

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

**IN THE MATTER OF AN APPEAL
BY THE PEARL DISTRICT NEIGHBORHOOD ASSOCIATION
OF DESIGN COMMISSION APPROVAL DESIGN REVIEW WITH MODIFICATIONS
AND GREENWAY REVIEW, 1650 NW NAITO PARKWAY**

LU 16-278621 DZM GW

FINDINGS AND CONCLUSIONS

**ADOPTED BY THE CITY COUNCIL ON
** MAY 31, 2018 ****

(DENIAL of the APPEAL)

IN THE CITY COUNCIL OF THE
CITY OF
PORTLAND, OREGON

IN THE MATTER OF AN APPEAL
BY PEARL DISTRICT NEIGHBORHOOD ASSOCIATION OF A
TYPE III DZM-GW REVIEW FOR 1650 NW NAITO PARKWAY

LU 16-278621 DZM GW

FINDINGS AND CONCLUSIONS

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

I. GENERAL INFORMATION

Appellant: Pearl District Neighborhood Association
c/o Jeffrey L. Kleinman, Attorney at Law
1207 SW 6th Ave
Portland, OR 97204

Applicant/Rep: Tim Wybenga, TVA Architects
920 SW 6th Ave #1500
Portland, OR 97204
503-220-0668
Timw@tvaarchitects.com

Bonnie Chiu, TVA Architects
503-220-0668
Bonniec@tvaarchitects.com

Owner: Patrick Gilligan, Lincoln Property Company LLC | Fremont Place
1211 SW Fifth Avenue, Suite 700
Portland, OR 97204
503-224-1193 | Pgilligan@Lpc.Com

Site Address: **1650 NW NAITO PKWY**

Legal Description: LOT 1-10 TL 400, WATSONS ADD
Tax Account No.: R883803450
State ID No.: 1N1E28DD 00400
Quarter Section: 2828,2829

Neighborhood: Pearl District, contact planning@pearldistrict.org.
Business District: Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District – North Pearl Subarea
Zoning: EXdg – Central Employment with Design and Greenway (River General) Overlays

Case Type: DZM GW – Design Review with Modifications and concurrent Greenway Review

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

II. INTRODUCTION AND PROCEDURAL HISTORY

Proposal:

The applicants request **Design Review** and a **concurrent Greenway Review** for a proposed 17-story, approximately 305,936 square foot mixed-use building with a retail/restaurant space on the ground floor and residential on the upper stories in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District. The site is adjacent to the Willamette River and is currently occupied by a surface parking lot adjacent to a three-story office building. A new plaza and open space area is proposed to be created between the new residential tower and the existing office building at the northwest edge of the site. This plaza and open space area will allow for public access to the Willamette Greenway trail from NW Naito Pkwy.

The proposed building includes several massing components: along the Willamette Greenway trail, the building is massed at six stories with a height of approximately 64'-0". A roof deck will sit atop this massing and face the river. The six-story massing continues along the new plaza and open space area at the northwest side of the site and transitions into the 17-story tower as it approaches NW Naito Pkwy. This tower component, with a height of 175'-0" to the top of the parapet and 185'-0" to the top of a mechanical screen, forms an "L" with its legs running along the new plaza and NW Naito Pkwy. At the southern corner of the site, the tower steps down to an 8-story mass, with a height of approximately 86'-0". At the eastern corner of the site and along the southeast property line, the building is massed as a single-story with a roof deck and eco-roof on top with a height of approximately 15'-0". Structured parking is proposed for the site on both the ground floor (9 spaces) and underground (140 spaces).

The proposed total floor area will exceed the base zone Floor Area Ratio (FAR) of 2:1 for this 72,080 SF site; with a proposed floor area of 305,936 SF, the proposed FAR would be approximately 4.24:1. The applicants propose to earn bonus FAR through a combination of the residential bonus option and the eco-roof bonus option.

- The residential bonus option in zoning code section 33.510.210.C.1.a.(2) allows for 1 additional square foot of floor area for each square foot of floor area developed and committed as housing, for a total possible bonus FAR of up to 2:1. The full bonus will be earned, as more than 144,160 SF of residential floor area is proposed.
- The eco-roof bonus option in zoning code section 33.510.210.C.10 allows for an additional two square feet of floor area for each square foot of eco-roof where the total area of eco-roof covers at least 30%, but less than 60%, of the building's footprint. The applicants propose to earn this bonus by providing a total of 33,620 SF of eco-roof out of a total of 56,231 SF of roof area (32.4% of total roof area).

Proposed cladding materials include clear glass, spandrel glass, flat metal panel, ribbed metal panel, fiber cement panel, brick, and concrete.

Six (6) **Modifications** to zoning code development standards are requested:

- 1) 33.140.210.B.2 – Height: To allow rooftop mechanical equipment and screening to extend above the height limit of 175' (per the North Pearl Subarea height opportunity area standards), to be located closer than 15' to the roof edges on

- street-facing facades and to cover more than 10% of the roof area. The proposed mechanical screen will enclose 73% of the tower roof area and will extend up to the parapet of the tower in some locations.
- 2) 33.510.205.H.2.c – North Pearl Subarea height opportunity area:
 - To allow the height of the building to be 175'-0", exceeding the maximum allowed base height of 100'-0"; and,
 - To allow the length of facades above 100' to exceed 120' in length. Proposed façade length on the east and west facades of the building is 125'-2". Proposed façade length on the north and south facades of the building is 142'-8".
 - 3) 33.510.251.C.3 – Required open area development standards, Shadow standard: To allow more than 50% of the plaza area on the north side of the site to be covered by shadows at noon on April 21st of any year, not including shadows from trees. Approximately 78% of the plaza will be in shadow at noon.
 - 4) 33.510.251.D.3.b & c – North Pearl Subarea waterfront development standards:
 - b. Setbacks for all development from the Willamette River: To allow portions of the building over 35' in height to extend into the setback area, which requires the building to be set back from the Greenway setback line by 1' for every 1' of height above 35'. (These portions of the building are not yet clearly identified on the plan drawings.)
 - c. Maximum building dimension: To allow the building dimension to be 219'-3" in the east-west direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.
 - 5) 33.140.240.B.4 – Pedestrian Standards, EG1 and EX zones: To allow landscaping between the sidewalk and the building along NW Naito Parkway to be planted with groundcover and other low plants, which is less than the required L1 landscaping standard that requires trees to be planted in addition to groundcover.
 - 6) 33.266.130.G.2.c – [Parking Area] Setbacks: To allow required landscaping between the south lot line and the driveway leading from NW Naito Pkwy to the structured parking garage to be screened with 3-foot tall evergreen shrubs for a portion of its length and with a 3-foot tall concrete wall for the rest of its length instead of the required L2 landscaping (which consists of trees, shrubs, and ground cover). The proposed planted area will be 2 feet in width instead of the required 5-foot width.

During the course of a pending appeal before the City Council, the Applicant submitted a revised design proposal dated April 11, 2018, together with subsequent revised design drawing submittals dated May 19, 2018. This revised design was the subject of a public hearing before the City Council on May 10, 2018, and this revised design is reflected in the proposal description above.

In addition to the reviews described above, concurrent, but separate, Property Line Adjustment (PR 17-113983) and Lot Consolidation (LU 17-169109 LC) procedures are currently under review to separate the proposed development site from the rest of the larger parcel.

A Type III Design Review is required for proposed new development valued over \$2,223,650 in the "d" Design Overlay Zone of the River District Subdistrict of the Central City Plan District and for requested Modifications to zoning code development standards. Greenway Review is required for proposed new development in the "g" Greenway – River General Overlay Zone.

Approval Criteria:

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- Willamette Greenway Design Guidelines
- 33.820.040, Modifications That Will Better Meet Design Review Requirements
- 33.440.350, Approval Criteria

Procedural History:

- The application was submitted on November 28, 2016.
- The applicants signed a waiver of their rights to a 120-day review period and requested a *de novo*/evidentiary hearing upon appeal on December 13, 2016.
- The applicants requested to deem the application complete on May 25, 2017 and requested to place the review on hold pending the completion of a Design Advice Request hearing. Please see Exhibit A-3 for details.
- Design Advice Request hearing EA 17-148879 DA was held on June 1, 2017.
- The applicants submitted revised drawings on July 21, 2017, responding to comments from the Design Advice Request hearing, and requested to schedule a Design Commission hearing date.
 - A hearing was scheduled for September 21, 2017.
 - Due to a large number of previously-scheduled cases and continued cases from earlier hearing dates, the hearing was then rescheduled to September 28, 2017.
- The staff report for the September 28, 2017 Design Commission hearing recommended denial. The applicants requested a continued hearing to be held on November 16, 2017.
- The staff report was not revised for the November 16, 2017 Design Commission hearing, and staff continued recommending denial based on outstanding interagency bureau coordination issues and lack of response to Guideline A5-4. The applicants requested a continued hearing to be held on November 30, 2017, to address massing issues raised by the Design Commission.
- A staff report recommending approval was published on November 30, 2017, and was presented to the Design Commission on November 30, 2017.
- At the November 30, 2017 Design Commission hearing, two testifiers requested to hold the record open to allow for the submission of new evidence. The Commission agreed to hold the record open to allow for the submission of new evidence until Noon on December 8, 2017. Responses to this new evidence were to be received no later than Noon on December 15, 2017, at which point the record was closed to new evidence. The applicants were allowed to submit a final rebuttal before 5:00pm on December 18, 2017, and a closed record hearing was scheduled to be held on December 21, 2017.
- On January 11, 2018, the Pearl District Neighborhood Association filed a timely appeal of the Design Commission's decision.
- The City Council held a *de novo* public hearing on the appeal on February 21, 2018. The Council left the record open for further written submissions due by February 28, 2018, and March 6, 2018, the latter to consist of rebuttal only.
- On March 7, 2018, the City Council conducted its deliberations on the appeal. Commissioner Fritz moved, and Commissioner Fish seconded the motion, that the appeal be sustained and the applications herein be denied. The motion was adopted by a vote of 5-0.
- On April 4, 2018, the City Council voted 2-3 against adopting findings to uphold the appeal. The Council then voted 3-2 to reopen the record and continue the

- hearing, accepting new testimony and a revised design proposal from the applicants.
- The applicants submitted design revisions on April 11, 2018, which changed the proposal in the following ways:
 - The overall building length in the east-west direction, perpendicular to the Willamette River, was shortened by 13'-6" to 217'-3" in the east-west direction, perpendicular to the Willamette River. This was accomplished by removing a bay and shifting removed dwelling units up to a new sixth floor on the podium along the Greenway. This shift raised the height of this podium by approximately 10 feet.
 - The Greenway trail was widened from a minimum dimension of 13'-0" to a minimum dimension of 20'-0" and redesigned some of the landscaping around the trail. The plaza on the north side of the site was also slightly redesigned to accommodate the wider trail.
 - The entire building footprint was shifted slightly closer (18") to NW Naito Parkway.
 - Two "creative studio spaces" were proposed facing the Greenway trail near the southeast corner of the site.
 - Modification #2 was removed from consideration. The proposal now includes 140 bicycle parking spaces on the ground floor plus another 275 in the residential units, all of which are proposed to meet the bicycle parking standards.
 - The sum of changes proposed resulted in a change to the impact of Modification #4, reducing the area in shadow at noon on April 21st of any year to approximately 78.5% of the plaza.
 - Modification #5 part b was reduced slightly, as the eastern podium and the tower have been shifted slightly further out of the North Pearl Subarea diagonal greenway setback.
 - Modification #5 part c was reduced to allow a building 217'-3" in length rather than the original request of 230'-9".
 - The locker room FAR bonus request was withdrawn. Instead, all bonus FAR is proposed to be achieved through a combination of the residential FAR bonus and the eco-roof FAR bonus.
 - The Pearl District Neighborhood Association submitted written testimony on April 30, 2018, withdrawing its opposition to the proposal.
 - On May 10, 2018, the City Council heard additional testimony and voted 4-0, tentatively rejecting the appeal and upholding the Design Commission's decision to approve the proposal, with the additional revisions presented and striking original conditions of approval K and H.

III. ANALYSIS

Site and Vicinity: The subject site is located in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District. It lies on the northeast side of NW Naito Parkway [*Traffic Access Street, Community Main Street, Transit Access Street, City Walkway/Northwest Triangle Pedestrian District, City Bikeway, Major Emergency Response Street*] and is bound on its eastern side by the Willamette River. The proposed building site is currently a parking lot which serves a three-story concrete office building—part of a two-building complex that lies between the Fremont Bridge on the site's northwest edge and a single-story warehouse on its southeastern edge.

A segment of the Willamette Greenway trail runs along the northeastern edge of the site along the seawall which forms the top of the bank of the Willamette River. The seawall and Greenway trail end at the southeast corner of the site; the natural bank cuts back in slightly on the property immediately to the southeast. As such, there is currently no

Greenway trail connection between this property and the Greenway trail that begins again south of the Centennial Mills site and runs all the way to Riverplace at the south end of Downtown. The Greenway trail does, however, continue to the northwest from the subject site, under the Fremont Bridge, which looms over the entire area and is the dominant visual element, up to the old Terminal 1 South pier, where the trail turns towards NW Front Ave at a small cove and terminates again.

Multi-dwelling residential development comprises the built environment between NW Front Ave and the Willamette River on the northwest side of the Fremont Bridge. A couple small retail spaces are provided along the NW Front Ave frontage in that area. Across NW Front Ave, a new office complex, the Field Office, is currently under construction, and older industrial buildings still remain. Unlike in that area, the BNSF railroad runs immediately next to NW Naito Pkwy across from the subject site, leaving no opportunity for development on the southwest side of NW Naito Pkwy. Therefore, views to and from development and Fields Park at the north end of the Pearl District and the subject site are unobstructed by intervening buildings. The railroad also obstructs potential pedestrian and vehicular crossings—the only two lie at the intersections of NW Naito & 9th Ave and NW Naito & 15th Ave. Due to the paucity of connections and the height of the Fremont Bridge, which enables easy northwest-southeast connections, the subject site and other development on the northeast side of NW Naito Pkwy/Front Ave (and the railroad tracks) feels like an individual, developing neighborhood, somewhat separate from the neighborhoods (Pearl District and Northwest District) to the southwest.

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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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.

The Greenway Overlay Zones, designated as “g”, “i”, “n”, “q” or “r” are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro's Title 3.

- The River General “g” allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.
- The River Industrial “i” overlay encourages and promotes the development of river-dependent and river-related industries which strengthen the economic vitality of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

- The River Natural “n” overlay protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.
- The River Water Quality “q” overlay is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.
- The River Recreational “r” overlay encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, and which enhance the river's natural and scenic qualities.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the River District Subdistrict of this plan district.

Land Use History: City records indicate that prior land use reviews include the following:

- CU 066-78 (LU 78-002635 CU) – Conditional Use Review approval to construct a 111,930 SF warehouse within the Willamette Greenway.
- CU 020-83 (LU 83-001098, LU 83-001099) – Conditional Use Review approval for excavation and fill and Willamette Greenway permit in an M1SW1 zone.
- ZC 4684 – Area-wide rezone.
- CU 091-85 (LU 85-003378 CU) – Approval of a 1985 conditional use for Phase I of Fremont Place only, for an approximately 56,000 square foot (office) building with a ratio of 3.5 parking spaces per 1,000 feet of building floor area, or 195 spaces. This included approval of a Type III review for compliance with Northwest Triangle District. Approval of a Conditional Use for fill exceeding 1,000 cubic yards in volume. Approval also of a Willamette River Greenway review and conditional use approval for a fill to implement the Greenway Trail.
- DZ 160-85 (LU 85-004430) – Design Review approval for new office construction.
- DZ 61-86 (LU 86-004949) – Design Review denial for proposed sidewalk design.
- ADA 4-87 (LU 87-000346) – Approval to allow parking in view corridor.
- GP 012-87 (LU 87-005410) – Greenway Permit with conditions of approval for phase II of Fremont Place.
- CU 026-87 (LU 87-100067 CU) – Conditional Use Review approval for a three-story office/flex building in the Northwest Triangle Plan District.
- MP 13-87 (LU 87-100068 MP) – A Minor Partition Review. No description is available.
- DZ 21-87 – Design Review approval for the second phase of Fremont Place – a three story office building with 210 parking spaces.
- GP 005-89 (LU 89-005572) – Greenway Permit approval to eliminate condition of approval requiring floating dock.
- CU 18-89 (LU 89-033897 CU) – Conditional Use Review approval to eliminate conditions of approval from GP 12-87.
- GP 237-90 – Greenway Permit approval to upgrade an existing facility.
- LUR 94-00107 DZ GW (LU 94-011009 DZ GW) – Design Review and Greenway Review approval, with conditions, to construct a 253’ retaining seawall and relocation of the stairway from the north to the south side of the platform.
- LUR 98-01026 DZ (LU 98-016332 DZ) – Design Review with Modification approval to reduce the front street landscaping setback along the entire street frontage of NW Front Ave from 5’-0” to 3’-6”.
- LUR 00-00592 DZ (LU 00-007147 DZ) – Design Review approval to add antennas and radio equipment to the roof of an existing office building.

- LUR 01-00521 GW (LU 01-007918 GW) – Greenway Review approval for construction of CSO tunnel, pipelines at or below grade within the Greenway Overlay zones. Also, construction of one maintenance building at the confluent shaft on Swan Island in the EG2g zone.
- LU 17-113453 DZM – A pending Design Review for a parking reconfiguration project. Due to development on the south parking area [the Fremont Apartments proposal], parking will be relocated to the north parking area. This review is in response to and in conjunction with LU 16-278621 DZM GW.
- LU 17-169109 LC – A pending Lot Consolidation Review to combine multiple lots into two lots in preparation for a future property line adjustment.

Agency and Neighborhood Review:

1. Agency Review: A “Notice of proposal in Your Neighborhood” was mailed on September 6, 2017.

- The Bureau of Environmental Services (BES) responded with a comment stating that information required to certify the eco-roof bonus had not yet been submitted. BES also stated that a Special Circumstance review would be necessary to address stormwater runoff not handled on-site. BES was not able to recommend approval. Please see Exhibit E-1 for additional details.

The Bureau of Environmental Services sent a formal response on September 28, 2017. BES stated that the submitted stormwater management and utility plans are acceptable for the purpose of reviewing the submitted design and greenway review and had no recommended conditions of approval. However, BES stated that the requested eco-roof certification for FAR bonus could not be granted at this time, and additional material that meets the BES eco-roof criteria need to be submitted for certification to be granted. Please see Exhibit E-6 for additional details.

On November 9, 2017, BES issued a Letter of Certification for the proposed eco-roof bonus, stating that the proposal satisfied the requirements to receive a 2:1 square-foot bonus for 18,089 SF of proposed eco-roof, resulting in 36,178 SF of bonus FAR. Please see Exhibit H-23 for additional details.

Revised roof plans were submitted to BDS and BES on November 28, 2017, and BES concluded that the plans still meet the eco-roof certification. The proposal satisfies the requirements to receive a 2:1 square-foot bonus for 18,217 SF of proposed eco-roof, resulting in 36,434 SF of bonus FAR. Please see Exhibit H-39 for additional details.

- The Fire Bureau responded with a comment stating that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E-2 for additional details.
- The Bureau of Parks—Urban Forestry Division responded with no objections to the proposal and with information about street tree removal and planting. Please see Exhibit E-3 for additional details.
- The Life Safety Review Section of BDS responded with no objections to the proposal and with information about potential important life safety issues. Please see Exhibit E-4 for additional details.

- The Bureau of Transportation Engineering (PBOT) initially responded with comments stating that it could not recommend support for the project, due to lack of Exclusive Utility Vault (UVE) in the right-of-way information. See Exhibit E-5.

The applicants submitted the required UVE information, and the issue was resolved as of November 28, 2017, with a UVE approval. PBOT now has no objections to the proposal. See Exhibit H-43.

- The Site Development Section of BDS submitted initial comments stating that it would not be able to support approval of the land use review as proposed due to Flood Hazard Area issues around the at-grade garage door entry on the southwest corner of the site. See Exhibit H-15.

The applicants revised their proposal to include a 3-foot tall removable flood barrier wall that could be installed between the building and a low, 3-foot tall concrete wall along the south elevation during a flood event to block water from entering the garage. This will meet the primary objection outlined in the Site Development Section's initial response, but they still strongly recommend that the design team specify a flood shield that does not rely on human intervention to deploy. See Exhibit H-20.

- The Water Bureau responded with no objections and comments about available water service to the site. See Exhibit E-7.
- Portland Parks and Recreation (PPR) did not respond to the original Notice of Proposal or to repeated staff requests before the September 28, 2017 Design Commission hearing. Following the November 30, 2017 Design Commission hearing, PPR staff met with Design Review staff and the applicants to discuss the Greenway trail proposal. The outcome of that meeting resulted in the applicants revising their design of the Greenway trail; see Exhibits H-74 and H-75 for additional details. PPR staff then responded to these design revisions on 12/14/2017 with a recommendation of support for the revised Greenway trail design, which they saw as “a substantial improvement over the existing Greenway on the site”. PPR staff also requested and “strongly encourage[d]” that the applicants remove the existing seawall guardrail and install a new guardrail closer to the river on the seawall to add additional space on the Greenway trail. See Exhibit H-79.
- Portland Parks and Recreation (PPR) submitted testimony responding to proposed design revisions on April 24, 2018. PPR's testimony was in favor of the widened Greenway trail design but raised concerns about accessibility from the trail to the artist studios and restaurant space and recommended against calling the widened trail area at the south a plaza. See Exhibit I-84.
- The Bureau of Environmental Services (BES) submitted a revised Ecoroof FAR Bonus Letter of Certification certifying that the revised building proposal earned 33,620 square feet of bonus floor area through the ecoroof FAR bonus. See Exhibit I-86.

ZONING CODE APPROVAL CRITERIA AND FINDINGS

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review**Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

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

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 River District Design Guidelines (RDDG) function as a sub-set of the Central City Fundamental Design Guidelines (CCFDG). In order to address guidelines with common themes together, the specific guidelines in each group are denoted RDDG or CCFDG. Where applicable, findings for these guidelines are made together.

DESIGN REVIEW CRITERIA

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. This guideline may be accomplished by:

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

Findings for A1 & A1-1: The proposal includes several architectural and landscape elements and design choices that help to integrate the river into the development and that help to link the river to the community. These include:

- Balconies and Juliette balconies face the river on both lower and upper stories. Both types of balconies use glass guardrails, which increases views to and from the river.
- Roof decks on levels 2, 6, and 9 are oriented towards the river, with opportunity for river views.
- A retail/restaurant space is proposed along the Greenway trail, facing the river. This space, which is setback approximately 7 feet behind the seating walls, includes large areas of glazed storefront, an entry directly off the Greenway trail, and outdoor seating on a deck, overlooking the trail and the river.
- A large plaza and open space along the north side of the site provides a pedestrian and bicycle connection to the Willamette River and Greenway trail from NW Naito Parkway. This space also provides opportunities for views from NW Naito Parkway and parts of the Pearl District towards the river, and vice versa.
- The proposed Greenway trail includes seating elements and planters that help to articulate the trail.
- A Greenway trail path that is 20 feet wide and provides ample space for cyclists, runners and pedestrians to use the trail together.

- The southern end of the Greenway trail is widened to provide additional 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 space between the building and the seawall, which is 43'-4" in depth, provides outdoor areas along the river. The larger Greenway area works with the building's form and orientation to link the river to the community.
- The art studio spaces that overlook the Greenway trail will showcase ongoing creative work and bring additional activity to the Greenway, further linking this area along the river to the rest of the Pearl.
- A drinking fountain to be located near the proposed art studio spaces at the south end of the Greenway trail provides a waterfront pedestrian amenity.

Therefore, these guidelines are met.

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

Findings: Two Portland themes unique to the North Pearl waterfront area are integrated into the overall design concept of the proposed development:

- The Willamette River is one of the major focal-points in the North Pearl waterfront. The proposed development helps to activate the riverfront by locating an active retail/restaurant use along it with an outdoor seating deck facing the river. The two proposed art studios and the southern plaza, including a drinking fountain, will also activate the riverfront area by providing an active arts experience adjacent to the Greenway. The proposal further activates the river with the large northern plaza by creating a public space and pedestrian connection from NW Naito Parkway to the Greenway trail. Upper stories, with large windows, balconies, and roof decks also orient towards the river on the building's east faced, further embracing the river and supporting the Greenway.
- The Fremont Bridge is the other major focal-point of the North Pearl waterfront and of the North Pearl Subarea in general. The applicants have shown through massing studies that the building could be constructed up to its base 100-foot height limit and nearly-completely block the view of the Fremont Bridge from The Fields Park, and likely from much of the rest of the North Pearl, as well. The building's massing concept takes the bridge view from the park into account, and shifts much of the mass to the north, opening the bridge view back up to The Fields Park.

Therefore, this guideline is met.

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 build 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: This guideline is intended to preserve and extend the benefits of Portland's 200-foot block pattern. This block pattern is smaller than typical in

other cities and, per the background for this Guideline “results in a high ratio of open space to built space and emphasizes the city’s human-scale and visual structure.”

The development site is not a superblock (superblocks contain a vacated street and this site does not), but also does not follow the typical 200-foot block pattern.

The site is bordered by the Willamette River on the west and NW Naito Parkway on the east. The east-west building dimension between the edge of seawall and the edge of the Naito right-of-way is 217 feet 3 inches in the revised design proposal presented to the Council on May 10, 2018. Although this dimension is slightly larger than the typical 200-foot block, the goals of this guideline, which aim to extend the Central City’s traditional block pattern to preserve the ratio of open space to built space and to include landscaping and seating to enhance the pedestrian environment, are still met. The building is adjacent to the river and provides ample public open space, including landscaping and seating, along this natural feature. The building is set back from the edge of the seawall by 43 feet 4 inches (narrowest point) to 47 feet 9 inches (widest point). The setback area is landscaped and provides a 20-foot minimum width hardscaped pedestrian and bicycle path. The block pattern, if extended through this site, would also naturally end at the river.

In the north-south dimension, the site’s total frontage along Naito Parkway is 240 feet long. The building façade along this frontage is 180 feet. The development site is directly adjacent to other properties to the north and south without separation by a street or other right-of-way. No rights of way are proposed between this site and sites to the north and south. However, the proposal on this site is oriented to achieve the high ratio of open space to built space and associated benefits provided by the 200-foot block pattern. The remaining 60 feet of frontage is an open plaza that provides pedestrian and bicycle connections between NW Naito Parkway and the Greenway. This approximately 10,000 square foot plaza space includes landscaping and seating that enhances the pedestrian environment. The building abuts the south property line, but minimizes the façade length directly along the property line by pulling the garage and loading entry back from the sidewalk edge, the east-facing wall on the Greenway side from the Greenway setback and trail, and the southeast corner away from the south property line. These revisions result in a much shorter end-wall condition on the south property line, increasing flexibility on the adjacent parcel for pedestrian connections and development to maintain a roughly 200-foot block pattern.

Appellants argue that the placement of the building on the south property line makes the proposal unable to meet this Guideline and raise concerns that a potential redevelopment of the site to the south could create a continuous building facade of far more than 200 feet which walls off the river from the rest of the Pearl District. However, the City Council finds that the proposal both responds to the existing surrounding conditions and does not prohibit development that meets the Code standards and the design guidelines on the adjacent lot.

Therefore, this guideline is met.

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. This guideline may be accomplished by:

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

Findings: The proposal provides for convenient pedestrian linkages that facilitate movement to and from the river and the neighborhood in the following ways:

- The building is shifted towards the south side of the site, leaving space between the existing three-story office building immediately to the north of the site for a new plaza, open space, and pedestrian connection between NW Naito Parkway and the Greenway trail.
- Cobblestones are proposed in a portion of the plaza and open space area, helping to identify major building entries off of the plaza.
- Building entries are located on all public-facing ground level facades—the west, north, and east. These entries provide access to active spaces on the ground floor and provide visual and physical cues in the building that express connections to the river, the Greenway, and the Pearl District.
- By setting back the building from the edge of the seawall by a minimum distance of 43'-4", pedestrian space adjacent to the river is maximized. The Greenway trail created by this setback and the plaza at the north end of the site physically and visually link the river with surrounding neighborhoods.

Therefore, this guideline is met.

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 following elements and features help to unify and connect individual buildings in the North Pearl Subarea and North Pearl waterfront areas:

- The proposed building includes a series of storefront windows along NW Naito Parkway, along a new plaza/open space/pedestrian connection, and along the Greenway trail that follow a form found throughout the North Pearl Subarea, and, to a lesser extent, the waterfront area.
- Standard improvements are proposed in the NW Naito Parkway right-of-way, including a 7-foot property dedication to meet the sidewalk standards for this area.
- The plaza/open space/pedestrian connection between NW Naito Parkway and the Greenway trail includes landscaping elements and light fixtures like those that are used on other similar connections along the riverfront in the North Pearl.
- Light fixtures are proposed in the plaza/open space area on the north side of the property and along the Greenway trail. These are a simple, modern column-type fixture, which are similar (or perhaps identical) to those found along the Greenway trail and in similar plazas north of the Fremont Bridge.

- The design of the Greenway trail has been revised since the initial proposal presented to the Design Commission on September 28, 2017. The trail itself has been shifted towards the edge of the seawall with planters and benches located on the landward (west) side of the trail. This both increases access to river views from the trail and reflects the design of the trail north of the Fremont Bridge. Revisions following the April 4, 2018 appeal hearing, resulted in a Greenway trail that is 20'-0" wide at its narrowest point between site furnishings and the railing at seawall. Though the proposed trail will be wider, in general, than the existing trail (which remains on the adjacent site immediately to the north and which narrows down to approximately 12 feet at its intermittent planters), the proposed Greenway trail will continue the general established pattern of the Greenway trail along this reach of the Willamette River south of the Fremont Bridge.

Therefore, this guideline is met.

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.

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

RDDG A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District's "arts" ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the "arts" concentration.

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

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

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

Findings for CCFDG A5, RDDG A5-1, RDDG A5-1-1, RDDG A5-1-5, & CCFDG C4:

The proposed building complements the context of its area and reflects the local character of the Pearl District and the waterfront area by incorporating the following features:

- The proposed building continues the scale and massing pattern established by other tall buildings in the North Pearl Subarea. Some of the tower structures in this area, such as The Wyatt and The Asa, incorporate a similar podium base and “L”-shaped tower massing.
- The podium massing of the proposed building references the massing of historic buildings along the waterfront and in the Pearl District, such as Albers Mill, portions of Centennial Mill, and recent five- and six-story residential development southwest of the railroad tracks. The use of brick on portions of the podium also references this historic brick warehouse context and newer residential building context in the district.
- The proposed building also incorporates large areas of glazing all around its facades, balconies, roof decks, and active ground floor spaces—all of which are common features on taller buildings in the North Pearl. The proposed development also incorporates significant areas of open space around the building, which is a common feature of development in the North Pearl and the waterfront area, especially.
- The proposed building is oriented towards the river, with many of its balconies, roof decks, and ground floor retail space and outdoor deck facing the river.
- The composition of the proposed building’s façade incorporates a large material palette, consisting of glass, two colors of spandrel glass, two colors of composite metal panels, two colors of fiber cement panels, ribbed metal panel, brick, and board-formed concrete. Staff had initially stated that similar tall buildings in the North Pearl and waterfront area, such as the Waterfront Pearl, the Encore, the Pinnacle, the Cosmopolitan, and Block 17 use a much simpler palette of materials, and that the palette should be simplified. The Design Commission discussed this issue at the September 28, 2017 hearing and found that the material palette was well-integrated, utilizing similar colors and textures, despite the physical differences among the materials, and that it, therefore, complements other well-composed buildings in the district. The Council agrees with this conclusion for the reasons noted by the Commission.
- Private open areas along the Greenway trail are limited at the ground level of the proposed development and take the form of a long wrap-around deck at the restaurant/retail space, planters, and patio space in front of the two ground-level art studios at the southeast corner of the site. These open areas follow the general pattern established at developments along the Greenway trail north of the Fremont Bridge and help to reinforce the identity of the North Pearl Waterfront. The planter, patio space, and trail “bulb-out” in front of the two art studios help to resolve previous issues with the lack of connection between the Greenway trail and the second level roof terrace above them, creating more of a place there as opposed to a decorated back-of-house condition.

- The proposal has also been revised to include a wider Greenway Trail (20') and an wider point in the trail at its southern end with seating areas and landscape, all of which will enhance pedestrian access and gathering opportunities in the waterfront area. This design solution, which helps to create a shorter end-wall condition at the site's south end, also allows for increased flexibility on the adjacent parcel to locate future pedestrian connections in conjunction with future development, and which will serve to provide future enhanced connectivity among the current disconnected buildings along the North Pearl Waterfront.

Therefore, these guidelines are met.

RDDG A5-3. Incorporate Water Features. Incorporate water features or water design themes that enhance the quality, character, and image of the River District. This guideline may be accomplished by:

1. Using water features as a focal point for integrated open spaces.
2. Taking cues from the river, bridges, and historic industrial character in the design of structures and/or open space.
3. Integrating stormwater management into the development.

Findings: 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 public Greenway spaces significantly enhance access to the river. The design of the building, its public plaza, and Greenway trail takes cues from and showcases the river. The river-end of the northern 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. A public drinking fountain is proposed near the south end of the trail. Finally, the project incorporates stormwater management through small stormwater planters in the plaza and adjacent to the Greenway, and through eco-roofs on multiple roof terraces. The eco-roof elements further integrate the building and the Greenway trail below with the adjacent river, when viewed from other areas of the city.

The City Council further finds that the addition of a drinking fountain near the art studio spaces and the southern end of the trail reinforces compliance with this guideline.

Therefore, this guideline is met.

RDDG A5-4. Integrate Works of Art. Integrate works of art or other special design features that increase the public enjoyment of the District. This guideline may be accomplished by:

1. Integrating art into open spaces or along pathways.
2. Incorporating art within the structure of the building.
3. Using “found objects” that are remnants from the area's history.

Findings: The project includes special design features that increase the public enjoyment of the district.

- The project includes two art studio spaces facing the Greenway that will be utilized by artists as creative space. These spaces have large storefront windows that face the Greenway trail; artistic work will be created and displayed within these spaces, which can then be viewed by users along the Greenway trail. The creative spaces 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.

The City Council further finds that this Guideline does not require the project to include more traditional art pieces (such as a sculpture) as argued by Appellants. Guideline A5-4 can be met by integrating “other special design features that increase the public enjoyment of the District.” The Guideline lists three examples of how the Guideline may be met for a project. The City Council finds that these examples are not an exclusive list of the ways that a project could meet this Guideline, but instead, represent a non-exclusive list of design element which further comply with this Guideline. The City Council finds that the inclusion of the special design features noted above in this project (as clearly allowed by the Guideline) complies with this Guideline, even though this option is not among the listed examples.

Therefore, this guideline is met.

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 proposed building is built up to the street edge along NW Naito Parkway. It also engages the proposed plaza/open space on its north side and creates a sense of enclosure along the Greenway trail, as well. The ground floor includes pedestrian-scale storefront windows and canopies on all three frontages, helping to articulate the sense of urban enclosure.

Therefore, this guideline is met.

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 building is built up to or near the lot line along NW Naito Parkway. Setbacks facing NW Naito Pkwy are either occupied with landscape planters or are devoted to pedestrian areas, such as the residential lobby entry stairs and landing and a deck extending out from the residential lobby. The building is also set back 60 feet from the northern lot line. This setback area is occupied by a public plaza, with large hardscaped areas for pedestrian movement and public use.

The proposal includes large glazed areas around the building's three public-facing frontages. These large ground level windows reveal important active spaces on the ground floor, including the building lobby, a restaurant, two artist studios, and a fitness center. The glazing proposed at the fitness room on the west elevation, and most-likely the south elevation, however, is proposed to be “fritted gradient” storefront glazing, which will limit views into and from this space, reducing vibrancy on the adjacent sidewalk along NW Naito Parkway. This glazing should be clear like the rest of the storefront glazing.

The glazing treatment for these spaces allows visual connections between the active interior space and the NW Naito Parkway sidewalk, the public plaza along the north side of the property, and the Greenway trail that runs along the east side of the property adjacent to the river.

With adoption of Condition of Approval D, the project meets this Guideline.

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. This guideline may be accomplished by:

1. Elevating building entries higher than the public sidewalk or path.
2. Creating a low fence or wall to visually separate but not hide semi-private spaces.
3. Using a low or stepped-down planting area or terraces to separate private development from a public sidewalk.

Findings: The project does not include fences, walls, or gateways between the building and the sidewalk. However, building entries along NW Naito Pkwy and the Greenway trail are elevated slightly from the ground level. These entries still allow views from both the sidewalk and trail to the spaces inside. Semi-private outdoor spaces along the Greenway trail are also raised up slightly and set behind planters along the trail. The placement of these planters and raised outdoor spaces maintains privacy along the trail but still allows for social interaction. The planters allow a visual connection and do not completely enclose these outdoor spaces. The art studios on the SE corner facing the Greenway are elevated slightly from the Greenway and separated by a deck and a sloped pathway, while maintaining visual connections to the Greenway trail with large, glazed, horizontally-stacked doors that can be opened up to physically connect the indoor space to the outdoors.

Therefore, this guideline is met.

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

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

Findings for CCFDG B1 & RDDG B1-1: The proposed development includes several features which help to reinforce and enhance the pedestrian system and which provide human scale along its adjacent walkways:

- The sidewalk along NW Naito Parkway will be improved to city standards, which includes defined building frontage, movement, and furnishing zones. A 7-foot right-of-way dedication is required to allow the property to meet City standards. Planters, street trees, ground floor windows, and canopies will help to provide a human scale to the sidewalk.
- The property is larger than a standard city block and is not bisected by a right-of-way. To allow pedestrian connections between NW Naito Parkway and the Greenway trail, the project includes a new 60-foot wide hardscaped plaza on the east side of the site. This plaza will enhance the pedestrian system in this area. Planters, trees, paving materials, benches, and

pedestrian-scaled lighting will help to provide a human scale to this space, along with ground floor storefront windows, multiple building entries, and canopies.

- Outdoor deck areas are proposed at the northwest and northeast corners of the building. These are slightly raised from the grade of the sidewalk along NW Naito Parkway and from the Greenway trail. These deck areas are not part of the public space and do not block pedestrian and bicycle movement along the Greenway trail. These areas form a natural connection between the building and the adjacent public areas while separating users from pedestrian movement in the plaza and on the trail. Both deck areas are large enough to accommodate multiple tables and chairs, and these spaces will help to provide additional human scale to all three public-facing frontages.
- The existing Greenway trail segment will be retained and redesigned to include a 20-foot wide path along the eastern side of the site. Planters and landscaping, benches, ground floor storefront windows, and canopies will help to provide a human scale along this trail.
- A series of columnar light fixtures, the taller version of the ones proposed on the plaza, is proposed to be placed along the riverside of the Greenway trail segment of the site. These fixtures are similar in design to the Greenway light fixtures North of the Fremont Bridge and help to provide additional human scale along the Greenway trail.

Therefore, these guidelines are met.

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: Several features of the proposed development work to protect the pedestrian:

- To protect pedestrians using the sidewalk along Naito Parkway to the greatest extent possible, vehicular entry into the building's parking garage and loading space are accommodated through a single door serving both uses at the southwest corner of the site. This door, which faces NW Naito Parkway, is small in scale to the overall development and takes up a relatively minimal portion of the ground floor on this façade, reserving the rest of the ground-floor for pedestrian-supporting uses and open space. Separating garage and loading access from the pedestrian-oriented plaza/open space at the north end of the site and minimizing the vehicle entry points allows the rest of the building to provide safe active space free of vehicle movement.
- Each storefront bay along the west, north, and east elevations includes a recessed linear light fixture, which helps to provide additional nighttime lighting in the pedestrian realm.
- Small, pedestrian-scaled step light fixtures are proposed in the planter walls along the sidewalk on NW Naito Parkway. Pedestrian-scaled light fixtures are proposed across the large plaza/open space at the north end of the site.

- The majority of the building's mechanical systems are proposed to be located on the roof of the building, separating these from the pedestrian experience along the ground floor of the building. Large mechanical units are placed on the roof of the tower component and screened to block views of these elements from the Greenway trail and NW Naito Parkway. Other smaller exhaust vents are placed and screened by landscape treatment on lower roofs and do not detract from the pedestrian experience.
- Two art studios are proposed at the southeast corner of the site, facing the Greenway trail. These units will provide additional eyes on the trail, helping to improve overall safety at what is currently a dead-end in the trail.

Therefore, this guideline is met.

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 large plaza/open space at the north side of the site provides a pathway for pedestrians to move between NW Naito Parkway and the Greenway trail, enhancing connections within the larger pedestrian system.

Therefore, this guideline is met.

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 following components of the proposed development help to establish stopping and viewing places:

- Benches, seating platforms, and lawn panels are proposed in the plaza/open space at the north side of the site. The plaza area itself is quite expansive, providing ample opportunity for informal stopping and viewing.
- Benches and seating platforms will be located next to the Greenway trail, providing additional stopping and viewing places along the trail and seawall. These benches and seating areas are located along the margins of the trail and, with the revised wider Greenway trail, will not block the flow of pedestrian or bicycle movements along the Greenway trail or conflict with other sidewalk uses.
- Outdoor deck areas at the northwest and northeast corners of the building provide additional space for building residents and tenants to stop and rest. Both deck areas are large enough to accommodate multiple tables and chairs, providing additional stopping places on the site.

Therefore, this guideline is met.

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 following building elements and design features help to make the proposed plaza/open space and the Greenway trail successful:

- The residential lobby and retail/restaurant space both face the proposed plaza/open space, with entry doors into each space opening onto the plaza along the building's north side. Large areas of windows along the ground floor on the north side allow for visual connections between the plaza and the building. Decks outside of each space face the plaza and provide outdoor seating areas that further connect the building to the plaza and help to activate this public space.
- Balconies and Juliette balconies for each residential unit on the north and east facades of the building help to support the plaza and Greenway trail, respectively, by providing opportunities for interaction between the residential units and these public spaces.
- The plaza/open space is designed in such a way that it can support flexible uses in addition to serving as a connection point between NW Naito Parkway and the Greenway trail.
- The Greenway trail widens at its southern end next to the proposed art studio spaces, which will further activate this portion of the Greenway trail with art creation and display. These studio spaces also provide additional eyes on the trail, helping to improve overall safety at what is currently a dead-end in the trail.
- Stormwater planters help to frame and enclose the north side of the plaza and are designed with small stairways that connect the plaza area to the existing sidewalk in front of the adjacent, existing office building, which is at a slightly different grade. These small stairways provide another access point for the plaza and will allow tenants in the existing building more-convenient access to the plaza, helping to make it more successful.

Therefore, this guideline is met.

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.

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.

Findings for CCFDG B6 & CCFDG C10: Encroachments into the public right-of-way are very limited and, where they occur, are designed to provide well-integrated weather protection to the pedestrian. No skybridges are proposed.

- Five canopies will project over a portion of the sidewalk along NW Naito Pkwy. These provide a measure of weather protection along the sidewalk. Four of the proposed canopies are constructed out of steel C-channels to form a simple structural frame. Within the frame, a sloped corrugated metal roof provides drainage towards the street. The soffit is composed of wood. A steel and glass canopy is proposed over the street-facing lobby entry door. This canopy is composed of double steel plate outriggers that project outward from the building face. A steel tee is sandwiched between each of the two plates. Glass sits atop these steel tees and slopes back towards the building, draining into a sheet metal gutter.
- Additional canopies project from the north elevation onto the plaza space. While the plaza is not a public right-of-way, it will be open to the public, as

required by the zoning code, and used by the public to access the Greenway trail. The canopies in this area are identical in design to those on the west elevation and comprise ten steel frame canopies and two glass and steel canopies. Several of these canopies provide protection over planter areas that are not accessible by pedestrians. Others provide protection over the retail/restaurant outdoor seating area. The two glass and steel canopies provide protection over two of the entry doors.

- The same steel frame canopies are proposed on the east, river-facing elevation. Like many of the canopies on the north elevation, these provide protection over the outdoor seating area for the retail/restaurant space.

Therefore, these guidelines are met.

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

Findings: The ground floor of the building is elevated from the sidewalk and Greenway trail levels. A sloped pathway and plaza area provide connections between the sidewalk along NW Naito and between the Greenway trail to main entry doors on the north elevation for both the residential lobby and for the retail/restaurant space. A sloped pathway is also provided at the south end of the Greenway to create accessible connections between the Greenway trail and the two art studios. This ensures that all of the elevated building areas are accessible for all people from adjacent public areas.

Therefore, this guideline is met.

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

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

Findings for C1 & C1-1: 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. There are no formally protected views or view corridors across the site that will be impacted by the project.

The proposal includes several elements that serve to enhance view opportunities from the building and public spaces to surrounding points of interest and river view opportunities:

- The proposal includes a minimum of 43 feet 4 inches between the building and the seawall, with landscaping, a 20-foot Greenway trail path, and many areas for stopping and viewing the river. The Greenway design works 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.

- Balconies and Juliette balconies are proposed on all four frontages of the building. These help to increase view opportunities toward points of interest including the Fremont Bridge, Willamette River, and Pearl District neighborhood, and surrounding activity in the plaza and Greenway Trail, from each residential unit.
- Roof decks are proposed on levels 2, 7, and 9. These all allow for river view opportunities from the proposed building. The deck on level 9 also allows for views towards the Pearl District from the proposed building.
- Large windows in the residential units, in the residential lobby, and in the retail/restaurant space allow for views into and from the building to the surrounding district and, on the east side of the building, to the Greenway trail and river.
- Clear-glazed storefront windows on the north elevation provide views of activity on the plaza from the building lobby and retail/restaurant spaces and views from the plaza into these same spaces.
- The proposed deck at the retail/restaurant space is slightly elevated above the Greenway trail. It faces the river, as well as the proposed plaza/open space, and allows views of the activity in both.
- Benches and an elevated seating platform are proposed along the Greenway trail and in the plaza area, enhancing viewing experience for pedestrians. Access to the seawall edge is also retained along portions of the Greenway trail. These elements allow additional opportunities for river views.
- The large plaza/open space on the north side of the site allows for views to the river from NW Naito Parkway and from portions of the Pearl District.
- The glazing proposed at the fitness room on the west elevation, and most-likely the south elevation, however, is proposed to be “fritted gradient” storefront glazing, which will limit views into and from this space, reducing vibrancy on the adjacent sidewalk along NW Naito Parkway. This glazing should be clear like the rest of the storefront glazing.
- Conversely, two storefront bays with clear glazing on the north elevation open into back-of-house uses—specifically the FCC room and the fire riser room. Views into these spaces will not help to create visual connections to the adjacent plaza or support the public space. The glazing here should be translucent, rather than clear.

With the condition of approval that the glazing at the ground floor of the west and south elevations shall be clear glass rather than fritted glazing; and,

With the condition of approval that the storefront glazing at the FCC room and fire riser room on the north elevation shall be composed of translucent glass, these guidelines will be met.

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

Findings: The proposed development includes materials and detailing that promotes quality and permanence:

- The podium levels of the proposed building are partially-clad in dark, rusticated brick—a high-quality and durable material. Detailing proposed at the brick piers shows that the overall system will demonstrate permanence.
- Composite metal panels are used in various locations on the building. High quality composite metal panels are long-lasting and not prone to oil-canning or pillowing, due to their rigidity.
- The metal panels will be attached from behind by a clip system, which furthers the high-quality of this material. The panels will be finished with Kynar 500 finish. This is a resilient finish that will help to ensure permanence of the color and protect the material from weathering.
- A deeply-ribbed metal panel is proposed at the mechanical screen atop the tower roof. This material will also extend down the length of the tower on the south courtyard elevation.
 - The metal is proposed to be 24-gauge, which, with the proposed profile of 2-1/4” wide ribs with the 4-1/2” depth of each rib, will be sufficient to resist oil-canning and pillowing, ensuring this panel’s quality.
 - The panels will be attached with exposed fasteners. These will be located in the recessed portions of the panel, so they should be very difficult to see, due to their size. They will be finished to match the ribbed metal panels.
 - A PVDF finish (of which Kynar 500 is a type) will be used for the ribbed metal panel, which will help to ensure permanence of the color and protect the material from weathering.
- Equitone fiber cement panels will also be used on the building. The color of the fiber cement is intrinsic to the Equitone material, meaning that scrapes or dents will not result in raw fiber cement being visible. This helps to ensure a higher quality in the system than systems which do not have through-coloration.
 - The Equitone panels will be fastened to a rainscreen system from the exterior; the fasteners will, therefore, be visible, except at the lower two floors, where they will be concealed (see Exhibit C.34).
 - For the exposed fasteners, no indication of fastener type or color is proposed. Prefinished fasteners that match the color of the panels are available from the manufacturer, however, and these should be used.
 - For the concealed fasteners, no method of attachment is shown in the drawings. These attachments should be located entirely behind the panel, via a clip system, or similar system, for higher quality and permanence. Nail or screwed and patched fasteners should not be used, as these weather more-easily and require paint-matching an integral-color material.
- A structurally-glazed curtain wall system is proposed at the northwest corner of the building and at the main building entries. The glazing color will be clear, with Solarban 72 as the basis of design. This is another high-quality cladding system which contributes to the permanence of the building elements.
- Aluminum storefront systems will be used for much of the ground floor. The same clear glazing included in the curtain wall is also used in the storefront systems. Condition of Approval D requires that this same clear glazing be

used on the west and south elevations at the fitness room. The aluminum storefront frames and mullions will be colored either a light or dark metal to match the proposed metal panel colors and the materials that the windows will be next to.

- A glazed window wall system is located on the residential-level stories of the building. Window walls are typically very durable building components, and proposed detailing supports this.
 - An integrated sliding glass door system is proposed for many of the residential units. These will use similar detailing, glazing color, and framing color to the window wall system, helping them integrate into the overall system.
 - Clear glazing is proposed, though the glass will have reduced transmissivity compared to the storefront and curtain wall glazing.
 - Two colors of spandrel glass will be included in the building, and the color will be painted on the fourth (interior-most) surface of the glazing, ensuring its durability as well as ensuring its integration with the rest of the glazing system.

With the condition of approval that exposed metal panel attachments shall be finished to be the same color as the metal panel; and,

With the condition of approval that exposed fasteners used with the fiber cement panel system shall be prefinished by the manufacturer to match the color of the panels, and the concealed fasteners used with the fiber cement panel system shall be attached entirely from the back side of the panel via a clip or similar system, this guideline will be met.

RDDG C3-1. Integrate Parking. Design parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:

1. Designing street facing parking garages to not express the sloping floors of the interior parking.
2. 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

Findings: A two-level parking garage is proposed. A single garage door along NW Naito Parkway provides access to both floors of the garage and the building's loading space. The first level of parking, on the building's ground floor, is wrapped by other active uses in the building on three sides. Enclosing the parking on the ground floor within the building ensures that the building's ground floor sidewalk level accommodates active uses, including the restaurant and lobby, which enhance the structure's relationship to pedestrians. The south side of the parking garage is an end-wall condition. The second parking level is located fully underground. Therefore, the Council finds the parking garage visually integrates with its surroundings.

Therefore, this guideline is met.

RDDG C9-1. Reduce the Impact of Residential Unit Garages on Pedestrians.

Reduce the impact on pedestrians from cars entering and exiting residential unit garages by locating garage access on alleys, and active spaces on ground floors that abut streets. This guideline may be accomplished by:

- a. Locating residential unit garage access on alleys.
- b. Locating garage access on less trafficked streets.

Findings: The City Council finds that this guideline applies only to individual garages provided for residential units, not a shared parking garage as is provided by the Project. No residential unit garages are proposed.

Therefore, this guideline does not apply.

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 building’s massing includes three primary components.

- An eight-story podium mass lies along part of the west and south sides of the site.
- A six-story podium mass lies along much of the proposed plaza area at the north end of the site and continues to the east along much of the Greenway trail.
- Between these two podium masses, an “L”-shaped tower extends up to the full 17-story height. This “L” is slightly longer in the east-west direction than in the north-south direction, matching the overall proportions at the base of the building.

Articulation and fenestration of the three primary masses follows fairly consistent rules.

- Street, plaza, and Greenway trail-facing podium masses—perhaps more-appropriately referred to as “side-cars” to the primary “L”-shaped massing—are articulated with brick and deep-set, vertically-oriented bays of windows and doors and a flat brick cornice band/parapet. The brick expression dissolves at both podiums’ interior courtyard-facing ends, which are clad in metal and glazed window walls and articulated with balconies. This metal and glazing system has a more horizontally-oriented expression, like the tower mass described below, and wraps around to the interior courtyard elevations of the building, reflecting the different character of this space.
- The “L”-shaped tower mass has a generally-flatter material composition, incorporating composite metal panels and fiber cement panels in addition to the proposed window wall system. The mass is divided up on each floor level into horizontally-oriented bays of window walls composed of clear and spandrel glazing.
- Though the window bays have a horizontal orientation on the tower, they are arranged into vertical bays that extend from the parapet to the ground floor base. The consistency and alignment of these bays helps to unify the tower and podium masses and give the building a greater sense of verticality.
- At either end of the tower “L”, the mass narrows, subtly articulating this large mass and helping to reinforce its vertical character.
- The tower mass is subdivided into a distinct, outwardly protruding mass at its northwest corner, which helps to identify the main entrance to the site and the building at the intersection of the proposed plaza and NW Naito Parkway.

- The composition of the north elevation of the tower, which, as originally-proposed, was composed with a much more-vertical orientation has since been revised to continue the horizontal bay expression found around the rest of the tower.
- The north elevation also retains a massing protrusion, which staff had originally recommended be pulled back into the main mass of the tower to help to better define the difference between the tower mass and the podium mass below. The Design Commission mostly-disagreed with staff's original assessment at the September 28, 2017 hearing, and the development team, since then, has worked to further integrate the protrusion into the rest of the tower by extending balconies eastward from the mass towards the river.
- A four-story tall massing “appendage” also originally protruded eastward from the primary “L” tower mass onto the six-story northern podium. This mass formed a complicating step in the north and south elevations and was referred to as a “ziggurat” by the Design Commission at the Design Advice Hearing held for this proposal on June 1, 2017. Commissioners repeatedly pushed for either its removal or further integration into the rest of the building's composition. The revised drawing set presented to the Design Commission at the November 30, 2017 removed this massing element, and its dwelling units were reallocated to the western and southern podium mass, increasing the overall coherency of the building's massing and articulation.

Finally, although the building incorporates a large palette of materials, the material palette is well-integrated, utilizing similar colors and textures, despite the physical differences among the materials, and formed a cohesive façade expression overall.

Therefore, this guideline is met.

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

Findings:

- Transition space is provided between the plaza/open space at the north end of the site and building entries on the north elevation. Doors are recessed into the building face, and the large plaza area is separated from the building entries by landscaping.
- The residential lobby entry facing NW Naito Parkway is setback from the sidewalk, up a short flight of stairs. This stairway provides a distinct transition space between the building and the public realm.
- Decks proposed at the northwest and northeast corners of the building also provide transition space from the pedestrian realm along NW Naito, the plaza, and the Greenway trail.

Therefore, this guideline is met.

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.

Findings: Although there are no street intersections near the subject site, the intersection of the proposed plaza with NW Naito Parkway at the northwest corner and the intersection of the same plaza with the Greenway trail at the northeast corner of the site functions in a similar way for pedestrians and bicyclists. Design elements that help to build active intersections include:

- The northeast and northwest corners of the building are programmed with active ground floor uses—a retail/restaurant space and large residential lobby, respectively. These spaces can be accessed from either the plaza/open space on the north side of the site, or from the sidewalk along NW Naito for the lobby and from the Greenway trail for the retail/restaurant space.
- The southwest corner of the building is programmed with a fitness room, and proposed to be glazed with gradient-fritted glazing on the west elevation and likely on the south elevation as well. The glass here should be clear, like the other storefronts, to increase the flexibility of this space at the southwest corner.
- Stairs and elevators to the upper stories are located deeper inside the building away from the corners of the building to minimize blank solid walls and inactive uses on the exterior of the building.
- Bays of large storefront windows and canopies are proposed at the northwest and northeast corners of the building. These help to highlight the building's corners.
- The northwest corner is identified by a two-story, structurally-glazed curtain wall which looks into the double-height lobby space, helping to highlight this corner of the building.
- The largest building signs are proposed to be located at the northwest corner of the building, as well, near the two-story curtain wall, further helping to highlight this corner.

With the condition of approval that the glazing at the ground floor of the west and south elevations shall be clear glass rather than fritted glazing, this guideline will be met.

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.

Findings:

- The sidewalk level is defined by large bays of storefront windows and canopies on the north, east, and west facades of the building.
- A raised dock and planter system on the west elevation, facing NW Naito Parkway, also helps to differentiate the ground level.

Therefore, this guideline is met.

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

Findings:

- A flexible retail/restaurant space is proposed at the northeast corner of the building, facing both the plaza/open space and the Greenway trail and providing access to the space from both. This space is augmented by an outdoor deck with room for outdoor seating.
- The large residential lobby is located at the northwest corner of the building, facing both the plaza/open space and NW Naito Parkway. Access to the lobby is provided from both the plaza and NW Naito Parkway. The space is large enough to accommodate significant residential amenities and potentially a future small retail use. This space is also augmented by an outdoor deck with room for outdoor seating.
- A large fitness room space is located along the southern half of the west elevation. The space could conceivably be reprogrammed in the future to accommodate other uses. The exterior of this space will include the same clear storefront glazing found elsewhere along the ground floor, per Condition of Approval D.
- The two art studio spaces that face the Greenway trail at its southern end will be programmed with artistic design, creation, and/or display. These spaces are proposed to be flexible and will accommodate a wide variety of artistic endeavors that will help to activate these spaces and, by extension, the Greenway.

Therefore, this guideline is met.

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:

- Large mechanical units will be located on the roof of the tower mass. The rooftop mechanical equipment will be screened with architectural screening that is integrated into the overall design of the building. This screening is composed of a dark, deeply ribbed metal panel that is also proposed to clad a portion of the south elevation. The color of the metal will also match the dark-colored composite metal panel that is incorporated into the building massing which extends down from the screen on the south and east elevations. This integrated screen, which extends around all four sides of the tower’s roof and does not step back from the tower’s edge, will help these systems to fit into the skyline and views from The Fields Park and the Fremont Bridge, especially. Extending the mechanical screen to the edge of the building allows this screened area to seamlessly align with the remainder of the tower mass below. Locating these elements on the tower roof behind an integrated screen, rather than on the building podium roofs, helps to ensure that these elements will be less visible or entirely hidden from many vantage points in the city.
- Eco-roof stormwater facilities composed of sedum mats and trees in planters cover roof surfaces that are not otherwise occupied by residential rooftop amenity uses on levels 7 and 9. The eco-roofs are a very low impact building component when viewed from ground level, and views from above, such as fleeting views from the Fremont Bridge, should appear similarly well-

integrated. Planters on both levels contain small trees that should also have minimal impact on the skyline.

- Levels 7 and 9 also contain roof decks with low built-in furnishings on both. These decks are unlikely to have a significant impact on the city’s skyline.
- The roof terrace on level 2 contains planters and eco-roof components, which are low in scale relative to the tower which surrounds two sides of this terrace space, as well as a deck space with low furnishings like those found on levels 7 and 9. Dogwood trees will be placed in planters around the south and north edges of this terrace. These are also small relative to the scale of the adjacent tower. Three larger *Stewartia* trees will be located towards the alcove created by the two podium wings and will be visually encapsulated by the building. These elements all, therefore, will be well- integrated on the rooftop and compatible with the rest of the building. Their low height relative to the tower also limits any impact on the city’s skyline.

Therefore, this guideline is met.

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: Four different types of light fixtures are included around the exterior of the building:

- Columnar light standards are proposed around the periphery of the plaza/open space on the north side of the site. These are similar in design to light standards used along the Greenway trail north of the Fremont Bridge and through the Riverplace development. These light standards are well integrated into the design of the plaza and will have little impact on the skyline due to their location on the ground.
- Small architectural step light fixtures are recessed in the cast-in-place concrete planter wall along the sidewalk on NW Naito Parkway. These are minimal in design and will be well integrated with the design of building.
- Recessed linear fixtures will be located in soffits above each of the ground floor storefront bays around the west, north, and east facades of the building, except for the bays with glass canopies. These fixtures integrate well with the proposed composite metal panel soffits and will have little to no impact on the skyline at night.
- The fourth light fixture type is a linear “edge” light. These will be located at each of the buildings glass canopies, which are located over main entries to the lobby and the retail/restaurant space and are well-integrated into the overall canopy design. The light level of the fixture is only to accentuate the main entrances and does not impact the skyline at night.
- A series of columnar light fixtures is proposed to be placed along the riverside of the Greenway trail segment of the site. The design of the fixture will complement the architecture of the new development and is similar in design to the fixtures proposed in the plaza and fixtures installed along the Greenway Trail north of the Fremont Bridge.

Therefore, this guideline is met.

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. Signs should have only a minimal presence in the Portland skyline.

Findings: Proposed building signage is primarily located near the northwest corner of the building and at lobby entry doors.

These signs are all smaller than 32 square feet in size, and are therefore not individually subject to Design Review, per zoning code section 33.420.041.F. If signs exceeding this threshold are proposed in the future, another Design Review will be required.

Therefore, this guideline does not apply.

INAPPLICABLE GUIDELINES

Findings for Guidelines Which are Inapplicable to the Project

For the reasons discussed below, the City Council finds that the following Guidelines do not apply to the project.

CCFDG A6 Reuse/ Rehabilitate/ Restore Buildings

The site is a surface parking lot and contains no existing buildings or materials that could be reused, rehabilitated or restored. Therefore, this Guideline does not apply.

CCFDG A9 Strengthen Gateways

This Guideline pertains to development in along identified gateways into the Central City. The project is not located in any of these gateway areas and therefore this Guideline does not apply.

CCFDG C3 Respect Architectural Integrity

This Guidelines applies to projects that add new structural elements or make changes to an existing structure. No structures exist on the project site and the project does not propose an addition or change to an existing structure. Therefore, this Guideline does not apply.

CCFDG D1 through D4

Guidelines D1, D2, D3, and D4 govern development in the following special areas, respectively: Park Blocks, South Waterfront, Broadway Unique Sign District and New China/Japantown Unique Sign District. The project is not located in any of these special areas and therefore these Guidelines do not apply.

RDDG A5-1-2 Reinforce the Identify of the North Park Blocks Area

This Guideline applies to projects in the North Park Blocks area. The project is not within this area, and therefore this Guideline does not apply.

RDDG A5-1-3 Reinforce the Identify of Chinatown

This Guideline applies to projects in Chinatown. The project is not within this area, and therefore this Guideline does not apply.

RDDG A5-1-4 Reinforce the identity of the Union Station Area

This Guideline applies to projects in the Union Station area. The project is not within this area, and therefore this Guideline does not apply.

RDDG A5-2 Emphasize N.W. Broadway bright lights

This Guideline applies to projects along N.W. Broadway. The project is not within this area, and therefore this Guideline does not apply.

RDDG B5-1 Recognize the roles of the Tanner Creek Parks

This Guideline applies to proposals near the Tanner Creek Parks system area. The closest extension of this park system is located near the Centennial Mills site, which is not adjacent to the subject site. The subject site is also not abutting or across the street from one of the Tanner Creek Parks. Therefore, this Guideline does not apply.

RDDG B5-2 Strengthen the significance of the Classical Chinese Garden

This Guideline only applies to proposals within the vicinity of the Classical Chinese Garden. The Classical Chinese Garden is not located near the subject site. Therefore, this Guideline does not apply.

RDDG C9-1 Reduce the impact of residential unit garages on pedestrians

This Guideline applies only to individual garages provided for residential units, not a shared parking garage as is provided by the Project. No residential unit garages are proposed. Therefore, this guideline does not apply.

(2) MODIFICATION REQUESTS (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 #1: 33.140.210.B.2 – Height [Exceptions]. To allow rooftop mechanical equipment and screening to be located closer than 15' from the tower roof edges on street-facing facades and to cover more than 10% of the roof area. Under zoning code section 33.140.210.B.2, screened mechanical equipment may extend up to 10 feet above a building's ultimate height limit through a height exception if certain coverage and setback standards are met.

The project seeks to modify these coverage and setback standards. The building's mechanical equipment is located on the tower roof in order to enable use of lower roof areas for common space and eco-roof facilities, and to better shield the mechanical elements in views from adjacent structures. A modification to the setback and coverage standards was sought in order to allow the screening under this height exception to be flush with the building's street facing facades. This modification allows the screening to enclose a great amount of area than is necessary for the mechanical equipment, and allows the screen to be flush with the tower roof edge (as opposed to set back 15 feet),

in order to create a cohesive tower façade. The proposed mechanical screen will enclose 73% of the tower roof area.

Purpose Statement: The height standards work with the FAR, building setback, and 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.

Standard: 33.140.210.B.2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

- a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
- b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: The City Council finds that a development that meets the setback and coverage standards without modification would significantly detract from the building tower's coherency and the building's contribution to the skyline. Were the rooftop mechanical equipment and screening setback at least 15 feet from the roof edge and covering no more than 10% of the roof area on the tower, it would create a more-distinct, jarring articulation at the roof façade of the tower, rather than visually extending the tower mass. This would detract from the building's coherency and would not allow the building to meet Guidelines C5 and C11 as well.

The modification will allow the mechanical equipment screen to extend to the edge of the roof of the tower, allowing it to blend seamlessly with the rest of the Tower's façade, better meeting Guidelines C5 and C11.

The mechanical screening is composed of a dark, deeply ribbed metal panel that is also proposed to clad a portion of the south elevation. The color of the metal will also match the dark-colored composite metal panel proposed that is incorporated into the building massing which extends down from the screen on the south and east elevations. This integrated screen, which extends around all four sides of the building's roof, will help these systems to fit into the skyline and views from The Fields Park and the Fremont Bridge, especially.

Additionally, were the large mechanical units placed on lower elevations or the ground level, Guidelines A8 – Contribute to a Vibrant Streetscape, B2 – Protect the Pedestrian, and C9-Develop Flexible Sidewalk-Level Spaces might not be as well met.

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: Height limits work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of development. These height limits contain certain exceptions, including the exception for rooftop mechanical equipment that extends up to 10 feet above a building's ultimate height limit and covers no more than 10 percent of the roof area. The City Council finds that the modification to these height standards exceptions, which are governed by the same general height purpose statement, are consistent with the purpose of the height regulations.

Allowing the screen for the rooftop mechanical equipment to extend to the building's edge (and thereby cover more than 10% of the building's roof area) is consistent with the height regulations' limit to control overall bulk and intensity of development. The base zone standards already allow the mechanical equipment to extend up to 10 feet above the ultimate height limit, and therefore already allow the tower façade to appear an additional 10 feet (or single story) taller. The modification sought will not change the ultimate height of the building.

The City Council further finds that the height limit works with the FAR limits on a site to control overall bulk of development. The modification sought does not increase the building's ultimate height beyond what is allowed by the Code, but does increase the appearance of overall building "bulk" by extending the mechanical screen to the tower roof edges. However, under the purpose statement, the height limits are intended to work with a site's FAR limit to control bulk. In the case of this proposal, the building's FAR is far below the allowed limit for the site, at 4.4:1. Therefore, allowing the mechanical screen to add the appearance of bulk to the building is consistent with the purpose of the height standard, since the resulting building, overall, will not appear bulkier than would be allowed by the Code limits.

Finally, in the EX zone, specifically, the standard reflects its use in intense urban areas. The portion of the building to which the requested modification applies is relatively small in overall area compared to the total building footprint. This is consistent with the overall limitation on bulk which the standard is working to achieve.

Additional Findings: Appellants appear to argue that rooftop mechanical equipment is not allowed to exceed the property's 175-foot height limit. The City Council finds that the zoning code allows mechanical equipment to extend up to 10 feet above a property's ultimate height limit in the EX zone, and that this mechanical equipment height exception can be modified as was done here.

Under zoning code section 33.500.040, plan district standards control where they conflict with overlay zone and base zone standards. Where a conflicting regulation is not present in a plan district (or overlay zone), the base zone standards control. Here, the project's ultimate height is determined through the Central City Plan District regulations and, as modified, is 175 feet. Under the EX base zone, exceptions to a property's ultimate height allowance for rooftop mechanical equipment are allowed and may be modified. This base zone standard is not in conflict with the Central City Plan District regulations (or any applicable overlay zone regulation) and therefore allows mechanical equipment to extend up to 10 feet beyond the property's ultimate 175-foot height in certain circumstances, which are modifiable.

Therefore, this Modification is approved.

Modification #2: 33.510.205.H.2 – North Pearl Subarea height opportunity area.

- A. To allow the height of the building to be 175'-0", exceeding the maximum allowed base height of 100'-0"; and,
- B. To allow the length of facades above 100' to exceed 120' in length. Proposed façade length on the southwest and northeast facades of the building is 125'-2". Proposed façade length on the southeast and northwest facades of the building is 142'-8".

Purpose Statement:

In the North Pearl Subarea, additional building height may be appropriate to support the goals of the North Pearl Plan. The regulations of this subsection:

- Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the Central City;
- Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;
- Encourage the development of taller buildings that may accommodate a range and diversity of land uses;
- Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;
- Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm; and
- Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.

Additionally, along the waterfront of the North Pearl Subarea the regulations of this subsection also:

- Increase access to sunlight along the Greenway and within public and private openspace areas developed along the waterfront;
- Develop a dense, active urban waterfront with a vibrant public realm;
- Work with the open area and waterfront development provisions of the North Pearl Subarea in the creation of well-designed public and private urban open space amenities;
- Facilitate visual and physical access to and along the riverfront for all members of the public;
- Create expanded opportunities for views of the river as viewed from Naito Parkway and Front Avenue, landward portions of the subarea, and locations west of the subdistrict; and
- Ensure bonus height granted to sites adjacent to the Fremont Bridge does not significantly affect views of or diminish the aesthetic qualities of the bridge or its iconic stature in the Portland skyline.

Standard: 33.510.205.H.2 through 2.c. Additional building height above the maximum height limits shown on Map 510-3 may be approved as a modification through design review if H.2.a and b are met, and either H.2.c or d. Except as specifically allowed, adjustments and modifications to this paragraph are prohibited.

- a. The site must be in the height opportunity area shown on Map 510-16.

- b. The floor area of the building above the maximum height limit shown on Map 510-3 must be:
 - (1) Earned through bonus FAR provisions;
 - (2) Transferred by a Central City Master Plan; or
 - (3) Transferred from an Historic Resource in conformance with 33.510.200.H, Transfer of floor area from Historic Resources in specified areas.
- c. The regulations of this subparagraph apply to sites northeast of SW Naito Parkway. Building heights may be increased to 175 feet in the height opportunity area if the following are met:
 - (1) The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and
 - (2) The length of any façade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.

Threshold Findings for Modification 2:

In order for the project to be eligible for a modification allowing additional height above 100 feet, the project just meet criteria H.2.a and b, and either H.2.c or d. The City Council finds that the project meets these requirements as follows. The project is within the height opportunity area on May 510-16. All floor area above the 100-foot height limit (totaling 99,896 square feet) is bonus floor area. The project earns a total of 177,780 square feet of bonus floor area through the residential and eco-roof bonuses and includes 161,776 square feet of this area in the building. The floors of the building above 100 feet comprise 99,986 square feet, and these floors meet the standard in H.2.c.(1) with floor plates that are 12,487 square feet in area. The length of the building's facades above 100 feet are 125 feet 2 inches and 142 feet 7 inches. These facades do not exceed the ultimate limit of 150 feet and exceed 120 feet as allowed by this modification.

A. *Better meets design guidelines.* *The resulting development will better meet the applicable design guidelines; and*

Findings: The first portion of the Modification request—to exceed the maximum height limit of 100 feet by an additional 75 feet—begins to address a potential problem with any development of significant size on this site, which is the obstruction of views of the Fremont Bridge from the Pearl District at large and from The Fields Park, in particular.

The applicants have demonstrated this on sheets App.24 and App.25 in the drawing package sent to the Design Commission for the November 30, 2017 hearing (Exhibit H-42), as well as in older drawing packages sent to the Design Commission for hearings in September and November, that development up to 100-feet in height will block much of the view of the Fremont Bridge from The Fields Park, and that adding bonus floor area on top of that will further block the view. They demonstrate that shifting the mass of the building podium to one side by increasing the height of that side can help to restore a portion of the view of the bridge, which begins to better meet Guideline A2 – Emphasize Portland Themes. Shifting building program and mass from the podium level to the tower level will also allow for additional light and air to penetrate to the Greenway trail and Willamette River behind the site over the lower parts of the building, helping the proposal to better meet Guideline C5-1-5 – Reinforce the Identity of the Waterfront Area.

The proposed low podium and tower building typology is also used elsewhere in the North Pearl Subarea. Shortening the height of the podium and emphasizing the tower helps to reinforce this pattern, which begins to better meet Guidelines A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District, and Neighborhood C4 – Complement the Context of Existing Buildings. Further, although the “L”-shaped tower may appear more massive from vantage points other than The Fields Park, Design Commissioners, overall, have found at the September 28, 2017 and November 16, 2017 hearings that the massing composition achieves its goals and meets these guidelines well and will be a well-composed building, consistent with the character of other buildings in the Pearl District.

The second portion of the Modification request, which is to allow the length of the building façades above 100-feet in height to exceed 120-feet in length, helps to accommodate shifting building mass from the podium into the tower component. This helps the proposal begin to better meet Guideline A2 – Emphasize Portland Themes, by retaining larger portions of the view to the Fremont Bridge from The Fields Park than shifting floor area to the podiums.

- 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 purpose of the standard aims to achieve numerous goals in the North Pearl Subarea and along the North Pearl waterfront. Several parts of the purpose statement aim to increase visual permeability, preserve visual and physical access to the river, allow for light and air to penetrate to the public realm, and to ensure that bonus height on sites adjacent to the Fremont Bridge does not significantly affect views of the bridge.

The applicants have provided massing studies on sheets App.24 and App.25 in the drawing package presented to the Design Commission on November 30, 2017 (Exhibit H-42) which show that a building occupying the majority of the site and built up to the 100-foot height limit would severely impact views of the Fremont Bridge from The Fields Park. Shifting some of that building mass and program from the podium to a tower helps to lower the height of the podium, which allows for some of the existing view to be retained. Allowing the length of the building above 100-feet in height and running parallel to NW Naito Parkway to exceed the length limit by 5’-2” will have a negligible additional impact on the view. The façade length running perpendicular to the river and NW Naito Parkway, though, will block some additional view of the bridge with the additional 22’-8” length requested. Although the full extent of the impact is not clear on the diagrams, Council finds that allowing an extension here is preferable to placing additional stories on the podium and helps to balance competing purposes of the standard which looks to “develop a dense, active urban waterfront” while at the same time retaining the “iconic stature” of the Fremont Bridge in the Portland skyline.

The purpose of the standard in allowing for buildings taller than the base 100-foot height limit also aims to achieve a range and diversity of land uses as well as a range of community amenities to serve residents and employees in the Central City. The standard also exists to develop a dense and active urban waterfront with a vibrant public realm. The applicants have proposed a retail/restaurant ground floor use at the northeast corner of the building, facing the proposed plaza/open space and the Greenway trail and river. This use is critical to have a vibrant waterfront and public realm, and a condition of

approval requiring this use should be included that requires this use to be maintained for the building additional height to be granted.

On balance, the City Council finds that the purpose of the standard will be met.

With the condition of approval that the proposed retail/restaurant space at the northeast corner of the ground floor of the building shall remain in a Retail Sales & Services use for the life of the building, this Modification merits approval.

Modification #3: 33.510.251.C.3 – Required open area development standards, Shadow standard. A modification is sought to allow more than 50% of the plaza area on the north side of the site to be covered by shadows at noon on April 21st of any year, not including shadows from trees. Approximately 78% of the plaza will be in shadow at noon on this date.

Purpose Statement: The open area requirement promotes adequate amounts of light and air, year-round opportunities for outdoor active and passive recreation, visual relief from the built environment, and facilitates circulation for pedestrians to and throughout the North Pearl Subarea. The open area requirement is intended to produce open areas at a scale comparable to what large sites would have if divided by the 200-foot street grid pattern.

Standard: 33.510.251.C.3, Shadow standard. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of a park or plaza at noon and 75% at 3:00 PM on April 21 of any year. Trees are not to be included in consideration of the limitation on shadows.

- A. ***Better meets design guidelines.*** The resulting development will better meet the applicable design guidelines; and

Findings: The building is designed with a 10,235 square foot plaza on the northern portion of the site. This design was selected in place of a design that would orient the plaza to the south of the building and meet this shadow standard and in place of a design that would split the plaza into two plazas (one north of the building, and one south), which could also have met this shadow standard, because this orientation better meets the Guidelines. Specifically, both the Design Commission and the City Council finds that it better meets Guidelines A1-1 – Link the River to the Community, C1 – Enhance View Opportunities, and C1-1 – Increase River View Opportunities, with its single 60-foot wide open space providing better separation and a wider view corridor between the proposed building and the existing office building to the north and a larger space for activities and pedestrian movement forming a pedestrian connection between NW Naito Parkway and the Greenway trail. This wide space on the north side of the building also helps to preserve views to the river from the future intersection of NW 12th Ave & Raleigh St. Furthermore, it approximates the width of a standard right-of-way in the Pearl District and reflects the emerging pattern of development in the North Pearl waterfront area, better meeting Guidelines A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District Neighborhood, A5-1-5 – Reinforce the Identity of the Waterfront Area.

- 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 North Pearl Subarea open area shadow standard is intended to allow for adequate amounts of light and air in addition to providing opportunities for active and passive recreation, visual relief, and increasing options for pedestrian circulation.

The amount of shaded area on the plaza at noon is significant, and the remaining portion of the plaza in sun at this time is centered around a shared loading and pedestrian area along NW Naito Parkway. However, as demonstrated in diagrams on Sheet App.42 in Exhibit H-42 (Exhibit C-106), by 1:00pm the area of the plaza in the sun will have increased by about 5,500 square feet, leaving only 22% of the plaza in the shade. Additionally, the entire north side of the plaza will be in sun. Given the reasons for locating the plaza north of the proposed building—including views, pedestrian connections, and opportunities for increased activity in the plaza, on balance, therefore, the purpose of the standard will be met, as the plaza will still be able to provide an adequate amount of light and air as well as opportunities for visual relief and outdoor recreation.

Therefore, this Modification merits approval.

Modification #4: 33.510.251.D.3.b & c – North Pearl Subarea waterfront development standards:

Subparagraph b.

Setbacks for all development from the Willamette River: To allow portions of the building over 35' in height to extend into the setback area, which requires the building to be set back from the Greenway setback line by 1' for every 1' of height above 35'. This standard essentially creates a 45-degree angled plane back from the Greenway setback in which building's area cannot be located without a modification. The proposed building's tower will extend into this setback area by 57 feet 6 inches of building height and 57 feet 6 inches of building width. The proposed building's podium will extend into this setback area by 9 feet 4 inches in height and 9 feet 4 inches of building width.

Subparagraph c.

Maximum building dimension: To allow the building dimension to be 217'-3" in the northeast-southwest direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.

Purpose Statement: These standards are intended to assure both frequent views of the river and physical connections to the river and its activities.

Standard: 33.510.251.D.3.b, Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the Greenway Overlay zones; see Chapter 33.440. In addition, buildings or portions of buildings over 35 feet in height must be set back from the Greenway setback line 1 foot for every 1 foot of height above 35 feet.

Standard: 33.510.251.D.3.c, Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both length and depth.

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and

Findings for subparagraph b: The requested modification allows for the proposal to successfully incorporate a tower and podium-type of massing, which is a common building massing typology for structures located within the Pearl District. This helps to further reinforce the identity of the Pearl District neighborhood, better meeting Guideline A5-1-1 than would a building with the same floor area but lower height and bulkier, stepped massing.

Along this same line, the original building proposal incorporated an intermediate massing step facing the river between the podium and tower masses. The Design Commission found that this intermediate mass resulted in a less coherent building design, blurring the proportions between the podium and tower elements. By eliminating this intermediate mass and shifting dwelling units to the podium on the west side of the building, overall building coherency was increased—better meeting Guideline C5—without the additional massing step. The Council ultimately agreed with their findings.

The approved design also better meets Guidelines A5-1-5 – Reinforce the Identity of the Waterfront Area and C11 – Integrate Roofs and Use Rooftops. As approved, the design includes larger areas of usable rooftop than a building with a stair-stepped configuration. These large flat roof areas will be planted and programmed with amenities for residents of the building and stormwater facilities. Locating active areas on the lower podium helps to activate the Greenway trail and the plaza by putting eyes on this space.

The Council also finds that allowing additional building mass to project into the setback allowed the portions of the building program and mass to be shifted off of the building podium and onto the tower portion of the building. This lowered the podium height, allowing for larger areas of the existing view to the Fremont Bridge from the Pearl District and The Fields Park to be retained, better meeting Guidelines A2 – Emphasize Portland Themes, A5 – Enhance, Embellish, and Identify Areas, and A5-1-1 – Reinforce the Identity of the Pearl District. Ultimately, however, the Council finds that views of the bridge from The Fields Park and elsewhere in the Pearl District, save for the view corridor codified into zoning code chapter 33.510 along NW 12th Ave, are not protected views and are, therefore, not germane to the approval of the modification or proposal overall.

Findings for subparagraph c: This North Pearl subarea standard requires that building facades be no longer than 200 feet in each direction. The building is designed with a 180-foot northwest-southeast façade that faces NW Naito Parkway and the Greenway trail/Willamette River. The building’s maximum northeast-southwest length is 217’-3”. Because the maximum length is more than 200 feet, a modification is needed.

The modification request to allow the building dimension in the northeast-southwest direction to be up to 217’-3” in length, rather than the allowed 200’ in length, allows the building to provide a wider open space connection between NW Naito Parkway and the and allows the building to be narrower in the northwest-southeast direction, at approximately 180’. By narrowing the building in the northwest-southeast direction, parallel to NW Naito Pkwy, the proposal better meets guidelines that aim for better connections to the river and Greenway trail, such as A1-1 – Link the River to the Community, A2 – Emphasize Portland Themes, A5-1-5 – Reinforce the Identity of the Waterfront Area, B5 – Make Plazas, Parks, and Open Space Successful, C1 – Enhance View Opportunities, and C1-1 – Increase River View Opportunities.

- 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 for subparagraph b: The North Pearl Subarea waterfront standards are intended to assure both frequent views of the river and physical connections to the river and its activities. The design of the building, with this modification incorporated, is consistent with this purpose. The building's orientation and massing with this modification will allow for views towards the river corridor on either side of the building from The Fields Park and other areas of the Pearl neighborhood. The majority of the encroachment into this angled setback occurs at the corner of the tower, more than 94 feet away from the Greenway and almost 175 feet in the air. This still allows for a large open area on the north side of the property, which provides views and physical connections to the river and its activities. The City Council finds that the encroachment into this setback area does not hinder physical connections to the river and its activities in any way. Therefore, on balance, the proposal is consistent with the purpose of the North Pearl Subarea waterfront standards.

Findings for subparagraph c:

The modification allows the building length between NW Naito Parkway and the Greenway to exceed 200 feet in length. Even with this modification, the building's design is consistent with the purpose of this standard, which is to assure both frequent views of the river and physical connections to the river and its activities. These circumstances are evident from the provision of 60-foot-wide plaza and 20-foot-wide Greenway trail, as reflected in the revised design submitted on April 11, 2018 to the Council. As noted, this modification allows the building to be narrower on the north/south axis and thereby enhancing the view corridor from NW Naito Parkway.

Therefore, this Modification merits approval.

Modification #5: 33.140.240.B.4 – Pedestrian Standards, EG1 and EX zones. To allow landscaping between the sidewalk and the building along NW Naito Parkway to be planted with groundcover and other low plants, which is less than the required L1 landscaping standard that requires trees to be planted in addition to groundcover.

Purpose Statement: The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

Standard: 33.140.240.B.4, EG1 and EX zones. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and

Findings: The modification request to allow proposed landscaping between the sidewalk edge and the building along NW Naito Parkway to not include the required trees will create a more-typical urban-edge condition along NW Naito Parkway and will allow greater opportunities for views into and from active ground floor areas on the west elevation of the building. This modification, therefore, will allow the proposal to better meet Guidelines A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District Neighborhood, A5-1-5 – Reinforce the Identity of the Waterfront Area, A8 – Contribute to a Vibrant Streetscape, C1 – Enhance View Opportunities, and C4 – Complement the Context of Existing Buildings.

- 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 purpose of the standard is to encourage a safe, attractive, and usable pedestrian circulation system, as well as ensuring a direct connection between buildings and other activities on the site. A building entrance is still proposed facing NW Naito Parkway, allowing a direct connection from the sidewalk. The extensive pedestrian system proposed as part of this development allows for direct connections to other activities on the site. The unobscured visual connection from the sidewalk to the ground level spaces also increases safety and attractiveness at the sidewalk.

Therefore, this Modification merits approval.

Modification #6: 33.266.130.G.2.c – [Parking area] Setbacks. To allow required landscaping between the south lot line and the driveway leading from NW Naito Pkwy to the structured parking garage to be screened with 3-foot tall evergreen shrubs for a portion of its length and with a 3-foot tall concrete wall for the rest of its length instead of the required L2 landscaping (which consists of trees, shrubs, and ground cover). The proposed planted area will be 2 feet in width instead of the required 5-foot width.

Purpose Statement: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;

- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: 33.266.130.G.2.c, Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Protective curbs, tire stops, bollards or other protective barriers are not allowed within the minimum required setbacks.

Per Table 266-5, Minimum Parking Area Setbacks and Landscaping: For all zones except EG2 and IG2, a lot line abutting a C, E, or I zone lot line shall have 5 feet of L2 landscaping.

- A. ***Better meets design guidelines.*** The resulting development will better meet the applicable design guidelines; and

Findings: Placing the driveway access to the structured parking garage close to the south lot line allows for the rest of the street frontage along NW Naito Pkwy to be programmed with either active ground floor uses within the building or to be devoted to pedestrian-oriented open space, better meeting Guidelines A7 – Establish and Maintain a Sense of Urban Enclosure and C8 – Contribute to a Vibrant Streetscape. Though shifting the driveway three feet further to the north would meet the standard, it would also negatively impact the rhythm of bays in the podium building mass along NW Naito Pkwy.

- 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: Part of the purpose of the standard is to create an environment that is inviting to pedestrians and transit users. The proposal accomplishes this through the design of the building, which has an urban frontage along NW Naito Pkwy. The pedestrian environment created by the placement of the building close to the sidewalk edge along NW Naito Pkwy visually extends around the southwest corner to the south elevation of the building, where two podium bays extend down to the ground. Aside from the driveway, the parking area itself is fully-enclosed within the building, substantially reducing its impact on stormwater and its visual impact on the street. The short run of the driveway and the setback of the garage door also reduce visual impact on the sidewalk and the street. The driveway is softened close to the sidewalk with 3-foot tall evergreen shrubs, which should also allow for adequate sightlines from between the driveway and the sidewalk. On balance, therefore, the proposal is consistent with the purpose of the standard.

Therefore, this modification merits approval.

(3) GREENWAY REVIEW (33.440.350)

33.440.350 Greenway Review Approval Criteria

The approval criteria for a Greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria that apply to the site. A Greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

- A. **For all Greenway reviews.** The Willamette Greenway design guidelines must be met for all Greenway reviews.

Findings: The purpose of the Willamette Greenway design guidelines is to help attain the goal and objectives of the Willamette Greenway Plan, particularly objectives 2, 3, and 4. The design guidelines address the quality of the environment along the river, and require public and private developments to complement and enhance the riverbank area, particularly with regard to riverbank treatment, landscape enhancement, public access, and the relationship of structures to the Greenway Trail, the siting and design of viewpoints, and the design of view corridors.

The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. The Design Guidelines are grouped in a series of eight Issues:

Issue A. Relationship of Structures to the Greenway Setback Area: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the Willamette Greenway Plan.” These guidelines call for complementary design and orientation of structures so that the Greenway setback area is enhanced;

Guidelines:

1. Structure Design. The Greenway Setback area should be complemented and enhanced by designing, detailing, coloring, and siting structures and their entrances to support the pedestrian circulation system, including both the Greenway trail and access connections.

Findings: The proposed building complements the Greenway Setback with the following features:

- The proposed building includes an active ground level, programmed with a proposed retail/restaurant space and designed with large retail bays infilled with storefront windows. One entrance for this space opens towards the Greenway trail and provides a direct connection to it, and another opens to the plaza/open space that connects the trail to NW Naito Parkway. An outdoor deck area between the Greenway trail and the building provides space for outdoor seating for the proposed retail/restaurant space. This deck wraps around to the north side of the building and will help to enhance the proposed plaza area. In the SE corner of the building, two art studios with large, glazed, horizontally-stacked doors are proposed to face the Greenway and can be opened up to visually and physically connect to the activities on the Greenway.
- Upper stories of the proposed building, which are programmed primarily with residential dwelling units, are dominated by large glazed areas that overlook the Greenway and the proposed connecting plaza/open space at the north side of the site.
- The building’s podium, which faces both the Greenway and the plaza/open space on the north end of the site, is proposed to be detailed with a dark black, heavily-rusticated brick. The brick material is used to form deep piers that divide the north and east facades into vertical bays along the lower levels of most of the two facades. These deep piers, combined with large areas of glazing, Juliette balconies, and canopies above the ground floor level all help

to add articulation and detailing to the building’s massing, enhancing the experience along both the Greenway trail and the plaza.

Therefore, this guideline is met.

2. Structure Alignment. Where surrounding development follows an established block pattern, alignment with the block pattern should be considered in structure placement. Structure alignment should also take into account potential view corridors from existing public rights-of-way or acknowledged viewpoints. The pedestrian access system should be designed to take advantage of these alignments.

Findings:

- Development along the north reach of the Willamette River in the Central City follows a pattern that approximates the city’s typical 200’ grid north of the Fremont Bridge in the Riverscape area/Rivernorth subdivision. This spacing is oriented perpendicular to the river. Development between the Fremont and Broadway bridges is more scattered, though a similar configuration currently exists in some areas, such as at the Waterfront Pearl development and with the spacing of the remaining buildings at the Centennial Mills site. The warehouse immediately south of the subject site is also approximately the size of a typical Portland block.

The proposed new development roughly follows this pattern, creating a building approximately 180-feet wide in the direction parallel to the river and establishing a wide view corridor and pedestrian accessway on its north side.

- Existing development on the subject site is auto-oriented and its building forms are slightly more broken up, with large parking areas located between and on either side of the two buildings currently on the site. Both buildings are set back from the street, but both back up close to the Greenway trail, leaving a narrow strip of landscaping between the trail and the buildings. This contrasts with newer developments to the north of the Fremont Bridge, which tend to be set back a little farther from the Greenway trail.

The proposed building follows the pattern of more recent developments north of Fremont Bridge and development further south of the site; the above-grade stories of the building itself is set farther away than required from the required 25’ Greenway setback, which will be closer in alignment with future adjacent developments.

Therefore, this guideline is met.

Issue B. Public Access: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the Willamette Greenway Plan.” These guidelines call for integration of the Greenway trail into new development, as well as the provision of features such as **view points**, plazas, or view corridors;

Guidelines:

- 1. Public Access.** New developments should integrate public access opportunities to and along the river into the design of the Project. This

includes the Greenway trail, formal viewpoints, access connections to the Greenway trail, and internal site pedestrian circulation.

Findings:

- A new pedestrian way is proposed at the north end of the subject site—part of a larger plaza and open space area that extends from NW Naito Pkwy to the Greenway trail. In addition, the revised design submitted to the Council on April 11, 2018 expands the proposed Greenway trail to a minimum of 20 feet in width.
- The Greenway trail segment that presently exists will be replaced by a much wider trail bordered by landscaping and seating on the landward side, and will continue through the subject site, as enhanced per the improvements noted above.
- No formal viewpoints are located on the subject site.
- Internal site pedestrian circulation is limited; however, connections from the Greenway trail to the retail/restaurant space and to the second floor roof terrace are proposed.

Therefore, this guideline is met.

2. Separation and Screening. The pedestrian circulation system, including Greenway trail, viewpoints, and trail access connections, should be designed to ensure adequate separation and screening from parking, loading, circulation routes, external storage areas, trash dumpsters, exterior vents, mechanical devices, and other similar equipment.

Findings:

- Parking, trash and recycling dumpsters, and loading are located within the building, away from the Greenway trail and other pedestrian circulation routes.
- The mechanical room at the southeast corner of the building, which faced the Greenway trail in the original proposal, is now located towards the interior of the building and has been replaced by two ground-level art studios that open onto the Greenway trail. This provides satisfactory separation and screening of this mechanical use from the Greenway trail.

Therefore, this guideline is met.

3. Signage. Access connections should be clearly marked.

Findings: No information is yet provided regarding signage to mark the connection from NW Naito Pkwy to the Greenway trail. Signage that denotes public access to the Greenway trail and which meets the Directional signs standard in Portland sign code section 32.32.030.H should be provided at both ends of the pedestrianway at the north end of the site.

With the condition of approval that signage denoting public access to the Greenway trail shall be placed at both ends of the pedestrianway and that

the signs shall meet the Directional signs standard in Portland sign code section 32.32.030.H, this guideline will be met.

4. Access to Water's Edge. Where site topography and conservation and enhancement of natural riverbank and riparian habitat allow, safe pedestrian access to the water's edge is encouraged as part of the Project.

Findings: Site topography does not allow for safe pedestrian access to the water's edge, due to the existing seawall.

Therefore, this guideline does not apply.

Issue C. Natural Riverbank and Riparian Habitat: This issue “applies to situations where the river bank is in a natural state, or has significant wildlife habitat, as determined by the wildlife habitat inventory.” These guidelines call for the preservation and enhancement of natural banks and areas with riparian habitat;

Guidelines:

1. Natural Riverbanks. The natural riverbank along the Willamette River should be conserved and enhanced to the maximum extent practicable. Modification of the riverbank should only be considered when necessary to prevent significant bank erosion and the loss of private property, or when necessary for the functioning of a river-dependent or river-related use.

Findings: No natural riverbank exists along the subject site, since the riverbank has been replaced with an existing seawall.

Therefore, this guideline does not apply.

2. Riparian Habitat. Rank I riparian habitat areas, as identified in the wildlife habitat inventory, should be conserved and enhanced with a riparian landscape treatment. Other riparian habitat should be conserved and enhanced through riparian landscape treatments to the maximum extent practical. Conservation however does not mean absolute preservation. Some discretion as to what vegetation should remain and what can be removed and replaced should be permitted. Riparian habitat treatments should include a variety of species of plants of varying heights that provide different food and shelter opportunities throughout the year.

Findings: The subject site is identified as having only Rank V habitat area and no Rank I habitat.

Therefore, this guideline does not apply.

Issue D. Riverbank Stabilization Treatments: This Issue “applies to all applications for Greenway Approval.” This guideline promotes bank treatments for upland developments that enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where possible;

Guidelines:

1. Riverbank Enhancement. Riverbank stabilization treatments should enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where practical. Areas used for river-

dependent and river-related industrial uses are exempted from providing public access.

Findings:

- The existing seawall along the river is proposed to remain. Public access to the river from the subject site is therefore precluded.
- Additional landscaping is proposed in pockets along the river side of the Greenway trail. Proposed species are not identified. Most of the area on the upland side of the Greenway setback is proposed to be developed; only an area at the southeast corner incorporates proposed landscaping.
- Existing invasive species on the riverbank will be removed and replaced by native species shrubs across the length of the site.

Therefore, this guideline is met.

Issue E. Landscape Treatments: This Issue “applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code.” This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or riverward of the Greenway Setback.

Guidelines:

1. Landscape Treatments. The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition area between a riparian treatment on the riverbank and a more formal treatment of the upland.

Findings:

- New landscape plantings are proposed at the top of the seawall. These are grouped into five discrete pockets—two on the riverward side of the Greenway trail and three on the landward side. These landscape pockets define an area of the Greenway for passive human use, with benches provided along portions of the pathway edge.
- New shrubbery is proposed at the base of the seawall, removing the invasive species currently-present and replanting with native species. (Some of the proposed species do not appear on the native plant list, however, and may need to be swapped out with other species to meet Greenway development standards. Ground cover may also be required to meet the standards.) These plantings will help to restore the more informal riparian area along the base of the seawall and will benefit wildlife as well as humans.

Therefore, this guideline is met.

2. Grouping of Trees and Shrubs. In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas for human use, and has the secondary value of increasing the value of the vegetation for wildlife.

Findings: New landscape plantings are proposed at the top and base of the seawall. Those at the top are grouped into five discrete pockets as described above. Trees are grouped into three of these landscape pockets, which also help to define the more-intensively used Greenway trail.

Therefore, this guideline is met.

3. Transition. The landscape treatment should provide an adequate transition between upland and riparian areas and with the landscape treatments of adjacent properties.

Findings: The transition between the upland and riparian areas of the Greenway is essentially delineated by the seawall on the subject site. Existing landscape in this area is defined by human intervention, thus any transition between riparian and upland habitat will be abrupt.

Therefore, this guideline does not apply.

Issue F. Alignment of Greenway Trail: This issue “applies to all applications for Greenway Approval with the Greenway trail shown on the property in the Willamette Greenway Plan.” These guidelines provide direction for the proper alignment of the Greenway trail, including special consideration for existing habitat protection and physical features in the area of the proposed alignment;

Guidelines:

1. Year-round Use. The Greenway trail should be located so as to be open for public use year round. The trail may be constructed along the top of bank, on a floating platform, or in a series of tiers adjacent to the river, provided that at least one of these levels will remain unsubmerged.

Findings: The proposed Greenway trail will be constructed at the top of an existing seawall, which forms the top of bank. Except during extreme flooding events, this trail will remain unsubmerged.

Therefore, this guideline is met.

2. Habitat Protection. The Greenway trail should be routed around smaller natural habitat areas to reduce the impact on the habitat area.

Findings: No natural habitat areas currently exist within the Greenway setback on the subject site, as the current setback is occupied by the existing Greenway trail and seawall.

Therefore, this guideline does not apply.

3. Alignment. The Greenway trail alignment should be sensitive to and take advantage of topographical and environmental features of the site, views of the river, existing and proposed vegetation, and sunlight.

Findings: The proposed Greenway trail alignment largely follows its existing position along the seawall on the east side of the site, though it is shifted closer to the wall to allow for additional opportunity for views of the river. Much as it exists today, the trail will terminate at the south

edge of the site. Here, however, the trail diverts landward from the river, responding to the existing top-of-bank condition on the adjacent site to the south, which cuts in landward from the seawall. The proposed alignment of the trail at this terminus sets up the potential for a (perhaps near) future trail extension on the adjacent property. This is revised from the original proposal which had the reconstructed Greenway trail terminate in its existing location, which limited future trail connections at the south end of the site and did not respond to the changing topographic conditions immediately to the south of the subject site.

At the north end of the Greenway trail, an angled planter helps to align pedestrian and bicycle traffic with the through-way portion of the existing Greenway trail to the north of the site, which has periodic planters located between the trail and the seawall edge.

Therefore, this guideline is met.

Issue G. Viewpoints: This issue “applies to all applications for Greenway Approval with a public viewpoint shown on the property in the Willamette Greenway Plan and for all applications proposing to locate a viewpoint on the property”. These guidelines provide direction about the features and design of viewpoints, as required at specific locations;

Findings: No viewpoints are identified on the subject site in the Willamette Greenway Public Access Map of the Willamette Greenway Plan.

Therefore, this guideline does not apply.

Issue H. View Corridors: This issue “applies to all applications for Greenway Approval with a view corridor shown on the property in the Willamette Greenway Plan.” These guidelines provide guidance in protecting view corridors to the river and adjacent neighborhoods;

Guidelines:

- 1. Right-of-way Protection.** View corridors to the river along public rights-of-way are to be protected. These rights-of-way should not be vacated.
- 2. View Protection.** Buildings, structures, or other features must be located to avoid blocking view corridors.
- 3. Landscape Enhancement.** Landscape treatments within view corridors should frame and enhance the view of the river.

Findings for 1, 2, & 3: No view corridors are identified on the subject site in the Willamette Greenway Public Access Map of the Willamette Greenway Plan.

Therefore, these guidelines do not apply.

B. River frontage lots in the River Industrial zone. In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

Findings: The subject site is not located in the River Industrial overlay zone.

Therefore, this criterion does not apply.

- C. Development within the River Natural zone.** The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

Findings: The subject site is not located in the River Natural overlay zone.

Therefore, this criterion does not apply.

- D. Development on land within 50 feet of the River Natural zone.** The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

Findings: The subject site is not located within 50 feet of the River Natural Overlay zone.

Therefore, this criterion does not apply.

- E. Development within the Greenway setback.** The applicant must show that the proposed development or fill within the Greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.

Findings: Reconstruction of the Greenway trail is proposed. No Rank I or Rank II wildlife habitat areas are identified on the subject site in the Lower Willamette River Wildlife Habitat Inventory.

Therefore, this criterion does not apply.

- F. Development riverward of the Greenway setback.** The applicant must show that the proposed development or fill riverward of the Greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;
2. The riverbank will be protected from wave and wake damage;
3. The proposal will not:
 - a. Restrict boat access to adjacent properties;
 - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - c. Interfere with fishing use of the river;
 - d. Significantly add to recreational boating congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

Findings for 1, 2, 3, & 4: The proposal does not include any development or fill riverward of the Greenway setback.

Therefore, these criteria do not apply.

G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection

Findings: The proposal is not located in the River Quality overlay zone.

Therefore, this criterion does not apply.

H. Mitigation or remediation plans. Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:

1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:
 - a. On site and as close as practicable to the area of disturbance;
 - b. Within the same watershed as the proposed use or development; and
 - c. Within the Portland city limits.
2. The applicant owns the mitigation or remediation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;
3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:
 - a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;
 - b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and
 - c. Contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

Findings: No mitigation or remediation plans are required.

Therefore, these criteria do not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

33.510.210.C – Bonus floor area options. The proposal’s program relies on achieving floor area bonuses totaling at least 177,780 square feet—which is equivalent to an additional FAR of approximately 2.24:1—for a total gross floor area of 305,936 square feet.

- Out of the total development program, the first 144,160 square feet are achieved through the 2:1 base FAR available for the 72,080-square foot site.
- Bonus floor area totaling an additional 2:1 FAR, or another 144,160 square feet, are achieved through the residential bonus provisions in section 33.510.210.C.1.a.(2), which allows an additional square foot of floor area for each square foot of floor area developed and committed as housing.
- Additional bonus floor area of at least 17,616 square feet must be earned to achieve the full development program. The applicants propose to earn additional bonus floor area through the eco-roof bonus provisions in section 33.510.210.C.10. This bonus option allows additional floor area of 2 square feet for every square foot of eco-roof, where the total area of eco-roof is at least 30% but less than 60% of the building’s footprint. The Bureau of Environmental Services has certified that a bonus of 33,620 square feet of floor area is earned.

Therefore, the proposed bonus floor area has been earned.

OTHER TECHNICAL REQUIREMENTS ISSUES RAISED THAT ARE NOT RELEVANT TO THE APPROVAL CRITERIA

Appellants and supporters of the appeal raised several issues that the City Council determines are not relevant to the Appeal.

1. Compliance with forthcoming Code Changes

Many comments addressed changes to the City Code that may occur through forthcoming Code revisions, including changes to the Comprehensive Plan and the Central City 2035 Plan. These plans are not effective, are not a part of the City’s Code, and are not approval criteria for the requested land use reviews. The City Council finds that all materials and changes contained in these planning documents are not relevant to the Appeal and are not approval criteria upon which the City Council must grant or deny the appeal.

Specifically, commenters asked the City Council to support the appeal and require the Applicant to reapply for the proposal under the forthcoming Code changes. Supporters suggested that this would impose a 50-foot minimum setback for the Greenway, would allow up to 250 feet in height for the Project (allowing a taller but thinner tower), and would require the inclusion of affordable housing in the Project. Commenters expressed a preference that the proposal be permitted under these forthcoming Code changes, rather than the Code in place on the date of the Project’s application.

The City Council finds that these arguments not relevant to the criteria applicable to its decision and, accordingly, do not form a legal basis for the City to grant the Appeal.

2. Inclusionary Housing Requirements.

Several commenters argued that the City Council should grant the appeal and require the Applicant to reapply for the land use review in order to impose the City’s new inclusionary housing requirements, which were enacted after the proposal’s application was filed. Under zoning code section 33.700.080, the regulations that apply to the proposal are those in effect on its application date, November 29, 2016. The

inclusionary housing requirements became effective on February 2, 2017 and do not apply to the proposal. The Applicant's failure to comply with regulations that are not applicable to the proposal is not a basis upon which the City Council can grant an appeal.

3. Market Rate Housing/ Price of Units.

Several commenters argued that the City Council should grant the Appeal because the proposal includes market rate apartment units that commenters characterized as "luxury" and "expensive," or not "affordable." Commenters did not provide evidence regarding the rental price for the proposal's units to support these characterizations. Regardless, the City Council finds that rental price of the proposal's units is not an approval criterion for the land use review and, accordingly, is not relevant to the City Council's decision.

4. Comparison to Other Approved Developments.

Several commenters argued that the Appeal should be granted because the proposal does not mimic certain features of other developments in the area. The City Council finds that while comparisons with other developments can provide examples of how design guidelines have been met in the past, the options selected by other buildings to meet the guidelines do not themselves become prescriptive (unless so stated by guidelines).

5. Statements Made by the Chair of the Design Commission in Proceedings Below.

Several commenters argued that the Appeal should be granted based on statements made by the Chair of the Design Commission during the Commission's deliberations. The City Council finds that the Chair's opinion and statements during proceedings do not carry any further weight than the options and statements of other Design Commissioners. The City Council is not required to invite or mandate any Design Commissioner to address the Council during its review of Design Commission decisions. The Chair of the Design Commission was allowed to provide testimony during the City Council's public hearing, as is the right of any Commission member or member of the public, and chose not to do so. This choice by a member of the Design Commission in no way invalidates the City Council's decision on this matter.

Other findings items:

North Pearl Plan:

The City Council finds that the relevant and applicable North Pearl District Plan's (NPDP) goals have been directly codified in the zoning code. To the extent that the NPDP includes other goals or recommendations, the City Council interprets its Code to exclude these goals and recommendations. Zoning code section 33.510.205.H.1 includes the following language regarding height in the North Pearl Subarea:

Purpose. In the North Pearl Subarea, additional building height may be appropriate to support the goals of the North Pearl Plan. The regulations of this subsection:

- Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the Central City;

- Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;
 - Encourage the development of taller buildings that may accommodate a range and diversity of land uses;
 - Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;
 - Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm; and
 - Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.
- Additionally, along the waterfront of the North Pearl Subarea the regulations of this subsection also:
- Increase access to sunlight along the Greenway and within public and private open space areas developed along the waterfront;
 - Develop a dense, active urban waterfront with a vibrant public realm;
 - Work with the open area and waterfront development provisions of the North Pearl Subarea in the creation of well-designed public and private urban open space amenities;
 - Facilitate visual and physical access to and along the riverfront for all members of the public;
 - Create expanded opportunities for views of the river as viewed from Naito Parkway and Front Avenue, landward portions of the subarea, and locations west of the subdistrict; and
 - Ensure bonus height granted to sites adjacent to the Fremont Bridge does not significantly affect views of or diminish the aesthetic qualities of the bridge or its iconic stature in the Portland skyline.

The City Council finds that these Goals of the NPDP are the only relevant goals that may be considered in determining if a proposal warrants additional height.

IV. CITY COUNCIL DECISION

It is the decision of the City Council to deny the appeal of the Design Commission decision (LU16-278621 DZM GW) and approve the Design Review and concurrent Greenway Review for the proposed 17-story, approximately 305,936 square foot mixed-use building with a retail/restaurant space on the ground floor and residential on the upper stories in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District, as modified by and subject to the revised design materials submitted by the Applicant on April 11, 2018, April 18, 2018, and May 9, 2018;

Approval of the following Modification requests:

- 1) 33.140.210.B.2 – Height: To allow rooftop mechanical equipment and screening to extend above the height limit of 175' (per the North Pearl Subarea height opportunity area standards), to be located closer than 15' to the roof edges on street-facing facades and to cover more than 10% of the roof area. The proposed mechanical screen will enclose 73% of the tower roof area and will extend up to the parapet of the tower in some locations.
- 2) 33.510.205.H.2.c – North Pearl Subarea height opportunity area:
 - To allow the height of the building to be 175'-0", exceeding the maximum allowed base height of 100'-0"; and,

- To allow the length of facades above 100' to exceed 120' in length. Proposed façade length on the east and west facades of the building is 125'-2". Proposed façade length on the north and south facades of the building is 142'-8".
- 3) 33.510.251.C.3 – Required open area development standards, Shadow standard: To allow more than 50% of the plaza area on the north side of the site to be covered by shadows at noon on April 21st of any year, not including shadows from trees. Approximately 78% of the plaza will be in shadow at noon.
- 4) 33.510.251.D.3.b & c – North Pearl Subarea waterfront development standards:
 - b. Setbacks for all development from the Willamette River: To allow portions of the building over 35' in height to extend into the setback area, which requires the building to be set back from the Greenway setback line by 1' for every 1' of height above 35'. (These portions of the building are not yet clearly identified on the plan drawings.)
 - c. Maximum building dimension: To allow the building dimension to be 217'-3" in the east-west direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.
- 5) 33.140.240.B.4 – Pedestrian Standards, EG1 and EX zones: To allow landscaping between the sidewalk and the building along NW Naito Parkway to be planted with groundcover and other low plants, which is less than the required L1 landscaping standard that requires trees to be planted in addition to groundcover.
- 6) 33.266.130.G.2.c – [Parking Area] Setbacks: To allow required landscaping between the south lot line and the driveway leading from NW Naito Pkwy to the structured parking garage to be screened with 3-foot tall evergreen shrubs for a portion of its length and with a 3-foot tall concrete wall for the rest of its length instead of the required L2 landscaping (which consists of trees, shrubs, and ground cover). The proposed planted area will be 2 feet in width instead of the required 5-foot width.

Approvals per Exhibits C.1-C.119, signed, stamped, and dated December 22, 2017 or May 31, 2018, and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through I) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-278621 DZM GW". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. The glazing at the ground floor of the west and south elevations shall be clear glass rather than fritted glazing.
- E. The storefront glazing at the FCC room and fire riser room on the north elevation shall be composed of translucent glass.

- F. Exposed metal panel attachments shall be finished to be the same color as the metal panel.
- G. Exposed fasteners used with the fiber cement panel system shall be prefinished by the manufacturer to match the color of the panels, and the concealed fasteners used with the fiber cement panel system shall be attached entirely from the back side of the panel via a clip or similar system.
- H. The proposed retail/restaurant space at the northeast corner of the ground floor of the building shall remain in a Retail Sales & Services use for the life of the building.
- I. Signage denoting public access to the Greenway trail shall be placed at both ends of the pedestrian way, and the signs shall meet the Directional Signs standard in Portland sign code section 32.32.030.H.

APPEAL INFORMATION

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 503-373-1265 for further information on filing an appeal.

EXHIBITS NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Drawing Set
 - 2. Project Narrative, dated and received 01/30/2017
 - 3a. Letter requesting to deem the application complete, received 05/24/2017
 - 3b. Letter requesting to postpone scheduling the Design Review hearing, received 05/25/2017
 - 4. Site Plan Study, dated and received 06/15/2017
 - 5. Site Plan Study, received 06/21/2017
 - 6. Revised Drawing Set, dated and received 07/21/2017
 - 7. Revised Narrative, dated and received 07/21/2017
 - 8. Geotechnical Report, dated 03/22/2017 and received 07/21/2017
 - 9. Revised Drawing Set (sent to Design Commission), dated 09/28/2017 and received 09/08/2017
 - 10. Revised Narrative (sent to Design Commission), dated 09/07/2017 and received 09/08/2017
 - 11. Stormwater Report, dated 09/07/2017 and received 09/08/2017
 - 12. Eco-roof Documentation, received 09/15/2017
 - 13. Revised Building Elevations, received 09/19/2017
 - 14. Public comments + applicant responses, received 09/21/2017
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 01. *Not used.*
 - 02. Site Plan (attached)
 - 03. Floor Plan – Level P1
 - 04. Floor Plan – Level 01
 - 05. Floor Plan – Level 02
 - 06. Floor Plan – Level 03-05

07. Floor Plan – Level 06
08. Floor Plan – Level 07
09. Floor Plan – Level 08
10. Floor Plan – Level 09
11. Floor Plan – Level 10-17
12. Roof Plan
13. Building Elevations - North (attached)
14. Building Elevations – West (attached)
15. Building Elevations - South (attached)
16. Building Elevations – East (attached)
17. Building Elevations - Courtyard
18. Building Elevations - North - B/W
19. Building Elevations - West - B/W
20. Building Elevations - South - B/W
21. Building Elevations - East - B/W
22. Building Elevations - Courtyard - B/W
23. *Not used.*
24. Building Section E/W
25. Building Section N/S
26. Street-Level Elevation – North
27. Street-Level Elevation – West
28. Street-Level Elevation – South
29. Street-Level Elevation – East
30. *Not used.*
31. NW Corner
32. North Entrance
33. NW Corner – North Facade
34. NW Corner – West Facade
35. West Entrance
36. West Facade Canopy
37. Garage Entrance
38. Southeast Corner
39. Restaurant East Patio
40. Restaurant Entrance
41. Roof Terraces – Level 7 & 9
42. Podium Parapet
43. Tower Parapet
44. Balconies
45. Details
46. Details
47. Details
48. Details
49. Details
50. Details
51. Details
52. Details
53. Details
54. Details
55. Details
56. Details
57. Details
58. Details
59. *Unnamed. [Details]*
60. Zone Diagram
61. Site Level - Landscape Plan

62. *Unnamed. [Plaza diagram]*
63. Entry Court – Site Materials, Furnishings & Planting
64. Entry Court – Sections | Elevations
65. Entry Court – Sections
66. Greenway – Site Materials, Furnishings & Planting
67. Right of Way – Existing and Proposed
68. Level 02 – Landscape Plan
69. Level 02 – Materials, Furnishings & Planting
70. Level 02 – Section and Precedents
71. Overlook - Landscape Plan
72. Overlook – Materials, Furnishings & Planting
73. Overlook – Section and Precedents
74. The Nest - Landscape Plan
75. The Nest – Materials, Furnishings & Planting
76. The Nest – Section Looking North
77. The Nest - Precedents
78. Existing Conditions
79. Site Plan
80. Grading and Erosion Control Plan
81. Utility Plan
82. Exterior Lighting
83. Lighting Cutsheet
84. Lighting Cutsheet
85. Building Materials
86. Cutsheet – Fiber Cement Panel
87. Cut Sheet - Brick
88. Cutsheet – Ribbed Metal Panel
89. Cut Sheet – Composite Metal Panel
90. Cutsheet – Window Wall / Storefront / Louvers
91. Cut Sheet – Curtainwall
92. Cut Sheet – Sliding Door
93. Cutsheet – Tinted Glass
94. Cut Sheet – Clear Glass
95. Cutsheet – Garage Door
96. Cut Sheet – Long Term / Short Term Bike Racks
97. Cutsheet - Transformers
98. Signage
99. Greenway – Technical Planting Plan
100. Greenway – Multi-Path Dimensions and Adjustments
101. Zoning Standards - FAR (Sheet App.34)
102. Zoning Standards – FAR (Sheet App.35)
103. Zoning Standards: Open Space & Plazas (Sheet App.36)
104. Zoning Standards - Bicycle Parking & Loading (Sheet App.39)
105. Zoning Standards – Bike Rack in Typical Units (Sheet App.40)
106. Modifications (Sheet App.42)
107. Proposed evergreen plantings in response to Modification #6 *[Formerly identified as Modification #7]*
108. Level 02 – Technical Planting Plan
109. Level 02 – Technical Irrigation Plan
110. Overlook – Technical Planting Plan
111. Overlook – Technical Irrigation Plan
112. The Nest – Technical Planting Plan
113. The Nest – Technical Irrigation Plan
114. Roof – Technical Planting Plan
115. Roof – Technical Irrigation Plan

116. Details – Trees and Shrubs on Grade
117. Details – Trees and Shrubs on Structure
118. Details – Ecoroof
119. Planting and Maintenance
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant’s statement certifying posting, received 08/28/2017
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
 1. Bureau of Environmental Services comment
 2. Fire Bureau
 3. Bureau of Parks, Forestry Division
 4. Life Safety Review Section of BDS
 5. Bureau of Transportation Engineering
 6. Bureau of Environmental Services formal response
 7. Water Bureau
- F. Letters
 1. Theodore Zava, 08/23/2017, email in opposition
 2. Suzanne Gaudina, 08/24/2017, email in opposition
 3. Glenn Traeger, 08/31/2017, email asking for copy of narrative and clarifications
 4. Glenn Traeger, 09/10/2017, email discussing past planning efforts
 5. Tiffany Sweitzer, 09/12/2017, email asking for clarifications
 6. David Dysert, 09/18/2017, three emails, two asking for clarifications, another with comments
 7. David Dysert, 09/21/2017, email asking for clarifications
 8. David Dysert, 09/25/2017, email asking for clarifications
 9. David Dysert, PDNA Planning and Transportation Committee Co-Chair, 09/25/2017, letter with concerns, neither for nor against proposal
 10. Yoshio Kurosaki, 09/27/2017, letter with concerns about proposal
- G. Other
 1. Original LUR Application
 2. Pre-application Conference Summary (EA 16-262122 PC)
 3. Design Advice Request Summary (EA 17-148879 DA)
 4. Signed 120-Day Waiver
 5. Incomplete Application Letter
 - 5a. Letter to applicants regarding upcoming application expiration date, sent 04/27/2017
 6. Email from staff re: garage and loading access door, greenway trail and required open space, and greenway review, sent 07/10/2017
 7. Email from staff re: garage door location, sent 07/10/2017
 8. Email string between staff and applicants re: site area and property boundary, dated 07/28 – 08/02/2017
 9. Email from staff re: notes on drawing set and modification requests, sent 08/11/2017
 10. Copy of Driveway Design Exception approval from PBOT, dated 08/07/2017 and received 08/15/2017
 11. Email from staff re: design comments & utility vault info, sent 08/24/2017
 12. Email string between applicants and staff re: utility vault issues, dated 08/31 – 09/01/2017
 13. Email from BES re: eco-roof floor area bonus, received 09/15/2017
 14. Email string between staff and applicants re: bureau comments received, dated 09/15/2017

15. Email from applicants re: summary of neighborhood association meeting, received 09/20/2017
16. Original Staff Report, issued 09/22/2017
17. Staff memo to Design Commission, issued 09/22/2017

H. Hearing

[Exhibits submitted at the September 28, 2017 Design Commission hearing]

1. Revised Staff Report, issued 09/28/2017
2. Staff Presentation to the Design Commission, 09/28/2017
3. Applicant's Presentation to the Design Commission, 09/28/2017
4. Testimony Sign-in Sheet from 09/28/2017 Design Commission hearing
5. Photos, plan, and code sheet submitted as part of testimony at the 09/28/2017 Design Commission hearing

[Exhibits submitted after the September 28, 2017 Design Commission hearing]

6. Email between David Dysert and staff, 09/29 – 10/03
7. Email comments from David Dysert and staff response, 10/04/2017
8. Email chain between applicants and staff re: Top of Bank, 10/03/2017
9. Email chain between applicants and staff re: underground vaults and rescheduling hearing, 10/10 – 10/11/2017
10. Email chain between applicants and staff re: underground vaults and Greenway setback issues, 10/17 – 11/06/2017
11. Email from the Site Development Section of BDS re: flood protection elevation and garage entrance, 11/03/2017
12. Revised Drawing Set, received 11/03/2017 and dated 11/16/2017
13. Revised Eco-roof Diagrams, 11/03/2017
14. Email chain between applicant and staff re: top of bank, 11/06 – 11/07/2017
15. Site Development Section of BDS response, 11/06/2017
16. Revised Drawing Set, received 11/07/2017 and dated 11/16/2017
17. Technical Planting Plan – received 11/07/2017
18. Email between David Dysert and staff, 11/07 – 11/09/2017
19. Email chain between PBOT and development team re: underground utility vault, 11/08 – 11/09/2017
20. Revised Site Development Section of BDS response, 11/08/2017
21. Revised eco-roof diagrams, 11/09/2017
22. PBOT memo re: lack of support for the proposal, 11/09/2017
23. Ecoroof FAR Bonus Letter of Certification, 11/09/2017
24. Staff Memo to Design Commission, 11/09/2017
25. Email testimony from Glenn Traeger, in opposition, 11/12/2017
26. Email comments from David Dysert, 11/15/2017

[Exhibits submitted at the November 16, 2017 Design Commission hearing]

27. Staff Presentation to Design Commission, 11/16/2017
28. Applicants' Presentation to Design Commission, 11/16/2017
29. Guidelines Matrix presented to Design Commission, 11/16/2017
30. Testimony Sign-in Sheet from 11/16/2017 Design Commission hearing

[Exhibits submitted after the November 16, 2017 Design Commission hearing]

31. Email between applicants and staff re: Nov 16, 2017 hearing and design revisions, 11/17 – 11/20/2017

32. Email comments from David Dysert and staff responses, re: procedure and North Pearl standards, 11/20/2017
33. Email between applicants and staff re: design revisions, 11/21/2017
34. Email between applicants and staff re: Modification #7, 11/21 - 11/22/2017
35. Massing Design Studies, 11/22/2017
36. Email testimony from Kurt Sorensen, in opposition, 11/26/2017
37. Applicant response to written testimony, 11/27/2017
38. Email from applicant re: revised eco-roof diagrams, 11/27/2017
39. Revised Ecoroof FAR Bonus Letter of Certification, 11/27/2017
40. *Not used.*
41. Revised Applicants' Narrative, 11/28/2017
42. Revised Drawing Set, received 11/28/2017 and dated 11/30/2017
43. PBOT Memo – recommending support, 11/28/2017
44. Email from applicants re: short- and long-term bike parking revisions and standards, 11/28 – 11/29/2017
45. Email testimony from Sharon Ruhwedel, in opposition, 11/28/2017
46. Email testimony from Jane Pedrick, in opposition, 11/28/2017
47. Email testimony from Christoph & Lori Lebl, in opposition, 11/28/2017
48. Email testimony from Jenni Leasia, in opposition, 11/28/2017
49. Email from applicants re: planting proposal for Modification #7, 11/28/2017
50. Email testimony from Lloyd Taylor, in opposition, 11/29/2017
51. Email testimony from Lianne Bannow, in opposition, 11/29/2017
52. Email testimony from M. David Green & Julie Howell Green, in opposition, 11/29/2017
53. Email testimony from Diana Hiros, in opposition, 11/29/2017
54. Email testimony from Harry and Lynn Kingston, in opposition, 11/29/2017
55. Email testimony from Jim Motroni, in opposition, 11/29/2017
56. Email testimony from Richard M. Rogers and Tricia Vakknen-Rogers, in opposition, 11/29/2017
57. Email testimony from Dan McNair, in opposition, 11/29/2017
58. Email testimony from Pat Roberts, in opposition, 11/30/2017
59. Email comment from David Dysert, 11/30/2017
60. Email testimony from Richard M. Rogers and Tricia Vakknen-Rogers, in opposition, 11/30/2017
61. Email testimony from Geri Marz, in opposition, 11/30/2017

[Exhibits submitted at the November 30, 2017 Design Commission hearing]

62. Email testimony from Luanne Zoller, in opposition, 11/30/2017
63. Staff Memo to the Design Commission, 11/22/2017
64. Revised Staff Report, dated 11/30/2017
65. Applicant's Presentation, 11/30/2017
66. Testimony Sign-in Sheet from the 11/30/2017 hearing
67. Written testimony submitted by Richard M. Rogers and Tricia Vakknen-Rogers, in opposition, 11/30/2017
68. Written testimony submitted by Lawrence F. Mazer, in opposition, 11/30/2017
69. Written testimony submitted by Kurt Sorensen, in opposition, 11/30/2017

[New Exhibits, submitted after the November 30, 2017 Design Commission hearing and before Noon on 12/08/2017]

70. Email testimony from Lawrence F. Mazer, testimony in opposition, 12/04 & 12/05/2017
71. Email testimony from Ellen Drumheller, testimony in opposition, 12/05/2017

72. Emailed letter from David Dysert, Pearl District Neighborhood Association Planning & Transportation Committee Co-chair, testimony in favor with conditions, 12/05/2017
73. Email testimony from Larry Mazer, follow-up testimony, 12/07/2017
74. Greenway – Multi-Path Dimensions and Adjustments plan, received 12/08/2017
75. Revised Site Plan, received 12/08/2017

[Responses to New Exhibits, submitted before Noon on 12/15/2017]

76. Email testimony from George Galster, in opposition, 12/11/2017
77. Design Packet Sheets App 44 Greenway Setback Comparison with Nearby Buildings, App 45 Greenway Sections at Various Widths, App. 46 Building Length Modification Comparison, C.100 Greenway Multi-path Dimensions & Adjustments, 12/14/2017
78. Applicant's Written Response to New Evidence, 12/14/2017
79. Response from Portland Parks & Recreation, 12/15/2017
80. Emailed letter from Stanley Penkin, Pearl District Neighborhood Association President, testimony amending Exhibit H-72 to oppose the proposal, 12/15/2017

[Applicants' Final Rebuttal, submitted before 5:00pm on 12/18/2017]

81. Applicant's Written Response to New Evidence, 12/18/2017
82. Revised Staff Report, dated 12/20/2017
83. Revised Staff Report, dated 12/21/2017

I. Appeal

[Evidence received before the first City Council appeal hearing on February 21, 2018]

1. Final Findings and Decision of the Design Commission, sent 12/28/2017
2. Appeal Statement and Appeal Form, received 01/11/2018 at 4:22pm
3. Email testimony from Nancy Hogarth, in favor of appeal, 01/19/2018
4. Mailed Notice of Appeal, sent 01/22/2018
5. Notice of Appeal Mailing List
6. Email testimony from Frederick Freymuller, in favor of appeal, 01/24/2018
7. Revised Notice of Appeal, sent 01/30/2018
8. Revised Notice of Appeal Mailing List
9. Email testimony from Lloyd and Catherine Taylor, in favor of appeal, 02/04/2018
10. Written testimony from Jane Pedrick, in favor of appeal, 02/05/2018
11. Email chain between staff and Bonnie Chiu, re: revised greenway drawings, 02/06/2018
12. CAB briefing packet, 02/07/2018
13. City Council packet, 02/08/2018
14. Email testimony from Teresa McGrath and Nat Kim, in favor of appeal, 02/09/2018
15. Email comments from Elizabeth Hawthorne, 02/15/2018
16. Staff Memo to Council, sent 02/16/2018
17. Email testimony from Bob Shotland, in favor of appeal, 02/19/2018
18. Email testimony from Aaron Brown, in opposition to appeal, 02/20/2018

19. Email testimony from Doug Klotz, in opposition to appeal, 02/20/2018
20. Email testimony from Tony Jordan, in opposition to appeal, 02/20/2018
21. Email testimony from Allison J. Reynolds and Stephen L. Pfeiffer, in opposition to appeal, 02/20/2018
22. Email testimony from Tim Davis, in opposition to appeal, 02/20/2018
23. Email testimony from Tyler Woodard, in opposition to appeal, 02/20/2018
24. Email testimony from Daniel R. Miller, in opposition to appeal, 02/20/2018
25. Email testimony from Abraham N. Rodriguez, in opposition to appeal, 02/20/2018
26. Email testimony from Alan Kessler, in opposition to appeal, 02/20/2018
27. Email testimony from Reza Farhoodi, in opposition to appeal, 02/21/2018
28. Email testimony from Lee Novak, in opposition to appeal, 02/21/2018
29. Email testimony from Kristine Sarles, in favor of appeal, 02/21/2018
30. Email comments regarding public discourse from David Dysert, 02/21/2018
31. Email testimony from Andrew Parish, in opposition to appeal, 02/21/2018
32. Email testimony from Ed O'Rourke, in favor of appeal, 02/21/2018
33. Email testimony from Evan Heidtmann, in opposition to appeal, 02/21/2018
34. Email testimony from Charles Tso, in opposition to appeal, 02/21/2018
35. Email testimony from Tracy Prince, in favor of appeal, 02/21/2018
36. Additional Documents for City Council Record, including a written transcript of the three Design Commission hearing and the Portland River District System Urban Design Framework Study, from Allison Reynolds, 02/21/2018
37. Email testimony from Stephen Judkins, in opposition to appeal, 02/21/2018

[Evidence received during the first City Council hearing on February 21, 2018]

38. Staff Presentation to Council, 02/21/2018
39. Appellant Presentation to Council, 02/21/2018
40. Applicant's Presentation to Council, 02/21/2018
41. Written testimony from George Galster, in favor of appeal,
42. Proposed sustaining the appeal of Pearl District Neighborhood Association from Jeffery Kleinman, 02/21/2018
43. Written Testimony from Larry Mazer, 02/21/2018
44. Written Testimony from Michael Roberts, 02/21/2018
45. Email exchange among Tim Wybenga, John Hollister, and PDNA Board, submitted as evidence on 02/21/2018
46. John Hollister's Presentation to Council, 02/21/2018
47. Response to New Evidence from Tim Wybenga, TVA Architects, submitted by John Hollister, 02/21/2018
48. Written testimony from Brooks Hickerson, in favor of appeal, 02/21/2018
49. Email attachment with Brooks Hickerson Exhibit, submitted on 02/21/2018
50. Written testimony from Glenn Traeger, in favor of appeal, 02/21/2018
51. Written testimony from Stan Penkin, in favor of appeal, 02/21/2018
52. Written testimony from Kurt Sorensen, in favor of appeal, including drawings regarding FAR, 02/21/2018
53. Written testimony from Sally Mize, in favor of appeal, 02/21/2018
54. Written testimony from Alan Potts, in favor of appeal, 02/21/2018
55. Written testimony from Patricia Gardner, in opposition to appeal, 02/21/2018

56. Testimony sign-in sheet for the Appeal of Pearl District Neighborhood Assoc. Fremont Apartments, 02/21/2018

[Evidence received after the first City Council hearing on February 21, 2018 with the record held open until February 28, 2018]

57. Email testimony from Alisa Pyszka, in opposition to appeal, 02/21/2018
58. Written testimony from Sam Stuckey, in opposition to appeal, 02/21/2018
59. Written testimony from Madeline Kovacs, Portland for Everyone, in opposition to appeal, 02/21/2018
60. Email correspondence between staff and John Hollister regarding questions about PZC 33.930.025 and setting up a meeting time, 02/22/2018
61. Email testimony from Stan Penkin, in favor of appeal, 02/23/2018
62. Email testimony from Mary Ann Schwab, 02/26/2018
63. Written testimony from Glenn Traeger, in favor of appeal, 02/27/2018
64. Email testimony from Lawrence F. Mazer, 02/27/2018
65. Email testimony from Peter Gramlich, in favor of appeal, 02/28/2018
66. Email testimony from George Galster, in favor of appeal, 02/27/2018
67. Email testimony from Kurt Sorensen, in favor of appeal, 02/27/2018
68. Email testimony from John Hollister regarding minority position representation at appeal hearing, 02/28/2018
69. Email from John Hollister requesting an acknowledge receipt, no attachment, 02/28/2018
70. Email testimony from John Hollister, in favor of appeal, 02/28/2018
71. Email from John Hollister with attachment detailing exhibits to be entered into the record from Jeffery L. Kleinman, 02/28/2018
72. Applicant's First Open Record Period Submittal and email correspondence from applicant to staff, 02/28/2018
73. Email testimony from Mary Ann Schwab, in favor of appeal, 02/28/2018

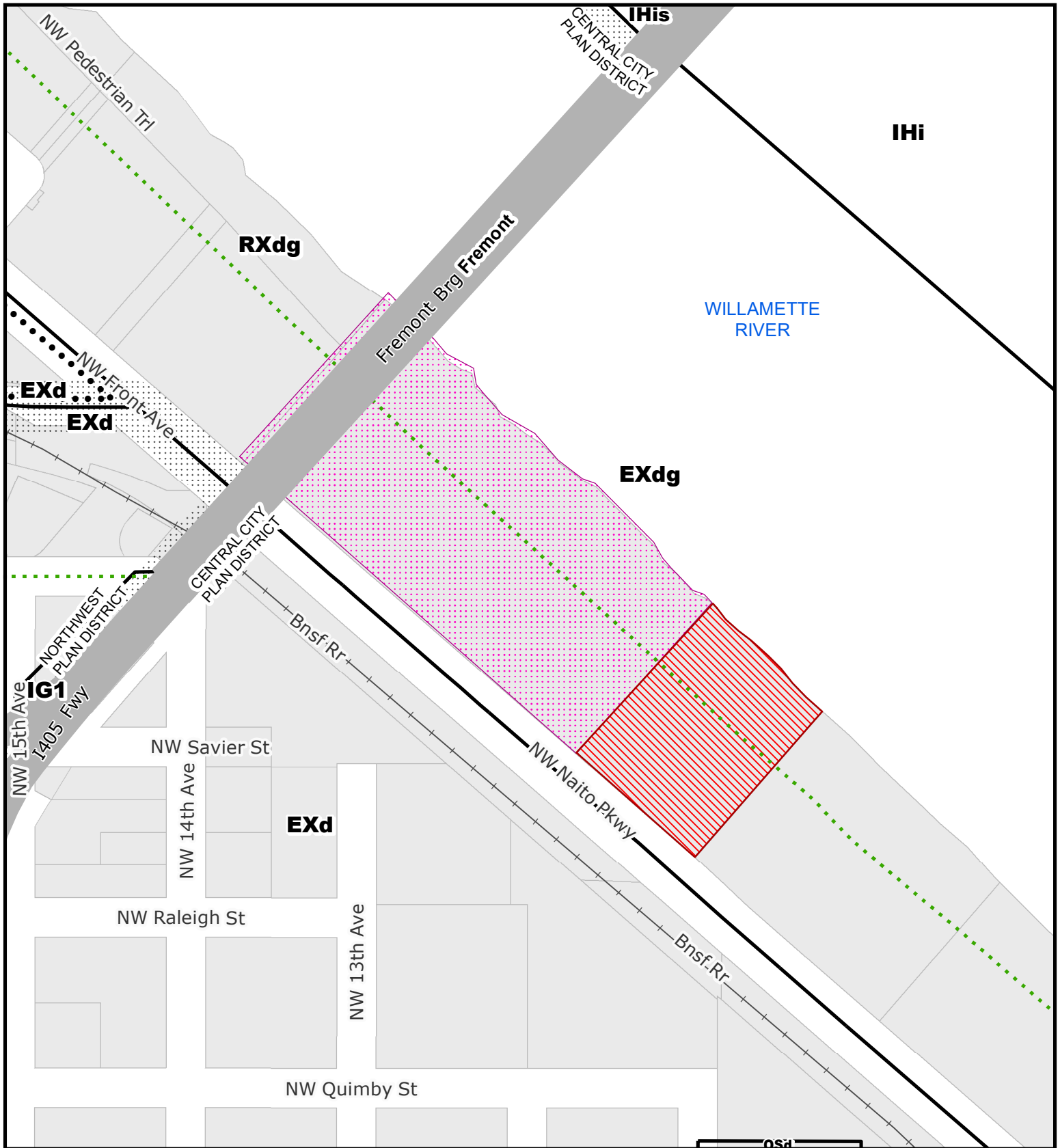
[Rebuttal evidence allowed until March 6, 2018]

74. Applicant's final rebuttal testimony, 03/06/2018
75. Appellants rebuttal testimony, 03/06/2018

[Evidence received after City Council reopened the record on April 4, 2018]





76. Memo from Applicants re: Fremont Apartment Project Design Revisions, 04/11/2018
77. Fremont Place Proposed Design Revisions, 04/11/2018
78. Appendix: Additional Information, 04/11/2018
79. Memo from Applicants re: Fremont Apartments Revised Design, 04/18/2018
80. Mailed Notice of Continued Appeal Hearing, 04/18/2018
81. Email from BPS staff explaining zoning, views, and intent in the North Portland District Plan (2008), 04/19/2018
82. CAB Briefing Packet, 04/20/2018
83. Email from Portland Parks and Recreation staff regarding questions related to the Greenway, 04/24/2018

84. Written Testimony from Portland Parks & Recreation, in favor of revised proposal and two additional considerations, 04/24/2018
85. Written testimony from Stanley Penkin, Pearl District Neighborhood Association, in support of the revised greenway plans, 04/27/2018
86. Revised Ecoroof FAR Bonus Letter of Certification from BES, 05/03/2018
87. Email testimony from Jeffrey Kash, 05/07/2018
88. Fremont Apartments Revised Sheets and Fremont Apartments Technical Landscape Plans, 05/09/2018
89. Staff Memo to City Council, 05/09/2018
90. City Council Packet, 05/10/2018
91. Staff Presentation to Council, 05/10/2018
92. Council Testimony Sign-up Sheet, 05/10/2018

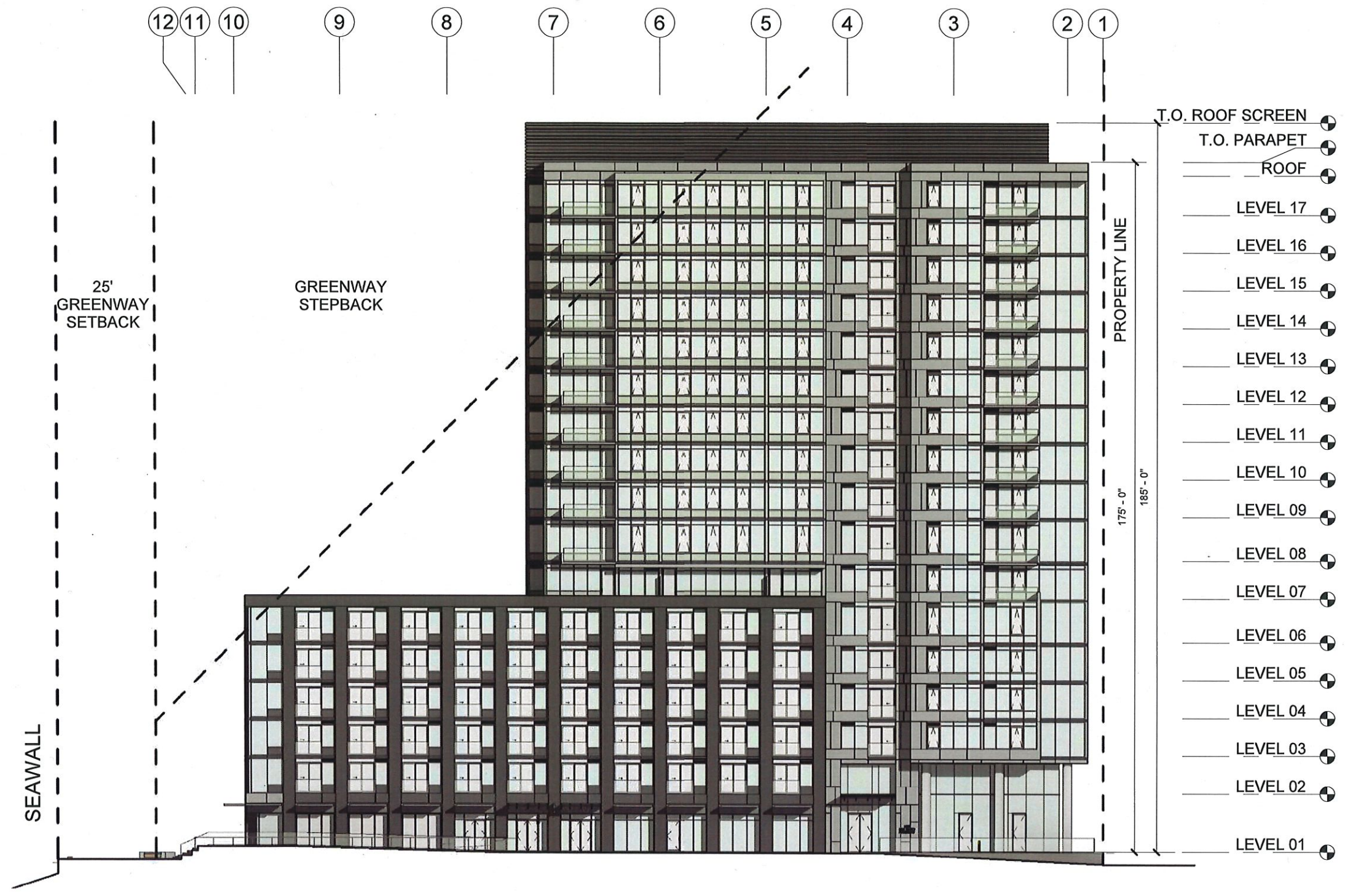


ZONING



-  Bridge
-  Recreational Trails
-  Site
-  Also Owned Parcels

File No.	LU 16-278621 DZM GW
1/4 Section	2828
Scale	1 inch = 200 feet
State ID	1N1E28DD 400
Exhibit	B Aug 16, 2017

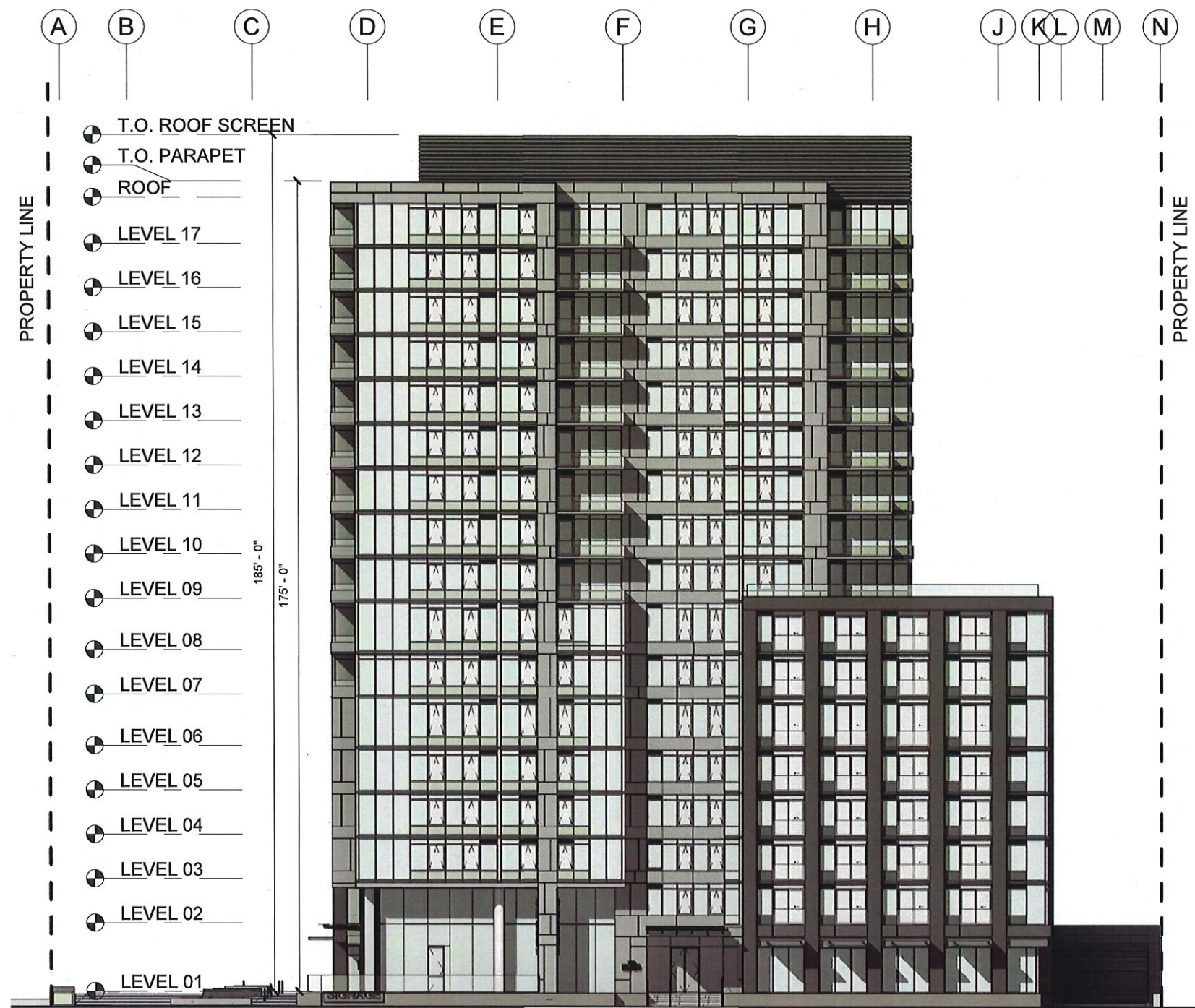


- MATERIALS LEGEND - COLOR**
- GLASS - CLEAR
 - GLASS - SPANDREL - LIGHT
 - GLASS - SPANDREL - DARK
 - FLAT METAL PANEL - LIGHT
 - FLAT METAL PANEL - DARK
 - RIBBED METAL PANEL
 - FIBER CEMENT PANEL - LIGHT
 - FIBER CEMENT PANEL - DARK
 - BRICK
 - BOARD-FORMED CONCRETE

① BUILDING ELEVATION - NORTH
1" = 30'-0"



Approved
City of Portland - Bureau of Development Services
Planner *Benjamin* Date *05/31/2018*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

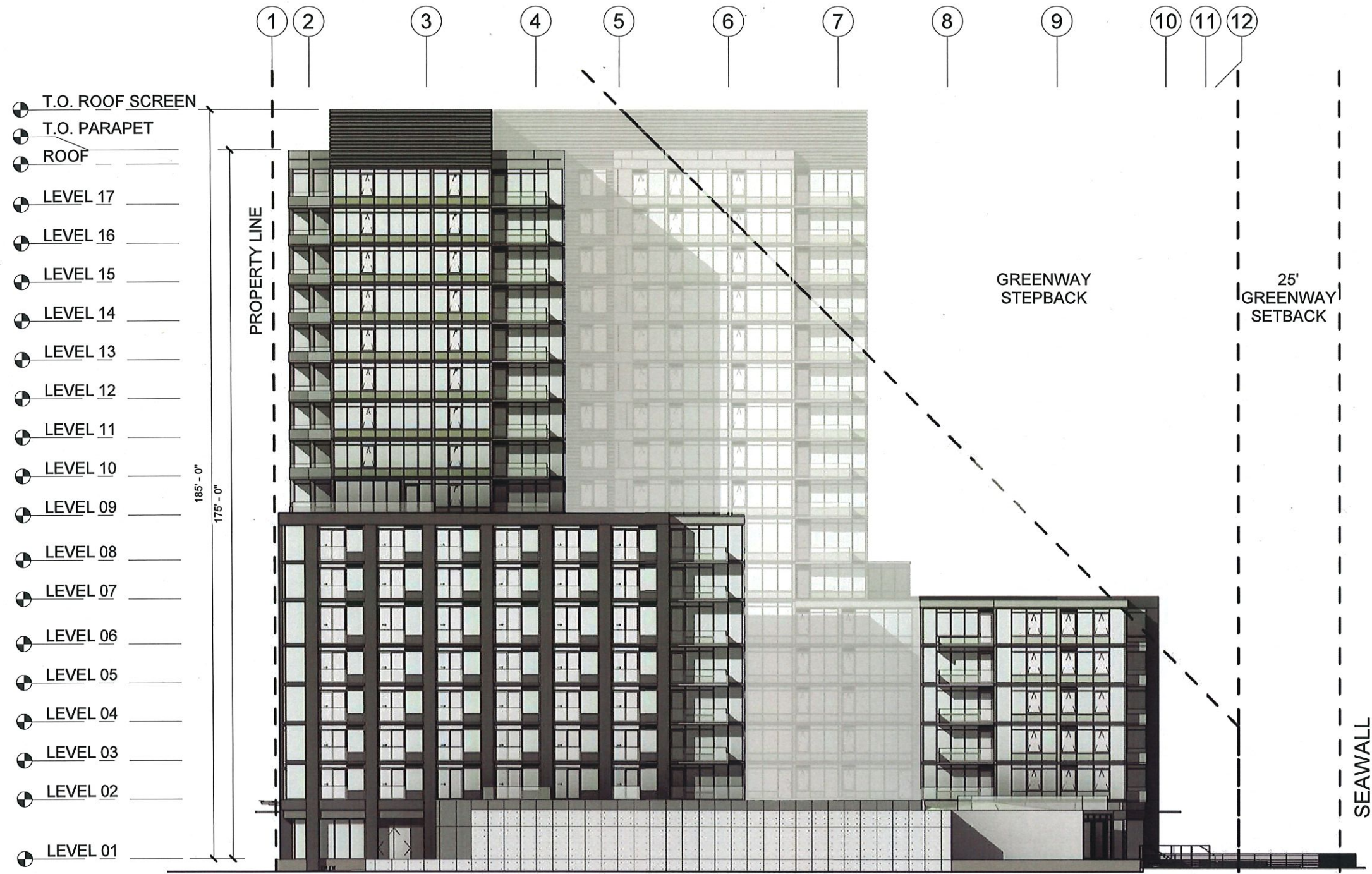


- MATERIALS LEGEND - COLOR**
- GLASS - CLEAR
 - GLASS - SPANDREL - LIGHT
 - GLASS - SPANDREL - DARK
 - FLAT METAL PANEL - LIGHT
 - FLAT METAL PANEL - DARK
 - RIBBED METAL PANEL
 - FIBER CEMENT PANEL - LIGHT
 - FIBER CEMENT PANEL - DARK
 - BRICK
 - BOARD-FORMED CONCRETE

① BUILDING ELEVATION - WEST
1" = 30'-0"



Approved
 City of Portland - Bureau of Development Services
 Planner Benjamin E. M. Date 05/31/2018
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



- MATERIALS LEGEND - COLOR**
- GLASS - CLEAR
 - GLASS - SPANDREL - LIGHT
 - GLASS - SPANDREL - DARK
 - FLAT METAL PANEL - LIGHT
 - FLAT METAL PANEL - DARK
 - RIBBED METAL PANEL
 - FIBER CEMENT PANEL - LIGHT
 - FIBER CEMENT PANEL - DARK
 - BRICK
 - BOARD-FORMED CONCRETE

① BUILDING ELEVATION - SOUTH
1" = 30'-0"

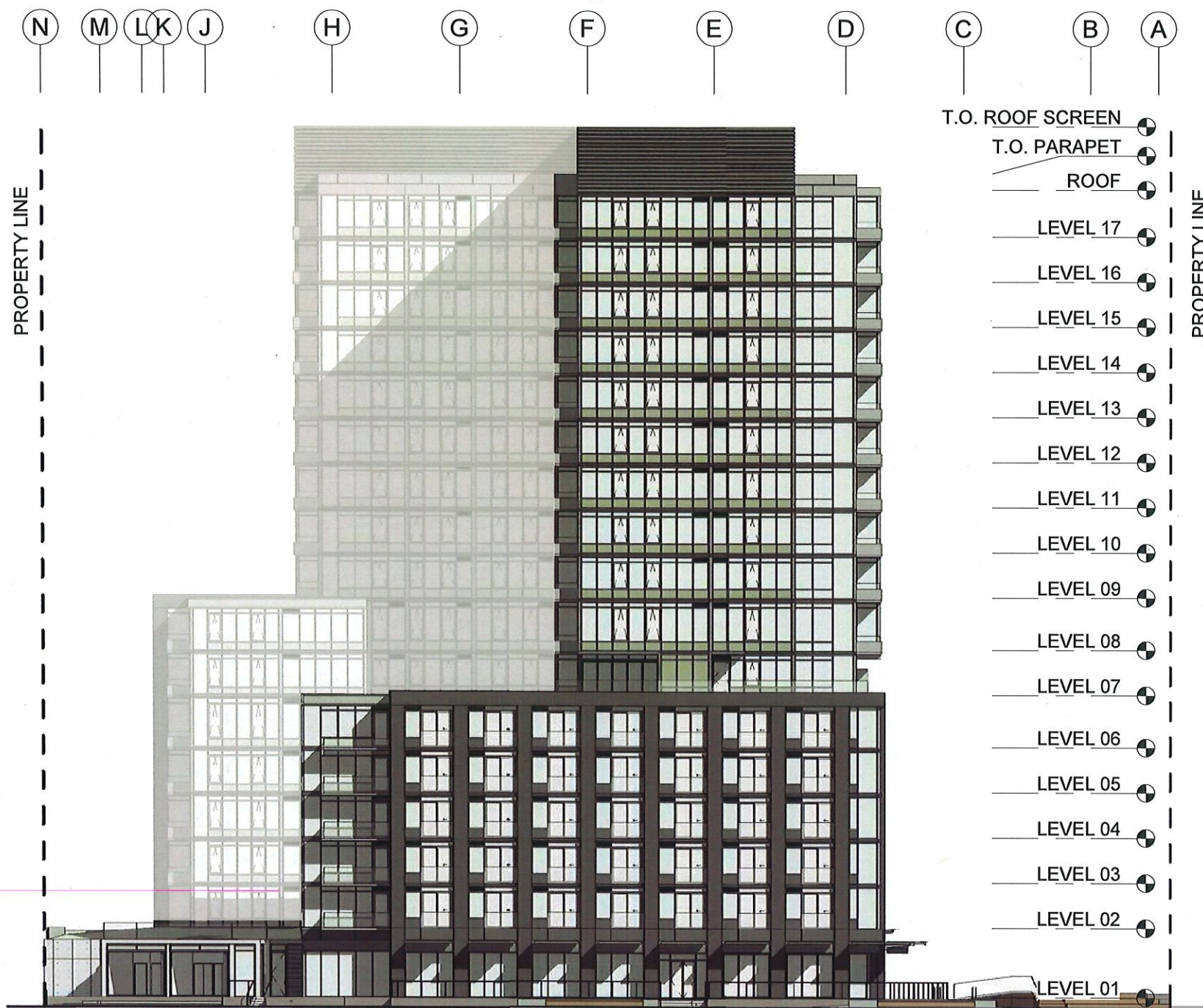


Approved

City of Portland - Bureau of Development Services

Planner *Bernard...* Date *05/31/2018*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



- MATERIALS LEGEND - COLOR**
- GLASS - CLEAR
 - GLASS - SPANDREL - LIGHT
 - GLASS - SPANDREL - DARK
 - FLAT METAL PANEL - LIGHT
 - FLAT METAL PANEL - DARK
 - RIBBED METAL PANEL
 - FIBER CEMENT PANEL - LIGHT
 - FIBER CEMENT PANEL - DARK
 - BRICK
 - BOARD-FORMED CONCRETE

① BUILDING ELEVATION - EAST
1" = 30'-0"



C.16 BUILDING ELEVATIONS - EAST

Approved
 City of Portland - Bureau of Development Services
 Planner *Benjamin E. [Signature]* Date *05/31/2018*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.