

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

**IN THE MATTER OF AN APPEAL BY THE NORTHWEST DISTRICT ASSOCIATION  
AGAINST DESIGN COMMISSION'S DECISION TO CONDITIONALLY APPROVE A  
NEW FOUR-BUILDING APARTMENT PROJECT AT LOTS 9-12 OF  
RIVERNORTH/RIVERSCAPE (HEARING: LU 12-212602 DZM GW AD)**

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**FINDINGS AND CONCLUSIONS**

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**ADOPTED BY THE CITY COUNCIL ON  
JULY 3, 2013**

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CITY OF  
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AGAINST DESIGN COMMISSION'S DECISION TO CONDITIONALLY APPROVE A NEW  
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FINDINGS AND CONCLUSIONS

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

**I. GENERAL INFORMATION**

**Appellant:** The Northwest District Association (NWDA)  
Attn.: John Bradley, Chair, NWDA Planning Committee  
2257 NW Raleigh Street  
Portland, OR 97210

**Applicant:** Robert Leeb  
Leeb Architects LLC  
71 SW Oak St., Suite 200  
Portland, OR 97204

**Developer:** Lee Novak  
Fore Property Company  
1741 Village Center Circle  
Las Vegas, NV 89134

**Property Owners:** Holt Distressed Property  
P.O. Box 87970  
Vancouver, WA 98687

Holt Distressed Property  
2601 NE 163<sup>rd</sup> Ct.  
Vancouver, WA 98684

**Civil Engineer:** Jeff Shoemaker  
Cardno WRG, Inc.  
5415 SW Westgate Drive, Ste 100  
Portland, OR 97221

**Landscape Arch.:** Shapiro Didway Landscape Architecture  
1204 SE Water Ave, #101  
Portland, OR 97214

**Site Address:** Four lots between NW Front Avenue and NW Riverscape Street between NW 16<sup>th</sup> and 18<sup>th</sup> Avenues

**Legal Description:** LOT 9, RIVERNORTH; LOT 10, RIVERNORTH; LOT 11, RIVERNORTH; LOT 12, RIVERNORTH

**Tax Account No.:** R708970550, R708970600, R708970650, R708970700

**State ID No.:** 1N1E28D 00323, 1N1E28D 00324, 1N1E28D 00325, 1N1E28D 00326

**Quarter Section:** 2828

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.

**Business District:** None

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Zoning:** **RXdg** (Central Residential base zone with Design and River General Greenway overlay zones), **Central City plan district/River District subdistrict**

**Case Type:** **DZM GW AD** (Design Review with Modifications, Greenway Review, Adjustment)

**Procedure:** **Type III**, with a public hearing before the Design Commission.

**REVISED Proposal:** Following the feedback received from Design Commission and neighbors during the March 21<sup>st</sup>, 2013 hearing, the applicant has made significant revisions to the project. These changes include the following:

- The two buildings flanking NW 17<sup>th</sup> Avenue (lots 10 & 11) have been completely re-designed. The buildings are simpler in form with a different window rhythm and different materials versus the buildings on lots 9 & 12. Primary building materials are now a warm grey brick and an wood-colored shingle plank siding from Nichiha. Arched window openings at the ground floor and a central barrel-vaulted rooftop element distinguish these two buildings;
- Ground floor commercial space has been lowered at lots 10 & 11 flanking NW 17<sup>th</sup> Avenue to create more direct pedestrian access from NW Front and taller interior ceilings, with scored concrete walkways and fewer steps to the adjacent sidewalk;
- Both buildings have been provided with raised 'loading docks' along NW Front Avenue, with metal and steel cable railings along the edge of the dock, bike parking, and embedded planters at the streetside edge of the dock for lots 9 & 12;
- The underground garages have been slightly reconfigured, projecting partly under the new raised docks, and some metal ventilation louvers for the garage are integrated into the dock structure along NW Front;
- The materials on the buildings at lots 9 & 12 have been refined and simplified. There are now three materials, with more brick and only one color of the fiber cement panel (Ceraclad);
- All the buildings have been moved closer to the cross streets. The building on lot 9 moved towards NW 18<sup>th</sup> Avenue, buildings on lots 10 & 11 moved towards 17<sup>th</sup>, and the building on lot 12 moved towards 16<sup>th</sup>. This has created a more urban edge along the project perimeter, and two larger pocket parks between the new buildings; and

- The two interior public open spaces at the pedestrian easements have been re-designed to occupy a larger space, each increasing in width from 46'-0" to 100'-0".

The applicant has proposed the construction of a four-building apartment complex with 243 dwelling units, commercial space, a leasing office, resident amenity spaces, and below-grade structured parking for 236 cars. The site consists of four vacant lots on two elongated rectangular blocks on the river side of NW Front Avenue between NW 16<sup>th</sup> and 18<sup>th</sup> Avenues. Each lot would be developed with a single five-story building atop a podium of structured parking, with individual buildings containing between 59 and 63 units.

Each of the four lots is approximately 230'-0" long by 86'-0" wide. The north two lots (9 and 10) and the south two lots (11 and 12) are bisected by a 46'-0"-wide pedestrian easement, in alignment with pedestrian easements across NW Riverscape Street to the east. The north easement between lots 9 and 10 is designed as an open landscaped plaza with seating areas, a linear walkway with stairs, and a ramped, curving walkway. The south easement between lots 11 and 12 is designed as a rectangular plaza with central planting beds, bench seating, and an indirect path through the space. The applicant is seeking a 1:1 Floor-Area bonus by providing public art at the site, which may be placed in these two easement areas. The public art itself, if approved through a pending process with the Regional Arts & Culture Council (RACC), is not subject to design review.

The main building entrances are double-sided at the mid-point of each building, with lobby access to both NW Front Avenue and NW Riverscape Street. Each ground floor unit also has a separate entrance with steps leading to a patio and front door, and paved walkways and stairs to the adjacent sidewalk. Commercial uses are still provided adjacent to the Front Avenue entry at lot 9, but the leasing office and fitness space with related rooftop viewing deck has moved to lot 10. Lot 11 has a single potential commercial space abutting the NW Front & 17<sup>th</sup> corner. Docks are provided along the entirety of the NW Front Avenue side, and the original concept with stairs, semi-private patios with low wood fencing, and raised landscape beds is retained along NW Riverscape Street.

Garage access is located at the north and south ends of the buildings off of NW 18<sup>th</sup>, NW 17<sup>th</sup> and NW 16<sup>th</sup> Avenues. The south two buildings on lots 11 and 12 are above an interconnected below-grade garage with driveway access from NW 16<sup>th</sup> Avenue. Each of the four buildings is approximately 172'-0" long by 70'-0" wide, and is divided into two wings separated by an indentation at the lobby entry.

Given the project valuation and location in a design zone of the central city, the project requires a Type III Design Review. The site is also in the River General Greenway overlay zone, where new development requires a Type II Greenway Review. Concurrent with these requests, the applicant has requested the following additional reviews:

1. For parking areas where an attendant is not always present, each parking space must be accessible without having to move another vehicle (33.266.130.F.1.a). In the below-grade garage, there are 15 instances of a two-car deep or tandem parking layout, with these two-car spaces being leased to single units. The applicant has requested a Modification through Design Review to allow 15 tandem parking spaces of two cars each;
2. The 'B' loading spaces required for the project are required to be 18'-0" long, 9'-0" wide, and have a clearance of 10'-0" (33.266.310.D.b). The loading spaces in the below-grade garage will only have 8'-4" of vertical clearance. The applicant

- has requested a Modification through Design Review to reduce the vertical clearance for all loading spaces from 10'-0" to 8'-4";
3. Individual parking spaces in the garage are required to be 8'-6" wide by 16'-0" deep (33.266.130.F.2/Table 266-4). Structural columns in the basement may encroach by up to 8 inches into 174 of the 236 parking spaces. The applicant has requested a Modification through Design Review to reduce the width of portions of 104 of the parking spaces from 8'-6" to 7'-10"; and
  4. Four 'B' loading spaces are required (33.266.310.C), but only three are proposed. The applicant has requested an Adjustment to reduce the required 'B' loading spaces from four to three.

**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:

- The *Central City Fundamental Design Guidelines*;
- The *River District Design Guidelines*;
- **33.440.350**, Greenway Review Approval Criteria;
- **33.805.040**, Adjustment Approval Criteria; and
- **33.825.040**, Approval Criteria for Modifications through Design Review.

## II. PROCEDURAL HISTORY

The original application was submitted on December 6, 2012, and deemed complete on January 28, 2013. The initial hearing was scheduled for March 7, 2013 and the required public notifications and site posting were completed. The original staff report was published on February 25, 2013, recommending conditional approval of the proposal.

At the initial hearing on March 7<sup>th</sup>, Design Commission and neighborhood residents raised several concerns about the proposal, and the applicant agreed to return with revisions to the project to a second hearing on March 21, 2013. A revised plan set with several minor changes was submitted to staff on March 13, 2013, and a memo was prepared by staff and sent to Design Commission on March 18, 2013. The March 18, 2013 memo raised several concerns regarding approvability, and did not recommend approval.

At the continued hearing on March 21, 2013, Design Commission and neighborhood residents continued to have concerns about approvability, and the applicant agreed to make further design changes to the project and return for a third hearing on April 18, 2013. On April 8, 2013 the applicant submitted their final revised drawing set with significant changes to the proposal, and staff prepared a revised staff report recommending conditional approval on April 9, 2013.

At the final hearing on April 18, 2013, Design Commission heard final comments from neighborhood residents and deliberated on the revised proposal. After discussion and development of eight new specific design-related conditions of approval, a motion was made and seconded to approve the project with eight additional design-related conditions of approval. This motion passed with 4 Commissioners in support and two opposed, thereby approving the proposal with eight new conditions. The decision was mailed on May 3, 2013, triggering the 14-day appeal period to end on May 17, 2013.

On May 17, 2013 an appeal of Design Commission's conditional approval was filed by the Northwest District Association. An appeal hearing date was set for June 12, 2013 and the public notice of appeal hearing was mailed on May 22, 2013.

### III. ANALYSIS

**Site and Vicinity:** The site consists of four lots on two elongated rectangular vacant blocks along the east side of NW Front Avenue, just north of the Fremont Bridge. The blocks are bound by NW Front Avenue on the west, NW Riverscape Street on the east, and intersected on the east-west axis by NW 16<sup>th</sup>, NW 17<sup>th</sup> and NW 18<sup>th</sup> Avenues. Both blocks are fully unimproved, with only concrete curbing at their perimeter, weedy and grassy groundcover material, and a few pine trees on either block straddling the NW 17<sup>th</sup> Avenue street segment. An irregular asphalt pedestrian walkway has been poured inside the curb along the NW Front Avenue lot line.

The surrounding area features a sharp transition between the newer residential townhomes and condominium tower of the Riverscape development immediately to the east, and the older industrial development across NW Front Avenue to the west. The Riverscape Townhomes are consistently two or three stories in height, typically above a partially-raised podium of garages and parking, and are designed with extensive east-west walkways connecting NW Riverscape Street to the Greenway Trail along the river. The Pacifica Condominium Tower is eight stories in height, and located opposite this site at the north end of NW Riverscape Street. The Riverscape development has a restrained material palette of brick, metal panel, stucco, and concrete block in neutral earth tones, with densely-planted landscaping featuring native shrubs, ornamental grasses, and a variety of trees and groundcovers. Industrial development to the west includes large metal and brick buildings with fenced exterior storage and work areas. A small wood-clad bar and restaurant (The Dockside) is located across Front at the intersection of NW 17<sup>th</sup> Avenue and Front Street.

The surrounding street network is improved with two-way roadways, curbing, and on-street parking. Perimeter sidewalks are provided on the opposite side of NW Riverscape Street in the built portions of the development, but not on the subject site. Northwest 17<sup>th</sup> Avenue at Front Street is a signalized intersection, allowing traffic to cross NW Front Avenue and continue south on NW 17<sup>th</sup> Avenue towards NW Portland and the Pearl District.

**Zoning:** The Central Residential (RX) base zone allows the highest density of dwelling units of all the City's residential zones. The regulations and development standards are intended to create and maintain higher density residential neighborhoods. New housing development often consists of medium and high rise apartments and condominiums, often with allowed ground floor retail or other small commercial uses. The RX zone is found primarily with the Central City plan district.

The Design overlay zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 River General Greenway overlay zone (g) is one of five overlay zones that implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). Each of the five overlay zones has its own focus and purpose. The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the riverfront, and which enhance the river's natural and scenic qualities.

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

**Land Use History:** City records show several prior land use reviews on the site, including but not limited to the following cases:

- *LUR 01-00521 GW:* Approved Greenway Review for the Combined Sewer Overflow project, which passes partially underneath this site;
- *LUR 01-00618 SU GW:* Approved subdivision and Greenway Review to divide the former Terminal One site into a 12-lot subdivision with public streets, including location of the Greenway Trail alignment and tentative site preparation work;
- *LUR 01-00682 GW:* Approved Greenway Review for demolition of the old Terminal One wharf;
- *LU 02-116179 GW EF:* Approved Greenway and Excavation and Fill Reviews for site work and environmental remediation;
- *LU 02-135500 GW EF:* Approved Greenway and Excavation and Fill Reviews for site work and environmental remediation;
- *LU 03-102995 DZ GW:* Approved Greenway and Design Reviews for the waterfront promenade and trail, and the first phase of townhomes;
- *LU 03-121264 DZ GW:* Approved Greenway and Design Reviews for the second phase of townhomes; and
- *LU 03-166610 DZ GW:* Approved Greenway and Design Reviews for alterations to the previously approved townhomes.

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed **February 15, 2013**. City of Portland development review staff commented on the proposal as follows:

The *Bureau of Environmental Services (BES)* has reviewed the proposal and responded with detailed information regarding sanitary service, stormwater management, pollution reduction, and other topics. Public sanitary and stormwater management facilities are available to serve the project, provided the applicant meets all applicable standards and regulations during permitting. On-site infiltration appears to be infeasible, and the project will discharge off-site to the public storm system. Additional discussion with City staff is necessary regarding Pollution Prevention and water quality systems on the project. The courtyard between lots 9 and 10 is placed partly over a 30'-0"-wide public sewer easement, and therefore an encroachment agreement will be necessary for the concrete benches during the building permit process. The BES has no objection to approval of the land use reviews in this application, and no recommended conditions of approval. Exhibit E.1 contains staff contact and additional information.

The *Development Review Section of Portland Transportation* has reviewed the proposal for potential impacts regarding the public right-of-way, for overall traffic impacts and impacts on transportation services, and for relevant street designations and criteria in Titles 33 and 17. There are no transportation-related criteria for Design Reviews, and there is no minimum parking requirement. The site plans appear to show the required 12'-0" sidewalk corridor in the abutting streets can be achieved in the right-of-way behind the existing curb without further street dedications. As a condition of building permit approval, street frontage improvements including a furnishing zone with street trees, a paved public sidewalk, and a frontage zone before the lot line will be required.

Transportation staff has reviewed transportation-related comments about parking in the area and notes that there are no relevant code or criteria in this request to require additional on- or off-street parking. Portland Transportation has no legal authority to require even a single parking space. After review of the proposal and the requested Modifications and Adjustment, Portland Transportation has no objection to approval of the proposal including the requested Modifications and Adjustment. Exhibit E.2 contains staff contact and additional information.

This year, City Council adopted new minimum parking requirements for some multi-dwelling projects, with new rules effective May 10, 2013. However, application for this case was made on December 6, 2012, before the effective date of these new regulations. The Zoning Code regulations that apply to this project are those in effect on December 6, 2012. Also, while minimum parking ratios were increased for some projects outside the Central City (which this project would meet), there were no changes to projects inside the Central City, where there is no minimum parking requirement.

The *Water Bureau* has reviewed the proposal and responded with information about available water services. Public water services are available to serve the project, and a review for fixture count and required fire flow volumes will occur during permitting to appropriately size the water services and meters. No objections or concerns are raised with regards to approval of the land use reviews in this application. Exhibit E.3 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and offered no objections or concerns regarding the requested land use reviews. During the building permit process the applicant must document conformance with all relevant Fire Code requirements. Exhibit E.4 contains staff contact and additional information.

The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and responded with technical information, but offers no objections or concerns regarding the requested land use reviews. A portion of lots 9 and 10 is within the Flood Hazard Area and is subject to the applicable requirements of Chapter 24.50, including balanced cut and fill requirements. As currently proposed, the basement parking below lots 9 and 10 is allowed because a non-residential use component is included to create mixed-use buildings. There are a number of additional considerations and technical standards that apply to the flood-resistant design of these structures and the parking garages, and the applicant is encouraged to consult with City staff early in the permitting process. A geotechnical engineering report and erosion control plan will be required during permitting. Exhibit E.5 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and provided technical details regarding Building Code issues, but no objections or recommended conditions of approval for the proposed land use reviews. It is recommended the applicant contact the project Process Manager to arrange a Preliminary Fire and Life Safety Meeting. Exhibit E.6 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and noted that street trees will be required on all street frontages. Exhibit E.7 is a hard copy print-out of this 'no concerns' response and comment.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 15, 2013**. A total of five written responses have been received from notified property owners in response to the proposal. The primary issue raised in these letters



is with regard to the adequacy of on-street parking for residents and guests in the immediate vicinity, sometimes expressed with specific concern that the project should provide additional parking or reduce its size and intensity. Specific suggestions include additional parking for the apartments, additional on-street parking through re-striping parking to head-in or angled spaces, and the construction of a City parking lot across the street.

Other issues include suggestions that the project add more dog waste containers, as the existing ones are already overburdened. One writer suggested the proposal should be townhouses or larger units with fewer stories, raising concerns about access to light. Another letter also suggests the site should be limited to townhomes, as the proposed apartments are 'transitional' housing and will negatively impact the property values of the existing townhomes and increase crime in the area. Another letter expresses concern that the scale of the buildings will block views, that there is inadequate bike parking and open space, and that the proposal will lead to new 'no parking' and 'fire truck' restrictions on adjacent streets.

Additional issues have been raised at the first two hearings on March 7 and 21, 2013, including concerns about the building materials, their design, and the relationship of the buildings to the adjacent housing development and the river beyond.

**Staff Response:** There are no minimum automobile parking requirements for this site, as exists in the Zoning Code throughout the Central City plan district. Portland Transportation reviews land use proposals for transportation-related issues, including impacts to the overall transportation system and adequacy of parking. Portland Transportation has reviewed the proposal and found no significant impacts related to the transportation-focused Adjustment and Modifications.

The issues regarding dog waste containers, access to light, property values, and the size and scale of the buildings are not relevant to the approval criteria in this application. The base zoning at the site is a high-density residential zone which allows buildings up to 100'-0" tall with zero setbacks. The site is subject to special development standards for the North Pearl which require a minimum of 25% of the length of the site along NW Front Avenue to be open for at-grade landscaped connections through to Riverscape Street, and the proposal meets these standards. The minimum density at the site is one dwelling unit per every 500 square feet of site area, resulting in a minimum requirement of 158 units (79,068 sq. ft. site ÷ 500 sq. ft. = 158). There is nothing in the Zoning Code standards or approval criteria that apply to the project to reduce the scale of the project to townhomes. Staff has encouraged the applicant to work with the neighboring community on 'good neighbor' issues such as cooperating on the dog waste container issue in the area.

#### **IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS**

##### **(1) DESIGN REVIEW (33.825)**

###### **Chapter 33.825 Design Review**

###### **Section 33.825.010 Purpose of Design Review**

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

review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

### **Section 33.825.055 Design Review Approval Criteria**

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

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

### **River District Design Guidelines and Central City Fundamental Design Guidelines**

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

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### **River District Design Goals**

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

### **Central City Plan Design Goals**

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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

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

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

**Findings for A1 & A1-1:** The site is located one block west of the Willamette River. The large building windows look out onto the adjacent public streets and two courtyards that connect directly across NW Riverscape Street to adjacent open areas that have a direct visual connection east to the river. The subdivision has been platted to ensure direct connections and views to the river on the east-west axis, and the double-sided main building entries allow views through to the other street, further enhancing the visual and functional connection of each building to the river.

The revised building placement plan and the enlarged courtyards further strengthen the relationship of the project to the river, framing and enhancing the primary pedestrian connections from NW Front along NW 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> Avenues. The larger pocket parks between the buildings are welcoming and gracious, and in turn connect across NW Riverscape Street to primary accessways to the greenway trail beyond.

The Appellant asserts that the proposal does not orient to the river, does not respond to its river location and does not take advantage of river views. To the contrary, however, as described in more detail below, City Council finds that the proposal is appropriately oriented to the river and provides river views to the extent practicable. Specifically, the project is not located directly on the river, but is located one block away behind the Riverscape Townhomes. The buildings are situated to respect the existing views and pedestrian corridors on the adjacent Riverscape Townhomes site. More importantly, the primary purpose of these guidelines is to link the community, rather than the specific properties, to the river, and this is achieved through the creation of enhanced open space courtyards that provide direct pedestrian connections and views to the river and funnel residents and visitors to the river. These open space courtyards have been enlarged from the original 46' pedestrian easements to 100' in width, totaling approximately 8,000 square feet. They are proposed to be improved with central planting beds, bench seating, and public art, providing an aesthetically pleasing pedestrian experience as it focuses and leads the public towards the river.

The enlarged open space courtyards also expand the public's oblique views to the river, and residents on the upper floors of the buildings have large windows through which they will enjoy direct and oblique views to the river. In addition, the proposal includes a rooftop viewing deck featuring views in all directions. For the above reasons, the City Council finds that the proposal orients to the river, responds to its river location, and takes advantage of river views, and links the river to the community.

*Therefore, these guidelines are met.*

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

**Findings:** The two public courtyards between lots 9 & 10 and lots 11 & 12 provide a welcoming green space to complement similar landscaped spaces with pedestrian walkways to the east at the Riverscape Townhomes. These landscaped open spaces providing pedestrian connections to the Willamette River are key to the overall design concept for the apartment buildings. *Therefore, this guideline is 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.

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

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

**Findings for A3 & A3-1:** The block structure was created in 2001 as part of the larger Riverscape Subdivision, with individual 'blocks' separated by 46'-0" wide pedestrian easements. The buildable 'block' area on each of the four lots, outside of the pedestrian easement running between them, is approximately 203'-0", closely approximating the downtown Portland block structure. The site has multiple and convenient pedestrian connections to the adjacent streets, surrounding neighborhood, and Willamette River.

The Appellant asserts that the proposal fails to establish a strong block structure because the buildings are significantly set back from the property lines. However, following the feedback from the March 21, 2013 Design Commission Review hearing, the applicant made several revisions to the proposal, including moving all of the buildings closer to the cross streets. The applicant's original proposal had the buildings set back 34' from the property lines along the numbered streets. The current proposal significantly reduced the building set back to 10' from the property lines along the numbered streets. Furthermore, the predominant building walls are set back 7' from the property lines along NW Riverscape, and set back 9' from the property lines along NW Front. For these reasons, the City Council finds that the buildings are all minimally set back from the streets, establishing a strong block structure and creating a more urban edge along the project perimeter.

*Therefore, these guidelines are met.*

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features

that help unify and connect individual buildings and different areas.

**Findings:** The two public courtyards at the site provide pedestrian access through the site to the river, and are densely landscaped in a manner consistent with the rest of the proposal and the adjacent Riverscape Townhomes site. Main entries for the buildings are oriented to secondary access ways through the adjacent Riverscape Townhomes site, visually connecting the interior of the building entries to the river. The earth-toned materials and use of masonry with metal panel siding integrates well architecturally with the design of the adjacent Riverscape Townhomes.

The Appellant asserts that “[t]he two pairs of buildings have unrelated and arbitrary material palettes” and utilize different building elements. To the contrary, the City Council finds that the different, yet cohesive, colors and material changes enliven and break down the mass of the buildings. Additionally, the City Council finds that the proposed material palette has been used throughout the district in the past, and that these materials/design elements serve to unify otherwise distinct buildings in the area. Brick, metal panel, and composite siding materials are used on the Riverscape Townhomes project to the east, and these materials are also typical in nearby existing structures, such as the Carton Services building. The earth-toned red, gray and brown colors are similar to those found on the nearby Riverscape Townhomes buildings, and the warehouse-style structure has historic precedents that reinforce the industrial character of the area.

The City Council also finds that the applicant’s initial proposal contained a design with four similar and modern buildings, which was rejected by the Design Commission in favor of the current design that includes different materials and building elements to add interest and character to the project, while achieving a coherent composition. It is worth noting that the design of this project has evolved over three different meetings between the applicant and staff and eleven (11) hours of hearings. The City Council finds that the proposal’s material palettes and building elements work cohesively to unify and connect the individual buildings and to complement the adjacent Riverscape Townhomes to the east.

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

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

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

**Findings for A5, A5-1 and A5-1-5:** The adjacent rights-of-way are fully improved with the exception of new public sidewalks and street trees on the property, which will meet city standards for the area. The two pedestrian easements running through the site and requirements for public open space is achieved through the two landscaped pedestrian courtyards between lots 9 & 10 and lots 11 & 12. These open spaces provide directional pedestrian paving to lead people through the space from NW Front Avenue and across NW Riverscape Street to the river one block away. The buildings have main entries and individual unit 'stoops' along the streets that provide multiple, convenient, accessible pedestrian links to the surroundings. The dock-like treatment along NW Front Avenue is directly related to the industrial warehouse architecture of the neighborhood.

The Appellant argues that the proposal does not reflect the essential industrial character of the location, is not oriented to the river, and does not respond to its location on the NW 17th Avenue axis. The City Council disagrees and, instead, finds that the proposal appropriately reflects the industrial character and heritage of the area by incorporating industrial warehouse design elements, such as arched openings at the ground floor, brick siding, and shingle-like siding on the upper floors. The raised-dock treatment along the Front Avenue frontage of all four buildings helps to unify the industrial architectural character of the project. Additionally, as discussed in the findings for A1 and A1-1, above, the City Council finds that the proposal is appropriately oriented to the river through the creation of enhanced open space courtyards that provide direct pedestrian connections and views to the river and funnel residents and visitors to the river. Furthermore, the enlarged open space courtyards expand the public's oblique views to the river, and residents on the upper floors of the buildings have large windows through which they will enjoy direct and oblique views to the river.

Lastly, the City Council finds that the building design does respond to the NW 17th Avenue axis. Buildings on lots 10 and 11 have moved closer to NW 17th Avenue, and the ground floor commercial space at lots 10 and 11 flanking NW 17th Avenue has been lowered to create more direct pedestrian access.

*Therefore, this guideline is met.*

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

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

**Findings:** The site is designed around two public open space courtyards that provide an inviting green space and pedestrian linkage between NW Front Avenue and the river. These green spaces function as both a resting or stopping place as well as a unifying element with the accessways across NW Riverscape Street at the Riverscape Townhomes. Stormwater infiltration has been found to be infeasible at the site. *Therefore, this guideline is met.*

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

- 1) Integrating art into open spaces or along pathways.

- 2) Incorporating art within the structure of the building.
- 3) Using “found objects” that are remnants from the area’s history.

**Findings:** The applicant is pursuing the ‘Percent for Art’ FAR bonus, which will result in public art at the site. The location for this art is likely to be within two landscaped public courtyards. Staff from the Regional Arts and Culture Council (RACC) is working with the applicant to develop the specific art program for the site, although this work will not be completed prior to the decision being made on this Design Review. Staff from RACC has said they will encourage the artist to work collaboratively with the applicant and landscape architect to tailor the site planning and landscape materials in the two courtyards, if those are selected as the locations for artwork, which is likely.

It is reasonable to allow some minor changes to support the development of public art on the site, but design review approval holds a project to the exact landscape and site plan design shown on the approved drawings. In order to facilitate potential future changes, but stay reasonably within the scope of site work as proposed, a condition of approval will allow the site and landscaping plan to change modestly during the final development of the public art, provided that there is less than a 10% change in the density, variety and number of landscape planting materials, the amount of bench or ledge seating, and the amount and size of walkway surfacing. If additional changes beyond the 10% threshold are made, a follow-up Type II Design Review will be required. This condition gives the applicant flexibility to work with the artist on final site conditions for the art, without significantly changing the design intent, pedestrian amenities, or landscaping density as proposed.

*With the noted condition of approval allowing minor changes to the site plan, this guideline can be met.*

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

**Findings:** Enclosure is the three-dimensional sense of definition and containment of urban streets and other spaces created by the establishment of building walls on the edges of streets, squares, etc. The buildings create a sense of enclosure along both NW Front Avenue and NW Riverscape Street, buffered from the street lot line by landscaping. The site complies with the North Pearl Waterfront Area standards that require 25% of the frontage along NW Front Avenue to be open landscaped space free of buildings. Separated from the street by a raised dock along NW Front Avenue, and with raised landscape beds and stairs on the other streets, the revised proposal creates a sense of urban enclosure along NW 16<sup>th</sup>, 17<sup>th</sup> & 18<sup>th</sup> Avenues, as well.

The Appellant argues that the proposal does not create a sense of urban enclosure because the buildings are significantly set back from the property lines and the exterior grade transitions create a suburban feel. However, the City Council finds that the applicant has made several revisions to the proposal, including the placement of buildings minimally set back from the numbered streets. The applicant’s original proposal had the buildings set back 34’ from the property lines along the numbered streets. The current proposal significantly reduced the building set back to 10’ from the property lines along the numbered streets. Furthermore, the predominant building walls are set back 7’ from the property lines along NW Riverscape, and set back 9’ from the property lines along NW Front, thereby maintaining a sense of urban enclosure and creating a more urban

edge along the project perimeter.

Additionally, the City Council finds that the ground floor of the buildings have been lowered through a condition of approval to 35'-6", which is the lowest level possible given regulatory requirements for the floodplain. The City Council finds that the proposal creates and maintains a sense of urban enclosure.

*Therefore, this guideline is met.*

**A8. Contribute to the Cityscape, Stage and the Action.** 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.

**A8-1. Design Fences, Walls and Gateways to be Seen Over.** Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction. This guideline may be accomplished by:

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

**Findings for A8 & A8-1:** The well-landscaped building setbacks and public open space courtyards at the project contribute to an attractive, welcoming, green public face for the project that links the site to the river. The low fencing proposed along the sidewalk at the individual walk-up residential entries is a porous horizontal wood fence design that allows clear views over and through the fencing. The building entries are elevated somewhat above the adjacent roadways on all streets, and separated by low docks, retaining walls, landscaping, and walkways or stairs. The railing design at the docks along NW Front Avenue have been designed to be visually transparent, allowing direct views into the building.

*Therefore, these guidelines are met.*

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

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

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

**Findings for B1 & B1-1:** The main pedestrian entries to the building pass through to both NW Front Avenue and NW Riverscape Street, and secondary entries for ground-level units are also used on these streets. Ground floor treatment of the commercial spaces along NW Front Avenue flanking NW 17<sup>th</sup> help distinguish the non-residential uses at this important corner, and better engage the street. The two new public landscaped courtyards provide for a convenient, attractive pedestrian link from NW Front Avenue to the river one block further to the east. Sittable ledges at retaining walls and intentional benches and other



seating are integrated into the project, creating a sense of human scale and interest along key pedestrian routes.

The Appellant asserts that the sidewalk grade conditions create an unfriendly pedestrian experience and suggests that the floor levels at ground floor residential units be 3-4' above the public sidewalk grade and that floor levels at ground floor commercial lease areas be at the public sidewalk grade. As discussed in the findings addressing A7, above, the City Council finds that the ground floor of the buildings have been lowered through a condition of approval to 35'-6" which is the lowest level possible given regulatory requirements for the floodplain. The ground floor commercial space has been lowered to create more direct pedestrian access from NW Front and taller interior ceilings, with scored concrete walkways and fewer steps to the adjacent sidewalk. There are grade transitions at other areas, but the City Council finds that the proposal reinforces and enhances the pedestrian system.

To further ensure a convenient and friendly pedestrian experience, the City Council imposes conditions of approval requiring that the loading dock allow continuous pedestrian circulation along its entire length, with stairs or ramps at each end, and no dead-end conditions, and that the louvered ventilation grilles at the loading dock walls be removed.

*Therefore, these guidelines are met.*

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**Findings:** The two pedestrian courtyards have defined boundaries and identifiable walkways, with limited site lighting to allow for safety during evening hours. Mechanical equipment impacts are limited to individual vent openings on walls of the buildings perpendicular to the street and several feet away from public walkways, and are not likely to impact pedestrians. Loading spaces are provided in the below-grade parking garages, as are trash collection and recycling areas. Signage has not been identified in this application but should be minimal and will meet Sign Code standards. *Therefore, this guideline is met.*

**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:** New public sidewalks will be provided on the perimeter of the site, with a curb-tight design that is found elsewhere in the area along NW Riverscape Street and NW Front Avenue. The two new public courtyards and pedestrian connections between lots 9 & 10 and lots 11 & 12 will provide improved access to the river with a design and landscaping plan that complements the walkways across the street for the Riverscape Townhomes. *Therefore, this guideline is 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.

**Findings:** The two new public courtyards and pedestrian walkways between the

buildings on each of the two blocks will create safe, comfortable places where people can stop, view the river, socialize with friends and neighbors, or sit down and rest. These spaces are located adjacent to the new public sidewalks that will encircle each block and connect to the surrounding area. Stopping and viewing spaces are also provided at each building entry, at the large entry plaza for the leasing office on lot 11, and at the 'stooped' residential entries on the east side of each building. The dock-like treatment along NW Front Avenue creates a second network of pedestrian walkways that both provide circulation and serve as front porches for the ground floor units. None of these spaces will conflict with the free flow of pedestrian traffic on the public sidewalks. *Therefore, this guideline is met.*

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

**Findings for B5:** The two new pedestrian courtyards are located where the 2001 subdivision placed the 46'-0" wide pedestrian easements. The revised proposal expands these open spaces with a welcoming, densely-planted design that directs people eastwards towards the river, while also creating attractive places to stop, rest, or socialize. Development standards for the North Pearl Area require that these be created as public open space with defined borders, landscaping, and adequate sun exposure year-round. The two courtyards are the likely location for the public art that will be installed in order to achieve an FAR bonus. Amenities include seating and landscaping in these courtyards, in addition to the eventual public art.

The Appellant asserts that the open space courtyards do not respond to or reinforce the adjacent site context. To the contrary, however, the City Council finds that the open space courtyards enhance the previously created pedestrian easements through the Riverscape Subdivision, provide pedestrian access through the site to the river, and are densely landscaped in a manner consistent with the rest of the proposal and the adjacent Riverscape Townhomes site. Individual units facing these open spaces have private outdoor sitting areas to serve as a transition between the buildings and the open space courtyards. The City Council finds that the open spaces serve a dual purpose as open space for the residents and a gateway to the river for the community. Large windows in the units orient directly to the two public courtyards, in addition to the courtyard-facing balconies. To satisfy this criterion, not every building entry or feature need orient to adjacent public open spaces. On balance, City Council finds that the project successfully orients building elements to the adjacent public open spaces. For these reasons, the City Council finds that the enhanced open space courtyards respond to and reinforce the adjacent site context, including the location of the proposal one block from the river and adjacent to the Riverscape Townhomes site.

*Therefore, this guideline is 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:** Canopies are provided for weather protection at each building entry, and along the entire NW Front Avenue frontage at lots 10 & 11.

The Appellant asserts that the different building mass, planar composition and exterior façade materials, including two palette design, do not respond to adjacent site characteristics or varying sun, wind and rain exposures. The City Council finds that the massing, composition and palette materials of the buildings are not relevant to this guideline recommending weather protection systems at the sidewalk level of buildings. The City Council finds that the placement of canopies at the sidewalk level of the buildings sufficiently mitigates the effects of the weather on the pedestrian environment and meets the purpose and intent of this guideline.

*Therefore, this guideline is met.*

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

**Findings:** The project will improve the accessibility of the Riverscape Subdivision through the construction of new public sidewalks on the perimeter, as well as the two new pedestrian courtyards through the blocks, all of which will be accessible. Ramped entries to each building are placed along NW Riverscape Street, and are integrated into the dock structures along NW Front Avenue. These features are achieved seamlessly in an integrated manner with the overall design concept.  
*Therefore, this guideline is met.*

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

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

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

**Findings for C1 & C1-1:** The buildings are situated to respect the existing views and pedestrian corridors on the adjacent Riverscape Townhomes site. The two new public pedestrian courtyards align with two of the five primary east-west accessways that extend from NW Riverscape Street to the river beyond. As required by standards for the North Pearl Waterfront area, 25% of the site frontage along NW Front Avenue has been kept open and free of buildings, providing for landscaped open spaces on the north and south edges of each long block that increases views to the river. Upper floors of the buildings have large windows that will enjoy direct and oblique views of the river, depending on their specific location. The revised proposal further focuses and directs existing views to the river along NW 16<sup>th</sup>, 17<sup>th</sup> & 18<sup>th</sup> Avenue, and enhance and expand the oblique views to the river at the enlarged internal courtyards.

The Appellant argues that the buildings are not situated to take advantage of the views to the river, west hills or adjacent industrial uses. However, the City Council finds that the buildings are surrounded by a low masonry retaining wall or curbing along NW Riverscape and the side streets, and a raised dock along NW Front Avenue, which creates seating and viewing opportunities. Additionally, the corner units at grade have large ground floor patios or L-shaped docks that will provide views of the corner activity for residents. Stopping and viewing spaces are

also provided at each building entry, at the large entry plaza for the leasing office on lot 11, and at the “stooped” residential entries on the east side of each building. Furthermore, main entries for the buildings are oriented to secondary access ways through the adjacent Riverscape Townhomes site, visually connecting the interior of the building entries to the river. Lastly, the proposal also includes a rooftop viewing deck featuring views in all directions. For these reasons, the City Council finds that the buildings are well-situated to take advantage of surrounding views and increase river view opportunities.

*Therefore, this guideline is met.*

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

**Findings:** The proposed material palette has been used in the district in the past. Brick, metal panel, and composite siding materials have been used on the Riverscape Townhomes project to the east. The steel-reinforced vinyl windows have a substantial profile, with a true exterior muntin bars on the exterior of the glass. Aluminum storefront window systems are used in places at the ground floor, and the perforated metal railing material and slatted wood fencing are all durable materials that will stand the test of time. The earth-toned red, gray and brown colors are similar to those found on the nearby Riverscape Townhomes buildings. The Ceraclad panels have a ceramic coating atop the material and feature a 50-year warranty.

The Appellant reiterates its argument in response to B6, asserting that the different building mass, planar composition and exterior façade materials, including two palette design, do not respond to adjacent site characteristics or varying sun, wind and rain exposures. The Appellant does not contend that the building mass, planar composition or exterior façade materials do not promote quality or permanence, and the City Council finds that such mass, composition and materials do, in fact, promote quality and permanence.

*Therefore, this guideline is met.*

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

- 1) Designing street facing parking garages to not express the sloping floors of the interior parking.
- 2) Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure’s relationship to pedestrians.

**Findings for C3-1:** The parking garage entries are located on the side streets of NW 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> Avenues. Sunken below grade with low retaining walls and provided with a coiling door that includes a slatted wood fence design over a metal framework (lots 9 & 12), or a gridded metal appearance (lots 10 & 11), the garage entries are visually minimized when viewed from the street. *Therefore, this guideline is met.*

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

**Findings:** The proposal uses exterior materials, a color palette, and a densely-planted landscape design that integrates well with the adjacent Riverscape

Townhomes to the east. The design of the two public open courtyards with pedestrian connections to the river features raised retaining walls, seating, and landscape features that will add novelty and interest to the sequence of walkways and public spaces in Riverscape.

The Appellant argues that the ground floor height should be increased, ground floor commercial space should be expanded, and that the building façade should respond to the termination of the NW 17th Street axis. First and foremost, the City Council finds that the Appellant's suggestions are not necessary in order for the applicant to meet this guideline. As described above, the design of the proposal already complements the context of existing buildings and adds to the local design vocabulary. Secondly, there are site constraints that limit the applicant's ability to utilize the Appellant's suggestions. For example, the ground floor plate cannot be lowered due to regulatory requirements for the floodplain, which limit the lowest habitable floor level to 35'-6". Additionally, the site is in a Residential zone, limiting the amount of ground floor commercial space allowed, and evidence was provided that there is limited demand for commercial uses at this location. Nevertheless, the City Council finds that the applicant raised the ground floor ceiling heights of the center two buildings to allow for future commercial growth, and that a condition of approval already requires lowering the first floor level. It is worth noting that this issue was significantly addressed during the design evolution of this project, which has developed over three different meetings between the applicant and staff and eleven (11) hours of hearings.

Lastly, the City Council finds that the building design does respond to the termination of the NW 17th Street axis. Buildings on lots 10 and 11 have moved closer to NW 17th Street, a barrel vault feature and rooftop deck was added to lot 10, and the ground floor commercial space at lots 10 and 11 flanking NW 17th Street has been lowered to create more direct pedestrian access.

*Therefore, this guideline is met.*

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings:** The project includes a mix of brick, metal panel, and Ceraclad paneling as a rainscreen on the building exteriors in a consistent manner. Masonry is provided along the base of the buildings, to reduce the chance of pedestrian damage to the Ceraclad material found higher on the building. The Ceraclad panels are mounted without visible surface fasteners through a clip system, and vertical seams between Ceraclad panels are handled by creating an intentional vertical seam with black painted metal beyond, resulting in a crisp relief and appearance on the buildings. Venting for individual units occurs on walls perpendicular to the street, with vents painted to match the adjacent siding material.

Different colors and material changes are used to enliven and break down the mass of the buildings. Perforated metal panel at balconies and slatted wood materials at the street-level fencing and garage doors are used on the lot 9 & 12 buildings, creating a cohesive, unified look. Entries are clearly defined through an indentation in each building and a covered entry bay with full height glass windows and doors providing views through the building to the other street beyond. Main entry locations are further articulated by the sequence of balconies

with perforated metal panel mesh above the doors. Mechanical equipment is minimal in scale, concealed by the building parapet, and mounted near the center of each building adjacent to the elevator over-runs. In the final revisions to the project, the use of Ceraclad was simplified to one color, and applied intentionally to projecting bays on the building to architecturally distinguish these elements.

The revised building design for lots 10 & 11 takes inspiration from industrial warehouse buildings in the district, with arched openings at the ground floor, brick siding, and a shingle-like siding on the upper floors. Central barrel-roofed elements at the main east- and west-facing entries repeat this arch theme, and the buildings have a more traditional appearance with horizontal awnings along Front Avenue, trim bands between siding materials, and a shallow projecting cornice. The raised dock treatment along the Front Avenue frontage at all four buildings helps to unify the architectural character of the project while still allowing for architectural diversity.

Lighting systems are minimal and include recessed downlights at the main building entries, as well as landscape uplighting at the four corners of each block. Pedestrian-scale bollard lighting is provided in the two public courtyards between the buildings, and step lights are provided at the retaining walls and separate walkway straddling each sunken driveway entry to the garages. Individual units with stoop entries on the streets are provided with wall sconce lights near the entry door. Signage has not been identified at this time, but will be minimal and designed to meet the Sign Code.

The Appellant reiterates its argument in response to B6 and C2, asserting that the different building mass, planar composition and exterior façade materials, including two palette design, do not respond to adjacent site characteristics or varying sun, wind and rain exposures.

However, the City Council finds that the different, yet cohesive, colors and material changes enliven and break down the mass of the buildings. Additionally, the City Council finds that the proposed material palette has been used throughout the district in the past. Brick, metal panel, and composite siding materials are used on the Riverscape Townhomes project to the east, and these materials are also typical in nearby existing structures, such as the Carton Services building. The earth-toned red, gray and brown colors are similar to those found on the nearby Riverscape Townhomes buildings, and the warehouse-style structure has historic precedents that reinforce the industrial character of the area.

The City Council finds that the proposal's material palettes and building elements work cohesively to unify and connect the individual buildings and to complement the adjacent Riverscape Townhomes to the east.

*Therefore, this guideline is met.*

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

**Findings:** The site design features two new public courtyards and pedestrian walkway connections between NW Front Avenue and NW Riverscape Street. These

spaces are designed with dense landscaping and seating surfaces in addition to playful elements such as wood decking and a raised landscape mound. Individual units facing these open spaces have private outdoor sitting areas to serve as a transition between the buildings and these spaces. Similarly, the entire perimeter of the project includes landscaped beds, docks and retaining walls that separate the buildings from the adjacent sidewalks. This raised relationship of buildings to the street and separation with landscaping is appropriate because the site is on the very northernmost edge of the Central City plan district, there is significant truck traffic along NW Front Avenue, the site directly abuts an industrial district, and the remainder of the Riverscape area has been developed with a lush, resort-like quality. Doors, patios and stairs are oriented to the streets and new public courtyards with landscaped setbacks that create a sense of transition and entry.

The Appellant argues that the open space courtyards do not respond to adjacent uses or have any relationship to the pathways across Riverscape Street that lead to the river. To the contrary, however, the City Council finds that the open space courtyards enhance the previously created pedestrian easements through the Riverscape Subdivision, provide pedestrian access through the site to the river, and are densely landscaped in a manner consistent with the rest of the proposal and the adjacent Riverscape Townhomes site. They are proposed to be improved with central planting beds, bench seating, and public art, providing an aesthetically pleasing pedestrian experience as it focuses and leads the public towards the river using the pathways across Riverscape Street. Individual units facing these open spaces have private outdoor sitting areas to serve as a transition between the buildings and the open space courtyards. The City Council finds that the enhanced open space courtyards respond to and reinforce the adjacent site context, including the location of the proposal one block from the river and adjacent to the Riverscape Townhomes site. *Therefore, this guideline is met.*

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**Findings:** The buildings each feature significant corner bays with the largest windows of the residential units, and accent colors that emphasize their importance in the façade. The corner units at grade have large ground floor patios or L-shaped docks that will provide views of the corner activity for residents. Building corners along Riverscape also have low bench height walls that will act as potential seating for residents and neighbors. Landscape uplighting at the corners along NW Riverscape Street also provide visual interest at night. *Therefore, this guideline is met.*

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**Findings:** The building is surrounded by a low masonry retaining wall along NW Riverscape and the side streets, and a raised dock along NW Front Avenue. This creates seating opportunities and separation from the adjacent streets. Landscape materials further differentiate the sidewalk level of the building on all sides, and larger storefront-style windows with canopies are used at the main building entries to further distinguish the ground floor. Along NW Riverscape,

individual ground floor units are provided with separate 'stoop' entries, patios and stairs with low perimeter fencing to give a sense of individual townhouses versus apartments.

The commercial spaces flanking NW 17<sup>th</sup> Avenue have been lowered to be near sidewalk grade to further distinguish this important gateway to the site. The raised relationship of buildings to the street and separation with landscaping is appropriate because the site is on the very northernmost edge of the Central City plan district, there is significant truck traffic along NW Front Avenue, the site directly abuts an industrial district, and the remainder of the Riverscape area has been developed with a lush, resort-like quality. The dock structure along NW Front Avenue incorporates a design feature found frequently in the nearby industrial area.

The Appellant reiterates its arguments in response to B1 and B1-1, asserting that the sidewalk grade conditions create an unfriendly pedestrian experience and suggesting that the floor levels at ground floor residential units be 3-4' above the public sidewalk grade and that floor levels at ground floor commercial lease areas be at the public sidewalk grade. As discussed in the findings addressing A7, B1, and B1-1 above, the City Council finds that the ground floor of the buildings have been lowered to almost street level at the commercial corner and are at the lowest level possible given regulatory requirements for the floodplain. The ground floor commercial space has been lowered to create more direct pedestrian access from NW Front and taller interior ceilings, with scored concrete walkways and fewer steps to the adjacent sidewalk. There are grade transitions at other areas, but the City Council finds that the transition at street grade is necessary to avoid potentially contaminated soils and the floodplain, and that the proposal creates a pleasurable pedestrian experience.

City Council finds that the sidewalk-level of the building is successfully differentiated through the loading dock feature, canopies, larger ground floor windows, and residential terraces.

*Therefore, this guideline is met.*

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

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

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

**Findings for C9 & C9-1:** The proposed new courtyards are dedicated to pedestrian activity and can also be used for stopping, viewing, and resting by residents and passersby. The courtyards will function as mini-parks with opportunities to meet friends and socialize, and are intended to be the setting for new public art which will be included in the project. The residential garage entries on the project are limited to three locations on the 'side streets', and are sunken below grade with a slatted wood or gridded metal coiling door design that integrates with the site and building design.

The Appellant asserts that the sidewalk conditions create an unfriendly pedestrian experience due, in part, to louvered air intakes for below grade parking areas



directly adjacent to the public sidewalk and curb cuts and access ramps to sub-grade parking. However, the City Council has carried forward a condition of approval requiring removal of the louvered air intakes on the dock structure. Moreover, the City Council finds that the garage entries are limited to three locations off of the less-trafficked 16<sup>th</sup> through 18<sup>th</sup> Avenues, as opposed to locating them off of busy NW Front Avenue,. For these reasons, the City Council finds that the impacts from the garages on the pedestrian environment have been reduced. *Therefore, these guidelines are 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 proposed roof design is relatively simple, with only one small mechanical unit atop each roof, located near the center of each building adjacent to the elevator overrun. The rooftop equipment is effectively screened from view by the building parapet. The rooftop at lot 10 features a modest rooftop patio with simple rectilinear structures and barrel-vaulted central roof cover that integrate materially and in proportion with the building below. *Therefore, this guideline is met.*

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

**Findings:** Exterior site and accent lighting is used to highlight the building entries, clusters of trees and landscaping at the interior/Riverscape corners of each block, and the pedestrian surfaces and seating in the two public courtyards. Subtle downlighting is provided at the retaining walls adjacent to the garage entry driveways, and individual ground floor units with street-facing entries and patios have simple wall lights near the door. There are no significant impacts to the overall night skyline. *Therefore, this guideline is 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.

**Findings:** Signage has not yet been designed but should be minimal in both extent and scale. The Sign Code will be met for all exterior signage, which is relatively limited in the RX base zone. *Because signage is not proposed, however, this guideline does not apply.*

#### **OTHER APPEAL-RELATED ISSUES.**

The Appellant raised other issues that are not directly related to a specific Design Guideline, and these issues are addressed below.

a. Parking.

Although the proposal includes a nearly 1:1 ratio of parking spaces in an underground garage, the Appellant argues that the proposal does not provide sufficient parking spaces. The Appellant argues that the proposal does not take into consideration that residents will often have two cars per unit and that the proposal does not accommodate visitor parking.

The City Council finds that neither the Design Guidelines, nor the applicable code standards require minimum parking, and that there are no applicable transportation-related criteria to be met. Therefore, the City Council finds that the amount of parking provided in conjunction with a project is not an applicable Design Review criterion on which this decision must be based and, accordingly, is not relevant to this appeal.

b. Balconies.

The Appellant argues that the proposal does not include balconies facing the river as a way to orient the buildings to the river, reinforce the character of the riverfront area, and to take advantage of river views.

The City Council finds that the Design Guidelines do not require balconies, and that the applicant has utilized other building elements, such as the enhanced open space courtyards, to orient the proposal to the river, reinforce the character of the area, and take advantage of river views. While not every unit contains a balcony, the City Council finds that many of the units do offer balconies. Furthermore, the City Council finds that there is a trade-off between creating larger, useful indoor space and outdoor balcony space. The applicant has determined that its users would prefer larger indoor space rather than balconies that are not useable for the many rainy months of the year, and that often collect eyesores and other unwanted visual obstructions. The City Council finds that the lack of balconies for each unit, in and of itself, does not violate any Design Guideline and does not preclude approval of this proposal.

c. Commercial space.

The Appellant and other persons testifying at the appeal hearing argued that the proposal should have included expanded commercial space. The City Council finds that neither the Design Guidelines nor any other provision of the Zoning Code require a minimum amount of commercial space. Therefore, the City Council finds that the amount of commercial space provided in conjunction with a project is not an applicable Design Review criterion on which this decision must be based and, accordingly, is not relevant to this appeal. Evidence was offered demonstrating that there is limited demand for commercial space in this area, and the City Council finds that it has no authority to require any specific amount of commercial space.

**(2) MODIFICATIONS THROUGH DESIGN REVIEW (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.

**Findings:** The applicant has requested the following three Modifications:

1. Allow 15 tandem parking spaces with two cars each, where access to the inside space may sometimes require movement of another vehicle (33.266.130.F.1.a);
2. Reduce the vertical clearance for each of the three loading bays from 10'-0" to 8'-4" (33.266.310.D.b); and
3. Reduce the width of a portion of 174 of the 236 parking spaces from 8'-6" to 7'-10" to accommodate structural columns in the garage (33.266.130.F.2/Table 266-4).

All three of these Modifications come from the Parking and Loading Chapter (33.266), and share a similar purpose. The parking space access and dimensional requirements are intended to promote safe circulation in parking areas, and to allow for convenient entry and exit of vehicles from a garage or parking area. The loading stall dimensional standards are intended to ensure that access to and from loading facilities will not have a negative effect on either the traffic safety or transportation functions of the abutting right-of-way.

Portland Transportation has reviewed these Modifications for potential impacts to safe circulation in the parking and loading areas and found no objections or concerns with these requests. The tandem parking spaces will be dedicated to a single unit, and the reduced clearance height for the basement loading will not have negative impacts on the abutting right-of-way, considering the multiple other locations for loading into the building where the van-sized spaces in the basement will not suffice. *Therefore, for the three requested Modifications above, the relevant approval criteria are met.*

### **(3) ADJUSTMENT REVIEW (33.825)**

#### **33.805.010 Purpose of Adjustment Reviews**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

**Findings:** The applicant has requested an Adjustment to reduce the required loading spaces on the site from four to three. An Adjustment Review is necessary.

#### **33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F., below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The applicant has requested an Adjustment to reduce the number of loading spaces from four to three. The garages under lots 9 and 10 each have a loading space, but the single garage under lots 11 and 12 shares a single loading space. The purpose of the loading regulations for number of spaces is intended to ensure adequate loading facilities for larger buildings.

Portland Transportation staff has reviewed the loading space proposal and found that since there is only a very minimal amount of commercial square footage proposed, that three loading spaces should be adequate to meet the demand. The commercial spaces are also in the buildings on lots 9 and 10 only, both of which have a dedicated loading space in the basement. *Therefore, this criterion is met.*

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** Portland Transportation staff has reviewed the requested Adjustment to waive one of four required loading stalls, and found that it will not significantly detract from the livability or transportation functions of the surrounding residential area. The loading spaces are in the basement garages so there are no appearance impacts. *Therefore, this criterion is met.*

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one Adjustment is requested. *Therefore, this criterion does not apply.*

- D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** There are no City-designated scenic or historic resources on the site, as indicated by the absence of any 's' overlay zoning or historic resource designations. *Therefore, this criterion does not apply.*

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** Based on the analysis of the proposed loading spaces for the project completed by Portland Transportation, there are no significant impacts resulting from the adjustment. *Therefore, this criterion is met.*

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** This site is not in an environmental zone. *Therefore, this criterion does not apply.*

**(4) GREENWAY REVIEW (33.825)****33.440.350 Greenway Review Approval Criteria**

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

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

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

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

**Guidelines:**

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

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

**Findings:** The site is not designated with the Greenway trail, which occurs to the east on the Riverscape Townhome and Pacifica Condominium property. *Therefore, the guidelines under Issue A do not apply.*

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

**Guidelines:**

**1. Public Access.** New developments should integrate public access opportunities to and along the river into the design of the Project. This includes the Greenway trail, formal viewpoints, access connections to the Greenway trail, and internal site pedestrian circulation.

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

**3. Signage.** Access connections should be clearly marked.

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

**Findings:** The site is not designated with the Greenway trail, which occurs to the east on the Riverscape Townhome and Pacifica Condominium property. *Therefore, the guidelines under Issue B do not apply.*

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

**Guidelines:**

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

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

**Findings:** The site does not have riverbank frontage. *Therefore, Issue C and the related guidelines do not apply.*

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

**Guidelines:**

**1. Riverbank Enhancement.** Riverbank stabilization treatments should enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where practical. Areas used for river-dependent and river-related industrial uses are exempted from providing public access.

**Findings:** The site does not have riverbank frontage. *Therefore, Issue D and the related guideline does not apply.*

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

**Guidelines:**

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

considered a transition area between a riparian treatment on the riverbank and a more formal treatment of the upland.

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

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

**Findings:** The only required landscaping on the site from the Zoning Code relates to the landscaping required to meet the North Pearl Subarea Open Space requirements, which are met primarily by the two new public courtyards with pedestrian connections through the two blocks. The site does not have any area in the Greenway Setback or riverward of the Greenway Setback. The on-site landscaping in the plaza includes a variety of trees and shrubs, but these appear to be hybridized ornamental species and not native plants selected from the Portland Plant List.

Technically the site is not subject to the landscape requirements of the Greenway chapter, but the site is adjacent to the accessways and greenway trail abutting the Riverscape Townhomes, directly to the east across NW Riverscape Street. An advisory but optional recommendation will be included in the decision to encourage, but not require, the applicant to switch out non-native plants with native species that appear in the Portland Plant List, provided the approximate size and type of individual plant remains. *Although strictly speaking this Issue and guidelines do not apply, the intent of them can be satisfied with an optional recommendation to replace non-native with native plants in the landscaping.*

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

**Guidelines:**

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

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

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

**Findings:** The site does not include any Greenway trail designation. *Therefore, Issue F and the related guidelines do not apply.*

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

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

**Guidelines:**

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

**Findings:** The site does not include any viewpoints or view corridors in the Willamette Greenway Plan. *Therefore, Issues G and H do not apply.*

**B. River frontage lots in the River Industrial zone.**

**C. Development within the River Natural zone.**

**D. Development on land within 50 feet of the River Natural zone.**

**Findings:** The site does not have a River Industrial, or River Natural designation, and is not within 50 feet of a River Natural designation. *These criteria do not apply.*

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

**Findings:** The site is not within the Greenway setback. *This criterion does not apply.*

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

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

**Findings:** The site has no area riverward of the Greenway setback. *Therefore, this criterion does not apply.*

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

**Findings:** The site is not within the River Water Quality overlay zone. *Therefore, this criterion does not apply.*



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

**Findings:** No mitigation or remediation plan is required by the Greenway chapter for this site. *Therefore, this criterion does not apply.*

## V. CONCLUSIONS

The applicant has proposed a series of four new apartment buildings on the two remaining unbuilt blocks of the Riverscape Subdivision. The buildings have been designed with materials, coloring, and landscaping to integrate with the adjacent Riverscape Townhomes to the east. The project has been well considered within the Riverscape context, and will provide two new public courtyards between the buildings that visually and functionally connect to the river one block away. In order to comply with the spirit of the greenway regulations, an optional condition of approval will encourage, but not require, the substitution of non-native plants with native plants to improve wildlife habitat near the river.

The project is using the Percent for Art Floor Area Ratio bonus option. The design of the public art itself has not yet been determined, and is not subject to Design Review. In order to allow some minor site changes as the artist works with the architect and landscape architect to locate the art on the site, a condition of approval has been applied to facilitate minor changes to the site plan that still achieve the original design intent.

The applicant has made significant changes in response to Design Commission and neighborhood feedback. The two interior buildings have been completely re-designed to be more distinct from the two outside buildings, a dock treatment has been provided along NW Front Avenue, and the building placement has moved towards the side streets, creating significantly larger pocket parks mid-block. At the final hearing, Design Commission offered eight specific design-related conditions of approval in order to approve the project, responding to specific approvability concerns from Commissioners, and the desire of the applicant to avoid another re-design and subsequent hearing. With these significant changes and conditions of approval, the proposal is able to meet the relevant guidelines and should be approved.

## VI. DECISION

**It is the decision of City Council to deny the appeal of the Northwest District Association and uphold the Design Commission's decision to approve Design Review** for the Riverscape Apartments project on lots 9-12 of the Riverscape Subdivision, in the River District Subdistrict of the Central City plan district, including the following specific elements:

- Four five-story buildings with exterior materials including brick, metal panel, Ceraclad panel, Nichiha lap siding, perforated metal panel railings, slatted wood fencing and garage doors, steel-reinforced painted vinyl windows on the upper floors, and aluminum storefront window systems on portions of the ground floor;
- Raised docks, retaining walls, stairs, paved walkways, landscape planting materials and exterior lighting; and

- Below-grade parking garages with loading spaces, a rooftop deck on the lot 11 building, and two landscaped public courtyards in and adjacent to the 46'-0"-wide public easements running through the center of each block.

The above Design Review approval is granted based on the submitted plans and drawings, Exhibits C.1 through C.66, each exhibit being signed and dated April 18, 2013, and subject to conditions A and B, and D through K, below.

**Approval of a Greenway Review** for the Riverscape Apartments, including four buildings with 243 dwelling units, below-grade parking and loading, and site work and landscape amenities as shown on Exhibits C.1 through C.66, and with the optional recommendations in condition C, below.

**Approval of a Modification through Design Review** to allow 15 tandem parking spaces with two cars each, where access to the inside space may sometimes require movement of another vehicle (33.266.130.F.1.a).

**Approval of a Modification through Design Review** to reduce the vertical clearance for each of the three loading bays from 10'-0" to 8'-4" (33.266.310.D.b).

**Approval of a Modification through Design Review** to reduce the width of a portion of 174 of the 236 parking spaces from 8'-6" to 7'-10" to accommodate structural columns in the garage (33.266.130.F.2/Table 266-4).

**Approval of an Adjustment** to reduce the number of 'B' loading spaces required on the site from 4 to 3 spaces (33.266.310.C).

**Conditions of Approval:**

- A. As part of the building permit application submittal, all drawings must reflect the design, materials, and other elements as indicated on the approved exhibits C.1 through C.66. Each relevant sheet in the permit set must show the design as approved in this application except as modified to meet conditions B through K, below. All sheets showing compliance with this decision shall be labeled Proposal and design as approved in Case File # LU 12-212602 DZM GW AD. No field changes allowed."
- B. To accommodate slight changes that may be negotiated between the public art team at RACC and the applicant, minor changes may be made to the site and landscape plan without further review provided there is no more than a 10% change in the number of trees, shrubs, groundcover plantings, number and type of seating opportunities with benches or sittable ledges, and size and dimension of pedestrian walkways. Other changes beyond a 10% change in these elements will require a follow-up Type II Design Review.
- C. The applicant is encouraged, but not required, to switch out non-native plants with native species that appear in the Portland Plant List in the landscape at the site, provided the approximate size and type of individual plant remains.
- D. The loading dock must allow continuous pedestrian circulation along the entire length, with stairs or ramps at each end, and no dead-end conditions.
- E. The barrel vault feature shall be removed from the lot 11 building.

- F. The horizontal belly band feature between the third and fourth floors of the lot 10 and lot 11 buildings shall be removed (wood trim piece, brick rowlock to remain).
- G. The louvered grills for garage ventilation must be removed from the loading docks.
- H. The mansard roof elements shall be removed from the lot 9 and lot 12 buildings.
- I. The finished floor level and dock level at the primary first levels of each building shall be lowered from 36'-0" to 35'-6".
- J. A gathering space shall be created to complement the intimate sitting areas in the lot 11/lot 12 plaza, including removal of one of the two central landscape planters.
- K. In place of the Nichiha shingle siding, the buildings on lots 10 and 11 shall use the terra cotta-colored Ceraclad material with horizontal relief as presented in the original drawing package on file.

**The applicants prevailed.**

## **VII. APPEAL INFORMATION**

### **Appeals to the Land Use Board of Appeals (LUBA)**

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period or this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

### **EXHIBITS NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statements
  - 1. Original narrative
  - 2. Drainage report
  - 3. Revised narrative, received 1/22/13
  - 4. Original plan set before revisions – NOT APPROVED/reference only
  - 5. Revised plan set reviewed in first staff report – NOT APPROVED/reference only
- B. Zoning Map (attached)
- C. Plan & Drawings
  - Cover sheet with aerial perspective
  - Table of Contents
    - 1. Inspiration
    - 2. Neighborhood Context
    - 3. Greater Neighborhood Context
    - 4. Immediate Neighborhood Context
    - 5. Site Diagrams
    - 6. Site Diagram
    - 7. Site Diagram
    - 8. Site Plan
    - 9. Ground Floor Plans, Lots 9-12 (attached)
    - 10. Basement Plans, Lots 9-12
    - 11. Typical Floor Plans, Lots 9-12

12. Roof Plans, Lots 9-12
13. Bike Rooms, Lots 9-12
14. Vent Runs and PTAC Units, Lots 10-11
15. Vent Runs and PTAC Units, Lots 9 & 12
16. Perspective NW Front Avenue (attached)
17. Perspective from NW 17<sup>th</sup> Avenue (attached)
18. Perspective NW Riverscape Street
19. Perspective Corner at 17<sup>th</sup> & Front Ave.
20. Elevations
21. Elevations
22. Elevations (attached)
23. Enlarged Roof Plan and Elevation, Lot 10
24. Enlarged Elevation & Materials, Lots 9 & 12
25. Enlarged Elevation & Materials, Lots 10-11
26. Rooftop Materials and Equipment
27. Overall Site Plan
28. Landscape Plan lot 9 & 10
29. Landscape Plan Lot 11 & 12
30. Planting Imagery
31. Planting Imagery
32. Imagery
33. Courtyard Lot 9 & 10
34. Courtyard Lot 11 & 12
35. Lighting Plan Lot 9 & 10
36. Lighting Plan Lot 11 & 12
37. Building Section
38. Building Section
39. Building Section
40. Building Section
41. Building Section
42. Building Section
43. Building Section
44. Details
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62. Details
63. Details
64. Details
65. Ceraclad cut sheet
66. Innotech windows and doors cut sheet

- D. Notification information:
  - 1. Request for response
  - 2. Posting information and notice as sent to applicant
  - 3. Applicant's statement certifying posting
  - 4. Mailed public hearing notice
  - 5. Mailing list for public hearing notice
  - 6. Mailing list
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Development Review Section of Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Section of the Bureau of Development Services
  - 6. Life Safety Section of the Bureau of Development Services
  - 7. Urban Forestry Division of Portland Parks and Recreation
- F. Letters
  - 1. Letter with concerns from Brian Currier, Riverscape HOA, rec'd. 2/6/13
  - 2. Letter with concerns from Steven Solzberg, rec'd. 2/18/13
  - 3. Letter with concerns from Matt Jolivet, rec'd. 2/18/13
  - 4. Letter with concerns from Kelsey Bunker, rec'd. 2/20/13
  - 5. Letter with concerns from Robert Gillespie, rec'd. 2/21/13
  - 6. Letter with concerns from James McGrane, rec'd. 2/22/13
- G. Other
  - 1. Original LU Application Form and Receipt
  - 2. Incomplete letter from staff to applicant, sent 1/4/13
  - 3. Request for Completeness information
  - 4. Pre-Application Conference Documents: EA 12-147794 PC
- H. Design Commission Exhibits (post staff-report, except final C exhibit set, above)
  - 1. Original Staff Report, 2/25/13
  - 2. Letter with concerns from Lanny Provo, rec'd. 2/27/13
  - 3. Letter with concerns from Jennifer Lacroute, rec'd. 3/3/13
  - 4. Letter with concerns from Michael Del Pozzo, rec'd. 3/3/13
  - 5. Letter with concerns from Abdul Kahn, rec'd. 3/2/13
  - 6. Letter with concerns from Brandon Nash, rec'd. 3/2/13
  - 7. Letter with concerns from Mark Lee, rec'd. 3/2/13
  - 8. Letter with concerns from Bente Palouda, rec'd. 3/2/13
  - 9. Letter with concerns from Matt Loikkanen, rec'd. 3/2/13
  - 10. Letter with concerns from Mari Schwartz, rec'd. 3/7/13
  - 11. Letter with concerns from Greg Kurath, rec'd. 3/5/13
  - 12. Letter with concerns from Lois Cole & William Brandt, rec'd. 3/5/13
  - 13. Letter with concerns from Brooks English, rec'd. 3/6/13
  - 14. Letter with concerns from Cheryl Meyers, rec'd. 3/7/13
  - 15. Staff PowerPoint Presentation, 3/7/13
  - 16. Letter with concerns from Don Genasci, rec'd. 3/7/13
  - 17. Letter with concerns from Steve Eltinge, rec'd. 3/7/13
  - 18. Cover memo and revised plan set received from applicant after first hearing on 3/13/13 – NOT APPROVED/reference only
  - 19. 3/18/13 Staff memo to Design Commission prior to continued hearing on 3/21/13, with attached letters from Jamieson English (rec'd. 3/7/13) and Cathy Zarosinski (rec'd. 3/14/13)
  - 20. Letter with concerns from Cheryl Meyers, rec'd. 3/21/13
  - 21. Letter with concerns from Jamieson English, rec'd. 3/20/13
  - 22. Letter with concerns from Ben Wiley, rec'd. 3/21/13
  - 23. Letter with concerns from Julie Walls, rec'd. 3/18/13
  - 24. Staff PowerPoint Presentation, 3/21/13

25. Design Commission 'Cheat Sheet', 3/21/13
26. Letter with concerns from Don Genasci, rec'd. 3/21/13
27. Letter with concerns from Cheryl Meyer, rec'd. 3/21/13
28. Interim revised plan set and cover memo, received 4/3/13 – NOT APPROVED/reference only
29. Cover memo from applicant with final revised plan set, rec'd. 4/8/13
30. Revised Staff Report, 4/9/13
31. Staff cover memo to Design Commission, 4/9/13
32. Staff PowerPoint for 4/18/13 hearing
33. Staff 'Cheat Sheet' for Commissioners for 4/18/13 hearing
34. Letter with concerns from Don Genasci, representing NWDA, rec'd. 4/18/13
35. Letter with concerns from Cheryl Meyers, rec'd. 4/18/13
36. Letter with concerns from Ben Priest, rec'd. 4/18/13
37. Letter with concerns from David & Veda Nomura, rec'd. 4/18/13
38. Letter with concerns from Jim & Terry Kirchhoff, rec'd. 4/18/13
39. Letter with concerns from Colin Sanders, rec'd. 4/18/13
40. Letter with concerns from Julie Walls, rec'd. 4/18/13
41. Letter with concerns from Michael Larson, rec'd. 4/18/13
42. Letter with concerns from Nancy Helmsworth, rec'd. 4/18/13
43. Letter with concerns from Jamieson English, rec'd. 4/18/13
- I. City Council Appeal Exhibits
  1. Final Findings and Decision by the Design Commission, rendered on April 18, 2013
  2. Appeal Form, Appeal Fee Waiver Request, and Appeal Narrative from the Northwest District Association, received May 17, 2013
  3. Verification letter for appeal fee waiver from Paul Scarlett, BDS Director, to John Bradley, Northwest District Association
  4. Appeal hearing mailed public notice, sent May 22, 2013
  5. Mailing list for appeal hearing public notice
  6. Staff Powerpoint presentation for appeal hearing, June 12, 2013
  7. Hard copy excerpt of staff Powerpoint as presented to City Council members, June 12, 2013
  8. Letter to City Council from Greg Theisen, Northwest District Association Planning Committee, June 12, 2013
  9. Color packet of Riverscape Apartment images provided to City Council by applicant, June 12, 2013