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Quarter Section: 3430

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.

Business District: South Portland Business Association, contact info@southportlanddba.com.

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: Central City - South Waterfront

Zoning: CXd, g – Central Commercial zone with Design and Greenway Overlays

Case Type: DZM SWGW – Desing Review with Modifications and a South Waterfront Greenway Review

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

Proposal:

The applicant requests Design Review approval for a four-block development in the South Waterfront sub district of Central City Plan District. In addition to the buildings, the project includes a greenway trail connection, new streets (SW River Parkway, western portion of Lowell and Abernethy) and river accessways (SW Lane, Abernethy and Lowell east of River Parkway). Overall the project provides approximately 1,232 residential units, 20,000 SF retail and 965 parking spaces. The two riverward blocks will contain high-rise buildings, with mid-rise buildings on the two western blocks. More specifically:

Block 41

- One 244'-9" tall building with a tower atop a podium
- 357 residential units, 4,610 SF of commercial space, 274 parking spaces
- Building materials – composite metal panel, brick, fiber cement panel, architectural glass

Block 44

- One 244'-9" tall building with a tower atop a podium
- 367 residential units, 2,430 SF of commercial space, 277 parking spaces
- Building materials – composite metal panel, brick, fiber cement panel, stone cladding, architectural glass

Block 42

- One 73'-2" tall building
- 224 residential units, 6,658 SF of commercial space, 186 parking spaces
- Building materials – brick, stucco, fiber cement panel (Equitone)

Block 45

- Two 72' tall buildings
- 278 residential units, 3,957 SF of commercial space, 228 parking spaces
- Building materials – brick, stucco, fiber cement panel (Nichiha), metal panel

It should be noted that the buildings on Blocks 41 and 45 are shown with mechanical elements projecting above the 250' height. Modifications to the 250' bonus height are not allowed and therefore the proposal will need to be updated before a decision can be rendered.

The applicant also requests a South Waterfront Greenway Review to provide improvements within the 100' greenway setback that occurs on the eastern portion of Blocks 41 and 44. The applicant proposes to construct the Greenway Trail along the site's river frontage to connect with the exiting paths to the north and south of the site. Greenway improvements include the separated bike and pedestrian paths with retaining walls and protective fencing, a viewpoint overlook at the Abernethy Terminus plaza, seating, Greenway landscaping, and regrading and armoring of the river bank.

The following Modifications are requested:

1. *Bonus Height Option* – To allow 25' of bonus height within the 125'-150' area west of the height reference line (Section 33.510.210.D.1).
2. *Vehicle Parking* – To allow two parking spaces to be stacked (tandem) without having an attendant on-site (Section 33.266.130.F.1.a).
3. *Bike Parking* – To reduce the width of long-term bike parking spaces from 2' to 18" (Section 33.266.220.C.3.b).

Design Review is required for new development per Section 33.420.041 and Section 33.510.253. South Waterfront Greenway Review is required for development in the South Waterfront Greenway that does not meet the landscaping, fence, Greenway Trail, and viewpoint standards of Section 33.510.253.E.5, and for removal of structures and grading below top of bank.

A Land Division Review has been preliminarily approved for this site by LU 17-160442 LDS AD, to create 4 lots, public streets and 2 greenway tracts. The lots will range in size from 50,600 to 81,780 square feet. The greenway tracts (Tracts A and B) include the Willamette River Greenway area, which is a strip of land that runs along the Willamette River and extends 100 feet landward from the top of the river bank. The Final Plat is currently under review.

Approval Criteria:

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

- Central City Fundamental and South Waterfront Design Guidelines
- Zoning Code Section 33.851.300 – South Waterfront Greenway Reviews
- Zoning Code Section 33.825.040 for Modifications Through Design Review
- South Waterfront Greenway Design Guidelines
- Statewide Planning Goals

ANALYSIS

Site and Vicinity: The site is located in the South Waterfront Sub District to Portland's Central City. The blocks are situated at the edge of the Willamette River abutting the Greenway. Bordering the site to the north is the SW Lane Pedestrian Way, to the south is the SW Lowell Street and future Pedestrian Way and to the west is SW Bond Avenue. SW Abernathy Pedestrian Way will extend through the multiblock site from east to west in the form of a street and pedestrian way

The properties to the north consist of the Osprey, a six-story mixed commercial/residential building and the Ardea, a high-rise residential building. The property to the south consists of a large surface parking lot for the Old Spaghetti

Factory. The properties to west across Bond are developed with multiple six-story mixed commercial/residential buildings.

South Waterfront is a neighborhood in rapid transition. Historically, the location of industrial activities, the district was rezoned in 1990 to Central Commercial, to allow a greater variety in uses, including residential, commercial and institutional, and to take advantage of the area's unique connection to the Willamette River. In the first decade of the century, several new developments were approved and constructed, establishing the area as a destination neighborhood. Many development opportunities still remain, and it is imagined that in the near future, South Waterfront will be a dense vibrant part of the city.

In 2010, a Design Review approved the South Waterfront Central District greenway improvements that stretch from SW Gibbs Street to SW Lane Street. The proposed improvements include: a trail system consisting of two paths, one for pedestrians and one for cyclists; a renaturalized and stabilized riverbank; pedestrian connections to the trail system at the end of neighborhood streets and accessways; overlooks at both the landward and riverward ends of these pedestrian connections; a system of vegetated swales providing stormwater conveyance and treatment; osprey nest locations; lighting; public art; and various seating options throughout. These improvements recently finished construction fronting the Osprey (adjacent to the north). The landscaping proposed along the greenway trail adjacent to Block 41 has been postponed due to the impending construction on the subject site.

Blocks 41 and 44 include 650 linear feet of South Waterfront Greenway along the west bank of the Willamette River. The South Waterfront Greenway is mapped at the east ends of S.W. Lowell, S.W. Abernethy, and S.W. Lane Streets, including lands within 100 feet of the top of bank of the Willamette River. The site's frontage on the Willamette River consists of steeply sloping rocky banks with cottonwood and pine trees scattered along the top of bank. A large dilapidated wooden pier structure covers approximately 4,000 square feet (stretching 110 feet along the shoreline) 300 feet north of the SW Lowell Street right of way. A vertical concrete block seawall stretches from SW Lowell, approximately 115 north along the river bank.

The South Waterfront reach of the Willamette River is described in detail in the *Willamette River Central Reach Natural Resources Protection Plan* (NRPP), as Inventory Site WR18—South Waterfront. The NRPP describes the Willamette River as important for dispersal of aquatic and avian species among rivers and streams, upland forests, valleys, floodplains and to and from the Columbia River and the Pacific Ocean. It is part of the Pacific Flyway for migratory birds, and is a key component of the extensive network of spawning streams for anadromous salmon and steelhead. The lower Willamette River is designated critical habitat for upper Willamette River Chinook salmon and steelhead trout; lower Columbia River Chinook salmon, coho salmon, and steelhead trout --all listed as threatened under the federal Endangered Species Act (ESA)

The banks of the river in South Waterfront are a highly varied mix of unclassified fill – concrete, piers and pilings, ramps and riprap. Bioengineered banks with root wads have been installed to provide bank stabilization and in-water structure for aquatic species. The area is sparsely vegetated, and the vegetation is dominated by Himalayan blackberry. A thin strip of shallow water exists in the southern half. Much of the river bottom is hard ground with patches of gravelly sand, sandy mud, muddy sand and sand.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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 South Waterfront Greenway Overlay Zones, protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district. These regulations increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities; they support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district; they ensure a clean and healthy river for fish, wildlife, and people; they embrace the river as Portland’s front yard; they enhance stormwater management in the South Waterfront Subdistrict; they respond to the federal Endangered Species Act and Clean Water Act; and implement the Willamette Greenway Plan and State law.

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 South Waterfront Sub District of this plan district.

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

- LU 06-107928 LDS. Approval of preliminary plat for 6-lot subdivision (not platted)
- LU 96-013362 DZ, GW, AD. Type III DZM and Greenway Review
- LU 92-009770 (ref file 92-00651)
- LU 91-008278 (ref file 91-00023)
- LU 88-005337 (ref file GP 028-88)
- LU 88-004258 DZ (ref file DZ 118-88)
- LU 08-116106 DZM. Approval of a new 27-story residential tower (Block 42) (not constructed)
- LU 16-283375 DZM – Design Review approval for two 7-story buildings on Blocks 41 & 44.
- LU 16-283373 DZM - Design Review approval for two 7-story buildings on Blocks 42 & 45.
- LU 17-160442 LD. Land Division (Preliminary Plat) approval concurrent with this subject Land Use Review. Numerous conditions of approval from this review are applicable to the greenway trail and the redevelopment of the site. The final decisions for 17-160442 LD should be referenced for the specific conditions of approval.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed November 22, 2019. The following Bureaus have responded with no issue or concerns:

- *Water Bureau* (see Exhibit E.2)
- *Fire Bureau* (see Exhibit E.3)
- *Bureau of Parks-Forestry Division* (see Exhibit E.5)
- *Life Safety Review Section of BDS* (see Exhibit E.6)

The following Bureaus are not supportive of the proposal:

- *Bureau of Environmental Services* (see Exhibit E.1) - BES does not recommend approval of the design review or greenway review applications at this time. The applicant should be aware that the placement of stormwater facilities could impact the design and layout of the site. Therefore, it is in the applicant's best interest to submit a stormwater report consistent with the project design and greenway plans to ensure the stormwater facilities can meet BES requirements, while also being compliant with the requirements of BDS.

BES has also identified specific recommendations to BDS related to mitigation for impacts to the greenway overlay zone on this site. Please refer to Section D Site Recommendations and Considerations below for more information.

- *Bureau of Transportation Engineering* (see Exhibit E.4) - PBOT is unable to recommend approval of the Design Review at this time due to the outstanding issues identified above.

The project is proposing private residential garages that will be accessed via SW River Parkway. PBOT standards require all access control mechanisms to be setback a minimum of 20-ft from the property line to provide adequate vehicle queuing space. Access controls located closer to the property line must be formally approved via a Driveway Design Exception. The applicant submitted a Driveway Design Exception (DDE) for each of the parking garage entrances (19-244579-TR). Unfortunately, PBOT cannot support the DDE at this time based upon the current proposed locations of the driveways. PBOT is working with the applicant's traffic engineer to modify the driveway locations which could include shifting the driveway for Block 41 northward to align with driveway proposed to serve Block 42. However, further analysis by PBOT's traffic engineer is required prior to determining if this is a feasible solution. *Accordingly, this item remains outstanding.*

The block utility plans submitted with the Design Review appear to contemplate new PGE vaults in the ROW. At this time, these vaults have not been conceptually approved by PBOT utilities. *This issue remains outstanding.*

- *Site Development Section of BDS* (see Exhibit E.7) - Site Development cannot support approval of this land use review at this time. Please address the items discussed, repeated below for clarity.
 1. The submitted floor plans and sections for the proposed buildings include finish floor elevations; however, the elevation datum used (i.e. NAVD 1988 or City of Portland Datum) is not clear. Please provide the elevation datum used on the drawings.
 2. Exhibit C.27 indicates that the finish floor elevation of at the south end of Level 01, Block 44 is at elevation 32 feet this appears to be below the flood protection elevation. Please revise finish floor elevation to be above the flood protection elevation 34.8 feet NAVD 1988 (32.7 feet City of Portland Datum.) A full review of finish floor elevations will be completed once the elevation datum used is provided.

3. All temporary and permanent ground disturbance must be shown on land use drawings. Please revise the greenway construction management plan to show the extent of the proposed ground improvement. Or provide a separate ground improvement plan.
4. The construction management plan shows the silt fence terminating perpendicular to property lines on the north and south ends of the greenway. As shown sediment will flow around the ends of the silt fence. Please revise erosion control plan to show the silt fence turning west at the north and south property lines, the silt fence must extent 100 or 200 feet up the bank.
5. The plan shows the turbidity curtain continuing off the edge of the area shown on at the north end of the site. Please revise the erosion control plan to show the turbidity curtain fully encircling the area of ground disturbance.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 22, 2019. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- James Gardner, representing South Portland Neighborhood Association, 11/29/19, identifying areas of concern as well as stating positive attributes of the proposal.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW – CHAPTER 33.825

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 a design (d) overlay zone, 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 the South Waterfront Design Guidelines, and the South Waterfront Greenway Design Guidelines for sites with a greenway [g] overlay zone.

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.

South Waterfront Design Goals

The South Waterfront Design Guidelines and the Greenway Design Guidelines for the South Waterfront supplement the Central City Fundamental Design Guidelines. These two sets of guidelines add layers of specificity to the fundamentals, addressing design issues unique to South Waterfront and its greenway.

The South Waterfront Design Guidelines apply to all development proposals in South Waterfront within the design overlay zone, identified on zoning maps with the lowercase letter “d”. These guidelines primarily focus on the design characteristics of buildings in the area, including those along Macadam Avenue, at the western edge, to those facing the greenway and river.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase “g”. These design guidelines focus on the area roughly between the facades of buildings facing the river and the water’s edge. They are addressed below as part of the South Waterfront Greenway Review.

South Waterfront Design Guidelines and Central City Fundamental Design Guidelines

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront 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.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project. Section II South Waterfront Design Guidelines are addressed below as part of the Design Review. Section III South Waterfront Greenway Design Guidelines are addressed in Section (2) of this report, as part of the South Waterfront Greenway Review.

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

Findings: The project incorporates several themes that Portlanders identify with and value, and that reflect our environment. Stormwater planters, eeroofs, bike path parking, enhanced pedestrian paths, increased access and enjoyment of the river, weather protection, and landscaping.

This guideline has been met.

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

Findings: The proposal includes a land division to create the four blocks. The block dimensions reflect the alignment of the existing streets and pedestrian ways that are identified in the South Waterfront Street Plan. Each of the blocks maintains a 200' dimension in at least 2 directions. The longer east-west dimension of Block 41 is a typical condition of properties bound by River Parkway and the river as the riverbank undulates creating a range of dimensions and footprints. While the podium of block 41 is longer than 200', the tower above is compatible with the 200' dimension. Blocks 45 and 44 are each close to 350' in their north-south dimension due to the alignment with Abernethy and Lowell. Block 45 opts for 2 buildings to align with the open space and building footprints on the block to the west, while Block 44 carves out of the podium to align with the break between the buildings on Block 45.

This guideline has been met.

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

A4-1 Integrate Ecological Concepts in Site And Development Design. Incorporate ecological concepts as integral components of urban site and development designs.

A4-2 Integrate Stormwater Management Systems in Development. Integrate innovative stormwater management systems with the overall site and development designs.

Findings for A4, A4-1 & A4-2: The proposal incorporates ecological and stormwater elements into the building and site design that are common to the South Waterfront district. Green roofs are a typical treatment in the district that can be witnessed from neighboring buildings and even the west hills, and transition the intense built environment to the natural qualities of the river bank and river. The ecoroofs on four of the buildings unify the site with the district while also providing stormwater management. The stormwater and landscape planters within the east-west accessways are also common elements within these spaces that manage run-off as well provide a much needed transition from the public pathways to the individual residential units.

These guidelines are met.

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. Consider South Waterfront's History and Special Qualities. Consider emphasizing and integrating aspects of South Waterfront's diverse history in new development proposals. When included in the development proposal, integrate works of art and/or water features with site and development designs.

D2. South Waterfront Area. Develop a pedestrian circulation system that includes good connections to adjacent parts of the city and facilitates movement within and through the area. Size and place development to create a diverse mixture of active areas. Graduate building heights from the western boundary down to the waterfront. Strengthen connections to North Macadam by utilizing a related system of right-of-way elements, materials, and patterns.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

Findings: The proposal addresses these guidelines in the following manners:

- The street design standards of the district will be employed along all public sidewalks adding to the local character of the right-of-way.
- The east-west accessways will build upon the enhanced pedestrian connections that exist in the district facilitating movement to and from the greenway trail. The project intends to continue the elements and transitions that define these pathways with benches, lights, paving, layers of landscaping, and residential front porches. However, details regarding the features and transitions have not been provided.
- The only building elements that encroach into the public right-of-way are the canopies, which enhance the public realm by providing shelter from the weather and will support the active pedestrian realm in South Waterfront. However, as stated in the findings below, more canopies are needed and not enough information has been provided.
- A panel with a circular image is shown on the north elevation of Block 44, however no details or information beyond this image were provided. Similarly, a water feature is shown on the overlook within the greenway that aligns with Abernethy. Art and water features that reflect the district’s history and special qualities would be welcome additions that build on its identity, however without any details about the two proposed there is no way to evaluate them against these guidelines.

Given the lack of information and detail noted above, these guidelines are not yet met.

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

Findings: The site is not an identified gateway in the South Waterfront district. *The guideline is therefore not applicable.*

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

A1-2. Incorporate Active Uses Along the River. Integrate active uses along the greenway to encourage continuous use and public “ownership” of the greenway. Program active uses to face and connect with the greenway, expand the public realm, and enhance the experience for greenway users. Develop active ground floor uses at the intersections of the greenway with accessways to the interior of the district to create stronger connections to and activity along the greenway.

B1-2. Enhance Accessway Transitions. Program uses along accessways and at the intersections of accessways and public streets linking the greenway with the interior of the district that activate and expand the public realm. Incorporate private building elements, such as entries, patios, balconies, and stoops, along accessways to expand the public realm from building face to building face. Integrate landscape elements within accessway setback areas with accessway transportation components to enhance transitions from South Waterfront’s interior to the greenway.

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 A1, A1-2, B1, B1-1 & B1-2: The proposal addresses these

guidelines in the following manner:

Block 44 (Lowell & greenway) – Live/work units and a bike room are proposed along Lowell. While the uses are appropriate given the proximity to the bike path on the greenway trail and the required ground floor active uses at the SE corner of this block (shown as “maker spaces”) intended to activate the greenway at the southern end, Staff has concerns on how successful the proposed conditions will be on these public spaces. Specifically:

- The live/work spaces are designed to be commercial in nature on their exterior will fully glazed facades right at the back of the pedestrian path. While this would be a successful condition as a work space, as a residence it would result in the need for privacy since no transition is provided, and blinds or other opaque conditions would result. This has unfortunately occurred with retail units being converted to residential units a few blocks to west of this site and it has significant negative impact on the public streetscape and activation. Taller floor heights to accommodate a mezzanine and/or a deeper transition between Lowell and the building face to ensure bedrooms/ private spaces do not occur along the sidewalk edge are needed.
- The bike room must have an exterior access to better activate this frontage and facilitate bike movement from the trail and street.
- Similarly, the “maker spaces” at the SE corner, that front onto a large landing that connects Lowell to the greenway trail, must have direct and equitable exterior access. As proposed, they would not be able to function as the active uses required by Code and a Modification could not be justified. More specifically, doors are a requirement of the ground floor active use standard. The size of these individual spaces (310-400 SF) is also questionable in terms of them be desirable and functional because there is limited active uses on the greenway. To ensure success of much needed active uses on the City’s public greenway trail, the applicant may want to consider the right type of active use spaces.
- There are discrepancies in the site, floor, elevations and landscape plans regarding uses, porches and entries. Before being able to determine if the ground level conditions meet these guidelines, additional detailed drawings of the ground level spaces and place-making opportunities must be submitted with adequate time for review.

Blocks 44 & 41 (Abernethy) – The majority of the Abernethy accessway is lined with residential townhome units that setback from the pedestrian/bike path approximately 22’ with generous layered landscaping. The commercial space at the western edge along River Parkway helps activate the street corners and intersection. That commercial space is critical because Abernethy is being intentionally designed as the focal point of activity for the project that draws the public (and all the residents of this development) down to the lookout platform at the end of Abernethy in the City’s public greenway. The accessway includes benches, lighting, and landscaping with a variety of trees providing places for the public to sit and move through to the greenway, while providing a buffer from the private units.

However, Staff does have the following issues:

- No information on these ground level conditions, other than landscape details were provided. Enlarged elevations, sections, details on walls, stoops, porches, etc., are needed. Before being able to determine if the ground level conditions meet these guidelines, additional detailed drawings of the ground level spaces and place-making opportunities must be submitted with adequate time for review.

- The areas adjacent to the commercial spaces along Abernethy appear to be separated from the pedestrian accessway in a similar manner as the townhomes. This commercial use must activate the accessway and therefore warrants a different treatment to generously invite the public in. Rather than being separated and closed on the accessway a more seamless treatment is needed to allow it to spill out and activate the accessway.

Block 41 (Lane & greenway):

- Same concerns as Abernethy frontage (information needed on layered transitions and more seamless commercial connection). The opposing condition at the SW corner of the Osprey on Lane is how commercial spaces flanking the accessways can be successfully integrated.
- The 5' deep x 17' wide “maker space” with no access to the greenway trail or adjacent path must be enlarged with exterior access because as designed it will not contribute to the activity of the greenway and will likely be storage given its adjacency to the parking area.

Block 42 (Lane): The residential ground floor units along Lane have a similar 22' landscaped setback from the edge of the public pathway with benches, lighting, and landscaping with a variety of trees. However:

- Not enough information is provided including to understand if the transition and elements are layered within the setback to result in successful condition for the resident and the public. Before being able to determine if the ground level conditions meet these guidelines, additional detailed drawings of the ground level spaces and place-making opportunities must be submitted with adequate time for review.
- Similar to the comment on Block 41, the commercial space at the western end of Lane must have a different edge condition along the accessway than the residential units because it must activate the corner of this accessway, which intersects with a Streetcar stop.
- An underground utility vault is shown at the eastern end of Lane, which conflicts with a private patio and landscape planter.

All Accessways:

- Details regarding the surface material and landscape planter details are needed. Before being able to determine if the ground level conditions meet these guidelines, additional detailed drawings of the ground level spaces and place-making opportunities must be submitted with adequate time for review.

Given the issues above, these guidelines are not yet 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.

C4-1. Develop Complementary Structured Parking. Develop, orient and screen structured parking to complement adjacent buildings, reduce automobile/pedestrian conflicts and support the pedestrian environment.

Findings for B2 & C4-1: The proposal includes a variety of building and site lighting that will illuminate the sidewalk and public spaces for safety and enjoyment. The parking is enclosed and internal to the building lined with occupied uses. Regarding, how the structured parking, garage access, mechanical exhaust and service areas address the public realm:

Block 42 & 45 – Twenty-foot wide garage entries are proposed for both blocks and appropriately located on River Parkway and are not overly scaled along the pedestrian realm. Loading for both buildings is located within the garages so no additional impacts on the pedestrian system. The electrical meters are within enclosed rooms rather than on the façade. However,

- No details or enlarged elevations are provided for the electrical rooms and generators on the River Parkway façade. Before being able to determine if these elements meet these guidelines, additional detailed drawings must be submitted with adequate time for review.
- Exhaust for the garage (since not naturally ventilated) has not been identified nor has the louver/vent locations for the ground floor tenants. These elements can have a detrimental impact on the public realm and must be thoughtfully considered with regard to placement, size and concealment approaches.

Blocks 41& 44 – Twenty-two foot-wide garage entries are proposed for both blocks located on River Parkway and designed to be appropriately scaled along the pedestrian realm. Garage exhaust for both buildings are taken up through the structure to the podium roof away from the sidewalk and public spaces. The generators and electrical rooms are both elevated within a mezzanine level in the ground floor along River Parkway. The generator exhaust louver is integrated above the garage entry on Block 44, incorporated into the upper panel of a storefront on the north façade.

Regardless, PBOT is not supportive of the locations of the garage entries on Blocks 41 and 42 as the current off-set between them will create turning conflicts. The applicant will need to work with PBOT to understand what amount of off-set is needed and then a discussion about the locations, adjacent spaces and potential impacts on the pedestrian realm can be further considered. Staff is initially concerned with the adjacency of parking entries to important outdoor spaces.

Given these issues, these guidelines are not yet 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. Facilitate Transit Connections. Orient the main entrances of buildings at streets served by public transit to conveniently and directly connect pedestrians with transit services.

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

Findings for B1, B1-1 and B3: The proposal addresses these guidelines in the following ways:

- The public right-of-way along each street frontage will meet the enhanced standards for the district. These standards are also being employed along the eastern portion of Lowell to provide a continuous treatment along this frontage, which is lined with live/work units and Code-required commercial spaces.
- On Blocks 42 and 45 with frontage on Bond where the streetcar line exists, the residential lobby entrances for all three buildings are located along this frontage to provide direct access to the Streetcar stops at the north and south

ends of the site. Curb extensions on each of the block corners will enhance and reduce the distance for pedestrians to cross the streets.

The east-west paseo on Block 45 supports pedestrian connectivity through this larger than typical block size and aligns with the paseo on the block immediately west, facilitating movement from the west through the district. However, while the paseo is a strong concept that facilitates movement, the compressed dimensions, as discussed in detail elsewhere in this report, will result in a dark and uninviting space.

Given these concerns, these guidelines are not yet met.

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.

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 B4 and B5: At the DAR on 8/29/19, the Commission was unanimous in concluding the carved out plazas at the ground floor of each building would not result in inviting spaces and were not located near building spaces that would help activate them. There was particular concern with the adjacency of the plazas to parking garage entries and blank wall as well as the plaza on the southern frontage of Block 42 as it was covered by the floors above. Additional concern was expressed about the width and quality of the paseo space between the two buildings on Block 45. The Commission encouraged more linear spaces that could meander along the sidewalk similar to conditions at the John Ross and Ardea developments to the north.

The applicant has made revisions to respond to these concerns including providing more vertical clearance above the plaza space at the south end of Block 42, locating some active uses and building entries adjacent to these spaces and adorning them with string lights, seating and planters. Staff concludes that even with these changes, the plaza and paseo spaces would still not be as inviting as imagined given the depth of the plazas and width of the paseo have not changed. Furthermore, these spaces are enclosed on 3 sides by 4-6 story walls. While some active uses have been shifted, several of the adjacent walls contain non-active spaces like egress corridors, garage walls, and garage entries.

Regarding the paseo, the Commission concluded that 40' between buildings was adequate to provide solar access, space for amenities, a through zone and layered transitions for a recent senior housing project in North Pearl. Other examples like the paseos at the Press Blocks are successful designs that could be referenced as well. While patio/porches are shown flanking the paseo, details regarding the layering to buffer these spaces while having them contribute to the intimacy of the space is not clear.

Details of the features proposed within these spaces (raised planters, benches, water features, paving, etc) have not been provided. Before being able to determine if the ground level conditions meet these guidelines, additional detailed drawings of the ground level spaces and place-making opportunities must be submitted with adequate time for review.

The goal is to ensure the project provides generous, meaningful and successful spaces for the public with building interfaces that contribute to the scale and activity of the spaces. Staff recommends the applicant explore the Commission's suggestion of more linear spaces along the public realm similar to those found in the district. Or Staff recommends consolidating spaces to make a few very meaningful, generous and well-located public spaces, like at the John Ross corner plaza.

Given these concerns, these guidelines are not yet met.

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: In response to this guideline:

Block 42 - There are several individual unit entries on the north and east elevations that do not include a canopy. In addition, there appears to be a discrepancy in canopy depth (5' in section details and varying depths on the elevations). In addition to accuracy in the information provided, Staff recommends additional canopies at the unit entries and a hierarchy of canopies to distinguish uses and primary entries (residential lobby entry, commercial, live/work and residential units).

Block 45 (northern building) - There are a couple of individual unit entries on the east elevations that do not include a canopy and there is little weather protection provided on the eastern frontage on River Parkway. While the locations of canopies are shown on the elevations, no details (material, height, depth, etc.) have been provided. In addition to providing the missing details, Staff recommends additional canopies at the unit entries and a hierarchy of canopies to distinguish uses and primary entries (residential lobby entry, commercial, live/work and residential units).

Block 45 (southern building) – No weather protection is proposed along the ground floor of this building. Canopies are needed at building entries and along the building street frontage.

Block 41 – This block's street frontage is limited to River Parkway. Along this frontage, 7'-6" deep canopies are concentrated at the middle to southern half of this frontage wrapping the SW corner onto Abernethy accessway. Staff recommends the weather protection be extended along the northern commercial space and also wrap the NW corner to return along Lane accessway. This will increase the amount of weather protection along the sidewalk, provide coherency among the commercial spaces and provide comfortable and protected areas to stop or be activated along the sidewalk.

Block 44 – This block's street frontage is also limited to River Parkway, however, live/work units line the Lowell frontage to the south. While there appears to be canopies shown on the west and south elevations, no details were provided and they are not reflected in the building sections. The sections do show a recessed ground floor along the entire western frontage that varies in depth, the amount of which is not clear, however an extensive amount appears to be rather shallow. Staff recommends some canopies of sufficient depth be added that project into the sidewalk to protect pedestrians and particularly a canopy at the commercial space

at the NW corner to support the hierarchy of the applicant’s stated “100% corner concept” at the intersection of Abernethy and River Pkwy.

In addition to the issues above, canopy locations are needed on the ground floor plans to accurately identify where proposed and sections details are needed to better understand the depth, height and relationship to the adjacent ground floor condition.

Given these concerns, this guideline is not met.

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

Findings: All of common building spaces are designed to be barrier free spaces for equal access for all. The east-west accessways and paseo on block 45 that also provide connections to the greenway trail are at-grade to allow full movement through the site without any steps or barriers.

This guideline has been 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.

Findings: The proposal meets this guideline in the following manner:

- All of the buildings incorporate opportunities for the occupants to take advantage of the views in all directions via balconies, rooftop decks, porches and extensive glazing, particularly on the towers.
- Extensive storefront glazing and active uses occur along the streets and in some cases extend along the east-west accessways to support interest and activity along these frontages.
- The north-south tower dimensions comply with the 125’ width limitation for the district (Block 41 is 65’-6” and Block 44 is 121’-1”), which is intended to support maintaining views from west hills to the river.

While there is no maximum east-west tower dimension in the district, the majority of towers in the district do not extend the full length of the east-west block dimension and they are set back in varying depths from River Parkway. At the 8/29 DAR, the majority of the Commission recognized the setback of the towers to the north as providing a view corridor along River Parkway and supported a similar response on the towers of Blocks 41 and 44. The tower locations have not been modified in the current proposal. In the current proposal both towers remain aligned with the podiums on the western edge at the street lot line on River Parkway.

Given the outstanding issue above, this guideline is not met.

A1-1. Develop River Edge Variety. Vary the footprint and façade plane of buildings that face the Willamette River to create a diversity of building forms and urban spaces adjacent to the greenway. Program uses on the ground level of buildings adjacent to the greenway and to accessways linking the greenway with the interior of the district that activate and expand the public realm. Design the lower stories of buildings within the

greenway interface to include elements that activate uses and add variety and interest to the building facades.

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

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

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: Regarding these guidelines:

Block 42 – At the 8/29 DAR, the Commission indicated that Block 42 needed more variation in the rooflines, carving into the full block mass (stepping down or a full break), revisit the number of windows and window-to-wall proportions and the heavy secondary cornice, and to consider balconies as a way to help with the massing challenges. The revised building maintains the industrial character with the multi-paned large windows and continuous canopies, which, the Commission supported as it reflects some of the history of the South Waterfront area and some older warehouse buildings that remain along the western edge. However, the following concerns remain:

- All of the full block residential buildings to the north and those to the immediate west have a meaningful break in their massing (u-shape, bar buildings or significant carving out the structure from ground to sky. Not only does this approach scale down the massing, it allows for the open spaces to have a direct connection to the public realm which are typically at-grade or within a few steps creating an inviting and accessible environment. The revisions made to the massing since the DAR are limited to larger planes of the façade setback 5' and the 2nd floor over the elevated courtyard access removed. These shifts are minor and do not reflect the scale and character of building masses in the district. More meaningful variation in the roofline and larger plane shifts in the façade could address the massing concern in-lieu of a full break in the building.
- Without the benefit of massing and design concept diagrams it is difficult to understand why the massing shifts occur where they do, with the exception of the courtyard access.
- The window-to-wall proportions have improved and more strongly relate to the industrial aesthetic. The relationship among the windows and openings need another pass for coherency. For example, the wider windows on the upper SE corner and the openings for the generator and electrical room with different proportions than the rest of the ground floor.
- The main residential lobby entrance on Bond is not distinguishable from the other building uses and does not include any doors in the elevations.
- Aligning with the Commission's comment on a complicated material palette, Staff recommends eliminating one of the secondary materials (stucco or Equitone) as a way to strengthen the intended straightforward aesthetic. Replacing the stucco with brick within the brick frames will also reinforce the warehouse style and simplify the design.
- Regarding vents and louvers, there needs to be an attempt to better integrate the upper floor vents. Louvers for air-conditioning need to be clarified to understand how the façade is impacted. Louvers for ground floor tenants and garage exhaust need to be identified and thoughtfully integrated.

Block 45 (north building) - At the 8/29 DAR the Commission stated the building needed to be rigidly simplified with perhaps 3 rules, should relate more to its

context and be less formal. While the revisions have resulted in a less formal design, the building massing, articulation and fenestrations are very similar to Block 42. The buildings should be more differentiated to reflect the variety in the district; these are very long blocks and if the buildings are too similar the architecture could be relentless. In addition:

- The drawings lack information to understand if there is any articulation to the façade (no wall, window, balcony, where materials meet, changes in wall plane, etc, provided).
- The ground floor façade is flat, lacking texture and interest. This placeless feel is compounded by the large scale and length of the storefronts.
- The low height of the ground floor retail at the NE corner is compressed and out of character with the scale of the neighborhood and the ground floor heights found in the area.
- The walled off courtyard access on Abernethy is not an inviting space and will be dark, especially given the northern exposure.
- There needs to be a hierarchy of entrances for wayfinding. The main building entrance is not obvious or prominent.
- Staff has heard from the Commission that Nichiha panel hasn't performed well and is not a dependable material. In addition, using authentic materials that reflect their composition is characteristic in the district and supported more than applied images or finishes that imply a different material. Authentic materials finishes are also longer-lasting as they are integral to the composition of the material.
- The 3' deep residential porches are shallow and not of usable size and are not characteristic of the vocabulary of ground floor residential in the district. They do little to transition from public to private and will not be activated nor utilized other than a landing to a door.

Block 45 (south building) – At the 8/29 DAR the Commission indicated while the southern building was successful in its simplistic coherency, it lacked articulation and detail. The building was revised and remains a strong coherent composition. However, staff notes the following:

- The gabled roof form is odd and out of context. It is a remnant of a much larger idea from a completely different project that is no longer proposed.
- As noted above, there is not enough information to evaluate the articulation and depth of the façade.
- The drawings lack sections to understand how the equipment well and the north façade intersect.
- No information is provided on the metal panel system proposed on the façade and roof.
- The 12' ground floor height expressed on the exterior is low for the scale of this district.
- The 3' deep residential porches share similar concerns as those on the northern building.

Blocks 41 and 44, generally – At the 8/29 DAR the Commission stated that *both* the tower blocks were overly complicated (in design and materials), missing a big idea, included tacked on elements on the river façade and more variety between the two towers was necessary because they seemed very similar. In addition, the Commission stated the podiums needed to further erode and be setback from the greenway.

Block 41 – At the 8/29 DAR the Commission stated the stepping of the tower needed to be better integrated, which is compounded by the contrasting colors and the tower needed to be better integrated with the base. Revisions have been

made that simplify the tower (like only white cladding and glass), however, Staff has the following comments:

- To strengthen and further simplify the tower:
 - The opposing elevation should have similar design language (i.e. north and south facades should be similar as well as the east and west).
 - The patterning on the tower is still complicated with a “frame” approach on some facades, glazed corners on others and larger fields of opaque cladding on others and mixed within the “frames”.
 - The south and east facades are the most successful in terms of “following rules”.
 - The large expanses of blank metal area are awkward on the north and west facades.
 - If the tower does not shift somewhat off of River Parkway, as suggested by the Commission, the tower would be better integrated with the podium by extending the tower expression and glazing down to the ground for the entire width, similar to how Block 44 expresses the tower at the base.
- For the podium:
 - The proportion and rhythm of façade treatment and bays on the north and south elevations of the podium are working well. A similar scale and organization of elements is needed on the east façade facing the river to improve the coherency on this façade and better address the interface with the greenway.
 - Another pass is needed on the podium to better express how each façade responds to its frontage condition and how those elements are tied together for a coherent podium composition.
 - There does not appear to be any change in the footprint of the podium along the river to not only break down the scale along this frontage but to provide more room for transition from the public trail to the private units.
- As noted above, there is not enough information to evaluate the articulation and depth of the façade.

Block 44 – In addition to the general comments on *both* tower blocks noted above, the Commission stated specifically for Block 44 that the facade articulation on the tower doesn’t make sense and that the gable on the podium could be successful if more coherent with the overall design. Staff provides the following comments:

- The massing diagram for this block is not evident and overly complicated. It must be stronger and reflected in the overall design and application of materials.
- The tower’s solid cladding is heavy given the more glassy exteriors of the towers in the district, particularly on the proposed west and north facades.
- While the Commission supported the L-shape of the tower, the wing is expressed as a north-south wall which is contradictory to the singular or bar forms in the district. The wing could be expressed differently to give hierarchy to an east-west form.
- Another pass is needed on the podium to better express how each façade responds to its frontage condition and how those elements are tied together for a coherent podium composition.
- The scale and rhythm of elements on the north elevation are successful and should be used to inform the design of the south and east facades of the podium. A reduction of scale and more planar shifts are critical on the east facade which appears to have gotten more planar with less erosion since the DAR proposal.
- As with Block 41, there does not appear to be any change in the footprint of the podium along the river to not only break down the scale along this frontage but to provide more room for transition from the public trail to the private

units.

- As noted above, there is not enough information to evaluate the articulation and depth of the façade.

All Buildings:

- The cutsheets provided for the garage doors are perforated metal panel slats. The color and door options should reflect the individual building designs. Opaque glazed doors or a more ornamental design given the adjacency to the public realm should be proposed instead.
- Other details/sections needed – balcony, vent/louvers in all materials, details and specs of the storefront and window systems, stucco and joint details. Before being able to determine if the building details meet these guidelines, these additional detailed drawings must be submitted with adequate time for review.

Given the comments above, these guidelines are not yet met.

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

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.

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.

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.

Findings for A7, A8, C7, C8 and C9: The project addresses these guidelines in the following manner:

- The buildings include ground level features that differentiate the base from the body of the building, like canopies, light fixtures, porches, storefront systems, etc. Benches to support activities at the ground level are also shown. However, as noted elsewhere in this report improvement are needed as well as details.
- Active uses are located on building corners and some architectural moves support the hierarchy of intersections. However, as noted elsewhere in the report revision to improve these are needed as well as additional details.
- While the Commission was supportive of ground floor residential units in the southern building, the height of floor levels and transitions along the sidewalk and paseo are concerning.
 - Shallow recessed porches that connect directly to the sidewalk on Lowell without any landscape/buffer will be a harsh and an uncomfortable condition for both the occupant and the pedestrian. A layered transition with landscape is critical and characteristic throughout the district. Doing so provides privacy while activating the streetscape, as occupants will use their porch if there is adequate space with some privacy.

- For similar reasons, the residential units up against the sidewalk along Bond (the Streetcar alignment) and portions of River Parkway will need to be setback and landscaped or need to be replaced with amenity or retail spaces.
- Walk-up residential units at the ground floor are very characteristic along the accessways, greenways and internal open spaces in the district. The north-south streets are primary connectors which contain more urban responses that house commercial and amenity spaces. Therefore, Staff is not supportive of the ground floor residential units along River Parkway in Block 42 and the northern building on Block 45. These should be replaced with amenity spaces or live/work for a more active and urban condition on this neighborhood connector. The Commission found the residential units in the southern building on Block 42 acceptable because Lowell is at the southern boundary of the district.
- Similar to the concern with live/work units on Block 44, the two units on Block 45 do not appear deep or tall enough to ensure a residential component can be accommodated away from the street edge.

Given these concerns, these guidelines are not met.

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

Findings: The proposal addresses this guideline in the following manner:

- For the buildings on Blocks 41 and 44 the rooftop areas are varied in height and size, activated with amenity spaces for residents, well landscaped and oriented to take advantage of the river views and activities.
- For the buildings on Blocks 42 and 45 (northern building only) the lower roofs are occupied with courtyards and roof terraces that are well landscaped, the latter oriented at the eastern ends of the block to allow river views and activities.
- Of the four building that require an ecoroof (the southern building on Block 45 has a slope greater than 25% so an ecoroof is not required) stormwater functions are incorporated on the upper rooftops.

Regarding rooftop elements:

Blocks 42 and 45 – While rooftop elements (stair, elevator overrun and mechanical) are indicated on the roof plan and elevation, no information or details were provided to assess if they are well integrated with the building, well designed and effectively screened. They do appear to be corralled into groups, which is a preferred approach to reduce mass on the rooftop, however, without understanding the scale and screening of the elements it is difficult to determine if the arrangement as proposed meets guidelines and will enhance views of a district that is oftentimes viewed from above; rooftops are certainly a 5th elevation in South Waterfront

Blocks 41 and 44 – The current plans show the stair, elevator overrun and mechanical units to exceed the 250’ bonus height limit for these sites. Projections above 250’ are prohibited. The applicant acknowledges this and intends on revising the plans in a future submittal to not exceed the height limit.

Similar to the western blocks, rooftop elements and mechanical are indicated on the podium and tower roofs, but not enough information has been provided to assess their integration with the architecture and massing, and if effectively screened. For Block 41, the tower rooftop elements do appear to be intentionally incorporated into the penthouse façade to fully screen them and provide a clean tower expression that contributes to the skyline. However, the information is still needed to determine if guidelines are met.

Given the information and details still needed to assess the rooftop elements, this guideline is not 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.

B2-1. Incorporate Outdoor Lighting That Responds to Different Uses. Place and direct exterior lighting to ensure that the ground level of the building and associated outdoor spaces are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas. When appropriate, integrate specialty lighting within activity nodes at interfaces of accessways and the greenway.

Findings for C12 and B2-1: The proposal addresses these guidelines in the following manner:

- On all five buildings, the building lighting scheme along the ground level and at the podium terraces are well-illuminated with frequent fixtures to provide safe spaces but that focus the light downward or diffuse the light so as not to impact the nighttime sky.
- The building lighting for Blocks 41 and 44 along the greenway and river edge appears appropriate and not overwhelming along this natural setting.
- For the east-west accessways (Lane, Abernathy and Lowell), contemporary pole lights are proposed throughout that will provide illumination to supplement the adjacent building lighting and unify these spaces throughout the site. However, the lighting fixtures Lane accessways west of River Parkway on Exhibit C109 and A109 conflict. This should be rectified in a future revision.
- For the east-west paseo between the two buildings on Block 45 and the plaza at the north end of the block fronting Abernathy, string-type “mercado” lighting will illuminate these spaces while providing a festive and welcoming manner.

On Block 44, vertical linear illuminated elements are proposed at the upper tower on the east elevation. While details were not provided, the image on APP.108 shows these light elements to span the upper 40’ of the facade and project above the parapet. Although the fixtures are not allowed by code to exceed the 250’ bonus height limit, the overall concept of directly illuminating a rooftop and at this scale is not at all consistent with the character of towers and their presence in the in the district (or larger Central City) skyline. Staff suggests this lighting scheme be eliminated from the proposal as it does not meet guidelines.

The large open space at the western edge along River Parkway does not indicate any building or site lighting. While concerns about the quality of this space have been stated above, should it remain, it needs to be adequately lit to be inviting and safe.

Additional details on how the recessed can light will be integrated into the pre-manufactured canopies and soffits still needed as well as where the lights will typically occur on the elevations.

Given the concerns with lighting above, these guidelines are not met.

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.

C13-1. Coordinate District Signs. Consider the development of a master sign program that integrates the sign system with the development’s overall design.

Findings for C13 & C13-1: No building or site signage is proposed. *This guideline is therefore not applicable.*

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 IIX 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 is not supportive of the proposal at this time, as mentioned earlier in this report. Therefore, the proposal is not 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 site is within the 100-year Floodplain (FEMA). Compliance with regulations related to this designation either has been addressed in the findings included as part of this land use review, and will be verified during building permit review and inspection. Therefore, the proposal is consistent with Goal 7.

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.

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.

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 is not currently supportive of the proposal. Therefore, the proposal is not consistent with Goal 12.

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 within the Central City Plan District, South Waterfront Subdistrict, Greenway overlay zone.

As discussed below, the applicable requirements for the South Waterfront Greenway as provided in Zoning Code Sections 33.510.253, 33.851.100, and 33.851.300 are not found to be met. Therefore, the proposal is not consistent with Goal 15.

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.*

(2) SOUTH WATERFRONT GREENWAY REVIEW – CHAPTER 33.851

According to Zoning Code Section 33.510.253 E.3, South Waterfront Greenway Review is required for activities that do not meet the standards listed in 33.510.253 E.5 and for activities riverward of top of bank of the Willamette River. Therefore, South Waterfront Greenway Review must be approved for the following proposed project elements:

- *The Abernethy Terminus Plaza platform;*
- *Removal of existing wooden pier, and concrete slab at the base of block seawall;*
- *Excavating, regrading, and armoring the river bank;*
- *Landscaping requirements in Subareas 2 and 3, and within the median between the bicycle and pedestrian trails;*
- *Proposed fence over 3 feet high, and less than 45 feet from TOB;*
- *Segments of the Greenway Trail less than 10 feet from TOB and less than 12 feet wide; as well as Segments of the Greenway Trail where it is over 75 feet from TOB;*

Staff note: the applicant’s geotechnical report indicates that ground improvement will be required to construct the buildings, and they will be installed between the buildings and the river, within the greenway setback. Preliminary ground improvement plans or narrative descriptions/findings were not provided as a part of the applicant’s South Waterfront Greenway review. Zoning Code Standard 33.510.253 E.5.b is not met by ground improvements for buildings and must be approved via South Waterfront Greenway review. Such ground improvements would not be permitted within 25 feet of top of bank without Greenway Goal Exception Review per 33.510.253 F.

33.851.010 Purpose

South Waterfront greenway review provides flexibility within the South Waterfront greenway area and ensures that:

- Development will not have a detrimental impact on the use and function of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities;
- Development will contribute to enhanced ecological functions to improve conditions for fish and wildlife;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Development that does not meet the standards of 33.510.253, South Waterfront Greenway Regulations, will be consistent with the *Willamette Greenway Plan* and the *Central City Plan*; and
- The timing of greenway improvements may be flexible to ensure successful implementation of the greenway in a more comprehensive manner.

Section 33.851.100 B. 2. Approval Criteria. All proposals must meet Sections II and III of the South Waterfront Design Guidelines

Section II South Waterfront Design Guidelines are addressed above in Part (1) as part of the Design Review.

Section III South Waterfront Greenway Design Guidelines

- 1. Develop a Cohesive Greenway Trail System.** Ensure that pedestrian and bicycle connections to the greenway trail from the adjacent accessways or urban spaces are safe, convenient and direct. Align the trail to take advantage of the site's opportunities to enhance the diversity of the trail experiences. Create a continuous greenway trail system with consistency in design elements that celebrate the area's history and character. Develop clear and simple signage for shared use, basic rules, wayfinding, and interpretive signage displays.

Findings: The applicant describes the proposed greenway trail as providing five additional access points to the trail: from the north, by connecting to existing trails; to the west through new public accessways via SW Lane, SW Abernethy, and SW Lowell; and to the south, by connecting to an existing trail. The trails are designed in a curvilinear manner to maximize views toward the river and are separated from the bank area by retaining walls and a naturalized bank treatment. The trail has been designed to incorporate existing groupings of trees, observe existing topography that falls toward the river, and expose concrete retaining walls along the river banks. These features illustrate the river-based industrial history of the south waterfront area and provide an experience that differs from other sections of the greenway trail. Street markers are provided at the accessway crossings and changes in materials at crossings are proposed to promote safety. The applicant further offers that signage will be provided by others.

This guideline has been met.

- 2. Create connections and continuity between the edges of the greenway and adjacent open spaces, bridges and views.** Address the edges of the greenway where it interfaces with streets and accessways, public open spaces, and bridge structures using the following Greenway Edge Guidelines (2-1 – 2-3).
 - 2-1. Address Streets and Accessways.** Provide clear connections to the greenway from streets and accessways.
 - 2-2. Address Adjacent Open Space.** Ensure continuity of design and movement between the greenway and adjacent open space.
 - 2-3. Address Bridges.** Design the greenway to address the visual and physical presence of the bridges.

Findings: The design addressed the edges of the greenway by integrating accessways to the greenway trail, providing access to adjacent open spaces, and providing views of nearby bridges from the pedestrian plaza at the terminus of SW Abernethy. Connections are proposed at the southern edge of the site via SW Lowell; in the center of the site at the terminus of SW Abernethy St, and at the northern edge of the site via SW Lane. The greenway provides access to the existing trail system to the north and south and provides access to proposed open spaces including the Lowell, Abernethy, and Lane pedestrian corridors; the proposed lawn area within the greenway; and proposed pocket parks within the development. SW Abernethy St. is a broad, tree-lined pedestrian corridor leading to the greenway. There is a connection to an overlook plaza with a water feature. The pedestrian and bike paths are well lit. Signage will be provided at SW River Parkway to each east-west entry corridor. SW Abernethy and SW Lane St. are lined with rain gardens. Pedestrian circulation within the site also connects to

the Greenway trail and the overlook plaza at Abernethy.

This guideline has been met.

- 3. Provide a diverse set of gathering places with seating, art, water features and overlooks** Accommodate a range of special activities oriented toward the Willamette River that offer large and small gatherings, play, watercraft launches, and unique viewpoints as extensions of the greenway trail. Design gathering places to respond to the character of the specific reach’s historical context, urban setting, and particular habitat improvements.

Findings: The applicant responds to this guideline by describing the overlook at river’s edge at SW Abernethy Street, that is to incorporate native basalt boulders and 6 ft. tall. water jets as a reference to the basalt historically found in the area. An existing concrete pier at water’s edge will remain undisturbed and reflects the industrial history of the Portland waterfront. The applicant further describes the proposed restoration project that will remove man-made structures that are currently present along the bank, remove fill material along the shoreline, and make the slope of the river bank gentler, and increase the area of shallow water habitat available for juvenile salmonids. The current degraded state of the habitat along this portion of the river reflects the area’s past industrial use. The proposed project will increase both the quantity and the quality of the habitat for native fish species in the City of Portland. Not only will in-water conditions be enhanced, but the quality and the quantity of riparian vegetation will also be enhanced by increasing the density of native trees and shrubs.

Staff finds that additional gathering places are provided at the trail connection from SW Lowell, as well as the bench seating areas at the Abernethy street access way. While these areas provide a diverse set of gathering places with seating and views of the river, there is little description of providing art or other features that respond to the river’s historical context.

This guideline has not been met.

- 4. Integrate materials such as art, structures, and found objects.** Integrate high quality, contemporary, visible, and easy-to-maintain structures and materials which respond to context and need. Maintain consistency in structures and allow transition in paving materials where new greenway development abuts existing greenway. Ensure that the greenway trail, its access connections, and the accessways are well lit at night to create a sense of activity and security. Place and shield lighting fixtures so that they do not detract from adjacent use areas. Integrate art within the greenway through evocative forms and materials, including “found objects”.

Findings: The applicant notes that benches feature a “wooden look” and a concrete pier is preserved and reflects the industrial past of the site. Asphalt is shown for bike trail and scored concrete for pedestrian trail. These trails will connect with the existing asphalt bike trail and scored concrete pedestrian trail to the north, and to the path crossing the Old Spaghetti Factory site to the south. The proposed materials for both the pedestrian and bicycle trails match the existing trail materials to the north and south of the site.

Staff notes that findings for this guideline must also describe art proposed to be integrated into the greenway, and the “found” objects. Description of how the proposed materials for the trail and the plaza respond to context and need is

missing.

This guideline has not been met.

- 5. Enhance the riverbanks by directing human access and providing bank stabilization that improves ecosystems.** Utilize riverbank stabilization strategies that enhance the river and riverbank ecosystems. Where appropriate, integrate public access to the water that is safe and supportive of adjacent riverbank areas. Provide clearly identified river access within appropriate locations, reducing riparian habitat intrusion.

Findings: The applicant responds that the riverbank will be armored, and habitat will be restored in several areas. Direct river access is not currently proposed. River habitat will be improved by removing the miscellaneous fill and flattening the banks. Below ordinary high water the bank will be constructed with riprap with incorporated large woody debris. The large woody debris will provide high flow refugia (areas of low velocity behind the debris) for fish to stay in place and not get washed downstream. Below ordinary high water the riprap will be overlain with river rock to provide a substrate that is more usable to fish and benthic organisms. The riprap will be planted with willow and dogwood stakes to provide some vegetation and additional habitat diversity. Above ordinary high water the bank will be planted with native trees, shrubs, and ground cover. This provides a vegetated fringe during high flow events that will provide additional refuge during higher flow events.

While the applicant mentions large woody debris to enhance fish habitat, none is shown on site plans and there is no description of how it will be installed and anchored in place. There is no description of materials to be used to stabilize the riverbanks and how it will *enhance* riparian habitat and native fish habitat in shallow water. The applicant mentions plantings above ordinary high water, but not within Subarea 1, which is required.

This guideline has not been met.

- 6. Design diverse plant communities, address soil, light and moisture conditions and provide structural diversity, enhance shallow water habitat by providing shade, riparian vegetation, and large woody debris.** Select appropriate species of native plants based on the soil, light, moisture conditions, context and adjacent uses of the site. Create and enhance habitat through renaturalization, encouraging a structurally diverse and ecologically valuable greenway.

Findings: The applicant responds, “See the attached Habitat Report for information about shore stabilization and restoration of habitat. Rip-rap in Subarea 1 undulates to allow plant material to weave in natural form adjacent to the river.”

The applicant’s October 17, 2019 Habitat Report states: “Restoration will consist of benching back the steep slopes along the banks of the Willamette River and planting native trees and shrubs to the densities required in Section 33.510 of the Central City Plan District. The project will be “self-mitigating” and no additional mitigation is proposed.”

The applicant proposes landscaping that does not meet the densities required in 33.510, and the proposal does not mitigate this deficiency.

This guideline has not been addressed by the proposal and is therefore not met.

Section 33.851.300 Approval Criteria for South Waterfront Greenway Review

Requests for a South Waterfront Greenway Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Consistent with the purpose of the South Waterfront greenway. The following approval criteria must be met for all proposals:

Staff Response: These criteria apply to all elements subject to South Waterfront Greenway review, including:

- The Abernethy Terminus Plaza platform;
- Removal of existing wooden pier, and concrete slab at the base of block seawall;
- Excavating, regrading, and armoring the river bank;
- Landscaping requirements in Subareas 2 and 3, and within the median between the bicycle and pedestrian trails;
- Proposed fence over 3 feet high, and less than 45 feet from TOB;
- Segments of the Greenway Trail less than 10 feet from TOB and less than 12 feet wide;
- Segments of the Greenway Trail where it is over 75 feet from TOB;

1. When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;

Findings: The applicant proposes the Abernethy Terminus Plaza-- a viewpoint at the termination of SW Abernethy St. Based on the strong axial connection to the Abernethy pedestrian mall and the greenway, a natural “intersection” has been created. In response to this “intersection,” decorative paving, paving markers, and signage are used to mark the crossing. The viewpoint is more than 2,200 sq. ft. in area and abuts the greenway trail to the west. A pedestrian connection is provided to Abernethy St to the west. The viewpoint is intended to provide an appealing area for trail users and neighborhood residents to observe the river and includes a water feature to provide visual interest within the viewpoint itself.

Removal of derelict materials from the river: The proposed development includes the removal of the existing wood pier along the site’s river frontage and regrading, excavating, and armoring river banks. These activities restore the river bank to a more natural state, provide additional shallow water and riparian habitat along the bank, and allow for unobstructed views of the river from the site.

Landscaping: The applicant describes the use of ornamental lawn in Subareas 2 and 3 as turf lawn, in combination with the proposed native shrubs and ground covers, that will add an active recreational and health-positive benefit to the project and continue the enhancement of the existing greenway as lawn areas exist in the project north of the site. The applicant claims that replacing shrub plantings with lawn area will not adversely affect fish and wildlife, as it is separated from river’s edge with buffer planting. To compensate for this lawn area, the applicant describes a heavier, layered planting area between residents’

private patios along the length of the bike trail, and 12 trees beyond those required are being added to Subarea 3.

Staff notes that the South Waterfront Greenway Development Standards exempt required trail sections within Subarea 3 and required public viewpoints from the limit on non-landscaped areas—not trails in Subarea 2 and not viewing platforms unassociated with a city-designated public viewpoint. The standards of 33.510.253 require approximately 27,000 square feet of shrub plantings in Subarea 2. The applicant’s landscape plan indicates only 8,858 square feet of shrub plantings within Subarea 2, while 9,000 square feet is proposed as ornamental lawn.

Regarding the property north of the site, “Block 37/the Osprey”, staff visited this property on November 19 and noted no ornamental lawn, but rather healthy, dense, and native shrub plantings covering all areas not otherwise devoted to the required Greenway trail.

Subarea 2 is adjacent to and within 45 feet of the Willamette River bank and provides important riparian habitat functions for fish and wildlife along the river’s edge. As to its effect on wildlife habitat, the reduced area of diverse native, riparian shrub plantings, from 27,000 square feet to 8,858, represents a significant loss of potential habitat for neotropical migratory songbirds, small mammals, and other important species described in the *Willamette River Central Reach* NRPP Inventory Site WR18—South Waterfront.

Attempting to mitigate the loss of Subarea 2 shrub plantings with landscaping between the bike path and the resident’s patios, while improving privacy for the residents, does not enhance the natural riparian habitat or scenic qualities of the greenway as required by this criterion.

For the reasons stated above the decreased shrub plantings in Subarea 2 do not meet this criterion and should not be approved.

Fences: The applicant notes that 33.510.253.E.5.c limits fences within Subarea 3 to 3 ft. in height and does not allow fences within Subareas 1 or 2. The proposed 42-in. fences are required to provide fall protection along retaining walls proposed for portions of the trails. The retaining walls are required to accommodate the steep slopes of the bank and provide an ADA-accessible route across the site. The fences can be constructed of natural-appearing materials in order to enhance the natural and scenic qualities of the greenway. The greenway trail provides economic and recreational qualities by connecting an incremental trail system along the Willamette River and providing continuous access from north to south.

Greenway Trail: 33.510.253.E.5.d provides standards for the location, dimensions, and landscaping for major public trails. The purpose of this standard is to provide public access to and along both sides of the Willamette River and to provide public access and connectivity to the Willamette Greenway trail. To that end, limitations have been established regarding the location and dimensions of the trail. Portions of the trail are located further than 75 ft. and closer than 10 ft. from the top of bank; the pedestrian pathway closest to the river is 10 ft. in width rather than 12 ft. in width; and the landscaped median consists largely of turf lawn to provide recreational area.

Two trails are proposed the full length of the greenway: a 10-ft. wide pedestrian trail closest to the river and a 12-ft. wide bicycle/multimodal trail. These path locations and the trail designs were determined based on blending with the existing paths to the north and the single path to the south. The curvilinear design of the trail allows for a dynamic experience as the trail users cross the site and provides visual interest for trail users. The proposed trail location and design adequately accommodate trail users while allowing the design team to respond to significant topography while restoring significantly deteriorated riparian habitat at the river's edge.

Modification of the landscaping standard in Subarea 2 as proposed does not meet this criterion.

2. When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;

Findings: The applicant states that the proposal is intended to support bank stabilization and restoration through the removal of the existing pier and the establishment of additional shallow water and riparian habitat. The proposal provides additional opportunities for viewing the river from the proposed viewpoint and additional opportunities for passive recreation within the greenway.

The applicant's narrative does not describe the current conditions or the proposed restoration design and specific improvements in enough detail for reviewers to understand proposed project results relative to riparian or aquatic fish and wildlife habitat. The narrative does not describe the quantity or the characteristics of shallow water habitat or of riparian habitat to be created; or the specific construction management considerations to protect the river for fish and wildlife use during excavation, regrading, armoring, deconstruction of the wooden pier, removal of pilings and concrete platform, construction of retaining walls, and construction of the viewing platform—all to occur in and adjacent to the river.

The applicant has not provided sufficient information to determine whether this criterion is met by the proposal.

3. When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and

Findings: The applicant's narrative describes the proposed landscaping revisions as incorporating turf lawn into the greenway design, which provides a literal "front yard" experience. The proposed viewpoint provides an opportunity for relaxation and reflection in close proximity to the river, as well as an intimate view of the proposed bank and habitat restoration activities.

This criterion has been met.

4. When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.

Findings: The applicant describes the proposed landscaping treatment as meeting the overall landscaping requirements of 33.510.253.E.f but substituting other materials for shrubs. In addition, narrowing the pedestrian pathway

results in a reduction of impervious area and reduces the need for stormwater management within the greenway. The other requests do not directly apply to stormwater management.

Staff notes that overall, the approval criteria listed above require the applicant to compare the proposed project elements to the specific standards listed in 33.510.253 for the plaza overlook, fences, landscaping, trails, in-water structure removal and bank regrading and armoring. The applicant has the burden of proof to demonstrate how the proposed design will “better” provide or enhance the Greenway qualities listed in the criteria above, than would be provided by meeting the standards.

The applicant’s comparison of the listed elements of the proposal with the relevant standards applicable to them is lacking and fails to demonstrate how the proposed design aims to “better” provide the Greenway qualities listed.

The applicant has not provided sufficient analysis to demonstrate that these approval criteria are met by the proposal.

B. Development riverward of top of bank. If development is proposed riverward of top of bank, the following approval criteria must be met:

Staff Response: These criteria apply to the following project elements proposed riverward of top of bank:

- South corner of Abernethy Terminus Plaza platform;
- Portions of the trail retaining wall near block seawall;
- Removal of existing wooden pier;
- Removal of concrete slab at base of block seawall;
- Excavating, regrading and armoring river bank;

1. The riverbank will be protected from wave and wake damage; and

2. The proposal will not:

- a. Result in the significant loss of biological productivity in the river;**
- b. Restrict boat access to adjacent properties;**
- c. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;**
- d. Interfere with fishing use of the river;**
- e. Significantly add to recreational boating congestion; and**
- f. Significantly interfere with beaches that are open to the public.**

Findings: These criteria require the applicant to demonstrate how demolition of the wooden pier, construction of the Abernethy Plaza platform, retaining wall, removal of the concrete slab, regrading, excavating, and armoring the river bank will be conducted and how the river bank, shallow water habitat, and biological productivity will specifically be protected during all demolition, grading, and construction activities.

The applicant notes that the existing river bank is comprised of miscellaneous fill material, is steep, and does not have a functional riparian area, therefore there is no riparian area to protect. Vegetation below the top of bank line is sparse and consists largely of ivy and blackberry growing down from the top of bank. Shore pines along the top of bank will be removed in order to regrade and enhance the bank. The bank stabilization and enhancement work will occur

within the in-water work window to minimize impacts on endangered fish species because they are generally not present during this time.

Erosion control will consist of a turbidity curtain installed in the river along the project site just outside of the work zone, tying into the bank on either side of the work areas. This will keep turbidity in place during construction, which will be allowed to settle prior to removal of the turbidity curtain after construction. The turbidity curtain consists of a top floating boom that will contain floatable debris that will be cleared and disposed periodically. Work will occur from the bank with equipment access from the site.

The applicant proposes excavators to be used for removal and placement of material. The bank will be excavated from the top down to allow equipment access to the lower reaches as the slope flattens. Once material is removed the new armoring, consisting of filter blanket, riprap, and river rock in the lower portion, will be placed from the bottom, up, in lifts. Large logs with intact root wads will be incorporated into the riprap from ordinary low water (approximately elevation 5 ft (CoP) to Ordinary High Water (elevation 18.22 ft (CoP)), with more concentration at Ordinary Low Water. The applicant describes construction activities as follows:

“Excavators are proposed to be used to remove the top structure of the wooden pier to the supporting piers, with some hand dismantling as needed. Excavators will then be used to pull the supporting piers from the ground. Additional piers in the work area will also be pulled by excavators. All pilings within the work zone will be removed, either by pulling or by digging out during bank excavation. Pilings that are not within the immediate work zone are proposed by the applicant to remain in place.”

Staff notes that bank restoration projects in sensitive areas of the Willamette River utilize barge-mounted cranes/excavators to avoid unnecessary damage to the river substrate structure (resulting in significant loss of benthic invertebrate habitat). While bank excavation should be conducted from the land side and behind the turbidity curtain, for removal of pilings in deeper water where a curtain may not be feasible, barge-mounted cranes should be used.

Staff further notes that installation of large woody debris is described in the applicant’s narrative, but not depicted on any of the site plans. Without review of installation and anchoring locations and techniques, it cannot be determined whether these criteria are met.

As highlighted by BDS Site Development Staff, all temporary and permanent ground disturbance must be shown on land use drawings. The greenway construction management plan must show the extent of the proposed ground improvement. The construction management plan shows the silt fence terminating perpendicular to property lines on the north and south ends of the greenway. As shown sediment will flow around the ends of the silt fence. Erosion control plans must be revised to show the silt fence turning west at the north and south property lines, the silt fence must extent 100 or 200 feet up the bank. The plan shows the turbidity curtain continuing off the edge of the area shown on at the north end of the site. Erosion control plans must be revised to show the turbidity curtain fully encircling the area of ground disturbance.

Portland’s Bureau of Environmental Services (BES) also provided comments pertaining to these approval criteria, which BDS LUS staff has summarized here:

Discrepancies between the stormwater report and graphic site plans will likely result in changes to the stormwater facilities that affect this design and greenway reviews. BES has requested additional information prior to recommending approval of the design and greenway review applications. Please refer to BES's LU Response for details pertaining to review of stormwater management. Additionally, the proposal includes nearly 6,000 cubic yards of fill, with only 4,300 being offset, leaving a net fill of 1,700 cubic yards in the greenway. It is a policy of the City to encourage the use of the cut-and-fill ratios described in the National Marine Fisheries Service Biological Opinion to FEMA (found on pg. 279 of the Biological Opinion). The use of those ratios is less likely to result in harm to wildlife, including threatened and endangered species, and to structures and their inhabitants. Please consider incorporating NMDs ratios into your design. The overlook appears to occur in the regulated floodway which could cause mortality and stranding of federally protected endangered salmon and steelhead during high water events such as the 1996 flood event when this area was submerged.

BES also notes that this site provides shoreline and shallow water habitat, which is considered critical habitat for 3 species of salmonids listed as threatened under the Endangered Species Act (ESA) and provides natal nursery and rearing habitat for 14 salmonid species listed as threatened or endangered under the ESA. BES provides detailed biological analysis of shallow water habitat for these species, and points out that shallow water habitat is particularly important to juvenile salmon due to its protective qualities; shallow water flows slower than deeper water, which is critical to fry and young-of-year salmon with undeveloped swimming capability allowing them to avoid predators or being flushed downstream too soon. Shallow water is usually protected and maintained by bed and bank vegetation (riparian buffer) that attenuates high water temperatures, offers overhead cover from predators, and provides terrestrial insects to the young salmon's food web. Shallow water is also a stopping place for large wood that settles along the bed and bank and provides crucial respite for young salmon where they can rest and feed on aquatic insects. Heavy development in the lower Willamette River has left very little of this habitat intact, and what remains is highly valuable.

BES describes the ongoing monitoring by the City of Portland, noting it has identified that shallow slope, vegetated river banks have some of the highest densities of juvenile salmon and steelhead. This site is nested between two highly valuable and functional shallow water habitat areas. The Zidell site to the north was restored through the contamination cleanup. To the south, Cottonwood Cove is a vegetated, shallow water alcove. Across the river is Ross Island, a highly valuable shallow water habitat island. The habitat is highly degraded by the extensive abandoned pilings, derelict structures, broken concrete and other debris in the river and along the riverbank.

BES provides detailed findings that the proposal does not meet these approval criteria for the following reasons:

- a. The proposal maintains a steep slope of 2:1 or 3:1 at all areas below top of bank (Sheet C2.2, C.110). This slope will require additional riprap and reinforcement. All decreases in slope appear to occur above ordinary high water (Sheet C2.2). Stable, naturalized riverbanks throughout the Willamette River are a minimum of 5:1 or shallower to 7:1 in order to allow native plantings to survive, provide adequate cover and slow moving margins for

salmon to rest and rear, and to provide additional areas to escape high flows and predators. Notably, the areas of Ross Island are a 10:1 slope, Zidell was a 10:1 to a 5:1 slope in most areas, and Cottonwood bay is similarly a 6:1 to 7:1 slope below top of bank.

- b. There are few if any examples in the Willamette River where rip rapped slopes greater than 3:1 have any vegetation survival. Mortality rates of vegetation in riprap are extremely high and therefore there should be no assumption that the proposed shrubs and plantings below top of bank will survive to replace or enhance functions and values. Notably just to the north, the City experimented with vaults in order to ensure plant survival, and while the plants have survived, they have also not provided rearing or refuge areas for salmon and steelhead because of the need to use vaults.
- c. The use of riprap increases sheer forces for salmon and can cause mortality in juvenile salmon, especially with high wakes.
- d. The proposal calls for disconnecting the river from the riverbank in areas where the concrete retaining wall will remain, and where new retaining walls are created down to the top of bank.
- e. It is unclear what the application is referring to as a “naturalized bank” if it is reliant on heavy rip rap, geogrid, and small shrubs that are unlikely to survive.
- f. The proposal removes over 40 existing trees that are at or below top of bank that are currently providing some function. It is unclear, given the engineered riverbank, how newly planted trees will survive. There is some reference to LWD but in this river system, large woody debris will need to be highly engineered. BES strongly supports the use of large wood as bank stabilization but would require engineered drawings to review for stability and durability.

BES recommends removing the derelict pilings and structures in the shallow water habitat; laying back the bank where possible to a minimum 5:1 slope or shallower up to Ordinary High Water; planting with native trees and shrubs to provide food, shade, microclimate, structure, rearing and refuge.

As described above, these criteria are not met by the proposal.

C. Proposals that do not meet the requirements of 33.510.253.E. If the proposal does not meet all of the standards of Subsection 33.510.253.E., the following approval criteria must be met:

Staff Response: These criteria apply to:

- Construction the Abernethy Terminus plaza in the Greenway Setback;
- Landscaping requirements in Subareas 2 and 3, and within the median between the bicycle and pedestrian trails;
- Proposed fence over 3 feet high, and less than 45 feet from TOB;
- Segments of the Greenway Trail less than 10 feet from TOB and less than 12 feet wide;
- Segments of the Greenway Trail where it is over 75 feet from TOB;

- 1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and**

2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction with the greenway.

Findings: These criteria require development of the plaza, fence, and trails, as well as Greenway landscaping, that results in *added* (“enhanced”) creation of wildlife habitat and shallow water fish habitat. Findings must demonstrate how the design of these project elements contributes to restoration of the natural river bank and specifically contributes to recovery of native fish species. The criteria require the project to, enhance and maintain the qualities of riparian areas while also providing visual and physical access to the river.

Landscaping in Subareas 2 and 3—ornamental lawn is proposed. The applicant claims it will add an active recreational and health positive benefit to the project and continue the enhancement of the existing greenway as lawn areas exist in projects north of the site. This lawn area will not adversely affect fish and wildlife, as it is held away from river’s edge with buffer planting. To compensate for this 20% lawn area in Subareas 2 and 3, there will be a heavier, layered planting area between resident’s private patios along the entire length of the bike trail and 12 additional trees are being added to Subarea 3 (15 trees required, 27 trees proposed).

Fence over 3 ft. high -- the proposed guardrails atop the retaining walls are 42 inches high. Proposed retaining walls require a 42-inch guardrail for fall protection (building code requirement) since the height of retaining walls is greater than 30 inches.

The applicant notes that retaining walls are designed to provide grade transition between bank stabilization/naturalized riverbank with trails/and open space areas beyond the top of bank. The retaining walls allow for flatter slopes both below top of bank (the applicant claims this will provide 3H:1V and 4H:1V slope for landscape plantings) and beyond the top of bank (to provide flat areas for trails and moderate slopes 20H:1V to 50H:1V between trails for open space). In addition, the proposed guardrail is consistent with the railing within the greenway to the north.

Staff notes that measurements taken directly from the applicant’s grading plan indicate slopes below top of bank ranging approximately 2H:1V (~42.9%) and 2.6H:1V (~38%).

Bicycle path/Greenway Trail location of more than 75 ft. and less than 10 ft. from top of bank -- Portions of the proposed greenway trail are proposed farther than 75 ft. from the top of bank and closer than 10 ft. from top of bank. The applicant describes the trail as intended as a curvilinear feature to allow users to experience the river visually and physically. The applicant proposes to provide an open lawn area in between the trails for recreation and passive enjoyment of the river. The Abernethy viewpoint will also provide a location to observe and experience the river.

Greenway Trail width of 10 ft. rather than 12 ft.-- The subject site is adjacent to developed sites to the west and the east. In order to connect with the existing trails, the pedestrian trail closest to the river is proposed to be 10 ft. wide rather than 12 ft. wide. The total width of the trail will be 22 ft. These dimensions are proposed to connect to the 10-ft. pedestrian trail to the north of the site and the 12-ft. multimodal trail to the south of the site. Portland Parks and Recreation

identifies trail types and widths in the 2009 Trail Design Guidelines for Portland's Park System. While not directly applicable here, it does provide guidance for the width of trails dedicated to walkers and bicyclists/other mobility devices. This plan identifies 10 ft. as a preferred width for walking trails. While the Willamette Greenway trail is intended to provide a spacious and comfortable experience, this suggests that 10 ft. would provide that experience as adequately as 12 ft. would.

Pedestrian plaza at the terminus of SW Abernethy Street-- The viewing plaza at the terminus of SW Abernethy, overlooking the Willamette River, is not required by the Central City Scenic Resources Protection ordinance and is subject to the South Waterfront Greenway Design Guidelines. This plaza will be designed with native boulders incorporated into a water feature to promote art and the symbolism of South Waterfront as a special place. It will furnish an important view corridor and terminus to the Abernethy pedestrian walkway to the river.

Removal of the existing wood pier--There is an existing wood pier adjacent to the site that is proposed for removal. Currently, the pier interrupts views from the site and would interfere with many of the goals of the South Waterfront Greenway: the location of the existing wood pier is proposed for the construction of the Abernethy street platform, which will provide an unobstructed view to the river; the proposed riverbank grading and restoration will occur where the pier is currently located; and the enhancement of shallow water habitat and riparian bank habitat in the area of the pier.

The applicant concludes that on balance, these activities better support the enhancement of the natural and scenic qualities of the greenway by providing opportunities for observation and recreation and the creation of fish habitat and riparian area restoration.

Regrading, excavating, and armoring river bank-- Shading in the Willamette River is used primarily for bank refuge and not for water quality or temperature impacts because the impact of shading on such a large river is limited. Refuge will be provided by incorporating large woody debris with root wads with a top dressing of river rock below ordinary low water. There are several fish species listed under the federal Endangered Species Act (ESA) with the potential to occur within the vicinity of the project area. The life stage of these species that are most vulnerable to environmental degradation and habitat loss are juveniles, which rely on shallow water habitat for shelter and as a food source. The proposed restoration project will remove many of the man-made structures that are currently present along the bank, remove fill material along the shoreline, and make the grade of the river bank shallower, which will increase the area of shallow water habitat available for juvenile salmonids. The current degraded state of the habitat along this portion of the river is typical for sites in Portland that have been subject to past industrial use. The proposed project will increase both the quantity and the quality of the habitat for native fish species in the City of Portland.

The applicant's findings provided above generally describe enhancing riparian areas by re-grading the river banks, and improving fish habitat with added shallow water areas, however, the applicant's narrative description of enhanced river bank slopes does not match the grading plan provided in graphic exhibits; and basic design parameters of shallow water habitat are not provided (amount existing versus amount proposed; depth of- and area in square feet of- shallow

water habitat, slope of river substrate before and after construction of the “shallow water habitat” areas).

Additionally, as described above for criterion 33.851.300 A.1, Subarea 2 is adjacent to the Willamette River bank and provides unique and critical riparian habitat functions for fish and wildlife along the river’s edge. The reduced area of potentially diverse, native, and riparian shrub plantings from 27,000 square feet to only 8,858 square feet (33% of the requirement), represents a significant loss of potential (shading) habitat for fish, as well as the loss of scrub-shrub nesting, foraging, roosting, and hiding habitat for birds, small mammals, and other important species described in the *Willamette River Central Reach* NRPP Inventory Site WR18—South Waterfront.

The applicant has not provided enough analysis to demonstrate that the proposal will provide more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish, and these criteria are not met.

D. Buildings within the South Waterfront greenway area.

Findings: No buildings are proposed within the South Waterfront Greenway setback. *Therefore, this criterion does not apply.*

E. Trails, viewpoints, and pedestrian connections. If the proposal will include trails, viewpoints, or pedestrian connections that do not meet the standards of Subsection 33.510.253.E.5.d. or e. the proposal must meet approval criteria E.1. and E.2., and either E.3. or E.4.:

Staff Response: These criteria apply to:

- Segments of the Greenway Trail less than 10’ from TOB and less than 12’ wide;
- Segments of the Greenway Trail where it is over 75’ from TOB;

- 1. The proposed trail, viewpoints, and pedestrian connections will safely accommodate expected users;**
- 2. The trail will include one or two paths and the width of the proposed trail, or the combined width of the paths that make up the trail, will be at least 18 feet; and**
- 3. The proposed trail, viewpoints, and pedestrian connections will respond to topographic constraints of the site; or**
- 4. The proposal meets all of the requirements of the South Waterfront Greenway Development Plan and the proposed trail, viewpoints, and pedestrian connections comply with those identified on the site as part of the plan.**

Findings: The applicant responds that the proposed trail does not meet the width or location standards of 33.510.253.E.5.d and these criteria are applicable. The applicant is not proposing a South Waterfront Greenway Development Plan, and E.1, E.2, and E.3 must be met. The proposed trail will safely accommodate the expected users, and includes two paths with a combined width of 22 ft. The proposed trail responds to the topographic constraints of the site by curving westward, and the proposed viewpoint takes advantage of the drop in grade from the upper level of the site to the riverbank to provide territorial views of the Willamette River and the greenway.

These criteria are met.

F. Landscaping and non-landscaped area. If the proposal will include landscaping or non-landscaped area that does not meet the standards of Subsection 33.510.253.E.5.a.or 5.f., the proposal must meet either approval criteria F.1. or F.2.:

Staff Response: These criteria apply to:

- Landscaping requirements in Subareas 2 and 3, and within the median between the bicycle and pedestrian trails;

1. **The proposal will mitigate for any reductions in vegetative cover through the use of methods including near shore and bank restoration work, bioengineering, or green building technologies, including innovative stormwater management, on the site; or**
2. **The proposal meets one of the following:**
 - a. **The proposal will better support the water quality goals of the City’s *Stormwater Management Manual*;**
 - b. **The landscaping standards cannot be met on the site because of existing bank and soil conditions such as the presence of riprap or other obstructions;**
 - c. **The proposal is necessary to ensure bank stability; or**
 - d. **The proposal will allow greater visual access between the trail and other segments of the greenway, and will enhance safety for trail users.**

Findings: The applicant responds that the proposal includes bank stabilization and native planting restoration and is intended to meet F.1 above. The bank stabilization and greenway trails are also intended to meet F.2.c and d.

The applicant adds that the proposed restoration project will remove many man-made structures that are currently present along the bank, remove fill material along the shoreline, and make the slope of the river bank shallower, which will increase the area of shallow water habitat available for juvenile salmonids. The current degraded state of the habitat along this portion of the river is typical for sites in Portland that have been subject to past industrial use. The proposed project will increase both the quantity and the quality of the habitat for native fish species in the City of Portland. Not only will in-water conditions be enhanced, but the quality and the quantity of riparian vegetation will also be enhanced by increasing the density of native trees and shrubs. Shading on the Willamette River is not as important as providing a source of large wood and biota, which will benefit native fish species.

The proposed bank stabilization using riprap armoring below ordinary high water is required to balance the natural habitat and user experience needs within the greenway. The existing river bank is steep and is about 25 ft tall from ordinary low water to top of bank, requiring proposed bank slopes as steep as 2H:1V below ordinary high water for bank stabilization. The 2H:1V slopes require rip rap armoring, which limits the planting palette density and type, however this bank stabilization configuration is also required to provide adequate space for the greenway trail to be configured for user experience, including a wide visual corridor along the trail for enhanced safety and wayfinding, and towards the river for recreation.

Staff response: regarding the applicant’s use of near-shore and bank restoration to mitigate the lack of riparian shrub landscaping in Subarea 2, Greenway landscaping plan notes only 9,443 square feet of Subarea 1 to be planted in

shrubs, which does not meet the minimum standard requirement of 11,274 square feet. Offering less than the standard requirement, or even offering the standard requirement, of plantings in one subarea does not mitigate providing less than 1/3 of the required plantings in another subarea. To compensate for the lack of plantings in one subarea, the plantings within the other must *exceed* the requirement by (at least) the same amount that is lacking in the deficient area.

The applicant's narrative mentions bank stabilization, but lacks explanation that landscape standards cannot be met due to some aspect of the bank stabilization they propose. The applicant does not describe why not meeting the standards is necessary to ensure bank stability.

This criterion is not met with regards to the deficient landscaping requirements.

(3) MODIFICATION REQUESTS – CHAPTER 33.825

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

Modification #1: Bonus Height Option – To allow 25' of bonus height within the 125'-150' area west of the height reference line.

Purpose Statement: The building height standards are intended to implement and balance multiple objectives of the Central City 2035 Plan. Generally, the tallest heights in the Portland region are applied in the Central City to support its role as the region's premier center for jobs, services, and urban living. Other objectives include:

- Locating the tallest building heights along the Transit Mall and high-capacity transit lines;
- Protecting designated public views;
- Varying building height across the Central City;
- Generally, stepping down height to the Willamette River and neighborhoods adjacent to the Central City;
- Emphasizing bridgehead locations with taller buildings;
- Limiting shadows on public open spaces; and
- Ensuring building height compatibility within historic districts.

Standard: Section 33.510.210.D.1 states that in the area located between 125 feet to 150 feet landward of the South Waterfront height reference line shown on Map 510-16, buildings may earn a height bonus of 25 feet if approved as a modification through design review. Projections above 150 feet are prohibited.

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

Findings: At the 8/29/19 DAR, the Commission stated potential support for this modification with the caveat that the buildings must do a better job at eroding along the river and greenway. As noted in the findings above, Staff concludes the revisions to address the erosion along the river and greenway are not yet meeting the guidelines.

Therefore, these criteria are not yet met.

Modification #2: *Vehicle Parking* – To allow two parking spaces to be stacked (tandem) without having an attendant on-site.

Purpose Statement: The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users.
- Create a strong relationship between buildings and the sidewalk; and
- Create a sense of enclosure on transit and pedestrian street frontages

Standard: Section 33.266.130.F.1.a states that all parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

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

Findings: Tandem stalls allow for greater vehicle density to be parked in smaller amount of developed footprint while also relieving pressure from surface/street, or above grade structured parking that might otherwise be necessary. The design, which concentrates more parking below grade and rings parking with active uses better meets guideline A8 (Contribute to a Vibrant Streetscape).

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

Findings: Tandem parking spaces are proposed within the garages of Blocks 41, 42 and 45. The design of tandem stalls coincides with sustainable development, particularly for projects within dense urban cores because it is efficient and sensible use of space and land. The tandem stalls are for use on a private residential project and each pair of stalls is only intended and practical to be leased “in tandem” to the same unit tenants. Consequently, the tenants of

that unit and the tandem stalls are effectively each other's full-time attendants and the use of the stalls is not impacted in a substantial manner. The number of tandem stalls will be significantly less than the 2- bedroom and 1-bedroom unit count and so the buildings easily support "in tandem" use.

These criteria have been met.

Modification #3: *Bike Parking* – To reduce the width of long-term bike parking spaces from 2' to 18".

Purpose Statement: These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

Standard: Section 33.266.220.C.3.b states that where required bicycle parking is provided in racks, the racks must provide a 2 feet by 6 feet space for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

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

Findings: The proposed functional and space efficient system better meets the design guidelines because it eases floor plan demands and results in additional opportunities for active uses at the street, such as lobby and retail spaces (A8-Contribute to a Vibrant Streetscape).

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

Findings: The proposed solution meets the intent of providing sufficient space, access and security. This spacing has been approved elsewhere in the City as it has been determined to be adequate given the vertical offset of the racks which ensures bike pedals and handles do not align. These racks are proposed to be used for long-term storage in a central controlled-access bike storage room intended for use by residents and tenants. Because these racks will be used by residents and tenants, it can be assumed that they will have some familiarity with the rack systems and therefore the more generous 24" spacing required by the zoning code is not required, and the manufacturer recommended 18" spacing is sufficient. The rooms have been located in a variety of locations for convenient access from the garage and from units at floors above, and are located in locked rooms to keep the tenants and their equipment safe. The applicant intends to maintain the 24" x 72" required footprint for short term bike parking available to the public.

These criteria have been met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those 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.

Development standards in Zoning Code Section 33.510.253 D may not be modified or adjusted and must be shown to be met at the time of building permit application:

- Standard 33.510.253 D.4.b allows for deferral of required trail and landscaping improvements for 4 years if a performance guarantee is provided per 33.700.050. Nonetheless construction of one of the Greenway trails must occur prior to building occupancy in Block 41 or 44, as LU 17-160442 LDS AD Condition of Approval C.2 requires:
- “Prior to occupancy of the first building permit issued on Lots 1 and 4, the applicant must install, at a minimum, one of the required greenway trails within Tracts A and B, as approved under LU 16-283375 DZM, and in conformance with the Central City Plan District – South Waterfront Subdistrict standards (33.510.253.E.5). Alternatively, the applicant may submit documentation of an approved development agreement with Portland Parks, to the satisfaction of Parks, PBOT and BDS for construction of the greenway improvements.”
- If the applicant proposes to defer construction of the second trail per 33.510.253.D.4.b, the performance guarantee must be approved by the City Attorney prior to building permit issuance.
- LU 17-160442 LDS AD further requires (Condition of Approval A.4):
- “A Public Access Easement shall be shown over Tracts A and B (the Greenway Open Space tracts) for the north-south greenway trail and pedestrian connections to the trail easement from the eastern termination of accessways at SW Lane, SW Abernethy and SW Lowell Streets. These easements shall provide for the construction, maintenance and public use of the greenway trail, as specified in PCC 33.510.253.E.”
- If this easement is not recorded on the Plat, it must be recorded prior to building permit issuance.
- Page 13 of the Greenway Review narrative states that over 11,274 square feet of Subarea 1 will be planted with shrubs, however the applicant’s landscape plan notes only 9,443 square feet of Subarea 1 to be planted in shrubs. The standards in Zoning Code Section 33.510.253 D require a minimum of 11,274 square feet of Subarea 1 to be planted with shrubs and this standard must be met.
- Standards in 33.510.253 E.5. b, g, and h are not modified by South Waterfront Greenway Review and must be shown to be met at the time of building permit application.

Requirements of Zoning Code Chapter 33.272 and Section 33.510.253 apply the Greenway Trail on this site and must be shown to be met at the time of building permit application.

CONCLUSIONS

The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. While the proposal has addressed some of the feedback provided by the Design Commission from the 8/29/19 DAR, many significant issues remain. Staff has also identified additional issues and some cases there is not enough information provided to fully evaluate the proposal against the approval criteria. Additional detailed drawings

required must be submitted with adequate time for review; for a project of this scale, adequate time is approximately 4-6 weeks before the next report must be filed.

The outstanding Design Review items are related to:

- Context
- Public Realm
- Quality and Permeance
- Many missing information and details in the submittal

The South Waterfront Greenway Review application lacks information demonstrating that the approval criteria and design guidelines applicable to South Waterfront Greenway landscaping requirements are met by the proposal. Staff found that criteria requiring that the proposal “better” provide or enhance the Greenway qualities, than would be provided by meeting the standards, were not met by the landscaping proposed in Subarea 2, especially with regard to replacing 9,000 square feet of required shrub plantings with ornamental lawn. The Greenway Review application lacks information about the design parameters for bank restoration and shallow water habitat creation to demonstrate, both quantitatively and qualitatively, how the project will improve existing conditions. In a more general sense, the applicant must demonstrate how the proposal aims to “better” provide the Greenway qualities listed in the Greenway Review approval criteria.

Finally, the applicant did not include the geotechnical ground improvements in the application for South Waterfront Greenway Review, and they must be reviewed and approved through this process prior to receiving construction permits.

The following City Bureaus are also not yet recommending support of the project:

- Bureau of Transportation (PBOT)
- Bureau of Environmental Services (BES)
- Site Development Section of BDS

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends denial of the Design and Greenway Reviews based on insufficient drawings, unresolved design and greenway issues and outstanding service bureaus items. Upon resolution of these issues, staff could a project that meets the approval criteria at this site.

Staff does not recommend approval of the following Modification:

- *Bonus Height Option* – To allow 25’ of bonus height within the 125’-150’ area west of the height reference line (Section 33.510.210.D.1).

Staff does recommend approval of the following Modifications:

- *Vehicle Parking* – To allow two parking spaces to be stacked (tandem) without having an attendant on-site (Section 33.266.130.F.1.a).
- *Bike Parking* – To reduce the width of long-term bike parking spaces from 2’ to 18” (Section 33.266.220.C.3.b).

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Procedural Information. The application for this land use review was submitted on September 11, 2019, and was determined to be complete on October 25, 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 September 11, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: 2/22/2020.**

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 review body, only evidence previously presented to the review body will be considered by the City Council.

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 \$5,000.00 will be charged (one-half of the BDS LUS 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.

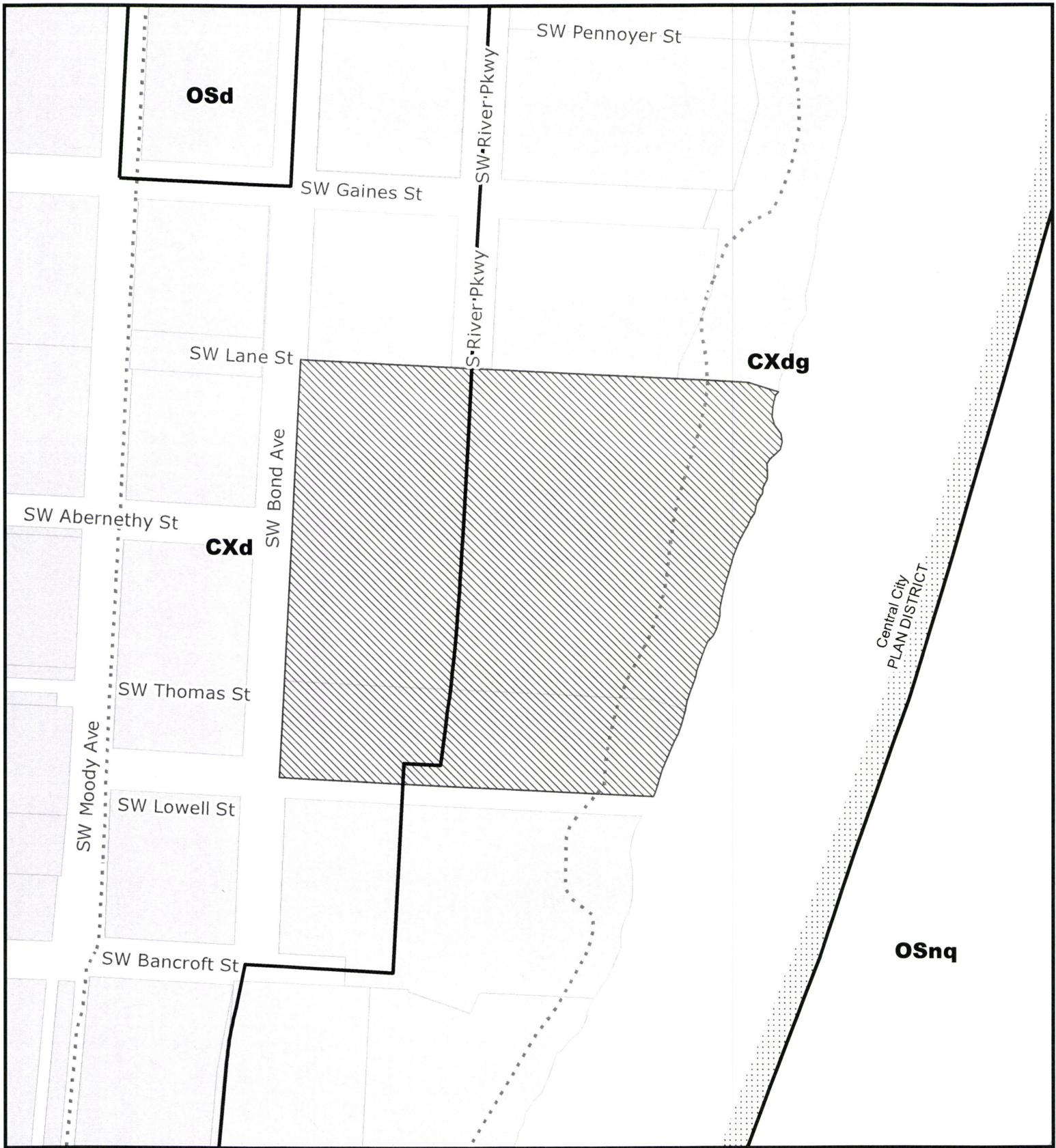
Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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).

Staci Monroe
Stacey Castleberry
December 2, 2019

- A. Applicant's Statement
 - 1. Original project narrative, approval criteria responses & zoning summary
 - 2. Original drawing set dated 9/10/19
 - 3. Drawing set dated 10/21/19
 - 4. Appendix set dated 10/21/19
 - 5. Greenway Narrative dated 10/21/19
 - 6. Greenway drawing set dated 10/21/19
 - 7. Revised project narrative, approval criteria responses & zoning summary
 - 8. OTAK memo to Site Development dated 10/18/19
 - 9. OTAK memo to BES dated 10/18/19
 - 10. OTAK memo to PBOT dated 10/18/19
 - 11. Letter from Linda Tycher to BDS staff with greenway clarifications.
 - 12. Energy Calculations (COMcheck) for Buildings 41 & 44
 - 13. Revised project narrative
 - 14. Revised Greenway Review zoning compliance and approval criteria responses
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Through 143 (C.1, C.2, C.13-14, C.27, C.37-38, C.54, C.60-61, C.71, C.76-78 attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Bureau of Transportation Engineering
 - 5. Bureau of Parks-Forestry Division
 - 6. Life Safety Review Section of BDS
 - 7. Site Development Section of BDS
- F. Letters
 - 1. James Gardner, representing South Portland Neighborhood Association, 11/29/19, identifying areas of concern as well as stating positive attributes of the proposal.
- G. Other
 - 1. Original LUR Application
 - 2. Letter of Incomplete dated 10/2/19
 - 3. List of BDS Review comments for 11/12/19 submittal set
 - 4. Email dated 9/13/19 regarding 120-day extension form & Evidentiary Hearing
- H.



ZONING



CENTRAL CITY PLAN DISTRICT
SOUTH WATERFRONT SUB DISTRICT



..... Recreational Trails

File No.	LU 19-225732 DZM SWGW
1/4 Section	3430
Scale	1 inch = 200 feet
State ID	1S1E10DB 300
Exhibit	B Oct 18, 2019







© 2019 ALAMO MANHATTAN BLOCKS ARCHITECTURAL RENDERING

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COMPOSITE
METAL
PANEL



DARK BRICK



WOOD GRAINING
CEMENT CLADDING



ARCHITECTURAL
GLAZE



10-25732



SCALE: 1" = 40'

BLOCK 41 - SOUTH ELEVATION
LAND USE REVIEW # (JU-18-281465 DA) EXHIBIT C.14

15 FT MAX HIGH STRACK FROM RW
 12 FT MAX HIGH STRACK FROM RW
 3 FT BOARDWALK



LEVEE STRAMPP

RESIDENTIAL	142
COMMERCIAL	2,400 SF
LOBBY + BOARDWALK	1,136 SF
LAB	1,400 SF
REG. OUTDOOR SF	2,000 SF

PARKING SPACES - LEVEL 1

REGULATED	40
RESERVED	2
ACCESSIBLE	2
TOTAL	44

BUILDING SUMMARY

TOTAL LOTS	50
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