CCFDG C1 allows for changes to existing public views as new buildings, designed and developed consistent with the City’s development standards, alter existing views.

Finally, the City Council finds that CCFDG C1 addresses more than just the protection of existing views, and that compliance with this guideline must also consider the orientation of building elements as described in the first and last sentences of the guideline.

The City Council finds that the project meets CCFDG C1 because it orients windows, entrances and balconies to surrounding points of interest, orients the buildings on the project site to protect existing views and view corridors and develops building facades that create visual connections to public spaces as follows:

1. The Block 136 project is not within the Scenic Resource Zone (Ordinance #1639577, March 15, 1999) and, as a result, building to the zoning height limit of 150 feet on Block 136 does not affect any “significant scenic resources” or a defined view corridor. Therefore the project protects existing view corridors.
2. The project design protects and does not block existing public views from public rights of way or from other existing public spaces, and enhances and enlivens each of its surrounding streets, including NW 13<sup>th</sup> Avenue (which provides views of the Fremont Bridge and which provides smaller scale views and interactions with the NW 13<sup>th</sup> Avenue Historic District) and NW Johnson Street (which provides views to the east and the Union Station Clock Tower). To the extent that any public views are altered, they are altered consistent with the PZC.
3. The project creates views to the river, bridges, and other nearby points of interest from the roof terrace and resident balconies.
4. The building façade of the 13<sup>th</sup> Avenue Building respects and embraces predominant characteristics found along the NW 13<sup>th</sup> Avenue Historic District, creating ground level visual connections that will enhance the experience of the Pearl District.
5. The 12<sup>th</sup> Avenue street-level building façade is well designed overall to embrace the street, and includes 8 street-level townhomes which creates an interesting visual connection between residences and the public right-of-way.
6. Both buildings on the project are designed around the central public courtyard, creating visual connections between the project and a new public space.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C1.**

**SPECIFIC FINDINGS FOR RDDG C1-1: INCREASE RIVER VIEW OPPORTUNITIES:**

***RDDG C1-1. Increase River View Opportunities.*** Increase river and waterway view opportunities to emphasize the River District ambiance.

**Findings:** The City Council finds that the RDDG states that RDDG C1-1 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, and (3) designing and orienting open space and landscape areas to emphasize views of the river. The City Council finds that the project increases river view opportunities and emphasizes the River District ambiance as follows:

1. Many on-grade visual connections have been created between each building and its public context, such as viewing into the public courtyard from the raised retail dock along the 13<sup>th</sup> Avenue Building.
2. The 12<sup>th</sup> Avenue Building roof terrace and unit balconies will have river and territorial views. The roof terrace is oriented for views of the river, and balconies for at least a third of the apartment residents are oriented for a river view. Residential units will have views through ample glazing to the courtyard and surrounding streets. In the office building, glazed retail façades allow reciprocal views between the shop interiors to the courtyard, dock, and sidewalk.
3. Neither building interferes with views down NW Johnson Street to the Union Station clock tower or along NW 13<sup>th</sup> Avenue towards the Fremont Bridge.
4. While it is not possible to see the Willamette River while on-grade on Block 136 since it is located so many blocks away from the river, the project design embraces the River District theme, as demonstrated in the courtyard's log raft design concept.

**Based upon the above findings, the City Council concludes that the project meets RDDG C1-1.**

**SPECIFIC FINDINGS FOR CCFDG A3: RESPECT THE PORTLAND BLOCK STRUCTURES:**

***CCFDG 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.

**Findings:** The City Council finds that the focus of the A3 guideline is to create a small block pedestrian network and to avoid superblocks that are larger than 200 feet x 200 feet. The City Council finds that the project is being developed utilizing a traditional 200' by 200' block pattern, with right-of-way improvements as per adopted River District standards. The project will further enhance

pedestrian connectivity by providing a mid-block connection through the courtyard between NW Johnson and Kearney Sts.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A3.**

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

***CCFDG 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.*

***RDDG A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.** As provided in the RDDG, the Pearl District is a vibrant urban neighborhood of mixed commercial and residential uses. The area is an urban mix of old and new buildings and structures juxtaposed, with visual and physical reference to the area's warehousing past.*

***RDDG A9-1. When developing at gateway locations provide a distinct sense of entry and exit that relates to the special qualities of any area.** As provided in the RDDG, gateways to and between special areas of the River District should emphasize the special importance and character of these areas.*

***RDDG B5-1. Recognize the Roles of the Tanner Creek Parks.** Strengthen and enhance the Tanner Creek Parks as both a neighborhood park system and an extension of the North Park Blocks.*

**GENERAL FINDINGS FOR A4, A5, A5-1-1, A9-1 AND B5-1:**

The City Council finds that these guidelines are met as follows:

The project will reinforce a unified streetscape through the use of established street elements such as historic light standards, street tree spacing, and sidewalk joint patterns. The material palette continues that found in the Pearl District, and each building is unified with its immediate context. The NW 13<sup>th</sup> Ave building relates in height to the buildings in the predominantly brick historic district immediately south, while the NW 12<sup>th</sup> Ave building relates to the spine of taller buildings north of the site between NW 11<sup>th</sup> and 13<sup>th</sup> Aves where the height limit reaches 225'.

*Two-Building Identity.* While the two buildings differ in height, program, and materials, to contribute to the diversity of the Pearl, they share several unifying features – transparent storefronts, board-formed concrete base elements, painted steel canopies, galvanized railings, a similar storefront character, a common color palette and relational bays at the courtyard. The spaces are unified across the courtyard through vision glass and actives along the courtyard edges in both buildings.

*Loading Docks.* The project will include a covered retail dock along NW 13<sup>th</sup> Ave, contributing to the unique streetscape of covered loading docks along NW 13<sup>th</sup> Ave which are important symbols of the area's industrial past. The NW 13<sup>th</sup> Ave Building will use materials similar to the NW 13<sup>th</sup> Ave Historic District: brick, punched openings and light steel elements.

*Ground Floor Residential.* Townhomes along NW Johnson St and NW 12<sup>th</sup> Ave activate the street and enhance the residential character of these streets. The use of board-formed concrete, painted steel, canopies, and soft landscaping reflect the Pearl District and enhance the pedestrian experience.

*Public Character.* The public courtyard continues vital Pearl District place-making traditions such as internally activated open spaces, social pocket places, anything bicycle, pervasive artistic expression, integrated landscapes and Italian pastimes such as Bocce Ball.

*Tanner Creek Parks.* This guideline can be achieved by fostering an identity along the edges of the Tanner Creek Parks that celebrates the distinct character of the River District. While the Block 136 project is not directly adjacent to a Tanner Creek Park, it is one block away from Jamison Square and connected via the pedestrian-only portion of NW Kearney Street. The project meets this guideline because tree grates from Tanner Creek Park blocks will be used in along the Block 136 street frontages for continuity to foster identity along the edges of the Tanner Creek Parks.

*Entry/exit.* This guideline can be achieved by orienting building massing and form towards the intersection of a major district entrance (RDDG, page 37), and by creating structures or art to frame a key district or special area entrance (RDDG, page 37). The Block 136<sup>th</sup> project is kitty corner to the Northeast corner of the NW 13<sup>th</sup> Avenue Historic District, which is a special area identified on the map on page 7 of the RDDG. The project emphasizes the special importance and character of the NW 13<sup>th</sup> Avenue Historic District by stepping the project's massing down to the District and designing the 13<sup>th</sup> Avenue Building with a traditional loading dock, and building height, design and materials that respect and embrace the 13<sup>th</sup> Avenue Historic District. The ground level retail space at the corner of NW 13<sup>th</sup> Avenue and Johnson Street will provide a strong and active corner that will help enhance the gateway to the Historic District.

**Based upon the above findings, the City Council concludes that the project meets A4, A5, A5-1-1, A9-1 and B5-1.**

**SPECIFIC FINDINGS FOR CCFDG A4: USE UNIFYING ELEMENTS:**

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

**Findings:** The City Council finds that the project integrates unifying design elements and includes new features that unify and connect the project as a whole and the project's individual buildings to each other, the surrounding streets, and the broader neighborhood area as follows:

1. The project will maintain a consistent streetscape through the use of established street elements such as historic light standards, street trees spacing and treatment, and sidewalk joint patterns.
2. The material palette for the project buildings continues that found in the Pearl District, and each building is unified with its immediate context. The 13<sup>th</sup> Avenue Building relates in height and materiality to the buildings in the predominantly brick historic district immediately south, while the 12<sup>th</sup> Avenue Building relates to the Edge and other taller, sleek buildings within the Pearl District to the north.
3. While the apartment and office buildings differ in height, program, and materials, to contribute to the diversity of the Pearl, they share several unifying features. First, they share a positive attitude on how to address the street with transparent storefronts. Also, each structure uses raw concrete, painted steel canopies, galvanized railings, a similar storefront character, and projecting bays and balconies at the courtyard—all with a common color palette. The spaces are unified across the courtyard through vision glass and actives along the courtyard edges in both buildings.
4. The project will include a covered retail dock along NW 13<sup>th</sup> Avenue, contributing to the unique streetscape of covered loading docks along NW 13<sup>th</sup> Avenue which are important symbols of the area's industrial past. The 13<sup>th</sup> Avenue Building will use materials similar to the NW 13<sup>th</sup> Avenue Historic District: brick, punched openings, and light steel elements.
5. Townhomes along NW Johnson Street and NW 12<sup>th</sup> Avenue activate the street and enhance the residential character of these streets. The use of board-formed concrete, painted steel, canopies, and soft landscaping reflect the Pearl District and enhance the pedestrian experience.
6. The public courtyard continues vital Pearl District place-making traditions such as internally activated open spaces, social pocket places, anything bicycle, pervasive artistic expression, integrated landscapes, and Italian pastimes such as bocce ball.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A4.**

**SPECIFIC FINDINGS FOR CCFDG A5: ENHANCE, EMBELLISH, AND IDENTIFY AREAS:**

***CCFDG 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.*

**Findings:** The City Council finds that the project design enhances and embellishes the project area by reflecting the local character of the 13<sup>th</sup> Avenue corridor in the 13<sup>th</sup> Avenue Building and street frontage design, and with the project's careful treatment of the street and street furnishing zone, the material palette for each building, the interplay of the design between the two buildings, the creation of a new public space in the project's courtyard, the continuation of the loading docks prevalent along NW 13<sup>th</sup> Avenue, and the incorporation of street-level townhomes. The City Council additionally finds that the explanation of how the project meets CCFDG A4, above, describes how the project enhances and embellishes the project area by building on and extending the area's unique features.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A5.**

**SPECIFIC FINDINGS FOR RDDG A5-1-1: REINFORCE THE IDENTITY OF THE PEARL DISTRICT NEIGHBORHOOD:**

***RDDG A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.***

**Findings:** The City Council finds that this design guideline is intended to continue the uniqueness of the Pearl District through continuing the juxtaposition of mixed uses, the warehouse character, and the different architectural languages. RDDG A5-1-1, which is the specific adopted guideline for the Pearl District Neighborhood, describes the Pearl District Neighborhood as follows:

*“The Pearl District is a vibrant urban neighborhood of mixed commercial and residential uses. Originally accommodating warehousing activities, many of the Pearl District's older, multistory buildings have been converted to mixed residential and retail use. The area is an urban mix of old and new buildings and structures juxtaposed, with visual and physical references to its warehousing past.”*

The City Council finds that the project meets RDDG A5-1-1 because it reinforces the identity of the Pearl District as follows:

1. The project as a whole satisfies RDDG A5-1 precisely because it provides a project that is itself an urban mix of old and new buildings and structures juxtaposed, with visual and physical references to its warehousing past. The project will contribute to the juxtaposition of old and new in the neighborhood by proposing two different buildings for the two uses proposed on the site. The warehouse typology inspires the design of the 13<sup>th</sup> Avenue Building which will be a flexible space for office and retail/restaurant uses. The building will also incorporate a loading dock along NW 13<sup>th</sup> Avenue with active street level retail and upper level office space that will continue the strong tradition of activation of NW 13<sup>th</sup> Avenue.
2. The 12<sup>th</sup> Avenue Building uses board-formed concrete at its base and incorporates townhouse stoop design consistent with other townhomes in the District. The middle and top of the residential building builds on the architectural language and palette of materials in the Pearl, thereby contributing to the mix of styles and materials in the current Pearl District. The residential units and the roof terrace provide views of the Fremont Bridge and the many threads of the rich fabric of historic buildings.
3. Also, in recognition of the significance of art to the vitality of the Pearl District, the project places special importance on incorporating art at Block 136, as is discussed in more detail under RDDG A5-4 below.

**Based upon the above findings, the City Council concludes that the project meets RDDG A5-1-1.**

***RDDG A5-3. Incorporate Water Features.** Incorporate water features or water design themes that enhance the quality, character, and image of the River District.*

**Findings:** The City Council finds that this guideline can be achieved by taking cues from the river, bridges, and historic industrial character in the design of structures and open space, and that it can also be accomplished by integrating stormwater management into the development. The City Council finds that while the project does not propose a water feature with running water, the design of the courtyard is based on a design theme of logs moving down a river during their industrial process from trees to lumber. Stormwater planters are incorporated into the courtyard with visible overflows from rooftops. These provide buffers from the building to the public through block connection and perform critical stormwater function. Eco-roofs are planned for portions of both building's rooftops. The City Council finds that the project design elements all further the intent of this guideline.

**Based upon the above findings, the City Council concludes that the project meets RDDG A5-3.**

***RDDG A5-4. Integrate Works of Art. Incorporate works of art or other special design features that increase the public enjoyment of the District.***

**Findings:** The City Council finds that this guideline is focused on making sure that each project includes works of art that respect Portland's long-standing commitment to public art, and that this guideline can be achieved by integrating art into the design of public spaces, buildings, the street furniture zone, and other unique sites. The City Council further finds that given the history of the Pacific Northwest College of Art (PNCA) on the site, special importance is placed on incorporating art at Block 136. The City Council finds, based upon evidence in the record, that the project owner, Security Properties, is working with PNCA on a concept plan for integrating public art by PNCA alumni, and that the concept plan will describe two programs for incorporating art:

- *Courtyard.* An area has been designated for art in the courtyard; and
- *Buildings.* Art will also be integrated into the buildings.

**Based upon the above findings, the City Council concludes that the project meets RDDG A5-4.**

***CCFDG A6. Reuse / Rehabilitate / Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.***

**Findings:** The City Council finds that the project will incorporate elements of the PNCA building in its design. The City Council finds that where older buildings will not be retained, this guideline encourages incorporating building elements from existing structures into new development. The project does not retain the existing building that formerly housed the PNCA, but the project will salvage and reuse wood columns and beams for benches in the courtyard. The City Council finds that this is practical way to reuse an element of the former PNCA building in the design of the project.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A6.**

***CCFDG 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 City Council finds that a primary intent of this guideline is to make sure that projects are designed to develop the character of the Central City public rights-of-way. To continue the Pearl's sense of urban enclosure, both buildings will be built to their lot lines on all streets. The only exceptions occur where the residential building form steps back at the lower levels to create semi-public townhouse stoops at NW Johnson and 12<sup>th</sup> Avenue.

The overall form of the 13<sup>th</sup> Avenue Building is kept at 75' tall to relate to the historic fabric around it. Retail spaces at the corner of NW 13<sup>th</sup> and Johnson and NW 13<sup>th</sup> and Kearney are at the adjacent grade to create street level interest at key intersections, enhancing the public rights-of-way with a sense of urban enclosure. NW 12<sup>th</sup> Avenue has a variety of building heights along its length, with a 161 foot tower two blocks to the north. The project's 12<sup>th</sup> Avenue Building is balanced with these other nearby taller existing buildings and continues the growth of high density residential development that characterizes NW 12<sup>th</sup> Avenue through the Pearl District. The street-level 12<sup>th</sup> Avenue Building townhomes reinforce the urban character of NW 12<sup>th</sup> Avenue and help to create a sense of urban enclosure.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A7.**

***CCFDG A8. Contribute to a Vibrant Streetscape.*** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

***RDDG A8-1. Design Fences, Walls and Gateways to be Seen Over.*** Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction.

***RDDG B1-1. Provide Human Scale to Buildings along Walkways.*** Provide human scale and interest to buildings along sidewalks and walkways.

***CCFDG B2. Protect the Pedestrian.*** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

***CCFDG C7. Design Corners that Build Active Intersections.*** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

#### **GENERAL FINDINGS FOR A8, A8-1, B1-1, B2, AND C7:**

The City Council finds that these guidelines are met as follows:

*Streetscape.* Providing a round-the-clock mix of residential, office and retail uses on the block ensures diverse human activity in the streetscape throughout the day and night. The project incorporates a variety seating options on the sidewalk and within the courtyard. The through-block connection at the courtyard provides

ample opportunities for seating, gathering and people watching. The bocce court provides an active public program, as do public bicycle repair stations and ample bike parking.

The furnishing zone of the abutting streets has a mix of River District standard elements including trees, benches, bike racks and light poles separating pedestrians from cars. Existing parallel parking on NW Johnson and Kearney Streets and 12<sup>th</sup> Avenue will maintain an effective separation from the pedestrian and vehicular traffic. Canopies at major building entry points will provide weather protection. Mechanical equipment is isolated from pedestrian view on the roof or penthouse levels of the buildings. No ground level mechanical equipment is proposed. The office building includes a band of louvers in the top level of the retail storefronts out of the pedestrian realm.

*Human Scale.* The design of the NW 13<sup>th</sup> Ave building will promote use of the loading dock with large folding storefront doors for direct public access into the proposed market. High-volume active ground-levels (18'-21'), deep steel canopies, folding storefront walls, and custom entry doors with custom hardware to the office lobby will provide human scale proportion adjacent to the sidewalk and raised dock. The NW Johnson and Kearney St elevations are designed to encourage the use of adjacent on-grade sidewalks by providing direct visual and physical connections to retail spaces through large windows and storefront openings. In addition, recessed ground level wall planes will enhance these spaces for spill out activity.

*Pedestrian Protection.* In the NW 12<sup>th</sup> Ave Tower, connections between the residential lobbies, units and the sidewalk are enhanced with outdoor transition areas – large windows facing the street, and elevated stoops (2'-6") at the townhouse entries. Tall 20' ceilings and large expanses of clear glazing at the northeast corner of the residential building will allow views into the leasing office and lobby. Sensitive detailing of the townhouse transitions on 12<sup>th</sup> Avenue and Johnson Street, including low planter walls, high and low plantings, trellises and canopies at the stoops also provide human scale. The high rise also includes balconies to allow for informal surveillance of the street. Ground level building detailing, proportions, materials, interior space configuration and entries with large canopies are human scaled and will induce conditions supportive of pedestrian interest, activity and safety.

*Active Corners.* The corner of NW 13<sup>th</sup> Ave and Johnson St has long been an important corner in the neighborhood with the active PNCA entry and artistic bike parking. In an effort to continue this use and energy, the NW 13<sup>th</sup> Ave dock pulls back at the corners creating spill-out potential. Both wall- and ground-mounted bike parking are provided at both corners as well as prominent retail building entries. This will induce sidewalk-level spill-out on NW Johnson and Kearney Streets.

**Based upon the above findings, the City Council concludes that the project meets A8, A8-1, B1-1, B2, and C7.**

**SPECIFIC FINDINGS FOR CCFDG A8: CONTRIBUTE TO A VIBRANT STREETScape:**

*CCFDG A8: Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.*

**Findings:** The City Council finds that the CCFDG (CCFDG, page 50) explains how mixed-use places provide vibrancy to a 24-hour city as follows: “Historically, settings that accommodate diverse activities such as working, playing, meeting, living, shopping and celebrating are thriving urban centers”. The City Council finds that the project integrates building setbacks with adjacent sidewalks, develops visual connections into the buildings' active interior spaces, and uses architectural elements to reveal important internal spaces as follows:

1. The project will help to create a 24-hour environment by accommodating all of these programs within one block. Two different building heights allow the project to include the commercial office element within the 13<sup>th</sup> Avenue Building that will activate NW 13<sup>th</sup> Avenue throughout the day. Providing a round-the-clock mix of residential, office, and retail uses on the block ensures diverse human activity throughout the day and night.
2. The design of the office building will promote use of the dock with large folding storefront doors to let the public in to the proposed market. Outdoor dining is envisioned here. In addition, the sidewalk level of the elevations along NW Johnson and NW Kearney Streets is designed to encourage the use of adjacent on-grade sidewalks by providing direct visual and physical connections to retail spaces through large windows and doors into their storefronts, as well as a slight recess from the lot lines at the entries to these spaces which could be used for café or other seating.
3. The corner of NW 13<sup>th</sup> Avenue and NW Johnson Street has long been an important corner in the neighborhood with the active PNCA entry and unique bike parking. In an effort to continue this use and energy, the NW 13<sup>th</sup> Avenue dock pulls back at the corners to create spill-out potential. Both wall- and ground-mounted bike parking are proposed at both corners as well as prominent retail building entries. This will induce sidewalk-level spill-out on NW Johnson and NW Kearney Streets.
4. The through-block connection created by the courtyard between NW Johnson and NW Kearny Streets provides ample opportunities for seating,

gathering, and people watching. Its north/south orientation allows for uninterrupted street frontage and the length of the loading dock on the vibrant NW 13<sup>th</sup> Avenue corridor. The courtyard will be sheltered between the two buildings creating a quieter retreat for resting or playing within the middle of the block. The bocce court provides an active public program, as do public bicycle repair stations and ample bike parking. Art is also proposed in the courtyard.

5. In the residential building, connections to the sidewalk are created with outdoor transition areas, with large windows facing the street, and with usable stoops at the townhouse entries. In addition, the townhouse stoops are located from 2 feet to 3 feet above the sidewalk level with soft streetscape planting to encourage active use of the stoops by residents while screening their exposure to the public.

6. The furnishing zone of the abutting streets has a mix of River District standard elements including trees, benches, bike racks, and light poles separating pedestrians from cars. Existing parallel parking on NW Johnson and NW Kearney Streets and on 12<sup>th</sup> Avenue will maintain an effective separation from the pedestrian and vehicular traffic. Canopies at all building entry points will provide weather protection. Mechanical equipment is isolated from pedestrian view on the roof or penthouse levels of the buildings. No ground level mechanical equipment is included in the project. The office building includes a band of louvers in the top level of the retail storefronts out of the pedestrian realm.

**Based upon the above findings, the City Council concludes that the project meets CCFDG A8.**

**SPECIFIC FINDINGS FOR RDDG A8-1: DESIGN FENCES, WALLS AND GATEWAYS TO BE SEEN OVER:**

*CCFDG A8-1. Design Fences, Walls And Gateways To Be Seen Over.  
Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction.*

**Findings:** The City Council finds that the focus of this guideline is on developments where buildings are set back from the sidewalk edge and seeks to create thresholds between public and private spaces that are “comfortable” and that encourage interaction between residents and passersby. The City Council finds that while most of the project goes directly to the right-of-way line, where the project is set back from the sidewalk edge, for example at the townhomes in the 12<sup>th</sup> Avenue Building, the project incorporates stoops, low planting walls, a trellis, and plantings to provide a permeable threshold between public and private space. The City Council finds that these elements create visual screening to create semi-privacy for the residents, but do not hide them. The City Council finds that in addition, the residential patio within the courtyard is separated from

the public portions of the courtyard by log benches and trees. The City Council finds that this creates a degree of separation, but maintains safety by keeping eyes on the spaces.

**Based upon the above findings, the City Council concludes that the project meets RDDG A8-1.**

**SPECIFIC FINDINGS FOR RDDG B1-1:**

***RDDG B1-1. Provide Human Scale To Buildings Along Walkways.**  
Provide human scale and interest to buildings along sidewalks and walkways.*

**Findings:** The City Council finds that this guideline can be achieved by providing street furniture outside of ground floor retail, large windows and balconies to encourage social interaction, and stoops and windows at the ground floor of residential buildings. The City Council further finds that the RDDG discussion of the guideline provides that “Ground floors should be prominent at the street level, with ceiling heights that are taller than the floors above. Porches and balconies are particularly encouraged. In light of the preceding, the City Council finds that the project meets RDDG B1-1 because it provides human scale and interest to buildings along sidewalks and walkways as follows:

1. The project’s detailing, proportions, materials, and activities at the ground levels of both buildings provide human scale and relationships which support pedestrian needs and interests. The NW Johnson Street and NW Kearney Street elevations are designed to encourage the use of adjacent on-grade sidewalks by providing direct visual and physical connections to retail spaces through large windows and storefront openings. In addition, recessed ground level wall planes will enhance these spaces for spill-out activity.
2. The design of the 13<sup>th</sup> Avenue Building will promote use of the loading dock with large folding storefront doors for direct public access into the proposed market. In the 13<sup>th</sup> Avenue Building, tall 16 foot to 20 foot ground-level ceilings, deep steel canopies, folding storefront walls, and custom entry doors with custom hardware to the office lobby provide interest and human scale proportion adjacent to the sidewalk and raised dock. In addition, the ground-level slab steps internally to create accessible entries directly off the street at the corners with NW Johnson and NW Kearney Streets.
3. Tall 20 foot ceilings and large expanses of clear glazing at the northeast corner of the residential building will allow views into the leasing office and lobby. Sensitive detailing of the townhouse transitions on NW 12<sup>th</sup> Avenue and NW Johnson Street, including low planter walls, high and low plantings, trellises and canopies at the stoops also provide

human scale. The high rise also includes balconies to allow for informal surveillance of the street. Ground level building detailing, proportions, materials, interior space configuration and entries with large canopies are human-scaled and will induce conditions supportive of pedestrian interest, activity, and safety.

**Based upon the above findings, the City Council concludes that the project meets RDDG B1-1.**

**SPECIFIC FINDINGS FOR CCFDG B2: PROTECT THE PEDESTRIAN:**

*CCFDG B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.*

**Findings:** The City Council finds that this guideline is primarily concerned with early consideration of and planning for good right-of-way design to provide a safe and interesting zone for pedestrians, while meeting a project's needs for access, lighting, street furniture, and building utilities. The City Council further finds that this guideline may be satisfied by emphasizing the protected pedestrian zone of the sidewalk, building on an area's historic approach to the sidewalk and/or right-of-way, and integrating mechanical equipment into the overall building design. The City Council finds that the project meets this design guideline because it protects pedestrians as follows:

1. The project's furnishing zone on the three streets (NW Johnson and NW Kearny Streets and NW 12<sup>th</sup> Avenue) has a mix of trees, benches, bike racks and light poles separating pedestrians from cars. Existing parallel parking on NW Johnson and NW Kearney Streets and NW 12<sup>th</sup> Avenue will maintain an effective separation from the pedestrian and vehicular traffic. Canopies at all building entry points and continuous canopies on both docks will provide weather protection.
2. An integrated lighting system has been incorporated into the project's overall design to provide safety and to enhance the architectural elements of the buildings. Mechanical equipment is kept away from pedestrians and located on the roof or penthouse levels of the buildings, and is integrated into the overall building design so there are no exposed utilities. The office building includes a band of louvers in the top level of the retail storefronts.
3. The 12<sup>th</sup> Avenue Building creates connections between the residential lobbies, units and the sidewalk with outdoor transition areas – large windows facing the street, and elevated stoops at the townhouse entries.

Tall 20 foot ceilings and large expanses of clear glazing at the northeast corner of the residential building will allow views into the leasing office and lobby. Sensitive detailing of the townhouse transitions on NW 12<sup>th</sup> Avenue and NW Johnson Street, including low planter walls, high and low plantings, trellises and canopies at the stoops also provide human scale. The high rise also includes balconies to allow for informal surveillance of the street. Ground level building detailing, proportions, materials, interior space configuration, and entries with large canopies are human-scaled and will induce conditions supportive of pedestrian interest, activity, and safety.

**Based upon the above findings, the City Council concludes that the project meets CCFDG B2.**

**SPECIFIC FINDINGS FOR CCFDG C7: DESIGN CORNERS THAT BUILD ACTIVE INTERSECTIONS:**

*CCFDG C7. Design Corners That Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in facade plane, large windows, awnings, canopies, marquees, signs, and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.*

**Findings:** The City Council finds that this guideline can be accomplished by locating upper floor access towards the middle of the block, responding to other corner buildings, and integrating unique design to highlight the corner and enhance retail opportunities. The City Council finds that the project includes the design elements, such as building façade, windows, awnings and pedestrian entrances that are necessary to build active intersections as follows:

1. The corner of NW 13<sup>th</sup> Avenue and NW Johnson Street is an important corner in the neighborhood with its activated entryway and unique bike parking. The project's NW 13<sup>th</sup> Avenue dock pulls back at the corners and can allow wall- and ground-mounted bike parking at each of the corners on NW 13<sup>th</sup> Avenue. The building entrance to the 13<sup>th</sup> Avenue Building is located along the dock level, leaving the building corners open for retail. These corner retail spaces are at grade and will allow uses to spill-out on to NW Johnson and NW Kearney Streets.
2. The apartment building provides townhomes at the intersection of NW 12<sup>th</sup> Avenue and NW Johnson Street, and provides a double height and transparent lobby and residential leasing office at the intersection of NW 12<sup>th</sup> Avenue and NW Kearney Street. Sensitive detailing of the townhouse transitions, including low planter walls, high and low plantings, trellises,

and canopies at the stoops also provide human scale and will induce conditions supportive of pedestrian interest and activity.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C7.**

*CCFDG B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.*

**Findings:** The City Council finds that this guideline addresses fragmented pathway systems, wide streets, high traffic volumes or speeds, and changes in grade that create obstacles to pedestrian movement. The City Council further finds that this guideline can be achieved by providing safe, easy pedestrian access through large development sites. The City Council finds that the project meets this guideline through the following:

The project is in an area with a complete pedestrian network made up of sidewalks and a shared street, and the project is on one 200 foot square city block and maintains the City's small-block grid. The street improvements on all frontages are consistent with the adopted street standards for the River District and will ensure a well-integrated and well-marked pedestrian system. At approximately 125' in length, both the NW 13<sup>th</sup> Ave dock and the courtyard dock are pulled back from the corners allowing for at-grade retail entries and spill-out potential.

*NW 13 Ave Dock.* The raised loading dock on NW 13<sup>th</sup> Ave is consistent with PBOT's street standards. A single accessible ramp will be provided at the south end of the dock orienting to the corner of SW Johnson and Kearney Sts.

*Courtyard Dock.* The courtyard between the buildings will provide a new mid-block connection between NW Johnson and Kearney Sts including a variety of features to enhance pedestrian safety, convenience and enjoyment. A single accessible ramp will be provided at the south end of the dock orienting to SW Johnson at mid-block.

**Based upon the above findings, the City Council concludes that the project meets CCFDG B3.**

*CCFDG 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 City Council finds that the following features of the project

provide safe, comfortable places where people can stop, view, socialize and rest, and ensures that those places will not conflict with other sidewalk uses:

The unique street plan along NW 13<sup>th</sup> Avenue provides opportunities to create places for people to linger that are different from most other places in the downtown grid. The pervasive “loading dock” feature is included for a majority of the NW 13<sup>th</sup> Avenue block face with steps at both ends and a ramp at the south end. The public courtyard between the two buildings will provide both formal and informal resting opportunities, tables and chairs, and a bocce court. Ample raised spill-out areas are provided on both sides of the NW 13<sup>th</sup> Ave Brick Building designed to accommodate retail or restaurant tenants. Canopies proposed at all the retail storefront bays will provide protection from the elements. The dock on NW 13<sup>th</sup> Avenue will provide views into the retail and will have restaurant seating. Benches will also be included in the right-of-way. Sensitive detailing of the townhouse transitions on NW 12<sup>th</sup> Avenue and NW Johnson Street, including low planter walls, high and low plantings, and trellises and canopies at the stoops also provide conditions supportive of resting and people watching from these protected semi-private spaces.

**Based upon the above findings, the City Council concludes that the project meets CCFDG B4.**

*CCFDG 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:** The City Council finds that this guideline can be accomplished by orienting incorporated open spaces to receive sunlight, developing incorporated open spaces adjacent to buildings that can accommodate a variety of programmed functions, developing open spaces that provide different functions at different times of the week, and developing locally-oriented urban pocket parks. The City Council finds that the project meets CCFDG B5 because it orients the project buildings elements such as main entrances onto the public courtyard, integrates a water-inspired theme for the public courtyard and develops a locally oriented public space that incorporates amenities for nearby patrons as follows:

1. The project’s design details, including those for the courtyard and the design details for the 12<sup>th</sup> and 13<sup>th</sup> Avenue Buildings, where they interface with the new public courtyard and with the surrounding street system, demonstrate the design elements sought by this guideline.
2. The project’s on-grade public courtyard will incorporate active open space adjacent to both buildings. It is oriented in the north-south direction in order to receive sunlight during most of the day. Eyes on the courtyard

from office, retail, and residential spaces will keep it safe throughout the day and night.

3. Incorporating primary entrances to both buildings, the courtyard also provides restaurant/café seating at the dock-level retail, and a residential patio adjacent to the amenity lounge and kitchen spaces.

4. A simple but diverse material palette in the courtyard will create warmth and variety from the adjacent streetscape, and the plant palette selected will create seasonal interest throughout the year. The “log jam” benches are intended to appeal to users of all ages by providing seating and being climbable by children.

**Based upon the above findings, the City Council concludes that the project meets CCFDG B5.**

***CCFDG 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:** The City Council finds that well integrated all-weather protection is provided at all primary points of entry in both buildings and within the courtyard. The NW 13<sup>th</sup> Avenue Brick Building includes a singular canopy covering the entire dock and canopies are provided over the north and south retail entries, as well as a glass canopy over the courtyard dock. The NW 12<sup>th</sup> Avenue Residential Building has a canopy over the residential lobby entrance, and canopy/trellis combinations are provided over the townhouse entries.

**Based upon the above findings, the City Council concludes that the project meets CCFDG B6.**

***CCFDG B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building’s overall design concept.*

**Findings:** The City Council finds that the elevated docks on both the east and west sides of the 13<sup>th</sup> Ave building feature ramps to ensure accessibility for all people; moreover, as set forth below, the plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33, including all requirements for accessible design, 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.

**Based upon the above findings, the City Council concludes that the project meets CCFDG B7.**

**CCFDG C12. Integrate Exterior Lighting.** *Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.*

**Findings:** The City Council finds that this guideline has been met as follows:

*Lighting goals* have been established for the project in order to enhance the pedestrian environment: identify entry points; provide ambient light; accent the landscape; define building edges; and, define circulation. These goals have been achieved through a combination of pedestrian-oriented lighting strategies including downcast flood lighting in security critical areas such as interior courtyard spaces, low-level ground plane illumination, well-concealed landscape accent lighting, wall surface mounted downlighting of building faces and corners, in-grade uplighting of structural columns, and recessed linear lighting to accent ground-plane grade changes. No roof-top lighting has been specified at the roof terrace area, but the planter walls may incorporate low-level steplights to provide gentle night-time illumination. Overall, the exterior lighting approach illuminates the buildings, landscape and gathering spaces with well-concealed fixtures that will minimize light throw-back to nearby residences.

*Signage Integration.* Signage is not proposed at this time. Therefore, guidelines relevant to signage do not apply. The Applicant understands that any future signage in excess of 32 square feet will be subject to design review per 33.420.041.

**Based upon the above findings, the City Council concludes that the project meets C12.**

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

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

**CCFDG 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.

**GENERAL FINDINGS FOR C2, C4, AND C5:** The City Council finds that these guidelines have been met as follows:

*Quality and Permanence.* Material choices are responsive to DAR comments, especially with regard to the NW 12<sup>th</sup> Ave building – greater reference to Pearl District context, simplification of vertical striping pattern, increase ground floor volumes, etc. Primary material composition includes: board-formed concrete, composite aluminum panels and aluminum window wall proposed at the levels above. The red brick proposed for the bulk of the NW 13<sup>th</sup> Ave building adds a

long-lasting, human-scale layer of texture that can be experienced by pedestrians at the ground level as well as by those observing from other vantage points. Both buildings will include high quality detailing of light, small-scale steel elements such as steel railings and canopies.

*Compliment Context.* The Pearl District is mixed in use and styles. The two proposed buildings take their cues from different eras of construction observed in the Pearl. The NW 13<sup>th</sup> Ave building complements the 13<sup>th</sup> Avenue Historic District in massing, opening proportions and material. Interpreted with modern details, the building also repeats design elements that are common to the Historic District's design vocabulary, such as a loading dock with canopy and human-scaled light steel elements like railings and canopies. The NW 12<sup>th</sup> Ave building uses elements that are common in newer high rises in the Pearl, such as subtle variation in massing, use of window wall, and the addition of balconies and roof terraces. Most importantly, the base of the building takes cues from successful adaptive reuse and new ground-related residential units in the area, such as townhomes with raised stoops, set-in windows and planting areas.

*Coherency.* Each building is a coherent composition of its own – the NW 13<sup>th</sup> Ave red brick warehouse vernacular reflecting a simply composed office over retail (history, Heartwood) juxtaposed with the layered verticality of the NW 12<sup>th</sup> Ave building (future, Seedling). As a two-building composition, they reference one another in subtle ways – unifying elements of concrete at the base of both buildings, matching metal panels on the residential and office bays, projecting metal/glass window bays on the brick building and an overlapping color palette.

*The 12th Avenue Building* expresses the lightness of a young forest, as metal panels and bays accentuate verticality. A concrete base at the townhomes anchors the building while opening the corners to the courtyard and NW 12<sup>th</sup> Ave. The window wall comes to the ground in a few areas to integrate the base with the middle and top. Charcoal ground-level canopies and a light-colored trellis at the top of the building have similar details to unify the building, and also express a dark-to-light color scheme from bottom to top.

*The 13th Ave Building* expresses the solidity and industry of worked lumber. The building is a solid, compact composition of punched openings in brick. It contains a few inset areas—'kerf' patios and retail entries—cut into the form to open the building to the street, as well as the addition of two raised docks with canopies to anchor the solid building to the ground.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C2, C4, and C5.**

**SPECIFIC FINDINGS FOR CCFDG C2:**

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

**Findings:** The City Council finds that this guideline looks for building designs that successfully continue Portland's tradition of design quality and permanent construction. This guideline can be accomplished by developing buildings and using methods and materials that promote permanence and express skilled craftsmanship -- examples include using materials and methods that create a high level of textural detail, using design strategies to reduce the scale of larger buildings at the street level, and creating building facades that provide a range of visual experience and that promote a sense of place. The City Council finds that the project meets CCFDG C2 because it provides a high quality palette of materials to create building facades that provide a range of visual experiences and promote a sense of permanence. Material choices, especially with regard to the 12<sup>th</sup> Avenue Building, provide a strong reference to the project's Pearl District context, including simplification of vertical cladding pattern and increased ground floor volumes. Primary material composition includes: board-formed concrete and composite aluminum panels and aluminum window wall proposed at the levels above. The red brick proposed for the bulk of the 13<sup>th</sup> Avenue Building adds a long-lasting, human-scale layer of texture that can be experienced by pedestrians at the ground level as well as by those observing from other vantage points. Both buildings include high quality detailing of light, small-scale steel elements such as steel railings and canopies.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C2.**

#### **SPECIFIC FINDINGS FOR CCFDG C4:**

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

**Findings:** The City Council finds that this guideline is focused on proportions, scale, rhythm, and detailing that complements the existing context of the project site. The City Council finds that project design can complement existing buildings through the innovative use of the local design vocabulary, but the design of a new building need not mimic or imitate the context of existing buildings to be complementary. The City Council finds that this guideline can be accomplished by integrating new construction with the existing fabric, using design elements that are common to the area's design vocabulary, using materials that are common to the area's historic construction methods, and unifying related buildings with a similar design vocabulary. CCFDG C-4 states, in pertinent part, as follows:

*Within the Central City, there are localized groups of buildings that share similar design characteristics. In some instances, these areas have been recognized as historic districts. These areas often exhibit a common expression of design themes and/or details that distinguish the local architecture from that found in other parts of the Central City. This common expression of design themes and/or details can be referred to as a “design vocabulary”.*

*The design vocabulary of existing contextual buildings offers developers and designers a set of design characteristics to build upon. Design characteristics reflected in an area’s design vocabulary include building proportion, scale, rhythm, and construction materials, as well as smaller-scale elements, such as window and/or door styles, color, and roof shape(s). Designers can complement existing buildings through the innovative use of the local design vocabulary.*

*However, the design of a new building need not mimic or imitate the context of existing buildings to be complementary. Steel-framed buildings with large expanses of glass can complement an existing context of masonry-walled buildings with smaller window openings by recognizing and building on the proportion, scale, and orientation of nearby buildings.*

And, as set forth in RDDG A5-1-1, the Pearl District is an urban mix of old and new buildings and structures juxtaposed, with visual and physical references to its warehousing past.

The City Council finds that the project meets CCFDG C4 because it complements the context of existing buildings by using and adding to the local design vocabulary as follows:

1. The two project buildings take their cues from different eras of construction observed in the Pearl. As described above, each building has been designed to complement the different styles of architecture already existing in this portion of the neighborhood, and each is scaled to complement the variety of low-rise and high-rise buildings already existing blocks from the Block 136 site.
2. The project uses the predominant design vocabulary of the NW 13<sup>th</sup> Avenue Historic District for the 13<sup>th</sup> Avenue Building. The 13<sup>th</sup> Avenue Building complements the NW 13<sup>th</sup> Avenue Historic District in massing, opening proportions, and material. Interpreted with modern details, the building also repeats design elements that are common to the Historic District’s design vocabulary, such as a loading dock with canopy and human-scaled light steel elements like railings and canopies.

3. The 12<sup>th</sup> Avenue Building does not mimic or imitate the 13<sup>th</sup> Avenue Building, but instead complements the other design theme that is evident throughout the Pearl – the juxtaposition of the old and the new. The 12<sup>th</sup> Avenue Building design uses elements that are common in newer high rises in the Pearl, such as subtle variation in massing, use of window wall, and the addition of balconies and roof terraces. Most importantly, the base of the building takes cues from successful adaptive reuse and new ground-related residential units in the area, such as townhomes with raised stoops, set-in windows, and planting areas.
4. The project’s unified site and building design satisfies CCFDG C4 because it uses the Pearl’s vocabulary to complement the context of the older NW 13<sup>th</sup> Avenue Historic District and the newer nearby buildings.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C4.**

**SPECIFIC FINDINGS FOR CCFDG C5: DESIGN FOR COHERENCY:**

*CCFDG 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 City Council finds that this guideline is concerned with balance. Buildings that have balanced all of the competing design considerations – structural systems, exterior cladding, roof systems, window and door materials and their placement, ground level exterior lighting fixtures or signs – create coherent compositions. The City Council finds that this guideline can be accomplished in a variety of ways, including using integrated systems of building materials, developing an integrated strategy at the sidewalk level, and using building materials and details to evoke the character of the River District.

The City Council finds that the project meets CCFDG C5 because it integrates difference building and design elements to achieve a coherent composition as follows:

1. Each building of the project is a coherent composition of its own – the 13<sup>th</sup> Avenue Building reflecting a brick warehouse vernacular (history, Heartwood) juxtaposed with the layered verticality of the 12<sup>th</sup> Avenue Building (future, Seedling). As a two-building composition, they reference one another in subtle ways – unifying elements of concrete at the base of both buildings, projecting metal decks and balconies, and an overlapping color palette.
2. The 12<sup>th</sup> Avenue Building expresses the lightness of a young forest, as metal panels and bays accentuate verticality. A concrete base at the

townhomes anchors the building, but the window wall comes to the ground in a few areas to integrate the base with the middle and top. Charcoal ground-level canopies and a light-colored trellis at the penthouses have similar details to unify the building, and also express a dark-to-light color scheme from bottom to top. The 12<sup>th</sup> Avenue Building uses elements that are common in newer high rises in the Pearl, such as subtle variation in massing, use of window wall, and the addition of balconies and roof terraces. Most importantly, the base of the building takes cues from successful adaptive reuse and new ground-related residential units in the area, such as townhomes with raised stoops, set-in windows, and planting areas.

3. The 13<sup>th</sup> Avenue Building expresses the solidity and industry of worked lumber. The building is a solid, compact composition of punched openings in brick. Interpreted with modern details, the building also repeats design elements that are common to the Historic District's design vocabulary, such as a loading dock with canopy and human-scaled light steel elements like railings and canopies. It contains a few inset areas—'kerf' patios and retail entries—cut into the form to open the building to the street, as well as the addition of two raised docks with canopies to anchor the solid building to the ground.

4. Unifying elements of concrete at the base of both buildings, similar painted steel elements at the ground level of both buildings, and an overlapping color palette create an overall coherency for the project, without making a monotonous matching block.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C5.**

***CCFDG C6. Develop Transitions Between Buildings and Public Spaces.** 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 City Council finds that buildings form successful transitions with public spaces by incorporating physical and visual connections to the public spaces from the different levels of buildings. For buildings directly on the public right-of-way or other public space, the building frontage zone functions as the transition zone. Building elements that contribute to the distinction between private and public spaces include arcades, large window openings, building forms that step back, changes in grade, landscaping, and spaces for active retail uses. The City Council finds that this guideline can be accomplished by using gathering areas or landscaping to define transition areas, developing open spaces that serve as transitions between buildings, incorporating private outdoor spaces as transitions to public space, including human scale elements at areas of transition, and creating large openings in the walls of ground level of a building.

The City Council finds that the project meets CCFDG C6 because it successfully develops transitions between buildings and public spaces as follows:

1. Canopies, a raised loading dock, and folding storefront doors on the 13<sup>th</sup> Avenue Building act as a transition into the retail/office building. The extension of the loading dock level through the building enhances the transitions from public to semi-public, and then to the publicly accessible courtyard. Canopies and recessed openings at the sidewalk-level occur at retail entries to provide a rich threshold between the sidewalk and retail spaces. In the apartment building street-level townhomes, semi-private raised stoops with canopies/trellises and two levels of planting (including one with a perforated metal screen), act as a transition into the townhomes.
2. Within the courtyard, the residential patio is slightly separated from the courtyard with a grade change, salvaged log benches, and taller plantings. At the north end, a large canopy transitions into the residential lobby.
3. The base of the 12<sup>th</sup> Avenue building takes cues from successful adaptive reuse and new ground-related residential units in the area, such as townhomes with raised stoops, set-in windows, and planting areas to create an interesting transition between the private and public space.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C6.**

***RDDG C3-1. Integrate Parking.*** *Design surface parking and parking garage exteriors to visually integrate with their surroundings.* As provided in the RDDG, this guideline may be accomplished by:

- a. Designing street facing parking garages to not express the sloping floors of the interior parking;
- b. Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians; or
- c. Accommodating vending booths along sidewalks adjacent to parking facilities, when active ground level uses are not possible.

**Findings:** The project provides two levels of underground parking accessed via a single garage entry from NW 12<sup>th</sup> Ave at mid-block. Ground floor uses adjacent to the garage entry are elevated townhome stoops, the enclosed trash room and a single loading bay. The remainder of the ground floor around both buildings includes active residential amenity and retail space. Because the below-grade parking is expressed at the building exterior only at the garage entry, the buildings' ground level enhances the site's relationship to pedestrians.

The garage entry is concealed with a 5-panel telescoping door set back from the

property line by approximately six feet. This depth is consistent with the rhythm established by the adjacent townhome porches and effectively conceals oblique views of garage door operations by residents. The board-form concrete will return to the face of the garage doors. The depth is sufficient to allow motorists oblique visual access to the sidewalk upon exiting thereby minimizing potential conflicts with pedestrians.

The single point of entry minimizes automobile interference with the pedestrian environment. Materials, color, and detailing of the garage entry is consistent with that of the adjacent portion of the building. A custom metal door continues the upward-acting type of those found in the Pearl, and matches the pattern of the townhouse screen elements. Board-formed concrete walls and canopies complement those of the townhomes to help lessen the impact of the garage entry. The majority of the 12<sup>th</sup> Avenue Building frontage is comprised of street level townhomes, the main building lobby and leasing office, and the building mailroom. Each of these elements dominates the focus of the street level of the building on the 12<sup>th</sup> Avenue frontage so that the well-designed garage entrance is visually integrated with its surroundings.

**Based upon the above findings, the City Council concludes that the project meets RDDG C3-1.**

***CCFDG 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.

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

**GENERAL FINDINGS FOR C8 AND C9:** The City Council finds that, as stated in the CCFDG discussion of CCFDG C8, CCFDG C8 can be accomplished by using building elements to create scale or differentiating the sidewalk level while maintaining exterior materials used at the upper sections of buildings. The City Council finds that, as stated in the CCFDG discussion of CCFDG C9, CCFDG C9 seeks active building uses at the sidewalk level that will contribute to the vitality of the City's pedestrian network by accommodating a variety of active uses. In light of this, the City Council finds that these guidelines are met as follows

The sidewalk level of the NW 12<sup>th</sup> Ave building is distinguished with double-height glazing (averaging approximately 18'-7") and a material unique to the ground floor (board-formed concrete). Steel canopies, plantings and wire mesh occur at the townhouse entries, while glazing comes to the ground at the residential amenity spaces facing the courtyard and the leasing area to distinguish the public nature of its use from the rest of the semi-private and private uses. Canopies at the entrances to the townhomes include glass extensions over a

portion of the adjacent sidewalk offering additional all weather protection. Sensitive detailing of the townhouse transitions on NW 12<sup>th</sup> Avenue and NW Johnson Street, including low planter walls, high and low plantings, trellises, and canopies at the stoops also provide human scale and will induce conditions supportive of pedestrian interest and activity.

The sidewalk level of the 13<sup>th</sup> Avenue Building is differentiated with a continuous retail storefront expression and associated canopies. The elevated docks on NW 13<sup>th</sup> Avenue and the courtyard feature ample retail entries, operable wall panels, and unique steel/glass canopies. The NW 13<sup>TH</sup> Avenue building is designed to be flexible, as tenants can be either demised east-to-west with access to both docks for each tenant, or ideally will accommodate an open market-type space. Corner retail either can be added to the larger market space (ramped internally), or can serve as smaller retail spaces. These spaces could include restaurants, retail shops or professional services in the future life of the building.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C8 AND C9.**

***CCFDG C10: Integrate Encroachments:** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent. As provided in the CCFDG, Integrating encroachments can be accomplished by integrating projecting elements within the public right-of-way, incorporating integrated balconies, incorporating multi-functional encroachments in the right-of-way, and developing encroachments that reflect the character of the community.*

**Findings:** The City Council finds that the NW 13<sup>th</sup> Ave building features a covered loading dock projecting into the right-of-way by approximately 12 feet for 125 of the building's 200 feet of frontage. This type of encroachment is characteristic of the NW 13<sup>th</sup> Avenue Historic District adjacent to the site. In addition, projecting window bays are proposed at levels 2-5 on the east façade allowing oblique views between the building's interior and the courtyard. Canopies at all three street frontages have been designed to be complimentary to the building and neighborhood precedents, and are within allowable encroachment dimensions

The 12<sup>th</sup> Avenue Building features a large canopy over the residential lobby entrance on NW Kearney Street and smaller canopies over the townhouse stoops to provide a human scale and weather protection. The residential balconies on the south façade at levels 2-14 have been designed to be an integral part of the building composition, and they project over the NW Johnson Street right-of-way by approximately four feet. All canopies and balconies are within the maximum dimensions allowed.

Residential balconies on the south façade at levels 2-14 project over the NW Johnson Street right-of-way by approximately four feet. The first balcony is at a height of 30 feet 6 inches above the sidewalk grade and so is in compliance with PBOT's Encroachment Policy and the International Residential Building Code Section 3202.3.2 for encroachments more than 8 feet above the sidewalk.

Stair and handrails at the NW 12<sup>th</sup> Avenue stoops encroach 6" into the Building Frontage Zone, but are clear of the Pedestrian Through Zone by 12". Plantings along these stoops encroach the full depth of the Frontage Zone. This accommodates the width necessary for a useful stoop and a proper transition zone from street to building. The project's dock, canopies, and balconies will collaborate to shape and protect the at-grade pedestrian environment, while adding visual interest and relief to upper wall planes.

Each of the encroachments described above is consistent with the overall project design and how it fits into and engages the surrounding streets and pedestrian zones to enhance the pedestrian environment.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C10.**

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

**Findings:** The City Council finds the following with regard to this guideline:

Roof terraces are proposed on both buildings designed in reference to each building's overall design concept. The roof of the NW 13<sup>th</sup> Ave building is integrated into the overall "Heartwood" concept through the use of a wood grain pattern executed in different colors and textures of eco-roof. The roof of the NW 12<sup>th</sup> Ave building includes two outdoor kitchens, a fire pit, benches with river/mountain views, a large planter with trees which may be seen from elsewhere, and community gardens.

On both buildings, the mechanical equipment is organized into north and south mechanical enclosures which are integrated with stair penthouses and elevator overruns, thereby being unobtrusive when viewed from other locations. Trellises are placed over the office building's mechanical enclosures to block views of equipment from potential taller buildings to the north, improve the appearance of the otherwise non-descript enclosures and provide an interesting element to

Portland's skyline. In addition, the roof of the subterranean parking garage is resolved as a landscaped, publically accessible courtyard between the two buildings.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C11.**

***CCFDG C12. Integrate Exterior Lighting.*** *Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.* As provided in the CCFDG, Lighting should enhance the pedestrian environment at the street level and complement the building design and enhance views of the building from near and far vantage points, but not dominate the night sky.

**Findings:** The City Council finds, based upon the discussion of this guideline in the CCFDG, that CCFDG C12 can be accomplished by using exterior lighting to enhance the pedestrian environment and highlighting important architectural elements of the building. The City Council finds that the project meets CCFDG C12 because lighting for the project will enhance the pedestrian environment, identify entry points, provide ambient light, accent the landscape, define building edges, and define circulation. These goals have been achieved through a combination of pedestrian-oriented lighting strategies including downcast flood lighting in security critical areas such as interior courtyard spaces, low-level ground plane illumination, well-concealed landscape accent lighting, wall surface mounted downlighting of building faces and corners, in-grade uplighting of structural columns, and recessed linear lighting to accent ground-plane grade changes. No roof-top lighting has been specified at the roof terrace area, but the planter walls may incorporate low-level steplights to provide gentle night-time illumination. Overall, the exterior lighting approach illuminates the buildings, landscape, and gathering spaces with well-concealed fixtures that will hide fixtures, minimize light throw-back to nearby residences, and not dominate the night sky.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C12.**

***CCFDG C13. Integrate Signs.*** *Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline.* As provided in the CCFDG, signs should be integrated with overall design to function as accessories or additions to the building's architecture, not as part of it. The style, scale and proportions should be integrated with the overall design concept and other associated building systems such as proposed exterior lighting. This guideline can be accomplished by using indirectly lit signs or developing raised letter signs. *CCFDG*, page 136.

**Findings:** The City Council finds, based upon the discussion of the guideline in the CCFDG, that this guideline can be accomplished by using indirectly lit signs or developing raised letter signs. The City Council finds that the project meets CCFDG C13 because signage will occur at the corner of the retail building, and as blade signs from the dock canopy. All signs will be indirectly illuminated. A building name sign will be integrated into the residential lobby canopy. Signage for retail uses will be designed and reviewed at a later date. Any future signage in excess of 32 square feet will be subject to design review per 33.420.041.

**Based upon the above findings, the City Council concludes that the project meets CCFDG C13.**

## **MODIFICATIONS (33.825)**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

*The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:*

- A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

### **Modification Request #1: 33.140.210.B.2. Rooftop Access And Mechanical**

**Equipment:** *All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.*

**33.140.210 Height A. Purpose.** *The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the*

*range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.*

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

**12th Ave Building** – The rooftop mechanical enclosure is set back 13'-2" from the roof edge abutting 12<sup>th</sup> Ave and 8'-0" from the roof edge facing the courtyard. One piece of mechanical equipment is in excess of 10 feet tall (a make-up air unit at 13 feet tall.) And, the cumulative area of roof enclosures 10' above the height limit – exceeds the 10% of roof area limit. Total roof area coverage for this building is 18.8%.

**Criterion A:** *Better meets design guidelines. The resulting development will better meet the applicable design guidelines.*

**Findings:** The City Council finds that the mechanical equipment is organized into north and south mechanical enclosures which are integrated with stair penthouses and elevator overruns, thereby being unobtrusive when viewed from other locations. The City Council further finds that in an effort to create a unified building top appropriate for this prominent site, the mechanical enclosure has been integrated with the penthouse to create a singular form which serves to anchor the overall rooftop design. The resulting singular volume is enclosed with materials similar to residential floors below and further enhanced with the integrated trellis feature. The City Council finds that the building mechanical equipment being integrated and screened in this manner will better meet the guidelines because the alternative, locating the equipment elsewhere on the building, would result in a more visible, less integrated configuration, and that, overall, the project's approach results in a rooftop that is a nicely composed assemblage of simple landscape elements and passive gathering areas.

**Based upon the above findings, the City Council concludes that the rooftop mechanical equipment on the 12<sup>th</sup> Avenue Building meets 33.825.040.A.**

**Criterion B.** *Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The City Council finds that the purpose of the design standard is to limit building rooftop mechanical equipment area to reduce clutter and preserve views. In this situation, building views have been maintained and enhanced by the integration of the mechanical equipment with the access enclosures and rooftop terrace landscape elements. Combined with screening and planted steel trellises the appearance will be unified and softened. The City Council finds that the

relatively modest increase in all dimensions will still achieve the purpose of the design standard, which is to limit clutter while preserving the building's aesthetic.

**Based upon the above findings, the City Council concludes that the rooftop mechanical equipment on the 12<sup>th</sup> Avenue Building meets 33.825.040.B.**

**Based upon the above two conclusions, the City Council concludes that the modification for the rooftop mechanical equipment on the 12<sup>th</sup> Avenue Building merits approval.**

**Modification Request #2: Modification to 33.266.310.D.a. (*Loading Standards; Size of loading spaces*).**

*33.266.310.D.a. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.*

**33.266.310 Loading Standards A. Purpose.** *A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*

**Criterion A: *Better meets design guidelines.*** *The resulting development will better meet the applicable design guidelines.*

**Findings:** The City Council finds, based upon 33.266.310.C.2.c, that two (2) Standard A loading spaces are required for the project, and that a Standard A loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The City Council finds that the project proposes three loading spaces of various sizes as follows:

- **Space A.** A space within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave) is 35 feet long x 11 feet 5 inches wide (except at doorway which is 10 feet wide). The height of the space, however, varies. A majority of the space (28 feet of it) is 19 feet 6 inches high with the remaining portion varying from 11 feet (at doorway) to 12 feet outside the doorway. The space will be scheduled for food deliveries in morning, resident move-in/out during the day and generally available for office deliveries.
- **Space B.** Standard B size (18' long x 9' wide x 10' clear) located within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave). The space will be scheduled for food

deliveries in the morning and generally available for office deliveries and service vehicles.

- **Space C.** A cargo van loading space (18' long x 10' wide x 8'-11" clear) located within the footprint of the NW 13<sup>th</sup> Ave building. Scheduled for food deliveries in the morning and available generally for office deliveries and service vehicles.

The City Council finds that the Applicant has provided extensive loading demand analysis to estimate the specific type, quantity and location of loading activity. The City Council finds that complexity of demand triggered by a multi-use building (office, residential, retail, etc.) necessitates a diverse and well-coordinated loading configuration. The City Council finds that the sizes and locations of the three spaces are well suited to meet the project's complex demand for service – Space A (capacity: 30' long trucks), predominately serving residentially based tower demand; Space B (capacity: 20' long trucks), flexible service for food and office demand; Space C (capacity: cargo vans), primary demand for smaller office deliveries and some food service.

The City Council finds that provision of three loading spaces (with varying dimensions) within the below-grade parking area better meets RDDG B1-1 Provide Human Scale to Buildings Along Walkways, and CCFDG B2: Protect the Pedestrian, B3: Bridge Pedestrian Obstacles, B4: Provide Stopping and Viewing Places, and B5: Make Plazas, Parks, and Open Space Successful by allowing the project to create, in a way that still provides for the loading needs of the project, a uniform façade design, scaled for pedestrians at street level, as well as an aesthetically rich design facing the neighbors to the east. Artistically designed doors which are appropriately scaled, along with entry canopies denoting entry to the building, create this richness.

**Based upon the above findings, the City Council concludes that the sizes of loading spaces for the project meet the modification criterion in 33.825.040.A.**

***Criterion B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.***

**Findings:** The City Council finds that the purpose statement for the Loading standard states that the appearance of loading areas should be “consistent with that of parking areas;” and that this is met simply by virtue of the loading space being located within the below-grade parking area, and with adequate clearance for a majority of the space. The City Council finds that the truck loading space size is intended to ensure that trucks have adequate clearance given vehicle dimensions. The City Council further finds that because the low average unit sizes demand smaller moving vehicles, the slight reduction in clearance is unlikely to significantly constrain loading operations. Lastly, the City Council finds that the

placement of the loading spaces below-grade greatly reduces negative effects “on the traffic safety or other transportation functions of the abutting right-of-way.”

**Based upon the above findings, the City Council concludes that the sizes of loading spaces for the project meet the modification criterion in 33.825.040.B.**

**Based upon the above two conclusions, the City Council concludes that the modification for the sizes of loading spaces for the project merits approval.**

**Modification Request #3: Bike Parking Space Dimension (33.266.220.C.3.b.)** *A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.*

**33.266.220.C. Standards for all bicycle parking. 1. Purpose.** *These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.*

The project proposes staggered vertical storage, dimensioned at 18” x 6’ with a 5’ walk aisle.

**Criterion A: Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

**Findings:** The City Council finds that the project includes 332 total long term bicycle parking spaces (residential and retail), and that accommodating that number of bicycle parking spaces in a horizontal rack would consume considerably more floor area without any measurable benefit or increase in utility. The City Council finds that relying upon a vertical/wall hanging bike rack is a far more efficient use of space and is identical to the parking system recently approved in other Pearl District projects. The City Council finds that the proposed functional and space efficient system better meets the design guidelines (for example RDDG C3-1, CCFDG A7, A8, B4, B5, and C9) because it eases floor plan demands and allows more active uses at the street, such as commercial uses, lobbies and residential units.

**Based upon the above findings, the City Council concludes that the size and design of the proposed bike parking spaces for the project meet the modification criterion in 33.825.040.A.**

**Criterion B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The City Council finds, based upon the plans submitted by the Applicant, that the project's staggered bike rack system is engineered to stagger bikes vertically to allow the handle bars to overlap, and that this allows the racks to provide the same level of service that would be provided by a standard 24" on center spacing within an 18" space. The City Council finds that staggered clearance between adjacent bikes and allowance for sliding hangers ease the hanging and locking of a bike, and that the loops, to which the bikes are hung, project out of the wall 27" to further ease hanging and locking bikes. The City Council finds that a 5' minimum aisle is still provided behind each bicycle rack. The City Council finds that the rack system will be located within a secure bike storage enclosure within the parking garage. Overall, the City Council finds that the bicycle parking system is safe and secure, located in a convenient area, and is designed to avoid initial or accidental damage to bicycles.

**Based upon the above findings, the City Council concludes that the size of the proposed bike parking spaces for the project meet the modification criterion in 33.825.040.B.**

**Based upon the above two conclusions, the City Council concludes that the proposal for modification to the design and sizes of the bike spaces for the project merits approval.**

## FLOOR AREA RATIO AND HEIGHT APPROVAL CRITERIA

### FLOOR AREA RATIO

#### *33.510.200 Floor Area Ratios*

*A. Purpose. The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Central City Plan. These include coordinating private development with public investments in transportation systems and other infrastructure, limiting and stepping down building bulk to the Willamette River, residential neighborhoods, and historic districts. While consistent with these purposes, the floor area ratios are intended to be the largest in the Portland region.*

#### ***B. Floor area ratio standard.***

*1. Generally. The maximum floor area ratios for all sites in the Central City plan district are shown on Map 510-2 at the end of this chapter. Floor area ratios greater than shown on Map 510-2 are prohibited unless allowed by Subsections C. through G., below, or by 33.510.210.*

#### ***C. Limit on increased floor area.***

*1. Generally. Except as provided under C.2.through C.5, below, increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited;*

### **33.510.210 Floor Area and Height Bonus Options**

**A. Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that implement the Central City Plan.

**B. General regulations.**

1. The bonus options are only allowed in situations where stated. Only new developments are eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.
2. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
3. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.C.
4. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.

**C. Bonus floor area options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.

1. Residential bonus option.

a. In specified areas, proposals that include Residential uses receive bonus floor area. New development and alterations to existing development are eligible for this bonus.

(1) In the CX and EX zones outside of the South Waterfront Subdistrict and the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1. Sites in the required residential opportunity areas are eligible for this bonus.

(2) In the CX and EX zones in the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 2 to 1.

b. The additional floor area may be used entirely for housing or partially for nonresidential uses. Projects that include housing built under building permits issued prior to July 1, 1998 may commit up to 2/3 of the bonus floor area to nonresidential

*uses. Projects built under building permits issued after July 1, 1998 may commit up to 1/2 of their bonus floor area to nonresidential uses.*

*c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance or at the same time as an occupancy permit for any nonresidential portion of the project. The property owner must execute a covenant with the City ensuring continuation and maintenance of the housing by the property owner. The covenant must comply with the requirements of 33.700.060.*

*4. Rooftop gardens option. In CX, EX, and RX zones outside of the South Waterfront Subdistrict, developments with rooftop gardens receive bonus floor area. For each square foot of rooftop garden area, a bonus of one square foot of additional floor area is earned. To qualify for this bonus option, rooftop gardens must meet all of the following requirements.*

*a. The rooftop garden must cover at least 50 percent of the roof area of the building and at least 30 percent of the garden area must contain plants.*

*b. The property owner must execute a covenant with the City ensuring continuation and maintenance of the rooftop garden by the property owner. The covenant must comply with the requirements of 33.700.060.*

*10. Eco-roof bonus option. Eco-roofs are encouraged in the Central City because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES). Proposals that include eco-roofs receive bonus floor area. A proposal may earn bonus floor area for both the eco-roof option and the rooftop gardens option. However, the same square footage may not be counted towards both bonuses. a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows: (1) Where the total area of eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area. (2) Where the total area of eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area. (3) Where the total area of eco-roof is at least 60 percent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area. b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof. Final plans and specifications must be submitted with building permit applications. c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060.*

**Findings:** The City Council finds, based upon the plans submitted by the Applicant and an application of the applicable standards, the following with regard to allowable FAR for the project:

1. **Base FAR:** The project site is 40,000 square feet. This, in combination with the base FAR of 4:1 as set forth in 33.510.200.B and on Map 510-2, Map 1 of 2, allows up to 160,000 square feet of building area.
2. **Bonus FAR:** Bonus FAR is available under 33.510.210.C as follows: “[F]or each square foot of floor area developed and committed to housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1.” Within the residential tower, the project commits at least 120,000 square feet to residential use and so is eligible for the maximum floor area bonus of 3:1. A 3:1 floor area bonus amounts to an additional 120,000 square feet.
3. **Total Project FAR:** Therefore, total project allowable FAR is 7:1, which allows for 280,000 square feet of development on the 40,000 square foot site. The project utilizes the full 280,000 square feet.
4. **Additional FAR bonuses the project qualifies for.** Although already at the maximum allowable site FAR as discussed above and as limited by under 33.510.210.C.1.a.(1), the project also qualifies for FAR bonuses under 33.510.210.C.4 (Rooftop Gardens Bonus) and 33.510.210.C.10 (Eco-Roof Bonus Option).

**Based upon the above findings, the City Council concludes that the total allowable project floor area ratio is 7:1 and therefore that the total allowable square feet of building space for the project is 280,000 square feet.**

## HEIGHT

### ***33.510.205 Height***

***A. Purpose.*** The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

***B. The height standard.*** The maximum building height for all sites in the Central City plan district is shown on Map 510-3 at the end of this chapter. Heights greater than shown on Map 510-3 are prohibited unless allowed by Subsections C. through G., below, or by 33.510.210.D. through G., below.

### ***33.510.210 Floor Area and Height Bonus Options***

***A. Purpose.*** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that implement the Central City Plan.

***B. General regulations.***

1. *The bonus options are only allowed in situations where stated. Only new developments are eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.*
2. *Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.*
3. *The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.C.*
4. *Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.*
5. *In residential bonus target areas, as shown on Map 510-4, the residential bonus option must be used before any other bonus. A bonus floor area ratio of at least 1.5 to 1 from the residential bonus option must be earned before the project qualifies for other bonus options.*
6. *If any portion of the site is in the Greenway bonus target area, as shown on Map 510-4, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options.*

**D. General bonus heights.** *Bonus height is also earned at certain locations in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 510-3. Qualifying areas, shown on Map 510-3, are located such that increased height will not violate established view corridors, the preservation of the character of historical districts, the protection of public open spaces from shadow, and the Chapter 33.510 Title 33, Planning and Zoning Central City Plan District 3/1/15 510-40 preservation of the City's visual focus on important buildings (such as the Union Station Clock Tower).*

*The height bonus allowed is based on the floor area bonuses and transfers listed in Paragraph D.1., below. The amount of bonus height awarded is specified in Paragraphs D.2. and D.3., below.*

1. *The height bonus allowed is based on the following:*
  - a. *The floor area bonus options of Subsection 33.510.210.C., above;*
  - b. *The transfer of floor area from sites occupied by SROs, as allowed by Subsection 33.510.200.E; and*
  - c. *The transfer of floor area from sites of Historic Landmarks, as allowed by the regulations of the base zones.*
2. *In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:*
  - a. *For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.*
  - b. *For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.*
  - c. *For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.*

3. *In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:*

- a. *For achieving bonus floor area of at least 40,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.*
- b. *For achieving bonus floor area of at least 80,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.*
- c. *For achieving bonus floor area of 120,000 square feet or more, a height bonus of 45 feet is earned.*

***E. Bonus height option for housing.***

1. *Generally. In the bonus height areas, building heights may be allowed to be greater than shown on Map 510-3 if the bonus height is for housing. Although this subsection allows the review body to approve bonus height, the review body may also require reconfiguration of the building, including reducing its height, and may approve all, some or none of the bonus height requested, based on application of the criteria in E.4, below.*

2. *Standard. The maximum height bonus that may be allowed is 75 feet.*

3. *Relationship to Subsection D.*

- a. *On sites shown on Map 510-3 as eligible for general and housing height bonuses, both the bonus height options of this subsection and Subsection D., above may be used. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be used exclusively for housing, and may not be used to qualify for the residential floor area bonus option in Subsection C.1., above;*
- b. *On sites shown on Map 510-3 as eligible for housing height bonuses, only the housing height bonus of this subsection may be used.*

4. *Approval Criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height may be approved if the review body finds that the applicant has shown that all of the following criteria have been met:*

- a. *The increased height will not violate an established view corridor;*
- b. *If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in R zoned lands;*
- c. *If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, the project must meet the performance standards of Subsection 33.510.205.E.;*
- d. *If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D.;*
- e. *The increased height will result in a project that better meets the applicable design guidelines; and*

*f. Approval of the increased height is consistent with the purposes stated in Subsection 33.510.205.A.*

**Findings:** The City Council finds that the total allowable project height is 150 feet for the 12<sup>th</sup> Avenue Building and 120 feet for the 13<sup>th</sup> Avenue Building because the entire project is eligible for the General Bonus Height (33.510.210.D) because it earned a 3:1 FAR bonus, and because the 12<sup>th</sup> Avenue Building is eligible for an additional 30 foot Housing Bonus Height bonus under 33.510.210.E because the project satisfies all criteria under 33.510.210E.4.a-f. This finding incorporates the following PZC interpretation and analysis.

1. **Base Project Height:** The base zone maximum height for each building on the project is 75 feet in accordance with 33.510.205.B and Map 510-3, Map 1 of 3.
2. **General Bonus Project Height:** The project is located in an area shown on Map 310-3 as eligible for a general bonus height of up to 45 feet available under 33.510.210.D. The project earns the full 45 foot bonus pursuant to 33.510.210.D.1 and D.2 because it is on a site of 40,000 square feet (33.510.210.D.2) and, as described above, achieves a bonus floor area of 3 to 1 (33.510.210.D.2.c). This General Bonus Project Height raises the allowable project height from the base 75 feet to 120 feet.
3. **Housing Bonus Project Height:** The project is also eligible for a housing bonus project height of up to a total of 75 additional feet over the base height pursuant to 33.510.210.E. The residential building for which this height bonus is being requested meets all the criteria for approval of the housing bonus height because (i) Block 136 is located in an area identified on Map 510-3 as eligible for height bonuses, (ii) the requested height bonus is for an additional 30 feet of height for housing in the residential building, and (iii) the project meets the approval criteria in 33.510.210.E.4 as explained below.
4. **Maximum Bonus Height Allowed.** Bonus height may be approved under both 33.510.210.D and 33.510.210.E, but where both are applied, the combined bonus height may not exceed 75 feet. 33.510.210.E.3.a.
5. **Allowed Building Heights.** Both buildings utilize height bonuses. The NW 13th Ave brick building is allowed a maximum height of 120' (75' base height + 45' General Height Bonus). The proposed building reaches 76'-1". The NW 12<sup>th</sup> Ave residential tower is allowed a maximum height of 150' (75' base height + 75' height bonuses: 45' General Height Bonus (33.510.210.D)(the maximum bonus available for 3:1 FAR is 45') and 30' Bonus Height Option for Housing (33.510.210.E)(the maximum bonus available for housing is 75')). If both bonus options are used, combined bonus height may not exceed 75'. The proposed building reaches 148'-4".

**Based upon the above findings, the City Council concludes that the project meets 33.510.205 and 33.510.210.D with regard to height requirements.**

*Section 33.510.210.E.4 Approval Criteria.* The approval of the bonus height is made as part of the design review of the project. The bonus height may be approved if the review body finds that the applicant has shown that all of the following criteria have been met:

***A. The increased height will not violate an established view corridor;***

**Findings:** The City Council finds that view corridors are established in the Portland Scenic Resources Protection Plan adopted March 15, 1991 (Ord. # 1639577), and that the Plan established no view corridor at the location of the project. The City Council finds, therefore, that increased height of the 12<sup>th</sup> Avenue Building will not violate an established view corridor.

**Based upon the above findings, the City Council concludes that the project meets 33.510.210.E.4.A.**

***B. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in R zoned lands;***

**Findings:** The City Council finds that the project is over 500 feet from an R zone, as is shown Portland Zoning Map #2928.

**Based upon the above findings, the City Council concludes that 33.510.210.E.4.B is not applicable to this project.**

***C. If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, the project must meet the performance standards of Subsection 33.510.205.E.;***

**Findings:** The City Council finds that the project site is not included on Map 510-3 as eligible for the Open Space performance standards.

**Based upon the above findings, the City Council concludes that 33.510.210.E.4.C is not applicable to this project.**

***D. If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D.;***

**Findings:** The City Council finds that the project is not on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts.

**Based upon the above findings, the City Council concludes that 33.510.210.E.4.D is not applicable to this project.**

***E. The increased height will result in a project that better meets the applicable design guidelines; and***

**Findings:** The City Council finds that for the reasons stated below, the project better meets the applicable Central City Fundamental and River District Design Guidelines noted in parentheses:

- The additional height for the residential building allows for the two-part massing of the two buildings on the project site, which in turn allows for the on-grade central access at the common public courtyard (which is a common precedent throughout the Pearl District). The repetition of building footprint, contrasted by height and material variation, and sharing a common ground plane through the courtyard as it meets the streets, will serve to tie the project to the immediate area [CCFDG A2, A4, A5, C2, C5].
- The parallel bar building plan with on-grade central access is a common precedent throughout the Pearl District. The repetition of building footprint, contrasted by height and material variation, sharing a common ground plane will serve to tie the project to the immediate area [A2, A4, A5].
- The additional housing bonus height of 30 feet for the residential building on the east side of the block allows the project as a whole to step down to NW 13<sup>th</sup> Avenue, which respects and responds to the NW 13<sup>th</sup> Avenue Historic District by reflecting the context, scale, and massing of the adjacent historic district. [CCFDG A2, A5, C3, C4, C9, and RDDG A5-1-1].
- The additional housing bonus height of 30 feet for the residential building consumes less land than an equivalent FAR building that is lower. A lower height would consume more ground space on the project site and take away from the one quarter city block public-oriented courtyard amenity space that the project can provide due to the additional 30 feet allowed with the housing height bonus. [CCFDG A5, C4, and RDDG A3-1, A5-1-1].
- The central courtyard is a carefully designed amenity for public enjoyment that will be activated with ground level commercial uses connecting the courtyard to NW 13<sup>th</sup> Avenue [CCFDG B4, B5, C6].
- The height and orientation of the residential tower surrounded by the lower-scale brick building reinforces the north-south view opportunity between river and downtown along NW 13<sup>th</sup> Avenue [CCFDG A1, C1, RDDG C2-1].
- The additional housing bonus height of 30 feet for the residential building will result in a height and orientation of the residential building surrounded by the lower-scale brick building which will reinforce the view opportunities between the river, the project, and along NW 13<sup>th</sup> Avenue. The project additionally links the river to the community with the log jam design of the open space between the buildings. [CCFDG A1, C1, and RDDG A1-1, C1-1].

**Based upon the above findings, the City Council concludes that the project meets 33.510.210.E.4.E.**

***F. Approval of the increased height is consistent with the purposes stated in Subsection 33.510.205.A.***

**Findings:** As an initial matter, the City Council finds that it is not clear on its face how 33.510.210.E.4.f should be applied to this project and the request for 30 feet of additional height. 33.510.205.A states: *“The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.”* The City Council finds that in order to assess whether the request for an additional 30 feet in building height meets 33.510.210.E.4.f it must interpret the phrase “consistent with” and how that phrase should be applied in this context to the multiple and varied purposes listed in 33.510.205.A.

The City Council finds that “consistent with” is not defined in the PZC. Because it is not defined, the City Council looks to a dictionary definition. “Consistent” means *“marked by harmony, regularity or steady continuity throughout”* and *“marked by agreement and concord.”* Webster’s Third International Dictionary, 2002. In light of this definition, the City Council interprets 33.510.210.E.4.f to require that, where a height bonus is allowed, the additional height is harmonious “as a whole,” or “on balance” with the general purposes stated in 33.510.205.A.

Where, as here, consistency must be shown with multiple, not always compatible items, the consistency must focus on the totality of the situation, not on the individual items. The City Council believes that this interpretation is a reasonable interpretation of the PZC for several reasons.

First, 33.510.210.E.4.f does not require that approval of the increased height “comply” with each of the individual purposes stated in 33.510.205.A, nor does it use any synonym of “comply.” Where the PZC intends that one of the purposes covered by 33.510.205.A be met, it specifically provides for that, as it does with regard to view corridors in 33.510.210.E.4.a. Second, since 33.510.210.E.4.f does not use the term “comply” or “compliance” or a synonym of such, it must intend something other than compliance with the purposes of 33.510.205.A, individually or collectively.

Third, consistency with the purpose statement as a whole does not require compliance with each individual purpose of 33.510.205.A because some of the 205.A purposes are in conflict. For example, it would be impossible for a project to simultaneously *“ensure . . . step downs to historical districts”* and, at the same time, achieve a *“step down of building heights to the Willamette River.”* Where, as

here, the project is located between a historical district and the Willamette River, it must step down in one direction or the other, it cannot step down in both directions.

In light of these reasons, the City Council finds that the consistency required by 33.510.210.E.4.f is established when the additional height achieves an appropriate balance that is harmonious with the purposes stated in 33.510.205.A, and that such balance does not require that each separate element of the 33.510.205.A purpose statement be individually met. The City Council further interprets that this subsection “f.” requirement does not transform each individual element of the 33.510.205.A purpose statement into a separate mandatory approval criterion.

Based upon this interpretation, The City Council finds that the increased height of the residential building is consistent, on balance, with the purposes of 33.510.205.A because the additional height, overall, respects and embraces the 13<sup>th</sup> Avenue Historic District by stepping down to the district; by providing site and building designs (including the character and design details of the 13<sup>th</sup> Avenue Building, with its streetside loading dock) that are coherent with and complement the overall urban design of the Pearl District; and by providing a new high-amenity public courtyard, creating active building corners, enhancing the streetscape with active uses and engaging design on all four block faces; and for the reasons discussed under each of the elements of 33.510.205.A below.

Even if 33.510.210.E.4.f were interpreted to require the increased height to comply with the each of the purposes in 33.510.205.A, the City Council finds that such compliance is achieved, as follows:

- 33.510.205.A Purpose Statement Element 1: Protecting views. The City Council finds that this element of the purpose statement seeks to protect public views not otherwise protected by 33.510.210.E.4.a. The City Council further finds that this purpose is met for the same reasons set forth above in the City Council’s interpretation and findings regarding CCFDG C-1, and for the additional reasons discussed below.

The CCFDG provides guidance and interpretation on how a project can protect and enhance views. It states, for example, that public views include the views along public rights-of-way such as along NW 13<sup>th</sup> Avenue and down NW Johnson Street. The findings above for CCFDG C1 describe this purpose in more detail. Based on the discussion in CCFDG C1 and the discussion below, the City Council finds that the purpose of protecting views referenced in 33.510.205.A refers to existing public views to and from public spaces such as the public rights-of-way, parks, and open spaces.

The project, by building to the property lines and enhancing and activating these streets, not only protects these views, but enhances them,

particularly by framing the view of the Fremont Bridge up NW 13<sup>th</sup> Avenue and the view down NW Johnson Street toward the Union Station Clock Tower. The project also creates many new street-level views, converting what is today a building with four blank walls into a new urban mixed use development that includes street-level townhomes, a well-designed and inviting residential building entrance, two street-side entrances to a new public courtyard, design of the public courtyard that is both internally inviting and integrates with and transitions to the semi-private spaces of the adjacent buildings, a new active-use loading dock along the NW 13<sup>th</sup> Avenue frontage, and building designs that add to the urban mix of old and new buildings and structures juxtaposed, with visual and physical references to the Pearl District's warehousing past.

- 33.510.205.A Purpose Statement Element 2: Creating a step-down of building heights to the Willamette River. The City Council finds that this element of the purpose statement seeks to ensure that development within the Central City Zone achieves an overall step-down to the Willamette River. The City Council finds that this purpose is achieved through the heights allowed through the PZC, including height bonuses in eligible areas. Consistency with this purpose is context driven, and is determined on an area basis by looking to the allowable zoning heights on Map 510-3 and to potential development that would be consistent with the adopted PZC, not to whatever happens to be the then-existing individual building heights.

The City Council finds that this purpose does not require that every building on each block step down to the next and the next and the next as development moves towards the river. Rather, the intent of the purpose is to ensure that, overall, the Central City achieves a step down to the river by construction of projects consistent with allowed zoning heights.

Map 510-3 shows that the Pearl District has several different zoning height "transects" from west to east. South of Hoyt, allowed heights step up from 100 feet west of 8<sup>th</sup> Avenue to 350 feet east of 8<sup>th</sup> Avenue and then down to 75 feet right next to the Willamette River. North of Lovejoy, the allowed zoning height is uniform at 100 feet, except for the 225 feet allowed on portions of 12<sup>th</sup> Avenue, Lovejoy, and Northrup. In the project location, zoning heights are uniformly 75 feet from NW 14<sup>th</sup> Avenue to the river, with bonus height (general and housing bonus heights of up to 150 feet) allowed on properties west of NW 9<sup>th</sup> Avenue.

The project satisfies this purpose by building to the allowable height in the west side of the Pearl District, while allowable building heights on the east side of the District, nearer the river, are at 75 feet and not eligible for bonus height.

- 33.510.205.A Purpose Statement Element 3: Limiting shadows on public open spaces. The City Council finds that this element of the purpose statement seeks to protect public open spaces that are not otherwise protected under 33.510.210.E.4.c, which applies to developments in areas eligible for Open Space performance standards as identified on Map 510-3, by reasonably limiting shade impacts of new development on open public spaces. Where a project falls outside of that area, this criterion seeks to ensure that a project appropriately limits shadows on public open spaces.

The City Council finds that the project satisfies this purpose in two ways. First, as demonstrated in the Applicant's shade study which was independently corroborated in a study by BDS staff<sup>1</sup>, there is no shadow impact on Jamison Square from the additional 30 feet in bonus height allowed by 33.510.210.E. The City Council heard testimony from residents that the project would cast shadows on nearby Jamison Square, but finds the shade studies submitted by the Applicant and provided by the Portland Bureau of Development Services to be more credible and persuasive.

Second, the project is providing a new public open space between the project's two buildings and, by virtue of the site and building orientation, is maximizing the amount of sunlight to that new public open space.

- 33.510.205.A Purpose Statement Element 4: Ensuring building height compatibility and step downs to historical districts. The City Council finds that this element of the purpose statement seeks to protect the integrity of Portland's historic districts by ensuring that development outside of each historic district respects and responds to the historic district by ensuring building height compatibility and, where appropriate to achieve compatibility, stepping down building heights adjacent to an historic district to be closer to the heights in the historic district.

The project satisfies this purpose because the inclusion of the 30 feet of additional height for the NW 12<sup>th</sup> Avenue residential building allows the Applicant to construct the NW 13<sup>th</sup> Avenue building at 75 feet in height, respecting and stepping down to the predominant building height along the NW 13<sup>th</sup> Avenue corridor. The 13<sup>th</sup> Avenue Building height, design, and primary cladding material embrace predominant design themes in the NW 13<sup>th</sup> Avenue Historic District, and thereby enhance and extend the urban warehouse feel of the NW 13<sup>th</sup> Avenue corridor. The City Council heard testimony than an alternative orientation for the project's buildings, with

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<sup>1</sup> The Applicant's shade study is included as Exhibit F to the Applicant's Narrative Statement dated April 8, 2015. The BDS shade study is included in the materials from the July 24, 2014 DAR meeting.

the tall residential building oriented east/west on NW Kearney Street, would better step down to the NW 13<sup>th</sup> Avenue Historic District. The City Council finds that testimony unconvincing because such an orientation would place the tall residential tower directly on NW 13<sup>th</sup> Avenue, which would introduce a building design and height that would be distinctly out of character when placed directly on NW 13<sup>th</sup> Avenue and which would send strong visual cues to pedestrians that the NW 13<sup>th</sup> Avenue Historic District terminates abruptly, which is precisely what this purpose is intended to prevent.

In addition, the project also activates the corner of NW 13<sup>th</sup> Avenue and NW Johnson Street, which faces directly on the historic district, and carries that activation all along the NW 13<sup>th</sup> Avenue block between NW Johnson Street and NW Kearney Street. Finally, the project adds to a positive and varied skyline in this district.

- 33.510.205.A Purpose Statement Element 5: Limiting shadows from new development on residential neighborhoods in and at the edges of the Central City. The City Council finds that this element of the purpose statement requires that a project's additional height have limited effect on established relatively low density residential neighborhoods in and around the Central City (such as Goose Hollow, Northwest, King's Hill, Ladd's Edition, Irvington). The City Council further finds that this element of the purpose statement does not in any way prohibit shade impacts, but seeks to limit impacts on existing residential neighborhoods, in balance with the other purposes set forth in 33.510.205.A.

The project satisfies this purpose because the project is well inside the Pearl District boundaries and in a mixed use neighborhood in an area zoned EXd for employment uses, and does not impact the residential neighborhoods in and at the edges of the Central City that are the focus of this element of the purpose statement. Even so, the Applicant's shade study establishes that the addition of the requested 30 feet to the 12<sup>th</sup> Avenue Building has little incremental shade impact. Moreover, addition of the 30 feet to the 12<sup>th</sup> Avenue Building allows a corresponding reduction of height for the 13<sup>th</sup> Avenue Building which allows more light into the new public courtyard being constructed by the project, and along NW 13<sup>th</sup> Avenue which is a very active public space.

**Based upon the above findings, the City Council concludes that the project meets 33.510.210.E.4.f because the additional 30 feet in height requested by the Applicant results in a project that is, on balance, consistent with the purposes set forth in 33.510.205.A.**

**Based upon the above findings, the City Council concludes that even if 33.510.210.E.4.f is interpreted to require the additional 30 feet in height**

**requested by the Applicant to comply with each of the purposes in 33.510.205.A, the project does in fact meet those purposes, and therefore the project that meets 33.510.210.E.4.f.**

**The City Council concludes, based upon all the findings above under the Height heading, that the project qualifies for its proposed height of 76 feet 1 inch for the 13<sup>th</sup> Avenue Building and 150 feet for the 12<sup>th</sup> Avenue Building.**

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, the project does not have to show compliance with development standards in order to obtain design review approval. 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.

## **ISSUES RAISED ON APPEAL**

The City Council considered this application de novo as a result of an appeal of the Design Commission Decision (Appeal). The Appeal, filed by Preserve the Pearl, LLC (Appellant), raised several objections to the Design Commission Decision.

### **Burden of Proof**

The Appellant correctly asserts that the burden of proof regarding compliance with the applicable approval criteria rests with the Applicant. The City Council finds, as set forth in detail above, that the Applicant has satisfied its burden of proof and has demonstrated that, based on substantial evidence in the record, the project satisfies all applicable approval criteria, including the City's applicable Design Guidelines.

### **Public Process Issues**

First, the Appellant argues that the public process leading up to the Design Commission Decision was inadequate because (a) the Pearl District Neighborhood Association (PDNA) did not provide sufficient opportunity for residents to participate prior to the PDNA planning and transportation committee voting on a non-binding recommendation for the Design Commission to approve the project; (b) the Design Commission improperly solicited testimony from participants when it inquired into the perceived view impacts of the project from several people testifying before the Design Commission; and (c) the Design Commission considered future design guidelines rather than the currently applicable design guidelines.

**Findings Regarding Public Process Appeal Issues:** The City Council finds, based upon the written record in this case and the live testimony offered at the appeal hearing, that there was no flaw in the public process, because all interested

parties were properly put on notice and given an opportunity to be heard, no improper testimony was solicited, and the correct design guidelines were considered in rendering a decision on the project as follows:

1. The City Council finds no flaw in the public notice because: (i) each Design Commission Design Advice Meeting was properly noticed and advertised and all interested parties had the opportunity to participate; (ii) the two Design Commission hearings on the project were also properly noticed and advertised; (iii) the City Council appeal hearing was also properly noticed and advertised and all interested parties had the opportunity to testify there; and (iv) the site was posted and all interested parties had the opportunity to testify at those hearings. The City Council finds that the record in this matter, and the discussion above and below under this section of the findings addressing the public process appeal issues, demonstrates the extensive participation of project supporters and opponents, including the Appellant, every step of the way.
  - The City Council finds that the basis for City recognition of neighborhood associations is established by Chapter 3.96.030 of the City Code, which describes the minimum standards, functions, responsibilities, and benefits of neighborhood associations, and which states that “[I]f a Neighborhood Association fails to meet the minimum requirements of 3.96.030, the Office of Neighborhood Involvement may, pursuant to the adopted Standards, suspend partial or all benefits to that Neighborhood Association and may ultimately revoke formal recognition of that Neighborhood Association.” The City Council finds that while the failure of a Neighborhood Association to fulfill its role as described in 3.96.030 may be a basis for the Office of Neighborhood Involvement to take action against the offending Neighborhood Association, such a failure does not create a procedural flaw in the City Council’s consideration of a development application. Moreover, the City Council heard testimony and has in the record before it credible evidence that the Pearl District Neighborhood Association did, in fact, provide notice and an opportunity for its members to participate in the Neighborhood Association’s review of the project. Therefore the City Council finds no error as to this portion of the public process.
  - For Type III Land Use Reviews, the PZC requires that public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Pearl District Neighborhood Association, Nob Hill Business Association, Neighbors West/Northwest (district coalition), and Northwest District Association all were mailed notice. In addition, all property owners within 400 feet of the site were also mailed notice of the public hearings. City Bureaus, Tri-Met, AIA Urban Design Committee, Metro, BNSFRR, Oregon Walks, and Portland

School District #1 were also mailed notice. The project site was posted with notice boards 30 days prior to each hearing. Notice of the hearings was posted on the BDS website. All Design Commission hearings and the City Council hearing on this matter were open to public testimony and public testimony was taken prior to the Design Commission and the City Council rendering their final decisions. As to the hearings and decision, all legal notice was given and procedural due process was satisfied.

2. The City Council finds that neither the Design Commission nor the City Council has solicited or considered improper testimony in reaching its decision. The Appellant questions the propriety of a Design Commission member asking individuals that testified at a Design Advice Meeting where that individual lived in relation to the project. The Appellant asserts that the question was designed to elicit information about how the view of that individual might be affected by the project. First, the City Council finds that there is nothing improper about a Design Commissioner inquiring into how a proposed project may impact the person testifying. Second, the City Council finds that there is no evidence that any such inquiry played any part in the Design Commission's decision, so there was no prejudice created by any such question. Third, the City Council finds that even if there were some improper action taken by the Design Commission, the City Council has considered this matter de novo, has not asked any such question, and has not relied on such testimony in making its decision, so that any error by the Design Commission has been remedied by the City Council.
3. The City Council finds that contrary to the assertion of the Appellant, the Design Commission properly applied the CCFDG and the RDDG, in conjunction with the PZC, in rendering its decision. The City Council finds that the mere mention by a Design Commissioner that "this will be a transitional building" does not establish that the Design Commission applied the wrong guidelines, and that in fact the Design Commission Decision did correctly apply the CCFDG and the RDDG to the project. Finally, the City Council made no such reference to a transitional nature of the project, and has evaluated the project in these findings against the applicable criteria from the CCFDG and the RDDG.

### **View Impact Issues**

The Appellant argues that possible consideration by the Design Commission of the potential impact of the project on the private views of individuals testifying before the Design Commission was incorrect or, apparently in the alternative, that the City Council must evaluate the impact of the project on private "view sheds" that are identified by the Appellant.

**Findings Regarding View Impact Appeal Issues:** The City Council addressed the Appellant's argument about the impropriety of Design Commission questions of individuals about private views in paragraph 2 of the Findings Regarding

Public Process Appeal Issues, above. With regard to the Appellant's argument that City Council must evaluate the impact of the Project (specifically the additional height) on the private view sheds, the City Council finds that the Appellant misinterprets the City's Design Guidelines as they apply to the consideration of view impacts. As discussed above in the Specific Findings for CCFDG C1 and in the findings for 33.510.205.A Purpose Statement Element 1, the City Council interprets the view protection afforded by the Guidelines to extend only to two types of public views: (i) views identified in the City's Scenic Resources Plan, and (ii) views of other public spaces affected by new development, which include public rights-of-way, parks, and open spaces. These are the view impacts that have been considered by the City Council in evaluating the project. As set forth above, the City Council finds that the project meets each design guideline that includes view impacts as an element for consideration.

### **Shade Impact Issues**

The Appellant and those testifying in opposition to the project presented testimony that the project would have two impermissible impacts relating to the shade that will be cast by the project. The testimony centered on shade impacts to Jamison Park, and shade impacts on nearby condominiums, specifically the Riverstone Condominiums on NW 12<sup>th</sup> Avenue between NW Johnson and Kearney Streets (located directly across the street to the east of the project).

**Findings Regarding Shade Impact Appeal Issues:** Regarding shade impacts, the City Council has considered the entire record before it, which includes testimony, submittals by the Appellant and others, the Applicant's submittals including a shade study, and the shade study prepared by the Bureau of Development Services (BDS) which was considered by the Design Commission at the third Design Advice Meeting on July 24, 2014. Of this evidence, the City Council concludes that the shade studies by the Applicant and by BDS are more credible and persuasive than the other evidence and testimony, and demonstrate that any shading is limited and permissible under the applicable approval criteria.

The City Council finds that the only approval criteria involving shade that are applicable to the project are those that are included within the purpose statements in 33.510.205.A (in particular Purpose Statement Element 3 relating to limiting the shade impacts of the top 30 feet of the 12<sup>th</sup> Avenue Building on public open spaces) and Element 5 relating to limiting shade impacts of the top 30 feet of the 12<sup>th</sup> Avenue Building on certain residential neighborhoods).

As is stated in the findings above for 33.510.210.E.4.f, compliance with each individual element of the overall 33.510.205.A purpose statement elements is not required – a project must only demonstrate that the additional requested height is, on balance, harmonious and consistent with the purpose statement. Nevertheless, the findings above for Purpose Statements 3 and 5 conclude that the project does in fact meet those elements of the Purpose Statement because, based upon the Applicant and BDS shade studies which the City Council finds to be the best

evidence, that the top 30 feet of the residential building will limit and have only a minimal effect on the shading of Jamison Park, if any, and no shading impact on the certain residential neighborhoods that were intended to be protected (which do not include the area directly around the project site). We find further that that extra height will have little incremental shade impact on the Riverstone Condominiums. While the City Council recognizes that the project buildings will create greater shadows than the existing building on the site, the City Council finds that such shading is allowed by the zoning and does not violate any of the applicable approval criteria.

### **Height Bonus Issues**

Next, the Appellant argued that the allowance of two separate exceptions to the base allowable zoning height limit is improper. Specifically, the Appellant argued that application of the General Bonus Height allowed under 33.510.210.D and the Housing Bonus Height allowed under 33.510.210.E is improper.

**Findings Regarding Height Bonus Appeal Issues:** The City Council finds that the approval of two separate bonus height provisions is expressly allowed by the PZC because 33.510.210.E.3.a includes the following express provision: “On sites shown on Map 510-3 as eligible for general and housing bonuses, both the bonus height options of this subsection and Subsection D, above, may be used.” The project is located in an area identified on Map 510-3 as eligible for general and housing height bonuses. Therefore, there is nothing improper in approving the project with height bonuses applied from both 33.510.210.D and E.

### **Design Guideline Issues**

The Appellant alleges that the Applicant does not carry its burden and establish that the project meets all of the applicable design guidelines as required in 33.510.210.D and 33.510.210.E.

**Findings Regarding Design Guidelines Appeal Issues:** The City Council finds that the Applicant has demonstrated that the project is in compliance with each and every applicable design guideline as required by 33.510.210.D and 33.510.210.E and is eligible for bonus height under both PZC sections as follows:

1. 33.510.210.D provides a general bonus height for projects in eligible areas (as shown on Map 510-3) where the project in question has achieved a Floor Area Bonus under 33.510.210.C. For sites up to 40,000 square feet in size, a bonus height of 45 feet is allowed where the project has earned a floor area ratio bonus of 3 to 1 under 33.510.210.C. The bonus height allowed is “in addition to the maximum heights of Map 510-3.” 33.510.210.D further expressly provides that “Qualifying areas, shown on Map 510-3, are located such that increased height will not violate established view corridors, the

preservation of the character of historic districts, the protection of public open spaces from shadow, and the preservation of the City's visual focus on important buildings.”

This project achieves the maximum floor area bonus for the project site of 120,000 square feet under 33.510.210.C because the project provides more than 120,000 square feet of housing. Because the project properly earns a floor area bonus under 33.510.210.C, it is eligible for the general height bonus under 33.510.210.D. And, because the project is located in an area identified on Map 510-3 as eligible for the bonus height, it does not, as set forth expressly in the PZC, “violate established view corridors, the preservation of the character of historic districts, the protection of public open spaces from shadow, and the preservation of the City's visual focus on important buildings.” Therefore the project meets all necessary criteria for allowance of the general bonus height of 45 feet.

2. 33.510.210.E provides a housing bonus height for projects in eligible areas (as shown on Map 510-3) where the project in question demonstrates compliance with the approval criteria in 33.510.210.E.4. The project qualifies for an additional 30 feet of height on the residential building because, as set forth in more detail in the findings above for 33.510.210.E, it complies with each applicable criterion, including CCFDG C4 and the purposes of 33.510.205.A, and because, generally:
  - a. The project design respects and embraces the adjacent NW 13<sup>th</sup> Avenue Historic District in form, theme, and material usage;
  - b. The project orientation is the best orientation because of its embrace of the NW 13<sup>th</sup> Avenue Historic District and because the north/south orientation of the central public courtyard is consistent with other similar public courtyards in the Pearl District, complements and extends the existing pedestrian network, and allows the sun to penetrate this new and generous public amenity;
  - c. This mixed-use project embraces, activates and enlivens all of the project's facing streets by including design features and active street level uses that will continue to strong tradition of street-level activity for pedestrians. For example, the project's retail and commercial spaces and uses, treatment of the corner of NW 13<sup>th</sup> Avenue and NW Johnson Street facing the Historic District, strong river-themed design of the public courtyard that incorporates entryways and transition areas with each of the project's two buildings, and eight live-work street-level townhomes as part of the 12<sup>th</sup> Avenue Building, all give the project a great street-level presence and feel that is very familiar to the Pearl District.
  - d. The project as a whole, including the 150 foot tall NW 12<sup>th</sup> Avenue residential building:

- i. Preserves the character of the NW 13<sup>th</sup> Avenue Historic District through the site design which steps down to NW 13<sup>th</sup> Avenue and through the thoughtful design of the 13<sup>th</sup> Avenue building which includes a loading dock typical of NW 13<sup>th</sup> Avenue and cladding materials which typify the design vocabulary of the area;
- ii. Enhances the area's connectedness to the Willamette River by including a river-themed design for the public courtyard, by designing the 12<sup>th</sup> Avenue building to maximize views of the Willamette River, by providing for river and bridge views from the roof of both buildings, by providing eco-roof amenities on both buildings that emphasize the importance of naturally filtered storm water to the river, and by activating the surrounding pedestrian network which enhances the overall connectedness of the entire Peal District area to the river;
- iii. Helps Portland achieve an overall step-down of building heights to the Willamette River, consistent with allowable zoning height which are lower (75 feet) in areas adjacent to the river; and
- iv. Creates no additional shadow impact on Jamison Park and establishes a new public courtyard which is oriented to provide maximum exposure to sunlight;
- v. Expertly balances the overall design of the project so that it is in harmony with the purposes of Portland's design guidelines and zoning height limitations.

### **Building Orientation Issues**

The Appellant urges that the project's proposed orientation, with the parallel bar buildings oriented north/south and fronting on NW 12<sup>th</sup> Avenue and NW 13<sup>th</sup> Avenue, does not meet the applicable Design Guidelines (i) because of shadow effects on the adjacent residential dwellings (which the Appellant asserts is contrary to one of the elements of the 33.510.205.A purpose statements, which is applicable to consideration of the additional 30 feet in height requested for the 12<sup>th</sup> Avenue Building through 33.510.210.E.4.f), and (ii) because the project creates a step-up rather than a step-down to the Willamette River (which the Appellant asserts is contrary to another of the 33.510.205.A purpose statements, which is applicable to consideration of the additional 30 feet in height requested for the 12<sup>th</sup> Avenue Building through 33.510.210.E.4.f).

**Findings Regarding Building Orientation Appeal Issues:** The City Council has considered the record before it, including the testimony of the Appellant and others testifying in opposition to the project, and finds, as set forth in detail in the findings for the applicable approval criteria above, that the Applicant has met its burden of proof and has established that the project complies with all applicable approval criteria, including, to the extent required, each of the purposes set forth

in 33.510.205.A. These findings conclude, among other things, that any shadow impacts and the project's relationship to the Willamette River have been considered to the full extent required and meet the applicable requirements.

Further, the City Council considered the testimony and evidence in the record regarding the orientation of the project, and finds that the project as proposed best meets all of the PZC requirements and design guidelines. The only matter before the City Council is the project proposed by the Applicant. For that project to be approved, the Applicant must demonstrate that all the applicable mandatory approval criteria have been met. In these findings, the City Council has concluded that the Applicant has met that burden. Any alternative design, such as that suggested by the Appellant, is not before the City for consideration.

## **V. CONCLUSIONS**

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Applicant has addressed all major concerns expressed by staff and designed a building that embodies the spirit and substance intended by the applicable design guidelines, and that responds well to the natural, cultural, and built context. The City Council has applied each applicable criterion to the project, interpreted the applicable PZC criteria and design guidelines where necessary to clarify how an approval criterion applies (which interpretation is entitled to deference pursuant to ORS 197.829), and made findings based on substantial evidence in the record on each and every approval criterion.

The Applicant has met its burden of proof and has established that the project meets the PZC provisions and design guidelines applicable to this design review, and therefore warrants approval.

## VI. DECISION

**It is the decision of the City Council to approve Design Review for LU 14-230014 DZM as follows:**

### **BLD #1: NW 13<sup>th</sup> Avenue Brick Building**

- 5 stories
- Maximum Height 76'-1"
- Approximately 15,000 square feet of retail at ground level
- Approximately 60,000 square feet of office at levels 2-5.
- Rooftop program includes roof terrace, elevator/stair overrun, mechanical enclosure and eco roof.
- An at-grade loading space on NW 13<sup>th</sup>
- 13<sup>th</sup> Ave dock
- Courtyard dock

### **BLD #2: NW 12<sup>th</sup> Avenue Tower Building**

- 15 stories
- Maximum Height of 148'-4"
- Approximately 205,000 square feet of residential, floors 1-15.
- Approximately 208 residential flats and 8 street-level live-work townhomes
- Two levels of below grade parking – 199 spaces – access via NW 12<sup>th</sup> Ave

Approval of the following Modification requests:

- 1. Rooftop Access & Mechanical (33.140.210.B.2.)** All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit. **12th Ave Building** – The rooftop mechanical enclosure is set back 13'-2" from the roof edge abutting 12<sup>th</sup> Ave and 8'-0" from the roof edge facing the courtyard. One piece of mechanical equipment is in excess of 10 feet tall (a make-up air unit at 13 feet tall.) And, the cumulative area of roof enclosures 10' above the height limit – exceeds the 10% of roof area limit. Total coverage for this building is 18.8%.
- 2. Size of Loading Spaces (33.266.310.D.a.)** Two (2) Standard A loading spaces are required. A Standard A loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The project proposes three loading spaces of various sizes:
  - **Space A.** A space within the footprint of the NW 12th Ave apartment building (with access from NW 12<sup>th</sup> Ave) is 35 feet long x 11 feet 5 inches wide (except at doorway which is 10 feet wide). The height of the space, however,

varies. A majority of the space (28 feet of it) is 19 feet 6 inches high with the remaining portion varying from 11 feet (at doorway) to 12 feet outside the doorway. The space will be scheduled for food deliveries in morning, resident move-in/out during the day and generally available for office deliveries.

- **Space B.** Standard B size (18' long x 9' wide x 10' clear) located within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave). The space will be scheduled for food deliveries in the morning and generally available for office deliveries and service vehicles.
- **Space C.** A cargo van loading space (18' long x 10' wide x 8'-11" clear) located within the footprint of the NW 13<sup>th</sup> Ave building. Scheduled for food deliveries in the morning and available generally for office deliveries and service vehicles.

3. ***Bike Parking Space Dimension (33.266.220.C.3.b.)*** A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes staggered vertical storage, dimensioned at 18" x 6' with a 5' walk aisle.

**The Appellant's appeal is denied, and the project is approved.**

## **VII. APPEAL INFORMATION**

### **Appeals to the Land Use Board of Appeals (LUBA)**

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period or this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

### **EXHIBITS – NOT ATTACHED UNLESS INDICATED**

#### **A. Applicant's Statement**

1. Block 136 Written Statement
2. Stormwater Drainage Report
3. Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 days

#### **B. Zoning Map**

#### **C. Plan & Drawings**

1. Block 136 Land Use Application Drawing Set, Pages 1-155.
2. Sheet 21-Ground Level Plan
3. Sheet 24-South Elevation
4. Sheet 25-East Elevation
5. Sheet 26-North Elevation
6. Sheet 27-West Elevation
7. Sheet 41-Courtyard Plan
8. Block 136 – Materials & Cut Sheets (Chapter 1-7)

#### **D. Notification information:**

1. Request for response
2. Posting letter sent to applicant
3. Notice to be posted
4. Applicant's statement certifying posting
5. Mailed notice
6. Mailing list

#### **E. Agency Responses:**

1. Life Safety Plans Examiner
2. Site Development Section of BDS
3. The Fire Bureau
4. The Bureau of Environmental Services
5. The Bureau of Parks-Forestry Division
6. The Portland Bureau of Transportation

#### **F. Public Testimony**

1. Stiffler, 5-9-14
2. Quinn, 5-9-14
3. Anderson, 5-9-14
4. Winn, 5-11-14

5. Jaecksch, 5-12-14
6. Francis, 5-12-14
7. Drake, 5-13-14
8. McKinnis, 5-14-14
9. Backstrand, 5-14-12
10. Remen-Willis, 5-14-14
11. Moiel, 5-15-14
12. Kirby, 5-14-14
13. Wymore, 5-15-14
14. Backstrand, 6-3-14
15. Anderson, 6-5-14
16. Francis, 6-2-14 and 12-18-14
17. Schwartz, 6-4-14
18. Yeiter, 6-4-14
19. Merrick, 5-20-14
20. Luan, 6-4-14
21. Nute, 6-5-14
22. Hoang, 5-15-14
23. Cartwright, 5-15-14
24. Sutherland, 5-28-14
25. Leming, 5-27-14
26. Kirby, 5-27-14
27. Backstrand, 5-21-14
28. Virey, 5-19-14
29. Merrick, 5-19-14
30. Buck, 6-5-14
31. Gardner, 6-5-14
32. 6-5-14
33. 6-5-14
34. Drake, 6-5-14
35. Strand, 6-6-14
36. Haines, 6-12-14
37. Hansen, 6-23-14
38. Trout, 7-7-14
39. King, 7-7-14
40. Randall, 7-7-14
41. Remen-Willis, 7-8-14
42. Krattenmaker, 7-9-14
43. McBride, 7-10-14
44. Evans, 7-18-14
45. Jess, 7-20-14
46. Hickerson, 7-21-14
47. Yeiter, 7-21-14
48. Cartwright, 7-22-14
49. Merrick, 7-22-14
50. Beach, 7-22-14

51. Garsha, 7-23-14
52. Rocheld, 7-23-14 and 12-18-14
53. Garsha, 7-23-14
54. Moiel, 7-23-14 and 12-18-14
55. Czarnecki, 7-23-14
56. Rocheld, 7-23-14
57. Nallakrishnan, 7-24-14
58. Gardner, 7-24-14
59. Czarnecki, 7-24-14
60. Rahm, 7-24-14
61. Lennard, 7-24-14
62. Hoang, 5-15-14
63. Hoang, 6-5-14
64. Buck, 6-5-14
65. Schwartz, 7-24-14
66. Strever, 12-18-14
67. Tim Allen, 10-22-14, Email in opposition to the project citing bulk, excessive height, traffic, visual impacts, demand for water.
68. Mark Litchman, 12-09-14, Email in opposition to the project citing excessive height.
69. David Moiel, MD, 12-18-14, Email in opposition to the project citing excessive height, climate impacts, cutesy rooftop garden, public process, lack of low-income housing and loss of sun, and increased parking demand and crime.
70. Ann Remen-Wills, 12-22-15, Email in opposition to the project citing massing, bulk, imposing scale, lack of blending design and public process (PNDA).

**G. Other**

1. Original LUR Application
2. Pre-Application Conference Summary Notes
3. Design Advice Request Summary Notes
4. Request for Extension of 120-day Review Period with a Continuation Hearing (12/18/14)
5. Staff Report and Recommendation to the Design Commission (December 18, 2014)
6. Staff Report and Recommendation to the Design Commission (January 22, 2015)

**H. Other**

1. Staff Report
2. Powerpoint Presentation

**I. Exhibits Submitted On or After Appeal Date**

1. Appeal
  - a. Appeal Narrative
2. Appealed Decision
3. NOA mail list
4. Notice of Appeal  
(Received before Hearing)
5. Council Appeal Packet Memo
6. Allen, 2/1/2015

7. Applicant's Narrative Statement in Support of Design Review Approval  
(Received During Hearing)
8. Overview of Applicant's Request for Design Review Approval
9. PowerPoint Presentation to Hearing Body
10. Oral Testimony List, LU14-230014 DZM – Oppose / Support Appeal, 4/8/2015
11. Schwartz, 4/8/2015
12. Moiel, 4/8/2015
13. Farhoodi, 4/8/2015  
(Received After Hearing if record is held open any exhibits/letters)
14. Response by Preserve the Pearl LLC
15. Greenwood, 4/13/2015
16. Roberts, 4/13/2015
17. Francis, 4/14/2015
18. Ackerman, 4/15/2015