

**From:** Bonnie Chiu  
**To:** [Moore-Love, Karla](#)  
**Cc:** [Reynolds, Allison J. \(Perkins Coie\)](#); [Tim Wybenga](#)  
**Subject:** Fremont Apartments Appeal -- LU 16-278621 DZM GW -- Additional Record Materials  
**Date:** Wednesday, April 18, 2018 3:59:32 PM  
**Attachments:** [2018-04-18 Fremont Apartments - Addl Information re Design Revisions.pdf](#)

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Karla,

Please find attached additional materials for the Fremont Place Apartment appeal and add these to the Council record on this item.

Thank you,

Bonnie Chiu, R.A., LEED AP  
Associate

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April 18, 2018

Portland City Council  
1221 SW 4th Avenue, Room 130  
Portland, Oregon 97204  
Attention Council Clerk  
via email: Karla.Moore-Love@portlandoregon.gov

Re: Fremont Apartments Revised Design  
Appeal of DR Approval LU 16-278621 DZM GW

Dear Mayor Wheeler Members of the City Council,

Last week Lincoln submitted a Revised Design concept for the Fremont Place Apartments project, which include limited narrative descriptions of the proposed design enhancements. The purpose of this supplemental submittal is to address how the Revised Design meets the applicable Design Guidelines, which are the specific approval criteria for this project. The remainder of this letter provides a list of the applicable Guidelines, together with a discussion of how the Revised Design meets these criteria.

Following the Council deliberations on March 7 and April 4, the Lincoln team spent considerable time discussing the concerns we heard and potential design enhancements address the same. We transcribed the Council deliberations on March 7 and April 4 to ensure that we understood each issue and obtained copies of materials referenced by Council members. While we were not able to provide modifications to the project to fully address every issue that Council members raised, we feel it is important to provide a response to all issues raised, and we do so below.

We hope that this additional information provides Council with what it needs to consider our design changes and approve the project at the May 10, 2018 hearing.

#### **I. How the Revised Design Meet the Design Guidelines**

The Design Commission found that the project met the applicable Design Guidelines as approved. Below we address how the Revised Design also meet the Design Guidelines.

#### **tva architects, inc.**

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*Central City Fundamental Design Guidelines ("CCFDG"), River District Design Guidelines ("RDDG") and Greenway Design Guidelines ("GDG") met by the Revised Design:<sup>1</sup>*

- *CCFDG A.1 (Integrate the River), RDDG A.1-1 (Link the River to the Community)*

The Revisions include a Greenway trail path that is 20 feet wide and provides ample space for cyclists, runners and pedestrians to use the trail together. The Revisions also include a second 1,580 square foot plaza space at the southern end of the trail with seating areas and landscaping. Given the unique waterfront location of the site, the enhanced public access and gathering opportunities represented by those features serve to integrate the project with the River. The large 10,235 square foot plaza on the north end of the site continues to draw the public toward the Greenway and the River. The larger expanse of space between the building and the seawall (between 43 feet 4 inches and 47 feet 9 inches) provides a destination along the River. The larger Greenway area works with the building's form and orientation to link the River to the community. Finally, the creative studio spaces that overlook the south plaza will showcase ongoing creative work and bring additional activity to the Greenway and the plaza area, further linking this area along the River to the rest of the Pearl and celebrating the Pearl's role as an arts district.

- *CCFDG A.2 Emphasize Portland Themes*

The Willamette River is one of the major focal-points in the North Pearl waterfront. The second plaza area added through the Revised Design and the art spaces facing this area and the Greenway make the waterfront area adjacent to the project a destination. This emphasizes the River as an important Portland theme.

- *CCFDG A.3 Respect Portland Block Structure; RDDG A.3-1 Provide Convenient Pedestrian Linkages*

The site is bordered by the Willamette River on the west and Naito Parkway on the east. The building dimension between the edge of seawall and the edge of the Naito right-of-way is reduced to 217 feet, 3 inches in the Revised Design. Although this dimension is larger than the typical 200-foot block, the goals of the 200-foot block pattern are met because the building's location next to the River ensure that ample light and air between buildings is still provided. The building is set back from the River's edge by 43 feet 4 inches (narrowest point) to 47 feet 9 inches (widest point). This area is landscaped and provides a 20-foot minimum width hardscaped pedestrian and bicycle path. These amenities provide ample usable space between the building and the River. This area is much wider than the typical sidewalk area along a right-of-way.

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<sup>1</sup> For the sake of brevity, we do not include the full text of each applicable Guideline.

- *RDDG A.5-1 Reinforce Special Areas; RDDG A.5-1-1 Reinforce the Identity of the Pearl District Neighborhood*

The Revised Design further activates the Greenway area, as explained under A.1, above. The Revised Design also includes active artist spaces along the new southern plaza and wider Greenway trail. These artist areas are intended to celebrate the history of the Pearl District neighborhood as an arts district and provide an evolving arts experience along the Greenway.

- *RDDG A.5-1-5 Reinforce the Identity of the Waterfront Area*

As discussed under A.1, the Revised Design further activates the waterfront by including a wider area between the building and the River, a second plaza area, and an interactive arts experience. The Revised Design is intended to make the waterfront area a destination and reinforce its identity as a focal point of the Pearl.

- *CCFDG C.4 Complement the Context of Existing Buildings*

By widening the space between the seawall edge and the building's eastern façade, the Revised Design compliments the context of existing development to the north and south, including Bridgetown Lofts and Waterfront Pearl Condominiums.

- *CCFDG A.5-3 Incorporate Water Features*

This Guideline encourages the incorporation of water features or water design themes. The project incorporates water design themes focused on the River. The project is adjacent to the Willamette River, and the enhanced public greenway spaces significantly enhance access to this key water feature. The design of the building, public plaza, and greenway trail takes cues from and showcases the River. The River-end of the plaza transforms into an elevated viewing platform with integrated amphitheater seating where it intersects with the Greenway trail which invites pedestrians from the Pearl to the River.

- *RDDG A.5-4 Integrate Works of Art*

The Revised Design proposes the two studio spaces facing the Greenway for use as creative space. These areas have large storefront windows that face the new southern plaza and the Greenway. Artistic work will be created and displayed within these spaces, which can be viewed by users in the plaza and along the Greenway trail. The art studios will provide an evolving arts experience for the public along the Greenway. Inclusion of these creative spaces celebrates the Pearl District's history as an arts district.

- *CCFDG A.8 Contribute to Vibrant Streetscape*

The Revised Design eliminates 18 inches of space between the western façade of the building and the NW Naito Parkway lot line. This area previously included raised planters and hardscape. These elements have been adjusted to the east and now sit atop a hardscaped area that overlies the building's foundation. The hardscape and planter treatment along NW Naito Parkway continues to contribute to a vibrant streetscape for the reasons found by the Design Commission.

- *CCFDG B.1 Reinforce the Pedestrian System; RDDG B.1-1 Provide Human Scale to Buildings Along Walkways*

The Revised Design includes a 20-foot wide Greenway trail path. Widening the trail and eliminating the prior 13-inch "pinch point" ensure that bicyclists and pedestrians can safely use the trail together. The Revised Design also includes additional space between the trail and the building and separates trail users from the building edge (including the restaurant deck). Landscaping and benches provide a human scale along the trail.

- *CCFDG B.4 Provide Stopping and Viewing Places*

The Revised Design retains the landscaping, benches, and seating platforms along the wider Greenway trail. It also includes a second plaza space at the southern end of the trail adjacent to the artist studios. This space is programmed with landscaping and seating areas. The creative studios include a raised wooden deck with additional landscaping. The creative studios have large storefront windows that face the southern plaza and Greenway, providing additional attractions for Greenway users.

- *CCFDG B.5 Make Plazas, Parks and Open Space Successful*

The Revised Design includes a 20-foot wide Greenway trail path and additional landscaped space between the path and the building, for a total setback from the seawall of 43 feet 4 inches to 47 feet 9 inches. The Revised Design also includes a second plaza space at the south end of the Greenway. The south plaza includes landscaping and seating areas and is adjacent to the proposed creative spaces, which will further activate the plaza space with art creation and display.

- *CCFDG C.1-1 Increase River View Opportunities*

This guideline focuses on enhancing the River District ambiance by designing projects to emphasize views of the River and opportunities for stopping and viewing the River. The Revised Design proposes a minimum of 43 feet 4 inches between the building and the seawall, with a 20-foot Greenway trail path, and many areas for stopping and viewing the River. The Revised Design also includes a second plaza space at the south end of the Greenway with seating areas. The revised Greenway design continues to work with the other aspects of the project (including the ample extra open space provided on site and the

more than 10,000 square foot north plaza) to enhance the River District ambiance and increase River viewing opportunities.

- *C.5 Design for Coherency*

The Revised Design increases the width of the Greenway area by providing a minimum of 43 feet 4 inches of space between the seawall and the building. To accomplish this change, a single vertical bay was removed from the approved 5-story podium, and that podium was increased by a single story (10 feet in height), resulting in a 6-story podium. Based on the overall scale of the building, these changes are relatively minimal and continue to allow the building to form an L shape between the podium mass and the tall tower. The Revised Design does not otherwise alter the approved façade design of the podium.

The additional space between the building and the River was also accomplished by removing 18 inches of concrete area with planters between the NW Naito Parkway sidewalk and the building's foundation limit. The planters previously located in this 18-inch area have been reduced in width and now occupy a similar concrete area that is within the building envelope. As shown in our Revised Design submission, the façade treatment appears nearly identical from NW Naito Parkway and continues to meet the Guidelines as found by the Design Commission.

- *CCFDG C.9 Develop Flexible Sidewalk-Level Spaces*

The two studio spaces that face the south plaza will be programmed with artistic design, creation, and/or display. These spaces are expected to be flexible and will accommodate a wide variety of artistic endeavors that activate the Greenway and the south plaza space.

- *GDG Issue A Relationship of Structures to the Greenway Setback Area; GDG Issue A.1 Structure Design; GDG Issue A.2 Structure Alignment*

The wider Greenway trail path and additional space between the building and the seawall meet this Guideline by enhancing the user experience along the trail. The wider path ensures that conflicts between modes are less likely to occur. At the urging of Portland Parks & Recreation, the Revised Design relocates the seawall railing toward the River, providing an additional 2 feet, 6 inches for pedestrian and bike movement along the trail path. The additional space between the building and the Greenway trail, which is landscaped, provides additional space between diners on the restaurant patio and people recreating on the trail, ensuring that undue crowding between these uses does not occur.

The alignment of the building is set further back from the seawall, which follows the pattern of development north of the Fremont bridge, and the expected redevelopment of other parcels adjacent to the project site under the proposed CC2035 plan.

- *GDG Issue B and B-1 Public Access*

The wider Greenway trail path and new southern plaza in the Revised Design further enhance public access opportunities to view and enjoy the River. Relocation of the seawall railing creates an additional 2 feet 6 inches of trail space for pedestrian and bicycle access.

## **II. Concerns Raised by Council Members**

### *Greenway*

Our Revised Design addresses numerous comments about the Greenway area that we heard from Council members.

#### *a. Distance between the River and the Building:*

We heard that the building was too close to the 25-foot Greenway setback. Along these lines, there were concerns that the building would stick out as a sort of “buck-tooth” after redevelopment of other neighboring properties, which Council assumed would be under a 50 foot Greenway setback contemplated under the CC2035 plan. Additionally, a Council member raised concerns about the success of the planned restaurant space with an outdoor seating area in close proximity to the Greenway trail.

To address these concerns, we widened the distance between the seawall and the building’s edge to between 43 feet 4 inches and 47 feet 9 inches, a substantial increase over the previous design. This setback distance approximates the 50-foot Greenway setback under CC2035. As Council is no doubt aware, the draft CC2035 plan would allow buildings to encroach up to 5 feet into the 50-foot setback line, as long as an equal amount of area was reserved on site behind the 50-foot setback line. The Revised Design approximates a building that would be allowed under those restrictions and would not stick out like a buck-tooth adjacent to properties developed under those rules.

The increase in space between the seawall and the building façade allows for a wider Greenway trail path (as discussed below), and for more space between the path and the building. An average of 12 feet of hardscape, landscaping and seating areas now separate the edge of the restaurant deck from the Greenway path.

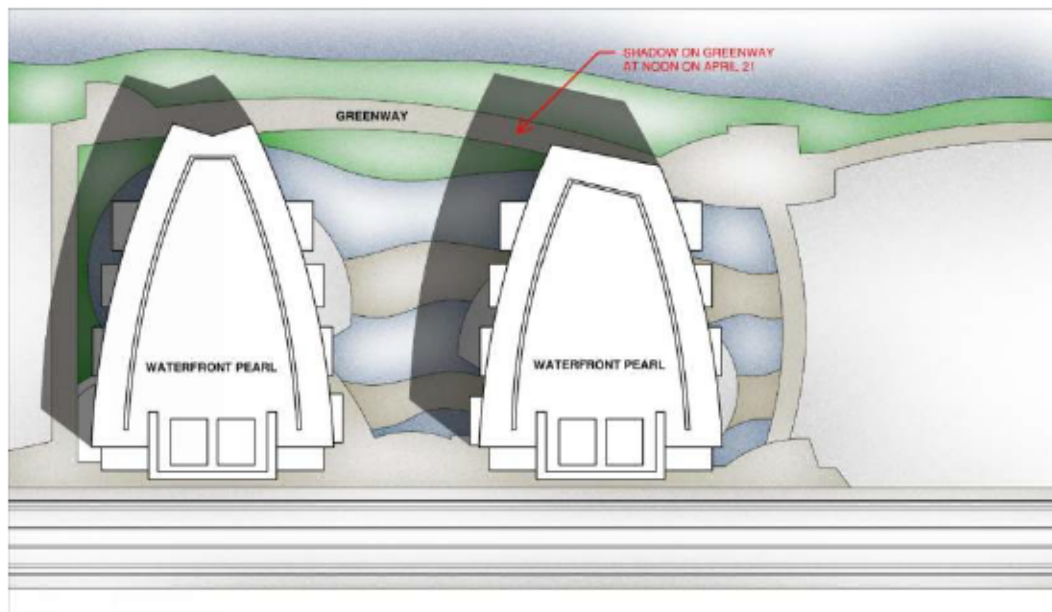
#### *b. Width of the Greenway Trail*

Council members expressed concern about a 13-foot “pinch point” in the approved Greenway trail design. Parks and Recreation’s standard for the Greenway trail width is between 12 and 25 feet, and the original design met that standard. However, to address Council concerns about potential conflicts between bike and pedestrian users around this pinched area, we have widened the trail to 20 feet and straightened the trail, eliminating

this “pinch point.” The Revised Design will make navigation of this area of the trail even easier for users of all modes.

*c. Shade on the Greenway and the Building’s Height Adjacent to the Greenway*

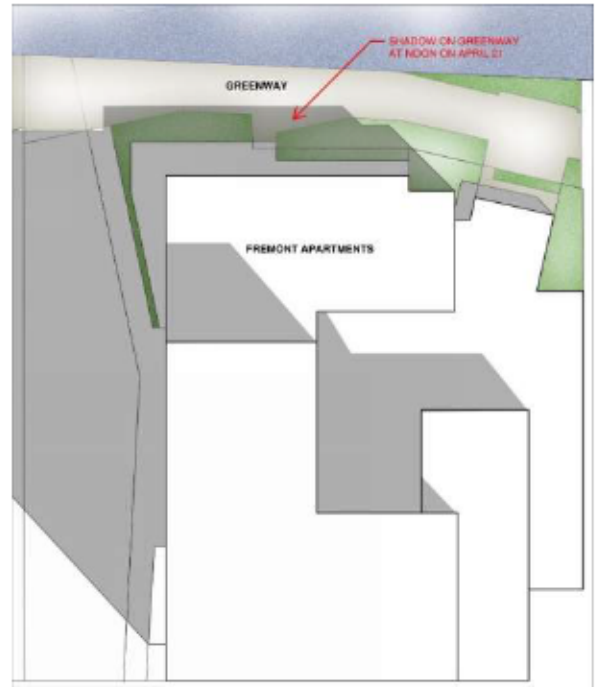
A Council member raised questions about the amount of shade cast on the Greenway area by the building. There is not a Code standard (under the applicable Code or CC2035) that restricts building mass and orientation based on shadows cast on the Greenway. Most development adjacent to the Greenway casts shadows on the area at different times of the day and year. Below we have provided a depiction of the shadows cast by our approved design, Revised Design, and, for context, the Waterfront Pearl. The shadows shown here are at noon on April 21. Although there is not a shadow standard for the Greenway, we use this date and time for consistency with the shadow requirements for the plaza area.







Fremont Apartments shadow on Greenway –  
PREVIOUS approved design



Fremont Apartments shadow on Greenway –  
REVISED DESIGN

### *Water Design Themes and Water Features*

The Revised Design includes a more generous amount of space between the seawall and the building as well as a wider Greenway trail path. The Revised Design also includes a second plaza area at the building's south end. The riser areas where the north plaza intersects with the greenway are retained. These features celebrate the River and are designed to enhance the public experience with the River and to integrate the River with the building. The building also includes ample stormwater facilities - ground level planters and eco-roof - which incorporate water management into the design.

### *Public Art*

While the original proposal met the Design Guidelines, Lincoln agrees that more could be done to celebrate the Pearl as an arts district and provide an ongoing public art experience. Lincoln therefore proposes to use the two flexible storefront spaces that face the new south plaza as affordable space for creative arts. Lincoln is working with community partners to form an appropriate program for these spaces. Lincoln anticipates that this program will involve below-market rent restrictions and that the spaces will be used for creation and display of creative art. This program is intended to align with the

goals of the Plan for Preserving and Expanding Affordable Art Space in Portland adopted by the City Council in 2018.

*Project Modifications - Elimination, Revisions and Further Explanation*

Council members commented that the number of modifications for this project was large and raised concerns about certain modifications. We agree that the number of modifications for this project is substantial (as is true for many approved projects in the North Pearl) and have made some changes to eliminate or substantially reduce these modifications where possible.

Many of the modifications arose out of design choices by the Design Commission and the project architects that respond to the iconic nature of this site and its important location. As noted below, we have eliminated modification 2. Our design changes may lead to the elimination of Modifications 4 and 6, but we are still working with staff to determine if this is possible under the Code.

Although not germane to the approval criteria for this project, Council members appeared interested in the changes to this area proposed by the CC2035 plan, as it is likely that those regulations will govern future development along the North Pearl waterfront. Four of the standards modified for this project will be eliminated under the current Central City 2035 proposal, as noted below.

*Modification #1.*

*Height Exception for Mechanical Equipment (to Allow the Mechanical Screen to be Flush with Building Edges and to Cover More than 10% of the Roof Area)*

- **Change:** None
- **Explanation:** The rooftop mechanical equipment necessary for this building will exceed 10% of the total roof area, regardless of where it is placed. The Design Commission decided that placing it on the tall tower and screening it to integrate with the building would limit its impact to views from the River, the street, and adjacent buildings, better meeting the Design Guidelines. Eliminating 10 feet from the tower (and approximately 12 housing units) to accommodate mechanical equipment is not necessary due to this modification.

*Modification #2:*

*Allow Smaller Bicycle Parking Space Size (For Bike Room Wall Racks)*

- **Change:** Modification Eliminated
- **Explanation:** As approved, the project provided 110% of the required long-term bicycle parking. To eliminate this modification, the Revised Design reduces the bicycle parking to 100% of the requirement and redistributes the racks. All racks

will be placed on the ground rather than walls to address Council concerns about accessibility.<sup>2</sup>

*Modification #3:*

*Allow Building Height of 175 Feet; Allow Building Facades Above 100 Feet to Exceed 120 Feet in Length.*

- **Change:** None.
- **Explanation:** Council feedback indicated that the approved height was acceptable for this project. No specific concerns were raised by Council members regarding the façade length above the 100-foot limit, aside from general concerns regarding modifications. The Commission found that the façade lengths as proposed better meet the Design Guidelines because they better allow building massing to compliment views of the River and the Fremont Bridge.
- **Note:** To the extent that the Council is concerned about the precedent of granting this modification, Council should be aware that the need for a height modification and the limits on façade length between NW Naito Parkway and the River above 100 feet are eliminated under the CC2035 proposal.

*Modification #4:*

*Allow North Plaza to Be More than 50% Shaded on April 21 at Noon*

- **Change:** We are adding a second plaza space at the south end of the building which will be full in sun (0% in shadow) on April 21 at noon. We are working with Staff to determine if a modification is still required for the north plaza.
- **Explanation:** The Revised Design provides a second 1,580 SF plaza at the building's south end that is 0% in the shade April 21 at noon. This plaza meets the shadow standard.

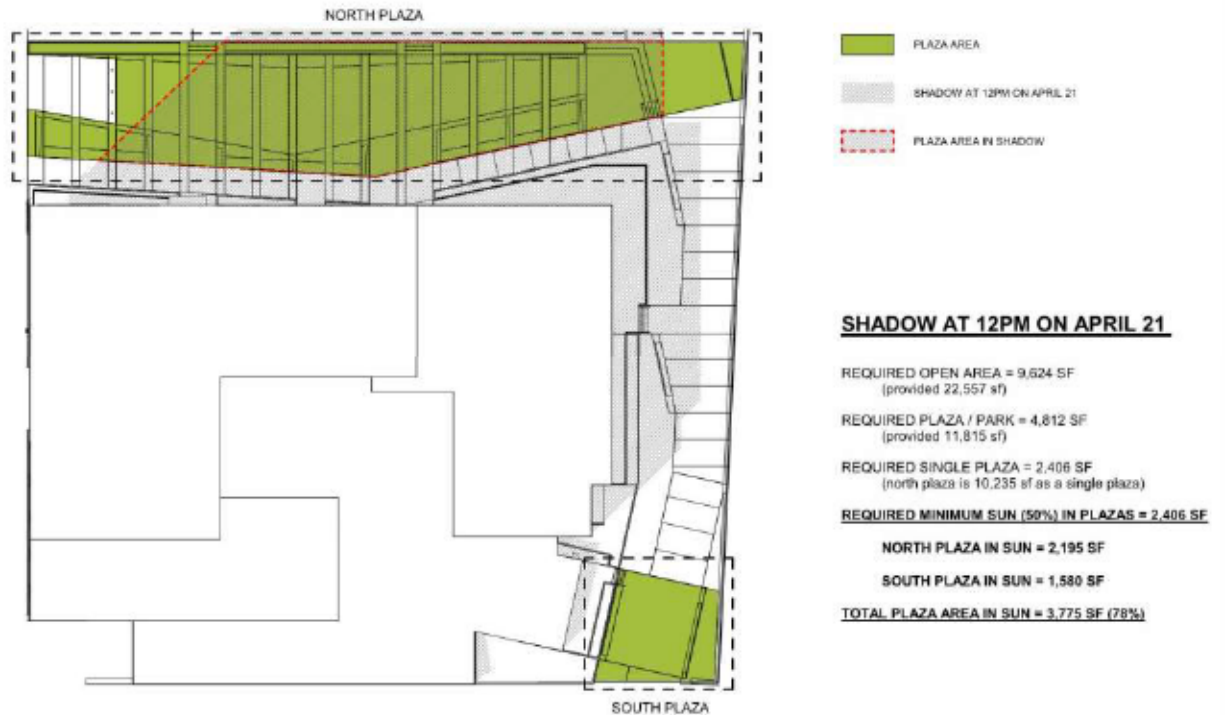
No changes to the north plaza are proposed, but we feel it is necessary to clarify why there is confusion about the modification for this plaza. This shadow standard is part of the North Pearl's Required Open Space standards and is a regulation that arguably applies only to the required open spaces the project provides. Based on our site size and the amount of required open space and plaza area, the north plaza, at 10,025 square feet is 7,829 square feet larger than required by Code. If we measure the shadow on only the 2,406 square feet of required open space in this plaza, the shadow standard is met. A different reading of the Code, to require that the shadow standard be met on the full area of the plaza (including required area and extra area provided), necessitates a modification.

Reorienting the Project to place this large plaza south of the building instead (which would allow the plaza to easily meet the shadow standard) would not allow the building's design to complement the River and the Fremont Bridge as well as the approved design.

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<sup>2</sup> If City Council is concerned about this modification as a matter of policy, we suggest that Council provide guidance to the Design Commission. The Commission's "Best Practices" Guide states that the Commission will grant a modification to bicycle rack size if requested to allow bike racks on wall, and, indeed, the Commission frequently grants this modification in practice.

- *Note:* To the extent that the Council is concerned about the precedent of granting this modification, Council should be aware that the shadow standard and the plaza and open space requirements for the North Pearl Subarea are eliminated under the CC2035 proposal.



*Modification #5(a):*

*Encroachment Into the 45-Degree Angle Setback from the River;*

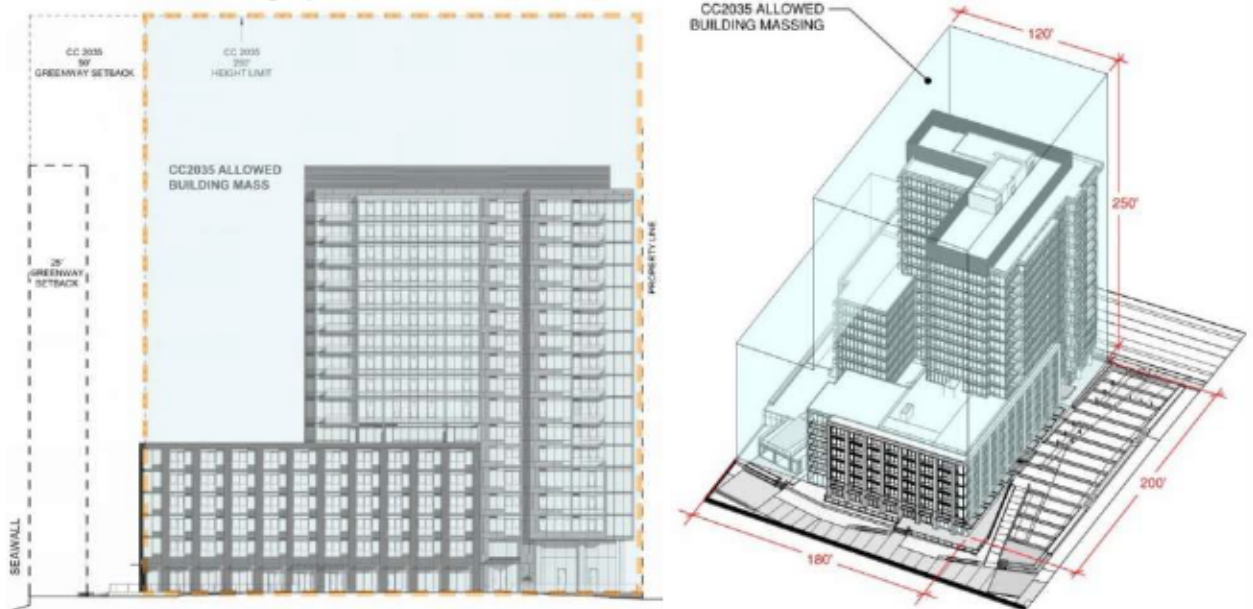
*Modification #5(b)*

*Building Length Between Naito and the River of More Than 200 feet*

- **Change: Modification Reduced**
- **Explanation:** The Revisions move the building 15 feet further back from the River and add a single story (10 feet in height) to the previously 5-story podium. These changes reduce the building's encroachment into the angle setback at both the podium and the tower. The podium encroachment (closest to the greenway) is reduced to 9 feet 4 inches by 9 feet 4 inches, and the tower encroachment (119 feet 5 inches away from the Greenway) is reduced to 57 feet 6 inches by 57 feet 6 inches.

The Revisions also decrease the maximum building length between Naito and the River to 217 feet 3 inches. In addition, by moving the building toward Naito, the space between the seawall and the building increases to between 43 feet 4 inches and 47 feet 9 inches along the River.

- *Note:* To the extent that the Council is concerned about the precedent of granting this modification, Council should be aware that the setback angle standard is eliminated under the CC2035 proposal. CC2035 will allow 250 feet in height directly adjacent to the 50-foot Greenway without requiring a modification, as shown on the graphics below:



*Modification 6:*

*Not Providing Trees in the Planters Along the Naito Parkway Sidewalk*

- **Change:** Modification Reduced, seeking Code interpretation from Staff.
- **Explanation:** In the approved design, a 30-inch wide area along the NW Naito Parkway sidewalk included 3-foot-tall raised planters with short shrubs and groundcovers. 18 inches of this area was outside of the building foundation envelope and, under the Code, was "land" between the building and the sidewalk. This land under the Code must either be landscaped to the L1 standard (which requires trees) or fully hardscaped (no plants). The Design Commission determined that trees were not appropriate for this area, as they would interfere with building function and because the planters could not adequately support these trees. However, the Design Commission also found that planters in this area were important for the building's frontage along Naito. Therefore, a modification was required.

We removed the 18 inches of land between the building and the sidewalk and reduced the width of the planters to 12 inches, which are now fully atop the building's foundation. However, a modification may still be needed if Staff also considers this 12-inch area atop the building foundation to be "land" between the

sidewalk and the building. This 12-inch planter area would also be unable to support trees for the same reasons that applied to the original planters.

*Modification 7: Reduces the Driveway Landscape Setback to 2 Feet along the Southern Lot Line and Allows the Project to Include Low Shrubs, rather than Trees that Would Block Automobile Sight Distance*

- Change: None
- Explanation: The Code requires a L2 level landscaping buffer between the project driveway (which leads to the garage entrance) and the adjacent southern lot line. The L2 standard requires that trees be planted in this area. The Design Commission found that a modification to allow a 3-foot-tall masonry wall and shrubs, but not trees, is desirable because trees at this location would block the garage entrance sight distance.

A Council member wondered if this modification could be eliminated by adjusting the property line to the North. Unfortunately, the property line is located 10 feet from the existing office building to the north and cannot be moved further north due to the Fire Code requirements. Even if this line was relocated, trees would not be appropriate for this area due to the safety and sight distance concerns.

### III. Conclusion

The Revised Design allows the building to continue to meet the Design Guidelines and further enhance the Greenway area as a destination along the River. The building responds to its surrounding context and the Pearl District history and respects specific features of the site, including the Fremont Bridge and the River. The Lincoln team worked to revise the project to address Council concerns about the Greenway and other areas. We urge the Council to approve the project with the Revised Design.

Sincerely,



Tim Wybenga  
Principal, TWA Architects Inc.