

February 21, 2018 hearing:
 New evidence to be submitted by 5:00 pm, February 28.
 Rebuttal to be submitted by 5:00 pm, March 6.
 Continued to March 7, 2018 at 10:15 am Time Certain.

Motions

March 7, 2018

<p>212 TIME CERTAIN: 10:15 AM – Appeal on behalf of the Pearl District Neighborhood Association against Design Commission’s decision of approval for design review with modifications and concurrent greenway review for the Fremont Apartments, a 17-story mixed-use building at 1650 NW Naito Pkwy (Previous Agenda 177; Report introduced by Commissioner Eudaly; LU 16-278621 DZM GW) 1 hour requested</p> <p>Motion to tentatively uphold the appeal and deny the application; overturn the Design Commission’s decision to approve the requested Fremont Apartments design review with modifications and concurrent greenway review: Moved by Fritz and seconded by Fish. (Y-5)</p>	<p>TENTATIVELY UPHOLD THE APPEAL AND OVERTURN THE DESIGN COMMISSION’S DECISION; PREPARE FINDINGS FOR APRIL 4, 2018 AT 11:00 AM TIME CERTAIN</p>
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April 4, 2018

<p>316 TIME CERTAIN: 11:00 AM – Appeal on behalf of the Pearl District Neighborhood Association against Design Commission’s decision of approval for design review with modifications and concurrent greenway review for the Fremont Apartments, a 17-story mixed-use building at 1650 NW Naito Pkwy (Findings; Previous Agenda 212; Report introduced by Commissioner Eudaly; LU 16-278621 DZM GW) 10 minutes requested</p> <p>Motion to reconsider March 7 tentative vote in this matter: Moved by Wheeler and seconded by Eudaly. (Y-3 Fish, Eudaly, Wheeler. N-2 Fritz, Saltzman.)</p> <p>Re-vote on Commissioner Fritz’s March 7th motion to tentatively grant the appeal and deny the application: (Y-2 Fritz, Saltzman. N-3 Fish, Eudaly, Wheeler.) Motion fails.</p> <p>Motion to continue hearing to May 10, 2018 at 2:00 PM and re-open the record. The applicant has until April 11 at 5pm to submit revisions to their application, and by April 18, BDS staff will mail notice of the continued hearing and the opportunity to submit testimony and evidence in response to any revisions. Participants may submit written testimony and evidence on the revised plans, and Council will accept oral testimony on the revised plans on May 10th at 2pm: Moved by Wheeler and seconded by Eudaly. (Y-3 Fish, Eudaly, Wheeler. N-2 Fritz, Saltzman.)</p>	<p>CONTINUED TO MAY 10, 2018 AT 2:00 PM TIME CERTAIN</p>
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MAY 10, 2018

459	TIME CERTAIN: 2:00 PM – Appeal on behalf of the Pearl District Neighborhood Association against Design Commission's decision of approval for design review with modifications and concurrent greenway review for the Fremont Apartments, a 17-story mixed-use building at 1650 NW Naito Pkwy (Previous Agenda 316; Report introduced by Mayor Wheeler and Commissioner Eudaly; LU 16-278621 DZM GW) 2 hours requested Motion to tentatively deny the appeal and uphold the decision of the Design Commission, as modified by the design revisions submitted by the applicant, removing conditions of approval H and K and with revised exhibit numbers and dates and ask the applicant and staff to return with revised findings: Moved by Fritz and seconded by Fish. Commissioners voted as follows: YEAS: Fish, Eudaly, Fritz and Wheeler Saltzman absent	TENTATIVELY DENY APPEAL AND UPHOLD DESIGN COMMISSION DECISION WITH MODIFICATIONS; PREPARE FINDINGS FOR MAY 31, 2018 AT 2:00 PM TIME CERTAIN
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May 31, 2018

573	TIME CERTAIN: 2:00 PM – Appeal on behalf of the Pearl District Neighborhood Association against Design Commission's decision of approval for design review with modifications and concurrent greenway review for the Fremont Apartments, a 17-story mixed-use building at 1650 NW Naito Pkwy (Findings; Previous Agenda 459; introduced by Commissioner Eudaly; LU 16-278621 DZM GW) 5 minutes requested Motion to deny the appeal, uphold the decision of the Design Commission, as modified by the design revisions submitted by the applicant and adopt the findings: Moved by Wheeler and seconded by Fritz. Commissioners voted as follows: YEAS: Fish, Saltzman, Eudaly, Fritz and Wheeler	FINDINGS ADOPTED
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City of Portland, Oregon
Bureau of Development Services
Land Use Services

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

MEMORANDUM

Date: May 9, 2018

To: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman

From: Benjamin Nielsen, City Planner
503-823-7812, Benjamin.Nielsen@portlandoregon.gov

Re: May 10, 2018 – City Council Appeal of Design Commission Decision
LU 16-278621 DZM GW – Fremont Apartments

Honorable Mayor and Commissioners:

During the City Council hearing on this matter on April 4, 2018, the Council voted to reopen the record to consider a revised design and additional testimony on such a design. On April 11, 2018, the applicants for this case submitted revised drawings to the Council Clerk and to each of your offices showing revisions to their original proposal. This memo will briefly address how these revisions respond your deliberations from the March 7, 2018 and April 4, 2018 Council hearings and how they address the applicable approval criteria.

Also attached to this memo is a slightly revised site plan from that submitted on April 11th (received 05/08/2018), which adds an accessible ramp from the Greenway trail to the two artist studios and which also adds a public drinking fountain near the south end of the trail.

Changes along the Greenway Setback & Greenway Trail

The majority of the Council stated their primary concern was the relationship of the proposed building to the Greenway Setback and Greenway Trail—specifically, that the trail as originally proposed was too narrow and that the building to close and imposing.

- The architects have revised the proposal to increase the minimum width of the Greenway Trail from 13'-0" to 20'-0".
- The edge of the building has been pushed farther away from the Willamette River by an additional 15 feet. The distance from the edge of the seawall to the edge of the building is now shown at 43'-4".
- The building remains entirely outside of the Greenway Setback required by zoning code section 33.440.210. Portions of the building still remain within the 45-degree angled setback standard set forth in zoning code section 33.510.251.D.3.b, though this amount is reduced from the original proposal (as described in Modification #4, below).
- The proposed benches along the trail are no longer treated as a "sculptural element". Rather, the applicants have proposed two art studio spaces, which will open towards the Greenway Trail with

large storefront windows. A ramp has been added to allow accessible access from the Greenway trail to these studios, as well (see attached site plan).

- The restaurant space and deck are set back farther behind landscaping (approximately 7 feet minimum behind the seating walls) along the Greenway trail as opposed to the design approved by the Design Commission (as little as 18 inches behind the seating walls).
- A drinking fountain has been added near the proposed artist studios at the south end of the trail.
- All together, these revisions better satisfy design guidelines A1-1: Link the River to the Community, A2: Emphasize Portland Themes, A3: Respect Portland Block Structure, A3-1: Provide Convenient Pedestrian Linkages, A4: Use Unifying Elements, A5: Enhance, Embellish, and Identify Areas, A5-1-1: Reinforce the Identity of the Pearl District, A5-1-5: Reinforce the Identity of the Waterfront Area, A5-3: Incorporate Water Features, A5-4: Integrate Works of Art, B1: Reinforce and Enhance the Pedestrian System, B4: Provide Stopping and Viewing Places, B5: Make Plazas, Parks, & Open Space Successful, B7: Integrate Barrier-Free Design, C1: Enhance View Opportunities, C1-1: Increase River View Opportunities, and C4: Complement the Context of Existing Buildings.
- The revisions also better address the following Willamette Greenway Design Guidelines: Issue A Guideline 1: Structure Design and Guideline 2: Structure Alignment, Issue B Guideline 1: Public Access, and Issue F Guideline 3: Alignment of Greenway Trail.

Modifications to Zoning Code Development Standards

One Modification has been removed from the proposal. Two other Modifications have been reduced in their scope.

- Modification #2: 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks. This modification has been removed. The long-term bike storage room has been redesigned to include floor-mounted racks that meet the development standard.
- Modification #4: 33.510.251.C.3 – Required open area development standards, Shadow standard: This modification request has been reduced. Approximately 78.5% of the plaza will be in shadow at noon on April 21st instead of the approximately 84% originally proposed.
- Modification #5: 33.510.251.D.3.b & c – North Pearl Subarea waterfront development standards:
 - b. Setbacks for all development from the Willamette River: The portion of the podium projecting into the angled greenway setback will be reduced by about 5'-5". The portion of the tower projecting into the setback will be reduced by about 1'-6".
 - c. Maximum building dimension: The building dimension perpendicular to the river will be reduced by 13'-6", to 217'-3".

Floor Area Bonuses

The proposed revisions to the building design have affected the floor area bonuses earned. Floor area bonuses are needed in order to achieve the proposed square footage.

- Total building floor area has increased slightly, by 398 square feet, to 305,936 square feet.
- The proposed locker room floor area bonus has been removed from the proposal.
- The eco-roof floor area bonus has been reduced in size, by 2,814 square feet, due to the slightly smaller roof area now proposed—from 36,434 square feet to 33,620 square feet.
- Residential floor area bonus remains unchanged at 144,160 square feet (equaling the full 2:1 FAR bonus allowed).
- Total FAR of the proposal = 4.24:1. The applicants are proposing to use approximately 95% of their total FAR allocation (base FAR + earned FAR bonuses).

Attachment: Site Plan (revised) – received 05/08/2018

Links to approval criteria: *Central City Fundamental Design Guidelines* and *River District Design Guidelines*
(<https://www.portlandoregon.gov/bps/article/187174>)

33.825.040 – Modifications That Will Better Meet Design Review Requirements
(<https://www.portlandoregon.gov/bps/article/53477>)

33.440.350 – Greenway Overlay – Approval Criteria
(<https://www.portlandoregon.gov/bps/article/53351>)

Willamette Greenway Design Guidelines
(<https://www.portlandoregon.gov/bps/article/59067>)

From: [Nielsen, Benjamin](#)
To: [Moore-Love, Karla](#)
Cc: [Parsons, Susan](#)
Subject: FW: Commissioner feedback on Fremont Apartments
Date: Tuesday, April 24, 2018 3:33:21 PM
Attachments: [Fremont Apts Memo from PP&R April 24 2018.pdf](#)

Hi Karla:

Memo from Portland Parks & Rec re: Fremont Apts appeal – case LU 16-278621 DZM GW.

Thanks,

Benjamin Nielsen – Senior Planner
p: 503.823.7812

From: Horner, Brett
Sent: Tuesday, April 24, 2018 3:30 PM
To: Nielsen, Benjamin <Benjamin.Nielsen@portlandoregon.gov>
Cc: Adamsick, Claire <Claire.Adamsick@portlandoregon.gov>; Abbate, Mike <Mike.Abbate@portlandoregon.gov>
Subject: FW: Commissioner feedback on Fremont Apartments

Hi Benjamin,
Our Bureau's memo on Fremont Apts. We have coordinated this memo with our Commissioner and her staff.

Call with any questions,

Brett Horner
Planning Manager | Parks & Trails Planning
Portland Parks & Recreation
503-823-1674 (office)



PORTLAND PARKS & RECREATION SM

Healthy Parks, Healthy Portland

April 24, 2018

Benjamin Nielsen
Senior City Planner
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201

RE: LU 16-278621 DZM GW – FREMONT APTS

Dear Benjamin:

Thank you for sending us revised drawings for the above-mentioned application that were done by the applicant after the April 4, 2018 Council action to reconsider the March 7, 2018 tentative vote on the project. Portland Parks & Recreation (PP&R) welcomes the widened Greenway trail design and we wish to thank the applicant for extending the existing handrail eastwardly along the trail, which we asked for in December 2017, to provide a wider trail.

After further review with our Commissioner and her staff, our remaining questions and concerns are as follows:

1. **Accessibility.** It appears there may be an issue with complying with the ADA access to the Greenway from the building. For instance, there is no ramp down from the two Artist Studios to the Greenway, and one may be necessary to meet code. Likewise, there is no ramp down from the restaurant's outdoor deck to the Greenway. We defer to BDS to ensure these areas are compliant with ADA building code. However, even if ADA access is met by access through the interior of the building, it is still desirable to have ramps outside these areas directly to the Greenway for improved ADA access, and we would recommend adding those ramps if feasible.
2. **South Plaza.** This area cannot be considered plaza space as it is part of the Greenway trail. It cannot count as both trail and plaza. The space identified as "South Plaza" is not set off of the trail area, and is also not large enough to be used as program space since it needs to be kept open for bicycle and pedestrian movement, especially after the property to the south is developed.

Thank you again for involving Portland Parks and Recreation in the review of the plans for the Greenway, and please contact me if you have any questions.

Sincerely,

Brett Horner
Parks & Trails Planning Manager

cc: Claire Adamsick, Commissioner Fritz's office
Director Abbate, PP&R
Trang Lam, Deputy Director
Tate White, PP&R

Administration

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PORTLANDPARKS.ORG
Amanda Fritz, Commissioner
Mike Abbaté, Director



Moore-Love, Karla

From: Nielsen, Benjamin
Sent: Thursday, April 19, 2018 10:53 AM
To: Moore-Love, Karla
Cc: Adamsick, Claire; Parsons, Susan
Subject: FW: March 5th Memo
Attachments: 2018-03-06_FremontBridgeViews_BPSfinal.pdf

Hi Karla:

Please add this memo from BPS to the record for the Fremont Apts appeal case (LU 16-278621 DZM GW).

This is the memo which Commissioner Fritz was referring to during Council deliberations on April 4th.

Thanks,

Benjamin Nielsen – Senior Planner
p: 503.823.7812

From: Doss, Troy
Sent: Thursday, April 19, 2018 10:51 AM
To: Nielsen, Benjamin <Benjamin.Nielsen@portlandoregon.gov>
Subject: March 5th Memo

Sorry Ben, been out sick. Let me know if you need anything else.



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

March 5, 2018

Memorandum

TO: Kyle Chisek and Nathan Howard
FROM: Troy Doss, Senior Planner; and Mindy Brooks, City Planner II
COPY: Susan Anderson, Director; Joe Zehnder, Chief Planner, Sallie Edmunds, Central City, River and Environmental Planning Manager;
SUBJECT: Land Use 16-278621 DZM GW – Fremont Apartments

Introduction

On February 21, 2018 City Council held a hearing on an appeal land use case 16-278621 for the Fremont Apartments. This memo is to provide City Council with background on how policies regarding building heights along the waterfront and views of the Fremont Bridge have been addressed in past and current plans.

This memo summarizes the North Pearl District Plan (2008), which established new heights and protected views of the bridge, and the Central City 2035 Plan (draft, to be adopted in May 2018), which recommends some changes to the protected views of the Fremont Bridge.

Under the current zoning, there are no restrictions to height on the subject site based on views of Fremont Bridge. The view of the Fremont Bridge along NW 12th Avenue is protected but this did not require base height limits across this subject site. The Central City 2035 Plan (CC2035) recommends retaining protections of the view from NW 12th Avenue and does not recommended protecting a view of Fremont Bridge from The Fields Park.

North Pearl District Plan

In 2008, the Portland City Council adopted the North Pearl District Plan (NPDP). This project was funded by the Portland Development Commission, and undertaken at the request of area property owners. In exchange for undertaking this project, and without regard to whether the project resulted in any code changes, Hoyt Street Properties (HSP) agreed to make additional land available for the development of The Fields Park.



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The project was to evaluate whether heights and floor area ratios should be increased in the area and to identify what public benefits should be required in return. The project included a public advisory group with membership from the Pearl District Neighborhood Association and other stakeholders. It also included, after the planning phase, a public legislative process in front of the Planning Commission and City Council to consider changes to the zoning allowances.

At the end of the NPDP, the Pearl District Neighborhood Association and all other stakeholders on the plans Project Advisory Group (PAG) supported a modest increase in FAR for the plan area. They also supported unlimited height through most of the plan area.

Along the waterfront, the intent was to allow tall and dense development to activate the riverfront and to ensure building massing provides visual permeability through the site. The base height of waterfront land remained 100 feet and new bonus height of 75 feet was made available if the following conditions were met:

- The façade of the building above 100 feet is no longer than 120 feet, with the ability for the Design Commission to approve a façade as wide as 150 feet as a modification through design review.
- The floor plate size of the building above the 100 feet level of the building may not exceed 12,500 square feet.

The NPDP also protected views of the Fremont Bridge along NW 12th Avenue by not allowing bonus height through a narrow corridor extending north from the street right-of-way and crossing one waterfront site (see Map 1).

The Fields Parks was undeveloped at the time NPDP was completed. However, the potential impact of development on views from the park and other North Pearl area were considered and analyzed.

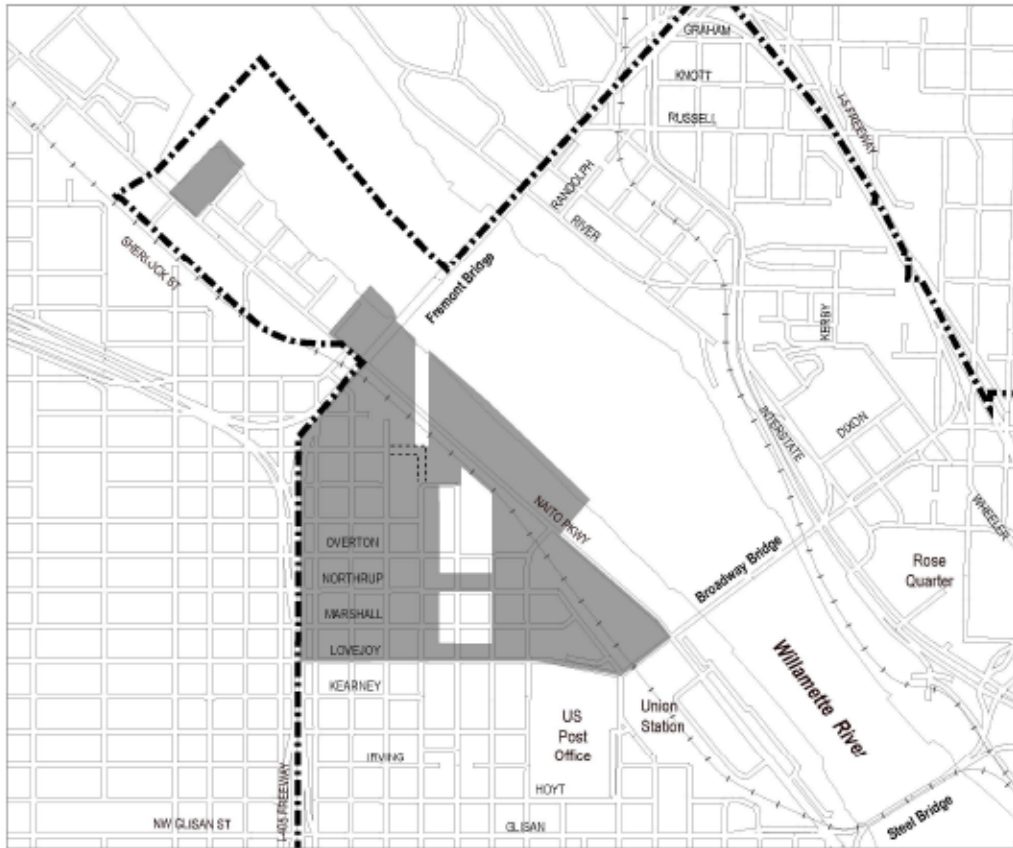
The decisions regarding the views of Fremont Bridge, as described above, were supported by the community, Planning Commission, Design Commission, and City Council as sufficient to allow for visual permeability while promoting residential development in the plan area.

North Pearl Height Opportunity Area

Map 510-16

Map 1 of 2

Map Revised XXXXX X 201X



Legend

- Central City Plan District boundary
- Area eligible for additional height
- Proposed right-of-way
- Proposed accessway



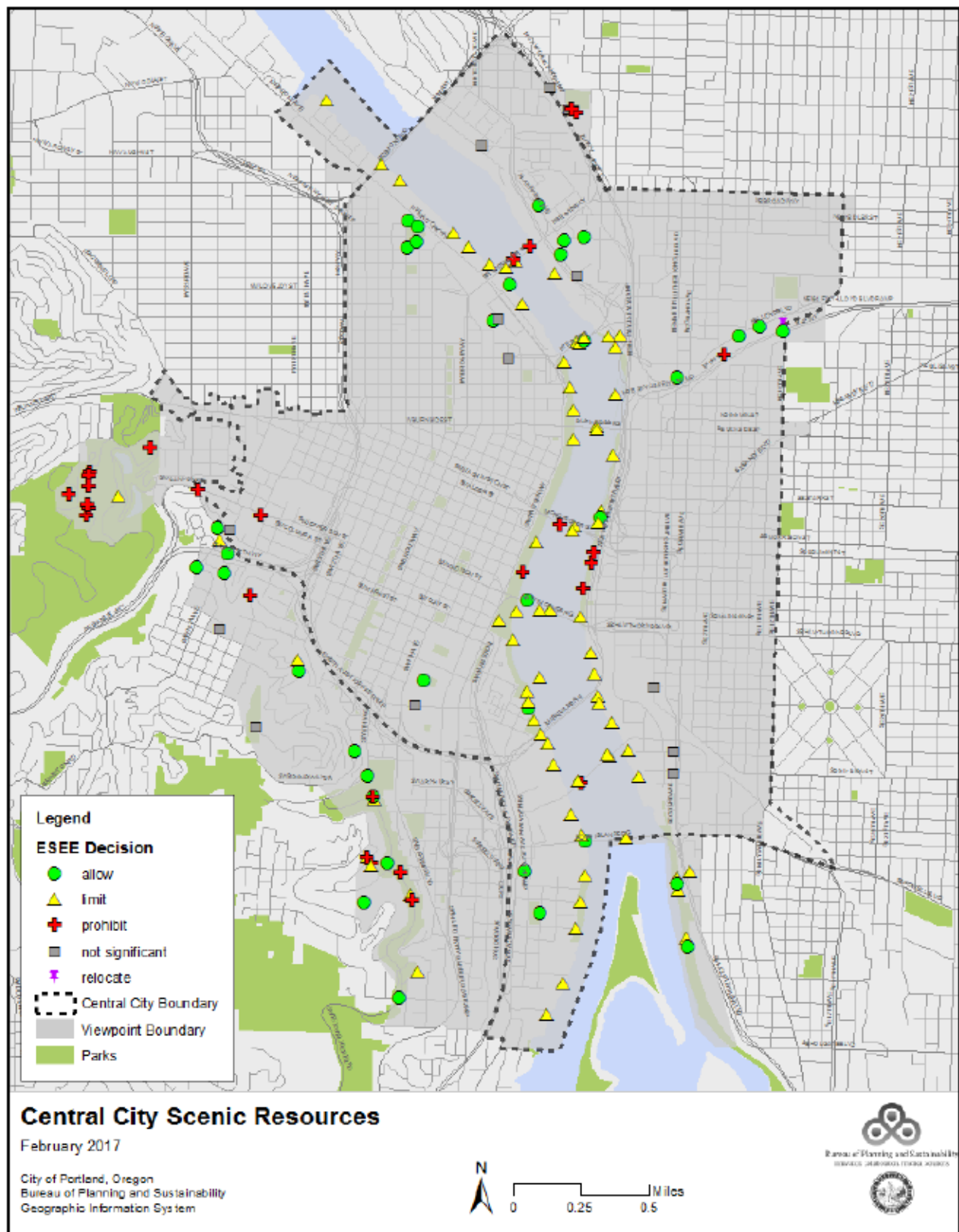
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Map 1: North Pearl Height Opportunity Area

Central City 2035, Views of Fremont Bridge

As part of CC2035, the Scenic Resources Protection Plan for the Central City is being updated. CC2035 is anticipated to be adopted in May 2018. There are proposed changes to building heights to protect views. However, views of the Fremont Bridge from The Fields Park are not recommended for protection.

CC2035, Volume 3A, Part 1, describes the overall approach to protection of views in the Central City. Views of Willamette River bridges are a high priority for protection. There are dozens of views from the river front that are recommended from protection (see Map 2). In addition, CC2035 confirms the view of Fremont Bridge from NW 12th Avenue. Note – On the map, the term “limit” means to strike a balance between protecting the view and allowing conflicting uses such as buildings to impact the view. “Limit” also means active vegetation management within the view corridor.

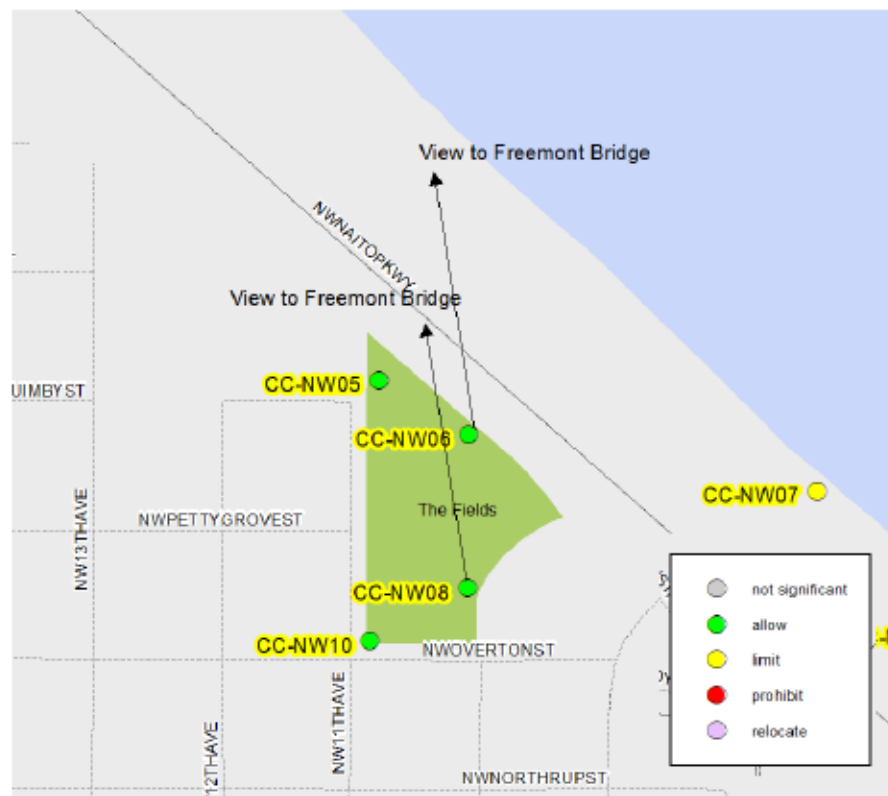


Map 2: View Corridors and Viewpoint Recommendations for Protection

In north Portland, there are many opportunities to view the Fremont Bridge. BPS documented eight views of Fremont Bridge from the riverfront or other bridges and recommends protecting those views through the Central City 2035 Plan (CC2035). The plan also confirms the view of Fremont Bridge from NW 12th Avenue and continues to recommend protection of the view by retaining the height limits established in the North Pearl District Plan (described above).

BPS documented four viewpoints in The Fields Park, two of which include views of the Fremont Bridge (see Map 3). In order to protect the views from The Fields Park to the Bridge, heights along the North Pearl District riverfront would have to be reduced from today's 100 feet, with the option to bonus to 175 feet, to 30-40 feet with no option to bonus. The sites that the view corridor crosses are identified in the Buildable Land Inventory for redevelopment by 2035. Note – On the map, the term “allow” means to not limit heights or require vegetation management to protect the view.

An economic analysis was performed for all views documented in the Central City Scenic Resources Inventory (CC2035, Volume 3A, Part 2 and Part 3). It was determined that the economic impacts of protecting the views of Fremont Bridge from Fields Park were too great considering there are ample opportunities to protect the views of the bridge from other nearby locations along the riverfront. CC2035 also carries forward the protections for the view of Fremont Bridge from NW 12th Avenue.



Map 3: Views of Fremont Bridge from The Fields Park

FRITZ
3-7-2018
#212

Fremont Apartments – multiple modification requests show development standards not met.

Seven (7) **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) 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks: To allow vertically-hung long-term bicycle racks to be spaced at 1'-4" x 6' rather than the required 2' x 6'. For context, handlebar width on Biketown bikes is approximately 1' 11"
- 3) 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".
- 4) 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 84% of the plaza will be in shadow at noon.
- 5) 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'.

c. **Maximum building dimension:** To allow the building dimension to be 230'-9" in the east-west direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.

6) 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.

7) 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.

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.

Approval Criteria for Design Review not met:

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

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

1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.

2) Focusing and articulating roadways and pedestrianways 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.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

A3-1. Provide Convenient Pedestrian Linkages. Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.

2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.

3) Reusing or retaining cobblestone within the design of new development.

4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.

5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

Findings for A3 & A3-1: The proposal respects Portland's typical 200-foot block pattern and provides for convenient pedestrian linkages in the following ways:

• The placement of the building up to the southern property line was one area of concern in the initial proposal, relative to respecting the typical Portland block pattern. Since the building is built up to the property line, it sets up future development on the adjacent parcel to be built either immediately next to the proposed building, or the open area between the

proposed building and new development on the adjacent site will face a blank wall.

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: The proposal includes small stormwater management planters in the plaza/open space area and adjacent to the Greenway trail, which partially-meet this guideline. The major water feature focal point, as stated by the Design Commission at the September 28, 2017 hearing, is the Willamette River itself. The proposed design responds to this "feature" by shifting the Greenway trail up against the existing seawall and by sloping the plaza up towards the river and Greenway trail, allowing for better views of the river and the Fremont Bridge from the plaza area and creating a stepped seating area oriented to view both features.

"Therefore, this guideline is met."

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: No works of art are proposed on the site. However, the Design Commission found at the November 16, 2017 hearing that the proposed benches along the Greenway trail contained a sculptural quality which satisfies this guideline. Revisions to the design of the Greenway trail following the November 30, 2017 hearing have retained the sculptural quality discussed at the November 16, 2017 hearing.

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.

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

1) Designing and locating development projects to visually link their views to the river.

2) Providing public stopping and viewing places which take advantage of views of River District activities and features.

3) Designing and orienting open space and landscape areas to emphasize views of the river.

Modification #4: 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 84% of the plaza will be in shadow at noon.

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. 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 with sun 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 a little over 5,000 square feet, leaving only 26.5% of the plaza in the shade. Additionally, the entire north side of the plaza will be in sun. 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.



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

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MEMORANDUM

February 21, 2018

To: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman

From: Rebecca Esau, Director *RE*
Bureau of Development Services

Subject: City Council hearing on LU 16-278621 DZM GW – Fremont Apartments

The purpose of this memorandum is to provide a summary and brief description of the land use review decision that has been appealed and will be presented to you in public hearing on February 21, 2018 at 2 PM, time certain.

Site Address: 1650 NW Naito Pkwy

BDS Representative: Benjamin Nielsen, Senior City Planner
503-823-7812, benjamin.nielsen@portlandoregon.gov

1. Land Use Reviews Requested: Type III Design Review (DZ) with Modification (M) and concurrent Greenway Review (GW) requests.

2. Key Elements of Proposal:

Appellant: Pearl District Neighborhood Association c/o Jeffrey Kleinman, Attorney at Law

Applicants: Tim Wybenga & Bonnie Chiu, TVA Architects

Owner: Patrick Gilligan, Lincoln Property Company LLC

Site Location: 1650 NW Naito Pkwy

Site Size: 72,080 SF

Proposal: The proposal is for a 17-story, approximately 305,538 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 five stories with a height of approximately 54'-0". A roof deck will sit atop this massing and face the river. The five-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 (please note, heights shown in the drawing package submitted to the Design Commission have since been revised slightly downward based on drawings submitted in Exhibit A-13, which will be provided to the Design Commission at the hearing), 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 305,538 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, locker room bonus option, and 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 locker room bonus option in zoning code section 33.510.210.C.8 allows for an additional 40 square feet of floor area for each square foot of floor area developed and committed to locker room facilities to encourage biking. The applicants propose to earn this bonus by providing a 380 SF locker room area on the ground floor of the building, connected to the long-term bicycle parking room. The applicants propose to provide 481 long-term bicycle parking spaces, with 206 in the bicycle parking room and an additional 275 in residential units.
- 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 18,217 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.

Seven (7) **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) 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks: To allow vertically-hung long-term bicycle racks to be spaced at 1'-4" x 6' rather than the required 2' x 6'.
- 3) 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".
- 4) 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 84% of the plaza will be in shadow at noon.
- 5) 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 230'-9" in the east-west direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.
- 6) 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.
- 7) 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.

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.

3. Final Decision: The Design Commission found that all applicable approval criteria were met; therefore, they approved the requests.

4. Alternatives Facing Council:

- Deny the appeal, and uphold the Design Commission’s decision to approve the proposal.
- Deny the appeal, and uphold the Design Commission’s decision to approve, with additional conditions of approval and/or design revisions, thereby approving a revised proposal.
- Grant the appeal, and overturn the Design Commission’s decision to approve the request, thereby denying the proposal.

IMPACT STATEMENT

Proposal: Appeal on behalf of the Pearl District Neighborhood Association against Design Commission's decision of approval for design review with modifications and concurrent greenway review of a 17-story mixed-use building in the North Pearl Subarea in the Central City, at 1650 NW Naito Pkwy (Hearing: LU 16-278621 DZM GW)

Contact name: Benjamin Nielsen, Senior City Planner, Land Use Services
Contact phone: 503-823-7812
Presenter name: Benjamin Nielsen

Purpose of proposal and background information:

This is a quasi-judicial action. The Pearl District Neighborhood Association (Jeffrey Kleinman, Attorney at Law representing) is requesting appeal of a Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council.

Financial and budgetary impacts:

This is not a legislative action, but rather an appeal of a Type III quasi-judicial land use review. The decision will not solely or substantially impact City revenues.

Generally, Land Use Reviews are fee supported. However, no appeal fees are charged to Recognized Organizations per Portland Zoning Code Chapter 33.910. In this case, because the Pearl District Neighborhood Association is such an organization, the appeal fee of \$5,000 was waived. There are no additional costs to the City associated with this appeal.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Pearl District Neighborhood Association, Pearl District Business Association, Neighbors West/Northwest, the Northwest District Association, the Eliot Neighborhood Association, the Overlook Neighborhood Association, the Nob Hill Business Association, and the Northeast Coalition of Neighborhoods all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, and the AIA Urban Design Committee are also mailed notice. Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Design Commission.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Comments from the public were received by city staff or the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision. Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.030.H.9. However, the City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Budgetary Impact Worksheet

Does this action change appropriations?

- ☐ YES: Please complete the information below.
☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount