

September 24, 2020

VIA EMAIL: CCTestimony@portlandoregon.gov

Portland City Council
1221 SW 4th Avenue
Portland, Oregon 97204

Re: Appeal of Alamo Manhattan Blocks in South Waterfront
LU 20-102914 DZM GW AD; PC # 19-22572

Dear Honorable Mayor Wheeler and City Council:

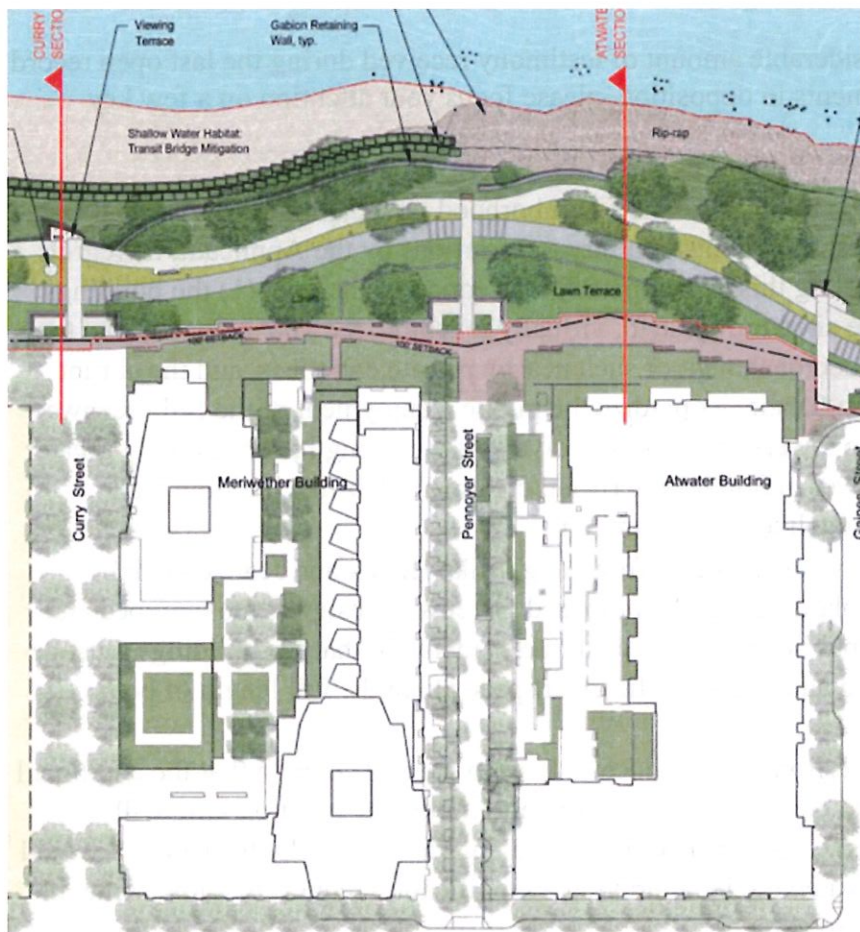
This letter responds to the considerable amount of testimony received during the last open record period. Of the dozens of comments in opposition, please focus your attention on a few key submittals:

- Jim Gardner, Chair of the South Portland Neighborhood Association (SPNA) Land Use Committee submitted testimony that, contrary to assertions by the Applicant, he regrets not independently appealing this decision. SPNA's concerns include: (1) the buildings on Blocks 41 and 44 are sited too close to, virtually touching, the 100' setback from the Greenway. The visual encroachment of such nearby private entrances, and the abrupt adjacent 4-story building façade, jeopardize the public's enjoyment of the full greenway setback area; and (2) the towers have an excessive east-west length, substantially greater than any other block-tower in South Waterfront, creating a slab-like building wall inconsistent with the Guideline D2, A5 and C1.
- Long-time Greenway advocates like Jeffrey Lang, Mike Houck and Jeanne Galick submitted testimony explaining that the proposed Greenway design is too cramped and will not be inviting for public use. They continue to maintain that the buildings must be set back further allowing additional public greenspace along the full length of both riverfront buildings.
- A number of South Waterfront OHSU doctors have expressed concern that the additional vehicular congestion and competition for extremely limited on-street parking will discourage patient access. These concerns beg the question as to why the Council would encourage greater car ownership by approving a modification request to allow some of the units 2-vehicle tandem garages.

During this period, the Applicant amended their proposal to address some, but not all of the concerns raised by the City Council. These alterations are largely cosmetic, and the proposal remains inadequate to satisfy the Fundamental and Greenway Design Guidelines.

The Proposed Greenway is Undersized and Ill-Conceived to Serve the Public

As has been pointed out previously, in order to approve this development at the additional heights requested, the City Council must find that this development will “better enhance the natural, scenic, historical, economic and recreational qualities of the greenway.” ZC 33.851.300. In order to do something “better,” the development must go further or extend beyond the minimum required. In addition, this proposal relies on bonus FAR and height that is only available in exchange for providing additional greenway area. The only extra public space contained in this application is at the foot of S Abernethy, with a small area next to the “maker” space at S Lowell. The amount of public space provided is inadequate and its design fails to satisfy the standards.



The appropriate level of Greenway protection for towers is well established in South Waterfront. This image shows the location of the Atwater and Meriwether Buildings that took advantage of Greenway development bonuses in relation to the 100' setback line. These entire buildings, not just the towers, are set back approximately 150 feet, allowing for robust public amenities including a significant amount of greenspace. See comparative greenway photos attached. In addition, the Appellants have submitted drone footage showing the expansive public “front yard” area for these two buildings.

By contrast, the proposed structures on Blocks 41 and 44 touch the 100' foot setback line or run very near that line for its entire length. Even in the plaza area - the Applicant's identified bonus Greenway improvements space - the buildings are not set back to the same degree as the Atwater or the Meriwether. The Atwater has 224 units and the Meriwether has 324. If 150 feet of upland Greenway area is necessary to serve 550 units, providing only 100 feet of Greenway area to serve 1200 units is clearly inadequate.

Every rendering of this site illustrates that the riverbank erodes further to the west as it moves south, yet the proposed buildings do not similarly set back to the west in equal measure. The buildings stay at the same north-south datum as the buildings to the north. The result is to cramp and congest the Greenway, casting shadows far into the river, making users feel unwelcome and small. Greenway Guideline A1-1 requires "human scale" development and Guideline D2 requires graduated building height in order to enhance the pedestrian experience within the Greenway.

During the last hearing, you saw some powerful drawings showing the visual impact these towers would have on the residents in nearby towers. To give the Council a sense of the difference an extra 50' of setback could make, the same artist Mr. Michael Sammler, has put together the following comparative drawings. The top image shows an open, expansive and inviting greenspace area. The bottom image offers a sense of the dark, shadowed, urban enclosure created when the buildings crowd the pathways as proposed.



Testimony from Jeffrey Lang and Mike Houck, authorities in the field of appropriate greenway design, testified that a successful Greenway is one where the greenway size remains uniform matching the more generous setback along the properties to the North. Visual and physical continuity for the Greenway is best achieved through a uniform setback and is not achieved by a patchwork of incongruous Greenway widths as proposed. There is precedent for requiring a greater setback area for buildings containing significantly fewer units. In sum, the Greenway is undersized to serve this development and it will not offer an experience that is open and inviting to future residents or to the public.

Development Must Provide Diversity in Greenway Gathering Spaces that Serves to Everyone

Greenway Design Guideline 3 calls for the provision of a “diverse set of gathering places” and more specifically provides:

“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.”

The diversity contemplated with this Guideline includes plazas, docks, play areas and overlooks providing a wide array of visual and physical access gathering points. The Applicant’s response proposes a largely singular character of amenity: building-adjacent, hardscaped plaza and patio as well as a singular, small overlook.

The Background section for the Guidelines describes appropriate gathering spaces “as extensions or supportive components of the greenway trail.” As pointed out at the last hearing, the plaza, patio and overlook appear as extensions to the private development rather than extensions of the trail. Although relocating the patio on the south side to the ground elevation is an improvement, these areas appear as private amenities and remain inadequate.

Guideline A1-2 requires “integrated active uses” and “public ownership” of greenway amenities. Although physically “open” to the public, the proposed plaza and redesigned patio will not feel like they are under “public ownership” in any respect. Similarly, Guideline C6 requires articulated “transitions between buildings and public spaces.” Here, the “transitions” suggest that the plaza and patio belong to the building rather than an “extension of the greenway trail.” The use paving stones matching the building surround rather than concrete matching the pedestrian path will signal to the public that these spaces belong to the building. Heavy landscaping surrounding the south patio, the use of elevated planter boxes and large trees surrounding the plaza reinforce the idea that these amenities are private. See attached South Waterfront photo comparison exhibit. This private feeling is only exacerbated by the use of “chaise lounge”

seating that is typical of what one would find on a private patio and not in a public park. Curving the edge the plaza, as set forth in the modified design, does not overcome these more fundamental deficiencies.

As with the plaza and patio amenities, the overlook is undersized and lacks connection to the public trail amenity. The overlook is approximately 35' feet long and is the singular riverfront viewing point along this development's approximate 600' linear feet of river frontage. ZC 33.510.253(E)(5)(e)(2) provides that each greenway development must include an overlook that is a minimum of 500 square feet. At just over 500 square feet, the overlook proposed barely exceeds this minimum threshold. If this "development" encumbered one lot rather than two, at least two overlooks at 500 square feet would have been required for each singular lot development. Yet, because this "development" includes two lots, only a singular overlook is provided. This does not meet the intent of providing one overlook per lot, which presumably the Council deemed appropriate to serve the subject development as well as the public, when it adopted the standard. To make matters worse, this additional height and FAR bonus authorized height increases the need for river-visible viewing areas that cannot be served by an overlook that is sized to accommodate development on a single lot with no bonus density. Further, as with the plaza and patio, the overlook is not finished in a material that matches the pedestrian walkway as an indicator that it is public. It does not include a singular bench or other furniture that would invite stopping, resting, or staying.

The shortfall in the overlook design is not made up by the Applicant's most recent design change – making the benches surrounding the fountain two-sided allowing them to face the river. The shortcoming here is that a heavy layer of conifer and deciduous trees to the east of the pedestrian path, although good for the riparian habitat, is likely to significantly block river views from these benches. This development simply does not provide stopping, resting and gathering places that take advantage of the river view as required by Guideline 3.

Finally, it is important to point out that the only lawn area in the whole of this project to serve 1200 units is two narrow strips directly in front of the plaza. Roughly scaled, the area on the south side of the plaza is approximately 28' wide and 96' long, narrower than the width of the proposed S Abernethy paseo. The grassy area on the north side of the plaza is roughly, 24' wide and 40' long, less than half of the size of a basketball court. Using 6' social distance spacing rules that we have become so accustomed to visualizing, these grassy areas would accommodate 98 individuals. Yet, this is a 1,200 unit development. Again, a woefully inadequate amount of grass or soft surface area to serve what could be 1,200 families, their children and pets.

Setting these buildings back an additional 50 feet from the Greenway would allow these incredibly constricted grass areas to be enhanced and sized to allow a family of four to picnic on a blanket (as there are no public tables provided), while at the same time a toddler could be learning how to walk or catch a ball, leaving enough room for a little bit of rough-housing with a pet. These activities are not only not comfortable, they will not be possible with this design. See

video drone footage of the Meriwether and Atwater frontage illustrating expansive lawn covered public areas.

Restating, Guideline 3 requires that the Greenway be filed with a “diverse set of gathering areas” that are oriented toward the river. The types of gathering spaces proposed here are not “diverse.” The plaza and patio offer a uniform, hard-surfaced area with a singular type of oversized lounge patio furniture. Devoid of any tables, there is no accommodation made for large (or small) al fresco dining opportunities. Lacking any seating at all, the significantly undersized overlook will not serve a gathering space in the first instance. The only area suitable for “play” is the similarly stunted lawn area that will not accommodate more than 4 or 5 families, at most.

The Willamette River Greenway is the singular natural amenity that this development has to offer its future residents. This Greenway space must serve not only those families that will reside in the new 1,200 units but also the public – the preschool children who regularly use the greenway as a playground and natural science lab as well as the seniors who walk the greenway daily, stopping regularly to visit with their neighbors. The evidence shows that the Greenway, as modified, is insufficiently sized to serve the proposed development, much less the public. This proposal does not offer “diversity” in gathering areas and improperly melds private and public space together so as to make these spaces feel private. This proposal offers the bare minimum with respect to Greenway space but yet takes the maximum amount of development entitlement. This is not what the Greenway Guidelines require.

Providing River Access Not Adequately Explored

In addition to the Applicant’s failure to provide sufficiently sized gathering spaces for the public that highlight the view of the river, this Applicant has similarly failed to provide any physical access to the river. Guideline 3, coupled with Guideline 5, prioritizes providing physical public access to the river including areas to launch watercraft or other such areas for play. It is important to remember that none of the proposed Greenway amenities will occur at river level. Everything from the pedestrian pathway, the overlook and the plaza will be located 36 feet above the ordinary low water mark and even then, most of these spaces are pushed away from the river. As a result, this development offers essentially zero opportunity to engage with or otherwise physically access the water.

In response to the access concerns raised by the City Council, the Applicant’s attorney responded that (1) habitat restoration is the focus of this stretch of the river and (2) providing human access would compromise the ecological functioning of the riparian area. It is interesting to observe the Applicant’s newfound concern over the riparian values and it serving as a barrier to providing river access, when the Applicant has, at the same time, consistently rebuffed any obligation to restore or protect those values in the first instance.

Protecting river habitat is not fundamentally inconsistent with human access. In fact, Guideline 5 acknowledges this dual objective of providing both “direct human access, where appropriate”

AND “provide bank stabilization that improves ecosystems.” This guideline cannot be met where only one of the two obligations are satisfied. The Applicant asks the Council to accept that river access is not appropriate in this location due to habitat values. Yet, this is nothing more than a conclusion set forth by a land use attorney who is not qualified to evaluate the riparian conditions or the availability of technologies that might allow furthering both objective.

Nothing in the South Waterfront Guidelines suggests any prioritization of habitat over recreational values along this frontage. All area-specific Greenway objectives are located within the Greenway Development Plan Guidelines option. This Applicant had an opportunity to pursue the greenway development approach offered along with funding for improvements, but the Applicant rejected this approach. As a result, this Applicant cannot now lean on those area-specific objectives that it previously rejected, to justify avoiding providing river access. Setting this positional conflict aside, the Applicant misstates the objectives for the South Reach. The Greenway Plan guidelines expressly call for human access to the river a gangway and floating dock accessible by the existing concrete retaining wall that directly fronts this property. The Council has heard from City staff and others that the provision of a floating dock is not appropriate. There are other ways to provide water access short of providing a floating dock.

Without conceding the propriety of access, via the existing concrete deck or the idea of a floating dock, there is no question that the guidelines envision human access in the South Greenway Reach area. Further, the standards that do control, Greenway Design Guidelines 3 and 5 call for the provision of human access to the water generally. The video drone footage shows that the only river access along the full length of South Waterfront is a footpath accessing a narrow beach area directly north of the Meriwether that is dilapidated and undersized. The applicant has not established that river access is either not required, or that it is not feasible.

Providing human connection and engagement with the river is critical to the success of this stretch of the Greenway. The Greenway Standards call for some form of physical access and yet, this Applicant’s only response is to ask the City Council to look to others to other developers along the Greenway to provide it. If a developer that controls such a significant length of river frontage cannot be required to provide such access, what makes the Council think that any other developer will be required to provide this critical amenity?

We know from the experience with the Human Access Project, including the annual Mayoral Swim, how critical human access to the water is. We also know from the success of the Eastbank Esplanade, with its floating docks and gangways, that these amenities can be provided without compromising habitat values. The record lacks substantial evidence to conclude that providing physical access to the river, even if it is just a small beach, along this frontage cannot be provided. Until this is done, the Council cannot find that Guidelines 3 and 5 are satisfied.

Conclusion

In conclusion, this Applicant has engaged in a pattern and practice of doing the absolute

minimum that is asked and no more, while sucking the maximum level of entitlements with a cost borne entirely by the future residents, their neighbors and the public. This approach furthers a singular objective – to enhance the Applicant's bottom line.

The evidence shows that this Applicant has been unresponsive to the SPNA and neighbor concerns throughout the review process. Rather than withdraw and resubmit its application under the new CC 2035 standards once it was final or otherwise offer to comply by including eco-roofs and bird-safe glazing, it decided to proceed without it. Only now, after hearing a majority of Commissioners' displeasure, did the Applicant add eco-roofs and bird safe glass – the lowest cost adjustments to the project in the hope that this bare minimum approach will get this project through. These modest improvements are not enough.

The Council identified significant concerns over the Greenway design - not just the patio at the end of S Lowell but the extent and design of those gathering spaces. Again, the Applicant responded by redesigning only the patio and modest cosmetic improvements on the plaza, that do not address the heart of the deficiency. The Greenway design remains inadequate. Testimony was submitted that Prosper Portland and Portland Parks and Recreation offered additional funds to allow Greenway improvements beyond the minimum standards proposed. Those offers were rebuked. Portland's planning process is directed at collaboration and cooperatively bringing all stakeholders together to meet development goals, protect future residents and promote public good. This developer failed to collaborate or to provide a development that protects the Greenway and provide a sufficient level of public amenities.

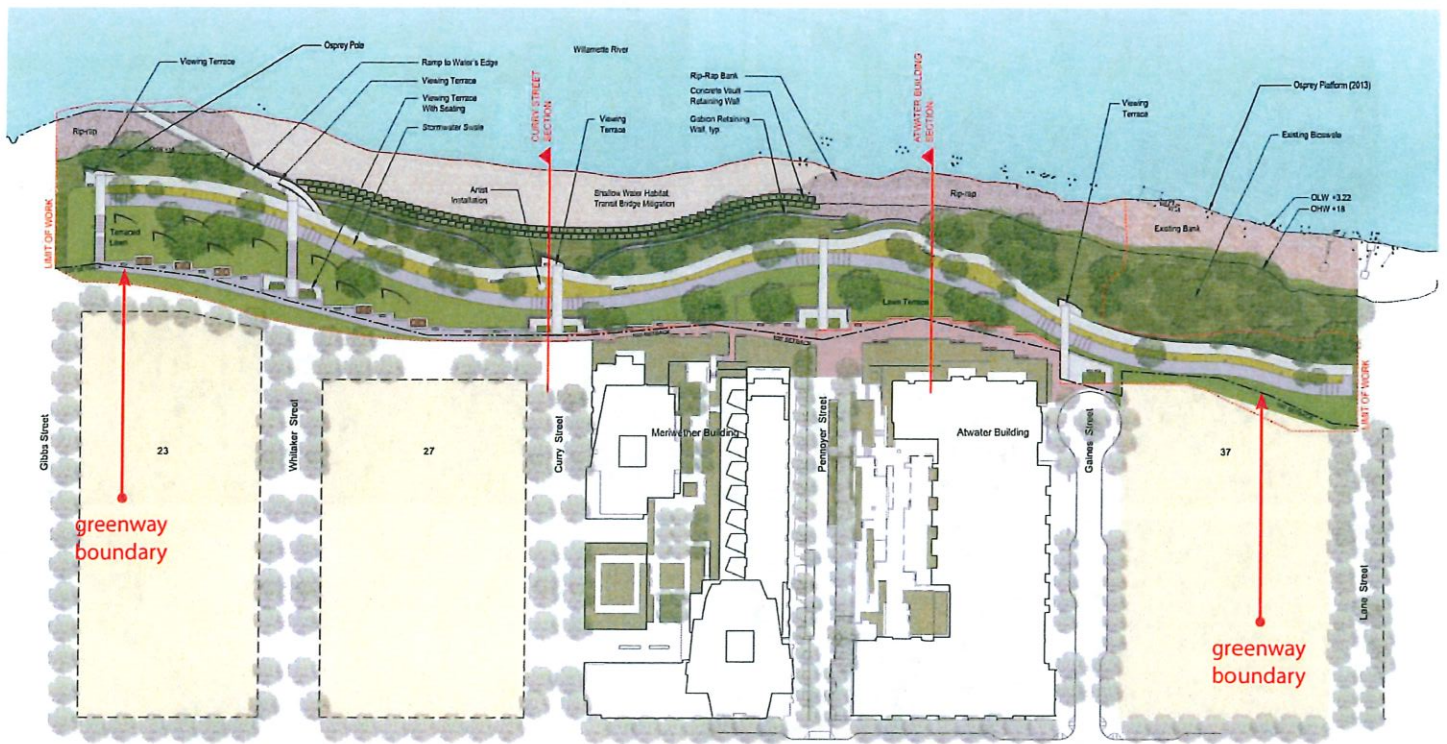
For these reasons, as well as the reasons previously stated, please deny this application. If you will not deny the application, please remand this matter back to the Design Commission with instructions to consider a revised development proposal that is responsive to the issues raised in this appeal.

Very truly yours,



Carrie A. Richter

CAR:kms
Enclosures
cc: Client



LEGEND

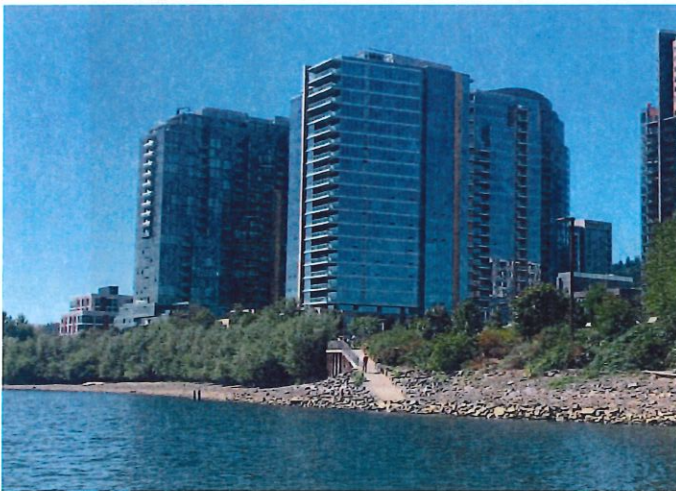
Pedestrian Trail	Upland Paving	Riverbank Planting	Lawn	Shrubs	Rip-rap
Bike Trail	Timber Paving	Swale Planting	Shallow Water Habitat	Existing Bank	

The first South Waterfront buildings “set the tone for the quality of open space in the district.” The greenway is 125-145 feet in width.

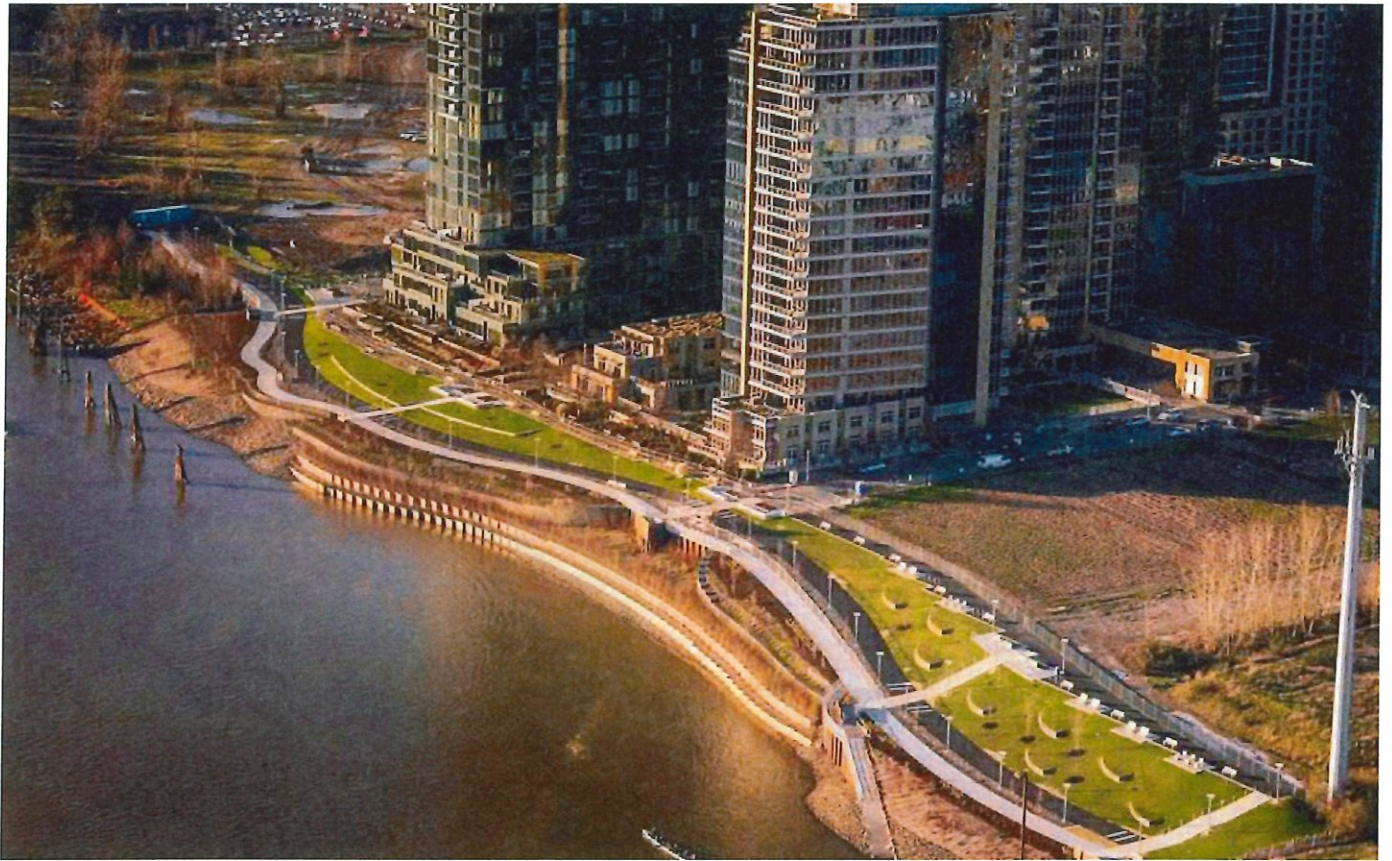




Generous, vegetated swales in front of buildings further enhance the greenway. Elevation change and swales provide a clear definition between private and public space.



Robust native tree and shrub planting along the laid-back river bank greatly improves fish and wildlife habitat and helps with erosion control.



Deep erosion of buildings provide a pedestrian-friendly, human scale along the greenway



Alamo south corner continues to look like a private use area. This does not appear to welcome casual trail users or to be integrated into the greenway.



Elevation change is used in the rest of SoWa to define private from public space.



The side view is barren and uninviting. The lack of landscaping and stormwater swales is instark contrast to the rest of South Waterfront (see below).

