



## **REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

**CASE FILE:** LU 19-145295 DZ  
EA 18-181375 APPT, PC 18-202411, EA 18-210300 DA  
**Hyatt Place**

**REVIEW BY:** Design Commission

**WHEN:** November 21, 2019 approximate start time  
5:00pm

**WHERE:** 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

**Bureau of Development Services Staff:** Arthur Graves 503.823.7803 |  
Arthur.Graves@portlandoregon.gov

### **GENERAL INFORMATION**

**Applicant:** Li Alligood | Otak, Inc. | 503.415.2384  
808 SW 3rd Ave #300 | Portland OR 97204

**Owner:** James Wong | Parq on 12th LLC  
606 Maynard Ave S #251 | Seattle WA 98104

**Developer:** Ray Harrigill | The Sunray Companies, LLC | 601.707.9225  
1012 Madison Ave Ste A | Madison MS 39110

**Site Address:** **350 NW 12<sup>th</sup> Avenue**

**Legal Description:** BLOCK 78 LOT 6&7, COUCHS ADD  
**Tax Account No.:** R180207240  
**State ID No.:** 1N1E33DA 02700  
**Quarter Section:** 3028  
**Neighborhood:** Pearl District, contact [planning@pearldistrict.org](mailto:planning@pearldistrict.org).  
**Business District:** Pearl District Business Association, contact at  
[info@explorethepearl.com](mailto:info@explorethepearl.com)

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City (Plan District), Pearl District (Sub-District)  
**Zoning:** EXd: Central Employment (EX) base zone, and Design (d) overlay  
zone

**Case Type:** DZ: Design Review  
**Procedure:** Type III, with a public hearing before the Design Commission. The  
decision of the Design Commission can be appealed to City Council.

### **Proposal:**

The applicant is seeking **Design Review** approval for a 23-story mixed use building, which includes hotel and residential uses, in the Pearl Sub-District of the Central City

Plan District. The proposed height of the quarter-block building is 250' with 197,118 square feet of floor area. 170 hotel rooms and 110 dwelling units are proposed. No on-site parking is proposed. Two loading spaces are proposed. Exterior materials include ribbed and flat metal paneling, aluminum windows, glass guardrails, steel canopies, formed concrete piers and aluminum storefronts.

**Relevant Approval Criteria:**

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

- 33.825, Design Review
- *The Central City Fundamental Design Guidelines*
- *The River District Design Guidelines*
- Oregon Statewide Planning Goals

## ANALYSIS

**Site and Vicinity:**

The 10,000 square foot, quarter-block site is located in the River District Subdistrict of the Central City Plan District and is bounded on the west by NW 12<sup>th</sup> Avenue [*City Walkway, City Bikeway, Minor Emergency Response Street*] and on the north by NW Flanders Street [*City Walkway, Major City Bikeway, Minor Emergency Response Street*]. (The site is also within the Northwest Triangle Pedestrian District.) The River District (and, specifically, the portion known as the Pearl District), a historically industrial area, has been redeveloped and now includes a mix of commercial, retail, some remaining industrial, and residential uses in a mixture of old warehouses and new buildings of varying heights.

The subject site is currently occupied by a surface parking lot. (a 15,000 square foot surface parking lot is also located across Flanders to the north-west) Immediately to the east is a single-story masonry building. Within the block, south of the site, is a half block development varying from 6 to 8-stories and clad in predominantly brick. The 13<sup>th</sup> Avenue Historic District is located less than 200 feet to the west.

**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 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 there are no prior land use reviews for this site.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **May 02, 2019**.

- Fire Bureau: May 02, 2019. Dawn Krantz. Responded with no concerns. Please see Exhibit E-1 for additional details.
- Bureau of Development Services – Life Safety: May 24, 2019. Geoffrey Harker. Responded with no concerns. Please see Exhibit E-2 for additional details.
- Bureau of Development Services – Site Development: May 28, 2019. Kevin Wells. Responded with comments about permitting and construction requirements. Please see Exhibit E-3 for additional details.
- Parks Bureau – Urban Forestry: May 29, 2019. Casey Clapp. Responded with comments about street tree planting requirements and comments to the removal of the existing silver maple at the northwest corner of the site. Please see Exhibit E-4 for additional details.
- Water Bureau: May 31, 2019. Michael Puckett. Responded with comments about domestic meter size and backflow information. Please see Exhibit E-5 for additional details.
- Portland Bureau of Transportation: June 03, 2019. Fabio de Freitas. Responded with no concerns and information about locating a proposed transformer in the right-of-way. Please see Exhibit E-6 for additional details.
- Bureau of Environmental Services: June 27, 2019. Emma Kohlsmith. Responded with concerns about information missing from the submittal to be able to confirm that the proposal meets SWMM requirements. Please see Exhibit E-7 for additional details.
- Bureau of Environmental Services: October 25, 2019. Emma Kohlsmith. Responded with no concerns or conditions of approval for the project. Please see Exhibit E-8 for additional details.
- Portland Bureau of Transportation: October 31, 2019. Fabio de Freitas. Responding to the Greenlight Engineering memo and Kittelson & Associates response. PBOT continues to support the proposed mixed-use building. Please see Exhibit E-9 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 02, 2019**. A total of 87 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. In addition, it has come to staff’s attention that the applicant developed a social media platform/website for the project after the July hearing, and that this elicited a number of additional responses.

- June 20, 2019, David Dysert, Pearl District Neighborhood Association Planning and Transportation Committee Co-chair, with comments regarding design coherency, massing and material. See Exhibit F-1 for more details.

- June 28, 2019, Elizabeth Hawthorne, 311 NW 12<sup>th</sup> 9<sup>th</sup> Ave., Portland, OR: An initial email supporting the proposed development, however, requesting the project consider locating hotel and residential uses above the ground floor to allow the first few floors for parking. Additional comments suggested vehicle drop-off on both NW Flanders and NW 12<sup>th</sup>. See Exhibit F-2 for more details.
- June 28, 2019, Kristina Gregg, 311 NW 12<sup>th</sup> 9<sup>th</sup> Ave., Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: Size, Lack of parking, Congestion, and Current overbuilding in the Pearl. See Exhibit F-3 for more details.
- June 28, 2019, Mike Myers, McKenzie Lofts, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: Size, Height and Mass in contrast to other buildings in the Pearl District; potential traffic congestion, and exterior lighting. See Exhibit F-4 for more details.
- June 28, 2019, Sandy Parkerson, McKenzie Lofts, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: Size, Height and Mass in contrast to other buildings in the Pearl District; diminished solar gain due to the proposed development, potential traffic congestion, and concern for the removal of the removal of the silver maple tree on site. See Exhibit F-5 for more details.
- June 29, 2019, Ezra Rabie, 333 NW 9<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: Size, Height and Mass in regards to the “Pearl Historic District”. Additional comments addressed concerns for parking, bike safety and value to community in turn for FAR bonuses. See Exhibit F-6 for more details.
- June 29, 2019, Scott Shiigi, 333 NW 9<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: Size, Height and Mass in regards to the “Pearl Historic District”. Additional comments addressed concerns for parking, bike safety and value to community in turn for FAR bonuses. See Exhibit F-7 for more details.
- June 29, 2019, Bill Melcher, 333 NW 9<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: Size, Height and Mass in regards to the “Pearl Historic District”. Additional comments addressed concerns for parking, bike safety and value to community in turn for FAR bonuses. See Exhibit F-8 for more details.
- June 30, 2019, Marilynn Rabie, 333 NW 9<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: Size, Height and Mass in contrast to other buildings in the Pearl District. Additional comments addressed concerns for parking, and value to community in turn for FAR bonuses. See Exhibit F-9 for more details.
- June 30, 2019, Rita F. Silen, 416 NW 13<sup>th</sup> Ave, Portland, OR: An initial email stating objection to the proposed development on the grounds of: Size, Height and Mass in contrast to other buildings in the Pearl District. Additional comments addressed concerns for parking, bike safety, the lack of intended LEED certification, the removal of the existing silver maple tree and value to community in turn for FAR bonuses. See Exhibit F-10 for more details.

- July 01, 2019, Carol Adelson, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of the proposed uses (residential and hotel) potentially interfering with and causing danger to pedestrian and vehicle traffic. See Exhibit F-11 for more details.
- July 01, 2019, Linda Alper and Kevin Cooney, 416 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of the proposed lack of parking, disparity of the proposed design from the aesthetic of the district, and value to community in turn for FAR bonuses See Exhibit F-12 for more details.
- July 01, 2019, Elizabeth Hawthorne, 311 NW 12<sup>th</sup> Ave, Portland, OR: An email clarifying previous comments and reiterating concern of the development’s proposed lack of parking and removal of existing silver maple tree. See Exhibit F-13 for more details.
- July 01, 2019, Pam Williams, 416 NW 13<sup>th</sup> Ave, Portland, OR: An initial email stating opposition to the proposed development on the grounds of proportion, lack of integration with the district, height and design. See Exhibit F-14 for more details.
- July 01, 2019, Jane Starbird, Chown Pella Condominiums, Portland, OR: An initial email stating opposition to the proposed development on the grounds of the lack of parking, the proposed removal of the existing silver maple tree and because the development does not appear to, “reflect the values of the neighborhood”. See Exhibit F-15 for more details.
- July 02, 2019, Tobi Travis, 408 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of lack of parking and vehicle congestion. See Exhibit F-16 for more details.
- July 02, 2019, Dante R. Marrocco, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and massing; impact to the safety of pedestrian and vehicle traffic; and congestion. See Exhibit F-17 for more details.
- July 04, 2019, Julia Marrocco, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and massing; impact to the safety of pedestrian and vehicle traffic; and congestion. See Exhibit F-18 for more details.
- July 04, 2019, Ethel Katz, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating objection to the proposed development on the grounds of: size, height and massing in association to the quarter block site. Additional comments addressed concerns with the building’s lack of integration to the district, removal of the existing silver maple tree. See Exhibit F-19 for more details.
- July 04, 2019, Arlene Matusow, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: potential traffic congestion, and impact to the proposed greenway. See Exhibit F-20 for more details.

- July 05, 2019, Sarah Mace, 408 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and mass; lack of context with the existing development in the district; and removal of the existing silver maple tree. See Exhibit F-21 for more details.
- July 05, 2019, Karl Von Frieling, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating objection to the proposed development on the grounds of: size, height and mass; lack of context with the existing development in the district; potential traffic congestion; and concern with the FAR transfer. See Exhibit F-22 for more details.
- July 06, 2019, Rita Fawcett, 416 NW 13<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and mass; lack of context with the existing development in the district; and removal of the existing silver maple tree. See Exhibit F-23 for more details.
- July 06, 2019, Supattra, McKenzie Lofts, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and mass; lack of context with the existing development in the district; and removal of the existing silver maple tree. See Exhibit F-24 for more details.
- July 07, 2019, Marie Jamieson, 416 NW 13<sup>th</sup> Ave, Portland, OR: An initial email stating opposition to the proposed development on the grounds of: size, height and mass; traffic congestion. See Exhibit F-25 for more details.
- July 07, 2019, Lawrence and Gail Hartman, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating opposition to the proposed development on the grounds of: traffic congestion. See Exhibit F-26 for more details.
- July 07, 2019, Winston Chang, 416 NW 13<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and mass; and traffic congestion. See Exhibit F-27 for more details.
- July 07, 2019, Ashley Carson, 311 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and mass; and traffic congestion. See Exhibit F-28 for more details.
- July 08, 2019, Jackie Gordon, 1025 NW Couch St., Portland, OR: An initial email stating “strong objection” to the proposed development on the grounds of: size, height and mass; and traffic congestion. See Exhibit F-29 for more details.
- July 08, 2019, Jared Hayes, 408 NW 12<sup>th</sup> Ave, Portland, OR: An initial email stating objection to the proposed development on the grounds of: lack of context with the neighborhood and removal of the existing silver maple. See Exhibit F-30 for more details.
- July 08, 2019, Dr. William Thierfelder, 420 NW 11<sup>th</sup> Ave., Portland, OR: An initial email stating support to the proposed development on the grounds of: increased jobs, residential units, hotel rooms and growth for the City. See Exhibit F-31 for more details.

*Staff Response: Staff responded to each comment received stating that the comments have been entered into the record for the submittal, and that they will be forwarded to the applicant for response. Because the majority of comments were in opposition to the proposal and included confusion and frustration with the proposed size, height and mass of the*

*building, which is being achieved through code allowed bonuses, staff forwarded contact information for the Bureau of Planning and Sustainability (BPS) to consider.*

Note: comments received before 7.09.19 (Exhibits E-1 through E-31) appeared in the first Staff Report. Comments received after 7.09.19 (Exhibits E-32 through E-88) did not appear in the original Staff Report (due to Staff Report production/timing requirements) but are documented/included in this Staff Report. All Design Commissioners will receive all submitted letters and all letters will be included in subsequent reports.

Comments received after 7.09.19 (56 of the total comments: Exhibits E-32 through E-88) included more in opposition to the project primarily due to the previously mentioned issues of height, mass and parking/transportation related issues. However, several of the comments received throughout this time were in favor of the proposal. Comments in support of the project addressed primarily issues of the added housing and jobs provided by the construction.

*Staff Response: Staff again responded to each comment received stating that the comments have been entered into the record for the submittal, and that they will be forwarded to the applicant for response. Staff also responded to issues raised that are relevant to the approval criteria and the findings below.*

## **PROCEDURAL HISTORY**

- **Early Assistance (EA) Appointment: EA 18-181375 APPT: June 27, 2018:**  
Questions raised at the EA largely addressed finding the correct neighborhood contact, height and FAR, and the implications of adding housing to the hotel use.
- **Early Assistance Pre-Application Conference (PC): EA 18-202411 PC: August 07, 2018:**  
Questions raised at the PC were similar to the previous EA meeting. Additional code standards and Design Review issues relating to context, public realm and materials were also addressed.
- **Design Advice Request (DAR) #1: EA 18-210300 DA: October 04, 2018:**  
Commission stated that the submittal was precedent setting due to height and massing. The Design Commission agreed that the massing, top of tower, ground floor and end walls needed further refinement. Loading on was suggested to be moved to NW 12<sup>th</sup> Ave due to the Flanders Greenway. Additional information was requested regarding the need to remove the existing silver maple tree. Art and water features guidelines must be met. The Commission did not feel that it was necessary for this building be brick or masonry to respond to context and that a variety of materials could be appropriate. Several Commissioners noted the eclectic character of the Pearl District.

NOTE: Public comment was taken. See <https://efiles.portlandoregon.gov/Search> to access audio of the meeting.

- **DAR #2: EA 18-210300 DA: January 03, 2019:**  
Commission continued to agree that the massing and the building's "big move" needed continued refinement and attention. The Design Commission continued to agree that the top of tower, ground floor and integration of balconies needed further refinement. The Commission supported alterations made to the end walls. Commissioners agreed on the importance and design prominence of the building's NW corner. Commission requested additional information on proposed street tree

planting, entrance hierarchy, and proposed bicycle access. Art and water features guidelines were again stated to be met. The quality of material type was stressed.

NOTE: Public comment was taken. See <https://efiles.portlandoregon.gov/Search> to access audio of the meeting.

- **Land Use Application: Submitted on April 09, 2019:**  
Deemed complete on April 30, 2019. A hearing was originally scheduled for June 20, 2019 - 51 days after being deemed complete. This hearing was rescheduled by the applicant to July 18, 2019.
- **Design Commission Hearing #1: July 18, 2019:**  
Commission continued to agree that the massing and the building's "big move" was not yet resolved and needed further sculpting. End walls continued to be supported. The Commission felt the base of the tower not sufficient for the mass and height of the building. Commission felt the public realm needed further refinement: canopies were not consistent from north to west elevation; improved access to the bike room; additional folding wall systems should be added to the north elevation.

NOTE: Public comment was taken. See <https://efiles.portlandoregon.gov/Search> to access audio of the hearing.

- **Design Commission Hearing #2: November 21, 2019:**  
Hearing #2 was originally scheduled for September 19, 2019, and was rescheduled by the applicant to October 17, 2019, and rescheduled again by the applicant to November 21, 2019.

## ZONING CODE APPROVAL CRITERIA

### (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.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

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

**Findings for A1:** Set back approximately 10 blocks to the west from the Willamette River the building is not overtly oriented to the River. However, the building height and design provides visual connection to the Willamette River from its location in the heart of the Pearl District. The proposed design has increased the number of balconies on each elevation of the building at all levels, on both the hotel and the residential floors, providing additional views and connections to the Willamette River. In addition, the single story (previously it was two), lounge and event space located predominantly on the south elevation of the 22<sup>nd</sup> floor, which is accessible to hotel and residential users, also provides unobstructed views of the Willamette River from Burnside Bridge continuing south.

*Therefore, this guideline is met.*

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

**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.

**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 for A2, A5-3 and A5-4:** Revised drawings have refined the water feature / art piece from one large installation on the west elevation, which was unresolved in its location between the hotel and residential entrances, as well as in its form and effect, to two smaller twin installations that flank and celebrate the corner hotel entrance. Both fountains are integrated into the concrete columns and consistent in size and placement with the height and dimensions of the adjacent storefront systems. The water features are 3 feet in width and approximately 8 feet in height, made of pre-cast textured concrete panel, set in relief, and at an angle. The image on the face of the water features is a reference to Tanner Creek. Staff believes that the two smaller water features are a successful resolution to the water feature/art conundrum. The water features succeed in the following aspects: they denote and celebrate the hotel entrance; they succeed as being features that are clearly a part of the building design while contributing to the greater public experience; they provide multiple sensory effects: visual, audio and tactile; they are well integrated into the ground floor design; and they provide a precedent for future similar projects. Lastly, the water feature's design, specifically the slight angle in the recess from top to bottom, succeeds in providing continuity with, and a subtle acknowledgment of, the City's preeminent water feature: Lawrence Halprin's Forecourt Fountain.

*Therefore, these guidelines are met.*

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

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

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

**A5-1-1. 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.

**Findings for A4, A5, A5-1 and A5-1-1:** Hyatt Place continues the neighborhood's tradition of architectural enhancements and diversification, for example street edges containing balconies, contrasting materials, and cladding materials and compositions responsive to the environment, views, and elements that characterize the River District neighborhood.

Proposed large, fully glazed storefront systems draw from the area's tradition. While the integration of common pedestrian level features, such as canopies, new sidewalks, curb extensions, street trees, and large expanses of active ground-level storefront will also provide a strong identity in the neighborhood and improve connections with surrounding blocks, buildings, and neighborhoods.

The revised design consists of a clear base, middle and top that is consistent with traditional architecture in the district. The 3-story concrete base also draws from the material palette, ground floor massing, and datums of other buildings found throughout the Pearl District. In contrast to other buildings in the district, but in keeping with the Guideline A5-1-1 which supports, *adding buildings which diversity the architectural language and palette of materials*, the building proposes metal panel as the primary material for the building cladding above the base.

The project will reinforce a unified streetscape through the use of established street elements such as street tree placement, sidewalk width and patterning, and corner pedestrian curb extension. Local character and identity will be maintained through the consistent integration of canopies along both street frontages as well as large fully glazed storefront systems. To activate the north elevation and in anticipation of the future Flanders Greenway, the proposed design includes recessed areas between concrete bays for café seating and programming as well as a folding storefront system providing additional access and fewer barriers into the hotel's lobby. While activation of the lobby is supported, the north ground floor and pedestrian realm could be improved with additional folding storefront systems on this elevation. To this end, staff has added a condition of approval that an additional folding storefront system be added to the ground floor of the north elevation in the location immediately east of the bay already proposed with a folding storefront system.

*With the condition of approval that an additional folding storefront system be added to the building's ground floor, on the north elevation, to the bay immediately east of the bay already proposing a folding storefront system, these guidelines are met.*

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

**Findings:** Hyatt Place will establish and maintain a sense of urban enclosure through its massing being developed to the property line, or within 3 feet of the property line, providing a "strong built edge" on both street facing elevations (north and west).

The integration of canopies along both the north and west elevations; recessed bays with large fully glazed storefront systems and a folding storefront system at the ground floor sidewalk level; as well as balconies on the upper stories, also help to successfully articulate the urban edge while maintaining a strong sense of urban enclosure.

*Therefore, this guideline is met.*

**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.

**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.

**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 for A8, B4 and C6:** The proposal features a significant amount of glazing on all façades, particularly along the ground floor of the north façade on NW Flanders Street. The glazing provides views into the ground floor hotel lobby, lounge and café, where the interior space extends an additional floor to highlight the main hotel entrance. Glazing on the west elevation along NW 12<sup>th</sup> Ave also provides views into the hotel lobby as well as the main residential lobby.

Concrete columns at the property lines on the north and west elevations provide a bay structure and rhythm for the ground floor, while also providing recesses (the ground floor is setback 3-feet from the property line) for planters, furniture, and the proposed café areas to spill onto the sidewalk. The proposed folding glass wall on the north elevation provides an additional area of transparency and transition between the building and sidewalk.

Collectively, the large, glazed storefront systems, recessed building walls within the concrete column bays, folding glass wall, pedestrian level canopies and pedestrian scaled water features at the corner entrance, are all successful features at the ground level that enhance and contribute to the pedestrian scale of the building. In addition to providing texture to the pedestrian environment, these features also help to accommodate pedestrian connections, viewing, and activation into the building and the pedestrian realm. Lastly, these features provide generous, comfortable, and safe areas that transition from the private development and the adjacent public spaces.

While staff feels that the north elevation setback, large glazed storefront systems, folding wall system, and canopies will help to activate this elevation and pedestrian realm, staff is also concerned that greater activation and building continuity could be achieved on this elevation, and to the building at large, through the addition of a second folding wall system. To this end, staff reiterates the previous condition of approval (see above findings for A4, A5, A5-1 and A5-1-1) that an additional folding storefront system be added to the building's ground floor, on the north elevation, to the bay immediately east of the bay already proposing a folding storefront system.

*With the condition of approval that an additional folding storefront system be added to the building's ground floor, on the north elevation, to the bay immediately east of the bay already proposing a folding storefront system, these guidelines are met.*

**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.

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

**Findings for B2 and B6:** A curb extension at the corner of NW 12<sup>th</sup> Ave and NW Flanders will provide limited traffic calming and pedestrian protection from both vehicle and bicycle traffic. Incidentally, the proposed addition of the Flanders Greenway also benefits the pedestrian in this area as it shows the removal of a traffic lane and creation of a protected bike lane along NW Flanders.

The proposal includes a lighting program that provides a variety of lighting fixtures and effects on both street facing facades. The ground floor lighting includes both security lighting, as well as architectural lighting. Mechanical systems are located approximately 20 feet above grade and away from pedestrians.

Ground level canopies on the north and west building frontages will provide shelter in poor weather and shade during the hot summer months, and create a friendly retail atmosphere for a variety of potential retail tenants. In addition, on both the north and west façade, the ground level of the building is recessed slightly beneath the 2<sup>nd</sup> floor, providing addition weather protection along the majority of each of these façades.

The revised design includes additional aspects that better protect the pedestrian and provide improved weather protection to both those entering the building and those within the public pedestrian realm. Specific improvements include adjusting the access to the long-term bike parking facility (located in the basement) from a separate access point at the southwest corner of the building, to being located at the main residential entrance. With this change the long-term bicycle parking access door and the main pedestrian entrance are no longer separated by the proposed loading area where vehicles may create a conflict to pedestrians.

Relocating the hotel loading zone parking from NW 12<sup>th</sup> Ave to NW Flanders Street is an additional alteration to the scheme that may help to reduce potential vehicle-to-vehicle and vehicle-to-pedestrian conflicts. The revised design eliminates the potential conflicts that may have occurred regarding cross-traffic between the loading zone for the hotel on NW 12<sup>th</sup> Ave. and those utilizing the two loading areas in the building. In addition, relocating the hotel loading zone to NW Flanders St. reduces the interactions, cross-traffic, and potential conflicts between those accessing the site for hotel uses versus those accessing for residential users.

Weather protection has been increased and improved at the corner entrance through a single prominent canopy wrapping the corner from NW Flanders St around to NW 12<sup>th</sup> Ave.

*Therefore, these guidelines are met.*

**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.

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

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

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

**Findings for C8, C9 and C9-1:** The sidewalk-level of Hyatt Place is differentiated from the middle and top of the building with, as previously mentioned: concrete columns that help to frame and articulate the building edge and storefronts; a 3-foot recessed area for sidewalk seating and landscape planters; large storefront systems with significant glazing; a folding glass wall storefront system (on the north elevation); glass and steel canopies above all entrances and north elevation storefront systems; additional transom glazing above all proposed canopies; water/art features (on the north and west elevations). All together, these treatments help to facilitate a variety of active uses.

Because no parking is proposed on site, vehicle access across the sidewalk and pedestrian zone, will be reduced. The proposed loading area is screened by an aluminum and opaque glass overhead door to lessen the impact on pedestrians.

The building has been further refined with a clear base, middle and top. The three-story base is now: clearly articulated with concrete panel; proud of the middle and upper stories by approximately 2-feet on the two street frontages; has a simplified and organized material palette; and includes concrete columns that strengthen and are an appropriate proportion to the size of the tower while also distinguishing the bays at the base on the north and west elevations.

The sidewalk level of the building has also been refined including: a simplified material palette with a consistent hierarchy (i.e. metal louvers are subservient to concrete panel and ACM panel); two canopy types proposed at consistent heights; the corner canopy being a unified structure that wraps and emphasizes the corner; the north and west elevations having improved continuity regarding bay rhythm and articulation; and the west elevation being simplified and better articulated through material organization, removal of the single proposed water feature for two water features that flank the corner entrance, removal of previous “void” wall, and through the removal of the separate bike accessway that was previously located on the far side of the building’s required loading area.

Collectively, the proposed alterations create a more unified, architecturally consistent, and well-defined sidewalk-level of the building for both hotel and residential users.

While the alterations are successful, staff is reiterating the previously stated condition of approval that an additional folding storefront system be added to the building’s ground floor, on the north elevation, to the bay immediately east of the bay already proposing a folding storefront system for increased flexible sidewalk-level space and architectural continuity.

*With the condition of approval that an additional folding storefront system be added to*

*the building's ground floor, on the north elevation, to the bay immediately east of the bay already proposing a folding storefront system, these guidelines are met.*

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

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

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

**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 for B1, B1-1, and C7:** *Hyatt Place* maintains the established pedestrian system within the right-of-way that is consistent within the district. The proposed design also provides a 3-foot setback along the ground level of the north and west elevations to allow additional area for café seating and building frontage programming. The proposed articulation of the building at the ground level includes the integration of large windows providing views into the hotel lobby and café, canopies along the majority of both street facing elevations, and lighting within the frontage zone.

The corner of NW 12<sup>th</sup> Ave and NW Flanders is activated and strengthened through the previously mentioned large storefront glazing and canopies. Hotel signage on the canopies along with hotel entrances at the corner on both the north and west elevations, further activates the corner of the quarter block development. In addition, proposed glazing at the corner in the upper floors, from the 2<sup>nd</sup> floor to the 23<sup>rd</sup>, provides visual strength and articulation to the building's design.

Additional glazing has been added at the corner of the quarter-block building extending from the base to the top of the tower to provide increased emphasis and prominence. The fully glazed corner is further accentuated at the base with a single metal canopy that wraps from the north to the west elevation of the building to better distinguish the hotel's main entrance. In addition, the corner canopy is 15-feet above grade, which is approximately 5-feet higher than the remaining canopies on the building, providing a clear wayfinding and hierarchy to the building's retail entrances. Lastly, the corner is flanked on the north and west elevations with the proposed twin water features inset in the adjacent concrete columns to provide further emphasis to the building's corner and corner entrances.

While the design greatly strengthens the corner, staff is concerned that the effect of fully glazed corner is lost by those under the corner canopy due to its being perforated metal rather than laminated glass, like the other canopies. To better emphasize the corner and to provide additional continuity of materials staff has added the condition of approval that the corner canopy be constructed to match the

other canopies on the building, regarding glass construction.

*With the condition of approval that the corner canopy be constructed to match the other canopies on the building, regarding glass construction and transparency, these guidelines are met.*

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

**Findings for B5:** While not a plaza or park, the proposed Flanders Greenway, which is intended to provide improved pedestrian and bicycle connection from NW 24<sup>th</sup> Avenue to Tom McCall Waterfront Park and the Willamette River, encompasses many of the characteristics of a dynamic open space. Preliminary designs for the Flanders Greenway propose a “contra flow protected bike lane” and indicate reduced vehicle traffic through eastbound only access. Hyatt Place will engage the proposed Greenway through large operable fully glazed storefront systems and retail area along the entirety of the quarter-block.

*Therefore, this guideline is met.*

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

**Findings:** The proposed entrances to the hotel, residences main entry, and café’s are located at grade—two on the north façade and two on the west façade. There are no ramps or stairs to traverse in order to gain entry into these two most-public spaces of the building. In addition, all ground level building entrances are designed to correlate to adjoining sidewalk grades in order to maintain graceful and functional entrances, minimizing the impact of grade changes. All applicable City, State and Federal design standards relating to accessibility and barrier-free circulation will be met both inside and outside the building. All residential units will comply with guidelines set by the fair housing act policy.

*Therefore, this guideline is met.*

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

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

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

**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 for C1, C1-1 and C11:** The proposed hotel and residential building is not within any existing view corridors. Windows are provided on all four elevations, however, most prominently on the north and west elevations (both street facing). The building's setback on the south elevation allows for significant glazing from the second floor to the top of the tower. The east elevation proposes the maximum glazing allowed by building code: 15%. Importantly, large areas of glazing are provided at the ground floor to provide both views into the building and views out to life on the street. The proposed shared amenity areas on the 22<sup>nd</sup> level is fully glazed allowing views to the south, west and east, to the Willamette River. In addition, an outside roof terrace is proposed on the 22<sup>nd</sup> floor, adjacent to (and south of) the shared lounge/event space. All proposed shared amenity spaces take advantage of the roof to provide semi-public open space in an otherwise dense urban environment and also provide opportunities for views to the river and beyond.

The roofs, on both the 2<sup>nd</sup> floor and the tower, house mechanical equipment and eco-roofs. The eco-roofs provide for on-site management of stormwater and also create a more-pleasant view for residents in the vicinity who may be looking down on, or directly out onto, the proposed building's roofs. The large mechanical systems on the tower are fully enclosed behind a folded metal screen. A similar condition exists at the lower roof at the 2<sup>nd</sup> floor where the mechanical systems are surrounded by an eco-roof (to the north) that includes ornamental grasses performing as a stormwater facility and a separate green roof (to the south) planted out with low sedums. Unlike the mechanical equipment at the 22<sup>nd</sup> level the mechanical equipment at the 2<sup>nd</sup> level is not currently shown to be screened. Staff is concerned that the lower level mechanical equipment will be visible and unsightly if not screened and so has added a condition of approval for it to be screened in the similar manner, with similar materials (folded metal panel), to the 22<sup>nd</sup> floor mechanical screening.

All together, the roof is a well-integrated component of the building, housing usable space, an eco-roof, and integrated architectural elements to screen mechanical systems from users on the roof and views from beyond the site.

*With the condition of approval that the 2<sup>nd</sup> level mechanical equipment be screened in the similar manner, with similar materials (folded metal panel), to the 22<sup>nd</sup> floor mechanical screening, these guidelines are met.*

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

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

**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 for C2, C4 and C5:** The base of *Hyatt Place* utilizes concrete panel, drawing heavily from other established buildings in the Pearl District and nearby 13th Avenue Historic District. The tower itself is simply constructed of 4-foot wide ACM metal panel and window wall systems. Proposed metal panels run the vertical length of the structure on each elevation providing a clear exterior treatment with logical breaks in the material dimension, to 2-feet wide, where it is overlapped by proposed balconies at the upper levels. Larger expanses of metal panel, most noticeably on the east and south elevations, maintain the established panel dimensions providing additional continuity with the buildings massing. Proposed

concrete balconies, with metal fascia and glass guardrails, provide additional texture to the façade of the upper levels of the tower while breaking up the previously mentioned vertical metal panel bars.

Overall, the building presents a largely coherent composition: a design with running vertical metal panel bars aligned with window wall systems and balconies located at both the hotel and the residential levels.

The revised design is simplified and articulated with a clear base, middle and top that is stronger and more recognizable than previous designs. The 3-story base is well proportioned to the mass and height of the building while continuing to draw from the established material palette of the district. The GFRC panel base includes a simple gridded hierarchy that clearly and cleanly transitions to the upper level ACM panel palette cladding and glazing systems. The base is given additional prominence and heft in being proud of the upper levels by 2 feet on the north, east and west elevations, and by approximately 7 feet on the south elevation (for the southwest portion of the building). In addition, the height of the base is consistent with the datum found throughout the Pearl District and neighboring 13<sup>th</sup> Avenue Historic District.

The middle and top of the tower have also been simplified and organized to include vertical ACM panel and window systems that are consistent and more uniform from one elevation to another. Features that provide subtle texture to the building, such as the concrete and glass balconies and façade shifts in the depth of the ACM panel, are also consistent across the building, giving the building greater overall coherency and continuity.

The top of the tower has also been reorganized and articulated in the following ways: the top façade is set back from the middle facades by 3 feet; top vertical metal panels are approximately half as wide as the 4-foot wide metal panels on the middle of the building; and spandrel panels at the top of the tower are glass (“to be differentiated from the vision glass by a slight variation of color”).

While staff supports many of the alterations made to better strengthen and articulate the top of the tower, it is still not clear between elevations and renderings what the top of the tower is proposed to look like. Because of this, staff has added the condition of approval that the applicant provide accurate drawings, details and renderings at the November 21, 2019 hearing that clearly illustrating the “slight variation of color” that is mentioned.

*With the condition of approval that the applicant provide accurate drawings, details and renderings at the November 21, 2019 hearing that clearly illustrating the “slight variation of color” that is mentioned regarding the top of tower, these guidelines are met.*

*Therefore, this guideline is met*

**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.

**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 for C10 and C13:** Encroachments include the above grade balconies on the north and west elevations, as well as the canopies at the base of the building. The simple concrete and glass balconies are intended to add visual texture and activity to the building's upper floors without creating an architectural element that dominates or distracts from the building's overall design. Canopies are integrated into the base of the building providing pedestrian weather protection and a clear hierarchy to the building's two street facing facades.

Canopies on the west elevation are proposed to extend approximately 6 feet into the right-of-way and vary in height from approximately 11 feet above the sidewalk (at the residential and bike access door entries), to approximately 15 feet above the sidewalk (at the corner hotel entrance). Canopies on the north elevation are proposed to extend approximately 4 feet into the right-of-way and vary in height from approximately 10 feet above the sidewalk (within the three eastern bays), to approximately 15 feet above the sidewalk (at the corner hotel entrance).

Proposed signs are currently limited to the corner entrance canopy that services the hotel. The two proposed signs are less than 32 square feet (and so are exempt from design review) and are specific to the hotel use. Additional signage ultimately proposed must be under 32 square feet in area or will require a separate review.

*Therefore, these guidelines are met.*

**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:** Exterior lighting is proposed in specific locations on the building, predominately at the base, to highlight key architectural features and locations without being excessive or creating unnecessary impacts to the night sky. Lighting at the base includes "linear fixture lighting" at the steel frame and glass residential canopy (west elevation) and the three steel frame and glass canopies on the north elevation. Lighting appears to be modest: located tight to the building, diffusing out through the glass canopies. Lighting at the corner entrance is slightly more pronounced, including a field of LED lights "permeating a holed metal ceiling" throughout the entire corner canopy. Additional lighting is proposed at the pedestrian realm within the two water features. Lighting is located at the top of the water features with an LED fixture specifically proposed to illuminate only the water feature and not adjacent architecture. Lastly, LED strip lighting is proposed at the rooftop terrace (access doors and railing).

While the lighting proposal seems modest and consistent with Guidelines, it is also not clear exactly what lighting is proposed due to incomplete details and cut sheets. Staff has added a condition of approval that the applicant provide additional details at the November 21, 2019 hearing on the proposed lighting scheme at the pedestrian realm, top of tower, and the upper terrace. In addition, staff does not encourage skyline lighting of the tower because it is out of character with the Pearl District and not consistent with this design guideline.

*With the condition of approval that the applicant provide additional clarifying lighting drawings, details and cut sheets at the November 21, 2019 hearing, which further meet the Guidelines and minimize all skyline lighting, this guideline is met.*

## **(2) Oregon Statewide Planning Goals**

### Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written notice seeking comments on the proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

### Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Findings:** Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

### Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

### Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts

or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

**Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection ("p"), Environmental Conservation ("c"), and Scenic ("s") overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.

**Goal 6: Air, Water and Land Resources Quality**

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City's Stormwater Management Manual at the time of building permit review, and through the City's continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. Staff finds the proposal is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

**Goal 8: Recreation Needs**

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by

the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since approval of this application will enable an increase in the City's housing supply, the proposal is consistent with Goal 10.

In addition, Goal 10 specifies that each city must plan for and accommodate needed housing types and requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. Goal 10 and the administrative rules that implement the goal require the following:

- Identify future housing needs by amount, type, tenure and affordability;
- Maintain a residential Buildable Lands Inventory (BLI) with sufficient land to meet identified needs;
- Adopt land use maps, public facility plans and policies to accommodate needed housing;
- Meet minimum density and housing mix requirements (including the Metropolitan Housing Rule);
- Adopt clear and objective standards for needed housing.

The findings below explain how the City satisfied several of the requirements through acknowledged ordinances and explain how the Design Commissions approval of the requested design review complies with Goal 10 and the implementing regulations.

1. The City completed the first two requirements of Goal 10 through acknowledged ordinances that were adopted as part of the City periodic review process that culminated in the adoption of the 2035 Comprehensive Plan and

the implementing code amendments. As part of periodic review Task II the City adopted Ordinance 185657 and then updated and revised the needs analysis and BLI through Ordinance 187831 which was acknowledged on April 25, 2017. The findings of those two ordinances are incorporated herein by reference.

2. The City Council identified the documents, reports and maps adopted by City Council through acknowledged Ordinance 187831, including the inventory of residential lands as official 2035 Comprehensive Plan supporting documents and found that those acknowledged documents, reports and maps constitute an adequate factual base for all components of the 2035 Comprehensive Plan.
3. Accounting for construction between 2010 and mid-2015, the BLI finds that the City needs approximately 110,000 additional housing units by 2035. The housing needs analysis adopted by the two ordinances identified above provides a specific estimate of the types of households likely to be in Portland by 2035, and provide additional facts describing the housing needs by type, tenure, and affordability.
4. The BLI also identifies the supply of land available to satisfy the needed housing. The City adopted a revised inventory of vacant and underutilized land through acknowledged Ordinance 187831 (Exhibits F and G). The subject Property in this decision was identified as a Vacant “Underutilized” Lot on the All Residential Land Map.
5. The BLI found that the zoning in the Central City could provide capacity to meet the housing projections for the year 2035. Analysis demonstrated that the zoning and proposed amendments would be sufficient to allow approximately 39,500 units to be developed in the Central City through 2035. The subject Building includes 110 dwelling units. Therefore, the project contributes to the identified needed housing within the central city and complies with the element of Goal 10 which calls for the provision of needed housing.
6. The Metropolitan Housing Rule (OAR 660-007-0035) states that cities “must provide for an overall density of ten or more dwelling units per buildable acre.” This rule applies to all land within the City’s urban growth boundary. Buildable is defined to include vacant and re-developable land, excluding land constrained by natural hazards, steep slopes, or land subject to natural resource protection measures. In practice, most residential development in Portland occurs on land designated for mixed use development, such as the subject Property. This is particularly true within the Central City Plan District where the subject Property is located. The Metropolitan Housing Rule also allows consideration of mixed-use areas as “residentially designated.” The findings on Title 1, Housing Capacity, found in the “Findings on Metro Urban Growth Management Functional Plan” demonstrate how mixed use zones in the Central City produced more housing per acre than high-density residential zones have over the past 25 years. The Metropolitan Housing Rule applies to new construction on vacant and re-developable land, including the subject Property. The subject Building includes 110 residential units which are allowed within the mixed-use Central Employment zoning designation.
7. ORS 197.307(4) requires local jurisdictions to apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable lands. However, the requirement does not apply to Portland’s Central City.

In conclusion, for the reasons stated above, the Design Commission’s approval of the requested design review complies with Goal 10 and the implementing regulations. The 110 dwelling units provided through the subject Building contribute to the City’s housing supply to help satisfy the City-wide housing need identified in the acknowledged BLI,

contribute to the Central City housing supply and help meet the identified housing need within the Central City, and contribute to the City's compliance with the Metropolitan Housing Rule by greatly exceeding the minimum residential density. The provided housing also contributes to the city-wide diversity of housing options.

**Goal 11: Public Facilities and Services**

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.

In addition, a public facilities plan must include the following components:

- A list of the significant public facility projects which are to support the land use designated in the acknowledged comprehensive plan including public facility project descriptions or specifications of these projects as necessary;
- Rough cost estimates of each public facility project;
- A map or written description of each public facility project's general location or service area;
- Policy statement(s) or urban growth management agreement identifying the provider of each public facility system;
- An estimate of when each facility project will be needed; and
- A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

The findings below explain how the City satisfied the requirements Goal 11 through acknowledged ordinances and explain how the Design Commissions approval of the requested design review complies with Goal 10 and the implementing regulations.

1. The City Council elected to satisfy Goal 11 through the adoption of a Citywide Systems Plan (CSP) to serve as the City's public facilities plan for water, sewage and drainage facilities. The City Council adopted the CSP, with the exception of Chapters 9 and 10 and Appendices A, B, and C, as a Comprehensive Plan supporting document through Ordinance 187831. Ordinance 187831 was acknowledged on April 25, 2017.
2. The City Council identified the documents, reports and maps adopted by City Council through acknowledged Ordinance 187831, including the CSP as official 2035 Comprehensive Plan supporting documents and found that those acknowledged documents, reports and maps constitute an adequate factual base for all components of the 2035 Comprehensive Plan.
3. As an acknowledged support document for the 2035 Comprehensive Plan, the CSP guide infrastructure investments by the City to meet the needs of current and future Portlanders. The CSP is a 20-year coordinated municipal infrastructure plan for all areas with the City of Portland's urban service boundary, including the Central City. Portland's municipal infrastructure



- assets are physical systems that provide services and are maintained by the City.
4. The State of Oregon's Growth Management Act requires cities and counties to develop and implement public facilities plans. At a minimum, the public facilities plan must describe transportation, water, and sewer facilities needed to support the land uses designated in the acknowledged Comprehensive Plan. Portions of the CSP serve as the City's State-mandated public facilities plan in compliance with the state statute.
  5. The CSP includes inventory, condition and future project information for City transportation, water, sanitary sewer, and stormwater systems, as required by Goal 11. The CSP accounts for expected growth in the City, including the Central City area, over the 20-year planning period.

In conclusion, for the reasons stated above, the Design Commission's approval of the requested design review complies with Goal 11 and the implementing regulations. The City has satisfied its Goal 11 public facilities and service planning obligations through the adoption of the acknowledged CSP. The CSP includes the Central City area in its planning jurisdiction and anticipates future growth and development within the Central City and other City centers.

#### Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and found compliance. Therefore, the proposal is consistent with Goal 12.

In addition, Statewide Planning Goal 12 requires the local government to adopt a Transportation System Plan (TSP) that supports a safe, convenient and economical movement of people and goods, and supports a pattern of travel that will reduce air pollution, traffic and livability problems.

All cities are required to provide safe and convenient motor vehicle, pedestrian and bicycle travel on a well-connected network of streets. Larger cities, including Portland, are required to provide for transit service and to promote more efficient performance of existing transportation facilities through transportation system management and demand management measures.

A key objective of Goal 12 and the TPR is to reduce reliance on single occupancy automobile use. To accomplish this, Goal 12 requires investment in multimodal infrastructure, street connectivity and land use patterns that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.

Goal 12 allows the recognition that some parts of the City, including the Central City, pedestrian districts, and transit-oriented developments are highly convenient for a variety of modes, including walking, bicycling and transit, while other parts of the City may be more auto-oriented.

The Goal 12 implementing regulations in OAR Chapter 660, Division 12 require local governments to prepare a Transportation System Plan (TSP). Pursuant to the Goal 12 implementing regulations, a TSP must generally include the following elements:

- A determination of the transportation needs;
- A road plan for a system of arterials and collectors and standards for the layout of streets;
- A public transportation plan;
- A bicycle and pedestrian plan;
- A plan for transportation system management and demand management;
- A parking plan;
- Transportation project development; and
- A transportation financing program.

The findings below explain how the City satisfied the requirements of Goal 12 through the adoption of its TSP and related land use regulations and explain how the Design Commission's approval of the requested design review complies with Goal 12 and the implementing regulations.

#### Background

1. The TSP is the 20-year guide to transportation investments in Portland. The plan must be regularly updated and the updates must be based upon strong policy and technical analysis.
2. The Transportation Element of Portland's Comprehensive Plan was first adopted by Ordinance No. 165851 on September 23, 1992 and later expanded with the adoption of the TSP by Ordinance 177028 on October 30, 2002. It was amended by Ordinance 180871 on May 5, 2007, amended by Ordinance 183270 on August 19, 2009, and amended by Ordinance 185208 on March 14, 2012.
3. Further updates to the TSP were carried out as part of the Portland periodic review process that culminated in the adoption of the 2035 Comprehensive Plan and the implementing land use regulations that are effective within the Central City Plan District and citywide. The update was carried out in three stages:
  - As part of the 2035 Comprehensive Plan Periodic Review, Stage 1 of the TSP update amended the Goals and Policies, Projects & Program Lists, & Financial Plan. It was adopted by ordinance No. 187832 on June 15, 2016. The adopting ordinance is not yet acknowledged, but the Stage 1 TSP amendments are incorporated herein by reference and elements that could be deemed to apply to the Design Commission's decision are addressed further in the findings below.
  - As part of the 2035 Comprehensive Plan Periodic Review, Stage 2 of the TSP update amended the Objectives, Street Classifications, and Performance Measures. It was adopted by Ordinance 188177 on December 21, 2016. The adopting ordinance is not yet acknowledged, but the Stage 2 TSP amendments are incorporated herein by reference and elements that could be deemed to apply to the Design Commission's decision are addressed further in the findings below.
  - Stage 3 of the TSP update was not part of the 2035 Comprehensive Plan Periodic Review. It was adopted by ordinance 188957 on May 24,

2018. Stage 3 amendments provided a technical update that amended the TSP objectives and policies to be consistent with policies adopted by the 2035 Comprehensive Plan. The ordinance also amended TSP Street Classifications, Descriptions and Maps, Emergency Response Classifications, Descriptions and Maps, and Transit Classifications, Descriptions and Maps in compliance with the Regional Transportation Plan. Finally, the ordinance amended Performance Measures and amended Portland City Code Title 17. The Stage 3 amendments are incorporated herein by reference and elements that could be deemed to apply to the Design Commission's decision are addressed further in the findings below.

4. The City adopted further TSP amendments as part of the Central City 2035 Plan and related amendments to Portland City Code Title 33 through Ordinance 189000 on June 6, 2018. The City adopted Volume 2B, Transportation System Plan Amendments which included amendments to policies, project and studies lists, and street classifications maps. The document also includes the Portland Central City Multimodal Mixed Use Area Agreement between the City of Portland and the Oregon Department of Transportation, dated June 15, 2016 and a letter dated June 15, 2016 from the Oregon Department of Transportation providing written concurrence with the designation of the Central City as a Multi-Modal Mixed-Use Area (MMA). The adopting ordinance is not yet acknowledged, but the Volume 2B Transportation System Plan Amendments are incorporated herein by reference and elements that could be deemed to apply to the Design Commission's decision are addressed further in the findings below.
5. As part of Task II of the City's Periodic Review, the City adopted an Infrastructure Condition and Capacity Report as Exhibit B.6 to Ordinance 185657, which was approved by LCDC on June 11, 2014 (Order No. 001850) and acknowledged. The report discusses the condition and capacity of Portland's infrastructure systems, including the transportation systems. This acknowledged infrastructure inventory report, along with the other documents and reports approved through LCDC Order 001850, was determined by the City Council to provide an adequate factual base for all three components of the Portland Comprehensive Plan.

#### Identification of Needs Analysis and Coordination

6. Pursuant to Goal 12 and the implementing regulations, the City's TSP must be based on an inventory of local, regional and state transportation needs, consider all modes of transportation, and consider the different consequences that would result from utilizing differing combinations of transportation modes (an alternatives analysis). The TSP must also contain measures to minimize the adverse impacts of transportation, conserve energy, and meet the needs of individuals who have difficulty in obtaining transportation because of their age, income, physical or mental disability.
7. For the reasons stated below the City met the relevant requirements of Goal 12 and the TPR, necessary to adopt new land use map and policies, including the Central City 2035 Plan amendments, and laid the groundwork for the complete updated TSP. The reasons include:
  - Recognition, acceptance and accommodation of the population and employment forecast and distribution issued by Metro under ORS

195.036. Pursuant to Portland's periodic review work order, this includes approximately 123,000 new households and 142,000 new jobs from 2010 to 2035 (Metro Council ordinance No. 12-1292A, November 29, 2012).

- Adoption of a new 2035 Comprehensive Plan Map carrying out and enhancing the spatial development pattern established by the Region 2040 Growth Concept, and furthering land use patterns that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs within the meaning of Goal 12 and the TPR.
  - Adoption of 2035 Comprehensive Plan and Central City 2035 Plan policies sufficient to guide the TSP amendments described above.
  - Through the amended TSP, the City adopted an adequate list of transportation projects and programs as required by the Goal 12 implementing regulations.
8. Goal 12 implementing regulations (OAR 660-012-0015 and -0016) require the City's TSP to be coordinated and consistent with the Oregon Transportation Plan, state modal plans such as the Oregon Highway Plan, and Metro's Regional Transportation Plan and Regional Transportation Functional Plan. The City adopted the following findings to demonstrate that the amended TSP is consistent with those plans:
- Metro Regional Transportation Model: The City employed Metro's regional travel model to assess transportation impacts of different spatial distributions of future jobs and housing resulting from continued utilization of the existing plan map and the new 2035 Comprehensive Plan Map.
  - TriMet Service Enhancement Plans: The City participated in TriMet's work to update its long-term service plans. The TriMet planning process occurred contemporaneously with Portland's periodic review work plan. The City also signed a joint letter of Intent with TriMet on September 1, 2015 that outlined future transit service-related work plans. The letter outlines the intent to develop future agreements or MOUs that tie bus service future improvements to land use benchmarks and City progress on supportive facilities.
  - RTP Project List: The City and Metro coordinated to ensure general consistency of the local TSP project list with the most recent adopted Regional Transportation Plan (RTP).
  - Oregon Highway Plan Policy 1.F Mobility Targets: The City worked closely with the Oregon Department of Transportation (ODOT) to evaluate the adequacy of the TSP and the impacts of the 2035 Comprehensive Plan and Central City 2035 Plan changes on the state highway system. ODOT participated as a technical advisor during the modeling process and during development of the transportation policies and project lists. Work sessions were held to identify locations of concern based upon the modeling results.
  - Central City MMA: ODOT and City staff developed the MMA agreement

referenced above to implement a MMA designation within the Central City, consistent with the provisions of the Goal 12 implementing regulations.

Elements of Transportation System Plans (OAR 660-012-0020)

The Goal 12 implementing regulations require a local TSP to establish a coordinated network of transportation facilities and services adequate to serve state, regional, and local transportation needs and as noted above, identify the required elements of a TSP.

9. The adopted TSP satisfies each required element as follows:
  - *A determination of transportation needs and an evaluation of alternatives:* See findings provided above on identified needs.
  - *A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections:* The City adopted and amended the TSP Streets Classifications, Descriptions and Maps in compliance with the Metro RTP. Amended street classification for the Central City were also adopted through the Central City 2035 Plan. The streets directly adjacent to the Property were assigned the following classifications:
    - Traffic Classifications: NW 12<sup>th</sup> Avenue & NW Flanders Street – Local Service Traffic Streets
    - Transit Classifications: NW 12<sup>th</sup> Avenue & NW Flanders Street – Local Service Transit Streets
    - Emergency Response Classifications: NW 12<sup>th</sup> Avenue & NW Flanders Street – Minor Emergency Response Routes
    - Freight Classifications: NW 12<sup>th</sup> Avenue & NW Flanders Street – Local Service Truck Street
    - Bicycle Classifications: NW 12<sup>th</sup> Avenue – City Bikeway
    - NW Flanders Street – Major City Bikeway
    - Pedestrian Classifications: NW 12<sup>th</sup> Avenue & NW Flanders Street – City Walkways within the Central City Pedestrian District
    - Design Classifications: NW 12<sup>th</sup> Avenue & NW Flanders Street – District/Neighborhood
  - *A transit, bicycle and pedestrian plan:* The City has existing adopted modal plans. Additionally, the TSP project list includes incorporating projects developed with the Bicycle Plan for 2030. The TSP project list is also consistent with the regional High Capacity Transit Plan and contains projects to support TriMet's transit system plan. As noted above, a letter of intent outlines steps for future joint planning.
  - *An air, rail, water and pipeline transportation plan which identifies airports, railroads, ports, and major regional pipelines and terminals:* The City has an existing Freight Master Plan and PDX Airport Futures Plan and has adopted policies aimed at protecting harbor access lands.
  - *A plan for transportation system management and demand management:* The City adopted Transportation and Parking Demand Management of the Portland City Code through amendments to Title 17.
  - *A parking plan:* The parking plan requirements are satisfied by the

City-adopted Transportation and Parking Demand Management of the Portland City Code. The City also adopted parking management provisions for the Central City through the Central City 2035 Plan.

- *Policies and land use regulations for implementing the TSP:* The 2035 Comprehensive Plan and Central City 2035 Plan incorporate new transportation and public facilities policies.
- *A transportation financing program:* The City provided financial projections and planning related to the TSP Project List and adopted a financial plan that corresponded to the TSP Project List. A district-specific TSP project list and financial projections were also adopted for the Central City Plan District through the Central City 2035 Plan. The Property will directly benefit from two projects included on the Central City 2035 Project List:
  - 20097 – Design and implement a neighborhood greenway from the Steel Bridge to NW 24th Avenue. The identified greenway corridor is NW Flanders Street.
  - 20155 – Design and implement a bikeway, with traffic calming, signals, and improved crossings as needed along NW 12th Avenue between Burnside Street and Pettygrove Street.

Determination of Transportation Needs (OAR 660-012-0030)

This Goal 12 implementing rule requires TSPs to be based, in part, on an assessment of state, regional and local transportation needs; needs of the transportation disadvantaged; and needs for movement of goods and services to support industrial and commercial development planned for pursuant to Goal 8.

10. The City conducted an analysis of motor vehicle mobility (volume to capacity ratios) in collaboration with Metro and ODOT. Based on this analysis, several segments of state highways were identified that do not need to meet OHP mobility standards, even with planned projects in place. In those instances, the City worked with ODOT to develop both response projects, studies, and refinement plans, including Central City Loop Refinement Plan, as permitted by the OHP. Those responses were incorporated into the TSP.
11. In addition, the City has adopted a number of plans, reports and studies that together compromise the City's transportation needs assessment. In relevant part, these include:
  - Portland Bicycle Plan for 2030 (2010)
  - Infrastructure Condition and Capacity Report (2009)
  - Central Portland Transportation Plan Assessment (2009)
  - Portland Streetcar System Concept Plan (2009)
  - Portland Freight Master Plan (2006)
  - Portland Pedestrian Master Plan (1998)
  - Portland Traffic Safety Report (2016)
  - High Crash Corridor Map (2008-2012)
  - Regional Trails and Greenway Map (2014)
  - Multimodal System Completeness, A Strategy for Measuring and Building Portland's Transportation System (2015)
  - Alternative Mobility Standards and Performance Measures (2012)
  - Citywide Systems Plan (2015)
  - Growth Scenarios Report (2015)

12. To comply with the regional travel demand analysis, the City coordinated with Metro to run the Regional Travel Demand Model. As a baseline for the modeling, the City used the adopted 2035 Financially Constrained RTP project list (adopted 2010, based on the City’s 2007 TSP), the adopted 2012 Metro Urban Growth Report jobs and housing forecast for 2035, and the subsequent RTP allocation of households and jobs to Metro Traffic Analysis Zones. The performance of other subsequent model results was compared with this baseline outcome.

The Regional Travel Demand Model was run five times, with additional supplemental City analysis. In each case, the analysis compared expected performance of the planned transportation system in 2035.

- The first model run measured the impact of staff-proposed land use changes, while holding planned transportation improvements constant per the previously adopted TSP.
- The second run added the staff proposed revised TSP project list to measure the impact of proposed project list changes in isolation.
- The third model used the updated land use and project recommendations from the Planning and Sustainability Commission. The results were reported in findings for Task IV (Ordinance 187832).
- The fourth model run use the land use and projects from the adopted Comprehensive Plan Map.
- The fifth model run was the same as the fourth, except the Zoning Map was used to generate land use assumptions, rather than the Comprehensive Plan Map.

Evaluation and Selection of Transportation System Alternatives (OAR 660-012-0035)

The rule requires the TSP to be based upon the City’s evaluation of potential impacts of system alternatives. This includes improvements, system management measures, demand management, and land use alternatives. TSPs must also be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile.

13. To fulfill the requirement to consider alternatives, the City evaluated transportation impacts of the previous Comprehensive Plan and TSP, the 2035 Comprehensive Plan and TSP, and several other hypothetical alternative growth management strategies. The information was published and presented to the City decision makers in the Growth Scenarios Report. The City adopted the Growth Scenarios Report as an official Comprehensive Plan supporting document through acknowledged Ordinance 187831.
14. A number of evaluation criteria were used, consistent with the requirements of periodic review work plan Task III. Among the evaluation criteria were several transportation-related measures:
  - Access to frequent transit
  - Access to low-stress bikeways
  - Vehicle miles traveled
  - Commute mode share
  - Greenhouse gas/carbon emissions

Vehicle volume to capacity ratios were also calculated, based on the modeling described above, to evaluate compliance with the Oregon Highway Plan and Regional Transportation Functional Plan.

15. The adopted and acknowledged Growth Scenario Report describes the City's evaluation of each of the identified alternative development scenarios for each of the evaluation criteria. The City concluded that the 2035 Comprehensive Plan and TSP will improve access to frequent transit and low-stress bikeways, relative to the previous Comprehensive Plan and other alternatives. The model results also suggested that the 2035 Comprehensive Plan also enables a per capita reduction in VMT, and a reduction in the percentage of trips made by automobile.
16. The 2035 Comprehensive Plan and TSP includes policies promoting a regional congestion management approach, including a market-based system, to price or charge for auto trips and parking. Policies also encourage the use of emerging vehicle and parking technology to improve real-time management of the transportation network. Overall a system management approach was emphasized over the construction of new roadway capacity. The 2035 Comprehensive Plan and TSP supports the expanded emphasis on transportation demand management approach through both policy and program development.
17. The 2035 Comprehensive Plan, The Central City 2035 Plan and the TSP are consistent with OAR 660-012-0035 because the City evaluated the potential impacts of alternatives, including transportation improvements, transportation programs, system management measures, demand management, and land use alternatives; and because the programs, policies and TSP project list are designed to increase transportation choices and reduce reliance on the automobile. To the limited extent the rule applies to the Design Commission's decision on the subject Project, the unacknowledged elements of the plans and implementing development code standards result in a building without on-site parking. The lack of parking in combination with the close proximity of alternative transportation options is consistent with the City's objective of reducing reliance on the automobile and increasing use of alternative transportation modes. Therefore, the subject Project is both in compliance with, and a product of, the system management focused alternative selected by the City.

#### Implementation of the TSP (OAR 660-012-0045)

18. The City implemented the TSP through a variety of tools consistent with this regulation, including the adoption of Comprehensive Plan policies, zoning decisions, and the adoptions of new development standards and regulations. The following provides examples after a description of the requirements of each subsection of the rule that relate to the subject Property and Project:
  - *Protect transportation facilities, corridors and sites for their identified functions:* special setbacks were applied along several major traffic streets to enable a more comfortable sidewalk zone on wide streets. However, the City maintained a zero minimum setback standard on other streets, including the majority of streets in the Central City, including NW Flanders Street and NW 12th Avenue.
  - *Ensure safe and convenient pedestrian and bicycle access:* bike parking requirements adopted by the City continue to apply and within the Central City and elsewhere. The City adopted new major city bikeways, including NW Flanders Street.



- *Support transit:* The City maintained and updated a system of regional transitways and major transit priority streets, including NW 11th Avenue and NW 10th Avenue that are in close proximity to the subject Property. The density allowed within the Central City encourages people to live, work and stay within close proximity to the transit opportunities both existing and planned.
  - *Reduce reliance on the automobile:* The City removed the requirements for off-street parking for residential development close to frequent transit, which applies within the Central City. The City also adopted parking code changes to allow use of shared parking and greater allowances related to commercial paid parking.
  - *Improvements to bicycle and pedestrian trips to meet local travel needs in developed areas:* new bicycle classifications were incorporated into the TSP, implementing the adopted Bicycle Plan for 2030.
19. As noted above, the subject Project is a high-density mixed-use project located in close proximity to a variety of transit options in compliance with the Goal 12 and TPR objective of reducing reliance on automobiles. The Project is located less than 600 feet from a transit stop for the B Loop and NS Portland Street Car routes (Stop ID 10754 at NW 11th Avenue and NW Glisan Street) and less than 800 feet from a transit stop for the A Loop and NS routes (Stop ID 10772 at NW 10th Avenue and NW Glisan Street). The building is also located just one block from a bus stop for route 77 located on NW 12<sup>th</sup> Avenue and NW Glisan Street.
20. The subject Project is also ideally located to take advantage of a designated future bikeway along NW Flanders Street and nearby city walkways along NW 10<sup>th</sup> and NW 11<sup>th</sup> Avenues. It is also located two blocks from a Biketown bike share station located at NW 14<sup>th</sup> Avenue and NW Flanders Street.

Plan and Land Use Regulations Amendments (660-012-0060)

Section 660-012-0060 requires “amendment to a functional plan, an acknowledged comprehensive plan, or land use regulation that would significantly affect an existing or planned transportation facility,” to ensure that allowed land uses are consistent with the identification function, capacity and performance standards of the affected facility. The requirement can be met by “adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.”

21. The Design Commission’s decision does not approve an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation. Therefore, a site-specific evaluation under the regulations at OAR 660-012-0060 related to plan and land use regulation amendments is not required for compliance with the Goal 12 implementing regulations.
22. Adoption of the 2035 Comprehensive Plan and the Central City 2035 Plan, as well as corresponding changes to the Central City Plan District development standards and regulations, were part of the City’s required periodic review process that required a replacement of the Comprehensive Plan and a major update of the TSP. Therefore, OAR 660-012-0060 was not applicable to the series of ordinances through which the City adopted the 2035 Comprehensive Plan, the Central City 2035 Plan, the supporting documents, reports and studies for those plans, the development code amendments that implement the plans, and the TSP.

23. As noted above, the City adopted an MMA that applies to the Central City, including the subject Property, through Ordinance 189000. While the MMA is not yet acknowledged the MMA area was identified in earlier planning documents. Additionally, the following findings demonstrate how the designation of the MMA, and thus the application of the MMA, complies with OAR 660-012-0060 as a Goal 12 implementing regulation.
24. (1)(c). Significant transportation demand management, as defined in the rule, are present in the Central City 2035 Plan, including a rewrite of parking and transportation demand management policies and new zoning code regulations that significantly limit new parking to be built in the Central City. These changes eliminate the significant effect of the amendment by reducing auto trips below the number of trips in the “base case,” which is the model run for the 2016 adopted Comprehensive Plan. The subject Project does not include on-site parking and is therefore consistent with City’s policies and will generate less trips than a similar project with parking provided on-site. The absence of on-site parking encourages residents and hotel guests to use other modes of transportation to meet their daily needs.
25. (8)(a)(8). MMAs are required to be designated as a “regional city, regional town center or main street in the Portland Metropolitan 2040 Regional Growth Concept.” The Central City is designated under the Metro 2040 Regional Growth Concept as its own category, “central city,” thus qualifying as part of this rule as a “mixed use, pedestrian-friendly center or neighborhood.
26. (8)(b)(A). An MMA is required to “allow a concentration of a variety of uses.” The Central City Plan district is largely designated as Central Commercial (CX) and Central Employment (EX). These two base zones allow for high density development that allows for commercial, office, institutions, residential, and retail uses. Further, even the industrial portions of the plan district allow for high density employment uses. Thus, this MMA requirement was met. Once again, on the project level, the proposed Project is an example of a mixed-use development that is consistent with the types of uses contemplated in the rule.
27. (8)(b)(C). To qualify as an MMA, the Central City Plan district should allow for “a commercial core area with multi-story buildings.” Most of the Central City is, or has major corridors, designated as Central Commercial (CX) or Central Employment (EX). These two base zones allow for high density development that allows for commercial office, institutions, residential, and retail uses. Thus, this MMA requirement was met by the City. The subject Project is a multi-story building within the commercial core of the City, and therefore is generally consistent with the requirement.
28. (10)(a)(A). The MMA rule notes that a proposed amendment qualifies to be an MMA if the amendment is “a map or text amendment affecting only land entirely within” a MMA; is consistent with the definition of an MMA; is entirely within an urban growth boundary with adopted plans and development regulations; in an area that does not require off-street parking; and located in one or more specific ODOT classifications regarding intersections and interchanges. The Central City qualifies as a Multimodal Mixed-use Area under the identified section, and meets the definition stated in (10)(b)(A)-(E) as provided below:
- (10)(a)(A) A map of the MMA boundary is provided on page 35 of the Central City 2035 Volume 2B Transportation System Plan Amendments (Ordinance 189000, Exhibit E)

- (10)(a)(B) The study area is consistent with the definition of an MMA
  - (10)(b)(A) The MMA boundary is provided in Volume 2B.
  - (10)(b)(B) The MMA is located within the regional UGB.
  - (10)(b)(D) Within an MMA buildings and building entrances are required to be oriented to the streets. The development standards of the Central City Plan District requires that building be oriented towards the street, and maintain main entrances and active ground floor uses that support a pedestrian and transit oriented public realm.
  - (10)(b)(E)(i) There are several interchanges within one-quarter mile, including I-5, Highway 26, Highway 30, I-205, and I-84.
  - (10)(b)(E)(iii) The MMA is within one-quarter mile of facilities owned by ODOT and the City has a letter of concurrency from ODOT for the Central City to be designated as an MMA that is provided on page 37 of Volume 2B.
29. (10)(c). The MMA rule requires consideration of various safety factors. In response to this for the Central City, there are several mainline facilities owned by ODOT within and near the study area, based upon the definitions provided in the rule. The City worked with ODOT to designate the Central City as an MMA. Therefore, the require analysis was conducted and the City and ODOT addressed the identified effects through an agreement provided in Volume 2B (pages 32-35) to manage interchanges in the future. Volume 2B also includes TSP projects and studies (Figures 1 and 2, pages 13-28) pages that identified to improve safety for interchanges surrounding the Central City.
30. (10)(d) and (e). The Central City 2035 Plan as well as the City's Comprehensive Plan include language designating the Central City as an MMA.
31. (10) Demand management is defined as "actions which are designed to change travel behavior to improve performance of transportation facilities and to reduce need for additional road capacity." Methods may include, but are not limited to the use of alternative modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking." Through Central City 2035, the City adopted multiple policies, actions in the form of TSP projects and studies and regulations to provide demand management. The identified methods also address other transportation performance standards or policies that apply to safety for all modes, network connectivity for all modes and accessibility for freight vehicles of a size and frequency required by the development.

In conclusion, for the reasons stated above, the Design Commission's approval of the requested design review complies with Goal 12 and the implementing regulations. The City has satisfied its Goal 12 requirements through coordination with regional and state transportation entities and plans and the adoption of a TSP, transportation related policies in the 2035 Comprehensive Plan and Central City 2035 Plan, and implementing development code standards. Those decisions are supported by the findings above and the referenced and incorporated planning documents.

### Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and

drive less to meet their daily needs.” This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

#### Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

#### Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

#### Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

#### Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

#### Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

#### Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of

dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

**Findings:** Since Portland is not within Oregon's coastal zone, Goals 16-19 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 requirements of Title 11 can be met, and 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.

### Regarding FAR:

The base FAR allowed for the site in the Central City Plan District is 6:1 (see Portland Zoning Code 33.510 – Map 510-2). Bonuses to the base FAR are allowed provided the first 3:1 of any increase must be earned through:

1. The inclusionary housing bonus option described in Subparagraph C.2.a;
2. The Affordable Housing Fund bonus option described in Subparagraph C.2.b.;
3. The historic resources transfer provisions described in Paragraph D.1. or
4. The riverfront open space bonus option described in Subparagraph C.2.c.

In addition, there is no limit to the amount of floor area that can be transferred to a site.

At the time of permit the applicant will need to receive approval for bonus FAR and/or transfer covenants prior to the issuance of any permit.

\*Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.

### Regarding Height:

The base height for the site is 100 feet, although the site is eligible for height bonuses of up to 250' (See Portland Zoning Code 33.510 – Map 510-3 and Map 510-4). Bonus height may be earned through FAR bonus or transfer per Portland Zoning Code 33.510.210.D.3.

### Regarding Parking:

Per Portland Zoning Code 33.510 – there is no minimum parking required for development in the Central City Plan District.

## **CONCLUSIONS**

The proposed building will provide 170 hotel rooms and 110 residential units within a 250' high, quarter-block building that is 197,118 square feet in area. The site is in a close-in area of the Central City Plan District, that is well served by transit. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. With the added conditions, the proposal meets the applicable design guidelines, and therefore warrants approval.

**TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time to the Design Commission decision)

Staff recommends approval of new 23-story mixed use building consisting of hotel/hospitality and residential uses in the Pearl District Sub-District of the Central City Plan District. Included are café/lounge and lobby space at the ground level, 160 hotel rooms on levels 2-11, 113 one-bedroom and studio units on levels 12-23, shared amenity and event/lounge spaces are located on the mezzanine and the 22<sup>nd</sup> floor. 247 residential units above and two loading spaces. Exterior materials include concrete panel at the base and metal panel at the middle and top of the tower.

Staff recommends the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through H) 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 19-145295104202 DZ". 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. An additional folding storefront system be added to the building’s ground floor, on the north elevation, to the bay immediately east of the bay already proposing a folding storefront system.
- D. The corner canopy be constructed to match the other canopies on the building, regarding glass construction and transparency.
- E. The 2<sup>nd</sup> level mechanical equipment be screened in the similar manner, with similar materials (folded metal panel), to the 22<sup>nd</sup> floor mechanical screening.
- F. The applicant provides accurate drawings, details and renderings at the November 2019 hearing that clearly illustrating the “slight variation of color” that is mentioned regarding the top of tower.
- G. The applicant provides additional clarifying lighting drawings, details and cut sheets at the November 21, 2019 hearing, which further meet the Guidelines and minimize all skyline lighting.
- H. NO FIELD CHANGES ALLOWED.

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**Procedural Information.** The application for this land use review was submitted on April 9, 2019, and was determined to be complete on April 30, 2019.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on April 9, 2019.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period

may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A-2. The 120 day April 29, 2020.

**Some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case.** This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

**Appeal of the decision.** The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5000.00 will be charged (one-half of the application fee for this case).**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

Arthur Graves  
November 14, 2019 – Revised Staff Report

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

A. Applicant’s Submittals

1. Initial Submittal – Narrative, drawings, cutsheets: April 04, 2019
2. Request for an Evidentiary Hearing Waiver – signed: April 26, 2019
3. Request for Completeness and responses: May 07, 2019
4. Land Use schedule: May 05, 2019
5. Revised massing scheme: June 03, 2019 – superseded
6. Revised massing scheme: June 04, 2019 – superseded
7. Revised massing scheme: June 13, 2019 – superseded
8. Revised Art-Water feature schemes: June 18, 2019 – superseded
9. Revised drawing set: June 27, 2019
10. Preliminary Stormwater Report: June 27, 2019
11. Revised Preliminary Stormwater Report: July 08, 2019
12. Massing Schemes: August 13, 2019



13. Massing Schemes: August 27, 2019
14. Massing Schemes: September 12, 2019
15. Base Schemes: September 18, 2019
16. Base Schemes: September 26, 2019
17. Cartoon Set: October 07, 2019
18. Base Schemes: October 09, 2019
19. Revised Submittal: October 22, 2019
20. Radler White Parks & Associates: October 22, 2019
21. Kittelson & Associates: October 29, 2019
- B. Zoning Map (attached)
- C. Plan & Drawings
  1. COVER SHEET
  2. TABLE OF CONTENTS
  3. EXISTING CONDITIONS
  4. ARCHITECTURAL SITE PLAN
  5. FLOOR PLANS - LEVEL B1 + BIKE PARKING
  6. FLOOR PLANS - LEVEL 01 + LEVEL 1.5 (attached)
  7. FLOOR PLANS - LEVEL 02-03 + LEVEL 04-11
  8. FLOOR PLANS - LEVELS 12-19 + LEVELS 20-21
  9. FLOOR PLANS - LEVEL 22 + LEVEL 23
  10. FLOOR PLANS - LEVEL ROOF
  11. ELEVATIONS - NORTH
  12. ELEVATIONS - WEST
  13. ELEVATIONS - SOUTH
  14. ELEVATIONS - EAST
  15. BUILDING SECTIONS
  16. SIGHTLINES DIAGRAM - NORTH
  17. SIGHTLINES DIAGRAM - WEST
  18. ENLARGED ELEVATIONS/SECTIONS - STOREFRONT
  19. DETAILS - STOREFRONT + CANOPY
  20. ENLARGED ELEVATIONS/SECTIONS - HOTEL ENTRY
  21. DETAILS - HOTEL ENTRY +SIGNAGE
  22. ENLARGED ELEV / SECTIONS - RESIDENTIAL ENTRY
  23. ENLARGED ELEV / SECTIONS - LOADING
  24. ENLARGED AXON / DETAILS - ART + WATER FEATURE
  25. ENLARGED AXONS / DETAILS - FACADE
  26. ENLARGED AXONS / DETAILS - FACADE CORNER
  27. ENLARGED AXONS / DETAILS - FACADE AT ECO ROOF
  28. ENLARGED AXONS / DETAILS -FACADE
  29. ENLARGED AXONS / DETAILS - BALCONY
  30. ENLARGED AXONS / DETAILS - BALCONY
  31. ENLARGED AXONS / DETAILS - TOP OF TOWER
  32. ENLARGED AXONS / DETAILS - TOP OF TOWER
  33. ENLARGED ELEVATIONS / SECTIONS - AMENITY DECK
  34. DETAILS - AMENITY DECK
  35. ENLARGED ELEVATIONS / SECTIONS - ROOF PENTHOUSE
  36. MATERIALS / COLORS - LEVEL 01 - NORTH
  37. MATERIALS / COLORS - LEVEL 01 - WEST
  38. MATERIALS / COLORS - FACADE - NORTH
  39. MATERIALS / COLORS - FACADE - WEST
  40. MATERIALS / COLORS - TYPICAL
  41. MATERIALS / COLORS - FACADE - AMENITY DECK
  42. MATERIALS / COLORS - FACADE - ART + WATER FEATURE
  43. MATERIALS / COLORS - ROOF PENTHOUSE
  44. LANDSCAPE / TREE PLAN - LEVEL 01

- 45. LANDSCAPE PLAN - LEVEL 02
- 46. LANDSCAPE PLAN - LEVEL 22
- 47. LANDSCAPE PLAN - LEVEL ROOF
- 48. LIGHTING PLAN - LEVEL 01 RCP
- 49. LIGHTING PLAN - LEVEL 22 PLAN +RCP
- 50. LIGHTING ELEVATION - WEST ELEVATION
- 51. LIGHTING ELEVATION - NORTH ELEVATION
- 52. CIVIL GRADING PLAN
- 53. CIVIL UTILITY PLAN
- 54. PRODUCT CUT SHEETS
- 55. PRODUCT CUT SHEETS
- 56. PRODUCT CUT SHEETS
- 57. PRODUCT CUT SHEETS
- 58. PRODUCT CUT SHEETS
- 59. PRODUCT CUT SHEETS
- 60. PRODUCT CUT SHEETS
- 61. PRODUCT CUT SHEETS
- 62. PRODUCT CUT SHEETS

D. Notification information:

- 1. Request for response
- 2. Posting letter sent to applicant: June 12, 2019
- 3. Notice to be posted: June 12, 2019
- 4. Applicant's statement certifying posting: June 18, 2019
- 5. Mailed notice
- 6. Mailing list
- 7. Posting letter sent to applicant: October 17, 2019
- 8. Notice to be posted: October 17, 2019
- 9. Applicant's statement certifying posting: October 21, 2019

E. Agency Responses:

- 1. Fire Bureau: May 02, 2019. Dawn Krantz
- 2. Bureau of Development Services – Life Safety: May 24, 2019. Geoffrey Harker.
- 3. Bureau of Development Services – Site Development: May 28, 2019. Kevin Wells
- 4. Parks Bureau – Urban Forestry: May 29, 2019. Casey Clapp
- 5. Water Bureau: May 31, 2019. Michael Puckett
- 6. Portland Bureau of Transportation: June 03, 2019. Fabio de Freitas.
- 7. Bureau of Environmental Services: June 27, 2019. Emma Kohlsmith
- 8. Bureau of Environmental Services: October 25, 2019. Emma Kohlsmith
- 9. Portland Bureau of Transportation: October 31, 2019. Fabio de Freitas.

F. Community Responses:

- 1. David Dysert, Pearl District Neighborhood Association Planning and Transportation Committee Co-chair, June 20, 2019.
- 2. Elizabeth Hawthorne, community resident. June 28, 2019.
- 3. Kristina and Stephen Gregg, community residents in opposition. June 28, 2019.
- 4. Mike Myers, community resident in opposition. June 28, 2019.
- 5. Sandy Parkerson, community resident in opposition. June 28, 2019.
- 6. Ezra Rabie, community resident in opposition. June 29, 2019.
- 7. Scott Shiigi, community resident in opposition. June 29, 2019.
- 8. Bill Melcher, community resident in opposition. June 29, 2019.
- 9. Marilynn Rabie, community resident in opposition. June 30, 2019.
- 10. Rita F. Silen, community resident in opposition. June 30, 2019.
- 11. Carol Adelson, community resident in opposition. July 01, 2019.
- 12. Linda Alper and Kevin Cooney, community residents in opposition. July 01, 2019.
- 13. Elizabeth Hawthorne, community resident. July 01, 2019.
- 14. Pam Williams, community resident in opposition. July 01, 2019.
- 15. Jane Starbird, community resident in opposition. July 01, 2019.

16. Tobi Travis, community resident in opposition. July 02, 2019.
17. Dante R. Marrocco, community resident in opposition. July 02, 2019.
18. Julia Marrocco, community resident in opposition. July 04, 2019.
19. Ethel Katz, community resident in opposition. July 04, 2019.
20. Arlene Matusow, community resident in opposition. July 04, 2019.
21. Sarah Mace, community resident in opposition. July 05, 2019.
22. Karl Von Frieling, community resident in opposition. July 05, 2019.
23. Rita Fawcett, community resident in opposition. July 06, 2019
24. Supattra, community resident in opposition. July 06, 2019
25. Marie Jamieson, community resident in opposition. July 07, 2019
26. Lawrence and Gail Hartman, community resident in opposition. July 07, 2019
27. Winston Chang, community resident in opposition. July 07, 2019
28. Ashley Carson, community resident in opposition. July 07, 2019
29. Jackie Gordon, community resident in opposition. July 08, 2019
30. Jared Hayes, community resident in opposition. July 08, 2019
31. William Thierfelder, community resident in support. July 08, 2019
32. Katherine Pokrass, community resident in opposition. July 10, 2019
33. Marie Jamieson, community resident in opposition. July 10, 2019
34. Alvin Solomon, community resident in opposition. July 11, 2019
35. Cynthia Thomas, community resident in opposition. July 12, 2019
36. Mark Sexton, community resident in opposition. July 14, 2019
37. Ross Laguzza., community resident in opposition. July 15, 2019
38. Carolyn Mindell, community resident in opposition. July 16, 2019
39. Deborah Seay, community resident in opposition July 16, 2019
40. Patricia Cliff, community resident in opposition. July 18, 2019
41. Denise Green, community resident in opposition. July 17, 2019
42. Elinor Gollay, community resident in opposition. July 17, 2019
43. Emily Brew, community resident in opposition. July 17, 2019
44. Janet Flaherty, community resident in opposition. July 17, 2019
45. Jeff Sanders, community resident in opposition. July 17, 2019
46. Kirk Wallace, community resident in opposition. July 17, 2019
47. Naomi Pollock, community resident in opposition. July 17, 2019
48. Art Tiwellan, community resident in opposition. July 18, 2019
49. Albert Solheim, community resident in opposition. July 18, 2019
50. Glenn Micallef, community resident in opposition. July 18, 2019
51. Patricia Cliff, community resident in opposition. July 18, 2019
52. Carolyn Wheatley, community resident in opposition. July 18, 2019
53. Carrie Richter, Bateman Seidel, July 18, 2019
54. Ezra Rabie, community resident in opposition. July 28, 2019
55. Margaret Sprinkle, community resident in support. September 11, 2019
56. Clay Shentrup, a California resident in support. September 12, 2019
57. Graham Taylor, community resident in support. September 16, 2019
58. Alli Lindeman, community resident in support. September 26, 2019
59. Christopher Amistadi, community resident in support. September 26, 2019
60. Cristina West, a Tigard OR resident in support. September 26, 2019
61. James Louie, a Washington resident in support. September 26, 2019
62. Jay Banasky, a West Linn OR resident in support. September 26, 2019
63. Jody Henrikson, community resident in support. September 26, 2019
64. John Williams, a Washington resident in support. September 26, 2019
65. Josef West, community resident in support. September 26, 2019
66. Mandy Henrikson, community resident in support. September 26, 2019
67. Michael Dolato, a Salem OR resident in support. September 26, 2019
68. John Mclsaac, community resident in support. September 30, 2019
69. Tori Harrigill, a Mississippi resident in support. September 30, 2019
70. Ryan Depauw, community resident in support. October 01, 2019

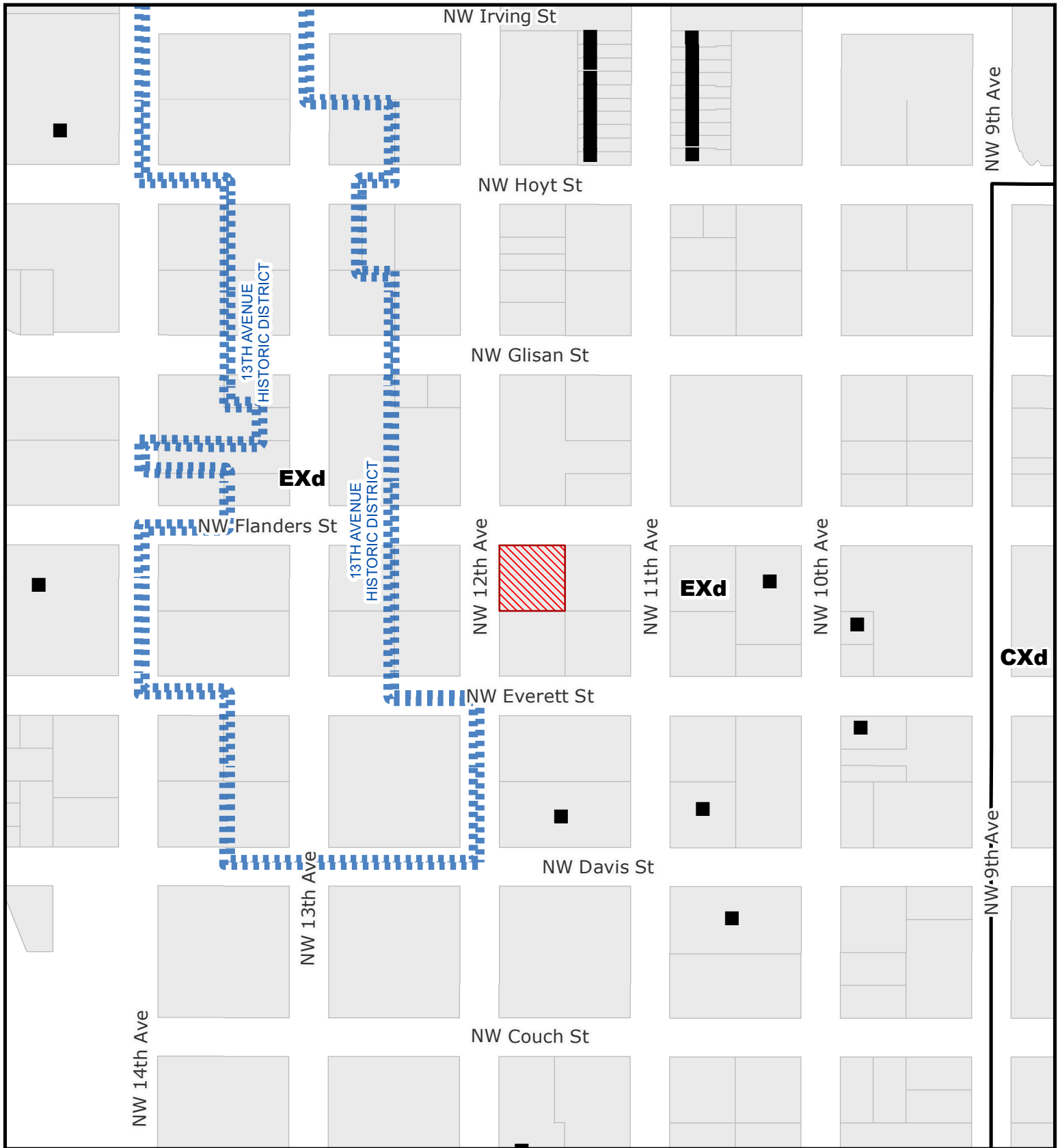
71. James Anderson, community resident in support. October 02, 2019
72. Jonathan Greenwood, community resident in support. October 02, 2019
73. Shawn Haskin, community resident in support. October 02, 2019
74. James Staicoff, community resident in support. October 03, 2019
75. Luke Arnott, community resident in support. October 03, 2019
76. Bradley Welsh, community resident in support. October 08, 2019
77. Jonathan Greenwood, community resident in support. October 09, 2019
78. Kimberly Palmer, community resident in support. October 09, 2019
79. Kevin Luu, a Washington resident in support. October 11, 2019
80. Pierce Cavallero, community resident in support. October 11, 2019
81. Adriana Britton, community resident in support. October 15, 2019
82. Kelly Melnick, community resident in support. October 16, 2019
83. Hanh Luong, community resident in support. October 18, 2019
84. Milt McConnell, community resident in support. October 21, 2019
85. Rich Barabzano, community resident in support. October 21, 2019
86. Jordan Williams, community resident in support. November 04, 2019
87. David Duncan, community resident in support. November 04, 2019
88. Lucas Gray, community resident in support. November 04, 2019

G. Other

1. Original LUR Application
2. Early Assistance Summary
3. Pre-Application Conference Summary
4. Design Advise Request #1 Memo to Commission
5. Design Advise Request #1 Summary Memo
6. Design Advise Request #2 Memo to Commission
7. Design Advise Request #2 Summary Memo

H. Design Commission Hearing: July 18, 2019

1. Staff PPT Presentation
2. Testimony



# ZONING

THIS SITE LIES WITHIN THE:  
CENTRAL CITY PLAN DISTRICT  
PEARL SUBDISTRICT



Site



Historic Landmark

File No.	LU 19-145295 DZM
1/4 Section	3028
Scale	1 inch = 200 feet
State ID	1N1E33DA 2700
Exhibit	B Apr 12, 2019